Title VII, Section 332, and Other USITC Questionnaires Privacy Impact Assessment

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USITC Privacy Program

The Privacy Impact Assessment assesses the risks to personally identifiable information of members of the public that is processed, used, maintained, or disseminated by the United States International Trade Commission.

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USITC PRIVACY PROGRAM

OVERVIEW

The U.S. International Trade Commission (USITC) must conduct a Privacy Impact Assessment (PIA) for USITC systems that collect, use, process, maintain, or disseminate personally identifiable information (PII) about members of the public in order to comply with Office of Management and Budget (OMB) Memorandum M-03-22, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002* (September 2003). The PIA assesses the risks to PII collected, used, processed, maintained, or disseminated by the USITC.

1 SYSTEM, PROJECT, OR PROGRAM INFORMATION

1.1 What is the specific purpose of the USITC's use of the system and how does that purpose support the USITC's mission?

The USITC uses questionnaires to collect information from private-sector firms to meet its statutory investigative and other information needs (e.g., to research trade issues). The questionnaire responses may include information on firms' production, finances, investments, research and development, competitive position, intellectual property, etc. Such information collections are directly related to statutory investigations including safeguard investigations under Section 201 of the Trade Act of 1974, fact-finding investigations under Section 332 of the Tariff Act of 1930 (Section 332), antidumping and countervailing duty investigations under Title VII of the Tariff Act of 1930 (Title VII), or other information collection activities. The USITC also collects information from firms about their experiences with the USITC and its programs, policies, and procedures. Users provide feedback on the usability of DataWeb, and the fact-finding and Title VII processes. The USITC collects name and contact information of points-of-contact (POCs) for firms.

2 INFORMATION COLLECTION

2.1 What types of PII are collected? Please select all applicable items and provide a general description of the types of information collected.

PII means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

☒ Name ☐ Mother's Maiden Name ☐ Social Security Number (SSN)

- ☐ Date of Birth
- ☐ Place of Birth
- ☒ Home Address
- ☒ Work Phone Number
- ☐ Work Email Address
- ☒ Logon Credentials (e.g., username, password)
- ☐ Driver's License Number
- ☐ Passport or Green Card Number
- ☐ Employee No. or other Identifier
- ☐ Tax ID Number
- ☐ Credit Card or Financial Account Number
- ☐ Patient ID Number
- ☐ Employment or Salary Record
- ☐ Medical Record
- ☐ Criminal Record
- ☐ Military Record
- ☒ Financial Record
- ☐ Education Record
- ☐ Biometric Records (e.g., fingerprints, photograph, etc.)
- ☐ Sex or Gender
- ☐ Age
- ☐ Home Phone Number
- ☒ Personal Cell Number
- ☒ Personal Email Address
- ☒ Work Address
- ☐ Physical Characteristics (e.g., eye or hair color, height, etc.)
- ☐ Sexual Orientation
- ☐ Marital Status or Family Information
- ☐ Race or Ethnicity
- ☐ Religion
- ☐ Citizenship
- ☐ Other:
- ☐ None

Explanation: The USITC primarily collects the names and business contact information of individuals representing firms, along with financial information about the firms. However, some information collected may be that of sole proprietors and, therefore, may include personal phone numbers and email addresses, home addresses, or financial records.

2.2 About what types of people do you collect, use, maintain, or disseminate PII? Please describe the groups of individuals.

These questionnaires collect information on POCs for private-sector companies, law firms, and trade associations.

2.3 Who owns and/or controls the PII?

The USITC.

2.4 What specific laws, regulations, or policies authorize the collection of the PII? If the system collects Social Security Numbers (SSNs), please provide the authorities for this collection.

Section 332 and Title VII of the Tariff Act of 1930, and Section 201 of the Trade Act of 1974, provide the USITC authorization to collect the information described above from private-sector companies. These questionnaires do not collect SSNs.

2.5 Does the system derive new data or create previously unavailable data about an individual through aggregation or derivation of the information collected?

When the USITC asks a private-sector firm to complete a questionnaire through the USITC website, the website creates a personal identification number (PIN) unique to the respondent. The respondent must enter the PIN into the USITC website before completing a survey.

2.6 Given the amount, type, and purpose of information collected, discuss what privacy risks were identified and how they were mitigated.

Possible risks to the privacy of individuals' data include unauthorized access by both internal and external users, breaches of the system data, and the retention of records beyond the retention period. Risks are mitigated through the use of access controls and other security controls based on guidance in the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53. Records are retained and disposed of in accordance with retention requirements, as discussed in section 3.4.

3 USES OF THE SYSTEM AND THE INFORMATION

3.1 Describe all uses of the information. Describe how the information supports the USITC mission or a USITC business function.

The USITC uses questionnaires to collect information from private-sector firms to meet its statutory investigative and other information needs. These questionnaire responses may include information on production, finances, investments, research and development, competitive position, intellectual property, etc. Such information collections are directly related to statutory investigations, including antidumping, countervailing duty, safeguard, and fact-finding or other information collection activities. The USITC also collects information about their experiences with the USITC and its programs, policies, and procedures. Users also provide feedback on the usability of DataWeb and the fact-finding and Title VII processes. The USITC collects name and contact information of POCs in order to contact them if necessary.

3.2 How can the USITC ensure that the PII is accurate, relevant, timely, and complete at the time of collection?

The USITC relies on the users submitting questionnaires and surveys to verify the accuracy of their data. Before submitting an online survey, users must click a box to certify the accuracy of the data. Users submitting paper forms must sign the form to acknowledge the accuracy of the information submitted.

3.3 How can the USITC ensure that only the minimum PII elements are collected?

The questionnaires are designed to collect only the name and contact information of individuals submitting the surveys. The USITC uses this information to allow for contacting these individuals when necessary to verify their information and ask questions about their responses to the questionnaires.

3.4 What is the retention period for the system data? Has the National Archives and Records Administration (NARA) approved the applicable records disposition schedule?

Records relating to Title VII import injury, Section 332 fact-finding, and safeguard investigations are retained for three years in accordance USITC records schedule NC1-081-78-1, item 6: Investigation Files. Customer service records are retained for three years in accordance with NARA General Records Schedule 6.5, item 010: Public Customer Service Operations Records.

3.5 What methods are used to archive and/or dispose of the PII in the system?

Electronic copies are deleted, and hard copies are shredded.

3.6 Will the data in the system be retrieved by a personal identifier?

No.

3.7 If the answer is "yes" to the previous question, is the system covered by an existing Privacy Act System of Records Notice (SORN)?

N/A.

4 INTERNAL SHARING AND DISCLOSURE OF INFORMATION

4.1 With which internal components of the USITC is the information shared?

All USITC offices can access and use data collected through this system, but the Office of Operations is the primary user of the data.

4.2 For each recipient component or office, what information is shared and for what purpose?

The Office of Operations is the primary user of questionnaire data. It accesses and uses questionnaire data to conduct analysis and investigations. Other USITC offices access customer feedback data as it pertains to their responsibilities.

4.3 How is the information transmitted or disclosed?

Information is stored in shared USITC network folders, and USITC users with a "need to know" can access the questionnaires relevant for their job duties.

4.4 Given the internal sharing, discuss what privacy risks were identified and how they were mitigated.

Possible risks to the privacy of individuals' data through internal sharing include unauthorized access by internal users and breaches of PII. Risks are mitigated through the use of access controls to limit access only to individuals with a "need to know". All USITC employees and contractors are required to complete annual information security and privacy-awareness training to understand the requirements for safeguarding PII and to abide by rules of behavior for using USITC information systems. In addition, USITC system administrators are required to complete training that addresses their responsibilities as users with privileged access to USITC resources.

5 EXTERNAL SHARING AND DISCLOSURE

5.1 With which external (non-USITC) recipient(s) is the information shared?

None. The USITC does not share PII collected from questionnaires with any external entities.

5.2 What information is shared and for what purpose?

N/A.

5.3 How is the information transmitted or disclosed?

N/A.

5.4 Are there any agreements with external entities concerning the security and privacy of the data once it is shared, such as a memorandum of understanding (MOU)?

N/A.

5.5 Are privacy requirements included in contracts and other acquisition-related documents? If yes, please describe these requirements.

N/A.

5.6 What type(s) of training is required for users from agencies outside the USITC prior to receiving access to the information?

N/A.

5.7 Are there any provisions in place for auditing the recipients' use of the information?

N/A.

5.8 Given the external sharing, please discuss any privacy risks that were identified and describe how they were mitigated.

N/A.

6 NOTICE

6.1 Was notice provided to the individual prior to collection of the information? If notice was not provided, why not?

This PIA provides notice to users, and the USITC plans to include a link to this PIA to users completing questionnaires. In addition, the questionnaires include language describing how data is collected and handled. As an example, the following text is used in Title VII proceedings:

> I certify that the information herein supplied in response to this questionnaire is complete and correct to the best of my knowledge and belief and understand that the information submitted is subject to audit and verification by the Commission. By means of this certification I also grant consent for the Commission, and its employees and contract personnel, to use the information provided in this questionnaire and throughout this proceeding in any other import-injury proceedings conducted by the Commission on the same or similar merchandise.
>
> I, the undersigned, acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceedings may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. I understand that all contract personnel will sign appropriate nondisclosure agreements

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

Private-sector firms are required to complete questionnaires as part of a Title VII, Section 332, or safeguard investigation. Responses to feedback surveys are voluntary.

6.3 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?

By submitting a questionnaire, users consent to the use of their data. As noted above, firms are required to complete questionnaires as part of a Title VII, Section 332, or safeguard investigation. Responses to feedback surveys are voluntary.

6.4 Given the notice provided to individuals above, describe what privacy risks were identified and how they were mitigated.

Potential risks with respect to notice include insufficient notice to users. Some users might not understand what types of information are collected and how this information is used. This risk is mitigated through the publication of this PIA on the USITC website and by including a link to the USITC Privacy Policy on the USITC web page.

7 INDIVIDUAL ACCESS AND REDRESS

7.1 What are the procedures that allow individuals the opportunity to seek access to or redress of their information?

Individuals may contact the USITC through the USITC contact information provided through the questionnaire process in order to request updates to their information.

7.2 How are individuals notified of the procedures for seeking access to or amendment of their information?

The questionnaires include USITC contact information by which users can request to update their information. This PIA also provides notice for correcting user information.

7.3 If no opportunity to seek amendment is provided, are any other redress alternatives available to the individual?

N/A. Users can request to update their information by contacting USITC.

7.4 Discuss any opportunities or procedures by which individuals can contest the accuracy of their information in the system or actions taken as a result of USITC reliance on information in the system.

As noted previously, individuals may contact USITC to update their information. Users may also contact USITC to contest actions taken as a result of USITC reliance on information in the system. However, USITC actions are typically based on the company information submitted as part of a questionnaire response (e.g., company sales records, financial data, etc.) and not the PII of the individual submitting the response.

8 TECHNICAL ACCESS AND SECURITY

8.1 Who has access to the PII in the system?

USITC users with a need to know and the appropriate job responsibilities can access and use the PII in the system. The data is primarily accessed by users in the Office of Operations, but may also be accessed by other offices as needed.

8.2 Does the system use roles to assign privileges to users of the system?

USITC statisticians can access all questionnaire data in order to analyze the data. For Title VII and Section 332 investigations, however, USITC users are assigned access based on their job role and need to know.

8.3 What procedures are in place to determine which users may access the system and are they documented?

USITC office managers assign access to the questionnaire data based on a need-to-know basis.

8.4 What auditing measures and technical safeguards are in place to prevent misuse of data?

Users are granted access to questionnaire information on a need-to-know basis and are granted the lowest level of privilege needed to conduct their duties. USITC implements auditing controls in accordance with NIST 800-53 guidance to track user behavior and identify system misuse.

8.5 How is the PII secured? What administrative, technical, and physical security safeguards are being used to guard against privacy risks?

USITC implements security controls in accordance with the NIST SP 800-53 guidance. These controls are designed to minimize unauthorized access, use, and dissemination of PII.

8.6 Describe what privacy training is provided to users. How often do users complete the training?

All USITC employees are required to complete annual privacy-awareness training. This training provides an overview of privacy requirements and best practices for protecting PII. Some users may be required to complete role-based training, depending on their role.

8.7 Are all information technology security requirements and procedures required by federal law being followed to ensure that information is appropriately secured? If yes, does the system have a current authority to operate (ATO)?

The questionnaires are stored in the USITC network, which has a current ATO.

8.8 Given access and security controls, describe what privacy risks were identified and describe how they were mitigated.

Privacy risks include unauthorized access to data and possible breaches of data. These risks are mitigated through the implementation of security controls in accordance NIST SP 800-53 guidance.