CFTC-5

SYSTEM NAME:

Employee Personnel, Payroll, Time and Attendance.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

This system is located in the Office of the Executive Director, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 and on a computer system at the Commission's payroll processor, Department of Agriculture's National Finance Center, New Orleans, LA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current Commission employees, including volunteers and interns.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records include personnel records not covered by government-wide system of records notices, including records related to telework and requests for reasonable accommodation, which may include medical information; student loan repayment program application and information; and employee counseling, grievances and other employee matters not appealed to the MSPB. This System also contains records related to payroll, including salary information, awards and pay increases; benefits information needed for processing payment of benefits; direct deposit information; pay deductions, including tax and retirement deductions, life insurance, health and dental insurance deductions, flexible spending account deductions, savings allotments, transit and parking deductions, garnishments, debts owed to the Commission, and charity deductions; salary offset under part 141 of the Commission's rules; all forms of leave requests, balances and credits; all other absence types, including suspension; information necessary to administer the Commission's voluntary leave transfer program, including leave donated or used and any supporting documentation, which may include medical information; hours worked; and time and attendance records. The System includes identifying information, such as name; business and personal contact information; social security number; date of birth; citizenship; bank account information for direct deposit; and employee identification number.

Note:

The CFTC is the custodian of many employment-related records that are described in the system notices published by the Office of Personnel Management, MSPB, Equal Employment Opportunity Commission and other Federal agencies. For a complete list of government-wide Privacy Act systems, please see OMB Memo 99-05, Attachment C, “Government-wide Systems of Records,” at *https://www.whitehouse.gov/omb/memoranda_m99-05-c/*.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6101-6133; 5 U.S.C. 6301-6326; 44 U.S.C. 3101.

PURPOSE(S):

Information is collected to allow the Commission to handle personnel, payroll, time and attendance functions, including personnel functions involving records not covered by government-wide system of records notices, telework requests, requests for reasonable accommodation, student loan repayment program documentation, employee counseling, grievances and other employee matters not appealed to the Merit Systems Protection Board (MSPB), and payroll, pay deductions, leave requests, time and attendance.

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

a. The information may be provided to the Department of Justice, the Office of Personnel Management or other Federal agencies, or used by the Commission in connection with any investigation or administrative or legal proceeding involving any violation of Federal law or regulation thereunder.

b. Certain information will be provided, as required by law, to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) and Federal Tax Offset System to enable state jurisdictions to locate individuals and identify their income sources to establish paternity, establish and modify orders of support, and for enforcement action.

c. Certain information will be provided, as required by law, to the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

d. Certain information will be provided, as required by law, to the Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

e. The information may be provided to insurance companies providing, or proposing to bid on a solicitation to provide, health benefits to Commission employees. This data may include, but is not limited to: Name, social security number, date of birth, age, sex, marital status, service computation date, date of initial appointment with the Commission, geographic location, standard metropolitan service area, home phone number, and home address of the Commission employee. For each enrolled dependent of the Commission employee, this information may include, but is not limited to: Dependent's name, relationship of the dependent to the Commission employee, date of birth, age, sex, social security number, home address, marital status, student status, and handicap status where applicable. This information may be used to verify eligibility, pay claims, or provide accurate bids.

f. For employees who request repayment of student loans through the CFTC Student Loan Repayment Program, certain information will be provided to the organizations that hold the requesting employees' loan notes for the purpose of verifying outstanding loan amounts and administering such program.

g. To provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Additionally, information in this system may be disclosed in accordance with the blanket routine uses numbered 1 through 19 that appear at the beginning of the Commission's compilation of its systems of records notices and are set out below.

1. Information may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or its staff participates as a party or the Commission participates as amicus curiae.

2. Information may be disclosed to the Department of Justice, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other Federal, State, local, territorial or Tribal law enforcement or regulatory agencies for use in meeting their statutory and regulatory requirements.

3. Information may be given to any "registered entity," as defined in section 1a of the Commodity Exchange Act, 7 U.S.C. 1, *et seq.* ("the Act"), if the Commission has reason to believe that such information will assist the registered entity in carrying out its responsibilities under the Act. Information may also be given to any registered futures association registered under section 17 of the Act (*e.g.,* the National Futures Association) to assist it in carrying out its self-regulatory responsibilities under the Act, and to any national securities exchange or national securities association registered with the Securities and Exchange Commission to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, *et seq.*

4. At the discretion of the Commission staff, information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. Information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under section 8 of the Commodity Exchange Act, 7 U.S.C. 12. Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts, some of this information might be considered personal in nature.

6. Information may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an

investigation of an employee, the letting of a contract or the issuance of a license, or a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. Information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. Information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

9. Where information, either alone or in conjunction with other information indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant information may be disclosed 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.

10. Information may be disclosed to the General Services Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

11. Information may be disclosed to the National Archives and Records Administration for the purpose of records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

12. Information may be disclosed to foreign law enforcement, investigatory, or administrative authorities in order to comply with requirements set forth in international arrangements, such as memoranda of understanding.

13. Information may be disclosed to contractors, grantees, volunteers, experts, students, and others performing or working on a contract, service, grant, cooperative agreement, or job for the Federal government when necessary to accomplish an agency function.

14. Information may be disclosed to the Merit Systems Protection Board, including the Office of Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems.

15. Information may be disclosed to the Department of Justice or in a proceeding before a court, adjudicative body, or other administrative body which the agency is authorized to appear, when:

a. The agency, or any component thereof; or

b. Any employee of the agency in his or her official capacity; or

c. Any employee of the agency in his or her official capacity where the Department of Justice or the agency has agreed to represent the employee; or

d. The United States, when the agency determines that litigation is likely to affect the agency or any of its components;

Is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

16. Information may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record.

17. Information related to any traders or the amount or quantity of any commodity purchased or sold by such traders may be disclosed to any committee of either House of Congress upon its request, acting within the scope of its jurisdiction, pursuant to the Commodity Exchange Act, 7 U.S.C. 1 *et seq.,* including Section 8(e) of such Act at 7 U.S.C. 12, and the rules and regulations promulgated thereunder.

18. Information may be disclosed to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

19. Information may be disclosed to appropriate agencies, entities, and individuals when:

a. The Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

b. 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

c. The disclosure made to such agencies, entities, and individuals 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.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Paper records are stored in file folders, and electronic records, including computer files, are stored on the Commission's network, the National Finance Center Personnel/Payroll System, and other

electronic media as needed.

RETRIEVABILITY:

By the name, identification number, or other personally identifying information of the employee, volunteer or intern.

SAFEGUARDS:

Records are protected from unauthorized access and improper use through administrative, technical and physical security measures. Technical security measures within CFTC include restrictions on computer access to authorized individuals who have a legitimate need to know the information; required use of strong passwords that are frequently changed; multi-factor authentication for remote access and access to many CFTC network components; use of encryption for certain data types and transfers; firewalls and intrusion detection applications; and regular review of security procedures and best practices to enhance security. Only specifically authorized individuals may access the National Finance Center computer system. Physical measures include restrictions on building access to authorized individuals, 24-hour security guard service, and maintenance of records in lockable offices and filing cabinets.

RETENTION AND DISPOSAL:

These records are maintained according to retention schedules prescribed by the General Records Schedule for each type of workforce record.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiries to the Office of General Counsel, Paralegal Specialist, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Telephone (202) 418-5011.

RECORDS SOURCE CATEGORIES:

Individual about whom the record is maintained; CFTC human resources office records; records from the National Finance Center; and information from third parties providing benefits or other services to covered individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CFTC-35

SYSTEM NAME:

General Information Technology Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

This system is located in the Commission's Office of Data and Technology at its principal office at Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include current and former CFTC network users, including current or former employees, interns, volunteers, contractors and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records covers certain records that the CFTC computer systems routinely compile and maintain about users of its systems to enable the information technology ("IT") network and its hardware, software, applications, databases, communications and Internet access to function effectively, reliably and securely, and for activities to be logged for auditing, system improvement, and security purposes, to the extent such records are covered by the Privacy Act of 1974 and not included in another system of records. This system includes but is not limited to: Network user information needed for the IT network and its components to function effectively and securely and for the CFTC to control access to software, applications, data and information; network activity information including, for example, activity logs, audit trails, identification of devices used to access CFTC systems, Internet sites visited, and information input into sites visited, logs of calls to and from a CFTC network user on desk or mobile phones, and similar communication data traffic logs, and, if needed to locate a misplaced CFTC mobile device or for related purposes, the location of that device; and logs of calls placed using CFTC calling cards. Many CFTC computer systems collect and maintain additional information, other than system use data, about individuals inside and outside the CFTC. For a complete list of CFTC Privacy Act systems, please see *http://www.cftc.gov/Transparency/PrivacyOffice/SORN/index.htm* to learn about other categories of information collected and maintained about individuals in the CFTC's computer system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Commodity Exchange Act, 7 U.S.C. 1 *et seq.* including Section 12 of the Commodity Exchange Act, at 7 U.S.C. 16, and the rules and regulations promulgated thereunder.

PURPOSE(S):

The purpose of the system of records is to enable effective, reliable and secure operation of the information technology network and its hardware, software, applications, databases, communications and Internet access that CFTC staff members rely upon to perform their job duties and carry out the agency's mission. This includes: To monitor usage of computer systems; to ensure the availability and reliability of the agency computer facilities; to document and/or control access to various computer systems; to audit, log, and alert responsible CFTC personnel when certain personally identifying information is accessed in specified systems; to identify the need for and to conduct training programs, which can include the topics of information security, acceptable computer practices, and CFTC information security policies and procedures; to monitor security on computer systems; to add and delete users; to investigate and make referrals for disciplinary or other action if improper or unauthorized use is suspected or detected.

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

The information in this system will be routinely used by CFTC staff members in the Office of Data and Technology to: Facilitate authorized access to and use of CFTC email accounts and internal individual and shared electronic storage and collaboration platforms; enable appropriate access and controls over access to other CFTC systems, applications and information; implement privacy and security controls over CFTC resources and information; generate audit trails for review by staff to understand vulnerabilities and issues to improve system effectiveness and security; and support the communications, telecommunications and audiovisual services CFTC staff members need to fulfill their job duties. Information in this system also may be disclosed in accordance with the blanket routine uses that appear at the beginning of the Commission's compilation of its system of records notices, *see, e.g.,* 76 FR 5974 (Feb. 2, 2011), and the Commission's Web site, *http://www.cftc.gov*.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

Paper records are stored in file folders and electronic records are stored on the Commission's network and other electronic media as needed, such as encrypted hard drives and back-up media.

RETRIEVABILITY:

Certain information covered by this SORN may be retrieved by name, CFTC username, identification number, title, device identifier, Internet Protocol address assigned to CFTC IT network components, email address, and calling card or phone number of the CFTC network user.

SAFEGUARDS:

Records are protected from unauthorized access and improper use through administrative, technical and physical security measures. Technical security measures within CFTC include restrictions on computer access to authorized individuals who have a legitimate need to know the information; required use of strong passwords that are frequently changed; multi-factor authentication for remote access and access to many CFTC network components; use of encryption for certain data types and transfers; firewalls and intrusion detection applications; and regular review of security procedures and best practices to enhance security. Physical measures include restrictions on building access to authorized individuals, 24-hour security guard service, and maintenance of records in lockable offices and filing cabinets.

RETENTION AND DISPOSAL:

The records will be maintained in accordance with records disposition schedules approved by the National Archives and Records Administration. The schedules are available at *www.cftc.gov*.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief Information Officer, Office of Data and Technology, located at the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiries to the Office of General Counsel, Paralegal Specialist, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Telephone (202) 418-5011.

RECORD SOURCE CATEGORIES:

Current and former CFTC IT network users, including current and former employees, interns, volunteers, contractors and consultants; individuals communicating with CFTC network users through CFTC communications platforms; and CFTC hardware, software and system components that generate information reflecting activity on the CFTC IT network.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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