

ORIGINAL

ORDER NO. 1256

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

JUN 7 1 58 PM '99

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Before Commissioners: Edward J. Gleiman, Chairman;
W.H. "Trey" LeBlanc III, Vice Chairman;
Dana B. Covington, Sr.; Ruth Y. Goldway; and
George A. Omas

Amendments to Privacy Act Rules and Record Systems

Docket No. RM99-4

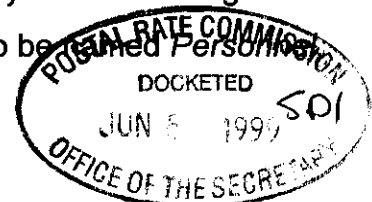
NOTICE OF ALTERATIONS IN SYSTEMS OF RECORDS AND
ORDER ON PROPOSED REVISIONS TO COMMISSION RULES
IMPLEMENTING THE PRIVACY ACT OF 1974

(July 7, 1999)

The Postal Rate Commission hereby 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. At the same time, the Commission proposes revisions in its rules implementing the Privacy Act, contained in 39 C.F.R. Part 3003, to clarify their application and to shorten and simplify their language.

A. System of Records Notice

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



Pay, Leave, and Travel, will continue to be designated PRC-1. It is described in the first section of Appendix A to this order.

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. 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 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 Public Law 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 1998,¹ the Commission is

¹ Public Law 100-508, 102 Stat. 2507.

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 individuals² occurs in the pleadings and other filings submitted by participants in the Commission's postal rate, mail classification, and other official public proceedings. 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 in Appendix A 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 C.F.R. § 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.

B. Revision of Rules in Part 3003

The Commission's rules implementing the Privacy Act have been amended only in minor respects since their original adoption shortly after the passage of the Act in 1974. While the current rules have operated adequately, it is apparent on review that they are capable of both substantive and editorial improvement. Accordingly, the

² 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 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.

Commission proposes a redrafted set of rules to replace those currently contained in Part 3003.

The substantive changes incorporated in the proposed rules are intended to conform them more closely to prevailing standards of Privacy Act administration without altering the rights of individuals or the obligations of the Commission under the Act. The proposed revision would eliminate the special procedure for access to medical records contained in current § 3003.6, under which access to such records is contingent on the judgment of the Commission's Chief Administrative Officer, in favor of the general access provision in proposed § 3003.4. Proposed § 3003.2 would eliminate unnecessary definitions, cross-reference others to the text of the Privacy Act, and reword other definitions slightly for the sake of clarity. Also for clarification, proposed § 3003.1 would add a statement indicating that the Commission's Privacy Act rules are not intended either to broaden or narrow the scope of an individual's rights afforded by the Act.

While the proposed rules would alter the substance of the current rules pertaining to requests for individual records and appeals of denials only in minor ways, they would appreciably shorten and simplify those provisions. Language that does not relate directly to the exercise of rights by individuals under the Privacy Act, and thus is unnecessary, would be omitted from the revised rules. Additionally, the language of the current rules generally would be simplified and shortened without affecting individuals' exercise of their rights or the Commission's performance of its obligations under the Privacy Act.

It is ordered:

1. Interested persons are invited to submit comments on the proposed revisions in Appendix A and Appendix B no later than August 23, 1999.

2. The Secretary of the Commission shall arrange for publication of this Notice and Order in the FEDERAL REGISTER in a manner consistent with applicable requirements.

By the Commission.

(S E A L)

A handwritten signature in black ink, reading "Cyril J. Pittack". The signature is written in a cursive style with a large initial "C".

Cyril J. Pittack
Acting Secretary

Appendix A - Proposed System of Records Notices

PRC-1

System Name: Personnel, Pay, Leave, and Travel (PRC-1)

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

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

Routine 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.

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

Procedures for Notice, Access, and Contesting: 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.

PRC-2

System Name: Docket Room Records (PRC-2)

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.

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

Procedures for Notice, Access, and Contesting: 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.

Appendix B - Proposed Privacy Act Rules

Revision of Privacy Act Regulations

39 Code of Federal Regulations

Part 3003--Privacy Act Rules

Sec. 3003.1 Purpose and scope.

Sec. 3003.2 Definitions.

Sec. 3003.3 Procedures for requesting inspection, copying, or correction

Sec. 3003.4 Response to a request

Sec. 3003.5 Appeals of denials of access or amendment

Sec. 3003.6 Fees.

Sec. 3003.7 Exemptions.

Authority: Privacy Act of 1974 (5 U.S.C. §552a)

Sec. 3003.1 Purpose and scope.

This part implements the Privacy Act of 1974 (5 U.S.C. §552a) by establishing Commission policies and procedures that permit individuals to obtain access to and request amendment of information about themselves that is maintained in systems of records. This part does not expand or restrict any rights granted under the Privacy Act of 1974.

Sec. 3003.2 Definitions.

For purposes of this part:

(a) *Commission* means the Postal Rate Commission.

(b) *Individual*, *record*, and *system of records* have the meanings specified in 5 U.S.C. §552a(a).

(c) *Day* means a calendar day and does not include Saturdays, Sundays, and legal holidays.

Sec. 3003.3 Procedures for requesting inspection, copying, or correction

(a) An individual who--

(1) wishes to know whether a Commission system of records contains a record about him or her,

(2) seeks access to a Commission record about him or her that is maintained in a system of records (including the accounting of disclosures), or

(3) seeks to amend a record about him or her that is maintained in a system of records, may file a written request with the Chief Administrative Officer of the Commission at the Commission's current address (1333 H Street NW, Suite 300, Washington, DC 20268-0001). The request should state on the outside of the envelope and in the request that it is a Privacy Act request.

(b) A request for amendment must describe the information sought to be amended and the specific reasons for the amendment.

(c) A requester--

(1) may request an appointment to inspect records at the Commission's offices between the hours of 8 a.m. and 4:30 p.m. on any day;

(2) must present suitable identification, such as a driver's license, employee identification card, or Medicare card;

(3) if accompanied by another individual, must sign a statement, if requested by the Chief Administrative Officer, authorizing discussion of his or her record in the presence of that individual;

(4) who files a request by mail must include his or her date of birth, dates of employment at the Commission (if applicable), and suitable proof of identity, such as a facsimile of a driver's license, employee identification card, or Medicare card; and

(5) must, if requested by the Chief Administrative Officer, provide additional proof of identification.

Sec. 3003.4 Response to a request

(a) In the case of a request for notice of the existence of a record, the Chief Administrative Officer shall respond within 10 days of receipt of a request and shall inform the individual whether a system of records maintained by the Commission contains such a record.

(b) In the case of a request for access to a record or for a copy of a record, the Chief Administrative Office shall acknowledge the request within 10 days and shall promptly thereafter--

(1) fulfill the request by mail or arrange for an inspection by the requester in the Commission's offices; or

(2) if the request is denied, notify the requester of the denial, the reasons for the denial, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

(c) In the case of a request for amendment, the Chief Administrative Officer shall

- (1) acknowledge the request in writing within 10 days;
- (2) promptly review the record; and
- (3) (A) make any requested amendment of a record found to be not accurate, relevant, timely, or complete; notify the requester of the change and provide a copy of the corrected record; and notify any previous recipient of the record (excluding Commission staff who obtained the record in the performance of their duties and recipients under the Freedom of Information Act) of any change; or
(B) inform the requester of a refusal to amend the record, the reasons for the refusal, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

Sec. 3003.5 Appeals of denials of access or amendment

(a) If a request for access to or amendment of a record is denied, the requester may file a written appeal with the Chairman of the Commission. The Chairman will decide each appeal within 30 days of receipt unless the Chairman has, for good cause, extended the period for another 30 days.

(b) If an appeal is denied, the requester will be notified of the decision, the reasons for the denial, the right to file a concise statement of disagreement, the procedures for filing a statement of disagreement, the subsequent uses of a statement of disagreement, and of the right to seek judicial review in accordance with subsection (g) of the Privacy Act.

Sec. 3003.6 Fees.

The first copy of any record furnished under the Privacy Act of 1974 will be provided without charge. Additional copies will be charged at the cost of reproduction.

Sec. 3003.7 Exemptions.

The Postal Rate Commission has not established any exempt system of records.