

Privacy Impact Assessment

Policy, E-Government and Fair Information Practices

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Privacy Impact Assessment for the AMS ServiceNow

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Abstract

AMS ServiceNow system is a software-as-a-service and uses monitoring, maintenance / administration and other required management activities to automate the following IT enterprise support functions: Incident Management, Change Management, and Asset Management. The PIA is conducted since the system stores user's first name, last name and phone number to be able to support incidents requested on the system.

ITSM Modules are no longer used by MRP-IT. This functionality has transferred to the APHIS (MRP) Production Instance. ePACA and eWCMD are custom scoped applications and rely very little on the ITSM modules.

Overview

AMS utilizes the ServiceNow platform to support various business workflows in support of USDA's various missions. The AMS ServiceNow platform will currently support the following business workflows:

- The AMS PACA Information System (ePACA), which tracks information relating to produce industry members concerning whether or not they are subject to the licensing provisions of the Perishable Agricultural Commodities Act (PACA) as set forth in 1930. Its purpose is to track information relating to PACA licensees and complaints. PACA uses this information in order to promote fair produce trading through regulation and enforcement of the provisions outlined in the PACA. In addition to license details, the system also tracks information relating to complaints filed by other industry members as well as administrative actions filed by the Department. This system configuration contains information on company name and address, principal name and address, telephone numbers, corporate officers, percentages of stock, and details regarding transactions involved in complaints or actions to be taken by the Department. Solely PACA uses this information. There is no access by other USDA agencies or by the public at large. This information is collected in accordance with the Act, 7 USC 449a(4) and in the PACA regulations at 7 CFR 46 and 47. Some essential information collected includes personal identifiable information (PII).
- The Electronic Warehouse and Commodity Management Division (eWCMD) System, which supports the Warehouse and Commodity Management Division (WCMD) of the Fair Trade Practices Program that manages storage agreements between the Commodity Credit Corporation (CCC) and private warehouse operators, licenses under the United States Warehouse Act and inspections of warehouses under both authorities. In addition, WCMD manages and disperses inventories that have been forfeited to the CCC under the Marketing Assistance Loan program administered by the Farm Service Agency (FSA). Some essential information collected includes personal identifiable information (PII).

Section 1.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected as well as reasons for its collection as part of the program, system, rule, or technology being developed.

1.1 What information is collected, used, disseminated, or maintained in the system?

Company name and address, principal name and address, telephone numbers, corporate officers, percentages of stock, license and business applications, and agreements in the context of the relevant PACA or WCMD business work flow such as transactions involved in complaints or actions to be taken by the Department in support of the PACA or WCMD Programs.

1.2 What are the sources of the information in the system?

For the PACA Program's support, most of the information is obtained from the customer. Other publicly available information is also used. Information from USDA APHIS import license applications is used to contact firms which may be subject to PACA licensing provisions.

For the WCMD Program, information is submitted by the voluntary participants of the programs (CCC storage agreement holders, USWA licensees, EAATM agreement holders, prospective bidders and stakeholders of CCC-owned commodities), and by WCMD employees conducting examinations of program participants.

1.3 Why is the information being collected, used, disseminated, or maintained?

For the PACA Program, to administer the PACA and any required regulation or enforcement thereof.

For the WCMD Program, information is collected, used, and maintained under the authority of the Commodity Credit Corporation Charter Act, the United States Warehouse Act, the Food Security and Rural Investment Act of 2000, the Food, Conservation, and Energy Act of 2008, the Agricultural Act of 2014, and the Agricultural Improvement Act of 2018.

1.4 How is the information collected?

For the PACA Program, most of the information is obtained from the customer. Other publicly available information is also used. Information from USDA APHIS import license applications is used to contact firms, which may be subject to PACA licensing provisions.

For the WCMD Program, information is collected using forms approved by the Office of Management and Budget Information Collection number 0581-0305. It is further collected using forms approved to gather information for participation in CCC

programs, during examinations of warehouses, provided by program participants and collected by WCMD staff. Some information is collected on forms exempt from the requirements of the Paperwork Reduction Act.

1.5 How will the information be checked for accuracy?

For the PACA Program, the information is verified with the customer.

For the WCMD Program, WCMD staff validate for accuracy information supplied by program participants using relevant means available, including Offices of Secretaries of State of the various United States, sureties, and certified public accountants.

1.6 What specific legal authorities, arrangements, and/or agreements defined the collection of information?

The legal authority for PACA is in the statute at 7 USC 449a(4) and in the PACA regulations at 7 CFR 46 and 47.

The legal authorities for WCMD are:

- The Commodity Credit Corporation Charter Act – 15 U.S.C. 714 et seq.
- The United States Warehouse Act – 7 U.S.C 241, et seq.
- The Farm Security and Rural Investment Act of 2002 – PL 107-171
- The Food, Conservation, and Energy Act of 2008 – PL 110-234
- The Agricultural Act of 2014 – PL 113-79
- The Agricultural Improvement Act of 2018 – PL 115-334

1.7 Privacy Impact Analysis: Given the amount and type of data collected, discuss the privacy risks identified and how they were mitigated.

Only certain PACA managers have access to all data fields. PACA personnel are allowed to see only data crucial to the job tasks and function.

There are no identified risks associated with WCMD data collection.

Section 2.0 Uses of the Information

The following questions are intended to delineate clearly the use of information and the accuracy of the data being used.

2.1 Describe all the uses of information.

For the PACA Program, the information collected and maintained is used to administer licensing provisions under the PACA, to adjudicate contract disputes, and to enforce the PACA and PACA regulations.

For the WCMD Program, information is used to administer the USWA, EAATM, CCC warehousing and inventory management operations

2.2 What types of tools are used to analyze data and what type of data may be produced?

For the PACA Program, no additional tools analyze the data. No new data is produced.

For the WCMD Program, data is analyzed by the data point and in the aggregate to assess compliance, industry trends, staffing needs, and other management-level reporting. These reports may be standardized or produced on ad-hoc basis.

2.3 If the system uses commercial or publicly available data please explain why and how it is used.

For the PACA Program, the system does not use commercial data. Some of the data may be publicly available as it relates to corporate structures, addresses, and business contacts, but this data is collected by PACA.

For the WCMD Program, the system does not use commercial data. Some of the data may be publicly available as it relates to corporate structures, addresses, and business contacts, but this data is collected by WCMD.

2.4 Privacy Impact Analysis: Describe any types of controls that may be in place to ensure that information is handled in accordance with the above described uses.

For the PACA Program, the system has controlled access to data via USDA e-Authentication for USDA employees and external users. Access to data in the system is controlled by User Roles, which are assigned appropriately to end users with permissions to view and edit data based on role. External users have access to their own information and to publicly-available information.

For the WCMD Program, the system is protected using USDA’s eAuthentication. The web interface requires TLS encryption. Access to data is role based and restricted to valid business uses, and is for official use only. Unauthorized or improper use may result in disciplinary action, as well as civil and/or criminal penalties.

Section 3.0 Retention

The following questions are intended to outline how long information will be retained after the initial collection.

3.1 How long is information retained?

For the PACA Program, information is retained per the General Records Schedule 24: Information Technology Operations and Management Records, and are destroyed based on the subject matter.

<https://www.archives.gov/records-mgmt/grs>

For the WCMD Program, information is retained for 6 years after the last action, according to the Farm Service Agency's File Maintenance and Disposition Manual. Items are retained per the General Records Schedule 24: Information Technology Operations and Management Records, and are destroyed based on the subject matter.

<https://www.archives.gov/records-mgmt/grs>

3.2 Has the retention period been approved by the component records officer and the National Archives and Records Administration (NARA)?

For the PACA Program, yes.

For the WCMD Program, yes.

3.3 Privacy Impact Analysis: Please discuss the risks associated with the length of time data is retained and how those risks are mitigated.

For the PACA Program, all stored data will comply with required USDA IT security policy and directives. Sufficient security measures are in place regardless of the length of time the data is retained.

For the WCMD Program, there are no identified risks associated with data retention length of time.

Section 4.0 Internal Sharing and Disclosure

The following questions are intended to define the scope of sharing within the United States Department of Agriculture.

4.1 With which internal organization(s) is the information shared, what information is shared and for what purpose?

For the PACA Program, PACA does not directly provide information to any other agency. There is a web based function called PACA Search, which can be used by anyone to determine if a particular entity has a PACA license. These records are used to create a separate subset of data for this purpose. There is no direct access to the database. No PII is disclosed in this process.

Information from USDA APHIS import license applications are used to contact firms who may be subject to PACA licensing provisions. PACA does not share any information with APHIS; PACA only receives information from APHIS.

For the WCMD Program, the Farm Service Agency, in administration of Commodity Credit Corporation programs, receives information regarding the status of program participants in the CCC storage agreement program and the EAATM. In addition, FSA, or designated agent (i.e. FPAC-BC) receives information on the status of CCC-owned or CCC-interest commodities in store.

4.2 How is the information transmitted or disclosed?

For the PACA Program, internal USDA users have access to the internal ePACA platform through their eAuthentication; external users have access to public data on PACA licensees via the internet. USDA Office of General Counsel staff are internal users and can access information directly through their eAuthentication login.

For the WCMD Program, Information is disclosed via a KC-232, Notice of Approval or Change in Status of Storage Agreement/Schedule of Warehouses, transmitted to the appropriate FSA's State Executive Director and to the Price Support Division in FSA's National Office, by email.

In addition, information may be provided to relevant other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation.

4.3 Privacy Impact Analysis: Considering the extent of internal information sharing, discuss the privacy risks associated with the sharing and how they were mitigated.

For the PACA Program, only data deemed public information is publicly-available on the internet, therefore the privacy risks associated with information sharing are low.

For the WCMD Program, no privacy risks are associated with information sharing.

Section 5.0 External Sharing and Disclosure

The following questions are intended to define the content, scope, and authority for information sharing external to USDA which includes Federal, state and local government, and the private sector.

5.1 With which external organization(s) is the information shared, what information is shared, and for what purpose?

For the PACA Program, data deemed not to be business proprietary information (i.e., public information) is publicly available on the internet to any internal organization for information and research purposes.

For the WCMD Program, external sharing consists of holders of service licenses issued under the authority of the USWA to electronic providers of the same. Certain license information, including license number, license status, warehouse status, approved capacity, licensee name are publicly available.

5.2 Is the sharing of personally identifiable information outside the Department compatible with the original collection? If so, is it covered by an appropriate routine use in a SORN? If so, please describe. If not, please describe under what legal mechanism the program or system is allowed to share the personally identifiable information outside of USDA.

For the PACA Program, not applicable.

For the WCMD Program, sharing is covered by USDA/FSA-2: Farm Records File (Automated), and applicable licensing agreements between warehouse operators and WCMD.

5.3 How is the information shared outside the Department and what security measures safeguard its transmission?

For the PACA Program, not applicable.

For the WCMD Program, information stored outside the Department is stored on secure servers. Data is sent by password-protected email.

5.4 Privacy Impact Analysis: Given the external sharing, explain the privacy risks identified and describe how they were mitigated.

For the PACA Program, not applicable.

For the WCMD Program, no privacy risks exist with this sharing.

Section 6.0 Notice

The following questions are directed at notice to the individual of the scope of information collected, the right to consent to uses of said information, and the right to decline to provide information.

6.1 Does this system require a SORN and if so, please provide SORN name and URL.

For the PACA Program, the prior Oracle based PACA system was covered by a SORN: https://www.ocio.usda.gov/sites/default/files/docs/2012/AMS-3_Perishable_Agricultural_Commodities_Act.txt. The prior ePACA IT project team informed the ePACA team that a SORN was not required, as of May 2019

For the WCMD Program, a SORN did exist for this system when it was located in FSA.

USDA/FSA-2: Farm Records File (Automated) –

<https://www.ocio.usda.gov/sites/default/files/docs/2012/FSA-2.txt>

USDA/FSA-3: Consultant’s File –

https://www.ocio.usda.gov/sites/default/files/docs/2012/FSA-3_Consultants_File.txt.

6.2 Was notice provided to the individual prior to collection of information?

For the PACA Program, yes.

For the WCMD Program, notice is provided on the forms used to gather information.

6.3 Do individuals have the opportunity and/or right to decline to provide information?

For the PACA Program, PACA cannot compel any party to provide information. Failure to provide information may result in denial of a license. Operating without a license is a violation of the PACA.

For the WCMD Program, yes. Providing the requested information is voluntary.

However, failure to furnish requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by the USDA, of ineligibility for warehouse operator to apply for a Uniform Grain and Rice Storage Agreement, Cotton Storage Agreement, Sugar Storage Agreement, or Peanut Storage Agreement to store commodities owned by the CCC or pledged as security to the CCC for marketing assistance loans, or ineligibility to obtain new licensing or retain existing licensing under the USWA.

6.4 Do individuals have the right to consent to particular uses of the information? If so, how does the individual exercise the right?

For the PACA Program, information is not used for any other purpose.

For the WCMD Program, no. Information is used in the administration of the USWA, the CCC storage agreements, and the EAATM.

6.5 Privacy Impact Analysis: Describe how notice is provided to individuals, and how the risks associated with individuals being unaware of the collection are mitigated.

For the PACA Program, persons or firms applying for a PACA license do so of their own accord and are advised on the application that failure to provide certain information may result in PACA denying issuance of a license. Operating without a valid and effective license when operating subject to license is a violation of PACA. Information collected in the PACA complaint process is requested in order to resolve disputes under PACA. PACA cannot compel any party to provide information related to a complaint. Parties are advised in writing that the purpose of providing information is to resolve the dispute and they choose whether to provide the requested information.

For the WCMD Program, notice is provided on the forms used to collect information. Program participation is voluntary. No risks of individuals being unaware of the collection have been identified.

Section 7.0 Access, Redress and Correction

The following questions are directed at an individual's ability to ensure the accuracy of the information collected about them.

7.1 What are the procedures that allow individuals to gain access to their information?

For the PACA Program, individuals may call, e-mail or write to the PACA Division regarding any questions relating to their records. License holders have direct access to the ePACA system through an account login, and can enter or update data via the internet. Individuals may view the publicly available information on the ePACA public search website via the internet.

For the WCMD Program, individuals can submit a request to the AMS Privacy Officer for a copy of information.

7.2 What are the procedures for correcting inaccurate or erroneous information?

For the PACA Program, corrections must be submitted in writing.

For the WCMD Program, information may be corrected by submitting corrected forms or notifying WCMD of the error.

7.3 How are individuals notified of the procedures for correcting their information?

For the PACA Program, individuals are notified by phone or in writing.

For the WCMD Program, individuals are notified of the procedures for correcting information once they have communicated an inaccuracy or error exists to WCMD.

7.4 If no formal redress is provided, what alternatives are available to the individual?

For the PACA Program, not applicable.

For the WCMD Program, individuals may contact the Office of the Deputy Administrator for the Fair Trade Practices Program, AMS if they are dissatisfied with the resolution identified by WCMD.

7.5 Privacy Impact Analysis: Please discuss the privacy risks associated with the redress available to individuals and how those risks are mitigated.

For the PACA Program, the privacy risks associated with redress available to individuals are low. All corrections to data are submitted in writing and individuals are notified.

For the WCMD Program, no risks have been identified associated with redress available to the individual.

Section 8.0 Technical Access and Security

The following questions are intended to describe technical safeguards and security measures.

8.1 What procedures are in place to determine which users may access the system and are they documented?

For the PACA Program, anyone can gain access to the public side of the system, which posts publicly-available information on the Internet. Public access requires no login to search and view information. External industry users access the system by first creating an account via eAuthentication. They then upload or edit their data using their eAuthentication login. PACA staff access the system with their eAuthentication credentials. The system is role-based; each user is assigned a role with permissions to access data appropriate to their role responsibilities. The PACA Division will verify external users requesting access to the system..

For the WCMD Program, WCMD staff access the system with their eAuthentication credentials. Users login with PIV or eAuthentication credentials. The system is role-based; each user is assigned a role with permissions to access data appropriate to their role responsibilities. ServiceNow has extensive audit and tracking information. Any user attempting to connect to ServiceNow, successfully or unsuccessfully, is documented. AMS can report on any user accessed to Service Now.

8.2 Will Department contractors have access to the system?

For the PACA Program, contractors will access the system to support development and perform enhancements and/or bug remediation. Access is through government issued virtual machines using government issued authentication credentials.

For the WCMD Program, contractors will access the system to support development and perform enhancements and/or bug remediation. Access is available through eAuthentication or local login accounts.

8.3 Describe what privacy training is provided to users either generally or specifically relevant to the program or system?

For the PACA Program, Annual Privacy Training as required by the Department is provided.

For the WCMD Program, Annual Privacy Training as required by the Department is provided.

8.4 Has Certification & Accreditation been completed for the system or systems supporting the program?

For the PACA Program, yes.

For the WCMD Program, yes.

For the IT enterprise support, yes.

8.5 What auditing measures and technical safeguards are in place to prevent misuse of data?

For the PACA Program, controls are in place as required by USDA policy to ensure data integrity and prevent unauthorized access. Only authorized personnel who have current AMS domain credentials can access the system. Access is tracked via logs and system reports. There is a timeout function for remote access and system audit logs to track user activity.

For the WCMD Program, authorized WCMD personnel have access to the system. Access is tracked through logs and system reports.

8.6 Privacy Impact Analysis: Given the sensitivity and scope of the information collected, as well as any information sharing conducted on the system, what privacy risks were identified and how do the security controls mitigate them?

For the PACA Program, security controls in the system minimize privacy risks. Controls are in place as required by USDA policy to ensure data integrity and prevent unauthorized access. Only authorized PACA personnel with current AMS domain credentials can access the system. Access is tracked through logs and system reports. There is a timeout function for remote access and system audit logs to track user activity.

For the WCMD Program, no risks have been identified.

Section 9.0 Technology

The following questions are directed at critically analyzing the selection process for any technologies utilized by the system, including system hardware and other technology.

9.1 What type of project is the program or system?

The ePACA system is an operational system used to track and record data necessary to administer the PACA. It is a web-based application on the ServiceNow platform (a FedRAMP certified software-as-a-service (SaaS)) providing the user interface and database. User access requires an eAuthentication account to login and enter data.

For the WCMD Program, it is an operational system used to track and record data necessary to administer the functions of WCMD. It is a web-based application on the ServiceNow platform (a FedRAMP certified platform-as-a-service (PaaS)). User access requires an eAuthentication account to login and enter.

9.2 Does the project employ technology which may raise privacy concerns? If so please discuss their implementation.

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

Section 10.0 Third Party Websites/Applications

The following questions are directed at critically analyzing the privacy impact of using third party websites and/or applications.

10.1 Has the System Owner (SO) and/or Information Systems Security Program Manager (ISSPM) reviewed Office of Management and Budget (OMB) memorandums M-10-22 “Guidance for Online Use of Web Measurement and Customization Technology” and M-10-23 “Guidance for Agency Use of Third-Party Websites and Applications”?

For the PACA Program, N/A – No third-party websites and applications are used.

For the WCMD Program, N/A – No third-party websites and applications are used.

10.2 What is the specific purpose of the agency’s use of 3rd party websites and/or applications?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.3 What personally identifiable information (PII) will become available through the agency’s use of 3rd party websites and/or applications.

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.4 How will the PII that becomes available through the agency's use of 3rd party websites and/or applications be used?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.5 How will the PII that becomes available through the agency's use of 3rd party websites and/or applications be maintained and secured?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.6 Is the PII that becomes available through the agency's use of 3rd party websites and/or applications purged periodically?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.7 Who will have access to PII that becomes available through the agency's use of 3rd party websites and/or applications?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.8 With whom will the PII that becomes available through the agency's use of 3rd party websites and/or applications be shared - either internally or externally?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.9 Will the activities involving the PII that becomes available through the agency's use of 3rd party websites and/or applications require either the creation or modification of a system of records notice (SORN)?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.10 Does the system use web measurement and customization technology?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.11 Does the system allow users to either decline to opt-in or decide to opt-out of all uses of web measurement and customization technology?

For the PACA Program, not applicable.

For the WCMD Program, not applicable.

10.12 Privacy Impact Analysis: Given the amount and type of PII that becomes available through the agency’s use of 3rd party websites and/or applications, discuss the privacy risks identified and how they were mitigated.

For the PACA Program, not applicable.

For the WCMD Program, not applicable.



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