

18-10-04

SYSTEM NAME:

Hotline Complaint Files of the Inspector General.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of Education, 330 C Street, SW., Room 4116, Switzer Building, Washington, DC 20202-1510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories include individuals who are sources of information or have made complaints to the OIG Hotline, individuals who allegedly have knowledge regarding wrongdoing affecting the programs and operations of the Department, and individuals about whom complaints and allegations have been made concerning wrongdoing involving the programs and operations of the Department of Education. These individuals may include, but are not limited to, current and former Department employees, 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:

Records in this system contain information obtained from complainants who report allegations of wrongdoing relating to Department of Education programs and operations. Specific data may include name and address (if available) of the complainant, the date the complaint was received, the affected program area, the nature and subject of the complaint, and any additional contacts and specific comments provided by the complainant. In addition, information on the OIG disposition of the complaint is included in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended (IG Act),
5 U.S.C. app. 3.

PURPOSES:

Pursuant to the Inspector General Act, this system is maintained for purposes of: (1) Maintaining a record of complaints and allegations received concerning Department of Education programs and operations and a record concerning the disposition of those complaints and allegations; and (2) reporting on American Recovery and Reinvestment Act of 2009 related complaints and allegations to the Recovery Accountability and Transparency Board.

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

The Department of Education (the 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 Privacy Act, under a computer matching agreement.

(1) *Disclosure for Use by Other Law Enforcement Agencies.* In the event that any records from this system of records, either by themselves or in combination with any other information, indicate a violation or potential violation of criminal or civil law or regulation, the Department 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 regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity.

(2) *Litigation Disclosure.*

(a) *Introduction.* In the event that one of the following parties is involved in litigation, or has an interest in litigation, the Department may disclose certain records to the parties described in paragraphs (2), (3), and (4) of this routine use under the conditions specified in those paragraphs:

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

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

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

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

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

(b) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice or attorneys engaged by the

Department of Justice is relevant and necessary to litigation, the Department may disclose those records as a routine use to the Department of Justice.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to an individual or an entity designated by the Department or otherwise empowered to resolve 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) *Opposing Counsels, Representatives, and Witnesses.* If the Department determines that disclosure of certain records to an opposing 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 counsel, representative, or witness.

(3) *Disclosure to Public and Private Entities to Obtain Information Relevant to the Department's OIG Functions and Duties.* The Department 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 a Department of

Education/OIG investigation, audit, inspection, or other inquiry.

(4) *Disclosure to Public and Private Sources in Connection with the Higher Education Act of 1965, as amended (HEA).* The Department 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 any 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) *Disclosure to the Department of Justice.* The Department may disclose information from this system of records as a routine use to the Department of Justice to the extent necessary for obtaining its advice on any matter

relevant to an OIG investigation, audit, inspection, or other inquiry related to the responsibilities of the OIG.

(6) *Congressional 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.

(7) *Disclosure to the Recovery Accountability and Transparency Board (RATB)*. The Department may disclose records as a routine use to the RATB for purposes of coordinating and conducting oversight of American Recovery and Reinvestment Act of 2009 funds to prevent fraud, waste, and abuse.

(8) *Disclosure in the Course of Responding to Breach of Data*. The Department may disclose records from this system to appropriate agencies, entities, and persons when

(a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) 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 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 Department'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:

The records are maintained in complaint files, computer mainframe files, and computer-printed listings.

RETRIEVABILITY:

Hard copy records are organized by and retrievable by the assigned Hotline number. The computer files are indexed and retrievable by Hotline number, name of complainant, and the name of the subject or subjects.

SAFEGUARDS:

Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises to which access is limited to those persons whose official duties require access. Computer terminals are secured in controlled areas that are locked when unoccupied. Access to automated records is limited to authorized personnel who must use a password system to gain access.

RETENTION AND DISPOSAL:

Hotline records not resulting in investigations are destroyed when five years old, in accordance with the Department's Records Disposition Schedules (ED/RDS, part 16). Investigative case files are destroyed 10 years after close-out in accordance with the Department's Records Disposition Schedules (ED/RDS, Part 16).

SYSTEM MANAGER AND ADDRESS:

Assistant Inspector General for Investigations, Office of Inspector General, U.S. Department of Education, 400 Maryland Avenue, SW., room 8093, PCP building, Washington, DC 20202- 1510.

NOTIFICATION PROCEDURE:

See Systems Exempted. As provided in 34 CFR 5b.11(f), the notification procedures are not applicable to Hotline files except at the discretion of the Inspector General.

The notification procedures are applicable to noncriminal files only under the conditions in 34 CFR 5b.11(f)(2). To the extent these procedures apply to the Department of Education Hotline Complaint Files, they are governed by 34 CFR 5b.5.

RECORD ACCESS PROCEDURES:

See Notification Procedure.

CONTESTING RECORD PROCEDURES:

Not applicable. See Systems Exempted.

RECORD SOURCE CATEGORIES:

Complainants who include, but are not limited to, current and former employees of the Department, employees of other Federal agencies, employees of State and local agencies, private individuals, and officers and employees of non-governmental organizations that are involved with Department programs, contracts, or funds or have knowledge about Department programs, contracts, or funds.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Secretary has by regulations exempted the Hotline Complaint Files of the Inspector General from the following provisions of the Privacy Act:

(1) Pursuant to 5 U.S.C. 552a(j)(2):

(a) 5 U.S.C. 552a(c)(3), regarding access to an accounting of disclosures of a record.

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

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

(d) 5 U.S.C. 552a(e)(1), regarding maintaining only relevant and necessary information.

(e) 5 U.S.C. 552a(e)(2), regarding collection of information from the subject individual.

(f) 5 U.S.C. 552a(e)(3), regarding notice to individuals asked to provide a record to the Department.

(g) 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.

(h) 5 U.S.C. 552a(e)(5), regarding maintaining records with requisite accuracy, relevance, timeliness, and completeness.

(i) 5 U.S.C. 552a(e)(8), regarding service of notice on subject individual if a record is made available under

compulsory legal process if that process becomes a matter of public record.

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

(2) Pursuant to 5 U.S.C. 552a(k)(2):

(a) 5 U.S.C. 552a(c)(3), regarding access to an accounting of disclosures of records.

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

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

(d) 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.