

Comment Template for: NIST SP 800-63-4 Suite (Initial Public Draft)

Please submit responses to dig-comments@nist.gov by March 24 April 14, 2023

Organization:	DoD, Office of Privacy, Civil Liberties, and Transparency (PCLT)
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Comment #	Publication (Base, 63A, 63B, 63C)	Section	Page #	Line #	Comment (Include rationale for comment)	Suggested Change	
1	63A	5.1.2.1	18	763	We recommend adding specific guidance to improve clarity as to the actions expected of the CSP.	Add "and apply the appropriate privacy controls." to the end of the sentence.	
2	63A	5.1.2.2	18	776	The Privacy Act explicitly restricts when federal, state and local government agencies may collect the SSN. (There may be other legal restrictions applicable to other entities on the collection of SSNs that should also be considered.) We recommend adding an explicit reference to Section 7 of the Act to assist govt agencies with lawful implementation. NOTE: We considered recommending this be placed in 5.1.5 however, the requirements of Section 7 of the Privacy Act on SSNs apply not just to the Federal Government, but also to State and local governments as well. Section 5.1.5 is limited to Federal agencies.	Modify the first sentence to read: "The CSP MAY collect the Social Security Number (SSN) as an attribute when authorized and necessary for identity resolution, in accordance with the privacy requirements in Sec. 5.1.2. and Section 7 of the Privacy Act of 1974 (5 USC 552a note)."	
3	63A	5.1.2.2	18	788	Section 7 of the Privacy Act requires that federal, state, and local government agencies provide specific notice concerning the collection of an SSN to the individual, which must include notice of whether the SSN disclosure is mandatory or voluntary, what uses will be made of the SSN, and the authority for the collection of the SSN. NOTE: We considered recommending this be placed in 5.1.5 however, the requirements of Section 7 of the Privacy Act on SSNs apply not just to the Federal Government, but also to State and local governments as well. Section 5.1.5 is limited to Federal agencies.	Add new sencece to the end of this paragraph to read as follows: "If the SSN is collected on behalf of a federal, state, or local government agency, the CSP SHALL provide explicit notice in accordance with Section 7(b) of the Privacy Act (5 USC 552a note) to the applicant regarding whether collection of the SSN is mandatory or voluntary, the authority for the collection, and the intended uses of the SSN."	
4	63A		8.6	42	1445	The Privacy Act requirement is that a Privacy Act System of Records Notice be published for any system of records. The requirement is to publish a Notice. A system of records already exists when the legal definition is met, but a notice must be published by the agency to comply with the act. Therefore we recommend the addition of the word "notice" be added so the last sentence is more accurate as follows "For example, with respect to identity proofing, it is likely that the Privacy Act requirements will be triggered and require coverage by either a new or existing Privacy Act system of records notice due to the collection and maintenance of PII or other attributes necessary to conduct identity proofing."	Add "notice" in the last sentence after "Privacy Act system of records"
5	63B		9.4	60	2037	The Privacy Act requirement is that a Privacy Act System of Records Notice be published for any system of records. The requirement is to publish a Notice. A system of records already exists when the legal definition is met, but a notice must be published by the agency to comply with the act. Therefore we recommend the addition of the word "notice" be added so the last sentence reads as follows "...the Privacy Act requirements will be triggered and require coverage by either a new or existing Privacy Act system of records notice due to the collection and maintenance of PII and any other attributes necessary for authentication."	Add "notice" in the last sentence after "Privacy Act system of records"
6	63C		9.4	58	1815	The Privacy Act requirement is that a Privacy Act System of Records Notice be published for any system of records. The requirement is to publish a Notice. A system of records already exists when the legal definition is met, but a notice must be published by the agency to comply with the act. Therefore we recommend the addition of the word "notice" be added so the last sentence reads as follows "...new or existing Privacy Act system of records notice..."	Add "notice" in the last sentence after "Privacy Act system of records"