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DEPARTMENT OF JUSTICE

Privacy Act of 1974; System of Records

[CPCLO Order No. 010-2026]

AGENCY: Drug Enforcement Administration, United States Department of Justice.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Drug Enforcement Administration (DEA), a component of the United States Department of Justice (Department or DOJ), proposes to modify and republish a system of records notice titled "JUSTICE/DEA-021, DEA Aviation Unit Reporting System," 65 Fed. Reg. 24986, to be retitled "DEA Aviation Division Reporting System", which is the repository of reporting records held by DEA's Aviation Division. DEA proposes to update the categories of individuals covered by the system, as well as record categories, purpose of the system, routine uses of records maintained in the system and policies and practices for storing, retrieving, retaining, and disposing of records in the system.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which the public may comment on the routine uses described below. Therefore, please submit any comments by **[INSERT DATE 30 AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: The public, Office of Management and Budget, and Congress are invited to submit any comments online via the Federal e-Rulemaking Portal: http://www.regulations.gov and following the instructions for submitting comments; by mail to the United States Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, Two Constitution Square (2CON), 145 N Street, NE, Suite 8W.300, Washington, D.C. 20530, by facsimile at 202–307–0693, or by email at *privacy.compliance@usdoj.gov*. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: David Makoto Hudson, Attorney, Drug Enforcement Administration, Office of Chief Counsel, Strategic Programs Section, 8701 Morrissette Drive, Springfield, VA 22152.

SUPPLEMENTARY INFORMATION: DEA is proposing to modify this system to update the categories of individuals covered by the system. More specifically, the modification will reflect that the categories of individuals covered by the system include DEA employees and contractors and not just DEA pilots, as well as vendors, detainees, inmates, non-DEA law enforcement personnel, and other federal government employees and contractors. Additional changes are being made to this Notice to provide greater clarity about the information contained in the Inspection Division Records and the types of information that can be retrieved. The DEA also proposes to update, add to, and/or clarify the system location, the categories of individuals covered by the system; the record categories in the system; the record source categories; the purpose of the system; the system's routine uses; policies and practices for storing, retrieving, retaining, and disposing of records in the system; the record access procedures; and procedures to contest the accuracy of records in the system. The purpose of this modification is to update the language to better reflect the modernization of applications in DEA's information system related to controlled substance transaction reporting and to more accurately describe the breadth of the records contained therein. Finally, the modification will bring the SORN into compliance with current legal requirements.

In accordance with 5 U.S.C. § 552a(r), the Department has provided a report to OMB and Congress on this notice of a modified system of records.

Dated: October 1, 2026.

Laurence E. Rothenberg,

Chief Privacy and Civil Liberties Officer,

United States Department of Justice.

JUSTICE/DEA-021

SYSTEM NAME AND NUMBER:

DEA Aviation Division Reporting System; Justice/DEA-021

SECURITY CLASSIFICATION:

The system is unclassified.

SYSTEM LOCATION:

Records will be maintained primarily electronically at one or more of the Department of Justice-authorized cloud service providers Amazon Web Services or Microsoft Azure Cloud on servers located in protected sites within the Continental United States, as well as at Federal Records Centers. Any manual, hard copy records will be maintained in DEA facilities at 2300 Horizon Drive, Fort Worth, TX 76177. Access to electronic records may occur at any location at which the DEA operates, where DEA operations are supported, including DEA Headquarters, 700 Army-Navy Drive, Arlington, VA 22202, and through computer systems at all DEA field offices and DEA aviation facilities, and may include foreign locations. *See* www.dea.gov for a listing of DEA office locations.

Some or all the information in the system may be duplicated at other locations where the Department has granted direct access to support DOJ Cybersecurity Services Staff (CSS) operations, system backup, emergency preparedness, and/or continuity of operations. To determine the location of a particular record maintained in this system of records, contact the system manager, whose contact information is listed in the ‘‘SYSTEM MANAGER(S)’’ paragraph, below.

SYSTEM MANAGER(S):

DEA Aviation Division Special Agent-In-Charge, 2300 Horizon Drive, Fort Worth, TX 76177

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Comprehensive Drug Abuse Prevention and Control Act of 1970 (Controlled Substances Act) (Pub. L. 91-513, as amended; 21 U.S.C. 01, *et seq.*) and its attendant regulations (21 C.F.R. 1300, *et seq*.), the Omnibus Crime Control and Safe Streets Act, (Pub. L. 90–351, as amended), the obligations of the United Nations Single Convention on Narcotic Drugs (18 U.S.C. 1407) and Reorganization Plan No. 1 of 1968 as authorized by 5 U.S.C. 903, provide DEA with the specific legal authority to enforce the controlled substances laws and regulations of the United States, as well as establish and maintain this system in furtherance thereof. Authority to establish and maintain this system is also contained in 5 U.S.C. 301-302 and 44 U.S.C. 3101, which authorize the Attorney General to create and maintain federal records of agency activities, and 31 U.S.C 1343 authorizing acquisition and maintenance of aircraft. *See also*, 14 C.F.R. Parts 21, 23, 25, 27, 29, 33, 35, 39 43, 45, 47, 65, 91, 107, 133 and 145; and 41 C.F.R. 102—33.50 (acquisition of aircraft).

PURPOSE(S) OF THE SYSTEM:

Records in this system are used to monitor the acquisition, utilization, and maintenance of DEA aircraft; to monitor the qualifications and training of DEA pilots in furtherance of DEA enforcement operations conducted pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513); for scheduling of flights and the aircraft used; for the maintenance of lists of passengers; and to log the use of, and identity of visual observers for, small, unmanned aircraft systems.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. DEA employees, detailees, and contractors (including pilots and unmanned aircraft operators and observers), including as administrators or system users accessing the system in connection with audit log information.
2. Other non-DEA federal law enforcement personnel and contractors aboard or scheduled to depart on DEA aircraft.
3. Vendors servicing DEA aircraft
4. Detainees aboard or scheduled to depart on DEA aircraft
5. Inmates aboard or scheduled to depart on DEA aircraft
6. Non-federal law enforcement personnel aboard or scheduled to depart on DEA aircraft; and
7. Other federal government employees and contractors either servicing, riding onboard, or using a DEA aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records relating to the operation and maintenance of DEA aircraft.
2. Records relating to DEA pilot qualifications and training.
3. Records relating to flight scheduling, including aircraft used by DEA.
4. Records relating to passengers aboard scheduled DEA flights of manned aircraft.
5. Records relating to the use and identities of visual observers if small, unmanned aircraft systems are deployed by DEA.
6. Acquisition, inventory and accounting records.
7. Audit log information of system users or administrators accessing the system.

RECORD SOURCE CATEGORIES:

Whenever possible, the sources of information in these records will be collected from the DEA employees, vendors, or contractors with direct knowledge of the information entered and/or individuals about whom the information pertains. Records will also be collected from

within DEA information systems (via electronic data transfer or manual input depending on source), other DOJ components and any outside entities when necessary and relevant.

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

All or a portion of a relevant record or records or any relevant facts derived therefrom 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 when it has been determined by DEA or Department of Justice that such a need exists:

(a) To the Federal Aviation Administration for purposes of aircraft documentation and pilot certification.

(b) To the United States military departments and defense agencies for communication purposes.

(c) To the United States Coast Guard for communication purposes.

(d) To the communications relay services under contract with DEA for communications purposes.

(e) To appropriate federal, state, local, tribal and foreign law enforcement agencies or other relevant entities charged with the investigation and prosecution of illegal activities or regulatory enforcement or implementation responsibilities, where a record either alone or in conjunction with other information indicates a potential violation of law—whether criminal, civil or regulatory in nature; in order to facilitate official actions;

(f) To any person or entity that DEA has reason to believe possesses information regarding a matter within the jurisdiction of DEA, to the extent deemed to be necessary by DEA in order to elicit such information or cooperation from the recipient for use in the performance of an authorized law enforcement activity.

(g) To any person, organization, or governmental entity in order to notify them of a serious terrorist threat; or where there is reason to believe the recipient is or could become the target of a particular criminal activity, conspiracy, or other threat, to the extent the information is relevant to the protection of life, health, or property, for the purpose of guarding against or responding to such a threat.

(h) To complainants and/or victims to the extent necessary to provide them with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(i) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings, in accordance with requests made under the proper administrative procedures.

(j) To a court, grand jury, or administrative or adjudicative body in any appropriate proceeding where DEA or the Department of Justice determines the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(k) To the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(l) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to this system of records.

(m) To designated officers and employees of state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a law enforcement officer or detention officer having direct contact with the

public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

(n) To appropriate officials and employees of a Federal agency or entity which requires information relevant to a 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 grant or benefit.

(o) To a former employee of the Department of Justice for purposes of responding to an official inquiry by a Federal, state, or local government entity or professional licensing authority in accordance with applicable regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(p) To Federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(q) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

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

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

(t) To another Federal agency or Federal entity, when the DEA or Department of Justice 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.

(u) To any agency, organization, or individual such as the Government Accountability Office, the Department's Office of the Inspector General, or the Office of Special Counsel for the purpose of performing authorized audit or oversight operations of DEA including those related to fraud, waste, and abuse, and meeting related reporting requirements.

(v) To appropriate officials and employees of a federal agency for which the Department is authorized to provide a service, when disclosed in accordance with an interagency agreement and when necessary to accomplish an agency function articulated in the interagency agreement compatible with the purposes for which the information was collected.

(w) 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.

(x) To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained electronically, stored securely in government cloud servers or in government record centers in accordance with applicable executive orders, statutes, and agency implementing recommendations. Users of individual computers can only gain access to the data by a valid user identification and password. The system is protected by both physical security methods and dissemination and access controls. In addition, manual records concerning maintenance and training are kept at the DEA Aviation Division's secure facility.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records within this system may be retrieved by authorized DEA personnel for official purposes with a need to know and role-based system access ability. Records generally are retrieved by reference to any data category in the records, including an individual's name, other personal identifier, or the tail number of the aircraft in question.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Electronic records in this system will be retained and disposed of in accordance with the appropriate records schedules approved by the National Archives and Records Administration (NARA) for the constituent source systems of records, including but not limited to, NARA retention schedule 1180-01-10 (N1-170-94-1) Aircraft Maintenance Files (files of DEA aircraft mission reports, aircraft maintenance references, aircraft history, airframe log book, engine and propeller history, aircraft service, aircraft status, and aircraft maintenance management files), which provides different retentions period for different kinds of aviation-related records. DEA usually retains maintenance and service records for at least the lifespan that an aircraft is with the Aviation Division.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information in this system is electronic with some paper record copies maintained in accordance with applicable laws, rules, and policies on protecting individual privacy. The system is protected by physical security methods, administrative processes, and electronic means, including dissemination and access controls. Servers owned by Department-authorized

cloud service providers Amazon Web Services and Microsoft Azure Cloud are in protected locations within the Continental United States. Any paper records or working copies are safeguarded in locked rooms with access limited to authorized agency personnel. Internet connections are protected by multiple firewalls. Security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance and security logs are enabled for all computers to assist in troubleshooting and forensics analysis during incident investigations. Users of individual computers can only gain access to the data by a valid user identification and password and multifactor authentication. Paper records are maintained in specifically designated locations for the use of Aviation Division personnel, with access normally limited to such staff or other staff accompanied by aviation personnel.

RECORD ACCESS PROCEDURES:

All requests for access to records from this system may be submitted electronically by visiting the DEA FOIA Public Access Link Portal: https://ifa.dea.gov/foia/, or in writing via letter in accordance with 28 CFR part 16. If submitted via letter the request should be addressed to: Drug Enforcement Administration, Attn: Freedom of Information and Privacy Act Section, 8701 Morrissette Drive, Springfield, Virginia 22152, or to the System Manager listed above. The envelope and letter should be clearly marked 'Privacy Access Request.' The request must include a general description of the records the records sought with sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must also include the requester's full name, current address, and date and place of birth. A written request via letter must be signed and either notarized or submitted under penalty of perjury and dated. Some information may be exempt from disclosure. An individual who is the subject of a record in this system may access those records that are not exempt from disclosure. A determination whether a record may be accessed will be made at the time a request is received. Although no specific form is required, forms may be obtained for this purpose from the FOIA/Privacy Act Mail Referral Unit, United States Department of Justice, 950 Pennsylvania Avenue NW,

Washington, DC 20530; or on the Department of Justice Web site at *https://www.justice.gov/oip/oip-request.html*; or you may obtain a DEA-specific form (DEA-382 FOIA/PA Request Letter) to make a 'Privacy Access Request' from the Privacy Act page of the FOIA section of the DEA.gov web site at https://www.dea.gov/foia/foia-privacy-act

More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR Part 16 Subpart D, "Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974."

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information maintained in the system may submit the requests by e-mail, in hard copy, or through DEA's online portal Public Access Link (PAL) and in accordance with the procedures described at https://www.dea.gov/foia/foia-privacy-act. For any requests to contest or amend records submitted in writing via letter, the envelope and letter should be clearly marked, "Privacy Act Amendment Request," and be addressed to: Drug Enforcement Administration, Attn: Freedom of Information and Privacy Act Section, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests must state clearly and concisely what record or information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. A determination whether a record may be amended will be made at the time a request is received.

More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR §16.46, "*Requests for Amendment or Correction of Records*."

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the ''RECORD ACCESS PROCEDURES'' paragraph above. Inquiries should be addressed to: Drug Enforcement Administration, Attn: Freedom of Information and Privacy Act Section, 8701

Morrissette Drive, Springfield, Virginia 22152, or an electronic request may be filed at the DEA FOIA Public Access Link Portal: https://ifa.dea.gov/foia/.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a revision of the SORN DEA-021, "DEA Aviation Unit Reporting System," 65 Fed. Reg. 24986 (April 28, 2000) (last published in full), as amended by: 66 Fed. Reg. 8425 (Jan. 31, 2011); 82 Fed. Reg. 24147 (May 25, 2017).

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