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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

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## Subject: NASA Privacy Procedural

Responsible Office: Office of the Chief Information Officer

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## Chapter 1. Privacy Requirements Overview

### 1.1 Information on Individuals

1.1.1 NASA is committed to protecting the privacy of individuals from and about whom it collects, maintains, uses, and disseminates information. Such information is referred to by different labels in different statutes and Office of Management and Budget (OMB) instructions to agencies, including "personally identifiable information" (PII), Privacy Act records, and "information in identifiable form" (IIF).

1.1.2 These terms are defined in Appendix A of this document. The definitions of PII and Privacy Act records are nearly identical, and all three terms are often used interchangeably by OMB. However, PII is used most predominately; therefore, this NPR defaults to PII with the exception of using "IIF" with respect to PIA requirements and "records" with respect to SORs, in accordance with governing statutes. As used in this document, PII excludes strictly business contact information (such as work e-mail address, office location, and office telephone number) for NASA employees and contractors.

### 1.2 Governing Statutes

1.2.1 The Federal laws that impact NASA's collection and management of PII include the Privacy Act of 1974 (hereinafter referred to as the Privacy Act), the Children's Online Privacy Protection Act of 1998 (COPPA), the E-Government Act of 2002 (E Gov Act), the Federal Information Security Management Act of 2002 (FISMA), and the Paperwork Reduction Act of 1995 (PRA).

1.2.2 This section provides a summary of each of these laws and its basic privacy requirements, as related to NASA's management of information. The specifics of their requirements and responsibilities for compliance are elaborated in subsequent chapters.

#### 1.2.2.1 The Privacy Act of 1974.

The Privacy Act sets forth extensive requirements for the management of personal information maintained in any format on individuals where such information is retrieved by a name or personal identifier unique to the individual. Chapter 5 fully elaborates Privacy Act requirements; however, some of the most basic Privacy Act requirements of system

managers/owners are that they must:

- a. Publish SOR Notices (SORNs) in the Federal Register.
- b. Provide specific notification to individuals at the time of information collection.

#### 1.2.2.2 Children's Online Privacy Protection Act of 1998.

The COPPA regulates the Agency's operation of Web site or online services directed to children under age 13 when the Web site or service collects personal information from children. Full descriptions of COPPA requirements are contained in Chapter 4. However, the basic requirements levied for NASA Web sites or services concern site owner or operator responsibilities with respect to notice of information collection practices, verifiable parental consent, and access, including:

- a. Providing notice concerning what information is collected from children by the operator, how the information will be used, and the operator's disclosure practices.
- b. Obtaining verifiable parental approval for the collection, use, or disclosure of information from children.
- c. Providing a process for parental review of information collected from the child, an opportunity for parental refusal to permit the operator's future use of the information or future collection of information, and a means for the parent to obtain the personal information collected from the child.

#### 1.2.2.3 Paperwork Reduction Act of 1995.

The PRA regulates the burden that agencies place on members of the public in collecting information from them, but is addressed in this document only as it relates to privacy. OMB authorization must be obtained when NASA collects information from 10 or more members of the public through standardized fields, whether via survey, Web-enabled forms, or other requirements of information provision, regardless of format or whether provision of the information is voluntary. In contrast to the E-Gov Act, which excludes contractors and partners as members of the public, the PRA includes contractors as "members of the public," with the general exception of when they are providing the information in carrying out a specific task under the contract. While the PRA is concerned with the collection of any type of information, it is relevant to these privacy procedural requirements only when NASA seeks collection of IIF from the public.

#### 1.2.2.4 E-Government Act of 2002.

The E-Gov Act is addressed in this document only as it relates to privacy issues. In this respect, the E-Gov Act reinforces existing statutory privacy provisions and adds new requirements to ensure sufficient protections for the privacy of personal information as agencies implement electronic government.

a. Title III of the E-Gov Act, entitled "Federal Information Security Management Act" (FISMA), provides for development and maintenance of minimum controls required to protect Federal information and information systems. It also authorizes OMB and the NIST, under the U.S. Commerce Department, to define what is meant by "minimum controls required." Briefly, the following are requirements specifically related to PII: (1) Designation of all systems containing PII information to be categorized, at a minimum, as "Moderate," as defined in NIST FIPS 199. All requirements for "Moderate" systems identified within NPR 2810.1, Security of Information Technology, are to be met and will be certified as part of the NASA Certification and Accreditation (C&A) process.

(2) Implementation of specific controls for systems containing PII.

b. Specific new privacy requirements in Section 208 of the E-Gov Act and OMB guidance for implementing them are summarized below and detailed in the following chapters:

(1) PIAs must be conducted and made publicly available for all information technology (IT) systems, including Web sites, which collect and/or maintain IIF on members of the public. The phrase "members of the public," under the E-Gov Act, excludes Government

personnel, contractors, and partners. Detailed requirements for conducting PIAs are provided in Chapter 3.

(2) Agencies are prohibited from using persistent tracking technology or "persistent cookies" on public Web sites. Web content managers must seek the approval of the NASA Chief Information Officer (CIO) to use persistent tracking technology under certain circumstances described, along with the approval process, in Chapter 4.

(3) Requirements are prescribed for Web privacy policy placement, clarity, and format, as well as Web privacy policy content regarding public consent to the collection and sharing of information and their rights under privacy laws. These Web-related requirements are elaborated in section 4.2.

## 1.3 Complying with Statutory Requirements

1.3.1 The three facets that determine which requirements apply in NASA processes are:

- a. How information is obtained or maintained.
- b. From or on whom the information is collected or maintained.
- c. How the information is retrieved.

1.3.2 Employee failure to comply with requirements in this document carries sanctions including reprimand, suspension, removal, fines, or other actions in accordance with applicable laws and Agency disciplinary policy.

### 1.4 Required Activities by Life-cycle Phases

A summary of the various actions necessary for the planning and management of PII through different phases in the life cycle of information itself is provided in Appendix E.

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