U.S. Department of Transportation

Privacy Impact Assessment

National Highway Traffic Safety Administration (NHTSA)

Office of Communication and Consumer Information (OCCI) Program Studies

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Executive Summary

The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries and economic losses resulting from motor vehicle crashes on the Nation's roads. In support of this mission, NHTSA's Office of Communications and Consumer Information (OCCI) develops and produces countermeasures and educational campaigns to address risky driving behavior by the public. NHTSA's communications activities are authorized by two different statutes. Pursuant to 23 U.S.C. § 403 Highway Safety Research and Development, NHTSA may perform behavioral research, including demonstration and education activities, to develop effective traffic safety countermeasures and communications. In addition, under 23 U.S.C. § 404, High Visibility Enforcement Program, NHTSA is mandated to conduct three countermeasure campaigns annually related to impaired driving and occupant protection.

To carry out these behavioral research, education, communications and campaign activities, NHTSA contracts with multiple vendors to support a substantial portion of its development and campaign implementation. This Privacy Impact Assessment (PIA) is being conducted because NHTSA's contractors collect, process, and maintain Personally Identifiable Information (PII) on members of the public on behalf of NHTSA.

NHTSA reviews and updates this document as required to provide up-to-date information and transparency to the public regarding the system operations.

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

[1]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).

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

NHTSA develops and produces messaging materials and advertisements for States, local governments, and the public to address risky driving behavior. To develop the messaging materials, NHTSA collects information from consumers, drivers, and other relevant groups about public perception, attitudes, and beliefs related to traffic safety issues and initiatives. NHTSA uses questionnaires, surveys, webinars, etc. (hereinafter studies), to gather information from the public. The information informs NHTSA on how to develop traffic safety countermeasures, educational campaigns, and communications to influence public behavior to improve traffic safety, reduce deaths, injuries, and economic losses resulting from motor vehicle crashes on the nation's roads.

NHTSA's contractors support a substantial portion of its development and campaign implementation. The development process for a countermeasure or campaign typically begins with a study to obtain feedback from the public on a specific traffic safety issue or concern, or to obtain feedback on several concepts for public acceptance.

Participant Selection

NHTSA contracts with a market research firm to obtain data that supports the potential activity that OCCI intends to pursue.

Typically, a market research firm draws from their proprietary databases the participants who meet the criteria of the study and focus groups and screen potential recruits based upon information in its database and/or communication with the individuals in the participant pool. Individuals who agree to participate are screened in advance to ensure that they align with the target demographic for each study and focus groups. Once selected, the market research firm will have information about each participant that is relevant to the study and focus groups. As part of these studies and focus groups, the market research firm may have some or all of the following PII available to NHTSA:

1. First name
2. Age/sex/ethnicity/race
3. City and State of residence
4. Residency classification (urban, suburban, small city, rural)
5. Education level
6. Employment status
7. Profession/job title
8. Household income range
9. Social Security Number
10. Marital status
11. If the individual has a valid driving license
12. If the individual owns or leases a car, truck, or SUV
13. If the individual is Hispanic or Latino:
    - Country of birth
    - How long they have lived in the U.S.
    - Frequency of speaking Spanish at home/language preference
    - Consumption of Spanish TV programming
    - Age of arrival to U.S.

Because different countries have different dialects and idioms, the data gathered from the Hispanic and Latino individuals is used to adapt the advertisement campaigns to these groups.

Depending on kind of research, market research firms collect the participants' feedback through a study or a focus group. For both kinds of research, the market research firms, or a subcontractor team serve as a moderator to guide discussions and collect the answers from the participants around a given traffic topic.

Following data collection, the market research firms submit the study results to NHTSA exclusively in an aggregated, de-identified format. This decoupling process ensures complete respondent anonymity and prevents any specific data point from being linked to a specific person.

Media Campaign Studies

A media campaign study seeks detailed responses from participants that describe their behaviors, attitudes, comments, and impressions about the specific traffic safety topic. Some of the questions or topics may include, but are not limited to:

1. Purchasing a vehicle
2. Vehicle maintenance and safety
3. Previous experiences with vehicle recalls
4. Importance of vehicle safety standards / testing
5. Comfort with driver assistance technologies
6. Understanding of the recall repair process
7. Sex, age and how frequent they drive a vehicle
8. Recent participation in other NHTSA marketing research studies

9. If they work in a sensitive industry
10. Driving habits
11. Drinking habits
12. Drug use habits
13. Usage of seat belts or child restraints by adults and/or children
14. Parental/caregiver status
15. Participant's children (age, sex, frequency in vehicles)
16. Household size
17. Employment
18. Familiarity of similar traffic safety marketing messages or campaigns
19. If participants have researched or seek any information about the products in the marketing advertisement

For the studies, the market research firm records the discussion sessions either in digital video format that show participants unpixellated faces and contain video and/or audio recordings used only for purposes of drafting a report describing the study discussions to NHTSA.

Focus Groups

A focus group seeks to obtain feedback from participants engaged in an active group discussion on traffic safety messaging, advertisements or communications to inform NHTSA about public acceptance of certain conceptual traffic safety messages. NHTSA uses the feedback to determine the most widely accepted and effective communication strategy for the specific traffic safety issue. Participants answer questions in group sessions on a specific traffic safety issue or concern or obtain feedback on several concepts for public acceptance.

The information typically obtained from participants includes:

1. Age/sex/race/ethnicity
2. A valid driver's license
3. Driving habits
4. City and State of residence
5. Urban or suburban residence area
6. Education level
7. Marital Status
8. Employment status
9. Income
10. Experience with a vehicle recall?
11. Have children living at home?

NHSTA also collects the following information from Hispanic or Latino participants, who consumer media in Spanish, to adapt the vehicle safety advertisements to the Hispanic community. NHTSA gathers information from a mix of countries-of-origin to ensure campaign messaging take into consideration the array of dialects, frequency of Spanish TV consumption, and lack of English language fluency.

12. Country of birthplace

13. Language mostly spoken at home
14. Speaking Spanish and frequency of speaking Spanish at home
15. Frequency of watching TV in Spanish

Post Collection Activities

After the study or focus group information collection phase is completed, the market research firms provide the participants with monetary compensation for their time and participation.

Study and Focus Groups Termination

After the information collection phase, the market research firm provides the data to the contractor, who drafts and presents to NHTSA a deidentified, top-line report of findings that include concept ratings and anecdotal quotes from participants.

NHTSA and its contractor use this information to further refine the most effective traffic safety creative concept for final development and production of messaging materials for implementation. All video and audio recordings are deleted from any platform within 90 days of the contractor delivering the final report to NHTSA. NHTSA does not receive copies of any video or audio recordings.

Information about specific research collections conducted by NHTSA covered under this PIA is provided in Appendix A.

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[2], 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 the NIST Special Publication 800-53 Security and Privacy Controls for Federal Information Systems and Organizations[3].

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

[2] http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf
[3] https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53r5.pdf

information (PII). Additionally, the Department should not maintain any system of records the existence of which is not known to the public.

Information in the studies is not retrieved by a unique identifier associated with an individual and is not subject to the provisions of the Privacy Act.

Prior to the initiation of data collection, and in accordance with the Paperwork Reduction Act (PRA), these information collections are posted for public comment and reviewed and approved by the Office of Management and Budget (OMB). As part of this process, all study and focus group procedures, including the specific information that will be collected from participants and the forms used to collect this information, are published by OMB on reginfo.gov. Prior to submission to OMB, the public is notified of the proposed collection through a Federal Register notice and is given 60 days to provide comments through an electronic docket at regulations.gov. After addressing any comments received during the comment period, NHTSA submits a second Federal Register notice notifying the public that the collection is being submitted to OMB and invites public comment to be sent directly to OMB.

NHTSA also informs the public that their PII is collected and stored through this PIA to inform the public that their PII is stored and used by the system.

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.

Participation in every study is strictly voluntary. NHTSA provides individuals with the ability to make informed consent before participating in the study or focus group. The informed consent educates prospective participants about the purpose of the study or focus group, the personal information that the study collects, how NHTSA uses that information, including what will be disclosed to the public, and how long NHTSA retains the information. NHTSA relies on the participants to accurately provide information about themselves and the subject of the study or the focus group once they agree to join the study or focus group.

Because the identity of the individuals is not pertinent to the purpose of the study or focus group, NHTSA does not require its contractor to deliver products with or to maintain PII. The market research firm is required to submit a deidentified report to NHTSA and to delete the information it collected, including any PII no later than 90 days after it submits the final report. An individual does not have the ability to correct his or her information once the information collection phase is completed.

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.

Pursuant to 23 U.S.C. § 403, NHTSA is authorized to conduct research and development activities including demonstrations, education and training on all aspects of highway and traffic safety systems and conditions, including those relating to driver, passenger, motorcyclist, and pedestrian characteristics, communications, as well as on human behavioral factors and their effect on highway and traffic safety and evaluations of the effectiveness of highway and traffic safety countermeasures.

Pursuant to 23 U.S.C. § 404, NHTSA is mandated to conduct three countermeasure campaigns annually related to impaired driving and occupant protection. This includes the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns.

NHTSA studies and focus groups collect information from the participants to analyze their behaviors, impressions, and attitudes to develop traffic safety messaging for use by States, local governments and the public to meet the statutorily required high visibility enforcement campaigns.

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.

Any PII collected from participants as part of the studies or focus groups is limited to that which is relevant and necessary to support the purpose for which it was collected. The collection of PII includes demographics to select a random sample from different backgrounds.

Information collected by the contractors on behalf of NHTSA is destroyed 90 days after the contractor delivers the final deidentified report to NHTSA.

NHTSA retains all OCCI contracted studies and focus groups for a period of 10 years as documented in the approved National Archives and Records Administration (NARA) records schedule Demographic/Marketing Research Files (N1-416-05-002 ITEM 19).

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.

Any PII collected during a research study is retained and used only for the research study which it was collected.

Additionally, any PII about participants is destroyed immediately after data collection has ended, all participants have been compensated, and a final deidentified report is submitted from the contractor to NHTSA.

Data transmitted from contractors to NHTSA will not be associated with any identifier.

The market research firms may collect the participants' social security numbers only for the purpose of compensating the participants. The studies do not use the social security numbers for any other purpose.

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).

NHTSA ensures that the collection, use, and maintenance of PII collected about study participants is relevant to the purposes for which it was originally collected. The collected information is entered automatically by the users during studies or captured by a focus group moderator.

To improve the quality during the data collection and prevent errors as the information is collected, the PII comes directly from the participants. The contractor also double checks the collected data when interviewing individuals during each focus group.

Because the information is collected via automated means, directly from the participants or live during interviews for the specific study or focus group, the quality and integrity of the collection is accurate, relevant, and timely.

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.

Information collections are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. NHTSA security policy and practices are based on NIST Information Risk Management and Security standards. These are supplemented by privacy-specific guidance provided in NIST 800-122 and NIST Special Publication 800-53, and the DOT Privacy Risk Management Policy 1351.18 and the Office of Management and Budget circular A-130, Section 8b(3), Securing Agency Information Systems. The NIST security guides and standards are used by NHTSA to, among other things;

assess information confidentiality, integrity and availability risks, identify required security safeguards, and adjust the strength and rigor of those safeguards to reduce risks to appropriate acceptable levels. Under this policy NHTSA has implemented appropriate administrative, physical and technical safeguards to protect the confidentiality, availability and integrity of the OCCI Studies system and information.

NHTSA contractors maintain the security of the collected PII in studies and focus groups through each step in the data collection process. This is a Federal Acquisition Regulations (FAR) requirement in government contracts.

Security varies depending on the technology to collect the information, the format of the data and the manner in which it is transferred to the OCCI database. Data collected and accessed through DOT laptop technology is encrypted and FIPS 140-2 compliant. Information is securely sent to the OCCI study and focus group database using secure file transfer protocols to ensure the data is encrypted and protected while in transit.

NHTSA employees or contractors that maintain hard copy files, CD ROMs or USBs with PII are required to store these documents in locked cabinets or storage containers while not in use. Once the PII has been entered and transferred to the OCCI study and focus group database, NHTSA employees or contractors will lock hard copy files, CD ROMs or USBs in a file cabinet. When a file or document must be shipped, employees or contractors use an overnight carrier such as the USPS, FedEx, or UPS.

NHTSA employees with access to studies and focus groups must adhere to DOT policy and procedures to ensure that the data collected, regardless of form, is protected from any misuse or unauthorized disclosure. Furthermore, all OCCI personnel are required to take security training and sign a Rules of Behavior (ROB) document prior to obtaining access to any OCCI system assets.

Further protection of PII in the OCCI study and focus group system include:

- All NHTSA employees undergo the mandatory DOT background checks prior to being granted access to the DOT network. In addition, all OCCI employees receive both general and role-based security training on an annual basis.
- Use of locked cabinets and authorized document carries to ensure that hard copy files, CDROMs or USBs are appropriately secured from unauthorized access.
- NHTSA utilizes role-based security in OCCI study and focus group access to restrict user access to specific applications.
- NHTSA enforces assigned authorizations in OCCI studies and focus groups for controlling access to the system using multi-factor authentication technology.
- OCCI systems maintain an audit trail of changes made, date/time of change and the user for each database change.

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.

NHTSA is responsible for identifying, training, and holding operating administration personnel accountable for adhering to NHTSA privacy and security policies, and regulations. NHTSA follows the fair information practice principles (FIPPS) as best practices for the protection of information associated with the records in the OCCI Studies. In addition to these practices, policies and procedures will be consistently applied, especially as they relate to the protection, retention, and destruction of records. The NHTSA Security and Privacy Officers will conduct periodic security and privacy reviews of the OCCI Studies consistent with the Office of Management and Budget Circular A-130, Section 8b(3), Securing Agency Information Systems and follow the DOT Privacy Risk Management Policy 1351.18. (https://www.transportation.gov/individuals/privacy/privacy-risk-management-policy)

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