



## **Privacy Impact Assessment for**

# **Ensuring a Safe and Healthy Workplace in Response to COVID-19**

October 14, 2020

### **System/Business Owner**

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Security and Emergency Management Unit Officer

### **Reviewing Official**

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## I. SYSTEM OVERVIEW

### 1) Describe the purpose of the system/collection:

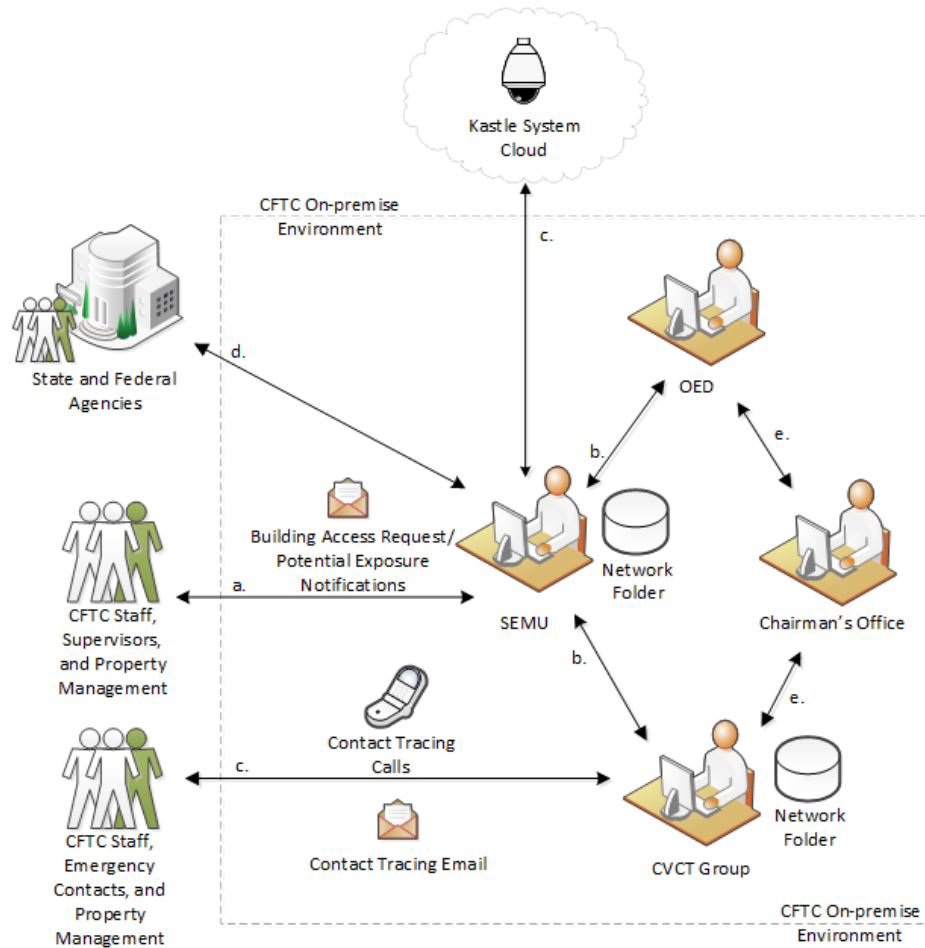
The Commodity Futures Trading Commission (“CFTC” or “Commission”) is implementing processes and procedures to allow staff to safely access CFTC facilities in accordance with Federal guidelines for reopening government facilities during the COVID-19 public health crisis.

CFTC staff (including employees and contractors) who need to access CFTC facilities will submit certain information to a dedicated email box monitored by the Security and Emergency Management Unit (SEMU). All requests to access a CFTC facility will be reviewed and approved by the Office of the Executive Director (OED), which will consider the business need and risk to the individual, members of their household, and other CFTC staff.

The CFTC is also establishing a Coronavirus Contact Tracing (CVCT) group to follow-up with staff who develop flu like symptoms (or have any other reason to believe that they may have contracted SARS-CoV-2, the virus that causes COVID-19) after having visited a CFTC facility or interacted in person with other CFTC staff outside the office for social or other reasons. The CVCT group is composed of staff from OED, SEMU, Logistics, and Workforce Relations.

Understanding and recognizing the nature and potentially sensitivity of information that may be collected as a result of these processes and procedures, the CFTC affirms that it will collect and maintain the information in accordance with the Americans with Disabilities Act of 1990 and regulations and guidance published by the U.S. Occupational Safety and Health Administration, the U.S. Equal Employment Opportunity Commission, and the U.S. Centers for Disease Control and Prevention.

- 2) Provide a data map or model illustrating how information is structured or is processed by the system throughout its life cycle. Include a brief description of the data flows.



- a. In order to request access to a CFTC facility, CFTC staff (including employees, contractors, and their respective supervisors) submit a building access request to the Commission’s designated COVID-19 email address. One day prior to accessing the CFTC facility, staff planning to access the facility complete and send a COVID-19 Self-Certification Form to the designated COVID-19 email address.

Staff who develop flu-like symptoms (or have any other reason to believe that they may have been exposed to or contracted COVID-19) within 14 days after having visited a CFTC facility or interacting with other CFTC staff inside and outside the office are required to send a notification to that effect to the designated COVID-19 email address.

SEMU staff will notify property management staff responsible for operating buildings that house CFTC facilities of any confirmed case of COVID-19 at a CFTC facility. SEMU staff will not disclose the identity of any individual to property management staff and will only provide the date and an approximate time that the individual was in a CFTC facility.

- b. The Commission's designated COVID-19 inbox is monitored by SEMU staff, who are responsible for forwarding access requests to OED for approval and for sending staff notifications of potential exposure to COVID-19 to the CVCT group. This information is stored in a restricted folder on the CFTC network drive.
- c. When notified that a CFTC staff member has possibly contracted COVID-19 within 14 days of visiting a CFTC facility or interacting with other CFTC staff inside and outside the office, the CVCT group conducts contact tracing by phone and email to identify and notify other CFTC staff who were potentially exposed. In the process of conducting contact tracing, SEMU staff and the CVCT group may collect information from CFTC staff, their emergency contacts, property management staff, and the CFTC's security systems (e.g., CCTV, badge access data, etc.) operated by Kastle Systems. A PIA for the CFTC's Kastle Systems security system is available [here](#).

Contact tracing lists will be stored in Excel spreadsheets and saved to a separate, restricted folder on the CFTC network drive. It may also be stored in a restricted SharePoint site.

- d. The CVCT group and/or SEMU staff share information with other Federal and state public health authorities as required by law and in accordance with the routine uses described in CFTC-54, Ensuring Workplace Safety in Response to a Public Health (85 FR 60981).
- e. OED staff and the CVCT group share information regarding access to CFTC facilities, potential incidents of exposure to COVID-19, and contact tracing activities with the Chairman's Office so that it may maintain situational awareness.

## **II. AUTHORITY AND PURPOSE**

- 1) What is the legal authority to collect, use, maintain, and share information in the system?

The authority to collect this information derives from General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970 (29 U.S.C. 654), Executive Order 12196, Occupational safety and health programs for Federal employees (Feb. 26, 1980), OMB Memorandum M-20-23 Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again (Apr. 20, 2020), and the National Defense Authorization Act For Fiscal Year 2017 (5 U.S.C. 6329c(b)). Information will be collected and maintained in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)

### III. INFORMATION TYPES

1) What information will be collected, maintained, used, and/or disseminated?

Identifying Numbers	
<input type="checkbox"/> Social Security Number	<input type="checkbox"/> Truncated or Partial Social Security Number
<input type="checkbox"/> Driver's License Number	<input type="checkbox"/> License Plate Number
<input type="checkbox"/> Patient ID Number	<input type="checkbox"/> File/Case ID Number
<input type="checkbox"/> Student ID Number	<input type="checkbox"/> Health Plan Beneficiary Number
<input type="checkbox"/> Passport Number	<input type="checkbox"/> Federal Student Aid Number
<input type="checkbox"/> Employee Identification Number	<input type="checkbox"/> Taxpayer Identification Number
<input type="checkbox"/> Professional License Number	<input type="checkbox"/> Legal Entity Identifier
<input type="checkbox"/> Credit/Debit Card Number	<input type="checkbox"/> National Futures Association ID
<input type="checkbox"/> Personal Bank Account Number	<input type="checkbox"/> Other ID if it can be traced back to an individual
<input type="checkbox"/> Personal Device Identifiers or Serial Numbers	
Contact Information	
<input checked="" type="checkbox"/> Personal Mobile Number	<input checked="" type="checkbox"/> Business Phone Number
<input checked="" type="checkbox"/> Personal E-mail Address	<input checked="" type="checkbox"/> Business E-mail Address
<input checked="" type="checkbox"/> Home Phone Number	<input type="checkbox"/> Personal or Business Fax Number
<input type="checkbox"/> Home Mailing Address	<input type="checkbox"/> Business Mailing Address
Sole Proprietors	
<input type="checkbox"/> Business Taxpayer Identification Number	<input type="checkbox"/> Business Mailing Address
<input type="checkbox"/> Business Credit Card Number	<input type="checkbox"/> Business Phone or Fax Number
<input type="checkbox"/> Business Bank Account Number	<input type="checkbox"/> Business Mobile Numbers
<input type="checkbox"/> Business Device identifiers or Serial Numbers	<input type="checkbox"/> Business Email
Biographical Information	
<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Gender
<input type="checkbox"/> Date of Birth	<input type="checkbox"/> City or County of Birth
<input type="checkbox"/> Country of Birth	<input type="checkbox"/> Zip Code
<input type="checkbox"/> Citizenship	<input type="checkbox"/> Military Service Information
<input checked="" type="checkbox"/> Spouse Information	<input type="checkbox"/> Academic Transcript
<input type="checkbox"/> Group/Org. Membership	<input type="checkbox"/> Resume or Curriculum Vitae
<input checked="" type="checkbox"/> Location Data (e.g., travel history)	<input type="checkbox"/> Nationality
<input checked="" type="checkbox"/> Employment Information	<input type="checkbox"/> Marital Status
<input type="checkbox"/> Mother's Maiden Name	<input type="checkbox"/> Children Information
<input checked="" type="checkbox"/> Health-related information (e.g., symptoms, test status and results, possible COVID-19 exposure)	
Biometrics/Distinguishing Features/Characteristics	
<input type="checkbox"/> Fingerprints	<input type="checkbox"/> Height
<input type="checkbox"/> Retina/Iris Scans	<input type="checkbox"/> Voice/Audio Recording
<input type="checkbox"/> Hair Color	<input type="checkbox"/> Eye Color
<input type="checkbox"/> Video Recording	<input type="checkbox"/> Photos

<input type="checkbox"/> Weight	<input type="checkbox"/> Signatures
<b>Active Directory/Device Information</b>	
<input type="checkbox"/> IP Address	<input type="checkbox"/> MAC Address
<input type="checkbox"/> CFTC Asset Number	<input type="checkbox"/> Device Identifiers or Serial Numbers
<input type="checkbox"/> User Name	

#### IV. COLLECTING INFORMATION

1) How is the information in this system collected?

CFTC staff (including employees and contractors) who need to access a CFTC facility submit required information to a dedicated COVID-19 email address. This information includes contact details, their office and cubicle number, designated emergency contact, and information regarding their potential exposure to COVID-19.

If, within 14 days of accessing a CFTC facility or interacting with other CFTC staff outside the office, an employee or contractor develops flu like symptoms (or has any other reason to believe they may have contracted COVID-19), they are required to report this information by email to the CFTC’s dedicated COVID-19 email address.

The CVCT group will then follow up with the reporting individual by phone and collect additional information in order to identify CFTC staff who were potentially exposed, so that they can be notified and take steps to protect themselves. In cases where the reporting individual is unavailable or incapacitated, the CVCT group will work with the individual’s designated emergency point of contact.

2) If any forms are used to collect information that resides in the system, please include the name of such form(s) and any applicable control number (i.e. issued by CFTC, OMB, etc.).

Form	Control No.	Completed by (e.g. CFTC staff, public, etc.)	PII Elements and Person to whom it Relates
COVID-19 Self-Certification Form	N/A	CFTC staff	Staff name, office location, potential or actual exposure to COVID-19, travel and symptoms.

#### V. INFORMATION USE

1) Will information in the system be retrieved using one or more of the data elements listed in Section III?

Contact tracing lists will contain the names and contact information of CFTC staff who need to be notified of their potential exposure to COVID-19, and will be searchable by name. Email

communications to and from the CFTC’s dedicated COVID-19 email inbox will also be searchable by name.

- 2) If the information in the system is retrieved using one or more of the identifiers, what CFTC System of Records Notice (SORN) covers the information?

CFTC-54, *Ensuring Workplace Safety in Response to a Public Health Emergency* (85 FR 60981).

**VI. ACCESS AND SHARING**

- 1) With which internal CFTC Offices or Divisions is the information shared? For each Office or Division, what information is shared and for what purpose?

Office/Division	Data Shared	Purpose
Office of the Executive Director	Identity of all impacted employees and all details	To collect information from employees to regulate access to CFTC facilities, conduct contact tracing, and coordinate sharing of information.
Chairman’s Office	Identity and pertinent details	To inform the chain of command and maintain situational awareness.
Applicable Office Head and Supervisor/Division Director and Supervisor	Identity and pertinent details if needed	To inform supervisors if staff become sick or exposed and cannot come return to the office, must telework, or take leave.

- 2) Approximately how many users have access to the system?

Approximately seven (7) users have access to the designated COVID-19 inbox. There are also approximately four (4) members of the CVCT group.

- 3) How is the information shared internally?

Information will be shared electronically by email. Whenever possible, in accordance with Federal guidelines for reopening government facilities during the COVID-19 public health crisis, SEMU staff and the CVCT group will take steps to protect the anonymity of staff when sharing information necessary to protect the health and safety of employees in response to the health crisis.

- 4) With which external organization(s) is the information shared?

Information may be shared with staff-designated emergency contacts; Federal, state, and local public health authorities to facilitate contact tracing and notification related to COVID-19 cases or possible exposures; and, other Federal agencies responsible for coordinating the reopening of Federal agencies. In the event a third-party contractor is engaged to conduct contact tracing, they will also receive access to the information.

- 5) How is the information shared externally?

Information will be shared electronically by encrypted email.

## **VII. TRANSPARENCY**

- 1) How are individuals notified as to how their information will be collected, used, and/or shared within this system?

Privacy Act statements are provided in the instructions explaining how CFTC staff are to request access to CFTC offices and report symptoms. An additional Privacy Act statement will be provided orally to individuals contacted by the CVCT group by telephone. This assessment also serves as notice to CFTC staff and contractors that their information is collected and used to regulate entry to CFTC offices and conduct contact tracing.

- 2) Is a SORN required? If so, explain how the use of the information in this system is limited to the use specified in the SORN?

Yes, information collected and maintained as a result of these processes and procedures is covered by CFTC-54, *Ensuring Workplace Safety in Response to a Public Health Emergency* (85 FR 60981). The CFTC's privacy program has reviewed all of the processes and procedures associated with the planned reopening of CFTC facilities to ensure that they are consistent with what is described in CFTC-54. In addition, by law and policy, CFTC only collects and uses personal information consistent with the applicable SORN. When necessary, CFTC updates or publishes new SORNs to account for new uses of Privacy Act covered records.

## **VIII. INDIVIDUAL PARTICIPATION**

- 1) Is the information collected directly from the individual?

Information is primarily collected directly from the individual whenever possible. CFTC staff (including employees and contractors) complete and submit information required to access CFTC facilities and report changes in their health status. In instances where CFTC staff are unavailable or incapacitated, information will be collected from the staff member's designated emergency contact.

Information not collected directly from the individual includes information provided by supervisors to explain the business need for CFTC staff to access a CFTC facility and



information about emergency contacts that is provided by CFTC staff. In addition, when conducting contact tracing, the CVCT group consults multiple sources to determine which individuals may have potentially been exposed to COVID-19. This includes conducting interviews with staff, as well as reviewing badge access logs and CCTV footage.

- 2) Is the collection mandatory or voluntary? If voluntary, what opportunities do the individuals have to decline to provide information?

The collection of this information is mandatory. CFTC staff are required to provide the information in order to access CFTC facilities and, after visiting a CFTC facility, are required to report developing flu like symptoms or potential exposure.

- 3) Do individuals have an opportunity to consent to a particular use of the information? If so, how do they provide consent for a particular use?

Individuals do not have an opportunity to consent to the collection and disclosure of their information.

## **IX. DATA MINIMIZATION**

- 1) What steps were taken to minimize the collection of PII in the system?

The CFTC privacy program has been engaged throughout the response to the COVID-19 health crisis and has reviewed all collections of information associated with the response to ensure that the Commission is only collecting the minimum amount of PII necessary to provide a safe workplace and to ensure the safety of CFTC staff and visitors.

## **X. DATA QUALITY AND INTEGRITY**

- 1) How is data quality ensured throughout the information lifecycle and business processes associated with the use of the information?

- Cross referencing data entries with other systems
- Third party data verification
- Data taken directly from individuals
- Character limits on text submissions
- Numerical restrictions in text boxes
- Other:

## **XI. RETENTION**

- 1) What are the retention periods for the information?

NARA is currently revising the records disposition schedules and guidance for records associated with public health emergencies. CFTC will maintain, and not destroy, these records until final records disposition schedules and guidance are available.

## **XII. SECURITY**

1) What types of administrative safeguards protect the information?

- Contingency Plan
- User manuals for the system
- Rules of Behavior
- Non-Disclosure or other contractual agreement (when applicable)
- Other:

2) What types of physical safeguards protect the information?

- Guards
- Identification Badges
- Biometric
- Cameras
- Physically secured space with need to know access
- Other:

3) What types of technical safeguards protect the information?

- User Identification
- Firewall
- Virtual Private Network (VPN)
- Multi-factor Authentication (MFA)
- Passwords
- Encryption
- De-Identification
- Anonymization
- Other: [Click here to enter text.](#)

4) What monitoring, recording, and auditing safeguards are in place to prevent or detect unauthorized access or inappropriate use of the information?

PII will be stored in a secure folder with limited access. Any physical documentation will be stored in a GSA approved safe inside the SEMU Officer's office.

5) Is this system hosted by a Cloud Service Provider (CSP)? No

- a. If yes, which one? N/A
- b. If yes, has the system obtained a FedRAMP Authorization? N/A

### **XIII. TRAINING**

- 1) What privacy training is provided to users of the system?

All CFTC staff are required to take annual security and privacy training. While there is no system-specific privacy training, the CFTC privacy program has worked closely with SEMU staff and members of the CVCT group on associated processes and procedures. All staff involved with the planned reopening of CFTC's facilities understanding and recognizing the nature and potentially sensitivity of information that may be collected as a result of these new processes and procedures.