



Privacy Impact Assessment of the Board's Ethics Portal

This privacy impact assessment (PIA) updates and replaces the "Office of Government Ethics (OGE) Form 450 Confidential Financial Disclosure System" PIA dated February 10, 2020.

For Questions or Comments, please email: privacy.comments@frb.gov

1. System Overview

The Ethics section of the Legal Division ("Board Ethics") manages an internal system called the "Ethics Portal" that stores and manages ethics-related information of Board employees. This system allows employees to submit various forms electronically, including the *New Employee Financial Interest Statement* (FR 03-100-05), the *Request for Compensated Outside Employment* (FR 725), the *Notification of Post-Employment Seeking, Negotiation, or Agreement and Recusal Statement* (FR 08-100-01), and the *Bank Stock Waiver Request Form*. Eligible employees may also electronically submit the *Office of Government Ethics (OGE) Form 450*, which requires federal employees less senior than Board officers to disclose their financial interests and outside affiliations, including certain interests of their spouses and dependent children. The Ethics Portal is also used as a tool to deliver training and ethics guidance to help Board employees prevent conflicts of interest between their duties and private financial interests or affiliations.

2. Information Collected, Sources, and Authority to Collect

2.1 What information about individuals is collected, used, maintained, or disseminated?

The Ethics Portal system collects and maintains information about Board employees, their spouses, and their dependent children,¹ which includes the following information:

Employee Information Collected:

- a. Name
- b. Employee ID
- c. Work Email address
- d. Position/Title
- e. Grade
- f. Agency
- g. Branch/Unit

¹ Information about members of the public is collected to inform Board ethics officials' advice and decisions regarding Board employees.

- h. Work Phone
- i. Photo
- j. Date of appointment
- k. Special Government Employee status
- l. Information collected from employees completing the OGE Form 450:
 - i. All positions outside the U.S. Government held at any time during the OGE 450 reporting period that meet certain conditions.
 - ii. Agreements or Arrangements for:
 - 1. Continuing participation in an employee pension or benefit plan maintained by a former employer.
 - 2. Leave of absence.
 - 3. Future employment.
 - 4. Continuation of payment by a former employer (including severance).
- m. Information collected from employees completing the Notification of Post-Employment Seeking, Negotiation, or Agreement and Recusal Statement: Non-federal entities with which an OGE Form 278 filer is negotiating or has an agreement for future employment or compensation.
- n. Information collected from employees completing Request for Compensated Outside Employment: Entity for which an employee is seeking to engage in compensated outside employment, including the name of the business or organization and other information about the proposed outside employment.

Employee and Spouse Information Collected (OGE Form 450):

- Sources of salary, fees, commissions, and other earned income greater than \$1,000.
- Honoraria greater than \$1,000.

Employee, Spouse, and Minor Children Information Collected:

- Information collected by the Bank Stock Waiver Request Form: Depository institution debt or equity interest, including description of the property, quantity and current value of the property, owner of the property, and relationship to the employee.
- Information collected by the Financial Interest Statement (FR 03-100-05): Disclosure of certain debt or equity interests of the employee and/or their spouse and/or minor child(ren).

Employee, Spouse, and Dependent Children

OGE Form 450:

- Reportable assets worth more than \$1,000 or from which income of more than \$1,000 was received during the reporting period.
- Reportable liabilities over \$10,000 owed at any time during the reporting period.
- Gifts and travel reimbursements totaling more than the minimal value threshold published every three years by the U.S. General Services Administration. (Note, this reporting threshold is adjusted every three years.)

Ethics Advice information collected: Employees may choose to provide financial information of their spouses and/or their minor or dependent children in connection with seeking advice on an ethics-related issue.

2.2 What are the sources of the information and how is the information collected?

The information collected and maintained in the Ethics Portal is provided by employees. In addition, other employee information (e.g., employee name, employee ID, email address, position/title, grade, agency, branch/unit, start date, division, work phone and reporting status (new entrant or annual, etc.) is automatically imported into the Ethics Portal from the Board's human resources system, Workday.²

2.3 What are the legal authorities for this collection?

Federal Reserve Act of 1913 (12 U.S.C. 244); Ethics in Government Act of 1978 (5 U.S.C. app); Ethics Reform Act of 1989, (5 U.S.C. 131); 5 C.F.R. 2638.104(c)(2)).

3. Use of the information collected

What is the purpose(s) for this information collection?

The purpose of the collection is to assist Board employees and the Board in preventing conflicts of interest between employees' official duties and their private financial interests or affiliations. The information provided by employees is only used for official purposes, and will not be disclosed to any requesting person unless authorized by law.

4. Data Minimization

How is the information collected and maintained relevant and necessary to accomplish the specified purpose(s)?

The Ethics Portal collects and maintains information that is relevant and necessary for identifying potential conflicts of interest between employees' official duties and their private financial interests or affiliations. Specifically, data minimization is accomplished by:

- Collecting only specific information elements directly mapped to regulatory requirements or conflict risk analysis needs;
- Conducting regular relevance reviews by Board Ethics, with removal of information no longer required; and
- Maintaining strict access controls so only authorized staff with an official business purpose may access the data.

² See, *Workday Government Cloud* PIA, https://www.federalreserve.gov/files/pia_workdaygovernmentcloud.pdf.

5. Access to Information

Who has access to this information?

Access to information is restricted to authorized Board staff who require access for official business purposes. This includes authorized Board Ethics officials who have access to ethics-related information submitted by employees. However, individual employees can only access their own submissions.

The type of information that Board Ethics users are permitted to access is based on their job responsibilities. Periodic reviews are conducted to determine whether these users still require access, have the appropriate role, and whether there have been any unauthorized changes in any information maintained in the Ethics Portal system.

Authorized division administrative officers may also view and make written determinations on the *Requests for Compensated Outside Employment and Bank Stock Waiver* requests submitted by employees to their respective divisions. Additionally, designated reviewers in the Board's Office of the Inspector General (OIG) division are able to access information filed by employees in the OIG division on the OGE Form 450.

As part of the initial review of an *OGE Form 450*, Board Ethics may also request an intermediate review by the filer's supervisor or another reviewer under 5 C.F.R. §2634.605(b)(1).

6. Information Sharing and Disclosures

Does the Board share this information with third parties? If so, identify the organization(s) with whom the information is shared, the purpose for which it is shared, and how the information is accessed and used.

The Board does not generally share data with third parties. However, the Board may be required to share information with the OIG or law enforcement if a potential crime is discovered. Information may also be shared with Congress upon request.

Disclosures may also be subject to the Freedom of Information Act (5 USC §552), and the Privacy Act of 1974 (5 USC §552a), as described in the Board's System of Records Notice entitled BGFRS-11, "Official General Files;" and the government-wide System of Records Notice entitled OGE/GOVT-1 "Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records," (*see question 11*).

7. Individual Participation

7.1 Do individuals have an opportunity to decline to provide their information or consent to the use of their information?

Individual employees may decline to submit forms. However, they may face administrative action or be unable to continue employment at the Board. Falsification of information, or failure to file or report information required to be reported may subject employees to disciplinary action by the Board or other authorities. Knowing and willful falsification of information required to be reported may

also subject employees to criminal prosecution. Employees do not have an opportunity to consent to the Board's particular uses of their information.

Those who are not employees (e.g., spouses and children) do not have an opportunity to decline to provide the required information in the system, or to consent to particular uses of their information. Board employees are responsible for providing the information in the system for non-employees.

7.2 Are individuals able to access their own information?

Board employees are able to access their own information submitted for six (6) years through the Ethics Portal. Employees may view and submit updates to their personal and financial information as circumstances change, except that they cannot update information on an *OGE Form 450* if a final disposition has been made. The spouses and children of employees do not have the ability to access this data as the system is restricted to Board users only.

8. Data Quality

What are the procedures for ensuring that the information maintained in the system is accurate, complete, and up-to-date?

Pursuant to federal ethics laws, individual Board employees are responsible for ensuring that the information they submit is accurate, complete, and up-to-date. Board Ethics has the capability to edit certain information (e.g., fix typos, add comments).

9. Data Retention

How long will the information be retained?

The current retention period for the records in the Ethics Portal are as follows:

- *OGE Form 450 and supporting documentation*: Destroy six (6) years after receipt or when no longer needed for active investigation, whichever is later. When the retention period expires, Board Ethics manually deletes the record.
- *OGE Form 278 supporting documentation*: Destroy at the same time an individual's related financial disclosure report is destroyed or six (6) years after the individual has submitted their last financial disclosure report; or when no longer needed for active investigation, whichever is later.
- *General Ethics Program Records (GRS 2.8, Item 010)*: Destroy six (6) years following the provision of advice to an employee, making a determination regarding outside employment or after such determination is no longer in effect or applicable, or when no longer needed for an active investigation, whichever is later, but longer if retention is authorized if required for business use.

