

Department of Homeland Security
Report of the Chief Privacy Officer Pursuant to Section 803 of the
Implementing Recommendations of the 9/11 Commission Act of 2007

December 31, 2007

Introduction

The Department of Homeland Security (DHS) Chief Privacy Officer is the first statutorily mandated Chief Privacy Officer in the Federal government. The mission of the Privacy Office is to sustain privacy protections and to promote transparency of government operations while achieving the mission of the Department. Within the Department, the Privacy Officer implements Section 222 of the Homeland Security Act, the Privacy Act of 1974, the Freedom of Information Act, the E-Government Act of 2002 and the numerous laws, Executive Orders, court decisions and DHS policies that protect the collection, use, and disclosure of Departmental and personally identifying information.

Quarterly Reports

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, established additional privacy and civil liberties requirements for DHS. Pursuant to Section 803's requirements, the Privacy Officer will report quarterly on its privacy activities based on the following schedule. The DHS Office of Civil Rights and Civil Liberties will provide a separate report regarding civil liberties.

<u>Quarterly Reporting Period</u>	<u>Report Date</u>
12/01/07 to 02/28/08	03/01/08
03/01/08 to 05/31/08	06/01/08
06/01/08 to 08/31/08	09/01/08
Annual Reporting	09/31/08

DHS is developing a standard reporting template to address Section 803 reporting requirements tailored to the mission and functions of the Department.

The Privacy Officer will submit a report covering all privacy protection activities of the Department, organized according to the following categories:

1. *Reviews*: The number and type of privacy reviews completed.
2. *Advice*: The number and type of privacy advice given and Departmental response to that advice.
3. *Privacy Complaints*: The number and type of privacy complaints received and the disposition of those complaints.

Reviews:

For the purposes of Section 803 Reporting, reviews include the following activities, which may be updated, as appropriate:

1. Privacy Threshold Analyses - DHS's mechanism for reviewing IT systems, programs, and other activities for privacy protection issues, including the appropriate use of Social Security Numbers and information sharing environment (ISE) reviews;

2. Privacy Impact Assessments, required under both the E-Government Act of 2002 and the Homeland Security Act of 2002;
3. System of Records Notices and associated Privacy Act Exemptions;
4. Privacy Act Statements as required under Section (e)(3) of the Privacy Act , which provides notice to individuals at the point of collection;
5. Computer Matching Agreements;
6. Data Mining Activities as defined by Congress under Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007; and
7. Privacy protection reviews of Information Technology and Program Budget requests, including OMB 300s and Enterprise Architecture Alignment Requests through DHS's Enterprise Architecture Board.

Advice & Responses:

For purposes of Section 803 reporting, advice and response to advice includes the issuance of written policies, procedures, guidance, or interpretations of privacy requirements for circumstances or business processes written by the Privacy Office and approved by DHS leadership.

Examples of a response to advice may include:

1. Regulation;
2. Order;
3. Directive;
4. Guidance;
5. Agreement;
6. Interpretation;
7. Training; or
8. Procedure.

Privacy Complaints & Dispositions:

For the purposes of Section 803 reporting, complaints are written allegations of harm or violation of privacy compliance requirements filed with the DHS Privacy Office or DHS components or programs. The complaints will initially be separated into three categories. As the reporting is further developed, additional categories may be added.

1. *Transparency*. Issues concerning process and procedure, such as consent, appropriate notice at the time of collection, or notices provided in the *Federal Register*;
2. *Redress*. Issues concerning appropriate access, correction, and redress; or
3. *General*. Issues related to general privacy concerns and other concerns that are not addressed in Transparency or Redress.

Dispositions of Complaints are, as a general matter, the DHS Component's or the Privacy Office's response to privacy complaints. Dispositions will be reported in one of the three following categories:

1. *Responsive Actions Taken*. The DHS Component or the Privacy Office reviewed the complaint and determined that a responsive action should be taken.

2. *Referred.* The DHS Component or the Privacy Office determined that the complaint would be more appropriately handled by another Federal agency.
3. *Unable to Assist.* The DHS Component or the Privacy Office determined that the subject of the complaint was outside the scope of the Department's authority or referred to activities the Department is required to perform.