

Privacy Impact Assessment Lacey Act Web Governance System (LAWGS)

Policy, E-Government and Fair Information Practices

- Version: 1.4
- Date: January 31, 2020
- Prepared for: USDA OCIO-Policy,
E-Government and Fair Information
Practices (PE&F)



Privacy Impact Assessment for the Lacey Act Web Governance System (LAWGS)

January 31, 2020

Contact Point

**Isaac White
APHIS, MRP IT, PMO
(301) 851-2021**

Reviewing Official

**Tonya Woods
APHIS Privacy Act Officer
(301) 851-4076**

Abstract

The Lacey Act Web Governance System (LAWGS) is a public web application that supports the Lacey Act Declaration Information Systems (LADIS). It enables U.S. importers to declare the plant and plant product materials being imported. The declaration is required by the Lacey Act Amendment (16 U.S.C. 3372). The Privacy Impact Assessment (PIA) is being conducted to document the data collection, use, retention, sharing, access, and customer protection safeguards.

Overview

- LAWGS's mission is to facilitate the creation, submission and review of the Plant and Plant Product Declaration (PPQ Form 505/505b). The form is required by the Lacey Act Amendment (16 U.S.C.3372) for all plant and plant products (including wood), with exceptions, being imported into the US. The importers would need to obtain a

USDA eAuthentication Level 1 account in order to access LAWGS. The system enables the users (importers or designated agents) to create their own organizations with designated Organization Administrator (Org. Admin). The Org. Admins have full autonomy in adding, removing members, and maintaining organization information. The user organization ensures confidentiality and enables sharing of artifacts and templates within the organization.

- The information collected by LAWGS includes the data that describes the shipment and compliance with Lacey Act requirements. The shipment information includes Estimated Date of Arrival, Entry Number, Container Number, Bill of Lading, Manufacturing Identification Code, Importer Name, Importer Address, Consignee Name, Consignee Address, and Description of Merchandise. The Compliance data includes Harmonized Tariff Code (HTSUS Number), Value, Article/Component of Article, Plant Scientific Name (Genus & Species), Country of Harvest, Quantity of Plant Material, Unit of Measure, and Percent Recycled. The exporter only has visibility into their own organization's information.
- LAWGS enables the PPQ Lacey Act Program (LAP) officials to review the submitted declaration for accuracy and completeness.
- LAWGS allows importers or brokers to enter PPQ Form 505 information directly into the APHIS Lacey Act database.

Section 1.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected as well as reasons for its collection as part of the program, system, rule, or technology being developed.

1.1 What information is collected, used, disseminated, or maintained in the system?

Information collected, used, disseminated and maintained in LAWGS includes shipment information and Lacey Act-required compliance data.

The shipment information includes Estimated Date of Arrival, Entry Number, Container Number, Bill of Lading, Manufacturing Identification Code, Importer Name, Importer Address, Importer Email Address, Consignee Name, Consignee Address, and Description of Merchandise.

The compliance data includes Harmonized Tariff Code (HTSUS Number), Value, Article/Component of Article, Plant Scientific Name (Genus & Species), Country of Harvest, Quantity of Plant Material, Unit of Measure, and Percent Recycled.

1.2 What are the sources of the information in the system?

The information source is provided by the importers. LAWGS uses the PCIT Commodity and Country tables to facilitate data entry and avoid redundancy for plant names and country of harvest names.

1.3 Why is the information being collected, used, disseminated, or maintained?

The information being collected, used, disseminated or maintained is required by the 2008 Lacey Act Amendments (16 U.S.C. 3372).

1.4 How is the information collected?

Importers enter the information in the system via the internet (web access). For Commodity and Country data, the LAWGS and PCIT databases are connected via database links.

1.5 How will the information be checked for accuracy?

Reference tables are being used. Edit checks are available on data fields when possible. Automated edit checks at the field level and a final check on the declaration being submitted is done when the user signifies the data entry is complete. Checks for accuracy and completeness are performed by the LAP officials to ensure compliance with the Lacey Act.

1.6 What specific legal authorities, arrangements, and/or agreements defined the collection of information?

The Paperwork Reduction Act; and the Lacey Act as amended in 2008.

1.7 Privacy Impact Analysis: Given the amount and type of data collected, discuss the privacy risks identified and how they were mitigated.

LAWGS collects the names and addresses of importers and consignees. Generally these are business entities; however, there are also individuals who act on their own behalf as either importer or consignee. The information collected in these cases is PII and is protected accordingly.

Only designated APHIS employees can access this information. Additionally, USDA eAuthentication is required for all users' access to the system; as such, the application limits access to an individual's account information only and prevents access to unauthorized information.

Section 2.0 Uses of the Information

The following questions are intended to delineate clearly the use of information and the accuracy of the data being used.

2.1 Describe all the uses of information.

The data is collected, stored and reviewed by PPQ LAP in order to ensure compliance with the Lacey Act Amendments of 2008. The data may also be used to track national import activities and help in predicting market trends for the future. The data also are shared with other government agencies to assist in the enforcement of the Act.

2.2 What types of tools are used to analyze data and what type of data may be produced?

COGNOS, a Business Intelligence tool, is used to analyze the data and produce reports that evaluate quality control and effectiveness of the program. LAWGS also has built-in review and reporting capability to aide in the analysis of the data for compliance and to support other agencies' enforcement efforts.

2.3 If the system uses commercial or publicly available data please explain why and how it is used.

N/A

2.4 Privacy Impact Analysis: Describe any types of controls that may be in place to ensure that information is handled in accordance with the above described uses.

To gain access to the system all users are required to have a USDA e-Authentication account. This a 2 step process where the user name identifies the user and the password authenticates that the user is in fact who he claims to be. On the government side, PPQ LAP officials who have level 2 e-Authentication can review, print, and analyze the data to meet business needs. Additionally, the session timeout for LAWGS is 30 minutes. After 30 minutes of no activity the user will receive the session time out message with a link to re-login.

Section 3.0 Retention

3.1 How long is information retained?

Information is destroyed when 5 years old, but longer retention is authorized if required for business use.

3.2 Has the retention period been approved by the component records officer and the National Archives and Records Administration (NARA)?

NARA provided approval and published the retention schedule on June 12, 2019.

3.3 Privacy Impact Analysis: Please discuss the risks associated with the length of time data is retained and how those risks are mitigated.

The retention time of 5 years is in line with retention of other government records which may be used to support civil or criminal prosecutions (i.e., based on the Statute of Limitations.) with an additional retention permitted for purposes of trend analyses and review of trade practices prior to the designated prosecutorial timeframe. The risk of unapproved release of LAWGS data outside of the PPQ LAP would be mitigated through the creation of, and adherence to, a Lacey Act Declaration data-sharing policy. All requests for access to LAWGS data, both internally and externally, would be approved by the LAWGS Administrator/Manager to ensure compliance with the policy prior to the release. APHIS' current systems security measures would mitigate the risk of unapproved access to LAWGS.

Section 4.0 Internal Sharing and Disclosure

The following questions are intended to define the scope of sharing within the United States Department of Agriculture.

4.1 With which internal organization(s) is the information shared, what information is shared and for what purpose?

Information is shared within PPQ LAP to gauge the effectiveness of the program and for policy planning. These reports are high-level summary data to aid in benchmarking, decision-making, and trend analysis. PII is stripped from reports that are not generated for compliance purposes. This information will also be shared with other PPQ programs and APHIS' Investigative and Enforcement Services (IES) for investigating compliance with the Lacey Act declaration requirements, The Convention on International Trade in Endangered Species of Fauna and Flora (CITES), and phytosanitary requirements for importation. The release of LAWGS data within APHIS for compliance or enforcement purposes will require inclusion of PII data fields.

4.2 How is the information transmitted or disclosed?

Information is transmitted by the generation of Excel spreadsheets using the COGNOS business intelligence tool.

4.3 Privacy Impact Analysis: Considering the extent of internal information sharing, discuss the privacy risks associated with the sharing and how they were mitigated.

Routine reports are stripped of PII information and there is no privacy risk associated with these reports. Printed reports generated for purposes other than compliance are controlled, retrieved and then shredded by LAP officials in APHIS- provided electronic paper shredders to mitigate privacy risks. Reports generated for compliance/enforcement purposes within APHIS will be limited to PPQ programs, including LAP, and IES officials. The reports will contain a warning as to the presence of PII and Trade Secrets and the requirement not to release the report or data contained within to any personnel except on a need-to-know basis and must be used for its intended government purpose.

Section 5.0 External Sharing and Disclosure

5.1 With which external organization(s) is the information shared, what information is shared, and for what purpose?

Data may be shared with the USDA, Office of General Counsel and the USDA Office of the Inspector General (OIG) for enforcement of APHIS requirements under the LA Amendments, other Federal agencies authorized to enforce the LA (e.g., U.S. Department of Justice and U.S. Fish and Wildlife Service) and agencies authorized to enforce regulations pertaining to the importation of plants/wood and plant/wood/products (e.g., U.S. Department of Homeland Security, Homeland Security Investigations and Customs and Border Protection). Other requests may come from other federal agencies involved in facilitating international trade, such as the Office of the United State Trade Representative. For all external requests for LAWGS data, other than from USDA-OGC, the requesting agency must submit a written request to APHIS specifying the data they are seeking and the reason for the request. As with internal requests for these data, the LAWGS Administrator/Manager must ensure the request and response to the request comply with the Lacey Act Declaration data-sharing policy. (Requests from USDA-OGC may be less formal because such requests will support ongoing enforcement proceedings specifically requested by the LAP.). Note that LAWGS cannot be used to share information directly with any external agencies/organizations. APHIS, only, is able to extract the data and create reports. The reports are then shared directly with requesting agencies via email using password-protected Excel spreadsheets. Data may also be shared with USDA contractors and other associated parties to address breaches, audits, or security; Congressional offices in response to an inquiry; and the National Archives and Records Administration for records management activities.

5.2 Is the sharing of personally identifiable information outside the Department compatible with the original collection? If so, is it covered by an appropriate routine use in a SORN? If so, please describe. If not, please describe under what legal mechanism the program or system is allowed to share the personally identifiable information outside of USDA.

Data may be shared with other Federal law enforcement agencies upon a written request to APHIS for the purpose of enforcement of the Lacey Act Amendments and other regulatory authorities that govern the importation of wood and wood products such as CITES. LAWGS cannot be used to share information directly with any external agencies/organizations. APHIS, only, is able to extract the data and create reports. There is currently no automatic data sharing. Transmission of and safeguarding LAWGS data will be part of any future data-sharing MOU's with other agencies.

5.3 How is the information shared outside the Department and what security measures safeguard its transmission?

The LAWGS data are shared directly with the requesting agency via email using password-protected Excel spreadsheets. LAWGS cannot be used to share information directly with any external agencies/organizations. APHIS, only, is able to extract the data and create reports. Data may be shared with other enforcement agencies upon a written request to APHIS for the purpose of enforcement of the Lacey Act and other regulatory authorities that govern the importation of wood and wood products. There is currently no automatic data sharing. Transmission and data safe guards will be part of any future MOU's with other agencies. As with internal requests for this data, the LAWGS Administrator/Manager must ensure the request and response to the request comply with the Lacey Act Declaration data-sharing policy.

5.4 Privacy Impact Analysis: Given the external sharing, explain the privacy risks identified and describe how they were mitigated.

LAWGS cannot be used to share information directly with any external agencies/organizations. APHIS, only, is able to extract the data and create reports. As identified in Sections 3 and 4 above regarding mitigating the risk associated with the potential unapproved access to, or release of, LAWGS data, LAP will follow the guidelines identified in its Lacey Act Declaration data-sharing policy. LAP will also ensure that all reports shared with external agencies contain a warning on the report as to the presence of PII and Trade Secrets and the requirement not to release the report or data contained within to any personnel except on a need-to-know basis and must be used for its intended government purpose.

Section 6.0 Notice

6.1 Does this system require a SORN and if so, please provide SORN name and URL.

Yes, the SORN is named, APHIS Plant Protection and Quarantine's Lacey Act Declaration Information Systems (LADIS), USDA/APHIS-24, and can be located at <https://www.ocio.usda.gov/policy-directives-records-forms/records-management/system-records>

6.2 Was notice provided to the individual prior to collection of information?

APHIS did not provide notice prior to the collection of information through LAWGS because information is submitted through LAWGS on a voluntary basis.

6.3 Do individuals have the opportunity and/or right to decline to provide information?

No

6.4 Do individuals have the right to consent to particular uses of the information? If so, how does the individual exercise the right?

No

6.5 Privacy Impact Analysis: Describe how notice is provided to individuals, and how the risks associated with individuals being unaware of the collection are mitigated.

Organization data is provided by the users on voluntary basis. The data is to facilitate the autonomy of user's organization and maintain confidentiality. There is no privacy risks associated with users' organization data.

Section 7.0 Access, Redress and Correction

7.1 What are the procedures that allow individuals to gain access to their information?

Users have access to their own organization’s information through the rights that are set up for them. Developers have access to the data for helpdesk support. This includes administration of the LAWGS system.

7.2 What are the procedures for correcting inaccurate or erroneous information?

Declaration information is corrected real-time by the provider of the information. Organizational information can be corrected by the organization administrator within the LAWGS system. Erroneous data which the provider is unable to correct in LAWGS must be reported to LAP or the LAWGS helpdesk. LAP will investigate and if the correction is warranted, will work with the helpdesk to make the correction. Users also have the capability to submit written notes to LAP via the LAWGS system to inform LAP of errors needing correction. Certain data are changed by the DBA as authorized by PPQ LAP.

7.3 How are individuals notified of the procedures for correcting their information?

The LAWGS system provides for functionality that enables the users to view and correct their organizational data. Information about seeking assistance with LAWGS entries, such as the contact information for the LAWGS helpdesk, is provided in the LAWGS homepage.

7.4 If no formal redress is provided, what alternatives are available to the individual?

Formal redress is processed through the APHIS Legislative and Public Affairs FOIA office.

7.5 Privacy Impact Analysis: Please discuss the privacy risks associated with the redress available to individuals and how those risks are mitigated.

There are no privacy risks associated with Access, Redress and Correction.

Section 8.0 Technical Access and Security

8.1 What procedures are in place to determine which users may access the system and are they documented?

Users must access the system through documented e-Authentication procedures.

8.2 Will Department contractors have access to the system?

Yes

8.3 Describe what privacy training is provided to users either generally or specifically relevant to the program or system?

LAWGS is a public web based system. Training is the responsibility of user's organizations. The PPQ LAP staff schedules on-line webinar trainings to users.

All APHIS officials and contractors must take the annual security awareness training provided by USDA.

8.4 Has Certification & Accreditation been completed for the system or systems supporting the program?

Yes, the system received its ATO on 4/17/2018.

8.5 What auditing measures and technical safeguards are in place to prevent misuse of data?

Built in audit information on data changes are provided per LAWGS software. Oracle auditing is provided as agreed between PPQ and NITC. NITC controls the database auditing. LAWGS software limits access by users based on the users' designated role.

8.6 Privacy Impact Analysis: Given the sensitivity and scope of the information collected, as well as any information sharing conducted on the system, what privacy risks were identified and how do the security controls mitigate them?

There are no privacy risks associated with Technical Access and Security.

Section 9.0 Technology

9.1 What type of project is the program or system?

LAWGS is a centralized web based application used to collect import declaration data required under the Lacey Act Amendment (16 U.S.C.3372) for all plant and plant products being imported into the United States. Importers (or their agents) log in to the secure web application to submit this data directly to APHIS.

9.2 Does the project employ technology which may raise privacy concerns? If so please discuss their implementation.

No

Section 10.0 Third Party Websites/Applications

10.1 Has the System Owner (SO) and/or Information Systems Security Program Manager (ISSPM) reviewed Office of Management and Budget (OMB) memorandums M-10-22 “Guidance for Online Use of Web Measurement and Customization Technology” and M-10-23 “Guidance for Agency Use of Third-Party Websites and Applications”?

Yes

10.2 What is the specific purpose of the agency’s use of 3rd party websites and/or applications?

The LAWGS system does not utilize any 3rd party websites.

10.3 What personally identifiable information (PII) will become available through the agency’s use of 3rd party websites and/or applications.

None

10.4 How will the PII that becomes available through the agency’s use of 3rd party websites and/or applications be used?

N/A

10.5 How will the PII that becomes available through the agency’s use of 3rd party websites and/or applications be maintained and secured?

N/A

10.6 Is the PII that becomes available through the agency’s use of 3rd party websites and/or applications purged periodically?

N/A

10.7 Who will have access to PII that becomes available through the agency's use of 3rd party websites and/or applications?

N/A

10.8 With whom will the PII that becomes available through the agency's use of 3rd party websites and/or applications be shared - either internally or externally?

N/A

10.9 Will the activities involving the PII that becomes available through the agency's use of 3rd party websites and/or applications require either the creation or modification of a system of records notice (SORN)?

N/A

10.10 Does the system use web measurement and customization technology?

Yes, the system is scheduled to be reviewed annually to demonstrate compliance to OMB-M10-23.

10.11 Does the system allow users to either decline to opt-in or decide to opt-out of all uses of web measurement and customization technology?

N/A

10.12 Privacy Impact Analysis: Given the amount and type of PII that becomes available through the agency's use of 3rd party websites and/or applications, discuss the privacy risks identified and how they were mitigated.

Data is not accessible through 3rd party websites and/or applications.



Approval Signature

Preston J. Griffin	Date
Acting Chief Information Security Officer	
Marketing and Regulatory Program Information	
Technology Services	
United States Department of Agriculture	

Tonya G. Woods	Date
APHIS Privacy Act Officer	
Animal and Plant Health Inspection Service	
United States Department of Agriculture	

Robert M. Baca	Date
LAWGS System Owner	
Plant Protection and Quarantine	
Animal and Plant Health Inspection Service	
United States Department of Agriculture	