

GENERAL SERVICES ADMINISTRATION

[Notice-ID-2017-01; Docket 2017-0002;
Sequence No. 1]

Privacy Act of 1974; System of Records

AGENCY: Office of the Deputy Chief
Information Officer, General Services
Administration, (GSA).

ACTION: Notice of a modified system of
records.

SUMMARY: GSA proposes to add two
routine uses and make minor or
clarifying changes to two existing
routine uses for a system of records
subject to the Privacy Act of 1974, as
amended, "Office of General Counsel
Case Tracking and eDiscovery System,"
broadly covers the information in
identifiable form needed for tracking,
storing and searching materials for
litigation and pursuant to Freedom of
Information Act (FOIA) requests. The
previously published notice (82 FR
12350, March 2, 2017) is being revised
to add two new routine uses and make
minor or clarifying changes to two
existing routine uses.

DATES: The two new routine uses and
clarified routine use "e" are effective
November 1, 2017. Comments on the
two new routine uses and one clarified
routine use for the system of records
notice must be submitted by November
1, 2017.

ADDRESSES: Submit comments
identified by "Notice-ID-2017-01,
Notice of Revised System of Records"
by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments
via the Federal eRulemaking portal by
searching for Notice-ID-2017-01,
Notice of Revised System of Records.
Select the link "Comment Now" that
corresponds with "Notice-ID-2017-01,
Notice of Revised System of Records."
Follow the instructions provided on the
screen. Please include your name,
company name (if any), and "Notice-
ID-2017-01, Notice of Revised System
of Records" on your attached document.

- *Mail:* General Services
Administration, Regulatory Secretariat
Division (MVCB), 1800 F Street NW.,
Washington, DC 20405. ATTN: Mr. Poe/
Notice-ID-2017-01, Notice of Revised
System of Records.

Instructions: Comments received
generally will be posted without change
to <http://www.regulations.gov>, including
any personal and/or business
confidential information provided. To
confirm receipt of your comment(s),
please check [http://](http://www.regulations.gov)

www.regulations.gov, approximately
two to three days after submission to
verify posting (except allow 30 days for
posting of comments submitted by
mail).

FOR FURTHER INFORMATION CONTACT: Call
or email the GSA Chief Privacy Officer:
telephone 202-322-8246; email
gsa.privacyact@gsa.gov.

SUPPLEMENTARY INFORMATION: The new
routine uses will enable the system to
disclose records to other agencies
pursuant to GSA's FOIA consultation,
referral, and coordination process
(routine use "j") and to the National
Archives and Records Administration,
Office of Government Information
Services (OGIS) so that it may review
agency compliance with FOIA, provide
mediation services to resolve FOIA
disputes, and identify policies and
procedures for improving FOIA
compliance (routine use "k"). In
addition, a clarifying change is being
made to more accurately reflect the
meaning of existing routine use "e" but
the scope of that routine use is not
changing. Lastly, a minor change is
being made to existing routine use "h"
to reflect current Office of Management
and Budget (OMB) guidance.

The new routine uses will permit
disclosures pursuant to GSA's FOIA
consultation, referral, and coordination
process at 41 CFR 105-60.301 (routine
use "j") and to the National Archives
and Records Administration, Office of
Government Information Services
(OGIS), for all purposes set forth in 5
U.S.C. 552(h)(2)(A-B) and (3) (new
routine use "k"). A clarifying change is
being made to more accurately reflect
the meaning of existing routine use "e"
and a minor change is being made to
existing routine use "h" to reflect
current Office of Management and
Budget (OMB) guidance.

Richard Speidel,

*Chief Privacy Officer, Office of the Deputy
Chief Information Officer, General Services
Administration.*

SYSTEM NAME AND NUMBER:

Office of General Counsel Case
Tracking and eDiscovery System, GSA/
OGC-1.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system is maintained
electronically in the Office of General
Counsel, the regional counsels' offices
and the Office of Administrative
Services.

SYSTEM MANAGER(S):

Office of General Counsel Central
Office Records Management
Coordinator, Office of General Counsel,
General Services Administration, 1800 F
Street NW., Washington, DC, 20405.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority to maintain the
system is contained in 5 U.S.C. 301 and
44 U.S.C. 3101; the Federal Property
and Administrative Services Act of 1949
(40 U.S.C. 501 *et seq.*); the Federal Tort
Claims Act (28 U.S.C. 2671 *et seq.*);
Claims (Chapter 37 of Title 31 of the
U.S. Code).

PURPOSE(S) OF THE SYSTEM:

This system will track and store
electronic information, including
imaged and paper documents, to allow
GSA to represent itself and its
components in court cases and
administrative proceedings and respond
to FOIA requests. The system will
provide for the collection of information
to track and manage administrative
matters, claims and litigation cases in
the Office of General Counsel and for
searches pursuant to FOIA requests
processed by the Office of
Administrative Services.

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

Individuals involved with
administrative matters, claims or
litigation with GSA. Individuals
referenced in potential or actual cases
and matters under the jurisdiction of the
Office of General Counsel; and
attorneys, paralegals, and other
employees of the Office of General
Counsel directly involved in these cases
or matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information
needed for administering and properly
managing and resolving the cases in the
Office of General Counsel and
responding to FOIA requests. Records in
this system pertain to a broad variety of
administrative matters, claims and
litigation under the jurisdiction of the
Office of General Counsel including, but
not limited to, torts, contract disputes,
and employment matters. Records may
include but are not limited to: Name,
social security number, home address,
home phone number, email address,
birth date, financial information,
medical records, or employment
records.

RECORD SOURCE CATEGORIES:

The sources for information in the
system are data from other systems,
information submitted by individuals or
their representatives, information

gathered from public sources, and information from other entities involved in an administrative matter, claim or litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND 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 or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside GSA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) GSA or any component thereof, or (b) any employee of GSA in his/her official capacity, or (c) any employee of GSA in his/her individual capacity where DOJ or GSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and GSA determines that the records are both relevant and necessary to the litigation.

b. 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.

c. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the Government Accountability Office (GAO) in accordance with their responsibilities for evaluating Federal programs.

d. To an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

e. To a Member of Congress or his or her staff in response to a request made on behalf of and at the request of the individual who is the subject of the record.

f. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

g. To the National Archives and Records Administration (NARA) for records management purposes.

h. To appropriate agencies, entities, and persons when (1) GSA suspects or has confirmed that there has been a breach of the system of records, (2) GSA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, GSA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

i. To another Federal agency or Federal entity, when GSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

j. To another Federal agency, when GSA believes that it is reasonably necessary to ascertain whether that agency is better able to determine if the records are releasable under the FOIA, in accordance with GSA's consultation, referral, and coordination process at 41 CFR 105-60.301.

k. To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures, and compliance with the Freedom of Information Act, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records and backups are stored on secure servers approved by GSA Office of the Chief Information Security Officer (OCISO) and accessed only by authorized personnel. Paper files are stored in locked rooms or filing cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by a variety of fields including, without limitation, name of an individual involved in a case, email address, email heading, email subject matter, business or residential address, social security number, phone number, date of birth, contract files, litigation files or by some combination thereof.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

System records are retained and disposed of according to GSA records maintenance and disposition schedules and the requirements of the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS:

Access is limited to authorized individuals with passwords or keys. Electronic files are maintained behind a firewall, and paper files are stored in locked rooms or filing cabinets.

RECORD ACCESS PROCEDURES:

Individuals wishing to access their own records should contact the system manager at the above address. Procedures for accessing the content of a record in the Case Tracking and eDiscovery System and appeal procedures can also be found at 41 CFR Part 105-64.2.

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest the content of any record pertaining to him or her in the system should contact the system manager at the above address. Procedures for contesting the content of a record in the Case Tracking and eDiscovery System and appeal procedures can also be found at 41 CFR part 105-64.4.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire if the system contains information about them should contact the system manager at the above address. Procedures for receiving notice can also be found at 41 CFR part 105-64.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This notice revises the previously published notice (82 FR 12350, March 2, 2017).

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