Privacy Impact Assessment for

Executive and Schedule C System (ESCS)

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Abstract

The Office of Personnel Management's Executive and Schedule C System (ESCS) is administered by the Senior Executive Resources Services group within the Senior Executive Services and Performance Management Center of the Employee Services office. ESCS stores information on career and non-career executives (SES), other executive personnel systems, and non-career non-executive employees on Schedule C appointments. This PIA is being conducted because information about individuals is used, collected, maintained, and disseminated in ESCS.

Overview

The Office of Personnel Management's Executive and Schedule C System (ESCS) is administered by the Senior Executive Resources Services group within the Senior Executive Services and Performance Management Center of the Employee Services office. ESCS is a human resources application that is used to collect and maintain information on career and non-career Senior Executive Service (SES) personnel, other executive personnel, non-career non-executive employees on Schedule C appointments, and participants in and graduates of OPM-approved agency SES candidate development programs.

The SES is the federal government's core of executives that provide leadership and managerial expertise within the various Executive Branch Agency mission program areas. In addition to the SES, there are Senior Leaders (SL) and Science and Professional employees (ST). The SL category of high-level Federal jobs was established in 1990 to replace GS-16, 17, and 18 of the General Schedule. Most SL employees are in positions whose duties are broad and complex enough to be classified above GS 15. In agencies that are statutorily exempt from inclusion in the Senior Executive Service (SES), executive positions are staffed with SL employees. ST employees are engaged in work that involves high-level research and

development in the physical, biological, medical, or engineering sciences, or a closely-related field.

A Schedule C appointment is a type of political appointment in the Federal government for those who serve in confidential or policy roles immediately subordinate to other appointees. Most Schedule C employees are confidential assistants, policy experts, special counsel, and schedulers, however some do serve in specialized non-policy support roles.

ESCS is a web-based application where registered users from Federal agencies log in to enter, update, or view the information for the agencies that they are associated with. ESCS allows users to enter data directly into the application or to upload documents into the application when required. ESCS utilizes a separate business intelligence tool from a commercial-off-the-shelf product that is supported and used within OPM to allow the users to run reports on their information.

Information is entered or updated in ESCS daily by agency personnel, generally HR Specialists and White House Liaisons, or members of OPM's Senior Executive Services and Performance Management office (SESPM) that have been authorized and trained to use the system. A typical ESCS transaction consists of an agency user inputting documentation requesting certification of an individual's executive core qualifications through the OPM administered Qualifications Review Board (QRB) process. Agencies can also request OPM approvals for appointing authorities for non-career SES, limited term or limited emergency SES, and Schedule C appointments.

Management and executive reports, which includes the quadrennial publication of the United States Government Policy and Supporting Positions, also known as the Plum Book, are generated in ESCS for use by the White House, agencies across the government, and the media. The information collected and stored in ESCS is used to manage regulatory and statutory

requirements for career and non-career executives, senior leaders, experts in science and other specialized professions, and Schedule C appointments.

Agency users must formally request access to ESCS. Users must sign a user agreement and may access only information relevant to their respective agency and their role within the agency or other related agencies which they have been given permission to view. Reports are run on a monthly basis to identify users that have been inactive for a period of time. These accounts are then reviewed, and if appropriate, deactivated. These processes and security features have been implemented to help protect the privacy of the individuals whose information is collected and stored in ESCS and to help mitigate any possible security risks.

Section 1.0. Authorities and Other Requirements

1.1. What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

General authority for the establishment and management of SES, SL, and ST positions can be found in 5 U.S.C. §§ 3104, 3133-3134, 3324-3325, 3391-3397, 3591-3596, 4311-4315, 5108, and 5381-5385. Specific reporting requirements are authorized by 5 C.F.R. § 9.2, Reporting Workforce Information, and 5 C.F.R. § 214.203, Reporting Requirements.

1.2. What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?

ESCS is covered by the OPM / Central – 13 Executive Personnel Records SORN.

1.3. Has a system security plan been completed for the information system(s) supporting the project?

Yes. A system security plan has been completed for ESCS in conjunction with its Authority to Operate (ATO).

1.4. Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?

The information contained in ESCS is subject to NARA-approved schedule N1-478-95-003. The retention for this schedule is to destroy when no longer needed for administrative purposes.

1.5. If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.

The information in ESCS is not collected directly from the individuals and, therefore, its collection in ESCS is not subject to the PRA.

Section 2.0. Characterization of the Information

2.1. Identify the information the project collects, uses, disseminates, or maintains.

The system collects, uses, disseminates, and maintains demographic, appointment, and assignment information, including name, office address, date of birth, Social Security number, sex, race and ethnic designation, titles of positions, pay rate, and types of appointments, as well as background data on work experience, educational experience, publications or awards, including performance ratings and any performance, rank, or incentive awards received, and career interests. ESCS also collects, uses, and maintains determinations on nominees for Meritorious and Distinguished Presidential Rank awards, determinations concerning executive qualifications and the information relating to current and former participants in the sabbatical leave program, including dates of participation and reasons for the leave.

ESCS also contains the applications from individuals who seek reemployment in the Senior Executive Service and information concerning the reason(s) why an individual leaves an executive position (e.g., retired, resigned, to

enter private industry, to work for a state government, or removed during probation or after because of performance). This includes information about the recruitment of individuals for executive positions, to include whether they were recruited from another Federal agency or from outside the Federal service.

2.2. What are the sources of the information and how is the information collected for the project?

The original source of information in ESCS are the agency users. Agency users log in to the ESCS web-based application to enter, update, or view the information about executives at their respective agencies. ESCS allows agency users to enter data directly into the application and to upload documents into the application when required. The agency user then manually enters the information into ESCS.

2.3. Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.

ESCS does not use any information from commercial sources or publicly available information.

2.4. Discuss how accuracy of the data is ensured.

Agency HR Specialists and White House Liaisons who are the most familiar with the individuals in their agency are the agency users who enter the information into ESCS. They also have the opportunity to review the data in reports provided to their agency and to correct any inaccurate information. Each agency continuously verifies the accuracy of the data in ESCS by reviewing the reports from ESCS. If any inaccuracies are identified, the agency users will correct the data, where possible. If necessary, agency users will notify the ESCS administrators via email, and provide information about what data needs to be corrected. A member of the OPM Senior Executive Services and Performance Management office (SESPM) will then

work with the agency user to correct the data and verify the updates have been saved.

2.5. Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: There is a risk that the system will collect more information than is necessary to achieve its business purpose.

Mitigation: This risk is mitigated by placing the input and correction responsibility with the authorized agency users. These agency users are in the best position to know and understand what is needed in order to fulfill the agency's business need.

Privacy Risk: There is a risk that the information in ESCS is not accurate and will result in inaccurate management of the program or adverse performance decisions.

Mitigation: This risk is mitigated by requiring that agency users be responsible for validating the information they put into the system. A member of the OPM SESPM will then work with the agency user to correct the data and verify the updates.

Section 3.0. Uses of the Information

3.1. Describe how and why the project uses the information.

The information in ESCS is used to manage the career SES, SL and ST personnel programs, and non-career executive and Schedule C appointments. It is used to make decisions regarding appointments and to comply with relevant statutes and regulations, including the allocation and establishment of SES, SL and ST research and development positions, development of qualification standards for SES positions, establishment and operation of one or more qualifications review boards (QRBs), establishment of programs to develop candidates for and incumbents of executive

positions, and development of performance appraisal systems. The information may also be used to determine trends, such as from where individuals are being recruited into the various executive positions, or why individuals may be leaving their positions.

ESCS also employs a business intelligence tool to allow the agency users to run reports on their agency's information. The information in the reports is used for policy formulation, program planning and administration, research studies, and required reporting regarding the Government-wide executive programs.

Social Security numbers (SSNs) are used to uniquely identify an individual. The SSN is the only reliable unique identifier to ensure that data is not duplicated or applied to incorrect individuals. SSNs are initially provided by the individual and entered into the system by agency users.

3.2. Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how OPM plans to use such results.

ESCS uses SQL queries built into the application to return specific records from the database to display them on the screen, update records in the database, and create new records in the database. No other special technologies are used to electronically search, query, or analyze the database to discover or locate a predictive pattern or an anomaly.

3.3. Are there other programs or offices with assigned roles and responsibilities within the system?

Within OPM, SESPM personnel have roles and responsibilities in ESCS. Additionally, the OPM White House Liaison and the Executive Assistant within OPM's Office of the Director have access to ESCS. The OPM White House Liaison provides approvals to agency requests for political appointments. Outside of OPM, HR Specialists and White House Liaisons have access to

their agency-specific information and are permitted to access only the agency-specific information that they have a need to know.

3.4. Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: There is a risk that an unauthorized user may access the system, or that an authorized user may access information for an impermissible use.

Mitigation: This risk is mitigated through the use of access controls that restrict user access to the information based on authorization and access permissions in the system. The system maintains access roles that restrict and grant access to information and functionality to support the business process need of the specific user. Individual agency users may only view their agency information and are further restricted as a policy matter to the information that they have a need-to-know. For example, White House Liaisons within an agency may generally access only the information about political appointees. However, HR specialists within the agency have access to both career and political appointee information. When users apply for access to ESCS they identify which agencies they are affiliated with, what their role is at the agency, and their supervisor must approve the request. The user is also required to sign and comply with ESCS OPM Access Request. This document outlines the proper use of the system based on their roles. All users of the system must only access data that are expressly authorized to the user. Audits are completed on user login frequency and user accounts that have not logged in within 60 days are disabled. The user must submit a request to OPM Program Office to have their account re-enabled. This risk is further mitigated by limiting information within ESCS that can only be provided by the agency user and only permitting retrieval of information via pre-defined reports. In addition, all users are required to adhere to Rules of Behavior that govern the appropriate access and use of the system.

Section 4.0. Notice

4.1. How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

Individual personnel do not interact directly with the system and, therefore, they receive no direct notice from ESCS or specifically about ESCS. Much of the information in ESCS is provided by the individual in the normal course of the human resources life-cycle and appropriate notice about the collection and use of that information is provided at various points. In addition, individuals receive notice about ESCS through the OPM/CENTRAL 13 SORN and the publication of this PIA.

4.2. What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

Applying for career and non-career SES, SL, and ST and Schedule C positions is voluntary but once individuals have provided their information in the human resources process, they are not given an opportunity to opt out of their information being included within ESCS.

4.3. Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that individuals were not provided notice prior to the collection of their information and are unaware that their information is in ESCS.

Mitigation: This risk is mitigated by providing general notice at various points of collection in the human resource process and by agencies providing information to employees concerning the executive service and how their information is used.

Section 5.0. Data Retention by the Project

5.1. Explain how long and for what reason the information is retained.

The information captured in ESCS is retained for as long as is necessary for administrative purposes in accordance with the NARA-approved records schedule N1-478-95-003. As stated in N1-478-95-003, Electronic database files containing:

A. Information on present and former incumbents of executive positions, including demographic appointment and assignment information
B. Information on executive positions
C. Information on actions requiring approval by OPM or other authority
D. Information on Federal agencies

must be destroyed when no longer needed for administrative purposes. Because ESCS tracks an individual's career with the government and because an individual can be reinstated after they leave government service, individual records and information related to their employment history are retained even after they depart the government.

5.2. Privacy Impact Analysis: Related to Retention

Privacy Risk: There is a risk that information in ESCS will be retained for longer than is necessary for its intended purpose.

Mitigation: This risk is partially mitigated because there is a records schedule in place. The records schedule calls for the records to be destroyed when no longer needed for administrative purposes and the program office will work with OPM's records officer to determine the appropriate retention period.

Section 6.0. Information Sharing

6.1. Is information shared outside of OPM as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

Agency users can access and use the information in ESCS about their own agency personnel, only for the information that they have a need-to-know. For example, agency White House Liaisons are only permitted, per the access request agreement that they sign, to access information about their agency's political appointees. In addition, reports with a government-wide scope can be generated by the system and provided to the White House. The information shared outside of OPM is used for policy formulation, program planning and administration, research studies, and required reports regarding the Government-wide executive program. With the exception of OPM White House Liaisons and designated SESPM and OPM Employee Services personnel, all participating agency users have access only to their own agency-specific data through pre-defined reports.

6.2. Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.

The external sharing described above is compatible with the purpose for which the information was collected, which is to assist OPM in carrying out its responsibilities related to career and non-career SES positions and Schedule C appointments. The OPM/CENTRAL 13 SORN contains appropriate routine uses that are compatible with this purpose and permit the sharing described. Routine Uses a, c and f are relevant:

a. To identify and refer qualified current or former Federal employees to Federal agencies for executive vacancies.

c. To provide an employing agency with extracts from the records of that agency's employees in the system.

f. To provide information to the White House on executives with non-career appointments in the Senior Executive Service, in positions formerly in the General Schedule filled by non-career executive assignments, in excepted positions paid at Executive Schedule pay rates, and in positions in the Senior Level pay system or other pay systems equivalent to those described which are filled by Presidential appointment or excepted from the competitive service because they are of a confidential or policy-determining character.

6.3. Does the project place limitations on re-dissemination?

There are no specific limitations on re-dissemination placed on the entities to whom OPM provides information from ESCS. However, all users must sign the ESCS Access Request form which details the appropriate access and use of the sensitive information contained in ESCS.

6.4. Describe how the project maintains a record of any disclosures outside of OPM.

Audit logs are maintained that record user login frequency, and the ESCS system also logs when updates to and additions and deletions of records occur. However, there are no records of which particular user accessed a record or obtained a particular report.

6.5. Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: There is a risk that information in ESCS that is shared with external entities may be used for a purpose other than that for which it was originally collected.

Mitigation: This risk is mitigated through the use of role-based access controls that permit agency users to obtain only information about their own agency when they access the system. In addition, when the OPM Program Office creates and runs reports containing information cutting across all agencies, there are processes in place where multiple individuals review the data before it is released to ensure that only individuals with a need-to-know receive the data. This risk cannot be completely mitigated by OPM, however,

because the participating agencies retain ownership and control of their file information and records both prior to entry and once the reports are released and it is up to the agencies to ensure appropriate handling of their information.

Section 7.0. Redress

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

If individuals wish to access the information about themselves in ESCS, they may contact their employing agency. The agency HR Specialist would then reach out to the OPM SESPM. An individual may also request access by following the process outlined in the OPM/Central 13 SORN and providing the following information for their records to be located and identified: Full name, Social Security Number, and Address where employed. An individual requesting access must also follow OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297). OPM SESPM will notify the agency of record when an individual makes an access request directly to OPM.

7.2. What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

If individuals wish to correct inaccurate or erroneous information about them that is contained in ESCS, they may contact their employing agency. The agency HR Specialist would then reach out to the OPM SESPM. Individuals may also request a correction by following the process outlined in the Privacy Impact Assessment OPM/Central 13 SORN and providing the following information: Full name, Social Security Number, and Address where employed. Individuals must also follow OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

7.3. How does the project notify individuals about the procedures for correcting their information?

Individuals are notified of the procedures through publication of the OPM Central-13 SORN and this PIA.

7.4. Privacy Impact Analysis: Related to Redress

Privacy Risk: There is a risk that individuals will not be able to access their information and request any necessary corrections.

Mitigation: This risk is mitigated by providing a clear process and publishing instructions in the applicable SORN and in this PIA, to inform individuals about how to access and request amendment to their records.

Section 8.0. Auditing and Accountability

8.1. How does the project ensure that the information is used in accordance with stated practices in the PIA?

The database contains log files that capture updates (deletions, insertions, and modifications) to the database. These log files can be used for auditing purposes if needed. The log files of changes are used for auditing purposes to make sure there haven't been inappropriate modifications made to the database. There is no log generated on what data is accessed by users.

All users are required to sign a new user agreement annually. If they don't, their account is disabled, and they are required to attend new user training before their account can be re-enabled. Additionally, OPM leads a cross-agency working group to identify specific reports that may be needed, and the OPM Program Office will be able to ensure that only agency specific, non-PII data is being provided outside of the system. Audit reports are developed and reviewed every 60 days and if users haven't accessed the system in that timeframe their accounts are disabled.

Additionally, role-based access controls and policy controls are employed to limit access to the information by system users based on the need-to-know the information for the performance of their official duties. ECSC also employs processes to enforce separation of duties, to prevent unauthorized disclosure, and to prevent modification of information. No unauthorized users are permitted access to system resources. Strict adherence to access control policies is automatically enforced by the system.

8.2. Describe what privacy training is provided to users either generally or specifically relevant to the project.

All OPM employees and contractors are required to complete OPM's annual IT Security and Privacy Awareness training. Users for other agencies are required to confirm that t they have completed their agency-specific security and privacy awareness training in accordance with agency policy.

8.3. What procedures are in place to determine which users may access the information and how does the project determine who has access?

ESCS agency users must have an account to access the system. In order to receive an account, the user must complete an ESCS OPM Access Request and have it approved and signed by the agency user's supervisor. ESCS users are assigned roles in the application. The role that the user is assigned determines the level of access that user has in the application. For example, some roles can update data where other roles have read only access.

The ESCS OPM Access Request outlines the proper use of the system and what information a particular user is permitted to access. Audits are completed on user login frequency and user accounts that have not logged into within 60 days are disabled. Once an account is disabled, the user must submit a request to the OPM SESPM to have the account re-enabled.

When approved users access the system, a warning message is displayed before the user logs in, stating "This is an official U.S. Government System

for authorized use only. Use of this system constitutes consent to security testing and monitoring. Unauthorized use of this system or the information on this system could result in criminal prosecution." Users must explicitly select "Okay" to indicate that they have read and acknowledged the warning message prior to logging into ESCS.

8.4. How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within OPM and outside?

Any information sharing agreements, MOUs, or new uses of the information must be approved by either the System Owner or the back-up System Owner. Any new uses of the information or new access to the information are reviewed by the OPM SESPM and other agency stakeholders, such as the Chief Privacy Officer and Chief Information Security Officer, as appropriate.

Responsible Officials

Kristopher Goas
System Owner
Senior Executive Services and Performance Management (SESPM)

Approval Signature

Signed Copy on file with the Chief Privacy Officer

Kellie Cosgrove Riley
Chief Privacy Officer