



Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:



Policy Review Checklist





Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities: **POLICY REVIEW CHECKLIST**

INTRODUCTION

The purpose of the *Policy Review Checklist* is to provide privacy policy authors, project teams, and agency administrators with a useful tool for evaluating whether the provisions contained within the entity's privacy policy have adequately satisfied the core concepts recommended in the *Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities* (SLT Policy Development Template). This checklist may be used during the drafting process to check work on the draft policy, during the final review of the policy, or during an annual review to determine areas that may need minor enhancement or require additional provisions to ensure that the policy is comprehensive in addressing all of the recommended core policy concepts:

- Purpose statement
- Policy applicability and legal compliance
- Governance and oversight
- Definitions
- Information
- Acquiring and receiving information
- Information quality assurance
- Collation and analysis
- Merging records
- Sharing and dissemination
- Redress
 - Disclosure
 - Corrections
 - Appeals
 - Complaints
- Security safeguards
- Information retention and destruction
- Accountability and enforcement
 - Information system transparency
 - Accountability
 - Enforcement
- Training

The *Policy Review Checklist* is a companion resource to the SLT Policy Development Template—a policy-drafting template contained in the appendix of the *Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities* (Privacy Guide). A description of each of these resources is provided on the next page.

This project was supported by Grant No. 2009-DB-BX-K105 awarded by the Bureau of Justice Assistance, Office of Justice Programs, in collaboration with the U.S. Department of Justice's Global Justice Information Sharing Initiative and the U.S. Department of Homeland Security. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice or the U.S. Department of Homeland Security.

The following resources can be found online at www.it.ojp.gov/privacy. To request printed copies, send requests to GLOBAL@iir.com.

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

The Privacy Guide is a practical, hands-on tool for SLT justice practitioners charged with development and implementation of a privacy policy, providing sensible guidance for articulating privacy obligations in a manner that protects the justice agency, the individual, and the public. This guide provides a well-rounded approach to the planning, development, and implementation of and education on agency privacy protections. Also included are drafting tools, such as a policy template (described next), a glossary, legal citations, and sample policies.



Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities
(SLT Policy Development Template)

Included in the Privacy Guide is the SLT Policy Development Template, which was developed to assist SLT agencies in crafting the language of privacy policy provisions related to the information the entity collects, receives, maintains, archives, accesses, and discloses to entity personnel, governmental agencies, and other participating criminal justice and public safety agencies, as well as to private contractors and the general public. Each section represents a fundamental component of a comprehensive policy that includes baseline provisions on information collection, information quality, collation and analysis, merging, access and disclosure, redress, security, retention and destruction, accountability and enforcement, and training. The provisions suggested in this template are intended to be incorporated into the entity's general operational policies and day-to-day operations and to provide explicit and detailed privacy protection guidance to entity personnel and other authorized source and user agencies.



HOW TO USE THIS CHECKLIST

The format of this checklist was designed to mirror the structure and provisions recommended in the SLT Policy Development Template. Privacy policy provisions are grouped according to core policy concepts.

With both the agency privacy policy and the checklist in hand, reviewers are guided to read each question in the checklist; compare it with the language in the privacy policy, noting the section and page number in the checklist; and indicate whether the provision has been fully met, has been partially met, was not addressed, or is not applicable. Comments and suggestions can be added where needed.

If the policy author(s) followed the format and flow of the SLT Policy Development Template when drafting the policy, completing this checklist should be a simple process since each checklist question sequentially mirrors the structure of the template. Thus the reviewer will find it a fluid process to move through both documents—the agency privacy policy and the checklist—in tandem as the review is performed. Policy authors are not required, however, to follow the outline and format of the SLT Policy Development Template in order to use this review checklist. The checklist will still readily illuminate for the reviewer whether each recommended provision has been satisfied, requiring only minor additional effort to locate the policy language in the draft policy in order to score it in the checklist.

Annual Review

In addition to its use during the privacy policy drafting process, this checklist is also designed for use in the annual review of the policy. As recommended by the Privacy Guide, justice entities are encouraged to review and update the provisions protecting privacy, civil rights, and civil liberties contained in the privacy policy at least **annually**. Annual updates will ensure that appropriate revisions are made in response to changes in applicable laws, technology, the purpose and use of the information systems, and public expectations. This in turn will ensure that systems and individuals are enabled to comply with the most current protections established in the entity privacy policy.



Checklist Column Headings

To assist reviewers in navigating the policy review checklist, the following information is provided to describe the purpose and use of

each of the checklist's column headings.

Template Section—Each question is grouped according to core policy provision concepts and reflects Sections A. through O. of the SLT Policy Development Template. This column indicates the template section in which the question is contained.

Does the entity's privacy policy clearly state the following—Each recommended provision in the SLT Policy Development Template is reworded here as an evaluation question, asking the reviewer whether the entity's privacy policy has addressed the relevant template provision. Questions are numbered in the same sequence as the provisions in the template.

Page/section in policy—For cross-referencing and future review purposes (for example, if there is more than one draft), this column enables the reviewer to indicate where in the policy the provision is located. This is especially useful when a provision, upon review, is found to be partially met; the author can quickly locate the provision in the policy to make the needed revisions.

Criteria met—A checkbox for the reviewer to indicate whether the privacy policy provision has fully satisfied the recommended core concept.

Criteria partially met—A checkbox for the reviewer to indicate that the privacy policy provision only "partially" satisfies the recommended core concept and requires further revision. An explanation should be recorded in the Comments/Suggestions area.

Criteria not addressed—A checkbox for the reviewer to indicate that the criteria were not addressed in the privacy policy, requiring further work. An explanation should be recorded in the Comments/Suggestions area.

Not applicable (N/A)—A column to indicate that the provision is not applicable to the entity or the entity's functions and procedures. If appropriate, an explanation can be recorded in the Comments/Suggestions area.

Comments/Suggestions—An area for documenting guidance, suggested language, and other comments (for example, partially met criteria, criteria that were not addressed, or criteria that are not applicable).

Annual Review: Check if provision requires update—A checkbox to be used by the individual performing the annual review to indicate that the provision requires revisions.

Annual Review: Was the provision revised?—A checkbox to be used by the policy author to communicate to the reviewer(s) that the provision was updated.

Annual Review Comments—An area for documenting justifications for needed revisions (e.g., legislative change), comments, and other recommendations.

Special Provisions

A. Information Sharing Environment

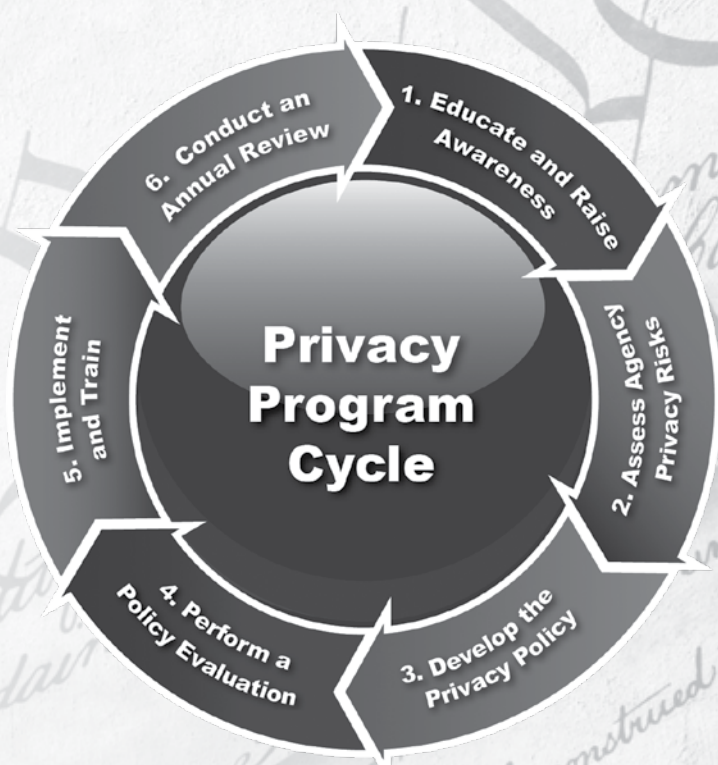
Provisions—Since the provisions in this checklist mirror those contained in the SLT Policy Development Template, provisions that relate to the Information Sharing Environment (ISE)¹ are boxed. If the entity is not participating in ISE-related initiatives, the boxed portion of the policy provisions may be disregarded during the policy review; however, they are left in this document to educate readers on how the information an entity collects may be held to requirements at least as comprehensive as the ISE Privacy Guidelines in the future (for example, if entity information is shared with or distributed through a fusion center).

B. Suspicious Activity Report Provisions—As reflected in the SLT Policy Development Template, this checklist includes provisions that are specifically applicable to suspicious activity reporting (SAR) to assist those entities that collect SARs in developing appropriate policies and protections for this type of information. SAR provisions are shaded. If the entity does not collect SAR information, the shaded portion of the policy provisions may be disregarded.

¹ For more information on the Information Sharing Environment, refer to the SLT Policy Development Template, Introduction, Section C.1 The Information Sharing Environment or www.ise.gov.

ADDITIONAL PRIVACY RESOURCES

Once an entity has reviewed its privacy policy using this checklist and has made revisions to ensure that the published version satisfies all applicable core concepts recommended in the SLT Policy Development Template, the next stage is to determine how to implement these established protections in the entity's system and procedures and how to train personnel and authorized users. For information on resources designed to meet these needs, as well as other resources available for all stages of the Privacy Program Cycle, refer to the *Global Privacy Resources* booklet, available at www.it.ojp.gov/privacy. To request printed copies, send requests to GLOBAL@iir.com.



About Global

www.it.ojp.gov/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 (OJP), Bureau of Justice Assistance (BJA).

Global supports the initiatives of DOJ and aids Global member organizations and the people they serve through a series of important collaborative efforts. These include the facilitation of Global working groups.

About GPIQWG

www.it.ojp.gov/gpiqwg

The Global Privacy and Information Quality Working Group (GPIQWG) is one of five Global working groups. GPIQWG is a cross-functional, multidisciplinary working group of Global and is composed of privacy and local, state, tribal, and federal justice entity representatives covering critical topics such as intelligence, biometrics, information quality, privacy, civil rights, and civil liberties. GPIQWG assists government entities, institutions, and other justice agencies in ensuring that personally identifiable information is appropriately collected, maintained, used, and disseminated within evolving integrated justice information systems.

GPIQWG, on behalf of DOJ's Global, developed this checklist to support justice agencies in their efforts to develop comprehensive privacy protections policies. For more information on GPIQWG, refer to: www.it.ojp.gov/gpiqwg. To download a copy of this checklist refer to www.it.ojp.gov/privacy. To request printed copies, send requests to GLOBAL@iir.com.

Agency Name: _____

Person Completing Review: _____

Title: _____

| Template Section | Policy Provision Checklist | | | | |
|---|--|-------------------------------|--|--|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| A. Purpose Statement | 1. The purpose of establishing a privacy, civil rights, and civil liberties protection policy (i.e., what does the entity hope to accomplish in adopting this policy)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| B. Policy Applicability and Legal Compliance | 1. Who is subject to the privacy policy (who must comply with the policy; for example, entity personnel, participating agencies, and private contractors)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. The method(s) by which the policy is made available to personnel, participating users, and individual users (for example, in print, online, etc.)? Whether the entity requires personnel and participating users to acknowledge receipt of the policy and agreement to comply with the policy in writing? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 3. That personnel and participating information-originating and user agencies must be in compliance with all applicable constitutional and statutory laws protecting privacy, civil rights, and civil liberties in the gathering and collection, use, analysis, retention, destruction, sharing, disclosure, and dissemination of information? The primary laws with which personnel and participating users must comply? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 4. Whether the entity's internal operating policies are in compliance with all applicable constitutional provisions and laws protecting privacy, civil rights, and civil liberties in the gathering and collection, use, analysis, retention, destruction, sharing, disclosure, and dissemination of information? Whether these laws, statutes, and regulations are cited in the privacy policy? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |

Policy Review Checklist

Review Date: _____

Phone: _____

E-mail: _____

| | | | | Annual Review Checklist | | |
|--------------------------|----------------------|----------------------|------------------------------------|--|------------------------|--|
| Criteria not addressed | Not applicable (N/A) | Comments/Suggestions | Check if provision requires update | Was the provision revised? | Annual Review Comments | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |

Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|------------------------------------|---|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| C. Governance and Oversight | 1. Who has primary responsibility for the entity's overall operation, including the entity's justice information systems, information collection and retention procedures, coordination of personnel, and enforcement of the privacy policy? Which individual will ultimately be held accountable for the operation of the system and for any problems or errors? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. Whether the entity has a privacy oversight committee or team that is responsible for the development of the privacy policy and/or that will routinely review and update the policy? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 3. Whether there is a designated and trained privacy officer who will handle reported errors and violations and oversee the implementation of privacy protections and who will ensure that the entity adheres to the provisions of the ISE Privacy Guidelines and other requirements for participation in the ISE? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Does the policy identify the title of the individual who will serve as the privacy officer, whether a full-time privacy officer position or the occupant of a different position, such as the assistant director or entity counsel? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | The contact information for the privacy officer (for example, phone, Web site, e-mail, or U.S. mail address)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| D. Definitions | 4. Who is responsible for ensuring that enforcement procedures and sanctions for noncompliance with the privacy policy are adequate and enforced? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 1. The key words or phrases (and definitions) that are regularly used in the policy for which the entity wants to specify particular meanings? | | <input type="checkbox"/> | <input type="checkbox"/> | |

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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |

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| Template Section | Policy Provision Checklist | | | | |
|------------------|--|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| E. Information | <p>1. What information may be sought, retained, shared, disclosed or disseminated by the entity (e.g., based on a criminal predicate, threat, or reasonable suspicion)?</p> <p>Whether there are different policy provisions for different types of information (e.g., tips and leads, SARs and ISE-SARs, criminal intelligence information, and fact-based information databases, such as criminal history records, case management information, deconfliction, wants and warrants, drivers' records, identification, and commercial databases)?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. What information may not be sought, retained, shared, or disclosed by the entity (e.g., for reasons of discrimination)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>3. Whether the entity applies labels to the information (or ensures that the originating entity has applied labels) that indicate to the authorized user that the information:</p> <ul style="list-style-type: none"> Is protected information as defined in the ISE Privacy Guidelines or as defined to include personal information on any individual regardless of citizenship or U.S. residency status? To what extent organizations are protected by the policy? Is subject to specific information privacy or other similar restrictions on access, use, or disclosure, and, if so, what is the nature of such restrictions (e.g., there may be laws that restrict who can access information, how information can be used, and limitations on the retention or disclosure of certain types of information, such as the identity of a sexual assault victim)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 4. Whether the entity categorizes information (or ensures that the originating entity has categorized information) based on its nature (for example, tips and leads, suspicious activity reports , criminal history, intelligence information, case records, conditions of supervision, case progress), usability, and quality? | | <input type="checkbox"/> | <input type="checkbox"/> | |

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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
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| Template Section | Policy Provision Checklist | | | | |
|------------------|--|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | 5. When information is gathered or collected and retained by the entity, whether the entity assigns labels (by record, data set, or system of records) and whether the entity assigns limitations to identify who is allowed to see (access) and use the information (for example, credentialed, role-based levels of access)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 6. The conditions that prompt the labels cited in E.5 to be reevaluated? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>7. Whether the entity receives or collects tips and leads and/or suspicious activity report (SAR) information (information received or collected based on a level of suspicion that may be less than "reasonable suspicion") and, if so, whether the entity maintains and adheres to policies and procedures for:</p> <ul style="list-style-type: none"> • Receipt and collection (information acquisition)—How the information is originally gathered, collected, observed, or submitted? • Assessment of credibility and value (organizational processing)—The series of manual and automated steps and decision points followed by the entity to evaluate the SAR information? • Storage (integration and consolidation)—The point at which SAR information is placed into a SAR database, using a standard submission format, for purposes of permitting access by authorized personnel and agencies? • Access and dissemination (data retrieval and dissemination)—The process of making the information available to other agencies and obtaining feedback on investigative outcomes? • Retention and security of the information? <p>Note: Some entities, based on state law or policy, use the "reasonable suspicion" standard as the threshold for sharing any information and intelligence containing personal information. If that is the case, the policy should so indicate.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |

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| | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|------------------|---|-------------------------------|--|--|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | 8. Whether the entity incorporates the gathering, processing, reporting, analyzing, and sharing of terrorism-related suspicious activities and incidents (SAR process) into existing processes and systems used to manage other crime-related information and criminal intelligence? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 9. For purposes of sharing terrorism-related information through the ISE, the entity's data holdings that contain protected information (information about U.S. citizens or lawful permanent residents [constitutional minimum] or all individuals) to be shared through the ISE? ISE information refers to terrorism-related information, which includes terrorism information, homeland security information, and law enforcement information related to terrorism. Whether the entity has put in place notice mechanisms, such as metadata or data field labels, for enabling ISE-authorized users to determine the nature of the protected information that the entity is making available through the ISE, such that participants can handle the information in accordance with applicable legal requirements? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 10. Whether the entity requires certain basic descriptive information (metadata tags or labels) to be entered and associated with each record, data set, or system of records containing personally identifiable information that will be accessed, used, and disclosed, including terrorism-related information shared through the ISE? <ul style="list-style-type: none"> Basic information may include, where relevant and appropriate, the name of the originating entity or agency, department, component, and subcomponent (where applicable). If applicable, the name of the entity's justice information system from which the information is disseminated. The date the information was collected (submitted) and, where feasible, the date its accuracy was last verified. The title and contact information for the person to whom questions regarding the information, including its accuracy, should be directed. | | <input type="checkbox"/> | <input type="checkbox"/> | |

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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|--|---|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | 11. Whether the entity attaches (or ensures that the originating agency has attached) specific labels and descriptive information (metadata) to the information it collects and retains that clearly indicate legal restrictions on sharing of information based on information sensitivity or classification? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 12. Whether the entity maintains a record of the source of the information sought and collected? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| F. Acquiring and Receiving Information | 1. Whether there are applicable state and federal constitutional provisions and statutes that govern or specify the techniques and methods the entity may employ when seeking and receiving information? The specific applicable laws relevant to seeking and receiving information? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. Whether the entity's SAR process provides for human review and vetting to ensure that information is both legally gathered and, where applicable, determined to have a potential terrorism nexus? Are law enforcement officers and appropriate entity and participating entity staff trained to recognize those behaviors and incidents that are indicative of criminal activity related to terrorism? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 3. Whether the entity's SAR process includes safeguards to ensure, to the greatest degree possible, that only information regarding individuals involved in activities that have been determined to be consistent with criminal activities associated with terrorism will be documented and shared through the ISE? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 4. Whether the entity (if operational, conducting investigations) adheres to a policy regarding the investigative techniques the entity will follow when acquiring information (for example, an intrusion-level statement)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 5. Whether the agencies that access and share information with the entity are also required to adhere to the applicable laws and policies identified in F.1? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 6. Whether the entity contracts with commercial databases and, if so, how the entity ensures that the commercial database company is in legal compliance in its information-gathering techniques? | | <input type="checkbox"/> | <input type="checkbox"/> | |

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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|----------------------------------|--|-------------------------------|--|--|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | 7. The types of information sources (nongovernmental, commercial, or private agencies or institutions or classes of individuals) from which the entity will not receive, seek, accept, or retain information? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| G. Information Quality Assurance | 1. Whether the entity has established procedures and processes (manual and electronic) to ensure the quality (for example, accurate, complete, current, verifiable, and reliable) of the information it collects and maintains? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. Whether the entity applies labels (or ensures that the originating agency has applied labels) to the information regarding its level of quality (for example, accurate, complete, current, verifiable, and reliable)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 3. Whether the entity researches alleged or suspected errors and deficiencies (or refers them to the originating agency)? How the entity responds to confirmed errors or deficiencies? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 4. Whether the entity reevaluates (or ensures that the originating agency reevaluates) the labeling of information when new information is gathered that has an impact on the confidence (source reliability and content validity) in the information previously obtained? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 5. When the entity reviews the quality of the information it originates and identifies data that may be inaccurate or incomplete, includes incorrectly merged information, is out of date, cannot be verified, has a questionable source, or lacks adequate context such that the rights of the individual may be affected, what is the entity's procedure for correction or destruction? | | <input type="checkbox"/> | <input type="checkbox"/> | |

Policy Review Checklist

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|--------------------------|----------------------|----------------------|------------------------------------|--|------------------------|--|
| Criteria not addressed | Not applicable (N/A) | Comments/Suggestions | Check if provision requires update | Was the provision revised? | Annual Review Comments | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|----------------------------------|---|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | <p>6. When the entity reviews the quality of the information it has <u>received from</u> an originating agency and identifies data that may be inaccurate or incomplete, includes incorrectly merged information, is out of date, cannot be verified, has a questionable source, or lacks adequate context such that the rights of the individual may be affected, whether the entity notifies the originating agency or the originating agency's privacy officer?</p> <p>The method used to notify the agency (written, telephone, or electronic notification)?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>7. When the entity reviews the quality of the information it has <u>provided to</u> an external agency and identifies data that may be inaccurate or incomplete, includes incorrectly merged information, is out of date, cannot be verified, has a questionable source, or lacks adequate context such that the rights of the individual may be affected, whether the entity notifies the external agency?</p> <p>The method used to notify the agency (written, telephone, or electronic notification)?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| H. Collation and Analysis | 1. Who is authorized (position/title, credentials, clearance level[s], etc.) to analyze information acquired or accessed by the entity? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. What information is analyzed (refer to Section E., Information)? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 3. For what purpose(s) the information is analyzed? Best practice: Does the entity's privacy officer or privacy oversight committee review [and approve] all analytical products prior to dissemination or sharing by the entity? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| I. Merging Records | 1. Who is authorized (position/title, credentials, clearance level[s], etc.) to merge records? | | <input type="checkbox"/> | <input type="checkbox"/> | |

Policy Review Checklist

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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|----------------------------------|---|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | 2. What matching criteria does the entity require when attempting to merge information from multiple records allegedly about the same individual? In other words, when two records are compared for possible merger, are there certain attributes (name, fingerprint-based corrections number, date of birth, etc.) that must match, or is there a minimum number of attributes (for example, two out of five) that must match to link the two records as relating to the same person? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 3. If the criteria specified in I.2 are not met, what is the entity's procedure for associating records? Note: If the entity does not merge or associate records that have partial matches, then the policy should state this. | | <input type="checkbox"/> | <input type="checkbox"/> | |
| J. Sharing and Disclosure | 1. What types of user actions and permissions are controlled by the entity's access limitations? Best practice: It is suggested that entities specify their method for identifying user actions and permissions in their privacy policies. Note: User actions and permissions are often used to identify agencies and individuals with a "need to know" and "right to know" particular information or intelligence, to access case management information, to access nonpersonally identifiable information (PII) only, or to identify who is authorized to submit or modify particular records or record sets, to have read-only access or to be authorized to add/modify/delete records, or to be authorized to grant privileges. | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. For suspicious activity report information, whether the entity uses a standard reporting format and commonly accepted data collection codes and whether the entity's SAR information sharing process complies with the ISE Functional Standard for suspicious activity reporting? | | <input type="checkbox"/> | <input type="checkbox"/> | |

Policy Review Checklist

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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|------------------|--|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | <p>3. The conditions and credentials by which access to and disclosure of records retained by the entity will be provided within the entity or in other governmental agencies?</p> <p>Whether an audit trail is kept of access to and disclosure of information retained by the entity (e.g., dissemination logs, algorithms)? Refer to N.2, Accountability, for more information on audit logs.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>4. Whether participating agencies that access information from the entity are required to obtain approval from the originator of the information prior to further dissemination or to follow the disclosure laws applicable to the originating entity?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>5. The conditions under which access to and disclosure of records retained by the entity will be provided to those responsible for public protection, public safety, or public health?</p> <p>Whether an audit trail is kept of access to and disclosure of information retained by the entity (e.g., dissemination logs, algorithms)? Refer to N.2, Accountability, for more information on audit logs.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>6. Under what circumstances access to and disclosure of a record is provided to a member of the public in response to an information request, and whether these circumstances are described in the entity's redress policy?</p> <p>Whether an audit trail is kept of access to and disclosure of information retained by the entity (e.g., dissemination logs, algorithms)? Refer to N.2, Accountability, for more information on audit logs.</p> <p>Note: This does not apply to circumstances in which an entity chooses to provide nonsensitive information to the public or to provide sensitive information in accordance with entity policy in response to an emergency situation.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | |

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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|--|--|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | <p>7. The conditions under which release of information retained by the entity will be provided for specific purposes in response to requests by persons authorized by law?</p> <p>Whether an audit trail is kept of access to and disclosure of information retained by the entity (e.g., dissemination logs, algorithms) and the specific retention period? Refer to N.2, Accountability, for more information on audit logs.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 8. Under what circumstances and to whom the entity will not disclose records and information? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>9. The categories of records that will ordinarily not be provided to the public pursuant to applicable legal authority?</p> <p>Citations to applicable legal authority for each category listed?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 10. The entity's policy on confirming the existence or nonexistence of information to persons or agencies that are not eligible to receive the information? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>K. Redress K.1 Disclosure</p> | <p>Disclosure</p> <p>1. If required by state statute, the conditions under which the entity will disclose information to an individual about whom information has been gathered?</p> <p>Whether a record is kept of all requests and of what information is disclosed to an individual?</p> <p>Note: If the state public (open) records act provides procedures for disclosure, corrections, appeals, and handling of complaints when information is not subject to disclosure, these procedures should be summarized in the privacy policy in lieu of using the sample language provided.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |

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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|------------------|--|-------------------------------|--|--|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| K.2 Corrections | <p>2. The conditions under which the entity will not disclose information to an individual about whom information has been gathered?</p> <p>Citations to applicable legal authority for each stated basis (condition) for denial?</p> <p>Whether the entity refers the individual to the agency originating the information?</p> | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |
| | <p>Corrections</p> <p>1. The entity's procedure for handling individuals' requests for correction involving information the entity has disclosed and can change because it originated the information?</p> <p>Whether the entity maintains a record of requests for corrections?</p> | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| K.3 Appeals | <p>Appeals</p> <p>1. If requests for disclosure or corrections are denied, what is the entity's procedure for appeal?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| K.4 Complaints | <p>Complaints</p> <p>1. For terrorism-related protected information that may be accessed or shared through the ISE, what is the entity's process for handling individuals' complaints and objections with regard to information received, maintained, disclosed, or disseminated by the entity?</p> <p>Whether the entity's privacy officer or designee or other individual is responsible for handling complaints?</p> <p>Whether contact information (for example, phone, Web site, e-mail, or U.S. mail address) is provided for the individual who handles complaints?</p> <p>Whether the entity maintains a record of complaints and requests for corrections?</p> | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |

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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|------------------------|--|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| | <p>2. How the entity determines which complaints involve information that is specifically protected information shared through the ISE?</p> <p>Note: This question needs to be addressed when a entity does not have a procedure applicable to all protected information under Section K.4, 1.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| L. Security Safeguards | <p>1. Whether the entity has a designated security officer?</p> <p>Whether training is provided for security officers?</p> <p>If the role is a component of another position, whether the policy identifies the title of the position upholding security officer responsibilities?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>2. The entity's physical, procedural, and technical safeguards for ensuring the security of entity data? (Does the policy describe how the entity will protect the information from unauthorized access, modification, theft, or sabotage [whether internal or external] resulting from natural or human-caused disasters or intrusions with, for example, procedures, practices, system protocols, use of software, information technology tools, and physical security measures?)</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>3. Whether the entity utilizes a separate repository system for tips, leads, and SAR information?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>4. The requirements that ensure that the information will be stored in a secure format and a secure environment?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>5. The required credentials of entity personnel authorized to have access to entity information?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>6. Whether electronic access to entity data identifies the user?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>7. Whether a log is kept of accessed and disseminated entity data and whether an audit trail is maintained? Refer to N.2, Accountability, for more information on audit logs.</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>8. Whether risk and vulnerability assessments (if maintained) are stored separately from publicly available data?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <p>9. The entity's procedures for adhering to data breach notification laws or policies?</p> | | <input type="checkbox"/> | <input type="checkbox"/> | |

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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|--|--|-------------------------------|--|--|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| M. Information Retention and Destruction | 1. The entity's review schedule for validating or purging information? The periodic basis for this and/or reference to the applicable law(s)? Note: Retention and destruction policy should be provided for all information and intelligence databases/ records held by the entity. | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 2. Whether the entity has a retention and destruction policy? Whether laws are referenced, if applicable? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 3. What methods the entity employs to remove or destroy information? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 4. Whether approval is needed prior to removal or destruction of information? Whether the law, statute, regulation, or policy that requires permission to be obtained before destroying information is cited, if applicable, or whether the policy specifies that no approval will be required? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 5. Whether the source of the information is notified by the entity prior to removal or destruction? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 6. Whether a record is kept of dates when information is to be removed (purged) if not validated prior to the end of its period? Whether notification is given prior to removal (for example, an autogenerated system prompt to entity personnel that a record is due for review and validation or purge)? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | |
| | 7. Whether a confirmation of the deletion is required? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| N. Accountability and Enforcement N.1 Information System Transparency | Information System Transparency 1. Whether the entity's privacy policy is available to the public (for example, provided to the public for review, made available upon request, and posted on the entity's Web site—include Web address)? | | <input type="checkbox"/> | <input type="checkbox"/> | |

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Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

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|--------------------|--|-------------------------------|--|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met |
| N.2 Accountability | 2. Whether the entity has a point of contact (position/title) for handling inquiries or complaints? Whether the contact information for this individual (for example, phone, Web site, e-mail, or U.S. mail address) is provided? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| | Accountability | | | |
| | 1. Whether electronic access (portal) to the entity's data identifies the user and whether the identity of the user is retained in the audit log? | | <input type="checkbox"/> | <input type="checkbox"/> |
| | 2. Whether a log is kept of accessed and disseminated entity-held data and whether an audit trail is maintained? | | <input type="checkbox"/> | <input type="checkbox"/> |
| | 3. The procedures and practices the entity follows to enable evaluation of user compliance with system requirements, the entity's privacy policy, and applicable law? | | <input type="checkbox"/> | <input type="checkbox"/> |
| | 4. Whether the entity has a mechanism for personnel to report errors and violations of entity policies related to protected information? | | <input type="checkbox"/> | <input type="checkbox"/> |
| N.3 Enforcement | 5. Whether audits are completed by an independent third party or a designated representative of the entity? Whether the audits are conducted both annually (or other time period) and randomly? | | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| | 6. How often the entity reviews and updates the provisions contained within the privacy policy (recommendation is annually)? | | <input type="checkbox"/> | <input type="checkbox"/> |
| | Enforcement | | | |
| | 1. The procedures for enforcement if entity personnel, a participating agency, or an authorized user is suspected of being or has been found to be in noncompliance with the provisions of the entity's privacy policy? | | <input type="checkbox"/> | <input type="checkbox"/> |
| | 2. The entity's policy with regard to the qualifications and number of participating agency personnel authorized to access entity information and intelligence, and what additional sanctions are available for violations of the entity's privacy policy? | | <input type="checkbox"/> | <input type="checkbox"/> |

Policy Review Checklist

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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
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| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |

Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities:

| Template Section | Policy Provision Checklist | | | | |
|------------------|--|-------------------------------|--------------------------|------------------------------|--|
| | Does the entity's privacy policy clearly state the following: | Page/ section in policy | Criteria met | Criteria partially met | |
| O. Training | 1. What personnel the entity requires to participate in training programs regarding implementation of and adherence to this privacy policy? | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 2. Whether the entity provides training to personnel authorized to share protected information through the ISE? <input type="text"/> | | <input type="checkbox"/> | <input type="checkbox"/> | |
| | 3. What is covered by the training program (for example, purpose of the policy, substance and intent of the provisions of the policy, impact of infractions, and possible penalties for violations)? | | <input type="checkbox"/> | <input type="checkbox"/> | |

Policy Review Checklist

| | | | | Annual Review Checklist | | |
|--|--------------------------|----------------------|----------------------|------------------------------------|--|------------------------|
| | Criteria not addressed | Not applicable (N/A) | Comments/Suggestions | Check if provision requires update | Was the provision revised? | Annual Review Comments |
| | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Notes

Policy Review Checklist

Notes

...and by the ...
...or regulated by ...
...shall ...
...for every fifty thousand ...
...for the ... of the ...
...the ... of religion ...
...the ... for a ... of ...
...being ... to the ... of a ...
...of peace to ... in any house ... without the consent of ...
...to be ...

THE PEOPLE

...provide for the ...
...and establish this ...
...and ...
...and ...



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