

OGE/GOVT-2 (Updated May 22, 2003)

System name:

Executive Branch Confidential Financial Disclosure Reports.

System location:

Individual agency ethics offices or other designated agency offices.

Security classification:

None.

Categories of individuals covered by the system:

Officers and employees in the executive branch whose position is classified at GS-15 or below of the General Schedule prescribed by 5 U.S.C. 5332, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate which is less than 120% of the minimum rate of basic pay for GS-15 of the General Schedule; officers or employees of the United States Postal Service or Postal Rate Commission whose basic rate of pay is less than 120% of the minimum rate of basic pay for GS-15 of the General Schedule; members of a uniformed service whose pay grade is less than O-7 under 37 U.S.C. 201; and officers or employees in any other position determined by the Designated Agency Ethics Official to be of equal classification. In addition, all executive branch special Government employees as defined in 18 U.S.C. 202(a) and 5 CFR 2634.105(s) are required to file unless they are required to file public financial disclosure reports or their position has been excluded from filing. The system includes both current and former Federal employees in these categories.

Categories of records in the system:

These records contain statements and amended statements of personal and family holdings and other interests in property; income; gifts and reimbursements; liabilities; agreements and arrangements; outside positions; and other information related to conflict of interest determinations. These statements may be certifications of no new interests for the reporting period, and may be agency supplemental or alternative confidential report forms.

Authority for maintenance of the system:

5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674 (as modified by E.O. 12731).

Purpose(s):

These records are maintained to meet the requirements of or under Executive Order 12674 as modified, 5 CFR part 2634, agency regulations thereunder, as well as section 107 of the Ethics in Government Act of 1978, as amended, concerning the filing of confidential financial disclosure reports. Such reports are required to assure compliance with ethics laws and regulations, and to determine if an actual or apparent conflict of interest exists between the employment of individuals by the Federal Government and their outside employment and financial interests.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These confidential records and the information contained therein may be used:

- a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- b. 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, either when the Government is a party to a judicial or administrative proceeding or in order to comply with a subpoena issued by a judge of a court of competent jurisdiction.
- c. To disclose information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.
- d. To the National Archives and Records Administration or the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.
- e. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.
- f. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which OGE is authorized to appear, when: OGE; or an employee of OGE in his or her official capacity, or any employee of OGE in his or her individual capacity (where the Department of Justice or OGE has agreed to represent the employee); or the United States (when OGE determines that litigation is likely to affect OGE), is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or OGE is deemed by OGE to be relevant and necessary to the litigation provided, however, that the disclosure is compatible with the purpose for which such records were collected.
- g. To disclose the confidential financial disclosure report or certificate of no new interests and any accompanying documents to reviewing officials in a new office, department or agency when an employee transfers or is detailed from a covered position in one office, department or agency to a covered position in another office, department or agency.
- h. To disclose information to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record.
- i. To disclose information to contractors, grantees, experts, consultants, detailees, and other non-Government employees performing or working on a contract, service, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

Note: When an agency is requested to furnish such records to the Director or other authorized officials of the Office of Government Ethics (OGE), such a disclosure is to be considered as made to those officers and employees of the agency which co-maintains the records who have a need for the records in the performance of their official duties in accordance with the Ethics in Government Act of 1978, 5 U.S.C. app., and other ethics-related laws, Executive orders, and regulations conferring pertinent authority on OGE, pursuant to the provisions of the Privacy Act at 5 U.S.C. 552a(b)(1).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in paper and/or electronic form.

Retrievability:

These records are retrieved by the name or other programmatic identifier assigned to the individual on whom they are maintained.

Safeguards:

These records are located in locked file storage areas or in specified areas to which only authorized personnel have access. Electronic records are protected from unauthorized access through password identification procedures, limited access, firewalls, and other system-based protection methods.

Retention and disposal:

In accordance with the National Archives and Records Administration General Records Schedule for such ethics program records, these records generally are retained for six years after filing, except when filed by or with respect to a nominee for an appointment requiring confirmation by the Senate when the nominee is not appointed. In such cases, the records are generally destroyed one year after the date the individual ceased being under Senate consideration for appointment. However, if any records are needed in an ongoing investigation, they will be retained until no longer needed in the investigation. Destruction is by shredding or electronic deletion.

System manager(s) and address:

- a. For records filed directly with the Office of Government Ethics by non-OGE employees: Deputy Director, Office of Agency Programs, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917; and
- b. For records filed with a Designated Agency Ethics Official (DAEO) or the head of a department or agency: The DAEO at the department or agency concerned.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about them should contact, as appropriate:

- a. For records filed directly with OGE by non-OGE employees, contact the OGE Deputy Director, Office of Agency Programs, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917; or
- b. For records filed with a Designated Agency Ethics Official (DAEO) or the head of a department or agency, contact the DAEO at the department or agency concerned.

Individuals wishing to make such an inquiry must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Department or agency and component with which employed or proposed to be employed.
- c. Dates of employment.

Individuals seeking to determine if a system contains information about them must also follow OGE's Privacy Act regulations regarding verification of identity (5 CFR part 2606).

Record access procedures:

Individuals wishing to request access to their records should contact the Designated Agency Ethics Official or designee at the agency where the reports were filed. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Department or agency and component with which employed or proposed to be employed.
- c. Dates of employment.
- d. Reasonably specify the record content being sought.

Individuals requesting access must also follow OGE's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 2606).

Contesting record procedures:

Since the information in these records is updated on a periodic basis, most record corrections can be handled through established administrative procedures for updating records. However, individuals can obtain information on the procedures for contesting the records under the provisions of the Privacy Act by contacting the Designated Agency Ethics Official or designee at the agency where the reports were filed.

Record source categories:

Information in this system of records is provided by:

- a. The subject individual or by a designated person such as a trustee, attorney, accountant, banker, or relative.
- b. Federal officials who review the statements to make conflict of interest determinations.
- c. Persons alleging conflicts of interests or other violations of ethics laws and persons contacted during any investigation of the allegations.

Exemptions claimed for the system:

None.