

CHIEF PRIVACY OFFICER AND DIRECTOR OF OPEN GOVERNMENT

Number: DOO 20-31

Effective Date: 1-7-11

SECTION 1. PURPOSE.

This Order prescribes the functions and organization of the Office of Privacy and Open Government. (The position of Chief Privacy Officer and Director of Open Government is authorized in [DOO 10-5](#).)

SECTION 2. STATUS AND LINE OF AUTHORITY.

The Office of Privacy and Open Government, a Departmental office, is headed by a Director who reports to and is responsible to the Chief Financial Officer and Assistant Secretary for Administration (the Assistant Secretary) and the Deputy Assistant Secretary for Administration (the Deputy Assistant Secretary).

SECTION 3. FUNCTIONS.

Pursuant to the authority vested in the Assistant Secretary in [DOO 10-5](#), and subject to such policies and directives as the Assistant Secretary and Deputy Assistant Secretary may prescribe, the Director:

- .01 Maintains responsibility for the development and maintenance of privacy policies, procedures, and guidance essential to the effective and efficient implementation of the Department's programs.
- .02 Serves as the Department's key policy advisor on implementing the Privacy Act of 1974; the provisions on privacy of the Federal Information Security Management Act, and of the E-Government Act of 2002; the Freedom of Information Act (FOIA); the Federal Advisory Committee Act (FACA); principles of transparency and open government; and management of the Department's directives management program.
- .03 Improves the transparency with which the Department operates in accordance with the Presidential memorandum of January 21, 2010 and OMB memorandum number M-10-06, "Open Government Directive," by providing more information and data about the Department's activities to the public in a timely and accessible manner; increasing public participation by utilizing new tools and strategies to encourage input and feedback; expanding collaboration with the Department's partners, both inside and outside government; and encouraging innovation in identifying methods to make the government more open and efficient, and to save taxpayers money.
- .04 Serves as the Department's senior policy authority on matters relating to the public disclosure of information, and advises on privacy issues related to informed consent, disclosure risk, and data sharing.
- .05 Serves as a voting member and executive director of the Department's Privacy Policy Council and the chair of its Identity Theft Task Force; and advises internal working groups and committees tasked with making program, policy, or information technology decisions that may have privacy-related implications.
- .06 Develops and oversees implementation of Department-wide policies and procedures relating to the Privacy Act, and assures that personal information contained in Privacy Act systems of records is handled in compliance with its provisions.

- .07 Communicates the Department's privacy vision, principles and policies internally and externally; advises on and takes steps to address any deficiencies related to privacy-related legislation and regulations.
- .08 Advocates strategies related to data and information collection and dissemination, and ensures Departmental privacy policies and principles are reflected in all operations.
- .09 Ensures Departmental policies and procedures regarding information protection are compliant with statutory and government-wide policy requirements, verifies bureau adherence to all relevant information protection policies and procedures, and continually strives to identify and implement privacy best practices.
- .10 Coordinates the Departmental process for reviewing and approving Privacy Impact Assessments in connection with the E-Government Act and the Homeland Security Act.
- .11 Manages the process for reviewing and approving privacy programs as part of the Office of Management and Budget budget process and works with the Chief Information Officer to ensure that the Federal Information Security Management Act certification and accreditation process for new and existing systems appropriately addresses privacy-related issues.
- .12 Ensures Commerce employees and contractors receive appropriate training and education regarding privacy laws, regulations, policies and procedures concerning the handling of personal information.
- .13 Facilitates and negotiates agreements with senior management, and establishes relationships with partners in private industry and other federal agencies to foster the development and sharing of privacy-related best practices.
- .14 Develops and oversees implementation of Departmental policies and procedures for the administration of FOIA, manages the Department's FOIA process and implements programs required by FOIA for providing public access to Departmental records and information, and communicates FOIA policies to bureau counterparts and provides technical assistance in their application to specific situations.
- .15 Maintains and administers the Department's directives management program used to prescribe the basic structure and organization of the Department and its bureaus, to delegate authority to manage and implement the Department's programs and activities, and to establish Department-wide policies and procedures.
- .16 Develops and oversees the implementation of Departmental policies and procedures for the administration of FACA, and provides technical assistance to bureau counterparts to facilitate compliance with their provisions.

SECTION 4. ORGANIZATION.

Except for functions retained by the Director, the Office shall carry out responsibilities and activities identified under Section 3 relating to privacy issues, public disclosure of information and federal records, the transparency with which the Department's programs operate, organizational structure and Department-wide policies as established through the Department's directives management program, and the establishment and operation of Federal Advisory Committees.

Signed by: Chief Financial Officer and Assistant Secretary for Administration

