

18-10-01

SYSTEM NAME:

Investigative Files of the Inspector General.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION(S):

Dell Services, Building K, 2nd Floor, Rack: K2AG57, 2300
West Plano Parkway, Plano, Texas 75075-8427.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories include subjects, targets, witnesses, victims, current and former employees of the U.S. Department of Education (Department), and individuals who have any relationship to financial assistance or other educational programs administered by the Department, or to management concerns of the Department, including but not limited to—grantees, subgrantees, contractors, subcontractors, program participants, recipients of Federal funds or federally insured funds, and officers, employees, or agents of institutional recipients or program participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories include investigation files pertaining to violations of criminal laws, fraud, waste, and abuse with respect to the administration of Department of Education programs and operations, and violations of employee Standards of

Conduct in 34 CFR part 73. These investigation files will contain, but will not be limited to, electronic information including names, addresses, social security numbers, dates of birth, and aliases for subjects, targets, witnesses, and victims associated with investigations; reports of interview; investigative memoranda; requests and approvals for case openings and closings and for the use of special investigative techniques requiring approval by management; and electronic copies of photographs, scanned documents, and electronic media such as audio and video. The system will store investigation work products, as well as all investigation results and other tracking information needed to identify trends, patterns, and other indicators of fraud and abuse within the Department of Education programs and operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as amended, (5 U.S.C. Appendix).

PURPOSE(S):

Pursuant to the Inspector General Act of 1978, as amended, the system is maintained for the purposes of—(1) conducting and documenting investigations by the Office of Inspector General (OIG) or other investigative agencies regarding Department of Education programs and operations and reporting the results of

investigations to other Federal agencies, other public authorities or professional organizations that have the authority to bring criminal prosecutions or civil or administrative actions, or to impose other disciplinary sanctions; (2) documenting the outcome of OIG investigations; (3) maintaining a record of the activities that were the subject of investigations; (4) reporting investigative findings to other Department of Education components for their use in operating and evaluating their programs or operations and in the imposition of civil or administrative sanctions; (5) maintaining a record of complaints and allegations received relative to Department of Education programs and operations and documenting the outcome of OIG reviews of those complaints and allegations; (6) coordinating relationships with other Federal agencies, State and local governmental agencies, and nongovernmental entities in matters relating to the statutory responsibilities of the OIG; (7) acting as a repository and source for information necessary to fulfill the reporting requirements of the Inspector General Act, 5 U.S.C. Appendix; (8) reporting on the activities of the Inspectors General to the President's Council on Integrity and Efficiency (PCIE); and (9) participating in the investigative qualitative assessment review process requirements of the Homeland Security Act of 2002 (Pub. L. 107-296).

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

The OIG 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. The OIG may make these disclosures on a case-by-case basis or, if the OIG has met the requirements of the Computer Matching and Privacy Protection Act, under a computer matching agreement.

(1) *Disclosure for Use by Other Law Enforcement Agencies.*

The OIG may disclose information from this system of records as a routine use 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 regulations if that information is relevant to any enforcement, regulatory, investigative, or prosecutorial responsibility of the receiving entity.

(2) *Disclosure to Public and Private Entities to Obtain Information Relevant to Department of Education Functions and Duties.* The OIG may disclose information from this system of records as a routine use to public or private sources to the extent necessary to obtain information from those sources

relevant to an OIG investigation, audit, inspection, or other inquiry.

(3) *Disclosure for Use in Employment, Employee Benefit, Security Clearance, and Contracting Decisions.*

(a) For Decisions by the Department. The OIG may disclose information from this system of records as a routine use to a Federal, State, local, or foreign 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 or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit.

(b) For Decisions by Other Public Agencies and Professional Organizations. The OIG may disclose information from this system of records as a routine use to a Federal, State, local, or foreign agency, other public authority, or professional organization in connection with the hiring or retention of an employee or other personnel action, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit.

(4) *Disclosure to Public and Private Sources in Connection with the Higher Education Act of 1965, as Amended (HEA).* The OIG

may disclose information from this system of records as a routine use to facilitate compliance with program requirements to any accrediting agency that is or was recognized by the Secretary of Education pursuant to the HEA; to any educational institution or school that is or was a party to an agreement with the Secretary of Education pursuant to the HEA; to any guaranty agency that is or was a party to an agreement with the Secretary of Education pursuant to the HEA; or to any agency that is or was charged with licensing or legally authorizing the operation of any educational institution or school that was eligible, is currently eligible, or may become eligible to participate in any program of Federal student assistance authorized by the HEA.

(5) *Litigation Disclosure.*

(a) Disclosure to the Department of Justice. If the disclosure of certain records to the Department of Justice (DOJ) is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the OIG may disclose those records as a routine use to the Department of Justice. The OIG may make such a disclosure in the event that one of the following parties is involved in the litigation or has an interest in the litigation:

(i) The Department or any component of the Department;

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

(iii) Any employee of the Department in his or her individual capacity if the DOJ has agreed to represent the employee or in connection with a request for that representation; or

(iv) The United States, if the Department determines that the litigation is likely to affect the Department or any of its components.

(b) Other Litigation Disclosure. If disclosure of certain records to a court, adjudicative body before which the Department is authorized to appear, individual or entity designated by the Department or otherwise empowered to resolve disputes, counsel or other representative, party, or potential witness is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the OIG may disclose those records as a routine use to the court, adjudicative body, individual or entity, counsel or other representative, party, or potential witness. The OIG may make such a disclosure in the event that one of the following parties is involved in the litigation or has an interest in the litigation:

(i) The Department or any component of the Department;

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

(iii) Any employee of the Department in his or her individual capacity if the Department has agreed to represent the employee; or

(iv) The United States, if the Department determines that the litigation is likely to affect the Department or any of its components.

(6) *Disclosure to Contractors and Consultants.* The OIG may disclose information from this system of records as a routine use to the employees of any entity or individual with whom or with which the Department contracts for the purpose of performing any functions or analyses that facilitate or are relevant to an OIG investigation, audit, inspection, or other inquiry. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards, as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(7) *Debarment and Suspension Disclosure.* The OIG may disclose information from this system of records as a routine use to another Federal agency considering suspension or debarment action if the information is relevant to the suspension or debarment action. The OIG also may disclose

information to another agency to gain information in support of the Department's own debarment and suspension actions.

(8) *Disclosure to the Department of Justice.* The OIG may disclose information from this system of records as a routine use to the DOJ to the extent necessary for obtaining the DOJ's advice on any matter relevant to Department of Education programs or operations.

(9) *Congressional Member Disclosure.* The OIG may disclose information from this system of 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.

(10) *Benefit Program Disclosure.* The OIG may disclose records as a routine use to any Federal, State, local, or foreign agency, or other public authority, if relevant to the prevention or detection of fraud and abuse in benefit programs administered by any agency or public authority.

(11) *Overpayment Disclosure.* The OIG may disclose records as a routine use to any Federal, State, local, or foreign agency, or other public authority, if relevant to the collection of debts and overpayments owed to any agency or public authority.

(12) *Disclosure to the Council of the Inspectors General on Integrity and Efficiency (CIGIE)*. The OIG may disclose records as a routine use to members and employees of the CIGIE for the preparation of reports to the President and Congress on the activities of the Inspectors General.

(13) *Disclosure for Qualitative Assessment Reviews*. The OIG may disclose records as a routine use to members of the CIGIE, the DOJ, the U.S. Marshals Service, or any Federal agency for the purpose of conducting qualitative assessment reviews of the investigative operations of the Department of Education, Office of Inspector General to ensure that adequate internal safeguards and management procedures are maintained.

(14) *Disclosure to Entities Responsible for Oversight of Federal Funds*. The OIG may disclose records as a routine use to the Recovery Accountability and Transparency Board (RATB) or any successor entity, to the Government Accountability and Transparency Board (GATB) or any successor entity, or to any other Federal, State, local, or foreign agency or other entity responsible for coordinating and conducting oversight of Federal funds, in order to prevent fraud, waste, and abuse related to Federal funds, or for assisting in the enforcement, investigation, prosecution, or oversight of violations of administrative, civil, or criminal law or regulation, if that information is relevant to any enforcement, regulatory,

investigative, prosecutorial, or oversight responsibility of the Department or of the receiving entity.

(15) *Disclosure in the Course of Responding to Breach of Data.* The OIG may disclose records from this system to appropriate agencies, entities, and persons when (a) the OIG suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the OIG 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 the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the OIG's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Electronic records are stored on a Web-based computer system. Hard-copy records are stored in bar-lock file cabinets.

RETRIEVABILITY:

The records are retrieved by manual or computer search of alphabetical indices or cross-indices. Indices list names, social security numbers, dates of birth, and other personal information of individuals. Indices also list names of companies and organizations.

SAFEGUARDS:

Electronic records are maintained on computer databases that are kept on a secured server in combination-locked rooms. Authorized log-on codes and passwords prevent unauthorized users from gaining access to data and system resources. Hard copy records are maintained in secure rooms, in security-type safes or in bar-lock file cabinets with manipulation-proof combination locks.

RETENTION AND DISPOSAL:

Investigative files are retained and disposed of in accordance with the Department's Records Disposition Schedules (ED/RDS), as approved by the National Archives and Records Administration. You may obtain a copy of the ED/RDS by writing to the System Manager at the following address.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigation Services,
Office of Inspector General, U.S. Department of Education, 400

Maryland Avenue, SW., Room 4200, Mary E. Switzer Building,
Washington, DC 20202-1510.

NOTIFICATION PROCEDURE:

See ``SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.``
As provided in 34 CFR 5b.11(b)(3) and (c)(1), the notification
procedure is not applicable to criminal investigative files
except at the discretion of the Inspector General. To the extent
that this procedure may apply to criminal investigative files,
it is governed by 34 CFR 5b.11(b). The notification procedure is
applicable to non-criminal investigative files under the
conditions defined by 34 CFR 5b.11(c) and (f). Under these
conditions, it is governed by 34 CFR 5b.5.

RECORD ACCESS PROCEDURES:

See ``SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.``
As provided in 34 CFR 5b.11(b)(3) and (c)(1), the record access
procedure is not applicable to criminal investigative files
except at the discretion of the Inspector General. To the extent
that this procedure may apply to criminal investigative files,
it is governed by 34 CFR 5b.11(b). The record access procedure
is applicable to non-criminal investigative files under the
conditions defined by 34 CFR 5b.11(c) and (f). Under these
conditions, it is governed by 34 CFR 5b.5.

CONTESTING RECORD PROCEDURES:

See ``SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.``
As provided in 34 CFR 5b.11(b)(3) and (c)(1), the procedure for correction or amendment of records is not applicable to criminal and non-criminal investigative files.

RECORD SOURCE CATEGORIES:

Departmental and other Federal, State, and local government records; interviews of witnesses; and documents and other material furnished by nongovernmental sources. Sources may include confidential sources.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to the general authority in the Privacy Act in 5 U.S.C. 552a(j)(2) (criminal investigative/enforcement files), the Secretary of Education has by regulations exempted the Investigative Files of the Inspector General from the following subsections of the Privacy Act:

5 U.S.C. 552a(c)(3)—access to accounting of disclosure.

5 U.S.C. 552a(c)(4)—notification to outside parties and agencies of correction or notation of dispute made in accordance with 5 U.S.C. 552a(d).

5 U.S.C. 552a(d)(1) through (4) and (f)—procedures for notification or access to, and correction or amendment of, records.

5 U.S.C. 552a(e)(1)—maintenance of only relevant and necessary information.

5 U.S.C. 552a(e)(2)—collection of information from the subject individual to the greatest extent practicable.

5 U.S.C. 552a(e)(3)—notice to an individual who is asked to provide information to the Department.

5 U.S.C. 552a(e)(4)(G) and (H)— inclusion of information in the system of records notice regarding Department procedures on notification of, access to, correction of, or amendment of records.

5 U.S.C. 552a(e)(5)—maintenance of records with requisite accuracy, relevance, timeliness, and completeness.

5 U.S.C. 552a(e)(8)—service of notice on individual if a record is made available under compulsory legal process if that process becomes a matter of public record.

5 U.S.C. 552a(g)—civil remedies for violation of the Privacy Act.

Pursuant to the general authority in the Privacy Act in 5 U.S.C. 552a(k)(2) (civil investigative files), the Secretary of Education has by regulations exempted the Investigative Files of the Inspector General from the following subsections of the Privacy Act:

5 U.S.C. 552a(c)(3)—access to accounting of disclosure.

5 U.S.C. 552a(d)(1) through (4) and (f)—procedures for notification or access to, and correction or amendment of, records.

5 U.S.C. 552a(e)(1)—maintenance of only relevant and necessary information.

5 U.S.C. 552a(e)(4)(G) and (H)— inclusion of information in the system of records notice regarding Department procedures on notification of, access to, correction of, or amendment of records.

These exemptions are stated in 34 CFR 5b.11.

Appendix to 18-10-01

Additional System Locations

Office of Inspector General, U.S. Department of Education,
J.W. McCormack Post Office and Courthouse, 5 Post Office Square,
Suite 850, Boston, MA 02110-1491.

Office of Inspector General, U.S. Department of Education,
32 Old Slip, 26th Floor, New York, NY 10005-2500.

Office of Inspector General, U.S. Department of Education,
The Wanamaker Building, 100 Penn Square East, Suite 502,
Philadelphia, PA 19107-3323.

Office of Inspector General, U.S. Department of Education,
1000 Liberty Avenue, Room 1503, Pittsburgh, PA 15222-4004.

Office of Inspector General, U.S. Department of Education,
Atlanta Federal Center, 61 Forsyth Street, Room 18T71, Atlanta,
GA 30303-3104.

Office of Inspector General, U.S. Department of Education,
500 W. Madison Street, Suite 1414, Chicago, IL 60661-7204.

Office of Inspector General, U.S. Department of Education, 1999
Bryan Street, Suite 1430, Dallas, TX 75201- 3136.

Office of Inspector General, U.S. Department of Education,
8930 Ward Parkway, Suite 2401, Kansas City, MO 64114-3302.

Office of Inspector General, U.S. Department of Education,
One World Trade Center, Suite 2300, Long Beach, CA 90831-0023.

Office of Inspector General, U.S. Department of Education,
Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite
604A, Denver, CO 80204-3582.

Office of Inspector General, U.S. Department of Education,
Jacaranda Executive Court, 7890 Peters Road, Suite G-100,
Plantation, FL 33324- 4028.

Office of Inspector General, U.S. Department of Education,
Federal Building and Courthouse, 150 Carlos Chardon Avenue, Room
747, Box 772, Hato Rey, PR 00918-1721.