

HUD/OIG-7

SYSTEM NAME: OIG Giglio Information Files.

SYSTEM LOCATION: The offices of Special Agents in Charge and Regional Inspectors General for Audit nationwide and the office of the Deputy Assistant Inspector General for Investigations and Deputy Assistant Inspector General for Audit, all identified as Giglio Officials in the OIG Giglio Policy (Boston, MA; New York City, NY; Philadelphia, PA; Baltimore, MD; Atlanta, GA; Tampa, FL; New Orleans, LA; Kansas City, KS; Chicago, IL; Cleveland, OH; Fort Worth, TX; Los Angeles, CA; Seattle, WA.).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who may serve as affiants or testify as witnesses in criminal proceedings brought by the U.S. Department of Justice. All OIG employees are potential witnesses or affiants in Federal criminal prosecutions brought in connection with the work of OIG. Categories of Records in the System: This system contains potential witness impeachment information including records of disciplinary actions. Records will include, but are not limited to: (a) Specific instances of witness conduct that may be used for the purpose of attacking the witness' credibility or character for truthfulness; (b) evidence in the form of opinion as to a witness' character or reputation for truthfulness; (c) prior inconsistent statements; and (d) information that may be used to suggest that a witness is biased. The system may also contain any judicial rulings, related pleadings, correspondence, or memoranda pertaining to a relevant criminal case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: The Inspector General Act of 1978 (5 U.S.C. App. 3) authorizes the Inspector General to conduct, supervise and coordinate audits and investigations relating to the programs and operations of HUD, and

to receive and investigate complaints concerning possible violations of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial or specific danger to the public health or safety. These activities can require OIG employees to testify in Federal criminal prosecution.

PURPOSE OF THE SYSTEM: This system has been established to enable OIG Giglio Officials (Special Agents in Charge and Regional Inspectors General for Audit nationwide and the office of the Deputy Assistant Inspector General for Investigations and Deputy Assistant Inspector General for Audit) to maintain and disclose records of potential impeachment information on OIG employees who are expected to testify in criminal cases as required by the case law following Giglio. It permits the OIG Giglio Officials to acquire, maintain, and disclose for law enforcement purposes, records relating to impeachment information on OIG employees. It permits the OIG offices identified above to obtain information from Federal and State agencies and personnel records and to maintain and disclose for law enforcement purposes records of impeachment information that is material to the defense of Federal criminal prosecutions. Primary users of this system will be OIG Giglio Officials, who are the regional Special Agents in Charge and Regional Inspectors General for Audit nationwide and the office of the Deputy Assistant Inspector General for Investigations and Deputy Assistant Inspector General for Audit. Secondary users will be Requesting Officials within the Department of Justice, who are senior officials serving as the points of contact concerning potential impeachment information within each of the United States Attorneys' offices, and Assistant United States Attorneys who are prosecuting cases and have an obligation to disclose impeachment material under the Giglio decision.

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 subsection (b) of the Privacy Act of 1974, 5 U.S.C. 552a(b), records may also be disclosed routinely to other users under the following circumstances: A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) Upon request by a Requesting Official within the Department of Justice or a United States Attorney's office, to the Requesting Official, as defined in the United States Attorney's Manual, Title 9, paragraph 5.100, for the United States Attorney for each district (see Appendix USA-999 or EOUSA Internet addresses at:

<http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.usdoj.gov/eousa>) to be used in accordance with that policy.

(b) A record will be provided to a court and/or defense attorney in satisfaction of the prosecuting attorneys' obligations under the Giglio decision and the case law following that decision.

(c) To the Department of Justice (including United States Attorney Offices) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative 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. HUD or HUD OIG or any component of either; 2. Any employee of OIG in his/her official capacity; 3. Any employee of OIG in his/her individual capacity where the Department of Justice has agreed to represent the employee; or 4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and HUD OIG 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 OIG collected the records.

(d) In any case in which there is an indication of a violation or potential violation of law, criminal or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the law;

(e) In the course of investigating any potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, State, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(f) A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(g) Subject to the limitations of 28 CFR 50.2, regarding the release of information during the pendency of criminal trials, and after a determination that release of the specific record in the context of a particular case would not constitute an unwarranted invasion of personal privacy, a record may be disseminated to the news media and public;

(h) Records not otherwise required to be released pursuant to 5 U.S.C. 552a may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests information on behalf of and at the request of the individual who is the subject of the record;

(i) A record may be disclosed as a routine use to the National Archives and Records Administration (NARA) and to the General Services Administration (GSA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(j) Additional Disclosure for Purposes of Facilitating Responses and Remediation Efforts in the Event of a Data Breach. A record from a system of records maintained by this Department may be disclosed to appropriate agencies, entities, and persons when: a. The Department suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised; b. The Department 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 systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and, c. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

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

STORAGE: Generally, all records are recorded on basic paper/cardboard material and stored in file folders in file cabinets. Some Giglio Officials may maintain the records in electronic format available through the Giglio Official's computer terminal.

RETRIEVABILITY: Records are retrieved primarily by the name of the prospective witness. Identify the other means for retrieving records from the system. A record within this system of records may be accessed by the Giglio Official and provided to the Requesting Official.

SAFEGUARDS: Records in the system are confidential and are located in file cabinets in the offices of the Special Agents in Charge or Deputy Assistant Inspector General for Investigations. Offices are locked during non-working hours and are secured by either the Federal Protective Service or in a private building with controlled access. The ability to access electronically is restricted to those who have a valid ID and password. Authorized access is limited to those with a need-to-know and for the appropriate functions.

RETENTION AND DISPOSAL: Records are to be retained and disposed of in accordance with agency retention plans is in accordance with Records Disposition Schedule 3, Items 79-1 to 86, Appendix 3, HUD Handbook 2225.6, Rev. 1, and the OIG Giglio Policy, which states ``Upon transfer or reassignment of the employee within OIG, the Giglio file will be forwarded to the Giglio Official at the employee's new duty station. Upon retirement, resignation, or transfer, the employee's Giglio file will be destroyed and anyone with a copy of the file will be informed to destroy their file on the employee."

SYSTEM MANAGER(S) AND ADDRESS: System Manager for the system in each office is the OIG Giglio Official, defined in the OIG Giglio Policy as the Special Agent in Charge for each region and the Deputy Assistant Inspector General for Investigations. Point of Contact is the Assistant Inspector General for Investigation, Office of the Inspector General, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

NOTIFICATION PROCEDURES: Records are generally exempt from Privacy Act access. However, the System Manager will accept and give consideration to a request from an individual for notification of whether the system contains records pertaining to that individual. Address inquiries to the System Managers listed above.

RECORD ACCESS PROCEDURES: Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this record system has been exempted from the access provisions in 5 U.S.C. 552a(d). However, the System Manager will accept and give consideration to a request from an individual for access to records pertaining to that individual that are indexed and retrieved by reference to that individual's name and/or social security number. The procedures for requesting access to records appear in 24 CFR parts 16 and 2003.

CONTESTING RECORDS PROCEDURE: Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this record system has been exempted from the record contesting provisions in 5 U.S.C. 552a(d)(3)-(4). However, the System Manager will accept and give consideration to a request from an individual for amendment or correction of records pertaining to that individual that are indexed and retrieved by reference to that individual's name and/or social security number. The procedures for requesting amendment or correction of records appear in 24 CFR part 16 and 2003.

RECORDS SOURCE CATEGORIES: Sources of records contained in this system include, but are not limited to, reports of Federal, State and local law enforcement agencies; official personnel files, reports by investigative agencies; data, memoranda and reports from the Court and agencies; and pleadings and other documents relevant to the court proceedings in particular cases. The OIG collects information from a wide variety of sources, including other Federal agencies, law enforcement agencies, program

participants, subject individuals, complainants, witnesses and other non-governmental sources.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT: This system of records, to the extent that it consists of information compiled for the purpose of criminal investigations, has been exempted from the requirements of subsections (c)(3), (d)(1), (d)(2), (e)(1), (e)(2) and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, this system of records, to the extent that it consists of other investigatory material compiled or generated for law enforcement purposes, has been exempted from the requirements of subsections (c)(3), (d)(1), (d)(2) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Finally, this system of records, to the extent that it consists of investigatory material compiled or generated for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, has been exempted from the requirements of subsection (d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

Click the following link to review this SORN publication in the Federal Register:

http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_15173.pdf

Note: Other IG SORNs publication presented under the above notice were updated and republished under a different notice.