

Privacy Impact Assessment (PIA)



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Office of Communications & Public Liaison

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**Privacy Impact Assessment For
Third Party Social Media Websites and Applications**

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U.S. Small Business Administration

Privacy Impact Assessment

Third Party Social Media Websites and Applications

Introduction: System Description

SBA use of various third-party social media websites and applications to engage in dialogue, share information, and collaborate with the public. This Privacy Impact Assessment (PIA) covers all authorized third party social media websites and applications used by SBA and its operating units that are functionally comparable with substantially similar practices across each website and application.

The term “third-party websites and applications” refers to web-based technologies that are not exclusively operated or controlled by a government entity, or web-based technologies that involve significant participation of a nongovernment entity. Often these technologies are located on a “.com” website or other location that is not part of an official government domain. However, third party applications can also be embedded or incorporated on an agency’s official website. The SBA uses several third party websites and/or applications to engage with the public. These third party websites and applications are typically referred to as social media, Web 2.0, or Gov 2.0 (SM). According to the Social Media Guide, social media can be defined as user-generated content that is shared over the Internet via technologies that promote engagement, sharing, and collaboration.

Although these sites may contain official information from the SBA, they are not the authoritative source of official agency information. Use of these third-party social media sites does not constitute an endorsement by the SBA or any of its employees, sponsors of the sites, information, or products presented on these sites. Additionally, note that the privacy protections provided on SBA websites may not be available on third-party social media sites and applications. This PIA describes the privacy considerations used by the SBA when using the third party’s social media websites and applications that are covered by this PIA. To obtain information regarding the third party’s privacy policy and practices, please see the third party’s privacy policy.

This PIA analyzes the SBA’s potential activities on certain social networking websites and web-based applications that make up the range of social networking websites. Generally, social networking websites and applications are privately owned by third parties. These social networking websites and applications continue to grow in size and diversity. In considering the different types of social networking websites and applications, the SBA identified three general types that it may use, under the auspices of the requirements and analytical understanding outlined in this PIA, where an account is required and thus personally identifiable information may transit and be displayed by the system during the sign-up/log-on transaction and subsequent interactions:

1) Social media where official SBA users and public users may have an account to use applications tailored to the specific website. This social media includes, but is not limited to, Facebook and LinkedIn.

2) Video and image websites where official SBA users may have an account to post but public users may not be required to have an account to see the video or image. In order for public users to comment, they may need an account. This social media includes, but is not limited to, YouTube and Flickr.

3) Blogs and similar websites where official SBA users may have an account to post but public users may not be required to have an account to see the blog. In order for public users to comment, they may need an account. This includes, but is not limited to, Twitter and Google+.

SECTION 1 - SPECIFIC PURPOSE OF THE AGENCY'S USE OF A THIRD-PARTY WEBSITE OR APPLICATION

1.1 What is the specific purpose of the agency's use of the third-party website or application and how does that use fit with the agency's broader mission?

SBA uses third party social media websites and applications to collaborate and share information online by facilitating public dialogue, providing information about or from the SBA, make information and services more widely available, and to improve customer service. Our use of these third-party social media websites and applications offer important opportunities for promoting the goals of transparency, public participation, and collaboration. Through these services, people or groups can create, organize, edit, comment on, combine, and share content of mutual interest.

General Features of Third-Party Social Media:

Social media share some features. A person must usually register as a member and provide some basic PII such as a real name, user name, email address, age, birth date, and general geographic location (e.g., State, region, or ZIP code) to create a profile. Some social media offer members the option of concealing some PII, such as the birth date, from other members and/or limiting the extent to which postings may be viewed by members designated as "friends" or "friends of friends." The collection of this self-identifying information by the third-party hosting the social medium is not subject to the Paperwork Reduction Act and is not considered collection of PII by SBA.

Each time a member logs on to a social medium it may automatically gather and store data available from the browser. That data is also not considered PII by the Federal Government. This includes:

- the Internet domain (e.g., "company.com," "university.edu") and Internet Protocol (IP) address assigned to the computer accessing the social medium;
- the type of browser and operating system used by the visitor to access the site;
- the date and time the visitor accessed the site;
- in some cases, the pages of the site visited; and

- if the visitor linked to the site from another website, the address of that prior website.

Terms of use and privacy notices for social media differ. Some provide, in addition to the basic terms of service, a link to a customized term of use and separate privacy notice written by the agency sponsor. The agency has taken care to ensure that terms of service and privacy related to its presence on the social medium is clear and complete.

1.2 Is the agency's use of the third-party website or application consistent with all applicable laws, regulations, and policies?

The SBA use of third-party social media websites and applications is consistent with all applicable laws, regulations, and policies. The President's Transparency and Open Government Memorandum¹ (January 21, 2009) and the Office of Management and Budget (OMB) Director's Open Government Directive Memorandum² (December 8, 2009) direct federal departments and agencies to harness new technologies to engage the public and serve as one of the primary authorities motivating the Agency's efforts to utilize social networking websites and applications.

When the SBA uses the SM/W2.0 websites or applications covered under this PIA, it is not permitted to actively seek personally identifiable information (PII),³ or business identifiable information⁴ (BII) and may only use the minimum amount of PII/BII, which it receives from a user, to fulfill a user's request. As a requirement of this PIA, PII/BII may not be retrieved by personal identifier, outside the scope of previously published Privacy Act System of Records Notices, thus a Privacy Act System of Records Notice is not required.

Authorities supporting the SBA's use of social networking websites and applications include:

- A. 5 U.S.C. § 301, the Federal Records Act;
- B. 5 U.S.C. § 552a, the Privacy Act of 1974;
- C. Section 208 of the E-Government Act of 2002;
- D. The President's Memorandum on Transparency and Open Government, January 21, 2009;
- E. The OMB Director's Open Government Directive Memorandum, December 8, 2009;
- F. OMB Memorandum M-10-23, Guidance for Agency Use of Third-Party Websites and Applications, June 25, 2010;⁵
- G. OMB Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies, Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act, April 7, 2010;⁶

The privacy policies of the SBA do not apply to the third-party social media websites or applications that are covered by this PIA. When visiting a SBA's third-party social media website or application, the third-party's privacy policy applies.

SECTION 2 - ANY PII/BII THAT IS LIKELY TO BECOME AVAILABLE TO THE AGENCY THROUGH THE USE OF THE THIRD-PARTY WEBSITE OR APPLICATION

2.1 What PII/BII will be made available to the agency?

Although the SBA does not solicit, collect, maintain, or disseminate⁷ PII/BII from visitors to these third-party social media websites or applications, it is possible for individuals to voluntarily make such information available to agencies. Typical examples of the types of PII/BII that may become available to agencies include names of individuals and businesses, images from photos or videos, screen names, email addresses, etc.

In addition, many third-party social media websites or applications request PII/BII at the time of registration. The process will vary across third-party social media websites or applications and often users can provide more than is required for registration. For example, users can provide such information as his or her interests, birthday, religious and political views, family members and relationship status, education, occupation and employment, photographs, contact information, and hometown. If the privacy setting on the third-party social media website or application is not restricted, such information may be made available to the SBA.

Information provided to third-party social media websites or applications during registration is not collected or used by the SBA. The SBA does not ask individuals to post information on its SM/W2.0 websites or applications. Information that individuals voluntarily submit as part of the registration process is not the property of the SBA and the SBA will not solicit this information.

2.2 Indicate what PII/BII is collected, maintained, or disseminated.

None. The SBA does not solicit, collect, maintain, or disseminate personally identifiable information from these third-party social media websites or applications. However, PII or BII that is voluntarily provided by a user may be used by an agency to respond to inquiries, answer questions, or fulfill a request submitted by the user.

PII is provided to a social network under different circumstances. One unavoidable circumstance is the initial registration. However, there can be no assurance that the identity of a registrant is authentic. As stated above, collection of this self-identifying information by the third-party hosting the social medium is not subject to the Paperwork Reduction Act and is not considered collection of PII by the agency.

Another circumstance when PII may be collected is when a member joins the agency group. This social medium does not solicit or collect additional PII when a registered user joins the agency group.

The final circumstance when PII may be collected is when the member offers personal information to friends or to a community of members by “posting” the information on the social medium. The methods to do this vary but may include “sending a message” (to another member), “posting on a bulletin board” (on their own page or on another member’s page), “posting a status” (on their own page), and via “chat” sessions. No characterization can be provided about the kinds of PII that might be posted to this social medium by the user because any content revealed by a member is completely at his or her discretion. Some members may be oblivious to or unconcerned about the risk of revealing personal information to “friends” in a group. Additionally, no assurance can be made by the social medium that the information posted by an individual is accurate. Visitors to this social medium are cautioned against posting their personal information that could create a risk to their privacy such as identity theft.

2.3 Indicate sources of the PII/BII in the system.

In addition to information provided to the third-party social media website or application during registration, other sources of PII or BII may include screen names, information provided in comments, links, postings, and uploaded audio/video files. Other activities conducted on the third-party social media website or application, such as “friending,” “following,” “liking,” joining a “group,” becoming a “fan,” and comparable functions, can also be a source of PII/BII in the system.

2.4 Do the agency’s activities trigger the Paperwork Reduction Act (PRA) and, if so, how will the agency comply with the statute?

No. Items collected by third party social media websites and applications that are not collecting information on behalf of the Federal government are not subject to the PRA. The activities of the SBA on the third-party social media websites and applications covered by this PIA are carried out under the general solicitation exclusion of the PRA. Under the general solicitations exclusion, the PRA does not apply to notices published in the Federal Register or other publications that request public comments on proposed regulations, or any general solicitation for comments “regardless of the form or format thereof.”⁸

A general solicitation may have a degree of specificity. For example, a general solicitation may pose a series of specific questions designed to elicit relevant public feedback; but the solicitation may not be a survey and the responses should be unstructured. Unstructured solicitations, such as those found in the preambles of proposed rules published in the Federal Register, give members of the public the option of replying to some or all of the questions in the manner they prefer (e.g., open-ended questions rather than selections from a list of choices). Similarly, agencies may offer the public opportunities to provide general comments on discussion topics through other means, including but not limited to social media websites; blogs; microblogs; audio, photo, or video sharing websites; or online message boards (whether hosted on a .gov domain or by a third-party provider).⁹

SECTION 3 - THE AGENCY'S INTENDED OR EXPECTED USE OF THE PII/BII

3.1 Generally, how will the agency use the PII/BII described in Section 2.0?

While the SBA uses social media websites and applications as platforms for communicating their message to reach as many people as possible or to target specific audiences, the SBA does not collect, maintain, or disseminate PII/BII from individuals who interact with any SBA social media website or application. The SBA may use a person's screen name, email address, or other information provided by the user to respond to specific comments or questions directed to or about agency activities, or to fulfill a request. In such situation, only the minimum required information that is needed to appropriately respond is used. See examples in Section 3.2 below.

3.2 Provide specific examples of the types of uses to which PII/BII may be subject.

Examples of how the SBA may use PII/BII from a user includes:

- a. After reading an SBA posting on the agency's Facebook page, John Doe uses the email function provided on Facebook to submit a question directly to SBA's Facebook email account. Upon receipt of the question, an SBA employee may use John Doe's email address to reply directly to his question. No PII/BII is maintained by the agency.
- b. Jane Doe submits a question on Twitter in response to a Tweet posted by SBA. An SBA representative may direct their response to Jane by addressing her by her screen name.

SECTION 4 – SHARING OR DISCLOSURE OF PII/BII

4.1 With what entities or persons inside or outside the agency will the PII/BII be shared, and for what purpose will the PII/BII be disclosed?

The SBA does not share PII/BII that is made available through its third-party SM websites internally or with outside entities. Information published on third-party's SM websites that are covered under this PIA are open for public viewing and/or commenting. Whenever someone publicly posts to an agency's SM website, the entire contents of the posting will be publically displayed on the agency's SM website and available to all visitors of that specific website for viewing, copying, and commenting. Users are encouraged to exercise care when posting information on a public website or application.

If a website user submits PII/BII in a request or an inquiry to an agency through the agency's SM/W2.0 website, the agency may use the PII/BII provided by the user to fulfill the specific request.

4.2 What safeguards will be in place to prevent expansion of uses beyond those authorized under law and described in this PIA?

Only approved staff members from the SBA have access to manage SBA's SM websites and applications. The SBA has established the SM rules of behavior as described in this PIA. Each staff member with access must comply with the internal rules of behavior for account management in order to maintain account administration.

SECTION 5.0 – MAINTENANCE AND RETENTION OF PII/BII

5.1 How will the agency maintain the PII/BII, and for how long?

As previously stated, the SBA does not collect, maintain, or disseminate PII/BII from individuals who interact with any of its SM websites or applications that are covered by this PIA. If a user submits PII/BII in a request or an inquiry to an agency through the agency's SM website, the agency may use the PII/BII provided by the user to fulfill the specific request. Although the PII/BII may be maintained by the third-party SM website or application, it is not maintained by the agency.

The capacity of a social medium member to withdraw content is generally limited to content posted on their own page. The terms of use under which SBA sponsors its groups provide that SBA may establish general practices and limits, including without limitation the maximum number of days that postings or other content will be retained. The terms of use advise members that SBA has no responsibility or liability for the deletion or failure to store user-generated content.

Individuals who join this social medium as members should have no expectation that they may terminate their membership in such a way as to eradicate any/all information they ever posted, whether it is PII in their member profile, content posted to his or her page, content posted to another member's page, or content posted to the agency group.

5.2 Was the retention period established to minimize privacy risk?

Yes. To minimize privacy risk, the SBA does not collect, maintain, or disseminate PII/BII that is made available on any of its SM websites or applications covered by this PIA.

SECTION 6.0 – HOW THE AGENCY WILL SECURE PII/BII

6.1 Will the agency's privacy and security officials coordinate to develop methods of securing PII/BII?

The SBA's privacy and security officials have established that no PII/BII from the SBA's SM websites or applications covered by this PIA will be collected, maintained, or disseminated by the SBA.

When interacting with the SBA or others on a third-party SM website or application, PII/BII that users share or disclose may become available to other users or any individuals with access to the website. In order to mitigate the risks of disclosure of sensitive PII¹⁰/BII, to

the extent possible, the agency may choose to delete or hide comments or other user interactions when a user's sensitive information is included.

SECTION 7.0 – IDENTIFICATION AND MITIGATION OF OTHER PRIVACY RISKS

7.1 What other privacy risks exist, and how will the agency mitigate those risks?

Disclosure of PII/BII by users: When interacting on a social media website (e.g., posting comments), PII/BII that users share or disclose will ordinarily become available to other users or anyone else with access to the site. Most users will likely avoid disclosing particularly sensitive or confidential PII/BII (e.g., Social Security or credit card number), which could be used by itself, or with other available information, to commit fraud or identity theft, or for other harmful or unlawful purposes. However, to help reduce those risks, the SBA will monitor postings to its authorized social media websites and applications to the extent practicable and will delete such posts of which the SBA becomes aware. Despite such efforts, the information may remain available elsewhere on the website, and others may have already viewed or copied the information. Additionally, the SBA does not request or collect any sensitive personal information nor does it conduct any official business transactions on social media applications. Where possible, SBA will also provide appropriate notice to users on the third-party social media website itself, warning them to avoid sharing or disclosing any sensitive PII/BII when interacting with the agency on the website. Users should also review the privacy policies of any third-party social media providers to determine if they wish to utilize that social media.

Third-party advertising and tracking: A third-party website operator may display advertising or other special communications on behalf of other businesses, organizations, or itself when a user interacts with SBA on the website. If the user clicks on the advertisement or reads the communication to learn about the advertised product or service, the user's PII/BII may be shared by the website operator with the advertiser. The user's actions may also initiate tracking technology (e.g., "cookies," "web bugs," "beacons"), enabling the website operator or advertiser to create or develop a history or profile of the user's activities. The tracking data can be used to target specific types of advertisements to the user, i.e., behavioral advertising, or it can be used or shared for other marketing or non-marketing purposes. Users can avoid or minimize these risks by regularly deleting "cookies" through their browser settings, not clicking on advertisements or not visiting advertisers' sites. Users may also opt-out of some tracking technologies all together.

Spam, unsolicited communications, spyware, and other threats: Users may also receive spam or other unsolicited or fraudulent communications as a result of their interactions with SBA on third-party social media websites. To avoid harm, users should be wary of responding to such communications, particularly those that may solicit the user's personal information, which can be used for fraudulent or other undesirable purposes. Users should also avoid accepting or viewing unknown or unsolicited links, applications, or other content that may be sent or forwarded in such communications. These unsolicited links and applications can contain unwanted tracking technology as well as computer viruses or other malicious payloads that can pose a variety of risks to the user. Where possible, SBA will also

provide warnings about these risks in a notice(s) to users on the third-party social media website.

Accounts or pages that misrepresent agency authority or affiliation: Certain accounts or pages on the third-party social media website may not be officially authorized by, or affiliated with, SBA, even if they use official insignia or otherwise appear to represent the SBA or the federal government. Interacting with such unauthorized accounts or pages may expose users to the privacy or security risks described above. SBA will make every reasonable effort to label or identify its account or page in ways that would help users distinguish it from any unauthorized accounts or pages. SBA will also inform the website operator about any unofficial accounts or pages purporting to represent the SBA, seek their removal, and warn users about such accounts or pages.

External links and embedded third-party applications: If SBA posts a link that leads to a third-party social media website or any other location that is not part of an official government domain, where possible, the SBA will provide notice to the visitor, explaining that visitors are being directed to a non-government website that may have different privacy policies (and risks) from those of SBA's official website. Likewise, if SBA incorporates or embeds a third-party social media application, separate from any applications that may be incorporated or embedded by the website operator itself, SBA will disclose and explain the nature or extent, if any, of the third-party's involvement in the SBA's use of the social media application(s). SBA will also describe the use of these social media application(s) in its own privacy policy.

Monitoring future requirements and future technology: In addition to the measures described above, the SBA will establish and/or maintain procedures to identify, evaluate, and address any new additional privacy requirements that may result from new statutes, regulations, or policies. Second, SBA will evaluate the privacy risks of any new technologies before deciding whether to adopt it. Third, SBA will monitor research or trends in privacy protection technologies or policies that may facilitate new approaches to avoiding or mitigating privacy risks and better protecting PII/BII.

SECTION 8.0 – CREATION OR MODIFICATION OF A SYSTEM OF RECORDS

8.1 Will the agency's activities create or modify a "system of records" under the Privacy Act of 1974?

No. A Privacy Act system of records will not be created or altered as a result of the SBA's use of the SM websites or applications covered by this PIA because no PII/BII is retrieved by SBA from these third-party services.

¹ President Barack Obama, Memorandum on Transparency and Open Government (January 21, 2009), available at <http://www.gpoaccess.gov/presdocs/2009/DCPD200900010.pdf>.

² OMB Memorandum M-10-06, Open Government Directive (December 8, 2009), available at http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-06.pdf.

³ The term "PII," as defined in OMB Memorandum M-07-16, refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available — in any medium and from any source — that, when combined with other available information, could be used to identify an individual.

⁴ Business identifiable information consists of (a) information that is defined in the Freedom of Information Act (FOIA) as "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C.552(b)(4)). This information is exempt from automatic release under the (b)(4) FOIA exemption. "Commercial" is not confined to records that reveal "basic commercial operations" but includes any records [or information] in which the submitter has a "commercial interest" and can include information submitted by a nonprofit entity. Or (b) commercial or other information that, although it may not be exempt from release under FOIA, is exempt from disclosure by law (e.g., 13 U.S.C. 9).

⁵ OMB Memorandum M-10-23, Guidance for Agency Use of Third-Party Websites and Applications (June 25, 2010), available at http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-23.pdf.

⁶ OMB Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies, Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act (April 7, 2010), available at http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/PRA_Gen_ICRs_5-28-2010.pdf.

⁷ Office of Management and Budget (OMB), Memorandum "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies defines "dissemination" as agency initiated or sponsored distribution of information to the public (see 5 C.F.R. 1320.3(d) (definition of "Conduct or Sponsor"). Dissemination does not include distribution limited to government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law. This definition also does not include distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes.

⁸ 5 CFR 1320.3(h)(4).

⁹ OMB Memorandum "Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act"

¹⁰ The Office of Management and Budget (OMB) does not specifically define the term *sensitive*. OMB Memorandum M-07-16, Note 7 states that the term "sensitive" should be considered to reflect the definition found in a commonly accepted dictionary." Examples include direct references such as name, address, social security number, and e-mail address. It also includes any information that could be used to reference other data elements that are used for identification, such as gender, race, and date of birth.

Privacy Impact Assessment (PIA) Approval Page

The following officials have approved this document:

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