

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.

Work in Progress (WIP) database in office of Legal Research and Policy Planning, Division of Advice, NLRB.

2. In five sentences or less, provide a generalized broad description of the system and its purpose. (*What does this system do; what function does it fulfill.*)

WIP is an information storage and retrieval system used to store current and historical information about cases issued by the Board and courts. WIP also produces reports. WIP data may also be used to assist in evaluating employee performance.

3. Describe the stage of development of this system:

This is a new system which is --

Still in the planning stages.

Mid-way to launch.

Ready for launch.

Anticipated Launch Date: _____

We propose to change an existing system, the changes of which are

Still in the planning stages.

Mid-way to launch.

Ready for launch.

Anticipated Launch Date: _____

Other (Explain, providing the data required above for new or existing systems.)

This is an existing system that is in the maintenance stage.

4. Is this system required by law or Executive Order?

No.

Yes. (*List the law or Executive Order and the implementing NLRB policies and regulations.*)

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 _____ *(Go to Section IX.)*

Yes X *(Continue.)*

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

- Full name of employee and supervisor assigned to case. This is both current and historical information. Initials of Board members who issued decision.

3. What are the sources of the personal information in the system? *(Check all that apply:)*

X NLRB files or databases.

Names of supervisors and attorneys assigned to case.

Initials of Board members who issued decision.

_____ Non-NLRB files or databases. *(List.)*

_____ State and local agencies. *(List.)*

_____ The record subject himself.

_____ 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 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? *[Note: This question only pertains to data elements you specifically solicit. It does NOT apply 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.]*

X 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 himself, describe how the data will be verified for --

N/A

- a. Accuracy:

- b. Completeness:

- c. Relevance:

- d. Timeliness:

2. Describe your procedures for determining if data have been tampered with by unauthorized persons. (*Note: Do not go into so much detail as to compromise system security.*)

Access to computers and data are password protected. Also, NLRB has firewall and intrusion detection systems.”

Section IV. Access to the Data.

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

Access to WIP data is based on a "need to know" model. WIP system administrators and Legal Research staff members, including supervisors, attorneys and support staff have read and write access to the data.

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

Access to data is based on a "need to know" model, as determined by the Branch Chief.

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

No. WIP is an internal case processing system.

4. What controls are in place to prevent the misuse (e.g. browsing) of data by those having access? *(Note: Do not go into so much detail as to compromise system security.)*

Data access is based on office controls. Computers and data access are password protected.

5. Do other systems share data or have access to data in this system?

No X
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 X *(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 information they need to fulfill their official functions?

N/A

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

N/A

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Yes _____ (*Explain.*)

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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 information they need to fulfill their official functions?

N/A

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

N/A

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

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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 X

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 X (*Continue.*)

WIP is used for internal case processing only and WIP data is not disclosed to the public. However, it is used for internal evaluation procedures.

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 X (*Identify the record, database, or type of record or database.*)
Not Applicable _____

Reports generated by system may be used in employee evaluations.

2b. Can the system make determinations about individuals or employees that would not be possible without the new data?

No
Yes X (*Explain.*)

Not Applicable _____

Reports compile data on individual employee productivity and may be used in employee evaluations.

2c. Will the data be retrieved by personal identifier (name, SSN, employee number, computer ID number, etc.)

No _____ (Go to Section VI.)
Yes X (List retrieval fields.)

Not Applicable _____

The data can be retrieved by name, but data relating to individuals is not disclosed to the public.

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

2d-1. Consolidation and linkage of files and systems?

Not Applicable X

2d-2. Derivation of data?

Not Applicable X

2d-3. Accelerated information processing and decision-making?

Not Applicable X

Only to extent employee productivity work data is aggregated for evaluation purposes.

2d-4. Use of new technologies?

Not Applicable X

2e. How are any effects discussed in 2d-1 through 2d-4 to be mitigated?

Not Applicable X

Section VI. Maintenance of Administrative Controls.

1. Explain how the system and its use will ensure equitable treatment of individuals.
(NOTE: 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.)

WIP is internal case processing program that only has information about case processing and assignments.

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

WIP does not have the capability to be partial. WIP tracks each case and provides a repository for case-related data.

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

As a case processing system, data is maintained indefinitely. WIP keeps track of all cases issued by NLRB and related court decisions.

3a. Does your retention period agree with that listed in Appendix 1, of NLRB Files Management and Records Disposition Handbook?

No X *(Explain.)*

Currently in discussion with the National Archives and Records Administration (NARA) on whether an existing item in the General Records Schedule (GRS) applies or if the Agency needs to submit a Standard Form (SF-115), Request for Records Disposition Authority to NARA.

Yes _____ *(List disposal rule from Appendix 1, of NLRB Files Management and Records Disposition Handbook.)*

3b. What are the procedures for eliminating the data at the end of the retention period?
WIP is currently an "unscheduled" system, pending guidance and disposition instructions from NARA.

3c. Where are the procedures discussed in Question 3b above documented? (See above response).

3d. Is the system using technologies in ways that the NLRB has not previously employed (e.g. Caller-ID, surveillance, etc.)?

No X *(Continue.)*

Yes _____ *(Identify the technology and describe how these technologies affect individual privacy.)*

3e. Will this system provides the capability to identify, locate, and monitor individuals?

No

WIP does not utilize cookies, and accordingly, does not provide the capability of identifying, locating and monitoring users in that manner.

Yes _____ (Explain.)

3f. Will this system provide the capability to identify, locate, and monitor groups of people?

No

Yes _____ (Explain.)

3g. What controls will be used to prevent unauthorized monitoring? (*Note: Do not describe your controls and procedures in so much detail as to compromise system security.*)

Access to WIPS is based on the rights and privileges established by the system owner.

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? *(Note: 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>)*

No X *(Go to Section VIII.)*

Yes _____ *(Continue.)*

2. Provide the identifying number and name of each system.

Not Applicable X

3. If an existing NLRB Privacy Act system of records is being modified, will the system notice require amendment or alteration? *(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 _____ *(Explain your changes.)*

Not Applicable X

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 _____ *(Explain your changes and continue.)*

Yes _____ *(Go to Section VIII.)*

Not Applicable X

5. If you answered "no" to VII-4 above, have you consulted with the government agency that "owns" the government-wide system to determine 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 telephone number of the official with responsibility for the government-wide system.)*

Not Applicable X

Section VIII. Certification:

Certification: I have read and understand the purpose of this assessment. I have also reviewed the definition of "personal data" and have accurately listed the personal data elements collected or accurately answered "no" to Question II-1.

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