



DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Privacy Act of 1974; System of Records

AGENCY: Foreign Claims Settlement Commission of the United States., DOJ.

ACTION: Notice of a New System of Records

SUMMARY: Pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a), the Foreign Claims Settlement Commission (Commission), Department of Justice, proposes to establish a new system of records to enable the Commission to carry out its statutory responsibility to receive, examine, adjudicate and render final decisions with respect to claims for compensation of U.S. nationals referred to the Commission by the Department of State under 22 U.S.C. § 1623(a)(1)(C) (“Claims Referred by the Department of State”). The Claims Referred by the Department of State System will include documentation provided by the claimants as well as background material that will assist the Commission in the processing of their claims. The system will also include the final decision of the Commission regarding the claim.

DATES: In accordance with 5 U.S.C. § 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Accordingly, please submit any comments by [The Federal Register will insert the date 30 days from the date this notice is published in the Federal Register]. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system.

ADDRESS: The public, OMB, and Congress are invited to submit any comments to the Foreign Claims Settlement Commission of the United States, 600 E Street, N.W., Suite 6002, Washington, D.C. 20579.

FOR FURTHER INFORMATION CONTACT: The Administrative Office, Foreign Claims Settlement Commission, U.S. Department of Justice, 600 E Street, N.W., Suite 6002, Washington, DC 20579, or by telephone at (202) 616-6975.

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

Chief Counsel

JUSTICE/FCSC-31

SYSTEM NAME: Claims Referred by the Department of State.

SECURITY CLASSIFICATION: Unclassified

SYSTEM LOCATION: Offices of the Foreign Claims Settlement Commission, 600 E Street, N.W., Suite 6002, Washington, DC 20579.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Persons who file claims against a foreign government that are included within a category claims referred by the Department of State to the Foreign Claims Settlement Commission pursuant to section 4(a)(1)(C) of the International Claims Settlement Act of 1949, as amended, 22 U.S.C. § 1623(a)(1)(C).

CATEGORIES OF RECORDS IN THE SYSTEM: Claim information, including name and address of claimant and representative, if any; date and place of birth or naturalization; nature of claim; description of loss or injury including medical records; and other evidence establishing entitlement to compensation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Authority to establish and maintain this system is contained in 5 U.S.C. § 301 and 44 U.S.C. § 3101, which authorize the Chairman of the Commission to create and maintain federal records of agency activities, and is further described in 22 U.S.C. § 1622e, which vests all non-adjudicatory functions, powers and duties in the Chairman of the Commission.

PURPOSE: To enable the Commission to carry out its statutory responsibility to determine the validity and amount of certain claims of U.S. nationals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS

AND THE PURPOSES OF SUCH USES: The information contained in this system of records will be disclosed by the Commission under the following circumstances:

- a. To the Department of State and the Department of the Treasury in connection with the negotiation, adjudication, settlement and payment of claims;
- b. 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 a Commission function related to this system of records;

- c. 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;
- d. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law – criminal, civil, or regulatory in nature – the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;
- e. In an appropriate proceeding before the Commission, or before a court, grand jury, or administrative or adjudicative body, when the Department of Justice and/or the Commission determines that 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;
- f. To a former employee of the Commission for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Commission regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Commission requires information and/or consultation from the former employee regarding a matter within that person's former area of responsibility;
- g. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. §§ 2904 and 2906.
- h. To appropriate agencies, entities, and persons when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Commission 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 the Commission or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;
- i. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

STORAGE: Paper records maintained in file folders at the Commission's office and electronic records located on the Commission's Server.

RETRIEVABILITY: Information from this system of records will be retrieved by claim number and/or decision number. An alphabetical index may be used by the Commission for identification of a claim by claimants' name.

SAFEGUARDS: Paper records are under security safeguards at the Commission's office. The electronic records are safeguarded by the DOJ JCON security procedures. Access to the Commission's data requires a password and is limited to Commission employees and contractors with appropriate security clearances.

RETENTION AND DISPOSAL: Records are maintained under 5 U.S.C. § 301. Disposal of records will be in accordance with the determination by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS: Foreign Claims Settlement Commission, 600 E Street, N.W., Suite 6002, Washington, DC 20579. Telephone: (202) 616-6975. Fax: (202) 616-6993.

NOTIFICATION PROCEDURE: The Administrative Officer will inform any person or other agency about any correction or notation of dispute made in accordance with title 45 C.F.R. § 503.7 of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

RECORD ACCESS PROCEDURE: (a) Upon request in person or by mail, any individual will be informed whether or not a system of records maintained by the Commission contains a record or information pertaining to that individual. (b) Any individual requesting access to a record or information on himself or herself must appear in person at the offices of the Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC, between the hours of 9 a.m. and 5:00 p.m., Monday through Friday, and (1) Provide information sufficient to identify the record, e.g., the individual's own name, claim and decision number, date and place of birth, etc.; (2) Provide identification sufficient to verify the individual's identity, e.g., driver's license, Medicare card, or other government issued identification; and (3) Any individual requesting access to records or information pertaining to himself or herself may be accompanied by a person of the individual's own choosing while reviewing the records or information. If an individual elects to be so accompanied, advance notification of the election will be required along with a written statement authorizing disclosure and discussion of the record in the presence of the accompanying person at any time, including the time access is granted. (c) Any individual making a request for access to records or information pertaining to himself or herself by mail must address the request to the Privacy Officer, Foreign Claims Settlement Commission, 600 E Street, N.W., Room 6002, Washington, DC 20579, and must provide information acceptable to the Commission to verify the individual's

identity. (d) Responses to requests under this section normally will be made within ten (10) days of receipt (excluding Saturdays, Sundays, and legal holidays). If it is not possible to respond to requests within that period, an acknowledgment will be sent to the individual within ten (10) days of receipt of the request (excluding Saturdays, Sundays, and legal holidays).

CONTESTING RECORD PROCEDURES: (a) Any individual may request amendment of a record pertaining to himself or herself according to the procedure in paragraph (b) of this section, except in the case of records described under paragraph (d) of this section. (b) After inspection by an individual of a record pertaining to himself or herself, the individual may file a written request, presented in person or by mail, with the Administrative Officer, for an amendment to a record. The request must specify the particular portions of the record to be amended, the desired amendments and the reasons therefor. (c) Not later than ten (10) days (excluding Saturdays, Sundays, and legal holidays) after the receipt of a request made in accordance with this section to amend a record in whole or in part, the Administrative Officer will: (1) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction; or (2) Inform the individual, by certified mail return receipt requested, of the refusal to amend the record, setting forth the reasons therefor, and notify the individual of the right to appeal that determination as provided under 45 C.F.R. § 503.8. (d) The provisions for amending records do not apply to evidence presented in the course of Commission proceedings in the adjudication of claims, nor do they permit collateral attack upon what has already been subject to final agency action in the adjudication of claims in programs previously completed by the Commission pursuant to statutory time limitations.

RECORD SOURCE CATEGORIES: Claimant on whom the record is maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM: None

[FR Doc. 2013-15478 Filed 06/27/2013 at 8:45 am; Publication Date: 06/28/2013]