



**The Department of the Treasury
FY 2013 Q1 Report on Privacy and Civil
Liberties Activities Pursuant to Section 803
of the Implementing Recommendations of
the 9/11 Commission Act of 2007**

**For the reporting period
September 1, 2012 to November 30, 2012,**

1. Introduction

The Treasury Department is committed to protecting the privacy and civil liberties of individuals in all Treasury programs. In recognition of the threat to individual privacy resulting from the global expansion of information technology (IT), the Department is determined to continue its vigilant oversight of the personally identifiable information (PII) entrusted to its care.

2. Department Actions

The Office of Privacy, Transparency, and Records (OPTR) has undergone several significant changes during the first quarter of FY 2013 to provide greater economies of resources for privacy oversight and activities. The Information Management (IM) office's programs and functions, previously under a separate directorship, were split between the Privacy and Civil Liberties and other OPTR offices so that existing resources could be leveraged. This restructuring will enable the office to achieve some savings in personnel costs, while at the same time facilitating a streamlining of the office by aligning all privacy related functions, such as the Computer Matching Agreement (CMA) program, within the Office of Privacy and Civil Liberties (OPCL.)

In September, 2012, the Archivist of the United States recognized OPTR and Treasury's Records Management Office for its outstanding Records Management Program which provided government-wide training on a number of subject areas including privacy. This is the second time in three years that this Department has received this award and supports the high quality and rigorous standards of a superior records management function.

Treasury has sustained its active involvement in the Information Sharing Environment (ISE). The Director of OPCL continues to serve as the chairperson of the ISE's Privacy and Civil Liberties Subcommittee's Compliance Review Working Group (CRWG). The CRWG is developing a privacy and civil liberties checklist for implementing the ISE Privacy Guidelines. This checklist is intended to serve as a compilation of the privacy and civil

liberties requirements and best practices derived from those guidelines. Treasury's Office of Intelligence Analysis (OIA) volunteered to conduct a pilot of this checklist to assess any potential issues in its implementation, especially with respect to Intelligence Community elements. OIA completed the pilot and is in the process of completing its pilot program report. The OIA pilot report remains a work in progress and should be completed during the first quarter of FY 2013.

The Department is among a number of agencies involved in doing the ground work necessary to implement EINSTEIN 3A. OPCL staff members are actively involved in discussions regarding the Memorandum of Understanding for this program. The privacy impact assessment (PIA) for the current version of EINSTEIN is still in progress at the Department of Homeland Security.

OPCL is in the process of updating the courseware used for the FY2013 Department-wide privacy awareness training. This annual update is done to ensure the training reflects the most current statutory and regulatory guidance related to privacy and will include additional guidance regarding the use of social media. In addition, OPTR is developing privacy training tailored for human resources professionals that will be presented to Treasury's Office of Human Resources (OHR).

3. Quarterly Reporting Matrix

The Department uses a standard reporting framework and instructions tailored to its mission and functions to address Section 803 reporting requirements. In developing the framework and instructions, the Department collaborated with the Office of Management and Budget (OMB) and the other agencies required to report under this section.

The attached reporting matrix consolidates all Treasury privacy and civil liberties activities, including data on the reviews conducted, reference to the advisory guidance delivered, and information about written complaints received and processed.

3.1. Types of Potential Complaints

3.1.1. *Privacy Complaint:* A privacy complaint is a written allegation of harm or violation of personal or information privacy filed with the Department. This information may include:

- Process and procedural issues, such as consent, collection, and appropriate notice;
- Non-Privacy Act of 1974 issues, such as Terrorist Watchlist Redress processing or identity theft mitigation; or
- Privacy Act of 1974 issues.

3.1.2 *Civil Liberties Complaint:* A written allegation of harm or violation of the constitutional rights afforded individuals filed with the Department. Types of civil liberties complaints include, but are not limited to:

- First Amendment (Freedom of speech, religion, assembly, and association);
- Fourth Amendment (Protection against unreasonable search and seizure); and
- Fifth Amendment or Fourteenth Amendment, § 1 (Due process and equal protection).

4. Reporting Categories

4.1. *Reviews*: Reviews include Treasury privacy and civil liberties activities delineated by controlling authorities, such as the Privacy Act of 1974, 5 U.S.C. § 552a; E-Government Act of 2002 (P.L. 107-347); Consolidated Appropriations Act of 2005 (P.L. 108-447); OMB Circular A-130, Appendix 1; and OMB Memo M-07-16. Examples include:

- Privacy Threshold Analyses – review of an IT system’s use of data to determine whether a PIA is required;
- PIAs;
- OMB Memorandum 07-16 issues, including reviewing records to minimize the volume of PII necessary for the proper performance of an agency function, SSN use reduction efforts, or initiatives related to combating identity theft;
- OMB Circular A-130 issues, including SORNs, routine use descriptions, Agency security contacts, recordkeeping and disposal policies, training practices, continued Privacy Act exemptions under 5 U.S.C §552a (j)(2), (k), and Computer Matching Programs;
- Persistent Tracking Technology features used on a website;
- Achievement of machine readability, which ensures that website users are automatically alerted about whether site privacy practices match their personal privacy preferences;
- Reviews under 5 CFR part 1320 (collection of information/Paperwork Reduction Act);
- Information Sharing Environment policies and system reviews; and
- Reviews related to the OMB Circular A-11, Exhibit 300 process.

4.2. *Advice*: Advice includes written policies, procedures, guidance, or interpretations of requirements for circumstances or business processes that respond to privacy or civil liberties issues or concerns.

4.3. *Response to Advice*: Specific action taken in response to Treasury Advice. Examples of Responses to Advice include issuing a regulation, order, or directive; interpreting or otherwise issuing guidance as a result of Advice; reaching an agreement related to the Advice; and developing training programs or other procedures that enhance understanding of the issue that precipitated the request for Advice.

4.4. *Disposition of Complaints*: Treasury action in response to a privacy or civil liberties complaint. In response to a complaint, the Department will:

1. Take direct action (description in the summary report);

2. Refer to another agency or entity that may be able to assist in addressing the complaint (referral agency and explanation in summary report); or
3. Determine that no action is required (explanation in summary report).

The Department will continue to submit quarterly reports in coordination with OMB. The next quarterly report is due March 31, 2013, and will cover the period of December 1, 2012, through February 28, 2013. The data collection period for each report ends approximately 30 days prior to the report deadline.



Department of the Treasury
 Quarterly Report on Privacy and Civil Liberties Activities
 under Section 803 of the 9/11 Commission Act of 2007
 December 31, 2012

Reviews	
Type	Number
Section 508 Internet/Intranet Website Scan	2
Privacy Threshold Analyses/Privacy Impact Assessments	71/26
OMB Circular A-130	6
Paperwork Reduction Act	1
SSN Elimination or Redaction on Bureau Forms	46
System of Records (SOR) Routine Use	3
System of Records Notice (SORN)/Compilations	2/1

Advice and Response		
Type	Number	Response
Reviewed draft PTA related to Internet metrics	1	Returned to Program Office & GC with comments.
Completed PIA for bureau enterprise Incident Reporting System	1	Published PIA on bureau website
Develop SORN/PTA/PIA Procedures Guide	2	Conducting Internal Policy Discussions

Complaints		Dispositions
Type	Number	
PRIVACY		
Allegation that bureau failed to provide a privacy notice on a form	1	This matter is currently under review
CIVIL LIBERTIES	0	