

Federal Trade Commission
Privacy Impact Assessment

FOIAXpress

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1 System Overview

1.1 Describe the project/system and its purpose.

This Privacy Impact Assessment (PIA) describes and assesses privacy risks related to the Federal Trade Commission's (FTC) FOIAXpress system. The FTC's Office of General Counsel (OGC) uses this electronic system to track and fulfill requests filed by members of the public seeking access to nonpublic FTC records under the Freedom of Information Act (FOIA), and requests from individuals seeking access under the Privacy Act of 1974 (PA) to nonpublic FTC records, if any, about themselves. This PIA explains what information about individuals is maintained in the FOIAXpress system, how we collect that information, who is allowed to use it and for what purposes, and what steps the FTC has taken to identify, secure, and reduce any privacy risks to that information.

The FOIAXpress system is a commercial-off-the-shelf webbased application owned and operated by AINS Inc.; AINS administers and maintains the software application and all physical systems and securely hosts FTC data. FTC staff access FOIAXpress through a secure website available only on the FTC network. The system allows the FTC to log and track the processing of each FOIA or PA request, using data entered by FTC staff or automatically generated by the system about the request, the requester, or the FTC staff assigned to process the request. The system records the status of the request, relevant deadlines, and other key events or data, such as the dates that actions occurred. The system also stores internal and external correspondence, such as memoranda to supervisors, requests for records sent to staff, and communications with the requester. The FTC also uses FOIAXpress to store and manage copies of the nonpublic agency records that have been gathered in response to each access request. In some cases, these copies contain personally identifiable information (PII) about the requester or about other individuals mentioned or discussed in the records. Authorized system users can use optical character recognition (OCR) to search within records saved in FOIAXpress to locate information from multiple requests that may also be responsive to new requests.

The FOIAXpress system includes the Public Access Link (PAL), a web portal that allows members of the public to electronically submit and track the status of their FOIA or PA requests. PAL has a payment connector, Pay.gov¹, which enables the FTC to accept online payments for FOIA processing. Individuals can create a PAL account with a unique login ID and password and submit requests for information electronically through a link on www.ftc.gov. Requesters may also attach supporting documentation to the request and directly download the documents through PAL if/when the documents are released by the FTC. The PAL portion of FOIAXpress is publicly accessible through the Internet; however, requesters do not have the ability to directly access the FOIAXpress system or other data stored in the system. Only authorized FTC FOIA/PA personnel have access to the data supplied by requesters via FOIAXpress.

1.2 What specific legal authority allows for the collection, maintenance, or dissemination of information for this project/system?

The FTC's collection and maintenance of information in FOIAXpress relating to FOIA and PA access requests is authorized by the FOIA, 5 U.S.C. § 552, as amended, and the Privacy Act of 1974, 5 U.S.C. § 552a, both of which require the FTC to respond to requests and appeals filed under those

¹ Pay.gov is an U.S. Department of Treasury service that provides connectivity

Section 3, including their name and official contact information, and the specific access requests they worked on. FOIAXpress maintains records showing who has access, who the active users are, and what access requests the users have been assigned to process.

Other FTC Staff – FOIAXpress stores information about other FTC staff who serve as FOIA/PA liaisons for their respective offices. This information includes the employee's name and official contact information, such as their FTC address, phone number, and email address.

FOIA Requesters (via PAL) FOIAXpress maintains information pertaining to the requester to include the subject matter of the request, the requester's organization (if applicable), the FOIA number associated with the request, as well as the OGC staff member assigned to the request. The PAL portal also maintains additional log data tied to the requester, such as IP address, time, date, and browser type.

2.3 What is the purpose for collection of the information listed above?

The information collected in the system is used to respond to access requests under the FOIA or the PA, to track these requests in order to maintain compliance with statutory response times, and to maintain documents responsive to these requests in compliance with legal retention and disposition schedules, including any records that are exempt from disclosure to the requester under the FOIA or the PA. The information is also used to generate annual reports to the Department of Justice (DOJ) required by FOIA.

2.4 What are the sources of the information in the system/project? How is the information collected?

Source of Data

4 Notice and Consent

4.1 How are individuals provided with notice prior to the collection of their PII?
If notice is not provided, explain why.



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consent before their information can be shared, except as authorized by the Privacy Act (i.e., within the agency to officials who require access for performance of duties, as required by FOIA or as authorized by routines).

FOIAXpress system users and administrators must enter their user ID and passwords (in the login screen) in order to access the FOIAXpress system. If the user declines to provide this information, the system does not grant access. The user has no right or opportunity to decline to provide other information, such as their name and contact information or usage data in the system (e.g., date, time of user session), which is generated and maintained automatically by the system itself.

These individuals do not have a right to consent to or otherwise determine how the agency uses their name or contact information, or the information collected by the system regarding their login, access, or use of the system.

Other individuals The right or

form to file a PA or FOIA request will also have their request treated as a FOIA request for any records that fall outside the PA.

Requesters should note that some records may be legally withheld from individuals for investigatory or other reasons under the FOIA and/or the ~~PA~~ Section 8 of this PIA for additional details.

5.2 Are there administrative procedures and technical safeguards in place to protect the data in the system/project? What controls are in place to ensure proper use of the data? Please specify.

Access Restrictions: Access to nonpublic records saved in the system is restricted to FTC personnel or

5.3 Has the system/project undergone the appropriate security risk assessment and received authority to operate?

FOIAXpress is a subsystem within the eCase suite applications. A risk assessment for eCase was completed and an Authorization to Operate is scheduled to be granted in 2018. FOIAXpress is a subsystem of eCase.

5.4 Is PII used in the course of system testing, training, or research? If so, what steps are taken to minimize and protect PII during this process?

Not Applicable. PII is not used in the course of system testing, training, or research.

6 Data Retention and Disposal

6.1 Specify the period of time that data is retained in the system/project. What are the specific procedures for disposing of the data at the end of the retention period?

Records are retained and disposed of in accordance with General Records Schedule 4.2, issued by the National Archives and Records Administration (NARA).

The Retention Policy Management module in FOIAXpress will allow the FOIA team to create, safeguard, access records and archive or dispose them according to the General Records Schedule 4.2: Information Access and Protection Records, issued by NARA. The retention policy is created at the Administrative Retention Miscellaneous Fields and will be applied only to closed request folders. When closing a request folder, the system will set the retention expiration date based on the retention policy configuration (6 years after final agency action or 3 years after final adjudication by the courts, whichever is later).

Additionally, the system will verify whether any open appeal or litigation matters exist for the closed request. In such instances, the system will not allow users to mark the request for deletion.

7 Website Privacy Evaluation

7.1 Does the project/system employ the use of a website? If so, describe any tracking technology used by the website and whether the technology is persistent or temporary (e.g., session cookie, persistent cookie, web beacon). Describe the purpose of using such tracking technology.

Authorized FTC staff and contractors access FOIAXpress through a secure web site that has been set up specifically for the FTC's use. FTC personnel use a specific URL to access FOIAXpress from the FTC or remotely; this URL is not otherwise publicly available on the Internet. FOIAXpress uses temporary session cookies to track user sessions in the web browser. There are no persistent cookies in use.

The PAL web portal is integrated with the FOIAXpress system; it is a secure public website that allows members of the public to electronically submit FOIA/PA requests. PAL uses temporary session cookies to track user sessions; persistent cookies are not used on the PAL portal.

8 Privacy Risks and

8.2 Does the project/system employ the use of automated privacy controls or enhanced capabilities designed to support privacy? Explain.

System users only have limited access privileges to review FOIA requests within FOIAXpress. System users also are locked out after a set number of failed attempts or after a pre-set period of inactivity.

8.3 Has a Privacy Act System of Records Notice (SORN) been published in the Federal Register for this system/project? If so, list the applicable SORN(s).

Records pertaining to FOIA/PA requesters are covered by:
V-1 – Freedom of Information Act Requests and Appeals – FTC, and V2 – Privacy Act Requests and Appeals – FTC.

Records pertaining to FOIAXpress system users are covered by:
VII-3 – Computer Systems User Identification and Access Records – FTC.
Records pertaining to individuals whose information may be retrieved from some documents that have been saved in the system for release to requesters would be covered by:
I-1 – Nonpublic Investigational and Other Nonpublic Legal Program Records – ~~FTC~~ Public Records – FTC, or other applicable FTC SORNs.

All FTC SORNs can be viewed and downloaded [on the FTC website](#)

8.4 How does the project/system ensure that the infor

