



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

March 31, 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

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. 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.

The Department has recently reorganized the Office of the Assistant Secretary for Management and Chief Financial Officer. The new structure realigns some management functions and programs to support the Department's compliance with privacy and civil liberties requirements. The realignment also strengthens the oversight of this important area within the Department by creating a new Deputy Assistant Secretary for Privacy and Treasury Records, who is a direct report to the Assistant Secretary for Management and Chief Financial Officer.

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 March 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, Equal protection and due process.

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 12/01/07 to 2/29/08. The next two quarterly reports will be provided as follows:

<u>Data Collection</u>	<u>Report Date</u>
03/01/08 to 05/31/08	06/30/08
06/01/08 to 08/31/08	09/30/08