

applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

#### RETENTION AND DISPOSAL:

Some records are retained and disposed of in accordance with the National Archives and Records Administration's General Records Schedule 12 (Communications Records). Other records are retained and disposed of in accordance with General Records Schedule 1. Files may be retained for up to three years or less depending on the record. For records that may be used in litigation, the files related to that litigation will be retained for three years after final court adjudication.

#### SYSTEM MANAGER AND ADDRESS:

For Headquarters components of the Department of Homeland Security, the System Manager is the Director of Departmental Disclosure, Department of Homeland Security, Washington, DC 20528. For components of the Department of Homeland Security, the System Manager can be found at <http://www.dhs.gov/foia> under "contacts."

#### NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the component's FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under "contacts." If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP-0550, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits

statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Identify which component(s) of the Department you believe may have the information about you,
- Specify when you believe the records would have been created,
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) will not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

#### RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

#### CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

#### RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from affected individuals/organizations, public source data, other government agencies and/or information already in other DHS records systems.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: November 18, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. E8-28053 Filed 11-24-08; 8:45 am]

**BILLING CODE 4410-10-P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2008-0005]

### Privacy Act of 1974; Department of Homeland Security Accident Records System of Records

**AGENCY:** Privacy Office, DHS.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of record notices, the Department of Homeland Security is giving notice that it proposes to consolidate two legacy record systems: Treasury/CS.002-Accident Reports (October 18, 2001), Treasury/CS.151-Motor Vehicle Accident Reports (October 18, 2001), and is no longer depending upon the DOE-38, Occupational and Industrial Accident Records (June 28, 1995) system of records. The Department of Homeland Security is issuing a Department-wide system of records to cover accident records. This system will allow the Department of Homeland Security to collect and maintain records that concern individuals, both Department employees and non-employees, who have been injured on Department property, or while performing their official duties. Categories of individuals, categories of records, routine uses and exemptions of these legacy system of records notices have been consolidated and updated to better reflect the Department's accident record systems. Additionally, a Notice of Proposed Rulemaking will be published elsewhere in the **Federal Register** concurrent with this System of Records. This consolidated system, titled Accident Records, will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Submit comments on or before December 26, 2008. This new system will be effective December 26, 2008.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0005 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 1-866-466-5370.
- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

• *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change and may be read at <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions and privacy issues please contact: Hugo Teufel III (703-

235-0780), Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

#### SUPPLEMENTARY INFORMATION:

### I. Background

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107-296, Section 1512, 116 Stat. 2310 (November 25, 2002), the Department of Homeland Security (DHS) and its components and offices have relied on preexisting Privacy Act systems of records notices for the collection and maintenance of records that concern individuals, both DHS employees and non-employees, who have been injured on DHS property, or while performing their official duties.

As part of its efforts to streamline and consolidate its records systems, DHS is establishing a consolidated system of records under the Privacy Act (5 U.S.C. 552a) for these accident records. This will ensure that all components of DHS follow the same privacy rules for collecting and maintaining accident records. The collection and maintenance of this information will assist DHS in meeting its obligation to address accident claims for which the agency may be responsible.

In accordance with the Privacy Act of 1974 and as part of DHS's ongoing effort to review and update legacy system of record notices, DHS is giving notice that it proposes to consolidate two legacy record systems: Treasury/CS.002-Accident Reports (66 FR 52984 October 18, 2001), Treasury/CS.151-Motor Vehicle Accident Reports (66 FR 52984 October 18, 2001), and is no longer depending on DOE-38, Occupational and Industrial Accident Records (60 FR 33510 June 28, 1995) system of records. DHS is issuing a DHS-wide system of records to cover accident records. This system will allow DHS to collect and maintain records that concern individuals, both DHS employees and non-employees, who have been injured on DHS property, or while performing their official duties. Categories of individuals, categories of records, routine uses and exemptions of these legacy system of records notices have been consolidated and updated to better reflect the Department's accident record systems. Additionally, a Notice of Proposed Rulemaking will be published elsewhere in the **Federal Register** concurrent with this System of Records. This consolidated system, titled Accident Records, will be included in the Department of Homeland Security's inventory of record systems.

### II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and legal permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR Part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses of their records, and to assist individuals to more easily find such files within the agency. Below is the description of the Accident Records System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this new system of records to the Office of Management and Budget (OMB) and to Congress.

#### System of Records:

DHS/ALL-006

#### SYSTEM NAME:

Department of Homeland Security Accident Records

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Records are maintained at several Headquarters locations and in component offices of DHS, in both Washington, DC, and field locations.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include DHS employees or

contractors and non-employees who have been injured on DHS property, or while performing their official duties. DHS employees or other individuals who file claims seeking benefits under the Federal Employee Compensation Act File (FECA) are covered by DOL/GOVT-1 Workers' Compensation Programs, Federal Employee Compensation Act File, and are not included in this DHS system.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Injured person's name;
- Individual's age;
- Job title;
- Length of employment and current position;
- Employee classification;
- Home address;
- Telephone number;
- Accident and investigation reports;
- Accident and/or report number;
- Date of accident;
- Place of accident;
- Nature of accident;
- Operator license;
- Insurance information;
- Description of injury;
- Description of vehicles involved (title, make, year, license number, driver), if applicable;
- Type of treatment given;
- Description of the damaged property;
- Root cause analysis;
- Safety and health programs involved;
- Records of injuries and illnesses;
- Physicians' reports;
- Incident analysis;
- Short-term and long-term preventive actions taken;
- Correspondence involving insurance claims; and
- Witness, suspect, subject information.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; The Federal Records Act, 44 U.S.C. 3101; Section 19 of Occupational Health & Safety Act of 1970; 5 U.S.C. 8101-8150, 8191-8193; Executive Order 11807.

#### PURPOSE(S):

The purpose of this system is to document accidents that occur on DHS property or while an employee or contractor is on official duty.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information

contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (including United States Attorney Offices) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;
3. Any employee of DHS in his/her individual capacity where the Department of Justice or DHS has agreed to represent the employee; or
4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. §§ 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To the employee's beneficiary in the event of death following the accident or injury or to the employee's agent in case of disability.

I. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena from a court of competent jurisdiction.

J. To third parties during the course of law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the officer making the disclosure.

K. To appropriate Federal, State, local, tribal, or foreign governmental agencies or multilateral governmental organizations for the purpose of protecting the vital interests of a data subject or other persons, including to assist such agencies or organizations in preventing exposure to or transmission of a communicable or quarantinable disease or to combat other significant public health threats; appropriate notice will be provided of any identified health threat or risk.

L. To Department of Labor for processing and adjudicating claims under the Federal Employee's Compensation Act or other workmen's compensation claims.

M. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel,

when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

**RETRIEVABILITY:**

Records may be retrieved by name, accident and/or report number, and/or date of accident.

**SAFEGUARDS:**

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RETENTION AND DISPOSAL:**

Records are destroyed six years after a case is closed, in accordance with National Archives and Records Administration General Records Schedule 10, Item 5.

**SYSTEM MANAGER AND ADDRESS:**

For Headquarters and components of DHS, the System Manager is the Director of Departmental Disclosure, Department of Homeland Security, Washington, DC 20528. For components of DHS, the System Manager can be found at <http://www.dhs.gov/foia> under "contacts."

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in

this system of records, or seeking to contest its content, may submit a request in writing to the Headquarters or component's FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under "contacts." If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP-0550, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Identify which component(s) of the Department you believe may have the information about you,
- Specify when you believe the records would have been created,
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

#### RECORD ACCESS PROCEDURES:

See "Notification Procedure" above.

#### CONTESTING RECORD PROCEDURES:

See "Notification Procedure" above.

#### RECORD SOURCE CATEGORIES:

Information originates with individuals, including employees and contractors, who have been injured on DHS property or while excising their

official duties. Police reports, witness reports, statements from employees' supervisors, doctors' reports, reports of investigations conducted DHS, and/or insurance claims may also be included.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Secretary of Homeland Security has exempted this system from subsections (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(3).

Dated: November 18, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. E8-28057 Filed 11-24-08; 8:45 am]

BILLING CODE 4410-10-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2008-1144]

### Towing Safety Advisory Committee; Notice of Open Teleconference Meeting

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a teleconference of the Towing Safety Advisory Committee (TSAC). The purpose of this teleconference is for TSAC to discuss and vote on three documents/issues: (1) Task Statement 08-02 regarding clarification of the Apprentice Mate (Steersman) license; (2) the revised report of the Economic Analysis sub-group of the Towing Vessel Inspection Working Group; and (3) a revised Resolution from the Commercial/Recreational Boating Interface Working Group.

**DATES:** The teleconference call will take place on Tuesday December 16, 2008, from 12:30 p.m. until 2:30 p.m. Eastern Time. The meeting may close early if all business is finished. Requests to make oral presentations should reach the Coast Guard on or before December 9, 2008.

**ADDRESSES:** Committee members and the public may participate by dialing 1-877-950-5410; when prompted, enter participant passcode 9876776 followed by the [#] key. Public participation is welcomed; however, the number of teleconference lines is limited and available on a first-come, first-served basis. Members of the public may also participate by coming to Room 1303, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. This Notice and documents identified in the

Supplementary Information section as being available in the docket may be viewed in our online docket, USCG-2008-1144 at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, contact Mr. Gerald Miente, Assistant Designated Federal Officer (ADFO), TSAC, telephone 202-372-1401, fax 202-372-1926, or e-mail [gerald.p.miente@uscg.mil](mailto:gerald.p.miente@uscg.mil).

**SUPPLEMENTARY INFORMATION:** TSAC advises, consults with, and makes recommendations to the Secretary DHS on matters relating to shallow-draft inland and coastal waterway navigation and towing safety. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2 (Pub. L. 92-463). The subject documents are available on the Internet at [www.regulations.gov](http://www.regulations.gov) under the docket number USCG-2008-1144. Once on the Web site, enter the docket number, and click "Go."

#### Agenda of Meeting

- Welcome and Opening Remarks—TSAC Chairman.
- Discussion and voting on the revision and acceptance of draft Task Statement 08-02 "Apprentice Mate" (Steersman).
- Discussion and voting on the approval of a Supplementary Report from the Economic Analysis Subgroup.
- Discussion and voting on the approval of a revised resolution from the Commercial/Recreational Boating Interface Working Group.
- Public comment period (as time permits).
- Meeting adjourned.

#### Procedural

This meeting is open to the public. Please note that the meeting may adjourn early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify Mr. Miente no later than December 9, 2008. Written material for distribution at a meeting should reach the Coast Guard no later than December 9, 2008. If you would like a copy of your material distributed to each member of the committee in advance of a meeting, please submit material electronically via e-mail to the ADFO no later than December 9, 2008.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities