



**Federal Trade Commission
Privacy Impact Assessment**

for the:

**Bureau of Consumer Protection
Litigation Committee Blog**

Last revised: September 16, 2011 (4:23pm)

1 System Overview

This Privacy Impact Assessment (PIA) applies to the Bureau of Consumer Protection (BCP) Litigation Committee Blog (“Litigation Blog,” or “blog”). “Blog” is a commonly accepted term for “weblog,” a form of webpage usually maintained by a user or users with regular entries of commentary, descriptions of events, or other material. Entries, also known as “posts,” are commonly displayed in reverse-chronological order. Blogs are typically interactive, allowing viewers to leave comments and even share documents or other files and it is this interactivity that distinguishes them from other static websites.

The purpose of the Litigation Blog is to enable attorneys and staff at headquarters and in regional offices working on BCP matters to use a blog-type internal webpage share information in a more effective manner. The blog will give attorneys and staff an easy and efficient way to share current information, and will also serve as an archive or repository for past posts.

In form, the blog will resemble a standard Wordpress-style blog, will reside on the FTC’s Intranet and will be for internal communications only; the blog will not be publicly available. At its most basic, the blog will serve as a discussion forum for attorneys and staff working on BCP matters. The information contained in the system will primarily consist of blog messages and comments. These informal messages and comments may include attached documents or links, such as draft or final pleadings, cases, opinions, other documents relevant to BCP litigation, or useful URLs or links to other web pages.

The blog will be moderated by authorized staff in the Bureau of Consumer Protection. Attorneys and staff wishing to subscribe to the blog will be presented with a Rules of Behavior page that they must acknowledge. Moderators will be able to remove postings that violate

these policies. These acknowledgments will be retained in the event of inappropriate use. A user who elects not to acknowledge the Rules of Behavior will be unable to post, but will still be able to view the blog contents.

A typical transaction on the system will involve making an initial post, or commenting on existing posts. At present, the BCP Litigation Committee intends to “seed” the blog at regular intervals with postings on various issues relevant to BCP matters. We will also encourage BCP and regional office attorneys and staff to generate their own posts.

2 Information Collected and Stored within the System

2.1 What information is to be collected, used, disseminated, or maintained by the system?

The system will collect posts, comments, and documents, including briefs, complaints, motions, other pleadings, points of law, draft and final rules, and court opinions, from FTC attorneys and staff working on BCP litigation matters. The blog may also include information about individuals involved in FTC matters, including judges, attorneys, receivers, expert witnesses, or individual consumers. This information could include names and contact information. Although the blog will allow users to send individual e-mails to other users who have posted comments to the blog, such e-mails will be created and transmitted through the agency’s separate e-mail system, so the blog will not be collecting or maintaining any e-mails or e-mail addresses.

The system is not intended to collect IIF, though some such information may be collected on a case-by-case basis. This may occur, for example, if a filed pleading is posted to the blog and the pleading contains information in identifiable form (IIF) related to consumer victims.

2.2 What are the sources of the information in the system?

Information in the blog will be contributed by FTC attorneys and staff through posts and comments to posts. In posting and commenting, FTC attorneys and staff will draw from various sources of information available to the FTC, as well as their own personal and professional experiences. Information available to the FTC will include information provided voluntarily, such as when individuals submit comments in rulemaking proceedings, send correspondence to Congress which is then forwarded to the FTC, or submit complaints to Consumer Sentinel, and when investigatory targets agree to provide information to the Commission in lieu of compulsory process. FTC attorneys and staff also obtain information in response to compulsory process, such as subpoenas and civil investigative demands, or via discovery in administrative and federal court litigation. Information in the system may also be obtained from other sources, such as public resources on the Internet, nonpublic investigatory databases, other law enforcement agencies, and commercial databases such as Lexis/Nexis. In some instances, individuals – for example, third parties in investigations and witnesses in administrative and federal court matters– provide information about other individuals.

2.3 Why is the information being collected, used, disseminated, or maintained?

The primary purpose of the blog is to enable FTC attorneys and staff working on BCP matters to share knowledge related to the matters effectively and efficiently. Any IIF collected or stored in the blog is incidental to this primary purpose.

2.4 How is the information collected?

Section 2.2 describes the sources and methods by which information for the blog will be collected. FTC staff who have subscribed to the blog will post this information directly to the blog using their web browser software.

2.5 How will the information be checked for accuracy and timeliness (currency)?

The accuracy and timeliness of incidental IIF in the blog is verified as necessary and appropriate at the time the information is collected, generated or used by the agency.

2.6 Is the system using technologies in ways that the FTC has not previously employed (e.g., monitoring software, Smart Cards, etc.)? If so, how does the use of this technology affect individuals' privacy?

The Litigation Committee blog uses the same technology platform that is used for the FTC Intranet, but a new module will be added and customized to implement the blog.

The FTC has not previously built a blog for an internal audience, but has built blogs for external audiences, such as the National Consumer Protection Week blog, and the blog for the Tech-Ade Conference in 2006.

For discussions of how the blog may affect individuals' privacy, see sections 2.8 and 4.5.

2.7 What law or regulation permits the collection of this information?

The FTC is authorized to collect and maintain information from

businesses, individuals, and other government agencies under the FTC Act, 15 U.S.C. §§ 45-46, and the FTC's Rules of Practice, 16 C.F.R. Parts 2-3 and §§ 4.9-4.10. For additional information about the FTC's legal authority to obtain information, please see www.ftc.gov/ogc/stat3.shtm.

2.8 Considering the type of information collected and sources of collection, what privacy risks were identified and how were these risks mitigated?

The privacy risks to IIF are the following: (1) The risk that nonpublic information about individuals communicated to or shared within the blog may be disclosed publicly; and (2) The risk that users might inadvertently post sensitive information and share it with others who do not normally have access to it.

These risks are mitigated by the facts that the blog is intended for internal use only and is subject to the same security as all internal FTC communications systems. Access to the blog will be restricted to only users from BCP or regional offices. Furthermore, FTC users of the blog who wish to post comments will be required to acknowledge upon subscription that they will follow certain policies and procedures when using the blog. Among these procedures is the requirement that attorneys and staff avoid posting IIF unnecessarily, such as by redacting such information from documents posted to the blog in accordance with existing procedures. The blog also allows users to flag inappropriate comments for the attention of the administrators, such as improper posting of IIF. Contents that have been flagged more than a certain number of times will be temporarily removed from display by the system, pending review of their content by the administrators.

3 Use and Access to Data in the System

3.1 Describe how information in the system will or may be used.

The incidental IIF in the system may be used to support BCP activities as part of the exchange of information among users. We expect that the blog will include postings on topics such as cases, pleadings, rulemakings, investigatory methods, legal trends, developments, and any other issues related to BCP's mission and the work of its attorneys.

3.2 Which internal entities will have access to the information?

Access to the blog for viewing information and posting messages or comments is controlled in two ways. First, only users affiliated with BCP or regional offices may view the blog. This access is controlled through a login screen, which requires users to enter usernames and passwords to enter the blog. The blog uses an internal, persistent cookie to enable users to view the blog without having to login each time. The use of this cookie is done only for the convenience of the user and is not used to collect any other information on the user or track the user in any way.

Second, only users who subscribe to the blog and who acknowledge and agree to be bound by the Rules of Behavior may post information or comments. A user who does not subscribe may read blog content, but may not provide content for the blog.

3.3 Which external entities will have access to the information?

External entities do not have electronic access to the system. The FTC itself may share information in the system with other law

enforcement agencies that have agreed, in writing, to treat the information confidentially. Individuals who file a Freedom of Information Act (“FOIA”) request may be provided with information that FTC staff obtains from the system, unless the information is subject to a FOIA exemption. Likewise, individuals who file a FOIA or Privacy Act request may be provided with information about themselves that is in the system subject to certain exemptions. See Section 4.4.

4 Notice and Access for Individuals

4.1 How will individuals be informed about what information is collected, and how this information is used and disclosed?

Individuals will receive notices at the time their information is originally collected, when required by applicable law or policy. Individuals will not be informed, however, when any of their information is posted internally on the blog.

4.2 Do individuals have the opportunity and/or right to decline to provide information?

The opportunity or right depends on how the information is originally collected. For example, those who provide information pursuant to compulsory process do not generally have a right to decline to provide the information. However, individuals who file public comments or requests for advisory opinions, who send inquiries to members of Congress (which become part of the Congressional correspondence in the system), or who file complaints with Consumer Sentinel provide information about themselves voluntarily and could choose to decline to provide such information.

4.3 Do individuals have the right to consent to particular uses

of the information? If so, how would an individual exercise this right?

Individuals do not have the right to consent to particular uses of the information stored on the blog.

4.4 What are the procedures that allow individuals to gain access to their own information?

An individual may make a request under the FOIA or the Privacy Act for information maintained about themselves in this system or other systems at the FTC. (Some information may be exempt from disclosure for investigatory or other reasons.) For full details on how to make a request, visit the FTC's FOIA/Privacy Act page, www.ftc.gov/foia/index.shtm. In some cases, the blog may incorporate public documents containing information about individuals. Those documents do not require a FOIA/Privacy Act request and are already posted on the FTC's public web site, www.ftc.gov, or available in paper format from the FTC's public reading room at the FTC's headquarters, 600 Pennsylvania Avenue NW, Washington, DC, (202) 326-2222.

4.5 Discuss the privacy risks associated with the process of providing individuals access to their own records and how those risks are mitigated.

The blog is not accessible outside the FTC, including to any individuals who may be the subject of any blog postings. Therefore individuals will not have direct access to the blog. As explained in section 4.4, individuals seeking access to records about themselves in the system must file a request with the FTC. This requirement avoids the privacy risks that could arise if individuals were able to access their records through the system directly.

5 Web Site Privacy Issues

This section is not applicable. The system is not made available for access or disclosure through any public web site.

6 Security of Information in the System

6.1 Are all IT security requirements and procedures required by federal law being followed to ensure that information is appropriately secured?

The FTC follows all applicable Federal Information Security Management Act (FISMA) requirements, ensuring information found in the blog is appropriately secured. The blog resides on the Infrastructure General Support System (GSS) which is categorized as moderate using Federal Information Processing Standard (FIPS)199, *Standards for Security Categorization of Federal Information and Information Systems*.¹

6.2 Has a Certification & Accreditation been completed for the system or systems supporting the program?

The blog resides on the FTC's Infrastructure GSS for which a Certification and Accreditation (C&A) has been performed.

6.3 Has a risk assessment been conducted on the system?

A risk assessment was completed on the Infrastructure GSS as part of the C&A.

6.4 Does the project employ technology that may raise

¹The Data Center GSS PIA is available here:
<http://www.ftc.gov/os/2011/08/1108datacenter.pdf>

privacy concerns? If so, please discuss its implementation.

Technologies used by the FTC to support this blog, do not raise privacy concerns.

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

By using Windows Active Directory, all access to the blog to include user, subscriber, moderator, and administrator, is restricted to BCP and regional office employees. Users wishing to post content to the blog must review and accept the associated Rules of Behavior. These Rules of Behavior are also linked to the main page of the blog for convenient review.

6.6 Describe what privacy training is provided to users either generally or specifically relevant to the program or system.

All FTC staff and all contractors with network access are required to complete annual computer security training and privacy awareness training.

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

The following auditing, testing, and technical safeguards are in place to prevent misuse of data:

Access Enforcement — There is active monitoring and testing of access privileges.

Least Privilege — Only the appropriate folder and file rights are assigned to a user to perform his/her function.

Privacy risks associated with unauthorized disclosure of information are mitigated through implementation of technical controls associated with need-to-know and least privilege, ensuring that users have no more privileges to data than required to complete their official duties.

BCP Litigation Committee members and other BCP members will serve as moderators with the ability to enforce the Rules of Behavior, to include the removal of inappropriate blog posts. In addition, blog moderators will work with the IT Management Office to limit user access, including terminating access for users violating the Rules of Behavior.

6.8 State that any questions regarding the security of the system should be directed to the FTC’s Chief Information Security Officer.

Any questions regarding the security of the system should be directed to the FTC’s Chief Information Security Officer.

7 Data Retention

7.1 For what period of time will data collected by this system be maintained?

Because blog content is not intended as official concurrence (when needed) or other documentation important for the matter file, the content conforms to the definition of “nonrecord materials” as identified in 44 U.S.C. § 3301 and 36 C.F.R. § 1220.14. National Archives and Records Administration guidance is to destroy or delete nonrecords when they

are no longer needed for reference. Blog content will be reviewed at least annually and maintained until removed by the blog administrator(s) and/or moderator(s).

Registration and administration records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

7.2 What are the plans for destruction or disposal of the information?

Entries contained in the blog will be deleted or purged when found to be no longer useful, accurate, or up-to-date during an annual review or sooner. As with Federal records and nonrecords, blog content is not to be copied and removed for non-Commission use, such as when an employee separates, except with Commission approval.

7.3 Describe any privacy risks identified in the data retention and disposal of the information, and describe how these risks have been mitigated.

There are no privacy risks related to the destruction of information from the blog. There are minimal privacy risks from the indefinite retention because any IIF posted to the blog would remain available, unless removed by moderators, indefinitely. These risks are mitigated by the same safeguards described in Section 2.8.

8 Privacy Act

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

Yes. Users will use the blog under their assigned usernames. Blog

postings will be retrievable by username. Other information about that user may be retrieved from the system based on the username, associated login, e-mail address, or other identifier. In addition, the blog may contain information about non-FTC parties, including defendants, counsel, judges, or receivers, that could be found through searches, including searches that use personal identifiers as search terms.

8.2 Is the system covered by an existing Privacy Act System of Records notice (SORN)?

Blog postings may, from time to time, include information derived from or part of other FTC Privacy Act systems of records. *See, e.g.*, FTC I-1 (Nonpublic Investigational and Other Nonpublic Legal Program Records), FTC I-6 (Public Records), FTC VI-1 (Mailing and Contact Lists), VII-2 (Employee Locator (STAFFID) System), FTC VII-3 (Computer Systems User Identification and Access Records), FTC-VII-6 (Document Management and Retrieval System). For more information and the full text of these SORNs, go to <http://www.ftc.gov/foia/listofpaysystems.shtm>.

9 Privacy Policy

9.1 Confirm that the collection, use, and disclosure of the information in this system has been reviewed to ensure consistency with the FTC's privacy policy.

The collection, use, and disclosure of information in this system is consistent with the FTC's Privacy Policy.

10 Approval and Signature Page

Prepared for the Business Owners of the System by:

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