United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: DEC 14 1998

TO : The Commission

Through: Sadye E. Dunn, Secretary SD
Pamela Gilbert, Executive Director PG
Douglas Noble, Assistant Executive Director, EXIS DNoble

FROM : Jeffrey S. Bromme, General Counsel JB
Richard W. Allen, Assistant General Counsel RWA
Joseph F. Rosenthal, Attorney JR

SUBJECT: Federal Register Notice for Privacy Act Systems of Records

Ballot Vote due DEC 16 1998

The Privacy Act, 5 U.S.C. 552a, requires agencies to publish in the Federal Register notices of new or substantially altered systems of records, i.e., systems from which personal information, confidential or not, is retrieved by personal name or identifier. Moreover, the President's memorandum of May 14, 1998 directs agencies to review and update their systems of records and publish amendments or additions as necessary.

The attached proposed Federal Register notice is the result of such a review. It adds three systems of records to the Commission's inventory of Privacy Act systems and republishes the complete inventory of systems with updates and corrections.

We have identified three systems of records at the Commission that have not been published in the Federal Register: (1) CPSC-19, the Office of Hazard Analysis and Reduction computerized project tracking system, under development, (2) CPSC-21, Contractor personnel security information, and (3) CPSC-23, the Directorate for Administration's medical evaluation reports on employees who must use respirators. Two previously published systems no longer exist and have been deleted: (1) CPSC-11, motor vehicle operator records, and (2) CPSC-23, Health Unit records.

CPSA 6 (b)(1) Cleared
✓ No Mfrs/PrvtLblrs or Products Identified
___ Excepted by
___ Firms Notified,
12/14/98

NOTE: This document has not been reviewed or accepted by the Commission.
Initial SD **Date** 12/14/98

Many of the Commission's Privacy Act notices were published long ago and have outdated information, such as the old Westbard Avenue address, and inconsistent formats. We have updated and corrected the systems, as described in the proposed notice. The notice includes all the Commission's Privacy Act systems, even those not altered in any way, so that the Federal Register publication will be a single authoritative source for reference by the staff, and one that could be reproduced and appended to the Commission's Privacy Act Directive.

The Privacy Act also requires that reports on new or substantially altered systems of records be submitted to OMB and the Congress. In accordance with Appendix I to OMB Circular A-130, we have prepared the attached letters to OMB, the Chairman of the Committee on Government Reform and Oversight of the House of Representatives, and the Chairman of the Committee on Governmental Affairs of the Senate. Each letter will include the attached "Narrative Statements," also required by Circular A-130, and a copy of the Federal Register notice itself.

Please indicate your vote on the following options.

I. Approve the Federal Register notice and letters as drafted.

_____ _____
(Signature) (Date)

II. Approve the Federal Register notice and letters with the following changes (Please Specify):

_____ _____
(Signature) (Date)

III. Do not approve the Federal Register notice and letters.

_____ _____
(Signature) (Date)

Attachment(s)

[Billing Code 6335-01]

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Republication of Systems of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Republication and Revision of Systems of Records.

SUMMARY: The Consumer Product Safety Commission is republishing its Privacy Act systems of records with certain changes, additions, and deletions.

DATES: Systems with substantive changes will become effective on [insert date 40 days from date of publication in the FEDERAL REGISTER] unless comments are received which require a contrary determination.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, Telephone (301) 504-0980.

SUPPLEMENTARY INFORMATION: In accordance with Presidential Memorandum of May 14, 1998, the Consumer Product Safety Commission has reviewed its Privacy Act systems of records, and is republishing its notices of Privacy Act systems of records with necessary changes and additions. Addresses have been changed throughout to reflect the Commission's current location and organizatonal structure, and minor stylistic changes have been made to provide a more

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consistent format throughout. Additional changes and newly published systems are noted below.

CPSC-1, Injury and Incident Investigation Files. The name of the system has been changed from "Accident Reports (In-Depth)" to reflect the inclusion of follow-up investigative reports of injuries and reported hazardous incidents as well as the coded data and one line narratives received from hospitals. "Purpose(s)" and "Record Source" sections have been added to conform to standard practice. The "Storage" section now refers generically to computer storage media, since some records are stored on optical computer disks for long-term storage. A sentence has been added to describe the disposition of the original paper records. A sentence has been added to the "Retrievability" section to reflect the fact that records are also retrievable by product category. A sentence has been added to the "Safeguards" section to cover investigative reports that, unlike those received from hospitals, may contain personal data.

CPSC-2, Advisory Committee Records. The first sentence of the "Routine uses" section has been moved to a new "Purpose(s)" section.

CPSC-3, *Claims.* The first sentence of the "Routine uses" section has been moved to a new "Purpose(s)" section. The system location has been moved from the Office of Human Resources management to the Office of the General Counsel,

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and the system manager has been changed to the General Counsel.

CPSC-4, *Hotline Database*. A routine use has been added to permit the Commission to forward complete records to other governmental agencies having apparent jurisdiction over the products or hazards disclosed in the records. The Commission sometimes receives communications relating to matters outside the Commission's jurisdiction, such as those relating to automobiles. The new routine use would permit the Commission to forward those communications to the appropriate agency, such as the National Highway Transportation Administraton, that does have jurisdiction. The "retrievability" section no longer excludes the possibility of retrieval by the name of a victim different from the person who contacts the Commission. The "systems exempted" section has been removed because the system is no longer used for purely statistical purposes — individual records may be used for accident causation analysis.

CPSC-5, *Commissioners' Biographies*. The "Categories of individuals" section has been narrowed. This system of records now includes information about Commissioners only. The first sentence of the "Routine uses" section has been moved to a new "Purpose(s)" section. The "Routine uses" section itself has been broadened to permit unrestricted disclosure, which is consistent with the fact that the information in the records has been furnished by the person

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to whom it pertains for the express purpose of facilitating dissemination.

CPSC-6, *Office of the Inspector General Investigative Files*. Routine use 11 has been revised in light of the Debt Collection Improvement Act of 1966 to allow disclosure to the Department of the Treasury for the purpose of collecting delinquent debts.

CPSC-7, *Enforcement and Investigation Files*. The name of the system has been changed from "Enforcement and Litigation Files" to more accurately reflect the nature of the system. The "Categories of Individuals" section has been amended to include the individuals who may be named in the documents described in the "Categories of Records" section. This makes the "Categories of Individuals" section consistent with the "Categories of Records" and "Retrievability" sections.

CPSC-8, *Integrated Field System*. The routine use relating to enforcement and litigation has been removed. Although these records indirectly support the Commission's enforcement activities, they are used only for internal management functions.

CPSC-9, *General Counsel Tracking System*. No changes.

CPSC-10, *Procurement Files*. In the "Retention" section the reference to destruction of computer records has been removed.

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CPSC-11, *Employee Motor Vehicle Operators and Accident Report Records*. This system has been deleted. The Commission no longer keeps records of this type. Records relating to claims against the Commission arising from motor vehicle accidents allegedly caused by employees in the course of duty are kept in the system called CPSC-3, *Claims*.

CPSC-12, *Employee Outside Activity Notices*. Additional authorities for the record system have been cited. The first routine use has been moved to a new "Purpose(s)" section. The retention period has been shortened in that the records are no longer kept after an employee leaves the agency.

CPSC-13, *Personnel Data System*. Race and national origin and merit pool identifier are no longer kept and have been removed from "Record categories." Information on individual vendors to the Commission, including employees who receive reimbursement for expenses, has been added to that section. Two new routine uses have been added: disclosure

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in connection with relevant litigation, and disclosure in connection with child support enforcement actions.

CPSC-14, *Corrective Actions and Sample Tracking System.* "Sample Tracking" was added to the system name to more accurately reflect the function of the system. Some organizational names were changed to reflect a reorganization of the Office of Compliance. The "Categories of Individuals" section was modified to include the contact person at the entity under investigation. The "safeguards" section was modified to show that certain employees in the field can access the system.

CPSC-15, *Employee Relations Files.* The former routine use number five has been moved to a new "Purpose(s)" section. A new routine use has been added to permit disclosure in relevant litigation without requiring a judicial subpoena, i.e., one actually signed by a judge. The retention period has been increased from two years to four years after an employee leaves.

CPSC-16, *Equal Employment Opportunity (EEO) Counseling Files.* The name of this sytem has been changed from "Employee Upward Mobility Counseling Files" to reflect a narrowed scope. It now includes only employees alleging discrimination. The two "Categories" sections and a new "Purpose(s)" section reflect this scope. The retention period has been changed to a fixed two years from "until employee reaches goal." The "Record source" section has

been changed to include witnesses as well as the employee himself or herself.

CPSC-17, *Commissioned Officers Personal Data File*. The record categories section has been shortened by deleting references to data items that are no longer recorded. The first three former routine uses have been moved to a new "Purpose(s)" section. A new routine use has been added to allow disclosure, upon request, to a state or federal agency in connection with hiring or other personnel activities.

CPSC-18, *Procurement Integrity Records*. No change.

CPSC-19, *Office of Hazard Identification and Reduction Tracking System*. This is a proposed new system that will help the Office of Hazard Identification and Reduction manage its projects.

CPSC-20, *Personnel Security File*. No change.

CPSC-21, *Contractor Personnel Security File*. This is a proposed new system that will store security investigation reports on contractor personnel who work onsite at the Consumer Product Safety Commission.

CPSC-22, *CPSC Management Information System*. References to obsolete computer punch cards have been removed.

CPSC-23, *Health Unit Medical Records*. This system has been deleted because the Commission no longer has a health unit and all records have been destroyed in accordance with the "Retention" section of the former CPSC-23.

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CPSC-24, *Respirator Program Medical Reports*. This is a new system of records to cover the medical reports on employees whose job may require them to wear respirators. Occupational Health and Safety Regulations requires such persons to undergo periodic medical evaluations of their fitness to use respirators. The Public Health Service performs these evaluations for the Commission.

The Chairman of the Committee on Governmental Affairs of the Senate, the Chairman of the Committee on Government Reform and Oversight of the House of Representatives, and the Office of Management and Budget have been specifically notified of systems CPSC-1, CPSC-4, CPSC-5, CPSC-6, CPSC-7, CPSC-13, CPSC-14, CPSC-17, CPSC-19, CPSC-21, and CPSC-24, and have received a copy of this notice.

Dated:

Sadye Dunn, Secretary
Consumer Product Safety Commission

CONSUMER PRODUCT SAFETY COMMISSION

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CPSC-1

System name:

CPSC-1, Injury Investigation Files

System location:

For computer records:
Consumer Product Safety Commission
Directorate for Epidemiology and Health Sciences

4330 East West Highway
Bethesda, MD 20814

For paper records:

Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Victims of consumer product-related incidents or injuries on which specific epidemiologic data is needed in order to analyze and correct product hazards.

Categories of records in the system:

These records contain demographic data on the person involved in an incident or injury, location of the incident, data on the incident, product and manufacturer identification, and a narrative description of the incident. They may also contain photographs and other documents relevant to the incident.

Authority for maintenance of the system:

15 U.S.C. 2054.

Purpose(s):

Records are used to support CPSC staff work in analyzing the incidence, severity, and causes of consumer product related injuries.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Records are used as a compilation of statistical and other information on product-related injuries to support CPSC staff work in analyzing the incidence and severity of product related injuries and to respond to Congressional inquiries and requests for information from private individuals and private and public organizations.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Records may be provided to another Federal, State or local agency or authority engaged in activities relating to health, safety or consumer protection in accordance with section 29(e) of the Consumer Product Safety Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained as coded data and computer images on computer storage media. The original hard copy of investigation reports is maintained by the National Injury Information Clearinghouse, Office of Information Services, in file folders and as computer images. Hard copies are retired to the Washington National Records Center, Suitland, Maryland.

Retrievability:

Records are retrievable by a coded number which indicates the date of assignment of the investigation, the Commission unit requesting the report, and a sequential number assigned to the investigation. Records are also retrievable by product category.

Safeguards:

Confidentiality of the identity of the accident victim and attending physician are guaranteed by the Consumer Product Safety Act, section 25(c) (15 U.S.C. 2074(c)) and, therefore, names do not appear in the coded computer record and can not used for retrieval. Hard copies and computer images of investigation reports are redacted as necessary to remove identifying information before they are disclosed outside the Commission.

Retention and disposal:

Hard copy records are maintained for a period of up to 10 years on-site, subject to change in Commission policy. They are then sent to the Washington National Records Center in Suitland, Maryland and destroyed after 30 years. Computer records are maintained indefinitely.

System manager(s) and address:

Director, National Injury Information Clearinghouse
Office of Information Services
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information is provided by victims and their families, witnesses, public safety and law enforcement agencies, and others having knowledge of circumstances of incidents or injuries.

CPSC-2

System name:

CPSC-2, Advisory Committee Records

System location:

Consumer Product Safety Commission
Directorate for Epidemiology and Health Sciences
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Individuals seeking or nominated for or selected for membership on CPSC Advisory Committees.

Categories of records in the system:

Records of applicants contain an individual's name, address, personal history and qualifications, any correspondence with the individual and any Commission memoranda

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relating to the selection of the individual. Records of members additionally contain information about the member's financial compensation and Commission documents relating to the individual's service as a member.

Authority for maintenance of the system:

15 U.S.C. 2077 and 15 U.S.C 1275.

Purpose(s):

These records are used to select candidates for filling vacancies on advisory committees and to administer the operation of the committees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed alphabetically by name of committee and then by name of applicant or member.

Safeguards:

Records are maintained in file cabinets in a secured area.

Retention and disposal:

Applicants' and nominees' records are retained until new applications are solicited or committee is terminated and then destroyed. Members' records are retained for 2 years after termination of membership and then destroyed.

System manager(s) and address:

Committee Management Officer
Directorate for Epidemiology and Health Sciences
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information is provided by applicants, nominees for, and members of Advisory Committees and by Commission staff.

CPSC-3

System name:

CPSC-3, Claims

System location:

Consumer Product Safety Commission
Office of the General Counsel
4430 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

CPSC employees sustaining personal property damage or loss incident to service; CPSC employees involved in situations where personal injury or property damage to others results from wrongful or negligent act or omission of employee acting within scope of employment; claimants sustaining injury or property damage due to activities of CPSC or its employees.

Categories of records in the system:

These records contain claims for money damages, accident and investigative reports, and correspondence and other documents concerning claims or potential claims.

Authority for maintenance of the system:

31 U.S.C. 3721; 28 U.S.C. 1346(b), 2672.

Purpose(s):

(a) For processing claims and litigation under the Federal Tort Claims Act or the Military Personnel and Civilian Employee's Claims Act; (b) For preparation of reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Information from a record in this system of records may be disclosed to a person or entity having a legal interest in the claim.
3. Information may be disclosed to Federal, state, or local law authorities, court authorities, administrative authorities, for use in connection with civil, criminal, administrative, and regulatory proceedings and actions relating to the claim.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed alphabetically by name of individual claimant.

Safeguards:

Records are maintained in a file cabinet in a secured area. Access to such area is limited to those persons whose official duties require such access.

Retention and disposal:

Records are retained up to six years after case is closed. Disposal is by normal procedures.

System manager(s) and address:

General Counsel
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information is provided by (1) the individual to whom the record pertains (2) CPSC and/or its employees (3) affidavits, statements, or testimony of witnesses (4) official documents relating to the claim (5) correspondence from organizations or persons involved.

CPSC-4

System name:

CPSC-4, Hotline Database

System location:

Consumer Product Safety Commission
Office of Information Systems
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Persons who contact the Consumer Product Safety Commission to report consumer product associated injuries, illnesses, deaths, incidents, or perceived hazards associated with consumer products, or request information about such matters; and other persons identified by the reporting persons as victims of consumer product associated incidents.

Categories of records in the system:

Information about accidents, injuries, illnesses, deaths, and suspected safety hazards associated with consumer products. The records contain free form narratives, and a variety of fields dedicated to specific data about different types of products or incidents. Records contain personal information such as the name, address, and telephone number of the person submitting the information and in some cases of the victim, if different.

Authority for maintenance of the system:

Section 5 of the Consumer Product Safety Act, 15 U.S.C. 2054.

Purpose(s):

To collect data on hazards, defects, injuries, illnesses, and deaths associated with consumer products; to respond to inquiries from the public; to record personal information to permit further interaction with persons submitting data or persons named by those who submit data; to further public safety by helping determine the cause of injuries and deaths associated with consumer products.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Records are disclosed to contractor personnel who operate the Consumer Product Safety Commission's Hotline and who enter data into the database.
2. Copies of records are mailed to callers for their verification of the information provided.
3. Copies of records may be sent to sources of consumer products identified in the records (e.g., manufacturers, distributors, or retailers) and may be distributed to others, but any personal identifying information is deleted before such disclosure unless permission to disclose such personal identifying information has been explicitly granted in writing by the person in question.
4. Copies of records may be sent to other governmental agencies having apparent jurisdiction over the products or hazards disclosed in a record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained by a computer database management system on a local and wide area network. Paper copies of individual computer records are made by the Hotline staff and are stored by month and by name of the person who contacted the Hotline. Other paper copies are made available to Commission staff but are not stored by name or other individual identifier.

Retrievability:

Records are retrievable by a variety of fields, including the name of the person who submitted the information.

Safeguards:

Access to the computer records requires the use of two passwords: one to access the agency's computer network and another to access the database. Access is limited to those with a particular need to know the information — selected Commission employees and the contractor employees who operate the Hotline.

Retention and disposal:

Computer records are maintained indefinitely. Paper records are kept for 10 years and then transferred to a Federal Records Center.

System manager(s) and address:

Hotline Project Officer
Communication Services Division
Office of Information Services
Consumer Product Safety Commission
Washington, DC 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in these records is initially supplied by persons who contact the Commission. The Commission may solicit additional or verifying information from those persons or from other persons who were identified as victims.

CPSC-5

System name:

CPSC-5, Commissioners' Biographies

System location:

Consumer Product Safety Commission
Office of Information and Public Affairs
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

CPSC Commissioners who have submitted biographical information.

Categories of records in the system:

This record contains a brief statement of information relating to educational and professional background and present position and responsibilities within the Commission.

Authority for maintenance of the system:

15 U.S.C. 2051-83.

Purpose(s):

This information is furnished to the public media, including the Internet, in connection with Commissioners' activities and Commissioners' participation in conferences, meetings and other functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to anyone who makes a request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed alphabetically by name of the Commissioner.

Safeguards:

Records are maintained in secured areas.

Retention and disposal:

Records are maintained until the Commissioner leaves the agency. Disposal is by normal methods.

System manager(s) and address:

Director, Office of Information and Public Affairs
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this record is furnished by the employee to whom it pertains.

CPSC-6

System name:

CPSC-6, Office of the Inspector General Investigative Files

System location:

Office of the Inspector General
Consumer Product Safety Commission,
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Individuals who are or have been the subject of an Office of the Inspector General investigation relating to the programs and operations of the Commission including, but not limited to, current and former employees, contractor or subcontractor personnel, as well as other individuals whose actions affect the Commission, its programs, or its operations.

Categories of records in the system:

All records relevant to an Inspector General investigation including correspondence; internal staff memoranda; copies of subpoenas issued during the investigation; affidavits, statements from witnesses, transcripts of any testimony taken in the investigation and accompanying exhibits; documents and records obtained during the investigation; interview notes and working papers of the Office of the Inspector General's staff; opening reports, progress reports, and final reports containing findings and recommendations of appropriate action; and other investigatory information or data relating to alleged or suspected criminal, civil, or administrative violations or similar wrongdoing by subject indiviuals.

Authority for maintenance of the system:

Inspector General Act of 1978, as amended, 5 U.S.C. App.

Purpose(s):

This system is maintained for the purposes of conducting and documenting investigations conducted by the Office of the Inspector General, or other investigative agencies assisting the Office of the Inspector General, regarding CPSC personnel, programs, and operations; documenting the outcome of Inspector General reviews of allegations and complaints received by the Office of the Inspector General concerning CPSC personnel, programs, and operations; aiding in the prosecution or imposition of criminal, civil, or administrative sanctions against subjects of Inspector General investigations; reporting the results of investigations to the Chairman of the Commission and CPSC managers for their use in operating and evaluating their programs; and compiling information necessary to fulfill any reporting requirements by the Inspector

General Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

1. To an appropriate governmental agency, whether federal, state, or local, where there is an indication of a violation or a potential violation of law, regulation, or order, whether civil or criminal in nature, which that agency is charged with investigating or enforcing.

2. To federal, state, or local governmental authorities in order to obtain information or records relevant to an Inspector General investigation.

3. To federal, state or local governmental authorities maintaining civil, criminal, or other relevant information, such as current licenses, to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the award of a contract, or the issuance of a grant or other benefit.

4. To federal, state, or local governmental authorities in response to their request in connection with the hiring or retention of an employee, disciplinary or other administrative action concerning an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the award of a contract, or the issuance of a license, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

5. To non-governmental parties where those parties may have information the Office of the Inspector General seeks to obtain in connection with an investigation.

6. To independent auditors or other private firms with which the Office of the Inspector General has contracted to carry out an independent audit or investigation, or to collate, aggregate, or otherwise refine data collected in the system of records. These contractors will be required to maintain Privacy Act safeguards with respect to such records.

7. To the Office of the General Counsel of the Commission, the Department of Justice, or other law enforcement authorities, for disclosure by such parties to extent relevant and necessary, when the defendant in litigation is:

a. the Commission, any component of the Commission, or any employee of the Commission acting in his or her official capacity;

b. the United States where the litigation, if successful, is likely to affect the operations of the Commission; or

c. any Commission employee sued in his or her individual capacity where the Department of Justice and/or the Office of the General Counsel of the Commission agree to represent such employee.

8. To a court or adjudicative body where the Commission is a party to the litigation or has an interest in such litigation, the records are relevant and necessary to the litigation, and disclosure of the records is compatible with the purpose for which the records were collected.

9. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual, but only to the extent the record would be legally accessible to that individual.

10. To other Commission employees in the course of employee disciplinary proceedings.

11. To the Department of the Treasury or debt collection agencies for the purpose of collecting delinquent debts owed to the Commisson, as authorized by the Debt Collection Act, 31 U.S.C. 3718, and subject to applicable Privacy Act safeguards.

12. To the Office of Personnel Management, the Office of Government Ethics, the Merit Systems Protection Board, the Office of the Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority or its General Counsel, those records or portions thereof which are relevant and necessary to carrying out their authorized functions.

13. To any direct recipient of federal funds, such as a contractor, where information in a record reflects serious inadequacies by the recipient's personnel and disclosure of the record is for purpose of permitting the recipient to take corrective action beneficial to the Government.

14. To a grand jury pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy or on computer diskettes.

Retrievability:

The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

Safeguards:

These records are available only to those persons whose official duties require such access. Paper records and computer diskettes are kept in limited access areas during duty hours and in safe-type file cabinets in locked offices at all other times. Highly sensitive records are created on a personal computer, stored on paper or diskettes, and then deleted from computer storage. Less sensitive records may be created and stored in password-protected computer files.

Retention and disposal:

The Investigative Files are kept indefinitely.

System manager(s) and address:

Inspector General
Office of the Inspector General
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission,
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information is supplied by: individuals including, where practicable, those to whom the information relates; witnesses, corporations and other entities; records of individuals and of the Commission; records of other entities such as federal, foreign, state or local bodies and law enforcement agencies; documents; correspondence relating to litigation; transcripts of testimony; and miscellaneous other sources.

Systems exempted from certain provisions of the act:

All portions of this system of records which fall within 5 U.S.C. 552a(k)(2) (investigatory materials compiled for law enforcement purposes) and 5 U.S.C. 552a(k)(5) (investigatory materials solely compiled for suitability determinations) are exempt from 5 U.S.C. 552a(c)(3), (mandatory accounting of disclosures); 5 U.S.C. 552a(d), (access by individuals to records that pertain to them); 5 U.S.C. 552a(e)(1), (requirement to maintain only such information as is relevant and necessary to accomplish an authorized agency purpose); 5 U.S.C. 552a(e)(4)(G), (mandatory procedures to notify individuals of the existence of records pertaining to them); 5 U.S.C. 552a(e)(4)(H), (mandatory procedures to notify individuals how they can obtain access to and contest records pertaining to them); 5 U.S.C. 552a(e)(4)(I), (mandatory disclosure of record source categories); and the Commission's regulations in 16 CFR Part 1014 which implement these statutory provisions.

CPSC-7

System name:

CPSC-7, Enforcement and Investigation Files

System location:

Office of Compliance, and
Office of the General Counsel
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Individuals who are the authors or recipients of, or mentioned in, documents received by, or generated by, the Consumer Product Safety Commission in preparation for, or the conduct of, potential or actual administrative or judicial enforcement actions, and individuals mentioned in such documents.

Categories of records in the system:

Memoranda, correspondence, test reports, injury reports, notes, and any other documents relating to the preparation for, or conduct of, potential or actual administrative or judicial enforcement actions. The materials may contain personal information as well as purely legal and technical information.

Authority for maintenance of the system:

15 U.S.C. 1194, 1195, 1196, 1264, 1265, 2069, 2070.

Purpose(s):

These files are used by Commission attorneys, compliance officers, and supporting technical staff investigating product hazards and enforcing the Commission's statutory authority.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. These records may be cited and quoted in the course of enforcement negotiations, and in pleadings filed with an adjudicative body and served on opposing counsel.
2. They may be disclosed to the Department of Justice in connection with the conduct of litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in file folders or computer files or both.

Retrievability:

Paper records may be filed by and retrievable by name of the document's author or addressee or by other indicia. Computer records are indexed by, and retrievable by the names and other indicia of authors and addressees, and may permit retrieval by names elsewhere in documents.

Safeguards:

Paper records are kept in secure areas. Computer records are protected by passwords available only to staff with a need to know.

Retention and disposal:

Records are kept indefinitely.

System manager(s) and address:

General Counsel; Director, Office of Compliance
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

These records come from organizations and individuals under investigation; from Commission attorneys, compliance officers, investigators, and supporting technical staff; and from other sources of information relevant to an investigation or adjudication.

Systems exempted from certain provisions of the act:

All portions of this system of records which fall within 5 U.S.C. 552a(k)(2) (investigatory materials compiled for law enforcement purposes) are exempt from 5 U.S.C. 552a(c)(3), (mandatory accounting of disclosures); 5 U.S.C. 552a(d), (access by individuals to records that pertain to them); 5 U.S.C. 552a(e)(1), (requirement to maintain only such information as is relevant and necessary to accomplish an authorized agency purpose); 5 U.S.C. 552a(e)(4)(G), (mandatory procedures to notify individuals of the existence of records pertaining to them); 5 U.S.C. 552a(e)(4)(H), (mandatory procedures to notify individuals how they can obtain access to and contest records pertaining to them); and 5 U.S.C. 552a(e)(4)(I), (mandatory disclosure of record source categories); as well as the Commission's regulations in 16 CFR Part 1014 which implement these statutory provisions.

CPSC-8

System name:

CPSC-8, Integrated Field System

System location:

Directorate for Field Operations
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Employees and persons signing affidavits related to items acquired for testing or evidentiary purposes by the Commission.

Categories of records in the system:

These records contain data regarding inspections, accident investigations, recall effectiveness checks, and the collection and custody of product samples for testing or evidentiary purposes. These records contain task assignments made to field personnel, the names of the designated personnel and their supervisors, initial target completion dates, revised target completion dates, and actual completion dates.

Authority for maintenance of the system:

15 U.S.C. 2053, 2076(f).

Purpose(s):

The Directorate of Field Operations and the Office of Compliance use this system to manage their operations and document the results of their investigatory activities for potential enforcement action by the Commission. The system is accessed and used in the field by supervisors, investigators, and compliance officers, and at headquarters by compliance officers, attorneys, and managers. It is used to monitor staff workloads and may be used to evaluate staff performance. Statistical compilations from these records may be used in reports to Congress or the press.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are stored in a computer database system. Users of the system may make printouts of selected portions of the records from time to time.

Retrievability:

Information may be retrieved by any field, including personal name or identifiers, by authorized headquarters and field staff.

Safeguards:

Access to the computer records requires two separate passwords, one for the network on which the database resides and one for the database itself. Paper records are kept in secure locations.

Retention and disposal:

Records are kept indefinitely.

System manager(s) and address:

Deputy Executive Director
Directorate for Field Operations
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information comes primarily from field staff and their supervisors.

CPSC-9

System name:

CPSC-9, General Counsel Tracking System

System location:

Office of the General Counsel
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Attorneys working in the Office of the General Counsel.

Categories of records in the system:

Descriptions and dates of assignments; comments; starting and completion dates; due dates; names of attorneys to whom assignments are given; names of divisions within the Office of the General Counsel.

Authority for maintenance of the system:

44 U.S.C. 3101; 15 U.S.C. 2051 et seq.; 16 CFR 1000.14.

Purpose(s):

To manage the workflow in the Office of the General Counsel; to assure timely completion of assignments; to respond to queries from other units of the Consumer Product Safety Commission; to assist in evaluating attorney performance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained by a computer database management system. Hard copy printouts of selected groups of records are made from time to time.

Retrievability:

Records are retrievable by any field, including attorney name.

Safeguards:

Access to the records, and to fields within the records, is controlled by passwords. Records are accessible by all Office of the General Counsel staff, but not by others. Only supervisory staff may create records, assign or extend due dates, or enter completion dates.

Retention and disposal:

Old records are purged from time to time, based on need for computer storage space.

System manager(s) and address:

General Counsel
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Office
Office of the Secretary
Consumer Product Safety Commission,
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in these records is supplied by the attorneys themselves and by supervisors.

CPSC-10

System name:

CPSC-10, Procurement Files

System location:

Division of Procurement Services
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Individuals who sell goods or services to the Consumer Product Safety Commission

Categories of records in the system:

Contracts, proposals, purchase orders, correspondence and other documents related to specific procurements from individuals. These records may include social security number, home address, home telephone number, and sometimes other personal data. Documents related to procurements from corporations, partnerships, or other such business entities are not included in this system of records.

Authority for maintenance of the system:

15 U.S.C. 2076.

Purpose(s):

These records support all facets of the Commission's procurement activities.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To the U.S. Department of Justice when related to litigation or anticipated litigation.
2. To the appropriate Federal, State, or local investigation or enforcement agency when there is an indication of a violation or potential violation of statute or regulation in connection with a procurement.
3. To a Congressional office in response to an inquiry made at the request of the individual who is the subject of the record.
4. To the General Accounting Office in the event of a procurement protest involving the individual.
5. To the General Services Administration Board of Contract Appeals in the event of a contract claim or dispute involving the individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in file folders. Extracts of these records, including social security number, address, and phone number, are also kept in a computer database.

Retrievability:

Records are retrieved from the computer database by personal name, contract number, and other fields. Paper records are retrieved by contract number, which may be retrieved by first searching for the personal name in the computer database.

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Safeguards:

Paper records are stored in locked cabinets in a secure area. Computer records are accessible only through the use of two separate passwords, which are issued to those with a need to know.

Retention and disposal:

Computer records are kept indefinitely. Paper records are destroyed 6 years and 3 months after final payment.

System manager(s) and address:

Director, Division of Procurement Services
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Personal information in these records is normally obtained from the person to whom the records pertains, but other information may be obtained from references or past performance reports.

CPSC-11 [Reserved]

CPSC-12

System name:

CPSC-12, Employee Outside Activity Notices

System location:

Office of the General Counsel
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Categories of individuals covered by the system:

Commission employees enagaged in outside employment activities or outside activities such as consultative services, practice of law, or teaching.

Categories of records in the system:

This system of records contains information concerning the employee's position, nature of outside activity, relation of official duties to activity, and method of compensation for outside activity.

Authority for maintenance of the system:

Executive Order 12674; 5 CFR part 2635, subpart H; and 5 CFR part 8101.

Purpose(s):

Information in these records is used by the Ethics Counselor in making a determination as to whether an employee's outside activity constitutes a real or apparent conflict of interest with the employee's government duties and responsibilities.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on hard copy.

Retrievability:

Records are filed by employee name.

Safeguards:

Records are maintained in locked file cabinets.

Retention and disposal:

Records are maintained for four years after an employee terminates employment with agency. Disposal is by normal procedures.

System manager(s) and address:

Designated Agency Ethics Official (General Counsel)
Consumer Product Safety Commission
Washington, DC 20207

Notification procedure:

Freedom of Information/Privacy Act Officer
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

The information in these records is furnished by the employees to whom it pertains.

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CPSC-13

System name:

CPSC-13, Personnel Data System

System location:

Consumer Product Safety Commission
Director, Office of Human Resources Management and Director, Division of Financial Services
4330 East West Highway
Bethesda, MD 20814

and the Headquarters unit or Regional Center to which an employee is assigned. Regional Center addresses are listed in Appendix I.

Categories of individuals covered by the system:

Employees and former employees of CPSC.

Categories of records in the system:

Records consist of payroll records, personnel security records, safety records, EEO records, and personnel records. In addition, the system contains data necessary to update the Central Personnel Data File at the Office of Personnel Management, to process personnel actions, to perform detailed accounting distributions, to automatically provide for such tasks as mailing checks and bonds, and to prepare and mail tax returns and reports. Records include, but are not limited to the following categories of records:

1. Employee identification and status data such as name, social security number, date of birth, sex, work schedule, type of appointment, education, veteran's preference, military service.
2. Relevant data such as service computation date for leave, date probationary period began, and date of performance rating.
3. Position and pay data such as pay plan, occupational series, grade, step, salary, merit pay, organization location.
4. Employment data such as position description, special employment program, and target occupational series and grade.
5. Payroll data such as time; attendance; leave; Federal, State, and local tax; allotments; savings bonds; and other pay allowances and deductions.
6. Personnel security data such as security clearance level and basis with dates.
7. Financial data pertaining to travel.
8. Information on debts owed to the government as a result of overpayment, refund owed, or a debt referred for collection by another agency.

Y/

9. Information, including address and social security number, on individual vendors to the Commission. This includes employees who receive reimbursements for expenses incurred.

Authority for maintenance of the system:

5 U.S.C. Part III, is the authority for the overall system. Specific authority for use of Social Security numbers is contained in Executive Order 9397, 26 CFR 31.6011(b)(2), and 26 CFR 31.6109-1. The authority for the personnel security clearance and statistical records is contained in Executive Order 19450, April 27, 1953, as amended; Executive Order 12065, June 28, 1978; 31 U.S.C. 686; and 40 U.S.C. 318(a) through (d).

Purpose(s):

This system supports the day to day operating requirements associated with personnel oriented program areas from hiring employees and paying employees and vendors to calculating estimated retirement annuities. Payroll-related outputs include a comprehensive payroll; detailed accounting distribution of costs; leave data summary reports; an employee's statement of earnings, deductions and leave every payday for each employee; State, city, and local unemployment compensation reports; Federal, State, and local tax reports; W-2 wage and tax statements; and reports of withholdings and contributions. Personnel-related reports include automated personnel actions as well as organization rosters, retention registers, retirement calculations, reports of the Federal civilian employment, employee master record printouts, length of service lists, and listings of within-grade increases. These records are used to provide data for agency reports and internal workforce statistics and information regarding such matters as average grade, veteran and handicap employment, retention-standing, within-grade due dates, occupational groupings, geographic employment and others related to the operation of the personnel office.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses of records maintained in the system include:

1. Providing data to the Office of Personnel Management's Central Personnel Data File (CPDF).

2. Providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520.

3. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed tax withholding certificates shall be