

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.

Work in Progress (WIP) database in office of Legal Research and Policy Planning, Division of Advice, NLRB.

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.*)

WIP is an information storage and retrieval system used to store current and historical information about cases issued by the Board and courts. WIP also produces reports. WIP data may also be used to assist in evaluating 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.

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. This is both current and historical information. Initials of Board members who issued decision.

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

X NLRB files or databases.

_____ 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.

No.

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 –

N/A

- 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)?

Access to WIP data is based on a "need to know" model. WIP 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. WIP is an internal case processing 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 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

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 WIP data is based on a "need to know" model. WIP 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. WIP is an internal case processing 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 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.*)

Jacqueline Young
Assistant General Counsel,
Office of Legal Research and Policy Planning
1099 14th Street, NW
Washington, DC 20570-0001
(202) 273-3825

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 _____ (*Go to Section Vi*)

Yes X (*Continue.*)

WIP is used for internal case processing only and WIP data is not disclosed to the public. However, it is used for internal evaluation procedures.

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.*)

Not Applicable _____

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 X (Explain.)

Not Applicable _____

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 X (List retrieval fields.)

Not Applicable _____

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?

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

Only to extent 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.)

WIP is internal case processing program that only has information about case processing and assignments.

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

WIP does not have the capability to be partial. WIP 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 case processing system, data is maintained indefinitely. WIP keeps 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.)*

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?

WIP is currently an "unscheduled" system, pending guidance and disposition instructions from NARA.

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

- 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.)*

WIP does not utilize cookies, and accordingly, does not provide the capability of identifying, locating and monitoring users in that manner.

- 3f. Will this system provide 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.)*

Access to WIPS 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 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-29 Work in Progress (WIP) and Associated Headquarters 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?

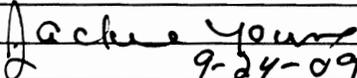
No _____

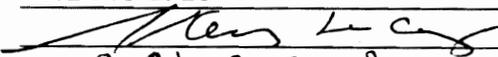
Yes _____ *(Provide the name and telephone number of the official with responsibility for the government-wide system.)*

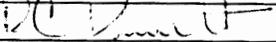
Not Applicable X

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.

Name: Jacqueline A. Young
 Title: Systems/Program Manager
 Email Address: jacqueline.young@nlrb.gov
 Telephone Number: 202-273-3825
 FAX Number: 202-273-4275
 (Signature) 
 (Date) 9-24-09

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) 9-24-09

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) 9/24/2009