

Agency on the technical underpinnings of the Agency's science and environmental decisions.

(b) *SAB Operating Plan for FY2004*—The Board will discuss the proposed projects submitted by Agency offices and regions and the self-initiated projects proposed by the SAB during this meeting. These projects are all being considered for inclusion in the SAB's FY2004 Operating Plan (see below for availability of these project summaries).

A meeting agenda will be posted on the SAB Web site (see below) approximately 10 days prior to the meeting. Any additional topics developed for this meeting will be reflected in the agenda.

The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. General information about the EPA Science Advisory Board, may be found on the SAB Web site (<http://www.epa.gov/sab>).

*Requests for Comment:* Requests for oral comments must be in writing (e-mail, fax or mail) and received by Mr. Flaak no later than noon Eastern Standard Time on July 8, 2003. Written comments should also be sent to Mr. Flaak prior to the meeting. Submission of written comments by e-mail to Mr. Flaak will maximize the time available for review by the EC.

*Availability of Review Materials:* All preliminary meeting materials will be posted on the SAB Web site at: (<http://www.epa.gov/sab/whatsnew.htm>) approximately ten days prior to the meeting.

*General Guidance on Providing Oral or Written Comments at SAB Meetings:* It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

*Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes (unless otherwise indicated above). For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their

comments and presentation slides for distribution to the reviewers and public at the face-to-face meetings.

*Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format)). Those providing written comments and who attend face-to-face meeting are also asked to bring 35 copies of their comments for public distribution.

*Meeting Access*—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Mr. Flaak at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: June 16, 2003.

**Vanessa T. Vu,**

*Director, EPA Science Advisory Board Staff Office.*

[FR Doc. 03-15904 Filed 6-23-03; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL TRADE COMMISSION

### Privacy Act Notice

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Proposed notice of Privacy Act system amendments.

**SUMMARY:** The FTC is establishing a Privacy Act system of records that will include telephone numbers and other information of individuals who do not wish to receive telemarketing calls from telemarketers, sellers or agents covered by the FTC's Telemarketing Sales Rule. This notice proposes amendments that describe how the system will apply to personal information, if any, collected from or compiled on telemarketers, sellers, or their agents in order to access the system.

**DATES:** Comments, if any, must be received July 24, 2003. Unless revisions are made, this system notice shall become final and effective August 8, 2003.

**ADDRESSES:** Mail comments, if any, to the Office of the Secretary, Federal Trade Commission, 600 Pennsylvania

Avenue, NW., Washington, DC 20580, "Telemarketing Rulemaking—Comment, FTC File No. R411011." Please indicate that your comment pertains to "Privacy Act System Amendments, National Do Not Call Registry—FTC." (Alternatively, you may submit your comment by electronic mail to [TSR-PA@ftc.gov](mailto:TSR-PA@ftc.gov), except as provided below.) The Commission will make this notice and, to the extent possible, all papers and comments received in electronic form in response to this notice available to the public through its Web site, <http://www.ftc.gov>. If your comment includes information that you believe is confidential, you must send it to the above postal address, not by e-mail, and you must include a specific request for confidential treatment that states the legal or factual basis for your claim and identifies the information you believe is confidential. See Commission Rule 4.9(c), 16 CFR 4.9(c). The Commission's General Counsel will grant or deny your request based on applicable law, regulation, and the public interest. *Id.*

**FOR FURTHER INFORMATION CONTACT:** For information about this Privacy Act notice, contact Alex Tang, Attorney, Office of the General Counsel, FTC, 600 Pennsylvania Avenue, NW, Washington, DC 20580, (202) 326-2447, [atang@ftc.gov](mailto:atang@ftc.gov). For information about the National Do Not Call Registry, contact David Torok, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-3075, [dtorok@ftc.gov](mailto:dtorok@ftc.gov).

**SUPPLEMENTARY INFORMATION:** Elsewhere in today's **Federal Register**, pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Commission is publishing in final form its system notice for a new agency system of records, the "National Do Not Call Registry System—FTC" (FTC-IV-3).

The new system will collect and maintain the telephone numbers of individuals who do not wish to receive telemarketing calls from telemarketers, sellers, and agents, pursuant to the Commission's Telemarketing Sales Rule, 16 CFR Part 310, as amended. See 68 FR 4580 (Jan. 29, 2003) (final Rule amendments). The system is intended to help the FTC implement and enforce the do-not-call provisions of the Rule.

The Privacy Act notice that the FTC is publishing for this system addresses the privacy of information that is submitted by or generated on individuals who choose to place their telephone numbers in the system so as not to receive telemarketing calls. Telemarketers, sellers, and their agents

will be separately required, however, to provide certain information to establish a payment account before they may access the National Do Not Call Registry to check their do-not-call lists against the list of telephone numbers maintained in the Registry at that time, as the Rule requires.

The information they submit may include, for example, the name of a contact person, that person's telephone number and e-mail address, a credit card or bank account number that, in certain cases, may be assigned to an individual, etc. See 68 FR 16238, 16244 (Apr. 3, 2003) (revised user fee proposal). This information may also be associated with and retrieved by other information that the system may automatically generate when the telemarketer, seller, or agent accesses the system, such as the date and time of access, or the area code(s) or group(s) of telephone numbers that the telemarketer, seller, or agent downloads from the system.

Although the information submitted by, or that the system otherwise compiles on, telemarketers, sellers, and their agents may include information about, or could be otherwise associated with, certain individuals, as described above, the information pertains to such individuals only in a non-personal capacity (e.g., as employees, company officials, etc.) acting or designated to act on behalf of a telemarketer, seller, or agent. In the Commission's view, the information does not pertain to such individuals within the meaning of the Privacy Act, but instead pertains to the telemarketer, seller, or agent that was required to submit the information in order to pay for and obtain authorized access to the system.

Nonetheless, to the extent, if any, the Privacy Act applies to this information, the Commission proposes to amend its Privacy Act notice to address the collection, maintenance and use of personal information, if any, compiled from telemarketers, sellers, or agents when they pay for and access the Registry. The proposed amendments are incorporated into the text of the notice below.

*Privacy Impact Assessment.* Section 208 of the E-Government Act of 2002, Pub. L. No. 107-347, generally requires that agencies assess the privacy impact of collecting personally identifiable information online before initiating such a collection activity or developing or procuring the technology to do so. Section 208 did not take effect until after the Commission initiated and legally adopted the Rule amendments that established the National Do Not Call Registry, and after the Commission

started developing and procuring the technology for accepting do-not-call registrations online. Nevertheless, we have assessed the privacy impact of the system as discussed below.

(The Commission's Chief Information Officer or other designated official has reviewed this assessment.)

1. *What information will we be collecting?* See "Categories of records" below.

2. *Why are we collecting this information?* See "Purpose(s)," "Routine Uses," and "Disclosure to Consumer Reporting Agencies" below.

3. *How do we intend to use the information?* See "Purpose(s)," "Routine Uses," and "Disclosure to Consumer Reporting Agencies" below.

4. *With whom will we share the information?* See "Purpose(s)," "Routine Uses," and "Disclosure to Consumer Reporting Agencies" below.

5. *What notice or opportunities for consent will individuals have about what information we collect and how we share it?* This notice explains what information we collect from telemarketers, sellers, and their agents, and how we share it.

6. *How will the information be secured?* See "Safeguards" below. The Web site through which telemarketers, sellers, and agents will be required to submit information to establish a payment account will use secure socket layer (SSL) encryption. Once they have submitted the required information, telemarketers, sellers, and agents will be assigned account numbers or other identifiers in order to obtain subsequent access to the system.

7. *Does this create a system of records subject to the Privacy Act of 1974, as amended?* As explained above, the information to be collected from telemarketers, sellers, and their agents pertains to them, and not to any individual whose name or other personal identifier may be submitted as part of such information. Therefore, the Commission does not believe the Privacy Act applies to the collection, maintenance or use of the information. Nonetheless, the Commission has proposed to amend its Privacy Act system notice, as set forth below, to the extent, if any, that the Act applies to that information.

#### FTC-IV-3

##### SYSTEM NAME:

National Do Not Call Registry System—FTC (FTC-IV-3)

##### SECURITY CLASSIFICATION:

Not applicable.

##### SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. System records may be maintained, in whole or part, off-site by contractors.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who notify the Commission that they do not wish to receive telemarketing calls. Individuals whose names or other identifiers (e.g., e-mail addresses) are included in the information that telemarketers, sellers, or their agents must submit to pay for and obtain access to the system are covered by this system only to the extent, if any, that the Privacy Act applies to that information.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Telephone numbers of individuals who do not wish to receive telemarketing calls; information automatically generated by the system, including date and/or time that the telephone number was placed on or removed from the Registry; and other information that the individual may be asked to provide voluntarily (such as e-mail address, if the individual registers through the National Do Not Call Registry Web site). Telemarketers, sellers, and their agents are separately required to submit information to pay for and obtain authorized access to the system, including the names of, or other identifiers that may be associated with, individuals (e.g., name of contact person, name of the person to whom the credit card is issued, e-mail address, etc.). Such information is not part of this system except to the extent, if any, that the Privacy Act applies to the agency's collection, maintenance and retrieval of the information.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 et seq., Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101-6108; Do-Not-Call Implementation Act, Pub. L. No. 108-10 (2003).

##### PURPOSE(S):

To maintain records of the telephone numbers of individuals who do not wish to receive telemarketing calls; to disclose such records to telemarketers, sellers, and their agents in order for them to reconcile their do-not-call lists with the Registry and comply with the do-not-call provisions of the Commission's Telemarketing Sales Rule, 16 CFR Part 310; to enable the Commission and other law enforcement officials to determine whether a

company is complying with the Rule; to provide statistical data that may lead to or be incorporated into law enforcement investigations and litigation; or for other law enforcement, regulatory or informational purposes. Information submitted by or compiled on telemarketers, sellers, and their agents is used for purposes of fee collection, authorizing their access to the system, and related purposes and uses as described in this notice.

#### **ROUTINE USES OF RECORDS:**

Records from this system may be disclosed as permitted by 5 U.S.C. 552a(b), and, as authorized by 5 U.S.C. 552a(b)(3), in accordance with the routine uses announced by the Commission in Appendix I of its system notice applicable to all other agency Privacy Act systems of records (57 FR 45678), as may be revised and updated from time to time. Additional routine uses for records in this system are as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use published for this system: a. Telephone numbers, but not any e-mail addresses, submitted by individuals may be made available or referred on an automatic or other basis to telemarketers, sellers, and their agents for the purpose of determining or verifying that an individual does not wish to receive telemarketing calls;

b. Records may be made available or referred on an automatic or other basis to other federal, state, or local government authorities for regulatory, compliance, or law enforcement purposes.

c. Information submitted by or compiled on telemarketers, sellers, and their agents may be used as described in paragraph b. above, and, to the extent not covered by that paragraph, for payment or billing purposes, including referral to debt collection agencies or other governmental entities for collection, tax reporting, or other related purposes, consistent with the Privacy Act. Information that is submitted by or compiled on telemarketers, sellers, and their agents and that is incorporated into the PAY.GOV system shall also be subject to routine uses, if any, that may be separately published for that system.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable, except for information submitted by or otherwise compiled on telemarketers, sellers, and their agents, which may be disclosed as described above.

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

##### **STORAGE:**

Stored in a computer database maintained on magnetic disks and tape, or other electronic systems determined by the Commission in consultation with staff or contractors.

##### **RETRIEVABILITY:**

Indexed by area code and phone number of individuals who have informed the Commission that they do not wish to receive telemarketing calls. May also be retrieved by other data, if any, compiled or otherwise maintained with the record. For information submitted by or compiled on telemarketers, sellers, or their agents, records may be indexed and retrieved by any category of data that is submitted by or compiled on such telemarketers, sellers, or agents.

##### **SAFEGUARDS:**

Access to computerized records by electronic security precautions. Access generally restricted to those agency personnel and contractors whose responsibilities require access, or to approved telemarketers, sellers, and their agents. (See also "Purposes" and "Routine Uses" above to learn how information may be used or disclosed.)

##### **RETENTION AND DISPOSAL:**

Automated information retained indefinitely, until deleted pursuant to request by the subject individual, or deleted automatically after certain period of time, to be determined by the Commission.

##### **SYSTEM MANAGER AND ADDRESS:**

National Do Not Call Registry Program Manager, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

##### **NOTIFICATION PROCEDURE:**

To obtain notification of whether the system contains a record pertaining to that individual (*i.e.*, the individual's telephone number), individuals may be required to use a dial-in system or a designated Web site that will enable the identification and verification of their telephone numbers. Individuals filing written requests pursuant to 16 CFR 4.13 will be acknowledged and directed to use those automated systems.

To the extent, if any, that the Privacy Act applies to information submitted by or compiled on telemarketers, sellers, or their agents, the system provides notice (*i.e.*, confirms) that the system is

maintaining such information when an individual accesses the system using the account number that was previously assigned to the telemarketer, seller, or agent at the time that entity originally entered information into the system to establish the relevant account.

##### **RECORD ACCESS PROCEDURES:**

See notification procedures above. To request access to any information maintained with your registration that is not available to you through the automated dial-in system or the designated Web site, you must submit your request in writing under the Commission's Rules to: "Privacy Act Request, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580." See 16 CFR 4.13. The same access procedure applies to the extent, if any, that the Privacy Act applies to information submitted by or compiled on telemarketers, sellers, or their agents, where that information is not made available for review or amendments when the telemarketer, seller, or agent accesses the system.

##### **CONTESTING RECORD PROCEDURES:**

See notification procedures above. Where an individual believes the system has erroneously recorded or omitted information that is collected and maintained by the system, the individual will be afforded the opportunity to register, change, or delete that information after the automated system identifies and verifies the telephone number from which the individual is calling, or provides other requested identifying information if the individual is using the designated Web site. To contest the accuracy of any other information maintained on you that is not accessible to you through the automated dial-in system or Web site, you must submit your request in writing under the Commission's Rules to: "Privacy Act Request, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580." See Commission Rule 4.13, 16 CFR 4.13.

To the extent, if any, that the Privacy Act applies to information submitted by or compiled on telemarketers, sellers, or their agents, individuals are required to send any request to amend or correct records pertaining to them, if any, to the General Counsel at the above address. See Commission Rule 4.13, 16 CFR 4.13.

##### **RECORD SOURCE CATEGORIES:**

Individuals who inform the Commission through the procedures established by the Commission that they do not wish to receive telemarketing

calls. Some records may come from do-not-call lists that some states or organizations separately maintain. Record sources for this system may also include telemarketers, sellers, and agents, but only to the extent, if any, that the Privacy Act applies to such information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 03-15910 Filed 6-23-03; 8:45 am]

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**FEDERAL TRADE COMMISSION****Privacy Act Notice**

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Final notice of new Privacy Act system of records.

**SUMMARY:** The FTC is establishing a new system of records under the Privacy Act of 1974, as amended. This system will include telephone numbers and other information of individuals who do not wish to receive telemarketing calls from telemarketers, sellers, and agents. These telephone numbers will be disclosed to companies to ensure compliance with the Commission's Telemarketing Sales Rule.

**DATES:** This system is final and effective as of June 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** For information about this Privacy Act notice, you may contact Alex Tang, Attorney, Office of the General Counsel, FTC, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-2447, [atang@ftc.gov](mailto:atang@ftc.gov). For information about the National Do Not Call Registry, please contact David Torok, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-3075, [dtorok@ftc.gov](mailto:dtorok@ftc.gov).

**SUPPLEMENTARY INFORMATION:** As required by the Privacy Act of 1974, as amended, the FTC previously published a notice of its proposal to establish a new agency system of records pertaining to individuals, to be called the "National Do Not Call Registry System-FTC" (FTC-IV-3). The FTC published its proposal in the February 27, 2002, edition of the **Federal Register**. See 67 FR 8986.

The proposal outlined what personal information the system would collect from individuals, and how we would

use, disclose and maintain that information. As explained in the proposal, the new records system is intended to help the FTC implement and enforce the do-not-call requirements of our Telemarketing Sales Rule, 16 CFR Part 310, as recently amended.<sup>1</sup> Once it begins operating, the system, as we explained, will allow you, if you choose, to place your telephone number on our National Do Not Call Registry, so that telemarketers, sellers, and agents will know that you do not want to receive telemarketing calls from them.<sup>2</sup> You will have the option of registering through a dial-in system from the telephone number that you wish to place on the Registry, or through the National Do Not Call Registry Web site that will be linked to our main Web site, <http://www.ftc.gov>, as described further below. Our Rule will require telemarketers, sellers, and agents that are subject to our Rule to check the Registry at least once every three months to make sure their do-not-call lists are current and consistent with the Registry at that time. This requirement should help ensure that you do not get unwanted telemarketing calls from these telemarketers, sellers, or agents.

Below, in final form, is the system notice that the Privacy Act requires us to publish for the system. Although we received no public comments in response to our proposal, we have taken this opportunity to make a few minor clarifications, which we summarize below.<sup>3</sup>

**System name.** We have added the word "National" to distinguish our Registry from do-not-call lists that some states or other organizations maintain. (We have made the same change in the address of the program manager for the system.)

**Categories of records in the system.** Our proposal explained that the system would maintain your telephone number, as well as the date and time you place your number in the system or remove it from the system. We also proposed to

<sup>1</sup> The Rule amendments were published earlier this year. See 68 FR 4580 (Jan. 29, 2003).

<sup>2</sup> In this document, "you" means an individual who places his or her telephone number on the National Do Not Call Registry to indicate that he or she does not wish to receive telemarketing calls from telemarketers, sellers, or agents.

<sup>3</sup> In a separate document published elsewhere in today's **Federal Register**, we are proposing to amend the Privacy Act notice for this system to explain the extent, if any, that it will apply to information that telemarketers, sellers, and their agents separately submit in order to pay for access to the system and check their do-not-call lists against the system. If you are an individual who registers your telephone number in our system, that separate proposed amendment, which would only affect the information that those companies submit, should not affect you.

ask you for your telemarketing preferences, zip code, or other voluntary information. As explained in the final system notice below, the system will still record your telephone number and the relevant date and time, as well as any other information automatically generated by the system, if you call in to register, verify, or delete your telephone number from the system. Our proposal explained that the system will use automatic number identification technology, also known as "ANI," which is similar to "caller ID," to verify your telephone number when you call from that number.

If, however, you use the National Do Not Call Registry Web site to register, the Web site will instead ask you for an e-mail address to validate and confirm your registration, since ANI cannot be used in that case to verify your telephone number. Likewise, the Web site will ask you to supply an e-mail address if you use the Web site to verify that your telephone number is in the Registry, or to delete your number from it. (Of course, you may avoid giving us an e-mail address by using the dial-in method described above.) Thus, in this final system notice, we have clarified that "other information that the individual may be asked to provide voluntarily" means we will ask you to provide an e-mail address if you use the Web site to register, or to obtain access to the system to verify or delete your telephone number from the system.<sup>4</sup> We do *not* intend, however, to ask you for your telemarketing preferences, zip code, or other personal information, as our original proposal may suggest.

**Authority for maintenance of the system.** We have updated this section to include the Do-Not-Call Implementation Act, Pub. L. No. 108-10 (Mar. 11, 2003). Congress passed that law after we published our proposed system notice. The new law allows us to collect fees from telemarketers, sellers, and their agents in order to maintain and operate the system.

**Routine uses of your information.** We are revising this section to make clear that the "records" that we may disclose to telemarketers, sellers, and agents for do-not-call purposes do not include e-mail addresses that we ask from individuals who register through the National Do Not Call Registry Web site. That information is collected only for purposes of registering, verifying, or deleting your telephone number from

<sup>4</sup> As described in the notice, the system will maintain system information indefinitely or until it is no longer needed or it is deleted automatically. In the case of e-mail addresses, we anticipate that the information will be retained for no more than a year.