

Antitrust Division



Privacy Impact Assessment for the ATR Expert/Consulting Contract with Bates White

Issued by:

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(March 2025 DOJ PIA Template)

Section 1: Executive Summary

Provide a high-level overview of the project or information technology (e.g., application, tool, automated process) in non-technical terms that describes the project or information technology, its purpose, how the information technology operates to achieve that purpose, the general types of information involved, how information may be used and shared, and why a Privacy Impact Assessment was conducted. (Note: this section is an overview; the questions below elicit more detail.)

The Antitrust Division (ATR) contracts with Bates White (the “Expert Contractor”) for expert services in support of antitrust enforcement.

ATR uses two kinds of experts:

- Testifying experts and their support staff from the Expert Contractor examine the documents and information provided by ATR and prepare expert reports and testimony to assist the court or jury in trials. Testifying experts and their support staff may be from the same organization (e.g., an employee of the Expert Contractor may be supported by employees of the Expert Contractor) or two different organizations (e.g., a university professor (i.e., non-employee expert) may be supported by employees of the Expert Contractor).
- Consulting experts and their support staff, if any, assist ATR in analyzing matters both during investigatory and litigation stages but do not provide expert reports or testify. Consulting experts and their support staff may be from the same organization (e.g., an employee of the Expert Contractor may be supported by employees of the Expert Contractor) or two different organizations (e.g., a university professor, non-employee expert may be supported by employees of the Expert Contractor).

Testifying and consulting experts are typically retained in civil antitrust cases and occasionally retained in criminal antitrust cases.

Information collected in ATR investigations and litigation may include witness names and testimony, employment information, business contact information, economic information, financial information (typically business, not individuals) and company information (e.g., management and product information). Other personal information, such as health or financial information, is typically not collected or disseminated to experts, unless necessary in connection with a particular ATR investigation or litigation. For example, health information may be collected or disseminated to experts in connection with a merger of healthcare providers; financial information may be provided, in connection with a merger of credit card companies.

Internal DOJ users have access to the information. Other federal government users or State government users may have access to the information if they are cooperating with ATR to investigate or litigate.

ATR uses both ATR employees and ATR contract support (“ATR Contractors”) to manage, administer, develop, test, and implement database services. These ATR Contractors are

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privileged users, who are fully authorized and cleared to access to the full database environment, including all datasets processed, stored, maintained, disseminated, disclosed, and disposed of within the environment.

Information that ATR may disclose to the Expert Contractor in connection with a contract (“DOJ Information”) includes documents and data obtained by ATR from individuals and entities relevant to antitrust enforcement (e.g., from companies proposing to merge, witnesses with relevant information such as market participants (e.g., customers, competitors), and subjects and targets of criminal investigations), including:

- Voluntary submissions of information to ATR (e.g., from members of the public who submit complaints or companies proposing to merge) through documents, data, and interviews;
- Information obtained by ATR compulsory process (e.g., pursuant to Civil Investigative Demands and subpoenas, including deposition testimony);
- Information obtained by ATR through formal discovery requests in litigation; and
- Information obtained by ATR from public sources including the internet and court filings.

Expert Contractors who provide expert services in support of specific investigations or litigation cases use, process, maintain, and dispose of DOJ Information related to a specific investigation or litigation. ATR supervisors submit requests to retain Expert Contractors, and the Expert Contractors are vetted via DOJ and ATR Personnel Security processes. All access to DOJ Information by Expert Contractors is provided using DOJ-approved authentication techniques and secure communications channels.

The Expert Contractor may use artificial intelligence (AI) tools to assist in preliminary data processing, including document summarization, name standardization, and text extraction. This includes “cleaning” the data for additional processing, performing the equivalent of a “find and replace” function to standardize names. The Expert Contractor’s system may use AI to summarize the general content of documents or extract information from documents such as tables, company names, etc. The Expert Contractor may also quality check the work generated by Expert Contractor employees and non-employee experts using AI.

A Privacy Impact Assessment was conducted because this project implicates information in identifiable form from or about members or the public.

Section 2: Purpose and Use of the Information Technology

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2.1 Explain in more detail than above the purpose of the project or information technology, the type of technology used (e.g., databases, video conferencing, artificial intelligence, machine learning, privacy enhancing technologies), why the information is being collected, maintained, or disseminated, and how the information will help achieve the Component's purpose, for example, for criminal or civil law enforcement purposes, intelligence activities, and administrative matters, to conduct analyses to identify previously unknown areas of concern or patterns.

ATR retains Expert Contractor to help prepare investigations for litigation. All civil ATR merger and conduct litigations and some criminal ATR litigations use expert testimony to present ATR's case at trial and to rebut the expert testimony provided by the defendants in the litigation. For example, experts may present analysis of the marketplace (e.g., who buys and sells what kinds of product and how much competition is present in the market), customer demand, likely customer response to an increase in the prices of products.

ATR will contract with the Expert Contractor on investigation/litigation by investigation/litigation basis. The ATR contracts with the Expert Contractor will include both the DOJ-02 contract clause and the DOJ-05 contract clause.

To facilitate expert services, ATR will share DOJ Information with the Expert Contractor.

ATR may provide the Expert Contractor access to the information through (a) Justice Enterprise File Sharing ("JEFS") (e.g., the Department's file-sharing system), (b) encrypted electronic media (e.g., hard drives, thumb drives, CDs/DVDs), or (c) direct remote access to one or more ATR Relativity Database Management System ("RDMS") databases for the matter (which may be hosted on Department services or in the Cloud). The Expert Contractor will be limited to accessing only the information in these locations that is relevant to the particular investigation or litigation on which the Expert Contractor is working for ATR.

The Expert Contractor will manage DOJ Information with (a) the access controls specified in the assessment and (b) NIST SP 800-171, "Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations," controls. The Expert Contractor must also comply with the DOJ-02 contract clause in the ATR contracts with the Expert Contractor regarding Contractor Privacy Requirements.

According to the DOJ-05 clause in the ATR contract with the Expert Contractor, at the end of the project, the Expert Contractor and all Expert Contractor personnel must adhere to the sanitization guidance outlined in NIST SP 800-88, "Guidelines for Media Sanitization." The Expert Contractor and all Expert Contractor personnel must remove all DOJ Information from computers and network systems and return all electronic media containing such information to the DOJ within 10 days of the expiration or termination of the contract. Written certification of compliance must be provided to DOJ within 10 business days of the removal of all DOJ Information and return of all DOJ electronic media.

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2.2 *Indicate the legal authorities, policies, or agreements that authorize collection of the information. (Check all that apply and include citations/references.)*

Authority	Citation/Reference
Statute	ATR collects DOJ Information pursuant to the Sherman and Clayton Acts, the Hart-Scott-Rodino Act, and the Antitrust Civil Process Act.
Executive Order	
Federal regulation	ATR has authority for the project under 28 C.F.R. §§ 0.40, General functions, and 28 C.F.R. §§ 0.41, Special functions.
Agreement, memorandum of understanding, or other documented arrangement	The Expert Contractor will be limited by the provisions of the contracts between ATR and the Expert Contractor (e.g., will not be able to retain information after the matter is concluded).
Other (summarize and provide copy of relevant portion)	Federal Rules of Civil Procedure Federal Rules of Criminal Procedure Federal Rules of Evidence

Section 3: Information in the Information Technology

3.1 *Indicate below what types of information that may be personally identifiable in Column (1) will foreseeably be collected, handled, disseminated, stored and/or accessed by this information technology, regardless of the source of the information, whether the types of information are specifically requested to be collected, and whether particular fields are provided to organize or facilitate the information collection. Please check all that apply in Column (2) and indicate to whom the information relates in Column (3). Note: This list is provided for convenience; it is not exhaustive. Please add to "other" any other types of information.*

Note: Because DOJ Information in ATR investigations and litigations may include the work emails sent to and from the employees of companies involved in investigations and litigations (e.g., defendants, subjects, targets, witnesses, customers, competitors), it is difficult to rule out the inclusion of any of the information in this table, because, for example, employees of companies involved in ATR investigations and litigations may send and receive personal information from their work email. It is also difficult to rule out the inclusion of information about DOJ/Component Employees, Contractors, and Detailees or Other Federal Government Personnel, who (1) may be discussed by employees of companies involved in investigations and litigations or (2) may be customers of companies involved in ATR investigations and litigations.

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(1) General Categories of Information that May Be Personally Identifiable	(2) Information is collected, processed, disseminated, stored and/or accessed by this information technology (please check each applicable row)	(3) The information relates to: A. DOJ/Component Employees, Contractors, and Detailers; B. Other Federal Government Personnel; C. Members of the Public - US Citizens or Lawful Permanent Residents (USPERs); D. Members of the Public - Non-USPERs	(4) Comments
<i>Example: Personal email address</i>	<i>X</i>	<i>B, C and D</i>	<i>Email addresses of members of the public (US and non-USPERs)</i>
Name	<i>x</i>	<i>A, B, C, D</i>	<p>Names of members of the public, who may or may not be USPERs may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Names of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel working on the investigation/litigation or as members of the public).</p>
Date of birth or age	<i>x</i>	<i>A, B, C, D</i>	<p>Dates of birth or ages of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Dates of birth or ages of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>
Place of birth	<i>x</i>	<i>A, B, C, D</i>	See comment below in the Other category.
Sex	<i>x</i>	<i>A, B, C, D</i>	See comment below in the Other category.
Race, ethnicity, or citizenship	<i>x</i>	<i>A, B, C, D</i>	See comment below in the Other category.
Religion			
Social Security Number (full, last 4 digits or otherwise truncated)	<i>x</i>	<i>A, B, C, D</i>	See comment below in the Other category.
Tax Identification Number (TIN)	<i>x</i>	<i>A, B, C, D</i>	See comment below in the Other category.
Driver's license	<i>x</i>	<i>A, B, C, D</i>	See comment below in the Other category.
Alien registration number	<i>x</i>	<i>A, B, C, D</i>	See comment below in the Other category.

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Passport number	x	A, B, C, D	See comment below in the Other category.
Mother's maiden name			
Vehicle identifiers	x	A, B, C, D	See comment below in the Other category.
Personal mailing address	x	A, B, C, D	See comment below in the Other category.
Personal e-mail address	x	A, B, C, D	See comment below in the Other category.
Personal phone number	x	A, B, C, D	See comment below in the Other category.
Business mailing address	x	A, B, C, D	<p>Business mailing address of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Business mailing addresses of DOJ employees/other personnel and other federal government employees/other personnel may be disseminated to the Expert Contractor.</p>
Business e-mail address	x	A, B, C, D	<p>Business e-mail addresses of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Business email addresses of DOJ employees/other personnel and other federal government employees/other personnel may be disseminated to the Expert Contractor.</p>
Business phone number	x	A, B, C, D	<p>Business phone number of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Business phone numbers of DOJ employees/other personnel and other federal government employees/other personnel may be disseminated to the Expert Contractor.</p>
Medical records number			

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Medical notes or other medical or health information	x	A, B, C, D	See comment below in the Other category.
Financial account information	x	A, B, C, D	<p>Financial account information of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Financial account information of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>
Applicant information	x	A, B, C, D	<p>Applicant information of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Applicant information of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>
Education records	x	A, B, C, D	<p>Education records of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Education records of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel working on the investigation/litigation or as members of the public).</p>

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Military status or other information	x	A, B, C, D	See comment below in the Other category.
Employment status, history, or similar information	x	A, B, C, D	<p>Employment status, history, or similar information of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Employment status, history, or similar information of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel working on the investigation/litigation or as members of the public).</p>
Employment performance ratings or other performance information, e.g., performance improvement plan	x	C, D	Employment performance ratings or other performance information of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.
Certificates	x	A, B, C, D	<p>Certificates of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Certificates of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>

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Legal documents	<input checked="" type="checkbox"/> x	A, B, C, D	<p>Legal documents of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Legal documents of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>
Device identifiers, e.g., mobile devices	<input checked="" type="checkbox"/> x	A, B, C, D	See comment below in the Other category.
Web uniform resource locator(s)			
Foreign activities	<input checked="" type="checkbox"/> x	A, B, C, D	See comment below in the Other category.
Criminal records information, e.g., criminal history, arrests, criminal charges			
Juvenile criminal records information			

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Civil law enforcement information, e.g., allegations of civil law violations	x	A, B, C, D	<p>To the extent that ATR independently collects civil law enforcement information, that information may be included in DOJ Information and disseminated to the Expert Contractor.</p> <p>To the extent that companies involved in investigations or litigations possess civil law enforcement information of members of the public, who may or may not be USPERs, it may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Civil law enforcement information of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>
Whistleblower, e.g., tip, complaint, or referral	x	A, B, C, D	<p>Whistleblower information of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Whistleblower information of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>
Grand jury information			

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Information concerning witnesses to criminal matters, e.g., witness statements, witness contact information	x	A, B, C, D	<p>To the extent that ATR independently collects information concerning witnesses to criminal matters in criminal investigations and litigations, it may be included in DOJ Information and disseminated to the Expert Contractor.</p> <p>Information concerning witnesses to criminal matters of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Information concerning witnesses to criminal matters of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public).</p>
Procurement/contracting records	x	A, B, C, D	<p>Procurement and contracting records of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.</p> <p>Procurement and contracting records of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public, federal contracts).</p>

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Proprietary or business information	x	A, B, C, D	Proprietary or business information of members of the public, who may or may not be USPERs, may be collected, included in DOJ Information, and disseminated to the Expert Contractor.
Location information, including continuous or intermittent location tracking capabilities			Proprietary or business information of DOJ employees/other personnel and other federal government employees/other personnel may be collected, included in DOJ Information, and disseminated to the Expert Contractor (e.g., DOJ employees/other personnel as members of the public, federal contracts).
Biometric data:			
- Photographs or photographic identifiers	x	A, B, C, D	See comment below in the Other category.
- Video containing biometric data	x	A, B, C, D	DOJ Information disseminated to the Expert Contractor may include video depositions from the investigation or litigation, which may include recordings of members of the public, who may or may not be USPERs, and DOJ employees/other personnel and other federal government employees/other personnel.
- Fingerprints			
- Palm prints			
- Iris image			
- Dental profile			
- Voice recording/signatures	x	A, B, C, D	DOJ Information disseminated to the Expert Contractor may include video depositions from the investigation or litigation, which may include recordings of members of the public, who may or may not be USPERs, and DOJ employees/other personnel and other federal government employees/other personnel.
- Scars, marks, tattoos			

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- Vascular scan, e.g., palm or finger vein biometric data			
- DNA profiles			
- Other (specify)			
<i>System admin/audit data:</i>			
- User ID	x	C, D	Logged as part of system operations
- User passwords/codes	x	C, D	Logged as part of system operations
- IP address	x	C, D	Logged as part of system operations
- Date/time of access	x	C, D	Logged as part of system operations
- Queries run	x	C, D	Logged as part of system operations
- Contents of files	x	C, D	Logged as part of system operations
Other (please list the type of info and describe as completely as possible):		x	Because of the varied nature of ATR's work and because almost any type of unclassified PII could conceivably be collected as DOJ Information in investigations or litigations and disseminated to the Expert Contractor, it is not possible to list every item of information that will be collected, included in DOJ information, and disseminated to the Expert Contractor. There may be PII not within the general categories above. There also may be PII in the above categories that are not intended to be collected but are collected incidentally and disseminated to the Expert Contractor.

3.2 Indicate below the Department's source(s) of the information. (Check all that apply.)

Directly from the individual to whom the information pertains:				
In person	x	Hard copy: mail/fax	x	Online
Phone	x		Email	x
Other (specify):				

Government sources:		
Within the Component	x	Other DOJ Components

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Government sources:				
State, local, tribal	x	Foreign (identify and provide the international agreement, memorandum of understanding, or other documented arrangement related to the transfer)	x	
Other (specify):				

Non-government sources:				
Members of the public	x	Public media, Internet	x	Private sector
Commercial data brokers	x			
Other (specify):				

Section 4: Information Sharing

4.1 *Indicate with whom the component intends to share the information and how the information will be shared or accessed, such as on a case-by-case basis by manual secure electronic transmission, external user authorized accounts (i.e., direct log-in access), interconnected systems, or electronic bulk transfer.*

Recipient	How information will be shared			
	Case-by-case	Bulk transfer	Direct log-in access	Explain specifics of the sharing, as well as how these disclosures will support and are compatible with the purposes of the collection.
Within the Component				
DOJ Components				
Federal entities				
State, local, tribal gov't entities				
Public				
Counsel, parties, witnesses, and possibly courts or other judicial tribunals for litigation purposes				

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Recipient	How information will be shared			
	Case-by-case	Bulk transfer	Direct log-in access	Explain specifics of the sharing, as well as how these disclosures will support and are compatible with the purposes of the collection.
Private sector	x	x	x	Expert Contractors who provide expert services in support of specific investigations or litigation cases use, process, maintain, and dispose of DOJ Information related to a specific investigation or litigation. ATR supervisors submit requests to retain Expert Contractors, and the Expert Contractors are vetted via DOJ and ATR Personnel Security processes. All access to DOJ Information by Expert Contractors is provided using DOJ-approved authentication techniques and secure communications channels.
Foreign governments				
Foreign entities				
Other (specify):	x	x	x	Other Privacy documentation covers sharing of DOJ information with the entities listed above. This PIA is limited to exchanges of DOJ information with the Expert Contractor. DOJ Information will be shared with the Expert Contractor as needed to accomplish the tasks outlined above.

4.2 If the information will be released to the public for “[Open Data](#)” purposes, e.g., on data.gov (a clearinghouse for data from the Executive Branch of the federal government), and/or for research or statistical analysis purposes, explain whether—and, if so, how—the information will be de-identified, aggregated, or otherwise privacy protected.

ATR does not release to the public for “Open Data” purposes documents and data obtained from individuals and entities and shared with the Expert Contractor in connection with antitrust investigations and litigation. ATR provides only statistics and links to ATR’s case filings webpage to the “Open Data” site (www.data.gov).

Section 5: Notice, Consent, Access, and Amendment

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5.1 *What kind of notice, if any, will be provided to individuals informing them about the collection, use, sharing or other processing of their PII, e.g., a Privacy Act § 552a(e)(3) notice? Will a System of Records Notice (SORN) be published in the Federal Register providing generalized notice to the public? Will any other notices be provided? If no notice is provided to individuals or the general public, please explain.*

An ATR SORN provides generalized notice to the public.

Individuals will not be informed of the collection, use, sharing, or other processing of their PII with respect to the Expert Contractor because of regulations related to the operations of the Antitrust Division. *See ATR-006, “Antitrust Management Information System (AMIS) - Monthly Report,” 63 Fed. Reg. 8659 (2-20-1998), 66 Fed. Reg. 8425 (1-31-2001), 66 Fed. Reg. 17200 (3-29-2001), 82 FR 24147 (5-25-2017). Exemptions Claimed Pursuant to 5 U.S.C. 552a(k)(2). See 28 C.F.R. § 16.88.*

5.2 *What, if any, opportunities will there be for individuals to voluntarily participate in the collection, use or dissemination of information in the system, for example, to consent to collection or specific uses of their information? If no opportunities, please explain why.*

Individuals involved in investigations and litigation are properly notified in accordance with Federal criminal and civil procedures and court rules. ATR obtains the vast majority of the DOJ Information that may be shared with the Expert Contractor through subpoenas, discovery requests, search warrants, civil investigative demands, or second requests under the Hart-Scott-Rodino Antitrust Improvements Act (“HSR” Act).¹ For these information-gathering mechanisms, individuals do not have the opportunity to decline to provide the requested information and documents. Certain information may be provided voluntarily.² For information collected from public sources, notice is not provided to individuals.

The investigation/litigation DOJ Information is collected by counsel to and employees of companies involved in investigations and litigations and submitted to ATR, which then sends DOJ Information to the Expert Contractor as necessary.

5.3 *What, if any, procedures exist to allow individuals to gain access to information in the system pertaining to them, request amendment or correction of said information, and receive notification of these procedures (e.g., Freedom of Information Act or Privacy*

¹ The Hart-Scott-Rodino Act, 15 U.S.C. § 18a, requires parties to certain mergers to notify ATR and the Federal Trade Commission of the proposed merger and to provide certain information and documents. The Hart-Scott-Rodino Act also permits ATR and the Federal Trade Commission to make a request for additional information and documents (a “Request for Additional Information and Documentary Material,” known informally as a “Second Request”).

² For example, in the first phase of review under the Hart-Scott-Rodino Act, ATR typically requests and companies involved in investigations and litigations typically make voluntarily submission of information and documents related to the proposed merger.

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Act procedures)? If no procedures exist, please explain why.

Requests for information or amendment under the FOIA or Privacy Act are submitted to ATR's FOIA/Privacy Act Unit (<https://www.justice.gov/atr/antitrust-foia>) for processing and response.

Section 6: Maintenance of Privacy and Security Controls

6.1 *The Department uses administrative, technical, and physical controls to protect information. Indicate the controls below. (Check all that apply).*

<input checked="" type="checkbox"/>	<p>The information is secured in accordance with Federal Information Security Modernization Act (FISMA) requirements, including development of written security and privacy risk assessments pursuant to National Institute of Standards and Technology (NIST) guidelines, the development and implementation of privacy controls and an assessment of the efficacy of applicable privacy controls. Provide date of most recent Authorization to Operate (ATO) (if the system operates under an Authorization to Use (ATU) or other authorization mechanism, provide related details wherever an ATO is referenced):</p> <p>ATO granted Dec 19, 2024. Current ATU expires Dec. 19, 2025.</p> <p>If an ATO has not been completed, but is underway, provide status or expected completion date:</p> <p>Unless such information is sensitive and release of the information could pose risks to the component, summarize any outstanding plans of actions and milestones (POAMs) for any privacy controls resulting from the ATO process or risk assessment and provide a link to the applicable POAM documentation:</p> <p>Not Applicable.</p>
	<p>This system is not subject to the ATO processes and/or it is unclear whether NIST privacy controls have been implemented and assessed. Please explain:</p>
	<p>This information or information system has been assigned a security category as defined in Federal Information Processing Standards (FIPS) Publication 199, Standards for Security Categorization of Federal Information and Information Systems, based on the information it contains and consistent with NIST SP 800-60 v.2 rev.1, Guide for Mapping Types of Information and Information Systems to Security Categories: Appendices. Specify and provide a high-level summary of the justification, which may be detailed in the system security and privacy plan:</p> <p>Bates White is categorized as a moderate system based on a review of the aggregate impact levels for confidentiality, integrity, and availability.</p>
<input checked="" type="checkbox"/>	<p>Monitoring, testing, or evaluation has been undertaken to safeguard the information and prevent its misuse. Specify:</p>

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	ATR assessed the security controls to validate compliance with NIST 800-53 rev5 and NIST 800-171 rev3.
	Auditing procedures are in place to ensure compliance with security and privacy standards. Explain how often system logs are reviewed or auditing procedures conducted: <input checked="" type="checkbox"/> Auditing is conducted as described in the third-party assessment report.
<input checked="" type="checkbox"/>	Contractors that have access to the system are subject to information security, privacy and other provisions in their contract binding them under the Privacy Act, other applicable laws, and as required by DOJ policy.
<input checked="" type="checkbox"/>	Each component is required to implement foundational privacy-related training for all component personnel, including employees, interns, and contractors, when personnel on-board and to implement refresher privacy training annually. Indicate whether there is additional training specific to this system, and if so, please describe: <input checked="" type="checkbox"/> Security training is provided for the users as described in the third-party assessment report.

6.2 *Explain key privacy and security administrative, technical, or physical controls that are designed to minimize privacy risks. For example, how are access controls being utilized to reduce the risk of unauthorized access and disclosure, what types of controls will protect PII in transmission, and how will regular auditing of role-based access be used to detect possible unauthorized access?*

The Expert Contractor documented their compliance with the NIST SP 800-53 rev 5 and NIST 800-171 rev 3 controls, which are tailored to provide appropriate protection for Controlled Unclassified Information and PII.

6.3 *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.) If the project involves artificial intelligence and/or machine learning, indicate if the information is used for training AI models, and if so, how this will impact data retention and disposition.*

The Expert Contractor will only retain the information necessary to support the contract with ATR and will delete information as required by the DOJ-05 clause in ATR contracts with the Expert Contractor when no longer required.

ATR disposes of or retains the information provided to the Expert Contractor in accordance with Directive ATR 2710.1, “Procedures for Handling Division Documents and Information,” consistent with National Archives and Records Administration regulations and records schedules. Material submitted in investigations and litigation that are not Federal records are generally destroyed or returned to the submitting party when ATR closes a matter. Materials may be retained on completion of an investigation or case only in certain circumstances, including when the materials are exhibits, there is a

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pending formal FOIA or other request for the records, or the materials must be preserved under the Federal Records Act.

Section 7: Privacy Act

7.1 *Indicate whether information related to U.S. citizens or aliens lawfully admitted for permanent residence will be retrieved by a personal identifier (i.e., indicate whether information maintained by this information technology will qualify as “records” maintained in a “system of records,” as defined in the Privacy Act of 1974, as amended).*

_____ No. _____ x _____ Yes.

7.2 *Please cite and provide a link (if possible) to existing SORNs that cover the records, and/or explain if a new SORN is being published:*

ATR-006, “Antitrust Management Information System (AMIS) - Monthly Report,” 63 Fed. Reg. 8659 (2-20-1998), 66 Fed. Reg. 8425 (1-31-2001), 66 Fed. Reg. 17200 (3-29-2001), 82 FR 24147 (5-25-2017).

Section 8: Privacy Risks and Mitigation

When considering the proposed use of the information, its purpose, and the benefit to the Department of the collection and use of this information, what privacy risks are associated with the collection, use, access, dissemination, and maintenance of the information and how are those risks being mitigated? For projects involving the use of artificial intelligence and/or machine learning, identify the privacy risks uniquely associated with the use of AI/ML, and how those risks are being mitigated, for example the risk of output inaccuracies and mitigations in the form of testing, continuous monitoring, training, secondary review, etc.

Note: When answering this question, please specifically address privacy risks and mitigation measures in light of, among other things, the following:

- *Specific information being collected and data minimization strategies, including decisions made to collect fewer data types and/or minimizing the length of time the information will be retained (in accordance with applicable record retention schedules),*
- *Sources of the information,*
- *Type of technology employed (e.g. AI/ML),*
- *Specific uses or sharing,*
- *Privacy notices to individuals, and*
- *Decisions concerning security and privacy administrative, technical, and physical controls over the information.*

The privacy risks associated with DOJ Information provided to the Expert Contractor primarily relate to the loss of confidentiality of data. Access by unauthorized entities to sensitive data, including personal information collected for investigation or litigation, potentially could lead to destruction of that data, compromised identities, exposure of sensitive court records and personal

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data, and/or disruption to an ongoing investigation or litigation.

ATR transmission of DOJ Information to the Expert Contractor will take place through secure means (e.g., secure file transfers or encrypted hard drives or other electronic media).

ATR transmission of DOJ Information to the Expert Contractor is required as described above to obtain expert services. The Expert Contractor's data security has been assessed using the Expert Contractor's assessment report, which has been reviewed and analyzed by ATR personnel. ATR confirms with the Expert Contractor after the matter is over that the Expert Contractor has returned or destroyed all DOJ Information that ATR provided to the Expert Contractor.

Only the Expert Contractor team working on the matter can have access, and the Expert Contractor is not allowed to disseminate the information to non-DOJ cleared personnel. The Expert Contractor implements appropriate access controls to prevent other employees of the Expert Contractor from accessing the DOJ Information. The Expert Contractor utilizes private storage to manage the AI and data. Public AI is prohibited and the private, secure version in use is not trained using any of the DOJ data.