

FTC-I-2

System name:

Disciplinary Action Investigatory Files -- FTC.

Security classification:

Not applicable

System location:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Categories of individuals covered by the system:

FTC personnel, counsel for parties in investigative or adjudicative proceedings, and others participating in FTC matters who may be subject to investigation for possible improper or unethical conduct.

Categories of records in the system:

Name, address, employment status, age, date of birth, financial information, credit information, personal history, and records collected and generated during the investigation, which may include correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents records or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to alleged violations.

Authority for maintenance of the system:

Federal Trade Commission Act; Executive Order No. 10450.

Purpose(s):

To conduct disciplinary action investigations; to make determinations based upon the results of the investigations; to report results of investigations to other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for any action deemed appropriate; and to maintain records related to those matters.

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

of such uses:

In addition to the disclosures generally permitted under *5 U.S.C. 552a(b)*, and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to *5 U.S.C. 552a(b)(3)* as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used to determine whether disciplinary action, including suspension or disbarment from practice before the Commission, is warranted;

(2) May be transferred to the Office of Personnel Management, to a court, or a bar association; and

(3) Used by personnel of other agencies, court, or bar association to whom matter is referred.

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

Storage:

May be maintained on standard legal-size and letter-size paper; on microfilm or microfiche; or on optical storage media.

Retrievability:

Indexed by individual's name, company name, industry investigation title, file or docket number.

Safeguards:

Access restricted to employees whose official duties require access. Hardcopy records maintained in lockable cabinets.

Retention and disposal:

Retained at FTC office for 5 years after conclusion of matter, after which transferred for storage to appropriate National Archives and Records Administration and Federal Records Center.

System manager and address:

Supervisor, Records Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Notification procedure; record access procedure; and contesting record procedure:

See Appendix II.

Record source categories:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

System exempted from certain provisions of the act:

Pursuant to *5 U.S.C. 552a(k)(2)*, records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of *5 U.S.C. 552a*. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).