

EPA Classification No.: CIO 2180-P-01.0	CIO Approval Date: 10/25/2007
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*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

COOKIES and OTHER TRACKING METHODS

1. PURPOSE

This procedure clarifies the use of cookies on the EPA Public Access Web site. This procedure also provides background on the Office of Management and Budget's (OMB) requirements for protecting privacy on the EPA Public Access Web site from tracking Web site users with any activity, device, tool, trick, or log, with the exception of "cookies," which have received limited sanction from OMB. It also establishes the required steps for obtaining waiver approval by the Chief Information Officer (CIO) for a persistent "cookie" on an EPA Public Access Web site.

2. SCOPE AND APPLICABILITY

This procedure is applicable to the EPA Public Access Web site and applies to cookies and all other tracking methods.

3. AUDIENCE

This procedure is specifically targeted to all EPA management and staff involved with developing or approving Web pages, including Assistant Administrators, Regional Administrators, the Web content and Web infrastructure coordinators or equivalent, and contractor employees who produce EPA Web pages.

4. BACKGROUND

To enhance customer service and usability, the private sector has developed software which places "cookies" on the hard drive of individuals who access their Web sites. These cookies became an Agency issue in the spring of 2000 when it was learned that the White House Office of Drug Policy server was placing cookies on the hard drives of individuals who accessed its Web site. OMB became concerned that the privacy of citizens was at risk and issued a memorandum in June 2000 banning all cookies on Federal Web sites unless there is a "compelling need," approval by the head of the Agency, and a conspicuous notice on the site that cookies are being used. OMB later clarified that using "session" cookies, which expire when the user exits from the Web browser, is allowed. The requirements for "persistent" cookies remain in effect. The CIO grants waivers for use of persistent cookies on the EPA Web site on a case-by-case basis.

EPA Policy 2190.1A1 "Cookies" and Other Tracking Methods/Waivers (08/30/2004) was developed to address "cookies" and other similar tracking devices. This policy is being superseded and replaced with this procedure, "Cookies and other Tracking Methods". This procedure falls under the overarching EPA policy regarding EPA and the Web is EPA Policy 2191.0 Web Governance and

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Management, 09/07/2006 (<http://intranet.epa.gov/oei/imitpolicy/policies.htm>).

5. AUTHORITY

OMB Memorandum M-00-13, Jacob J. Lew, Director, Office of Management and Budget, "Privacy Policies and Data Collection on Federal Web Sites," June 22, 2000.

(<http://www.whitehouse.gov/OMB/memoranda/m00-13.html>)

Letter, John T. Spotila, Administrator, OMB Office of Information and Regulatory Affairs, to Roger Baker, Chief Information Officer at the Commerce Department, September 5, 2000.

(http://www.whitehouse.gov/omb/infoereg/cookies_letter90500.html)

Memorandum, Margaret N. Schneider, Principal Deputy Assistant Administrator, Office of Environmental Information, "Protecting Personal Privacy on EPA's Public Access Web Site: "Cookies Policy," October 25, 2000.

(<http://yosemite.epa.gov/OEI/webguide.nsf/policy/cookiepolicy>)

OMB Memorandum M-03-22, Joshua B. Bolten, Director, Office of Management and Budget, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002," September 26, 2003. (www.whitehouse.gov/omb/memoranda/m03-22.html)

EPA Policy 2191.0 Web Governance and Management, 09/07/2006

(<http://intranet.epa.gov/oei/imitpolicy/policies.htm>)

6. PROCEDURES

1. Create EPA Web sites that do not track individual EPA Public Access Web site users by any activity, device, tool, trick or log, with the exception of "session cookies." Refer to Section 11 Related Procedures and Guidelines for best practices involving "session cookies".
 2. If persistent cookies are deemed necessary, complete the "Required Steps for a Persistent Cookie Waiver" found in Section 10 Waivers.
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7. RELATED DOCUMENTS

CIO 2151.0 Privacy Policy, 09/27/2007 (<http://intranet.epa.gov/oei/imitpolicy/policies.htm>)

CIO 2182.0 Children's Privacy and Children's Copyright, 10/25/2007

(<http://intranet.epa.gov/oei/imitpolicy/policies.htm>)

Privacy and Security Notice (<http://www.epa.gov/epafiles/usenotice.htm>) [This notice is on all EPA public access web pages]

8. ROLES AND RESPONSIBILITIES

The Chief Information Officer/Assistant Administrator, Office of Environmental Information (OEI), is responsible for considering and granting waivers and for monitoring compliance with this procedure.

Offices of the Administrator, Assistant Administrators, General Counsel, Inspector General, Chief Financial Officer, Associate Administrators and Regional Administrators, in their areas of responsibility, shall ensure compliance with this procedure.

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Web content and Web infrastructure coordinators or equivalent, who develop EPA Web pages are responsible for complying with this procedure.

9. DEFINITIONS

“Cookie” – a short string of text that is sent from a web server to a user's hard drive when the user accesses a Web page. When a browser requests a page from the server that sent it a cookie, the browser sends a copy of that cookie back to the server. Cookies can provide more efficient navigation through Web pages and speed the delivery of information to the user. Cookies can also be used to gather personal information and to track the Web sites accessed by individuals, raising a privacy concern.

“Customer” - an individual or entity that is directly served by a department or agency.

“Persistent cookie” - a cookie which remains on a Web user's hard drive after the user terminates a Web session by closing the browser. The Web site can then re-use the user's information when the user returns to the site.

“Session cookie” - a cookie which disappears when the Web user terminates a Web session and closes the browser. Until termination, the “session” cookie can recall search information, passwords, etc, which can aid in navigation & searching.

10. WAIVERS

EPA offices which want to have “persistent” cookies must request permission from the Chief Information Officer. Each application will be evaluated separately, weighing the benefit to the customer against the compromise of privacy. Consideration for a waiver includes situations where the absence of a persistent cookie adds substantial burden to the customer and there are no viable alternatives to the cookie.

Examples are:

A) The Web site involves a complicated set of tasks that generally require more than one session to complete, and it is inefficient to have the customer start anew each session. An example would be a training application. However, in this situation, consideration should be given to storing the student's record of training on the server, in lieu of a cookie.

B) The Web site features a complicated search routine which customers re-use in later visits. The cookie obviates the need to re-enter multiple search criteria.

Note: Where there are multiple persistent cookies within a single application, a group waiver request is permissible.

Required Steps for a “Persistent” Cookie Waiver

1. The EPA office seeking to place a persistent cookie on an EPA Public Access Web site will provide a memorandum originating from the requesting office's Senior Information Official (SIO) and approved in writing from the requesting office's Assistant Administrator or equivalent, requesting the waiver through the Office of Information Analysis and Access Office Director (Office of Environmental Information) to the CIO which:
 - a. identifies the Office Director responsible for the EPA page, as well as a contact at the staff level;
 - b. describes the content and purpose of the page containing the proposed cookie;
 - c. describes the compelling need to gather data on the Web site, and the privacy safeguards to be used for handling information derived from the cookie;
 - d. discusses alternatives to the cookie placement and their disadvantages;
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- e. includes the proposed notice to users that the cookie is being placed on their computers;
 - f. describes any alternate access paths in lieu of accepting the cookie; and
 - g. provides the Universal Resource Locator (URL) for the test Web site (provide ID and password) or a paper document mock-up of the site.
2. The CIO will review the request within 20 business days. Note: Memorandums are entered into the Correspondence Management System and approval or denial of the request is sent from the CIO's office to the office making the waiver request.
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11. RELATED PROCEDURES AND GUIDELINES

The text of this procedure is available in the Web Guide procedures "template" on the EPA Web Guide under the "Cookies and Other Tracking Methods" procedure (www.epa.gov/webguide/standards).

EPA Web Technologies Frequently Asked Questions – Cookies
<http://yosemite.epa.gov/OEI/webguide.nsf/started/webtech#cookies>

Java Developers' Guide: Security – Additional Best Practices – Sessions [Session Cookies]
http://intranet.epa.gov/java/devguide/security_practices.jsp#sessions

Other EPA Public Access Web site procedures, standards and guidance are provided on the EPA Web Guide (www.epa.gov/webguide/standards).

12. MATERIAL SUPERSEDED

EPA Policy 2190.1A1 "Cookies" and Other Tracking Methods/Waivers (08/30/2004)

13. ADDITIONAL INFORMATION

For further information about this procedure, please contact the Policy and Program Management Branch, Information Access Division, Office of Information Analysis and Access, Office of Environmental Information.



*Molly A. O'Neill, Assistant Administrator
and Chief Information Officer
Office of Environmental Information*