# **System of Record Notice (SORN) Reference Guide**

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#### Introduction

The U.S. Department of Housing and Urban Development (HUD) SORN Reference Guide is designed to help HUD Program Offices and Privacy Liaison Officers (PLOs) understand the HUD SORN requirements and to understand how to fill out and submit a SORN document for approval. This Reference Guide is intended to provide a comprehensive view of privacy considerations to all HUD information systems that collect Personally Identifiable Information (PII) and that information about U.S. citizens or lawful permanent U.S. residents that is retrieved by a personal identifier. This Reference Guide includes SORN information, SORN requirements, SORN Template Guidance by each section, SORN Narrative Statement Guidance by each section and SORN Checklist. PLOs are to ensure that the SORNs are based on the information below and inspect thoroughly that SORNs follow the instructions.

### What is a System of Record Notice?

A SORN is a "notice published by the agency in the Federal Register upon the establishment and/or modification of system of record (SORs) describing the existence and character of the system," as required by the Privacy Act of 1974, intended to alert the public that a Federal agency has created, modified, or rescinded a SOR (OMB Circular A-108, December 2017). A SORN identifies the SOR, the purpose(s) of the system, the authority for maintenance of the records, categories of records maintained in the system, categories of individuals about whom records are maintained, the routine uses to which the records are subject. A SORN may be comprised of a single Federal Register notice that addresses all of the required elements that describe the current SORs, or it may be comprised of multiple Federal Register notices.

### Why is a SORN required?

According to the Privacy Act of 1974, a SORN is required by all federal government agencies that develop or procure new information technology involving the collection, maintenance, transmission, or dissemination of information in identifiable form that will be stored in a SOR. If the retrieval of information in an information system or data collection is by personal identifier, then a SORN is required. Additionally, the Privacy Act embodies five basic principles of the Fair Information Practices (FIPS):

- 1. "There must be no personal data record-keeping systems whose very existence secret."
- 2. "There must be a way for a person to find out what information about the individual is in a record and how it is used."
- 3. "There must be a way for a person to prevent information about the person that was obtained for one purpose from being used or made available for other purposes without the person's consent."
- 4. "There must be a way for a person to correct or amend a record of identifiable information about them."
- 5. "Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability of the data for their intended use and must take reasonable precautions to prevent misuse of the data."

**Before drafting SORN,** please ensure to use the **correct HUD SORN template** (new, modified, or rescinded). In addition, **before submitting SORN**, check to make sure all of the appropriate documentation is included with the SORN package such as the narrative statement, accurate and completed SORN template, previous PIA (if applicable) and current PIA, along with any forms associated with the system. Failing to provide all necessary documentation will consider the SORN package **incomplete** and will result in delays of reviewing SORN. All SORNs should be submitted with correct naming convention (Program Office\_System Code System Name SORN Date v1 initial) to **privacy@hud.gov** 

<sup>\*</sup>Please note: A single SORN may apply to multiple IT systems; however, a single IT system will not be filed under more than one SORN.

<sup>\*</sup>For additional guidance, visit HUD Privacy Website or contact the Privacy Office at privacy@hud.gov.

### Types of SORNs

- 1. Notice of a **new** (System of Records) SOR. The package of a new SOR includes:
  - Completed SORN Template
  - Transmittal Letter (completed by HUD Privacy Office)
  - Completed Narrative Statement
  - Drafted Federal Register notice (Including any Privacy Act exemption rules, and any supplementary documents)
- 2. Notice of a **modified** SOR. According to OMB Circular A-108, a significantly modified system requires the update of the published SORN. Similar to new SOR development, the package of a modified SOR includes:
  - Completed SORN Template
  - Transmittal Letter (completed by HUD Privacy Office)
  - Completed Narrative Statement
  - Drafted Federal Register notice (updated with the new information) are required.
- 3. **Rescindment** of a SOR. If a SOR becomes retired or a SORN is no longer needed, a rescindment is required. Each notice of rescindment must be drafted using the proper Rescindment Template.
- \*All three templates for the different types of SORNs can be found at the <u>HUD Privacy Website</u>.
- \*SORNs should be NOT be listed in bullets or numbering

### **SORN** Template Guidance

SORN Section	Guidance
A. Summary:	Follow the standard language that has been prepopulated for each template. Replace the [blue bracketed text] with information for your system and Program Office.  • New  • Provide a description of the new system. This description should include the program function it serves and a brief explanation of why the information collection is needed.  • Modified  • Provide the reason for why the revised notice is needed.  • For example, "The SOR has been expanded to include collection of demographic information such as age, income, and gender."  • Rescinded  • Provide the reason the SOR is being rescinded. This can occur for various reasons, such as the system being decommissioned or the purpose of the system changing such that a SORN is no longer needed.
	NOTE: Do not include abbreviations, citations to the <i>Federal Register</i> or legal authority in this summary section. Use quotes when referring to a SORN title, including the SORN number.
B. Dates:	Insert the following and replace the brackets with applicable information:  This [new/modified] system will be effective upon publication. New or modified routine uses will be effective [Insert Date 30 days after publication in the Federal Register]. Submit comments on or before [Insert Date 30 days after publication in the Federal Register].

C.	Addresses:	This section informs individuals where they may submit comments. Please ensure the HUD Docket Number is provided along with the year in which the SORN will be filed. Ensure to include the <b>9 digit Postal code</b> .
D.	For Further Information Contact:	Please do not change this section of the template as it has been prepopulated with default language.
Е.	Supplementary Information: Provide background information.	Include the following:  The Department of Housing and Urban Development (HUD), [Bureau/Office] maintains the "[Name of system of records]" system of records. [Provide a concise description, including purpose for system.]
		For modified SORs, only include modification description and purposes. This description should not be a general description of the system. Please specify exactly why and how the system is being changed.  [For modified systems] HUD is publishing this revised notice to [provide purpose for the update] to reflect updated information in the sections being revised [summarize the changes in each section].
		• For example: "HUD is modifying existing routine uses to reflect updates consistent with standards HUD routine uses, and adding new routine uses to permit sharing of information with: [numerically list the new routine uses that were not included in the previous SORN.]"
F.	System Name and Number:	List the name of the system that clearly identifies the purpose and provide a number for the system. For example, HUD-XX, Security Access Files.
G.	Security Classification:	Mark as Classified or Unclassified.
Н.	System Location:	Please list the bureau/office addresses of where the SOR (paper and/or electronic) resides. System locations are the managing offices involved with the SOR.  • For example, "(1) Office of the Inspector General, U.S.  Department of Housing and Urban Development, 451 7th Street SW  Washington, DC 20410; a list of these locations (as applicable to each bureau) is maintained by each bureau's [title of bureau/office system manager], whose address is provided under the System Manager section below."
I.	System Manager(s):	Identify Name of the POC, position title, and address with <b>9-digit postal code</b> of the System Manager(s) responsible for the system.  For example:  Mark Hayes, Chief Technology Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4166, Washington, DC 20410-0001, 202-402-5526.
J.	Authority for Maintenance of the System:  This SORN section can be found in	Provide the specific legal authority (e.g., statute or executive order) authorizing the maintenance of the system in this section.  • For example, if the Inspector General Act requires HUD to perform a function which makes the creation of the system of
	Section 1, question (m) of the PIA.	<ul> <li>records necessary, this section would read: "5 U.S.C. App. 3, §§ 1-12, as amended, the Inspector General Act of 1978;</li> <li>Do not list the Privacy Act (5 U.S.C. § 552a) as a general authority in this section.</li> </ul>

Please also list any applicable HUD Directives that authorizes maintenance of this system. This section will be reviewed by the Office of General Counsel (OGC). Please reach out to OGC for assistance regarding authorities. **Commonly Used Authorities at HUD** The following are authorities commonly used by HUD systems. Section 203, National Housing Act, Public Law 73-479 42 U.S.C. 3543, titled "Preventing fraud and abuse in Department of Housing and Urban Development programs" enacted as part of the Housing and Community Development Act of 1987. **42 U.S.C. 3535(d)** – "Administrative provisions" **5 U.S.C. 9101** – "Access to criminal history records for national security and other purposes" **5 U.S.C. 3301** – "Civil service; generally" Executive Order 9397, as amended by Executive Order 13478 Describe the purpose for maintaining the system. **K.** Purpose(s) of the System: For example: "The primary purpose of the system is to assist HUD in assembling information on housing applicants to ensure that Federal contracts and Federal assistance, loans, and benefits, are awarded only to presently responsible business entities, organizations, and individuals." If this is a **modified** SOR, in addition to expanding the purpose for Modified SORNs, briefly explain the significant changes that are being made to the system of records. The explanation should generally address these three questions: 1. What changes are being made? 2. Why are the changes necessary? 3. What is the intended effect of these changes?

#### L. Categories of Individuals Covered by the System:

List the types of individuals whose PII is contained in the system. This section needs to cover ALL types of individuals whose information will be in the system and will be retrieved by a personal identifier.

• For example: "HUD employees, contractors, individuals applying for benefits from the Department, and individuals seeking a housing grant from the Department."

## M. Categories of Records in the System:

List the types of records in the system. If the system or program collects full name, date of birth, Social Security number, telephone number, account number, etc., then each of those data elements must be listed in this section.

For example: "(1) Reports, correspondence, notes and memoranda generated by OIG regarding investigations; and (2) Records on complainants, subjects, victims, witnesses containing the following data fields: name, status as government employee, Social Security number, birth date, birth place, aliases, group affiliation, employment information, government employee type, grade, agency, address, phone number, email address, and photo."

Note: The Categories of Records listed in this section must be consistent with the records referenced in the **Policies and Practices for Retrieval of** 

		Records section.
N.	Record Source Categories:  Information for this SORN section can be found in Section 1i of the PIA.	Identify the sources of the records in the system. This section must identify all sources, internal as well as external, from which information entered into the system is obtained. Include all all source systems from which your system collects information. This section must match what is listed in CSAM.  • For example, "Records in the system are obtained from HUD and other Federal officials, state and local officials, private parties, businesses and other entities, individuals who may have information relevant to an inquiry, and individual members of the public who communicate, interact with, or request assistance or services from the Department of the Housing and Urban Development" or "Records in this system are obtained from [other internal HUD systems"provide an explanation].
О.	Routine Uses of Records Maintained in the System, including Categories of Users and the Purposes of Users and the Purposes of Such Uses:	List out all routine uses including users of this information and the purposes of each use. Please reach out to OGC if you have any questions regarding routine uses for the system.  See 80 FR 81837 Appendix I for all HUD Routine Uses  All of the HUD Routine Uses have been prepopulated in the SORN template, please leave as is. This section will be reviewed by OGC.
P.	Policies and Practices for Storage of Records:  This SORN information can be found in Section 3 of the PIA.	Describe information storage method. Are the records hard copy or electronic? Are the records stored in a file cabinet/room, and/or magnetic, optical, or electronic media, or electronic database? Also note if information is stored on backups in a different format.  • For example: "Paper records are contained in file folders stored in file cabinets. Electronic records are contained in removable drives, computers, email and electronic databases."  • Do not include specifics regarding cybersecurity measures, such as encryption hashes or other detailed system configurations.
Q.	Policies and Practices for Retrieval of Records:	Describe the methods of retrieving information from the system of records, such as by the name, email address or other unique identifier associated with the individual. This section <b>must be consistent with the Categories of Records</b> section above.  • For example, if a record will be retrieved by employee ID number, then employee ID number must also be listed in the Categories of Records.

#### R. Policies and Practices for Retention and Disposal of Records:

This SORN section can be found in Section 1 question (m) of the PIA

Describe the retention period for the records in the system. The retention period is the period of time records are held in the system before disposal. Reference the NARA approved Departmental Records Schedule (DRS), bureau/office records schedule, or NARA General Records Schedule as part of this description as appropriate.

- If it is a **new SORN**, **provide the Standard Form (SF) 115 submission date** if the records disposition schedule is pending approval.
- Also confirm the retention and disposition schedule with the Records Officer (Marcus Smallwood) and coordinate with your Program Office's Record Management Liaison Officer (RMLO).
- If it is an existing SORN, confirm the retention and disposition schedule with the Records Officer (Marcus Smallwood).

If the system does not have a NARA approved records schedule, the program office must work with their Bureau/Office Records Officer and NARA to develop a records schedule, and state in this section that a records schedule is in development and NARA approval is pending.

• For example, "Records retention schedules for the Data Loss Prevention System data files have been accepted by the National Archives and Records Administration (NARA) and are pending approval. These records will be treated as permanent until the records are scheduled and have been approved by NARA."

Describe the disposition (actions) taken with regards to Federal records that are no longer needed for current government business.

 For example, "Permanent records that are no longer active or needed for agency use are transferred to the National Archives for permanent retention in accordance with NARA guidelines."

# S. Administrative, Technical, and Physical Safeguards:

This SORN can be found in Section 3 of the PIA.

Describe the administrative, technical, and physical safeguards (e.g., locked cabinets, locked rooms, passwords, audit trail, electronic data encryption, security, privacy and record management training) that are in place to ensure the records are not accessed, used or disclosed in an unauthorized manner.

- Do not include specifics regarding cybersecurity measures, such as encryption hashes or other detailed system configurations.
- For example: "The records contained in this system are safeguarded in accordance with 43 CFR 2.226 and other applicable security and privacy rules and policies. During normal hours of operation, paper records are maintained in locked file cabinets under the control of authorized personnel."

#### T. Record Access Procedures:

This section has been prepopulated with standard language. Please do not alter this section.

#### **U.** Contesting Record Procedures:

Always include the following:

The HUD rule for accessing, contesting, and appealing agency determinations by the individual concerned are published in 24 CFR part 16 or may be obtained from the system manager.

Also include the following **only if portions of the system are exempt** pursuant to section (k) of the Privacy Act:

	HUD is proposing to exempt portions of this system from the notification, access, and amendment procedures of the Privacy Act pursuant to sections [Insert sections here – for example, "(k)(2) and (k)(5)"]. HUD will make amendment determinations on a case by case basis.  An individual requesting correction or the removal of material from his or her records should send a signed, written request to the applicable System Manager as identified above. The request must include the specific bureau or office that maintains the record to facilitate location of the applicable records. A request for corrections or removal must meet the requirements of 43 CFR 2.246
V. Notification Procedures:	This section has been prepopulated. Please replace the [Program Office] brackets in the template with the appropriate Program Office name.
W. Exemptions Promulgated for the System:	Identify any exemptions claimed for the system and the applicable regulations. Under limited circumstances, the Privacy Act permits agencies to exempt a system of records from compliance with certain provisions of the Act (see 5 U.S.C. 552a (j) and (k)).  • Before deciding that a system is exempt, confirm with the OGC.  • Typically, the exemptions are not applicable to HUD systems, therefore "None" is sufficient.  • If an exemption applies, include the FR notice or Code of Federal Regulations (CFR) citation for the exemption.
X. History:	Provide the citation(s) to the last full <i>Federal Register</i> notice that includes all of the elements of the SORN, as well as any subsequent notices of revision.  • For example, "72 FR 11043, (March 12, 2007)." or "70 FR 58230 (October 5, 2005); modification published at 73 FR 8342 (February 13, 2008)."  • If this is not applicable, please put "N/A."
Y. Signature	Signature/Approval should be listed for Nancy Corsiglia, Senior Agency Official for Privacy (SAOP).

# When to Modify an Existing HUD SORN

#	Modifications/Revisions	Examples
a)	A significant increase in the number, type, or category of individuals about whom records are maintained.	A system covering housing applicants that has been expanded to include other members living in the applicant's household, i.e. children, spouses, etc.
<b>b</b> )	A change that expands the types or categories of information maintained.	A system that originally collected only names but has been expanded to include other types of PII such as last four of SSN or financial information.
c)	A change that modifies the scope of the system.	Two existing system of records are to be combined and will now be under one system.
d)	A change that modifies the purpose(s) for which the information un the system of records is maintained.	The system is being used for statistical purposes whereas formerly it was being used to track housing benefits.
e)	A change in the agency's authority to	The system was transferred to a new owner governed by different

	maintain the system, collect, use, or disseminate the records in the system.	authorities; the authority governing the system has changed.
f)	A change that modifies the way in which the system operates or its location(s) in such a manner as to modify the process by which individuals can exercise their rights under the statue	A new facility hosts the SOR, as a result, the previous address in which an individual could request access to their records is no longer valid.
g)	A change to equipment configuration (either hardware or software), storage protocol, type of media, or agency procedures that expands the availability of, and thereby creates substantially greater access to, the information in the system.	Paper records being transitioned to electronic records or uploaded into SharePoint to be stored from a previous location.
h)	The addition or rescindment of an exemption.	The promulgation of a rule to exempt a SOR from certain provisions of the Privacy Act.
i)	A new routine use(s) or significant change to an existing routine uses that has the effect of expanding the availability of the information in the system.	The records in the system are now being transferred or shared with a new third-party to be stored.

# Narrative Statement Template Review

	Narrative Statement Section	Guidance
1.	System Name and Number	Provide the name and number of the information system, GSS, or electronic collection.
2.	Purpose of establishing the system	<ul> <li>A thorough and clear overview gives the reader the appropriate context to understand the system / collection's purpose. The overview should contain elements of the following:</li> <li>The purpose of the program, IT system, or technology and how it relates to the program office and agency mission.</li> <li>A general description of the information in the IT system. A description of a typical transaction conducted on the IT system.</li> <li>A general description of the modules and subsystems, where relevant, and their functions.</li> </ul>
3.	Specific authority for the maintenance of the system	<ul> <li>List the applicate authorities in bullet points. Authorities include statutes, Executive Orders, OMB issuance, and HUD Directives. This section will be reviewed by OGC.</li> <li>Provide the full citation to the relevant sections of applicable statutes.</li> <li>For example, do not state the "National Housing Act." Instead, provide the full title and statutory citation of the section that authorizes the SOR, such as, "Section 203, National Housing Act, Public Law 73-479"</li> <li>Please reach out to OGC if you require assistance finding or confirming authorities for a system.</li> <li>Commonly Used Authorities at HUD</li> <li>The following are authorities commonly used by HUD systems.</li> <li>Section 203, National Housing Act, Public Law 73-479</li> </ul>

- 42 U.S.C. 3543, titled "Preventing fraud and abuse in Department of Housing and Urban Development programs" enacted as part of the Housing and Community Development Act of 1987. **42 U.S.C. 3535(d)** – "Administrative provisions" 5 U.S.C. 9101 – "Access to criminal history records for national security and other purposes" **5 U.S.C. 3301** – "Civil service; generally" Executive Order 9397, as amended by Executive Order Provide an evaluation with level of risk of high, moderate, and low Evaluation of the probable or potential effect for unauthorized access to records. on the privacy of individuals Explain how each proposed routine use is compatible with the 5. Routine use compatibility purpose for which records are collected and maintained. List each appropriate agency Routine use and combability statement. See 80 FR 81837 Appendix I for all HUD Routine Uses The following default language has been prepopulated: The proposed routine uses for the system of records are compatible with the purpose(s) for which the records are collected or are necessary and proper for the efficient and effective conduct of the Federal government. The routine uses promote the integrity of the records in the system, the servicing and maintenance of the system, or carry out a statutory responsibility of the Federal government. Below is an example of a compatibility statement for disclosing records for the "GSA Information Disclosure **Routine Use" (HUD Routine Use 1.) Routine Use:** GSA Information Disclosure Routine Use: To the NARA and GSA for records having sufficient historical or other value to warrant its continued preservation by US Government, for inspection under authority of Title 44, Chapter 29, of the United States Code. Compatibility Statement: Chapter 29 of Title 44 of the US Code allows NARA and GSA to inspect agency records and preserve those records having enough historical value. This is a corollary purpose that is compatible with the purpose for which the information is being collected. IT is appropriate and necessary for the efficient conduct of government and in the best interest of both the potentially affected individual and the public. Provide titles of any information collection requests (e.g., forms and 6. OMB public information collection
- requirements

number, surveys, etc.) contained in the systems of records:

- List the names of any forms or other information collection instruments.
- Include clearance numbers and expiration dates.

If collecting on members of the public and no OMB approval is required, state the applicable exception(s) or provide the reason for not having an approved OMB collection.

		<ul> <li>For example:         OMB collection required: Yes.         OMB Control Number (if approved): 0704-0000.         Title of Collection: Sample Survey         Date Submitted to OMB if Pending: Expiration Date:         July 31, 2018.</li> </ul>
7.	Name of Information Technology (IT) System and CSAM Number	Please include the system name and CSAM ID. For example: "CAIVRS F57, CSAM 1035"
8.	Contractor Information	Is the system, in whole or in part, being maintained by a contractor? Please specify "yes" or "no."

## SORN Checklist

Use below checklist when creating a new or updating a modified or amending a SORN.

SOR Sections	Comple	eted?
Summary:	Reminders	
Dates:		
Addresses:	Did you include an online resource for submitting questions?	
Supplementary Information:	Did you use plain language? Did you provide OMB enough information to understand the SOR?	
System Name and Number:	Ensure to use a name that accurately describes either the associated system or the purpose of the SOR.	
Security Classification:.	Do not provide any additional language besides Unclassified/Classified.	
System Location:	Provide the complete mailing address f the location/site maintaining the SOR. Be sure to include the 9-digit zip code.  Please do not list a P.O. Box and refrain from using acronyms unless they are part of the U.S. postal mailing address.	
System Manager(s):	Did you include a 9-digit zip code?	
Authority for Maintenance of the System:	Does this section cite the proper legal authorities for this system? Have these authorities been reviewed/approved by Micah Lemons?	
Purpose(s):	Is the information in this section aligned with the PIA?	
Categories of individuals covered by the system:	Are all categories of individuals on whom information is maintained adequately described?	
Record source categories:	Did you include any forms or data collections that function as record sources? For any new forms, have they been cleared by Yvette Davis (forms manager)?	
Routine uses of records maintained in the system, including categories of users and the purposes of such uses:	Is each routine use absolute necessary? Has the routine use(s) been reviewed/approved by Micah Lemons (OGC)?	
Policies and practices for storage of records	Does this section adequately describe how all records in the system are currently stored?	
Policies and practices for retrieval of records:	If a SSN is used, is it absolute necessary? Is the necessity of the SSN accurately explained and the authority that permits its use in this system's PIA?	
Policies and practices for retention and disposal of records:	Does this section accurately state the retention period and means of disposal of records in the system?  If this is a new SOR, and the records disposition schedule is pending approval, did you include the <b>Standard Form (SF) 115 submission date</b> ?	
Administrative Technical, and Physical Safeguards:	Does this section adequately describe all safeguards which are applicable to the records in the system? (Be sure to exclude specifics regarding cybersecurity measures, such as encryption hashes or other detailed system configurations.)	
Record Access Procedures:	Does this section provide complete instructions? Is the address current?	
Instructions will read as follows:		_
Contesting Record Procedures:	Does this section provide complete instructions? Is the address current?	
Notification Procedure:	Does this section provide complete instructions? Is the address current?	
Instructions will read as follows:		
Exemptions Claimed for the System:	If exemptions apply for this system did your Office of General Counsel (OGC) review and approve the exemptions?	
History:	Provide any historical SORN information such as previous publications or indicate the system that the SOR came from, if applicable.	
	Do all relevant SORNs listed in this section have a Federal Register citation in the proper format? (For example, 82 FR 26702.)	