



## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

#### **Privacy Act of 1974; System of Records**

**AGENCY:** Federal Energy Regulatory Commission (FERC), Department of Energy (DOE).

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

**SUMMARY:** In accordance with the Privacy Act of 1974, all agencies are required to publish in the Federal Register a notice of their system of records. Notice is hereby given that the Federal Energy Regulatory Commission (FERC) is publishing a notice of modifications to an existing FERC system of records titled “Commission Restoration of Annual Leave Request Files (FERC – 28)”.

**DATES:** Comments on this modified system of records must be received no later than 30 days after the date of publication in the Federal Register. If no public comment is received during this period or unless otherwise published in the Federal Register by FERC, the modified system of records will become effective a minimum of 30 days after the date of publication in the Federal Register. If FERC receives public comments, FERC shall review the comments to determine whether any changes to the notice are necessary.

**ADDRESSES:** Comments may be submitted in writing to Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 or electronically to [privacy@ferc.gov](mailto:privacy@ferc.gov). Comments should include that they are submitted in response to “Commission Restoration of Annual Leave Requests Files (FERC – 28).”

**FOR FURTHER INFORMATION CONTACT:** Mittal Desai, Chief Information Officer & Senior Agency Official for Privacy, Office of the Executive Director, Federal

Energy Regulatory Commission, 888 First Street NE, Washington, 7DC 20426,  
privacy@ferc.gov, (202) 502-6432.

**SUPPLEMENTARY INFORMATION:** In accordance with the Privacy Act of 1974, and to comply with the Office of Management and Budget (OMB) Memorandum M-17-12, “Preparing for and Responding to a Breach of Personally Identifiable Information”, January 3, 2017, this notice has one (1) updated routine use (routine use 13) and twelve (13) new routine uses, including two routine uses that will permit FERC to disclose information as necessary in response to an actual or suspected breach that pertains to a breach of its own records or to assist another agency in its efforts to respond to a breach that was previously published separately at 87 FR 35543 (June 10, 2022).

The following sections have been updated to reflect changes made since the publication of the last notice in the Federal Register: dates; addresses; for further information contact; system location; system manager(s); purpose(s) of the system; categories of records in the system; record source categories; routine uses of records maintained in the system, including categories of users and the purpose of such; policies and practices for storage of records; policies and practices for retention and disposal of records; administrative, technical, physical safeguards; record access procedures; contesting record procedures; notification procedures; and history.

**SYSTEM NAME AND NUMBER:** *Commission Restoration of Annual Leave Request Files (FERC – 28).*

**SECURITY CLASSIFICATION:** Unclassified.

**SYSTEM LOCATION:** Federal Energy Regulatory Commission, Office of the Executive Director, Chief Human Officer Directorate, Workforce Relations Division, 888 First Street, NE, Washington, DC 20426.

**SYSTEM MANAGER(S):** Director, Workforce Relations Division, Chief Human Officer Directorate, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, (202) 502-6475.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:** 5 CFR 630.101.

**PURPOSE(S) OF THE SYSTEM:** The purpose of this system of records is to maintain documentation on employees requesting restoration of excess annual leave lost.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:** The categories of individuals on whom records are maintained are FERC current and former employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:** The categories of records maintained in the system include name, title, grade, series, basis of the request, reason, hours forfeited, hours requested for restoration, reason for the request, date of approval, signature, supervisor's name and signature, reviewing official's name and signature, date of approval or disapproval, the request for restoration, any supporting documents, and the decision document.

**RECORD SOURCE CATEGORIES:** Records are obtained from Workforce Relations Division director, office directors, FERC employees submitting the request, and personnel specialists.

**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,

information maintained in this system may be disclosed to authorized entities outside

FERC for purposes determined to be relevant and necessary as a routine use pursuant to 5

U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (a) FERC suspects or has confirmed that there has been a breach of the system of records; (b) FERC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.
2. To another Federal agency or Federal entity, when FERC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach; or (b) 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.
3. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
4. To the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.
5. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

6. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.
7. To the Department of Justice (DOJ) for its use in providing legal advice to FERC or in representing FERC in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by FERC to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest: (a) FERC; (b) any employee of FERC in his or her official capacity; (c) any employee of FERC in his or her individual capacity where DOJ has agreed to represent the employee; or (d) the United States, where FERC determines that litigation is likely to affect FERC or any of its components.
8. To non-Federal Personnel, such as contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of FERC or Federal Government and who have a need to access the information in the performance of their duties or activities.
9. To the National Archives and Records Administration in records management inspections and its role as Archivist.
10. To the Merit Systems Protection Board or the Board's Office of the Special Counsel, when relevant information is requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, and investigations of alleged or possible prohibited personnel practices.

11. To appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order.
12. To appropriate agencies, entities, and person(s) that are a party to a dispute, when FERC determines that information from this system of records is reasonably necessary for the recipient to assist with the resolution of the dispute; and the information may include the name, address, telephone number, email address, and affiliation of the agency, entity, and/or person(s) seeking and/or participating in dispute resolution services, where appropriate.
13. To Office of Personnel Management (OPM) or Government Accountability Office (GAO) during the course of on-site inspections or human resources audits.
14. To Department of Interior to enter the information in a federal shared service provider.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:** Records are stored in electronic format. Electronic records are stored on a SharePoint site within FERC's network. Data access is restricted to agency personnel whose responsibilities require access. Access to electronic records is controlled by the organization's Single Sign-On and Multi-Factor Authentication Solution. Role based access is used to restrict data access and the organization employs the principle of least privilege, allowing only authorized users with access (or processes acting on behalf of users) necessary to accomplish assigned tasks in accordance with organizational missions and business functions.

**POLICIES AND PRACTICSE FOR RETRIEVAL OF RECORDS:** Records are retrieved by employee name.

**POLICIES AND PRACTICSE FOR RETENTION AND DISPOSAL OF**

**RECORDS:** Records are retained in accordance with the applicable National Archives and Records Administration (NARA) schedule, General Records Schedule (GRS) 2.4: Employee Compensation and Benefits Records, Item 030: Time and Attendance Records. Disposition Authority: DAA-GRS-2019-0004-0002. Destroy when 3 years old, but longer retention is authorized if required for business use.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:** *See* Policies and Practices for Storage of Records.

**RECORD ACCESS PROCEDURES:** Individuals requesting access to the contents of records must submit a request through the Freedom of Information Act (FOIA) office. The FOIA website is located at: <https://www.ferc.gov/foia>. Requests may be submitted through the following portal: <https://www.ferc.gov/enforcement-legal/foia/electronic-foia-privacy-act-request-form>. Written requests for access to records should be directed to: Director, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

**CONTESTING RECORD PROCEDURES:** *See* Records Access procedures.

**NOTIFICATION PROCEDURES:** Generalized notice is provided by the publication of this notice. For specific notice, see Records Access Procedure, above.

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

**HISTORY:** 65 FR 21750 (April 24, 2000).

Issued: January 21, 2025.

**Debbie-Anne A. Reese,**  
*Secretary.*

