

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.

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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

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. S7-24-97. 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: The Commission gives notice of the establishment of a new system of records entitled Confidential Treatment Request Imaging System (SEC-26).¹

The Commission is establishing a computerized system of records, using advanced imaging technology, to enhance its ability to store and retrieve confidential treatment requests ("CTRs")² received by the Commission's Office of Freedom of Information Act and Privacy Act Operations ("FOIA/PA Office") after June 1992.³ Since this system may be used to retrieve information about individuals by a word search, the Privacy Act of 1974, as amended, requires a general notice of the existence of this system of records to the public. The FOIA/PA Office will primarily use the system to process requests under the FOIA for agency records. Other Commission staff may also use records in the system to process subpoenas and

discovery requests in connection with pending judicial or administrative proceedings, and Commission staff or Commission contractors may use the records in servicing the system. The CTRs received by the FOIA/PA Office usually identify the records for which confidentiality is being requested, the case number (composed of letters that represent the originating office—Commission Headquarters, or a Regional or District Office—and a sequential number), case or subject name, or names of the parties or individuals involved. The FOIA/PA Office uses case numbers to identify similar requests for confidential treatment. This system also contains miscellaneous requests submitted under other Commission confidential treatment rules.

Accordingly, the Commission proposes to establish the following system of records, entitled Confidential Treatment Request Imaging System.

SEC-26

SYSTEM NAME:

Confidential Treatment Request Imaging System-SEC.

SYSTEM LOCATION:

Securities and Exchange Commission, Operations Center, Freedom of Information Act and Privacy Act Operations, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals whose names appear in requests for confidential treatment submitted to the Office of Freedom of Information Act and Privacy Act Operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for confidential treatment submitted to the Office of Freedom of Information Act and Privacy Act Operations after June 1992, which may identify the case number, case or subject name, names of the companies or individuals involved, and the date of the submission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 77s, 77sss, 78d, 78d-1, 78d-2, 78w, 78ll(d), 79t, 80a-37, 80b-11; 5 U.S.C. 552; and 17 CFR 200.83.

PURPOSE:

The system is designed to enhance the Commission's ability to store and retrieve requests for confidential treatment received by the Office of Freedom of Information Act and Privacy Act Operations ("FOIA/PA Office") after

June 1992. The system will be used primarily by the staff of the FOIA/PA Office who review agency records in light of applicable requests for confidential treatment.

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) In processing subpoenas or requests for discovery, in an administrative or judicial proceeding before a court or adjudicative body, to the extent that they are relevant and necessary to the proceeding; and
- (2) To Commission staff or the contractor providing support to permit servicing the system.

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

STORAGE:

Records are maintained on optical diskettes, data cartridges, and paper records.

RETRIEVABILITY:

Records may be retrieved by the case number, case or subject name, names of the companies or individuals involved, and the date of the submission. Record searches may be restricted to an individual's name by a word search.

SAFEGUARDS:

Records are safeguarded through the use of appropriate computer passwords to restrict access. In addition, data cartridges (used for back-up storage of electronic records) are kept in a locked storage cabinet which may only be entered with a passkey. Paper records are kept in a locked file cabinet with restricted access. All records are housed in a building with a 24-hour security guard.

RETENTION AND DISPOSAL:

Requests for confidential treatment received by the Office of Freedom of Information Act and Privacy Act Operations regarding investigatory records are maintained indefinitely. All others are retained for ten (10) years, in accordance with 17 CFR 200.80f.

SYSTEM MANAGER(S) AND ADDRESS:

Freedom of Information Act/Privacy Act Officer, Securities and Exchange Commission, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record

¹ In accordance with the Privacy Act of 1974, as amended, the Commission has provided advance notice of this new system of records 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 ("OMB"), and invites public comment on the new system of records. 5 U.S.C. 552a (e) and (r); OMB Circular A-130.

² Commission Rule 83, 17 CFR 200.83, provides a procedure whereby persons submitting information to the Commission may request that it not be disclosed under the Freedom of Information Act. This procedure does not apply where another procedure exists for requesting confidential treatment of the information.

³ Each year, the FOIA/PA Office receives about 6,000 confidential treatment requests. Those received between 1981 and June 1992 are maintained in microfiche. Because information maintained in these microfiche records is not retrievable by an individual's name or other personal identifier, these records are not subject to the notice requirements of the Privacy Act.

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:

Letters submitted to the Office of Freedom of Information Act and Privacy Act Operations, for confidential treatment of documents produced to other Commission staff, in connection with investigations, enforcement proceedings, registrations, studies,

procurement/contracts, or other matters arising under or required by statute, law, rule, or regulation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

By the Commission.

Dated: September 4, 1997.

Margaret H. McFarland,

Deputy Secretary.

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