Pension Benefit Guaranty Corporation

Information Technology Infrastructure Operations Department (ITIOD)

Disclosure Access Portal (DAP) Privacy Impact Assessment (PIA)

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1 PRIVACY POINT OF CONTACT

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2   PRIVACY IMPACT ASSESSMENT

A Privacy Impact Assessment (PIA) is an analysis of how information is/will be handled:

  i.   To ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy,
 ii.   To determine risks and effects of collecting, maintaining, and disseminating information in an identifiable form in an electronic information system, and
iii.   To examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.

Privacy concerns are highest for systems that contain Personally Identifiable Information (PII). PII is defined as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual. Because there are many types of information that can be used to distinguish or trace an individual's identity, the term PII is necessarily broad.

TIP!

Information that either alone or when considered with other information that uniquely identifies a person is Personally Identifiable Information (PII). Combining pieces of information whether private or publicly available has powerful implications for uniquely identifying an individual.

For example, consider a person named Mary Jones. There are over 200 million results in an internet search for this name. But if we combine information such as a date of birth, the last four digits of a (or worse, an entire) Social Security Number, or a spouse's name, the number of persons to whom we could be referring begins to narrow quite rapidly. These types of information are considered identifiers. Identifiers that uniquely identify a person are the focus of privacy protection.

2.1 The Components of the System

Name of component	Describe the component (1 or 2 sentences)	Does this component contain PII	In what system of records (SORN) is this information stored	What is the Legal Authority for collection of this information	Does this system share PII internally *(please detail in question 13)*
FOIAXpress (FX)	The FOIAXpress application processes requests for release of FOIA and privacy data from PBGC.	Yes	PBGC-29: Freedom of Information Act and Privacy Act Request Records	5 U.S.C. § 552, The Freedom of information Act (FOIA) as amended, The Privacy Act of 1974, as amended, 5 U.S.C. §552a, and 29 CFR Part 4901-4902 as amended.	Yes
Public Access Link (PAL)	The PAL application is the public-facing web portal that complements FOIAXpress to provide efficient and secure communication between citizens and PBGC. Information like address, email address is entered into the system for it to assist PBGC in tracking, managing, and reporting correspondence, FOIA and Privacy Act (PA) requests. PAL will allow requesters to: • Submit a FOIA request online. • Check the status of an existing request.	Yes	PBGC-29: Freedom of Information Act and Privacy Act Request Records	5 U.S.C. § 552, The Freedom of information Act (FOIA) as amended, The Privacy Act of 1974, as amended, 5 U.S.C. §552a, and 29 CFR Part 4901-4902 as amended.	Yes

Name of component	Describe the component (1 or 2 sentences)	Does this component contain PII	In what system of records (SORN) is this information stored	What is the Legal Authority for collection of this information	Does this system share PII internally *(please detail in question 13)*
	• E-Mail the PBGC POC assigned to their request; • Upload documentation, such as a Request Description, Fee Waiver Request, or a Request for Expedited Processing; • Download the material deemed responsive to a request along with agency correspondence for a request; and • Submit an appeal.				
FOIAXpress Collaboration Portal	The FOIAXpress Collaboration Portal enables FOIAXpress users to collaborate securely with external parties outside of the FX application. Non-users can locate responsive documents and work with FOIA staff on requests without accessing the FX application.	Yes	PBGC-29: Freedom of Information Act and Privacy Act Request Records	5 U.S.C. § 552, The Freedom of information Act (FOIA) as amended, The Privacy Act of 1974, as amended, 5 U.S.C. §552a, and 29 CFR Part 4901-4902 as amended	Yes

2.2 The System as a Whole

1. Please describe the purpose of the system when considered as a whole.

> ***The Disclosure Access Portal (DAP), a Software as a Service (SaaS)*** *is built on the* ***eCase*** *adaptive case management platform that offers PBGC a single unified application for managing the entire lifecycle of FOIA and Privacy Act (PA) requests and appeals - from initial inquiry request receipt through the Public Access Link (PAL) requester portal to document request, review, redaction, to delivery of documents through archiving and deletion according to agency retention rules. The DAP SaaS Solution includes: the FOIAXpress application (FX), the Public Access Link (PAL) application, and the FOIAXpress Collaboration Portal (an additional application, named eCase, is included with the DAP cloud service but is not used by PBGC).*

2. What are the Confidentiality, Availability, and Integrity ratings for the system as a whole?

Confidentiality	Moderate
Integrity	Moderate
Availability	Moderate

3. Is this a contractor system?

   ☒Yes
   ☐No

4. Is this a new or existing information system? If this is an existing information system, please describe the changes.

> *This is an existing system and there are currently no changes.*

5. Does your system collect, process, or maintain any records that describe how any individual exercises their First Amendment rights?

   If so, please describe the information it collects and the purpose for the collection. Please describe whether: 1) an express legal authority authorizes the collection, 2) the collection is pertinent to and within scope of an authorized law enforcement activity, or 3) the individual(s) consents to the collection.

   (The First Amendment guarantees an individual's right to the exercise of their religious beliefs, their petitioning the government, their exercise of free speech, their right to peaceably assemble, and the freedom of the press.)

The Disclosure Division receives FOIA requests from News Media requesters. New Media requesters voluntarily submit FOIA requests.

6. For the PII in the system, discuss the actual/intended uses of the PII; procedures taken to limit the PII collected to the minimum needed; reasons the PII is necessary and relevant; and procedures taken to periodically review the accuracy, relevance, timeliness, and completeness of PII throughout the information life cycle.

The intended use of PII provided by requesters is to aid the processing of requests for records made under the provisions of the FOIA and PA, and to assist PBGC in carrying out other responsibilities relating to FOIA and PA including operational, management, and reporting purposes. PII collection is limited to only that information needed to complete the purpose for which the PII is requested.

Information collected and maintained in FOIAXpress and PAL about requesters has been provided by the requesters themselves through their records requests and related communications. Disclosure Division staff and contractors check the accuracy and timeliness of this information (i.e., contact information, scope of the request) as necessary to accurately interpret and respond to the request. Further, when the request is from an individual seeking access to their own records, Disclosure Division staff and contractors may require additional verification of the requester's identity and consent to disclosure to a third person when reasonably necessary to assure that records are not disclosed to an unauthorized person.

Pursuant to the FOIA records are collected and disclosed as they are, without modification. The Agency's Privacy Act procedure outlines the guidelines for correcting or amending records at the request of the subject of the record.

7. Discuss how your system retrieves PII. Please describe the identifiers used to locate records within a system, such as name, identification number, date of birth, etc.

FOIAXpress creates a Requester Profile for each FOIA or PA requester that includes PII from the requester, to include full name, organization, home or business address, telephone numbers, and email address. We can search for requesters using Name, Address, Organization, Email Address, City, and State.

Each records request logged in FOIAXpress has a Request Profile that contains information about the request. The system assigns a case tracking number to each Request Profile. The Request Profile imports PII from the relevant Requester Profile, including the requester's name and contact information.

8. Approximately how many individuals' PII is maintained in the system?

> *There are approximately over 30,000 requester profiles in FOIAXpress.*

9. Is the submission of PII by individuals voluntary or mandatory? If the submission is voluntary, what is the outcome of an individual not submitting PII.

> *All information provided by FOIA and PA requesters to the Disclosure Division is voluntary. Requesters may decline to provide any information they do not wish to provide; however, such a refusal may adversely affect the Disclosure Division's ability to process a FOIA or PA response if the search information is inadequate or the individual's identity cannot be authenticated.*

10. If your system collects Social Security Numbers:

    a. Please provide a justification for the collection, use, maintenance, and disposal of PII in the form of SSN?

    > *The Disclosure Division collects SSN in limited circumstances when the Privacy Act records requester does not have a PBGC Customer ID Number, other information provided is insufficient to confirm the requester's identity, and the individual is requesting Privacy Act records.*

    b. Under which authorized uses, as described in the "Reduction of use of Social Security Numbers (SSN) in PBGC" policy document?

    > *Compelling Business Need*

    c. If the answer to b., above is "Compelling Business Need," please provide a plan to reduce the use of SSNs, highlighting activities that can be completed in the next 12 months.

    > *The Disclosure Division and Privacy Office has reviewed and amended the Certification of Identity Form eliminating the collection of SSN as a primary identifier in connection with Privacy Act requests.*

11. List and discuss the sources from which the system collects PII (for instance, from an individual, another federal agency, etc.); the format in which PII is collected (for instance, via a form, face-to-face, phone, etc.); the notification given at time of collection from an individual regarding the Privacy Act and the ability to opt-out of collection (and the consequences of opting out). Include a copy of all forms and Privacy Act statements used to collect information.

> *The sources from which DAP collects PII include electronic forms, regular mail, email, and fax. The PII collected includes name, organization (if any), address, and phone number. DAP does not require requesters to provide or directly collect their SSN, Customer ID, Birth Date, or Driver's/Non-Driver's license number. PII is collected from Requesters who have submitted FOIA requests, PA requests, or combined FOIA and PA requests for records or information and administrative appeals or have litigation pending with a federal agency; individuals whose requests, appeals or records have been referred to PBGC by other agencies. However, some requesters provide this information voluntarily in the request description field. The system login page will include a link to the full Privacy Act statements related to the system.* https://www.justice.gov/doj/privacy-policy

12. Discuss any privacy controls that PBGC inherits from an external provider (cloud provider, third party provider, another government agency, etc.) If an Interconnection Security Agreement (ISA), Memorandum of Understanding (MOU), or similar document is in place, please summarize the privacy applicable portions of that document.

> *PBGC does not inherit privacy controls from any external provider.*

13. Is the PII shared with external (non-PBGC) organizations? If so, identify with whom the PII is shared and the purpose. Discuss the data flows within the system (include sources of data for data flowing into the system, destinations for data flowing out of the system, and any routine uses applicable to the system). For any information that is shared internally, be sure to discuss whether these data interconnections are noted in CSAM. Be sure to include any MOU, ISA, or Interagency Agreements.

> *PAL users encompass any individual who goes to the PAL web address and submits an account registration request. An account will be created, along with an associated user ID and password. Requesters will log onto the system by accessing the designated URL and enter their respective login/password credentials. Users/Requesters can then submit and track the status of FOIA and PA requests over the internet. FX users are PBGC employees who log into the FOIAXpress system by accessing the designated URL and enter their respective login/password credentials. Information received by the FX user from the public may include personal identification information and financial information related to the processing of FOIA request. FOIAXpress stores files within the correspondence log for a request. The FOIAXpress Collaboration Portal enables users to collaborate securely with external parties outside of FOIAXpress. Requesters can locate responsive documents and work with the FOIAXpress user on requests through the FOIAXpress Collaboration Portal without accessing the FOIAXpress application. Also, files are stored within the document management module (for responsive records) which may include but are not limited to the following:*
>
> *Correspondence from the requester (which may contain their name, address, phone#, etc.)*
> - *Incoming request letter*
> - *Clarification letter*
> - *Fee agreement letter*
>
> *Correspondence to the requester (which may contain their name, address, phone #, etc.)*

> o *Acknowledgement letter*
> o *Final response letter*
> o *Redacted responsive records*
> *Document management files*
> o *Original (un-redacted) responsive records*
> o *Redacted responsive records*
>
> *The FOIA and PA request process contemplates release of records to external parties. Information maintained in the system is shared with FOIA requesters, other federal agencies, and certain persons who submit information maintained in agency records responsive to a FOIA request. The identity of FOIA requesters and their requests are generally public information, limited by the applicability of the FOIA to such information. Information in the system may be shared externally with other federal agencies as part of the FOIA's consultation and referral processes. Pursuant to Executive Order 12600 and PBGC FOIA regulation 29 CFR 4901.24(c), information in the system is shared with persons who submit information in records responsive to a FOIA request that is potentially trade secrets or "confidential commercial information."*

14. For the user roles in the system:

Role Name	Number of Users in that Role	Approver	Access Level (Read, Write, etc.)	Recertification Date
FOIA Administrator	2	James Burns	Full Access to All Role Permissions (other than configuration) (Read, Write, Delivery, Deletion,	3/28/2025
Government Information Specialists	12	James Burns	Access to All Request Type Role Permissions and File Cabinet Drawer Permissions Only (Read, Write, Delivery & Deletion Capabilities)	3/28/2025

Role Name	Number of Users in that Role	Approver	Access Level (Read, Write, etc.)	Recertification Date
FOIA Appeals	6	James Burns	Access to the Appeals Adjudication Functions and File Cabinet Drawer Permissions (Read, Write, & Delivery Capabilities)	3/28/2025
FOIA Professional	1	James Burns	Limited Request Type Role Permissions (Read & Write Capabilities)	3/28/2025
CyberArk	4	Paul Chalmers	Access to Configuration Capabilities (Can access maintenance console via CyberArk to change limited system settings, and do ICAM and Splunk reporting)	3/28/2025

15. Discuss the Physical, Technical, and Administrative controls that are employed to secure the PII in the system.

> *Physical Controls* - Physical security controls employed to secure the PII in the system include:*
> - o *Physical Access Authorizations*
> - o *Physical Access Control*
> - o *Access Control for Transmission Mission*
> - o *Access Control for Output Devices*
> - o *Monitoring Physical Access*
> - o *Visitor Control*
> - o *Access Records*
> - o *Power Equipment and Power Cabling*
> - o *Emergency Shutoff*
> - o *Emergency Power*
> - o *Emergency Lighting*
> - o *Fire Protection*
> - o *Temperature and Humidity Controls*
> - o *Delivery and Removal*
> - o *Alternate Work Site*
> - o *Location of information Components*

DAP PIA

o *Information Leakage*

*Physical Controls are provided by both PBGC and the Cloud Service Provider (CSP)

Technical Controls* - Technical controls employed to secure the PII in the system include:
- o *Account Management*
- o *Access Enforcement*
- o *Authenticator Management*
- o *Cryptographic Module Authentication*
- o *Information Flow Enforcement*
- o *Separation of Duties*
- o *Least Privilege*
- o *Unsuccessful Login Attempts*
- o *Remote Access*
- o *Wireless Access*
- o *Audit Events*
- o *Audit Review, Analysis, and Reporting*
- o *Time Stamps*
- o *Audit Record Retention*
- o *Non-repudiation*
- o *Session Audit*
- o *Public Key Infrastructure Certificates*
- o *Denial of Service*
- o *Network Disconnect*
- o *Session Authenticity*
- o *Protection of Information at Rest*

**Technical Controls are provided by both PBGC and the CSP

Administrative Controls - All PBGC users are required to complete privacy training annually. Administrative controls employed to secure the PII in the system include:
- *Periodic Security Audits*
- *Regular Monitoring of User's Activities*
- *Annual Security, Privacy, and Records Management Refresher Training*
- *Backups Secured Offsite*
- *Encryption of Backups containing sensitive data*
- *Role-Based Training*
- *Least Privilege Access*
- *Mandatory on-boarding training for security, privacy, and Records management personnel*

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16. Please discuss additional training for users, other than the PBGC mandatory annual training, for protecting information in the system.

> *Disclosure Division users take periodic training on the FOIA and Privacy Act provided by the Department of Justice and Division leadership. These trainings include discussions and presentations and cover general handling and protecting of PII.*

17. Does the System leverage the Enterprise Access Controls?

    ☒   Yes
    ☐   No

18. Does the system leverage the commonly offered control for Accounting of Disclosures?

    ☒   Yes
    ☐   No

19. Discuss the process in place for retention and destruction of PII. Cite the applicable retention schedule(s).

> *Records are retained and disposed of in accordance with General Records Schedule 4.2, issued by the National Archives and Records Administration (NARA).*
>
> *The Retention Policy Management module in FOIAXpress will allow the Disclosure Division to create, safeguard, access records and archive or dispose them according to the General Records Schedule 4.2: Information Access and Protection Records, issued by NARA. The retention policy is created at the Administrative Retention Miscellaneous Fields and is applied only to closed request folders.*

2.3 Privacy Office Review

Name of Reviewer	Loretta Dennison LORETTA DENNISON Digitally signed by LORETTA DENNISON Date: 2025.04.14 11:05:39 -04'00'
Date Reviewed	4/14/2025
Expiration Date	4/14/2026
Result	☒ Approved without conditions ☐ Approved with conditions (see below). ☐ Denied

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Discuss analysis of risks and compensating controls (or other mitigation steps).

> *Enter description here.*

Discuss any conditions on Approval