

PRIVACY IMPACT ASSESSMENT

Document Imaging and Indexing Services Advanced System Design/VASTE (VASTE)

May 2013

FDIC External Service

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System Overview

When an FDIC-insured financial institution fails, the FDIC Division of Resolution and Receiverships (DRR), in coordination with the Legal Division, conducts an investigation¹ to determine the causes of the institution's failure, and if necessary, takes legal action against bank directors, officers, and other "Persons of Interest" (POIs) who have committed crimes or otherwise breached their responsibilities to the failed institution. As part of these investigations, DRR staff gathers failed bank records and other evidence to pursue professional liability claims² against POIs while maintaining the integrity and chain-of-custody for these records at all times. Critical to the support for these investigations are administrative services, which include electronic imaging, copying, Bates numbering, indexing, and conversion of failed bank records into searchable digital files.

To fulfill these functions, the FDIC has contracted with Advanced Systems Design (ASD) to perform document imaging and indexing services in support of ongoing investigations involving professional liability claims, criminal restitutions, and litigation.³ Via its subcontractor VASTEC, ASD provides full service document imaging, copying, indexing, and delivery capabilities.

VASTEC provides two broad types of imaging services to the FDIC:

- **Box Job Imaging Projects** – These projects generally involve documents housed in Banker Boxes separated and filed according to Failed Institution Number (FIN). Box Job Projects may include large numbers of asset/loan files, asset/loan documents, bank records, board and committee meeting minutes, bank officer memoranda, and other institution related working files and documents. For box imaging projects, VASTEC arranges for the secure pick-up and delivery of files from an FDIC office to the contractor's secure facility for imaging and indexing.
- **Field Support Imaging Projects** – FDIC may require imaging and indexing services at sites other than FDIC regional offices that involve loan files/documents, bank records, work papers, and other miscellaneous files. These sites may include banks, accounting firms, law firms, bank holding companies, and other business entities as identified by the FDIC. For field support imaging projects, VASTEC personnel perform on-site scanning/imaging services, using their own equipment, at the sites specified by FDIC. VASTEC employees securely transfer the digital images to the VASTEC facility if additional services, such as indexing, are required.

The documents provided to VASTEC for imaging may be in hardcopy or paper format or on electronic media (hard drive, thumb drive, CD, DVD), and may include any manner of sensitive information (SI) and personally identifiable information (PII) about bank employees, officers, customers, vendors, or POIs. After scanning and indexing the documents, VASTEC securely delivers the digital images to FDIC DRR staff via encrypted media or secure electronic data transfer mechanisms, such as Secure File Transfer Protocol (SFTP). VASTEC also securely returns all documents to FDIC in a timely and secure manner after completion of the project and deletes backup images contained in their own equipment/ systems within a specified time period. In accordance with their contract and

¹ In cases involving criminal activity, DRR and Legal staff coordinate with the FDIC Office of Inspector General (OIG) to conduct investigations.

² A professional claim is a type of Receivership claim pursued under civil law for losses caused by the wrongful conduct of directors, officers, lawyers, accountants, and others who are suspected of breaching their duty to a failed institution. This specialized group of Receivership claims also includes contract rights inherited from the institution under any available director and officer liability insurance policy, and under the fidelity bond insurance policy that institutions purchase to cover losses resulting from dishonest or fraudulent acts by their employees.

³ Copying, imaging, and indexing jobs will generally support ongoing investigations, although they may occasionally support internal department needs of the DRR Investigations group and other DRR departments as needed.

signed Confidentiality Agreements with the FDIC, VASTEC is required to comply at all times with the rules of evidence protection and with FDIC DRR policies regarding the protection, safeguarding, shopping, delivery, access, and use of SI/PII contained in the documents and images.

Personally Identifiable Information (PII) in VASTEC

VASTEC maintains PII relating to borrowers and customers of failed financial institutions, failed bank officers, directors, and/or employees, failed bank creditors and vendors, claimants and complainants, as well as POIs such as attorneys, accountants, brokers, appraisers, and others who have provided professional services to a failed institution and/or who may have committed crimes or otherwise breached their duties to the failed institution.

PII elements collected relating to the individuals and groups listed above may include: full name, date of birth (DOB), place of birth, Social Security Number (SSN), employment information, mother's maiden name, certificates (i.e., birth, death, naturalization, marriage, etc.), medication information, home address, phone numbers, email address, employee ID number, financial information, driver's license number, and vehicle identifiers (i.e., license plate). Additional data may be contained in the form of legal documents, education records, criminal information, military records, investigation reports, and photographic or biometric identifiers.

Purpose & Use of Information in VASTEC

In its receivership capacity, FDIC is charged with liquidating assets in an efficient manner, maximizing recoveries, and managing claims and litigation demands. To help satisfy these responsibilities, the FDIC/DRR Investigations Group, in coordination with the Legal Division Professional Liability and Financial Crimes Group, conducts investigations to determine the causes of the institution's failure and take legal actions if necessary against those who may have committed crimes or breached their duties to the failed institution. In this regard, the PII and SI collected from the failed institution will be used by FDIC DRR Investigations, Legal, and FDIC outside Counsel to support ongoing investigations involving professional liability claims, criminal restitutions, litigation, and as needed, the internal department needs of FDIC DRR Investigations. As part of these investigations, the electronic data imaged and indexed by VASTEC may also be provided securely to Opposing Counsel by FDIC as required.

Sources of Information in VASTEC

VASTEC scans and indexes documents such as asset/loan files, asset/loan documents, bank records, board and committee meeting minutes, bank officer memoranda, and other institution related working files and documents from banks, accounting firms, law firms, bank holding companies, and other business entities as identified by the FDIC. These documents may be provided to VASTEC in hardcopy or paper format or electronic media (hard drive, thumb drive, CD, DVD), and may include PII and SI about bank officers, employees, customers, vendors, etc.

When FDIC issues a work order for a box job imaging project, VASTEC personnel pick up the boxes of documents from FDIC DRR Investigations staff and sign a chain-of-custody form. The documents are securely transported by VASTEC to its facility, where they are scanned and indexed by authorized VASTEC personnel. The boxes of documents are securely returned to FDIC DRR staff, along with the electronic images on an encrypted CD at the completion of the job. A chain-of-custody form is signed by FDIC DRR staff upon receipt of the boxes and electronic media.

Alternatively, when FDIC issues a work order for a field support imaging project, VASTEC personnel travel to a location identified by FDIC and completes the scanning and indexing onsite. These sites may include banks, accounting firms, law firms, bank holding companies, and other business entities as identified by FDIC. VASTEC securely transfers the digital images to its own facility if additional services, such as indexing, are required. If indexing services are needed, VASTEC personnel use encrypted electronic media or secure electronic data transfer mechanisms to send data to their corporate office to complete the work. VASTEC securely provides the final images to FDIC DRR Investigations staff primarily via encrypted electronic media at the completion of the job.

Notice & Consent

Data is not collected directly from individuals for imaging and indexing by VASTEC. Individuals do not have the opportunity to decline to provide their data and/or consent to particular uses of their information. The data collected is necessary for resolving FDIC investigations involving professional liability claims, criminal restitutions, and litigation. Therefore, no opt-out option is provided to individuals.

Access to Data in VASTEC

ASD staff and its subcontractor, VASTEC, may have access to some or all of the PII gathered as part of providing imaging and indexing support services to the FDIC for ongoing investigations. Access to this PII data is limited to authorized ASD and VASTEC staff with a "need to know" purpose in accordance with their contractual requirements.

Authorized FDIC employees have access to the data imaged and indexed by VASTEC. When VASTEC staff return the boxes of documents and the electronic documentation (i.e., digital images) to FDIC DRR staff, FDIC Investigations personnel securely share the imaged data with other authorized FDIC staff in the Legal Division as well as the FDIC Office of Inspector General (OIG). The authorized FDIC staff access the data on a "need to know" basis in support of investigations involving professional liability claims, criminal restitutions, and litigation.

VASTEC coordinates with FDIC-contracted armored transport services per instructions from the FDIC in cases where documents containing sensitive information and PII require secure transport. VASTEC does not share digital images with other FDIC-contracted firms. However, authorized FDIC staff may securely share the electronic documents with authorized FDIC outside Counsel as required to support ongoing investigations.

Data Sharing

Other Systems that Share or Have Access to Data in the System:

No other systems currently share or have access to data imaged and indexed by VASTEC.

System Name	System Description	Type of Information Processed
N/A	N/A	N/A

Data Accuracy in VASTEC

Data is collected directly from failed financial institutions or other entities as specified by the FDIC. As such, the FDIC and VASTEC rely on the financial institutions and other entities to provide accurate data. Additionally, VASTEC works with FDIC to verify the accuracy of the data before providing it in support of the project. As necessary, a DRR Investigations staff member checks the data for completeness by reviewing the information, verifying whether or not certain documents are missing, and as feasible, updating this data when required.

VASTEC performs inspection and quality assurance of the scanned images to ensure that an image is produced for each page that meets or exceeds the readability of the original document or image. The image must be indexed to FDIC standards. All files, images, and documents originally provided to VASTEC must be returned in the same condition (or better, if repaired), with documents and files in the original order sequence as provided to VASTEC.

Data Security for VASTEC

VASTEC is required to maintain the integrity and confidentiality of the original documents and imaged files at all times, in accordance with the rules of evidence protection and information privacy/security requirements outlined in their contract and Confidentiality Agreements with the FDIC. This includes, but is not limited to:

- Closely guarding and supervising access to the boxes and documents to ensure protection of files containing sensitive and personally identifiable information;
- Packaging and shipping documents and files in accordance with FDIC's secure shipping policy;
- Coordinating with FDIC-contracted armored transport service, per directions from the FDIC in cases where original notes, endorsable collateral, or other sensitive documents require secure transport;
- Securely handling, inspecting, inventorying, and tracking physical files and media throughout the imaging process;
- Utilizing contractor equipment and supplies for Field Support Imaging Projects performed at sites other than FDIC offices, such as failed banks, accounting firms, law firms, bank holding companies, and other business entities as identified by the FDIC;
- Securely delivering all digital images to FDIC via encrypted media or by other secure means, such as encrypted electronic file transmission or Secure File Transfer Protocol (SFTP);

- Returning the original documents and files to FDIC in a timely and secure manner and in the same condition (or better, if repaired by VASTEC) upon completion of the imaging/indexing project;
- Seeking authorization from FDIC to destroy, by shredding, all source and residual documents and data not required to be delivered or returned to the FDIC; and
- Complying at all times with FDIC and DRR policies regarding the protection, safeguarding, shipping, delivery, access, and use of PII contained in assets files, documents, and images.

System of Records Notice (SORN)

VASTEC operates under the applicable FDIC SORN: #30-64-0013, *Insured Financial Institution Liquidation Records*.

Contact Us

To learn more about the FDIC's Privacy Program, please visit:
<http://www.fdic.gov/about/privacy/>.

If you have a privacy-related question or request, email Privacy@fdic.gov or one of the [FDIC Privacy Program Contacts](#). You may also mail your privacy question or request to the FDIC Privacy Program at the following address: 3501 Fairfax Drive, Arlington, VA 22226.

