



Privacy Impact Assessment for
FOIAXpress and Public Access Link (PAL)

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Abstract

FOIAXpress is a commercial-off-the-shelf web-based Freedom of Information Act (FOIA) request tracking, management, and reporting software application for managing the entire lifecycle of FOIA requests and appeals. The Public Access Link (PAL) is a secure public-facing web portal that enables agencies to better serve constituents by providing a centralized location to submit FOIA requests and appeals, as well as Privacy Act access and amendment requests and appeals. These applications also serve as a conduit for individuals and organizations to communicate with the Office of Personnel Management about these matters. This Privacy Impact Assessment is being conducted because FOIAXpress and PAL collect, use, maintain and disseminate personally identifiable information.

Overview

The Office of the General Counsel manages the intake and tracking of the Office of Personnel Management's (OPM) Freedom of Information Act (FOIA) requests and appeals, as well as Privacy Act access and amendment requests. FOIA provides that any person may request access to federal agency records pursuant to FOIA, except to the extent that any portions of such records are protected from public disclosure by one of nine exemptions.

In addition, individuals may seek access and amendment of records of information about them, that is maintained in a "system of records" within the meaning of under the Privacy Act of 1974 (PA or Privacy Act). Individuals seeking access to their records under the Privacy Act must provide proof of identity. The general identifying items that OPM will require are: (1) full name, signature, and home address; (2) social security number (for systems of records that include this identifier); (3) current or last place and dates of Federal employment, when appropriate; and (4) date and place of birth. OPM reserves the right to determine the adequacy of any such proof and requires a signed statement from the requester confirming their identity



before OPM releases the records. OPM is required to process and respond to such requests in a timely manner.

FOIAXpress is a cloud-ready commercial-off-the-shelf web-based product that consists of two components: FOIAXpress and the Public Access Link (PAL). FOIAXpress is a FOIA/PA request tracking, management, and reporting software application for managing the entire lifecycle of FOIA and PA requests and appeals. More specifically, OPM will use FOIAXpress to log and track the receipt and processing of each FOIA/PA request received; record the status of the request, relevant deadlines, and other key events or data, such as OPM's response to the request and any related administrative appeals or court litigation if the request is denied; scan, store, redact and manage copies of the OPM records that have been gathered in response to each request; track FOIA processing statistics and fees; and generate compliance reports on the number, type, and disposition of FOIA requests processed.

The Public Access Link (PAL) is a secure public-facing web portal directly integrated with FOIAXpress that enables the public to submit and view their FOIA and PA requests; download their requested documents; and communicate with OPM's FOIA Requester Service Center. PAL allows users to register and submit new FOIA/PA requests by completing an electronic form that identifies required and optional information regarding the requester and the request. Registrants also use PAL to track the status of a request, communicate with OPM's FOIA Service Center, and access responsive records provided by OPM.

FOIA/PA requests are also submitted by the requesters via electronic or postal mail, and the National FOIA Portal (FOIA.gov), which is a government-wide request portal owned by the U.S. Department of Justice that allows the public to submit FOIA requests to any agency from a single place and is interoperable with OPM's PAL. The requests are entered into FOIAXpress by OPM's FOIA professionals and FOIAXpress assigns unique



numbers to identify each request and track the lifecycle of the request from the time of receipt to the final response.

The information typically entered into FOIAXpress includes the requester's name, contact information, and a description of the records requested. The type of contact information included in the system depends on the contact information provided by the requester, but at minimum would include the requester's name and an email, work, or home address. In addition, requesters may also provide the following contact information, which, if provided, is entered into FOIAXpress: (1) mobile, work, and/or home phone number(s); (2) facsimile number; (3) job title, and/or (4) organization or entity name and contact information.

All records related to the processing of a request are also uploaded into FOIAXpress. The type of records uploaded include: (1) the original FOIA request; (2) any correspondence with the requester; (3) emails between OPM employees regarding the search for and review of records responsive to the request; (4) all records responsive to the request including original, working drafts with redactions marked and reviewers' comments, and redacted versions; (5) any administrative records documenting OPM's processing of the request; and (6) documents confirming the requesters identity and consent to release of information for Privacy Act requests.

The system contains personally identifiable information pertaining to the requester as well as about other individuals who may be referenced in documents responsive to a particular request.

The following are descriptions of the components of FOIAXpress and PAL:

- Requester Profile: FOIAXpress creates a Requester Profile for each FOIA or PA requester that includes personally identifiable information (PII) from the requester, to include full name, organization, home or business address, telephone numbers, and email address.



- **Request Profile:** Each request logged in FOIAXpress has a Request Profile containing information about the request. The Request Profile imports PII from the relevant Requester Profile, including the requester's name and contact information. The Request Profile also maintains relevant dates, fee information, and a description of the request. If a request involves documents about a specific individual, that individual's name (which may be different from the requester's) may appear in the request description. The request description may also provide contextual information about the requester or other individuals who are relevant to the records sought. For example, a requester might reference themselves in relation to a complaint or grievance filed by them or may identify by name an agency employee who is the subject of or is related to the requested information.
- **Correspondence Log:** Communications (e.g., letters and emails) to and from the requester, agency employees, business submitters, and other agencies that may be consulted are saved as electronic files in the correspondence log portion of the system. PII captured in such correspondence can include names, addresses, telephone numbers, email addresses, fax numbers, and other contact information of the people involved.
- **File Cabinet:** FOIAXpress may maintain copies of records responsive to a FOIA or PA request gathered from OPM program offices and saved in the system's file cabinet. This file cabinet represents the document management functionality in the system. Such saved documents may consist of legal, administrative, or similar nonpublic agency records, some of which may contain PII about individuals depending on the type and nature of the record. System users can use an Optical Character Search ("OCR") feature to locate responsive PII within Document Management.
- **Review Log and Request Folder:** Records within the File Cabinet that a FOIA professional redacts can be sent to the Review Log section for supervisory review and approval. After redacted records are approved



for an outgoing response to the requester, the records are sent to the Request Folder before delivery to the requester. The documents found within the Review Log and the Case Folder are copies of documents in the File Cabinet with redactions applied.

FOIA/PA request and tracking information is currently contained in a legacy mainframe system and will be migrated, as appropriate, to FOIAXpress.

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?

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, implemented by 5 C.F.R. § 294, authorizes the collection of information, records, and related correspondence on individuals who have submitted requests to OPM for records or who have filed administrative appeals.

The Privacy Act, 5 U.S.C. § 552a, implemented by via 5 C.F.R. § 297, authorizes the collection of information, records, and related correspondence on individuals who have submitted requests under the provisions of the PA for records about themselves, including requests for access to these records and requests for review of initial denials of such access requests.

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

OPM/Central—8, Privacy Act/Freedom of Information Act (PA/FOIA) Case Records applies to information maintained in this system. For Privacy Act access and amendment requests, there may be other SORNs that cover records located in the system, to the extent that information from other SORNs are copied into FOIAXpress and PAL in the course of handling these requests.



1.3. Has a system security plan been completed for the information system(s) supporting the project?

The FOIAXpress system is a FedRAMP-approved system. A system security plan has been documented and approved for OPM.

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

Yes. FOIA records are maintained under General Records Schedule (GRS) 4.2, item 020.

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.

OPM is currently seeking OMB approval for the information collection associated with PAL and for a FOIA/PA requester form.

Section 2.0. Characterization of the Information

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

For FOIA requests, OPM collects at least an email address or postal mail address where the requester may receive written correspondence. FOIA requesters typically provide their names, although a requester's name is not required under the FOIA or OPM's FOIA regulations. Additionally, requesters may provide their telephone number and the name and contact information for any organization or entity they represent.

For PA requests, requesters must provide their name and at least an email address or postal mail address where the requester may receive written correspondence. PA requesters must also be U.S. citizens or permanent legal residents, so collecting data may include this element or documentary proof. Because PA records are retrieved using a personal identifier, it is also possible PA requesters may offer or be asked to provide additional PII, if



necessary, to retrieve their records. PA requesters must also provide proof of identity and may choose to provide a telephone number.

In addition to the information described above, FOIA and PA requesters sometimes voluntarily provide other PII and personal documents with their FOIA or PA records requests, including legal and vital documents. Below is a list of PII elements that reflect information that FOIA and PA requesters may provide the agency, not all of which is required, via PAL, the National FOIA Portal (FOIA.gov), or as part of a request received via email or postal mail.

Elements of PII collected or maintained in FOIAXpress and PAL may include: full name; mailing address (home and/or work); date of birth; phone numbers (home, and/or work); email address (personal and/or work); facsimile number (home and/or work); taxpayer ID number; Social Security number; driver's license/state identification number; passport, U.S. permanent resident card, or other government-issued identification; legal documents (e.g., subpoenas, court orders, Letters of Administration, Letters of Representation, declarations, affidavits; and vital documents (e.g., birth certificate, death certificate, marriage license, divorce decree).

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

FOIAXpress collects information directly from individual requesters as submitted to OPM via PAL, the National FOIA Portal (FOIA.gov), email, or postal mail. Information submitted directly by requesters via PAL and the National FOIA Portal is automatically uploaded to FOIAXpress. Information submitted via email or postal mail is input into FOIAXpress by OPIM FOIA staff. PAL collects information directly from the individual requester registering for an account and creates their Requester Profile and Request Profile information within the system.



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. FOIAXpress does not use commercial sources or publicly available data.

2.4. Discuss how accuracy of the data is ensured.

Information collected and maintained in FOIAXpress and PAL about requesters has been provided by the requesters themselves (i.e., through their records requests and related communications). OPIM FOIA staff presume the accuracy of the information because it is in the requester's best interest to provide accurate information for their FOIA or PA request to be processed.

Office of General Counsel (OGC) FOIA staff check the accuracy and timeliness of this information (e.g., contact information, scope of the request) as necessary to allow OPM staff to respond to or contact a requester and ensure that OPM staff accurately interpret and respond to the request. Further, when the request is from an individual seeking access to their records under the PA, OPIM FOIA staff may require additional verification of that requester's identity and consent to the disclosure to a third person when reasonably necessary to assure that records are not disclosed to someone other than the submitter or the submitter's representative.

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

Privacy Risk: There is a risk that requesters who submit their FOIA or PA requests via PAL or the National FOIA Portal (FOIA.gov) voluntarily submit more information than needed to process their FOIA or PA requests. For example, they might offer PII elements such as date of birth or Social Security number or include photo identification that is not necessary.

Mitigation: This risk is mitigated by OPM's FOIA Analysts reviewing the information submitted by requesters via PAL or the National FOIA Portal



(FOIA.gov). Any unnecessary PII can be deleted or removed from the system. The risk is further mitigated by clear instructions on how to submit a FOIA request and by limiting the fields of information collected in PAL and within FOIAXpress to only those necessary to process the request.

Privacy Risk: There is a risk that requesters may submit inaccurate information as part of a FOIA or PA request.

Mitigation: This risk is mitigated by OPM's FOIA staff seeking clarification from the requester on inaccurate information submitted and by verifying the identity of those individuals who submit PA requests.

Section 3.0. Uses of the Information

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

The information collected and maintained by FOIAXpress and PAL are used to process requests submitted under the FOIA and/or PA pursuant to the statutory and regulatory requirements. The information is used to ensure that requests are proper under the applicable statutes and regulations, that OPM has the necessary information to retrieve or locate the records sought, that OPM has proper methods of communication with the requester, and that any records disclosed under the PA are provided to either the subject individual or an authorized third party.

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.

No.

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

In addition to designated OGC personnel handling FOIA or PA matters, each OPM program office has a designated FOIA Point of Contact (POC) who will



have access as a user to FOIAXpress. FOIA POCs will access FOIAXpress via Personal Identity Verification (PIV) card.

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

Privacy Risk: There is a risk that information in the system may be used or accessed by unauthorized individuals or by authorized individuals for an unauthorized purpose.

Mitigation: This risk is mitigated by limiting access only to authorized users who can access the system via PIV authentication. Access to record files saved to FOIAXpress filing cabinets for particular program offices is limited to the authorizer users for each program office. Administrator access is limited to OPIM's FOIA Manager and FOIA Team Lead.

Privacy Risk: There is a risk that records disclosed in response to a PA request or a FOIA request that contains PII of the requester may be provided to somebody other than the requester or their authorized representative.

Mitigation: This risk is mitigated by OGC's FOIA staff obtaining a confirmation of identity from a PA requester and transmitting responses to a PA requester via secure electronic file transmission and using only the contact information for written methods of communication provided by the requester as part of their request submission.

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.

Notice is provided via a Privacy Act statement at both the PAL user registration page and, once the user is logged into the system, at the page where the request can be submitted. Notice is also provided via this PIA and the SORN identified in section 1.2 published in the Federal Register and posted online. OPM's public-facing FOIA website



(<https://www.opm.gov/information-management/freedom-of-information-act/>) also provides information on submitting a FOIA request.

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

All FOIA and PA requests originate with the individual requester and are voluntarily submitted. If an individual is unwilling to provide the minimum information necessary for a FOIA or PA request to be properly processed by OPM, they can decline to provide information, but it may then not be possible to process their request.

4.3. Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that individuals may not receive adequate notice concerning how their information is used in FOIAXpress and/or PAL. Individuals may not be aware that the system collects and uses their information.

Mitigation: This risk is partially mitigated with the notification regarding the collection, maintenance, and use of the information contained in this system provided through the publication of this PIA and the SORN listed in section 1.2, above. The risk is further mitigated for requesters using PAL to submit a FOIA or PA request by providing notice via a Privacy Act statement at both PAL user registration page and, once the user is logged into the system, at the page where the request can be submitted. OGC FOIA staff is exploring further mitigation steps to notify individuals submitting a FOIA or PA request about how their information is used in FOIAXpress and/or PAL.



Section 5.0. Data Retention by the Project

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

FOIA records are maintained under General Records Schedule (GRS) 4.2, item 020, for 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later.

5.2. Privacy Impact Analysis: Related to Retention

Privacy Risk: There is a risk that information may be kept longer than is necessary to meet the business need for which it was collected.

Mitigation: This risk is mitigated by adherence to the established retention schedule. FOIAXpress has a file retention policy built into the application that would notify OGC FOIA staff of retention schedule items for disposition review. OGC FOIA staff can also produce a report from FOIAXpress to identify requests that fall into a retention period.

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.

Yes. By its nature, the FOIA and PA request process contemplates release of records outside of OPM to the requester. Information maintained in the system is shared with FOIA requesters, other federal executive agencies, certain persons who submit information maintained in agency records responsive to a FOIA request, and contractors. The identity of FOIA requesters and their requests are generally public information, limited by the applicability of the FOIA to such information. Information in the system may be shared externally with other federal executive agencies as part of the FOIA's consultation and referral processes, and to the Department of Justice when it represents OPM in connection to FOIA litigation. Pursuant to



Executive Order 12600 and OPM FOIA regulation 5 C.F.R. § 297.112, information in the system is shared with persons who submit information in records responsive to a FOIA request that is potentially trade secrets or "confidential commercial information." The contractor for the system will also have access to the records for the purpose of migrating files into FOIAXpress from the legacy system.

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

The disclosures referenced above are compatible with the purposes outlined in the applicable SORN: "to process an individual's request made under the provisions of the Freedom of Information and Privacy Acts[,]" and for OPM "to prepare its reports to the Office of Management and Budget and the Department of Justice required by the Privacy and Freedom of Information Acts."

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

FOIAXpress provides the tools to respond directly to a requester and there is no limitation on re-dissemination of information once provided to a requester or disclosed pursuant to a routine use outlined in the applicable SORN. The system vendor has access to the information in the system for the purpose of migrating files into FOIAXpress from the legacy system and is not authorized to re-disseminate the information, which is not intended for public release, that is provided by or generated for OPM.

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

As a case management system, FOIAXpress maintains records of all disclosures of agency records under the FOIA and PA outside of OPM. The information maintained in FOIAXpress and PAL is also subject to disclosure under the FOIA and PA. If information maintained in the system is specifically requested under a FOIA or PA request, such request is processed in the usual manner and disclosure is subject to the limits of the FOIA and PA. Disclosure outside of OPM may also be made pursuant to subsection (c)



of the FOIA which requires the full disclosure of information in response to a request made by a House of Congress (by a committee or subcommittee chairman, or otherwise under the authority of a committee or subcommittee). To the extent such a Congressional request is processed by OPM's FOIA staff, FOIAXpress maintains a record of such disclosure.

6.5. Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: There is a risk that records in the system will be disclosed outside of OPM for a purpose that is inconsistent with the business purpose for which they were collected.

Mitigation: This risk is mitigated by adhering to the established FOIA and PA processes to determine appropriate releases to a particular requester.

Section 7.0. Redress

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

Individuals wishing to request access to their records should contact the FOIA Program Manager, Office of General Counsel, 1900 E Street NW., Washington DC 20415-7900 or by email at FOIA@opm.gov. Individuals must provide their name and approximate dates of Privacy Act or Freedom of Information Act correspondence between OPM and the individual. Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 C.F.R. § 297).

Individuals who have registered as PAL users can submit and track their request and make changes to their contact information via PAL.

Additionally, individuals can contact OPM's FOIA Requester Service Center by email at FOIA@opm.gov or by telephone at 202-606-3642 for assistance.



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

Individuals wishing to request amendment to their records should contact the FOIA Program Manager, Office of General Counsel, 1900 E Street NW., Washington DC 20415-7900 or by email at FOIA@opm.gov.

Individuals must provide their name and approximate dates of Privacy Act or Freedom of Information Act correspondence between OPM and the individual and identify the amendment they are seeking. Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 C.F.R. § 297).

Individuals who have registered as PAL users can submit and track their request and make changes to their contact information via PAL.

Additionally, individuals can contact OPM's FOIA Requester Service Center by email at FOIA@opm.gov or by telephone at 202-606-3642 for assistance.

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

Notice about the procedures for correcting information in the system is provided via this PIA and the SORN identified in section 1.2 for FOIA matters; as well as relevant other SORNs for PA access and amendment requests and appeals. In addition, instructions are available to individuals at OPM's FOIA web page for FOIA requests.

7.4. Privacy Impact Analysis: Related to Redress

Privacy Risk: There is a risk that individuals will not have the ability to access or amend their records.

Mitigation: This risk is mitigated by providing instructions to individuals about how to access or amend their records through this PIA and the applicable SORNs identified or referred to in section 1.2 published in the Federal Register and posted online.



Section 8.0. Auditing and Accountability

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

FOIAXpress and PAL user access is based on express permission. Users are assigned roles, which have access privileges according to the user's duties and assigned activities.

FOIAXpress employs built-in audit logs that document users' access to information. These logs are checked to ensure that the system is not accessed inappropriately.

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

All OPM employees are required to complete annual security and privacy awareness training, including instruction on the proper handling of PII. All employees who are authorized to access FOIAXpress are required to have training on their user roles.

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

OPM program offices assign and identify their FOIA points of contact and the system administrators in the Office of General Counsel grant access as appropriate.

8.4. 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?

OGC does not have any information-sharing agreements, nor is access to FOIAXpress or PAL granted to non-OPM employees. Any new uses of the information, memoranda of understanding, information sharing agreements, or provisions of access would be reviewed by appropriate OPM personnel.



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