

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

System Name: Ozone Depleting Substance Tracking System (ODSTS)	System Owner: Sean Duenser
Preparer: Sean Duenser	Office: OAR-SPD
Date: 10/15/21	Phone: 202-343-9157
Reason for Submittal: New PIA <input checked="" type="checkbox"/> Revised PIA <input type="checkbox"/> Annual Review <input type="checkbox"/> Rescindment <input type="checkbox"/>	
This system is in the following life cycle stage(s):	
Definition <input type="checkbox"/> Development/Acquisition <input type="checkbox"/> Implementation <input type="checkbox"/>	
Operation & Maintenance <input checked="" type="checkbox"/> Rescindment/Decommissioned <input type="checkbox"/>	
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 OMB Circular A-130, Appendix 1, Section (c) (1) (a-f).	
The PIA must describe the risk associated with that action. For assistance in applying privacy risk see OMB Circular No. A-123, Section VII (A) (pgs. 44-45).	

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

The Ozone Depleting Substance Tracking System is a web-based reporting system that supports implementation of 40 CFR § 82.13 and § 82.24 recordkeeping and reporting requirements for class I and class II controlled ozone-depleting substances as well as the forthcoming 40 CFR § 84.31 recordkeeping and reporting requirements outlined in the Phasedown of Hydrofluorocarbons Final Rule that will be implemented beginning Fall 2021 under the authority of the American Innovation and Manufacturing (AIM) Act. Under the program, allowance holders for production and consumption of controlled substances are required to use the ODSTS to electronically submit quarterly, annual, as needed, and one-time reports to the EPA. The system is used by more than 200 companies to fulfill this regulatory requirement each year. More information can be found at: <https://www.epa.gov/ods-phaseout/ozone-depleting-substances-ods-recordkeeping-and-reporting/>

The ODSTS is implemented under the Office of Air and Radiation's (OAR) Office of Atmospheric Programs (OAP) by the Stratospheric Protection Division (SPD). The ODSTS is hosted by EPA at the National Computing Center (NCC) and is integrated with the Central Data Exchange (CDX) for data submission and user authentication. The application was launched in July 2018 and is in the operation and maintenance phase, with significant new development currently underway to address regulatory changes.

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?

40 CFR Part 82, Subpart A - Production and Consumption Controls § 82.13 and § 82.24 recordkeeping and reporting requirements for class I and class II-controlled substances.

And

American Innovation and Manufacturing (AIM) Act of 2020 outlined in Section 103 in Division S, Innovation for the Environment, of the Consolidated Appropriations Act, 2021.

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?

A system security plan (SSP) is in place for the ODSTS system. The system has been issued and ATO. The current ATO expires on 6/30/2024.

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.

The OMB Control Number for the Ozone Depleting Substance program is 2060-0170. The expiration date is 4/30/2023. EPA ICR Number: 1432.34;

Emergency ICR OMB Control No: 2060-0732 EPA ICR Number: 2684.01

Phasedown Rule EPA ICR: OMB Number: 2060-XXXX (Under OMB review and in proposed rule process) EPA ICR Number: 2685.01

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?

No. The ODSTS is hosted at NCC.

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 ODSTS collects the following types of information:

User Registration Data: To submit data to the ODSTS, users must first register with CDX by providing identifying information including the individuals name, business address, business phone, and email address and completing an Electronic Signature Agreement (ESA).

Reported Company Activity Data: Once a user is registered with CDX, users may use the system to prepare and submit their quarterly, annual, one-time, and as-needed ODS reports to EPA. The contents of the reports include data on production, import, export, transformation, destruction, and reclamation of all ODS along with lab supply, critical use, and quarantine and pre shipment (QPS) use of Class I ODS. Users also use the system to submit requests for additional ODS consumption allowances, petitions to import materials, and allowance trades. The complete list of data elements collected can be found under 40 CFR Part 82.

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

Only CDX registered users may submit data to the ODSTS. Users submit their data using a combination of Excel-based reporting forms and web-based reporting forms through the CDX ODS application. Users certify the information as part of the CDX data submission process. The data is then imported into and tracked by the ODSTS.

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. The system collects information directly from company representatives.

2.4 Discuss how accuracy of the data is ensured.

CDX uses Lexis-Nexis to verify registration information. CDX requires that all fields are complete and includes validations for these fields (i.e., ensures that the correct number of numeric digits are entered in fields meant for telephone number, etc.). Users can access, update, and correct their account information (e.g., business address, phone, etc.) within CDX, as needed.

The ODS reporting forms include a variety of validations to ensure the completeness and accuracy of the reported data. Validations are also enforced by CDX to ensure the correct

forms are uploaded as part of the submission. Once imported into the ODSTS, data is then reviewed by EPA or contractor support to further ensure accuracy, completeness, and compliance with EPA's regulations.

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:

Low risk of collecting inaccurate data.

Mitigation:

Information is collected directly from the individuals. The ODSTS uses data validation rules to ensure that the data is complete and matches expected formats. Individuals can update their information as needed.

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?

The ODSTS cannot be accessed directly by ODS stakeholders that submit data through CDX; rather only authorized EPA personal and EPA Contractors can access the ODSTS. Furthermore, the ODSTS has access controls built into the software that prevent users or unauthorized personnel from accessing information they do not have a need to know. Specifically, ODSTS users are assigned a user-type when given access to the system which dictates the capabilities of the user and the type of data in the system they can access.

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

All access controls are documented in the ODSTS System Security Plan (SSP).

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

No

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 users have access to the ODSTS. Only EPA and EPA contractors have access to the data stored within the ODSTS. No external users have access to the ODSTS. Only EPA and EPA contractors have access to the data stored within the ODSTS. The following clauses outline the specific terms and conditions that are applicable to this Task Order: FAR 52.217-8 OPTION TO EXTEND SERVICES (NOV 1999) The Government may require continued performance of any services within the limits and at the rates specified in the contract. These rates may be adjusted only as a result of revisions to prevailing labor provided by the Secretary of Labor. The option provision may be exercised more than once, but the total extension of performance hereunder shall not exceed 6 months. The Contracting Officer may exercise the option by written notice to the Contractor within 30 days before the contract's expiration date. FAR 52.217-9 OPTION TO EXTEND THE TERM OF THE CONTRACT (MAR 2000)

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.

EPA Records Schedule 0063, Electronic Models and Expert Systems. It requires keeping individual records for two years after completion of action and then deletion when no longer needed. The program meets programmatic and regulatory needs as well as CROMERR compliance.

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:

There is a low risk that historical privacy data retained by the system could be accessed by unauthorized personnel.

Mitigation:

Access to and use of privacy data is strictly controlled through account privileges and policies. Company and user data is retained for the purposes of retrieval and historical knowledge to trace compliance and on trends to forecast activity to inform future rulemakings. External users cannot access the system. For internal users, user access is disabled when staff leave EPA or are assigned to another project. Internal users can only access the data through a controlled environment (e.g., CBI VDI). The privacy data cannot be downloaded from the CBI VDI environment. Access privileges to the CBI VDI are reviewed at a minimum of once per year and more often as appropriate.

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.

EPA publishes strategically aggregated annual reclaimer data to the EPA section 608 website (<https://www.epa.gov/section608/summary-refrigerant-reclamation-trends>) that provides data (except for CBI) to the public. The annual report data contains information on reclaimed refrigerant trends. No data related to individuals is released to the public or shared outside of EPA. No data on consumption or production for allowance holders is shared at all. The United States shares national data on the consumption, production, import, export, destruction, and transformation of ODS with the Ozone Secretariat as obligated under the Montreal Protocol which is published on UNEP's website. No company or user data is released in any way as part of this national obligation.

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

Data collected by the ODSTS that qualifies for confidential treatment under the Clean Air Act are not available to the public. Regarding privacy data, ODSTS does not publish any of the privacy data collected under the program. Aggregated activity data are shared with the Ozone Secretariat as required under Article 7 of the Montreal Protocol.

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?

SPD does not have information sharing agreements or MOUs and does not grant access to the system by organizations outside of EPA.

4.4 Does the agreement place limitations on re-dissemination?

SPD does not share or publish ANY data related to individuals (PII).

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:

None. There is no sharing of data. There are no identified risks related to information sharing.

Mitigation:

SPD does not share privacy data collected through the ODSTS.

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?

Access to the ODSTS is strictly controlled and limited to only EPA personnel and EPA Contractors that support implementation of CFR 40 Part 82. Access must be approved by the ODS Tracking System Manager. All users must sign the ODSTS Rules of Behavior, complete annual security and role-based trainings, and pass a tier 2 background check. User activity within the system is audited. Audit records are reviewed weekly.

Data stored within the ODSTS also cannot be removed from the virtual desktop infrastructure (VDI) environment unless approval is given by the ODS Tracking System Manager. Data that are removed from VDI are documented and tracked.

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

All users of the ODSTS application must read, acknowledge, and adhere to the system Rules of Behavior. All users must also complete annual information security and privacy awareness training as well as a role-based annual CBI training.

5.3 Privacy Impact Analysis: Related to Auditing and Accountability

Privacy Risk:

There is no way to automatically audit removals of data from VDI and how information is used once it is removed from VDI.

Mitigation:

Data in the ODSTS system is protected by the policies and controls documented in the ODSTS System Security Plan and the EPA CBI Policy. Access to privacy data are reviewed at a minimum of once per year and more often as appropriate. All users must sign the Rules of Behavior and users with privileges to access privacy data must complete additional training and agree to abide by the EPA CBI Policy. Only a limited number of staff have access to the folder needed to remove data from VDI. These staff manually track this activity and only remove data at the direction and approval of the ODS Tracking System Manager.

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.

EPA uses the data tracked within the ODSTS to ensure compliance with company-specific, national, and international caps on the production and consumption of ODS, as outlined in CFR 40 Part 82.

6.2 How is the system designed to retrieve information by the user? Will it be retrieved by personal identifier? Yes ___ No X. 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.)

No. Stakeholders may log into CDX using their personal accounts to access past ODS submissions, but they cannot retrieve information directly from the ODSTS.

Within the ODSTS, data is tracked and stored by company name/ID. Internal EPA users may search and analyze reported data by company. Information is retrieved by company's name/ID

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 only information stored in the ODSTS that is specific to individuals is the name, business address, business email, and business phone of submitters and company points of contract. The system does not contain or track any personally identifiable information (PII). All information collected in the ODSTS is established through notice and comment rulemaking and codified at 40 CFR Part 82. For more information on these actions, see: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr82_main_02.tpl

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 that users of the system will use company contact information for purposes besides the implementation of CFR 40 Part 82.

Mitigation:

The ODSTS is used to collect and track data reported to the EPA as required under 40 CFR Part 82. The ODSTS was developed and is maintained only for this purpose. Only staff that support implementation of this regulation have access to the system. Use of the information is further dictated by the Rules of Behavior signed by all staff with access to the system.

***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.

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?

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:

Mitigation:

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?

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

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:

Mitigation: