

Federal Energy Regulatory Commission

eLibrary

Privacy Impact Assessment (PIA)



April 2, 2019

Federal Energy Regulatory Commission
Information Security & Systems Assurance Division
888 1st Street NE
Washington, DC 20426

Document Control

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Table of Contents

1 INTRODUCTION..... 4

1.1 PURPOSE AND SCOPE..... 4

2 SIGNATURES..... 4

2.1 PRIVACY OFFICER 4

2.2 SYSTEM OWNER..... 4

Appendix A. PIA QUESTIONNAIRE Results..... 5

SECTION I: PURPOSE OF THE SYSTEM..... 5

SECTION II: DATA IN THE SYSTEM 5

SECTION III: ACCESS TO THE DATA 9

SECTION IV: ATTRIBUTES OF THE DATA..... 12

SECTION V: MAINTENANCE OF ADMINISTRATIVE CONTROLS..... 14

1 INTRODUCTION

1.1 PURPOSE AND SCOPE

For all Federal Energy Regulatory Commission (FERC) systems subject to the Assessment and Authorization (A&A) process, a Privacy Threshold Assessment (PTA) must be performed. The PTA process consists of the Information System Owner (ISO), or delegate, replying to a survey provided by the Information Security and Systems Assurance Division (ISSAD) team to determine if the system contains any Personally Identifiable Information (PII). When the system contains PII, then a full Privacy Impact Assessment (PIA) must be performed. The PTA satisfies the assessment requirement when the system does not contain PII.

Upon reviewing the survey results for the FERC eLibrary PTA, it has been determined that this system **DOES** contain PII and a PIA is required.

The PIA questionnaire results are attached below in Appendix A.

2 SIGNATURES

2.1 PRIVACY OFFICER

I confirm that:

- The above observations are accurate according to the data that has been collected and reviewed.
- A reasonable amount of due diligence was taken to make our conclusions.

Signature:

Christina Handley

Date

Senior Agency Official for Privacy
(SAOP)

2.2 SYSTEM OWNER

I confirm that:

- I am in agreement with the above determination.
- I am aware that the system contains the data as described above.

Signature:

Vijay Vakkalanka

Date

Information System Owner

APPENDIX A. PIA QUESTIONNAIRE RESULTS

SECTION I: PURPOSE OF THE SYSTEM

eLibrary is a database system that manages, stores, and retrieves electronic documents that have been received or issued by the Commission. Electronic issuances issued by the Commission and submissions (i.e., filings) submitted by both the Commission, regulated entities (e.g., utility companies), law firms and the public are contained in eLibrary. The public and FERC staff have access to eLibrary, and they have the ability to search the text of scanned documents using optical character recognition and the option to request that documents be printed or downloaded at one's computer or in the Public Reference Room.

SECTION II: DATA IN THE SYSTEM

1. Generally, describe the information to be used in the system in each of the following categories: Public Individual, Employee, Contractor, and Other.

(a) Public Individual: See below

(b) Employee and Contractor: See below

(c) Other: See below

The Commission's eLibrary system contains electronic issuances of orders and submissions that are statutorily required in accordance with the Code of Federal Regulations (CFR) Title 18. Public utility companies use eLibrary to electronically file submissions that include financial information, rate schedules, tariffs or service agreements, business contact information, and business sensitive information like Critical Energy Infrastructure Information (CEII) (e.g., dam safety information, blueprints, or dam rate information a gas pipeline may charge). In addition, the Commission's Office of the Secretary (OSEC) receives hardcopy submissions and issuances. These documents are scanned into eLibrary.

Generally, PII is not included in issuances and submissions; however, individuals of the public registering with eLibrary or commenting on a filing may provide their name, e-mail address, mobile phone number, and the city and state where they reside. Law firms submitting filings may provide their business address, telephone number, and e-mail address.

The eLibrary system interacts with and receives data from several FERC internal systems. Data in eLibrary originates from the following systems:

FERC Online (FOL)

FOL is the single-entry point for all FERC's electronic access applications. It provides a seamless way to communicate and do business with the Commission electronically. eFilings submitted electronically through FOL are sent to eLibrary, recorded, and given a classification. eFilings collect citizen names, utility company names, mailing addresses, and e-mail addresses,

as well as include documented proceedings for which an individual is affiliated. The individual may receive notification from the Commission as it relates to these proceedings. A notification can be mailed to an individual's physical address.

- **eFiling**

eFilings are all electronic filings that FERC receives from companies and individuals that are required by the Commission. Depending on the nature of the filing, a business address and e-mail address may be included.

Public Insurance Workflow (PIW)

PIW is a FERC SharePoint application which serves as the means for initiating the publication of FERC issuances to eLibrary. FERC staff initiates the publication of the PIW process and sends documents through various review steps, and then publishes them to eLibrary. These documents consist of issuances which originate within the Commission and are issued, for example, by the Commission, an administrative law judge, or any other agency official with delegated authority. The types of data present on an issuance order are statements made by commissioners, names of commissioners, and company name and mailing address.

eTariff

The Office of Energy Market Regulations uses eTariffs to validate tariff filings from the industry. It allows industry to view the tariffs they have filed. A full text search can be executed to see the status of tariff provisions and eLibrary issuances/filings by the Commission. After tariff filings passes validation, it is posted to eLibrary.

eComment/Quick Comment

The eComment form is completed by individuals submitting comments related to hydroelectric license/re-license proceedings, pre-filing activity for planned natural gas projects, and applications for authorization to construct a natural gas pipeline. This form collects name, address (street, city, state, and zip code) and e-mail address.

FERC Online Administration System (FOIA)/Activity Tracking Management (ATMS)

Issuances are submitted in eFiling and the files are submitted to FOIA/ATMS. These submittals are sent to eLibrary.

2. What FERC files and databases are used?

All filings and issuances are stored in eLibrary. The two databases used in eLibrary are FileNet and Oracle. FileNet stores content, and the Oracle database stores the metadata.

3. What Federal agencies are providing data for use in the system?

There are no Federal agencies providing data for use in eLibrary.

4. What State and Local Agencies are providing data for use in the system?

There are no State and Local Agencies providing data for use in eLibrary.

5. What other third-party sources will data be collected from?

The sources of the information in eLibrary are the following:

- Submitters, regulated entities, (e.g., utility companies), law firms and public individuals
- FOL (eFiling)
- PIW
- eTariff
- eComment/Quick Comment
- FOLA/ATMS

6. What information will be collected from the employee, contractor, and/or public individual?

There is no information collected in eLibrary from employees and contractors.

Public:

Individuals of the public registering with eLibrary or commenting on a filing may provide their name, e-mail address, mobile phone number, and the city and state where they reside.

The public files submissions and issuances. Submissions and issuances may contain the individual's name, address, and telephone number.

Information collected from the public during open Commission meetings is documented and stored in eLibrary. These documents may contain PII that includes the individual's name.

In addition, eLibrary collects information from the public through the following FERC applications:

eComment: The eComment electronic form can be completed by any individual. This form collects names, addresses (street, city, state, and zip code) and e-mail addresses from the public, and company information from public utility companies and law firms. This form is completed by individuals submitting comments related to hydroelectric license/re-license proceedings, pre-filing activity for planned natural gas projects, and applications for authorization to construct a natural gas pipeline.

FOL/eFiling: Comments received in the eComment form are transferred to FOL and then sent to eLibrary. In addition to sending comments, FOL sends eFilings to eLibrary. eFilings collect citizen names, utility company names, mailing addresses, and e-mail addresses, as well as include documented proceedings for which an individual is affiliated. The individual may receive notification from the Commission as it relates to these proceedings. A notification can be mailed to an individual's physical address. eFilings are all electronic filings that FERC receives from companies and individuals that are required

by the Commission. Depending on the nature of the filing, a business address and e-mail address may be included.

eTariff: The Office of Energy Market Regulations uses eTariffs to validate tariff filings from the industry. It allows industry to view the tariffs they have filed. A full text search can be executed to see the status of tariff provisions and eLibrary issuances/filings by the Commission.

7. How will data collected from sources other than FERC records and the identified individual be verified for accuracy?

FERC collects information directly from utility companies, private citizens, law firms, and employees with the expectation that the information provided is accurate at the time of submission.

8. How will data be checked for completeness?

Data posted in the PIW is checked for completeness and accuracy by the respective FERC program office, based on their need for the information.

9. Is the data current? (yes or no)

Yes. eLibrary is a repository that stores, among other things, applications requesting authorization to construct a natural gas pipeline, collects information pertaining to issuances and filings, provides the ability to search for documents and comment on hydroelectric license/re-license proceedings, and pre-filing activity for planned natural gas projects.

The Commission relies on the sources who provide data in eLibrary to be current.

10. If the data is current, how do you know?

If a program office has a need for information uploaded in eLibrary, the respective program office reviews these documents and based on the need decides if the information is recent.

11. Are the data elements described in detail and documented?

Yes. The type of data contained in eLibrary is accessible under its respective industry category (i.e., library), e.g., electric, natural gas, hydro, and oil, or within a FERC rulemaking, or general category.

12. If the data elements are documented in detail, what is the name of the document?

Data flows are documented in the FERC Functional Requirements Document. However, sample data elements contained in eLibrary are documented in this PIA.

SECTION III: ACCESS TO THE DATA

1. Who will have access to the data in the system? (Select users, managers, system administrators, developers, other [specify]).

End users, managers, system administrators, developers, and the public will have access to the data in the system.

2. Comments: The following FERC staff have access to the data:

End Users: All end users have read access to the public data in the eLibrary repository.

Managers: Managers have access to the data in the system as part of their assigned oversight and managerial functions. For example, specific Office of Energy projects staff have access to CEII and privilege information in eLibrary.

System Administrators: System administrators have access to the data in the system as part of their assigned employment functions. Administrators have system access and can access other e-mail mailboxes or documents as needed.

Other: Generally, all FERC employees have read-only access to eLibrary as end users. However, program office employees have specific role-based access based on their role.

To gain access to the eLibrary application, individuals and companies must first register online. Users, for example, may subscribe to specific dockets and may have immediate access to the correspondence or documents in eLibrary. However, before FERC releases data that is not generally available to the public, documents must go through a vetting process prior to release.

3. How is access to the data by a user determined?

Access to the data is determined by the users' role (i.e., role-based access), job function, and business justification. Access is controlled through an access control list.

Employees have access to all public files in eLibrary. When a member of the public seeks access to a document that is privileged or has CEII, he or she must follow FERC's policy as provided on ferc.gov. Requests for access to a non-public document must be approved. Once approved, the document is provided in hard copy.

4. Are criteria, procedures, controls, and responsibilities regarding access documented?

Yes.

5. Comments: Standard Operating Procedures (SOPs) are in place, and privacy and security controls are documented in the risk management profile for each system/application relevant to access controls, rights, and privileges.

6. Will the users' access to all data on the system be restricted?

Yes.

7. Please Explain:

Access to the data is determined by the users' role (i.e., role-based access), job function, and business justification. Access is controlled through an access control list. In addition, users' access depends on the program office needs. There are documents in eLibrary that are publicly accessible with no limited access. However, there are certain systems/applications within the Office of Enforcement and the Office of Energy Infrastructure Security (OEIS), as well as other offices, where access is restricted.

8. What controls are in place to prevent the misuse (for example, browsing) of data by those having access?

Access controls and audit controls are used to monitor requests, logs activity, apply filters, and report on activities.

Prior to being granted access to FERC information technology (IT) and data, employees are required to read the "Rules of Behavior for Users of Information Technology" or "Rules of Behavior for Privileged Users" and sign the "Acknowledgement of Rules of Behavior for IT Users." Users acknowledge they are personally responsible for their actions, understand their role as a network user, and will comply with FERC's Rules of Behavior (ROB) for *IT Users Policy*.

The ROB's responsibilities section addresses protecting information by ensuring the availability, integrity, authentication, confidentiality, and non-repudiation of the data. In addition, this section covers providing access to sensitive information after ensuring the parties have the proper authorization and need-to-know. The ROB informs the user of penalties that can be imposed due to non-compliance.

In addition, SOPs address acceptable use and proper document handling.

9. Do other systems share data or have access to data in this system?

Yes.

10. If yes, please explain.

The following systems share data with eLibrary: /FOIA/ATMS (e.g., new docket numbers, docket sheet entries), FERC Online (e.g., e-Filings), PIW (e.g., e-Issuances), eComment/Quick Comment, eTariffs, and submitters (e.g., paper submissions/issuances/CDs).

The following systems receive data from eLibrary: FOLA/ATMS (e.g., document information, internal document workflow), and end users (e.g., electronic document files, docket sheets, search results, zip files, large format files, hard copy versions).

For specific examples of data exchanges, see responses to Section I. Data in the System, questions one and six.

11. Who will be responsible for protecting the privacy rights of the following individuals affected by the interface: Employees, Contractors, and Public Individuals?

All FERC employees and contractors are responsible for protecting the privacy rights of other employees, contractors, and the public.

12. Will any other agencies share data or have access to data in this system? (yes or no)

No.

13. Specify any other agencies (International, Federal, State, Local, or Other) that share or have access to the system's data:

Information in eLibrary is not shared with any other agencies. However, eLibrary is a public repository; anyone has read-only access to the data.

14. How will the data be used by the agency?

Not applicable.

15. Who is responsible for assuring proper use of the data?

Not applicable.

16. How will the system ensure that agencies only get the information to which they are entitled?

Not applicable.

SECTION IV: ATTRIBUTES OF THE DATA

1. Is the use of the data both relevant and necessary to the purpose for which the system is being designed? (yes or no)

Yes.

2. Explain the relevance and necessity of the use of the data to the purpose(s) of the system:

eLibrary is a database system that manages, stores, and retrieves documents that have been received or issued by the Commission after November 16, 1981, plus a very limited number of older document files and dockets that have been retrofitted into the system. The eLibrary system provides FERC staff and the public with access to these documents via the FERC website.

3. Will the system derive new data or create previously unavailable data about an individual through aggregation from the information collected? (yes or no)

No.

4. Comments: The system will not derive new data or create previously unavailable data about an individual through aggregation from the information collected.

5. Will the new data be placed in the individual's records? (yes or no)

Not applicable.

6. Comments: Not applicable.

7. Can/will the system make determinations about identified individuals (members of the public, employees, etc.) that would not be possible without the new data? (yes or no)

No.

8. Comments: Not applicable. eLibrary will not derive new data or create previously unavailable data about an individual through aggregation from the information collected.

9. How will the new data be verified for relevance and accuracy?

Not applicable.

10. If data is being consolidated, what controls are in place to protect the data from unauthorized access or use?

eLibrary is a document repository that allows viewers a consolidated view of everything posted to the system. The information housed in eLibrary is accessible to the public.

However, based on the proprietary and sensitivity of specific documents (e.g., CEII) in eLibrary, these documents are reviewed, classified, and vetted prior to release, if at all.

11. If processes are being consolidated, are the proper controls remaining in place to protect the data and prevent unauthorized access?

Yes.

12. Please explain

There are security access controls and role-based access controls in place to protect the data and prevent unauthorized access.

13. How will the data be retrieved?

Data is retrieved in eLibrary by running a general search, to include, but is not limited to: date range (e.g., filed or posted date), category (submittal and/or issuance), library category (electric, natural gas, oil, hydro, rulemaking, general), and docket number.

14. Can the data be retrieved by personal identifier?

No. Individuals' information/records are not retrieved by a personal identifier.

15. If yes, please explain:

Not applicable.

16. What are the potential effects on the due process rights of employees, contractors, and public individuals of the consolidation and linkage of files and systems; derivation of data; accelerated information processing and decision making; use of new technologies?

There are no potential effects on the due process rights of employees, contractors, and the public of the consolidation of data and files in eLibrary. There are no systems being consolidated in eLibrary.

17. How are these potential effects to be diminished?

Not applicable.

SECTION V: MAINTENANCE OF ADMINISTRATIVE CONTROLS

1. Explain how the system and its use will ensure equitable treatment of employees, contractors and public individuals.

The system or use of the system is not capable of unequal treatment of employees, contractors and public individuals.

There are Commission policies and SOPs in place about how to handle data collected, used, disseminated, and shared at FERC.

2. If the system is operated in more than one site, how will consistent use of the system and data be maintained in all sites?

eLibrary resides at FERC headquarters in Washington, D.C. There are copies of eLibrary maintained (not operated) on secondary sites at the Alternate Computing Facility and the FERC regional offices.

3. Explain any possibility of unequal treatment of individuals or groups.

There are no possibilities of unequal treatment of individuals or groups because there are no disparate outcomes based on information the system collects.

4. What are the retention periods of data in this system?

Due to the exhaustive information for each record series retention schedule, an Excel worksheet has been provided below for reference. If you are unable to access this Excel worksheet, contact FERC Records Management to obtain data retention periods for eLibrary.



Microsoft Excel
Worksheet

5. What are the procedures for eliminating the data at the end of the retention period?
Where are the procedures documented?

The National Archives Records Administration Records Schedule and the FERC Comprehensive Records Disposition Schedule provides mandatory disposition instructions regarding how to maintain the agency's operational records and what to do with them when they are no longer needed for current business. The disposition instructions state whether individual series of records are "permanent" or "temporary," as well as how long to retain the records. Records with historical value, identified as "permanent," are transferred to the National Archives of the United States. All other

records are identified as “temporary” and are eventually destroyed in accordance with the Records Schedule.

6. While the data is retained in the system, what are the requirements for determining if the data is still sufficiently accurate, relevant, timely, and complete to ensure fairness in making determinations?

The eLibrary system electronically ‘date stamps’ each incoming filing, and staff manually checks and approves according to SOPs. Similarly, staff manually date stamps each incoming hard copy filing before indexing and scanning into eLibrary. There are many checks in place governed by SOPs.

7. Is the system using technologies in ways that the FERC has not previously employed (e.g. Caller-ID)? (yes or no)

No.

8. Comments: Not applicable.

9. How does the use of this technology affect the privacy of the employee, contractor and public individual?

Not applicable.

10. Will this system provide the capability to identify, locate, and monitor individuals? (yes or no)

No.

11. Please explain:

Not applicable.

12. Will this system provide the capability to identify, locate, and monitor groups of people?

No.

13. If yes, please explain:

Not applicable.

14. What controls will be used to prevent unauthorized monitoring?

eLibrary does not provide the capability to monitor.

15. Under which System of Records Notice (SORN) does the system operate? Please provide both the number and the name.

eLibrary is not a system of records where information is retrieved by a personal identifier. Therefore, a SORN is not required.

16. If the system is being modified, will the SORN require amendment or revision?

Not applicable.

17. Please explain:

Not applicable.

18. What opportunities have individuals been given to decline to provide information (where providing information is voluntary)?

All information requested is statutorily required. For example, information required in rate filings, as mandated by statute, must be submitted.

19. What opportunities have individuals been given to consent to particular uses of the information (other than required or authorized uses), and how do such individuals grant that consent?

All information requested is statutorily required.