



Privacy Impact Assessment

For

National Assessment Governing Board (NAGB) Web Content Management System (WCMS) Nominations Tool

Date:

May 26, 2015

Point of Contact:

Mary Crovo

mary.crovo@ed.gov

System Owner:

Munira Mwalimu

munira.mwalimu@ed.gov

Author:

Stephaan Harris

Stephaan.Harris@ed.gov

National Assessment Governing Board

U.S. Department of Education



1. System Information.

Describe the system - include system name, system acronym, and a description of the system, to include scope, purpose and major functions. Indicate whether the system is new or existing and whether or not the PIA is new or being updated from a previous version; specify whether the system is “agency” or “contractor.”

The National Assessment Governing Board (NAGB) Web Content Management System (WCMS) Nominations Tool (The Tool) is part of an existing, agency system which is being updated from a previously existing version. The Tool is used by the Governing Board as part of the annual process of seeking voluntary nominations for open Board positions that are ultimately appointed by the U.S. Secretary of Education.

The Governing Board sends out e-mails to thousands of stakeholder groups and associations across the country to solicit nominees. Categories for vacancies can include general public representatives (which includes parents); fourth, eighth, and twelfth grade teachers; elementary and secondary school principals; chief state school officers; testing and measurement experts; curriculum experts; state legislators; non-public school administrator; local and state school board members; local school superintendent; and business representative. The solicitation period typically lasts about two to three months. Nominations submitted voluntarily are then reviewed by the Board’s Nominations Committee. A final slate of recommended nominees is sent to the U.S. Secretary of Education, who makes the ultimate selection of Board members.

Submissions are collected through email. Only basic information—publicly available—about each submitted candidate is manually entered into the NAGB WCMS Nominations Tool. Only two designated Governing Board staff members have access to this information. Further, this information is not made available to other Board staff, Board members, other agencies, or the public.

2. Legal Authority.

Cite the legal authority to collect and use this data. What specific legal authorities, arrangements, and/or agreements regulate the collection of information?

Public Law 107–279, also called the National Assessment of Educational Progress (NAEP) Authorization Act, establishes the Governing Board and its duties regarding NAEP. The 26-member Governing Board was created by Congress in 1988 to oversee and set policy for NAEP, also known as The Nation’s Report Card. These responsibilities include, including selecting subject areas to be assessed; developing appropriate student achievement levels, assessment objectives and test specifications; designing the methodology of the assessment; developing guidelines for reporting and disseminating results; approving all NAEP items; and executing the initial public release of NAEP reports.

Title III, Section 301 of the National Assessment of Educational Progress Authorization Act (P.L. 107-279) provides for the composition of the Board, and appointment terms. The legislation requires that Board vacancies be filled by the Secretary as stated below:

1. VACANCIES-

(1) IN GENERAL-

1. ORGANIZATIONS- The Secretary shall appoint new members to fill vacancies on the Assessment Board from among individuals who are nominated by organizations representing the type of individuals described in subsection (b)(1) with respect to which the vacancy exists.



2. NOMINATIONS- Each organization submitting nominations to the Secretary with respect to a particular vacancy shall nominate for such vacancy six individuals who are qualified by experience or training to fill the particular Assessment Board vacancy.
 3. MAINTENANCE OF ASSESSMENT BOARD- The Secretary's appointments shall maintain the composition, diversity, and balance of the Assessment Board required under subsection (b).
- (2) ADDITIONAL NOMINATIONS- The Secretary may request that each organization described in paragraph (1) (A) submit additional nominations if the Secretary determines that none of the individuals nominated by such organization have appropriate knowledge or expertise.

The NAGB staff and board manage the collection and organization of the information for the Secretary's decision making process. Authorizing legislation for the Board is at <http://www.nagb.gov/naep/naep-law.html>. Board member terms last four years. Incumbent members are eligible for just one additional term of reappointment. Thus, there is a need every year to fill several open positions in order to maintain the Governing Board and ensure it fulfills its duty as prescribed by federal law. The full nominations process is detailed at www.nagb.gov/nominations.html.

3. Characterization of the Information.

What elements of personally identifiable information (PII) are collected and maintained by the system (e.g., name, social security number, date of birth, address, phone number)? What are the sources of information (e.g., student, teacher, employee, university)? How is the information collected (website, paper form, on-line form)? Is the information used to link or cross-reference multiple databases?

The only PII elements collected and maintained by the Nominations Tool are: name, mailing addresses, e-mail addresses, gender, race/ethnicity, phone number, organization, and job title. The Governing Board requires the following three items for each voluntary submission: a nominating letter, which states the category for which the individual is being nominated and describes the candidate's qualifications as they relate to the Governing Board's responsibilities for NAEP; a full resume or curriculum vitae; and a personal statement not to exceed 250 words that explains the nominee's interest in serving on the Governing Board. People may nominate themselves or colleagues may submit the information electronically at www.nagb.gov/nominations.html. The information is rerouted to a federal e-mail box at nagbnominations@ed.gov, a specially designated e-mail address. An assigned Board staff member organizes the information in the Tool database, which is then reviewed by another staff member. The information within the system is never retrieved by personal identifier. The information is not used to link or cross-reference multiple databases and is securely destroyed or deleted once the reviews are completed.

4. Why is the information collected?

How is this information necessary to the mission of the program, or contributes to a necessary agency activity? Given the amount and any type of data collected, discuss the privacy risks (internally and/or externally) identified and how they were mitigated.

The information collected is based on the authority in P.L. 107-279. The information on gender, race/ethnicity, and geographic region is required by law because the legislation states "The Secretary and the Assessment Board shall ensure at all times that the membership of the Assessment Board reflects regional, racial, gender, and cultural balance and diversity..." The potential impact of data disclosure in this circumstance is minimal, if any. Most, if not all, of the information stored is knowledge already available in the public domain. Only two Board staff members ever have access to



the information in the Tool, and the NAGB WCMS is solely operated by the Board's web contractor, who is required to adhere to all regulatory and privacy safeguards specified in the Governing Board's contract terms and conditions. The Governing Board's web contractor has documented safeguards in conducting the nominations work to protect access to privacy records and is required to withhold disclosure of information about the system and content, without express written permission issued by the Contracting Officer.

5. Social Security Number (SSN).

If an SSN is collected and used, describe the purpose of the collection, the type of use, and any disclosures. Also specify any alternatives that you considered, and why the alternative was not selected. If system collects SSN, the PIA will require a signature by the Assistant Secretary or designee. If no SSN is collected, no signature is required.

Social Security numbers are not requested, collected, or stored during the nominations process.

6. Uses of the Information.

What is the intended use of the information? How will the information be used? Describe all internal and/or external uses of the information. What types of methods are used to analyze the data? Explain how the information is used, if the system uses commercial information, publicly available information, or information from other Federal agency databases.

The information is used to evaluate the background, skills, and qualifications of the nominees via the Governing Board's Nominations Committee and to ensure the requirement of the law that the Board reflects regional, racial, gender, and cultural balance and diversity of the country. The members of the Board's Nominations Committee are required to execute nondisclosure forms prior to receiving access to the individual information for identification of the most highly qualified individuals to fill specific Board positions. In addition, the information nominees voluntarily provide is generally publicly available via internet searches, searches of agency databases or commercial services or institutions.

Information on the identified nominees is reviewed by the Governing Board's Nominations Committee, which meets in closed sessions to discuss the submissions. Nothing is shared externally and other Governing Board staff and members do not have access to nominee information.

7. Internal Sharing and Disclosure.

With which internal ED organizations will the information be shared? What information is shared? For what purpose is the information shared?

The information from the finalists for each category is shared with the Secretary and his immediate staff (White House Liaison's Office) for making the determination of the Secretary's preferred appointee. The Secretary is designated by federal law to select the identified candidates ultimately appointed to the Governing Board.



8. External Sharing and Disclosure.

With what external entity will the information be shared (e.g., another agency for a specified programmatic purpose)? What information is shared? For what purpose is the information shared? How is the information shared outside of the Department? Is the sharing pursuant to a Computer Matching Agreement (CMA), Memorandum of Understanding or other type of approved sharing agreement with another agency?

No information collected in the nominations process is ever shared with an agency, group or individual outside of the Education Department.

9. Notice.

Is notice provided to the individual prior to collection of their information (e.g., a posted Privacy Notice)? What opportunities do individuals have to decline to provide information (where providing the information is voluntary) or to consent to particular uses of the information (other than required or authorized uses), and how individuals can grant consent?

The solicitation email sent to stakeholder groups and associations across the country in an effort to solicit nominees indicates that the submission of information is completely voluntary. Nominees submitted by others are contacted and they, along with those who self-nominate, may opt to have their information removed and nomination withdrawn at any time during the nominations process. A privacy notice is also posted on the NAGB website (see question 10 response).

10. Web Addresses.

List the web addresses (known or planned) that have a Privacy Notice.

Privacy policies and procedures are required to be in place for each contractor who provides web content management and hosting services.

The Governing Board's privacy policies are publicly available at www.nagb.gov/nominations.html, and on our public facing home page at www.nagb.gov.

11. Security.

What administrative, technical, and physical security safeguards are in place to protect the PII? Examples include: monitoring, auditing, authentication, firewalls, etc. Has a C&A been completed? Is the system compliant with any federal security requirements?

Safeguards to protect the PII gathered include the following:

- (a) The website contractor is required to adhere to rules of behavior and execute contract documents that require adherence to federal laws on the protection of privacy and securing the confidentiality of all web work performed on behalf of the Governing Board
- (b) All Governing Board employees are required to undertake annual required training on Privacy Laws.
- (c) On an annual basis, the Board staff person who handles the nominations work destroys all applications received on an annual basis as noted above.
- (d) Candidates selected have all their information protected by the Department's human resources office, as they become ED employees.



- (e) Paper copies of all final candidates sent to the Secretary each year are kept in a binder in a secure room that is only accessed by Governing Board staff and are destroyed on an annual basis as stated above.

The web contractor conducts regular monitoring and auditing of the website to include monthly scans that are also reviewed monthly, and logs are audited daily with a HIDS tool that sends an e-mail digest of anything of note. Firewalls are used and authentication is in place (you have to be a valid user in the right group for the Tool).

The Governing Board is in the process of completing a Certification and Accreditation of the website to comply with the OMB and ED guidelines as detailed via FEDRAMP requirements. The Governing Board has contracted with an independent third party assessor to conduct a review and audit of the website to secure the ATO. The contractor is working with the Department's Information Assurance Office to conduct this work.

12. Privacy Act System of Records.

Is a system of records being created or altered under the Privacy Act, 5 U.S.C. 552a? Is this a Department-wide or Federal Government-wide SORN? If a SORN already exists, what is the SORN Number?

A system of record notice (SORN) is not needed because the information collected is not retrieved by any personal identifiers. Therefore, a system of record as defined by the Privacy Act is not being created, and the reporting requirements of OMB Circular A-130 do not apply.

13. Records Retention and Disposition.

Is there a records retention and disposition schedule approved by the National Archives and Records Administration (NARA) for the records created by the system development lifecycle AND for the data collected? If yes – provide records schedule number:

The Schedule Locator is 116, Title: Records Created by Advisory Commissions, Councils, Boards, and Other Groups established under the Federal Advisory Committee Act (FACA). The National Assessment Governing Board adheres to the Department's and NARA guidelines on records management. These are temporary electronic web site records, cut off annually, and destroyed or deleted upon final appointments of Board members, per the disposition authority of ED 062 a/N1-441-08-19.