



**Privacy Impact Assessment  
for the  
Office of Legislative and Intergovernmental  
Affairs (OLIA) & FiscalNote**

October 6, 2020

**System/Business Owner**

**Office of Legislative and Intergovernmental Affairs**

**Reviewing Official**

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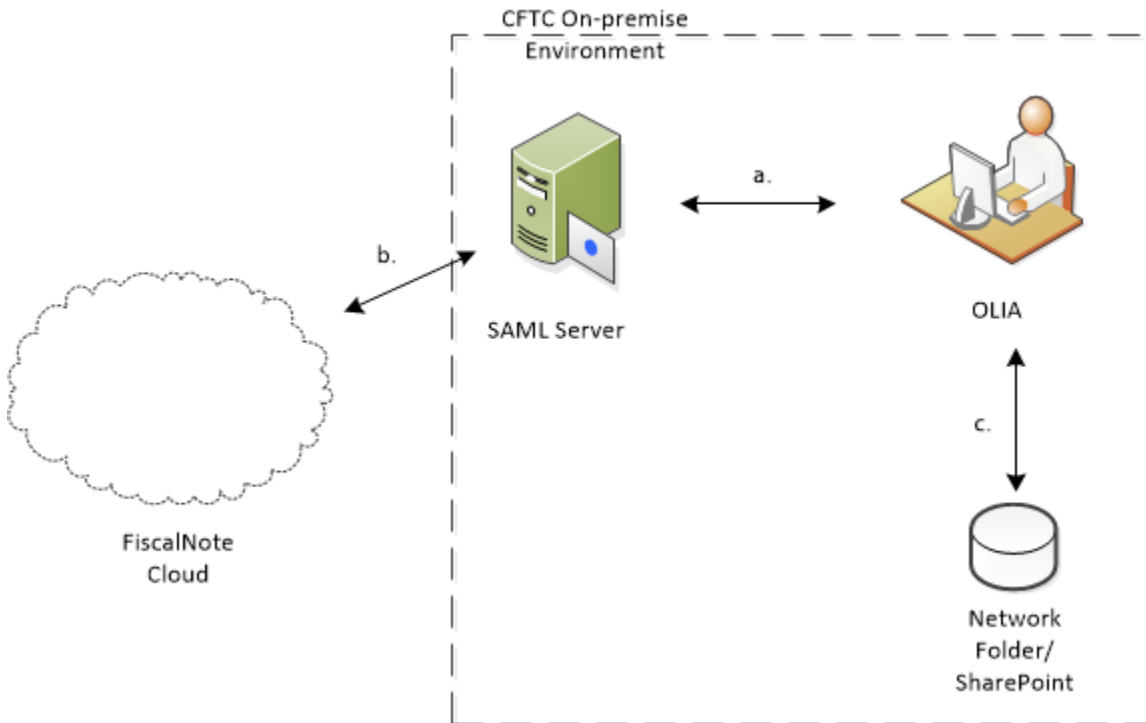
## I. SYSTEM OVERVIEW

### 1) Describe the purpose of the system/collection:

The Commodity Futures and Trading Commission’s (“Commission” or “CFTC”) Office of Legislative and Intergovernmental Affairs (OLIA) is the chief advisor to the CFTC Chairman on matters before the U.S. Congress and serves as the Commission’s official liaison with Members of Congress, federal agencies, and the Administration. Among other things, OLIA provides counsel and professional support to the Chairman and Commission with the goal of building and maintaining relationships with Members of Congress and their staffs and in doing so, furthering the goals and agenda of the Chairman and the Commission.

To track developments in legislation of relevance to the CFTC’s mission, such as new versions of bills or committee meeting notes, OLIA uses FiscalNote. FiscalNote provides a software-as-a-service platform that aggregates information from legislative, agency, and media sources to provide up-to-date information on policy issues across international, federal, and state governments. FiscalNote maintains up-to-date contact information for legislators and their staff, statistics regarding their voting record, committee memberships, and bill sponsorships, and feeds of their official social media accounts. OLIA uses this information to develop and execute legislative strategy on behalf of the Chairman and to facilitate communication with legislators.

### 2) Provide a data map or model illustrating how information is structured or is processed by the system throughout its life cycle. Include a brief description of the data flows.



- a. OLIA users access the FiscalNote service using single sign-on, which is authenticated using Active Directory and a SAML server.
- b. OLIA uses the FiscalNote services to access up-to-date contact information for legislators and their staff, create custom distribution lists, and to track developments in legislation of interest.
- c. OLIA saves information extracted from the FiscalNote service to a network folder or SharePoint site maintained by OLIA. OLIA does not upload any contact or biographical information to FiscalNote.

**II. AUTHORITY AND PURPOSE**

- 1) What is the legal authority to collect, use, maintain, and share information in the system?  
7 U.S.C. 22(a)(2)-(3).

**III. INFORMATION TYPES**

- 1) What information will be collected, maintained, used, and/or disseminated about public officials and their staff?

Identifying Numbers	
<input type="checkbox"/> Social Security Number	<input type="checkbox"/> Truncated or Partial Social Security Number
<input type="checkbox"/> Driver's License Number	<input type="checkbox"/> License Plate Number
<input type="checkbox"/> Patient ID Number	<input type="checkbox"/> File/Case ID Number
<input type="checkbox"/> Student ID Number	<input type="checkbox"/> Health Plan Beneficiary Number
<input type="checkbox"/> Passport Number	<input type="checkbox"/> Federal Student Aid Number
<input type="checkbox"/> Employee Identification Number	<input type="checkbox"/> Taxpayer Identification Number
<input type="checkbox"/> Professional License Number	<input type="checkbox"/> Legal Entity Identifier
<input type="checkbox"/> Credit/Debit Card Number	<input type="checkbox"/> National Futures Association ID
<input type="checkbox"/> Personal Bank Account Number	<input type="checkbox"/> Other ID if it can be traced back to an individual
<input type="checkbox"/> Personal Device Identifiers or Serial Numbers	
Contact Information	
<input type="checkbox"/> Personal Mobile Number	<input checked="" type="checkbox"/> Business Phone Number
<input type="checkbox"/> Personal E-mail Address	<input checked="" type="checkbox"/> Business E-mail Address
<input type="checkbox"/> Home Phone Number	<input checked="" type="checkbox"/> Personal or Business Fax Number
<input type="checkbox"/> Home Mailing Address	<input checked="" type="checkbox"/> Business Mailing Address
Sole Proprietors	
<input type="checkbox"/> Business Taxpayer Identification Number	<input type="checkbox"/> Business Mailing Address
<input type="checkbox"/> Business Credit Card Number	<input type="checkbox"/> Business Phone or Fax Number

<input type="checkbox"/> Business Bank Account Number	<input type="checkbox"/> Business Mobile Numbers
<input type="checkbox"/> Business Device identifiers or Serial Numbers	<input type="checkbox"/> Business Email
<b>Biographical Information</b>	
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Gender
<input checked="" type="checkbox"/> Date of Birth	<input checked="" type="checkbox"/> City or County of Birth
<input checked="" type="checkbox"/> Country of Birth	<input checked="" type="checkbox"/> Zip Code
<input type="checkbox"/> Citizenship	<input checked="" type="checkbox"/> Military Service Information
<input checked="" type="checkbox"/> Spouse Information	<input type="checkbox"/> Academic Transcript
<input checked="" type="checkbox"/> Group/Org. Membership	<input type="checkbox"/> Resume or Curriculum Vitae
<input type="checkbox"/> Location Data (e.g., GPS)	<input type="checkbox"/> Nationality
<input checked="" type="checkbox"/> Employment Information	<input checked="" type="checkbox"/> Marital Status
<input type="checkbox"/> Mother's Maiden Name	<input checked="" type="checkbox"/> Children Information
<b>Biometrics/Distinguishing Features/Characteristics</b>	
<input type="checkbox"/> Fingerprints	<input type="checkbox"/> Height
<input type="checkbox"/> Retina/Iris Scans	<input type="checkbox"/> Voice/Audio Recording
<input type="checkbox"/> Hair Color	<input type="checkbox"/> Eye Color
<input type="checkbox"/> Video Recording	<input checked="" type="checkbox"/> Photos
<input type="checkbox"/> Weight	<input type="checkbox"/> Signatures

- 2) What information will be collected, maintained, used, and/or disseminated about CFTC users of FiscalNote?

<b>Active Directory/Device Information</b>	
<input type="checkbox"/> IP Address	<input type="checkbox"/> MAC Address
<input type="checkbox"/> CFTC Asset Number	<input type="checkbox"/> Device Identifiers or Serial Numbers
<input checked="" type="checkbox"/> User Name	

#### IV. COLLECTING INFORMATION

- 1) How is the information in this system collected?

FiscalNote collects publicly available contact and biographical information related to legislators and their staff from public sources. The information made available through FiscalNote is available to the general public through various resources, including public officials' official websites and media outlets. In the course of conducting interviews with media outlets, staffers' biographical information may also be shared. This information is collected and made available to the CFTC through Fiscal Note. To learn more about FiscalNote's privacy policies, visit: <https://fiscalnote.com/privacy>.

- 2) If any forms are used to collect information that resides in the system, please include the name of such form(s) and any applicable control number (i.e. issued by CFTC, OMB, etc.).

No forms are used to collect information that resides in the system.

## V. INFORMATION USE

- 1) Will information in the system be retrieved using one or more of the data elements listed in Section III?

Information in FiscalNote is searchable by name, address, organizational membership, title, and other personally identifiable information.

- 2) If the information in the system is retrieved using one or more of the identifiers, what CFTC System of Records Notice (SORN) covers the information?

Retrieval of information pertaining to legislators and their staff is covered by CFTC-53, *Mailing, Event, and General Contact Lists*.

## VI. ACCESS AND SHARING

- 1) With which internal CFTC Offices or Divisions is the information shared? For each Office or Division, what information is shared and for what purpose?

Information such as contact information, articles, and metrics may be exported from FiscalNote and used to create distribution lists, reports, and briefings. Exported information will be saved in a network folder or SharePoint site maintained by OLIA on the CFTC network. Contact information and distributions lists are not shared with any other CFTC Offices or Divisions. Biographical information may be shared with CFTC staff in advance of any meetings or interactions with public officials or their staff.

- 2) Approximately how many users have access to the system?

Three (3) OLIA staff members will have access to FiscalNote. A SAML server and Active Directory are used to permit single sign-on and to limit access to OLIA staff.

Access to OLIA's network folder and SharePoint site is limited to OLIA staff.

- 3) How is the information shared internally?

Information exported from FiscalNote will be shared internally by email.

- 4) With which external organization(s) is the information shared?

No information residing in or exported from FiscalNote or OLIA's network drive and SharePoint site is shared with external organizations.

- 5) How is the information shared externally?

Information is not shared externally.

## **VII. TRANSPARENCY**

- 1) How are individuals notified as to how their information will be collected, used, and/or shared within this system?

FiscalNote collects and processes information about public officials from publicly-available sources, such as government websites, a public official's individual website, and other similar resources. The information gathered, which includes personally identifiable information, is used by FiscalNote to produce summaries or compilations of data related to legislative and regulatory activity and to provide its customers with a tool by which they can gain and understanding of legislation, regulations and their status, as well as the methods for contacting public officials. FiscalNote provides notice of its collection of this information in its privacy notice, available at <https://fiscalnote.com/privacy>.

This assessment serves as notice to legislators and their staff that their information collected and maintained by FiscalNote is also collected, used, and disseminated by the CFTC.

- 2) Is a SORN required? If so, explain how the use of the information in this system is limited to the use specified in the SORN?

Yes, a SORN is required to maintain information exported from FiscalNote. Information pertaining to legislators and their staff is only used in consistent with CFTC-53, *Mailing, Event, and General Contact Lists*, namely to facilitate CFTC communication with public officials.

## **VIII. INDIVIDUAL PARTICIPATION**

- 1) Is the information collected directly from the individual?

Information collected by FiscalNote and used by OLIA is collected both directly and indirectly. For example, personal information relating to legislators and their staff who release press statements, participate in media interviews, or that appears in official documents such as transcripts may be collected and made available to OLIA by FiscalNote. FiscalNote also communicates directly with legislators and their staff to ensure that integrity of the information provided through their service.

- 2) Is the collection mandatory or voluntary? If voluntary, what opportunities do the individuals have to decline to provide information?

Collection and disclosure of personal information relating to legislators and their staff is both voluntary (e.g., when speaking to the press or directly with FiscalNote) or involuntary (e.g., when participate in media interviews or appearing in official documents).

- 3) Do individuals have an opportunity to consent to a particular use of the information? If so, how do they provide consent for a particular use?

Public officials and their staff whose information OLIA access through FiscalNote do not have an opportunity to consent to a particular use of their information. However, it is CFTC's policy that, once collected, this information will only be used for the purposes outlined in this notice and in the applicable SORN.

## **IX. DATA MINIMIZATION**

- 1) What steps were taken to minimize the collection of PII in the system?

FiscalNote offers products and services that link to feeds on social media such as Twitter, relating to official accounts of public officials. In addition, FiscalNote provides a platform to connect with and build relationships with potential supporters of political causes. In accordance with Section (e)7 of 5 U.S.C 552a and OMB Memorandum M-10-22, *Guidance for Online Use of Web Measurement and Customization Technologies* (Jun. 25, 2010), OLIA will not use these products and services to the extent they (i) could potentially collect information from private citizens protected by the First Amendment or (ii) track user individual-level activity on the Internet outside the FiscalNote platform.

## **X. DATA QUALITY AND INTEGRITY**

- 1) How is data quality ensured throughout the information lifecycle and business processes associated with the use of the information?

- Cross referencing data entries with other systems
- Third party data verification
- Data taken directly from individuals
- Character limits on text submissions
- Numerical restrictions in text boxes
- Other:

## **XI. RETENTION**

- 1) What are the retention periods for the information?

Contact information exported from FiscalNote and notes relating to draft legislation prepared by OLIA and stored in FiscalNote are maintained in accordance with records schedule

Inquiries and Records schedule (DAA-0180-2018-0007-0001). Records are destroyed 6 years after the end of the calendar year in which they were created.

## **XII. SECURITY**

- 1) What types of administrative safeguards protect the information?
  - Contingency Plan
  - User manuals for the system
  - Rules of Behavior
  - Non-Disclosure or other contractual agreement
  - Other:
  
- 2) What types of physical safeguards protect the information?
  - Guards
  - Identification Badges
  - Biometric
  - Cameras
  - Physically secured space with need to know access
  - Other:
  
- 3) What types of technical safeguards protect the information?
  - User Identification
  - Firewall
  - Virtual Private Network (VPN)
  - Multi-factor Authentication (MFA)
  - Passwords
  - Encryption
  - De-Identification
  - Anonymization
  - Other:
  
- 4) What monitoring, recording, and auditing safeguards are in place to prevent or detect unauthorized access or inappropriate use of the information?

Internal CFTC systems such as email servers, SharePoint and network drives are continuously monitored to detect unauthorized access as part of CFTC's security program. Access is limited to those with a need to know who understand their responsibilities in handling this information to prevent inappropriate use of the information.

Information about FiscalNote's policies to prevent or detect unauthorized access can be found [here](#).



- 5) Is this system hosted by a Cloud Service Provider (CSP)? Yes
  - a. If yes, which one? FiscalNote is a software-as-a-service platform.
  - b. If yes, has the system obtained a FedRAMP Authorization? FiscalNote is not FedRAMP Authorized. The Office of Data and Technology (ODT) has determined that use of the FiscalNote platform does not require FedRAMP authorization.

### **XIII. TRAINING**

- 1) What privacy training is provided to users of the system?

All CFTC personnel are subject to CFTC agency-wide procedures for safeguarding personally identifiable information and receive annual privacy and security training.