

# **OPM/Internal-16, Adjudications Officer Control Files**

**66 FR 42568 (8/13/2001), 79 FR 30202 (5/27/2014), 87 FR 5874 (2/2/2022)**

*This unofficial consolidation of OPM/Internal-16 is from the U.S. Office of Personnel Management Privacy Website at <https://www.opm.gov/privacy>.*

## **SYSTEM LOCATION:**

U.S. Office of Personnel Management (OPM), Federal Investigative Services (FIS), 131 Rebecca Lane, Slippery Rock, PA 16057.

Facilities, Security, and Contracting (FSC)—Personnel Security; 1137 Branchton Road, Boyers, Pennsylvania 16018.

## **SYSTEM MANAGER(S):**

Associate Director, Federal Investigative Services, U.S. Office of Personnel Management, PO Box 618, 1137 Branchton Road, Boyers, PA 16018-0618.

Director, Facilities, Security and Contracting, U.S. Office of Personnel Management, 1900 E. Street NW, Washington, DC 20415.

## **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system contains records on active, inactive, and pending OPM employees and employees of OPM contractors. This system also contains records on individuals who need to access OPM facilities or use OPM systems.

## **CATEGORIES OF RECORDS IN THE SYSTEM:**

The records in the system may contain the following: Personally identifiable information such as name, date and place of birth, Social Security Number, citizenship status, grade, organization, employer(s), position sensitivity and public trust classification, initial investigation and reinvestigation history; and access authorization history; the formal request(s) and justification(s) for access authorization processing; security forms, fingerprint cards, and acknowledgments completed by the individual for both the initial investigation and reinvestigation; results of pre-employment checks (if required); Personnel Identification Verification (PIV) sponsorship and tracking information; report of investigation provided by an agency which has previously conducted an investigation of the individual for employment or security clearance purposes; approvals for classified visits; photographs; foreign travel documents; personnel security interview transcripts or summaries of the interviews, and evaluations of the interviews; reports of hospitalization or treatment for a mental condition or substance abuse, including information provided by an Employee Assistance Program provider; reports of OPM-sponsored mental evaluations conducted by competent medical authorities; public record information to include law enforcement, financial, divorce, bankruptcy, name change and other court information or reports and copies of information appearing in the media; information concerning citizenship status, foreign contacts, and spouse and/or individual(s) with whom the individual resides; administrative review processing data; information related to an individual's work performance on an OPM contract, documents concerning an individual's conduct, security, and policy violations; written evaluations of reported derogatory information; credit check results; copies of correspondence to and from the individual concerning the items above and copies of inter- and intra-agency correspondence concerning the items above;

and any other material relevant to the individual's OPM access, suitability, fitness, or security determination or processing.”

**Note:** Individuals must request access to background investigations in accordance with the requirements in the governing System of Records Notice. Requests for background investigations maintained in the Adjudications Officer Control Files will be denied.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The authorities for maintenance of the system include the following, with any revisions or amendments: Executive Orders 10450, 12958, 12968, and 13488.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside OPM as a routine use pursuant to 5 U.S.C. 552a(b)(3). The routine uses listed below are specific to this system of records only:

- a. For Judicial/Administrative Proceedings—To disclose information to another Federal agency, to 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. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.
- b. For National Archives and Records Administration—To disclose information to the National Archives and Records Administration for use in records management inspections.
- c. Within OPM for Statistical/Analytical Studies—By OPM in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.
- d. For Litigation—To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body or other administrative body before which OPM is authorized to appear, when: OPM, or any component thereof; or any employee of OPM in his or her official capacity; or any employee of OPM in his or her individual capacity where the Department of Justice or OPM has agreed to represent the employee; or the United States, when OPM determines that litigation is likely to affect OPM or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or OPM is deemed by OPM to be relevant and necessary to the litigation provided, however, that the disclosure is compatible with the purpose for which records were collected.
- e. For the Merit Systems Protection Board—To disclose information to officials of the Merit Systems Protection Board or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.
- f. For the Equal Employment Opportunity Commission—To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures or other functions

vested in the Commission and to otherwise ensure compliance with the provisions of 5 U.S.C. 7201.

- g. For the Federal Labor Relations Authority—To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.
- h. For Certain Disclosures to Other Federal Agencies—To disclose relevant and necessary information to designated officers and employees of agencies, offices and other establishments in all branches of the Federal Government for:
  - (a) Conducting suitability or security investigations,
  - (b) Classifying jobs,
  - (c) Hiring or retaining employees,
  - (d) Evaluating qualifications, suitability and loyalty to the United States Government,
  - (e) Granting access to classified information or restricted areas,
  - (f) Letting a contract, issuing a license, grant, or other benefit, or
  - (g) Providing a service performed under a contract or other agreement.
- i. For Law Enforcement Purposes—To disclose information to the appropriate Federal, State, local, tribal, foreign or other public authority responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order when OPM—IS becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- j. For Congressional Inquiry—To disclose information to a congressional office in response to an inquiry made on behalf of an individual. Information will only be released to a congressional office if OPM receives a notarized authorization from the individual.
- k. For Non-Federal Personnel—To disclose information to contractors or volunteers performing or working on a contract, service or job for the Federal Government, regarding permission for an individual to work on an OPM—IS contract or use OPM—IS facilities or equipment, or be granted a security clearance.
- l. To appropriate agencies, entities, and persons when (1) OPM suspects or has confirmed that the security or confidentiality of the information in a system of records has been compromised; (2) OPM has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by OPM or another agency or entity) that rely on the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the OPM's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.
- m. To the State unemployment compensation office upon their request in order to adjudicate a claim for unemployment compensation benefits when the claim for benefits is made as the result of a qualifications, suitability, fitness or security determination.
- n. To any source from which information is requested in the course of obtaining information to make a suitability, security, or access determination, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.
- o. To a competent medical authority who, under a formal agreement for payment of services with the OPM personnel security element, conducts evaluations under the Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, to determine whether an individual has a mental condition of a nature which causes, or may cause, a significant defect in judgment or reliability.

- To appropriate agencies, entities and persons when (1) OPM suspects or has confirmed that there has been a breach of the system of records, (2) OPM has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, OPM (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with OPM's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.
- To another Federal agency or Federal entity, when OPM determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

#### **PURPOSE(S) OF THE SYSTEM:**

OPM Adjudications Officers, Contract Administrators, and Personnel Security staff, or designees, use these records to make suitability, fitness, or security determinations, PIV access determinations, determinations concerning security clearances for access to classified or National Security information, determinations regarding the need and eligibility to use OPM facilities or systems, assign position sensitivity to OPM employees and contractors, and to document an individual's performance and conduct on an OPM contract or employment.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

OPM-IS maintains these records in file folders and in electronic databases.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are retrieved by the name and date of birth or Social Security Number of the individual about whom they are maintained.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

OPM stores the hardcopy files in locked, metal file cabinets in a secured room or as digital images on the OPM Local Area Network. All employees who have a need to access the information are required to have the appropriate investigation consistent with the risk and sensitivity designation of that position, and the investigation must be favorably adjudicated or an interim access be granted before they are allowed access to the records.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

OPM maintains the entire record three (3) years after the individual's employment or contract status with OPM ends, the need to use OPM systems or facilities has terminated, or the Federal agency notifies OPM that the person whose case OPM adjudicated has separated from that agency. Classified Information Nondisclosure Agreements (Standard Form 312) signed by contractors are maintained for 70 years. Classified Information Nondisclosure Agreements (Standard Form 312) signed by federal employees are filed in the Official Personnel Folder (OPF). Contents of the file folders are destroyed by shredding and recycling and computer records are destroyed by electronic erasure.

#### **NOTIFICATION AND 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 accounting of disclosures and access to and amendment of records. The section of this notice titled Systems Exempted from Certain Provisions of the Act indicates the kinds of material exempted and the reasons for exempting them from access.

Individuals wishing to ask if this system of records contains information about them or wishing to request access to their record should determine which category they fit into and write to the following addresses:

Federal Investigative Services maintains records for those who (1) work(ed) in OPM's FSC-Personnel Security, (2) who work(ed) on an OPM-FIS contract, or (3) have or had access to OPM-FIS facilities or OPM-FIS systems. This category of individuals should write to: U.S. Office of Personnel Management, Federal Investigative Services, Freedom of Information and Privacy Act office, PO Box 618, 1137 Branchton Road, Boyers, PA 16018-0618.

Facilities, Security and Contracting maintains records for all other OPM employees or OPM contractors. This category of individuals should write to: U.S. Office of Personnel Management, FOIA Requester Service Center, 1900 E. Street NW., Room 5415, Washington, DC 20415-7900.

Individuals must furnish the following information for their record to be located and identified:

- a. Full name, former name, and any other names used.
- b. Date and place of birth.
- c. Social Security Number.
- d. Identify the records being requested, to include any available information regarding the type of record involved.
- e. The address to which the record information should be sent.
- f. Telephone number. (optional)
- g. Handwritten Signature.

In addition, the requester must provide an original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).

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. The written authorization must include an original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

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:**

Individuals wishing to request amendment of their non-exempt records should determine the category they fit into as outlined above in Notification and Record Access Procedures and contact the appropriate office in writing. Individuals must furnish the following information for their record to be located and identified:

1. Full name.

2. Date and place of birth.
3. Social Security Number.
4. Signature.
5. Precise identification of the information to be amended.

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

In addition, the requester must provide an original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

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. The written authorization must include an original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).

#### **RECORD SOURCE CATEGORIES:**

Information in this system of records is obtained from:

1. The individual to whom the information applies.
2. OPM-FIS investigative files.
3. Officials of OPM and OPM-FIS contractors.
4. Employment information maintained by OPM's Director of Personnel or regional personnel offices.
5. The public.
6. Federal agencies.
7. By personal investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

#### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

All information in these records that meets the criteria stated in 5 U.S.C. 552a(k)(1), (2), (5), or (6) is exempt from the requirements of the Privacy Act that relate to providing an accounting of disclosures to the data subject and access to and amendment of records (5 U.S.C. 552(c)(3) and (d)).

#### **5 U.S.C. 552a(k)**

1. Properly classified information obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy.
2. Investigatory material compiled for law enforcement purposes other than material within the scope of this subsection.
5. Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment and Federal contact or access to classified information. 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 September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

6. 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, when disclosure of the material would compromise the objectivity or fairness of the testing or examination process.