

Chief Privacy Officer Privacy Compliance Reviews

I. Purpose

This Instruction implements the Department of Homeland Security (DHS, or, the Department) Directive 047-01, "Privacy Policy and Compliance," with regard to the Component Head's responsibility to assist the Chief Privacy Officer in reviewing Component activities to ensure that privacy protections are fully integrated into Component operations.

II. Scope

This Instruction applies throughout DHS regarding Privacy Compliance Reviews conducted by the Chief Privacy Officer related to the collection, use, maintenance, disclosure, deletion, and destruction of Personally Identifiable Information (PII) and regarding any other activity that impacts the privacy of individuals as determined by the Chief Privacy Officer.

III. References

- A. Title 5, United States Code (U.S.C.), Section 552a, "Records Maintained on Individuals" [The Privacy Act of 1974, as amended]
- B. Title 6, U.S.C. Section 142, "Privacy officer"
- C. Directive 047-01, "Privacy Policy and Compliance"
- D. DHS Privacy policy guidance and requirements issued (as updated) by the Chief Privacy Officer and published on DHS Connect and the Privacy Office website, including:
 - 1. Privacy Policy [Directive 140-06](#) and Guidance Memorandum 2008-01, The Fair Information Practice Principles: Framework for Privacy Policy at the Department of Homeland Security
 - 2. Privacy Compliance Review Standard Operating Procedures

IV. Definitions

- A. **Privacy Compliance Review (PCR)**: means both the DHS Privacy Office (PRIV) process to be followed and the document designed to provide a constructive mechanism to improve a DHS program's ability to comply with assurances made in existing Privacy Compliance Documentation including Privacy Impact Assessments (PIAs), System of Records Notices (SORNs), and/or formal agreements such as Memoranda of Understanding or Memoranda of Agreement, as well as compliance with DHS Privacy Policies.
- B. **Standard Operating Procedures**: as used in this Instruction, mean the "Privacy Compliance Review Standard Operating Procedure" (November 2016), available on the DHS Privacy Office website. The PCR Standard Operating Procedure provides a framework to guide PRIV in the design and execution of PCRs and describes the roles of PRIV, the Component Privacy Offices, and the program being reviewed.

V. Responsibilities

- A. The **Chief Privacy Officer** is responsible for:
 - 1. Conducting Privacy Compliance Reviews according to the PCR Standard Operating Procedure posted on the PRIV's website.
 - 2. Assigning staff across PRIV, as appropriate, to serve on a PCR team.
 - 3. Assessing implementation status of PCR recommendations based on follow up reporting through Component Privacy Officer or Privacy Point of Contact from Program Manager or System Manager.
- B. **Component Heads** are responsible for:
 - 1. Supporting Program or System Manager and Component Privacy Officers when undergoing a PCR by, for example, prioritizing responses to a PCR, providing resources in which to respond, and implementing recommendations.
 - 2. Directing Program or System Manager or other responsible office(s) within the Component to implement recommendations stemming from a PCR.
 - 3. Directing the Component Privacy Officer or Privacy Point of Contact to work with the Program or System Manager to report on the implementation status, with evidence, of the recommendations.

C. **Component Privacy Officers** are responsible for:

1. Coordinating with the Program or System Manager as necessary to assist the PCR team in obtaining timely and relevant information.
2. Responding to all questionnaires, inquiries, and requests for additional documentation from the PCR team.
3. Coordinating, with the Program or System Manager as appropriate, in-person interviews between the PCR team and subject matter experts as necessary.
4. Reviewing and commenting on draft findings and recommendations, in coordination with the Program or System Manager, as appropriate.
5. Coordinating with the Program or System Manager or responsible office(s) within the Component to support implementation of PCR recommendations.
6. Facilitating and approving reports on the implementation status of the recommendations from the Program or System Manager or responsible office(s) within the Component to the PCR team on whatever schedule is agreed to and documented in the PCR report.

D. **Privacy Points of Contact (PPOCs)** are responsible for assuming the duties of Component Privacy Officers in Components that do not have Privacy Officers.

E. **Program Managers** and **System Managers** are responsible for:

1. Collaborating with the Component Privacy Officer or PPOC as necessary to assist the PCR team in obtaining timely and relevant information.
2. Participating, as required, in meetings with the PCR team.
3. Responding to all questionnaires, inquiries, and requests for additional documentation from the PCR team.
4. Coordinating, with Component Privacy Officers or PPOCs as appropriate, in-person interviews between the PCR team and subject matter experts as necessary.

5. Reviewing and commenting on draft findings and recommendations, in coordination with Component Privacy Officers or PPOCs as appropriate.
6. Reporting, with evidence, the implementation status of the recommendations through the Component Privacy Officer or PPOC to the PCR team on whatever schedule is agreed to and documented in the PCR report.

F. The **Office of the General Counsel** is responsible for reviewing and commenting on draft products produced by the PCR team, as appropriate.

VI. Procedures

A. Assisting with the PCR

1. Component Privacy Officer or PPOC and Program or System Manager collaborate closely with the DHS Privacy Office PCR team to conduct the PCR, as PCRs are designed to improve program or system privacy practices through a constructive and collaborative process.

B. Implementing PCR Recommendations

1. If Component Program or System Manager or other responsible office(s) within Component do not concur with a PCR recommendation, they may request revisions during the draft report review stage; however, the DHS Chief Privacy Officer retains the final authority to issue recommendations.
2. Component Program or System Manager or other responsible office(s) within Component fully implement the recommendations of the final PCR. PCR recommendations may include, but are not limited to, changes in program or system practices, updates to privacy documentation, informal discussions on lessons learned, or formal internal or publicly available reports.

C. Reporting Implementation Status of PCR Recommendations

1. The Component Privacy Officer or PPOC works with the Program or System Manager or other responsible office(s) within the Component to report, with evidence, the status of implementation of the recommendations to the PCR team according to the schedule agreed to and documented in the PCR report.
2. The PCR team determines, based on reporting from VI.C.1, when a PCR recommendation has been fully implemented.

3. The PCR team keeps timely records on the status of implementation of recommendations based on information provided from the Component Privacy Office.

VII. Questions

Address any questions or concerns regarding these Instructions to PRIV or to the relevant Component Privacy Officer or PPOC.



Jonathan R. Cantor
Acting Chief Privacy Officer

January 19, 2017

Date