

# PRIVACY IMPACT ASSESSMENT

(Rev. 2/2020)

(All Previous Editions Obsolete)

Please submit your responses to your Liaison Privacy Official.

**All entries must be Times New Roman, 12pt, and start on the next line.**

If you need further assistance, contact your LPO. A listing of the LPOs can be found here:

[https://usepa.sharepoint.com/:w:/r/sites/oei\\_Community/OISP/Privacy/LPODoc/LPO%20Roster.docx](https://usepa.sharepoint.com/:w:/r/sites/oei_Community/OISP/Privacy/LPODoc/LPO%20Roster.docx)

<b>System Name:</b> OGC Ethics Travel Form	<b>System Owner:</b> Office of General Counsel / Ethics Office
<b>Preparer:</b> Jennie Keith	<b>Office:</b> Office of General Counsel / Ethics Office
<b>Date:</b> December 1, 2020	<b>Phone:</b> 202-564-3412
<b>Reason for Submittal:</b> New PIA <input checked="" type="checkbox"/> Revised PIA <input type="checkbox"/> Annual Review <input type="checkbox"/> Rescindment <input type="checkbox"/>	
<b>This system is in the following life cycle stage(s):</b>	
Definition <input type="checkbox"/> Development/Acquisition <input checked="" type="checkbox"/> Implementation <input checked="" type="checkbox"/>	
Operation & Maintenance <input type="checkbox"/> Rescindment/Decommissioned <input type="checkbox"/>	
<b>Note: New and Existing Systems require a PIA annually, when there is a significant modification to the system or where privacy risk has increased to the system. For examples of significant modifications, see <u><a href="#">OMB Circular A-130, Appendix 1, Section (c) (1) (a-f)</a></u>.</b>	
<b>The PIA must describe the risk associated with that action. For assistance in applying privacy risk see <u><a href="#">OMB Circular No. A-123, Section VII (A) (pgs. 44-45)</a></u>.</b>	

## Provide a general description/overview and purpose of the system:

The EPA has multiple authorities under which it can accept gifts of travel expenses offered by non-federal sources. The “Ethics Travel Form” is a workflow application process with the purpose of documenting and implementing the authorities that govern the acceptance of those travel gifts. On an annual basis (pre-

pandemic), through the EPA Ethics Program and the OGC Ethics Office, the Agency typically reviews more than 200 forms per year and accepts approximately \$1,000,000 in travel gifts for both domestic and international trips. The application will be housed and hosted in the Agency's Business Automation Platform (BAP).

The data contained in the ethics travel form becomes public record through routine publishing on the internet. For travel gifts accepted under the statutory authority, 31 U.S.C. 1353, twice a year EPA is required to provide reports to the oversight agency, U.S. Office of Government Ethics. These reports disclose the EPA employee and title, donor of the travel gifts, travel details, as well as a listing and value of the travel gifts accepted. These reports are published on the internet as public records. Samples of these reports can be found [here](#). Approximately 85% of gifts accepted each year by EPA are accepted pursuant to this statutory authority.

Also, for travel gifts accepted under the statutory authority, 5 U.S.C. 7342, once a year EPA is required to provide a report to the oversight agency, U.S. Department of State. This report discloses the EPA employee, title and office, donor of the travel gifts, travel details, as well as a listing and value of the travel gifts accepted. This report is published through the Federal Register and later posted on the website of the State Department as a public record. Samples of these reports can be found [here](#). Approximately 10 – 20% of gifts accepted each year by EPA are accepted pursuant to this statutory authority.

## **Section 1.0 Authorities and Other Requirements**

### **1.1 What specific legal authorities and/or Executive Order(s) permit and define the collection of information by the system in question?**

31 U.S.C. 1353 and implementing Federal Travel Regulation 41 C.F.R. Part 304 (Payment of Travel Expenses from a Non-Federal Source)

5 U.S.C 7342 (Foreign Gifts and Decorations Act)

5 U.S.C. 4111 and implementing regulation at 5 C.F.R. §§410.501 – 410.503 (Acceptance of Contributions, Awards, and Other Payments related to the Government Employee Training Act)

5 U.S.C. §§ 3371 and 3375 with implementing regulations at 5 CFR Part 334 (Intergovernmental Personnel Act "IPA")

15 U.S.C. 3710a(b) (Cooperative Research and Development Agreement)

5 U.S.C. 3343 (Details to Foreign Governments and Public International Organizations)

5 U.S.C. 5751 (Acceptance of Travel Expenses for Agencies/Employees Serving as Witnesses)

**1.2 Has a system security plan been completed for the information system(s) supporting the system? Does the system have or will the system be issued an Authorization-to-Operate? When does the ATO expire?**

The OGC Ethics Travel Form application will be housed and hosted in the Agency's BAP. The following text comes from the BAP's Final PIA:

The BAP operates under Agency Authority to Operate (Expires September 30, 2021) at the FISMA Moderate level. The person-related data in the Platform comes from PASTA through the Agency's extraction, transformation, and load (ETL) infrastructure from other Agency systems, including Active Directory, Oracle Internet Directory, Locator, and FPPS, each of which has its own security plan and, where necessary, SORN. Individual applications operating on the platform are responsible for execution of their own Privacy Threshold Assessment, and, if warranted, Privacy Impact Analysis and SORN. The BAP is a secondary user of the data. The BAP does not reach out to the user to gather unique information that hasn't already been collected. The BAP centralizes information from the Active Directory (AD), PASTA, eIDW, and other resources in order to make it easier to find and locate an individual's information than is currently possible by having to go through multiple systems to find everything.

**1.3 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.**

No ICR required.

**1.4 Will the data be maintained or stored in a Cloud? If so, is the Cloud Service Provider (CSP) FedRamp approved? What type of service (PaaS, IaaS, SaaS, etc.) will the CSP provide?**

Yes, the data will be maintained and stored in a Cloud. Per the BAP's Final PIA:

Yes, Salesforce, on which the BAP is based, is FedRAMP certified. The Lighting Platform is PaaS.

## **Section 2.0 Characterization of the Information**

*The following questions are intended to define the scope of the information requested and/or collected, as well as reasons for its collection.*

**2.1 Identify the information the system collects, uses, disseminates, or maintains (e.g., data elements, including name, address, DOB, SSN).**

The application collects information about the traveler (name, title, organization and relevant official EPA contact information), the traveler's trip details (event location, travel start and end dates, purpose of trip), donor information (donor identity, contact information, and the gifts provided and the value of those gifts) and any supporting documents (invitation letter, travel authorization, trip background explanations).

## **2.2 What are the sources of the information and how is the information collected for the system?**

EPA employees are the source of information and the information is collected by an electronic form within the application itself.

## **2.3 Does the system use information from commercial sources or publicly available data? If so, explain why and how this information is used.**

No.

## **2.4 Discuss how accuracy of the data is ensured.**

EPA employees who are the travelers or travel preparers provide the data of the trip and submit the ethics travel form for review and approval. All forms submitted in the application are required to go through two reviewers who will approve/reject the requests – accuracy of the data is also part of the criteria for approval/rejection. Travelers are also able to provide accurate data after travel via an amendment process with the OGC Ethics office.

## **2.5 Privacy Impact Analysis: Related to Characterization of the Information**

*Discuss the privacy risks identified for the specific data elements and for each risk explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.*

### **Privacy Risk:**

The PII data collected is public record and disclosed on reports on a routine basis (semi-annually or annually). Once every couple years, the press reports about gifts of travel the Agency accepts. The statutory authorities supporting the collection of information deem that it's in the public's interest to understand who provided travel gifts to the Agency, who benefited from those gifts, and the nature of the travel. Therefore, there may be a risk of collecting inaccurate data.

### **Mitigation:**

To mitigate against the collection of inaccurate data, the system uses two levels of reviews to verify the traveler's information in the form. This information is also cross-checked with supporting documents to the trip. And finally after the trip ends, the traveller may update the data to ensure its accuracy.

## **Section 3.0 Access and Data Retention by the System**

*The following questions are intended to outline the access controls for the system and how long the system retains the information after the initial collection.*

### **3.1 Do the systems have access control levels within the system to prevent authorized users from accessing information they don't have a need to know? If so, what control levels have been put in place? If no controls are in place why have they been omitted?**

No, there are no controls in place.

These controls have been omitted because all users have, at minimum, read-only access. This access is permitted for ease of use and to ensure accuracy. Because the data is public record, it's more important that the data is accurate.

Many travelers take trips together and receive the same offer for the Agency to accept travel gifts. For example, the Agency sends many employees to attend the annual conference of the Society of Toxicology (SOT). The SOT will usually offer waiver of registration fees and comped lodging for those employees who are speaking. The system is designed so that travelers may “copy” already approved ethics travel forms. This feature allows the form to be pre-populated with the approved details. Before the employee submits the request for review, she updates the data to make sure it reflects the details of her trip. This streamlines the approval process and ensures accuracy of information.

In another example, employees from OPP/OCSPP will frequently take crop tours to better understand how pesticides function on the crops. While traveling, a donor will typically provide bus transportation from site to site. There can be as many as 20 EPA employees taking this crop tour and 20 ethics travel forms are required. We want employees to be able to submit accurate forms. Before the employee submits the request for review, she updates the data to make sure it reflects the details of her trip. The “copy form” feature streamlines that.

Finally, many of travelers are attending events on a regular basis (annually, semi-annually, quarterly). Access to their prior forms with use of the “copy” feature ensures that their next ethics travel form is accurate and consistent with past forms (the copied form would then be editable to update it to current trip details).

### **3.2 In what policy/procedure are the access controls identified in 3.1, documented?**

The forthcoming “Essential Guide to the Ethics Travel Form” will detail how travelers may copy approved ethics travel forms for their use. As we're still in development of the app and, in particular, testing this feature, there is no guidance yet about how to do this. However, this is an existing feature in our legacy system in Lotus Notes that was used regularly. We are preserving the use of this feature to reduce the administrative burden while ensuring accuracy in moving the app to the new platform – the BAP.

### **3.3 Are there other components with assigned roles and responsibilities within the system?**

Users of ETF app will be assigned one of the four roles in the system – each has their own level of access and rights to data in the system.

ETF-SuperUser: Full access to everything in the system serving as the administrator.

ETF-User & ETF-Coordinator: general users who will provide data into the system for travel. Has some restrictions to certain components of the system.

ETF-ReadOnly: Access to system information and is not allowed to edit any data.

### **3.4 Who (internal and external parties) will have access to the data/information in the system? If contractors, are the appropriate Federal Acquisition Regulation (FAR) clauses included in the contract?**

No external parties have access to the system – only internally within EPA. Contractors will have access to the system since they are developing some of the requirements. All contractors associated with this application are contracted through the WCF, which uses GSA’s contract management services for the Salesforce Platform.

### **3.5 Explain how long and for what reasons the information is retained. Does the system have an EPA Records Control Schedule? If so, provide the schedule number.**

Gen. Record Sched. 2.8: Employee Ethics Records. Items 030, 031. (DAA-GRS-2014-0005-0003, 04)

Within the BAP, each form will be deleted one year following submission of the reports to EPA’s oversight agencies. The longest a form will be retained is 18 months to 2 years (depending on when those reports are submitted to the oversight agencies). This retention period will also serve the critical need for the ability for travelers to have access to approved forms so they may copy data for the next trip. Travelers frequently attend events on an annual, semi-annual, or quarterly basis. To ensure accuracy of the data, we want travelers to continue “copy” their prior forms as explained in 3.1.

### **3.6 Privacy Impact Analysis: Related to Retention**

*Discuss the risks associated with the length of time data is retained. How were those risks mitigated? The schedule should align the stated purpose and mission of the system.*

#### **Privacy Risk:**

The risk with the data being retained is that it may be retained longer than required. It even if the form should have been deleted.

## **Mitigation:**

The ETF application will follow its record schedule.

## **Section 4.0 Information Sharing**

*The following questions are intended to describe the scope of the system information sharing external to the Agency. External sharing encompasses sharing with other federal, state and local government, and third-party private sector entities.*

### **4.1 Is information shared outside of EPA as part of the normal agency operations? If so, identify the organization(s), how the information is accessed and how it is to be used, and any agreements that apply.**

Yes. As described above, EPA exports the data from the form into reports the agency provides to its oversight agencies (U.S. Office of Government Ethics and State Department). These oversight agencies then publish the reports on the internet and/or through the Federal Register.

No person external to EPA has access to the ETF application or the form that's housed in the application.

The only public facing exposure of the data is through these reports published on other federal government websites. These are an aggregation of the data in the reports, but not the actual form itself. Copied for your convenience are paragraphs from the general description provided at the beginning of this document:

The data contained in the ethics travel form becomes public record through routine publishing on the internet. For travel gifts accepted under the statutory authority, 31 U.S.C. 1353, twice a year EPA is required to provide reports to the oversight agency, U.S. Office of Government Ethics. These reports disclose the EPA employee and title, donor of the travel gifts, travel details, as well as a listing and value of the travel gifts accepted. These reports are published on the internet as public records. Samples of these reports can be found [here](#). Approximately 85% of gifts accepted each year by EPA are accepted pursuant to this statutory authority.

Also, for travel gifts accepted under the statutory authority, 5 U.S.C. 7342, once a year EPA is required to provide a report to the oversight agency, U.S. Department of State. This report discloses the EPA employee, title and office, donor of the travel gifts, travel details, as well as a listing and value of the travel gifts accepted. This report is published through the Federal Register and later posted on the website of the State Department as a public record. Samples of these reports can be found [here](#). Approximately 10 – 20% of gifts accepted each year by EPA are accepted pursuant to this statutory authority.

### **4.2 Describe how the external sharing is compatible with the original purposes of the collection.**

The statutory authorities permitting acceptance of travel gifts by the agency mandate the disclosure of this data on a regular basis.

#### **4.3 How does the system review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within EPA and outside?**

This question is not applicable. There are no information sharing agreements or MOUs in the system. Since implementation of the automated workflow process over 20 years ago, there are no new uses of the information, and no new access by organizations within EPA and outside. The use of the system has been consistent and there are no new anticipated uses of the system projected.

~~The system does not have any other information sharing purpose other than what was described previously. Any other information included in the form would have to be accessed through a FOIA request, if a member of the public wanted to reach the actual form rather than reviewing the data in the reports published by the agency's oversight agencies. In the past 20 years of administering this program, there has not been any other information sharing.~~

~~As for accessing the system within the EPA, when an employee undertakes official travel and also has a received an offer from a donor to cover some of EPA's travel expenses, the employee is directed to access this form (and complete and submit the form) from guidance shared either by his ethics officials or travel preparers who help administer the agency's travel process.~~

#### **4.4 Does the agreement place limitations on re-dissemination?**

No. Since the reports (not the underlying form and application) are public record, once they are in the public domain, they may be shared.

#### **4.5 Privacy Impact Analysis: Related to Information Sharing**

*Discuss the privacy risks associated with the sharing of information outside of the agency. How were those risks mitigated?*

##### **Privacy Risk:**

The privacy risk is low since the information collected requires disclosure by law. Once in the public domain, the reports may be shared.

##### **Mitigation:**

The law mandates disclosure of the data through reporting to oversight agencies. The public interest in knowing what type of travel gifts the Agency received outweighs risks associated with privacy.

## **Section 5.0 Auditing and Accountability**

*The following questions are intended to describe technical and policy-based safeguards and security measures.*

### **5.1 How does the system ensure that the information is used as stated in Section 6.1?**

The Ethics Travel Program (as implemented through collection of the data in the application) has a strong set of internal controls to ensure the integrity of the data.

There are certain technical features that prohibit tampering with the forms. At each stage, the form is editable only by the user who has rights to that form at that state of review. For example, only the creator of the form (travel preparer or the traveler) has rights to edit the form. Only the traveler can submit the form for approval. The intermediate reviewer (Deputy Ethics Official) is only permitted to approve, reject, or reassign the form, and the data cannot be edited. The Administrator of the system, who is also the final reviewer, has greater access but cannot edit forms once submitted or after final approval. There is also an approval history that shows review actions taken on the form throughout the approval process – while not a complete audit trail, it is close to it. Once the form receives final approval, it is locked. The form can only be unlocked if rejected (which sends it back to the traveler) or upon travel ending when only the traveler can amend the form. Once the form goes through amendment and is approved, the form is locked again.

The subject-matter-expert is also the Administrator of the system. As the final reviewer of the form, the Administrator ensures compliance with the relevant statutory authorities which permit acceptance of the gift. The Administrator will send the form back to the traveler if the data is incorrect or requires more explanations.

It's through these internal controls, that the program ensures data integrity – which is the most important feature as the data eventually becomes public record.

### **5.2 Describe what privacy training is provided to users either generally or specifically relevant to the system/collection.**

With the deployment of the new application, the system administrator will provide training on how to use the system, and it will advise users of the system that the data is collected and disclosed in reports for the public domain. This training will be recorded and available to new users.

Furthermore, written guidance explains that collection of the data is used for purposes of disclosure pursuant to statutory requirements. The guidance also appears on certain email notifications that the traveler and Deputy Ethics Official receive as the form moves through the approval process (because we want to ensure forms are clean grammatically, and accurate). Therefore, users are aware that whatever data is collected may be disclosed to the public.

Finally, at minimum, there is always the annual ISPAT training.

### **5.3 Privacy Impact Analysis: Related to Auditing and Accountability**

### **Privacy Risk:**

Since we're developing the application from the ground up, the most salient risk is ensuring that users cannot inadvertently edit the forms (inappropriately) once as it goes through the approval process. Integrity of the data is key and the forms should not be editable unless the edits/access are permissible at the various stages of the workflow.

### **Mitigation:**

The Administrator has developed a rigorous testing process which includes several testers with defined user permissions to try to "tamper" with the development of the application and discover "bugs." This testing process will ensure that forms can only be edited by the appropriate users during each stage of the workflow process. Once the application goes into production, the Administrator will continue to test the environment to discover if any bugs exist. If there are any bugs from the technical aspect, scheduled system enhancements will address the problems identified.

## **Section 6.0 Uses of the Information**

*The following questions require a clear description of the system's use of information.*

### **6.1 Describe how and why the system uses the information.**

The system collects information about the traveler, the traveler's trip, and the donor who is offering gifts of travel so that the agency may analyze whether it should accept the donor's offer to cover the agency's travel expenses. There are some circumstances under which the EPA cannot accept the gifts offered. The agency needs to ensure it collects the information to be compliant with the gift-accepting statutory authorities. It is rare for the agency to reject forms due to non-compliance with the statutes. If there are any hurdles identified through the acceptance process, guidance from OGC/Ethics (the final reviewer to grant approval) usually results in changes to the trip so that acceptance of the gifts are compliant with the statutory authorities.

### **6.2 How is the system designed to retrieve information by the user? Will it be retrieved by personal identifier? Yes X No    . If yes, what identifier(s) will be used. (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. Or any identifier that can be linked or is linkable to an individual.)**

Salesforce uses a form number to identify a particular form, however, that's not very helpful to the user. Therefore, users will also be able to retrieve forms by traveller's name. Since a traveler may have multiple ethics travel forms, the travel start date is also used to help distinguish which ethics travel form a user wants to retrieve.

### **6.3 What type of evaluation has been conducted on the probable or potential effect of the privacy of individuals whose information is maintained in the system of records?**

*[The goal here is to look at the data collected, how you plan to use it, and to ensure that you have limited the access to the people who have a need to know in the performance of their official duties. What controls have you erected around the data, so that privacy is not invaded? ex. administrative control, physical control, technical control.]*

Administratively, only users who have a need to use the system will have access to it. Those are users who are in travel status and receive a offer from a non-federal source to have some of the Agency's travel expenses covered. The review of the form progresses through email notifications which include links to a single ethics travel form. Therefore, most interaction is with the single ethics travel form that's undergoing review, rather than accessing the application and retrieving the form. This interaction with the single form itself provides a barrier to inadvertently accessing other forms (unless, accessing another form is necessary to "copy" it as described in 3.1 – then the user may enter the application in order to retrieve the form the user wants to copy; the user may also retrieve the form that is to be copied from a link provided through an email notification forwarded to him).

#### **6.4 Privacy Impact Analysis: Related to the Uses of Information**

*Describe any types of controls that may be in place to ensure that information is handled in accordance with the uses described above.*

##### **Privacy Risk:**

There is low risk of information misuse. Most ethics travel forms receive approval and then the data is collected in reports published as public record. Any form that is disapproved is typically for trip cancellation.

##### **Mitigation:**

The technical and administrative/management controls as described in this form control for any potential for information misuse.

**\*If no SORN is required, STOP HERE.**

*The NPP will determine if a SORN is required. If so, additional sections will be required.*

## **Section 7.0 Notice**

*The following questions seek information about the system's notice to the individual about the information collected, the right to consent to uses of information, and the right to decline to provide information.*

### **7.1 How does the system provide individuals notice prior to the collection of information? If notice is not provided, explain why not.**

When an employee receives an offer from a donor to cover the Agency's travel expenses, the employee is directed to use this form to collect information about the employee, travel details, the donor and the travel gifts it is providing. The program has comprehensive training and written guidance to assist the employee in completing the form. The training and written guidance discuss the information the system collects and that it will be used in reports disclosed to the public. Many times, the employee is directly told that the information collected is for public disclosure. As the employee proceeds through the process, the employee uses the form, completes it, and then submits it. Therefore, the employee understands what information it is collecting.

## **7.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the collection or sharing of their information?**

If the employee does not want the Agency collecting this information, then the employee may opt-out of using the form. What this means, then, is that the Agency declines the offer to have its travel expenses provided for. The consequence for the employee is that the Agency may not support the travel if there is no external funding of the trip (given tight travel budgets). However, in the history of this program, no employee has not consented to using this form – employees want to travel and understand that the information collected is required in order to receive travel orders, otherwise the employee can't travel.

## **7.3 Privacy Impact Analysis: Related to Notice**

*Discuss how the notice provided corresponds to the purpose of the project and the stated uses. Discuss how the notice given for the initial collection is consistent with the stated use(s) of the information. Describe how the project has mitigated the risks associated with potentially insufficient notice and opportunity to decline or consent.*

### **Privacy Risk:**

The employee may not read the written guidance on the program or take the optional trainings.

### **Mitigation:**

Clear notice about the collection of information and its purpose is provided through multiple communications that support the system (e.g., trainings, written guidance, direct counseling). If the employee has any questions about the collection of information, the employee may discuss those questions with the program administrator to learn what options he has.

## **Section 8.0 Redress**

*The following questions seek information about processes in place for individuals to seek redress which may include access to records about themselves, ensuring the accuracy of the information collected about them, and/or filing complaints.*

### **8.1 What are the procedures that allow individuals to access their information?**

The ethics travel form is available to the employee for repeated access. If the employee lost access, then the employee would contact the OGC/Ethics Program Administrator either by phone, or email and provide their first and last name.

## **8.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?**

After travel concludes, the employee may edit the form to make revisions such as correcting the value amounts of the travel gifts received, or correcting travel start and end dates. If the traveler wants to correct the original submission before travel started, then he would contact the OGC/Ethics Program Administrator, and she would return the form to the employee for edits and resubmission.

## **8.3 Privacy Impact Analysis: Related to Redress**

*Discuss what, if any, redress program the project provides beyond the access and correction afforded under the Privacy Act and FOIA.*

### **Privacy Risk:**

None. Appropriate procedures area in place for individuals to seek redress.

### **Mitigation:**

None.