



Privacy Impact Assessment
for the

Boating Accident Report Database

November 12, 2009

Contact Point

Susan Tomczuk

United States Coast Guard

Office of Auxiliary and Boating Safety

Boating Safety Division

202-372-1103

Reviewing Official

Mary Ellen Callahan

Chief Privacy Officer

Department of Homeland Security

(703) 235-0780



Abstract

The Coast Guard is submitting a Privacy Impact Assessment (PIA) for the Boating Accident Report Database (BARD). The database serves as a receptacle for boating accident report data submitted by each of the 56 state and territorial reporting authorities as required by 46 USC § 6102. A PIA is required because the database contains personally identifiable information.

Overview

The mission of the Coast Guard Recreational Boating Safety (RBS) program is to reduce the number of deaths and injuries on the nation's waterways by improving recreational boating safety. The broader mission of the National RBS Program is "to ensure the public has a safe, secure, and enjoyable recreational boating experience by implementing programs that minimize the loss of life, personal injury, and property damage while cooperating with environmental and national security efforts." To that end, the purpose of the BARD system is to store data to generate metrics on boating safety for safety regulations, studies and publications. The database also exists so that the public can request boating accident records through the Freedom of Information Act.

Under federal regulations¹ the operator of any uninspected numbered vessel or an uninspected vessel that was used for recreational purposes is required to file a Boating Accident Report (BAR) when, as a result of an occurrence that involves the vessel or its equipment; a person dies, a person disappears from the vessel under circumstances that indicate death or injury, a person is injured and requires medical treatment beyond first aid, damage to vessels and other property totals \$2,000 or more, and/or there is a complete loss of any vessel. Boat operators or owners must submit these reports within 48 hours of an occurrence if at least one of the following circumstances is met: 1) a person dies within 24 hours of the occurrence; 2) a person requires medical treatment beyond first aid; and/or 3) a person disappears from the vessel. Reports of incidents involving a death that occurred after 24 hours of the accident or property damage only must be submitted within 10 days of the accident. If the aforementioned conditions are met, the federal regulations state that the operator or owner must report the accident to a reporting authority. The reporting authority can be either in the state where the accident occurred or the state in which the vessel was registered. The owner must submit the report if the operator is deceased or unable to file the report².

Knowledge of the aforementioned reporting requirements stems largely from state and organization efforts to educate boaters through classes, online resources, and in publications. The organizations may include government agencies, non-profit and for-profit organizations. These organizations range from carbon monoxide awareness advocates to Coast Guard Auxiliarists who teach boating safety courses to businesses that offer on-the-water training. It is through these resources or at the

¹ 46 USC § 6102 and is further outlined in 33 CFR 173, 33 CFR Part 173; Subpart C – Casualty and Accident Reporting.

² The minimum reporting requirements are set by Federal regulation while states are allowed to have stricter requirements. For example, some states have a lower threshold for reporting damage to vessels and other property. Federal Regulations (33 CFR 174.121) require accident report data to be forwarded to Coast Guard headquarters within 30 days of receipt by a state.



scene of an accident that many boaters are made aware of reporting time frames and are given boating accident report forms.

The requirements of a report of a boating accident are outlined in 33 CFR 173.57. The U.S. Coast Guard has a version of the report form that state reporting authorities may use. Many state reporting authorities chose to use their own boating accident report form (BAR form) which may have more fields than what is required in the CFR. Many state reporting authorities also collect information on forms designed for accident investigators. Such forms may include more fields than those required in the CFR as well as spaces for diagramming. Once the state reporting authority receives a BAR form or information from an investigator, state officials review it for completeness and accuracy and determine the overall cause of the accident. State officials then use the BARD system to enter the information.

Regarding the set up of the BARD system, there are two applications through which state reporting authorities can enter information about accidents. The most widespread application is an internet application called BARD-Web, which facilitates the near real-time transfer of accident report data from each state reporting authority to the Coast Guard. After logging onto the HTTPS protocol website with 128-bit SSL based encryption, state reporting authority users are presented with their state-specific configuration. Each state reporting authority has the ability to enter accident reports with a function called "Accident Management." Using this function, a user can create a new record for each paper boating accident report that it has received. A user clicks on a link called "New accident report" and five tabbed forms appear. Each tab relates to a group of like information. The "Accident" tab relates to overview information of the accident including the date/time/location of the accident, the weather conditions, and the cause and type of accident. The user is able to tab through fields to type in data and save the tab. Then, he/she moves onto the other remaining tabs. The "Vessel" tab contains information that pertains to the vessels and includes descriptions of the vessels involved in the accident as well as the boating safety instruction level and experience of operators involved. The "People" tab contains information that is pertinent to the people involved in the accident including operators, occupants, and witnesses. Information about casualty victims includes the type of injury/cause of death, role of the victim (i.e., operator, occupant, water skier, etc), and whether a propeller strike was involved. The "Other information" tab contains a text box where a user can type in a narrative for the accident. Finally, the "Human Error Coding" tab contains phrases used to describe the role that humans played in the accident. A user can link these phrases with each vessel if human error was a factor in the accident. This section allows the Coast Guard to better analyze the role that humans play in accidents. Aside from the ability to enter boating accident report information in BARD, state reporting authorities have the capability to print accident report forms from the entered records for hard copy storage.

There are three states that currently have their own state-wide or agency-wide electronic database for managing accident reports. For state reporting authorities that use an electronic reporting system apart from BARD, their data is automatically transferred from their system to BARD on at least a monthly basis through a data transfer web service. The State is responsible for making sure the data coming into BARD-Web is the same as the data in their system and that it satisfies all USCG requirements. For example, the total number of accidents, total number of vessels involved, total number of injuries, total number of deceased, total number of disappearance, and total property damage amount should be identical in both systems.



State reporting authorities can retrieve their data from BARD. One way by which states can obtain a full download of all of their accident reports is by using the “Download” function in BARD which allows the user to define the date range and the origin (national or jurisdiction-specific) of data they desire, and download accident reports into a Microsoft Access database. If a user selects national or a jurisdiction other than his/her own, the user will not be able to obtain a field that contains PII. Users can also retrieve data through queries which allow the user to fine tune the fields that he/she desires. Users can filter data by jurisdiction, time range and fields. For example, if a user wanted to find accident records that involved a collision with a fixed object on personal watercraft on the Severn River in 2009, a user would use the query wizard and set the filters. The results can be returned in a number of formats including .xls, .txt, and .xml. Query results would be presented such that each row would represent an accident record and each column would indicate the field that was queried. Users can also receive “counts” of information using the query function. For example, if a user wanted to find the number of casualties occurring in his/her jurisdiction in 2008, a user would set up the following query such that he/she would pull in the number of dead, missing and injured, select the function “sum”, and enter the time period 01/01/2008 to 12/31/2008. Query results would return one row and three columns of data: the number of dead, missing, and injured for all accident reports entered in 2008 for that jurisdiction would be presented in the row. Number of dead, missing, and injured would be the titles of the columns.

The second application used in the BARD system is the predecessor to BARD-Web, BARD-Interim (BARD-I). BARD-I is a relational database management system application programmed in Borland Delphi and uses Corel Paradox and Microsoft Access to hold data. Only one jurisdiction uses BARD-I to manage their accident data and they export data to the Coast Guard once a month for inclusion in BARD-Web online.

Using either application, state reporting authorities have the ability to input, at a minimum, the required elements listed under federal regulations in 33 CFR 173.57. In general, the information required provides an overview of the accident, information specific to the vessel and operator, and information about the victims. The Coast Guard collects names because names are required to be collected under federal law. 33 CFR 173.57(b), (h), (i), (k), (n), (x), and (z) require PII collection. Aside from inputting the initial data, state reporting authorities have the ability to edit and delete records in the system. Before records are submitted to the Coast Guard for review, they can move through a tiered system of online review by representatives of the state reporting authority. When the record is deemed accurate by the highest level of the tier, it can be submitted for review to the Coast Guard. Even after the record has been submitted for approval, the state reporting authority can still alter it and resubmit it.

BARD is not currently linked to other systems (USCG or otherwise) and therefore does not share data with other systems. However, BARD users may extract and release data as follows: 1) USCG users have the ability to download a set of data for a state and have the ability to query a selection of data for a state, multiple states, or nation. Neither of these methods allows the user to access PII. 2) The USCG Administrator for BARD has the ability to request a database directly from the contractor that will include PII. 3) State reporting authorities have the ability to query their own state information and obtain PII. They can also download state or national data, the latter having PII removed.

Although the data in BARD is owned by the Boating Safety Division of the Office of Auxiliary and Boating Safety, the information is entered and stored on servers owned by a contracted company.

Information from BARD is used for regulatory and non-regulatory purposes. Information has been



used to analyze whether a regulation would save casualties. An example of a current study is an analysis to determine whether a lanyard would prevent the propeller-caused injuries of operators who fall overboard a vessel. Information has also been used for non-regulatory purposes. Data from BARD has been used to respond to Freedom of Information Act requests, to create the Coast Guard's annual report on recreational boating accidents, and to generate statistics on safety hazards.

Section 1.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected as well as reasons for its collection as part of the program, system, rule, or technology being developed.

1.1 What information is collected, used, disseminated, or maintained in the system?

Each report required by the Report of Casualty or Accident (33 CFR 173.55) must contain, if available, at least the following information about the casualty or accident:

Overview information:

- Name of the nearest city or town, the county, the State, and the body of water;
- Time and date the casualty or accident occurred;
- Location on the water;
- Visibility, weather, and water conditions;
- Estimated air and water temperatures;
- Weather forecasts available and weather reports used by the operator before and during the use of the vessel.
- Description of the vessel casualty or accident;
- Opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause or contributed to causing the casualty;

Vessel information:

- Numbers and names of each vessel involved;
- Name and address of each owner of each vessel involved;
- The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report;
- Name and address of each operator of each vessel involved;
- Number of persons on board or towed on skis by each vessel;
- Availability and use of personal flotation devices;
- Type and amount of each fire extinguisher used, if any;
- Description of all property damage and vessel damage with an estimate of the cost of all repairs;
- Description of each equipment failure that caused or contributed to the cause of the casualty;



- Opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause or contributed to causing the casualty
- Type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other); and the type of accident (capsizing, sinking, fire, or explosion or other);
- Make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel;
- Manufacturer's hull identification number, if any, of the reporting operator's vessel.

Casualty information:

- Name, address, and date of birth of each person injured or killed;
- Cause of each death;
- Nature and extent of each injury.

Other information:

- Name and address of each owner of property involved;
- Name, address, and telephone number of each witness;
- Name, address, and telephone number of the person submitting the report.

1.2 What are the sources of the information in the system?

The sources of information include the owners and/or operators of vessels involved in accidents as outlined in 33 CFR 173.55. Frequently, information is also provided from state or Coast Guard investigations. In addition, information from Coast Guard sources such as the Marine Information for Safety and Law Enforcement (MISLE)³ may be used to supplement information on an accident.

1.3 Why is the information being collected, used, disseminated, or maintained?

The information is being collected, used, disseminated and maintained because of United States Code which, under 46 U.S.C. § 6102 (b), states, “The Secretary shall collect, analyze, and publish reports, information, and statistics on marine casualties...”

1.4 How is the information collected?

Information is collected from owners and/or operators of vessels involved in accidents using an OMB-approved form, CG-3865, the Boating Accident Report form. Once the owner/operator has filled out the accident report form in accordance with 33 CFR 173.55, he/she is supposed to submit it to the

³ Please see the Marine Information for Safety and Law Enforcement PIA and SORN at www.dhs.gov/privacy for additional information.



nearest state reporting authority in accordance with 33 CFR 173.59.

Some states also have their own state investigation form which may be used to supplement the boating accident report form that is completed by the owner/operator.

1.5 How will the information be checked for accuracy?

To analyze data for accuracy, the Coast Guard reads the narrative of the accident and compares it with a number of fields in the accident report to make sure that the information has been coded correctly. In 2007 the Coast Guard focused on fields such as accident types, causes, time of accident, primary injury, secondary injury, cause of death, accident description, boat type, boat length, and victim status.

The Coast Guard standardizes data. Each state reporting authority has access to the BARD system to input boating accident reports. Each authority's access to the system is designed after that state's BAR form. The outcome of this data entry design is that, from a national standpoint, state entry forms not only look different from each other but sometimes have different information on each. For example, while the Coast Guard would describe an accident where a skier lost his/her balance and fell during a turn as a "Skier Mishap," the state might describe it as a "Miscellaneous Water Sports" accident.

In addition to nonstandard fields, the Coast Guard also receives incomplete data which could be a reflection of incomplete information from the BAR Form Respondent (Operator/Owner), the State Investigator, the State Analyst, and/or it could indicate an error in the BARD-Web data extraction process. For example, some states only provide 3-4 word accident descriptions while others are detailed. The Coast Guard works with each state to ensure that information is as complete as possible.

The Coast Guard communicates with states in an attempt to get the most complete and accurate data available. In 2007 the Coast Guard underwent a review process that included: confirming that reports were submitted; reviewing and discussing data with the state; and agreeing on a data code (a two-month intensive project).

1.6 What specific legal authorities, arrangements, and/or agreements defined the collection of information?

The requirement for the owner/operator to report resides in 33 CFR 173.55 (c)⁴. In addition to the CFR, there are other documents that outline state agreements to report recreational boating accidents to the Coast Guard. In order to be eligible to receive federal funding for its boating safety program, the state reporting authority must have an approved marine casualty reporting system as outlined in 46 U.S.C. § 13102 (c) (5) which states that "The Secretary shall approve a State recreational boating safety program, and the program is eligible to receive amounts authorized to be expended under section 13106 of this title, if the program includes..." (5) "a system, approved by the Secretary for reporting marine casualties

⁴ "When the operator of a vessel cannot submit the casualty or accident report required by paragraph (a) of this section, the owner shall submit the casualty or accident report." The forwarding of information from owners/operators of vessels involved in accidents from the state reporting authority to the Coast Guard is defined by 33 CFR 174.121 which states, "Within 30 days of the receipt of a casualty or accident report, each State that has an approved numbering system must forward a copy of that report to the Commandant (G-OPB), U.S. Coast Guard,...".



required under section 6102 of this title.”

In addition to U.S.C., there are Memoranda of Understanding (MOUs) between the Coast Guard and each state that has an approved state recreational boating safety program that require the state to investigate all recreational boating safety accidents. Under the MOU, the state should review accident reports that the department receives for “accuracy and completeness” and determine the cause and circumstances of each reportable accident including whether or not alcohol or drugs were a factor. The State also is under agreement to abstract accident data from boating accident reports for input into BARD.

1.7 Privacy Impact Analysis: Given the amount and type of data collected, discuss the privacy risks identified and how they were mitigated.

There are several areas where privacy impacts may be a concern. Privacy concerns exist on Coast Guard property where files with PII are housed electronically on shared network drives and on paper in the Boating Safety Division office. While the files are not encrypted, the Division has restricted access to electronic folders that hold boating accident report data by authorizing that only select users have administrative privileges to read files and an even smaller subgroup of authorized users have the administrative privileges to modify and/or create files in the folder. Apart from electronic storage, PII in paper form is housed in a secure cabinet.

Privacy concerns also exist within the BARD contractor’s site where the servers that host boating accident report data are located. The company that currently manages BARD, agreed in their contract with the Coast Guard to protect PII under the Privacy Act. The company also has taken precautionary measures to protect data by restricting access to the building. Access codes are required to move within the building and all visitors are escorted. Finally, the company has set firewalls to protect unauthorized access to the system.

Privacy concerns are also apparent with offsite, USCG-contracted companies that use boating accident report data in their work. The Boating Safety Division has mandated that offsite contractors sign non-disclosure agreements if using boating accident report data.

Individuals who are included in reports may perceive a privacy risk if information in the report was interpreted by others. Those who have access to PII in BARD data do not make decisions about individuals involved in accidents; rather, those with access to the data make decisions based on aggregate statistics. Thus, the risk of wrongful interpretation on in individual does not exist.

Section 2.0 Uses of the Information

The following questions are intended to delineate clearly the use of information and the accuracy of the data being used.

2.1 Describe all the uses of information.

The Coast Guard uses the information collected for four main purposes: regulatory studies, and non-regulatory studies, USCG Annual Report publication, and Freedom of Information Act requests.



The Boating Safety Division uses data abstracted from boating accident reports for regulatory and non-regulatory studies. Examples of regulatory studies include a study to determine how many deaths and injuries could be prevented had the operator of a vessel worn a wireless lanyard. For this study, the Coast Guard focused on fields to determine the effectiveness of a lanyard including: accident description, prop strike, primary injury, cause of death, and accident type. Examples of non-regulatory studies include regional studies focused on topics such as nighttime boating or PFD wear rate on boat types, the latter of which required fields such as time of accident, day/night, accident type, type of boat, life jackets onboard, and life jackets accessible.

Every year the Boating Safety Division releases a statistical report on the prior year's accident data. The report presents abstracted data gathered from boating accident reports on four broad topics: causes of accidents; accident types; casualty information; and operator/passenger information. Based on these topics, the most pertinent fields collected in report forms include the following: causes of accident, accident types, boat types, primary injury, cause of death, operator experience, operator age, injured age, and deceased age.

In 2008 the Boating Safety Division received over 30 requests for information under the FOIA. Roughly two-thirds of those requests were for specific boating accident records. Lawyers, claims adjusters and investigators usually request specific boating records, identifying a person involved in an accident (usually the name of an operator or casualty victim) or a description of a vessel (registration number, HIN, boat name). Prior to responding to requests that involve PII, the Coast Guard requests that the originator modify his or her request such that he/she does not request PII. If he/she agrees, the Coast Guard may release a redacted version of the record. Coast Guard release of the record depends on the permission of the state reporting authority that submitted the report. Under 46 U.S.C. 6102(b), the Coast Guard may only use the data as the state would; if a state prohibits the release of data under statute, the Coast Guard must as well. If the FOIA requester refuses to redefine his/her request, the Coast Guard will send the case for review to the Coast Guard legal department. Other information requested under FOIA includes a year's worth of Coast Guard data (PII is removed), multi-year studies, and single-year studies.

In an effort to estimate casualties for Coast Guard and DHS quarterly casualty reports, the Coast Guard keeps track of the number of accidents and casualties in two sources: BARD cases entered by the states and news reports captured by the media that cover accidents that often times have not been entered into BARD yet. When summed, these figures provide an estimate of accidents and casualties for a quarter. In order to provide the best estimate, the Coast Guard periodically examines both databases to make sure that the Coast Guard is not double counting an accident. One of the quickest identifiers of matching records are the names of individuals involved in the accident.

The use of PII has allowed the Coast Guard to more easily track accidents and casualties and has put us in a sturdier position to estimate casualties for our chain of command.

2.2 What types of tools are used to analyze data and what type of data may be produced?

The tools used to analyze data and the types of data produced depend on the purpose of analysis. If data is being analyzed for accuracy, the Division extracts BARD-Web data in the form of a Microsoft Access database. The Division then extracts the data from Access into Microsoft Excel and Microsoft Word. Excel is used for the fields with short character length whereas Word is used for fields such as the accident



narrative that have a much longer character length than what Excel cells are able to host.

If data is being analyzed for research requests, the Boating Safety Division usually takes extracted information from BARD-Web into Microsoft Access or Microsoft Excel/Word. If using Access, the Coast Guard frequently uses queries and pivot tables to sort and filter records. If using Excel, the Coast Guard creates graphs and tables from queries and pivot tables.

Using these tools, data is usually released in the form of tables and graphs. Data can also be released in a database format (such as .mdb) or as a PDF.

2.3 If the system uses commercial or publicly available data please explain why and how it is used.

The BARD System does not use commercial or publicly available data. Data is collected from the state reporting authorities who receive their information from the boat owners/operators and/or investigators involved in boating accidents.

2.4 Privacy Impact Analysis: Describe any types of controls that may be in place to ensure that information is handled in accordance with the above described uses.

Please reference 1.7 for safeguards to protect information. If information is released as in the aforementioned instances under Section 2, it is released in redacted form. Thus, PII is not present.

Section 3.0 Retention

The following questions are intended to outline how long information will be retained after the initial collection.

3.1 What information is retained?

The Boating Safety Division at Coast Guard Headquarters stores historic boating accident data in four tables in a Microsoft Access database. Fields in the "Overview information" section in 1.1 are stored in one table and include the date, time, location, accident narrative and cause. Fields in the "Vessel information" section mentioned in 1.1 are stored in another table and cover information about the vessels and operators involved in accidents. Fields in the "Casualty information" section in 1.1 are stored in tables (one for injured victims and one for deceased victims).

3.2 How long is information retained?

Information has been retained since 1969, although this information is retained in an offline Microsoft Access database. All information is retained permanently, due to the requirements of CIM 521212A, SSIC 16750 Recreational Boating Safety confirmation..



3.3 Has the retention schedule been approved by the component records officer and the National Archives and Records Administration (NARA)?

Yes. Per CIM 5212.12A, SSIC 16750 Recreational Boating Safety, Item 7, records must be maintained permanently. NARA authority N1-26-93-2.

3.4 Privacy Impact Analysis: Please discuss the risks associated with the length of time data is retained and how those risks are mitigated.

Retained information that includes PII is stored on two locations: on a shared network drive and on CD-ROMs. There are five historic databases of accident report data stemming between the years 1995-2007 available on a folder in a Coast Guard shared network drive. Access to this folder to view/modify/create has been restricted to a select group of individuals. One of the main risks of information on the shared drive is the ability and ease of users to alter it without leaving a trail. One way to check the accuracy of information is to run "counts" of accident records and fields to ensure that the same number of entries that existed originally exist at the time of the checkup. Such a checkup would ensure that records are not deleted or added, and that individual fields within a record are not modified. If information has been modified, CD-ROMs that house original data can always be reloaded such that the database can be replaced in its original state.

Information is also stored on CD-ROMs. There are read-only CDs of historic data that are housed in locked government-furnished property in the office of the Boating Safety Division.

Section 4.0 Internal Sharing and Disclosure

The following questions are intended to define the scope of sharing within the Department of Homeland Security.

4.1 With which internal organization(s) is the information shared, what information is shared and for what purpose?

Information is shared internally in the Coast Guard. The two most frequent requestors of data are the Boating Safety Division and the Office of Performance Measurement and Assessment. Both of these offices request abstracted data, usually the number of accidents, deaths, and injuries during a specific time period. The Boating Safety Division uses this information to assess our progress with the program. The Office of Performance Measurement and Assessment uses this information for Coast Guard publications, often in the form of quarterly reports or forecasts.

There are other offices within the Coast Guard that have requested abstracted data on a number of topics including the number of incidents where flares cause fires on recreational boats, the number of accidents on salt vs. non-salt waters, and the number of accidents and casualties by Coast Guard District. These offices generally request data when prompted by a conference, publication, or media spotlight on a



subject.

There are also requests from Coast Guard Auxiliarists for abstracted information or for a database of accident report data. Examples of abstracted information include the number of accidents, injuries, and deaths by state. Examples of a database request would be all 2007 accident data for the states in that Auxiliarist's region. In the latter case, PII is removed from the database prior to sending. In general, Auxiliarists request information in preparation for a media interview.

4.2 How is the information transmitted or disclosed?

Information is transmitted electronically, usually over the Coast Guard email network either in the body of the email or as an attachment (.doc, .xls, .pdf). Beginning in 2009, information sent through email will be encrypted. Information may also be placed on a shared network drive that is accessible to authorized users only. Files that contain PII are password protected with only those authorized users informed of the password.

4.3 Privacy Impact Analysis: Considering the extent of internal information sharing, discuss the privacy risks associated with the sharing and how they were mitigated.

In most cases where information is shared internally within the Coast Guard, the information shared does not include PII. If PII is shared, the file will be first encrypted and then sent by email.

Section 5.0 External Sharing and Disclosure

The following questions are intended to define the content, scope, and authority for information sharing external to DHS which includes Federal, state and local government, and the private sector.

5.1 With which external organization(s) is the information shared, what information is shared, and for what purpose?

The Boating Safety Division shares information with a number of external organizations. In general, PII is not shared with a non-contracted organization unless a Coast Guard lawyer has agreed to the sharing. Contracted groups must sign a non-disclosure agreement before receiving data that has PII in it. These external organizations include boating safety partners such as the National Association of State Boating Law Administrators (NASBLA) and the National Boating Safety Advisory Council (NBSAC). NASBLA is an association of the marine law enforcement departments of the fifty-six jurisdictions. A key feature of the association is that they have committees that are tasked with developing public policy that addresses boating safety issues. To accomplish this task, they often request data in the form of multi-year databases (PII redacted) as well as abstracted data from the Coast Guard. In 2007, the committee requested data on noncompliance with carriage requirements. The Boating Safety Division provided tables of abstract data on life jacket and fire extinguisher carriage over a five-year period.

NBSAC is the Congressionally-mandated council that oversees the Boating Safety Division's work.



The Council is made up of 21 representatives from the state, industry, and public sectors. Members of the Council have requested studies by the Coast Guard including an analysis in the number of accidents, deaths, and injuries on certain types of boats like “Go Fast” boats and the number of accidents, deaths, and injuries that occur as a result of a loss of steering on personal watercraft (also known as jet skis). The Boating Safety Division provides tables of abstracted data to address their concerns. NBSAC uses the information to decide whether the Boating Safety Division should focus on a specific topic in the National Recreational Boating Safety Program. The Boating Safety Division does not provide PII to the NBSAC.

Other boating safety partners include recipients of Coast Guard Boating Safety Division grants and special interest groups that receive data. In fiscal year 2008, the Boating Safety Division issued thirty-seven grants to non-profit organizations. Often, these grant recipients request boating safety data to support their project. In one such instance, a grant was administered to an organization to analyze propeller strike injuries. The Boating Safety Division provided all data received since 1969 to the individuals so that they would be able to run the data through more advanced programs than what the Coast Guard has available.

Special interest groups use Boating Safety Division data to promote their causes. One such group focuses on casualties resulting from carbon monoxide exposure and annually requests the number of accidents, deaths, and injuries involving carbon monoxide. The Division releases information about the boat, the state, and the date.

The final group of external organizations includes media representatives, consultants, and lawyers who request data. Media representatives usually request databases or abstracted data to address an investigative story. An example of such a request is a news station request for all search and rescue activity in the Northwest United States and Alaska. Consultants typically request information that pertains to a client. One request that the Division received was from an environmental consultant based in Texas who requested five years of data for the state of Texas. The consultant’s aim was to identify pollution committed by recreational boat operators. Finally, lawyers frequently request information as discussed in 2.1.

5.2 Is the sharing of personally identifiable information outside the Department compatible with the original collection? If so, is it covered by an appropriate routine use in a SORN? If so, please describe. If not, please describe under what legal mechanism the program or system is allowed to share the personally identifiable information outside of DHS.

Boating Safety Division staff members are not permitted to share PII with outside entities unless a Coast Guard lawyer from The Office of General Law (CG-0944) has cleared the release of the data.

5.3 How is the information shared outside the Department and what security measures safeguard its transmission?

If information is shared, the Boating Safety Division follows the same procedure as that outlined in 4.2.

If, as described in 1.7, a contractor has been granted access to data with PII and has signed the



appropriate non-disclosure agreements, data is usually sent via postal service on a CD-Rom with a Confidentiality Notice and an explanatory letter.

5.4 Privacy Impact Analysis: Given the external sharing, explain the privacy risks identified and describe how they were mitigated.

Under most circumstances the Boating Safety Division does not release PII unless a Coast Guard lawyer from The Office of General Law (CG-0944) has cleared the release of the data. Instead, the Division will release either redacted databases, redacted records, or abstracted information.

Only if a Coast Guard lawyer has ruled against a redaction of information or has granted an individual access to data will the Boating Safety Division release a record containing PII. On those rare occasions where PII is determined to be releasable under FOIA, the individual whose PII is released is not notified beforehand.

Section 6.0 Notice

The following questions are directed at notice to the individual of the scope of information collected, the right to consent to uses of said information, and the right to decline to provide information.

6.1 Was notice provided to the individual prior to collection of information?

No. The Coast Guard OMB-approved Boating Accident Report form (OMB Number 1625-0003; CG-3865) on which boating accident data is collected only provides the circumstances under which an individual must report and the expected time necessary to complete the form.

6.2 Do individuals have the opportunity and/or right to decline to provide information?

Yes. The regulation surrounding the mandate to collect information (and what information to collect) in 33 CFR 173.57 is vague such that the text mandates that fields of information must only be collected if they are "available". Furthermore, the boating accident report form that was approved by OMB has the notice that indicates that information should be left blank if unknown.

6.3 Do individuals have the right to consent to particular uses of the information? If so, how does the individual exercise the right?

No.



6.4 Privacy Impact Analysis: Describe how notice is provided to individuals, and how the risks associated with individuals being unaware of the collection are mitigated.

Although there is not an explanation of the purpose of the form, the risk regarding the collection is mitigated since access to the data collected is restricted physically and electronically.

Section 7.0 Access, Redress and Correction

The following questions are directed at an individual's ability to ensure the accuracy of the information collected about them.

7.1 What are the procedures that allow individuals to gain access to their information?

Individuals may request a boating accident record about themselves through the Privacy Act. Individuals may email efoia@uscg.mil or write to Commandant (CG-611), 2100 2nd Street, SW, Washington, DC 20593-0001, Attn: FOIA. Information on how to submit a FOIA can be found on <http://www.uscg.mil/global/foia.asp>.

7.2 What are the procedures for correcting inaccurate or erroneous information?

A procedure to correct inaccurate or erroneous information does not yet exist.

7.3 How are individuals notified of the procedures for correcting their information?

Individuals are not notified of a procedure to correct information because a procedure does not yet exist.

7.4 If no formal redress is provided, what alternatives are available to the individual?

The individual may contact the state reporting authority to whom he/she/the operator/owner of the vessel that was involved in an accident reported.

7.5 Privacy Impact Analysis: Please discuss the privacy risks associated with the redress available to individuals and how those risks are mitigated.

There currently is no Coast Guard policy regarding the redress of PII with regard to the BARD system. An individual may contact the state reporting authority regarding a redress of information. The



privacy risk surrounding an individual's access or modification of a record about him/herself involve the verification of a person's identity. As stated in the FOIA manual COMDTINST M5260.3, the individual must either have a notarized statement indicating that he/she is the person as stated or present him/herself in person with a valid form of identification.

Section 8.0 Technical Access and Security

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

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

BARD-Web users are grouped and endowed with a level of privileges discussed in the Overview of this document. Their use of queries is documented by the contractor as is their communication with the contracted company.

8.2 Will Department contractors have access to the system?

Yes. Boating Safety Division contractors have access to the system because they often interact with the state reporting authorities to make sure that accident reports are submitted in a timely manner and are as complete and accurate as possible. Contractors need to have access to individual records to be able to identify reports.

8.3 Describe what privacy training is provided to users either generally or specifically relevant to the program or system?

Privacy training is not a component in the BARD-Web system training that is provided to the state reporting authorities. Part of the reason why privacy training is not included in the BARD-Web System is because users own the information they provide. Privacy training would be redundant since they already have access to their data even without BARD-Web.

8.4 Has Certification & Accreditation been completed for the system or systems supporting the program?

No. The Coast Guard Telecommunication and Information Assurance Division has determined that a formal Certification & Accreditation is not required. The site BARD uses to obtain data is not owned or operated by the Coast Guard and does not contain Coast Guard data. The Coast Guard contracts annually with the site owner allowing the Coast Guard Boating Safety Division to pull data for statistical and analytical review.

8.5 What auditing measures and technical safeguards are in place to prevent misuse of data?

To prevent misuse of data, the Coast Guard has restricted physical and electronic access to data.



Physically, the BARD contractor that houses the servers with the BARD data has used badges and access codes to prevent unauthorized access. CD-ROMs with BARD data have been locked in cabinets. Electronic databases have been protected such that only authorized users can access them. Furthermore, files with PII have been password-protected. Contractors have signed non-disclosure agreements that include a pledge to protect the information.

To audit data, Coast Guard will perform “counts” of data to ensure that data has not been modified in its databases.

8.6 Privacy Impact Analysis: Given the sensitivity and scope of the information collected, as well as any information sharing conducted on the system, what privacy risks were identified and how do the security controls mitigate them?

As stated in 1.7, there are several areas where privacy impacts may be a concern. Privacy concerns exist on Coast Guard property where files with PII are housed electronically on shared network drives and on paper in the Boating Safety Division office. The Division has restricted access to electronic folders that hold boating accident report data by authorizing that only select users have administrative privileges to read files and an even smaller subgroup of authorized users have the administrative privileges to modify and/or create files in the folder. Those files with PII are also password protected. Apart from electronic storage, PII in paper form is housed in a secure cabinet.

Privacy concerns also exist within the BARD contractor’s site where the servers that host boating accident report data are located. The company that currently manages BARD, , agreed in their contract with the Coast Guard to protect personal information under the Privacy Act. The company also has taken precautionary measures to protect data by restricting access to the building. Access codes are required to move within the building and all visitors are escorted. Finally, the company has set firewalls to protect unauthorized access to the system.

Privacy concerns are also apparent with offsite, contracted companies that use boating accident report data in their work. The Boating Safety Division has mandated that offsite contractors sign non-disclosure agreements if using boating accident report data.

Section 9.0 Technology

The following questions are directed at critically analyzing the selection process for any technologies utilized by the system, including system hardware, RFID, biometrics and other technology.

9.1 What type of project is the program or system?

The system serves as an operational project.

9.2 What stage of development is the system in and what project development lifecycle was used?

The system is in its Operations and Support stage.



9.3 Does the project employ technology which may raise privacy concerns? If so please discuss their implementation.

No, the BARD technology system is a secure computer network with firewall and password protection established to safeguard any privacy concerns.

Approval Signature

Original signed and file with the DHS Privacy Office

Mary Ellen Callahan
Chief Privacy Officer
Department of Homeland Security