National Labor Relations Board

Privacy Impact Assessment
for the
EEO Case Management System
February 2020

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.

   EEO Case Management System

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.

   This application is to replace EEO's current legacy web application EEONET. The application is a case management system to track all complaints filed to EEO office. data in the system, but it has sensitive data. The system has the capability to capture home addresses (it is captured on the complaint form, which may be uploaded to the system).

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: 3/2/2020

   ☐ Proposals to change an existing system, the changes are:

   ☐ Still in the planning stages.

   ☐ Mid-way to launch.

   ☐ Ready for launch. Anticipated Launch Date: Month/Day/Year

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

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 VIII)
☒ Yes (Continue)

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

☐ Mother's Maiden Name
☐ Social Security Number or Truncated SSN
☐ Date of Birth
☐ Place of Birth
☒ Home Address
☒ Home Phone Number
☒ Personal Cell Phone Number
☒ Personal E-Mail Address
☒ Work Phone Number
☒ Work E-Mail Address
☐ Driver's License Number
☐ Passport Number or Green Card Number
☐ Employee Number or Other Employee Identifier
☐ Tax Identification Number
☐ Credit Card Number or Other Financial Account Number
☐ Employment or Salary Record
☐ Security Clearance Information

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.

No.

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, describe how the data will be verified for --

    a. Accuracy:
    b. Completeness:
    c. Relevance:
    d. Timeliness:

    Data collected and verified for Accuracy, Completeness, Relevancy and Timeliness by the EEO Specialist who is assigned to the EEO pre-complaint or formal complaint.

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 system is accessible by EEO Office and field EEO Specialist only, all data modification is logged in the system.

Section IV Access to the Data:

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

    EEO Office Staff, EEO Specialist and System Administrator. Agency employees who are collateral duty EEO counselors will have access only to data that they self-report.

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

    The EEO director determines by a need to know/work related requirement.

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

    Yes

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 system is authenticated by NLRB Azure AD, and only authorized users (with roles) have access. All user activities including login/out, browse, add/change/delete info are all logged into the system.

Agencies must capture complaint data pursuant to EEOC Management Directive (MD) 715 II(e); Part G, Essential Element E: Efficiency (E.4 The agency has effective and accurate data collection systems in place to evaluate its data collection program, including complaint activity)

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?

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

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

   Brenda Harris
   Director, Office of EEO
   1015 Half Street, Suite 3044
   Washington, DC 20570
   202-273-3897

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)

_____

☐ Not Applicable

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

2d-l. 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?

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 EEO Case Management System records dates and milestones in the EEO complaint processes. The unique data contained in the system is relevant and enables

the EEO specialist to assess actions taken in the process. Its database is hosted in Microsoft Azure, and is accessible from NLRB network by authorized users only, it does not have the capability to be partial, and the system tracks each case and provides a repository for case related data.

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

   N/A

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

   The data is kept in the system 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)

The next NLRB Files Management and Records Disposition Handbook will crosswalk to GRS 2.3: Employee Relations Records items: 010, 050, 060, 070 & 071, 80, 90, 100, 110, 111, 120 and 130.

☐ 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?
N/A

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

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.

OCIO IT Security scheme

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.

   N/A

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

Confidentiality - Moderate

Integrity - Moderate

Availability - Moderate

Section VIII. 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.

System Owner Name	Brenda Harris
System Owner Title	EEO Director
System Owner E-mail Address	brenda.harris@nlrb.gov
System Owner Telephone & Fax Number	(202)273-3897
System Owner's Signature/Date	BRENDA HARRIS Digitally signed by BRENDA HARRIS Date: 2020.02.25 09:54:49 -05'00'

IT Security Officer's Name	Tremell Warren
IT Security Officer Title	Associate Chief Information Officer, Information Assurance
IT Security Officer's E-mail Address	Tremell.Warren@nlrb.gov
IT Security Officer's Telephone	(202) 273-0766
IT Security Officer's Signature/Date	TREMELL WARREN Digitally signed by TREMELL WARREN Date: 2020.02.24 11:35:19 -05'00'

Records Management Officer's Name	Kenneth Williams
Records Management Officer Title	Supervisory Records and Information Management Specialist
Records Management Officer's E-mail Address	Kenneth.Williams@nlrb.gov
Records Management Officer's	(202)273-2833
Records Management Officer's Signature/Date	KENNETH WILLIAMS Digitally signed by KENNETH WILLIAMS Date: 2020.02.25 12:52:27 -05'00'

Privacy Officer's Name	Virginia Ephraim
Privacy Officer Title	Information Security, Compliance and Privacy Specialist
Privacy Officer's E-mail Address	Virginia.Ephraim@nlrb.gov
Privacy Officer's Telephone	(202) 273 -0010
Privacy Officer's Signature/Date	VIRGINIA EPHRAIM Digitally signed by VIRGINIA EPHRAIM Date: 2020.02.24 10:43:35 -05'00'

OCIO Deputy OCIO Name	Eric Marks
OCIO Deputy OCIO Title	Deputy Chief Information Officer
Deputy CIO's E-mail Address	Eric.Marks@nlrb.gov
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OCIO CIO Name	Prem Aburvasamy
OCIO CIO Title	Chief Information Officer
OCIO CIO's E-mail Address	Prem.aburvasamy@nlrb.gov
OCIO CIO Telephone	(202) 273-3925
OCIO CIO Signature/Date	PREM ABURVASAMY Digitally signed by PREM ABURVASAMY Date: 2020.02.25 11:02:47 -05'00'

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.