

Survey Privacy Impact Assessment (PIA)

Authority: Office of Management Budget (OMB) Memorandum (M) 03-22, OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002 & BRRM PVR #10- Privacy Accountability and #21-Privacy Risk Management, and the Privacy Act of 1974 (as amended).

SOI control number (if applicable)

Date

5-21-2015

Section I - Introduction

Full survey name, and acronym (if this is a reoccurring survey, show date)

Affordable Care Act (ACA) Noncompliance Among Self-Preparers and Paid Practitioners: Understanding Circumstances Leading to Premium Tax Credit Errors

General business purpose of survey (provide a clear, concise description of the survey, why it's needed, the benefits to the mission of the service)
Filing season 2015 is the first year taxpayers will be able to claim the Premium Tax Credit (PTC) associated with Provision 36B of the Affordable Care Act (ACA). Throughout the filing season, IRS researchers performed weekly data analysis to track the volume tax returns that were flagged for PTC-related errors by one of two IRS systems. Though the IRS was able to obtain the counts of the types of mistakes being made by individuals preparing PTC returns, the analysis shed little light on the cause(s) of the errors. This study will be comprised of 130 one-hour long interviews with individuals or tax preparers identified as having prepared and filed a federal tax return in 2015 that was later assigned an error associated with the Premium Tax Credit. IRS researchers will conduct 80 interviews with individuals who-prepared their returns and 50 interviews with paid practitioners. The IRS will use the interview findings to identify patterns and circumstances leading people to preparer PTC that contain mistakes. Researchers will apply these findings to the development of a follow-up survey (administered to a larger group) that will allow the population to be quantified inferentially. At the conclusion of this study, the IRS will have a stronger understanding of causes of non-compliance with the PTC. The will be able to use this information to support enacting strategies and/or developing messaging to correct common behaviors causing the assignment of errors on PTC returns, which will result in lower burden and increased compliance among taxpayers.

List all System of Records Notices (SORN) that apply. (SORN review required)

Treasury/IRS 00.001-Correspondence Files and Correspondence Control Files

Treasury/IRS 00.003-TP Advocate Service and Customer Feedback and Survey Records

Treasury/IRS 22.026-Form 1042S Index by Name of Recipient

Treasury/IRS 24.030-Customer Account Data Engine Individual Master File

Treasury/IRS 24.046-Customer Account Data Engine Business Master Filer, formerly Business Master File

Requested operational date

Fall 2015

Section II – About The Survey

1. Who will the survey be administered to

a. IRS employees, managers or executive service

Yes No

i. List all PII data used in the survey, or to select participants (PII data includes information that can be linked to an individual by using other information. Data does not have to be linked by the IRS to be PII data. Data in the contractor's custody that is never requested by the IRS may also be PII data. Read the web page at http://irweb.irs.gov/AboutIRS/bu/pipds/pip/privacy/privacy_art/8352.aspx before answering this question)

b. Taxpayers

Yes No

i. List all PII data used in the survey, or to select participants

The IRS will gather no Personally Identifiable Information (PII) data during the actual interviews. PII data used to select interview participants for a sample will include names, addresses, and phone numbers of potential participants, which the IRS will provide to aid the contractor in recruiting. However, the IRS will not be aware of who chooses to participate. WIRA will use a combination of data sources to identify potential participants for the study. These include the PTC Scored Table from Business Objects, multiple tables from the Compliance Data Warehouse, and the Accurint system to acquire participant contact information. Names, addresses, and phone numbers for potential participants will be provided to the vendor to recruiting of interviews in Phase I of the study and for distribution of surveys in Phase II of the study.

c. Others

2. Explain how participants are selected (*detailed description on method & reason of selection, if random, explain*)

The IRS will select participants based on the assignment of PTC-related error codes to their accounts in the AVS system. Data analysis will limit the selection of participants to those errors with the highest volume among the two groups of interest (self-preparers and paid practitioners). WIRA research analysts will use the aforementioned data sources to create a list of potential study participants, which will be forwarded (via a secure Excel file or share drive) to the Contractor for recruiting of interviews in Phase I of the study and for distribution of surveys in Phase II of the study. The IRS will provide the contractor with contact information for individuals identified as being eligible to participate in order to call, screen, and invite potential participants. The contractor will only invite individuals who meet the requirements decided upon by IRS to participate, as outlined in screener guides developed by IRS researchers.

- a. List the IRS, Treasury or other Government system(s), applications or data bases that the employee/taxpayer PII data is extracted or derived from. If data comes from other sources, describe the source of the information

IRS researchers will access individual and tax preparer names and addresses from the Compliance Data Warehouse (CDW). Researchers will then use a third party verification system, Accurant, to obtain phone numbers for potential participants using the names and addresses gathered from the CDW. The IRS will securely transfer this information to the contractor for participant recruiting.

3. Is the survey voluntary

Yes No

- a. How is notice given that the survey is optional

Sending consent forms ahead of phone interviews to be signed and then mailed or faxed back is very time and resource-intensive. The IRS requests that researchers be allowed to obtain verbal consent from all participants at the start of the interview, rather than signed consent prior to the interview. IRS researchers will follow all standard guidelines to assure interviewees that their participation is entirely voluntary.

Additionally, during recruitment and at the start of each interview, IRS interviewers will remind participants that their participation is voluntary with the following statement: "Your participation in this interview is voluntary and there are no penalties if you choose not to participate." The IRS will also post information regarding the study to the IRS Tax Acts page, which will explain the research and reiterate that participation is voluntary.

If verbal consent is not permissible, the IRS will send the Informed Consent forms attached to this OMB/PIA submission to participants prior to the interview.

4. Is any Personally identifiable Information (PII)/data collected, disclosed or studied on employees, taxpayers, stakeholders or other individuals who choose not to participate

Yes No

5. How will the survey be conducted

- a. Electronically (*explain delivery method & if cookies are used*)

- b. Phone (*explain procedure, and provide script*)

The IRS will enlist the services of a contractor to recruit and schedule interviewees. Taxpayers will call a phone line provided by the contractor or by the IRS. During the interview, an IRS researcher will lead the discussion and other IRS researchers may listen in to aid in taking notes of the discussion. These researchers will have no knowledge as to the identity of the interviewees. If possible, the conversation will be recorded (either by software hosted/provided by the contractor) or through the use of a recording device provided by the IRS as a back-up method to document important interview information.

- c. Mail (*explain method for choosing participants, and provide example of cover letter to the participants*)

- d. Other

6. Who will conduct the survey? Please provide a copy of the contract

- a. IRS conducted (*name the office that will conduct the survey*)

Wage and Investment Research and Analysis

- b. Contractor conducted

- i. Has a Contracting Officer or a Contracting Officer's Representative (COR) verified that

1. All applicable FAR requirements are met to engage a contractor to perform the survey

Yes No

2. That all required "non-disclosure" clauses are contained in the contract

Yes No

3. That all contractor employees who will have access to the data have signed non-disclosure agreements, and the non-disclosure forms are on file with the COR Yes No

ii. If question 6b(i) contains any "no" answer, please explain

A contractor has not yet been solicited or selected, as WIRA is submitting OMB approval at the same time as this PIA. However, all contractors under consideration have BPAs and are subject to these requirements, so they will be met at the time of award. The contractor will solicit volunteers and provide the stipend, but they will also provide conference call lines for use during the interview sessions and recordings of the sessions themselves. Additionally, the same contractor will be used for Phase 2 of the research and will provide the required web hosting services for the survey that will be administered, as well as coordination of the printing of survey recruitment materials (letters and postcards).

iii. What is the level of background investigation completed on contractor employees prior to access to PII information about employees or taxpayers? Any contractor or subcontractor who will have access to employee or taxpayer PII data, must have at least a "Moderate Risk" (NACIC) investigation

At least a moderate risk investigation has been completed on contractor employees and they have been approved.

c. What information/results will be provided to the business owners (*IRS requestors*) of the survey? We need to know that the employees or taxpayers who will participate cannot be identified under any circumstances, and no adverse actions can be taken against participants regarding their answers

The IRS will not provide any information that enables identification of participants to the business owners. The IRS business owners are the ACA Program Management Office (ACA PMO) and the Office of Program Coordination and Integration (OPCI).

d. For employee or taxpayer satisfaction surveys, can you verify that no "raw" or un-aggregated employee or taxpayer data will be provided to any IRS office

The IRS will not provide any raw or un-aggregated employee or taxpayer data to any IRS office (ACA PMO, OPCI)

e. If any employee or taxpayer identifiers will be provided to the business owner, explain the business reason

N/A

7. How does the administration of the survey guarantee that the PII data regarding employees or taxpayers will not be compromised, lost or stolen. Explain Office of Cyber security approved security & encryption used if data is transferred from IRS office to contractors, and back to the IRS. If data is not sent electronically, include in detail, information about commercial courier services, or U.S. mail used to ship paper, tapes or electronic media back and forth from the IRS to contractors. Ensure that Cyber security approves the security and data encryption process used by the contractor

As these interviews will be conducted by IRS researchers, the only exchange of taxpayer information will be from the IRS to the contractor for the purposes of recruitment. the IRS and the contractors will follow all standard procedures to share the data and guarantee that the PII will not be compromised, lost or stolen.

Cyber-security and National Institute of Standards and Technology (NIST) require data to be transferred via password protected encrypted disk via FedEx overnight mail (including return acknowledgement form) through the Electronic File Transfer Unit (EFTU), or using the SecureZip data transfer method. Although EFTU and SecureZip are preferred, currently all methods are being used. Any time a bulk file encryption is used, requiring the sharing of an encryption phrase, the pass phrase will be communicated separately from the email/package, with an alternate method to communicate, e.g. phone call to communicate pass phrase.

8. How is the survey PII data protected and stored? If data is housed at a contractor's site, on contractor's computers, give detailed information about the physical and electronic security & protection of the data before, during, and after the survey

It is understood that all data is required to be segregated from other non IRS data. In addition, all data at rest or in transport must be encrypted. Whenever information is stored on IT assets at the facility, the contractor must be compliant with the implementation of NIST 800-53, Recommended Security Controls for Federal Information Systems & Organizations controls.

9. Are any external resources used to create the database of participants Yes No

10. Are the survey results disclosed with any other Federal or State government offices Yes No

If yes, explain

11. Survey Records - Retention and Disposal (*Records Retention review required*)

a. Cite any business owner policy IRM Chapter (including Sections/subsection) and Record Control Schedule (RCS, including item number) that describes how the data is retained, stored and disposed of
This survey is unscheduled. A request for records disposition authority for this Survey (and other similar surveys Service-wide) is currently being drafted with the assistance of the IRS Records and Information Management (RIM) Program Office. When approved by the National Archives and Records Administration (NARA), it is anticipated that disposition instructions for this survey will include retentions for the datasets/raw data, background documentation, and summary/final reports, as applicable. The Records Office and W&I Research and Analysis may also consider the scheduling of this survey in the context of a project or special study files.

b. Explain how long any PII data will be retained by the contractor if they are conducting the survey on behalf of the IRS. The IRS Records Office can provide guidance on IRS requirements for records retention. All legal requirements that apply to IRS records (and non-records) must be followed by contractors)

Although contractors will not retain any PII data after recruitment of the interviews is complete, it is understood that disposition of records created by the Internal Revenue Service, including those records created by all Service employees and contractors performing agency functions, is controlled using the Service-wide Records Control Schedules. By that token, the records created and/or maintained by the vendor on behalf of the Service must follow the same records disposition authority submitted to/approved by NARA. At the completion of the vendor contract, the survey records still in existence will be surrendered by the contractors to designated persons in IRS or will be transferred to another contractor with the express permission and instructions from IRS staff responsible for the records. All records that have reached their final disposition and are eligible for destruction may be properly disposed of using pre-approved methods and appropriately witnessed and then submitting a form similar to or same as the Standard Form 1428, Inventory Disposal Schedule to designated IRS officials.

12. Based on the information you have provided above, does the survey require a Privacy Act Notice to be provided to participants?
Office of Disclosure will help you determine the need for a Privacy Act Notice or see IRM 11.3.16 Disclosure of Official Information, Privacy Act Notification Programs (provide the Office of Privacy a copy of the Privacy Act Notice if one is required for this survey)
Yes, the IRS has a standard notice that is provided to research participants that have been approved by the Office of Disclosure.