

# Privacy Impact Assessment

Policy, E-Government and Fair Information Practices

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United States Department  
of Agriculture





**Privacy Impact Assessment for  
NAD Tracking System  
(NADTrack)**

May 15, 2019

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### Abstract

The abstract should be a minimum of three sentences and a maximum of four, if necessary, and conform to the following format:

- First sentence should be the name of the component and system.
- Second sentence should be a brief description of the system and its function.
- Third sentence should explain why the PIA is being conducted.

This PIA is being conducted for the NADTrack system. The NADTrack system handles case-related data, audio files and determinations as well as participant and agency contact and/or identifier information is tracked and recorded. A PIA is needed in order to determine the level of privacy of the NADTrack system based on information captured and stored.

### Overview

The overview is the most important section of the PIA. A thorough and clear overview gives the reader the appropriate context to understand the responses in the PIA. The overview should contain the following elements:

- The system name and the name of the Department component(s) who own(s) the system;
- The purpose of the program, system, or technology and how it relates to the component's and Department's mission;
- A general description of the information in the system;
- A description of a typical transaction conducted on the system;
- Any information sharing conducted by the program or system;
- A general description of the modules and subsystems, where relevant, and their functions; and
- A citation to the legal authority to operate the program or system.

The NAD Tracking System (NADTrack) name is owned by the US Department of Agriculture, Office of Hearings and Appeals (OHA)-National Appeals Division (NAD). NADTrack is a Web-based case management, tracking and reporting system used to retain and retrieve case information and report performance statistics based on data entered into the system. A typical transaction is OHA-NAD case-related data, audio files and determinations as well as participant and agency contact and/or identifier information is record within the system. NADTrack is completely self- contained and does not share data with any other applications except for authentication and access through USDA eAuthentication (eAuth).

The system also permits members of the public to register an eFile account and file a request for appeal online from the OHA-NAD website. Through the eFile application, the system permits an eFiler to: 1) view case-related information and download documents to OHA-NAD case(s); 2) upload additional information on their existing OHA-NAD eFile case(s).

## **Section 1.0 Characterization of the Information**

The following questions are intended to define the scope of the information requested and/or collected as well as reasons for its collection as part of the program, system, rule, or technology being developed.

### **1.1 What information is collected, used, disseminated, or maintained in the system?**

NAD case-related data:

- Audio files and case determinations
- Personally Identifiable Information (PII) such as full name, address, phone number, fax number, email address, and signature.
- Metadata relating to the case process (e.g. date case was filed)

### **1.2 What are the sources of the information in the system?**

NADTrack authorized users enter the data submitted to the USDA Office of Hearings and Appeals -National Appeals Division. These authorized users are USDA employees, contractor employees who access the system via eAuthentication, and the public who eFile appeal requests.

### **1.3 Why is the information being collected, used, disseminated, or maintained?**

Case Tracking and Reporting



### **1.4 How is the information collected?**

NADTrack collects data through the Web interface, behind a secure login page

### **1.5 How will the information be checked for accuracy?**

NADTrack Administrators and OHA-NAD department managers are responsible for reviewing information for its accuracy.

### **1.6 What specific legal authorities, arrangements, and/or agreements defined the collection of information?**

Public law and USDA have granted the Office of Hearings and Appeals-National Appeals Division the legal right to collect information for the appellant case file to adjudicate appellant cases. NADTrack is used for the secure tracking and reporting of said cases.

### **1.7 Privacy Impact Analysis: Given the amount and type of data collected, discuss the privacy risks identified and how they were mitigated.**

The NADTrack system does not contain any high or mid-level PII. The privacy risks are low and controlled through role-based access to data.

## **Section 2.0 Uses of the Information**

The following questions are intended to delineate clearly the use of information and the accuracy of the data being used.

### **2.1 Describe all the uses of information.**

NADTrack information assists USDA OHA-NAD employees with the handling of appellant data.

### **2.2 What types of tools are used to analyze data and what type of data may be produced?**

NADTrack generates reports of information which is reviewed by OHA-NAD management. All reports with PII display a PII warning.

### **2.3 If the system uses commercial or publicly available data, please explain why and how it is used.**

N/A. NADTrack does not acquire data from commercial or publicly available sources.

**2.4 Privacy Impact Analysis: Describe any types of controls that may be in place to ensure that information is handled in accordance with the above described uses.**

NADTrack utilizes a granular auditing system that allows for complete forensic trail of data usage. Role-based access controls utilize the concept of least privilege for access.

## **Section 3.0 Retention**

The following questions are intended to outline how long information will be retained after the initial collection.

**3.1 How long is information retained?**

Information is retained in perpetuity.

**3.2 Has the retention period been approved by the component records officer and the National Archives and Records Administration (NARA)?**

N/A, OHA-NAD data is not the official record of the case.

**3.3 Privacy Impact Analysis: Please discuss the risks associated with the length of time data is retained and how those risks are mitigated.**

Risk for data retention periods are low due to the security controls in place and the low impact of data stored.

## **Section 4.0 Internal Sharing and Disclosure**

The following questions are intended to define the scope of sharing within the United States Department of Agriculture.

**4.1 With which internal organization(s) is the information shared, what information is shared and for what purpose?**

N/A, no information is shared.

**4.2 How is the information transmitted or disclosed?**

N/A, no information is shared.

- 4.3 Privacy Impact Analysis: Considering the extent of internal information sharing, discuss the privacy risks associated with the sharing and how they were mitigated.**

N/A, no information is shared.

## **Section 5.0 External Sharing and Disclosure**

The following questions are intended to define the content, scope, and authority for information sharing external to USDA which includes Federal, state and local government, and the private sector.

- 5.1 With which external organization(s) is the information shared, what information is shared, and for what purpose?**

N/A

- 5.2 Is the sharing of personally identifiable information outside the Department compatible with the original collection? If so, is it covered by an appropriate routine use in a SORN? If so, please describe. If not, please describe under what legal mechanism the program or system is allowed to share the personally identifiable information outside of USDA.**

N/A

- 5.3 How is the information shared outside the Department and what security measures safeguard its transmission?**

N/A

- 5.4 Privacy Impact Analysis: Given the external sharing, explain the privacy risks identified and describe how they were mitigated.**

N/A

## Section 6.0 Notice

The following questions are directed at notice to the individual of the scope of information collected, the right to consent to uses of said information, and the right to decline to provide information.

**6.1 Does this system require a SORN and if so, please provide SORN name and URL.**

Yes

National Appeals Division; Notice of Modification of Privacy Act System of Records

URL: <https://www.federalregister.gov/documents/2004/09/24/04-21490/national-appeals-division-notice-of-modification-of-privacy-act-system-of-records>

**6.2 Was notice provided to the individual prior to collection of information?**

The appellants offer the information to the Office of Hearings and Appeals-National Appeals Division for processing, no direct notification is needed.

**6.3 Do individuals have the opportunity and/or right to decline to provide information?**

Appellants are unable to appeal anonymously; they are directly providing the information that is required by Federal Law.

**6.4 Do individuals have the right to consent to particular uses of the information? If so, how does the individual exercise the right?**

Individuals must offer the information required by Federal Law to submit an appeal to USDA OHA-NAD.

**6.5 Privacy Impact Analysis: Describe how notice is provided to individuals, and how the risks associated with individuals being unaware of the collection are mitigated.**

NADTrack is designed for case-tracking and reporting of the USDA appeals process. Notifications for individuals are provided by the USDA OHA-NAD Business Office and administrative judges who adjudicate the case.



## Section 7.0 Access, Redress and Correction

The following questions are directed at an individual's ability to ensure the accuracy of the information collected about them.

### **7.1 What are the procedures that allow individuals to gain access to their information?**

Only Office of Hearing and Appeals (OHA)-National Appeals Division (NAD) personnel have access to the electronic case tracking system. The public are permitted to file appeals electronically. After they register and file an appeal electronically, customers receive electronic notifications that the appeal was received. Further, an eFiling appellant can log into his or her eFile portal and view the transaction of the appeal request and the documents the appellant submitted. At this stage of the process, the data includes: case number, appellant residence, and contact information. This information is constantly reviewed and updated through the course of the appeal.

### **7.2 What are the procedures for correcting inaccurate or erroneous information?**

Pursuant to law, the code of federal regulations, and the rules of procedure, the Administrative Judge conducts pre-hearings and hearings that examine the case record. The case record contains some of the elements of information that is entered into the system for each case by the legal administrative staff. Throughout the hearing process, there are several opportunities to review and make corrections to the case record. The first opportunity is when the appellant files a case and the basic data is entered into the system. Additional data is entered and corrected throughout the life of the case. The electronic case tracking system facilitates a continuous feedback loop for data entry and modification. Additionally, the rules provide for parties of the case to request a copy of the case record, transcripts, or audio of the proceeding. Customers can review these documents or media and request correction, if appropriate.

### **7.3 How are individuals notified of the procedures for correcting their information?**

Individuals do not have access to their information within the NADTrack system, but parties to the case are responsible for compiling and serving an accurate case record to all the parties and the Administrative Judge. If there is an error, the individual will need to contact the OHA-NAD business office or the Administrative Judge to have it corrected. At the pre-hearing, the Administrative Judge receives stipulations from all the parties about the accuracy of the case record and provides instructions about how to make changes. The most common errors or modifications involve change of contact information.

**7.4 If no formal redress is provided, what alternatives are available to the individual?**

N/A. All errors are corrected. If a party to the case is unsatisfied with the data correction, the party may file a motion with the administrative judge or file a Director Review of the case.

**7.5 Privacy Impact Analysis: Please discuss the privacy risks associated with the redress available to individuals and how those risks are mitigated.**

The risk is low that proper redress will not be provided to the individual. The case record, sometimes hundreds of pages, is the lynchpin of information in the case. Data such as the program, appellant name, and a plethora of dates that are entered into the system often form the core of the adjudicative outcome of the case. Thus, when a critical piece of data is questioned, often the adjudicative process moves into a fact-finding stage to ensure that the data is correct. Even after the first-level appeal stage with an Administrative Judge, if the data bearing on the adjudicative outcome is still in dispute, the appellant has a right to file a second-level Director review. At this stage of the process, the case is examined by an appeals staff attorney to ensure the accuracy of the case file and determine the dispute.

## **Section 8.0 Technical Access and Security**

The following questions are intended to describe technical safeguards and security measures.

**8.1 What procedures are in place to determine which users may access the system and are they documented?**

Access determined by role permissions, which is documented in the role matrix.

**8.2 Will Department contractors have access to the system?**

OHA hires contract employees who have the same access requirements and controls as federal employees (i.e. via eAuthentication).

**8.3 Describe what privacy training is provided to users either generally or specifically relevant to the program or system?**

Annual USDA Information Security Awareness and Rules of Behavior Training.

**8.4 Has Certification & Accreditation been completed for the system or systems supporting the program?**

Yes, the NADTrack system underwent a Certification & Accreditation (C&A) and was granted an Authorization to Operate (ATO) on 6/20/2017. The current ATO for NADTrack is valid through 6/20/2020.

**8.5 What auditing measures and technical safeguards are in place to prevent misuse of data?**

Access determined by role permissions. Administrators have access to audit logs, which allow them to audit all actions and users of the application.

**8.6 Privacy Impact Analysis: Given the sensitivity and scope of the information collected, as well as any information sharing conducted on the system, what privacy risks were identified and how do the security controls mitigate them?**

NADTrack is a closed system with robust role-based access controls. There are no known privacy risks for NADTrack.

## Section 9.0 Technology

The following questions are directed at critically analyzing the selection process for any technologies utilized by the system, including system hardware and other technology.

**9.1 What type of project is the program or system?**

NADTrack is a Commercial Off-the-Shelf (COTS)-based product utilizing a Secure Web interface. The system is tailored specifically and only to OHA's sole mission of adjudicating cases.

**9.2 Does the project employ technology which may raise privacy concerns? If so, please discuss their implementation.**

No

## Section 10.0 Third Party Websites/Applications

The following questions are directed at critically analyzing the privacy impact of using third party websites and/or applications.

**10.1 Has the System Owner (SO) and/or Information Systems Security Program Manager (ISSPM) reviewed Office of Management and Budget (OMB) memorandums M-10-22 "Guidance for Online Use of Web Measurement and Customization Technology" and M-10-23**

**“Guidance for Agency Use of Third-Party Websites and Applications”?**

Yes

**10.2 What is the specific purpose of the agency’s use of 3<sup>rd</sup> party websites and/or applications?**

N/A, the agency does not use third-party websites or applications.

**10.3 What personally identifiable information (PII) will become available through the agency’s use of 3<sup>rd</sup> party websites and/or applications.**

N/A

**10.4 How will the PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications be used?**

N/A

**10.5 How will the PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications be maintained and secured?**

N/A

**10.6 Is the PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications purged periodically?**

N/A

*If so, is it done automatically?*

*If so, is it done on a recurring basis?*

**10.7 Who will have access to PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications?**

N/A

**10.8 With whom will the PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications be shared - either internally or externally?**

N/A

**10.9 Will the activities involving the PII that becomes available through the agency's use of 3<sup>rd</sup> party websites and/or applications require either the creation or modification of a system of records notice (SORN)?**

N/A

**10.10 Does the system use web measurement and customization technology?**

N/A

*If so, is the system and procedures reviewed annually to demonstrate compliance to OMB M-10-23?*

**10.11 Does the system allow users to either decline to opt-in or decide to opt-out of all uses of web measurement and customization technology?**

N/A

*If so, does the agency provide the public with alternatives for acquiring comparable information and services?*

**10.12 Privacy Impact Analysis: Given the amount and type of PII that becomes available through the agency's use of 3<sup>rd</sup> party websites and/or applications, discuss the privacy risks identified and how they were mitigated.**

N/A



## Agency Responsible Official & Approval

Angela Parham

**Angela Parham**  
Acting Assistant Director of Administration  
Office of Hearing and Appeals (OHA)

5/15/19

**Date**