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.

> **Litigation Information on the Network (LION)** is the name of system that serves as a case tracking and case management system in the Appellate Court Branch of the Division of Enforcement Litigation.

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.)*

> LION is an information storage and retrieval systems that utilizes a relational database management system (RDBMS) to electronically record actions that initiate, change, or complete activities within the lifecycle of a case referred to the Appellate Court Branch for enforcement or review in the federal Courts of Appeals. This database is used to store current and historic information, to produce reports, including annual reports, and respond to public requests under the Freedom of Information Act (FOIA).

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: _____

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

> This is an existing system that is in the maintenance and enhancement stage (as of August 2004). There are periodic releases to upgrade and enhance the system based on new technology, new concepts or new user requests.

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

> __X__ 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, home address, telephone number, fax number of individuals who have filed this information on appearance forms or other documents submitted in cases being processed in the Appellate Court Branch
- First initial and last name of NLRB employees that use the LION application.

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

        _X_ NLRB files or databases.

        The filed charges and petitions provide the bulk of the information.

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

        Unions and law firms representing an individual or group and individuals and groups may provide the personal information on appearance forms or other documents submitted in cases being processed in the Appellate Court Branch

        _____State and local agencies. *(List.)*

        _____
        _____
        _____

        _X_The record subject himself.
        _____Supervisors.
        _____Other third party sources. *(List.)*

        An individual may provide the personal information as required in the Agency's Charge and Petition Forms when a complaint is initially made.

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.

        LION Data Dictionary, description of Participants Table. (See final page)

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 --

    a. Accuracy:

    > The Appellate Court Branch supervisory personnel review the information that is provided.

    b. Completeness:

    > The Appellate Court Branch reviews the data provided by the public for completeness.

    c. Relevance:

    > The Appellate Court Branch reviews the data provided by the public for relevance.

    d. Timeliness:

    > Timeliness is a key element confirmed by the Appellate Court Branch.

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. The LION system has a variety of security measures in place: The NLRB network rights restrictions are in place; the LION system itself uses software controls to prohibit invalid access to particular parts of the data.

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 LION system data is based on a "need to know" model where access rights are controlled both from a network access and program application access level.

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

> Each using office head determines the access privileges to the LION system.

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

> Yes, this is documented according to the policies stated in NLRB Access Control Standards, Password Management, January 23, 2002. The LION Access Control Handbook documents the access privileges for all users of the LION 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 two modes: editing and viewing. These "rights" are established by the office heads of the using offices. This confers the ability to change the data or merely look at it. The LION system has the following warning on the main login screen and in the "About Lion" section of the program:
>
> *"Authorized use of this system is in accordance with the NLRB's general warning banner displayed at boot time, and in accordance with the Board's Rules and Regulations, Sections 102.118(a)(1) and 102.133(c) and the Board's Guide to Staff Counsel, Section 18020."*

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

> No_____
> Yes__X__ *(Explain.)*
>
> Currently, some limited data is shared with JCMS/PCL, namely the chronological history of docketing activities.
>
> Following are other electronic case tracking systems that the Agency plans to link to LION in the future:
>
> 1. Appellate Court Lookup for the Regions
> 2. JCMS/PCL (additional data)

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

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.)*

Information about an individual is based on input from the participants filing the charges and petitions or involved in the respective NLRB case. The LION system enables the Agency to retrieve data such as the number of charges filed by or against an individual or entity more quickly and easily. However, LION does not create new data. The

information in LION is a mater of public record and may be disclosed to the public.

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_____ *(Identify the record, database, or type of record or database.)*

      Not Applicable X

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

      No
      Yes_____ *(Explain.)*

      Not Applicable X

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 a matter of public record and may be disclosed to the public.

      No_____*(Go to Section VI.)*
      Yes_____ *(List retrieval fields.)*

      Not Applicable X

2d. What are the potential effects on the due process rights of citizens and awfully 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

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.)*

        All headquarters NLRB offices operate within the NLRB mission. Unfair labor practice charges and representation petitions are filed and are handled according to the NLRA. The LION case tracking and management system allows authorized NLRB personnel to effectively track and manage headquarters caseloads within the Appellate Court Branch.

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

        The LION system does not have the capability to be partial. LION tracks each case and provides a repository for case-related data. Cases are based on public decisions made by the NLRB. All appropriate due process, including a review process, is provided by the NLRA and the Board's Rules and Regulations.

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

        NLRB is in the process of developing retention schedules for LION.

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

        No __X__*(Explain.)*
        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? (See above statement) There s no plan to eliminate data from the LION system.

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

        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 provide the capability to identify, locate, and monitor individuals?

        No __X__
        Yes_____ *(Explain.)*

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

        No <u>X</u>
        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 LION is based on the rights and privileges established by the system owner. The LION system has the capability to control access both from a network perspective (authentication and access control is supported by the operating system) and a programmed application perspective.

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.)*   However, the Agency is in the process of issuing a Privacy Act notice of this system.
          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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Response to Section II, Question 4:
(Layout of Address table)

Database: LION.mdb   Printed on Monday, July 26, 2004
Table: tblElfAddr

Properties

Date Created: 4/7/2004 2:10:41 PM   Last Updated: 7/26/2004 12:37:06 PM
OrderByOn: False   RecordCount: 1477
Updatable: True

Columns

Name	Type	Size		Description
CASEid	Long Integer	4		System generated number
CaseNumber	Text	20		Field is index 1 (Duplicates allowed) and consists of region, type docket, suffix and sequel.
Region	Text	2		Field contains the two-digit region code from 1 thru 22, 24 thru 34 and 37
Type	Text	2		Field contains the Board classification of the type of case. CA, CB, CC, CD, CE, CG and CP. There are no individual R cases records processed but an R case can be consolidated with a C Case.
Docket	Text	5		Field is a five-position Board docket number which can be 00001 thru 99999.
Suffix	Text	3		Field is a three -position number, which starts at 001.
Sequel	Text	1		Field is for a case in which the judgment/mandate has issued, or the case went to the Supreme Court and has been referred to EL again for further litigation.
Set	Text	1		Used in Data Flex but not used in LION
AddrNo	Integer	2		Used in Data Flex but not used in LION
Addr Subset	Integer	2		Used in Data Flex but not used in LION
Party	Text	50		Data Field contains the type of participants. Values are Board, Petitioner Union, Petitioner Individual/Group, Petitioner Employer, Intervener, Respondent, Respondent Employer, Respondent MR or Charging Party.
Company	Text	255		Company name for which the participant represents.
AttentionName	Text	255		Name of the person(s) in the company receiving the information.

Address1	Text	255	Data field contains the street number and name in which the company is located.
Address2	Text	255	Data field contains additional address information (e.g. suite number)
Phone	Text	250	Data field contains the phone number at the company in which the person can be contacted.
City	Text	50	Data field contains the city in which the company is located
State	Text	2	Data field contains the state in which the company is located
ZipeCode	Text	10	Data field contains the Zip code.