

National Labor Relations Board



SecureRelease
Privacy Impact Assessment
Prepared: May 2024

The Office of the Chief Information Officer

Introduction:

This Privacy Impact Assessment (PIA) is necessary for this information technology (IT) system. This PIA is primarily based on the Office of Management and Budget (OMB) privacy guidance and the National Labor Relations Board (NLRB) IT security/privacy policy. If questions arise, please contact NLRB's Privacy Officer in the Office of the Chief Information Officer.

Abstract:

The Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552 is the law that gives any member of the public access to certain non-exempt records and other information that relates to the functions, decisions, and operations of federal agencies such as the NLRB.

The Agency uses SecureRelease to track and process FOIA requests and appeals. This system contains electronic information for each request and administrative appeal made to the Agency pursuant to the Freedom of Information Act (FOIA), as well as correspondence related to the requests and appeals, including names, addresses, email addresses, telephone numbers, and other information about a requester.

Overview:

The purpose of this system is to provide the public a single location to submit, track and process FOIA requests and administrative appeals filed with the NLRB, to manage internal FOIA administration activities, to collect data for quarterly and annual reporting requirements to the Department of Justice, and to assist the NLRB in carrying out any other responsibilities under the FOIA, Privacy Act, and applicable executive orders. SecureRelease records may also be used to assist in evaluating Agency employee performance.

Section 1 Reason for the PIA:

1.1. Is the Agency developing or procuring an IT system or project that collects, maintains, or disseminates information in identifiable form from or about members of the public?

Yes.

1.2. If a current IT system or project is undergoing a significant change, please describe. [For examples of significant changes, please see OMB Memorandum M-03-22 (Sept. 26, 2003).]

N/A.

1.3. Is the Agency initiating a new electronic collection of information in identifiable form for 10 or more persons (excluding agencies, instrumentalities, or employees of the federal government)?

The Agency is using an updated IT system, SecureRelease, to replace the FOIAOnline system but is collecting the same information in identifiable form from 10 or more persons as the FOIAOnline system collected.

Section 2 Authorities and Other Requirements:

2.1. What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, requires federal agencies, such as the NLRB, to disclose releasable records or to withhold exempt records or information in response to a written request.

Records Management by Federal Agencies (44 U.S.C. Chapter 31), provides that each federal agency must make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. These records must be designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

2.2. Does a current Privacy Act System of Records Notice(s) (SORN(s)) apply to the information? (If the answer is no, then ensure that Section 10 below is addressed based on the analysis in this PIA.)

NLRB-35 (NLRB FOIAonline), 84 FR 67967 (Dec. 12, 2019), applies to the records in the interim; however, the Agency needs to modify this SORN to accommodate the SecureRelease technology.

2.3. Has a system security plan been completed for the information system(s) supporting the project?

Yes.

2.4. Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?

Yes. Records are retained and disposed of in accordance with NARA General Records Schedule 4.2, Item 020 (Disposition Authority DAA-GRS-2016-0002-0001), which provides for destruction six years after final agency action, but longer retention is authorized if required for business use.

2.5. If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.

The information is not covered by the Paperwork Reduction Act (PRA).

Section 3 Characterization of the Information:

3.1. Identify the information the project collects, uses, disseminates, or maintains.

The project collects, uses, disseminates, or maintains the following: a copy of each Freedom of Information Act request received by the NLRB, which may include individual requesters' and/or their attorneys' or representatives' names, mailing addresses, email addresses, phone numbers, usernames and passwords for registered users, FOIA tracking numbers, dates requests are submitted and received, related administrative appeals, and agency responses. Records also

include communications with requesters, internal FOIA administrative documents, notes or other related or supporting documentation, responsive records, Agency personnel assignments, and data measuring or related to the Agency's FOIA processing.

3.2. What are the sources of the information and how is the information collected for the project?

Record source categories include the Agency's electronic case management system (NxGen), the Agency's email system, Agency employees processing FOIA requests and providing information, FOIA requesters and appellants, and documents relating to the processing of a FOIA request. Information from requesters is submitted directly into the system by the user. Information from Agency systems is collected by Agency staff conducting searches on the systems or by implementing manual searches of records not maintained electronically.

3.3. Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.

No.

3.4. Discuss how accuracy of the data is ensured.

The information collected and maintained about requesters has been provided by the requesters themselves (i.e., through their records requests and related communications). Agency staff presume the accuracy of the submitted information because it is in the requester's best interest to provide accurate information for their FOIA or Privacy Act request to be processed. The Agency ensures the accuracy of the records released in response to the request with a minimum of two reviews by Agency staff. Relevant agency staff are provided training in executing their FOIA responsibilities no less frequently than on an annual basis.

3.5. Privacy Impact Analysis: Related to Characterization of the Information

3.5.1. Privacy Risk: Based on the information evaluated above there is no risk at this time.

3.5.2. Mitigation: N/A

Section 4 Uses of the Information

4.1. Describe how and why the project uses the information.

As noted above, the Agency uses SecureRelease to track and process FOIA requests and appeals. This system contains electronic information of each request and administrative appeal made to the Agency pursuant to the Freedom of Information Act (FOIA), as well as correspondence related to the requests and appeals, including names, addresses, email addresses, telephone numbers, and other information about a requester.

4.2. Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how NLRB plans to use such results.

No. The SecureRelease database does not access any information external to the system itself. However, SecureRelease does conduct electronic searches, queries and/or analyses of data entered into SecureRelease. The Agency uses any results of SecureRelease searches, queries

and/or analyses of the data to process FOIA requests and report data to the Department of Justice in compliance with the FOIA.

4.3. Are there other components with assigned roles and responsibilities within the system?

The NLRB FOIA Branch and the Office of the Inspector General use the system to process FOIA requests. No other components have assigned roles or responsibilities.

4.4. Privacy Impact Analysis: Related to the Uses of Information

4.4.1. Privacy Risk: Based on the information evaluated above there is no risk at this time.

4.4.2. Mitigation: N/A

Section 5 Notice

5.1. How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

SecureRelease has a “Deloitte Application Privacy Notice” on its user portal that informs the public of how the system collects information. The user portal site also includes a "Government System Notice" which notifies the public about how the information provided by individuals to the U.S. government may be utilized in connection with SecureRelease.

5.2. What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

It is voluntary for individuals to make requests under the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552, and to provide the Agency any related PII that is necessary for the Agency to process their requests. Individuals who would make FOIA requests may therefore decline to provide information or opt out of the project by declining to make voluntary submissions of their FOIA requests and any related PII that is necessary for the Agency to process their requests. However, declining to do so would impact the Agency’s ability to process their requests.

5.3. Privacy Impact Analysis: Related to Notice

5.3.1. Privacy Risk: Based on the information evaluated above there is no risk at this time.

5.3.2. Mitigation: N/A

Section 6 Data Retention by the Project

6.1. Explain how long and for what reason the information is retained.

Records are retained and disposed of in accordance with NARA General Records Schedule 4.2, Item 020 (Disposition Authority DAA-GRS-2016-0002-0001), which provides for destruction six years after final agency action, but longer retention is authorized if required for business use.

6.2. Is the record retention compatible with any applicable SORN? (See Question 2.2, “What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?”)

The Agency needs to modify its SORN for NLRB-35 (NLRB FOIAonline), 84 FR 67967 (Dec. 12, 2019), to accommodate the SecureRelease technology.

6.3. Privacy Impact Analysis: Related to Retention

6.3.1. Privacy Risk: Based on the information evaluated above there is no risk at this time.

6.3.2. Mitigation: N/A

Section 7 Information Sharing

7.1. Is information shared outside of NLRB as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

Yes, the Agency may disclose records outside the Agency as a part of normal Agency operations as detailed in the Routine Uses published at NLRB-35 (NLRB FOIAonline), 84 FR 67967 (Dec. 12, 2019), and any successor Privacy Act systems of records notices.

In addition, consistent with OMB Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information (Jan. 2017) at page 11, the Agency may disclose records from this system to appropriate agencies, entities, and persons when:

- a. the National Labor Relations Board determines that the use of information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist another federal recipient agency or entity in (a) responding to a suspected or confirmed breach of private information, or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security resulting from a suspected or confirmed breach; or
- b. the National Labor Relations Board suspects or has confirmed there has been a breach of this system of records; and (a) the NLRB has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, the NLRB (including its information systems, programs, and operations), the Federal Government, or national security; and (b) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the NLRB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7.2. Describe how the external sharing noted in 7.1 is compatible with any applicable SORN? (See Question 2.2, “What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?”)

The Agency needs to modify its SORN for NLRB-35 (NLRB FOIAonline), 84 FR 67967 (Dec. 12, 2019), to accommodate the SecureRelease technology. Specifically, with regard to routine uses, the Agency needs to add a routine use to allow the disclosures related to breaches described

above, consistent with [OMB Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information \(Jan. 2017\)](#) at page 11.

7.3. Does the project place limitations on re-dissemination?

Once the Agency releases information via the FOIA process, the information is treated as publicly available, and the Agency places no limitation on re-dissemination.

7.4. Describe how the project maintains a record of any disclosures outside of the agency?

SecureRelease provides a note section attached to each FOIA requester profile where the Agency can record any such disclosures of Privacy Act records outside the Agency.

7.5. Privacy Impact Analysis: Related to Information Sharing

7.5.1. Privacy Risk: Based on the information evaluated above there is no risk at this time.

7.5.2. Mitigation: N/A

Section 8 Redress

8.1. What are the procedures that allow individuals to access their information?

Individuals may access their records consistent with Agency Privacy Act regulations at [29 CFR 102.119](#).

8.2. What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

Individuals may seek to correct inaccurate or erroneous information their records consistent with Agency Privacy Act regulations at [29 CFR 102.119](#).

8.3. How does the project notify individuals about the procedures for correcting their information?

The Agency has published regulations at [29 CFR 102.119](#) to delineate these procedures.

8.4. Privacy Impact Analysis: Related to Redress

8.4.1. Privacy Risk: Based on the information evaluated above there is no risk at this time.

8.4.2. Mitigation: N/A

Section 9 Auditing and Accountability

9.1. How does the project ensure that the information is used in accordance with stated practices in this PIA?

NLRB internal users must read and sign the Rules of Behavior and Computer User Agreement before they can be granted access to SecureRelease. Once logged in, NLRB SecureRelease

internal users will see a warning banner confirming that this system operates in the interest of various U.S. Government agencies and all system portions may be monitored for all lawful purposes, including ensuring authorized use, for system management, to facilitate protection against unauthorized access to verify security procedures, survivability, and operational security.

The Deloitte Global Shared Service (GSS) administrators configure encrypted Storage Arrays to protect the confidentiality and integrity of client data at rest.

9.2. Describe what privacy training is provided to users either generally or specifically relevant to the project.

SecureRelease offers training modules specifically designed for NLRB to help them effectively navigate and utilize the system. The training program includes a dedicated "New User" module that spans 2.5 hours for 18 NLRB participants. Additionally, Deloitte is conducting "Office Hours" training and "Email Threading" training for the FOIA Branch. Furthermore, NLRB staff must complete Cybersecurity Awareness Training (APPM IT-7), Privacy Training, and Records Management training annually.

9.3. What procedures are in place to determine which users may access the information and how does the project determine who has access?

The NLRB has established a comprehensive *User Account Management Process and Procedures* document for SecureRelease. This document outlines the steps for onboarding, offboarding, transfers, as well as the provision and acquisition of access to SecureRelease specifically for internal users of NLRB SecureRelease. The FOIA Branch, along with the Associate GC and Deputy Associate GC in DLC, and the Counsel to the Inspector General in OIG, have complete access to SecureRelease. Access and permissions within the system are determined by the user's role. Managers and supervisors in the FOIA Branch possess administrative authority, while staff members have restricted access.

9.4. How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within NLRB and outside?

The NLRB has long collaborated with other federal agencies to advance our mission and strengthen our enforcement efforts. These collaborations sometimes involve a Memorandum of Understanding (MOU). MOUs establish ground rules for collaboration and cooperation and often include provisions on interagency information-sharing, investigation, enforcement, training, and outreach. All information sharing agreements, MOUs, new uses of the information and new access to the system will be reviewed by the FOIA office.

9.5. Privacy Impact Analysis: Related to the Accountability and Integrity of the Information.

9.5.1. Privacy Risk: Based on the information evaluated above this is no risk.

9.5.2. Mitigation: N/A

Section 10 Privacy Act System of Records (SORN)

10.1. If the answer to question 2.2 above (“Does a current Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?”) is no, then based on the information in this PIA, is a new SORN required? If a current SORN applies but requires modification based on the information in this PIA, please explain.

The Agency needs to modify its SORN for NLRB-35 (NLRB FOIAonline), 84 FR 67967 (Dec. 12, 2019), to:

- accommodate the SecureRelease technology and explain how the Agency may use various information technology to execute the system’s purpose;
- change the Categories of Records to include Agency personnel assignments related to those who process FOIA requests and appeals, as well as data measuring or related to the Agency’s FOIA processing;
change the Security Classification from “unclassified” to “unclassified and controlled unclassified information”.
- update the System Location for accuracy;
- update the For Further Information Contact section for accuracy;
- update the System Manager section with updated contact information;
- add a routine use required by Office of Management and Budget (OMB) Memorandum M-17-12, Preparing for, and Responding to a Breach of Personally Identifiable Information (Jan. 2017), related to breaches; and
- rescind a system of records notice for FTS (NLRB-32), which the Agency no longer uses as a system of records.

Additionally, the Agency is examining the feasibility of acquiring and embedding into SecureRelease the remote authentication and identity-proofing technology required under the CASES Act (Creating Advanced Streamlined Electronic Services for Constituents Act of 2019, Pub. L. No. 116-50, 133 Stat. 1073-74 (Aug. 22, 2019)) and OMB Memorandum M-21-04, Modernizing Access to and Consent for Disclosure of Records Subject to the Privacy Act (November 12, 2020). The Agency will review and update this PIA as necessary to document any such modifications to the system.

Section 11 Certification

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.

Name: Synta Keeling
Title: Freedom of Information Act (FOIA) Branch Chief / System Owner
E-mail Address: Synta.Keeling@nlrb.gov
Telephone: (202) 273-2995
Signature:
Date:

Name: Fitz Raymond
Title: Associate Chief Information Officer (ACIO) for Information Assurance / Senior Accountable Official for Risk Management (SAORM) / Privacy Officer
E-mail Address: Fitz.raymond@nlrb.gov
Telephone: 202-273-1084
Signature:
Date:

Name: Ibrahim M. Ibrahim
Title: Privacy Analyst
E-mail Address: Ibrahim.Ibrahim@nlrb.gov
Telephone: 202-273-4259
Signature:
Date:

Name: Kenneth Williams
Title: Records Management Officer
E-mail Address: Kenneth.williams@nlrb.gov
Telephone: 202-273-2833
Signature:
Date:

Name: Prem Aburvasamy
Title: Chief Information Officer (CIO) / Senior Agency Official for Privacy (SAOP)
E-mail Address: Prem.aburvasamy@nlrb.gov
Telephone: 202-273-3925
Signature:
Date: