

USDA PRIVACY IMPACT ASSESSMENT FORM

Agency: Office of the Assistant Secretary for Civil Rights

System Name: Civil Rights Enterprise System

System Type: Major Application
 General Support System
 Non-major Application

System Categorization (per FIPS 199): High
 Moderate
 Low

Description of the System:

The Civil Rights Enterprise System (CRES) provides support for the mission of USDA's civil rights offices both at the Department and agency levels by providing tracking and reporting on Equal Employment Opportunity complaints and complaints of discrimination in USDA programs. Data processed in the system is collected from discrimination complaints filed by USDA employees, applicants for USDA employment and members of the public who have applied to participate in or participated in USDA programs and services.

Who owns this system? (Name, agency, contact information)

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Who is the security contact for this system? (Name, agency, contact information)

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DOES THE SYSTEM CONTAIN INFORMATION ABOUT INDIVIDUALS IN AN IDENTIFIABLE FORM?

Indicate whether the following types of personal data are present in the system

QUESTION 1		
Does the system contain any of the following type of data as it relates to individual:	Citizens	Employees
Name	Y	Y
Social Security Number	Y	Y
Telephone Number	Y	Y
Email address	Y	Y
Street address	Y	Y
Financial data	Y	Y
Health data	Y	Y
Biometric data	Y	Y
QUESTION 2	Y	Y
Can individuals be uniquely identified using personal information such as a combination of gender, race, birth date, geographic indicator, biometric data, etc.?		
NOTE: 87% of the US population can be uniquely identified with a combination of gender, birth date and five digit zip code ¹		
Are social security numbers embedded in any field?	Y	Y
Is any portion of a social security numbers used?	N	N
Are social security numbers extracted from any other source (i.e. system, paper, etc.)?	Y	Y



If all of the answers in Questions 1 and 2 are NO,

You do not need to complete a Privacy Impact Assessment for this system and the answer to OMB A-11, Planning, Budgeting, Acquisition and Management of Capital Assets, Part 7, Section E, Question 8c is:

3. No, because the system does not contain, process, or transmit personal identifying information.

If any answer in Questions 1 and 2 is YES, provide complete answers to all questions below.

¹ Comments of Latanya Sweeney, Ph.D., Director, Laboratory for International Data Privacy Assistant Professor of Computer Science and of Public Policy Carnegie Mellon University To the Department of Health and Human Services On "Standards of Privacy of Individually Identifiable Health Information". 26 April 2002.

DATA COLLECTION

3. Generally describe the data to be used in the system.

Data used by the system is collected from discrimination complaints filed by USDA employees, applicants for USDA employment and members of the public who have applied to participate in or participated in USDA programs and services. The data includes social security numbers and personal information such as names, addresses, and phone numbers, general information about the complaint of discrimination filed by the USDA customer or employee, and from investigation and adjudication reports.

4. Is the use of the data both relevant and necessary to the purpose for which the system is being designed? In other words, the data is absolutely needed and has significant and demonstrable bearing on the system's purpose as required by statute or by Executive order of the President.

- Yes
 No

5. Sources of the data in the system.

5.1. What data is being collected from the customer?

Information provided by the customer associated with EEO complaints and complaints of discrimination in USDA programs and services.

5.2. What USDA agencies are providing data for use in the system?

All USDA agencies

5.3. What state and local agencies are providing data for use in the system?

None

5.4. From what other third party sources is data being collected?

Data gathered from third parties during the course of investigating and adjudicating the complaint, which may include witness statements, depositions, and supporting records.

6. Will data be collected from sources outside your agency? For example, customers, USDA sources (i.e. NFC, RD, etc.) or Non-USDA sources.

- Yes
 No. If NO, go to question 7

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6.1. How will the data collected from customers be verified for accuracy, relevance, timeliness, and completeness?

Timeliness and completeness of the data is verified as a part of the complaint intake process. Accuracy of the data is verified during the complaint investigation and during the complaint adjudication.

6.2. How will the data collected from USDA sources be verified for accuracy, relevance, timeliness, and completeness?

Accuracy of the data is verified during the complaint investigation and during the complaint adjudication.

6.3. How will the data collected from Non-USDA sources be verified for accuracy, relevance, timeliness, and completeness?

All documents are reviewed and verified for accuracy as a part of the complaint investigation and adjudication process.

DATA USE

7. Individuals must be informed in writing of the principal purpose of the information being collected from them. What is the principal purpose of the data being collected?

To investigate and adjudicate EEO complaints and complaints of discrimination in USDA programs and services;

8. Will the data be used for any other purpose?

- Yes
 No. If NO, go to question 9

8.1. What are the other purposes?

Data will be used to track complaint processing, for administrative analyses, and for reporting required by Federal regulatory agencies.

9. Is the use of the data both relevant and necessary to the purpose for which the system is being designed? In other words, the data is absolutely needed and has significant and demonstrable bearing on the system's purpose as required by statute or by Executive order of the President

- Yes
 No

10. Will the system derive new data or create previously unavailable data about an individual through aggregation from the information collected (i.e. aggregating farm loans by zip codes in which only one farm exists.)?

- Yes
- No. If NO, go to question 11

10.1. Will the new data be placed in the individual's record (customer or employee)?

- Yes
- No

10.2. Can the system make determinations about customers or employees that would not be possible without the new data?

- Yes
- No

10.3. How will the new data be verified for relevance and accuracy?
Quality control review by managers and users accessing the data;

11. Individuals must be informed in writing of the routine uses of the information being collected from them. What are the intended routine uses of the data being collected?

To investigate and adjudicate EEO complaints and complaints of discrimination in USDA programs and services; to track complaint processing, for administrative analyses, and for reporting required by Federal regulatory agencies.

12. Will the data be used for any other uses (routine or otherwise)?

- Yes
- No. If NO, go to question 13

12.1. What are the other uses?

13. Automation of systems can lead to the consolidation of data – bringing data from multiple sources into one central location/system – and consolidation of administrative controls. When administrative controls are consolidated, they should be evaluated so that all necessary privacy controls remain in place to the degree necessary to continue to control access to and use of the data. Is data being consolidated?

- Yes
- No. If NO, go to question 14

13.1. What controls are in place to protect the data and prevent unauthorized access?

14. Are processes being consolidated?

- Yes
- No. If NO, go to question 15

14.1. What controls are in place to protect the data and prevent unauthorized access?

DATA RETENTION

15. Is the data periodically purged from the system?

- Yes
- No. If NO, go to question 16

15.1. How long is the data retained whether it is on paper, electronically, in the system or in a backup?

15.2. What are the procedures for purging the data at the end of the retention period?

15.3. Where are these procedures documented?

16. While the data is retained in the system, what are the requirements for determining if the data is still sufficiently accurate, relevant, timely, and complete to ensure fairness in making determinations?

The last step in the determination process is a final decision. During the process of making a final decision on the complaint, the adjudicator ensures that the information is accurate, relevant, timely and complete to ensure due process and fairness. After final determinations the data is housed in the system without further modification and is only used for historical reporting.

17. Is the data retained in the system the minimum necessary for the proper performance of a documented agency function?

- Yes
 No

DATA SHARING

18. Will other agencies share data or have access to data in this system (i.e. international, federal, state, local, other, etc.)?

- Yes
 No. If NO, go to question 19 (Only USDA agencies

have access)

18.1. How will the data be used by the other agency?

18.2. Who is responsible for assuring the other agency properly uses of the data?

19. Is the data transmitted to another agency or an independent site?

- Yes
 No. If NO, go to question 20

19.1. Is there the appropriate agreement in place to document the interconnection and that the PII and/or Privacy Act data is appropriately protected?

20. Is the system operated in more than one site?

- Yes
 No. If NO, go to question 21

20.1. How will consistent use of the system and data be maintained in all sites?

DATA ACCESS

21. Who will have access to the data in the system (i.e. users, managers, system administrators, developers, etc.)?

Access to the application is based on user role. Users include USDA employees involved in complaint processing, the CRES system administrators and developers, and the CRES Program Manager.

22. How will user access to the data be determined?

System roles were established by the CRES Configuration Control Board. User accounts are established based on approval from USDA management officials.

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

- Yes
 No

23. How will user access to the data be restricted?

User access is based on the system role assigned. Access is restricted to the information each user role needs based on their job requirements. USDA agency users can only see data pertaining to their USDA agency.

23.1. Are procedures in place to detect or deter browsing or unauthorized user access?

- Yes
 No

24. Does the system employ security controls to make information unusable to unauthorized individuals (i.e. encryption, strong authentication procedures, etc.)?

- Yes
 No

CUSTOMER PROTECTION

25. Who will be responsible for protecting the privacy rights of the customers and employees affected by the interface (i.e. office, person, departmental position, etc.)?

The chief of the Data Management and Customer Service Division who is also the CRES Project Manager

26. How can customers and employees contact the office or person responsible for protecting their privacy rights?

Contact information:

Chief Information Officer
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, DC 20250-0115
(202) 690-0425

27. A “breach” refers to a situation where data and/or information assets are unduly exposed. Is a breach notification policy in place for this system?

- Yes. If YES, go to question 28
 No

27.1. If NO, please enter the POAM number with the estimated completion date:

28. Consider the following:

- Consolidation and linkage of files and systems
- Derivation of data
- Accelerated information processing and decision making
- Use of new technologies

Is there a potential to deprive a customer of due process rights (fundamental rules of fairness)?

- Yes
 No. If NO, go to question 29

28.1. Explain how this will be mitigated?

29. How will the system and its use ensure equitable treatment of customers?

CRES is an integral part of USDA’s procedures for processing complaints of discrimination. By investigating and adjudicating complaints of discrimination, USDA contributes to the assurance that USDA customers are provided equitable treatment in all USDA programs and services.

30. Is there any possibility of treating customers or employees differently based upon their individual or group characteristics?

- Yes
 No. If NO, go to question 31

SYSTEM OF RECORD

31. Can the data be retrieved by a personal identifier? In other words, does the system actually retrieve data by the name of an individual or by some other unique number, symbol, or identifying attribute of the individual?

- Yes
 No. If NO, go to question 32

31.1. How will the data be retrieved? In other words, what is the identifying attribute (i.e. employee number, social security number, etc.)?

The identifying attributes are the complainant's name and case identification number.

31.2. Under which Systems of Record notice (SOR) does the system operate? Provide number, name and publication date. (SORs can be viewed at www.access.GPO.gov)
USDA/OCRE-1, published in 2003.

31.3. If the system is being modified, will the SOR require amendment or revision?

Yes, a revised SOR has been completed and is currently in the approval process.

TECHNOLOGY

32. Is the system using technologies in ways not previously employed by the agency (e.g. Caller-ID)?

- Yes
 No. If NO, the questionnaire is complete.

32.1. How does the use of this technology affect customer privacy?

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Upon completion of this Privacy Impact Assessment for this system, the answer to OMB A-11, Planning, Budgeting, Acquisition and Management of Capital Assets, Part 7, Section E, Question 8c is:

1. Yes.

PLEASE SUBMIT A COPY TO
THE OFFICE OF THE ASSOCIATE CHIEF INFORMATION OFFICE/CYBER SECURITY


Privacy Impact Assessment Authorization Memorandum

I have carefully assessed the Privacy Impact Assessment for the

Civil Rights Enterprise System
(System Name)

This document has been completed in accordance with the requirements of the
EGovernment Act of 2002.

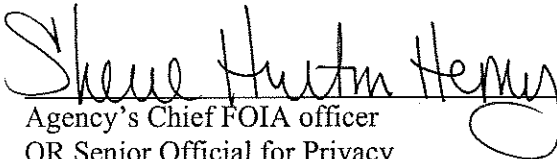
We fully accept the changes as needed improvements and authorize initiation of work to
proceed. Based on our authority and judgment, the continued operation of this system is
authorized.



System Manager/Owner
OR Project Representative
OR Program/Office Head.

9/12/2007

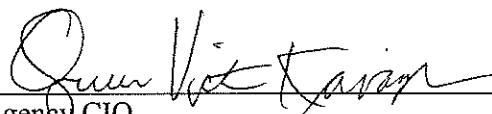
Date



Agency's Chief FOIA officer
OR Senior Official for Privacy
OR Designated Privacy Person

9/17/07

Date



Agency CIO

9-12-2007

Date