EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act, portions of this system are exempt from 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5) and (e)(8); (f); and (g). Pursuant to 5 U.S.C. 552a (k)(2), this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in those subsections: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

Dated: February 24, 2010.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2010–4102 Filed 2–26–10; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2009–0144]

Privacy Act of 1974; Department of Homeland Security United States Immigration Customs and Enforcement—011 Immigration and Enforcement Operational Records System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of amendment of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 the Department of Homeland Security U.S. Immigration and Customs Enforcement is updating an existing system of records titled, Department of Homeland Security/U.S. Immigration and Customs Enforcement—011 Removable Alien Records System of Records, January 28, 2009, and renaming it Department of Homeland Security/U.S. Immigration and Customs Enforcement—011 Immigration and Enforcement Operational Records System of Records. With the publication of this updated system of records, the Department of Homeland Security is also retiring an existing system of records titled, Department of Homeland Security/U.S. Immigration and Customs Enforcement—Customs and Border Protection—U.S. Citizenship and Immigration Services—001–03 Enforcement Operational Immigration Records System of Records, March 20, 2006, and transferring certain law enforcement and immigration records described therein that are owned by U.S. Immigration and Customs Enforcement to this updated system of records. Categories of individuals and categories of records have been reviewed, and the purpose statement and routine uses of this system have been updated to better reflect the current status of these records. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. This updated system will continue to be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before March 31, 2010. This amended system will be effective March 31, 2010.

ADDRESSES: You may submit comments, identified by docket number DHS–2009–0144 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 703–483–2999.
- *Mail:* Mary Ellen Callahan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.
- *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: Lyn Rahilly (703–732–3300), Privacy Officer, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., Washington, DC 20536; or Mary Ellen Callahan (703–235–0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, the Department of Homeland Security is updating and reissuing Department of Homeland Security (DHS)/U.S. Immigration and Customs Enforcement (ICE)—011 Removable Alien Records System of Records (74 FR 4965, Jan. 28, 2009) to include additional DHS records pertaining to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by DHS. This system of records is also being updated to include records pertaining to fugitive aliens and aliens paroled into the United States (U.S.) by ICE. The system of records is being renamed DHS/ICE–011 Immigration and Enforcement Operational Records System of Records (ENFORCE) to better reflect the nature and scope of the records maintained.

DHS is updating this notice to include the following substantive changes: (1) An update to the categories of records to include clarifying language as well as to provide the Department of Justice (DOJ) with DNA samples as required by 28 CFR Part 28; (2) the addition of routine uses to (a) incorporate the routine uses that were already part of the published DHS/ICE—011 Removable Aliens Records System of Records (RARS) (74 FR 20719, May 5, 2009) into this newly consolidated SORN, (b) provide information to individuals in the determination of whether or not an alien has been removed from the U.S., (c) assist agencies in collecting debts owed to them or the U.S. Government, (d) allow sharing with the Department of State (DOS) for immigration benefits and visa activities, as well as when DOS is contacted by foreign governments to discuss particular matters involving aliens in custody or other ICE enforcement matters that may involve identified individuals, (e) allow the Office of Management and Budget (OMB) to review the private immigration relief bill process in Congress, (f) inform members of Congress about an alien who is being considered for private immigration relief, (g) share operational information with other law enforcement agencies to prevent conflicting investigations or activities, (h) coordinate the transportation, custody, and care of U.S. Marshals Service (USMS) prisoners, (i) allow third parties to facilitate the placement or release of an alien who has been or are in the process of being released from ICE custody, (j) provide information about an alien who has or is in the process of being released from ICE custody who may pose a health or safety risk, (k) to provide information facilitating the issuance of an immigration detainer on an individual in custody or the transfer of an individual to ICE or another agency, (l) disclose DNA samples and related information as required by Federal regulation, (m) to facilitate the transmission of arrest information to the Department of Justice for inclusion in relevant law enforcement databases and for the enforcement Federal firearms licensing laws, and (n) to disclose information to persons seeking to post or arrange immigration bonds. These updated routine uses are compatible with the purpose of this system because

they sharing will assist ICE with its immigration and law enforcement mission.

With the publication of this notice, DHS is also merging into the DHS/ICE–011 ENFORCE System of Records certain records from an existing system of records titled, DHS/ICE–CBP–CIS–001–03 Enforcement Operational Immigration Records System of Records (71 FR 13987, March 20, 2006), and retiring that system of records. When last published, DHS/ICE–CBP–CIS–001–03 Enforcement Operational Immigration Records System of Records covered biometric and biographic information collected during DHS enforcement encounters and screening at ports of entry. The system of records supported DHS in the identification, investigation, apprehension, and/or removal of aliens unlawfully entering or present in the U.S. and facilitated the legal entry of individuals. The records described in DHS/ICE–CBP–CIS–001–03 Enforcement Operational Immigration Records System of Records were owned by several components within DHS, specifically ICE, CBP, and USCIS. After stewardship for the DHS biometric records database titled, Automated Biometric Identification System (IDENT), which had been covered by DHS/ICE–CBP–CIS–001–03 Enforcement Operational Immigration Records System of Records, was transferred in 2006 to DHS's U.S. Visitor and Immigrant Status Indictor Technology (US–VISIT) Program, US–VISIT established a separate system of records titled, DHS/US–VISIT–0012 Automated Biometric Identification System (IDENT) (72 FR 31080, June 5, 2007) to cover records in that database. The remaining non-IDENT records in DHS/ICE–CBP–CIS–001–03 Enforcement Operational Immigration Records System of Records pertained to enforcement encounters and admission screening of individuals at the border, and were owned by ICE and CBP. Of those, CBP records are now covered by the system of records titled, DHS/CBP–011 TECS System of Records (73 FR 77778, December 19, 2008), and ICE's records are now covered by the DHS/ICE–011 ENFORCE System of Records, which is the subject of this notice.

II. ENFORCE System of Records

The DHS/ICE–011 ENFORCE System of Records consists of paper and electronic records related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by DHS, including fugitive aliens and paroled aliens.

Criminal and Immigration Enforcement Records

The DHS/ICE–011 ENFORCE System of Records contains personal information about individuals who are criminal suspects, alleged immigration violators, and other individuals whose information may be collected or obtained during the course of an immigration enforcement or criminal matter (*e.g.,* witnesses, associates, relatives). This system of records will also contain biographical information of those prisoners that ICE holds in its detention facilities for the USMS under an interagency agreement. These records are maintained in an ICE-owned and operated information technology system known as the Enforcement Integrated Database (EID). Associated paper records are also maintained. EID captures and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and law enforcement investigations and operations conducted by ICE. While CBP law enforcement personnel can also create and access EID information, CBP records in EID are covered by the DHS/CBP TECS System of Records.

The EID supports a variety of DHS law enforcement processes and workflows, especially those related to the enforcement of immigration laws. As an alleged immigration violator (*i.e.,* subject) moves through the enforcement process (*e.g.,* arrest, booking, detention, or removal), DHS personnel create, modify, and access the data stored in the EID's central data repository. In addition to supporting the immigration enforcement process, EID also supports DHS's arrest and booking of subjects for violations of U.S. customs laws and other Federal criminal laws. This updated system of records notice is being published concurrently with the Privacy Impact Assessment (PIA) for ICE's EID because information maintained in EID is described in this notice. The EID PIA is available on the DHS Privacy Office Web site at *http://www.dhs.gov/privacy.*

Fugitive Alien Records

The DHS/ICE–011 ENFORCE System of Records also contains records pertaining to ICE's efforts to identify, locate, apprehend and remove fugitive aliens from the United States. Fugitive aliens are aliens ordered and/or removed from the United States by a U.S. Immigration Judge, but who failed to appear as ordered for removal. ICE maintains records on aliens who are fugitives and collects information from other government systems and commercial data sources to identify leads that may reveal the fugitive's current location. ICE records are updated when fugitive aliens are apprehended and removed by ICE. ICE's Fugitive Case Management System (FCMS) is the information system in which these records are maintained, and associated paper records are also maintained. A PIA for FCMS is available on the DHS Privacy Office Web site at *http://www.dhs.gov/privacy.*

Paroled Alien Records

Finally, the DHS/ICE–011 ENFORCE System of Records also contains records pertaining to aliens who are paroled into the United States by ICE. ICE maintains records on the individual aliens who are paroled into the United States in order to track and manage parolees and ensure they comply with the terms of parole. ICE's Parole Case Tracking System (PCTS) is the information system in which these records are maintained, and associated paper records are also maintained. A PIA for PCTS is in progress and expected to be published in 2010.

Consistent with DHS's information sharing mission, information stored in the DHS/ICE–011 ENFORCE System of Records may be shared with other DHS components, as well as appropriate Federal, State, local, Tribal, foreign, or international government agencies. This sharing will only take place after DHS determines that the receiving component or agency has a need to know the information to carry out national security, law enforcement, immigration, intelligence, or other functions consistent with the routine uses set forth in this system of records notice.

Portions of the DHS/ALL–011 ENFORCE System of Records are exempt from one or more provisions of the Privacy Act because of criminal, civil and administrative enforcement requirements. Individuals may request information about records pertaining to them stored in the DHS/ALL–011 ENFORCE System of Records as outlined in the "Notification Procedure" section below. ICE reserves the right to exempt various records from release. The Secretary of Homeland Security has exempted portions of this system of records from subsections (c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), and (e)(8); and (g) of the Privacy Act pursuant to 5 U.S.C. § 552a(j)(2). In addition, the Secretary of Homeland Security has exempted portions of this system of records from

subsections (c)(3); (d); (e)(1), (e)(4)(G), and (e)(4)(H) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). These exemptions apply only to the extent that records in the system are subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

III. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the U.S. Government collects, maintains, uses, and disseminates individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR Part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency recordkeeping practices transparent, to notify individuals regarding the uses to which their records are put, and to assist individuals to more easily find such files within the agency. Below is the description of the DHS/ICE–011 Immigration and Enforcement Operational Records (ENFORCE) System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS:

DHS/ICE–011

SYSTEM NAME:

Immigration and Enforcement Operational Records (ENFORCE).

SECURITY CLASSIFICATION:

Unclassified; Controlled Unclassified Information (CUI).

SYSTEM LOCATION:

Records are maintained at the U.S. Immigration Customs and Enforcement (ICE) Headquarters in Washington, DC, ICE field and attaché offices, and detention facilities operated by or on behalf of ICE, or that otherwise house individuals detained by ICE.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include:

1. Individuals arrested, detained, and/or removed for criminal and/or administrative violations of the Immigration and Nationality Act, or individuals who are the subject of an ICE immigration detainer issued to another custodial agency;
2. Individuals arrested by ICE law enforcement personnel for violations of Federal criminal laws enforced by ICE or DHS;
3. Individuals who fail to leave the United States after receiving a final order of removal, deportation, or exclusion, or who fail to report to ICE for removal after receiving notice to do so (fugitive aliens);
4. Individuals who are granted parole into the United States under section 212(d)(5) of the Immigration and Nationality Act (parolees);
5. Other individuals whose information may be collected or obtained during the course of an immigration enforcement or criminal matter, such as witnesses, associates, and relatives;
6. Attorneys or representatives who represent individuals listed in categories (a)–(d) above;
7. Persons who post or arrange bond for the release of an individual from ICE detention, or receive custodial property of a detained alien;
8. Personnel of other agencies who assisted or participated in the arrest or investigation of an alien, or who are maintaining custody of an alien; and
9. Prisoners of the U.S. Marshals Service held in ICE detention facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

1. Biographic, descriptive, historical and other identifying data, including but not limited to: Names; aliases; fingerprint identification number (FIN); date and place of birth; passport and other travel document information; nationality; aliases; Alien Registration Number (A-Number); Social Security Number; contact or location information (*e.g.,* known or possible addresses, phone numbers); visa information; employment, educational, immigration, and criminal history; height, weight, eye color, hair color and other unique physical characteristics (*e.g.,* scars and tattoos).
2. Biometric data: Fingerprints and photographs. DNA samples required by DOJ regulation (see 28 CFR Part 28) to be collected and sent to the Federal Bureau of Investigation (FBI). DNA samples are not retained or analyzed by DHS.
3. Information pertaining to ICE's collection of DNA samples, limited to the date and time of a successful collection and confirmation from the FBI that the sample was able to be sequenced. ICE does not receive or maintain the results of the FBI's DNA analysis (*i.e.,* DNA sequences).
4. Case-related data, including: Case number, record number, and other data describing an event involving alleged violations of criminal or immigration law (location, date, time, event category, types of criminal or immigration law violations alleged, types of property involved, use of violence, weapons, or assault against DHS personnel or third parties, attempted escape and other related information; event categories describe broad categories of criminal law enforcement, such as immigration worksite enforcement, contraband smuggling, and human trafficking). ICE case management information, including: Case category, case agent, date initiated, and date completed.
5. Birth, marriage, education, employment, travel, and other information derived from affidavits, certificates, manifests, and other documents presented to or collected by ICE during immigration and law enforcement proceedings or activities. This data typically pertains to subjects, relatives, and witnesses.
6. Detention data on aliens, including immigration detainers issued; transportation information; detention-related identification numbers; custodial property; information about an alien's release from custody on bond, recognizance, or supervision; detention facility; security classification; book-in/book-out date and time; mandatory detention and criminal flags; aggravated felon status; and other alerts.
7. Detention data for U.S. Marshals Service prisoners, including: prisoner's name, date of birth, country of birth, detainee identification number, FBI identification number, State identification number, book-in date, book-out date, and security classification;
8. Limited health information relevant to an individual's placement in an ICE detention facility or transportation requirements (*e.g.,* general information

on physical disabilities or other special needs to ensure that an individual is placed in a facility or bed that can accommodate their requirements). Medical records about individuals in ICE custody (*i.e.,* records relating to the diagnosis or treatment of individuals) are maintained in DHS/ICE—013 Alien Medical Records System of Records;

9. Progress, status and final result of removal, prosecution, and other DHS processes and relating appeals, including: information relating to criminal convictions, incarceration, travel documents and other information pertaining to the actual removal of aliens from the United States.

10. Contact, biographical and identifying data of relatives, attorneys or representatives, associates or witnesses of an alien in proceedings initiated and/or conducted by DHS including, but not limited to: name, date of birth, place of birth, telephone number, and business or agency name.

11. Data concerning personnel of other agencies that arrested, or assisted or participated in the arrest or investigation of, or are maintaining custody of an individual whose arrest record is contained in this system of records. This can include: name, title, agency name, address, telephone number and other information.

12. Data about persons who post or arrange an immigration bond for the release of an individual from ICE custody, or receive custodial property of an individual in ICE custody. This data may include: name, address, telephone number, Social Security Number and other information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1103, 1225, 1226, 1324, 1357, 1360, and 1365(a)(b); Justice for All Act of 2004 (Pub. L. 108–405); DNA Fingerprint Act of 2005 (Pub. L. 109–162); Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109–248); and 28 CFR Part 28, "DNA–Sample Collection and Biological Evidence Preservation in the Federal Jurisdiction."

PURPOSE(S):

The purposes of this system are:

1. To support the identification, apprehension, and removal of individuals unlawfully entering or present in the United States in violation of the Immigration and Nationality Act, including fugitive aliens.

2. To support the identification and arrest of individuals (both citizens and non-citizens) who commit violations of Federal criminal laws enforced by DHS.

3. To track the process and results of administrative and criminal proceedings against individuals who are alleged to have violated the Immigration and Nationality Act or other laws enforced by DHS.

4. To support the grant, denial, and tracking of individuals who seek or receive parole into the United States.

5. To provide criminal and immigration history information during DHS enforcement encounters, and background checks on applicants for DHS immigration benefits (*e.g.,* employment authorization and petitions).

6. To identify potential criminal activity, immigration violations, and threats to homeland security; to uphold and enforce the law; and to ensure public safety.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, or to a court, magistrate, administrative tribunal, opposing counsel, parties, and witnesses, in the course of a civil or criminal proceeding before a court or adjudicative body when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee of DHS in his/her official capacity;

3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or

4. The U.S. or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, Tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, including to an actual or potential party or his or her attorney, or in connection with criminal law proceedings.

I. To other Federal, State, local, or foreign government agencies,

individuals, and organizations during the course of an investigation, proceeding, or activity within the purview of immigration and nationality laws to elicit information required by DHS/ICE to carry out its functions and statutory mandates.

J. To the appropriate foreign government agency charged with enforcing or implementing laws where there is an indication of a violation or potential violation of the law of another nation (whether civil or criminal), and to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity.

K. To other Federal agencies for the purpose of conducting national intelligence and security investigations.

L. To any Federal agency, where appropriate, to enable such agency to make determinations regarding the payment of Federal benefits to the record subject in accordance with that agency's statutory responsibilities.

M. To foreign governments for the purpose of coordinating and conducting the removal of aliens to other nations; and to international, foreign, and intergovernmental agencies, authorities, and organizations in accordance with law and formal or informal international arrangements.

N. To family members and attorneys or other agents acting on behalf of an alien, to assist those individuals in determining whether: (1) The alien has been arrested by DHS for immigration violations; (2) the location of the alien if in DHS custody; or (3) the alien has been removed from the United States, provided however, that the requesting individuals are able to verify the alien's date of birth or Alien Registration Number (A–Number), or can otherwise present adequate verification of a familial or agency relationship with the alien.

O. To the DOJ Executive Office of Immigration Review (EOIR) or their contractors, consultants, or others performing or working on a contract for EOIR, for the purpose of providing information about aliens who are or may be placed in removal proceedings so that EOIR may arrange for the provision of educational services to those aliens under EOIR's Legal Orientation Program.

P. To attorneys or legal representatives for the purpose of facilitating group presentations to aliens in detention that will provide the aliens with information about their rights under U.S. immigration law and procedures.

Q. To a Federal, State, Tribal or local government agency to assist such agencies in collecting the repayment of recovery of loans, benefits, grants, fines, bonds, civil penalties, judgments or other debts owed to them or to the U.S. Government, and/or to obtain information that may assist DHS in collecting debts owed to the U.S. Government.

R. To the State Department in the processing of petitions or applications for immigration benefits and non-immigrant visas under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements; or when the State Department requires information to consider and/or provide an informed response to a request for information from a foreign, international, or intergovernmental agency, authority, or organization about an alien or an enforcement operation with transnational implications.

S. To the Office of Management and Budget (OMB) in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

T. To the U.S. Senate Committee on the Judiciary or the U.S. House of Representatives Committee on the Judiciary when necessary to inform members of Congress about an alien who is being considered for private immigration relief.

U. To a criminal, civil, or regulatory law enforcement authority (whether Federal, State, local, territorial, Tribal, international or foreign) where the information is necessary for collaboration, coordination and de-confliction of investigative matters, to avoid duplicative or disruptive efforts and for the safety of law enforcement officers who may be working on related investigations.

V. To the U.S. Marshals Service concerning Marshals Service prisoners that are or will be held in detention facilities operated by or on behalf of ICE in order to coordinate the transportation, custody, and care of these individuals.

W. To third parties to facilitate placement or release of an alien (*e.g.,* at a group home, homeless shelter, *etc.*) who has been or is about to be released from ICE custody but only such information that is relevant and necessary to arrange housing or continuing medical care for the alien.

X. To an appropriate domestic government agency or other appropriate authority for the purpose of providing information about an alien who has been or is about to be released from ICE custody who, due to a condition such as mental illness, may pose a health or safety risk to himself/herself or to the community. ICE will only disclose information about the individual that is relevant to the health or safety risk they may pose and/or the means to mitigate that risk (*e.g.,* the alien's need to remain on certain medication for a serious mental health condition).

Y. To the DOJ Federal Bureau of Prisons (BOP) and other Federal, State, local, territorial, Tribal and foreign law enforcement or custodial agencies for the purpose of placing an immigration detainer on an individual in that agency's custody, or to facilitate the transfer of custody of an individual from ICE to the other agency. This will include the transfer of information about unaccompanied minor children to the U.S. Department of Health and Human Services (HHS) to facilitate the custodial transfer of such children from ICE to HHS.

Z. To DOJ, disclosure of DNA samples and related information as required by 28 CFR Part 28.

AA. To DOJ, disclosure of arrest and removal information for inclusion in relevant DOJ law enforcement databases and for use in the enforcement Federal firearms laws (*e.g.,* Brady Act).

BB. To Federal, State, local, Tribal, territorial, or foreign governmental or quasi-governmental agencies or courts to confirm the location, custodial status, removal or voluntary departure of an alien from the United States, in order to facilitate the recipient agencies' exercise of responsibilities pertaining to the custody, care, or legal rights (including issuance of a U.S. passport) of the removed individual's minor children, or the adjudication or collection of child support payments or other debts owed by the removed individual.

CC. Disclosure to victims regarding custodial information, such as release on bond, order of supervision, removal from the United States, or death in custody, about an individual who is the subject of a criminal or immigration investigation, proceeding, or prosecution.

DD. To any person or entity to the extent necessary to prevent immediate loss of life or serious bodily injury, (*e.g.,* disclosure of custodial release information to witnesses who have received threats from individuals in custody.)

EE. To an individual or entity seeking to post or arrange, or who has already posted or arranged, an immigration bond for an alien to aid the individual or entity in (1) identifying the location of the alien, or (2) posting the bond, obtaining payments related to the bond,

or conducting other administrative or financial management activities related to the bond.

FF. To appropriate Federal, State, local, Tribal, or foreign governmental agencies or multilateral governmental organizations where DHS is aware of a need to utilize relevant data for purposes of testing new technology and systems designed to enhance national security or identify other violations of law.

GG. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information can be stored in case file folders, cabinets, safes, or a variety of electronic or computer databases and storage media.

RETRIEVABILITY:

Records may be retrieved by name, identification numbers including, but not limited to, alien registration number (A–Number), fingerprint identification number, Social Security Number, case or record number if applicable, case related data and/or combination of other personal identifiers including, but not limited to, date of birth and nationality.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

ICE is in the process of drafting a proposed record retention schedule for the information maintained in the Enforcement Integrated Database (EID). ICE anticipates retaining records of arrests, detentions and removals in EID for one-hundred (100) years; records concerning U.S. Marshals Service prisoners for ten (10) years; fingerprints and photographs collected using Mobile IDENT for up to seven (7) days in the cache of an encrypted government laptop; Enforcement Integrated Database Data Mart (EID–DM), ENFORCE Alien Removal Module Data Mart (EARM–DM), and ICE Integrated Decision Support (IIDS) records for seventy-five (75) years; user account management records (UAM) for ten (10) years following an individual's separation of employment from Federal service; statistical records for ten (10) years; audit files for fifteen (15) years; and backup files for up to one (1) month.

ICE anticipates retaining records from the Fugitive Case Management System (FCMS) for ten (10) years after a fugitive alien has been arrested and removed from the United States; 75 years from the creation of the record for a criminal fugitive alien that has not been arrested and removed; ten (10) years after a fugitive alien reaches 70 years of age, provided the alien has not been arrested and removed and does not have a criminal history in the United States; ten (10) years after a fugitive alien has obtained legal status; ten (10) years after arrest and/or removal from the United States for a non-fugitive alien's information, whichever is later; audit files for 90 days; backup files for 30 days; and reports for ten (10) years or when no longer needed for administrative, legal, audit, or other operations purposes.

SYSTEM MANAGER AND ADDRESS:

Unit Chief, Law Enforcement Systems/Data Management, U.S. Immigration and Customs Enforcement, Office of Investigations Law Enforcement Support and Information Management Division, Potomac Center North, 500 12th Street, SW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, ICE will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to ICE's FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under "contacts."

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov* or 1–866–431–0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Records in the system are supplied by several sources. In general, information is obtained from individuals covered by this system, and other Federal, State, local, Tribal, or foreign governments. More specifically, DHS/ICE–011 records derive from the following sources:

(a) Individuals covered by the system and other individuals (*e.g.,* witnesses, family members);

(b) Other Federal, State, local, Tribal, or foreign governments and government information systems;

(c) Business records;

(d) Evidence, contraband, and other seized material; and

(e) Public and commercial sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Secretary of Homeland Security has exempted portions of this system of records from subsections (c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), and (e)(8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the Secretary of Homeland Security has exempted portions of this system of records from subsections (c)(3); (d); (e)(1), (e)(4)(G), and (e)(4)(H) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). These exemptions apply only to the extent that records in the system are subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

In addition, to the extent a record contains information from other exempt systems of records, DHS will rely on the exemptions claimed for those systems.

Dated: February 24, 2010.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2010–4099 Filed 2–26–10; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–15]

Fungibility Plan and Follow-Up Reporting To Implement Section 901 on Voucher Funds for Displaced Hurricane Katrina and Rita Families

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Eligible PHAs in areas most heavily impacted by Hurricanes Katrina and Rita will submit a Notice of Intent and Section 901 Fungibility Plan to inform HUD they will exercise funding flexibility and describe how program funds will be used. PHAs will submit quarterly and annual reports on fund utilization.

DATES: *Comments Due Date: March 31, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2577–0245) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney Jr. at *Leroy.McKinneyJr@hud.gov* or telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Notice of Intent and Fungibility Plan and Follow-Up Reporting to Implement Section 901 of 2006 Supplemental Emergency Appropriations authorizing PHAs to Combine or Use Public Housing Capital or Operating Funds, or Housing Choice Voucher Funds for other program purposes to Aid Formerly Assisted Families Displaced by Hurricanes Katrina and Rita.

OMB Approval Number: 2577–0245.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: Eligible PHAs in areas most heavily impacted by Hurricanes Katrina and Rita will submit a Notice of Intent and Section 901 Fungibility Plan to inform HUD they will exercise funding flexibility and describe how program funds will be used. PHAs will submit quarterly and annual reports on fund utilization.

Frequency of Submission: Quarterly, Annually, Other one-time upfront fungibility plan submission-annual reporting for 5 years, one final report.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	12	6		23.33		1,680

Total Estimated Burden Hours: 1,680.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 23, 2010.

Leroy McKinney, Jr.,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–4158 Filed 2–26–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–11]

Notice of Proposed Information Collection: Comment Request; Owner of Record and Re-Sale Data To Preclude Predatory Lending Practices (Property Flipping) on FHA Insured Mortgages

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 30, 2010.