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Cover Sheet

201413969:(U) Quarterly Report on Privacy and Civil Liberties

CR Record Tech: Garcia, Indira G
Date Processed: 9/24/2014 5:47 PM
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Final Action: Approved
Principal Final Action Addressed To: PFK
Principal Final Action Taken On: 9/23/2014
Final Action Note: ORIG LETTER MAILED TO ADDRESSEE; ORIG ACTMEM AND COPY OF LETTER TO IPS

U.S. Department of State

**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

SEP 23 2014

Dear Mr. Chairman:

Pursuant to Section 803(f) of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53, codified at 42 U.S.C. § 2000ee-1, the Department of State hereby submits the enclosed report, which includes information on reviews, advice, and compliance management with regard to privacy and civil liberties for the third quarter of 2014.

We hope this information is useful to you. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,


Patrick F. Kennedy

Enclosure:

As stated.

The Honorable

David Medine, Chairman,
Privacy and Civil Liberties Oversight Board,
2100 K Street, NW,
Washington, DC 20427.



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UNCLASSIFIED

September 22, 2014

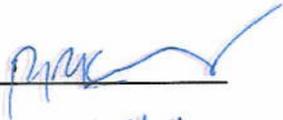
ACTION MEMO FOR UNDER SECRETARY KENNEDY (M)

FROM: A – Joyce A. Barr

SUBJECT: Quarterly Report on Privacy and Civil Liberties

Recommendation

That you approve the 3rd Quarter FY14 report on the Department's privacy and civil liberties activities required by Section 803 of the 9/11 Commission Act of 2007.

Approve  Disapprove _____

Background

In accordance with Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53, the Department is required to submit quarterly reports ("803 reports") to the Privacy and Civil Liberties Oversight Board (PCLOB), the Secretary of State, and certain committees of Congress on the Department's privacy and civil liberties activities.

The completed 3rd Quarter FY14 Section 803 Report includes a summary of the types of the Department's privacy reviews, the types of advice provided, and information on events that could give rise to privacy complaints. The Department did not identify any reviews, advice, or complaints specifically related to civil liberties.

Attachments:

- Tab 1 – 3rd Quarter FY14 Section 803 Report
- Tab 2 – Proposed Letter to PCLOB

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Approved by: A – Joyce A. Barr

Drafted: A/GIS/IPS/PRV - Christina Jones, x48407 7/14/2014

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Department of State
Report on Privacy and Civil Liberties Activities
Section 803 of the 9/11 Commission Act of 2007
3rd Quarter FY14 April 1, 2014, to June 30, 2014

Introduction

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, 42 U.S.C. 2000ee-1 (hereinafter “Section 803”) requires the Secretary of State to designate a senior agency official as Privacy and Civil Liberties Officer (PCLO) to serve as the Secretary’s principal advisor with respect to certain privacy and civil liberties matters. The Secretary has designated the Under Secretary for Management as the Department’s PCLO. Section 803 also requires periodic reports on the Department’s privacy and civil liberties activities. Such reports should include: (1) information on the number and types of reviews undertaken; (2) the type of advice provided and the response given to such advice; (3) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and (4) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of the PCLO. The Department is herein reporting for the period of April 1, 2014, to June 30, 2014. The Department is committed to the protection of privacy and civil liberties of all individuals who interact with the Department.

Department Actions

During this reporting period, the Department provided support to various offices and employees in the areas of privacy policy, privacy compliance, and incident management. Information regarding privacy and protecting personally identifiable information (PII) is made available to Department employees via internal SharePoint sites hosted by the Bureau of Administration. Cyber Security Awareness Training is required annually for all employees and contractors within the Department. Additionally, the Bureau of Administration’s Privacy Division provides specialized privacy training for offices that desire training tailored to meet the unique needs of their office. These sessions afford the opportunity for the Privacy Division to utilize training methods that include scenario based exercises as well as mock breach incident mitigation. The Department’s use of Privacy Tips of the Week is another useful tool to increase privacy awareness and provides helpful hints for maintaining privacy compliance.

This report reflects information on reviews, advice, and compliance management across the privacy spectrum. The Department has no complaints to report.

Reporting Requirements

A. Types of Privacy Reviews¹

Privacy Impact Assessments (PIAs)	42
Systems of Records Notices (SORNS)	77
Privacy Act Statements (PAS)	20
Privacy Act Amendment Requests	2

Section 208 of the E-Government Act of 2002 and OMB Memorandum M-03-22 requires the Department to complete a Privacy Impact Assessment (PIA) before developing or procuring information technology that collects, maintains, or disseminates PII. A PIA is also required when initiating a new collection or modification of certain PII that will be collected, maintained, or disseminated using information technology. During the reporting period, the Privacy Division reviewed 42 PIAs. The reviews focused on ensuring the PIAs were accurate and followed the plain language of the OMB guidelines.

The Privacy Act of 1974 and OMB Circular A-130 require the review and update of each System of Record Notice (SORN) published by an agency on a biennial basis. During this reporting period, the Privacy Division reviewed all of the Systems of Records Notices (SORNs) in the Department's collection. The review focused on identifying the business owners of the SORNs and determining which SORNs require updates. Based on this comprehensive review, the Privacy Division is providing guidance to the system owners on required updates to Department SORNs and is preparing them for republishing.

¹ The Department conducts privacy reviews of information systems and programs to ensure that privacy issues are identified and analyzed in accordance with federal privacy laws. Federal privacy laws are enumerated in controlling authorities such as the Privacy Act of 1974, codified at 5 U.S.C. § 552a, the privacy provisions at Section 208 of the E-Government Act of 2002, as well as federal privacy policies articulated in Office of Management and Budget (OMB) guidance, including OMB Circular A-130.

Section (e)(3) of the Privacy Act requires an agency that maintains a system of records to provide notice of certain information to individuals from whom it collects information. This notice, or Privacy Act Statement, must provide the principal purpose(s) for which the information is intended to be used, the authority for collecting the information, any routine uses which may be made of the information, and whether disclosure of the information is voluntary or mandatory. The Privacy Division reviewed and approved 20 Privacy Act Statements during the reporting period.

A Privacy Act amendment request made pursuant to Section (d)(2) of the Privacy Act allows an individual to request amendment of a record pertaining to him or her if the record is maintained in a Privacy Act system of records. This report documents the number of Privacy Act amendment requests that were received and processed during the reporting period.

B. Topics of Advice and Response Given²

Ad-hoc privacy training for individuals/groups	237
Guidance provided for incident mitigation	131
Guidance related to workplace privacy	81

The Privacy Division provided training to new Department employees, Information Systems Security Officers, and other offices as requested. The training sessions focused on identifying and protecting PII and how to report a suspected or confirmed PII breach.

During the reporting period, the Privacy Division analyzed 2498 outbound e-mails flagged by the Data Loss Prevention tool as containing PII. Of the 2498 e-mails, 156 questionnaires were sent to the authors of the e-mails to determine if the transmissions constituted official business. Based on further analysis, four of the 156 questionnaires resulted in reporting these transmissions as privacy breaches. The Privacy Division provided guidance to remaining 152 individuals

² Advice includes the issuance of formal written policies, procedures, guidance, or interpretations of privacy requirements for circumstances or business processes. Examples of formal advice and responses to advice provided may include issuance of guidance related to protecting personally identifiable information, training, or incident management procedures.

and their managers to improve awareness of the proper handling of PII and the tools made available by the Department to incorporate cybersecurity measures. Additionally, guidance was also provided to 1,212 senders of e-mails who sent their own or their family members' information. This guidance promotes appropriate safeguards at the user-level to protect the PII collected and maintained by the Department to minimize the occurrence of privacy breaches. The remaining e-mails involved authorized business practices (727); false positives (325); and duplicate events (78).

The Privacy Division responded to 81 separate e-mail inquiries submitted by members of the public and Department workforce members. Each inquiry was related to a privacy concern, and responses to inquiries along a common theme were added to the Frequently Asked Questions section of the Privacy Division SharePoint portal.

C. Number and Nature of Complaints Received by Department, Agency, or Element Concerned for Alleged Violations

For purposes of this report, a complaint is a written allegation (excluding complaints filed in litigation with the Department) submitted to the PCLO alleging a violation of civil liberties concerning the handling of personal information by the Department in the administration of Department programs and operations.

The Department has no complaints to report.

D. Summary of Disposition of Complaints, Reviews and Inquiries Conducted, and Impact of the Activities of Privacy and Civil Liberties Officer

The Department has no additional information to report.