



**The Department of the Treasury
Semiannual 2015 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
August 1, 2015 to January 31, 2016**

1. Introduction

The Department of the Treasury (Treasury) designates the Treasury Assistant Secretary for Management (ASM) as its Privacy and Civil Liberties Officer (PCLO). As the PCLO, 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 (TD) 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 his PCLO duties.

Section 803 of the 9/11 Commission Act, 42 U.S.C. 2000ee-1, sets forth the following requirements. The Intelligence Authorization Act for Fiscal Year 2014, Pub. L. No. 113-126 (July 7, 2014), changed the reporting period from quarterly to semiannually.

“(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,¹ 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
- (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.”

2. Privacy Reviews

Treasury reviews programs and information technology (IT) systems that may have privacy implications. For purposes of this report, reviews include the following Treasury activities:

1. Privacy Threshold Analyses, 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;
2. Privacy and Civil Liberties Impact Assessments (Treasury PCLIA), as required by the E-Government Act of 2002;²
3. System of Records Notices, as required under the Privacy Act and any associated Final Rules for Privacy Act exemptions;³
4. Privacy Act Statements, as required under the Privacy Act,⁴ to provide notice to individuals at the point of collection;
5. Computer Matching Agreements, as required under the Privacy Act;⁵
6. Data Mining Reports, as required by Section 804 of the 9/11 Commission Act of 2007;⁶
7. Privacy Compliance Reviews;
8. Privacy reviews of IT and program budget requests, including Office of Management and Budget Exhibit 300s and Enterprise Architecture Alignment Requests through the Department of Homeland Security Enterprise Architecture Board; and
9. Other privacy reviews, such as implementation reviews for information sharing agreements.

3. Privacy and Civil Liberties Impact Assessments

² 44 U.S.C. § 3501 note.

³ 5 U.S.C. § 552a(j), (k).

⁴ 5 U.S.C. § 552a(e)(3).

⁵ 42 U.S.C. § 2000ee-3.

⁶ 6 U.S.C. § 142.

The PCLIA process is one of Treasury's key mechanisms to help ensure that programs and technologies sustain, and do not erode, privacy protections. As of January 31, 2016, Treasury completed PCLIA for 100 percent of its operational Federal Information Security Management Act (FISMA) systems subject to the requirement.

Treasury published 115 new, updated, or renewed PCLIA. All published Treasury PCLIA are available at - <http://www.treasury.gov/privacy/PIAs/Pages/default.aspx>. Please consult our website for the full text of the PCLIA summarized below:

The Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP), published a PCLIA for a new Information technology system (Secure Enclave). The system provides SIGTARP with a secure computing environment designed to house information and records obtained during the course of its investigations, audits, and operations. The system also enable the organization to meet its mission by ensuring the transparency of the Troubled Asset Relief Program (TARP), providing effective oversight in coordination with peer institutions, and pursuing robust criminal and civil enforcement against those who waste, steal, or abuse TARP funds.

4. System of Records Notices

Treasury completed System of Records Notices (SORN) for 100 percent of its operational FISMA systems that require a SORN. SORNs receive biennial reviews to ensure that they comply with the standards outlined in the Privacy Act of 1974, as amended. If the biennial review reveals that no update is required, the original SORN remains in effect.

Treasury published two new SORNs (one of these SORNs is summarized below), three SORN Alterations, and one Final Rule. All Treasury SORNs, Notices of Proposed Rulemaking, and Final Rules for Privacy Act Exemptions are available at <http://www.treasury.gov/privacy/issuances/Pages/default.aspx>. Please consult our website for the full text of the SORNs summarized below:

Office of the Comptroller of the Currency (OCC) Systems of Records, January 19, 2016 at 81 FR 2945(<https://www.federalregister.gov/articles/2016/01/19/2016-00763/privacy-act-of-1974-as-amended-system-of-records>)

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A-130, the OCC has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records.

Department of the Treasury regulations require the Department to publish the existence and character of all systems of records every three years as specified in 31 CFR 1.23(a)(1).

With respect to its inventory of Privacy Act systems of records, the OCC 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. The OCC's systems of records notice was last published in its entirety on April 3, 2012, at 77 FR 20104-20122.

This publication covers the Privacy Act systems of records that were formerly Office of Thrift Supervision (OTS) systems, which the OCC adopted on July 26, 2011, at 76 FR 44656. Treasury/OTS systems of records were transferred to the OCC pursuant to section 323 of the Dodd-Frank Act, 12 U.S.C. 5433. The OTS systems of records notices were last published in their entirety on June 29, 2009, at 74 FR 31103.

This publication gives notice of two new systems of records. Treasury/CC .341, Mass Communications System, contains records necessary to communicate with OCC employees in the event of an emergency. Treasury/CC .701, Retiree Billing System, contains records necessary to contact and to send bills to former OCC and OTS employees, retirees enrolled in OCC and OTS life insurance programs, and employees receiving annuities from the Deferred Benefit Plan.

This publication gives notice of the following actions:

Treasury/OTS .002, Correspondence and Correspondence Tracking system has been retired. The records have been archived or destroyed in accordance with OCC records management policies.

Treasury/OTS .003, Consumer Complaint Files system will be retired at the end of July 2016. All records in this system of records will be archived or merged with Treasury/CC .600, Consumer Complaint and Inquiry Information, before the end of July 2016.

Treasury/OTS .006, Employee Locator File system has been retired. The records in this system have been merged into OCC personnel and payroll records, part of the Treasury-wide system, Treasury .001, Treasury Personnel and Payroll System dated January 2, 2014 at 79 FR 184. Show citation box.

Treasury/OTS .012, Payroll/Personnel Systems & Payroll Records, has been retired. The records have been merged with OCC records within Treasury .001, Treasury Personnel and Payroll System dated January 2, 2014 at 79 FR 184.

Treasury/OTS .013, Mass Communication System has been retired. The records have been merged into Treasury/CC .341, Mass Communication System.

Treasury/OTS .015, OTS Retiree Billing System has been retired. Records in the system were merged into a new OCC system, Treasury/CC .701, Retiree Billing System. Other changes throughout the document are editorial in nature and consist principally of revising address information and minor editorial changes.

5. Privacy Compliance Reviews

The federal government conducts Privacy Compliance Reviews (PCR) to ensure that programs and technologies implement and maintain appropriate privacy protections for PII. 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 regularly conducts informal PCRs with its bureaus when necessary.

Treasury conducted an informal PCR on its new website, <https://thenew10.treasury.gov/>. From this review, Treasury determined that a public notice and PCLIA were appropriate means of providing transparency to the public. The public notice is available here: <http://www.gpo.gov/fdsys/pkg/FR-2015-06-24/pdf/2015-15372.pdf>. The PCLIA for this site will be posted once it is published.

6. Advice and Responses

Departmental Offices (DO), PTR, updated Treasury Directive 25-07, "Privacy and Civil Liberties Impact Assessment" and policy, and issued interim Guidance for conducting PCLIAs while the proposed revision is being reviewed. The revision of the TD will reflect Treasury's compliance with the National Institute Standards Technology (NIST) 800-53 Revision 4 Security and Privacy Controls for Federal Information Systems and Organizations that now includes an appendix J Privacy Control Catalog – Privacy Controls, Enhancements, and Supplemental Guidance.

7. Privacy Complaints and Dispositions

For purposes of Section 803 reporting, complaints are written allegations of harm or violation of privacy compliance requirements filed with privacy and civil liberties programs within Treasury. The categories of complaints reflected in Appendix A are aligned with the categories detailed in the Office of Management and Budget's Memorandum M-08-21, *FY 2008 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management*. U.S. citizens, Legal Permanent Residents, visitors, and aliens submit complaints.

Two new Privacy cases were reported, and two Privacy cases were resolved in favor of the government. In addition, Six Civil Rights cases were filed, and six Civil Rights cases were resolved in favor of the government.

8. Conclusions

As required by the 9/11 Commission Act, and in accordance with the Intelligence Authorization Act for Fiscal Year 2014, Pub. L. No. 113-126 (July 7, 2014), this semiannual report summarizes Treasury's privacy activities from August 1, 2015 through January 31, 2016. Treasury will continue to work with the Congress, colleagues in other federal departments and agencies, and the public to protect privacy in all of our efforts.

1 Attachment



Department of the Treasury

Semiannual Report on Privacy and Civil Liberties Activities

under Section 803 of the 9/11 Commission Act of 2007

August 1, 2015 through January 31, 2016

Reviews	
Type	Number
Privacy Threshold Analyses (PTA) Privacy Impact Assessments (PIA)	PTA / 33 PIA / 115
System of Records (SOR) Routine Use/ SOR Notices (SORNs)	17
SSN Elimination or Redaction on Forms	77
Computer Matching Agreements (CMAs)	0
Section 508 Internet Website Scan	96%
Treasury-requested Non- Commerce/Commerce Site Scan	44

Advice and Response		
Type	Number	Response
Ongoing work with bureaus and offices to analyze PTA responses to ensure that a PIA is not required. Reviewing PIAs to ensure clarity and compliance with OMB and E- Government Act requirements.	12	Issued interim Guidance for conducting PCLIA's while the proposed policy revision is being reviewed.

Complaints		Dispositions
Type	Number	
PRIVACY	2	2
CIVIL LIBERTY	6	6