

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.

SYSTEM NAME

CPSC-7, Enforcement and Investigation Files

System location:

Office of Compliance and Field Operations, Office of Import Surveillance and Inspection, 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.
3. Disclosure may be made to appropriate agencies, entities, and persons when (1) CPSC suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) CPSC has determined that as a result of the suspected or confirmed compromise there is a risk of harm to the security or integrity of this system or other systems or programs (whether maintained by CPSC or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CPSC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

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 and Field Operations; and Director, Office of Import Surveillance and Inspection, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretariat, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

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.

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.