

System Name:

Office of Inspector General--Investigative Files.

System Location(s):

Office of Inspector General, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Categories of Individuals Covered by the System:

In connection with its investigative duties, the Office of Inspector General (OIG) maintains records on the following categories of individuals: (a) Individuals or entities who are or have been the subject of inquiries or investigations conducted by OIG, including current and former employees of NSF; and current and former contractors (or applicants for contracts), subcontractors, consultants, or the recipients of (or applicants for) NSF grants or cooperative agreements, and their current or former employees, students, or collaborators; and (b) Individuals who are witnesses; complainants; confidential or nonconfidential informants; and parties who have been identified by OIG (on the basis of information received or developed by OIG) as potentially possessing information relevant to an investigation under the jurisdiction by the OIG.

Categories of Records in the System:

Information relating to investigations including: (a) Letters, memoranda, and other documents citing complaints or alleged criminal, civil, or administrative misconduct; (b) Investigative files, which include: reports of investigations to resolve allegations of misconduct or violations of law or administrative or ethical requirements; exhibits, statements, affidavits, or other records obtained or generated during investigations; prior criminal or noncriminal records of individuals as they relate to the investigations; reports from or to other law enforcement bodies; information obtained from informants and identifying data with respect to such informants; nature of allegations made against suspects and identifying data concerning such subjects; and public source materials.

Authority for Maintenance of the System:

Inspector General Act, as amended, 5 U.S.C. app.

Purpose(s):

The Office of the Inspector General (OIG) for the National Science Foundation (NSF) maintains this system of records in order to conduct its responsibilities pursuant to the Inspector General Act of 1978, as amended, 5 U.S.C. app. section 4. The OIG is statutorily directed and authorized

to conduct and supervise investigations relating to programs and operations of NSF, to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and to prevent and detect fraud, waste and abuse in such programs and operations. Accordingly, the records are used in investigations of individuals and entities suspected of having committed illegal or unethical acts, and in any resulting criminal prosecutions, civil proceedings, or administrative actions.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of such Uses:

These records may be disclosed as follows:

1. In the event that records indicate a violation or potential violation of a requirement, whether criminal, civil, regulatory, administrative, contractual, or ethical in nature, whether arising by statute, regulation, rule, order, contract (including a grant or cooperative agreement), or ethical practices or norms, the relevant records in the system of records may be disclosed, as a routine use, to the appropriate entity, whether governmental (federal, foreign, state, local, or international) or non-governmental, charged with the responsibility of investigating or prosecuting such violation or potential violation, or charged with enforcing, implementing, or complying with such statute, regulation, rule, order, contract, or ethical practices or norms.
2. Disclosure may be made to appropriate entities, whether governmental (federal, foreign, state, local or international) or non-governmental, or to an individual, when necessary to elicit information that will assist an investigation or audit.
3. Disclosure may be made to a federal, state, local, foreign, or international entity maintaining civil, criminal, or other relevant information if necessary to obtain information relevant to an OIG decision concerning the assignment, hiring, or retention of an individual and/or employee or disciplinary or other administrative action concerning an employee, the issuance or revocation of a security clearance, the reporting of an investigation of an individual and/or employee, or the award of a contract (including a grant or cooperative agreement).
4. Disclosure may be made to a federal, state, local, foreign, or international entity in response to its request in connection with the assignment, hiring, or retention of an individual and/or employee, or disciplinary or other administrative action concerning an employee, the issuance or revocation of a security clearance, the reporting of an investigation of an individual and/or employee, or the award of a contract (including a grant or cooperative agreement) or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
5. Disclosure may be made to the Office of Personnel Management or the Merit Systems Protection Board (including the Office of the Special Counsel) of information relevant and necessary to carrying out their functions.
6. In the event OIG is aware of information about possible misconduct in science and engineering, disclosure of relevant records may be made by OIG to institutions or entities that

have proposed or received contracts, grants, or cooperative agreements so that they can conduct inquiries and investigations into possible misconduct in science and engineering pursuant to 45 CFR part 689.

7. Disclosure may also be made to independent auditors, contractors, experts, and other individuals who perform a service to or work on or under a contract, or other arrangement with or for the federal government, as necessary to carry out their duties. Such contractors will be required to maintain Privacy Act safeguards with respect to such records.

8. Disclosure may be made to another federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a federal agency when the government is a party to the judicial or administrative proceeding.

9. In the event the OIG deems it desirable or necessary, in processing a Freedom of Information Act or Privacy Act request, disclosure may be made to the Department of Justice or the Office of Management and Budget for the purpose of obtaining its advice.

10. Disclosure may be made to the Department of Justice, to the extent it is compatible with the purpose for which the record was collected, and is relevant and necessary to litigation or anticipated litigation, in which one of the following is a party or has an interest: (a) NSF or any of its components; (b) an NSF employee in his or her official capacity; (c) an NSF employee in his or her official capacity when the Department of Justice is representing or considering representing the employee; or (d) the United States, when NSF determines that litigation is likely to affect NSF.

11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. Disclosure may be made to representatives of the General Services Administration and the National Archives and Records Administration who are conducting record management inspections under 44 U.S.C. 2904 and 2906.

Policies and Practice for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage:

The OIG Investigative Files consist of automated data and paper records. The paper records are stored in file cabinets and the automated data are maintained in computers in OIG.

Retrievability:

The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

Safeguards:

These records are kept in OIG offices within limited access areas of the National Science Foundation during duty hours, and in locked offices at all other times. Passwords are required to access the automated data.

Retention and Disposal:

The Investigative Files are kept indefinitely pending adoption of an NSF-specific approved records retention schedule.

System Manager(s) and Address(es):

Inspector General, Office of Inspector General, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Notification Procedure:

The Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR part 613.

Record Access Procedures:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2) or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. Access requests must be sent to the Privacy Act Officer in accordance with procedures found at 45 CFR part 613.

Contesting Record Procedures:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2) or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for contest is received. Requests must be sent to the Privacy Act Officer in accordance with procedures found at 45 CFR part 613.

Record Source Categories:

The subjects of investigations; individuals with whom the subjects of investigations are associated; current and former NSF employees; federal, state, local, and foreign law enforcement and non-law enforcement agencies; private citizens; witnesses; confidential and nonconfidential informants; and public source materials.

Exemptions Claimed for the System:

This system is exempted from 5 U.S.C. 552a except subsections (b); (c)(1) and (2); (e)(4)(A) through (F); (e) (6), (7), (9), (10), and (11); and (i) under 522a(j)(2) to the extent the system of

records pertains to enforcement of criminal laws; and is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) under 5 U.S.C. 552a(k)(2) to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2). These exemptions are contained in 45 CFR 613.