

**PRIVACY IMPACT ASSESSMENT**

Submit in *Word format* electronically to: Linda Person ([person.linda@epa.gov](mailto:person.linda@epa.gov))  
Office of Environmental Information

**System Name:** OALJ E-Filing System

**Preparer:** Gilbert Mears

**Office:** OARM-OALJ

**Date:** 11/20/2013

**Phone:** (202) 566-0954

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

Definition                       Development/Acquisition                       Implementation   
Operation & Maintenance                       Termination

*(Note: Once the system is in the Operation & Maintenance stage, the PIA should only be updated if there a significant change in the system, such as a change in the data being collected, accesses to the system, data retrieval, etc.)*

**I. Data in the System**

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

The OALJ E-Filing System, the focus of this Privacy Impact Assessment, is a docketing and filing system used to manage documents relevant to cases before EPA ALJs. Litigants and ALJs may submit a variety of documents to the OALJ E-Filing System, including pleadings, motions, briefs, exhibits, orders, hearing transcripts and initial decisions.

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

The sources of information in the OALJ E-Filing System are the parties to a matter (e.g., pleadings, motions, briefs, exhibits) and the employees of the OALJ, which will typically be the ALJ presiding over the matter (e.g., orders, decisions). The types of data/information in the system generally includes documents that provide support for a particular allegation or defense in the relevant case.

**Potential types of information submitted to the OALJ E-Filing System:**

Identifying numbers					
X	Social Security		Alien Registration	X	Financial account
X	Taxpayer ID	X	Driver's license	X	Financial transaction
X	Employee ID		Passport		Patient ID
X	File/case ID		Credit card		
X	Other identifying numbers (specify): Other operator license(s)				

General personal data					
X	Name	X	Date of birth		Religion
X	Maiden name	X	Place of birth	X	Financial info
X	Alias	X	Home address	X	Medical information
X	Gender	X	Telephone number		Military service
X	Age	X	Email address	X	Physical characteristics
	Race/ethnicity	X	Education		Mother's maiden name
Other general personal data (specify):					

Work-related data					
X	Occupation	X	Telephone number	X	Salary
X	Job title	X	Email address	X	Work history
X	Work address	X	Business associates		
Other work-related data (specify):					

Distinguishing features/Biometrics					
	Fingerprints	X	Photos		DNA profiles
	Palm prints		Scars, marks, tattoos		Retina/iris scans
X	Voice recording/signatures		Vascular scan		Dental profile
Other distinguishing features/biometrics (specify):					

System admin/audit data					
X	User ID	X	Date/time of access	X	ID files accessed
	IP address		Queries run	X	Contents of files
Other system/audit data (specify):					

Other information (specify)					

**Potential sources of information submitted to the OALJ E-Filing System:**

Directly from individual about whom the information pertains					
X	In person	X	Hard copy: mail/fax	X	Online
	Telephone	X	Email		
Other (specify):					

Government sources					
X	EPA-OALJ	X	Other EPA components	X	Other federal entities
X	State, local, tribal		Foreign		
Other (specify):					

Non-government sources					
X	Members of the public		Public media, internet	X	Private sector
	Commercial data brokers				
	Other (specify):				

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

The information contained in the OALJ E-Filing System is primarily for the purpose of enabling ALJs to render determinations with respect to matters before them and communicating those determinations to the appropriate individuals and organizations, as well as to the general public. This includes providing for online filing, tracking, and accounting of filings (e.g., pleadings, motions, briefs, exhibits, orders, and determinations) in all cases, both active and closed. Other uses of the OALJ E-Filing System and the information contained therein include:

- Responding to Freedom of Information Act requests from the public;
- Providing the chief judge management information necessary to assess workload, assign incoming cases and monitor case progress;
- Allowing individual judges to monitor the progress of assigned cases;
- Providing ready access to case docketing information to support staff to enable timely response to complainants, government and private counsel, and respondents concerning the status of a particular case; and
- Promoting adjudicative transparency by providing public access to OALJ litigation documents.

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

As stated above, the information contained in the OALJ E-Filing System is primarily for the purpose of enabling ALJs to render determinations with respect to matters before them and communicating those determinations to the appropriate individuals and organizations, as well as the general public. See response to Question I.3, above.

**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)?**

The majority of information contained in the OALJ E-Filing System will be accessible to any person or entity who has access to the Internet. This may include not only case parties and ALJs but also member of the general public. The public will not have access to documents containing data protected by the Privacy Act unless an exemption or exception applies.

At this time, OALJ does not foresee contractors having greater access to the system than the general public.

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

Annual security awareness training with a section on data privacy is mandatory for all EPA employees and contractors. Additionally, annual ethics training is also mandatory for all EPA employees and contractors.

**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.) If any agreements were issued, the Privacy Program will need a copy for our files.**

Yes, but only to the same degree as the general public. Therefore, no agreements were issued regarding this access.

**5. Is the data and /or processes being consolidated? (i.e., paper to electronic) If so, are the proper controls in place to protect the data from unauthorized access or use?**

No.

**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 OALJ was created to conduct hearings and render decisions in proceedings between the EPA and persons, businesses, government entities, and other organizations which are or are alleged to be regulated under environmental laws. With the OALJ E-Filing System, the OALJ aims to modernize and streamline its adjudicative process. Documents submitted to the OALJ E-Filing System will be used in the same manner that OALJ litigation documents have historically been used, which is to enable ALJs to render determinations with respect to matters before them.

**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.)***

No, the information will not be retrieved by personal identifier more than 50% of the time. Users generally retrieve information from the OALJ E-Filing System by either the Docket ID or the name of the parties to the case. In most instances (more than 50% of the time), the named parties will be the Agency and a business entity or entities. On occasion, however, the non-Agency party may be an individual person, in which case a personal identifier may be used to retrieve information from the OALJ E-Filing System.

**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. Parties need not submit any information they do not wish to provide. Failure to provide information relevant to a party's case, however, may diminish that party's likelihood of prevailing in the case. With respect to PII, OALJ encourages parties to either redact PII in documents being submitted to the OALJ E-Filing System or refrain from submitting such documents altogether. If a party believes certain PII in a document is relevant to an OALJ determination being sought, the party may submit an electronic, redacted version of the document to the OALJ E-Filing System and a physical, un-redacted version to the OALJ Hearing Clerk.

**4. Where is the Web privacy policy stated?**

The OALJ privacy policy can be accessed via the OALJ homepage, at [www.epa.gov/oalj](http://www.epa.gov/oalj). The EPA privacy policy can be accessed at the following Web address: [www.epa.gov/privacy/policy/2151](http://www.epa.gov/privacy/policy/2151)

#### **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. All systems must have a record control schedule.)**

Yes, EPA Records Schedules [508](#), [509](#), and [510](#) apply to the OALJ E-Filing System.

**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?**

None. Persons submitting documents to the OALJ E-Filing System are responsible for the accuracy, relevance, timeliness, and completeness of their submissions.

**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. All 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. The SOR must contain the same categories of records and cover the same routine uses of your system.)**

The SORN under which this system would operate is still in development at this time.