



ATTACHMENT 1

Sample Privacy Act Notice to Individuals Regarding a High-Risk Chemical Facility's Compliance with 6 CFR § 27.230(a)(12)(iv) and Participation in The CFATS Personnel Surety Program

This is a sample Privacy Act notice, which high-risk chemical facilities or their designee(s) may choose to use to provide required notice to affected individuals. DHS may review notices for adequacy, as appropriate, under CFATS. This updated notice replaces the sample notice that was published as Attachment 1 in the previous PIA on May 1, 2014.

(To be provided by a high-risk chemical facility to affected individuals prior to the submission of PII to DHS under Option 1 and Option 2 for purposes of compliance with 6 CFR § 27.230(a)(12)(iv))

The Department of Homeland Security (DHS) requires [INSERT NAME OF CFATS COVERED FACILITY] to comply with DHS Chemical Facility Anti-Terrorism Standards (CFATS) program requirements to identify affected individuals with terrorist ties. [INSERT NAME OF CFATS COVERED FACILITY] has opted to comply with this requirement by collecting and submitting the personally identifiable information (PII) of affected individuals to DHS for the purpose of comparing that PII against information pertaining to known and suspected terrorists maintained by the Federal Government in the Terrorist Screening Database (TSDB). Affected individuals are: (1) facility personnel (e.g., employees and contractors) with access, or seeking access, (unescorted or otherwise) to restricted areas or critical assets; and (2) unescorted visitors with access, or seeking access, to restricted areas or critical assets. Affected individuals will undergo recurrent vetting against the TSDB.

In certain cases, DHS may request that [INSERT NAME OF CFATS COVERED FACILITY] collect and submit additional information (e.g., visa information) about affected individuals in order to clarify data errors or to resolve potential matches (e.g., in a situation in which an affected individual has a common name, additional information could assist DHS in distinguishing that individual from known or suspected terrorists with similar names). Such requests will not imply, and should not be construed to indicate, that an individual has been confirmed as a match to the TSDB.

DHS conducts CFATS Personnel Surety Program activities pursuant to section 2102 of the Homeland Security Act of 2002, and section 27.230(a)(12)(iv) of the Chemical Facility Anti-Terrorism Standards (CFATS).

DHS may share information provided by [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] about you with law enforcement or intelligence agencies under its Privacy Act System of Records Notice published in the Federal Register. To view this System of Records Notice (Department of Homeland Security/National Protection and Programs Directorate-002 Chemical Facility Anti-Terrorism Standards Personnel



Surety Program System of Records) and for more information on DHS privacy policies, please see the DHS Privacy Office website at <http://www.dhs.gov/privacy>.

DHS may also share your information and information about you with [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)].

Please note that DHS will not make available certain information about you that was not supplied by [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)], but may provide credential status to [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] for affected individuals whose information was submitted by them to electronically verify and validate enrollment in a Trusted Traveler Program, the HME Program, or the TWIC Program.

ACCESS & CORRECTIONS:

If you would like access to the information provided by [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] about you, you may contact [INSERT CONTACT NAME & NUMBER OR EXPLAIN INTERNAL PROCEDURE]. If your information contains errors, you should inform [INSERT NAME OF CFATS COVERED FACILITY].

If [INSERT NAME OF CFATS COVERED FACILITY, AND THEIR DESIGNEE(S) (IF APPLICABLE)] is either unable or unwilling to update or correct your information, you may also write to the NPPD Freedom of Information Act (FOIA) Officer at 245 Murray Lane SW, Washington, D.C. 20528-0380, to obtain access to your information, and if necessary to correct inaccurate or erroneous information. The requirements for filing such a request may be found at 6 CFR § 5.21(d) or accessed from the DHS Privacy Office website at <http://www.dhs.gov/foia>.

REDRESS:

If you believe that the information submitted by [INSERT NAME OF CFATS COVERED FACILITY AND OF THEIR DESIGNEE(S) (IF APPLICABLE)] has been improperly matched by DHS to the identity of a known or suspected terrorist, you may write to the NPPD FOIA Officer at 245 Murray Lane SW, Washington, D.C. 20528-0380. You may also request an administrative adjudication under CFATS.²⁴

²⁴ See 6 CFR § 27.310(a)(1).



ATTACHMENT 2

Sample Notice to an Individual Whose Credential Is Being Verified For Purposes of Compliance with 6 CFR § 27.230(a)(12)(iv) and Participation in The CFATS Personnel Surety Program

Prior to verifying an affected individual's credential or document for purposes of compliance with 6 CFR § 27.230(a)(12)(iv), a high-risk chemical facility should provide notice to affected individuals informing them that their credential or document will now be used for compliance with 6 CFR § 27.230(a)(12)(iv).

(To be provided by a high-risk chemical facility to affected individuals prior to verifying an affected individual's credential under Option 3 and Option 4 for purposes of compliance with 6 CFR § 27.230(a)(12)(iv))

Notice to individuals regarding the use of [INSERT CREDENTIAL OR DOCUMENT] under the Chemical Facility Anti-Terrorism Standards (CFATS) Personnel Surety Program:

The Department of Homeland Security (DHS) requires [INSERT NAME OF CFATS COVERED FACILITY] to comply with the DHS Chemical Facility Anti-Terrorism Standards (CFATS) program requirement to identify affected individuals with terrorist ties. [INSERT NAME OF CFATS COVERED FACILITY] has opted to comply with this requirement by verifying [INSERT CREDENTIAL OR DOCUMENT]. Affected individuals are: (1) facility personnel (e.g., employees and contractors) with access, or seeking access, (unescorted or otherwise) to restricted areas or critical assets; and (2) unescorted visitors with access, or seeking access, to restricted areas or critical assets. If your [INSERT CREDENTIAL OR DOCUMENT] is successfully verified, no information about you will be submitted to DHS under the CFATS Personnel Surety Program. If your [INSERT CREDENTIAL OR DOCUMENT] cannot be successfully verified, [INSERT NAME OF CFATS COVERED FACILITY] will [DESCRIBE THE PROCEDURES THAT THE FACILITY HAS AGREED TO UNDERTAKE IN ITS ASP OR SSP IN THIS SITUATION].

DHS conducts CFATS Personnel Surety Program activities pursuant to section 2102 of the Homeland Security Act of 2002, and section 27.230(a)(12)(iv) of CFATS.