



**The Department of the Treasury
Semiannual 2022 Report on Privacy and
Civil Liberties Activities Pursuant to Section
803 of the Implementing Recommendations
of the 9/11 Commission Act of 2007**

**For the reporting period
October 1, 2022 to March 31, 2023**

1. Introduction

The Assistant Secretary for Management (ASM) is the Department of the Treasury's (Treasury) Chief Privacy and Civil Liberties Officer (CPCLO). As the CPCLO, the ASM is responsible for implementing the 9/11 Commission Act of 2007's privacy and civil liberties requirements.

To assist the ASM with these responsibilities, Treasury Directive 25-04, "The Privacy Act of 1974, as amended," designates the Deputy Assistant Secretary for Privacy, Transparency, and Records (DASPTR) as the ASM's principal advisor on issues related to privacy and civil liberties. The DASPTR leads the Office of Privacy, Transparency, and Records (PTR) and provides the ASM with day-to-day support in executing CPCLO duties.

This report is submitted pursuant to section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007,¹ which sets forth the following requirements:

- (f) Periodic Reports –
 - (1) In General –

The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than semiannually, submit a report on the activities of such officers—

- (A)
 - (i) to the appropriate committees of Congress, including the [Committee on the Judiciary of the Senate](#), the [Committee on the Judiciary of the House of Representatives](#), the [Committee on Homeland Security and Governmental Affairs of the Senate](#), the [Committee on Oversight and Government Reform of the House of Representatives](#), the [Select Committee on Intelligence of the Senate](#), and the [Permanent Select Committee on Intelligence of the House of Representatives](#);
 - (ii) to the head of such department, agency, or element; and

¹ 42 U.S.C. § 2000ee-1(f).

(iii) to the [Privacy and Civil Liberties Oversight Board](#); and
(B) which shall be in unclassified form to the greatest extent possible,
with a classified annex where necessary.

(2) Contents –

Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

- (A) information on the number and types of reviews undertaken;
- (B) the type of advice provided and the response given to such advice;
- (C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and
- (D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

The Intelligence Authorization Act for Fiscal Year 2014, Pub. L. No. 113-126 (July 7, 2014), changed the reporting period from quarterly to semiannually. The semiannual reports cover the following time periods: April – September and October – March. This report covers PCLO activities from October 1, 2022 through March 31, 2023.

2. Privacy Reviews

Treasury reviews programs and information technology (IT) systems that may present privacy risks. Privacy and civil liberties reviews include the following Treasury activities:

- a) Privacy and Civil Liberties Threshold Analyses (PCLTAs), which are the Treasury mechanism for reviewing IT systems, programs, and other activities for privacy protection issues to determine whether a more comprehensive Privacy and Civil Liberties Impact Assessment (PCLIA) is required;
- b) PCLIA as required by the E-Government Act of 2002;²
- c) System of Records Notices (SORNs), as required by the Privacy Act, and any associated Final Rules for Privacy Act exemptions;³
- d) Privacy Act Statements (PASs), as required by the Privacy Act,⁴ to provide notice to individuals at the point of collection;
- e) Computer Matching Agreements (CMAs), as required by the Privacy Act;⁵
- f) Data Mining Reports, as required by Section 804 of the 9/11 Commission Act of 2007;⁶
- g) Privacy Compliance Reviews (PCRs);
- h) Privacy reviews of IT and program budget requests, including Office of Management

² 44 U.S.C. § 3501 note.

³ 5 U.S.C. §§ 552a(j), (k). *See also* Office of Management and Budget (OMB) Circular No. A-108, “Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,” 81 FR 94424 (Dec. 23, 2016).

⁴ 5 U.S.C. § 552a(e)(3).

⁵ 5 U.S.C. § 552a(o)-(u).

⁶ 42 U.S.C. § 2000ee-3.

- and Budget (OMB) Exhibit 300s; and,
- i) Other privacy reviews, such as implementation reviews for information sharing agreements.

3. Privacy and Civil Liberties Impact Assessments (PCLIA)

The PCLIA process is one of Treasury's key mechanisms to ensure that programs and technologies sustain, and do not erode, privacy protections. During the reporting period, Treasury published 119 new, updated, or renewed PCLIA's. The following are examples of a new PCLIA's for which two bureaus provided summaries:

- The Alcohol and Tobacco Tax and Trade Bureau (TTB) completed 15 Privacy Impact Assessments (PIA(s))/PCLIA(s) during this reporting period for its Tax Major Application (TMA) system and applications, General Support System, and its Regulatory Major Application (RMA) system and applications, as part of continuous monitoring annual testing.
- The Internal Revenue Service (IRS) completed 89 PIA(s)/PCLIA(s) during the reporting period. Among them are: PCLIA for JustInMind. JustInMind is a simple Commercial-off-the-Shelf (COTS) software used for prototyping and wireframing for the creation of high-fidelity prototypes of web and mobile apps. It is known for its ability to render realistic versions of a finished product as well offering collaboration, interaction, and design features. JustInMind is only used internally by IRS. The IRS also completed a PCLIA for Identity Protection PIN (IPPIN). IPPIN is a web-based application designed to provide a PIN to the taxpayers that are victims of identity theft nationwide. This PIN is used by taxpayers to file their tax return and prevents fraudulent tax return filing. Taxpayers will have to be authenticated and registered in e-authentication or the ID.me (secure identity proofing/authentication) interface prior to accessing the IPPIN application. Taxpayers are also checked for authorization to use the IPPIN application based on the identity theft marker. Upon successful authorization, taxpayers are further authenticated by e-authentication/Secure Access Digital Identity (SADI) interface through knowledge-based questions. Once taxpayers answer the knowledge-based questions successfully, the IPPIN is displayed to them. Taxpayers can use this PIN to file their tax return immediately.

All published Treasury PCLIA's are available on Treasury's Privacy website:
<https://home.treasury.gov/footer/privacy-act/privacy-and-civil-liberties-impact-assessments>.

4. System of Records Notices (SORN)

During the reporting period, Treasury did not publish a new SORN, but updated one SORN.

Treasury has determined that the information contained in its systems of records is accurate, timely, relevant, complete, and necessary to maintain the proper performance of a documented agency function. All Treasury SORNs, Notices of Proposed Rulemaking, and Final Rules for Privacy Act exemptions are available on Treasury's SORN website, <https://home.treasury.gov/footer/privacy-act/system-of-records-notices-sorn>.

5. Computer Matching Programs (CMAs)

Treasury participates in 54 reestablished computer matching programs in accordance with the Privacy Act of 1974, as amended. The computer matching provisions of the Privacy Act improve oversight of the disclosure of automated Privacy Act records in inter-agency information sharing arrangements known as matching programs. These provisions also protect the due process rights of individuals whose records are exchanged in such programs. To comply with the Act, as well as all relevant regulations and guidance, Treasury established a Data Integrity Board to review and approve matching agreements. All Treasury CMAs are available on Treasury's CMA website, <https://home.treasury.gov/footer/privacy-act/computer-matching-programs>.

6. Privacy Compliance Reviews (PCRs)

Treasury conducts PCRs to ensure that programs and technologies implement and maintain appropriate protections for personally identifiable information. The PCR is a collaborative effort that helps improve a program's ability to comply with existing privacy requirements by identifying and remediating gaps in compliance documentation, including PCLIAs, SORNs, and formal agreements, such as memoranda of understanding and memoranda of agreement. Treasury conducts informal PCRs with its bureaus and offices when necessary. Informal PCRs are also sometimes done as part of other requirements, such as the Treasury PCLIA requirement and reviews of particular issues required in external reports to Congress.

7. Advice and Responses

Treasury provides privacy and civil liberties advice to its bureaus and offices throughout the year. Some of this advice originates from *ad hoc* responses PTR provides to bureaus and offices, as requested. Other advice originates from discussions within Treasury bureaus, between the bureaus' privacy and civil liberties stakeholders (including legal counsel, as necessary) and systems owners, program managers and staff. PTR and the bureau privacy and civil liberties stakeholders also provide advice during the PCLIA process, advising system owners and program managers on Privacy Act, records management, Paperwork Reduction Act, and other requirements to ensure they fully comply with applicable laws in the operation of their information systems.

8. Privacy Complaints and Dispositions

For purposes of Section 803 reporting, complaints are written allegations of harm or violation of privacy compliance requirements filed with Treasury's privacy and civil liberties programs. The categories of complaints are reflected in Appendix A below.

9. Conclusions

As required by the 9/11 Commission Act, and in accordance with the Intelligence Authorization Act for Fiscal Year 2014, this semiannual report summarizes Treasury's privacy activities from October 1, 2022 through March 31, 2023. Treasury will continue to work with Congress, colleagues in other Federal departments and agencies, and the public to continue to protect privacy in all of our activities.



Appendix A: Department of the Treasury
Semiannual Report on Privacy and Civil Liberties Activities
Under Section 803 of the 9/11 Commission Act of 2007
October 1, 2022 through March 31, 2023

Reviews	
Type	Number
Privacy (and Civil Liberties) Threshold Analysis (PTAs/PCLTAs)	57
Privacy (and Civil Liberties) Impact Assessments (PIAs/PCLAs)	119
System of Records (SOR) Routine Use/ SOR Notices (SORNs)	1
Computer Matching Agreements (CMAs)	54

Advice and Response		
Type	Number	Response
Provide advice and recommendation regarding proper handling of PII/limiting access based on need to know	21	17- Bureau of Engraving and Printing (BEP) & 4-Treasury Office of Inspector General (TOIG) Accepted
Provide advice and/or recommendation on relevance and necessity of data collection/ingestion	18	17-BEP & 1-TOIG Accepted
Provided guidance to system owners or personnel on necessary privacy compliance documentation or appropriate NIST risk rating.	21	20 -BEP & 1-TOIG Accepted
Provide advice and recommendation on internal/external sharing of PII (including Privacy Act info)	21	17-BEP & 4-TOIG Accepted
Provide advice and recommendation on web privacy policies/privacy notices	2	1-BEP& 1 -TOIG Accepted

Complaints		
Type of claim or assertion in complaint	Number of complaints	Disposition
PRIVACY: Unauthorized disclosure (internal/ external)	Internal: 2 External: 10	9-TOIG external Closed (<i>or</i> no TIG nexus <i>or</i> claimant failed to respond) 1-IRS internal Closed. 1-IRS external Pending final decision. 1 – TIGTA internal Closed.
PRIVACY: Collection		
PRIVACY: (Other: Describe)	3	3-TOIG Closed and referred to appropriate department/bureau
CIVIL LIBERTIES: Violation 1 st , 4 th , 5 th , 6 th , 14 th and/or 16 th Amendment rights	44	2- TOIG Closed (General information- not an OIG matter) <i>or</i> no TIG nexus 23-IRS Pending final decision 17 – IRS Resolved in favor of the Government 2 – IRS Settled
CIVIL LIBERTIES: (Other: Describe)	1	1-TOIG Closed