



**Privacy Impact Assessment Update
for the**

**Chemical Facility Anti-Terrorism
Standards (CFATS) Personnel Surety
Program**

DHS/NPPD/PIA-018(b)

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Abstract

The Department of Homeland Security (DHS) National Protection and Programs Directorate (NPPD) is updating the Chemical Facility Anti-Terrorism Standards (CFATS) Personnel Surety Program's Privacy Impact Assessment (PIA) to account for changes to the program since the publication of the program's most recent PIA Update on May 1, 2014. The changes addressed in this PIA Update are primarily changes to the Chemical Security Assessment Tool Personnel Surety application and statutory requirements of the *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014*.

Overview

On December 18, 2014, the President signed into law the *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014* (also referred to as "the CFATS Act of 2014").¹ The CFATS Act of 2014 reauthorized the CFATS program for four years and added provisions related to CFATS to the Homeland Security Act of 2002, as amended.² These amendments to the Homeland Security Act of 2002³ affirmed that the Department must implement a Personnel Surety Program for high-risk chemical facilities to comply with Risk-Based Performance Standard (RBPS) 12(iv) of CFATS.⁴

The CFATS program is a non-prescriptive, security-based regulatory program designed to reduce the risk of terrorism at high-risk chemical facilities. Pursuant to regulations set forth in 6 CFR Part 27, DHS collects information from chemical facilities in order to determine if a facility is high-risk. If a facility is determined to be high-risk, the facility must implement a DHS approved Site Security Plan (SSP) or Alternative Security Program (ASP).

Under the CFATS program, Congress required the Department to establish RBPS for high-risk chemical facilities. DHS promulgated 18 RBPS under CFATS, including RBPS 12 – Personnel Surety, which requires high-risk chemical facilities to perform appropriate background checks on, and ensure appropriate credentials for, facility personnel, and as appropriate, for unescorted visitors with access to restricted areas or critical assets.⁵

The CFATS Personnel Surety Program provides the capability for high-risk chemical facilities to meet the RBPS 12 – Personnel Surety requirements by ensuring that all affected

¹ Pub. L. No. 113-254.

² Section 2 of the CFATS Act of 2014 added a new Title XXI to the Homeland Security Act of 2002. Title XXI contains new sections numbered 2101 through 2109. Citations to the Homeland Security Act of 2002 throughout this document reference those sections of Title XXI. In addition to being found in amended versions of the Homeland Security Act of 2002, those sections of Title XXI can also be found in section 2 of the CFATS Act of 2014, or in 6 U.S.C. §§ 621-629.

³ The CFATS Act of 2014 specifically adds section 2102(d)(2) to the Homeland Security Act of 2002. That section requires the Department to implement a Personnel Surety Program.

⁴ The specific requirement of RBPS 12(iv) is found at 6 CFR § 27.230(a)(12)(iv).

⁵ See 6 CFR § 27.230(a)(12).



individuals⁶ are recurrently vetted against the Federal Bureau of Investigation's (FBI) Terrorist Screening Database (TSDB).⁷ This PIA Update addresses specific changes to the Chemical Security Assessment Tool (CSAT) Personnel Surety application since the publication of the program's most recent PIA Update on May 1, 2014.⁸ This PIA Update also reflects statutory requirements associated with the CFATS Act of 2014. A brief description for each specific area addressed by this PIA Update is provided below.

Reason for the PIA Update

The reason for this PIA Update is to address several specific improvements and updates to the CFATS Personnel Surety Program since the publication of a PIA Update for the program on May 1, 2014. A detailed explanation follows:

1. To account for changes to the CSAT Personnel Surety application process

Implementation and System Access

The Department will publish a Notice of Implementation to inform high-risk chemical facilities regulated under CFATS of the implementation of the change to CFATS Personnel Surety Program discussed below. DHS will then individually notify high-risk chemical facilities regarding when the Department will expect each to begin implementing RBPS 12(iv) in accordance with its SSP or ASP.

Upon notification from the Department, facilities will access the CSAT Personnel Surety application through CSAT using their existing usernames and passwords.⁹ Within the CSAT Personnel Surety application, there are two mechanisms to add user accounts. The first method is to invite an existing CSAT user to an assigned role and the second is to create an account for a new user who currently does not have a CSAT account. User accounts are only created for individuals responsible for adding affected individuals (Authorizers and Personal Surety (PS) Submitters) in the CSAT Personnel Surety application.

⁶ Affected individuals are individuals that are subject to screening for terrorist ties under the CFATS program. These individuals are: (1) facility personnel who have or are seeking access, either unescorted or otherwise, to restricted areas or critical assets; or (2) unescorted visitors who have or are seeking access to restricted areas or critical assets. Individual high-risk facilities may choose to classify contractors as either "facility personnel" or as "visitors." This is a facility-specific determination and is based on individual facility security protocols, operational requirements, and business practices.

⁷ See DOJ/FBI – 019 Terrorist Screening Records System, 72 FR 47073 (August 22, 2007).

⁸ See DHS/NPPD/PIA-018(a) Chemical Facilities and Anti-Terrorism Standards Personnel Surety Program, Initial Implementation, available at www.dhs.gov/privacy.

⁹ For more information on CSAT, see DHS/NPPD/PIA-009 - Chemical Facility Anti-Terrorism Standards (CFATS), available at www.dhs.gov/privacy.



User Roles and Responsibilities

There are two roles to which users are assigned in the CSAT Personnel Surety application: Authorizer and PS Submitter. These user roles have been established within the CSAT Personnel Surety application to ensure access control regarding the submission of information about affected individuals.

Managing Groups

The Department provides high-risk chemical facilities with wide latitude in assigning user roles to align with their business operations and the business operations of third parties that provide services to facilities. The CSAT Personnel Surety application allows Authorizers to assign employees and third-party designees to submit information about affected individuals directly to the Department on behalf of high-risk chemical facilities.

User Defined Fields

To further provide high-risk chemical facilities and their designee(s) the ability to manage their data submissions, the Department provides Authorizers with the ability to create User Defined Fields (UDF). UDFs may be used by a high-risk chemical facility or its designee(s) to assign each record of an affected individual a unique designation or number (e.g., employee ID number, employee/contractor status) that is meaningful to the high-risk chemical facility. Entering this information into the CSAT Personnel Surety application is voluntary, and is intended solely to enable high-risk chemical facilities and their designee(s) to search, sort, and manage the electronic records they submit. Although UDF information is available to the Department, it will not be used for the vetting of affected individuals against the TSDB.

Reporting

As described in the previous PIA Update published on May 1, 2014, high-risk chemical facilities have the ability to generate PDF reports for the purpose of ensuring that information about affected individuals submitted by or on behalf of the facility has been appropriately submitted to DHS. These reports are no longer customizable as stated in the previous PIA Update.

System Alerts

The Department provides high-risk chemical facilities, and their designee(s),¹⁰ with the ability to create an alert within the CSAT Personnel Surety application that can notify them when the Department has received information about an affected individual(s), under Option 1—direct vetting, or Option 2—use of vetting conducted under other DHS programs. These alerts replace the “verifications of receipt” described in the original May 4, 2011 PIA.¹¹ Additional

¹⁰ Third parties or organizations employing affected individuals who provide services to high-risk chemical facilities.

¹¹ See DHS/NPPD/PIA-018 Chemical Facilities and Anti-Terrorism Standards Personnel Surety, *available at* www.dhs.gov/privacy.



information about alerts may be found later in this document and in the CSAT Personnel Surety Application User Guide.¹²

Web Service

The Department offers a web service to high-risk chemical facilities (or their designee(s)) as an option for submitting information about affected individuals. The web service consists of a direct connection through which affected individual data can be transmitted from a high-risk chemical facility to the Department's CSAT Personnel Surety application. The web service provides high-risk chemical facilities with an automated process for submitting information to the Department in an effort to minimize the burden on high-risk chemical facilities.

2. To address programmatic changes resulting from the *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014*.

Additional Option for Compliance with RBPS 12(iv)

The Department now recognizes an additional program option for compliance with RBPS 12(iv) above and beyond the three program options offered previously.

Option 4 – Visual Verification Of Credentials Conducting Periodic Vetting: A high-risk chemical facility may satisfy its obligation to identify individuals with terrorist ties using any federal screening program that periodically vets individuals against the TSDB if: (a) the federal screening program issues a credential or document, (b) the affected individual presents the high-risk chemical facility with the credential or document, and (c) the high-risk chemical facility verifies that the credential or document is current in accordance with its SSP.¹³ The covered facility will address in its SSP or ASP the measures it will take to verify that the credential is current, including visual inspection.

Less Frequent Submission of Information

The CFATS Act of 2014 eliminated the requirement for facilities to provide updated information by stating that high-risk chemical facilities are only required to submit information about an affected individual to the Department once. The Department continues to require facilities to provide timely and accurate information on affected individuals to DHS as part of Options 1 and 2. However, because high-risk chemical facilities or their designees are no longer required to update information that changes after initial submission, it is important that individuals are made aware that they are able to contact the Department directly in the event that a high-risk chemical facility is either unable or unwilling to submit updated information to the Department.

¹² The CSAT Personnel Surety Application User Guide can be found at www.dhs.gov/chemicalsecurity.

¹³ This requirement is derived from section 2102(d)(2)(B)(i)(II)(bb) of the Homeland Security Act.



Privacy Impact Analysis

In each of the below sections consider how the system has changed and what impact it has on the below fair information principles. In some cases there may be no changes and indicate as such.

Authorities and Other Requirements

The *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014* (December 18, 2014), amends the *Homeland Security Act of 2002* to reauthorize the CFATS program and authorizes the program for four years.

Characterization of the Information

The data collected under the CFATS Personnel Surety Program has not changed since the publication of the program's original PIA. The program collects biographic information, such as name, date of birth, citizenship, and gender or unique credential information (required); and optional information such as aliases, place of birth, or Redress Number.¹⁴

Additional Option for Compliance with RBPS 12(iv)

NPPD has added an additional option for a high-risk chemical facility to comply with RBPS 12(iv). Specifically, NPPD added *Option 4 – Visual Verification of Credentials Conducting Periodic Vetting*, which is described below. Options 1 through 3 have also been included in this document to provide context for the reader.

As discussed in the PIA Update published on May 1, 2014, a high-risk chemical facility has a number of options under the CFATS Personnel Surety Program to comply with RBPS 12(iv):

- *Option 1 – Direct Vetting*: High-risk chemical facilities (or their designee(s)) may submit information to NPPD about an affected individual to be compared against identifying information of known or suspected terrorists contained in the TSDB, which is maintained by the Department of Justice (DOJ), FBI's Terrorist Screening Center (TSC).¹⁵
- *Option 2 – Use of Vetting Conducted under Other DHS Programs*: High-risk chemical facilities (or their designee(s)) may submit information to NPPD about an affected individual's enrollment in the Transportation Security Administration

¹⁴ For a complete list of required and optional data for Options 1 and 2, please refer to the original PIA published on May 4, 2011. See DHS/NPPD/PIA-018 Chemical Facilities and Anti-Terrorism Standards Personnel Surety, available at www.dhs.gov/privacy.

¹⁵ For more information about the TSDB, see DOJ/FBI – 019 Terrorist Screening Records System, 72 FR 47073 (August 22, 2007).



(TSA) Transportation Worker Identification Credential (TWIC) Program; TSA Hazardous Materials Endorsement (HME) Program; or the U.S. Customs and Border Protection (CBP) NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), Free and Secure Trade (FAST), and Global Entry Trusted Traveler Programs (Trusted Traveler Program). Each of those programs conducts recurring vetting, which is equivalent to the terrorist ties vetting conducted under Option 1.

- *Option 3 – Electronic Verification of TWIC:* High-risk chemical facilities may electronically verify and validate an affected individual's TWIC through the use of TWIC readers (or other technology that is periodically updated with revoked card information), rather than submitting information about the affected individual to NPPD.
- *Option 4 – Visual Verification of Credentials Conducting Periodic Vetting:* A high-risk chemical facility may satisfy its obligation under 6 CFR § 27.230(a)(12)(iv) to identify individuals with potential terrorist ties using any federal screening program that periodically vets individuals against the TSDB if: (a) the federal screening program issues a credential or document, (b) the high-risk chemical facility is presented a credential or document by the affected individual, and (c) the high-risk chemical facility verifies the credential or document is current in accordance with its SSP or ASP. The covered facility will address in its SSP or ASP the measures it will take to verify that the credential is current, including but not necessarily limited to visual inspection.

Option 4 also allows high-risk chemical facilities to visually verify an affected individual's credentials or documents from certain federal screening programs and does not require the credentials, documents, or information to be submitted to the Department. Therefore, there is no additional privacy risk to the current collection of information.

As described in the original PIA, high-risk chemical facilities may propose alternative or supplemental options in their SSPs or ASPs. NPPD will assess the adequacy of alternative or supplemental options on a facility-by-facility basis in the course of evaluating each facility's SSP or ASP.¹⁶ If there are any changes to the options for complying with RBPS 12(iv), the PIA will be updated, as appropriate.

Less Frequent Submission of Information

The CFATS Act of 2014 eliminated the requirement for high-risk chemical facilities to provide updated information by stating that high-risk chemical facilities only have to submit

¹⁶ High-risk chemical facilities have wide latitude in how they choose to comply with RBPS 12(iv). The choice will likely be based on how the facility has established its operational and business processes, which will vary from facility to facility. Facilities have the ability to leverage any of the options described in this document by NPPD, propose an alternative, or use a combination of options.



information about an affected individual to the Department one time. Although the Department continues to strongly encourage high-risk chemical facilities to update records as appropriate, it is important that individuals are made aware that they are able to contact the Department directly in the event that a high-risk chemical facility does not, or cannot provide updated information to the Department. Procedures for accessing and/or correcting information can be found in the original CFATS Personnel Surety PIA,¹⁷ published on May 4, 2011, or in DHS/NPPD-002 CFATS Personnel Surety Program System of Records.¹⁸

Privacy Risk: There is a privacy risk that high-risk chemical facilities and the Department may rely on inaccurate information since facilities are no longer required to regularly update the individuals' information.

Mitigation: This risk is partially mitigated. Facilities are strongly encouraged to continue to submit updates to the Department despite the lack of a statutory obligation to do so. The Department also continues to offer traditional avenues for individuals to access and correct records maintained about them. These are described in the DHS/NPPD-002 CFATS Personnel Surety Program System of Records, as well as in the notices provided to individuals by facilities (Attachments 1 and 2 to this PIA Update).

Uses of the Information

Although the uses of the information collected under the CFATS Personnel Surety Program have not changed, the Department has included User Defined Fields in the CSAT Personnel Surety application as an additional tool for facilities to employ.

User Defined Fields

User Defined Fields (UDF) may be used by a high-risk chemical facility or its designee(s) to assign each record of an affected individual a unique designation or number (e.g., employee ID number, employee/contractor status) that is meaningful to the high-risk chemical facility. Entering this information into the CSAT Personnel Surety application is voluntary, and is intended solely to enable high-risk chemical facilities and their designee(s) to search through, sort, and manage the electronic records they submit. DHS strongly discourages the use of UDFs for the collection of sensitive personally identifiable information (SPII) such as an affected individual's Social Security number by displaying the following text in the CSAT Personnel Surety application:

The User Defined Field text boxes are provided for storing any information desired by the facility (e.g., employee ID number, employee/contractor status) to manage the

¹⁷ See DHS/NPPD/PIA-018 Chemical Facilities and Anti-Terrorism Standards Personnel Surety, available at www.dhs.gov/privacy

¹⁸ See DHS/NPPD-002 – Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records, 79 FR 28752 (May 19, 2014), available at <http://www.gpo.gov/fdsys/pkg/FR-2014-05-19/html/2014-11431.htm>



exchange of electronic records between a high-risk chemical facility's information systems and the CSAT Personnel Surety application. The Department strongly discourages the use of an affected individual's Social Security Number to manage the exchange of electronic records between a high-risk chemical facility's information systems and the CSAT Personnel Surety application.

Privacy Risk: The information submitted via UDFs poses a privacy risk in that the Department may receive additional information, including SPII, which is not necessary for vetting affected individuals against the TSDB.

Mitigation: This risk is partially mitigated. This information is collected by high-risk chemical facilities for tracking purposes to note status of records assigned to individuals and the risk is mitigated by the Department not using this information for the vetting of affected individuals against the TSDB.

Web Service

In addition to the CSAT Personnel Surety application, the Department offers a web service to high-risk chemical facilities (or their designee(s)) as a method for submitting information about affected individuals via Option 1 or Option 2. The web service consists of a direct connection through which affected individual's data can be transmitted, from a high-risk chemical facility, to the Department's CSAT Personnel Surety application. A high-risk chemical facility is required to conform to a standard set of security requirements and agree to standard rules of behavior in order to employ the Department's web service.

Privacy Risk: There is a privacy risk that information may be inappropriately accessed during the new web service submission process.

Mitigation: The risk of inappropriate access via the web service is mitigated by requiring facilities to conform to a standard set of security requirements (e.g., encrypted connections and access controls), and agree to standard rules of behavior in order to employ the Department's web service. Use of the web service is completely voluntary.

Notice

Notice of Implementation and System Access

Concurrent with this PIA Update, the Department is publishing a Notice of Implementation to inform high-risk chemical facilities regulated under CFATS of the implementation of the CFATS Personnel Surety Program. High-risk chemical facilities will be individually notified when the Department will expect each to begin implementing RBPS 12(iv) in accordance with its SSP or ASP. Upon notification from the Department, Authorizers identified for each high-risk chemical facility will access the CSAT Personnel Surety application through CSAT using their existing usernames and passwords.



Revised sample Privacy Act Statement for high-risk chemical facilities opting to implement Options 1 and/or 2

As described in the May 1, 2014 PIA Update, high-risk chemical facilities and their designee(s) must provide notice to affected individuals prior to submitting any PII to NPPD. The requirements for the notice have not changed. In Attachment 1 of the previous PIA Update, NPPD provided a sample notice, which high-risk chemical facilities may choose to use to provide notice to affected individuals under Option 1 and Option 2. In this second PIA Update, NPPD has further revised the sample to clarify access and correction procedures.¹⁹

Revised sample Privacy Notice for high-risk chemical facilities opting to implement Options 3 and/or 4

A high-risk chemical facility will not submit information to NPPD if the high-risk chemical facility opts to implement Option 3 or new Option 4. A high-risk chemical facility that opts to implement these options, if authorized or approved in its SSP or ASP, should provide notice to the affected individuals whose credentials or documents are being used. Although Options 3 and 4 allow high-risk chemical facilities to comply with RBPS 12(iv) without submitting information to NPPD, DHS believes that appropriate notice should still be given to those individuals so that they know their credential is now being used to comply with 6 CFR § 27.230(a)(12)(iv). A sample notice is attached to this PIA.²⁰

Because NPPD is providing additional forms of notice, and because the individuals participating in the CSAT program have not changed, there are no new privacy risks associated with notice.

Data Retention by the project

There have been no changes to data retention practices since the original PIA, published on May 4, 2011.

Information Sharing

This document provides an update regarding NPPD sharing information with a high-risk chemical facility, through system alerts and the high-risk chemical facility's ability to generate PDF reports from CSAT, for the purposes of providing status updates and ensuring that information on all affected individuals submitted by or on behalf of the high-risk chemical facility has been appropriately submitted to DHS.

¹⁹ See Attachment 1.

²⁰ See Attachment 2.



System Alerts

The verifications of receipt described in the original PIA from May 4, 2011, were considered official correspondence from DHS, and therefore would have qualified as Chemical-terrorism Vulnerability Information (CVI).²¹ The system alerts referenced in this PIA Update, however, are not considered CVI.

The Department provides high-risk chemical facilities and their designees with the ability to create an alert within the CSAT Personnel Surety application that can notify them when the Department has received information about an affected individual(s) under Option 1 or Option 2. Further, the Department allows high-risk chemical facilities the ability to view the status (e.g., that the Department was unable to verify an affected individual under the TWIC Program) of records about affected individuals associated with their facility within the CSAT Personnel Surety application.

The system provides the following alerts to inform Authorizers and PS Submitters of the various status updates pertaining to records. These alerts can be tailored within the CSAT Personnel Surety application based on the user's preference. The five statuses include:

- Record-Submitted: This alert is triggered when a user submits a record under Option 1.
- Record-Verification Pending: This alert is triggered when a user submits a record under Option 2 and the record is "pending verification" by DHS.
- Record-Verified: This alert is triggered when DHS verifies a record submitted under Option 2 (i.e., its status changes from "Pending Verification" to "Verified").
- Record-No Longer Verified: This alert is triggered when a previously verified record submitted under Option 2 is no longer able to be verified by DHS (i.e., its status changes from "Verified" to "No Longer Verified").
- Record-Not Verified: This alert is triggered when DHS does not verify a record submitted under Option 2 (i.e., its status changes from "Pending Verification" to "Not Verified").

For more information on system alerts, please reference the CSAT Personnel Surety application User Guide at www.dhs.gov/chemicalsecurity.

Reporting

As described in the previous PIA Update published on May 1, 2014, high-risk chemical facilities have the ability to generate PDF reports for the purpose of ensuring that information about affected individuals submitted by, or on behalf of, the high-risk chemical facility has been

²¹ For more information about CVI, see 6 CFR § 27.400 and the CVI Procedural Manual at http://www.dhs.gov/xlibrary/assets/chemsec_cvi_proceduresmanual.pdf.



appropriately submitted to DHS under Option 1 or Option 2. The reports are not customizable and include affected individual's first name, middle name, last name, gender (if submitted), date of birth, date added, and status. These PDF reports are partial copies of the official Government record of the information that the high-risk chemical facility or its designee has provided to the Department. Specifically, these PDF reports provide information about affected individuals submitted to the Department as well as a status of enrollment in other DHS programs if the record was submitted under Option 2. These reports are not generated by DHS and are only for internal use by high-risk chemical facilities or their designee(s). These PDF reports contain SPII, and as discussed in the last PIA update, are marked with the following banner:

WARNING: This document contains sensitive personally identifiable information and is subject to the Privacy Act of 1974, 5 U.S.C. § 552a. This document, and any information copied or removed from it, (1) must not be disclosed or shared with individuals unless they have a need-to-know, and (2) must be protected as stated in the DHS CSAT Personnel Surety application Rules of Behavior.

Redress

The procedures for accessing and/or correcting information have not changed and can be found in the original CFATS Personnel Surety PIA,²² published on May 4, 2011, or in DHS/NPPD-002 CFATS Personnel Surety Program System of Records.²³

Auditing and Accountability

There have been no changes to auditing procedures since the original PIA, published on May 4, 2011. Established security controls are in place to limit access based on user roles and responsibilities, need to know, least privilege, and separation of duties. Rules governing a user's access to the system are applied by the system automatically, based on the user's assigned role.

User Roles

The user role structure has been altered within the CSAT Personnel Surety Application, resulting in the creation of two user roles: Authorizers and PS Submitters. The Authorizer can submit information about affected individuals, create and manage groups, and add or remove PS Submitters. The Authorizer is able to view, edit, and input data pertaining to all users under his/her purview within the system. The PS Submitter role is created by Authorizers and can be held by high-risk chemical facility employees or third-party individuals (vendors, contractors,

²² See DHS/NPPD/PIA-018 Chemical Facilities and Anti-Terrorism Standards Personnel Surety, available at www.dhs.gov/privacy.

²³ See DHS/NPPD-002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records, 79 FR 28752 (May 19, 2014), available at <http://www.gpo.gov/fdsys/pkg/FR-2014-05-19/html/2014-11431.htm>.



etc.). PS Submitters can enter information about affected individuals and are only able to view information about affected individuals that they have submitted in the system.

Managing Groups

The CSAT Personnel Surety application has been designed to provide flexibility for Authorizers when establishing a group structure for their organization. This flexibility provides high-risk chemical facilities the ability to create groups that directly align with their business structure. The group structure also ensures access control so that PS Submitters are only able to view affected individuals' data within their assigned group(s). Only individuals assigned to the corporate group are able to see affected individuals' data submitted under other groups. An individual must be a facility employee to be assigned to the corporate group. For further information about group structure and managing groups, reference the CSAT Personnel Surety Application User Guide at www.dhs.gov/chemicalsecurity.

Responsible Official

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Office of Infrastructure Protection, National Protection and Programs Directorate
Department of Homeland Security

Approval Signature

Original signed and on file with the DHS Privacy Office

Karen L. Neuman
Chief Privacy Officer
Department of Homeland Security



ATTACHMENT 1

Sample Privacy Act Notice to Individuals Regarding a High-Risk Chemical Facility's Compliance with 6 CFR § 27.230(a)(12)(iv) and Participation in The CFATS Personnel Surety Program

This is a sample Privacy Act notice, which high-risk chemical facilities or their designee(s) may choose to use to provide required notice to affected individuals. DHS may review notices for adequacy, as appropriate, under CFATS. This updated notice replaces the sample notice that was published as Attachment 1 in the previous PIA on May 1, 2014.

(To be provided by a high-risk chemical facility to affected individuals prior to the submission of PII to DHS under Option 1 and Option 2 for purposes of compliance with 6 CFR § 27.230(a)(12)(iv))

The Department of Homeland Security (DHS) requires [INSERT NAME OF CFATS COVERED FACILITY] to comply with DHS Chemical Facility Anti-Terrorism Standards (CFATS) program requirements to identify affected individuals with terrorist ties. [INSERT NAME OF CFATS COVERED FACILITY] has opted to comply with this requirement by collecting and submitting the personally identifiable information (PII) of affected individuals to DHS for the purpose of comparing that PII against information pertaining to known and suspected terrorists maintained by the Federal Government in the Terrorist Screening Database (TSDB). Affected individuals are: (1) facility personnel (e.g., employees and contractors) with access, or seeking access, (unescorted or otherwise) to restricted areas or critical assets; and (2) unescorted visitors with access, or seeking access, to restricted areas or critical assets. Affected individuals will undergo recurrent vetting against the TSDB.

In certain cases, DHS may request that [INSERT NAME OF CFATS COVERED FACILITY] collect and submit additional information (e.g., visa information) about affected individuals in order to clarify data errors or to resolve potential matches (e.g., in a situation in which an affected individual has a common name, additional information could assist DHS in distinguishing that individual from known or suspected terrorists with similar names). Such requests will not imply, and should not be construed to indicate, that an individual has been confirmed as a match to the TSDB.

DHS conducts CFATS Personnel Surety Program activities pursuant to section 2102 of the Homeland Security Act of 2002, and section 27.230(a)(12)(iv) of the Chemical Facility Anti-Terrorism Standards (CFATS).

DHS may share information provided by [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] about you with law enforcement or intelligence agencies under its Privacy Act System of Records Notice published in the Federal Register. To view this System of Records Notice (Department of Homeland Security/National Protection and Programs Directorate-002 Chemical Facility Anti-Terrorism Standards Personnel



Surety Program System of Records) and for more information on DHS privacy policies, please see the DHS Privacy Office website at <http://www.dhs.gov/privacy>.

DHS may also share your information and information about you with [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)].

Please note that DHS will not make available certain information about you that was not supplied by [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)], but may provide credential status to [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] for affected individuals whose information was submitted by them to electronically verify and validate enrollment in a Trusted Traveler Program, the HME Program, or the TWIC Program.

ACCESS & CORRECTIONS:

If you would like access to the information provided by [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] about you, you may contact [INSERT CONTACT NAME & NUMBER OR EXPLAIN INTERNAL PROCEDURE]. If your information contains errors, you should inform [INSERT NAME OF CFATS COVERED FACILITY].

If [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] is either unable or unwilling to update or correct your information, you may also write to the NPPD Freedom of Information Act (FOIA) Officer at 245 Murray Lane SW, Washington, D.C. 20528-0380, to obtain access to your information, and if necessary to correct inaccurate or erroneous information. The requirements for filing such a request may be found at 6 CFR § 5.21(d) or accessed from the DHS Privacy Office website at <http://www.dhs.gov/foia>.

REDRESS:

If you believe that the information submitted by [INSERT NAME OF CFATS COVERED FACILITY AND OF THEIR DESIGNEE(S) (IF APPLICABLE)] has been improperly matched by DHS to the identity of a known or suspected terrorist, you may write to the NPPD FOIA Officer at 245 Murray Lane SW, Washington, D.C. 20528-0380. You may also request an administrative adjudication under CFATS.²⁴

²⁴ See 6 CFR § 27.310(a)(1).



ATTACHMENT 2

Sample Notice to an Individual Whose Credential Is Being Verified For Purposes of Compliance with 6 CFR § 27.230(a)(12)(iv) and Participation in The CFATS Personnel Surety Program

Prior to verifying an affected individual's credential or document for purposes of compliance with 6 CFR § 27.230(a)(12)(iv), a high-risk chemical facility should provide notice to affected individuals informing them that their credential or document will now be used for compliance with 6 CFR § 27.230(a)(12)(iv).

(To be provided by a high-risk chemical facility to affected individuals prior to verifying an affected individual's credential under Option 3 and Option 4 for purposes of compliance with 6 CFR § 27.230(a)(12)(iv))

Notice to individuals regarding the use of [INSERT CREDENTIAL OR DOCUMENT] under the Chemical Facility Anti-Terrorism Standards (CFATS) Personnel Surety Program:

The Department of Homeland Security (DHS) requires [INSERT NAME OF CFATS COVERED FACILITY] to comply with the DHS Chemical Facility Anti-Terrorism Standards (CFATS) program requirement to identify affected individuals with terrorist ties. [INSERT NAME OF CFATS COVERED FACILITY] has opted to comply with this requirement by verifying [INSERT CREDENTIAL OR DOCUMENT]. Affected individuals are: (1) facility personnel (e.g., employees and contractors) with access, or seeking access, (unescorted or otherwise) to restricted areas or critical assets; and (2) unescorted visitors with access, or seeking access, to restricted areas or critical assets. If your [INSERT CREDENTIAL OR DOCUMENT] is successfully verified, no information about you will be submitted to DHS under the CFATS Personnel Surety Program. If your [INSERT CREDENTIAL OR DOCUMENT] cannot be successfully verified, [INSERT NAME OF CFATS COVERED FACILITY] will [DESCRIBE THE PROCEDURES THAT THE FACILITY HAS AGREED TO UNDERTAKE IN ITS ASP OR SSP IN THIS SITUATION].

DHS conducts CFATS Personnel Surety Program activities pursuant to section 2102 of the Homeland Security Act of 2002, and section 27.230(a)(12)(iv) of CFATS.