

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center

Privacy Act of 1974; Republication of System Notices

AGENCY: Program Support Center (PSC), HHS.

ACTION: Notification of Republication of System Notices.

SUMMARY: In accordance with the requirements of the Privacy Act, PSC has reviewed and is republishing nine system notices. This includes the publication of one new system of records notice and the notices of the major alteration of four systems of records. By reorganization order dated September 25, 1995, the Secretary of HHS established the Program Support Center (PSC) as an Operating Division (OPDIV) of HHS. The PSC maintains nine systems of records.

DATES: The PSC invites interested persons to submit comments on the proposed internal and routine use(s) on or before January 19, 1999. The PSC has sent a Report of New System and a Report of Altered Systems to the Congress and to the Office of Management and Budget (OMB) on December 1, 1998. The new and the altered systems of records will be effective 40 days from the date submitted to OMB unless PSC receives comments which would result in a contrary determination.

ADDRESS: Address comments to the Privacy Act Officer, Program Support Center, 5600 Fishers Lane, Room 17A-08, Rockville, Maryland 20857. We will make comments received available for public inspection at the above address during normal business hours, 8:30 a.m.-5 p.m.

FOR FURTHER INFORMATION CONTACT: Douglas Mortl, Room 17A-08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-2045. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The reorganization of September 25, 1995, transferred nine systems of records to PSC and created one new system of records. The PSC deleted one system of records. Listed below are the nine remaining systems and the proposed actions for each system. The PSC has reviewed and updated all of its system notices and is republishing the nine system notices in their entirety.

1. 09-40-0001—Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS. This system was transferred to PSC from the Office of the Assistant Secretary for

Health (OASH). Its former number and title were 09-37-0002—PHS Commissioned Corps General Personnel Records, HHS/OASH/OSG. The review and update of this system notice resulted in the deletion of routine uses #4, #5, and #13. The information of #4 and #5 is now contained in the new payroll system 09-40-0006. The information of #13 was moved to the Record Access Procedures section.

2. 09-40-0002—Public Health Service (PHS) Commissioned Corps Medical Records, HHS/PSC/HRS. This system was transferred to PSC from OASH. Its former number and title were 09-37-0003—PHS Commissioned Corps Medical Records, HHS/OASH/OSG. The review and update of this system notice resulted in the addition of a new routine use. The proposed new routine use (#6) will permit PSC to disclose to the Social Security Administration (SSA) information relating to the disability or death of a commissioned officer. The purpose of the disclosure is to determine Social Security benefits or other benefits which may be due to the officer or to the survivors of a deceased officer. The disclosures pursuant to this routine use are compatible with the stated purposes of the system and were a part of the Purpose section prior to the separation of SSA from HHS. The review and update of this system notice resulted in the deletion of routine uses #2, #5, and #9. The disclosures under routine use #2 were internal uses and, therefore, were moved to the Purpose section. The disclosures under routine use #5 are properly made under system 09-40-0001. The information under routine use #9 was moved to the Record Access Procedures section.

3. 09-40-0003—Public Health Service (PHS) Commissioned Corps Board Proceedings, HHS/PSC/HRS. This system was transferred to PSC from OASH. Its former number and title were 09-37-0005—PHS Commissioned Corps Board Proceedings, HHS/OASH/OSG. The review and update of this system notice resulted in the deletion of routine use #8. This information was moved to the Record Access Procedures section.

4. 09-40-0004—Public Health Service (PHS) Commissioned Corps Grievance, Investigatory and Disciplinary Files, HHS/PSC/HRS. This system was transferred to PSC from OASH. Its former number and title were 09-37-0006—PHS Commissioned Corps Grievance, Investigatory and Disciplinary files, HHS/OASH/OSG.

5. 09-40-0005—Public Health Service (PHS) Beneficiary-Contract Medical/Health Care Records, HHS/PSC/HRS. This system was transferred from the Health Resources and Services

Administration (HRSA) to PSC. Its former number and title were: 09-15-0029—PHS Beneficiary-Contract Medical/Health Care Records, HHS/HRSA/BPHC. The system will be administered by the Division of Commissioned Personnel/HRS. The PSC proposes to add one new routine use (#8) to the system. The proposed new routine use will permit PSC to use a contractor for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. The disclosures pursuant to this routine use are compatible with the stated purposes of the system.

6. 09-40-0006—Public Health Service (PHS) Commissioned Corps Payroll Records, HHS/PSC/HRS. This is a new system of records. Prior to the reorganization, commissioned corps payroll records were maintained in system 09-90-0017—Pay, Leave and Attendance Records, HHS/OS/ASPER. This system has now been transferred to HRS/PSC. The PSC decided to create a separate payroll record system for the Division of Commissioned Personnel (DCP), HRS. The DCP administers the comprehensive personnel management program for the PHS Commissioned Corps. The DCP is responsible for performing all personnel operations functions associated with the commissioned corps personnel system including pay administration. Since DCP serves as the central repository for all records reflecting the service and status of commissioned corps personnel, the responsibility for maintaining the DCP payroll record system should also rest with DCP. Authorities: The DCP administers this system under the following authorities: The Public Health Service Act (42 United States Code (U.S.C.) 202-217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) *et seq.*); portions of Title 10, U.S.C., related to the uniformed services; portions of the Title 37, U.S.C., related to pay and allowance for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Department of Veterans Affairs; sections of 50 U.S.C. App., related to the selective service obligations and the Soldiers' and Sailors' Civil Relief Act; Executive Order (E.O.) 9397, "Numbering System for Federal Accounts Relating to Individual Persons"; E.O. 10450, "Security Requirements for Government Employment"; and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, HHS. Purpose(s): This system of records is

used to: (1) Determine eligibility for pay allowances, entitlements, privileges, and benefits; (2) determine the eligibility or entitlements of dependents and beneficiaries; (3) give legal force to personnel transactions and establish officer rights and obligations under pertinent laws and regulations; (4) provide information to HHS components seeking to collect an overdue debt owed to the Federal Government; (5) provide information to the Federal Parent Locator System (FPLS), the Office of Child Support Enforcement (OCSE), and the Administration for Children and Families, HHS, for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action in accordance with 42 USC 653; (6) provide information to OCSE to verify with the Social Security Administration the Social Security Numbers in connection with the operation of the FPLS by OCSE; (7) provide information to OCSE to release to the Department of the Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return; and (8) upon the request of the officer, provide information to charities, financial organizations, insurance organizations or other companies for the purposes of contributing to charity, payment of organizational dues, or payment for an organizational benefit (such as insurance). Categories of Records: The system will contain the following records: Commissioned Officers' names, home addresses, SSN; documents relating to pay, benefits, leave, travel and allowances, dependent status, special pay files, retirement pay files; and related correspondence. Routine Use Disclosures: The proposed 12 routine uses are compatible with the stated purposes of the system. The PSC will disclose relevant information to third parties outside the Department as follows: Routine use 1: To a congressional office upon the written request of the record subject to obtain assistance from his/her congressional representative. Routine use 2: To the Department of Justice in case of litigation where HHS determines that such disclosure is relevant and necessary and would help in the effective representation of the governmental party. Routine use 3: To the Department of Treasury for all pay-related activities. Routine use 4: To State and local government taxing

authorities where a record subject is or was subject to taxes. Routine use 5: To the Social Security Administration for all FICA-related activities. Routine use 6: To appropriate Federal, State, local, or international agencies, or foreign governments should PSC become aware of evidence of a potential violation of civil or criminal law. Routine use 7: To a contractor for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Routine use 8: To OMB in connection with private relief legislation or for budgetary or management oversight purposes. Routine use 9: To respond to interrogatories in the prosecution of a divorce action or settlement. Routine use 10: To disclose information about the entitlements and benefits of a beneficiary of a deceased officer, retiree, or annuitant for the purpose of making disposition of the estate. Routine use 11: To the Equal Employment Opportunity Commission in connection with an investigation. Routine use 12: To authorized officials of other Federal agencies where commissioned officers are assigned.

7. 09-40-0010—Pay, Leave and Attendance Records, HHS/PSC/HRS. This system was transferred from the Office of the Secretary, HHS, to PSC. Its former number and title were: 09-90-0017—Pay, Leave and Attendance Records, HHS/OS/ASPER. The system will be administered by the Personnel and Pay Systems Division/HRS. The PSC proposes to expand the Purpose section and to add six new routine uses. Purpose(s): The proposed new purposes and uses of the records within HHS are: (1) Provide information to the Federal Parent Locator System (FPLS), Office of Child Support Enforcement (OCSE), HHS, for locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action in accordance with 42 USC 653. (2) Provide information to OCSE for release to the Social Security Administration for verifying Social Security Numbers. (3) Provide information to OCSE for release to the Department of Treasury for the purpose of administering the Earned Income Tax Credit Program, and verifying a claim with respect to employment in a tax return. (4) Provide information to the HHS Voluntary Leave Transfer Program websites. (5) Provide information to HHS components seeking to collect an overdue debt owed to the Federal Government. Routine Uses: The proposed six new routine uses permit PSC to make the following disclosures: (1) #19: To other Federal organizations

to collect an overdue debt owed to the Federal Government. (2) #20: To publicly recognized charitable payroll deductions or when necessary to adjudicate a claim. (3) #21: To provide information regarding contributions to charities and/or financial organizations at the request of the employee. (4) #23: To respond to court orders when an employee is involved in garnishment proceedings. (5) #24: To thrift and savings institutions to adjudicate a claim or conduct analytical studies of benefits paid. (6) #25: To the Federal Thrift Savings plan to maintain employees' thrift accounts, loans or loan repayment records. The disclosures pursuant to these routine uses are compatible with the stated purposes of the system. In addition, former routine use #8 has been separated into four routine uses (#7, 8, 9, and 10) to provide greater clarity and specificity in regard to disclosures to those agencies.

8. 09-40-0011—Proceedings of the Board for Correction of Public Health Service Commissioned Corps Records, HHS/PSC/HRS. This system was transferred to PSC from OASH. Its former number and title were 09-37-0017—Proceedings of the Board for Correction of Public Health Service Commissioned Corps Records, HHS/OASH/OM.

9. 09-40-0012—Debt Management and Collection System, HHS/PSC/FMS, which was transferred from the Health Resources and Services Administration (HRSA) to PSC. Its former number and title were: 09-15-0045—Health Resources and Services Administration Loan Repayment/Debt Management Records

Systems, HHS/HRSA/OA. The system will be administered by the Division of Financial Operations/FMS. The Authorities section has been expanded to include the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) as amended. The PSC proposes to expand the Categories of Individuals section and to add four new routine uses. The HRSA used the system to collect debts owed to the Federal Government by students in the health professions and health professionals who had received various types of loans or grants for educational purposes. The PSC is using the system as a general debt collection system. Therefore, the Categories of Individuals section has been expanded to include all individuals owing monies to HHS Operating Divisions or other Federal entities for which PSC provides debt collection services; repayment of funds loaned to repatriates; repayment for services rendered such as Freedom of Information Act requests, queries

associated with the National Practitioner Data Bank, and Health Care Integrity and Protection Data Bank queries; and payroll debts of current and separated HHS employees. The proposed four new routine uses permit PSC to make the following disclosures: Routine Use Disclosures: (1) #14: To the Treasury Department or to an agency operating a Debt Collection Center to collect past due amounts. (2) #15: To provide information to purchasers of a debt, if PSC decides to sell a debt, pursuant to 31 U.S.C. section 3711(I).

(3) #16: PSC may publish or otherwise publicly disseminate information regarding the identity of a delinquent debtor and the existence of the debt, pursuant to 31 U.S.C. Section 3720(E). (4) #17: To a contractor for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. The disclosures pursuant to these routine uses are compatible with the stated purposes of the system.

Safeguards: The safeguards of all nine systems have been reviewed and expanded. The PSC has instituted extensive safeguards to protect both the automated and non-automated records. The PSC Systems Security Officer has to certify that the safeguards for the system are commensurate with the sensitivity and criticality of the records. The system notices describe: (1) The safeguards that are in effect to ensure that only authorized users have access to the records; (2) the physical security measures used to protect the records; (3) the procedural safeguards to ensure data integrity and prevent unauthorized access and disclosure; and (4) security guidelines for contractors, as applicable.

Deletion of System Notice: The PSC is deleting system of records 09-37-0008—PHS Commissioned Corps Unofficial Personnel Files and Other Station Files, HHS/OASH/OSG, which was transferred from OASH to PSC. This system of records contains records in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. The reason for the deletion is that only duplicate records may be maintained in such offices. Original records must immediately be transferred to DCP. To accommodate the maintenance of duplicate records, PSC has added the following statement to all commissioned corps system notices: "Duplicates of records may also be maintained in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. Contact the System Manager for the location of specific records."

Furthermore, PSC has updated the system notices and made editorial changes to improve their clarity and specificity.

The following system notices are written in the present rather than future tense to avoid the unnecessary expenditure of public funds to republish the notices after the new system and the major alterations become effective.

Dated: December 1, 1998.

Lynnda M. Regan,

Director, Program Support Center.

09-40-0001

SYSTEM NAME:

Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

Division of Commissioned Personnel (DCP)/HRS/PSC, Room 4-36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

PHS Health Data Center, GW Long Hansen's Disease Center, Carville, Louisiana 70721.

National Personnel Record Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, Missouri 63118.

Duplicates of records may also be maintained in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. Contact the System Manager for the location of specific records.

Contact the Rockville, Maryland location before writing to other record sites.

Names and addresses of contractors given information under routine use 7 can be obtained from the System Manager at the location identified below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are part of or who have some relationship with the PHS Commissioned Corps, including: Active duty commissioned officers, former commissioned officers, inactive reserve officers, retired commissioned officers, deceased commissioned officers, dependents and survivors of the above, former spouses of officers, and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain:

1. Applications for appointment, references and other documents relating

to qualifications or suitability for appointment and assignment.

2. Official Personnel Folders (OPF), for all officers who are, or were at one time, on active duty, which include: All documents related to the application and appointment process; effectiveness reports; career development and training records; documents relating to assignment, promotion, retention, separation and all other personnel actions; records of personnel actions relating to pay, travel and allowances (including overseas educational allowances for dependents); documentation of dependent status used to determine entitlement or eligibility for benefits and identification and privilege cards; applications and records of service action relating to the Commissioned Officer Student Training and Extern Programs (COSTEP) officers; survivor benefit elections; information supporting officer awards, honors and commendations; documentation supporting non-board terminations and reprimands issued after final administrative action; pay records and medical data after death of subject individual; and leave records.

3. Worksheets, internal forms, internal memoranda and other documents which result in, or contribute to, an action resulting in a record identified in 2. above.

4. Service Record cards (summarizing personnel actions).

5. Correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 United States Code [U.S.C.] 202-217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) *et seq.*); portions of Title 10, U.S.C., related to the uniformed services; portions of the Title 37, U.S.C., related to pay and allowance for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Department of Veterans Affairs; sections of 50 U.S.C. App., related to the selective service obligations and the Soldiers' and Sailors' Civil Relief Act; Executive Order (E.O.) 9397, "Numbering System for Federal Accounts Relating to Individual Persons"; E.O. 10450, "Security Requirements for Government Employment"; and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, HHS.

PURPOSE(S):

The information is used by the Program Support Center (PSC), DCP,

HHS Operating Divisions (OPDIVs) and other organizations where commissioned officers are assigned, to:

1. Determine qualifications and suitability for appointment, selection, career development, training, promotions, assignments, mobilization, temporary duty, and other types of officer utilization.

2. Determine eligibility for pay, allowances, entitlements, privileges, and benefits.

3. Prepare the Commissioned Officer Roster and Promotion Seniority of the Public Health Service.

4. Determine the eligibility or entitlements of dependents and beneficiaries for benefits based on the service of a PHS commissioned officer.

5. Give legal force to personnel transactions and establish officer rights and obligations under the pertinent laws and regulations governing the commissioned corps personnel system.

6. Provide material for research by the Office of the Secretary, HHS, concerning the activities of health professionals.

7. Provide information to HHS components seeking to collect an overdue debt to the Federal Government, but only to the extent necessary to collect that overdue debt.

8. Provide information about professional qualifications, past performance and career interests of PHS officers to Department and Agency officials involved in the selection or assignment of an officer to a particular program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records or information from these records may be used:

1. To locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

2. To disclose information to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. To the Department of Justice, a court or other tribunal, when: (a) HHS, or any component, thereof; or (b) any HHS employee in his or her official

capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records are collected.

4. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing or implementing statutes, rules, regulations or orders when PHS becomes aware of evidence of a potential violation of civil or criminal law.

5. To disclose information to an individual who has been asked to provide a reference, to the extent necessary to clearly identify the individual to whom the reference will pertain, inform the source of the purpose(s) of the reference, and to identify the type of information requested from the source, where necessary to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant or other benefit.

6. To disclose to any agency in the executive, legislative or judicial branch; the District of Columbia Government; a State or local government agency; a professional credentialing agency or a non-profit institution, in response to its request, or at the initiation of the PHS, information in connection with the hiring of an employee; the issuance of a license, grant or other benefit by the requesting agency; or the lawful statutory administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. When the Department contemplates contracting with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system, relevant records

will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records. These safeguards are explained in the section entitled "Safeguards."

8. To disclose information to the Department of State and officials of foreign governments for the issuance of passports, visas and other clearances before an active, retired or inactive officer is assigned to that country.

9. To disclose information to the Department of Labor, the Department of Veterans Affairs, Social Security Administration or other Federal agencies having special employee benefit programs; to a Federal, State, county or municipal agency; or to a publicly recognized charitable organization when necessary to adjudicate a claim under a benefit program, or to conduct analytical studies of benefits being paid under such programs, provided such disclosure is consistent with the purposes for which the information was originally collected.

10. To disclose information to the Office of Management and Budget (OMB) at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19, or for budgetary or management oversight purposes.

11. To respond to interrogatories in the prosecution of a divorce action or settlement for purposes stated in 10 U.S.C. 1408 ("The Former Spouses' Protection Act").

12. To disclose information about the entitlements and benefits of a beneficiary of a deceased officer, retiree, or annuitant for the purpose of making disposition of the estate.

13. To disclose information to the Department of Defense, United States Coast Guard or Federal Emergency Management Agency, to the extent necessary to facilitate participation of PHS employees in planning, training, and emergency operations in support of civil defense activities and to provide support in the event of a national emergency.

14. To disclose information to Government training facilities (Federal State, and local) and to non-Government training facilities (e.g., private vendors of training courses or programs, private schools), for training purposes such as crediting of work experience in the COSTEP, or verification of status or income.

15. To disclose information to the Defense Enrollment/Eligibility Reporting System, uniformed services medical treatment facilities and to the

Department of Defense, Office of the Civilian Health and Medical Program of the Uniformed Services when the information is needed to verify the eligibility of an officer, his/her dependents, or a former spouse for medical benefits.

16. To disclose information to agencies or organizations established in medically underserved areas which apply to the National Health Service Corps for the assignment of commissioned officers to such agencies or organizations.

17. To disclose information to an officer assigned to Federal health care facilities or private sector (i.e., other than Federal, State, or local government) agencies, boards or commissions (e.g., the Joint Commission on Accreditation of Healthcare Organizations), to obtain accreditation or other approval rating but only to the extent that the information disclosed is relevant and necessary for that purpose.

18. To disclose to a private employer who is considering hiring a former officer information such as the officer's dates of employment, salary, job title and description, duty station and character and nature of separation.

19. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

20. To disclose to Federal and non-Federal agencies information allowing the consideration and selection of officers for honor awards made as a result of the individual's work as a commissioned officer, and to publicize those awards granted. This may include disclosure to other public and private organizations, including the news media, which grant or publicize officer awards and honors.

21. To disclose information to officials of the Selective Service System to allow crediting of active service performed by an individual with PHS so that the individual may be properly classified if draft laws once again become operative.

22. To disclose administrative and personnel information, including data elements reflected in the Officer Information Summary, to authorized officials in Federal agencies and other programs where commissioned officers are assigned such as the State Department; the Department of Defense; the Department of Justice, Bureau of

Prisons and the Immigration and Naturalization Service; the Transportation Department, United States Coast Guard; the Environmental Protection Agency; the Department of the Interior, the United States Park Service; and the Commerce Department, National Oceanic and Atmospheric Administration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated files are stored on disks, microfiche, electronic medium and magnetic tapes. Nonautomated (hard-copy) files are kept in offices, and may be stored in Lektrievers, safes, cabinets, bookcases or desks.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number and/or by Social Security Number.

SAFEGUARDS:

1. Authorized Users

(a) Automated Records. Access to and use of automated records is limited to: (1) Personnel employed in the PSC and the Office of the Surgeon General (OSG)/OS, (2) personnel employed in DCP, (3) authorized officials in HHS components and organizations where commissioned officers are assigned whose official duties require such access, and (4) authorized officials in other Federal agencies, such as those in routine use 22 above, where commissioned officers are assigned whose official duties require such access. Automated data is provided to Department personnel officials to update information contained in their personnel records and pay, leave and attendance systems. The Human Resources Service (HRS) provides computer design, programming and support to DCP, and has access to the data to the extent necessary to facilitate the provision of these services to DCP. However, HRS personnel are not authorized to grant access to or make disclosures from automated data in this system to anyone or any organization without the written approval of the Director of DCP or to an official to whom this authority has been delegated.

b. Nonautomated records. Access to and use of nonautomated records is limited to departmental employees whose official duties require such access or to individuals needing access to the information for purposes stated under routine uses. These individuals are permitted access to records only after they have satisfactorily identified

themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals from outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested and the purpose for reviewing the information in the records. This written request is then placed into the record.

2. Physical safeguards

a. Automated records. Terminals by which automated records are accessed are kept in offices secured with locks. Automated records on magnetic tape, disks and other computer equipment are kept in rooms designed to protect the physical integrity of the records media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with locks. During nonwork hours, all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. Nonautomated records. Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, filing cabinets with locks, or other security equipment, all of which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the DCP security officer.

3. Procedural safeguards

a. Automated records. Automated records are secured by assigning individual access codes to authorized personnel, and by the use of passwords for specific records created by authorized personnel. Access codes and passwords are changed on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are essential to their duties. Remote access to automated data from remote terminals is restricted to the PSC, OSG and personnel officials where

commissioned officers are employed. No access is permitted to organizations that do not have automated personnel record-keeping systems that comply with Privacy Act requirements.

b. Nonautomated records. All files are secured when employees are absent from the premises and are further protected by locks on entry ways and by the building security force. Official records may not be removed from the physical boundaries of DCP. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the copier room where they can be read, but are destroyed or obliterated.

4. *Contractor Guidelines.* A contractor who is given records under routine use 7 must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent unauthorized persons from gaining access to the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager and as stated in the contract.

RETENTION AND DISPOSAL:

These records are maintained for varying periods of time. Applicant files of individuals selected for appointment as commissioned officers become a part of the OPF. Applicant files of individuals not selected for appointment are maintained for one year after the application process has been completed and are then destroyed, unless an applicant requests that the file be held open for an additional year. The OPF is maintained for one year after an officer is separated from active duty, at which time such officer's OPF is transferred to a Federal Records Center for permanent storage. The OPF for inactive reserve officers is maintained at the PHS Health Data Center. When inactive officers change status, the OPF is returned to DCP.

The records of a deceased officer are maintained until one year after an individual's death and are then transferred to a Federal Record Center for permanent storage, unless a dependent of a deceased officer continues to receive benefits from PHS based upon the deceased's PHS service.

When a dependent or beneficiary dies or becomes ineligible for further benefits based on a deceased officer's service, all records are maintained for one year in the event information is needed from the records to help settle an estate, and are then transferred to the Federal Records Center for permanent storage.

Service Records Cards, which list critical data with regard to the dates or all officers' appointments, reassignments, separations, retirements and deaths, are maintained permanently by the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DCP/HRS/PSC, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. General procedures. An individual (and/or the individual's legal representative) seeking access to his/her records may contact the DCP Privacy Act Coordinator for information about obtaining access to the records. Each individual seeking access will be required to verify his/her identity to the satisfaction of the DCP Privacy Act Coordinator. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained. The System Manager has authority to release records to authorized officials within DCP, HHS and other organizations where commissioned officers are assigned.

2. Requests in person. An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license or passport). Identification cards with current photograph are required. The records will be reviewed in the presence of an appropriate DCP employee who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the DCP employee. If the individual requests a copy of any records reviewed, the DCP employee will provide them to the individual. The DCP employee will record the name of the individual granted access, the date of access, and information about the verification of identity on a separate log sheet maintained in the office of the Privacy Act Coordinator, DCP.

3. Requests by mail. Written requests must be addressed to the System Manager or the DCP Privacy Act Coordinator at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's records may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

5. Requests by phone. Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records will not be honored.

6. Accounting of disclosures. An individual who is the subject of records maintained in this records system may also request an accounting of all disclosures made outside the Department, if any, that have been made from that individual's records.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

From individual officers, applicants, persons providing references, dependents, former spouses of officers, governmental and private training facilities, health professional licensing and credentialing organizations, government officials and employees and from the records contained in the following systems: 09-40-0002, Public Health Service (PHS) Commissioned Corps Medical Records, HHS/PSC/HRS; 09-40-0003, Public Health Service (PHS) Commissioned Corps Board Proceedings, HHS/PSC/HRS; 09-40-0004, Public Health Service (PHS) Commissioned Corps Grievance, Investigatory and Disciplinary Files, HHS/PSC/HRS; 09-40-0005, Public

Health Service (PHS) Commissioned Corps Beneficiary-Contract Medical/Health Care Records, HHS/PSC/HRS; and 09-40-0006, Public Health Service (PHS) Commissioned Corps Payroll Records, HHS/PSC/HRS.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

09-40-0002

SYSTEM NAME:

Public Health Service (PHS) Commissioned Corps Medical Records, HHS/PSC/HRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Medical Affairs Branch (MAB), DCP/HRS/PSC, Room 4C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

Records in this system are kept at the address shown above when the person to whom the record pertains has an active relationship with the PHS Commissioned Corps personnel system. When an officer ceases the active relationship with the commissioned corps, the records are combined with the Official Personnel Folder (OPF) in records system 09-40-0001, Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS, and transferred to the appropriate facility as outlined in 09-40-0001.

Duplicates of records may also be maintained in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. Contact the System Manager for the location of specific records.

Names and addresses of contractors given information under routine use 4 can be obtained from the System Manager at the location identified below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS commissioned officers (including active, inactive, terminated, retired and deceased officers), applicants to the commissioned corps, and dependents of officers seeking Defense Enrollment/Eligibility Reporting System eligibility on the basis of incapacity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical files and records on individuals identified above; medical board records from Medical Review Boards and Appeals Boards, including board reports and supporting medical

documentation; death case files and supporting documents; sick leave records; performance and behavior documentation of individuals as may relate to medical conditions; and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 United States Code (U.S.C.) 202-217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) et seq.); portions of Title 10, U.S.C., related to the uniformed services; portions of the Title 37, U.S.C., related to pay and allowance for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Department of Veterans Affairs; sections of 50 U.S.C. App., related to the selective service obligations and the Soldiers' and Sailors' Civil Relief Act; E.O. 9397, "Numbering System for Federal Accounts Relating to Individual Persons"; E.O. 10450, "Security Requirements for Government Employment"; and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, HHS.

PURPOSE(S):

The information is used by the Program Support Center (PSC), DCP, HHS Operating Divisions (OPDIVs) and other organizations where commissioned officers are assigned, to:

1. Evaluate applicants for appointment and officers for reassignment, reactivation and fitness for duty and suitability for retention on active duty.
2. Make determinations about the level of an officer's disability and entitlement to disability severance or retired pay.
3. Make determinations regarding EEO complaints or grievances filed by the officer, if the nature of the complaint suggests that pertinent evidence may be located in the medical record.
4. Make determinations about the level of a dependent's disabilities or incapacities which may make the dependent eligible for benefits from PHS.
5. Make budgetary estimates about the cost of disability severance and retired pay.
6. Prepare reports or provide statistical information relating to the medical status of officers.
7. Initiate or support disciplinary or other adverse actions by the Director, DCP, against applicants or officers for misconduct.
8. Support monitoring of compliance of officers with the requirements of their

professional licensing or certifying authorities.

9. Make decisions about funding, use, access, location and quality of medical care and promote continuity of medical evaluation and treatment.

10. Monitor officer compliance with recommended treatment and with commissioned corps policies regarding sick leave.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records or information from these records may be used:

1. To disclose information to the Department of Veterans Affairs; Bureau of Prisons (Department of Justice); Coast Guard (Department of Transportation); Department of State; Department of Defense; NOAA (Department of Commerce); Agency for International Development, Environmental Protection Agency and other Federal agencies or civilian health care providers where commissioned officers are assigned or are receiving medical treatment or voluntary or directed evaluations to ensure continuity of evaluation and/or treatment, to assure medically appropriate assignments and duty limitations, to support disciplinary or other adverse actions and to assure compliance with sick leave policies.
2. To disclose information to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
3. To promote continuity of care by supplying information to Government or civilian medical care facilities and/or practitioners who, under contract or as otherwise authorized or due to an emergency, provide treatment to officers and their dependents.
4. When the Department contemplates contracting with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records. These safeguards are explained in the section entitled "Safeguards".
5. To the Department of Justice, a court or other tribunal, when: (a) HHS, or any component, thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof

where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records are collected.

6. To provide information relating to the disability or death of officers to the Social Security Administration to determine the Social Security benefits or other benefits which may be available to the officer or to the survivors of deceased officers.

7. To provide information to Federal agencies such as the Department of Veterans Affairs and State Workers' Compensation offices to help adjudicate post-service claims for benefits.

8. Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc., may be disclosed as required by health providers and facilities by State law or regulation of the department of health or other agency of the State or its subdivision in which the facility is located. Disclosures will be made to organizations as specified by the State law or regulation, such as births and deaths to the vital statistics agency and crimes to law enforcement agencies. Disclosure of the contents of records which pertain to patient identity, diagnosis, prognosis, or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulation 42 CFR part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 290dd.2, as amended by Pub. L. 98-24 and 102-321.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated files are stored on disks, microfiche and magnetic tapes. Nonautomated (hard-copy) files are kept in offices, and may be stored in Lektrievers, Conserve-a-files, safes, cabinets, bookcases or desks.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number and/or by Social Security Number.

SAFEGUARDS:

1. Authorized Users

a. Automated Records. Access to and use of automated records is limited to personnel employed in the MAB and certain employees of the Office of the Director, DCP. Selected information may be released to employees in DCP whose official duties require such access. The Human Resources Service (HRS) provides computer design, programming and support to DCP, and has access to the data to the extent necessary to facilitate the provision of these services to DCP. However, HRS personnel are not authorized to grant access to or make disclosures from automated data in this system to anyone or any organization.

b. Nonautomated records. Access to and use of nonautomated records is limited to MAB, certain members of the Office of the Director, DCP, and departmental employees, such as EEO officials and members of Medical Review and Appeals Boards, whose official duties require such access to the information for purposes stated under routine uses or purposes. These individuals are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals other than DCP employees must complete Privacy Act nondisclosure oaths and, except for Medical Board members, must submit written requests for access to these records showing the name and employing office of the requestor, the date on which the record is requested, and the purpose for reviewing the information in the record. This written request is then placed into the record.

2. Physical safeguards

a. Automated records. Terminals by which automated records are accessed are kept in offices secured with locks. Automated records on magnetic tape, disks and other computer equipment are kept in rooms designed to protect the physical integrity of the records media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with locks. During nonwork hours, all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. Nonautomated records. Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, filing cabinets with locks, or other security equipment, all of which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the DCP security officer.

3. Procedural safeguards

a. Automated records. Automated records are secured by assigning individual access codes to authorized personnel, and by the use of passwords for specific records created by authorized personnel. Access codes and passwords are on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are essential to their duties. Remote access to automated data from remote terminals is restricted to the PSC, Office of the Surgeon General and personnel officials where commissioned officers are employed. No access is permitted to automated records from remote terminal sites maintained by individuals or organizations outside of DCP.

b. Nonautomated records. All files are secured when employees are absent from the premises and are further protected by locks on entry ways and by the building security force. Official records may not be removed from the physical boundaries of MAB, DCP. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the copier room where they can be read, but are destroyed or obliterated.

4. *Contractor Guidelines.* A contractor who is given records under routine use 4 must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent unauthorized persons from gaining access to the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make

no disclosure of the records except as authorized by the System Manager and as stated in the contract.

RETENTION AND DISPOSAL:

When an officer terminates his/her commission, records are incorporated into the OPF and transferred to a Federal Records Center in accordance with 09-40-0001, Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS, procedures. Medical records on nonselected applicants may be destroyed after two years. Records of retirees are incorporated into the OPF and disposed of in accordance with 09-40-0001, Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS procedures, unless the individual is on the temporary disability retirement list, in which case the file is maintained under the same conditions as an active duty officer's file until the individual is permanently retired, returned to active duty or terminated. Medical records of a dependent incapable of self support are maintained until the dependent is no longer eligible for benefits from PHS at which time the records are transferred to a Federal Records Center for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DCP/HRS/PSC, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. General procedures. An individual (and/or the individual's legal representative) seeking access to his/her records may initially contact any DCP office or employee for information about obtaining access to the records. The DCP employees will inform each individual of the appropriate procedures to follow. Each individual seeking access will be required to verify his/her identity to the satisfaction of the DCP employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained. The System Manager has authority to release automated records to the Medical Affairs Branch.

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on the requester, the requester shall be asked to designate in

writing a responsible representative who will be willing to review the record and inform the subject individual of the material's contents at the representative's discretion. Such a representative must provide proof that s/he is duly authorized to review the record by either the individual or the individual's legal guardian. A parent, guardian or legal representative who requests notification of, or access to, a dependent/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify his/her relationship to the dependent/incompetent person as well as his/her own identity.

2. Requests in person. An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license or passport). Identification cards with current photograph are required. The records will be reviewed in the presence of an appropriate DCP employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the DCP employee. If the individual requests a copy of any records reviewed, the DCP employee will provide them to the individual. The DCP employee will record the name of the individual granted access, the date of access, and information about the verification of identity on a separate log sheet maintained in the office of the MAB, DCP.

3. Requests by mail. Written requests must be addressed to the System Manager or the Medical Affairs Branch at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's records may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

5. Requests by phone. Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records will not be honored.

6. Accounting of disclosures. An individual who is the subject of records maintained in this records system may also request an accounting of all disclosures made outside the Department, if any, that have been made from that individual's records.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

From individual officers and other commissioned corps officials; applicants; private and Government physicians; hospitals and clinics rendering treatment; investigative reports, records contained in system 09-40-0001, Public Health Service (PHS) Commissioned Officer General Personnel Records, HHS/PSC/HRS; records from system 09-40-0005, Public Health Service (PHS) Beneficiary Contract Medical/Health Care Records, HHS/PSC/HRS; death certificates and reports of death and from survivors and executors of estates.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

09-40-0003

SYSTEM NAME:

Public Health Service (PHS) Commissioned Corps Board Proceedings, HHS/PSC/HRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Commissioned Personnel (DCP), HRS/PSC, Room 4-36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

Duplicates of records may also be maintained in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. Contact the System Manager for the location of specific records.

Names and addresses of contractors given information under routine use 4 can be obtained from the System

Manager at the location identified below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers (including active, inactive, terminated, retired and deceased officers) and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in this system consist of the following:

1. Appointment Board files consisting of applications, references, school transcripts, and other materials used in the appointment examination process.

2. Promotion Board files consisting of recommendations from PHS components and worksheets from previous promotion boards.

3. Officer Special Pay Review Board files consisting of Special Pay contracts, certification of eligibility by PHS components, information pertaining to disciplinary actions and related documents.

4. Assimilation Board files consisting of PHS component recommendations, information pertaining to disciplinary actions and related documents.

5. Three-Year File Review Board files consisting of recommendations from PHS components, information pertaining to disciplinary actions and related documents.

6. Chief Professional Officer Nominating Board files, consisting of recommendations from PHS programs and officials, curriculum vitae for officers under consideration, evaluation materials and other material used by the Board in its deliberations.

7. Flag Officer Billet Assignment Board and Flag Officer Nominations Board records consisting of recommendations from PHS programs and officials, curriculum vitae for officers under consideration, evaluation materials and other materials used by the Board in its deliberations.

8. Voluntary Retirement Board files consisting of recommendations from PHS components and worksheets.

9. Records from other Board processes instituted as part of the administration of the PHS Commissioned Corps personnel system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 United States Code (U.S.C.) 202-217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) *et seq.*); portions of Title 10, U.S.C., related to the uniformed services; portions of the Title 37, U.S.C., related to pay and allowance for members of the uniformed services;

portions of Title 38, U.S.C., related to benefits administered by the Department of Veterans Affairs; sections of 50 U.S.C. App., related to the selective service obligations and the Soldiers' and Sailors' Civil Relief Act; E.O. 9397, "Numbering System for Federal Accounts Relating to Individual Persons"; E.O. 10450, "Security Requirements for Government Employment"; and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, HHS.

PURPOSE(S):

The information is used by the Program Support Center (PSC), DCP, HHS Operating Divisions (OPDIVs) and other organizations where commissioned officers are assigned, to:

1. Recommend or decide on appropriate actions in the areas of commissioned corps personnel administration listed above.

2. Prepare the "PHS Commissioned Officer Roster and Promotion Seniority of the Public Health Service" which contains the names and status of officers on active duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records or information from these records may be used:

1. To disclose information to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. To the Department of Justice, a court or other tribunal, when: (a) HHS, or any component, thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components is a party to litigation or has interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

3. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or

foreign governments responsible for investigating, prosecuting, enforcing or implementing statutes, rules, regulations or orders when PHS becomes aware of evidence of a potential violation of civil or criminal law.

4. When the Department contemplates contracting with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records. These safeguards are explained in the section entitled "Safeguards."

5. To disclose information to the Department of Labor, the Department of Veterans Affairs, Social Security Administration or other Federal agencies having special employee benefit programs; to a Federal, State, county or municipal agency; or to a publicly recognized charitable organization when necessary to adjudicate a claim under a benefit program, or to conduct analytical studies of benefits being paid under such programs, provided such disclosure is consistent with the purposes for which the information was originally collected.

6. To disclose information to the Office of Management and Budget (OMB) at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19, or for budgetary or management oversight purposes.

7. To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (e.g. private vendors of training courses or program, private schools) for training purposes, such as crediting of work experience in Commissioned Officer Student Training and Extern Program or verification of status or income.

8. To disclose to Federal and non-Federal agencies information allowing the consideration and selection of officers for honor awards made as a result of the individual's work as a commissioned officer, and to publicize those awards granted. This may include disclosure to other public and private organizations, including the news media, which grant or publicize officer awards and honors.

9. Disclosure may be made to State Boards of Medical Examiners and to equivalent State licensing boards of professional review actions which adversely affect the clinical privileges of health care professionals who either: (a)

are or were employed by the Federal Government; (b) provide or have provided health care service under a fee-for-service contract with the Federal Government; (c) provide or have provided health care services on behalf of the Federal Government as a volunteer or visiting fellow. Boards of Medical Examiners and equivalent State licensing boards are required by the Health Care Quality Improvement Act of 1986 and by the Medicare and Medicaid Patient and Program Protection Act of 1987 to report this information to the National Practitioner Data Bank.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated files are stored on disks, microfiche and magnetic tapes. Nonautomated (hard-copy) files are kept in offices, and may be stored in Lektrievers, safes, cabinets, bookcases or desks.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number and/or by Social Security Number.

SAFEGUARDS:

1. Authorized Users

a. Automated Records. Access to and use of automated records is limited to DCP personnel involved in the specific Board process for which the information was collected. The Business Systems Engineering Division (BSED) provides computer design, programming and support to DCP, and has access to the data to the extent necessary to facilitate the provision of these services to DCP. However, BSED personnel are not authorized to grant access to or make disclosures from automated data in this system to anyone or any organization.

b. Nonautomated records. Access to and use of nonautomated records is limited to DCP personnel involved in the specific Board process for which the information was collected, departmental employees whose official duties require such access or to individuals needing access to the information for purposes stated under routine uses. These individuals are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All

individuals from outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested and the purpose for reviewing the information in the records. This written request is then placed into the record.

2. Physical safeguards

a. Automated records. Terminals by which automated records are accessed are kept in offices secured with locks. Automated records on magnetic tape, disks and other computer equipment are kept in rooms designed to protect the physical integrity of the records media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with combination locks. During nonwork hours, all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. Nonautomated records. Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, filing cabinets with locks, or other security equipment, all of which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the DCP security officer.

3. Procedural safeguards

a. Automated records. Automated records are secured by assigning individual access codes to authorized personnel, and by the use of passwords for specific records created by authorized personnel. Access codes and passwords are changed on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are essential to their duties. Remote access to automated data from remote terminals is restricted to the PSC, Office of the Surgeon General and personnel officials where commissioned officers are employed. No access is permitted to organizations that do not have automated personnel recordkeeping systems that comply with Privacy Act requirements.

b. Nonautomated records. All files are secured when employees are absent from the premises and are further protected by locks on entry ways and by the building security force. Official records may not be removed from the physical boundaries of DCP. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the copier room where they can be read, but are destroyed or obliterated.

4. *Contractor Guidelines.* A contractor who is given records under routine use 4 must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager and as stated in the contract.

RETENTION AND DISPOSAL:

Files pertaining to all board proceedings are only incorporated into 09-40-0001, Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS to the extent required to provide sufficient documentation of an involuntary or adverse action. Special Pay Review Boards and board of inquiry records remain in this system as long as they are needed for administrative purposes, after which time they are destroyed by shredding. All promotion, assimilation and 3 year review board documentation is retained for a period of 5 years after which it is destroyed by shredding. Appointment board files are incorporated into 09-40-0001, Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS when the applicant comes onto active duty with the commissioned corps with the exception of the reference forms which are shredded after 5 years. If the applicant does not come onto active duty, the file is destroyed by shredding when the file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DCP/HRS/PSC, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. General procedures. An individual (and/or the individual's legal representative) seeking access to his/her records may contact the DCP Privacy Act Coordinator for information about obtaining access to the records. Each individual seeking access will be required to verify his/her identity to the satisfaction of the DCP employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained. The System Manager has authority to release records to authorized officials within DCP, HHS and other organizations where commissioned officers are assigned.

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on the requester, the requester shall be asked to designate in writing a responsible representative who will be willing to review the record and inform the subject individual of the material's contents at the representative's discretion. Such a representative must provide proof that s/he is duly authorized to review the record by either the individual or the individual's legal guardian. A parent, guardian or legal representative who requests notification of, or access to, a dependent/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify his/her relationship to the dependent/incompetent person as well as his/her own identity.

2. Requests in person. An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license or passport). Identification cards with current photograph are required. The records will be reviewed in the presence of an appropriate DCP employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the DCP employee. If the individual requests a copy of any records reviewed, the DCP employee will provide them to the individual. The DCP employee will record the name of the individual granted access, the date

of access, and information about the verification of identity on a separate log sheet maintained in the office of the DCP employee who reviewed the record.

3. Requests by mail. Written requests must be addressed to the System Manager or the DCP Privacy Act Coordinator at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's records may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

5. Requests by phone. Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records will not be honored.

6. Accounting of disclosures. An individual who is the subject of records maintained in this records system may also request an accounting of all disclosures made outside the Department, if any, that have been made from that individual's records.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

From individual officers or their service records; efficiency reports; persons providing references; reports of findings and recommendations made by Board members; supervisors; private and Government physicians; hospitals and clinics rendering treatment; licensure and professional credentialing organizations; investigative reports, law enforcement organizations; court records; death certificates and reports of death; survivors and executors of estates; and the records contained in the

following systems: 09-40-0001, Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS; 09-40-0002, Public Health Service (PHS) Commissioned Corps Medical Records, HHS/PSC/HRS; and 09-40-0004, Public Health Service (PHS) Commissioned Corps Grievance, Investigatory and Disciplinary Files, HHS/PSC/HRS.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

09-40-0004**SYSTEM NAME:**

Public Health Service (PHS) Commissioned Corps Grievance, Investigatory and Disciplinary Files, HHS/PSC/HRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Commissioned Personnel (DCP), HRS/PSC, Room 4-36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001 and offices and organizations to which an individual commissioned officer is assigned. The exact location of any record may be obtained by contacting the Director, DCP, at the location identified below.

Duplicates of records may also be maintained in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. Contact the System Manager for the location of specific records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS Commissioned Corps officers, including active duty, inactive, terminated, separated and deceased officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files concerning grievances filed by or against commissioned officers; investigative files, records related to disciplinary actions, records related to involuntary retirements and involuntary separations (non-board or pre-board actions) taken against commissioned officers; and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 United States Code (U.S.C.) 202-217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) *et seq.*); portions of Title 10, U.S.C., related to the uniformed services; portions of the Title 37, U.S.C., related to pay and allowance for

members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Department of Veterans Affairs; sections of 50 U.S.C. App., related to the selective service obligations and the Soldiers' and Sailors' Civil Relief Act; E.O. 9397, "Numbering System for Federal Accounts Relating to Individual Persons"; E.O. 10450, "Security Requirements for Government Employment"; and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, HHS.

PURPOSE(S):

The information is used by the Program Support Center (PSC), DCP, HHS Operating Divisions (OPDIVs) and other organizations where commissioned officers are assigned, to:

1. Investigate allegations of misconduct or marginal and substandard performance.
2. Process and decide grievances, involuntary retirements, involuntary separations, temporary grade reversions or disciplinary actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records or information from these records may be used:

1. To disclose information to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
2. To the Department of Justice, a court or other tribunal, when: (a) HHS, or any component, thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components is a party to litigation or has interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.
3. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for

investigating, prosecuting, enforcing or implementing statutes, rules, regulations or orders when PHS becomes aware of evidence of a potential violation of civil or criminal law.

4. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

5. Disclosure may be made to State Boards of Medical Examiners and to equivalent State licensing boards of professional review actions which adversely affect the clinical privileges of health care professionals who either: (a) Are or were employed by the Federal Government; (b) provide or have provided health care services under a fee-for-service contract with the Federal Government; or (c) provide or have provided health care services on behalf of the Federal Government as a volunteer or visiting fellow. Boards of Medical Examiners and equivalent State licensing boards are required by the Health Care Quality Improvement Act of 1986 and by the Medicare and Medicaid Patient and Program Protection Act of 1987 to report this information to the National Practitioner Data Bank.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated files are stored on disks, microfiche and magnetic tapes. Nonautomated (hard-copy) files are kept in offices, and may be stored in Lektrievers, safes, cabinets, bookcases or desks.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number and/or by Social Security Number.

SAFEGUARDS:

1. Authorized Users

a. Automated Records. Access to and use of automated records is limited to DCP personnel involved in the grievance or investigation for which the information was collected. The Human Resources Service (HRS) provides computer design, programming and support to DCP, and has access to the data to the extent necessary to facilitate the provision of these services to DCP. However, HRS personnel are not

authorized to grant access to or make disclosures from automated data in this system to anyone or any organization.

b. Nonautomated records. Access to and use of nonautomated records is limited to DCP personnel involved in the specific grievance or investigatory process for which the information was collected. These records may be copied and related to departmental officials involved in a decisionmaking capacity in a given case. These individuals are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals from outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested and the purpose for reviewing the information in the records. This written request is then placed into the record.

2. Physical safeguards

a. Automated records. Terminals by which automated records are accessed are kept in offices secured with locks. Automated records on magnetic tape, disks and other computer equipment are kept in rooms designed to protect the physical integrity of the records media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with combination locks. During nonwork hours, all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. Nonautomated records. Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, filing cabinets with locks, or other security equipment, all or which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the DCP security officer.

3. Procedural safeguards

a. Automated records. Automated records are secured by assigning individual access codes to authorized personnel, and by the use of passwords for specific records created by authorized personnel. Access codes and passwords are changed on a random schedule. In addition, programming for automated records allows authorized personnel to access only those records that are essential to their duties. Remote access to automated data from remote terminals is restricted to the PSC, OSG and personnel officials where commissioned officers are employed. No access is permitted to organizations that do not have automated personnel record-keeping systems that comply with Privacy Act requirements.

b. Nonautomated records. All files are secured when employees are absent from the premises and are further protected by locks on entry ways and by the building security force. Official records may not be removed from the physical boundaries of DCP. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the copier room where they can be read, but are destroyed or obliterated.

RETENTION AND DISPOSAL:

Grievance files are destroyed after two years or earlier if no longer needed for administrative purposes. Documentation which directly supports personnel actions affecting an individual is placed into the individual's Official Personnel Folder after a final, official decision has been made and/or the action has been effected, and is then treated in the same manner as other material in system 09-40-0001, "PHS Commissioned Corps General Personnel Records, HHS/PSC/HRS." Investigatory records concerning cases in which no final decisions have been made, or which are ongoing over a period of time are kept indefinitely until a final decision is made. Records concerning cases which are closed or on which final action has been taken, but which are not essential to document or support the final action, are retained as long as they are needed for administrative purposes and are then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DCP/HRS/PSC, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. General procedures. An individual (and/or the individual's legal representative) seeking access to his/her records may initially contact the DCP Privacy Act Coordinator for information about obtaining access to the record. Each individual seeking access will be required to verify his/her identity to the satisfaction of the Privacy Act Coordinator. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained. The System Manager has authority to release records to authorized officials within DCP.

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on the requester, the requester shall be asked to designate in writing a responsible representative who will be willing to review the record and inform the subject individual of the material's contents at the representative's discretion. Such a representative must provide proof that s/he is duly authorized to review the record by either the individual or the individual's legal guardian. A parent, guardian or legal representative who requests notification of, or access to, a dependent/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify his/her relationship to the dependent/incompetent person as well as his/her own identity.

2. Requests in person. An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license or passport). Identification cards with current photograph are required. The records will be reviewed in the presence of an appropriate DCP employee who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the DCP employee. If the individual requests a copy of any records reviewed, the DCP employee will provide them to the individual. The DCP employee will record the name of the individual granted access, the date of access, and information about the

verification of identity on a separate log sheet maintained in the record.

3. Requests by mail. Written requests must be addressed to the System Manager or the DCP Privacy Act Coordinator at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's records may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

5. Requests by phone. Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records will not be honored.

6. Accounting of disclosures. An individual who is the subject of records maintained in this records system may also request an accounting of all disclosures made outside the Department, if any, that have been made from that individual's records.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

From individual officers or their service records; efficiency reports; persons providing references; reports of findings and recommendations made by the commissioned corps Board members; supervisors, private and Government physicians; hospitals and clinics rendering treatment; licensure and professional credentialing organizations; investigative reports; law enforcement organizations; court records; death certificates and reports of death; survivors and executors of estates; and records contained in the following systems: 90-40-0001, Public Health Service (PHS) Commissioned

Corps General Personnel Records, HHS/PSC/HRS; 09-40-0002, Public Health Service (PHS) Commissioned Corps Medical Records, HHS/PSC/HRS; 09-40-0003, Public Health Service (PHS) Commissioned Corps Board Proceedings, HHS/PSC/HRS; and 09-40-0006, Public Health Service (PHS) Commissioned Corps Payroll Records, HHS/PSC/HRS.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.
09-40-0005

SYSTEM NAME:

Public Health Service (PHS) Beneficiary-Contract Medical/Health Care Records, HHS/PSC/HRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Medical Affairs Branch (MAB), Beneficiary Medical Programs Section, DCP/HRS/PSC, Room 4C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

Duplicates of records may also be maintained in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. Contact the System Manager for the location of specific records.

Names and addresses of contractors given information under routine use 8 can be obtained from the System Manager at the location identified below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are or were legally entitled to health care through the Public Health Service and who have received health care from health professionals or facilities under contract or agreement with the Department of Health and Human Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include any or all of the following: Diagnostic (laboratory/X-ray, etc.) and treatment data; sociological information; invoices for services; eligibility data including employment history; and uniformed services information (employing services, service numbers, duty station, home address, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 215 of the Public Health Service Act (42 U.S.C. 216) "Regulations" and section 326 of the Public Health Service Act (42 U.S.C. 253) "Medical Services to Coast Guard,

National Oceanic and Atmospheric Administration and the Public Health Service."

PURPOSE(S):

The information is used by the Program Support Center (PSC), DCP, HHS Operating Divisions and other organizations where commissioned officers are assigned, to:

1. Serve as the basis for payment for patient care and for continuity in the evaluation of the patient's condition and treatment.
2. Furnish documentary evidence of the course of the patient's medical evaluation and treatment to document communications between the responsible practitioner and any other health professionals contributing to the patient's care and treatment.
3. Verify patient eligibility.
4. Ensure quality assurance.
5. Monitor contract compliance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of these records and information from these records may be made to:

1. Medical laboratories and facilities and non-agency physicians in order to facilitate treatment and payment of bills. Recipients are required to maintain adequate safeguards with respect to such records.
2. The Department of Commerce to report results of examination and/or treatment of that agency's personnel.
3. The Department of Defense and the Department of Veterans Affairs to assist uniformed services, personnel, retirees and veterans to obtain medical care or benefits.
4. A Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, other issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
5. A congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
6. In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her official capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

7. Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc., may be disclosed as required by health providers and facilities by State law or regulation of the department of health or other agency of the State or its subdivision in which the facility is located. Disclosures will be made to organizations as specified by the State law or regulation, such as births and deaths to the vital statistics agency and crimes to law enforcement agencies. Disclosure of the contents of records which pertain to patient identity, diagnosis, prognosis or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulation 42 CFR part 2, as authorized by 42 U.S.C. 290dd-2.

8. When the Department contemplates contracting with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records. These safeguards are explained in the section entitled "Safeguards."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and electronic data base.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number and/or by Social Security Number.

SAFEGUARDS:

1. *Authorized Users*

a. Automated Records. Access to and use of automated records is limited to departmental employees whose official duties require such access; supervisory, contracting officials who review the contractor's records annually; and doctors, dentists, nurses, allied health professionals and administrative staff in

the contractor's office who are involved in patient care management.

b. Nonautomated records. Access to and use of nonautomated records is limited to departmental employees whose official duties require such access; contracting officials who review the contractor's records annually; and doctors, dentists, nurses, allied health professionals and administrative staff in the contractor's office. Access is also granted to individuals who have written permission to review the records when that permission has been obtained from the individual to whom the record pertains.

2. Physical safeguards

a. Automated records. Terminals by which automated records are accessed are kept in offices secured with locks. Automated records on magnetic tape, disks and other computer equipment are kept in rooms designed to protect the physical integrity of the records media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with locks. During nonwork hours, all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. Nonautomated records. Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured behind locked inner office doors, in desk drawers with locks, filing cabinets with locks, or other security equipment, all of which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the DCP security officer.

3. Procedural safeguards

a. Automated records. Automated records are secured by assigning individual access codes to authorized personnel, and by the use of passwords for specific records created by authorized personnel. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

b. Nonautomated records. All files are secured when employees are absent from the premises and are further protected by locks on entry ways and by the building security force. Official records may not be removed from the physical boundaries of DCP. When

records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the copier room where they can be read, but are destroyed or obliterated.

4. *Contractor Guidelines.* A contractor who is given records under routine use 8 must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager and as stated in the contract.

RETENTION AND DISPOSAL:

a. *Automated records.* Automated billing data are retained for a period of six years and three months after the closing of a file. The record is then destroyed.

b. *Nonautomated records.* Nonautomated records are retained in the MAB files until the contract is terminated or the payment action completed. The medical records are then forwarded to the MAB, DCP, and retained as indicated in 09-40-0002, "PHS Commissioned Corps Medical Records, HHS/PSC/HRS." Billing information is retained for three fiscal years, then purged and shredded. Patient care notes are retained in the chart until retirement, termination or inactivation. Once a chart is inactivated for over three years it is sent to storage at the Northeast Region Federal Records Center, Bayonne, New Jersey for 16 years. Destruction at that time is in accordance with standard practices of the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DCP/HRS/PSC, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. General procedures. An individual (and/or the individual's legal

representative) seeking access to his/her records may initially contact any DCP office or employee for information about obtaining access to the records. The DCP employees will inform each individual of the appropriate procedures to follow. Individuals may also seek access to these records by initially contacting the duty station at which they believe the records are located. Individuals at the duty station will ascertain whether the records being sought are maintained at that location. If the records are not located at that duty station, the employee will instruct the individual as to where these records may be located. Each individual seeking access will be required to verify his/her identity to the satisfaction of the employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained.

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on the requester, the requester shall be asked to designate in writing a responsible representative who will be willing to review the record and inform the subject individual of the material's contents at the representative's discretion. Such a representative must provide proof that s/he is duly authorized to review the record by either the individual or the individual's legal guardian. A parent, guardian or legal representative who requests notification of, or access to, a dependent/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify his/her relationship to the dependent/incompetent person as well as his/her own identity.

2. Requests in person. An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license or passport). Identification cards with current photograph are required. The records will be reviewed in the presence of an appropriate employee who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the DCP employee. If the individual requests a copy of any records reviewed, the employee will provide them to the individual. The employee will record the name of the individual granted access, the date of access, and information about the verification of identity on a separate log sheet

maintained in the Beneficiary Medical Program office.

3. Requests by mail. Written requests must be addressed to the System Manager at the address shown as the system location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when only the original will satisfy the purpose of the request.

4. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's records may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

5. Requests by phone. Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records will not be honored.

6. Accounting of disclosures. An individual who is the subject of records maintained in this records system may also request an accounting of all disclosures made outside the Department, if any, that have been made from that individual's records.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information is provided from Individuals, employers, other health care providers, families and social agencies, and 09-40-0002, Public Health Service (PHS) Commissioned Corps Medical Records, HHS/PSC/HRS.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

09-40-0006

SYSTEM NAME:

Public Health Service (PHS) Commissioned Corps Payroll Records, HHS/PSC/HRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

Division of Commissioned Personnel (DCP)/HRS/PSC, Room 4-50, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

Records in this system are kept at the address shown above when the person to whom the record pertains has an active relationship with the PHS commissioned corps personnel system. When an officer ceases the active relationship with the commissioned corps, the records are combined with the Official Personnel Folder (OPF) in records system 09-40-0001, "PHS Commissioned Corps General Personnel Records, HHS/PSC/HRS" and transferred to the appropriate facility as outlined in 09-40-0001, "PHS Commissioned Corps General Personnel Records, HHS/PSC/HRS."

Duplicates of records may also be maintained in operating offices (duty stations) of the Department and other agencies and organizations to which PHS Commissioned Corps officers are assigned. Contact the System Manager for the location of specific records.

Names and addresses of contractors given information under routine use 7 can be obtained from the System Manager at the location identified below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are part of or who have some relationship with the PHS Commissioned Corps, including: Active duty commissioned officers; former commissioned officers; inactive reserve officers; retired commissioned officers; deceased commissioned officers; dependents and survivors of the above; former spouses of officers; and qualified applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain:

1. Documents related to pay, including payroll deductions, leave, allotments, charitable contributions and garnishments; travel and allowances (including overseas educational allowances for dependents); documentation of dependent status used to determine entitlement or eligibility for benefits; debt collections proceedings; survivor benefit elections and pay records; worksheets, internal forms, internal memoranda and other documents which result in, or contribute, to an action.

2. Special pay files containing special pay contracts, personnel orders and

supporting documentation concerning special pay; worksheets, internal forms, internal memoranda and other documents which result in, or contribute, to an action.

3. Retirement pay files containing personnel orders and supporting documentation concerning retirement pay; worksheets, internal forms, internal memoranda and other documents which result in, or contribute to, an action.

4. Correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act (42 United States Code (U.S.C.) 202-217, 218a, 224, 228, 233, and other pertinent sections); The Social Security Act (42 U.S.C. 410(m) *et seq.*); portions of Title 10, U.S.C., related to the uniformed services; portions of the Title 37, U.S.C., related to pay and allowance for members of the uniformed services; portions of Title 38, U.S.C., related to benefits administered by the Department of Veterans Affairs; sections of 50 U.S.C. App., related to the selective service obligations and the Soldiers' and Sailors' Civil Relief Act; Executive Order (E.O.) 9397, "Numbering System for Federal Accounts Relating to Individual Persons"; E.O. 10450, "Security Requirements for Government Employment"; and E.O. 11140, which delegates the authority to administer the PHS Commissioned Corps from the President to the Secretary, HHS.

PURPOSE(S):

The information is used by the Program Support Center (PSC), DCP, HHS Operating Divisions and other organizations where commissioned officers are assigned, to:

1. Determine eligibility for pay, allowances, entitlements, privileges, and benefits.
2. Determine the eligibility or entitlements of dependents and beneficiaries for benefits based on the service of a PHS commissioned officer.
3. Give legal force to personnel transactions and establish officer rights and obligations under the pertinent laws and regulations governing the commissioned corps personnel system.
4. Provide information to HHS components seeking to collect an overdue debt to the Federal government, but only to the extent necessary to collect that overdue debt.
5. Provide information to the National Directory of New Hires, the Federal Parent Locator System (FPLS), the Office of Child Support Enforcement (OCSE) and the Administration for Children and Families, HHS, for use in

locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action in accordance with 42 U.S.C. 653.

6. Provide information to the OCSE to verify with the Social Security Administration the Social Security numbers in connection with the operation of the FPLS by OCSE.

7. Provide information to the Office of Child Support Enforcement to release to the Department of the Treasury for purposes of administering the Earned Income Tax Credit program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

8. Upon the request of the officer, provide information to charities, financial organizations, insurance organizations or other companies for the purposes of contributing to charity, payment of organizational dues or payment for an organizational benefit (such as insurance).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records or information from these records may be used:

1. To disclose information to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. To the Department of Justice, a court or other tribunal, when (a) HHS, or any component, thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components is a party to litigation or has interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

3. To disclose information, such as, but not limited to, name, home address, Social Security Number, earned income, withholding status, and amount of taxes withheld, to the Department of Treasury for the following purposes: preparation and issuance of salary, retired pay, and

annuity checks; issuance of U.S. savings bonds; recording income information; and collection of income taxes.

4. To disclose to State and local government agencies having taxing authority pertinent records relating to employees, retirees, and annuitants, including name, home address, Social Security Number, earned income, and amount of taxes withheld, when these agencies have entered into tax withholding agreements with the Secretary of Treasury, but only to those State and local taxing authorities for which a member, retiree, or annuitant is or was subject to tax, regardless of whether tax is or was withheld.

5. To disclose to the Social Security Administration pertinent records relating to employees, retirees, and annuitants, including name, home address, Social Security Number, earned income, and amount of taxes withheld.

6. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing or implementing statutes, rules, regulations or orders when PSC becomes aware of evidence of a potential violation of civil or criminal law.

7. When the Department contemplates contracting with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records. These safeguards are explained in the section entitled "Safeguards."

8. To disclose information to the Office of Management and Budget (OMB) at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19, or for budgetary or management oversight purposes.

9. To respond to interrogatories in the prosecution of a divorce action or settlement for purposes stated in 10 U.S.C. 1408 ("The Former Spouses" Protection Act").

10. To disclose information about the entitlements and benefits of a beneficiary of a deceased officer, retiree, or annuitant for the purpose of making disposition of the estate.

11. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative

employment programs, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

12. To disclose payroll information to authorized officials in Federal agencies where commissioned officers are assigned, such as the State Department; the Department of Defense; the Department of Justice, Bureau of Prisons and the Immigration and Naturalization Service; the Transportation Department; United States Coast Guard; the Environmental Protection Agency; the Department of the Interior, the United States Park Service; and the Commerce Department, National Oceanic and Atmospheric Administration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated files are stored on disks, microfiche, electronic medium and magnetic tapes. Nonautomated (hard-copy) files are kept in offices, and may be stored in shelves, safes, cabinets, bookcases or desks.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number and/or by Social Security Number.

SAFEGUARDS:

1. Authorized Users

Automated Records. Access to and use of automated records is limited to: (1) Personnel employed in the PSC and the Office of the Surgeon General (OSG)/OS; (2) personnel employed in DCP; (3) authorized officials in HHS components and organizations where commissioned officers are assigned whose official duties require such access; and (4) authorized officials in other Federal agencies, such as those in routine use 13 above, where commissioned officers are assigned whose official duties require such access. Automated data is provided to Department personnel officials to update information contained in their personnel records and pay, leave and attendance systems. The Human Resource Service (HRS) provides computer design, programming and support to DCP, and has access to the data to the extent necessary to facilitate the provision of these services to DCP. However, HRS personnel are not authorized to grant access to or make disclosures from automated data in this system to anyone or any organization without the written approval of the Director of DCP or to an official to whom this authority has been delegated.

b. Nonautomated records. Access to and use of nonautomated records is limited to departmental employees whose official duties require such access or to individuals needing access to the information for purposes stated under routine uses. These individuals are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from the individual to whom the record pertains. All individuals from outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested and the purpose for reviewing the information in the records. This written request is then placed into the record.

2. Physical safeguards

a. Automated records. Terminals by which automated records are accessed are kept in offices secured with locks. Automated records on magnetic tape, disks and other computer equipment are kept in rooms designed to protect the physical integrity of the records media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with locks. During nonwork hours, all cabinets, storage facilities, rooms and offices are locked and the premises are patrolled regularly by building security forces.

b. Nonautomated records. Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are closed and secured in desk drawers with locks, filing cabinets with locks, or other security equipment, all of which are kept inside authorized office space which is locked whenever it is not in use. Keys to furniture and equipment are kept only by the individual who is assigned to that furniture or equipment and by the DCP security officer.

3. Procedural safeguards

a. Automated records. Automated records are secured by assigning individual access codes to authorized personnel, and by the use of passwords for specific records created by

authorized personnel. Access codes and passwords are changed on a random schedule. In addition, programming for automated record allows authorized personnel to access only those records that are essential to their duties. Remote access to automated data from remote terminals is restricted to the PSC, OSG and personnel officials where commissioned officers are employed. No access is permitted to organizations that do not have automated personnel record-keeping systems that comply with Privacy Act requirements.

b. Nonautomated records. All files are secured when employees are absent from the premises and are further protected by locks on entry ways and by the building security force. Official records may not be removed from the physical boundaries of DCP. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the copier room where they can be read, but are destroyed or obliterated.

4. *Contractor Guidelines.* A contractor who is given records under routine use must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager and stated in the contract.

RETENTION AND DISPOSAL:

When an officer is separated, records are incorporated into the OPF and transferred to a Federal Records Center in accordance with 09-40-0001, "PHS Commissioned Corps General Personnel Records, HHS/PSC/HRs" procedures.

When an officer retires from the commissioned corps, a retirement payment file is generated and maintained in DCP. When the officer and/or annuitant dies, the file is retained in DCP for 3 years, then is incorporated into the OPF and transferred to a Federal Records Center in accordance to 09-40-0001, "PHS Commissioned Corps General Personnel Records, HHS/PSC/HRs" procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DCP/HRS/PSC, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857-0001.

NOTIFICATION PROCEDURE:

Same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. General procedures. An individual (and/or the individual's legal representative) seeking access to his/her records may initially contact the DCP Privacy Act Coordinator for information about obtaining access to the records. Each individual seeking access will be required to verify his/her identity to the satisfaction of the DCP Privacy Act Coordinator. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained. The System Manager has authority to release records to authorized officials within DCP, HHS and other organizations where commissioned officers are assigned.

2. Requests in person. An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license or passport). Identification cards with current photograph are required. The records will be reviewed in the presence of an appropriate DCP employee, who will answer questions and ensure that the individual neither removes nor inserts any material into the record without the knowledge of the DCP employee. If the individual requests a copy of any records reviewed, the DCP employee will provide them to the individual. The DCP employee will record the name of the individual granted access, the date of access, and information about the verification of identity on a separate log sheet maintained in the office of the Privacy Act Coordinator, DCP.

3. Requests by mail. Written requests must be addressed to the System Manager or the DCP Privacy Act Coordinator at the address shown as the System Location above. All written requests must be signed by the individual seeking access. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested. Copies of the records to which access has been requested will be mailed to the individual. The original version of a record will not be released except in very unusual situations when

only the original will satisfy the purpose of the request.

4. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's records may be disclosed to any person who is legally responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

5. Requests by phone. Because positive identification of the caller cannot be established with sufficient certainty, telephone requests for access to records will not be honored.

6. Accounting of disclosures. An individual who is the subject of records maintained in this records system may also request an accounting of all disclosures outside the Department, if any, that have been made from that individual's records.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

From individual officers, applicants, dependents, former spouses of officers, governmental and private training facilities, health professional licensing and credentialing organizations, government officials and employees and from the records contained in the following systems: 90-40-0001, Public Health Service (PHS) Commissioned Officer Personnel Records; HHS/PSC/HRS and 09-40-0010, Pay, Leave and Attendance Records, HHS/PSC/HRS.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

09-40-0010

SYSTEM NAME:

Pay, Leave and Attendance Records, HHS/PSC/HRS.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

HRS, Personnel and Pay Systems Division, Silver Spring Centre, Room 1154, 8455 Colesville Road, Silver Spring, Maryland 20910.

FMS, Division of Information Systems and Technology, Room 17-66, 5600 Fishers Lane, Rockville, Maryland 20857.

NIH, Center for Information Technology, 9000 Rockville Pike, Bethesda, Maryland 20205.

Inactive records: Federal Retirement Record Center, Boyers, PA.

In addition, records are maintained by timekeepers and payroll liaisons. Contact the System Manager at the location identified below for specific locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees paid through the Department of Health and Human Services civilian payroll system.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to pay, allowance and leave determinations made about each employee paid through the HHS civilian payroll system such as employee's name, date of birth, Social Security Number, home address; employing organization, pay plan and grade, hours worked, leave, timekeeper number, income taxes, withholdings and allotments, insurance, retirement, Thrift Savings Plan, voluntary leave transfer, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S. Code, Chapter 55—Pay Administration Title 5 U.S. Code, Chapter 63—Leave

PURPOSE(S):

Records in this system are used to:

1. Ensure that each employee in the payroll system receives proper pay and allowances.
2. Ensure that proper deductions and authorized allotments are made from employees' pay.
3. Ensure that employees are credited and charged with the proper amount of sick and annual leave.
4. Provide information to the Federal Parent Locator System (FPLS), the Office of Child Support Enforcement (OCSE), locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action in accordance with 42 U.S.C. 653.
5. Provide information to OCSE for release to the Social Security Administration for verifying Social Security Numbers in connection with the operation of the FPLS.
6. Provide information to OCSE for release to the Department of Treasury for purpose of administering the Earned Income Tax Credit Program (section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.
7. Provide information to the HHS Voluntary Leave Transfer Program

websites for Departmentwide announcement and produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and other purposes compatible with the intent for which the record system was created.

8. Provide information to HHS components seeking to collect an overdue debt owed to the Federal Government, but only to the extent necessary to collect that overdue debt.

9. Provide Department management with information systems reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be used:

1. To prepare W-2 Forms to submit to the Internal Revenue Service and to disclose to State and local government agencies having taxing authority pertinent records relating to employees, including name, home address, earned income, and amount of taxes withheld.

2. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as routine uses to the appropriate agency, whether State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. When a contract between a component of the Department and a labor organization recognized under E.O. 11491 of 5 U.S.C. Chapter 71 provides that the agency will disclose personal records when relevant and necessary to the labor organization's duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

5. To financial organizations designated to receive labor organizations or management association dues withheld from employees' pay, in order to account for the amounts withheld.

6. When the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records. These safeguards are explained in the section entitled "Safeguards."

7. To disclose to the U.S. Office of Personnel Management that information that is relevant and necessary to carry out its role as the oversight agency responsible for promoting the effectiveness of personnel management and ensuring compliance with personnel laws and regulations.

8. To disclose to the Merit Systems Protection Board (including its Office of the Special Counsel) that information that is relevant and necessary to carry out its role as the oversight agency responsible for protecting the integrity of Federal merit systems and the rights of Federal employees working in the systems.

9. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination practices, or other functions vested in the Commission.

10. To disclose to the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) that information that is relevant and necessary to carry out its oversight role for the Federal service labor-management relations program.

11. To the Department of Labor to make compensation determination in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.

12. To respond to court orders for garnishments of an employee's pay for alimony or child support.

13. To the Department of Treasury to disclose information such as name, home address, Social Security Number, earned income, withholding status, and amount of taxes withheld for the following purposes: preparation and issuance of salary, retired pay, and annuity checks; issuance of U.S. Savings Bonds; recording of income information; and collection of income taxes.

14. To State officers of unemployment compensation in connection with

claims filed by former HHS employees for unemployment compensation.

15. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

16. To the Department of Justice, a court or other tribunal when: (a) HHS, or any component, thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

17. To disclose pertinent information to appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing or implementing statutes, rules, regulations or orders when PSC becomes aware of evidence of potential violation of civil or criminal law.

18. To disclose information for the purpose of conducting computer matching programs designed to reduce fraud, waste and abuse in Federal, State and local public assistance programs and operations.

19. To disclose information to other Federal organizations to collect an overdue debt owed to the Federal Government, but only to the extent necessary to collect that overdue debt.

20. To publicly recognized charitable organizations for payroll deductions or when necessary to adjudicate a claim.

21. Provide information to charities, financial organizations at the request of the employee for the purposes of facilitating an employee's request for direct deposit or contribution to a charity, starting or modifying a savings program, etc.

22. To a Federal agency in response to a written request from the agency head specifying the particular portion desired and the law enforcement activity for which the record is sought. The request for the record must be connected with the agency's auditing and investigative functions designed to reduce fraud, waste and abuse; it must

be based on information which raises questions about an individual's eligibility for benefits or payments; and it must be made reasonably soon after the information is received.

23. To respond to court orders when an employee is involved in garnishment proceedings arising because an employee is involved in a personal debt collection action.

24. To thrift and savings institutions to adjudicate a claim under a program, or to conduct analytical studies of benefits being paid under such programs, provided such disclosure is consistent with the purpose for which the information was ordinarily collected.

25. To the Federal Thrift Savings Plan to maintain employees thrift accounts, loans or loan repayment records.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on disks, microfiche, electronic media, magnetic tapes and on websites. Nonautomated (hard-copy) files are kept in locked offices, and may be stored in locked shelves, safes, cabinets, bookcases or desks.

RETRIEVABILITY:

Records are maintained by pay period and are retrieved by name and/or Social Security Number and timekeeper number within each pay period.

SAFEGUARDS:

1. Authorized Users

Automated Records. Access to and use of automated records is limited to: (1) Personnel employed in the PSC and the HHS Operating Division personnel offices, (2) authorized officials in HHS components and organizations whose official duties require such access, and (3) authorized officials in other Federal agencies for whom the PSC is providing personnel and/or payrolling service.

Nonautomated records. Access to and use of nonautomated records is limited to departmental employees whose official duties require such access or to individuals needing access to the information for purposes stated under routine uses. These individuals are permitted access to records only after they have satisfactorily identified themselves as having an official need to review the information and have provided satisfactory proof of their identities. Access is also granted to individuals who have written permission to review the record when that permission has been obtained from

the individual to whom the record pertains. All individuals from outside the Department, to whom disclosure is made pursuant to a routine use, must complete Privacy Act nondisclosure oaths and must submit written requests for access to these records showing the name and employing office of the requester, the date on which the record is requested and the purpose for reviewing the information in the record. This written request is then placed into the record.

2. *Physical safeguards*

Automated records. Terminals by which automated records are accessed are kept in offices secured with locks. Automated records on magnetic tape, disks and other computer equipment are kept in rooms designed to protect the physical integrity of the records media and equipment. These rooms are within inner offices to which access is permitted only with special clearance. Outer offices are secured with locks.

Nonautomated records. Nonautomated records are kept in such a way as to prevent observation by unauthorized individuals while the records are actively in use by an authorized employee. When records are not in use, they are secured in filing cabinets inside secured office space which is locked at all times. Access to the office space requires a key card to enter and access is permitted only to authorized personnel.

3. *Procedural safeguards*

Automated records. Automated records are secured by assigning individual access codes to authorized personnel, and by the use of passwords for specific records created by authorized personnel. Access codes and passwords are changed on a random schedule. In addition, programming for automated record allows authorized personnel to access only those records that are essential to their duties. Remote access to automated data from remote terminals is restricted to the PSC, and OPDIV personnel officials. No access is permitted to OPDIVs that do not have automated personnel recordkeeping systems that comply with Privacy Act requirements.

Nonautomated records. All files are secured when employees are absent from the premises and are further protected by locks on entry ways. Official records may not be removed from the physical boundaries of PPSD. When records are needed at a remote location, copies of the records will be provided. When copying records for authorized purposes, care is taken to ensure that any imperfect or extra copies are not left in the copier areas where they can be read, but are destroyed or obliterated.

4. *Contractor Guidelines.*

A contractor who is given records under routine use must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager and stated in the contract.

RETENTION AND DISPOSAL:

When an employee is separated leave records are incorporated into the Official Personnel Folder (OPF) maintained by the servicing personnel office (SPO) and payroll retirement information is transferred to the Federal Retirement Records Center in Boyers, PA. The OPF is forwarded to the new employing agency by the SPO. These procedures are in accordance with U.S. Office of Personnel Management policies and procedures.

When an employee retires or dies, the employee or his/her beneficiary receives a payment for his/her annual leave balance and the retirement information is transferred to the Federal Retirement Records Center in Boyers, PA. The SPO transfers the OPF to the Federal Records Center. These procedures are in accordance with U.S. Office of Personnel Management policies and procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel and Pay Systems Division, Human Resources Service, PSC, HHS, Suite 700, 8455 Colesville Road, Silver Spring, MD 20910.

NOTIFICATION PROCEDURES:

The same as Access Procedures. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

1. *General procedures.* A subject individual, or parent, or legal guardian of an incompetent individual, who appears in person at a specific location seeking access to or disclosure of records relating to him/her may initially contact his/her agency personnel office or payroll liaison for information about obtaining access to the records. Such individuals will be required to verify their identity to the satisfaction of the agency employee providing access. Refusal to provide sufficient proof of identity will result in denial of the request for access until such time as proof of identity can be obtained.

2. *Requests by mail.* Written requests must be addressed to the System Manager or the appropriate Payroll Liaison Representative. A comparison will be made of that signature and the signature maintained in a file prior to release of the material request. Copies of the records to which access has been requested will be mailed to the individual.

3. *Requests by phone.* Unless positive identification of the caller can be established, telephone requests for access to records will not be honored.

4. *Accounting of disclosures.* An individual who is the subject of the records in this system may also request an accounting of all disclosures outside the Department, if any, that have been made from the individual's records.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record. Specify the information being contested. State the corrective action sought, with supporting justification, along with information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information is supplied directly by the individual, derived from information supplied by the individual, or supplied by timekeepers and other authorized officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION(S) OF THE ACT:

None.

09-40-0011

SYSTEM NAME:

Proceedings of the Board for Correction of PHS Commissioned Corps Records, HHS/PSC/HRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Board for Correction of PHS Commissioned Corps Records, HHS/PSC/HRS, Room 17A-12, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; and Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409. Records also may be located at the contractor site. The names and addresses of contractors used by the Board for Correction can be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned Officers of the PHS Commissioned Corps who appeal to the Board for Correction, former officers, their spouses and heirs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Commissioned Officer case files consisting of requests for correction of alleged errors or injustices; administrative reports; case summaries; findings; conclusions; recommendations; Board for Correction decisions and related documents, including copies of records from other systems of records as specified under Record Source Categories below.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552 "Correction of Military Records"; Public Health Service Act, 42 U.S.C. 213a(a)(12); Executive Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons."

PURPOSE(S):

This system of records is used:

1. To process appeals from current or former Commissioned Officers, their spouses and heirs to determine the existence of alleged errors or injustices resulting from the administration of laws and regulations.

2. To review and adjudicate these appeals.

3. To disclose the decisions of the Board for Correction to the Division of Commissioned Personnel (DCP) for appropriate action. The DCP is not authorized to release copies of original Board for Correction records without approval by the System Manager.

4. To document all actions and activities of the Board for Correction.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information:

1. To a congressional office from the record of any individual in response to an inquiry from the congressional office made at the written request of that individual.

2. To the Department of Justice, a court or other tribunal, when: (a) HHS, or any component thereof; or (b) Any HHS employee in his or her official capacity; or (c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components; is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

3. To appropriate Federal, State, or local agencies; international agencies; or foreign governments responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, regulations, or orders, when HHS becomes aware of evidence of a potential violation of civil or criminal law.

4. To private contractors who record and transcribe tapes of Board for Correction meetings. Contractors are required to comply with Privacy Act safeguards and the HHS Privacy Act Regulations with respect to such records. These safeguards are explained in the section entitled "Safeguards."

5. To properly identified attorneys of subject individuals or their personally designated representatives, to court-appointed representatives of mentally incompetent or otherwise legally handicapped subject individuals and to guardians to the extent necessary to assure attainment of rights or payment of benefits to which such individuals would be entitled.

6. To Federal, State or local government agencies (such as those concerned with disability compensation, health and human services, hospitals, and legal affairs) or to public interest organizations (such as the American Red Cross, the American Civil Liberties Union, Disabled

American Veterans, and the Legal Aid Society) when the subject individual's request for correction will affect the individual's entitlement to rights or benefits, and when such agencies may have information which will assist the Board for Correction in clarifying that entitlement.

7. To authorized experts or consultants in a Federal agency or in the private sector if the Board for Correction has determined that it needs such opinions to arrive at an equitable decision concerning the subject individual's request; or to authorized officials in a Federal agency if required to facilitate equitable handling of a case, e.g., to an EEO official when a complaint is initiated by a PHS commissioned officer, to ensure that the same complaint has not already been decided through the Board for Correction process. All consultants, experts and Federal officials are required to comply with Privacy Act safeguards and the HHS Privacy Act Regulations with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, computerized records, disks and microfiche.

RETRIEVABILITY:

Last name and case number.

SAFEGUARDS:

1. *Authorized Users:* The System Manager and/or the Executive Secretary of the Board for Correction will control access to the data. Additional authorized personnel having access to the data are: (1) The Executive Director of the Board for Correction; (2) Designated clerical support staff in the offices of the System Manager and the Executive Secretary; (3) Board for Correction members on a need-to-know basis; and (4) Experts, consultants or private contractors when approved by the System Manager.

2. *Physical Safeguards:* Automated records. Automated records are stored on personal computers which require passwords for access, or on disks, and are located in offices with locks. During nonwork hours, all cabinets, storage facilities and offices are locked and the premises are patrolled regularly by building security forces. Nonautomated records. When records are not in use they are stored in filing cabinets with locks located in an inner office occupied during working hours and locked at all other times.

3. *Procedural Safeguards:* Authorized personnel are trained to comply with provisions of the Privacy Act and the HHS Privacy Act Regulations. Records are transmitted in sealed envelopes and are identified as confidential material. When copying records for authorized purposes, care is taken to ensure that no imperfect or extra pages are left in the copier room. These pages are disposed of by shredding.

4. *Contractor Guidelines:* Contractor compliance is assured through inclusion of privacy requirements in contract clauses, and through monitoring by contract and project officers. A contractor who is given records must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent unauthorized persons from gaining access to the records, caution employees about the confidentiality of the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractors are instructed to make no disclosure of the records except as authorized by the System Manager.

RETENTION AND DISPOSAL:

Original records are retained at the System Location either for one year after the Board for Correction's recommendation for favorable decision is upheld by the approving official, or for three years after the approval of the Board for Correction's recommendation for denial of an appeal, whichever applies to the final disposition of a case. The records are then transferred to the Washington National Records Center (WNRC) and are destroyed by the WNRC after 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director of the Board for Correction of PHS Commissioned Corps Records, Room 17-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURES:

Same as Access Procedures. The requester is required to specify reasonably the contents of the records being sought.

RECORD ACCESS PROCEDURES:

To determine whether information about themselves is contained in this system, the subject individual should contact the System Manager at the above address.

A subject individual who appears in person is required to provide his/her name and at least one piece of tangible

identification (e.g., PHS Commissioned Corps Identification Card, driver's license, Social Security card, or discharge or separation papers).

An individual making a written inquiry is required to sign the request mailed to the System Manager. The signature given is compared with the signature on file prior to release of the material requested.

If the subject individual is represented by an attorney, other than the one shown on the application to the Board for Correction, it is necessary to have in the case file a dated letter signed by the subject individual giving the name of the attorney and stating that he/she has been authorized access to the case file. If the subject individual is represented by another person, it is necessary to have in the case file a dated letter signed by the individual giving the name of the representative and stating that he/she has been authorized access to the case file. In both instances, the person representing the subject individual would be required to present documentation identifying him/herself as being the person mentioned in the application or in a letter on file with the Board for Correction.

If the subject individual is judged to be mentally incompetent to handle his/her personal affairs, a court order should be issued to that effect. The person identifying him/herself as representing the subject individual in this circumstance is required to present a copy of the court order and to personally identify him/herself as being the person identified in the order.

If the subject individual is physically incapacitated, a medical statement certifying to the physical disability is required, signed and dated by a licensed physician. The person presenting this statement is required to personally identify him/herself and provide documentation of his/her relationship to the subject individual (e.g., marriage license, birth certificate, etc.).

If the subject individual is deceased, proof of death is required, signed and dated by the appropriate certifying agency of the Federal Government. The person presenting this document is required to personally identify him/herself and provide documentation of his/her relationship to the deceased (e.g., marriage license, birth certificate, etc.).

If a determination is made that the material sought contains medical information that is likely to have an adverse effect on either the subject individual or the determination of his/her request, the requester (whether the subject individual, his/her personal representative, an attorney other than

the one shown on the application to the Board for Correction, a court appointed representative, or a guardian) shall be asked to designate in writing a physician or other health professional who is willing to review the material and inform the requester of its contents, at the discretion of the health professional. The person designated to evaluate the medical information must provide proof that he/she is duly authorized by the requester to review the material.

An individual who is the subject of the records maintained in this records system may request an accounting of disclosures that have been made of his/her records, if any.

CONTESTING RECORD PROCEDURES:

If access has been granted, the requester shall contact the System Manager above, reasonably identify the records, specify the information being contested, and state the corrective action sought, with supporting documentation, to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Records are obtained from applicants; reports of findings and recommendations made by Board for Correction members; Board for Correction decisions; supervisors; private and Government physicians; hospitals and clinics rendering treatment; investigative reports; death certificates and reports of death; survivors and executors of estates; private and Government agency reports of service delivery, compensation, disability and legal opinions; and records contained in systems 09-40-0001, Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS; 09-40-0002, Public Health Service (PHS) Commissioned Officer Medical Records, HHS/PSC/HRS; 09-40-0003, Public Health Service (PHS) Commissioned Corps Board Proceedings, HHS/PSC/HRS; 09-40-0004, Public Health Service (PHS) Commissioned Corps Grievance, Investigatory and Disciplinary Files, HHS/PSC/HRS; 09-40-0005, Public Health Service (PHS) Beneficiary-Contract Medical/Health Care Records, HHS/PSC/HRS; and 09-40-0006, Public Health Service (PHS) Commissioned Corps Payroll Records, HHS/PSC/HRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-40-0012

SYSTEM NAME:

Debt Management and Collection System, HHS/PSC/FMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Financial Operations, Financial Management Service, Program Support Center, Room 2B-40, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Division of Accounting, Food and Drug Administration, Room 11-41, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Division of State Legislation and Repatriation, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW, Washington, DC 20447.

Division of Health Professions Support, Indian Health Service, Twinbrook Metro Plaza Building, Suite 100, 12300 Twinbrook Parkway, Rockville, MD 20850.

Division of Financial Management, Substance Abuse and Mental Health Services Administration, Room 16C-05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Division of Commissioned Personnel, Human Resources Service, Program Support Center, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Personnel and Pay Systems Division, Human Resources Service, Program Support Center, 8455 Colesville Road, Suite 700, Silver Spring, MD 20910.

Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Room 8-22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Division of Scholarships and Loan Repayments, Bureau of Primary Health Care, Health Resources and Services Administration, 10th Floor, East/West Towers, 4350 East-West Highway, Bethesda, MD 20814.

Division of Accounting, Health Care Financing Administration, Room C3-09-17, 7500 Security Blvd., Baltimore, MD 21244.

Division of Financial Management, National Institutes of Health, Building 31, Room B1B63, 9000 Rockville Pike, Bethesda, MD 20892.

Financial Management Office, Centers for Disease Control and Prevention, Room 3149, 1600 Clifton Road, Atlanta, GA 30333.

Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

Names and addresses of contractors given information under routine use 17 can be obtained from the System Manager at the location identified below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals owing monies to HHS Operating Divisions or other Federal entities for which PSC provides debt collection services.

2. Individuals owing monies include, but are not limited to, students and health care professionals who have received student loans, scholarships, traineeships, or grant funds under Titles III, VII, and VIII of the Public Health Service Act, as amended, and who are delinquent in repaying either loans or funds owed in lieu of a service obligation under such programs.

3. Repatriates owing repayment of funds loaned to them by the United States.

4. Individuals owing repayment for services rendered such as Freedom of Information Act requests and queries associated with the National Practitioner Data Bank, and Health Care Integrity and Protection Data Bank queries.

5. Current and separated HHS employees who have incurred payroll debts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include records such as: Name; taxpayer identification number and/or Social Security Number; address; amount of debt; rate of interest; account and repayment history and status; discipline/specialty; lending institutions; and invoice number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Debt Collection Act of 1982 (Pub. L. 97-365), as amended; and Debt Collection Improvement Act of 1996 (Pub. L. 104-134), as amended.

PURPOSE(S):

The purpose of the system is:

1. To reduce the amount of outstanding debts owed to the Federal Government.

2. To protect the programmatic and financial integrity of Federal funds paid or awarded to individuals.

3. To be used by other components within HHS to facilitate debt management activities.

4. To be used for developing both regulatory and ad hoc management reports relating to debt collection activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed:

1. To a congressional office in response to an inquiry from the congressional office made at the written request of that individual.

2. To authorized persons employed at educational institutions where the recipient received a loan, scholarship, or grant. The purpose of this disclosure is to assist institutions in identifying delinquent borrowers and to enforce the conditions and terms of such loans, scholarships and grants.

3. To the Department of Justice, or to a court or other tribunal, when: (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party of litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records are collected.

4. To the General Accounting Office, the HHS Inspector General's Office, private auditing firms, and to the Office of Management and Budget for auditing financial obligations to determine compliance with programmatic, statutory, and regulatory provisions.

5. To a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes:

a. To establish creditworthiness of a loan/grant/scholarship/ traineeship applicant; and

b. To assess and verify the ability of a debtor to repay debts owed to the Federal Government.

Disclosures are limited to the individual's name, address, Social Security Number and other information necessary to identify him/her; the funding being sought or amount and status of the debt; and the program under which the application or claim is being processed.

6. To debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor. Disclosure will be

limited to the debtor's name, address, Social Security Number, and other information necessary to identify him/her; the amount, status, and history of the claim; and the agency or program under which the claim arose.

7. To any third party that may have information about a delinquent debtor's current address, such as a U.S. post office, a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be limited to information necessary to identify the individual.

8. To the Defense Manpower Data Center, Department of Defense, to conduct matching programs for the purpose of identifying and locating individuals who are receiving Federal salaries or certain benefit payments resulting from Federal employment and are delinquent in their repayment of debts owed to the U.S. Government. The PSC will disclose this information in an effort to collect the debts by administrative or salary offset under the provisions of the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996.

9. To the United States Postal Service to conduct matching programs for the purpose of identifying and locating individuals who are receiving Federal salaries or certain benefit payments resulting from Federal employment and are delinquent in their repayment of debts owed to the U.S. Government. The PSC will disclose this information in an effort to collect the debts by administrative or salary offset, under the provisions of the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996.

10. To the following entities to help collect a debt owed:

a. To the Treasury Department or another Federal agency in order to effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to or held on behalf of the individual); and

b. To debt collection agents or contractors under 31 U.S.C. 3718 or under common law to help collect a past due amount or locate or recover debtors' assets.

11. The PSC will disclose from this system of records a delinquent debtor's name, address, Social Security Number, and other information necessary to identify him/her; the amount, status, and history of the claim; and the agency or program under which the claim arose, as follows:

a. To another Federal agency so that agency can effect a salary offset for debts owed by Federal employees; if the claim

arose under the Social Security Act, the employee must have agreed in writing to the salary offset;

b. To another Federal agency so that agency can effect an authorized administrative offset; i.e., withhold money payable to or held on behalf of debtors other than Federal employees; and

c. To the Department of Treasury, Internal Revenue Service to request a debtor's current mailing address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

12. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State or local, charged with enforcing or implementing the statute, rule, regulation, or order.

13. To the Department of the Treasury, Internal Revenue Service, as taxable income, the written-off amount of a debt owed by an individual to the Federal Government when a debt becomes partly or wholly uncollectible—either because the time period for collection under the statute of limitations has expired, or because the Government agrees to forgive or compromise the debt.

14. To the Treasury Department or to an agency operating a Debt Collection Center designated by the Treasury Department in order to collect past due amounts.

15. If PSC or an agency to which PSC provides debt collection services decides to sell a debt pursuant to 31 U.S.C. section 3711(I), a record from the system may be disclosed to purchasers, potential purchasers, and contractors engaged to assist in the sale or to obtain information necessary for potential purchasers to formulate bids and information necessary for purchasers to pursue collection remedies.

16. Pursuant to 31 U.S.C. Section 3720E, or specific program regulations, PSC may publish or otherwise publicly disseminate information regarding the identity of a delinquent debtor and the existence of the debt.

17. When the Department contemplates contracting with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system, relevant records will be disclosed to such a

contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. These safeguards are explained in the section entitled "Safeguards."

SPECIAL DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) and the Debt Collection Improvement Act of 1996 (Pub. L. 104-134). The purposes of these disclosures are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HHS to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security Number, and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, ledgers, magnetic tapes, electronic media and diskettes.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number, taxpayer identification number and account number.

SAFEGUARDS:

1. *Authorized Users:* Employees and officials directly responsible for programmatic or fiscal activity, including administrative and staff personnel, financial management personnel, computer personnel, and managers who have responsibilities for implementing programs funded by Operating Divisions or agencies served by PSC.

2. *Physical Safeguards:* File folders, reports and other forms of data, and electronic diskettes are stored in areas where fire and life safety codes are strictly enforced. All documents and diskettes are protected during lunch hours and nonduty hours in locked file cabinets or locked storage areas. Magnetic tapes and computer matching tapes are locked in a computer room and tape vault.

3. *Procedural Safeguards:* All authorized users protect information from public view and from unauthorized personnel entering an office.

4. *Technical Safeguards:* PSC conducts regular reviews of computer access to the automated system by reviewing listings of employees who have access to the system via terminal entry. All personal computers having forte boards with modems are protected. Access is limited by use of IDs and passwords. PSC utilizes a Resource Access Control Facility program product which provides systems security, resource access control, auditability and accountability and administrative control.

Contractor Guidelines: A contractor who is given records under routine use 17 must maintain the records in a secured area, allow only those individuals immediately involved in the processing of the records to have access to them, prevent any unauthorized persons from gaining access to the records, and return the records to the System Manager immediately upon completion of the work specified in the contract. Contractor compliance is assured through inclusion of Privacy Act requirements in contract clauses, and through monitoring by contract and project officers. Contractors who maintain records are instructed to make no disclosure of the records except as authorized by the System Manager and stated in the contract.

RETENTION AND DISPOSAL:

Records are retained by the responsible organizations listed under "System Location" until completion of the repayment of the debt. The records are then sent to the Federal Records Center for a retention period of six years and three months, and are subsequently disposed of in accordance with National Archives and Records Administration standard disposal practices.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Debt Management Branch,
Division of Financial Operations,

Financial Management Service, Program Support Center, Parklawn Building, Room 2B40, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To find out if the system contains records about you, contact the System Manager at the above address.

Requests in person: A subject individual, or parent, or legal guardian of an incompetent individual, who appears in person at a specific location seeking access to or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card.

Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to an agency employee, such employee shall make a written record verifying the subject individual's identity. Where the subject individual has no identification papers, the responsible agency official shall require that the subject individual certify in writing that he/she is the individual who he/she claims to be and that he/she understands that the knowing and willful request or acquisition of a record concerning an individual under false pretenses is a criminal offense subject to a fine. In addition, the following information is needed: (1) The name of the assistance program that he/she participated in, (2) dates of enrollment in the program, and (3) school(s) of attendance.

Requests by mail: Written requests must be addressed to the System Manager and must contain the name and address of the requester, his/her date of birth, and either his/her notarized signature to verify his/her identity, or a written certification that the requester is who he/she claims to be and understands that the known and willful request or acquisition of records concerning an individual under false pretenses is a criminal offense subject to a fine. In addition, the following information is needed: The name of the

assistance program that he/she participated in and, for student assistance programs, dates of enrollment in the program, and school(s) of attendance.

In addition, be informed that provision of the Social Security Number may assist in the verification of your identity as well as the identification of your record. Providing your Social Security Number is voluntary and you will not be refused access to your record for failure to disclose your Social Security Number.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should provide a reasonable description of the record being sought. Requesters may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individuals whose records are contained in the system; Federal agencies, including but not limited to all Operating Divisions of the Department of Health and Human Services and the Department of the Treasury; credit reporting agencies; lending institutions; professional associations; schools of higher education; and Federal and State courts.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.
[FR Doc. 98-32625 Filed 12-10-98; 8:45 am]
BILLING CODE 4168-17-P