



**Federal Trade Commission  
Privacy Impact Assessment**

**Skype  
October 2013**

## **SECTION 1.0 – SPECIFIC PURPOSE OF THE FTC’S USE OF SKYPE**

### **1.1 – What is the specific purpose of the agency’s use of Skype, and how does that use fit with the agency’s broader mission?**

Skype is a website and application service that people use to stay in touch at home, at the office, or on the go. It is available on a computer, mobile device, tablet, TV and home phone. After creating a Skype account, users have access to video and voice calls, instant messaging and file sharing, calls to mobile and landlines, text messaging, and group video calls up to 10 people.

Currently, Skype does not offer government-specific terms of service and, as a result, the FTC limits its use of Skype in terms of scope, function, and content. The FTC’s primary use of Skype is for real-time video and audio communication when there is no feasible or readily accessible alternative. Thus, the FTC’s current uses of its official Skype account include interviews with job candidates who are not located in the immediate area or who require scheduling or access accommodations, conference calls with international colleagues, media interviews, and trainings or other presentations for law students outside the local area.

Skype may also be used for limited purposes in a specific FTC investigation or proceeding if no reasonable alternative exists and if prior approval has been obtained from the chief privacy officer and the Social Media Task Force chair.

The FTC does not currently use Skype for file-sharing purposes. The FTC uses Skype messaging services, if at all, only to attempt to reach entities or individuals who cannot otherwise be contacted, and then only with the prior approval of the Chief Privacy Officer and the Social Media Task Force chair and for the limited purpose of inviting communication through other channels such as telephone or email. The FTC does not use Skype for any purposes that would require substantive FTC communications to be kept or maintained by Skype or by the FTC using Skype-provided tools. All information collected by the FTC during Skype-related communications, including any personal information, is kept in accordance with FTC regulations, policies, and procedures.

### **1.2 – Is the agency’s use of Skype consistent with all applicable laws, regulations, and policies?**

The FTC’s intended uses of Skype have been reviewed to ensure compliance with applicable laws, regulations, and policies.

The FTC complies with applicable laws, regulations, and policy requiring public notice or disclosure, which includes posting this PIA on the FTC’s website, in accordance with Section 208 of the E-Government Act, and OMB guidance. The FTC has also revised its privacy policy, also posted on the FTC’s website, to add Skype to the list of third-party technologies used to collect, maintain, or disseminate information that may be from or about individuals. See the FTC’s privacy policy: <http://www.ftc.gov/ftc/privacy.shtm>.

In addition, when the FTC has an official account on a third-party website or application, it is required, where feasible, to post a privacy notice on the third-party site or application to explain the FTC's privacy policy. See *OMB M-10-23, Guidance for Agency Use of Third-Party Websites and Applications*. Skype only provides a limited space for FTC content, in Skype's "profile biography," and the FTC uses that space to provide the required Privacy Act Statement to notify individuals about how any personal information that might be collected during a Skype communication will be maintained in a system of records (e.g., personnel data). The FTC uses the following Skype-specific Privacy Act statement, drafted to fit the available space:

*This is an FTC Skype account. For official FTC resources, see [www.ftc.gov](http://www.ftc.gov). For information on how we handle any personal information that we collect from you, please read our [privacy policy](#).*

Using Skype to disseminate information about the FTC's programs and activities to the media and other audiences (e.g., law students) is consistent with the FTC's authority under Section 6 of the FTC Act to make information available in the public interest. Its uses are consistent with policies issued by the President and Office of Management & Budget calling upon Federal departments and agencies to harness new technologies to engage with the public. See, e.g., *Transparency and Open Government* (Jan. 21, 2009), *Open Government Directive* (Dec. 8, 2009).

Using Skype for law enforcement-related communications with overseas Government agencies or in connection with specific FTC investigations or proceedings is consistent with the FTC's law enforcement and regulatory authority under Section 5 of the FTC Act.

Using Skype to conduct interviews with applicants for FTC employment is consistent with the FTC's obligations under Federal personnel law, regulation, and policy, which address, among other things, the questions we may ask and the information we may collect from applicants.

## **SECTION 2.0 – IS THERE ANY PII THAT IS LIKELY TO BECOME AVAILABLE TO THE AGENCY THROUGH THE USE OF SKYPE?**

### **2.1 – What PII will be made available to the FTC?**

#### **Media Interviews**

The FTC may use Skype to conduct interviews with members of the media. Nonpublic information, including the collection, use, maintenance or disclosure of PII, is prohibited during these calls.

#### **Job Interviews**

The FTC receives job applications, which contain PII, through channels other than Skype, but the FTC may discuss or collect additional candidate-provided information, including PII, orally during Skype interviews. All such PII is maintained on FTC systems and handled and disposed of in accordance with FTC regulations, policies, and procedures.

## **International Calls**

The conference calls with international colleagues, may involve nonpublic FTC and law enforcement information, but the calls do not typically involve PII and the FTC generally does not intend to discuss, collect, or maintain such PII and will say so at the outset of such calls.

## **Student Presentations**

Occasionally, the FTC may provide presentations to law students and others via Skype. Although such students may have comments or questions that make PII available during interactive Skype sessions, the FTC generally does not intend to discuss, collect, or maintain any such PII and will say so at the outset of such calls.

## **Law Enforcement Investigations and Proceedings**

To the extent that the FTC collects PII in connection with Skype communications relating to FTC investigations or other proceedings, that information would be retained by the case team in accordance with applicable FTC regulations, rules, and procedures, including litigation holds and other applicable discovery-related requirements.

Skype allows users to register for their services with an existing Microsoft email or Facebook account, or to register directly for their service with a Skype account. Users are required to provide a first and last name, email address, country, language, username, and password. Additionally, users can provide their birthdate, gender, city, and mobile phone. Skype asks users if they intend to use the account for personal or professional reasons, and after registration, allows for a 200-character biography on a user's profile. Some of this identifying PII could be visible or otherwise accessible or available to the FTC through various Skype functions or utilities (e.g., by using a search engine to locate specific Skype users or a Skype-provided address book associated with the FTC's account). The FTC does not intend to systematically collect or maintain this contact information in agency records, and the FTC does not intend to maintain an address book on Skype or use other Skype tools that would make additional user data available to the FTC. Rather, the FTC will only use and have access to Skype usernames as required to use Skype to conduct official FTC business and, to the extent necessary, to document the Skype communication.

## **2.2 – What are the sources of PII?**

Sources of PII potentially include other Skype user profile data and additional PII provided by or available to the FTC about such user(s) as part of the Skype session, for example, instant message/chat (i.e., text), video, or audio, as described in Section 2.1. As explained above, the FTC does not intend to systematically collect or maintain such data in agency records or in Skype-provided tools such as an address book.

## **2.3 – Do the FTC's activities trigger the Paperwork Reduction Act (PRA) and, if so, how will the agency comply with the statute?**

The FTC's intended uses of Skype, as described earlier, do not involve surveys, questionnaires, or identical questions to 10 or more persons requiring prior OMB clearance and approval under the PRA. *See also* OMB, [Social Media, Web-Based Interactive Technologies, and the Paperwork](#)

[Reduction Act](#) (Apr. 7, 2010) (clarifying when the use of such technologies do and do not trigger the PRA).

## **SECTION 3.0 THE FTC’S INTENDED OR EXPECTED USE OF PII**

### **Section 3.1 – Generally, how will the agency use the PII described in Section 2.0?**

The FTC does not intend to use Skype to collect or maintain PII for agency records, except in the limited, incidental manner described above (e.g., Skype sessions with individuals who may be interviewing for an FTC position, who may have personal comments or questions in an educational presentation, or who may provide contact or other information in conference calls with overseas partners or during law enforcement-related communications in FTC investigations or proceedings). The FTC will not collect or maintain registration or user profile data that may be available through Skype about other Skype users, except for usernames that have been voluntarily provided to the FTC by such users. Any PII collected by the FTC will be retained in FTC systems in accordance with FTC regulations, policies, and procedures.

### **Section 3.2 – Provide specific examples of the types of uses to which the PII may be subject.**

The PII will be used solely and specifically for the purposes for which it was collected. Personal information collected from FTC job applicants will be used for selection purposes. Personal information collected during FTC investigations and proceedings will be used for the FTC’s law enforcement activities.

## **SECTION 4.0 SHARING OR DISCLOSING OF PII**

### **Section 4.1 – With what entities or persons inside or outside the agency will the PII be shared, and for what purposes will the PII be disclosed?**

PII that may be available and obtained from an individual through Skype video or audio sessions, or through text messages sent to individuals (whether they are Skype account holders or not) may be compiled, maintained, and then disclosed internally or externally according to applicable law, regulation, or policy. For example, as noted earlier, information provided by job applicants in interviews conducted through Skype may be maintained as part of personnel application records and may be disclosed within the agency on a need-to-know basis (e.g., personnel staff or selecting officials) or externally (e.g., Office of Personnel Management or others authorized to have access). See also Section 8 below (Privacy Act).

As explained earlier, the FTC does not intend to collect and maintain any profile or registration data (PII) of other Skype users that may be made available to the FTC through Skype. Thus, the FTC will not be using or sharing such PII within or outside the agency. The FTC may maintain usernames that have been voluntarily obtained from or provided by such users as part of the agency’s agency administrative or other records (e.g., media contact lists), and such records may be accessed by or shared internally with authorized employees or individuals on a need-to-know basis. To the extent any such username contact data is nonpublic, the FTC has rules governing external access to such data, such as any disclosure if legally required by the Freedom of

Information Act (FOIA) or otherwise authorized by law (e.g., access by other agencies or individuals). *See generally* FTC Rule 4.11.

#### **Section 4.2 – What safeguards are in place to prevent expansion of use beyond those authorized under law and described in this PIA?**

Only authorized FTC staff members will manage the official FTC Skype account. Each FTC staff member responsible for managing a third-party account must acknowledge and agree in writing to comply with the Commission's internal Social Media Rules of Behavior prior to beginning account administration. The Social Media Rules of Behavior are maintained, reviewed, and revised as needed by the FTC's Social Media Task Force.

The FTC's Skype account is registered using an official FTC email account. The account administrator is not permitted to use personal accounts to manage the account or to use Skype for personal activity. Furthermore, the FTC staff member administering the account must use FTC-authorized devices to manage it. The FTC staff member administering the Skype account will consult with the Chief Privacy Officer and with the chair of the Social Media Task Force as needed regarding any proposed new or novel uses of Skype prior to permitting those uses.

At this time, the FTC's use of Skype is limited to its Headquarters and is not authorized for use in the FTC's regional offices.

### **SECTION 5.0 - MAINTENANCE AND RETENTION OF PII**

#### **Section 5.1 – How will the FTC maintain the PII, and for how long?**

Any PII that the FTC collects will be maintained in accordance with FTC regulations, policies, and procedures. If the FTC collects usernames or other PII as part of a Skype session, the PII will be retained and disposed of pursuant to FTC disposition schedule N1-122-09-1 approved by the National Archives and Records Administration (NARA).

#### **Section 5.2 – Was the retention period established to minimize privacy risk?**

Yes. In addition, per the FTC's own privacy policy, the FTC does not collect any unnecessary information, including PII. As described in Section 3.2, the PII will be used solely and specifically for the purposes for which it was collected.

### **SECTION 6.0 – HOW THE AGENCY WILL SECURE PII**

#### **Section 6.1 – Will the FTC's privacy and security officials coordinate to develop methods of securing PII?**

Yes, privacy and security officials will continue to coordinate to develop methods of securing PII, in the context of social media and also more generally. For Skype, the current approach consists of the previously described risk reduction mechanisms, including i) keeping Skype off the FTC network, ii) imposing technical and administrative controls that limit the content and

scope of Skype communications to minimize PII, and iii) requiring that any PII that is collected during Skype communications be maintained in existing FTC systems and be handled and disposed of in accordance with FTC regulations, policies, and procedures and in accordance with applicable NARA record retention schedules.”

## **SECTION 7.0 – IDENTIFICATION AND MITIGATION OF OTHER PRIVACY RISKS**

### **Section 7.1 – What other privacy risks exist, and how will the agency mitigate those risks?**

Skype account users may be subject to information collection, maintenance, use, or tracking by Skype. Skype’s privacy practices are described in its privacy policy, which is posted online at <http://www.skype.com/en/legal/privacy>. In addition, given the absence of government-specific terms of service and the risk of communications being intercepted, the FTC limits the type and scope of communications that may be conducted on Skype and requires proposed new uses to be reviewed and approved by the Chief Privacy Officer and the chair of the Social Media Task Force prior to implementation.

## **SECTION 8.0 – CREATION OR MODIFICATION OF A SYSTEM OF RECORDS**

### **Section 8.1 – Will the FTC’s activities create or modify a “system of records” under the Privacy Act of 1974?**

No. The FTC does not collect PII or Skype usernames or retrieve such data in a manner that would require the FTC to create or modify a system of records under the Privacy Act of 1974. To the extent the FTC uses Skype to collect PII for personnel hiring or other matters, the FTC would incorporate such information, if any, into existing Privacy Act systems of records (e.g., employee applicant records, FTC II-4). All of the FTC’s systems of records subject to the Privacy Act are available on the FTC’s website at <http://ftc.gov/foia/listofpaysystems.shtm>.

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