



**U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT**

Initial Privacy Assessment

**Equal Protection of Faith-Based Organizations in HUD
Programs and Activities:
Implementation of Executive Order 13559**

**HUD Center for Faith-Based and Neighborhood
Partnerships**

June 29, 2016

INITIAL PRIVACY ASSESSMENT (IPA)

The Initial Privacy Assessment (IPA) is used to determine whether a Privacy Impact Assessment (PIA) is required under the E-Government Act of 2002. The IPA is also used to determine if a System of Records Notice (SORN) is required under the Privacy Act of 1974.

The IPA is an administrative form created by the Privacy Branch to efficiently and effectively identify the use of Personally Identifiable Information (PII) across the Department. The IPA focuses on three areas of inquiry:

- Business data and business processes within each HUD program.
- Potential connections with individuals including the use of PII – any use of social security numbers must be specifically identified.

HUD's program and support offices should ensure that its respective IPA is completed and sent to the Privacy Branch for approval. If SSNs are to be used, the IPA specifically identifies the justification and authority for using SSNs. Upon receipt of the IPA, the Privacy Branch determines the applicability of other privacy compliance requirements including the PIA and SORN. The IPA is complete when the Privacy Branch signs it and sends the final copy back to the identified point of contact.

Please complete this form and send it to the HUD Privacy Branch staff.

**Janice Noble
Acting Branch Chief
Privacy Branch
U.S. Department of Housing and Urban Development**

Privacy@hud.gov

If a PIA or SORN is required, a copy of the Privacy Impact Assessment and System of Records Notice form is available on the HUD Privacy Branch website,

<http://hudatwork.hud.gov/HUD/cio/po/i/privacy>, on HUD@Work or directly from the HUD Privacy Branch via email: privacy@hud.gov to complete and return.

INITIAL PRIVACY ASSESSMENT (IPA) SUMMARY INFORMATION

Date Submitted for Review: 6/29/2016

Name of System or Project: Equal Participation of Faith-Based Organizations in HUD Programs and Activities: Implementation of Executive Order 13559

System Name in CSAM: <Please enter the name.>

Name of Program Office: HUD CFBNP

Name of Project Manager or System Owner: Paula A. Lincoln

Email for Project Manager or System Owner: Paula.A.Lincoln@HUD.gov

Phone Number for Project Manager or System Owner: 202-708-2404

Type of Project:

- Information Technology and/or System**
- A Notice of Proposed Rule Making or a Final Rule: Final Rule issued April 4, 2016.**
- Form or other Information Collection:**
- Other: <Please describe the type of project including paper based Privacy Act system of records.>**

SPECIFIC QUESTIONS

1. Describe the project and its purpose:

Executive Order 13559, "Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations." amends Executive Order 13279, "Equal Protection of the Laws for Faith-Based and Community Organizations," upon which HUD's original faith-based regulatory requirements were based, to provide new protections for beneficiaries of HUD programs (the public) seeking assistance from faith-based organizations that receive Federal financial assistance (HUD funding, e.g., a homeless shelter). To protect beneficiaries' constitutional rights, the Executive Order requires that beneficiaries be able to object to the religious character of a service provider and that, if this happens, service providers make reasonable efforts to refer beneficiaries to an alternative service provider to which the beneficiary has no such objection

Beneficiaries are not required to take advantage of the opportunity to request an alternative service provider, but if they do, the Executive Order and Joint Final Rule at 81 Fed. Reg. 19355 require that service providers take beneficiaries' names and contact information and use "reasonable efforts" to find a suitable alternative provider to refer them to. In addition, HUD's Final Rule requires that service providers report to HUD when they are unable to locate an alternative provider. In that case, HUD [or the intermediary, if the provider is a subrecipient] will possess the identifying information of beneficiaries. It should be noted that beneficiaries are permitted to withhold their name when requesting a referral, if they so choose and the provider will not follow up with the beneficiary about the referral.

Based on this information collection request, service providers will have access to beneficiary information for the purposes of referring beneficiaries who object to the religious character of the service providers.

HUD or the intermediary will have the information of beneficiaries in cases where service providers are not able to find alternative providers and forward the case to HUD for further efforts; and through existing HUD information-technology infrastructure (HMIS, etc.). There will not be new IT infrastructure for this request.

Background and Rule Citation:

HUD's regulations regarding the equal participation of faith-based organizations in HUD programs and activities implement Executive Order 13559, "Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations" (75 FR 71319) on November 17, 2010. The information collection at issue in this Paperwork Reduction Act (PRA) submission relates to sections 2(d) and 2(h) of E.O. 13279, as amended by E.O. 13559.

This final regulation includes a new information collection section, at 24 CFR 5.109(g), which would impose requirements on faith-based organizations that carry out activities under a HUD program with direct Federal financial assistance to give beneficiaries (or prospective beneficiaries) written notice of certain protections described in this final regulation; beneficiaries can provide a written response that may impose a burden under the Paperwork Reduction Act (PRA); and faith-based organizations, or intermediary, must provide a referral if a beneficiary or prospective beneficiary objects to the religious character of the organization. This regulation also requires the retention of records to show that the referral requirements in this rulemaking have been met.

HUD's regulations at 24 C.F.R. 5.109 are based upon model regulatory text developed by the Interagency Working Group on Faith-Based and Neighborhood Partnerships, established at section 3(d) of E.O. 13279, as amended by E.O. 13559. In relevant part, these regulations require that a faith-based organization that carries out programs or activities with direct Federal financial assistance from HUD must give a written notice to beneficiaries and prospective beneficiaries of the programs or

activities describing certain protections available to them, as specified in 24 CFR 5.109(g). Additionally, such organizations must also undertake reasonable efforts to identify and refer a beneficiary or prospective beneficiary to an alternative provider if the beneficiary or prospective beneficiary objects to the religious character of the faith-based organization that receives direct Federal financial assistance. The beneficiary or prospective beneficiary may, but is not required, to object in writing using a model form that HUD has prepared.

2. Status of Project:

- This is a new development effort.
- This is an existing project.

Date first developed: November 17, 2010: Issuance of Executive Order 13559, "Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations"

Notice of Proposed Rulemaking: Issued August 6, 2015 at 80 FR 47302.

Date last updated: April 2016: Issuance of Joint (interagency) Final Rule, including HUD, "Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations" at 81 FR 19355

June 2016: Preparing HUD Agency guidance on compliance with this Final Rule, with anticipated release date of July 5, 2016.

3. From whom do you collect, process, or retain information on: (Please check all that apply)

- HUD Employees
- Contractors working on behalf of HUD
- The Public
- The System does not contain any such information.

4. Do you use or collect Social Security Numbers (SSNs)? (This includes truncated SSNs)

- No.
- Yes. Why does the program collect SSNs? Provide the function of the SSN and the legal authority to do so:

<Please explain the purpose of the collection, the function and the legal authority to collect, maintain or transmit the SSN.>

5. What information about individuals could be collected, generated or retained?

Name

Address

Phone Number and/or email address

(for purposes of referral to alternative provider)

Request for alternative service provider

If this project is a technology/system, does it relate solely to infrastructure? [For example, is the system a Local Area Network (LAN) or Wide Area Network (WAN)]?

No. Please continue to the next question.

Yes. Is there a log kept of communication traffic?

No. Please continue to the next question.

Yes. What type of data is recorded in the log? (Please choose all that apply.)

Header

Payload Please describe the data that is logged.

<Please list the data elements in the log.>

6. Does the system connect, receive, or share Personally Identifiable Information with any other HUD systems?

No.

Yes. Please list the systems:

Is this external sharing pursuant to new or existing information sharing access agreement (MOU, MOA, LOI, etc.)? No.

7. Does the system meet all of the following requirements?

There will be a group of records under the control of an agency that contains a personal identifier (such as a name, date of birth, SSN, Employee Number, fingerprint, etc.) of U.S. citizens and lawful permanent residents;

Contains at least one other item of personal data (such as home address, performance rating, blood type, etc.); and

The data about the subject individual IS retrieved by the name or unique identifier assigned to the individual.

No

Yes.

If yes is there an existing System of Record Notice?

No.

Yes.

9. Is there an Authorization to Operate record within OCIO's FISMA tracking system CSAM?

Unknown

No

Yes. Please indicate the determinations for each of the following:

Confidentiality: Low Moderate High

Integrity: Low Moderate High

Availability: Low Moderate High

**PRIVACY DETERMINATION
(TO BE COMPLETED BY THE HUD PRIVACY BRANCH)**

Date reviewed by the HUD Privacy Branch: July 1, 2016
Name of the HUD Privacy Branch Reviewer: Janice E. Noble

DESIGNATION

This is NOT a Privacy Sensitive System – the system contains no Personally Identifiable Information.

This IS a Privacy Sensitive System
Category of System

- IT System
- Legacy System
- HR System
- Rule
- Other: _____

Determination

- IPA sufficient at this time
- Privacy compliance documentation determination in progress
- PIA is not required at this time
- PIA is required
 - System covered by existing PIA:
 - New PIA is required
 - PIA update is required
- SORN not required at this time
- SORN is required
 - System covered by existing SORN:
 - New SORN is required

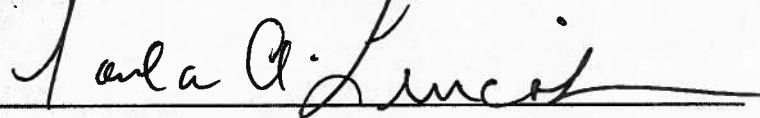
HUD PRIVACY BRANCH COMMENTS:

DOCUMENT ENDORSMENT

DATE REVIEWED: July 1, 2016

PRIVACY REVIEWING OFFICIALS NAME: Janice E. Noble

By signing below you attest that the content captured in this document is accurate and complete and meet the requirements of applicable federal regulations and HUD internal policies.



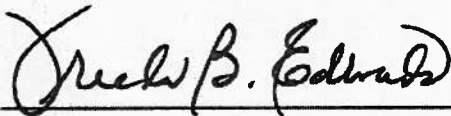
7/1/16

Date

SYSTEM OWNER Paula A. Lincoln

<< INSERT NAME/TITLE >> Director

<< INSERT PROGRAM OFFICE >> Center For Faith-Based and Neighborhood Partnerships



7-1-16

Date

CHIEF PRIVACY OFFICER

Frieda B. Edwards

<< INSERT NAME/TITLE >>

OFFICE OF ADMINISTRATION