

(c) *Administrative Disclosures.* If the Department or one of its components determines that disclosure of certain records to an adjudicative body before which the Department or one of its components is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body individual, or entity.

(d) *Parties, counsels, representatives, and witnesses.* If the Department or one of its components determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department or its component may disclose those records as a routine use to the party, counsel, representative or witness.

(6) *Freedom of Information Act Advice Disclosure.* The Department may disclose records to the Department of Justice if the Department determines that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(7) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to maintain Privacy Act safeguards with respect to the disclosed records.

(8) *Congressional Member Disclosure.* The Department may disclose individual records to a member of Congress from the record of an individual in response to an inquiry from the member made the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

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

**STORAGE:**

The records in this system are contained in file folders.

**RETRIEVABILITY:**

The records in this system are indexed by and retrievable by the name of the case or the complaint number.

**SAFEGUARDS:**

OCR keeps case files in lockable cabinets located in lockable storage rooms. Access to offices in which storage rooms are located is restricted to OCR staff and authorized visitors.

**RETENTION AND DISPOSAL:**

Pursuant to the Department's Record Disposition Schedules, files at the Headquarters Office will be transferred to the Federal Records Center (FRC) after the case has been inactive for five years. Files at the regional offices are transferred to the FRC after the file has been inactive for two years. All files are destroyed fifteen years after the end of the fiscal year in which the case is resolved.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Assistant Secretary for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW., Room , Switzer Building, Washington, DC 20202.

**RECORD SOURCE CATEGORIES:**

Records are derived from information in complaint investigation files.

**NOTIFICATION PROCEDURES:**

This system is exempted from 5 U.S.C. 552a (e)(4)(G) pursuant to 34 CFR 5b.11(c)(2)(iii).

**RECORD ACCESS PROCEDURES:**

This system is exempted from 5 U.S.C. 552a(e)(4)(H) pursuant to 34 CFR 5b.11(c)(2)(iii).

**CONTESTING RECORD PROCEDURES:**

This system is exempted from 5 U.S.C. 552a(e)(4)(H) pursuant to 34 CFR 5b.11(c)(2)(iii).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Secretary has by regulations exempted the Complaint Files and Log, Office for Civil Rights from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552(k)(2) (civil enforcement):

- (1) 5 U.S.C. 552a(c)(3), regarding access to an accounting of disclosures of records.
- (2) 5 U.S.C. 552a(d)(1) through (4) and (f), regarding notification of and access

to records and correction or amendment of records.

(3) 5 U.S.C. 552a(e)(1), regarding the requirement to maintain only relevant and necessary information.

(4) 5 U.S.C. 552a(e)(4)(G), (H), and (I), regarding inclusion of information in the system notice about procedures for notification, access, correction, and source of records. These exemptions are stated in 34 CFR 5b.11. As indicated in 34 CFR 5b.11(c)(2), individuals will be provided information from this record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(2), unless:

(1) Disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or

(2) If the information was obtained prior to September 28, 1975, disclosure of such information would reveal the identity of the source under an implied promise that the identity of the source would be held in confidence.

**Appendix to 18-08-02**

*Additional System Locations and System Managers*

- OCR, Boston Office, J.W. McCormack Post Office and Court House Building, Room 222, Boston, MA 02109-4557.
- OCR, New York Office, 75 Park Place, 14th Floor, New York, NY 10007.
- OCR, Philadelphia Office, 100 Penn Square East, Suite 515, Philadelphia, PA 19107.
- OCR, Chicago Office, 111 North Canal Street, Room 1053, Chicago, IL 60606-7204.
- OCR, Cleveland Office, Bank One Center, 600 Superior Avenue, East, Suite 750, Cleveland, OH 44114-2611.
- OCR, Atlanta Office, Sam Nunn Federal Office Building, 61 Forsyth Street SW, Suite 19T70, Atlanta, GA 30303.
- OCR, Dallas Office, 1999 Bryan Street, Suite 2600, Dallas, TX 75201.
- OCR, Kansas City Office, 10220 N. Executive Hills Boulevard, Kansas City, MO 64153-1367.
- OCR, Denver Office, Colonnade Building, 1244 Speer Boulevard, Suite 300, Denver, CO 80204-3582.
- OCR, San Francisco Office, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, CA 94102.
- OCR, Seattle Office, Henry M. Jackson Federal Building, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099.
- OCR, District of Columbia Office, PO Box 14620, Washington, DC 20004-4620.

**18-09-01**

**SYSTEM NAME:**

Administrative Claims.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW, Room 6E301, Washington, DC 20202.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system contains records about Department employees, recipients of Federal assistance under Department funded programs, and members of the public who have a claim against the Department or against whom the Department has a claim under the Federal Torts Claims Act, Military Personnel and Civilian Employees Claims Act, Federal Claims Collection Act or Act for Waiver of Overpayment of Pay.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains information that is pertinent to the particular claim being asserted, including accident reports, hospital records, charges for medical service; certifications of overpayments, audits of payroll accounts during period of overpayments, earning and leave statements; claims officers memorandum, final determinations made on claims, identity of debtors and information pertaining to how debts arose.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Torts Claims Act (28 U.S.C. 2671-2680, 1346(b)); Waiver of Overpayment of Pay Act (5 U.S.C. 5584; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240 et seq.; Federal Claims Collection Act, 31 U.S.C. 951-953.

**PURPOSE(S):**

The information in this system is used to adjudicate claims between the U.S. and private parties.

**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 Act, under a computer matching agreement.

(1) *Program Disclosure.* The Department may disclose information to Federal, State, and local law enforcement agencies, private

individuals, private and public hospitals, allegedly negligent parties, private attorneys, insurance companies, the United States Attorney and other Federal officials and agencies, individual law enforcement officers, and tribal officials for the purpose of investigating, settling, or litigating claims.

(2) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, local, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(3) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

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

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation 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 of Education, or any component of the Department; or

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

(iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity where the agency 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, the Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

(6) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(7) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the

written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

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

**STORAGE:**

Records are maintained in legal size files in filing cabinets.

**RETRIEVABILITY:**

Records can be retrieved by the name of the non-Government party, whether claimant, plaintiff, or alleged debtor. In some instances, these records are retrievable by cross reference to index cards, containing name of the party involved and the subject matter.

**SAFEGUARDS:**

Office buildings in which files are kept are locked after the close of the business day. These files are only accessible to General Counsel staff.

**RETENTION AND DISPOSAL:**

The records are maintained in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

**SYSTEM MANAGER(S) AND ADDRESS:**

The General Counsel, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E301, Washington, DC 20202.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

If you wish to gain access to a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORD PROCEDURES:**

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

The information in this system comes from a number of sources including private individuals, private and public hospitals, doctors, law enforcement agencies and officials, private attorneys, accident reports, third parties, claimants

for beneficiaries and their relatives, other Federal agencies, State and local governments, agencies and instrumentalities.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**18-09-02**

**SYSTEM NAME:**

OGC Attorney Applicant Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6E301, Washington, DC 20202.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system contains records on current Attorney Applicants for positions in the Office of the General Counsel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Attorney Applicant system consists of a variety of records relating to persons applying for attorney positions. These records contain information about an individual's birth date; home address; telephone number; Social Security number; educational background (e.g., law schools attended and grades); past work experience; writing samples furnished on request; recommendations from past employers and academic officials.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 3301 et seq.

**PURPOSE(S):**

The information in this system is used to evaluate the qualifications of those individuals who apply for attorney positions in the Office of the General Counsel.

**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 Act, under a computer matching agreement.

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

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation 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 of Education, or any component of the Department; or

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

(iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity where the agency 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, the Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

(2) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.