



U.S. Department of Transportation

Privacy Impact Assessment (Update)  
National Registry of Certified Medical Examiners  
(National Registry)

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## Executive Summary

The National Registry of Certified Medical Examiners (National Registry) was developed and implemented under the authority of Section 4116(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (codified at 49 U.S.C. § 31149). The program is managed and maintained by the Federal Motor Carrier Safety Administration (FMCSA). The Federal Motor Carrier Safety Regulations (FMCSRs) require that commercial motor vehicle (CMV) drivers comply with physical qualification requirements and be examined and certified by a medical examiner at least once every two years. The National Registry program ensures that Medical Examiners (MEs) who perform DOT driver medical examinations are properly trained and certified by FMCSA to do so. The program will maintain personally identifiable information (PII) for each medical examiner candidate applying for FMCSA ME certification, MEs' administrative personnel who are registering on the National Registry, and of CMV drivers examined by a certified FMCSA ME. FMCSA published a Notice of Proposed Rulemaking (NPRM) (73 FR 73129, December 1, 2008) proposing to establish and maintain a National Registry of Certified Medical Examiners. FMCSA posted a Privacy Impact Analysis (PIA) of the proposed rule in the docket on December 2, 2008.<sup>1</sup> FMCSA is publishing this revised PIA to include changes that reflect differences in the NPRM and the Final Rule as well as implementation and operational decisions made since the publishing of the NPRM, and to clarify language used in the initial PIA (77 FR 24104, April 20, 2012).

## Privacy Impact Assessment

*The Privacy Act of 1974 articulates concepts for how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct privacy impact assessments (PIAs) for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and documented assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to—i) ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; ii) determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.<sup>2</sup>*

*Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates the DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use and share. It is a comprehensive analysis of how the DOT's electronic information systems and collections handle personally identifiable information (PII). The goals accomplished in completing a PIA include:*

*Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;*

- *Accountability for privacy issues;*
- *Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and*

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<sup>1</sup><http://www.regulations.gov/#!docketDetail;dct=FR%252BPR%252BN%252BO%252BSR;rpp=25;so=ASC;sb=posted Date;po=0;D=FMCSA-2008-0363>.

<sup>2</sup>Office of Management and Budget's (OMB) definition of the PIA taken from guidance on implementing the privacy provisions of the E-Government Act of 2002 (see OMB memo of M-03-22 dated September 26, 2003).

- *Providing documentation on the flow of personal information and information requirements within DOT systems.*

*Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.*

### **National Registry Overview**

The primary mission of the FMCSA is to reduce crashes, injuries, and fatalities involving large trucks and buses. This mission is accomplished by developing and enforcing data-driven regulations that balance motor carrier safety with industry efficiency; utilizing Federal and State safety information systems to focus on high-risk carriers and drivers to enforce safety regulations; targeting educational messages to carriers, CMV drivers, and the public; and partnering with stakeholders (e.g., Federal, State, and local enforcement agencies; the motor carrier industry; safety groups; and organized labor) to reduce bus- and truck-related crashes.

With limited exceptions, all drivers who operate CMVs, as defined in 49 CFR 390.5, in interstate commerce must comply with the qualification requirements of 49 C.F.R. Part 391. Each driver subject to the physical qualification requirements must be examined and certified by a medical examiner, as defined in § 390.5, at least once every two years. For certain drivers, such as those with severe cases of hypertension or other acute medical conditions, more frequent medical re-examination by a medical examiner may be required to determine whether the driver can still be certified.

The National Registry Final Rule established the National Registry, a national database of names and contact information for ME certified by FMCSA to perform CMV driver physical examinations. The National Registry program supports the creation of trained, certified medical examiners who fully understand the medical standards in the FMCSRs. The MEs will be expected to understand how the FMCSR standards relate to the mental and physical demands of operating a commercial motor vehicle. MEs will be required to successfully complete training and pass a certification test before being listed on the National Registry database. All interstate CMV drivers are required to obtain their medical certificates from a National Registry-listed ME.

### **ME Training & Certification**

FMCSA developed the National Registry Program to improve highway safety and driver health by requiring that medical examiners be trained and certified to determine effectively whether a commercial motor vehicle driver's health meets FMCSA standards. FMCSA has determined that focusing on medical examiner performance is one strategy to improve highway safety and driver health.

FMCSA developed core curriculum specifications, guidance, and administrative requirements for ME training and provides this information to private sector training providers. FMCSA requires that all ME candidates complete training conducted by an approved private sector training provider and pass a certification test developed by FMCSA-approved Test developers and delivered by an authorized Test Center.

In order to initiate the process, ME candidates must register with FMCSA via the National Registry website (<http://nrcme.fmcsa.dot.gov>). Upon registration, the ME will be assigned a unique identification number (National Registry Number).

The Test Centers verify and document the ME candidate's identity, medical licensing information, and training completion prior to administering the FMCSA ME certification test. Test Centers will administer the FMCSA Certification test according to FMCSA specifications, and are responsible for submitting the medical examiner certification test results to the National Registry. Testing organizations that offer online testing will provide a means to authenticate the identity of the person taking the test, will provide a means for the testing organization to monitor the activity of the person taking the test, and will prohibit the person taking the test from reproducing the contents of the test.

Upon completion of the certification test, the Test Center uploads the applicant's results to the National Registry. FMCSA will validate the test results, medical examiner licensing credentials, and training. If the applicant passes the certification test and meets the eligibility criteria, FMCSA will notify the ME that he or she has been awarded the FMCSA Medical Examiner Certification Credential, that he or she will be listed on the National Registry, and that he or she is authorized to conduct CMV driver physical examinations. FMCSA will then make the FMCSA Certified Medical Examiner contact information available on the public website.

#### *Conducting CMV Driver Physical Exams*

Once certified, the ME may perform CMV driver exams on CMV drivers who are required to receive a physical exam. FMCSA will use the CMV driver medical exam information to monitor the ME competence and performance in evaluating the CMV driver health and fitness and to detect irregularities in examination procedures. The Final Rule requires certified MEs once every calendar month to electronically transmit to FMCSA the results of each driver physical examination completed during the previous month. FMCSA will use this information to request Medical Examination Reports and Medical Examiner's Certificates for a representative sample of driver physical examinations and review them to determine ME performance. Access to Medical Examination Reports and Medical Examiner's Certificates will be limited to authorized representatives of FMCSA or authorized Federal, State, or local enforcement agency representatives.

ME administrative personnel have the option to register on the National Registry and obtain their own National Registry Number. Upon confirmation by a ME, they will become a designated Medical Examiner Administrative Assistant (MEAA) of the ME and will be associated with that ME. The MEAAs will have the ability to edit their own contact information. MEs and their designated Administrative Assistants can view previously submitted CMV driver medical examination summary data, upload CMV driver medical exam summary data to FMCSA, and edit the medical examiner's contact information.

#### *National Registry PII*

As a result of comments made on the National Registry NPRM and an analysis of National Registry processes it has been determined that the following PII elements previously included in the NPRM PIA are not needed in support of the implementation of the Final Rule:

- (1) Information on Medical Examiners:
  - Date of application
  - Job title, if applicable
  - Employer facsimile number

- Business fax number(s), and
- Type of certification: Initial – Recertification – Reinstatement.

(2) Information on Commercial Motor Vehicle Drivers:

- Medical Examination
- Additional driver information on the Medical Examination Report and Medical Examiner’s Certificate:
- Social Security Number (SSN), and
- Driver’s address

The following PII is collected and maintained by FMCSA in support of the National Registry program. Data elements marked with an asterisk “\*” are collectively referred to as “National Registry Identity” information. Data elements that were not identified in the 2008 NPRM PIA are marked with an obelisk “†”.

(1) Information on Medical Examiners:

- Identity Verification
  - Full name (first, last, middle initial)\*
  - Type of ME photographic identification document †
  - Expiration date of ME photographic identification document †
  - National Registry Number created by FMCSA\*†
- Contact Information / Place of Business (Physical location where ME will perform licensed CMV driver medical exams)
  - Business name\*†
  - Business address
  - Business telephone number
  - Business email address
  - Business website link information†
- Medical Credential
  - State Medical License Number\*
  - Medical License State of Issue
  - State medical license expiration date
  - Medical profession\*
- Employer Contact (Health care provider that employs the ME)
  - Name
  - Address
  - Telephone number
  - Email address
- Training Information
  - Training received/completed
  - Provider name
  - Training provider address

- Group that accredited the training.
- Training completion date
- Certification Test Information
  - Test Delivery Organization\Test Center name †
  - Date of certification test †
  - Certification test questions †
  - Certification test answers †
  - Test score (numeric) †
  - Test results (pass/fail) †
- Certification Decision/Status †

As described in the regulatory analysis in the Final Rule and in accordance with FMCSA business rules, FMCSA allows ME-designated Medical Examiner Administrative Assistants on behalf of MEs to upload CMV driver medical exam summary data to FMCSA and edit the medical examiner's contact information. FMCSA collects the following information from Medical Examiner Administrative Assistants to provide them secure access to ME web accounts on the National Registry.

(2) Information on Medical Examiner Administrative Assistants

- Identity Verification Information
  - Full name (first, last, middle initial)†
- ME Business Relationship
  - Business address †
  - Business telephone number †
  - Business email address †
  - Business website link information †
  - Name of ME for whom the individual is acting as an Administrative Assistant †
  - Certified ME National Registry number of ME for whom the individual is acting as an Administrative Assistant †

(3) Information on Commercial Motor Vehicle Drivers:

- Identity Verification
  - Full name
  - Date of birth
- State Driver's License
  - License number
  - License issuing State
  - Commercial Driver License (CDL) status †
  - CDL Interstate status †
- Medical Examination
  - Date of examination
  - Certificate expiration date †
  - Name of ME conducting Medical Exam †



- Medical qualification decision
- Driver restrictions/variances †
- Driver waiver/exemption type †

Medical Examination Report and Medical Examiner's Certificate information may be collected once FMCSA establishes the oversight and audit processes for the program as authorized by 49 U.S.C. 31149(c)(2), enacted by section 4116(a) of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU).

### Fair Information Practice Principles (FIPPs) Analysis

*The Fair Information Practice Principles (FIPPs) are rooted in the tenets of the Privacy Act and are mirrored in the laws of many U.S. states, as well as many foreign nations and international organizations. The FIPPs are common across many privacy laws and provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis DOT conducts is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile (FEA-SPP) v.3i, which is sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council.*

### Transparency

*Sections 522a(e)(3) and (e)(4) of the Privacy Act and Section 208 of the E-Government Act require public notice of an organization's information practices and the privacy impact of government programs and activities. Accordingly, DOT is open and transparent about policies, procedures, and technologies that directly affect individuals and/or their PII. Additionally, the Department should not maintain any system of records the existence of which is not known to the public.*

FMCSA does not secretly collect or store PII and FMCSA clearly discloses its policies and practices concerning the PII collected and held associated with the implementation of this proposed rule. FMCSA will provide notice to individuals through a layered approach including the National Registry final rule, the FMCSA website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)), the NPRM and NPRM PIA <sup>3</sup>, and the System of Records Notice published on the DOT privacy program website<sup>4</sup> and in the Federal Register at 77 FR 24247 (April 23, 2012).<sup>5</sup> FMCSA received and posted for public review approximately 80 comments on the proposed rulemaking. A number of commenters indicated that they believed that the Health Insurance Portability and Accountability Act (HIPAA) regulations apply to the FMCSA and/or drivers' employers. FMCSA has determined that FMCSA is not a covered entity, which is defined in the HIPAA rules as (1) health plans, (2) health care clearinghouses, and (3) health care providers who electronically transmit any health information. Further, FMCSA disagreed that there were possible conflicts with HIPAA that would be encountered by employers because the final rule did not require employers to access private health information.

The publication of this PIA further demonstrates DOT's commitment to provide appropriate transparency into FMCSA's National Registry program. As required by the Privacy Act, DOT/FMCSA also provides direct notice to individuals via Privacy Act Statements on the paper and electronic forms it uses to collect PII. Effective notice is given to the ME by requiring the ME, prior to taking the FMCSA certification test, to provide several statements.

<sup>3</sup> <http://www.regulations.gov/#!docketDetail;dct=FR%252BPR%252BN%252BO%252BSR;rpp=25;po=0;D=FMCSA-2008-0363> (Docket FMCSA-2008-0363-0003)

<sup>4</sup> [DOT/FMCSA 009 - National Registry of Certified Medical Examiners \(National Registry\)](#)

<sup>5</sup> (<http://www.regulations.gov/#!documentDetail;D=FMCSA-2008-0363-0112>) (Docket FMCSA-2008-0363-0112)

Statements include that the ME is capable and willing to comply with FMCSA requirements and agrees to the statement regarding the National Registry/FMCSA Terms of Use and Privacy Policy.

### Individual Participation and Redress

*DOT should provide a reasonable opportunity and capability for individuals to make informed decisions about the collection, use, and disclosure of their PII. As required by the Privacy Act, individuals should be active participants in the decision making process regarding the collection and use of their PII and be provided reasonable access to their PII and the opportunity to have their PII corrected, amended, or deleted, as appropriate.*

Participation in the National Registry program is voluntary. However, an individual who refuses to provide such information will not be able to obtain a National Registry Number, FMCSA ME certification, or Medical Examiner Administrative Assistant Number. MEs and MEAAs have the ability to update and change basic demographic and professional data through the National Registry website. CMV drivers give consent to the collection of their PII when they obtain the medical examination by a FMCSA-certified ME.

FMCSA ensures that an individual has the right to (a) obtain confirmation of whether FMCSA has PII relating to him or her; (b) access the PII related to him or her within a reasonable time, cost, and manner and in a form that is readily intelligible to the individual; (c) obtain an explanation if a request made under (a) and (b) is denied and challenge such denial; and (d) challenge PII relating to him or her and, if the challenge is successful, have the data erased, rectified, completed, or amended. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOT by complying with DOT Privacy Act regulations found in 49 C.F.R. Part 10. Privacy Act requests for access to an individual's record must be in writing (either handwritten or typed), and may be mailed, faxed, or emailed. DOT regulations require that the request include a description of the records sought, the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Additional information and guidance regarding DOT's FOIA/PA program may be found on the DOT website. Privacy Act requests concerning information in the National Registry may be addressed to:

Elaine Papp, Chief, Division of Medical Programs,  
Office of Carrier, Driver and Vehicle Safety,  
Federal Motor Carrier Safety Administration,  
U.S. Department of Transportation,  
1200 New Jersey Avenue SE,  
Washington, DC 20590.  
Phone number 202-366-4001  
Fax number 202-366-1265  
[fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov)

The FMCSA provides an appeals process for medical examiners who have been proposed to be removed from the Registry to correct an identified deficiency or request review by FMCSA. This process provides an additional layer of redress for individuals to challenge and seek correction of information about them in the National Registry. An ME who receives a notice of proposed removal has 30 days to submit a response in writing explaining the error committed in being proposed to be removed from the NR. Alternatively, the ME could submit a written response indicating that he or she will come into compliance, if possible, and complete the corrective actions identified in the notice of proposed



removal. An individual who has been removed from the National Registry may request an administrative review by FMCSA. FMCSA will publish further information about the appeals process in the Medical Examiner Candidate Handbook on the National Registry website by the end of September 2012.<sup>6</sup>

### Statutory Authority and Purpose Specification

*DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that impacts privacy; and (ii) specify the purpose(s) for which its collects, uses, maintains, or disseminates PII.*

Congress recognized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU) that a number of steps would be needed to improve the quality of the medical certification of drivers. The primary legal basis for the National Registry of Certified Medical Examiners (National Registry) Program comes from Section 4116(a) of SAFETEA-LU (codified at 49 U.S.C. § 31149). Paragraph (d) of section 31149 provides that:

The Secretary, acting through the Federal Motor Carrier Safety Administration –

- 1) shall establish and maintain a current national registry of medical examiners who are certified to perform examinations and issue medical certificates;
- 2) shall remove from the registry the name of any medical examiner that fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or regulation issued under this section;
- 3) shall accept as valid only CMV drivers' medical certificates issued by persons on the national registry of medical examiners; and
- 4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of operators of commercial motor vehicles.

FMCSA will use the ME contact information, medical credentials, training certificate, certification test, and identification information to evaluate the ME's eligibility for certification. MEs may be required to provide supporting documentation of eligibility for certification. FMCSA will compare the ME's contact and medical licensing information provided by the ME during registration to the state's medical licensing data in order to ensure the data provided by the ME is valid. FMCSA will review the ME test responses in order to validate the test grade and score provided by the Test Center, and to ensure that the Test Center properly graded and scored the test. FMCSA will use the ME contact and ME employer information to list eligible FMCSA certified MEs on the publicly available website for the general public to search for MEs.

FMCSA will use the ME and their designated ME Administrative Assistants' contact information and employer information to communicate with the MEs and MEAAs regarding their information in the National Registry. FMCSA will use the CMV driver contact information and CMV license information to analyze the relationship between driver ME exam results and public safety. FMCSA will use the CMV driver medical exam information to monitor the ME competence and performance in evaluating the CMV driver's health and to uncover instances of fraud.

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<sup>6</sup> <https://nationalregistry.fmcsa.dot.gov>

The Test Centers use ME Identification, Contact, Medical Credential, Employer Contact, and Training Information to verify the ME's identity and eligibility to take the ME Certification test, to make changes to ME information (at the direction of the ME) in the National Registry at the time of Certification test, and to transfer Certification test information to the National Registry.

The Test Developer contractors uses the ME Certification test results, ME profession, and ME geographic location to perform analysis of the certification test results to identify future improvements and modifications to the test questions and to identify potential patterns of fraud and abuse in the testing process by individual ME candidates, testing organizations, testing centers, or proctors.

### **Data Minimization & Retention**

*DOT should collect, use, and retain only PII that is relevant and necessary for the specified purpose for which it was originally collected. DOT should retain PII for only as long as necessary to fulfill the specified purpose(s) and in accordance with a National Archives and Records Administration (NARA)-approved record disposition schedule. Forms used for the purposes of collecting PII shall be authorized by the Office of Management and Budget (OMB)*

The DOT/FMCSA records schedule for the National Registry program records is currently pending approval at the National Archives and Records Administration (NARA) under Job Number N1-557-11-2. All records maintained in this system of records will be treated as permanent records until the schedule is approved by NARA. The proposed schedule includes the following retention periods for records containing PII: National Registry Identity Information for all MEs granted National Registry status shall be retained for 60 years from the date that certification was granted because FMCSA will assign a unique identifier to each medical examiner candidate who registers in the National Registry. To maintain data quality assurance, FMCSA will maintain one account for each medical examiner candidate. Records other than National Registry Identity information of MEs who are certified will be retained for 16 years; this duration is the certificate's lifetime, which is 10 years, plus an additional 6 years to allow employers and investigators to verify the validity of CMV drivers' medical certification and to allow FMCSA to process ME removals and Administrative Reviews of removals. National Registry applications of MEs who do not complete the certification process will be maintained for one year from initial application submission. National Registry applications of MEs who fail the qualification test or are deemed ineligible for certification by DOT will be maintained for one year from the date of the certification decision. Records of MEs who voluntarily request removal from the National Registry will be maintained for three years from the date the removal is finalized by DOT. National Registry Identity Information for all MEs involuntarily removed from the National Registry shall be retained for 60 years from the date that certification was granted. All other records related to these MEs shall be retained for 16 years ; the duration of the certificate's lifetime, which is 10 years, plus an additional 6 years to allow employers and investigators to verify the validity of CMV drivers' medical certification and to allow FMCSA to process ME removals and Administrative Reviews of removals. Records of individual CMV Drivers will be maintained concurrent with the records of the ME who performed the driver's medical examination. Records of the ME's administrative personnel will be maintained concurrent with the records of the ME for whom they provide services or for one year from the date that the Department is notified that the individual is no longer authorized to perform duties in the system on behalf the ME, whichever is shorter.

## Use Limitation

*DOT shall limit the scope of its PII use to ensure that the Department does not use PII in any manner that is not specified in notices, incompatible with the specified purposes for which the information was collected, or for any purpose not otherwise permitted by law.*

Disclosure of PII is limited to the purposes and uses originally specified in the National Registry final rule, except (a) with the express consent of the individual, or (b) as authorized by law. This includes limiting disclosure of PII for the purposes and uses specified in the National Registry final rule and the DOT/FMCSA 009 National Registry of Certified Medical Examiners (National Registry) system of records notice (77 FR 24247, April 23, 2012).

FMCSA does not require the disclosure of any personal information to third parties outside FMCSA and FMCSA test development contractors, except to validate the identity and eligibility of the ME candidate, facilitate the transmission of application data and test results to FMCSA by test centers, or as authorized by law. If appropriate, additional information regarding the use and disclosure of information collected may be made in accordance with the U.S. Department of Transportation (DOT) Prefatory Statement of General Routine Uses published in the Federal Register on July 20, 2012 (77 FR 42796), under “Prefatory Statement of General Routine Uses” (available at <http://www.dot.gov/privacy>).

The sharing practices related to the National Registry shall meet applicable legal, regulatory, programmatic, and oversight obligations. Access to National Registry or to individual data elements within National Registry must be linked to a user’s lawfully defined duties that directly support the agency’s mission.

## Data Quality and Integrity

*In accordance with Section 552a(e)(2) of the Privacy Act of 1974, DOT should ensure that any PII collected and maintained by the organization is accurate, relevant, timely, and complete for the purpose for which it is to be used, as specified in the Department’s public notice(s).*

FMCSA ensures that the collection, use, and maintenance of PII for implementing the National Registry final rule is relevant to the purposes for which it is to be used and, to the extent necessary for those purposes, it is accurate, complete, and up to date.

FMCSA has taken reasonable steps to confirm the accuracy of PII in the National Registry. This is accomplished by having a screen displayed for the ME to verify and confirm the accuracy of the information that he or she has entered. When an ME candidate reports for his or her certification test, the ME must provide an acceptable form of ID (e.g. State Driver’s license, passport, etc.) and the test center will note the type of documentation presented. The ME must also show to the test centers his or her current State Medical License and provide proof of completing the required training program. The test center will confirm the ME’s medical license information against information maintained in the National Registry. In addition, FMCSA will verify the ME’s medical license with the appropriate State systems.

Medical examiners will enter their National Registry Identification Number on the medical examiner’s certificates and when drivers present their medical examiner’s certificates to their employers, the employers will use the National Registry Identification Number to confirm that the drivers were examined by a ME on the National Registry, as required by 49 CFR § 391.23(m)(1). Medical examiners will enter CMV driver’s Medical

Examination information listed above in the System Overview section through the secure information system through the password-protected Web interface, which will identify the ME.

## Security

*DOT shall implement administrative, technical, and physical measures protect PII collected or maintained by the Department against loss, unauthorized access, or disclosure, as required by the Privacy Act, and to ensure that organizational planning and responses to privacy incidents comply with OMB policies and guidance.*

PII will be protected by reasonable security safeguards against loss or unauthorized access, destruction, usage, modification, or disclosure. These safeguards incorporate standards and practices required for Federal information systems under the Federal Information System Management Act (FISMA) and are detailed in Federal Information Processing Standards (FIPS) Publication 200, Minimum Security Requirements for Federal Information and Information Systems, dated March 2006, and NIST Special Publication (SP) 800-53 Rev. 3, Recommended Security Controls for Federal Information Systems and Organizations, dated August 2009. FMCSA has a comprehensive information security program that contains management, operational, and technical safeguards that are appropriate for the protection of PII. These safeguards are designed to achieve the following objectives:

- Ensure the security, integrity, and confidentiality of PII.
- Protect against any reasonably anticipated threats or hazards to the security or integrity of PII.
- Protect against unauthorized access to or use of PII.

Records in the National Registry System are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in the registry is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances and permissions. All records in the National Registry System at DOT's Volpe Center and data at the FMCSA contractor sites are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. All access to the National Registry System is logged and monitored.

FMCSA has developed secure processes for the transmission of information, records control and repository, and the ability to retrieve and search records. A secure information system and web interface is being used, by which each ME registered in the National Registry will receive a unique login ID and password upon his or her acceptance into the National Registry. MEs and ME-designated administrative personnel will be able to access this information system but limited to only view, edit, and change the ME's own Identification, Contact, Medical Credential, Employer Contact, and Training Information; request voluntary removal from the National Registry; and to securely upload the required monthly CMV driver exam summary data.

Test Organizations/Test Centers will also have password-protected access to the secure information system and web interface, limited to view and verify the ME's eligibility to take the certification exam. Test Organizations/Test Centers will have the ability to enter information into and edit the following ME data fields: type of photo identification used, photo identification expiration date, and ME training information. Test Organizations will store test results and ME candidate identification information. Testing organizations that

offer MEs online testing will provide a means to authenticate the identity of the person taking the test, to monitor the activity of the person taking the test, and to prevent the person taking the test from reproducing the contents of the test, as required by § 390.107(b). Testing Organizations must develop policies and procedures when using automated monitoring online systems. These policies and procedures must be presented to each candidate taking the test. Test Organizations are required to submit their procedures to FMCSA as part of their application to be approved. FMCSA will conduct security assessments of Test Organizations' data systems, including site visits, to ensure protection of PII before approving them to administer the certification test.

Logical access controls restrict users of the National Registry. These controls are guided by the principles of least privilege and need to know. Role-based user accounts are created with specific job functions allowing only authorized accesses, which are necessary to accomplish assigned tasks in accordance with compelling operational needs and business functions of the National Registry program. Any changes to user roles required approval of the System Manager. Medical Examiners, Medical Examiner Administrative Assistants, and Testing Organizations will be able to create their own accounts via an option within the National Registry webpage. Those accounts have system access privileges pre-limited to specific job functions and those accounts are only granted the necessary access to perform their roles.

The National Registry maintains an auditing function that tracks all user activities in relation to data, including access and modification. Through technical controls including firewalls, intrusion detection, encryption, access control lists, and other security methods, FMCSA prevents unauthorized access to data stored in the National Registry. These controls will meet federally mandated information assurance and privacy requirements.

FMCSA personnel and FMCSA contractors are required to attend security and privacy awareness training and role-based training offered by DOT/FMCSA. This will allow individuals with varying roles to understand and retain knowledge of how to properly and securely act in situations where they may use PII in the course of performing their duties. No access will be allowed to the National Registry prior to receiving the necessary clearances and security and privacy training as required by DOT/FMCSA.

The National Registry is approved through the Security Authorization Process under the National Institute of Standards and Technology. . As of the date of publication of this PIA, the National Registry was last authorized in April 2012.

### **Accountability and Auditing**

*DOT shall implement effective governance controls, monitoring controls, risk management, and assessment controls to demonstrate that the Department is complying with all applicable privacy protection requirements and minimizing the privacy risk to individuals.*

FMCSA is responsible for identifying, training, and holding FMCSA employees and contractors accountable for adhering to FMCSA privacy and security policies and regulations. FMCSA will follow the Fair Information Practice Principles as best practices for the protection of PII associated with the implementation of the National Registry rule. In addition to these practices, additional policies and procedures will be consistently applied, especially as they relate to protection, retention, and destruction of records. Federal and contract employees will be given clear guidance in their duties as they relate to collecting, using, processing, and securing privacy

data. Guidance will be provided in the form of mandatory annual security and privacy awareness training as well as the DOT/FMCSA Rules of Behavior. The FMCSA Information System Security Officer and FMCSA Privacy Officer will conduct periodic security and privacy compliance reviews of the National Registry System consistent with the requirements of the Office of Management and Budget (OMB) Circular A-130, Section 8b(3), Securing Agency Information Systems.

#### **Responsible Official**

Elaine Papp  
Office of Medical Programs  
Federal Motor Carrier Safety Administration

#### **Approval and Signature**

Original signed and on file with the DOT Privacy Office

Claire W. Barrett  
Chief Privacy & Information Asset Officer  
Office of the Chief Information Officer

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<sup>1</sup> <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>