

**U.S. Department of Housing and
Urban Development**

Office of Housing Counseling

**Membership Application for the
Housing Counseling Federal Advisory Committee
(HCFAC)**

Privacy Impact Assessment
Version 3.2013

January 16, 2014

DOCUMENT ENDORSEMENT

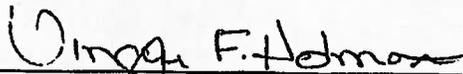
I have carefully assessed the Privacy Impact Assessment (PIA) for **Housing Counseling Federal Advisory Committee (HCFAC)**. This document has been completed in accordance with the requirement set forth by the E-Government Act of 2002 and OMB Memorandum 03-22 which requires that "Privacy Impact Assessments" (PIAs) be conducted for all new and/ or significantly altered IT Systems, and Information Collection Requests.

ENDORSEMENT SECTION

Please check the appropriate statement.

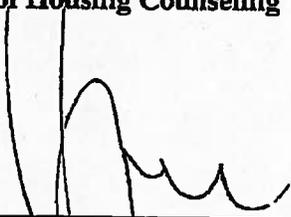
- The document is accepted.
 The document is accepted pending the changes noted.
 The document is not accepted.

Based on our authority and judgment, the data captured in this document is current and accurate.



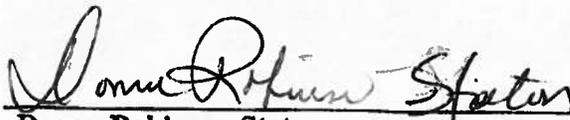
Virginia Holman
SYSTEM OWNER
Office of Outreach and Capacity Building
Office of Housing Counseling

2-12-14
Date



Jerrold H. Mayer
DIRECTOR, OFFICE OF OUTREACH AND CAPACITY BUILDING
Office of Housing Counseling

2/12/14
Date



Donna Robinson-Staton
DEPARTMENTAL PRIVACY ACT OFFICER
Office of the Chief Information Officer
U. S. Department of Housing and Urban Development

2/19/14
Date

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**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PRIVACY IMPACT ASSESSMENT (PIA) FOR:
Membership Application for the Housing Counseling Federal Advisory Committee
(HCFAC)**

January 16, 2014

NOTE: See Section 2 for PIA answers, and Section 3 for Privacy Act Officer's determination.

SECTION 1: BACKGROUND

Importance of Privacy Protection – Legislative Mandates:

HUD is responsible for ensuring the privacy and confidentiality of the information it collects on members of the public, beneficiaries of HUD programs, business partners, and its own employees. These people have a right to expect that HUD will collect, maintain, use, and disseminate identifiable personal information only as authorized by law and as necessary to carry out agency responsibilities.

The information HUD collects is protected by the following legislation and regulations:

- Privacy Act of 1974, as amended affords individuals the right to privacy in records that are maintained and used by Federal agencies. (See <http://www.usdoj.gov/foia/privstat.htm>; see also HUD Handbook 1325.1 at www.hudclips.org);
- Computer Matching and Privacy Protection Act of 1988 is an amendment to the Privacy Act that specifies the conditions under which private information may (or may not) be shared among government agencies. (See <http://www.usdoj.gov/foia/privstat.htm>);
- Freedom of Information Act of 1966, as amended (http://www.usdoj.gov/oip/foia_updates/Vol_XVII_4/page2.htm) provides for the disclosure of information maintained by Federal agencies to the public, while allowing limited protections for privacy. See also HUD's Freedom of Information Act Handbook (HUD Handbook 1327.1 at www.hudclips.org);
- E-Government Act of 2002 requires Federal agencies to conduct Privacy Impact Assessments (PIAs) on its electronic systems. (See http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ347.107.pdf; see also the summary of the E-Government Act at http://www.whitehouse.gov/omb/egov/pres_state2.htm);
- Federal Information Security Management Act of 2002 (which superceded the Computer Security Act of 1987) provides a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, etc. See also the codified version of Information Security regulations at Title 44 U.S. Code chapter 35 subchapter II (<http://uscode.house.gov/search/criteria.php>); and

- OMB Circular A-130, Management of Federal Information Resources, Appendix I (http://www.whitehouse.gov/omb/circulars/a130/appendix_i.pdf) defines Federal Agency responsibilities for maintaining records about individuals.

Access to personally identifiable information will be restricted to those staff that has a need to access the data to carry out their duties; and they will be held accountable for ensuring privacy and confidentiality of the data.

What is the Privacy Impact Assessment (PIA) Process?

The Privacy Impact Assessment (PIA) is a process that evaluates issues related to the privacy of personally identifiable information in electronic systems. See background on PIAs and the 7 questions that need to be answered, at: <http://www.hud.gov/offices/cio/privacy/pia/pia.cfm>. Personally identifiable information is defined as information that actually identifies an individual, e.g., name, address, social security number (SSN), or identifying number or code; or other personal/ sensitive information such as race, marital status, financial information, home telephone number, personal e-mail address, etc. Of particular concern is the combination of multiple identifying elements. For example, knowing name + SSN + birth date + financial information would pose more risk to privacy than just name + SSN alone.

The PIA:

- Identifies the type of personally identifiable information in the system (including any ability to combine multiple identifying elements on an individual);
- Identifies who has access to that information (whether full access or limited access rights); and
- Describes the administrative controls that ensure that only information that is necessary and relevant to HUD's mission is included.

Who Completes the PIA?

Both the program area System Owner and IT Project Leader work together to complete the PIA. The System Owner describes what personal data types are collected, how the data is used, and who has access to the personal data. The IT Project Leader describes whether technical implementation of the System Owner's requirements presents any risks to privacy, and what controls are in place to restrict access of personally identifiable information.

When is a Privacy Impact Assessment (PIA) Required?

1. **New Systems:** Any new system that will contain personal information on members of the public requires a PIA, per OMB requirements (this covers both major and non-major systems).
2. **Existing Systems:** Where there are significant modifications involving personal information on members of the public, or where significant changes been made to the system that may create a new privacy risk, a PIA is required.

3. Information Collection Requests, per the Paperwork Reduction Act (PRA):
Agencies must obtain OMB approval for new information collections from ten or more members of the public. If the information collection is both a new collection and automated, then a PIA is required.

What are the Privacy Act Requirements?

Privacy Act. The Privacy Act of 1974, as amended (<http://www.usdoj.gov/foia/privstat.htm>) requires that agencies publish a Federal Register Notice for public comment on any intended information collection. Privacy Act Systems of Records are created when information pertaining to an individual is collected and maintained by the Department, and is retrieved by the name of the individual or by some other identifying number, symbol, or other identifying particular assigned to an individual. The E-Government Act of 2002 requires PIAs for electronic systems as well as information collection requests that are automated. So, there is a relationship between the new PIA requirement (when automation is involved) and the long-standing Privacy Act System of Records Notices (for both paper-based and automated records that are of a private nature). For additional information, contact the Departmental Privacy Act Officer in the Office of the Chief Information Officer.

Why is the PIA Summary Made Publicly Available?

The E-Government Act of 2002 requires that the analysis and determinations resulting from the PIA be made publicly available. The Privacy Advocate in HUD's Office of the Chief Information Officer (OCIO) is responsible for publishing the PIA summary on HUD's web site. See: <http://www.hud.gov/offices/cio/privacy/pia/pia.cfm>.

SECTION 2 – COMPLETING A PRIVACY IMPACT ASSESSMENT

Program Area: Office of Housing Counseling

Subject Matter Expert in the Program Area: Virginia F. Holman, 804-822-4911

Program Area Manager: Marjorie George, 901-544-4228

IT Project Leader:

For IT Systems:

- **Name of system:**
- **PCAS #:**
- **OMB Unique Project Identifier #:**
- **System Code:**
- **Development Date:**
- **Expected Production Date:**

For Information Collection Requests:

- **Membership Application for the Housing Counseling Federal Advisory Committee (HCFAC) HUD-9005-HCFAC**
OMB Control #: 2502-0606 and the expiration date is 11/30/2016.

Question 1: Provide a general description of the system that describes: The following questions are intended to define the scope of the information in the system (or information collection), specifically the nature of the information and the sources from which it is obtained.

- a. **What is the personal information being collected? (e.g. name, address, gender/sex, race/ethnicity, income/financial data, employment history, medical history, Social Security Number, Tax Identification Number, Employee Identification Number, FHA Case Number)**

The Membership Application Form (attached) asks for name and contact information including personal email. While the form does ask for demographic information, it clear that the answers are voluntary. Such information includes name, address, gender/sex, race/ethnicity, military status, and current employment. Social security numbers are not requested.

- b. **From whom is the information collected (i.e., government employees, contractors, or consultants)?**

The Dodd-Frank Act (the Expand and Preserve Homeownership through Counseling Act, Public Law 111-203, title XIV, § 1441, July 21, 2010, 124 Stat. 2163 (Act), 42 USC 3533(g) directs the Office of Housing Counseling to form a Housing Counseling Federal Advisory Committee (HCFAC) with 12 members representing the mortgage and real estate industries, housing consumers and housing counseling agencies. The Membership Application will collect information for individuals in those groups who want to serve on the HCFAC. HUD employee will use the information collected.

- c. What is the functionality of the system and the purpose that the records and/or system serve?

The information collected will allow the Secretary to select members who represent those groups, meeting the requirements of the Dodd-Frank Act. The collection will also help insure that the HCFAC membership will be balanced to include a broad representation of geographic areas within the U.S., with equitable representation of the sexes, ethnic and racial minorities, and the handicapped.

- d. How information is transmitted to and from the system;

Applicants will be able to access the Membership Form at the Office of Housing Counseling's website as well as through the Office's newsletter "*The Bridge*". They will be able to mail or email the completed form to the Office of Housing Counseling.

- e. What are the interconnections with other systems.

None

- f. What specific legal authorities, arrangement, and/or agreement authorize the collection of information (i.e. must include authorities that cover all information collection activities, including Social Security Numbers)?

HUD is authorized to collect this information by Title 1, Section 1 of the National Housing Act (Pub. L. 479, 48 Stat. 1246, 12 U.S.C., 1701 et seq.)

Question 2: Type of electronic system or information collection?

A. If a new electronic system (or one in development) (implemented after April 2003, the effective date of the E-Government Act of 2002)?	Yes	No
Does the system require authentication?	<input type="checkbox"/> x	<input type="checkbox"/> x
Is the system browser-based?	<input type="checkbox"/>	<input type="checkbox"/> x
Is the system external-facing (with external users that require authentication)?	<input type="checkbox"/>	<input type="checkbox"/> x

B. If this is existing electronic system, has the system undergone any changes (since April 17, 2003)? If an existing system, when was the system developed?	Yes	No
Do the changes to the system involve a change in the type of records maintained, the individuals on whom records are maintained, or the use or dissemination of information from the system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, please explain:		

C. For your new and/or existing electronic system, please indicate if any of the following changes have occurred. Mark any of the following conditions for your existing system that OMB defines as a "trigger" for requiring a PIA or PIA update (if not applicable, mark N/A).	
Yes	Conversion: When paper-based records that contain personal information are converted to an electronic system
	From Anonymous (Non-Identifiable) to "Non-Anonymous" (Personally Identifiable): When any systems application transforms an existing database or data collection so that previously anonymous data becomes personally identifiable
	Significant System Management Changes: When new uses of an existing electronic system significantly change how personal information is managed in the system. (Example #1: when new "relational" databases could combine multiple identifying data elements to more easily identify an individual. Example #2: when a web portal extracts data elements from separate databases, and thereby creates a more open environment for exposure of personal data)
	Merging Databases: When government databases are merged, centralized, matched, or otherwise significantly manipulated so that personal information becomes more accessible (with special concern for the ability to combine multiple identifying elements)

	New Public Access: When <u>new</u> public access is given to members of the public or to business partners (even if the system is protected by password, digital certificate, or other user-authentication technology)
	Commercial Sources: When agencies systematically incorporate into databases any personal data from commercial or public sources (ad hoc queries of such sources using existing technology does not trigger the need for a PIA)
	New Inter-agency Uses: When agencies work together (such as the federal E-Gov initiatives), the lead agency should prepare the PIA
	Business Process Re-engineering: When altering a business process results in significant new uses, disclosures, or additions of personal data
	Alteration in Character of Data: When adding new personal data raises the risks to personal privacy (for example, adding financial information to an existing database that contains name and address)

D. If an Information Collection Request (ICR): Is this a new Request that will collect data that will be in an automated system? Agencies must obtain OMB approval for information collections from 10 or more members of the public. The E-Government Act of 2002 requires a PIA for ICRs only if the collection of information is a new request and the collected data will be in an automated system.	
Yes	Yes, this is a new ICR and the data will be automated
	No, the ICR does not require a PIA because it is not <u>new</u> or <u>automated</u>)
	Comment: HUD will be using a secure SharePoint site

Question 3: Explain by Line of Business why the personally identifiable information being collected? How will it be used?

Mark any that apply:

Homeownership:

N/A	Credit checks (eligibility for loans)
N/A	Loan applications and case-binder files (via lenders) – including borrower SSNs, salary, employment, race, and other information
N/A	Loan servicing (MIP collections/refunds and debt servicing for defaulted loans assigned to HUD)
N/A	Loan default tracking
N/A	Issuing mortgage and loan insurance
N/A	Other (specify):
N/A	Comment:

Rental Housing Assistance:

N/A	Eligibility for rental assistance or other HUD program benefits
N/A	Characteristics on those receiving rental assistance (for example, race/ethnicity, # of children, age)
N/A	Property inspections
N/A	Other (specify):
	Comment:

Grants:

N/A	Grant application scoring and selection – if any personal information on the grantee is included
N/A	Disbursement of funds to grantees – if any personal information is included
N/A	Other (specify):
	Comment:

Fair Housing:

N/A	Housing discrimination complaints and resulting case files
N/A	Other (specify):
	Comment:

Internal operations:

N/A	Employee payroll or personnel records
N/A	Payment for employee travel expenses
N/A	Payment for services or products (to contractors) – if any personal information on the payee is included
N/A	Computer security files – with personal information in the database, collected in order to grant user IDs
	Other (specify):
	Comment:

Other lines of business (specify uses):

Yes	Per the Dodd-Frank Act, the HCFAC will provide advice to the DAS for the Office of Housing Counseling regarding the functions of the office.

Question 4: Will you share the information with others? (e.g., another agency for a programmatic purpose, internal HUD application/module or outside the government)

Mark any that apply:

N/A	Federal agencies?
N/A	State, local, or tribal governments?

N/A	Public Housing Agencies (PHAs) or Section 8 property owners/agents?
N/A	FHA-approved lenders?
N/A	Credit bureaus?
N/A	Local and national organizations?
N/A	Non-profits?
N/A	Faith-based organizations?
N/A	Builders/ developers?
N/A	HUD module/application? (specify the module(s)/application(s) name)
Yes	Others? (specify): with Office of Housing Counseling and the Secretary
	Comment:

Question 5: Can individuals “opt-out” by declining to provide personal information or by consenting only to particular use (e.g., allowing their financial information to be used for basic rent eligibility determination, but for not for sharing with other government agencies)?

XX	Yes, an applicant can decline to answer the demographic questions on the Membership Form.
	No, they can't “opt-out” –
	Comment:

If Yes, please explain the issues and circumstances of being able to opt-out (either for specific data elements or specific uses of the data): The provision of the demographic information requested on the Membership form is voluntary.

o _____

Question 6: How will the privacy of the information be protected/ secured? What are the administrative and technological controls?

	System users must log-in with a password (Please specify password type)
N/A	When an employee leaves: <ul style="list-style-type: none"> • How soon is the user ID terminated? (1 day, 1 week, 1 month, unknown)? • How do you know that the former employee no longer has access to your system? (explain your procedures or describe your plan to improve):
yes	Are access rights selectively granted, depending on duties and need-to-know? If Yes, specify the approximate # of authorized users who have either: <ul style="list-style-type: none"> • Full access rights to all data in the system: 8-10 members of OHC staff Limited/restricted access rights to only selected data:
N/A	Are disks, tapes, and printouts that contain personal information locked in cabinets when not in use? (explain your procedures, or describe your plan to improve):

N/A	If data from your system is shared with another system or data warehouse, who is responsible for protecting the privacy of data that came from your system but now resides in another? Explain the existing privacy protections, or your plans to improve:
YES	Other methods of protecting privacy (specify): the information will be stored in a secure SharePoint site. Encrypted email will not be used.
	Comment:
Privacy Impact Analysis: Given the access and security controls, what privacy risks were identified and describe how they were mitigated.	

Question 7: If privacy information is involved, by what data element(s) is it retrieved from the system?

<input checked="" type="checkbox"/>	Name:
	Social Security Number (SSN)
	Identification number (specify type):
	Birth date
<input checked="" type="checkbox"/>	Race/ ethnicity
	Marital status
	Spouse name
<input checked="" type="checkbox"/>	Home address
<input checked="" type="checkbox"/>	Home telephone
<input checked="" type="checkbox"/>	Personal e-mail address
<input checked="" type="checkbox"/>	Other (specify):military status, need for accommodations, age, employment info, gender
	None
	Comment: membership application form is attached.

Question 8: What type of Notice(s) are provided to the individual on the scope of information collected, the opportunity to consent to uses of said information, the opportunity to decline to provide information.

- a. Was any form of notice provided to the individual prior to collection of information? If yes, please provide a copy of the notice as an appendix. (A notice may include a posted privacy policy, a Privacy Act notice on form(s), and/or a system of records notice published in the Federal Register.) If notice was not published, why not?

The Privacy Notice is on the Membership Application form. The information will also be in the Federal Register notice establishing the HCFAC and soliciting applications.

b. Do individuals have an opportunity and/or right to decline to provide information?

There is no requirement that individuals apply for membership to the HCFAC. It is a voluntary action.

c. Do individuals have an opportunity to consent to particular uses of the information, and if so, what is the procedure by which an individual would provide such consent?

Consent is implied as the information will be used only for selection of the committee members

Question 9: What are the Retention Use and Disposal Practices? Guidance for this section should obtain from HUD retention use and disposal policy. It should also be validated that these procedures are outlined in the contracted service agreement to ensure that the contracted system does not hold onto data after services are no longer provided.

a. How long is information retained?

For selected members, the information will be retained for their term of membership (2-4 years). Information on non-selected applicants will be retained for 2 years in case there needs to be a new selection.

b. Has the retention schedule been approved by the component records officer and the National Archives and Records Administration (NARA)?

unknown

c. Please discuss the risks associated with the length of time data is retained and how those risks are mitigated.

Risk will be mitigated by restricting access to the information to the Office of Housing Counseling selection team and the Office of Housing selection committee. Risk will also be mitigated by restricting access to the information to the selection process. The information will be disposed at the end of the retention period.

SECTION 3 - DETERMINATION BY HUD PRIVACY ACT OFFICER

The Privacy Office has examined the **Housing Counseling Federal Advisory Committee (HCFAC)** PIA responses and has determined that there are no privacy related risks at this time. If decisions change concerning the collection of PII the program sponsor will consult with Privacy Office to ensure that all privacy related requirement are addressed. This collection is covered under the HCS – F11 SORN and is sufficient for the collection of 10 to 12 members of the public. Re-certification of this PIA is due NLT December 30, 2016, in compliance with the FISMA requirements. Approval of this assessment is recommended.