

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.

Judicial Case Management Systems (JCMS)

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.*)

JCMS is the umbrella support for several NLRB Board-side case management/tracking systems. They are Pending Cases List (PCL), TIGER (Trial Information Gathered on Electronic Records), and (SOL) Solicitor's System.

JCMS systems are information storage and retrieval systems that utilize a relational database management system (RDBMS) to electronically record actions that initiate, change, or complete activities within the lifecycle of an Unfair Labor Practice (ULP) or Representation (R) case after it comes to the Board for consideration. This database is used to store current and historical information, to produce reports, including annual reports, and respond to public requests under the Freedom of Information Act (FOIA).

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 to upgrade and enhance the system based on new technology, new concepts or new user requests.

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, telephone number, fax number, and email address of contacts that are associated as participants on a filed Unfair Labor Practice (ULP) or representation case. These participants include the Party, Legal Representatives, those affiliated with the Party participants and organizations that request notification of certain ULP or Petition related public documents being filed. Although most of these data elements are composed of work contact information, participants may also provide home addresses, telephone numbers, fax numbers, or email addresses.
- First initial and Last name of NLRB employees that use the JCMS application.

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

 X NLRB files or databases.

The filed charges and petitions provide the bulk of the information.

 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 as required in the Agency's Charge and Petition Forms when a complaint is initially made.

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.

JCMS Data Dictionary, description of Participants Table. (See final page)

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:

Executive Secretary personnel review the information that is provided and the individual filing will be required to review the information.

b. Completeness:

The Executive Secretary's Office reviews the data provided by the public for completeness.

c. Relevance:

The Executive Secretary's Office reviews the data provided by the public for relevance.

d. Timeliness:

Timeliness is a key element confirmed by the Office of the Executive Secretary.

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 JCMS systems data is based on a "need to know" model where access rights are controlled both from a network access and program application access level. Controls are in place for each division by an access control officer who determines restrictions and authorizations for all users at all locations.

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

Each using office determines the access privileges to all JCMS systems.

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

Yes, this is documented according to the policies stated in NLRB Access Control Standards, Password Management, February 1, 2009). The JCMS Access Control Handbook documents the access privileges for all users of all JCMS systems.

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 two modes: editing and viewing. These "rights" are established by the office heads of the using offices. This confers the ability to change the data or merely look at it. At time of login to the system, the following warning appears:

"Authorized use of this system is in accordance with the NLRB's general warning banner displayed at boot time, and in accordance with the Board's Rules and Regulations, Sections 102.118(a)(1) and 102.133(c) and the Board's Guide to Staff Counsel, Section 18020."

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

No _____

Yes X (*Explain.*)

Currently, some limited data is shared with CATS. The *traffic* is two-way, as JCMS acquires a limited amount of data from CATS.

Following are other electronic case tracking systems that the Agency plans to link to JCMS in the future:

1. Board E-Filings
2. Extension of Time (EOTS) - Executive Secretary
3. CATS
4. Appellate Court Case Tracking System (ACTS)
5. Other JCMS systems (TIGER, SOL)

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.)

Lester A. Heltzer
Executive Secretary
Room 11600
1099 14th Street, NW
Washington, DC 20570-0001 (202) 273-1067

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.)

Information about an individual is based on input from the participants filing the charges and petitions or involved in the respective NLRB case. The JCMS system enables the Agency to retrieve data such as the number of charges filed by or against an individual or entity more quickly and easily. However, JCMS does not create new data and does not disclose this data relating to individuals to the public.

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

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)

All headquarters NLRB offices operate within the NLRB mission. Unfair labor practice charges and representation petitions are filed and are handled according to the National Labor Relations Act (NLRA). JCMS case tracking and management systems allow authorized NLRB personnel to effectively track and manage headquarters caseloads.

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

JCMS systems do not have the capability to be partial. JCMS tracks each case and provides a repository for case-related data. Decisions on cases are made by NLRB Board-side personnel who review the contents of the case and make decisions on the merit of the content provided by the charging party or petitioner. All appropriate due process, including a review process, is provided by the NLRA and the Board's Rules and Regulations. To the extent, if any, that JCMS may be used for evaluation purposes, this information would be used in accordance with governing collective bargaining agreements and OPM regulations.

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

As a case processing system, data is maintained indefinitely. JMCS keep track of all cases issued by NLRB and related court decisions.

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

No ___ X ___ *(Explain.)*

NLRB is in the process of developing a new retention schedule for records maintained in JCMS.

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

In chapter 8, of Appendix 1, NLRB Files Management and Records Disposition Handbook, Section 2 and 3, assigns retention standards for each Official Case Files. Regional Office records copy of case files (selected for permanent retention) are transferred to a Federal Records Center (FRC) 3 years after cutoff, and transferred to the National Archives and Records Administration (NARA).

Cases (not selected for permanent retention) are transferred to FRC 2 years after cutoff, and destroyed 6 years after cutoff.

- 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? Chapter 8, of Appendix 1, NLRB Files Management and Records Disposition Handbook,

Section 2 and 3 assigns retention standards for Official Case Files.

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?

No

Yes _____ (Explain.)

3f. Will this system provides 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 JCMS systems is based on the rights and privileges established by the system owner. JCMS systems all have the capability to control access both from a network perspective (authentication and access control is supported by the operating system) and a programmed application perspective.

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/rmemoranda/m99-05-c.html>)

No _____ (Go to Section VIII.)

Yes (Continue.)

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

NLRB-21 Judicial Case Management System-Pending Case List (JCMS-PCL)

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?

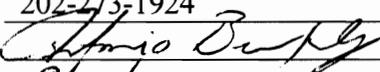
No _____

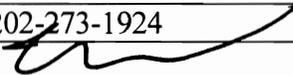
Yes _____ *(Provide the name and telephone number of the official with responsibility for the government-wide system)*

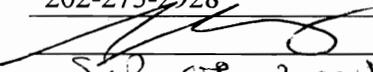
Not Applicable X

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.

Name: Antonio Bunkley
 Title: JCMS Lead
 Email Address: Antonio.bunkley@nlrb.gov
 Telephone Number: 202-273-4039
 FAX Number: 202-273-1924
 (Signature) 
 (Date) 9/10/2009

Name: Tremell Warren
 Title: Chief, IT Security
 Email Address: tremell.warren@nlrb.gov
 Telephone Number: 202-273-0766
 FAX Number: 202-273-1924
 (Signature) 
 (Date) 09-10-09

Name: Steven Coney
 Title: Privacy Act Officer
 Email Address: steven.coney@nlrb.gov
 Telephone Number: 202-273-2833
 FAX Number: 202-273-2928
 (Signature) 
 (Date) 5-28-09

Name: Bryan Burnett
 Title: Acting, Chief Information Officer
 Email Address: bryan.burnett@nlrb.gov
 Telephone Number: 202-273-2555
 FAX Number: 202-273-1924
 (Signature) 
 (Date) 10/11/2009

Response to Section II, Question 4:
(Layout of Participants table)

Database: PCLDATA

Table: tblParticipants

Properties

Date Created: 8/7/2000 2:10:41 PM RecordCount: 19945

OrderByOn: False

Updatable: True

Name	Type	Size	Description
ID	Long Integer	4	MS Access generated number.
Region	Text	2	Field contains the two-digit region code from 1 thru 22, 24 thru 34 and 37.
Type	Text	2	Field indicates the type of charges of Unfair Labor Practices (ULP) (codes are CA, CB, CC, CD, CG, CE, and CP) and Petition for Certification and Decertification of Representatives (codes are RC, RD, RM, UD, UC, and AC).
Docket	Text	5	Field is a five-position sequentially assigned Board docket number, which can be 00001 thru 99999.
Suffix	Text	3	Field is a three-position number, which indicates companionship of cases within a specific situation.
TypeofParticipant	Text	50	Data Field contains the type of participants. Values are Board, Petition Union, Petitioner Individual/Group, Petitioner Employer, Intervener, Respondent, Respondent Employer, Respondent MR or Charging Party.
ParticipantName	Text	200	First identified participant in case.
ParticipantName2	Text	200	Additional name information.
ParticipantName3	Text	200	Additional name information.
Address1	Text	50	Street number and name of identified participant.
Address2	Text	50	Additional address information.
City	Text	50	City segment of address.
State	Text	2	State segment of address.
Zip	Text	10	Zip code segment of address.
Telephone	Text	25	Telephone number of identified participant.
Fax	Text	25	Fax number of identified participant.
PrintLabel	Bit	1	Print Label type.
PrintOrder	Integer	4	Order in which the labels are to be printed.
DateEntered	Date/Time	8	Date information was entered.
PartEmail	Text	50	Participant's email address.
CaseNumber	Text	12	Concatenation of Region/Type/Docket fields.

ADRCases	Text	5 Case part of alternate dispute resolution.
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