

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

December 31, 2007

Introduction

The policy of the Department of the Treasury is to protect the privacy and civil liberties of individuals by ensuring that due consideration and regard for information privacy and civil liberties are addressed in the execution of Departmental programs and policies. In recognition of the global expansion of information technology posing new threats to individual privacy and civil liberties, the Department began earlier this year to strengthen and consolidate its various privacy oversight functions.

Department Actions

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, established additional privacy and civil liberties requirements for the Department of the Treasury. Likewise, the Department continues to review a wide variety of activities and procedures within the Department to find opportunities to enhance protections of the privacy and civil liberties of individuals.

To emphasize the importance of protecting privacy and civil liberties at the highest levels of the Department, and to assign accountability, the Department is currently clearing a Treasury Order that will designate the Assistant Secretary for Management and Chief Financial Officer as the Treasury Chief Privacy and Civil Liberties Officer. The Assistant Secretary has assigned a senior employee on his staff to coordinate privacy and civil liberties policies and department-wide activities.

Quarterly Reports

The Department will report quarterly on its privacy and civil liberties activities based on the following schedule:

<u>Data Collection</u>	<u>Report Date</u>
09/01/07 to 11/30/07	12/31/07
12/01/07 to 02/28/08	03/31/08
03/01/08 to 05/31/08	06/30/08
06/01/08 to 08/31/08	09/30/08

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

The Treasury Department will submit a consolidated report for the Department that includes 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 their processing.

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 have been written by the Treasury or Bureau office that handles privacy or civil liberties functions, as approved by Treasury leadership, to respond to issues or concerns regarding safeguards for privacy and civil liberties.

Response to Advice: Specific action taken in response to *Advice* given by the Treasury or Bureau office that handles privacy or civil liberties functions on privacy or civil liberties matters. 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, Equal protection and due process.

Dispositions of Complaints: 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.