



U.S. Department of Transportation

Privacy Impact Assessment

Federal Motor Carrier Safety Administration

FMCSA

Quantifying the Benefits of Creating New Truck Parking Spaces

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Executive Summary

The core mission of the Federal Motor Carrier Administration (FMCSA) is to reduce commercial motor vehicle (CMV)-related crashes and fatalities. In carrying out this mission, and in accordance with 49 U.S.C. 504, 31133, 31136, 31502, 49 CFR 1.73, and 49 U.S.C. 31108, FMCSA conducts research to identify and assess contributing factors associated with CMV crashes and performs analyses to identify potential mitigation strategies that could be used to improve safety.

This Privacy Impact Assessment (PIA) addresses the privacy impacts of FMCSA's project entitled "Quantifying the Benefits of Creating New Truck Parking Spaces" (QBTP), which will estimate the benefits of new truck parking spaces and may be useful for the many government and private organizations that decide whether and where to build new truck parking spaces.

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.¹

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:

- *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*

¹Office 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).



- *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 main objective of this project is to estimate the benefits of new truck parking spaces. Several thousand truck drivers, from a wide range of sectors, will be asked to complete a 25-minute online survey, with a goal of obtaining approximately 1,000 complete responses. Participation will be voluntary.

Study Participation

Prior to data collection, survey participants must agree to the informed consent agreement describing the requirements for participating in the research study. Survey participants will be asked about their experiences with truck parking. This will produce statistics that will allow for the estimation of the value of a truck parking space. Demographic questions about respondents' age ranges, sex, years of driving experience, vehicles, and carriers will also be asked, and the responses will indicate how representative the survey results are of the general truck driving population. It is unlikely that any individuals will be identifiable in the data, because each possible response to each demographic question could apply to between 10,000 and 8,000,000 people.

The survey will be distributed by the American Transportation Research Institute (ATRI, a subcontractor on this project) and through the Owner-Operator Independent Drivers Association Foundation (OOIDAF) outreach channels. ATRI is a not-for-profit research arm of the trucking industry and part of the Trucking Industry Federation, which includes the American Trucking Association, 50 State trucking associations, and several freight-related groups. OOIDAF represents the interests of over 150,000 small business fleets and professional drivers. The survey will be distributed via targeted news alerts to relevant ATRI and OOIDAF subscribers or members, including drivers from 50 State trucking organizations. These alerts will be specifically directed toward truck drivers to help ensure the survey reaches the intended audience and to reduce responses from individuals not qualified to participate. FMCSA expects up to 1,000 truck drivers to respond to the survey based on similar efforts conducted in the past.

Post-Study Activities

Survey responses will be received electronically and stored securely on ATRI computers, with access being limited to no more than three individuals, possibly including FMCSA. Statistics summarizing the survey responses will be used in a final report, which will likely



eventually be released to the public. The survey responses will be examined and organized into a dataset that will be included in FMCSA's Data Repository.

This information will help FMCSA estimate the value of truck parking spaces and determine if the responses we receive are representative of the general truck driving population. This effort will be useful for the many government and private organizations that decide whether and where to build new truck parking spaces.

After approximately 1,000 survey responses have been collected, they will be analyzed, and the results of that analysis will be explained in a report and possibly an online tool that displays the project's results. After that is complete, the project will have reached its conclusion.

Study Termination

All study data is maintained or destroyed in accordance with approved Record Disposition Schedule (RDS) DAA-0557-2022-0004 item 0003. The original survey responses will be destroyed within two years after the completion of the research project. The study dataset will be processed for inclusion in FMCSA's Data Repository so that the datasets may be used for future analyses.

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) v3², 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 Organizations³.

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.

² <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>

³ http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft_800-53-privacy-appendix-J.pdf



Prior to the initiation of data collection, and in accordance with the Paperwork Reduction Act (PRA), notices about this information collection were posted for public comments in the Federal Register and reviewed and approved by the Office of Management and Budget (OMB).

This study has been submitted to IRB Solutions (registered with the Department of Health and Human Services under number IRB00008523) for review and approval prior to implementation. An Informed Consent Form (ICF) has been included in the Institutional Review Board (IRB) application package to explain the purpose of the survey, the procedures, and information regarding confidentiality. The ICF will be revised, if needed, after IRB review. In addition, FMCSA informs the public that their information is collected and stored through this Privacy Impact Assessment, which is published on the DOT website. The PIA is available at <https://www.transportation.gov/privacy>.

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 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.

Potential participants are provided with the information necessary to make an informed decision about their decision to participate in the study, including information about how their data will be collected and used. Prior to data collection, survey participants must agree to the informed consent agreement describing the requirements for participating in the research study.

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 core mission of FMCSA is to reduce CMV-related crashes and fatalities. In carrying out this mission, and in accordance with 49 U.S.C. 504, 31133, 31136, 31502, 49 CFR 1.73, and 49 U.S.C. 31108, FMCSA conducts research to identify factors that contribute to CMV crashes and performs analyses to identify strategies that could improve safety. The truck parking shortage contributes to crashes and is therefore of interest to FMCSA. The primary objective of this research study is to estimate the benefits of new truck parking spaces. The information collected from participants will only be used or disclosed under the terms specified under the informed consent agreement, which individuals must agree to before participating in the study.



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 only data collected during the study is the data that is needed to meet the study's objectives. Records will be retained and destroyed in accordance with NARA schedule DAA-0557-2022-0004 item 0003, which requires original survey responses (which will be received electronically) to be destroyed two years after the completion of the project. The study dataset will be processed for inclusion in FMCSA's Data Repository so that the datasets may be used for future analyses.

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.

The IRB process requires the researcher to provide a detailed protocol explaining the purpose of the study, how the data is collected and stored and who may have access to the data in the future. The study also requires that participants must agree to the terms provided in the informed consent agreement prior to data collection. The informed consent agreement details the types of data collected and who may have access to the data in the future. This study only collects the data necessary to answer the research questions and that have been approved by the IRB and via the PRA procedures.

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 the data will be provided by survey respondents, and since these respondents will not provide any information that directly or personally identifies them, FMCSA will not be able to verify the accuracy, relevance, timeliness, or completeness of their data. FMCSA will assume it is accurately reported.

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 data collected for this project will be protected 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) and are detailed in Federal Information Processing Standards (FIPS) Publication 200, Minimum Security Requirements for Federal Information and Information Systems, dated March 2006, and NIST Special Publication (SP) 800-53 Rev. 5, Security and Privacy Controls for Federal Information Systems and Organizations, dated September 2020.

FMCSA has a comprehensive information security program that contains management, operational, and technical safeguards that are appropriate for the protection of PII. These safeguards are designed to achieve the following objectives:

- Ensure the security, integrity, and confidentiality of PII;
- Protect against any reasonably anticipated threats or hazards to the security or integrity of PII; and
- Protect against unauthorized access to or use of PII.

Records held by project contractors and in the Data Repository system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems' security and access policies. Strict controls are imposed to minimize the risk of compromising the information that is being stored. Access to the Data Repository system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances and permissions. All records in the Data Repository system are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. All access to the Data Repository system is logged and monitored.

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 personnel and FMCSA contractors are required to attend security and privacy awareness training and role-based training offered by DOT/FMCSA. This training allows individuals with varying roles to understand how privacy impacts their role and retain knowledge of how to properly and securely act in situations where they may use PII in the course of performing their duties.

FMCSA follows the Fair Information Principles as best practices for the protection of information associated with the Data Repository. In addition to these practices, 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

Responsible Official

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Approval and Signature

Karyn Gorman
Chief Privacy Officer
Office of the Chief Information Officer

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