

<b>FEDERAL COMMUNICATIONS COMMISSION</b> Washington, D.C. 20554  <b>FCC DIRECTIVE</b>	<b>TITLE</b>	
	<b>Compliance with Privacy Laws and Guidance</b>	
	<b>Directive Number:</b> <b>FCC INST 1113.2</b>	<b>Effective Date:</b> <b>April 2016</b>

TO: All Employees

SUBJECT: Compliance with Privacy Laws and Guidance

**Purpose.** This Directive establishes the policy and assigns responsibilities for the Federal Communications Commission (FCC) regarding carrying out the requirements of the Privacy Act of 1974, as amended (Privacy Act), and of generally following good privacy practices in the management of the FCC. This Directive also authorizes issuance of a Privacy Act Manual containing detailed FCC policies, procedures and information requirements for implementing the Privacy Act. The Privacy Act Manual will be updated periodically, as necessary, to reflect changes in law, regulation, or Presidential guidance or Executive Order.

**Scope.** This Directive applies to all employees and is also applicable to contactors as a term of their contract with the FCC.

**Authority.** Privacy Act of 1974, 5 U.S.C. 552a; Federal Information Security Management Act of 2002, 44 USC 3541, *et seq.*; Section 208 of the E-Government Act of 2002, Pub. L. No. 107-347, 44 U.S.C. 101, *et seq.*; Office of Management and Budget (OMB) memoranda (as listed and updated at [http://www.whitehouse.gov/omb/inforeg\\_infopoltech#pg](http://www.whitehouse.gov/omb/inforeg_infopoltech#pg)); and National Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) and Special Publications (as listed and updated at <http://csrc.nist.gov/publications/>).

**Policy.** An individual's privacy is a right that must be respected and protected. It is the policy of the FCC that all employees and contractors shall be made aware of, and comply with, the Privacy Act, and other applicable laws and guidelines addressing privacy, and that information about individuals shall be collected, maintained, used, disseminated, protected, and destroyed (when no longer needed or out-of-date) in accordance with the Privacy Act and FCC regulation and policy.

The FCC's Privacy Act Manual, incorporated by reference into the Directive, comprises the following modules:

CHAPTER 1	FCC PRIVACY POLICIES AND GENERAL PROVISIONS
CHAPTER 2	COLLECTING PERSONALLY IDENTIFIABLE INFORMATION (PII)
CHAPTER 3	DISCLOSING PII IN RECORDS
CHAPTER 4	ACCESS, AMENDMENT, AND APPEALS BY INDIVIDUALS
CHAPTER 5	PRIVACY ACT EXEMPTIONS
CHAPTER 6	NEW, REVISED, OR CANCELLED SYSTEMS OF RECORDS
CHAPTER 7	EMPLOYEE PERFORMANCE RECORDS MAINTAINED BY SUPERVISORS
CHAPTER 8	INFORMATION SYSTEMS AND TECHNOLOGY GUIDELINES
CHAPTER 9	PRIVACY IMPACT ASSESSMENTS
CHAPTER 10	COMPUTER MATCHING PROGRAM GUIDELINES
CHAPTER 11	DATA INTEGRITY BOARD
CHAPTER 12	FEDERAL AGENCY WEBSITE PRIVACY POLICIES
CHAPTER 13	THIRD PARTY WEBSITES AND APPLICATIONS
CHAPTER 14	PRIVACY TRAINING
CHAPTER 15	FEDERAL INFORMATION SECURITY AND MANAGEMENT ACT (FISMA) PRIVACY REQUIREMENTS
APPENDIX 1	GUIDELINES FOR PROTECTING SOCIAL SECURITY NUMBERS AND PII
APPENDIX 2	OFFICE OF FEDERAL REGISTER SYSTEM OF RECORDS NOTICE (SORN) TEMPLATE
APPENDIX 3	OFFICE OF FEDERAL REGISTER MATCHING ACTIVITIES NOTICE TEMPLATE
APPENDIX 4	MATCHING ACTIVITIES CHECKLIST
APPENDIX 5	FCC WEBSITE PRIVACY POSTING REQUIREMENTS
APPENDIX 6	ADAPTED PRIVACY IMPACT ASSESSMENT (PIA) TEMPLATE
APPENDIX 7	OMB GUIDANCE ON ADAPTED PIA TEMPLATE
APPENDIX 8	SAOP ANNUAL FISMA PRIVACY REPORT
APPENDIX 9	FISMA PRIVACY ACTIVITIES REPORTING QUESTIONNAIRE

**Responsibilities.**

A. The Managing Director or his/her delegate shall:

- Oversee management of the FCC privacy program
- Designate a senior official (at the Assistant Secretary or equivalent level) as the Senior Agency Official for Privacy (SAOP) with agency-wide responsibility for information privacy issues, to ensure ongoing compliance with federal laws, regulations, and policies relating to information privacy, such as the Privacy Act.

B. The Senior Agency Official for Privacy (SAOP) shall:

- ensure implementation of information privacy protection, including full compliance with federal laws, regulations, and policies relating to information privacy;
- chair the Data Integrity Board (DIB) that oversees information sharing, computer matching, and related issues;
- review and approve all System of Record Notices (SORNs), Privacy Threshold Analyses (PTAs), Privacy Impact Assessments (PIAs);
- oversee the annual Federal Information Security Management Act (FISMA) review with all Bureaus/Offices and submission of the Privacy section to OMB; and
- ensure employees and contractors receive appropriate training and education and information regarding privacy laws, regulations, policies and procedures governing the agency's handling of personally identifiable information (PII).

C. The Chief Information Officer or his/her delegate shall:

- Preserve and protect PII contained in FCC systems of records;
- Audit compliance with the requirements of this Directive and any related internal policies and procedures;
- Establish an internal FCC Data Integrity Board that shall oversee and approve use of computer matching programs;
- Establish training programs for FCC personnel and contractors to ensure ongoing compliance with privacy laws, regulations, policies, and procedures for handling PII;
- Designate an employee in FCC Information Technology (FCC IT) as manager of the FCC's privacy programs (the "Privacy Manager"); and
- Assist the Bureaus and Offices in the implementation of uniform and consistent policies and standards governing the acquisition, maintenance and use of computers or other electronic or telecommunications equipment in the collection, compilation, maintenance, use, or dissemination of Privacy Act records.

D. The Privacy Manager (PM) or the PM's designee shall Coordinate and manage the FCC's privacy program and, with input from the SAOP, ensuring:

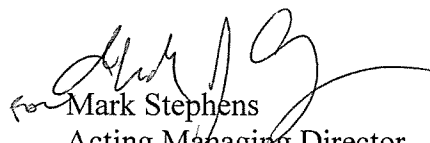
- FCC implementation of information privacy protections to ensure ongoing compliance with federal laws, regulations, and policies relating to information privacy;
- Management, coordination, and facilitation of FCC implementation of all privacy compliance efforts including annual FISMA submissions;
- FCC personnel and contractors receive appropriate training and education programs regarding privacy laws, regulations, policies, and procedures for handling PII;
- Implementation of all FCC Data Integrity Board activities;
- Revitalization of the strategic direction for the FCC privacy program;
- Review of proposed new, altered and amended systems of records;
- Development of Privacy Threshold Analysis (PTA) and Privacy Impact Assessment (PIA) for new or modified systems; and
- Submitting required system of records notices (SORN) for publication in the Federal Register and, when required, provide advance notification to Office of Management and Budget and Congress.

E. Office of the General Counsel shall

- Provide advice and assistance on all legal matters related to the administration of the FCC privacy program.

F. Bureau and Office Chiefs (or their designees) shall:

- With guidance from the CIO and PM, ensure that employees and contractors are, at the required intervals, trained in, understand and follow the requirements of the Privacy Act in the performance of their official duties.
- With guidance from the CIO and PM, ensure that personnel who require access to PII are properly trained at the required intervals in the handling of such information.
- Provide the CIO and PM information on an ongoing basis regarding changes in collections of PII.

  
for Mark Stephens  
Acting Managing Director