

MEMORANDUM

TO: Board of Directors

FROM: Martin Henning *MH*
Acting Chief Privacy Officer

DATE: October 22, 2015

SUBJECT: Authorization to Publish Privacy Act
System of Records Notices in the *Federal Register*

I. Recommendation

This memorandum requests that the Board of Directors (Board) authorize publication of the attached *Federal Register* notice of the 2015 updated compilation of Privacy Act system of record notices maintained by the FDIC. The publication will incorporate minor administrative and editorial revisions to several existing systems of records. Nothing in the updated system notices changes any FDIC authority for or supervision of the collection and maintenance of information subject to the Privacy Act, nor do the changes impact any individual's rights to access or to amend their records pursuant to the Privacy Act. The proposed system notices will become effective on the date of publication.

For further information, contact: Christopher Farrow, Chief Information Security Officer, (703) 516-5507; Steven Lott, Privacy Program Manager, (703) 516-5505; or Gary Jackson, Counsel, FOIA and Privacy Act Group, (703) 562-2677.

Concur: _____


Charles Yi, General Counsel

II. Discussion

The Privacy Act establishes the rules by which the FDIC may collect, maintain, and use personal information associated with an individual in conducting FDIC programs. A system of records is defined as any group of records under the control of a Federal Government agency from which personal information about individuals is retrieved by name or other unique personal identifier. To make record keeping practices transparent, the Privacy Act requires the FDIC to publish notice in the *Federal Register* describing each system of records that it maintains, including the purpose for the system, the intended use of the information in the system including any anticipated routine disclosures outside the FDIC, the safeguards used to prevent misuse of the information, and how individuals may exercise their rights under the Privacy Act to determine if the system contains information about them.

The Office of Management and Budget (OMB) Circular A-130, Appendix I, "Federal Agency Responsibilities for Maintaining Records About Individuals," sets forth agency Privacy Act responsibilities including the requirement to conduct a biennial review of each system of records notice to ensure accuracy. Agencies are also required to publish notice in the *Federal Register* with a 30 day period for public comment and notice to OMB and Congress when adopting any new system of records, or significantly altering an existing system of records by, for example, adding a routine use or exemption. Minor revisions to system of records notices may be made in one annual comprehensive publication and do not require notice to OMB and Congress.

The Office of the Chief Privacy Officer together with program managers from each division and office have completed a biennial review of the FDIC inventory of Privacy Act systems of records and recommend minor revisions to update the system notices as provided below.

Minor Revisions to Existing Systems of Records

The system currently entitled "Honors Attorney and Legal Intern Applicant Records" (FDIC 30-64-0001) is managed by the Legal Division and was used to evaluate applications for the positions of honors attorney and legal intern. Due to the implementation of the Pathways Program (Exec. Order No. 13562), applications for the position of legal intern are now received through USAJOBS and processed directly by the Human Relations Branch of the Division of Administration. Revisions to the system notice have been made to the following sections: (1)

the System Name reflects the new title: "Honors Attorney Applicant Records" (FDIC 30-64-0001); and (2) the Purpose and Categories of Individuals Covered by the System have been revised by deleting reference to applicants for the position of legal intern.

The system entitled "Employee Confidential Financial Disclosure Records" (FDIC 30-64-0006) is managed by the Legal Division, Executive Secretary Section, Ethics Unit and used to process and maintain information to ensure compliance with applicable Federal Ethics Regulations and supplemental FDIC Standards of Ethical Conduct. A revision to the system notice has been made to the Categories of Individuals Covered by the System to clarify that the system includes prospective employees.

The system entitled "Online Ordering Request Records" (FDIC 30-64-0031) is managed by the FDIC Division of Administration and used to process orders for FDIC publications and products including deposit insurance publications and videos, staff manuals, and updates for *FDIC Law, Regulations and Related Acts*. Revisions to the system notice have been made to the following sections: (1) the Categories of Records has been revised by deleting the collection of debit and/or credit card payment information because all available products are provided at no cost to the public; and (2) the Routine Uses of the records has been revised by deleting the routine disclosure of information to Pay.gov formerly required in order to process debit or credit card transactions.

The system entitled "Investigative Files of the Office of Inspector General" (FDIC 30-64-0010) is managed by the FDIC Office of Inspector General (OIG) and used to document investigations by the OIG or other investigative agencies regarding FDIC programs and operations. A revision to the system notice has been made to the Categories of Records in the System to clarify that the system may include the collection of payroll, telephone, and email records.

The identity of the System Manager and/or the System Location has been revised to reflect current administrative responsibility for the following systems of records: "Employee Training Information Records" (FDIC 30-64-0007); "Safety and Security Incident Records" (FDIC 30-64-0009); "Financial Information Management Records" (FDIC30-64-0012); "Transit Subsidy Program Records" (FDIC 30-64-0026); "Parking Program Records" (FDIC 30-64-0027); and "Identity, Credential and Access Management Records" (FDIC 30-64-0035).

Finally, several existing system notices have been updated with minor editorial and stylistic changes that do not meet the threshold criteria established by the Office of Management and Budget for either a new or altered system of records.

III. Effective Date

The FDIC is not adopting any new system of records or significantly altering an existing system of records by, for example, adding a routine use or exemption that would require prior public comment or notice to OMB and Congress. Therefore, the system notices will become final and effective on the date of publication.