

Office of Attorney Recruitment and Management



FBI Whistleblower Request for Corrective Action (RCA) Process Privacy Impact Assessment

Issued by:

Office of Attorney Recruitment and Management Director
Eleanor Carpenter

Approved by: Peter Winn, Chief Privacy and Civil Liberties Officer (Acting), Department of Justice

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(May 2015 DOJ PIA Template)

EXECUTIVE SUMMARY

The Department's Office of Attorney Recruitment and Management (OARM) is the office responsible for adjudicating FBI whistleblower reprisal claims brought under 28 C.F.R. Part 27. Under that regulatory provision, OARM is responsible for ensuring that former or current employees of, or applicants for employment with, the FBI are protected from reprisal for reporting allegations of wrongdoing, and for ordering corrective relief in cases in which OARM determines that an unlawful reprisal for whistleblowing has occurred. As part of the process, OARM created an online Request for Corrective Action (RCA) Form available on OARM's FBI Whistleblower website. The form, which is part of OARM's broader FBI whistleblower program for complaint intake and case adjudication, is intended to assist FBI whistleblower complainants with providing OARM with the information necessary for OARM to process an RCA, and the form often serves as an official FBI whistleblower complaint filed under 28 C.F.R. Part 27. The purpose of the form is to make it as easy as possible for current Department/FBI employee complainants (with access to the agency's network) to file a whistleblower complaint directly with OARM via e-filing capabilities (for complainants who are no longer employed by the Department/FBI, the form may also be printed and mailed, scanned and emailed, or faxed to OARM). The RCA Form and the information collected in the FBI Whistleblower process is maintained in the SDS Platform Database that is managed by the Justice Management Division (JMD). However, a PIA is required because the OARM program collects, maintains, and disseminates information in identifiable form, to include privacy-sensitive information (*e.g.*, a complainant's name, address, phone number, email address, work title, work locations (and that of private counsel, if represented)). The JMD SDS Platform Database will be covered by separate security and privacy documentation, as referenced in Section 6.1.

Section 1: Description of the Information System

Provide a non-technical overall description of the system that addresses:

- (a) the purpose that the records and/or system are designed to serve;**
- (b) the way the system operates to achieve the purpose(s);**
- (c) the type of information collected, maintained, used, or disseminated by the system;**
- (d) who has access to information in the system;**
- (e) how information in the system is retrieved by the user;**
- (f) how information is transmitted to and from the system;**
- (g) whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects); and**
- (h) whether it is a general support system, major application, or other type of system.**

(a) the purpose that the records and/or system are designed to serve

OARM is responsible for adjudicating FBI whistleblower reprisal complaints under 28 C.F.R.

Part 27 and managing all attendant Departmental FBI whistleblower program responsibilities. As part of its adjudicatory function, in order to assist FBI whistleblower complainants with providing OARM with the information necessary for it to process an RCA, OARM created an online RCA Form, available on OARM's FBI Whistleblower website: <https://www.justice.gov/oarm/usdoj-oarm-fbi-whistleblowers>. This form often serves as an official FBI whistleblower complaint filed under 28 C.F.R. Part 27, although an RCA can be presented to OARM in any written form, and submitted via email, hard-copy form, or facsimile. OARM created the online/fillable form, which can be e-filed by current Department/FBI employees with OARM via: WBRCAForm@usdoj.gov, in order to make it as easy as possible for complainants to file whistleblower complaints directly with OARM. When a complainant completes an RCA, the JMD-maintained website where the form resides pushes the content to OARM via email, where it is ultimately stored in the JMD SDS Platform Database. Complainants who are no longer employed with the Department or the FBI, may print and complete the form and mail, scan and email, or fax it to OARM.

(b) the way the system operates to achieve the purpose(s)

OARM asks that the complainant answer questions on the RCA Form that are relevant to and necessary for OARM's adjudication of any FBI whistleblower reprisal complaint. OARM's adjudicative process is a detailed one. Upon receipt of a complainant's RCA, OARM will make a preliminary jurisdictional assessment as to the allegations presented. If OARM lacks jurisdiction, the case is dismissed. If jurisdiction is established, the parties have the opportunity to engage in discovery, which can be extensive, often resulting in hundreds to thousands of pages of documents being admitted into the evidentiary record. The parties may also request an evidentiary, trial-type administrative hearing before OARM, which OARM has the discretion to grant or deny. OARM then issues a decision on the merits of the complainant's case, either based on the written record, or after a hearing. If the complainant prevails on the merits, and the FBI is unable to meet its burden of proving that it would have taken the personnel actions at issue against the complainant even absent the complainant's whistleblowing, then OARM may order corrective action. A final determination or corrective action order by OARM is appealable to the Deputy Attorney General.

(c) the type of information collected, maintained, used, or disseminated by the system

The type of information collected, maintained, used, or disseminated throughout the Whistleblower process includes: complainant's name, address, phone, work title, work location, and signature; private counsel's name, contact information, and signature (if private counsel is retained by the complainant); the complainant's allegations of whistleblower reprisal, possibly to include the name/work title/work location of any FBI or Department individual involved in the matter, the list of other Department components or FBI offices involved in the complainant's claims; and a description of the relief sought by the complainant. During the course of discovery proceedings, additional information may be collected by OARM from the parties, including, but not limited to, medical and financial records, personnel documents, voice recordings, signatures, and photographs. Information (e.g., pleadings, discovery documents, etc.) may be collected by OARM via email or via hard copy mail or facsimile. All information is stored in electronic format on a JMD-maintained shared drive, and organized into electronic FBI Whistleblower files by year and Complainant's last name.

(d) who has access to information in the system

Individuals with initial access to the information in the system include four OARM staff members: the Director; Deputy Director; Assistant Director; and Attorney Advisor. The actual RCA Form once received by OARM is handled and disseminated in accordance with OARM's adjudicatory function under 28 C.F.R. Part 27, which includes review of the RCA by appropriate OARM officials, forwarding of the RCA to FBI Office of General Counsel (OGC) (and a copy to Complainant's private counsel, if any), and providing a copy of the complainant's RCA and other case-specific documents to the Office of the Deputy Attorney General (ODAG) and/or JMD OGC, as necessary for any appellate review. OARM opinions and orders are routinely shared with the Department's Office of Inspector General (OIG) and Office of Professional Responsibility (OPR), consistent with 28 C.F.R. § 27.4(g), and any finding of reprisal by OARM by FBI officials against a complainant are shared with FBI Inspection Division (FBI-INSD), FBI OPR, and the Director of the FBI. Additionally, each calendar year the Attorney General provides the President with a report identifying in numerical terms only the number of allegations of reprisal received from FBI employees during the previous calendar year, the disposition of each such allegation resolved during the preceding calendar year, and the number of unresolved allegations pending as of the end of the calendar year. Complainant names and case-specific information are not included. The annual reports from 2014, forward, are publicly available on OARM's FBI Whistleblower website at: <https://www.justice.gov/oarm/annual-reports>.

(e) how information in the system is retrieved by the user

The information in the system is retrieved in a number of ways. For both hard copy/paper and electronic submissions and other case-specific documentation, information is retrieved by OARM-assigned docket number and the complainant's last name. With respect to the online RCA Form, when e-filed, the form is retrieved by the user via access-controlled email (WBRCAForm@usdoj.gov).

(f) how information is transmitted to and from the system

Information is transmitted to and from the system by the complainant filling out the online fillable RCA Form and submitting it to OARM via e-filing (WBRCAForm@usdoj.gov), and OARM forwarding complainants and other case-specific information to FBI and/or Department components identified above, as necessary for limited official use only. Other DOJ components do not have access to OARM case information, and when information is transmitted to outside components, OARM sends the information via email or hard-copy. In some instances, OIG and OPR may share evidence that these offices developed during the course of their investigations in FBI whistleblower cases – e.g., emails, personnel documents, records of interviews – with OARM and the FBI's Discovery Processing Unit (FBI DPU), for clearance purposes. Investigative materials from OIG or OPR to OARM are transmitted electronically or via hard copy, and are stored to the applicable electronic case file (retrievable by year and the complainant's last name), on a JMD-maintained shared drive for FBI Whistleblower Case Files.

(g) whether it is a standalone system or interconnects with other systems (identifying and

describing any other systems to which it interconnects)

OARM’s main website (<https://www.justice.gov/oarm>), and FBI Whistleblower website (<https://www.justice.gov/oarm/usdoj-oarm-fbi-whistleblowers>), are the systems that house the online RCA Form. JMD information systems house OARM’s network files, and they are general support systems.

(h) whether it is a general support system, major application, or other type of system

OARM’s main website (<https://www.justice.gov/oarm>), and FBI Whistleblower website (<https://www.justice.gov/oarm/usdoj-oarm-fbi-whistleblowers>), are the systems that house the online RCA Form. JMD information systems house OARM’s network files, and they are general support systems.

Section 2: Information in the System

2.1 Indicate below what information is collected, maintained, or disseminated.

(Check all that apply.)

Identifying numbers					
Social Security	<input checked="" type="checkbox"/>	Alien Registration	<input type="checkbox"/>	Financial account	<input type="checkbox"/>
Taxpayer ID	<input type="checkbox"/>	Driver’s license	<input type="checkbox"/>	Financial transaction	<input type="checkbox"/>
Employee ID	<input type="checkbox"/>	Passport	<input type="checkbox"/>	Patient ID	<input type="checkbox"/>
File/case ID	<input checked="" type="checkbox"/>	Credit card	<input type="checkbox"/>		<input type="checkbox"/>
Other identifying numbers (specify):					

General personal data					
Name	<input checked="" type="checkbox"/>	Date of birth	<input checked="" type="checkbox"/>	Religion	<input checked="" type="checkbox"/>
Maiden name	<input checked="" type="checkbox"/>	Place of birth	<input checked="" type="checkbox"/>	Financial info	<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 checked="" type="checkbox"/>	Physical characteristics	<input checked="" type="checkbox"/>
Race/ethnicity	<input checked="" type="checkbox"/>	Education	<input checked="" type="checkbox"/>	Mother’s maiden name	<input checked="" type="checkbox"/>

General personal data			
<p>[NOTE: With respect to OARM's collection of general personal data identified above, only the complainant's name, home address, email address, and telephone number are routinely collected from the online RCA Form. However, any or all of the other identified items may be collected by OARM during the lifecycle of the litigation process (e.g., through the course of discovery, at an oral hearing, etc.) and OARM's adjudication of a case.]</p>			

Work-related data					
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 checked="" type="checkbox"/>	Business associates	<input checked="" type="checkbox"/>		
<p>[OARM routinely collects data on a complainant's occupation, job title, work address/telephone number, and email address(es). However, data regarding a complainant's business associates, salary, and work history, may be collected during the course of litigation.]</p>					

Distinguishing features/Biometrics					
Fingerprints	<input type="checkbox"/>	Photos	<input checked="" type="checkbox"/>	DNA profiles	<input type="checkbox"/>
Palm prints	<input type="checkbox"/>	Scars, marks, tattoos	<input type="checkbox"/>	Retina/iris scans	<input type="checkbox"/>
Voice recording/signatures	<input checked="" type="checkbox"/>	Vascular scan	<input type="checkbox"/>	Dental profile	<input type="checkbox"/>
<p>[This data is not routinely collected by OARM, but may be collected during the course of litigation.]</p>					

System admin/audit data					
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 run	<input checked="" type="checkbox"/>	Contents of files	<input checked="" type="checkbox"/>
<p>[Some of the records are housed in information systems managed by JMD. JMD may collect and use system administration/audit data for information system operational, security, and related purposes. OARM does not generally collect or use such information, except as may be needed during the course of specific litigation matters.]</p>					

Other information (specify)	

2.2 Indicate sources of the information in the system. (Check all that apply.)

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Directly from individual about whom the information pertains					
In person	<input checked="" type="checkbox"/>	Hard copy: mail/fax	<input checked="" type="checkbox"/>	Online	<input checked="" type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	Email	<input checked="" type="checkbox"/>		
Other (specify):					

Government sources					
Within the Component		Other DOJ components	<input checked="" type="checkbox"/>	Other federal entities	
			(FBI OGC, FBI OPR, FBI- INSD, OIG, OPR)		
State, local, tribal		Foreign			
Other (specify):					

Non-government sources					
Members of the public	<input checked="" type="checkbox"/>	Public media, internet		Private sector	<input checked="" type="checkbox"/>
	(to the extent the complainant is not an FBI employee (e.g., former employee or applicant))				(a complainant's private counsel, if so retained)
Commercial data brokers					
Other (specify):					

2.3 Analysis: Now that you have identified the information collected and the sources of the information, please identify and evaluate any potential threats to privacy that exist in light of the information collected or the sources from which the information is collected. Please describe the choices that the component made with regard to the type or quantity of information collected and the sources providing the information in order to prevent or mitigate threats to privacy. (For example: If a decision was made to collect less data, include a discussion of this decision; if it is necessary to obtain information from sources other than the individual, explain why.)

Threats to privacy could result from over collection, improper sharing, handling, or disposal of information, as well as from threats to information security. Controls are in place to ensure that the information is handled, retained, shared, and disposed of appropriately, to include: an access-controlled email account for receipt of information in the system; general Department information security training; OPCL’s LearnDOJ Annual Privacy Training completed by OARM’s SCOP/Assistant Director; case files secured in locked office within badge-access office suite; and the retention and disposition of system information/records in accordance with applicable system of records, JMD-023. In addition, the decisions by the Department in FBI whistleblower cases (by OARM and the Deputy Attorney General) are not made publicly available. The Attorney General provides statistical information to the President each calendar year, but the information provided is numerical only, and no case-specific details or complainant names are released, except as may be authorized by law in certain circumstances.

Over collection is mitigated by the online complaint form, which requests only that information which OARM requires to preliminarily assess jurisdiction over an FBI whistleblower reprisal case, correspond with a complainant and his/her designated representative, and fully and fairly adjudicate the merits of the case.

Section 3: Purpose and Use of the System

3.1 Indicate why the information in the system is being collected, maintained, or disseminated. (Check all that apply.)

Purpose			
<input type="checkbox"/>	For criminal law enforcement activities	<input checked="" type="checkbox"/>	For civil enforcement activities
<input type="checkbox"/>	For intelligence activities	<input checked="" type="checkbox"/>	For administrative matters
<input type="checkbox"/>	To conduct analysis concerning subjects of investigative or other interest	<input type="checkbox"/>	To promote information sharing initiatives
<input type="checkbox"/>	To conduct analysis to identify previously unknown areas of note, concern, or pattern.	<input type="checkbox"/>	For administering human resources programs
<input checked="" type="checkbox"/>	For litigation	<input type="checkbox"/>	
<input type="checkbox"/>	Other (specify):		

3.2 Analysis: Provide an explanation of how the component specifically will use the information to accomplish the checked purpose(s). Describe why the information that is collected, maintained, or disseminated is necessary to accomplish the checked purpose(s) and to further the component’s and/or the Department’s mission.

OARM uses the information collected to adjudicate the FBI whistleblower reprisal cases under 28 C.F.R. pt. 27, consistent with the Department’s mission to ensure that former and current employees of, and applicants for employment with, the FBI are protected from reprisal for whistleblowing.

3.3 Indicate the legal authorities, policies, or agreements that authorize collection

of the information in the system. (Check all that apply and include citation/reference.)

Authority		Citation/Reference	
<input checked="" type="checkbox"/>	Statute	5 U.S.C. § 2303, 5 U.S.C. § 301, 44 U.S.C. § 3101	
<input type="checkbox"/>	Executive Order		
<input checked="" type="checkbox"/>	Federal Regulation	28 C.F.R. pt. 27	
<input type="checkbox"/>	Memorandum of Understanding/agreement		
<input type="checkbox"/>	Other (summarize and provide copy of relevant portion)		

3.4 Indicate how long the information will be retained to accomplish the intended purpose, and how it will be disposed of at the end of the retention period. (Reference the applicable retention schedule approved by the National Archives and Records Administration, if available.)

The information is part of the system of permanent records in the FBI Whistleblower Case Files. The records are transferred to the Washington National Records Center two years after closing, and transferred to the National Archives 10 years after closing, consistent with JMD-023, 72 Fed. Reg. 30631.

3.5 Analysis: Describe any potential threats to privacy as a result of the component’s use of the information, and controls that the component has put into place to ensure that the information is handled, retained, and disposed appropriately. (For example: mandatory training for system users regarding appropriate handling of information, automatic purging of information in accordance with the retention schedule, etc.)

See 2.3 above. Threats to privacy could result from over collection, improper sharing, handling, or disposal of information, as well as from threats to information security. Controls are in place to ensure that the information is handled, retained, shared, and disposed appropriately include: access-controlled email account for receipt of information in the system; general DOJ information security training; OPCL’s LearnDOJ Annual Privacy Training completed by OARM’s SCOP/Assistant Director; case files secured in locked office within badge-access office suite; retention and disposition of system information/records in accordance with applicable system of records, JMD-023.

Section 4: Information Sharing

4.1 Indicate with whom the component intends to share the information in the system and how the information will be shared, such as on a case-by-case basis, bulk transfer, or direct access.

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Recipient	How information will be shared			
	Case-by-case	Bulk transfer	Direct access	Other (specify)
Within the component	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> (OARM authorized staff only)	
DOJ components	X (FBI Director, FBI OGC, FBI-INSD, FBI OPR, OPR, OIG, ODAG, JMD OGC, FBI DPU)	<input type="checkbox"/>	<input type="checkbox"/>	(see Section 1 above regarding the transmission of data and the offices and individuals provided access to information in the system for limited official use only)
Federal entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State, local, tribal gov't entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Case-specific information may be made public when required by law, as authorized by published Routine Uses, in accordance with the Privacy Act, 5 U.S.C. § 552a(b)(3), in the JMD-023 SORN (See Section 7).
Private sector	X (only if private counsel is retained by complainant)	<input type="checkbox"/>	<input type="checkbox"/>	
Foreign governments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Foreign entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

4.2 Analysis: Disclosure or sharing of information necessarily increases risks to privacy. Describe controls that the component has put into place in order to prevent or mitigate threats to privacy in connection with the disclosure of information. (For example: measures taken to reduce the risk of unauthorized disclosure, data breach, or receipt by an unauthorized

recipient; terms in applicable MOUs, contracts, or agreements that address safeguards to be implemented by the recipient to ensure appropriate use of the information – training, access controls, and security measures; etc.)

The fillable e-filed RCA Form on OARM’s website may be submitted via email to: WBRCForm@usdoj.gov (which is an access-controlled email account, accessible only to three OARM staff (Deputy Director, Assistant Director, and Attorney Advisor)). Electronic FBI whistleblower case-specific information (to include the parties’ pleadings and OARM issuances) is accessible only to a limited number of OARM staff with designated access to the secured network G: drive file(s). The RCA Form, and all case-related materials are retained in accordance with the records retention system for FBI Whistleblower Case Files (JMD-023) (e.g., filed by Complainant’s last name, and secured in a locked office within a locked suite with badge entry by OARM staff only).

Personally identifiable information (PII) and law enforcement sensitive information contained in any third-party discovery produced by OIG and/or OPR for the parties (and OARM) is redacted by the investigative office assigned to the case and FBI DPU, respectively. Redactions include PII of non-party individuals who are not witnesses but who may be mentioned in the reprisal analysis, and/or individuals who provided information to OIG/OPR as witnesses during the course of any reprisal investigation, but who do not have a key role in the case. Discovery materials are released by OARM to the parties only subject to a signed protective order covering the materials. The protective order is signed by complainant and any designated representative and the FBI OGC attorney assigned to the case.

Section 5: Notice, Consent, and Redress

5.1 Indicate whether individuals will be notified if their information is collected, maintained, or disseminated by the system. (Check all that apply.)

<input checked="" type="checkbox"/>	Yes, notice is provided pursuant to a system of records notice published in the Federal Register and discussed in Section 7.	
<input checked="" type="checkbox"/>	Yes, notice is provided by other means.	Specify how: The RCA Form includes a Privacy Act (e)(3) statement.
<input type="checkbox"/>	No, notice is not provided.	Specify why not:

5.2 Indicate whether and how individuals have the opportunity to decline to provide information.

<input checked="" type="checkbox"/>	Yes, individuals have the opportunity to decline to provide information.	Specify how: The RCA Form advises individuals that because the RCA is a voluntary action, the individual is not required to provide any personal information in connection with it. However, the failure to supply OARM with all the information
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		essential to reach a decision in the individual's case could result in rejection of the RCA.
<input type="checkbox"/>	No, individuals do not have the opportunity to decline to provide information.	Specify why not:

5.3 Indicate whether and how individuals have the opportunity to consent to particular uses of the information.

	Yes, individuals have an opportunity to consent to particular uses of the information.	Specify how:
<input checked="" type="checkbox"/>	No, individuals do not have the opportunity to consent to particular uses of the information.	Specify why not: Individuals receive notice about the purpose of collection through the Privacy Act notice at the time of collection. If individuals choose to provide information, they do not have the opportunity to consent to particular uses of the information.

5.4 Analysis: Clear and conspicuous notice and the opportunity to consent to the collection and use of individuals' information provides transparency and allows individuals to understand how their information will be handled. Describe how notice for the system was crafted with these principles in mind, or if notice is not provided, explain why not. If individuals are not provided the opportunity to consent to collection or use of the information, explain why not.

The RCA Form was created in a way to provide transparency of the collection and its intended use, as well as notice that individual action to provide the information is voluntary. This is demonstrated by the Privacy Act Statement provided on the RCA Form, as follows:

PRIVACY ACT STATEMENT: This information is provided pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3): This form requests personal information that is relevant and necessary to reach a decision in your RCA. OARM collects this information to adjudicate requests for corrective action brought pursuant to the FBI whistleblower regulations, 28 C.F.R. Part 27. OARM has the authority to ask for this information pursuant to 5 U.S.C. § 301, 44 U.S.C. § 3101, and 28 C.F.R. Part 27. Because your RCA is a voluntary action, you are not required to provide any personal information in connection with it. However, your failure to supply OARM with all of the information essential to reach a decision in your case could result in the rejection of your RCA. The information you provide is maintained in the JMD-023, Federal Bureau of Investigation Whistleblower Case Files system of records, 70 Fed. Reg. 53,253 (Sept. 7, 2005), as amended 72 Fed. Reg. 3410 (Jan. 25, 2007), 72 Fed. Reg. 15,906 (Apr. 3, 2007), and 72 Fed. Reg. 30,631 (June 1, 2007). If you supply OARM with your information, your information may be disclosed by the Department of Justice in accordance with the provisions of the Privacy Act, including to contractors, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government

when necessary to accomplish an agency function related to this system of records, to the National Archives and Records Administration in connection with records retention or disposition issues, or for other routine uses indicated in the JMD-023, Federal Bureau of Investigation Whistleblower Case Files system of records notice. To view the routine uses applicable to this system of records, please consult the system of records notice, as amended, at the following links:

70 Fed. Reg. 53,253 at <https://www.gpo.gov/fdsys/pkg/FR-2005-09-07/pdf/05-17700.pdf>;

72 Fed. Reg. 3410 at <https://www.gpo.gov/fdsys/pkg/FR-2007-01-25/pdf/E7-1176.pdf>;

72 Fed. Reg. 15,906 at <https://www.gpo.gov/fdsys/pkg/FR-2007-04-03/pdf/E7-6108.pdf>;

72 Fed. Reg. 30,631 at <https://www.gpo.gov/fdsys/pkg/FR-2007-06-01/pdf/E7-10523.pdf>.

In situations where a complainant does not use the RCA Form to file an FBI whistleblower complaint with OARM (but, instead makes the complaint via email – to OARM’s “AskOARM” inbox, Acting Director, Assistant Director, or Attorney Advisor -- or other written submission), OARM will send the complainant (and any designated counsel) a letter containing a Privacy Act Statement similar to that provided on the form (above). Additionally, OARM’s website and online RCA Form contain links to DOJ’s website privacy policy.

Section 6: Information Security

6.1 Indicate all that apply.

	<p>The information is secured in accordance with FISMA requirements. Provide date of most recent Certification and Accreditation: </p> <p>As stated in the Executive Summary, OARM is not the system owner and does not manage the systems housing the RCA Form or the additional information collected in the FBI Whistleblower process. These systems are housed in the SDS Platform Database managed by the Justice Management Division, and will be covered by separate security and privacy documentation. </p> <p>If Certification and Accreditation has not been completed, but is underway, provide status or expected completion date: </p>
	A security risk assessment has been conducted.
	Appropriate security controls have been identified and implemented to protect against risks identified in security risk assessment. Specify:
	Monitoring, testing, or evaluation has been undertaken to safeguard the information and prevent its misuse. Specify:
	Auditing procedures are in place to ensure compliance with security standards. Specify, including any auditing of role-based access and measures to prevent misuse of information:
	Contractors that have access to the system are subject to provisions in their contract binding them under the Privacy Act.
	Contractors that have access to the system are subject to information security provisions in their contracts required by DOJ policy.

		The following training is required for authorized users to access or receive information in the system:
		General information security training
		Training specific to the system for authorized users within the Department.
		Training specific to the system for authorized users outside of the component.
		Other (specify):

6.2 Describe how access and security controls were utilized to protect privacy and reduce the risk of unauthorized access and disclosure.

See 4.2 above. The fillable e-filed RCA Form on OARM’s website may be submitted via email to: WBRCAForm@usdoj.gov, which is an access-controlled email account, accessible only to three OARM staff (Deputy Director, Assistant Director, and Attorney Advisor). Electronic FBI whistleblower case-specific information, to include the parties’ pleadings and OARM’s issuances, is accessible only to a limited number of OARM staff with designated access to the secured network G: drive file. The RCA Form, and all case-related materials are retained in accordance with the records retention system for FBI Whistleblower Case Files (JMD-023) (e.g., filed by Complainant’s last name, and secured in a locked office within a locked suite with badge entry by OARM staff only).

PII and law enforcement sensitive information contained in any third-party discovery produced by OIG and/or OPR for the parties (and OARM) is redacted by the investigative office assigned to the case and FBI DPU, respectively. Redactions include PII of non-party individuals who are not witnesses but who may be mentioned in the reprisal analysis, and/or individuals who provided information to OIG/OPR as witnesses during the course of any reprisal investigation, but who do not have a key role in the case. Discovery materials released by OARM to the parties only subject to a signed protective order covering the materials. The protective order is signed by complainant and any designated representative and the FBI OGC attorney assigned to the case.

Section 7: Privacy Act

7.1 Indicate whether a system of records is being created under the Privacy Act, 5 U.S.C. § 552a. (Check the applicable block below and add the supplementary information requested.)

		<input checked="" type="checkbox"/> Yes, and this system is covered by an existing system of records notice. Provide the system name and number, as well as the Federal Register citation(s) for the most recent complete notice and any subsequent notices reflecting amendment to the system: JMD-023, FBI Whistleblower Case Files (70 Fed. Reg. 53,253)
		<input type="checkbox"/> Yes, and a system of records notice is in development.
		<input type="checkbox"/> No, a system of records is not being created.

7.2 Analysis: Describe how information in the system about United States citizens and/or lawfully admitted permanent resident aliens is or will be retrieved.

Information about United States citizens or lawfully admitted permanent resident aliens is retrieved by name and/or OARM-assigned case/docket number.