

# US Department of Health and Human Services

## Privacy Impact Assessment

**Date Signed:**

09/21/2016

**OPDIV:**

OS

**Name:**

iComplaints

**PIA Unique Identifier:**

P-4109165-154848

**The subject of this PIA is which of the following?**

Minor Application (stand-alone)

**Identify the Enterprise Performance Lifecycle Phase of the system.**

Operations and Maintenance

**Is this a FISMA-Reportable system?**

Yes

**Does the system include a Website or online application available to and for the use of the general public?**

No

**Identify the operator.**

Contractor

**Is this a new or existing system?**

Existing

**Does the system have Security Authorization (SA)?**

No

**Indicate the following reason(s) for updating this PIA.**

PIA Validation

**Describe in further detail any changes to the system that have occurred since the last PIA.**

No changes have occurred since the last PIA.

**Describe the purpose of the system.**

iComplaints is an electronic records system used to track complaints and supporting documentation relating to individual and class complaints of employment discrimination and retaliation prohibited by the Department of Health and Human Services (HHS) civil rights statutes. HHS' iComplaints users (Equal Employment Opportunity (EEO) Specialists and managers) log-in to the web-based application using user credentials (username and password) to input, process, track, manage and report on EEO complaints.

The information contained in iComplaints concerns current, former employees and applicants who file informal and formal complaints of discrimination or who are seeking resolution to employment issues, applicants for employment, individuals with factual knowledge regarding those complaints and representatives of the interests of both complainant and the agency.

The information collected varies based on the type of complaint or process undertaken.

Personally identifiable information (PII) of complaints/representatives, witnesses, and occasionally Health and Human Services (HHS) personnel involved in the investigation is captured within the records stored in iComplaints. The following PII is collected of the individual(s) submitting the discrimination and retaliation against the employer:

Name

Email address

Phone numbers (Work and Home)

Date of Birth (DOB)

Mailing address (Work and Home)

Legal Documents

Data is acquired from individuals who initiate contact with a servicing EEO office and supply background information to support allegations of discrimination. Once accepted, investigators who are contractors external to the EEO office, interview complainants, witnesses and gather relevant documents to create a factual record of allegations. These contractors do not have direct access to iComplaints; nor do they have HHS credentials (are not Direct Contractors). Information is shared with the contractors via a secured share file. Once the iComplaints user upload documents to the secure share file, the files are moved from the secure share file to the investigator's share file folder. EEO offices ensure that contract investigators follow privacy guidelines outlined by privacy and security requirements in the Statement of Work that solicits the bids for proposal. Information may be collected electronically, in paper form, or orally through phone call or interview in person. Information is primarily inputted into iComplaints by keystroke data entry, scanning of paper files, and attachment of electronic files.

The information collected is used to properly administer and adjudicate EEO complaints for each respective component. Appropriate action cannot be taken to resolve EEO matters without complainant and/or witness contact information and factual accounts of alleged incidents. iComplaints may aggregate data in order to show trends, whether the information is an aggregate of Component data, Fiscal Year data, or benchmark data.

### **Describe the type of information the system will collect, maintain (store), or share.**

PII of complaints/representatives, witnesses, and occasionally HHS personnel involved in the investigation is captured within the records stored in iComplaints. HHS' EEO specialists and managers log-in to the web-based application using their user credentials (username and password) to collect demographic PII in order to process and properly execute EEO complaints. Collected information includes, at a minimum name, work and home addresses, work and home phone numbers, date of birth, and e-mail addresses for Complainants, Responsible Management Officials, Witnesses and any others that are relevant to the subject complaint. Depending on the complaint, a person's Race/Ethnicity, National Origin, Color, Age, Date of Birth, Sex (including Sexual Orientation), Religion, Disability, Employment Status, Previous EEO Activity, will also be required for the purpose of resolving and/or investigating the complaint. During the investigation, PII from other sources (Performance Evaluations, Disciplinary Actions, Salary, Social Security Number, etc.) may be obtained and redacted as necessary.

Information is acquired from individuals who initiate contact with a servicing EEO office and supply background information to support allegations of discrimination. Once accepted, investigators who are contractors external to the EEO office, interview complainants and witnesses and gather relevant documents to create a factual record of allegations. (Contract investigators, mediators, counselor's, etc., obtained via HHS' Equal Employment Opportunity Compliance and Operations (EEOCO)'s vendor[s] do not have direct access to iComplaints or HHS credentials. All information is provided by HHS via the respective EEO Specialist.) Collected information is shared with the following individuals and for the following purpose:

Within HHS: Aggregate information regarding current EEO complaint trend analysis and projections, workforce demographics, and information concerning specific complaint activity to Senior HHS Officials. EEOCO also provides information to Office of the General Counsel (OGC) Attorneys regarding specific complaints with hearings/appeals at the EEOC and with U.S. District Court civil cases. Other Federal agencies: supports communication with the Office of Personnel Management (OPM), EEO Commission, the Merit System Protection Board (MSPB) and the General Accounting Office (GAO) on issues pertaining to discrimination complaints. Private Sector: HHS hires contractors from the private sector to serve as investigators and are external to the EEO office.

**Provide an overview of the system and describe the information it will collect, maintain (store), or share, either permanently or temporarily.**

iComplaints is an enterprise-level web-based application used to track complaints, supporting documentation relating to individual, and class complaints of employment discrimination and retaliation prohibited by the HHS civil rights statutes. iComplaints is used by HHS EEO Specialists to enter and track EEO complaints from filing of the Informal Complaint to the final closing action. iComplaint users (EEO Specialists and managers) log in using their username and password to input, process, track, manage and report on EEO complaints. The information contained in iComplaints concerns current, former employees and applicants who file informal and formal complaints of discrimination or who are seeking resolution to employment issues, applicants for employment, individuals with factual knowledge regarding those complaints and representatives of the interests of both complainant and the agency. The information collected varies based on the type of complaint or process undertaken.

PII of complaints/representatives, witnesses, and occasionally HHS personnel involved in the investigation is captured within the records stored in iComplaints. Information collected in this system includes the following: Name, email address, phone numbers, DOB, and mailing address. Data is acquired from individuals who initiate contact with a servicing EEO office and supply background information to support allegations of discrimination. Once accepted, investigators who are contractors external to the EEO office, interview complainants and witnesses and gather relevant documents to create a factual record of allegations. These contractors do not have direct access to iComplaints; nor do they have HHS credentials. Information is shared with the contractors via a secured share file. Once the iComplaints user upload documents to the secure share file, the files are moved from the secure share file to the investigator's share file folder. EEO offices ensure that contract investigators follow privacy guidelines outlined by privacy and security requirements in the Statement of Work that solicits the bids for proposal. Information may be collected electronically, in paper form, or orally through phone call or interview in person. Information is primarily inputted into iComplaints by keystroke data entry, scanning of paper files, and attachment of electronic files.

The information collected is used to properly administer and adjudicate EEO complaints for each respective component. Appropriate action cannot be taken to resolve EEO matters without complainant and/or witness contact information and factual accounts of alleged incidents. Collected information is shared with the following individuals and for the following purpose: Within HHS: Aggregate information regarding current EEO complaint trend analysis and projections, workforce demographics, and information concerning specific complaint activity to Senior HHS Officials. EEOCO also provides information to Office of the General Counsel (OGC) Attorneys regarding specific complaints with hearings/appeals at the EEOC and with U.S. District Court civil cases. Other Federal agencies: supports communication with OPM, EEO Commission, the Merit System Protection Board (MSPB) and the General Accounting Office (GAO) on issues pertaining to discrimination complaints. Private Sector: HHS hires contractors from the private sector to serve as investigators and are external to the EEO office.

**Does the system collect, maintain, use or share PII?**

Yes

**Indicate the type of PII that the system will collect or maintain.**

Social Security Number

Date of Birth

Name

E-Mail Address

Mailing Address

Phone Numbers

Legal Documents

Employment Status

EEO Complaint Claim Notes, Disability, Race, Gender, Religion (including Sexual Orientation),

Project Management Plan (PMP), disciplinary action and salary information.

User credentials including user ID and password

**Indicate the categories of individuals about whom PII is collected, maintained or shared.**

Employees

Public Citizens

Vendor/Suppliers/Contractors

Applicants for Employment and former employees

**How many individuals' PII is in the system?**

5,000-9,999

**For what primary purpose is the PII used?**

The information collected is used to properly administer and adjudicate EEO complaints for each respective component.

**Describe the secondary uses for which the PII will be used.**

PII will be used to create reports to the EEOC, Office of Personnel Management (OPM) and Congress. Specifically, the information will be used to prepare the 462 Report and MD-715 (Annually) and No FEAR Act (Quarterly and Annually). Other reports may be needed (Including aggregate data) on a per-request basis. EEO and iComplaints information is never to be included with an individual's Human Resources Employment Record.

**Describe the function of the SSN.**

iComplaints does not require the collection of SSNs, however during investigations SSNs may be collected from sources such as Performance Evaluations, Disciplinary Actions, and Salary and is redacted as necessary. This PII is not shared with other sources.

**Cite the legal authority to use the SSN.**

E.O. 9397 and 31 U.S.C. 7701(c) (2) authorizes the collection of the SSN. The former is the Executive Order noting that the SSN is to be used for various official government purposes, including as the Taxpayer Identification Number (TIN), and the latter states "The head of each Federal agency shall require each person doing business with that agency to furnish to that agency such person's taxpayer identifying number." Further, this information is provided consistently with the restrictions required by 5 U.S.C. 552a(Privacy Act of 1974) for individuals supplying information for inclusion in a system of records.

**Identify legal authorities governing information use and disclosure specific to the system and program.**

Title 29 U.S.C. § 1614.102a obligates each agency to establish and "maintain a continuing affirmative action program to promote equal opportunity and to identify and eliminate discriminatory practices and policies" that reports to the Agency head.

The EEO office receives guidance and instructions from the Equal Employment Opportunity Commission through its Management Directives (MD-110) and Memorandums. Specifically, the EEOCO Division and the respective Operating Division (OpDiv) EEO offices have the authority to investigate discrimination claims and maintain records under Title VII of the Civil Rights Act of 1964, as amended, The Equal Pay Act, Age Discrimination in Employment Act, Americans with Disabilities Act, as amended, The Rehabilitation Act of 1973, Genetic Information NonDiscrimination Act and the No FEAR Act of 2002.

42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. 204(f) and 206(d); 29 U.S.C. 633(a); Reorg. Plan No. 1 of 1978, 43 FR 19607 (May 9, 1978); Exec. Order No. 12106, 44 FR 1053 (Jan. 3, 1971)

**Are records on the system retrieved by one or more PII data elements?**

Yes

**Identify the number and title of the Privacy Act System of Records Notice (SORN) that is being use to cover the system or identify if a SORN is being developed.**

09-90-0022 Volunteer EEO Support Personnel Records

09-90-0009 Discrimination Complaint Records

EEOC/GOVT-1 EEO Federal Government Complaint & Appeal Records

**Identify the sources of PII in the system.**

**Directly from an individual about whom the information pertains**

In-Person

Hardcopy

Email

Online

**Government Sources**

Within OpDiv

Other HHS OpDiv

Other Federal Entities

**Non-Governmental Sources**

Public

Private Sector

**Identify the OMB information collection approval number and expiration date**

N/A

**Is the PII shared with other organizations?**

Yes

**Identify with whom the PII is shared or disclosed and for what purpose.**

**Within HHS**

Aggregate information regarding current EEO complaint trend analysis and projections, workforce demographics, and information concerning specific complaint activity to Senior HHS Officials. EEOCO also provides information to Office of the General Counsel (OGC) Attorneys regarding specific complaints with hearings/appeals at the EEOC and with U.S. District Court civil cases.

**Other Federal Agencies**

iComplaints supports communication with OPM, EEO Commission, the Merit System Protection Board (MSPB) and the General Accounting Office (GAO) on issues pertaining to discrimination complaints.

## **Private Sector**

HHS hires contractors from the private sector to serve as investigators and are external to the EEO office. EEO offices ensure that contract investigators follow privacy guidelines outlined by privacy and security requirements in the Statement of Work that solicits the bids for proposal.

### **Describe any agreements in place that authorizes the information sharing or disclosure.**

PII is disclosed to HHS contractors who are hired as investigators to interview complainants and witnesses and gather relevant documents to create a factual record of allegations. EEO offices ensure that contract investigators follow privacy guidelines outlined by privacy and security requirements in the Statement of Work that solicits the bids for proposal. Upon hiring, contract investigators sign Non-Disclosure agreements.

### **Describe the procedures for accounting for disclosures.**

Disclosures from this system are unlikely to be made, except in furtherance of the primary purpose of the system. If any nonstandard disclosures were to be made for any unanticipated reason, such that the disclosure was not a routine use, the iComplaints system owner would be notified along with such details so to document who made the request, exactly what information on each individual was provided; and the date of the disclosure.

### **Describe the process in place to notify individuals that their personal information will be collected. If no prior notice is given, explain the reason.**

Individuals supply the information directly, via an Intake Form or electronically through iComplaints's E-File, and are therefore aware of what information is being collected. There is also a System of Records Notice (SORN) covering the system.

Currently, only the Food and Drug Administration (FDA) uses E-File but EEOCO anticipates expanding this option to all of HHS in the future.

### **Is the submission of PII by individuals voluntary or mandatory?**

Voluntary

### **Describe the method for individuals to opt-out of the collection or use of their PII. If there is no option to object to the information collection, provide a reason.**

Prior to submitting an EEO complaint, individuals are given the opportunity to opt-in to the collection of PII, hence there is no need to provide an opt-out.

### **Process to notify and obtain consent from individuals whose PII is in the system when major changes occur to the system.**

No major changes to the system are expected that would affect the rights and interests of the data subjects. If such changes were made, individuals would be notified via the contact information they have supplied to the system.

### **Describe the process in place to resolve an individual's concerns when they believe their PII has been inappropriately obtained, used, or disclosed, or that the PII is inaccurate.**

Data within the system pertains to HHS employees and Applicants for Employment only. HHS has common departmental procedures concerning employee notification of inappropriate data use and disclosure.

The process is as follows:

Incidents should be reported immediately to HHS Computer Security Incident Response Center (CSIRC) by emailing HHS at [csirc@hhs.gov](mailto:csirc@hhs.gov) or calling 1-866-646-7514. The following information should be included in the incident report:

First and Last Name of the Reporting Party

Operating Division (OpDiv)

Title/Position

Work Email Address

Phone Numbers

Basic Description  
Current Status  
Start Date and Time  
Incident Location  
Priority  
Possibility of Data Compromise PII or other sensitive data  
Type of information  
Roles of Involved Parties  
PII Owner  
Number of Individuals Impacted

HHS then creates an entry in its tracking system, reports the incident to the United States Computer Emergency Readiness Team (US-CERT), and notifies other stakeholders as needed based on the incident type. OpDivs continue to provide incident data, as it becomes available, until the incident is resolved. HHS updates US-CERT with incident status and resolution information.

**Describe the process in place for periodic reviews of PII contained in the system to ensure the data's integrity, availability, accuracy and relevancy.**

PII data is protected through periodic scans of iComplaints, annual security reviews mandated by OS Cybersecurity, as well as the Checkpoint firewall. In addition, the hosting vendor MicroPact IT Operations Team, conducts periodic reviews/analyzes audit records for any indications of inappropriate or unusual network activity on a weekly basis.

**Identify who will have access to the PII in the system and the reason why they require access.**

**Users:**

Use of the system in administering EEO complaints.

**Administrators:**

Access to PII is coincidental to required maintenance of the system.

**Developers:**

Access to PII is coincidental to required system development activities.

**Contractors:**

Contractors are investigators external to the EEO office, interview complainants and witnesses and gather documents to create allegations.

**Describe the procedures in place to determine which system users (administrators, developers, contractors, etc.) may access PII.**

User data (IDs and access rights) is maintained and access to this data is restricted to an OpDiv's respective Master Administrators or Administrators. The iComplaints application utilizes Role-Based Access controls to limit access to the application. The role has only the necessary privileges to complete job function as stated in the HHS iComplaints User Guide. Non-privileged users are restricted (the principle of least privilege is enforced) to the minimum access necessary to perform job functions. iComplaints enforces assigned authorizations for controlling access to the system in accordance with applicable policy.

**Describe the methods in place to allow those with access to PII to only access the minimum amount of information necessary to perform their job.**

iComplaints prevents non-privileged users from executing privileged functions by enforcing assigned authorizations for controlling access to the system. iComplaints user accounts contain appropriate privilege separation by utilizing Role-Based Application controls. In addition, iComplaints has the ability to audit privileged user accounts which consist of an audit log that captures information on the iComplaints system administrator or a user with privileged access. Information logged consist of username, firstname, lastname, remote host, session created, and last accessed.

Additionally, audit logs are captured on privileged users on userID, user, action, description, complaint ID, Internet Protocol (IP) address, and date/time. The iComplaints administrator has access to view these audit logs within the administration section of the system.

**Identify training and awareness provided to personnel (system owners, managers, operators, contractors and/or program managers) using the system to make them aware of their responsibilities for protecting the information being collected and maintained.**

All HHS employees are required to take security awareness training when they are initially hired and annually. The Learning Management System (LMS) is used to provide and track user awareness to all employees; and security training to those designated with elevated system responsibilities on an annual basis.

**Describe training system users receive (above and beyond general security and privacy awareness training).**

There is no required training beyond the annual security awareness training. However users may refer to the iComplaints User Guide for any questions.

**Do contracts include Federal Acquisition Regulation and other appropriate clauses ensuring adherence to privacy provisions and practices?**

Yes

**Describe the process and guidelines in place with regard to the retention and destruction of PII.**

Records are maintained in file folders, hard copy and electronic, are limited to those persons whose official duties require such access. Records are retained for at least 4 years after the final closure (e.g., U.S. District Court Civil Case) or as instructed by any settlement agreements.

The iComplaints system follows the National Archives and Records Administration's (NARA) General Records Schedule 1 (GRS-1) "Civilian Personnel Records."

**Describe, briefly but with specificity, how the PII will be secured in the system using administrative, technical, and physical controls.**

The following administrative, technical, and physical controls are in place for iComplaints.

Administrative Controls:

- System security plan
- Contingency (or backup) plan
- File backup
- Backup files stored offsite
- User manuals
- Security Awareness Training

Technical Controls:

- User Identification and Passwords
- Firewall
- Encryption
- Intrusion Detection System (IDS)

Physical Controls:

- Guards
- Identification Badges
- Key Cards

Note: web address is a hyperlink.

Session Cookies that do not collect PII.