



**The Department of the Treasury  
Report Pursuant to Section 803 of the  
Implementing Recommendations of the 9/11  
Commission Act of 2007**

**June 30, 2008**

Introduction

The policy of the Department of the Treasury is to protect the privacy and civil liberties of individuals by ensuring that when executing its programs and policies, the Department gives due consideration and regard for information privacy and civil liberties. In recognition of global expansion of information technology posing new threats to individual privacy and civil liberties, the Department continues efforts to strengthen its privacy oversight responsibilities.

Department Actions

On April 30, 2008, the Secretary of the Treasury, Henry M. Paulson, Jr., issued Treasury Order 102-25, "Delegation of Authority Concerning Privacy and Civil Liberties." The order designated the Assistant Secretary for Management and Chief Financial Officer (ASM/CFO) as the Chief Privacy and Civil Liberties Officer for the Department.

The order provides that the ASM/CFO shall report directly to the Secretary, pursuant to section 803(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007. The order also reserves the authority to designate the Chief Privacy and Civil Liberties Officer to the Secretary or the Deputy Secretary, but permits the Assistant Secretary to delegate responsibilities for implementing the order as needed. Accordingly, the ASM/CFO has delegated day-to-day responsibility in the areas of privacy and civil liberties to a Deputy Assistant Secretary for Privacy and Treasury Records within the ASM/CFO organization.

The Department has also remained proactive in protecting personally identifiable information. In support of the Department's Privacy Program, the Office of Privacy and Civil Liberties, has initiated a program to enhance privacy in the Department by formulating and conducting a series of Privacy Impact Assessment (PIA) workshops. The workshop includes the statutory authority for conducting PIAs, the importance of adhering to the Fair Information Practices, and the development of sound responses to the questions in the PIA template.

### Quarterly Report

The Department has developed a standard reporting framework and instructions to address Section 803 reporting requirements tailored to the mission and functions of the Department. The Department has coordinated this framework with the Office of Management and Budget, as well as with the other quarterly reporting agencies identified in the statute.

The attached June 2008 report consolidates all privacy and civil liberties activities of the Treasury and Bureau offices responsible for privacy and civil liberties functions, including data on the related reviews conducted, reference to the advisory guidance delivered, and information about written complaints received and processed.

The report categories are defined as follows:

*Reviews.* Reviews include the activities of the Treasury or Bureau office that handles privacy or civil liberties functions delineated by controlling authorities, such as the Privacy Act of 1974, 5 USC 552a; E-Government Act of 2002 (P.L. 107-347); Consolidated Appropriations Act of 2005 (P.L. 108-447); Office of Management and Budget (OMB) Circular A-130, Appendix 1; and OMB Memo M-07-16. Examples of reviews include:

1. OMB Memo M-07-16, such as minimum records necessary, Social Security Number use reduction, or identity theft;
2. Privacy Impact Assessments;
3. OMB Circular A-130, such as System of Record Notice (SORN) Accurate Description, Agency Contacts Security, Recordkeeping and Disposal, Routine Use Compatibility, Training Practices, Continued Exemptions (j)(2) and/or (k), and/or Computer Matching Programs;
4. Persistent Tracking Technology;
5. Achievement of Machine Readability;
6. Officials Contact Information;
7. 5 CFR 1320, Compliance Review/Info Collection;
8. Information Sharing Environment, ISE system reviews;
9. OMB Circular A-11, Part 7, Exhibit 300 process; or
10. 36 CFR 1220.20, Records Management Review.

*Advice.* Advice includes the formal issuance of written policies, procedures, guidance, or interpretations of privacy requirements for circumstances or business processes, which the Treasury or Bureau office that handles privacy or civil liberties functions has written and which Treasury leadership has approved, to respond to issues or concerns regarding safeguards for privacy and civil liberties.

*Response to Advice.* Specific action taken on privacy or civil liberties matters in response to *Advice* given by the Treasury or Bureau office that handles privacy or civil liberties functions. Examples of a response to advice include:

1. Regulation;
2. Order;

3. Directive;
4. Guidance;
5. Agreement;
6. Interpretation;
7. Training; or
8. Procedure.

*Privacy Complaint.* A written allegation of harm or violation of personal or information privacy filed with the Treasury or Bureau office that handles privacy or civil liberties activities. This information will include:

1. Notice: Process and procedural issues, such as consent, collection, and appropriate notice;
2. Redress: Non-Privacy Act of 1974 issues, such as Terrorist Watchlist Redress Procedures or identity theft mitigation; or
3. General: Privacy Act of 1974 issues.

*Civil Liberties Complaint.* A written allegation of harm or violation of the constitutional rights afforded individuals filed with the Treasury or Bureau office that handles privacy or civil liberties activities. Civil liberties complaints do not include any claims made based on statutory rights. Types of civil liberties complaints include, but are not limited to:

1. U.S. Const. amend. I, Freedom of speech and association;
2. U.S. Const. amend. IV, Protection against unreasonable search and seizure; or
3. U.S. Const. amend. V and amend. XIV, § 1, Due process and equal protection.

*Dispositions of Complaint.* Generally, an action taken by the Treasury or Bureau office that handles privacy or civil liberties activities in response to a privacy or civil liberties complaint. The response to a complaint received will be reported as follows:

1. Treasury or Bureau office is able to assist in addressing the complaint;
2. Treasury or Bureau office referred the complaint to another agency or entity that may be able to assist in addressing the complaint; or
3. Treasury or Bureau office was unable to assist regarding the complaint.

#### Report Schedule

The current report covers data collection from 03/01/08 to 5/31/08. The next two quarterly reports will be provided as follows:

<u>Data Collection</u>	<u>Report Date</u>
06/01/08 to 08/31/08	09/30/08
09/01/08 to 11/30/08	12/31/08