



## PRIVACY THRESHOLD ANALYSIS (PTA)

**This form serves as the official determination by the DHS Privacy Office to identify the privacy compliance requirements for all Departmental uses of personally identifiable information (PII).**

A Privacy Threshold Analysis (PTA) serves as the document used to identify information technology (IT) systems, information collections/forms, technologies, rulemakings, programs, information sharing arrangements, or pilot projects that involve PII and other activities that otherwise impact the privacy of individuals as determined by the Chief Privacy Officer, pursuant to Section 222 of the Homeland Security Act, and to assess whether there is a need for additional Privacy Compliance Documentation. A PTA includes a general description of the IT system, information collection, form, technology, rulemaking, program, pilot project, information sharing arrangement, or other Department activity and describes what PII is collected (and from whom) and how that information is used and managed.

Please complete the attached Privacy Threshold Analysis and submit it to your component Privacy Office. After review by your component Privacy Officer the PTA is sent to the Department's Senior Director for Privacy Compliance for action. If you do not have a component Privacy Office, please send the PTA to the DHS Privacy Office:

Senior Director, Privacy Compliance  
The Privacy Office  
U.S. Department of Homeland Security  
Washington, DC 20528  
Tel: 202-343-1717

[PIA@hq.dhs.gov](mailto:PIA@hq.dhs.gov)

Upon receipt from your component Privacy Office, the DHS Privacy Office will review this form and assess whether any privacy compliance documentation is required. If compliance documentation is required – such as Privacy Impact Assessment (PIA), System of Records Notice (SORN), Privacy Act Statement, or Computer Matching Agreement (CMA) – the DHS Privacy Office or component Privacy Office will send you a copy of the relevant compliance template to complete and return.



## Privacy Threshold Analysis (PTA)

### *Specialized Template for Information Collections (IC) and Forms*

The Forms-PTA is a specialized template for Information Collections and Forms. This specialized PTA must accompany all Information Collections submitted as part of the Paperwork Reduction Act process (any instrument for collection (form, survey, questionnaire, etc.) from ten or more members of the public). Components may use this PTA to assess internal, component-specific forms as well.

<b>Form Number:</b>	NA		
<b>Form Title:</b>			
Component:	Federal Emergency Management Agency (FEMA)	Office:	Office of Policy and Program Analysis

#### IF COVERED BY THE PAPERWORK REDUCTION ACT:

<b>Collection Title:</b>	Rated Orders, Adjustments, Exceptions, or Appeals Under the Emergency Management Priorities and Allocations System (EMPAS)		
OMB Control Number:	OMB Expiration Date:	Click here to enter a date.	
Collection status:	New Collection	Date of last PTA (if applicable):	Click here to enter a date.

#### PROJECT OR PROGRAM MANAGER

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#### COMPONENT INFORMATION COLLECTION/FORMS CONTACT

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## SPECIFIC IC/Forms PTA QUESTIONS

### 1. Purpose of the Information Collection or Form

This PTA is being submitted by FEMA’s Office of Policy and Program Analysis for Rated Orders, Adjustments, Exceptions, or Appeals Under the Emergency Management Priorities and Allocations System (EMPAS). This information is necessary to support the President's priorities and allocations authority under the Defense Production Act (DPA) of 1950 as amended (50 U.S.C. 4501, *et seq.*) implemented by the EMPAS regulation (44 CFR part 333), which was added by FEMA’s May 13, 2020 *Emergency Management Priorities and Allocations System (EMPAS) Interim Final Rule* (RIN 1660-AB04). The purpose of this authority is to ensure the timely delivery of products, materials, and services to meet current national defense requirements. The President exercised his authority pursuant to the DPA to respond to the COVID-19 pandemic in Executive Order 13911, authorizing the Secretary of Homeland Security to prioritize and allocate health and medical resources to respond to the spread of COVID-19. The Secretary of Homeland Security has further delegated this authority to the FEMA Administrator. DHS Delegation 09052 Rev. 00.1 (Apr. 1, 2020).

Because of the substantial risk to life, safety, or health of individuals due to the shortage in emergency medical products, materials, and equipment supporting distribution infrastructure, and other life-sustaining products, materials, and equipment related to COVID-19 treatment, FEMA requests an emergency approval to collect the necessary information from contractors when placing rated orders with suppliers, to obtain timely delivery of products, materials equipment, or services from suppliers, or for any other reason under the EMPAS, in support of approved national programs.

Regarding customer notification of the acceptance of rated orders, the rejection of rated orders, and the delay of rated orders, the Federal Government does not typically receive information under this collection unless FEMA is facilitating a sale to a third party.

Under sections 333.12(b), 333.13, 333.70, and 333.71 of the EMPAS Interim Final Rule (IFR), information is collected which may contain PII. The EMPAS IFR is very flexible and allows the submission of the information in any format. For example, it may be submitted, verbally and by email or by letter. The PII included in an email would include the name of the person providing the information, their work email address, and signature block. The PII included in a letter would include the name of the person providing the information, their Company’s physical address, and their signature block.

- a. List the DHS (or component) authorities to collect, store, and use this information. *If this information will be stored and used by a specific DHS component, list the component-specific authorities.*

The information collection supports FEMA’s implementation of the President’s priorities and allocations authority under Title I of the DPA, as amended (50 U.S.C. 4501, *et seq.*).



The purpose of this authority is to ensure the timely delivery of products, materials, and services necessary or appropriate to promote the national defense.

2. Describe the IC/Form	
a. Does this form collect any Personally Identifiable Information” (PII <sup>1</sup> )?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. From which type(s) of individuals does this form collect information? (Check all that apply.)	<input checked="" type="checkbox"/> Members of the public <input checked="" type="checkbox"/> U.S. citizens or lawful permanent residents <input type="checkbox"/> Non-U.S. Persons. <input checked="" type="checkbox"/> DHS Employees <input checked="" type="checkbox"/> DHS Contractors <input checked="" type="checkbox"/> Other federal employees or contractors. State, local, or Tribal entity.
c. Who will complete and submit this form? (Check all that apply.)	<input type="checkbox"/> The record subject of the form (e.g., the individual applicant). <input checked="" type="checkbox"/> Legal Representative (preparer, attorney, etc.). <input checked="" type="checkbox"/> Business entity. If a business entity, is the only information collected business contact information? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Law enforcement. <input checked="" type="checkbox"/> DHS employee or contractor. <input type="checkbox"/> Other individual/entity/organization <b>that is NOT the record subject.</b> Please describe. There is no form. The information that may be collected is covered by the EMPAS Interim Final Rule, which published on May 13, 2020.

<sup>1</sup> Personally identifiable information means any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which is linked or linkable to that individual regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the U.S., or employee or contractor to the Department.



<p>d. How do individuals complete the form? <i>Check all that apply.</i></p>	<p><input checked="" type="checkbox"/> Paper.</p> <p><input checked="" type="checkbox"/> Electronic. (ex: fillable PDF)</p> <p><input type="checkbox"/> Online web form. (available and submitted via the internet)</p> <p><i>Provide link:</i> There is no form. Individuals will provide written electronic submission.</p>
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e. What information will DHS collect on the form? *List all PII data elements on the form. If the form will collect information from more than one type of individual, please break down list of data elements collected by type of individual.*

Because timely delivery or performance is critical under the EMPAS to support emergency management programs, the information is used by the customer who placed the rated order with a supplier to help track the status of the rated order from initial receipt by supplier to shipment or performance of the needed goods or services. It would be used by the Federal Emergency Management Agency and Department of Homeland Security, as part of the information required to provide assistance to the customer in the event that the supplier cannot or will not timely deliver or performance of the needed goods or services.

Paragraph (d)(1) of section 333.13 requires written electronic notification of an acceptance or a rejection of a DO rated order within 15 days and within 10 working days of a DX rated order. No form is required for this required written electronic notification.

Paragraph (d)(2) of section 333.13 requires written electronic notification of an acceptance or a rejection within the time specified in the rated order for the purpose of emergency preparedness requirements. No form is required for this required written electronic notification.

Paragraph (d)(3) of section 333.13 requires written electronic notification, when a person finds that shipment or performance of the rated order will be delayed. The person must notify the customer immediately, give the reasons for the delay, and advise of a new shipment or performance date. If notification is given verbally, written electronic confirmation must be provided within 24 hours of the verbal notice. No form is required for this required written electronic notification.

Finally, under section 333.70, each request for adjustment or exception must be in writing and contain a complete statement of all the facts and circumstances related to 44



CFR part 333 or official action from which adjustment is sought and a full and precise statement of the reasons why relief should be provided. Under section 333.71, any person who has had a request for adjustment or exception denied by FEMA under section 333.70 may appeal to the Administrator. Each appeal must be in writing and contain a complete statement of all the facts and circumstances related to the action appealed from a full and precise statement of the reasons the decision should be modified or reversed. No form is required for the request for adjustment, the request for exception, or the appeal.

Regarding customer notification of the acceptance of rated orders, the rejection of rated orders, and the delay of rated orders, the Federal Government does not typically receive information under this collection unless FEMA is facilitating a sale to a third party.

**Under sections 333.12(b), 333.13, 333.70, and 333.71 of the EMPAS Interim Final Rule (IFR), information is collected which may contain PII. The EMPAS IFR is very flexible and allows the submission of the information in any format. For example, it may be submitted, verbally and by email or by letter. The PII included in an email would include the name of the person providing the information, their work email address, and signature block. The PII included in a letter would include the name of the person providing the information, their Company’s physical address, and their signature block.**

f. Does this form collect Social Security number (SSN) or other element that is stand-alone Sensitive Personally Identifiable Information (SPII)? *Check all that apply.*

- |  |  |
|--|--|
| <input type="checkbox"/> Social Security number              | <input type="checkbox"/> DHS Electronic Data Interchange |
| <input type="checkbox"/> Alien Number (A-Number)             | Personal Identifier (EDIPI)                              |
| <input type="checkbox"/> Tax Identification Number           | <input type="checkbox"/> Social Media Handle/ID          |
| <input type="checkbox"/> Visa Number                         | <input type="checkbox"/> Known Traveler Number           |
| <input type="checkbox"/> Passport Number                     | <input type="checkbox"/> Trusted Traveler Number (Global |
| <input type="checkbox"/> Bank Account, Credit Card, or other | Entry, Pre-Check, etc.)                                  |
| financial account number                                     | <input type="checkbox"/> Driver’s License Number         |
| <input type="checkbox"/> Other. <i>Please list:</i>          | <input type="checkbox"/> Biometrics                      |

g. List the **specific authority** to collect SSN or these other SPII elements.

N/A



h. How will this information be used? What is the purpose of the collection? Describe <b>why</b> this collection of SPII is the minimum amount of information necessary to accomplish the purpose of the program.	
N/A	
i. Are individuals provided notice at the time of collection by DHS ( <i>Does the records subject have notice of the collection or is form filled out by third party</i> )?	<input type="checkbox"/> Yes. Please describe how notice is provided. <a href="#">Click here to enter text.</a> <input checked="" type="checkbox"/> No. There is no form.

3. How will DHS store the IC/form responses?	
a. How will DHS store the original, completed IC/forms?	<input checked="" type="checkbox"/> Paper. Please describe. The regulations require written submission. There is no form. There are currently paper records that are being kept in a secured file room while the records are being scanned and transitioned into the Electronic Contract Filing System (a DHS repository.) <input type="checkbox"/> Electronic. Please describe the IT system that will store the data from the form. <a href="#">Click here to enter text.</a> <input checked="" type="checkbox"/> Scanned forms (completed forms are scanned into an electronic repository). Please describe the electronic repository. The paper forms are scanned and transitioned into the Electronic Contract Filing System (a DHS repository).
b. If electronic, how does DHS input the	<input checked="" type="checkbox"/> Manually (data elements manually entered). Please describe.



<p>responses into the IT system?</p>	<p>The will be either filed in the secure file room or scanned into the Electronic Contact Filing System.</p> <p><input type="checkbox"/> Automatically. Please describe.  <a href="#">Click here to enter text.</a></p>
<p>c. How would a user search the information submitted on the forms, <i>i.e.</i>, how is the information retrieved?</p>	<p><input type="checkbox"/> By a unique identifier.<sup>2</sup> <i>Please describe.</i> If information is retrieved by personal identifier, please submit a Privacy Act Statement with this PTA.  <a href="#">Click here to enter text.</a></p> <p><input checked="" type="checkbox"/> By a non-personal identifier. <i>Please describe.</i> Generally, searches are completed by Contract Number, although searches can be done for all rated orders and by keyword specific terms.</p>
<p>d. What is the records retention schedule(s)? <i>Include the records schedule number.</i></p>	<p>The retention period is 3 years after final payment pursuant to the Federal Acquisition Regulations (FAR) Subpart 4.7 “Contractor Records Retention.”</p>
<p>e. How do you ensure that records are disposed of or deleted in accordance with the retention schedule?</p>	<p>The program will ensure that these records are archived or destroyed in accordance with NARA general records schedule 1.1 “Financial Management and Reporting Records.”</p>
<p>f. Is any of this information shared outside of the original program/office? <i>If yes, describe where (other offices or DHS components or external entities) and why. What are the authorities of the receiving party?</i></p>	
<p><input type="checkbox"/> Yes, information is shared with other DHS components or offices. Please describe.  <a href="#">Click here to enter text.</a></p> <p><input type="checkbox"/> Yes, information is shared <i>external</i> to DHS with other federal agencies, state/local partners, international partners, or non-governmental entities. Please describe.  <a href="#">Click here to enter text.</a></p>	

<sup>2</sup> Generally, a unique identifier is considered any type of “personally identifiable information,” meaning any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which is linked or linkable to that individual regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the U.S., or employee or contractor to the Department.





No. Information on this form is not shared outside of the collecting office.

\*\*Note that FEMA does not currently intend to share information outside of the collecting office. Further, FEMA has not delegated authority under the EMPAS regulations to any other agency at this time. Should FEMA delegate authority under the EMPAS regulations to another agency in the future, that agency would be required to share information with FEMA. Any such delegation would provide for the sharing of information as part of the terms of the delegation.



**Please include a copy of the referenced form and Privacy Act Statement (if applicable) with this PTA upon submission.**



## PRIVACY THRESHOLD REVIEW

(TO BE COMPLETED BY COMPONENT PRIVACY OFFICE)

Component Privacy Office Reviewer:	<b>Tina Macomson</b>
Date submitted to component Privacy Office:	Click here to enter a date.
Date submitted to DHS Privacy Office:	August 7, 2020
Have you approved a Privacy Act Statement for this form? ( <i>Only applicable if you have received a waiver from the DHS Chief Privacy Officer to approve component Privacy Act Statements.</i> )	<input type="checkbox"/> Yes. Please include it with this PTA submission. <input type="checkbox"/> No. Please describe why not. Click here to enter text.
<b>Component Privacy Office Recommendation:</b> <i>Please include recommendation below, including what existing privacy compliance documentation is available or new privacy compliance documentation is needed.</i>	
<b>FEMA Privacy recommends the following coverage:</b> PIA: <ul style="list-style-type: none"> <li>•DHS/ALL/PIA-065 Electronic Contract Filing System (ECFS)</li> </ul> SORN: <ul style="list-style-type: none"> <li>•DHS/ALL-021, Department of Homeland Security Contractors and Consultants</li> <li>•DHS/ALL-004, General Information Technology Access Account Records System (GITAARS)</li> </ul>	



## PRIVACY THRESHOLD ADJUDICATION

**(TO BE COMPLETED BY THE DHS PRIVACY OFFICE)**

DHS Privacy Office Reviewer:	<b>Joseph Thomas (Sr. Analyst Hannah Burgess)</b>
PCTS Workflow Number:	Click here to enter text.
Date approved by DHS Privacy Office:	August 10, 2020
PTA Expiration Date	August 10, 2023

### DESIGNATION

Privacy Sensitive IC or Form:	<b>Yes If "no" PTA adjudication is complete.</b>
Determination:	<input type="checkbox"/> PTA sufficient at this time. <input type="checkbox"/> Privacy compliance documentation determination in progress. <input type="checkbox"/> New information sharing arrangement is required. <input type="checkbox"/> DHS Policy for Computer-Readable Extracts Containing SPII applies. <input type="checkbox"/> Privacy Act Statement required. <input checked="" type="checkbox"/> Privacy Impact Assessment (PIA) required. <input checked="" type="checkbox"/> System of Records Notice (SORN) required. <input type="checkbox"/> Specialized training required. <input type="checkbox"/> Other. Click here to enter text.
DHS IC/Forms Review:	Choose an item.
Date IC/Form Approved by PRIV:	Click here to enter a date.
IC/Form PCTS Number:	Click here to enter text.
Privacy Act Statement:	Choose an item. Click here to enter text.
PTA:	Choose an item. Click here to enter text.
PIA:	<b>System covered by existing PIA</b>



	<p>If covered by existing PIA, please list: DHS/ALL/PIA-065 Electronic Contract Filing System (ECFS)</p> <p>If a PIA update is required, please list: <a href="#">Click here to enter text.</a></p>
SORN:	<p><b>System covered by existing SORN</b></p> <p>If covered by existing SORN, please list: DHS/ALL-021, Department of Homeland Security Contractors and Consultants;</p> <p>DHS/ALL-004, General Information Technology Access Account Records System (GITAARS)</p> <p>If a SORN update is required, please list: <a href="#">Click here to enter text.</a></p>
<p>DHS Privacy Office Comments:</p> <p><i>Please describe rationale for privacy compliance determination above.</i></p>	
<p><b>FEMA has submitted this Rated Orders, Adjustments, Exceptions, or Appeals Under the Emergency Management Priorities and Allocations System (EMPAS) PTA seeking to collect information about customers who placed rated orders with a supplier to help track the status of the rated order from initial receipt by supplier to shipment or performance of the needed goods or services. This information, gathered either in writing, electronically via email, or verbally, potentially includes PII including names, work email addresses, or the contents of an email signature block. This PII is intended to be leveraged to facilitate business follow-up for rated orders to ensure the timely delivery of products, materials, and services to meet current national defense requirements.</b></p> <p><b>DHS PRIV agrees that this is a privacy-sensitive system which requires PIA coverage. Coverage is provided by DHS/ALL/PIA-065 Electronic Contract Filing System (ECFS), which supports workflow, document management, and records management throughout the lifecycle of purchasing orders or contract administration.</b></p> <p><b>SORN coverage is also required. DHS PRIV agrees that DHS/ALL-021, Department of Homeland Security Contractors and Consultants and DHS/ALL-004, General Information Technology Access Account Records System (GITAARS) are adequate for the nature of PII stored and accessed as a result of this collection.</b></p>	