



Billing Code: 4210-67

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7106-N-07]

Privacy Act of 1974; System of Records

AGENCY: Office of Administration, HUD.

ACTION: Notice of a modified system of records.

SUMMARY: Under the Privacy Act of 1974, as amended, the Department of Housing and Urban Development (HUD), Office of Administration is issuing a public notice of its intent to modify the Privacy Act System of Records titled “Freedom of Information Act (FOIA) Management System (FMS2)”. This system of records is being revised to make clarifying changes within the system of records, system manager, categories of records in the system, records source categories, routine uses of records maintained in the system.

DATES: Comments will be accepted on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number by one method:

Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions provided on that site to submit comments electronically.

Fax: 202-485-9531.

Email: privacy@hud.gov.

Mail: Attention: Privacy Office; Shalanda Capehart, Acting Chief Privacy Officer; The Executive Secretariat; 4517th Street, SW, Room 10139; Washington, DC 20410-0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Shalanda Capehart, Acting Chief Privacy Officer, 451 7th Street, SW, Room 10139; Washington, DC 20410-0001; telephone (202) 402-5085 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development (HUD), Office of Administration maintains the FOIA Management System (FMS2). HUD is publishing this revised notice to establish a new and modified routine use and to reflect updated information in the sections being revised. The modification of the system of records will have no undue impact on the privacy of individuals and updates follow the records collected.

The previous SORN updates include:

1. *System Location:* Updated to bring the information current.
2. *System Manager:* Updated to reflect personnel changes.

3. *Records Source Categories*: Updated to include the individual's designated representative.
4. *Categories of Records in System*: Updated to include date of birth, place of birth, and citizenship.
5. *Routine Use of Records in System*: Updated to include the individual's designated representative as a requester of information.

SYSTEM NAME AND NUMBER: FOIA Management System (FMS2), HUD/ADM-11.

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION: OPEXUS, 1101 17th Street, NW, 12th floor, Washington, DC 20036-0001 and HUD Headquarters, Office of Administration, 451 7th Street SW, Room 10139, Washington, DC 20410-0001.

SYSTEM MANAGER(S): Ms. Bao-Anh Trinh, Director, FOIA Branch, Office of Administration, 451 7th Street SW, Room 10139, Washington, DC 20410-0001; (202) 402-7641 and Mrs. Sandra J. Wright, System Manager, Office of Administration, 451 7th Street SW, Room 10139, Washington, DC 20410-0001; (202) 402-5510.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: The collection and maintenance of accommodation records are authorized by sections 2 and 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3531, 3535(d)), and the Freedom of Information Act (5 U.S.C. 552).

PURPOSES OF THE SYSTEM: FMS2 will help HUD track correspondence both internally among program offices and externally from outside entities. This system will enable HUD to track FOIA inquiries (both internal and external) submitted to HUD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who correspond with the Secretary, Deputy Secretary, Assistant Secretaries, HUD Program Offices, or Field Office officials.

CATEGORIES OF RECORDS IN THE SYSTEM: Full name, home address, email address(es), telephone number (work and home), legal documents and records, individual's attorneys or representatives' names, phone number (work and fax), address, and case identifier, date of birth, place of birth, and citizenship.

RECORD SOURCE CATEGORIES: Records are provided by individuals or their designated representative.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING:

1. 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 or their designated representative.
2. To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

3. To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.
4. To appropriate agencies, entities, and persons when: (1) HUD suspects or has confirmed that there has been a breach of the system of records; (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (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 HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.
5. To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to 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.
6. To appropriate Federal, State, local, tribal, or other governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule,

regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws and when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

7. To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, mediation, or settlement negotiations, or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.
8. To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (4) the

United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Electronic and Paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Name, and Requester Case Number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF

RECORDS: Per General Record Schedule 4.2, item 040, Correspondence, Emails, Non-financial Transactions, and Reports. Temporary. Destroy 5 years after the date of the last entry or final action by agency, as appropriate, but longer retention is authorized if required for business use.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

For Electronic Records: All personal data will be maintained on a secure workstation or virtual server that is protected by a firewall and complex passwords in a directory that can only be accessed by the system administrators and the analysts actively working on the data; the system used to process or store data have Federal security controls applied to them; the data will be backed up on a regular basis to safeguard against system failures or disasters; and, unencrypted data will not be stored on a laptop or on removable media such as CDs, diskettes, or USB flash drives. Electronic Records are maintained and stored in an electronic encryption database system. These records can only be accessed based on the user's rights and privileges to the system. A multifactor identification method is required which consists of several layers of security to access the records, such

as a valid common access card, access to HUD's network, and a valid User ID and password.

For Paper Records: The analysts will securely store any hard copy forms with personal identifiers until they are archived; all hard copy forms with personal identifying data will be stored securely in a locked cabinet that can only be accessed by authorized individuals working on the data.

RECORD ACCESS PROCEDURES: Individuals requesting records of themselves should address written inquiries to the Department of Housing and Urban Development 451 7th Street, SW Washington, DC 20410-0001. For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

CONTESTING RECORD PROCEDURES: The HUD rule for contesting the content of any record pertaining to the individual by the individual concerned is published in 24 CFR 16.8 or may be obtained from the system manager.

NOTIFICATION PROCEDURES: Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410-0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: Docket No. FR-7092-N-33, 89 FR 53632, June 27, 2024.

Shalanda Capehart,

Acting Chief Privacy Officer,

Office of Administration.

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