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e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

**POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:**

**STORAGE:**

Electronic database records reside on SBA secured mainframe system.

**RETRIEVAL:**

Name of individual and business name.

**SAFEGUARDS:**

Access and use is limited to persons whose official duties designate such a

need; personnel screening by password is used to prevent unauthorized disclosure.

**RETENTION AND DISPOSAL:**

In accordance with SACS/MEDHR NI-309-03-4.

**SYSTEM MANAGER(S) AND ADDRESS:**

PA Officer, Associate Administrator for 8(a) Business Development and the Field Office Systems Manager. *See* Appendix A.

**NOTIFICATION PROCEDURES:**

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

**ACCESS PROCEDURES:**

PA Officer or Field Office Systems Manager will determine procedures.

**CONTESTING PROCEDURES:**

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

**RECORD SOURCE CATEGORIES:**

Small business applicants or participants in the 8(a) Business Development program.

**SBA 31**

**SYSTEM NAME:**

TEMPORARY DISASTER EMPLOYEES—SBA 31

**SYSTEM LOCATION:**

Office of Disaster Assistance: HQ and Field locations. *See* Appendix A.

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

Employees who have been temporarily employed by the ODA.

**CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:**

Name, address, telephone number, Social Security Number (SSN), Disaster Area, job series, grade and title, dates of employment, reason for termination, supervisor's name and job and summary of supervisor's evaluation. Possible violations of the Agency's Standards of Conduct (13 CFR Part 105) and information, if any, concerning official investigations and disciplinary actions taken.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

15 U.S.C. 634(b)(6), 44 U.S.C. 101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:**

a. To verify previous employment with SBA when a former employee is considered for reemployment.

b. To locate current or former employees with special skills or language capabilities needed in specific situations.

c. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

d. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

e. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of

the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

**POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:**

**STORAGE:**

Paper and electronic files.

**RETRIEVAL:**

By name and/or SSN.

**SAFEGUARDS:**

Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

**RETENTION AND DISPOSAL:**

In accordance with National Records and Archives Administration General Records Schedule 1.10.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Administrator for Disaster Assistance. *See* Appendix A.

**NOTIFICATION PROCEDURE:**

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

**ACCESS PROCEDURES:**

Systems Manager or PA Officer will determine procedures.

**CONTESTING PROCEDURES:**

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

**SOURCE CATEGORIES:**

Disaster Loan Making Centers.

**SBA 32**

**SYSTEM NAME:**

TORT CLAIMS—SBA 32

**SYSTEM LOCATION:**

Headquarters (HQ), Field Offices, Disaster Loan Making Centers (DLMC) and Federal Records Center (FRC). *See* Appendix A for SBA addresses.

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

Government employees and other individuals involved in accidents.

**CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:**

Contains reports on accidents which result in tort claims involving the Government.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101, 42 U.S.C. 3211.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:**

a. To the Department of Justice (DOJ) for handling of the suit and the preparation and presentation of the case in the event that a tort claim results in a court suit.

b. To the General Services Administration for reporting on accidents and tort claims.

c. To a rental car company responsible for personal injuries and property damage.

d. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

e. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

f. To DOJ when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

g. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the

records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

h. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

**POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:**

**STORAGE:**

Paper and electronic files.

**RETRIEVAL:**

Name of government employee or involved individual(s).

**SAFEGUARDS:**

Locked cabinets. Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

**RETENTION AND DISPOSAL:**

In accordance with National Archives and Records Administration General Records Schedule 6.10.

**SYSTEM MANAGER(S) AND ADDRESS:**

Field Office Systems Manager or DLMC Director. *See* Appendix A.

**NOTIFICATION PROCEDURES:**

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

**ACCESS PROCEDURES:**

Systems Manager or PA Officer will determine procedures.

**CONTESTING PROCEDURES:**

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

**SOURCE CATEGORIES:**

Individuals involved in accident, witnesses, investigation of the accident.

**SBA 33****SYSTEM NAME:**

TRAVEL FILES—SBA 33

**SYSTEM LOCATION:**

All SBA offices, Denver Financial Center and Federal Records Center. *See* Appendix A.

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

SBA employees.

**CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:**

Employee travel vouchers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED, OR REFERRED:**

a. To the appropriate Federal, State, local or foreign agency or professional organization which has responsibility for investigating, prosecuting or enforcing violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law arising by general or program statute, by regulation, rule or order.

b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

d. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA,

or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

e. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

f. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

**POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS, RETENTION AND DISPOSAL OF RECORDS:****STORAGE:**

Paper and electronic files.

**RETRIEVAL:**

By employee name.

**SAFEGUARDS:**

Access and use limited to persons with official need to know; computers are protected by passwords and user identification codes.

**RETENTION AND DISPOSAL:**

Records are maintained according to National Archives and Records Administration's General Record Schedule 6.1.a.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Financial Officer. *See* Appendix A for address.

**NOTIFICATION PROCEDURES:**

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

**ACCESS PROCEDURES:**

System Manager or PA Officer will determine procedures.

**CONTESTING PROCEDURES:**

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

**SOURCE CATEGORIES:**

Employees Travel Vouchers.

**SBA 34****SYSTEM NAME:**

IDENTITY MANAGEMENT SYSTEM—SBA 34

**SYSTEM LOCATION:**

Headquarters (HQ), contractor provided hosted facility. (*see* Appendix A).

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

Individuals who require regular, ongoing access to SBA facilities, including, applicants for employment or contracts, federal employees, contractors, students, interns, volunteers, and individuals authorized to perform or use services provided in SBA facilities (*e.g.*, Credit Union, Fitness Center, etc.). The system does not apply to occasional visitors or short-term guests to whom SBA will issue temporary identification and credentials.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Full name, social security number; date of birth; signature; image (photograph); fingerprints; hair color; eye color; height; weight; organization/office of assignment; company name; telephone number; copy of background investigation form; personal addresses for past 5 years; high school and college attended (as applicable); Card Holder Unique Identification Number; Personal Identification Number; Personal Identity Verification (PIV) enrollment package; PIV card issue and expiration dates; personal identification number; results of background investigation; PIV request form; PIV registrar approval signature;

PIV card serial number; emergency responder designation; PIV card expiration date; copies of documents used to verify identification or information derived from those documents; level of national security clearance and expiration date; computer system user name; user access and permission rights, authentication certificates; digital signature information; National Agency Check with Written Inquiries investigation; fingerprint check; National Criminal History Name Check, information technology systems, or information classified in the interest of national security.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Federal Information Security Act (Pub. L. 104–106, sec. 5113), Electronic Government Act (Pub. L. 104–347, sec. 203), Paperwork Reduction Act of 1995 (44 U.S.C. 3501), Government Paperwork Elimination Act (Pub. L. 105–277, 44 U.S.C. 3504), Homeland Security Presidential Directive 12, Federal Property and Administrative Act of 1949, *as amended*.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:**

- a. To National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.
- b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.
- c. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.
- d. 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 with appropriate restrictions on further disclosure.
- e. To the Office of Management and Budget (OMB) when necessary for the review of private relief legislation pursuant to OMB Circular No. A–19.
- f. To a Federal, State, or local agency, or other appropriate entities or

individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 *as amended*, the CIA Act of 1949 *as amended*, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

g. To notify another Federal agency when, or verify whether a PIV card is no longer valid.

h. To a supervisor or manager in order to verify employee time and attendance record for personnel actions. Note: Disclosures within SBA of data pertaining to date and time of entry and exit of an agency employee working in the District of Columbia may not be made to supervisors, managers or any other persons (other than the individual to whom the information applies) to verify the employee time and attendance record for personnel actions because 5 U.S.C. 6106 prohibits Federal Executive agencies (other than the Bureau of Engraving and Printing) from using a recording within the District of Columbia, unless used as a part of a flexible schedule program under 5 U.S.C. 6120 *et seq.*

i. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

j. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a

compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

k. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

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

**STORAGE:**

Records are stored in electronic media and in paper files and not on the card.

**RETRIEVABILITY:**

Records are retrievable by name, social security number, PIV card serial number, or Card Holder Unique Identification Number.

**SAFEGUARDS:**

Paper records are kept in locked cabinets in secure facilities, access is restricted to individuals whose role requires use of the records. Access to facilities will be controlled by the PIV card, the System requires a PIV card to log on and to digitally sign transactions. The computer servers storing the records are located in facilities that are secured by alarm systems and off-master key access. The computer servers are password-protected. Access to individuals working at guard stations is password-protected; each person granted access to the system at guard stations must be individually authorized to use the system. A Privacy Act Warning Notice appears on the monitor screen when PIV records are first displayed. Data exchanged between the servers and the client PCs at the guard stations and badging office are encrypted. Backup tapes are stored in a

locked and controlled room in a secure, off-site location. An audit trail is maintained and reviewed periodically to identify unauthorized access. Persons given roles in the PIV process must complete training specific to their roles to ensure their knowledge about how to protect individually identifiable information. The system uses the high risk confidentiality and integrity security controls specified in the National Institute of Standards and Technology Special Publication 800–53.

**RETENTION AND DISPOSAL:**

Records relating to persons covered by this system are retained in accordance with General Records Schedule 18, Item 17. Unless retained for specific, ongoing security investigations, for maximum security facilities, records of access are maintained for five years and then destroyed by wiping hard drives and shredding paper. For other facilities, records are maintained for two years and then destroyed by wiping hard drives and shredding paper. All other records relating to employees are destroyed two years after ID security card expiration date. In accordance with FIPS 201–1, PIV Cards are deactivated within 18 hours of cardholder separation, notification of loss of card, or expiration. The information on PIV Cards is maintained in accordance with General Records Schedule 11, Item 4. PIV Cards that are turned in for destruction are shredded within 90 days.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Assistant Administrator/Human Capital Management, Associate Administrator/Disaster Assistance, or designees, PA Officer. See Appendix A.

**NOTIFICATION PROCEDURES:**

An individual may submit a record inquiry either in person or in writing to the System Manager or the PA Officer. When requesting notification of or access to records, an individual should provide their full name, date of birth, and work location. Individuals requesting notification of records in person must provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access, such as a government-issued photo ID. Individuals requesting notification via mail or telephone must furnish, at minimum, name, date of birth, social security number, and home address in order to establish identity.

**ACCESS PROCEDURES:**

System Manager or PA Officer will determine procedures.

**CONTESTING PROCEDURES:**

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

**SOURCE CATEGORIES:**

Employee, contractor, or applicant; sponsoring SBA; former sponsoring SBA; other Federal agencies; contract employer; former employer.

**SBA 35**

**SYSTEM NAME:**

NON-EMPLOYMENT RELATED BACKGROUND CHECKS—SBA 35

**SYSTEM LOCATION:**

Office of Inspector General (OIG), Investigations Division, Office of Security Operations. See Appendix A.

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

Applicants for SBA loans or other assistance.

**CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:**

Information about applicants for SBA loans or other assistance or recognition, including application forms, such as SBA Form 912 and related fingerprint cards, criminal history and other records checks and correspondence concerning background.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. App. 3 (The Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B, and 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:**

- a. To the Federal Bureau of Investigation (FBI) and other agencies, for the purpose of obtaining criminal history records and other information relevant to determining applicant suitability.
- b. To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.
- c. To other Federal Agencies, upon request, that are conducting background checks.
- d. To a court, magistrate judge, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.
- e. To a Congressional office from an individual's record, when that office is

inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

f. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

g. To any Federal, State, local, foreign or international agency, in connection with their assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent the information is relevant to their decision on the matter.

h. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

i. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

j. To appropriate agencies, entities, and persons when: SBA suspects or has

confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security of integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

k. To members of the President's Council on Integrity and Efficiency, DOJ or other agencies for the purpose of conducting qualitative reviews of SBA OIG operations for the preparation of reports to the President and Congress on the activities of the Inspectors General, and for other uses in furtherance of the Inspector General Act of 1978, *as amended*.

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

**STORAGE:**

Rotary diebold power files and electronic data systems.

**RETRIEVAL:**

By applicant name and/or Social Security number.

**SAFEGUARDS:**

All file cabinets are locked. Access and use limited to persons with official need to know; computers are protected by password and user identification codes.

**RETENTION AND DISPOSAL:**

In accordance with SOP 00 41.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Inspector General for Investigations or designee. *See* Appendix A.

**NOTIFICATION PROCEDURES:**

Individuals may make record inquiries in person or in writing to the Systems Manager or PA Officer.

**ACCESS PROCEDURES:**

Assistant Inspector General for Investigations or designee.

**CONTESTING PROCEDURES:**

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

**SOURCE CATEGORIES:**

Person(s) applying for SBA loans or other assistance, other federal agencies, including the FBI, and SBA personnel.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(j)(2), records in this system of records are exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

**SBA 36**

**SYSTEM NAME:**

SUSPENSION AND DEBARMENT FILES—SBA 36

**SYSTEM LOCATION:**

Office of the Inspector General (OIG) Counsel Division. *See* Appendix A.

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

Individuals covered by the system include the individuals or entities who have been considered for suspension and/or debarment, recommended for suspension and/or debarment, or formally suspended and/or debarred, persons providing information used by the recommending person or the suspending/debarring officials.

**CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:**

Records consist of materials compiled from investigations and/or audits which identify violations which may be cause for suspension or debarment pursuant to the Federal Acquisition Regulations or the government-wide non-procurement suspension and debarment regulations. These materials include indictments, information, plea agreements, judgments, loan agreements, contract documents, etc., that pertain to an individual's or entity's participation in

government contracts, SBA loan programs, and other SBA assistance.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEMS:**

5 U.S.C. App. 3 (the Inspector General Act of 1978, *as amended*); 15 U.S.C. Chapters 14A and 14B; and 44 U.S.C. 3101; 48 CFR Subpart 9.4 (procurement); 2 CFR Parts 180 and 2700 (non-procurement), and Executive Orders 12549 and 12682.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:**

a. To the Federal, State, local, or foreign agency or professional organization which investigates, prosecutes or enforces violations, statutes, rules, regulations or orders issued when the Agency identifies a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.

b. To a court, magistrate, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.

c. To any private or governmental source or person, to secure information relevant to a suspension or debarment action.

d. To any domestic, foreign, international or private agency or organization, including those which maintain civil, criminal or other enforcement information, for the assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent the information is relevant to the agency's decision on the matter.

e. To Federal, State, or local bar associations and other professional, regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries.

f. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.

g. To the Government Accountability Office and to the General Services Administration's Board of Contract Appeals in bid protest cases involving an agency procurement.

h. To any Federal agency which has the authority to subpoena other Federal agencies' records and has issued a valid subpoena.

i. To DOJ to obtain advice regarding FOIA disclosure obligations.

j. To the Office of Management and Budget to obtain advice regarding PA obligations.

k. To SBA volunteers, contractors, interns, grantees, experts and who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, *as amended*, 5 U.S.C. 552a.

l. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

m. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

n. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA 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 and integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

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

**STORAGE:**

Paper and electronic files.

**RETRIEVAL:**

By name.

**SAFEGUARDS:**

Paper files are maintained in locked offices; computers are protected by password and user identification codes.

**RETENTION AND DISPOSAL:**

Following final agency action, records are maintained in accordance with SBA SOP 00 41.

**SYSTEM MANAGER(S) AND ADDRESS:**

Counsel to the Inspector General or designee. *See* Appendix A.

**NOTIFICATION PROCEDURES:**

An individual may submit a record inquiry in writing to the Systems Manager or PA Officer.

**ACCESS PROCEDURES:**

Systems Manager or PA Officer will determine procedures.

**CONTESTING PROCEDURES:**

Notify officials listed above and state reason(s) for contesting and proposed amendment(s) sought.

**SOURCE CATEGORIES:**

OIG and/or Agency personnel, subject individuals or entities, third parties, and other investigative agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

(1) Pursuant to 5 U.S.C. 552a(j)(2), this system of records is exempt from the application of all provisions of section 552a except sections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (i), to the extent that it consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. This system is exempted in order to maintain the efficacy and integrity of the OIG's criminal law enforcement function.

(2) Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to protect subjects of investigations from frustrating the investigatory process.

Dated: March 20, 2009.

**Delorice P. Ford,**

*Senior Privacy Act Official, Small Business Administration.*

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