



## NATIONAL CREDIT UNION ADMINISTRATION

### Privacy Act of 1974: Systems of Records

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice of a new system of records.

**SUMMARY:** Pursuant to the Privacy Act of 1974, the National Credit Union Administration (NCUA) gives notice of a new Privacy Act system of records. The new system is NCUA-29, Non-Payroll Employee Administrative Records. The Non-Payroll Employee Administrative Records System will collect information used for non-payroll personnel actions and human resources administrative purposes, including administering supplemental benefits, employee assistance programs, and work-life programs.

**DATES:** Submit comments on or before [Insert date 30 days from publication in the *FEDERAL REGISTER*]. This system will be effective immediately, and routine uses will be effective on [Insert date 30 days from publication in the *FEDERAL REGISTER*].

**ADDRESSES:** You may submit comments by any of the following methods, but please send comments by one method only:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- NCUA Website:  
[http://www.ncua.gov/RegulationsOpinionsLaws/proposed\\_regs/proposed\\_regs.html](http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html). Follow the instructions for submitting comments.
- Fax: (703) 518-6319. Use the subject line described above for email.
- Mail: Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.
- Hand Delivery/Courier: Same as mail address.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Harrison, Attorney-Advisor, Office of General Counsel, (703) 518-6540.

**SUPPLEMENTARY INFORMATION:** This notice informs the public of the NCUA's proposal to establish and maintain a new system of records in accordance with the Privacy Act of 1974. The proposed system of records will be used to collect and maintain information used for non-payroll personnel actions and for human resources administrative purposes, including administering supplemental benefits, employee assistance programs, and work-life programs. These may include, but are not limited to retirement, health examination programs, classes and wellness seminars, student loan repayment, flexible spending, as well as other similar benefits not otherwise covered as part of the general personnel and administrative records covered by the government-wide system of records notice published by the Office of Personnel Management in OPM/GOVT-1 or those records covered under NCUA-3, Payroll Records System.

The format of NCUA-29 aligns with the guidance set forth in Office of Management and Budget (OMB) Circular A-108.

By the National Credit Union Administration Board on July 20, 2023.

**Melane Conyers-Ausbrooks,**

*Secretary of the Board.*

**SYSTEM NAME AND NUMBER:** Non-Payroll Employee Administrative Records, NCUA-29.

**SECURITY CLASSIFICATION:** Unclassified.

**SYSTEM LOCATION:** National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428.

**SYSTEM MANAGER(S):** Director, Office of Human Resources, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:** 12 U.S.C. 1766.

**PURPOSE(S) OF THE SYSTEM:** The purpose of this system is to collect and maintain information used for non-payroll personnel actions and for human resources administrative purposes, including administering supplemental benefits, employee assistance programs, and work-life programs.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:** To the extent not covered by any other system, this system covers current and former NCUA employees, dependents, and beneficiaries who are enrolled in, apply for, or participate in one or more of NCUA employee benefit programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:** Records in the system include Individual name, Social Security number (SSN), employee ID number, Taxpayer Identification Number (TIN), or similar. Records may also include home and work contact information, including address, telephone number, and email address; information related to an employee's participation in supplemental retirement, health, and benefit programs, including salary information, contribution amount(s), dependents and beneficiary names, addresses, relationship, and Social Security number(s); information about student loans related to the student loan repayment benefit, including type of loan, loan account number, loan holder name and address, total loan amount and amount outstanding; and service agreement information; and receipts and similar documentation provided as evidence of expenditures for reimbursement through supplemental benefits, employee assistance and work-life programs.

**RECORD SOURCE CATEGORIES:** The information in this system is obtained from current and former NCUA employees and from entities associated with benefits and work-life programs including retirement, human resources functions, accounting, and payroll systems administration.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:** In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the NCUA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. A record from a system of records may be disclosed as a routine use to carriers, providers, and other Federal agencies involved in the administration of employee benefit programs and such agencies' contractors or plan administrators, when necessary to determine employee eligibility to participate in such programs, process employee participation in such programs, audit benefits paid under such programs, or perform any administrative function in connection with those programs;
2. A record from a system of records may be disclosed as a routine use to Federal, state, and local taxation authorities concerning compensation to employees or to contractors; to the Office of Personnel Management, Department of the Treasury, Department of Labor, and other Federal agencies concerning pay, benefits, and retirement of employees; to financial organizations concerning employee allotments to accounts; and to heirs, executors, and legal representatives of beneficiaries;
3. If a record in a system of records indicates a violation or potential violation of civil or criminal law or a regulation, and whether arising by general statute or particular program statute, or by regulation, rule, or order, the relevant records in

the system or records may be disclosed as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto;

4. A record from a system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained;
5. Records in a system of records may be disclosed as a routine use to the Department of Justice, when: (a) NCUA, or any of its components or employees acting in their official capacities, is a party to litigation; or (b) Any employee of NCUA in his or her individual capacity is a party to litigation and where the Department of Justice has agreed to represent the employee; or (c) The United States is a party in litigation, where NCUA 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 NCUA determines that use of such records is relevant and necessary to the litigation;
6. Records in a system of records may be disclosed as a routine use in a proceeding before a court or adjudicative body before which NCUA is authorized to appear (a) when NCUA or any of its components or employees are acting in their official capacities; (b) where NCUA or any employee of NCUA in his or her individual capacity has agreed to represent the employee; or (c) where NCUA 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 NCUA determines that use of such records is relevant and necessary to the litigation;

7. A record from a system of records may be disclosed as a routine use to contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for NCUA when necessary to accomplish an agency function or administer an employee benefit program. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to NCUA employees;
8. A record from a system of records may be disclosed to appropriate agencies, entities, and persons when (1) NCUA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) NCUA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by NCUA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with NCUA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm; and
9. To another Federal agency or Federal entity, when the NCUA 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:** Electronic records and backups are stored on secure servers, approved by NCUA's Office of the Chief Information Officer (OCIO), within a FedRAMP-authorized commercial Cloud Service Provider's (CSP) Software-as-a-Service solution hosting environment and accessed only by authorized personnel.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:** Records are retrievable by a variety of fields including, but not limited to, individual name, SSN, employee ID, or some combination thereof.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF**

**RECORDS:** Records are maintained and disposed in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or an NCUA records disposition schedule approved by NARA.

**ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS:** NCUA has implemented the appropriate administrative, technical, and physical controls in accordance with the Federal Information Security Modernization Act of 2014, Pub. L. 113-283, S. 2521, and NCUA's information security policies to protect the confidentiality, integrity, and availability of the information system and the information contained therein. Access is limited only to individuals authorized through NIST-compliant Identity, Credential, and Access Management policies and procedures. The records are maintained behind a layered defensive posture consistent with all applicable Federal laws and regulations, including Office of Management and Budget Circular A-130 and NIST Special Publication 800-37.

**RECORD ACCESS PROCEDURES:** Individuals wishing access to their records should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.

2. Any available information regarding the type of record involved.
3. The address to which the record information should be sent.
4. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

Individuals requesting access must also comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

**CONTESTING RECORD PROCEDURES:** Individuals wishing to request an amendment to their records should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
2. Any available information regarding the type of record involved.
3. A statement specifying the changes to be made in the records and the justification therefore.
4. The address to which the response should be sent.
5. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

**NOTIFICATION PROCEDURES:** Individuals wishing to learn whether this system of records contains information about them should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
2. Any available information regarding the type of record involved.
3. The address to which the record information should be sent.

4. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

Individuals requesting access must also comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:** None.

**HISTORY:** This is a new system.

[FR Doc. 2023-15737 Filed: 7/24/2023 8:45 am; Publication Date: 7/25/2023]