

**UNDER SECRETARY OF STATE  
FOR MANAGEMENT  
WASHINGTON**

**OCT 7 8 2019**

The Honorable  
Adam I. Klein  
Chairman  
Privacy and Civil Liberties  
Oversight Board  
MS2-2C104  
Washington, DC 20511

Dear Mr. Klein:

Pursuant to section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53, codified at 42 U.S.C. § 2000ee-1, please find enclosed the report on reviews, advice, and compliance management across the privacy spectrum for January 1 through June 30, 2019.

Sincerely,

A handwritten signature in blue ink that reads "William Todd, for".

Brian Bulatao

Enclosures:  
As stated.

Department of State  
Report on Privacy and Civil Liberties Activities  
Section 803 of 9/11 Commission Act of 2007  
Reporting Period January 1, 2019 – June 30, 2019

**I. Introduction**

In accordance with Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, 42 U.S.C. 2000ee-1 (hereinafter “Section 803”), the Department of State (“Department”) is herein reporting for the period of January 1, 2019 – June 30, 2019. Section 803 requires periodic reports on the discharge of the functions of the Department’s Privacy and Civil Liberties Officer (“PCLO”), including information on: (1) the number and types of reviews undertaken; (2) the type of advice provided and response given to such advice; (3) the number and nature of complaints received by the Department, agency, or element concerned for alleged violations; and (4) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of the PCLO. *See* 42 U.S.C. 2000ee-1(f).

The Under Secretary for Management serves as the Department’s PCLO. The PCLO is the principal advisor to the Secretary of State on the privacy and civil liberties implications of Department policies and regulations. The Deputy Assistant Secretary for Global Information Services serves as the Department’s Senior Agency Official for Privacy (“SAOP”). The SAOP has overall responsibility and accountability for ensuring that privacy protections are integrated into all Department programs, policies, and procedures. Many of the day-to-day privacy compliance activities are handled by the Department’s Privacy Office, under the supervision of the SAOP. The Privacy Office is comprised of full-time program analysts who are responsible for conducting privacy compliance reviews, training Department personnel, assisting with reporting functions, and managing privacy breaches. The Office of the Legal Adviser advises the SAOP, the Privacy Office, and other Department personnel on compliance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and other applicable laws and policies, including those pertaining to civil liberties.

**II. Privacy Reviews**

The Department of State conducts reviews of information technology systems and programs to assess potential privacy risks. The types of reviews conducted during this reporting period include the following:

**Privacy Impact Assessments (“PIAs”)** are a requirement of Section 208 of the eGovernment Act of 2002. The PIA is used to identify and assess privacy risks throughout the development lifecycle of a system or program.

**Systems of Records Notices (“SORNs”)** are required by the Privacy Act of 1974. *See* 5 U.S.C. 552a(e)(4). A SORN describes the existence and character of a system of records, including the categories of individuals whose records are in the system; the categories of records; and the routine uses of the records.



3. **The Office of Foreign Missions Information System (TOMIS)** – The Office of Foreign Missions (OFM) and the Office of the Chief of Protocol (S/CPR) both use TOMIS to electronically process foreign mission notifications and requests for services and to manage a wide range of benefits and services for the foreign diplomatic community. S/CPR uses TOMIS to accredit and manage information for Foreign Missions and Personnel that work for the Department of State. Once S/CPR accredits a foreign national in TOMIS, OFM uses the system to manage a range of benefits and services including the issuance of vehicle titles, registrations, driver licenses, and license plates; processing tax exemption and duty-free customs requests; and facilitating property acquisitions within local zoning law restrictions.
4. **ServiceNow** – The Bureau of Information Resource Management (IRM) provides the Department with modern, secure, and resilient information technology and services. ServiceNow is an enterprise-wide cloud-based service (SaaS) offered by IRM to facilitate and enhance collaboration, process management, and approvals of documents, forms, or requested services. ServiceNow offers a variety of suites and modules that offices, bureaus, and posts may use to meet mission goals and manage information workflows.

**During the reporting period, the Department published one Notice of Proposed Rule Making (NPRM) summarized below; and reviewed eight SORNs, which are pending completion. All published SORNs are available on the Privacy Office website, <http://www.state.gov/privacy/>**

1. **Notice of Proposed Rule-Making for State-01, Email Archive Management Records** – The records covered by the SORN State-01 include emails and attachments to those emails. The Email Archive Management Records system allows for search, retrieval, and view of emails. The Department intends to amend 22 C.F.R. 171.26 to exempt portions of the Email Archive Management Records system of records from certain provisions of the Privacy Act. The Email Archive Management Records can include all email messages and attachments in a specific employee's inbox. Any exemptions that the Department has claimed in connection with other systems of records could apply to records in the Email Archive Management Records, because similar records could be included in or attached to emails that were sent or received by a Department employee.

**During this reporting period, the Department completed the review and approval of 12 PASs and Confidentiality Statements. Included below are three key PASs for this reporting period.**

1. **DS-5525 Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16** – In accordance with Public Law 106-113, Section 236 this form assists the U.S. Department of State in administering the regulations in 22 C.F.R. 51.28 requiring that both parents and/or any guardians' consent to the issuance of a passport to a minor under age 16. This form is used when the written consent of the non-applying parent or guardian cannot be obtained. The

the Department's FY 2021 IT Business Case Training for IT system designers and managers, the Privacy Office discussed the importance of privacy compliance requirements in IT system design.

**IV. Privacy Complaints**

A complaint is a written allegation, submitted to the PCLO, alleging a violation of privacy or civil liberties occurring as a result of mis-handling of personal information by the Department. For purposes of this report, privacy complaints exclude complaints filed in litigation with the Department.

The Department has no complaints to report.

**V. Summary of Disposition of Complaints, Reviews, and Inquiries Conducted, and Impact of the Activities of Privacy and Civil Liberties Officer**

The Department has no additional information to report.