

Privacy Threshold Analysis (PTA)  
and/or Privacy Impact Assessment (PIA)

for

Owned Real Estate Management & Marketing Services II

CBRE, Inc.

(RECVR-16-G-0128)



Date Approved by Chief Privacy Officer (CPO)/Designee: 5/19/2017

## SECTION I – OUTSOURCED INFORMATION SERVICE DESCRIPTION

### 1. Describe the outsourced service and its purpose.

The Federal Deposit Insurance Corporation (FDIC) acts as Receiver<sup>1</sup> for failed financial institutions (FIs). In its Receivership capacity, one of the FDIC's primary tasks is to manage and dispose of the failed FI's loans and other assets in a manner that maximizes their value. Some of these assets may consist of real estate property, also known as Owned Real Estate (ORE)<sup>2</sup>, which includes Bank-Owned Premises (real estate used in the operations of the failed institution), as well as Other Owned Real Estate (real estate acquired by the failed institution by way of foreclosure or loan settlement). The FDIC Division of Resolutions and Receiverships (DRR) has retained the services of CBRE, Inc. (CBRE) to assist with the acquisition, research and preparation for marketing, management, and final disposition of ORE Assets that the FDIC deems as Large and Complex real property/ORE acquired by the FDIC in its Receivership capacity. As part of the aforementioned services, CBRE performs the following activities, which may involve the collection and maintenance of personally identifiable information (PII) about individuals as described below:

1. **Bank Closing Assistance** – CBRE assists the FDIC in conducting pre-closing planning and portfolio reviews to develop a strategy to handle ORE from FIs that have the potential to fail. Upon failure, FDIC DRR staff and/or CBRE, if requested by FDIC, attend the closing of the FI to inventory and gain control of the ORE and, thereafter, either remain on-site or move the files, management, and marketing of the ORE assets to CBRE's office location at the discretion of the FDIC. The ORE files, which contain property-related PII (e.g., previous owner name and property address), are either collected on-site by CBRE or packaged and shipped to CBRE in accordance with DRR's secure shipping policies.
2. **Discovered Asset Research** - From time to time, the FDIC as Receiver receives inquiries from the private and/or public sector for tax bills on properties that are not carried on FDIC's books. If ownership can be established in the FDIC's name, these assets are typically labeled "Discovered Assets." To address inquiries from investors or taxing jurisdictions, CBRE will research FDIC systems and records<sup>3</sup>, and public records to determine if the property is owned by the FDIC. If the title is vested in the FDIC's name, the property is prepared for marketing. This process of researching Discovered Assets typically does not involve PII, as "inquirers" are generally entities (as opposed to individuals), and ORE property records list FDIC or the failed institution, not individual borrowers, as the property owner.

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<sup>1</sup> A receiver steps into the shoes of a failed financial institution with the goal of liquidating the entity. Federal law grants the FDIC the responsibility to manage the resolution of failed financial institutions. The FDIC as the receiver has similar powers and responsibilities as a bankruptcy trustee. The FDIC can collect all obligations and money due to the failed institution and liquidate its assets and property. The funds generated are used to pay the creditors of the failed institution. Although many of the concepts central to the operation of an FDIC receivership are similar to those of the bankruptcy process there are critical differences between bankruptcy and the FDIC receivership law.

<sup>2</sup> While residential (including multi-family) and commercial properties (e.g., office, retail, light industrial, etc.) comprise the majority of ORE, it could also include agricultural, developed lots, construction in progress, raw land, or other types of real estate.

<sup>3</sup> Prior to gaining access to FDIC systems and records, ORE Contractors must pass security clearances and execute FDIC Confidentiality Agreements, which require them to protect the confidentiality of all FDIC systems and data and to prevent its inappropriate or unauthorized use or disclosure. In addition, access to specific FDIC information technology (IT) applications may require further internal access requests that must be completed and granted before access is provided.

3. **Due Diligence, Title and Legal Representation Services** – CBRE assists the FDIC in making properties marketable by obtaining services such as appraisals, broker's price opinions, title work, and environmental assessments of the property. While these appraisals generally contain no PII, the environmental assessments contain the history of the ORE ownership with the name of the previous owner and property address.
4. **Management Services** - CBRE assists the FDIC in inspecting, securing and managing ORE to prevent erosion of value. CBRE also places the ORE under the FDIC's blanket insurance policy and pay and protest property taxes as required. In limited instances, and for certain types of property (e.g., income-producing residential properties), CBRE may perform property management activities that involve PII, such as establishing a current rent roll, collecting rent, and securely maintaining/disposing of any historical tenant records belonging to the previous property management firm. These historical tenant records, along with the current rent rolls and rent payments, have the potential to contain sensitive PII about tenants/occupants, such as full name, home address, home phone number, email address, Social Security Numbers (SSNs), employment information, and credit/financial information, as applicable.
5. **Leasing** – CBRE manages lease transactions for occupied properties, and in limited instances, FDIC may consider leasing properties to enhance or maintain market value. CBRE recommends to the FDIC when it deems leasing appropriate and, when approved by FDIC, CBRE will market for and negotiate leases. These leases have the potential to contain sensitive PII about tenants/occupants, such as full name, home address, home phone number, email address, Social Security Numbers (SSNs), employment information, and credit/financial information, as applicable.
6. **Marketing and Disposition Services** - For properties that are marketable, CBRE undertakes or assists with the tasks of marketing, selling, and closing on the properties. CBRE uses real estate brokers to expose properties to the broadest market possible and sell them at the highest return possible.
  - a. To facilitate the marketing of ORE assets, CBRE operates a secure public-facing website ([orelistings.cbre.com](http://orelistings.cbre.com)) where prospective purchasers can register to receive notifications about upcoming FDIC sales events. This site is activated as necessary. As part of the registration process, CBRE requires prospective purchasers to provide the following information in order to view property listings: full name, address (city, county, state, and zip code), email address, user name, and password. The collected information may be business or personal in nature, depending on what the individual provides.
7. **Data Management and Reporting Requirement** – CBRE maintains data, records, and files with respect to Assigned Assets and submits periodic reports to FDIC. CBRE ensures accessibility via user name and passwords to their ORE asset management system for the FDIC. CBRE operates the secure public-facing website for listings of all assets assigned for marketing.
8. **Property Expense and Cash Management** – CBRE assists in paying property expenses from its own funds and obtains reimbursements from the FDIC by submitting reimbursement invoices. CBRE receives property income and deposits it to FDIC owned

bank accounts. CBRE tracks and reports on all property income, expense, and other transactions.

CBRE primarily stores records containing the aforementioned PII in their secure ORE asset management system and in hardcopy ORE Asset Management/Marketing files. In all cases, CBRE is required to securely handle, maintain, and dispose of such PII in accord with its contract and signed Confidentiality Agreements with FDIC. Refer to Section II of this Privacy Impact Assessment (PIA) for more information about the types, uses, and protections of PII collected by CBRE on behalf of FDIC/Receiver.

## SECTION II – DATA TYPE, SOURCES, AND USE

**2. Describe all information/data that will be collected, used, maintained or generated by the Outsourced Provider (Vendor) as part of the services provided under the contract. If no information/data is involved, select Not Applicable.**

As part of managing and marketing failed bank properties on behalf of FDIC/Receiver, CBRE may collect PII directly from the following categories of individuals:

**Property Occupants/Tenants** - In limited instances, such as for income-producing residential properties, CBRE may perform property management functions that involve PII, such as establishing a current rent roll<sup>4</sup>, handling tenants' service requests and maintaining work logs, collecting rent, and initiating appropriate collection procedures for past due rent. As part of these activities, they may collect the following types of sensitive PII by mail, phone, or in person from property tenants/occupants: full names, home addresses, phone numbers, email addresses, and potentially checking account numbers and SSNs (in rare instances tenants may submit personal checks with PII to pay their rent; however, rent payments are typically handled via an electronic lockbox). In accord with their contract and Confidentiality Agreements with FDIC, CBRE staffs are required to securely maintain and safeguard all sensitive and personal information collected from property tenants/occupants. As applicable, rent rolls (which contain tenant/occupant names, addresses, and monthly rent amounts) and other tenant information are added to the electronic Property Information Package (PIP) in CBRE's secure ORE asset management system and ultimately stored in the corresponding hardcopy Asset Management/Marketing file.

**Prospective & Winning Purchasers** - CBRE operates a secure website ([orelistings.cbre.com](http://orelistings.cbre.com)) to help market failed bank properties acquired by the FDIC as Receiver. CBRE's website is used solely for the purposes of marketing the properties, not to conduct actual sales; the sale of ORE properties is conducted through real estate brokers. Prospective purchasers must complete an online registration form and provide their full name, mailing address, email address, user name and password, and agree to CBRE's Confidentiality Agreement. By self-registering, prospective purchasers sign up for a mailing list to receive property information and availability status from CBRE. All registration information that is submitted online to CBRE is maintained in CBRE's secure systems.

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<sup>4</sup> FDIC's contract with ORE Contractors allows for ORE Contractors to pursue and screen qualified applicants for new leases and lease renewals, upon FDIC direction. However, this activity has not been performed by ORE Contractor to date, since it is FDIC's objective to ensure properties are vacated in preparation for marketing.

For Live Outcry Auctions<sup>5</sup>, prospective purchasers are required to complete the FDIC Purchase and Sale Agreement (PSA), an FDIC real estate contract that contains property specific information such as purchase price and closing date. As part of this process, prospective purchasers must complete the Purchaser Eligibility Certification (PEC)<sup>6</sup> form. PEC forms are collected in hardcopy format onsite at the auction event and contain the prospective purchaser's full name, address, phone number, email address, and TIN/SSN. Authorized FDIC/DRR personnel collect the hardcopy PEC forms and enter the information into a spreadsheet and submit the spreadsheet electronically via secure email to the U.S. Treasury Department Office of Foreign Asset Control (OFAC)<sup>7</sup>. The hardcopy forms are securely disposed of (shredded) by an FDIC/DRR employee onsite immediately after the OFAC results are received by FDIC/DRR. If there are no negative results associated with the OFAC check, FDIC/DRR receives an email confirmation of no hits. However, if there is a hit, then the OFAC email response contains the name(s) of the ineligible individuals. FDIC/DRR personnel securely email OFAC results to CBRE.

The results of the OFAC check are filed in the Asset Management/Marketing files. The PSA forms are also scanned and securely emailed to CBRE to file in their Asset Management/Marketing file. The original hardcopy PSA forms are mailed to CBRE for retention in their Asset Management/Marketing file. When the asset sale is complete, CBRE boxes the asset files and securely ships them to Iron Mountain for storage as per FDIC's instructions.

**Marketing Leads** - To facilitate the efficient and effective marketing and sale/disposition of FDIC ORE assets, CBRE maintains a marketing ("mailing") list with names and contact information of prospective purchasers. Individuals may register to join CBRE's marketing/ mailing list by completing an online registration form on CBRE's secure website. The form collects the individual's name, email address, mailing address, and telephone number. The collected information may be business or personal in nature, depending on what the individual provides. Prospective purchaser/ marketing lead information is maintained in CBRE's secure ORE asset management system and is used to notify individuals about sales events.

FDIC downloads the list of ORE properties, which originates from the FI, and emails the list to CBRE via Excel spreadsheet. These properties are active (have not yet been not sold) and are assigned to CBRE for marketing and selling; additional information with key property data fields from the FDIC Communication, Capability, Challenge, and Control (4C)<sup>8</sup> application is also downloaded by the FDIC and provided in an Excel spreadsheet to CBRE. CBRE uses the information provided to reconcile property data on their websites. PII may include the former property owner's name and the address of the property they formerly owned, which is now owned by FDIC as Receiver. Most of the information contained is non-PII and describes the real estate property.

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<sup>5</sup> In an open outcry auction, bids and offers must be made out in the open market giving all participants a chance to compete for the order with the best price.

<sup>6</sup> PEC forms are used to identify prospective purchasers who are not eligible to purchase assets of failed financial institutions from the FDIC under the laws: regulations and policies governing such sales. Completion of the PEC form is a prerequisite to any such purchase. PEC forms are screened against the U.S. Treasury Department OFAC watchlists of terrorists, drug traffickers, "specially designated nationals," etc. Refer to FDIC's Bridger Insight PIA on [www.fdic.gov](http://www.fdic.gov) for more information.

<sup>7</sup> U.S. Treasury OFAC administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries and regimes, terrorists, traffickers, etc.

<sup>8</sup> The FDIC's Communication, Capability, Challenge, and Control (4C) system is an umbrella application that provides an integrated solution that meets the FDIC's current and future asset servicing responsibilities. Users access the DRR asset management and servicing functions in the system. Each asset within 4C is assigned a number for identification purposes.

As part of inventorying, managing, and preparing failed bank properties for marketing, CBRE collects PII from the following non-FDIC entities:

**Failed Financial Institutions (or Servicers)** - CBRE assists the FDIC in conducting pre-closing planning and portfolio reviews to develop a strategy to handle ORE from FIs that have the potential to fail. Upon failure, FDIC/DRR staff (or if requested by FDIC, CBRE) attend the closing of the FI to inventory and gain control of the ORE and, thereafter, either remain on-site or move<sup>9</sup> the files, management, and marketing of the ORE assets to CBRE's location at the discretion of the FDIC. As part of these activities, authorized FDIC/DRR staff (or CBRE, if requested by FDIC) interview bank personnel, collect the failed FI's ORE records, and gather information from related loan files, such as appraisals, inspections, and property descriptions. The ORE files and related information may include limited PII, including the names of former property owners/debtors and the property addresses. Historic loan numbers and credit information for debtors are not included in the ORE files.

**Property Management Firms** - In preparing properties for marketing on behalf of the FDIC/Receiver, CBRE takes measures to secure the property and, if applicable, locate and secure any pertinent hardcopy and electronic records (e.g., leasing records, security deposits, rent rolls, etc.) that were maintained by the previous property management company. In rare instances, such as for income-producing residential properties, these historical tenant records may include sensitive PII about property tenants/occupants, such as their names, home addresses, phone numbers, monthly rent amounts, and leasing applications with SSNs, employment information, renting history, financial information, credit history, and copies of personal checks, driver's licenses or other forms of identification. In addition, CBRE securely maintains the historical leasing records until the sale or disposition of the property, after which time the records are securely disposed of or transferred to the new owner/purchaser or to FDIC's secure Records Management and Storage Vendor Facility (Iron Mountain), at the direction of FDIC.

**Appraisal, Title & Survey Specialists/Companies** - To ensure FDIC-acquired properties are marketable, CBRE obtains appraisals, title work, broker's opinions, environmental assessments, surveys, etc. from qualified third-party firms or FDIC-approved contractors (e.g., FDIC National Valuation Service Contractors, Environmental Due Diligence and Site Assessment Contractors, Construction Site Inspection Contractors, etc.). These appraisals and surveys typically contain no PII or minimal PII, such as asset name (which may be a previous owner's name in certain instances), the associated property address, and FDIC book value. CBRE adds the appraisals and report to its hardcopy Asset Management/Marketing files and uploads them to their secure ORE asset management systems.

**Taxing Authorities & County Recorder Offices** - In preparing failed institution properties for marketing, CBRE obtains different documents, such as title deeds and tax records, from government taxing authorities and county recorder offices, in hardcopy format or as a file download from the agencies' publicly accessible websites. These documents, which may contain limited, publicly available PII, such as the former property owner/debtor name, property address, assessed value, and delinquent tax amount, are added to CBRE's hardcopy Asset Management/Marketing files.

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<sup>9</sup> The ORE files, which are typically in paper/hardcopy format, are packaged and shipped to the ORE Contractors' office, in accordance with DRR's secure shipping procedures. ORE Contractors manually enter data from and/or image/upload the documents into their secure ORE systems and maintain the original hardcopies in a secure location.

CBRE also enters or uploads current title and tax information into their secure ORE system, using an FDIC asset number to identify the properties.

**Property Inspections** - In preparing failed bank properties for marketing on behalf of the FDIC/Receiver, CBRE conducts onsite inspections of the property and prepares Property Inspection Reports (PIPs) that detail the property condition. PIPs may include minimal PII, such as the names, addresses/unit numbers, and telephone numbers of any tenants or occupants. These PIPs are uploaded to CBRE’s secure ORE asset management system, called the “FDIC ORE” system, and added to the corresponding hardcopy Asset Management/Marketing files. The FDIC ORE system is CBRE’s ORE asset management system where Assigned Asset data and the imaged Asset Management/Marketing files are stored. The FDIC ORE system provides full management and support for the life of a real estate asset from acquisition to sale. The system also provides users with a complete database of asset information combined with fully electronic asset file and document storage capability. The FDIC ORE system is integrated with CBRE’s external sales and marketing websites to provide flexible and dynamic marketing capabilities. In addition, CBRE maintains bidder registration data, which includes sensitive PII such as SSN/TIN, in separate secured databases.

**3. Describe the intended purpose and use of the above information/data. If no information/data is involved, select Not Applicable.**

The PII collected or obtained by CBRE on behalf of the FDIC/Receiver, as specified above, is used solely to assist the FDIC/DRR with the acquisition, research, preparation for marketing, management, marketing, and sale or final disposition of all types of ORE acquired from failed FIs.

**4. What types of personally identifiable information (PII) are (or may be) included in the information specified above? *(This is not intended to be an all-inclusive list. Specify other categories of PII, as needed.)*:**

PII Element	Yes	No
Full Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Birth	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Place of Birth	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Social Security Number	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Employment Status, History or Information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mother’s Maiden Name	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Certificates (e.g., birth, death, naturalization, marriage, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Medical Information (Medical Records Numbers, Medical Notes, or X-rays)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Home Address	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phone Number(s) (non-work)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Email Address (non-work)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Employee Identification Number (EIN)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Financial Information (e.g., checking account #/PINs/passwords, credit report, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Driver’s License/State Identification Number	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Identifiers (e.g., license plates)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal Documents, Records, or Notes (e.g., divorce decree, criminal records, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Education Records	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Criminal Information	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Military Status and/or Records	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Investigation Report or Database	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Biometric Identifiers (e.g., fingerprint, voiceprint)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photographic Identifiers (e.g., image, x-ray, video)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (Specify: _____)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**5. If Social Security Number (SSN) is checked in question 4, please answer the following:**

**a) Explain the business purpose requiring the collection of SSNs:**

As part of the ORE Management & Marketing Services, CBRE is responsible for maintaining hard copy documents from the failed FI at their Dallas, TX office. These documents may contain SSNs. The collection of SSNs is incidental to maintaining the documents. SSNs are not utilized for the final deliverables provided back to the FDIC.

**b) Provide the legal authority which permits the collection of SSNs.**

The collection of SSNs is incidental to the maintenance of documents, and is not required for the scope of work being conducted.

Sections 9, 11, and 13 of the Federal Deposit Insurance Act (12 U.S.C. 1819, 1821, and 1823) and applicable State laws provide the legal authority governing the liquidation of assets and wind-up of the affairs of failed financial institutions.

**c) Identify whether the SSN is masked or otherwise truncated within the system:**

The SSNs contained on hardcopy documents maintained by CBRE may or may not be masked or truncated. As noted earlier, the maintenance of any SSNs is incidental to the maintenance of the documents by CBRE.

**6a. Please provide an estimate of the number of records maintained by the vendor for this contract that contain PII:**

Estimated Number of Records Containing PII				
0	1-500	501-1,000	1,001 - 2,500	2,501 - 5,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5,001 - 7,500	7,501 - 10,000	10,000 - 50,000	50,000 - 100,000	over 100,000
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**6b. If "0" was answered for 6a, please explain<sup>10</sup>:** To date, CBRE has not been awarded any task orders under this agreement. In the event of a major crisis, the number of estimated records that contain PII may be as high as 100,000 depending upon the failed FI.

<sup>10</sup> If the vendor has not received work to date for this contract and "0" is checked in 6a, please explain approximately how many records may be maintained by the vendor if they are awarded work under this contract in the future. Additionally, the Division responsible for this vendor must update this PIA to reflect the accurate number of records containing PII that the vendor maintains if this changes in the future.



**7. What are the sources of data (both PII and non-PII) for the outsourced service/project?  
How is the data derived?**

<b>Data Source<sup>11</sup></b> (List all sources that the Outsourced Provider collects, obtains or receives data from, as part of the services provided under the contract.)	<b>Type of Data Provided by Source &amp; How It is Derived</b> (Describe the type of PII and non-PII data provided by each source. If PII is included in the data, list the specific PII elements, and explain how the PII is derived.)	<b>Does Data Include PII?</b>
<b>Property Occupants/Tenants</b>	Sensitive PII is collected either by mail, fax, phone, or email from property tenants/occupants, by CBRE or their authorized subcontracted property management firms. This may include full name, home address, phone number, email address, monthly rent amount; past due rent amount, and potentially personal checking account numbers and SSNs <sup>12</sup> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Real Estate Brokers</b>	CBRE uses real estate brokers to expose properties to the broadest market possible and sell them at the highest return possible. CBRE receives assigned ORE property data from the real estate brokers via email. Data elements may include information about prospective purchaser individual or business on the PSA and PEC: full name, address, non-work and/or work telephone number, and Tax Identification Number (TIN) / Social Security Number (SSN). CBRE personnel upload the data as needed to the FDIC ORE system. CBRE may also receive hardcopy documents from the real estate brokers via secure courier.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prospective and Winning Purchasers</b>	<p>Prospective purchasers must register on CBRE's secure website to view property listings by providing the following information: full name, mailing address, email address, user name, and password. Registration information submitted online to CBRE is maintained in CBRE's secure systems. The collected information may be business or personal in nature, depending on what the individual provides. The prospective purchaser or marketing lead information is maintained in CBRE's ORE asset management system and used to notify individuals about future sales events.</p> <p>Prospective purchasers also complete a PEC form, which collects their name, address, telephone number, email address, and SSN/TIN. The prospective purchaser's broker may submit the PSA and the PEC form to CBRE via secure email or overnight mail. CBRE then forwards the PEC forms to the FDIC via secure email or overnight mail.</p> <p>For live auctions, authorized FDIC/DRR personnel collect the hardcopy PEC forms and enter the information into a spreadsheet and submit the spreadsheet electronically via secure email to the U.S. Treasury Department OFAC. PEC forms are not retained and are shredded onsite after the OFAC screening has been performed. The PII collected includes name, address, telephone number, and TIN/SSN.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<sup>11</sup> Examples of potential data sources include, but are not limited to: internal (FDIC) or external (non-FDIC) systems, websites, individual members of the public (e.g., customers, borrowers, etc.), FDIC employees, FDIC contractors, credit bureaus, commercial entities, public records, government agencies, etc.

<sup>12</sup> In rare instances, tenants may submit personal checks with PII to pay their rent; typically, rent payments are handled via an electronic lockbox.

<b>Data Source<sup>11</sup></b> (List all sources that the Outsourced Provider collects, obtains or receives data from, as part of the services provided under the contract.)	<b>Type of Data Provided by Source &amp; How It is Derived</b> (Describe the type of PII and non-PII data provided by each source. If PII is included in the data, list the specific PII elements, and explain how the PII is derived.)	<b>Does Data Include PII?</b>
<b>Failed Financial Institutions (or Vendors as applicable)</b>	<p>When a financial institution fails, the FDIC/DRR staff assume control of the FI's ORE records and related files such as appraisals, inspections, and property descriptions on site at closing. Hardcopies and electronic copies (images) of the FI's ORE records are transferred to CBRE using DRR's secure shipping procedures. On occasion, CBRE may be invited onsite to assist the FDIC with a failed FI. In such cases, CBRE can gather ORE files and transfer them securely back to their office location. The ORE files contain limited PII and may include names of former property owners/debtors and the property addresses. CBRE staff manually enter data from the ORE records and/or upload documents into their secure ORE asset management system. When the asset sale is complete, CBRE will box the asset hardcopy files and securely ship them to Iron Mountain for storage as per FDIC's instructions.</p> <p>NOTE: Historic loan numbers and credit information for debtors are not included in the ORE files.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appraisal, Title &amp; Survey Specialists/Companies</b>	<p>CBRE obtains appraisals, title work, broker's opinions, environmental assessments, surveys, etc. obtained from qualified third-party firms or FDIC-approved contractors (e.g., FDIC National Valuation Service Contractors, Environmental Due Diligence and Site Assessment Contractors, Construction Site Inspection Contractors, etc.). These appraisals and surveys may include limited PII, such as asset name (which may be a previous owner's name in certain instances), the associated property address, and FDIC book value. CBRE adds these appraisals and reports to their hardcopy Asset Management/Marketing files and uploads the records to their secure ORE asset management system.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Taxing Authorities &amp; County Recorder Offices</b>	<p>CBRE obtains title deeds and tax records from government taxing authorities and county recorder offices, in hardcopy form or as a file download from the agencies' publicly accessible websites. Limited, publicly-available PII in these documents may include the former property owner debtor name, property address, assessed value, and delinquent tax amount, which are added to CBRE's hardcopy Asset Management/Marketing files.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Property Inspection Reports</b>	<p>CBRE conducts onsite inspections of properties in preparing the properties for marketing on behalf of the FDIC. Property Inspection Reports detail the property condition and may include minimal PII, such as the names, addresses/unit numbers, and telephone numbers of any tenants or occupants.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Property Management Firms</b>	<p>In the process of marketing properties, CBRE may locate and gather pertinent hardcopy and electronic records (e.g., leasing records, security deposits, rent rolls, etc.) maintained by the property's previous management company. These historical records maintained by Property Management Firms may include sensitive PII about property tenants/occupants, such as their names, home addresses, phone numbers, monthly rent amounts, and leasing applications with SSNs, employment information, renting history, financial information, credit history, and copies of</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Data Source<sup>11</sup></b> (List all sources that the Outsourced Provider collects, obtains or receives data from, as part of the services provided under the contract.)	<b>Type of Data Provided by Source &amp; How It is Derived</b> (Describe the type of PII and non-PII data provided by each source. If PII is included in the data, list the specific PII elements, and explain how the PII is derived.)	<b>Does Data Include PII?</b>
	personal checks and driver's licenses or other forms of identification.	
<b>FDIC Communication, Capability, Challenge, and Control (4C) System</b>	FDIC obtains the ORE property listing from the FI and sends the list to CBRE in an Excel spreadsheet via secure email. These properties are active and are assigned to CBRE for marketing and selling; additional information with key property data fields from the 4C application is also downloaded by the FDIC and provided in an Excel spreadsheet to CBRE. CBRE utilizes the information provided to reconcile property data on their systems for marketing. PII may include the former property owner's name and the address of the property they formerly owned, which is now owned by FDIC as Receiver. Most of the information contained is non-PII describing the real estate property.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**8. How will FDIC and/or the Outsourced Service Provider retrieve data or records as part of the outsourced service or project? Can data be retrieved using a personal identifier (e.g., name, address, SSN, EIN, or other unique identifier)?**

ORE property records are not retrieved by personal identifier, as they are retrieved by the property address or 4C asset number assigned to the asset.

Bidder (personal) information is retrieved by personal identifier, such as name, user name, or email address.

**9. In the Federal Register, under which Privacy Act Systems of Record Notice (SORN) does this system operate? Provide number and name.**

30-64-0013, *Insured Financial Institution Liquidation Records*.



**This completes the PTA.**

- Do not complete the rest of the form, if the service provider is not processing or maintaining sensitive PII. This is the case, if you checked:
  - NOT APPLICABLE for question 2 and NO for all items in question 4; OR
  - Only Full Name in question 4.
  
- Continue completing the remainder of the form, i.e., Sections III thru VI in their entirety (questions 10 thru 18), if the service provider is processing or maintaining sensitive PII. This is the case, if you checked:
  - YES for Social Security Number (SSN) in question 4; OR
  - YES for SSN or for Full Name in addition to one or more boxes in question 4.
  
- If you have questions or are unsure about whether or not you should complete the remainder of this form, please contact your Division ISM or the Privacy Program Office ([privacy@fdic.gov](mailto:privacy@fdic.gov)).

## SECTION III - DATA ACCESS AND SHARING

**10. In the table below, specify the systems/applications and parties (FDIC and non-FDIC) that the Outsourced Service Provider will share or provide PII data to as part of the outsourced service. (Check "No" or "Yes" for each category. For each category checked "Yes," specify who will have access to, be provided with, or maintain the PII, what PII elements will be accessed/shared/maintained by them, how the access or sharing will occur, and the purpose and use of this PII.)**

PII Will Be Accessed By and/or Provided To:	Yes	No	If Yes, Explain How and Why the PII Will Be Accessed/Shared
<b>10a. FDIC Outsourced Service Provider (OSP) Staff; OSP Subcontractors; and/or OSP Systems</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Authorized CBRE personnel have access to the PII listed above in question 4 on a "need to know" basis as part of their ORE maintenance, management, marketing, and sales duties. In addition, CBRE grants authorized subcontractor(s) access to ORE data, including tenant/occupant and prospective purchaser PII, to facilitate real estate management and closing activities on behalf of the FDIC. CBRE authorized subcontractors include:</p> <p>Real Estate Brokers - CBRE works with subcontracted Real Estate Brokers which act as intermediaries between CBRE and Prospective and Winning Purchasers. These Real Estate Brokers expose the ORE properties to the broadest market possible and sell them at the highest return possible.</p> <p>Property Management Firms - In preparing properties for marketing on behalf of the FDIC/Receiver, CBRE takes measures to secure the property and, if applicable, locate and secure any pertinent hardcopy and electronic records that were maintained by the previous property management firm. In addition, CBRE securely maintains the historical leasing records collected from the property management firm(s) until the sale or disposition of the property.</p> <p>Appraisal, Title &amp; Survey Specialists/Companies - To ensure FDIC-acquired properties are marketable, CBRE obtains appraisals, title work, broker's opinions, environmental assessments, surveys, etc. from qualified third-party firms or FDIC-approved contractors. CBRE adds the appraisals and report to its hardcopy Asset Management/Marketing files and uploads them to their secure ORE asset management system.</p> <p>Per their contractual agreement with FDIC, CBRE takes full responsibility for the conduct of its staff and subcontractors to ensure the confidentiality, integrity, and availability of the sensitive information collected and maintained by CBRE on behalf of FDIC.</p> <p>Authorized CBRE personnel upload, enter, manage, and</p>

PII Will Be Accessed By and/or Provided To:	Yes	No	If Yes, Explain How and Why the PII Will Be Accessed/Shared
			<p>maintain some or all of the PII identified above in their ORE asset management system ("ORE"). The system provides full management and support for the life of a real estate asset from acquisition to sale. The system also provides users with a complete database of asset information combined with fully electronic asset file and document storage capability. The system is integrated with CBRE's external sales and marketing websites to provide flexible and dynamic marketing capabilities. In addition, CBRE maintains bidder registration data, which includes sensitive PII such as SSN/TIN.</p>
<p><b>10b. FDIC Personnel and/or FDIC Systems/Applications</b></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Authorized FDIC/DRR employees involved with the resolution process following the failure of a financial institution have secure, web-based access (with user names and passwords) to the PII collected by CBRE stored on CBRE's ORE asset management systems in order to oversee and facilitate the management, marketing, sale, and final disposition of all types of real property. Authorized FDIC/DRR Contract Management Oversight staff has access to CBRE's system to oversee and review the work performed by CBRE. In addition, authorized FDIC/DRR Asset Marketing staff has access to PEC forms with sensitive PII about purchasers, in order to screen them against the U.S. Treasury Department OFAC watchlists of terrorists. CBRE provides the PEC forms to authorized DRR staff in-person at live auctions or via secure email.</p> <p><b>FDIC Automated Corporate Tracking System (FACTS)<sup>13</sup></b> - Authorized CBRE personnel write "ORE cases" to seek FDIC/DRR approval to take certain actions with respect to failed bank properties' ORE. Authorized CBRE personnel utilize FDIC's Citrix Virtual Private Network (VPN), via FDIC granted permission using two-factor authentication, to log on and access the FDICnet and upload the cases into the FACTS system. ORE cases (including budget cases) typically include no PII or minimal, publicly-available PII, such as the name and address of a previous property owner. However, certain ORE cases require supporting documentation with sensitive PII, such as ORE sales cases with PEC forms containing the name, contact information, and TIN/SSN of the prospective purchaser.</p> <p><b>FDIC Communication, Capability, Challenge, and Control (4C)<sup>14</sup></b> On a periodic basis, CBRE securely submits an electronic "4C enrichment report/transaction file" via secure email to a designated FDIC DRR ORE Specialist who updates the asset information on the 4C system. The 4C enrichment file contains the property address and status with minimal PII, such as the names and contact information (typically work-</p>

<sup>13</sup> FACTS is a web-based tracking tool used by the FDIC to log and route inquiries, requests for information and services, etc. For more information, see the FACTS PIA at [www.fdic.gov](http://www.fdic.gov).

<sup>14</sup> 4C houses all asset data for failed financial institutions and managed data flow and updates from banks, application service providers (ASPs), as well as internal and external servicers. For more information, refer to the 4C PIA at [www.fdic.gov](http://www.fdic.gov).

PII Will Be Accessed By and/or Provided To:	Yes	No	If Yes, Explain How and Why the PII Will Be Accessed/Shared
			<p>related) for the appraiser, listing broker, and property manager. In addition, authorized CBRE staff have direct access to 4C, including all PII contained therein, in order to research and review ORE asset information for properties they are managing on behalf of the FDIC.</p> <p><b>FDIC "ORE Tracker"</b><sup>15</sup> - CBRE securely submits an electronic ORE reporting data file to a designated FDIC/DRR ORE Specialist via secure email, who then provides it to DRR Business Information Systems (BIS)<sup>16</sup> staff. BIS staff uploads the file into ORE Tracker to update ORE asset information. The file contains property address and status and a synopsis of any litigation or legal issues. PII contained within the file may include the purchaser name and whether they are a minority; the name of the legal owner on deed or title; the name of individuals or firms who protested a tax assessment; and the names and contact information (generally work-related) for the FDIC Environmental Specialist, Account Officer Name, Property Inspector, Property Manager, Listing Real Estate Agent, Asset Manager, and FDIC Legal Counsel.</p>
<p><b>10c. Individual Members of the Public (e.g., bidders, investors, borrowers, customers, etc.)</b></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Qualified Bidders/Purchasers</b> - Qualified bidders and investors access CBRE's secure websites to review FDIC-acquired property listings and related evaluation materials, which may contain personal information about property owners, occupants, and tenants, for purposes of conducting due diligence. Only qualified purchasers who have properly executed the FDIC Confidentiality Agreement are able to view listings or data with personal information.</p> <p><b>Property Occupants/Tenants</b> - In limited instances, such as for income-producing residential properties, CBRE may perform property management functions that involve PII, such as establishing a current rent roll, handling tenants' service requests and maintaining work logs, collecting rent, and initiating appropriate collection procedures for past due rent. Communications with the Property Occupants/Tenants are done via mail, fax, phone, or email. New leases and lease renewals may be sent out to Property Occupants/Tenants via email or secure courier.</p>
<p><b>10d. Other Non-FDIC Entities/ Parties and/or Non-FDIC Systems/Applications</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>10e. Federal, State, and/or Local Agencies</b></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Government Taxing Authorities &amp; County Recorder Offices</b> - CBRE sends certain documents, such as tax statements</p>

<sup>15</sup> ORE Tracker is an internal FDIC tracking system used by FDIC/DRR personnel to maintain, track, and report on asset-related information for real property/ORE. The system also supports the information collection and reporting of requirements for the sale and oversight management of FDIC ORE assets.

<sup>16</sup> The DRR Business Information Systems (BIS) is responsible for coordinating the development, maintenance and enhancement of all automated business systems, including hardware and software, used by the Division of Resolutions and Receiverships (DRR) in the accomplishment of its mission, goals, and objectives.

PII Will Be Accessed By and/or Provided To:	Yes	No	If Yes, Explain How and Why the PII Will Be Accessed/Shared
			and recorded deeds, which include minimal, publicly-available PII (e.g., property address and name of previous property owner) to state and local tax authorities and county recorder offices, as part of performing real estate closing activities and making or protesting property tax payments on FI properties they manage. For example, CBRE notifies the appropriate taxing authority offices about changes in ownership when properties are sold. The information provided to the taxing jurisdictions contains the purchaser name and address, as well as a copy of the recorded documents. Deed and tax-related information are either mailed or manually entered on the agencies' websites by CBRE, and final copies of the documents are added to the electronic and hardcopy Asset Management/Marketing files.
<b>10f. Other</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**11. If data will be provided to, shared with, or maintained by non-FDIC entities (such as government agencies, contractors, or Outsourced Information Service Providers), have any of the following agreements been issued?**

Data Protection and/or Sharing Agreements	Yes	No
FDIC Confidentiality Agreement (Corporation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FDIC Confidentiality Agreement (Individual)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-Disclosure Agreement (NDA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Memoranda of Understanding (MOU)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Information Sharing Agreements (ISA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Authentication Risk Assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Applicable Agreement(s) (Specify: _____)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>If you answered NO to any item above, please provide additional information if available:</b> CBRE is an Outsourced Information Service Provider and therefore is not subject to MOUs or ISAs.</p>		

## SECTION IV – NOTICE AND CONSENT

**12. Do individuals have the opportunity to decline to provide information or to consent to particular uses of their information (other than required or authorized uses)?**

No. Individuals do not have the opportunity to “opt out” of providing their data and/or consenting to particular uses of their information.

Individuals whose personal information is included with specific ORE assets may not opt out, as the FDIC, acting in its Receivership capacity, is required to manage or dispose of all assets acquired from the closing of financial institutions, as soon as



possible after that closing. To achieve this goal, the FDIC has contracted CBRE, to help manage, market, sell, or otherwise dispose of ORE assets acquired from failed institutions. As part of these duties, these firms require access to all information on each ORE asset, including any PII. Prospective purchasers are required to provide certain elements of PII in order to view ORE assets maintained within the CBRE asset management system and to participate in ORE asset auctions. If they do not provide this information, they may not view the ORE assets or participate in the ORE asset auctions.

Yes. Individuals have the opportunity to decline to provide their personal data or to consent to particular uses of their information. ***(Explain how individuals may decline or consent to the use of their information.):***

**13. If PII is being collected via a public-facing website and/or application as part of this outsourced service, has the Outsourced Information Service Provider posted any of the following types of privacy policies or Privacy Act notices?**

- No  
 Yes *(If yes, check applicable box(es) below.)*
- Link to FDIC Privacy Policy
  - FDIC Privacy Act Statement
  - Contractor Privacy Policy or Statement
  - No Privacy Policy has been posted
- Not applicable

## SECTION V – DATA SECURITY AND ACCURACY

**14. Please assert what administrative procedures and technical safeguards are in place to protect sensitive PII data in the Outsourced Information Service Provider's care. *[Provide the name of the Outsourced Service Provider and check all applicable box(es).]***

CBRE has gone through the security review required by the FDIC's Outsourced Information Service Provider Assessment Methodology to determine and/or verify their having appropriate physical, technical, and administrative security measures to safeguard FDIC-provided PII and other sensitive data. If it has gone through the Methodology, has it been approved?  NO  YES

The FDIC conducts background investigations (BIs) on CBRE personnel and other applicable personnel prior to their beginning work on the contract.

CBRE is subject to periodic compliance reviews by FDIC. Per the contract, scheduled and unannounced inspections and assessments of the Outsourced Service Provider's facilities, personnel, hardware, software and its security and privacy practices by either the FDIC information technology staff, the FDIC Inspector General, or the U.S. General Accountability Office (GAO). These inspections may be conducted either by phone, electronically or in-person, on both a pre-award basis and throughout the term of the contract or task order, to ensure and verify compliance with FDIC IT security and privacy requirements.

Other (Explain any other administrative and/or technical safeguards in place to protect PII data in the Outsourced Information Service Provider's care.) ***Attach the Contract Clause Verification Checklist to the back of this form.***

**15. What are the procedure(s) for ensuring that the information maintained is accurate, complete and up-to-date? *(Check all applicable box(es) and insert the appropriate response and System/Project name.)***

Data is collected directly from individuals and from the failed financial institutions. As such, the FDIC and its vendors rely on the individuals and/or financial institutions to provide accurate data.

The vendor/contractor works with FDIC to verify the integrity of the data [before, in conjunction with, and/or after] inputting it into the system or using it to support the project.

As necessary, CBRE's Financial Reporting and Data Manager checks the data for completeness by reviewing the information, verifying whether or not certain documents or data is missing, and as feasible, updating this data when required.

Other (*Please explain.*)

**16. In terms of assuring proper use of the data, please assert whether the following statements are true for the Outsourced Information Service Provider. *(Check all applicable box(es) and insert the name of the Outsourced Information Service Provider and title of the firm's senior management official.)***

Within FDIC, the CBRE Program Manager/Data Owner, Technical Monitors, Oversight Manager, and Information Security Manager (ISM) are collectively responsible for assuring proper use of the data. In addition, it is every FDIC user's responsibility to abide by FDIC data protection rules which are outlined in the FDIC's Information Security and Privacy Awareness training course which all employees take annually and certify that they will abide by the corporation's Rules of Behavior for data protection.

Additionally, the Outsourced Information Service Provider is responsible for assuring proper use of the data. Policies and procedures have been established to delineate this responsibility, and the vendor has designated CBRE's Financial Reporting and Data Manager to have overall accountability for ensuring the proper handling of data by vendor personnel who have access to the data. All vendor personnel with access to the data are responsible for protecting privacy and abiding by the terms of their FDIC Confidentiality and Non-Disclosure Agreements, as well as the vendor's corporate policies for data protection. Access to certain data may be limited, depending on the nature and type of data. (Refer to Section III of this Privacy Impact Assessment for more information on data access criteria.)

The Outsourced Provider must comply with the Incident Response and Incident Monitoring contractual requirement.

None of the above. *(Explain why no FDIC staff or Outsourced Information Service Provider personnel have been designated responsibility for assuring proper use of the data.)*

## **SECTION VI – DATA RETENTION AND DISPOSAL**

### **17. Where will the Outsourced Service Provider store or maintain the PII data identified in question 5? Describe both electronic and physical storage repositories, as applicable.**

CBRE primarily stores records containing the aforementioned PII in their secure ORE asset management system known as “FDIC ORE”. CBRE’s FDIC ORE system is stored on Salesforce GovCloud<sup>17</sup> servers at a Salesforce Datacenter. Working files, work product and reports generated as part of the ORE marketing and management services are backed up by CBRE’s accounting team to the Box.com<sup>18</sup> repository solution. The Salesforce and Box.com Datacenters where the ORE data will be stored are located within the United States. CBRE also maintains hardcopy ORE Asset Management Marketing files. When the asset sale is complete, CBRE boxes the asset hardcopy files and securely ships them to Iron Mountain for storage as per FDIC's instructions.

### **18. Specify the period of time that data is retained by the Outsourced Service Provider and the specific procedures for disposing of or returning the data at the end of the retention period or contract, whichever is first.**

The contractor must dispose or return the data “as FDIC directs” “Upon completion or termination of the contract, or at any time the Contracting Officer requests it in writing” per contract clause 7.4.2-2(b). Currently the FDIC utilizes the storage vendor Iron Mountain to retain returned data from CBRE.

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<sup>17</sup> The Salesforce Government Cloud (GovCloud) is a partitioned instance of salesforce.com’s multi-tenant public cloud infrastructure, specifically for use by U.S federal, state, and local government customers, and U.S. government contractors.

<sup>18</sup> Box.com is a cloud-based file storage and content management service.