

Office of Government Ethics
Privacy Impact Assessment for
OGE Form 201
Automated Submission and Response System



June 6, 2012
Office of Agency Programs

U.S. Office of Government Ethics (OGE)
Privacy Impact Assessment (PIA) for
OGE Form 201 Automated Submission and Response System

Once the Privacy Impact Assessment (PIA) is completed and the signature approval page is signed, please provide copies of the PIA to OGE’s Chief Information Security Officer and Privacy Officer.

Name of Project/System: OGE Form 201 Automated Submission and Response System. (The OGE Form 201, “Request to Inspect or Receive Copies of OGE Form 278/SF 278s or Other Covered Records” is used by the general public to request copies of OGE Form 278/SF 278, Executive Branch Personnel Public Financial Disclosure Reports or other covered records.) The OGE Form 201 automated submission and response system provides access to OGE Form 278/SF 278s, Certificates of Divestiture, ethics agreements, ethics pledge waivers and 208 (b)(1) waivers from 2009 to present.

Office: Office of Agency Programs

A. CONTACT INFORMATION:

- 1) Who is the person completing this document?** (Name, title, organization and contact information).

Michelle P. Sharrow
Team Lead
Office of Agency Programs
Office of Government Ethics
1201 New York Ave, N.W. Suite 500
Washington D.C. 20005-3917
Telephone: 202-482-9208
E-mail: mpsharro@oge.gov

- 2) Who is the system owner?** (Name, title, organization and contact information).

Joseph E. Gangloff
Deputy Director
Office of Agency Programs
Office of Government Ethics
1201 New York Ave, N.W. Suite 500
Washington D.C. 20005-3917
Telephone: 202-482-9220
E-mail: jganglo@oge.gov

- 3) Who is the system manager for this system or application?** (Name, title, organization, and contact information).

Joseph E. Gangloff
Deputy Director
Office of Agency Programs
Office of Government Ethics
1201 New York Ave, N.W. Suite 500
Washington D.C. 20005-3917
Telephone: 202-482-9220
E-mail: jganglo@oge.gov

- 4) Who is the Chief Information Security Officer who reviewed this document?** (Name, organization, and contact information).

Ty Cooper
Chief Information Officer (CIO)
Office of Government Ethics
Telephone: 202-482-9226
E-mail: ty.cooper@oge.gov

- 5) Who is the Privacy Officer who reviewed this document?** (Name, organization, and contact information).

Elaine Newton
Privacy Officer
Office of General Counsel & Legal Policy
Office of Government Ethics
Telephone: 202-482-9265
E-mail: enewton@oge.gov

- 6) Who is the Reviewing Official?** (According to OMB, this is the agency CIO or other agency head designee, someone other than the official procuring the system or the official who conducts the PIA).

Ty Cooper
Chief Information Officer
Office of Government Ethics
Telephone: 202-482-9226
E-mail: ty.cooper@oge.gov

B. SYSTEM APPLICATION/GENERAL INFORMATION:

1) Does this system contain any information about individuals?

Yes. This system contains information about individuals who submit a request to inspect or receive copies of OGE Form 278/SF 278s, Certificates of Divestiture, ethics pledge waivers, ethics agreements and 208(b)(1) waivers.

In addition, the system contains the name, executive branch agency and position title of individuals whose records are available for public release. The system also contains copies of OGE Form 278/SF 278s, ethics agreements, ethics pledge waivers, and Certificates of Divestiture, when existing, for each individual. The system also contains 208 (b)(1) waivers for the OGE Director. Individuals in the system represent nominees to Presidentially-appointed and Senate confirmed (PAS) positions, terminated PAS officials, Presidential Appointees, and Presidential and Vice Presidential candidates.

a. Is this information identifiable to the individual?

If there is **NO** information collected, maintained, or used that is identifiable to the individual in the system, the remainder of the Privacy Impact Assessment does not have to be completed.

Yes. Information contained in the system is identifiable to the applicants completing the automated form and the individuals whose records are requested.

b. Is the information about individual members of the public?

(If YES, a PIA must be submitted with the IT Security C&A documentation).

Yes. Individual members of the public may use the OGE Form 201 automated submission and response system to request and view OGE Form 278/SF 278s, ethics agreements, ethics pledge waivers, Certificates of Divestiture, and 208 (b)(1) waivers. In addition, Presidential and Vice Presidential candidates and individuals nominated to positions in the executive branch requiring Senate confirmation are all members of the public. Their information and copies of their documents are stored in the system.

c. Is the information about employees? (If yes and there is no information about members of the public, the PIA is required for the OGE IT Security C&A process).

Yes. Under the Ethics in Government Act of 1978, certain nominees and employees of the executive branch are required to file OGE Form 278/SF 278s. Their names, employing agencies, and position titles are in the system. The system also contains copies of their OGE Form 278/SF 278s, ethics agreements, ethics pledge waivers, Certificates of Divestiture, and 208 (b)(1) waivers.

2) What is the purpose of the system/application? (What will be the primary uses of the system/application? How will this support the program's mission?)

The purpose of the OGE Form 201 automated submission and response system is to allow members of the public an easier, more expedient means for requesting and receiving copies of certain records covered by the Ethics in Government Act of 1978 and maintained by OGE.

The system does not replace the paper 201 form but is another means to access the same information.

The automated submission and response system significantly reduces the administrative burden of retrieving and photocopying records each time a request is submitted. It also saves the Government on both paper and postage. Lastly, it reduces public wait time from 24 to 48 hours to approximately five minutes.

3) What legal authority authorizes the purchase or development of this system/application? (What are the statutory provisions or Executive Orders that authorize the maintenance of the information to meet an official program mission or goal?)

Section 105 of the Ethics in Government Act of 1978, as amended (5 U.S.C. App.), and 5 C.F.R. § 2634.603 authorize the solicitation of the information requested in the OGE Form 201 automated submission and response system.

C. DATA in the SYSTEM:

1) What categories of individuals are covered in the system? (E.g., employees, contractors, volunteers, etc.)

Covered individuals include members of the public – applicants – who request to inspect or receive records. It also includes members of the public under consideration for PAS positions, terminated PAS officials, Presidential appointees, and Presidential and Vice Presidential candidates.

2) What are the sources of the information in the system?

The information in the system is from electronic versions of the OGE Form 201 that are completed by the applicants. The covered records are provided by members of the public under consideration for nomination to PAS positions, terminated PAS officials, Presidential appointees, and Presidential and Vice Presidential candidates whose records must be maintained in accordance with the Ethics in Government Act.

a. Is the source of the information from the individual or is it taken from another source? If not directly from the individual, then what other source?

The OGE Form 201 automated submission and response system is completed by the individual (applicant) who desires to inspect or receive copies of the OGE Form 278/SF278s, ethics agreements, ethics pledge waivers, Certificates of Divestiture, and 208 (b)(1) waivers. The records that are being requested are completed by the members of the public under consideration for PAS positions, terminated PAS officials, Presidential appointees, and Presidential and Vice Presidential candidates.

b. What Federal agencies are providing data for use in the system?

None

c. What State and local agencies are providing data for use in the system?

None

d. From what other third party sources will data be collected?

None

e. What information will be collected from the employee and the public?

In accordance with section 105(b)(2) of the Ethics in Government Act, any individual who wishes to receive copies of public financial disclosure reports, Certificates of Divestiture, and 208 (b)(1) waivers must submit an electronic form stating:

- the person's name, occupation and address;
- the name and address of any other person or organization on whose behalf the inspection or copy is requested; and,
- that such person is aware of the prohibitions on the obtaining or use of the public financial disclosure report.

In order to facilitate these requests, OGE created the OGE Form 201, "Request to Inspect or Receive Copies of OGE 278/SF 278 Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records."

3) Accuracy, Timeliness, Reliability, and Completeness

a. How will data collected from sources other than OGE records be verified for accuracy?

A page containing a list of individuals for which OGE has OGE Form 278/SF 278s, ethics agreements, ethics pledge waivers, Certificates of Divestitures, and 208 (b)(1) waivers is available on the OGE website. If members of the public

wish to inspect or receive copies of the OGE Form 278/SF 278s, Certificates of Divestitures or 208 (b)(1) waivers, they must submit a request through the OGE Form 201 automated submission and response system. If the required fields are not filled in, the system will not provide the requested documents. The system will generate an error message and highlight the missing required fields.

b. How will data be checked for completeness?

If select fields of the electronic form are not complete, the form will not be transmitted. The applicant will receive an error message and the required fields will be flagged for completion.

c. Is the data current? What steps or procedures are taken to ensure the data is current and not out-of-date?

All documents in the content management system are tagged with the date received and the associated reporting year.

d. Are the data elements described in detail and documented? If yes, what is the name of the document?

Yes. The data elements are described in the respective information fields in the instructions to the OGE Form 201.

D. ATTRIBUTES OF THE DATA:

- 1) Is the use of the data both relevant and necessary to the purpose for which the system is being designed?**

Yes. OGE has created an alternative means for obtaining documents that are publicly available by law (Ethics in Government Act of 1978).

- 2) Will the system derive new data or create previously unavailable data about an individual through aggregation from the information collected, and how will this be maintained and filed?**

No.

- 3) Will the new data be placed in the individual's record?**

N/A

- 4) Can the system make determinations about employees/the public that would not be possible without the new data?**

N/A

- 5) How will the new data be verified for relevance and accuracy?**

N/A

- 6) If the data is being consolidated, what controls are in place to protect the data from unauthorized access or use?**

The data is not being consolidated.

- 7) If processes are being consolidated, are the proper controls remaining in place to protect the data and prevent unauthorized access? Explain.**

Processes are not being consolidated. Electronic controls, such as password protection, are in place to protect the data. In addition, access to the system is limited to the OGE Form 201 Editors who are responsible for uploading documents.

- 8) How will the data be retrieved? Does a personal identifier retrieve the data? If yes, explain and list the identifiers that will be used to retrieve information on the individual.**

The completed OGE Form 201s are publicly available by law. The OGE Form 201

automated submission and response system allows for retrieval of a request by date or individual name.

9) What kinds of reports can be produced on individuals? What will be the use of these reports? Who will have access to them?

The OGE Form 201 Editors may run reports on the backend of the content management system. These reports will inform the agency of the number of times an individual's reports and other covered documents have been requested and accessed. It will also inform OGE of the volume of reports accessed in any given month.

Members of the public will only have electronic access to uploaded OGE Form 278/SF 278s, ethics agreements, ethics pledge waivers, Certificates of Divestiture, and 208 b(1) waivers. The Ethics in Government Act does allow for a request to inspect all 201s received on an individual. Requests for this information must be submitted in writing.

10) What opportunities do individuals have to decline/refuse to provide information (i.e., where providing information is voluntary) or to consent to particular uses of the information (other than required or authorized uses), and how individuals can grant consent.)

None. Requesting to inspect or receive documents contained in the OGE Form 201 automated submission and response system is voluntary. The Ethics in Government Act prescribes certain information that must be provided such as name and contact information before OGE can provide certain requested records. In addition, the Act prescribes certain prohibited uses of the information being requested. An individual is notified of the prohibited uses, which are listed on the request form, prior to submitting the form.

E. MAINTENANCE AND ADMINISTRATIVE CONTROLS:

1) If the system is operated in more than one site, how will consistent use of the system and data be maintained in all sites?

The system is operated at one site.

2) Is the data in the system covered by existing records disposition authority? If yes, what are the retention periods of data in this system?

Yes, the data in the system is covered by two existing records disposition authorities: PSD-16 (N1-522-99-2) covers disposition of the OGE Form 201. PSD-2 (GRS 25, Item 2) covers dispositions of the OGE Form 278/SF 278 and the retention period for data maintained in the system. The retention period for data maintained in the system is: cutoff at the end of each year and destroy either one year after an individual is withdrawn from consideration for a Presidentially appointed, Senate confirmed

position or six years after receipt if the person is confirmed by the Senate. However, certain information about the individual such as the name, executive branch agency and position title will be maintained in the system unless manually deleted.

3) What are the procedures for disposition of the data at the end of the retention period? How long will the reports produced be kept? Where are the procedures documented?

Data is automatically deleted from the system 6 years from the date received as designated on each record, unless a date withdrawn is designated. If a date withdrawn is set for a document, the record will be deleted one year from the date withdrawn. The procedures for removal from the OGE Form 201 automated submission and response system are documented in the OGE Form 201 Functional Design Document. The procedures are also documented in the OGE Comprehensive Records Schedules (CRS).

4) Is the system using technologies in ways that the OGE has not previously employed (e.g., monitoring software, Smart Cards, Caller-ID)?

No

5) How does the use of this technology affect public/employee privacy?

N/A

6) Will this system provide the capability to identify, locate, and monitor individuals? If yes, explain.

No

7) What kinds of information are collected as a function of the monitoring of individuals?

None

8) What controls will be used to prevent unauthorized monitoring?

Only authorized users have access to this system.

9) Under which Privacy Act systems of records notice does the system operate? Provide number and name.

The OGE Form 201 is covered by the OGE/GOVT-1 Privacy Act system of records. See OGE/GOVT-1 68 FR 3097-3109 (January 22, 2003) as corrected at 68 FR 24744 (May 8, 2003) as amended at 76 FR 24490 (May 2, 2011).

10) If the system is being modified, will the Privacy Act system of records notice require amendment or revision? Explain.

The OGE Form 201 automated submission and response system provides an alternative means for members of the public to obtain OGE Form 278/SF 278s, ethics agreements, Certificates of Divestiture, ethics pledge waivers, and 208 (b)(1) waivers from 2009 to present. The OGE Privacy Act system of records, OGE/GOVT-1, does not need to be amended or revised. OGE/GOVT-1 was written to include all information that is necessary for administering provisions of the Ethics in Government Act of 1978, the Ethics Reform Act of 1989 and other ethics laws. The system's notice includes all records in the system that are developed or information and material received by the Director of OGE or the Designated Agency Ethics Officials in administering the various ethics laws. In addition, the system or records notice covers records in both paper and electronic form.

F. ACCESS TO DATA:

1) Who will have access to the data in the system? (E.g., contractors, users, managers, system administrators, developers, other)

Only authorized OGE staff has access to the system.

2) How is access to the data by a user determined? Are criteria, procedures, controls, and responsibilities regarding access documented?

Access to the data is determined by the managers of the various OGE offices that maintain the records that are being requested.

3) Will users have access to all data on the system or will the user's access be restricted? Explain.

Users are restricted to accessing data based upon their role in the system.

4) What controls are in place to prevent the misuse (e.g., unauthorized browsing) of data by those having access? (Please list processes and training materials)

Only specific OGE employees have access to the data in this system. The data is password protected.

5) Are contractors involved with the design and development of the system and will they be involved with the maintenance of the system? If yes, were Privacy Act contract clauses inserted in their contracts and other regulatory measures addressed?

Contractors are involved in the design and development of this system. OGE contractors sign a Conditional Access to Sensitive but Unclassified Information Non-Disclosure Agreement.

In addition, the Privacy Act System of Records includes a routine use that allows agencies, including OGE, to disclose information to contractors, performing or working on a contract for the Federal Government, when necessary, to accomplish an agency function related to the System of Records Notice.

- 6) Do other systems share data or have access to the data in the system? If yes, explain.**

No

- 7) Who will be responsible for protecting the privacy rights of the public and employees affected by the interface?**

N/A

- 8) Will other agencies share data or have access to the data in this system (Federal, State, or Local)?**

No

- 9) How will the data be used by the other agency?**

N/A

- 10) Who is responsible for assuring proper use of the data?**

N/A

See Attached Approval Page

The Following Officials Have Approved this Document

1) System Manager

_____ (Signature) _____ (Date)

Name

Title

2) Chief, Information Security Officer

_____ (Signature) _____ (Date)

Name

Title

3) Privacy Officer

_____ (Signature) _____ (Date)

Name

Title

4) Reviewing Official

_____ (Signature) _____ (Date)

Name

Title