



Federal Trade Commission
Privacy Impact Assessment

Online Fax Services

Reviewed and Updated

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Table of Contents

1	System Overview	1
2	Data Type, Sources, and Use	3
3	Data Access and Sharing	5
4	Notice and Consent	6
5	Data Accuracy and Security.....	8
6	Data Retention and Disposal.....	9
7	Website Privacy Evaluation	10
8	Privacy Risks and Evaluation	10

1 System Overview

1.1 Describe the project/system and its purpose.

The Federal Trade Commission (FTC, Commission or the agency) is an independent federal government law enforcement and regulatory agency with authority to promote consumer protection and competition through the prevention of unfair, deceptive and anti-competitive business practices; to enhance informed consumer choice and public understanding of the competitive process; and to accomplish these missions without unduly burdening legitimate business activity.

The Online Fax Service provides an effective and efficient alternative to the traditional manual fax method using agency fax machines. It is useful for faxes that are being sent to multiple destinations, that contain a high volume of information, or that are transmitting material that is already in electronic format. The Online Fax Service reduces the time, effort, cost, and risks associated with more traditional manual fax methods. Currently, FTC users can use the Online Fax Service to send and receive faxes. Incoming faxes are received via FTC employees' email accounts.

The Online Fax Service permits authorized FTC employees and contractors to use their web browser to securely upload materials to the contractor's fax portal for fax transmission to designated recipients. FTC users may also send faxes through office-level shared mailboxes for fax relay purposes.

The Online Fax Service stores PII from fax senders and fax recipients. In addition, some of the information sent via the Online Fax Service (i.e. the content of the documents themselves) may include non-public or otherwise sensitive information, including personally identifiable information about members of the public (e.g., individual defendants, consumers, or others) or FTC employees or contractors.

There are three main categories of information collected, used, disseminated, or maintained by the system: fax content, sender data, and recipient data.

Fax content may include many kinds of information, including any type of PII. Information uploaded to, transmitted by and temporarily maintained in the Online Fax Service, is not restricted to a specific category or subset of FTC matters, and may relate to any authorized, official FTC matter, such as an FTC law enforcement investigation, lawsuit, or study. Information uploaded to, transmitted by, and temporarily maintained in the Online Fax Service may include materials that the FTC has previously collected voluntarily (e.g., access letter or discovery) or through compulsory process (e.g., subpoenas, civil investigatory demands, court orders) from various businesses or individuals, as well as materials that the FTC staff themselves have compiled or generated (e.g., drafts of joint motions or briefs, attachments, or exhibits, being uploaded and shared with opposing counsel for review). These materials will frequently consist, in whole or part, of nonpublic information, including confidential business data or other privileged or internal matters. In addition, the materials may contain personal information about specific defendants, consumers, or other individuals, some of which could raise privacy issues if

they were to be improperly handled or disclosed (e.g., personal financial statements, bank records, credit card numbers, customer lists, consumer complaints or affidavits, personal contact data).

Sender data consists of information related to FTC staff that access the Online Fax Service to send faxes. Information regarding each credentialed user includes username, password, name, job title, email address, and the applicable FTC bureau or office.

Recipient data consists of the following types of PII belonging to the fax recipient, which the sender enters before sending a fax to the recipient:

- Fax number
- Name
- Business affiliation

1.2 What specific legal authority allows for the collection, maintenance, or dissemination of information for this project/system?

The Federal Trade Commission Act, 15 U.S.C. §§ 41-58, the Commission Rules of Practice, and other statutes and regulations enforced by the agency authorizes the FTC to collect the information that is sent, received, and maintained temporarily in the system.

2 Data Type, Sources, and Use

2.1 Specify in the table below what types of personally identifiable information (PII)¹ may be collected or maintained in the system/project. Check all that apply.

<i>PII Elements: This is not intended to be an exhaustive list. Specify other categories of PII as needed.</i>		
<input checked="" type="checkbox"/> Full Name	<input checked="" type="checkbox"/> Biometric Identifiers (e.g., fingerprint, voiceprint)	<input checked="" type="checkbox"/> User ID
<input checked="" type="checkbox"/> Date of Birth	<input checked="" type="checkbox"/> Audio Recordings	<input checked="" type="checkbox"/> Internet Cookie Containing PII
<input checked="" type="checkbox"/> Home Address	<input checked="" type="checkbox"/> Photographic Identifiers (e.g., image, x-ray, video)	<input checked="" type="checkbox"/> Employment Status, History, or Information
<input checked="" type="checkbox"/> Phone Number(s)	<input checked="" type="checkbox"/> Certificates (e.g., birth, death, marriage, etc.)	<input checked="" type="checkbox"/> Employee Identification Number (EIN)
<input checked="" type="checkbox"/> Place of Birth	<input checked="" type="checkbox"/> Legal Documents, Records, Notes (e.g., divorce decree, criminal records, etc.)	<input checked="" type="checkbox"/> Salary
<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Vehicle Identifiers (e.g., license plates)	<input checked="" type="checkbox"/> Military Status/Records/ ID Number
<input checked="" type="checkbox"/> Race/ethnicity	<input checked="" type="checkbox"/> Financial Information (e.g., account number, PINs, passwords, credit report, etc.)	<input checked="" type="checkbox"/> IP/MAC Address
<input checked="" type="checkbox"/> Alias	<input checked="" type="checkbox"/> Geolocation Information	<input checked="" type="checkbox"/> Investigation Report or Database
<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Passport Number	<input checked="" type="checkbox"/> Driver's License/State ID Number (or foreign country equivalent)
<input checked="" type="checkbox"/> Email Address		<input type="checkbox"/> Other (<i>Please Specify</i>): _____
<input checked="" type="checkbox"/> Work Address		
<input checked="" type="checkbox"/> Taxpayer ID		
<input checked="" type="checkbox"/> Credit Card Number		
<input checked="" type="checkbox"/> Facsimile Number		
<input checked="" type="checkbox"/> Medical Information		
<input checked="" type="checkbox"/> Education Records		
<input checked="" type="checkbox"/> Social Security Number		
<input checked="" type="checkbox"/> Mother's Maiden Name		

2.2 What types of information other than PII will be collected, disseminated, or maintained by the project/system? Provide a general description below and be sure to include all data elements.

As indicated in Section 2.1, the contents of a fax may contain all kinds of information. The data elements listed above are not meant to be exhaustive. Information uploaded to, transmitted by and temporarily maintained in the Online Fax Service, is not restricted to a specific category or subset of FTC matters, and may relate to any authorized, official FTC matter, such as an FTC law enforcement investigation, lawsuit, or study. When faxes are sent directly via the online portal, the data remains in the system only until the data is transmitted and a receipt of confirmation is received. When sent via the email relay, the data persists in the FTC email box associated with the fax number, and is retained in accordance with the FTC's automatic retention policies. The vendor does not store or hold FTC fax data or information for longer than is required to send the fax.

¹ Per OMB Circular A-130, personally identifiable information (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

2.3 What is the purpose for collection of the information listed above?

Information uploaded to, transmitted by, and temporarily maintained in the Online Fax Service is used to support law enforcement and other agency activities, including to investigate and enforce statutes and regulations protecting consumers against fraudulent, deceptive, or unfair practices in the marketplace; to locate victims; to assist with redress; to investigate internal matters; and to defend against suits brought against the agency. The Online Fax Service provides a secure replacement for traditional manual fax methods used by the FTC; particularly when transmitting material to multiple recipients or sending voluminous materials or materials that already exist in electronic form.

User account information is collected to allow users to securely access and use the Online Fax Service. Recipient data is used to allow senders to securely send messages to the correct recipients via the Online Fax Service.

2.4 What are the sources of the information in the system/project? How is the information collected?

<i>Source of Data</i>	<i>Type of Data Provided & How It Is Collected</i>
<p>FTC Employees and Contractors</p>	<p>Designated FTC system administrators create user profiles for credentialed FTC staff that include their username, name, job title, FTC email address, and the applicable FTC bureau or office. Staff set their own passwords and can populate/determine user preference information. Two-factor authentication is deployed as well. User IDs can only be created by an FTC system administrator, and authorized users will retain access rights until they no longer have a business need for the Online Fax Service or they leave the agency.</p> <p>FTC users also upload recipient data to the Online Fax System, which typically consists of the name, business affiliation, and fax number. This information is generally obtained directly from the recipient, but it may also vary depending on the case or circumstance. Sources of this information may include targets of investigations (businesses and/or individuals), their lawyers or representatives; companies or organizations not under investigation; consumers, witnesses, and informants; and others (e.g., data acquired by the FTC from commercial, academic, or governmental sources); and FTC staff.</p> <p>The information uploaded to, transmitted by, and temporarily maintained in the Online Fax System may include copies of materials that have been collected, gathered, or generated in connection with the FTC’s legal, investigatory, administrative, and other activities, as well as orders issued by</p>

<i>Source of Data</i>	<i>Type of Data Provided & How It Is Collected</i>
	<p>courts in connection with FTC litigation. Sources of materials include targets of investigations (businesses and individuals), their lawyers and representatives; companies or organizations not under investigation; consumers, witnesses, and informants; and others (e.g., data acquired by the FTC from commercial, academic, or governmental sources); and FTC staff (e.g., nonpublic drafts or memoranda, briefs, attachments, exhibits authored by FTC attorneys). Materials received by the Online Fax System may include Freedom of Information Act (FOIA) requests and any materials related to investigations or active matters. Documents are encrypted in transit and at rest.</p> <p>Materials transmitted by Online Fax Service are securely uploaded from the FTC network by authorized users to the contractor’s portal, together with the transmission information for the recipient(s).</p>

3 Data Access and Sharing

3.1 In the table below, specify the systems/applications and groups (both FTC and non-FTC) that will have access to or share data in the system/project.

<i>Data Will Be Accessed By and/or Provided To:</i>	<i>How and Why the Data Will Be Accessed/Shared</i>
FTC Employees and Contractors	<p>FTC staff have access to the Online Fax Service system in order to transmit information as part of the agency’s law enforcement activities. Online Fax Service provides a secure alternative method to traditional manual faxing machines previously used by the FTC, particularly when transmitting material to multiple recipients or sending voluminous materials or materials that already exist in electronic form.</p> <p>FTC system administrators have access to the system to create user IDs and register accounts for authorized users. Additionally, authorized FTC staff may have access to information about which senders have sent faxes and when for the purposes of auditing, access control, and billing purposes.</p>
Online Fax Service Vendor	<p>To perform system administration, the Online Fax Service vendor has access to system data that may include sender and recipient PII. For example, the vendor has access to FTC user “address books” within the system if needed for system administration and troubleshooting purposes. However,</p>

<i>Data Will Be Accessed By and/or Provided To:</i>	<i>How and Why the Data Will Be Accessed/Shared</i>
	vendor staff do not have access to files that have been uploaded to the system; they can only view logs of each transaction for auditing and billing purposes. After the vendor transmits the fax, confirms its receipt by the recipient(s), and notifies the FTC sender that the fax has been received by the intended recipient(s), the vendor securely and irreversibly deletes the uploaded material from its system. During the period of sending, the data or information being sent is not viewable by anyone except the original sender.

3.2 Do contractors and/or third party service providers have access to data in the project/system? If yes, explain what privacy requirements are in place to ensure that data is properly protected.

The Online Fax Service vendor has limited access to system data that may include sender and recipient PII. However, vendor staff do not have access to the files that are uploaded and/or transmitted via the system; they can only view logs of each transaction for auditing and billing purposes. They do not have access to FTC emails for email relay fax capabilities, and they do not have access to the FTC network. If the FTC requests technical or administrative support, the FTC must authorize the vendor to access FTC system data in the Online Fax portal.

3.3 If you answered “yes” to 3.2, describe the privacy incident response plan maintained by the contractor’s organization or third party service provider.

The Online Fax vendor maintains their own incident response and disaster recovery plans in accordance with the terms of service for their contracted service. The FTC maintains its email system in accordance with the System Security Plan and Disaster recovery plan associated with it.

4 Notice and Consent

4.1 How are individuals provided with notice prior to the collection of their PII? If notice is not provided, explain why.

Wherever required, the FTC provides notice to individuals about its policies regarding the use and disclosure of information at the time information is collected (e.g., in voluntary access letters, civil investigatory demands, or agency forms or questionnaires that were originally used to request or collect the information uploaded to the system). For the Online Fax Service users, appropriate notice is given at the secure webpage where their user login information is collected. On those occasions where the FTC cannot provide notice at the time information is collected (e.g., information collected and maintained by other entities that

have then shared such information with the FTC), the FTC provides notice via its privacy policy, its Privacy Act Systems of Records (SORNs), and its PIAs, including this one.

- Notice is provided via (*check all that apply*):
- Privacy Act Statement (Written Verbal)
 - FTC Website Privacy Policy
 - Privacy Notice (e.g., on Social Media platforms)
 - Login banner
 - Other (*explain*): _____
- Notice is not provided (*explain*): _____

4.2 Do individuals have the opportunity to decline to provide information or to consent to particular uses of their information (other than required or authorized uses)?

The opportunity or right to decline to provide information or consent to particular uses may depend on the specific circumstance or situation that requires the collection of information. Generally, however, those who provide information about themselves for the purposes of being able to receive and/or access documents via the Online Fax Services system may not have the ability to decline to provide their information. In refusing to provide their name, business affiliation, and/or fax number, they may not be able to access critical documents that the FTC needs to share with them, many of which include nonpublic or otherwise sensitive information, including PII. The information collected from recipients is not used for any other purpose aside from the objective for which they were collected.

4.3 Are there procedures in place to allow individuals access to their personally identifiable information? Explain.

An individual may make a [request under the Privacy Act](#) for access to information maintained by the FTC with regard to the Online Fax Service. The FTC’s privacy policy provides links to the FTC’s [SORNs](#), as well as information about making [Freedom of Information Act \(FOIA\) requests](#) and the [online FOIA request form](#). Individuals must follow the FTC’s Privacy Act rules and procedures, published in the Code of Federal Regulations (C.F.R.) at 16 C.F.R. 4.13. Access to information under the Privacy Act is subject to certain exemptions.

4.4 Are there procedures in place to allow individuals the ability to correct inaccurate or erroneous information? What is the process for receiving and responding to complaints, concerns, or questions from individuals? Explain.

The FTC provides a process for individuals to correct or amend any inaccurate PII maintained by the agency. The FTC’s privacy policy provides links to the FTC’s SORNs, which include information about how to correct or amend records. An individual may make a request under the Privacy Act for access to information

maintained by the FTC with regard to the Online Fax Service. Access to the information under the Privacy Act is subject to certain exemptions. Individuals may also file requests under the FTC under the FOIA for agency records that may be about them (if they are not exempt from disclosure to them under those laws).² Additionally, individuals may contact the FTC with any complaints, questions or concerns via phone or email available on www.ftc.gov or contact the Chief Privacy Officer directly. Where appropriate, the FTC disseminates corrected or amended PII to other authorized users of that PII, such as external information sharing partners.

5 Data Accuracy and Security

5.1 Are there procedures in place to ensure that the information maintained is accurate, complete, and up-to-date?

Files transmitted via both the Online Fax Services portal and the email relay system are typically related to FTC law enforcement activities and are uploaded to the system “as-is.” The underlying information that is used by the FTC as part of its law enforcement and other activities is reviewed for accuracy and timeliness as required by, and in the course of, the particular activity.

System administrators are responsible for adding senders to, or removing senders from, the system and ensuring that sender information entered into the system is accurate. The sender is responsible for ensuring that the recipient data is accurate when entering it into the system.

5.2 Are there administrative procedures and technical safeguards in place to protect the data in the system/project? What controls are in place to ensure proper use of the data? Please specify.

The Online Fax Service system tracks each fax that is sent, from whom the file is sent, to whom the file is sent, and the name of the file that was uploaded for transmission. There is also a documented list of authorized FTC users who can access the Online Fax Service or email boxes, and a comprehensive use log that can be filtered to identify file transfers, senders, and recipients. FTC system administrators are responsible for only adding authorized users to the system, and for removing users from the system when they no longer require access.

User IDs can only be created by an FTC System Administrator, and authorized FTC users retain access rights until they no longer have a business need for the Online Fax Service or if they leave the agency. Only authorized FTC employees and contractors have access to the FTC’s account and the information it contains. All FTC materials uploaded to and transmitted by the Online Fax Service are transmitted telephonically as ordinary faxes to the intended recipient(s), and those recipients cannot access the information while it is in the fax portal.

² See 16 C.F.R. 4.11(a) (FTC FOIA rules), 4.13 (FTC Privacy Act rules).

All FTC staff are required to complete computer security and privacy awareness training annually. The interactive online training covers topics such as properly handling Sensitive PII and other data, online threats, social engineering, and the physical security of documents.

The designated Online Fax Service administrator(s) add users to the system only when their access has been authorized and approved by the appropriate supervisory official(s) at the FTC. In addition, all authorized users must read and sign an FTC Rules of Behavior form, acknowledging their responsibilities while using the Online Fax Service. The same applies to the FTC Online Fax email relay services.

5.3 Is PII used in the course of system testing, training, or research? If so, what steps are taken to minimize and protect PII during this process?

Not Applicable. PII is not used in the course of system testing, training, or research.

6 Data Retention and Disposal

6.1 Specify the period of time that data is retained in the system/project. What are the specific procedures for disposing of the data at the end of the retention period?

After the information is uploaded to the Online Fax Service, the vendor transmits the fax, confirms its receipt by the recipient(s), and notifies the FTC sender that the fax has been received by its intended recipient(s). Once transmission is confirmed, the vendor securely deletes the uploaded material from its system. If transmission cannot be completed for any reason, the system tries to retransmit up to five more times before deleting the materials. Therefore, the Online Fax Service never maintains files for lengthy periods of time. Uploaded files are not duplicated or transferred to other storage media during the normal course of transmitting the faxes. Transmission information collected for the purpose of monitoring Online Fax Service usage, including access, system event, and device usage logs do not contain any message content. If a user sends a fax using the Online Fax Service user portal, information about that transmission will be stored in the user portal log for up to a year.

If an FTC user wishes to send a fax using the email fax relay method, that document is stored in the “sent” email folder in accordance with the FTC’s standard seven year email retention policy. Records of all documents sent pertaining to FTC law enforcement activities are retained according to the relevant records schedule or other applicable records retention legal frameworks.

7 Website Privacy Evaluation

7.1 Does the project/system employ the use of a website? If so, describe any tracking technology used by the website and whether the technology is persistent or temporary (e.g., session cookie, persistent cookie, web beacon). Describe the purpose of using such tracking technology.

While the FTC Online Fax Service does involve use of a website, it is not public-facing, and only authorized FTC staff have access to it. FTC staff accessing the Online Fax Services portal do so following the browser rules and restrictions enforced at the organizational level. The FTC by default limits the usage of tracking cookies and other similar tracking technologies to the largest extent possible while maintaining website functionality. The vendor's website accepts the FTC's blanket application of "reject all cookies" from the agency's web browsers.

8 Privacy Risks and Evaluation

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

<i>Risk</i>	<i>Mitigation Strategy</i>
Information shared over the Online Fax Service could be intercepted in transit	Online Fax Service is a web-based application that uses enhanced encryption and authentication methods, including being HIPAA-compliant. The Online Fax Service's configuration requires information to be transferred from the authorized FTC user to the fax portal in encrypted form using Secure Socket Layer (SSL) technology. AES256 encryption is used when documents are in transit, and AES128 encryption is used when documents are at rest. Additionally, uploaded materials are only maintained for the duration of the sending activity. After the Online Fax Service system transmits the fax, it confirms receipt of the fax by the recipient(s), and notifies the FTC sender that the fax has been received by its intended recipient(s); the Online Fax Service administrator then securely and irreversibly deletes the uploaded material from the system. The email relay function follows the same security protocols, and the FTC's email system is fully encrypted, and data is secured accordingly.
Users may inadvertently transfer sensitive data (including sensitive PII) to unintended recipients	Administrative and technical controls adopted by the FTC as well as security process controls inherent in the Online Fax Order system are put into place to address this risk. To help ensure that materials are sent to the correct recipient, the Online Fax Service requires manual entry of the recipient's fax number. There is no "auto-complete" function unless the user has previously sent a fax to the same recipient using the system. Furthermore, all FTC Online Fax Service users are

<i>Risk</i>	<i>Mitigation Strategy</i>
	instructed to verify that the recipient fax number that appears in a confirmation box on the user's screen is correct before the fax can be sent from the system. After the fax is sent, the user receives email confirmation that the fax was sent and may verify that the was sent to the correct recipient.
Unauthorized users may access information from other accounts	To prevent FTC users and administrative users from exceeding their authorized access and viewing documents or files from other accounts, FTC users cannot access other accounts and system administrators do not have access to files that have been uploaded to the Online Fax Service during the limited period of retention while a document is being sent. Administrators have access to information about which senders have sent faxes on which days for auditing, access control, and billing purposes.

8.2 Does the project/system employ the use of automated privacy controls or enhanced capabilities designed to support privacy? Explain.

Although the system does maintain user accounts that a system administrator can retrieve using a user ID (e.g., email address), documents temporarily awaiting transmission in the system are not retrievable by anyone except for the original sender of the document. If the sender fails to complete the transmission of the document within a certain time frame, the document is automatically deleted. This prevents anyone outside of the authorized sender and the authorized recipient from having access to the documents being transmitted, including system administrators.

Uploaded information is maintained temporarily until confirmation of the successful transmission of a fax, after which the information is permanently deleted from the Online Fax Service system; the vendor does not retain the uploaded materials in other locations or in other formats, further reducing the risk of anyone outside of the authorized sender and recipient gaining access to the faxed materials. Documents sent by the email relay portion of the service are only accessible by the authorized users of the office-level fax email boxes. These are retained in accordance with the applicable FTC email retention policy.

8.3 Has a Privacy Act System of Records Notice (SORN) been published in the Federal Register for this system/project? If so, list the applicable SORN(s).

Documents temporarily awaiting transmission in the system are not (and will not be) retrievable by a personal identifier (e.g., name or other personally assigned number or identifier). The system does, however, maintain user accounts that a system administrator can retrieve by a unique user ID (e.g., email address). Therefore, although the FTC does not maintain and cannot retrieve documents transmitted through the Online Fax Service by any subject individual's name or other personal identifier, the FTC maintains many of these

documents as part one or more Privacy Act systems for which the FTC has published SORNs. *See, e.g.*, FTC I-1 (Nonpublic Investigational and Other Nonpublic Legal Program Records). The FTC has also published a SORN for computer systems user ID and access records maintained by or on behalf of the agency. *See* SORN FTC VII-3.³

8.4 How does the project/system ensure that the information is collected, used, stored, or disseminated in accordance with stated practices in this PIA?

The collection, use, and disclosure of information in this system is consistent with the FTC's Privacy Policy.

³ All FTC SORNs are available [online](#).