

commerce conducted by the regulatory audit staffs. The audits may be supplemented with information furnished by the Office of the Chief Counsel or its field offices, Office of International Trade, Office of Regulations and Rulings, and the Office of Investigations, U.S. Immigration and Customs Enforcement. These audits include examinations of brokers, importers, and other persons, who are engaged in international trade, business records, including data maintained in support of client customs business.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-29846 Filed 12-18-08; 8:45 am]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of removal of two Privacy Act systems of record notices.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it will remove two systems of record notices from its inventory of record systems because the Department no longer requires use of these systems, originally transferred to the Department of Homeland Security from the Department of Energy upon creation in January 2003. These two obsolete systems are: DOE-81, Counterintelligence Administrative and Analytical Records and Reports and DOE-84, Counterintelligence Investigative Records (September 1, 1989). Removing these system of records from the Department's inventory will in no way impact the use of these system of records by the Department of Energy.

DATES: *Effective Date:* January 20, 2009.

FOR FURTHER INFORMATION CONTACT:

Hugo Teufel III, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, by telephone (703) 235-0780 or facsimile 1-866-466-5370.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of

1974, 5 U.S.C. 552a, and as part of its ongoing integration and management efforts, the Department of Homeland Security (DHS) is removing two Department of Homeland Security (DHS) system of records notices from its inventory of record systems.

DHS inherited these record systems upon its creation in January of 2003. Upon review of its inventory of record systems, DHS has determined it no longer needs these two systems and is retiring the following:

DHS is retiring use of DOE-81 (59 FR 46528 September 1, 1989) Counterintelligence Administrative and Analytical Records and Reports. This system was originally established in order to maintain records concerning foreign intelligence threats; administrative inquiries and investigations; reports on foreign contacts and travel; classified and sensitive programs, personnel, information and activities; briefings and debriefings; intelligence on hostile and foreign intelligence entities; and counterintelligence training.

DHS is retiring use of DOE-84 (59 FR 46530 September 1, 1989) Counterintelligence Investigative Records. This system was originally established in order to maintain records on joint law enforcement counterintelligence-related investigations with the FBI or other Federal law enforcement agencies in order to detect and prevent foreign intelligence threats directed at or involving classified and sensitive information, programs, facilities, personnel, and other Departmental resources.

Eliminating these systems of record notices will have no adverse impacts on individuals, but will promote the overall streamlining and management of DHS Privacy Act record systems. Further, removing these systems of records from the Department's inventory will in no way impact the use of these systems of records by the Department of Energy.

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-29847 Filed 12-18-08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0145]

Privacy Act of 1974; United States Coast Guard—020 Substance Abuse Prevention and Treatment Program 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 638 Alcohol Abuse Prevention Program Record System as a Department of Homeland Security/United States Coast Guard system of records notice titled, DHS/USCG—020 Substance Abuse Prevention and Treatment Program. This system of records notice will allow the USCG to collect and maintain the USCG's Substance Abuse Prevention and Treatment Program records. 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—020 Substance Abuse Prevention and Treatment Program 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. This new system will be effective January 20, 2009.

ADDRESSES: You may submit comments, identified by docket number DHS-2008-0145 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 (November 25, 2002), the Department of Homeland Security (DHS)/United States Coast Guard (USCG) have relied on preexisting Privacy Act systems of records notices for the collection and maintenance of records that concern the DHS/USCG—020 Substance Abuse Prevention and Treatment Program.

As part of its efforts to streamline and consolidate its record systems, DHS is updating and reissuing a DHS/USCG system of records under the Privacy Act (5 U.S.C. 552a) that deals with active duty military personnel receiving substance abuse rehabilitation treatment. This record system will allow DHS/USCG to collect and maintain records regarding active duty military personnel receiving substance abuse rehabilitation treatment. The collection and maintenance of this information will assist DHS/USCG in meeting its obligation to assist active duty USCG personnel needing substance abuse rehabilitation treatment.

In accordance with the Privacy Act of 1974 and as part of the DHS's ongoing effort to review and update legacy system of records notices, DHS is giving notice that it proposes to update and reissue the following legacy record system DOT/CG 638 Alcohol Abuse Prevention Program Record System (65 FR 19475 4/11/2000) as a DHS/USCG system of records notice titled, Substance Abuse Prevention and Treatment Program. This system of records notice will allow the USCG to collect and maintain the USCG's Substance Abuse Prevention and Treatment Program records. 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 DHS/USCG's Substance Abuse Prevention and Treatment Program record system. This new

system will be included in the DHS 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 individual's 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 both 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.

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 of their records, and to assist individuals to more easily find such files within the agency. Below is the description of the Substance Abuse Prevention and Treatment Program System of Records.

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.

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.

SYSTEM OF RECORDS:

DHS/USCG—020.

SYSTEM NAME:

United States Coast Guard—020 Substance Abuse Prevention and Treatment Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the USCG Headquarters in Washington, DC and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include Coast Guard personnel, active duty and reserve, receiving substance abuse rehabilitation treatment, and those screened in connection with substance abuse issues.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Individual's name;
- Employee ID Number (EMPLID);
- Rate/Rank;
- History of substance abuse;
- Operation facility code;
- Treatment center;
- Diagnosis;
- Dates of treatment;
- Treatment records;
- Notes on aftercare; and
- Final disposition and type.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 7901; 14 U.S.C. 632; 42 U.S.C. 4541; COMDTINST M6200.1A, the Coast Guard Health Promotion Manual.

PURPOSE(S):

The purpose of this system is to administer the USCG Substance Abuse Prevention and Treatment program, including to identify alcohol and drug abusers within the USCG; to treat, counsel, and rehabilitate individuals who participate in the USCG Substance Abuse Program; as a management tool to identify trends, judge the magnitude of drug and alcohol abuse, and to measure the effectiveness of drug and alcohol prevention efforts in the USCG.

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

Note: For records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United

States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under circumstances expressly authorized in 42 U.S.C. 290dd-2. The routine uses set forth below do not apply to this information. This statute takes precedence over the Privacy Act of 1974 to the extent that disclosure is more limited. However, access to the record by the individual to whom the record pertains is governed by the Privacy Act.

Note: For those records not described above, 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 (including United States Attorney Offices) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

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 the Department of Justice 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 and with the consent of the individual to whom the record pertains in accordance with 42 U.S.C. 290dd-2(g).

C. 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.

D. To appropriate State and local authorities to report, under State law, incidents of suspected child abuse or neglect to the extent described under 42 CFR 2.12 and in accordance with 42 U.S.C. 290dd-2(e).

E. To any person or entity to the extent necessary to prevent an imminent and potential crime that directly threatens loss of life or serious bodily injury.

F. To report to appropriate authorities when an individual is potentially at risk to harm himself/herself or others.

G. To health care components of the Department of Veterans Affairs furnishing health care to veterans.

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 by individual name, EMPLID, or unit operation facility code.

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 individual who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

Records in this system are stored electronically in secure facilities behind a locked door. The records are stored on an electronic server. Records are destroyed when three years old or when superseded or obsolete (GRS 1, item 36).

SYSTEM MANAGER AND ADDRESS:

Commandant, CG-11, United States Coast Guard Headquarters, 2100 2nd Street, 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 Commandant, CG-11, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001.

When seeking records about yourself from this system of records or any other USCG system of records your request must conform to 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 of 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,
- Specify when you believe the records would have been created,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the USCG may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Information originates from personnel who submit to drug and alcohol testing, DHS and its components and offices, and testing and treatment facilities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: December 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of
Homeland Security.

[FR Doc. E8-29848 Filed 12-18-08; 8:45 am]

BILLING CODE 4410-10-P

**DEPARTMENT OF HOMELAND
SECURITY**

Office of the Secretary

[Docket No. DHS-2008-0165]

**Privacy Act of 1974; United States
Secret Service—003 Non-Criminal
Investigation Information System
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 record notices, the Department of Homeland Security proposes to retire portions of USSS.006 Non-Criminal Investigation Information System (August 28, 2001) into DHS/All 020 Internal Affairs, DHS/All-013 Claims, and DHS/OS-1 Office of Security Files and reissue the remaining portions of this system of records as DHS/USSS-003 Non-Criminal Investigation Information System. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed updated to better reflect the Department of Homeland Security/United States Secret Service—003 Non-Criminal Investigation Information System. Additionally, DHS is issuing a Notice of Proposed Rulemaking (NPRM) concurrent with this SORN elsewhere in the **Federal Register**. The exemptions for the legacy system of records notices will continue to be applicable until the final rule for this SORN has been completed. This reissued system will be included in the Department'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-2008-0165 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 to <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: Latita Huff (202-406-6370), Privacy Point of Contact, United States Secret Service, 950 H St., NW., Washington, DC 20223. 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, the Department of Homeland Security (DHS) United States Secret Service (USSS) have relied on preexisting Privacy Act systems of records notices for the collection and maintenance of records that concern DHS/USSS Non-Criminal Investigation Information System records.

As part of its efforts to streamline and consolidate its Privacy Act record systems, DHS/USSS is updating and reissuing a DHS/USSS system of records under the Privacy Act (5 U.S.C. 552a) for USSS records that concern individuals involved in non-criminal statutory investigations and/or requirements. Information related to investigations into employee activities is retired into DHS/All-020 Internal Affairs published in the **Federal Register** on November 14, 2008 at 73 FR 67529; information related to claims against USSS is retired into DHS/All-013 Claims published in the **Federal Register** on October 28, 2008 at 73 FR 63987; and information related to employment and security clearance suitability is retired in DHS/OS1 Office of Security Files, published September 12, 2006 at 71 FR 53700. This will ensure that all organizational parts of USSS follow the same privacy rules for collecting and handling the USSS-003 Non-Criminal Investigation records.

In accordance with the Privacy Act of 1974 and as part of DHS's ongoing effort to review and update legacy system of records notices, DHS/USSS proposes to update and reissue USSS.006 Non-Criminal Investigation Information System (66 FR 45362 August 28, 2001). Categories of individuals, categories of

records, and the routine uses of this legacy system of records notice have been updated to better reflect the DHS/USSS Non-Criminal Investigation Information System. Additionally, DHS is issuing a Notice of Proposed Rulemaking (NPRM) concurrent with this SORN elsewhere in the **Federal Register**. The exemptions for the legacy system of records notices will continue to be applicable until the final rule for this SORN has been completed. This reissued system will be included in the Department'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 individuals' records. 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 for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to 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 part 5.

The Privacy Act requires that each agency publish in the **Federal Register** a description denoting the type and character of each system of records in order to make agency recordkeeping practices transparent, to notify individuals about the use of their records, and to assist the individual to more easily find files within the agency. Below is a description of the DHS/USSS-003 Non-Criminal Investigation Information System.

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