

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 collection requirements, and records management requirements.

MyCase Legal Case Management System

Date: 9/22/2014

A. GENERAL SYSTEM INFORMATION

1. Provide a detailed description of the system:

MyCase is a cloud-based case management program that allows for electronic organizing of legal cases. The program can associate documents with relevant case notes, calendars, contact information, documents, reminders, tasks and to-dos, milestones and other data in a secure environment. MyCase runs on Amazon EC2 cloud computing platform and, therefore, is FedRamp approved.

2. What agency function does it support?

This system supports labor and employment legal matters for the NRC, and supports the NRC's Human Capital Strategy 4 (Promote a strong NRC internal safety culture with an open, collaborative work environment) and Human Capital Strategy 6 (Strengthen workforce diversity and inclusion).

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

MyCase interfaces with Microsoft Outlook

4. What legal authority authorizes the purchase or development of this system?

Atomic Energy Act of 1954, as Amended; Energy Reorganization Act of 1974; Administrative Procedure Act (5 U.S.C. Chapters 5 through 8); National Environmental Policy Act

5. What is the purpose of the system and the data to be collected?

The system will manage legal cases for the NRC involving labor and employment issues

6. Points of Contact:

Project Manager	Office/Division/Branch	Telephone
Elva Bowden Berry	OGC/GCHEA/GCA	301-415-1536
Business Project Manager	Office/Division/Branch	Telephone
Elva Bowden Berry	OGC/GCHEA/GCA	301-415-1536
Technical Project Manager	Office/Division/Branch	Telephone
Elva Bowden Berry	OGC/GCHEA/GCA	301-415-1536
Executive Sponsor	Office/Division/Branch	Telephone
Mark Maxin	OGC/GCHEA/GCA	301-415-1554

7. 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)

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

N/A

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

(2) If yes, provide a summary of modifications to the existing system.

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, identify the group(s) of individuals (e.g., Federal employees, Federal contractors, licensees, general public).

Federal employees of the NRC

- (2) IF NO, SKIP TO QUESTION B.2.

- b. What information is being maintained in the system about an individual (be specific)?

Potentially: name, position, grade, home address and phone number, cell phone number, personal email address, no SSN, family information, eOPF information, reasonable accommodation information, no medical records

- c. Is information being collected from the subject individual?

Yes

- (1) If yes, what information is being collected?

See b. above

- 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? **N/A**

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

- e. Is the information being collected from existing NRC files, databases, or systems?

In some cases, it may, but it depends on the type of case.

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

Possibly OCHCO personnel records, union grievances, eOPF files; depends on the type of case.

- f. Is the information being collected from external sources (any source outside of the NRC)?

In some cases, it may, but it depends on the type of case.

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

Legal documents possibly from EEOC, MSPB, SLRA, outside attorneys, or former employees via personal email

- g. How will information not collected directly from the subject individual be verified as current, accurate, and complete?

This should not be an issue. Cases involve current or former NRC employees with NRC personnel records.

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

Information will primarily be in documents (PDF or MS Word) transferred via email or are in existing NRC records on NRC systems.

2. INFORMATION NOT ABOUT INDIVIDUALS

- a. Will information not about individuals be maintained in this system?

Yes

- (1) If yes, identify the type of information (be specific).

Paperwork related to cases; other relevant cases; calendars (attorney appointments); court documents; transcripts; testimony; briefs; drafts; emails

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

See B1.e.(1) and B1.f.(1) above

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 data in this system.

To process labor and employment legal matters

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

Yes, the data is precisely relevant and necessary for legal case management

3. Who will ensure the proper use of the data in this system?

Attorneys in OGC; licenses will be limited to users who have authorization and need to know

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

The data elements collected in a legal case management system for labor and employment issues are required by federal law

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

Federal law

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

No

Derived data is obtained from a source for one purpose and then the original information is used to deduce/infer a separate and distinct bit of information that is aggregated to form information that is usually different from the source information.

Aggregation of data is the taking of various data elements and then turning it into a composite of all the data to form another type of data (i.e. tables or data arrays).

- a. If yes, how will aggregated data be maintained, filed, and utilized? **N/A**
- b. How will aggregated data be validated for relevance and accuracy? **N/A**
- c. If data are consolidated, what *controls* protect it from unauthorized access, use, or modification? **N/A**

6. How will data be *retrieved* from the system? Will data be retrieved by an individual's name or personal identifier? (Be specific.)

By individual 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?
N/A

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

Number of cases by type of case

- a. What are the reports used for?

Workload planning; trends

- b. Who has access to these reports?

OGC/ADM attorneys and 1 administrative assistant with authorized ID and password

D. ACCESS TO DATA

1. Which NRC office(s) will have access to the data in the system?

OGC/ADM division only; only 8 staff will have licenses (access)

- (1) For what purpose?

Legal case management

- (2) Will access be limited?

Yes

2. Will other NRC systems share data with or have access to the data in the system?

Yes

- (1) If yes, identify the system(s).

Microsoft Outlook (interface via MyCase app); Microsoft Word

- (2) How will the data be transmitted or disclosed?

MyCase app(s)

3. Will external agencies/organizations/public have access to the data in the system?

No

- (1) If yes, who? **N/A**

- (2) Will access be limited? N/A
- (3) What data will be accessible and for what purpose/use? N/A
- (4) How will the data be transmitted or disclosed? N/A

E. RECORDS RETENTION AND DISPOSAL

The National Archives and Records Administration (NARA), in collaboration with federal agencies, approves whether records are temporary (eligible at some point for destruction/deletion because they no longer have business value) or permanent (eligible at some point to be transferred to the National Archives because of historical or evidential significance). These determinations are made through records retention schedules and are required under 36 CFR 1234.10. The following questions are intended to determine whether the records in the system have an approved records retention schedule or if one will be needed.

1. Can you map this system to an applicable retention schedule in [NUREG-0910](#), or the [General Records Schedules](http://www.archives.gov/records-mgmt/grs) at <http://www.archives.gov/records-mgmt/grs> ?

- a. If yes, please cite the schedule number, approved disposition, and describe how this is accomplished. For example, will the records or a composite thereof be deleted once they reach their approved retention or exported to a file for transfer based on their approved disposition?

General Records Schedule 1, Civilian Personnel Records,

- **Item 25 a., EEO Records**
- **Item 27 b., ADR Case Files**
- **Item 30a, Administrative Grievance Files (5 CFR 771)**
- **Item 30b., Adverse Action Files (5 CFR 752) and Performance-Based Actions (5 CFR 432).**

- b. If the answer to question E.1 is yes, skip to F.1. If the response is no, complete question E.2 through question E.7.

2. If the records cannot be mapped to an approved records retention schedule, how long do you need the records? Please explain.
3. Would these records be of value to another organization or entity at some point in time? Please explain.

OCHCO; SBCR; all parties to the case; CFO; but no organization or entity will have access to the system

4. How are actions taken on the records? For example, is new data added or updated by replacing older data on a daily, weekly, or monthly basis?

As needed throughout the case

5. What is the event or action that will serve as the trigger for updating, deleting, removing, or replacing information in the system? For example, does the information reside in the system for three years after it is created and then is it deleted?

Currently, paper documents are kept in boxes for three years after the case is closed

6. Is any part of the record an output, such as a report, or other data placed in ADAMS or stored in any other location, such as a shared drive or MS SharePoint?

Case documents will only be in MyCase and will never be put in ADAMS or SharePoint

7. Does this system allow for the deletion or removal of records no longer needed and how will that be accomplished?

System will not delete or remove records automatically. A manual process will be used and records will be removed or removed in accordance with established retentions.

F. TECHNICAL ACCESS AND SECURITY

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

User ID and password; system administrator can change controls to further restrict access

2. What controls will prevent the misuse (e.g., unauthorized browsing) of system data by those having access?

User ID and password; system administrator can change controls to further restrict access

3. Are the criteria, procedures, controls, and responsibilities regarding access to the system documented?

OGC/ADM staff is working on these

(1) If yes, where?

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

Web based access permits user to work at any workstation or laptop

- a. If yes, how will consistent use be maintained at all sites?
5. Which user groups (e.g., system administrators, project managers, etc.) have access to the system?

OGC/ADM attorneys and 1 administrative assistant with authorized ID and password

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

No

- a. If yes, what will be collected?

7. Will contractors be involved with the design, development, or maintenance of the system?

No

If yes, and if this system will maintain information about individuals, ensure Privacy Act and/or PII contract clauses are inserted in their contracts.

- *FAR clause 52.224-1 and FAR clause 52.224-2 should be referenced in all contracts, when the design, development, or operation of a system of records on individuals is required to accomplish an agency function.*
- *PII clause, "Contractor Responsibility for Protecting Personally Identifiable Information" (June 2009), in all contracts, purchase orders, and orders against other agency contracts and interagency agreements that involve contractor access to NRC owned or controlled PII.*

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

Password restriction; standard NRC rules of behavior to computer use; legal ethical rules

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

TBD

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

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

System Name: MyCase Legal Case Management System

Submitting Office: Office of the General Counsel

A. PRIVACY ACT APPLICABILITY REVIEW

Privacy Act is not applicable.

Privacy Act is applicable.

Comments:

Currently covered under System of Records, NRC-8, Employee Disciplinary Actions, Appeals, Grievances, and Complaints Records.

Reviewer's Name	Title	Date
Sally A. Hardy	Acting Privacy Officer	October 7, 2014

B. INFORMATION COLLECTION APPLICABILITY DETERMINATION

No OMB clearance is needed.

OMB clearance is needed.

Currently has OMB Clearance Clearance No. _____

Comments:

The system maintains personal information about Federal employees and the information that is being collected is exempt from the Paperwork Reduction Act and does not need OMB approval.

Reviewer's Name	Title	Date
Fajr Majeed	Information Management Analyst	9/30/2014

C. RECORDS RETENTION AND DISPOSAL SCHEDULE DETERMINATION

- No record schedule required.
- Additional information is needed to complete assessment.
- Needs to be scheduled.
- Existing records retention and disposition schedule covers the system

Comments:

As previously indicated, these records are covered in NARA approved GRS 1 as follows:

- Item 25 a., EEO Records, **Disposition:** Destroy 4 years after resolution of case;
- Item 27 b, Alternative Dispute Resolution Case Files, **Disposition:** Destroy 3 years after settlement is implemented or case is discontinued;
- Items 30a. Administrative Grievance Files (5 CFR 771) and 30b., Adverse Action Files (5 CFR 752) and Performance-Based Actions (5 CFR 432). **Disposition[s]:** Destroy no sooner than 4 years but no later than 7 years after case is closed.

Implementation of retention schedules is mandatory under 44 U.S.C. 3303a(d), and although this does not prevent further development of the system, retention functionality or a manual process must be incorporated to meet this requirement.

Reviewer's Name	Title	Date
Mary Haynes	Management Analyst (Information & Records	Oct. 2, 2014

D. BRANCH CHIEF REVIEW AND CONCURRENCE

- This IT system **does not** collect, maintain, or disseminate information in identifiable form from or about members of the public.
- This IT system **does** collect, maintain, or disseminate information in identifiable form from or about members of the public.

I concur in the Privacy Act, Information Collections, and Records Management reviews:

/RA/ Date 10/09/14
Laura Pearson, Chief
FOIA, Privacy, Info Collections Branch
Customer Service Division
Office of Information Services

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

TO: Mark Maxin, Assistance General Counsel for Administration	
Name of System: MyCase Legal Case Management System	
Date CSD received PIA for review: September 25, 2014	Date CSD completed PIA review: October 7, 2014
Noted Issues: Currently covered under System of Records, NRC-8, Employee Disciplinary Actions, Appeals, Grievances, and Complaints Records.	
Laura Pearson, Chief FOIA, Privacy, Info Collections Branch Customer Service Division Office of Information Services	Signature/Date: /RA/ 10/09/14
<i>Copies of this PIA will be provided to:</i> <i>Gwen Hayden, Acting Director Solutions Develop Division Office of Information Services</i> <i>Senior IT Security Officer (SITSO) FISMA Compliance and Oversight Team Computer Security Office</i>	