

# U.S. Department of Commerce Office of the Secretary



## Privacy Impact Assessment for the Workers Compensation Claims Medical Case Management System (WC-CMCMS)

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Date

## U.S. Department of Commerce Privacy Impact Assessment Office of the Secretary

**Unique Project Identifier: OS062**

### **Introduction: System Description**

*Provide a description of the system that addresses the following elements:*

*The response must be written in plain language and be as comprehensive as necessary to describe the system.*

*(a) a general description of the information in the system*

The Workers' Compensation (WC) Claims and Medical Case Management System (WC-CMCMS) through the overall Workers' Compensation Service Program (WCSP) assists the Department with medical review and oversight of all WC claims to ensure injured employees receive timely and appropriate medical care to enable a successful return to the workforce as soon as medically appropriate.

*(b) a description of a typical transaction conducted on the system*

The Department of Commerce (DOC) Office of Human Resources Management (OHRM) Office of Occupational Safety and Health (OOSH) manages the Workers' Compensation (WC) Program for the Department. To operate the Workers' Compensation Program, DOC contracts with WCSP to provide Medical Case Management (MCM) and Claims Management services for all DOC Bureaus.

WCSP provides medical review and oversight of WC claims and assists injured workers in accessing timely and appropriate medical care. WCSP also provides claims management services to assist with administrative claims and compensation issues. When a DOC employee files a workers' compensation claim form CA-1 or CA-2, the WCSP Claims Specialist reviews the claim, works with the supervisor to add additional information, and submits the claim to Department of Labor (DOL). The Claims Specialist then manually enters the claims into WC-CMCMS and assigns to a Medical Case Manager, depending on the severity of the injury.

Medical Case Managers are registered nurses who telephonically assist injured workers to promote a return to health and productivity. If a Medical Case Manager has concerns about a treatment plan or would like a second opinion, he or she may seek the opinion of a Medical Review Physician. The Medical Review Physician will then review case records and provide his or her opinion on the case. Injured workers may decline contact by a Medical Case Manager or Claims Specialist at any time. However, even if the employee declines contact from the Medical Case Manager, the Medical Case Manager will continue to provide oversight for the case on DOC's behalf.

*(c) any information sharing conducted by the system*

DOL/OWCP is the data steward and system of records owner for all records related to a workers' compensation claim. Copies of claim forms and other documents arising out of a job-related injury that resulted in the filing of a claim under FECA may also be maintained by the employing agency (and when the forms were transmitted to OWCP electronically, the original forms are maintained by the employing agency). DOC is required to share information with DOL, as the federal data steward of the Workers' Compensation Program. DOC also shares information with medical case management services and health care providers and personnel as part of the case management process. DOC also shares eligibility information with Optum, a pharmacy benefits management company, to allow for injured workers to receive expedited access to medications necessary to recovery while providing some cost reduction benefits to the employing agency through negotiated pricing discounts.

*(d) a citation of the legal authority to collect PII and/or BII*

5 U.S.C. § 8145 gives DOL/OWCP the sole authority to manage all federal employee injury claims. DOC, as an "employing agency" under the FECA, has the authority "to carry out the functions vested in the employer under the FECA, including officers or employees delegated responsibility by an employer for authorizing medical treatment for injured employees." ( 20 CFR 10.5

*(e) the Federal Information Processing Standard (FIPS) 199 security impact category for the system*

*The FIPS 199 Categorization for this system is "Moderate." The WC-CMCMS System has undergone certification and accreditation in accordance with DHS Management Directive 4300A. The DHS certification has been leveraged by DOC.*

**Section 1: Status of the Information System**

1.1 Indicate whether the information system is a new or existing system.

- This is a new information system.
- This is an existing information system with changes that create new privacy risks.
- This is an existing information system in which changes do not create new privacy risks.

*(Check all that apply.)*

<b>Changes That Create New Privacy Risks (CTCNPR)</b>			
a. Conversions		d. Significant Merging	g. New Interagency Uses
b. Anonymous to Non-Anonymous		e. New Public Access	h. Internal Flow or Collection
c. Significant System Management Changes		f. Commercial Sources	i. Alteration in Character of Data
j. Other changes that create new privacy risks (specify):			

**Section 2: Information in the System**

2.1 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. File/Case ID	x	i. Credit Card	
b. Taxpayer ID		f. Driver's License		j. Financial Account	
c. Employer ID		g. Passport		k. Financial Transaction	
d. Employee ID		h. Alien Registration		l. Vehicle Identifier	
m. Other identifying numbers (specify):					
*Explanation for the need to collect, maintain, or disseminate the Social Security number, including truncated form: Social Security number is collected and maintained by DOL, and is needed by DOC to differentiate between claims in DOL's systems. SSN is also used to verify claim forms filed by DOC claimants, which require SSN per DOL.					

<b>General Personal Data (GPD)</b>					
a. Name	x	g. Date of Birth	x	m. Religion	
b. Maiden Name		h. Place of Birth		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	
f. Race/Ethnicity		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	
b. Job Title	x	e. Email Address	x	h. Work History	
c. Work Address	x	f. Business Associates			
i. Other work-related data (specify):					

<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	X	d. Queries Run		f. Contents of Files	X
g. Other system administration/audit data (specify):					

<b>Other Information (specify)</b>					

2.2 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	X	Hard Copy: Mail/Fax	X	Online	
Telephone	X	Email	X		
Other (specify):					

<b>Government Sources</b>					
Within the Bureau	X	Other DOC Bureaus	X	Other Federal Agencies	X
State, Local, Tribal		Foreign			
Other (specify):					

<b>Non-government Sources</b>					
Public Organizations		Private Sector	X	Commercial Data Brokers	
Third Party Website or Application					
Other (specify):					

During the First Report of Injury, information is collected from the CA-1 or CA-2 claim form filed by the claimant. Information is also collected from the injured worker, treating health care providers, DOC workers' compensation professionals, and DOL.

Injured workers (including former employees) submit information via DOL's ECOMP system, which is then manually entered into WC-CMCMS by WCSP Claims Specialists as submitted on the claim form. This is then supplemented by additional information gathered by the Medical Case Manager. This information may include name; SSN; date of birth; home address and phone number; place/date/cause/nature of injury; Employer name/address; OWCP Agency Code; claimant's work address; date notice received; supervisor name; doctor treating the work-related injury; medical notes/reports pertinent to the injury; medication name/dosage/strength/prescribing provider; and salary amounts lost.

Injured workers are responsible for submitting their medical evidence to DOL. This medical evidence includes information from treating health care providers such as an injury diagnosis; prognosis; treatment plan; physician name; and office address; medication name, dosage, etc. Treating physicians do not have access to ECOMP or WC-CMCMS.

DOC workers' compensation professionals provide a brief summary of the normal work duties and physical requirements of the job, and which duties may safely be performed within specific physical limitations. To assist the injured employee, DOC workers' compensation professionals may also submit treating physician information; medical notes/reports; medication information; OWCP Agency Code; and fills in any gaps in needed information above.

The DOL/OWCP creates a claim number when a claim is filed in ECOMP. Case status information and supporting documentation is available to the employing agency (DOC) via DOL's Agency Query System (AQS), which is an employing agency portal into ECOMP information.

Information may be collected from any of these sources via verbal communications or written communications sent via paper mail or secure e-fax. In addition, DOC may receive information from DOL/OWCP via the AQS (an online password-protected site owned, operated, and managed by DOL/OWCP), the DOL/OWCP online billing web-portal, on-site review of the official claims record, or via the DOL/OWCP ECOMP. Neither AQS nor ECOMP have direct connections to the WC-CMCMS. DOC workers' compensation professionals have direct log-in access to AQS so they can query a case status in ECOMP and any other submitted documentation. WCSP maintains an email address, if needed for claimants to submit information. However, WCSP recommends not sending medical documentation or information with PII over email.

2.3 Indicate the technologies used that contain PII/BII in ways that have not been previously deployed. *(Check all that apply.)*

<b>Technologies Used Containing PII/BII Not Previously Deployed (TUCPBNPD)</b>			
Smart Cards		Biometrics	
Caller-ID		Personal Identity Verification (PIV) Cards	
Other (specify):			
X	There are not any technologies used that contain PII/BII in ways that have not been previously deployed.		

**Section 3: System Supported Activities**

3.1 Indicate IT system supported activities which raise privacy risks/concerns. *(Check all that apply.)*

<b>Activities</b>			
Audio recordings		Building entry readers	
Video surveillance		Electronic purchase transactions	
Other (specify):			
X	There are not any IT system supported activities which raise privacy risks/concerns.		

**Section 4: Purpose of the System**

4.1 Indicate why the PII/BII in the IT system is being collected, maintained, or disseminated. *(Check all that apply.)*

<b>Purpose</b>			
To determine eligibility	X	For administering human resources programs	X
For administrative matters	X	To promote information sharing initiatives	X
For litigation		For criminal law enforcement activities	
For civil enforcement activities		For intelligence activities	
To improve Federal services online	X	For employee or customer satisfaction	X

For web measurement and customization technologies (single-session)		For web measurement and customization technologies (multi-session)	
<p>Other (specify): XX</p> <p>As an employing agency under the FECA, DOC uses information collected as part of the Workers' Compensation claims process to verify billing, to assist in administering FECA, to answer questions about the status of the claim, and to consider rehire, retention, or other actions the agency may be required to take with regard to the claim or to permit the agency to evaluate its safety and health program. DOC uses the MCM Service to maintain regular contact with the injured employee before and during the formal claims process.</p> <p>DOC specifically uses information in the WC-CMCMS to assist an employee in returning to work. WCSP also uses the information WC-CMCMS to conduct statistical reports (at the DOC Department or Bureau-specific level).</p>			

**Section 5: Use of the Information**

- 5.1 In the context of functional areas (business processes, missions, operations, etc.) supported by the IT system, describe how the PII/BII that is collected, maintained, or disseminated will be used. Indicate if the PII/BII identified in Section 2.1 of this document is in reference to a federal employee/contractor, member of the public, foreign national, visitor, or other (specify).

As an employing agency under the FECA, DOC uses information collected as part of the Workers' Compensation claims process to verify billing, to assist in administering FECA, to answer questions about the status of the claim, and to consider rehire, retention, or other actions the agency may be required to take with regard to the claim or to permit the agency to evaluate its safety and health program. DOC uses the MCM Service to maintain regular contact with the injured employee before and during the formal claims process.

DOC specifically uses information in the WC-CMCMS to assist an employee in returning to work. WCSP also uses the information WC-CMCMS to conduct statistical reports (at the DOC Department or Bureau-specific level).DOC specifically uses information in the WC-MCMS to assist an employee in returning to work. The DOC Workers' Compensation office also uses the IT system WC-MCMS to conduct statistical reports (at the DOC Department level).

**Section 6: Information Sharing and Access**

- 6.1 Indicate with whom the bureau intends to share the PII/BII in the IT system and how the PII/BII will be shared. *(Check all that apply.)*

Recipient	How Information will be Shared		
	Case-by-Case	Bulk Transfer	Direct Access
Within the bureau			x
DOC bureaus	X		X
Federal agencies	X		
State, local, tribal gov't agencies	none	none	none
Public	none	none	none
Private sector	X	x	none
Foreign governments	none	none	none
Foreign entities	none	none	none
Other (specify):	none	none	none
The PII/BII in the system will not be shared.			

6.2 Indicate whether the IT system connects with or receives information from any other IT systems authorized to process PII and/or BII.

X	<p>Yes, this IT system connects with or receives information from another IT system(s) authorized to process PII and/or BII. Provide the name of the IT system and describe the technical controls which prevent PII/BII leakage:</p> <p>WCSP uses a Pharmacy Benefits Manager (PBM) provided by Optum. Optum provides prescription drug coverage for new and ongoing workers' compensation claims. Before a claim is filed, Optum provides First Fill Card, which allows claimants to fill initial prescriptions at no cost. After a claim is filed, WC-CMCMS shares a daily eligibility file with Optum, which Optum uses to provide continuing pharmacy benefits, including a pharmacy card and mail order prescriptions. There is an Interconnection Security Agreement (ISA) that covers the data exchange methodology and controls implemented to protect PII/BII.</p> <p>WCSP uses SFAX (an electronic FAX service) to manage faxing. SFAX allows faxes to be securely transmitted directly to WC-CMCMS, where it is then attached to the claim file. There is an ISA that covers the data exchange methodology and controls implemented to protect PII/BII.</p>
	.

6.3 Identify the class of users who will have access to the IT system and the PII/BII. (Check all that apply.)

Class of Users			
General Public		Government Employees	X
Contractors	X		
Other (specify): XX			
<p>WC-CMCMS is part of a contracted workers' compensation service, available for all DOC Bureaus. Depending on case volume, DOC Bureau Workers' Compensation Coordinators (WCCs) have access to WC-CMCMS. Bureau users may only see data from their own Bureaus. There is no intra-departmental access of workers' compensation information. Only the DOC headquarters department WC office can view all Department's WC data to conduct statistical and management reports, and to ensure compliance and general oversight of the entire program. Users must have a valid need to know before they are granted access to their component (bureau) information in WC-CMCMS. The bureau WC Program Director authorizes user access and level of access to the</p>			

system. Authorized users are closely tracked and monitored for continued usage and need-to-know. Users are provided training on the system prior to being given access.

All authorized users are permitted to access the WC-CMCMS system remotely. Remote access to WC-CMCMS is provided through the use of an encrypted (https) session and multifactor authentication. Contractor users access the system via an encrypted Citrix session. Citrix session authentication incorporates Multi factor authentication via Duo Security. System, network, and data administrators performing maintenance access the system using a virtual private network (VPN) and multi-factor authentication via Entrust.

## **Section 7: Notice and Consent**

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

	Yes, notice is provided pursuant to a system of records notice published in the Federal Register and discussed in Section 9.	
	Yes, notice is provided by a Privacy Act statement and/or privacy policy. The Privacy Act statement and/or privacy policy can be found at:	.
X	Yes, notice is provided by other means.	Specify how: All formal claim forms have a Privacy Act Statement. No Privacy Act notice is provided over the phone during the first report of injury because that information is used to alert the agency to an injury and potentially unsafe environment. First reports of injury are not queried by personal identifier. In addition, injured workers are provided notice via this PIA and the SORN.
	No, notice is not provided.	Specify why not:

7.2 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: Injured workers are not automatically enrolled in the WC Program; they must “opt-in” at the time they claim a work-related injury or illness by completing a DOL/OWCP claim form for file a claim electronically in the DOL/OWCP provided ECOMP system. Failure to disclose the requested information may result in a delay or denial of a claim. It is the legal right of the injured worker to file a WC claim; individuals provide consent to use the information when they sign their claim form. This is clearly stated on the WC claim form. As contractors to DOC, the WC-MCMS Program is permitted to review claim related clinical information under the provisions of the FECA in accordance with the Privacy Act. Employees are not required to file a claim, and they may also choose to communicate directly with DOL. Employees may decline ongoing communications with the WCSP, without any detriment to their claim.
	No, individuals do not have an opportunity to decline to provide PII/BII.	Specify why not:

7.3 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: It is the legal right of the injured worker to file a WC claim; individuals provide consent to use the information when they sign their claim form. This is clearly stated on the WC claim form. As contractors to DOC, WCSP is permitted to review claim related clinical information under the provisions of the FECA in accordance with the Privacy Act.
	No, individuals do not have an opportunity to consent to particular uses of their PII/BII.	Specify why not:

7.4 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: To update PII, an individual would have to contact the WC Claims Service contract and talk directly to a claims specialist who would have authorization to use the system.
	No, individuals do not have an opportunity to review/update PII/BII pertaining to them.	Specify why not:

**Section 8: Administrative and Technological Controls**

8.1 Indicate the administrative and technological controls for the system. *(Check all that apply.)*

X	All users signed a confidentiality agreement or non-disclosure agreement.
X	All users are subject to a Code of Conduct that includes the requirement for confidentiality.
X	Staff (employees and contractors) received training on privacy and confidentiality policies and practices.
X	Access to the PII/BII is restricted to authorized personnel only.
X	Access to the PII/BII is being monitored, tracked, or recorded. Explanation: Authorized users are closely tracked in a MCM Service database.
X	The information is secured in accordance with FISMA requirements. Provide date of most recent Assessment and Authorization (A&A): 7/27/2018 <input type="checkbox"/> This is a new system. The A&A date will be provided when the A&A package is approved.
X	The Federal Information Processing Standard (FIPS) 199 security impact category for this system is a <b>moderate</b> or higher.
X	NIST Special Publication (SP) 800-122 and NIST SP 800-53 Revision 4 Appendix J recommended security controls for protecting PII/BII are in place and functioning as intended; or have an approved Plan of Action and Milestones (POAM).
X	Contractors that have access to the system are subject to information security provisions in their contracts required by DOC policy.
X	Contracts with customers establish ownership rights over data including PII/BII.
X	Acceptance of liability for exposure of PII/BII is clearly defined in agreements with customers.
	Other (specify):

8.2 Provide a general description of the technologies used to protect PII/BII on the IT system.

WC-CMCMS is housed in a federally accredited FedRAMP database. The Systems Security Plan documents all protections in place for the system.

**Section 9: Privacy Act**

9.1 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 (SORN). Provide the SORN name and number <i>(list all that apply)</i> :  <ul style="list-style-type: none"> <li>• DOL/GOVT-1 - Office of Worker's Compensation Programs, Federal Employees' Compensation Act File, January 11, 2012 77 FR 1738</li> <li>• OPM/GOVT-10 - Employee Medical File System Records, June 21, 2010 75 FR 35099</li> </ul>
	Yes, a SORN has been submitted to the Department for approval on <u>(date)</u> .
	No, a SORN is not being created.

**Section 10: Retention of Information**

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

X	There is an approved record control schedule. Provide the name of the record control schedule: Personnel Injury Files General Records Schedule published by NARA, N1-GRS-86-4 item 32
	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:
X	Yes, retention is monitored for compliance to the schedule.
	No, retention is not monitored for compliance to the schedule. Provide explanation:

10.2 Indicate the disposal method of the PII/BII. *(Check all that apply.)*

**Disposal**

Shredding		Overwriting	
Degaussing		Deleting	
Other (specify): Upon contract termination, all documentation will be returned to DOC as property of DOC. Records will be destroyed based on DOC's preferred methods at that time.			

### **Section 11: NIST Special Publication 800-122 PII Confidentiality Impact Levels**

11.1 Indicate the potential impact that could result to the subject individuals and/or the organization if PII were inappropriately accessed, used, or disclosed.

	Low – the loss of confidentiality, integrity, or availability could be expected to have a limited adverse effect on organizational operations, organizational assets, or individuals.
	Moderate – the loss of confidentiality, integrity, or availability could be expected to have a serious adverse effect on organizational operations, organizational assets, or individuals.
X	High – the loss of confidentiality, integrity, or availability could be expected to have a severe or catastrophic adverse effect on organizational operations, organizational assets, or individuals.

11.2 Indicate which factors were used to determine the above PII confidentiality impact levels. (Check all that apply.)

X	Identifiability	This information may include name; SSN; date of birth; home address and phone number; place/date/cause/nature of injury; Employer name/address; OWCP Agency Code; claimant's work address; date notice received; supervisor name; doctor treating the work-related injury; medical notes/reports pertinent to the injury; medication name/dosage/strength/prescribing provider; and salary amounts lost.
X	Quantity of PII	Based on the number of injury /illness records.
X	Data Field Sensitivity	This information may include name; SSN; date of birth; home address and phone number; place/date/cause/nature of injury; Employer name/address; OWCP Agency Code; claimant's work address; date notice received; supervisor name; doctor treating the work-related injury; medical notes/reports pertinent to the injury; medication name/dosage/strength/prescribing provider; and salary amounts lost.
X	Context of Use	MCA advisors periodically provides statistical injury analyst reports.
X	Obligation to Protect Confidentiality	MCA adheres to the Privacy Act of 1974, 5 U.S.C. § 552a, establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by federal agencies.
X	Access to and Location of PII	All PII is located in the WebOPUS
	Other:	Provide explanation:

**Section 12: Analysis**

12.1 Indicate whether the conduct of this PIA results in any required business process changes.

	Yes, the conduct of this PIA results in required business process changes. Explanation:
X	No, the conduct of this PIA does not result in any required business process changes.

12.2 Indicate whether the conduct of this PIA results in any required technology changes.

	Yes, the conduct of this PIA results in required technology changes. Explanation:
X	No, the conduct of this PIA does not result in any required technology changes.