



Privacy Impact Assessment
for the

Drug-Free Workplace Program

DHS/ALL/PIA-063

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Abstract

The Federal Drug-Free Workplace Program was established by Executive Order (EO) 12,564 on September 15, 1986, to address illegal drug use by federal employees. The Department of Homeland Security (DHS) Office of the Chief Human Capital Officer (OCHCO) oversees the departmental Drug-Free Workplace (DFW) program, and developed and implemented a comprehensive DFW program that includes the Components developing their own DFW plans that conform to DHS policies. This Privacy Impact Assessment (PIA) outlines the collection and use of the personally identifiable information (PII) of current employees and applicants who are selected for employment at DHS and subject to the requirements of the DHS DFW program.

Overview

As required by EO 12564, DHS OCHCO developed a Department-wide DFW plan, which has been certified by the U.S. Department of Health & Human Services (HHS). Under the Department plan, each Component has its own DFW plan that conforms to the overarching DHS program. For most aspects of the program, including the anticipated enterprise contract for drug testing services beginning in Fiscal Year (FY) 2018, there will be an overarching DHS contract, with each Component holding a task order thereunder. This Privacy Impact Assessment (PIA) outlines the organization and privacy risks of the DFW program at the enterprise level.

Components with current OCHCO-approved DFW plans are: U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), the Federal Emergency Management Agency (FEMA), the Federal Law Enforcement Training Center (FLETC), DHS Headquarters, U.S. Immigration and Customs Enforcement (ICE), the National Protection and Programs Directorate (NPPD), Office of Inspector General (OIG), Transportation Security Administration (TSA), and U.S. Secret Service (USSS). In FY 18, Components are scheduled to fall under the enterprise contract.¹

Across the Department, Component drug testing services (collection, laboratory, and Medical Review Officer [MRO] services) will be obtained through an enterprise contract. A Department-wide contract vehicle allows for effective oversight, ensuring the services provided are staffed by trained professionals who hold the appropriate certifications or credentials.

Likewise, the enterprise contract ensures that the same range of services is available to all Components (*e.g.*, drug testing outside the continental United States). By using the same contract vehicle across the Department, it ensures that data systems used in the drug testing processes will be the same. Because the data system(s) used under this contract are standard across the Components, the information technology (IT) security review process is centralized to ensure all IT security standards are met at the enterprise level. The Alere/eScreen data system (hereafter

¹ Appendix A lists all of the Components that are under the enterprise contract.



referred to as the System) used to facilitate the drug testing process is owned by the Department of Interior (hereafter referred to as the Contractor). This System is used from the beginning to the end of the testing process (*i.e.*, to schedule testing, to track specimens through the process, and to document and track test results).

There are several circumstances in which drug testing of an individual will be performed: 1) random drug testing, 2) applicant drug testing, 2) voluntary drug testing, 3) reasonable suspicion drug testing, 4) post-accident drug testing, and 5) follow-up [to treatment] drug testing. All of these reasons besides “applicant drug testing” involve current DHS employees. The process for the drug testing function itself is the same for the various circumstances listed above, except with regards to applicant (non-employee) drug testing. To make the distinction, the processes for random drug testing (employee) and applicant (non-employee) drug testing are described below.

Random Drug Testing

Use of the System begins when the Component deems appropriate to conduct random drug testing.

- The Component provides a list of all personnel in Testing Designated Positions (TDP)² to the Contractor. The Contractor uses a random generator to produce a list of personnel randomly selected³ from the list of all personnel in TDPs.
- The Contractor contacts supervisors of the randomly selected individuals to advise that they have personnel who have been randomly selected for drug testing.
- Supervisors identify which of those employees will be available to report for drug testing and that information is provided to the Contractor by phone or secure email.
- The Contractor inputs into the System the names of those individuals who will be sent for drug testing and the Contractor then produces the Chain of Custody Form (CCF).⁴

² TDPs are positions that are considered to be sensitive in nature (*i.e.*, positions having access to sensitive information, such as individuals with access to national security information that could be damaging to national interests if compromised). DHS has determined that the sensitive positions designated for testing are those that require a Top Secret clearance, or above. Other positions that require random testing, regardless of their clearance level are: 1) those with critical safety or security responsibilities; 2) positions requiring the carrying of a firearm, the operation of motor vehicles carrying passengers, aviation crews, and air traffic controllers; 3) certain health and safety positions where the influence of drugs could cause substantial physical injury to others; 4) Presidential appointees requiring Senate confirmation; and 5) front line law enforcement personnel with proximity to criminals, drugs, or drug traffickers and drug rehabilitation employees with direct client contact.

³ A random generator program is used by the Contractor to ensure there is no appearance of a conflict of interest by Component employees performing the random selection. The algorithm used in the program is not disclosed to DHS.

⁴ The Chain of Custody Form (CCF) is created by the Contractor with information provided by the Component Drug Program Coordinator (DPC). The form is populated prior to receipt by the collection site. The CCF OMB Control number is 0930-0158.



- After receiving confirmation of the employee's availability for testing, the employee's immediate supervisor is provided additional instructions for the employee (*i.e.*, the individual's random selection for drug testing, the location of the collection site, circumstances for testing (random), and timeline for testing (typically within two hours)).
- Once the employee reports for the drug test, the individual identifies him or herself and provides a picture ID, which the Contractor visually confirms. The individual is then asked to review the personal data on the CCF and verify that it is correct.

Applicant Drug Testing

The applicant drug test occurs when a tentative job offer (TJO) is issued by a Component Human Capital Office and the position requires drug testing as a requirement of onboarding.

- The Contractor receives a request for an applicant drug test from a Component Drug Program Coordinator (DPC) via password-protected email. The PII included in that email is: name, home address, last five digits of Social Security number (SSN), DHS Component, email address, and phone numbers (daytime and evening).
- The Contractor contacts the applicant directly via phone or email to coordinate the drug test.
- The Contractor verifies the candidate's availability and location and requests that a federal drug testing kit is sent to or available at a collection site convenient to the applicant.
- The Contractor then contacts the applicant again and provides instructions regarding where to report for the test and the required timeline for reporting (within 48 hours after contact).

DHS employees and applicants selected for drug testing are required to provide a valid PIV card or a valid driver's license, respectively, upon reporting to the collection site. Collection site personnel will verify the individual's identity and record the name, gender, last 5 digits of the SSN, date of birth, phone number(s), testing authority (HHS), circumstances for test, and drugs for which to be tested. This information is recorded on the federal drug testing CCF, which is signed by the employee/applicant, and it accompanies the specimen as it is sent from the collection site to an HHS-certified laboratory for analysis. The laboratory sends the preliminary test results, and the necessary biographic information to ensure that the test results are connected to the correct employee, to the Contractor MRO via the System for verification of any positive result. Once results have been verified by the MRO, the results are uploaded into the System as "negative" or "verified positive."

Only authorized Component personnel (*e.g.*, the DPC), with approved user ID/passwords, are able to retrieve drug testing results. System user access is authorized and controlled by each



Component with additional monitoring provided by the Contractor. User accounts allow authorized personnel to access data for their Component only. The System is accessed through the internet via secure HTTP (HTTPS), which provides an encryption layer to prevent unauthorized access. Applicants or employees do not directly receive their test results. However, they are notified if there is a positive test result.

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?

DHS is authorized to collect this information pursuant to the following:

- Executive Order 12,564, Drug-Free Federal Workplace;
- Executive Order 10,450, Security Requirements for Government Employees;
- Executive Order 12,958, Classified National Security Information, as amended;
- DHS Drug-Free Workplace Plan, February 6, 2013;
- Supplemental Appropriations Act of 1987, Pub. L. 100-71, as amended (5 U.S.C. § 7301);
- Department of Health and Human Services Mandatory Guidelines for Federal Drug Testing Programs;
- DHS Directive 11005, Suspending Access to DHS Facilities, Sensitive Information, and IT Systems; and
- DHS Directive 11056.1, Sensitive Security Information.

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

Information collected, maintained, and used by DHS during the drug testing process is covered by a DHS/ALL-022 Department of Homeland Security Drug-Free Workplace.⁵

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

Yes. The System was granted a three-year Authority to Operate (ATO) in October 2015 and undergoes continuous monitoring of its IT security controls to ensure the PII of employees and applicants is protected.

⁵ DHS/ALL-022 Department of Homeland Security Drug Free Workplace, 73 FR 64974 (Oct. 31, 2008).



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

Yes, records are retained in accordance with National Archives and Records Administration (NARA) General Records Schedule (GRS) 1, Item 36. The majority of the records under this GRS are retained for three (3) years.

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.

The Paperwork Reduction Act (PRA) only applies to the *Applicant Drug Testing* aspect of the DFW program because it is the only information collection from members of the public. This information is submitted at the time of application for a position with DHS. Additionally, the CCF is associated with OMB Control number is 0930-0158.

Section 2.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected, as well as reasons for its collection.

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

The Component DPC provides to the Contractor a list of personnel in TPDs.⁶ The following information is provided to the Contractor by password-protected email:

- Individual's name;
- Home address;
- Last 5 digits of the SSN;
- Phone numbers (daytime and evening); and
- Email address.

For applicants, the same information is collected, transmitted, and uploaded to the System. The Contractor uses only the PII of DHS employees who are in TDPs, and that of applicants selected for employment at DHS via a TJO.

⁶ Designation of a position being a TDP is made at the time the position description is developed and job is advertised, per HHS guidance.



The System automatically populates the following information on the CCF:

- Testing authority (HHS);
- Circumstance for testing; and
- Drugs for which the employee/applicant is to be tested.⁷

Once the laboratory has completed the analysis process, the preliminary test results are forwarded to the MRO for review. For test results other than “negative,” the MRO verifies the result and issues a final result of “verified positive.” Once the results are verified, the MRO adds the information to the System, and that data is reported as a result.

2.2 What are the sources of the information and how is the information collected for the project?

The data source for employee information is the OCHCO Human Resources Management and Services (HRMS) payroll/personnel system.⁸ By way of a pre-formatted spreadsheet, OCHCO HRMS downloads the information from the National Finance Center (NFC) Payroll/Personnel System (PPS) directly into the spreadsheet report format and it is uploaded into the System.⁹

Applicant information is initially obtained from the applicant at the time application is made for employment at DHS via the USA Jobs website (which is administered by the Office of Personnel Management (OPM)),¹⁰ which is in-turn retrieved by the respective Human Resources Office for consideration. When a TJO is issued, the applicant’s information is uploaded to the System, which begins the applicant drug testing process.

In accordance with the HHS Medical Review Officer Manual,¹¹ the source for the final test result is the MRO. The specimen is analyzed by a laboratory services provider and a finding of negative or positive (or other condition (*e.g.*, diluted specimen)) is sent to the MRO from the laboratory via the System. The MRO reviews all tests to determine whether each can be

⁷ For federal drug testing, the drug panel for which DHS tests is established by HHS.

⁸ This system is the National Finance Center (NFC) Payroll/Personnel System (PPS), which is maintained by the U.S. Department of Agriculture. The NFC maintains payroll information on all DHS personnel. For more information, please see <https://www.usda.gov/home/privacy-policy/privacy-impact-assessments>.

⁹ Within NFC PPS, personnel in TDPs are noted in a separate field. This allows the DPC to request a report of current TDPs and that is the only information that is passed to the Contractor. The Contractor does not receive the information for any individual unless that person is going to be drug tested (for both employees and selected applicants).

¹⁰ For more information, please see USA Staffing System (July 21, 2017), available at <https://www.opm.gov/information-management/privacy-policy/#url=Privacy-Impact-Assessments>.

¹¹ For more information, please see <https://www.hhs.gov/sites/default/files/hr-resource-library-792-5.pdf>.



confirmed as negative or verified positive.¹² Once the final result is entered into the System, the DPC accesses the System to review the results.

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

No. The DFW program does not use information from commercial sources or publicly available data.

2.4 Discuss how accuracy of the data is ensured.

Applicants

Information is provided by the applicant at the time application is made for a position at DHS. In turn, the applicant's information is provided to the Contractor by the Component Human Resources Office once the selection is made to fill a position. Data verification occurs as part of the process at the collection site once the applicant reports for the drug test. The person to be drug tested is asked to review the personal data on the CCF and confirm its accuracy. If correct, the CCF is initialed by the specimen individual.

DHS Personnel

Prior to submitting the list of personnel in TDPs to the Contractor, the list is reviewed by the DPC and compared to the payroll/personnel system data of record. The same information is also reviewed by the supervisors of the TDPs, and again when the personnel in TDPs report to the collection site and are asked to review the data on the CCF. If correct, the CCF is initialed by the specimen individual.

Chain of Custody

The CCF is generated by the Contractor for all drug tests and, at the collection site, the CCF is reviewed and initialed by the individual, both before and after the specimen is provided. The CCF accompanies the specimen through all aspects of processing. (*i.e.*, collection site, laboratory, and medical review office).

2.5 Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: There is a privacy risk that PII may be emailed, by the Contractor or the Component, without appropriate encryption safeguards.

¹² An example of when a positive test result cannot be verified would be when the individual can produce a legal prescription for the substance identified by the laboratory. In that event, the positive preliminary result would be changed to negative.



Mitigation: This risk is mitigated by the fact that the Contractor or the Component must password-protect or encrypt any sensitive PII they may transmit via email, per the *DHS Handbook for Protecting Sensitive Personally Identifiable Information*.¹³ Additionally, all Contractor personnel have been trained in IT Security and Awareness Training. All contractors sign a declaration (*i.e.*, Rules of Behavior) stating they are aware of the security requirements.

Section 3.0 Uses of the Information

The following questions require a clear description of the project's use of information.

3.1 Describe how and why the project uses the information.

This information is required so that the Contractor can effectively and efficiently conduct drug testing services. Without this information, DHS and the authorized Contractor would not be able to ensure that the individual required to submit a drug test is the same individual who reports and provides the specimen. The specimen is effectively tracked and appropriately matched to the individual, and ultimately to the drug test results. The employee and applicant data is transmitted via telephone, password-protected email, or via the System, depending on what data is required and for what purpose.

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.

No. The program does not use technology to conduct electronic searches, queries, or analyses to locate predictive patterns or anomalies.

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

Once the FY18 enterprise contract is awarded, there will be centralized oversight by the DPA. Although DHS OCHCO oversees DFW plan compliance, it will not be able to access Component data, with the exception of aggregated report data.¹⁴ Each Component using the System only has access to its Component-specific data and designates specific administrative

¹³ The DHS Handbook for Safeguarding Sensitive Personally Identifiable Information sets minimum standards for how Department personnel should handle Sensitive PII in paper and electronic form during their everyday work activities at the Department, *available at*

<https://www.dhs.gov/sites/default/files/publications/dhs%20policy%20directive%20047-01-007%20handbook%20for%20safeguarding%20sensitive%20PII%2012-4-2017.pdf>.

¹⁴ This data will not include PII, but instead includes data required for HHS annual reporting (*e.g.*, how many tests administered, how many positives (for what drugs), what type of test).



rights to Component personnel that are required to have access.

The Transportation Security Administration (TSA) actually will “hold” the enterprise contract, and will conduct the associated contract administration functions. Technical responsibilities are assigned to the DPA. The Component DPCs will be the points of contact for each Component.

3.4 Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: There is a privacy risk that applicant and employee information may be used in a manner inconsistent with its original purpose for collection.

Mitigation: Applicant and employee information may only be used consistent with the purpose for collection. All files and records are maintained by DHS in accordance with OPM regulations and instructions. They are used to provide the source of factual data with regards to drug testing about an individual’s qualifications to becoming or maintaining status as a federal employee. Records are only used to meet OPM personnel requirements, including screening qualifications of employees and determining applicant eligibility.

Privacy Risk: There is a privacy risk that information collected on behalf of DHS will be accessed or used by someone without a “need to know.”

Mitigation: This risk is mitigated. In accordance with the DHS DFW Plan, test results may be disclosed only to a limited number of officials on a “need to know” basis. This may include the employee’s supervisor who has the authority to take adverse action; the Office of the Chief Security Officer (OCSO), Branch Chief for the Personnel Security Division; and the Employee Relations Specialist who will initiate the adverse action process. This information may also be disclosed in a related legal proceeding as necessary to defend against a challenge to an adverse personnel action. For applicants, test results are only disclosed to a limited number of personnel with a “need to know.” This includes disclosing the information to the HR specialist responsible for processing the hiring of the individual or rescinding a TJO previously sent to the individual.

Additionally, initial and recurring training for users of the System addresses the purpose, limitations, and usage of information obtained from the System. All System users are required to sign the Rules of Behavior as a condition of access. Penalties may apply for violations of information protection. Furthermore, DHS employees are required to complete Information Assurance Awareness training on an annual basis. This training specifically addresses not only how to maintain and protect sensitive information from unauthorized users but also how to report a security or privacy incident.

Per the service contract, records retention functions are performed under the oversight of the Contractor. This level of oversight ensures that the procedures and practices for records



retention and destruction are provided in accordance with the contract, the DHS SORN, GRS 1, Item 36, and NARA.

Section 4.0 Notice

The following questions seek information about the project's notice to the individual about the information collected, the right to consent to uses of said information, and the right to decline to provide information.

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

DHS Employees

In October 2014, the Department sent a notice via an email from the Chief Human Capital Officer advising all DHS personnel of the implementation of the DHS Drug-Free Workplace program. A 30-day notice was also sent to personnel in TDPs, advising them of the commencement of drug testing under the new DHS Drug-Free Workplace Plan, and conforming Component plans. The notice may have been provided in hard copy or by email, depending on the Component, but the employee was required to sign the document to acknowledge receipt of the notice.

Unions

Messaging was sent to the national unions by email, prior to delivery of the notices listed above, by the DHS Labor Relations Office and to Component local unions by the Component Labor Relations offices.

DHS Applicants

Applicants selected for employment at DHS are provided notice of the requirement to be drug tested in the job opportunity announcement (JOA) via the USA Jobs website and in the TJO. For applicants, the PII required for the drug test is already submitted when applying for a federal job, (e.g., name, date of birth, address, phone numbers). The only additional information that is collected as part of this process is specific to the facilitation of drug testing and the results of the testing.

Furthermore, once the employee or applicant reports to the collection site, he or she is provided a Privacy Act Statement, located on the back of the CCF. This Privacy Act Statement advises employees and applicants about the authorities allowing for such collection, the purpose of the data collection, how the data collected can be shared, and consequences for refusing to provide the requested data.



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

DHS Applicants

Applicants who decline pre-employment testing are informed during the hiring process that a negative drug test is a condition of employment, as noted on the JOA and TJO. If applicants refuse to take the required drug test, the TJO is rescinded.

DHS Employees

Employees in TDPs have the right to appeal the TDP designation to the DPC through the employee's supervisor. If an employee objects to a TDP designation they can be reassigned to another position if one is available that does not meet the criteria of a TDP. Otherwise, a refusal to submit to a drug test is to be treated as a verified positive drug test. Some Components are new to drug testing, so TDP personnel are advised that their position is a TDP after accepting the job. However, the Federal Drug-Free Workplace Program has been in existence since 1986.

4.3 Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a privacy risk that applicants or employees will not receive adequate notice detailing the purpose for the collection of their information, as well as its use, maintenance, and dissemination.

Mitigation: This privacy risk is mitigated by the notice provided through this PIA. Additionally, a Privacy Act Statement is provided to the applicants and employees at the time of specimen collection. By providing notice, DHS mitigates the privacy risks associated with notice, including the lack of understanding on the part of individuals regarding the collection and use of their PII, their rights to refuse to participate in the information collection, and their ability to correct inaccurate information.

Additionally, drug testing first became a requirement of all federal agencies in 1986 and DHS is very accustomed to the drug testing process and the notifications with regard to the program and the drug testing required thereunder. To ensure transparency, efforts have been undertaken to advise all DHS employees of the new DHS DFW program, as opposed to continuing the legacy drug testing programs used by pre-DHS agencies (*e.g.*, USSS under the Department of Treasury, ICE and USCIS under the Department of Justice).



Section 5.0 Data Retention by the project

The following questions are intended to outline how long the project retains the information after the initial collection.

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

Information related to the DHS DFW program is retained in accordance with NARA GRS 1, Item 36.

- Agency copies of plans and procedures pertaining to the development of procedures for drug testing programs, including the determination of testing incumbents in designated positions are destroyed when three years old or when superseded or obsolete.
- Forms completed by employees whose positions are designated sensitive for drug testing purposes acknowledging that they have received notice that they may be tested are destroyed when an employee separates from the testing-designated position.
- Records relating to the selection of specific employees/applicants for testing and the scheduling of tests are destroyed after three years.
- Records relating to the collection and handling of specimens with regards to “record books”¹⁵ are destroyed three years after the date of the last entry.
- Records relating to the collection and handling of specimens with regards to “chain of custody records,” which include forms and other records used to maintain control and accountability of specimens from the point of collection to the final disposition of the specimen, are destroyed after three years.

Positive test results for an employee are destroyed when he or she leaves the agency or when three years old, whichever is later. Positive test results for an applicant are destroyed when three years old. Negative test results for all individuals are destroyed when three years old.

5.2 Privacy Impact Analysis: Related to Retention

Privacy Risk: There is a risk that records will be retained for a longer period of time than is necessary.

Mitigation: Through contractual obligation, the Contractor is required to adhere to the following compliance and certification requirements:

“Compliance with the National Archives Records Administration (NARA) General Records Schedule (GRS) 1, Civilian Personnel Records, Item 36 Federal Workplace Drug Testing

¹⁵ Bound books containing identifying data on each specimen, recorded at each collection site in the order in which the specimens were collected.



Program Files, which requires a retention period for related records of three years.” The same retention requirements apply to DHS.

Per the service contract, records retention functions are performed under the oversight of the Contractor. This level of oversight ensures that the procedures and practices for records retention and destruction are provided in accordance with the contract, the DHS SORN, GRS 1, Item 36, and NARA.

Section 6.0 Information Sharing

The following questions are intended to describe the scope of the project information sharing external to the Department. External sharing encompasses sharing with other federal, state and local government, and private sector entities.

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.

The employee and applicant PII is provided to the Contractor in accordance with the enterprise contract, and is shared on a “need to know” basis. Within the Contractor organization, only the personnel who directly support a Component have access to that Component’s data. Component drug testing data is not available to all Contractor personnel on the DHS team, but only to the contractors servicing the particular Component.

The HHS Substance Abuse and Mental Health Services Administration (SAMHSA) requires that departments and agencies provide statistical information related to their Federal Drug-Free Workplace programs, in the form of an Annual Survey Report. Although the DHS report will entail Component-specific information, it includes no PII.

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

The Drug-Free Workplace SORN¹⁶ permits the sharing of drug testing information in accordance with the purpose for which the information is collected and in accordance with the routine uses listed in the SORN. The purpose of the Drug-Free Workplace Program is to address illegal drug use by DHS employees and applicants. The SORN’s routine uses define the circumstances under which drug-testing information can be shared. A complete list of the routine uses can be found in the SORN. The following are brief examples of the information sharing permitted by these routine uses.

- Information is shared with the Contractor to perform the drug testing functions (Routine

¹⁶ DHS/ALL-022 Department of Homeland Security Drug-Free Workplace, 73 FR 64974 (Oct. 31, 2008).



Use B). DHS informs the Contractor that it is subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

- Information is shared with supervisors or management officials of an employee when the results of the drug test should result in adverse personnel action against the employee (Routine Use E).

6.3 Does the project place limitations on re-dissemination?

All information collected, maintained, used, and disseminated by DHS during the drug testing process is covered by the Privacy Act. As such, information may only be disseminated consistent with the Privacy Act, including the routine uses in the above SORN. DHS does not share information internally or externally in a manner inconsistent with these Privacy Act protections or other applicable federal laws, statutes, and DHS policy.

The Contractor is not permitted to disseminate any of the data housed on the System. The Contractor will not re-disseminate data without the expressed written consent of DHS.

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

Records of requests for data disclosures will be retained in a secure computer file by the Contractor. This file will include the date of request, entity requesting disclosure, name of requestor, purpose of request, and appropriate authority to receive disclosure. The Contractor will not re-disseminate data without the expressed written consent of DHS.

6.5 Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: There is the risk of unauthorized disclosure related to information sharing.

Mitigation: This risk is mitigated. Requests for data disclosures require the following information: entity requesting disclosure, name of requestor, purpose of request, and appropriate authority to receive disclosure prior to sharing of information outside normal drug testing operations. Written permission for disclosure must be obtained from the Component's DPC, or if it pertains to all Components, from the DHS DPA. Additionally, Contractor personnel are required to sign a non-disclosure agreement.

Section 7.0 Redress

The following questions seek information about processes in place for individuals to seek redress which may include access to records about themselves, ensuring the accuracy of the information collected about them, and/or filing complaints.

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

Individual applicants or employees who desire to receive copies of their drug test results or additional information related to their drug test may also submit that request in writing directly to the Component DPC listed on the front of the CCF. Individuals may also follow the access procedures list in the Drug-Free Workplace SORN.¹⁷ Employees can also correct their information at any time via their Supervisor or Human Resources point of contact.

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

Individuals who wish to request corrections to their personal information may submit that request in writing directly to the Component DPC listed on the front of the CCF. Personnel with non-negative tests are permitted to demonstrate to the MRO why the use of the substance is legal (*e.g.*, by providing a valid prescription for the substance).¹⁸ If the individual alleges the specimen was not his or hers, he or she may contest the test. However, the original specimen was split in two separate vials labeled with the person's tracking information and initialed by that individual. The vials are also stored in case the individual requests analysis of the second specimen.

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

Employees and applicants who are drug tested are provided with the Donor Copy (Copy 5) of the CCF.¹⁹ This form provides the name, address, and phone number for the Component DPC. Individuals who see errors on the CCF can contact the DPC and request in writing that corrections be made in the personnel system. Once an error has been brought to the attention of the DPC, the DPC will inform the OCHCO HRMS payroll/processing team of the error and the required correction. The OCHCO HRMS is the data source for the PII required for employee drug testing.

¹⁷ DHS/ALL-022 Department of Homeland Security Drug-Free Workplace, 73 FR 64974 (Oct. 31, 2008).

¹⁸ The information about a preliminary positive that ends up being negative after a prescription is produced is not available to the DPC. Information about what prescription drugs is not presented prior to a test to avoid over-collection of information that may not be needed.

¹⁹ The CCF is the document used to track the custody, control, transfer, analysis, and disposal of the specimen. The five (5) copies in the CCF are: 1) Test Facility; 2) MRO; 3) Collector; 4) Employer; and 5) Donor.



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

Privacy Risk: There is a privacy risk that applicants or employees will not know how to access, correct, or amend their personnel records.

Mitigation: This risk is mitigated. For government employees, all personnel records are covered by the Privacy Act and fall under the Drug-Free Workplace SORN managed and maintained by DHS. The CCF also lists the Component DPC, to whom individuals who wish to request corrections to their personal information may submit requests in writing.

Section 8.0 Auditing and Accountability

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

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

User accounts/roles allow authorized personnel to access data based specifically on their job function. In addition to user responsibilities, a unique user ID and password are assigned, the privacy notice is posted on the System login screen, and activity is tracked via audit logs.

The Contractor is responsible for ensuring the System is following federal guidelines for external systems, as well as abiding by the Terms and Conditions of the contract.

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

DHS mandates annual privacy and IT security training to all employees and contractors. Additionally, new System users are provided with user tutorial training.

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

DHS Components identify authorized System users based on a strict “need to know” basis. Authorized users are granted access via user ID and password, and access is tracked via a quarterly audit. The Component user access approval process includes all requests for access being provided to Component DPCs. Once approved, the System Administrator issues the user a unique user ID and password, and access to the System tutorial.



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?

All DHS Drug-Free Workplace program agreements at the Department level will be reviewed by the OCHCO Contract Specialist, the DHS Privacy Office, and DHS DPA, with higher level review by the OCHCO Human Capital Policy and Programs (HCPP) Executive Director available as appropriate. All Component-level agreements will be reviewed by the DPC, the Component Privacy Office, and the Component Procurement Office.

Responsible Officials

Jason Kruse, Director
HCBS Standards and Compliance
Office of the Chief Human Capital Officer
Department of Homeland Security

Approval Signature

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

Philip S. Kaplan
Chief Privacy Officer
Department of Homeland Security



Appendix A

Components that fall under the enterprise-wide contract for drug testing services are:

1. Headquarters²⁰
2. U.S. Customs and Immigration Services (USCIS)
3. Federal Emergency Management Agency (FEMA)
4. Federal Law Enforcement Training Center (FLETC)
5. Office of the Inspector General (OIG)
6. United States Secret Service (USSS)

²⁰ National Protection and Programs Directorate (NPPD) currently has its own plan and is not covered by the enterprise-wide contract.