

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records; Annual Publication

ACTION: Publication of annual notice of existence and character of each system of records that the Commodity Futures Trading Commission ("Commission") maintains which contains information about individuals.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Pub.L. 93-579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals (40 FR 41056). The rules as amended (17 CFR part 146) deal with an individual's right to know what information the Commission has in its files concerning the individual, the individual's right to have access to those records, the individual's right to petition the Commission to have inaccurate or incomplete records amended or corrected, and the individual's right not to have personal information disseminated to unauthorized persons. The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

Under 5 U.S.C. 552a(e)(4) and 17 CFR 146.11(a), the Commission is required to publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, will provide individuals with the information they need to exercise fully their rights under the Privacy Act.

FOR FURTHER INFORMATION CONTACT: Edward W. Colbert, Assistant Secretary to the Commission, Freedom of Information Act, Privacy Act and Government in the Sunshine Act Compliance Office, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, (202) 418-5105.

SUPPLEMENTARY INFORMATION:

Content of Systems Notices

Each of the notices contains the following information:

1. The name of the system;
2. The location of the system;

3. The categories of individuals on whom records are maintained in the system;

4. The categories of records maintained in the system;

5. The authority for maintaining the system;

6. The routine uses of records maintained in the system, including the categories of users and the purposes of such uses;

7. The policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system;

8. The title and business address of the system manager, the agency official who is responsible for the system of records;

9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him, how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and

10. The categories of sources of records in the system.

The following four systems of records have been exempted as set forth in the descriptions of these systems of records from certain requirements of the Privacy Act, as authorized under 5 U.S.C.

552a(k):

CFTC-9 Confidential information obtained during employee background investigations.

CFTC-10 Investigatory material compiled for law enforcement purposes.

CFTC 31 Information pertaining to individuals discussed at closed Commission meetings.

CFTC 32 Investigatory materials compiled by the Office of the Inspector General.

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission offices are in the following locations:

- Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, Telephone: (202) 418-5000.
- 300 Riverside Plaza, Suite 1600 North, Chicago, Illinois 60606, Telephone: (312) 353-5990.
- 4900 Main Street, Suite 721, Kansas City, Missouri 64112, Telephone: (816) 931-7600.
- One World Trade Center, Suite 3747, New York, New York 10048, Telephone: (212) 466-2061.
- Murdock Plaza, 10900 Wilshire Blvd, Suite 400, Los Angeles, California 90024, Telephone: (310) 235-6783.
- 510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 370-3255.

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. The Commission's headquarters office is in Washington, DC, and is referred to in the systems notice as the "principal office." The Commission maintains regional offices in Chicago and New York and smaller offices in Kansas City, Minneapolis and Los Angeles. For purposes of this notice, the regional offices and smaller offices are referred to collectively as the "regional offices." "All CFTC offices" means the headquarters office, the regional offices and the smaller offices.

In many cases, records within a system will not all be available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago and also in the Washington, DC headquarters office, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if the requester would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants" contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the National Futures Association's computer system to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals, this information is within the purview of the Privacy Act. See the

definition of system of records in the Privacy Act, 5 U.S.C. 552(a)(5), and § 146.2(g) of the Commission's Privacy Act rules, 17 CFR 148.2(g).

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant (FCM), except in the rare instance when an individual is registered as an FCM. Thus, if the investigation was opened under the name of the FCM, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation that might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes. Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record that is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system 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. The information may be given to the Justice Department, 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 or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq., 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, the 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. The 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. The 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. The 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. The 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." To avoid unnecessary repetition of these routine uses, where they are generally applicable, the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

The Commission's systems of records are set forth below. For further information contact: Freedom of Information Act (FOIA), Privacy Act and Government in the Sunshine Act Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Fourth Floor, Washington, DC 20581, (202) 418-5105.

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CFTC-1**SYSTEM NAME:**

Matter Register and Matter Indices.

SYSTEM LOCATION:

This system is located in the Division of Enforcement in the Commission's principal office and regional offices. See "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- a. Persons found or alleged to have, or suspected of having, violated the Commodity Exchange Act or the rules, regulations or orders of the Commission adopted thereunder.
- b. Persons lodging complaints with the Commission.
- c. Agency referrals.

CATEGORIES OF RECORDS IN THE SYSTEM:

An index system to CFTC-14 Matter Files and CFTC-16 Case Files, including:

- a. The matter register. A file number is assigned to each case and the record is filed according to that number. The register also indicates the date opened, the disposition and status, the date closed, and the staff member assigned.
- b. The matter register also includes reports recommending opening and closing of investigations.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

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

See "General Statement of Routine Uses."

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

Paper records in file folders, loose-leaf binders, computer memory, computer printouts, and index cards.

RETRIEVABILITY:

By name of investigation.

SAFEGUARDS:

General building security. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

The records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement in the Commission's principal office and Regional Counsel in New York, Chicago and Los Angeles. See "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

Persons submitting complaints to the Commission, and miscellaneous sources including customers, law enforcement and regulatory agencies, commodity exchanges, trade sources, and Commission staff generated items.

CFTC-2**SYSTEM NAME:**

Correspondence Files.

SYSTEM LOCATION:

This system is located in the Commission's principal offices at 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons corresponding with the Commission, directly or through their representatives. Persons discussed in correspondence to or from the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence. This system includes only those records that are part of a general correspondence file maintained by the office involved. It includes correspondence indexed by subject matter, date or assigned number and, in

certain offices, by individual name of the correspondent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

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

See "General Statement of Routine Uses."

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

Paper records in file folders, in loose-leaf binders, on index cards, computer memory and printouts, and related indices on magnetic disk.

RETRIEVABILITY:

By name of correspondent, subject matter, date or assigned number. The name may be either the name of the person who sent or received the letter, or the person on whose behalf the letter was sent or received. It may also be another person who was the principal subject of the letter, where circumstances appear to justify this treatment. See previous discussion concerning the category of records maintained in this system.

SAFEGUARDS:

Secured rooms or on secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained indefinitely depending on the policies and practices of the offices involved.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Secretariat; Director, Office of Public Affairs; Director, Office of Legislative and Intergovernmental Affairs; Executive Director; General Counsel; Director, Division of Enforcement; Director, Division of Trading and Markets; and, Director, Division of Economic Analysis. All are located at 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone

(202) 418-5105. Specify the system manager, if known.

RECORD SOURCE CATEGORIES:

Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC-3

SYSTEM NAME:

Docket Files.

SYSTEM LOCATION:

This system is located in the Office of Proceedings, Proceedings Clerk's Office, Commodity Futures Trading Commission, 1155 21st Street, NW., Fourth Floor, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons involved in any CFTC proceeding.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pleadings, motions, applications, stipulations, affidavits, transcripts and documents introduced as evidence, briefs, orders, findings, opinions, and other matters that are part of the record of an administrative or reparations proceeding. They also include related correspondence and indices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Commission is authorized or required to conduct hearings under several provisions of the Commodity Exchange Act. These files are a necessary concomitant for the conduct of orderly hearings. See also 44 U.S.C. 3101.

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

These records are public records unless the Commission or assigned presiding officer determines for good cause to treat them as nonpublic records consistent with the provisions of the Freedom of Information Act. Nonpublic portions may be used for any purpose specifically authorized by the Commission or by the presiding officer who ordered such nonpublic treatment of the records.

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

STORAGE:

Paper records in file folders, computer memory, computer printouts, index cards, and microfiche.

RETRIEVABILITY:

By the docket number and cross-indexed by complainant and respondent names.

SAFEGUARDS:

Only items that the Commission or the presiding officer has directed be kept nonpublic are segregated. Precautions are taken as to these items to assure that access is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Maintained in the Office of Proceedings with the presiding officer until disposition by the presiding officer, and then the entire record of the proceeding is forwarded to the Proceedings Clerk's office for maintenance.

SYSTEM MANAGER(S) AND ADDRESS:

Proceedings Clerk, Office of Proceedings, 1155 21st Street, NW., Fourth Floor, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

Commission staff members; opposing parties and their attorneys; proceeding witnesses; and miscellaneous sources.

CFTC-4

SYSTEM NAME:

Employee Leave, Time and Attendance.

SYSTEM LOCATION:

The information in the system is kept in the CFTC offices in which the employee described by the records is located. Information is also kept centrally on the computer system located in the Department of Agriculture's National Finance Center, New Orleans, Louisiana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various records reflecting CFTC employees' time and attendance and leave status, as well as the allocation of employee time to designated budget account codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

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

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

a. In response to legitimate requests, this information may be provided to other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

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

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

STORAGE:

Hard copies of time and attendance worksheets, leave request slips and signed printouts; diskettes; mainframe computer (NFC).

RETRIEVABILITY:

By the name of the employee or by the employee number, cross-indexed by name.

SAFEGUARDS:

Lock boxes and/or locked file drawers. Password required for access to diskettes and NFC computer system.

RETENTION AND DISPOSAL:

Hard copy records, including leave slips, signed printouts from the PC-TARE system, overtime approval slips and budget account code worksheets are retained for six years, then destroyed. Diskettes are written over on a 12 month rotating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC-5**SYSTEM NAME:**

Employee Personnel/Payroll Records.

SYSTEM LOCATION:

This system is located in the Office of Human Resources at 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

General records relating to the employee including information from the notification of personnel action (SF-50) and other related sources, employee name, Social Security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.

Payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bonds and charity deductions, mailing addresses and home addresses, and copies of the CFTC time and attendance reports as well as authorities relating to deductions.

The records maintained in the principal office for all employees include: a. Forms required and records maintained under the Commission's rules of conduct and the Ethics in Government Act; b. Pre-employment inquiries not included with "exempted employee background investigation materials"; c. Various summary materials received in computer printout form; d. Awards information; and e. Training information.

The official personnel records maintained by the Commission are described in the system notices published by the Office of Personnel Management, and are not included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 5 U.S.C. APP. (Personnel Financial Disclosure Requirements).

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

a. In response to legitimate requests, this information may be provided to

other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department, 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.

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

Paper records in file folders, computer memory, and computer printouts.

RETRIEVABILITY:

By the name or social security number of the employee.

SAFEGUARDS:

Lockable cabinets for paper records. Computer records accessible through password protected security system.

RETENTION AND DISPOSAL:

Maintained according to retention schedules prescribed by NARA for each type of personnel/payroll record.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources, except for records maintained under the Commission's rules of conduct and the Ethics in Government Act, for which the General Counsel is the system manager. See "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; personnel office records; and miscellaneous sources.

CFTC-6**SYSTEM NAME:**

Employee Travel Records.

SYSTEM LOCATION:

This system is located in the Commission's office at 1155 21st Street, NW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission member, employee, witness, expert, advisory committee member or non-CFTC employee traveling on official business for the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address, destination, itinerary, mode and purpose of travel, dates, expenses, miscellaneous claims, amounts advanced, amounts claimed, and amounts reimbursed. Includes travel authorizations, travel vouchers, copies of government transportation requests, receipts and other records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701-5752; 31 U.S.C. 1, et seq; 44 U.S.C. 3101.

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

The information may be provided to the Justice Department 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.

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

Paper records in file folders, computer memory and computer printout.

RETRIEVABILITY:

By the name of the Commission member, employee witness, expert, advisory committee member or CFTC employee traveling on official business for the Commission, and by Commission identification number.

SAFEGUARDS:

Access to the computer records is protected by a security system. General building security limits access to paper records kept in files of support staff in the offices of travelers and in the Travel Office.

RETENTION AND DISPOSAL:

Records are retained for three years after the period covered by the account.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer and Network Manager, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC-7

Deleted—Incorporated into CFTC-4 and CFTC-6.

CFTC-8**SYSTEM NAME:**

Employment Applications.

SYSTEM LOCATION:

This system is located in Office of Human Resources at 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for positions with the CFTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the application and/or the resume of the applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

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

Information about these records is used in making inquiries concerning the qualifications of the applicant.

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

Paper records in file folders.

RETRIEVABILITY:

By job announcement number. Summary information of applications is also available to staff of the Office of Human Resources through an automated applicant tracking system.

SAFEGUARDS:

Lockable cabinets for paper records. Access to applicant tracking system granted only to appropriate personnel.

RETENTION AND DISPOSAL:

Most applicant records are retained for two years, then destroyed. Job

announcements that are filled through examining authority delegated from the Office of Personnel Management (OPM) are kept for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources, 1155 21st Street, NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC-9**SYSTEM NAME:**

Exempted Employee Background Investigation Material.

SYSTEM LOCATION:

This system is located in the Office of Human Resources at 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and prospective employees of the CFTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for CFTC employment obtained under an express promise that the identity of the source would be held in confidence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 5 U.S.C. 552a(k)(5).

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

See "General Statement of Routine Uses" except that general routine use number (3) is not applicable. Disclosure pursuant to the other routine uses may be subject to the consent of the person furnishing the information.

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

Paper records in file folders.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Lockable cabinets in secured offices or buildings.

RETENTION AND DISPOSAL:

These records are retained for three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Office of Human Resources, 1155 21st Street, NW., Washington, DC 20581.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act, 5 U.S.C. 552a(k)(5), and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures, and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC-10**SYSTEM NAME:**

Exempted Investigation Records.

SYSTEM LOCATION:

This system is located in the Commission's principal and regional offices. See "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals whom the staff has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

b. Individuals whom the staff has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing applications with the Commission for their own registration or registration of a firm.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory materials compiled for law enforcement purposes whose disclosure the Commission staff has determined could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program, or compromise Commission investigations. This system

may include all or any part of the records developed during the investigation or inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101; 5 U.S.C. 552a(k)(2).

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

See "General Statement of Routine Uses" except that general routine use number (5) is not applicable.

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

STORAGE:

Paper records in file folders, disks, computer memory, computer printouts. A summary index of material is also stored on the computer.

RETRIEVABILITY:

By assigned case number or case title. Cases filed by number are cross-indexed by case title.

SAFEGUARDS:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

RETENTION AND DISPOSAL:

Maintained until exemption is no longer necessary, then returned to the appropriate nonexempt system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement, except for those records maintained under the Commission's rules of conduct and the Ethics in Government Act, for which the General Counsel is the system manager. See "The Location of Systems of Records."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a(k)(2), and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, records access procedures, and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC-11

Deleted—Incorporated into CFTC-20.

CFTC-12

SYSTEM NAME:

Fitness Investigations.

SYSTEM LOCATION:

Records for floor brokers and floor traders with respect to matters commenced prior to August 1, 1994: Division of Trading and Markets, 1155 21st Street, NW, Washington, DC 20581. Records for futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, their respective associated persons and principals, with active registration status in any capacity on or after October 1, 1983; leverage transaction merchants and their associated persons and principals with active registration status as such on or after August 1, 1994; floor brokers and floor traders with active registration status as such on or after August 1, 1994: National Futures Association (NFA), 200 West Madison Street, Suite 1400, Chicago, Illinois 60606-3447. (See also "Retention and Disposal," *infra*.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied or who may apply for registration as floor brokers, floor traders, as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors and leverage transaction merchants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system contains information in computerized and hardcopy format including registration forms, schedules and supplements, fingerprint cards, correspondence relating to registration, and reports and memoranda reflecting information developed from various sources. In addition, the system contains records of each fitness investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1)-(5), 8a(10), 8a(11), 17(o) and 19 of the Commodity Exchange Act as amended, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1)-(5), 12a(10), 12a(11), 21(o) and 23 (1988 and Supp. IV 1992).

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

The routine uses applicable to all of the Commission's systems of records,

including this system, are set forth under the "General Statement of Routine Uses." In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchant with whom an applicant or registered introducing broker has or plans to enter into a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with the Commission's regulations and routine uses. No specific consent is required by an applicant or registered introducing broker to disclosure of information to the futures commission merchant with whom it has or plans to enter a guarantee agreement.

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

STORAGE:

Paper records in file folders, computer memory, computer printouts, index cards, microfiche.

RETRIEVABILITY:

By the name of the individual or firm, or by assigned identification number. Where applicable, the NFA's computer cross-indexes the individual's file to the name of the futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator or leverage transaction merchant with which the individual is associated or affiliated.

SAFEGUARDS:

General office security measures include secured rooms or premises and, in appropriate cases, lockable file cabinets with access limited to persons whose official duties require access. Access to computer systems is password protected and limited to authorized personnel only.

RETENTION AND DISPOSAL:

Hard copies of applications, biographical supplements, other forms,

related documents and correspondence are maintained, as applicable, for two years after the individual's registration(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Hard copy records are then stored at an appropriate site for an additional eight years before being destroyed. CFTC-held records are stored in the Federal Records Center, and NFA-held records are to be stored either on NFA's premises or in appropriate fireproof off-site facilities. Since 1991, NFA has scanned, indexed and stored hard copy records on the computer via imaging software so the information may be retrieved and printed. Like the hard copy records, these imaged records are maintained by NFA for 10 years after the individual's registration(s), or the registration of the firm(s) with which the individual is affiliated as an associated person or principal becomes inactive.

NFA also maintains an index and summary of the hard copy records of this system in a data base, the Membership, Registration, Receivables System (MRRS). The MRRS records are maintained permanently on CFTC's or NFA's premises, as applicable, and are updated periodically as long as the individual's application is pending for registration in any capacity or affiliated with any registrant in any capacity. MRRS records on persons who may apply may be maintained indefinitely; microfiche records, when produced, are maintained permanently on the CFTC's or NFA's premises.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Registration, Division of Trading and Markets, at the Commission's principal office, or a designee. For records held by NFA, the systems manager is the Vice President for Registration, National Futures Association, 200 West Madison Street, Suite 1400, Chicago, Illinois 60606-3447, or a designee.

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 should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105. Individuals may also request registration information by telephone directly from the NFA information center at 1-800-676-3570

or the NFA Disciplinary Information Access Line at 1-800-676-4632. NFA will query the computer database about the individual's current registration status and registration history, and provide instructions on how to make written requests for copies of records.

RECORD SOURCE CATEGORIES:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; foreign futures and securities authorities and INTERPOL; and other miscellaneous sources. Computer records are prepared from the forms, supplements, attachments and related documents submitted to the Commission or NFA and from information developed during the fitness inquiry.

CFTC-13

SYSTEM NAME:

Interpretation Files.

SYSTEM LOCATION:

Files are kept in the office responsible for preparing the interpretation letter, including the Division of Trading and Markets, the Office of the General Counsel, and the Division of Economic Analysis. Copies of the interpretation letters without the supporting documentation are also kept in the Secretariat and the Office of Public Affairs. All offices are located at 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested the Commission to provide them with its interpretation of provisions of the Commodity Exchange Act or various rules and regulations adopted by the Commission. The requests may have been made directly by the individual, or through the individual's attorney or other representative.

CATEGORIES OF RECORDS IN THE SYSTEM:

Interpretation letters furnished, the request for an interpretation, and any related internal memoranda and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 2(a)(4) of the Commodity Exchange Act, 7 U.S.C. 4a(c), 44 U.S.C. 3101.

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

a. Pursuant to the Commission's rules, 17 CFR 140.98, interpretation letters and the related requests for interpretation that discuss matters of general applicability are made public and published by the Commission. Portions of such letters or information will be deleted or omitted to the extent necessary to prevent a clearly unwarranted invasion of personal privacy or to the extent they otherwise contain material considered nonpublic under the Freedom of Information Act and the Commission's rules implementing that Act.

b. Information in these files may be used as a reference in responding to later inquiries from the same party or in following up on earlier correspondence involving the same person.

c. Also see "General Statement of Routine Uses."

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By futures commission merchant, floor broker, commodity pool operator, commodity trading advisor or associated person if the request is made by them or on their behalf. If it is made on behalf of another individual, it will be filed by the name of the individual. If the identity of these persons is not known, the record will be maintained in the name of the attorney or other representative filing the request.

SAFEGUARDS:

Access limited to the offices where the records are maintained.

RETENTION AND DISPOSAL:

Maintained permanently (on premises for 5 years then transferred to the Federal Records Center). After 20 years, offered to the National Archives and Records Service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Division of Trading and Markets; the General Counsel; Director, Division of Economic Analysis; the Secretary to the Commission; and the Director, Office of Public Affairs. All system managers are located in the Commission's principal office. See "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains

information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

Individuals, proprietorships, corporations, other business organizations, or representatives seeking interpretation of the provisions of the Commodity Exchange Act or Commission rules.

CFTC-14

SYSTEM NAME:

Matter Files.

SYSTEM LOCATION:

This system is located in the Commission's principal and regional offices. Pending investigation files may be located in the office that is conducting the investigation. See "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- a. Individuals whom the staff has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.
- b. Individuals whom the staff has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.
- c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.
- d. Individuals filing an application for registration as associated person, floor trader or floor broker Form 8-R (biographical information questionnaire) in connection with an application for registration with the Commission.
- e. Individuals indicted or convicted for criminal violations of the Act or other commodity related violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Anything obtained during the course of an investigation including data from Commission reporting forms, account

statements and other trading records, exchange records, bank records and credit information, business records, reports of interviews, transcripts of testimony, exhibits to transcripts, affidavits, statements by witnesses, registration information, contracts and agreements. Also contains internal memoranda, reports of investigation, orders of investigation, subpoenas, warning letters, stipulations of compliance, correspondence and other miscellaneous matters. The nature of the personal information contained in these files varies according to what is considered relevant by the attorney assigned based on the circumstances of the particular case under investigation, and may include personal background information about the individual involved, his education and employment history, information on prior violations, and a wide variety of financial information, as well as a detailed examination of the individual's activities during the period in question.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101.

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

See "General Statement of Routine Uses." Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Information collected during the investigation 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.

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

STORAGE:

Paper records in file folders, disks, computer memory, computer printouts. A summary index of material is also stored on the computer.

RETRIEVABILITY:

By assigned matter title, person or firm.

SAFEGUARDS:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

RETENTION AND DISPOSAL:

In the principal office, opening and closing reports, complaints, and significant orders are kept permanently. Once an investigation is closed without institution of a case, the files, other than the materials described above, are shipped to off-site storage within ninety days of closing. Records of preliminary inquiries closed without further action, are forwarded to off-site storage within a year following closure. Records are maintained in off-site storage for 5 years, then destroyed. In the regional offices, records are maintained on the premises for 3 years after the matter is closed, then sent to the Federal Records Center for 5 years before being destroyed.

If an investigatory matter is not closed, but becomes a Commission injunctive or administrative action, the matter files become part of the case files described in CFTC-16.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement in the Commission's principal office. Regional Counsel of the region where the investigation is being conducted. See "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

- a. Reporting forms and other information filed with the Commission;
- b. boards of trade;
- c. persons or firms covered by the Commission's registration requirements;
- d. federal, state and local regulatory and law enforcement agencies;
- e. banks, credit organizations and other institutions;
- f. corporations;
- g. individuals having knowledge of the facts;
- h. attorneys;
- i. publications;
- j. courts;
- and k. miscellaneous sources.

CFTC-15

SYSTEM NAME:

Large Trader Report Files.

SYSTEM LOCATION:

The copies of original reports and related correspondence are located in

the CFTC office where filed. See further description below. Ancillary records and information (computer printout) may be located in any CFTC office. See "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals holding reportable positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Reports filed by the individual holding the reportable position:

a. Statements of Reporting Trader (CFTC Form 40) contains information described in part 18 of the Commission's rules and regulations, including the name, address, number, and principal occupation of the reporting trader, financial interest in and control of commodity futures accounts, and information about the trader's business associations;

b. Large trader reporting form (Series 03 Form). Contains information described in part 18 of the Commission's rules and regulations, including the trader's identifying number, previous open contracts, trades and deliveries that day, open contracts at the end of the day, and classification as to speculation or hedging (available on a non-routine basis by special call);

c. Large trader reporting form (Series 04 Form). Contains information described in part 19 of the Commission's rules and regulations, to be filed by merchants, processors and dealers in commodities that have federally imposed speculative position limits. Includes trader's identifying number, stocks owned, fixed price sale and purchase commitments. These reports are filed in the CFTC office in the city where the reporting trader is located. If there is no CFTC office in that city, the reports are filed according to specific instructions of the CFTC.

2. Reports to be filed by futures commission merchants, members of contract markets, foreign brokers and for large option traders by contract markets.

a. Identification of "Special Accounts" (CFTC Form 102). Contains material described in part 17 of the Commission's rules and regulations. Includes the name, address, and occupation of a customer whose accounts have reached the reporting level. Also includes the account number that the futures commission merchant uses to identify this customer on the firm's 01 report (see next paragraph), and whether the customer has control of or financial interest in accounts of other traders.

b. Large trader reporting form (Series 01 Form). Contains material described

in part 17 of the Commission's rules and regulations, for each "special account." Shows customer account number, reportable position held in each commodity future and information concerning deliveries and exchanges of futures for physicals by persons with reportable positions. These reports are filed, mostly in machine readable form, in the CFTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

3. Computer records prepared from information on the forms described in items (1) and (2) above. The computer system is located in Chicago. Printouts may be located in some or all of the Commission's offices.

4. Correspondence and memoranda of telephone conversations between the Commission and the individual or between the Commission and other agencies dealing with matters of official business concerning the individual.

5. Other miscellaneous information, including intra-agency correspondence and memoranda concerning the individual and documents relating to official actions taken by the Commission against the individual.

6. Reports from contract markets concerning futures and options:

a. Positions and Transactions of Clearing Member Firms. Information is provided in machine readable form and contains the data prescribed in part 16 of the Commission's regulations. The information includes an identification number for each clearing member, open contracts at the firm for proprietary and customer accounts and transactions such as trades, exchanges of futures for cash, delivery notices issued and received, and transfers and option exercises. The information is filed in the city where the exchange is located or as instructed by the Commission. Data is transmitted to the CFTC computer system and printouts are available at all CFTC offices.

b. Large Option Trader Data. Information is provided in machine readable form and contains the data prescribed in Commission Rule 16.02. Shows customer account number and reportable option positions as specified in Rule 16.02. Machine readable media is delivered to the Commission office in which the contract market is located or as instructed by the Commission. The data is transmitted to the CFTC computer system and printouts of the data are available in each Commission office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4g, 4i, and 8 of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, and 12.

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

See "General Statement of Routine Uses." In addition, information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act.

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

STORAGE:

Paper records in file folders, computer memory, and computer printout.

RETRIEVABILITY:

Form 40, Form 102, correspondence and other miscellaneous information are maintained directly under the name of the reporting trader. The series 01, 03, and 04 forms are maintained by identifying code number. However, information from these forms is included in the computer and retrievable by individual name from the computer.

SAFEGUARDS:

General office security measures, with recent trading reports stored in lockable file cabinets. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

CFTC Form 40, CFTC Form 102, correspondence, memoranda, etc. are retained on the premises until the account has been inactive for 5 years and are then destroyed. Form 01, 03, and 04 reports are maintained for 6 months on the premises and then held at the Federal Records Center for 5 years before being destroyed. The computer file is maintained for 10 years for Form 01, 03, and 04 reports and large trader options data reported by contract markets. Clearing member positions and transactions are maintained for 2 years. Trader code numbers and related information are maintained for 5 years after a trader becomes nonreportable. Account numbers assigned by an FCM are maintained on the system for 1 year after the account is no longer reported.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Surveillance Branch, in the region where the records are located. See "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105. Include code number assigned by the Commission for filing reports, the name of the futures commission merchant through whom traded, and the time period for which information is sought.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained and futures commission merchants through whom the individual trades. Correspondence and memoranda prepared by the Commission or its staff. Correspondence from firms, agencies, or individuals requested to provide information on the individual.

CFTC-16**SYSTEM NAME:**

Case Files.

SYSTEM LOCATION:

This system is located in the Commission's principal and regional offices. Pending litigation files may be located in other participating offices. See "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons or firms against whom the Commission has taken enforcement action based on violations of the Commodity Exchange Act or the rules and regulations promulgated thereunder.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of various papers filed by or with the Commission or the courts in connection with administrative proceedings or injunctive actions brought by the Commission. It includes, as a minimum, a copy of the complaint and the final decision and order, and may contain other documents as well, including records described in CFTC-14, Matter Files, as well as pleadings and litigation correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These files are necessary for the orderly and effective conduct of litigation authorized under the Commodity Exchange Act and other

federal statutes. See, e.g., section 6c of the Commodity Exchange Act, 7 U.S.C. 13a-1, authorizing injunctive actions, and various provisions in that Act authorizing administrative actions.

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

See "General Statement of Routine Uses." The information in these files is generally a matter of public record and may be disclosed without restriction.

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

Paper records in file folders or binders, disks, computer memory, computer printouts. A summary index of material is also stored on the computer.

RETRIEVABILITY:

By case title or in some instances by docket number.

SAFEGUARDS:

General office security measures including secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

After an action is complete, the complaint, final decision, and order are kept indefinitely at the headquarters office. The remainder of the litigation file is shipped to off-site storage 90 days after the case is completed. Most case files are destroyed after 15 years; unique precedent setting cases are destroyed after 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Enforcement at the Commission's principal office and Regional Counsel for the region where the records are located. See "The Location of Systems Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

The parties, their attorneys, the Commission's Proceedings Clerk's

Office, the relevant court, and miscellaneous sources.

CFTC-17**SYSTEM NAME:**

Litigation Files-OGC.

SYSTEM LOCATION:

This system is located in the Office of the General Counsel at 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties involved in litigation with the Commission or litigation in which the Commission has an interest including, but not limited to:

- a. Administrative proceedings before the Commission;
- b. Injunctive actions brought by the Commission;
- c. Other federal court cases to which the Commission is a party;
- d. Litigation in which the Commission is participating as amicus curiae; and
- e. Other cases involving issues of concern to the Commission, including those brought by other law enforcement and regulatory agencies and those brought by private parties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Papers, disks, computer memory or computer printouts comprising or included in the record of the case, and briefs and correspondence related to that action. May also include internal memoranda and other documents pertaining to the matter being litigated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Commodity Exchange Act, 7 U.S.C. 1, et seq., entrusts the Commission with broad regulatory responsibilities over commodity futures transactions. In this connection, the Commission is authorized to bring both administrative proceedings and injunctive actions where there appear to have been violations of the Act. Furthermore, to effectuate the purposes of the Act, it is necessary that the Commission staff be familiar with developments in other actions brought by others that have implications in the commodity law areas.

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

The information in these files is generally a matter of public record and may be disclosed without restriction. Also see "General Statement of Routine Uses."

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

Paper records in file folders, as well as disks, computer memory and computer printouts.

RETRIEVABILITY:

Alphabetically by caption of the case.

SAFEGUARDS:

General office security measures including secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained in the active files until the action is completed, including final review at the appellate level. Thereafter, transferred to the inactive case files, where a skeletal record of pleadings, briefs, findings, and opinions and other particularly relevant papers may be maintained. These records are maintained on premises for five years, then transferred to the Federal Records Center. A copy of some of the documents may be kept in precedent files for use in later legal research or preparation of filings in other matters.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

The court or regulatory authority before whom the action is pending, the attorneys for one of the named parties, and miscellaneous sources.

CFTC-18**SYSTEM NAME:**

Logbook on Speculative Limit Violations.

SYSTEM LOCATION:

This system is located in the Commission's Chicago and New York regional offices. See "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have exceeded speculative limits in a particular fiscal year.

CATEGORIES OF RECORDS IN THE SYSTEM:

A listing, by year, of the violations of speculative limits imposed by the Commission and the exchanges. It includes the trader's assigned code number, the commodity involved, the name of the trader, the type of violation, the date of the violation, the date the violation ceased, and the action taken. Copies of warning letters and replies pertaining to the violation listed are maintained with the logbook.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4i and 8 of the Commodity Exchange Act, 7 U.S.C. 6i and 12.

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

See "General Statement of Routine Uses."

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

Paper records in file folders.

RETRIEVABILITY:

By fiscal year, and within each year by the name of the violator.

SAFEGUARDS:

General office security measures including secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained on the premises for 5 years, then held in Federal Records Center for 15 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Surveillance Branch, 233 South Wacker Drive, Suite 4600, Chicago, Illinois 60606; Chief, Surveillance Branch, One World Trade Center, Suite 4747, New York, New York 10048.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves contained in this system of records or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street,

NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

Series 03 reports filed by traders. Correspondence prepared by the Commission or by the individual or individual's representative.

CFTC-19

Deleted—Incorporated into CFTC-29.

CFTC-20**SYSTEM NAME:**

Registration of Floor Brokers, Floor Traders, Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators, Leverage Transaction Merchants, and Associated Persons.

SYSTEM LOCATION:

National Futures Association (NFA), 200 West Madison Street, Suite 1400, Chicago, Illinois 60606-3447.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for registration as floor brokers, floor traders or as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, and leverage transaction merchants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the registration and fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes applications for registration forms, schedules, and supplements; fingerprint cards; correspondence relating to registration; and reports and memoranda reflecting information developed from various sources.

Computerized systems, consisting primarily of information taken from the registration forms, are maintained by NFA. Computer records include the name, date and place of birth, social security number (optional), exchange membership (floor brokers and floor traders only), firm affiliation, and the residence or business address, or both, of each associated person, floor broker, floor trader and principal. Computer records also include information relating to name, trade name, principal office address, records address, names of principals and branch managers of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, and leverage transaction merchants.

Directories, when produced, list the name, business address, and exchange membership affiliation of all registered floor brokers and the name and firm affiliation of all associated persons and principals. These directories, as well as registration forms and biographical supplements, except for any confidential information on supplementary attachments to the forms, are publicly available to any person for disclosure, inspection and copying.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1), 8a(5), 8a(10) and 19 of the Commodity Exchange Act as amended, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1), 12a(5), 12a(10), and 23 (1988), as amended by the Futures Trading Practices Act of 1992, Pub L. 102-546, 106 Stat. 3590.

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

See "General Statement of Routine Uses." In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchant with whom an applicant or registered introducing broker has entered or plans to enter into a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records maintained by NFA, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with the Commission's regulations and routine uses. No specific consent is required by an applicant or registered introducing broker to disclosure of information to the futures commission merchant with whom it has or plans to enter a guarantee agreement.

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

STORAGE:

Paper records in file folders, computer memory, computer printouts, indexed cards, and microfiche.

RETRIEVABILITY:

By the name of the individual or firm, or by assigned identification number. Where applicable, the NFA's computer cross-indexes the individual's primary registration file to the name of the futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator or leverage transaction merchant with whom the individual is associated or affiliated.

SAFEGUARDS:

General office security measures including secured rooms or premises and, in appropriate cases, lockable file cabinets, with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Hard copies of applications, biographical supplements, other forms, related documents and correspondence are maintained on the NFA's premises, as applicable, for two years after the individual's registration(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Hard copies of records are then stored at an appropriate site for an additional eight years before being destroyed. Records are to be stored either on NFA's premises or in appropriate fireproof off-site facilities.

NFA also maintains an index and summary of the hard copy records of this system in a data base, the Membership, Registration, Receivables System (MRRS). The MRRS records are maintained permanently and are updated periodically as long as the individual is pending for registration, registered in any capacity or affiliated with any registrant as a principal. MRRS records on persons who may apply may be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Registration, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581, and Vice President for Registration, National Futures Association, 200 West Madison Street, Suite 1400, Chicago, Illinois 60606-3447.

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 inquiry to the

FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105. Individuals may also request registration information by telephone from the NFA information center at 1-800-676-3570 or from the Disciplinary Information Access Line at 1-800-676-4632. NFA will query the MRRS system about current registration status and registration history, and provide instructions on how to make written requests for copies of records.

RECORD SOURCE CATEGORIES:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; foreign futures and securities authorities and INTERPOL; and other miscellaneous sources. The computer records are prepared from the forms, supplements, attachments and related documents submitted to the NFA and from information developed during the fitness inquiry.

CFTC-21

Deleted—Incorporated into CFTC-20.

CFTC-22

Deleted—Incorporated into CFTC-20.

CFTC-23

Deleted—Incorporated into CFTC-20.

CFTC-24

Deleted—Incorporated into CFTC-20.

CFTC-25

Deleted.

CFTC-26

Deleted—Incorporated into CFTC-14.

CFTC-27

Deleted.

CFTC-28

SYSTEM NAME:

SRO Disciplinary Action File.

SYSTEM LOCATION:

Records in this system are maintained at the Commission's principal and regional offices. See "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been suspended, expelled, disciplined, or denied access to or by a self-regulatory organization (SRO).

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of notification of disciplinary or other adverse action taken by an exchange that include the name of the person against whom such action was taken, the action taken and the reasons therefore.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8c(1)(B) of the Commodity Exchange Act, 7 U.S.C. 12c(1)(B).

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

See "General Statement of Routine Uses."

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

Loose-leaf binders, computer memory, and computer printouts.

RETRIEVABILITY:

By chronological order according to the self-regulatory organization that took the disciplinary or other adverse action that is the subject of the notice and by the name of the individual.

SAFEGUARDS:

General office security measures.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Contract Markets Section, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

Self-regulatory organizations notifying the Commission of disciplinary or other adverse actions taken.

CFTC-29**SYSTEM NAME:**

Reparation Complaints.

SYSTEM LOCATION:

This system is located in the Office of Proceedings, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing customer reparation complaints, as well as the firms and individuals named in the complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reparation complaints, answers, supporting documentation and correspondence filed with the Office of Proceedings. If the complaint is forwarded for decision by an administrative law judge or proceedings officer, records become part of CFTC-3, Docket Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 14 of the Commodity Exchange Act, 7 U.S.C. 18.

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

These records are used in the conduct of the Commission's reparation program. Also see "General Statement of Routine Uses."

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

Paper records in file folders, computer memory, computer printouts.

RETRIEVABILITY:

By docket number and cross-indexed by the name of the complainant and respondent.

SAFEGUARDS:

General office security including secured rooms and, in appropriate cases, lockable file cabinets, with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained for 10 years after the case is closed, except that complaints, decisions, and Commission opinions and orders, are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Proceedings, Complaints Section, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, or 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 inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures

Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

Persons or firms filing reparation complaints or answers.

CFTC-30**SYSTEM NAME:**

Open Commission Meetings—CFTC.

SYSTEM LOCATION:

This system is located in the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are the subject of discussion at a Commission meeting open for public observation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the individuals who are the subject of discussion at an open Commission meeting.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Government in the Sunshine Acts, 5 U.S.C. 552b(f) and Commission regulations at 17 CFR 147.7.

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

The information in these files is a matter of public record and may be disclosed without restriction. Also see "General Statement of Routine Uses."

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

Paper records in file folders or microfiche; audio cassette tapes.

RETRIEVABILITY:

The indices to the recordings, transcripts, and minutes of all Commission meetings are organized by year in chronological order. Each yearly index is further indexed in alphabetical order according to subject matter, including the names of individuals, firms, exchanges or other topics that are discussed at the meetings.

SAFEGUARDS:

General office security measures, with access limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Maintained on the premises for at least the statutory period required by the Sunshine Act and Commission

regulations (i.e., at least two years after each meeting or at least one year after the conclusion of any agency proceeding with respect to which the meeting or portion of the meeting was held, whichever is later); then retired to the National Archives or stored on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Commission,
Commodity Futures Trading
Commission, 1155 21st Street, NW,
Washington, DC 20581.

NOTIFICATION PROCEDURES:

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 inquiry to the FOIA, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418-5105.

RECORD SOURCE CATEGORIES:

1. The information recorded during Commission meetings concerning individuals who are the subject of discussion at the meetings is generated by the staff in one or more Divisions.
2. The indices are prepared from the recordings, transcripts and/or minutes.

CFTC-31

SYSTEM NAME:

Exempted Closed Commission Meetings—CFTC.

SYSTEM LOCATION:

This system is located in the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are the subject of discussion at a closed Commission meeting.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to individuals who are the subject of discussion at a closed Commission meeting. This information consists of (a) investigatory materials compiled for law enforcement purposes whose disclosure the Commission has determined could impair the effectiveness and orderly conduct of the Commission's regulatory, enforcement and contract market surveillance programs or compromise Commission investigations, or (b) investigatory materials compiled solely

for the purpose of determining suitability, eligibility, or qualifications for employment with the Commission to the extent that it identifies a confidential source.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Government in the Sunshine Act, 5 U.S.C. 552b(f), and Commission regulations at 17 CFR 147.7.

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

See "General Statement of Routine Uses."

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

STORAGE:

Paper records in file folders, microfiche, and audio cassette tapes.

RETRIEVABILITY:

The indices to the recordings, transcripts, and minutes of all Commission meetings are organized by year in chronological order. Each yearly index is further indexed in alphabetical order according to subject matter, including the names of individuals, firms, exchanges or other topics, which are discussed at the meetings.

SAFEGUARDS:

General office security measures, with access limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Maintained on the premises for at least the statutory period required by the Sunshine Acts and Commission regulations (i.e., at least two years after each meeting or at least one year after the conclusion of any agency proceeding with respect to which meeting was held, whichever is later); then retired to the National Archives or stored on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Commission,
Commodity Futures Trading
Commission, 1155 21st Street, NW,
Washington, DC 20581.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a, and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempted from the notification procedures, record access procedures and record contest

procedures set forth in the system notices of other record systems, and from the requirement that the source of records in the system be described.

CFTC-32

SYSTEM NAME:

Office of the Inspector General
Investigative Files.

SYSTEM LOCATION:

Office of the Inspector General,
Commodity Futures Trading
Commission, 1155 21st Street NW.,
Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are part of an investigation of fraud and abuse concerning Commission programs or operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

All correspondence relevant to the investigation; all internal staff memoranda, copies of all subpoenas issued during the investigation, affidavits, statement from witnesses, transcripts of testimony taken in the investigation and accompanying exhibits; documents and records or copies obtained during the investigation; and opening reports, progress reports and closing reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95-452, as amended, 5 U.S.C. App. 3.

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

1. The information in the system may be used or disclosed by the Commission in any administrative proceeding before the Commission, in any injunctive action, or in any other action or proceeding authorized under the Commodity Exchange Act or the Inspector General Act of 1978 in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae.

2. In any case in which records in the system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, foreign, state or local, charged with enforcing or implementing the statute, regulation, rule or order.

3. In any case in which records in the system indicate a violation or potential violation of law, whether civil, criminal

or regulatory in nature, the relevant records may be referred to the appropriate board of trade designated as a contract market by the Commission or to the appropriate futures association registered with the Commission, if the OIG has reason to believe this will assist the contract market or registered futures association in carrying out its self-regulatory responsibilities under the Commodity Exchange Act, 7 U.S.C. 1 et seq., and regulations, rules or orders issued pursuant thereto, and such records may also be referred 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., and regulations, rules or orders issued pursuant thereto.

4. The information may be given or shown to anyone during the course of an OIG investigation if the staff has reason to believe that disclosure to the person will further the investigation. Information may also be disclosed to Federal, foreign, state or local authorities in order to obtain information or records relevant to an OIG investigation.

5. The information may be given to independent auditors or other private firms with which the OIG has contracted to carry out an independent audit, or to collate, aggregate or otherwise refine data collected in the system of records. These contractors will be required to maintain Privacy Act safeguards with respect to such records.

6. The information may be disclosed to a Federal, foreign, state or local government agency where records in either system of records pertain to an applicant for employment, or to a current employer of that agency where the records are relevant and necessary to an agency decision concerning the hiring or retention of an employee or disciplinary or other administrative action concerning an employee.

7. The information may be disclosed to a Federal, foreign, state, or local government agency in response to its request in connection with the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

9. The information may be disclosed to the Department of Justice or other counsel to the Commission for legal advice or to pursue claims and to government counsel when the

defendant in litigation is: (a) Any component of the Commission or any member or employee of the Commission in his or her official capacity, or (b) the United States or any agency thereof. The information may also be disclosed to counsel for any Commission member or employee in litigation or in anticipation of litigation in his or her individual capacity where the Commission or the Department of Justice agrees to represent such employee or authorizes representation by another.

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

STORAGE:

Paper records in file folders, computer diskettes and computer memory.

RETRIEVABILITY:

By the name of the subject of the investigation or by assigned identification number.

SAFEGUARDS:

The records are kept in limited access areas during duty hours and in file cabinets in locked offices at all other times. These records are available only to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The Office of the Inspector General Investigative Files are destroyed ten years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of the Inspector General, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the systems of records, or contesting the content of records about themselves, should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

RECORD SOURCE CATEGORIES:

Information in these records is supplied by: Individuals including, where practicable, those to whom the information relates; witnesses, corporations and other entities; records of individuals and of the Commission; records of other entities; federal, foreign, state or local bodies and law enforcement agencies; documents, correspondence relating to litigation, and transcripts of testimony; and miscellaneous other sources.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

Under 5 U.S.C. 552a(j)(2), the Office of the Inspector General Investigative Files are exempted from 5 U.S.C. 552a except subsections (b), (c)(1), and (2), (3)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent the system of records pertains to the enforcement of criminal laws. Under 5 U.S.C. 552(k)(2), the Office of the Inspector General Investigative Files are exempted from 5 U.S.C. 552a except subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) to the extent the system of records consists of investigatory material compiled for law enforcement purposes. These exemptions are contained at 17 CFR 146.13.

CFTC-33

SYSTEM NAME:

Electronic Key Card Usage.

SYSTEM LOCATION:

Office of Administrative Services, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized key card holders, which may include CFTC employees, on-site contractors, visitors, or representatives of landlords.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer print-outs showing key card number and, in some cases, name of assigned user.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 2(a)(2)(A)(b) and 12(b)(3), Commodity Exchange Act, 7 U.S.C. 4a(e) and 16(b)(3).

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

See the Commission's "General Statement of Routine Uses," Nos. 1, 2, 6 and 7, Privacy Act Issuances, 1995 Comp. In addition, information contained in this system may be disclosed by the Commission (1) to any person in connection with architectural, security or other surveys concerning use of office space and (2) to employees and contractors for the purpose of maintenance or service of data processing systems.

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

STORAGE:

Paper records in file folders, computer diskettes and computer memory.

RETRIEVABILITY:

By name of the subject, by assigned key card number, by time period and by entry point.

SAFEGUARDS:

Information from the Commission's landlords' data bases may only be requested from the landlords by the Director of the Office of Administrative Services, or his/her designee. The Commission maintains all key card usage records in limited access areas at all times.

RETENTION AND DISPOSAL:

In accordance with the general record schedules and the Commission's record management handbook the records in the system are considered temporary and are destroyed when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records or contesting the content of records about themselves should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. The system of records and the notification, access and challenge procedures apply only to records of key card usage in the Commission's actual possession. None of these applies to any information solely in a landlord's possession.

RECORD SOURCE CATEGORIES:

With one exception, information in the system is supplied by the Commission's landlords, typically on request. Information supplied is a record of use of electronic key cards and in that sense the information is obtained directly from the users of the key cards. Information in the data base maintained in Chicago by the Commission itself is also merely recorded usage of electronic key cards and similarly is obtained directly from the user of the key card.

CFTC-34**SYSTEM NAME:**

Telephone System.

SYSTEM LOCATION:

Monthly billing records for local toll calls, long distance calls, and calling

card calls are located in the Office of Administrative Services, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. The most current record of the phone numbers and calling card numbers assigned to individual employees and contractors is kept by the administrative office in each regional location except Los Angeles. Los Angeles telephone assignment records are kept in the Washington, DC, Office of Administrative Services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (generally Commission employees and on-site contractor personnel) who make telephone calls from Commission telephones or use government issued calling cards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of Commission telephones or calling cards to place calls; records indicating assignment of telephone or calling card numbers to employees; and records relating to requests for telephone call detail information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 41 CFR part 101-35.

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

See the Commission's "General Statement of Routine Uses," Nos. 1 and 2, Privacy Act Issuances, 1995 Comp. In addition, records and data may be disclosed as necessary (1) to representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906; (2) to a telecommunications company or consultant providing telecommunications support to permit servicing the account.

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

Records are stored on computer printouts.

RETRIEVABILITY:

Records are retrievable by a Commission telephone or calling card number that is assigned to an individual.

SAFEGUARDS:

In addition to general building security, records are maintained in limited access areas at all times.

RETENTION AND DISPOSAL:

In accordance with the general record schedules and the Commission's record management handbook, the records in the system are considered temporary and are destroyed when no longer required, usually every three months.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See "Notification Procedures," above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures," above.

RECORD SOURCE CATEGORIES:

Telephone and calling card assignment records; call detail listings received from local and long distance service providers; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance calls.

CFTC 35**SYSTEM NAME:**

Interoffice and Internet E-Mail System.

SYSTEM LOCATION:

File servers in each system location (Washington, DC, Chicago, New York, Kansas City, Minneapolis, and Los Angeles) retain records. Records are backed up nightly onto magnetic tape in all locations except Minneapolis. Records are backed up weekly onto magnetic tape in the Minneapolis office. The most recent two weeks of tapes are kept in locked boxes in the Washington, DC, and Chicago locations. Tapes with information covering the prior two weeks are kept at an off-site storage facility in Washington, DC, and Chicago. Tapes with information covering the most recent four week period are kept on-site, in a secured area, in the New York, Kansas City, Los Angeles, and Minneapolis locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees and on-site contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on the use of the interoffice and Internet e-mail system, including address of sender and receiver(s), subject, date sent or received, name of attachment and certification status. On a restricted basis, records may include the contents of an individual's mailbox.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and section 12(b)(3) of the Commodity Exchange Act, 7 U.S.C. 16(b)(3).

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

The records are used by CFTC network administrators who have a need for the records in the performance of their duties. See also the Commission's "General Statement of Routine Uses," Nos. 1, and 2, Privacy Act Issuances, 1995 Comp. In addition, the records and data, other than the content of individual mailboxes, may also be disclosed as necessary to contractors as necessary for assessment, modification, or maintenance of the e-mail system.

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

Records are stored on the file servers in each CFTC location. Servers are backed up nightly and the information is transferred to magnetic tape. In Washington, DC, and Chicago, the most recent two weeks of magnetic tape are kept in a locked box in the Computer Room. The prior two weeks are kept at an off-site storage facility in Washington, DC, and Chicago. The entire four weeks of magnetic tape information is kept in unlocked boxes in a secured area in the New York, Kansas City, Los Angeles and Minneapolis locations.

RETRIEVABILITY:

The information can be retrieved by assigned interoffice or Internet mail address.

SAFEGUARDS:

Only network administrators have access to the e-mail information. This access is generally limited to the "header" information described under "Categories of Records." The tapes are kept in locked storage boxes in Washington, DC, and Chicago, and only network administrators and OIRM

management have keys to the locked boxes. In the New York, Kansas City, Los Angeles and Minneapolis locations, tapes are kept in unlocked boxes, either stored in a fireproof safe or vault. Only designated office personnel have access to the safe or vault.

RETENTION AND DISPOSAL:

Records on magnetic tape are retained for four weeks, then destroyed as the tape is written over with new information. Records are retained on the file server until the sender and receiver delete the information from the e-mail system. Internet e-mail information that is received by the postmaster due to an error in delivery is considered temporary and is destroyed after the problem is corrected.

SYSTEM MANAGER(S) AND ADDRESS:

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

NOTIFICATION PROCESS:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See "Notification Procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" above.

RECORD SOURCE CATEGORIES:

Internet e-mail, interoffice e-mail.

CFTC 36**SYSTEM NAME:**

Internet Web Site and News Group Browsing System.

SYSTEM LOCATION:

Firewall software, located on PC in the Washington, DC, office's computer room. Information on use of each personal computer is stored on that computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees and on-site contractors who are users of the Internet Web Site and News Group Browsing capability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on the web sites and news groups visited, as identified by the

Internet protocol address assigned to each computer, as well as information on the date and time of the web site or news group access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and section 12(b)(3) of the Commodity Exchange Act, 7 U.S.C. 16(b)(3).

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

The records are used by CFTC network administrators for maintenance of the firewall system that protects the CFTC from unauthorized access to its data. The network administrators may also use the information to evaluate the level of use of the agency's Internet browsing capability. See also the Commission's "General Statement of Routine Uses," Nos. 1, and 2, Privacy Act Issuances, 1995 Comp. Records may also be disclosed as necessary to the agency's Internet service provider or agency contractor to the extent the information is necessary for maintenance of the agency's Internet access.

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

Records are kept on the software maintained on the firewall gateway server in the headquarters computer room. In addition, a record of the Internet browsing done on each computer is maintained on that PC. The length of time of storage on the firewall gateway server is governed by available disk space on the server. At current levels of browsing usage, the information is stored on the server for approximately three days. Information on web sites visited by each PC is also stored in the PC's history file or cache directory. The information is stored on the individual PC until the cache directory consumes 1% of total disk space. Oldest items are then removed until the directory is equal to or less than 1% of the total disk space. History file records are maintained until 100 URLs are entered. (URL stands for "Uniform Resource Locator" and is the address of the site visited, for example, <http://www.cftc.gov>.) The oldest URLs are deleted until the total URL count is equal to or less than 100 entries.

RETRIEVABILITY:

The information can be retrieved by Internet protocol address. The network administrators have access to information about the office location and individuals assigned to each

computer, as identified by Internet protocol address.

SAFEGUARDS:

Network administrators, through use of a password protection, have access to the Internet web browsing system information that is stored on the firewall gateway server in the headquarters computer room. Access to the computer room is limited to OIRM employees. The Director of OIRM may grant the Commission's Internet service provider access to the Internet web browsing system information for maintenance purposes. However, the provider would not have access to the information that links Internet protocol addresses to particular computers, locations and individuals.

RETENTION AND DISPOSAL:

Records are retained on the Commission's firewall software for approximately three days, then over written.

SYSTEM MANAGER(S) AND ADDRESS:

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

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See "Notification Procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" above.

RECORD SOURCE CATEGORIES:

Internet, web site and news group browsing, web site access.

CFTC 37

SYSTEM NAME:

Lexis/Westlaw Billing Information System.

SYSTEM LOCATION:

Office of Information Resources Management, Three Lafayette Centre, 1155 21st Street NW., Washington DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees and on-site contractors who are users of the Lexis/Westlaw research system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on the name, search subject, database searched, date, elapsed time, type of charge, and total charge for a search in the Lexis/Westlaw automated research system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and section 12(b)(3) of the Commodity Exchange Act, 7 U.S.C. 16(b)(3).

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

Records are used primarily by the Administrative Officer, OIRM, to monitor expenditures and to ensure the availability of funds. The records containing usage information are distributed monthly to the administrative officers in each office for their confirmation that Lexis/Westlaw use was authorized. See the Commission's "General Statement of Routine Uses," Nos. 1 and 2, Privacy Act Issuances, 1995 Comp. Lexis/Westlaw can also access the information and uses it for statistical analysis and billing purposes.

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

STORAGE:

Billing information is maintained by the Administrative Officer, OIRM, in a locked file drawer.

RETRIEVABILITY:

By division, by month of use, by database accessed, by user name and user identification number. Retrieval is done manually.

SAFEGUARDS:

Billing information is kept in locked desks at all times. Information is provided only to the Administrative Officer, OIRM, and is circulated to the administrative officer for each office.

RETENTION AND DISPOSAL:

Hard copies of monthly billing statements are retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Office of Information Resources Management, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORDS ACCESS PROCEDURES:

See "Notification Procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" above.

RECORDS SOURCE CATEGORIES:

Lexis/Westlaw billing information.

CFTC 38

SYSTEM NAME:

Automated Library Circulation System.

SYSTEM LOCATION:

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

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual CFTC employees who check out books and periodicals from the CFTC Library.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records showing the bar code assigned to employees who use the library, title, due date, and hold information on library materials checked-out by individual CFTC employees; records of overdue materials and of employee notification of overdue materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 41 CFR part 101-27.

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

The Library staff uses the information to track the location of library materials, to provide users on request with a list of materials currently shown as in their possession, and to issue, as necessary, overdue notices for materials. See the Commission's "General Statement of Routine Uses," Nos. 1 and 2, Privacy Act Issuances, 1995 Comp. The records may also be disclosed as necessary to agency contractors in connection with assessment, modification or maintenance of the automated circulation system.

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

STORAGE:

Records are stored on the CFTC local area network file server. Records on the identifying bar codes assigned to individuals are stored in the file server and on rolodex cards.

RETRIEVABILITY:

Records are retrievable by employee name or by the employee's bar code number.

SAFEGUARDS:

Records may be accessed only by authorized CFTC staff members, who are principally staff of the Library or the Office of Information Resources Management. Staff members must use an individual password to gain access to the information stored in the computer.

RETENTION AND DISPOSAL:

Records in the system are considered temporary. The records of library transactions are destroyed when an item on loan is returned or reimbursement is made for replacement of the item.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Librarian, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether the system of records contains information about themselves, seeking access to records about themselves in the system of records, or contesting the content of records about themselves should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

RECORDS ACCESS PROCEDURES:

See "Notification Procedures" above.

CONTESTING RECORDS PROCEDURES:

See "Notification Procedures" above.

RECORDS SOURCE CATEGORIES:

Library user bar code identifiers; library materials use; overdue notices.

Issued in Washington, DC, on August 14, 1997, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 97-22050 Filed 8-20-97; 8:45 am]

BILLING CODE 6351-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Stars and Stripes Audience Survey; OMB Number 0704-0314.

Type of Request: Reinstatement.

Number of Respondents: 3,000.

Responses per Respondent: 1.

Annual Responses: 3,000.

Average Burden per Response: 24 minutes.

Annual Burden Hours: 1,200.

Needs and Uses: This information collection requirement is necessary to evaluate current Stars and Stripes newspaper policies and practices, and provide information on demographics and consumer habits of Stars and Stripes readers for use in marketing initiatives. Respondents are Department of Defense civilian employees and their families living in areas served by the Stars and Stripes readership. As the last similar survey was conducted in 1990, no current information exists on reader demographics, preferences, opinions, and purchasing habits. This information will assist in evaluating current policies and practices, provide guidance on potential changes in current activities, and guide future activities in the areas of circulation and advertising.

Affected Public: Individuals or households.

Frequency: Triennially.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: August 15, 1997.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-22141 Filed 8-20-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision for the Environmental Impact Statement (EIS) for Proposed Western Army National Guard Aviation Training Site Expansion, Arizona

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Record of Decision (ROD) was signed on July 31, 1997.

The decision made in the ROD was to implement the proposed action and a series of mitigation measures to minimize the environmental impacts of this action. The proposed action consists of three components: (1) Increase the size of the original Tactical Flight Training Area (TFTA) to improve training, enhance training safety through reduced training congestion, allowing limited ground training support activities, and to reduce noise and environmental impacts through closing some parts of the existing TFTA; (2) increase the number of helicopter gunnery training operations through construction of new ranges or modification to existing ranges; and (3) construct new facilities for housing, training, maintenance and to comply with changing environmental requirements.

ADDRESSES: Copies of the ROD will be mailed to individuals who participated in the public scoping process. Copies will also be sent to Federal, State, regional, and local agencies; interested organizations and agencies; and public libraries. Individuals not currently on the mailing list may obtain a copy by request.

FOR FURTHER INFORMATION CONTACT:

The EIS Project Officer, Captain Ron Skaggs, Environmental Officer, Arizona Army National Guard, 5636 East McDowell Road, Phoenix, Arizona 85008-3495 or telephone (602) 267-2742.

Dated: August 14, 1997.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety, and Occupational Health), OASA (I, L&E).

[FR Doc. 97-22186 Filed 8-20-97; 8:45 am]

BILLING CODE 3710-08-M