

# BPA Policy 236-2

## Information Collection

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## 1. Purpose & Background

- A. This policy establishes the Bonneville Power Administration (BPA) requirements and processes for information collection, as well as the information collection requirements of the Privacy Act, Paperwork Reduction Act (PRA), and E-Government Act. BPA gathers information in a variety of ways, including forms, surveys, email, and interviews. This policy is a format-neutral guide to help BPA comply with information collection requirements.
- B. As described in BPA Policy 236-1, *Information Governance & Lifecycle Management*, information is a vital business asset. BPA appropriately manages its information assets to ensure their protection and quality, and to meet regulatory and legal obligations. As described in BPA Policy 236-3, *Privacy Program*, additional safeguards may be necessary to reduce the risk of disclosure of personally identifiable information (PII).
- C. BPA offices that currently collect information must comply with the requirements of the PRA, the Privacy Act, and Office of Management and Budget (OMB) Circular A-130, *Managing Information as a Strategic Resource*.

## 2. Policy Owner

The Executive Vice President (EVP) of Compliance, Audit, and Risk Management has overall responsibility for this policy. The BPA Privacy Officer within Information Governance develops, implements, and manages this policy on behalf of the EVP of Compliance, Audit, and Risk Management. The BPA Privacy Officer may approve procedures implementing this policy.

## 3. Applicability

This policy sets requirements for all BPA information collections and proposed information collections.

## 4. Terms & Definitions

- A. **DOE Form:** a form developed for use by the Department of Energy (DOE) and its contractors and approved by the DOE Forms Manager. A DOE form is used to obtain or provide information to at least two or more field elements or a field element and DOE Headquarters.
- B. **Form:** an arrangement of captioned fields designed for entering, collecting, and/or extracting information, regardless of medium.
- C. **Information Collection (IC):** any request for information in paper, electronic, or verbal form that BPA prepares or distributes.

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- D. **Information Collection Owner:** the Office of Record responsible for collecting the information on behalf of BPA. The Office of Record is also responsible for maintaining the information collected.
- E. **Information Collection Request (ICR):** the written proposal submitted to OMB for new or revised information collections that require approval from OMB in accordance with the PRA.
- F. **Information:** any statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media.
- G. **Information System:** discrete set of information resources organized for the collection, processing, maintenance, transmission, and dissemination of information.
- H. **Instrument:** the mechanism used to collect information from individuals or organizations. Instruments include, but are not limited to, report forms, application forms, questionnaires, surveys, agreements, policy statements, requests for proposal, focus groups, and verbal communications.
- I. **Official BPA Form:** a form developed for use by BPA and its contractors that is approved by the BPA Forms Management Program Office.
- J. **Office of Record:** The organization, by definition of its mission or function, that has primary responsibility for maintenance and retention of the record.
- K. **Person:** an individual, contractor, organization, or non-Federal government entity.
- L. **Personally Identifiable Information (PII):** as defined in DOE O 206.1, Department of Energy Privacy Program (2009), PII is information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual. Because there are many different types of information that can be used to distinguish or trace an individual's identity, the term PII is necessarily broad.
- M. **Privacy Impact Assessment (PIA):** an analysis of how PII is collected, used, shared, and maintained in an electronic information system. PIAs document risk, demonstrate to the public how BPA has incorporated privacy protections into the information lifecycle, and function as a resource document to facilitate decision making in case of an incident or breach. PIAs are required by the E-Government Act of 2002.
- N. **Privacy Needs Assessment (PNA):** the first module of DOE's PIA, a preliminary analysis of the information types in a proposed information collection.
- O. **Privacy Act System of Records:** a group of records from which information is retrieved by the name of the individual or some identifying particular assigned to the individual. BPA's Privacy Act Systems of Records are available on BPA.gov.

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- P. **Standard Form (SF):** any form prescribed by a Federal agency, pursuant to its regulatory authority and approved by the General Services Administration (GSA) and, if required, by OMB for mandatory government-wide use.

## 5. Policy

- A. BPA only collects information that is necessary to conduct its operations and business.
- B. Carefully considered and legally compliant collection of information is part of BPA’s overall commitment to managing Federal information throughout its lifecycle, including collection, use, processing, maintenance, dissemination, disclosure, and disposition.
- C. BPA balances the need for new information against costs and risks such as: costs to collect the information and maintain the records, costs to ensure data quality, privacy risks, and information security risks.
- D. BPA keeps collection of PII to a minimum.
- E. BPA must conduct a PNA on every new information collection if the information will be stored on or processed by an electronic information system.
- F. BPA must conduct a PIA when:
  - 1. The information collected will be stored on or processed by an electronic information system; and
  - 2. The information collection will include information about individuals in identifiable form.
- G. If PII will be regularly accessed by name or other personal identifier, the information collection must comply with the Privacy Act.
  - 1. Proposed information collections that must comply with the Privacy Act will be analyzed to determine if the information collection fits within a published DOE or government-wide Privacy Act System of Records.
  - 2. If the proposed information collection does not fit within a published System of Records, CGI will work with the Information Collection Owner to develop a proposal to send to DOE for the creation of a new Privacy Act System of Records.
- H. BPA must obtain approval from OMB when a proposed information collection will ask for identical information from 10 or more people or organizations within the same 12-month period.
- I. To obtain approval from OMB, BPA submits an ICR which consists of:
  - 1. The proposed form or questionnaire and any related transmittals to its intended recipients;

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2. A detailed justification for the information collection and description of the proposed methods for collecting, analyzing, and using the information;
  3. A description of the reporting and recordkeeping costs to both the respondent and BPA associated with the information collection; and
  4. A copy of the directive, regulation, or strategic goal requiring or supporting the information collection.
- J. BPA must use an SF to collect information if prescribed by regulation for a specific business process.
- K. BPA must use a DOE form to collect information if prescribed by a DOE directive for a specific business process.
- L. BPA must use an official BPA form if:
1. Information is being collected to meet compliance with a regulation and an SF or DOE form is not required or available, or
  2. Information is being collected in support of a business process that impacts more than one Tier 1 organization.
- Organizations seeking to collect information described in this section 5.K of this document (regardless of format) must seek approval from the BPA Forms Management Program pursuant to the procedure outlined in BPA Procedure 236-2-1, *Forms Management*.
- M. Official BPA forms, regardless of media, must meet accessibility requirements in Section 508 of the Rehabilitation Act.

## 6. Policy Exceptions

- A. Approval from OMB is not required for information collections that only contain information about Federal employees (Bonneville Full-Time Equivalency (BFTE) employees).
- B. Approval from OMB is not required for information collected during the conduct of a Federal criminal investigation or prosecution; other litigation or investigative activities; or during the conduct of intelligence activities and cryptologic activities that are communications security activities.
- C. Approval from OMB is not required for information disclosures that require individuals to provide only facts that entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument.

This includes:

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1. Affidavits, oaths, affirmations, certifications, receipts, changes of address, and consents or acknowledgements.
2. Facts or opinions obtained through direct observation by an employee or agent of the sponsoring agency.
3. Facts or opinions submitted in response to general solicitations of comments from the general public.
4. Facts or opinions requested from a single person.
5. Examinations designed to test the aptitude, abilities, or knowledge of the person tested for a collection.
6. Facts or opinions solicited in connection with public hearings or meetings.
7. Information solicited through non-standardized follow-up questions designed to clarify responses to approved collections of information.
8. Similar items as designated by OMB.

## 7. Responsibilities

### A. Executives and Managers

1. Assist in identifying existing collections of information.
2. Minimize burden and cost when developing reporting requirements.
3. Integrate information collections into program planning and management efforts to ensure that:
  - a) any proposed collection is not put in place prior to obtaining the appropriate approvals;
  - b) staff can develop and implement information collections as needed to support operational and program requirements; and
  - c) information collection costs are identified to support appropriate budget allocations.

### B. Information Collection Owners

1. Contact Information Governance/CGI for review of a proposed information collection to determine if it requires Privacy Act, PRA, or PIA compliance work. The request should contain the instrument, the reason for collection, the number or approximate number of people or organizations participating per year, the types of information needed, how information will be managed, and the disposition of information collected.

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2. Ensure the review and analysis of all information collections under their management; ensure the processing of all information collections for approval; and develop plans to bring all current information collections into compliance with this policy.
3. Create and revise official BPA forms in accordance with BPA Procedure 236-2-1, *Forms Management*.
4. Responsible for ensuring official BPA forms meet accessibility requirements in Section 508 of the Rehabilitation Act, in accordance with BPA Procedure 236-2-1, *Forms Management*.
5. Serve as the Office of Record for maintenance and retention of the information collected in accordance with BPA Policy 236-1, *Information Governance & Lifecycle Management* (2015).

**C. Information Governance Privacy/Information Collection Program Office**

1. Provide oversight, guidance, and technical assistance to all offices in implementing this policy.
2. Maintain an agency-wide view of information collections to make the most efficient use of information collections and to ensure there are no duplications of effort.
3. Coordinate the approval process for information collections according to Bonneville, OMB, GSA, and budget requirements.
4. Maintain the official record of all information collection approvals.
5. Track PRA collections that fail to achieve OMB approval through the PRA submission process until approval for the collection is received or the information collection is stopped.

**D. Information Governance Forms Management Program Office**

1. Review and approve official BPA forms in accordance with BPA Procedure 236-2-1, *Forms Management*.
2. Responsible for ensuring official BPA forms meet accessibility requirements in Section 508 of the Rehabilitation Act, in accordance with BPA Procedure 236-2-1, *Forms Management*.
3. Manage official BPA form inventory.

**8. Standards & Procedures**

The Information Governance Privacy Program Office manages all processes related to PIAs, the Privacy Act, and the PRA. There are four processes:

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- A. **PIA:** Privacy Impact Assessments are conducted on information technology systems that exist in Bonneville’s operating environment and store information collections. Each system must be assessed for collecting, storing, and retrieving PII. This is an approval process through the DOE Chief Information Officer.
- B. **Privacy Act:** Privacy Act compliance is required for information collections where information will regularly be accessed by name or personal identifier. New collections that fit under a currently published Privacy Act System of Records will be updated to ensure that appropriate notice procedures and protections are in place. New collections that do not fit under a currently published Privacy Act System of Records require approval from DOE and publication in the Federal Register. This process is rarely undertaken by DOE, and Information Collection Owners should be aware that DOE may require or encourage the limitation or elimination of such new collections.
- C. **Paperwork Reduction Act Submission:** Approval is sought from OMB for any information collection that gathers the same information from ten or more individuals, or entities, within any 12-month period. This process requires an extensive review for the creation and submission of an ICR. The ICR documents the need for and use of the information being collected; confirms that Bonneville is not collecting the same data from multiple sources; documents Bonneville’s efforts to reduce the burden of providing the information; and confirms that Bonneville uses the appropriate statistical methodology and technology in the collection of information. The documentation and submission requires review by DOE, two Federal Register notices, and final submission and approval by OMB. This process can average 6 months to complete.  
  
For an information collection that is in place, the Privacy Program Office will determine if it can continue to operate while the approval process is completed. The determination will be based on the risk to PII, business functions, and other factors.  
  
The Privacy Program Office will work closely with the IC Owner, providing education and guidance as needed, throughout any process required.
- D. **Official BPA Form approval:** Organizations seeking to collect information using an official BPA form must seek approval from the BPA Forms Management Program pursuant to BPA Procedure 236-2-1, *Forms Management*.

## 9. Performance & Monitoring

The Information Governance Privacy Program Office will identify and monitor all information collections to ensure compliance, and report non-compliance and collections denied approval to the Information Governance Oversight Team (IGOT) for direction and resolution.

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## 10. Authorities & References

Bonneville established this policy in compliance with the below requirements.

- A. 44 USC §§ 3501–3521, *Paperwork Reduction Act* (1995)
- B. 29 USC § 701, *Rehabilitation Act of 1973*
- C. 5 CFR 1320, *Controlling Paperwork Burdens on the Public* (1995)
- D. Executive Order 12291, *Federal Regulation* (2/17/1981)
- E. Public Law 107-347, *E-Government Act of 2002*
- F. Public Law 104-106, *Information Technology Management Reform* (1996)
- G. Public Law 105-277, *Government Paperwork Elimination Act (GPEA)* (1998)
- H. 5 USC § 552a, *Privacy Act of 1974*, as amended
- I. DOE Order 200.2, *Information Collection Management Program* (2006)
- J. DOE Guide 242.1-1, *Forms Management Guide* (2000)
- K. OMB Circular A-130, *Managing Information as a Strategic Resource* (7/28/2016)
- L. OMB Memorandum M-13-13, *Open Data Policy—Managing Information as an Asset* (5/9/2013)
- M. OMB Memorandum, *Information Collection under the Paperwork Reduction Act* (4/7/2010)
- N. OMB Memorandum 99-05, *Privacy and Personal Information in Federal Records* (5/14/1998)
- O. 40 FR 28948, *Privacy Act Implementation, Guidelines and Responsibilities* (7/9/1975)
- P. BPA Policy 470-3, *Protection of Personally Identifiable Information within the BPA Application Portfolio* (Version 2.0, 3/25/2015)
- Q. BPA Policy 236-3, *Privacy Program Policy* (Version 1.0, 11/6/2019)

## 11. Review

The Information Governance Privacy/Information Collection Program Office will review this policy and information collections on a 3-year cycle in accordance with the PRA. Review of technology systems requiring a PIA is done annually, or upon revision of the information collected and stored in the system.

Any revisions to BPA Policy 236-1, Information Governance & Lifecycle Management, or other policies governing information management, will trigger a review of this policy for consistency.

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## 12. Revision History

Version Number	Issue Date	Brief Description of Change or Review
1.0	12/20/2018	New policy
2.0	7/29/2020	<ul style="list-style-type: none"> <li>• Policy 236-25 Forms Management consolidated with this policy.</li> <li>• Forms-related standards and requirements updated.               <ul style="list-style-type: none"> <li>○ Mandatory use of an SF if prescribed by regulations.</li> <li>○ Mandatory use of a DOE form if prescribed by a DOE directive.</li> <li>○ Mandatory use of a BPA official form if information is being collected to meet compliance with a regulation and an SF or DOE form is not required, or information is being collected in support of a business process that impacts more than one Tier 1 organization.</li> <li>○ BPA official forms must be approved by the BPA Forms Management Program.</li> <li>○ Official BPA forms must meet accessibility requirements in Section 508 of the Rehabilitation Act.</li> <li>○ <i>Form</i> is media neutral, meaning the definition includes InfoPath forms.</li> </ul> </li> </ul>

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