The Department's components or its Department to be arguably relevant to and such records are determined by the SYSTEM, INCLUDING CATEGORIES OF ISSUING CONTRACTING OFFICER DELEGATIONS 0.75(j); and Executive Order 12352.

When any of the following is a party to a proceeding before a court or disclosed as a routine use in a USERS AND THE PURPOSE OF SUCH USES:

PURPOSE OF THE SYSTEM:

Individual delegations of procurement authority files will contain information on the employees grade/series, job title, employing bureau location, education, procurement experience and procurement training, type of delegation, level of signatory authority, effective date of entry into the program and experience code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 507, 509 and 510; 41 U.S.C. 257; 5 U.S.C. 301; 28 CFR 0.75(d) and 0.75(j); and Executive Order 12352.

AUTHORIZED USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the Department is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the Department to be arguably relevant to the litigation: The Department, or any of the Department's components or its subdivisions; any Department employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the Department determines that the litigation is likely to affect it or any of the Department's components or its subdivisions.

(2) Records or information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(3) Records or information may be disclosed as is necessary to respond to congressional inquiries on behalf of constituents.

(4) Records may be disclosed to the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of Title 44 U.S.C. 2904 and 2906.

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

STORAGE:

Originals of paper records are kept in standard file cabinets. Duplicates of original paper records will be stored electronically in the Department's main frame computer.

RETRIEVABILITY:

Records are retrieved by name of employee.

SAFEGUARDS:

Paper records are stored in metal filing cabinets and electronic records are stored on the Department's main frame computer. Access to the Patrick Henry Building is protected by 24-hour guard service and is restricted to employees with official identification. Access to records is restricted to authorized personnel with official and electronic identification.

RETENTION AND DISPOSAL:

Files are maintained until the employee leaves the Department at which time paper records are destroyed and electronic records erased.

SYSTEM MANAGERS AND ADDRESS:

The system manager is the Procurement Executive, Justice Management Division, Department of Justice, Patrick Henry Building, Room 6406, 601 D Street, NW, Washington, D.C. 20530.

NOTIFICATION PROCEDURES:

Direct inquiries to the system manager identified above, Attention: FOI/PA Officer. Clearly mark the letter and envelope “Freedom of Information/Privacy Act Request.”

RECORD ACCESS PROCEDURES:

Make all requests for access in writing and clearly mark the letter and envelope “Freedom of Information/Privacy Act Request.” Clearly indicate the name of the requester, nature of the record sought, approximate date(s) of the record(s); and, provide the required verification of identity. (28 CFR 16.41(d)

Direct all requests to the system manager identified above, attention FOI/PA Officer and, provide a return address for transmitting the information.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information to the system manager listed above. State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope “Freedom of Information/Privacy Act Request.”

RECORD SOURCE CATEGORIES:

Information contained in the system is collected from the individual, personnel, and general personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

PRIVACY ACT OF 1974; AMENDED SYSTEM OF RECORDS

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, notice is given that the Office of the Pardon Attorney (OPA), Department of Justice, is amending a system of records entitled “Executive Clemency Files (JUSTICE/OPA–001).”

The OPA is amending the system primarily to include two new routine uses, identified below as “g” and “h,” and to modify routine use “f.” The disclosure of records as described by these routine uses will permit (1) the formulation of informed comments and recommendations by present and former judicial and law enforcement authorities regarding specific clemency applications; (2) the execution of appropriate actions by sentencing authorities subsequent to
Executive Clemency Files.

SYSTEM LOCATION:
Office of the Pardon Attorney (OPA), U.S. Department of Justice, Suite 400, Park Place Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals who have applied for or been granted Executive clemency.

CATEGORIES OF RECORDS IN THE SYSTEM:
The system contains the individual petitions for Executive clemency (Forms OPA–6 or OPA–12) and accompanying oath and character affidavits (Form OPA–11), investigatory material, evaluative reports, official and other correspondence, both solicited and unsolicited, and inter-agency correspondence and memoranda relating to individual petitions for clemency. The system includes Presidential Clemency Board files transferred to the OPA upon termination of the Board on September 15, 1975.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
The system is established and maintained in accordance with the United States Constitution, Article II, Section 2; Executive Order of the President dated June 18, 1893: Order of the Attorney General No. 1011–89, 48 FR 22290 (1983), as codified in 28 CFR 2904 and 2906.

PURPOSE OF THE SYSTEM:
Records in the system may be used as follows: (a) To provide information to the President and member of his staff to facilitate the consideration of the Attorney General's recommendation regarding each petition for Executive clemency; (b) to prepare notices to the public of the name of each grantee of clemency, date of Presidential action, nature of clemency granted, nature of grantee's offense, date and place of sentencing, description of sentence imposed, and names of character affidants and interested parties; to disclose similar information to that specified above with respect to clemency denials of general public interest; (c) to prepare bound and indexed volumes containing photostats of the official warrant of clemency granted each recipient of clemency as a public and official record of Presidential action; (d) upon specific request to advise the requester whether a named person has been granted or denied clemency, the date thereof, and the nature of the clemency granted or denied; (e) to make closed files available for historical research purposes when in the public interest and in conformity with Department of Justice policy; (f) to provide information which indicates a violation or apparent violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, local or foreign; or to provide information in connection with the solicitation of information necessary and relevant to Executive clemency review or to assist these agencies, where appropriate, in performing their law enforcement responsibilities in situations other than those involving a violation or apparent violation of law, e.g., parole or clemency review; (g) to provide information to present and former law enforcement and judicial authorities to permit the formulation of comments and recommendations regarding individual clemency matters arising from cases with which they may be familiar; (h) to make information available to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (i) to make information available 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; and (j) to make records available to the National Archives and Record Administration and to the General Services Administration in accordance with management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
Information in the system is maintained in its original form (i.e., paper letters, notes and memoranda) and stored in locked file cabinets in the OPA and in the Federal Records Center in Suitland, Maryland.

RETRIEVABILITY:
Information is retrieved by using a name index to obtain the case file number assigned to each applicant for Executive clemency.
SAFEGUARDS:

Information contained in the system is protected in accordance with Department of Justice security regulations for Privacy Act systems of records. Files are maintained in the OPA and the Federal Records Center, are not commingled with other Department of Justice records, and are made available only in accordance with the aforementioned routine uses. When not in the custody of an appropriate official, records are stored in a central file room protected by an intrusion alarm.

RECORD ACCESS PROCEDURES:

Records are stored in the OPA and closed cases generally are transferred to the Federal Records Center in Suitland, Maryland when five years old. Except for clemency reports which are furnished to the President in connection with clemency application, Presidential responses, warrants or other documents signifying the President’s action in a clemency case, and cases which may be designated by the Pardon Attorney as having significant public interest, records are destroyed after 25 years.

RECORD SOURCE CATEGORIES:

Sources of information are the OPA staff, individual applicants for clemency and their representatives. Federal Bureau of Investigation or other official investigatory reports, Bureau of Prisons records, Armed Forces reports, probation of parole reports, and reports from individuals or non-Federal organizations, both solicited and unsolicited.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(f)(2). 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.

NOTIFICATION PROCEDURE:

Records in the system are used by employees in the performance of their duties for reference and informational purposes to facilitate efficient, accurate