

*EPIC v. DEA*, No. 15-cv-00667-CRC  
Plaintiff's Combined Opposition to Defendant's Motion for Summary Judgment and  
Cross-Motion for Summary Judgment

# Exhibit 3



**U.S. Department of Justice**

**Office of Privacy and Civil Liberties**

*Telephone: (202) 514-0208*

*Washington, D.C. 20530*

**INITIAL PRIVACY ASSESSMENT DETERMINATION**

To: Initial Privacy Assessment Contact  
From: Kirsten J. Moncada, Director *JJC/KJM*  
Date: *NOV 12 2009*  
System: Laboratory Information Management System (LIMS) Test  
OPCL Case Number: 207

Please be advised that the Office of Privacy and Civil Liberties (OPCL) has completed its review of the Initial Privacy Assessment (IPA) for the LIMS Test.

Based upon our review of the information that you have provided on behalf of the Drug Enforcement Administration (DEA), we have determined that this system does not require any further privacy documentation at this time. Should DEA decide to conduct further testing or implement this system in the future, such testing or implementation should be addressed in a subsequent IPA and submitted to OPCL prior to testing or implementation of the system.



**U.S. Department of Justice**

**Office of Privacy and Civil Liberties**

*Washington, D.C. 20530  
Telephone: (202) 514-0208*

**MEMORANDUM**

**TO:** Preston L. Grubbs, Chief Information Officer  
Senior Component Official for Privacy  
Drug Enforcement Administration (DEA)

**FROM:** Kristi Lane Scott, Deputy Director *WJ*

**SUBJECT:** Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Laboratory Information Management System (LIMS)  
OPCL Number: 15-871

Please be advised that the Office of Privacy and Civil Liberties (OPCL) has completed review of the above-captioned IPA. Based upon the IPA and supplemental information provided by the DEA we have determined that:

1. Pursuant to the privacy provisions of the E-Government Act and OMB's implementing guidance (M-3-22), the DEA must complete a privacy impact assessment (PIA) for this system. (Information on how to complete a PIA, along with the DOJ PIA template, can be found on OPCL's website at [http://dojnet.doj.gov/privacy\\_resources/index.php](http://dojnet.doj.gov/privacy_resources/index.php).) A draft PIA should be submitted to Robin Moss at [Robin.Moss@usdoj.gov](mailto:Robin.Moss@usdoj.gov) within three weeks from the date signed above by the Director of OPCL.
2. This system constitutes a system of records under the Privacy Act and accordingly must be covered by a published system of records notice (SORN). OPCL concurs with the DEA that LIMS is covered by Justice/DEA-008.
3. Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memorandum to the CIO's Cyber Security Assessment and Management (CSAM) C&A Web tool on DOJNet. The uploaded determination memorandum marks the completion of the IPA process in C&A Web.



**U.S. Department of Justice**

**Office of Privacy and Civil Liberties**

Washington, D.C. 20530  
Telephone: (202) 514-0208

**MEMORANDUM**

**TO:** Preston L. Grubbs, Assistant Administrator  
Operational Support Division  
Drug Enforcement Administration (DEA)

**FROM:** Kirsten J. Moncada, Director JYC 11/7/11  
Office of Privacy and Civil Liberties (OPCL)

**SUBJECT:** Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: DrugSTAR  
OPCL Number: 288

Please be advised that OPCL has completed review of the captioned IPA. Based upon the IPA and supplemental information provided by DEA, we have determined that:

1. Pursuant to the requirements of the E-Government Act and OMB's implementing guidance (M-3-22), the DEA must complete a privacy impact assessment (PIA) for this system. (Information on how to complete a PIA, along with the DOJ PIA template, can be found on OPCL's website at [http://dojnet.doj.gov/privacy\\_resources/index.php](http://dojnet.doj.gov/privacy_resources/index.php).) When completed, the draft PIA should be submitted to Robin Moss at [Robin.Moss@usdoj.gov](mailto:Robin.Moss@usdoj.gov).

2. This system does not constitute a system of records under the Privacy Act because no information about an individual is retrieved by a personal identifier at this time. If DEA contemplates changing DrugStar to retrieve information about individuals by personal identifiers, it will need to conduct a new IPA to determine the Privacy Act's application of DrugStar at that time.

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management (CSAM) C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.



U.S. Department of Justice

Office of Privacy and Civil Liberties

Washington, DC 20530  
Telephone (202) 514-0208

MEMORANDUM

TO: Preston Grubbs  
Senior Component Official for Privacy  
Drug Enforcement Administration (DEA)

FROM: Kirsten J. Moncada, Director *JYC for KJM 10/3/11*  
Office of Privacy and Civil Liberties (OPCL)

SUBJECT: Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Technical Equipment Inventory System Web Application  
(TEISweb)  
OPCL Number: 9-199

Please be advised that OPCL has completed review of the captioned IPA. Based upon the IPA and supplemental information provided by the DEA, we have determined that:

1. Pursuant to the privacy provisions of the E-Government Act and OMB's implementing guidance (M-03-22), no privacy impact assessment is required for this system because it relates to internal government operations.
2. The system does not constitute a "system of records" under the Privacy Act, and thus, does not require a Privacy Act system of records notice (SORN).

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.



**U.S. Department of Justice**

Office of Privacy and Civil Liberties

Telephone: (202) 514-0208

Washington, D.C. 20530

**MEMORANDUM**

**TO:** Preston Grubbs, Assistant Administrator, Operational Support Division  
Senior Component Official for Privacy  
Drug Enforcement Administration (DEA)

**FROM:** Kirsten J. Moncada, Director *JYC/KJM 4/24/12*  
Office of Privacy and Civil Liberties (OPCL)

**SUBJECT:** Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Intelligence Program Career Tracking (IPCT)  
OPCL Number: 10-234

Please be advised that OPCL has completed review of the above-captioned IPA. Based upon the IPA and supplemental information provided by the DEA, we have determined that:

1. Pursuant to the privacy provisions of the E-Government Act and OMB's implementing guidance (M-03-22), a privacy impact assessment (PIA) is not required for this system because it relates to the internal operations of the government.
2. This system constitutes a system of records under the Privacy Act and accordingly must be covered by a published system of records notice (SORN). OPCL concurs with the DEA that the records in this system are covered by OPM-GOVT-1, General Personnel Records, (and potentially other OPM government-wide systems of records depending upon the particular uses of the system information).
3. As it is appropriate, at points of collection where employees can enter information about themselves directly into the system, the DEA should ensure that the employees are provided an appropriate Privacy Act notice as required by subsection (c)(3) of the Privacy Act.

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.



U.S. Department of Justice

Office of Privacy and Civil Liberties

Washington, D.C. 20530  
Telephone: (202) 514-0208

MEMORANDUM

TO: **Per DEA (b)(6)**, Office of Information Systems  
Drug Enforcement Administration (DEA)

**Per DEA (b)(6)**, Office of Information Systems  
DEA

FROM: Kirsten J. Moncada, Director *JYC 3/25/11*  
Office of Privacy and Civil Liberties (OPCL)

SUBJECT: Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Facebook account  
OPCL Number: 418

Please be advised that OPCL has completed review of the above-captioned IPA. Based upon the IPA and supplemental information provided by the DEA, we have determined that:

1. Pursuant to the privacy provisions of the E-Government Act and OMB's implementing guidance (M-03-22 and M-10-23), no new privacy impact assessment (PIA) is required for the DEA's use of Facebook because the use is covered by the Department-wide PIA for Third-Party Social Web Services.
2. The DEA's use of Facebook does not constitute a system of records under the Privacy Act.
3. In accordance with OMB's guidance (M-10-23), the DEA must provide a privacy notice on its Facebook page. Should you have questions about the privacy notice, you may contact Joseph R. Lullo at [Joseph.R.Lullo@usdoj.gov](mailto:Joseph.R.Lullo@usdoj.gov).

Please note that while this IPA is now considered complete, any other documents required by the Department's Web 2.0 Policy Working Group must be completed in order to finalize the DEA's Web 2.0 application. Should the DEA have any questions regarding the Department's Web 2.0 application process, please contact the working group at [Web2.0PolicyWorkingGroup@SMOJMD.USDOJ.gov](mailto:Web2.0PolicyWorkingGroup@SMOJMD.USDOJ.gov). Further, if the DEA decides to significantly expand or modify its use of Facebook beyond the terms of the above-captioned IPA, it must so advise the Web 2.0 Policy Working Group for approval of such proposed expansion or modification.



U.S. Department of Justice

Office of Privacy and Civil Liberties

Washington, D.C. 20530  
Telephone: (202) 514-0208

MEMORANDUM

TO: **Per DEA (b)(6)**, Office of Chief Counsel  
Drug Enforcement Administration (DEA)

FROM: Kirsten J. Moncada, Director *JYC for KJM 4/26/10*  
Office of Privacy and Civil Liberties (OPCL)

SUBJECT: Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Automated FOIA Processing System (AFPS)  
OPCL Number: 191

Please be advised that OPCL has completed review of the captioned IPA. Based upon the IPA and supplemental information provided by the DEA, we have determined that:

1. Pursuant to the requirements of the E-Government Act and OMB's implementing guidance (M-3-22), a privacy impact assessment (PIA) is required for this system. DOJ's Office of Information Policy (OIP) is currently drafting a PIA to encompass the various FOIA processing systems of all DOJ components; therefore, DEA is not required to draft a separate PIA for AFPS. OPCL will notify you when the PIA is approved.
2. This system constitutes a system of records under the Privacy Act and accordingly must be covered by a published system of records notice (SORN). OPCL concurs with DEA that AFPS is covered by DOJ-004 (Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Requests and Administrative Appeals for the Department of Justice).

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management (CSAM) C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.





**U.S. Department of Justice**

**Office of Privacy and Civil Liberties**

*Washington, D.C. 20530  
Telephone: (202) 514-0208*

**MEMORANDUM**

**TO:** Preston L. Grubbs, Assistant Administrator  
Operational Support Division  
Senior Component Official for Privacy  
Drug Enforcement Administration (DEA)

**FROM:** Kirsten J. Moncada, Director *JYC for KJM 6/10/10*  
Office of Privacy and Civil Liberties (OPCL)

**SUBJECT:** Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: U.S. Department of Agriculture (USDA)  
National Finance Center (NFC)  
Human Capital Management System (EmpowHR)  
DEA Implementation  
OPCL Number: 257

Please be advised that OPCL has completed review of the captioned IPA. Based upon the IPA and supplemental information provided by DEA, we have determined that:

1. Pursuant to the requirements of the E-Government Act and OMB's implementing guidance (M-3-22), a privacy impact assessment (PIA) is required for this system. OPCL understands that, in NFC's view, the NFC PIA for EmpowHR (June 2009) covers this DEA implementation, and that NFC will be revising the NFC EmpowHR PIA to make this clearer and to encompass any new functionalities to be incorporated in the DEA implementation. Subject to this understanding, OPCL concurs with DEA that the NFC EmpowHR PIA covers the DEA implementation and that DEA need not complete a separate PIA. (We note that this coverage is further supplemented by the NFC PIA for the NFC Payroll Personnel System (PPS) (June 2009) which already contains data on DEA personnel and for which EmpowHR acts as a front end interface.)

2. This system constitutes a system of records under the Privacy Act and accordingly must be covered by a published system of records notice (SORN). OPCL concurs with DEA that the employee and applicant information encompassed by the EmpowHR IPA is covered by the government-wide SORNs for federal personnel records established by the Office of Personnel Management (OPM/GOVT-1, OPM/GOVT-2, OPM/GOVT-3, and/or OPM/GOVT-5). (To the

Memorandum to P. L. Grubbs from K. J. Moncada  
Subject: IPA Determination: NFC EmpowHR; DEA Implementation

Page 2

extent that any DEA records in EmpowHR might also include payroll information, that information would be covered by JUSTICE/JMD-003, Department of Justice Payroll System.)

3. The Office of Management and Budget (OMB) has directed agencies to review their use of social security numbers (SSNs) in agency systems and programs to identify instances in which collection or use of the social security number is superfluous. While reference to SSNs may still be necessary in federal HR systems, OPCL notes with appreciation that the DEA IPA indicates that DEA anticipates reducing SSN usage by creating a system generated unique identifier for persons within EmpowHR. DEA is requested to provide OPCL with an addendum to the IPA detailing 1) how and when the alternative identifier will be implemented, and 2) the protections and access limitations that will be accorded to SSNs in the system.

4. DEA is also requested to identify any instances in which individuals (including DEA employees and applicants) may directly input information about themselves into EmPowHR, assess whether in such instances the individuals will be provided the information required by subsection (e)(3) of the Privacy Act, and effect such changes as may be required to ensure that the requisite information is provided in such instances. In the addendum to the IPA, please also detail the results of these actions and include copies of any applicable (e)(3) statements.

5. Finally, DEA is requested to coordinate with its records management office and with the NFC to clarify 1) which of the PII collected, maintained, or disseminated by the DEA EmpowHR implementation will be considered to be DEA records and which will be considered to be NFC records, and 2) how long the PII will be retained. Please include the results of these clarifications in the addendum to the IPA.



**U.S. Department of Justice**

**Office of Privacy and Civil Liberties**

*Washington, D.C. 20530  
Telephone: (202) 514-0208*

**MEMORANDUM**

**TO:** Per DEA (b)(6), Office of General Counsel  
Drug Enforcement Administration (DEA)

**FROM:** Kirsten J. Moncada, Director *EJC for KJM 4/15/10*  
Office of Privacy and Civil Liberties (OPCL)

**SUBJECT:** Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Intelligence Personnel Locator System (IPLS)  
OPCL Number: 228

Please be advised that OPCL has completed review of the captioned IPA. Based upon the IPA and supplemental information provided by DEA, we have determined that:

1. Pursuant to the requirements of the E-Government Act and OMB's implementing guidance (M-03-22), no privacy impact assessment is required for this system because it relates to internal government operations.
2. This system constitutes a system of records under the Privacy Act and accordingly must be covered by a published system of records notice (SORN). OPCL concurs with DEA that IPLS is covered by DOJ-014 (Employee Directory Systems for the Department of Justice).

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.



**U.S. Department of Justice**

**Office of Privacy and Civil Liberties**

Washington, D.C. 20530  
Telephone: (202) 514-0208

**MEMORANDUM**

**TO:** Per DEA (b)(6), Office of General Counsel,  
Drug Enforcement Administration (DEA)

**FROM:** Kirsten J. Moncada, Director *JYC for KOM 5/6/10*  
Office of Privacy and Civil Liberties (OPCL)

**SUBJECT:** Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Nationwide Video Network System (NVNS)  
OPCL Number: 193

Please be advised that OPCL has completed our review of the captioned IPA. Based upon the IPA (and supplemental information provided by the DEA during follow-up staff coordination), we have determined that:

1. Pursuant to the requirements of the E-Government Act and OMB's implementing guidance (M-03-22), the DEA must complete a Privacy Impact Assessment (PIA) for this system. (Information on how to complete a PIA, along with the DOJ PIA template, can be found on OPCL's website at [http://10.173.2.12/privacy\\_resources/index.php](http://10.173.2.12/privacy_resources/index.php).) When completed, the draft PIA should be submitted to Robin Moss at [Robin.Moss@usdoj.gov](mailto:Robin.Moss@usdoj.gov).

2. Because DEA had not yet determined whether records will be retrieved from the system by a personal identifier, OPCL could not make a determination whether NVNS constitutes a system of records. DEA should address this issue with OPCL again when that determination is made during the PIA drafting process.

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management (CSAM) C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.



**U.S. Department of Justice**

**Office of Privacy and Civil Liberties**

Washington, D.C. 20530  
Telephone: (202) 514-0208

**MEMORANDUM**

**TO:** Preston L. Grubbs, Assistant Administrator  
Operational Support Division  
Senior Component Official for Privacy  
Drug Enforcement Administration (DEA)

**FROM:** Kirsten J. Moncada, Director *JYC for KOM 6/24/10*  
Office of Privacy and Civil Liberties (OPCL)

**SUBJECT:** Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Web OPR Case Tracking System (WebOCTS)  
OPCL Number: 255

Please be advised that OPCL has completed review of the captioned IPA. Based upon the IPA and supplemental information provided by DEA, we have determined that:

1. Pursuant to the requirements of the E-Government Act and OMB's implementing guidance (M-3-22), a privacy impact assessment (PIA) is required for this system. OPCL has received a draft of the PIA for WebOCTS and is currently in the process of reviewing the PIA.
2. This system constitutes a system of records under the Privacy Act and accordingly must be covered by a published system of records notice (SORN). OPCL concurs with DEA that WebOCTS is covered by DEA-010 (Planning and Inspection Division Records). While modifications to this SORN are not now required, OPCL encourages components, as part of their regular review process, to ensure that their SORNs provide the most complete and clear public notice reasonably achievable. If additional information or explanation regarding the captioned system would serve this end, then inclusion of such information or explanation should be considered when DEA-010 is next revised. To that end, we would be happy to discuss with you recommended modifications of this SORN.

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management (CSAM) C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.



U.S. Department of Justice

Office of Privacy and Civil Liberties

Washington, D.C. 20530  
Telephone: (202) 514-0208

MEMORANDUM

TO: Preston Grubbs  
Senior Component Official for Privacy  
Drug Enforcement Administration (DEA)

FROM: Kirsten J. Mancada, Director  
Office of Privacy and Civil Liberties (OPCL) JIC 8/11/15

SUBJECT: Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: Firearms Qualification Tracking System (FAQTS)  
OPCL Number: 10-232

Please be advised that OPCL has completed review of the captioned IPA. Based upon the IPA and supplemental information provided by the DEA, we have determined that:

1. Pursuant to the privacy provisions of the E-Government Act and OMB's implementing guidance (M-03-22), no privacy impact assessment is required for this system because it relates to internal government operations with respect to DEA agents stationed abroad and to foreign nationals (neither United States citizens nor legal permanent resident aliens) acting on behalf of DEA abroad.

2. This system constitutes a system of records under the Privacy Act and, accordingly, must be covered by a published system of records notice (SORN). OPCL concurs with the DEA that FAQTS is covered by OPM/GOVT-2 (Employee Performance File System Records). While modifications to this SORN are not now required to cover this system, OPCL encourages components, as part of their regular review process, to ensure that the SORNs that they rely upon provide the most complete and clear public notice reasonably achievable.

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management (CSAM) C&A Web tool on DOJNet. The uploaded Determination memo marks the completion of the IPA process in C&A Web.



U.S. Department of Justice

Office of Privacy and Civil Liberties

Washington, D.C. 20530  
Telephone: (202) 514-0208

MEMORANDUM

TO: Preston Grubbs  
Senior Component Official for Privacy  
Drug Enforcement Administration (DEA)

FROM: Kirsten J. Moncada, Director *JYC 12/22/11*  
Office of Privacy and Civil Liberties (OPCL)

SUBJECT: Initial Privacy Assessment (IPA) Determination  
Component: DEA  
System Name: SAOS IWMS  
OPCL Number: 10-258

Please be advised that OPCL has completed review of the above-captioned IPA. Based upon the IPA and supplemental information provided by the DEA, we have determined that:

1. Pursuant to the privacy provisions of the E-Government Act and OMB's implementing guidance (M-03-22), a privacy impact assessment (PIA) is not required for this system because to the extent that the system nominally contains information in identifiable form, it relates to the internal operations of the government.

2. The system does not constitute a system of records under the Privacy Act as it does not maintain records about individuals, and thus, no further Privacy Act documentation is required.

Please note that if this system requires security certification and accreditation (C&A) from DOJ's Office of the Chief Information Officer (CIO), the system manager/owner should now upload a copy of this determination memo to the CIO's Cyber Security Assessment and Management C&A Web tool on DOJNet. The uploaded determination memo marks the completion of the IPA process in C&A Web.