



## **Privacy Impact Assessment Template**

**SMARSH MOBILEGUARD**  
**(SYSTEM NAME)**

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**Date**

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## Guidance for Completing the Privacy Impact Assessment

A Privacy Impact Assessment (PIA) is an analysis of how Personally Identifiable Information (PII) is collected, stored, maintained, and shared. A PIA must be completed when FHFA: 1) develops or procures an Information Technology (IT) system or project that collects, maintains, or disseminates PII that can be used to identify a specific individual; or 2) initiates a new electronic collection of PII for 10 or more members of the public, which includes any information in an identifiable form permitting the physical or online contacting of a specific individual.

System Owners are primarily responsible for completing the PIA with assistance from IT developers, IT security officers, and the Privacy Office.

### OVERVIEW SECTION

- Provide a thorough, complete, and clear overview of the System and give the reader the appropriate context to understand the responses. Some questions to consider include:
  - What is the purpose of the System?
  - What will be the primary uses of the System?
  - How will this support the Division's/Office's/Program's mission?
- This section fulfills the E-Government Act's requirement for an introduction to members of the public who may be reading the PIA. PIAs may be made publicly available unless a determination is made to not make the PIA available because publication would raise security concerns and/or reveal classified or sensitive information.

### SECTION 1.0 CHARACTERIZATION OF THE INFORMATION

- Identify if the System contains information about individuals, versus statistical, geographical, or financial information, with no link to a name or other identifier, such as, home address, social security number, account number, home, mobile or facsimile telephone number, or personal e-mail address.
- Examples of sources of the information include information that comes from an individual applying for a loan or mortgage, or other forms that an individual completes. A question to consider:
  - Where does the data originate? (e.g., FHFA, Office of Personnel Management, Regulated Entities, other Financial Institutions, or third parties). A third party is usually a non-Federal person or entity, which may be a source of data/information (e.g., a bank, an internet service provider, or a private organization).
- If the System collects information from 10 or more members of the public, ensure that FHFA has received prior approval from OMB to do so or determine whether OMB's approval is needed to collect the information in accordance with the Paperwork Reduction Act. If you are unsure of this last requirement, contact the Office of General Counsel for assistance.

## SECTION 2.0 USES OF THE INFORMATION

- Identify the primary uses of the information and how the information supports FHFA's or the Office's/Division's/Program's mission.
- Identify the controls that are in place to ensure the information will be used for the manner for which it was collected. For example, access to the information will be restricted to a limited number of staff who use the data for their specific program use.

## SECTION 3.0 RETENTION

- **The Privacy Act requires an agency to address the retention and disposal of information about individuals. This retention information is published in the Privacy Act System of Record Notice (SORN).**
- The retention periods for data/records that FHFA manages are contained in either the National Archives and Records Administration (NARA) General Records Schedule (GRS) or FHFA's Records Schedule. For the data being created/ maintained in the System, these records schedules are the authoritative sources for this information. For assistance, contact FHFA's Records Management Office.
- Disposing of the data at the end of the retention period is the last state of life-cycle management. Records subject to the Privacy Act have special disposal procedures (e.g. shredding of paper documents).

## SECTION 4.0 NOTICE, ACCESS, REDRESS AND CORRECTION

- The Privacy Act requires that "each agency that maintains a system of records shall maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President." 5 U.S.C. 552a(e)(1).
- Data can be retrieved in a number of ways, but there is usually a personal identifier associated with a record. If the System retrieves information by an individual's name or other unique identifier (e.g. social security number) it is a Privacy Act System and will need a SORN published in the Federal Register. The System may already have a Privacy Act SORN. If you do not have a published SORN, or are unsure whether one exists, contact FHFA's Privacy Office.
- If a name or other unique identifier is not used to retrieve information, it is possible that the System is not a Privacy Act System. However, even though information may not fall under the Privacy Act's protection and requirements, certain information may still be protected from disclosure under the Freedom of Information Act.

- The agency has developed and published an agency specific Privacy Act Rule in the Federal Register (12 CFR Part 1204) that explains how individuals can gain access to information about themselves and correct errors, if appropriate.
- Any employee who knowingly and willfully maintains a System of Records without meeting the Privacy Act notice requirements (5 U.S.C. 552a(e)(4)) is guilty of a misdemeanor and may be fined up to \$5,000.

## **SECTION 5.0 SHARING AND DISCLOSURE**

- If you do not know whether or not Systems share data, contact either the business owner of the data, or the IT specialist who knows what interfaces exist between the Systems/applications. As an example, if your System/application shares data with another System/application, ask yourself whether you have access to the data in the interfaced System/application. If so, then your answer is yes, and an explanation is needed.
- Also consider “other” users who may not be obvious as those listed, such as GAO, or FHFA’s Office of Inspector General. “Other” may also include database administrators or IT Security Officers. Also include organizations listed in the Privacy Act SORN under the “Routine Use” section when a Privacy Act SORN is required. The more comprehensive the list, the better it is.
- You must first review the SORN to determine whether any information that may come from an existing SORN allows that information to be exchanged and used for these new purposes or uses. There are restrictions on the use and disclosure of information that are set forth in a SORN.

## **SECTION 6.0 ACCESS AND SECURITY**

- Access to data by a user (i.e. employee or contractor personnel) within FHFA is determined on a “need-to-know” basis. This means to authorized employees or contractor personnel who have a need for the information to perform their duties may be granted access to the information. Factors to consider in making this determination include the user’s job requirements including supervisory responsibilities.
- The criteria, procedures, controls and responsibilities regarding access must be documented in order to comply with the intent of the Federal Information Security Management Act of 2002 for standards and guidelines on security and privacy.
- The System owner is responsible for ensuring that access to information and data is restricted to authorized personnel. Usually, a user is only given access to certain information that is needed to perform an official function. Care should be given to avoid “open Systems” where all information can be viewed by all users. System administrators may be afforded greater access – i.e. to all of the data – depending upon the System and/or application. However, restrict access when users do not need to have access to all the data.
- When a contract provides for the operation of a System on behalf of FHFA, the Privacy Act requirements must be applied to such a System. Contact the Contracting Officer or

Contracting Officer's Representative to determine whether the contract contains the Privacy Act clause and the requirements thereunder.

- The Security Assessment and Authorization (SA&A) process requires a System security plan that identifies the technical controls associated with identification and authentication of users. Certain laws and regulations require monitoring of Systems to ensure that only authorized users can access the System for authorized reasons. In doing so, consider what controls are in place to ensure that only those authorized to monitor the System can in fact monitor use of the System. For example, business rules, internal instructions, and posting Privacy Warning Notices address access controls and violations for unauthorized monitoring. System Owners are responsible for ensuring that no unauthorized monitoring is occurring.
- The IT Security Plan describes the practice of applying logical access controls. Logical access controls are System-based means by which the ability to access a System is either explicitly enabled or restricted. System Owners are responsible for ensuring that no unauthorized access is occurring.
- The IT Security Plan describes the practice of audit trails. An audit trail maintains a record of System activity and user activity including invalid logon attempts, access to data and monitoring. The SA&A process requires a System security plan outlining the implementation of the technical controls associated with identification and authentication.
- Every System/application/process that uses data must have controls in place to prevent the misuse of the data by those having access to the data. For instance, in computerized Systems, the Security Information Record (SIR) is part of the Core Storage Terminal Table. The SIR is the automated tool that identifies and authenticates an individual for the System and is transparent to the user.
- All employees, including contractors, have requirements for protecting information in Privacy Act Systems. Describe the controls in place, including any privacy and security awareness controls such as training materials, to protect the information.

## **PIA FORM**

### **Overview**

Provide an overview of the System and address the following:

- The System name and the division/office that owns the System;
- The purpose of the program, System, or technology and how it relates to the agency's mission; and
- A general description of the information in the System.

System Owner(s)			
Name	E-mail	Division/Office	Office or Mobile Phone Number
Thomas Leach	<a href="mailto:thomas.leach@fhfa.gov">thomas.leach@fhfa.gov</a>	Office of the Chief Operating Officer (OCOO)/Office of Technology and Information Management (OTIM)	202-649-3640
<b>System Overview:</b> Briefly describe the purpose of the program, System, or technology, and the information in the System, and how it relates to the agency’s mission.			
<p>FHFA staff and authorized contractors are provided an agency managed mobile device. Recently, a gap was identified related to the accessibility and storage of short message service (SMS) text messages that are sent to/from those mobile devices. Today, if an FHFA user uses the SMS texting service, those messages are stored only on the agency managed mobile device. This has caused concern for purposes of complying with litigation-hold requests. The Smarsh MobileGuard system (MobileGuard) mitigates that concern by receiving “near real time” copies of the SMS text message traffic directly from the agency managed mobile device carriers (Verizon and AT&amp;T Wireless). From there, the SMS text messages can be exported and downloaded to FHFA’s eDiscovery platform for litigation purposes, when needed. It is important to note, SMS messages are currently being stored on an FHFA General Support System (GSS) controlled/managed devices. MobileGuard is currently being reviewed and will receive an Authorization to Operation (ATO) from the Office of Technology and Information Management (OTIM) Security prior to deployment.</p>			

**Section 1.0 Characterization of the Information**

The following questions define the scope of the information requested and/or collected as well as reasons for its collection as part of the program, System, or technology being developed. The questions address all information collected, with more emphasis provided on the collection of PII, such as name, address, social security number, date of birth, financial information, etc.

#	Question	Response
1.1	What information is being collected, used, disseminated, or maintained in the System?	The system natively collects the phone numbers from the SMS text message. However, if the FHFA user has additional business or personal contact information stored in an existing contact, that information is accessible.
1.2	What or who are the sources of the information in the System?	The SMS text messages are received directly from the wireless carrier (AT&T and Verizon Wireless) for the agency managed mobile device. The internal FHFA contact information is obtained via FHFA’s Active Directory stored in MobileGuard.

#	Question	Response
1.3	For what purpose is the information being collected, used, disseminated, or maintained?	To ensure SMS text communications to/from FHFA managed mobile devices is stored in an alternate location other than the mobile device and accessible for agency needs, such as litigation searches.
1.4	How is the information provided to FHFA?	The wireless carriers send a near real time copy of all SMS text messages sent to/from a registered FHFA managed mobile device to the MobileGuard system. MobileGuard on a batch basis sends messages to an FHFA Exchange email, which is ultimately imported into FHFA's eVault system.
1.5	Given the amount and type of information collected, what are the risks to an individual's privacy that are associated with collection of the data? Explain in detail how the loss, or compromise of the information will/can affect an individual's privacy.	If the data collected were compromised or lost, at a minimum, the phone numbers of the senders/receivers would be exposed as well as the content of the SMS texts, which could compromise the privacy and confidentiality of the employee or any individual described in the SMS text and potentially cause that employee or individual embarrassment or anxiety or to be subject to blackmail or identity theft, as well as to potentially harm the FHFA's pursuit of its mission.
1.6	Are Social Security numbers are being collected or used in the system?	No.
1.7	If SSNs are collected or used in the system, 1) describe in detail the business justification for collecting or using SSNs; 2) the consequences if SSNs are not collected or used, and 3) how the SSNs will be protected while in use, in transit and in storage.	N/A

## Section 2.0 Uses of the Information

The following questions delineate the use of information and the accuracy of the data being used.

#	Question	Response
2.1	How will the information be used and for what purpose?	The primary purpose for this collection is to support agency litigation-related needs, such as litigation-hold requests and/or eDiscovery information searches.
#	Question	Response
2.2	Describe any types of controls or safeguards in place to ensure that information is only used in the manner for which it was collected.	Only authorized administrators will have access to the MobileGuard portal. Single Sign On and logging services are used as documented in the FHFA MobileGuard Customer Controls. SMS text messages forwarded to the Exchange/eVault are accessible only to Exchange/eVault administrators.

## Section 3.0 Retention

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

#	Question	Response
3.1	How long is the information retained?	Upon onboarding with FHFA, an email/text archive is created for each FHFA employee or contractor personnel. A Retention Category is then assigned to each person's email/text archive based on the person's role in the Agency and the NARA-approved authorities in <i>FHFA's Comprehensive Records Schedule</i> .
3.2	Has a retention schedule been approved by FHFA's Records Management Office and NARA? If yes, provide the corresponding GRS or FHFA specific Records Schedule number.	Yes (see 3.1 response). <a href="#"><i>FHFA's Comprehensive Records Schedule</i></a> is N1-543-11-1.
3.3	Discuss the risks associated with the length of time data is retained and how those risks are mitigated.	Individually assigned email/text archive retentions best reflect FHFA requirements, reduce risk, and mirror retentions applied to records in other media.

## Section 4.0 Notice, Access, Redress and Correction

The following questions are directed at notice to the individual, the individual's right to consent to uses of the information, the individual's right to decline to provide information, and an individual's ability to ensure the accuracy of the information collected about them.

#	Question	Response
4.1	Has a System of Record Notice (SORN) been created? If so, provide the SORN name and number. If one has not, and one is required, provide the name of the SORN and the expected publication date in the Federal Register.	No SORN is required because MobileGuard does not create a system of records, as defined by the Privacy Act of 1974 (5 USC 552a).
4.2	Was notice provided to the individual prior to collection of information? If so, what type of notice was provided?	N/A. Information is obtained from the FHFA Active Directory and from the wireless carriers associated with the agency managed mobile devices and is not directly collected from individuals.
4.3	Do individuals have the opportunity and/or right to decline to provide information? What are the consequences if an individual declines to provide the information?	NA. Information is obtained from the FHFA Active Directory and from the wireless carriers associated with the agency managed mobile devices and is not directly collected from individuals.

#	Question	Response
4.4	What are the procedures that allow individuals to gain access to their information?	Individuals may submit a Privacy Act request to FHFA's Privacy Act Officer pursuant to 12 CFR § 1204.3(b).
4.5	What are the procedures for correcting inaccurate or erroneous information?	Individuals may submit a request to amend or correct records to FHFA's Privacy Act Officer pursuant to 12 CFR § 1204.3(d).

## Section 5.0 Sharing and Disclosure

The following questions define the content, scope, and authority for information sharing.

#	Question	Response
5.1	With which internal organization(s) is the information shared? What information is shared and for what purpose?	OTIM and the Office of the General Counsel (OGC).
5.2	With which external organization(s) is the information shared? What information is shared, and for what purpose? External organization(s) include Federal, state and local government, and the private sector.	Information from MobileGuard may be shared with other parties and witnesses, including but not limited to, other Federal agencies, commercial entities, members of the public, members of the court presiding over the litigation, and court-reporters or other litigation-support entities, to a litigation involving the FHFA, in which that information is relevant and requested, whether via a litigation-hold or an eDiscovery request.

5.3	Is the sharing of PII outside the agency compatible with the original information collection? If so, is it covered by an appropriate routine use in a SORN? Describe such use. If not, describe the legal authority that permits PII to be shared outside of FHFA.	Yes, the external sharing of this information is compatible with the original purpose for this information collection and is further authorized by 12 U.S.C. 4511(b)(2), 12 U.S.C. 4513(a)(2)(B), and 44 U.S.C. 3101. No SORN applies because no “system of records”, as defined by the Privacy Act (5 USC 552a), is created.
5.4	Given the external sharing, explain the privacy risks to the individual and describe how those risks are mitigated.	The risks to the individual include both the loss of control of PII and the release of potentially sensitive data that could be the subject of pending litigation. These risks are mitigated by limiting any external sharing to that which is required by a pending litigation, which may include a protective order covering the information contained in MobileGuard, or otherwise required by law.

## Section 6.0 Technical Access and Security

The following questions describe technical safeguards and security measures.

#	Question	Response
6.1	What procedures are in place to determine which users may access the System? Are these procedures documented in writing?	MobileGuard account management procedures are documented in the MobileGuard Customer Controls. Access to FHFA’s MobileGuard instance must be approved by the FHFA system owner and roles are assigned based on the concept of least privilege.
6.2	Will non-FHFA personnel (e.g., contractor personnel, regulated entity personnel) have access to the System and information contained therein? If yes, how will they gain access to the System? How will the agency control their access and use of information? Are there procedures documented in writing?	OTIM and OGC contractors with a business need to administer or search the SMS text messages will have access. Access to the information on the MobileGuard portal will be approved by the System Owner and follow the procedures defined in the Customer Controls. SMS text messages forwarded to the Exchange/eVault are accessible only to Exchange/eVault administrators.
6.3	Describe the type and frequency of training that is provided to users either generally or specifically that is relevant to the program or System?	All FHFA employees are required to undergo security, privacy, and Records and Information Management (RIM) training for use of FHFA systems at onboarding and annually thereafter. In addition, all FHFA users with elevated privileges receive specialized security training, and role-based privacy awareness training for those individuals whose work duties and responsibilities involve the collection, use, storage, access, or maintenance of PII.
6.4	Describe the technical/administrative safeguards in place to protect the data?	SMS messages are encrypted in transit from the carrier to MobileGuard and encrypted at rest within MobileGuard.  FHFA has developed Customer Controls that describe the Agency’s implementation of controls

		designated as the responsibility of the customer agency. This includes procedures for securely managing access to the system, reviewing audit logs, etc.
6.5	What auditing measures are in place to protect the data? Who reviews these measures and how frequently are they reviewed?	MobileGuard captures logs of all user actions on the system, and at least quarterly the system owner will generate an audit log report, review system events and notify IT Security when the logs have been reviewed, noting if any unusual activity was observed.
6.6	Has a SA&A been completed for the System or Systems supporting the program? If so, provide the date the last SA&A was completed. If not, and one is required, provided the expected completion date of the SA&A.	FHFA completed a control assessment of the MobileGuard system in October 2022.
6.7	Has an Authority to Operate (ATO) been issued for this System? If so, what date was it issued, and for how long was it issued? If not, when do you anticipate such ATO being issued?	FHFA anticipates issuing an ATO for the MobileGuard system in December 2022.