Protecting Personally Identifiable Information (PII)

Privacy Act Training for Housing Counselors

Presented by the Office of Housing Counseling and

The Office of the Chief Information Officer Privacy Program

Protecting Personally Identifiable Information (PII)

Please call: (866) 615-1890

Participant Access Code: 331666

to join the conference call (audio) portion of the webinar

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- Audio is being recorded. It will be available along with the PowerPoint at www.hud.gov/housingcounseling under “Webinar Archives”
- Attendee lines will muted during presentation.
- There will be opportunities to ask questions.
  - The operator will ask for people who want to make a comment, please follow the operator’s instructions at discussion and Q&A times .
  - If unmuted during Q&A, please do not use a speaker phone.
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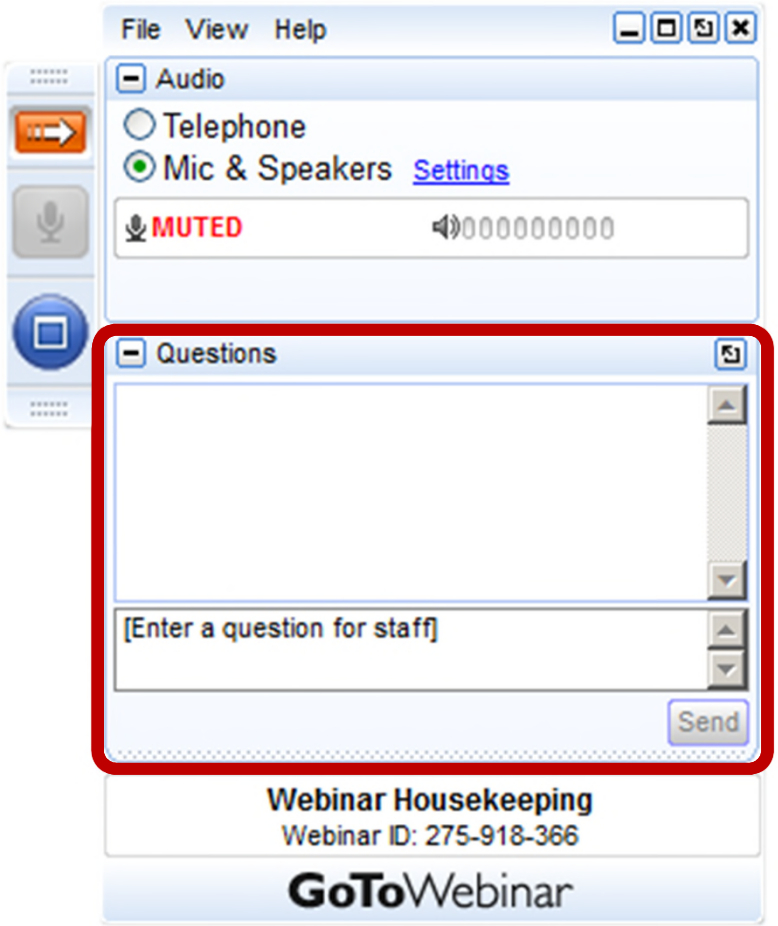

Your Participation

Please submit your text questions and comments using the Questions Panel. We will answer some of them during the webinar.

You can also send questions and comments to housing.counseling@hud.gov

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- The email will say that it is your Certificate of Training.
- Print out and save that email for your records.

Welcome

Jerry Mayer
Director
Office of Outreach and Capacity Building
Office of Housing Counseling

Privacy Requirements of the Housing Counseling Program

- Outlined in Handbook 7610.1 and 24CFR214
- HUD and the approved housing counseling agencies must maintain the confidentiality and privacy of client information.
  - Agencies must keep all client information, including credit reports, confidential and secure.
- All staff who interact with clients and collect personal information must be trained on privacy issues and procedures.
- HUD and the approved agencies must safeguard data with client information.
- Loss of data must be reported to HUD immediately.

Agency Privacy Policy

- In addition the required disclosures, it is recommended that agencies disclose their privacy policy
  - privacy policy is a legal document that states how an HCA collects, manages, and discloses both public and personal client data. On the form, HCAs typically list the entities to whom they disclose client information.
- Information on Privacy Policies and sample forms are in the Capacity Building Toolkit on OHC's webpage.

WELCOME from the Office of the Chief Information Officer

Janice E. Noble

Lead, Privacy Training and Communications

OCIO Privacy Program

Agenda

- The Privacy Act
- Overview of additional Privacy-related Federal Statutes and HUD's Privacy Policies
- Definitions
- HUD's Privacy Policy and Guidance
- Breach Procedures for Housing Counseling Agencies
- Consequences of Non-compliance
- Reporting Privacy Incidents/Breaches
- References and Contacts

Privacy Act

Enacted in 1974 (5 U.S.C. 552a)

- Establishes controls on personal information collected, maintained, and used by executive agencies.
- Establishes a code of fair information practices that govern the collection, maintenance, use, and dissemination of information about individuals that is maintained in a system of records by Federal agencies.

Privacy Act

Enacted in 1974 (5 U.S.C. 552a)

- **Requires agencies to:**
  - **Inform individuals of the purpose, use and sharing of personal information.**
  - **Grant access to individuals on whom records are maintained.**
  - **Develop System of Record Notices (SORNs).**
  - **Conduct Privacy Reviews.**
  - **Ensure key personnel are trained.**

Privacy Act

Enacted in 1974 (5 U.S.C. 552a)

- The Privacy Act requires that federal agencies maintain only such information about individuals that is relevant and necessary to accomplish its purpose. The Privacy Act also requires that the information be maintained in systems of records – electronic and paper -- that have the appropriate administrative, technical, and physical safeguards to protect the information.
- This responsibility extends to contracts, third parties, HCAs/PHAs who are required to maintain such systems of records by HUD.

Other Federal Statutes

Electronic Government (E-Gov) Act Enacted in 2002 (44 U.S.C. S. 101).

- **Requires Agencies to:**
  - Conduct Privacy Impact Assessments (PIAs) for electronic systems.
  - Post privacy notices on agency Web sites
  - Designate an Agency Privacy Official
  - Report annually to OMB.

Other Federal Statutes

Federal Information Security Management Act (FISMA)

- **Requires agencies to:**
  - Report at least annually on Privacy Management
    - PIAS
    - SORNs
    - Privacy reviews
  - **Provide annual security/privacy awareness training**

Definitions

- **Privacy Act Information**
  - **Data about an individual that is retrieved by name or other personal identifier assigned to the individual.**

- **Personally Identifiable Information (PII)**
  - **Any information about an individual maintained by an agency, which can be used to distinguish, trace, or identify an individual's identity, including personal information which is linked or linkable to an individual.**

Definitions

- **Sensitive Personally Identifiable Information (SPII).**
  - Social Security numbers, or comparable identification numbers; financial information associated with individuals; and medical information associated with individuals.

Note: Sensitive PII, a subset of PII, requires additional levels of security controls.

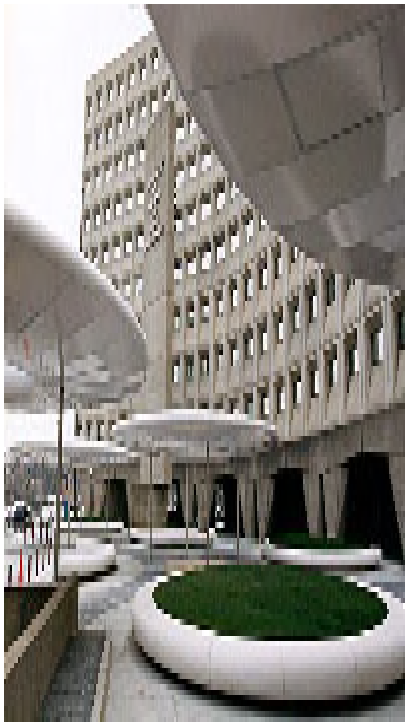
- **System of Records**
  - Any group of records under the control of the Agency where the information is retrieved by a personal identifier.

Personally Identifiable Information

What is PII?	
PII includes: Name, email, home address, phone #	
Sensitive PII includes:	
If Stand-Alone:	***If Paired With Another Identifier:***
➢Social Security number	➢Citizenship or immigration status
➢Driver's license or state ID #	➢Medical information
➢Passport number	➢Ethnic or religious affiliation
➢Alien Registration Number	➢Sexual orientation
➢Financial account number	➢Account passwords
➢Biometric identifiers	➢Last 4 digits of SSN
	➢Date of birth
	➢Criminal history
	➢Mother's maiden name

HUD's Privacy Policy and Guidance

- **Privacy Act Handbook**
  http://portal.hud.gov/hudportal/documents/huddoc?id=13251trnCHCH.pdf
- **HUD's Privacy Principle**
  http://portal.hud.gov/hudportal/HUD?src=/program_offices/cio/privacy/documents/privprin
- **PIH Notice 2014-10, HUD Privacy Protection Guidance for Third Parties**
  http://portal.hud.gov/hudportal/documents/huddoc?id=pih2014-10.pdf



HUD's Privacy Protection Guidance for Third Parties

- HUD expects its third party business partners, including Housing Authorities, who collect, use, maintain, or disseminate HUD information, to protect the privacy of that information in accordance with applicable law.

HUD's Privacy Protection Guidance for Third Parties

- Housing Counseling Agencies should take the following steps to help ensure compliance with these requirements:
  - Limit Collection of PII
  - Manage Access to Sensitive PII
  - Protect Electronic Transmissions of Sensitive PII via fax, email, etc.
  - Protect Hard Copy Transmissions of Files Containing Sensitive PII
  - Records Management – Retention and Disposition
  - Incident Response

HUD's Privacy Protection Guidance for Third Parties

Limit Collection of PII

- **Do not collect or maintain sensitive PII without proper authorization.**
- **Collect only the PII that is needed for the purposes for which it is collected.**

HUD's Privacy Protection Guidance for Third Parties

Manage Access to Sensitive PII

- **Only share or discuss sensitive PII with those persons who have a need to know for purposes of their work.**
- **Collect only the PII that is needed for the purposes for which it is collected.**

HUD's Privacy Protection Guidance for Third Parties

Manage Access to Sensitive PII

- When discussing sensitive PII on the telephone, confirm that you are speaking to the right person before discussing the information. and inform him/her that the discussion will include sensitive PII.
- Never leave messages containing sensitive PII on voicemail.
- Avoid discussing sensitive PII if there are unauthorized personnel, contractors, or guests nearby who may overhear your conversation.

HUD's Privacy Protection Guidance for Third Parties

Manage Access to Sensitive PII

- **Hold meetings in a secure place if sensitive PII will be discussed.**
- **Treat notes and minutes from such meetings as confidential unless you can verify that they do not contain sensitive PII.**
- **Record the date, time, place, subject, chairperson, and attendees at any meeting involving sensitive PII.**

HUD's Privacy Protection Guidance for Third Parties

Protect Hard Copy and Electronic Files Containing Sensitive PII

- **Clearly label all files containing sensitive PII –documents and removal media *(*example: *For Official Use Only*)**
- **Lock up all hard copy files containing sensitive PII in secured file cabinets and do not leave unattended.**
- **Protect all media (thumb drives, CDs, etc.) that contain sensitive PII and do not leave unattended. This information should be maintained either in secured file cabinets or in computers that have been secured.**

HUD's Privacy Protection Guidance for Third Parties

Protect Hard Copy and Electronic Files Containing Sensitive PII

- **Keep accurate records of where PII is stored, used, and maintained**
- **Periodically audit all sensitive PII holdings to make sure that all such information can be readily located.**

HUD's Privacy Protection Guidance for Third Parties

Protect Hard Copy and Electronic Files Containing Sensitive PII

- Secure digital copies of files containing sensitive PII. Protection includes encryption, implementing enhanced authentication mechanisms such as two-factor authentication and limiting the number of people allowed access to the files.
- Store sensitive PII only on workstations located in areas that have restricted physical access.

HUD's Privacy Protection Guidance for Third Parties

Protecting Electronic Transmissions of Sensitive PII via fax, email, etc.

- **When faxing sensitive PII, use the date stamp function, confirm the fax number, verify that the intended recipient is available, and confirm that the fax was received. Ensure that none of the transmission is stored in memory on the fax machine, that the fax is in a controlled area, and all paper waste is disposed of properly, (e.g., shredded). When possible, use a fax machine that uses a secure transmission line.**

HUD's Privacy Protection Guidance for Third Parties

Protecting Electronic Transmissions of Sensitive PII via fax, email, etc.

- **Before faxing PII, coordinate with the recipient so that the PII will not be left unattended on the receiving end.**
- **When faxing sensitive PII, use only individually controlled fax machines, not central receiving centers.**

HUD's Privacy Protection Guidance for Third Parties

Protecting Electronic Transmissions of Sensitive PII via fax, email, etc.

- **Do not transmit sensitive PII via an unsecured information system (e.g. electronic mail, Internet, or electronic bulletin board) without first encrypting the information.**
- **Do not place PII on shared drives, multi-access calendars, the Intranet, or the Internet.**

HUD's Privacy Protection Guidance for Third Parties

Protecting Hard Copy Transmissions of PII via fax, email, etc.

- **Do not remove records about individuals with sensitive PII from facilities where HUD information is authorized to be stored and used unless approval is first obtained from a supervisor.**
- **Sufficient justification, as well as evidence of information security, must be presented.**

HUD's Privacy Protection Guidance for Third Parties

Protecting Hard Copy Transmissions of PII via fax, email, etc.

- **Do not use interoffice or translucent envelopes to mail sensitive PII. Use sealable opaque envelopes. Mark the envelope to the person's attention.**
- **When using the U.S. Postal Service to deliver information with sensitive PII, double-wrap the documents (e.g. use two envelopes – one inside the other) and mark only the inside envelope as confidential with the statement – *To Be Opened by Addressee Only*.)**

HUD's Privacy Protection Guidance for Third Parties

Records Management: Retention and Disposal

- Follow records management laws, regulations, and policies applicable within your jurisdiction.
- Do not maintain records longer than required per records management schedules.
- Dispose of sensitive PII appropriately – use shredders for hard copies and permanently erase (not just delete) electronic records.

HUD's Privacy Protection Guidance for Third Parties

Incident Response

- **Supervisors should ensure that all personnel are familiar with incident response procedures.**
- **Promptly report all suspected compromisers of sensitive PII related to HUD programs and projects to HUD'S National Help Desk at 1-888-297-8889.**

Breach Procedure for Housing Counseling Agencies

- HCA's are responsible for immediately reporting any suspected or known breach of personally identifiable information (PII) as soon as the incident is discovered.
- Promptly report all suspected compromises of sensitive PII related to HUD programs and projects to HUD's National Help Desk at 1-888-297-8689.

Consequences of Non-Compliance

- **The Privacy Act imposes civil penalties when an employee:**
  - Unlawfully refuses to amend a record.
  - Unlawfully refuses to grant access to records.
  - Fails to maintain accurate, relevant, timely and complete data.
  - Fails to comply with any Privacy Act provision or agency rule that results in an adverse effect.

Consequences of Non-Compliance

- **The Privacy Act imposes criminal penalties:**

  Misdemeanor and a fine of up to $5,000 (for each offense).

  - **For knowingly and willfully disclosing Privacy Act information to any person not entitled to receiving it.**
  - **For maintaining a System of Records without meeting the public notice requirements.**
  - **For knowingly and willfully requesting or obtaining records under false pretenses.**

Breach Procedure for Housing Counseling Agencies

- **Full Cooperation**
  - **The HCA shall cooperate fully with Agency personnel during the investigation. To the extent applicable, the HCA shall assist in the containment, control and safeguarding of information to prevent the breach from re-occurring.**
  - **Failure to take appropriate action upon discovering the breach, take required steps to prevent a breach from occurring, notify the Agency, or cooperate in the investigation may result in disciplinary actions, parallel enforcement investigations, or litigation.**

References & Resources

- **The Privacy Act of 1974,**
  http://usdoj.gov/opcl/privstat.htm

- **The E-Government Act of 2002,**
  http://www.whitehouse.gov/omb/memoranda_m03-22/

- **Federal Information Security Management Act of 2002, Title 3 of e-Gov Act of 2002,**
  http://csrc.nist.gov/drivers/documents/FISMA-final.pdf

Contact

1. In the event of a potential privacy breach, call HUD's National Help Desk at 1-888-297-8689.
2. For all other concerns, contact Janice Noble, HUD's Office of Privacy, privacy@hud.gov

National Privacy Program

Questions