



NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Privacy Act of 1974; System of Records

[NOTICE: 23-077]

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, the National Aeronautics and Space Administration (NASA) is providing public notice of modification to a previously announced system of records, Office of the Inspector General Investigations Case Files/NASA 10IGIC. This notice incorporates locations and NASA Standard Routine Uses previously published separately from, and cited by reference in, this and other NASA systems of records notices.

DATES: Submit comments within 30 calendar days from the date of this publication. The changes will take effect at the end of that period if no adverse comments are received.

ADDRESSES: Bill Edwards-Bodmer, Privacy Act Officer, Office of the Chief Information Officer, National Aeronautics and Space Administration Headquarters, Washington, DC 20546-0001, (757) 864-7998, NASA-PAOfficer@nasa.gov.

FOR FURTHER INFORMATION CONTACT: NASA Privacy Act Officer, Bill Edwards-Bodmer, (757) 864-7998, NASA-PAOfficer@nasa.gov.

SUPPLEMENTARY INFORMATION: This system notice includes minor revisions to NASA's existing system of records notice to bring its format into compliance with OMB guidance and to update records access, notification, and contesting procedures consistent with NASA Privacy Act regulations. It incorporates in whole, as appropriate, information formerly published separately in the Federal Register as Appendix A, Location Numbers and Mailing Addresses of NASA Installations at which Records are Located, and Appendix B, Standard Routine Uses – NASA, and removes reference to Appendix A and Appendix B.

William Edwards-Bodmer,

NASA Privacy Act Officer.

SYSTEM NAME AND NUMBER: Office of the Inspector General Investigations Case Files, NASA 10IGIC.

SECURITY CLASSIFICATION: Some of the material contained in the system has been classified in the interests of national security pursuant to Executive Order 11652.

SYSTEM LOCATION:

Electronic records are migrating from a secure NASA server to a secure cloud maintained by Amazon Web Services (AWS), 410 Terry Ave., North Seattle, WA 98109.

Paper records are maintained at the following locations and other OIG offices at NASA Centers.

- Mary W. Jackson NASA Headquarters, National Aeronautics and Space Administration (NASA), Washington, DC 20546-0001
- New Jersey Post of Duty, 402 East State Street, Trenton, NJ 08608
- Western Field Office, Glenn Anderson Federal Building, 501 West Ocean Blvd., Long Beach, CA 90802-4222
- Rocky Mountain Post of Duty, 6430 S. Fiddlers Green Circle, Suite 350, Greenwood Village, CO 80111

SYSTEM MANAGER(S): Assistant Inspector General for Investigations, Mary W. Jackson NASA Headquarters, National Aeronautics and Space Administration (NASA), Washington, DC 20546-0001.

Subsystem Managers Special and Resident Agents in Charge at:

- New Jersey Post of Duty, 402 East State Street, Trenton, NJ 08608
- Western Field Office, Glenn Anderson Federal Building, 501 West Ocean Blvd., Long Beach, CA 90802-4222
- Rocky Mountain Post of Duty, 6430 S. Fiddlers Green Circle, Suite 350, Greenwood Village, CO 80111

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- 51 U.S.C. § 20113 – Powers of the Administration in performance of functions

- 51 U.S.C. § 20114 – Administration and Department of Defense coordination
- 44 U.S.C. § 3101 – Records management by agency heads; general duties
- 5 U.S.C. § 404(a)(1) and (a)(3) – Inspector General Act of 1978, as amended; Duties and Responsibilities

PURPOSE(S) OF THE SYSTEM: Information in this system of records is collected in the course of investigating alleged crimes and other violations of law or regulations that affect NASA. The information is used by prosecutors, Agency managers, law enforcement agencies, Congress, NASA contractors, and others to address the crimes and other misconduct discovered during investigations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: This system maintains information on (1) current and former employees of NASA; (2) current and former NASA contractors and subcontractors; (3) and others whose actions have affected NASA.

CATEGORIES OF RECORDS IN THE SYSTEM: Case files pertaining to matters including, but not limited to, the following classifications of cases: (1) Fraud against the Government; (2) theft of Government property; (3) bribery; (4) lost or stolen lunar samples; (5) misuse of Government property; (6) conflict of interest; (7) waiver of claim for overpayment of pay; (8) leaks of Source Evaluation Board information; (9) improper personal conduct; (10) irregularities in awarding contracts; (11) computer crimes; (12) research misconduct; and (13) whistleblower protection investigations under various statutes and regulations.

RECORD SOURCE CATEGORIES: Exempt, see Exemptions Promulgated for the System below.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND PURPOSES OF SUCH USES: Any disclosures of information will be compatible with the purpose for which the Agency collected the information.

Under the following routine uses that are unique to this system of records, information in this system may be disclosed:

1. Responding to inquiries from the White House, the Office of Management and Budget, and other organizations in the Executive Office of the President.
2. Disclosing to a Federal, State, local, tribal, or territorial government or agency lawfully engaged in the collection of intelligence (including national intelligence, foreign intelligence, and counterintelligence), counterterrorism, or homeland security, law enforcement or law enforcement intelligence, and other information, where disclosure is undertaken for intelligence, counterterrorism, homeland security, or related law enforcement purposes, as authorized by U.S. Law or Executive Order, and in accordance with applicable disclosure policies.
3. Disclosing to any official (including members of the Council of Inspectors General on Integrity and Efficiency (CIGIE) and staff and authorized officials of the Department of Justice and Federal Bureau of Investigation) charged with the responsibility to conduct qualitative assessment reviews of internal safeguards and management procedures employed in Office of Inspector General (OIG) operations.
4. Disclosing to members of the CIGIE for the preparation of reports to the President and Congress on the activities of the Inspectors General.
5. Disclosing to the public when: the matter under investigation has become public knowledge, or when the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process, or to demonstrate the accountability of NASA officers, or employees, or other individuals covered by this system, unless the Inspector General determines that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

6. Disclosing to the news media and public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as indictments), or when necessary for protection from imminent threat to life or property, unless the Inspector General determines that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.
7. Disclosing to any individual or entity, such as a witness or subject matter expert, when necessary to elicit information that will assist an OIG investigation.
8. Disclosing to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

In addition, information may be disclosed under the following NASA Standard Routine Uses wherein references to NASA shall be deemed to include NASA OIG:

1. Law Enforcement — When a record on its face, or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order, if NASA determines by careful review that the records or information are both relevant and necessary to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.
2. Certain Disclosures to Other Agencies — A record from this SOR may be disclosed to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to

obtain information relevant to a NASA decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. Certain Disclosures to Other Federal Agencies — A record from this SOR may be disclosed to a Federal agency, in response to its request, for a matter concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
4. Department of Justice — A record from this SOR may be disclosed to the Department of Justice when a) NASA, or any component thereof; or b) any employee of NASA in his or her official capacity; or c) any employee of NASA in his or her individual capacity where the Department of Justice has agreed to represent the employee; or d) the United States, where NASA determines that litigation is likely to affect NASA or any of its components, is a party to litigation or has an interest in such litigation, and by careful review, the use of such records by the Department of Justice is deemed by NASA to be relevant and necessary to the litigation.
5. Courts — A record from this SOR may be disclosed in an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when NASA determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant and necessary to the proceeding.
6. Response to an Actual or Suspected Compromise or Breach of Personally Identifiable Information — A record from this SOR may be disclosed to appropriate agencies, entities, and persons when (1) NASA suspects or has confirmed that there has been a breach of the system of records; (2) NASA has determined that as a result of the

suspected or confirmed breach there is a risk of harm to individuals, NASA (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 NASA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7. Contractors — A record from this SOR may be disclosed to contractors, grantees, experts, consultants, students, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish a NASA function related to this SOR. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to NASA employees.
8. Members of Congress — A record from this SOR may be disclosed to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.
9. Disclosures to Other Federal Agencies in Response to an Actual or Suspected Compromise or Breach of Personally Identifiable Information — A record from this SOR may be disclosed to another Federal agency or Federal entity, when NASA 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.
10. National Archives and Records Administration — A record from this SOR may be disclosed as a routine use to the officers and employees of the National Archives and

Records Administration (NARA) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

11. Audit — A record from this SOR may be disclosed to another agency, or organization for purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Records in this system are maintained as hard-copy documents and on electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Each OIG investigation is assigned a case number and all records relating to a particular investigation are filed and retrieved by that case number. Records may also be retrieved from the system by the name of an individual.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in Agency files and destroyed in accordance with NASA Procedural Requirements (NPR) 1441.1, NASA Records Management Program Requirements, and NASA Records Retention Schedules (NRRS) 1441.1, Schedule 9.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: Electronic records are maintained on a secure NASA server until migration to a secure cloud maintained by AWS. Paper and electronic records are protected in accordance with all Federal standards and those established in NASA regulations at 14 CFR 1212.605. Additionally, server and data management environments employ infrastructure encryption technologies both in data transmission and at rest on servers. Electronic messages sent within and outside of the Agency that convey sensitive data are encrypted and transmitted by staff via pre-approved electronic encryption systems as required by NASA policy. Approved security plans are in place for information systems containing the records in accordance with the Federal Information Security Management Act of 2002 (FISMA) and OMB Circular A-130, Management of Federal Information Resources. Only authorized personnel requiring information in the official

discharge of their duties are authorized access to records through approved access or authentication methods. Access to electronic records is achieved only from workstations within the NASA Intranet or via a secure Virtual Private Network (VPN) connection that requires two-factor hardware token authentication or via employee PIV badge authentication from NASA-issued computers. Non-electronic records are secured in locked rooms or files.

RECORD ACCESS PROCEDURES: System is exempt. NASA has published a rule, entitled “Privacy Act – NASA Regulations” to establish procedures related to the Privacy Act, including its exemptions relating to access, maintenance, disclosure, and amendment of records which are in this NASA system of records per the Privacy Act, promulgated at 14 CFR Part 1212.501 (<https://www.ecfr.gov/current/title-14/chapter-V/part-1212/subpart-1212.5/section-1212.501>)

CONTESTING RECORD PROCEDURES: See “Records Access Procedures” above.

NOTIFICATION PROCEDURES: See “Records Access Procedures” above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: (1) The Inspector General Investigations Case Files system of records is exempt from any part of the Privacy Act (5 U.S.C. 552 a), EXCEPT the following subsections: (b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A)—(F) relating to publishing a system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10), and (11) relating to the dissemination and maintenance of records; (i) relating to criminal penalties. This exemption applies to those records and information contained in the system of records pertaining to the enforcement of criminal laws. (2) To the extent that there may exist noncriminal investigative files within this system of records, the Inspector General Investigations Case Files system of records is exempt from the following subsections of the Privacy Act (5 U.S.C. 552a): (c)(3) relating to access to disclosure accounting, (d) relating to access to reports, (e)(1) relating to the type of information maintained in the records; (e)(4)(G), (H), and (I) relating to publishing the system notice information as to

agency procedures for access and amendment and information as to the categories of sources of records, and (f) relating to developing agency rules for gaining access and making corrections. The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (j) and (k) and subpart 5 of the NASA regulations appearing in 14 CFR part 1212, for the reason that a component of the Office of Inspector General, NASA, performs as its principal function activities pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

HISTORY:

- (15-115, 80 FR 79937, pp. 79937-79947)
- (13-149, 78 FR 77503, pp. 77503-77508)
- (09-085, 74 FR 50247, pp. 50247-50255)
- (07-081, 72 FR 55817, pp. 55817-55833)
- (04-060, 69 FR 25613, pp. 25613-25615)
- (99-155, 64 FR 69556, pp. 69556-69571)
- (98-007, 63 FR 4290, pp. 4290-4306)

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