Privacy Impact Assessment Update
for the

Chemical Facility Anti-Terrorism Standards (CFATS)

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Abstract

This is an update to the October 27, 2008 Privacy Impact Assessment (PIA) for the Chemical Facility Anti-Terrorism Standards (CFATS) formally the Chemical Security Assessment Tool and consolidates several unrelated issues that are of interest to the CFATS community.

Introduction

CFATS, 6 CFR Part 27, is the Department of Homeland Security's (DHS) regulation governing security at high-risk chemical facilities. CFATS represents a national-level effort to minimize terrorism risk to such facilities. Its design and implementation balance maintaining economic vitality with securing facilities and their surrounding communities. The regulations were designed in collaboration with the private sector and other stakeholders to take advantage of protective measures already in place and to allow facilities to employ a wide range of tailored measures to satisfy the regulations' Risk-Based Performance Standards (RBPS).

This PIA update describes (1) new personally identifiable information (PII) collected though the CFATS Site Security Plan (SSP), (2) the potential to collect PII through the CFATS Tipline, (3) the Department's intention to share the PII of high-risk chemical facility personnel with public officials who have a "need to know," and (4) the ability for a Chemical-terrorism Vulnerability Information (CVI) Authorized Users to update their PII.

Reason for the PIA Update

There are four reasons for this update to the CFATS PIA.

Collection of contact information for certain individuals responsible for security at high-risk chemical facilities

DHS will collect contact information for certain individuals responsible for security at high-risk chemical facilities using the Chemical Security Assessment Tool (CSAT) SSP to ensure DHS knows who to contact in the event of a security incident.

Potential collection of contact information through the CFATS Tipline

The CFATS Tipline collects information anonymously from individuals who have concerns about security or CFATS compliance. Individuals who call the CFATS Tipline may choose to leave their basic contact information if they wish DHS to contact them.

Sharing of high-risk chemical facility personnel contact information

DHS currently collects the business contact information of (1) high-risk chemical facility personnel responsible for submitting information on behalf of covered facilities to DHS, and (2) callers to the CSAT Helpdesk. DHS will share that contact information, as appropriate, with Federal, State, local, tribal, and

territorial officials who demonstrate a "need-to-know[1]" the information to carry out their official responsibilities. This information will be shared with only those individuals with a "need-to-know" stemming from official government responsibilities related to chemical security and/or infrastructure security. This sharing is authorized by Section 550(c) of the Department of Homeland Security Appropriations Act of 2007.

This sharing will enable Federal, State, local, tribal, and territorial government entities to engage in appropriate infrastructure security efforts, and to collaborate with the Infrastructure Security Compliance Division (ISCD), and high-risk chemical facilities.

ISCD also intends to share contact information (including, but not limited to, facility addresses/locations and phone numbers, and facility point of contact identities, phone numbers, and email addresses) with select non-government persons/entities who demonstrate a "need-to-know" to carry out essential chemical security and/or infrastructure security functions. This sharing will enable appropriate chemical security and infrastructure security collaboration, and is authorized by Section 550 and by Titles II and VIII of the Homeland Security Act of 2002, Public Law 107-296.

CVI Authorized User update of basic contact information through the completion of CVI Training

Currently, individuals who wish to become CVI Authorized Users must first complete the CVI Authorized User training and then immediately complete the CVI Authorized User Application. This allows existing CVI Authorized Users to update their information after completing the CVI Authorized User training.

Privacy Impact Analysis

In each of the below sections consider how the system has changed and what impact it has on the below fair information principles. In some cases there may be no changes and indicate as such.

The System and the Information Collected and Stored within the System

Describe how this update affects the amount and type of personally identifiable information collected by the program or system, and how the update compliments the previously articulated purpose of the program

Collection of contact information for certain individuals responsible for security at high-risk chemical facility

The new information collected will be the names, titles, and phone numbers for individuals responsible for security at high-risk chemical facilities.

Potential collection of contact information through the CFATS Tipline

[1] Any disputes between persons and facilities about whether an individual seeking access to the CVI has a need to know should be referred to DHS for resolution. In particular, any dispute between facilities and State, local or tribal officials about whether a given official has a need to know specific CVI should be referred to the DHS chemical facility security inspector responsible for working with the facility in question. For additional information please see 6 CFR § 27.400(e) at http://ecfr.gpoaccess.gov.

An individual who calls the CFATS Tipline to report a possible security concern involving the CFATS regulation must leave a voicemail message. The caller is encouraged to leave an anonymous message or to leave contact information if a return call is desired. If the caller decides to leave contact information, a name and phone number are requested. However, what PII is recorded is ultimately the decision of the individual calling.

The voicemail system used by the CFATS Tipline, like most modern voicemail systems, will also automatically record the phone number from which the call originated. Because the CFATS Tipline is designed to collect tips from the public anonymously, the phone number is deleted permanently from the voicemail system after the verbal message is transcribed. The phone number recorded by the automated system is not otherwise transcribed, saved, or maintained.

Sharing of high-risk chemical facility personnel contact information

No new information is collected with this specific update.

CVI Authorized User update of basic contact information through the completion of CVI Training

No new information is collected with this specific update. However, the existing CVI Authorized User may provide updated information after completing updated CVI training.

Uses of the System and the Information

Describe how the uses of the personally identifiable information have changed with this update and whether any privacy risks exist as associated with such changes.

Collection of contact information for certain individuals responsible for security at high-risk chemical facilities

This is a new collection of information. The contact information will be collected through a facility SSP. The contact information will be used when it is necessary for DHS to contact the individual responsible for security at the high-risk chemical facility.

The collection of information will be through CSAT. Privacy risks to the information are mitigated through reliance on the existing security measures and protocols currently in use by CSAT.

Potential collection of contact information through the CFATS Tipline

This is a new collection of information. Each individual caller will call the CFATS Tipline phone number, which is different than the CSAT Helpdesk phone number, and leave a voicemail message. Collected voicemail will be reviewed once a day by a limited set of individuals. Each message will be transcribed verbatim into the case file system used for the CSAT Helpdesk and is then retained in compliance with the NARA Schedule. Helpdesk personnel, other than a limited set of individuals necessary to transcribe the voicemail received, will not have access to view Helpdesk cases files originating from the CFATS Tipline.

Privacy risks to the information are mitigated through reliance on the existing security measures and protocols currently in use by the CSAT Helpdesk.

Sharing of high-risk chemical facility personnel contact information

No new information is collected with this specific update. However, DHS will now share contact information, as appropriate, with Federal, State, local, tribal, and territorial officials who demonstrate a "need-to-know" the information in order to carry out their official emergency response or public safety responsibilities. This information will also be shared with individuals who have a "need-to-know" stemming from official government responsibilities related to chemical security and/or infrastructure security.

DHS also intends to share contact information (including, but not limited to facility addresses/locations and phone numbers, and facility point of contact identities, phone numbers, and email addresses) with select non-government persons or entities who demonstrate a "need-to-know" to carry out essential chemical security and/or infrastructure security functions. This sharing will enable appropriate chemical security and infrastructure security collaboration.

The privacy risk associated with this change results from the external sharing of PII to non-Federal individuals that will not have a positive requirement from the Federal government to take Privacy training in how to protect, store, and handle PII. Therefore, when providing PII to non-Federal individuals the data sets will be limited to what is minimally required and to individuals with a "need-to-know."

CVI Authorized User update of basic contact information through the completion of CVI Training

No new information is collected with this specific update. However, DHS now will allow existing CVI Authorized Users to update their information.

Retention

Describe whether retention schedules have changed or if the system now has an approved NARA schedule.

There are no changes to the retention schedule associated with this update.

Internal Sharing and Disclosure

Describe how the internal sharing and disclosure have changed with this update and whether any privacy risks have been identified and if they have, mitigation for such risks.

There are no changes to the internal sharing and disclosure processes associated with this update.

External Sharing and Disclosure

Describe how the external sharing and disclosure have changed with this update and whether any privacy risks have been identified and if they have, mitigation for such risks.

Collection of contact information for certain individuals responsible for security at high-risk chemical facility

No external sharing of this information is anticipated on a routine basis. DHS may share this information with entities such as state and/or local governments or associations that have a "need to know" in emergency or exigent circumstances.

Potential collection of contact information through the CFATS Tipline

No external sharing of this information is anticipated on a routine basis.

Sharing of high-risk chemical facility personnel contact information

Information will be shared externally with Federal, State, local, tribal, and territorial government officials demonstrating a "need-to-know." The department will also share certain information with non-government persons or entities demonstrating a "need-to-know."

CVI Authorized User update of basic contact information through the completion of CVI Training

No external sharing of this information is anticipated on a routine basis.

Notice

Describe whether additional notice is required to describe new collections, uses, sharing, or retention of the data and how that has or will be done.

No additional notice is required for these updates.

Individual Access, Redress, and Correction

Describe how access, redress, and correction have changed with this update and whether any privacy risks have been identified and if they have, mitigation for such risks.

There are no changes to access, redress and correction with this update.

Technical Access and Security

Describe how the technical access and security have changed with this update and whether any privacy risks have been identified and if they have, mitigation for such risks.

The only update is associated with the "Potential collection of contact information through the CFATS Tipline." Specifically, access to the CFATS Tipline information will be strictly limited to a small set of individuals at the CSAT Helpdesk necessary to transcribe voicemail into the Helpdesk system. Further, CFATS Tipline cases will not be accessible to the Helpdesk personnel generally. The existing technical access and security controls used by the CSAT Helpdesk, and outlined in the October 27, 2008 PIA Update as subsequent updates (e.g. security features of Lightweight Directory Access Protocol[2] and role-based access along with access to the data via https) will be leveraged.

[2] The Lightweight Directory Access Protocol is an application protocol that establishes the security controls that ensure an individual only has access to the information they are authorized to access.

Technology

Describe how the technology has changed with this update and whether any privacy risks have been identified and if they have, mitigation for such risks.

There are no technology changes associated with this update.

Responsible Official

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Approval Signature

Original signed and on file with the DHS Privacy Office.

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