

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

for

National Furniture, Fixtures, & Equipment Services

Worley Auctioneers

(RECVR-08-G-0141)



Date Approved by Chief Privacy Officer (CPO)/Designee: 6/28/2017

SECTION I – OUTSOURCED INFORMATION SERVICE DESCRIPTION

1. Describe the outsourced service and its purpose.

The Federal Deposit Insurance Corporation (FDIC) Division of Resolutions and Receiverships (DRR) National Furniture, Fixtures, & Equipment (FF&E) Unit is responsible for the management, marketing, and disposition of furniture, fixtures, and equipment (assets) held by the FDIC in receivership. When an insured financial institution (FI) fails, the FDIC is appointed receiver and given the task of liquidating the assets acquired from the failed institution. The assets acquired include FF&E used to operate as a FI, as well as FF&E owned by any entity that is directly related to the failed bank.

Independently, and not as an agent of the FDIC, Worley Auctioneers (Worley) shall furnish all labor, materials, and services to inventory, coordinate its valuation through an FDIC selected appraiser, market, sell via auction or scaled bid, liquidate and/or dispose of assets from a failed FI as instructed by the FDIC. This includes, but is not limited to: personal property; furniture and fixtures; computer equipment; bank-related equipment; art work; office furniture; automobiles; etc. In addition to bank-related equipment, the FDIC may acquire various types of FF&E owned by subsidiary companies where the failed bank was the owner/sole shareholder.

Worley's primary focus is to recommend a method to sell or dispose of the FF&E through a live, Internet auction, sealed bid sale, or combination of auction and sealed bid sale (including the Internet.) Worley will include written justification for the method selected, which will provide the greatest net return to the FDIC.

Prospective purchasers of FDIC FF&E through Worley are required to complete a Purchaser Eligibility Certification (PEC) form. Worley sends the prospective purchaser a link to the PEC form, hosted on the FDIC's Internet site, for the purchaser to fill out and submit directly to the FDIC. The PEC form is sent to the Department of the Treasury for an "OFAC check" (Office of Foreign Asset Control check). This process is not detailed in this document, as it is not part of Worley's contract. The PEC form is FDIC Form number 7300/06 and contains a Privacy Act Statement. The form has been approved by the Office of Management and Budget (OMB) for official FDIC use, and operates under the *FDIC Potential Bidders List* (FDIC-30-64-0019) System of Records Notice (SORN).

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.

The FDIC Owned Real Estate (ORE) Specialist assigns assets in receivership that need to be liquidated to Worley via the FDIC Secure Email Service. The asset assignment(s) from the FDIC do not contain any personally identifiable information (PII). Worley gathers the asset assignment(s) from the FDIC, and utilizes an online bidding platform to conduct their live auctions. Bidders submit an online registration form on the online bidding platform in order to sign up with Worley to purchase any of their items for auction. The registration form is the same for any individual who wishes to sign up with Worley, regardless of their potential intent to bid on FDIC property. The registration form collects many elements of bidder PII for their own business purposes. Worley utilizes the assignments of assets and their online bidding platform to liquidate FF&E assets and provide the highest net return on behalf of FDIC. Worley submits a list of prospective bidders and

an auction report back to FDIC via the FDIC Secure Email Service. This list contains bidder PII (full name and home address). After a successful auction, Worley sends the buyer the FDIC’s PEC form with directions to send the completed form straight to the FDIC. The Vendor should not collect or maintain the signed PEC form.

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

Worley utilizes the FDIC asset assignment(s) and bidder registration forms to conduct live online auctions on FF&E assets and provide the highest net return back to the FDIC. The FDIC FF&E Unit is responsible for the management, marketing, and disposition of FF&E held by the FDIC in receivership.

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 type="checkbox"/>
Social Security Number	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Employment Status, History or Information	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Email Address (non-work)	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Driver’s License/State Identification Number	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle Identifiers (e.g., license plates)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Legal Documents, Records, or Notes (e.g., divorce decree, criminal records, etc.)	<input type="checkbox"/>	<input checked="" 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 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:

N/A

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

N/A

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

N/A

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 <input type="checkbox"/>	1-500 <input checked="" type="checkbox"/>	501-1,000 <input type="checkbox"/>	1,001 - 2,500 <input type="checkbox"/>	2,501 - 5,000 <input type="checkbox"/>
5,001 - 7,500 <input type="checkbox"/>	7,501 - 10,000 <input type="checkbox"/>	10,001 - 50,000 <input type="checkbox"/>	50,001 - 100,000 <input type="checkbox"/>	over 100,000 <input type="checkbox"/>

6b. If “0” was answered for 6a, please explain¹: N/A

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

Data Source ² (List all sources that the Outsourced Provider collects, obtains or receives data from, as part of the services provided under the contract.)	Type of Data Provided by Source & How It is Derived (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.)	Does Data Include PII? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
FDIC/DRR/ORE	The FDIC ORE Specialist assigns assets in receivership that need liquidated to Worley via the FDIC Secure Email Service. Worley utilizes the asset assignment(s) to conduct their due diligence and conduct auctions to provide the highest net return back to the FDIC. The assigned assets from the FDIC do not include any PII.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Worley’s Auctioning Website (http://www.worleyauctioneers.com) (Hosted by Rackspace)	Worley utilizes an online bidding platform to obtain bidder registration forms needed to determine purchaser interest of the FF&E assets. Worley uses the online bidding platform to conduct their due diligence and generate the highest net return for all FF&E. The online registration forms completed by bidders collect many elements of the bidder’s PII for Worley’s own business processes (not as part of this contract). The registration form is the same for any individual who wishes to sign up with Worley, regardless of their potential intent to bid on FDIC property. The only bidder PII that Worley submits to the FDIC is full name and home address, which Worley provides to the FDIC at the conclusion of an auction. This PII is pulled from Worley’s registration information.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

NOTE: The PEC form mentioned in Question 1 is not collected by Worley, and therefore is not within the scope of their contract and not reflected in this table.

¹ 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.

² 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.

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).

Yes, data may be retrieved using a personal identifier. Worley and FDIC DRR retrieve winning bidder information using personal identifiers such as their full name and/or home 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*. 80 FR 66998 (October 30, 2015)



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 3 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 through 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).

SECTION III – DATA ACCESS AND SHARING

10. In the table below, specify the systems/applications and parties (FDIC and non-FDIC) that will access or receive PII data as part of the outsourced service/project. (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
10a. FDIC Outsourced Service Provider (OSP) Staff; OSP Subcontractors; and/or OSP Systems	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Authorized Worley personnel who perform work on behalf of the FDIC have access to Worley’s bidder registration forms (for signing up with Worley’s auction site), which contain only many elements of the bidder’s PII for Worley’s own business processes. This includes the bidder PII that Worley submits to the FDIC (full name and home address), which Worley provides to the FDIC at the conclusion of an auction. This PII is pulled from Worley’s registration information...
10b. FDIC Personnel and/or FDIC Systems/Applications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FDIC receives a list of prospective purchasers from Worley at the conclusion of an auction as Worley’s final deliverable. This list contains the purchaser’s full name and home address, as well as the gross purchase price for each item and net price due to the FDIC.
10c. Individual Members of the Public (e.g., bidders, investors, borrowers, customers, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Once a prospective bidder/purchaser has submitted an online registration form using Worley’s online auction system and signed the Terms and Conditions, Disclosures, and Confidentiality Agreement, they are able to access the FF&E auction items listed on Worley’s bidding website and submit a bid. Prospective bidders only have access to their own PII.
10d. Other Non-FDIC Entities/ Parties and/or Non-FDIC Systems/Applications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Applicable.
10e. Federal, State, and/or Local Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Applicable.
10f. Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Applicable.

NOTE: The PEC form mentioned in Question 1 is not collected by Worley, and therefore is not within the scope of their contract and not reflected in this table.

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 type="checkbox"/>	<input checked="" 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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Specify: _____)

If you answered NO to any item above, please provide additional information if available:

Worley Auctioneers is an outsourced service provider and therefore is not subject to MOUs or ISAs. Worley does not share any data for the purposes of this contract outside of the FDIC.

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.

No, individuals who wish to purchase FF&E through Worley do not have the opportunity to “opt out”. Individuals must submit the required PII to Worley in order to sign up to utilize Worley’s site.

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.)***

Not applicable.

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).]*****

Penny Worley Auctioneer will go through the security review required by the FDIC’s Outsourced Information Service Provider Assessment Methodology to determine and/or verify 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 IN PROGRESS

The FDIC conducts background investigations (BIs) on key Penny Worley Auctioneer, Inc. personnel and other applicable personnel prior to their beginning work on the contract.

Penny Worley Auctioneer 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/or 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 inputting it into the system or using it to support the project.

As necessary, the Program Manager for Penny Worley Auctioneer 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, Penny Worley Auctioneer Program Manager/Data Owner, Technical Monitors, Oversight Manager, and Information Security Manager (ISM) are collectively responsible for ensuring 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 ensuring proper use of the data. Policies and procedures have been established to delineate this responsibility, and the vendor has designated Worley's CEO 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 4? Describe both electronic and physical storage repositories, as applicable.

The final deliverables transmitted back to FDIC include PII as identified in Question 4. Worley transmits the relevant auction data and documents via the FDIC Secure Email Service. This data is stored and backed up on Worley's main desktop within their Maineville, Ohio office. All data entered online for auctions is stored within Worley's database, which is hosted at a Rackspace Datacenter in Ashburn, Virginia. Rackspace encrypts the data on the database at rest, and all Rackspace servers utilize RAID arrays to insure data accessibility even in the event of hard drive failures.

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.

Worley's customer information that is submitted when a customer signs up for the auction website is not considered FDIC information, and is not regularly purged.