

Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>3</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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## SMALL BUSINESS ADMINISTRATION

### Privacy Act System of Records

**AGENCY:** Small Business Administration.

**ACTION:** Notice of Amendment to the Agency's Privacy Act System of Records.

**SUMMARY:** The Small Business Administration (SBA) is amending the Agency's Privacy Act System of Records SBA 145, Temporary Disaster Employees. This System is being amended to expand the categories of individuals covered.

**DATES:** This amendment is effective on March 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Bernard Kulik, Associate Administrator for Disaster Assistance, U.S. Small Business Administration, 8th floor, 409 3rd Street, SW, Washington, DC 20416; 202-205-6734.

**SBA 145**

**SYSTEM NAME:**

Former and Current Disaster Employees—SBA 145.

**SYSTEM LOCATION:**

Office of Disaster Assistance, Central Office, See Appendix A for location.

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

Employees who have been previously employed within the Office of Disaster Assistance and some current employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Former employees within the Office of Disaster Assistance and some current employees. These records contain name, address, telephone number where person can be reached, SSN, Disaster Area where employed, series and grade, job title, dates of employment and reason for termination, name and job title of supervisor, and summary of supervisor's evaluation. Also included is information, if any, concerning violations of the Agency's Standards of Conduct (13 CFR Part 105) and information, if any, concerning official investigations and disciplinary actions taken with regard to the employee. Special skills and bilingual capabilities are also included.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 15 U.S.C. 834(b)(6), 44 U.S.C. 101.

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

The records will be used by Disaster Area Directors and personnel officers assigned to each Disaster Area to verify previous SBA disaster assistance employment history when a former employee is considered for reemployment and to locate current or former employees with special skills or language capabilities needed in special situations.

Disclosures may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosures may be made to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components

is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the

records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

To disclose them in a proceeding before a court adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components

is a party to litigation or has an interest in such litigation, and the use of such records by the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

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

These records will be maintained in card files and in a computer database.

**RETRIEVABILITY:**

These records will be filed alphabetically by the individual's last name.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosures.

**RETENTION AND DISPOSAL:**

Destroy when no longer necessary.

**SYSTEMS MANAGER(S) AND ADDRESS:**

Privacy Act Officer and Associate Administrator for Disaster Assistance, Central Office. See Appendix A for address.

**NOTIFICATION PROCEDURES:**

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager(s) listed above.

**RECORDS ACCESS PROCEDURE:**

In response to a request by an individual to determine whether the

<sup>3</sup> 17 CFR 200.30-3(a)(12) (1994).