

## PRIVACY IMPACT ASSESSMENT

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Office of Environmental Information

**System Name:** Federal Docket Management System

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**This project is in the following stage(s):**

Definition                      Development/Acquisition                      Implementation

Operation & Maintenance **X**      Termination

### **I. Data in the System**

1. Describe what data/information will be collected/contained in the system.

The eRulemaking Program's Federal Docket Management System (FDMS) is an online public docket and comment system implemented to expand public access to Federal agencies' rulemakings. The FDMS facilitates the submission of public comments to Federal agencies' rulemaking dockets by allowing the public to comment online. While the FDMS is a centralized system, each Federal agency is the sole owner of its data and the agency manages its internal user's access and roles within the system as well as the posting of comment submission data on the system as part of its rulemakings.

FDMS is used by many partner agencies and each agency has a requirement to collect different information. The system may collect: name, address, city, state, country, zip code, email, telephone number and fax number from individuals submitting a comment into the system.

2. What are the sources and types of the data/information in the system?

Information entered into the FDMS is collected from two sources:

- 1) External to the Federal Rulemaking Community --- Any person or any entity including private citizens; federal, state or local governments; businesses; industries; or their representatives may submit comments electronically into the FDMS via the Internet at [www.Regulations.gov](http://www.Regulations.gov) (they may also submit comments via mail, fax, or email which are then scanned and processed into electronic format for inclusion in the system); and
- 2) Internal to the Federal Rulemaking Community--- Agency users with appropriate access rights will import the original proposed rulemaking and new rulemaking materials into the FDMS and key in metadata index information to the system to support public searches via the Internet. Agency users with appropriate access rights will also manage data

submitted by external users (i.e. commenters), including rulemaking materials and supporting documentation.

### 3. How will the information be used by the Agency?

Each rulemaking entity's regulation writers across the Federal government will consider public comments when they modify a proposed or final rule, as well as comments solicited for opinions on a program initiative, scientific study, respective agency guidance document or proposed standard.

### 4. Why is the information being collected? (Purpose)

Often, the collection of comments is statutorily obligated for rulemakings. For non-rulemakings, Federal agencies collect comments to help improve materials under development.

## II. Access Controls for the Data

1. Who will have access to the data/information in the system (*internal and external parties*)? If contractors, are the Federal Acquisition Regulations (FAR) clauses included in the contract (24.104 Contract clauses; 52.224-1 Privacy Act Notification; and 52.224-2 Privacy Act)?

Those having access to the system include the users internal to the Federal government and the external members of the general public. Anyone can gain access to the public side of the system, which posts information on the Internet. Public access is via the Internet and requires no login to search, view and comment on posted materials that is open for comment.

The non-public side of the system is accessible only to authorized eRulemaking docket staff and Federal government (multi-agency) rule writers and managers. Each agency is responsible for the comments and other materials submitted to that particular agency. The non-public login is a separate login that is not accessible via the publicly viewable pages.

Partner agency contractors will perform duties in accordance with applicable Privacy Act requirements executed in their operating contract vehicles.

2. How have you educated those having authorized access about the misuse of PII data?

New federal users are provided training prior to access to the system, and system training is offered to all users on a monthly basis. User training will include this topic.

3. Do other systems share or have access to data/information in this system? If yes, explain who will be responsible for protecting the privacy rights of the individuals affected by the interface? (*i.e., System Administrators, System Developers, System Managers*)

No.

4. Will other agencies, state or local governments share or have access to data/information in this system (*includes any entity external to EPA.*)? If so, what type of agreement was issued? (*i.e., ISA, MOU, etc.*)

There are 39 Federal partner departments and agencies who use FDMS. EPA maintains an annual Memorandum of Agreement with each partner department and agency.

5. Is the data and /or processes being consolidated? If so, are the proper controls in place to protect the data from unauthorized access or use?

There are numerous controls in place to ensure data integrity and to prevent unauthorized access (e.g. firewalls, intrusion detection software, LAN security). Access to data in the system is controlled by User Roles which are assigned appropriately to end users.

### **III. Attributes of the Data**

1. Explain how the use of the data is both relevant and necessary to the purpose for which the system is being designed.

The information in the FDMS is both relevant and necessary for the system's purpose because it is the government-wide repository for rule-making related documents as well as an archive of public comments about specific rules as they are being developed.

2. How is the system designed to retrieve information by the user? Will it be retrieved by personal identifier more than 50% of the time? If yes, explain. *(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.)*

Registered users will have accounts that are managed by the access control lists that are password protected. Search functions allow public (non-registered) users to search for information that is part of the publicly available set of information.

Data can be retrieved by name, organization or document number.

3. Do individuals have the opportunity to decline to provide information or to consent to particular uses of the requested information? If yes, how is notice given to the individual? *(Privacy policies must clearly explain where the collection or sharing of certain information may be optional and provide users a mechanism to assert any preference to withhold information or prohibit secondary use.)*

Yes. Individuals do not need to submit any information they do not want to provide. Comments submitted are provided on a completely voluntary basis and it is up to the commenter as to what information is provided. The system informs users through a disclaimer notice that any contact information they provide is voluntary and will be published with their comments.

4. Where is the Web privacy policy stated?

A link to the privacy policy will appear from the homepage of the site which is accessible to both public and agency users.

### **IV. Maintenance and Administrative Controls**

1. Has a record control schedule been issued for the records in the system? If so, provide the schedule number. *(You may check with the record liaison officer (RLO) for your AA-ship or Tammy Boulware (Headquarters Records Officer) to determine if there is a retention schedule for the subject records.)*

Schedule EPA-150 for the dockets, EPA-152 for the system itself, and EPA-304 for system

documentation.

2. While the data are retained in the system, what are the requirements for determining if the data are still sufficiently accurate, relevant, timely, and complete to ensure fairness in making determinations?

While the FDMS' Documentum and Oracle platforms ensure data integrity (both for externally-submitted comments and internally generated documents and metadata), the system does not assess the accuracy or completeness of publicly-submitted comments. The content of comments is subjective. Federal agencies' regulation writers are responsible for interpreting the relevance, accuracy, and completeness of externally submitted comments and data for the nature and intent of related rulemakings under consideration.

3. Will this system provide the capability to identify, locate, or monitor individuals? If yes, explain.

No.

4. Does the system use any persistent tracking technologies?

No.

5. Under which System of Records (SOR) notice does the system operate? Provide the name of the system and its SOR number if applicable. A list of Agency SORs are posted at <http://www.epa.gov/privacy/notice/>. *(A SOR is any collection of records under the control of the Agency in which the data is retrieved by a personal identifier.)*

EPA/GOVT-2, Federal Docket Management System