Office of Government Ethics

Privacy Impact Assessment for the DOJ Referrals Form System (DORF)

September 2019

Compliance Division

U.S. Office of Government Ethics (OGE)
Privacy Impact Assessment (PIA) for the
Department of Justice (DOJ) Referrals Form System

Provide electronic copies of the signed PIA to OGE's Chief Information Security Officer and Privacy Officer.

Name of Project/System: DOJ Referrals Form System (DORF)
Office: Compliance Division

A. CONTACT INFORMATION:

1) Who is the person completing this document?

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2) Who is the system owner?

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3) Who is the system manager for this system or application?

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4) Who is the Chief Information Security Officer who reviewed this document?

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5) **Who is the Senior Agency Official for Privacy who reviewed this document?**

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6) **Who is the Reviewing Official?**

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B. SYSTEM APPLICATION/GENERAL INFORMATION:

1) **Does this system contain any information about individuals?**

Yes, it contains information about possible violations of criminal conflict of interest laws by individuals employed or formerly employed by the federal government.

a. **Is this information identifiable to the individual?**

Yes.

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

Yes, the system includes information about former government employees as described above.

c. **Is the information about employees?**

Yes, it includes information about individuals who are employees or former employees within the executive branch.

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

DORF allows OGE to track compliance with the requirement that federal agencies follow through with actively considering corrective action in situations involving potential violations of the Federal conflict of interest laws. These records are maintained to document federal agencies' attestation as to whether they have complied with these requirements.

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

The Ethics in Government Act of 1978, as amended, requires each executive agency to inform the OGE Director upon referral of any alleged violation of Federal conflict of interest laws to the Attorney General. See 5 U.S.C. app. § 402(e)(2). OGE's regulation at 5 CFR § 2638.206 sets forth the requirements for referrals to DOJ. The system supports and documents those functions.

C. DATA in the SYSTEM:

1) What categories of individuals are covered in the system?

Employees within the executive branch who are referred for possible violations of the Federal conflict of interest laws and any employees who are required by statute and regulation to make such a referral for their agencies.

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

The information in the system is provided by the referring federal agencies, utilizing the Notification of Conflict of Interest Referral report (OGE Form 202).

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 Personally Identifiable Information (PII) in the system is only obtained from the reporting federal agency or federal officials.

b. What federal agencies provide data for use in the system?

All executive branch federal agencies potentially provide data for use in the system.

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

N/A.

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

N/A.

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

N/A.

3) Accuracy, Timeliness, Reliability, and Completeness

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

The data in the system is provided by federal agencies within the executive branch, and it is the agencies' responsibility to provide OGE with accurate and complete information.

b. **How will data be checked for completeness?**

The data in the system is provided by federal agencies within the executive branch, and it is the agencies' responsibility to provide OGE with accurate and complete information. In addition, the OGE's DORF Program Manager, who is responsible for collecting and maintaining the referral information, will check the data for completeness as part of OGE's business process.

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

OGE's DORF Program Manager, who is responsible for collecting and maintaining the referral information, will ensure that the data is kept current based on information reported to OGE from the referring federal agencies.

d. **Are the data elements described in detail and documented?**

No. However, most of the substantive data elements are derived from specific forms submitted by the referring federal agencies.

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.

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 aggregated, what controls are in place to protect the data from unauthorized access or use?**

N/A.

7) **If data is being aggregated, are the proper controls remaining in place to protect the data and prevent unauthorized access?**

N/A.

8) **How will the data be retrieved? Does a personal identifier retrieve the data?**

Data is retrieved by case number, agency, and/or other data elements.

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

DORF can produce reports indicating the name of the referring agency, the date of referral and point of contact at the referring agency, the identity of the subject employee, information regarding the disposition of the matter, and action taken or determination made by DOJ. These reports will be used to provide statistical data on the number of referrals submitted. They will also be used to track agencies' compliance with the Ethics in Government Act and OGE's implementing regulations and guidance. Authorized users of the system have access to the reporting functions in DORF.

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)?**

N/A.

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?**

The specific disposition authority for the DOJ referral records is currently pending approval by the National Archives and Records Administration (NARA). The proposed retention period is 10 years.

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?**

Timely destruction of federal records is the responsibility of the Records Officer. The reports are temporary and will be destroyed pursuant to the disposition authority.

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?**

The system allows OGE to maintain the DOJ referral information more securely than the prior hardcopy system. Therefore, the system has a positive impact on protecting the employees' and public privacy.

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?**

N/A.

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

OGE/GOVT-1, Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records.

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

N/A.

F. ACCESS TO DATA:

1) **Who will have access to the data in the system?**

Authorized OGE employees will have access to the data in the application.

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

Access to OGE applications is governed by OGE's Access Request Form (AARF) process, which authorizes the Information Technology Division (ITD) to create, modify, and disable network accounts, including providing access to specific OGE applications. AARF requests must be signed by the employee, his/her supervisor, and the Chief Information Officer before a request is approved to be implemented by ITD staff.

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

Authorized users of the system have access to all data in DORF. However, only the system owner and two other individuals in charge of processing referrals can make edits or delete the data in DORF.

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

Authorized users have been advised that agency policy prohibits them from unauthorized browsing of data and misuse of data and have been instructed not to engage in such activities.

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?**

No contractors were involved with the design, development, or maintenance of the system.

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

No, the information entered into DORF will not be shared with any other system.

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?**

Each authorized user is responsible for assuring proper use of the data.

See Attached Approval Page

The Following Officials Have Approved the PIA for DOJ Referrals Form System:

1) **System Manager**

_____ **(Signature)** 9/16/19 **(Date)**

Name: Ciara Guzman
Title: Program Analyst, Program Review Branch

2) **System Owner**

_____ **(Signature)** 9/26/19 **(Date)**

Name: Douglas Chapman
Title: Chief, Program Review Branch

3) **Chief Information Officer**

_____ **(Signature)** 9/17/19 **(Date)**

Name: Ty Cooper
Title: Chief Information Officer

4) **Senior Agency Official for Privacy**

_____ **(Signature)** 9/11/19 **(Date)**

Name: Diana Veilleux
Title: Chief, Legal, External Affairs and Performance Branch and Senior Agency Official for Privacy