



Privacy Impact Assessment for
EEO Case Management (EEOCM)
Records System

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Contact Point

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Abstract

The Office of Personnel Management (OPM) uses the Entellitrak-Equal Employment Opportunity (ETK-EEO) system, a cloud-based, FedRAMP compliant system consisting of a suite of applications, to support OPM's Equal Employment Opportunity (EEO) Case Management Records System which supports inputting, processing, tracking, managing, and reporting on complaint cases. The EEO Case Management Records System manages the EEO process and generates the annual report. OPM conducted this Privacy Impact Assessment (PIA) because this system collects, maintains, and uses personally identifiable information about individuals who submit complaints and other third parties.

Overview

The EEO Case Management Records System is designed to manage the EEO complaint process and generate the Form 462 annual report; EEO Case Management Records include functionality that enhances the process for OPM and complainants alike. OPM's role-based dashboards enable EEO staff to manage their workloads. The application utilizes built-in business rules to ensure compliance with EEOC MD-110, EEOC reporting requirements, and 29 CFR 1614.

Through the secure portal, an EEO Specialist begins by creating a new complaint record in the system. From there, EEO Specialists can manually enter complaint information such as the complainant's name, address, and contact information. In addition, each record also includes the basis and issues of the complaint, the Agency office the complaint resides in, and who the complaint is against (the alleged Responsible Management Official). This allows for quick access to robust search capabilities for trend analysis and analytics. The system allows EEO Specialists to track complaints as they



progress through the EEO process from beginning to end. Internal and external alerts are tied to events in the EEO complaint process to support compliance, data integrity, and quality reporting.

Also, OPM EEO users agree to a "Rules of Behavior," which notifies employees of potential administrative and criminal penalties if misuse occurs.

Section 1.0. Authorities and Other Requirements

1.1. What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

Pursuant to 42 U.S.C. §§ 2000e-5(b), 42 U.S.C. §§ 2000e-16(a), (b) and (c) and 29 CFR 1614.102; Dispute Resolution Act of 1996; Alternative Dispute Resolution Act of 1998, this information is collected to create a factual record to adjudicate EEO complaints promptly, order relief if appropriate and prepare reports mandated by the EEO office.

1.2. What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?

EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeals Records, 71 FR 24704 (April 26, 2006) and OPM Internal-7 Complaints and Inquiries Records.

1.3. Has a Security and Privacy Plan (SPP) been completed for the information system(s) supporting the project?

A SPP was completed as part of the authority to operate (ATO) process.



1.4. Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?

Records fall under the NARA General Records Schedule 3.3, EEO discrimination complaint case files, Item 110 - Informal process; Records of cases that do not result in an EEO complaint, and cases resulting in a complaint but resolved prior to the formal process stage. The rules are to destroy three years after resolution of case, but longer retention is authorized if required for business use. Also, Item 111 - Formal process; Records at originating agency generated in response to formal complaints resolved within the agency, by the Equal Employment Opportunity Commission, or by a U.S. Court. This includes records gathered in the preliminary informal process, complaints, exhibits, withdrawal notices, copies of decisions, and records of hearings and meetings. The rules are to destroy seven years after resolution of case, but longer retention is authorized if required for business use.

1.5. If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.

The PRA does not apply.

Section 2.0. Characterization of the Information

2.1. Identify the information the project collects, uses, disseminates, or maintains.

The system collects, disseminates, and maintains information on all informal and formal case data related to EEO complaint processing, monitoring, and tracking, including complainant contact information (name, address, phone number), complaint claims and bases, documentation supporting the complaint and complaint communication (counselor's report, a notice of right to file, rights and responsibilities, formal complaint, accept/dismiss letter,



Etc.), investigation documentation (investigation request letter, investigation plan, amendment approval/denial, report of investigation, Etc.).

2.2. What are the sources of the information and how is the information collected for the project?

The OPM EEO Office provides a neutral and impartial forum for employees, former employees, and employment applicants to file discrimination complaints based on one or more protected EEO bases. To carry out its functions, EEO uses the ETK-EEO application system to track complaints and supporting documentation related to employment discrimination, retaliation, and alternative dispute resolution matters. The source of information for EEO complaints starts with the complainant once they initiate a complaint.

Additional information may come from Agency personnel as deemed necessary by the EEO Specialist. ETK-EEO permits EEO staff to (1) maintain an electronic system of records for EEO complaints and related information, (2) ensure the accuracy, integrity, and security of personally identifiable information (PII) contained in the complaints, (3) assign and track complaints, (4) assist with timely complaint processing and notifications to complainants (i.e., track and monitor the location, status, and length of time elapsed at each stage of the complaint resolution process), (5) capture complaint processing costs and other data for trends analysis, (6) provide users remote access to complaints information in a secure environment, and (7) satisfy OPM continuity of operations plans. An off-site vendor, Tyler Technologies, hosts ETK-EEO.

EEO has authorized a limited number of staff members to utilize the system. When a person wishes to enter the EEO process, an EEO-approved user will enter or upload information into ETK-EEO. The complainants do not have direct access to the system. The information in the system contains the PII of current and former employees, and applicants who file discrimination complaints or seek resolution to employment issues, and related individuals. The information collected will vary based on the type of complaint or process



undertaken. Administration of this system is crucial to timely adjudicating the rights of all individuals involved in the complaint process.

2.3. Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.

No.

2.4. Discuss how accuracy of the data is ensured.

EEO specialists will confirm the accuracy and completeness of the data collected from individuals filing complaints and any affidavits, information received from their representatives, and information obtained from witnesses. Information is confirmed for accuracy directly with the Complainant at various stages in the EEO process. If the Complainant indicates any information is inaccurate (such as a change of address for example), the EEO Specialist will update the record accordingly. Information collected directly from an individual (complainant or witness) is presumed to be accurate unless otherwise indicated. When an individual completes the initial intake form for an EEO complaint, they must certify that the information is true and accurate to the best of their knowledge. The individual must also complete a Rights and Responsibilities form (an EEO form) which explains their rights and also explains their responsibilities during the process, which includes providing accurate information. A witness who completes a declaration also must certify that the information is true and accurate to the best of their knowledge.

2.5. Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: There is a risk that information not required to process or adjudicate an EEO complaint may be erroneously scanned or attached to a file in ETK-EEO.

Mitigation: Only certain EEO employees have access to the ETK-EEO system application based on predefined access roles to mitigate this risk. Those employees are thoroughly trained in the proper handling of EEO data.



Section 3.0. Uses of the Information

3.1. Describe how and why the project uses the information.

The OPM ETK-EEO Case Management system uses the information to assist the Office of Equal Employment Opportunity in its mission to provide EEO services to OPM employees, former employees, and applicants for employment with OPM. Through the collection of data, the Project enables EEO Specialists to track EEO Complaints through the process, allows OEEEO to meet regulatory deadlines, and conduct various analytics when needed.

3.2. Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how OPM plans to use such results.

The OPM ETK-EEO Case Management system allows for electronic searches and queries. OPM OEEEO plans to use the results to conduct trend analysis and other analytics as needed. Through trend analysis, OEEEO can discover if patterns of alleged discrimination exist and can advise upper management accordingly.

3.3. Are there other programs or offices with assigned roles and responsibilities within the system?

No.

3.4. Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: The privacy risk associated with internal sharing is that PII could be inadvertently disclosed to persons who do not need to know the information or are not processing EEO complaints as part of their official duties.

Mitigation: This privacy risk is mitigated as ETK-EEO is only accessible from within the OPM network and only available to those EEO staff with assigned permissions and roles to access confidential and sensitive data. User permissions and roles are controlled by an EEO Systems Administrator,



who can add users, change access levels, and detect and remove unauthorized users.

Section 4.0. Notice

4.1. How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

Individuals are provided notice of the collection of their information once they initiate an EEO Complaint through a Notice of Rights and Responsibilities. At the beginning of the EEO process, individuals meet with an EEO Counselor to go over their rights and responsibilities. Amongst other things, the EEO Counselor will explain that information collected about the EEO complaint is for official use only; it is confidential and cannot be shared with anyone who does not have a need to know in order to discharge their official duties. If the Complainant agrees and wishes to initiate the process, they must sign the Notice.

4.2. What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

Individuals consent to provide their information at the beginning of the EEO process once they initiate their complaint. There is not an opportunity to decline to provide information once the process begins and they sign their Notice of Rights and Responsibilities. If the Complainant declines to provide necessary information, it will inhibit the ability of the EEO Specialist to process their complaint.

4.3. Privacy Impact Analysis: Related to Notice

Privacy Risk: The privacy risk associated with notice is that a Complainant may not fully comprehend how their information is collected.

Mitigation: The privacy risk is mitigated through the EEO Specialist providing a thorough explanation how information is collected and having



the Complainant sign the appropriate documentation before any information is officially collected.

Section 5.0. Data Retention by the Project

5.1. Explain how long and for what reason the information is retained.

Records are maintained for seven years after the resolution of the complaint, but longer retention is authorized if required for business use. This is in accordance with the NARA schedule and EEO regulations and guidelines.

5.2. Privacy Impact Analysis: Related to Retention

Privacy Risk: The privacy risk related to retention is that records could possibly be destroyed prior to the regulatory deadline.

Mitigation: The privacy risk is mitigated in that the Director, Deputy Director, or Lead EEO Specialist must approve the destruction of records to ensure regulatory timelines are met.

Section 6.0. Information Sharing

6.1. Is information shared outside of OPM as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

Complaint information may be shared with the Equal Employment Opportunity Commission (EEOC) once a formal EEO investigation is completed, and a Report of Investigation (ROI) is produced. Upon completion of the investigation, a Complainant may elect a hearing before an EEOC Administrative Judge. If a hearing is elected, an EEO Specialist will upload the complaint record directly to the EEOC portal. The EEOC would never have direct access to the OPM ETK-EEO Case Management system itself.



6.2. Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.

This external sharing is compatible with OPM Internal-7 Complaints and Inquiries Records as it follows the same processes and procedures as outlined in this SORN.

6.3. Does the project place limitations on re-dissemination?

The OPM ETK-EEO Case Management system does not disseminate information. The assigned EEO Specialist uploads the complaint file to the EEOC portal. This is done outside of the OPM ETK-EEO Case Management system. A record of the EEOC upload will be recorded in the Case Management system under the complaint record.

6.4. Describe how the project maintains a record of any disclosures outside of OPM.

The OPM ETK-EEO Case Management system tracks EEO complaints throughout EEO complaint process. If a EEOC hearing is requested, this event is recorded in the Project.

6.5. Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: The privacy risk related to information sharing is that there is a chance the wrong complaint information is uploaded to the EEOC portal.

Mitigation: This privacy risk is mitigated as the Lead EEO Specialist or EEO Directory must approve all complaint uploads. In addition, OEEEO would get notification from EEOC if the wrong information is uploaded. OEEEO also would receive notification from the OPM attorney assigned to the hearing case if wrong information is uploaded. OEEEO also has the capability to delete its information from the EEOC's portal after its uploaded. OEEEO also would receive notification from the OPM attorney assigned to the hearing case if wrong information is uploaded.



Section 7.0. Redress

7.3. What are the procedures that allow individuals to access their information?

Individuals may access their information by submitting a Freedom of Information Act/Privacy Act (FOIA/PA) request to the OPM FOIA Office at 1900 E. Street N.W., Washington, D.C. 20415-7900. Individuals wishing to access their information should provide a detailed description or other identifying information that will assist OPM in locating the requested record.

In addition, each of the following SORNs: EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeals Records, 71 FR 24704 (April 26, 2006) and OPM Internal-7 Complaints and Inquiries Records provide information concerning how to request that erroneous or incomplete information be amended.

7.4. What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

All the collected information is documented, and the complainant can request any modifications throughout the informal and formal complaint process.

In addition, each of the following SORNs: EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeals Records, 71 FR 24704 (April 26, 2006) and OPM Internal-7 Complaints and Inquiries Records provide procedures to correct inaccurate or erroneous information.

7.5. How does the project notify individuals about the procedures for correcting their information?

Is information shared outside of OPM as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

Throughout the process, the Complainant is with provided written instructions on how to correct any information that has been provided.



In addition, each of the following SORNs: EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeals Records, 71 FR 24704 (April 26, 2006) and OPM Internal-7 Complaints and Inquiries Records provide procedures for correcting their information.

7.6. Privacy Impact Analysis: Related to Redress

Mitigation: There are no foreseeable risks associated with the redress of information as the data is maintained on encrypted servers and all inbound and outbound data is transmitted through secure data tunnel.

Section 8.0. Auditing and Accountability

8.3. How does the project ensure that the information is used in accordance with stated practices in the PIA?

Only authorized users can view OPM ETK-EEO Case Management system application. The log-in and use of the system are traceable to a particular user and periodically audited for misuse and discriminatory practices.

The system is audited when an employee with access leaves OPM or when called for by a supervisor. The audit is performed by someone within OPM but is separate from the operational team.

8.4. Describe what privacy training is provided to users either generally or specifically relevant to the project.

All authorized account users are required to train on the specifics and requirements of the ETK-EEO system, and no users will be granted access without completion of the OPM annual Privacy and Security awareness training. Training includes privacy, technical aspects of the system, and disciplinary procedures for violations.



8.5. What procedures are in place to determine which users may access the information and how does the project determine who has access?

The ETK-EEO Administrator will establish authorized accounts to grant access to the secured data system. Access will be determined and administered based on account criteria and approved access for the account user verified.

8.6. How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within OPM and outside?

Any new uses of the information, new access to the system, and MOUs must be approved by the EEO Director before access to the system is granted.

Responsible Officials

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Approval Signature

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