



UNITED STATES
FEDERAL COMMUNICATIONS COMMISSION

PRIVACY IMPACT ASSESSMENT FOR THE BILLING AND COLLECTION AGENT PROGRAM BOUNDARY

September 2022

OFFICE OF GENERAL COUNSEL

Washington DC, 20554

Next Review Cycle:

September 2023

Record of Approval

Document Approval		
Drafter Name:		Bureau/Office:
SAOP Approval		
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Signature:	Date	

Record of Approval

Date	Description	Author
9/27/2022	Validation of information – System Owner RND (FCC)	Rebecca Maccaroni
9/27/2022	Validation of information – System Owner NANP (FCC)	William Andrie
9/27/2022	Validation of information – System Owner (Welch LLP)	Mark Jackson
9/27/2022	Validation of completeness – IT Compliance Lead	Liem Nguyen

Revision History

Date	Description	Name
8/10/2021	Original Document Created	ISSO/Privacy Team
9/2/2022	Document revisions completed	SAOP – Elliot Tarloff – and System Owner representative (Heather Bambrough)
9/22/2022	Document revisions accepted	SAOP & Bill Andrie (System Owner NANP (FCC))
9/27/2022	Document revisions completed	SAOP

BILLING AND COLLECTION AGENT PROGRAM System Boundary

1.1. Introduction

Section 208 of the E-Government Act of 2002¹ requires agencies to conduct a **Privacy Impact Assessment (PIA)** whenever they procure or develop an information technology system that will collect, maintain, or disseminate information about individual people. The PIA must document how the system will use information it collects about individuals and, unless it contains classified or sensitive information, it must be made available to the public. The PIA was intended to be a tool for agencies to protect personal information throughout a technology system's life cycle. The Office of Management and Budget (OMB) has commented: *"In general, PIAs are required to be performed and updated as necessary where a system change creates new privacy risks."*²

The FCC is subject to the requirements of the E-Government Act and is committed to identifying and addressing privacy risks whenever it develops or makes changes to its information systems. The questions below explore important privacy issues identified in the Act and in later guidance by the Office of Management and Budget (OMB) and the National Institute of Standards and Technology (NIST). A longer discussion of the FCC's PIA policies can be found in Chapter 9 of the FCC's Privacy Act Manual (FCC Inst. 1113.1).

System owners, in collaboration with the Information System Security Officers (ISSOs) should complete the **Initial Privacy Assessment (IPA)** prior to filling out the PIA. The FCC Senior Agency Official for Privacy (SAOP) uses the IPA to determine whether a system will collect the kind of information that would make it subject to the requirements of Section 208, including a PIA. A PIA should not be completed until an IPA is completed and the SAOP makes a determination.

If you have any questions, please contact the Privacy Team at privacy@fcc.gov.

1.2. Authority To Operate (ATO) Boundary Overview

For each IT system that resides within the ATO Boundary, please use the table below to provide the system name, a brief description of the what the system does, whether it contains Personally Identifiable Information (PII) and a brief description of the PII (if applicable), the

¹ 44 U.S.C. § 3501 note.

² OMB Memorandum No. M-03-22 (Sep. 26, 2003), <https://www.whitehouse.gov/wp-content/uploads/2017/11/203-M-03-22-OMB-Guidance-for-Implementing-the-Privacy-Provisions-of-the-E-Government-Act-of-2002-1.pdf>.

applicable System of Records Notice, the legal authorities to collect and maintain the PII, and whether the PII is shared with other systems (internal or external).

Please copy the table as necessary to complete the information for each system within the boundary.

INFORMATION ABOUT THE SYSTEM
<p>NAME OF THE SYSTEM BILLING AND COLLECTION AGENT PROGRAM</p>
<p>NAME OF BUREAU Federal Communications Commission (FCC)</p>
<p>DOES THE SYSTEM CONTAIN PII? Yes.</p>
<p>PLEASE PROVIDE A BRIEF DESCRIPTION OF THE PII (IF APPLICABLE) Business Contact Information: Full Contact Name, Phone Number(s), Email Address, Work Address, Employer Identification Number (EIN), FCC Registration Number (FRN)</p>
<p>IN WHAT SYSTEM OF RECORDS IS THE INFORMATION CONTAINED (IF APPLICABLE)? Because the Billing and Collection Program collects and maintains business contact information only, it is covered by FCC-2, Business Contacts and Certifications, which is posted on the FCC’s website at https://www.fcc.gov/managingdirector/privacy-transparency/privacy-act-information.</p>
<p>WHAT ARE THE LEGAL AUTHORITIES FOR THE COLLECTION OF THIS PII? Section 251(e)(1) of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. §251(e)(1), requires the Commission to create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Communications Act also requires that costs of number administration be borne by all telecommunications carriers on a competitively neutral basis, as determined by the Commission. Pursuant to an FCC contract, Welch LLP (Welch) is the Billing and Collection Agent, and Welch collects information to perform its designated billing and collection functions, which includes managing the funds and submitting delinquent debt to the U.S. Department of the Treasury. See 47 CFR §§ 52.7(f), 52.12, 52.16.</p>
<p>DOES THE COMMISSION KEEP AN ACCURATE ACCOUNTING OF DISCLOSURES FROM THE SYSTEM AS REQUIRED BY SUBSECTION (c) OF THE PRIVACY ACT? Yes. Welch can retrieve and provide an accurate accounting of disclosures of information from the boundary upon request.</p>
<p>DOES THIS SYSTEM SHARE THE PII WITH OTHER SYSTEMS? Yes.</p> <ul style="list-style-type: none"> • PII is shared with the FCC for the purposes of submitting delinquent debt to the U.S. Department of the Treasury. (The FCC generally will already have access to the PII that is

shared, which is used primarily to match the delinquent debt to the correct company.) PII is also shared with the FCC for purpose of including providers on the FCC Red Light site.

- Welch from time to time manually shares PII with the Universal Service Administrative Company (USAC) in the ordinary course of fulfilling its duties as the FCC’s Billing and Collection agent (e.g., providing USAC with up-to-date contact information to allow USAC to contact a delinquent FCC Form 499A filer).
- Information that is received into this boundary is stored in Excel spreadsheets on a dedicated Windows virtual server whose access is limited to authorized Welch staff.
- PII is recorded within a commercial, off-the-shelf accounting software application, SAGE 300, which consists of a user interface installed on a dedicated virtual server which only authorized Welch staff have access to. The PII is included in the telecommunication service provider customer profile within SAGE 300. The PII that is entered through a GUI interface in SAGE 300, and SAGE 300 stores the PII on a dedicated SQL database server.
- PII related to the credit card transactions is stored on the dedicated Windows virtual server.

Is this a new ATO Boundary or an existing ATO Boundary?

- New Boundary
- Existing Boundary

A. If the ATO Boundary is/will consist of cloud-based computing system(s),³ please check the box that best describes the service the FCC receives/will receive from the cloud computing provider:

- N/A - ATO boundary is not cloud based.
- The FCC uses provider-supported application/s on the provider’s cloud network (Software as a Service or SaaS) [list applicable system(s)]
- The FCC has deployed application/s on the provider’s cloud network and the provider supports the applications (Platform as a Service or PaaS) [list applicable system(s)]
- The FCC has deployed its own application/s on the cloud network and controls how these application/s are configured and operate (Infrastructure as a Service or IaaS) [list applicable system(s)]

³ See NIST, *The NIST Definition of Cloud Computing*, Special Pub. No. 800-145 (Sep. 2011), <https://csrc.nist.gov/publications/detail/sp/800-145/final>.

B. If the IT systems in the ATO Boundary are in the cloud, are they FedRAMP certified?

- Yes, all the IT systems are FedRAMP certified
- No, none, or only some, of the IT systems are FedRAMP certified
- Not applicable, ATO boundary is not cloud based.

1.3 Collection of Data

A. Please explain why it is necessary to collect PII to carry out the purpose of each of the system(s) that maintain PII within this Boundary.

Section 251(e)(1) of the Communications Act, 47 U.S.C. §251(e)(1), requires the Commission to create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Communications Act also requires that costs of number administration be borne by all telecommunications carriers on a competitively neutral basis, as determined by the Commission. As the Commission's agent, Welch collects the information, including business contact information, from telecommunications service providers (and, as the case may be, from agents acting on their behalf) that is necessary for Welch to perform its designated billing and collection functions. See 47 CFR §§ 52.7(f), 52.12, 52.16.

B. For each system within this Boundary, will this PII be collected from individuals themselves, or from third parties? If collected from individuals themselves, link to the Privacy Act Statement⁴ for each system that is included with the online or paper form the system(s) use(s) to collect the PII.

Welch primarily collects information, including PII, from USAC via a web portal maintained by USAC.

Welch occasionally receives, or when necessary, requests supplementary data, which may also include business contact information, from service providers to update company vendor profiles. Welch will provide a Privacy Act Statement when it collects business contact information directly from service providers.

Welch receives PII from credit card transaction merchant receipts, which contain the name of the person making the payment, the company name and address for whom the payment is made and the person's email address/work phone number which is generated by the bank merchant services department. The information is entered by the payee via a virtual terminal

⁴ A Privacy Act Statement must inform individuals about (1) the authority to solicit information, (2) the principal purpose(s) for collecting the information, (3) the routine uses for disclosing the information, and (4) whether providing the information is mandatory or voluntary.

(Authorize.net) on the North American Numbering Plan fund (NANP) website hosted by Welch. Welch will provide a Privacy Act Statement on the NANP website at the virtual terminal.

C. What steps is the FCC taking to limit the collection of PII to only that which is necessary?

PII regarding communications service providers collected from USAC or directly from providers is limited to what is necessary for Welch to fulfill its Billing and Collection Agent functions.

D. What steps will the FCC take to make sure this PII is accurate, complete, and up to date?

It is the responsibility of the parties providing the data, in this case to USAC, to ensure the completeness, accuracy, and currency of the data supplied to Welch for processing. Where Welch receives supplementary data within the relevant categories directly from service providers, it is the responsibility of those service providers to make sure their PII is accurate, complete, and up to date.

1.4 Use of the Data

A. Please explain the data flow, including whether the PII will be ingested from, or shared with, another system. Are internal connections reflected in the Cyber Security Asset Management tool (CSAM)? Are Information Sharing Agreements (ISAs) in CSAM for external connections?

Welch primarily ingests PII regarding telecommunications service providers from USAC via a https manual download from a web portal that requires multifactor authentication. Welch stores the data, including the PII, on a Windows server in a spreadsheet format. Information collection from USAC is governed by USAC's rules of behavior, but is not subject to an ISA; obtaining the data from USAC is a manual process, and data are scanned by firewalls and end-point protection software.

In some cases, Welch directly requests supplemental data including business contact information, from a service provider, or a service provider directly sends an email or calls Welch to update data within the same information categories. Typically, the request by the service provider is to update mailing address, billing contact name, or billing email address.

Welch uses a commercial off-the-shelf accounting software package, SAGE 300, to record financial activity and company profile information, including PII, for both the NANP and Reassigned Numbers Database funds (RND) within this ATO boundary. Relevant PII is entered into the SAGE 300 for purposes of preparing the invoices to service providers as required for Welch to fulfill its duties as Billing and Collection Agent. The PII is mainly entered by manual input but can be updated via a spreadsheet upload into the SAGE 300 software. The data are

entered via a GUI interface. The SAGE 300 software stores the information on a dedicated SQL database server. SAGE 300 accesses the data on the SQL server and produces reports in SAGE 300 to produce reports or provides the information on screen via GUI interface for Welch to use in its duties as Billing and Collection Agent. Access to the PII data is restricted to authorized individuals. Invoices to the telecommunication companies are either emailed or sent by regular mail. The invoices do not contain any PII information other than contact information for the recipient and/or the service provider.

Financial information is downloaded from the SAGE 300 accounting system into Excel spreadsheets to create required reports, which are sent to two parties, the FCC and the North American Numbering Council's Numbering Administration Oversight Working Group (NAOWG). The reports that are sent to the FCC can contain PII. Information sharing with the FCC is not subject to an ISA, because there is no direct connection between the FCC and Welch. Reports that are sent to the NAOWG are summary financial information only and do not contain any PII.

The report to the FCC is used to put companies on Red Light status and contains only the company's FRN. This report is uploaded to the FCC using the FCC-hosted SFTP portal.

The reports to submit delinquent debt to the U.S. Department of the Treasury are put into the FCC-hosted BOX portal. These reports contain PII including the EIN of the company, contact name, company address and work email address.

A merchant service receipt is received whenever a payment is made by credit card by the service provider via Authorize.net. A payment receipt is generated which contains specific PII (name of person making payment, name of the company, address of company, work phone number and/or work email address of person making the payment). The receipt is used to record the payment into the SAGE 300 system. PII information is used by Welch if there is an issue with the payment and the individual needs to be contacted. This information is stored on the dedicated virtual Windows server as all other data relating to this boundary.

B. Will the information be shared with third parties as part of the operations of the information system (e.g., through an application programming interface or "API")?

PII is shared with the FCC, but not through an API. Any information shared with the FCC is by way of reports generated by Welch and submitted to the FCC either via the FCC-hosted SFTP portal or the FCC-hosted BOX portal.

C. How long will the PII be retained and how will it be disposed of?

Information in the system within this boundary is retained and destroyed in accordance with applicable FCC policies and procedures, as well as with the FCC records disposition schedule or General Records Schedules approved by the National Archives and Records Administration (NARA).

1.5 Data Security and Privacy

A. What are the system’s ratings for confidentiality, integrity, and availability?

Confidentiality	<input type="checkbox"/> High	<input checked="" type="checkbox"/> Moderate	<input type="checkbox"/> Low
Integrity	<input type="checkbox"/> High	<input checked="" type="checkbox"/> Moderate	<input type="checkbox"/> Low
Availability	<input type="checkbox"/> High	<input checked="" type="checkbox"/> Moderate	<input type="checkbox"/> Low

B. Discuss the physical, administrative, and technical controls in place to protect the data in the system.

Welch protects its information resources with a dynamic set of security measures. Some of these measures (e.g., network firewalls, physical security) protect the entire Welch enterprise, while other measures (e.g., user access restrictions, encryption) are applied to specifically to the Billing and Collection Agent information system. Following the risk-based policy established in the Federal Information Modernization Act (FISMA), Welch applies more security measures (also known as security “controls”) to information systems that present higher operational risks. Consistent with this policy, Welch applies specific security controls to systems that collect and process PII. A comprehensive list of the security and privacy controls that Welch may apply to its information systems can be found in National Institute of Standards and Technology (NIST) Special Publication No. 800-53, Revision 5 [NIST].

C. Does the system inherit privacy controls from an external provider? If an Interconnection Security Agreement (ISA), Memorandum of Understanding (MOU), or similar document is in place, please summarize the privacy applicable portions of the document.

The only system from which Welch inherits privacy controls is Authorize.net, which Welch uses to receive payments from service providers on the NANP website hosted by Welch. Welch has a Services Addendum with Bank of America Merchant Services. Their privacy policy can be found at <https://usa.visa.com/legal/privacy-policy.html>.

1.6 Access to the Information

A. Which FCC employees and contractors will have access to the PII in this information system?

Access to information pertaining to Billing and Collection Agent functions maintained by Welch is restricted to authorized Welch personnel.

B. Does this system leverage Enterprise Access Controls?

Yes, the Billing and Collection Agent system is configured in accordance with National Institute of Standards and Technology (NIST) Special Publication No. 800-53 moderate baseline controls and Security Technical Implementation Guides (STIGs).