



## **Privacy Impact Assessment**

For

**FOIAXpress**

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Point of Contact:

**Art Caliguiran**

System Owner:

**Gregory Smith**

Author:

**Art Caliguiran**

Office of Management  
Privacy Information & Records Management Services

U.S. Department of Education

1. **System Information.** Describe the system - include system name, system acronym, and a description of the system, to include scope, purpose and major functions.

The Department of Education (Department) utilizes a commercial off-the-shelf web-based system called FOIAXpress. This system is used to document and track the status of requests made by the public under both the Freedom of Information Act (FOIA) and the Privacy Act for documents maintained by the Department. This system is also used to generate the annual and quarterly reporting statistics to the Department of Justice (DOJ) as required by FOIA.

2. **Legal Authority.** Cite the legal authority to collect and use this data. What specific legal authorities, arrangements, and/or agreements regulate the collection of information?

The Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a, both as amended; the "Openness Promotes Effectiveness in our National Government Act of 2007," Public Law 110-175.

3. **Characterization of the Information.** What elements of personally identifiable information (PII) are collected and maintained by the system (e.g., name, social security number, date of birth, address, phone number)? Who is or what are the sources of the information (e.g., student, teacher, employee, school, university)? How is the information collected (website, paper form, on-line form)? Is the information used to link or cross-reference multiple databases?

FOIAXpress collects the names, addresses, dates of request and responses, descriptions or identifications of records requested, amount of fees paid, if any; payment delinquencies, if any; final determinations of appeals or denials and summary of logs. In addition, this system includes records and related correspondence on individuals who have submitted: requests for information under the provisions of the FIOA, including requests for review of initial denials, requests under the provisions of the Privacy Act for records about themselves, including: requests for notification of the existence of records about them, requests for access to these records, requests for amendment of these records, requests for review of initial denials of such requests for notification, access, and amendment, and requests for an accounting of disclosure of records about them. Copies of requested records are maintained electronically in the system document manager.

4. **Purpose of information collected.** How is this information necessary to the mission of the program, or contributes to a necessary agency activity? Given the amount and any type of data collected, discuss the privacy risks identified and how they were mitigated.

This system is used to document and track the status of requests made under both FOIA and the Privacy Act.

The risk is that PII may be obtained by an unauthorized party to commit fraud and identity theft. The following mitigation steps are in place.

- Associates with the ability to access this information require a password before access is granted
- System access is assigned based on job function requirements and are maintained through access controls
- Associates are required to complete Security Awareness Training annually.

5. **Social Security Numbers (SSN).** If SSNs are collected and used, describe the purpose of the collection, the type of use, and any intended disclosures. Also specify any alternatives that you considered, and why the alternative was not selected. If system collects SSNs, the PIA will require a signature by your POC's Assistant Secretary or designee.

We do not actively collect SSNs for this system. However, requesters sometimes provide them to us in their request. All of the information we receive is scanned into the system and becomes part of the request. While we do not actively collect SSNs, we do protect them with the security measures outlined below. (See question 11)

6. **Uses of the Information.** How will the information be used? Describe all internal and/or external uses of the information. What types of methods are used to analyze the data? Does the system also use commercial information, publicly available information, or information from other Federal agency databases?

The information will be used to search for responsive documents within the Department in order to fulfill a requestor's request. The information will be disseminated to the appropriate program offices that have documents responsive to the request. The information will be used to generate the annual report to the DOJ as required by the FOIA and the biennial report to the Office of Management and Budget (OMB) and Congress as required by the Privacy Act.

7. **Internal Sharing and Disclosure.** With which internal ED offices/programs will the information be shared? What information is shared? For what purpose is the information shared?

Information regarding the requestor, the request, and responsive documents will be shared between the appropriate program offices with the Department for the purpose of fulfilling a request.

All or part of the information described in Question 3 hereof may be shared.

The information is only shared as required to fulfill FOIA request.

See response to Question 4 hereof for risks and mitigation measures.

8. **External Sharing and Disclosure.** With what external entities will the information be shared (e.g., another agency for a specified programmatic purpose)? What information is shared? For what purpose is the information shared? How is the

information shared outside of the Department? Is the sharing pursuant to a Computer Matching Agreement (CMA), Memorandum of Understanding or other type of approved sharing agreement with another agency?

Aggregated information compiled in both quarterly report and an annual report is submitted to the DOJ pursuant to 5 U.S.C. § 552(e)(1). These reports detail the Department's administration of the FOIA and contain statistics on the number of FOIA requests and appeals received, processed, and pending.

Additionally, the Department may disclose information contained in a record in FOIAXpress under the applicable routine uses without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected, i.e., tracking FOIA and Privacy Act requests. Possible disclosures include:

- Disclosure to congress, other agencies, or the public
- Disclosure to recipients of Federal financial assistance, witnesses, or consultants
- Disclosure for use by other law enforcement agencies
- Enforcement disclosure
- Litigation and Alternative Dispute Resolution disclosures
- FOIA advice disclosure
- Research disclosure
- Congressional member disclosure

These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act, under a computer matching agreement.

There will be no sharing of information for purposes outside of the above disclosure requirements or for anything other than the primary purpose(s) of collecting the information. Any contractor responsible for the operations of the FOIAXpress System is held to the privacy and security requirements of the Department in the handling of information collected through the systems.

- 9. Notice.** Is notice provided to the individual prior to collection of their information (e.g., a posted Privacy Notice or a Privacy Act Statement)? What opportunities do individuals have to decline to provide information (where providing the information is voluntary) or to consent to particular uses of the information (other than required or authorized uses), and how do individuals grant consent?

The following notice will be provided to users who visit the Department website and are accessible to the public at: <http://www2.ed.gov/notices/privacy/index.html>

10. **Web Addresses.** List the web addresses (known or planned) that have a Privacy Notice.

<http://www2.ed.gov/notices/privacy/index.html>

11. **Security.** What administrative, technical, and physical security safeguards are in place to protect the PII? Examples include: monitoring, auditing, authentication, firewalls, etc. Has a Security Authorization been completed? Is the system compliant with any federal security requirements?

The information collected is secured following the guidance contained in OMB Circular A-130, "Management of Federal Information Resources," Appendix III, "Security of Federal Automated Information Resources," and "Computer Security Act of 1987." FOIAXpress is a component of the Department's network, EDNet, which is a major application requiring a system security plan (system security plans are required by OMB Circular A-130, Appendix III, and "Computer Security Act of 1987"). The system security plan details the security requirements and describes the security controls that are in place to meet those requirements.

The plan includes the following controls:

- All physical access to the Department site, and the sites of the Department contractors where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge.
  - The computer system employed by the Department offers a high degree of resistance to tampering and circumvention.
  - The security system limits data access to the Department and contract staff on a "need to know" basis, and controls individual users' ability to access and alter records within the system.
  - All users of this system of records are given a unique user ID with personal identifiers.
  - All interactions by individual users with the system are recorded.
12. **Privacy Act System of Records.** Is a system of records being created or altered under the Privacy Act, 5 U.S.C. 552a? Is this a Department-wide or Federal Government-wide SORN? If a SORN already exists, what is the SORN Number?

Freedom of Information Act and Privacy Act Tracking System (18-05-20)

13. **Records Retention and Disposition.** Is there a records retention and disposition schedule approved by the National Archives and Records Administration (NARA) for the records created by the system development lifecycle AND for the data collected? If yes, provide the records schedule number:

Records relating to Freedom of Information Act and Privacy Act Tracking System are retained in accordance with General Records Schedule (GRS 14).  
FOIA Requests Files – GRS 14, Item 11a (Ed Schedule No.: 151)  
FOIA Appeals Files – GRS 14, Item 12.a-c (Ed Schedule No.: 152)  
FOIA Control Files –GRS 14, Item 13.a-c (Ed Schedule No.: 153)  
FOIAXpress - ED 086 Information Systems Supporting Materials for System Software