

Appeals Remedy

Privacy Impact Assessment (PIA)

Version 2.1

August 22, 2012

Prepared by:

Security and Compliance Services



Purpose

The Privacy Impact Assessment (PIA) is completed as a mandatory step in the certification and accreditation of IT systems, applications, and projects, that collect, process, store, and disseminate Personally Identifiable Information (PII). The PIA examines the ways in which PII data are managed and protected by the target of evaluation.

Do not include any Sensitive Information in the PIA. When finalized, the PIA will be a publicly-accessible document posted to the OCC public-facing website.

Questions regarding this PIA template should be directed to the OCC Privacy Officer for response.

NOTE

This document was prepared in support of the system's Certification and Accreditation effort. The document was developed in accordance with, or following the guidance contained in, the following:

- *The Privacy Act of 1974* (Public Law 92-132, 5 U.S. C. 552a).
- *Federal Information Security Management Act of 2002* (Title III of P.L. 107-347).
- Section 208 of the *E-Government Act of 2002* (Public Law 107-347, 44 U.S.C. Ch 36), April 17, 2003.
- Office of Management and Budget (OMB) Memorandum M-03-18, *Implementation Guidance for the E-Government Act of 2002*, August 1, 2003.
- OMB Memorandum M-03-22, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002*, September 26, 2003.
- OMB Memorandum M-06-15, *Safeguarding Personally Identifiable Information*, May 22, 2006.
- OMB Circular No. A-130, Revised, (Transmittal Memorandum No. 4): *Management of Federal Information Resources*, 28 November 2000.
- Computer Matching and Privacy Act of 1988 (Public Law 100-503).
- Department of the Treasury Publication, TD P 25-05, *Privacy Impact Analysis Manual*, dated July 2006

DOCUMENT CHANGE CONTROL

VERSION	DATE	SUMMARY OF CHANGES	NAME
2.1	8/22/12	Reviewed and Updated	K. Kaplan

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PRIVACY IMPACT ASSESSMENT

1. SYSTEM IDENTIFICATION

1.1 Name of System, Project, or Program:

Appeals Remedy

1.2 Responsible Organization

OCC Office of the Ombudsman, 1301 McKinney Street, Houston, TX, 77010

1.3 Information Contact(s)

Key System Contacts

See PTA (Privacy Threshold Analysis) document.

1.4 Security Categorization

The system was assessed in its Security Categorization Report (SCR) as **MODERATE** under guidance contained in Federal Information Processing Standards (FIPS) Publication (PUB) 199, *Standards for Security Categorization of Federal Information and Information Systems*, December 2003, as follows:

Information Type	Confidentiality	Integrity	Availability
Corrective Action	Low	Low	Low
Program Evaluation	Low	Low	Low
Program Monitoring	Low	Low	Low
Customer Service	Low	Low	Low
Official Information Dissemination	Low	Low	Low
Product Outreach	Low	Low	Low

Information Type	Confidentiality	Integrity	Availability
Income	Moderate	Moderate	Moderate
Personal Identity and Authentication	Moderate	Moderate	Moderate
IT Security	Low	Moderate	Low
Financial Sector Oversight	Moderate	Low	Low
Legal Investigation	Moderate	Moderate	Moderate
Resolution Facilitation	Moderate	Low	Low
General Purpose Data & Statistics	Low	Low	Low
Advising & Consulting	Low	Low	Low
Inspections & Auditing	Moderate	Moderate	Low
Overall Per Category	Moderate	Moderate	Moderate
System Overall	MODERATE		

1.5 System Operational Status

The System is currently **operational**.

1.6 General Description/Purpose

The OCC encourages national banks and federal savings associations (thrifts) to seek further review of OCC decisions or actions that are in dispute through the national bank and federal savings association (thrift) appeals process. The Appeals Remedy system is used to track information related to such national bank and federal savings association (thrift) appeals filed through the Ombudsman’s Office. The system will help support the appeals process and help with historical views to recognize trends. A national bank or a federal savings association (thrift) may file an appeal with either the ombudsman or its immediate supervisory office. If a bank or thrift files an appeal with its immediate supervisory office and disagrees with the decision rendered, it may further appeal the matter to the ombudsman. There are three (3) types of appeals: a) Formal written requests, b) Informal phone call requests, and c) Inquiries requesting information on the process.

Bank and federal savings association (thrift) information regarding an appeal is considered extremely sensitive and must be held in strictest confidence. The

confidentiality of the appeal process mandates that the information will not be shared with the public or other OCC divisions. Banks and federal savings associations (thrift) must submit information in writing fully describing the matters in dispute. A bank or thrift may seek review of any OCC decision or action, including examination ratings, Community Reinvestment Act (CRA) ratings, asset quality, adequacy of loan reserve provisions, Shared National Credit (SNC) reviews, and classification of loans that are significant to an institution. The information submitted by the bank or thrift is then entered into the Appeals Remedy system, along with subsequent investigative information and decisions made by the Ombudsman's Office. There may be information regarding the bank's or thrift's customers, including both corporate and ordinary citizens, e.g., an appeal marketing practices used by the banks and thrifts to solicit consumers may possibly contain credit card numbers and other sensitive consumer information.

Users can add, search, update and produce Appeals Remedy reports from Remedy forms through their office PCs by signing on to Remedy server. Crystal Reports creates Appeals Remedy reports such as informal tickets, composite rating issues, all issues appealed, or issues between specified dates. All the fields contained in a search can create reports categorically.

1.7 Future Changes to Appeals Remedy

None

1.8 System Interconnection/Information Sharing

Appeals Remedy does not have interconnections to any external information systems.

2. PRIVACY IMPACT ASSESSMENT

2.1 Privacy Assessment

The following paragraphs detail the Privacy Assessment applicable to Appeals Remedy.

2.1.1 Does this system collect any personal information in identifiable form about individuals?

Yes No

2.1.2 Does the public have access to the system?

Yes No

2.1.3 Has a PIA been completed in the past?

Yes No

2.1.4 Has the existing PIA been reviewed within the last year?

Yes No N/A

2.1.5 Have there been any changes to the system since the last PIA was performed?

Yes No N/A

2.2 Data in the System/Application

2.2.1 What elements of PII are collected and maintained by the system?

A national bank or federal savings association (thrift) may seek review of any OCC decision regarding its operations, including examination ratings, CRA ratings, asset quality, adequacy of loan reserve provisions, SNC reviews, and classification of loans that are significant to an institution. The Appeals Remedy system contains all data and information related to such an appeal, including subsequent investigative information and outcomes, which a national bank or federal savings association (thrift) would file with the Ombudsman's Office. Included in this data and information may be information regarding the bank's and thrift's customers, including both corporate and ordinary citizens, e.g., an appeal marketing practices used by the banks or thrifts to solicit consumers may possibly contain credit card numbers and other sensitive consumer information.. All information gathered is intended to stay within the Ombudsman's Office and is primarily used to track and document the appeal process and support outcomes of the process. Specific items appealed may be coded by Appeals Remedy specialists for future reference on similar appeals. Nonetheless, the confidentiality requirements of the appeal process mandate that the information supplied in support of an appeal is not shared with the public or other OCC divisions.

2.2.2 Why is the information being collected?

The OCC and other financial regulatory agencies are required to support a process for appealing the outcomes of their examinations and other judgments regarding the

institutions under their regulations. The information types listed in 2.2.1 may be supplied by an OCC-regulated institution in the course of filing an appeal.

2.2.3 What are the sources of the information in the system?

Sources of the information types listed in section 2.2.1 include:

- Appeal letters or subsequent correspondence sent by the banks and federal savings associations (thrift) to the Ombudsman's Office;
- Notes made by Appeals Remedy specialists during telephone calls with the institution over the course of its appeal;
- Response letters provided by the supervisory offices;
- Work papers generated from the appeal;
- Decision letters; and
- Appeal lessons learned.

2.2.4 How will the data collected from sources other than Federal agency records or the individual be verified for accuracy?

Appeals Tracking data is populated primarily by data entry of content received from institutions. Verification of the personally identifiable information supplied by these institutions is performed by the institution itself as a function of its services to its customers.

2.2.5 Who will have access to the data and how is access determined?

Appeals Remedy managers use the ITS Remedy system to authorize access to Appeals for their staff, and the IT Customer Support technical personnel technically provides that

access. Access levels are allocated on a need to know and consistent with least privilege. User accounts are routinely audited to ensure access levels are appropriate. Processes are consistent with agency direction on appropriate access controls for systems containing sensitive but unclassified information.

2.2.5 Describe the administrative and technological controls that are in place or that are planned to secure the information being collected.

All management, operational, and technical controls in place for Appeals Remedy are documented in a system security plan, developed and tested according to direction for the protection of moderate security systems published by the National Institute of Standards and Technology (NIST) special publication series, especially NIST Special Publication (SP) 800-18, NIST SP 800-53, and NIST SP 800-53a.

2.2.6 What opportunities will individuals have (if any) to decline to provide information or to consent to particular uses of the information?

Individuals have the ability to decline providing personally identifiable information at the system entry point, which is their financial institution. These institutions are responsible for notifying consumers of their rights regarding the use of their personally identifiable information and with the opportunity to decline providing that information. No other opportunities are provided by Appeals Remedy for declining its use of this information in the appeals process.

2.2.7 What is the life expectancy of the data and how will it be disposed of when it is no longer needed?

The current life expectancy of the data is the life of the system. Disposition will be managed consistent with IAW federal regulations for financial information, and in keeping with OCC Records Management policy, the Ombudsman's file plan, and NARA regulation.

2.2.8 Is the system owned, operated, and maintained by a contractor?

Yes No

2.3 System of Records Notice (SORN)

Does the collection of this information require a new system of records under the Privacy Act (5 U.S.C. § 552a) or an alteration to an existing system of records?

Yes No

The Appeals Remedy system is covered by one or more of the following SORNs, as published in the Federal Register / Vol. 70, No. 131 / Monday, July 11, 2005 / Notices. This notice covers all systems of records adopted by the OCC up to June 21, 2005. It includes:

- CC .600—Consumer Complaint and Inquiry Information System

2.4 Certification and Accreditation

Has the system been certified and accredited within the last three years?

Yes No

Date ATO granted: October 2007, to be renewed October 2010