



# Privacy Impact Assessment

for the

# Hermit's Peak/Calf Canyon Claims and Loss Information Portal (CLIP)

**DHS Reference No. DHS/FEMA/PIA-058**

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Homeland  
Security



## Abstract

The U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Office of Response and Recovery (ORR) Hermit's Peak/Calf Canyon Claims Office (Claims Office) Program uses the Hermit's Peak/Calf Canyon Claims and Loss Information Portal (CLIP) to manage claims associated with the Hermit's Peak/Calf Canyon Fire ("Fire"). The system is designed to streamline and support the claims process to ensure accurate and timely execution of claims to compensate victims of the Fire. The Hermit's Peak/Calf Canyon Claims and Loss Information Portal is a privacy-sensitive system that will collect and maintain personally identifiable information (PII).

## Overview

The Claims Office, as established by the Hermit's Peak/Calf Canyon Fire Assistance Act (Act)<sup>1</sup> and implemented by the Hermit's Peak/Calf Canyon Fire Assistance regulation at 44 C.F.R. § 296, will ensure the expeditious consideration and settlement of claims of those injured by the Fire sustaining property, business, and/or financial losses.<sup>2</sup> The Act is intended to provide persons who suffered injuries as a result of the Fire with a simple and expedited process to seek compensation from the United States. To obtain benefits under this legislation, an injured person must submit all Fire-related claims against the United States to FEMA. An injured person who elects to proceed under the Act is barred from bringing a claim under the Federal Tort Claims Act<sup>3</sup> or filing a civil action against the United States for damages resulting from Fire. The Claims and Loss Information Portal is designed to streamline and support the claims process to ensure accurate and timely execution of claims to compensate victims of the Fire.

On April 6, 2022, the U.S. Forest Service initiated the Las Dispensas-Gallinas prescribed burn on federal land in the Santa Fe National Forest in San Miguel County, New Mexico. That same day the prescribed burn, which became known as the "Hermit's Peak Fire," exceeded the containment capabilities of the U.S. Forest Service and was declared a wildfire, spreading to other federal and non-federal lands. On April 19, 2022, the Calf Canyon Fire, also in San Miguel County, New Mexico, began burning on federal land and was later identified as the result of a pile burn in January 2022 that remained dormant under the surface before reemerging. The Hermit's Peak and Calf Canyon Fires merged on April 27, 2022, and both fires were reported as the Hermit's Peak

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<sup>1</sup> Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, [Public Law 117-180](#), 136 Stat. 2114 (2022).

<sup>2</sup> Paragraph (e) of 44 C.F.R. § 296 discusses financial losses. Consistent with the Act, these losses include increased mortgage interest costs, insurance deductibles, temporary or relocation expenses, lost wages or personal income, emergency staffing expenses, debris removal and other cleanup costs, costs of reasonable heightened risk reduction, premiums for flood insurance, and any other loss that the Administrator determines to be appropriate for inclusion as a financial loss.

<sup>3</sup> The Federal Tort Claims Act, Pub. L. No. 79-601, Title IV, 60 Stat. 812 - 60 Stat. 852 (1946) (current version in sections of 28 U.S.C.).



Fire or the Hermit's Peak/Calf Canyon Fire. By May 2, 2022, the fire had grown, causing evacuations in multiple villages and communities in San Miguel County and Mora County, including the San Miguel County jail, the state's psychiatric hospital, the United World College, and New Mexico Highlands University. At the request of New Mexico Governor Lujan Grisham, President Biden issued a major disaster declaration on May 4, 2022. The Hermit's Peak/Calf Canyon Fire was not 100 percent contained until August 21, 2022.

The Act provides compensation to injured persons impacted by the Fire. It requires FEMA to design and administer a claims program to compensate victims of the Fire for injuries resulting from the Fire and to provide for the expeditious consideration and settlement of claims for those injuries. The first step in the claims process is to file a Notice of Loss (NOL) with the Claims Office. The Notice of Loss form is available at <https://www.fema.gov/disaster/current/hermits-peak>. It may be submitted to FEMA through email, standard mail, or returned in person. After receipt, a Claims Navigator will contact the Claimant to review the claim and help the Claimant formulate a strategy for obtaining any necessary supporting documentation. Claims Navigators are FEMA employees with the responsibility of assisting the Claimant with completing a claim and obtaining the necessary documentation for the completion of the claim. After discussion of the claim with the Claims Navigator, the Claimant will review and sign a Proof of Loss (POL) form.<sup>4</sup>

A Claimant may amend the Notice of Loss to include additional claims any time before signing the Proof of Loss form by contacting the Claims Navigator. Once the Proof of Loss form has been signed, Claimants may request for the Hermit's Peak Claims Director to consider one or more injuries not addressed in the Proof of Loss form by completing the Request to Supplement Claim form. The Claims Navigator will provide the claim to the Claims Reviewer who will review the Proof of Loss form and related documents and make an eligibility recommendation. The Claims Reviewer will submit a report to the Authorized Official for review to determine whether compensation is due to the Claimant. After deliberation, the Authorized Official's written decision will be provided to the Claimant. If satisfied with the decision, the Claimant will receive payment after returning a completed Release and Certification form or Release and Certification Partial Payment form. If the Claimant is not satisfied with the decision, an Administrative Appeal may be filed with the Director of the Claims Office. When the Authorized Official has decided a claim, they will send a written notification to the Claimant's address as it appears in the Claims Office records. A Claimant must either accept the finding or appeal it within 120 days from the date of the written notification. If the Claimant has not acted at the end of this period, they may forfeit further rights to an Administrative Appeal. The Director of the Claims Office may modify the 120-day deadline if good cause exists. If the Claimant is not satisfied after appeal, the dispute may be

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<sup>4</sup> The Proof of Loss form requires each Claimant to attest to the nature and extent of each loss for which compensation is sought. This form must be completed, signed, and submitted to the Claims Office within 150 days of the filing of the Claimant's Notice of Loss before the FEMA Authorized Official can issue their determination. Upon submission of a Proof of Loss form, FEMA has 30 days to make a determination on the claim.



resolved through binding arbitration or heard in the United States District Court for the District of New Mexico.

The following forms that will be used by Office of Response and Recovery Claims Office in the claims process are covered under Office of Management and Budget (OMB) Information Collection Request (ICR) 1660-0155:

- FEMA Banking Information Form (English and Spanish);
- FEMA Release and Certification Form - Partial Payment (English and Spanish);
- FEMA Release and Certification Form Entity - Partial Payment (English and Spanish);
- FEMA Request to Supplement Claim (English and Spanish);
- FEMA Notice of Loss (English and Spanish); and
- FEMA Proof of Loss (English and Spanish).

Claims were received on November 14, 2022, in accordance with legislation. Initially, claims were only received via email and postal mail. Physical copies of the forms that have been submitted by Claimants were electronically scanned. The emailed and scanned forms were uploaded to a FEMA SharePoint site for interim storage. All data from the SharePoint site will be migrated for storage in the Hermit's Peak/Calf Canyon Claims and Loss Information Portal by May 2023. The Office of Response and Recovery Claims Office has stored personally identifiable information and sensitive personally identifiable information about claimants on an internal FEMA SharePoint site that is only accessible by approved FEMA personnel with a need-to-know. The SharePoint site displays a banner which indicates that personally identifiable information and sensitive personally identifiable information is permitted. This interim usage of the SharePoint site is intended for storage of the Notice of Loss form with the potential future inclusion of the Proof of Loss form. Data from the Notice of Loss form, which includes the Claimant's full name, home address, phone number and email address, is stored within the SharePoint site to support tracking and verification requirements. Once the Hermit's Peak/Calf Canyon Claims and Loss Information Portal is built and has received the Authority to Operate (ATO), the data in SharePoint will be manually migrated to the Hermit's Peak/Calf Canyon Claims and Loss Information Portal and the SharePoint site will be decommissioned.

FEMA will administer the claims process under the Act in adherence with comprehensive internal management procedures to prevent, detect, report, and investigate fraud, waste, and abuse. FEMA programs and employees proactively review FEMA's compensation payments. At the time a Proof of Loss form is submitted, FEMA may discover that a Claimant potentially committed fraud and/or identity theft. FEMA may share the Claimant information with the U.S. Federal Bureau of Investigation (FBI), the U.S. Department of Justice (DOJ), and/or state/local law



enforcement to assist with investigation of potential fraud and/or identity theft. If the Claimant receives compensation and it is later determined the compensation was awarded improperly due to the Claimant providing false information, the Claimant's information may be provided to the U.S. Department of the Treasury (Treasury) to recoup the previously awarded funds.

As part of the claims review process, FEMA will share Claimant information with:

- Small Business Administration (SBA);
- U.S. Army Corps of Engineers (USACE);
- U.S. Department of Commerce (DOC);
- U.S. Economic Development Administration (EDA);
- U.S. Department of Housing and Urban Development (HUD);
- U.S. Department of Interior (DOI);
- U.S. Environmental Protection Agency (EPA);
- U.S. Department of Health and Human Services (HHS);
- U.S. Department of Veterans Affairs (VA);
- New Mexico Voluntary Organizations (VOAD);
- The Long-Term Recovery Group (LTRG);
- New Mexico Department of Homeland Security and Emergency Management (DHSEM);
- State of New Mexico; and
- U.S. Department of Agriculture (USDA):
  - National Resources Conservation Service (NRCS);
  - U.S. Forest Service (USFS);
  - Rural Development (RD); and
  - Farming Service Agency (FSA).

Personal information, including name, damaged and current property address, and phone number, will be securely transmitted from the Hermit's Peak/Calf Canyon Claims Office to these agencies for processing. Data will be transmitted on a one-to-one, manual basis on an excel spreadsheet via a secure email. The agencies and organizations will return information on each Claimant as requested by the Hermit's Peak/Calf Canyon Claims Office, reflecting the Claimant's application status, funds awarded, and losses claimed.



The Office of Response and Recovery Claims Office has a Memorandum of Understanding (MOU) and an Interagency Reimbursable Work Agreement (IRWA) between FEMA (as the Requesting Agency) and the USDA as the Servicing Agency to provide technical assistance in support of the development the Hermit's Peak/Calf Canyon Claims and Loss Information Portal. USDA's Digital Infrastructure Service Center will design, develop, and deploy the Hermit's Peak/Calf Canyon Claims and Loss Information Portal. The design and development effort will source the required data elements from the Notice of Loss form as well as the Proof of Loss form and include initial verification and decision tracking abilities. It will result in the Phase One deployment of a Minimally Viable Product (MVP) offering the Initial Operating Capability (IOC) of the Claims and Loss Information Portal for all claims submitted by those impacted by the Fire. Phase Two will cover the deployment of additional features such as incorporating additional forms and required documents, verification components, and decision/payment tracking. Phase Two may also include external user submission, an inspection workflow, and additional language libraries. Phase Three will cover the further deployment of features such as integration with FEMA's finance system, audit reporting capabilities, verification and appeals workflows, file intake automation, and automated Letters of Determination.

The Minimally Viable Product will be built to allow approximately 150 FEMA Hermit's Peak staff to access the Minimally Viable Product/Initial Operating Capability Claims System to input all claims data received. All claims data residing in the Hermit's Peak SharePoint site will also be manually imported to the Hermit's Peak/Calf Canyon Claims and Loss Information Portal. Basic user authentication will be enabled for the Office of Response and Recovery Claims Office based on FEMA Security Approval provided through OKTA, a third-party service used by FEMA for multi-factor authentication. General reporting features will be incorporated including the ability to verify and process claims before exporting all claims data into a common, portable file format, such as .xlsx or .csv, for use with the FEMA financial system. Access to the Minimally Viable Product/Initial Operating Capability will be limited to Office of Response and Recovery Claims Office staff.

The Claims and Loss Information Portal will reside within the Salesforce Government Cloud which is hosted in the Amazon Government Cloud Plus environment. There is no intention for this data to be shared outside of the program's support resources that hold an official need-to-know, nor access has been granted outside of these bounds.

The Claims Office's Claims and Loss Information Portal supports the following core function(s):

- Claims Review – The Claims and Loss Information Portal will be used to process and verify all new, existing, closed, and reopened claims. The Claimant must first file a Notice of Loss form with the Claims Office. A Claims Navigator will then contact the Claimant to review the claim and help the Claimant formulate a strategy for obtaining any necessary



supporting documentation. After discussion of the claim with the Claims Navigator, the Claimant will review and sign a Proof of Loss form.

- Document and Case Management – The Claims and Loss Information Portal will be used to document and manage all Hermit's Peak Claims.
- Administrative Data – FEMA Reporting and Analytics Division (RAD) staff will run a requested FEMA Information and Data Analysis (FIDA) report consisting of Individual Assistance (IA), Public Assistance (PA), a Hazard Mitigation Grant Program (HMGP) data with specific Claimant information (e.g., names, address, Date of Birth, Social Security Number, phone number, losses claimed). The report will be manually uploaded into the Claims and Loss Information Portal by designated Hermit's Peak/Calf Canyon Claims Office staff.
- Hermit's Peak/Calf Canyon Awareness – FEMA hosts a public website ([www.fema.gov/hermits-peak](http://www.fema.gov/hermits-peak)) that provides critical information about the policy and the final rule<sup>5</sup> for the Hermit's Peak/Calf Canyon Fire. The public will be able to access this information without need for a login credentials and will be able to access information about FEMA Hermit's Peak/Calf Canyon points of contact. The Claims and Loss Information Portal will allow Claimants to log in to view the status of their claim, submit needed documents, and review Frequently Asked Questions and information about the process (log-in required). The Claims and Loss Information Portal also will facilitate communication between the public and participating Fire and Flood Insurance companies.

If additional modules or functionality are added to the Claims and Loss Information Portal, this Privacy Impact Assessment will be updated with Appendices describing the additions.

## Section 1.0 Authorities and Other Requirements

### 1.1 What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

On September 30, 2022, President Biden signed into law the Hermit's Peak/Calf Canyon Fire Assistance Act ("Act") as part of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, Public Law 117-180, 136 Stat. 2114 (2022). Congress passed the Act to compensate those parties who suffered injury and loss of property from the Fire. In addition to the authority to compensate parties, the Act provides FEMA with the legal authority to establish a system for the processing and payment of claims under the Act. 44 C.F.R. § 296 establishes the claims process as required by the Act. Further, FEMA will request Social Security Numbers pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. §§ 3325(d) and 7701(c)(1),

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<sup>5</sup> 44 C.F.R. § 296



as amended. The Social Security Numbers will be collected to verify claimants' identities and prevent overpayment of compensation under the Act if a claimant has obtained benefits from FEMA, federal, state, or local disaster agencies. In accordance with the U.S. Department of Treasury, the applicant's Social Security Number is also required to issue funds to individuals determined eligible for compensation.

## **1.2 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?**

The Claims Office's Claims and Loss Information Portal is a privacy-sensitive system, requiring System of Records Notice coverage. System of Records Notice coverage is provided by DHS/ALL-004 General Information Technology Access Account Records System (GITAARS)<sup>6</sup>, which covers records related to DHS information technology system access, and DHS/ALL-013 Department of Homeland Security Claims Records,<sup>7</sup> which covers claim records that are created, processed, and submitted to DHS.

## **1.3 Has a system security plan been completed for the information system(s) supporting the project?**

The system security plan for the Claims and Loss Information Portal will be completed April 2023, pending completion of this Privacy Impact Assessment.

## **1.4 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?**

In accordance with the National Archives and Records Administration (NARA), the records pertaining to claims will be placed in inactive storage two years after FEMA completes processing of the claim and will be destroyed seven years after final action on the claim per NARA Authority General Records Schedule (GRS) 1.1, item 080 / DAA-GRS-2017-0005-0001.

## **1.5 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.**

Forms used by the Claims Office in the claims process are covered under Office of Management and Budget (OMB) Information Collection Request (ICR) 1660-0155. A detailed

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<sup>6</sup> See DHS/ALL-004 General Information Technology Access Account Records Systems (GITAARS), 77 FR 70792 (November 27, 2012), available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>7</sup> See DHS/ALL-013 Department of Homeland Security Claims Records, 73 FR 63987 (October 28, 2008), available at <https://www.dhs.gov/system-records-notices-sorns>.





list of the forms is provided in Appendix A.

## Section 2.0 Characterization of the Information

### 2.1 Identify the information the project collects, uses, disseminates, or maintains.

The Claims Office will collect the following information through the following forms:

- Notice of Loss Form - Individuals and Businesses (English and Spanish language versions)
  - Name
  - Claimant Name
  - Street Address
  - City
  - State
  - Zip Code
  - Phone number(s)
  - Fax number
  - Email address
  - Additional Claimant name (if applicable)
  - Relationship of Claimant(s) to individual completing the form (if applicable)
  - Indian Tribe member status of Claimant(s) (Y/N)
  - Signature of all Claimants
  - Insurance Claim filed (Y/N)
  - Receive FEMA Grants (Y/N)
  - Receive other grants (Y/N)
  - Need for translator or other accommodation (Y/N)
- Proof of Loss Form - Individuals and Businesses (English and Spanish language versions)
  - Name
  - Street Address
  - City
  - State
  - Zip Code
  - Phone number(s)
  - Fax Number
  - Email Address
  - Claim Number
  - Social Security Numbers or Tax Identification Numbers
  - Business ID Number (when applicable)
  - Other form of Identification



- Name and Signature of claimants or legal representative
- Banking Information Form (English and Spanish language versions)
  - Name
  - Complete address
  - Phone Number
  - Email Address
  - Date
  - Claim Number
  - Electronic Funds Transfer (Y/N)
  - Bank/Financial Institution Name
  - Account Type (Checking/Savings)
  - Routing Number
  - Account Number
  - Claimant Signature
- Release and Certification Form - Partial Payment (English and Spanish language versions)
  - Compensable Losses Amount
  - Claimant Signature
  - Name
  - Date
  - Social Security Number or Tax Identification Number
  - Claim Number
  - Phone Number
  - Complete address
  - Damaged Property Address
  - Email Address
- Release and Certification Form Entity- Partial Payment (English and Spanish language versions)
  - Compensable Losses Amount
  - Name
  - Title
  - Company Name
  - Phone number
  - Complete Address
  - Damaged Property Address
  - Email Addresses
  - Federal Identification Number (FIN)
  - Data Universal Numbering System (DUNS) Number
  - Claim Number



- Date
- Individual acting on behalf of Claimant, Signature
- Request to Supplement Claim (English and Spanish language versions)
  - Names
  - Complete Address
  - Phone numbers
  - Email Addresses
  - Fax Number
  - Best Time to Reach
  - Claim Number
  - Date
  - Reason Previous Injury Was Not Reported
  - Signature

## **2.3 What are the sources of the information and how is the information collected for the project?**

Information will be collected through the claims process from Claimants using the following forms written in English and Spanish:

- FEMA Banking Information Form
- FEMA Release and Certification Form - Partial Payment
- FEMA Release and Certification Form Entity - Partial Payment
- FEMA Request to Supplement Claim Form
- FEMA Notice of Loss Form
- FEMA Proof of Loss Form

## **2.4 Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.**

The project does not use information from commercial sources or publicly available data.

## **2.5 Discuss how accuracy of the data is ensured.**

Since Claimants personally provide information directly to the Claims Office through the claims process using the various claims forms, the information is presumed to be accurate. Claimants will have opportunities to review their information for accuracy and completeness and correct as necessary.



## 2.6 Privacy Impact Analysis: Related to Characterization of the Information

**Privacy Risk:** There is a privacy risk that FEMA may collect more personal information from individual Claimants than is authorized and necessary to consider and settle claims.

**Mitigation:** This risk is mitigated. FEMA mitigates this privacy risk by limiting the information that may be collected to only the information necessary to consider and settle claims. The Claims Office has worked with the FEMA Privacy Office to ensure that only the appropriate information is collected. The Claims Office adheres to the safeguards and notice requirements of the Privacy Act and the Paperwork Reduction Act. The Claims Office shall limit its collection of personal information to only those data elements listed in the Claims Office forms.

**Privacy Risk:** There is a privacy risk that FEMA could maintain information about Fire claimants that is inaccurate, incomplete, or no longer current.

**Mitigation:** This risk is mitigated. FEMA mitigates this privacy risk through the claims process. A Claims Navigator will contact the Claimant to review the claim and help the Claimant formulate a strategy for obtaining any necessary supporting documentation. The Claimant will review their Notice of Loss and Proof of Loss forms and validate the claim. During the claims process, the Claims Navigator and Claims Reviewer will review the information provided, including contact information, with the Claimant to confirm its accuracy and update any of the inaccurate information in the claim forms.

**Privacy Risk:** There is a privacy risk that Claimants could accidentally provide inaccurate contact information, resulting in FEMA contacting a third party and giving them access to the Claimant's inaccurate information.

**Mitigation:** This risk is mitigated. FEMA mitigates this risk when the Claims Navigator verifies the individual's information by asking for clarifying information during the review process. After the Claims Office receives the Notice of Loss form, a Claims Navigator will contact the Claimant to review the claim and help the Claimant formulate a strategy for obtaining any necessary supporting documentation. After discussion of the claim with the Claims Navigator, the Claimant will review and sign a Proof of Loss form.

## Section 3.0 Uses of the Information

### 3.1 Describe how and why the project uses the information.

The purpose of the Claims and Loss Information Portal is to manage claims associated with the Hermit's Peak/Calf Canyon Fire. The system is designed to streamline and support the claims process to ensure accurate and timely execution of claims to compensate victims of the Fire. FEMA will use the information maintained in the Claims and Loss Information Portal to provide persons



who suffered injuries as a result of the Fire with a simple, expedited process to seek compensation from the United States. Information collected will be used for the following purposes:

- The Notice of Loss Form formally begins the claims process under the Act for the Claimant to seek compensation for injuries resulting from the Fire.
- The Proof of Loss Form requires each Claimant to attest to the nature and extent of each loss for which compensation is sought.
- The Banking Information Form allows those injured as a result of the Fire to submit banking information to allow for payment of claims pursuant to the Act.
- The Release and Certification Form - Partial Payment is used to certify that a Claimant who suffered a partial compensable loss on a severable portion of a claim as a result of the Fire will accept compensation for damages suffered in the Fire and release the United States and FEMA from further claims regarding that severable portion of injuries arising under the Act.
- The Release and Certification Form Entity - Partial Payment is used to certify that a Claimant Entity that suffered a partial compensable loss on a severable portion of a claim as a result of the Fire will accept compensation for damages suffered in the Fire and release the United States and FEMA from further claims regarding that severable portion of injuries arising under the Act.
- The Request to Supplement Claim form provides a tool to allow those injured as a result of the Fire to request for the Claims Director to consider one or more injuries not addressed in the Proof of Loss.

### **3.2 Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how DHS plans to use such results.**

This effort does not use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or anomaly.

### **3.3 Are there other components with assigned roles and responsibilities within the system?**

The FEMA Claims Office has a Memorandum of Understanding and an Interagency Reimbursable Work Agreement with USDA as the Servicing Agency to provide technical assistance in support of the development of the Claims and Loss Information Portal. USDA's Digital Infrastructure Service Center will design, develop, and deploy the Claims and Loss



Information Portal. No additional DHS or FEMA components, outside of the Claims Office, will have assigned roles and responsibilities within the system.

### **3.4 Privacy Impact Analysis: Related to the Uses of Information**

**Privacy Risk:** There is a privacy risk that FEMA could use information gathered through the claims process for purposes other than those for which the information was collected.

**Mitigation:** This risk is mitigated. FEMA mitigates this risk by ensuring that all personnel with access to information in the Claims and Loss Information Portal will be bound by the Routine Uses in the DHS/ALL-004 General Information Technology Access Account Records System of Records Notice which covers records related to DHS information technology system access, and the DHS/ALL-013 Claims Records System of Records Notice, which covers records created to respond to and process claims submitted to, or by, DHS. FEMA will administer the Claims and Loss Information Portal in adherence with comprehensive internal management procedures to prevent, detect, deter, report, and investigate fraud, waste, abuse, and misuse of information gathered through the claims process. In addition, all personnel with direct access to information in the Claims and Loss Information Portal must undergo FEMA Security Awareness Training as well as annual DHS Privacy Training.

## **Section 4.0 Notice**

### **4.1 How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.**

FEMA provides prior notice of its collection of information in several ways. First, FEMA will provide notice through this Privacy Impact Assessment. Second, FEMA provides notice via Privacy Act Statements, which are included with all forms detailed in Appendix A and utilized in the Claims process. Third, FEMA has a dedicated webpage on its website for the Hermit's Peak/Calf Canyon Claims Office (<https://www.fema.gov/disaster/current/hermits-peak>), which outlines the claims process and the information collected.

### **4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?**

Participation in the Hermit's Peak Claims Process is completely voluntary. Claimants may choose to cancel the claim and no longer participate at any point in the claims process.

### **4.3 Privacy Impact Analysis: Related to Notice**



**Privacy Risk:** There is a privacy risk that individuals may not understand the purpose for FEMA collecting information through the claims process and that information provided for one purpose may be shared for the other purposes outlined in this Privacy Impact Assessment.

**Mitigation:** This risk is mitigated. FEMA mitigates this risk by publishing the legal authority and purpose for collecting information through the claims process in this Privacy Impact Assessment. In addition, FEMA developed the forms that will be used in the claims process. Each form will adhere to Paperwork Reduction Act requirements and contain an approved Privacy Act Statement that lists the legal authority and purpose for collecting the information.

**Privacy Risk:** There is a privacy risk that individuals may not be aware that FEMA may share Claimant information with the FBI, DOJ, Treasury, and/or state/local law enforcement to assist with an investigation of potential fraud and/or identity theft or to recoup funds previously awarded based on false information, or as a part of the claims review process to help determine loan status with the SBA, USACE, DOC, HUD, and/or USDA.

**Mitigation:** This privacy risk is partially mitigated. FEMA provides notice through the publication of this Privacy Impact Assessment and the DHS/ALL-013 Claims Records System of Record Notice, which covers records created to respond to and process claims submitted to, or by, DHS. Additionally, the Privacy Act Statements on the claims forms outline the routine uses under which the collected information may be shared.

## Section 5.0 Data Retention by the Project

### 5.1 Explain how long and for what reason the information is retained.

In accordance with NARA Authority General Records Schedule (GRS) 1.1, item 080 / DAA-GRS-2017-0005-0001, records pertaining to claims will be placed in inactive storage two years after FEMA completes processing of the claim and will be destroyed seven years after the date of final action on a claim.

### 5.2 Privacy Impact Analysis: Related to Retention

**Privacy Risk:** There is a privacy risk that FEMA could retain the data for a longer period than necessary and not in accordance with the NARA-approved records disposition schedules.

**Mitigation:** This risk is partially mitigated. FEMA follows all pertinent records schedules discussed in Sections 1.4 and 5.1. In addition, the FEMA Records Branch provides training to inform FEMA programs of proper record retention, disposition requirements, records inventory training, file plan training, and file structure training to ensure that FEMA personnel are aware of all retention requirements. FEMA's Office of Response and Recovery Claims Office Records Liaison Officer (RLO) is responsible for ensuring that FEMA-administered claims process records are not kept for longer than they are needed. FEMA information sharing agreements for the Claims



Office Program will include the records retention period for the Claimants' records. It is the responsibility of the information sharing agreement partners to abide by the terms and conditions of the information sharing agreements.

## Section 6.0 Information Sharing

### **6.1 Is information shared outside of DHS as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.**

FEMA will administer the claims process under the Act in adherence with comprehensive internal management procedures to prevent, detect, report, and investigate fraud, waste, and abuse. FEMA programs and employees proactively review FEMA's compensation payments. At the time a Proof of Loss is submitted, FEMA may discover that a Claimant potentially committed fraud and/or identity theft. FEMA may share the Claimant information with the FBI, DOJ, and/or state/local law enforcement to assist with investigation of potential fraud and/or identity theft. If the Claimant receives compensation and it is later determined the compensation was awarded improperly because the Claimant provided false information, the Claimant's information may be provided to Treasury to recoup the previously awarded funds.

FEMA will share Claimant information with SBA, USACE, DOC, HUD, and/or USDA as part of the claims review process to prevent duplication of benefits, as required by the Hermit's Peak/Calf Canyon Fire Assistance Act Section 104(d)(1)(C). Personal information such as name and address will be securely transmitted from FEMA to these agencies for processing. These other federal agencies will return information on each Claimant as requested by FEMA, reflecting the Claimant's loan status.

### **6.2 Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.**

The external information sharing discussed in Section 6.1 is a part of Routine Uses F, G, and J of DHS/ALL-013 Department of Homeland Security Claims Records. These Routine Uses allow for a more effective implementation of the Claims and Loss Information Portal system.

Routine Use F of DHS/ALL-013 allows FEMA to share information with contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. In this case, the agency function is administration of the claims process as required under the Act and implementing regulations. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.





Routine Use G of DHS/ALL-013 Department of Homeland Security Claims Records allows FEMA to share information with appropriate federal, state, tribal, local, international, or foreign law enforcement agencies or other appropriate authorities charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, including criminal, civil, or regulatory violations, and such disclosure is proper and consistent with the official duties of the person making the disclosure. Through the claims process, FEMA may discover that a Claimant potentially committed fraud and/or identity theft. As permitted under Routine Use G, FEMA may share the Claimant information to assist with investigation of potential fraud and/or identity theft.

Routine Use J of DHS/ALL-013 allows FEMA to share information with another federal agency or third party, including insurance companies or worker's compensation carriers, when the claimant(s) may be covered for the damage, loss, or injury by insurance and/or a third party is alleged to have or may have caused or contributed to the damage, loss, or injury of the claimant(s). The Claims Office may share information as outlined in this Privacy Impact Assessment for the purpose of settling claims arising from the Fire.

### **6.3 Does the project place limitations on re-dissemination?**

FEMA has entered information sharing agreements with SBA, USACE, DOC, HUD, and/or USDA as part of the claims review process. Identical information sharing agreements may be entered into with additional federal, state, and voluntary organizations for the purpose of checking for duplication of benefits. The agreements with these agencies outline when and how data may be shared and place limitations on re-dissemination.

### **6.4 Describe how the project maintains a record of any disclosures outside of the Department.**

FEMA will share personally identifiable information with the aforementioned agencies for the purposes of expeditious consideration and settlement of claims arising from the Fire and preventing the duplication of benefits. These disclosures are memorialized through information sharing agreements which are maintained by the Office of Response and Recovery.

FEMA is capable of recreating whose records within FEMA systems were transmitted to a given external entity based on the documented information sharing agreement. FEMA will maintain an accounting of these disclosures.

### **6.5 Privacy Impact Analysis: Related to Information Sharing**

**Privacy Risk:** There is a privacy risk that FEMA could share more information than is needed with partner agencies listed in Section 6.1.



**Mitigation:** This risk is mitigated. FEMA enters into an information sharing agreement with the aforementioned agencies prior to implementing the claims review process. The agreements with these agencies outline when and how data may be shared. FEMA will only share the minimum amount of information necessary with partner agencies pursuant to Routine Use G and J and the sharing agreements described in Section 6.1. FEMA will review these agreements every two years or as changes are made or needed. FEMA will review the portal security documents at least every three years for any newly identified risks. Any newly identified risks will be mitigated between the partnering agencies in accordance with applicable laws.

**Privacy Risk:** There is a privacy risk that FEMA could share information with entities outside of DHS for purposes other than those outlined in Section 6.1.

**Mitigation:** This risk is mitigated by the review and approval of information sharing agreements with partner agencies and the assessments performed by FEMA, as covered in Section 8 of this Privacy Impact Assessment. FEMA will only share information with other entities and agencies pursuant to the sharing agreements described in Section 6.1. FEMA will review these agreements every two years or as changes are made or needed and review appropriate portal security documents at least every three years for any newly identified risks. Any newly identified risks will be mitigated between the partnering agencies in accordance with applicable laws.

**Privacy Risk:** There is a privacy risk that FEMA could erroneously disclose information to an unauthorized party.

**Mitigation:** This risk is mitigated. FEMA is only permitted to share information outside of DHS pursuant to the routine uses found in DHS/ALL-004 and DHS/ALL-013 System of Records Notices, and only pursuant to information sharing agreements signed by FEMA and the external entity. Any unauthorized disclosure of personally identifiable information constitutes a privacy incident that must be reported to the FEMA Privacy Officer within 24 hours of suspicion, discovery, or notification, in accordance with the information sharing agreement. Personal information such as name and address will be securely transmitted from FEMA to these agencies for processing. USACE, DOC, HUD, and USDA will return information on each Claimant as requested by FEMA, reflecting the Claimant's loan status.

**Privacy Risk:** There is a privacy risk that FEMA may use a Claimant's information for unauthorized purposes or share it with unauthorized parties.

**Mitigation:** This risk is mitigated. FEMA mitigates this risk by applying the DHS/ALL-004 General Information Technology Access Account Records and DHS/ALL-013 Department of Homeland Security Claims System of Records Notices that state the purpose of the collection and permissible routine uses for disclosure. In addition, Claims Reviewers will thoroughly review Claims and associated forms and monitor how that information is used and shared. Finally, FEMA will execute information sharing agreements with partner agencies detailing the permissible



purposes and sharing of Claimant information. FEMA considers any third-party sharing of information without the express consent of FEMA a violation of the terms of agreement. FEMA will investigate any sharing that conflicts with the terms and understandings of any contract or agreement to determine malintent or gross neglect and take steps to stop any inappropriate sharing of information, such as termination of the contract/agreement. Further, any such unauthorized sharing constitutes an incident that must be reported to the FEMA Privacy Office. DHS and FEMA will coordinate or consult with the appropriate law enforcement agency, such as DOJ, to retrieve inappropriately shared information and to ensure any inappropriate sharing of FEMA information has ceased and FEMA information has been removed from the property of any inappropriate third-party recipient(s). Specifically, DHS and FEMA will seek to recover the personally identifiable information of Claimants, as practicable. FEMA or the organization that caused the breach of personally identifiable information will provide further remediation as needed and appropriate to include notification of individuals that have been affected by the breach.

## Section 7.0 Redress

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

Once the Claimant has provided their information and been assigned a Claims Navigator, the Claimant will meet with the Claims Navigator. During these meetings, the Claims Navigator and Claimant will review the information provided and the Claimant will have the opportunity to correct any information that may be inaccurate. Claimants may also request a hard copy of their information from their Claims Navigator. Alternatively, individuals may submit a Freedom of Information Act (FOIA) and/or Privacy Act request to the FEMA Privacy Officer.

Any individual may seek notification of and access to any FEMA record pursuant to procedures provided by Freedom of Information Act and Privacy Act and can do so by visiting <https://www.dhs.gov/dhs-foia-privacy-act-request-submission-form>, or by mailing a request to:

FEMA Disclosure Branch  
Federal Emergency Management Agency  
Department of Homeland Security  
500 C Street, SW  
Washington D.C. 20742

### **7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?**

In addition to the steps outlined in Section 7.1 above, individuals may submit a Privacy Act Amendment request to FEMA at the address above. Individuals seeking to amend and correct inaccurate data can contact their navigator to update this information. In the future, FEMA will



enable claimants the ability to update specific fields once the Claims and Loss Information Portal goes live.

### **7.3 How does the project notify individuals about the procedures for correcting their information?**

Claimants are notified when they meet with their Claims Navigator during the initial phases of the Claims Process that they may correct any inaccurate information. Claims Navigators will remind Claimants that at each subsequent meeting they will review the accuracy of the data provided and provide the Claimant with the opportunity to update anything that may be inaccurate. Further, a claimant may amend the Notice of Loss form to include additional claims any time before signing the Proof of Loss form by contacting the Claims Navigator. Once the Proof of Loss form has been signed, Claimants may request for the Hermit's Peak Claims Director to consider one or more injuries not addressed in the Proof of Loss form by completing the Request to Supplement Claim form.

### **7.4 Privacy Impact Analysis: Related to Redress**

**Privacy Risk:** There is a privacy risk that Claimants may not be aware of how to access or correct their information.

**Mitigation:** This risk is mitigated. FEMA will review the Claimant's information at each meeting to confirm its accuracy. Claimants may request a hard copy of their information from their Claims Navigator. Finally, individuals may make a request for amendment or correction of a FEMA record about the individual by writing directly to the Department component that maintains the record (in this case, Office of Response and Recovery Claims Office), unless the record is not subject to amendment or correction.

## **Section 8.0 Auditing and Accountability**

### **8.1 How does the project ensure that the information is used in accordance with stated practices in this PIA?**

The Claims Office will meet regularly with the FEMA Privacy Office to ensure that information collected and maintained as a part of the Claims Process will be used in accordance with the stated practices in this Privacy Impact Assessment. FEMA includes privacy safeguards within information sharing agreements to extend control of FEMA's information while used by external partners. FEMA is responsible for enforcing its information sharing agreements and may require partners to immediately stop sharing FEMA information if found to be in breach of the agreement. Additionally, the Claims Office may consult the FEMA Office of Professional Responsibility (OPR), Office of the Chief Counsel (OCC), and Office of the Chief Procurement



Officer (OCPO) for other appropriate action to ensure compliance with this Privacy Impact Assessment and DHS policy for safeguarding personally identifiable information.

## **8.2 Describe what privacy training is provided to users either generally or specifically relevant to the project.**

All FEMA employees and contractors are required to complete FEMA Office of Cybersecurity Security Awareness Training and Privacy Awareness Training annually. FEMA standard information sharing agreements stipulate that external sharing partners are responsible for ensuring that all staff are trained on the proper procedures for handling, protecting, and disposing personally identifiable information.

## **8.3 What procedures are in place to determine which users may access the information and how does the project determine who has access?**

As stated in the applicable information sharing agreement, any party who receives or is granted access by FEMA to any personally identifiable information must agree in writing to abide by the terms and conditions in the information sharing agreement and restrict use of Claimant personally identifiable information only to the performance of Claims review, administration, and settlement.

## **8.4 How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within DHS and outside?**

Any information sharing agreements, including Interconnection Security Agreements, FEMA-State Agreements, Memoranda of Agreement/Understanding (MOU/MOA), or Routine Use letters, will be reviewed by the FEMA Privacy Office and FEMA Office of Chief Counsel. All other contractually based information sharing endeavors outside of FEMA are reviewed by the FEMA Office of Chief Counsel, each party to the agreement, the FEMA Office of the Chief Information Officer, and the FEMA Privacy Office.

## **8.5 Privacy Impact Analysis: Related to Auditing and Accountability**

**Privacy Risk:** There is a risk that individuals without a need-to-know may access FEMA personally identifiable information in the Hermit's Peak Claims and Loss Information Portal.

**Mitigation:** This risk is partially mitigated. FEMA contractors and their agents will undergo a rigorous assessment to ensure the Hermit's Peak Claims and Loss Information Portal maintains adequate controls to input, store, process, output, and/or transmit FEMA information or data in compliance with FEMA cybersecurity policy. FEMA includes privacy safeguards within



its information sharing agreements with the partner agencies or contractors to extend control of FEMA's information while used by contractors or partner agencies.

## Contact Official

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## Responsible Official

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## Approval Signature

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

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Mason C. Clutter  
Chief Privacy Officer  
U.S. Department of Homeland Security  
(202) 343-1717



## **Appendix A**

The following forms that will be used by Office of Response and Recovery Claims Office in the claims process are covered under Office of Management and Budget (OMB) Information Collection Request (ICR) 1660-0155:

- FEMA Banking Information Form (English and Spanish)
- FEMA Release and Certification Form - Partial Payment (English and Spanish)
- FEMA Release and Certification Form Entity - Partial Payment (English and Spanish)
- FEMA Request to Supplement Claim (English and Spanish)
- FEMA Notice of Loss (English and Spanish)
- FEMA Proof of Loss (English and Spanish)