



Privacy Impact Assessment
for the

DHS Suspension and Debarment Case Management System

DHS/ALL/PIA-070

September 28, 2018

Contact Point

Denise Roberson

**DHS Suspension and Debarment Official
Management Directorate**

(202) 282-8273

Reviewing Official

Philip S. Kaplan

Chief Privacy Officer

Department of Homeland Security

(202) 343-1717



Abstract

The Department of Homeland Security (DHS) Suspension and Debarment Case Management System (SDCMS) is a secure, web-based workflow management system maintained by the Office of the Under Secretary for Management (USM) in support of the DHS suspension and debarment process. The purpose of SDCMS is to provide an automated mechanism for managing and reporting on all suspension and debarment activities from receipt of referral through the expiration date of the suspension or debarment period. DHS is conducting this Privacy Impact Assessment (PIA) because the information maintained in SDCMS may contain personally identifiable information (PII) on individuals or entities referred for suspension or debarment.

Overview

The DHS Suspension and Debarment Program receives and processes referrals¹ for the possible suspension or debarment of individuals or entities (*e.g.*, companies) who have engaged in conduct that casts doubt on their present responsibility, such as being suspected or convicted of certain criminal charges, including procurement-related offenses such as fraud or embezzlement, misconduct involving federal assistance, or violating the employment provisions of the Immigration and Nationality Act (INA).² In general, all federal agencies and departments have the inherent authority to take suspension or debarment action against individuals or entities, pursuant to the Federal Acquisition Regulations (FAR) Subpart 9.4 and the Nonprocurement Common Rule (NCR) 2 CFR Part 180.

The DHS Suspension and Debarment Official (DHS SDO) is responsible for suspension and debarment activity across the Department. The DHS SDO has further delegated this authority to components within DHS referred to as Centers of Excellence. These components currently include U.S. Customs and Border Protection (CBP), Federal Emergency Management Agency (FEMA), and U.S. Immigration and Customs Enforcement (ICE). Each Center of Excellence and certain other components have designated a Suspension and Debarment Director who manages and reports on the suspension and debarment activities at the component level from the initial receipt of referrals through the expiration of the suspension or debarment period.³

¹ A referral is information received from a source pertaining to potential suspension and debarment cases that is then formed into an administrative record and presented to the DHS SDO. Referrals can come from any source, but usually originate from the DHS Office of Inspector General (OIG), Component offices, or Contracting Officers. For example, referrals may occur after an individual or entity has been found to have violated criminal or civil provisions of the INA employment provisions.

² 8 U.S.C. 12.

³ The DHS SDO has authority over the entire DHS Suspension and Debarment Program and has delegated this authority to the other SDOs at the Centers of Excellence (CBP, FEMA, and ICE). These other SDOs are responsible for suspension and debarment activity originating from their Component. The Directors at other components are



To effectively manage this process, DHS developed the Suspension and Debarment Case Management System (SDCMS) to track, analyze, process and report on suspension or debarment activities for all of DHS.

Background: Suspension and Debarment

The federal suspension and debarment process is used to promote economy and efficiency in federal procurement by ensuring the U.S. Government conducts business only with responsible contractors. The FAR Subpart 9.4 or Subpart H of the Nonprocurement Common Rule provides legal authority for federal agencies to suspend or debar an individual or entity (known as “Respondents”) on the basis of adequate evidence, or a preponderance of evidence respectively, of the commission of fraud or other conduct indicating a lack of business honesty.

Suspension is an action taken by the respective SDO under FAR 9.407 or under Subpart G of the Nonprocurement Common Rule. A suspended person or entity is disqualified temporarily from Government contracting and Government-approved subcontracting of covered transactions,⁴ pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. Suspension is based on adequate evidence (*i.e.*, a conviction is not required) of certain activities, such as commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract, as well as activities like commission of embezzlement, theft, tax evasion, violating federal criminal tax laws, or commission of any other offense indicating a lack of business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor. Respondents can be suspended for any of the causes specified above based on adequate evidence, which could consist of an affidavit detailing the suspected violation. Suspension can occur without advance notice to the affected person. However, upon being suspended the Respondent will be notified and afforded 30 days to present information opposing the suspension.

Debarment is an action taken by the respective SDO under FAR 9.406 or under Subpart H of the Nonprocurement Common Rule. A debarred person or entity is excluded from Government contracting and Government-approved subcontracting or covered transactions for a reasonable specified period. Debarment may be based on a Respondent’s conviction of a crime or a civil judgment for the same violations noted above, or for other causes like a determination by the Secretary of Homeland Security or the Attorney General of the United States that the

responsible for preparing submission packages for review and assisting in running the suspension and debarment activity at their respective Components. The Directors do not have signatory authority to suspend or debar.

⁴ Pursuant to 2 CFR Part 180, *OMB Guidelines to Agencies on Governmentwide Debarment or Suspension*, covered transactions for suspensions and debarments include procurement contracts awarded by non-federal participants in nonprocurement covered transactions (*e.g.*, grants, scholarships, contracts of assistance, loans) as well as contracts and subcontracts for goods or services if: 1) the contract is awarded by a participant in a nonprocurement transaction that is expected to equal or exceed \$25,000; 2) the contract requires the consent of an official of a federal agency; or 3) the contract is for federally-required audit services.



Respondent is not in compliance with the INA employment provisions. Before debarment can occur, the affected Respondent will receive a notice of proposed debarment and will be provided 30 days to comment before the respective SDO makes a final decision.

The majority of referrals received and processed by DHS are for debarments. However, not all referrals result in a suspension or debarment. In some cases, the respective SDO may decide to take no action against the Respondent or to enter into an Administrative Agreement instead.⁵ Additionally, the respective SDO may choose not to debar but instead deem a Respondent “responsible” if it presents mitigating circumstances or remedial measures that demonstrate to the satisfaction of the respective SDO that it is a responsible contractor or participant, consistent with the FAR or Nonprocurement Common Rule.

Suspension and Debarment Case Management System (SDCMS)

The respective SDOs are charged with analyzing and processing individuals and entities proposed for suspension or debarment in furtherance of the regulatory guidance described above. SDCMS was established to track, analyze, process and report on referrals for suspension or debarment. Referrals usually originate from the DHS Office of Inspector General (OIG), within component offices, and Contracting Officers. For example, referrals may occur after an individual or entity has been found to have violated criminal or civil provisions of the INA employment provisions. Occasionally, external referrals are received from other Government agencies. External referrals usually occur when DHS interests are at issue, such as when the individual or entity being referred has received the majority of their contracts or federal assistance from DHS. Referrals usually contain documentation (*e.g.*, records documenting a criminal conviction or civil judgment of a violation) supporting the basis for suspension or debarment.

A Component creates a record of each referral in SDCMS and uses the system to track the progress of the matter throughout the suspension and debarment process. The respective SDO is charged with making the decision to suspend, to propose for debarment, to debar, to take no action, to deem the Respondent responsible, or to enter into an Administrative Agreement. These outcomes are also recorded in SDCMS.

Typical Transaction

In a typical transaction, the Suspension and Debarment Director receives a debarment referral. The referral contains information about an individual or entity DHS investigated against which a final administrative order or judicial judgment was recently entered, finding that the

⁵ An Administrative Agreement is an alternative outcome to the suspension and debarment process. It is an agreement between DHS and the Respondent that contains certain terms and conditions that the Respondent is responsible for meeting or satisfying to ensure compliance with applicable laws, as well as being considered a responsible contractor consistent with the FAR.



company and/or its owner violated some criminal statute. The referral may also contain supporting legal documentation in the form of a record of the court's indictment, plea agreement, or criminal judgment. Suspension and Debarment personnel log the referral in SDCMS where it is assigned a case number (known as the "SD case number"), and upload the supporting documentation into the system. Based on information and supporting documentation provided in the referral, Suspension and Debarment personnel manually input basic information about the Respondent into SDCMS such as the Respondent's name and address, Data Universal Numbering System (DUNS) number,⁶ whether the case is procurement-related, and other relevant information.

The Suspension and Debarment personnel then conduct basic research about the Respondent using various Government, commercial, and public sources. For example, the Suspension and Debarment personnel may download a Dun & Bradstreet, Inc. (D&B) report for the Respondent entity (if available). The Suspension and Debarment personnel will also search the Government Services Administration's (GSA) System for Award Management (SAM)⁷ to identify prior suspension or debarment actions taken against the Respondent. Information gathered during the research may be updated in SDCMS. The Suspension and Debarment personnel also coordinate the action with the Interagency Suspension and Debarment Committee (ISDC)⁸ requesting a lead agency determination, and update SDCMS accordingly. If no other agency responds or it is determined by the ISDC that DHS is to be the lead agency, the Suspension and Debarment personnel prepare an administrative record for the respective SDO. The Action Referral Memorandum contained in the record is routed via SDCMS to the Office of General Counsel or respective counsel's office (OGC) for legal review before submission to the respective SDO, who reviews the record and makes a decision to propose for debarment/suspension or take no action. The Suspension and Debarment personnel update SDCMS to reflect the respective SDO's decision. If a decision is made to propose for debarment, the Suspension and Debarment personnel separately update SAM, as appropriate, and the component sends the Respondent a notice of proposed debarment, which provides the Respondent 30 days to contest the proposed debarment/suspension. The Suspension and Debarment personnel prepare a final decision memorandum after the 30-day period and presents any documentation or facts presented by the Respondents. The decision memorandum is sent through SDCMS to OGC for legal review, and then to the respective SDO for review

⁶ The Data Universal Numbering System (DUNS or D-U-N-S) is a proprietary system developed and regulated by Dun & Bradstreet, Inc. (D&B) that assigns a unique numeric identifier, referred to as a "DUNS number" to a single business entity.

⁷ For more information about the Government Services Administration's (GSA) System for Award Management (SAM), please *see* the SAM Privacy Impact Assessment (June 2013) *available at* <https://www.gsa.gov/reference/gsa-privacy-program/privacy-impact-assessments-pia>.

⁸ The ISDC was established to monitor implementation of Section 4 of E.O. 12549 Debarment and Suspension. The ISDC is a federal forum used to determine which agency will be the lead agency when more than one is considering whether to suspend or debar a particular individual or entity. This forum is generally pre-decisional.



and decision. The respective SDO will make a decision to debar/suspend the Respondents, determine them to be responsible, enter into an Administrative Agreement, or take no action, and SDCMS will be updated accordingly to reflect the decision.

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?

The following authorities apply to the DHS Suspension and Debarment Program:

- 6 U.S.C. 341, *Under Secretary for Management*;
- Executive Order (E.O.) 12549, *Debarment and Suspension*;
- E.O. 12689, *Debarment and Suspension*;
- E.O. 12989, *Economy and Efficiency in Government Procurement through Compliance with Certain Immigration and Naturalization Act Provisions*, as amended;
- E.O. 13286, *Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security*, as amended;
- 2 CFR Part 180, *OMB [Office of Management and Budget] Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)*;
- 2 CFR Part 3000, *Nonprocurement Debarment and Suspension*;
- 48 CFR Subpart 9.4, *Debarment, Suspension, and Ineligibility*;
- 48 CFR Subpart 3009.4, *[Department of Homeland Security, Homeland Security Acquisition Regulation (HSAR)], Debarment, Suspension, and Ineligibility*;
- DHS Delegation 00002, *Delegation to the Under Secretary for Management*;
- DHS Delegation 00200, *Suspension and Debarment*; and
- Homeland Security Acquisition Manual (HSAM), Subchapter 3009.4, *Debarment, Suspension, and Ineligibility*.

Additionally, DHS Directive 146-01 established the Department's program for Suspension, Debarment, and related actions, and DHS Instruction 146-01-001 provides further guidance on suspension and debarment actions within the Department.



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

The information collected and maintained by SDCMS is covered by GSA/GOVT-9 System for Award Management (SAM),⁹ which contains exclusion records that Federal Government agencies enter to suspend or debar individuals or entities.

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

SDCMS will reside within the Customer Relationship Management as a Service (CRMaas) Data Center 2 environment, which has its Authority to Operate (ATO) and is currently going through the security and maintenance renewal process that will complete in Fall 2018.

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

The records collected and maintained by SDCMS follow the National Archives and Records Administration (NARA) General Records Schedule (GRS) 1.1, Item 10.

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 information collected and maintained by SDCMS is not covered by the Paperwork Reduction Act (PRA) because the information is not collected directly from members of the public.

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.

SDCMS maintains information on Respondents who are referred to DHS for suspension or debarment, based on criminal or civil violations of law, an Inspector General investigation,

⁹ GSA/GOVT-9 System for Award Management (SAM), 78 FR 11648 (March 21, 2013).



other administrative action, or any other cause so serious or compelling a nature that it affects the present responsibility of a contractor or participant. Respondents can be individuals or entities that have government contracts or received federal assistance as well as those that do not, but could possibly receive one in the future. The various categories of information collected, used, disseminated, and maintained in SDCMS are as follows:

General Respondent Information:

For individuals: name, mailing address, date of birth, Social Security number (SSN), phone number (if known), and citation or description of offense leading to cause for action.

For entities: entity name, mailing address, name(s) of individuals representing the entity in the suspension or debarment case,¹⁰ phone number (if known), entity website (if known), names of key individuals in the entity, DUNS number, CAGE Code,¹¹ Importer Record Number,¹² business size, and a copy of the D&B report (if available).

Referrals and Supporting Documentation: The personal information that may be contained in these documents varies, but typically consists of information sufficient to identify the Respondents and key individuals (if the Respondent is an entity), and other information pertaining to the specific investigations, convictions, civil judgments, fines, final orders, settlement agreements, or pleas involving the Respondent that are the basis for the referral. Information contained in these documents may include the information listed above under General Respondent Information.¹³

Research Information: DHS conducts research to gather additional background information about the Respondent. Information collected may include affiliated companies or individuals, names of key individuals in the company, prior suspension or debarment actions taken against the Respondent, and current or prior Federal Government contract or assistance awards.

Other Case-Related Data: dates associated with the various suspension and debarment activities; memoranda generated to document decisions and actions taken during the suspension

¹⁰ The names of key individuals within the entity may be collected for potential suspension or debarment action if discovered they had knowledge of the violation and were in a position to stop or prevent it. While some key individuals may be Respondents, they are not all Respondents. The names of key individuals may be referenced in the D&B report along with the position they hold within the company or may be provided directly from the Respondent in a response to a Notice of Suspension or Proposed Debarment.

¹¹ A Commercial and Government Entity (CAGE) Code is a five-character identifier for companies pursuing business with the U.S. Government. The CAGE code is used to support a variety of procurement and acquisition processes throughout the U.S. Government.

¹² This data element is specific to cases originating out of CBP.

¹³ Additionally, basic information from the referrer is also collected: name, title, and contact information (*e.g.*, email address, phone number).



and debarment process; and the SD case number, program office making the referral, Suspension and Debarment personnel working the case, status of the case, whether the case is procurement-related or not, expiration date of the suspension, debarment or Administrative Compliance Agreement, and length of the suspension or debarment.

The system also provides enhanced filtering and sorting capabilities that DHS uses to create standard and ad hoc reports based only on the information entered into the database. These reports are generated for statistical and performance-based purposes to further support DHS in managing the suspension and debarment process. Additional performance reports may include current action, workload, open action, and process time reports.

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

Information collected and maintained in SDCMS is received through referrals for suspension or debarment from any source including: DHS OIG, OGC, DHS Contracting Officers, or other Government agencies via the ISDC. Occasionally, Respondents contact DHS Suspension and Debarment personnel directly before a referral is received to present copies of their legal documents (*e.g.*, indictments) and remedial and mitigation measures taken for consideration when processing the Respondent for suspension or debarment such as paying a fine, serving the probation term, or firing the individual responsible for the violation. In such instances, the case is processed in the same manner as referrals. DHS Suspension and Debarment personnel also receive information directly from Respondents who elect to present information on their own behalf to contest the suspension or proposed debarment.

Information is also collected during the Suspension and Debarment personnel's basic research from various Government and publicly available commercial websites such as SAM, D&B, USA Spending,¹⁴ the Federal Procurement Data System - Next Generation (FPDS-NG),¹⁵ and commercial data aggregators. The D&B report (if available) and any supporting research the respective SDO reviews in order to make a decision such as information from the entity's publicly available website or a printout of the information found in the corporate entity search from state websites is uploaded into SDCMS.

It is necessary to collect information from other than the Respondent because individuals and companies who are suspected of violating the law based on adequate evidence or who have been convicted of violations that rise to the level of a suspension or debarment action are not likely to refer themselves to the Government for this type of action. It is also necessary to retain

¹⁴ USAspending.gov is the official source for spending data for the U.S. Government. It provides the public with transparency into how much and on what the Federal Government spends every year.

¹⁵ Federal Procurement Data System - Next Generation (FPDS-NG) is a publicly available database that contains procurement transaction information.



any supporting legal documents to set forth a factual basis for the suspension or debarment action.

SDCMS also generates standard and ad hoc reports for statistical and performance-based purposes based only on the information input into the system.

Additionally, DHS has developed SDCMS to serve the entire Department at an enterprise level. Previously, this information was housed at each component, typically in Excel spreadsheets and other basic tracking methodologies. When DHS stood up SDCMS, all applicable data¹⁶ was manually migrated from the components to the enterprise SDCMS.

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

Information from commercial sources and publicly available data is used in SDCMS. D&B, commercial data aggregators, and other publicly available resources such as state databases for corporations and federal websites are used to generate and fact check information in the referrals. This is done outside of the database by Suspension and Debarment personnel. However, some of this data filters into the Action Referral Memorandum or Debarment Notice to further substantiate the proposed suspension or debarment action. D&B is used to collect the Respondent's DUNS number (for companies) and to verify ownership of companies and affiliation with companies. State databases are used for corporate entity searches to provide information about whether the business is currently in good standing with the state, name and address of the registered agent, and names of key individuals within the corporation. The names of key individuals within the corporation may also be collected for potential suspension or debarment action if discovered they had knowledge of the violation and were in a position to stop or prevent it. For Respondents that are suspended or proposed for debarment, the DUNS number, which acts as a unique business identifier, is required to be entered into SAM. Additionally, if a mailing is undeliverable, a search is conducted for a more recent address using a commercial source such as CLEAR¹⁷ or Westlaw.¹⁸ The new address will be updated in SDCMS.

2.4 Discuss how accuracy of the data is ensured.

The information collected and processed in SDCMS is checked for accuracy during the review process. Respondents are afforded an opportunity to view the information DHS relied

¹⁶ All applicable data includes that data that was not yet expired, and includes SD case number; Respondents' information as listed in Section 2.1; key dates such as date of suspension, proposed debarment or debarment; documents that make up the administrative record; and the initial referral.

¹⁷ CLEAR is an online public investigation research service that provides proprietary database services and includes a database of locations of individuals and entities and analytics to provide affiliations.

¹⁸ Westlaw is an online legal research service that provides proprietary database services and includes a database of case law, state and federal statutes, administrative codes, newspaper and magazine articles, public records, law journals, law reviews, treatises, legal forms, and other information resources.



upon to take action against them and challenge the accuracy of that information. The majority of referrals processed by DHS are for debarments, which are based on civil judgments or criminal convictions. However, before the respective SDO receives the decision memorandum it is routed via SDCMS to OGC for legal review. OGC reviews the memorandum to ensure it is legally sufficient. Additionally, if the respective SDO suspends or proposes a Respondent for debarment, that Respondent is sent a notification and a copy of the Action Referral Memorandum stating why the Respondent is being suspended or proposed for debarment. The Respondent then has 30 days to respond and present matters in opposition to the suspension or proposed debarment, during which time the Respondent may challenge the accuracy of any information relied upon by the respective SDO in taking the action, or present new information that may provide a more complete set of facts. Information presented by the Respondent generally includes mitigating factors and remedial measures (*e.g.*, paying a fine, serving the probation term, or firing the individual responsible for the violation) the Respondent has taken to demonstrate it is a responsible contractor. Allowing the Respondent to view the basis for its suspension or proposed debarment and present information to contest the proposed action complies with the due process requirements and enhances the accuracy of the information DHS relies upon to take suspension and debarment actions and the integrity of the process as a whole.

If after the Respondent presents information opposing the proposed action, the respective SDO believes there is a genuine issue of material fact in dispute, the respective SDO sends the fact or issue to another official for a fact-finding hearing. In such cases, the respective SDO will coordinate the designation of a fact-finding official. The official will conduct the fact-finding and provide a report containing the results, which is uploaded into SDCMS.

Information obtained from publicly available commercial sources can generally be verified against another source. For example, the DUNS number, which is obtained from D&B, is input into SAM when a business is suspended or proposed for debarment. When making the SAM entry, the SAM system uses the DUNS number entered by Suspension and Debarment personnel to pull up the business name and address, thus verifying the accuracy of the data.

2.5 Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: There is a risk of over-collection of PII.

Mitigation: This risk is mitigated. DHS collects only the information necessary to track and process referrals of Respondents for suspension or debarment. All PII collected is necessary for the purpose of ensuring the cases are tracked and responded to properly. The collection of SSNs and dates of birth of individuals are necessary to ensure that if an excluded individual has the same name as another individual who is not excluded, the non-excluded individual will not inadvertently be denied a contract or other form of federal assistance to which he or she may



otherwise be qualified or eligible as a result of mistaken identity. The limited scope of information collected mitigates any risk of the over-collection of information.

Privacy Risk: The collection and maintenance of information about Respondents referred for debarment presents a risk of *de facto* debarment before a decision is made by the respective SDO in the event the information is compromised.

Mitigation: To mitigate this risk, SDCMS employs appropriate role-based access controls limiting access to only authorized users within the DHS Suspension and Debarment Program such as SDO, Suspension and Debarment Director, and/or Analyst. Additionally SDCMS defines and limits system access to only what is necessary to support their prescribed duties. All users receive training regarding the proper use of SDCMS and must sign a Rules of Behavior prior to being granted access to the system. Furthermore, SDCMS acts as a closed system which prevents unauthorized access as a result of not being connected to any other information system.

Privacy Risk: The use of commercial and publically available data could present a risk of data inaccuracy.

Mitigation: This risk is mitigated. DHS promotes data accuracy and integrity when using commercial sources by using credible, industry-wide commercial sources to facilitate collecting valid, relevant information about Respondents. Information collected from commercial sources is also verified against SAM and other credible commercial sources. Prior to any final determination, Action Referral Memoranda and Debarment Notices are routed via SDCMS to component legal offices for legal review and further fact checking. Additionally, when a Respondent is suspended or proposed for debarment, the Respondent is sent a notice and given 30 days to present information to contest the suspension or proposed debarment action. If the facts used to support the suspension or proposed debarment action are incorrect, Respondents are given an opportunity for a fact-finding hearing.

Privacy Risk: There is a risk that data was inaccurately migrated or transferred from components to the enterprise SDCMS.

Mitigation: This risk is mitigated. Data will be migrated manually from the components to the enterprise SDCMS. To ensure that data is entered correctly, after the initial data migration, a second person validates the data entered and confirms the information was entered correctly.



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.

DHS uses SDCMS to manage the suspension and debarment workflow activities as well as process Respondents referred for suspension or debarment accordingly. DHS uses SDCMS to review Action Referral Memoranda and other documents before they are sent to the respective SDO. In the event another Government agency is designated as the lead agency responsible for processing the Respondent for suspension or debarment, information maintained by DHS is provided to that agency. If the referral originates from DHS OIG, DHS will process the suspension or debarment and provide a copy of the final decision documents to DHS OIG.

General Respondent information such as names and addresses are used to identify and verify the Respondent referred for suspension or debarment and to mail notices to the Respondents. The DUNS number (for companies) is used to identify a business unit and is required to be separately input into SAM for Respondents that are suspended, proposed for debarment or debarred. Similarly, SSNs are required to be input into SAM for individuals, if available. Research information is used to verify ownership of companies; identify affiliated companies or individuals; and determine if the Respondent has an active business registration on file with the state, has already been suspended or debarred by another agency, or has a current or prior Federal Government contract or assistance award and if so, with which agency. This information is used to further substantiate any proposed suspension or debarment action. Any supporting legal documentation provided with the referral is attached to the Action Referral Memorandum or Debarment Period Memorandum to provide proof of cause for a suspension or debarment action. The other case information is used as background information and may contain information gathered during the Suspension and Debarment personnel's research as well as the actual referral.

In cases in which the ISDC determines another agency to be the lead agency responsible for the suspension or debarment action, DHS provides that agency with information maintained about the respective Respondent so that the agency may effectuate the suspension or debarment or other outcome (*e.g.*, Administrative Agreement) and enter the Respondent's status into SAM. Documentation of final decisions will be shared with the DHS office that initially referred the case.

Additionally, SDCMS will provide a centralized repository for all SD case documentation and data. Certain statistics must be reported annually to Congress through the ISDC¹⁹ and

¹⁹ Copies of previous reports can be found on the ISDC website, available at <https://www.acquisition.gov/isdc-reporting>.



SDCMS will house the data to support data provided for the report.²⁰ SDCMS will allow for oversight of the DHS SDO to ensure consistency across the DHS Suspension and Debarment Program.

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

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

SDCMS will be used by Suspension and Debarment personnel across the Department. The DHS SDO will have access to all case information. Components will have restricted access to their assigned cases and users will have specific role-based permissions for those cases. Currently, users have been identified in the DHS Management Directorate (Headquarters), CBP, FEMA, Federal Law Enforcement Training Centers (FLETC), ICE, Transportation Security Administration (TSA), U.S. Coast Guard (USCG), U.S. Citizenship and Immigration Services (USCIS), and U.S. Secret Service (USSS).

3.4 Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: There is a risk of unauthorized access to SDCMS and inappropriate use of the information therein.

Mitigation: This risk is mitigated. SDCMS is only accessible to authorized users who will have their own set of privileges based on their prescribed role. SDCMS will have an audit log to track user activity to facilitate identification of any violations or misuse of SDCMS or information maintained within the system.

Additionally, all SDCMS users receive training regarding the proper use of SDCMS and must sign a Rules of Behavior prior to being granted access to the system.

²⁰ These congressional reports typically consist of statistics for Suspensions, Proposed Debarments, Debarments, Administrative Agreements, Voluntary Exclusions, Show Cause, Referrals, and Declinations. No PII is included in these reports.



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.

Notice is provided by this PIA and the System for Award Management SORN.²¹ Notice is also provided in the FAR and NCR about government suspensions and debarments and the procedures for conducting these actions.

However, because DHS generally receives referrals about potential suspensions and debarments from other sources, DHS cannot provide individual notice to Respondents at the time of collection.

If an individual or entity has been suspended or proposed for debarment, the Respondent will be sent a copy of the notification and Action Referral Memorandum. The Respondent may also access the SAM database at <https://www.sam.gov> to search for his/her or the entity's name. Additionally, when a Respondent is sent notice that they have been suspended or proposed for debarment, the Respondent is given 30 days to respond and present any information in opposition to the proposed action. If the facts are incorrect, there is an opportunity for a fact-finding hearing.

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

Information in SDCMS is not collected directly from Respondents unless: 1) they elect to provide information on their own behalf to DHS prior to the receipt of a referral for suspension or debarment; or 2) when the Respondent is presenting information opposing the proposed suspension or debarment action. Any such information is provided by the Respondent on a voluntary basis.

Respondents are not able to opt-out of information being provided to DHS through the typical referral process.

4.3 Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that individuals are not aware of the existence of SDCMS and the data it collects and maintains.

²¹ GSA/GOVT-9 System for Award Management (SAM), 78 FR 11648 (March 21, 2013).



Mitigation: This risk cannot be fully mitigated. The FAR and NCR provide notice on government suspensions and debarments and the procedures for conducting suspension and debarment actions, and this PIA serves as public notice of the existence of SDCMS and the data it collects and maintains. The System for Award Management SORN also provides notice about the information that DHS has the authority to collect information related to the suspension and debarment process.

However, because DHS generally receives referrals about potential suspensions and debarments from other sources, DHS cannot provide notice to everyone.

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.

SDCMS maintains records for the suspension and debarment process in accordance with NARA GRS 1.1, Item 10, *Financial transaction records related to procuring goods and services, paying bills, collecting debts, and accounting*. This retention schedule states that records are temporary and should be destroyed six (6) years after final payment or cancellation. However, longer retention is authorized if required for business use.

SDCMS will retain records of suspension and disbarment for six years.

5.2 Privacy Impact Analysis: Related to Retention

Privacy Risk: There is a risk that information may be retained for longer than necessary in SDCMS, and could result in the de facto debarment of a Respondent based on historical or untimely data.

Mitigation: This risk is mitigated. SDCMS will maintain records for six years beyond the expiration date of the debarment period, expiration date of Administrative Agreement or Voluntary Exclusion, or date of no action, as required. This process preserves records for a sufficient time in the event a Respondent is referred again for suspension or debarment action during completion of another term of suspension, debarment, or Administrative Agreement.

The disposition of these records is done manually in the system. The disposition date will be tracked in the system and Suspension and Debarment personnel will run a report of those dates periodically (quarterly) to ensure records are purged in a timely fashion.



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.

In accordance with the FAR and NCR, certain information maintained in SDCMS is shared with the ISDC through the lead agency coordination process. The information provided to ISDC member agencies includes: Respondent name; city and state; DUNS number (for companies); citation of criminal conviction; and a brief description of the reason for the action. Currently, this information is provided to the ISDC point of contact through encrypted email and contained in a password-protected document. It is then disseminated through the ISDC to other federal agencies that are members of the ISDC. This information is used to determine if another federal agency should take lead in the administrative action.

Additionally, once the respective SDO makes a determination to suspend or propose for debarment under the FAR or debar under the FAR or Nonprocurement Common Rule, that information is shared with the SAM. Information is entered directly into SAM by authorized DHS users have access to that system.

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

Information is shared outside of DHS when another agency is designated the lead agency by the ISDC or if a Respondent is suspended, proposed for debarment, or debarred. Information sharing is critical and necessary to ensure no other Federal Government entity awards federal contracts, grants, or any other federal assistance to a suspended or debarred entity. The sharing of PII is compatible with the original collection and covered by routine uses in the System for Award Management SORN,²² as well as authorized by the FAR and NCR.

6.3 Does the project place limitations on re-dissemination?

Yes. When the ISDC distributes the lead agency notice it is done so through email and is marked with a red warning banner stating “WARNING: ANY INFORMATION CONTAINED IN THIS EMAIL IS PRE-DECISIONAL IN NATURE AND SHALL NOT BE DISCLOSED TO ANYONE OUTSIDE OF THE FEDERAL GOVERNMENT WITHOUT FIRST OBTAINING THE APPROVAL OF THE COORDINATING AGENCY.”

²² GSA/GOVT-9 System for Award Management (SAM), 78 FR 11648 (March 21, 2013).



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

An electronic copy of the lead agency email will be maintained in SDCMS.

6.5 Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: There is a risk of unauthorized disclosure of the information maintained in SDCMS.

Mitigation: This risk is mitigated. The sharing of information described above is in accordance with appropriate routine uses and is legally mandated sharing to ensure the Government conducts business only with responsible contractors. These risks are mitigated by limiting SDCMS access to DHS personnel with a need-to-know and any external sharing on a case-by-case basis. Additionally, DHS only provides required data to external agencies electronically via encrypted email, or through manual data entry procedures to update information in SAM and to provide the legal supporting documents to external agencies designated as the lead agency pursuing the suspension or debarment action. DHS ensures that all materials are properly marked and labeled when shared.

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?

Individuals may request access to records about them in SDCMS by following the procedures outlined in the System for Award Management SORN.²³ Individuals seeking notification of and access to any record contained in this system of records, may submit a Privacy Act or Freedom of Information Act (FOIA) request in writing to:

DHS FOIA Officer
U.S. Department of Homeland Security
245 Murray Lane SW STOP-0655
Washington, D.C. 20528

Individuals may also submit requests by fax at (202) 343-4011 or by email at foia@hq.dhs.gov. Please see the DHS FOIA Office's website for additional information (<https://www.dhs.gov/foia>).

²³ GSA/GOVT-9 System for Award Management (SAM), 78 FR 11648 (March 21, 2013).



[contact-information](#)).

If an individual or entity has been suspended, proposed for debarment, or debarred, the individual or entity will be notified via certified mail with a copy of the notification and Action Referral Memorandum. When a Respondent is sent notice that it has been suspended or proposed for debarment, the Respondent is given 30 days to respond and present any matters in opposition. If the facts are incorrect, the Respondent is given an opportunity for a fact-finding hearing. Additionally, the Respondent access the SAM database at <https://www.sam.gov> for more information.

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

Individuals seeking to contest or correct inaccurate or erroneous information may do so by following the procures outlined in the System for Award Management SORN; or those that are covered by the Privacy Act may submit a Privacy Act request in writing to:

DHS FOIA Officer
U.S. Department of Homeland Security
245 Murray Lane SW STOP-0655
Washington, D.C. 20528

Individuals may also submit requests by fax at (202) 343-4011 or by email at foia@hq.dhs.gov.

Additionally, when a Respondent is sent notice that they have been suspended or proposed for debarment, the Respondent is given 30 days in which to respond to present any matters in opposition. If the facts are incorrect, the Respondent will be given an opportunity for a fact-finding hearing.

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

The procedures for submitting a request to correct information are outlined above in this PIA and in the System for Award Management SORN. Additionally, Respondents suspended or proposed for debarment are sent a notification outlining the procedures for presenting any matters in opposition to include correcting their information.

7.4 Privacy Impact Analysis: Related to Redress

Privacy Risk: There is a risk that that Respondents may not have access to or the ability to correct their information.

Mitigation: This risk is mitigated by allowing Respondents to request access or amendment of their records at any time. Respondents may access their information by using the Privacy Act and FOIA processes detailed above in Sections 7.1 and 7.2. In addition, individuals



who are suspended or proposed for debarment are sent notice that they have been suspended or proposed for debarment, they are given 30 days in which to respond to present any matters in opposition.

In all cases, Respondents may access the SAM database at <https://www.sam.gov> to determine what information the U.S. Government has regarding prior suspension or debarment actions taken against the Respondent.

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?

SDCMS will only be accessible to authorized users. Each user will have his or her own set of privileges based on his or her prescribed role. SDCMS will have an audit log to track user activity that can be reviewed by system Administrators or the Information System Security Officer (ISSO) to identify any violations or misuse of SDCMS or information maintained in the system. Audit logs will remain in the system throughout the life of the record.

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

All DHS personnel and contractors are required to complete annual mandatory privacy and security trainings. Additionally, all users receive training regarding the proper use of SDCMS and sign the Rules of Behavior prior to being granted access to the system.

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

The DHS SDO and certain component Administrator users must approve any requests for DHS personnel to receive access to SDCMS. Once approved, the Administrator creates a profile based on the role of the user. After the profile is created, the Administrator conducts training with the user, and provides a training slide presentation with snapshots and high-level guidance regarding reports and queries available to users. After the user successfully completes the required training and signs the Rules of Behavior, the user's account is activated and he or she can then begin using the system. The various users and respective access rights are as follows:

- SD Analyst: Read/write/add access to intake items in the database;



- SD Director: Read/write/add access to the entire database limited to his/her component;
- SDO: Read/write/delete/add access to the entire database;
- SD Administrator: Read/write/delete/add access to the entire database;
- System Administrator: Access to make technical and maintenance modifications to the database as necessary.

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 new use of information would have to be approved by the DHS SDO, DHS counsel, and DHS Privacy Office.

Responsible Officials

Denise E. Roberson
DHS Suspension and Debarment Official
Management Directorate
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