

**DEPARTMENT OF EDUCATION****Privacy Act of 1974; System of Records**

**AGENCY:** Office of Inspector General, Department of Education.

**ACTION:** Notice of an altered system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice proposing to revise the system of records for the Investigative Files of the Inspector General ED/OIG (18–10–01), 64 FR 30151–30153 (June 4, 1999), as amended, 67 FR 4415 (January 30, 2002). This notice expands the categories of information maintained in the system and changes the equipment configuration used to store the information. This notice also proposes two new routine uses for the information contained in the system. This system of records provides essential support for investigative activities of the Office of Inspector General (OIG) relating to the Department's programs and operations, enabling the OIG to secure and maintain the necessary information and to coordinate with other law enforcement agencies as appropriate.

**DATES:** The Department seeks comments on the proposed new routine use disclosures described in this system of records notice, in accordance with the requirements of the Privacy Act. We must receive your comments on or before July 28, 2003.

The Department filed a report describing the altered system of records covered by this notice with the Chair of the Senate Committee on Governmental Affairs, the Chair of the House Committee on Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on June 20, 2003. This altered system of records will become effective at the later date of—(1) the expiration of the 40-day period for OMB review on July 30, 2003, or (2) July 28, 2003, unless the system of records needs to be changed as a result of public comment or OMB review.

**ADDRESSES:** Address all comments about this altered system of records to the Assistant Inspector General for Investigation Services, Office of Inspector General, U.S. Department of Education, 400 Maryland Avenue, SW., room 4132, Mary E. Switzer Building, Washington, DC 20202–1510. If you prefer to send your comments through

the Internet, use the following address: [comments@ed.gov](mailto:comments@ed.gov)

You must include the term “OIG Investigative Files” in the subject line of your electronic message.

During and after the comment period, you may inspect all public comments about this notice in room 4022, Mary E. Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8 a.m. and 4:30 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

*Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record*

On request we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:**

Shelley Shepherd, Assistant Counsel to the Inspector General, 400 Maryland Avenue, SW., MES Building, room 4020, Washington, DC 20202–1510. Telephone: (202) 205–5606. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

The Privacy Act requires the Department to publish in the **Federal Register** this notice of an altered system of records (5 U.S.C. 552a(e)(4) and (11)). The Department's regulations implementing the Privacy Act are contained in the Code of Federal Regulations (CFR) in 34 CFR part 5b.

The Privacy Act applies to a record about an individual that contains individually identifiable information that is retrieved by a unique identifier associated with each individual, such as a name or social security number. The information about each individual is called a “record” and the system, whether manual or computer-based, is called a “system of records.” The Privacy Act requires each agency to publish notices of systems of records in the **Federal Register** and to prepare

reports to OMB whenever the agency publishes a new or altered system of records.

A system of records is considered “altered” whenever an agency expands the types or categories of information maintained, significantly expands the types or categories of individuals about whom records are maintained, changes the purpose for which the information is used, changes the equipment configuration in a way that creates substantially greater access to the records, adds an exemption pursuant to subsections (j) or (k) of the Privacy Act, or adds a routine use disclosure to the system. Since the last amendment to this system of records, which was published in the **Federal Register** on January 30, 2002, (67 FR 4415), a number of technical changes are needed to update and accurately describe the current system of records. This notice expands the type of information maintained in the system, clarifies the categories of individuals, adds two new routine use disclosures, and changes the equipment configuration used to store the information in order to create greater access to the records by OIG employees through the use of a Web-based computer system.

Under the Inspector General Act of 1978, as amended, 5 U.S.C. Appendix, Inspectors General, including the Department's Inspector General, are responsible for conducting, supervising, and coordinating investigations relating to programs and operations of the Federal agency for which their office is established. This system of records facilitates the OIG's performance of this statutory duty. The changes proposed in the attached notice are intended to expand the information maintained in the system, change the equipment configuration used to store the information in order to create greater access to the records by OIG staff, and add routine uses to make statutorily required disclosures of information contained in the system. Collectively, these revisions will enhance the ability of the OIG to combat fraud, waste, and abuse in the Department's programs and operations, as required by the Inspector General Act.

This system includes records on individuals who are the subject of open or closed OIG investigations. The records contain evidence compiled by OIG investigators, investigative reports, referrals to the Department and to other investigative or prosecutorial authorities, and records of disposition of cases. These records include, but are not limited to, electronic information including names, addresses, social security numbers, dates of birth, and