



ENVIRONMENTAL PROTECTION AGENCY

[FRL-10019-64-OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of Mission Support (OMS), Environmental Protection Agency (EPA).

ACTION: Notice of a New System of Records.

SUMMARY: The U.S. Environmental Protection Agency's (EPA), Office of Acquisition Solutions is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. Environmental Protection Agency's Acquisition System (EAS) is an automated contract writing and management system with configurable workflow used to initiate, award, modify and track acquisition actions for the procurement of goods and services.

DATES: Persons wishing to comment on this system of records notice must do so by [INSERT 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]. New routine uses for this new system of records will be effective [INSERT 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OMS-2020-0210, by one of the following methods:

Regulations.gov: www.regulations.gov Follow the online instructions for submitting comments.

Email: oei.docket@epa.gov

Fax: 202-566-1752.

Mail: OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, D.C. 20460.

Hand Delivery: OMS Docket, EPA/D.C., WJC West Building, Room 3334, 1301 Constitution Ave., NW, Washington, D.C. 20460. Such deliveries are only accepted during

the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OMS-2020-0210. The EPA policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through www.regulations.gov. The www.regulations.gov website is an “anonymous access” system for EPA, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. Each agency determines submission requirements within their own internal processes and standards. EPA has no requirement to include personal information. If you send an e-mail comment directly to the EPA without going through www.regulations.gov your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available

either electronically in www.regulations.gov or in hard copy at the OMS Docket, EPA/D.C., WJC West Building, Room 3334, 1301 Constitution Ave., NW., Washington. D.C. 20460.

Temporary Hours During COVID-19

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OMS Docket is (202) 566-1752.

For Further Information Contact: Please submit questions to Victor Rodriguez, rodriguez.victor@epa.gov at 202-564-2212 or Richard Belles, belles.richard@epa.gov at 202-564-4339.

Supplementary Information: EAS is built using a commercial off the shelf product called PRISM that includes a purchase request form and workflow. EAS identifies employees who initiate acquisition actions or are assigned to work on these actions and includes those employees' Personally Identifiable Information (PII). EAS contains employee first name, last name, work email, work telephone number, and Local Area Network User Identification. This information is collected and used for internal EPA communication purposes and approval routing of the acquisition action. Privacy information is protected by limiting EAS access to authenticated users. Authentication is controlled using the agency's central authentication security controls.

System Name and Number: EPA Acquisition System (EAS), EPA-86

Security Classification: Unclassified.

System Location: Office of Acquisition Solutions, Environmental Protection Agency, Ronald Reagan Building, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20460 and at the National Computer Center (NCC), 109 T.W. Alexander Drive RTP, NC 27711 for hosting.

System Manager: Kimberly Patrick, patrick.kimberly@epa.gov, 202-566-2605, Director, Office of Acquisition Solutions, Environmental Protection Agency, Ronald Reagan Building, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20460.

Authority for Maintenance of the System: Executive Order 12072 (Aug. 16, 1978); Federal Property and Administrative Services Act of 1949, 40 U.S.C. 121; Office of Federal Procurement Policy Act of 1974 41 USC 1702

Purpose(s) of the System: EPA uses EAS to initiate, award, modify and track acquisition actions. EAS identifies employees who initiate acquisition actions or are assigned to work on these actions. Specifically, the system tracks the requisitioner, contract official, contract specialist, and approving officials for each acquisition action.

Categories of Individuals Covered by the System: Categories of individuals covered are EPA employees, that are the: (a) EPA Project Officer, i.e., the individual who is responsible for the review and evaluation of the application or proposal and the monitoring of a resulting contract acquisition; (b) EPA Program Official, i.e., the individual who is responsible for review and approval of applications or proposals for funding; (c) EPA Budget Official, i.e., the individual who is responsible for certifying availability of funds for approved applications or proposals; (d) EPA Contracting Officer or Contract Specialist, i.e., individuals who are responsible for awarding and administering contracts and (e) EPA Merit / Peer Reviewers, i.e., individuals who provide a written review or evaluation of the application or proposal to the EPA Project Officer.

Categories of Records in the System: EAS collects employee first name, last name, work email, work telephone, EPA employee ID and LAN User ID information. The system also collects other information required for the tracking or approval of a contract action including contract proposals, technical reviews by a peer reviewer, records of contract awards, financial

data, and other information. EAS also collects Vendor Contact information including Vendor Code, Legal Name, Data Universal Numbering System (DUNS) ID (a 9 character identifier used for identifying the Vendor), Cage Code (used to provide a standardized method of identifying a given facility at a specific location.), address, phone number, fax number, and email address.

Record Source Categories: EAS collects EPA employee information from EPA's directory service. Contract proposals and vendor information is collected directly from the user via the federal government's System for Award Management (SAM).

Routine Uses of Records Maintained in the System, Including Categories of Users and

Purposes of Such Uses: The following new or modified routine uses apply to this system because the use of the record is necessary for the efficient conduct of the government. The routine uses for this system are compatible with the purpose for which their records are collected. The information may be disclosed to and for the following EPA General Routine Uses, published at 73 Fed Reg 2245: A, B, C, D, E, F, G, H, I, J and K. Routine uses L, and M apply in accordance with OMB M-17-12.

A. Disclosure for Law Enforcement Purposes. Information may be disclosed to the appropriate Federal, State, local, tribal, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

B. Disclosure Incident to Requesting Information. Information may be disclosed to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and to identify the type of information requested,) when necessary to obtain information relevant to an agency decision concerning retention of an employee or other personnel action (other than hiring,) retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit.

C. Disclosure to Requesting Agency. Disclosure may be made to a Federal, State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

D. Disclosure to Office of Management and Budget. Information may be disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

E. Disclosure to Congressional Offices. Information may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

F. Disclosure to Department of Justice. Information may be disclosed to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Agency is authorized to appear, when:

1. The Agency, or any component thereof;
2. Any employee of the Agency in his or her official capacity;
3. Any employee of the Agency in his or her individual capacity where the Department of Justice or the Agency have agreed to represent the employee; or
4. The United States, if 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 or the Agency is deemed by the Agency to be relevant and

necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

G. Disclosure to the National Archives. Information may be disclosed to the National Archives and Records Administration in records management inspections.

H. Disclosure to Contractors, Grantees, and Others. Information may be disclosed to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the Agency and who have a need to have access to the information in the performance of their duties or activities for the Agency. When appropriate, recipients will be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

I. Disclosures for Administrative Claims, Complaints and Appeals. Information from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other person properly engaged in investigation or settlement of an administrative grievance, complaint, claim, or appeal filed by an employee, but only to the extent that the information is relevant and necessary to the proceeding. Agencies that may obtain information under this routine use include, but are not limited to, the Office of Personnel Management, Office of Special Counsel, Merit Systems Protection Board, Federal Labor Relations Authority, Equal Employment Opportunity Commission, and Office of Government Ethics.

J. Disclosure to the Office of Personnel Management. Information from this system of records may be disclosed to the Office of Personnel Management pursuant to that agency's responsibility for evaluation and oversight of Federal personnel management.

K. Disclosure in Connection with Litigation. Information from this system of records may be disclosed in connection with litigation or settlement discussions regarding claims by or against the Agency, including public filing with a court, to the extent that disclosure of the information is

relevant and necessary to the litigation or discussions and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11).

L. Disclosure to Persons or Entities in Response to an Actual or Suspected Breach of Personally Identifiable Information. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that there has been a breach of the system of records, (2) the Agency has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Agency (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

M. Disclosure to assist another agency in its efforts to respond to a breach. To another Federal agency or Federal entity, when the Agency determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

Policies and Practices for Storage of Records: These records are maintained electronically on computer storage devices such as computer tapes and disks. The computer storage devices are located at EPA, Office of Acquisition Solutions, 1200 Pennsylvania Ave NW, Washington, D.C. 20460. Backups will be maintained at disaster recovery sites, located at EPA Potomac Yards South (PYS) Data Center, 2777 Crystal Drive, Arlington, VA 22202 and EPA's National Computing Data Center (NCC), 109 T.W. Alexander Drive, Durham, NC 27709. Computer records are maintained in a secure, password protected environment. Access to computer records is limited to those who have a need to know. All EAS user accounts are assigned permissions as needed based on their job functions. Permission level assignments will allow users access only to

those functions for which they are authorized. All records are maintained in secure, access-controlled areas or buildings.

Policies and Practices for Retrieval of Records: Records are retrieved by the first name and last name of EPA employee, User ID, or Vendor ID (DUNS codes) associated with contracts.

Policies and Practices for Retention and Disposal of Records: EPA will retain and dispose of EAS records in accordance with the National Archives and Records Administration General Records Schedule, and EPA Records Schedule 055. EAS records are retained for at least 6 years after contract closeout for non-Superfund actions, and 30 years after contract closeout for Superfund site actions.

Administrative, Technical, and Physical Safeguards: Security controls used to protect Personally Identifiable Information in EPA Acquisition System (EAS) are commensurate with those required for an information system rated moderate for confidentiality, integrity, and availability, as prescribed in NIST Special Publication, 800-53, "Recommended Security Controls for Federal Information Systems," Revision 4.

Administrative Safeguards: EPA personnel are required to complete annual agency Information Security and Privacy training. EPA personnel are instructed to lock their computers when they leave their desks.

Technical Safeguards: Electronic records are maintained in a secure, password protected electronic system. EAS access is limited to authorized, authenticated users. All of the system's electronic communication utilizes Transport Layer Security (TLS) secure communication protocol for all transactions.

Physical Safeguards: All records are maintained in secure, access-controlled areas or buildings. Paper records are maintained in locked file cabinets.

Record Access Procedures: Individuals seeking access to information in this system of records about themselves are required to provide adequate identification (e.g., driver's license, military identification card, employee badge or identification card). Additional identity verification

procedures may be required, as warranted. Requests must meet the requirements of EPA regulations that implement the Privacy Act of 1974, at 40 CFR part 16.

Contesting Record Procedures: Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are described in EPA's Privacy Act regulations at 40 CFR part 16.

Notification Procedure: Any individual who wants to know whether this system of records contains a record about themselves, should make a written request to the Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, privacy@epa.gov.

Exemptions Promulgated for the System: None

History: None

Vaughn Noga,

Senior Agency Official for Privacy.

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