

PRIVACY IMPACT ASSESSMENT

Background: Rapid advancements in computer technology make it possible to store and retrieve vast amounts of data of all kinds quickly and efficiently. These advancements have raised concerns about the impact of large computerized information systems on the privacy of data subjects. Public concerns about highly integrated information systems operated by the government make it imperative to commit to a positive and aggressive approach to protecting individual privacy. We have instituted the Privacy Impact Assessment in order to ensure that the National Labor Relations Board (NLRB) appropriately considers privacy issues from the earliest stages of design.

Purpose: The purpose of this Privacy Impact Assessment is to determine if your proposed plans to collect, maintain, and use data in an automated system will impact on the Privacy rights of U. S. Citizens and lawfully admitted aliens. Depending on your answers, we may be required to seek additional details from you to comply with certain publication requirements of the Privacy Act (5 U.S.C. 552a). Please direct questions to Steven Coney, 202-273-2833.

Authorities: 5 U.S.C. 552a, The Privacy Act of 1974, as implemented by OMB Circular A-130.

Other Requirements: You may be required to conduct a NLRB Security Certification and Accreditation Process as required by OMB Circular A-130. Contact NLRB-ITB or your local information technology office for details.

Definitions: Some terms in this assessment have unique or specific meanings. Therefore, please review the "Definitions" section before completing this assessment.

Returning Assessments: Return this completed assessment to National Labor Relations Board (NLRB-LASB), 1099 14th Street, NW, Room 7620, Washington, DC 20570-0001.

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.

Back Pay System

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*)

The Back Pay System is used in cases where NLRB is actively involved in the financial management (e.g., receiving funds, investing, and paying out proceeds) of awards given to discriminatees. The system also facilitates the efforts and responsibility of the agency to properly report and pay the employer share of taxes to IRS, Social Security, and Medicare. Typically the employer issues the award. In a fraction of the cases the agency steps in to issue the awards. The Backpay system is used where the agency has taken the responsibility to manage funds for awarding to the discriminatee. Once the agency receives the funds on behalf of discriminatees, they are invested in US Treasury securities and tracked. Upon finalization of the awards, discriminatees are issued the proceeds.

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, address, and social security number

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

X NLRB files or databases.

Regional offices maintain addresses and contacts of discriminatees. Regional offices maintain addresses and contacts of discriminatees.

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.)

_____ The record subject himself.

_____ Supervisors.

_____ Other third party sources. (List.)

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.

Yes, the Regional Office Accounting Manual

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:

NLRB Finance Branch and Regional Offices review the information that is provided.

b. Completeness:

NLRB Finance Branch and Regional Offices review the information that is provided.

c. Relevance:

NLRB Finance Branch and Regional Offices review the information that is provided.

d. Timeliness:

NLRB Finance Branch and Regional Offices work together to ensure the information is timely.

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. The data and system files are restricted to user's personal computers and access to local area network file locations.

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 the system is established for four persons in Finance. Two users, one manager, and one system administrator.

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

The Finance Chief determines who needs access to the system and based upon the functions assigned to the employee.

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

No, but access to the system and data is based upon the Finance Chief designating the access for the user. And then ITB establishes a network account and granting

access to the user's network account. And the system is installed on the users assigned workstation.

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.)*

Access rights are controlled by LAN/WAN security.

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

No X

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 X *(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.)*

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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 X

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

No X *(Go to Section VI.)*

Yes _____ *(Continue.)*

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 _____ *(Identify the record, database, or type of record or database.)*

Not Applicable X

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

No _____

Yes _____ *(Explain.)*

Not Applicable X

2c. Will the data be retrieved by personal identifier (name, SSN, employee number, computer ID number, etc.)

No _____ *(Go to Section VI.)*

Yes _____ *(List retrieval fields.)*

Not Applicable X

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

2d-1. Consolidation and linkage of files and systems?

Not Applicable X

2d-2. Derivation of data?

Not Applicable X

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

Not Applicable X

2d-4. Use of new technologies?

Not Applicable X

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

Not Applicable X

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 system is designed to facilitate NLRB's fiduciary obligation to manage the funds related to the accurate and timely issuance of monetary awards to discriminatees.

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

The remotest possibility of disparate treatment might occur when the occasional discriminatee does not provide a timely residential address or fails to cash an award check within the time specified by Treasury.

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

NLRB is in the process of developing retention schedules for Back Pay data.

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

No X (*Explain.*) (See the response to Item Number 3)

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? (See the response to Item Number 3)

NLRB is in the process of developing retention schedules for Back Pay data.

- 3c. Where are the procedures discussed in Question 3b above documented? (See the response to Item Number #3)

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

No X (*Continue.*)

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

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

No X

Yes _____ (*Explain.*)

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

No X

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.)

LAN/WAN access rights limited to finance personnel only.

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 _____ *(Go to Section VIII.)*

Yes X *(Continue.)*

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

NLRB-1 Accounting Records Financial

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 X

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 X

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 X

Section IX. 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.

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