



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

OFFICES OF THE SECRETARY
 JUL 10 P 2:45

MEMORANDUM

DATE: **JUL 09 2001**

TO : The Commission

Through: Todd Stevenson, Acting Secretary *TdSt*
 Thomas W. Murr, Acting Executive Director *Tm*

FROM : Michael S. Solender, General Counsel *MS*
 Richard W. Allen, Assistant General Counsel *RWA*
 Joseph F. Rosenthal, Attorney *R*

SUBJECT: Federal Register Notice Amending Privacy Act System of Records

Ballot Vote due JUL 17 2001

The Privacy Act 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. The attached proposed Federal Register system document will publish a system of records for the key card system at CPSC.

Whenever headquarters personnel use a key card, or fob, to access the elevators or open a gate or door, a record is created on a contractor's computer. These records identify the time and place of use, and the identity of the user. The records can be retrieved and used to provide information about the activities of individuals, and could be the basis of disciplinary or even criminal actions. It follows that these records constitute a system of records within the meaning of the Privacy Act.

This package also includes a "Narrative Statement" and letters to OMB, the House, and the Senate, as required by OMB Circular A-130.

Please indicate your vote on the following options.

- I. Approve the Federal Register notice as drafted.

 (Signature)

 (Date)

NOTE: This document has not been reviewed or accepted by the Commission.
 Initial rh Date 7/9/01

CPSA 6 (b)(7) Cleared
 7/10/01
 No Mfrs/Prvtlbrs or Products Identified
 Excepted by *[Signature]*
 Name Notified

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

(Signature)

(Date)

III. OTHER (please specify).

(Signature)

(Date)

Attachments

[Billing Code 6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Announcement of System of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of System of Records.

SUMMARY: The Consumer Product Safety Commission is publishing notice of a system of records, CPSC-11, for the records generated by our digital access security system.

DATES: Comments must be received on or before [insert date 60 days from date of publication in the FEDERAL REGISTER].

ADDRESSES: Comments should be sent to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

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

SUPPLEMENTARY INFORMATION: The Commission uses centrally managed electronic locks and elevator controls to control access to various parts of its facilities at different times of the day or different days of the week. The locks can be opened, or elevator call buttons enabled, by passing an appropriate card through a card reader, or by passing a so-called ``fob'' past an adjacent reader. The cards and fobs, generically referred to as tokens, have internal codes which identify the person to whom they are issued. We issue a token to each employee or contractor who requires access to areas controlled by the locks or elevator call buttons.

When the card or fob is used, a central computer grants or denies access based on the privileges associated with the user. The computer also keeps a record of the time and location each time a card or fob is used.

The system of records will become effective [insert date 60 days from date of publication in the FEDERAL REGISTER] unless comments are received which justify a contrary determination. The Congress and the Office of Management and Budget have been notified of this system.

DATED: _____

Todd A. Stevenson,
Acting Secretary
Consumer Product Safety
Commission

CPSC-11

System name:

CPSC-11, Physical Security Records

System location:

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

Categories of individuals covered by the system:

Employees, contractors, and others who have received uniquely coded tokens (key cards, key fobs, etc.) to gain access to various parts of Commission facilities.

Categories of records in the system:

Records which show the time a token has been used; the identity of the token and, therefore, of the person to whom it is assigned; the location at which it has been used; and the access privileges of the person to whom it is assigned.

Authority for maintenance of the system:

5 U.S.C. 301

Purpose(s):

These records may be used to investigate breaches of security, theft, vandalism, other property losses, criminal offenses, and employee misconduct.

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

These records may be disclosed:

1. To a law enforcement agency when the Commission becomes aware of an indication of a violation of civil or criminal law or regulation to which these records may be pertinent.

2. To the Department of Justice, a court or other tribunal (including an adjudicative or administrative body), or other third-party before such tribunal when the Commission determines that the use of these records by the entity is relevant and necessary to litigation involving the Commission or a Commission employee or former employee.

3. To an employee, an employee's attorney or other representative designated by the employee, when the _____ questions the employee's conduct based at least in part on information from this system of records.

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

Storage:

These records are stored in a central computer managed by a security services contractor. Printouts are stored in locked file cabinets.

Retrievability:

These records can be retrieved by time period, location(s), the unique identifier of a person's token, or a combination of these.

Safeguards:

These records are kept in a secure computer facility and can be retrieved only by the Commission's Physical Security Manager or designee upon request of a senior Commission official or a law enforcement officer. Printouts are stored in locked file cabinets.

Retention and disposal:

These records are kept one year from the date of creation.

System manager(s) and address:

Physical Security Manager
Directorate for Administration
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:

These records are automatically generated when a token is passed through or across an electronic reading device.

Narrative Statement

CPSC 11, Physical Security Records

1. This system is established primarily to protect the physical security of Commission personnel and property. It may also be used to provide evidence relating to employee misconduct.
2. This system is established under the authority of the housekeeping statute, 5 U.S.C. 501, which allows an agency to provide for the conduct of its employees and the preservation of its property.
3. The system should have minimal effect on the privacy of individuals. All the information in the system is generated by deliberate action of the individual to whom it pertains.
4. Records are maintained in a secure computer facility or, in the case of printouts, in locked file cabinets.
5. The first two proposed routine uses merely allow the use of records in law enforcement or litigation related to the purposes for which the records are created. The third proposed routine use merely reaffirms the right of an employee or his or representative to see records relating to the employee.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Honorable Joseph Lieberman, Chairman
Committee on Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510-6250

Re: Privacy Act System Report

Dear Mr. Chairman:

Enclosed please find a Federal Register notice and a supporting narrative which describe a Privacy Act system of records, entitled "CPSC-11, Physical Security Records." The notice is being submitted to the Federal Register for publication simultaneously with the mailing of this letter.

The system of records does not duplicate any existing Consumer Product Safety Commission or government-wide system of records. If further information is required, please contact Mr. Joseph F. Rosenthal at 301-504-0980.

Sincerely,

Todd Stevenson
Privacy Act Officer
Office of the Secretary

Enclosures



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Honorable Mitchell E. Daniels, jr.
Administrator, OIRA
Office of Management and Budget
Att: Docket Library
New Executive Office Building, Room 10012
Washington, DC 20503

Re: Privacy Act System Report

Dear Mr. Daniels:

Enclosed please find a Federal Register notice and a supporting narrative which describe a Privacy Act system of records, entitled "CPSC 11, Physical Security Records." The notice is being submitted to the Federal Register for publication simultaneously with the mailing of this letter.

The system of records does not duplicate any existing Consumer Product Safety Commission or government-wide system of records. If further information is required, please contact Mr. Joseph F. Rosenthal at 301-504-0980.

Sincerely,

Todd Stevenson
Privacy Act Officer
Office of the Secretary

Enclosures



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Honorable Dan Burton, Chairman
Committee on Governmental Reform
2157 Rayburn House Office Office Building
Washington, DC 20515-6143

Re: Privacy Act System Report

Dear Mr. Chairman:

Enclosed please find a Federal Register notice and a supporting narrative which describe a new Privacy Act system of records, entitled "CPSC 11, Physical Security Records." The notice is being submitted to the Federal Register for publication simultaneously with the mailing of this letter.

The system of records does not duplicate any existing Consumer Product Safety Commission or government-wide system of records. If further information is required, please contact Mr. Joseph F. Rosenthal at 301-504-0980.

Sincerely,

Todd Stevenson
Privacy Act Officer
Office of the Secretary

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