

Yakima River Basin Water Enhancement Project, P.O. Box 1749, Yakima, Washington, 98907; (509) 575-5848, extension 265.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to review water marketing opportunities in the Yakima River Basin and develop recommendations. Progress Reports will be provided on the Basin Conservation Plan and the Yakima River Basin Wetlands and Floodplain Habitat Plan.

Dated September 22, 1999.

Rick Parker,

Acting Area Manager.

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DEPARTMENT OF JUSTICE

[AAG/A Order No. 170-99]

Privacy Act of 1974; Notice of Modified Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget (OMB) Circular No. A-130, notice is given that the Department of Justice, Federal Bureau of Investigation (FBI), is modifying the following system of records which was last published in the **Federal Register** on April 20, 1995 (60 FR 19775):

National Crime Information Center (NCIC), JUSTICE/FBI-001.

Also being modified is the following system of records which was last published in the **Federal Register** on February 20, 1996 (61 FR 6386):

Fingerprint Identification Records Systems (FIRS), JUSTICE/FBI-009.

The FBI has made revisions to these systems of records to update information about these systems, make editorial adjustments to existing language, confirm in clearer language the categories of agencies that participate in the exchange of records through these systems, and add three new routine uses for both systems. A brief description of these changes is provided below.

The two systems of records are being modified to update the location of the systems and denote the exact street address of the system manager. Both notices are also being revised to clarify existing language through minor editorial adjustments and to confirm in clearer language the authorized participation in these systems, and the availability of system records, to tribal, foreign, and international agencies, in addition to local, state, and federal agencies. Three routine uses have been added to allow disclosure of information maintained in these

systems: To criminal justice agencies to conduct background checks under the National Instant Criminal Background Check System (NICS); to noncriminal justice government agencies, subject to appropriate controls, performing criminal justice dispatching functions or data processing/information services for a criminal justice dispatching functions or data processing/information services for a criminal justice agency; and to a private entity, subject to appropriate controls and under a specific agreement with an authorized governmental agency to perform an administration of criminal justice function (privatization). (In addition to the above changes, the FBI is currently reviewing additional changes to better describe new capabilities and practices, to be promulgated in a future notice.) Revisions to 28 CFR parts 0, 16, 20 and 50 which underlie these changes are being implemented in the Rules section of today's **Federal Register**.

The Privacy Act (5 U.S.C. 552a (e)(4) and (11)) requires that the public be given 30 days in which to comment on any new or intended uses of information in a system of records. In addition, OMB, which has oversight responsibilities under the Act, requires that OMB and the Congress be given 40 days in which to review major changes to the system.

Therefore, the public, OMB, and the Congress are invited to submit written comments to Mary E. Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, 1400 National Place, Washington, DC 20530.

In accordance with Privacy Act requirements (5 U.S.C. 552a(r)), the Department of Justice has provided a report on the modified system to OMB and the Congress.

Dated: July 27, 1999.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/FBI 001

SYSTEM NAME:

National Crime Information Center (NCIC).

SYSTEM LOCATION:

Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons:

1. Individuals for whom federal warrants are outstanding.

2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdiction originating the entry and for whom a felony or misdemeanor warrant has been issued with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria.

3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictional boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

4. Juveniles who have been adjudicated delinquent and who have escaped or absconded from custody, even though no arrest warrants were issued. Juveniles who have been charged with the commission of a delinquent act that would be a crime if committed by an adult, and who have fled from the state where the act was committed.

5. Individuals who have committed or have been identified with an offense committed in a foreign country, which would be a felony if committed in the United States, and for whom a warrant of arrest is outstanding and for which act an extradition treaty exists between the United States and that country.

6. Individuals who have committed or have been identified with an offense committed in Canada and for whom a Canada-Wide Warrant has been issued which meets the requirements of the Canada-U.S. Extradition Treaty, 18 U.S.C. 3184.

B. Individuals who have been charged with serious and/or significant offenses:

1. Individuals who have been fingerprinted and whose criminal history record information has been obtained.

2. Violent Felons: Persons with three or more convictions for a violent felony or serious drug offense as defined by 18 U.S.C. 924(e).

C. Missing Persons:

1. A person of any age who is missing and who is under proven physical/

mental disability or is senile, thereby subjecting that person or others to personal and immediate danger.

2. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.

3. A person of any age who is missing under circumstances indicating that that person's physical safety may be in danger.

4. A person of any age who is missing after a catastrophe.

5. A person who is missing and declared unemancipated as defined by the laws of the person's state of residence and does not meet any of the entry criteria set forth in 1-4 above.

D. Individuals designed by the U.S. Secret Service as posing a potential danger to the President and/or other authorized protectees.

E. Members of Violent Criminal Gangs: Individuals about whom investigation has developed sufficient information to establish membership in a particular violent criminal gang by either:

1. Self admission at the time of arrest or incarceration, or

2. Any two of the following criteria:
a. Identified as a gang member by a reliable informant;

b. Identified as a gang member by an informant whose information has been corroborated;

c. Frequents a gang's area, associates with known members, and/or affects gang dress, tattoos, or hand signals;

d. Has been arrested multiple times with known gang members for offenses consistent with gang activity; or

e. Self admission (other than at the time of arrest or incarceration).

F. Members of Terrorist Organizations: Individuals about whom investigation has developed sufficient information to establish membership in a particular terrorist organization using the same criteria listed above in paragraph E, items 1 and 2 a-e, as they apply to members of terrorist organizations rather than members of violent criminal gangs.

G. Unidentified Persons:

1. Any unidentified deceased person.
2. Any person who is living, but whose identity has not been ascertained (e.g., infant, amnesia victim).

3. Any unidentified catastrophe victim.

4. Body parts when a body has been dismembered.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File:

1. Stolen vehicles.
2. Vehicles wanted in conjunction with felonies or serious misdemeanors.
3. Stolen vehicle parts including certificates of origin or title.

B. Stolen License Plate File.

C. Stolen Boat File.

D. Stolen Gun File:

1. Stolen guns.

2. Recovered guns, when ownership of which has not been established.

E. Stolen Article File.

F. Securities File:

1. Serially numbered stolen, embezzled, or counterfeited securities.

2. "Securities" for present purposes of this file are currency (e.g., bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g., bonds, debentures, notes) or ownership of property (e.g., common stock, preferred stock), and documents which represent subscription rights, warrants and which are of the types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons, 1-4."

H. Foreign Fugitive File:

Identification data regarding persons who are fugitives from foreign countries, who are described in "Categories of individuals covered by the system: A. Wanted Persons, 5 and 6."

I. Interstate Identification Index File: A cooperative federal-state program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies: Described in "Categories of individuals covered by the system: B. 1."

J. Identification records regarding persons enrolled in the United States Marshals Service Witness Security Program who have been charged with serious and/or significant offenses. Described in "Categories of individuals covered by the system: B."

K. Bureau of Alcohol, Tobacco, and Firearms (BATF) Violent Felon File: Described in "Categories of individuals covered by the system: B.2."

L. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons."

M. U.S. Secret Service Protective File: Described in "Categories of individuals covered by the system: D."

N. Violent Criminal Gang File: A cooperative federal-state program for the interstate exchange of criminal gang information. For the purpose of this file, a "gang" is defined as a group of three or more persons with a common interest, bond, or activity characterized by criminal delinquent conduct. Described in "Categories of individuals covered by the system: E. Members of Violent Criminal Gangs."

O. Terrorist File: A cooperative federal-state program for the exchange of information about terrorist organizations and individuals. For the purposes of this file, "terrorism" is defined as activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state or would be a criminal violation if committed within the jurisdiction of the United States or any states, which appear to be intended to:

1. Intimidate or coerce a civilian population,

2. Influence the policy of a government by intimidation or coercion, or

3. Affect the conduct of a government by crimes or kidnaping. Described in "Categories of individuals covered by the system: F. Members of Terrorist Organizations."

P. Unidentified Person File: Described in "Categories of individuals covered by the system: G. Unidentified Persons."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 28 U.S.C. 534; 28 CFR part 20; Department of Justice Appropriation Act, 1973, Pub. L. 92-544, 86 Stat. 1115; Securities Acts Amendment of 1975, Pub. L. 94-29, 89 Stat. 97; and 18 U.S.C. 924 (e). Exec. Order No. 10450, 3 CFR (1974).

PURPOSE(S):

The purpose for maintaining the NCIC system of records is to provide a computerized data base for ready access by a criminal justice agency making an inquiry and for prompt disclosure of information in the system from other criminal justice agencies about crimes and criminals. This information assists authorized agencies in criminal justice objectives, such as apprehending fugitives, locating missing persons, locating and returning stolen property, as well as in the protection of the law enforcement officers encountering the individuals described in the system.

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

Data in NCIC files is exchanged with and for the official use of authorized officials of the federal government, the states, cities, penal and other institutions, and certain foreign governments. The data is exchanged most frequently, but not exclusively, through NCIC lines to federal criminal justice agencies, criminal justice agencies in the 50 states, the District of Columbia, Puerto Rico, U.S. Possessions, U.S. Territories, and

certain authorized foreign and international criminal justice agencies. Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by federal or state statute and approved by the Attorney General of the United States.

Data in NCIC files, other than the information described in "Categories of records in the system: I, J, K, M, N, and O" is disseminated to:

(1) A nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute;

(2) A noncriminal justice governmental department of motor vehicle or driver's license registry established by a statute, which provides vehicle registration and driver record information to criminal justice agencies;

(3) A governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communications services to criminal justice agencies; and

(4) The National Insurance Crime Bureau (NICB), a nongovernmental nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described in (1) through (4) above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Information on missing children, missing adults who were reported missing while children, and unidentified living and deceased persons may be disclosed to the National Center for Missing and Exploited Children (NCMEC). The NCMEC is a nongovernmental, nonprofit, federally funded corporation, serving as a national resource and technical assistance clearinghouse focusing on missing and exploited children. Information is disclosed to NCMEC to assist it in its efforts to

provide technical assistance and education to parents and local governments regarding the problems of missing and exploited children, and to operate a nationwide missing children hotline to permit members of the public to telephone the Center from anywhere in the United States with information about a missing child.

System records may be disclosed to criminal justice agencies for the conduct of background checks under the National Instant Criminal Background Check System (NICS).

System records may be disclosed to noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies.

System records may be disclosed to private contractors pursuant to a specific agreement with a criminal justice agency or a noncriminal justice governmental agency performing criminal justice dispatching functions or data processing/information services for criminal justice agencies to provide services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

In addition, information may be released to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

System records may be disclosed to a Member of Congress or staff acting on the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; and,

System records may be disclosed to the National Archives and Records Administration and the General Services Administration for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

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

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On line access to data in NCIC is achieved by using the following search descriptors:

- A. Stolen Vehicle File:
 1. Vehicle identification number;
 2. Owner applied number;
 3. License plate number;
 4. NCIC number (unique number assigned by NCIC computer to each NCIC record.)
- B. Stolen License Plate File:
 1. License plate number;
 2. NCIC number.
- C. Stolen Boat File:
 1. Registration document number;
 2. Hull serial number;
 3. Owner applied number;
 4. NCIC number.
- D. Stolen Gun File:
 1. Serial number of gun;
 2. NCIC number.
- E. Stolen Article File:
 1. Serial number of article;
 2. Owner applied number;
 3. NCIC number.
- F. Securities File:
 1. Type, serial number, denomination of security, and issuer for other than U.S. Treasury issues and currency;
 2. Type of security and name of owner of security;
 3. Social Security number of owner of security (it is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system);
 4. NCIC number.
- G. Wanted Person File:
 1. Name and one of the following numerical identifiers:
 - a. Date of birth;
 - b. FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record);
 - c. Social Security number (it is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system);
 - d. Operator's license number (driver's number);
 - e. Miscellaneous identifying number (military number or number assigned by federal, state, or local authorities to an individual's record);
 - f. Originating agency case number;
 2. Vehicle or license plate known to be in the possession of the wanted person;

3. NCIC number.

H. Foreign Fugitive File: See G, above.

I. Interstate Identification Index File:

1. Name, sex, race, and date of birth;

2. FBI number;

3. State identification number;

4. Social Security number;

5. Miscellaneous identifying number.

J. Witness Security Program File: See

G, above.

K. BATF Violent Felon File: See G, above.

L. Missing Person file: See G, above, plus the age, sex, race, height and weight, eye and hair color of the missing person.

M. U.S. Secret Service Protective File: See G, above.

N. Violent Criminal Gang File: See G, above.

O. Terrorist File: See G, above.

P. Unidentified Person File: The age, sex, race, height and weight, eye and hair color of the unidentified person.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized users. The following security measures are the minimum to be adopted by all authorized users having access to the NCIC.

Interstate Identification Index (III) File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Center.

a. The authorized user's computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.

b. Since personnel at these computer centers can have access to data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel.

c. All visitors to these computer centers must be accompanied by staff personnel at all times.

d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals.

e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data.

f. Each State Control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications:

a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels.

b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

3. Terminal Devices Having Access to NCIC:

a. All authorized users having terminal on this system must be required to physically place theses terminals in secure locations within the authorized agency.

b. The authorized users having terminals with access to criminal history must screen terminal operators and restrict access to the terminal to a minimum number of authorized employees.

c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of the data.

d. All remote terminals on NCIS III will maintain a manual or automated log of computerized criminal history inquiries with notations of individuals making requests for records for a minimum of one year.

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in files as follows:

A. Vehicle File:

a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) or Owner-applied number (OAN) therein, will be purged from file 90 days after date of entry. Unrecovered stolen vehicle records (including snowmobile records) which

contain VINS or OANs will remain in file for the year of entry plus 4.

b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered.

c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4. (Job No. NC1-65-82-4, Part E. 13 h.(12))

B. License Plate File: Unrecovered stolen license plates will remain in file for one year after the end of the plate's expiration year as shown in the record. (Job no. NC1-65-82-4, Part E. 13 h. (2))

C. Boat file: Unrecovered stolen boat records, which contain a hull serial number or an OAN, will be retained in file for the balance of the year entered plus 4. Unrecovered stolen boat records which do not contain a hull serial number or an OAN will be purged from file 90 days after date of entry. (Job No. NC1-65-82-4, Part E. 13 h. (6))

D. Gun File:

a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record.

b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2. (Job No. NC1-65-82-4, Part E. 13 h. (3))

E. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year. (Job No. NC1-65-82-4, Part E. 13 h. (4))

F. Securities File: Unrecovered stolen, embezzled or counterfeited securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2. (Job No. NC1-65-82-4, Part E. 13 h. (5))

G. Wanted Person File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from the file after 48 hours". (Job No. NC1-65-87-114, Part E. 13 h. (7))

H. Foreign Fugitive File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record.

I. Interstate Identification Index File: When an individual reaches age of 99. (Job No. N1-65-95-03)

J. Witness Security Program File: Will remain in file until action is taken by the U.S. Marshals Service to clear or cancel the records.

K. BATF Violent Felon File: Will remain in file until action is taken by the BATF to clear or cancel the records.

L. Missing Persons File: Will remain in the file until the individual is located or action is taken by the originating agency to clear the record. (Job No. NC1-65-87-11, Part E 13h (8))

M.U.S. Secret Service Protective File: Will be retained until names are removed by the U.S. Secret Service.

N. Violent Criminal Gang File: Records will be subject to mandatory purge if inactive for five years.

O. Terrorist File: Records will be subject to mandatory purge if inactive for five years.

P. Unidentified Person File: Will be retained for the remainder of the year of entry plus 9.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW., Washington, DC 20535-0001.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

It is noted the Attorney General has exempted this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his or her criminal history record from a state or local criminal justice agency are detailed in 28 CFR 20.34 appendix and are essentially as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the III System, it is available to that individual for review, upon presentation of appropriate identification and in accordance with applicable state and federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that the individual is who the individual purports to be. The record on file will then be verified through comparison of fingerprints.

Procedure:

1. All requests for review must be made by the subject of the record through a law enforcement agency which has access to the III System. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are

on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry through NCIC to obtain the III System record or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Clarksburg, West Virginia, by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate the prints to an existing record by having the identification prints compared with those already on file in the FBI, or, possibly, in the state's central identification agency.

The procedures by which an individual may obtain a copy of his or her criminal history record from the FBI are set forth in 28 CFR 16.30-16.34.

CONTESTING RECORD PROCEDURES:

The Attorney General has exempted this system from the contest procedures of the Privacy Act. Under the alternative procedures described above under "Record Access Procedures," the subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in subject's record or provide the information needed to make the record complete. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, state, tribal, federal, foreign, and international criminal justice agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4); (d); (e)(1), (2), and (3); (e)(4)(G) and (H), (e)(8) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and

(k)(3). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/FBI-009

SYSTEM NAME:

Fingerprint Identification Records System (FIRS).

SYSTEM LOCATION:

Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals fingerprinted as a result of arrest or incarceration.

B. Persons fingerprinted as a result of federal employment application or military service. In addition, there are a limited number of persons fingerprinted for alien registration and naturalization purposes and a limited number of individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Criminal fingerprints and/or related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprints submitted by federal agencies and civil fingerprints submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as "rap sheets," which are compilations of criminal history record information pertaining to individuals who have criminal fingerprints maintained in the system.

D. A name index pertaining to all individuals whose fingerprints are maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained under authority granted by 28 U.S.C. 534, Pub. L. 92-544 (86 Stat. 1115), and codified in 28 CFR 0.85 (b) and (j) and part 20. Additional authority is also listed below under Routine Uses.

PURPOSES:

The purpose for maintaining the Fingerprint Identification Records System is to perform identification and criminal history record information functions and maintain resultant records for local, state, tribal, federal, foreign, and international criminal justice agencies, as well as for noncriminal justice agencies and other entities where authorized by federal

statute, state statute pursuant to Pub. L. 92-544, Presidential executive order or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes.

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

Identification and criminal history record information within this system of records may be disclosed as follows:

1. To a local, state, tribal, or federal law enforcement agency, or agency/organization directly engaged in criminal justice activity (including the police, prosecution, penal, probation/parole, and the judiciary), and/or to an authorized foreign or international agency/organization, where such disclosure may assist the recipient in the performance of a law enforcement function, and/or for the purposes of eliciting information that may assist the FBI in performing a law enforcement function; or to a local, state, tribal, federal, foreign, or international agency/organization for a compatible civil law enforcement function; or where such disclosure may promote, assist, or otherwise serve the mutual law enforcement efforts of the law enforcement community.

2. To a federal, state, tribal, or local criminal or noncriminal justice agency/organization; or to other entities where specifically authorized by federal statute, state statute pursuant to Pub. L. 92-544, Presidential executive order, or regulation of the Attorney General of the United States for use in making decisions affecting employment, security, contracting, licensing, revocation, or other suitability determinations. Examples of these disclosures may include the release of information as follows:

a. To the Department of Defense, Department of State, Office of Personnel Management, or Central Intelligence Agency, when requested for the purpose of determining the eligibility of a person for access to classified information or assignment to or retention in sensitive national security duties. 5 U.S.C. 9101 (1990);

b. To federal agencies for use in investigating the background of present and prospective federal employees and contractors (Executive Order 10450), including those providing child-care services to children under age 18 at each federal agency and at any facility operated or under contract by the federal government. 42 U.S.C. 13041 (1991);

c. To state and local government officials for purposes of investigating

the background of applicants for noncriminal justice employment or licensing purposes if such investigation is authorized by a state statute that has been approved by the Attorney General of the United States. (The Attorney General has delegated to the FBI the responsibility for approving such state statutes.) Examples of applicants about whom FIRS information may be disclosed include: Providers of services/care for children, the elderly, or disabled persons; teachers/school bus drivers; adoptive/foster parents; security guards/private detectives; state bar applicants; doctors; and explosive dealers/purchasers. Pub. L. 92-544, 86 Stat. 1115;

d. To officials of state racing commissions for use in investigating the background of an applicant for a state license to participate in parimutuel wagering. Officials of state racing commissions in states with a state statute that has been approved under Pub. L. 92-544 may submit fingerprints of the applicant to the FBI through the Association of State Racing Commissioners International, Inc. Results of a criminal record check are returned to each state racing commission designated on the fingerprint card. Pub. L. 100-413, 102 Stat. 1101;

e. To officials of Indian tribal governments for use in investigating the background of an applicant for employment by such tribes in a position involving regular contact with, or control over, Indian children. Officials may submit fingerprints to the FBI through the Bureau of Indian Affairs and the results of the criminal record check are returned to the Bureau of Indian Affairs for transmittal to the appropriate tribal government. Pub. L. 101-630; 25 U.S.C. 3205; 25 U.S.C. 3207;

f. To a designated point of contact at a criminal justice agency for the conduct of background checks under the National Instant Criminal Background Check System (NICS).

g. To criminal justice officials for the conduct of firearms related background checks when required to issue firearms or explosive related licenses or permits according to a state statute or local ordinance. Fingerprints submitted for this noncriminal justice purpose, as well as other firearms related permits, are processed pursuant to Pub. L. 92-544 as set out under 2.c. above. Pub. L. 103-159; 18 U.S.C. 922;

h. To officials of federally chartered or insured banking institutions for use in investigating the background of applicants for employment or to otherwise promote or maintain the

security of those institutions. Pub. L. 92-544; 86 Stat. 1115;

i. To officials of the Securities and Exchange Commission (SEC) and to self-regulatory organizations (SRO) designated by the SEC for use in investigating all partners, directors, officers, and employees involved in the transfers/handling of securities at every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency. (The SROs are: American Stock Exchange, Boston Stock Exchange, Chicago Board Options Exchange, Midwest Stock Exchange, New York Stock Exchange, Pacific Stock Exchange, Philadelphia Stock Exchange, and the National Association of Securities Dealers.) 15 U.S.C. 78q(f)(2) (1990);

j. To officials of the Commodity Futures Trading Commission (CFTC) and the National Futures Association for use in investigating the background of applicants for registration with the CFTC as commodity dealers/members of futures associations. Such applicants include futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, floor brokers, and associated persons. 7 U.S.C. 12a (1992); 7 U.S.C. 21(b)(4)(E);

k. To officials of the Nuclear Regulatory Commission (NRC) for use in investigating the background of each individual who is permitted unescorted access to a nuclear utilization facility (nuclear power plant) and/or who is permitted access to information relating to the safeguarding of such facilities. 42 U.S.C. 2169 (1992).

3. To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies.

4. To private contractors pursuant to a specific agreement with a criminal justice agency or a noncriminal justice governmental agency performing criminal justice dispatching functions or data processing/information services for criminal justice agencies to provide services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be

exercised by the FBI Director (or the Director's designee).

5. To the news media and general public where there exists a relevant and legitimate public interest (unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy) and where disclosure will serve a relevant and legitimate law enforcement function, *e.g.*, to assist in locating federal fugitives, and to provide notification of arrests. This would include disclosure of information in accordance with 23 CFR 20.33 (a)(4) and (c), and 50.2. In addition, where relevant and necessary to protect the general public or any member of the public from imminent threat to life, bodily injury, or property, such information may be disclosed.

6. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

7. To the National Archives and Records Administration and the General Services Administration for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906, to the extent that such legislation requires or authorizes the disclosure.

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

STORAGE:

A. The criminal fingerprints and related criminal justice information are stored in both automated and manual formats. The manual records are in file cabinets in their original state or on microfilm.

B. The civil fingerprints are stored in an entirely manual format.

C. The identification records or "rap sheets" are mostly automated but a significant portion of older records are manual.

D. The criminal name index is either automated or on microfilm while the civil name index is entirely manual.

RETRIEVABILITY:

A. Information in the system is retrievable by technical fingerprint classification and positive identification is effected only by comparison of unique identifying characteristics appearing in fingerprint impressions submitted for search against the fingerprints maintained within the system.

B. An auxiliary means of retrieval is through name indices which contain

names of the individuals, their birth data, other physical descriptors, and the individuals' technical fingerprint classification and FBI numbers, if such have been assigned.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

A. The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 99 years of age, and the destruction of records maintained in the civil file when the records indicate individuals have reached 99 years of age. (Job. No. N1-65-95-03)

B. Fingerprints and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained in the system (Job No. N1-65-95-03)

C. The Archivist has determined that automated FBI criminal identification records (rap sheets) are to be permanently retained. Thus, at the time when paper identification records would have been eligible for destruction, automated FBI criminal identification records are transferred via magnetic tape to NARA.

D. Fingerprints submitted by state and local criminal justice agencies are removed from the system and destroyed upon the request of the submitting agencies. The destruction of fingerprints under this procedure results in the deletion from the system of all arrest information related to those fingerprints.

E. Fingerprints and related arrest data are removed from the Fingerprint Identification Records System upon receipt of federal court orders for expunction when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the federal government, the Fingerprint Identification Records System, as a matter of comity, destroys fingerprints and related arrest data submitted by local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying information.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW, Washington, DC 20535-0001.

NOTIFICATION PROCEDURE:

This system has been exempted from subsections (d) and (e)(4)(G) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system of records has been exempted from subsections (d) and (e)(4)(H) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act. However, procedures are set forth at 28 CFR 16.30-34 and 20.24 for an individual to obtain a copy of his identification record maintained in the Fingerprint Identification Records System to review or to obtain a change, correction, or updating of the record.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Federal, state, local, tribal, foreign, and international agencies. See Categories of Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (4)(G) and (H), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the Attorney General has exempted this system from (c)(3), (d), (e)(1), and (e)(4)(G) and (H), pursuant to (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the **Federal Register**.

[FR Doc. 99-24989 Filed 9-27-99; 8:45 am]

BILLING CODE 4410-CJ-M

DEPARTMENT OF JUSTICE

Parole Commission

**Record of Vote of Meeting Closure
(Public Law 94-409) (5 U.S.C. Sec. 552b)**

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately nine-thirty a.m. on Wednesday, September 22, 1999, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide two appeals from the National Commissioners' decisions pursuant to