



Department of Commerce Privacy Act Fact Sheet

SYSTEMS OF RECORDS NOTICE: COMMERCE/DEPT-25

1. What is a System of Records Notice (SORN)?

A SORN is a public notice—published in the *Federal Register*—required by the Privacy Act when a Federal agency maintains a Privacy Act system of records (SOR) and the information is retrieved by a personal identifier such as the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. A SORN has elements that describe a SOR, such as:

- Purpose,
- Scope,
- Nature of the System,
- Procedures and Safeguards, and
- Routine Uses.

2. What is the purpose of a SORN?

SORNS have the following purposes:

- To identify the purpose of a SOR.
- To identify which individuals are covered by information in a SOR.
- To identify the categories of records that are maintained about the individuals.
- To identify how the information may be shared by the agency (routine uses).
- To inform (notify) the public of the existence of records or of a proposed SOR.
- To provide notice to the public of their rights and procedures under the Privacy Act for accessing and correcting information maintained by the agency on an individual.

3. What is a Privacy Act System of Records?

A Privacy Act system of records (SOR):

- A group of more than one record containing information about individuals.
- Department of Commerce (Department) SORs are under the control of the Department.
- Retrieved by name or other personal identifier¹.
- If a record does not contain personal identifiers or if the record system is not designed to be retrieved by one or more personal identifiers, the Privacy Act does not apply to the system in which it is maintained.

¹ Examples of personal identifiers used at the Department include, but are not limited to Social Security Number, Address, Phone Number, and Email Address. In addition to usual identifiers, biometric data are increasingly used as personal identifiers. Here are some examples: Facial Recognition - measures facial characteristics; Hand Geometry - measures the shape of the hand; Iris Scan - analyses features of the colored ring of the eye; Retinal Scan - analyses blood vessels in the eye.

3. What is SORN COMMERCE/DEPT-25?

SORN COMMERCE/DEPT-25 (DEPT-25), Access Control and Identity Management System, is a public notice that identifies a Privacy Act SOR used to establish identity, accountability, and audit control of electronic or other digital certificates of assigned personnel who require access to Department electronic and physical assets.

4. Why was DEPT-25 created?

- Each agency is required to continuously review its operations to identify any SOR for which either no SORN has been published or a current SORN may insufficiently cover a SOR.
- A new SORN must be published when it is discovered that records about individuals are being created and used, and that this activity is not sufficiently covered by a currently published SORN.
- DEPT-25 covers some similar categories of information as a government-wide SORN, GSA/GOVT-7, “Personal Identity Verification Identity Management System (PIV IDMS).”
- After a review of GSA/GOVT-7, the Department decided to implement a more specific SORN with respect to this SOR.
- Thus, the Department created SORN DEPT-25 to cover the SOR.

5. What is the purpose of DEPT-25?

The purpose of DEPT-25 is to:

- Allow for verification of individuals.
- Verify authorization to access the Department’s buildings and facilities.
- Create a record of individuals’ access to buildings and facilities.
- Provide statistical data on building and facility access patterns, including electronic and physical sign/badge-in and sign/badge out data.
- Secure electronic assets by maintaining accountability for issuance and disposition of security access.
- Facilitate secure online-communications between Federal automated systems, between Federal employees or contractors, and with the public.
- Provide a means of access to electronic assets, desktops, and laptops.
- Provide mechanisms for nonrepudiation of personal identification and access to electronic systems.
- Maintain records relating to issuance of digital certificates utilizing public key cryptography for transmission of sensitive electronic information.

6. Is the information maintained under DEPT-25 secure?

The SORN is not intended to be a document that describes measures to keep system records secure in detail. With this in mind, the Safeguards section, which discusses how records are maintained and accessed, should describe system safeguards as fully as possible without compromising system security.

7. DEPT-25 contains a routine use section, what is a routine use?

- The term “routine use” means the disclosure² of a record outside the Department³, without the consent of the subject individual, for a purpose which is compatible with the purpose for which the record was collected.
- Routine uses describe the disclosures which may be made of the information, to whom the information may be released, and for what purpose the disclosures may be made.

8. How could the routine uses found in Dept-25 be used?

Routine uses for DEPT-25 include sharing information:

- To facilitate the issuance and retrieval of visitor and temporary badges;
- For use in determining whether administrative action (including disciplinary action) should be taken regarding any employee;
- For investigations of potential law violations;
- For data breaches and mitigation responses;
- For Congressional inquiries;
- For audits and oversight;
- To contractors performing work for the Department on authorized activities; and
- For litigation purposes.

9. Why does a routine use include providing records to foreign agencies⁴?

Routine use number 2 of DEPT-25 provides for the disclosure of a record from this SOR to appropriate agencies charged with the responsibility of investigating a potential or prosecuting a violation of law or contract.

- This routine use includes disclosure to Federal, state, local, or **foreign agencies**.
- This routine use does not allow disclosure to a foreign agency for any other reason.

10. What are the benefits of maintaining this SOR?

Benefits to maintaining records under DEPT-25 include:

- Being able to account for individuals who are in Department facilities during emergency situations.
- Protecting the safety of employees, visitors, and Department assets by ensuring that unauthorized individuals do not gain access to Department facilities.

11. Can individuals request access to their records maintained in this SOR?

The Record Access Procedures section of DEPT-25 provides instructions for individuals to access their records. Generally, individuals must contact the appropriate Freedom of Information and Privacy Act Office in writing to request copies of their records. However, individuals cannot obtain their records if one or more of the following exceptions apply:

² “Disclosure” means the availability or release of a record to anyone other than the subject individual.

³ Routine uses only apply to information sharing external to the Department.

⁴ This routine use is included in all Department SORNs, with the exception of some SORNs used by statistical agencies, such as the Census Bureau. This routine use is also generally found in most Federal agency SORNs.

- If it is necessary to exempt the information or material in order to accomplish the law enforcement function of the agency.
- To prevent disclosure of classified material.
- To assure protection of the President.
- To prevent interference of an investigatory process.
- To ensure confidentiality of information, if and when necessary.
- To avoid placing sources of information and law enforcement personnel in danger.

12. Can individuals find out if records are being maintained on them in this SOR?

The Notification Procedure section of DEPT-25 provides instructions for individuals to request corrections or contest information in their records. Generally, individuals must contact the appropriate Freedom of Information and Privacy Act Office in writing to request changes be made to, or to contest, their records. However, individuals cannot obtain their records if one or more of the exceptions identified in item number 10 above apply.

13. Can individuals request changes to their records?

The Contesting Records Procedures section of DEPT-25 provides instructions for individuals to request corrections or contest information in their records. Generally, individuals must contact the appropriate Freedom of Information and Privacy Act Office in writing to request changes be made to, or to contest, their records. However, individuals cannot obtain their records if one or more of the exceptions identified in item number 10 above apply.

14. Was there an opportunity to provide comments on DEPT-25?

As part of the regulatory process, the Department was required to publish a SORN in the *Federal Register* for a 30-day comment period. If comments were received, the regulatory process also required the Department to address those comments prior to implementing the SORN. Generally, there are three categories of comments:

1. Minor – no substantial changes to SORN: A final *Federal Register* notice is published, which includes the comments, comment responses, and the effective date for the SORN.
2. Major – requires no change to the SORN, but which requires a response: A final *Federal Register* notice is published, which includes the comments, comment responses, and the effective date for the SORN. As an option, the Chief Privacy Officer will forward a letter to the commenter(s) incorporating the response(s).
3. Major - substantive changes to the SORN:
 - Responses to the comments are prepared, which will be included in the revised SORN along with the comments.
 - The revised SORN with comments and comment responses are published in the *Federal Register* for another 30-day public comment period.