

notice of, and an opportunity to contest, the action as provided in the applicable union agreements and Postal Service regulations, but not less than 30 days. The Postal Service may take appropriate action without providing such advance notice, however, if it determines that public health and safety may be affected or threatened pursuant to 5 U.S.C. 552a(p)(3).

The Postal Service will not maintain any lists of individuals representing non-hits. The match will be structured so as not to produce any records or lists of non-hits.

#### *G. Disposition of Matched Items*

Information about individuals who initially were "hits" but are not subsequently verified as being both a Postal Service employee and on the state sex offender list will be destroyed immediately upon making that verification. Other identifiable records created during the course of the matching program will be destroyed as soon as they have served the matching program's purpose and any legal retention requirements. Destruction will be by shredding, burning, or electronic erasure.

#### *H. Security Procedures*

##### *1. Administrative*

The Postal Service will protect the privacy of the subject individuals by strict adherence to the provisions of the Privacy Act of 1974. The Postal Service will maintain and safeguard data exchanged and any records created during the course of the matching program in accordance with the Privacy Act. Records will be kept in secured areas during working and non-working hours. Hardcopy records will be stored in locked desks or file cabinets and automated records will be stored in secured computer facilities with strict ADP controls. Access will be restricted to those individuals who are authorized to obtain access or need access to accomplish the matching program's purpose. The state agency will not have access to Postal Service payroll records or to any matched records, and will provide access to its system in accordance with state law.

##### *2. Technical*

The Inspection Service and the state agency will establish agreed upon procedures for the secure and expedited exchange of information between them. The Postal Service payroll data will be kept on the secured Inspection Service network. Access to the state registry will also be done on the secured Inspection Service network. While in the custody

of the Inspection Service, the data will be stored in a secure database that meets all law enforcement security standards.

#### *I. Records Usage, Duplication and Re-Disclosure Restrictions*

The Postal Service will not (1) disclose records obtained for this matching program within or outside its agency except as authorized by law or when disclosure is necessary to conduct the matching program; (2) use the records in a manner incompatible with the purposes stated in this matching program; or (3) extract information concerning "non-matching" individuals (individuals not identified as being both a Postal Service employee and a sexual offenders registrant). The state agency will not have access to or retain Postal Service payroll data or any matched data under this program. The Postal Service will not duplicate data exchanged unless needed to conduct the matching program, and all stipulations herein will apply to any duplication. The Postal Service may disclose results of any matches for follow-up and verification, or for civil or criminal law enforcement investigation or prosecution, if the match uncovers activity that warrants such action.

#### *J. Records Accuracy Assessments*

The degree of accuracy of Postal Service data is considered extremely high since the automated system in which it is housed contains numerous edits that prevent invalid information from being entered. Steps to ensure accuracy include certifications and edits that prevent duplicate or multiple actions on the same employee in the same cycle, entry of keying errors, and entry of actions before their effective dates. The probability of encountering erroneous matches or other incorrect information through the use of these data is extremely small. Federal law contains safeguards requiring states that maintain registries to ensure the accuracy of their data. In particular, federal law requires states to obtain the fingerprints of each registrant. Moreover, the states must verify the accuracy of each registrant's address information at least annually and as often as every ninety days for certain offenders. The Postal Service will also use the verification procedure established above to ensure that it is relying upon accurate data.

#### *K. Comptroller General Access*

The Comptroller General may have access to all records necessary to monitor or verify compliance with this Agreement.

#### *L. Duration of Matching Agreement*

This agreement will become effective under the terms set forth in Paragraph D, and remain in effect for 18 months. At the end of this period, the agreement may be renewed for a period of up to one additional year if the Data Integrity Board determines within three months before the expiration date that the program has been conducted appropriately and should continue to be conducted without change. The agreement may be modified at any time if the modification is in writing and approved by both parties in accordance with the Privacy Act and agency guidelines.

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## **POSTAL SERVICE**

### **Privacy Act of 1974, Computer Matching Program**

**AGENCY:** Postal Service.

**ACTION:** Notice of Computer Matching Program.

**SUMMARY:** The Postal Service™ plans to conduct an ongoing matching program to identify any current Postal Service employees, who are required by state law to register on a state's public registry of sex offenders. State registries contain information about individuals who are statutorily required to register, having committed sexually-violent offenses against adults or children, certain other crimes against victims who are minors, or other comparable offenses. The Postal Service is undertaking this initiative to ascertain the suitability of individuals for certain positions or employment. The Postal Service will compare its payroll database for employees working in designated states against public records contained in the state sex offender registries.

**DATES:** The matching program will become effective no sooner than 30 days after notice of the matching program is sent to Congress and the Office of Management and Budget (OMB).

**ADDRESSES:** Written comments on this proposal should be mailed or delivered to the Records Office, Postal Service, 475 L'Enfant Plaza, SW., Room 5846, Washington, DC 20260-5353. Copies of all written comments will be available at the above address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Jane Eyre at 202-268-2608.

**SUPPLEMENTARY INFORMATION:** The Postal Service seeks to provide the public with accurate and efficient mail delivery to the more than 144 million businesses and residences in this country. Given the public nature of the Postal Service, published standards of conduct for Postal Service employees prohibit any employee from engaging in criminal, dishonest, or similar prejudicial conduct. The Postal Service plans to conduct an internal match that compares records from a *Privacy Act of 1974* system of records and a grouping of records that is not subject to the Privacy Act. Under these circumstances, the match does not constitute a matching program subject to the computer matching provisions of the Privacy Act. Nevertheless, the Postal Service is conducting the matching program under these provisions to protect the interests of its employees.

This new computer match program will identify Postal Service employees, who have been required as a matter of law to register on state sexual offender public registries. After extensively verifying the accuracy of the information, the Postal Service will use the information to determine whether reported offenses may impact on an individual's suitability for certain positions or employment. The Postal Service will analyze each occurrence on a case-by-case basis to determine the appropriate action to take. In this regard, the Postal Service will consider the seriousness of the offense, the date of the offense, and the nature of the employee's position with the Postal Service.

The only data to be used in the match is public information, from both the Postal Service and the state public sex offender registries. The Postal Service will extract public information, including employees' name and work location, from its payroll database. This information is public information in accordance with Handbook AS-353, *Guide to Privacy and Freedom of Information Act*, section 5-2b(3) (available at [www.usps.com/privacyoffice](http://www.usps.com/privacyoffice)), and the Postal Service considers such data to be subject to disclosure requirements under the Freedom of Information Act. The data will be matched against state sexual offender registries, which are posted on various state Web sites for the public.

The Postal Service will take extensive efforts to ensure that the data is accurate. Postal Inspectors will conduct the match and will review the match report in order to verify that the person identified in the state sexual offender public registry is in fact a Postal Service employee. A postal inspector will then

determine whether the person is properly included on the public registry by reviewing the relevant facts about the offense from information furnished by relevant law enforcement agencies, such as the arresting agency. The postal inspector will refer, to the Office of the Inspector General (OIG), instances where the employee failed to provide Postal Service management with any required notice of the offense; the OIG will also be informed of other instances of employee misconduct. The inspector or OIG special agent will prepare an investigative memorandum or report of investigation, respectively, which will be sent to the individual employee's installation head. The installation head will ensure that a case-by-case analysis is conducted regarding the appropriate action to be taken. The Postal Service will provide at least 30 days advance notice prior to initiation of any adverse action against a matched individual (unless the Postal Service determines that public health or safety may be affected or threatened pursuant to 5 U.S.C. 552a(p)(3)).

The privacy of employees will be safeguarded and protected. The Postal Service will manage all data in strict accordance with the Privacy Act and the terms of the matching agreement. Any verified data that is maintained will be managed within the parameters of *Privacy Act System of Record USPS 700.000, Inspection Service Investigative File System* (last published April 29, 2005 (Volume 70, Number 82)); and, for cases referred to the Postal Service OIG, data that is maintained will also be managed within the parameters of *Privacy Act System of Record USPS 700.300, Inspector General Investigative Records* (last published June 14, 2006 (Volume 71, Number 114)). Disclosures are authorized by a Privacy Act routine use applicable to the payroll system of records (as well as other personnel systems) that pertains to disclosures to Federal and state agencies that are needed by the Postal Service or agency to make decisions regarding personnel matters; and under 5 U.S.C. 552a(b)(2) which authorizes disclosures that would be required under 5 U.S.C. 552 (the Freedom of Information Act).

Key privacy features of the matching agreement include the following:

- Requiring that the identity of matched individuals be verified and that the relevant facts of the offense be confirmed;
- Requiring appropriate security controls for the data match;
- Providing protections for employees who appear as an initial match but who are not subsequently verified as

belonging on the state registry of offenders; and

- Requiring the Postal Service to complete the verification, and provide at least 30 days advance notice, prior to initiation of any adverse action against a matched individual (unless the Postal Service determines that public health and safety may be affected or threatened pursuant to 5 U.S.C. 552a(p)(3)).

Neva R. Watson,

Attorney, Legislative.

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## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

*Summary of Proposal(s):*

(1) *Collection title:* Application for Spouse Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA-3, AA-3cert.

(3) *OMB Number:* 3220-0042.

(4) *Expiration date of current OMB clearance:* 12/31/2006.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 8,500.

(8) *Total annual responses:* 8,500.

(9) *Total annual reporting hours:* 4,297.

(10) *Collection description:* The Railroad Retirement Act provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application obtains information supporting the claim for benefits based on being a spouse of an annuitant. The information is used for determining entitlement to and amount of the annuity applied for.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312-751-3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago,