

U.S. Department of Transportation

Privacy Impact Assessment

**Federal Motor Carrier Safety Administration (FMCSA)
National Registry of Certified Medical Examiners (NRCME)**

Responsible Official

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Executive Summary

The Federal Motor Carrier Safety Administration (FMCSA) is an Operating Administration within the U.S. Department of Transportation (DOT) with a core mission to reduce commercial motor vehicle-related crashes and fatalities. To further this mission, FMCSA created the National Registry of Certified Medical Examiners (NRCME) a web-based system (<https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>) under the authority of Section 4116(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (codified at 49 U.S.C. § 31149). The Federal Motor Carrier Safety Regulations (FMCSRs) require that commercial motor vehicle (CMV)¹ drivers comply with physical qualification requirements and be examined and certified by a medical examiner (ME) at least once every two years . The National Registry ensures that MEs who perform Department of Transportation (DOT) driver medical examinations are properly trained and certified by FMCSA to do so. The National Registry maintains personally identifiable information (PII) for each ME candidate applying for ME certification, ME's administrative assistants and third parties who are registering on the National Registry, and of CMV drivers examined by a certified ME.

This Privacy Impact Assessment (PIA) update is necessary to address risks associated with migrating the NRMCE system to the FMCSA Cloud Environment.

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.²

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 § 390.5 Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle: (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

² 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 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

The National Registry of Certified Medical Examiners (National Registry) is a national database of names and contact information for Medical Examiners (MEs) certified by FMCSA to perform CMV driver medical examinations. The National Registry supports the enrollment of trained, certified MEs who fully understand the medical standards in the FMCSRs, related guidance and how they relate to the medical demands of operating a CMV . The MEs must demonstrate an understanding of the physical qualifications standards in the FMCSRs and how to apply those standards in a uniform and consistent manner when making the determination whether an individual meets the standards. MEs are required to successfully complete training and pass a certification test before being listed on the National Registry. Data collected allows FMCSA to determine ME compliance with the FMCSR standards.

All interstate CMV drivers are required to obtain their medical certificates from a certified ME listed on the National Registry . Medical certificates issued prior to May 21, 2014, remain valid until the expiration date but all medical certificates issued on or after that date must come from a certified ME listed on the National Registry.

ME Training, Testing, & Certification

FMCSA developed the National Registry to improve highway safety and driver health by requiring that MEs be trained, tested, and certified to determine whether a CMV driver's health meets FMCSA standards . FMCSA determined that focusing on ME performance is one strategy to improve highway safety and driver health. In support of the National Registry, FMCSA developed core curriculum specifications, guidance, and administrative requirements for ME training and provides this information to private sector training providers . FMCSA requires that all ME candidates complete training conducted by a private sector training provider and pass a certification test developed by FMCSA-approved test developers that is delivered by FMCSA-approved testing organizations at affiliated test centers.

Healthcare professionals that wish to become certified MEs must be licensed, certified, or registered to perform medical examinations in accordance with applicable State laws and regulations . The first step in the certification process is for ME candidates to register via the National Registry website (<https://nationalregistry.fmcsa.dot.gov>). Once registered, the ME is assigned a unique identification number (national registry number). ME candidates must then complete the required training and pass the certification test to become certified and listed on the National Registry.

The test centers verify and document the ME candidate's identity, medical licensing information, and training completion prior to administering the National Registry ME certification test . Test centers administer the National

Registry certification test according to FMCSA specifications, and are responsible for submitting the ME certification test results to the National Registry . Testing organizations that offer online testing provide a means to authenticate the identity of the person taking the test, provide a means for the testing organization to monitor the activity of the person taking the test, and prohibit the person taking the test from reproducing the contents of the test.

Upon completion of the certification test, the test center uploads the ME candidate's results to the National Registry system. FMCSA validates the test results, ME licensing credentials, and training. If the ME candidate passes the certification test and meets the eligibility criteria, FMCSA notifies the ME that he or she has been awarded FMCSA ME certification credential, that he or she will be listed on the National Registry, and that he or she is authorized to conduct CMV driver medical examinations . FMCSA then posts the certified ME contact information on the National Registry public website.

Conducting CMV Driver Medical Examinations

Once certified, the ME may perform examinations on CMV drivers who are required to receive a medical examination . FMCSA uses the CMV driver medical examination information to monitor the ME competence and performance in evaluating the CMV driver health and fitness and to detect irregularities in examination procedures. The National Registry final rule requires certified MEs to electronically transmit the results of each driver medical examination completed during the previous month to FMCSA via their individual password-protected National Registry web account once every calendar month. FMCSA uses this information to request MERs and MECs for a representative sample of driver medical examinations and review them to determine ME performance. Access to MERs and MECs is limited to authorized representatives of FMCSA or authorized Federal, State, or local enforcement agency representatives.

FMCSA allows MEs to designate administrative assistants to register on the National Registry and perform reporting functions on their behalf . Upon confirmation by a ME, they will become a designated Medical Examiner Administrative Assistant (MEAA) of the ME and their National Registry account will be associated with the National Registry account of the ME . MEs and their designated MEAAs can submit CMV driver medical examination results data to FMCSA, view previously submitted CMV driver medical examination results data, and edit the ME's contact information . In addition, FMCSA allows MEs to designate a third party that simultaneously uploads (bulk upload) multiple CMV Driver Medical Examination Results from their medical system to the National Registry . In order to access the data transfer protocol for bulk uploading into the National Registry, each third party must agree to FMCSA's bulk uploading terms and conditions by signing a Third Party Agreement and applying for a third party account with the National Registry . Once approved by FMCSA, third parties are able to provide electronic transmission of CMV Driver Medical Examination Results data for each certified ME that authorizes them to do so.

MEs performing medical examinations on CMV drivers use a newly developed MER Form, MCSA-5875, in place of the current MER Form and to use the prescribed Form MCSA-5876 for the MEC . In addition, MEs are required to report results of all completed CMV drivers' medical examinations (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination . This includes all CMV drivers who are required to be medically certified to operate in interstate commerce, not only those who hold or apply for CDLs or CLPs . In addition, MEs may transmit MEC information from examinations performed in accordance with the FMCSRs with any applicable State variances.

Reporting of this information is accomplished by completing a CMV Driver Medical Examination Results Form, MCSA-5850³, via the ME's individual password-protected National Registry web account . FMCSA then electronically transmits driver identification, examination results, and restriction information from examinations performed in accordance with the FMCSRs (49 CFR 391.41- 49 CFR to 391.49) from the National Registry to the State Driver Licensing Agency (SDLA)s via the Commercial Driver's License Information System (CDLIS) for Commercial Driver's Licensing (CDL) and Commercial Learner's Permit (CLP) holders. In addition, FMCSA also electronically transmits driver identification, examination results, and restriction information it receives from any examinations performed in accordance with the FMCSRs with any applicable State variances from the National Registry to the SDLAs . This includes those that have been voided by FMCSA because it finds that an ME has certified a driver who does not meet the physical certification standards . FMCSA also electronically transmits medical variance information (exemptions, skills performance evaluation certificates, and grandfathered exemptions) for all CMV drivers from the National Registry to the SDLAs whenever FMCSA issues, renews, or rescinds a medical variance via CDLIS . SDLAs are required to update CDLIS driver records each business day with medical variance information transmitted from FMCSA for CDL and CLP drivers. Transmission of this information allows authorized State and Federal enforcement officials to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC (see Medical Certification Forms section for a detailed description), and the medical variance information (exemptions, skills performance evaluation certificates, and grandfathered exemptions) to include the issued and expiration dates.

Drivers who are required to have a CDL or CLP are no longer required to provide their MEC or any medical variance documents to the SDLA as outlined in the Med-Cert final rule. FMCSA provides that information to the SDLA electronically. CDL or CLP drivers are no longer required to carry a valid MEC while operating a CMV, even during the first 15 days after it is issued, because the MEC information is electronically transmitted from the ME to the National Registry system via the CMV Driver Medical Examination Results Form, MCSA-5850, by midnight (local time) of the next calendar day following the examination. FMCSA promptly transmits the information from the National Registry system to the SDLAs electronically via CDLIS for entry into the appropriate CDL driver record. The MEC information is posted to the driver's record by the SDLA within one business day of receiving the information from FMCSA. The electronic record of the driver's medical certification is the only valid evidence that the driver is physically qualified. For physically qualified non-CDL drivers, the ME continues to issue a paper MEC, Form MCSA-5876. Non-CDL drivers continue to be required to carry the original, or a copy, of the MEC. All CMV drivers are required to carry any relevant medical variance documents (exemptions, skills performance evaluation certificates, and grandfathered exemptions).

Personally Identifiable Information (PII) and the National Registry

Collection of PII

The following discussion outlines the PII and business information that is collected from MEs, MEAAs, third parties, and CMV drivers and maintained by FMCSA in support of the National Registry. A comprehensive list of all PII fields, when the information is collected, and who it is collected from can be found in Appendix A.

ME PII and Business Information Collection

³ This form was included as an Appendix in the previous publication of this PIA, but a sample form and instructions can now be found on the FMCSA Medical Programs website at: <https://nationalregistry.fmcsa.dot.gov/ResourceCenter/documents/NRII%20and%205850.pdf>.

The National Registry system collects PII and business information from each ME as part of the certification process. The PII collection takes place during the registration, training, and testing phases of the process. In addition, this information is used to establish the ME's National Registry system web account and to assign the ME with a national registry number that is unique to each ME. The ME's national registry number is used to identify the ME and is included on all MCSA-5875s and MCSA-5876s that the ME completes. After the ME has established their individual password-protected National Registry system web account, they logon to their account to submit required MCSA-5850s for each medical examination they conduct. The National Registry system links the ME's PII data elements to each CMV Driver Medical Examination Results Form, MCSA-5850 submitted to capture all information collected on the MEC, Form MCSA-5876.

MEAA and Third Party PII Collection to Register with the National Registry System

FMCSA allows MEs to designate administrative assistants to register on the National Registry and perform reporting functions on their behalf. FMCSA collects PII from MEAAs to provide them secure access to their individual password-protected National Registry web account that is associated with the designating ME's National Registry web account. FMCSA also allows MEs to designate a third party that simultaneously uploads (bulk upload) multiple CMV Driver Medical Examination Results from their medical system to the National Registry on their behalf. FMCSA collects PII from third parties to provide them secure access to their individual password-protected National Registry third party web account.

CMV Driver PII Collection for Reporting Medical Examination Results to the National Registry System via the MCSA-5850

FMCSA collects PII from CMV drivers for reporting medical examination results to the National Registry system via the MCSA-5850. This is the same driver information that is collected and recorded on the MEC.

The specific PII collected from CMV drivers that is reported to the National Registry via the MCSA-5850 includes driver contact, licensing, and medical information.

MER and MEC information may be collected for all CMV drivers, not just CDL and CLP holders, once FMCSA establishes the oversight and audit processes for the program as authorized by 49 U.S.C. 31149(c)(2), enacted by section 4116(a) of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L.109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU). It is necessary for MEs to provide MERs and MECs, when requested, to an authorized representative, special agent, investigator of FMCSA, or an authorized State or local enforcement agency representative in order to determine ME compliance with FMCSA medical standards and guidelines in performing CMV driver medical examinations. FMCSA includes the MEC in the data collection to verify that the medical certification decision matches that of the MER.

ME and CMV Driver PII Collection on the MER Form, MCSA-5875⁴

The MER Form, MCSA-5875, is an updated version of the MER Form currently being used by MEs to record the details and results of CMV driver medical examinations. PII from both the ME and CMV driver is collected and recorded on the MER Form, MCSA-5875. The MER Form has been revised as previously described, has been assigned an Office of Management and Budget (OMB) form number, and MEs are required to use it to record the details and

⁴ This form was included as an Appendix in the previous publication of this PIA, but can now be found on the FMCSA Medical Programs website at: https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/MedicalExaminationReportForm_091616_MCSA_5875.pdf

results of CMV driver medical examinations. This form remains with the ME and is only provided to FMCSA upon request.

ME and CMV Driver PII Collection on the MEC, Form MCSA-5876⁵

Form MCSA-5876 has been revised as previously described, has been assigned an OMB form number and is a requirement of the Medical Examiner's Certification Integration final rule. PII from both the ME and CMV driver is collected and recorded on the MEC, Form MCSA-5876.

CMV Driver PII Collection for Medical Variances

FMCSA uses CDLIS to electronically transmit driver identification, examination results, and restriction information from the National Registry system to the SDLAs for holders of CDLs and CLPs. Medical variance information (exemptions, skills performance evaluation certificates, and grandfathered exemptions) for all CMV drivers is electronically transmitted from the National Registry to the SDLAs via CDLIS. PII from the CMV driver is collected and recorded as part of the Medical Exemption and SPE Certificate programs; however, only the driver's name, date of birth, type of variance, and issued and expiration dates will be entered into the National Registry for transmission to the SDLAs.

Under the Medical Examiner's Certification Integration final rule, MER information may continue to be collected for all CMV drivers. However, since MEs are no longer required to provide CDL and CLP drivers with an MEC, CDL and CLP drivers are no longer required to carry a valid MEC while operating a CMV, and the information is electronically transmitted to the SDLAs. MEC information may only be collected for non-CDL drivers.

Transmission of the PII collected

One of the administrative requirements for being listed on the National Registry is for the certified ME to submit a CMV Driver Medical Examination Results Form, MCSA-5850, to FMCSA for each medical examination conducted on CMV drivers.

MEs are required to report results of all completed CMV driver's medical examinations to FMCSA by midnight (local time) of the next calendar day following the examination, by completing and electronically transmitting a CMV Driver Medical Examination Results Form, MCSA-5850, for each examination conducted via their individual password-protected National Registry web account. This includes not just MEC information from all examinations performed in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49), but also allows MEs to transmit MEC information from examinations performed in accordance with the FMCSRs with any applicable State variances. The MCSA-5850 includes almost all of the information on the MEC. The information not on the MCSA-5850 includes the ME's name and signature, telephone number, healthcare profession, state licensing number, state license issued by, national registry number, and the date the MEC was signed. This information is not on the MCSA-5850 because the National Registry system collects this information from MEs as part of the registration process as a first step in becoming a certified ME.

When a ME submits a MCSA-5850, the information on the MCSA-5850 is merged with the ME's account information, becomes part of the MCSA-5850 submission, and represents all of the information captured on the MEC. FMCSA electronically transmits driver identification, examination results, and restriction information for CDL and CLP holders from the National Registry system to the SDLAs via CDLIS. Since MEs are allowed to transmit the above

⁵ This form was included as an Appendix in the previous publication of this PIA, but can now be found on the FMCSA Medical Programs website at: https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Medical_Examiners_Certificate_Form_MCSA_5876_0.pdf

information from examinations performed in accordance with the FMCSRs with any applicable State variances, the information will also be forwarded to the SDLAs for CLP and CDL holders. FMCSA also electronically transmits medical variance information (exemptions, skills performance evaluation certificates, and grandfathered exemptions) for all CMV drivers from the National Registry to the SDLAs. The information transmitted includes the type of variance and the issued and expiration dates. Transmission of this information allows authorized State and Federal enforcement officials to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC, and the medical variance information (exemptions, skills performance evaluation certificates, and grandfathered exemptions) to include the issued and expiration dates.

Move to the FMCSA Cloud Environment

The Administration has ongoing plans and actions to modernize and enhance IT tools that support FMCSA mission processes for registration, inspection, compliance monitoring and enforcement. As a result, a number of core FMCSA enterprise applications, including NRCME, have been migrated from a private in-house DOT hosting environment and general support services infrastructure to a commercial cloud environment and infrastructure (the Amazon Webservices [AWS] Cloud), known as the FMCSA Cloud Environment.

Initial transition into the FMCSA Cloud Environment followed a lift-and-shift migration approach to replicate the existing application and infrastructure hosting environment directly onto the infrastructure-as-a service (IaaS) platform provided by the AWS Cloud. In following this technical migration approach, FMCSA enterprise applications were not redesigned or modified to accommodate the physical transition to the new AWS Cloud IaaS platform or environment. The risks associated with this migration are discussed in the Security section of this PIA.

For more information on the FMCSA Cloud Environment please refer the the FMCSA Cloud Environment PIA available on the DOT Privacy Office website at <https://transportation.gov/privacy>.

Fair Information Practice Principles (FIPPs) Analysis

The Fair Information Practice Principles (FIPPs) are rooted in the tenets of the Privacy Act and are mirrored in the laws of many U.S. states, as well as many foreign nations and international organizations. The FIPPs are common across many privacy laws and provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis DOT conducts is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile (FEA-SPP) v.3i, which is sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council.

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

FMCSA clearly discloses its policies and practices concerning the PII collected and held associated with the implementation of all rules discussed in this PIA. FMCSA provides notice to individuals through several different

methods including: the National Registry of Certified Medical Examiners final rule⁶, the FMCSA website (www.fmcsa.dot.gov), the National Registry website (www.nationalregistry.fmcsa.dot.gov)⁷, and the updated SORN published on the DOT Privacy Program website⁸ and in the Federal Register for public comment.

During the comment phase of the National Registry of Certified Medical Examiners NPRM, comments were submitted by the public that indicated the belief that the Health Insurance Portability and Accountability Act (HIPAA) regulations apply to FMCSA and/or drivers' employers. In response to this comment FMCSA determined in the National Registry final rule that they were not a covered entity, which is defined in the HIPAA rules as (1) health plans, (2) health care clearinghouses, and (3) health care providers who electronically transmit any health information. Further, FMCSA disagreed that there were possible conflicts with HIPAA that would be encountered by employers because the National Registry final rule did not require employers to access private health information.

Effective notice is given to the ME by requiring the ME, prior to taking the FMCSA certification test, to provide several statements. Statements include that the ME is capable and willing to comply with FMCSA requirements and agrees to the statement regarding the National Registry/FMCSA Terms of Use and Privacy Act. In addition, notice of the Privacy Act Statement is available at the bottom of every webpage on the National Registry website including the webpages that the ME/MEAA uses while logged into his or her account.

As required by the Privacy Act, DOT/FMCSA provides direct notice to individuals via Privacy Act Statements on all paper and electronic forms it uses to collect PII. All CMV drivers are required to acknowledge, by providing their signature, that they have been provided with and understand the provisions of the Privacy Act as it applies to them through the Privacy Act Statement on the MER Form, MCSA-5875.

Federal Medical Exemption Program

Medical variance information (exemptions, skills performance evaluation certificates, and grandfathered exemptions) for all CMV drivers is electronically transmitted from the National Registry to the SDLAs. FMCSA established the Medical Exemption Program to support the paper-based Federal Vision Exemption Program and Federal Diabetes Exemption Program, which are managed by the FMCSA Medical Programs Division. These programs were established to process requests from CMV drivers to allow them to operate CMVs in interstate commerce if they do not meet the requirements of one of the medical standards in 49 CFR 391.41(b).

In accordance with the Privacy Act of 1974, FMCSA published in the Federal Register a SORN for the Medical Exemption Program ([DOT/FMCSA 009 - National Registry of Certified Medical Examiners \(National Registry\)](http://www.federalregister.gov/documents/2008/03/11/2008-0363-0111))⁹. Additionally, FMCSA published a Privacy Impact Assessment (PIA) for the Medical Exemption Program to coincide with the publication of the Medical Exemption Program SORN (<http://www.dot.gov/individuals/privacy/pia-medical-exemption-program>).¹⁰ An update to the Medical Exemption Program SORN will be published in the Federal Register. In addition, an update to the PIA for the Medical Exemption Program will be published on the DOT Privacy Program website and will coincide with the publication of the Medical Exemption Program SORN.

⁶ <http://www.regulations.gov/#!documentDetail;D=FMCSA-2008-0363-0111>

⁷ <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>

⁸ <http://www.gpo.gov/fdsys/pkg/FR-2011-02-22/pdf/2011-3825.pdf>

⁹ <http://www.gpo.gov/fdsys/pkg/FR-2011-02-22/pdf/2011-3825.pdf>

¹⁰ <https://www.transportation.gov/individuals/privacy/pia-medical-exemption-program>

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.

Participation in the National Registry by MEs is voluntary. However, an individual who refuses to provide such information will not be able to obtain a national registry number, ME certification, MEAA Number or third party account. MEs and MEAAs have the ability to update and change basic demographic and professional data through the National Registry website. CMV drivers give consent to the collection of their PII when they obtain a medical examination by a FMCSA-certified ME that is listed on the National Registry.

FMCSA ensures that an individual has the right to (a) obtain confirmation of whether FMCSA has PII relating to him or her; (b) access the PII related to him or her within a reasonable time, cost, and manner and in a form that is readily intelligible to the individual; (c) obtain an explanation if a request made under (a) and (b) is denied and challenge such denial; and (d) challenge PII relating to him or her and, if the challenge is successful, have the data erased, rectified, completed, or amended. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOT by complying with DOT Privacy Act regulations found in 49 CFR Part 10. Privacy Act requests for access to an individual's record must be in writing (either handwritten or typed), and may be mailed, faxed, or emailed. DOT regulations require that the request include a description of the records sought, the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Additional information and guidance regarding DOT's Freedom of Information Act (FOIA)/Privacy Act (PA) program may be found on the DOT website. Privacy Act requests concerning information in the National Registry may be addressed to:

Director, Office of Carrier, Driver, and Vehicle Safety Standards,
Federal Motor Carrier Safety Administration,
U.S. Department of Transportation,
1200 New Jersey Avenue SE,
Washington, DC 20590.
Phone number 202-366-4001
Fax number 202-366-1265
fmcsamedical@dot.gov

FMCSA provides an appeals process for MEs who have been proposed for removal from the National Registry, allowing them to correct an identified deficiency or request review by FMCSA. This process provides an additional layer of redress for individuals to challenge and seek correction of information about them in the National Registry. An ME who receives a notice of proposed removal has 30 days to submit a response in writing explaining the error committed in being proposed to be removed from the National Registry. Alternatively, the ME may submit a written response indicating that he or she will come into compliance, if possible, and complete the corrective actions identified in the notice of proposed removal. An individual who has been removed from the National Registry may

request an Administrative Review by FMCSA. FMCSA published further information about the appeals process in the “*Complete Guide to Medical Examiner Certification*” on the National Registry website.¹¹

FMCSA uses the CMV driver medical examination information to monitor the ME competence and performance in evaluating the CMV driver health and fitness and to detect irregularities in examination procedures. Under the authority granted by 49 U.S.C. 31149(c)(2), FMCSA may void a MEC issued to a CMV driver if it finds either that an ME has issued a certificate to a driver “who fails to meet the applicable standards at the time of the examination” or “that a ME has falsely claimed to have completed training in physical and medical examination standards.” Some examples of circumstances in which the driver does not meet the applicable standards that might trigger such action by the Agency could include, but would not be limited to, when a driver has falsified or omitted disclosing potentially disqualifying medical information to the ME at the time of the examination, or when a ME has not correctly applied the physical qualification standards.

FMCSA is in the process of developing an internal processes for evaluating the validity of certificates in the wide variety of possible situations where such review appears to be appropriate under the statutory standard.¹² This includes review of the data submitted by MEs to the National Registry system, as well as complaints, field investigations, crash reports and other sources. In addition, FMCSA must notify the affected driver of the proposed action and an opportunity either to obtain a new MEC, if appropriate, or to provide the Agency with any legal or factual reasons why the action should not be taken before voiding the MEC. If the decision is made to void the driver’s MEC, FMCSA notifies the driver. If the driver holds a CDL or CLP, notification is electronically transmitted by FMCSA to the driver’s SDLA through the National Registry, and the SDLA changes the CDL or CLP driver’s medical status to “not certified” and notifies the driver of the action taken.

MEs are encouraged to allow all drivers to review their information that is collected for reporting to FMCSA via the CMV Driver Medical Examination Results Form, MCSA-5850. This review, if conducted, does not include an actual review of the data entry information submitted into the National Registry system, but the information contained on the form. This review reduces data errors that could be transmitted to the National Registry and subsequently to the States, potentially hindering delivery of the MEC information to the intended CDLIS driver record. Although FMCSA has the responsibility to ensure that the data is transmitted appropriately, the Agency relies on the accuracy of the data submitted by the ME. Therefore, if a driver finds that inaccurate information was transmitted to the SDLA, the driver should contact the ME that conducted the examination, review the information that was submitted by the ME, correct the information, and have the ME resubmit the MCSA-5850 to the National Registry.

Statutory Authority and 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.

Under the statute (49 U.S.C. 31133(a)), recordkeeping and reporting requirements have to be necessary to carry out the functions set out in the other parts of 49 CFR chapter 311. 49 U.S.C. 31133(a). This includes the regulation necessary to carry out the provisions of 49 U.S.C. 31136(a)(3) and (4) to ensure that the physical condition of CMV

¹¹ https://nationalregistry.fmcsa.dot.gov/NRPublicUI/documents/Complete_Guide_to_ME_Certification_revised_032513.pdf

¹² The Medical Division currently conducts random periodic monitoring and investigates complaints submitted to the Agency regarding Certified Medical Examiners. Although the process exists, the Agency is currently working on documenting the steps. Therefore, there is no completed written process at this time.

drivers enables them to operate safely and the operation of a CMV does not have a deleterious effect on the health of the drivers.

Congress recognized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU) that a number of steps would be needed to improve the quality of the medical certification of drivers. The primary legal basis for the National Registry Program comes from Section 4116(a) of SAFETEA-LU (codified at 49 U.S.C. § 31149). Paragraph (d) of section 31149 provides that:

The Secretary, acting through the Federal Motor Carrier Safety Administration –

- 1) shall establish and maintain a current national registry of medical examiners who are certified to perform examinations and issue medical certificates;
- 2) shall remove from the registry the name of any medical examiner that fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or regulation issued under this section;
- 3) shall accept as valid only CMV drivers' medical certificates issued by persons on the national registry of medical examiners; and
- 4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of operators of CMVs.

FMCSA uses ME contact information, medical credentials, training certificate, certification test, and identification information to evaluate his or her eligibility for certification. MEs may be required to provide supporting documentation of eligibility for certification. FMCSA compares ME contact and medical licensing information provided by the ME during registration to the state's medical licensing data in order to ensure the data provided by the ME is valid. FMCSA reviews ME test responses in order to validate the test grade and score provided by the test center, and to ensure that the test center properly graded and scored the test. FMCSA uses ME contact and employer information to list certified MEs on the National Registry website for general public searching.

FMCSA uses ME and MEAA contact and employer information to communicate with the ME and MEAA regarding their information in the National Registry. FMCSA uses third-party contact information to communicate with the third party regarding CMV Driver Medical Examination Results data they submit on behalf of a certified ME. FMCSA uses the CMV driver contact information and CMV license information to analyze the relationship between driver ME examination results and public safety. FMCSA uses the CMV driver medical examination information to monitor the ME competence and performance in evaluating the CMV driver's health and to uncover instances of fraud.

The test centers use ME identification, contact, medical credential, employer contact, and training information to verify ME identity and eligibility to take the ME certification test and to transfer certification test information to the National Registry.

The test developer contractors use the ME certification test results, ME profession, and ME geographic location to perform analysis of the certification test results to identify future improvements and modifications to the test questions and to identify potential patterns of fraud and abuse in the testing process by individual ME candidates, testing organizations, test centers, or proctors.

According to 49 U.S.C. 31149 (c)(1)(C) and (F), the Agency is required to conduct periodic reviews of a select number of MEs on the National Registry to ensure that proper examinations of such operators are being conducted and to

periodically review a representative sample of the MERs associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification. If the Agency finds it appropriate in conducting any review of the performance of MEs on the National Registry, as provided by 49 U.S.C. 31149 (c)(1)(C) and (F), to obtain copies of the MERs and supporting medical records for CMV drivers examined, it follows the applicable policies and procedures to ensure the security and privacy of the personal health information about the driver contained therein. FMCSA follows similar procedures in conducting any investigation into whether or not a CMV driver is or should be physically qualified to operate a CMV. Therefore, the Agency requires submission of MERs and supporting medical records through a secure web application for which each certified ME has an individual password-protected account. FMCSA will implement policies and procedures to reasonably limit the uses and disclosures of medical information and PII.

The information from the MEC is transmitted to FMCSA by midnight (local time) of the next calendar day following the examination by MEs for drivers required to have a CDL, is then promptly and accurately transmitted to the SDLAs electronically via CDLIS for entry into the appropriate CDL driver record within one business day of receipt from FMCSA. In view of this purpose, the legal basis of the two previous final rules also serve as the legal basis for this proposed rule. The primary legal basis for the 2008 final rule, Medical Certification Requirements as Part of the CDL, is section 215 of Motor Carrier Safety Improvement Act [Pub. L. 106-159, 113 Stat. 1767 (Dec. 9, 1999)] (set out as a note to 49 U.S.C. 31305). The primary legal basis for the 2012 final rule, National Registry of Certified Medical Examiners, is 49 U.S.C. 31149, enacted by section 4116(a) of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU).

FMCSA has authority under 49 U.S.C. 31133(a)(8) and 31149(c)(1)(E) to require MEs on the National Registry to record and retain the results of the medical examinations of CMV drivers and to require frequent reporting of the information contained on all MECs they issue. Section 31133(a)(8) gives the Agency broad administrative powers (specifically “to prescribe recordkeeping and reporting requirements”) to assist in ensuring motor carrier safety. [Sen. Report No. 98-424 at 9 (May 2, 1984)]. Section 31149(c)(1)(E) authorizes a requirement for electronic reporting of certain specific information by MEs, including applicant names and numerical identifiers as determined by the FMCSA Administrator. Section 31149(c)(1)(E) sets minimum monthly reporting requirements for MEs and does not preclude the exercise by the Agency of its broad authority under § 31133(a)(8) to require more frequent and more inclusive reports.¹³ In addition to the general rulemaking authority in 49 U.S.C. 31136(a), the Secretary of Transportation is specifically authorized by section 31149(e) to “issue such regulations as may be necessary to carry out this section.” Authority to implement these various statutory provisions has been delegated to the Administrator of FMCSA [49 CFR 1.87(f)].

Medical variance information (exemptions, skills performance evaluation certificates, and grandfathered exemptions) for all CMV drivers is electronically transmitted from the National Registry to the SDLAs. Under 49 U.S.C. 31136(e) and §31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a two-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” A medical variance (exemptions, skills performance evaluation certificates and grandfathered exemptions) is issued by FMCSA to a driver who would otherwise not meet the physical qualification standards in 49 CFR 391.41(b). Therefore, the medical variance information

¹³ The provisions of § 31149(c)(1)(E) have been amended by § 32302(c)(1)(A) of Moving Ahead for Progress in the 21st Century, Pub. L. 112-141, 126 Stat. 405 (July 6, 2012) (“MAP-21”).

originates with FMCSA who electronically transmits this medical variance information for all CMV drivers from the National Registry to the appropriate SDLAs whenever FMCSA issues, renews, or rescinds a medical variance. SDLAs are required to update CDLIS driver records each business day with medical variance information transmitted from FMCSA for CDL and CLP drivers. This allows the most current information about the medical status of CDL drivers to be available promptly and accurately. Transmission of this information also allows authorized State and Federal enforcement officials to be able to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC, and the medical variance information to include the issued and expiration dates.

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. Forms used for the purposes of collecting PII shall be authorized by the Office of Management and Budget (OMB)

The DOT/FMCSA has prepared a revised records disposition schedule for the National Registry that has been submitted to NARA for approval under job number DAA-0557-2015-0001. All records maintained in this system of records are treated as permanent records until the schedule is approved by NARA. The proposed schedule includes the following retention periods:

1. National Registry Personally Identifiable Information (PII) and National Registry Records of Certified Medical Examiners will be retained for the time the ME is on the National Registry plus 6 years following removal from the National Registry.
2. National Registry Personally Identifiable Information (PII) and National Registry Records of Certified Medical Examiners that have been voluntary or involuntarily removed from the National Registry will be retained for 6 years following removal from the National Registry.
3. National Registry Personally Identifiable Information (PII) of Medical Examiners that are registered but have not completed the certification process or are ineligible for certification by DOT will be retained for 6 years following removal from the National Registry.
4. National Registry Personally Identifiable Information (PII) of Medical Examiner's Administrative Assistants (MEAs) designated by a certified ME will be retained for 1 year from the date the individual is no longer authorized to perform duties in the National Registry system on behalf of the certified ME.
5. National Registry Personally Identifiable Information (PII) and Medical Examination Results of CMV Drivers will be retained concurrent with the records of the ME who performed the driver's medical examination.
6. National Registry Personally Identifiable Information (PII) and Medical Examination Report Records of CMV Drivers will be retained for 3 years from the date the medical examination report records are provided to FMCSA.

MEs are required to retain the original (paper or electronic) MER and a copy or electronic version of the MEC for each medical examination they conduct of CMV drivers for at least 3 years from the date of the examination. In addition, the SDLAs are required to retain an electronic record of the MEC, Form MCSA-5876 information for 3 years.

The "Pending Determination" option on the MER Form, MCSA-5875, allows the ME to defer a decision temporarily for up to 45 days, if the ME requires additional information to make a determination of whether or not the driver is qualified. This information is submitted and stored only in the National Registry system. If the disposition of the pending examination is not updated by the ME before the 45 day expiration date, FMCSA notifies the ME and the driver in writing that the examination is no longer valid and that the driver is required to be re-examined. FMCSA retains the invalidated examination information in the National Registry System consistent with the NARA-approved DOT/FMCSA records disposition schedule for the National Registry. In addition, the ME may select the "Incomplete Examination" option on the MER Form, MCSA-5875 if the examination is not completed. This information is also submitted and stored only in the National Registry system. FMCSA retains the incomplete examination information in the National Registry System consistent with the NARA approved DOT/FMCSA records retention schedule for the National Registry.

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 purpose of the information is the electronic transfer of MEC information for CLP/CDL applicants/holders and medical variance (exemptions, skills performance evaluation certificates and grandfathered exemptions) information for all CMV drivers from the National Registry to the SDLAs via CDLIS. This allows the most current information about the medical status of CDL drivers to be available promptly and accurately. Transmission of this information also allows authorized State and Federal enforcement officials to be able to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC, Form MCSA-5876 (see Medical Certification Forms section for a detailed explanation), and the medical variance information to include the issued and expiration dates. In addition, the Department will allow (but not require) MEs to transmit MEC information about examinations performed in accordance with the FMCSRs and any applicable State variances to the National Registry, which will then be electronically transmitted to the SDLAs for CLP/CDL applicants/holders. This change was made at the request of and as a courtesy to the SDLAs so that they do not need to develop and implement a separate electronic system for intrastate drivers. This new routine use has been added to the National Registry SORN that has been updated and published on the DOT Privacy Program website and in the Federal Register for public comment to coincide with the publication of the Medical Examiner's Certification Integration final rule.

Disclosure of PII is limited to the purposes and uses originally specified in the National Registry final rule, except (a) with the express consent of the individual, or (b) as authorized by law. This includes limiting disclosure of PII for the purposes and uses specified in the National Registry final rule, the Medical Examiner's Certification Integration final rule, the DOT/FMCSA 009 - National Registry SORN, April 23, 2012 (77 FR 24247), and the DOT/FMCSA 009 - National Registry SORN, which has been updated with expanded uses of the data in connection with this PIA and will be published on the DOT Privacy Program website and in the Federal Register for public comment.

FMCSA does not require the disclosure of any personal information to third parties outside FMCSA and FMCSA test development contractors, except to validate the identity and eligibility of the ME candidate, facilitate the transmission of application data and test results to FMCSA by test centers, or as authorized by law. If appropriate, additional information regarding the use and disclosure of information collected may be made in accordance with the U.S. Department of Transportation Prefatory Statement of General Routine Uses, published in the Federal

Register on July 20, 2012 (77 FR 42796) under “Prefatory Statement of General Routine Uses” (available at <http://www.dot.gov/privacy>).

The sharing practices related to the National Registry meet applicable legal, regulatory, programmatic, and oversight obligations. Access to the National Registry or to individual data elements within the National Registry must be linked to a user’s lawfully defined duties that directly support the Agency’s mission.

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).

FMCSA ensures that the collection, use, and maintenance of PII for the National Registry system is relevant to the purposes for which it is to be used and, to the extent necessary for those purposes, it is accurate, complete, and up to date.

FMCSA has taken reasonable steps to confirm the accuracy of PII in the National Registry. This is accomplished by having a screen displayed for the ME to verify and confirm the accuracy of the information that he or she has entered. When an ME candidate reports for his or her certification test, the ME must provide an acceptable form of photo ID (e.g. State Driver’s license, passport, etc.) and the test center notes the type of documentation presented. The ME must also show to the test center his or her current State medical license and provide proof of completing the required training program. The test center confirms the ME’s medical license information against information maintained in the National Registry. In addition, FMCSA verifies the ME’s medical license with the appropriate State systems.

MEs enter their national registry number on the MECs and when drivers present their MECs to their employers, the employers use the national registry number to confirm that the drivers were examined by a ME on the National Registry, as required by 49 CFR § 391.23(m)(1). MEs submit a CMV Driver Medical Examination Results Form, MCSA-5850, for each medical exam they conduct through their individual password-protected web account on the National Registry system. The National Registry system merges the ME’s PII data elements to each MCSA-5850 submitted in order to capture all information collected on the MEC.

MEs are allowed and encouraged to have all drivers review the information that is collected from them for reporting to FMCSA via the CMV Driver Medical Examination Results Form, MCSA-5850, prior to data entry and submission to the National Registry system. This review reduces data entry errors that are transmitted to the National Registry and subsequently to the States, potentially hindering delivery of the MEC information to the intended CDLIS driver record.

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.

PII is 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. 4, Security and Privacy Controls for Federal Information Systems and Organizations, dated April 2013. 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.
- Protect against unauthorized access to or use of PII.

Records in the NRCME system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in the NRCME 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 NRCME system are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. All access to the NRCME system is logged and monitored.

FMCSA has developed secure processes for the transmission of information, records control and repository, and the ability to retrieve and search records. A secure information system and web interface is being used, by which each ME registered in the National Registry receives a unique login ID and password upon his or her acceptance into the National Registry. MEs and MEAAs are able to access this information system but are limited to only view, edit, and change the ME's own identification, contact, medical credential, employer contact, and training information; request voluntary removal from the National Registry; and to securely submit the required CMV driver medical examination results data. A secure web service incorporating web services security (ws-security) framework to perform authentication and authorization is used for third parties that provide bulk upload services to certified MEs.

Testing organizations also have password-protected access to the secure information system and web interface, limited to view and verify the ME's eligibility to take the certification test. Organizations that offer online testing provide a means to authenticate the identity of the person taking the test, to monitor the activity of the person taking the test, and to prevent the person taking the test from reproducing the contents of the test, as required by §390.107(b). Testing organizations develop policies and procedures when using automated monitoring online systems. These policies and procedures are presented to each candidate taking the test. Testing organizations submit their procedures to FMCSA as part of their application to become an approved testing organization. FMCSA conducts security assessments of testing organizations' data systems, including site visits, to ensure protection of PII before approving them to administer the certification test.

Logical access controls restricts users of the NRCME. These controls are guided by the principles of least privilege and need to know. Role-based user accounts are created with specific job functions allowing only authorized accesses, which are necessary to accomplish assigned tasks in accordance with compelling operational needs and business functions of the NRCME system. Any changes to user roles required approval of the System Manager. User accounts are assigned access rights based on the roles and responsibilities of the individual user. Individuals requesting access to NRCME must submit some personal information (e.g., name, contact information, and other

related information) to FMCSA as part of the authorization process. Such authorized users may add/delete data commensurate with their requirements.

Users are required to authenticate with a valid user identifier and password in order to gain access to NRCME. 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 stored in or retrieved by NRCME.

The NRCME maintains an auditing function that tracks all user activities in relation to data including access and modification. FMCSA prevents unauthorized access to data stored in the NRCME system through technical controls including firewalls, intrusion detection, encryption, access control list, and other security methods. These controls meet Federally mandated information assurance and privacy requirements.

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. No access will be allowed to the NRCME prior to receiving the necessary clearances and security and privacy training as required by DOT/FMCSA. All users at the Federal and State level are made aware of the FMCSA Rules of Behavior (ROB) for IT Systems prior to being assigned a user identifier and password and prior to being allowed access to NRCME.

A security authorization is performed every year to ensure that NRCME meets FMCSA and Federal security requirements. NRCME also undergoes an additional security authorization whenever a major change occurs to the system. NRCME is assessed in accordance with the Office of Management and Budget (OMB) Circular A-130 Appendix III, Security of Federal Automated Information Resources and the DOT Certification and Accreditation Guidance. NRCME is approved through the Security Authorization Process under the National Institute of Standards and Technology. As of the date of publication of this PIA, the NRCME was last authorized in July 31, 2015.

Security Assurances Inherited from the AWS Cloud

Use of the AWS Cloud allows FMCSA to re-use and leverage a FedRAMP-compliant cloud system environment and approved Federal cloud service provider (CSP). The AWS FedRAMP-compliant environment consists of the AWS Cloud network and AWS internal data center facilities, servers, network equipment, and host software systems that are all under reasonable control by AWS. The AWS Cloud environment and service facilities are restricted to US personnel and all AWS Cloud community customers are restricted to US government entities from federal, state or local government organizations.

The AWS environment had been evaluated and tested by FedRAMP-approved independent third-party assessment organizations (3PAOs). The AWS is designed to meet NIST SP 800-53 minimum security and privacy control baselines for information and/or Federal information systems risk up to Moderate impact levels. As confirmed through audit, the AWS addresses recent requirements established by NIST SP 800-171 for Federal agencies to protect the confidentiality of controlled unclassified information in non-federal information systems and organizations. AWS

provides FIPS Pub 140-2 compliant services to protect data-at-rest with AES-256 based encryption and validated hardware to secure connections to the AWS.

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 NRCME system. 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. Guidance is provided in the form of mandatory annual Security and privacy awareness training as well as DOT/FMCSA Rules of Behavior. The FMCSA Security Officer and FMCSA Privacy Officer will conduct regular periodic security and privacy compliance reviews of the NRCME consistent with the requirements of the Office of Management and Budget (OMB) Circular A-130, Section 8b(3), Securing Agency Information Systems.

Responsible Official

Charles A. Horan III
Director, Office of Carrier, Driver, and Vehicle, Safety Standards
Federal Motor Carrier Safety Administration

Approval

Claire W. Barrett
Chief Privacy & Information Asset Officer
Office of the Chief Information Officer

Appendix A – Collection of PII

Below is a description of the PII collected in support of the National Registry. All PII collected as part of the National Registry of Certified Medical Examiners final rule is followed by additional and/or changes in the PII collected as part of the Medical Examiner's Certification Integration final rule.

ME PII Collection

Below is a description of the PII collected from Certified Medical Examiners in support of the National Registry.

National Registry of Certified Medical Examiners PII

The following ME PII and business information is collected and maintained by FMCSA in support of the National Registry:

ME PII Collection for Registration and Certification Process

- Contact Information/Place of Business (physical location where ME will perform licensed CMV driver medical examinations)
 - Full name (first, last, middle initial)
 - Primary email address
 - National registry number assigned by FMCSA
 - Business name
 - Business address
 - Business telephone number
 - Business fax number (optional)
 - Business email address (optional)
 - Business website address (optional)
 - Business hours of operation (optional)
- Employer Information
 - Employer name
 - Employer address
 - Employer telephone number
 - Employer fax number (optional)
 - Employer email address (optional)
- Medical Licensing Information (used to validate medical credentials)
 - Medical profession
 - License, certificate or registration number
 - Medical license State of issue
 - Medical license expiration date

ME PII Collection for Certification Training

- Training Information
 - Provider name
 - Training provider address or website (optional)
 - Date training completed
 - Training expiration date
 - Organization that accredited the training (optional)
 - Type of training (optional)

ME PII Collection for Certification Testing

- Identity verification
 - Type of ME photo ID
 - Expiration date of ME photo ID
 - National registry number issued by FMCSA
 - Medical credential or license
 - Training certification
- Test Information
 - Testing organization name
 - Testing organization ID
 - Test center name
 - Test center ID
 - Test type
 - Test ID
 - Date of certification test
 - Certification test questions
 - Certification test answers
 - Test center grade (pass fail)
 - Test center score (numeric)

ME PII Collection Regarding Certification Decision/Status

- FMCSA test grade (pass/fail)
- FMCSA test score (numeric)

As discussed in the National Registry final rule PIA dated August 20, 2012, during the final stage of the National Registry rulemaking process a decision was made that the following ME PII elements previously discussed in the National Registry NPRM PIA were not needed in support of the implementation of the National Registry final rule. Therefore, the following data elements were removed from or made an optional collection:

- Information on MEs
 - Date of application
 - Job title, if applicable
 - Type of certification (initial, recertification, or reinstatement)
 - Employer fax number (optional)
 - Business fax number (optional)

Medical Examiner's Certification Integration PII*ME PII Collection on the MER Form, MCSA-5875*

The following ME PII is collected and recorded on the MER Form, MCSA-5875 in support of the National Registry:

ME PII Collection

- ME Information
 - Full Name (first, last, middle initial)
 - Signature
 - Date
 - Address
 - Telephone number

- License, certificate, or registration number
- State issuing license, certificate, or registration
- Healthcare profession
- National registry number
- Expiration of certification

ME PII Collection on the MEC, Form MCSA-5876

The following ME PII is collected and recorded on the MEC, Form MCSA-5876 in support of the National Registry:

ME PII Collection

- Identify Verification
 - Full name (first, last, middle initial)
 - Telephone number
 - Signature
 - Healthcare profession
 - Medical license, certificate or registration number
 - State of issue for medical license, certificate, or registration
 - National registry number
 - Date MEC is signed

MEAA and Third-Party PII Collection

Below is a description of the PII collected from Certified Medical Examiner designated Administrative Assistants and third parties in support of the National Registry.

National Registry of Certified Medical Examiners PII

The National Registry system collects and maintains the following PII and business information from MEAAs and third parties in support of the National Registry:

MEAA and Third Party PII Collection to Register with the National Registry System

- Identity Information
 - Full name (first, last, middle initial)
 - National registry number issued by FMCSA
- ME Business Relationship
 - Business address
 - Business telephone number
 - Business email address
 - Business website link information (optional)
 - Name of certified ME that designated the AA
 - National registry number of certified ME that designated the AA

CMV Driver PII Collection

Below is a description of the PII collected from CMV drivers in support of the National Registry.

National Registry of Certified Medical Examiners PII

The following CMV driver PII is collected and maintained by FMCSA in support of the National Registry:

CMV Drivers PII Collection for Reporting Medical Examination Results to the National Registry System via the MCSA-5850

- Identity Verification
 - Full name (first, last, middle initial)
 - Date of birth
- State Driver's License
 - License number
 - License issuing State
 - CDL status
- Medical Examination Results
 - Date of examination
 - Examination Result (medically qualified according to FMCSRs, medically qualified according to FMCSRs with any applicable State variances, medically unqualified, pending determination, incomplete examination)
 - Certificate expiration date
 - Driver restrictions/variances
 - Driver waiver/exemption type

As discussed in the National Registry final rule PIA dated August 20, 2012, during the final stage of the National Registry rulemaking process, a decision was made that the following CMV driver PII previously discussed in the National Registry NPRM PIA were not needed in support of the implementation of the National Registry final rule. Therefore, the following data elements were removed from the MCSA-5850:

- Information on Commercial Motor Vehicle Drivers
 - Medical examination
 - Additional driver information on the MER and MEC
 - Social Security Number
 - Driver's mailing address

Medical Examiner's Certification Integration PII

Additional CMV Drivers PII Collection for Reporting Medical Examination Results to the National Registry System via the MCSA-5850

In addition to the driver data elements listed above under the heading "*National Registry of Certified Medical Examiners PII*" the Medical Examiner's Certification Integration final rule requires the collection of the following additional CMV driver information on the MCSA-5850 in support of the National Registry:

- Driver's mailing address (not a new collection, has always been collected on MER and MEC)
- Driver's email address (optional)

CMV Driver PII Collection on the MER Form, MCSA-5875

National Registry of Certified Medical Examiners PII

The following CMV driver PII is collected and recorded on the MER Form, MCSA-5875 in support of the National Registry:

Information on the CMV Driver Examined

- Identity Verification
 - Full name (first, last, middle initial)
 - Date of Birth
 - Age
 - Gender
 - Mailing address
 - Contact telephone number(s)
 - Type of photo ID used to verify identity of driver
- State Driver's License
 - License number
 - License state of issue
 - CDL status
 - Driver ID verification
- Information on the Medical Examination of the CMV Driver
- Medical Examination Information
 - Driver health history
 - Test results (blood pressure, urinalysis, vision, hearing, etc.)
 - Examination results of body systems (skin, eyes, ears, heart, etc.)
- ME Determination
 - Medical qualification decision (medically qualified according to FMCSRs, medically qualified according to FMCSRs with any applicable State variances, medically unqualified, pending determination, incomplete examination)
 - Driver restrictions/variances

CMV Driver PII Collection on the MEC, Form MCSA-5876

National Registry of Certified Medical Examiners PII

The following CMV driver PII is collected and recorded on the MEC, Form MCSA-5876 in support of the National Registry:

CMV Driver PII Collection

- Identity Verification
 - Full name (first, last, middle initial)
 - Mailing address
- State Driver's License
 - License number
 - License issuing State
 - CDL status
- Medical Examination
 - Examination Result (medically qualified according to FMCSRs or medically qualified according to FMCSRs with any applicable State variances)

- Certificate expiration date
- Driver restrictions/variances
- Driver waiver/exemption type

CMV Driver PII Collection for Medical Variances

The following CMV driver PII is collected and maintained in support of the National Registry:

CMV Driver PII Collection for Medical Variances_(exemptions, skills performance evaluation certificates and grandfathered exemptions)

- Medical Variance
 - Driver's Full Name
 - Driver's Date of Birth
 - Driver variance type (diabetes, vision, hearing, seizure, SPE, etc.)
 - Driver variance issue date
 - Driver variance expiration date