

78 FR 02672
FEDERAL REGISTER
Implementation of the Privacy Act of 1974, as amended;
Republication to Delete and Update Privacy Act System of Records Notifications
[Docket No. 2013-02672; FR-5693-N-02]
BILLING CODE 4210-67-P

February 6, 2013

ACTION: Notice Republication.

SUMMARY: Pursuant to the Privacy Act of 1974 (U.S.C. 552a (e) (4)), as amended, and Office of Management and Budget (OMB), Circular No. A-130, notice is hereby given that the Department of Housing and Urban Development (HUD), Office of the Chief Information Officer (OCIO) republishes in the Federal Register, after a comprehensive review, actions for program component system of records. The revisions implemented under this republication are corrective and administrative changes that refine previously published details for each system of records in a clear and cohesive format.

DATES: **EFFECTIVE DATE:** All revisions included in this republication are complete and accurate as of December 14, 2012.

TEXT: **SYSTEM OF RECORDS NOTICE**

SYSTEM OF RECORD NO.: FHEO/EGID.01

SYSTEM NAME: Title Eight Automated Paperless Office Tracking System (TEAPOTs)

SYSTEM LOCATIONS: Electronic Records reside on HUD Network servers. Location is 2020 Union Carbide Drive South Charleston West Virginia 25303-2734. The Paper Records are located at the office where the investigation originated and may also be transferred to associated area and/or Regional Offices, or the Headquarters Office. In addition to HUD's headquarters building located at 451 Seventh Street SW, Washington, DC 20715, HUD also

operates Regional and Field Offices locations where TEAPOTs Privacy Act records may in some cases be maintained or accessed, including: Baltimore MD; Boston, MA; Pittsburgh, PA; Hartford, CT; Richmond, VA; New York, NY; Newark, NJ; Atlanta, GA; Buffalo, NY; San Juan, Puerto Rico; Philadelphia, PA; Louisville, KY; Miami, FL; Birmingham, AL; Knoxville, TN; Greensboro, SC; Chicago, IL; Columbus, OH; Detroit, MI; Minneapolis, MN; Milwaukee, WI; Indianapolis, IN; Cleveland, OH; Jackson MS; Jacksonville, FL; Albuquerque, NM; Little Rock, AR; Houston, TX; Houston, TX; Kansas City, KS; St. Louis, MO; Omaha, NE; Denver, CO; Fort Worth, TX; New Orleans; Oklahoma City, OK; Honolulu, HI; Seattle, WA; San Francisco, CA; Los Angeles, CA; Portland, OR; Anchorage, AK. Refer to Appendix II for complete address listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988 (42 U.S.C. 3601 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. Sections 2000d-2000d-7), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), Section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301-5321), Title II of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), Age Discrimination Act of 1975 (42 U.S.C. Sections 6101-107), Title IX of the Education Amendments Act of 1972(Title 20 U.S.C. Sections 1681-1688), and the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.).

PURPOSES: FHEO TEAPOTS is the system that maintains case file data when further investigation is warranted, under a filed housing discrimination complaint. This is where the housing discrimination complaint inquiries and case files are documented and stored during the investigation process. Information on the complainants is collected on a case-by-case basis only if relevant to the particular case. The origination of a compliant begins with the origination of

the HUD Form 903. The HUD Form 903 is used for filing discrimination complaints over unfair housing practices. This form is available in paper and on-line. The public may submit a HUD Form 903 (a housing discrimination complaint form) via the internet or by mail. HUD Form 903 collects initial potential case information for assessment and turns the information over to the appropriate regional office jurisdiction. Information gathered through the HUD Form 903 system opens an inquiry with FHEO that is explored through further discussion between FHEO staff and the complainant. These discussions gather additional data that establish jurisdiction and determine whether or not to launch an investigation. HUD's FHEO also use these records within TEAPOT's to monitor the quality of the investigations performed by authorized non-Federal agencies, and to determine the amount these agencies should be paid for performing the investigating. A paper case file that includes the information tracked in TEAPOTS, as well as additional information, is maintained outside of TEAPOTS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All persons filing a housing discrimination complaint (known as Complainants) and their representatives; all persons and/or organizations identified by Complainants as having committed housing discrimination (known as Respondents) and their representatives; all those investigating and reviewing the housing discrimination complaint

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Complainant's or Respondent's Representative (if applicable); Home and work address of Complainant, Respondent Organization, and Representative; Contact number for Complainant, Respondent/Respondent Organization, Witnesses, and Representative. Because TEAPOTS is the fair housing complaints database, it normally maintains the following personal information of the Complainant, other aggrieved parties information, the Respondent, and/or witnesses based on the issues and bases of what is alleged in the complaint cases. Also included is race, national origin, disability (mental/physical); family status (pregnancy, families with children under 18); religion types of personal information, documents that may be maintained and found in TEAPOTS; Letters from physicians/medical records (in disability-based/reasonable accommodation claims); Rental lease agreements; Financial and loan information (in fair lending cases); Name, age/date of birth of minor children, and number of dependents (in family status cases, which includes families with children under the age of 18.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, HUD may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. To individuals under contract to HUD or under contract to another agency with funds provided by HUD for the purpose of conducting oversight and monitoring of program operations to determine compliance with applicable laws and regulations, and FHEO reporting requirements (individuals provided information under this routine use is subject to

Privacy Act requirements and limitation on disclosures as are applicable to HUD officials and employees);

2. To State and local agencies Once certified by HUD to investigate and adjudicate Title VIII housing discrimination complaints, State and local agencies also use TEAPOTS to record investigation information;
3. To authorized requestors requesting release from records under the Freedom of Information Act (FOIA) and the Privacy Act request; and

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, AND DISPOSING OF SYSTEM RECORDS

STORAGE: The data is stored on the TEAPOTS production server, and the reporting server. The data is backed up every night to tape and is stored at the National Archives and Record Administration on a CD for permanent storage, when applicable. Manual records are stored in lockable file cabinets.

RETRIEVABILITY: Records are retrieved by file number, Complaint name, or respondent name.

SAFEGUARDS: A User ID and password are required for authentication, Files Rules of Behavior form prior to being granted system access. These rules emphasize privacy protections of the personally identifiable information in TEAPOTS. Permission restrictions prevent unsolicited and illicit access to another region's data. Manual records are stored in lockable file cabinets; computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

RETENTION AND DISPOSAL: The retention period for the information in TEAPOTs is maintained for the life of the case to support the activity and other enforcement activities that may become related to the case. When the life of the case is closed (the case is no longer needed for administrative or reference use, or to satisfy preservation requirements), and a final determination has been made of the case records, records in the system are maintained in accordance with the approved records schedule, HUD's Records and Disposition Schedule Handbook 2225.6, Appendix 50.¹ Historic or significant investigation files are PERMANENT, pending appraisal by NARA. Files Transfers are made to the National Archives and Records Administration every 5 years, when applicable (Including a listing of restricted data fields, which remain in place 30 years after which a final appraisal is conducted).

SYSTEM MANAGERS AND ADDRESSES: Nina B. Aten, Director, Office of Information Services and Communications, Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5118, Washington, DC 20410.

NOTIFICATION AND RECORD ACCESS PROCEDURES: Individuals seeking to determine whether this system of records contains information about them, or those seeking access to such records, should address inquiries to Donna Robinson-Staton Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410 (Attention: Capitol View Building, 4th Floor). Provide verification of your identity by providing two proofs of identification. Your verification of identity must include your original signature and must be notarized.

¹ <http://portal.hud.gov/hudportal/documents/huddoc?id=22256x50ADMH.pdf>

CONTESTING RECORD PROCEDURES: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting:

- (i) **CONTESTING CONTENTS OF RECORDS:** Department of Housing and Urban Development, Chief Privacy Officer, 451 Seventh Street, SW, Washington, DC 20410 (Attention: Capitol View Building, 4th Floor);
- (ii) **APPEALS OF INITIAL HUD DETERMINATIONS:** In relation to contesting contents of records, the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410.

RECORD SOURCE CATEGORIES: Information is obtained from the record subject.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT: The records in TEAPOTs are maintained for use in civil rather than criminal actions and are prohibited from disclosure pursuant to exemption 5 U.S.C. § 552a (d)(5) of the Privacy Act.