

David Lindner

Senior Director for Privacy Policy & Oversight

Opportunities to Enhance Privacy Protections in
Information Sharing Agreements (ISAAAs)

October 27, 2020



Unclassified//For Official Use Only

Privacy Office

Protecting privacy while promoting transparency

OMB Memorandum M-11-02

OMB Memorandum M-11-02, Sharing Data While Protecting Privacy, November 3, 2010

- OMB requires that agencies comply with the Privacy Act and all other applicable privacy laws, regulations, and policies when sharing data.
- DHS formally documents information sharing activities in an ISAA.



Privacy Office

Protecting privacy while promoting transparency

Privacy Act and Information Sharing

- Under the Privacy Act, agencies may not disclose personally identifiable information (PII) that is contained in a System of Records Notice (SORN) by any means except with the prior written consent of the individual or a published Routine Use.
- The Routine Use must be compatible with the reason for why the agency collected the information (ex. FEMA may share certain information with external partners under a routine use to allow them to provide disaster survivors with certain benefits and services).



DHS Policies on the use of ISAAs

DHS Directive 262-05 Information Sharing and Safeguarding

- “Establishes the policy and governance framework for information sharing and safeguarding both within the Department and between the Department and its Federal, State, local, tribal, territorial, private sector, and international partners.”
- Requires oversight offices (PRIV, CRCL, and OGC) ensure that information sharing activities comply with law and protect privacy and civil rights/civil liberties.



Privacy Policy on the use of ISAAs

Directive 047-01 Privacy Policy and Compliance

- The Chief Privacy Officer is responsible for “[e]nsuring that all DHS interagency and international information sharing agreements comply with DHS Privacy Compliance Documentation requirements and DHS privacy policy.”

Instruction 047-01-001 Privacy Policy and Compliance

- The Chief Privacy Officer reviews and concurs on all ISAAs.



Types of Information Sharing

Internal sharing

- Component-led, between DHS Components

External sharing

- Other Federal agencies
- International partners
- Private sector



Privacy Office

Protecting privacy while promoting transparency

Privacy Policy Analysis

- PRIV reviews information sharing activities based upon the Fair Information Practice Principles (FIPPs)
- To ensure implementation of the FIPPs, PRIV addresses the following provisions in all ISAAs:
 - Data Minimization
 - Limited Retention
 - User/Uses
 - Auditing
 - Reporting
 - Transparency
 - Redress
 - Training



Areas for Further Study

- How can PRIV better communicate its privacy requirements for ISAAs across the Department?
- How can PRIV improve its oversight of privacy protections implemented in ISAAs?
- Are there additional ways for PRIV to measure its “value add” to DHS’s information sharing process?



DPIAC Member Q & A

This time is reserved for Committee members to ask questions relating to information sharing issues at DHS.



Privacy Office

Protecting privacy while promoting transparency