

FEDERAL ELECTION COMMISSION		
MANUAL OF DIRECTIVES	COMMISSION DIRECTIVE	
	REVOKES: No. 65 dated December 16, 2011	NO. 65 (Revised)
		EFFECTIVE DATE: October 17, 2012
DESIGNATION OF CHIEF PRIVACY OFFICER AND SENIOR AGENCY OFFICIAL FOR PRIVACY		

Section 522 of the Consolidated Appropriations Act of 2005 requires agencies to designate a Chief Privacy Officer to assume primary responsibility for privacy and data protection policy. The Chief Privacy Officer's duties include:

- assuring that the Commission's use of technologies sustains, and does not erode, privacy protections relating to the use, collection, and disclosure of information in an identifiable form;
- assuring that technologies used to collect, use, store and disclose information in identifiable form allows for continuous auditing of compliance with stated privacy policies and practices;
- assuring that personal information contained in the Commission's systems of records is handled in full compliance with fair information practices;
- evaluating the Commission's legislative and regulatory proposals involving the collection, use, and disclosure of personal information;
- preparing a report to Congress on an annual basis on the Commission's activities that affect privacy, including complaints of privacy violations, implementation of the Privacy Act, internal controls, and other relevant matters;
- ensuring that the Commission protects information in an identifiable form and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction;
- training and educating employees on privacy and data protection policies to promote awareness of and compliance with established privacy and data protection policies; and
- ensuring compliance with the Commission's established privacy and data protection policies.

42 U.S.C. § 2000ee-2, Public Law 108-477, Div. H, Tit. V, § 522.

Office of Management and Budget Memorandum M-05-08 directs agency heads to designate a Senior Agency Official for Privacy with agency-wide responsibility for

ensuring the agency's implementation of information privacy protections and full compliance with laws, regulations, and policies for information privacy. According to M-05-08, the Senior Agency Official for Privacy is responsible for:

- reviewing and updating privacy procedures;
- ensuring implementation of information privacy protections;
- compliance with applicable laws, regulations, and policies for information privacy;
- ensuring that employees and contractors receive privacy training; and
- developing and evaluating legislative, regulatory, and policy proposals that implicate information privacy issues.

The FEC Chief Information Officer, or his/her designee, and the FEC General Counsel, or his/her designee, shall serve jointly as the Chief Privacy Officer as well as the Senior Agency Official for Privacy. Any named designee by the Chief Information Officer or General Counsel shall be a senior management official. The Chief Privacy Officer and the Senior Agency Official for Privacy are both responsible for "over-all" or "agency-wide" privacy compliance. Their duties entail some degree of overlap.

Compliance with privacy requirements is dependent in large part on technological safeguards and processes, which the Chief Information Officer (or his/her designee) is best qualified to address. It also involves many issues of statutory and regulatory interpretation, which the General Counsel, or his/her designee, is best qualified to address. Accordingly, the Chief Information Officer (or designee) and the General Counsel (or designee) will share the duties and responsibilities of the Chief Privacy Officer and the Senior Agency Official for Privacy.

The General Counsel is routinely copied on all Commission legislative and regulatory proposals and shall evaluate proposals affecting information privacy, including those involving the Federal Election Commission's collection, use, and disclosure of personal information.

This directive was adopted on October 17, 2012.



Alec Palmer
Staff Director