

OPM/Internal-8, Employee Counseling Services Program 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-8 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, and OPM Regional Offices.

SYSTEM MANAGER(S):

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

Note: In order to meet the statutory requirement that agencies provide appropriate prevention, treatment, and rehabilitation programs and services for employees with alcohol or drug problems, and to better accommodate establishment of a health service program to promote employees' physical and mental fitness, it may be necessary for an agency to negotiate for use of the counseling staff of another Federal, State, or local government, or private sector agency or institution. This system also covers records on OPM employees that are maintained by another Federal, State, or local government, or private sector agency or institution under such a negotiated agreement. When one or more Federal agencies wish to jointly make similar arrangements for employees, in order to ensure compliance with the law and to promote the agency health service program, OPM may, on behalf of the participating agencies, negotiate an agreement that provides such services through another Federal, State, or local government, or private sector agency or institution. However, when such is the case, this system will not cover records pertaining to employees of other participating agencies. Such records are considered by OPM as being part of the employing agency's internal system of records covering agency employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former OPM employees who have been counseled or otherwise treated regarding alcohol or drug abuse or for personal or emotional health problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include documentation of visits to employee counselors (Federal, State, local government, or private) and the diagnosis, recommended treatment, results of treatment, and other notes or records of discussions held with the employee made by the counselor. Additionally, records in this system may include documentation of treatment by a private therapist or a therapist at a Federal, State, local government, or private institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Includes the following with any revisions or amendments: 5 U.S.C. 3301 and 7901, 21 U.S.C. 1101 and 1108, 42 U.S.C. 4541 and 4561, and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

These records are used to document the nature of the individual's problem and progress made and to record an individual's participation in and the results of community or private sector treatment or rehabilitation program.

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

These records and information in these records may be used:

- a. To disclose information to the Department of Justice or other appropriate Federal agencies in defending claims against the United States, when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of OPM in connection with the individual.
- b. To disclose information to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report or otherwise disclose patient identities in any manner (when such records are provided to qualified researchers employed by OPM, all patient identifying information shall be removed).
- 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.

Note: Disclosure of these records beyond officials of OPM having a bona fide need for them or to the person to whom they pertain, is rarely made as disclosures of information pertaining to an individual with a history of alcohol or drug abuse must be limited in compliance with the restriction of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR part 2. Records pertaining to the physical and mental fitness of employees are, as a matter of OPM policy, afforded the same degree of confidentiality and are generally not disclosed.

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 individual on whom they are maintained.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

These records are maintained in locked file cabinets labeled confidential with access strictly limited to employees directly involved in OPM's alcohol and drug abuse prevention function (as that term is defined in 42 CFR part 2).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained for three to five years after the employee's last contact with OPM's prevention function or, if the employee leaves the agency, until the Employee Counseling Service Program Annual Report for the fiscal year in which separation occurred is prepared. Records are destroyed by shredding or burning.

NOTIFICATION PROCEDURES:

OPM employees wishing to inquire whether this system of records contains information about them should contact the OPM Employee Counseling Services Program coordinator who arranged for counseling or treatment. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

RECORD ACCESS PROCEDURES:

OPM employees wishing to request access to records pertaining to them should contact the OPM Employee Counseling Services Program coordinator who arranged for counseling or treatment. Individuals must furnish the following information for their records to be located and identified.

- a. Name.
- b. Date of birth.

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:

OPM employees wishing to request amendment to these records should contact OPM's Employee Counseling Service Program coordinator who arranged for counseling or treatment. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

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

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from:

- a. The individual to whom the record applies.
- b. The supervisor of the individual if the individual was referred by a supervisor.
- c. The Employee Counseling Services Program staff member who records the counseling session.
- d. Therapists or institutions providing treatment.