



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

June 30, 2010

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 Department of the Treasury conducted a series of privacy-related events as part of Privacy Week, in support of Records and Information Management Month (RIMM) at the Department. During the week of April 26-30, 2010, there were presentations on data breaches, identity theft and fraud, cloud computing, government use of social networking sites (Web 2.0), privacy and civil liberties in the intelligence and international communities, as well as workshops on conducting privacy impact assessments (PIAs) and systems of records notices (SORNs). Privacy Week activities were open to all agencies of the government. More than 700 people from across government registered for many of the aforementioned events. The presenters and speakers represented a cross section of the privacy community and included distinguished individuals from other government agencies, private industry, public interest groups, and the Department.

In other events this quarter, the Office of Privacy and Civil Liberties completed its 2009 Annual Report for Privacy to Congress, as required by Section 522 of the Consolidated Appropriation Act of 2005. The report highlighted the Department's accomplishments from FY 2007 and 2008; presented an overview of achievements from 2009; and highlighted some of the activities that are forthcoming in 2010.

Also significant this quarter are the results of the 3rd quarter FISMA Report. FISMA updates provided by the bureaus remain significant and demonstrate Treasury's commitment to maintaining its high standards in the area of FISMA reporting. The Treasury Department has reviewed all of the pending PIAs and nearly all of the pending SORNs. This ongoing review process enabled the Department to report 100 percent of the PIAs and 99 percent of the SORNs for those systems that require such assessments and notices, for the 2nd quarter of FY

2010. As always, this achievement has been made possible by the due diligence of the privacy professionals working at each of the bureaus. Efforts to ensure that the Department is 100 percent compliant are ongoing.

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 June 30, 2010, 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 Watch List 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 Amendment, § 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 March 1, 2010, through May 31, 2010. The next quarterly report is due September 30, 2010, and will cover the period of June 1, 2010, through August 31, 2010. The data collection period for each report ends approximately 30 days prior to the report deadline.