



# **Privacy Impact Assessment**

**for**

**e-Appeal**

**November 27, 2023**

## **Contact**

**D. Fon Muttamara**  
**Chief Privacy Officer**  
Merit Systems Protection Board  
1615 M Street, NW  
Washington, D.C. 20419  
[privacy@mspb.gov](mailto:privacy@mspb.gov)

## OVERVIEW

The U.S. Merit Systems Protection Board (MSPB) is replacing its current, legacy applications that support e-filing, case management, and document and media management for its adjudication function with a single new enterprise application named e-Appeal. E-Appeal was developed on Tyler Technologies' (Tyler) low-code application development platform for case management (Application Platform). The Application Platform is a Federal Risk and Authorization Management Program (FedRAMP) certified, Software as a Service Solution (or SaaS) cloud platform. MSPB is conducting this Privacy Impact Assessment (PIA) because e-Appeal collects and processes personally identifiable information (PII).

E-Appeal is a web-based application utilized by MSPB to support MSPB's statutory obligations under the Civil Service Reform Act of 1978 (CSRA) to adjudicate employee appeals. E-Appeal facilitates the submission, tracking, and case management of initial appeals and petitions for review submitted to the full Board. The system also supports complaints submitted and adjudicated under the Board's original jurisdiction authority. E-Appeal serves as an electronic records management system for MSPB's appeals function and stores case data and documents related to appeals and complaint adjudication and litigation arising from such matters. E-Appeal is also used to facilitate MSPB's preparation of its annual reports and Annual Performance Report-Annual Performance Plan. Some information about appeals or cases stored in e-Appeal may be used in depersonalized form for statistical purposes, including to support other statutory functions of the Board, such as studies of the civil service under 5 U.S.C. § 1204(a)(3).

E-Appeal is used to collect, maintain, or disseminate the following types of personal information: appellant (respondent) name, alias, home address, telephone number, email address, docket number, veterans' status, race, sex, national origin, and disability status and work-related information for business representatives or attorneys representing appellants. While MSPB does not require individuals to provide their Social Security Numbers (SSNs), this information is sometimes voluntarily provided by appellants in pleading submissions during appeals adjudication or may be included in official government records submitted by agency representatives.

Information in e-Appeal may be used and shared between MSPB staff members in the course of their official duties. Some system information, including PII, is shared with Tyler for the limited purposes of hosting, maintaining, and resolving issues related to e-Appeal. MSPB is responsible for day-to-day user administration of e-Appeal.

### **Section 1.0 Authorities and Other Requirements**

#### **1.1 What specific legal authorities and/or agreements permit and define the collection of information by the project in question?**

MSPB's use of e-Appeal is consistent with all applicable laws, regulations, and policies, including: 5 U.S.C. § 7701(a), 5 U.S.C. § 1204, and 5 U.S.C. § 1206.

## **1.2 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?**

In accordance with the Privacy Act of 1974 (Privacy Act), MSPB maintains these records in a system of records governed by MSPB's System of Records Notice, MSPB/GOVT-1, Appeals and Case Records SORN, 77 Fed. Reg. 65206 (Oct. 25, 2012).

## **1.3 Has a system security plan been completed for the information system(s) supporting the project?**

An Authorization to Operate (ATO) was granted for e-Appeal by FedRAMP in April 2020, including a FedRAMP System Security Plan. At the agency level, a Conditional ATO was granted by MSPB's Chief Information Officer on October 1, 2023.

## **1.4 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?**

The records maintained in this system of records are subject to MSPB's Records Disposition Authority for this system of records. Electronic records are maintained in designated U.S. data centers for cloud service providers and are destroyed by MSPB when the records are seven years old or when there is no longer a business need, whichever is later. Electronic case management data derived from records in the system may be maintained indefinitely or until MSPB no longer needs it. Paper records are maintained at MSPB locations for up to one year after a final determination by MSPB or, in some instances, other administrative authorities or the courts. Paper records are destroyed when the records are seven years old or when there is no longer a business need, whichever is later.

## **1.5 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.**

The information collected by e-Appeal is currently covered under OMB No. 3124-0017.

## **Section 2.0 Characterization of the Information**

### **2.1 Identify the information the project collects, uses, disseminates, or maintains.**

E-Appeal is used to collect, maintain, or disseminate the following types of personal information: name, alias, home address, telephone number, email address, and docket number. Other personal information that may have relevance to the issues in the adjudication may also be collected, maintained, and used, such as date of birth, veterans' status, race, sex,

gender, national origin, religion, and disability status. While MSPB does not require individuals to provide their SSNs, this information is sometimes voluntarily provided by appellants in pleading submissions during appeals adjudication or may be included in official records submitted by agency representatives. Work-related contact information is collected and used by agency representatives or individuals representing appellants.

## **2.2 What are the sources of the information and how is the information collected for the project?**

Information is obtained from appellants, their representatives, and agency representatives who submit appeals or pleadings during the adjudication process and may concern the appellants or third-party individuals that are relevant to the adjudication. Information is also obtained from individuals associated with appeals, such as witnesses who testify during adjudication hearings; and from MSPB employees.

## **2.3 Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.**

No. MSPB does not use information from commercial sources or publicly available data.

## **2.4 Discuss how accuracy of the data is ensured.**

The data is collected directly from the individual submitting the information.

## **2.5 Privacy Impact Analysis: Related to Characterization of the Information**

**Privacy Risk**: There is a risk that MSPB will collect more information than necessary.

**Mitigation**: The risk is partially mitigated. E-Appeal and MSPB's Appeal Form provide prompts to collect the information required to submit an appeal pursuant to statutes and regulations. While MSPB strives to collect only the information necessary to docket and adjudicate an appeal, individuals are able to provide the information beyond what is requested if they believe that information is warranted to substantiate their claim. MSPB's adjudicatory regulations at 5 C.F.R. § 1201.26 instruct parties to an appeal to minimize the inclusion of nonrelevant PII.

## **Section 3.0 Uses of the Information**

### **3.1 Describe how and why the project uses the information.**

MSPB will utilize e-Appeal to allow appellants, their representatives, and agencies to electronically file an appeal and pleadings and view case records in this new, modernized system. The information collected through e-Appeal assists MSPB in carrying out its statutory

responsibilities and authorities by providing the necessary information for the adjudication of individual employee appeals.

**3.2 Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how MSPB plans to use such results.**

Yes. MSPB's use of e-Appeal will leverage e-Appeal's ability to conduct electronic searches, queries, and analyses to locate predictive patterns for adjudicatory outcomes or anomalies to improve data governance efforts.

**3.3 Are there other components with assigned roles and responsibilities within the system?**

Not applicable.

**3.4 Privacy Impact Analysis: Related to the Uses of Information**

**Privacy Risk:** There is a risk that information collected will be used inappropriately.

**Mitigation:** This risk is mitigated. MSPB has implemented several measures to ensure that the information is protected and handled in accordance with the uses described above. Authorized access to the information collected is restricted through assigned roles and access rights, both internally in MSPB and externally for individuals involved in appeals.

**Privacy Risk:** There is a risk that MSPB could use the information collected for purposes other than that for which the information was collected, including for operational uses.

**Mitigation:** This risk is partially mitigated. MSPB will only use e-Appeal data to the extent necessary to provide services and only discloses data to third parties when authorized. Privacy notice is provided to individuals informing them about the collection, use, sharing or other processing of their PII pursuant to a system of records notice published in the Federal Register. Additionally, MSPB only collects PII that is related to the adjudication of an appeal. Lastly, all MSPB employees are required to take annual privacy training and are subject to discipline for inappropriately using PII.

**Privacy Risk:** There is a risk that as a system hosted by a third-party, data might be accessed without authorization.

**Mitigation:** Access to information is limited to authorized Tyler Business Analysts and Database Administrators that are given the minimum amount of system and data access necessary to accomplish their authorized duties. Only Tyler Database Administrators can modify MSPB data and access to or modification of data is governed by FedRAMP standards as well as established protocols between Tyler and MSPB. Access to e-Appeal is controlled, logged, and monitored by Tyler and MSPB.

## Section 4.0 Notice

### 4.1 How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

A Privacy Act Statement is provided to individuals accessing e-Appeal prior to any information collection. The Privacy Act Statement informs the individuals of the purpose of the collection, the routine uses of the disclosure of information, and the consequences for failure to provide the information. Additionally, MSPB's SORN, providing information on the collection of information, is available to the public on MSPB's [website](#). Further, MSPB provides the same information in the Acknowledgment Order that is distributed to the parties after an appeal has been filed.

### 4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

All information is provided voluntarily by the individual submitting the appeal. As stated above, individuals may decline to provide this information; however, failure to provide the information requested may delay or prevent the proper docketing of a matter and/or the adjudication of a matter, which could result in the dismissal or delay of their appeal or matter and/or prevent access to e-Appeal.

### 4.3 Privacy Impact Analysis: Related to Notice

**Privacy Risk:** There is a risk that individuals may not realize that the information they initially provide to MSPB may later be used for other purposes.

**Mitigation:** This risk is partially mitigated. MSPB is publishing this PIA and the SORN for MSPB/GOVT – 1, Appeals and Case Records, which states that records may be used to document and adjudicate appeals and other matters arising under the Board's appellate and original jurisdiction; locate appeal documents and files, physical or electronic; provide statistical data for reports, staff productivity, and other management functions; and provide information to support other statutory functions of the Board, such as studies of the civil service under 5 U.S.C. § 1204(a)(3), and review of regulations of the Office of Personnel Management (OPM) under 5 U.S.C. § 1204(f), and reporting under 5 U.S.C. § 1206. Appellants also receive a copy of MSPB's Privacy Act Statement when their appeal is docketed.

## Section 5.0 Data Retention by the Project

### 5.1 Explain how long and for what reason the information is retained.

The records maintained in this system of records are subject to MSPB's Records Disposition Authority for this system of records. Electronic records are maintained in designated U.S. data centers for cloud service providers or on MSPB's local area network and are destroyed by MSPB when the records are seven years old or when there is no longer a business need, whichever is later. Electronic case management data derived from records in the system may be maintained indefinitely or until MSPB no longer needs it. Paper records are maintained at MSPB locations for up to one year after a final determination by MSPB or, in some instances, other administrative authorities or the courts. Paper records are destroyed when the records are seven years old or when there is no longer a business need, whichever is later.

### 5.2 Privacy Impact Analysis: Related to Retention

**Privacy Risk:** There is a risk that information collected by the system may be retained for a longer period than necessary.

**Mitigation:** This risk is mitigated. MSPB applies the NARA-approved records retention schedule to the information collected. Once the records meet the destruction date designated by MSPB's Records Disposition Authority, MSPB will destroy the records by fiscal year unless there is a business need to retain the record.

## Section 6.0 Information Sharing

### 6.1 Is information shared outside of MSPB as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

Yes. PII is shared outside of MSPB as part of normal agency operations. Specifically, PII is shared with the case parties (appellant, their designated representative, if any, and designated Federal agency representatives) as part of normal adjudication processes. PII is shared with external parties, including Federal courts when the appellant exercises their right of judicial appeal, when required by a routine use in the SORN for MSPB/GOVT – 1, Appeals and Case Records.

### 6.2 Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.

The external sharing noted in 6.1 denotes that information may be shared in a manner consistent with MSPB's statutory responsibilities and authorities of adjudicating individual employee appeals. Additionally, information will be shared in a manner consistent with the SORN for MSPB/GOVT – 1, Appeals and Case Records.

### 6.3 Does the project place limitations on re-dissemination?

Yes. MSPB places limitations on re-dissemination of PII. With regard to the external sharing as it relates to MSPB's records, MSPB is subject to the Freedom of Information Act (FOIA) and the Privacy Act and will adhere to the provisions of the FOIA and Privacy Act when records are requested. Additionally, access to the information is restricted to the designated parties and their representatives for purposes of the adjudication of an appeal. Further, the information shared pursuant to the routine uses in MSPB's SORN, MSPB/GOVT – 1, Appeals and Case Records, is subject to limitations on further dissemination. MSPB outlines these limitations and obligations of the receiving party through a transmittal letter. Generally, receiving parties may not use the information for a reason not already approved by MSPB or further disseminate the information without the prior written approval of MSPB.

### 6.4 Describe how the project maintains a record of any disclosures outside of the Agency.

MSPB has dedicated software for tracking all requests for disclosures of information from e-Appeal, such as requests for adjudication records or information under the FOIA, access requests for adjudication records or information under the Privacy Act, or routine use requests under MSPB's SORNs or statutes and regulations. The tracking software is a web-based application that assists MSPB in tracking and recording requests received for the disclosure of information. This includes requests subject to the accounting provisions of the Privacy Act. The information retained as part of this accounting requirement includes the agency or individual requesting the information, a description of the requested information, the reason for the request, the date of the request, the date of the release, the authority for the release, and the limitations and obligations on the requesting agency or individual with regard to use and further dissemination.

### 6.5 Privacy Impact Analysis: Related to Information Sharing

**Privacy Risk:** There is a risk that the information is shared outside the scope of MSPB's SORN or without the proper authority or accounting.

**Mitigation:** This privacy risk is mitigated because only designated parties have restricted access to the information maintained in the appeals. Additionally, MSPB only shares information outside the agency as documented in this PIA and as permitted by the SORN for MSPB/GOVT – 1, Appeals and Case Records. An accounting of disclosures is documented each time the information is shared outside the agency pursuant to the SORN in MSPB's disclosure request tracking software. Additionally, annual agency privacy training educates MSPB employees on the appropriate way to protect PII and information maintained in an agency system of records.



## Section 7.0 Redress

### 7.1 What are the procedures that allow individuals to access their information?

Individuals seeking notification of and access to their records in this system of records may submit a request in writing to the Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW, Washington, DC 20419, or by email to [privacy@mspb.gov](mailto:privacy@mspb.gov). Individuals requesting access must comply with MSPB's Privacy Act regulations regarding verification of identity and access to records (5 C.F.R. Part 1205).

### 7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

Individuals may request that records about them be amended by writing to the Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW, Washington, DC 20419. Individuals requesting amendment must follow MSPB's Privacy Act regulations regarding verification of identity and amendment to records (5 C.F.R. Part 1205). These provisions for amendment of the record are not intended to permit the alteration of evidence presented in the course of adjudication before MSPB either before or after MSPB has rendered a decision on the appeal.

### 7.3 How does the project notify individuals about the procedures for correcting their information?

This PIA provides notice to individuals on how to correct information. Additionally, MSPB's Privacy Act regulations (5 C.F.R. Part 1205) and SORN, MSPB/GOVT-1, Appeals and Case Records, provide notice to the individual.

### 7.4 Privacy Impact Analysis: Related to Redress

**Privacy Risk:** There is a risk that individuals will not be able to correct incorrect information that has been collected about them.

**Mitigation:** The risk is partially mitigated. MSPB collects directly from the source, i.e., the individual or from appellant or agency representatives. Should an individual seek amendment of any records they assert are not accurate, relevant, timely, or complete, information on how to submit an amendment request is outlined in MSPB's Privacy Act regulations (5 C.F.R. Part 1205) and SORN, MSPB/GOVT-1, Appeals and Case Records.

**Privacy Risk:** There is a risk that individuals will be unaware of the procedure for requesting access to the information that has been collected about them.

**Mitigation:** This privacy risk is mitigated in several ways. This PIA provides information for individuals to understand how to seek redress, correction, or amendment. Additionally, MSPB's

Privacy Act regulations (5 C.F.R. Part 1205) and SORN, MSPB/GOVT-1, Appeals and Case Records provide redress procedures. Lastly, the information is publicly posted on MSPB's website at [www.mspb.gov/privacy](http://www.mspb.gov/privacy).

## **Section 8.0 Auditing and Accountability**

The following questions are intended to describe technical and policy-based safeguards and security measures.

### **8.1 How does the project ensure that the information is used in accordance with stated practices in this PIA?**

MSPB ensures that the practices stated in this PIA are followed by implementing training, standard operating procedures, policies, rules of behavior, and role-based access. Only employees and contractors with a valid need to know may access the information obtained from e-Appeal. Records in the system are protected from unauthorized access and misuse through various administrative, technical, and security measures, such as access controls, mandatory security and privacy training, encryption, multi-factor authentication, security guards, and locked offices.

### **8.2 Describe what privacy training is provided to users either generally or specifically relevant to the project.**

All MSPB employees and contractors are required to complete privacy training upon on-boarding or beginning work on an MSPB contract, respectively, and annually thereafter. MSPB's Privacy Officer logs all information management training completed by agency personnel. This ensures that personnel are knowledgeable of their privacy, FOIA, and records management responsibilities, which includes their obligation to protect PII.

### **8.3 What procedures are in place to determine which users may access the information and how does the project determine who has access?**

MSPB deploys role-based access controls and enforces a separation of duties throughout all MSPB operations to limit access to records and ensures that only MSPB employees who have an official need to know will have access to the information. The need to know is determined by the respective responsibilities of the employee and the needs of the office. MSPB employees who do not have a need to know or do not have a need to have certain access do not have access to the information in this system.

E-Appeal is a closed system. Only individuals designated as parties, or select individuals authorized by agency representatives or appellant attorney representatives for the limited purpose of providing legal support to the representative during the adjudication process (e.g., paralegals supervised by a representative), have access to the information in e-Appeal.

**8.4 How does the project review and approve information sharing agreements, memoranda of understanding (MOUs), new uses of the information, new access to the system by organizations within MSPB and outside?**

MSPB's use of e-Appeal does not utilize information sharing agreements or MOUs. New uses of the information are not permissible without review and authorization by MSPB's Chief Privacy Officer, Chief Information Officer, and MSPB's Senior Agency Official for Privacy. If new uses of the information are approved, they will only be utilized once appropriate notice has been provided, such as an update to this PIA or MSPB's SORN.

**Responsible Officials**

D. Fon Muttamara  
Chief Privacy Officer  
Merit Systems Protection Board

**Approval Signature**

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William D. Spencer  
Executive Director  
Senior Agency Official for Privacy  
Merit Systems Protection Board