

DEPARTMENT OF JUSTICE**[AAG/A Order No. 285-2002]****Privacy Act of 1974; System of Records**

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Federal Bureau of Prisons (Bureau) proposes to make a minor change to its system of records entitled "Inmate Administrative Remedy Record System, JUSTICE/BOP-004." This system, which was last published on June 18, 2002 (67 FR 41450), is now being modified and will become effective September 9, 2002.

The Bureau is retaining the majority of the previously published Notice and making only one minor technical change in one section. The section entitled "Retention and Disposal" is being amended to more accurately reflect current agency practice. The entire Notice is being re-published for the convenience of the public.

A description of the modified system is provided below.

Dated: August 29, 2002.

Robert F. Diegelman,

Acting Assistant Attorney General for Administration.

JUSTICE/BOP-004**SYSTEM NAME:**

Inmate Administrative Remedy Record System.

SYSTEM LOCATION:

Records may be retained at the Central Office, Regional Offices, or at any of the Federal Bureau of Prisons (Bureau) facilities, or at any location operated by a contractor authorized to provide computer and/or correctional services to Bureau inmates. A list of Bureau facilities may be found at 28 CFR part 503 and on the Internet at <http://www.bop.gov>.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates, including pre-trial detainees, under the custody of the Attorney General and/or the Director of the Bureau of Prisons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include: (1) Inmate information including (a) name; (b) register number; (c) institution location; (d) current offense and sentence; (e) prior criminal record; (f) social background; (g) institution adjustment; (h) institution program data; (i) medical information; and (j) personal property data; (2) complaint information including copies of BOP-9's (institution

level complaints), BOP-10's (Region appeals) and BOP-11's (Central Office appeals); and (3) processing information, including dates of filing and responses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained under authority of 18 U.S.C. 3621, 4042, 5003, and 28 CFR part 542.

PURPOSE OF THE SYSTEM:

The Bureau maintains records of the receipt, processing and responses to grievances filed by inmates pursuant to the Bureau's Administrative Remedy Program, which was established to provide inmates with a means to seek formal review of issues relating to conditions of their confinement. The related uses for which the Bureau maintains the system include (1) to provide a source of information for reconsideration or amendment of Bureau policy with regard to its operation; (2) to maintain a source of information for purposes of defending civil actions filed against the Bureau by inmates; and (3) to provide a source of information for statistical reports furnished to federal courts for the purpose of determining exhaustion of administrative remedies and the effectiveness of the Administrative Remedy Program in reducing the backlog of cases filed in federal court.

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

Relevant data from this system will be disclosed as follows:

(a) To federal, state, local, foreign and international law enforcement agencies and officials for law enforcement purposes such as civil court actions, regulatory proceedings, responding to an emergency, inmate disciplinary proceedings; or for such law enforcement needs as prison administration, investigations, and possible criminal prosecutions.

(b) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records;

(c) To Members of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the record subject;

(d) To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a

particular case would constitute an unwarranted invasion of personal privacy;

(e) To the National Archives and Records Administration and General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

(f) In a proceeding before a court, grand jury, or administrative or regulatory body when records are determined by the Department of Justice to be arguably relevant to the proceeding;

(g) To a federal, state, or local licensing agency or association which requires information concerning the suitability or eligibility of an individual for a license or permit and;

(h) Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information maintained in the system is stored in electronic media via a configuration of personal computer, client/server, and mainframe systems architecture and may be accessed by only those staff with a need-to-know at all Bureau and contractor facilities. Some information may be stored in other computerized media, *e.g.*, hard disk, floppy diskettes, magnetic tape, digital recordings, Compact Discs (CDs), and/or optical disks. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Documents are indexed by name and/or register number.

SAFEGUARDS:

Automated information is safeguarded in accordance with Department of Justice and Bureau of Prisons rules and policy governing automated information systems security and access. These safeguards include the maintenance of

records and technical equipment in restricted areas, e.g. controlled access buildings, and the required use of proper passwords and user identification codes to access the system. Manual records are stored in a file room. All records in Bureau facilities are maintained in guarded buildings.

RETENTION AND DISPOSAL:

Case files, stored electronically and/or on paper, are maintained for a period of three (3) full years from the date the response is completed, at which time they are destroyed. Indexes are maintained for a period of twenty (20) years, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director/General Counsel, Federal Bureau of Prisons; 320 First Street NW., Washington, DC 20534.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

All requests for records may be made by writing to the System Manager identified above, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534. The envelope should be clearly marked "Privacy Act Request." This system of records is exempted from access pursuant to 5 U.S.C. 552a(j). A determination as to the applicability of the exemption to a particular record(s) shall be made at the time a request for access is received.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Records are generated by: Inmates; individuals covered by the system; Bureau staff; federal, state, local, tribal, and foreign law enforcement agencies; and federal/state probation and judicial offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2), (e)(3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register** and codified at 28 CFR 16.97 (a) and (b).

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DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation, DoJ.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the Compact Council created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the federal government and sixteen states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records.

Matters for discussion are expected to include: (1) United States Customs Service Request for Access to the Interstate Identification Index (III) for NonCriminal Justice Purposes, (2) Immigration and Naturalization Service (INS) Request to Allow State Repository Criminal History Maintenance and Dissemination, (3) Standards/ Procedures for Identity Verification, (4) Proposed Sanctions Rule, (5) National Applicant Database Requests, (6) Use of the III for Background Checks on Applicants' References, Relatives, Friends, and Associates, (7) Revised Rule to Allow INS Use of III for Emergency Child Placement, (8) Qualification Requirements and Audit Criteria, (9) United States Department of Justice Requirement for System Use, and (10) A Safer Nation—Proposed Briefing Document.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Compact Council or wishing to address this session of the Compact Council should notify Ms. Cathy L. Morrison at (304) 625-2736, at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. Requestors will ordinarily be allowed up to 15 minutes to present a topic.

DATES AND TIMES: The Compact Council will meet in open session from 9 a.m. until 5 p.m. on October 9-10, 2002. In addition, an education symposium

concerning the Compact is being hosted as a collaborative effort of the FBI's Criminal Justice Information Services (CJIS) Division, the Compact Council, the National Consortium for Justice Information and Statistics (SEARCH), and the Bureau of Justice Statistics. The symposium is tailored to address enactment strategies, the potential benefits and practical applications of Compact ratification. The symposium will be held October 8, 2002, from 8 a.m. until 6 p.m. at the Wyndham Hotel in Washington, DC.

ADDRESSES: The Compact Council meeting and symposium will take place at the Wyndham Washington, DC, 1400 M Street, NW., Washington, DC, telephone (202) 429-1700.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Cathy L. Morrison, Interim Compact Officer, Compact Council Office, Module C3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0147, telephone (304) 625-2736, facsimile (304) 625-5388.

Dated: August 27, 2002.

Thomas E. Bush III,

Section Chief, Programs Development Section, Federal Bureau of Investigation.

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such