

PBGC-23: Internal Investigations of Allegations of Harassing Conduct

[Excerpted from Federal Register: Sept. 14, 2016 \(Volume 81, Number 178\)](#)

[General Routine Uses](#)

System Name:

Internal Investigations of Allegations of Harassing Conduct — PBGC

System Classification:

None

System Location:

PBGC, 1200 K Street NW, Washington, DC 20005. (*Records may be kept at an additional location as backup for Continuity of Operations*)

Categories of Individuals Covered by the System:

Current or former PBGC employees, contractors, and interns who have filed a complaint or made a report of harassment, or have been accused of harassing conduct.

Categories of Records in the System:

The system contains all documents related to a complaint or report of harassment, which may include the name, position, grade, and supervisor(s) of the complainant and the accused; the complaint; statements of witnesses; reports of interviews; final decisions and corrective actions taken; and related correspondence and exhibits.

Authority for Maintenance of the System:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; 42 U.S.C. 2000e et seq.

Purpose(s):

This system of records is maintained for the purpose of upholding PBGC's policy to prevent and eradicate harassing conduct in the workplace, including conducting and resolving internal investigations of allegations of harassing conduct brought by or against PBGC employees.

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

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 522a(b), and:

1. General Routine Uses G1 through G14 apply to this system of records (see Prefatory Statement of General Routine Uses).
2. Disclosure of information from this system of records regarding the status of any investigation that may have been conducted may be made to the complaining party and to the individual against whom the complaint was made when the purpose of the

disclosure is both relevant and necessary and is compatible with the purpose for which the information was collected.

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

Storage:

Records are maintained manually in paper and/or electronic form, including computer databases, magnetic tapes, and discs. Records are also maintained on PBGC's network back-up tapes.

Retrievability:

Records are retrieved by any one or more of the following: name; department; or unique identifier assigned to each incident reported.

Safeguards:

PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the security, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are kept in file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning both network and system-specific user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

Retention and Disposal:

Records are maintained in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or a PBGC records disposition schedule approved by NARA.

Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media sanitization practice.

Electronic records are stored on computer networks and protected by assigning both network and system-specific user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

System Manager(s) and Address:

Director, Human Resources Department, PBGC, K Street, NW, Washington, DC 20005.

Notification Procedure:

Individuals wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, K Street, NW, Washington, DC 20005, and provide the following information:

- a. Full name.
- b. Any available information regarding the type of record involved.
- c. The address to which the record information should be sent.
- d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

Individuals requesting access must also comply with PBGC's Privacy Act regulations regarding verification of identity and access to records (29 CFR 4902.3).

Record Access Procedure:

Individuals wishing to request access to their records should submit a written request to the Disclosure Officer, PBGC, 1200 K Street, NW, Washington, DC 20005, and provide the following information:

- a. Full name.
- b. Any information regarding the type of record involved.
- c. The address to which the record information should be sent.
- d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

Individuals requesting access must also comply with PBGC's Privacy Act regulations regarding verification of identity and access to records (29 CFR 4902.3).

Contesting Record Procedure:

Individuals wishing to request an amendment to their records should submit a written request to the Disclosure Officer, PBGC, 1200 K Street, NW, Washington, DC 20005, and provide the following information:

- a. Full name.
- b. Any available information regarding the type of record involved.
- c. A statement specifying the changes to be made in the records and the justification therefore.
- d. The address to which the response should be sent.
- e. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization that individual for the representative to act on their behalf.

Record Source Categories:

Subject individuals; PBGC supervisors, employees, contractors, and others with knowledge; outside counsel retained by subject individuals; and medical professionals.

Exemptions Claimed for the System:

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, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence..