

**U.S. Department of Commerce  
Office of the Secretary  
Office of Civil Rights**



**Privacy Impact Assessment  
for iComplaints**

Reviewed by: Dorrie (Doreatha) Ferguson, Office of the Secretary's Privacy Analyst

Approved by: , DOC Chief Privacy Officer

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# U.S. Department of Commerce Privacy Impact Assessment

## Office of Civil Rights/iComplaints

**Unique Project Identifier: OS061**

### **Introduction: System Description**

iComplaints is a moderate commercial off the shelf web-based system used to support the Office of Civil Rights (OCR) and bureau Equal Employment Opportunity (EEO) offices in the entry, management and reporting of data related to EEO complaints. iComplaints has been operational since November 4, 2010. The information collected is personally identifiable information (PII) and business identifiable information (BII) for law firms, unions, and others who represent the complainants and contractors. Typical transactions are entries of case management information, i.e. dates and actions taken on the case, regulatory and internal due dates, OCR and Equal Employment Opportunity Commission (EEOC) case tracking numbers, names of OCR, bureau, and/or Office of the General Counsel (OGC) attorneys and contractors assigned to specific case tasks, status and disposition of each complaint, and the names of contract firms assigned to case tasks, requisition numbers and contract costs. The system is accessible to authorized users within OCR and the bureau EEO Offices at National Institutes of Standards and Technology (NIST), National Oceanic Atmospheric Administration (NOAA) and Census Bureau on a role and official need-to-know basis only. Data uploaded can only be changed in accordance with the privileges provided by OCR. Access is limited to EEO Managers, Specialists and Assistants assigned to perform case processing tasks. The system provides a range of privileges established by the Program Administrators and include the visibility of data, read/write access, business rules, and administrator functions. The sign-in page contains the following Security Notice:

“This is a Government computer system and is intended for official and other authorized use only. Unauthorized access or use of the system may subject violators to administrative action, civil, and/or criminal prosecution under the Criminal Code (Title 18 USC 1030). All information on this computer system may be monitored, intercepted, recorded, read, copied, or captured and disclosed by and to authorized personnel for official purposes, including criminal prosecution. You have no expectations of privacy regarding monitoring of this system.

Any authorized or unauthorized use of this computer system signifies consent to and compliance with agency policies and their terms.”

The authority for processing discrimination complaints within the Department of Commerce is delegated to the Director, Office of Civil Rights, by Department Organization Order (DOO) 20-10. The Department's internal discrimination complaint program is described by Department Administrative Order (DAO) 215-9.

The authority for the Department's EEO complaint processing program is contained in the regulations of the EEOC at 29 CFR § 1614, and policy guidance provided by EEOC Management Directive 110. Related laws and regulations governing the Department's authority

to process complaints of discrimination include 42 U.S.C. 2000e-16; 29 U.S.C. 633a; 29 U.S.C. 791 and 794a; 29 U.S.C. 206(d); E.O. 10577, 3 CFR 218 (1954-1958 Comp.); E.O. 11222, 3 CFR 306 (1964-1965 Comp.); E.O. 11478, 3 CFR 133 (1969 Comp.); E.O. 12106, 44 FR 1053 (1978); and Reorganization Plan No. 1 of 1978, 43 FR 19807 (1978).

**Section 1: Information in the System**

1.1 Indicate what personally identifiable information (PII)/business identifiable information (BII) is collected, maintained, or disseminated. Check all that apply.

<b>Identifying Numbers (IN)</b>					
a. Social Security	X*	e. Alien Registration		i. Financial Account	
b. Taxpayer ID		f. Driver's License		j. Financial Transaction	x
c. Employee ID		g. Passport		k. Vehicle Identifier	
d. File/Case ID	X	h. Credit Card		l. Employer ID Number	
m. Other identifying numbers (specify): *SSNs are no longer collected. The SSN input field was removed and all data deleted during migration. But some records imported from the legacy system may contain the SSN information in textual fields.					

<b>General Personal Data (GPD)</b>					
a. Name	x	g. Date of Birth	x	m. Religion	x
b. Maiden Name		h. Place of Birth	x	n. Financial Information	
c. Alias		i. Home Address	x	o. Medical Information	x
d. Gender	x	j. Telephone Number	x	p. Military Service	
e. Age	x	k. Email Address	x	q. Physical Characteristics	x
f. Race/Ethnicity	x	l. Education		r. Mother's Maiden Name	
s. Other general personal data (specify):					

<b>Work-Related Data (WRD)</b>					
a. Occupation	x	d. Telephone Number	x	g. Salary	x
b. Job Title	x	e. Email Address	x	h. Work History	
c. Work Address	x	f. Business Associates			
i. Other work-related data (specify): information regarding personnel actions (i.e. promotions, evaluations, disciplinary actions, etc.)					

<b>Distinguishing Features/Biometrics (DFB)</b>					
a. Fingerprints		d. Photographs		g. DNA Profiles	
b. Palm Prints		e. Scars, Marks, Tattoos		h. Retina/Iris Scans	
c. Voice Recording/Signatures		f. Vascular Scan		i. Dental Profile	
j. Other distinguishing features/biometrics (specify):					

<b>System Administration/Audit Data (SAAD)</b>					
a. User ID	x	c. Date/Time of Access	x	e. ID Files Accessed	
b. IP Address		d. Queries Run	x	f. Contents of Files	x
g. Other system administration/audit data (specify):					

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<b>Other Information (specify)</b>
Narrative information regarding claims of discrimination.
Costs associated with investigation.

1.2 Indicate sources of the PII/BII in the system. Check all that apply.

<b>Directly from Individual about Whom the Information Pertains</b>				
In Person	<input checked="" type="checkbox"/>	Hard Copy: Mail/Fax	<input checked="" type="checkbox"/>	Online
Telephone	<input checked="" type="checkbox"/>	Email	<input checked="" type="checkbox"/>	
Other (specify):				

<b>Government Sources</b>					
Within the Bureau	<input checked="" type="checkbox"/>	Other DOC Bureaus	<input checked="" type="checkbox"/>	Other Federal Agencies	<input checked="" type="checkbox"/>
State, Local, Tribal		Foreign			
Other (specify):					

<b>Non-government Sources</b>					
Public Organizations		Public Media, Internet		Private Sector	<input checked="" type="checkbox"/>
Commercial Data Brokers					
Other (specify):					

**Section 2: Purpose of the System**

2.1 Indicate why the PII/BII in the system is being collected, maintained, or disseminated. Check all that apply.

<b>Purpose</b>			
To determine eligibility		For administering human resources programs	
For administrative matters	<input checked="" type="checkbox"/>	To promote information sharing initiatives	
For litigation	<input checked="" type="checkbox"/>	For criminal law enforcement activities	
For civil enforcement activities	<input checked="" type="checkbox"/>	For intelligence activities	
Other (specify): Regulatory reporting requirements - EEOC Annual Report of Complaint Activity; NoFEAR Act reporting (annual and quarterly)	<input checked="" type="checkbox"/>		

**Section 3: Use of the System**

3.1 Provide an explanation of how the bureau will use the PII/BII to accomplish the checked purpose(s), e.g., to verify existing data. Describe why the PII/BII that is collected,

maintained, or disseminated is necessary to accomplish the checked purpose(s) and further the mission of the bureau and/or the Department. Indicate if the PII/BII identified in Section 1.1 of this document is in reference to a federal employee/contractor, member of public, foreign national, visitor or other (specify).

EEO complaints are filed by employees of the Department and applicants seeking employment contact information for the complainant (attorney/representative/union representative) and representatives (OGC's attorney assigned to the case) for either the complainant or the Department. This provides both parties (individuals working with the complainant and the Department representatives) with the notices, reports, decisions, and supporting documents related to the complaint. A complainant is required to provide the demographic and employment information relevant to his or her claim of discrimination. This enables OCR to determine if the complaint meets procedural and/or jurisdictional requirements necessary to direct the scope of the investigation and adjudication of the complaint, which is directly related to OCR's core mission of enforcing nondiscrimination laws.

The BII maintained in the system contains contact information for law firms, unions and other agencies that represent each individual complainant. Other BII identifies the following: name of the firm contracted to investigate the case, name and contact information of the assigned subcontractor, and the costs associated with the investigation. This category of BII allows OCR to manage its investigative contracts to ensure costs allocated are controlled appropriately and the work is distributed in accordance with the contract statement of work. The contractors and subcontractors do not have access to iComplaints. They are, however vetted to ensure they qualify for the acquisition process related to the complaint filed. Once that process is completed and the contract has been awarded, the case is assigned to a case-worker.

PII and BII are disseminated only within the framework of administrative complaint processes, and/or related litigation in federal court. Information is provided to the OGC's Employment and Labor Law Division, EEOC, Merit Systems Protection Board and/or Assistant U.S. Attorneys on a case-by-case basis. PII may also be shared with the servicing Human Resources Office (SHRO) to the extent required to carry out personnel actions ordered as corrective action, or the agreed terms for settlement.

Statistical data from the system is annually provided to the EEOC, the Office of Personnel Management, the Department of Justice, and selected members of Congress in compliance with The No FEAR Act and the EEOC Form 462 report.

**Section 4: Information Sharing**

4.1 Indicate with whom the bureau intends to share the PII/BII in the system and how the PII/BII will be shared.

Recipient	How Information will be Shared			
	Case-by-Case	Bulk Transfer	Direct Access	Other (specify)

Recipient	How Information will be Shared			
	Case-by-Case	Bulk Transfer	Direct Access	Other (specify)
Within the bureau	x		x	
DOC bureaus	x		x	
Federal agencies	x			
State, local, tribal gov't agencies				
Public				
Private sector	x			
Foreign governments				
Foreign entities				
Other (specify): DOC unions, if union is representing the complainant	x			

The PII/BII in the system will not be shared.

### **Section 5: Notice and Consent**

5.1 Indicate whether individuals will be notified if their PII/BII is collected, maintained, or disseminated by the system. Check all that apply.

<input type="checkbox"/>	Yes, notice is provided pursuant to a system of records notice published in the Federal Register and discussed in Section 6.	
x	Yes, notice is provided by other means.	Specify how: Notice is provided on form Complaint of Employment Discrimination Form (CD-498), which contains a Privacy Act notice. The information in iComplaints is directly provided from the claimant, on the above noted form, who files a complaint against the Department.
<input type="checkbox"/>	No, notice is not provided.	Specify why not:

5.2 Indicate whether and how individuals have an opportunity to decline to provide PII/BII.

x	Yes, individuals have an opportunity to decline to provide PII/BII.	Specify how: The complainant can decline to provide PII/BII when he/she completes and signs the CD-498.
<input type="checkbox"/>	No, individuals do not have an opportunity to decline to provide PII/BII.	Specify why not:

5.3 Indicate whether and how individuals have an opportunity to consent to particular uses of their PII/BII.

x	Yes, individuals have an opportunity to consent to particular uses of their PII/BII.	Specify how: The complainant provides consent when he/she completes and signs the CD-498.
<input type="checkbox"/>	No, individuals do not have an opportunity to consent to particular uses of their PII/BII.	Specify why not:

5.4 Indicate whether and how individuals have an opportunity to review/update PII/BII

pertaining to them.

x	Yes, individuals have an opportunity to review/update PII/BII pertaining to them.	Specify how: Individuals can contact OCR or the relevant Bureau EEO office to review or add updates to their file.
	No, individuals do not have an opportunity to review/update PII/BII pertaining to them.	Specify why not:

## **Section 6: Administrative and Technological Controls**

6.1 Indicate the administrative and technological controls for the system. Check all that apply.

	All users signed a confidentiality agreement.
x	All users are subject to a Code of Conduct that includes the requirement for confidentiality.
x	Staff received training on privacy and confidentiality policies and practices.
x	Access to PII/BII is restricted to authorized personnel only.
x	The information is secured in accordance with FISMA requirements. Provide date of most recent Assessment and Authorization: 11/4/10. A System Security Assessment was completed on May 8, 2014.
x	The Federal Information Processing Standard (FIPS) 199 security impact category for this system is a moderate or higher.
x	NIST 800-122 recommended security controls for protecting PII/BII are in place and functioning as intended; or have an approved Plan of Action and Milestones (POAM). See Appendix A.
	Contractors that have access to the system are subject to information security provisions in their contracts required by DOC policy.
x	Other (specify): The system may be only be accessed by authorized users entering a username issued by a program administrator and an encrypted password that must be changed every 90 days. Case visibility and read-write privileges are tailored to each user's bureau or office location and level of responsibility. The system also includes an "audit" capability that tracks change entries and edits by user, date, and time. Sessions terminate and users are automatically logged off if no activity occurs within 30 minutes.

## **Section 7: Privacy Act**

7.1 Indicate whether a system of records is being created under the Privacy Act, 5 U.S.C. § 552a. *(A new system of records notice (SORN) is required if the system is not covered by an existing SORN).*

As per the Privacy Act of 1974, "the term 'system of records' means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual."

x	Yes, this system is covered by an existing system of records notice. Provide the system name and number: EEOC GOV-1 and Commerce/Department 18
	Yes, a system of records notice has been submitted to the Department for approval on (date).

<input type="checkbox"/>	No, a system of records is not being created.
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**Section 8: Retention of Information**

8.1 Indicate whether these records are covered by an approved records control schedule and monitored for compliance. Check all that apply.

<input checked="" type="checkbox"/>	There is an approved record control schedule. Provide the name of the record control schedule: NARA General Schedule 1
<input type="checkbox"/>	No, there is not an approved record control schedule. Provide the stage in which the project is in developing and submitting a records control schedule:
<input checked="" type="checkbox"/>	Yes, retention is monitored for compliance to the schedule.
<input type="checkbox"/>	No, retention is not monitored for compliance to the schedule. Provide explanation: