

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.

Treasury Offset Program (TOP)

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 Treasury Offset Program is a centralized offset program, administered by the US Treasury's Financial Management Service's (FMS) Debt Management Services (DMS), to collect delinquent debts owed to Federal agencies and states (including past-due child support), in accordance with 26 U.S.C. § 6402(d) (collection of debts owed to Federal agencies), 31 U.S.C. § 3720A (reduction of tax refund by amount of the debts), and other applicable laws. FMS disburses Federal payments, such as Federal tax refunds, for agencies making Federal payments (known as "payment agencies"), such as the Internal Revenue Service.

"Creditor agencies," such as the National Labor Relations Board, submit delinquent debts to FMS for collection and inclusion in TOP and certify that such debts qualify for collection by offset. NLRB is and has always been a "Payment Agency" too.

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 a Treasury required system that is accessible through a web-based application (browser based). NLRB maintains a hardcopy file that is managed by a systems accountant and supervised by the Chief, Finance Branch.

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

No _____

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

A comprehensive list of legal authorities (statutory, regulatory, etc.) can be found at the following website: <http://www.fms.treas.gov/debt/regulations/quickref.html>

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:

Individuals full name, 9-digit taxpayer identification number, and individual's address.

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

_____ NLRB files or databases.

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

_____ 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.

The personal elements are described on the entry form provided at the website. They have the following elements and characteristics:

- Company's Name or Last Name, First Name, Middle Initial (71 characters max)
- 9-digit Tax Identification Number
- Address (2 lines, 30 characters each)
- City (25 characters)
- State
- Zip (9 characters)

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.]*

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:

N/A

b. Completeness:

N/A

c. Relevance:

N/A

d. Timeliness:

N/A

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.)*

NLRB TOP related data volume is relatively small and kept in a secure filing cabinet. Only two agency people (in the Finance Branch) will have access to the data.

Section IV. Access to the Data.

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

Two persons in Finance. The information will be passed on to Treasury's TOP system and personnel will maintain the data based on federal statutes and regulations.

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

The Chief of Finance determines who has access and where agency files are maintained.

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

TOP's system access procedures are documented.

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 data is relatively limited and maintained by a trusted Finance Branch person.

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

No _____

Yes X *(Explain.)*

The debt described in this section is usually incurred by agency personnel or related to Back Pay cases. The data needed for TOP is taken from the respective systems (NLRB Payroll/Finance and Back Pay systems) and entered into TOP.

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

Information submitted to TOP will be managed by the US Treasury's Financial Management Service (FMS). FMS establishes an offset of other federal payments designated for the debtor. FMS also uses private sector collection services and provides the necessary data to private sector collection agencies that attempt to collect the debt.

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

NLRB only sends the required information to Treasury's TOP. The information is used when attempting full collection of the debt owed to the federal government.

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

The interface is a secure web based browser. The software application is managed by Treasury.

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

Manisha Tuli
 Chief, Finance Branch
 Suite 7830
 1099 14th Street, NW
 Washington, DC 20570-0001
 (202) 273-4226

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 X

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 X

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?

NLRB has taken steps in accordance with statutes and regulations to ensure that individuals or companies referred to TOP are given notice and time to resolve their debtor status. It is only as a last resort and in compliance with Treasury regulations that NLRB forwards debt to TOP.

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.)

Individuals or companies owing monies to NLRB, as a federal entity, are given due notice and a reasonable time to pay their debts. NLRB does not distinguish between debtors. Debtors are given several notices regarding their debt, and optional steps the debtor is allowed to take. If the debtor does not respond or pay within a reasonable time, then the debt is referred to TOP.

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

N/A

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

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

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)*

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

3b. What are the procedures for eliminating the data at the end of the retention period? (see above statement)

NLRB is in the process of developing retention schedules TOP.

3c. Where are the procedures discussed in Question 3b above documented? NLRB is in the process of developing retention schedules TOP.

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 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.)

Data regarding TOP is kept in a secure area and access is limited to two people in Finance.

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 (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

3. 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: Manisha Tuli
 Title: Chief Finance Branch
 Email Address: Manisha.tuli@nlrb.gov
 Telephone Number: 202-273-4226
 FAX Number: 202-273-4273
 (Signature) Manisha E. Tuli
 (Date) 8/28/09

Name: Steven Coney
 Title: Privacy Act Officer
 Email Address: Steven.coney@nlrb.gov
 Telephone Number: 202-273-2833
 FAX Number: 202-273-2928
 (Signature) [Handwritten Signature]
 (Date) Sep 2, 2009

Name: Bryan Burnett
 Title: Acting Chief Information Officer
 Email Address: Bryan.burnett@nlrb.gov
 Telephone Number: 202-273-0555
 FAX Number: 202-273-1924
 (Signature) [Handwritten Signature]
 (Date) 9/30/2009