



**Federal Trade Commission  
Privacy Impact Assessment  
for  
FTC Surveys**

**Updated April 2019**

## 1 System Overview

The Federal Trade Commission (FTC) conducts surveys of consumers and other individuals/entities in support of its regulatory and law enforcement mission in order to promote fair competition and prevent fraud, deception, and other unlawful acts and practices. These surveys help the FTC, and in some cases, the public, better understand how consumers perceive statements or representations made to them by businesses; surveys also allow the FTC to collect information about and analyze customers' experiences with various industries. Surveys also allow the FTC to receive feedback and information from its law enforcement partners. Information collected through surveys helps the FTC develop appropriate disclosure guidance for businesses, analyze trends and issues in certain industries, and identify whether certain business practices may be harming consumers, for the purposes of enforcement, education, and other initiatives. Occasionally, the FTC staff may conduct these surveys themselves. More often, however, the FTC retains experts, contractors and/or subcontractors to conduct such surveys on the FTC's behalf and deliver the results to staff for analysis and possible regulatory, enforcement or other action.

Surveys may involve the collection or maintenance of personally identifiable information (PII) about individuals using electronic methods (e.g., surveys conducted through the Internet, data stored in electronic databases). Accordingly, the FTC has prepared, and is making publicly available, this Privacy Impact Assessment (PIA), which is legally required when a Federal agency is developing or procuring electronic information technology (IT) to collect, maintain or disseminate information about members of the public in identifiable form.<sup>1</sup>

Although the FTC's consumer survey activities do not require the FTC itself to develop or procure IT, such activities normally involve IT systems used or operated by the FTC, its contractors, or subcontractors. Thus, consistent with the E-GOV Act, the FTC has conducted this PIA to ensure that the use of such IT in conducting surveys on behalf of the FTC conforms to applicable legal, regulatory, and policy requirements regarding privacy. The FTC will ensure that all applicable surveys adhere to the requirements of the Paperwork Reduction Act (PRA) and follow the appropriate channels for OMB approval. This PIA was also conducted to determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system as well as to examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.<sup>2</sup>

## 2 Information Collected and Stored within the System

The following questions are intended to define the scope of the information in the system, specifically the nature of the information and the sources from which it is obtained.

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<sup>1</sup> See Section 208 of the E-Government Act of 2002 (E-GOV Act).

<sup>2</sup> See Office of Management & Budget (OMB) Memorandum M-03-22 (guidance to Federal agencies on conducting PIAs) and Circular A-130, *Managing Information as a Strategic Resource*.

## **.1 What information is to be collected, used, disseminated, or maintained?**

A survey may contain any type of information, including PII, that the agency determines is necessary, appropriate, and within its authority to collect in support of the agency's law enforcement and regulatory mission. See 2.7 below. Since surveys are used by FTC staff to perform the Commission's law enforcement and other authorized activities, the PII maintained in the system will depend on the particular business processes for which a survey is set up and is subject to change based on Commission needs.

Information collected from or about survey respondents may typically include their contact information (e.g., name, postal address, e-mail address, phone number). Survey responses may include any of the following:

- Individual answers to specific survey questions (e.g., multiple choice or narrative response);
- Demographic data about individuals (e.g., age, sex, race, education level);
- Documents collected from individuals (e.g., financing papers, mortgage information, credit reports) obtained with the consumers' explicit consent;
- Other relevant survey records or data (e.g., survey date or time, location, relevant notes or observations of FTC staff, contractors, or subcontractors).

Information may be collected in written form (e.g., paper or Web-based surveys), or may be solicited through other means (e.g., in-person interviews, telephone calls). Likewise, survey responses may be maintained in written/textual form, and, in some cases, may also be recorded in audio or video format, and then transcribed.

When a contractor or subcontractor uses Web-based methods to register participants or collect survey responses, those information collection methods may result in the collection or maintenance of additional transactional information pertaining to the individual survey respondent (e.g., userID, passphrase, or other login questions) or information about their experiences or transactions.

Information collected from the public (e.g., via surveys) may include PII related to individuals in small businesses or sole proprietorships where the individual's home address and personal contact information are the same as his/her business contact information. This is particularly likely when the consumers' survey data includes information about their dealings with such companies (i.e., sole proprietorships) is received. In such cases, this information may be considered public information since the sole proprietor advertises and conducts his/her business from his/her home location.

Finally, survey records may include aggregate statistical data or other analyses, compilations or summaries (i.e., containing no PII) prepared by the FTC itself or by contractors or subcontractors retained to conduct the survey for the FTC.

## **.2 What are the sources of the information in the system?**

The FTC may compile consumer contact information from consumer complaints previously submitted to the FTC or to third parties that have shared such complaints with the FTC (e.g., other state or local agencies, consumer advocacy groups). In some cases, consumer contact information may be drawn from customer lists of businesses under investigation by the FTC. On occasion, consumers' contact information may be compiled from public sources; for example, in a mortgage survey, consumers and their addresses may be pulled from county records of mortgage transactions made publicly available online or pulled from hardcopy records at local county offices.

Typically, the FTC does not administer the survey on its own and contracts with a third party to conduct the survey. In cases where the FTC itself does not directly administer the survey to consumers, consumer contact information may be provided to a contractor or subcontractor for the purpose of conducting a survey. In some cases, the contractor or subcontractor may (e.g., via online contextual advertising<sup>3</sup> or other means) directly solicit consumers to participate in the survey. In other cases, contractors or subcontractors may use their own pre-existing panels of consumers for whom the contractors or subcontractors have already collected and maintained contact information and relevant demographic data. Survey responses reflect the view, opinions, or other information provided by consumers themselves. Certain documentation that may be stored in the system may come directly from the consumers (with redacted personal information). Survey records may reflect further annotations prepared by FTC staff, contractors, or subcontractors involved in administering the survey or analyzing the consumer responses.

Surveys also allow the FTC to receive feedback and information from its law enforcement partners.

## **.3 Why is the information being collected, used, disseminated, or maintained?**

As previously stated, survey information is collected, maintained and used in support of the FTC's regulatory and law enforcement mission, to provide useful context and insight into views, opinions, experiences, and understanding on specific topics or matters relevant to FTC rules, enforcement cases, education and other initiatives. Surveys also allow the FTC to receive feedback and information from its law enforcement partners.

## **.4 How is the information collected?**

Information collection methods may vary depending on the survey design and protocol, as well as the particular contractor or subcontractor (if any) that is retained to conduct the survey. Any or all of the following methods may be used to collect information during a survey: Internet, phone, mail, in-person interviews (e.g., individual interviews, focus groups, mall intercepts), fax, video, audio. In some cases, FTC staff may participate, either with or without disclosure to consumers (e.g., observing a focus group through a one-way mirror in order to prevent inhibiting or potentially skewing the discussion and/or results of the survey).

## **.5 How will the information be checked for accuracy and timeliness (currency)?**

Generally, information used to contact survey participants is not independently verified, since the consequences to the individual of such an error are minimal, if any. If contact information for a specific individual is wrong, the FTC or the FTC's contractor or subcontractor may review its respective records to determine if there was a clerical error made when copying the contact information (e.g., from consumer complaints or other sources) or when contacting the consumer (e.g., mistyped e-mail address). Demographic data are normally collected from or reported by the survey recipients (e.g., to the contractor or subcontractor conducting the survey for the FTC), and the FTC relies on the recipients themselves to report their data truthfully, and on its contractors or subcontractors to collect and maintain such data accurately. Likewise, the FTC does not check the accuracy of responses, as survey questions typically solicit personal views or opinions. The accuracy of any analyses or compilations of survey responses and data prepared by the FTC or for it by its contractors or subcontractors may be separately challenged for accuracy (e.g., by public comment if used in a rulemaking, or by cross-examination or challenge in litigation). As is often the case for consumer surveys, there are no "correct" answers; therefore, the FTC does not check these responses for accuracy. For surveys regarding consumer experiences, the FTC and its contractors or subcontractors rely on consumers to truthfully convey their experiences. The FTC and its contractor or subcontractors develop questionnaires and design surveys to ensure that consumer responses are not subject to bias or potentially result in the collection of inaccurate data.

In certain situations, it may be possible to have controls in place to minimize inaccurate data depending on how the survey is conducted. For example, a contractor conducting a survey via telephone may be supervised by his/her superior or by a subject matter expert to ensure that the call is being conducted in a fair and unbiased manner. If a survey is being conducted in person (e.g., mall intercept), participants may be asked by to verify their responses either in a post-survey interview or by providing their contact information for verification at a later date and time.

**.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. As noted earlier, any IT used in connection with such surveys normally involves systems and technologies that the FTC or its contractors or subcontractors already use or operate (e.g., Internet-based surveys, video or audio equipment). As noted elsewhere in this PIA, the FTC applies or requires that certain administrative, technical, and physical controls be in place in order to safeguard the privacy of consumers who may participate in such surveys.

**.7 What law or regulation permits the collection of this information?**

*See generally* the FTC Act, 15 U.S.C. 41 et seq., which authorizes the FTC to gather information in the public interest and for its regulatory and law enforcement mission, and other laws and regulations enforced or administered by the FTC.

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<sup>3</sup> Online contextual advertising refers to advertisements placed based on the context of the webpage. For example, if a user is visiting a car shopping website, they may be presented with advertisements for cars. All visitors to that website receive the same advertisement; placement is not based on previously-collected data about the consumer.

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

If the FTC provides contractors or subcontractors with consumer contact information, the FTC requires that they agree to treat it as nonpublic and handle it appropriately to safeguard against unauthorized use, loss, or disclosure. For example, the FTC requires written nondisclosure agreements and certain technical security measures (e.g., including encryption, where appropriate). The FTC typically also reviews survey questions to ensure that they do not collect more personal information than needed to fulfill the FTC's survey needs, and that such information may not be used or shared by FTC contractors or subcontractors for another purpose without the FTC's explicit consent. If survey responses are collected by Web-based methods, the FTC seeks to ensure that secure transmission methods (e.g., HTTPS) are used (e.g., for any required user accounts or login activities) and that any third-party tracking technologies are avoided or disabled, to avoid associating the consumers' responses on a FTC survey with any other online profile data.

Survey contractors, consultants, and experts are required to collect, maintain, and transmit PII, if any, in a secure fashion. For example, online collection or transmission of sensitive PII would normally require the use of encryption, and all data collected must be stored in a manner to prevent unauthorized access, use, and disclosure.

Furthermore, to help ensure against possible loss or disclosure, and to avoid any Government collection and maintenance of PII that may be collected or generated by its surveys, FTC survey contracts normally require the redaction of all personal identifiers of participants in any reports, analyses, or other survey contract deliverables. Thus, in most cases, the FTC only receives aggregate or de-identified data regarding participants from its contractors or subcontractors sufficient to conduct the required analysis. Furthermore, the data systems used by contractors and subcontractors usually store this aggregate or de-identified data in separate databases from those that contain any PII. The FTC also typically requires that survey records not be retained except in accordance with FTC instructions, which will normally require their secure destruction after the survey has been administered and analysis has been performed. In the unusual case that the survey design requires or involves the collection or maintenance of particularly sensitive information (e.g., credit records, financing documentation, purchase records, Social Security numbers), the FTC may require additional safeguards (e.g., background checks for personnel handling the information).

**.9 Does the system employ the use of automated privacy controls or enhanced capabilities to support privacy? Explain.**

Each survey conducted by the FTC or contractors/subcontractors on behalf of the FTC varies; as such, survey components and any systems or technologies associated with a survey may differ greatly. When applicable and available, the FTC and its contractors/subcontractors will coordinate to ensure systems used in the course of a survey employ all practical automated privacy controls and any feasible enhanced capabilities to protect and support privacy.

### **3 Use and Access to Data in the System**

The following questions are intended to clearly describe how the information in the system will be used, and who will use it.

#### **.1 Describe how information in the system will or may be used.**

See above sections 1, 2.3. The FTC or its contractors or subcontractors will use contact information to solicit participation in these surveys, and will use survey responses to generate analyses, reports, and summaries. The survey responses and other data provided to the FTC by its contractors typically will not include identifying information about the respondents, nor will the analyses, reports, and summaries generated from these responses. Reports and analyses may be redacted accordingly to protect consumer information.

#### **.2 Which internal entities will have access to the information?**

If the survey is conducted by FTC staff, access to contact information, raw survey data or other related survey records is limited to FTC employees with a need-to-know. If the survey is conducted by a contractor or subcontractor, access to personal information is limited to authorized contractor and subcontractor employees who need such access in the performance of the contract. Survey responses, analyses, and reports that are issued or published as a result of the survey may be made accessible to the public. These final reports or analyses do not include any personal information.

#### **.3 Which external entities will have access to the information? If contractors or subcontractors have access to data in the system, explain what, if any, privacy requirements are in place to ensure that data is properly protected.**

As noted earlier, the FTC may retain contractors and/or subcontractors to conduct surveys on the FTC's behalf, which may require that such external entities be provided with, or themselves collect and maintain, contact information, demographic data, survey responses, and related survey records. In accordance with their terms of contract with the FTC, such entities are generally prohibited from using, sharing, disclosing or retaining records that are generated as part of an FTC survey for any purpose other than the FTC's survey. No other external entities will routinely have access to these survey records, except to the extent that disclosure is required or authorized by law (e.g., in response to a Freedom of Information Act, official Congressional request, court discovery or other legal process).

### **4 Notice and Access for Individuals**

The following questions are directed at how or whether the individual is notified of the scope of information collected. They also concern the individual's right to consent to uses of information, right to decline to provide information, ability to ensure the accuracy of the information collected, and right to access their information.

#### **.1 How will individuals be informed about what information is collected, and how this information is used and disclosed?**

Participants are typically informed about the general nature and purpose of a specific

survey when they are contacted to solicit their participation. In some cases, it may be impossible to be completely transparent about the nature or purpose of a survey because it may inadvertently create bias in the consumers' decision to participate in the survey or potentially result in biased responses. This would affect the accuracy and validity of the information collected and effectively nullify the survey. Participation is always voluntary; if individuals choose to participate, the survey form, questionnaire or other instrument or survey method (e.g., in-person interview) will explain, as applicable and to the extent possible, how their information is to be used and/or disclosed.

Before records are maintained by the FTC or on its behalf in a system of records under the Privacy Act of 1974, notice in accordance with that Act will be provided to survey participants (i.e., Privacy Act statement under 5 U.S.C. 552a(e)). In other cases, where it is not feasible to disclose the FTC's sponsorship of the survey in order to avoid interfering with the validity of the survey, the survey may be designed so it is conducted by a contractor or subcontractor that will maintain records without resulting in the collection or maintenance of a Privacy Act system of records by the FTC or the contractor or subcontractor on the FTC's behalf (e.g., collecting and maintaining records without name or other personally assigned identifiers, or ensuring that records are not maintained or retrieved by name or identifier within the meaning of the Act). In such cases, a Privacy Act statement is not required; however, the FTC will work with the contractor or subcontractor to ensure that consumers receive appropriate notice of the survey's purpose and the use or disclosure of their data.

**.2 Do individuals have the opportunity and/or right to decline to provide information?**

Yes. All such surveys are completely voluntary.

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

No, except by declining to participate in the survey.

**.4 What are the procedures that allow individuals to gain access to their own information? What is the process for receiving and responding to complaints, concerns, or questions from individuals?**

Individuals may file a request with the FTC under the Freedom of Information Act (FOIA) and the Privacy Act of 1974 for any agency records of the survey that may be about them and that are not exempt from disclosure to them under those laws.<sup>4</sup> As noted earlier, however, the FTC typically does not receive any identifiable participant data when surveys are conducted by a contractor or subcontractor, and thus will not ordinarily have records for disclosure. The FTC typically does not retain or have access to any identifiable participant data that may be collected by survey contractors and subcontractors. As explained above, the FTC normally prohibits any such data from being disclosed, shared or used, and typically requires that data be destroyed after the survey work and analysis are completed in accord with the FTC's instructions.

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<sup>4</sup> See 16 C.F.R. 4.11(a) (FTC FOIA rules), 4.13(m) (FTC Privacy Act rules).



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

Not applicable. In performing these surveys, the FTC and its contractors or subcontractors do not maintain or operate any online or other system for providing individuals with access to their data, even if survey responses may, in some cases, be collected by online methods.

**5 Web Site Privacy Issues**

Complete this section only if the new system or project creates or modifies an FTC Web site, page, or online form accessible through the Internet.

**.1 Describe any tracking technology used by the Web site and whether the technology is persistent or temporary (e.g., session cookie, persistent cookie, Web beacon). Currently, persistent tracking technology is not approved for use by the FTC (see 5.2).**

As noted earlier, if Web-based methods are used to collect survey responses, the FTC shall require the use of secure data transmission methods and that any third-party tracking technology is avoided or disabled. (There may be instances in which temporary session cookies may be enabled for the purposes of managing the consumer's responses, but such cookies are normally deleted once the user closes his or her browser to end the session.)

**.2 If a persistent tracking technology is used, ensure that the proper issues are addressed.**

The FTC does not permit persistent tracking technology on its websites or allow its contractors/subcontractors to use persistent tracking technology unless previously approved by the agency under applicable OMB policy. Any use of persistent tracking technology, whether by FTC staff or a survey contractor, would require prior express approval by the FTC.

**.3 If personal information is collected through a Web site, page, or online form accessible through the Internet, is appropriate encryption used? If not, explain.**

As noted earlier, if PII is collected by Web-based means, the FTC will work with its contractor/subcontractor to ensure secure data transmission methods are in use in accordance with FTC's established guidelines and policies.

**.4 Explain how the public will be notified of the Privacy Policy.**

If the FTC is conducting the survey itself, the FTC's privacy policy is posted on the FTC's web site, [www.ftc.gov](http://www.ftc.gov). Contractors and subcontractors that operate a Web site through which survey responses are collected would have their own privacy policies, which are subject to FTC review.

**.5 Considering any Web site or Internet issues, please describe any privacy risks identified and how they have been mitigated.**

See above. If web-based means are used to collect survey responses from consumers, certain administrative, technical and physical controls will be required in order to safeguard consumers' privacy.

**.6 If the Web site will collect personal information from children under 13, or be directed at such children, explain how it will comply with the Children's Online Privacy Protection Act (COPPA).**

The FTC does not normally conduct surveys of children under 13. Such an FTC survey, if any, would be required to comply with COPPA.

**6 Security of Information in the System**

The following questions are intended to describe technical safeguards and security measures.

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

As noted earlier, each survey conducted by the FTC or its contractors/subcontractors will vary; as such, survey components and any systems or technologies associated with each survey may differ greatly. The FTC and its contractors/subcontractors will coordinate to ensure all applicable federal requirements are met and practical steps are taken to ensure information is appropriately secured.

**.2 Has an Assessment & Authorization been completed for the system or systems supporting the program?**

Each survey conducted by the FTC or its contractors/subcontractors will vary; as such, survey components and any systems or technologies associated with each survey may differ greatly. When applicable and necessary, the FTC may conduct an Assessment & Authorization (A & A) to ensure information is appropriately secured. Any data collected and stored by the FTC is part of the Data Center General Support System (GSS), which has received an A & A.

**.3 Has a risk assessment been conducted on the system?**

Each survey conducted by the FTC or its contractors/subcontractors will vary; as such, survey components and any systems or technologies associated with each survey may differ greatly. When applicable and necessary, the FTC will ensure appropriate security controls are identified to minimize the risk associated with use of these system(s) and that such controls have been implemented.

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

Each survey conducted by the FTC or its contractors/subcontractors will vary, as will the technologies associated with the surveys. The FTC will coordinate with its contractors and subcontractors to identify and address any privacy concerns that arise in the course of conducting its surveys.

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

Each survey conducted by the FTC or its contractors/subcontractors will tend to vary, as will the practices and procedures associated with each survey. Typically, the FTC bureau or office initiating the survey issues access roles and privileges based on the user's job requirement. In accordance with FTC's established guidelines and practices, procedures are documented and administrative access is limited to authorized FTC and contractor/subcontractor personnel who require that level of access in the course of their job duties.

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

All FTC employees and contractors with FTC network access are required to complete computer security training and privacy awareness training on an annual basis.

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

Each survey conducted by the FTC or its contractors/subcontractors will vary; as such, survey components and any systems or technologies associated with each survey may differ greatly. When applicable and necessary, auditing measures and technical safeguards may be enacted to ensure that FTC's contractors/subcontractors comply with all practical rules and regulations set forth by the agency.

**.8 To whom should questions regarding the security of the system be addressed?**

Any questions regarding the security of the system should be directed to the FTC's Chief Information Security Officer.

## 7 Data Retention

This section addresses for how long data is maintained, and how and when it is disposed of.

### **.1 For what period of time will data collected by this system be maintained?**

The period of time that data will be maintained for each survey will vary and be dependent upon the particular survey. Typically, data is maintained for as long as necessary to conduct the survey and perform analysis of information. Any data retained for further analysis pursuant to the FTC Act will not include personal identifiers. The FTC is committed to limiting the collection of data for the purpose for which it was collected. The FTC is also committed to limiting the retention of the data for only as long as necessary and in accordance with the agency's records schedule.

### **.2 What are the plans for destruction or disposal of the information?**

Destruction and disposal of the information collected and maintained during the course of a survey will depend on each survey. As stated above, typically, data is maintained for as long as necessary to perform the survey and analysis of information.

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

There may be risks associated with collecting personal information and retaining that information for lengthy periods of time. These risks are mitigated by scrubbing the data collected of any personal identifiers and by limiting the use of data for the purpose for which it was collected. The FTC is committed to limiting data collection to only the minimum necessary to fulfill the purpose of the data collection, as well as to dispose of the data when no longer necessary.

## 8 Privacy Act

This section addresses the applicability of the Privacy Act of 1974 to the system, and whether or not the system is covered by a System of Records Notice (mandated for some systems by the Privacy Act of 1974).

### **.1 Will the data in the system be retrieved by a personal identifier?**

Normally, the FTC itself will receive information from its survey contractors in de-identified form, with no records directly identifiable by participant name or other personally assigned identifier. Thus, the FTC normally will not retrieve any survey records or data by name or other personal identifiers. In some cases, however, if the FTC collects survey data directly

from participants, or contractors collect data in identifiable form, the FTC or contractor may maintain and retrieve, or be able to retrieve, survey records or data by name or other personal identifier assigned to the individual survey respondent (e.g., tracking or other code number).

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

To the extent, if any, that the FTC or its contractor retrieves survey records or data by identifier, and such records are within the agency's control for purposes of the Privacy Act, such records would be covered by the FTC SORN that applies to its nonpublic program records.<sup>5</sup> To the extent the FTC or its contractors or subcontractors use web-based methods to conduct surveys, resulting in the collection of login IDs, passphrases, or responses to challenge questions, that information would be covered by the FTC SORN that applies to computer user identification and access records.<sup>6</sup> All of the FTC's SORNs are available on the FTC's public Web site, [www.ftc.gov](http://www.ftc.gov).<sup>7</sup>

**9 Privacy Policy**

This section confirms that the information handling practices of the system are consistent with the FTC's privacy policy.

**.1 Confirm that the collection, use, and disclosure of the information in this system has been reviewed to ensure consistency with the FTC's privacy policy.**

The collection, use, and disclosure of the information in this system has been reviewed to ensure consistency with the FTC's privacy policy.

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<sup>5</sup> See FTC I-1.

<sup>6</sup> See FTC VII-3.

<sup>7</sup> See <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems>.