



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

September 30, 2008

Introduction

The Department of the Treasury is committed to protecting 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 (IT) posing new threats to individual privacy and civil liberties, the Department continues efforts to strengthen its oversight responsibilities in these areas.

Department Actions

The Department remains proactively engaged in efforts to protect personally identifiable information (PII). The Office of Privacy and Civil Liberties is continuing efforts to educate the Department's workforce by creating directives, manuals, and other products that emphasize the importance of protecting PII.

On August 6, 2008, Treasury Directive (TD) 25-07, "Privacy Impact Assessment (PIA)," was issued. This directive states policy and assigns responsibilities for implementing the privacy provisions of the E-Government Act of 2002. Specifically, the directive establishes policy to conduct a Privacy Threshold Analysis (PTA) when new IT systems are being planned or existing systems are modified, and to conduct a Privacy Impact Assessment (PIA) when developing or procuring IT systems or projects that collect, maintain, or disseminate information that is in an identifiable form from or about members of the public. A PIA is also required when rules allowing the collection of personal information are established or changed.

Quarterly Report

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

The attached September 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 Records 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.

Disposition 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 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 June 1, 2008 to August 31, 2008. The next quarterly report will be provided on December 31, 2008, and will cover the period September 1, 2008 to November 30, 2008.