



# NOAA Privacy Policy

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### I. Background

NOAA is committed to fulfilling its obligations in safeguarding the Personally Identifiable Information (PII) and Business Identifiable Information (BII) entrusted to it by the public. In carrying out this important responsibility, NOAA takes seriously its role in properly collecting, storing, and transmitting the PII within its information systems. Each of these actions are carried out only to further NOAA's mission, and the PII with which NOAA is entrusted is only viewed by those who have proper authorization to view that material on a need-to-know basis for carrying out their work responsibilities. In order to ensure proper handling, storage, and transmission of this sensitive information, NOAA has created this Privacy Policy for those within NOAA entrusted with this important role.

### II. Purpose

The purpose of this policy is to explain how we handle information we collect during your visit to NOAA websites. This includes information collected through NOAA forms that are posted on NOAA websites. This policy does not apply to third-party websites that you are able to access from our websites.

We do not collect personally identifiable information (name, address, e-mail address, social security number, or other personal unique identifiers) or business identifiable information on our websites unless we specifically advise you that we are doing so.

Information on the handling of PII and BII under the Privacy Act and the Freedom of Information Act

(FOIA) can be found at the Department of Justice website. (<https://www.justice.gov/oip>). The restrictions on the unencrypted transmission of Sensitive PII under the DOC Transmission of PII Policy apply also to the transmission of BII. BII constitutes information that could qualify for withholding under Exemption 4 of the FOIA<sup>1</sup>.

This policy is updated when the NOAA makes relevant technology improvements.

### III. Scope

This applies to all NOAA Staff and Line Offices collecting PII or BII, including through the use of online forms collecting that information, on behalf of NOAA, or with NOAA sponsorship, whether NOAA, contractor, or grantee owned. This policy applies to all NOAA activities that include the transmission, storage, use, sharing, or access of PII collected by NOAA.

### IV. References

1. DOC list of privacy-related governance:  
[http://www.osec.doc.gov/opog/Privacy/laws\\_and\\_regs.html](http://www.osec.doc.gov/opog/Privacy/laws_and_regs.html)
2. DOC policy, Electronic Transmission of Personally Identifiable Information:  
[http://osec.doc.gov/opog/privacy/Privacy\\_Brochure\\_2016.pdf](http://osec.doc.gov/opog/privacy/Privacy_Brochure_2016.pdf)
3. DOC Privacy Policy: <https://www.commerce.gov/page/privacy-policy>
4. The Privacy Act of 1974 (referred to as § 552a. Records maintained on individuals), as amended:  
<https://www.gpo.gov/fdsys/pkg/USCODE-2012-title5/pdf/USCODE-2012-title5-partI-chap5-subchapII-sec552a.pdf>
5. OMB M-17-5:  
<https://obamawhitehouse.archives.gov/sites/default/files/omb/memoranda/2017/m-17-05.pdf>

### V. Policy

Compliance with this policy is mandatory. NOAA will enforce the following obligations to achieve the objectives above:

#### [01] Web Measurement and Customization Technologies

We use web measurement and customization technologies, including cookies, to optimize your experience during your visit to our websites and to provide information about how you use our web site. Technologies commonly known as “cookies,” may include the use of session or persistent cookies. Cookies are a small amount of data generated by a website and saved by your computer to enhance your online interactions and preferences. NOAA only uses cookies that do not collect PII. These cookies are deleted when your web browser is closed.

There are three “tiers” of these web measurement and customization technologies, as established by the Office of Management and Budget (OMB)<sup>2</sup>:

Tier 1 - Single Session

This technology tracks the user’s online interactions within a single session or visit to a single

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<sup>1</sup> 5 U.S.C. § 552(b)(4).

<sup>2</sup> See, <https://connection.commerce.gov/policy/20160705/web-measurement-and-customization-tech-policy>; see also <https://obamawhitehouse.archives.gov/sites/default/files/omb/memoranda/2017/m-17-06.pdf>.

web site. Any information related to a particular visit to the web site is deleted from the user's computer immediately after the session ends.

#### Tier 2 - Multi Session without Personally Identifiable Information

This technology notices when a user returns to a web site and "remembers" his or her online interactions and preferences across multiple sessions, typically for the purpose of statistics on web usage, but also for customizing people's online experience. Google Analytics uses cookies to see if the visitor is a repeat visitor, or a returning visitor. Some GIS sites use cookies so that visitors do not lose context when they go from page to page, and can return to pages they have created before.

#### Tier 3 - Multi Session with Personally Identifiable Information

This tier encompasses any use of multi-session web measurement and customization technologies when PII and BII is collected (including when the agency is able to identify an individual as a result of its use of such technologies). NOAA does not use Tier 3 technologies. The following sections include information describing the use of these tiers when you visit NOAA websites.

### **[02] Tiers Accessed When You Visit Our Websites**

When you visit our websites to read pages or download information, Tier 1 or Tier 2 technology may be used. We automatically collect and store the following non-personally identifying information:

- The Internet protocol (IP) address from which you access our web site. An IP address is a unique number that is automatically assigned to the computer you are using whenever you are surfing the web. This is used for basic transactions of returning information to the user's machine, and for our own Internet security protocols to help protect the security of NOAA's IT systems and your data.
- The type of browser and operating system used to access our site, to optimize your web page experience.
- The date and time our web site is accessed, for the purpose of monitoring demand.
- The pages visited, for the purpose of improving the usefulness of our web site by providing helpful links and removing pages that are not read.

Visitor logs may contain the URL of the last website you visited, if that web site contains a link to a NOAA web page, which indicates how you found this web site.

The information we retain does not include personally identifying information. The above information is maintained in our system logs for analytical purposes to improve our web pages. The logs may be kept indefinitely and used at any time and in any way necessary to secure our systems and ensure the integrity of the data on our servers.

When you make use of NOAA Websites, Tier 1 and Tier 2 technology may be used, so these cookies will not collect personally identifiable information to be permanently retained by NOAA on either the users' or NOAA's computers. When you order products, database records track your order through the process.

Any data that NOAA may collect is protected under the Privacy Act, FOIA, and other applicable laws.

When you respond to a collection form via the Internet, you may voluntarily include personally identifiable information (PII) or business identifiable information (BII). For each collection and form, we provide an explanation about the laws that apply to the handling of the data that respondents provide.

When you provide PII or BII in response to a collections form through a NOAA web site, Tier 1 technology may be used, but the only PII or BII to be collected is what you voluntarily enter into the form. Once you access an online collection or form, we may collect information about how long it took you to complete the collection or form, which questions you answered, and how many times you logged into the collection or form. In addition, we collect data on navigation of the collection or form, which includes mouse clicks and any data entered onto the collection or form, whether or not the collection or form is completed and submitted. These data are used in aggregate to assess the usability of the collection or form, or for other authorized statistical purposes. If these data are associated with your responses, they may be protected under the Privacy Act, the FOIA, or other applicable law.

Questions concerning this policy may be addressed to: [http://www.cio.noaa.gov/contact\\_us.html](http://www.cio.noaa.gov/contact_us.html).

### **[03] Blocking the use of Cookies (Opt Out)**

The technologies we describe in this policy are the default settings. However, you can remove or block the use of web cookies by changing the setting of your browser as described at [http://www.usa.gov/optout\\_instructions.shtml](http://www.usa.gov/optout_instructions.shtml).

Should you choose to remove or block the use of web cookies, we will provide you with alternatives for acquiring comparable information or services.

### **[04] Other Information We Collect From E-Mail and Other Online Forms**

When you send us personally identifiable information or business identifiable information over e-mail, we only use the information we need in order to respond. When you send us personally identifiable information or business identifiable information on online collection forms (e.g. conference registrations, contact lists, etc.), we only use the information for the stated purposes (shown either on the form or on a corresponding Privacy Act Statement). All information our web site visitors submit via e-mail or an online form is voluntary. Submitting voluntary information constitutes your consent to the use of the submitted information for the stated purpose.

We may contact you by email to invite you to participate in a collection or form, but we will not ask you to provide responses via email.

### **[05] Data Retention**

We retain questions and comments only if required by law, or for a specific program need, as specified by the National Archives and Records Administration's General Records Schedule (GRS) 20, Electronic Records or other approved records schedule as applicable.

### **[06] Document Accessibility**

NOAA is committed to making online forms and other public documents on its Internet server accessible to all. We continuously update our websites and make modifications to those pages, including those which are not in compliance with the Americans with Disabilities Act. We use Hypertext Markup Language (HTML) to create pages that are generally accessible to persons using screen-reading devices, and we are careful in our construction of HTML documents to ensure maximum accessibility. We include

alternate text describing graphics.

Many NOAA Internet documents are in ASCII or HTML formats. These documents are accessible to persons using screen-reading software. We also have a large number of documents in Adobe Acrobat PDF (Portable Document Format) files. Currently, many people using screen-reading devices cannot read documents in PDF format, specifically those that were created from a scanned hard copy.

Adobe Systems, Inc. is producing various products designed to make Adobe Acrobat documents accessible to persons using screen-reading software. Adobe's accessibility web pages describe their efforts.

To allow us to better serve those with visual disabilities who are having difficulty accessing PDF documents, you may contact us directly for further assistance at

[http://www.cio.noaa.gov/contact\\_us.html](http://www.cio.noaa.gov/contact_us.html).

### **[07] Third Party websites and Applications**

NOAA has a presence on several social media/Web 2.0 platforms (Facebook, YouTube, Twitter and Flickr, and other third-party services)). Each of these websites provides NOAA unique ways of sharing information. It also allows visitors with a way to communicate with the agency. Some may allow visitors to log in, create profiles and save information in those profiles. We do not collect or use any of the personally identifiable information you may have entered on these social media sites. Further, NOAA has no control over the third-party's use of this information and bears no responsibility for the third-party's handling of your information. These websites have their own privacy, security and accessibility policies.

NOAA may also use a third-party web site or application (hosted service) to conduct customer satisfaction collections and/or feedback forms. These collections and/or feedback forms may collect your name and email address for processing purposes. The results from these collections or forms are used to conduct primary research into the quality of NOAA programs and products. The results collected will be used strictly for internal program management purposes to assess staff work, material design and development and to enhance planning efforts for current and future collections and forms. In addition, other third-party websites or applications may be used to host NOAA data products to be used by the public. These websites do not require the use of personally identifiable information or business identifiable information.

### **[08] Security and Third Party Links**

To ensure that computer service remains available to all users, this government IT system employs software programs to monitor network traffic to identify unauthorized attempts to upload or change information, or otherwise cause damage to our computer system. websites identified as representing an actual or potential security threat to NOAA information and/or information resources are blocked. Further, websites that are known to violate NOAA, Department of Commerce, and/or Federal guidelines regarding access to certain types of websites and/or content are blocked, for example:

- websites hosting malware/spam
- websites involved in the compromise of other government agencies
- Adult content websites
- On-line storage and file sharing web site
- Freeware/Shareware websites
- websites attacking NOAA systems (attempting to identify and exploit vulnerabilities in Internet facing systems)

Some of our website contains links to other federal agencies, international agencies, and private organizations. Once you link to another web site, you are subject to the policies of the new web site. Our linking to non-government websites does not constitute an endorsement of any products, services or the information found on them.

#### **[09] Mobile Applications**

Mobile Applications will comply with all provisions the Privacy Act, and are subject to the same requirements of a Privacy Act Statement (PAS) as outlined in 5 U.S.C. 552a(e)(3). Each Mobile Application will clearly identify if it is a NOAA Application, and if it is a NOAA Application, the PAS, data characterization, notice, consent, privacy controls, authority, and data sharing provisions will be clearly identified in the Privacy Impact Assessment (PIA) associated with the information system to which that mobile application pertains.

#### **VI. Responsibilities**

This Policy requires that all NOAA collection of PII and BII is conducted consistent with applicable law, governing OMB Memoranda, and DOC Privacy Policies. The Offices below have the following responsibilities to ensure compliance with this Policy:

##### **[01] The Associate Administrator for each Line Office shall:**

Ensure individual privacy protections in compliance with applicable laws, regulations, and policies.

##### **[02] The NOAA Office of the Chief Information Officer (OCIO) has:**

Overall responsibility for promulgation and oversight of NOAA-wide information management policies, guidelines and procedures to Line and Staff Offices for their implementation to ensure compliance with relevant Federal laws, regulations and policies. Such policies, guidelines and procedures include, but are not limited to, addressing requirements associated with privacy, IT security, and records management.

##### **[03] The NOAA Staff and Line Offices are:**

Responsible for implementing and executing NOAA policies, procedures, and protections consistent with applicable law, Executive Orders, regulations, policies and standards.

#### **VII. Management and Ownership**

The NOAA Chief Information Officer establishes the objectives and terms of use for the collection, use, storage, and transmission of PII.

#### **VIII. Intended Audience**

The intended audience is the public, and the policy governs NOAA employees and affiliates operating NOAA systems that may collect, store, or transmit PII.

#### **IX. Implementation Date**

This procedure is effective immediately upon approval by the NOAA CIO.

## X. Grandfather Exemption and Waiver Option

None.

## XI. Performance Objectives and Measurements

### [01] Training curriculum and objectives

Following adoption of the Policy, NOAA will prepare a training guide and curriculum for adoption to train prospective NOAA users for role-based privacy training within one year.

### [02] Review of the Privacy Policy

NOAA will review this Privacy Policy with the passage of subsequent statutes impacting Privacy, OMB Memoranda, Department guidance, and technical advancements that have an impact on Privacy practices. NOAA will also review, no later than once every year, all of the NOAA information systems that contain PII consistent with OMB Memorandum A-130<sup>3</sup>. This will include a substantive review of individual Privacy policies associated with the staff and line offices. If, in conducting these reviews, substantive changes are necessary, this Policy will be updated pursuant to OMB M-17-06.

## XII. Definitions

Business Identifiable Information (BII) – Information that is defined in the Freedom of Information Act (FOIA) as “trade secrets and commercial or financial information obtained from a person and privileged or confidential.”

Personally Identifiable Information (PII) – Information that can be used to distinguish or trace an individual’s identity, such as name, Social Security number (SSN), biometric records, etc., alone, or when combined with other personal or identifying information, which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc. [OMB M-07-16].

Sensitive Personally Identifiable Information (Sensitive PII) – Sensitive PII is defined as PII which, when disclosed, could result in harm to the individual whose name or identity is linked to the information. Further, in determining what PII is sensitive, the context in which the PII is used must be considered. For example, a list of people subscribing to a government newsletter is not sensitive PII; a list of people receiving treatment for substance abuse is sensitive PII. As well as context, the association of two or more non-sensitive PII elements may result in sensitive PII. For instance, the name of an individual would be sensitive when grouped with place and date of birth and/or mother’s maiden name, but each of these elements would not be sensitive independent of one another. [DOC Electronic Transmission of PII Policy].

Senior Agency Official For Privacy (SAOP) - The designated Senior Agency Official for Privacy currently serving as the Chief Privacy Officer for the Department of Commerce.

## XIII. Approval

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Zachary Goldstein, NOAA CIO

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Date

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<sup>3</sup> <http://www.osec.doc.gov/opog/privacy/Circular%20A-130%20FINAL.pdf>

## APPENDIX I

### **[01] Data Protection and Privacy**

#### How We Protect Your Information

NOAA has an obligation to produce accurate, relevant information on weather, oceanographic data, satellite datasets, records regarding the Nation's Fisheries, but we recognize that in some instances it is your information that we collect to produce these datasets.

We depend on your cooperation and trust, and promise to protect the confidentiality of your information.

### **[02] Protecting Your Information**

Federal law protects your information, and we have developed policies and statistical safeguards to help us follow the law and to protect your information as permitted under applicable law.

### **[03] Confidentiality of Magnuson-Stevens Act Information**

The Magnuson Stevens Act requires that NMFS maintain the confidentiality of information submitted in compliance with any requirement or regulation under the Act.

### **[04] Privacy Principles**

Our Privacy Principles are guidelines that cover all of our activities. These principles encompass both our responsibilities to protect your information and your rights as a respondent. They apply to the information we collect and the information we publish.

### **[05] Data Stewardship**

Data Stewardship is the formal process we use to ensure that your information is protected to the extent authorized by law.

We recognize the value of your trust, and we believe that when you provide information to NOAA we must serve as caretakers of your information. If you would like to learn more about how we fulfill this responsibility, please visit our NOAA Privacy pages.



## Appendix II

### **[01] NOAA's Privacy Principles**

We depend on your cooperation and trust, and we promise to protect your information consistent with applicable law.

NOAA's Privacy Principles remind us of this commitment and help ensure the protection of your information throughout all of our activities.

The Privacy Principles are our guidelines. They help us as we design collections of information to consider respondents' rights and concerns. Every principle embodies a promise to you, the respondent. **Necessity: Do we need to ask this question? Do we need to collect this information?**

Every time we prepare to ask a question, we determine whether the information is truly necessary. All of the information we collect is used for a lawful purpose, with proper notice, consent, and information sharing requirements.

- We commit to collect only information necessary for each collection and form.
- It is our commitment to use collected information only as indicated on the collection form and in our Privacy Act Statement, System of Records Notice, and or Privacy Impact Assessment, all of which are made publicly available.

### **[02] Openness: Do you know why we are collecting your information?**

We collect information only for mission-related purposes, and it is only used to identify individuals when authorized by law. Before providing PII, you have the right to know why we are collecting the information, the purposes for which the information will be used, what the result would be for refusing to provide the requested information, and our authority to ask for the information in question.

- It is our commitment to inform you of each of these factors every time PII is requested from you

### **[03] Respectful Treatment of Users: Are our efforts reasonable and did we treat you with respect?**

- We commit to minimizing the effort and time it takes for you to participate in the information collection by efficient designs.
- We commit to using only legal, ethical and professionally accepted practices in collecting information.

### **[04] How do we protect your information?**

In addition to removing personally identifiable information, such as names, telephone numbers, and addresses, from our files insomuch as possible while still serving mission objectives, we use various approaches to protect your personal information; including computer technologies and security procedures.

Our security measures ensure that only a restricted number of authorized people have access to private information and that access is only granted to conduct our work and for no other purposes.