

NLRB-20

System name: Agency Disciplinary Case Files.

Security classification:

None.

System location:

Office of the Executive Secretary; Office of the Solicitor; Board Members' Offices; Office of the General Counsel; Division of Operations Management, NLRB, 1099 14th Street, NW, Washington, DC 20570-0001.

Categories of individuals covered by the system:

Attorneys and other individuals, other than current NLRB employees, who appear and practice before the NLRB.

Categories of records in the system:

All correspondence, internal staff memoranda, affidavits, statements, transcripts, exhibits, or other documents or records compiled by the NLRB in the course of conducting disciplinary investigations and proceedings involving allegations of misconduct in violation of the NLRB's rules by attorneys and other individuals, other than current NLRB employees, who appear and practice before the NLRB.

Authority for maintenance of the system:

5 U.S.C. 552a; 29 U.S.C. 156; and 29 CFR 102.44, 102.66(d), 102.119, and 102.120.

Purpose(s):

Purpose of records is to document NLRB investigations and proceedings involving allegations of misconduct in violation of the NLRB's rules by attorneys and other individuals, other than current NLRB employees, who appear and practice before the NLRB.

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

The records and information contained therein may be disclosed to:

1. Any person who, during the course of a disciplinary investigation or proceeding, is a source or assists in such investigation or proceeding, to the extent necessary to obtain relevant information or assistance.
2. A bar association or similar Federal, State, or local licensing authority, where the record or information, by itself or in connection with other records or information, indicates a violation or potential violation of the standards of professional conduct established or adopted by the licensing authority.

3. Other agencies, offices, establishments, and authorities, whether Federal, state, or local, authorized or charged with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record or information, by itself or in connection with other records or information, indicates a violation or potential violation of law, whether criminal, civil, administrative, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order pursuant thereto.

4. A Federal, state, or local governmental authority maintaining civil, criminal, or other relevant enforcement information, if necessary to obtain information relevant to an NLRB decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

5. A Federal, State, or local government authority, in response to its request, that this system of records contains information relevant to the hiring or retention of an employee, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the NLRB or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

6. A court, magistrate, administrative tribunal, or other adjudicatory body in the course of presenting evidence or argument, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings, when: (a) The NLRB or any component thereof, or (b) any employee of the NLRB in his or her official capacity; or (c) any employee of the NLRB in his individual capacity where the NLRB has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has interest in such litigation, and determines that such disclosure is relevant and necessary to the litigation and that the use of such records is therefore deemed by the NLRB to be for a purpose that is compatible with the purpose for which the records were collected.

7. The Department of Justice for use in litigation when either (a) the NLRB or any component thereof, (b) any employee of the NLRB in his or her official capacity, (c) any employee of the NLRB in his or her official capacity, where the Department of Justice has agreed to represent the employee, or (d) the United States where the NLRB determines that litigation is likely to affect the NLRB or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the NLRB to be relevant and necessary to the litigation, provided that in each case the Agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

8. Any person with whom the NLRB contracts to reproduce, by typing, photocopy or other means, any record within the system for use by the NLRB.

9. A Member of Congress or a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the records are maintained.

Disclosures to consumer reporting agencies:

None.

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

Storage:

Records are maintained in file folders, on computer disks and diskettes, and on computer tapes.

Retrievability:

Records are retrievable by case number and/or individual name.

Safeguards:

Access to and use of records is limited to those persons whose official duties require such access. Records are kept in limited access areas during duty hours and in locked offices and file cabinets during off-duty hours. Computer records can be accessed only through use of confidential procedures and passwords.

Retention and disposal:

Files are disposed of according to applicable provisions of the General Records Schedules issued by the National Archives and Records Administration.

System manager(s) and address:

Executive Secretary, NLRB, 1099 14th Street, NW, Washington, DC 20570, for files maintained by the Executive Secretary's Office, Solicitor's Office, and Board Members' Offices.

Associate General Counsel, Division of Operations Management, NLRB, 1099 14th Street, NW, Washington, DC 20570, for files maintained by the General Counsel's Office and the Division of Operations Management.

Notification procedure:

The Agency Disciplinary Case Files system of records is exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2); however, consideration will be given to individual requests for notification whether the system contains a record pertaining to the requesting individual, for access to records pertaining to such individual, or for amendment of a record pertaining to such individual. Requests should be made in writing addressed to the system manager(s) and should contain the individual's full name, occupation, address, and date of birth.

Record access procedure:

See "Notification Procedure" above.

Contesting record procedures:

See "Notification Procedure" above.

Record source categories:

Categories of record sources include the subject individual, records from the underlying administrative proceeding where the alleged misconduct occurred, other participants in the underlying administrative proceeding, and various other sources.

Systems exempted from certain provisions of the Privacy Act:

Pursuant to 5 U.S.C. 552a (k)(2), the NLRB has exempted the system from the following provisions of the Privacy Act of 1974: 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). This exemption is codified in 29 CFR part 102.