

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-39016; PA-21; File No. S7-23-97]

Privacy Act of 1974: Major Alterations to the Agency Correspondence Tracking System (ACTS) (SEC-29) and the Office of Personnel Training Files (SEC-40)

AGENCY: Securities and Exchange Commission.

ACTION: Notice of major alterations.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission gives notice of major alterations to the Agency Correspondence Tracking System (ACTS) (SEC-29) and the Office of Personnel Training Files (SEC-40).

DATES: Comments must be received no later than October 14, 1997. The changes to these systems of records will take effect October 21, 1997, unless the Commission receives comments which would result in a contrary determination.

ADDRESSES: Persons wishing to submit comments should file three (3) copies thereof with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Reference should be made to File No. S7-23-97. Copies of the comments will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Hannah R. Hall, Privacy Act Officer (202) 942-4320, Office of the Executive Director, Freedom of Information Act and Privacy Act Operations, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

SUPPLEMENTARY INFORMATION: This report is to give notice of major alterations to the Agency Correspondence Tracking System (ACTS) (SEC-29) and the Office of Personnel Training Files (SEC-40), which are subject to the Privacy Act of 1974, 5 U.S.C. 552a. As revised, ACTS will have subsystems for records collected and maintained by the Office of Investor Education and Assistance (Subsystem A), the Office of the Chairman (Subsystem B), the Office of Filings and Information Services (Subsystem C), and the Office of Information Technology (Subsystem D). The Office of Personnel Training Files (SEC-40), as revised, will be called "Personnel Management Training Files"

and incorporate information about its automated files. Additional changes proposed for both systems of records include revisions to the systems' location, categories of individuals and records, authority for maintenance, purpose, routine uses, storage, retrievability, safeguards, retention and disposal schedules, manager(s) and address(es), notification, record access, and contesting record procedures, and record source categories. The altered system of records reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Operations of the House of Representatives, the Committee on Government Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," as amended on July 15, 1994.

SEC-29 is revised as follows:

SEC-29

SYSTEM NAME:

Agency Correspondence Tracking System (ACTS)-SEC.

Subsystem A: Investor/Consumer Correspondence Files.

Subsystem B: Chairman Correspondence Files.

Subsystem C: Public Reference Branch Correspondence Files.

Subsystem D: ACTS Computerized Records.

SYSTEM LOCATION:

Records in this system are located at Headquarters, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Also, records covered by Subsystem A are received by and maintained in the Commission's Regional and District Offices, whose addresses are listed below under System Manager(s) and Address(es).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subsystem A: Records are maintained on members of the public and others who submit inquiries or make complaints to the Commission, generally, or who address their correspondence to the Office of Investor Education and Assistance or the Commission's Regional or District Offices.

Subsystem B: Records are maintained on members of the public, members of Congress or their staff, and others who address their inquiries or complaints to the Commission's Chairman.

Subsystem C: Records are maintained on members of the public who submit requests for copies of, or review of

records accessible through the Commission's Public Reference Branch.

Subsystem D: Computerized records are comprised of data collected in all of the above subsystems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Both electronic and paper records in this system/subsystems contain the name of the complainant/inquirer/requester or their representative, the name of the entity and/or subject of the complaint/inquiry/request, the date relating to the disposition of the complaint/inquiry/request and, where applicable, the type of complaint/inquiry/request and other information derived from or relating to the complaint/inquiry/request. Paper records may include, but are not limited to letters of complaint/inquiry/request, responses, and related documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 77s, 77sss, 78d, 78d-1, 78d-2, 78w, 78ll(d), 79t, 80a-37, and 80b-11.

PURPOSE:

The records will be used by the staff to track and process complaints/inquiries/requests from members of the public and others.

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

These records and the information contained in these records may be used as follows:

(1) To respond to inquiries from individuals who have submitted complaints/inquiries/requests, or from their representatives, concerning the status of the particular complaint/inquiry/request;

(2) To provide information to entities against whom complaints/inquiries are directed when Commission staff requests them to research the issues raised and report back to the staff;

(3) To respond to inquiries from the White House, Congressional committees, the General Accounting Office, General Services Administration or the National Archives and Records Administration, or others charged with monitoring the work of the Commission or conducting records management inspections under authority of 44 U.S.C. 2904 and 2906;

(4) To provide information to other Federal or State government agencies, or securities self-regulatory organizations which have more direct jurisdiction over the subject matter of the complaint/inquiry/request;

(5) To coordinate with or assist in law enforcement and regulatory activities of the Commission and other Federal, State, local, or foreign law enforcement

or regulatory agencies, securities self-regulatory organizations, and foreign securities authorities;

(6) To respond to a subpoena, court order, or request for discovery, in connection with any relevant litigation or proceeding where the Federal securities laws are at issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity; and

(7) To provide information to a Federal, State, local, or foreign government or foreign securities authority, in response to its request, in connection with civil, criminal, or other enforcement information, the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

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

STORAGE:

Subsystems A, B, and C: These records are maintained in hard copy form by assigned file number, and certain elements of the data are extracted and tracked in computerized form through ACTS. The computerized records can be accessed by the individual's name or other indexed criteria.

Subsystem D: These records are maintained in an on-line database and on data cartridges.

RETRIEVABILITY:

By use of the computerized records in Subsystem D, the paper files in Subsystems A, B, and C are retrievable by the name of the complainant/inquirer/requester, receipt date of the complaint/inquiry/request, name of the registered representative or associated person named in the complaint/inquiry/request, or the name of the entity/issuer that is the subject of the complaint/inquiry/request.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. These records are maintained in office files in a building that has a 24-hour security guard.

RETENTION AND DISPOSAL:

Subsystem A: Electronic records are purged after six (6) years. Paper records maintained at SEC Headquarters are retained in-house for three (3) years from the office's date of receipt of the complaint/inquiry/request or its related subsequent submission(s), then transferred to the Federal Records Center for storage. Records sent to the Federal Records Center that *do not* relate to law enforcement matters are maintained for one (1) additional year (for a total of four (4) years from the office's date of receipt), and destroyed thereafter. Records sent to the Federal Records Center that *do* relate to law enforcement matters are maintained for three (3) additional years (for a total of six (6) years from the office's date of receipt), and destroyed thereafter. Paper records maintained in the Regional and District Offices are retained for three (3) years, and destroyed thereafter.

Subsystem B: Electronic records are purged after six (6) years. Paper records are maintained in-house for at least three (3) years from the office's date of receipt, or upon expiration of the Chairman's appointment. Files are forwarded to the Federal Records Center and retained in accordance with the Commission's records retention schedule, published at 17 CFR 200.80f.

Subsystem C: Paper records are maintained in-house for six months from the office's date of receipt, and destroyed periodically thereafter. Electronic records are purged after one (1) year.

Subsystem D: A computerized record of searches and transactions is maintained in an on-line database and on data cartridges. Retention of the electronic records is contingent upon the retention of the paper records, maintained and determined by each office that utilizes ACTS. Cartridges are sent to the Commission's off-site storage vendor. Also, all database files are saved on the cartridges and sent to the off-site storage vendor.

SYSTEM MANAGER(S) AND ADDRESS:

Subsystem A: Office of Investor Education and Assistance, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549;

Assistant Regional Director, Northeast Regional Office, 7 World Trade Center, Suite 1300, New York, NY 10048; District Administrator, Boston District Office, 73 Tremont Street, Suite 600, Boston, MA 02108-3912; District Administrator, Philadelphia District Office, The Curtis Center, 601 Walnut Street, Suite 1005 East, Philadelphia, PA 19106-3322;

Assistant Regional Director, Southeast Regional Office, 1401 Brickell Avenue, Suite 200, Miami, FL 33131; District Administrator, Atlanta District Office, 3475 Lenox Road, NE, Suite 1000, Atlanta, GA 30326-1232;

Assistant Regional Director, Midwest Regional Office, Northwestern Atrium Center, 500 W. Madison Street, Suite 1400, Chicago, IL 60661-2511;

Assistant Regional Administrator, Central Regional Office, 1801 California Street, Suite 4800, Denver, CO 80202-2648; District Administrator, Fort Worth District Office, 801 Cherry Street, Suite 1900, Fort Worth, TX 76102; District Administrator, Salt Lake District Office, 500 Key Bank Tower, 50 South Main Street, Salt Lake City, UT 84144-0402;

Assistant Regional Administrator, Pacific Regional Office, 5670 Wilshire Boulevard, Suite 1100, Los Angeles, CA 90036-3648; and District Administrator, San Francisco District Office, 44 Montgomery Street, 11th Floor, San Francisco, CA 94103-1735.

Subsystem B: Office of the Chairman, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

Subsystem C: Office of Filings and Information Services, Securities and Exchange Commission, Operations Center, Mail Stop A-1, 6432 General Green Way, Alexandria, VA 22312.

Subsystem D: Office of Information Technology, Securities and Exchange Commission, Operations Center, Mail Stop O-4, 6432 General Green Way, Alexandria, VA 22312.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

Information collected in all subsystems is received from individuals primarily through letters, telephone calls, or personal visits to the Commission's offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

SEC-40 is revised as follows:

SEC-40**SYSTEM NAME:**

Personnel Management Training Files-SEC.

SYSTEM LOCATION:

Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-1, Alexandria, VA 22312-2413.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on SEC employees, present and past.

CATEGORIES OF RECORDS IN THE SYSTEM:

Both automated and paper records fall within the following categories: (a) Information on internal and external training provided to employees; (b) budget tracking information; (c) training sources used/considered; and (d) class rosters, notices, and certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 3301, 3372, 4103, 4113, and 4118; and 5 CFR part 410.

PURPOSE:

The records are used for statistical reports and employee career counseling, for determining whether mandatory training has been received, and for assessing whether the cost, quality, and appropriateness of courses and sources merit consideration for fulfilling future agency training needs.

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

These records and the information contained in these records may be used as follows:

(1) To provide information to Government training facilities (Federal, State, or local) and to non-Government training facilities (private contractors of training courses or programs, private schools, etc.), their representatives, or volunteers working on a contract, service, grant, or cooperative agreement, for training purposes;

(2) To respond to inquiries from the White House, Congressional committees, the General Accounting Office, General Services Administration or the National Archives and Records Administration, or others charged with monitoring the work of the Commission or conducting records management inspections under authority of 44 U.S.C. 2904 and 2906;

(3) To respond to a subpoena, request for discovery, or the appearance of a

witness, in connection with any relevant litigation or proceeding where the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity;

(4) To provide information to a Federal, State, or local governmental entity or agency in response to its request, in connection with the potential violation of civil or criminal law or other regulation, the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; and

(5) To any source from which additional information is requested, when necessary to obtain information relevant to an agency decision to hire or retain an employee, issue a security clearance, conduct a security or suitability investigation of an individual, classify jobs, let a contract, or issue a license, grant, or other benefits.

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

Electronic media is maintained in a database, paper records are kept in binders and folders.

RETRIEVABILITY:

Records are retrievable by employee name, social security number, organization, and the assigned training form number; vendor name; instructor name; category of training; date(s) of training; and course title and location.

SAFEGUARDS:

Records are available to authorized agency staff. Both paper and electronic media are kept in a secure facility with 24 hour security guard surveillance. Personnel access to the database records is restricted by passwords.

RETENTION AND DISPOSAL:

Records are retained for three (3) fiscal years and destroyed after completion of any applicable reporting requirements by the Office of Personnel Management.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Executive Director, Office of Administrative and Personnel Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-1, Alexandria, VA 22312-2413.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

CONTESTING RECORD PROCEDURES:

See Record Access procedures above.

RECORD SOURCE CATEGORIES:

Records that comprise the information in the system are provided by: The individual on whom the record is maintained; agency supervisors and/or administrative staff on employees being nominated for training; vendors or potential vendor sources for training; and other agency records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 4, 1997.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-24042 Filed 9-10-97; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-39017; PA-22; File No. S7-24-97]

Privacy Act of 1974: Establishment of a New System of Records: Confidential Treatment Request Imaging System (SEC-26)

AGENCY: Securities and Exchange Commission.

ACTION: Notice of the establishment of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission gives notice of the establishment of a new Privacy Act system of records: Confidential Treatment Request Imaging System (SEC-26).

DATES: Comments must be received no later than October 14, 1997. The new system of records will take effect