

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****Notice of Proposed Information Collection for 1029-0061 and 1029-0110**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval to continue the collections of information under 30 CFR Part 795, Permanent Regulatory Program—Small Operator Assistance Program (SOAP), and two technical training program course effectiveness evaluation forms. These information collection activities were previously approved by the Office of Management and Budget (OMB), and assigned clearance numbers 1029-0061 and -0110, respectively.

**DATES:** Comments on the proposed information collection activities must be received by May 8, 2006 to be assured of consideration.

**ADDRESSES:** Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Room 202—SIB, Washington, DC 20240. Comments may be also be submitted electronically to [jtreleas@osmre.gov](mailto:jtreleas@osmre.gov).

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the information collection request, explanatory information and related forms, contact John A. Trelease, at (202) 208-2783.

**SUPPLEMENTARY INFORMATION:** OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies information collections that OSM will be submitting to OMB for renewed approval. These collections are contained in (1) 30 CFR Part 795, Permanent Regulatory Program—Small Operator Assistance Program (1029-0061); and (2) OSM's Technical Training Program Course Effectiveness Evaluations (1029-0110). OSM will request a 3-year term of approval for each information collection activity.

*Comments are invited on:* (1) The need for the collection of information for the performance of the functions of

the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

*The following information is provided for each information collection:* (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

*Title:* 30 CFR Part 795—Permanent Regulatory Program—Small Operator Assistance Program.

*OMB Control Number:* 1029-0061.

*Summary:* This information collection requirement is needed to provide assistance to qualified small mine operators under section 507(c) of Public Law 95-87. The information requested will provide the regulatory authority with data to determine the eligibility of the applicant and the capability and expertise of laboratories to perform required tasks.

*Bureau Form Number:* FS-6.

*Frequency of Collection:* Once per application.

*Description of Respondents:* Small operators, laboratories, and State regulatory authorities.

*Total Annual Responses:* 3.

*Total Annual Burden Hours:* 93 hours.

*Title:* Technical Training Program Course Effectiveness Evaluation.

*OMB Control Number:* 1029-0110.

*Summary:* Executive Order 12862 requires agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. The information supplied by this evaluation will determine customer satisfaction with OSM's training program and identify needs of respondents.

*Bureau Form Number:* None.

*Frequency of Collection:* On occasion.

*Description of Respondents:* State regulatory authority and Tribal employees and their supervisors.

*Total Annual Responses:* 475.

*Total Annual Burden Hours:* 79 hours.

Dated: February 28, 2006.

**John R. Craynon,**

*Chief, Division of Regulatory Support.*

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**DEPARTMENT OF JUSTICE**

**[AAG/A Order No. 002-2006]**

**Privacy Act of 1974; System of Records**

**AGENCY:** Department of Justice, Tax Division.

**ACTION:** Final Notice of Modification.

**SUMMARY:** Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice (DOJ), Tax Division, is modifying the following systems of records, "Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax Cases, Justice/TAX-001," previously published in full on February 20, 1998, (63 FR 8659) and amended on March 29, 2001 (66 FR 17200); "Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases, Justice/TAX-002," previously published in full on February 20, 1998, (63 FR 8659) and amended on March 29, 2001 (66 FR 17200); "Files of Applications for Attorney with the Tax Division, Justice/TAX-003," previously published on September 30, 1977, (42 FR 53390); and to eliminate the system of records, "Tax Division Special Projects File, Justice/TAX-005," previously published on September 30, 1977 (42 FR 53391).

Specifically, the Justice/TAX-001 modifications are intended to change the system name; to disclose additional details as to what data is kept in paper-based files and in electronic-based files; to provide additional details as to how access to confidential taxpayer-related information and tax enforcement-related information is managed; to expand the categories of routine uses; to clarify the policies and practices through which the Justice/TAX-001 records are stored and retrieved; and to reflect the adoption of an electronic timekeeping function for Tax Division staff.

The Justice/TAX-002 modifications are intended to change the system name; to disclose additional details as to what data is kept in paper-based files and in electronic-based files; to provide additional details as to how access to confidential taxpayer-related information and tax enforcement-related information is managed; to expand the categories of routine uses; and to reflect the adoption of an electronic

timekeeping function for Tax Division staff.

The Justice/TAX-003 modifications are intended to change the system name, to include non-attorney applications; to disclose additional details as to what type of applicant information is maintained; and to show how access to applicant information is managed. Exemptions from the Privacy Act are claimed for this system of records and a separate Final Rule is published in today's **Federal Register**.

The deletion of Justice/TAX-005 is intended to eliminate a redundancy: many elements of Justice/TAX-005 system descriptions and the basis for its descriptions—criminal tax enforcement—are shared by Justice/TAX-001. Accordingly, the Tax Division believes it is appropriate to add the "Special Projects" to the Justice/TAX-001 system name, to incorporate the relevant elements of Justice/TAX-005 into Justice/TAX-001, and to delete Justice/TAX-005 on the effective date of the revised system notice for Justice/TAX-001.

**DATES:** *Effective Date:* The final notice for TAX-001, TAX-002, and TAX-003 is effective March 7, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mary Cahill, (202) 307-1823.

**SUPPLEMENTARY INFORMATION:** On November 16, 2005 (70 FR 69486), proposed modifications to Tax Division systems of records were published in the **Federal Register** with an invitation to comment. Based on suggestions received, minor changes have been made to the language in the "Categories of Individuals Covered by the System" and in the "Retrievability" sections of the notices on TAX-001 and TAX-002. A minor change has been made to the language in the "Categories of Records in the System" section of the notice on TAX-003. In all three system notices, language was changed in the "Safeguards" section, to provide more specificity. In the "Exemptions Claimed for the System" in TAX-003, reference to 5 U.S.C. 552a (k)(2) was eliminated as a basis for exemptions and exemption from 5 U.S.C. 552a(e)(1) was removed.

In accordance with 5 U.S.C. 552a, the DOJ has provided a report to the OMB and the Congress on the modifications to the notices for Justice/TAX-001, TAX-002, and TAX-003 systems of records, and the Final Rule.

Dated: February 27, 2006.

**Paul R. Cortis,**  
*Assistant Attorney General for Administration.*

**Department of Justice  
Tax Division  
JUSTICE/TAX-001**

**SYSTEM NAME:**

Criminal Tax Case Files, Special Project Files, Docket Cards, and Associated Records.

**SECURITY CLASSIFICATION:**

Not classified.

**SYSTEM LOCATION:**

U.S. Department of Justice, Tax Division, 950 Pennsylvania Avenue, NW., Washington, DC 20530.

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

Persons referred to in potential or actual criminal tax cases or investigations and related matters of concern to the Tax Division under the Internal Revenue laws and related statutes. Since some information about the progress of employees working on the case is retrieved for management purposes, they are also covered by this system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system consists of an index, by individual name, of all criminal tax cases and related matters assigned, referred, or of interest to the Tax Division. The records in this system include case files, court records, tax returns, tax return information and documents which contain tax return information, inter-agency correspondence, intra-agency memoranda, indictments, information, search warrants, search warrant affidavits, wiretap authorizations, immunity requests, grand jury information, criminal enforcement and civil investigatory information and reports, docket cards, and associated records. For pre-1977 cases or related matters, summary information—names of principals or related parties, case file or management numbers, case type, case weight, attorney assigned, court numbers, defense counsel and associated information—is maintained on docket cards. For cases 1977 onwards, information is maintained in an automated case management system. This automated system also permits Tax Division personnel to record information about the case on a comment field. A timekeeping function for attorneys, paralegals, and other Division employees involved in litigation is also part of the automated case management system. Records are

maintained for the purpose of prosecuting (including investigations leading to prosecutions) or otherwise resolving criminal cases or matters under the jurisdiction of the Tax Division.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to 5 U.S.C. 301, 44 U.S.C. 3101, and 28 CFR 0.70 and 0.71.

**PURPOSES:**

Information is maintained in docket cards and in electronic format on each Tax Division (Division) criminal case and related matter to identify and assign mail to the proper office within the Division and the attorneys therein assigned to the case; to relate incoming material to an existing case; to establish a file and case management numbers; and to provide a central index of cases within the Division and to facilitate the flow of legal work in the Division. The Division's automated case management system enhances these uses and enables data management specialists, managers, and Division personnel to locate information about the status of pending or terminated criminal matters and litigation; to identify assigned staff; to track the status of litigation; to prepare reports including budget requests; and to track the number of hours Division personnel worked on various matters.

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

Tax returns and return information may be disclosed only as provided in 26 U.S.C. 6103. Grand jury information may be disclosed only as provided by Rule 6(e) of the Federal Rules of Criminal Procedure.

Other records relating to a case or matter maintained in this system of records may be disseminated as a routine use, as follows:

(1) Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate Federal, state, local, foreign, or tribal, law enforcement authority or other appropriate agency charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing such law.

(2) In an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or

adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(3) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

(4) To appropriate officials and employees of a Federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

(5) To Federal, state, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(6) To the National Archives and Records Administration (NARA) for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

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

(8) 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.

(9) 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.

(10) 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.

(11) Information relating to health care fraud may be disclosed to private health plans, or associations of private health plans, and health insurers, or associations of health insurers, for the following purposes: To promote the coordination of efforts to prevent, detect, investigate, and prosecute health care fraud; to assist efforts by victims of health care fraud to obtain restitution; to enable private health plans to participate in local, regional, and national health care fraud task force activities; and to assist tribunals having jurisdiction over claims against private health plans.

(12) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

(13) To the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made.

(14) In any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse or poor or inadequate quality of care may be disclosed to the affected patient or the patient's representative or guardian at the discretion of and in the manner determined by the agency in possession of the information.

(15) To representatives of the Internal Revenue Service who are conducting tax records safeguard reviews pursuant to 26 U.S.C. 6103(p)(4).

(16) To the United States Department of State, to the extent necessary to assist

in apprehending and/or returning a fugitive to a jurisdiction which seeks the fugitive's return.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Only as stated in the above routine uses.

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

**STORAGE:**

Unless otherwise noted herein, all information is recorded on paper material and on docket cards. Paper materials are stored within file jackets and metal file cabinets; docket cards, within boxes or card drawers. Summary information, as described above, is maintained in electronic format and stored on data processing-type storage medium or on magnetic tape.

**RETRIEVABILITY:**

Information is retrieved primarily by name of person, case or file numbers, employee name, employee number, or court district.

**SAFEGUARDS:**

Information is safeguarded in accordance with 26 U.S.C. 6103(p) and the Tax Division is subject to periodic inspections by the Internal Revenue Service to ensure that adequate safeguards which satisfy the requirements of that section are in place. Information in this system is safeguarded in accordance with applicable laws, rules, and policies, including the Department's automated systems security and access policies. The required use of password protection identification features and other system protection methods also restrict access. Access is limited to those officers and employees of the agency who have an official need for access in order to perform their duties. Buildings in which the records are located are under security guard, and access to premises is by official identification. The various sections in the Division have locked entry doors which may only be entered with an encrypted card key. Records are stored in spaces and filing cabinets which are locked outside normal business hours. Training is provided for new Division personnel regarding the need for confidentiality of records, particularly tax returns and return information. A password is required to access the automated case management system and passwords are changed every 90 days.

**RETENTION AND DISPOSAL:**

Tax records not retained are returned to the Internal Revenue Service. Records

in closed files are sent to the Federal Records Center where they are destroyed after fifteen (15) years unless they are determined to have historical significance under the NARA criteria. Records having historical significance are retained permanently. Summary information in electronic format is retained permanently. Closed records designated permanent are retired at the Records Center, where they will remain until the statutory access restrictions of 26 U.S.C. 6103 are resolved.

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

Assistant Attorney General; Tax Division; U.S. Department of Justice; 950 Pennsylvania Avenue, NW., Washington, DC 20530.

**NOTIFICATION PROCEDURE:**

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

**RECORD ACCESS PROCEDURES:**

Major portions of this system are exempt from disclosure and contest by 5 U.S.C. 552a(j)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption as to a specific record must be made at the time a request for access is received. A request for access to a record contained in this system must be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the System name, the name of the individual involved, the individual's birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. You will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above. You must sign the request; and, to verify it, the signature must be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury and dated as a substitute for notarization. You may submit any other identifying data you wish to furnish to assist in making a proper search of the system.

**CONTESTING RECORD PROCEDURES:**

A major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(j)(2). Title 28 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records. Individuals desiring to contest

or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

Internal Revenue Service, Department offices and employees, and other Federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

The Attorney General has exempted this system from subsection (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(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** and are codified at 28 CFR 16.93(a) and (b).

**Department of Justice**

**Tax Division**

**JUSTICE/TAX-002**

**SYSTEM NAME:**

Tax Division Civil Tax Case Files, Docket Cards, and Associated Records.

**SECURITY CLASSIFICATION:**

Not classified.

**SYSTEM LOCATION:**

U.S. Department of Justice; Tax Division; 950 Pennsylvania Avenue, NW., Washington, DC 20530.

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

Persons referred to in potential or actual civil tax cases and related matters under the jurisdiction or of concern to the Tax Division under Internal Revenue laws and related statutes. Since some information about the progress of employees working on the case is retrieved for management purposes, they are also covered by this system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system pertain to a broad variety of litigation under the jurisdiction of the Tax Division. They include case files which were created or received by the Tax Division in connection with a particular case. These case files contain all pleadings, motions, briefs, transcripts and exhibits, all other papers filed with a court or issued by the Court, correspondence relating to the case, tax returns, tax return information, and documents which

contain tax return information, inter-agency memoranda, intra-agency memoranda, assignment sheets, investigative reports and associated records. For pre-1977 cases, summary information is maintained on docket cards on which is recorded the names of principals or related parties, case file or management numbers, case type, case weight, attorney assigned, court numbers, opposing counsel and associated information. For cases beginning in 1977, information is maintained in an automated case management system. This automated system also permits Tax Division personnel to record information about the case on a comment field. Also part of the automated case management system is a timekeeping function for attorneys, paralegals, and other Tax Division employees involved in litigation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to 5 U.S.C. 301, 44 U.S.C. 3101, and 28 CFR 0.70 and 0.71.

**PURPOSES:**

Information is maintained in docket cards and in electronic format on each Tax Division (Division) civil case: (a) To identify and assign mail to the proper office within the Division and the attorneys therein assigned to the case; (b) to relate incoming material to an existing case; (c) to establish a file and case management numbers; and (d) to provide a central index of cases within the Division and to facilitate the flow of legal work in the Division. The Division's automated case management system enhances these uses and enables data management specialists, managers, and Division personnel: (a) To locate information about the status of pending or terminated civil matters and litigation; (b) to identify assigned staff; (c) to track the status of litigation; (d) to prepare reports including budget requests; and (e) to track the number of hours Division personnel worked on various matters.

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

Tax returns and return information may be disclosed only as provided in 26 U.S.C. 6103.

Other records related to a case or matter maintained in this system of records may be disseminated as follows:

(1) Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the

relevant records may be referred to the appropriate Federal, state, local, foreign, or tribal, law enforcement authority or other appropriate agency charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing such law.

(2) In an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(3) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement or in informal discovery proceedings.

(4) To appropriate officials and employees of a Federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

(5) To Federal, state, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(6) To the National Archives and Records Administration (NARA) for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) Information relating to health care fraud may be disclosed to private health plans, or associations of private health plans, and health insurers, or associations of health insurers, for the following purposes: To promote the coordination of efforts to prevent, detect, investigate, and prosecute health care fraud; to assist efforts by victims of health care fraud to obtain restitution; to enable private health plans to participate in local, regional, and national health care fraud task force activities; and to assist tribunals having jurisdiction over claims against private health plans.

(12) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

(13) A record relating to a case or matter that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made.

(14) In any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any Federal, state, local, tribal, foreign, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing problem by a health care provider or at a health care

facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse or poor or inadequate quality of care may be disclosed to the affected patient or the patient's representative or guardian at the discretion of and in the manner determined by the agency in possession of the information.

(15) To representatives of the Internal Revenue Service (IRS) who are conducting tax records safeguard reviews pursuant to 26 U.S.C. 6103(p)(4).

(16) To the United States Department of State, to the extent necessary to assist in apprehending and/or returning a fugitive to a jurisdiction which seeks the fugitive's return.

(17) In the case of records relating to an individual who owes an overdue debt to the United States to: (a) A Federal agency which employs the individual to enable the employing agency to offset the individual's salary; (b) a Federal, state, local or foreign agency, an organization, including a consumer reporting agency, or individual to elicit information to assist the Division in the collection of the overdue debt; (c) a collection agency or private counsel to enable them to collect the overdue debt; and/or (d) the IRS to enable that agency to offset the individual's tax refund.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Only as stated in above routine uses.

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

**STORAGE:**

Unless otherwise noted herein, all information is recorded on paper material. Paper materials are stored within file jackets and metal file cabinets; docket cards, within boxes or card drawers. Summary information, as described above, is maintained in electronic format and stored on data processing-type storage medium or on magnetic tape and docket cards.

**RETRIEVABILITY:**

Information is retrieved primarily by name of person, case or file numbers, employee name, employee number, or court district.

**SAFEGUARDS:**

Information is safeguarded in accordance with 26 U.S.C. 6103(p) and the Tax Division is subject to periodic inspections by the IRS to ensure that adequate safeguards which satisfy the

requirements of that section are in place. Information in this system is safeguarded in accordance with applicable laws, rules, and policies, including the Department's automated systems security and access policies. The required use of password protection identification features and other system protection methods also restrict access. Access is limited to those officers and employees of the agency who have an official need for access in order to perform their duties. Buildings in which the records are located are under security guard, and access to premises is by official identification. The various sections in the Division have locked entry doors which may only be entered with an encrypted card key. Records are stored in spaces and filing cabinets which are locked outside normal business hours. Training is provided for new Division personnel regarding the need for confidentiality of records, particularly tax returns and return information. A password is required to access the automated case management system and passwords are changed every 90 days.

**RETENTION AND DISPOSAL:**

Tax records not retained are sent to the Internal Revenue Service. Records in closed files are sent to the Federal Records Center where they are destroyed after fifteen (15) years unless they are determined to have historical significance under the NARA criteria. Records of historical significance are retained permanently. Summary information in electronic format is retained permanently. Closed records designated permanent are retired at the Records Center, where they will remain until the statutory access restrictions of 26 U.S.C. 6103 are resolved.

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

Assistant Attorney General, Tax Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530.

**NOTIFICATION PROCEDURE:**

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

**RECORD ACCESS PROCEDURES:**

To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record must be made at the time a request for access is received. A request for access to a record contained in this system must be made in writing, with the envelope and the letter clearly marked 'Privacy Access

Request'. Include in the request the System name, the name of the individual involved, the individual's birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. You will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above. You must sign the request; and, to verify it, the signature must be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury and dated as a substitute for notarization. You may submit any other identifying data you wish to furnish to assist in making a proper search of the system.

**CONTESTING RECORD PROCEDURES:**

A major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(k)(2). Title 28 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

Internal Revenue Service, Department offices and employees, and other Federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

The Attorney General has exempted this system from subsections (c)(3), (d)(1), (d)(2), (d)(3), and (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(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** and codified at 28 CFR 16.93 (c) and (d).

**Department of Justice**

**Tax Division  
JUSTICE/TAX-003**

**SECURITY CLASSIFICATION:**

Not classified.

**SYSTEM NAME:**

Files of Applications for Attorney and Non-Attorney Positions with the Tax Division.

**SYSTEM LOCATION:**

U.S. Department of Justice; Tax Division; 950 Pennsylvania Avenue, NW., Washington, DC 20530.

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

Applicants who have applied for a position as an attorney or for non-attorney positions with the Tax Division.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The records in this system include resumes, employment applications, referral correspondence, grade transcripts, letters of recommendation, interview notes, internal notes, memoranda and evaluations, information received from references and individuals contacted in connection with the application, and related personnel forms and correspondence. Some information is maintained in electronic format. Summary information (names of applicants, social security numbers, dates documents received, type of documents received, where interviewed, personal data, dispositions, and type of response sent) is maintained in an electronic database.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to 5 U.S.C. 301, 44 U.S.C. 3101, and 28 CFR 0.70 and 0.71.

**PURPOSE:**

This system is used by employees and officials of the Division and the Justice Department in making employment decisions including making information known to references supplied by applicant and other persons contacted to verify information supplied or to obtain additional information.

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

Records related to a case or matter maintained in this system of records may be disseminated as follows:

(1) To appropriate officials and employees of a federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

(2) To the National Archives and Records Administration (NARA) for

purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(3) 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.

(4) 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.

(5) Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate Federal, state, local, foreign, or tribal, law enforcement authority or other appropriate agency charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing such law.

(6) To Federal, state, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(7) In an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(8) 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.

(9) 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.

(10) Information may be disclosed to the Office of Personnel Management which conducts audits of these records.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

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

**STORAGE:**

Unless otherwise noted herein, all information is recorded on paper material. Paper materials are stored within file jackets and metal file cabinets. Summary information, as described above, is maintained in electronic format and stored on data processing-type storage medium or on magnetic tape.

**RETRIEVABILITY:**

Information is retrieved by using the name of the applicant.

**SAFEGUARDS:**

Information in this system is safeguarded in accordance with applicable laws, rules, and policies, including the Department's automated systems security and access policies. The required use of password protection identification features and other system protection methods also restrict access. Access is limited to those officers and employees of the agency who have an official need for access in order to perform their duties. Buildings in which the records are located are under security guard, and access to premises is by official identification. The Personnel Office in the Division is in a space which has locked key entry doors which may only be entered with an encrypted card key. A password is required to access an electronic database and passwords are changed every 90 days.

**RETENTION AND DISPOSAL:**

Information in the applicant files is retained until after a decision is made as to the employment of the applicant, usually for one year and, for some files, up to two years after the decision.

Summary information in electronic format is retained permanently. Closed records designated permanent are retired at the Records Center, where they will remain until the statutory access restrictions of 26 U.S.C. 6103 are resolved.

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

Assistant Attorney General; Tax Division; U.S. Department of Justice; 950 Pennsylvania Avenue, NW., Washington, DC 20530.

**NOTIFICATION PROCEDURE:**

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

**RECORD ACCESS PROCEDURES:**

A request for access to a record contained in this system must be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, the individual's birth date and place, or any other identifying number which may be of assistance in locating the record, as well as the position applied for. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above. Some information may be exempt from access provisions as described in the section entitled "Exemptions Claimed for the System." A determination whether a record may be accessed will be made at the time a request is received.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely which information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Some information may be exempt from contesting records, records procedures, or both, as described in the section entitled "Exemptions Claimed for the System." A determination whether a record, a record procedure(s), or both, may be contested will be made at the time a request is received.

**RECORD SOURCE CATEGORIES:**

Generally, sources of information contained in the system are the individual applicants, persons referring or recommending the applicant, and employees and officials of the Division and the Department.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

The Attorney General is exempting this system from 5 U.S.C. 552a subsections (c)(3) and (d)(1), pursuant to 5 U.S.C. 552a(k)(5). The final rule claiming these exemptions is published in today's **Federal Register**.

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