

#..SEC-47

System name:

Disgorgement and Penalties Tracking System.

System location:

Securities and Exchange Commission, Office of the Secretary, 450 Fifth Street, NW, Mail Stop 0609, Washington, DC 20549-0609.

Categories of individuals covered by the system:

Individuals or entities that have been ordered to pay disgorgement and/or monetary penalties in SEC injunctive actions and administrative proceedings.

Categories of records in the system:

Information on individuals or entities from whom the Commission is seeking or has obtained an order to pay disgorgement and/or monetary penalties, including the individual's or entity's name; the dates the Commission authorized, instituted, and/or settled an action; the responsible Commission staff; the internal case tracking number; the date the judgment or administrative order was entered; the amount of disgorgement and/or monetary penalties to be paid; the payment due date for disgorgement and/or monetary penalties; the date and amount of payments; the amount of disgorgement waived; and the status of debt collection efforts.

Authority for maintenance of the system:

15 U.S.C. 77h-1, 77t, 77x, 78u, 78ff, 79z-3, 80a-9, 80a-41, 80a-48, 80b-3, and 80b-9.

Purpose(s):

The system is being initiated to enable the Commission's staff to track the collection of disgorgement and monetary penalties arising out of SEC-initiated civil actions and administrative proceedings to enforce the federal securities laws.

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

In addition to the conditions for disclosure specified at 5 U.S.C. 552a(b), the SEC's staff may use these records and the information contained in the records routinely, as provided at 5 U.S.C. 552a(b)(3), as follows:

- (1) To provide information to the Department of the Treasury, on a quarterly and annual basis, on the Commission's monetary penalty receivables;
- (2) To provide information to the Department of the Treasury and other federal agencies while assisting in the collection of past due disgorgement and/or monetary penalties; and
- (3) To provide information to persons, as appropriate, while assisting in the collection of past due disgorgements and/or monetary penalties.

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

Storage:

Records are maintained electronically and on paper.

Retrievability:

Records may be retrieved electronically by the internal case tracking number, the case name, and the individual's or entity's name. Paper records may be retrieved by the internal case tracking number.

Safeguards:

Paper records are kept in locked file cabinets. Electronic records can be retrieved only by authorized persons using appropriate passwords.

Retention and disposal:

Paper records and computer database records are maintained until matter is closed plus 25 years.

System manager(s) and address:

Secretary, Office of the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Mail Stop 0609, Washington, DC 20549-0609.

Notification procedure:

All requests to determine whether this system of records contains a record pertaining to the requesting individual or entity may be directed to the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

Record access procedures:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-5, Alexandria, VA 22312-2413.

Contesting record procedures:

See record access procedures above.

Record source categories:

Information is provided by Commission staff, and is extracted from Commission memoranda, Commission releases, judgments, and administrative orders. Additional information regarding the status of payments is provided in the form of copies of checks and/or money orders and from the Department of the Treasury's debt collection referral program.

Exemptions claimed for the system:

None.