

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA-20]

Privacy Act of 1974: Deletion, Modification, and Redesignation of Privacy Act Systems of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of deletion and modification of Privacy Act Systems of Records and redesignation of all records systems for the Securities and Exchange Commission.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission is removing four records systems that are either duplicative of a government-wide records system; not retrieved by name or personal identifier, and, therefore, not a Privacy Act system; not implemented or in effect; or obsolete. The Commission is also modifying forty-one systems that involve updating the Commission's address as reflected in the system locations, system manager(s) and address, retention and disposal, notification procedures, and record access procedures, due to recent office moves. Finally, the release would revise the **Federal Register's** biennial compilation of Federal Agency Privacy Act System Notices by redesignating/renumbering the Commission's records systems and by removing appendix A and replacing it with a Table of Contents.

EFFECTIVE DATE: September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Hannah R. Hall, Privacy Act Officer, Tel. (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: In the course of reviewing its Privacy Act systems of records notices, the Commission identified four systems of records which are being removed: SEC-21, "Division of Corporate Regulation Bankruptcy Act Records"; SEC-30, "Equal Employment Opportunity Complaints"; SEC-39, "Telephone Call Detail Records"; and SEC-57, "SECO Files." With respect to SEC-21, the records in the system are not retrievable by name or other personal identifier and, therefore, the system is not a Privacy Act system of records. With respect to SEC-30, the records are maintained in another system of records

subject to a government-wide system notice (EEOC/GOVT-1), published by the Equal Employment Opportunity Commission. With respect to SEC-39, the Commission published a notice of its intent to establish this system of records subject to any comments "which would result in a contrary determination." 60 FR 48733 (Sept. 20, 1995). In response to comments received, the Commission determined not to implement the system of records and, therefore, withdraws its Privacy Act notice. With respect to SEC-57, the Commission no longer places records in this system, which is now obsolete.

In addition, the Commission has deemed it necessary to redesignate/renumber all remaining systems notices. Finally, the Commission is replacing the appendix A of the systems of records with a Table of Contents, to provide a better guide to the Commission's Privacy Act systems notices. For the purposes of complying with the Privacy Act and OMB Circular A-130, these modifications are minor changes and do not require an advance report to, and review by, the Congress and the Office of Management and Budget.

The following systems of records are hereby removed from the **Federal Register** because they are either: (1) Duplicative of a government-wide records system; (2) not retrieved by name or personal identifier and, therefore, not a Privacy Act system of records; (3) not implemented or in effect; or (4) obsolete.

SEC-21

System name: Division of Corporate Regulation Bankruptcy Act Records.

SEC-30

System name: Equal Employment Opportunity Complaints.

SEC-39

System name: Telephone Call Detail Records.

SEC-57

System name: SECO Files.

The following systems notices have been redesignated according to the table below.

PRIVACY ACT SYSTEMS NOTICES NUMBERS

| Old No. | New No. |
|--------------|---------|
| SEC-17 | SEC-9. |
| SEC-18 | SEC-10. |
| SEC-19 | SEC-11. |
| SEC-34 | SEC-12. |
| SEC-43 | SEC-13. |
| SEC-09 | SEC-14. |
| SEC-53 | SEC-15. |
| SEC-10 | SEC-16. |
| SEC-41 | SEC-17. |

PRIVACY ACT SYSTEMS NOTICES NUMBERS—Continued

| Old No. | New No. |
|---------------|-------------|
| SEC-14 | SEC-18. |
| SEC-22 | SEC-19. |
| SEC-23 | SEC-20. |
| SEC-27 | SEC-21. |
| SEC-31 | SEC-22. |
| SEC-40 | SEC-23. |
| SEC-32 | SEC-24. |
| SEC-52 | SEC-25. |
| SEC-42 | SEC-27. |
| SEC-26 | [Reserved]. |
| SEC-44 | SEC-28. |
| SEC-16 | SEC-29. |
| SEC-45 | SEC-30. |
| SEC-46 | SEC-31. |
| SEC-56 | SEC-32. |
| SEC-11 | SEC-33. |
| SEC-13 | SEC-34. |
| SEC-58 | SEC-35. |
| SEC-98 | SEC-36. |
| SEC-100 | SEC-37. |
| SEC-47 | SEC-38. |
| SEC-49 | SEC-39. |
| SEC-51 | SEC-40. |
| SEC-54 | SEC-41. |
| SEC-102 | SEC-42. |
| SEC-103 | SEC-43. |

A Table of Contents is added to read as follows:

Table of Contents: System Notices Names and Numbers

(1) Registration Statements Filed Pursuant to Provisions of the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(2) Applications for Registration/Exemption under the Securities Exchange Act of 1934, Investment Advisers Act of 1940, and Investment Company Act of 1940.

(3) Notification of Exemption from Registration under the Securities Act of 1933.

(4) Beneficial Ownership, Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934.

(5) Ownership Reports and Insider Trading Transaction Records Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(6) Periodic Reports Filed under the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(7) Proposed Sale of Securities Records Filed under the Securities Act of 1933.

(8) Proxy Soliciting Material Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(9) Correspondence Files Pertaining to Registered Broker-Dealers.

(10) Correspondence Files Pertaining to Registered Investment Advisers.

(11) Correspondence Files Pertaining to Registered Investment Companies.

(12) Hearings, Proceedings and Studies.

(13) No-action and Interpretative Letters.

(14) Administrative Audit System.

- (15) Pay and Leave System.
- (16) Administrative Law Judge Assignments and Dispositions of Administrative Proceedings.
- (17) Minutes Regarding Action Taken by the Commission.
- (18) Applications for Relief From Disqualification Filed Under the Securities Act of 1933 and the Commission's Rules of Practice.
- (19) Division of Corporation Finance and Support Office Working Files.
- (20) Division of Corporation Finance Index for Filings on Schedule 13D and Filings under Regulations A and B.
- (21) Division of Investment Management Correspondence and Memoranda Files.
- (22) Executive/Congressional Personnel Referrals.
- (23) Staff Time and Activity Tracking System (STATS).
- (24) Freedom of Information Act Requests.
- (25) Office of Public Affairs, Policy Evaluation and Research Records.
- (26) (Reserved)
- (27) Name-Relationship Search System (NRS).
- (28) Office of the Chief Accountant Working Files.
- (29) Agency Correspondence Tracking System (ACTS).
- (30) Office of General Counsel Work Files.
- (31) Office of General Counsel (Adjudication) Working Files.
- (32) Rule 102(e) of the Commission's Rules of Practice—Appearance and Practice Before the Commission.
- (33) Administrative and Litigation Release System.
- (34) Administrative Proceedings Records Cards.
- (35) Securities Violations Records and Bulletin.
- (36) Administrative Proceeding Files.
- (37) Automated Personnel Management Information System.
- (38) Personnel Management Code of Conduct and Employee Performance Files.
- (39) Personnel Management Employment and Staffing Files.
- (40) Office of Personnel Training Files.
- (41) Personnel Management Security Files.
- (42) Enforcement Files.
- (43) Office of Inspector General Investigative Files.

Note: Published at 55 FR 1744 (Jan. 18, 1990).

The following systems of records notices, which have been redesignated according to the previous table, are being revised to reflect changes in the following: System locations, system managers and addresses, notification procedures, and record access procedures.

SEC-1 Through SEC-13

These systems are amended as follow:

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read: Records Officer, Office of Filings and Information Services, Securities and Exchange Commission, Operations

Center, 6432 General Green Way, Mail Stop A-1, Alexandria, VA 22312-2413.

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-14 and SEC-15

These systems are amended as follow:

SYSTEM LOCATION:

This section is revised to read: Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-3, Alexandria, VA 22312-2413.

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read: Associate Executive Director (Finance), Office of the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-3, Alexandria, VA 22312-2413.

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-23

SEC-23 is amended as follows:

SYSTEM LOCATION:

This section is revised to read: Securities and Exchange Commission,

Office of the Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read: Chief Management Analyst, Office of the Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-24

SEC-24 is amended as follows:

SYSTEM LOCATION:

This section is revised to read: Securities and Exchange Commission, Operations Center, 6432 General Green Way, Alexandria, VA 22312-2413.

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read: Freedom of Information Act Officer, Office of Freedom of Information and Privacy Act Operations, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-27

SEC-27 is amended as follows:

SYSTEM LOCATION:

This section is revised to read: Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-4, Alexandria, VA 22312-2413.

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read: Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-4, Alexandria, VA 22312-2413.

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-32

SEC-32 is amended as follows:

SYSTEM NAME:

This section is revised to read: Rule 102(e) of the Commission's Rules of Practice—Appearance and Practice Before the Commission-SEC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Reference to "17 CFR 201.2(e)" is revised to read: "17 CFR 201.102(e)".

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

Reference to "17 CFR 202.1 *et seq.*" is revised to read: "17 CFR 201.100 *et seq.*" Reference to "17 CFR 202.785-1 *et seq.*" is revised to read: "17 CFR 200.735-1 *et seq.*"

SYSTEM MANAGER(S) AND ADDRESS:

All references to Rule 2(e) are removed and replaced with Rule 102(e).

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-38, SEC-39, and SEC-41

These systems are amended as follow:

SYSTEM LOCATION:

This section is revised to read: Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-1, Alexandria, VA 22312-2413.

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read: 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:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-33, SEC-35, and SEC-36

These systems are amended as follow:

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read: Secretary, Office of the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

SEC-16 Through SEC-22, SEC-25, SEC-28, SEC-30, SEC-31, SEC-34, SEC-37, SEC-42, and SEC-43

These systems are amended as follow:

NOTIFICATION PROCEDURE:

This section is revised to read: 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:

This section is revised to read: 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.

Appendix A

Appendix A is removed.

Dated: September 4, 1997.

By the Commission.

Margaret H. McFarland,
Deputy Secretary.

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