



Exterro e-Discovery Software

Privacy Impact Assessment (PIA)

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POINT *of* CONTACT

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Instructions for GSA employees and contractors:

This template is designed to help GSA employees and contractors comply with the E-Government Act of 2002, Section 208. GSA conducts privacy impact assessments (PIAs) for electronic information systems and collections in accordance with CIO 1878.3 Developing and Maintaining Privacy Threshold Assessments, Privacy Impact Assessments, Privacy Act Notices, and System of Records Notices. The template is designed to align with GSA business processes and can cover all of the systems, applications, or projects logically necessary to conduct that business.

The document is designed to guide GSA Program Managers, System Owners, System Managers, and Developers as they assess potential privacy risks during the early stages of development and throughout the system, application, or project's life cycle.

The completed PIA shows how GSA builds privacy protections into technology from the start. Completed PIAs are available to the public at gsa.gov/pia.

Each section of the template begins with a statement of GSA's commitment to the Fair Information Practice Principles (FIPPs), a set of eight precepts that are codified in the Privacy Act of 1974.

Please complete all sections in italicized brackets and then delete the bracketed guidance, leaving only your response. Please note the instructions, signatory page, and document revision history table will be removed prior to posting the final PIA to GSA's website. **Please send any completed PIAs or questions to gsa.privacyact@gsa.gov.**

Stakeholders

Name & Email of Information System Security Manager (ISSM):

- Matthew Regan/matthew.regan@gsa.gov

Name & Email of Program Manager/System Owner:

- Dale B. Walker/dale.walker@gsa.gov

Signature Page

Signed:

DocuSigned by:

Matt Regan

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Information System Security Manager (ISSM)

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Program Manager/System Owner

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Richard Speidel

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Chief Privacy Officer (CPO) - Under the direction of the Senior Agency Official for Privacy (SAOP), the CPO is responsible for evaluating the PIA and ensuring the program manager/system owner has provided complete privacy-related information.

Document Revision History

Date	Description	Version of Template
01/01/2018	Initial Draft of PIA Update	1.0
04/23/2018	Added questions about third-party services and robotics process automation (RPA)	2.0
6/26/2018	New question added to Section 1 regarding Information Collection Requests	2.1
8/29/2018	Updated prompts for questions 1.3, 2.1 and 3.4.	2.2
11/5/2018	Removed Richard's email address	2.3
11/28/2018	Added stakeholders to streamline signature process and specified that completed PIAs should be sent to gsa.privacyact@gsa.gov	2.4
4/15/2019	Updated text to include collection, maintenance or dissemination of PII in accordance with e-Gov Act (44 U.S.C. § 208)	2.5
9/18/2019	Streamlined question set	3.0

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Document purpose

This document contains important details about *Exterro e-Discovery Software*. To accomplish its mission *The Office of the General Counsel* must, in the course of collecting personally identifiable information (PII) about the people who use such products and services. PII is any information^[1] that can be used to distinguish or trace an individual's identity like a name, address, or place and date of birth.

GSA uses Privacy Impact Assessments (PIAs) to explain how it collects, maintains, disseminates, uses, secures, and destroys information in ways that protect privacy. This PIA comprises sections that reflect GSA's [privacy policy](#) and [program goals](#). The sections also align to the Fair Information Practice Principles (FIPPs), a set of eight precepts codified in the Privacy Act of 1974.^[2]

A. System, Application, or Project Name:

Exterro e-Discovery Software

B. System, application, or project includes information about:

Exterro is used to collect, search and analyze information related to Agency litigation. The system also allows for identification of personnel for litigation purposes and for the issuance of relevant litigation holds.

Additionally, the FOIA office will be using the system to further search, collect, and organize FOIA relevant documents.

All data contained in Exterro is information that is collected/derived from OGC records pertaining to claims and litigation matters for which OGC represents the agency. Some information included in Exterro may be that which was provided by opposing counsel during the discovery phase of litigation as well. Exterro allows role- and project-based access to OGC attorneys who litigate and staff who assist the attorneys. Role- and project-based access is also available to FOIA personnel, all via a secure structure for gaining access and searching data.

C. For the categories listed above, how many records are there for each?

There is not a specifically identifiable number of records, given that Exterro collects records related to GSA litigation matters. Records vary depending on the subject matter and/or context of the litigation or administrative proceeding.

D. System, application, or project includes these data elements:

Interagency and Intragency electronic records which may contain correspondence from outside vendors and/or contractors associated with current or pending agency administrative dispute/manner or litigation.

Data elements can include the following: names, dates of birth, mailing address, telephone number, social security numbers, e-mail addresses, zip codes, facsimile numbers, mother's maiden name, medical record numbers, bank account numbers, health plan beneficiary numbers, any other account numbers, certificate/license number, vehicle identifier including license plate, marriage record, civil or criminal history information, medical records, device identifiers and serial numbers, education record, biometric identifiers, photographic facial image, or any other unique identifying number or characteristic.

Overview

Exterro is an end-to-end discovery solution that provides a user-friendly, searchable, and secure e-discovery document management system to facilitate effective data collection, data analysis, data sharing, electronic discovery, litigation support, project collaboration and document review for OGC. This system is jointly funded by GSA's Office of Information Technology (GSAIT) and OGC. The system reduces the burden on OGC staff in the collection, review and preparation of documents and materials as required by the Courts during the Discovery phase of litigation. Additionally, this system reduces the burden of the staff in the FOIA Request Service Center during the collection, review and preparation of documents and materials in response to FOIA requests.

All data contained in Exterro is information that is collected/ derived from OGC records pertaining to claims and litigation matters for which OGC represents the agency. Some information included in Exterro may be that which was provided by opposing counsel during the discovery phase of litigation as well. Exterro allows role- and project-based access to OGC attorneys who litigate and staff who assist the attorneys. Role- and project-based access is also available to FOIA personnel, all via a secure structure for gaining access and searching data

Office of General Counsel Case Tracking and eDiscovery System, [GSA/ OGC-1](#), which was published in the Federal Register on October 2, 2017 (82 FR 45850).

SECTION 1.0 PURPOSE OF COLLECTION

GSA states its purpose and legal authority before collecting PII.

1.1 What legal authority and/or agreements allow GSA to collect, maintain, use, or disseminate the information?

41 CFR § 105-53.138 and 41 CFR § 105-60.

1.2 Is the information searchable by a personal identifier, for example a name or Social Security Number? If so, what System of Records Notice(s) apply/applies to the information?

Yes; GSA's Office of General Counsel Case Tracking and eDiscovery System, [GSA/ OGC-1](#), which was published in the Federal Register on October 2, 2017 (82 FR 45850).

1.3 Has an Information Collection Request (ICR) been submitted to or approved by the Office of Management and Budget (OMB)? If yes, provide the relevant names, OMB control numbers, and expiration dates.

N/A

1.4 Has a records retention schedule been approved by the National Archives and Records Administration (NARA)? Explain how long and for what reason the information is retained.

Yes, OGC retains records pursuant to the retention schedule promulgated by NARA. Information is retained indefinitely as is necessary for retaining the documentary records of OGC's continuous representation of the Agency. The system stores and organizes key data points regarding every claim and litigation matter handled by OGC. FOIA records are maintained for 6 years in accordance with the retention schedule promulgated by NARA.

SECTION 2.0 OPENNESS AND TRANSPARENCY

GSA is open and transparent. It notifies individuals of the PII it collects, maintains, uses or disseminates as well as how it protects and shares it. It provides straightforward ways for individuals to learn how GSA handles PII.

2.1 Will individuals be given notice before the collection, maintenance, use or dissemination of personal information about themselves? If not, please explain.

No, because Exterro is not a primary information collection system. Therefore, any opportunity to consent or decline to provide information occurs at the point of original collection from the individual and is described in the relevant PIA and SORN for that system, from which the data are gathered. Because the litigation discovery process is compulsory, OGC may have little or no discretion to control how records about individuals are disclosed, and may only request that the court limit public disclosure of information by placing the information under seal or obligating the other parties to not further disclose it without court permission.

SECTION 3.0 DATA MINIMIZATION

GSA limits PII collection only to what is needed to accomplish the stated purpose for its collection. GSA keeps PII only as long as needed to fulfill that purpose.

3.1 Why is the collection and use of the PII necessary to the system, application, or project?

The collection of PII in Exterro is necessary as the records contained therein are used by the Office of General Counsel (OGC) staff in the collection, review and preparation of documents and materials as required by during the discovery phase of litigation/or an agency administrative hearing. Furthermore, Exterro does not collect any additional PII that is not already maintained in OGC's system of records for purposes of litigation.

3.2 Will the system, application, or project create or aggregate new data about the individual? If so, how will this data be maintained and used?

No. Exterro does not create nor aggregate new data about any individuals.

3.3 What protections exist to protect the consolidated data and prevent unauthorized access?

All data contained in Exterro is information that is collected/ derived from OGC records pertaining to claims and litigation matters for which OGC represents the agency. Some information included in Exterro may be that which was provided by opposing counsel during the discovery phase of litigation as well. Exterro allows role- and project-based access to OGC attorneys who litigate and staff who assist the attorneys. Role- and project-based access is also available to FOIA personnel, all via a secure structure for gaining access and searching data.

Assigned authorizations for controlling access are enforced through setup profiles and permission sets. Exterro users are also provided training to ensure the information contained

therein is used appropriately and not disseminated where not appropriate. This system also provides for a SSO (Single Sign On) in order to prevent those without proper credentials from gaining access to the system.

3.4 Will the system monitor the public, GSA employees, or contractors?

No

3.5 What kinds of report(s) can be produced on individuals?

N/A

3.6 Will the data included in any report(s) be de-identified? If so, what process(es) will be used to aggregate or de-identify the data?

N/A

SECTION 4.0 LIMITS ON USING AND SHARING INFORMATION

GSA publishes a notice about how it plans to use and share any PII it collects. GSA only shares PII in ways that are compatible with the notice or as stated in the Privacy Act.

4.1 Is the information in the system, application, or project limited to only the information that is needed to carry out the purpose of the collection?

Yes. Exterro only houses PII that is already contained in OGC's system of records. Exterro does not collect any additional PII.

4.2 Will GSA share any of the information with other individuals, federal and/or state agencies, or private-sector organizations? If so, how will GSA share the information?

OGC will share information as necessary for purposes of litigation or administrative proceedings that the agency is involved with. GSA will also share information from Exterro in response to a FOIA request when such responsive records are located in Exterro.

4.3 Is the information collected directly from the individual or is it taken from another source? If so, what is the other source(s)?

All data in the system is derived from OGC records pertaining to claim and litigation matters for which OGC represents the agency. The users and/or the GSA Google Mail team collect the data and provide it to OGC for upload into the system for review. Additionally, any other type of

information (e.g. handwritten notes) will be collected by OGC staff and uploaded into the system for review.

4.4 Will the system, application, or project interact with other systems, applications, or projects, either within or outside of GSA? If so, who and how? Is a formal agreement(s) in place?

No.

SECTION 5.0 DATA QUALITY AND INTEGRITY

GSA makes reasonable efforts to ensure that all PII it maintains is accurate, relevant, timely, and complete.

5.1 How will the information collected, maintained, used, or disseminated be verified for accuracy and completeness?

All data in the system is derived from OGC records pertaining to claim and litigation matters for which OGC represents the agency. The users and/or the GSA Google Mail team collect the data and provide it to OGC for upload into the system for review. Additionally, any other type of information (e.g. handwritten notes) will be collected by OGC staff and uploaded into the system for review.

Exterro is not a primary information collection system. Because information in Exterro is obtained from other GSA recordkeeping systems, the accuracy of information is ensured through protections in the original source systems themselves.

SECTION 6.0 SECURITY

GSA protects PII from loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.

6.1 Who or what will have access to the data in the system, application, or project? What is the authorization process to gain access?

OGC attorneys who conduct litigation matters and administrative proceedings on behalf of the agency and support staff.

6.2 Has GSA completed a System Security Plan (SSP) for the information system(s) or application?

Yes, an SSP was completed as part of the Authorization to Operate (ATO) on January 24, 2018.

6.3 How will the system or application be secured from a physical, technical, and managerial perspective?

Exterro is only accessible to a limited number of OGC personnel, which is only accessible through GSA's Single Sign On (SSO) system through GSA's Virtual Private Network.

6.4 Are there mechanisms in place to identify and respond to suspected or confirmed security incidents and breaches of PII? If so, what are they?

In the event that any OGC Staff with an Exterro license suggests that there's been unauthorized access/improper dissemination of PII, OGC staff have received instruction and training to call and refer any such incident to GSA's Privacy Office for further action.

SECTION 7.0 INDIVIDUAL PARTICIPATION

GSA provides individuals the ability to access their PII and to correct or amend it if it is inaccurate. If GSA exempts a system or program from access, amendment and other provisions of the Privacy Act, it notifies the public of that exemption.

7.1 What opportunities do individuals have to consent or decline to provide information? Can they opt-in or opt-out? If there are no opportunities to consent, decline, opt in, or opt out, please explain.

There are none. While Exterro is used to store information related to litigation matters /or administrative proceedings which may include PII, its purpose is not to store and collect information about individuals using PII as that of other record keeping systems in the agency.

7.2 What procedures allow individuals to access their information?

There are none since Exterro is not a system of record collection, but a system to organize OGC case files which can include PII.

7.3 Can individuals amend information about themselves? If so, how?

No.

SECTION 8.0 AWARENESS AND TRAINING

GSA trains its personnel to handle and protect PII properly.

8.1 Describe what privacy training is provided to users, either generally or specifically relevant to the system, application, or project.

Exterro is an application used to cull OGC records related to litigation /or administrative proceedings that GSA is involved with. All application users take an annual required Privacy Act training related to maintenance, storage and use of PII.

SECTION 9.0 ACCOUNTABILITY AND AUDITING

GSA's Privacy Program is designed to make the agency accountable for complying with the Fair Information Practice Principles. GSA regularly checks that it is meeting the requirements and takes appropriate action if it is not.

9.1 How does the system owner ensure that the information is used only according to the stated practices in this PIA?

Only employees who handle litigation matters /or administrative proceedings for GSA use Exterro- and the information contained in Exterro is that which the employees have previously gathered from their own files and records in the process of litigation /or agency administrative proceedings. All GSA employees receive Privacy Act training and thus they protect the records transferred into Exterro per Privacy Act requirements.

^[1]OMB Memorandum [Preparing for and Responding to the Breach of Personally Identifiable Information](#) (OMB M-17-12) defines PII as: “information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.” The memorandum notes that “because there are many different types of information that can be used to distinguish or trace an individual's identity, the term PII is necessarily broad.”

^[2] Privacy Act of 1974, 5 U.S.C. § 552a, as amended.