

# USDA/OCRE-1

**System Name:** Program Discrimination Complaints, USDA/OCRE-1.

**System location:** Program discrimination complaint files are maintained in the United States Department of Agriculture (USDA), Office of Civil Rights Enforcement (OCRE), and in the civil rights compliance office of the agency with respect to which the complaint of discrimination was filed (see appendix A).

**Categories or individuals covered by the system:** Individuals who file complaints on their behalf, or on the behalf of a group or class of persons, alleging discrimination in USDA federally assisted or federally conducted programs or activities.

**Categories of records in the system:** The system consists of complete files (i.e., complaints, agency responses to complaint related correspondence inquiries, and investigatory reports) on initial inquiries made by personnel of OCRE and the agencies involved with complaints. The files, where appropriate, may include investigatory reports compiled by OCRE or the agency involved.

**Authority for maintenance of the system:** 5 U.S.C. 301; 42 U.S.C. 2000d, et seq.; 42 U.S.C. 3608(d); 42; U.S.C. 12101, et seq.; 20 U.S.C. 1681, et seq.; 29 U.S.C. 794; 15 U.S.C. 1691, et seq.; and 7 U.S.C. 2011, et seq.

**Purpose(s):** This system is established to maintain records relating to the processing of program discrimination complaints.

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

(1) Disclosure may be made to the United States Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when USDA, any component thereof, or any employee in his or her individual capacity where DOJ (or USDA where it is authorized to do so) has agreed to represent the employee, or the United States where USDA determines that the litigation is likely to affect directly the operations of USDA or any of its components, is a party to the litigation or has an interest in such litigation, and USDA determines that the use of such records by DOJ, the court or other tribunal, or the other party before such tribunal is relevant and necessary to the litigation; provided, however, that in each case, USDA determines that such disclosure is compatible with the purpose for which the records were collected.

(2) In the event that material in this system indicates a violation of law, whether civil or criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) 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.

(4) Disclosure may be made to the United States Civil Rights Commission in response to its request for information.

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

**Storage:** Records maintained by OCRE are stored in file folders at the address listed above; records maintained by the particular USDA agency involved are stored in file folders at the respective civil rights compliance office.

**Retrievability:** Records are indexed by name of complainant, agency, and address.

**Safeguards:** Records are kept in file cabinets in the office listed above. This office is always locked when unoccupied. Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** Records are maintained for a period of 3-years, after which they are sent to the National Archives and Records Administration, Washington, DC 20408. System manager(s) and address: David Montoya, Director, Office of Civil Rights Enforcement, Room 1322-South Building, 14th and Independence Avenue, SE, Washington, DC 20250-9400. Within the agency with respect to which the complaint of discrimination was filed, the System Manager is the head of the office of civil rights compliance or other official designated as responsible for administration and enforcement of program non-discrimination laws and regulations.

**Notification procedure:** Any individual may request information regarding this system of records from the System Manager. The request should be in writing.

**Record access procedures:** An individual who wishes to request access to records in the system should submit a written request to the System Manager in an envelope marked "Privacy Act Request".

**Contesting record procedures:** An individual desiring to contest or amend information maintained in the system should direct the request to the System Manager. The request should include, as appropriate, the reasons for contesting it, and the proposed amendment to the information sought. The regulations governing the contesting of contents of records and appealing initial determinations of such requests are set forth at 7 CFR 1.110-1.123.

**Record source categories:** Information in this system comes primarily from documents submitted by or obtained from agency personnel, complainants, witnesses, program participants and nonparticipants, investigative personnel, and community leaders. Information in these records is also obtained directly from the individuals in the system.

**Systems exempted from certain provisions of the Act:** Pursuant to subsection (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), this system of records is exempt from subsection (c)(3),(d), (e)(1), (e)(4)(G), (e)(4)(H), and (f) of the Act.

# Appendix A

Agricultural Marketing Service, Equal Opportunity Staff, Room 3068-S, 14th and Independence Ave., SW, Washington, DC 20250.

Animal Plant and Health Inspection Services, Equal Opportunity Staff, Room 1131-S, 14th and Independence Ave., SW, Washington, DC 20250.

Agricultural Stabilization and Conservation Service, Equal Opportunity Staff, Room 5079-S, 14th and Independence Ave., SW, Washington, DC 20250.

Cooperative State Research Service, Equal Opportunity Staff, 901 D Street, SW, Room 348 Aero Space Bldg., Washington, DC 20250.

Extension Service, Equal Opportunity Staff, Room 3912-S, 14<sup>th</sup> and Independence Ave., SW, Washington, DC 20250.

Federal Crop Insurance Corporation, Equal Opportunity Staff, 2101 L Street NW, Suite 500, Washington, DC 20037.

Farmers Home Administration, Equal Opportunity Staff, 501 School Street, SW, Second Floor, Washington, DC 20024.

Food and Nutrition Services, Equal Opportunity Staff, 3101 Park Center Drive, Suite 203 B, Alexandria, VA 22302.

Forest Service, Equal Opportunity Staff, 1621 Northkent St., Room 5100, Rosslyn, VA 22209

Food Safety and Inspection Service, Equal Opportunity Staff, Room 109 Annex Bldg., Washington, DC 20250.

Rural Electrification Administration, Equal Opportunity Staff, Room 1239-S, 14th and Independence Ave., SW, Washington, DC 20250.

Soil Conservation Service, Equal Opportunity Staff, Room d4248-S, 14th and Independence Ave., SW, Washington, DC 20250.