NLRB-21

System name:

Judicial Case Management System-Pending Case List (JCMS-PCL) and Associated Headquarters Files.

Security Classification:

None.

System location:

Records are stored on paper and electronic media at Agency Headquarters, Office of the Executive Secretary, 1099 14th Street, NW., Washington, DC 20570. Additionally, pursuant to the Agency's flexiplace and telecommuting programs, or due to official travel, JCMS-PCL may also be accessed from alternative worksites via the Internet, including employees' homes. Associated Headquarters Files (or copies of such files) also may be temporarily located at alternative worksites. All appropriate safeguards will be taken at these sites.

Category of individuals covered by system:

Individual Respondents in unfair labor practice cases before the members of the National Labor Relations Board (``the Board"); individual Employers in representation cases before the Board; current and former Agency employees assigned to cases.

Categories of records in the system:

(1) Summary information of unfair labor practice and representation cases before the Board (such as names of parties, case status, and Agency personnel assignments) is maintained in an electronic case tracking system, JCMS-PCL.

(2) Associated Headquarters Files are paper records established and maintained for processing unfair labor practice and representation proceedings before the Board. These records include the Official Case Records maintained in the Agency's Headquarters. The paper records are administrative and court records (such as unfair labor practice charges, unfair labor practice complaints and answers, representation petitions, briefs, motions and orders), correspondence, legal research memoranda, and other related documents. These records include the names of parties, and Agency employees assigned to the cases.

JCMS-PCL and Associated Headquarters Files may include parties' home addresses and home telephone numbers, if such information is provided to the Agency. Portions of these records include civil investigatory and law enforcement information.

Authority for maintenance of the system:

29 U.S.C. 159, 160, 161; 44 U.S.C. 3101; and the Government Performance and Results Act of 1993, Pub.L. 103-62, 107 Stat. 285 (codified in sections of Titles 5, 31, and 39 of the U.S. Code).

Purpose:

JCMS-PCL is an electronic case tracking system used by the Offices of the Board (Members and their staffs, the Office of Representation Appeals, the Office of the Solicitor, and the Office of the Executive Secretary) to facilitate the accurate and timely collection, retrieval, and retention of information regarding the processing of unfair labor practice and representation cases before the Board. The information and activities tracked by the system may be generated by the parties' filing of briefs, motions, and other documents, or by deliberative, analytical processes undertaken by Board employees assigned to cases. This database stores current and historical information, and is used to generate data for managing the Agency's case processing and resources, creating the Agency's budget, preparing monthly and annual reports of casehandling activities, and providing requested statistical reports to the public. Limited information from JCMS-PCL is imported into NLRB-25, the Case Activity Tracking System (CATS), which is a system of records that tracks cases for the Agency's Regional Offices. Party and party-representative contact information from JCMS-PCL is also made available to the public on the Agency's Web site at http://www.nlrb.gov.

Associated Headquarters Files are paper files maintained to adjudicate or otherwise resolve matters handled by the Board. These records include the Official Case Records maintained in the Agency's Headquarters. Other offices of the Agency, including the Division of Judges located at Agency Headquarters and the Division of Enforcement Litigation's Appellate Court Branch, also use these records for case processing purposes. JCMS-PCL and Associated Headquarters Files may also be used to assist in evaluating Agency employees.

Routine uses of records maintained in the system, including, including categories of users and the purpose of such uses:

The standard routine uses applying to this system are listed in the General Prefatory Statement to this document.

Disclosure to consumer reporting agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is maintained on paper and electronic media.

Retrievability:

Data may be retrieved by the names of individual Respondents in unfair labor practice cases before the Board; names of individual Employers in representation cases before the Board; names of current and former Agency employees assigned to cases; as well as by non-personal identifiers, such as case numbers assigned by the Agency.

Safeguards:

Access to Agency working and storage areas is restricted to Agency employees who have a need to use the information in order to perform their duties, custodial personnel, Federal Protective Service personnel, and other contractor and security personnel. All other persons are required to be escorted in Agency areas. Associated Headquarters Files are maintained in staffed or locked areas during working hours. The facilities are protected from unauthorized access during non-working hours by the Federal Protective Service or other security personnel. Those Agency Headquarters employees who telecommute and may possess Associated Headquarters Files (or copies of such files) at alternative worksites or who may access JCMS-PCL from alternative worksites are instructed as to keeping such information in a secure manner.

Electronic system-based access controls are in place to prevent data misuse. Access to electronic information is controlled by administrators who determine users' authorized access based on each user's office and position within the office. Access criteria, procedures, controls, and responsibilities are documented and consistent with the policies stated in a memorandum titled ``NLRB Access Control Standards, Password Management," and dated January 23, 2002. All network users are also warned at the time of each network login that the system is for use by authorized users only, and that unauthorized or improper use is a violation of law.

Retention and Disposal:

JCMS-PCL information will be retained and disposed of in accordance with appropriate Agency schedules that will be submitted to the National Archives and Records Administration (NARA) for its approval. Associated Headquarters Files are disposed of in accordance with the Agency's Disposition Standards Records, as approved by NARA.

System manager and address:

Executive Secretary, National Labor Relations Board, Room 11600, 1099 14th Street, NW., Washington, DC 20570-0001.

Notification procedures:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual may inquire as to whether this system contains a record pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR Sec.102.117a(a) (as newly designated in accompanying proposed amended regulations).

Record access procedure:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager in accordance with the procedures set forth in 29 CFR Sec. 102.117a(b) and (c) (as newly designated in accompanying proposed amended regulations).

Contesting record procedure:

For records not exempted under 5 U.S.C. Sec. 552a(k)(2) of the Privacy Act, an individual may request amendment of a record in this system pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.117a(d) (as newly designated in accompanying proposed amended regulations).

Record source categories:

For records not exempted under 5 U.S.C. Sec. 552a(k)(2) of the Privacy Act, record source categories include parties in unfair labor practice and representation cases; party representatives; witnesses in Board proceedings; and individual Agency employees. Record source categories also include documents relating to the processing of unfair labor practice or representation cases by the Board, such as unfair labor practice charges and complaints, representation petitions, administrative law judge determinations, Board decisions, and decisions from United States courts of appeal. JCMS-PCL also receives electronic data from NLRB-22, JCMS-eRoom.

Exemptions claimed for the system:

Pursuant to 5 U.S.C. 552a(k)(2), the Agency has exempted portions of this system, including records relating to requests pursuant to Section 10(j) of the NLRA (29 U.S.C. 160(j)), requests to pursue federal court contempt proceedings, and certain requests that the Board initiate litigation or intervene in non-Agency litigation, from the following provisions of the Privacy Act: 5 U.S.C. Sec. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

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71 FR 74941-02

NOTICES
NATIONAL LABOR RELATIONS BOARD

Privacy Act of 1974; Publication of Notices of Systems of Records

Wednesday, December 13, 2006

AGENCY: National Labor Relations Board (NLRB).

*74941 ACTION: Notification of the establishment of twelve systems of records, nine of which consist of an electronic case tracking system and associated paper or electronic files, and the remaining three systems consist of electronic case tracking systems only.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the Agency publishes this notice of its intention to establish twelve systems of records. Nine of these systems consist of an electronic case tracking system and associated paper or electronic files, and the remaining systems, NLRB-22, NLRB-26, and NLRB-31, consist of electronic case tracking systems only. The electronic case tracking systems and associated paper or electronic files permit the accurate and timely collection, retrieval, and retention of information maintained by offices of the Agency, regarding those offices' handling of matters before them, including unfair labor practice, representation, or Freedom of Information Act cases.

All persons are advised that, in the absence of submitted comments considered by the Agency as warranting modification of the notices as here proposed, it is the intention of the Agency that the notices shall be effective upon expiration of the comment period without further action.

DATES: Written comments must be submitted no later than January 22, 2007.

ADDRESSES: All persons who desire to submit written comments for consideration by the Agency in connection with the proposed notices of systems of records shall file them with the Privacy Officer, National Labor Relations Board, Room 7608, 1099 14th Street, NW., Washington, DC 20570-0001. Comments on these notices may also be submitted electronically to PrivacyActComments@nlrb.gov.

Copies of all such comments will be available for examination during normal *74942 business hours (8:30 a.m. to 5 p.m. Monday through Friday, excluding federal holidays) in the Agency's Reading Room, located in the Case Records Unit, National Labor Relations Board, Room 9201, 1099 14th Street, NW., Washington, DC 20570-0001.

FOR FURTHER INFORMATION CONTACT: Steven Coney Privacy Officer, National Labor Relations Board, Room 7608, 1099 14th Street, NW., Washington, DC 20570-0001, (202) 273-2833, Steven.Coney@nlrb.gov.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), the Agency proposes to exempt several of the systems of records (or portions of some systems) from the following subsections of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). The Agency's notice of proposed rulemaking setting forth this proposed exemption appears elsewhere in today's issue of the Federal Register.

A report of the proposal to establish these systems of records was filed pursuant to 5 U.S.C. § 552a(r) with

Congress and the Office of Management and Budget.

General Prefatory Information

A. All references to the Agency's "unfair labor practice cases" in these notices include the portion of such cases known as "compliance," during which the Agency seeks effectuation of remedial provisions of a settlement agreement, Board order, or court judgment enforcing a Board order. (See NLRB Casehandling Manual, Part Three—Compliance Proceedings, § 10500.1).

B. Standard Routine Uses of the Records. The following routine uses apply to and are incorporated by reference into most of the systems of records published below, as described below for each system.

Records may be disclosed:

1. To a federal, state, or local agency (including a bar association or other legal licensing authority), charged with the responsibility for investigating, defending, or pursuing violations of law or rule (civil, criminal, or regulatory in nature), in any case in which there is an indication of a violation or potential violation of law or rule;

2. In a federal, state, or local proceeding or hearing, which is administrative, judicial, or regulatory, in accordance with the procedures governing such disclosure and proceeding or hearing, including, but not limited to, National Labor Relations Board Rule § 102.118, 29 CFR § 102.118, and such records are determined by the Agency to be arguably relevant to the litigation;

3. To the Agency's legal representative, including the Department of Justice and other outside counsel, where the Agency is a party in litigation or has an interest in litigation, including when any of the following is a party to litigation or has an interest in such litigation: (a) The Agency, or any component thereof; (b) any employee of the Agency in his or her official capacity; (c) any employee of the Agency in her or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (d) the United States, where the Agency determines that litigation is likely to affect the Agency or any of its components;

4. To a party or his or her representative in an Agency administrative unfair labor practice or representation proceeding or related judicial proceeding, for the purpose of: (a) Negotiation or discussion on matters in furtherance of resolving the proceeding; (b) providing such persons with information concerning the progress or results of the Agency administrative or judicial proceeding; or (c) ensuring due process in the Agency's administrative proceedings by disclosing copies of all documents referenced by the Agency's Casehandling Manual, Part One, Unfair Labor Practice Proceedings § 11842 (.1-.3), or releasing documents in accordance with the Board's Rules and Regulations;

5. To any person who, during the course of an Agency administrative unfair labor practice or representation proceeding or related judicial proceeding, is a source for information or assists in such proceeding, to the extent necessary to obtain relevant information or assistance or for a reason compatible with the purpose for which the record was collected;

6. To a federal, state, local, or foreign agency or agent, in order to: (a) Aid in the Agency's collection, administration, and disbursement of remedial funds owed under the NLRA; or (b) assist in collecting an overdue debt owed to the United States by an unfair labor practice respondent;

7. To individuals who need the information in connection with the processing of an internal Agency grievance;

8. To an arbitrator to resolve disputes under a negotiated Agency grievance arbitration procedure;

9. To officials of labor organizations recognized under 5 U.S.C., chapter 71, when disclosure is not prohibited by law, and the data is normally maintained by the Agency in the regular course of business and is necessary for a full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining. The foregoing shall have the identical meaning as 5 U.S.C. 7114(b)(4);

10. To a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the constituent about whom the records are maintained;

11. To the public, news media, and other individuals and organizations, concerning unfair labor practice or representation proceedings, limited as follows: Administrative unfair labor practice or representation hearings are usually open to the public, pursuant to 29 CFR 102.34 and 102.64, and formal documents (those documents traditionally considered by the Agency to be publicly available) are made available for public inspection under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Additionally, Board decisions are posted on the Agencys Web site at http://www.nlrb.gov, see 5 U.S.C. 552(a)(2)(A) and (E), and may be distributed to publishers. Party and party-representative contact information is also made available to the public on the Agency's Web site. Information that would not be exempt from disclosure under the FOIA may also be released to the news media, in order to provide information on events in an administrative or judicial proceeding. Such information that would not be exempt from disclosure under the FOIA is also used to respond to inquiries from governmental, non-profit, business, labor, and legal organizations, as well as academic researchers, concerning pending related legislation and Agency performance;

12. To FOIA requesters, when the Agency discloses requested documents under the circumstances of the Agency's discretionary release policy, set forth in the Agency's FOIA Manual (available on the Agencys Web site at http:/ www.nlrb.gov);

13. To the following federal agencies: (a) The Office of Management and Budget in order to obtain advice regarding the Agencys obligations under the Privacy Act, or to assist with the Agency's budget requests; (b) the Department of Justice in order to obtain advice regarding the Agency's obligations under the Freedom of Information Act; or (c) the National Archives and Records Administration, in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

*74943 14. To contractors, for the purpose of reproduction, by typing, photocopying, or other means, of any record within the system for use by the Agency;

15. To contractors and other federal agencies, for the purpose of assisting the Agency in further development and continuing maintenance of electronic case tracking systems; and

16. To agencies of the United States Government, or to foreign or international law enforcement or administrative authorities, in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements in which the United States participates.

Dated: Washington, DC November 15, 2006.

By direction of the Board.

Lester A. Heltzer,

Executive Secretary.