

**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.

Freedom of Information Act Appeals (FOIAA) Database

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.*)

Under 29 CFR 102.117, the Agency follows certain procedures in processing requests for information under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Under paragraph (c)(2)(v) of that rule, a party has the right to appeal an adverse determination of a request for information. FOIAA is an information and retrieval system that utilizes an ACCESS database to electronically input and maintain current and historical information initiated when an appeal to a denial of an initial FOIA request is received by the Office of Appeals, Division of Enforcement Litigation, Office of General Counsel. This database is used to track processing of the appeal from assignment of an appeal through final disposition, identifying relevant dates of processing and exemptions relied upon in reaching the final disposition. The database also uses the data to produce reports, including data appearing in the Annual Report to Congress.

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. Since other offices that handle initial FOIA requests use a different system, discussions have been undertaken to explore whether a single, unified system is viable.

However, this system remains operational.

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  (Continue.)

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

Last Name of Record Subject, i.e. requester filing the appeal.

Last Name of NLRB employee assigned to the case. This is both current and historical information.

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

NLRB files or databases.

*This Office maintains the names of the employees assigned to cases.*

Non-NLRB files or databases. (List.)

State and local agencies. (List.)

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The record subject himself. An individual filing the appeal provides the personal information as to the identity of the requester.

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.

There is no documentation of the system. The names are itemized in the FOIAA database.

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.]*

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 --

All personnel data are obtained either from NLRB records or the record subjects.

- 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.*)

The application resides on existing NLRB platforms that are protected by the NLRB 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 the FOIAA database is limited to the professional staff members of the Office of Appeals, the administrative office assistant, the legal assistant, and the network administrator.

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

While in theory anyone on the Office of Appeals professional staff can access the database, the Director and Deputy Director of the Office are responsible for explaining access to users performing case processing duties.

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

No.

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.*)

There are no controls to prevent abuse. However, due to the very limited nature of the personal data elements (last names only), the potential for abuse is minimal.

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

No  X  Data is not shared with any other electronic system.

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

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

The personal data is relevant and necessary since the system is designed to track processing of FOIA appeals. FOIAA enables the Agency to locate appeals and retrieve data according to the identity of the requester and/or the attorney processing the appeal.

2. Will the system derive new data or create previously unavailable data about an individual through a data aggregation process

No  X  (Go to Section VI.)

Yes \_\_\_\_\_ (Continue.)

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.)

The number of FOIA cases handled by an employee is discussed in the employee's annual appraisal. The appraisal is included in the Performance Appraisal System of Records.

Not Applicable \_\_\_\_\_

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

No \_\_\_\_\_

Yes  X  (Explain.)

See response to 2a.

2c. Will the data be retrieved by personal identifier (name, SSN, employee number, computer ID number, etc.) The data can be retrieved by name, but data relating to individuals is not disclosed to the public.

No \_\_\_\_\_ (Go to Section VI.)

Yes \_\_\_\_\_ (List retrieval fields.)

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?

There is no consolidation or linkage of files and systems.

2d-2. Derivation of data? Data is collected so that FOIA appeals of citizens are promptly and correctly processed.

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

2d-4. Use of new technologies? No new technologies are used.

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

**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.)*

The system maintains records under the name of the individual requester, who may or may not be a participant in a particular case. Using this identifier enables the Agency to retrieve data as expeditiously as possible and ensure equitable treatment of all individuals.

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

FOIAA does not have the capability to be partial. FOIAA tracks each case and provides a repository for case related data. Decisions on cases are made by NLRB personnel who review the contents of the case and make decisions on the merit of the content according to the statutory scheme of the FOIA.

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

Under General Records Schedule (GRS 14), Paragraph 12 (FOIA Appeals Files), data is destroyed 6 years after final determination by agency, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later.

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

No \_\_\_\_\_ *(Explain.)*

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

Chapter 5, Information and Public Relations Records states that disposition of electronic copies of records that are created on word processing systems are not covered if the item is already covered by the General Records Schedules. This system is already so covered.

- 3b. What are the procedures for eliminating the data at the end of the retention period?

The system goes back to 1998. Therefore, this is the first year data should be eliminated, and procedures are being considered but no data has yet been eliminated.

3c. Where are the procedures discussed in Question 3b above documented?

N/A

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

No  (Continue.)

Yes \_\_\_\_\_ (Identify the technology and describe how these technologies affect individual privacy.)

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

No

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.)

**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](http://www.access.gpo.gov/su_docs/aces/PrivacyAct.shtml) and <http://www.whitehouse.gov/omb/memoranda/m99-05-c.html>)

No  (Go to Section VIII.) The Agency is in the process of preparing a Privacy Act System of Records notice for this system.

Yes \_\_\_\_\_ (Continue.)

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

Not Applicable

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. Accounting of Disclosures: When data is disclosed to any individual outside NLRB, the Agency is required to record the date of the disclosure, the recipient's name and address, the purpose of the disclosure, and the actual data elements disclosed. This record of the disclosure is referred to as an "Accounting of Disclosures."**

1. What steps have been taken to insure that the Accounting of Disclosures is maintained as required by 5 U.S.C. 552a?

\_\_\_\_\_ The system software has the capability to generate a list of all disclosures that includes recipient name, address, date, data elements disclosed, and the purpose.

The accounting of disclosures will be kept manually. Identify the person who will be responsible for maintaining the accounting. *(List the person's name, title, address, and telephone number.)*

X  Other. *(Explain.)*

The Office of Appeals maintains a system that tracks disclosure of public information and manually files hard copies of documents provided a requester that are retained for 6 years. The documents include the date of disclosure, the recipient's name and address, the purpose of the disclosure and the actual data elements disclosed.

2. How will the system account for mass disclosures (such as time and attendance, payroll, and similar types of data)?

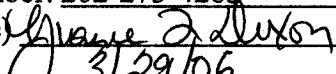
The file system details the information provided.

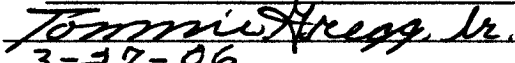
3. What procedures are in place to ensure that the Accounting of Disclosures are maintained for 5 years or the life of the record, whichever is longer?

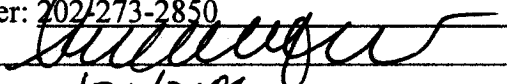
The Office of Appeals follows the Agency's requirements regarding retention of documents.

**Section IX. 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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