



Homeland Security

September 14, 2011

Alex Stout & Ginger McCall
Electronic Privacy Information Center
1718 Connecticut Avenue, N.W.
Washington, D.C. 20009

Re: **DHS/OS/PRIV 11-1166**

Dear Alex Stout and Ginger McCall:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated August 2, 2011, and received by this office on August 15, 2011. You are seeking the following records:

1. October 7, 2010 FAST Project Privacy Threshold Analysis (PTA),
2. Record of review and approval of the PTA by DHS Privacy Officer

A search of the Privacy Office for documents responsive to your request produced a total of 6 pages. Of those pages, I have determined that 2 pages of the records are releasable in their entirety, and 4 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), and (b)(7)(E), FOIA Exemptions 5, 6, and b7(E).

Enclosed are 6 pages with certain information withheld as described below.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that the responsive documents qualify for protection under the Deliberative Process Privilege.

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public

interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of some information contained in this document could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

As it pertains to your request for a fee waiver, in this instance, because the cost is below the \$14 minimum, there is no charge associated with this response. As such, your request for a fee waiver is moot.

If you need to contact our office again about this matter, please refer to **DHS/OS/PRIV 11-1166**. This office can be reached at 866-431-0486, or 703-235-0790.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lasko". The signature is fluid and cursive, written in a professional style.

Linda Lasko
FOIA Program Specialist



**Homeland
Security**

The Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528
703-235-0780, pia@dhs.gov
www.dhs.gov/privacy

Privacy Threshold Analysis
Version date: June 10, 2010
Page 1 of 6

PRIVACY THRESHOLD ANALYSIS (PTA)

**This form is used to determine whether
a Privacy Impact Assessment is required.**

Please use the attached form to determine whether a Privacy Impact Assessment (PIA) is required under the E-Government Act of 2002 and the Homeland Security Act of 2002.

Please complete this form and send it to your component Privacy Office. If you do not have a component Privacy Office, please send the PTA to the DHS Privacy Office:

Rebecca J. Richards
Director of Privacy Compliance
The Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528
Tel: 703-235-0780

PIA@dhs.gov

Upon receipt from the component Privacy Office, the DHS Privacy Office will review this form. If a PIA is required, the DHS Privacy Office will send you a copy of the Official Privacy Impact Assessment Guide and accompanying Template to complete and return.

A copy of the Guide and Template is available on the DHS Privacy Office website, www.dhs.gov/privacy, on DHSCconnect and directly from the DHS Privacy Office via email: pia@dhs.gov, phone: 703-235-0780.



PRIVACY THRESHOLD ANALYSIS (PTA)

SUMMARY INFORMATION

Date Submitted for Review: September 15, 2010

Name of Project: Future Attribute Screening Technology (FAST) Mobile Module (M2)

System Name in TAFISMA: N/A

Name of Component: Science and Technology

Name of Project Manager: Robert D. Middleton, Jr.

Email for Project Manager: (b) (6)

Phone Number for Project Manager: (b) (6)

Type of Project:

- Information Technology and/or System.***
- A Notice of Proposed Rule Making or a Final Rule.**
- Form or other Information Collection.**
- Other:**

* The E-Government Act of 2002 defines these terms by reference to the definition sections of Titles 40 and 44 of the United States Code. The following is a summary of those definitions:

- "Information Technology" means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. See 40 U.S.C. § 11101(6).

- "Information System" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information. See: 44. U.S.C. § 3502(8).

Note: for purposes of this form, there is no distinction made between national security systems or technologies/systems managed by contractors. All technologies/systems should be initially reviewed for potential privacy impact.



SPECIFIC QUESTIONS

1. Describe the project and its purpose:

The Future Attribute Screening Technology Mobile Module (FAST) project, which is being sponsored jointly by S&T's Innovation Division and Human Factors/Behavioral Sciences Division, seeks to develop behavioral screening technologies that will enable security officials to test the effectiveness of current screening methods at evaluating suspicious behaviors and judging the implications of those behaviors. The ultimate goal of the FAST project is to equip security officials with the tools to rapidly assess potential threats.

FAST is an ongoing project; the PIA was published in December 2008. This update is to provide information regarding a planned Limited User Evaluation (LUE) (b) (5), the purpose of which is to identify potential user concerns and issues related to the usability and functionality of the FAST system and determine training, potential concept of operations, and maintenance requirements prior to designation as a system prototype.

(b) (5)

Employees will have an opportunity to opt-out of the FAST screening and proceed through regular screening if they choose. The FAST system recommendation (output) will not infringe on employees' access or employment status but will be an additional tool utilized by the security staff conducting routine, everyday screening. (b) (5)

participants will be conditioned on a volunteer basis (b) (5) volunteers are also employees (b) (5)

(b) (5)

The only data that S&T will have access to is aggregated performance data (b) (7)(E)

(b) (5)

2. Status of Project:

- This is a new development effort.
- This is an existing project.



Date first developed: March 19, 2008

Date last updated: December 15, 2008

3. From whom do you collect, process, or retain information on: (Please check all that apply)

- DHS Employees.
- Contractors working on behalf of DHS.
- The Public.
- The System does not contain any such information.

4. Do you use or collect Social Security Numbers (SSNs)? (This includes truncated SSNs)

- No.
- Yes. Why does the program collect SSNs? Provide the function of the SSN and the legal authority to do so:

5. What information about individuals could be collected, generated or retained?

Sensors will non-intrusively (i.e., without making physical contact) collect video images, audio recordings, and psychophysiological measurements (i.e., heart rate, breathing pattern, thermal activity, and other physiological and behavioral cues) from the employees (b) (5)

This data collection will serve as a baseline for analysis and comparison.

For a select subgroup of participants who will be conditioned on a volunteer basis (b) (5) in compliance with all ethical and regulatory requirements for field testing (including obtaining informed consent) will collect the following data: demographic information (age, gender, occupation, and ethnicity), medical information (heart, circulation, respiratory, and vision issues), current medications, and substance use in the last week (caffeine, tobacco, alcohol, other substances). The demographic information enables the evaluators to understand whether the technology performs differently with different demographic groups. The medical information and medication/substance use data allows the researchers to identify factors that may cause the subject to respond differently (e.g., caffeine and nicotine increase the heart rate). Additionally, the privacy protections documented in the PIA will still apply in this LUE. (b) (5) volunteers will be asked to attempt to (b) (5) in order to determine whether the screeners can identify persons with malintent.

DHS S&T will only have access to aggregated and anonymized data.



6. If this project is a technology/system, does it relate solely to infrastructure? [For example, is the system a Local Area Network (LAN) or Wide Area Network (WAN)]?

No. Please continue to the next question.

Yes. Is there a log kept of communication traffic?

No. Please continue to the next question.

Yes. What type of data is recorded in the log? (Please choose all that apply.)

Header.

Payload Please describe the data that is logged.

7. Does the system connect, receive, or share Personally Identifiable Information with any other DHS systems¹?

No.

Yes.

Please list:

8. Is there a Certification & Accreditation record within OCIO's FISMA tracking system?

Unknown.

No.

Yes. Please indicate the determinations for each of the following:

Confidentiality: Low Moderate High Undefined

Integrity: Low Moderate High Undefined

Availability: Low Moderate High Undefined

¹ PII may be shared, received, or connected to other DHS systems directly, automatically, or by manual processes. Often, these systems are listed as "interconnected systems" in TAFISMA.



PRIVACY THRESHOLD REVIEW

(TO BE COMPLETED BY THE DHS PRIVACY OFFICE)

Date reviewed by the DHS Privacy Office: October 7, 2010

Name of the DHS Privacy Office Reviewer: Rebecca Richards

DESIGNATION

This is NOT a Privacy Sensitive System – the system contains no Personally Identifiable Information.

This IS a Privacy Sensitive System

Category of System

- IT System.
- National Security System.
- Legacy System.
- HR System.
- Rule.
- Other: FAST Screening

Determination

- PTA sufficient at this time.
- Privacy compliance documentation determination in progress.
- PIA is not required at this time.
- PIA is required.
 - System covered by existing PIA: FAST
 - New PIA is required.
 - PIA update is required.
- SORN not required at this time.
- SORN is required.
 - System covered by existing SORN:
 - New SORN is required.

DHS PRIVACY OFFICE COMMENTS