



PRIVACY OFFICE DIRECTIVE 01-00

DATE ISSUED: July 17, 2020

SUBJECT: Privacy Policy and Personally Identifiable Information Handling

1. PURPOSE

This Directive establishes the Department of Housing and Urban Development (HUD) Privacy Policy.

2. SCOPE

This Directive describes responsibilities for all HUD employees, system owners, and contractors regarding the collection, use, maintenance, disclosure, deletion, and destruction of Personally Identifiable Information (PII) and any other activity that impacts the privacy of individuals, as determined by HUD's Chief Privacy Officer (CPO).

3. AUTHORITY

All HUD employees and contractors are obligated to safeguard PII, as described in numerous federal statutes and regulations, including:

- a. Title 5 U.S.C. Section 552a, "Records Maintained on Individuals" [The Privacy Act of 1974, as amended]
- b. Title 6 U.S.C. Section 142, "Privacy Officer"
- c. 44 U.S.C. 3501 et seq., Paperwork Reduction Act (PRA)
- d. Public Law 107-347, "E-Government Act of 2002"
- e. Title 44 U.S.C., Chapter 35, Subchapter III, "Information Security" [The Federal Information Security Management Act of 2002, as amended (FISMA)]
- f. OMB A-130 "Managing Information as a Strategic Resource" (July 2019)
- g. OMB A-108 "Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act" (December 2019)
- h. OMB Memorandum M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information" (January 2017)

4. POLICY

The HUD Privacy Policy establishes a set of privacy principles applicable to all HUD employees, contractors, and business partners who handle PII. These principles and policy requirements govern how HUD processes PII and complies with Federal privacy requirements. HUD personnel physically involved in the processing of PII must understand and comply with the requirements set forth in this policy.

HUD personnel must consider the sensitivity of the PII based on the complete context in which it appears and/or is processed. Each element of PII may be considered sensitive under certain circumstances, such as in association with a list of individuals under consideration. The HUD Privacy Policy can also be accessed at: <https://www.hud.gov/sites/dfiles/OCHCO/documents/PrivacyPolicy.pdf>.

5. RESPONSIBILITY

- a. All **HUD personnel** physically involved with handling PII must comply with PII handling requirements outlined in the Privacy Policy. Noncompliance will result in reports to the PLO and possible escalation to the Privacy Office.
 - i. Office Managers are responsible for ensuring personnel understand and the terms of the Privacy Policy and the penalties for noncompliance.
 - ii. Office Managers must notify PLOs of any Privacy Policy violations and noncompliance.
- b. As delegated by the **Senior Agency Official for Privacy (SAOP)**, the **CPO** has executive oversight and is responsible for the implementation of the HUD Privacy Policy.
- c. **Privacy Liaison Officers (PLOs)** at HUD Offices are responsible for tracking violations of the Privacy Policy and reporting them to the Privacy Office.

I. Exclusions

This policy is affiliated with HUD's collection and handling of personal information. HUD follows certain exceptions outlined in the Privacy Act of 1974. Examples of exceptions include records containing classified information on national security and those concerning criminal investigations. Additionally, certain exceptions may be defined in procedure when only business contact information is processed, such as when business e-mails are exchanged or when business contact information is used to print badges for a meeting. Other exceptions to this policy are expected to be requested only in unusual or exceptional circumstances and should be documented and approved by HUD's SAOP.

II. Personally Identifiable Information (PII) Handling

HUD requires strict handling guidelines for employees and contractors who handle PII due to the nature of the data and the increased risk to an individual if data were to be compromised.

A. General Handling

Methods for handling PII include, but are not limited to the following, and must be done in accordance with HUD's approved records schedules and System of Record Notice (SORN), if applicable:

- Store PII on secure HUD network, systems, and HUD-approved media;

- Secure paper PII data by locking it in desks and filing cabinets;
- Remove visible PII from desks and office spaces when not in use (e.g., at the end of each day);
- Destroy PII by shredding;
- Delete electronic PII by emptying computer “recycle bin”;
- Only use HUD-provided email addresses for conducting official business; and
- Encrypt PII on computers, media, and other devices, especially when sending data outside of HUD’s network.

B. Distribution and Transmission

PII may be distributed or released to other individuals only if: (1) it is within the scope of the recipient’s official duties; (2) the recipient has an official, job-based need to know; (3) the distribution is done in accordance with a legitimate underlying authority (e.g., a routine use to a SORN); and (4) sharing information is done in a secure manner. When in doubt HUD employees must treat PII as sensitive and must keep the transmission of PII to a minimum, even when it is protected by secure means.

Other ways for communicating, sending, and receiving PII include:

- Facsimile – When faxing information, HUD personnel should include an advisory statement about the contents on the cover sheet and should notify the recipient before and after transmission.
- Mail – HUD personnel should physically secure PII when in transit by sealing it in an opaque envelope or container, and mail it using First Class or Priority Mail, or a comparable commercial service. HUD personnel should not mail, or send by courier PII on CDs, DVDs, hard drives, flash drives, USB drives, floppy disks, or other removable media unless the data is encrypted.
- Email – When emailing PII outside of HUD, save it in a separate document and password-protect or encrypt it. Send the encrypted document as an email attachment and provide the password to the recipient in a separate email or by phone.
 - Never email PII to personal email accounts or devices.

Hard Copy – HUD personnel should also hand-deliver documents containing PII whenever needed. HUD personnel should not leave PII unattended on printers, facsimile machines, copiers, or in other common places.

III. Privacy Processing Requirements

The following principles apply to the *Processing* of PII. These principles are based on the Fair Information Practice Principles (FIPPs) and are mirrored in several national and international privacy laws and regulations, as well as in the laws of many U.S. states.

A. Access and Amendment:

HUD should provide individuals with appropriate access to PII and the opportunity to correct or amend PII.

B. Accountability:

HUD should be accountable for complying with these principles and applicable privacy requirements, and should appropriately monitor, audit, and document compliance. HUD should also clearly define the roles and responsibilities with respect to PII for all employees and contractors and should provide appropriate training to all employees and contractors who have access to PII.

C. Authority:

HUD should only create, collect, use, process, store, maintain, disseminate, or disclose PII if they have authority to do so, and should identify this authority in the appropriate notice.

D. Minimization:

HUD should only create, collect, use, process, store, maintain, disseminate, or disclose PII that is directly relevant and necessary to accomplish a legally authorized purpose, and should only maintain PII for as long as is necessary to accomplish the purpose.

HUD's Privacy Office maintains an inventory of PII holdings and uses the PIA, and SORN processes to identify methods to further reduce the data the Agency collects and to ensure, to the maximum extent practicable, that such holdings are accurate, relevant, timely, and complete

E. Quality and Integrity:

HUD should create, collect, use, process, store, maintain, disseminate, or disclose PII with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual

F. Individual participation:

HUD should involve the individual in the process of using PII and, to the extent practicable, seek individual consent for the creation, collection, use, processing, storage, maintenance, dissemination, or disclosure of PII. Agencies should also establish procedures to receive and address individuals' privacy-related complaints and inquiries.

G. Purpose Specification and Use Limitation:

HUD should provide notice of the specific purpose for which PII is collected and should only use, process, store, maintain, disseminate, or disclose PII for a purpose that is explained in the notice and is compatible with the purpose for which the PII was collected, or that is otherwise legally authorized.

H. Security

HUD should establish administrative, technical, and physical safeguards to protect PII commensurate with the risk and magnitude of the harm that would result from its unauthorized access, use, modification, loss, destruction, dissemination, or disclosure.

I. Transparency:

HUD should be transparent about information policies and practices with respect to PII, and should provide clear and accessible notice regarding creation, collection, use, processing, storage, maintenance, dissemination, and disclosure of PII.

J. Federal Record Rights

In accordance with federal regulation, HUD should provide notice describing the individual data subject's rights in relation to personal data as follows:

- The individual data subject has access to the personal data held by HUD about them.
- The individual data subject can correct a record that is inaccurate, irrelevant, or incomplete.

Additionally, HUD should provide public access to information and instructions regarding the process and contacts for making a request to correct any record pertaining to the individual.

K. System of Records Notice

A System of Records is a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual. HUD adheres to the Privacy Act requirements for publishing notices of its systems of records in the Federal Register, which are referred to as SORNs.

Each System of Records Notice (SORN) describes what, why and how HUD collects, maintains, uses and disseminates records in the system. Some systems maintain information on HUD employees while others maintain information from or about individuals outside of HUD. These Government-wide systems are maintained by other Federal agencies that hold some of the operating authority over the records such as the Office of Personnel Management's Employee Performance File system.

L. Privacy Impact Assessments

A Privacy Impact Assessment (PIA) is an analysis of how information in identifiable form is collected, maintain, stored, and disseminated, in addition to examining and evaluating the privacy risks and the protections and processes for handling information to mitigate those privacy risks. A PIA is required when HUD develops, procures, or uses information technology to create, collect, use, process, store, maintain, disseminate, disclose, or dispose of PII. In the case where no PII is collected, the PIA will serve as a conclusive determination that privacy requirements do not apply to the system.

6. DEFINITIONS

- a. **Business Contact Information** – Information that is limited to an individual's name and one or more of the following: organization name, organizational title, organizational role, business address, business telephone number (including business cell phone number) and business e-mail address.
- b. **Data Subject** – A natural person who can be identified, directly or indirectly, by reference to an identification number or factors specific to his or her physical, physiological, mental, economic, cultural or social identity. A data subject is an end user whose personal data can be collected.
- c. **Personally Identifiable Information (PII)** – Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Set forth below is a non-exclusive list of information that may constitute PII on its own or in combination with other information:
 - Full name
 - Home address
 - Business Contact Information
 - Personal e-mail address
 - Social security number
 - Passport number
 - Driver's license number
 - Certificate number
 - Credit card numbers
 - Date of birth
 - Telephone number
 - Log in details
 - Personnel number
 - Vehicle identifier or serial number
 - Photograph or video identifiable to an individual
 - Biometric information
 - Medical information
 - Criminal history
 - Other information related to an individual that may directly or indirectly identify that individual (e.g., salary, performance rating, purchase history, call history, etc.)
- d. **Personnel** – Current, former and prospective employees and contractors of HUD. The Personnel relationship is triggered by documentation that establishes the personnel relationship between HUD and the individual (e.g., job application, offer letter, agreement or other similar documents).
- e. **Process or Processing** – Any operation or set of operations that is performed in regards to PII, whether or not by automated means, such as collection, recording, organization, storage, adaptation, or alteration, retrieval, consultation, use, disclosure or dissemination, and erasure or destruction.
- f. **Privacy Act of 1974 (5 U.S.C. § 552a)** – A code of fair information practices that governs the collection, maintenance, use, and dissemination of information about

individuals that is maintained in systems of records by federal agencies.

7. CANCELLATION

This Directive does not rescind, modify, or replace any existing HUD Privacy Office Directive or Memorandum.

Please direct all inquiries regarding the HUD Privacy Program to the **Privacy Office** at privacy@hud.gov.