



Homeland
Security

MEMORANDUM FOR: Heads of Contracting Activity

FROM: Paul Courtney
Chief Procurement Officer

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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation (Number 17-03), Revision 1 – Implementation of 52.224-3 Privacy Training – Alternate I

Purpose: Effective July 21, 2023, this Revision 1 revises and supersedes FAR Class Deviation 17-03, Implementation of 52.224-3 Privacy Training – Alternate I. This revision updates FAR Class Deviation 17-03 for implementation of the Final Rule on HSAR Case 2015-001 Safeguarding of Controlled Unclassified Information. This class deviation is issued in accordance with FAR 1.404 to (1) advise contracting activities that the Department has determined that the privacy training developed by the Department of Homeland Security (DHS) Privacy Office is the only acceptable training that satisfies the requirements of FAR 24.301 Privacy Training and (2) require contracting activities to include FAR 52.224-3, Privacy Training, with its modified Alternate I in all solicitations and contracts, as defined in FAR 2.101, that meet the requirements of FAR 24.302.

Effective Date: July 21, 2023.

Background: FAR 24.301(c) and 24.302(b) allow an agency to specify that only its agency-provided training is acceptable to satisfy the requirements of FAR 24.301 *Privacy Training*. When such a decision is made, FAR 52.224-3, Privacy Training, with its modified Alternate I shall be included in applicable solicitations and contracts. In consultation with the DHS Privacy Office, the Office of the Chief Procurement Officer has determined that the privacy training developed by the DHS Privacy Office, *Privacy at DHS: Protecting Personal Information*, is the only acceptable training for the purposes of this clause. The DHS-developed training satisfies the requirements identified at FAR 24.301(b) and is publicly accessible at <http://www.dhs.gov/dhs-security-and-training-requirements-contractors>. This training is tailored to reflect the diverse mission areas of the Department, ensuring contractors fully understand their responsibilities when accessing and handling DHS's personally identifiable information (PII). Additionally, Alternate I is modified to provide contractors with instructions on how to access the training and timing requirements for its completion (see Attachment 1).

Requirement: DHS contracting officers shall include FAR 52.224-3 Privacy Training with its modified Alternate I (see Attachment 1) in all solicitations and contracts, as defined in FAR 2.101, that meet the requirements of FAR 24.302 and that are issued and awarded on or after the issuance date of this class deviation. Accordingly, applicable solicitations issued on or after the issuance date of this class deviation shall be amended to include the clause with its modified Alternate I and applicable contracts awarded on or after the issuance date of this class deviation shall be modified to include the clause with its modified Alternate I.

Applicability: This class deviation is applicable to all solicitations issued and contracts, as defined in FAR 2.101, awarded on or after the effective date of this class deviation when, on behalf of the agency, contractor employees will (1) have access to a system of records; (2) create, collect, use, process, store, maintain, disseminate, disclose, dispose, or otherwise handle personally identifiable information on behalf of the agency; or (3) design, develop, maintain, or operate a system of records.

Expiration Date: This class deviation will remain in effect until it is incorporated into the Homeland Security Acquisition Regulation or is otherwise rescinded.

Attachments:

Attachment 1: Clause 52.224-3 Privacy Training – Alternate I (DEVIATION)

Additional Information: In order to provide access to Clause 52.224-3 Privacy Training – Alternate I (DEVIATION) in Component Contract Writing Systems (CWS), Component Acquisition Policy Chiefs should coordinate with the appropriate Component CWS personnel to determine if the addition of the clause to their CWS is possible.

Questions or comments about this class deviation may be directed to Shaundra Ford at Shaundra.Ford@hq.dhs.gov.

**Class Deviation from the Federal Acquisition Regulation (FAR)
52.224-3 Privacy Training – Alternate I**

Findings

The Department of Homeland Security (DHS), in accordance with FAR 24.301(c) and 24.302(b), has determined that the privacy training developed by the DHS Privacy Office, *Privacy at DHS: Protecting Personal Information*, is the only acceptable training to satisfy the requirements of FAR 52.224-3, Privacy Training. The training developed by the DHS Privacy Office satisfies the requirements identified at FAR 24.301(b) and is publicly accessible at <http://www.dhs.gov/dhs-security-and-training-requirements-contractors>. This training is tailored to reflect the diverse mission areas of the Department, ensuring contractors fully understand their responsibilities when accessing and handling DHS's personally identifiable information. Alternate I is modified to provide contractors with instructions on how to access the training and timing requirements for its completion.

Determination

In accordance with FAR 1.404, I hereby issue a class deviation to Alternate I of 52.224-3, Privacy Training. This class deviation implements the requirement that DHS contractors complete DHS-developed privacy training to satisfy the requirements of FAR 52.224-3, Privacy Training. This deviation requires DHS contracting officers to include FAR 52.224-3, Privacy Training, with its modified Alternate I in all solicitations and contracts meeting the requirements of FAR 24.302.

As required by FAR 1.404, the Office of the Chief Procurement Officer has consulted with the Chairperson of the Civilian Agency Acquisition Council regarding this class deviation.

This class deviation will remain in effect until it is incorporated into the Homeland Security Acquisition Regulation or is otherwise rescinded.

Paul Courtney
Chief Procurement Officer
Department of Homeland Security

Date

52.224-3 Privacy Training – Alternate I (DEVIATION)

(a) *Definition.* As used in this clause, personally identifiable information means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual. (See Office of Management and Budget (OMB) Circular A-130, Managing Federal Information as a Strategic Resource).

(b) The Contractor shall ensure that initial privacy training, and annual privacy training thereafter, is completed by contractor employees who—

(1) Have access to a system of records;

(2) Create, collect, use, process, store, maintain, disseminate, disclose, dispose, or otherwise handle personally identifiable information on behalf of an agency; or

(3) Design, develop, maintain, or operate a system of records (see also FAR subpart 24.1 and 39.105).

(c) The contracting agency will provide initial privacy training, and annual privacy training thereafter, to Contractor employees for the duration of this contract. Contractor employees shall satisfy this requirement by completing *Privacy at DHS: Protecting Personal Information* accessible at <http://www.dhs.gov/dhs-security-and-training-requirements-contractors>. Training shall be completed within 30 days of contract award and be completed on an annual basis thereafter not later than October 31st of each year.

(d) The Contractor shall maintain and, upon request, provide documentation of completion of privacy training to the Contracting Officer.

(e) The Contractor shall not allow any employee access to a system of records, or permit any employee to create, collect, use, process, store, maintain, disseminate, disclose, dispose or otherwise handle personally identifiable information, or to design, develop, maintain, or operate a system of records unless the employee has completed privacy training, as required by this clause.

(f) The substance of this clause, including this paragraph (f), shall be included in all subcontracts under this contract, when subcontractor employees will—

(1) Have access to a system of records;

(2) Create, collect, use, process, store, maintain, disseminate, disclose, dispose, or otherwise handle personally identifiable information; or

(3) Design, develop, maintain, or operate a system of records.

(End of clause)