52984 October 18, 2001), Treasury/CS.252 Valuables Shipped Under the Government Losses in Shipment Act (66 FR 52984 October 18, 2001), Treasury/CS.171 Pacific Basin Reporting Network (66 FR 52984 October 18, 2001), and Treasury/CS.050 Community Leader Survey (66 FR 52984 October 18, 2001).

Treasury/CS.197 Private Aircraft/Vessel Inspection Reporting System was originally established to track and assist the U.S. Customs Service in managing pilots and vessel masters arriving in the United States, but is no longer operational.

Treasury/CS.252 Valuables Shipped Under the Government Losses in Shipment Act was originally established to track and assist the U.S. Customs Service in collecting and transmitting funds for deposit, but is no longer operational.

Treasury/CS.171 Pacific Basin Reporting Network was originally established to track and assist the U.S. Customs Service in managing masters, operators, pilots, crew members and passengers traveling, in, around, or through the Pacific Basin, but is no longer operational.

Treasury/CS.050 Community Leader Survey was originally established to track individuals and organizations that may be identified as occupying a community leadership role and in a position to furnish information or pose influence to equal employment opportunity, but is no longer operational.

Eliminating these systems of records notices will have no adverse impacts on individuals, but will promote the overall streamlining and management of DHS Privacy Act record systems.

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8–29840 Filed 12–18–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2008–0141]

Privacy Act of 1974; United States Coast Guard—021 Appointment of Trustee or Guardian for Mentally Incompetent Personnel Files System of Records

AGENCY: Privacy Office; DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of records notices, the Department of Homeland Security is giving notice that it proposes to update and reissue the following legacy record system DOT/CG 637 Appointment of Trustee or Guardian for Mentally Incompetent Personnel (April 11, 2000) as a Department of Homeland Security system of records notice titled, DHS/USCG—021 Appointment of Trustee or Guardian for Mentally Incompetent Personnel. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed and updated to better reflect the Department of Homeland Security, United States Coast Guard's Appointment of Trustee or Guardian for Mentally Incompetent Personnel record system. This new system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Written comments must be submitted on or before January 20, 2009.

ADDRESSES: You may submit comments, identified by docket number DHS–2008–0141 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 1–866–466–5370.
- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.
- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change and may be read at *http://www.regulations.gov*, including any personal information provided.
- *Docket:* For access to the docket, to read background documents, or comments received, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: David Roberts (202–475–3521), Privacy Officer, United States Coast Guard. For privacy issues please contact: Hugo Teufel III (703–235–0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107–296, Section 1512, 116 Stat. 2310 (Nov. 25, 2002), the Department of Homeland Security (DHS) and its components and offices have relied on preexisting Privacy Act systems of records notices for the maintenance of records that concern the appointment of a trustee or guardian for mentally incompetent United States Coast Guard (USCG) personnel and for their dependents who are eligible for annuities.

As part of its efforts to streamline and consolidate its record systems, DHS is updating and reissuing a USCG system of records under the Privacy Act (5 U.S.C. 552a) that deals with the appointment of a trustee or guardian for mentally incompetent USCG personnel and for their dependents who are eligible for annuities. This record system will allow DHS/USCG to collect and preserve the records regarding the appointment of a trustee or guardian for mentally incompetent USCG personnel. The collection and maintenance of this information will assist DHS/USCG in meeting its obligation to maintain information on incompetent USCG military personnel, their dependents and survivors for the purpose of determining eligibility for DHS/USCG benefits such as military retired pay or the Survivor Benefit Plan for dependents, and the closely-related Veterans Affairs benefits.

In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of records notices, the Department of Homeland Security is giving notice that it proposes to update and reissue the following legacy record system DOT/CG 637 Appointment of Trustee or Guardian for Mentally Incompetent Personnel (65 FR 19476 4/11/2000) as a Department of Homeland Security/United States Coast Guard system of records notice titled, Appointment of Trustee or Guardian for Mentally Incompetent Personnel. Categories of individuals and categories of records have been reviewed, and the routine uses of this legacy system of records notice have been updated to better reflect the Department of Homeland Security and the United States Coast Guard's Appointment of Trustee or Guardian for Mentally Incompetent Personnel record system. This new system will be included in the Department of Homeland Security's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses and

disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is stored and retrieved by the name of the individual or by some identifying number such as property address, mailing address, or symbol assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. DHS extends administrative Privacy Act protections to all individuals where information is maintained on U.S. citizens, lawful permanent residents, and visitors. Individuals may request their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR 5.21. An approved trustee or guardian may do the same on behalf of an individual.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist individuals to more easily find such files within the agency. Below is the description of the Appointment of Trustee or Guardian for Mentally Incompetent Personnel Files System of Records.

III. Health Insurance Portability and Accountability Act

This system of records contains individually identifiable health information. The Health Insurance Portability and Accountability Act of 1996, applies to most of such health information. Department of Defense 6025.18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this new system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS

DHS/USCG–021.

SYSTEM NAME:

United States Coast Guard—021 Appointment of Trustee or Guardian for Mentally Incompetent Personnel.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the United States Coast Guard Headquarters in Washington, DC and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include Coast Guard military personnel (regular, reserve, active duty and retired) and their dependents or survivors who are mentally incompetent and the guardian or trustee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Individual's name;
- Guardian trustee's name and contact information;
- Information relating to the mental incompetence of certain Coast Guard personnel, their dependents or survivors;
- Records used to assist USCG officials in appointing guardian trustees to mentally incompetent USCG personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1448, 1449; 14 U.S.C. 632; 37 U.S.C. 601–604; 33 CFR 49.05; 49 CFR 1.45, 1.46.

PURPOSE(S):

The purpose of this system is to maintain information on mentally incompetent USCG military personnel, their dependents and survivors to determine eligibility for DHS/USCG benefits such as military retired pay or the Survivor Benefit Plan for survivors, and the closely-related Veterans Affairs benefits.

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

Note: This system of records contains individually identifiable health information. The Health Insurance Portability and Accountability Act of 1996, applies to most of such health information. Department of Defense 6025.18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice. Therefore, routine uses outlined below may not apply to such health information.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when:

1. DHS or any component thereof;
2. any employee of DHS in his/her official capacity;
3. any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or
4. the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains or by the individual's approved trustee or guardian.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To prospective or approved guardian trustees or appointees, including but not limited to relatives, lawyers, and physicians or other designated representatives;

I. To the Department of Veteran's Affairs upon request for the determination of eligibility for benefits administered by that agency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

RETRIEVABILITY:

Records may be retrieved alphabetically by name.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

RETENTION AND DISPOSAL:

Records are retained for five years after action is complete, then destroyed. (AUTH: NC1–26–76–2, Item 577)

SYSTEM MANAGER AND ADDRESS:

Director, Personnel Management Directorate, CG–12, United States Coast Guard Headquarters, 1900 Half St., SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to USCG, Commandant (CG–611), 2100 2nd St., SW., Attn: FOIA Coordinator, Washington, DC 20593–0001.

When seeking records about yourself or on behalf of a mentally incompetent person for whom you have been appointed trustee or guardian from this system of records or any other USCG system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted to you under 28 U.S.C. 1746, a law that permits statements to be made under penalty or perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, *http://www.dhs.gov* or 1–866–431–0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you or an incompetent person for whom you have been appointed trustee or guardian,
- Specify when you believe the records would have been created,
- If your request is seeking records pertaining to another living individual for you to access his/her records, you must include a statement from that individual certifying his/her agreement or documentation that confirms your authority to act on behalf of that individual.

Without this bulleted information the USCG will not be able to conduct an effective search, and your request may be denied due to lack of specificity, lack of compliance with applicable regulations, or insufficient authority to act on behalf of an incompetent individual.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Coast Guard officials, legal representatives of individuals and/or individuals concerned, medical personnel, and complainants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8–29844 Filed 12–18–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2008–0146]

Privacy Act of 1974; United States Coast Guard—027 Recruiting Files System of Records

AGENCY: Privacy Office; DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of records notices, the Department of Homeland Security is giving notice that it proposes to update the following legacy record systems DOT/CG 627 Enlisted Recruiting Selection Record System and DOT/CG 628 Officer, Enlisted, and Recruiter Selection System File. These legacy records systems will be consolidated into a new Department of Homeland Security system of records notice titled Department of Homeland Security/ United States Coast Guard—027 Recruiting Files. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been updated to better reflect the Department of Homeland Security and the United States Coast Guard's recruiting record system. Additionally, the exemptions for this legacy system of records notice transfer from the SORN's legacy agency