



OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Occupational Safety and Health Review Commission (OSHRC) is publishing a notice for its new Privacy Act system of records. This system includes records from OSHRC's Administrative Grievance System and its Alternative Dispute Resolution (ADR) Program.

DATES: Comments must be received by OSHRC on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. The new system of records will become effective on that date, without any further notice in the *Federal Register*, unless comments or government approval procedures necessitate otherwise.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: OSHRC_Privacy@oshrc.gov. Include "PRIVACY ACT SYSTEM OF RECORDS" in the subject line of the message.
- Mail: One Lafayette Centre, 1120 20th Street NW, Ninth Floor, Washington, DC 20036-3457.
- Hand Delivery/Courier: same as mailing address.

Instructions: All submissions must include your name, return address, and e-mail address, if applicable. Please clearly label submissions as "PRIVACY ACT SYSTEM OF RECORDS."

FOR FURTHER INFORMATION CONTACT: Ron Bailey, Senior Attorney-Advisor, Office of the General Counsel, via telephone at (202) 606-5410, or via e-mail at OSHRC_Privacy@oshrc.gov.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, 5 U.S.C.

552a(e)(4), requires federal agencies such as OSHRC to publish in the *Federal Register* notice of any new or modified system of records.

Based on a review of the agency's records, its current system of records notices (SORNs), and applicable governmentwide SORNs (including *Equal Employment Opportunity in the Federal Government Complaint and Appeal Records*, EEOC/GOVT-1), the agency has determined that no SORN fully covers Privacy Act records that OSHRC maintains to implement its Administrative Grievance System and its Alternative Dispute Resolution Program. A new SORN, titled *Administrative Grievance and Alternative Dispute Resolution Records*, OSHRC-10, is therefore published below to cover these records.

The notice for new OSHRC-10, provided below in its entirety, is as follows.

SYSTEM NAME AND NUMBER: Administrative Grievance and Alternative Dispute Resolution Records, OSHRC-10.

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION: Office of the Executive Director, OSHRC, 1120 20th Street, NW, Ninth Floor, Washington, DC 20036-3457.

SYSTEM MANAGER(S): Human Resources Specialist (administrative grievance records) and the Equal Employment Opportunity (EEO) Director (alternative dispute resolution records), OSHRC, 1120 20th Street, NW, Ninth Floor, Washington, DC 20036-3457; (202) 606-5100.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 571-584; 41 U.S.C. 7103(h); 44 U.S.C. 3101; 29 CFR part 1614; 5 CFR part 771.

PURPOSE(S) OF THE SYSTEM: The purpose of this system is to collect, maintain, and store information related to (1) administrative grievances filed by current and former

OSHRC employees, and (2) requests for participation in the agency's Alternative Dispute Resolution (ADR) Program from current and former OSHRC employees and contractors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: This system of records covers current and former OSHRC employees who have filed administrative grievances with the agency under 5 CFR part 771, as well as current and former OSHRC employees and contractors who have used the agency's ADR program.

CATEGORIES OF RECORDS IN THE SYSTEM: The categories of records in this system include administrative grievance files, which contain (1) the names of complainants, their employment titles, and signatures; (2) the names, addresses, and telephone numbers of any complainants' representatives; (3) the names of any witnesses and any personal information included in their statements; (4) facts pertaining to any alleged grievances or claims, which could include birthdate, sex, race, and any other relevant personal information; and (5) the names of fact finders and any personal information included in their decisions. The categories of records also include the names of individuals requesting ADR and personal information such as contact information included in their written requests.

RECORD SOURCE CATEGORIES: Information in this system comes from the individual to whom it applies, but also from statements made by witnesses and parties, and the reports of fact finders and decisions of deciding officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND PURPOSES OF SUCH USES: In addition to disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected, and to the extent disclosure of any medical and/or genetic

information is in compliance with Section 501 of the Rehabilitation Act of 1973 and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008. With respect to medical and genetic information protected under the Rehabilitation Act and/or GINA, records will be withheld or redacted to comply with the specific confidentiality and disclosure requirements set forth by the U.S. Equal Employment Opportunity Commission at 29 CFR pt. 1630 (Rehabilitation Act) and 29 CFR pt. 1635 (GINA). With these limitations, records may be disclosed as a routine use:

(1) To the Department of Justice (DOJ), or to a court or adjudicative body before which OSHRC is authorized to appear, when any of the following entities or individuals—(a) OSHRC, or any of its components; (b) any employee of OSHRC in his or her official capacity; (c) any employee of OSHRC in his or her individual capacity where DOJ (or OSHRC where it is authorized to do so) has agreed to represent the employee; or (d) the United States, where OSHRC determines that litigation is likely to affect OSHRC or any of its components—is a party to litigation or has an interest in such litigation, and OSHRC determines that the use of such records by DOJ, or by a court or other tribunal, or another party before such tribunal, is relevant and necessary to the litigation.

(2) To an appropriate agency, whether federal, state, or local, charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes civil, criminal or regulatory violations, and such disclosure is proper and consistent with the official duties of the person making the disclosure.

(3) To a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an OSHRC decision concerning the hiring, appointment, or retention of an

employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a license, grant or other benefit.

(4) To an authorized appeal grievance examiner, formal complaints manager, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee, only to the extent that the information is relevant and necessary to the case or matter.

(5) To OPM in accordance with the agency's authority to evaluate and oversee federal personnel management.

(6) To OMB in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process, as set forth in Circular No. A-19.

(7) To a Member of Congress or to a person on his or her staff acting on the Member's behalf when a written request is made on behalf and at the behest of the individual who is the subject of the record.

(8) To the National Archives and Records Administration (NARA) for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906.

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

remedy such harm.

(10) To NARA, 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 FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

(11) To another Federal agency or Federal entity, when OSHRC 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Paper records are stored in locked file cabinets in folders at OSHRC's National Office in Washington, D.C., and electronic records are stored on a shared OSHRC drive, which only the system manager can access.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Records are retrieved manually and electronically by name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: Administrative grievance records and ADR records are retained and disposed of in accordance with NARA's General Records Schedule (GRS) 2.3, Item 60 and Item 70, respectively.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: Paper records are maintained in locked file cabinets, and access is limited to personnel who require access to perform their official functions. Access to electronic records maintained on an OSHRC shared drive is restricted to the system manager.

RECORD ACCESS PROCEDURES: Individuals who wish to request access to their records should notify: Privacy Officer, OSHRC, 1120 20th Street, NW, Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.4 (procedures for requesting notification of and access to personal records).

CONTESTING RECORD PROCEDURES: Individuals who wish to contest their records should notify: Privacy Officer, OSHRC, 1120 20th Street, NW, Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the content of a record, refer to 29 CFR 2400.6 (procedures for amending personal records), and 29 CFR 2400.7 (procedures for appealing).

NOTIFICATION PROCEDURES: Individuals interested in requesting notification about their records should notify: Privacy Officer, OSHRC, 1120 20th Street, NW, Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.4 (procedures for requesting notification of and access to personal records).

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: None.

Nadine N. Mancini,

General Counsel,

Senior Agency Official for Privacy.

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