

# Torts

## 1. Contact Information

**A/GIS/IPS Director**

Bureau of Administration

Global Information Services

Office of Information Programs and Services

## 2. System Information

- (a) Name of system: Torts
- (b) Bureau: Office of the Legal Adviser (L)
- (c) System acronym: N/A
- (d) iMatrix Asset ID Number: [Click here to enter text.](#)
- (e) Reason for performing PIA: [Click here to enter text.](#)
  - New system
  - Significant modification to an existing system
  - To update existing PIA for a triennial security reauthorization
- (f) Explanation of modification (if applicable): [Click here to enter text.](#)

## 3. General Information

- (a) Does the system have a completed and submitted Security Categorization Form (SCF)?
  - Yes
  - No - Contact IRM/IA at [IASolutionCenter@state.gov](mailto:IASolutionCenter@state.gov) for assistance.
- (b) What is the security Assessment and Authorization (A&A) status of the system?  
The system is built from a Microsoft Access database, therefore no A&A has to be done.
- (c) Describe the purpose of the system:

The system is used to assist the Office of the Legal Adviser's Office of International Claims and Investment Disputes (L/CID) in handling claims asserted under the Federal Tort Claims Act ("FTCA") (28 U.S.C. §§1346, 2671-2680), which provides a limited waiver of sovereign immunity in certain cases in which an employee of the United States Government has committed a negligent or wrongful act or omission within the scope of his or her employment.

28 U.S.C. §2672 authorizes federal agencies to administratively consider tort claims for compensation. This system allows L/CID to track the progress of claims through the administrative process.

- (d) Describe the personally identifiable information (PII) that the system collects, uses, maintains, or disseminates:

The following information is collected in the database:

1. Name, address, phone number and email of claimant
2. Name, address, phone number, fax number and email of claimant's attorney
3. Date and Place of accident/incident
4. Conversation note

- (e) What are the specific legal authorities and/or agreements that allow the information to be collected?

28 U.S.C. §§ 2672, 28 C.F.R. Part 14.4.

- (f) Is the information searchable by a personal identifier (e.g., name or Social Security number)?

Yes, provide:

- SORN Name and Number: Records of the Office of the Legal Adviser for International Claims and Investment Disputes, State-54
- SORN publication date (found under the Volume Number and above the Public Notice Number on the published SORN): June 20, 2008

No, explain how the information is retrieved without a personal identifier.

[Click here to enter text.](#)

- (g) Does the existing SORN need to be amended to reflect the inclusion of this new or significantly modified system?  Yes  No

If yes, please notify the Privacy Division at [Privacy@state.gov](mailto:Privacy@state.gov).

- (h) Is there a records retention schedule submitted to or approved by the National Archives and Records Administration (NARA) for this system?  Yes  No

(If uncertain about this question, please contact the Department's Records Officer at [records@state.gov](mailto:records@state.gov).)

If yes provide:

- Schedule number (e.g., (XX-587-XX-XXX)): A-23-007-07a & A-23-007-07b
- Length of time the information is retained in the system: These records will be retained until they become inactive, at which time they will be retired.
- Type of information retained in the system:

The following information is retained in the system: the names and addresses of parties and witnesses to the claims, the category and nature of the claims, their procedural history, records of correspondence, and agency decision memoranda.

**4. Characterization of the Information**

(a) What entities below are the original sources of the information in the system? Please check all that apply.

- Members of the Public
- U.S. Government employees/Contractor employees
- Other (people who are not U.S. Citizens or LPRs)

(b) If the system contains Social Security Numbers (SSNs), is the collection necessary?

- Yes  No

- If yes, under what authorization?

(c) How is the information collected?

The information is collected from the Standard Form 95 (SF-95) or from a claimant's demand letter for compensation. The claim, in either form, can be received through the mail, served on the Executive Director of the Office of the Legal Adviser and/or electronic filings through the Torts e-mail box at the Department of State. The information is manually entered into the system from documents received. All information is stored in the database regardless of whether the claim is approved or denied. Denied claims often result in litigation against the United States and therefore it is important to document the administrative process.

(d) Where is the information housed?

- Department-owned equipment
- FEDRAMP-certified cloud
- Other Federal agency equipment or cloud
- Other

- If you did not select "Department-owned equipment," please specify.

[Click here to enter text.](#)

(e) What process is used to determine if the information is accurate?

Accuracy of the data collected depends on the information provided by the claimant. If we receive updated information relevant to the database, a staff member will update the entry.

(f) Is the information current? If so, what steps or procedures are taken to ensure it remains current?

Most of the information is collected at the time of the accident or incident; however, information can be updated any time during the claim process. As stated above, the data would be manually updated upon receipt of notice of change of address, phone number, or the like.

- (g) Does the system use information from commercial sources? Is the information publicly available?

No, the system does not use information from commercial sources or publicly available information.

- (h) Is notice provided to the individual prior to the collection of his or her information?

Yes, notice is provided in the Privacy Act statement contained on the SF-95 application.

- (i) Do individuals have the opportunity to decline to provide the information or to consent to particular uses of the information?  Yes  No

- If yes, how do individuals grant consent?

The SF-95 form states that providing the information is voluntary, but that failure to supply the requested information may render the claim "invalid". If a claimant chooses not to provide the information that L/CID determines is necessary in determining the eligibility of the the claim, the claim will be denied.

- If no, why are individuals not allowed to provide consent?

[Click here to enter text.](#)

- (j) How did privacy concerns influence the determination of what information would be collected by the system?

We collect the minimum amount of PII necessary to process the claim.

## **5. Use of information**

- (a) What is/are the intended use(s) for the information?

The information is used by L/CID staff to track the status of claims and assist in the determination that a federal employee has been negligent within the scope of his/her employment.

- (b) Is the use of the information relevant to the purpose for which the system was designed or for which it is being designed?

Yes. The information will allow staff to determine eligibility for compensation.

- (c) Does the system analyze the information stored in it?  Yes  No

If yes:

- (1) What types of methods are used to analyze the information?  
The system is able to determine the general type of claims paid during a given time period, and can determine the DOS bureaus that produce the most claims. For example, a staff member can issue a query in the database to determine the number of claims settled that arose from motor vehicle accidents involving Diplomatic Security.
- (2) Does the analysis result in new information?  
See above. No new information is generated related to an individual claim or record.
- (3) Will the new information be placed in the individual's record? Yes No
- (4) With the new information, will the Department be able to make new determinations about the individual that would not have been possible without it?  
Yes No

**6. Sharing of Information**

- (a) With whom will the information be shared internally and/or externally? Please identify the recipients of the information.  
The Office of International Claims and Investment Disputes, owns the Torts database and does not share said information with any other offices or external agencies. Only the Torts team within the Office of International Claims and have access to this information. We are tasked with processing tort claims against the Department of State.
- (b) What information will be shared?  
No information is shared.
- (c) What is the purpose for sharing the information?  
No information is shared.
- (d) The information to be shared is transmitted or disclosed by what methods?  
  
No information is shared.
- (e) What safeguards are in place for each internal or external sharing arrangement?  
No information is shared.
- (f) What privacy concerns were identified regarding the sharing of the information? How were these concerns addressed?  
Shared information can be intercepted or misused. Therefore, the office has determined that the information maintained in Torts does not need to be shared.

## 7. Redress and Notification

- (a) What procedures allow individuals to gain access to their information?

The system contains Privacy Act-covered records; therefore, access and redress are the right of record subjects. Procedures for access and redress are published in the System of Records Notice (SORN) Records of the Office of the Legal Adviser for International Claims and Investment Disputes, STATE-54, and in rules published within 22 CFR Part 171.

- (b) Are procedures in place to allow an individual to correct inaccurate or erroneous information?

Yes  No

If yes, explain the procedures.

Claimants may supplement their claims with additional information at any time prior to payment of the claim. Further, claimants may correct their information by contacting the Torts staff member assigned to the case. The Torts staff member will then update the database with the new information.

If no, explain why not.

[Click here to enter text.](#)

- (c) By what means are individuals notified of the procedures to correct their information?

Claimants will be given the contact information of a staff member to assist them in filing a claim, or correcting information relating to a previously filed claim. This office acknowledges all valid claims against the Department of State when it is received in our office. In each acknowledgement letter, the assigned Tort staff member's contact information is given to the claimant. This information is disseminated via email, UPS, FedEx or certified mail.

## 8. Security Controls

- (a) How is the information in the system secured?

The system will be stored on a Windows 2008 R2 file server, secured by an Access Control List (ACL). Only the database administrator, the Information System Security Office (ISSO) and the systems staff will be on the ACL.

- (b) Describe the procedures established to limit access to only those individuals who have an "official" need to access the information in their work capacity.

Any end user would need to have their government supervisor send the L ISSO an email asking to be granted access to the system.

- (c) What monitoring, recording, and auditing safeguards are in place to prevent the misuse of the information?

There is a comprehensive auditing module in the system. Each entry is given an unique reference number. Each entry into the system is date stamped and updated as the claim proceeds to a determination.

- (d) Explain the privacy training provided to authorized users of the system.

All Department of State employees are required to take PA459, Protecting Personally Identifiable Information. This training teaches them about privacy, what PII is, and how best to protect it.

- (e) Are any security controls, such as encryption, strong authentication procedures, or other controls, in place to make the information unusable to unauthorized users?  Yes  No  
If yes, please explain.

The database is in a folder on a Windows 2008 R2 server. This folder is protected by an Access Control List (ACL). Only the members of the ACL would be able to access the Torts database. Only Tort team members have access to the system.

- (f) How were the security measures above influenced by the type of information collected?

The principle of least access or least privilege are employed – only the minimum level of access is granted.

## **9. Data Access**

- (a) Who has access to data in the system?

The L/CID staff members responsible for processing the tort claims will have access to the data in the system.

- (b) How is access to data in the system determined?

Only staff assigned to review claims would have access to the database.

(c) Are procedures, controls or responsibilities regarding access to data in the system documented?  Yes  No

(d) Will all users have access to all data in the system, or will user access be restricted? Please explain.

All Tort team members have access to all information in the system. This helps prevent duplication of efforts among staff, provides continuity of claim review, and prevents duplicative payments.

(e) What controls are in place to prevent the misuse (e.g. unauthorized browsing) of data by users having access to the data?

Tort staff members are verbally instructed that information is only to be used for the processing of Tort Claims. The system also will display the name of the last staff member who edits a particular entry field.