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POSTAL RATE COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Postal Rate Commission.

ACTION: Notice of alterations to Privacy Act system of records.

SUMMARY: The Commission proposes to amend its system of records.

The proposed changes will update the system and ensure consistency with the Privacy Act of 1974, as amended.

DATES: See SUPPLEMENTARY INFORMATION section.

ADDRESSES: Send comments to the attention of Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street NW., Washington, DC 20268-0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, at 202-789-6820.

SUPPLEMENTARY INFORMATION: The Postal Rate Commission gives notice, in accordance with the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), of its systems of records and their routine uses, which have changed since the Commission's last publication of a notice. The Commission is also proposing revisions in its rules implementing the Privacy Act, contained in 39 CFR part 3003, to clarify their application and to shorten and simplify their language. These changes will also be published in the Federal Register.

PRC-1. To date, the Commission's sole system of records for Privacy Act purposes has been PRC-1, named Official Personnel Files. This system consists of information pertaining to Commission personnel generally. However, it does not explicitly include all related records maintained by the Commission, such as information regarding travel by Commission personnel on official business. In order to indicate clearly that all such information is included in the system, the Commission is replacing the previously-described PRC-1 with a more comprehensive system extending to all personnel, pay, leave and travel records. This new system, to be named Personnel, Pay, Leave, and Travel, will continue to be designated PRC-1. This system is described in the first section of Appendix A to Order No. 1256.

The Commission is also revising its statement of the routine uses of records contained in PRC-1. Two previously published routine uses are being abolished because they have not occurred in actual practice, and thus are apparently unnecessary. Other routine uses have been

reworded, either to accommodate expansions in the use of records made by the Commission or the Postal Service, or to conform with language recommended by the Office of Management and Budget (OMB). The two pre-existing routine uses that encompass litigation-related disclosures have been combined into a single category.

The system notice also contains new routine uses either required by law or which the Commission anticipates may be necessary in the performance of agency business. These include disclosure of information to the National Archives and Records Administration, to agency contractors, and to the OMB for potential private relief legislation. One of these new routine uses reflects the requirement that federal agencies report wage information quarterly to the Parent Locator Service, as prescribed by Pub. L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act.

The system notice does not contain a routine use for any computer matching activities that might be performed on records contained in PRC-1, as the Commission has not performed such matching activities in the past, and does not intend to do so in the future. However, the Commission provides payroll records to the Postal Service for routine processing, and it is possible that the Postal Service might use information about Commission personnel in a computer matching activity. In order to fulfill its statutory obligations regarding potential matching activities, particularly under the Computer Matching and Privacy Protection Amendments of 1998 (Pub.L. 100-508), the Commission is transmitting a notice informing the Postal Service of its policy that use of employee records for computer matching may be conducted only with express Commission approval, and requesting the Postal Service to exclude Commission employees from any matching activities it otherwise conducts.

PRC-2. As noted above, the revised PRC-1 will incorporate all Commission records pertaining to its employees. Virtually all other information in the Commission's possession concerning individuals occurs in the pleadings and other filings submitted by participants in the Commission's postal rate, mail classification, and other official public proceedings. Note: The Commission maintains a short press list containing the names, affiliations, addresses, and telephone numbers of reporters in their professional capacity. In the Commission's view, this list does not qualify as a system of records for Privacy Act purposes. Various Commission offices also maintain correspondence files that may contain some information about individuals in

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some instances. However, correspondence in these files is not routinely filed or retrieved by personal identifier, and consequently none of them constitutes a system of records in the Commission's view. In order to provide public notice of the existence of information about individuals in this principal substantive record-keeping system, the Commission proposes to establish another system of records, to be designated PRC-2.

As the notice (which also appears as Appendix A to Order No. 1256) states, this system contains names, addresses, and contact information for anyone who intervenes in a Commission proceeding, together with all filings, answers, exhibits and other submissions provided to the Commission. Because all these materials are public records under the terms of 39 CFR 3001.42(b), the system notice states under the ``Routine Uses'' heading that all records in this system are public and

will be disclosed to any person upon request.

Order 1256. The information contained in this notice was distributed to the Docket No. R97-1 service list as part of Order No. 1256 (issued July 7, 1999). Paragraph No. 1 of Order No. 1256 invited interested persons to submit comments on the proposed revisions the system of records no later than August 23, 1999. Ordering paragraph No. 2 directed the Secretary of the Commission to arrange for publication of a Notice and Order in the Federal Register in a manner consistent with applicable requirements. Given the delay in publication, persons who did not comment by the date set out in Order No. 1256, but who nevertheless wish to comment, should contact the Secretary at 202-789-6840 for further information. The Commission anticipates providing further information regarding an effective date in a subsequent notice.

Dated: September 1, 1999.
Margaret P. Crenshaw,
Secretary.
PRC-1

SYSTEM NAME:

Personnel, Pay, Leave, and Travel.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1333 H Street NW., Suite 300, Washington, DC 20268-0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to personnel, pay, leave, and travel. This includes: Name; date of birth; social security number; home address; grade; salary; time and attendance; alternate work schedules; biographical information; leave accrual rate, usage, and balances; training; Civil Service Retirement and Federal Employees' Retirement System contributions; FICA withholdings; Federal, State, and local tax withholdings; Federal Employees' Group Life Insurance withholdings; Federal Employees' Health Benefits withholdings; charitable deductions; allotments to financial organizations; garnishment documents; savings bonds allotments; travel expenses; parking permits; carpools; building security records; employee locator; and information on the fare subsidy program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 3603, 44 U.S.C. 3101, 5 U.S.C. ch. 57 (relating to travel, transportation, and subsistence), together with any amendments.

PURPOSE(S):

These records are used to administer pay, leave, travel, parking, fare subsidies, and other administrative functions.

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

A. Disclosure to the U.S. Postal Service

The U.S. Postal Service handles payroll and other disbursements on behalf of the Postal Rate Commission. As a result, records related to payroll functions, travel, and other disbursements are disclosed as a routine use to the U.S. Postal Service. The records from the Commission are incorporated into Privacy Act systems of records maintained by the U.S. Postal Service and are routinely disclosed for purposes defined in those systems of records. The main systems of records at the U.S. Postal Service are Finance Records--Payroll System (USPS 050.020), and Finance Records--Employee Travel Records (USPS 050.010).

B. Disclosure for Law Enforcement Purposes

Information may be disclosed to the appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information indicates a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

C. Disclosure Incident to Requesting Information

Information may be disclosed to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to a decision concerning retention of an employee or other personnel action (other than hiring), retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit.

D. Disclosure to Requesting Agency

Disclosure may be made to a Federal, State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other authority may then make a request supported by the written consent of the individual for the record if it chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to the authority or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

E. Disclosure to Office of Management and Budget

Information may be disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

F. Disclosure to Congressional Offices

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

G. Disclosure During Litigation

Information may be disclosed to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Postal Rate Commission is authorized to appear, when:

1. The Commission, or any component thereof; or
2. Any employee of the Commission in his or her official capacity;

or

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3. Any employee of the Commission in his or her individual capacity where the Department of Justice or the Commission has agreed to represent the employee; or

4. The United States, when the Commission determines that litigation is likely to affect the Commission or any of its components is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Commission is deemed by the Commission to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

H. Disclosure to the National Archives

Information may be disclosed to the National Archives and Records Administration in records management inspections.

I. Disclosure to Contractors, Grantees, and Others

Information may be disclosed to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the Postal Rate Commission and who need the information in the performance of their duties or activities for the Commission. If appropriate, recipients will be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

J. Disclosures for Administrative Claims, Complaints and Appeals

Information from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other person properly engaged in investigation or settlement of an administrative grievance, complaint, claim, or appeal filed by an employee, but only to the extent that the information is relevant and necessary to the proceeding. Agencies that may obtain information under this routine use include, but are not limited to, the Office of Personnel Management, Office of Special Counsel, Merit Systems Protection Board, Federal Labor Relations Authority, Equal Employment Opportunity Commission, and Office of Government Ethics.

K. Disclosure to the Office of Personnel Management

Information from this system of records may be disclosed to the

Office of Personnel Management pursuant to that agency's responsibility for evaluation and oversight of Federal personnel management.

L. Disclosure in Connection with Litigation

Information from this system of records may be disclosed in connection with litigation or settlement discussions regarding claims by or against the Postal Rate Commission, including public filing with a court, to the extent that disclosure of the information is relevant and necessary to the litigation or discussions and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11).

M. Disclosure for Child Support Enforcement

The name, Social Security Number, home address, date of birth, date of hire, quarterly earnings, employer identifying information, and State of hire for each employee may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104-193).

Disclosure to consumer reporting agencies:

Information from this system of records may be disclosed to a consumer reporting agency as provided in 31 U.S.C. 3711.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper, in folders, in file cabinets, and on the Postal Rate Commission's computer network.

RETRIEVABILITY:

Records may be retrieved by name, Social Security Number, or other identification number.

SAFEGUARDS:

Records are maintained in locked file cabinets or combination safes and on computers and computer networks that use password protections and other system controls to prevent unauthorized access by Postal Rate Commission staff. Firewalls prevent access to internal Commission documents by outsiders. All records and computer facilities are maintained in Commission offices, and public access to Commission offices is controlled.

RETENTION AND DISPOSAL:

Records are maintained for varying periods of time, in accordance with NARA General Records Schedules 2 (pay and leave) and 9 (travel).

SYSTEM MANAGER(S) AND ADDRESS:

Chief Administrative Officer, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268-0001.

NOTIFICATION PROCEDURE:

RECORD ACCESS PROCEDURES:

All requests should be directed to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying document, and dates of employment.

CONTESTING RECORD PROCEDURES:

All requests should be directed to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying document, and dates of employment.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from: the subject of the record; employment applications, references, and other employment-related sources; the official personnel file from the Office of Personnel Management; and internal Postal Rate Commission documents, including time and attendance records, leave slips, travel requests, performance evaluations, training records, and similar internal documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PRC-2

SYSTEM NAME:

Docket Room Records (PRC-2).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1333 H Street NW, Suite 300, Washington, DC 20268-0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who intervene in Postal Rate Commission proceedings and individuals whose name and other identifying information appears in records filed in connection with Postal Rate Commission proceedings.

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CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains names, addresses, and contact information for anyone who intervenes in a proceeding before the Postal Rate Commission; submissions, filings, answers, exhibits, and any other record provided to the Commission and made public under Commission rule 3001.42(b).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 3603.

PURPOSE:

These records are used under the Postal Rate Commission's rules and procedures in Commission proceedings, decisions, opinions, and other activities authorized by law.

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

All records in this system are public and will be disclosed to any person upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper, in folders, in file cabinets, and on the Postal Rate Commission's computer network.

RETRIEVABILITY:

Records may be retrieved by name or docket number.

SAFEGUARDS:

Records are maintained in the Postal Rate Commission's Docket Room, on computer networks, and on the Commission website. All records and computer facilities are maintained in Commission offices, and public access to Commission offices is controlled.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with approved record schedules. Most records pertaining to Commission decisions are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Administrative Officer, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268-0001.

NOTIFICATION PROCEDURE:

RECORD ACCESS PROCEDURES:

All requests should be directed to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying document, and dates of employment.

CONTESTING RECORD PROCEDURE:

All requests should be directed to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying document, and dates of employment.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from intervenors in Postal Rate Commission proceedings and from Commission staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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