

Office of the Secretary of Transportation

§ 10.5

10.85 Wrongfully obtaining records.

APPENDIX TO PART 10—EXEMPTIONS

AUTHORITY: 5 U.S.C. 552a; 49 U.S.C. 322.

SOURCE: 45 FR 8993, Feb. 11, 1980, unless otherwise noted.

Subpart A—Applicability and Policy

§ 10.1 Applicability.

This part implements section 552a of title 5, United States Code, as well as other provisions of the Privacy Act of 1974, and prescribes rules governing the availability of those records of the Department of Transportation which relate to citizens of the United States and aliens lawfully admitted for permanent residence.

[45 FR 8993, Feb. 11, 1980, as amended at 62 FR 23666, May 1, 1997]

§ 10.3 Policy.

It is the policy of the Department of Transportation to comply with the letter and the spirit of the Privacy Act (the Act). Therefore, personal data contained in each system of records is afforded adequate protection against unauthorized access, is as accurate as is feasible, and is limited to that necessary to accomplish the stated use or uses of the system. Further, no system of records is exempted from the requirements of the Act unless it is determined that to do so is in the best interest of the government with due concern for individual rights.

§ 10.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

Administrator means the head of an operating administration and includes the Under Secretary for Security and the Commandant of the Coast Guard.

Department means the Department of Transportation, including the Office of the Secretary, the Office of Inspector General, and the following operating administrations: This definition specifically excludes the Surface Transportation Board, which has its own Privacy Act regulations (49 CFR Part 1007), except to the extent that any system of records notice provides otherwise.

- (1) Federal Aviation Administration.
- (2) Federal Highway Administration.
- (3) Federal Motor Carrier Safety Administration.
- (4) Federal Railroad Administration.
- (5) Federal Transit Administration.
- (6) National Highway Traffic Safety Administration.
- (7) St. Lawrence Seaway Development Corporation.
- (8) Pipeline and Hazardous Materials Safety Administration.
- (9) Research and Innovative Technology Administration.
- (10) Maritime Administration.

General Counsel means the General Counsel of the Department.

Includes means “includes but is not limited to;”

Individual means a citizen of the United States or an alien lawfully admitted;

Maintain includes maintain, collect, use, or disseminate;

May is used in a permissive sense to state authority or permission to do the act prescribed;

Record means any item, collection, or grouping of information about an individual that is maintained by the Department including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the name of, or an identifying number, symbol, or other identifying particular assigned to, the individual, such as a finger or voice print or a photograph;

Secretary means the Secretary of Transportation or any person to whom has been delegated authority in the matter concerned;

System of records means a group of any records under the control of the Department from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

Statistical record means a record in a system of records maintained for statistical research or reporting purposes only and not in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13, United States Code; and

Routine use means, with respect to the disclosure of a record, the use of