

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:

From the individual of record.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 23, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. E8-23304 Filed 10-2-08; 8:45 am]

**BILLING CODE 4410-10-P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2008-0014]

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

**AGENCY:** Privacy Office; DHS.

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

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to reclassify one legacy record system titled, DOT/CG 634 Childcare Program Record System (65 FR 19475 April 11, 2000), as a new Department of Homeland Security-wide records system, titled Childcare. This system will allow the Department of

Homeland Security to collect and maintain Department-sponsored childcare program records. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed and updated to better reflect the Department's childcare record system. This updated system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Submit comments on or before November 3, 2008.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0014 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 personally identifiable 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 account for children enrolled in DHS-sponsored childcare programs.

As part of its efforts to streamline and consolidate its Privacy Act records systems, DHS is establishing a new agency-wide system of records under the Privacy Act (5 U.S.C. 552a) for DHS childcare records. This will ensure that all components of DHS follow the same privacy rules for collecting and maintaining childcare records regarding DHS employees, other Federal employees, and other individuals who

use DHS-sponsored childcare programs. DHS and its components and offices will use the system to account for DHS employees, other Federal employees, and other individuals who use DHS-sponsored childcare programs and their children.

In accordance with the Privacy Act of 1974, DHS is giving notice that it proposes to reclassify one legacy record system titled, DOT/CG 634 Childcare Program Record System (65 FR 19475 April 11, 2000), as a new DHS-wide records system, titled Childcare. This system will allow DHS to collect and maintain Department-sponsored childcare program records. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice have been reviewed and updated to better reflect the Department's childcare record system. This updated system will be included DHS'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 recordkeeping 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 Childcare 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-012**

**SYSTEM NAME:**

Department of Homeland Security Childcare.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Records are maintained at the DHS offices and childcare facilities.

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

DHS employees, other Federal Employees, and other individuals at Family Childcare (FCC) Homes enrolled in DHS-sponsored childcare programs and eligible children.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Categories of records in this system include:

- Employee's/guardian's name;
- Employee's/guardian's home address;
- Employee's/guardian's home phone;
- Employee's/guardian's financial information to include:
  - Salary information;
  - Family income;
  - Credit card information;
  - Bank information;
- Employee's/guardian's work address;
- Employee's/guardian's work phone;
- Employee's/guardian's email address;
- Emergency contact's name;
- Emergency contact's address;
- Emergency contact's phone;
- Child's name;
- Child's address;
- Child's phone;
- Medical, dental, and insurance provider data;
- Medical history of the child including records of immunizations, allergies, and current medications;
- Records of physical, emotional, or other special care requirements;
- A picture of the child;
- Correspondence between the childcare facility and the guardian, such as authorization to release the child to another person besides the guardian and field trip permission slips; and
- Records provided by parents/guardians to enhance cultural and social enrichment activities. These records may include family background, cultural, and ethnic data such as

religion, native language, and family composition.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 14 U.S.C. 515; 40 U.S.C. 590, Childcare Services for Federal Employees; The Federal Records Act, 44 U.S.C. 3101; Executive Order 9373.

**PURPOSE(S):**

The purpose of this system is to administer DHS-sponsored childcare programs.

**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 provide to Federal, State, or local governments and agencies to report medical conditions and other data required by law; in order to aid in preventive health and communicable disease control problems.

I. To the Department of Agriculture for use in determining eligibility to participate in the Childcare Food Program.

J. To appropriate State and local governmental agencies as well as non-profit organizations to determine eligibility for State and local or non-profit childcare subsidies.

K. 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 the employee/guardian's name and by the child's name.

##### 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:

Child's record file is destroyed three years after date of last action. Registration/medical forms may be sent to another facility if a child transfers. Child Care Food Program eligibility records are transferred to an audit file at the end of each year where they are not retrieved by child's name. Records subject to an audit are destroyed after three years or after being audited, whichever is sooner.

##### SYSTEM MANAGER AND ADDRESS:

For Headquarters 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,
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##### RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

##### CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

##### RECORD SOURCE CATEGORIES:

Records are generated from guardians and child's medical care providers.

##### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 23, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. E8-23306 Filed 10-2-08; 8:45 am]

BILLING CODE 4410-10-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2008-N0222; 81440-1112-0000 ABC Code F2]

### Endangered and Threatened Wildlife and Plants; Incidental Take Permits in Santa Cruz County, CA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of five Incidental Take Permit applications and Habitat Conservation Plans (HCPs) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicants collectively anticipate removing a total of approximately 2.04 acres of Mount Hermon June beetle (*Polyphylla barbata*) occupied habitat, and one HCP also includes the federally endangered Ben Lomond spineflower (*Chorizanthe pungens* var. *hartwegiana*) as a covered species. We are requesting comments on the permit applications and on our preliminary determination that the proposed HCPs qualify as "low effect" HCPs, eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended.

**DATES:** Written comments should be received on or before November 3, 2008.

**ADDRESSES:** Please address written comments to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. You may also send comments by facsimile to (805) 644-3958. To obtain copies of draft documents, see "Availability of Documents" under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Jen Lechuga, HCP Coordinator (*see ADDRESSES*), telephone: (805) 644-1766 extension 224.

#### SUPPLEMENTARY INFORMATION:

#### Availability of Documents

You may obtain copies of the applications and HCPs by contacting the HCP Coordinator (*see FOR FURTHER*