

## Department of the Interior Departmental Manual

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**Effective Date:** 1/8/10

**Series:** Law Enforcement and Security

**Part 441:** Personnel Security and Suitability Program

**Chapter 8:** Program Administration Specifications and Requirements

**Originating Office:** Office of Law Enforcement and Security

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### 441 DM 8

**8.1 Security/Suitability Investigations Index (SII).** The Office of Personnel Management, Federal Investigations Processing Center (OPM-FIPC), maintains an index of background investigations conducted under Executive Orders 10450 and 12968 (as amended) and other authorities as well as a master file of all OPM conducted investigations. The retention schedule for the SII and master file is currently 15 years. In cases that result in substantially actionable issue(s), adverse adjudication, or debarment, the information is maintained for 25 years (Note: Retention schedules are subject to change).

**8.2 Request for SII Search or File.** At the request of a Bureau/Office Security Office, OPM will conduct a search of the SII and provide the requester information from the index, and if required, will provide a copy of the investigation case file. Authorization to request and receive investigation files is limited to the Bureau/Office Security Officer and a controlled number of personnel in the reporting/retention requirements as indicated in this chapter.

### 8.3 Dissemination of Investigation Case Files.

A. Basic Requirements: The Bureau/Office Security Officer or designee is responsible for managing and safeguarding investigation case files within their respective Bureau/Office. Investigation information is highly sensitive and restricted to Bureau/Office personnel who have a demonstrated need for access in the performance of their assigned duties. Investigative information will be handled in a manner that protects the privacy of individuals without compromising the capability of Bureau/Office personnel to make informed suitability and security determinations. The Bureau/Office Security Officer or designee shall maintain a record of disclosure (adjudicative staff with regular and reoccurring access to these files are exempt from this requirement) of each investigation case file, including at a minimum: (1) the name and title of the person to whom disclosure was made; (2) the type of background investigation conducted on the person to whom the material was disclosed; (3) the date(s) of disclosure; and (4) reason for disclosure. Authorized recipients of background investigations must have been subject to a favorable background investigation that is commensurate with the scope of the investigative material received.

B. Dissemination of Investigation Case Files: The Bureau/Office Security Officer or designee is prohibited from disseminating information contained in an investigation case file

outside of the Department except with the prior approval of OPM. The Bureau/Office Security Officer or designee may permit another agency's investigator to review and summarize an investigation case file and can furnish a summary of the file, but cannot release a copy to the investigator.

C. Disclosures: The Bureau/Office Security Officer or designee may provide the subject of the investigation with excerpts, summaries, or an analytical extract of the information contained in the investigation case file for adjudicative purposes, but not a copy except in the following circumstances. Pursuant to the Fair Credit Reporting Act, prior to taking adverse action based in whole or in part upon the credit report, the individual will be provided with a copy of the credit report and the guidance, A Summary of Your Rights Under the Fair Credit Reporting Act. Under no circumstances can the subject be provided any information prohibited from release as specified in 441 DM 5.8A.

D. Disclosures of Other Agency's Reports: Reports of investigations conducted by another agency (Department of Defense, U.S. Secret Service, etc.) but transmitted by OPM must be handled in the manner prescribed by the other agency. Generally, permission to release the contents of these reports may only be given by the agency that conducted the original investigation.

**8.4 Physical Storage.** When not in use, investigation case files must be stored in a combination-locked cabinet or security container/safe, or a secure storage area. Access to investigation case files shall be limited to the Bureau/Office Security Officer or designee(s). Individuals are prohibited from accessing their own investigation case file at any time.

**8.5 Timing of Adjudication.** Bureaus/Offices must adjudicate investigation cases and complete reporting requirements to OPM (Form 79A Report of Agency Adjudicative Action on OPM Personnel Investigations), within 90 days of receipt of the results, except when supplemental investigations are initiated. Upon request by the Bureau/Office Security Officer or designee, OPM may grant an extension to the 90 days requirement when justified.

**8.6 Retention and Disposition of Investigation Case Files.** Bureaus/Offices must properly dispose of investigation case files when they are no longer required. The Certification of Investigation, Report of Agency Adjudicative Action, and Case Closing Transmittals shall be retained and processed in accordance with National Archives General Records Schedule 18, applicable Department Privacy Act Systems Notices, and other pertinent Federal records management regulations.

**8.7 File Documentation.** Investigation case files shall contain a copy of all actions pertaining to the security/suitability status of the individual. The files must include, but are not limited to, the following (as applicable):

A. Personnel background investigation questionnaires and attachments with the exception of the fingerprint cards.

B. Records of requests for investigative files (record or copy of OFI-79 or OFI-79B).

- C. Copies of forms reflecting the bureau/office adjudicative action.
- D. Record of each disclosure of investigative material.
- E. Case Closing Transmittals (retained for 2 years).
- F. OPM investigation notices.
- G. Copy of certification of favorable determination/certification of briefing.
- H. Copy of Request for Waiver of Pre-Appointment Investigative Requirement.
- I. Copy of security clearance requests/certifications.