

PRIVACY IMPACT ASSESSMENT

Submit in *Word format* electronically to: Judy Hutt (hutt.judy@epa.gov)

Office of Environmental Information

System Name: eDiscovery Service		
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Date: October 1, 2012	Phone: 202-564-1383	
This project is in the following stage(s): The project is being implemented across the Agency and is currently being piloted in several Regions.		
Definition <input type="checkbox"/>	Development/Acquisition <input type="checkbox"/>	Implementation <input checked="" type="checkbox"/>
Operation & Maintenance <input type="checkbox"/>	Termination <input type="checkbox"/>	

I. Data in the System

1. Describe what data/information will be collected/contained in the system.

The data will primarily be in the form of Logical Evidence Files (LEF). The LEF's will contain data collected from the EPA environment including workstations/laptops, network shares, document repositories, SharePoint and external storage devices.

2. What are the sources and types of the data/information in the system?

The sources of information are custodians' local workstations, network file servers, collaboration tools, electronic records repositories, email and loose electronic documents (MS Office, WordPerfect).

3. How will the information be used by the Agency?

The information will only be used in accordance with EPA legal policies regarding FOIA, litigation, Congressional and HR cases. The collected data will be utilized and reviewed in a manner to support the EPA legal counsels and the preparation and execution of EPA matters.

4. Why is the information being collected? (Purpose)

The information is being collected to meet the EPA's legal obligations regarding FOIA, Congressional oversight, and litigation cases.

II. Access Controls for the Data

1. Who will have access to the data/information in the system (*internal and external parties*)? If contractors, are the Federal Acquisition Regulations (FAR) clauses included in the contract (24.104 Contract clauses; 52.224-1 Privacy Act Notification; and 52.224-2 Privacy Act)?

Only the internal EPA, legal, and contractor staff directly involved in each case will have access to the data/information for that case. Permissions to access and see data will be controlled by Active Directory log in credentials. In addition, roles are created within EnCase Enterprise that prohibits the access of IP ranges that are not assigned to that role. Active Directory groups are utilized to control access to SQL, ECC Desktop, ECC WebServer and storage. In addition, collected and processed data can be encrypted to further control access. The password can then be encrypted via Lotus Notes and emailed to internal EPA personnel.

The FAR clause is in the contract.

2. How have you educated those having authorized access about the misuse of PII data?

Mandatory PII training will be required for all IT and legal EPA personnel utilizing the EPA eDiscovery applications on federal and Agency requirements regarding protecting PII data.

3. Do other systems share or have access to data/information in this system? If yes, explain who will be responsible for protecting the privacy rights of the individuals affected by the interface? (*i.e., System Administrators, System Developers, System Managers*)

Collected and processed data will be contained in EnCase proprietary evidence files. Only EPA personnel with granted access to the applications will have access to the data. Native files may be exported from EnCase to the Relativity review platform. The system manager will be responsible for protecting the data. Additionally, access to these native files will be controlled by Active Directory credentials assigned to storage location.

4. Will other agencies, state or local governments share or have access to data/information in this system (*includes any entity external to EPA.*)? If so, what type of agreement was issued? (*i.e., ISA, MOU, etc.*)

Yes. Data will be collected, accessed, processed and reviewed by EPA personnel. Any data delivered to third parties will be transferred using an approved chain-of-custody form. Third parties may include, but not be limited to, the U.S. Department of Justice, opposing counsel, Congress and individuals or organizations requesting information under FOIA. Agreements will be established with EPA legal teams and executed accordingly. Information collected and provided to requesters under a FOIA does not need an agreement. However, information requested under a FOIA is subject to a number of exemptions which restrict information shared with requesters, including Privacy Act information.

5. Is the data and /or processes being consolidated? If so, are the proper controls in place to protect the data from unauthorized access or use?

Yes. The data will be consolidated into logical evidence files. The above-stated controls are in place and are currently utilized in the EPA environment.

III. Attributes of the Data

1. Explain how the use of the data is both relevant and necessary to the purpose for which the system is being designed.

The use of data is relevant and necessary because data is required to be collected and processed in a legally defensible manner. Collection workflow and protocols may be required to be defended in court. EnCase applications collect data in a court approved manner.

2. How is the system designed to retrieve information by the user? Will it be retrieved by personal identifier more than 50% of the time? If yes, explain. (*A personal identifier is a name, Social Security Number, or other identifying symbol assigned to an individual, i.e. any identifier unique to an individual.*)

The data will not be retrieved by personal identifiers more than 50% of the time. The system is designed to retrieve information based on specific identifiers such as keywords, date ranges and document type.

3. Do individuals have the opportunity to decline to provide information or to consent to particular uses of the requested information? If yes, how is notice given to the individual? (*Privacy policies must clearly explain where the collection or sharing of certain information may be optional and provide users a mechanism to assert any preference to withhold information or prohibit secondary use.*)

No. Once it is established that a custodian has relevant data, the custodian is required by law to provide that data in the discovery process. The first step of this notification is usually done through their responses to the litigation hold. The option to decline information collection will not be available for the vast majority of EPA employees and contractors.

4. Where is the Web privacy policy stated?

N/A. No fillable forms or paper forms are used to collect PII.

IV. Maintenance and Administrative Controls

1. Has a record control schedule been issued for the records in the system? If so, provide the schedule number. (*You may check with the record liaison officer (RLO) for your AA-ship or Tammy Boulware (Headquarters Records Officer) to determine if there is a retention schedule for the subject records.*)

Record schedules 030 and 675.

2. While the data are retained in the system, what are the requirements for determining if the data are still sufficiently accurate, relevant, timely, and complete to ensure fairness in making determinations?

The data is a forensic copy and maintained in an evidence file. The data is verified by MD5 hash and Cyclical Redundancy Checkums (CRC). Data contained in the evidence file is considered an original.

3. Will this system provide the capability to identify, locate, or monitor individuals? If yes, explain.

Yes. The EnCase application has the capability to monitor individual's workstation/laptop hard drive information but will only be used to identify custodians, locate and retrieve information matching search criteria.

4. Does the system use any persistent tracking technologies?

No. The system does not use any persistent tracking technologies.

5. Under which System of Records (SOR) notice does the system operate? Provide the name of the system and its SOR number if applicable. A list of Agency SORs are posted at <http://www.epa.gov/privacy/notice/>. (A SOR is any collection of records under the control of the Agency in which the data is retrieved by a personal identifier.)

The System of Records notice is being prepared.