

U.S. Nuclear Regulatory Commission

Privacy Impact Assessment

*(Designed to collect the information necessary to make relevant determinations regarding
The applicability of the Privacy Act, the Paperwork Reduction Act information collections requirements,
and record management requirements.)*

for the

Ethics Module of the Labor Relations, Ethics, and EEO Complaints Software Implementation (LEES)

Date prepared: May 9, 2008

A. GENERAL SYSTEM INFORMATION

1. **Provide brief description of the system:**

Labor Relations, Ethics, and Equal Employment Opportunity (EEO) Complaints Software Implementation (LEES) are a combined implementation to automate manual paper-based business processes of the Office of Human Resources (OHR) Labor Relations, the Office of the General Counsel (OGC) Ethics program, and the Office of Small Business and Civil Rights (SBCR) EEO Complaints process. Each of these agency offices is in need of purchasing a web-based Commercial-Off-The-Shelf (COTS) product that will streamline and improve overall efficiency in processing, managing and reporting on labor relations information; collecting and reporting on financial disclosure information; and handling, processing, and reporting on EEO complaints.

2. **What agency function does it support?**

LEES supports the OHR's Labor Relations function; the OGC's financial disclosure, ethics training and counseling functions, and the SBCR's EEO Complaints function.

This PIA addresses the Ethics module.

3. **Describe any modules or subsystems, where relevant, and their functions.**

The Ethics module supports OGC’s monitoring, storing, organizing, and fulfilling of ethics requirements, including certain employees’ required filing of financial disclosure reports, mandatory training and advice given on compliance with ethics statutes and regulations, including the Ethics in Government Act, 5 U.S.C. app., certain criminal codes, 18 U.S.C. 201-219, Procurement and Contracting statutes, gifts and travel, and the Hatch Act, 5 U.S.C. 7321-7326. The NRC is required to submit an annual report to the agency responsible for ensuring compliance with ethics law, the Office of Government Ethics on the results of its ethics compliance monitoring information. The NRC, like all federal agencies, is subject to unscheduled audits by the Office of Government Ethics to inspect its ethics program, which consists of the information to be stored in the Ethics Module/LEES. The Office of Government Ethics will not have access to this module/system, but, rather, the information stored in it will enable OGC to more easily compile and provide the Office of Government Ethics with necessary information (in hardcopy form) about NRC’s compliance with ethics requirements.

4. Points of Contact:

Project Manager	Office/Division/Branch	Telephone
Kay v. Moses	OIS/BPIAD/BPPMB	301-415-5856
Business Project Managers	Office/Division/Branch	Telephone
John Szabo	OGC/LC	301-415-1610
Technical Project Manager	Office/Division/Branch	Telephone
John Szabo	OGC/LC	301-415-1610
Executive Sponsor	Office/Division/Branch	Telephone
Karen Cyr	OGC	301-415-1743

5. Does this Privacy Impact Assessment (PIA) support a proposed new system or a proposed modification to an existing system?

a. New System Modify Existing System Other (Explain)

This Privacy Impact Assessment supports implementation of automating OGC’s Financial Disclosure, Ethics Training, and Ethics Counseling to an online web-based application.

b. **If modifying an existing system, has a PIA been prepared before?**

Not Applicable.

(1) **If yes, provide the date approved and ADAMS accession number.**

B. INFORMATION COLLECTED AND MAINTAINED

(These questions are intended to define the scope of the information requested as well as the reasons for its collection. Section 1 should be completed only if information is being collected about individuals. Section 2 should be completed for information being collected that is not about individuals.)

1. INFORMATION ABOUT INDIVIDUALS

a. Does this system maintain information about individuals?

Yes.

(1) If yes, what group of individuals is the information about?

NRC employees.

b. What information is being maintained in the system about individuals (describe in detail)?

- For NRC employees who are required to file annual financial disclosure reports, the following information will be maintained: name; position/title; work phone; financial information, including assets & liabilities held (stocks, etc.); any position held outside the Government; home address; and appointment dates.
- For NRC employees seeking ethics advice, the following information will be maintained: name; ethics advice sought & received; any information pertinent to the specific advice sought.

c. Is the information being collected from the subject individuals?

Yes

(1) **If yes, what information is being collected from the individuals?**

Information from 1.b.:

- Financial disclosure report filers will input their information directly.
- NRC employees seeking advice will send email requests for ethics advice which will be stored in the system as well as OGC's response.

d. Will the information be collected from 10 or more individuals who are not Federal employees?

No.

e. Is the information being collected from internal files, databases, or systems?

No.

f. Is the information being collected from external source(s)?

No.

g. How will this information be verified as current, accurate, and complete?

Designated OGC staff will check that the submitted information for each financial disclosure report is complete. Each NRC employee required to file an annual financial disclosure report will ensure that the information they submitted is accurate and current.

h. How will the information be collected (e.g. form, data transfer)?

Financial disclosure report information will be provided by the employee using an electronic form directly entered into the system.

Employees requesting ethics advice will input information electronically.

i. What legal authority authorizes the collection of this information?

- Ethics in Government Act of 1978, as amended, 5 U.S.C. app.
- 5 C.F.R. 2634, Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture
- 5 C.F.R. 2638, Office of Government Ethics and Executive Agency Ethics Program Responsibilities

j. What is the purpose for collecting this information?

In order to comply with the requirements of the Ethics in Government Act and the regulations of the Office of Government Ethics, OGC must collect and maintain financial disclosure reports for certain NRC employees.

2. INFORMATION NOT ABOUT INDIVIDUALS

a. What type of information will be maintained in this system (describe in detail)?

None

b. What is the source of this information? Will it come from internal agency sources and/or external sources? Explain in detail.

b. What is the purpose for collecting this information?

C. USES OF SYSTEM AND INFORMATION

(These questions will identify the use of the information and the accuracy of the data being used.)

1. Describe all uses made of the information.

The ethics program information will be accessible by two categories of users:

- NRC employees required to file an annual financial disclosure report will be able to use and access only his/her own information and is not able to use or access information that he/she has not submitted or ethics advice rendered that was not requested by him/her.
- Designated OGC staff use the system to access the information of NRC employees required to file an annual financial disclosure report in order to check the accuracy and completeness of the information and to approve each financial disclosure report to ensure compliance with the Ethics in Government Act. These designated OGC staff members will use the system to input and access training information (e.g. which employees have taken required ethics training and when).

2. Is the use of the information both relevant and necessary for the purpose for which the system is designed?

Yes.

3. Who will ensure the proper use of the information?

The Assistant General Counsel for Legal Counsel, Legislation and Special Projects will be responsible for ensuring the proper use of the information.

4. Are the data elements described in detail and documented?

No.

a. **If yes, what is the name of the document that contains this information and where is it located?**

5. Will the system derive new data or create previously unavailable data about an individual through aggregation from the information collected?

No.

a. **If yes, how will aggregated data be maintained, filed, and utilized?**

- b. How will aggregated data be validated for relevance and accuracy?
- c. If data are consolidated, what *controls* protect it from unauthorized access, use, or modification?

6. How will the information be *retrieved* from the system (be specific)?

Information will be retrieved from the system by designated staff of OGC using the name of the employee who has filed a financial disclosure report or by using a key word or subject heading to retrieve ethics advice given. Each NRC employee required to file an annual financial disclosure report will retrieve the information pertaining only to them by using an account number or name.

7. Will this system provide the capability to identify, locate, and monitor (e.g., track, observe) individuals?

No.

a. If yes, explain.

- (1) What controls will be used to prevent unauthorized monitoring?

8. Describe the report(s) that will be produced from this system.

No reports will be produced by this system.

- a. What are the reports used for?
- b. Who has access to these reports?

D. RECORDS RETENTION AND DISPOSAL

(These questions are intended to establish whether the information contained in this system has been scheduled, or if a determination has been made that a general record schedule can be applied to the information contained in this system. Reference NUREG-0910, "NRC Comprehensive Records Disposition Schedule.")

1. Has a retention schedule for this system been approved by the National Archives and Records Administration (NARA)?

Yes.

2. Is there a General Records Schedule (GRS) that applies to information in this system?

Yes, GRS-25, "Ethics Program Records."

3. **If you answered no to questions 1 and 2, complete NRC Form 637, NRC Electronic Information System Records Scheduling Survey, and submit it with this PIA.**

E. ACCESS TO DATA

1. INTERNAL ACCESS

- a. **What organizations (offices) will have access to the information in the system?**

Designated staff in OGC will have password-protected access to the information in the system for the purpose of ensuring NRC compliance with the Ethics in Government Act. Access will be limited to use by those designated staff in OGC who have a need to access the information to perform their official duties maintaining the NRC ethics program.

Individual NRC employees in all NRC offices throughout HQ and the regions who are required to file an annual financial disclosure report in all offices will have password-protected access to their own submitted financial information and ethics advice received for the purpose of complying with the Ethics in Government Act.

- b. **Will other systems share or have access to information in the system?**

No.

- c. **How will information be transmitted or disclosed?**

N/A

- d. **What controls will prevent the misuse (e.g., unauthorized browsing) of information by those having access?**

The information will be password protected and not available for browsing. Designated staff in OGC will have password-protected access to the system. Each NRC employee required to file annual financial disclosure reports will have password-protected access only to the information that employee submitted and which pertains only to that employee.

- e. **Are criteria, procedures, controls, and responsibilities regarding access documented?**

No.

- (1) Where will the procedures be documented?

2. **EXTERNAL ACCESS**

a. **Will external agencies/organizations/public share or have access to the information in this system?**

No.

b. **What information will be shared/disclosed and for what purpose?**

c. **How will this information be transmitted and/or disclosed?**

F. **TECHNICAL ACCESS AND SECURITY**

1. **Describe security controls used to limit access to the system (e.g., passwords). Explain.**

Users will be required to login to the system using a login id and password. Password control will follow the guidance in Management Directive 12.5.

2. **Will the system be accessed or operated at more than one location (site)?**

Yes. NRC employees required to file an annual financial disclosure report will have access to their information in the system through their desk at Headquarters and Regions or by using CITRIX to access their NRC accounts remotely.

OGC attorneys responsible for ensuring the accuracy and completeness of financial disclosure reports and for responding to ethics questions are located exclusively at Headquarters and will have access to and operate the system from their PC desktops at Headquarters.

a. **If yes, how will consistent use be maintained at all sites?**

Each NRC employee who is required to file a financial disclosure report or who seeks ethics advice via the system will be trained in its consistent use either by written notice, an in person briefing, or individually via telephone. The consistency of use by the four or five OGC attorneys maintaining NRC's ethics program will be ensured through verbal training and periodic meetings between members of the group.

3. **Which user group(s) (e.g., system administrators, project manager, etc.) have access to the system?**

System administrators, application administrators, and general users will have access to the system.

4. **Will a record of their access to the system be captured?**

Yes.

a. **If yes, what will be collected?**

Audit logs will capture login ids, IP address, and timestamp when a user log in and what they did within the system.

5. Will contractors have access to the system?

Yes.

a. **If yes, for what purpose?**

System administration, including operations and maintenance.

6. What auditing measures and technical safeguards are in place to prevent misuse of data?

Audit trails and logging in addition to database security will be in place.

7. Are the data secured in accordance with FISMA requirements?

Yes

a. **If yes, when was Certification and Accreditation last completed?**

LEES is covered by the Certification and Accreditation of the NRC LAN/WAN.

PRIVACY IMPACT ASSESSMENT REVIEW/APPROVAL
(For Use by OIS/IRSD/RFPSB Staff)

System Name: Ethics Module/LEES

Submitting Office: Office of the General Counsel (OGC)

A. PRIVACY ACT APPLICABILITY REVIEW

Privacy Act is not applicable.

Privacy Act is applicable.

Comments:

The Ethics Module of LEES will be maintained as part of NRC's Privacy Act system of records NRC-4, "Conflict of Interest Files." This module will maintain personally identifiable information.

Reviewer's Name	Title	Date
Sandra S. Northern	Privacy Program Officer	May 21, 2008

B. INFORMATION COLLECTION APPLICABILITY DETERMINATION

No OMB clearance is needed.

OMB clearance is needed.

Currently has OMB Clearance. Clearance No. _____

Comments:

Reviewer's Name	Title	Date
Gregory Trussell	Information Collections Team Leader	May 29, 2008

C. RECORDS RETENTION AND DISPOSAL SCHEDULE DETERMINATION

No record schedule required.

Additional information is needed to complete assessment.

Needs to be scheduled.

**TRANSMITTAL OF PRIVACY IMPACT ASSESSMENT/
PRIVACY IMPACT ASSESSMENT REVIEW RESULTS**

TO: Karen Cyr, General Counsel	
Name of System: Ethics Module of LEES	
Date RFPSB received PIA for review: May 14, 2008	Date RFPSB completed PIA review: June 2, 2008
<p>Noted Issues:</p> <p>The Ethics Module of LEES will be maintained as part of NRC's Privacy Act system of records NRC-4, "Conflict of Interest Files."</p> <p>This module will maintain personally identifiable information.</p> <p>Electronic forms used by this module to collect information from employees or allow employees to request advice/information should be reviewed for privacy compliance.</p> <p>No information collection issues.</p> <p>Records retention and disposition in accordance with General Records Schedule 25, Ethics Program Records.</p>	
Margaret A. Janney, Chief Records and FOIA/Privacy Services Branch Office of Information Services	Signature/Date: <i>/RA/</i> 06/03/2008
<p><i>Copies of this PIA will be provided to:</i></p> <p><i>James C. Corbett, Director Business Process Improvement and Applications Division Office of Information Services</i></p> <p><i>Paul Ricketts Senior IT Security Officer (SITSO) FISMA Compliance and Oversight Team Computer Security Office</i></p>	