

PRIVACY IMPACT ASSESSMENT

Please submit your responses to your Liaison Privacy Official

http://intranet.epa.gov/privacy/pdf/lpo_roster.pdf.

If you need further assistance contact Marlyn Aguilar, at aguilar.marlyn@epa.gov or (202) 566-0012.

System Name: Labor and Employee Relations Information System (LERIS)		
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Date: 08-17-2017	Phone: 202-564-6295	
Reason for Submittal: New PIA <input type="checkbox"/> Revised PIA <input checked="" type="checkbox"/> Annual Review <input type="checkbox"/> Rescindment <input type="checkbox"/>		
This system is in the following life cycle stage(s):		
Definition <input type="checkbox"/>	Development/Acquisition <input type="checkbox"/>	Implementation <input type="checkbox"/>
Operation & Maintenance <input checked="" type="checkbox"/> Rescindment/Decommissioned <input type="checkbox"/>		
<p>Note: Note: New and Existing Systems require a PIA annually, when there is a significant modification to the system or where privacy risk has increased to the system. For examples of significant modifications, see <u>OMB Circular A-130, Appendix 1, Section (c) (1) (a-f)</u>.</p> <p>The PIA must describe the risk associated with that action. For assistance in applying privacy risk see <u>OMB Circular No. A-123, Section VII (A) (pgs. 44-45)</u>.</p>		

Provide a general description/overview of the system:

The Labor and Employee Relations Information System, also known as LERIS, is an EPA major information system (MIS). LERIS is a web-based service operated by GDC Integration, Inc. (GDCI). The operation is to provide a mechanism for Labor and Employee Relations employees to track, manage and report on labor and employee relations cases throughout the agency. The system validates entries in respect to the business rules, presents it for user verification and update, and allows information to be reported to upper management. It is a resource for ER/LR specialists to effectively and proficiently address their job duties.

Section 1.0 Authorities and Other Requirements

1.1 What specific legal authorities and/or agreements permit and define the collection of information by the system in question? 5 USC Chapter 71; 5 USC Chapter 43; 5 USC Chapter 75; 5 CFR 771; 5 CFR 752; 5 CFR 432

- 1.2 Has a system security plan been completed for the information system(s) supporting the system?** Yes
- 1.3 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix. Not applicable.**

Section 2.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected, as well as reasons for its collection.

- 2.1 Identify the information the system collects, uses, disseminates, or maintains (e.g., data elements, including name, address, DOB, SSN).** The system collects Labor Relations case file information regarding administrative grievances, Grievances of the Parties, negotiated grievances, formal discussions/meetings, union information requests, negotiations, unfair labor practice (ULP) charges, and unit clarification petitions. The system collects Employee Relations case file information regarding employee counseling for misconduct or poor performance, disciplinary actions, adverse actions, performance-based actions, performance assistance plans, performance improvement plans, reasonable accommodation requests and Merit System Protection Board (MSPB) appeals. Data elements for all cases include employee names, organizational information, grade, bargaining unit status, union information, supervisory information and case-specific data.
- 2.2 What are the sources of the information and how is the information collected for the system?** The Federal Personnel Payroll System (FPPS) provides general human resources elements, to include First/Middle/Last Name, Appointment Type, Appointment Not-to-Exceed Date (if applicable), Service Computation Date for Leave Accrual Purposes, Service Computation Date for Retirement Eligibility Purposes, Position Title, Pay Plan, Occupational Series, Grade, Step, Supervisory Code, Bargaining Unit Status Code, Organizational Breakdown of Position's Location ("Organization Level 1" through "Organization Level 8," as applicable) and Duty Station. LER specialists input case-specific information generated from each individual case, to include PDF copies of case files.
- 2.3 Does the system use information from commercial sources or publicly available data? If so, explain why and how this information is used.** No.
- 2.4 Discuss how accuracy of the data is ensured.** Access to LERIS is limited to 55 EPA human resources federal employees in the LER community, therefore there is limited

access to the system. The accuracy of the data is ensured by regular reports conducted by the headquarters LER Division.

2.5 Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: The privacy risks related to the characterization of the information include risks regarding confidential employee disciplinary information and confidential labor relations strategies.

Mitigation: This risk is mitigated by the following controls:

- Access to the system is extremely limited to 55 EPA labor and employee relations staff and employment law attorneys with a need-to-know the information.
- Accounts are assigned from EPA Headquarters LER, who have personal knowledge of each individual's need to access the information in the system.
- There is a privacy/warning notice that is displayed on each login.
- Each user must log in with a user name and password each time they access the system.

Section 3.0 Uses of the Information

The following questions require a clear description of the system's use of information.

3.1 Describe how and why the system uses the information. LERIS is used to store case files for all LER activities, to include unfair labor practices, negotiations information, union notice, grievance files, performance actions, misconduct actions, informal advisory services, etc. This system is used by as a record-keeping system as a means for the agency to ensure consistency with regards to agency LER actions.

3.2 How is the system designed to retrieve information by the user? Will it be retrieved by personal identifier? Yes___ No_X. If yes, what identifier(s) will be used. (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. Or any identifier that can be linked or is linkable to an individual.)

While it is possible to retrieve information by an employee common identifier, this is not typically the way information is retrieved. Typically information is retrieved from the system based on case-type and date (for instance, how many unfair labor practices have we had in 2016). Rarely, LERIS is used to determine a specific employee's history of actions, which could include discipline and/or grievances. In this situation, the data would typically be retrieved by the employee's name.

3.3 If the system retrieves information by personal identifier, what types/elements of information about the user are being retrieved? Employee name, organizational information, pay plan, grade, step, occupational series, step, appointment type, position title, and service computation date.

3.4 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information? [EPA-68](#)

3.5 Does the system use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how EPA plans to use such results. The system can generate reports and/or analysis on any of the data input into the system. EPA typically uses these reports to determine numbers and types of disciplinary or performance actions at EPA within designated time spans.

3.6 Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: The system can generate reports with the confidential disciplinary history of employees.

Mitigation: The system is designed for use by a limited group of individuals who deal with information related to employee disciplinary files daily. The LER community is employed to assist managers and the agency with confidential performance and conduct matters, therefore this community is acutely aware of the risk of releasing confidential disciplinary records. Access to the system, including its reporting functionality, is exclusively limited to this community.

Section 4.0 Notice

The following questions seek information about the system's notice to the individual about the information collected, the right to consent to uses of information, and the right to decline to provide information.

4.1 How does the system provide individuals notice prior to the collection of information? If notice is not provided, explain why not. The system does not provide individuals with notice as LERIS has no effect on the privacy of individuals. The system is password-protected and access is restricted to Agency Human Resources (HR) specialists and legal staff who have a work-related need to utilize the information in the system. Permission-level assignments allow users access only to those functions for which they are authorized. All records are maintained in secure, access-controlled areas or buildings. The system is accessed from an internet browser using the Agency's secured portal and requires a user to have an established log-in name and password.

4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the collection or sharing of their information? Access and use of the system is extremely limited to a select group of a maximum of 55 agency HR specialists and legal staff who have a need to know this information. Access is granted only through approval by the Division Director of LERD. Therefore, this question is not applicable.

4.3 **Privacy Impact Analysis: Related to Notice**

Privacy Risk: The system does not provide individuals with notice as LERIS has no effect on the privacy of individuals. The system keeps records consistent with the federal registrar notice. The system keeps records of the management deliberative process related to performance/misconduct actions.

Mitigation: If an employee is disciplined, the official record of this discipline is maintained his/her electronic Official Personnel File, to which the employee has access. Official negotiation/labor relations files are not related to individual employee privacy information, therefore no notice is required.

Section 5.0 Access and Data Retention by the system

The following questions are intended to outline the access controls for the system and how long the system retains the information after the initial collection.

5.1 **Do the systems have access control levels within the system to prevent authorized users from accessing information they don't have a need to know? If so, what control levels have been put in place? If no controls are in place why have they been omitted?**

Control Category	In Place	Planned	Not Applicable
Access Control	21	1	13

LERIS system has four types of users. GDCI has technical system user accounts (developers, system and database administrators) and EPA has General (EPA application users) user accounts.

5.2 **Are there other components with assigned roles and responsibilities within the system?** LERIS system has four types of users. GDCI has technical system user accounts (developers, system and database administrators) and EPA has General (EPA application users) user accounts. All LERIS users must first be approved by the LER Division Director, to ensure all users have a need to access and/or enter information into the system.

5.3 **Who (internal and external parties) will have access to the data/information in the system? 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)?**

Access and use of the system is extremely limited to a select group of a maximum of 55 agency HR specialists and legal staff who have a need to know this information. Access is

granted only through approval by the Division Director of LERD. The system is maintained by GDCI, a contractor who has access to this information. The Privacy Action FAR clauses are included in the contract. Privacy act information is also captured on the home page of the system; all users have to certify to the privacy and intended use of the system upon each login.

5.4 What procedures are in place to determine which users may access the information and how does the system determine who has access? Access and use of the system is extremely limited to a select group of a maximum of 55 agency HR specialists and legal staff who have a need to know this information. Access is granted only through approval by the Division Director of LERD. If the LERD Division Director does not have personal knowledge of the user's position and access needs, the Division Director (or their designee) will certify the user's position prior to establishing a user account. Neither the system nor the contractor will grant access to the system without specific, by name, request from either the Division Director or their designee. User accounts are established, and access to the system is password protected (unique to each user).

5.5 Explain how long and for what reason the information is retained. Does the system have an EPA Records Control Schedule? If so, provide the schedule number. **RCS 0756**

5.6 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist? **Yes.**

5.7 Privacy Impact Analysis: Related to Retention

Privacy Risk: Per Records Control Schedule 0756, records are destroyed 50 years after file closure or when the data is no longer needed for Agency business.

Mitigation: There are several forms of employee discipline which generate permanent records in one's Official Personnel File (suspension, demotions, within grade increase denials, performance-based actions, etc.). These actions are often used to support the progressive disciplinary process and therefore, the agency must keep complete/accurate records. In addition, the Merit Systems Protection Board has determined that agencies must carefully consider the consistency of disciplinary actions for similar misconduct, across the agency. This review is not time-bound. Therefore, in order to ensure consistency of penalties, the LER community must have access to agency-wide disciplinary records. In addition, disciplinary records are often litigated after an employee leaves the agency;

therefore, the system must maintain information for litigation purposes. This risk is mitigated by limiting access to the LERIS system to only those with a very clear need-to-know the information.

Section 6.0 Information Sharing

The following questions are intended to describe the scope of the system information sharing external to the Agency. External sharing encompasses sharing with other federal, state and local government, and third-party private sector entities.

- 6.1 Is information shared outside of EPA as part of the normal agency operations? If so, identify the organization(s), how the information is accessed and how it is to be used, and any agreements that apply.** No. LERIS does not share information outside the Agency. The information contained in LERIS is for EPA LER use only.
- 6.2 Describe how the external sharing noted in 6.1 is compatible with the original purposes of collection in the SORN noted in 3.4.** No external sharing.
- 6.3 Does the agreement place limitations on re-dissemination?** No agreement.
- 6.4 Describe how the system maintains a record of any disclosures outside of the Agency.** No disclosures outside of the Agency.
- 6.5 How does the system review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within EPA and outside?** LERIS currently only collects information directly from FPPS via SFTP. New information usage requests would be brought to the LERIS PM, discussed within the LER community, and cleared with OHR ITD before approval is granted and the service implemented.
- 6.6 Privacy Impact Analysis: Related to Information Sharing**
- Privacy Risk:** Information is not shared from LERIS to another system or outside of EPA. There is no privacy risk with automated information sharing.
- Mitigation:** Not applicable.

Section 7.0 Redress

The following questions seek information about processes in place for individuals to seek redress which may include access to records about themselves, ensuring the accuracy of the information collected about them, and/or filing complaints.

7.1 What are the procedures that allow individuals to access their information? Access and use of the system is extremely limited to a select group of a maximum of 55 agency HR specialists and legal staff who have a need to know this information. Access is granted only through approval by the Division Director of LERD. If the LERD Division Director does not have personal knowledge of the user's position and access needs, the Division Director (or their designee) will certify the user's position prior to establishing a user account. Neither the system nor the contractor will grant access to the system without specific, by name, request from either the Division Director or their designee. User accounts are established, and access to the system is password protected (unique to each user).

7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information? LERIS is a case tracker for labor and employee relations actions; employees are not authorized access nor is there a mechanism for the subject individual to review or correct information contained in the system.

7.3 How does the system notify individuals about the procedures for correcting their information? Employees authorized access to information in LERIS.

7.4 Privacy Impact Analysis: Related to Redress

Privacy Risk: Beyond the access and correction afforded under the Privacy Act and FOIA, there are no additional redress programs/procedures for the information contained in LERIS.

Mitigation: LERIS is a case tracker for labor and employee relations actions; employees are not authorized access nor is there a mechanism for the subject individual to review or correct information contained in the system.

Section 8.0 Auditing and Accountability

The following questions are intended to describe technical and policy based safeguards and security measures.

- 8.1 How does the system ensure that the information is used in accordance with stated practices in this PIA?** LERIS utilizes AD for account management. Audit logs are automatically created, managed and maintained by LERIS Technical users on the system. Audit log such as, Successful, Unsuccessful and User data modification logs. GDCI Technical users are responsible for reports generation, analysis, and submittal to stakeholders designated authorized official(s). All account-related functions are audited and stored according to GDCI Policy – Audit and Accountability.
- 8.2 Describe what privacy training is provided to users either generally or specifically relevant to the system/collection.** The agency conducts an annual IT Security Awareness training, which is mandatory.
- 8.3 Privacy Impact Analysis: Related to Auditing and Accountability**

Privacy Risk: Information is not used in accordance with stated practices in PIA.

Mitigation: LERIS utilizes AD for account management. Audit logs are automatically created, managed and maintained by LERIS Technical users on the system. Audit log such as, Successful, Unsuccessful and User data modification logs. GDCI Technical users are responsible for reports generation, analysis, and submittal to stakeholders designated authorized official(s). All account-related functions are audited and stored according to GDCI Policy – Audit and Accountability.

Approval Signature

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