



DEPARTMENT OF LABOR

Privacy Act of 1974; System of Records

AGENCY: Department of Labor.

ACTION: Notice of a modified system of records.

SUMMARY: The Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A-108 require that each agency publish notice of a new or modified system of records that it maintains. DOL/GOVT-1, Office of Workers' Compensation Programs, Federal Employees' Compensation Act File is a system of records that contains all records relating to injury or death of civilian employees or other persons entitled to benefits under the Federal Employees' Compensation Act. In compliance with Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse, and Office of Management and Budget Memorandum M-25-32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay, the Department of Labor (DOL) is modifying DOL/GOVT-1 by adding a new routine use to permit the disclosure of records to the U.S. Department of the Treasury. Additionally, in accordance with Office of Management and Budget Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information, DOL is adding two model routine uses to the system of records to permit the disclosure of records in response to a breach.

DATES: Comments must be received no later than [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. This modified SORN is effective upon publication of this Notice. If no public comments are received, the new routine uses will be effective beginning [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. If the DOL receives public comments, the DOL will review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by the following method:

- *Federal e-Rulemaking Portal: <https://www.regulations.gov> or <https://www.federalregister.gov>. Follow the instructions for submitting comments.*

All comments will be made public and will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: To submit general questions about the system, contact Mara S. Blumenthal, DOL Privacy Program, by telephone at 202-693-3181, or by email at privacy@dol.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974 and in compliance with Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse (E.O. 14249), and Office of Management and Budget Memorandum M-25-32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay, DOL is modifying DOL/GOVT-1, Office of Workers' Compensation Programs, Federal Employees' Compensation Act File system of records by adding a new routine use to permit the disclosure of records to the U.S. Department of the Treasury to review payments through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping fraud and improper payments, to the extent permissible by law.

A "routine use" means, with respect to the disclosure of a Privacy Act record, the use of such record for a purpose which is compatible with the purpose for which it is collected. 5 U.S.C. 552a(a)(7). All agency systems of records must have a system of records notice (SORN) published in the Federal Register, and the SORN must describe "each routine use of the records contained in the system, including the categories of users and the purposes of such use." 5 U.S.C. 552a(e)(4)(D). The new routine use required by E.O. 14249 and OMB Memorandum M-25-32 is the following:

To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

DOL is also adding to this system of records two model routine uses from OMB Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information, for Federal agencies to prepare for and respond to a breach of personally identifiable information. One permits the disclosure of information related to breaches of an agency's own records, and the second permits the disclosure of agency records to assist other agencies in their efforts to respond to a breach. To date, DOL has been adding these routine uses to individual SORNs when they otherwise require modification. The routine uses are:

To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records, (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (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 Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

To another Federal agency or Federal entity, when the Department 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.

SYSTEM NAME AND NUMBER: Office of Workers' Compensation Programs,
Federal Employees' Compensation Act File, DOL/GOVT-1

SECURITY CLASSIFICATION: Most files and data are unclassified. Files and data in certain cases have Top Secret classification, but the rules concerning their maintenance and disclosure are determined by the agency that has given the information the security classification of Top Secret.

SYSTEM LOCATION: The central database for DOL/GOVT-1 is located at the DOL National office and the offices of OWCP's contractor. Paper claim files are located at the various OWCP district offices; claim files of employees of the Central Intelligence Agency are located at that agency. Copies of claim forms and other documents arising out of a job-related injury that resulted in the filing of a claim under the Federal Employees' Compensation Act (FECA) may also be maintained by the employing agency (and where the forms were transmitted to OWCP electronically, the original forms are maintained by the employing agency). In addition, records relating to third-party claims of FECA beneficiaries are maintained in the Division of Federal Employees' and Energy Workers' Compensation, Office of the Solicitor, United States Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

SYSTEM MANAGER(S): Director for Federal Employees' Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210.* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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v. To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

w. To appropriate agencies, entities, and persons when (a) DOL suspects or has confirmed that there has been a breach of the system of records; (b) DOL has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOL (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 DOL's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

x. To another Federal agency or Federal entity, when DOL 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.

HISTORY: 81 FR 25766 (April 29, 2016).

Braye Cloud,

Deputy Assistant Secretary for Operations,

Department of Labor.