



U.S. Department of Transportation

Privacy Impact Assessment (PIA)

Federal Motor Carrier Safety Administration (FMCSA)

Foreign Convictions and Withdrawal Database (FCWD)





Executive Summary

The Department of Transportation's Federal Motor Carrier Safety Administration's (FMCSA) mission is to reduce commercial motor vehicle (CMV)-related crashes and fatalities. To further this mission, the FMCSA was provided authority under the 2012 Moving Ahead for Progress in the 21st Century Act (MAP-21) Subtitle B – Commercial Motor Vehicle Safety (codified at 49 USC § 31310, 49 CFR § 383.51¹ and 49 CFR § 32204) to create a new subsystem under the Commercial Driver's License Information System (CDLIS)-Gateway called the Federal Convictions and Withdrawal Database (FCWD). FMCSA enters convictions² of violation(s) in 49 CFR § 383.51 for foreign Commercial Drivers License (CDL) holders issued by the 50 States and the District of Columbia into the FCWD. Authorized users³ query the FCWD via the CDLIS-Gateway to retrieve the combined results of the driving status from the Canada or Mexico-domiciled CDL holders licensing jurisdiction and any convictions in the FCWD. This Privacy Impact Assessment (PIA) was conducted because the FCWD maintains personally identifiable information on foreign CDL holders. This PIA focuses on Canada or Mexico-domiciled CDL holders as the United States has reciprocal recognition of CDLs from Mexico and Canada.

What is a Privacy Impact Assessment?

The Privacy Act of 1974 articulates concepts for how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct privacy impact assessments (PIAs) for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and documented assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to—i) ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; ii) determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.⁴

Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates the DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use and share. It is a comprehensive analysis of how the DOT's electronic information systems and collections handle personally identifiable information (PII). The goals accomplished in completing a PIA include:

¹ 49 CFR § 383.51 – Disqualification of drivers

² "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated. (49 CFR 383.5).

³ Authorized users include FMCSA, State Driver Licensing Agencies (SDLA) in the covered jurisdiction, as well as local, State and Federal law enforcement.

⁴ Office of Management and Budget's (OMB) definition of the PIA taken from guidance on implementing the privacy provisions of the E-Government Act of 2002 (see OMB memo of M-03-22 dated September 26, 2003).



- *Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;*
- *Accountability for privacy issues;*
- *Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and*
- *Providing documentation on the flow of personal information and information requirements within DOT systems.*

Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.

Introduction & System Overview

FMCSA was provided authority under the 2012 Moving Ahead for Progress in the 21st Century Act (MAP-21) Subtitle B – Commercial Motor Vehicle Safety to create a new subsystem under the Commercial Driver’s License Information System (CDLIS)-Gateway called the Federal Convictions and Withdrawal Database (FCWD). The authority provided to FMCSA was codified in 49 USC § 31310, 49 CFR § 383.51 and 49 CFR § 32204. This authority also conveys the requirements for the 50 States and the District of Columbia (covered jurisdictions) to send convictions for violations defined in 49 CFR Part 383.51 for foreign Commercial Driver’s Licenses (CDL) holders or commercial learner’s permit (CLP) to FMCSA’s FCWD.

The FCWD maintains computerized and electronic scans of paper copy records of convictions from the covered jurisdictions and any resulting withdrawal actions, of foreign CDL holders where: (1) the conviction offense was a violation in 49 CFR § 383.51 that occurred in the United States and (2) the CMV CDL holder was:

- A holder of a Licencia Federal de Conductor (LFC) issued by Mexico’s Secretaría de Comunicaciones y Transportes/ Dirección General de Autotransporte Federal (SCT/DGAF); or
- A holder of a CDL issued by a Canadian Province or Territory; or
- A Canadian or Mexican non-CDL license holder operating a CMV requiring a CDL in the United States.
- A foreign-domiciled CDL holder operating a CMV in the U.S., without a Mexican LFC or a Canadian CDL, or

The FCWD is managed and operated by a contracted service provider on behalf of the FMCSA. All access to the FCWD including data submission, validation, and queries is managed through the CDLIS-Gateway.

FCWD data is used to notify users that the CDL holder is disqualified by FMCSA for operating in the United States for a period of time defined by the specific 49 CFR § 383.51 violation.

Conviction data and withdrawal actions imposed by FMCSA through the FCWD on Mexico and Canada-domiciled CDL holders for 49 CFR Part § 383.51 violations are based on the same actions imposed by the covered jurisdictions on their CDL holders based on the same 49 CFR Part 383.51 violations.

The United States only grants reciprocity for CDLs issued by Mexico and Canada. Therefore, the CDL withdrawal actions in the FCWD are limited to Mexico and Canada-domiciled CDL holders. If a foreign CDL



holder, other than a CDL holder licensed in Mexico and Canada, is discovered operating a CMV in the United States, the driver is cited for operating with an invalid license and placed out-of-service. The foreign CDL holder's conviction data is entered into the FCWD, however no disqualification letters or withdrawal actions are issued.

Data Submission and Validation

When an enforcement official cites violations outlined in 49 CFR § 383.51, and those citations are adjudicated by a court result in a conviction, the covered jurisdiction submits the conviction to the FCWD.

The FMCSA must first ensure the conviction can be properly attributed to the correct Mexico or Canada-domiciled CDL holder before entering the conviction details into the FCWD. Validation is accomplished by comparing the CDL holder's first name, last name, mailing address, licensing jurisdiction and license number against information maintained by the appropriate licensing jurisdiction in Mexico or Canada and conviction information provided by the covered jurisdiction.

If there is a discrepancy (non-match) between the data submitted by a covered jurisdiction and the Mexican or Canadian licensing authority manual efforts are made to ensure the correct CDL holder is identified. These efforts include searches of the Mexico's LFC database, contacting Mexico's licensing jurisdiction SCT/DGAF, contacting the Canadian Province/Territory licensing jurisdiction, and/or contacting to the covered jurisdiction that issued the citation that resulted in the conviction. After the FMCSA contracted service provider validates the data, the FMCSA adds the conviction information to the CDL holder's FCWD record.

Data Query

Authorized users access FCWD when they encounter a foreign CDL holder while operating a CMV in the United States or while performing a compliance review or safety audit required by FMCSA. The authorized user will submit a data request to query the FCWD and the foreign CDL holder's license status from the following licensing jurisdictions:

- Mexico's SCT/DGAF, or
- The Canada's Province/Territories through the Canadian Council of Motor Transport Administrators (CCMTA) Interprovincial Record Exchange (CCMTA/IRE)⁵

The query results will reflect the combined results of the driving status in the Canada or Mexico-domiciled CDL holder's licensing jurisdiction and any convictions in the FCWD. For example, if the driving status provided by Canada or Mexico, indicates the individual is a licensed CDL holder, however the FCWD reflects the same CDL holder was issued a withdrawal by FMCSA based on a conviction for a violation of 49 CFR § 383.51, the query result will indicate that the individual is "Not Eligible" to operate in the United States.

Driver Notification

If the individual is disqualified due to a conviction(s) under 49 CFR § 383.51, the foreign CDL holder will be issued a letter of disqualification. The letter of disqualification is sent to the driver via a means that allows

⁵ The CCMTA/IRE is the portal in Canada, similar to the CDLIS-Gateway in the U.S., that a Canadian CDL holder query passes through to/from Canadian licensing jurisdictions and the CDLIS-Gateway.



FMCSA to track the delivery and receipt of the letter. The letter of disqualification outlines the Canada or Mexico-domiciled CDL holder was convicted of one or more violations defined in 49 CFR § 383.51. The convictions submitted by the covered jurisdictions reflect the following data:

- Citation Date
- Conviction Date
- Conviction Identification
- State of Conviction
- Court Type
- ACD⁶ Code
- ACD Detail
- Yes or No answer to “Was the Canada or Mexico-domiciled CMV operator a CDL Holder?”
- Yes or No answer to “Was the CDL holder operating a commercial motor vehicle?”
- Yes or No answer to “Was the CDL holder transporting hazardous materials?”
- Reference locator for the conviction issued by the covered jurisdictions

The disqualification letter specifies that under 49 U.S.C. § 31310 and 49 CFR § 383.51, a driver holding a CDL or CLP is subject to disqualification sanctions if convicted of specified violations while operating in the United States. FMCSA is required to ensure drivers convicted of those offenses are disqualified from operating commercial motor vehicles in the United States for the period mandated by 49 CFR § 383.51.

The disqualification letter further outlines that as a result conviction(s), the Canada or Mexico-domiciled CDL holder is DISQUALIFIED from operating a commercial motor vehicle within the borders of the United States for a period of 60/120/180-days, 1-year or indefinitely. Additionally, employers of the CDL holder must not allow, require, permit, or authorize the CDL holder to drive a commercial motor vehicle in the United States (49 CFR §§ 383.51(a) and 391.15). The period of disqualification beginning, and end dates are clearly defined.

The disqualification letter notifies the Canada or Mexico-domiciled CDL holder that if they are found operating in the United States during the effective dates of the disqualification period, the FMCSA may initiate an enforcement action including, but not limited to, civil penalties against the CDL holder.

The disqualification letter specifies the Canada or Mexico-domiciled CDL holder’s rights to due process and outlines how to request rescission of the letter of disqualification or request an administrative review by FMCSA and the time frames required to submit the requests.

Additionally, the disqualification letter notifies the CDL holder that the underlying conviction may not be challenged via the administrative review process under 49 CFR 386.11 with FMCSA. The disqualification letter advises that if the holder wishes to challenge the conviction that resulted in the disqualification, the Canada or Mexico-domiciled CDL holder must seek review in the court(s) where the conviction(s) occurred.

⁶ American Association of Motor Vehicle Administrators (AAMVA) Code Dictionary



Upon the disqualification period expiring, the CDL holder is sent an official notice outline that the prohibition from driving in the United States order of the FMCSA is lifted. The letter notifies the CDL holder they may operate in the United States provided their operating status remains valid in the Canada or Mexico licensing jurisdiction and their CDL remains in good standing and has not expired.

A copy of the disqualification letter and notice of lifting (rescinding) the driving prohibition issued to the CDL holder is also mailed to the issuing licensing jurisdiction for information purposes only.

Personally Identifiable Information (PII) and FCWD

The FCWD stores conviction and withdrawal data on foreign CDL holders and for foreign drivers required to have a CLP or CDL convicted of a violation in 49 CFR § 383.51 that occurred in the United States. The PII maintained in FCWD include the CDL holders:

- First and Last Name
- Date of Birth
- Driver license number
- Licensing jurisdiction
- License Class
- Mailing Address
- Gender (this field is optional)

Additional information retrieved from the FCWD provided to authorized users for a Canada or Mexico-domiciled CDL holder includes:

- Mexico and Canada licensing jurisdiction status (aka Status to operate in licensing jurisdiction)
- Mexico CDL holder's Medical Certification Data
- Conviction and Withdrawal Data from the FCWD including:
 - State of Conviction
 - Conviction Date
 - Citation Date
 - Conviction ACD Code
 - Conviction Court Type
 - Withdrawal Effective Date
 - Withdrawal Eligibility Date
 - Withdrawal Reinstatement Date
 - Withdrawal ACD Code

Fair Information Practice Principles (FIPPs) Analysis

The DOT PIA template based on the fair information practice principles (FIPPs). The FIPPs, rooted in the tenets of the Privacy Act, are mirrored in the laws of many U.S. states, as well as many foreign nations and



international organizations. The FIPPs provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis conducted by DOT is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile (FEA-SPP) v3⁷, sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council and the Privacy Controls articulated in Appendix J of the NIST Special Publication 800-53 Security and Privacy Controls for Federal Information Systems and Organizations⁸.

Transparency

Sections 522a(e)(3) and (e)(4) of the Privacy Act and Section 208 of the E-Government Act require public notice of an organization's information practices and the privacy impact of government programs and activities. Accordingly, DOT is open and transparent about policies, procedures, and technologies that directly affect individuals and/or their personally identifiable information (PII). Additionally, the Department should not maintain any system of records the existence of which is not known to the public.

FMCSA informs the public that their PII is stored and managed in the FCWD through this PIA, published on the DOT website, www.transportation.gov/privacy. The PIA identifies the information collection's purpose, FMCSA's authority to collect, store, and use the PII, along with all uses of the PII stored and transmitted through the FCWD database.

The FCWD does not create a new Privacy Act system or modify an existing Privacy Act system of records as defined by the Privacy Act of 1974 (5 U.S.C. 552a), because the records in FCWD are on foreign nationals.

A foreign-CDL holder is not informed when a citation received while operating in the United States, that results in a conviction, will be maintained in the FCWD and could result in FMCSA disqualification from operating a CMV in the United States. The publication of this PIA demonstrates DOT's commitment to provide appropriate transparency into the FCWD.

Individual Participation and Redress

DOT should provide a reasonable opportunity and capability for individuals to make informed decisions about the collection, use, and disclosure of their PII. As required by the Privacy Act, individuals should be active participants in the decision-making process regarding the collection and use of their PII and be provided reasonable access to their PII and the opportunity to have their PII corrected, amended, or deleted, as appropriate.

When any CDL holder obtains a CDL, Mexico or Canada, the licensing jurisdiction establishes a record of the CDL holders information. This information is used by enforcement officials to ensure only licensed CDL holders operate in the United States which is consistent with FMCSA's safety mission. The FCWD maintains convictions issued to foreign CDL holders by the covered jurisdictions.

⁷ <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>

⁸ http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft_800-53-privacy-appendix-J.pdf



FMCSA does not control the accuracy of the CDL holder's conviction records received by the FCWD from covered jurisdictions or the Mexico or Canada CDL holder's driving status from their licensing jurisdiction. FMCSA is not permitted to modify any CDL holder records retrieved from other authoritative databases.

The source data for convictions in the FCWD are the 50 States and the District of Columbia. If there is a discrepancy (non-match to a Mexico or Canada CDL holder) in any of the conviction data from the covered jurisdictions; manual efforts are made by the FMCSA contracted service provider and FMCSA to ensure the correct CDL holder is identified. These efforts include manual searches of the Mexico's LFC database, contacting Mexico's licensing jurisdiction SCT/DGAF, contacting the Canadian licensing Province/Territory licensing jurisdiction and/or contacting to the covered jurisdiction that issued the conviction.

The disqualification letter specifies the Canada or Mexico-domiciled CDL holder's rights to due process and outlines how to request rescission of the letter of disqualification or request an administrative review by FMCSA and the time frames required to submit the requests.

Additionally, the disqualification letter notifies the CDL holder that the underlying conviction may not be challenged via the administrative review process under 49 CFR 386.11 with FMCSA. The disqualification letter advises that if the holder wishes to challenge the conviction that resulted in the disqualification, the Canada or Mexico-domiciled CDL holder must seek review in the court(s) where the conviction(s) occurred.

Foreign CDL holders who wish to challenge the convictions issued by the covered jurisdiction that resulted in disqualification and included in the FCWD, the foreign CDL holder must seek review of the conviction in courts where the conviction occurred.

Individuals wishing to review their license record must contact the licensing jurisdiction that issued their CDL. For FMCSA disqualifications, foreign CDL holders are provided an opportunity for administrative review. The administrative review allows the individual to challenge their disqualification and whether the period of disqualification has been correctly determined.

Purpose Specification

DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that impacts privacy; and (ii) specify the purpose(s) for which its collects, uses, maintains, or disseminates PII.

The 2012 Moving Ahead for Progress in the 21st Century Act (MAP-21) Subtitle B – Commercial Motor Vehicle Safety (codified at 49 USC § 31310, 49 CFR § 383.51 and 49 CFR § 32204) authorized FMCSA to operate FCWD to enter convictions of violation(s) in 49 CFR § 383.51 for foreign CDL holders sent by covered jurisdictions. Authorized users query FCWD to retrieve the combined results of the driving status from the Canada or Mexico-domiciled CDL holder's licensing jurisdiction and any convictions maintained in the FCWD.

FCWD data is used to notify users that the CDL holder is disqualified by FMCSA for operating in the United States for a period defined by the specific 49 CFR § 383.51 violation. If a foreign CDL holder is discovered operating in the United States while disqualified by FMCSA, the foreign CDL holder is placed out-of-service. The foreign CDL holder is prohibited from operating a CMV in the United States until the period of FMCSA's disqualification ends. The FCWD maintains computerized and electronic scans of paper copy records of convictions from the covered jurisdiction and any resulting withdrawal actions, of foreign CDL holders where:



(1) the conviction offense was a violation in 49 CFR § 383.51 that occurred in the United States and (2) the CMV CDL holder was:

- A holder of a Licencia Federal de Conductor (LFC) issued by Mexico's Secretaría de Comunicaciones y Transportes/ Dirección General de Autotransporte Federal (SCT/DGAF); or
- A holder of a CDL issued by a Canadian Province or Territory; or
- A foreign-domiciled CDL holders operating a CMV in the U.S., without a Mexican LFC or a Canadian CDL, or
- A Canadian or Mexican non-CDL license holder who operates a CMV requiring a CDL in the United States.

Data Minimization & Retention

DOT should collect, use, and retain only PII that is relevant and necessary for the specified purpose for which it was originally collected. DOT should retain PII for only as long as necessary to fulfill the specified purpose(s) and in accordance with a National Archives and Records Administration (NARA)-approved record disposition schedule.

As required by 49 CFR § 383.51, the FCWD stores convictions that occurred in the United States for Canada and Mexico domiciled CDL holders and foreign drivers. The information includes the driver's name, date of birth, driver's license number, licensing jurisdiction, and mailing address. This information will only be used to ensure a foreign CDL holder disqualified by FMCSA does not operate a CMV in the United States during the period of disqualification.

Information stored in FCWD is retained for 5 years consistent with item 7B of the NARA approved records schedule for Enforcement and Program Delivery ([NI-557-05-006](#)).

Use Limitation

DOT shall limit the scope of its PII use to ensure that the Department does not use PII in any manner that is not specified in notices, incompatible with the specified purposes for which the information was collected, or for any purpose not otherwise permitted by law.

FMCSA may use the information in the FCWD to disqualify drivers from operating in the United States if they are convicted of disqualifying offenses listed in the FMCSRs. This information is used by authorized users to ensure only qualified Canada and Mexico-domiciled and foreign CDL holders operate in the United States which is consistent with FMCSA's safety mission.

Authorized users may use information contained in the FCWD to determine whether an individual is eligible to operate a CMV in the United States by querying the FCWD while performing a compliance review or safety audit or vehicle inspections required by FMCSA. Authorized users are prohibited from making any other use of the information or further disseminating the information obtained by conducting driver-specific queries.

The CCMTA shares Canadian Licensing Data from the CCMTA/Interprovincial Record Exchange (IRE) with FMCSA based on the query originated from FMCSA or State enforcement official. Confidential or personally identifiable information including, but not limited to, first and last name, date of birth, licensing jurisdiction, and driver's license



number are only confirmed by the Canadian jurisdictions through the CCMTA/IRE, but the data are not returned. The Canadian Council of Motor Transport Administrators has a Memorandum of Cooperation in place which addresses the sharing and protection of a Canadian CDL holder's information and use of the information.

Data Quality and Integrity

In accordance with Section 552a(e)(2) of the Privacy Act of 1974, DOT should ensure that any PII collected and maintained by the organization is accurate, relevant, timely, and complete for the purpose for which it is to be used, as specified in the Department's public notice(s).

All PII retrieved from the FCWD reflect the combined results of the driving status in the Canada or Mexico-domiciled CDL holder's licensing jurisdiction and any convictions in the FCWD. Convictions in the FCWD are violation(s) in 49 CFR § 383.51 for foreign CDL holders sent by covered jurisdictions. FMCSA does not control the accuracy of the CDL holder's information received from these authoritative databases for the foreign CDL holders. FMCSA can only ensure the confidentiality and integrity of PII retrieved by the CDLIS-Gateway system. FMCSA is not permitted to modify the CDL holder's conviction information received from the 50 States and the District of Columbia or from Canada or Mexico-domiciled CDL holder's licensing jurisdiction to ensure completeness.

FMCSA strongly encourages covered jurisdictions to submit convictions for Canada and Mexico domiciled CDL holders and foreign drivers required to have a CLP or CDL to the FCWD electronically. Any foreign conviction for CDL holders from other foreign countries must be submitted on paper because CDLIS-Gateway does not have a mechanism to receive them electronically. The FMCSA contracted Service Provider for the CDLIS-Gateway and FCWD has an extensive Quality Review process in place for reviewing submitted conviction records to the FCWD via the CDLIS-Gateway. During the quality review (validation) process, if there is a discrepancy (non-match) in any of the data received on the conviction from a covered jurisdiction efforts are made by the FMCSA to ensure the correct CDL holder is identified. These efforts include searches of the Mexico's LFC database, contacting Mexico's licensing jurisdiction SCT/DGAF, contacting the Canadian licensing Province/Territory and/or contacting to the U.S. jurisdiction that issued the conviction. Once the data is validated FMCSA adds the conviction information to the driver's record in the FCWD. Convictions that are unable to be matched to the appropriate CDL holder are rejected and returned to the covered jurisdiction that submitted the initial conviction. If the covered jurisdiction, resubmits the conviction with corrected data and it is matched to the appropriate CDL holder, the conviction information is added to the driver's record in the FCWD. Only convictions that are matched to the appropriate CDL holder are maintained in the FCWD.

Security

DOT shall implement administrative, technical, and physical measures protect PII collected or maintained by the Department against loss, unauthorized access, or disclosure, as required by the Privacy Act, and to ensure that organizational planning and responses to privacy incidents comply with OMB policies and guidance.

The FCWD is a sub-system of the FMCSA's CDLIS-Gateway. The system does not include the databases maintained by the covered jurisdictions or Canada and Mexico. All information retrieved by FCWD is protected from unauthorized access through appropriate administrative, physical, and technical safeguards. The FCWD



interface login screens warn users of penalties for unauthorized access, and all access to information retrieved by users of the FCWD is logged and monitored. The FCWD maintains an audit log of the query and the authorized user who made the query. In addition, the data center in which CDLIS-Gateway operates is a restricted access facility.

The FMCSA Office of Information Technology has provided guidance to assist the DOT Service Provider in protecting the confidentiality, integrity, and availability of information, including PII, retrieved by FCWD. FMCSA's contractor is subject to routine audits by DOT/FMCSA to ensure compliance with applicable Federal laws, regulations, and requirements. FMCSA also performs additional audits of its contractor to ensure that performance, privacy, and security objectives for FCWD are met.

User access controls have been developed to ensure that the number of individuals with access to restricted information retrieved by the FCWD is kept to a minimum and is limited to only those individuals with a need to know basis. Audit provisions are also included to ensure that the FCWD is used appropriately by authorized users and monitored for unauthorized usage.

Access to information retrieved by the FCWD is determined by permission levels, and FCWD employs role-based access controls. Users are required to authenticate with a valid user identifier and password to gain access to FCWD. Users must reset passwords every 60 days. If they don't reset the password and perform a query they are disabled. User profiles that are inactive after a year are deleted from the system. This strategy improves data confidentiality and integrity. These access controls were developed in accordance with Federal Information Processing Standards (FIPS) Publication 200, *Minimum Security Requirements for Federal Information and Information Systems* dated March 2006 and National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53 Rev. 4, *Recommended Security Controls for Federal Information Systems* dated April 2013. Regular monitoring activities are also performed annually to provide ongoing oversight of security controls and to detect misuse of information retrieved by FCWD.

All hard copy convictions documents on foreign CDL holders and drivers required to have a CLP and CDL received by the DOT Service Provider for entry into the FCWD are stored in a locked office within the DOT Service Provider's headquarters. Once received, the documents are scanned and uploaded to an access-controlled SharePoint site using a laptop dedicated to the FCWD. Once the data has been stored on the SharePoint site and entered into the FCWD, the scanned documents and data from laptop are destroyed in accordance with FMCSA security practices.

After a review of the security and privacy controls, the CDLIS Gateway/FCWD was issued an Authority to Operate on October 21, 2019.

Accountability and Auditing

DOT shall implement effective governance controls, monitoring controls, risk management, and assessment controls to demonstrate that the Department is complying with all applicable privacy protection requirements and minimizing the privacy risk to individuals.

FMCSA is responsible for identifying, training, and holding Agency personnel accountable for adhering to FMCSA privacy and security policies and regulations. FMCSA follows the Fair Information Principles as best



practices for the protection of information associated with the FCWD. In addition to these practices, other relevant security and privacy policies and procedures are consistently applied, especially as they relate to protection, retention, and destruction of records.

Federal and contract employees are given clear guidance in their duties as they relate to collecting, using, processing, and securing data. Guidance will be provided in the form of mandatory annual security and privacy awareness training as well as Rules of Behavior. FMCSA's contractor is subject to routine audits by FMCSA privacy and cybersecurity officials and the FMCSA Information Technology (IT) Security Team to ensure compliance with applicable Federal laws, regulations, and requirements. Furthermore, the FMCSA Security Officer and FMCSA Privacy Officer will conduct regular periodic security and privacy compliance reviews of the FCWD consistent with the requirements of the Office of Management and Budget (OMB) Circular A-130, Section 8b (3), Securing Agency Information Systems.

Audit provisions are also included to ensure that FCWD is used appropriately by authorized users and monitored for unauthorized usage. All FMCSA information systems are governed by the FMCSA Rules of Behavior (ROB) for IT Systems. The FMCSA ROB for IT Systems must be read, understood, and signed by each user prior to being authorized to access FMCSA information systems, including FCWD. The FCWD contractors involved in data analysis and research are also required to complete a fingerprint-based FMCSA background record check, role-based training, and sign the FMCSA Non-Disclosure Agreements prior to being authorized to access a CDL holder's records.

Responsible Official

Nikki McDavid
Division Chief
202-366-0831
Nikki.McDavid@dot.gov

Approval and Signature

Claire W. Barrett
Chief Privacy & Information Asset Officer
Office of the Chief Information Officer
privacy@dot.gov