



**Federal Trade Commission
Privacy Impact Assessment for the
Correspondence Management System (CMS)**

Updated September 2018

1. System Overview

The mission of the Federal Trade Commission (FTC or Commission) is to enforce the FTC Act by preventing the use of unfair methods of competition and unfair or deceptive acts or practices; to enforce many other consumer protection and antitrust statutes; and to enhance informed consumer choice and public understanding of the competitive process. The FTC seeks to accomplish this mission without unduly burdening legitimate business activity. In support of these activities, FTC staff engage in extensive communications with federal, state, and local government agencies, as well as with consumers and industry groups.

As required by Section 208 of the E-Government Act, the FTC has prepared this Privacy Impact Assessment (PIA) for its Correspondence Management System (CMS) to explain what personally identifiable information (PII) the system maintains and how the FTC uses and safeguards that information. CMS serves as the Commission's central system for tracking Congressional and White House correspondence received by the Commission, including, in particular, correspondence received by the Office of the Chairman, the Office of the Secretary, the Bureau of Consumer Protection, the Bureau of Competition, the Office of Congressional Relations, and the Office of the General Counsel. The system tracks all Congressional correspondence sent to the Commission, including letters received directly from Members of Congress – in which they express their own views and/or forward correspondence from their constituents – and Congressional letters sent to other federal agencies, which those agencies, in turn, forward to the Commission for response. The system also tracks all constituent letters that the White House forwards to the Commission.

The Office of the Secretary uses CMS to help carry out its responsibility for receiving and processing all correspondence from the White House and Members of Congress, approximately 1,000 to 1,500 letters each year. The information about members of the public collected in CMS is derived from the written correspondence received by the Commission. For each letter received by the FTC, CMS tracks the type of inquiry, the Commission employee responsible for responding to the inquiry, the intended recipient of the response, and the status of the response. CMS also includes PII related to these tracked elements as described in section 2.1. However, the constituent letters, themselves, are not stored in CMS: instead, they are stored in the Commission's internal document management system.¹ The FTC forwards a response to each inquiry either to the appropriate Congressional office or – with respect to inquiries on behalf of constituents and when requested by the Member of Congress – to the constituent himself or herself. In some cases, the FTC forwards correspondence to another Federal agency if that agency is better suited to respond to the constituent than the FTC is. When the White House forwards constituent correspondence, the FTC responds directly to the constituent. Unlike the letters *from* constituents, the FTC's response letters *to* constituents are often stored in CMS.

¹ Reference numbers for inquiries in CMS have corresponding reference numbers in the internal document management system. For more information about the internal document management system, see the [Electronic Document Management System PIA](#).

CMS was designed to collect the least amount of information necessary to fulfill its intended function. CMS utilizes a database and a set of tools provided by Oracle Corporation to manage the data, security, and business rules of the application. Using Oracle maximizes data quality, data security, and system performance. Users access CMS using a software program that runs on a user's desktop developed in Oracle Forms. Users have the ability to read or modify data only if they have been specifically granted such rights for business purposes. Access to data in CMS is limited to authorized users who have a need for access to the data in order to carry out official business functions.² CMS is managed by the FTC's Office of the Secretary.

2 Information Collected and Stored within the System

2.1 What information is to be collected, used, disseminated, or maintained by the system?

CMS stores four types of information:

(1) Information provided by consumers in correspondence submitted to the White House or to a Congressional office, or by consumers who have written directly to the Chairman / Chairwoman. This includes the nature of the complaint and some or all of the following information about a consumer:

- a. First Name
- b. Last Name
- c. Street Address
- d. City
- e. State
- f. Zip Code
- g. Country

(2) Information about the Member of Congress or White House official who forwarded the correspondence, including the following data elements:

- a. First Name
- b. Last Name
- c. Position Title
- d. Office Addresses
- e. Congressional Committee Names and Addresses

² As discussed in Section 2.1(4) below, each incoming letter from the White House or a Member of Congress – and each outgoing response from the Commission – also is scanned into the Commission's non-public document management system.

(3) The name and FTC office affiliation (i.e. Office of the Secretary) of the FTC staff member who responds to the constituent are included in the FTC's response letter. Unlike the constituent letters, the response letters are often stored in CMS. Also stored is the name and office affiliation of the FTC staff member who has been assigned to draft FTC's response letter.

(4) In limited circumstances, some additional personally identifiable information (PII) may be stored in CMS if that information is required to draft an appropriate response to the inquiry at issue.

Each incoming letter from the White House or a Member of Congress and each outgoing response from the Commission also is scanned into the Commission's internal document management system. Any Social Security numbers that appear in a given letter from the White House or a Member of Congress have been redacted before the document is stored electronically in the non-public document management system.³ However, such information is not separately entered into or stored in CMS.

2.2 What are the sources of the information in the system?

The information stored in CMS is collected from correspondence received from the White House or Congressional Offices, or from correspondence by consumers writing directly to the Chairman / Chairwoman. The information in a given letter may derive either from the consumer on whose behalf the letter is written or from the Congressional Office involved.

2.3 Why is the information being collected, used, disseminated, or maintained?

As noted above, Congress has empowered and directed the Commission to prohibit the use of deceptive acts or practices, unfair acts or practices, and unfair methods of competition, in or affecting commerce, pursuant to the FTC Act, 15 U.S.C. §§ 41-58, *as amended*. Additionally, Congress has empowered and directed the Commission to prevent mergers, acquisitions, price discrimination, and certain other practices that may "substantially lessen competition" or "tend to create a monopoly," in violation of the Clayton Act, 15 U.S.C. §§ 12-27, *as amended*. Congress also has empowered and directed the Commission to enforce or assist with implementing a large number of other statutes. The Commission relies on a variety of different types of assistance in carrying out its responsibilities under all of the foregoing statutes, and letters from Members of Congress and the White House provide valuable information that is frequently used to develop or

³ Although Social Security numbers have been redacted from the versions of White House and Congressional correspondence that are scanned into the non-public document management system since 2009, some earlier correspondence stored in that system still contains such numbers. That correspondence has been re-coded so that it may only be viewed by authorized users in the agency's Commissioners' offices, Office of General Counsel, and Office of the Secretary.

support Commission law enforcement and other initiatives.

As a part of this process, the information in CMS is collected in order to facilitate the efficient, accurate, and timely handling of incoming correspondence from Congress and the White House. For a given letter, the Commission uses CMS to track both the incoming letter and the status of the FTC's response. For each letter, the FTC identifies the nature of the issue or issues involved; determines whether any such issues can be resolved by the Commission or the Commission staff and, if so, conducts whatever investigation may be appropriate; and develops an appropriate response to the issue. The foregoing research is not conducted through CMS; CMS only is used to track the status of the research required and the status of the response needed. Certain information from a given letter that is stored in CMS – such as names, contact information, or other PII – may be used to draft the requisite response to the Member of Congress or to the constituent.

2.4 How is the information collected?

The Commission receives correspondence via letter carrier mail, a personal delivery service, email, or facsimile. Members of the Commission staff then manually enter the information identified in Section 2.1 above into CMS, and each letter is thereafter scanned into the internal document management system, which is separate from CMS.

2.5 How will the information be checked for accuracy and timeliness (currency)?

The organization responsible for drafting a response to a given incoming letter may contact the constituent involved – or the Congressional Office involved, in consultation with the Office of Congressional Relations – to secure additional information or to verify the accuracy of the information in the incoming letter, including information entered from the incoming letter into CMS. As discussed above, for a given incoming letter, the data maintained within CMS primarily consists of contact information, which is used to direct the response to that letter to the appropriate Congressional Office or constituent. Members of the Office of the Secretary staff update that information as warranted.

2.6 Is the system using technologies in ways that the FTC has not previously employed (e.g., monitoring software, Smart Cards, etc.)? If so, how does the use of this technology affect individuals' privacy?

No. The system uses technologies only in ways that the Commission has previously employed. CMS utilizes a database and a set of tools provided by Oracle Corporation to manage the data, security, and business rules of the application. Using Oracle maximizes data quality, data security, and system performance. Users access CMS using a software program that runs on a user's desktop developed in Oracle Forms.

2.7 What law or regulation permits the collection of this information?

The collection of documents and information within CMS is authorized in connection with the conduct of agency law enforcement and regulatory activities under the FTC Act, 15 U.S.C. 41 *et seq.*

2.8 Considering the type of information collected and sources of collection, what privacy risks were identified and how were these risks mitigated?

The system is used only for internal purposes (subject to the information in Section 3.3 below), and the FTC maintains safeguards to protect this information as described in this document. For these reasons, the privacy risks are low. Risks to privacy arise primarily from internal threats to the information contained within the CMS database, which include the unauthorized or inadvertent release of PII and unauthorized browsing for information.

Several safeguards have been implemented to mitigate these risks and to prevent the unauthorized disclosure of PII from CMS. First, the system uses a user-identification and password so that only authorized Commission personnel can access CMS. The ability to view, add, change, or delete information is strictly controlled by roles assigned to each authorized user. This restriction protects the information in CMS from internal threats.

Second, the server on which the database is stored is protected by a firewall and is not accessible from outside the Commission. As required by OMB Memorandum 03-22 – and consistent with Commission obligations under the Federal Information Security Modernization Act – the Commission affirms that it follows IT security requirements and procedures required by federal law and policy to ensure that information is appropriately secured in the relevant system. It affirms that it has identified appropriate security controls to protect against unauthorized access; that it has implemented those controls; and that appropriate monitoring, testing and evaluation are conducted on a regular basis by the Commission (or by a contractor or subcontractor, where applicable) to ensure that the requisite controls continue to work properly, thereby safeguarding the information.

3 Use and Access to Data in the System

3.1 Describe how information in the system will or may be used.

The information from a particular consumer is used to resolve his or her inquiry and to communicate the requisite information back to the consumer, either directly, or, much more commonly, through the appropriate Congressional Office. The information is also used to provide tracking reports, which help to ensure that the Commission answers each letter received in a timely manner.

3.2 Which internal entities will have access to the information?

The information is primarily used by members of the staff in the Office of the Secretary and the Office of the Chairman / Chairwoman who are authorized to enter data into and to edit data in CMS. Moreover, members of the Office of General Counsel and the Office of Congressional Relations may use this information (on a read-only basis) in the course of their work. For example, members of the Office of Congressional Relations may use this information when preparing reports to Congress, and the Office of the General Counsel's FOIA office may receive this information, if needed, in order to respond to a FOIA request. Furthermore, when the Office of the Secretary forwards a given incoming letter to one of the Bureaus or Offices for the preparation of a draft response, the Office also forwards a referral form containing some of the data entered into CMS. To the extent that contractors may also have access to CMS – primarily for the purpose of maintaining or repairing the system – they are bound by non-disclosure agreements prohibiting the unauthorized disclosure of information collected by the Commission.

The FTC often seeks public comments on Commission rulemakings or other public proceedings. These comments are posted on the Commission's public website. When Members of Congress submit – on their own behalf or on behalf of one or more of their constituents – letters that constitute public comments, such documents must be posted on the Commission website. In that circumstance, some of the information in CMS is shared with the Records and Information Management Office for the purpose of ensuring that the incoming letter is properly processed as a public comment.

3.3 Which external entities will have access to the information?

Once the issues raised by a particular incoming letter have been researched and addressed, the Commission sends a response to the appropriate Congressional Office or constituent. The response letters may contain some of the information collected by the Commission (as described in Section 2), such as the name of the constituent involved and the city in which he or she resides. However, the response letters do not contain sensitive personally identifiable information.

The Commission may be required or authorized by law to share certain data collected in CMS in other circumstances, including in response to Freedom of Information Act requests from private individuals or organizations. In these situations, the Commission redacts sensitive personally identifiable information and sensitive health information – as required by Commission policy and any applicable rules or court orders – from the material provided in response to any such requests. The Commission may also be required or authorized by law to share certain data collected in CMS with state or other federal government entities.

4 Notice and Access for Individuals

4.1 How will individuals be informed about what information is collected, and how this information is used and disclosed?

Notice is provided in the Systems of Records Notice IV-2 -- Miscellaneous Office Correspondence Tracking System, System of Records Notice VII-3 – Computer Systems User Identification and Access Records, and in this Privacy Impact Assessment. It is not practicable to provide any other type of notice because the FTC does not solicit the information at issue from individuals. Any PII that the Office of the Secretary places in CMS instead derives from correspondence that individuals voluntarily submit – either to the White House or to a Member of Congress – and that the White House or the Member of Congress then forwards to the Commission in order to help resolve the problems at issue. Moreover, constituents contacting Congressional offices frequently sign a “privacy release statement,” which Congressional offices sometimes forward to the Commission in conjunction with the constituent letters.

4.2 Do individuals have the opportunity and/or right to decline to provide information?

For the reasons stated in Section 4.1, individuals may not necessarily have notice of or an opportunity to consent to Commission collection or use of the information they provide, other than by refraining from including the information in their correspondence to the White House or to Members of Congress. As noted above, the provision of any such information is completely voluntary.

4.3 Do individuals have the right to consent to particular uses of the information? If so, how would an individual exercise this right?

Individuals do not have the right to consent to particular uses of the information at issue, because once a letter is sent to the Commission by the White House or a Member of Congress, it is not practicable to give the constituent involved the opportunity to opt out of providing PII or other information the letter may contain or to consent to any particular use of that information. As noted above, while CMS is not designed to collect sensitive personally identifiable information or sensitive health information, each letter received from the White House or a Member of Congress is scanned into the internal document management system – after any Social Security numbers and other sensitive personally identifiable information it contains have been redacted – and the remaining information in the letter is then stored in the document management system. Whether stored in CMS or the document management system, the information in the letter is used to assist the constituent involved in resolving his or her specific problem. As noted in Section 3.3 above, the Commission may also be required or authorized by law to share certain data collected in CMS with state or other federal government entities.

4.4 What are the procedures that allow individuals to gain access to their own information?

Consumers may request a copy of information in the system covered by the Privacy Act, by following the Commission's Privacy Act rules and procedures, which are published in the Code of Federal Regulations at 16 C.F.R. 4.13. For more information on accessing FTC records, please visit the Commission's Freedom of Information Act Office Web Page, located at <http://www.ftc.gov/foia/contact.shtm>.

4.5 Discuss the privacy risks associated with the process of providing individuals access to their own records and how those risks are mitigated.

The privacy risks that may arise from providing an individual with access to his or her own records are low, because individuals do not have direct access to the system, and may only obtain access to their records by filing a request with the FTC as described in Section 4.4. The Commission's Privacy Act procedures permit the FTC to verify a requesting individual's identity before granting him or her access to the records at issue.

5 Web Site Privacy Issues

The system does not permit users to access CMS via a website. Therefore, this section is not applicable.

6 Security of Information in the System

6.1 Are all IT security requirements and procedures required by federal law being followed to ensure that information is appropriately secured?

The FTC follows all applicable Federal Information Security Modernization Act (FISMA) requirements to ensure that information in CMS is appropriately secured. CMS is a subsystem within the Data Center General Support System, which is categorized as moderate using Federal Information Processing Standards (FIPS) 199.⁴

6.2 Has an Assessment and Authorization (A&A) been completed for the system or systems supporting the program?

CMS is considered a subsystem within the Data Center General Support System and does not require a separate A&A. The Data Center General Support System has a current Authorization to Operate.

⁴The Data Center GSS PIA is available here:
<https://www.ftc.gov/site-information/privacy-policy/privacy-impact-assessments>.

6.3 Has a risk assessment been conducted on the system?

CMS is considered a subsystem within the Data Center General Support System and does not require a separate risk assessment.

6.4 Does the project employ technology that may raise privacy concerns? If so, please discuss its implementation.

The system is for internal use only and does not use technologies to collect personal information directly from the public (e.g., cookies or other tracking technologies) that could raise privacy concerns. As described elsewhere in this PIA, the FTC has put appropriate controls in place to ensure that system data remain secure and that the system does not collect or maintain more information about individuals than is authorized or necessary.

6.5 What procedures are in place to determine which users may access the system and are they documented?

Only authorized FTC employees and contract staff may obtain access to the system. An individual may secure access to the system – with the approval of his or her supervisor – by submitting the appropriate forms to the Commission’s information technology office. The application administrator then reviews the application and, if permissible, grants the appropriate level of access permissions to the individual.

6.6 Describe what privacy training is provided to users either generally or specifically relevant to the program or system.

All FTC personnel, including those who work on CMS, are subject to FTC agency-wide procedures for safeguarding sensitive personally identifiable information and sensitive health information. All FTC personnel also receive annual computer-based training and other guidance explaining how to safeguard this information.

6.7 What auditing measures and technical safeguards are in place to prevent the misuse of data?

The FTC both employs the limits on access to the CMS system described above and exercises management oversight of users accessing the system, in order to prevent misuse of the data the system contains.

6.8 Who is the point of contact for any additional questions from individuals?

The point of contact for any additional questions from individuals is the Commission's Chief Information Security Officer.

7 Data Retention

7.1 What is the authorized length of retention?

The data in CMS serves as an index to the congressional correspondence contained in a separate internal document management system. The index in CMS and the congressional correspondence will be cut off annually, retained for 10 years after cutoff, and then deleted/destroyed by the FTC. This retention and disposition is specified in the FTC records schedule, N1-122-09-1, item 3.2, Congressional Relations records.

7.2 Describe any privacy risks identified in the data retention and disposal of the information, and describe how these risks have been mitigated.

See Section 2.8. In addition, the data in CMS will be disposed of in such a way as to make it impossible to recover.

8 Privacy Act

8.1 Will the data in the system be retrieved by a personal identifier?

The data in the system may be retrieved by a personal identifier, such as name and address.

8.2 Is the system covered by an existing Privacy Act System of Records notice (SORN)?

The information concerning individuals to be collected in CMS is covered by existing Privacy Act System of Records notices: IV-2 -- Miscellaneous Office Correspondence Tracking System Records – FTC, and VII-3 – Computer Systems User Identification and Access Records. For the Privacy Act System of Records notices, *see* www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems.

Prepared for the Business Owners of the System by:

_____ Date: _____
Julie A. Mack
Manager of Congressional Correspondence
Office of the Secretary

Review:

_____ Date: _____
Alexander C. Tang, Attorney
Office of the General Counsel

_____ Date: _____
John Krebs
Chief Privacy Officer

_____ Date: _____
Jaime Vargas
Chief Information Security Officer

_____ Date: _____
Yvonne Wilson
Deputy Director, Records and Information Management Office

Approved:

_____ Date: _____
Raghav Vajjhala
Chief Information Officer
Federal Trade Commission