

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.

Next Generation Case Management System (NxGen or NGCM)

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.*)

NxGen is to be an enterprise-wide, common case management platform interfacing with the public and managing cases across NLRB offices. NxGen will be an electronic case tracking system capturing summary case data and maintaining documentation, stores current and historical information, and is used to generate data for managing the Agency's case processing and resources, creating the Agency's budget, preparing monthly and annual reports of case-handling activities, and providing requested statistical reports to the public. **NxGen will facilitate compliance with the President's Management Agenda.**

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.)

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.*)

- Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

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 XX (Continue.)

2. List those personal data elements or types of data elements that the system will contain:

- Individual home addresses
- Personal email address
- Personal telephone number
- Social Security Numbers
- Disbursement Received

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

XX NLRB files or databases.

_____ Non-NLRB files or databases. (List.)

_____ State and local agencies. (List.)

XX The record subject himself.

_____ Supervisors.

XX Other third party sources. (List.)

- Records may be received from the subject's employer or previous employer.

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 address data elements will be listed in a record on the case. Future development will contain data elements for witnesses and discriminatees.

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:

- Unless disputed by the subject, records are assumed to be accurate. If disputed, other evidence to the contrary may be solicited.

b. Completeness:

- The investigation may obtain data from the Social Security Administration to verify income amounts.

c. Relevance:

- NLRB management approves (in writing) subpoena requests for payroll information. Case processing techniques are reviewed by supervisors and managers for relevance.

d. Timeliness:

- We have data integrity systems in place to ensure data is integrated in a timely manner. Data is collected as transactions occur.

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.)*

- NxGen uses password functionality established through the Active Directory system currently used by NLRB.
- NxGen assigns access permissions to documents based on the users position and level of need to know.

Section IV. Access to the Data.

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

- Currently, access to the data is available to Users, Managers, System Administrators and Developers. Once system has fully launched, OCIO may restrict access for Developers.

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

- Currently access to the data is available to all users. The NLRB uses multi-factor authentication for passwords. When the system is accessed remotely, there are three authentication mechanisms used including the use of an RSA token.

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

- OCIO has documentation on security access to the network. We are awaiting certification.

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.*)

- Annual employee security training
- NLRB password policy
- Access permissions to documents within NxGen is controlled by the system

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

No XX
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 XX (*Go to Question IV-9.*)
Yes _____ (*List each agency by name or type (e.g., law enforcement activities;*

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?

- NLRB Technical System Administrators
 - Akbar Hamid
 - Thomas Pojeta
 - Siviram Ghorakavi
 - Ying Xing

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 XX

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 XX (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 XX

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

Not Applicable _____

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

No XX

Yes _____ (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 XX (List retrieval fields.)

- Data would be retrieved by employee name

Not Applicable _____.

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 XX

2d-2. Derivation of data?

Not Applicable XX

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

Not Applicable XX

2d-4. Use of new technologies?

Not Applicable XX

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

Not Applicable XX

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.)

N/A

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?

- 6 years unless chosen for permanent retention.

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

No_____ (Explain.)

Yes XX (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)

- Refer to 3a

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 XX (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 XX
Yes _____ (Explain.)

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

No XX
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.)

N/A

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>

2. No XX (Go to Section VIII.)
Yes _____ (Continue.)

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

Not Applicable _____

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 XX
Yes _____ (Explain your changes.)

Not Applicable _____

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 XX (*Go to Section VIII.*)

Not Applicable _____

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 XX

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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(Signature)
 (Date)



 9/19/2011

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 08-11-11

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(Signature)
 (Date)



 9/19/2011

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 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 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.