

# Privacy Impact Assessment

USDA Label Submission and Approval System (LSAS)

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# Privacy Impact Assessment for the Label Submission and Approval System (LSAS)

February 21, 2012

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## Abstract

*This document serves as the Privacy Impact Assessment for the USDA Label Submission and Approval System (LSAS). The purpose of the system is to support the submission, evaluation, and adjudication of labeling application packages. LSAS will provide the means to extract selected records from the entire LSAS database. This assessment is being done in conjunction with the LSAS Privacy Threshold Analysis.*

## Overview

*The Labeling and Program Delivery Division (LPDD) develops policies and inspection verification methods to protect consumers from misbranded and economically adulterated meat, poultry, and processed egg products. It administers programs so that all labels are truthful and not misleading. Label information includes all forms of product identification, special claims, geographical origin claims, guarantees, net weight, ingredient list, species identification, and nutritional information. LPDD leads policy development regarding product amenability, inspection coverage requirements, reimbursable services, exemptions to inspection, and related issues. LPDD conceptualizes, develops, and tests inspection methods, verification methods, procedures, and techniques for use in-plant and in-commerce; to ensure that statutes, regulatory requirements, and performance standards are met.*

*LSAS supports the electronic submission, evaluation, and adjudication of label application packages and appeals (as related to Title 9 of the Code of Federal Regulations, Parts 317, 381, and 590) from third party entities, such as establishments and label consultants (i.e. agents or expeditors), and small businesses. LSAS will utilize a web-site interface that also supports paper submissions. Paper submissions will be digitized and entered into the system for evaluation and adjudication via the web-site interface.*

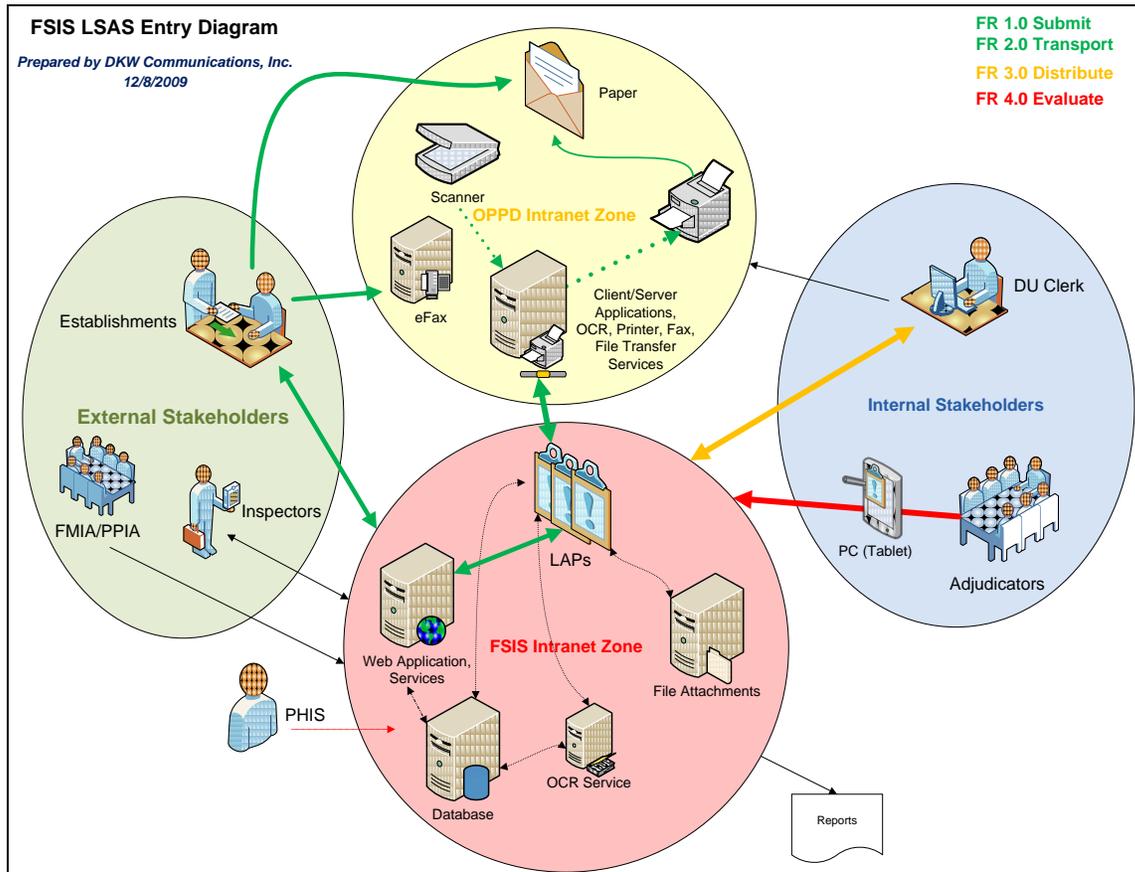
*LSAS will allow senior leaders to use internal management controls to evaluate work performed by their subordinates, including quality control review before finalizing the adjudication of labeling applications.*

*LSAS will allow for importation/conversion of legacy data records, including the semi-automated optical character recognition of legacy application multi-page TIFF format images, to include text-within-graphic conversion, and freehand character recognition.*

*LSAS will provide the means to extract selected records from the entire LSAS database, both directly through a query-type interface, and as a data source for external systems.*

*The following diagram depicts the high level data input diagram as applicable to LSAS.*

Figure 1: LSAS Entry Diagram



## Section 1.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected as well as reasons for its collection as part of the program, system, rule, or technology being developed.

### 1.1 What information is collected, used, disseminated, or maintained in the system?

*The information that is being collected consists of establishment name, e-mail and business address and signature of the applicant. If the establishment is represented by an agent (expeditor) then name, e-mail address, business address, telephone number and the signature of the agent is collected. The information collected comes from FSIS Form 7234.1 titled "Application for Approval of Labels, Marking or Device." This form also includes information pertaining to product identification, claims, net weight, species identification, and nutrition related to meat, poultry and egg products,*

*Formulations, Processing procedures, Ingredients, and Special Claims and from FSIS Form 8822-4 "Request for Label Reconsideration."*

## **1.2 What are the sources of the information in the system?**

*Source of this information are the forms provided by the establishment or a business entity acting on behalf of the establishment, legacy data previously provided by these entities to FSIS, and the comments made by FSIS reviewers of those forms.*

## **1.3 Why is the information being collected, used, disseminated, or maintained?**

*Under the Code of Federal Regulations (CFR) 9 [CFR 320.1\(b\) \(11\)](#) and [381.175\(b\)\(6\)](#), records of all labeling, along with the product formulation and processing procedures, are maintained.*

*The information provided by the customer will help ensure that labels for meat, poultry, and processed egg products are safe for human consumption, accurate, and not misleading. The information will also help to protect consumers from any misbranded and economically adulterated meat, poultry, and processed egg products*

## **1.4 How is the information collected?**

*The data is obtained from FSIS Form 7234-1, Application for Approval of Labels, Marking or Device.*

## **1.5 How will the information be checked for accuracy?**

*Meat, poultry, and processed egg product establishments are responsible for accurately labeling their product for human consumption. The labels are reviewed and must be approved by the appropriate LPDD staff. LSAS will have built-in data verification checks and some pre-populated date fields. The date fields, along with the LPDD user ID, will be part of the electronic history of each record.*

## **1.6 What specific legal authorities, arrangements, and/or agreements defined the collection of information?**

*US Code TITLE 7, CHAPTER 55 - 2204 states that the Secretary of Agriculture may conduct any survey or other information collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.*

*The collection of information is regulated by the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Egg Products Inspection Act (EPIA).*

**1.7 Privacy Impact Analysis: Given the amount and type of data collected, discuss the privacy risks identified and how they were mitigated.**

*LSAS users access the system using unique, authorized USDA eAuthentication Level 2 account. LSAS cannot be accessed without an authorized account. There are no anonymous user accounts. All users are assigned level-of-access roles based on their job functions. Roles limit the update and printing capabilities to those deemed necessary for specified job functions. Multiple levels of access exist based on the authorized user's role and job function. The level of access for the user restricts the data that may be seen and the degree to which data may be modified by the user; ; this ensures that least privileges are enforced.*

*There are firewalls and other security precautions. For example, all authorized staff using the system must comply with the Agency's general use policy for information technology. Rules of behavior and consequences, and system use notifications are in accordance with the Privacy Act (subsection e [9]) and OMB Circular A-130, Appendix III. The security controls in the system are reviewed when significant modifications are made to the system, but at least every 3 years. Active Directory and LSAS role-based security are used to identify the user as authorized for access and as having a restricted set of responsibilities and capabilities within the system.*

*When internal users (FSIS employees and contractors) are granted access to the FSIS environment, they are issued a USDA email account and an FSIS user account (managed in Active Directory). In addition, all users must obtain a USDA eAuthentication Level 2 account to access LSAS. When a user accesses LSAS, there are specific user roles that are used to further restrict a user's access. FSIS system users must pass a Government National Agency Check with Inquiries (NACI) background check prior to having system access. Regular, recurring security training is practiced and conducted through the Office of the Chief Information Officer.*

*Authorized user login identifiers are appended to any system records created or updated, along with the date and time of the record creation or change. This allows administrators to identify the source of any incorrect or incomplete data as recorded in the system. Any contractors who may be authorized to access the system (e.g., SW developers) are governed by contracts identifying rules of behavior for USDA and FSIS systems and security. Contracts are reviewed upon renewal by management and contract personnel who are expert in such matters.*

## **Section 2.0 Uses of the Information**

The following questions are intended to delineate clearly the use of information and the accuracy of the data being used.

### **2.1 Describe all the uses of information.**

*The information provided by the customer will help ensure that labels for meat, poultry, and processed egg products are safe for human consumption, accurate, and not misleading. Accurate labeling helps to protect customers who have allergies or other food sensitivities. The information will also help to protect consumers from any misbranded and economically adulterated meat, poultry, and egg products. LPDD is responsible for checking and verifying that the labels comply with regulation and directives*

**2.2 What types of tools are used to analyze data and what type of data may be produced?**

*Label data is available inside LSAS to allow LPDD to run reports for individual submission, summarized data analysis, and management controls. Crystal report, which is a commercial reporting software tool, is used to design and generate reports used for data analysis. LSAS has the capability to run internal reports, such as canned reports (trend reports, management controls for audit purposes), as well as ad hoc reports in response to recalls, specific ingredients of concern, and congressional requests*

**2.3 If the system uses commercial or publicly available data please explain why and how it is used.**

*N/A*

**2.4 Privacy Impact Analysis: Describe any types of controls that may be in place to ensure that information is handled in accordance with the above described uses.**

*Please refer to section 1.7 for a detailed explanation of all applicable controls deployed to minimize privacy risk.*

## **Section 3.0 Retention**

The following questions are intended to outline how long information will be retained after the initial collection.

**3.1 How long is information retained?**

*Per 9 CFR 320, all LSAS records and data shall be retained for a specific retention period and then destroyed or retired in accordance with the Department's published records disposition schedules, as approved by the National Archives and Records Administration (NARA).*

*Paper label applications will be shredded. For electronic records, the LPDD will establish a data-retention policy that is in agreement with the Federal Records Act of*

1950. Also, the data retention schedule described in DR3080-001 Records Management outlines the procedures for archiving records.

**3.2 Has the retention period been approved by the component records officer and the National Archives and Records Administration (NARA)?**

*Yes.*

**3.3 Privacy Impact Analysis: Please discuss the risks associated with the length of time data is retained and how those risks are mitigated.**

*As limited personal data is retained, the privacy issues are minimal and these issues are not affected by the retention period length. The precautions noted in Section 1.7 address these risks.*

## **Section 4.0 Internal Sharing and Disclosure**

The following questions are intended to define the scope of sharing within the United States Department of Agriculture.

**4.1 With which internal organization(s) is the information shared, what information is shared and for what purpose?**

*Label information is shared with FSIS inspection personnel (limited by their establishment assignment) and authorized users from Agriculture Marketing Services (AMS) who are responsible only for administering the Child Nutrition Program (CNP) labels within LSAS. AMS users have access to CNP labels only.*

**4.2 How is the information transmitted or disclosed?**

*FSIS inspection personnel and AMS personnel have online access to the data within the system via eAuth Level 2 access.*

**4.3 Privacy Impact Analysis: Considering the extent of internal information sharing, discuss the privacy risks associated with the sharing and how they were mitigated.**

*AMS users can only access Child Nutrition labels and will receive confirmation of label review outcome; Inspection personnel access to LSAS data is limited to labeling records specific to their assigned establishment(s). In conjunction with security controls described in section 1.7, the privacy risks are minimal.*

## **Section 5.0 External Sharing and Disclosure**

The following questions are intended to define the content, scope, and authority for information sharing external to USDA which includes Federal, state and local government, and the private sector.

**5.1 With which external organization(s) is the information shared, what information is shared, and for what purpose?**

*Non-USDA users include establishments and expeditors. These users provide information requested on the FSIS Form 7234-1, Application for Approval of Labels, Marking or Device Label information. Information shared is limited to their label application submitted through LSAS.*

*Information may also be shared in response to specific congressional requests, FOIA requests, or requests from other FSIS offices (like Compliance). If the requestor is not associated in any way with the approval, then proprietary and personally identifiable information is redacted. FSIS receives requests from media and activist-type organizations under FOIA, but no proprietary information would be provided. Information shared is strictly related to the label only.*

**5.2 Is the sharing of personally identifiable information outside the Department compatible with the original collection? If so, is it covered by an appropriate routine use in a SORN? If so, please describe. If not, please describe under what legal mechanism the program or system is allowed to share the personally identifiable information outside of USDA.**

*Personally identifiable information is not shared outside of USDA, except with the entity that originally provided the information. In the case of a FOIA request, the FOIA office has the responsibility for redacting such information. (Note: Establishment Name and Business address is not PII, since it is available on the public website).*

**5.3 How is the information shared outside the Department and what security measures safeguard its transmission?**

*When a request is received from external entity such as Congress the response is coordinated by the USDA/FSIS Congressional Liaison Office. Depending upon the nature of the request only a hardcopy is mailed or a password protected document is sent via e-mail reply to the requester. If the requestor is not associated in any way with the approval, then proprietary and personally identifiable information is redacted. LSAS receives requests from activist and media organizations under FOIA, but no proprietary information is given out.*

**5.4 Privacy Impact Analysis: Given the external sharing, explain the privacy risks identified and describe how they were mitigated.**

*There are minimal privacy risks as LSAS enforces controlled access based on eAuth Level 2 account, timeout for remote access, and system audit logs to ensure that information is handled in accordance with the above described uses.*

## Section 6.0 Notice

The following questions are directed at notice to the individual of the scope of information collected, the right to consent to uses of said information, and the right to decline to provide information.

### 6.1 Was notice provided to the individual prior to collection of information?

*Yes, it is provided on both the Form 7234-1 and Form 8822-4, according to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0583-0092.*

*The information provided by the customer will help ensure that labels for meat, poultry, and egg products are safe for human consumption, accurate, and not misleading. The information will also help to protect consumers from any misbranded and economically adulterated meat, poultry, and egg products.*

*USDA is also authorized to obtain certain information under Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554, codified at 44 U.S.C. 3516, note) as well as TITLE 5 PART I CHAPTER 3 - 301, and 5 USC 552 - Sec. 552a.*

### 6.2 Do individuals have the opportunity and/or right to decline to provide information?

*Yes, but label approval may be predicated on provision of the information.*

### 6.3 Do individuals have the right to consent to particular uses of the information? If so, how does the individual exercise the right?

*No*

### 6.4 **Privacy Impact Analysis: Describe how notice is provided to individuals, and how the risks associated with individuals being unaware of the collection are mitigated.**

*The OMB statement is prominently displayed at the beginning of the information collection process.*

## Section 7.0 Access, Redress and Correction

The following questions are directed at an individual's ability to ensure the accuracy of the information collected about them.

### 7.1 What are the procedures that allow individuals to gain access to their information?

*Individuals who have reason to believe that this system might have records pertaining to them should write to the FSIS FOIA Officer at FSIS Freedom of Information Act Office Room 1140, 1400 Independence Avenue, SW Washington, DC 20250-3700 - Phone: (202) 690-3882 Fax (202) 690-3023 - Email: [fsis.foia@usda.gov](mailto:fsis.foia@usda.gov). Personnel in that division will then forward the request to the USDA agency that they believe is most likely to maintain the records the individual is seeking.*

*The individual must specify that he or she wishes the records of the system to be checked. At a minimum, the individual should include: name; current mailing address and zip code; signature;; and a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that this system has records pertaining to him or her.*

*For more information about how to make a FOIA request, please see [http://www.fsis.usda.gov/FOIA/FOIA\\_Request/index.asp](http://www.fsis.usda.gov/FOIA/FOIA_Request/index.asp)*

### 7.2 What are the procedures for correcting inaccurate or erroneous information?

*Individuals can contact the LSAS System Owner from LPDD Program Area. LPDD contact information is also listed on the LSAS website. For label submissions, if the application is still in a pending status, the individual may withdraw the application themselves. If the application is already in a review status, then the individual would need to contact LPDD LSAS administrator.*

### 7.3 How are individuals notified of the procedures for correcting their information?

*Before providing information, the individual is presented with a Privacy Act Notice and an explanation of the Notice on both the Form 7234-1 and Form 8822-4. The individual's acknowledgement of the Privacy Act Notice and the proffer of information signify the individual's consent to the use of the information. The purpose, use, and authority for collection of information are described in the Privacy Act Notice.*

### 7.4 If no formal redress is provided, what alternatives are available to the individual?

*See 7.2 above.*

**7.5 Privacy Impact Analysis: Please discuss the privacy risks associated with the redress available to individuals and how those risks are mitigated.**

*Corrections to the data are securely maintained in the same manner as the original data therefore, there is no privacy risk associated with redress available to individuals.*

## **Section 8.0 Technical Access and Security**

The following questions are intended to describe technical safeguards and security measures.

**8.1 What procedures are in place to determine which users may access the system and are they documented?**

*Majority of external LSAS users are the submitters then comes the internal USDA users from two program areas FSIS (LPDD) and AMS users. Access to LSAS is only granted to individuals from these two program areas who are involved in the label submission and approval life cycle process. Access is strictly controlled and is based on business needs. LSAS is a role-based system. When users access LSAS, the functionality and data to which they have access is dependent on their role and assignments in LSAS. There are various classes of users who will interact with LSAS. Factors that define a user class include responsibilities, skill level, work activities, and mode of interaction with the system. The role that you are associated within LSAS determines the permissions that you have in LSAS. The options available on the left side, Navigation Panel, of LSAS' Home page and the functions you can access vary based on your LSAS role. LSAS provides "Submitter" role for Industry users. LSAS utilizes a one-time enrollment process for external users (Industry, establishments, expeditors, label consultants, and small businesses, etc.). User authentication (login and logout) is the foundation of LSAS' role-based access. Each user's screen display, privileges and the scope of functionality is based on their specific work assignments, responsibilities, and role within LSAS.*

*The procedures governing the roles and access to LSAS are documented in the FISMA C&A documents for LSAS such as System Security Plan and Access Control SOP's.*

**8.2 Will Department contractors have access to the system?**

*Yes, authorized departmental contractors will have access to the system. Contractors authorized to access the system are governed by contracts identifying rules of behavior for Department of Agriculture and FSIS systems and security. Contracts are reviewed upon renewal by management and contract personnel expert in such matters.*

**8.3 Describe what privacy training is provided to users either generally or specifically relevant to the program or system?**

*USDA Security Awareness and Privacy Training is provided to all users. As a condition of system access, users must successfully complete security training on a regular basis or lose system access rights.*

**8.4 Has Certification & Accreditation been completed for the system or systems supporting the program?**

*Yes, the ATO was granted on 4/6/2012 and is scheduled to expire on 4/6/2015.*

**8.5 What auditing measures and technical safeguards are in place to prevent misuse of data?**

*LSAS enforces encryption, controlled access based on eAuth Level 2 accounts, timeout for remote access and system audit logs.*

**8.6 Privacy Impact Analysis: Given the sensitivity and scope of the information collected, as well as any information sharing conducted on the system, what privacy risks were identified and how do the security controls mitigate them?**

*Privacy risks are minimized as LSAS collects mainly business information, along with the names of individuals who are representing the establishment regarding labeling matters. In addition, all authorized staff using the system must comply with the Agency's general use policy for information technology. Rules of behavior and consequences, and system use notifications are in accordance with the Privacy Act (subsection e[9]) and OMB Circular A-130, Appendix III. Additional controls are noted in Section 1.7 above.*

## **Section 9.0 Technology**

The following questions are directed at critically analyzing the selection process for any technologies utilized by the system, including system hardware and other technology.

**9.1 What type of project is the program or system?**

*LSAS is a web-based major application for FSIS.*

**9.2 Does the project employ technology which may raise privacy concerns? If so please discuss their implementation.**

*N/A*

## Section 10.0 Third Party Websites/Applications

The following questions are directed at critically analyzing the privacy impact of using third party websites and/or applications.

- 10.1 Has the System Owner (SO) and/or Information Systems Security Program Manager (ISSPM) reviewed Office of Management and Budget (OMB) memorandums M-10-22 “Guidance for Online Use of Web Measurement and Customization Technology” and M-10-23 “Guidance for Agency Use of Third-Party Websites and Applications”?**

*N/A - Third party websites are not being used.*

- 10.2 What is the specific purpose of the agency’s use of 3<sup>rd</sup> party websites and/or applications?**

*N/A - Third party websites are not being used.*

- 10.3 What personally identifiable information (PII) will become available through the agency’s use of 3<sup>rd</sup> party websites and/or applications.**

*N/A - Third party websites are not being used*

- 10.4 How will the PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications be used?**

*N/A - Third party websites are not being used*

- 10.5 How will the PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications be maintained and secured?**

*N/A - Third party websites are not being used*

- 10.6 Is the PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications purged periodically?**

*N/A - Third party websites are not being used*

- 10.7 Who will have access to PII that becomes available through the agency’s use of 3<sup>rd</sup> party websites and/or applications?**

*N/A - Third party websites are not being used*

**10.8 With whom will the PII that becomes available through the agency's use of 3<sup>rd</sup> party websites and/or applications be shared - either internally or externally?**

*N/A - Third party websites are not being used*

**10.9 Will the activities involving the PII that becomes available through the agency's use of 3<sup>rd</sup> party websites and/or applications require either the creation or modification of a system of records notice (SORN)?**

*N/A - Third party websites are not being used*

**10.10 Does the system use web measurement and customization technology?**

*No*

**10.11 Does the system allow users to either decline to opt-in or decide to opt-out of all uses of web measurement and customization technology?**

*N/A.*

**10.12 Privacy Impact Analysis: Given the amount and type of PII that becomes available through the agency's use of 3<sup>rd</sup> party websites and/or applications, discuss the privacy risks identified and how they were mitigated.**

*N/A - Third party websites are not being used*



## Responsible Officials

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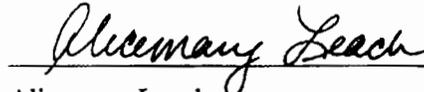


## Approval Signature

 9-19-12

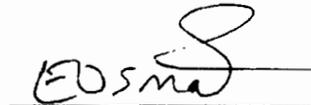
Rosalyn Murphy-Jenkins  
System Owner  
Food Safety and Inspection Services  
United States Department of Agriculture

Date

 8-14-12

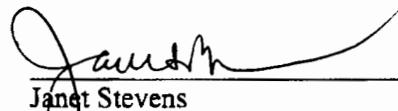
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Date

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