

PRIVACY IMPACT ASSESSMENT

Section I. Nature of the System:

1. Provide the commonly used name of the system, spelling out any acronyms. If the system will be referred to by acronym, include that in parentheses after the name.

The Appeals Case Tracking System (ACTS)

2. In five sentences or less, provide a generalized broad description of the system and its purpose. (*What does this system do; what function does it fulfill.*)

ACTS is an information storage and retrieval system that electronically records actions that track the processing of an appeal of a Regional Director's dismissal of an unfair labor practice case. This database is used to store current and historical information and uses the data to produce reports. ACTS data may also be used to assist in evaluating Office of Appeals employee performance.

3. Describe the stage of development of this system:

This is a new system which is --

Still in the planning stages.

Mid-way to launch.

Ready for launch.

Anticipated Launch Date: _____

We propose to change an existing system, the changes of which are

Still in the planning stages.

Mid-way to launch.

Ready for launch.

Anticipated Launch Date: _____

Other (Explain, providing the data required above for new or existing systems.)

This is an existing system that is in the maintenance stage. There are periodic releases that require a System Development Life Cycle (SDLC) approach; however, the overall system remains operational.

4. Is this system required by law or Executive Order?

No.

Yes. (*List the law or Executive Order and the implementing NLRB policies and regulations.*)

Section II. Data in the System:

1. Will this system contain personal data elements? *(See Definitions for a list of common data elements considered personal.)*

 No *(Go to Section IX.)*

Yes X *(Continue.)*

2. List those personal data elements or types of data elements that the system will contain:

Full name of individual charging parties in unfair labor practice cases. Last names of NLRB employees who screen the cases according to impact analysis and of those who are assigned to the cases with information in ACTS. This is both current and historical information.

3. What are the sources of the personal information in the system? *(Check all that apply:)*

 X NLRB files or databases.

 X Non-NLRB files or databases. *(List.)*

Unions and law firms representing an individual or group may provide the personal information

 State and local agencies. *(List.)*

 X The record subject himself.

 Supervisors.

 Other third party sources. *(List.)*

An individual may provide the personal information when an appeal is filed.

4. Are the personal data elements described in detail and itemized in a record layout or other document? If yes, provide the name of the document and attach a copy.

Appeals Case Tracking System User Guide, Release 1.0, Document Date 6/9/2003, Revision Number 0.0.

5. Review the list of personal data elements you currently collect. Is each data element essential to perform some official function? *[Note: This question only pertains to data elements you specifically solicit. It does NOT apply to personal data that may be voluntarily provided in a "Remarks," "Comments," "Explanation," or similar type of block where the individual is free to add information of his choosing.]*

 X 5a. Yes, all data elements solicited are absolutely essential. *(Go to Section III.)*

 5b. Some of the solicited data elements are nice to have but not essential.

5c. None of the personal data elements are necessary. The program could function efficiently without personal data.

6. If you checked blocks 5b or 5c above, list the data elements that are not essential.

Section III. Verifying Data.

1. For data collected from sources other than NLRB records and the record subject himself, describe how the data will be verified for --

a. Accuracy:

The name is verified through comparison with Regional Office records such as the dismissal letter. Employee names are verified through monthly review of reports.

b. Completeness:

See above.

c. Relevance:

See above.

Timeliness:

See above.

2. Describe your procedures for determining if data have been tampered with by unauthorized persons. (*Note: Do not go into so much detail as to compromise system security.*)

The application resides on existing NLRB platforms that are protected by the NLRB firewall and intrusion detection systems.

Section IV. Access to the Data.

1. Who will have access to the data in the system (Users, Managers, System Administrators, Developers, Others)?

Access to most ACTS data is "read only" for most users. Defined groups of users have rights to enter data into certain limited fields. A small group of users may enter data into all fields. A very limited group has the ability to edit and delete data. Audit controls have been implemented to track both, the entry and editing/deletion of data. Reports can be generated to show which users have done so.

2. How is right of access to the data by a user determined?

User rights are controlled by the ACTS Administrators.

3. Are criteria, procedures, controls, and responsibilities regarding access documented?

Yes. This is documented in Appeals Case Tracking System User Guide, Release 1.0, Document Date 6/9/2003, Revision Number 0.0, and correspondence between the ACTS Administrators and ITB.

4. What controls are in place to prevent the misuse (e.g. browsing) of data by those having access? (*Note: Do not go into so much detail as to compromise system security.*)

The ability to generate reports is limited to certain user groups who have a need to do so in the performance of their official duties.

5. Do other systems share data or have access to data in this system?

No In the future, however, the Agency plans to link ACTS to the Extension of Time System (EOTS) and CATS.

Yes _____ (Explain.)

6. Will other non-NLRB agencies share data or have direct access to data in this system (International, Federal, State, Local, Other)?

No (Go to Question IV-9.)

Yes _____ (List each agency by name or type (e.g., law enforcement activities; Social Security Administration, etc.) and briefly provide the purpose of the access.)

7. How will the system ensure that agencies only get the information they need to fulfill their official functions?

N/A

8. Who will be responsible for protecting the privacy rights of individuals and employees affected by the interface between agencies?

N/A

9. Who is responsible for assuring proper use of the data? (List name, title, mailing address, and current telephone number.)

Yvonne T. Dixon, Director, Office of Appeals

Division of Enforcement Litigation, Suite 8820

1099 14th Street, NW

Washington, DC 20570-0001

(202) 273-3760

Section V. Attributes of the Personal Data.

1. Is the use of the personal data both relevant and necessary to the purpose for which the system is being designed?

No _____ (Explain.)

Yes _____

2. Will the system derive new data or create previously unavailable data about an individual through a data aggregation process

No _____ (Go to Section VI.)

Yes (Continue.)

One can obtain a list of all appeals filed by an individual over the period of time contained in the database.

One can obtain a list of all appeals cases handled by an employee over the period of time contained in the database.

2a. Will the new data be placed in the individual's employment or other type of record (whether manual or electronic) that is retrieved by name, SSN, or other personal identifier?

No _____

Yes X (Identify the record, database, or type of record or database.)

The cases handled by an employee are discussed in the employee's annual appraisal which is contained in the performance appraisal system of records.

2b. Can the system make determinations about individuals or employees that would not be possible without the new data?

No _____

Yes X (Explain.)

See response to 2a.

2c. Will the data be retrieved by personal identifier (name, SSN, employee number, computer ID number, etc.) The data can be retrieved by name, but data relating to individuals is not disclosed to the public.

No (Go to Section VI.)

Yes X (List retrieval fields.)

By using the search screen, one can search in the Charging Party field by string. This will retrieve all cases filed by individuals whose name includes that string.

The Reports Menu allows for compilation of reports listing cases handled by individual employees.

2d. What are the potential effects on the due process rights of citizens and lawfully admitted aliens of –

2d-1. Consolidation and linkage of files and systems? There is no linkage of files and systems.

2d-2. Derivation of data? The ability to learn all the appeals filed by an individual over time will have no adverse impact on the processing of a current appeal. It may assist the processing of a current appeal by locating files in prior cases which may include relevant information.

2d-3. Accelerated information processing and decision making?

The complainant benefits from the increased efficiency of processing cases with an automated system. In addition, the Agency does not disclose information concerning individuals to the public.

2d-4. Use of new technologies?

Any new technologies in ACTS would support the way data is stored only. Case decisions are solely based on analysis done by NLRB personnel.

2e. How are any effects discussed in 2d-1 through 2d-4 to be mitigated?

Agency policy is to refrain from disclosing information concerning individuals to the public.

Section VI. Maintenance of Administrative Controls.

1. Explain how the system and its use will ensure equitable treatment of individuals.

(NOTE: If the system is operated in more than one site, also include a discussion of how consistent use of the system and data will be maintained in all sites.)

The Office of Appeals operates under the NLRB mission. Appeals are handled in accordance with NLRB rules and regulations. ACTS, being a case tracking system, allows NLRB personnel to efficiently resolve the thousands of appeals filed each year.

2. Explain any possibility of disparate treatment of individuals or groups.

ACTS does not have the capability to be partial. ACTS tracks each case and provides a repository for case related data. Decisions on cases are made by NLRB personnel who review the contents of the case file and make decisions on the merit of the content provided by the appellant.

3. What are the retention periods for the data in this system?

NLRB is in the process of developing retention schedules for ACTS.

3a. Does your retention period agree with that listed in Appendix 1, of NLRB Files Management and Records Disposition Handbook?

No *(Explain.)*

Yes *(List disposal rule from Appendix 1, of NLRB Files Management and Records Disposition Handbook.)*

3b. What are the procedures for eliminating the data at the end of the retention period?

N/A

3c. Where are the procedures discussed in Question 3b above documented?

N/A

3d. Is the system using technologies in ways that the NLRB has not previously employed (e.g. Caller-ID, surveillance, etc.)?

No *(Continue.)*

Yes *(Identify the technology and describe how these technologies affect individual privacy.)*

3e. Will this system provide the capability to identify, locate, and monitor individuals?

We can determine what actions were entered into ACTS and by which employee. If an individual is a charging party in a case, the individual's name will be included in the database. This information is provided by the individual.

No

Yes _____ (Explain.)

3f. Will this system provide the capability to identify, locate, and monitor groups of people?

No _____

Yes _____ (Explain.)

3g. What controls will be used to prevent unauthorized monitoring? (Note: Do not describe your controls and procedures in so much detail as to compromise system security.)

Access to ACTS is password-protected and based on the rights and privileges established by the system administrator. ACTS has the capability to enforce the access rules established by the system administrator. Authentication and access control is also supported by the operating system.

Section VII. Interface with Privacy Act Systems of Records.

1. Does this system currently operate under an existing NLRB or Government-Wide Privacy Act system of records? (Note: The NLRB and Government Wide systems are described at: http://www.access.gpo.gov/su_docs/aces/PrivacyAct.shtml and <http://www.whitehouse.gov/omb/memoranda/m99-05-c.html>)

No X (Go to Section VIII.) The Agency is in the process of preparing a Privacy Act notice of this system.

Yes _____ (Continue.)

2. Provide the identifying number and name of each system.

3. If an existing NLRB Privacy Act system of records is being modified, will the system notice require amendment or alteration? (List all proposed changes. Consider the following: Will you be collecting new data elements not previously approved for collection; using the data for new internal purposes; sharing the data with new non-NLRB agencies; keeping the records longer; creating new locations of data, etc?)

No _____

Yes _____ (Explain your changes.)

Not Applicable N/A _____

4. If the system currently operates under an existing Government-Wide Privacy Act system of records notice, are your proposed modifications in agreement with the existing notice?

No _____ (Explain your changes and continue.)

Yes _____ (Go to Section VIII.)

Not Applicable N/A _____

5. If you answered "no" to VII-4 above, have you consulted with the government agency that "owns" the government-wide system to determine if they approve of your

modifications and intend to amend or alter the existing notice to accommodate your needs?

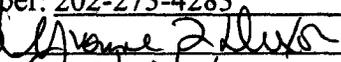
No _____

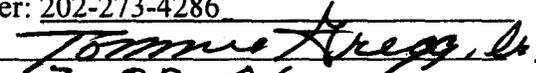
Yes _____ (Provide the name and telephone number of the official with responsibility for the government-wide system.)

Not Applicable N/A _____

Section VIII. Certification:

Certification: I have read and understand the purpose of this assessment. I have also reviewed the definition of "personal data" and have accurately listed the personal data elements collected or accurately answered "no" to Question II-1.

Name: Yvonne Dixon
Title: Systems/Program Manager
E-Mail Address: Yvonne.Dixon@nlrb.gov
Telephone Number: 202-273-3757
FAX Number: 202-273-4283
(Signature) 
(Date) 3/29/06

Name: Tommie Gregg, Sr.
Title: Privacy Act Officer
E-Mail Address: tommie.greggsr@nlrb.gov
Telephone Number: 202-273-2833
FAX Number: 202-273-4286
(Signature) 
(Date) 3-27-06

Name: Richard Westfield
Title: Chief Information Officer
E-Mail Address: richard.westfield@nlrb.gov
Telephone Number: 202-273-0222
FAX Number: 202-273-2850
(Signature) 
(Date) 3/30/2006