

## OFFICE OF GOVERNMENT ETHICS

### Privacy Act of 1974; Systems of Records

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice of proposed new and revised systems of records.

**SUMMARY:** In this notice, OGE is proposing to revise and rename two existing Governmentwide systems of records under the Privacy Act covering Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records, and Executive Branch Confidential Financial Disclosure Reports. In addition, OGE is establishing five new internal systems of records for employees of the Office of Government Ethics only, covering Pay, Leave and Travel Records, Telephone Call Detail Records, Grievance Records, Computer Systems Activity and Access Records, and Employee Locator and Emergency Notification Records. This notice fulfills the requirement of the Privacy Act of 1974 that an agency publish a **Federal Register** notice of its systems of records.

**DATES:** Public comments are invited and must be received by March 24, 2003. These proposed new and revised systems of records will become effective without change May 22, 2003, unless comments are received which result in a contrary determination by OGE.

**ADDRESSES:** Comments on any aspect of these OGE systems of records should be sent to the Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, Attention: Ms. Newton. Electronic comments may also be sent to OGE's Internet E-mail address at [usoge@oge.gov](mailto:usoge@oge.gov) (such comments should include the caption "OGE Privacy Act New and Revised Systems of Records").

**FOR FURTHER INFORMATION CONTACT:** Elaine Newton, Attorney-Advisor, Office of Government Ethics, telephone: 202-208-8000, extension 1137; TDD: 202-208-8025; FAX: 202-208-8037.

#### SUPPLEMENTARY INFORMATION:

A. *Background.* Under the Privacy Act, 5 U.S.C. 552a(e)(4), each agency is required to publish in the **Federal Register** notice of the establishment and revision of its systems notices. The Office of Government Ethics (OGE) used to be part of the Office of Personnel Management (OPM). Not long after OGE became a separate agency on October 1, 1989, OGE published in the **Federal Register** two Governmentwide systems of records (55 FR 6327-6331 (February 22, 1990)) that were previously among

OPM's systems of records (old OPM/GOVT-4 & -8). This present notice revises those two existing Governmentwide systems of records and establishes five new internal OGE systems of records.

B. *Revised Systems of Records.* OGE is proposing to revise and rename its two existing Governmentwide systems of records: OGE/GOVT-1 (Executive Branch Public Financial Disclosure Reports and Other Ethics Program Records) and OGE/GOVT-2 (Confidential Statements of Employment and Financial Interests). The proposed revisions to both systems include a change in the name of each system to: Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records (OGE/GOVT-1) and Executive Branch Confidential Financial Disclosure Reports (OGE/GOVT-2). Other proposed revisions include different systems managers, as well as additional routine uses including disclosures between agencies with respect to transferred or detailed employees, to Congress (on behalf of the subject individual), to an adjudicative body and the Department of Justice in connection with litigation, and to contractors and other non-Government employees working on ethics matters for agencies. In addition, a change in the pay threshold for the collection of the public financial disclosure reports would be reflected in OGE/GOVT-1.

C. *New Internal Systems of Records.* OGE is also proposing to establish five new internal systems of records to cover current and former OGE employees: OGE/INTERNAL-1 (Pay, Leave and Travel Records), OGE/INTERNAL-2 (Telephone Call Detail Records), OGE/INTERNAL-3 (Grievance Records), OGE/INTERNAL-4 (Computer Systems Activity and Access Records), and OGE/INTERNAL-5 (Employee Locator and Emergency Notification Records).

The records for maintenance in proposed OGE/INTERNAL-1 are those used to administer the pay, leave, and travel requirements of OGE. In this proposed system, the records could be disclosed for a number of routine uses compatible with the purposes for which the information in the records was collected, including to the Department of the Treasury, to the Internal Revenue Service, to authorized employees of another Federal agency that provides OGE with assistance in processing pay, leave and travel, to the Office of Management and Budget, to Congress, to a court or another adjudicative body, to an adjudicative body and the Department of Justice in connection with litigation, to labor organization

officials for exclusive representation purposes or to the appropriate Department of Health and Human Services employees for matters related to paternity and child support. These documents are located in a secured environment and are maintained and disposed of in accordance with the National Archives and Records Administration General Records Schedules 2 and 9.

The records for maintenance in OGE/INTERNAL-2 are those used to verify the telephone usage of current and former OGE employees, who receive telephone calls placed from or charged to telephones of the Office of Government Ethics. This proposed system is being established consistent with the Office of Management and Budget recommendation that agencies create a system of records to maintain telephone call detail records that are used to determine accountability for telephone usage. 52 FR 12990-12992 (04/20/87). In this proposed system, the records could be disclosed for a number of routine uses compatible with the purposes for which the information in the records was collected, including to telecommunications companies, to the General Services Administration, to Congress, to a court or other tribunal, to the Department of Justice in connection with litigation, to an appropriate Federal, State or local agency responsible for investigating possible violations of civil, criminal law or regulation, or to labor organization officials for exclusive representation purposes. These documents are located in a secured environment and are maintained and disposed of in accordance with the National Archives and Records Administration General Records Schedule 12.

The records for maintenance in proposed OGE/INTERNAL-3 are those that contain information relating to grievances filed by OGE employees under administrative procedures authorized by 5 CFR part 771 as well as records of negotiated grievances and arbitration systems that OGE has or may establish through negotiations with recognized labor organizations in accordance with 5 U.S.C. 7121. In this proposed system, the records could be disclosed for a number of routine uses compatible with the purposes for which the information in the records was collected, including to Congress, a court or another adjudicative body, an adjudicative body and the Department of Justice in connection with litigation, to any source from which additional information is required in the course of processing a grievance, to the extent necessary to identify the individual,