



Privacy Impact Assessment

for the

Individuals and Households Program Equity Analysis

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**Homeland
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Abstract

The Federal Emergency Management Agency (FEMA), Office of Response and Recovery (ORR), Individual Assistance (IA) Division will manage the Individuals and Households Program (IHP) Equity Analysis project. The purpose of this project is to collect and analyze information from FEMA applicants to ensure the equitable and impartial distribution of supplies, processing of applications, and performance of other relief and assistance activities, in accordance with section 308(a) of the Stafford Act, which prohibits discrimination on grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status. The purpose of collecting and using this information is to (1) enhance equity in the provision of FEMA's services and benefits; (2) improve the effectiveness of communications to the public on accessing programs, such as by removing barriers to application, qualification, and award of services while enhancing programmatic accessibility and equity; and (3) determine whether the individuals who apply for, receive, or continue to receive disaster assistance and benefits can do so in a non-discriminatory and equitable manner. This Privacy Impact Assessment (PIA) addresses FEMA's collection and use of applicant demographic data including the combination of applicant demographic data with Individual Assistance registration and assistance records and customer satisfaction survey data.

Introduction

The FEMA Office of Response and Recovery, Recovery Front Office is establishing a new Office of Equity and Strategic Initiatives (OES) to support the Directorate's commitment to long-term implementation of strategic priorities with an emphasis on diversity, equity, and inclusion in the FEMA organization and program delivery. The Office of Equity and Strategic Initiatives will also coordinate directly with FEMA's Recovery Divisions, the Office of Equal Rights (OER), the Office of Policy and Program Analysis (OPPA), and the FEMA Equity Executive Steering Group alongside other FEMA equity groups. The Recovery Equity Officer will also fall under the Office of Equity and Strategic Initiatives and will chair a newly established Equity Council for the Directorate.

In alignment with the strategic priorities and to implement the FEMA Equity Analysis project, the Office of Response and Recovery, Individual Assistance Division will collect and use demographic records, registration and assistance records, and customer satisfaction survey records from applicants for disaster assistance through the FEMA Individuals and Households Program to assess its civil rights, nondiscrimination and equity requirements, and obligations. These requirements and obligations are outlined in federal civil rights laws such as Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and section 308 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).



This Privacy Impact Assessment covers FEMA’s Office of Response and Recovery, Individual and Households Program’s new collection of demographic information on Individual Assistance applicants (covered under Office of Management and Budget (OMB) Information Collection Request (ICR) 1660-NW133: Generic Clearance for Civil Rights and Equity) and the combination of that demographic data with data from other sources, including applicant registration and assistance records (OMB 1660-0002) and customer satisfaction survey records (OMB 1660-0029, 1660-0130, 1660-0143, and 1660-0145) to assess equity in Individual Assistance programs. FEMA needs additional demographic data concerning individuals who participate in or benefit from FEMA programs and activities to ensure accessibility and distributional equity¹ in such programs and activities and to make alterations to FEMA programs and policies or pivot the direction of FEMA disaster response activities based upon identified areas of concern. For information regarding FEMA’s collection, maintenance, and use of personally identifiable information for the provision of disaster assistance generally, please review the Individual Assistance (IA) Program Privacy Impact Assessment.² Likewise, the Enterprise Customer Survey System Privacy Impact Assessment³ outlines FEMA’s collection, maintenance, and use of Individual Assistance applicant survey data to generally measure customer satisfaction.

Background

Section 308 of the Stafford Act requires FEMA to ensure that the “distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, ethnicity, nationality, gender, age, disability, Tribal enrollment, educational level, English proficiency, marital status, economic status, or other protected bases.” Although FEMA’s policies are facially nondiscriminatory, FEMA has not had access to sufficient demographic data to demonstrate compliance with statutory equity requirements nor has it been able to appropriately assess the

¹ Equity is defined as “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality” See Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Exec. Order No. 13985, 89 Fed. Reg. 7009 (Jan. 25, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

² See U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, PRIVACY IMPACT ASSESSMENT FOR THE INDIVIDUAL ASSISTANCE (IA) PROGRAM, DHS/FEMA/PIA-049 (2018), available at [Privacy Documents for FEMA | Homeland Security \(dhs.gov\)](#).

³ See U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, PRIVACY IMPACT ASSESSMENT FOR THE CUSTOMER SATISFACTION ANALYSIS SYSTEM (CSAS), DHS/FEMA/PIA-035 (2014), available at [Privacy Documents for FEMA | Homeland Security \(dhs.gov\)](#).



validity of independent research and the outcomes related to underserved communities.⁴ The data FEMA currently collects does not provide a complete representation of an individual's demographic characteristics and is insufficient to conduct a comparative analysis to ensure that disaster assistance relief is provided in an equitable and impartial manner.

FEMA will collect demographic information from applicants who voluntarily provide it during the Registration Intake (RI) process and create datasets incorporating Registration Intake and customer satisfaction survey data to assess whether agency policies and actions create or exacerbate barriers to full and equal participation by all eligible individuals. FEMA must analyze demographic characteristics in combination with Registration Intake and survey data to determine whether barriers to FEMA's assistance programs are measurable and traceable to these characteristics and if so, take steps to address and mitigate the barriers. For example, FEMA may develop new forms of outreach, communication, and registration for assistance based on identified trends related to race, gender, and socioeconomic status to better ensure maximum registration rates.

Data Collection and Analysis

The Individual Assistance Division is updating the Individuals and Households Program Registration Intake process to collect demographic information from disaster assistance applicants who choose to provide it. After the applicant has answered all Registration Intake questions, FEMA will ask additional questions for the purpose of equity analysis. The additional questions will request the applicant's race, ethnicity (*e.g.* Hispanic or Latino), gender, marital status, highest level of education completed, and Tribal enrollment status. Each question will list a "prefer not to answer" option.

The Individual Assistance Division will ask the new demographic questions solely for equity analysis. No eligibility determinations will be made using the collected demographic information. The Individual Assistance Division may combine the responses to the demographic questions with any information it collects for purposes of disaster assistance registration intake and appeals and customer satisfaction surveys. This includes, but is not limited to other demographic information,⁵ responses to survey questions, and information submitted by or on behalf of the disaster assistance applicant to measure damages and obtain FEMA assistance in a declared emergency or disaster. Although FEMA may combine registration, appeal, and survey information with demographic responses for equity analysis, FEMA will not use these datasets

⁴ Underserved communities "refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life," *located at* Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Exec. Order No. 13985, 89 Fed. Reg. 7009 (Jan. 25, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

⁵ Demographic information could include (age, income, and disability).



or an individual's answers compiled from the Individual Assistance demographic questions to make disaster assistance eligibility determinations for that individual.

The registrant must respond to the Individual Assistance demographic questions to complete the Registration Intake process; however, one of the responses to each question is "prefer not to answer." The Privacy Act Statement on the application forms serves as notice to individuals that their decision to respond to any demographic question with "prefer not to answer" will not prevent them from receiving assistance. FEMA will restrict access to the demographic data using database and application controls, and FEMA staff will not have access to the information without a specific "need to know." Individuals have a "need to know" if they (1) work within the Individual Assistance and Recovery Reporting and Analytics (RAD) Divisions, (2) perform program equity analysis tasks in their official work responsibilities or (3) belong to the software development team and are responsible for amending records in response to an individual's request. The use of role-based access within the Individual Assistance enterprise application and the Individual Assistance enterprise database ensures the isolation of demographic data. FEMA employees who process applications will not have access to the isolated demographic information.

FEMA will create datasets utilizing various combinations of applicant demographic characteristics along with registration intake and appeal records and customer service survey records. FEMA will store demographic data along with individual Registration Intake applicant data in separate tables in existing database systems, such as the Disaster Assistance Improvement Plan (DAIP) application, Individual Assistance System (formerly NEMIS-IA), and Enterprise Data Warehouse (EDW),⁶ to generate reports on the Individual Assistance Division's efforts and performance in ensuring equity and nondiscrimination in its programs, policies, procedures, services, and activities that serve individuals. FEMA staff conducting equity analysis will create datasets by querying the individual source systems via the Enterprise Data Warehouse and will combine the data to be viewed on FEMA approved devices. FEMA will restrict access to the data by using its role-based permissions, which is a mature and widely used mechanism in the Individual Assistance and Enterprise Data Warehouse applications.

FEMA may share this information in an aggregate, anonymized format with internal FEMA programs and publicly through OpenFEMA and FEMA External Affairs, Freedom of Information Act (FOIA) requests, relevant DHS offices and components, and reports submitted to the White House and Congress.

FEMA will use the combined datasets to better understand the relationship between

⁶ See U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, PRIVACY IMPACT ASSESSMENT FOR THE OPERATIONAL DATA STORE AND ENTERPRISE DATA WAREHOUSE, DHS/FEMA/PIA-026 (2012), available at [Privacy Documents for FEMA | Homeland Security \(dhs.gov\)](https://www.dhs.gov/privacy-documents-for-fema); see also forthcoming DHS/FEMA Individuals and Households Program Equity Analysis Records System of Records.



demographics and Individuals and Households Program assistance outcomes, which will inform program and policy analysis as well as help with operational decisions.

Based largely on equity analyses conducted by non-governmental organizations, FEMA recently made a change to its policy regarding proof of ownership to account for a tradition of generational inheritance (rather than written documentation) of home ownership particular to households that shared cultural and racial backgrounds and were in certain areas of the United States. However, to remain facially neutral and nondiscriminatory, these policy changes apply to all registrants that need to show ownership to receive assistance. Although FEMA was able to make these changes without conducting the equity analysis discussed in this Privacy Impact Assessment, such an analysis might have assisted FEMA in recognizing the extent of this barrier to assistance without relying on outside assessments.

Collecting this information during the registration process will enable FEMA to perform its own equity analyses to better understand a wide variety of information including (1) whether individuals access FEMA's varying registration methods at different rates based on demographic categories, (2) whether contact preferences, referral rates, and eligibility and award rates differ based on demographic characteristics, and (3) whether any potential barriers exist in application or assistance by demographic category. FEMA intends to use these data points both in day-to-day operational analysis and for long-term strategic analysis.

FEMA will conduct statistical analysis to examine the relationships between demographic data and program outcomes. This will help gain insight about any potential disparities in disaster assistance delivery. For example, FEMA will use statistical analysis to:

- Determine differences between demographic groups and Individuals and Households Program outcomes, which may include:
 - Program referral rates
 - Insured rates
 - Eligibility rates
 - Eligibility amounts
 - Assistance denial reasons
 - Appeals rates and/or types.
- Explore appeal outcomes between different demographic groups. If certain demographic groups have a higher rate of appeals, the stated reasons for appeals may help determine why the differences exist.
- Examine relationships between demographic data and registration damage self-



assessment questions, or the accuracy of the self-assessment and FEMA inspector damage determinations when the two are compared. More inaccuracies associated with a particular demographic group may indicate that the self-assessment or inspector's determination requires revision. For example, people who speak English as a second language may struggle more with understanding how to evaluate their damage and perhaps the instructions need modification.

- Determine if any disparities in program outcomes result from specific policies, procedures, guidelines, or employee/contractor behavior.
- Assess the impact on small, vulnerable populations of proposed changes in policy, law, regulations, and procedure by conducting statistical tests. For purposes of this Privacy Impact Assessment, vulnerable populations and underserved communities are interchangeable terms.

Such analysis may aid with future planning and identify deficiencies in FEMA's current processes that may need modification to be fairer and more equitable. The purpose of collecting demographic data during registration is to gather data from a registrant during their FEMA application process, which minimizes the number of engagements with a registrant. Additionally, the purpose of tying the demographic data with data collected via the registration and survey processes (including personally identifiable information) is to support a holistic analysis that allows FEMA to determine impacts to applicants throughout all stages of interaction with the Individuals and Households Program. In the performance of their registration casework, FEMA caseworkers cannot see the demographic data in a registrant's Individual Assistance file. The data will reside in the database layer of the Individual Assistance System and not in the application itself. Only a select few program equity analysts will have access to the demographic data, potentially in combination with data from the application and directly from the database using data analysis tools in the Enterprise Data Warehouse to run reports using demographic and other data to assess equity.

Example Use Cases

Demographic data in the Individuals and Households Program will help improve operational outcomes for vulnerable communities by:

- Prioritizing the placement of Disaster Recovery Centers and Disaster Survivor Assistance Teams in communities where vulnerable people are applying for assistance.
- Comparing registration data to Census data in the community to identify areas where vulnerable people live but are not applying for assistance to improve outreach and messaging in those communities.
- Prioritizing placement in Transitional Sheltering Assistance, Non-Congregate Sheltering,



or Direct Housing for vulnerable applicants and the development of resource plans to provide additional support for vulnerable applicants.

- Understanding whether cultural differences require different operational procedures in current or future operations to best meet the needs of survivors of all demographic categories.
- Comparing demographic data to registration damage self-assessment questions to identify correlations between demographics and the self-assessment during the registration process, or the accuracy of the self-assessment and FEMA inspector damage determinations when the two are compared.

Data Reporting and Information Sharing

FEMA may use information from publicly available sources such as the U.S. Census Bureau, the U.S. Department of Justice, the Centers for Disease Control and Prevention, and the U.S. Department of Housing and Urban Development to analyze, aggregate, and disaggregate demographic characteristics to determine equitable and nondiscriminatory delivery of Individual Assistance programs and services. FEMA may also use aggregate demographic data obtained from publicly available sources including state websites, academic institutions, and potentially consultant organizations. FEMA will not obtain personally identifiable information data from external data sources. FEMA will only use commensurate, aggregate demographic data when comparing the information to publicly available aggregate data sources.

Typical Transaction for the Collection, Use, and Sharing of Demographic Information

A typical transaction begins with the registration process. The survivor may complete a self-paced internet or mobile registration or contact the FEMA registration call center to register for disaster assistance with the help of a FEMA employee. At the end of the registration process, the survivor receives a second Privacy Act Statement indicating that FEMA needs to collect demographic information. The survivor must respond to the Individual Assistance demographic questions to complete the Registration Intake process; however, one of the responses to each question is “prefer not to answer.” The second Privacy Act Statement serves as notice to individuals that responses to the demographic questions, including their decision to respond to any demographic question with “prefer not to answer,” will not affect their eligibility determination or prevent them from receiving assistance. The survivor answers all demographic questions and then submits to complete the registration process.

FEMA will then house the demographic data within the Individual Assistance System and will not make the data accessible using the normal application interface. Only select data specialist staff and FEMA Office of the Chief Information Officer (CIO) database administrators will have access to the data. FEMA assigns access to program analysis data specialists who will



perform equity analysis projects to ensure FEMA is meeting its regulatory requirements to provide equitable disaster assistance. FEMA data specialists access the information using elevated privilege user accounts specially designed to access demographic data. FEMA data specialists must adhere to all FEMA data safeguarding guidelines in the performance of their program analysis project duties. In addition, FEMA data specialists with access to demographics data can also pull registration, eligibility (e.g., decisions, appeals), and customer survey data to run reports with all needed data elements.

To create the datasets used for equity analysis, the FEMA data specialist will pull datasets from the equity demographics records, registration intake records, and customer satisfaction surveys from the source systems into the Enterprise Data Warehouse. FEMA will place records pertaining to disaster assistance in inactive storage two years after receiving the application and will destroy when the records are six years and three months old, in accordance with National Archives and Records Administration (NARA) Authority N1-311-86-1, item 4C10a.

FEMA maintains the data in accordance with federal retention schedule requirements. Further, FEMA will dispose of all data in accordance with FEMA cyber security and Records Management guidelines.

Fair Information Practice Principles (FIPPs)

The Privacy Act of 1974⁷ articulates concepts of how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information. The Homeland Security Act of 2002 Section 222(2) states that the Chief Privacy Officer shall assure that information is handled in full compliance with the fair information practices as set out in the Privacy Act of 1974.⁸

In response to this obligation, the DHS Privacy Office developed a set of Fair Information Practice Principles (FIPPs) from the underlying concepts of the Privacy Act to encompass the full breadth and diversity of the information and interactions of DHS.⁹ The Fair Information Practice Principles account for the nature and purpose of the information being collected in relation to DHS's mission to preserve, protect, and secure.

DHS conducts Privacy Impact Assessments on both programs and information technology systems, pursuant to the E-Government Act of 2002, Section 208¹⁰ and the Homeland Security

⁷ 5 U.S.C. § 552a.

⁸ 6 U.S.C. § 142(a)(2).

⁹ U.S. DEPARTMENT OF HOMELAND SECURITY, PRIVACY POLICY GUIDANCE MEMORANDUM 2008-01/PRIVACY POLICY DIRECTIVE 140-06, THE FAIR INFORMATION PRACTICE PRINCIPLES: FRAMEWORK FOR PRIVACY POLICY AT THE DEPARTMENT OF HOMELAND SECURITY (2008), available at <https://www.dhs.gov/privacy-policy-guidance>.

¹⁰ 44 U.S.C. § 3501 note.



Act of 2002, Section 222.¹¹ Given that FEMA Equity Analysis is a program rather than a particular information technology system, this Privacy Impact Assessment examines the privacy impact of FEMA Equity Analysis as it relates to the Fair Information Practice Principles.

1. Principle of Transparency

Principle: DHS should be transparent and provide notice to the individual regarding its collection, use, dissemination, and maintenance of PII. Technologies or systems using PII must be described in a SORN and PIA, as appropriate.

FEMA provides notice by way of this Privacy Impact Assessment, the Individuals and Households Program Equity Demographic Records System of Records Notice (SORN), public-facing content describing the program and methodology on FEMA.gov, and through Privacy Act Statements at points of collection.

Also, FEMA provides notice by way of its publication of OMB 1660-NW133, *IHP Equity Demographic Records* (FEMA Form FF-256-FY-21-100), which covers the collection of Individuals and Households Program and Equity demographic questions and outlines FEMA's legal authority and tools/forms used to retrieve the information from individuals. The Individual Assistance Division will collect the demographic information electronically in conjunction with the Individual Assistance registration process, using FEMA Form FF 009-0-1 (OMB 1660-0002). Demographic information will include a citation regarding its separate collection and disuse in determining registrant eligibility, and Individual Assistance information systems will undergo an update to incorporate the collection citation and updated Privacy Act Statement.

FEMA is also updating the Privacy Act Statements for forms in OMB 1660-0143, *FEMA IA Customer Satisfaction Surveys*; 1660-0145, *Programs Customer Satisfaction Surveys*; 1660-0130, *Long Term Recovery Survey Study*; and 1601-0029, *FEMA Customer Experience Survey*, to notify survey respondents that their responses may be linked to their original application and demographic data for the purposes of equity analysis.

The Privacy Act Statement, which is provided prior to the collection of demographic information, and this Privacy Impact Assessment, also inform individuals of their right to decline the sharing of their personal information. FEMA staff read the Privacy Act Statement to Individual Assistance registrants during Registration Intake if they call FEMA's call center to register, or applicants read and acknowledge the Privacy Act Statement during their registration online or through the FEMA mobile application. The Privacy Act Statement will explicitly inform individuals that FEMA may combine their registration information with demographic information for equity analysis, and that FEMA will ask demographic questions prior to completing the registration process.

¹¹ 6 U.S.C. § 142.



The paper registration, online registration, and FEMA mobile application are instruments for the registration process collection. The paper registration is currently an instrument for the general collection, under OMB 1660-0002, and will be an instrument, if included, for the overarching collection. FEMA will add an Appendix to this Privacy Impact Assessment to document any new or updated tools or OMB collections covered under this Privacy Impact Assessment.

Privacy Risk: There is a risk that individuals who apply for Individual Assistance benefits and who participate in FEMA surveys may not be aware of how their demographic information may be used.

Mitigation: This risk is mitigated. FEMA mitigates this risk through the use of Privacy Act Statements, the publication of this Privacy Impact Assessment and the corresponding Individuals and Households Program Equity Demographic Records System of Records Notice, and the pending updates to the existing Enterprise Customer Survey System and Individual Assistance Privacy Impact Assessments. Additionally, Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, explicitly directs agencies like FEMA to assess equity with respect to race, ethnicity, religion, income, geography, gender identity, sexual orientation, and disability. Further, FEMA has publicly available webpages dedicated to its focus on equity and ensuring it throughout its mission ([Equity | FEMA.gov](https://www.fema.gov/equity)).

2. Principle of Individual Participation

Principle: DHS should involve the individual in the process of using PII. DHS should, to the extent practical, seek individual consent for the collection, use, dissemination, and maintenance of PII and should provide mechanisms for appropriate access, correction, and redress regarding DHS's use of PII.

Once the President declares a major disaster or emergency, or once a disaster is imminent, FEMA collects personally identifiable information and other information from members of the public to facilitate providing disaster assistance through the Registration Intake process. The Disaster Assistance Improvement Plan application collects registration information directly from the individual registrant when submitting their registration via internet ([Home | disasterassistance.gov](https://www.fema.gov/disasterassistance)), phone, mobile device, or call center. FEMA asks the following demographic questions during the registration process after collecting the basic registration information and before officially submitting the registration:

1. Are you Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race)

Yes



- No
 - Prefer Not to Answer
2. Please select the racial category or categories that you most closely identify with. Select as many as apply.
- American Indian or Alaska Native
 - Asian
 - Black or African American
 - Native Hawaiian and Other Pacific Islander
 - White
 - Prefer not to answer
3. Are you an enrolled member of a Tribal Nation?
- Yes
 - No
 - Prefer not to answer
- If so, which Tribal Nation are you a member of? _____
4. Is your gender...
- Female
 - Male
 - Another Identify (e.g., Nonbinary or Gender Non-Conforming)
 - Prefer not to answer
5. Which of the following best describes your highest level of formal education?
- Did not complete high school
 - High school graduate / GED
 - Some college
 - Associate degree
 - Bachelor's degree
 - Master's degree (or Graduate degree to include Master's and professional)
 - Doctoral degree



- Prefer not to answer
- 6. Is your marital status...
 - Never married
 - Married or living with partner
 - Separated
 - Widowed
 - Divorced
 - Prefer not to answer

Individuals seeking access to their records, or seeking to contest the content of their records, may submit a request in writing to the below address or online at [Request Records through the Freedom of Information Act or Privacy Act | FEMA.gov](#).

FEMA FOIA Officer
Records Management Division
Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C Street SW, Washington, D.C. 20472.

Individuals receive notification regarding procedures for correcting their demographic information from this Privacy Impact Assessment as well as the corresponding IHP Equity Demographic Records System of Records Notice. Furthermore, applicants to FEMA disaster assistance are notified via DHS/FEMA/PIA-049 Individual Assistance, DHS/FEMA/PIA-035 Enterprise Customer Survey System, and DHS/FEMA-008 Disaster Recovery Assistance Files System of Records Notice¹² regarding procedures for updating their disaster assistance registration and customer satisfaction survey information.

Privacy Risk: There is a risk that individuals responding to demographic questions cannot edit or correct the demographic information once provided to FEMA.

Mitigation: This risk is partially mitigated. The demographic questions are not visible or editable, so the applicants and FEMA call center agents cannot see or update the responses on the front end of Individual Assistance System. Individuals may request corrections to their information by submitting a written request to the system manager.¹³ In such a case, the software developer

¹² DHS/FEMA-008 Disaster Recovery Assistance Files, 87 Fed. Reg. 7852 (February 10, 2022).

¹³ The submission of requests to amend records is addressed in 44 C.F.R. § 6.50. It states that “[a]n individual who desires to amend any record containing personal information about the individual should direct a written request to the system manager specified in the pertinent Federal Register notice concerning FEMA’s systems of records ...



would need to implement the change via script on the back end of the Individual Assistance System as the end user cannot do so. FEMA does this to ensure additional protections and security to the demographic information.

Privacy Risk: There is a risk that FEMA does not provide the choice to opt out of the collection of demographic information by requiring individuals to provide responses to demographic questions prior to submitting registration information to begin the process of determining eligibility for disaster assistance.

Mitigation: This risk is mitigated. FEMA includes “prefer not to answer” as a response to each demographic question. In addition, FEMA uses a Privacy Act Statement to clarify that responses to the demographic questions, including their decision to respond to any demographic question with “prefer not to answer,” will not affect their eligibility determination or prevent them from receiving assistance.

3. Principle of Purpose Specification

Principle: DHS should specifically articulate the authority that permits the collection of PII and specifically articulate the purpose or purposes for which the PII is intended to be used.

Legal Authorities

Section 308(a) of the Stafford Act states, “the President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for ensuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.” FEMA collects demographic information to ensure compliance with Section 308(a) of the Stafford Act and obligations as outlined in the following authorities:

- Section 408 of the Stafford Act, 42 U.S.C. § 5174, and the implementing regulations found at 44 C.F.R. § 206.110 - 206.191.
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., prohibits discrimination on the grounds of race, color, or national origin by programs or activities receiving federal financial assistance and authorizes the agency to enforce such provisions.

Each request should include evidence of and justification for the need to amend the pertinent record. Each request should bear the legend “Privacy Act - Request to Amend Record” prominently marked on both the face of the request letter and the envelope,” *available at* [44 C.F.R. § 6.50 - Submission of requests to amend records.](#)



- 44 C.F.R. part 7, implementing title VI for FEMA-assisted programs. See specifically § 7.10, which allows data collection to ascertain compliance.
- Section 308 of the Stafford Act, 42 U.S.C. § 5151, which requires FEMA to distribute supplies, process applications, and conduct other relief and assistance activities in an equitable and impartial manner without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.
 - 44 C.F.R. § 206.11, implementing regulations for Stafford Act § 308.
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, prohibits discrimination based on disability in federally conducted activity and activity receiving federal financial assistance and authorizes the agency to enforce such provisions.
 - Section 505 of the Rehabilitation Act of 1973, 29 U.S.C. § 794a(a)(2), incorporating title VI remedies, procedures, and compliance for compliance.
 - 44 C.F.R. part 16, implementing regulations for section 504 of the Rehabilitation Act of 1973.
- Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., prohibits discrimination based on age by programs and activities receiving federal financial assistance and authorizes the agency to enforce such provisions.
 - 44 C.F.R. §§ 7.910-7.949, implementing regulations for the Age Discrimination Act of 1975.
- Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, requires federal agencies and recipients of financial assistance to provide meaningful access to their services for individuals with limited English proficiency.
- Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities through the Federal Government*, requires federal agencies to assess whether agency policies and actions create or exacerbate barriers to full and equal participation by all eligible individuals.
- Executive Order 13995, *Ensuring an Equitable Pandemic Response and Recovery* requires federal agencies to assess whether and ensure that their COVID-19 response efforts are equitable and to strengthen enforcement of anti-discrimination requirements regarding COVID-19 care and treatment. The COVID-19 Health Equity Task Force within the Department of Health and Human Services was established to address the pandemic's disproportionate and severe impact on people of color and other under-served populations. Federal agencies are required to work with the task force to collect data to prepare long-term recommendations to reduce the health inequalities that COVID-19 causes or



exacerbates, including how state and municipal officials allocate equitable resources and communicate with people of color and underserved communities.

- Executive Order 13988, *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* directs federal agencies to review all policies which implement the non-discrimination protections on the basis of sex under Title VII of the Civil Rights Act of 1964 and to extend these protections to the categories of sexual orientation and gender identity.

4. Principle of Data Minimization

Principle: DHS should only collect PII that is directly relevant and necessary to accomplish the specified purpose(s) and only retain PII for as long as is necessary to fulfill the specified purpose(s). PII should be disposed of in accordance with DHS records disposition schedules as approved by the National Archives and Records Administration (NARA).

A working group of employees from across the Recovery Directorate, charged by the Deputy Associate Administrator for Recovery with evaluating the equity in program delivery, worked in conjunction with the Office of Equal Rights and program experts to determine which questions would be helpful for FEMA to identify any concerns or bias in program delivery. The race and ethnicity questions derive from Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, OMB Directive 15,¹⁴ which sets the demographic data collection standards for race and ethnicity. FEMA developed the questions pertaining to Tribal enrollment, gender, education, and marital status in consultation with OMB and to align with demographic collections in existing FEMA Individuals and Households Program surveys. Only individuals within the Recovery Directorate's Reporting and Analytics Division with approval to access Individual Assistance data will have access to the demographic records for analysis purposes on a day-to-day basis. The Recovery Directorate is intentionally limiting viewing or access to the demographic data to ensure limited and appropriate use. Agency employees are required to take mandatory data Privacy and Records Management training and adhere to all data safeguarding rules. The analytical staff will only access the data required to conduct equity analysis. The survey data collection will also employ the same previously approved questions to help mirror processes already in place within the Agency.

FEMA will place records pertaining to disaster assistance in inactive storage two years after receiving the application and will destroy them when the records are six years and three months old, in accordance with NARA Authority N1-311-86-1, item 4C10a.

¹⁴ OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT DIRECTIVE 15, REVISIONS TO THE STANDARDS FOR THE CLASSIFICATION OF FEDERAL DATA ON RACE AND ETHNICITY (1997), available at [Revisions-to-the-Standards-for-the-Classification-of-Federal-Data-on-Race-and-Ethnicity-October30-1997.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/10/Revisions-to-the-Standards-for-the-Classification-of-Federal-Data-on-Race-and-Ethnicity-October30-1997.pdf) (whitehouse.gov).



Privacy Risk: There is a risk that FEMA may maintain information collected longer than necessary or authorized.

Mitigation: This risk is mitigated. FEMA, via the Recovery Technology Programs Division (RTPD), mitigates this risk by conducting manual audits of all enterprise Recovery applications (wherein information is archived and deleted, pursuant to applicable retention schedule) pursuant to an audit schedule as enforced by each application's Information System Security Officer (ISSO).

Privacy Risk: There is a risk that FEMA's collection of demographic information may capture more information than necessary to assess its civil rights, nondiscrimination and equity requirements, and obligations.

Mitigation: This risk is mitigated. The demographic questions added are all covered under Stafford Act Section 308 and civil rights authorities for non-discrimination. After 2 years of data collection, FEMA plans to analyze the extent to which data provides useful insights about program outcomes. If FEMA determines that there are no programmatic outcome differences with any of the 6 new questions, FEMA will file an amendment to the data collection to remove the unnecessary questions from the form. For the initial collection, FEMA has determined this is the least amount of data required to conduct equity analysis.

5. Principle of Use Limitation

Principle: DHS should use PII solely for the purpose(s) specified in the notice. Sharing PII outside the Department should be for a purpose compatible with the purpose for which the PII was collected.

The Individual Assistance Division will utilize this information to understand and enhance civil rights and equity and ensure compliance with FEMA civil rights and equity requirements; to ensure effectiveness of communication with the public; to identify and remove barriers to application, qualification, and award of grants; to identify and remove barriers and enhance programmatic accessibility and equity; and to determine whether the individuals and entities who apply for, receive, or continue to receive federal disaster assistance and benefits are able to do so in a nondiscriminatory and equitable manner. FEMA will analyze the demographics of applicants and recipients of Individual Assistance to determine the agency's achievement of intended impacts. If the analysis reveals that a demographic category is not applying for or receiving FEMA assistance, FEMA will assess for root cause and will develop and implement recommendations to ensure accessibility and equity.

The project will use FEMA analytics applications and tools, such as the Enterprise Data Warehouse, approved by the FEMA Office of the Chief Information Officer to search, query, or analyze Individual Assistance registration and appeals and customer survey information based on



the demographic categories and protected characteristics pursuant to civil rights laws including the Stafford Act. For example, FEMA will aggregate and compare the application of policies and participation in programs to ensure that protected classes including, but not limited to, race, color, religion, nationality, sex, age, disability, English proficiency, or economic status, are not intentionally or unintentionally subjected to a pattern or practice that adversely impacts access to or participation in Individual Assistance.

To mitigate privacy risks, FEMA will, to the extent practicable, only supply aggregate, anonymized information when sharing inside or outside of DHS. Should the need to share raw demographic data arise, FEMA will coordinate internally and receive approval from the DHS Privacy Office before doing so, as outlined in more detail below.

The Individual Assistance Division may provide aggregate, anonymized information to states to inform disaster recovery operational activities and additional support necessary to augment federal efforts with state support. For example, the aggregate information may support the location of FEMA/State Disaster Recovery Centers. Normal agency operations may involve data sharing outside of DHS. Reports shared with the Department of Justice, the White House, OMB, or Congress, regarding FEMA's activities in enforcing nondiscriminatory regulations, may include aggregate, anonymized demographic data. In addition, information shared with federal agencies, such as the Department of Health and Human Services (HHS), may include aggregate, anonymized demographic data.

The Individual Assistance Division also anticipates sharing aggregate, anonymized demographic data to provide products (such as maps) to share with other federal agencies or states. The purpose for this sharing will be to focus applicants on, direct and refer them to, and correspond with them regarding all sources of disaster assistance.

The Individual Assistance Division will maintain a record of each disclosure including date, nature, purpose, and the name and address of the individual or agency receiving the disclosure. Additionally, the Individual Assistance Division requires information sharing agreements with entities receiving a disclosure that includes personally identifiable information. The Individual Assistance Division maintains and tracks these information sharing agreements and keeps records of disclosures made pursuant to these agreements.

Privacy Risk: There is a risk that FEMA may use the information collected and maintained for purposes other than the purpose(s) for its original collection.

Mitigation: This risk is mitigated. FEMA mitigates this risk by collecting information authorized by federal statute, for the purpose of confirming compliance with FEMA civil rights and equity requirements. Information sharing (in aggregate form only) with DHS components outside of FEMA will occur only when necessary to ensure civil rights and equity compliance. The associated IT systems will limit access to the raw demographic data to only the FEMA staff



who “need to know” to conduct the analyses. The Individual Assistance Division does not generally share raw demographic data but in the rare event, such sharing may be required, the Individual Assistance Division maintains an approval process via the Recovery Directorate’s Reporting and Analytics Division to generate datasets used in data sharing. A dataset will not leave the Recovery Directorate’s Reporting and Analytics Division without approval from authorized data privacy and sharing staff. Approval requires coordination with FEMA-Privacy and Office of the Chief Counsel Information Law Branch (OCC-ILB), and approval by the DHS Privacy Office.

Privacy Risk: There is a risk that DHS components may use shared demographic information for purposes other than those outlined in the corresponding System of Records Notice.

Mitigation: This risk is mitigated. Consistent with DHS’s information sharing mission, FEMA only shares information with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. Generally, FEMA will only share aggregate, anonymized information. FEMA will not share raw demographic data for purposes not related to equity. FEMA-Privacy will maintain an accounting of any raw data that is shared.

Privacy Risk: There is a risk that external organizations may use demographic information for purposes other than those outlined in the System of Records Notice.

Mitigation: This risk is mitigated. FEMA generally will only share equity analysis data as aggregate datasets. In the rare circumstance in which FEMA may need or be required to share the raw data, FEMA mitigates this risk by limiting external sharing of information for only those purposes outlined in the System of Records Notice, unless otherwise required by federal statute. As referenced above, the Individual Assistance Division requires information sharing agreements with entities receiving a disclosure that includes personally identifiable information. The Individual Assistance Division maintains and tracks these information sharing agreements and keeps records of disclosures made pursuant to these agreements.

In the rare case that it is determined that raw demographic data must be shared externally in accordance with the System of Records Notice, or as otherwise required by federal statute, FEMA will coordinate internally with the FEMA-Privacy and Office of the Chief Counsel Information Law Branch and receive approval from the DHS Privacy Office prior to sharing.

6. Principle of Data Quality and Integrity

Principle: DHS should, to the extent practical, ensure that PII is accurate, relevant, timely, and complete, within the context of each use of the PII.

Individual Assistance demographic data will consist of self-reported information, and no additional method for verification may be possible. FEMA does not attempt to correct or ascertain demographic data from any other source than the individual applicant. FEMA may compare



general categories of information to aggregate Census data or aggregate geographic demographic data provided by states or communities to confirm that demographic data collected by FEMA is consistent with those sources. Problem statements predefine program analysis criteria, and all equity analyses will focus on the demographic data, survey responses, and Registration Intake information from a single disaster event. FEMA may look at impacts across all floods, for example. In these cases, the Registration Intake and demographic data would be matched to the registrant in the same event. Otherwise, the Registration Intake and demographic data are a 1:1 match to a registrant in a single disaster event.

Privacy Risk: There is a risk that survivors may provide inaccurate demographic information, which cannot be verified.

Mitigation: This risk is partially mitigated. The demographic questions are not visible or editable, so the applicants and FEMA call center agents cannot see or update the responses in the front end of Individual Assistance System. However, individuals may request corrections to their information by submitting a written request to the system manager. In such a case, the software developer would need to implement the change via script on the back end of the Individual Assistance System as the end user cannot do so.

Privacy Risk: There is a risk that FEMA may make process and policy changes and determinations based on inaccurate data.

Mitigation: This risk is mitigated. The risk is mitigated by ensuring that FEMA uses statistically valid methods for analyzing and reporting on data to minimize the impact of a small number of incorrectly reported data. FEMA may also compare self-reported data to Census community variables to understand if there appears to be widespread reporting errors and will consider future adjustments to the question language if it appears that questions may be confusing to applicants.

7. Principle of Security

Principle: DHS should protect PII (in all forms) through appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.

Only trained FEMA employees and contractors authorized by the Recovery Directorate will conduct equity analysis and access demographic information. The systems that will collect, store, and disseminate information include the Individual Assistance system, Disaster Assistance Improvement Plan system, disasterassistance.gov, Operational Data Store (ODS) & Enterprise Data Warehouse, and Individual Assistance Survivor Online Application & Resources Portal (SOAR) - the application used by registrants to make inquiries by email. The Individual Assistance System, Disaster Assistance Improvement Plan system, and Operational Data Store & Enterprise



Data Warehouse, will collect, store, maintain, and process the raw data. FEMA will utilize SharePoint to develop, store, maintain, and process aggregate datasets. All systems have completed their system security plans and undergone the assessment and accreditation process. In addition, FEMA may also use established workforce utilities, such as SharePoint or shared drive locations, to collect, store, and disseminate information.

8. Principle of Accountability and Auditing

Principle: DHS should be accountable for complying with these principles, providing training to all employees and contractors who use PII, and should audit the actual use of PII to demonstrate compliance with these principles and all applicable privacy protection requirements.

Recovery Directorate staff receive training on the secure collection of data to ensure the proper handling of personally identifiable information and sensitive personally identifiable information (SPII) data fields collected during registration. Recovery Directorate staff also complete mandatory Individual Assistance and Individual Assistance System role-based, just-in-time, and instructor-led training courses. Recovery Directorate staff are unable to obtain access to the demographic data without completing the training classes required for their job position and having a need to know. The Recovery Directorate currently maintains full-time staff who perform Individual Assistance program analysis and view individual demographic data for program equity analysis purposes; other Recovery Directorate staff will not have access to this data. The Individual Assistance Division will perform audits including third-party internal audits to ensure the proper use of information in accordance with stated practices in this Privacy Impact Assessment. Documentation regarding program analysis methodologies will be on record and available for audit purposes.

All FEMA employees and contractors must receive initial and annual standard privacy training. Additionally, FEMA IT system users must take initial and annual security training to ensure their understanding of the proper handling and securing of sensitive information.

The Individual Assistance Division will also develop their computer applications to restrict access to demographic data. The demographic data will not be visible in the Individual Assistance applications after its initial collection. The Recovery Directorate will update the standard operating procedures in advance of the data collection start date to ensure only authorized staff will see demographic data when required to perform their official work duties.

Conclusion

The Individuals and Households Program Equity Analysis project will collect and analyze additional demographic information from FEMA applicants and compare that information to registration intake, appeals, and customer survey records to ensure the equitable and impartial distribution of supplies, processing of applications, and performance of other relief and assistance



activities. The DHS Privacy Office developed a set of Fair Information Practice Principles from the underlying concepts of the Privacy Act of 1974 to encompass the full breadth and diversity of DHS information and interactions. This Privacy Impact Assessment examines the privacy impact of Individuals and Households Program Equity Demographic Records collection in relation to the Fair Information Practice Principles. Further, this Privacy Impact Assessment also puts forth mitigating strategies to offset any privacy risks resulting from the collection and analysis of demographic data for the purpose of the Individuals and Households Program Equity Demographic Records project.

Contact Official

Zachary Usher
Deputy Director
Individual Assistance Division
U.S. Department of Homeland Security
Zachary.usher@fema.dhs.gov

Responsible Officials

Melissa Forbes
Acting Associate Administrator
Office of Response and Recovery
Federal Emergency Management Agency
U.S. Department of Homeland Security

Tammi Hines
Senior Director for Information Management
Office of the Chief Administrative Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security
FEMA-Privacy@fema.dhs.gov

Approval Signature

Original, signed copy on file with the DHS Privacy Office.

Lynn Parker Dupree
Chief Privacy Officer
U.S. Department of Homeland Security
(202) 343-1717