Global Privacy and Information Quality Working Group (GPIQWG)

Executive Summary

Status of Completed Deliverables

Establishing a Privacy Officer Function Within a Justice Entity: Recommended Responsibilities and Training

Adopting a privacy, civil rights, and civil liberties policy is a positive and proactive step for justice entities wanting to mitigate privacy risks and prevent violations, but a privacy policy alone is not a guarantee. To adequately ensure that the personnel and personally identifiable information (PII) the entity collects are managed in compliance with the entity's privacy policy, responsibility needs to be assigned for the oversight and execution of these tasks. This role is traditionally performed by a privacy officer—a person (or persons) whose job responsibility, whether full- or part-time, is to manage and monitor compliance with privacy laws and the entity's privacy policy, respond to public access and corrections requests or complaints, ensure that entity personnel receive appropriate training, and enforce adherence to the provisions of the policy.


Establishing a Privacy Officer Function Within a Justice Entity: Recommended Responsibilities and Training is a privacy implementation-focused deliverable that provides useful guidance for justice agencies wanting to create a privacy officer function within their entities. It provides informative answers to common questions asked about establishing this privacy-related agency role. Real-world examples are featured to demonstrate the justice community's trend toward adopting this critical function within their agencies and to further emphasize the field's commitment to protecting privacy. Also included in this product are recommendations for determining how best to integrate this role into an entity's organizational structure, suggested qualifications for identifying a privacy officer, a comprehensive list of responsibilities that are generally handled by this function, and a host of educational/awareness and training resources.

This product was developed in response to a need expressed by the justice community. Throughout the Fusion Center Privacy Technical Assistance Program (2008–2011), which provided privacy technical assistance to more than 100 fusion centers, center directors consistently made two requests for assistance in relation to their requirement to appoint trained privacy officers: (1) a model **job description** and (2) a **list of available training**. Since
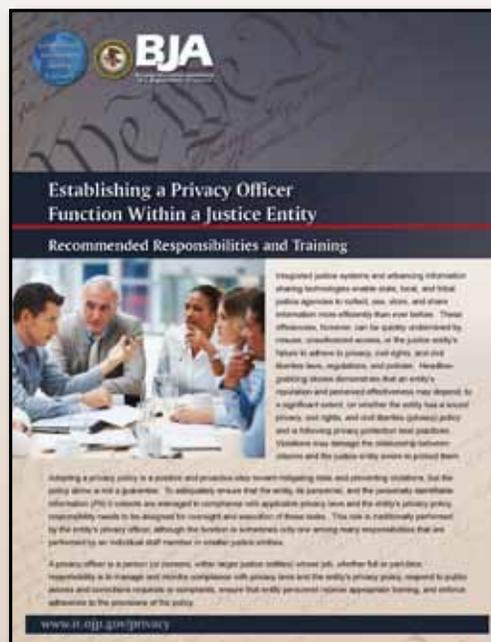
then, privacy technical assistance (TA) has been provided to statewide justice information sharing systems, such as the Indiana Data Exchange (IDEx), Connect South Dakota (Connect SD), the Hawaii Integrated Justice Information Sharing (HIJS) Program, and others whose personnel also have expressed a desire for guidance in this area. Since neither a job description nor a list of training was available in one resource, GPIQWG took on the project to answer this request from the field.

Having guidance on how to establish this function, what responsibilities to assign, and a list of resources for training is extremely valuable to the entities that already have appointed privacy officers, as well as to those in the process of developing their privacy policies or instituting privacy protections within their entities. Through this assistive resource, Global is furthering both justice entities' and Global's missions to protect privacy, civil rights, and civil liberties through the justice information sharing process.

Status—This product has received GPIQWG approval and is currently being vetted through DOJ prior to GAC approval.

Global Privacy Resources CD

GPIQWG is developing a CD version of the Global Privacy Resources booklet. The CD will reflect the format and structure of the forenamed booklet and will illustrate products according to the Privacy Program Cycle. Viewers will be guided electronically to the appropriate resource needed for any stage of the agency's privacy program, whether the entity needs to educate and raise awareness, assess agency privacy risks, develop a privacy policy, perform a policy evaluation, implement the policy and train personnel, or conduct an annual policy review. Users will be able to select the appropriate resource to fit their needs and be able to electronically access the most recent version of these resources housed on the OJP Information Sharing Initiatives Web site.

In addition to including all of the resources featured in the booklet, GPIQWG also developed a Privacy FAQ for the CD. The FAQ provides answers to common questions about privacy, civil rights, and civil liberties protections, as well as how information quality and security interact with privacy concepts. Also provided are success stories from justice agencies that have used Global privacy products, and cross-references to other GPIQWG-published resources, such as the biometric and information quality series.

Status—The content of this CD has been finalized and is currently being formatted by graphics professionals into a CD. The draft CD will be submitted to GPIQWG for working group approval at the November 27–28, 2012, meeting. Since the substance of the Global Privacy Resources booklet has not changed, this product will not require a GAC vote. Once finalized, the CD will be posted online and shared electronically in December 2012.

2012 Planned GPIQWG Deliverables

The following describes the final two deliverables approved for GPIQWG development in 2012. Following the November 27–28, 2012, GPIQWG meeting, these deliverables will be completed via ad-hoc task teams.

1. Privacy Policy Wizard

GPIQWG's Privacy Policy Wizard Task Team is working to finalize the content for an online Privacy Policy Wizard. Justice agencies, especially those with limited resources, that are interested in developing privacy, civil rights, and civil liberties policies tend to require one-on-one assistance in order to produce effective and comprehensive policies.
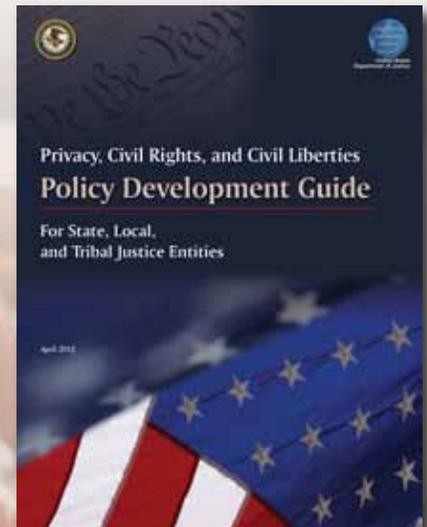
The Privacy Policy Wizard will be a user-friendly online tool designed to walk a policy author through the drafting process of writing a justice entity's privacy, civil rights, and civil liberties policy. After registering for a user account, the user will be requested to complete a brief online profile. Using this profile, the wizard will virtually customize privacy policy questions to suit the entity's information handling function(s)—whether the entity creates information, receives and stores information from other agencies, and/or is a pass-through point. This wizard also will address the specific types of information the entity handles, such as criminal history, intelligence, suspicious activity reports, terrorism-related information, etc.

Policy authors will be guided step by step through individual privacy policy questions, which are grouped into policy modules. Authors will write their policy language into form fields as they answer privacy policy questions. Responses will be saved to the user's account and will be available for download or e-mail. This functionality will allow agencies to complete their policies at their own pace and allow time for further research or for vetting.

Help will be provided to policy authors via several mechanisms: sample policy language available alongside each provision which, if selected, will automatically populate the author's form field for editing; clarifying explanations for each policy question to assist in the reader's understanding of the question; a glossary of terms; sample privacy policies; a listing of federal privacy citations with synopses; and an interactive state citation page where users may select hyperlinks to their state statutes for research purposes. Additional Global privacy resources also will be available, such as a policy review checklist for use in evaluating the draft policy to determine whether it complies with recommended privacy standards.

Privacy, Civil Rights, and Civil Liberties
Policy Development Guide
For State, Local, and Tribal Justice Entities

2012 Planned GPIQWG Deliverables (continued)

2. Privacy Checklist for New Technologies

As a new technology is developed that has application to justice information sharing, questions and challenges inevitably arise regarding the potential impact of the new technology on privacy interests, civil rights, and civil liberties. Each technology raises different concerns; some raise concerns about how the information is collected, others about what information might be shared. Most privacy policies probably do not adequately cover all the possible privacy ramifications of the new technology, since the technology was not contemplated or well-understood when the policy was adopted. When new technologies are being considered for use, it is prudent for an agency to review its privacy policy and make appropriate revisions.

The object of this GPIQWG deliverable is to provide a checklist that can be used to identify what characteristics of a new technology may prompt privacy risks and require revisions to an agency's privacy policy. This will be accomplished by asking a series of questions about the potential impact of the new technology based on each of the key elements contained in the GPIQWG privacy policy templates. The answers to the questions should expose the underlying risks from the new technology. The product also is anticipated to recommend business practices and steps to mitigate potential risks of the use of the new technology on privacy, civil rights, and civil liberties.

GPIQWG Leadership

Chair: The Honorable Anthony Capizzi
Montgomery County Ohio Juvenile Court
GAC member representing National Council of Juvenile and Family Court Judges

Vice Chair: Phil Stevenson, Ph.D.
Arizona Criminal Justice Commission

Next Meeting

November 27–28, 2012
Hyatt Regency Austin
Austin, Texas

About the Global Advisory Committee

The Global Advisory Committee (GAC) serves as a Federal Advisory Committee to the U.S. Attorney General. Through recommendations to the Bureau of Justice Assistance (BJA), the GAC supports standards-based electronic information exchanges that provide justice and public safety communities with timely, accurate, complete, and accessible information, appropriately shared in a secure and trusted environment. GAC recommendations support the mission of the U.S. Department of Justice, initiatives sponsored by BJA, and related activities sponsored by BJA's Global Justice Information Sharing Initiative (Global). BJA engages GAC-member organizations and the constituents they serve through collaborative efforts, such as Global working groups, to help address critical justice information sharing issues for the benefit of practitioners in the field.

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

BJA
Bureau of Justice Assistance
U.S. Department of Justice