



**U.S. Department of Transportation**

## **Privacy Impact Assessment**

**Federal Aviation Administration**

**FAA**

### **Compliance and Enforcement Tracking System**

#### **CETS**

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## Executive Summary

The Office of Aerospace Medicine's (AAM) Drug Abatement Division within the Federal Aviation Administration (FAA) developed the Compliance and Enforcement Tracking System (CETS) to track drug and alcohol program violations for the aviation community and to provide inspectors and investigators access to track, schedule, and manage inspections, investigations, and other enforcement-related activities. The AAM Drug Abatement Division is responsible for ensuring the compliance of over 7,200 companies with the FAA's congressionally mandated drug and alcohol testing requirements for employers covered by Department of Transportation (DOT) agency regulations. The Drug Abatement Division is responsible for ensuring the safety of our flying public by regulating the aviation industry's compliance with the drug and alcohol regulations set forth in [14 Code of Federal \(CFR\) part 120, Drug and Alcohol Testing Program](#), and [49 CFR part 40 "Procedures for Transportation Workplace Drug and Alcohol Testing Programs"](#).

The FAA is updating the [Compliance and Enforcement Tracking System](#) Privacy Impact Assessment (PIA) in accordance with the E-Government Act of 2002 to reflect system or programmatic changes made to CETS since its previous publication on June 12, 2006. CETS collects personally identifiable information (PII) from aviation employers and employees.

### 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.<sup>1</sup>*

*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*

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<sup>1</sup>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).



*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:*

- *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**

The Federal Aviation Act of 1958, as amended, gives the Federal Aviation Administration (FAA) the responsibility to carry out safety programs to ensure the safest, most efficient aerospace system in the world. The FAA is responsible for:

- Regulating civil aviation to promote safety;
- Encouraging and developing civil aeronautics, including new aviation technology;
- Developing and operating a system of air traffic control and navigation for both civil and military aircraft;
- Developing and carrying out programs to control aircraft noise and other environmental effects of civil aviation; and
- Regulating U.S. commercial space transportation.
- The FAA's Drug Abatement Division has been given the responsibility to carry out safety programs to regulate the aviation industry.

The [Omnibus Transportation Employee Testing Act of 1991](#) (49 USC §§ 45101-45107) and the FAA's general statutory safety authority outlined in [49 USC § 106\(g\)](#) and [49 USC 44701](#) provide the Drug Abatement Division the authority to conduct surveillance activities (including inspections and investigations) to ensure aviation-related companies, contractors, service agents, and safety-sensitive employees comply with Title 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs and 14 CFR Part 120, Drug and Alcohol Testing Program.

The AAM Drug Abatement Division is responsible for ensuring the safety of our flying public by regulating the aviation industry's compliance with the drug and alcohol regulations set forth in 14 CFR part 120, and [49 CFR part 40](#). One of the programs that help the Drug Abatement Division fulfill this mission is the CETS. CETS is used to document all



enforcement activity by the Drug Abatement program inspectors/investigators and to process, manage and store information about inspections, investigations, voluntary disclosures, and special issues concerning enforcement.

CETS is an internal web-based application only accessible to FAA employees and contractors using their Personal Identity Verification (PIV) card to schedule and conduct inspections or investigations.

### ***Inspection***

The Drug Abatement Division's inspection procedures are outlined in Chapter 2 of the FAA Order 9120.1D, "[\*Drug and Alcohol Compliance and Enforcement Inspector Handbook\*](#)<sup>2</sup>." The inspection process begins when the AAM Administration Branch schedules an inspection of a company within CETS and assigns an inspection team. When an inspection is scheduled, the inspection can be either announced to the company or unannounced. If the inspection is announced, it is initiated through a Letter of Notification (LON) to the company. An unannounced inspection is often initiated without any notification to the company.

The AAM Administration Branch generates a LON to schedule an inspection of a company and assigns an inspector to inspect within CETS. The LON includes the name and email address of the point of contact (POC), the company's address, as well as the name of the inspector. The inspector mails or faxes the LON to the company to inform the company of the upcoming inspection.

The inspector conducts the inspection, which is divided into topic areas, for example, employer administrative and quality assurance activities, specimen collection or breath alcohol collection, etc. The inspector reviews the company's drug and alcohol testing records and enters a narrative statement of non-compliance items into CETS. CETS summarizes the findings identified during the inspection, regulated alleged violations, and the date of the violations. The narrative statement also includes the Chief Executive Officer's (CEO) name, address, telephone number, and fax number (optional), which is provided by an interface with National Vital Information Subsystem (NVIS)<sup>3</sup>.

A Team Coordinator (TC) reviews the initial inspection findings and approves or disapproves the initial assessment. If there are non-compliance findings, CETS generates a Report of Inspection (ROI) that requires a response from the company. If there are no non-

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<sup>2</sup> Please review this handbook for more information about the inspection process.

<sup>3</sup> NVIS is a component of FAA Management Information System (FAAMIS). A PIA for this system will be available at <https://www.transportation.gov/individuals/privacy/privacy-impact-assessments>.



compliance findings, CETS does not generate an ROI, and the inspector closes the inspection in CETS.

Upon receipt of the company's response, the inspector enters the response into an automated risk calculator (ARC), a component within CETS. The ARC makes a determination based on the inspection findings with an outcome of legal action, administrative action, compliance action, or no action. The TC reviews and approves or disapproves this outcome. If the outcome is approved, the inspector generates one of the following letters in CETS:

- **Action Letter:** The Action Letter notifies the company which findings of noncompliance were resolved by the corrective action provided in the company's response to the ROI letter and which findings of noncompliance will be referred for enforcement action (if applicable). If the response to the ROI indicates there is no finding, the Action Letter indicates the finding is no longer an issue, and the inspection is closed.
- **Administrative Letter:** When the final ARC analysis supports administrative decision as the appropriate enforcement action for non-compliance item or items, a letter of correction (LOC) or warning notice (WN) and Section B (Statement of Case) must be prepared for those items using the letter template contained in CETS.

The Action or Administrative letter contains the company's representative's name, the representative's job title, company name, company address, FAA inspector's full name, telephone number, and business address.

For any legal action or administrative action resulting from the inspection, the inspectors will generate and maintain Form 2150-5, the Enforcement Investigative Report (EIR) in CETS, using data provided by AVS Replication Service<sup>4</sup>, which includes the EIR number, the alleged violator name, address, telephone number, date of birth, gender, FAA certificate number and type; aviation employer (for individual only); aircraft make, model, and series; aircraft registration number; registered aircraft owner's name and address; date of occurrence; region of violation discovery; regulations believed violated; the name of FAA reporting inspector; investigating office; and name of Center Manager (CM).

Form 2150-5, the EIR, is electronically sent to the Enforcement Investigations System (EIS). Please see the EIS PIA that is available at

<https://www.transportation.gov/individuals/privacy/privacy-impact-assessments>.

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<sup>4</sup> AVS Replication Service is a component of the Office of Information Technology Services Enterprise Data Center (AIT EDC).



### ***Investigation***

The AAM Drug Abatement Division uses CETS to conduct employer-related investigations and individual-related investigations. An employer-related investigation is initiated when the following occurs:

- FAA Hotline complaint;
- FAA employee within AAM Drug Abatement Division discovers an out of compliance issue;
- Congressional inquiry; or
- Other instance that warrants an investigation.

AAM Drug Abatement personnel performs an employer-related investigation and can gather information via interviews at the employer site, via telephone interviews, or electronically such as emails, as part of their investigation. At the conclusion of the on-site investigation, personnel generate and send a Letter of Investigation (LOI) to the employer to notify them of the alleged findings of the investigation. After the employer responds to the LOI, the investigator prepares a second level of correspondence.

An individual-related investigation occurs when the AAM Drug Abatement Division receives a notice regarding a specific person's test result (e.g., Airmen Positive Test drug positive or alcohol-related violation, refusal to submit to a drug and/or alcohol test, or on-duty use violations). The AAM Drug Abatement Division assigns an investigator in CETS to conduct the investigation. The investigator enters the date of non-compliance, selects the FAR violation (e.g., positive drug test or failure to provide urine specimen), the full name of the investigated employee, job role, evidence collected (e.g., witness statements, and violation description).

For both employer-related and individual-related investigations, AAM Drug Abatement personnel document information gathered during interviews conducted at the employer site, telephone interviews, or email, in CETS, by selecting from a drop-down box the name of the interviewee (person from the company), entering the interview date, and entering a summary of the interview in a Word document that is saved as an electronic document. At the conclusion of the investigation, the AAM Drug Abatement personnel generates and sends an LOI to the employer that notifies the employer of the alleged findings identified during the investigation. Based on the evidence gathered, there are two possible outcomes:

1. The Investigation is closed with an outcome of No Action (NA) and their name is replaced with the term "Identity Expunged" in CETS upon receipt of an Expunction notice.
2. Legal Enforcement Action will be taken against the subject of the investigation.



## Fair Information Practice Principles (FIPPs) Analysis

*The DOT PIA template is 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) v3<sup>5</sup>, 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 Organizations<sup>6</sup>.*

## 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.*

CETS collects PII that was discussed in the Overview section of this PIA during investigations and inspections. CETS generates Form 2150-5, Enforcement Investigative Report that was discussed in the Overview section of this PIA using the information provided by the AVS Replication Service, and individuals are provided notices at the initial points of collection<sup>7</sup>.

The FAA also provides notice of its collection, use, and disclosure of PII within this system via the publication of this PIA.

## Individual Participation and Redress

*DOT provides 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*

<sup>5</sup> <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>

<sup>6</sup> [http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft\\_800-53-privacy-appendix-J.pdf](http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft_800-53-privacy-appendix-J.pdf)

<sup>7</sup> The FAA investigator provides verbal notice to those individuals that their information is being collected, pursuant to an ongoing investigation.



*collection and use of their PII and they are provided reasonable access to their PII and the opportunity to have their PII corrected, amended, or deleted, as appropriate.*

In most instances, CETS does not collect information directly from an individual, but the information is provided by FAA systems discussed in the overview. The narrative statement is completed using information that is obtained during the inspection or investigation.

Under the provisions of the Privacy Act, individuals may request searches from the FAA systems discussed in the overview to determine if any records have been added that may pertain to them. While CETS is not a Privacy Act system of records, individuals who believe their records are not accurate or who would like to obtain a copy of records maintained in CETS may inquire in person or in writing to:

Federal Aviation Administration  
Office of Aerospace Medicine  
Drug Abatement Division  
Attn: Manager, Program Policy Branch, AAM-820  
800 Independence Avenue S.W. (Room 806)  
Washington, D.C. 20591

### **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 it collects, uses, maintains, or disseminates PII. The PII contained in PTB is utilized for transit subsidy usage reconciliation, reporting for the agency, monitoring, and tracking participant usage.*

CETS collects and maintains information in accordance with 14 CFR part 120 and 49 CFR part 40. The AAM Drug Abatement Division is responsible for ensuring the compliance of over 7,200 companies with the FAA's congressionally mandated drug and alcohol testing requirements for employers covered by DOT agency regulations. The AAM Drug Abatement Division is also responsible for ensuring the safety of our flying public by regulating the aviation industry's compliance with drug and alcohol regulations in accordance with 14 CFR part 120 and 49 CFR part 40.

CETS receives the EIR number; the alleged violator name, address, telephone number, date of birth, gender, FAA certificate number and type; aviation employer (for individual only); aircraft make, model, and series; aircraft registration number; registered aircraft owner's name and address; date of occurrence; region of violation discovery; regulations believed violated; the name of FAA reporting inspector; investigating office; and name of CM from AVS Replication Service. The information is used to generate Form 2150-5, Enforcement





Investigative Report, which is then electronically shared with the EIS for purposes of initiating enforcement action.

CETS receives from NVIS air operator and air agency name, certificate number, type, status, CEO's full name, address, and telephone number; and the air operator POC's full name, email address, address, and telephone number. The information is used to update CETS inspection and investigation records with the most current information.

CETS receives from Web-based Operations Safety System (WebOPSS) air operator's name, business address, and certificate number; POC name, business email address, business address, and telephone number. The information is used to schedule an inspection.

### **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.*

The FAA collects and retains PII that is relevant and necessary to track drug and alcohol program violations for the aviation community for the FAA to ensure the aviation community is in compliance with the drug and alcohol regulations. CETS maintains records in accordance with National Records Administrative (NARA) retention schedule N1-237-10-2, Compliance and Enforcement Tracking Subsystem. This schedule specifies that records within CETS are maintained for 50 years, and are then destroyed. Case file resulting in no actions are destroyed 30 days after (or no more than 90 days after) the case is closed in accordance with NARA N1-237-92-4, Enforcement Records, Item 1a.

### **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.*

CETS does not share information externally unless disclosure is required by law, and does use PII in any matter that is incompatible for the reason for it was collected.

### **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).*

CETS receives information that is accurate, relevant, timely, and complete. CETS receives information from other FAA systems discussed in the Overview of the PIA. The information



is provided daily, and the data and accuracy of information is ensured through those systems. As for narrative information that is manually entered, an inspector will review the information as it is entered, and there is a managerial review process in place to ensure the accuracy of the data.

## Security

*DOT shall implement administrative, technical, and physical measures to 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 FAA protects PII by reasonable security safeguards against loss or unauthorized access, destruction, usage, modification, or disclosure. These safeguards incorporate standards and practices required for Federal Information Systems under the Federal Information System Management Act (FISMA). The safeguards are detailed in 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 Revision 5, Security and Privacy Controls for Information Systems and Organizations, dated September 2020.

The CETS has met all requirements and has been certified with an Authority to Operate (ATO) by DOT/FAA. CETS was granted its ATO on March 31, 2020, after undergoing the National Institute of Standards and Technology (NIST) security assessment and authorization (SA&A). The CETS system is audited by FAA Security Personnel to ensure FISMA compliance through an annual assessment according to NIST standards and guidance.

Access to CETS is limited to authorized AAM Drug Abatement staff members and support personnel. Physical access to the CETS system is limited to authorized personnel. FAA and support personnel with physical access have all passed DOT background checks. In addition, access to CETS PII is limited according to job function.



## 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.*

FAA Order 1370.121B, FAA Information Security and Privacy Program & Policy, implements the various privacy requirements of the Privacy Act of 1974 (the Privacy Act), the E-Government Act of 2002 (Public Law 107-347), DOT privacy regulations, Office of Management and Budget (OMB) mandates, and other applicable DOT and FAA information and information technology management procedures and guidance. In addition to these practices, the FAA will implement additional policies and procedures as they relate to the access, protection, retention, and destruction of PII. Federal employees and contractors who work with the CETS are given clear guidance about their duties as related to collecting, using, and processing privacy data. Guidance is provided in mandatory annual security and privacy training awareness training, as well as FAA Order 1370.121B. The FAA will conduct periodic privacy compliance reviews of the CETS as related to the requirements of OMB Circular A-130, *Managing Information as a Strategic Resource*.

## Responsible Official

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Prepared by: Barbara Stance, FAA Chief Privacy Officer

## Approval and Signature

Karyn Gorman  
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