



U.S. Department of Justice's Global Justice Information Sharing Initiative



Global Privacy and Information Quality Working Group (GPIQWG)

Executive Summary and Items for GAC Approval

— For GAC Approval —

The Global Privacy and Information Quality Working Group (GPIQWG) respectfully submits three products for GAC approval: the **Global Privacy Policy Statement**, **Global Privacy Resources**, and the revised **Global Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities**. A description of each product follows.



1. *Global Privacy Policy Statement*

Though there is considerable need for states and local agencies to develop privacy policies, agencies have been slow to develop them, preferring to remain reactive rather than proactive.

The **Global Privacy Policy Statement** was developed as a joint effort between the Global Privacy and Information Quality Working Group (GPIQWG) and the Global Outreach Working Group (GOWG), for the purpose of establishing a strong statement for the U.S. Attorney General to adopt in order to encourage states and local agencies to develop privacy policies. Furthermore, states are strongly encouraged to take a leadership role in this effort by providing assistance to local and tribal agencies in the development of statewide model privacy policies or policy development templates consistent with federal and state laws. Privacy policies are an essential component of the successful operation and acceptance by the public and policymakers of any justice information sharing initiative.

Value to the Community—Privacy is a fundamental right protected by the U.S. Constitution and expected by citizens. Protecting individual privacy is a fundamental responsibility of justice agencies that collect and share

personally identifiable information. Privacy policies articulate appropriate collection of and allowable uses for information and provide accountability for misuse. Comprehensive privacy policies serve as a fundamental lynchpin in developing a system of trust that allows agencies to share personally identifiable and other sensitive information. There needs to be trust not only within and between justice partners sharing information but also by the public, whose information is being collected and utilized, that justice agencies are serving as responsible stewards of their personally identifiable information and operating with respect for individual privacy and the law. Without this trust, information sharing initiatives will not thrive and are ultimately doomed to public condemnation and civil liability.

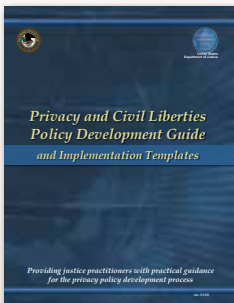


2. *Global Privacy Resources*

As GPIQWG revised and enhanced the products in its hallmark privacy series, its next goal was to provide an overview and a useful road map to all Global and joint DOJ collaborated privacy products. This overview will educate justice entities on the variety of products available, the purpose for each resource, and

how to use the products through an illustrated stepped approach. The purpose and use of each product is described and shown according to the cycle of an agency privacy program. The flyer can be used for multiple purposes: for outreach; for publishing in news and trade publications; as a cost-effective, quick reference takeaway at conferences and workshops; and as an introductory synopsis to attach to printed GPIQWG privacy series products distributed or mailed to constituents.

Value to the Community—This overview will serve many purposes in the effort to spread the word about Global and joint DOJ collaborated privacy resources and will potentially save Global dollars by providing a quick medium to showcase a whole series of resources without the need for printing, shipping, and displaying each resource individually. A Web address is provided so readers can download the products, and an e-mail is provided for requesting printed copies. This product will be highly useful for GAC member and Global partner presentations at conferences, seminars, meetings, and workshops.



3. *Global Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities (Privacy Guide)*

To assist SLT justice agencies in their ability to develop and implement privacy, civil rights, and civil liberties policies and protections for the information they collect, store, maintain, access, and disseminate, DOJ's Global, through Global's Privacy and Information Quality Working Group (GPIQWG), has revised its hallmark privacy guidance, the ***Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities*** (Privacy Guide). This guide, which originally debuted in February 2006, has served as a foundational resource for many local, state, and federal level privacy efforts and is a practical resource for any justice practitioner charged with drafting an agency privacy policy.

The Privacy Guide has been revised to ensure that it continues to comprehensively reflect the latest in standards and best practices. This version features updated content and structure, as well as the following valuable enhancements:

- **Privacy Discussion:** A "Foundational Concepts" section provides an in-depth discussion to help agencies understand what constitutes "privacy" and determine when privacy is implicated and to what an agency's privacy policy should be applicable (privacy rights and/or privacy interests).
- **New Policy Template:** A brand new policy template has been included in the appendix, titled ***Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities*** (SLT Privacy Template). The provisions suggested in this template are intended to be incorporated into the agency's general operational policies and to provide explicit and detailed privacy protection guidance to agency personnel and other authorized source and user entities. This beneficial resource, designed for the individual or team assigned the task of writing the privacy policy, provides a recommended policy outline grouped according to related policy concepts, with each provision under these concepts structured as pertinent questions to which an agency representative may respond with policy language. Each section consists of fundamental components of a comprehensive privacy policy inclusive of baseline provisions on governance, information collection, information quality, collation and analysis, merging records, information access and disclosure, redress, security safeguards, retention and destruction, accountability and enforcement, and training. Useful sample language is provided along with each question to assist in the policy drafting process.
- **Sample Policies:** In addition to the sample language provided in the template, the appendix now contains two complete sample privacy policies that were developed and customized by agencies using the SLT Privacy Template that is housed in the appendix of the Privacy Guide.

In addition to these revisions, throughout the Privacy Guide there are references to the newest Global and joint DOJ collaborated privacy products, such as the Line Officer Training video, the online 28 CFR Part 23 training, the Building Communities of Trust initiative, and more.

GPIQWG's core mission is to develop privacy-related products that can be used by all areas of justice (from law enforcement to corrections in both the juvenile and criminal justice systems) and by all levels of government (state, local, and tribal). In support of this mission, GPIQWG vetted the Privacy Guide and incorporated feedback from tribal and juvenile justice entities who were asked to consider its usefulness to their specific area of justice and the constituency they represent.

Companion Resources—Prior to publishing this guide, GPIQWG’s Privacy Resources Task Team will be meeting, on May 17–18, 2011, to update the companion resources that are contained within the appendices of this guide. These are:

- *Privacy, Civil Rights, Civil Liberties, and Information Quality Policy Development for the Justice Decision Maker*
- *10 Steps to a Privacy, Civil Rights, and Civil Liberties Policy*
- Policy Development Checklist

Value to the Community—The revised Privacy Guide contains the latest guidance, standards, templates, sample policies, and other resources designed as practical tools

for the SLT justice practitioner charged with drafting the privacy policy. Recognizing that justice agencies come in all sizes, with varying degrees of available resources, the guide was designed to meet a spectrum of privacy protection needs for any size justice entity. Sensible guidance on core privacy policy concepts is incorporated into the guide with instruction on how to articulate these concepts in a manner that protects the agency, the individual, and the public. Also included are the latest recommendations on implementation and training. Protecting privacy, civil rights, and civil liberties through the course of everyday justice work inspires trust in the justice system and in the law enforcement entities that collect and use this information.

Upcoming Products

Privacy Issues and Universal Principles for Familial DNA Search Capability

The next GPIQWG biometric-focused project is the completion of a case study—Privacy Protections Policy for Colorado’s Familial DNA Search Capability—which combines GPIQWG’s privacy expertise with biometric subject-matter proficiency. Though this case study will result in a familial DNA search policy for the state of Colorado, the result will be two products for Global—***Familial DNA Searching Issue Paper*** and ***Universal Privacy Principles of Familial DNA Searching*** (a model policy).

Project Components:

- ***Familial DNA Searching Issue Paper***

With Subject-Matter Expert (SME) input, GPIQWG will identify the potential issues and privacy risks that should be addressed by any justice agency using or considering using familial DNA searching. SME assistance includes representatives from the Denver Crime Lab, California’s Bureau of Forensic Services, the Federal Bureau of Investigation’s (FBI) Biometric Center of Excellence, and the FBI’s Combined DNA Index System (CODIS). This product is near completion and anticipated for GAC approval by fall 2011.

A status of this effort is as follows:

- At the November 17–18, 2010, GPIQWG meeting, the biometrics task team, including DNA SMEs, drafted an initial list of proposed issues associated with DNA and familial DNA searching. This list was vetted among the

team for further input prior to the next subsequent GPIQWG meeting.

- At the February 23–24, 2011, GPIQWG meeting, the task team further refined the issues with GPIQWG member privacy advocate input and vetted the revised list among the team for drafting language to introduce the subject matter and frame the issues.
- On April 11, 2011, the team held a Webinar to review and integrate the draft content submitted by team members. Post-Webinar, the paper was distributed back to the team for further refinement.
- The week of April 25, 2011, the team will attend a second Webinar to finalize the content of the paper in readiness for GPIQWG approval at the June 29, 2011, meeting.

- ***Privacy Protections Policy for Colorado’s Familial DNA Search Capability***

For this part of the project, GPIQWG privacy professionals, in coordination with the Denver Crime Lab, the Colorado District Attorney’s Office, and the Colorado Bureau of Investigation, will develop a privacy policy containing privacy provisions unique to Colorado’s familial DNA search capability. The anticipated completion of this effort is summer 2011.

A status of this effort is as follows:

- December 15–16, 2010, a drafting session was held in Denver, Colorado, between GPIQWG privacy technical assistance providers and members of the Colorado team to develop the first draft policy.
- March 14, 2011, an on-site meeting was held to revise the first draft policy in preparation for submission to

Mr. Mitch Morrissey, Denver District Attorney, for his review.

- April 12, 2011, a conference call was held to review Mr. Morrissey's feedback in preparation for submission of the next draft to the Colorado Bureau of Investigation. The policy was submitted April 14, 2011, and is now pending their review and feedback.

- **Universal Privacy Principles of Familial DNA Searching**

The final component of this project will be GPIQWG's drafting of a universal privacy principles document, or model policy, based on the knowledge and experience from the first two components. This resource will help other agencies that are considering familial DNA search functionality to understand the privacy risks and how to implement privacy protections. The anticipated deliverable date is the latter part of 2011.

The ability for a justice agency to identify the privacy issues associated with familial DNA searching and to construct privacy protections to address those issues will be invaluable. The Bureau of Justice Assistance, through GPIQWG's work in this area, will be able to proactively supply guidance at the **forefront** of this emerging capability, assisting SLT agencies in addressing privacy risks before they happen and ensuring that baseline privacy principles are applied to protect subject individuals and their families, as well as the SLT agency.

Revision to the *Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Information Sharing Initiatives*

After completion of revisions to the Privacy Guide's companion resources, as mentioned earlier, GPIQWG will turn its attention to revising the final piece in its hallmark Privacy Series, the *Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Information Sharing Initiatives* (or "PIA Guide"). The PIA Guide provides practitioners with a framework to examine the privacy implications of their information systems and information sharing collaborations so they can design and implement policies to address vulnerabilities identified through the PIA process. The content for agency privacy policies emerges through this assessment. With the numerous privacy policy provisions added to the Privacy Guide, the PIA Guide will need to be updated to map the new privacy recommendations to those in the PIA framework, ensuring that the PIA questions mirror the Privacy Guide policy provisions. Since a Privacy Impact Assessment is generally the precursor evaluation that occurs prior to policy development, this resource is critical in order for agencies to prepare for the next step—privacy policy development.

GPIQWG will begin revisions to this resource at the May 17–18, 2011, Privacy Resources Task Team meeting and anticipates completion by the fall 2011.

GPIQWG Leadership

Chair: The Honorable Anthony Capizzi
Montgomery County Ohio Juvenile Court

Vice Chair: Mr. Phil Stevenson
Arizona Criminal Justice Commission

Next Meeting

June 29, 2011
Hyatt Fair Lakes, Fairfax, VA

About Global

The U.S. Department of Justice's Global Justice Information Sharing Initiative (Global) serves as a Federal Advisory Committee to the U.S. Attorney General on critical justice information sharing initiatives. Global promotes standards-based electronic information exchange to provide justice and public safety communities with timely, accurate, complete, and accessible information in a secure and trusted environment. Global is administered by the U.S. Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance.

For More Information

For more information about the GPIQWG, contact Christina Abernathy of DOJ's Global at (850) 385-0600, extension 318, or e-mail cabernathy@iir.com.

For more information about other DOJ information sharing initiatives, go to:

www.it.ojp.gov