

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

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

Date prepared: May 9, 2008

A. GENERAL SYSTEM INFORMATION

1. Provide brief description of the system:

Labor Relations, Ethics, and EEO Complaint Software Implementation (LEES) is 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) Equal Employment Opportunity (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 tracking, 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 EEO Complaints Module.

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

The EEO Complaints Module supports SBCR's tracking and managing of pre-complaint, informal and formal EEO complaint life cycles of discrimination complaints, filed under the various civil rights statutes (Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act (ADEA), the Rehabilitation Act, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, and the Equal Pay Act of 1963). The system will generate ad-hoc and standard reports for NRC's submission to Congress, the Attorney General, Office of Personnel management and the Equal Employment Opportunity Commission.

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
Lori Suto Goldsby	SBCR	301-415-0590
Technical Project Manager	Office/Division/Branch	Telephone
Brian Sentz	SBCR	301-415-0594
Executive Sponsor	Office/Division/Branch	Telephone
Corenthis Kelley	SBCR	301-415-7380

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 PIA supports implementation of automating SBCR's EEO Complaints Tracking paper-based applications 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(s) of individuals (e.g., Federal employees, Federal contractors, licensees, general public) is the information about?**

Current and former NRC employees and applicants for NRC employment involved in the complaint process, their representatives, and responsible management officials may be included in the system.

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

The system will maintain information such as name, race, sex, color, religion, sexual orientation, disability, national origin, and age, by agency, organizational units, regions, and/or headquarters offices. The system will also identify allegations of workplace discrimination and personnel actions, which are allegedly discriminatory. The system will also include the personal contact information (home and email addresses, phone) of employees and applicants, who file complaints.

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

Yes.

If yes, what information is being collected from the individuals?

Information such as name, race, sex, religion, national origin, color, sexual orientation, disability, and age, are received from individual employees.

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

No.

(1) **If yes, does the information collection have OMB approval?**

(a) **If yes, indicate the OMB approval number:**

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

Yes

(1) If yes, identify the files/databases/systems and the information being collected.

Information is received from OHR employee files and merit staffing vacancy announcement applicant databases.

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

Yes.

(1) If yes, what is the source(s) and what type of information is being collected?

Information collected from any person or entity during an investigation.

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

For informal processes, self-disclosure of information (name, address, age, race, disability, etc) taken from individuals is generally accepted as valid. During the formal process, information received as part of a formal investigation is received under oath or by affirmation.

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

Information will be collected directly from individual employees by personal interview or through interrogatories. OHR information will be taken from official Agency files (i.e., Official Personnel Files, Merit Staffing Files)

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

29 Code of Federal Regulation (CFR) 1614

j. What is the purpose for collecting this information?

The Equal Employment Opportunity Commission (EEOC) provides that an executive agency shall develop an impartial and appropriate factual record upon which to make findings on the claims raised by the written complaint. An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred. During the informal complaint process, a limited inquiry is made about the bases (race, sex, color, sexual orientation, religion, national origin,

disability, and age), and issues (non-selection, disciplinary actions, harassment), with the goal to resolve the issues informally. During the formal complaint process, the bases and issues articulated by the Complainant are input into the system. (29 CFR § 1614.102)

2. **INFORMATION NOT ABOUT INDIVIDUALS**

- a. What type of information will be maintained in this system?

Allegations of discrimination, harassment and/or reprisal may be directed at a process or policy, which has an adverse impact on a particular group or individual. Applicants or employees, who are not aware of the identity of deciding officials, may allege discrimination against the agency.

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

The allegations of discrimination may come from current employees, applicants, or former employees.

- c. What is the purpose for collecting this information?

The information is collected to store, track, manage, and generate ad-hoc and standard reports on pre-complaint, informal and formal complaint life cycles, and reporting to oversight agencies and Congress.

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 information is used to generate ad-hoc and standard reports on pre-complaint, informal and formal complaint life cycles.

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?**

Program Manager

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)?

Assigned case numbers, name, canned reports (pulled by demographic data)

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.

- Ad-hoc management reports are generated to track status of complaints
- EEOC Form 462 report for oversight agency review of EEO activity
- NO FEAR Act statistical report, to provide public information on agency complaints activity. This report will be published on the NRC public website
- NO FEAR Act annual report to oversight agencies and Congress – mandated by statute

- a. **What are the reports used for?**

The system will track the quantity and attributes of complaint activity. These reports do not name the individuals whose names appear in the store tracking system.

- b. **Who has access to these reports?**

- Ad-hoc management reports are for internal SBCR management use.
- NO FEAR Act reports are published for oversight agencies: Congress, DOJ, OPM, and the Attorney General.
- Limited NO FEAR Act data is published on the agency website (merely statistical – does not include name or personal identifiers.
- EEOC Form 462 reports are provided to EEOC.

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

a. If yes, list the disposition schedule.

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

Yes

a. If yes, list the disposition schedule.

There is a General Records Schedule authorized for disposition of EEO records including the Official Discrimination Complaint Case Files; however, electronic master files and data bases created to supplement or replace the records in the official discrimination complaint case file are not authorized for disposal under the General Records Schedule. Such files must be scheduled on an SF 115. (See GRS 1, Item 25)

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?

SBCR

(1) For what purpose?

To store, track, manage, and generate ad-hoc and standard reports on pre-complaint, informal and formal complaint life cycles.

(2) Will access be limited?

Yes. Five user licenses are requested, which will include the Program Manager, Application Administrator, and the 3 Civil Rights Specialist in SBCR. These employees will have access to input employee/applicant information and to generate ad-hoc reports as needed.

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?

Program Manager will define the level of access by all the Civil Rights Specialist, and the Application Administrator.

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

Not currently.

(1) If yes, where?

2. EXTERNAL ACCESS

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

There will be no external access to the information in the system.

(1) If yes, who.

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

N/A

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

N/A

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. SBCR staff working at alternate work sites will have access to information stored in the system at their desk at Headquarters or in the regions or by using CITRIX to access their NRC accounts remotely.

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

Users are required to adhere to NRC's policies for computer use.

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

The Program Manager will assign projects to Civil Rights Specialists, such as research and development of monthly, quarterly, and annual reports of data and statistics for oversight agencies and Congress.

System Administrator access for technical support. The Program Manager will determine essential systems administration access

- 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?

Contractors will have access to perform system administration, operation, 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

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: Equal Employment Opportunity (EEO) Complaints Module/LEES

Submitting Office: Office of Small Business and Civil Rights (SBCR)

A. PRIVACY ACT APPLICABILITY REVIEW

Privacy Act is not applicable.

Privacy Act is applicable.

Comments:

The EEO Complaints Module of LEES will be maintained as part of NRC's Privacy Act system of records NRC-9, SBCR Discrimination Complaint Files. This module will contain 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 27, 2008

C. RECORDS RETENTION AND DISPOSAL SCHEDULE DETERMINATION

No record schedule required.

Additional information is needed to complete assessment.

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

TO: Corenthis B. Kelley, Director, Office of Small Business and Civil Rights	
Name of System: Equal Employment Opportunity (EEO) Complaints Module/LEES	
Date RFPSB received PIA for review: May 14, 2008	Date RFPSB completed PIA review: June 2, 2008
<p>Noted Issues:</p> <p>The EEO Complaints Module will be maintained as part of NRC's Privacy Act system of records NRC-9, SBCR Discrimination Complaint Files.</p> <p>This module will contain personally identifiable information.</p> <p>No information collection issues.</p> <p>Records retention and disposition schedule – General Records Schedule 1, Item 25 "Employment Opportunity (EEO) Records."</p>	
Margaret A. Janney, Chief Records and FOIA/Privacy Services Branch Office of Information Services	Signature/Date: /RA/ 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>	