



**The Department of the Treasury
Report Pursuant to Section 803 of the
Implementing Recommendations of the 9/11
Commission Act of 2007**

December 31, 2009

Introduction

The Treasury Department is committed to protecting the privacy and civil liberties of individuals, including information privacy, policy development and program execution. In recognition of the threat to individual privacy resulting from the global expansion of information technology (IT), the Department is determined to continue its robust oversight of the personally identifiable information entrusted to our care.

Department Actions

The Treasury Department continued its support of the Federal CIO Council Privacy Committee and co-chaired a workgroup under its Development and Education Subcommittee. This workgroup planned and executed the Privacy Summit, which was held on October 29, 2009. The Summit provided training to privacy professionals across the government, in such areas as FOIA, data breaches, and privacy impact assessments. It also provided insight into how privacy officials manage privacy and the steps they take to improve compliance with OMB guidance. The Summit was well attended, well received, and was an extraordinary success.

On an on-going basis, employees of the Department continue to be active in interagency privacy forums. Treasury employees serve on the Best Practices, Web 2.0, Development and Education, and International Subcommittees of the Federal CIO Council's Privacy Committee. These subcommittees have played a major role in proposing revisions to the federal guidance pertaining to persistent cookies, and in revising the model terms of service agreements between government agencies and internet companies.

Although OMB will not issue FISMA reporting guidance for FY 2010 until next year, Treasury completed and forwarded the 1st Quarter FISMA Report of the Office of Cyber-Security. The result of this update provided by the bureaus was significant. The Department has completed 99 percent of the privacy impact assessments (PIAs) and systems of records notices (SORNs) for those systems that require such assessments and notices. This achievement has been made possible by the due diligence of the privacy professional working at each of the bureaus. Efforts to ensure that the Department is 100 percent compliant are underway.

Quarterly Report

The Department uses a standard reporting framework and instructions tailored to its mission and functions to address Section 803 reporting requirements. This framework has been coordinated with OMB, as well as with the other agencies required to report under this section.

The attached September 2009 report consolidates all privacy and civil liberties activities of the Treasury Department, including data on the reviews conducted, reference to the advisory guidance delivered, and information about written complaints received and processed.

Types of Complaints

Privacy Complaint: A written allegation of harm or violation of personal or information privacy filed with the Treasury Department. This information includes:

1. Process and procedural issues, such as consent, collection, and appropriate notice;
2. Non-Privacy Act of 1974 issues, such as Terrorist Watchlist Redress process or identity theft mitigation; or
3. Privacy Act of 1974 issues.

Civil Liberties Complaint: A written allegation of harm or violation of the constitutional rights afforded individuals filed with the Treasury Department. Types of civil liberties complaints include, but are not limited to:

1. First Amendment, Freedom of speech, religion, assembly, and association;
2. Fourth Amendment, Protection against unreasonable search and seizure; and
3. Fifth or Fourteenth, § 1, Due process and equal protection.

Reporting Categories

Reviews: Reviews include Treasury Department activities delineated by controlling authorities, such as the Privacy Act of 1974, 5 U.S.C. § 552a; E-Government Act of 2002 (P.L. 107-347); Consolidated Appropriations Act of 2005 (P.L. 108-447); OMB Circular A-130, Appendix 1; and OMB Memo M-07-16. Examples include:

1. Privacy Threshold Analyses – review of an IT system’s use of data to determine if a Privacy Impact Assessment is required;
2. Privacy Impact Assessments;
3. OMB Memo 07-16 issues, including reviewing records to maintain the minimum necessary for the proper performance of an agency function, Social Security Number use reduction efforts, or initiatives related to combating identity theft;
4. OMB Circular A-130 issues, including System of Records Notices, Routine Use Descriptions, Agency contacts security, Recordkeeping and Disposal policies, Training Practices, Continued Privacy Act Exemptions under 5 U.S.C §552a (j)(2), (k), and/or Computer Matching Programs;
5. Persistent Tracking Technology features used on a website;

6. Achievement of machine readability, which ensures that website users are automatically alerted about whether site privacy practices match their personal privacy preferences;
7. 5 CFR 1320 (collection of information/Paperwork Reduction Act reviews);
8. Information Sharing Environment policies and system reviews;
9. Documents related to the OMB Exhibit 300 process.

Advice: Advice includes written policies, procedures, guidance, or interpretations of privacy requirements for circumstances or business processes that respond to privacy or civil liberties issues or concerns.

Response to Advice: Specific action taken in response to *Advice* given by the Treasury Department. Examples of *Response to Advice* include the issuance of a regulation, order, or directive; an interpretation or other guidance issued as a result of the *Advice*, or the reaching of an agreement; and issuance of any training programs or other procedures that enhance understanding of the issue that precipitated the request for *Advice*.

Dispositions of Complaints: An action taken by the Treasury Department in response to a privacy or civil liberties complaint. After a complaint is reported the Treasury Department will:

1. Take direct action (description in the summary report);
2. Refer to another agency or entity that may be able to assist in addressing the complaint (referral agency and explanation in summary report); or
3. Determine that no action is required (explanation in summary report).

The Department will continue to submit quarterly reports in coordination with OMB. The current report covers data collection from September 1, 2009, through November 30, 2009. The next quarterly report is due March 31, 2010, and will cover the period of December 1, 2009, through February 28, 2010. The data collection period for each report ends approximately 30 days prior to the report deadline.