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Dated: August 6, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

For reasons discussed in the preamble, the Assistant Secretary for Special Education and Rehabilitative Services (OSERS) of the U.S. Department of Education (the Department) publishes a notice of a new system of records to read as follows:

18-16-01

SYSTEM NAME:

OSEP Customer Service Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION(S):

Monitoring and State Improvement Planning Division, Office of Special Education Programs (OSEP), Office of Special Education and Rehabilitative Services (OSERS), Mary E. Switzer Building, 330 C Street, SW., Room 3630, Washington, DC 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system covers parents, advocates, State personnel and other third parties who contact OSEP with inquiries or complaints related to special education. OSEP staff, especially the Customer Service Specialists (CSS), receive letters, e-mails, facsimiles and telephone calls from State personnel and parents about disability issues related to children with disabilities.

These complaints and inquiries are tracked by an electronic system that maintains customer demographic data, as well as information on the content of the complaints and inquiries. The

system also allows OSEP to maintain a detailed history of the interactions between callers and/or writers and the CSS.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records relating to inquiries or complaints made to OSEP staff, including but not limited to: the writer's and/or caller's name; the name, age and type of disability of the child about whom the writer/caller is inquiring about; the writer's or caller's address, including an e-mail address; the school district involved in the inquiry or complaint; the writer's or caller's phone number; the issue that the writer and/or caller is raising; a recommendation from the CSS for further action; and comments from the CSS.

This notice does not cover records, including but not limited to letters, e-mails and facsimiles, sent by individuals to the Secretary, Deputy Secretary, Senior Officers such as the Assistant Secretary of OSERS and the Director of OSEP for whom the Department controls responses to such inquiries. Further, this notice does not cover the official correspondence files of OSEP, specifically the hard copies of official documents and electronic images of certain incoming and outgoing documents. These records are considered covered by the Department's system of records 18-01-01, Secretary's Communication Control System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title I of the Individuals with Disabilities Education Act (IDEA), as amended, 20 U.S.C. Section 1402.

PURPOSE(S):

This system of records is maintained to provide its customers (parents, advocates and others) with more responsive, consistent service; to better track the large number of calls and other inquiries received; to provide trend analysis by issue; to develop a profile of the issues that arise in a certain State; to assist OSEP as a management tool in the preparation of reports, and to monitor State implementation of the IDEA.

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

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be

made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Computer Matching and Privacy Protection Act of 1998, under a computer matching agreement.

(1) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to DOJ and OMB if the Department seeks advice regarding whether records maintained in the system of records must be released under the FOIA and the Privacy Act of 1974.

(2) *Disclosure to the DOJ.* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(3) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(4) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the following parties is involved in litigation or ADR, or has an interest in litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department, or any of its components; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her official capacity where the DOJ is requested to provide or arrange for representation of the employee;

(iv) Any Department employee in his or her individual capacity where the Department has agreed to represent the employee; or

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the DOJ.

(c) *Adjudicative disclosures.* If the Department determines that disclosure