



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Recommendation for Identifying, Protecting, and Ensuring Proper Handling of Tribal Data and Information

This is a revised version of the report prepared for public release.




OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

OCT 22 2020

Memorandum

To: Todd Willens
Chief of Staff, U.S. Department of the Interior

From: Mark Lee Greenblatt 
Inspector General

Subject: Management Advisory – *Recommendation for Identifying, Protecting, and Ensuring Proper Handling of Tribal Data and Information*
Case No. OI-PI-20-0463-I

In April and May 2020, several stakeholders and interested parties requested that we investigate whether U.S. Department of the Interior (DOI) officials disclosed sensitive or confidential tribal information to entities outside the U.S. Government. Some of these individuals also alleged that DOI or U.S. Department of the Treasury employees worked together or separately to intentionally release this confidential tribal information to Alaska Native Corporations. We investigated these allegations in collaboration with the Treasury's Office of Inspector General.

We found that the Treasury emailed the DOI a spreadsheet of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) tribal registration data the Treasury had requested and collected from the tribes. The spreadsheet contained information such as financial details on tribal expenditures, the number of tribal members, and the names and email addresses of points of contact the tribes submitted to the Treasury. The Bureau of Indian Affairs (BIA) subsequently requested this information from the Treasury to confirm whether the tribes had registered to receive CARES Act funding. When the Treasury emailed the information to the DOI as requested, it did not mark the data as confidential.¹

We also found that four BIA regional employees² forwarded the spreadsheet containing this tribal registration data to officers of tribes (not Alaska Native Corporations) outside the Government.³ The evidence showed that the BIA employees did this in an effort to remind these tribes that, according to the spreadsheet, they had not yet registered for CARES Act funding. We found that forwarding the entire spreadsheet, which included tribal information that the recipients did not need and was unrelated to their specific tribes, was inconsistent with DOI guidance that employees are responsible for "properly using and protecting agency data,

¹ According to the Treasury's Office of Inspector General, the tribal information the Treasury collected was confidential. We did not independently determine whether the information collected and subsequently disclosed was, in fact, confidential, but instead, assumed for purposes of this management advisory that the Treasury Office of Inspector General's determination was correct.

² One BIA employee was a [REDACTED], two were [REDACTED], and one was a [REDACTED].

³ We consulted with the U.S. Department of Justice Public Integrity Section, which declined to accept the case for further investigation.

information and information systems ensuring their use is only for the execution of official duties or authorized purposes.”⁴

We did not find evidence to substantiate the allegation that any DOI or Treasury employees worked together or separately to intentionally release this data to Alaska Native Corporations.

This management advisory provides a recommendation to help the DOI ensure proper identification and handling of potentially confidential tribal information and prevent future improper disclosures of this information.

The Treasury Provided Tribal Registration Data to the BIA Without Marking the Data Confidential

To support distribution of CARES Act funds, the Treasury asked tribes to register and submit information via a portal on its website from April 13, 2020, until April 17, 2020. The Treasury then provided the DOI’s Office of the Assistant Secretary for Indian Affairs (AS-IA) with the tribal registration data so the BIA could confirm that tribes had submitted the required information to receive CARES Act funding. The BIA requested that the Treasury send updated data throughout that week so the BIA would have current information. To satisfy the BIA’s request, a Treasury official sent updated spreadsheets containing the tribal registration data to the AS-IA via email several times during the week of April 13, 2020. We obtained no information suggesting that the emails were sent to anyone other than DOI employees.⁵

When the Treasury official sent the spreadsheets to the AS-IA, the emails and spreadsheets did not contain any warnings or markings stating that the information was confidential, nor were the spreadsheets password protected. As discussed above, the spreadsheet included the names of the tribes that submitted the information; the tribes’ authorized representatives’ names, titles, and contact information (including phone number and email); and other self-reported amounts for the tribes’ population, land base, employees, and expenditures. Several stakeholders later asserted that some of the details included in the spreadsheet were sensitive and proprietary and argued that release of the information could affect the competitive nature of tribal businesses or the opportunities to receive Federal grant funding.

BIA Officials Sent the Registration Data to Entities Outside the Government

On April 16, 2020, a Treasury official emailed the spreadsheet containing the tribal registration information to an AS-IA [REDACTED], who forwarded the spreadsheet to BIA leadership and BIA regional directors. Management for at least one region then forwarded this spreadsheet to BIA officials in that region.

⁴ DOI Departmental Manual, 375 DM 19.5(E), “Roles and Responsibilities of Department Personnel,” “Employees and Volunteers.” See also *id.* at App. A (discussing relevant authorities). We also note that various DOI training programs discuss the proper marking and handling of sensitive information. See, e.g., DOI Training, FY 2020, “Cybersecurity (FISSA), Privacy, Records Management, Section 508 Compliance, Controlled Unclassified Information Reference Guides and the DOI Rules of Behavior (IMT).”

⁵ One of the DOI employees was [REDACTED] email address.

Later that day, four BIA employees forwarded the entire spreadsheet containing tribes' data to officers of tribes that had not submitted data to the Treasury. The employees told us that they sent the information to alert the tribes that they were not listed on the spreadsheet and thus might not be registered to receive CARES Act funding. The deadline to submit the data was the following day, April 17, 2020.

When we asked the BIA employees why they sent the entire spreadsheet containing other tribes' data to tribes that had not yet registered, the BIA employees told us they did not look at the entire spreadsheet before forwarding the email and did not realize the spreadsheet contained potentially confidential information. The employees also noted that they were not advised against sending the spreadsheet outside the DOI. When we questioned the BIA employees on whether they could have accomplished the task of reminding the tribes to register without forwarding the spreadsheet, they said that they simply forwarded the email out of a sense of urgency due to the April 17, 2020 deadline. They also noted that they were unable to contact some of the tribal representatives over the phone because they did not have the officers' cellular phone numbers and that they often communicated with the tribes by forwarding BIA emails. The BIA employees told us that, because they received the email and spreadsheet through their chain of command and were not told that the information was confidential or that it should not be released outside the DOI, they forwarded the entire email to the tribal officers, as they had done with other emails in the past.

As noted previously, the DOI's internal guidance explains that employees generally are responsible for "properly using and protecting agency data [and] information," and the DOI's mandatory annual records management training for employees⁶ covers procedures for sending agency information, including potentially sensitive materials, outside the DOI.⁷ The BIA employees acknowledged that they did not look at the entire spreadsheet before forwarding the email to the tribes. Without reviewing the spreadsheets, the employees could not have made an assessment as to whether the information was confidential or sensitive and thus subject to the DOI guidance cited above. Moreover, the BIA employees did not need to provide this information to the tribal officers in order to alert them that, according to the Treasury data, the tribes had not yet registered for CARES Act funding.

We conducted an extensive forensic analysis of the DOI's archived email system to determine whether any other BIA, AS-IA, or DOI employees shared the spreadsheet or the data contained therein with other entities or individuals outside the Government. We identified and reviewed 75,519 email items. We did not find any other instances in which BIA, AS-IA, or DOI employees disclosed the spreadsheet to entities or individuals outside the Government other than the emails sent by the four BIA employees discussed above. We also found no evidence suggesting that DOI or Treasury employees worked together or separately to intentionally release this confidential tribal information to Alaska Native Corporations, and we found no evidence of coordinated disclosure or misconduct.

⁶ We note that DOI training records showed that three of the BIA employees discussed above had completed their mandatory training as required, but one employee had not completed the training since 2017.

⁷ For example, this information is included in the training program cited previously, DOI Training, FY 2020, "Cybersecurity (FISSA), Privacy, Records Management, Section 508 Compliance, Controlled Unclassified Information Reference Guides and the DOI Rules of Behavior (IMT)." This training emphasizes requirements for ensuring that any recipient is authorized to access and view such materials. *Id.*

Recommendation

In light of the BIA employees' disclosure of the information identified above, we recommend that the DOI take the following actions:

1. The BIA should consider implementing further training, policies, and/or periodic reminders to ensure all BIA officials who handle tribal information understand their obligations (a) to identify and protect sensitive and/or confidential tribal information and (b) not to disclose such information outside the Government without proper authorization or an official need to do so.

Please provide a written response to us within 90 days describing the actions you have taken, or plan to take, to address the recommendation, as well as target dates for these actions and the titles of the officials responsible for implementing them. You may email your response to doioigreferrals@doioig.gov.

In accordance with the IG Empowerment Act of 2016, we intend to publish this memorandum on our website, in redacted form, no later than 3 days from the date we issue it to you. Within the next 10 business days, a representative from our Office of Investigations will contact you, or your designee, to discuss the memo and the status of your response.

If you have any questions or need further information concerning this matter, please contact Matthew Elliott, Assistant Inspector General for Investigations, at 202-208-5745.

cc: Tara Sweeney, Assistant Secretary for Indian Affairs.

Report Fraud, Waste, and Mismanagement



Fraud, waste, and mismanagement in Government concern everyone: Office of Inspector General staff, departmental employees, and the general public. We actively solicit allegations of any inefficient and wasteful practices, fraud, and mismanagement related to departmental or Insular Area programs and operations. You can report allegations to us in several ways.



By Internet: www.doioig.gov

By Phone: 24-Hour Toll Free: 800-424-5081
Washington Metro Area: 202-208-5300

By Fax: 703-487-5402

By Mail: U.S. Department of the Interior
Office of Inspector General
Mail Stop 4428 MIB
1849 C Street, NW.
Washington, DC 20240