

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

December 2016
Program Counsel Division

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

Name of Project/System: OGE Form 201 Automated Submission and Response System. The OGE Form 201, *Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records*, is used by members of the public to obtain copies of OGE Form 278/278e reports (for public financial disclosure), 278-T reports (for transactions) and certain other ethics documents filed by public filers. OGE's automated submission and response system allows members of the public requesting such information from the Office of Government Ethics to complete and submit their OGE 201 request forms online and, for OGE to process their requests via email.

Office: Compliance Division

A. CONTACT INFORMATION:

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

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

Dale Christopher
Deputy Director for Compliance
Compliance Division
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- 3) **Who is the system manager for this system or application?** (Name, title, organization, and contact information).

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

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

Diana J. Veilleux
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- 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
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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 278/278e reports (for public financial disclosure), 278-T reports (for transactions) and certain other ethics documents filed by public filers.

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 278/278e reports (for public financial disclosure), 278-T reports (for transactions) and certain other ethics documents filed by public filers, for each individual. Individuals in the system are 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?

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?

Yes. This system contains information about individuals who submit a request to inspect or receive copies of OGE Form 278/278e and 278-T reports, and other covered ethics records.

c. Is the information about employees?

In general, the system does not retain information on OGE employees, unless they are a PAS nominee or appointee. Under the Ethics in Government Act of 1978, certain nominees and employees of the executive branch are required to file OGE Form 278e. The names, employing agencies, and position titles of these nominees are contained in the system, as are copies of the OGE Form 278/278e reports (for public financial disclosure), 278-T reports (for transactions) and certain other ethics documents filed by public filers.

2) What is the purpose of the system/application?

The purpose of the OGE Form 201 automated submission and response system is to provide members of the public with an easier, more expedient means for requesting and receiving copies of certain records that are covered by the Ethics in Government Act of 1978 and maintained by OGE. The automated submission and response system significantly reduces the administrative burden and cost of retrieving and photocopying records each time a request is submitted.

3) What legal authority authorized the purchase or development of this system/application?

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. The Stop Trading on Congressional Knowledge of 2012 (STOCK Act Pub. L. 112-105) requires agencies to make the public financial disclosure reports of certain government officials available to the public online.

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 who request to inspect or receive records; members of the public under consideration for PAS positions; terminated PAS officials and federal employees who occupy PAS positions; and Presidential and Vice Presidential candidates.

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

The information in the system is populated from the electronic version of the OGE Form 201 that is completed by applicants seeking access to covered ethics records. The covered ethics records are provided by members of the public under consideration for nomination to PAS positions, terminated PAS officials and federal employees who occupy PAS positions, 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 automated OGE Form 201 submission is completed by the individual seeking access to records. The actual records that are being requested are completed by the members of the public under consideration for PAS positions, terminated PAS officials and federal employees who occupy PAS positions, 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.

The OGE Form 201, *Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records*, captures the required information from anyone seeking access to these records.

3) Accuracy, Timeliness, Reliability, and Completeness

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

In general, data submitted by an individual requesting an OGE Form 278e report or other covered record is only verified for obvious errors. A requestor submits a request through the OGE Form 201 automated submission and response system, and, if required fields are not completed, the system generates an error message, highlighting those required but missing fields. After this validation, an individual OGE employee reviews the submitted data for obvious errors.

b. How will data be checked for completeness?

In general, data submitted by an individual requesting an OGE Form 278e report or other covered record is only verified for obvious errors. A requestor submits a request through the OGE Form 201 automated submission and response system, and, if required fields are not completed, the system generates an error message, highlighting those required but missing fields. After this validation, an individual OGE employee reviews the submitted data for obvious errors.

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

The data is current as of its submission. To ensure the data is current, 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. Each data element is described in its respective information field within the instructions for 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) for the purpose of making this process more efficient. Both the data captured and contained within the system are relevant and necessary to this purpose.

- 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?**

N/A

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

N/A

- 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.**

Because 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?**

In general, the system does not allow a report to be compiled on an individual requestor. Instead, authorized OGE employees can run reports that show the number of times an individual filer's covered ethics documents were requested and the aggregate volume of requests in a given time period.

Members of the public do not have access to these reports. They only have electronic access to uploaded OGE Form 278/278e reports, 278-Ts, and other covered records,

after submitting an OGE Form 201 to request records.

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)?

In general, submitting a request to the OGE Form 201 system is voluntary. However, the Ethics in Government Act prescribes certain, basic information that must be provided with an individual's voluntary request, such as the requestor's name, occupation and address, before OGE can provide the requested records. OGE does not use the information beyond the required or authorized uses.

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?

N/A

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 contained within PSD-16 (N1-522-99-2), which covers disposition of OGE Form 201, and PSD-2 (GRS 25, Item 2), which covers disposition of OGE Form 278/278e/278-T reports.

The retention period for OGE Form 201 is six years after receipt of the 201 request, unless the request is subject to an active investigation, in which case the requests are retained until no longer needed for the investigation. The retention period for OGE Form 278/278e filed in accordance with Section 101 (b) or (c) of the Ethics in Government Act, where the filer is not subsequently confirmed by the Senate or elected, is one year after the nominee or the presidential candidate ceases to be under consideration. For 278/278e forms the retention period is six years after receipt by OGE. The retention period for OGE Form 278-T is seven years after receipt by OGE. Any submitted 278 forms needed for an ongoing investigation are retained until no longer needed for the investigation.

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 OGE Form 201 automated submission and response system in accordance with the disposition schedule for the respective record, as discussed in the response to the preceding question.

The disposition procedures are documented in the OGE Comprehensive Records Schedule under PSD-16 (N1-522-99-2) and PSD-2 (GRS 25, Item 2).

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

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?**

N/A

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

Only authorized OGE employees have access to this system and there is no monitoring function. Electronic controls, such as password protection, are in place to prevent unauthorized access.

- 9) **Under which Privacy Act systems of records notice does the system operate?**

The OGE Form 201 is covered by the OGE/GOVT-1 Privacy Act system of records. *See OGE/GOVT-1 68 FR 3097-3109 (Jan. 22, 2003), as corrected at 68 FR 24744 (May 8, 2003), as amended at 76 FR 24490 (May 2, 2011), as modified at 77 FR 45353 (Jul. 31, 2012), as modified at 78 FR 73863 (Dec. 9, 2013).*

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

No. 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 of 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, etc.)?**

Only authorized OGE employees have access to the system. Electronic controls, such as password protection, are in place to prevent unauthorized access.

- 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 being requested. Electronic controls, such as password protection, are in place to prevent unauthorized access.

- 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. Electronic controls, such as password protection, are in place to prevent unauthorized access.

- 4) What controls are in place to prevent the misuse (e.g. unauthorized browsing) of data by those having access?**

Electronic controls, such as password protection, are in place to protect the data. In addition, access to the system is limited to authorized OGE employees based on their roles.

- 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?**

N/A

- 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) 12/1/16 (Date)

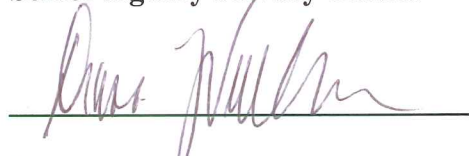
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2) Chief Information Officer

 (Signature) 11-30-16 (Date)

Name: Ty Cooper
Title: Chief Information Officer

3) Senior Agency Privacy Officer

 (Signature) 12/1/16 (Date)

Name: Diana Veilleux
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