

Information Sharing
The Privacy Act
&
Disaster Information



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Information Sharing Privacy Act & Disaster Information

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Topics to be discussed:

- Overview of Privacy Act of 1974
 - No Disclosure Without Written Consent
 - Routine Use Exception
- DHS/FEMA-008 System of Records
 - Routine Uses
 - Process of Information Sharing
- Proper Disclosure
 - Via Email
 - Mitigation for improper disclosures



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No Disclosure Without Consent Rule

- Under the Privacy Act, FEMA is not allowed to disclose any personally identifiable information (PII) that is contained in our system of records by any means except pursuant to a written request by, or with the prior written consent of the individual or a published *Routine Use* .
- Exceptions to the "No Disclosure Without Consent" Rule.
 - Routine Uses (5 U.S.C. § 552a(b)(3))

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What is a proper Written Consent?

- A proper consent must contain the following for individual of the record being sought:
 - Full Name
 - Current Address
 - Date and Place of Birth
 - Notarized Signature, Copy of State/Federally Issued Identification, or Under Penalty of Perjury Disclaimer
- If a voluntary organization wishes to utilize a consent form to aid them in obtaining information about applicants, they may do so, so long as it contains the above elements and specifically describes what information is be disclosed.



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What is a Routine Use?

- Routine Uses allows for certain limited disclosure of PII WITHOUT the individual consent from the applicant.
- Routine uses have to be compatible with the reason why FEMA collected the information, which may include:
 - Government Process – Sending Treasury Checks.
 - Oversight and Management – Performing Audits.
 - Disaster Mission – Coordinating with State and local governments.
- Routine Uses cannot be issued for any and every reason.

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DHS/FEMA-008 - Disaster Recovery Assistance Files

- Routine Use (H) allows information sharing with external partners to allow them to provide benefits and services.
- Routine Use (I) allow FEMA to share information with external partners so FEMA can learn what our external partners have already provided to disaster survivors.
- Routine Use (J) allows information sharing to Federal, state and local governments in support of mitigation activities.
- Other Routine Uses allow for information sharing for other normal, necessary government activities (e.g. audits).

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Routine Use (H)

- Routine Use (H)(1) – to make available additional Federal or state disaster assistance.
- Routine Use (H)(2) – to make available additional local government or voluntary organization assistance.
- Routine Use (H)(3) – to allow for outreach by a voluntary organization.
- Routine Use (H)(4) – to make available contact information for the immediate need of durable medical equipment for an individual with a disability.



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Routine Use (I)

- To prevent a duplication of benefits, FEMA may disclose applicant information to a 3rd party.
- The 3rd party is responsible for providing information to FEMA about assistance provided.

Routine Use (J)

- For implementation of hazard mitigation measures, to include planning, and the enforcement of hazard-specific provisions of building codes and ordinances.

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“Form”



Routine Uses



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Email Procedures

- Email is the most common way a breach occurs
- FEMA Directive 140-1 FEMA Information Technology Security Policy

“Highly sensitive or restrictive FEMA data that includes data subject to the Privacy Act (personally identifiable information), shall be encrypted when transmitted via email message.”

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Most Common PII incidents/breaches at FEMA

- Release of information via email
- Theft or loss of a laptop
- System compromise/unauthorized access

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Mitigating the Risk

- Email
 - Password protect the document
 - Confirm receipt of email; email or call with password
- Traveling with a laptop
 - Do not leave unattended
- Unauthorized access
 - Restrictions on system access
 - Protections with Information Technology (IT)



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Discussion of Best Practices



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