

## **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.

**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.

**Freedom of Information Act Tracking System (FTS) and Associated Agency Files.**

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.*)

FTS and Associated Agency Files is an information storage, retrieval and tracking system used for the collection, retrieval, retention and tracking of information pertaining to FOIA requests submitted by the public. The records within the system are on current and historical records about cases issued by the Board and courts, Appeals of Agency FOIA determination and associated records which may be used to assist in evaluating Agency employee performance. FTS and Associated Agency Files is used to track the processing of FOIA requests from initial receipt of requests through Agency determination on appeal also produces reports.

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.

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 employee and supervisor assigned to case, name, address and telephone number of requestors.

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

X NLRB files or databases.

- **Full name home address, telephone number, fax number of individuals who have filed a FOIA request and first and last name of NLRB employees assigned to the case**

- \_\_\_\_\_ Non-NLRB files or databases. (List.)

\_\_\_\_\_ State and local agencies. (List.)

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X The record subject himself.

\_\_\_\_\_ Supervisors.

\_\_\_\_\_ Other third party sources. (List.)

The individual may provide the personal information as required for Submitting the request FOIA request.

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

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 --

NA

a. Accuracy:

b. Completeness:

c. Relevance:

d. Timeliness:

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.)

Access to computers and data are password protected. Also, NLRB has 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)?  
Administrators, Developers, Others)?

Access to FTS data is based on a "need to know" model. FTS system administrators and Legal Research staff members, including supervisors, attorneys and support staff have read and write access to the data.

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

Access to data is based on a "need to know" model, as determined by the Branch Chief.

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

No. FTS is an internal tracking system.

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.)

Data access is based on office controls. Computers and data access are password protected.

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

No    
 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.)

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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

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.)

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.)

Reports generated by system may be used in employee evaluations.

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

No   
Yes  (Explain.)

Reports compile data on individual employee productivity and may be used in employee evaluations.

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.)

The data can be retrieved by name, but data relating to individuals is not disclosed to the public.

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

Not Applicable .

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

Not Applicable .

2d-2. Derivation of data?

Not Applicable .

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

Not Applicable .

Only to the extent of employee productivity work data is aggregated for evaluation purposes.

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.)

FTS is internal tracking system which only has information about case processing time, numbers and assignments.

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

FTS does not have the capability to be partial. FTS tracks each case and provides a repository for case-related data.

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

As a FOIA request tracking system, the data is maintained indefinitely.

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

No  X  (Explain.)

Currently in discussion with the National Archives and Records Administration (NARA) on whether an existing item in the General Records Schedule (GRS) applies or if the Agency needs to submit a Standard Form (SF-115), Request for Records Disposition Authority to NARA.

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 above statement)

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

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 provide the capability to identify, locate, and monitor individuals?

No X  
Yes \_\_\_\_\_ (Explain)

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

No \_\_\_\_\_  
Yes X (Explain.)

The system can search by name of person and organization.

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 FTS is based on the rights and privileges established by the system owner.

## **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](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-32 Freedom of Information Act Tracking System (FTS) and Associated Agency Files

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?

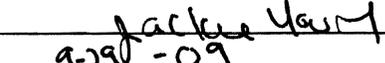
No \_\_\_\_\_

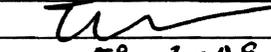
Yes \_\_\_\_\_ *(Provide the name and telephone number of the official with responsibility for the government-wide system.)*

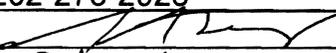
Not Applicable  X

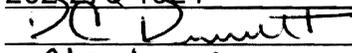
**Section VIII. Certification:**

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.

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## Definitions

***Accounting of Disclosures*** – a record showing all third party disclosures made from a system. The disclosure accounting shows the date, recipient name, recipient address, purpose, and the data elements disclosed. You need not account for disclosures made to NLRB employees who require access to the data to perform official duties.

***Accuracy*** – within sufficient tolerance for error to assure the quality of the record in terms of its use in making a determination.

***Completeness*** – all elements necessary for making a determination are present before such determination is made.

***Determination*** – any decision affecting an individual which, in whole or in part, is based on information contained in the record and which is made by any person or agency.

***Disclosure*** – the transfer of any personal information from a system of records by any means of communication (oral, written, electronic, mechanical, or actual review) to any person, private entity, or government agency, other than the subject of the record, the subject's designated agent, or the subject's legal guardian.

***Necessary*** – a threshold of need for an element of information greater than mere relevance and utility. A data element is "necessary" if the program cannot function properly or efficiently without it.

***Personal Data*** – data about an individual that is personal in nature. Personal data may consist of home address; home email address; home telephone numbers; date and place of birth; marital status; names of spouse and children; financial, credit, and medical data; SSN; take home pay; credit card account numbers; mother's maiden name; other names used; government life and health insurance options elected; criminal history; for individuals assigned to (or about to be assigned to) overseas, sensitive, or routinely duty stations, their names, duty stations, duty addresses, and duty telephone numbers; performance ratings; race and national origin data; citizenship; religion; annual and sick leave use and balances; security clearance information; drug test results; and the fact of participation in rehabilitation or employee assistance programs. The following data elements are **NOT** normally considered personal: U.S. based work addresses and work telephone numbers; position data; performance elements; date of rank; source of commission; education level; education and training paid for by the government; job related certifications; current and past annual salary rates (but not take home pay); position titles; occupational series; and current and past grades. **NOTE: If you are not sure if the data elements you plan to collect are considered "personal," contact NLRB Privacy Officer.**

**Record** – any item, collection or grouping of information about an individual and identifiable to that individual that is maintained by an agency.

**Relevance** – limitation to only those elements of information which clearly bear on the determination(s) for which the records are intended. A data element is "relevant" if you cannot make a determination without it.

**Routine Use** – the disclosure of a record outside the National Labor Relations Board for a use that is compatible with the purpose for which the information was collected and maintained. The "Routine Users" that have been authorized access to each NLRB data system are listed in the governing NLRB or government-wide Privacy Act system notice.

*The NLRB and Government Wide systems are described at:*

*[http://www.access.gpo.gov/su\\_docs/aces/PrivacyAct.shtml](http://www.access.gpo.gov/su_docs/aces/PrivacyAct.shtml) and*

*<http://www.whitehouse.gov/omb/memoranda/m99-05-c.html>*

**System of Records** – a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. Each Federal agency is required to publish in the Federal Register full descriptions of its systems of records.

Some systems of records are "owned" by one agency but maintained at another agency.

The "owning" agency is responsible for publishing a system notice for all Federal agencies to follow. These are referred to as "Government Wide" system notices.

Example 1: Civilian Official Personnel Files are "owned" by the Office of Personnel Management but maintained at the employing agency. OPM publishes the system notice.

Example 2: Workers Compensation Case files are "owned" by the Department of Labor but maintained at the employing agency. Thus, Labor publishes the system notice.

*The NLRB and Government Wide systems are described at:*

*[http://www.access.gpo.gov/su\\_docs/aces/PrivacyAct.shtml](http://www.access.gpo.gov/su_docs/aces/PrivacyAct.shtml) and*

*<http://www.whitehouse.gov/omb/memoranda/m99-05-c.html>*

**Third Party** – an organization, entity, or individual other than the record subject himself, his designated agent, or his legal guardian. For purposes of disclosure accountings, a NLRB employee is not considered a "third party" when performing officially assigned duties.