

OPM CENTRAL-7

System Name: Litigation and Claims Records

No security classification is assigned to the system as a whole; however, items of record within the system may bear a national defense/foreign policy classification of Confidential or Secret.

System Location(s):

Office of the General Counsel, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415.

Categories of Individuals Covered by the System:

- a. Individuals who make claims under the Military Personnel and Civilian Employees Claims Act of 1964, as amended.
- b. Individuals who file civil actions, administrative claims or appeals, or other actions against or concerning OPM, its officials, and employees.
- c. Individuals who are parties to actions in which the Government is involved, but in which OPM's role is advisory to another agency.
- d. Individuals who filed claims with OPM under the Federal Tort Claims Act, as amended.

Categories of Records in the System:

This system includes the following kinds of records: Garnishment documents, administrative appeals; investigative reports; retirement records; official personnel records; documentation of litigation including complaints, answers, motions, briefs, orders, and decisions; claims and supporting documentation submitted under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act, together with correspondence and records of settlement; and final administrative and judicial determinations.

Authority for Maintenance of the System:

5 U.S.C. 301; 5 U.S.C. 1103; 5 U.S.C. 1301-1308; 28 U.S.C. 522; 28 U.S.C. 2672; 31 U.S.C. 3721; and Executive Order 10577.

Purpose(s):

These records are maintained to defend OPM against lawsuits and to settle administrative claims brought against OPM or OPM employees..

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

Routine uses 1 through 10 of the Prefatory Statement at the beginning of OPM's system notices apply to the records maintained within this system. The routine uses listed below are specific to this system of records only:

- a. To any source where necessary to obtain information relevant to an OPM decision or action involved in one of the purposes for maintenance of the system.

h. To the insurance carrier of an employee, or a claimant against OPM under the Federal Tort Claims Act or the Military Personnel and Civilian Employees Claims Act in order to determine the proper assignment of any liability.

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

Storage:

Records are maintained in file folders.

Retrievability:

Records are retrieved by the name of the individual on whom they are maintained, by case name, by civil action number, or other case number.

Safeguards:

Records are maintained in a locked file cabinet with limited access only to authorized personnel whose duties require access.

Retention and Disposal:

These records are maintained for 7 years after the final disposition or resolution of the litigation or claim. The records are destroyed by shredding or burning after the seven-year retention period.

System Manager(s) and Address(es):

Office of the General Counsel, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415.

Notification Procedure:

Individuals wishing to inquire whether this system contains a record about them should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Description of type of record.
- d. Court action number if applicable.

Record Access Procedures:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(c)(3) and (d), regarding access to records. The section of this notice titled Systems Exempted from Certain Provisions of the Act, indicates the kinds of materials exempted and the reasons for exempting them from access.

Individuals who wish to obtain access to their records must contact the system manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

- c. Description of type of record.
- d. Court action number if applicable.

Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

Contesting Record Procedures:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment of records. The section of this notice titled Systems Exempted from Certain Provisions of the Act, indicate the kinds of materials exempted and the reasons for exempting them from amendment.

Review of requests from individuals seeking amendment of their records which have previously been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment of their records to correct factual errors should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Description of type of record.
- d. Court action number if applicable.

Individuals requesting amendment must also follow OPM's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR part 297).

Record Source Categories:

Information in this system of records is obtained from:

- a. The individual on whom the record is maintained.
- b. Agency officials and records.
- c. Records of administrative and court proceedings including statements of witnesses and documents.
- d. Law enforcement agencies.
- e. Witnesses.

Systems Exempted from Certain Provisions of the Act:

When litigation or claim cases occur, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material for which exemptions have been claimed by OPM under the Privacy Act. To the extent that such exempt material is incorporated into a litigation or claim file, the appropriate exemption 5 U.S.C. 552a(k) (1), (2), (3), (4), (5), (6) or (7) shall also apply to the material as it appears in this

system. The exemptions will be only from those provisions of the Act that were claimed for the systems from which the records originated.

The Office of the General Counsel, pursuant to 5 U.S.C. 552a(d)(5), reserves the right to refuse access to information compiled in reasonable anticipation of civil action or proceeding.

This system may contain the following types of information:

- a. Properly classified information, obtained from another Federal agency during the course of an investigation which pertains to national defense and foreign policy. 5 U.S.C. 552a(k)(1) permits an agency to exempt such material from certain provisions of the Act.
- b. Investigatory material compiled for law enforcement purposes in connection with the administration of the merit system. 5 U.S.C. 552a(k)(2) permits an agency to exempt such material from certain provisions of the Act.
- c. Investigatory material maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18. 5 U.S.C. 552a(k)(3) permits an agency to exempt such material from certain provisions of the Act.
- d. Investigatory material that is required by statute to be maintained and used solely as a statistical record. 5 U.S.C. 552a(k)(4) permits an agency to exempt such material from certain provisions of the Act.
- e. Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civil service employment. 5 U.S.C. 552a(k)(5) permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to 9/27/75, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.
- f. Testing and examination materials, compiled during the course of a personnel investigation, that are used solely to determine individual qualifications for appointment or promotion in the Federal service. 5 U.S.C. 552a(k)(6) permits an agency to exempt all such testing or examination material and information from certain provisions of the Act, when disclosure of the material would compromise the objectivity or fairness of the testing or examination process.
- g. Evaluation materials, compiled during the course of a personnel investigation, that are used solely to determine potential for promotion in the armed services. 5 U.S.C. 552a(k)(7) permits an agency to exempt such evaluation material to the extent that the disclosure of the data would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.