

OPM/Internal-6, Appeal and Administrative Review Records

58 FR 19154 (04/12/1993), 60 FR 63075 (12/08/1995), Prefatory Statement of Routine Uses, 87 FR 5874 (2/2/2022)

This unofficial consolidation of OPM/Internal-6 is from the U.S. Office of Personnel Management Privacy Website at <https://www.opm.gov/privacy>.

SYSTEM LOCATION:

Office of Human Resources and EEO, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415-0001.

SYSTEM MANAGER(S):

Director, Office of Human Resources and EEO, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the OPM.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to various appeal or administrative review procedures available to OPM employees. These appeals or administrative review procedures include adverse action appeals initiated prior to September 9, 1974, which were processed under OPM's internal appeals system; reconsiderations of acceptable level of competence determinations for within-grade increases; impartial reviews of performance ratings; and internal appeals of position classification decisions. The system also contains records and documentation of the action upon which the appeal or review procedure was based (e.g., 90-day notices of warning of unsatisfactory performance rating).

Note: The system does not include:

- a. Appeal or complaint records covered by the Merit Systems Protection Board's system of Appeals Records; or
- b. Records for grievances processed under OPM's administrative grievance procedure or under the grievance system negotiated by OPM and a recognized labor organization, which are covered under the OPM/INTERNAL-3 and OPM/INTERNAL-11 systems of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Includes the following with any revisions or amendments: 5 U.S.C. 1302, 3301, 3302, 4305, 5115, 5335, 7501, 7512, and Executive Order 10577.

PURPOSE(S) OF THE SYSTEM:

These records are used to process the various appeals or administrative reviews available to OPM employees.

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

Routine uses 1 through 11 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 provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.
- b. To disclose information to any source from which additional information is requested in the course of processing an appeal or administrative review procedure, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.
- 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

These records are maintained in file folders.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records are retrieved by the name of the individuals on whom they are maintained.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Adverse action appeals initiated prior to September 9, 1974, which were processed under OPM's internal appeals system are retained for 7 years after the closing of the case. Other records in the system are maintained for a maximum of 4 years after the closing of the case. Disposal is by shredding or burning.

NOTIFICATION PROCEDURES:

Individuals involved in appeals and administrative review procedures are aware of that fact and have been provided access to the records. They may, however, contact the system manager indicated regarding the existence of such records about them. They must furnish the following information for their records to be located and identified.

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

RECORD ACCESS PROCEDURES:

Individuals involved in appeals and administrative review procedures are aware of that fact and have been provided access to the record. After the action has been closed, however, an individual may request access to the official copy of an appeal or administrative review procedure by contacting the system manager indicated. Individuals must provide the following information for their records to be located and identified. I20a. Name.

- c. Date of birth.
- d. Approximate date of closing of the case and kind of actions taken.
- e. Organizational component involved.

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

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have previously been or could have 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 indicated. Individuals must furnish the following information for their records to be located and identified.

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

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:

The information in this system of records is obtained from:

- a. The individual to whom the records pertain.
- b. OPM officials involved in the appeal or administrative procedure.
- c. Other official personnel records of OPM.