

information on behalf of and at the request of the record subject;

(e) to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(f) to the National Archives and Records Administration and General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

(g) to affected non-inmate record subjects to the extent necessary to provide such persons with information concerning placement and/or removal from an inmate's telephone list;

(h) to any person or entity to the extent necessary to prevent immediate loss of life or serious bodily injury;

(i) in an appropriate proceeding before a court or administrative or regulatory body when records are determined by the Department of Justice to be arguably relevant to the proceeding, including federal, state, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit, and;

(j) Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

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

##### STORAGE:

Information maintained in the system is stored in electronic media via a configuration of personal computer, client/server, and mainframe systems architecture and may be accessed by those with a need-to-know at all Bureau and contractor facilities. Some information may be stored in other computerized media, e.g., hard disk, floppy diskettes, magnetic tape, digital recordings, Compact Discs (CDs), and/or optical disks. Documentary records are

maintained in manual file folders and/or on index card files.

##### RETRIEVABILITY:

Records may be retrieved by identifying data including name and/or register number of inmate; and /or by name and/or telephone number of call recipient or individual on approved inmate telephone list.

##### SAFEGUARDS:

Manual records are stored in locked filing cabinets or in safes and can be accessed only by authorized personnel by key or combination formula. Automated equipment is kept in secured rooms and can be accessed only by authorized personnel through passwords and identification codes. All records in Bureau facilities are maintained in guarded buildings.

##### RETENTION AND DISPOSAL:

Automated records in this system are maintained on magnetic medium ordinarily for six years from the date created, at which time they will be overwritten with new data. Paper documents are maintained for a period of 30 years from expiration of sentence of the inmate, at which time they are destroyed by shredding. Audiotapes are maintained ordinarily for six months from the date created, at which time they are overwritten with new data.

##### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Administration Division, Federal Bureau of Prisons; 320 First Street NW., Washington, DC 20534.

##### NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager listed above.

##### RECORD ACCESS PROCEDURES:

All requests for records may be made by writing to the System Manager identified above, Federal Bureau of Prisons, 320 First Street NW, Washington, DC 20534. The envelope should be clearly marked "Freedom of Information/Privacy Act Request." This system of records is exempted from access pursuant to 5 U.S.C. 552a(j)(2) and/or (k)(2). A determination as to the applicability of the exemption to a particular record(s) shall be made at the time a request for access is received.

##### CONTESTING RECORD PROCEDURES:

Same as above.

##### RECORD SOURCE CATEGORIES:

Records are generated by: individuals covered by the system; Bureau staff; federal, state, local, tribal, international, and foreign law enforcement agencies;

and federal/state probation and judicial offices.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2), (e)(3), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and/or (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**. The rules are published at 28 CFR 16.97(e) and (f).

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#### DEPARTMENT OF JUSTICE

[AAG/A Order No. 262-2002]

#### Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Federal Bureau of Prisons (Bureau) proposes to establish a new system of records entitled, "Outside Employment Requests Record System, (JUSTICE/BOP-015)." This system, which will become effective June 7, 2002, is being established to assist staff in tracking approved and disapproved requests for outside employment by Bureau employees, including professional staff, e.g. attorneys, doctors, psychiatrists, chaplains and architects.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires that it be given a 40-day period in which to review the system.

Therefore, please submit any comments by May 8, 2002. The public, OMB, and the Congress are invited to send written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (1400 National Place Building).

A description of the system of records is provided below. In addition, the Department of Justice has provided a report to OMB and the Congress in accordance with 5 U.S.C. 552a(r).

Dated: March 28, 2002.

**Robert F. Diegelman,**

*Acting Assistant Attorney General for Administration.*

**JUSTICE/BOP-015**

**SYSTEM NAME:**

Outside Employment Requests Record System.

**SYSTEM LOCATION:**

Records may be retained at the Central Office, Regional Offices, and/or at any of the Federal Bureau of Prisons (Bureau) facilities. A list of these system locations may be found at 28 CFR part 503 and on the Internet at <http://www.bop.gov>.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former Bureau employees, including the following professionals: attorneys, doctors, psychiatrists, chaplains and architects, who request approval for outside employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Submitted requests for permission to be employed outside the Bureau; staff notes, correspondence and/or memoranda concerning the processing of these requests; approved/disapproved requests signed by appropriate Bureau officials; identifying data of intended employers, including name, address, telephone number, point of contact; identifying data of Bureau employee, including name, duty location, address, telephone number, and system-generated number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained under the authority of 5 CFR part 3801.106.

**PURPOSE(S):**

The purpose of this system is to track approved and disapproved requests by Bureau employees for outside employment, including the following professions: attorneys, doctors, psychiatrists, chaplains and architects.

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

In addition to Bureau employees who have a need for the information in the course of their duties, relevant data from this system will be disclosed as follows:

(a) to federal, state, local, tribal, foreign and international law enforcement agencies and officials for law enforcement purposes such as investigations, possible criminal prosecutions, civil court actions, and/or regulatory proceedings;

(b) to a court or adjudicative body before which the Department of Justice or the Bureau is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the Bureau to be arguably relevant to the litigation; (1) the Bureau, or any subdivision thereof, or (2) any Department or Bureau employee in his or her official capacity, or (3) any Department or Bureau employee in his or her individual capacity where the Department has agreed to provide representation for the employee, or (4) the United States, where the Bureau determines that the litigation is likely to affect it or any of its subdivisions;

(c) in an appropriate proceeding before a court or administrative or regulatory body when records are determined by the Department of Justice to be arguably relevant to the proceeding, including federal, state, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit;

(d) to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record;

(e) to the National Archives and Records Administration and General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(f) to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records; and

(g) pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

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

**STORAGE:**

Information maintained in the system is stored in electronic media in Bureau facilities via a configuration of personal computer, client/server, and mainframe systems architecture. Computerized records are maintained on hard disk, floppy diskettes, compact discs (CDs), magnetic tapes and/or optical disks. Documentary records are maintained in manual file folders and/or index card files.

**RETRIEVABILITY:**

Documentary records are sorted by year, and then filed alphabetically by the subject's last name. Computerized data is retrievable by the fields entered into the data-base, including name, duty location, date, region, and the system-generated number.

**SAFEGUARDS:**

Information is safeguarded in accordance with Bureau rules and policy governing automated information systems security and access. These safeguards include the maintenance of records and technical equipment in restricted areas, and the required use of proper passwords and user identification codes to access the system. Only those Bureau personnel who require access to perform their official duties may access the system equipment and the information in the system.

**RETENTION AND DISPOSAL:**

Records are reviewed every two years and are retained for seven (7) years from the date of the approval/disapproval of the request. Documentary records are destroyed by shredding and electronic records are destroyed by either erasing or degaussing.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Directory/General Counsel, Office of General Counsel, Federal Bureau of Prisons, 320 First Street NW, Washington, D.C. 20534.

**NOTIFICATION PROCEDURE:**

Inquiries concerning this system should be directed to the System Manager listed above.

**RECORD ACCESS PROCEDURES:**

All requests for records may be made in writing to the Director, Federal Bureau of Prisons, 320 First Street NW, Washington, D.C. 20534, and should be clearly marked "Privacy Act Request."

**CONTESTING RECORD PROCEDURES:**

Same as above.

**RECORD SOURCE CATEGORIES:**

Records are generated by Bureau employees who submit requests for permission to be employed outside the Bureau, by Bureau staff involved in the processing of these requests, and by intended employers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

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**DEPARTMENT OF JUSTICE****Office of Justice Programs****Agency Information Collection Activities: Proposed Collection; Comments Requested**

**ACTION:** 30-day notice of information collection under review: extension of existing collection: annual parole survey, annual probation survey, and annual probation survey (short term).

The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 67, page 921 on January 8, 2002, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 8, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Annual Parole Survey, Annual Probation Survey, and Annual Probation Survey (Short Form).

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Forms: CJ-7; CJ-8; and CJ-8A. Corrections Statistics, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: Primary: State Departments of Corrections or State probation and Parole authority. Others: The Federal Bureau of Prisons, city and county courts and probation officers for which a central reporting authority does not exist. For the CJ-7 form, 54 central reporters (two State jurisdictions in California and one each from the remaining States, the District of Columbia, the Federal Bureau of Prisons, and one local authority) responsible for keeping records on parolees will be asked to provide information for the following categories:

(a) As of January 1, 2002 and December 31, 2002, the number of adult parolees under their jurisdiction;

(b) The number of adults entering parole during 2002 through discretionary release from prison, mandatory release from prison, or reinstatement of parole;

(c) The number of adults released from parole during 2002 through successful completion, incarceration, transfer to another parole jurisdiction, or death;

(d) Whether adult parolees supervised out of State have been included in the total number of parolees on December 31, 2002, and the number of adult parolees supervised out of State;

(e) As of December 31, 2002, the number of male and female parolees under this jurisdiction;

(f) As of December 31, 2002, the number of white (not of Hispanic origin), black (not of Hispanic origin), Hispanic or Latino, American Indian or Alaska Native, Asian or Pacific Islander, or additional categories in their information systems;

(g) As of December 31, 2002, the number of adult parolees under their jurisdiction with a sentence of more than one year, or a year or less;

(h) As of December 31, 2002, the number of adult parolees under their jurisdiction who were active, inactive, absconders, or supervised out of state;

(i) As of December 31, 2002, the number of adult parolees under their jurisdiction who were supervised following a discretionary release, a mandatory release, a special conditional release, or other type of release from prison;

(j) Whether the parole authority operated an intensive supervision program, a program involving electronic monitoring, or had any parolees enrolled in a program that approximates a bootcamp, and the number of adult parolees in each of the programs as of December 31, 2002; and

(k) Of the adult parolees who died between January 1 and December 31, 2002, the number of deaths by gender and the number of deaths by race.

For the CJ-8 form, 333 reporters (one from each State, the District of Columbia, and the Federal Bureau of Prisons; and 295 from local authorities) responsible for keeping records on probationers will be asked to provide information for the following categories:

(a) As of January 1, 2002 and December 31, 2002, the number of adult probationers under their jurisdiction;

(b) The number of adults entering probation during 2002 with and without a sentence to incarceration;

(c) The number of adults discharged from probation during 2002 through successful completion, incarceration, a detainer or warrant, transfer to another parole jurisdiction, and death;

(d) Whether adult parolees supervised out of State have been included in the total number of parolees on December 31, 2002, and the number of adult parolees supervised out of State;

(e) As of December 31, 2002, the number of male and female probationers under their jurisdiction;