

National Labor Relations Board



**Privacy Impact Assessment
for the
Office of Inspector General Investigations Database
July 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.

National Labor Relations Board (NLRB) Office of Inspector General (OIG)
Investigative Files (OIG Investigations Database)

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.

OIG Investigations database is an information storage and retrieval system that utilizes Microsoft Access to electronically record action that initiate, change, or complete, activities within the lifecycle of an OIG investigation, The Access database is designed to collect, and maintain case handling data; track active data, and compile performance measurement data.

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:
- 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.) The OIG Investigations Database was created prior to this reporting requirement.

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

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

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:

First and last names of the individuals involved in the OIG investigation to include the subject, source of the allegations, witnesses, and investigators. Additionally, the database has a "Chronology" section for the recording of other information that may be needed during the investigation. This information may include addresses and telephone numbers of witnesses and other individuals contacted during the course of an investigation.

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.

State and local agencies.

The record subject himself/herself.

Supervisors

Other third-party sources. (List) Witnesses, the Internet, or other publicly available sources.

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.

The form is an Access database form that is identified as "Investigations." See attached copy.

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: See below.
 - b. Completeness: See below:
 - c. Relevance: See below.
 - d. Timeliness: See below.

The nature of an investigation requires the determination of the accuracy, completeness, and relevance of the data. Date is entered as events occur. Once an investigation is completed, if the allegation is substantiated, a report is made documenting these issues. If the allegation is unsubstantiated, the record clearly states that determination. Before a case is closed, the data in the database is reviewed for accuracy and completeness.

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).

Hard copies of the information are also maintained in the case file. The information is review on a regular basis. Access to the data is limited to OIG personnel responsible for the investigation and the database is password protected.

Section IV Access to the Data:

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

OIG employees.

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

All users have the same right of access to the data. Users are limited to OIG employees who are responsible for conducting the investigation.

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

Users are limited to OIG employees who are responsible for conducting the investigation. The database is located on the OIG portion of an NLRB server. Passwords are required to access the server and user rights are required to access the OIG portion of the server. A second password is required to access the database. Hardcopy files are maintained in the accessed controlled OIG office suite.

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.

Access to the database is limited to the individuals conducting and managing OIG investigations. Those individuals would be aware of information without the need to access the database.

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?

Not Applicable

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

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) Name and/or OIG case number.
- 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 database requires the same information for each subject and case. There is only one site for the database.

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

None.

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

The following retention periods are applied to this database, depending upon the type of case:

A case file with significant value because the subject is a senior agency officiation, as defined in General Record schedule 23, Items 5a and 5b; attracts substantial national/regional media or Congressional attention; results in substantive changes in Agency policies and procedures, or has historical significance – cut off closed cases at the end of each fiscal year, transfer to the National Archives of the United States 25 years after cutoff; and

All other case files – cut off closed cases at the end of each fiscal year, destroy 10 years after cutoff.

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

No (Provide Explanation)

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

Because OIG is independent of the NLRB's management function, the OIG has separate records disposition schedule. The retention period for this database agrees with the OIG records disposition schedule.

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

The paper documentation held by the OIG, the elimination process is the responsibility of the OIG.

The electronic documentation held by the OIG, the elimination process is the responsibility of the OIG.

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

above?

The OIG records deposition authority. The database also has a field that indicates when elimination or permanent retention is required.

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 OIG controls the unauthorized monitoring by limiting access to the database to only those individuals with a need to know the data. Access is controlled by password. Unauthorized monitoring outside of the OIG is the responsibility of OCIO IT security function for the NLRB network.

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 and 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.

- NLRB-18 Office of Inspector General Investigative Files

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 a Certification and Accreditation of record within OCIO's FISMA tracking system?

- Unknown
- No
- Yes (Please provide the determination of Low/Moderate/High/Undefined for each of the following:)

Confidentiality - Moderate

Integrity - Moderate

Availability - Moderate

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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Additional Information - Section II Data in the System, Question 4

Access database form "Investigations:"

Case Number OIG-I-	<input type="text" value="000"/>	Org Unit:	<input type="text"/>	Main Menu		
Date OIG notified:	<input type="text"/>	Sub Unit:	<input type="text"/>			
Date Opened	<input type="text"/>	Joint Investigation	<input type="checkbox"/>	Allegation Type:	<input type="text"/>	
Subject Last Name	<input type="text"/>	First Name	<input type="text"/>	Type of Violation:	<input type="text" value="Criminal"/>	
Assigned To	<input type="text"/>		Allegation Summary			
Referred to for Investigation	<input type="text"/>		<input type="text"/>			
Date Referred for Investigation	<input type="text"/>					
Source Type	<input type="text" value="Other"/>		IG Findings			
Source	<input type="text"/>		<input type="text"/>			
18 USC 208	<input type="checkbox"/>	Date of OIG Report				<input type="text"/>
Referred for Personnel Action	<input type="checkbox"/>		Referred to DOJ Criminal	<input type="checkbox"/>	Date Referred to DOJ	<input type="text"/>
Referred to	<input type="text" value="t"/>		Referred to DOJ Civil	<input type="checkbox"/>	<input type="text"/>	
Adverse Personnel Action	<input type="checkbox"/>		Criminal Conviction	<input type="checkbox"/>		
Type of Personnel Action	<input type="text"/>		Statute(s)	<input type="text"/>		
Date of Personnel Action	<input type="text"/>		Restitution	<input type="text" value="\$0.00"/>		
Investigative Recovery	<input type="text"/>		Witness Confidentiality	<input type="checkbox"/>		
Source Notified	<input type="checkbox"/>		Records Retention:	<input type="text"/>		
Case Closed	<input type="checkbox"/>		Disposition	<input checked="" type="radio" value="Destroy"/> Destroy <input type="radio" value="NARA"/> NARA		
Date Closed	<input type="text"/>					

Chronology

Report in Semi-Annual Meeting Active

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: **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.