Information Sharing
The Privacy Act
&
Disaster Information
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
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 to 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:
  - 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
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