

U.S. Securities and Exchange Commission

Entellitrak – Office of Equal Employment Opportunity Applications (ETK-EEOA)
PRIVACY IMPACT ASSESSMENT (PIA)



July 2, 2024

Office of Equal Employment Opportunity

Privacy Impact Assessment

Entellitrak - Office of Equal Employment Opportunity Applications (ETK-EEOA)

Section 1: System Overview

1.1 Name of Project or System

Entellitrak – Office of Equal Employment Opportunity Applications (ETK-EEOA)

1.2 Is the system internally or externally hosted?

- Internally Hosted (SEC)
Externally Hosted
 (Contractor or other agency/organization)

1.3 Reason for completing PIA

- New project or system
 This is an existing system undergoing an update
First developed: 1/10/2011
Last updated: 2/16/2024
Description of update:

1.4 Does the system or program employ any of the following technologies?

- Enterprise Data Warehouse (EDW)
 Social Media
 Mobile Application (or GPS)
 Cloud Computing Services
 Web Portal
 None of the Above

Section 2: Authority and Purpose of Collection

2.1 Describe the project and its purpose or function in the SEC's IT environment

The Equal Employment Opportunity Commission (EEOC) and the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 (Cummings Act) require Federal agencies to have effective and timely complaint-processing programs and case tracking systems. Specifically, the Cummings Act requires each Federal agency to establish a system to track each complaint of discrimination arising under section 2302(b)(1) of title 5, United States Code, and adjudicated through the Equal Employment Opportunity process from the filing of a complaint with the Federal agency to resolution of the complaint, including whether a decision has been made regarding disciplinary action as the result of a finding of discrimination. The SEC Office of Equal Employment Opportunity (OEEO) uses ETK-EEOA (formerly iComplaints), a web-based, commercial-off-the-shelf (COTS) case management and complaint-tracking and -reporting system to store and to track EEO complaints alleging employment-related discrimination raised by employees, former employees, contractors asserting "joint employment" status, or applicants for employment. Information in this system is collected for the purposes of filing, processing, reporting on, and/or adjudicating Equal Employment Opportunity (EEO) complaints.

Individuals who wish to enter the EEO process may provide data in person, by phone, by mail, or by email. This data, to include contact information and general information related to the alleged discrimination is manually entered/uploaded into ETK-EEOA by OEEO authorized users.

2.2 What specific legal authorities, arrangements, and/or agreements allow the information to be collected?

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Records Management by Federal Agencies, 44 U.S.C. 3101 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-16 et seq.; Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.; Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791; Titles I and V of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 et seq., as amended by ADA the Amendments Act of 2008; Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, as amended by the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020; Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff et seq.; Equal Pay Act of 1963, 29 U.S.C. § 206(d); Civil Service Reform Act of 1978, 5 U.S.C. § 2302(b); Exec. Order No. 11478, 34 FR 12985 (as amended by Exec. Orders 13087, 13145 and 13152); Equal Employment Opportunity Commission Management Directive for 29 C.F.R. Part 1614 (EEO-MD-110), as revised; Equal Employment Opportunity Commission Management Directive 715 (EEO-MD-715) and EEOC/GOVT-1. Information is collected to create a factual record to adjudicate EEO complaints in a timely manner, order relief if appropriate, prepare reports mandated by the EEOC, and for any other authorized use under the Privacy Act of 1974

2.3 Does the project use, collect, or maintain Social Security numbers (SSNs)? *This includes truncated SSNs.*

- No
 Yes

If yes, provide the purpose of collection:

If yes, provide the legal authority:

2.4 Do you retrieve data in the system by using a personal identifier?

- No
 Yes, a SORN is in progress
 Yes, there is an existing SORN

EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeals Records, 81 FR 81116 (November 17, 2016). OEEO drafted an SEC-specific SORN and will work with the Offices of General Counsel and Privacy to clear and finalize it.

2.5 Is the information covered by the Paperwork Reduction Act of 1995 (PRA)?

- No
 Yes

OEEO worked with the Office of General Counsel and SEC's PRA experts to determine if PRA approval from the Office of Management and Budget (OMB) is required for ETK-EEOA. While the type of information generally is covered by the PRA, OEEO does not meet the PRA threshold of 10 collections of data from "members of the public" as defined by the PRA within a 12-month period based on historical informal and formal complaint records. OEEO will continue to monitor the number of applicants to SEC who are not employed by the federal government, contractors, and former federal employees who file complaints at both the informal and formal stage to assess trends related to PRA applicability thresholds.

2.6 Considering the purpose of the collection, what privacy risks were identified and how were those risks mitigated?

The privacy risk associated with the purpose of the collection is that unauthorized users may view or use stored information for purposes not related to EEO complaints processing, and for purposes that are not consistent with the Privacy Act. To mitigate this risk, access to information through the system is limited to those who need this access to perform tasks associated with processing EEO complaints.

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Section 3: Data Collection, Minimization, and Retention

3.1 What information is collected, maintained, used, or disseminated about individuals? *Check all that apply.*

The system does not collect, maintain, use, or disseminate information about individuals.

Identifying Numbers

- | | | |
|--|--|---|
| <input type="checkbox"/> Social Security Number | <input type="checkbox"/> Alien Registration | <input type="checkbox"/> Financial Accounts |
| <input type="checkbox"/> Taxpayer ID | <input type="checkbox"/> Driver's License Number | <input type="checkbox"/> Financial Transactions |
| <input checked="" type="checkbox"/> Employee ID | <input type="checkbox"/> Passport Information | <input type="checkbox"/> Vehicle Identifiers |
| <input checked="" type="checkbox"/> File/Case ID | <input type="checkbox"/> Credit Card Number | <input type="checkbox"/> Employer ID |
| <input type="checkbox"/> Other: | | |

General Personal Data

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Name | <input checked="" type="checkbox"/> Date of Birth | <input type="checkbox"/> Marriage Records |
| <input checked="" type="checkbox"/> Maiden Name | <input checked="" type="checkbox"/> Place of Birth | <input checked="" type="checkbox"/> Financial Information |
| <input checked="" type="checkbox"/> Alias | <input checked="" type="checkbox"/> Home Address | <input checked="" type="checkbox"/> Medical Information |
| <input checked="" type="checkbox"/> Gender | <input checked="" type="checkbox"/> Telephone Number | <input checked="" type="checkbox"/> Military Service |
| <input checked="" type="checkbox"/> Age | <input checked="" type="checkbox"/> Email Address | <input type="checkbox"/> Mother's Maiden Name |
| <input checked="" type="checkbox"/> Race/Ethnicity | <input checked="" type="checkbox"/> Education Records | <input type="checkbox"/> Health Plan Numbers |
| <input type="checkbox"/> Civil or Criminal History | <input checked="" type="checkbox"/> Zip Code | |
| <input checked="" type="checkbox"/> Other: Disability information, child birth, parental status, sexual orientation, religion, genetic information, and pregnancy as it relates to the nature of the complaint. | | |

Work-Related Data

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Occupation | <input checked="" type="checkbox"/> Telephone Number | <input checked="" type="checkbox"/> Salary |
| <input checked="" type="checkbox"/> Job Title | <input checked="" type="checkbox"/> Email Address | <input checked="" type="checkbox"/> Work History |
| <input checked="" type="checkbox"/> Work Address | <input type="checkbox"/> Certificate/License Number | <input checked="" type="checkbox"/> Business Associates |
| <input type="checkbox"/> PIV Card Information | <input checked="" type="checkbox"/> Fax Number | |
| <input checked="" type="checkbox"/> Other: SEC Division/Office | | |

Distinguishing Features/Biometrics

- | | | |
|--|---|---|
| <input type="checkbox"/> Fingerprints | <input checked="" type="checkbox"/> Photographs | <input checked="" type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Voice Recording | <input type="checkbox"/> Video Recordings | <input type="checkbox"/> Voice Signature |
| <input type="checkbox"/> Other: | | |

System Administration/Audit Data

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> User ID | <input checked="" type="checkbox"/> Date/Time of Access | <input checked="" type="checkbox"/> ID Files Accessed |
| <input checked="" type="checkbox"/> IP Address | <input checked="" type="checkbox"/> Queries Ran | <input checked="" type="checkbox"/> Contents of Files |
| <input checked="" type="checkbox"/> Other: | | |

3.2 Why is the PII listed in Question 3.1 collected, used, shared, or maintained by the system or project?

PII is collected and maintained in the system to process and adjudicate EEO complaints, associate filers with their respective complaints, to avoid mishandling a complaint (i.e., an improper disclosure of complaint matters to the wrong complainant or mix-up of complaint matters), and to maintain current contact information for complainants, witnesses and representatives. Data is shared consistent with the System of Records Notices.

3.3 Whose information may be collected, used, shared, or maintained by the system?

- SEC Employees
 - Purpose: PII for SEC employees may be collected or maintained to assist with processing and adjudicating EEO complaints.
- SEC Federal Contractors

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- Purpose: PII for contractors may be collected or maintained to assist with processing and adjudicating EEO complaints.
- Interns
Purpose: PII for interns may be collected or maintained to assist with processing and adjudicating EEO complaints.
- Members of the Public
Purpose: This category is already reflected in the answers to SEC Federal Contractors, Former Employees, and Job Applicants in this section. These are the types of “members of the public” from whom data may be collected.
- Employee Family Members
Purpose: PII for employee family members may be collected and maintained to assist with processing and adjudicating EEO complaints when a family member serves as representative for the filer or on behalf of a filer’s estate and/or related to genetic information and sex (caregiving) claims.
- Former Employees
Purpose: PII for former employees may be collected or maintained to assist with processing EEO complaints filed by former employees.
- Job Applicants
Purpose: PII for job applicants may be collected or maintained to assist with processing EEO complaints filed by applicants for employment with the SEC.
- Vendors
Purpose: PII for vendors may be used and maintained for counseling, mediation, investigations or final agency decisions stages of the EEO process related to claims filed by contract staff.
- Other: Representatives
Purpose: PII for agency representatives, attorneys and other individuals who represent a filer may be used in the EEO process.

3.4 Describe the PII minimizing mechanisms and if the PII from the system is being used for testing, training, and/or research efforts.

PII requested is limited to only the data necessary to counsel, resolve, investigate, and/or adjudicate EEO complaints. PII is redacted prior to release as appropriate. PII is not used for testing, training, and/or research efforts.

3.5 Has a retention schedule been established by the National Archives and Records Administration (NARA)?

- No.
- Yes.
Records fall under the NARA General Records Schedule 1, Civilian Personnel Records, Item 25, Equal Employment Opportunity (EEO) Records, Sections a, b, c. Records can be destroyed/deleted 7 years from the resolution of the case, but a longer retention is authorized if required for business use (GRS 2.3, Item 031).

3.6 What are the procedures for identification and disposition at the end of the retention period?

The OEEO Records Liaison coordinates with OEEO staff to develop and maintain a current inventory sheet of all EEO records. The OEEO Records Liaison reviews the inventory sheet and coordinates the disposition of all EEO records with the OEEO Director and/or Deputy Director, OEEO Compliance Branch Chief, Office of the

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General Counsel (OGC), Office of FOIA Services, and the Office of Records Management Services prior to the disposition of any record.

3.7 Will the system monitor members of the public, employees, and/or contractors?

- N/A
- Members of the Public
Purpose:
- Employees
Purpose:
- Contractors
Purpose:

3.8 Considering the type of information collected, what privacy risks were identified and how were those risks mitigated?

There is a risk spilling PII and a risk of taking in information that is not relevant and / or outside of the Privacy Act statute. To mitigate this risk, authorized users of ETK-EEOA are trained on the proper handling of PII data, to include recognizing/determining what information is appropriate for release.

Section 4: Openness and Transparency

4.1 What forms of privacy notice were provided to the individuals prior to collection of data? *Check all that apply.*

- Privacy Act Statement
Individuals are provided notice during the counseling process, on the formal EEO complaint form, and when scheduled for interviews in the formal complaint process (the Report of Investigation.)
- System of Records Notice
EEOC/GOVT-1, Equal Employment Opportunity in the Federal Government Complaint and Appeals Records. This System of Records Notice (SORN) is not provided to individuals prior to collection but is published in the Federal Register and available on the SEC's website, www.sec.gov.
- Privacy Impact Assessment
Date of Last Update: 8/9/2019
The PIA is not provided to individuals prior to collection but is published available on the SEC's website, www.sec.gov.
- Web Privacy Policy
- Notice was not provided.

4.2 Considering the method(s) of notice provided, what privacy risks were identified regarding adequate notice and how were those risks mitigated?

There is a risk that individuals initiating the EEO process will not receive notice that PII will be collected during the course of their EEO complaints. This risk is mitigated by notice related to collection of EEO-complaint information that is covered by the Privacy Act and its routine uses (which is provided by OEEEO staff to individuals contacting OEEEO to initiate the EEO Complaint process), the Privacy Act Statement on counseling documents, the formal EEO complaint form, and Reports of Investigations, and by a published government-wide SORN. Individuals are afforded ongoing access to information through EEO case management personnel. OEEEO is also working with the SEC Privacy Office to publish an SEC-specific SORN related to records collected by OEEEO in the course of its work, including complaint-related information.

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Section 5: Limits on Uses and Sharing of Information

5.1 What methods are used to analyze the data?

ETK-EEOA may aggregate data to generate ad hoc reports. When this happens, PII may be redacted from the report before the report is submitted to internal offices and external agencies.

5.2 Will internal organizations have access to the data?

- No
 Yes

Organizations: Internal organizations such as OGC, Office of Inspector General (OIG), Office of Human Resources (OHR) and the SEC Union may have a need-to-know information related to EEO complaints. Any information that is provided to these internal organizations is approved for release by the OEEEO Director or designee. These organizations do not have access to ETK-EEOA data directly and must request information from the system by e-mail, in-person, or via telephone. OEEEO determines the scope and release of such information.

5.3 Describe the risk to privacy from internal sharing and describe how the risks are mitigated.

Privacy risk associated with internal sharing is that PII could be inadvertently disclosed to persons who have no need to know the information or who are not processing EEO complaints as part of their official duties. This risk is mitigated because information is shared only between SEC offices as described in section 5.2.

5.4 Will external organizations have access to the data?

- No
 Yes

Organizations: External organizations such as Congress, Government Accountability Office (GAO), Department of Justice (DOJ), Office of Personnel Management (OPM) and the EEOC do not have direct access to the data contained in ETK-EEOA. These organizations may request and receive reports from OEEEO that present the aggregate data in a narrative or statistical report after PII has been removed from the data. In limited circumstances, an authorized requestor may be given access to the data stored in the system.

5.5 Describe the risk to privacy from external sharing and describe how the risks are mitigated.

The external sharing of information introduces a risk to privacy. The risk is mitigated by routine review of access logs, user controls that remove individuals who no longer require access, and PIV-card only access to ETK-EEOA through the SEC network. System reports provided to external organizations include only aggregated data, without PII, from ETK-EEOA. However, upon request to SEC OEEEO, PII and routine information (i.e., case name, case number and status) may be shared with an external organization as authorized under the Privacy Act. The Tyler access to SEC information introduces a risk that is mitigated by the controls at the Tyler site which include monitoring of access logs.

Section 6: Data Quality and Integrity

6.1 Is the information collected directly from the individual or from another source?

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- Directly from the individual. Complaint forms are completed by individuals filing the complaint and manually uploaded into ETK-EEOA by OEEO staff. OEEO Staff upload records containing PII as appropriate to process cases pursuant to 29 CFR 1614, including investigative files, information from the U.S. EEOC, correspondence, and other records maintained, retrieved, and disseminated pursuant to the applicable Privacy Act System of Records Notice.
- Other source(s): The filer's representative and witnesses to the complaint.

6.2 What methods will be used to collect the data?

Information pertaining to the claims and issues raised within the complaint is collected primarily from complainants, co-workers, supervisors, witnesses, and legal representatives with knowledge of the allegations of discrimination. Information is acquired from individuals who initiate contact with OEEO and supply background information to support allegations of discrimination. Information is also included from the U.S. EEOC and other oversight authorities for inclusion within individual case files.

6.3 How will the data collected from individuals, or derived by the system, be checked for accuracy and completeness?

The accuracy and completeness of the data collected from filers will be confirmed by OEEO staff, any affidavits that filers provide, information received from their representatives, and information obtained from witnesses. Information collected directly from an individual is presumed to be accurate.

6.4 Does the project or system process, or access, PII in any other SEC system?

- No
 - Yes
- System(s):

6.5 Consider the sources of the data and methods of collection and discuss the privacy risk for this system related to data quality and integrity? How are these risks mitigated?

There is a risk that inaccurate data could be included in information provided to file an EEO complaint. This risk is mitigated because information pertaining to a claim and issues raised within the complaint is collected primarily from complainants, co-workers, supervisors, witnesses, and legal representatives with direct knowledge of the allegation(s) of discrimination. Authorized ETK-EEOA users are trained to maintain the quality and integrity of data entries into ETK-EEOA.

Section 7: Individual Participation

7.1 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project? If no opportunities are available to consent, decline or opt out, please explain.

The EEO complaint process is voluntary for complainants. Individuals who contact OEEO may decline to proceed and/or to provide requested information, but doing so may result in the dismissal of their allegation(s) because of failure to respond, cooperate, or proceed in a timely fashion. Individuals consent to the use of the information to the extent the information is necessary for EEO complaint-processing purposes pursuant to applicable federal laws, regulations, and guidance. The process includes steps where Privacy Act information is given: at the initial intake, when the formal complaint is filed, when testimony is requested orally or in writing, and when the Report of Investigation is issued. Proceeding in the EEO formal process requires collection of PII.

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7.2 What procedures are in place to allow individuals to access their information?

Individuals may not access their information directly in the system. However, upon request, OEEEO personnel may provide individuals a printout of their information stored in ETK-EEOA.

7.3 Can individuals amend information about themselves in the system? If so, how?

Individuals seeking to amend information about themselves in the system may contact the FOIA/Privacy Act Officer, Securities and Exchange Commission, 100 F Street, N.E., Washington, D.C. 20549-2736. In addition, authorized ETK-EEOA users can accept amended information from individuals and make corrections to their information in the system.

7.4 Discuss the privacy risks related to individual participation and redress? How were these risks mitigated?

Risk related to individual participation and redress in minimal because of the processes and procedures discussed in sections 7.1, 7.2, and 7.3 of this PIA mitigate any potential risk related to individual participation and redress.

Section 8: Security

8.1 Can the system be accessed outside of a connected SEC network?

- No
 - Yes
- If yes, is secured authentication required? No Yes Not Applicable
- Is the session encrypted? No Yes Not Applicable

8.2 Does the project or system involve an online collection of personal data?

- No
 - Yes
- Public
URL:

8.3 Does the site have a posted privacy notice?

- No
- Yes
- N/A

Section 9: Accountability and Auditing

9.1 Describe what privacy training is provided to users, either general or specific to the system or project.

All SEC staff and contractors receive initial and annual privacy awareness training, which outlines roles and responsibilities for proper handling and protection of PII. SEC Rules of the Road ensure that employees and contractors are aware of their security responsibilities and how to fulfill them.

9.2 Does the system generate reports that contain information on individuals?

- No
- Yes

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9.3 Do contracts for the system include Federal Acquisition Regulation (FAR) and other applicable clauses ensuring adherence to the privacy provisions and practices?

- No
- Yes
- This is not a contractor operated system

9.4 Does the system employ audit logging or event logging?

- No
- Yes

9.5 Given the sensitivity of the PII in the system, manner of use, and established safeguards, describe the expected residual risk related to access.

The residual risks related to access is unauthorized access and inadvertent disclosure of PII. Restricting the level of user access, via role-based access control, and monthly review of access logs further minimizes the risks. Access is removed when people no longer require access. As noted above, prior to disseminating information from the system, the OEEO (ETK-EEO) users are responsible for ensuring only authorized data is shared.