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ode: 6325-46

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; System of Records

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Office of Personnel Management (OPM) proposes to modify and republish in full a system of records previously titled "OPM/Central-21, Federal Employee Viewpoint Survey" which will be renamed "OPM/Central-21, Annual Employee Survey." The modification is necessary to reflect the replacement of OPM's centrally administered Federal Employee Viewpoint Survey (FEVS) with the Annual Employee Survey (AES). Under the revised model, executive agencies administer the AES to their own employees and provide OPM and the Office of Management and Budget (OMB) only de-identified data for governmentwide analysis and reporting. OPM/Central-21 will cover identifiable records OPM maintains when administering the AES to OPM employees and retained records from prior FEVS administrations. It will not cover identifiable AES records maintained by other agencies.

DATES: Submit comments on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. These changes are effective **[INSERT DATE 31 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit written comments using the Federal eRulemaking Portal at https://www.regulations.gov. All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at https://www.regulations.gov without change, including any personal identifiers.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Jeanne

Jacobson, Acting Deputy Associate Director, Workforce Strategy, Design, and Insights, Workforce Policy and Innovation, by email at wsdi@opm.gov or by mail at Deputy Associate Director, Workforce Strategy, Design, and Insights, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415-0001.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the OPM proposes to modify and republish in full a system of records previously titled "OPM/Central-21, Federal Employee Viewpoint Survey" which will be renamed "OPM/Central-21, Annual Employee Survey."

Section 1128 of the National Defense Authorization Act for Fiscal Year 2004 requires executive agencies to conduct an annual employee survey and requires OPM to prescribe common survey questions. OPM previously administered the Federal Human Capital Survey and then the FEVS as centralized governmentwide surveys that included the required annual employee survey items. Beginning with the AES, each agency will administer OPM's common form questions to its own employees using the methodology and platform selected by that agency. Participating agencies may maintain the identifiers they use to administer their surveys. Agencies will submit to OPM and OMB only the following fields: individual respondent level records for each required AES item, survey methodology information as it applies (survey administration dates, distribution method, eligible population size and description, sample or census, number of respondents, survey completion requirements, sampling approach, sample size, nonresponse bias study results) and weighting methodology as it applies (poststratification method and know limitations). The submission will contain aggregate responses and combine individual respondent level data at the agency level for the 10 required items. OPM will apply protections to ensure no individual employees can be identified in any governmentwide reporting. OPM will separately administer the AES to its own employees and may maintain limited identifying information for that administration. OPM will also continue to maintain legacy FEVS records until they are disposed of in accordance with applicable records schedules.

This notice changes the system name; updates the system location, system manager, authority, purpose, categories of individuals and records, record sources, storage, retrieval, retention, safeguards, and access and amendment procedures; and revises routine use (h). The revisions distinguish current AES records from legacy FEVS records and clarify that de-identified AES data received from other agencies are outside this system when they do not identify individual respondents and OPM does not retrieve them by an individual identifier.

In accordance with 5 U.S.C. 552a(r), OPM has provided notice of the modified system of records to the Office of Management and Budget and to Congress. The modified system of records will be included in OPM's updated inventory of record systems.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

U.S. Office of Personnel Management.

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Alexys Stanley

Federal Register Liaison

SYSTEM NAME AND NUMBER: OPM/Central-21, Annual Employee Survey.

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION: Records are maintained by Workforce Strategy, Design, and Insights, Workforce Policy and Innovation, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001.

SYSTEM MANAGER(S):

Deputy Associate Director, Workforce Strategy, Design, and Insights, Workforce Policy and Innovation, U.S. Office of Personnel Management, 1900 E. Street NW., Washington, DC 20415-0001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 1103 and 4702; section 1128 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108-136, set out as a note to 5 U.S.C. 7101; 5 CFR 5.2(b) and 9.2; and 5 CFR part 250, subparts B and C.

PURPOSE(S) OF THE SYSTEM: The purpose of the system is to permit OPM to administer the voluntary Annual Employee Survey (AES) to OPM employees; determine eligibility and distribute invitations and reminders; collect and maintain voluntary survey responses; evaluate leadership, management practices, and employee satisfaction; analyze OPM's results; publish aggregate OPM survey results; and produce aggregate survey results or de-identified survey data for OMB's governmentwide analysis, workforce planning, and reporting. The system also permits OPM to maintain and analyze retained records from prior FEVS administrations for authorized statistical, workforce planning, research, reporting, and historical purposes. AES data received from other agencies are outside this system only when they do not identify an individual and OPM does not retrieve them by an individual's name, assigned identifying number or symbol, respondent code, linkage key, or other identifying particular. OPM will assess whether small groups or combinations of reported attributes could permit an individual to be identified and will require aggregation or suppression as needed. Removing direct identifiers

alone does not make records de-identified if OPM can still link them to an individual.

OPM will provide its employees with a Privacy Act Statement with the AES invitation and survey instrument, identifying the authority, purposes, and routine uses of the collection; that participation is voluntary, and the effect of not responding. Agencies administering their own AES will provide an appropriate notice for their collections and separately assess applicable Privacy Act notice, privacy compliance documentation, and vendor requirements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current or former OPM employees whose AES records are maintained in this system and current or former Federal employees whose records remain in retained legacy FEVS datasets.

CATEGORIES OF RECORDS IN THE SYSTEM: Current AES records maintained by OPM may include:

a. Full name;

b. OPM work email address;

c. OPM organization, work unit name, or code;

d.The minimum employment information obtained from OPM personnel or human resources records that OPM uses to determine AES eligibility and assign results to organizational reporting units: Employment information needed to identify the survey population, survey eligibility, administer the survey, or calculate survey results, including tenure, type of appointment, appointment authority, service computation date, duty location, occupation classification or series, organizational/work component names and codes, pay status, work schedule, pay plan, pay grade, step, and supervisory status. ;

e. Responses to the AES common form questions and any OPM-approved supplemental questions; and

f. Survey administration and technical information retained by OPM:a system-generated survey record identifier, invitation and reminder status, completion status, date and time participant interacts with the survey, last page viewed, and information about the device being used

(operating system, browser information, pointing method). OPM uses these fields for the survey software to operate, troubleshooting technical issues and limited research purposes to better understand survey participation, retains them indefinitely for trending and research purposes and limits access to only authorized OPM personnel whose official duties require access. As an anonymous, open link, survey there is nothing collected by the survey software that would identify an individual for the 10 prescribed items. In some certain circumstances, specific responses to demographics may create the potential for identification in the system.

Legacy FEVS records retained by OPM may include:

a. Full name;

b. Email address;

c. Social Security number, or other unique employee identification number;

d. Agency;

e. Agency subcomponent;

f. Organizational/Work component names and codes (up to nine levels of work unit information may be obtained);

g. Appointment authority;

h. Type of appointment;

i. Work schedule;

j. Tenure;

k. Service computation date;

l. Duty location and core based statistical area;

m. Occupational classification or series;

n. Personnel Office identifier;

o. Pay status;

p. Grade level;

q. Pay plan;

r. Base and adjusted salary;

s. Retirement plan;

t. Supervisory status;

u. Ethnicity and Race/National Origin indicator;

v. Sex;

w. Date of birth;

x. Responses to the FEVS survey questions, including demographic information.

RECORD SOURCE CATEGORIES: Current AES records maintained by OPM are obtained from OPM personnel or human resources records used to establish eligibility and administer the survey and from OPM employees who voluntarily respond. Legacy FEVS records were obtained from OPM's Enterprise Human Resource Integration system, participating Federal agencies, and individuals who voluntarily completed the FEVS. De-identified AES data received from other agencies are outside this system when they do not identify individual respondents and OPM does not retrieve them by an individual's name, assigned identifying number or symbol, or other identifying particular. Removing direct identifiers alone does not exclude records that OPM retrieves by an individual identifier, including a respondent code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside OPM as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To the Department of Justice, including Offices of the U.S. Attorneys; another Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body; another party in litigation before a court, adjudicative, or administrative body; or to a court, adjudicative, or administrative body. Such disclosure is permitted only when it is relevant or necessary to the litigation or proceeding and one of the following is a party to the litigation or has an interest in such litigation:

(1) OPM, or any component thereof;

(2) Any employee or former employee of OPM in his or her official capacity;

(3) Any employee or former employee of OPM in his or her individual capacity where the Department of Justice or OPM has agreed to represent the employee;

(4) The United States, a Federal agency, or another party in litigation before a court, adjudicative, or administrative body, upon the OPM General Counsel's approval, pursuant to 5 CFR part 295 or otherwise.

b. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates or is relevant to a violation or potential violation of civil or criminal law or regulation.

c. To a member of Congress from the record of an individual in response to an inquiry made at the request of the individual to whom the record pertains.

d. To the National Archives and Records Administration (NARA) for records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

e. To appropriate agencies, entities, and persons when (1) OPM suspects or has confirmed that there has been a breach of the system of records, (2) OPM has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, OPM (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with OPM's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

f. To another Federal agency or Federal entity, when OPM determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems,

programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

g. To contractors, grantees, experts, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, or other assignment for OPM when OPM determines that it is necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to OPM employees.

h. To a Federal agency whose current or former employees' legacy FEVS records are maintained in this system, when OPM determines that the disclosure is necessary to resolve a specific legacy survey administration issue or prepare a legacy survey report. OPM will disclose only the minimum information necessary and will use aggregate information when it is sufficient.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Records are stored electronically in OPM-authorized information systems. Access is limited to authorized personnel whose official duties require access to the records.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Before or during AES survey administration, OPM retrieves records by name, work email address, or a unique identifier. If OPM retains a code or linkage key that permits it to locate an individual's response after AES administration, that response remains retrievable by an individual identifier. OPM retrieves retained FEVS records by name, email address, or other unique identifier (SSN or equivalent personnel identifier) for authorized analysis and reporting, subject to current access controls. OPM may also search retained FEVS survey data by work unit or other characteristics to produce statistical results. . Removal of direct identifiers does not prevent individual retrieval if an assigned identifier or retained linkage key still permits OPM to locate an individual's records.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: OPM retains and disposes of AES records and legacy FEVS records under the applicable National Archives and Records Administration (NARA) Records Schedule Number N1-478-92-

001. .

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: OPM limits access to OPM-maintained AES records to authorized personnel whose official duties require access. The OPM AES platform uses multifactor authentication, encryption, audit monitoring, security and privacy training, and physical safeguards. The AES platform is part of the TTEC Humanify Enterprise - Government (Humanify Enterprise - G) Platform which is FedRAMP Certified These safeguards comply with the Federal Information Security Modernization Act of 2014, applicable OMB policies, and standards and guidance issued by the National Institute of Standards and Technology (NIST).

RECORD ACCESS PROCEDURES: Individuals seeking access to their records in this system may email a request to foia@opm.gov or mail a request to the Office of Personnel Management, Office of the Chief Information Officer-FOIA, 1900 E Street NW., Washington, DC 20415-0001. The email or letter should include the words "Privacy Act Request," state that the request relates to "OPM/Central-21, Annual Employee Survey," and clearly describe the requested records. To help locate the records, the request should identify the work email address used for the survey, if known, the current or former employing Federal agency, and the approximate survey year. Requesters must provide identity verification information in accordance with 5 CFR 297.201, including full name, signature, home address, date and place of birth, and other applicable identifying information. Social Security number requirements will be applied in accordance with 5 CFR 297.201(b)(2) for records in this system that include that identifier. OPM may be unable to locate an individual's survey response if neither direct identifiers nor retained respondent codes or linkage keys permit retrieval of that response by an individual identifier.

Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR 297).

CONTESTING RECORD PROCEDURES: Individuals seeking to amend records about

themselves may email a request to foia@opm.gov or mail a request to the Office of Personnel Management, Office of the Chief Information Officer-FOIA, 1900 E Street NW., Washington, DC 20415-0001 and provide the record-location and identity-verification information described under “Record Access Procedures.” The request must precisely identify the information to be amended, state the requested correction and the reasons for it, and include available supporting documentation.

OPM may be unable to locate an individual’s survey response for amendment if neither direct identifiers nor retained respondent codes or linkage keys permit retrieval of that response by an individual identifier. Individuals requesting amendment must also follow OPM's Privacy Act regulations regarding verification of identity and amendment to records (5 CFR 297).

NOTIFICATION PROCEDURES: See “Record Access Procedures.”

HISTORY: 82 FR 57489 (12/05/2017).

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