

# **National Labor Relations Board**



**Privacy Impact Assessment  
for the  
Treasury Offset Program (TOP)  
August 2019**

## **Background**

Background of System: Rapid advancements in computer technology make it possible to store and retrieve vast amounts of data 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. The collection, use, maintenance, and dissemination of information on individuals by the National Labor Relations Board (NLRB) requires a thorough collaborative analysis of legal, technical, security and privacy teams. Whether a system is automated, manual, or both, integration of privacy protections is a primary element in the development of the system.

## **Purpose**

The purpose of the privacy compliance documentation, the Privacy Threshold Analysis (PTA) and Privacy Impact Assessment (PIA) is to determine if the proposed plan to collect, maintain, and use data in an automated system will impact the Privacy rights of U. S. Citizens and lawfully admitted aliens.

## **Agency Process**

NLRB's privacy compliance process is comprised of two phases. Phase 1, the *initial* assessment known as a Privacy Threshold Analysis (PTA), determines whether a formal PIA is necessary for the system. Following a review of the PTA, the IT Security Officer along with the Privacy Officer will determine if a more detailed PIA is necessary. If a more detailed PIA is necessary, the system will undergo Phase 2, a *detailed* assessment. Both phases require the gathering of system information on technical, legal, security, and privacy issues, along with identification and mitigation of privacy risks. PIA's are published to the public facing website, as NLRB's commitment to fostering transparency, regarding how the agency uses personally identifiable information (PII) to fulfill its mission.

## **Applicable laws and regulations affecting Privacy Act Data**

- Privacy Act of 1974, as Amended (5 USC 552a) which affords individuals the right to privacy in records that are maintained and used by Federal agencies.
- Computer Security Act of 1987 (Public Law 100-235) establishing minimum-security practices for Federal IT systems.
- Matching and Privacy Act of 1988 (Public Law 100-503).
- OMB Circular A-130 and A-130 revised. Guidance on the "Security of Federal Automated Information Systems" provides uniform government-wide information to Federal agencies on compliance of fair information practices, security and reporting requirements. Appendix III and makes minor technical revisions to the Circular to reflect the Paperwork Reduction Act of 1995 (P.L. 104-13).

- Freedom of Information Act (FOIA), as Amended (5 USC 552) which provides for the disclosure of information maintained by Federal agencies to the public while allowing limited protections for privacy.

## 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 description of the system and its purpose. Provide an explanation of how the system functions and what agency-based mission(s) the system fulfills.

TOP is a centralized, interactive database of delinquent debts also known as the National Interactive Delinquent Debtor Database (NIDDD), which allows for identification of delinquent debtors who are receiving Federal and state payments. Payments certified by Federal and payment agencies are compared to the interactive database; and where a match is identified, an offset may occur, reducing or eliminating the existing debt. Funds received due to an offset are provided by Fiscal Service to the agency that established the debt.

3. Describe the stage of development the system is currently:

- A new system which is --
  - Still in the planning stages.
  - Mid-way to launch.
  - Ready for launch. Anticipated Launch Date: [Click or tap here to enter text.](#)
- Proposals to change an existing system, the changes are:
  - Still in the planning stages.
  - Mid-way to launch.
  - Ready for launch.

- Other or Maintenance (Explain. Provide data required above for new or existing systems.)

This is a Treasury require system that is accessible through a web-based application (browser based).

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

- No
- Yes (Provide the law, Executive Order and NLRB policies and regulation)

On April 26, 1996, President Clinton signed legislation known as the Debt Collection Improvement Act of 1996 (Public Law 104-134). The Debt Collection Improvement Act (DCIA) requires Federal Agencies to refer debts to the Department of the Treasury in order to offset Federal Payments to collect delinquent debts owed to the Federal Government.

**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 (See Section IX)
  - Yes (Continue)
  
2. List those personal data elements or types of data elements the system will contain:
  - Full Name and/or other names *i.e.* maiden name
  - Social Security Number (9-digit taxpayer identification number)
  - Home Address – Current and History
  
3. What are the sources of the personal information in the system? (Check all that apply.)
  - NLRB files or databases.
  - Non- NLRB files or databases. OPM Federal Investigative Service Files
  - State and local agencies.
  - The record subject himself/herself.
  - 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/form and attach a copy.

Not Applicable
  
5. Review the list of personal data elements you currently collect. Is each data element essential to perform some official function? *[This question only pertains to data elements you specifically solicit. Provide explanation in the additional information section as 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:
  - b. Reliability:
  - c. Timeliness:

Federal agencies and states are required to submit a certification agreement certifying all debts transmitted by the Creditor Agency to TOP for collection. The certification agreement covers all debts, including updates, changes and modifications submitted on or after the date of the Certification Agreement. The agreement certifies that the debts are valid and legally enforceable.

It is the agencies responsibility to certify and validate the debt information. TOP is updated by the Creditor agency or state via weekly/daily via batch transmission or daily using the TOP Web Client by the creditor agencies with current information.

The data elements are described in the TOP Security Plan, Section 1.9. TOP maintains data records that consist of Federal and state delinquent debtor's taxpayer identification number (TIN) – which can be either a social security number (SSN) or an employee identification number (EIN), debtor name, address, debtor status and debt information. In addition, TOP maintains data pertaining to the creditor agency that submitted the delinquent debtor to the Treasury Offset Program. This information includes the agency's name, business address, contact person and phone number.

2. Describe your procedures for determining if data have been tampered with by unauthorized persons. Do not go into so much detail as to compromise system security).

The Finance Director for the Agency determines by a need to know/work related requirement, which office staff member are authorized to use the system. Individuals entering data in the system, have usernames and passwords, provided by the Department of Treasury, ensures the security of the data.

### **Section IV Access to the Data:**

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

Finance Branch Employees

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

The Chief Security Officer for the Agency determines by a need to know/work related requirement, which office staff member are authorized to use the system and access is granted by the Department of Treasury.

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

All users are restricted to only the functions they need for the performance of their duties. For example, regular users cannot access the system audit logs. User level of access is authorized and reviewed regularly to ensure that user access does not exceed position requirements for all systems and applications. Risk levels are associated with job descriptions to determine access levels for the TOP application. Managerial approval is required before a user is granted access to functions within the TOP application.

4. What controls are in place to prevent the misuse (e.g. browsing) of data by those individuals having access? Do not go into so much detail as to compromise system security.

The TOP application management is committed to supporting least privilege and logical access control. TOP application users are restricted to only the functions they need for the performance of their duties. Accesses are reviewed periodically to appropriate levels. In addition, TOP users must agree to the disclosure agreement displayed when logging on before they can proceed to the main menu.

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 needed information to fulfill their official functions?

Not Applicable

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

NLRB Finance Branch personnel, in conjunction with the Department of Treasury.

9. Who is responsible for assuring proper use of the data? Provide 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. The data in use is necessary to perform core functionality of the TOP process. Without this data, TOP would not be able to perform its function.

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/database.)

Not Applicable

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

No

Yes (Explain)

Not Applicable

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 are not disclosed to the public.

No (Go to Section VI.)

Yes (List retrieval fields)

Not Applicable

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

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

No

Yes

Not Applicable

2d-2. Derivation of data?

No

Yes

Not Applicable

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

No       Yes       Not Applicable

2d-4. Use of new technologies?

No       Yes       Not Applicable

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

Not Applicable

**Section VI Maintenance of Administrative Controls:**

1. Describe how the system and its use will ensure equitable treatment of individuals. 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.

The TOP system is operated only at one site.

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

Not Applicable

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

Currently there are no retention guidelines in place. The data is retained indefinitely.

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

No (Provide Explanation)

Per the Department of Treasury, currently there are no retention guidelines in place. The data is retained indefinitely.

Yes (List disposal rule from the Appendix I of NLRB Files Management & Records Disposition Handbook)

3b. What are the procedures for eliminating the data at the end of the retention period?

The electronic documentation held by the agency, the elimination process is the responsibility of the NLRB OCIO and Records Management Section.

3c. Where are the elimination of data procedures documented as discussed in Question 3b above?

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 (Provide Explanation)

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

- No  
 Yes (Provide Explanation)

3g. What controls will be used to prevent unauthorized monitoring? Do not describe your controls and procedures in so much detail as to compromise system security.

The controls that are used to prevent unauthorized monitoring are the same controls pertaining to the LAN/WAN GSS. This system falls under the LAN/WAN GSS.

#### **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? 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 [https://www.whitehouse.gov/omb/memoranda\\_m99-05-c/](https://www.whitehouse.gov/omb/memoranda_m99-05-c/)

- No (Go to Section VIII)  
 Yes (Continue)

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

- System of Records Notice FMS .014 – Debt Collection Operations System.

3. If an existing NLRB Privacy Act system of records is being modified, will the system notice require amendment or alteration? Provide a 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 (Explanation of 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 (Explanation of changes)

Yes (Go to Section VIII)

Not Applicable

5. If you answered "no" to **Section VII- Number 4** above, have you consulted with the government agency that "owns" the government-wide system in determining 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 contact information of the official with responsibility for the government-wide system)

Not Applicable

6. Is there an Authority to Operate of record within OCIO's FISMA tracking system?

Unknown

No - it falls under the ATO of the LAN/WAN where it inherits all controls.

Yes (Please provide the determination of Low/Moderate/High/Undefined for each of the following:)

Confidentiality - \_\_\_\_\_

Integrity - \_\_\_\_\_

Availability - \_\_\_\_\_

**Section IX. Certification: Personnel Security Files**

I have read and understand the purpose of this assessment. I have reviewed the definition of "personal data" and have accurately listed the personal data elements collected or accurately answered all questions contained in this Privacy Impact Assessment.

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System Owner's Signature/Date	

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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.