

<Insert Billing Code>

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2012-<XXXX>]

Privacy Act of 1974; Department of Homeland Security <Component Name> - <SORN Number> <Title of System> System of Records

AGENCY: Department of Homeland Security, Privacy Office.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to <establish OR update and reissue> a <new OR current> Department of Homeland Security system of records titled, “Department of Homeland Security/<Component Name> - <SORN Number> <Insert Title of System> System of Records.” <This system of records allows the Department of Homeland Security/<Component Name> to collect and maintain records on.....> No abbreviations, acronyms, or citations to the Federal Register or legal authority in the summary. If biennial review please include <As a result of a biennial review of this system, records have been updated within the <insert categories of the SORN, such as (1) category of individuals, (2) category of records, (3) routine uses. The list should be in the order that the categories follow in the actual SORN> If exemptions will be taken please include <Additionally, the Department of Homeland Security is issuing a Notice of Proposed Rulemaking/Final Rule to exempt this system of records from certain provisions of the Privacy Act, elsewhere in the Federal Register.> If appropriate include <Additionally,

this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.> This <newly established OR updated> system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. This <new or updated> system will be effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by docket number DHS-2012-XXXX by one of the following methods:

- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 202-343-4010.
- Mail: Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, D.C. 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, please visit <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: <Component Privacy Officer or PPOC Name, (Phone), Privacy Officer or Privacy Point of Contact, Component, and Address Information.> For privacy questions, please

contact: Jonathan R. Cantor, (202) 343-1717, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, D.C. 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. § 552a, the Department of Homeland Security (DHS) <COMPONENT (...)> proposes to <establish OR update and reissue> a <new OR current> DHS system of records titled, “DHS/<Component Name> - <SORN Number> <Insert Title of System> System of Records.”

<Provide information about why the SORN is being published.>

<Identify whether the new system is required by a new rulemaking which is being published and state here.>

<If biennial review or update, please specifically explain what has changed by listing each category and the changes in detail. Number these as done in the summary and list out exactly what has changed: for example (1) category of records has been updated to include XYZ or (2) routine use C. has been updated to note that records will be provided to General Services Administration..> <Describe the purpose for which the Department is establishing the system of records. Outline the subject authority (not general or housekeeping authorities). Describe the effect of this proposed or updated system on an individual’s privacy and outline steps the Department has taken to minimize the risk of unauthorized access to the system. Describe how the routine uses proposed, excluding those previously published, are compatible with the purpose for which the information was collected. >

<Provide the reader with the Department's rationale for why we are collecting this information and what we are doing with it.>

Consistent with DHS' information-sharing mission, information stored in the DHS/<Component Name> - <SORN Number> <Title of System> may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, information may be shared with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

<Additionally, DHS is issuing a Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act elsewhere in the Federal Register.> This <newly established OR updated> system will be included in DHS' inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate 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 U.S. citizens and lawful 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.

Below is the description of the DHS/<Component Name> <SORN Number>
<Insert System Name> System of Records.

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

NOTE: Within the system notice itself (below), do not rely on previously defined acronyms from the preamble; spell out everything anew and define the acronym again. This is so that when it's time to amend the SORN, the preamble text may change and previously defined acronyms may not be defined in the new preamble, leaving the public to wonder what the acronym is referring to and because the SORN should stand on its own without reference to the background information in the FRN.

System of Records

Department of Homeland Security (DHS)/<Component (Acronym) – SORN Number>

System name:

DHS <Component Name> - <SORN Number> <SORN Title> (e.g. DHS/USCG - 111 Motorboat Registration)

Security classification:

<Insert classification.> (eg. Unclassified, Sensitive, For Official Use Only, Law enforcement-Sensitive, or Classified.)

System location:

Records are maintained at the <Component> Headquarters in Washington, D.C.

and field offices. <If this is boilerplate, state whatever is accurate>. <Also give a general note of the IT system(s) name for where IT records are maintained. This does not need to be exhaustive and should be general in nature to address the fact that records may be maintained outside the IT system in certain instances.>

Categories of individuals covered by the system:

<List the categories in a narrative.>

Categories of records in the system:

<Depending on the nature of the system this list will be more or less detailed. As a general matter you should list the categories in bullet format.>

- <Individual's name;>
- <Date of birth;>
- <SSN (if collected);>
- <Phone numbers;>
- <Email addresses;>
- <Addresses;>
- <SORN specific.>

Authority for maintenance of the system:

<Outline the subject authority (as specifically as possible and do NOT use general or housekeeping authorities, such as the Privacy Act or Federal Records Act). If you cite 5 U.S.C. § 301, please also cite the implementing regulation>.

Purpose(s):

The purpose of this system is <insert brief description of the purpose>.

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 or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. § 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including U.S. Attorney Offices, or other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is relevant or 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 or former employee of DHS in his/her official capacity;
3. Any employee or former 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.

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 (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. §§ 2904 and 2906.

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

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS' 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.

H. <Insert any additional applicable Routine Uses for specific SORNs prior to the media Routine Use below, and adjust Routine Use lettering configuration accordingly. Do not change the order of the previous routine uses.>

I. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS' officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Disclosure to consumer reporting agencies:

<State what information is disclosed to consumer reporting agencies under this system of records. If no information is disclosed, state "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 may be stored on magnetic disc, tape,

digital media.

Retrievability:

Records may be retrieved by <insert retrievability fields.>

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:

<Insert NARA-approved retention and disposal schedule OR note that NARA approval is being sought/is pending.> Note: Reference applicable General Records Schedule (e.g. In accordance with General Records Schedule X, records are maintained for 3 years.) Please confirm with the Office of Records Management or component records management official.

System Manager and address:

<Insert System Manager and address.> Note: The System Manager does not have to be a person; a title is preferred.

Notification procedure:

If the SORN is taking certain exemptions, include the following: <The Secretary of Homeland Security has exempted this system from the notification, access, and

amendment procedures of the Privacy Act because it is a law enforcement system.

However, DHS/<COMPONENT> will consider individual requests to determine whether or not information may be released. Thus, > 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 <Headquarters or 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 and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive, S.W., Building 410, STOP-0655, Washington, D.C. 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 C.F.R. 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 Chief Privacy Officer and Chief Freedom of Information Act Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should :

- Explain 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; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and

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 the above information, the component(s) 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 from <insert sources.>

Exemptions claimed for the system:

<Note any exemptions claimed for the system and the applicable regulations. If you are claiming an exemption then you will need a Notice of Proposed Rulemaking pursuant to 5 U.S.C. § 552a outlining the reasons why you are doing so. If no exemptions, state, “None.”>

Example:

The Secretary of Homeland Security, pursuant to 5 U.S.C. § 552a(j)(2), has

exempted this system from the following provisions of the Privacy Act: 5 U.S.C. § 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), (g)(1), and (h). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. § 552a(k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6) and (k)(7), has exempted this system from the following provisions of the Privacy Act, 5 U.S.C. § 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f)

<If you are receiving records from other exempt systems incorporate the following language: “Where a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.”>

Dated:

Jonathan R. Cantor

Acting Chief Privacy Officer,

Department of Homeland Security.