

United States Department of Justice



Administrative Privacy Impact Assessment for SurveyMonkey

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(May 2015 DOJ Admin PIA Template)

EXECUTIVE SUMMARY

SurveyMonkey is a third-party website and application¹ that enables the United States Department of Justice (DOJ or the Department) and its components² to create customized surveys. Once a user creates a SurveyMonkey account, the user has access to over 100 survey templates and over 2,500 questions. Users may also create custom templates and questions. SurveyMonkey allows users to send surveys via the internet and email.³

The Department conducted this Administrative Privacy Impact Assessment (Admin PIA) because the Department and its components may utilize SurveyMonkey to collect and retain personally identifiable information (PII), including a survey taker's name, address, email address, internet protocol (IP) address, and other information that enables the Department and/or SurveyMonkey to identify respondents. SurveyMonkey's Terms of Service⁴ and Privacy Policy⁵ govern its collection, use, maintenance, and disclosure of information. Users may wish to review the SurveyMonkey Privacy Policy before using its services to understand how and when SurveyMonkey collects, uses, and shares the information submitted for Department surveys using SurveyMonkey's services.

Section 1: The Type and Purpose of System and Information Collected and Stored within the System:

1.1 What is the purpose for which the records and/or system were designed to serve for the agency?

DOJ is responsible for enforcing the law and defending the interests of the United States according to the law; to ensuring public safety against threats foreign and domestic; providing federal leadership in preventing and controlling crime; seeking just punishment for those guilty of unlawful behavior; and ensuring fair and impartial administration of justice for all Americans. In executing these functions, the Department may create, develop, and manage various initiatives, events, programs, and

¹ The terms "third-party websites or applications" refer to "web-based technologies that are not exclusively operated or controlled by a government entity, or web-based technologies that involve significant participation of a nongovernment entity. Often these technologies are located on a '.com' website or other location that is not part of an official government domain. However, third-party applications can also be embedded or incorporated on an agency's official website." See OMB Memorandum M-10-23, Guidance for Agency Use of Third-Party Websites and Applications (June 25, 2010) (citations omitted), <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2010/m10-23.pdf>.

² Prior to using Survey Monkey, Department components must certify that they have read this Admin PIA and will utilize Survey Monkey in a manner consistent with the activities described herein. Components that wish to use Survey Monkey in a manner that is beyond the scope of this Admin PIA must complete a separate PIA, or provide an addendum to this Admin PIA, that the Department, where practicable, will publish on the DOJ PIA webpage: <https://www.justice.gov/opcl/doj-privacy-impact-assessments>.

³ More information about Survey Monkey may be found at: <https://www.surveymonkey.com>.

⁴ The Survey Monkey Terms of Service may be found here: <https://www.surveymonkey.com/mp/legal/which-terms-apply/>.

⁵ The Survey Monkey Privacy Policy may be found here: <https://www.surveymonkey.com/mp/legal/privacy-policy/>.

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services. The Department must have in place effective and efficient mechanisms to solicit information from DOJ employees and the public to facilitate its services, assess the utility of its services, and determine ways in which these services can be improved.

SurveyMonkey is a third-party configurable survey platform that allows the Department and its components to quickly create and facilitate surveys to engage with the public and DOJ employees. The Department's use of SurveyMonkey will vary depending on its authorities, and the needs of its initiatives, events, programs, and services. Components have two options for utilizing the platform: they can create a free account, which provides access to a limited number of surveys with a limited number of customizable features, or they can sign up for a paid subscription, which provides unlimited surveys and all features.⁶ Some common uses of surveys in the Department may include, but are not limited to: employee satisfaction surveys; opinion surveys about new or existing policies; feedback and opinions on DOJ events, programs, and services; and public opinion surveys about new Department initiatives. SurveyMonkey eliminates the need for the Department to create its own survey templates, questions, and delivery mechanisms.

1.2 What information in identifiable form (IIF) is made available or is to be collected, maintained, used or disseminated by the system (e.g., identifying numbers, general personal data, work-related data, distinguishing features/biometrics, system admin and user data)?

Depending on the survey, the Department may use SurveyMonkey to collect names, professional titles, addresses, email addresses, and/or other information that could be used to identify a respondent, either taken alone or in conjunction with other information.

Survey responses will also be collected. Survey questions will only solicit information relevant to the purpose of the survey (including but not limited to: employee satisfaction surveys; opinion surveys about new or existing policies; feedback and opinions on DOJ events, programs, and services; and public opinion surveys about new Department initiatives). Survey questions can be presented in a variety of different ways, including but not limited to: multiple choice questions, checkboxes, star ratings, single or comment textboxes, matrix of dropdown menus, rating scales, and rankings. Surveys may also allow respondents to upload documentation to supplement responses to the survey questions.

⁶ For free accounts, components should contact the Department's Social Media Working Group and ensure that government-friendly terms of service are negotiated before utilizing the platform. For paid subscriptions, components will need to work with their procurement offices to ensure that licensing agreements and terms of service are compliant with Federal law and DOJ policy.

DOJ components will have access to SurveyMonkey features that allow users to view the IP addresses on which the survey was taken, the time of day respondents started and last modified the survey, and the total time spent on the survey per individual.

1.3 About whom (e.g., government employees, members of the public, individuals associated with investigations) and from whom is the IIF collected (e.g., directly from individual about whom the information pertains, government or non-government sources)?

Information will be collected directly from respondents who choose to participate in surveys that utilize SurveyMonkey. These respondents may be government employees or members of the public. Depending on the nature of particular surveys, respondents may also provide PII about third parties relevant to the purpose of the survey.

Section 2: The Uses and Sharing of Information Collected and Stored within the System:

2.1 What are all the Department's intended uses of the IIF collected (e.g., criminal law enforcement, intelligence matters, civil enforcement, administrative matters, public affairs, or human resources)?

The Department intends to use SurveyMonkey to conduct surveys related to administrative matters, public affairs, human resources, and other matters related to conducting the business of the Department.⁷ As such, SurveyMonkey will not be utilized to collect classified information.

To the extent that surveys are considered Privacy Act-protected records maintained in a system of records, the Department will maintain these records consistent with the Privacy Act. Specifically, the Department will not disclose such records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the respondent to whom the record pertains, or if the disclosure is otherwise consistent with the Privacy Act.⁸

2.2 Describe why the information that is collected, maintained, or disseminated is necessary to accomplish the intended uses described above and to further the component's and/or the Department's mission. Indicate legal authorities, policies, or agreements that authorize collection of the information in the system.

⁷ This Admin PIA does not cover data collected from SurveyMonkey in executing the Department's criminal law enforcement, civil law enforcement, or intelligence functions.

⁸ See 5 U.S.C. 552a(b).

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Depending on the nature of the survey, it may be necessary to collect names, titles, and biographical information in order to accurately analyze and interpret the feedback in the survey. It may also be necessary to collect email addresses, telephone numbers, and other contact information to follow up with respondents after the survey.

The information necessary to facilitate the purposes of particular surveys will vary, but survey questions will be narrowly tailored to only solicit the information necessary to effect the survey's stated purpose. As described below, in an effort to mitigate any privacy risks, surveys offered via SurveyMonkey will be voluntary, and notice will be provided to those being surveyed beforehand indicating how the Department will maintain, use, or share PII through the use of SurveyMonkey.

2.3 Indicate how long the information will be retained to accomplish the intended purpose, and how it will be disposed of at the end of the retention period. Reference the applicable retention schedule approved by the National Archives and Records Administration, if available or necessary.

Prior to utilizing SurveyMonkey, DOJ components must coordinate with their Records Managers to ensure that the information collected by SurveyMonkey that constitutes "records" under the Federal Records Act, 44 U.S.C. § 3301, will be retained as required by applicable DOJ policy and records retention schedules approved by the National Archives and Records Administration (NARA). The component must have an appropriate records schedule in place prior to utilizing SurveyMonkey.⁹

2.4 With whom does the component intend to share the information in the system (e.g., within the component, other Department components, foreign/federal/state/local authorities, public, etc.) and how will the information be shared (e.g., case-by-case basis, bulk transfer, or direct access)?

Information collected using SurveyMonkey will be shared within the Department only with personnel who have a need to know. Within the Department, only staff facilitating the survey will have direct access to SurveyMonkey. If the Department uses SurveyMonkey to facilitate a survey that requires the Department, by Federal law or otherwise, to make public survey results, the Department will publically release the surveys and the names of the respondents completing the survey.

⁹ When DOJ uses SurveyMonkey to collect information related to its public services, the records will likely fall under General Records Schedule 6.5: Public Customer Service Records, Item 010, Public Customer Service Operations Records. The schedule is available here: <https://www.archives.gov/files/records-mgmt/grs/grs06-5.pdf>.

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By providing information through SurveyMonkey for a Department survey, SurveyMonkey will also collect, use, maintain, and disclose user information in accordance with its Terms of Service and Privacy Policy. Users may wish to review the SurveyMonkey Privacy Policy before using its services to understand how and when SurveyMonkey collects, uses, and shares the information submitted for Department surveys.

2.5 Are there any potential threats to privacy that exist in light of the information collected or shared? Please describe the choices that the component made with regard to the type or quantity of information collected and the sources providing the information in order to prevent or mitigate threats to privacy.

The Department has taken appropriate steps to mitigate any potential threats to privacy that exist in light of the survey information collected and shared. There is a possibility of over-collection, especially when a survey contains open text boxes. To mitigate this, the Department will use narrowly-written questions and will avoid using open text boxes whenever possible. The Department will collect only the information necessary for the proper performance of agency functions.

There is also a risk that the system could be physically compromised. To mitigate this, the Department employs a robust physical security system to protect its servers and access terminals to minimize the unauthorized access or misuse of registration information maintained by the Department. The Department has examined SurveyMonkey's Privacy Policy to evaluate the risks, and is developing a process in which it will monitor any changes to the Policy that would require a reassessment of those risks. Finally, information is entered directly by survey takers to minimize the possibility of the Department collecting inaccurate information.

Section 3: The Security of the Information Collected and Stored within the System:

3.1 What controls has the component put into place to ensure that the information is handled, retained, and disposed appropriately (e.g., access/security controls, monitoring/testing/evaluation, auditing, privacy training, automatic purging of information, MOUs)?

Before utilizing SurveyMonkey, the Department and its components must coordinate with the DOJ Office of the Chief Information Officer, or a component's Chief Information Officer, to issue a risk certification memorandum that affirms an acceptable residual risk associated with the component's use of SurveyMonkey for conducting

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surveys. Each component's use of SurveyMonkey will be different; however, the security risk assessment will review, among other things, access/security controls in place, monitoring and auditing activities, privacy training and awareness, and information disposal procedures. The component must obtain this certification memorandum prior to utilizing SurveyMonkey.

SurveyMonkey also allows the Department to utilize certain technical controls to ensure that the information is handled, retained, and disposed of appropriately. This includes, but is not limited to: sending survey links utilizing the Secure Sockets Layer (SSL) encryption protocol;¹⁰ restricting survey access by password;¹¹ and establishing cut off dates and times for surveys.¹² Where practicable, components must utilize these technical controls.

3.2 Has a Certification and Accreditation been completed for this system? If yes, please provide the date; if one is underway, provide a status or completed expected completion date.

A full Certification and Accreditation is not required for the Department's use of SurveyMonkey, consistent with the practices outlined in this Admin PIA. Prior to utilizing the platform, however, components must coordinate with the DOJ Office of the Chief Information Officer, or the component's Chief Information Officer, to issue a risk certification memorandum that affirms an acceptable residual risk associated with the component's use of SurveyMonkey.

3.3 Has security risk assessment been completed for this system? If yes, please provide the date.

Prior to utilizing SurveyMonkey, Department components must coordinate with the DOJ Office of the Chief Information Officer, or the component's Chief Information Officer, to issue a risk certification memorandum that affirms an acceptable residual risk associated with the component's use of SurveyMonkey. Each component's use of SurveyMonkey will be different; however, the security risk assessment will review, among other things, the access/security controls, monitoring and auditing activities,

¹⁰ SSL is "a protocol developed for transmitting private documents or information via the Internet. SSL creates a secure connection between a client and a server, encrypting sensitive information being transmitted through the web page." SurveyMonkey Help Center: SSL Encryption, https://help.surveymonkey.com/articles/en_US/kb/What-is-the-enhanced-security-option-SSL-encryption (last visited Aug. 27, 2018).

¹¹ With SurveyMonkey's Password Protection function, "when respondents click the survey link, they'll be prompted to enter a password in order to access the survey." SurveyMonkey Help Center: Restricting Survey Access by Password or IP Address, https://help.surveymonkey.com/articles/en_US/kb/Can-I-block-or-restrict-access-to-my-survey (last visited Aug. 27, 2018).

¹² SurveyMonkey allows components to automatically close a survey at a certain date and time. SurveyMonkey Help Center: Setting a Cutoff Date & Time, https://help.surveymonkey.com/articles/en_US/kb/Can-I-set-or-extend-a-cutoff-date-and-time-or-a-maximum-response-count (last visited Aug. 27, 2018).

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privacy training and awareness, and information disposal procedures. The component must obtain this certification memorandum prior to utilizing SurveyMonkey.

3.4 Do contractors have access to the system, and if yes, can you confirm that there are (a) provisions in their contract binding them under the Privacy Act; and (b) information security provisions in their contracts required by DOJ policy?

Contractors working for and with the Department may have access to information collected using SurveyMonkey. To the extent that contractors have access, they are required to comply with all privacy and information security requirements applicable to Department employees, including the practices outlined in this Admin PIA.

Section 4: Notice, Consent, and Redress:

4.1 Will individuals be notified if their information is collected, maintained, or disseminated by the system (e.g., system of records notice, Privacy Act 552a(e)(3) notice)? Please specify.

The Department will ensure, to the extent feasible, that respondents are aware that the Department of Justice is conducting the survey. For example, the Department will, where feasible, use the DOJ seal on survey pages, and will clearly state, in plain language and in a way easy to understand, that the survey is issued by the United States Department of Justice.

The Department and its components, where practicable, will also provide a conspicuous, salient, clearly labeled, written in plain language, and prominently displayed notice on any SurveyMonkey survey that will explain:

- (1) That SurveyMonkey is not a government website and is controlled and operated by a third party;
- (2) That the Department's Website Privacy Policy does not apply to SurveyMonkey;
- (3) The purpose of the survey, and how the Department will maintain, use, or share PII;
- (4) That by completing the survey, respondents may be providing non-government third parties access to the information provided in the survey;
- (5) A link to the DOJ official website; and
- (6) A link to the DOJ Privacy Policy.

Finally, to the extent that surveys are considered Privacy Act-protected records maintained in a system of records, the Department will maintain these records

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consistent with the Privacy Act. Specifically, the Department will inform each respondent whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the respondents, information related to the survey, and the Privacy Act protections in place.¹³

4.2 Do individuals have the opportunity to decline to provide information? Please specify.

Generally, respondents may decline to provide any or all information requested from a Department survey facilitated through SurveyMonkey. However, failure to provide this information may prohibit the Department from facilitating the purpose of the survey.

4.3 Do individuals have the opportunity to consent to particular uses of the information? Please specify.

The Department, where practicable, will notify respondents of the purpose of the survey, and how the Department will maintain, use, or share PII. Therefore, respondents will provide implicit consent by taking the survey. Respondents will not have the ability to provide express consent to particular uses.

Section 5: Privacy Act:

5.1 Is a system of records being created under the Privacy Act, 5 U.S.C. § 552a? If yes, indicate the existing system of records notice or whether one is being developed.

In certain circumstances, survey results maintained by the Department will be retrieved by name or other identifying particular. As such, the Department will maintain these records consistent with the Privacy Act, including the publication of an appropriate System of Records Notice.

Many such surveys will be part of already existing systems of records. For instance, satisfaction and feedback surveys on DOJ events, programs, and services originated by the Department, and records of actions taken by the Department will be covered by the DOJ-wide SORN, “Correspondence Management Systems for the Department of Justice,” JUSTICE/DOJ-003, last published in full at 66 Fed. Reg. 29992 (04 June, 2001)).

Other surveys, however, may require the publication of new or modified system of records notices in order to ensure that the public is appropriately informed. Such

¹³ See 5 U.S.C. 552a(e)(3).

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SORNs will be published in the *Federal Register*, and consistent with Section 4 above, a notice to the respondent will be provide on the survey in SurveyMonkey.

5.2 Describe how information in the system about United States citizens and/or lawfully admitted permanent resident aliens is or will be retrieved (e.g., name or other personal identifier).

In certain circumstances, survey results maintained by the Department will be retrieved by name or other identifying particular. For more information, please see section 5.1, above.