

**PRIVACY IMPACT ASSESSMENT (PIA) FOR:  
“EXIGENT HEALTH AND SAFETY  
DEFICIENCY CORRECTION CERTIFICATION”  
(OMB Control # 2577-0241)  
October 2004**

**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](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](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](http://www.whitehouse.gov/omb/egov/pres_state2.htm));
- [Federal Information Security Management Act of 2002](#) (which superseded the Computer Security Act of 1987) provides a comprehensive framework for ensuring the effectiveness of information security controls over information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](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 HUD staff who have been authorized because of their duties; and they will be held accountable for ensuring privacy and confidentiality.

### **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 and questions to answer 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 other identifying number or code, financial information, telephone number, email 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.

**Privacy Act.** The [Privacy Act of 1974](http://www.usdoj.gov/foia/privstat.htm), 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.

**Publication of PIA summary.** The E-Government Act of 2002 requires that the analysis and determinations resulting from the PIA be made publicly available. The Privacy Act 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 Public and Indian Housing Real Estate Assessment Center \(PIH-REAC\)](#)

**Subject matter expert in the program area:** [Wanda F. Funk, Director, Liaison and Relationship, PIH-REAC, 202-708-4932 x3945](#)

**Program area manager:** [Elizabeth A. Hansen, Director, PIH-REAC, 202-708-4924 x3018](#)

**IT Project Leader:** [Carlos Vargas, General Engineer, REAC, 202-708-4932 x3005](#)

### **For IT Systems:**

- **Name of system:** [Physical Assessment Sub-system](#)
- **PCAS #:** [307870](#)
- **OMB Unique Project Identifier # (if submitting an Exhibit 300 to OMB):** [N/A](#)

### **For Information Collection Requests:**

- **Name of Information Collection Request:** [“Exigent Health and Safety Deficiency Correction Certification” – as a report application within the Physical Assessment Sub-System \(PASS\)](#)
- **OMB Control #** [2577-0241](#)

### **Question 1: Provide a brief description of what information is collected.**

[Only data on the correction of exigent health and safety \(EHS\) and health and safety deficiencies resulting from the physical inspection of public housing buildings and apartments is collected. There is no personally identifiable information, with the exception of the property owner/agent name.](#)

[All HUD-sponsored public housing properties are periodically inspected for health and safety, as required by Title 24 CFR Part 902. HUD's PIH-REAC inspectors use a standard protocol and](#)

checklists to thoroughly inspect the buildings and apartments, and issue a notice of deficiencies to the property representative. Public housing agencies (PHAs) are required to correct EHS deficiencies within 24 hours. The inspectors enter data on the deficiencies and the status of deficiencies is tracked through HUD’s web-based Physical Assessment Sub-system (PASS). PHAs also log-on to PASS to electronically certify that they have corrected/mitigated the health and safety deficiencies.

If this automated system (or Information Collection Request) involves personally identifiable information on members of the public, then **mark any of the categories that apply below:**

**Personal Identifiers:**

	Name
	Social Security Number (SSN)
	Other identification number (specify type):
	Birth date
	Home address
	Home telephone
	Personal e-mail address
	Fingerprint/ other “biometric”
X	Other (specify): <b>Name of the property representative</b>
	None
	Comment:

**Personal/ Sensitive Information:**

	Race/ ethnicity
	Gender/ sex
	Marital status
	Spouse/ children
	Financial data (specify type of data, such as salary, Federal taxes paid, bank account number, etc.):
	Employment history
	Education level
	Medical history/ information
	Criminal record
	Other (specify):
X	None
	Comment:

**Question 2: Type of electronic system or information collection. Fill out Section A, B, or C as applicable.**

**A. If a new electronic system (or one in development):** Is this a new electronic system (implemented after April 2003, the effective date of the E-Government Act of 2002)?

	Yes
	No

	N/A
--	-----

**B. If an existing electronic system:** Mark any of the following conditions for your existing system that OMB defines as a “trigger” for requiring a PIA (if not applicable, mark N/A):

	<b>Conversion:</b> When paper-based records that contain personal information are converted to an electronic system
	<b>From Anonymous (Non-Identifiable) to “Non-Anonymous” (Personally Identifiable):</b> When any systems application transforms an existing database or data collection so that previously anonymous data becomes personally identifiable
	<b>Significant System Management Changes:</b> 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)
	<b>Merging Databases:</b> 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)
	<b>New Public Access:</b> 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)
	<b>Commercial Sources:</b> 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)
	<b>New Inter-agency Uses:</b> When agencies work together (such as the federal E-Gov initiatives), the lead agency should prepare the PIA
	<b>Business Process Re-engineering:</b> When altering a business process results in significant new uses, disclosures, or additions of personal data
	<b>Alteration in Character of Data:</b> 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)

**C. 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.

X	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> )
X	Comment: The inspectors enter data on the deficiencies and status is tracked through HUD’s web-based Physical Assessment Sub-system (PASS). PHAs also log-on to PASS to electronically certify that they have corrected/mitigated the health and safety deficiencies.

**Question 3: Why is the personally identifiable information being collected? How will it be used? Mark any that apply:**

**Homeownership:**

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

**Rental Housing Assistance:**

	Eligibility for rental assistance or other HUD program benefits
	Statistics on those receiving rental assistance (“Tenant characteristics” of those receiving assistance)
X	Property inspections (NOTE: Only data on the buildings and apartments is collected; no personally identifiable information is collected, except for the property representative’s name.)
	Other (specify):
	Comment:

**Grants:**

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

**Fair Housing:**

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

**Internal operations:**

	Employee payroll or personnel records
	Payment for employee travel expenses
	Payment for services or products (to contractors) – if any personal information on the payee is included
	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):**


**Question 4: Will you share the information with others (e.g., another agency for a programmatic purpose, or outside the government)? Mark any that apply:**

	Federal agencies? (specify):
	State, local, or tribal governments?
X	Public Housing Agencies (PHAs) or Section 8 property owners/agents?
	FHA-approved lenders?
	Credit bureaus?
	Local and national organizations?
	Non-profits?
	Faith-based organizations?
	Builders/ developers?
	Others? (specify):
X	Comment: The only data that PHAs can see in the PASS system is the list of deficiencies observed in their own properties.

**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)?**

	Yes, they can “opt-out” by declining to provide private information or by consenting only to particular use
	No, they can’t “opt-out” – all personal information is required
X	Comment: No personally identifiable information is collected, except for the property representative’s name.

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): \_\_\_\_\_

**Question 6: How will the privacy of the information be protected/secured? What are the administrative and technological controls? Mark any that apply and give details if requested:**

X	System users must log-in with a password
X	When an employee leaves: <ul style="list-style-type: none"> <li>How soon is the user ID terminated (1 day, 1 week, 1 month, unknown)?  The PHA Coordinator is responsible for granting access to PASS and terminating PHA users. A user is to be terminated immediately after an employee leaves.</li> </ul>
X	<ul style="list-style-type: none"> <li>How do you know that the former employee no longer has access to your system? (explain your procedures or describe your plan to improve):  The PHA is responsible for implementing its own internal control system. REAC is</li> </ul>

	in the process of adding a quality assurance screen in the near future whereby the PHA Coordinator has to certify on a quarterly basis that all PHA users are current.
X	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"> <li>• Full access rights to all data in the system (specify #)?</li> <li>• Limited/ restricted access rights to only selected data (specify #)?</li> </ul> Each PHA may have a maximum of two Coordinators, but user rights for other PHA staff is determined by the individual PHA. Normally, the larger the PHA, the larger number of PHA users.
X	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): Only the PHA Coordinator has access to the Maintenance screen where users are added and deleted. The PHA Executive Director designates the PHA Coordinator. PHAs must adhere to the Privacy Act of 1974.
X	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: Data in the REACS (Real Estate Assessment Center System) is only shared with other need-to-know systems within HUD to avoid the storing of duplicate information. All users need Secure System identification numbers and passwords that are registered with HUD Secure Systems. HUD Secure Systems protections are utilized.
	Other methods to protect privacy (specify):
X	Comment: The only data that PHAs can see in the PASS system is the list of deficiencies observed in their own properties.

**Question 7: If private information is involved, by what data elements can it be retrieved?**

Mark any that apply:

	Name
	Social Security Number (SSN)
	Identification number (specify type):
	Birth date
	Race/ ethnicity
	Marital status
	Spouse name
	Home address
	Home telephone
	Personal e-mail address
	Other (specify):
	None
X	Comment: No personally identifiable information is collected, except for the property representative's name.

**Other Comments (or details on any Question above):**

### **SECTION 3: DETERMINATION BY HUD PRIVACY ADVOCATE**

This information collection is not a concern for privacy because only data on the physical condition of public housing buildings and apartments is collected. There is no personally identifiable information, with the exception of the property owner/agent name. The only data that PHAs owners/agents can see in the PASS system is the list of deficiencies observed in their own properties.

/signed/  
Eric M. Stout  
Privacy Advocate, Office of the Chief Information Officer  
U. S. Department of Housing and Urban Development

October 8, 2004

Date