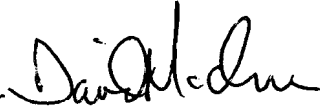


Beverly Godwin
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January 14, 2010

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TO: STEPHEN R. LEEDS
ACTING ADMINISTRATOR (A)

FROM: David L. McClure, Associate Administrator 
Office of Citizen Services and Communications (X)

SUBJECT: Waiver Request to Use Persistent Cookies Technology for
GSA web initiatives that support the Open Government Directive

The Office of Citizen Services and Communications (OCSC) is supporting the Open Government Directive (OGD) by providing major Departments and agencies access to a no-cost social media software application offered by IdeaScale that will be externally hosted on their web site but managed by GSA. On-line dialogs will be used to allow the public to provide feedback to the agencies during the development of their Open Government plans.

OCSC seeks your approval for an exemption to use "persistent cookies" on the externally hosted site at IdeaScale.com. OMB guidance prohibits the use of persistent cookies unless there is a compelling need and the head of an agency approves their use. IdeaScale uses persistent cookies to remember the user's ID that was last used to log into the system. This practice enhances users' convenience and improves the site's usability by not requiring login information every time the user visits the web site. In the case of on-line dialogs, citizens navigate to and from the web site over a period of time as they provide ideas, comments, or votes. Using cookies in this manner is an industry practice that almost all non-government websites follow to make their web applications easier to use (see Background section below)

For reference, OCSC has approval to use persistent cookies on selected GSA websites (USA.gov, GobiernoUSA.gov, and pueblo.gsa.gov), which was approved on January 13, 2009. This new request is similar in scope and is intended to expand the benefits of using persistent cookies to new citizen engagement activities sponsored by GSA.

We have an immediate need for this exemption; we need to have this capability in place by February 6th in order to meet Open Government Directive deadlines for public engagement capabilities. We expect this dialog to serve as a model for agencies that need tools to better engage the public in meeting their mission.

Background

Since 2000, OMB has banned use of persistent cookies on federal websites *unless the agency head approves their use*. Agencies may use persistent cookies, per OMB Memorandum 00-13, "Privacy Policies and Data Collection on Federal Websites," (June 2000) as long as the following four conditions are met:

- The site gives clear and conspicuous notice;
- There is a compelling need to gather the data on the site;
- Appropriate and publicly disclosed privacy safeguards exist for handling any information derived from the cookies; and
- The agency head gives personal approval for the use.

A persistent cookie:

- Is a small text file placed on the user's computer that recognizes when that user returns for another visit.
- Allows a site to personalize information based on a user's previous use of the site. Contrary to popular belief, persistent cookies by themselves cannot identify personally identifiable information about a user, including their name or address. The cookie that is set in this case only supports remembering the users' log-in credentials (user name).
- Can be clearly identified as being from a specific website (in this case, IdeaScale, the commercial service GSA will be using) and contains a randomly generated unique identifying number. This number is used solely to differentiate users, to determine if a visitor is returning to the site.

Business case

- This technology is consistently used by the private sector (Amazon.com, eBay, etc.) to personalize their customers' web experience, such as retaining log-in information or information that someone has put in their "shopping cart."
 - IdeaScale (the tool GSA has selected to support the public discussion related to the development of Open Government Plans across the government) uses persistent cookies to save user login information (the user's login ID) between sessions. The user is given a choice (often called the "opt in" approach) to check a "Remember Me" box. This is an optional convenience to the user who then does not have to remember their login information each time they visit the site. This lower barrier to entry is likely to increase public participation and increase the number of users who return to be part of the discussion and the community that forms around these discussions.
 - IdeaScale also uses a persistent cookie to support the use of external login IDs (e.g., Google, AOL, Yahoo, Wordpress, etc.). This allows the public to interact with IdeaScale without having to create a new login ID for use with the site if the user has already voluntarily chosen to have an ID with these other partners. This functionality will not work without a persistent cookie.
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- No personal information is saved in either of these two cookies set by IdeaScale, nor can these cookies be used to track user activities across other websites.

Implementation

If approved, OCS will be able to use the IdeaScale tool to support public collaboration on Agency Open Government Plans, potentially for dozens of agencies. Being able to offer this tool to other agencies will save taxpayer dollars and will be more efficient for the government.

Considerations

- OCS' management team will take all necessary steps to ensure we continue to meet all privacy requirements. This will include fully explaining the use of cookies on the privacy policy page, wherever the dialog tool is used.
- Use of persistent cookies for users' log-in convenience is now a best practice. OMB has committed in the Open Government Directive to review the federal cookie policy. While OMB is reviewing the policy, GSA will be modeling a best practice to other agencies.

Concurrences

I have consulted with Kim Mott, GSA's Privacy Officer; Seth Greenfeld, OGC; Kurt Garbars, Security Officer in OCIO, and OMB and White House New Media). They support this waiver request.

I am confident that use of this technology will help improve the citizen's experience with the online dialogs.

Recommendation

I recommend you approve the request for an exemption to the OMB policy for the use of persistent cookies. Your signature is required in accordance with OMB Memorandum 00-13, "Privacy Policies and Data Collection on Federal Websites," (June 2000) that requires agency heads to give personal approval for the use of "persistent" cookies on agency owned and/or sponsored websites, prior to their use.

Approved *α*

Disapproved

Date *1/20/10*



Stephen R. Leeds
Acting Administrator