



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

TO: Agency Heads
Staff Office Directors
Agency Chief Financial Officers
Agency Chief Information Officers

FROM: Boyd K. Rutherford
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for Administration

SEP 17 2007

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SUBJECT: Protecting Personally Identifiable Information: Social Security Number Policy
Guidance Memorandum

Purpose.

The social security number (SSN) is a key piece of personally identifiable information (PII) that has come to be used for numerous purposes unrelated to Social Security or other legally required purposes. The widespread use of SSNs beyond their intended purpose raises privacy concerns and enables the growing problem of identity theft. In the ongoing effort to minimize the use of the SSN, this memorandum will address collection, use, maintenance, and dissemination of SSNs in either electronic or paper form.

Policy.

USDA programs shall collect, use, maintain, and disseminate SSNs only when required by statute or when pursuant to a specific authorized purpose as outlined below. As required by regulation, a Statement of Record Notice (SORN) must be published in the Federal Register prior to collecting SSNs. In addition, unless specifically required by statute, SSNs and tax identification numbers (TINs) are not to be collected or used as a unique identifier nor shall they be embedded in a number used for identification. Instead, USDA programs shall follow the USDA guidelines detailed below, regarding creating a unique identifier to identify or link information concerning an individual.

1. **Unique Identifiers for Individuals or Businesses.** When available, agencies are to use a government-wide established unique identifier for individuals and businesses. For contracts, grants, and if available for a business or individual, unique identifiers established for the Federal Government in the Central Contracting Registry are to be used. When a government-wide numbering solution is not available for an individual or a business, agencies shall use a USDA number solution. Where a government-wide and USDA

number solution is not available, an agency must obtain an annual approval of a custom numbering solution from the Chief Information Officer (CIO).

2. ***Removal of SSNs as a Unique Identifier at USDA.*** All agencies that use SSNs or TINs as a system unique identifier are required to establish a plan to remove these items as the unique identifier by September 30, 2008. The plan is to be submitted to the USDA CIO by September 30, 2007. Systems where custom programming to remove the SSN or TIN as a unique identifier would present a high risk of system failure, if a system is scheduled to be phased out in the next 24 months, or those that are required to collect or use the SSN pursuant to statute, will be required to obtain an annual policy exception from the CIO to extend the SSN and TIN as the unique identifier past the end of fiscal year (FY) 2008 (see below for information on policy exception request requirements). Requests for policy exception must be received by September 30, 2007, and must include a copy of the approved System via a SORN.
3. ***Legally-Required Use of SSNs.*** When legally required to collect, use, or maintain SSNs, agencies:
 - a. shall not utilize the SSN as a unique identifier (see above for information on alternative unique identifiers);
 - b. shall mask or encrypt the SSN to eliminate the ability to view the SSN on computer screens, reports, or other viewed products; and
 - c. shall not use the SSN to access customer records (see above for information on alternative unique identifiers that may be used for this purpose).
4. ***Guidance for the Use of SSNs by USDA Programs.***
 - a. ***New System Development.***
 - i. ***Privacy Impact Assessment (PIA).*** Prior to the implementation of any new system the program office with the assistance of the Agency Chief Information Officer/Privacy Officer must conduct a PIA. This analysis will confirm the need to collect the information and explain how the information will be handled in the new system. Agencies are already required to annually conduct the analysis on all systems.
 - ii. ***PIA Review.*** The Agency CIO/Privacy Officer submits the completed PIA along with the published SORN to the Department's Chief Information Security Officer for review and concurrence. (Note: An approved PIA and published

SORN must exist prior to any collection or use of SSNs.) The PIA Template can be accessed at the following link:
http://www.ocionet.usda.gov/ocio/security/docs/PIA_Template-2007June6.doc

b. Policy Exception Request.

Agencies whose plans extend beyond 120 calendar days must submit an exception to policy request to the Department's Chief Information Security Officer (CISO) for review and approval. The request must contain the following information:

- i. Request for Exception and justification (including statutory reference, if applicable),
- ii. Elimination Plan,
- iii. PIA, and
- iv. Published SORN

The CISO will review the request to ensure that it adequately meet all security requirements and establish review dates for the agency based on their plan timeframe.

Background

The Privacy Act of 1974, as amended, sets forth conditions on the use of an individual's SSN by any "Federal, State, or local government agency."¹

There are two essential requirements to an agency's collection, use, maintenance, or dissemination of a SSN:

1. No governmental agency can "deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number" except for certain systems in existence before January 1, 1975 (5 U.S.C. 552a note, Section 7 Disclosure of Social Security Number).²
2. A government agency must accompany any solicitation of an individual's SSN with that agency's statement of whether the disclosure is mandatory or voluntary, what statutory or other authority supports the solicitation, and what uses will be made of the number. (5 USC 552a) (note, Section 7 Disclosure of Social Security Number)

All records containing SSNs are considered sensitive but unclassified (SBU) information.

¹ Pub. L. No. 93-579, section 7, 5 U.S.C. § 552a note.

² For additional information on this exception, see 5 U.S.C. 552a note