

# Chemical Facility Anti-Terrorism Standard: Personnel Surety

*Background & Overview*

*July 22, 2009*



**Homeland  
Security**

## Topics

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- Background
- Purpose
- Data Collection & Flow
- 3<sup>rd</sup> Party Submissions of Data
- Decision to Grant Access
- CFATS Personnel Surety & TWIC
- Law Enforcement Response to Positive Matches
- Next Steps



## Background

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- Oct 4 2006, Section 550 of Public Law 109-295 provided DHS with the authority to regulate the security of high-risk chemical facilities.
- April 9 2007, DHS published the Chemical Facility Anti-Terrorism Standards (CFATS) interim final rule at 6 CFR Part 27
- 6 CFR Part 27 established 18 risk-based performance standards (RBPS) high-risk chemical facilities must meet in their site security plan.
- RBPS 12 requires high-risk chemical facilities to perform background checks on facility personnel and unescorted visitors, as appropriate, with access to restricted areas or critical assets, including “measures designed to identify people with terrorist ties.”



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## Purpose

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- Regulates the private sector background check processes performed by high-risk chemical facilities for identity, immigration, and criminal history
- Provides process to allow high-risk chemical facilities to submit information to Federal government for a background check for “terrorist ties”
  - TSDB check is an inherently governmental function
  - Allows high-risk chemical facilities to meet their obligation under Risk Based Performance Standard 12(iv) to check for terrorist ties



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## Data Collection

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- The facility will identify affected individuals
- Affected individuals are:
  - facility personnel (e.g. employees and contractors) with access (unescorted or otherwise) to restricted areas or critical assets, and
  - unescorted visitors with access to restricted areas or critical assets.
- The facility will submit personally identifiable information (PII) in compliance with the facility Site Security Plan
- PII that may be collected is full name, address, phone numbers, date of birth, physical description, citizenship, and passport and visa information, when applicable



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## Data Flow

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- The facility representative will submit the PII through CSAT via a specific application separate from the SSP
- The facility representative will add, update and remove PII, when appropriate and in compliance with a facility Site Security Plan which DHS has reviewed and approved
- CFATS PS will send data to TSA for screening
- TSA will conduct screening for those individuals whose data is passed by the CSAT Personnel Surety application



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### 3<sup>rd</sup> Party Submissions of Data (Challenge)

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- DHS recognizes that the data required to complete TSDB checks may not be reside with the facility personnel who typically submit data via CSAT
- CSAT data collection will need to account for business structures and situations such as:
  - Small and medium sized facilities that maintain the data in house with their Human Resource department
  - Medium to large facilities that maintain the data at a consolidated corporate Human Resource department
  - Facilities of all sizes that outsource their Human Resource activities
  - Facilities that outsource responsibility for conducting background checks (e.g. Local Safety Councils)
  - Facilities that utilize short-term and temporary workers for “turnarounds”



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### 3<sup>rd</sup> Party Submissions of Data (Solution)

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- To account for varied situations/structures, the CSAT Personnel Surety application will allow:
  - The high-risk chemical facility to manually enter the PII into CSAT Personnel Surety Application
  - The high-risk chemical facility may upload the PII into CSAT Personnel Surety Application through a batch process
  - The high-risk chemical facility may assign submission rights to a corporate submitter who can manually type in or upload batch files
  - The CSAT Personnel Surety application will accept data transmitted by a 3<sup>rd</sup> party, for a high-risk chemical facility to review and approve prior to submission
- Under all cases a submitter reviews and submits the data to DHS



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## Decision to Grant Access

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- Authority to grant unescorted access at a high-risk chemical resides with the facility
- Authority to grant unescorted access at a high-risk chemical facility is not contingent upon the results of a TSDB check
- CFATS does not provide credentials
- CFATS does not provide the facility or individual with the results of a TSDB check



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## CFATS Personnel Surety & TWIC

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- If an individual has a TWIC, CFATS will recognize the individuals as satisfying the CFATS Personnel Surety background check requirements
- Similar recognition for HME, NEXUS, Fast, SENTRI, Global Entry, TSA Registered Traveler, and SIDA
- Minimal information along with unique DHS issued number will still be collected via CSAT



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## Law Enforcement Response to Positive Matches

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- In the event that an individual is determined to be a match to a record in the TSDB, that information will be coordinated through the TSC and provided to the FBI or relevant Joint Terrorism Task Force (JTTF), and as necessary, to other appropriate local law enforcement agencies if there is an imminent threat to national security.
- FBI, JTTF, or other notified agency will be responsible for determining the follow up and/or investigation action.
- Where appropriate, DHS may provide information to the FBI on the relevant facility/private sector entity.



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## Law Enforcement Response to Positive Matches (Cont.)

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- No information regarding the screened individual will be provided to the high-risk chemical facility or individual by DHS or TSC.
- As appropriate, high-risk chemical facilities may be contacted by the appropriate law enforcement authority as a part of the law enforcement investigation activity that an individual at their facility has terrorist ties



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## Next Steps

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- Paperwork Reduction Act (PRA), Initial Collection Request (ICR) notice seeking comments for 60 days was published on July 10, 2009
- There will be a 30 day notice for comments posted in Federal Register
- System of Records Notice along with rule making associated with Privacy Act Exemptions
- Initial implementation will be in early 2010 and coordinated with SSP approvals

