



USDA Privacy Impact Assessment

Fiscal Year 2024

Privacy Division (PD)
Cybersecurity and Privacy Operations Center (CPOC)
U.S. Department of Agriculture

Revisions

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09/06/2023	1.0	Documented created.
02/12/2025	1.1	Removed “Gender” and “Sexual Orientation” from Biographical Information in accordance with Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”

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Privacy Impact Assessment for the USDA IT System/Project

Detail	Information
System/Project Name	Lacey Act Web Governance System (LAWGS)
Program Office	PPQ Lacey Act
Mission Area	Marketing and Regulatory Programs
CSAM Number	2048
Date Submitted for Review	-

Mission Area System/Program Contacts

Role	Name	Phone Number
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Abstract

The Lacey Act Web Governance System (LAWGS) is a web application that enables importers to file declarations of plant and plant products being imported into the U.S. The system enables the USDA Animal and Plant Health Inspection Service, Plant Protection and Quarantine (APHIS-PPQ) Lacey Act Program (LAP) officials to review the declarations for completeness and accuracy. Output for the users of the APHIS LAWGS features a printable declaration (PPQ Form 505) that denotes compliance with the Lacey Act reporting requirements in the importation of plant products. This PIA is being conducted because LAWGS collects the name, business address, business email address and business phone number of the importers and the consignees of the shipments.

Overview

LAWGS's mission is to facilitate the creation, submission and review of the Plant and Plant Product Declaration Form (PPQ Form 505/505b). The form is required by the Lacey Act Amendment (16 U.S.C.3372) for all plant and plant products, with exceptions, being imported into the United States (U.S). The system enables the users (importers or designated agents) to create their own organizations with designated organizations as an Organization Administrator (Org. Admin). The Org. Admins have full autonomy in adding/removing members and maintaining organization information. The user organization ensures confidentiality and enables sharing of artifacts and templates within the organization. The information collected by LAWGS includes the data that describes the shipment and compliance with Lacey Act requirements. The shipment information includes Importer and consignee name and contact information. There is PII for approximately 50,000 individuals within the system at any given time. LAWGS enables the PPQ Lacey Act Program (LAP) officials to review the submitted declaration for accuracy and completeness.

Section 1: Authorities and Other Requirements

The following questions are intended to identify all statutory and regulatory authority for operating the project, including the authority for collection, what SORN applies, if an ATO has been completed and if there is Paperwork Reduction Act coverage.

What legal authorities and/or agreements permit the collection of information by the project or system?

The Lacey Act (16 U.S.C.3372) as amended in 2008.

Has Authorization and Accreditation (A&A) been completed for the system?

LAWGS is classified as a Moderate system. It received an ATO on 6/13/2024 and expires on 6/14/2027. The System Security Plan (SSP) was signed on 07/19/2024. The last risk review was completed on 6/12/2024.

What System of Records Notice(s) (SORN(s)) apply to the information?

APHIS Plant Protection and Quarantine's Lacey Act Declaration Information Systems (LADIS), USDA/APHIS-24, and can be located at [Privacy Act; Systems of Records Docket APHIS-2015-0085-0001](#).

Is the collection of information covered by the Paperwork Reduction Act?

Yes. The OMB control number is 0579-0349.

Section 2: Characterization of the Information

The following questions are intended to define the scope of the information requested and collected as well as the reasons for its collection as part of the program, IT system, or technology being developed.

What information is collected, used, disseminated, or maintained in the system/program?

Biographical Information

- Name (Including Nicknames)
- Business Mailing Address (sole proprietor)
- Business Phone or Fax Number (sole proprietor)
- Business Email Address

What are the sources of the information in the system/program?

The importers and/or brokers of importers provide the information of the consignees (name, business address, business email address and business phone number in both cases). The PPQ Form 505 is a manual form that could be used if the customer is unable to access ACE or LAWGS directly. The program is working to eliminate the use of this form except in extraordinary circumstances. The information from this form is not entered into the LAWGS system as it is maintained within the program at the USDA's Material Management Service Center and will follow standard disposal schedule as outlined in the NARA approved record schedule, DAA-0463-2019-0001. LAWGS also receives PII information from the Automated Commercial Environment (ACE) system which is part of CBP.

How is the information collected?

Importers/Brokers enter the information directly into the system via the Internet. The email address is received through the login.gov website when users request access to LAWGS. It also receives information directly from the ACE system. The PPQ Form 505 is mailed to the program.

Does the project/program or system use information from commercial sources or publicly available data. If so, explain why this is used?

No commercial or publicly available data is used.

How will the information be checked for accuracy? How often will it be checked?

PII is entered directly by the customer. When entering their information, the user is required to check a box stating, "by submitting this form, I certify under penalty of perjury that, to the best of my knowledge and belief, the information furnished is true and correct. Knowingly making a false statement in this Declaration for Importation may subject the declarant to criminal penalties in accordance with [16 U.S.C 3373\(d\)](https://www.uscourts.gov/16-usc-3373-d)."

Does the system/program use third-party websites?

Not applicable

What is the purpose of the use of third-party websites?

Not applicable

What PII will be made available to the agency through the use of third-party websites?

Not applicable

Privacy Impact Analysis: Related to characterization of the information.

Privacy Risk: There is a risk that PII will be collected that is not necessary for the purpose of this system and that it will be inaccurate.

Mitigation: The system collection fields only allow for the minimum amount of information to be collected to fulfill the intended purpose. The PII that the system collects (the name, business address, business phone number and business email address of the importers and consignees) is required to understand who is importing and receiving products subject to the Lacey Act and to be able to contact them in case of investigations or enforcement actions. Customers are presented with a check box that requires them to confirm that the information they have entered is accurate.

Section 3: Uses of the Information

The following questions are intended to clearly delineate the use of information and the accuracy of the data being used.

Describe why and how the information collected, used, disseminated and/or maintained will support the program's business purpose?

The name, business address, business email address and business phone number of the importers and consignees is used to understand who is importing and receiving shipments of plant products that may be subject to the Lacey Act. This allows USDA officials to contact them about their shipments or any relevant investigations or enforcement actions. All the information being collected, used, disseminated, or maintained in the system is required by the 2008 Lacey Act Amendments (16 U.S.C. 3372).

Does the system/project/program use technology to conduct electronic searches, queries, or analysis in an electronic database to discover or locate a predictive pattern or anomaly? If so, state how USDA plans to use such results.

There are no tools used to conduct electronic searches, queries, or analysis to discover or locate a predictive pattern or anomaly.

Privacy Impact Analysis: Related to uses of the information.

Privacy Risk: There is the risk of PII data being accessed by unauthorized personnel and of it being used outside of its intended purpose.

Mitigation: Role-based security and access rights are implemented to protect the confidentiality of information. Role-based security ensures that users are only allowed to perform actions within the system that the role they are assigned dictates. Also, users must use their e-Authentication credentials, which provides user authentication, to access LAWGS. Auditing of user access is performed quarterly to ensure users still need access to LAWGS. Information is only used for its originally intended purpose and as described in the SORN. Lacey Act personnel determine who has access to the system and what roles they are assigned. The system owner or designated representative approves access to the system. The process for gaining access is documented on the website. All USDA employees take annual Information Security Awareness Training annually, which includes guidance on how to properly handle PII.

Section 4: Notice

The following questions are directed at providing notice to the individual of the scope of information collected, the right to consent to uses of the information, and the right to decline to provide information.

How does the project/program/system provide notice to individuals prior to collection?

A Privacy Act Statement is currently being drafted to provide notice to individuals. The Program is collaborating with the APHIS Privacy Act Officer to complete this.

What options are available for individuals to consent, decline, or opt out of the project?

The information collected is a legal requirement under the Lacey Act for those who import regulated plants and plant products into the United States, to combat illegal harvest overseas and illegal trade. Individuals who choose not to provide information will be unable to import their product(s).

Privacy Impact Analysis: Related to notice.

Privacy Risk: There is a risk that individuals will not be aware of how their information is processed.

Mitigation: The collection of Information that is collected is only used for its intended purpose which is documented in the SORN (APHIS Plant Protection and Quarantine's Lacey Act Declaration Information Systems (LADIS) USDA/APHIS-24 SORN). A Privacy Act Statement is currently being developed to provide notice to the individuals about how and why their information is collected.

Section 5: Data Retention

The following questions are intended to outline how long information will be retained after the initial collection.

What information is retained and for how long?

All the information in LAWGS, including the importer and consignee name and business address, is destroyed when 5 years old. A longer retention is authorized if required for business use, which generally means when there is an ongoing law enforcement investigation or legal case pertaining to the importer or consignee.

Has the retention schedule been approved by the USDA records office and the National Archives and Records Administration (NARA)? If so, please indicate the name of the records retention schedule.

Yes. NARA provided approval and published the retention schedule on June 12, 2019. The approved Record Schedule is DAA-0463-2019-0001. [DAA-0463-2019-0001 USDA, Animal and Plant Health Inspection Service, Lacey Act Declaration Information System \(LADIS\)](#).

Privacy Impact Analysis: Related to retention of information.

Privacy Risk: There is a risk of information being retained outside of the approved retention schedule.

Mitigation: The PPQ Lacey Act team works with the APHIS Records Management team to destroy documents per the NARA approved record schedule in place. A MRP Records Destruction Form (406) is utilized when the destruction is carried out to ensure it is approved by the Agency Records Officer. This is a manual process that is conducted annually to ensure compliance with the LAWGS Retention/Disposition schedule.

Section 6: Information Sharing

The following questions are intended to define the content, scope, and authority for information sharing.

With which internal organizations and/or systems is information shared/received/transmitted? What information is shared/received/transmitted, and for what purpose? How is the information transmitted?

Information in LAWGS is shared with other PPQ programs, APHIS' Investigative and Enforcement Services (IES), the USDA Office of General Counsel and the USDA Office of the Inspector General (OIG) for investigating compliance with the Lacey Act declaration requirements and phytosanitary requirements for importation. The release of LAWGS data within the USDA for compliance or enforcement purposes will require inclusion of PII data fields, which could include the consignee/importer name and business address, allowing them to contact these individuals regarding investigations and enforcement actions. This information would be summarized by Lacey Act staff and shared in a Word document and/or Excel spreadsheet. In all internal instances, files are protected by passwords and transmitted by USDA encrypted email or by SharePoint/OneDrive file link. In the case of SharePoint/OneDrive file links, only individuals who require access are provided with it. The information will only be maintained according to the approved record schedule DAA-0463-2019-0001

Privacy Impact Analysis: Related to internal sharing and disclosure.

Privacy Risk: There is a risk of exposing PII to unauthorized personnel during internal sharing of information.

Mitigation: The risk is reduced by ensuring that the personnel that request the information are authorized to receive it. Additionally, information is shared via password-protected attachments with the password sent in a separate email to the recipient. The emails are also encrypted. All USDA employees and contractors accessing the system take annual information security awareness training which covers the proper sharing of information.

With which external organizations (outside USDA) is information shared/received/transmitted? What information is shared/received/transmitted, and for what purpose? How is the information transmitted?

Information within LAWGS, including the importer/consignee name, email address, phone number and address may be shared with other federal agencies authorized to enforce the Lacey Act (e.g., U.S. Department of Justice and U.S. Fish and Wildlife Service), agencies authorized to enforce regulations pertaining to the importation of plants/wood and plant/wood/products (e.g., U.S. Department of Homeland Security, Homeland Security Investigations and Customs and Border Protection) and The Convention on International Trade in Endangered Species of Fauna and Flora (CITES). Other requests may come from other federal agencies involved in facilitating international trade, such as the Office of the United State Trade Representative. For all external requests for LAWGS data, other than from USDA-

OGC, the requesting agency must submit a written request to APHIS specifying the data they are seeking and the reason for the request. As with internal requests for this data, the LAWGS Administrator/Manager must ensure the request and response to the request comply with the Lacey Act Declaration data-sharing policy. (Requests from USDA-OGC may be less formal because such requests will support ongoing enforcement proceedings specifically requested by the LAP.). Note that LAWGS cannot be used to share information directly with any external agencies/organizations. APHIS can only extract data and create reports. The reports, which are one-off requests, are then shared directly with request agencies via email using password-protected Excel spreadsheets and encryption. Data may also be shared with Congressional offices in response to an inquiry; and the National Archives and Records Administration for records management activities. If requested, the contact information of the representatives of the importers and/or consignees may be shared with other government agencies to facilitate communication when enforcement actions are needed.

Privacy Impact Analysis: Related to external sharing and disclosure.

Privacy Risk: There is a risk of exposing the limited PII to unauthorized personnel during external sharing of the information.

Mitigation: The risk is mitigated by ensuring that the personnel that request the information are authorized to receive the information and a password is sent separately in an encrypted email to the requesting customer. There is a MOU in place with CBP that addresses what information is shared and what it is used for. All information shared outside of USDA is compatible with the stated purpose and use of the original collection as mentioned within the Lacey Act Declaration Information System SORN. External information sharing will be encrypted. Interconnection Security Agreements are signed by all parties internally and externally as to what information is shared, and how the information is secured.

Section 7: Redress

The following questions are directed at an individual's ability to ensure the accuracy of the information collected about him or her.

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

There are several means that allow individuals to gain access to their information. Users may submit Privacy Act requests and Freedom of Information Act (FOIA) requests. All requests for access to records must be in writing and should be submitted to the APHIS Privacy Act Officer, 4700 River Road, Unit 50, Riverdale, MD 20737; or by facsimile (301) 734-5941; or by email APHISPrivacy@usda.gov. In accordance with 7 CFR 1.112 (Procedures for requests pertaining to individual records in a record system), the request must include the full name of the individual making the request; the name of the system of records; and preference of inspection, in person or by mail. In accordance with 7 CFR 1.113, prior to inspection of the records, the requester shall present sufficient identification (e.g., driver's license, employee identification card) to establish that the requester is the individual to whom the records pertain. In addition, if an individual submitting a request for access wishes to be supplied with copies of the records by mail, the requester must include sufficient data for the agency to verify the requester's identity. Additionally, users can access their information directly in the system. There is also an on-line help accessible by all users on the LAWGS website and a helpdesk that can be reached by emailing pcithelpdesk@usda.gov.

What are the procedures for correcting inaccurate or erroneous information?

Correcting inaccurate information may be done via the point of contact listed in section 7.1. All users can also self-correct their information by going into the system and updating any of their information. Declaration information is corrected real-time by the provider of the information. Organizational information can be corrected by the organization administrator within the LAWGS system. Erroneous data which the provider is unable to correct in LAWGS must be reported to LAP or the LAWGS helpdesk (pcithelpdesk@usda.gov). LAP will investigate, and if the correction is warranted, will work with the helpdesk to make the correction. Users also have the capability to submit written notes to LAP via the LAWGS system to inform LAP of errors needing correction. There is on-line help accessible by all users on the LAWGS website.

How are individuals notified of the procedures for correcting their information?

The procedures are available in Section 7.1 of this document, which is publicly available on the USDA website. Additionally, instructions for correcting information are listed in the SORN. There is on-line help accessible by all users on the LAWGS website which explains how users can update information and refers to the helpdesk that can be reached by emailing pcithelpdesk@usda.gov.

If no formal redress is provided, what alternatives are available to the individual?

Formal redress is provided.

Privacy Impact Analysis: Related to redress.

Privacy Risk: There is a risk that individuals will not be able to access or update their information or be aware of how to do so.

Mitigation: Individuals can access and update their information directly in the system or by reaching out to the LAWGS Helpdesk (pcithelpdesk@usda.gov). Individuals may also submit Privacy Act requests and Freedom of Information Act (FOIA) requests as listed above. Individuals are notified of these procedures within this PIA, the SORN and directly on the LAWGS website, which includes a link to online help and lists the contact information for the Helpdesk.

Section 8: Auditing and Accountability

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

How is the information in the system/project/program secured?

The system provides technical safeguards to prevent the misuse of data and APHIS conducts continuous monitoring for the system to ensure the technical safeguards are in place. The technical safeguards include, but are not limited to:

- Confidentiality: Encryption is implemented to secure data at rest and in transit for the application (HTTPS and database encryption).
- Access Control: Role/feature-based access is used to ensure staff only receive access to limited data.
- Authentication: Access to system and session timeout is implemented for this application (by eAuthentication)
- Audit: Logging is implemented for this application (date/time of the last record update, user that last updated the record)

What procedures are in place to determine which users may access the program or system/project, and are they documented?

LAWGS membership is organization-based and only open to U.S. Importers of Record, Foreign Importers of Record (only if they qualify for this role under CBP requirements), and U.S. customs brokers with a power of attorney to represent a foreign or domestic importer of record, which is documented in the Industry Users Quick Reference Guide. LAWGS internal users are approved for access by the Lacey Act program administrator and external users are approved for access through the organization they belong to. Users must utilize their e-Authentication credentials to obtain access to LAWGS. Users must submit a request to their supervisor requesting access and then once their request is validated the supervisor sends an email to the system owner or designated representative requesting approval for the account request. Once the request is approved an email is sent to the helpdesk requesting that the account be created along with what role is required for the user to complete their duties within the system. The process is documented within Cyber Security Access Management (CSAM) tool for internal users but for external users the process is documented on the Help/Contact page on the website.

How does the program review and approve information sharing requirements?

The sharing of PII is only approved if it is needed to ensure that the program is in compliance with the 2008 Lacey Act Amendments (16 U.S.C. 3372). For all external requests for LAWGS data, the requesting agency must submit a written request to APHIS specifying the data they are seeking and the reason for the request. The request when received is reviewed and approved by the LAWGS System Owner and the Compliance Specialist.

Describe what privacy training is provided to users either generally or specifically relevant to the program or system/project?

The annual USDA Security Awareness training includes privacy training and is required by all Federal employees and contractors who access the information system.