



**Privacy Impact Assessment  
for  
Entellitrak Employee Labor Relations Tracking  
System (ETK ER/LR)**

May 2022

**System/Business Owner**

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**Reviewing Official**

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## I. What information will be collected?

General Information/File Types	
<input checked="" type="checkbox"/> Whistleblower Information	<input checked="" type="checkbox"/> Human Resources Information
<input checked="" type="checkbox"/> Health Information	
Identifying Numbers	
<input checked="" type="checkbox"/> Patient ID Number	<input checked="" type="checkbox"/> Truncated or Partial Social Security Number
<input checked="" type="checkbox"/> Employee Identification Number	<input checked="" type="checkbox"/> File/Case ID Number
<input checked="" type="checkbox"/> Professional License Number	<input checked="" type="checkbox"/> Federal Student Aid Number
<input checked="" type="checkbox"/> Credit/Debit Card Number	<input checked="" type="checkbox"/> Taxpayer Identification Number
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 checked="" type="checkbox"/> Personal or Business Fax Number
<input checked="" type="checkbox"/> Home Mailing Address	<input checked="" type="checkbox"/> Business Mailing Address
Biographical Information	
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Gender
<input checked="" type="checkbox"/> Date of Birth	<input checked="" type="checkbox"/> Zip Code
<input checked="" type="checkbox"/> Employment Information	<input checked="" type="checkbox"/> Military Service Information
<input checked="" type="checkbox"/> Academic Transcript	<input checked="" type="checkbox"/> Resume or Curriculum Vitae
Biometrics/Distinguishing Features/Characteristics	
<input checked="" type="checkbox"/> Video Recording	<input checked="" type="checkbox"/> Voice/Audio Recording
<input checked="" type="checkbox"/> Weight	
Medical/Emergency Information	
<input checked="" type="checkbox"/> Medical/Health Information	<input checked="" type="checkbox"/> Mental Health Information
<input checked="" type="checkbox"/> Disability Information	<input checked="" type="checkbox"/> Workers' Compensation Information
<input checked="" type="checkbox"/> Patient ID Number	<input checked="" type="checkbox"/> Accommodation Information
<input checked="" type="checkbox"/> Vaccine Information	
Active Directory/Device Information	
<input checked="" type="checkbox"/> IP Address	<input checked="" type="checkbox"/> Log data
<input checked="" type="checkbox"/> User Name / Password	
Identify any <i>Active Directory/Device Information</i> is not included above:	
<input checked="" type="checkbox"/> Unique Employee ID	<input checked="" type="checkbox"/> First Name
<input checked="" type="checkbox"/> Last Name	<input checked="" type="checkbox"/> City_primary
<input checked="" type="checkbox"/> State_primary	<input checked="" type="checkbox"/> email_primary
<input checked="" type="checkbox"/> phone_primary	<input checked="" type="checkbox"/> Title
<input checked="" type="checkbox"/> Department	<input checked="" type="checkbox"/> Office Number

## II. Why is the information being collected?

The Commodity Futures Trading Commission's (CFTC) Workforce Relations staff will use the Entellitrak Employee Labor Relations Tracking System (ETK ER/LR) in order to facilitate their management and reporting responsibilities. The system will allow the CFTC to track cases, conduct trend analyses, produce detailed reports, keep an electronic repository of case information and facilitate electronic record keeping and reporting. ETK ER/LR has the ability to collect, track, manage, process, and report data for numerous Case Management Workflows including disciplinary and adverse actions, grievances, bargaining, bargaining impasse, representation cases, negotiability disputes, unfair labor practice charges, and performance actions. ETK ER/LR is a logically separated, front-end application built on a unique instance of the Entellitrak platform, with no electronic integration between ETK ER/LR and other Entellitrak applications, such as ETK Equal Employment Opportunity (EEO) and ETK Reasonable Accommodations (RA).

The following CFTC and Office of Personnel Management (OPM) system of records notices (SORNs) describe the purposes for which personally identifiable information (PII) is collected, used, maintained, and shared:

- CFTC-5, *Employee Personnel, Payroll, Time, and Attendance* (81 FR 67327)
- OPM/GOVT-3, *Records of Adverse Action, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers* (71 FR 35350)

The Workforce Relations office will provide their staff notice at the time that their ETK ER/LR account is created that staff will be accessing Privacy Act protected records and will inform staff of their obligation to use the records in accordance with the appropriate SORNs.

The CFTC Human Resources Branch (HRB) is charged with administering the Commission's labor and employee relations programs. As part of these responsibilities, HRB handles the full spectrum of labor management relations (including collective bargaining, negotiability appeals, representation cases, unfair labor practice charges, negotiated grievances, and arbitrations), performance cases, disciplinary actions, and adverse actions and statutory appeals.

The following authorities permit the collection, use, maintenance, and sharing of PII in support of these responsibilities:

- 5 U.S.C. Chapter 75 – Adverse Actions – and the regulations promulgated at 5 CFR parts 715, 731, 752, and 771
- 5 U.S.C. Chapter 43 – Performance Appraisal – and the regulations promulgated under 5 U.S.C § 4305 at 5 CFR part 432
- 5 U.S.C. Chapter 33 – Examination, Selection, and Placement – and the regulations promulgated under 5 U.S.C. § 3321 at 5 CFR part 315 (subparts H and I)
- The Administrative Dispute Resolution Act of 1996 (ADRA), Public Law 104-320, 5 U.S.C. §§ 570a-581
- 5 U.S.C. Chapter 71 – Labor-Management Relations

### **III. What is the intended use of the information?**

Information maintained in the information system includes PII that is collected directly and indirectly from CFTC staff and used by Workforce Relations to receive and investigate employee grievances and unfair labor practice cases, process adverse actions, and conduct bargaining.

Information collected and maintained in the information system may be shared pre-trial with the affected employee that filed the action or is seeking a change. Information may be shared with CFTC staff during the course of an investigation who are directly impacted by the action or who have an appropriate need for the information in the course of fulfilling their official duties.

### **IV. With whom will the information be shared?**

PII maintained in the information system is shared externally, but only when authorized and consistent with the disclosures and routine uses identified in the Privacy Act and applicable privacy notices. All disclosures not covered by Privacy Act exceptions, or otherwise required by Executive Branch policy are compatible with the purposes for which the information was collected.

According to CFTC-5, PII maintained in the information system may be disclosed to:

- a) The Department of Justice, the Office of Personnel Management or other Federal agencies, or used by the Commission in connection with any investigation or administrative or legal proceeding involving any violation of Federal law or regulation thereunder;
- b) Provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions;
- c) Be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or its staff participates as a party or the Commission participates as amicus curiae;
- d) The Department of Justice, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other Federal, state, local, territorial or tribal law enforcement or regulatory agencies for use in meeting their statutory and regulatory requirements;
- e) Anyone, at the discretion of the Commission staff, during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation;

- f) A Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, or a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter;
- g) A prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter;
- h) Where information, either alone or in conjunction with other information indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant information may be disclosed to the appropriate Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;
- i) The National Archives and Records Administration for the purpose of records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;
- j) The Merit Systems Protection Board, including the Office of Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems;
- k) The Department of Justice or in a proceeding before a court, adjudicative body, or other administrative body which the agency is authorized to appear, when:
  - a. The agency, or any component thereof; or
  - b. Any employee of the agency in his or her official capacity; or
  - c. Any employee of the agency in his or her official capacity where the Department of Justice or the agency has agreed to represent the employee; or
  - d. The United States, when the agency determines that litigation is likely to affect the agency or any of its components;

is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected;

- l) A Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record; and,

- m) Another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

In addition, those records that are collected and maintained as part of OPM/GOVT-3 may be disclosed in accordance with the routine uses published at 71 FR 35350.

## **V. How is information in the information system secured?**

Records are protected from unauthorized access and improper use through administrative, technical and physical security measures. Technical measures within CFTC include restrictions on computer access to authorized individuals who have a legitimate need to know the information; required use of strong passwords that are frequently changed; multi-factor authentication for remote access and access to many CFTC network components; use of encryption for certain data types and transfers; firewalls and intrusion detection applications; and regular review of security procedures and best practices to enhance security. Physical measures include restrictions on building access to authorized individuals, 24-hour security guard service, and maintenance of records in lockable offices and filing cabinets.

This system has been accredited by FedRAMP, which means the minimum security controls identified in the FedRAMP control baseline for moderate FIPS categorized information systems, are assessed by third-party assessors and validated by the FedRAMP Joint Authorization Board (JAB).

## **VI. Are records maintained as part of a Privacy Act system of records?**

Information processed in this information system is subject to the Privacy Act and is maintained as part of both CFTC-5, *Employee Personnel, Payroll, Time and Attendance* (81 FR 67327) and OPM GOVT-3, *Records of Adverse Action, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers* (71 FR 35350). The SORNs were published in the *Federal Register* on September 30, 2016 and June 19, 2006 respectively.