

Privacy and Civil Liberties Impact Assessment



Privacy and Civil Liberties Impact Assessment
for the

Special Inspector General for Pandemic Recovery
Systems

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Reviewing Official

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Section 1: Introduction

PCLIA's are required for all systems and projects that collect, maintain, or disseminate personally identifiable information (PII). The system owner completed this assessment pursuant to Section 208 of the E-Government Act of 2002 ("E-Gov Act"), 44 U.S.C. § 3501, Office of the Management and Budget (OMB) Memorandum 03-22, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002," and Treasury Directive 25-07, "Privacy and Civil Liberties Impact Assessment (PCLIA)," which requires Treasury Offices and Bureaus to conduct a PCLIA before: (1) developing or procuring information technology (IT) systems or projects that collect, maintain or disseminate PII from or about members of the public, or (2) initiating a new collection of information that: (a) will be collected, maintained, or disseminated using IT; and (b) includes any PII permitting the physical or online contacting of a specific individual, if identical questions have been posed to, or identical reporting requirements imposed on, 10 or more persons (not including agencies, instrumentalities, or employees of the federal government).

It is the policy of the Department of the Treasury ("Treasury" or "Department") and its Bureaus to conduct a PCLIA when PII is maintained in a system or by a project. This PCLIA provides the following information regarding the system or project: (1) an overview of its purpose and functions; (2) a description of the information collected; (3) a description of the how information is maintained, used, and shared; (4) an assessment of whether the system or project is in compliance with federal requirements that support information privacy; and (5) an overview of the redress/complaint procedures available to individuals who may be affected by the use or sharing of information by the system or project.

Section 2: System Overview

Section 2.1: System/Project Description and Purpose

The Special Inspector General for Pandemic Recovery (SIGPR) was established by the Coronavirus Aid, Relief, and Economic Security Act of 2020 (the CARES Act). SIGPR has the duty to conduct, supervise, and coordinate audits, evaluations, and investigations of the making, purchase, management, and sale of loans, loan guarantees, and other investments made by the Secretary of the Treasury under programs established by the Secretary, as authorized by Section 4018(c) of the CARES Act, and the management by the Secretary of programs, as authorized by Section 4018(c) of the CARES Act. SIGPR's duties and responsibilities are set forth in Section 4018 of the CARES Act, and in the Inspector General Act of 1978, 5 U.S.C. app. The SIGPR systems facilitate SIGPR's audits, evaluations, investigations, and other operations to (1) promote economy, efficiency, and effectiveness in the administration of such programs; (2) prevent and detect fraud and abuse in the programs and operations within its jurisdiction; and (3) keep the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

The purpose of the Audit and Evaluations Records System is to act as a management information system for SIGPR audit and evaluation projects and personnel and ensure accurate and timely audits and evaluations.

The Case Management System and Investigative Records System maintain information relevant to complaints received by SIGPR and collected as part of leads, inquiries, SIGPR proactive efforts, and investigations conducted by SIGPR'S Office of Investigations.

The Legal Records System: assists SIGPR attorneys in providing legal advice to Treasury on a wide variety of legal issues; facilitates the collection of information about any individual who is, or will be, in litigation with the agency, as well as the attorneys representing the plaintiff(s)' and defendant(s)' response to claims of employees, former employees, or other individuals; and assists in the settlement of claims against the government.

1. A PCLIA is being done for this system for the first time.
2. This is an update of a PCLIA previously completed and published under this same system or project name. The date the earlier PCLIA was published was 1.1.2020.
3. This is an update of a PCLIA previously completed and published for a similar system or project that is undergoing a substantial modification or migration to a new system or project name. The name of that previous PCLIA was [Name the PCLIA here] and the date of its publication was 1.1.2020.

Section 2.2: Authority to Collect

Federal agencies must have proper authority before initiating a collection of information. The authority is sometimes granted by a specific statute, by Executive order (EO) of the President or other authority. The following specific authorities authorize SIGPR to collect information:

- *The Coronavirus Aid, Relief, & Economic Security (CARES) Act of 2020; and*
- *The Inspector General Act of 1978.*

The information may also be collected pursuant to a more general requirement or authority. All Treasury systems and projects derive general authority to collect information from:

- 31 U.S.C. 321 – General authorities of the Secretary establish the mission of the Department of the Treasury;
- 5 U.S.C. 301 – Department regulations for the operations of the Department, conduct of employees, distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.

Section 2.3: Privacy Act Applicability; SORN Requirement

Under certain circumstances, federal agencies are allowed to exempt a system of records from certain provisions in the Privacy Act. This means that, with respect to information systems and papers files that maintain records in that system of records, the agency will not be required to comply with the requirements in Privacy Act provisions that are properly exempted. If this system or project contains records covered by the Privacy Act, the applicable Privacy Act system of records notice(s) (SORNs) (there may be more than one) that cover the records in this

system or project must list the exemptions claimed for the system of records (it will typically say: “*Exemptions Claimed for the System*” or words to that effect).

All answers in this section must be provided in the space as instructed after checking the appropriate box(es).

Section 2.3(a) Please check ALL statements below that apply to your system or project and provide any additional information requested. Please read all possible responses before selecting an answer.

1. The system or project does not retrieve records about an individual using an identifying number, symbol, or other identifying particular assigned to the individual. A SORN is not required with respect to the records in this system.
2. The system or project does retrieve records about an individual using an identifying number, symbol, or other identifying particular assigned to the individual. A SORN is required with respect to the records in this system.
3. A SORN was identified in the original PCLIA and a determination was made during this current PCLIA update that modifications [choose one] were were not required to that SORN. [If modifications were made, generally describe them here]. The current applicable SORN is: [Provide here the SORN number(s), system of records name(s) and the citation to the SORN(s) in the Federal Register.]
4. A SORN(s) was not identified or required in the original PCLIA, but a determination was made during this current PCLIA update that a SORN(s) is now required. The applicable SORN(s) is:[Provide here the SORN number(s), system of records name(s) and the citation to the SORN(s) in the Federal Register].
5. A SORN was published and no exemptions are taken from any Privacy Act requirements.
6. Exemptions are claimed from the following Privacy Act provisions in the applicable SORN(s): *5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). See 31 CFR 1.36. The citation to the applicable Notice of Proposed Rulemaking and/or Final Rule is can be found by clicking on the following [link](#).*

Section 3: Information Collection

Section 3.1: Relevant and Necessary

The Privacy Act requires “each agency that maintains a system of records [to] maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President.” 5 U.S.C. § 552a (e)(1). It allows federal agencies to exempt records from certain requirements (including the relevant and necessary requirement) under certain conditions. 5 U.S.C. §552a (k). The proposed exemption must be described in a Notice of Proposed Rulemaking (“NPRM”). In the context of the Privacy Act, the purpose of the NPRM is to give the public notice of a Privacy Act exemption claimed for a system of records and solicit public opinion on the proposed exemption. After addressing any public concerns raised in response to the NPRM, the agency must issue a Final Rule. It is possible for some, but not all, of the records

maintained in the system or by the project to be exempted from the Privacy Act through the NPRM/Final Rule process.

Section 3.1(a) Exemption Claimed from this Requirement?

1. The PII maintained in this system or by this project is ***not*** exempt from 5 U.S.C. § 552a(e)(1), the Privacy Act's requirement that an agency "*maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President.*"
2. The PII maintained in this system or by this project ***is*** exempt from 5 U.S.C. § 552a (e)(1) because *the term "maintain" includes "collect" and "disseminate," and application of this provision to the systems of records could impair the Department/SIGPR's ability to collect and disseminate valuable law enforcement information. In many cases, especially in the early stages of an investigation, it may be impossible to immediately determine whether information collected is relevant and necessary, and information that initially appears irrelevant and unnecessary, upon further evaluation or upon collation with information developed subsequently, may prove particularly relevant to a law enforcement program. Additionally, not all violations of law discovered by the Department/SIGPR fall within the investigative jurisdiction of the Department/SIGPR. To promote effective law enforcement, the Department/SIGPR may disclose such violations to other law enforcement agencies, including state, local, and foreign agencies, that have jurisdiction over the offenses to which the information relates. Otherwise, the Department/SIGPR might be placed in the position of having to ignore information relating to violations of law not within the jurisdiction of the Department/SIGPR when that information comes to the Department/SIGPR's attention during the collation and analysis of information in its records.*

Section 3.1(b) Continuously Assessing Relevance and Necessity

1. The PII in the system is not maintained in a system of records. Therefore, the Privacy Act requirements do not apply. *[Explain **here** what you do to ensure relevance and necessity despite the fact that the Privacy Act does not apply.]*
2. The PII in the system is maintained in a system of records, but the agency exempted these records from the relevance and necessity requirement. See below.
3. The system owner conducted an assessment prior to collecting PII for use in the system or project to determine which PII data elements and types (see [Section 3.2](#) below) were relevant and necessary to meet the system's or project's mission requirements. *During this analysis, in conducting the "relevance and necessity" analysis that is documented in this PCLIA, the system owner reevaluated the necessity and relevance of all PII data elements and determined that they are relevant and necessary. Every time this PCLIA is updated, this ongoing assessment will be revisited. If it is determined at any time that certain PII data elements are no longer relevant or necessary, the system owner will update this PCLIA to discuss how the data element was removed from the system and to confirm that it is no longer collected.*
4. With respect to PII ***currently*** maintained (i.e., at the time this PCLIA is being done) in the system or by the project, the PII is is not -- limited to only that which is

relevant and necessary to meet the system's or project's mission requirements. During the PCLIA process, the system always undergoes a review to ensure the continuing relevance and necessity of the PII in the system.

5. With respect to PII maintained in the system or by the project, there is is not -- a process in place to continuously reevaluate and help ensure that the PII remains relevant and necessary. *During the PCLIA process, the system always undergoes a review to ensure the continuing relevance and necessity of the PII in the system. If a determination is made that particular PII is no longer relevant and necessary in between PCLIA updates, this PCLIA will be updated at that time.*

Section 3.2: PII and/or information types or groupings

The below summary represents the types of information maintained in the system or by the project that are relevant and necessary for the information system or project to fulfill its mission. PII collected is used by the system or project to fulfill the purpose stated in Section 2.2 above – Authority to Collect.

Pursuant to the CARES Act and the IG Act, SIGPR is required to conduct law enforcement investigations. During an investigation, information is collected by subpoenas, search warrants or from individuals' statements, any of which may contain PII, whether or not the PII is actively sought. It is, therefore, impossible to estimate all the information that might be collected during an investigation. Such information could include any information contained in a CARES Act application and other information revealed or obtained through legal process and interviews (whether or not the information is provided in response to a specific question).

3.3 Sources from which PII is obtained

Focusing on the context in which the data was collected and used (i.e., why it is collected and how it is used), check ALL sources from which PII is collected/received and stored in the system or used in the project

1. Members of the Public

Members of the Public (i.e., including individuals who are current federal employees who are providing the information in their “personal” capacity (unrelated to federal work/employment). All of the following are members of the public. Please check relevant boxes (based on the context of collection and use in this system) for members of the public whose information is maintained in the system (only check if relevant to the purpose for collecting and using the information):

- Members of the general public (current association with the federal government, if any, is irrelevant to the collection and use of the information by the system or project).
- Retired federal employees.
- Former Treasury employees.
- Federal contractors, grantees, interns, detailees, etc.
- Federal job applicants.

Other: [Explain *here*]. Discuss here how/why PII is collected from this source.

2. Current Federal Employees, Interns, and Detailees

Current Federal employees providing information in their capacity as federal employees (for example, PII collected using OPM or Treasury forms related to employment with the federal government)

Interns.

Detailees.

Other employment-related positions. [name the position here and discuss how/why PII is collected from this source.].

3. Treasury Bureaus (including Departmental Offices)

Other Treasury Bureaus: *To perform its role, SIGPR will need to obtain information (which may include PII) from any bureau/office at Treasury that has information about loans, guarantees, and investments made by the Secretary, including recipients of those loans/guarantees/investments, as well as programs managed by the Secretary. SIGPR will work with other bureaus and offices in the Department, including the Financial Crimes Enforcement Network, the Office of Foreign Assets Control, and Do Not Pay, to obtain relevant information.*

4. Other Federal Agencies

Other federal agencies: *To perform its role under the CARES Act, SIGPR will need to obtain information (which may include PII) from any federal agency, including the Federal Reserve, that has information about programs managed by the Secretary, as well as loans, guarantees, and investments made by the Secretary, including recipients of those loans/guarantees/investments who may also be recipients of other awards under the CARES Act, such as awards from the Small Business Administration.*

5. State and Local Agencies

State and local agencies: *To perform its role under the CARES Act, SIGPR will need to obtain information (which may include PII) from state and local agencies that have received awards/loans/guarantees/investments made by the Secretary, as well as programs managed by the Secretary.*

6. Private Sector

Private sector organizations (for example, banks and financial organizations, data brokers or other commercial sources): *To perform its role under the CARES Act, SIGPR will need to obtain information (which may include PII) from private sector organizations such as banks and organizations that received awards/loans/guarantees/investments made by the Secretary, or from programs managed by the Secretary, as well as from organizations that made such awards/loans.*

7. Other Sources

Other sources not covered above (for example, foreign governments). *To perform its role under the CARES Act, SIGPR will need to obtain information (which may include PII) from foreign governments through mutual legal assistance treaties concerning organizations that received awards/loans/guarantees/investments made by the Secretary, as well as programs managed by the Secretary.*

Section 3.3: Privacy and/or civil liberties risks related to collection

When federal agencies request information from an individual that will be maintained in a [system of records](#), they must inform the individual of the following: “(A) the authority (whether granted by statute, or by executive order of the President) that authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary; (B) the principal purpose or purposes for which the information is intended to be used; (C) the routine uses that may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and (D) the effects on [the individual], if any, of not providing all or any part of the requested information.” 5 U.S.C § 522a(e)(3). This is commonly called a Privacy Act Statement. The OMB Guidelines also note that subsection (e)(3) is applicable to both written and oral (i.e., interview) solicitations of personal information. Therefore, even if a federal employee or contractor has a fixed list of questions that they orally ask the individual in order to collect their information, this requirement applies.

Section 3.3(a) Collection Directly from the Individual to whom the PII pertains

1. None of the PII in the system was collected directly from an individual to whom it pertains. . *[Explain if the third-party/agency from which you obtained the PII actually collected the PII directly from the individuals about whom it pertains. Be prepared to discuss below how you ensure the information received from the third-party is still accurate, complete and timely for the purposes for which you will use it].* [Explanation here.]
2. Some or all of the information in this system was collected directly from an individual to whom it pertains.

Section 3.3(b) Privacy Act Statements

1. None of the PII in the system was collected directly from the individuals to whom it pertains. Therefore, a Privacy Act Statement is not required.
2. Some All of the PII in the system was collected directly from the individual to whom it pertains. Therefore, a Privacy Act Statement was posted at the point where the PII was collected directly from the individual. That Privacy Act Statement was provided to the individual on the form in which the [PII](#) was collected on a separate sheet of paper that the individual could retain; or in an audio recording or verbally at the point where the information was collected (e.g., on the phone) or other
3. The Privacy Act Statement contained the following:
 - a. The authority (whether granted by statute, or by Executive order of the President) which authorizes the solicitation of the information.
 - b. Whether disclosure of such information is mandatory or voluntary.

- c. The principal purpose or purposes for which the information is intended to be used.
- d. The individuals or organizations outside of Treasury with whom the information may be/ will be shared.
- e. The effects on the individual, if any, if they decide not to provide all or any part of the requested information.

Section 3.3(c) Use of Full Social Security Numbers

Treasury is committed to eliminating unnecessary collection, use, and display of full Social Security numbers (“SSN”) and redacting, truncating, and anonymizing SSNs in systems and documents to limit their accessibility to individuals who do not have a need to access the full SSN in order to perform their official duties. Moreover, the [Privacy Act](#) provides that: “It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual’s refusal to disclose his social security account number.” Pub. L. No. 93–579, § 7. This provision does not apply to: (1) any disclosure which is required by federal statute; or (2) any disclosure of an SSN to any federal, state, or local agency maintaining a [system of records](#) in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual. *Id.* at § 7(a)(2)(A)-(B).

Section 3.3(d) Justification of Social Security Numbers

1. N/A No full SSNs are maintained in the system or by the project. [*Explain if any portion of the SSN short of the full 9 digits is used in the system: Explain; if the full SSN is located anywhere in the system (even if it is redacted, truncated or anonymized when viewed by users, please check number 2 below)*].
2. Full SSNs are maintained in the system or by the project and the following approved Treasury uses of SSNs apply:
 - security background investigations;
 - interfaces with external entities that require the SSN;
 - a legal/statutory basis (e.g. where collection is expressly required by statute);
 - when there is no reasonable, alternative means for meeting business requirements;
 - statistical and other research purposes;
 - delivery of government benefits, privileges, and services;
 - for law enforcement and intelligence purposes;
 - aging systems with technological limitations combined with funding limitations render impracticable system modifications or replacements to add privacy risk reduction tools (partial/truncated/redacted or masked SSNs); and
 - as a unique identifier for identity verification purposes.

Section 3.3(e) Controls implemented to limit access to and or improper disclosure of full Social Security Numbers

1. Full SSNs are ***not*** maintained in the system or by the project.
2. Full SSNs ***are*** maintained in the system or by the project and the following controls are put in place to reduce the risk that the SSN will be seen or used by someone who does not have a need to use the SSN in order to perform their official duties (*check **ALL** that apply*):
 - a. The entire SSN data field is capable of suppression (i.e., being turned off) and the data field is suppressed when the SSN is not required for particular system users to perform their official duties.
 - b. The SSN field is visible, but the SSN itself is blurred or distorted in some way so it is not capable of being read by users who do not require the SSN to perform their official duties.
 - c. Within the system, an alternative number (e.g., an Employee ID) is displayed to all system users who do not require the SSN to perform their official duties. The SSN is only linked to the alternative number within the system and when reporting outside the system (to an agency that requires the full SSN). The SSN is not visible to system users (other than administrators).
 - d. The SSN is truncated (i.e., shortened to the last 4 digits of the SSN) when displayed to all system users for whom the last four digits (but not the full) SSN are necessary to perform their official duties.
 - e. Full or truncated SSNs are only downloaded to spreadsheets or other documents for sharing within the bureau or agency when disclosed to staff whose official duties require access to the full or truncated SSNs for the particular individuals to whom they pertain. No SSNs (full or truncated) are included in spreadsheets or documents unless required by each recipient to whom it is disclosed in order to perform their official duties (e.g., all recipients have a need to see the SSN for each employee in the spreadsheet).
 - f. Other: [Please describe].

Section 3.3(f) Denial of rights, benefits, or privileges for refusing to disclose Social Security Number

1. N/A No SSNs are maintained in the system or by the project.
2. Full SSNs are collected, but no individual will be denied any right, benefit, or privilege provided by law, if the individual refuses to disclose his or her SSN for use in the system or project. *If the individual chooses not to provide his or her SSN, he or she generally cannot be compelled to do so, except as permitted by law.*
3. Full SSNs are collected, and the individual will be denied the following right, benefit, or privilege provided by law if they refuse to disclose their SSN: [please identify the right, benefit, or privilege if the individual will be denied if they choose not to provide their SSN: Identify here]. Denial of this right, benefit or privilege does not violate the law because: [choose one of the two boxes below]:

- a. SSN disclosure is required by the following Federal statute or Executive Order; **OR**
- b. The SSN is disclosed to a Federal, state, or local agency that maintains a system of records that was in existence and operating before January 1, 1975, and disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

Section 3.3(g) Records describing how individuals exercise First Amendment rights

The Privacy Act requires that Federal agencies “maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.” 5 U.S.C. § 552a(e)(7).

- 1. N/A. The system or project does ***not*** maintain information describing how an individual exercises their rights guaranteed by the First Amendment.
- 2. The system or project ***does*** maintain information describing how an individual exercises their rights guaranteed by the First Amendment. *If you checked this box, please check the box below that explains Treasury’s authorization for collecting this information:*
 - a. The individual about whom the information was collected or maintained expressly authorizes its collection/maintenance. The individual about whom the information was collected or maintained expressly authorized its collection by
 - b. The information maintained is pertinent to and within the scope of an authorized law enforcement activity because, *pursuant to the CARES Act and the IG Act, SIGPR is required to conduct law enforcement investigations. If, during the course of its investigations, SIGPR obtains information on how an individual exercises rights guaranteed by the First Amendment, it is authorized to maintain it, provided that it is pertinent to and within the scope of its authorized law enforcement activity.*
 - c. The following statute expressly authorizes its collection.

Section 4: Maintenance, use, and sharing of the information

Section 4.1: Ensuring accuracy, completeness, and timeliness of information collected, maintained, and shared when it is used to make determinations about individuals

The Privacy Act and Treasury policy require that Treasury bureaus and offices take additional care when collecting and maintaining information about individuals when it will be used to make determinations about those individuals (e.g., whether they will receive a federal benefit). This includes collecting information directly from the individual where practicable and ensuring that the information is accurate, relevant, timely and complete to assure fairness to the individual when making a determination about them. This section addresses the controls/protections put in place to address these issues.

The [Privacy Act](#) requires that Federal agencies “maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.” 5 U.S.C § 552a(e)(5). If a particular [system of records](#) meets certain requirements (including the [NPRM](#) process defined in Section 3.1 above), an agency may exempt the [system of records](#) (or a portion of the records) from this requirement. Exemptions may be found at the bottom of the relevant SORN next to the heading: “*Exemptions Claimed for this System.*”

Section 4.1(a). Exemption from the accuracy, relevance, timeliness, and completeness requirements in section (e)(5) of the Privacy Act

1. ***None*** of the information maintained in the system or by the project that is part of a system of records is exempt from the accuracy, relevance, timeliness, and completeness requirements in section (e)(5) of the Privacy Act.
2. All Some -- of the PII maintained in the system or by the project is part of a system of records and ***is*** exempt from the accuracy, relevance, timeliness, and completeness requirements in section (e)(5) of the Privacy Act. *The exemption claimed for these records is appropriate, because the word “maintain,” as defined by the Privacy Act, includes “collect” and “disseminate” and it could hinder the initial collection of information that might not, at the moment of collection, be able to be determined to be accurate, relevant, timely, and complete. Similarly, application of this provision would seriously restrict the Department/SIGPR's ability to disseminate information pertaining to a possible violation of law to law enforcement and regulatory agencies. In collecting information during a criminal investigation, it is often impossible or unfeasible to determine accuracy, relevance, timeliness, or completeness prior to collection of the information. In disseminating information to law enforcement and regulatory agencies, it is often impossible to determine accuracy, relevance, timeliness, or completeness prior to dissemination, because the Department/SIGPR may not have a complete understanding of the potential issues related to the dissemination or may lack the expertise with which to make such determinations. Information that may initially appear inaccurate, irrelevant, untimely, or incomplete, but may, when collated and analyzed with other available information, become more pertinent as an investigation progresses. In addition, application of this provision could seriously impede criminal investigators and intelligence analysts in the exercise of their judgment in reporting results obtained during criminal investigations.*
3. The PII maintained in the system or by the project is ***not***: (a) part of a system of records as defined in section (e)(5) of the Privacy Act; or (b) used to make adverse determinations about individuals (defined in the Privacy Act as U.S. citizens and legal permanent residents). Instead, the information is used to [describe how the information is used and why this use does not involve adverse determinations]. *hat you read the rest of the options before checking this box* ***None*** of the information maintained in the system or by the project is part of a system of records as defined in section (e)(5) of the Privacy Act, but the information in the system ***is*** used to make adverse determinations about individuals (defined in the Privacy Act as U.S. Citizens and legal permanent

residents). Despite the fact that the Privacy Act does not apply, the following protections are in place to ensure fairness to the individual: *explain here* .

Section 4.1(b) Protections in place despite exemption from the accuracy, relevance, timeliness, and completeness requirements

1. **None** of the information maintained in the system or by the project that is part of a system of records is exempt from the accuracy, relevance, timeliness, and completeness requirements in section (e)(5) of the Privacy Act.
2. For all information maintained in the system or by the project that is part of a system of records that is exempt from the accuracy, relevance, timeliness, and completeness requirements in section (e)(5) of the Privacy Act, the following efforts are made to ensure accuracy, relevance, timeliness, and completeness to the extent possible, without interfering with the (*check one*) law enforcement intelligence other [*please describe here*] mission requirements for which the system or project was created [*please check ALL that apply*]:
 - a. The exempt information is **not** actually used to make any adverse determinations about individuals.
 - b. The exempt information is **not** used to make any adverse determinations about individuals without additional research and investigation to ensure accuracy, relevance, timeliness, and completeness.
 - c. Individuals and organizations to whom PII from the system or project is disclosed (as authorized by the Privacy Act) determine its accuracy, relevance, timeliness, and completeness in a manner reasonable for their purposes before they use it to make adverse determinations about individuals.
 - d. Individuals about whom adverse determinations are made using PII from this system or project are given an opportunity to explain or modify their information (*check one*) before after -- the adverse determination is made. *During this process, individuals may challenge any arrest, prosecution, or suit in court.*
 - e. Other: (*please describe*): *Should an investigation result in a prosecution or other legal proceedings, the information is thoroughly tested in adversarial proceedings before a neutral court.*
3. No additional efforts are made to ensure accuracy, relevance, timeliness, and completeness to the extent possible because it would interfere with mission requirements.

Section 4.1(c) Collecting information directly from the individual when using it to make adverse determinations about them

Section 552a(e)(2) of the Privacy Act requires that Federal agencies that maintain records in a system of records are required to collect information to the greatest extent practicable directly from the individual when the information about them may result in adverse determinations about their rights, benefits, and privileges under Federal programs. Agencies may exempt a system of records from this requirement under certain circumstances and if certain conditions are met.

1. The records maintained by this system or project are **not** used to make any adverse determinations about individuals.
2. The records maintained by this system or project **are** used to make adverse determinations about individuals **and** [check all that apply]:
 - a. These records **were** exempted from the Privacy Act provision that requires collection directly from the subject individual to the greatest extent practicable. *Exemption of these records is proper because it could impair the Department/SIGPR's ability to collate, analyze, and disseminate investigative, intelligence, and enforcement information.*
 - (i) *Most information collected about an individual under criminal investigation is obtained from third parties, such as witnesses and informants. It is usually not feasible to rely upon the subject of the investigation as a source for information regarding his alleged criminal activities.*
 - (ii) *An attempt to obtain information from the subject of a criminal investigation will often alert that individual to the existence of an investigation, thereby affording the individual an opportunity to attempt to conceal his alleged criminal activities so as to avoid apprehension.*
 - (iii) *In certain instances, the subject of a criminal investigation may assert his or her constitutional right to remain silent and refuse to supply information to criminal investigators upon request.*
 - (iv) *During criminal investigations, it is often a matter of sound investigative procedure to obtain information from a variety of sources to verify information already obtained from the subject of a criminal investigation or other sources.*
 - b. These records were **not** exempted from the requirement to collect information directly from the individual to the greatest extent practicable **and** [check the relevant box below and provide the information requested].
 - i. **All** records used to make an adverse determination are collected directly from the individual about whom the decision is made.
 - ii. A **combination** of records collected from third parties **and** directly from the individual about whom the determination is made are used to make the determination because [please explain **here** why third-party data is required to make this determination; e.g., third-party data is required to verify the accuracy of the information provided by the individual seeking a privilege or benefit].
 - iii. **None** of the records used to make adverse determinations are collected directly from the individual about whom determinations are made because

seeking the information directly from the individual might [*select **ALL** that apply*]:

- alert the individual to the fact that their conduct is being observed or investigated;
- cause the individual to alter or modify their activities to avoid detection;
- create risks to witnesses or other third parties if the individual is alerted to the fact that their conduct is being observed or investigated;
- Other: (*please describe **here***).

Section 4.1(d) Additional controls designed to ensure accuracy, completeness, timeliness and fairness to individuals in making adverse determinations

1. Administrative Controls. Individuals about whom information is collected are given the following opportunities to amend/correct/update their information to ensure it is accurate, timely and complete to the extent reasonably necessary to assure fairness when it is used to make a determination about them:

- a. The PII collected for use in the system or project is NOT used to make adverse determinations about an individual's rights, benefits, and privileges under federal programs.
- b. The records maintained in the system or by the project are used to make adverse determinations and (*select one*) are are not -- exempt from the access provisions in the Privacy Act, 5 U.S.C. 552a(d). *Permitting access to records contained in the systems of records would provide individuals with information concerning the nature of any current investigations and would enable them to avoid detection or apprehension.*
- c. Treasury has published regulations in place describing how individuals may seek access to and amendment of their records under the [Privacy Act](#), 31 C.F.R. Part 1, Subtitle A, Subparts A and C. *SIGPR perfected its claim for exemption from the access and amendment requirement by publishing it in the Federal Register as required by the Privacy Act.*
- d. Individuals who provide their information directly to Treasury for use in the system or by the project are provided notice of the adverse determination and an opportunity to amend/correct/ update their information [*choose one*] before after it is used to make a final, adverse determination about them. This is accomplished by [*describe **here** how this process works and the protections in place, including redress/appeals processes; if notice is provided **after** an adverse determination is made, explain **here** why notice could not be provided **before** a determination was made, and the protections in place*]: Descriptions.
- e. Individuals who provide their information directly to Treasury for use in the system or by the project are expressly told at the point where the information is collected that they need to keep their information accurate, current and complete because it could be used to make adverse determinations about them. This is accomplished by [*describe **here** how/where/when individuals are told they need*

to keep their information updated before it is used to make adverse decisions about them; include the exact language provided to the individuals]: Description.

- f. All manual PII data entry by federal employees/contractors is verified by a supervisor or other data entry personnel before it is uploaded to the system (e.g., PII entered into the system from paper records is double-checked by someone else before it's uploaded to the system). This is accomplished by: [describe here how this process works].
- g. Other: [please describe here].

2. Technical controls. The system or project also includes additional technical controls to ensure that PII is maintained with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual when it is used to make a determination about them. The following additional protections are relevant to this system or project

- a. No additional technical controls are available to ensure accuracy, relevance, timeliness and completeness.
- b. Automated data feeds are used to refresh/update the information in the system (where the system is reliant on updates from another system). These automated data feeds occur: [state here the frequency of updates] and [state here what happens when the data is updated and why the system is reliant on another system for its data].
- c. Technical and/or administrative controls are in place to ensure that when information about an individual is acquired from multiple sources for maintenance in a single file about a particular individual, it all relates to the same individual. This is accomplished by *a case management system used to organize and track investigative files*.
- d. Address verification and correction software (software that validates, updates, and standardizes the postal addresses in a database).
- e. Other: [please describe here.]

Section 4.2 Data-Mining

As required by Section 804 of the [Implementing Recommendation of the 9/11 Commission Act of 2007](#) (“9-11 Commission Act”), Treasury reports annually to Congress on its data mining activities. For a comprehensive overview of Treasury’s data mining activities, please review the Department’s Annual Privacy Act and Data Mining reports available at: <http://www.treasury.gov/privacy/annual-reports>.

Section 4.2(a) Is the PII maintained in the system used to conduct data-mining?

- 1. The information maintained in this system or by this project ***is not*** used to conduct “data-mining” activities as that term is defined in the [9-11 Commission Act](#). Therefore, no privacy or civil liberties issues were identified in responding to this question. The 9-11 Commission Act exempts “the detection of fraud, waste, or abuse in a Government agency or program” from the definition of “data mining.”

2. The information maintained in this system or by this project ***is*** used to conduct “data-mining” activities as that term is defined in the [9-11 Commission Act](#). This system is included in Treasury’s annual report to Congress which can be found on the external Treasury privacy website.
3. The information maintained in this system or by this project ***is*** used to conduct “data-mining” activities as that term is defined in the [9-11 Commission Act](#), but this system is not included in Treasury’s annual report to Congress which can be found on the external Treasury privacy website. This system will be added to the next Treasury Data-mining report to Congress.

Section 4.3 Computer Matching

The Computer Matching and Privacy Protection Act (CMPPA) of 1988 amended the Privacy Act by imposing additional requirements when Privacy Act systems of records are used in computer matching programs. Pursuant to the CMPPA, there are two distinct types of matching programs. The first type of matching program involves the computerized comparison of two or more automated federal personnel or payroll systems of records or a system of federal personnel or payroll records with non-federal records. This type of matching program may be conducted for any purpose. The second type of matching program involves the computerized comparison of two or more automated systems of records or a system of records with non-federal records. The purpose of this type of matching program must be for the purpose of eligibility determinations or compliance requirements for applicants, recipients, beneficiaries, participants, or providers of services for payments or in-kind assistance under federal benefit programs, or recouping payments or delinquent debts under such federal benefit programs. *See* 5 U.S.C. § 522a(a)(8). Matching programs must be conducted pursuant to a matching agreement between the source (the agency providing the records) and recipient agency (the agency that receives and uses the records to make determinations). The matching agreement describes the purpose and procedures of the matching **and** establishes protections for matching records.

Section 4.3(a) Records in the system used in a computer matching program

1. The PII maintained in the system or by the project ***is not*** part of a Privacy Act system of records.
2. The information maintained in the system or by the project ***is*** part of a Privacy Act system of records, but ***is not*** used as part of a matching program.
3. The information maintained in the system or by the project ***is*** part of a Privacy Act system of records and ***is*** used as part of a matching program.

Section 6(j)(2) of the Inspector General Act provides that “for purposes of section 552a of title 5, United States Code, or any other provision of law, a computerized comparison of two or more automated Federal systems of records, or a computerized comparison of a Federal system of records with other records or non-Federal records, performed by an Inspector General or by an agency in coordination with an Inspector General in conducting an audit, investigation, inspection, evaluation, or other review authorized under this Act shall not be considered a matching program.”

Section 4.3(b) Is there a matching agreement?

1. N/A
2. There is a matching agreement in place that contains the information required by Section (o) of the [Privacy Act](#).
3. There is a matching agreement in place, but it does not contain all of the information required by Section (o) of the [Privacy Act](#). The following actions are underway to amend the agreement to ensure that it is compliant.

Section 4.3(c) What procedures are followed before adverse action is taken against an individual who is the subject of a matching agreement search?

1. N/A
2. The bureau or office that owns the system or project conducted an assessment regarding the accuracy of the records that are used in the matching program and the following additional protections were put in place:
 - a. The results of that assessment were independently verified by [*explain how and by whom accuracy is independently verified; include the general activities involved in the verification process*].
 - b. Before any information subject to the matching agreement is used to suspend, terminate, reduce, or make a final denial of any financial assistance or payment under a Federal benefit program to an individual:
 - i. The individual receives notice and an opportunity to contest the findings;
OR
 - ii. The Data Integrity Board approves the proposed action with respect to the financial assistance or payment in accordance with Section (p) of the [Privacy Act](#) before taking adverse action against the individual.
3. No assessment was made regarding the accuracy of the records that are used in the matching program.

Section 4.4: Information sharing with external (i.e., outside Treasury) organizations and individuals

Section 4.4(a) PII shared with/disclosed to agencies, organizations or individuals outside Treasury

1. [PII](#) maintained in the system or by the project is **not** shared with agencies, organizations, or individuals external to Treasury.
2. [PII](#) maintained in the system or by the project **is** shared with the following agencies, organizations, or individuals external to Treasury: [*For each recipient, provide the following: (1) name of organization/type of individual; (2) the PII shared; (3) the purpose of the sharing; (4) identify any statutes that limit use or sharing of the information; (5) identity any applicable MOU*].
3. All external disclosures **are** authorized by the Privacy Act (including routine uses in the applicable SORN).

Section 4.4(b) Accounting of Disclosures

An accounting of disclosures is a log of all external (outside Treasury) disclosures of records made from a system of records that has ***not*** been exempted from this accounting requirement. This log must either be maintained regularly or be capable of assembly in a reasonable amount of time after an individual makes a request. Certain system of records may be exempted from releasing an accounting of disclosures (e.g., in law enforcement investigations).

Check toward the bottom of the SORN to see whether an exemption was claimed from 5 U.S.C. 552a(c). The NPRM and/or Final Rule for the system of records will explain why that exemption is appropriate.

Section 4.4(c) Making the Accounting of Disclosures Available

1. The records are not maintained in a system of records subject to the Privacy Act so an accounting is ***not*** required.
2. No external disclosures are made from the system.
3. The Privacy Act system of records maintained in the system or by the project ***is*** exempt from the requirement to make the accounting available to the individual named in the record. *An exemption from 5 U.S.C. 552a(c)(3-4) is claimed, because the release of the accounting of disclosures of the records in this system could impair the ability of law enforcement agencies outside the Department/SIGPR to make effective use of information provided by the Department/SIGPR. Making accountings of disclosures available to the subjects of an investigation would alert them to the fact that another agency is conducting an investigation into their alleged criminal activities and could reveal the geographic location of the other agency's investigation, the nature and purpose of that investigation, and the dates on which that investigation was active. Individuals possessing such knowledge would be able to take measures to avoid detection or apprehension by altering their operations, by transferring their alleged criminal activities to other geographical areas, or by destroying or concealing evidence that would form the basis for arrest. In the case of a delinquent account, such release might enable the subject of the investigation to dissipate assets before levy. Moreover, providing accountings to the subjects of investigations would alert them to the fact that the Department/SIGPR has information regarding their alleged criminal activities and could inform them of the general nature of that information. Access to such information could reveal the operation of the Department/SIGPR's information-gathering and analysis systems and permit individuals to take steps to avoid detection or apprehension.*
4. The Privacy Act system of records maintained in the system or by the project is ***not*** exempt from the requirement to make the accounting available to the individual named in the record and a log is maintained regularly. The log is maintained for at least five years and includes the date, nature, and purpose of each disclosure (not including intra-agency disclosures and FOIA disclosures) of a record to any person or to another agency (outside of Treasury) and the name and address of the person or agency to whom the disclosure is made.

5. The Privacy Act system of records maintained in the system or by the project is ***not*** exempt from the requirement to make the accounting available to the individual named in the record and a log is ***not*** maintained regularly, but is capable of being constructed in a reasonable amount of time upon request. The information necessary to reconstruct the log (i.e., date, nature, and purpose of each disclosure) is maintained for at least five years.

Section 4.4(d) Obtaining Consent Prior to New Disclosures Not Authorized by the Privacy Act

Records in a system of records subject to the Privacy Act may not be disclosed by "any means of communication to any person or to another agency" without the prior written request or consent of the individuals to whom the records pertain. 5 U.S.C. Sec. 552a(b). However, the Act also sets forth twelve exceptions to this general restriction. These 12 exceptions may be viewed at: <https://www.justice.gov/usam/eousa-resource-manual-139-routine-uses-and-exemptions>.

Unless one of these 12 exceptions applies, the individual to whom a record pertains must provide their consent, where feasible and appropriate, before their records may be disclosed to anyone who is not listed in one of the 12 exceptions. One of these 12 exceptions also allows agencies to include in a notice published in the Federal Register, a list of routine uses. Routine uses are disclosures outside the agency that are compatible with the purpose for which the records were collected.

Section 4.4(e) Obtaining Prior Written Consent

1. The records maintained in the system of records are only shared in a manner consistent with one of the 12 exceptions in the Privacy Act, including the routine uses published in the Federal Register.
2. If a situation arises where disclosure (written, oral, electronic, or mechanical) must be made to anyone outside of Treasury who is not listed in one of the 12 exceptions in the Privacy Act (including the published routine uses), the individual's prior written consent will be obtained where feasible and appropriate.

Section 5: Compliance with federal information management requirements

Responses to the questions below address the practical, policy, and legal consequences of failing to comply with one or more of the following federal information management requirements (to the extent required) and how those risks were or are being mitigated: (1) the Privacy Act System of Records Notice Requirement; (2) the Paperwork Reduction Act; (3) the Federal Records Act; (4) the E-Gov Act security requirements; and (5) Section 508 of the Rehabilitation Act of 1973.

Section 5.1: The Paperwork Reduction Act

The PRA requires OMB approval before a Federal agency may collect standardized data from 10 or more respondents within a 12-month period. OMB also requires agencies to conduct a PIA (a Treasury PCLIA) when initiating, consistent with the PRA, a new electronic collection of

PII for 10 or more persons (excluding agencies, instrumentalities, or employees of the federal government).

Section 5.1(a)

1. The system or project maintains information obtained from individuals and organizations who are not federal personnel or an agency of the federal government (i.e., outside the federal government)
2. The project or system involves a new collection of information in identifiable form for 10 or more persons from outside the federal government.
3. The project or system completed an Information Collection Request (“ICR”) and received OMB approval.
4. The project or system did not complete an Information Collection Request (“ICR”) and receive OMB approval because *federal investigations are not subject to the PRA. PRA exempts from its provisions the collection of information during investigative activities (44 U.S. Code § 3518).*

Section 5.2: Records Management - NARA/Federal Records Act Requirements

Records retention schedules determine the maximum amount of time necessary to retain information in order to meet the needs of the project or system. Information is generally either disposed of or sent to the National Archives and Records Administration (NARA) for permanent retention upon expiration of this period. If the system has an applicable SORN(s), check the “Policies and Practices for Retention and Disposal of Records” section.

Section 5.2(a)

1. The records used in the system or by the project are covered by a NARA’s General Records Schedule (GRS). The GRS is *[please provide here the general schedule name and identifying number]*.
2. The records used in the system or by the project are covered by a NARA approved Treasury bureau Specific Records Schedule (SRS). The SRS *[please provide here the specific schedule name and identifying number]*
3. On *[please state the date on which NARA approval was sought]* the system owner sought approval from NARA for an SRS and is awaiting a response from NARA. *[State here the retention periods you proposed to NARA]*.
4. The system owner is still in the process of developing a new records schedule to submit to NARA.

Section 5.3: E-Government Act/NIST Compliance

The completion of Federal Information Security Management Act (FISMA) Security Assessment & Authorization (SA&A) process is required before a federal information system may receive Authority to Operate (ATO).

Section 5.3(a)

1. The system is a federal [information system](#) subject to FISMA requirements.
2. The system last completed an SA&A and received an ATO on: *June 28, 2019*.
3. This is a new system has not yet been authorized to operate. The expected to date for receiving ATO is *[please state here the expected date on which you expect authorization will be granted]*.
4. The system or project maintains access controls to ensure that access to PII maintained is limited to individuals who have a need to know the information in order to perform their official Treasury duties.
5. All Treasury/bureau security requirements are met when disclosing and transferring information (e.g., bulk transfer, direct access by recipient, portable disk, paper) from the Treasury system or project to internal or external parties.
6. This system or project maintains an audit log of system users to ensure they do not violate the system and/or Treasury/bureau rules of behavior.
7. This system or project has the capability to identify, locate, and monitor individuals or groups of people other than the monitoring of system users to ensure that they do not violate the system's rules of behavior. *[If checked, please describe this capability here, including safeguards put in place to ensure the protection of privacy and civil liberties.]*

Section 5.4: Section 508 of the Rehabilitation Act of 1973

When Federal agencies develop, procure, maintain, or use Electronic and Information Technology (EIT), [Section 508 of the Rehabilitation Act of 1973](#) (as amended in 1998) requires that individuals with disabilities (including federal employees) must have access and use (including privacy policies and directives as well as redress opportunities) that is comparable to that which is available to individuals who do not have disabilities.

Section 5.4(a)

1. The project or system will ***not*** involve the development, procurement, maintenance or use of EIT as that term is defined in [Section 508 of the Rehabilitation Act of 1973](#) (as amended in 1998)?
2. The project or system ***will*** involve the development, procurement, maintenance or use of EIT as that term is defined in [Section 508 of the Rehabilitation Act of 1973](#) (as amended in 1998)? *If checked:*
3. The system or project complies with all [Section 508](#) requirements, thus ensuring that individuals with disabilities (including federal employees) have access and use (including access to privacy and civil liberties policies) that is comparable to that which is available to individuals who do not have disabilities.

4. The system or project is not in compliance with all [Section 508](#) requirements. The following actions are in progress to ensure compliance: [please describe here the efforts underway to ensure compliance/].

Responsible Officials

Approval Signature

**Timothy
H. Skinner** Digitally signed
by Timothy H.
Skinner
Date: 2021.03.03
09:18:49 -05'00'

Timothy H. Skinner

Bureau Privacy and Civil Liberties Officer

Departmental Office, & Records