

unwarranted invasion of personal privacy.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

**RETRIEVABILITY:**

Records are retrieved by individual's name, date of birth, ICE investigative file number, Social Security Number, driver's license number, pilot's license number, vehicle license plate number, address, home telephone number, passport number, citizenship, country of birth, armed forces number, and date of entry into the United States.

**SAFEGUARDS:**

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated system security access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

**RETENTION AND DISPOSAL:**

Investigative files concerning munitions control cases are permanent records that are transferred to the Federal Records Center after one year, and then transferred to the National Archives and Records Administration (NARA) fifteen years after case closure. Records for other closed investigative cases are maintained in the investigating ICE field or headquarters office for either one year or five years after the end of the fiscal year in which the related investigative file is closed, depending on the category of the case. Those records are then transferred to the Federal Records Center where they are held for periods of time ranging from five to twenty five years, depending on the category of the case, after which they are destroyed. Destruction is by

burning or shredding. DHS is proposing to retain electronic records associated with law enforcement investigations for 75 years after case closure, after which they would be destroyed. An updated schedule for investigative records is under review and will be submitted to NARA for approval.

**SYSTEM MANAGER AND ADDRESS:**

Immigration and Customs Enforcement, Mission Support Division, Unit Chief, Executive Information Unit/ Program Management Oversight (EIU/ PMO), Potomac Center North, 500 12th St., SW., Washington, DC 20024.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the component's FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under "contacts." If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP-0550, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty or perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Identify which component(s) of the Department you believe may have the information about you,
- Specify when you believe the records would have been created,
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records,
- If your request is seeking records pertaining to another living individual, you must include a statement from that

individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) will not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of specificity or lack of compliance with applicable regulations.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

ICE may receive information in the course of its law enforcement investigations from nearly any source. Sources of information include: domestic and foreign governmental and quasi-governmental agencies and data systems, public records, commercial data aggregators, import and export records systems, immigration and alien admission records systems, members of the public, subjects of investigation, victims, witnesses, confidential sources, and those with knowledge of the alleged activity.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act, portions of this system are exempt from 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), and (e)(4)(H), (e)(5) and (e)(8); (f), and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in those subsections: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f). In addition, to the extent a record contains information from other exempt systems of records, ICE will rely on the exemptions claimed for those systems.

Dated: December 2, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

[Docket No. DHS-2008-0114]

**Privacy Act of 1974; United States Coast Guard—015 Legal Assistance Case Files System of Records**

**AGENCY:** Privacy Office; DHS.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, and as part of the Department of Homeland Security's ongoing effort to review and update legacy systems of record notices the Department of Homeland Security is giving notice that it proposes to update and reissue the following legacy record system, DOT/CG 511 Legal Assistance Case Files System, April 11, 2000, as a Department of Homeland Security system of records notice titled, United States Coast Guard Legal Assistance Case Files. This system will permit the United States Coast Guard to facilitate the provision of legal assistance to eligible clients seeking personal legal assistance. Categories of individuals and categories of records have been reviewed, and the routine uses of this legacy system of records notice have been updated to better reflect the Department of Homeland Security and the United States Coast Guard's legal assistance case files record system. This new system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Written comments must be submitted on or before January 12, 2009. This new system will be effective January 12, 2009.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0114 by one of the following methods:

- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 1-866-466-5370.
- Mail: Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.
- Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change and may be read at <http://www.regulations.gov>, including any personal information provided.
- Docket: For access to the docket, to read background documents, or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions please contact: David Roberts (202-475-3521), Privacy Officer, United States Coast Guard. For privacy issues please contact: Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107-296, section 1512, 116 Stat. 2310 (November 25, 2002), the Department of Homeland Security (DHS) and United States Coast Guard (USCG) have relied on preexisting Privacy Act systems of records notices for the collection and maintenance of records that concern legal assistance case files pertaining to USCG military personnel seeking personal legal assistance.

As part of its efforts to streamline and consolidate its record systems, DHS is updating and reissuing a USCG system of records under the Privacy Act (5 U.S.C. 552a) that deals with USCG military personnel seeking legal assistance. This record system will allow DHS/USCG to collect and maintain records regarding legal assistance. The collection and maintenance of this information will assist DHS/USCG in providing personal legal assistance to USCG military personnel.

In accordance with the Privacy Act of 1974 and as part of DHS's ongoing effort to review and update legacy system of records notices, DHS is giving notice that it proposes to update and reissue the following legacy record system, DOT/CG 511 Legal Assistance Case Files System (65 FR 19475 April 11, 2000) as a DHS/USCG system of records notice titled, Legal Assistance Case Files. This system will permit DHS/USCG to facilitate the provision of legal assistance to eligible clients seeking personal legal assistance. Categories of individuals and categories of records have been reviewed, and the routine uses of this legacy system of records notice have been updated to better reflect DHS/USCG legal assistance case files record system. This new system will be included in DHS's inventory of record systems.

## II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass

United States citizens and legal permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR Part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses of their records, and to assist individuals to more easily find such files within the agency. Below is the description of the Legal Assistance Case Files System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this new system of records to the Office of Management and Budget and to Congress.

### System of Records: DHS/USCG-015

#### SYSTEM NAME:

United States Coast Guard Legal Assistance Case Files.

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Records are maintained at the United States Coast Guard Headquarters in Washington, DC and field offices.

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

Categories of individuals covered by this system include:

- Military personnel of the armed forces who are on active duty (including reservists on active duty or scheduled for deployment).
- Military personnel and former military personnel entitled to retired or retrainor pay or equivalent pay.
- Officers of the commissioned corps of the Public Health Service who are on active duty or entitled to retired or equivalent pay.
- Dependents of military personnel (including dependents of reservists on active duty or scheduled for deployment) and retired military personnel described above.
- Other persons authorized by The Judge Advocate General.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Categories of records in this system include:

- Individual's name, rank, employee identification number (EMPLID), date of birth, duty station, telephone numbers, work and home addresses;
- Case number;
- Information concerning the personal matters handled by these offices for clients (e.g. executing wills, power of attorney, separation/divorce, landlord/tenant issues, consumer issues).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; The Federal Records Act, 44 U.S.C. 3101; 10 U.S.C. 1044; and Commandant Instruction 5801.4E.

**PURPOSE(S):**

The purpose of this system is to facilitate the provisions of legal assistance to eligible clients seeking personal legal assistance.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside DHS, subject to attorney ethical requirements regarding confidentiality and privilege, as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (including United States Attorney Offices) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;
3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

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

C. To the National Archives and Records Administration or other Federal

government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

**RETRIEVABILITY:**

Records may be retrieved alphabetically by name or case number.

**SAFEGUARDS:**

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RETENTION AND DISPOSAL:**

Records are destroyed or deleted 3 years after case is closed or when no longer needed by an attorney's state bar, whichever is later. (AUTH: N1-26-06-3, Item 1)

**SYSTEM MANAGER AND ADDRESS:**

Commandant, CG-094, Office of Judge Advocate General (JAG), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to USCG, Commandant, CG-094, Office of Judge Advocate General (JAG), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001. Specific FOIA contact information can be found at <http://www.dhs.gov/foia> under "contacts."

When seeking records about yourself from this system of records or any other USCG system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28

U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Specify when you believe the records would have been created,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the USCG may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Records are obtained directly from the client involved and during any subsequent investigation by the legal officer on behalf of the client.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: December 2, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

[Docket No. DHS-2008-0147]

**Privacy Act of 1974; United States Coast Guard-007 Exceptional Family Member Program Records System of Records**

**AGENCY:** Privacy Office; DHS.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, and as part of the Department of Homeland Security Privacy Office's ongoing effort to review and update legacy system of record notices the Department of Homeland

Security is giving notice that it proposes to update and reissue the following legacy record system, DOT/CG 641 Coast Guard Special Needs Program as a Department of Homeland Security system of records notice titled, United States Coast Guard Exceptional Family Member Program. This system will allow the Department of Homeland Security/United States Coast Guard to collect and maintain records on civilian, active duty, reserve, retired active duty and retired reserve military personnel, and their eligible dependents identified as exceptional family members.

Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed and updated to better reflect the Department of Homeland Security/United States Coast Guard's exceptional family member record system. This new system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Written comments must be submitted on or before January 12, 2009. This new system will be effective January 12, 2009.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0147 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 1-866-466-5370.
- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.
- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket, to read background documents, or comments received go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions please contact: David Roberts (202-475-3521), Privacy Officer, United States Coast Guard. For privacy issues please contact: Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107-296, Section 1512, 116 Stat.

2310 (November 25, 2002), the Department of Homeland Security (DHS)/United States Coast Guard (USCG) have relied on preexisting Privacy Act system of records notices for the collection and maintenance of records that concern the USCG military and civilian personnel and, when applicable, their eligible dependents identified as exceptional family members.

As part of its efforts to streamline and consolidate its record systems, DHS/USCG is updating and reissuing a system of records under the Privacy Act (5 U.S.C. 552a) that deals with USCG military personnel, civilian personnel and their eligible dependents identified as exceptional family members. The system will allow DHS/USCG to collect and maintain records on USCG military personnel, civilian personnel and their eligible dependents identified as exceptional family members. The collection and maintenance of this information will assist DHS/USCG in meeting its obligation to assist military personnel, civilian personnel and their eligible dependents identified as exceptional family members.

In accordance with the Privacy Act of 1974, and as part of the DHS Privacy Office's ongoing effort to review and update legacy system of record notices the DHS is giving notice that it proposes to update and reissue the following legacy record system DOT/CG 641 Coast Guard Special Needs Program (65 FR 19476 4/11/2000) as a DHS/USCG system of records notice titled, USCG Exceptional Family Member Program. This system will allow the Department of Homeland Security/United States Coast Guard to collect and maintain records on civilians, active duty, reserve, retired active duty and retired reserve military personnel, and their eligible dependents identified as exceptional family members. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed and updated to better reflect the DHS/USCG's exceptional family member record system. This new system will be included in DHS's inventory of record systems.

**II. Health Insurance Portability and Accountability Act**

This system of records contains individually identifiable health information. The Department of Defense Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. Department of Defense 6025.18-R may