

COMPUTER MATCHING AGREEMENT

BETWEEN

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
OFFICE OF CHILD SUPPORT SERVICES

AND

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Verification of Employment and Income and Analysis

U.S. Department of Health and Human Services Data Integrity Board # 2315

I. PURPOSE, LEGAL AUTHORITY, AND DEFINITIONS

This computer matching agreement, hereinafter “agreement,” governs a matching program between the U.S Department of Health and Human Services, Administration for Children and Families, Office of Child Support Services (OCSS), and the U.S. Department of Housing and Urban Development (HUD). This agreement sets forth the terms and conditions of the matching program. OCSS is the “source agency” and HUD is the “recipient agency” as defined by the Privacy Act. 5 U.S.C. § 552a(a)(9) and (11). The HUD Office of Public and Indian Housing (PIH) and Office of Multifamily Housing (MFH), and the OCSS Division of Federal Systems are the components within their respective agencies responsible for the agreement.

OCSS and HUD have entered into matching agreements and renewals for this matching program since 2004, the latest of which expires February 27, 2024 (*see* Appendix A). This agreement includes a security addendum, and five appendices, including a cost-benefit analysis (*see* Appendix B). A reimbursement agreement (not attached or appended) will be executed each fiscal year of the computer matching agreement in accordance with section XI of this agreement.

A. Purpose of the Matching Program

The Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, hereinafter “Privacy Act,” requires that each matching agreement specify the purpose and legal authority for conducting the matching program. 5 U.S.C. § 552a (o)(1)(A).

The purpose of the matching program is to assist HUD in verifying the employment and income of participants in certain rental assistance programs. OCSS will provide HUD with new hire, quarterly wage, and unemployment insurance information from the National Directory of New Hires (NDNH) system of records pertaining to participants whose names and Social Security numbers are transmitted to OCSS. HUD may also use the information,

after the removal of personal identifiers, to analyze the employment and income reporting of those participants.

As defined by the Privacy Act at 5 U.S.C. § 552a(a)(8)(A)(i)(I) and (II), a “matching program” is a computerized comparison of two or more systems of records (such as those maintained by different federal agencies) to establish or verify the benefits eligibility or continuing compliance with statutory and regulatory requirements by applicants, recipients, or beneficiaries of cash or in-kind assistance or payments under a federal benefit program. Records may not be disclosed from a system of records to a recipient agency or non-federal agency for use in a “matching program” except pursuant to a written agreement containing the provisions specified in the Privacy Act at 5 U.S.C. § 552a(o). This agreement contains the specified provisions. It also contains, or incorporates by reference, requirements from the Social Security Act pursuant to which the matching program is authorized, the National Institute of Standards and Technology Series 800 Special Publications, the U.S. Department of Health and Human Services Information Security Program Policy, the Office of Management and Budget guidance, the U.S. Department of Health and Human Services and OCSS requirements, and other federal privacy and security requirements governing the disclosure of personally identifiable information.

B. Legal Authority

Subsections 453(j)(7)(A), (C)(i), and (D)(i) of the Social Security Act (42 U.S.C. § 653(j)(7)(A), (C)(i), and (D)(i)) provide the legal authority for conducting the matching program as follows:

Section 453(j)(7) Information comparisons for housing assistance programs -- (A) Furnishing of information by HUD. Subject to subparagraph (G), the Secretary of Housing and Urban Development shall furnish to the Secretary of Health and Human Services, on such periodic basis as determined by the Secretary of Housing and Urban Development in consultation with the Secretary, information in the custody of the Secretary of Housing and Urban Development for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to individuals who are participating in any program under –

- (i) the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.);
- (ii) section 202 of the Housing Act of 1959 (12 U.S.C. § 1701q);
- (iii) section 221(d)(3), 221(d)(5), or 236 of the National Housing Act (12 U.S.C. §§ 1715l(d) and 1715z(1));
- (iv) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. § 8013); or
- (v) section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. § 1701s).

(C) Duties of the Secretary -- (i) Information disclosure – The Secretary, in cooperation with the Secretary of Housing and Urban Development, shall compare information in the

National Directory of New Hires with information provided by the Secretary of Housing and Urban Development with respect to individuals described in subparagraph (A), and shall disclose information in such Directory regarding such individuals to the Secretary of Housing and Urban Development, in accordance with this paragraph, for the purposes specified in this paragraph.

(D) Use of information by HUD. The Secretary of Housing and Urban Development may use information resulting from a data match pursuant to this paragraph only —

- (i) for the purpose of verifying the employment and income of individuals described in subparagraph (A); and
- (ii) after removal of personal identifiers, to conduct analyses of the employment and income reporting of individuals described in subparagraph (A).

Subsection 453(j)(7)(D)(ii) of the Social Security Act provides legal authority to conduct analysis of employment and income reporting, “after the removal of personal identifiers.” 42 U.S.C. § 653(j)(7)(D)(ii). HUD does not currently use NDNH match information to conduct analysis of employment and income reporting; however, if HUD seeks to conduct such analyses in the future, HUD must first obtain OCSS approval by requesting authorization and providing OCSS with documentation of the proposed analyses. The documentation must include the specific analyses, specific HUD users, procedures for the removal of personal identifiers, data storage location and safeguards, retention periods, and other information pertaining to the use of the results of the information comparison for analyses.

C. Definitions

The following terms contained in this agreement will have the meaning given to the terms in the Privacy Act at 5 U.S.C. § 552a(a); i.e., “individual,” “record,” “system of records,” “routine use,” “recipient agency or non-federal agency,” “source agency,” and “federal benefit program.” Other terms are defined as follows:

- (1) “Federal Parent Locator Service” (FPLS) means a service, which includes the NDNH, conducted under the direction of OCSS pursuant to section 453 of the Social Security Act for purposes specified in sections 453 and 463. 42 U.S.C. §§ 653 and 663.
- (2) “National Directory of New Hires” (NDNH) means an automated directory maintained in the FPLS established by subsection 453(i)(1) of the Social Security Act, containing new hire, unemployment insurance, and quarterly wage information supplied by state and federal agencies pursuant to subsections 453A(b)(1)(C) and (g)(2) of the Social Security Act. 42 U.S.C. §§ 653(i)(1), 653a(b)(1)(C), and (g)(2).
- (3) “New hire information” means employer information pertaining to newly hired employees reported to the NDNH by state and federal agencies pursuant to subsections 453A(b)(1)(C) and (g)(2)(A), and 453(i)(1) of the Social Security Act. 42 U.S.C. §§ 653a(b)(1)(C) and (g)(2)(A), and 653(i)(1).

- (4) “Quarterly wage information” means wage information reported to the NDNH by state and federal agencies pursuant to subsections 453A(g)(2)(B) and 453(i)(1) and (n) of the Social Security Act. 42 U.S.C. §§ 653a(g)(2)(B), 653(i)(1) and (n).
- (5) “Unemployment insurance information” means information pertaining to benefits paid under state unemployment compensation programs and reported to the NDNH pursuant to subsections 453A(g)(2)(B) and 453(e)(3) and (i)(1) of the Social Security Act. 42 U.S.C. §§ 653a(g)(2)(B) and 653(e)(3) and (i)(1).
- (6) “Contract administrator” means the agency that has entered into an Annual Contributions Contract with HUD. Such agency is a “public housing agency” defined as any state, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of public housing. 42 U.S.C. § 1437a(b)(6). The agency monitors the housing assistance payments contract entered into by owners.
- (7) “Independent auditor” means a Certified Public Accountant or a licensed or registered public accountant having no business relationship with the private owner except for the performance of audit, systems work, and tax preparation.
- (8) “Low-income housing” means decent, safe, and sanitary dwellings assisted under the United States Housing Act of 1937.
- (9) “Management agent” means the entity that enters into an agreement with the owner of a housing project to manage the project in accordance with the housing assistance payments contract and HUD’s requirements and regulations.
- (10) “Multifamily (MF) business partners” means “private owners,” “management agents,” and “contract administrators” as these terms are defined herein.
- (11) “Multifamily Housing Programs” means the programs administered by MF business partners under the following statutes:
 - i. The United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.)
 - ii. Section 202 of the Housing Act of 1959 (12 U.S.C. § 1701q)
 - iii. Section 221(d)(3), 221(d)(5), or 236 of the National Housing Act of 1959 (12 U.S.C. §§ 1715I(d) and 1715z-1)
 - iv. Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. § 8013)
 - v. Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. § 1701s)
- (12) “Personnel” means HUD employees, HUD contractors, PHAs and MF business partners (acronyms defined herein).
- (13) “Private owner” means the person or entity who owns the housing project containing the assisted dwelling unit and who enters into a contract with HUD to operate the project in accordance with HUD’s requirements and regulations.
- (14) “Public Housing” means low-income housing, and all necessary appurtenances thereto, assisted under the United States Housing Act of 1937, other than under Section 8, and includes dwelling units in a mixed finance project that are assisted by a public housing agency with capital or operating assistance.
- (15) “Public Housing Agency” (PHA) means any state, county, municipality, or other

governmental entity, public body, agency, or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the United States Housing Act of 1937.

- (16) “Public and Indian Housing” (PIH) programs mean the Disaster Housing Assistance, Public Housing, and Section 8 tenant-based programs administered by PHAs under the United States Housing Act of 1937.
- (17) “Rental Assistance” (also known as housing assistance or subsidy) means the amount HUD pays the PHA or private owner for a unit occupied by a tenant assisted under one of PIH’s or MF Housing’s assistance programs. It includes HUD’s share of the contract rent and any utility reimbursement due to the tenant.
- (18) “Subsidy” (also known as housing assistance or rental assistance) means the amount HUD pays the PHA or private owner for a unit occupied by a tenant assisted under one of PIH’s or MF Housing’s assistance programs. It includes HUD’s share of the contract rent and any utility reimbursement due to the tenant.
- (19) “Tenant” means an individual or family renting or occupying an assisted dwelling unit.

On June 5, 2023, the Administration for Children and Families published a notice in the *Federal Register Volume 88, Number 107, Page 36587* to announce that the Office of Child Support Enforcement (OCSE) is now the Office of Child Support Services (OCSS). Any reference to OCSE is changed to OCSS and they are one and the same.

II. JUSTIFICATION AND ANTICIPATED RESULTS

The Privacy Act requires that each matching agreement specify the justification for the program and the anticipated results, including a specific estimate of any savings. 5 U.S.C. § 552a(o)(1)(B).

A. Cost-Benefit Analysis

Unless statutorily excepted or waived by both agencies’ Data Integrity Boards (DIBs), a cost-benefit analysis must be completed and submitted to the DIBs to consider in determining whether to approve the matching program. 5 U.S.C. § 552a(u)(4)(A). If the analysis does not demonstrate that the matching program is likely to be cost effective, the DIBs may approve the matching agreement based on other supporting justifications. See OMB guidance in *Privacy Act of 1974: Final Guidance Interpreting the Provisions of Public Law 100-503, the Computer Matching and Privacy Protection Act of 1998*, 54 FR 25818 (June 19, 1989), at pages 25821 and 25828-25829.

HUD conducted a cost-benefit analysis in accordance with the Privacy Act, based upon information from July 2022 through July 2023, which is included at Appendix B. The cost-benefit analysis demonstrates that the matching program is likely to be cost effective.

B. Other Supporting Justifications

This matching program supports compliance with the Payment Integrity Act of 2019 (PIIA) (31 U.S.C. §§ 3352 et seq.) which focuses on preventing improper payments to ensure funding is serving its intended purpose as first set out in E.O. 13520, *Reducing Improper Payments and Eliminating Waste in Federal Programs*, 74 FR 62201 (Nov. 25, 2009), which states the policies of federal programs that serve their intended beneficiaries provide public scrutiny of significant payment errors and eliminate the highest improper payments; establish accountability for reducing improper payments; and coordinate federal, state, and local government action in identifying and eliminating improper payments, and implementing guidelines in OMB Memorandum M-18-20, *Transmittal of Appendix C to Circular A-123, Requirements for Payment Integrity Improvement*, (June 26, 2018). Payment integrity is a top priority, and OMB guidance provides the framework to reduce the administrative burden, allowing agencies to focus on identifying, assessing, prioritizing, and responding to payment integrity risks and the underlying causes of improper payments. See OMB Memorandum M-21-19, *Transmittal of Appendix C to Circular A-123, Requirements for Payment Integrity Improvement* (March 5, 2021).

HUD specific statutory and regulatory requirements further justify the matching program and the analysis of employment and income reporting. HUD must establish procedures to ensure that families applying for or receiving assistance provide complete and accurate income information to PHAs and MF business partners. HUD must randomly, regularly, and periodically select a sample of families and obtain information from external agency data sources pertaining to the individuals within the families only for the purpose of verifying incomes, data concerning unemployment compensation, and Federal income taxes in order to determine eligibility of families for benefits (and the amount of benefits, if any). 42 U.S.C. § 1437f(k). HUD program administrators must use accurate income amounts to determine housing rental assistance. See 24 CFR § 5.659 and Chapter 5, Section 3: Verification of the Occupancy Requirements of Subsidized Multifamily Housing Programs, 4350.3 REV-1. For the public housing and tenant-based Section 8 programs, PHAs must use accurate income amounts to determine housing rental assistance and verify a family's annual income and other factors that affect the determination of adjusted income or income-based rent. 24 CFR §§ 960.259 and 982.516.

HUD estimates the total subsidy error associated with incorrect or fraudulent reporting to be approximately \$185 million from July 2022 through July 2023 and estimates that 519,419 households have incorrectly reported income. HUD also estimates that approximately 19 percent of the households participating in PIH and MF Housing programs, respectively, may not have disclosed all wage, employment, unemployment compensation benefits, or Social Security benefits. The NDNH is a centralized database of wage and employment information and, as such, provides an effective and efficient means to obtain information to assist HUD in identifying subsidy errors.

The matching program will assist HUD in detecting fraud, waste, and abuse and enhancing program integrity by providing useful information on the employment status and wages of HUD program applicants and recipients, specifically: 1) those who are

employed with the federal government; 2) those who are employed in another state, including those who have been rehired by a previous employer after having been separated from such prior employment for at least 60 consecutive days, and 3) those whose information is not readily available through the State Directory of New Hires, state workforce agencies, or other data reporting systems. 42 U.S.C. § 653a(a)(2).

The positive results of the previous matching programs between HUD and OCSS further justify the proposed matching program. *See* section II.B and Appendix B.

C. Specific Estimate of Savings

HUD estimates that use of information in the Enterprise Income Verification (EIV) system, which includes NDNH information, is projected to result in a total annual potential impact of \$207,800,000 million per year.

III. RECORDS DESCRIPTION

The Privacy Act requires that each matching agreement specify a description of the records that will be matched, including each data element that will be used, the approximate number of records that will be matched, and the projected starting and completion dates of the matching program. 5 U.S.C. § 552a(o)(1)(C).

A. Systems of Records

1. OCSS

OCSS will disclose match results to HUD from the following system of records: *OCSE National Directory of New Hires*, System No. 09-80-0381; *see* System of Records Notice (SORN) published in full at 87 FR 3550 (January 24, 2022). The disclosure of NDNH records by OCSS to HUD constitutes a “routine use,” as defined by the Privacy Act. 5 U.S.C. § 552a(b)(3). Routine use (12) published in the NDNH SORN authorizes the disclosure of NDNH records to HUD. 87 FR 3553, 3555 (January 24, 2022).

2. HUD

The HUD system of records from which HUD will disclose records used in the information comparison will be retrieved from, and the results of the information comparison will be maintained within, the following system of records: *Enterprise Income Verification (EIV)*, No. HUD/PIH-5, 87 FR 50635 (August 17, 2022). Routine use (D) in that system of records authorizes the disclosure of HUD records to OCSS.

B. Number of Records Involved

Each HUD input file contains approximately 6.4 million records, which represent approximately 9.9 million individuals participating in the specified HUD housing programs.

Of this total, approximately 7.7 million records pertain to individuals who participate in HUD's PIH programs and approximately 2.2 million records pertain to individuals who participate in HUD's MF Housing programs.

These numbers are an estimate of the number of records to be provided to OCSS by HUD and may fluctuate within the effective period of the agreement. In accordance with subsection 453(j)(7)(C)(i) of the Social Security Act, the output file provided to HUD by OCSS will contain NDNH new hire, quarterly wage, and unemployment insurance information, if any, pertaining to the individuals whose records are contained in the HUD input file. 42 U.S.C. § 653(j)(7)(C)(i).

The approximate number of records in the output file provided to HUD by OCSS will depend upon the number of individuals whose information is maintained in the NDNH and the amount of NDNH information, if any, associated with those individuals.

C. Specified Data Elements Used in the Match

1. Data Elements in the HUD Input File

The HUD input file provided to OCSS will contain records pertaining to individuals who are participating in certain housing programs described in subparagraph (A) of subsection 453(j)(7) of the Social Security Act. Each individual record contains the following data elements, where available:

- First name
- Last name
- Date of birth
- Social Security number

2. Verification of Name and Social Security Number Combinations

To enhance the accuracy of records used in the matching program and fairness to the individuals to whom the records pertain, HUD verifies the name, date of birth, and Social Security number combinations contained in the input file using Social Security Administration processes prior to transmitting the input file to OCSS. Such verification increases the likelihood that NDNH information provided to HUD pertains to the appropriate individuals

3. HUD and NDNH Data Element Used to Conduct the Comparison

OCSS will compare the verified Social Security numbers provided by HUD to Social Security numbers in the NDNH, in accordance with subsection 453(j)(7)(C)(i) of the Social Security Act. 42 U.S.C. § 653(j)(7)(C)(i).

4. NDNH Data Elements

To accomplish the purposes of this matching program, and in accordance with subsection 453(j)(7)(B) of the Social Security Act, which permits HUD to request NDNH information only to the extent necessary to verify the employment and income of individuals who are participating in the programs specified in section I.B of this agreement, HUD requests the following data elements from the NDNH new hire, quarterly wage, and unemployment insurance files:

a. New Hire File

- New hire processed date
- Employee name
- Employee address
- Employee date of hire
- Employee state of hire
- Federal Employer Identification Number
- State Employer Identification Number
- Department of Defense code
- Employer name
- Employer address
- Transmitter agency code
- Transmitter state code
- Transmitter state or agency name

b. Quarterly Wage File

- Quarterly wage processed date
- Employee name
- Federal Employer Identification Number
- State Employer Identification Number
- Department of Defense code
- Employer name
- Employer address
- Employee wage amount
- Quarterly wage reporting period
- Transmitter agency code
- Transmitter state code
- Transmitter state or agency name

c. Unemployment Insurance File

- Unemployment insurance processed date
- Claimant name
- Claimant address

- Claimant benefit amount
- Unemployment insurance reporting period
- Transmitter state code
- Transmitter state or agency name

D. Frequency of Data Exchanges

Subsection 453(j)(7)(A) of the Social Security Act authorizes HUD to furnish input files to OCSS, “on such periodic basis as determined by the Secretary of Housing and Urban Development in consultation with the Secretary of the U.S. Department of Health and Human Services . . .” 42 U.S.C. § 653(j)(7)(A). HUD has determined that it will furnish to OCSS input files for comparison with information in the NDNH, containing the following approximate number of records in the following frequencies:

- 6.4 million records will be furnished monthly against the new hire file
- 6.4 million records will be furnished quarterly against the quarterly wage file
- 6.4 million records will be furnished quarterly against the unemployment insurance file
- Approximately 150,000 records will be furnished monthly, in non-quarterly months (eight times per year), against the quarterly wage and unemployment insurance files, pertaining to new program participants, participants who have turned 18, or participants who have had a major change of status

E. Projected Start and Completion Dates

The projected start date of this agreement is February 27, 2024, and the projected expiration date is August 26, 2025 (18 months from the start date). The parties may, within three months prior to the expiration date of this agreement, renew the agreement for a period of up to one year, if the requirements stated in section XII.A are met, which would make the expiration date of this agreement August 26, 2026.

IV. NOTICE PROCEDURES

A. Individualized Notice that Information May Be Subject to Verification through Matching Programs and Written Consent

The Privacy Act requires that the matching agreement specify procedures for providing individualized notice at the time of application, and periodically thereafter, as directed by the Data Integrity Board of the agency, subject to guidance provided by the Director of the Office of Management and Budget, to applicants for and recipients of financial assistance or payments under federal benefit programs and that any information provided by such applicants and recipients may be subject to verification through matching programs. 5 U.S.C. § 552a(o)(1)(D)(i-ii).

Subsection 453(j)(7)(G) of the Social Security Act also provides that HUD “shall not seek,

use, or disclose NDNH information relating to an individual without the prior written consent of such individual (or of a person legally authorized to consent on behalf of such individual).” 42 U.S.C. § 653(j)(7)(G).

Pursuant to this requirement, HUD has implemented procedures and developed forms for providing individualized notice at the time of application and periodically thereafter. The notice is provided in forms that individuals complete to make initial applications and subsequent annual recertifications or reexaminations; it informs the applicants or recipients that the information they provide may be verified through matching programs and obtains their prior written consent to same. The notice appears in the federal form, HUD-9886, *Authorization for the Release of Information/Privacy Act Notice* and HUD-9887, *Notice and Consent for the Release of Information*, contained in the “Document Package for Applicant’s/Tenant’s Consent to the Release of Information.” See Appendix C.

B. Constructive Notice of Matching Program

The Privacy Act requires a recipient agency to publish notice of the establishment or revision of a matching program in the *Federal Register*, at least 30 days prior to conducting such program. 5 U.S.C. § 552a(e)(12).

HUD will publish the required public notice of this matching program in the *Federal Register* at least 30 days prior to conducting the matching program. The notice cannot be published until HUD has reported the matching program to the Office of Management and Budget (OMB) and Congress for advance review and OMB has completed its advance review as required by 5 U.S.C. § 552a(o)(2)(A) and (r) and OMB Circular A-108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*, 81 FR 94424 (Dec. 23, 2016), at pages 17-23.

HUD will also provide a copy of the published notice to OCSS immediately upon publication in the *Federal Register*; HUD and HHS will post the agreement and the published matching notice on their Privacy Program internet sites as required by OMB Memorandum M-17-06, *Policies for Federal Agency Public Websites and Digital Services*.

V. VERIFICATION PROCEDURES AND OPPORTUNITY TO CONTEST FINDINGS

The Privacy Act requires that each matching agreement specify procedures for verifying information produced in the matching program and an opportunity to contest findings, as required by subsection (p). 5 U.S.C. § 552a(o)(1)(E).

A. Verification Procedures

Subsection (p) of the Privacy Act provides as follows:

(1) In order to protect any individual whose records are used in a matching program, no recipient agency, non-Federal agency, or source agency may suspend, terminate, reduce, or make a final denial of any financial assistance or payment under a Federal benefit program to such individual, or take other adverse action against such individual, as a result of information produced by such matching program, until

(A)(i) the agency has independently verified the information;

...

(B) the individual receives a notice from the agency containing a statement of its findings and informing the individual of the opportunity to contest such findings; and

(C)(i) the expiration of any time period established for the program by statute or regulation for the individual to respond to that notice; or

(ii) in the case of a program for which no such period is established, the end of the 30-day period beginning on the date on which notice under subparagraph (B) is mailed or otherwise provided to the individual.

(2) Independent verification referred to in paragraph (1) requires investigation and confirmation of specific information relating to an individual that is used as a basis for an adverse action against the individual, including where applicable investigation and confirmation of –

(A) the amount of any asset or income involved;

(B) whether such individual actually has or had access to such asset or income for such individual's own use; and

(C) the period or periods when the individual actually had such asset or income.

(3) Notwithstanding paragraph (1), an agency may take any appropriate action otherwise prohibited by such paragraph if the agency determines that the public health or public safety may be adversely affected or significantly threatened during any notice period required by such paragraph.

5 U.S.C. § 552a(p).

Further, subsection (q)(1) of the Privacy Act provides that notwithstanding any other provision of law, no source agency may disclose any record which is contained in a system of records to a recipient agency or non-federal agency for a matching program if such source agency has reason to believe that the verification and opportunity to contest requirements of subsection (p), or any matching agreement entered into pursuant to subsection (o), or both, are not being met by such recipient agency. 5 U.S.C. §

552a(q)(1). See also the Office of Management and Budget guidelines *Privacy Act of 1974: Final Guidance Interpreting the Provisions of Public Law 100-503, the Computer Matching and Privacy Protection Act of 1998*, 54 FR 25818 (June 19, 1989) at pages 25827, 25829.

B. Opportunity to Contest Findings

HUD recognizes that information obtained from the NDNH is not conclusive evidence of the wage and employment information of an identified individual but is an indication that further verification is warranted. HUD has established and implemented procedures for HUD and authorized entities to which information is redisclosed to verify information produced in the matching program and to provide the affected individual an opportunity to contest findings. Such procedures provide that prior to taking adverse action against an individual, HUD will independently verify the information produced in the matching program; notify the individual of any findings; and inform the individual of the opportunity to contest such findings in accordance with subsections (p)(1) and (2) of the Privacy Act. 5 U.S.C. § 552a(p)(1) and (2). These procedures are set forth in 24 CFR 5.236, 24 CFR 966.4(1)(3), 24 CFR 982.555 and related HUD directives and are applicable to authorized entities.

VI. DISPOSITION OF MATCHED ITEMS

The Privacy Act requires that each matching agreement specify procedures for the retention and timely destruction of identifiable records created by a recipient agency or non-federal agency in such matching program. 5 U.S.C. § 552a(o)(1)(F).

The following provisions specify the retention periods for the records contained in the HUD input file provided by HUD and the NDNH records provided to HUD in this matching program, which includes all information contained in those records, even NDNH records that are not labeled as such.

At the end of the retention periods, OCSS and HUD will destroy the records, including ensuring the erasure of all electronic records.

A. HUD Records in the Input File

OCSS may retain the records contained in the input file provided to OCSS by HUD only for the time required for processing related to the matching program, but no longer than 60 days after the transmission of the file to OCSS.

B. NDNH Records in the Output File

1. Copy of NDNH Records in the Output File

OCSS may retain copies of the records contained in the NDNH output file provided to HUD by OCSS only for the time required to ensure the successful transmission of the output file to HUD, but no longer than 60 days after the transmission of the output file to HUD.

2. NDNH Records in the Output File Provided to HUD

HUD may retain the NDNH records contained in the output file provided to HUD by OCSS only for the time required to transfer such information onto the HUD system, EIV, but no longer than 60 days from the date of the disclosure of the files to HUD.

3. NDNH Records Downloaded and Maintained within the EIV

After downloading NDNH records onto the HUD system, EIV, HUD will retain the NDNH records within the EIV only for the time required to achieve the authorized purpose of the matching program, and all legal retention requirements HUD establishes in conjunction with the National Archives and Records Administration have been met, but no later than two years from the date of the disclosure of the information to HUD.

4. Printed NDNH Information

HUD and all authorized entities may retain printed NDNH information only for the time required to achieve the authorized purpose of the matching program, but no later than the term of the tenancy plus three years from the end of participation or move out date. Records may be retained beyond such retention period if such record is required for litigation, which was started before the expiration of the initial maximum record retention period. The HUD MF Housing requirements are in HUD Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, Paragraph 5-23. The HUD Public and Indian Housing requirements are in 24 CFR 908.101.

VII. SECURITY PROCEDURES

The Privacy Act requires that each matching agreement specify procedures for ensuring the administrative, technical, and physical security of the records matched and the results of such programs. 5 U.S.C. § 552a(o)(1)(G).

This agreement, including the security addendum, specifies procedures for ensuring the security of such records.

NDNH comparison results must be safeguarded, whether labeled as NDNH information or commingled with other information and, if an agency commingles NDNH information, the agency must ensure that computer matching agreement requirements and conditions apply to all information with which NDNH information is maintained.

VIII. RECORDS USAGE, DUPLICATION, AND REDISCLOSURE RESTRICTIONS

The Privacy Act requires that each matching agreement specify prohibitions on duplication and redisclosure of records provided by the source agency within or outside the recipient agency or the non-federal agency, except where provided by law or essential to the conduct of the matching program. 5 U.S.C. § 552a(o)(1)(H). *See also* Section VI, above. The Privacy Act also requires that each matching agreement specify procedures governing the use by the recipient agency or non-federal agency of records provided in a matching program by a source agency, including procedures governing return of the records to the source agency or destruction of records used in such programs. 5 U.S.C. § 552a(o)(1)(I).

Restrictions on duplication, redisclosure, and use of NDNH records are found in the Social Security Act. Subsection 453(l)(1) requires that NDNH information and the results of comparisons using NDNH information will not be used or disclosed except as expressly provided in section 453, subject to section 6103 of the Internal Revenue Code of 1986. 42 U.S.C. § 653(l)(1). Subsection 453(l)(2) provides that an administrative penalty (up to and including dismissal from employment), and a fine of \$1,000 will be imposed for each act of unauthorized access to, disclosure of, or use of, information in the NDNH by any officer or employee of the United States or any other person who knowingly and willfully violates the requirement. 42 U.S.C. § 653(l)(2). Subsection 453(m) requires the Secretary of the U.S. Department of Health and Human Services to establish and implement safeguards with respect to the entities established under this section designed to restrict access to confidential NDNH information to authorized persons and to restrict use of such information to authorized purposes. 42 U.S.C. § 653(m)(2).

All duplicates, redisclosures, and uses of NDNH information, requested by HUD and approved by OCSS and HUD information, are identified in this agreement. Further redisclosures and uses by HUD or the authorized entities identified in section VIII.E of this agreement or OCSS are prohibited under this agreement. Further redisclosures and uses may be permitted only if: 1) specifically requested by HUD, 2) authorized under subsection 453(j)[(7)(E) of the Social Security Act, 3) governed by a written modification to this agreement, and 4) supported by the documentation agreed upon by OCSS and HUD for ensuring compliance with the privacy and security safeguards in this agreement, including the security addendum.

Subsection 453(j)(7) of the Social Security Act, under which this matching program is authorized, further restricts the redisclosure and use of records as described in the following sections.

A. Determination that Disclosures Do Not Interfere with the Child Support Program

Subsection 453(j)(7)(C)(ii) of the Social Security Act provides that the Secretary of Health and Human Services will make disclosures to HUD only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under title IV, part D of the Social Security Act. 42 U.S.C. § 653(j)(7)(C)(ii).

OCSS may not commence, or may discontinue, disclosing NDNH information upon a determination that such disclosure interferes with the effective operation of the state/federal child support program. OCSS will provide HUD with 10 days' advance written notice prior to any discontinuation of the disclosure of NDNH information.

B. Authorized Purpose and Use of NDNH Information by HUD; Verifying Employment and Income; Analyses

Subsection 453(j)(7)(D) of the Social Security Act provides that HUD may use information resulting from the information comparison only for the purpose of [verifying the employment and income of individuals participating in certain HUD programs described in subparagraph (A) and, after the removal of personal identifiers, to conduct analyses of the employment and income reporting of such individuals. 42 U.S.C. § 653(j)(7)(D).

HUD will use, duplicate, copy, extract, and redisclose the results of the information comparison solely for the purposes authorized pursuant to this agreement and will comply with all privacy and security safeguards, in accordance with the terms and conditions specified in the agreement, including the security addendum.

Prior to any use of information, resulting from this agreement used for the purpose of conducting analyses of employment and income reporting, HUD will provide OCSS documentation, including the specific analyses being conducted, specific HUD users, procedures for the removal of personal identifiers, data storage location and safeguards, retention periods, and other information pertaining to the use of the results of the information comparison. HUD agrees that future plans for analyses will be approved by OCSS prior to conducting such analysis.

C. Redisclosures Authorized by Subsection 453(j)(7)(E) of the Social Security Act

Subsection 453(j)(7)(E)(ii) of the Social Security Act authorizes HUD to redisclose NDNH information to a public housing agency, the HUD Inspector General, and the Attorney General for the purpose of verifying employment and income of participants in housing programs described in subparagraph (A) of subsection 453(j)(7).

Subsection 453(j)(7)(E)(iv)(II) of the Social Security Act authorizes HUD to redisclose NDNH information to a private owner, a management agent, and a contract administrator in connection with the administration of certain HUD programs described in subparagraph (A) of subsection 453(j)(7) (multifamily business partners).

HUD may redisclose NDNH information under such authority if the redisclosure to such entity is: 1) specifically requested by HUD; 2) authorized under subsection 453(j)(7)(E) of the Social Security Act, as agreed upon by HUD and OCSS; and 3) identified in section VIII.E.1 and 2. *See* Appendix E.

Such redisclosures may be authorized only for the purpose of verifying the employment and income of individuals described in subparagraph (A) in accordance with subsection 453(j)(7)(E)(i) under the conditions in 453(j)(7)(E)(iii) of the Social Security Act. 42 U.S.C. § 653(j)(7)(E)(i) and (iii)

D. Evaluation of Costs, Benefits and Safeguards; Control Policies; Audit and Sanctions

Subsection 453(j)(7)(E)(iv)(I) of the Social Security Act provides that HUD and OCSS shall determine whether to permit disclosure of NDNH information to a private owner, a management agent, and a contract administrator based on an evaluation, made by HUD in consultation with and approved by OCSS, of the costs and benefits of disclosures made to public housing agencies, the HUD Inspector General, and the Attorney General, and the adequacy of measures used to safeguard the security and confidentiality of information so disclosed. The evaluation required pursuant to subsection 453(j)(7)(E)(iv)(I) was conducted by HUD and signed by HUD and OCSS in May 2007.

Subsection 453(j)(7)(E)(ii) and (iv)(II) of the Social Security Act provides that HUD may disclose NDNH information subject to certain conditions contained in subsection 453(j)(7)(E)(iii). The conditions require disclosures to be made: (1) in accordance with data security and control policies established by HUD and approved by OCSS; (2) subject to audit in a manner satisfactory to OCSS; and (3) subject to the sanctions under subsection (l)(2) of section 453 of the Social Security Act. 42 U.S.C. § 653(j)(7)(E)(ii and(iii). HUD and OCSS have agreed to such conditions, which are contained within this agreement, including the security addendum.

E. Entities Requested by HUD to be Redisclosure Recipients; Authorized Purpose and Use; Conditions for Redisclosure

HUD requests and is authorized to redisclose the results of the information comparison to the following entities.

1. Public Housing Agencies, HUD Inspector General, and Attorney General; Multifamily Business Partners

HUD requests redisclosure of NDNH information to the PHAs, PHA management agents, the HUD Inspector General, the Attorney General, private owners, management agents, and contract administrators (MF business partners).

2. Limited Redisdisclosure to Independent Auditors and to Entities Associated with Grievance Procedures and Judicial Proceedings

HUD requests limited redisdisclosure of written reports containing NDNH information to certain approved independent auditors hired by the management agents, owners, or PHAs pursuant to HUD Inspector General audit requirements for the sole purpose of performing an audit of whether these HUD authorized entities verified tenants' employment and/or income and calculated the subsidy and rent correctly.

HUD also requests limited redisdisclosure of NDNH information to 1) lawyers and court personnel associated with judicial proceedings relating to independently verified unreported income identified through this matching program; and 2) lawyers and certain agency personnel associated with grievance procedures relating to independently verified unreported income identified through this matching program.

Prior to redisdisclosure to these entities, HUD must implement procedures to: 1) permit access only to NDNH information within hard copy files, 2) prohibit transmitting or transporting NDNH information in any form, 3) prohibit entering NDNH information on any portable media, 4) require these entities to sign non-disclosure agreements (or similar documentation) which permit the use of NDNH information only for the purpose of the dispute, and 5) prohibit these entities from redisdisclosing NDNH information to any user not authorized by subsection 453(j)(7) of the Social Security Act and identified within this agreement.

3. Authorized Purpose and Use for Redisdisclosures of NDNH Information; Verifying Employment and Income

Subsection 453(j)(7)(E)(i) of the Social Security Act authorizes HUD to redisdisclose NDNH information to public housing agencies (PHAs), the PHA management agents, the HUD Inspector General, the Attorney General, and private owners, management agents, and contract administrators (MF business partners) for the sole purpose of verifying employment and income of participants in housing programs described in subparagraph (A) of subsection 453(j)(7). 42 U.S.C. § 653(j)(7)(E)(i).

Entities to which HUD may redisdisclose NDNH information are authorized to use the information only for verification of employment and income of participants in housing programs, not to conduct analyses of the employment and income reporting of such participants.

PHAs, PHA management agents, private owners, management agents, and contract administrators are authorized to access and use NDNH information pertaining solely to participants of the housing programs administered by those entities.

All redisdisclosures of NDNH information, requested by HUD and approved by OCSS, are identified in this agreement and in the Data Flow Diagram. *See* Appendix D. The diagram identifies: 1) where and how HUD and other authorized entities maintain the

NDNH information; 2) HUD and other authorized entities' personnel who have access to NDNH information; and 3) the purpose for such access.

F. HUD Responsibility to Ensure Compliance with Agreement by Authorized Entities; Measures

HUD responsibilities pertaining to all privacy and security safeguards within this agreement, including the security addendum, extend to HUD contractors. HUD must ensure that the authorized entities identified in section VIII.E of this agreement comply with all privacy and security safeguards within this agreement, including the security addendum.

Prior to any redisclosure under this agreement, HUD will take the following measures to ensure such compliance: (1) establishing, documenting, and implementing, between HUD and each authorized entity, all safeguards within this agreement, including the security addendum; (2) providing authorized entities written documentation of all safeguards within this agreement; (3) entering into a written agreement or requiring a certification that those authorized entities will comply with such safeguards; and (4) periodically monitoring to verify compliance, conducting audits, and otherwise enforcing all such safeguards within those entities.

IX. RECORDS ACCURACY ASSESSMENTS

The Privacy Act requires that each matching agreement specify information on assessments that have been made about the accuracy of records that will be used in the matching program. 5 U.S.C. § 552a(o)(1)(J).

A. NDNH Records

The information maintained within the NDNH is reported to OCSS by state and federal agencies. OCSS verifies the accuracy of name and Social Security number combinations maintained by OCSS against Social Security Administration databases in accordance with subsection 453(j)(1) of the Social Security Act. 42 U.S.C. § 653(j)(1).

A record reported to the NDNH is considered "verified" if the name and Social Security number combination has a corresponding name and Social Security number combination within Social Security Administration databases.

One hundred percent of the employee name and Social Security number combinations contained in the new hire, quarterly wage and the unemployment insurance files against which input files are compared have been verified against Social Security Administration databases. For quarterly wage, 77 percent of name and Social Security number combinations have been verified because some states do not collect enough name data. However, information comparisons may be conducted, and reliable results obtained.

B. HUD Records

HUD verifies the accuracy of name and Social Security number combinations maintained by HUD against Social Security Administration databases. The input file to be compared to the NDNH only contains name and Social Security number combinations that have been verified by the Social Security Administration. Thus, HUD deems 100 percent of the name/Social Security number combinations that HUD transmits to OCSS to be accurate.

X. COMPTROLLER GENERAL ACCESS

The Privacy Act requires that each matching agreement specify that the Comptroller General of the United States may have access to all records of a recipient agency or a non-federal agency that the Comptroller General deems necessary in order to monitor or verify compliance with this agreement. 5 U.S.C. § 552a(o)(1)(K). OCSS and HUD agree that the Comptroller General may have access to such records for the authorized purpose of monitoring or verifying compliance with this agreement.

XI. REIMBURSEMENT/FUNDING

Subsection 453(k)(3) of the Social Security Act requires a state or federal agency that receives information from the Secretary of the U.S. Department of Health and Human Services to reimburse the Secretary for costs incurred by the Secretary in furnishing the information. The reimbursement must be at rates which the Secretary determines to be reasonable and will include the costs of obtaining, verifying, maintaining, and comparing the information. 42 U.S.C. § 653(k)(3).

Subsection 453(j)(7)(F) of the Social Security Act requires HUD to reimburse OCSS, in accordance with subsection (k)(3), for the costs incurred by OCSS in furnishing the information. [42 U.S.C. § 653(j)(7)(F).

OCSS has established a full-cost reimbursement methodology for calculating user fees for each state or federal agency receiving information from the NDNH. A reimbursement agreement will be executed each fiscal year of the computer matching agreement and HUD will reimburse OCSS in accordance with the terms of such reimbursement agreement.

XII. DURATION OF AGREEMENT

A. Effective Date of the Agreement

As stated in III.E., HUD and OCSS intend that the effective date of this agreement will be February 28, 2024, the day after the expiration date of the renewal of the prior matching agreement, No. 2107, and intend for this agreement to remain in effect for 18 months as permitted by 5 U.S.C. § 552a(o)(2)(C).

OCSS and HUD may commence comparisons and disclosures under this agreement upon completion of the following requirements:

- OCSS and the authorized HUD officials sign the agreement
- HUD and HHS Data Integrity Boards approve this matching agreement, and HUD and HHS DIB Chairpersons sign the agreement
- HUD submits the documentation required by OCSS to assess the HUD EIV System's security posture
- HUD reports the matching program to OMB and Congress for their advance review and, upon completion of OMB's advance review, HUD publishes the matching notice in the *Federal Register* for 30 calendar days as required by 5 U.S.C. §§ 552a(e)(12), (o)(2)(A), and (r), and OMB Circular A-108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*, 81 FR 94424 (Dec. 23, 2016), at pages 17-23

The parties may, within three months prior to the expiration date of this agreement, renew the agreement for a period of up to one year, as permitted by 5 U.S.C. § 552a(O)(2)(D). To renew a matching program OCSS and HUD must meet requirements of subsection q, which provides that no source agency may renew a matching agreement unless the recipient agency or non-federal agency has certified that it has complied with the provisions of that agreement and the source agency has no reason to believe that the certification is inaccurate. 5 U.S.C. § 552a(q)(2)(A) and (B).

OCSS and HUD anticipate the matching program will meet renewal requirements and will certify to the Data Integrity Boards in writing that the program has been conducted in compliance with the agreement and will be conducted without any significant change. *See* 5 U.S.C. § 552a(o)(2)(D) and OMB Circular A-108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*, 81 FR 94424 (Dec. 23, 2016), at pages 17-20.

B. Modification of the Agreement

This agreement may be modified at any time by a written amendment which is approved by HUD, OCSS, and by the Data Integrity Boards of each agency. If any significant changes are requested, a new agreement will be required.

C. Termination of the Agreement

This agreement may be terminated at any time with the consent of both agencies.

Either agency may unilaterally terminate this agreement upon written notice to the other agency, in which case the termination date will be effective 90 days after the date of the notice or later as specified in the notice provided this date does not exceed the approved duration of the agreement.

If OCSS has reason to believe that the verification and opportunity to contest requirements of subsection (p) of the Privacy Act any other requirement of this agreement are not being met, OCSS will terminate disclosures of records contained in the NDNH under the agreement. 5 U.S.C. § 552a(q)(1).

If OCSS determines that any authorized entity to which NDNH information is redisclosed is not complying with any of the terms and provisions in this agreement, OCSS may terminate this agreement.

If OCSS determines that the privacy or security of NDNH information is at risk, OCSS may terminate the agreement and any further disclosures without prior notice to HUD.

Each agency will submit to its Data Integrity Board a copy of any notification of termination.

XIII. NECESSITY OF INFORMATION FOR AUTHORIZED PURPOSE

Subsection 453(j)(7)(B) of the Social Security Act requires HUD to seek minimum information only to the extent necessary to verify the employment and income of participants of specified programs. 42 U.S.C. § 653(j)(7)(B).

HUD will comply with such requirement by ensuring that each individual pertaining to whom information is requested and for whom each data element is requested and the frequency of transmission and the retention and disposition periods of NDNH information, are necessary to accomplish the authorized purpose for obtaining NDNH information – verifying the employment and income of participants of the specified programs. (*See* sections III.B, III.D, and VI).

HUD may provide to each entity listed in sections VIII.E.1 and 2 only the specific NDNH information necessary to perform their official duties and to accomplish the purpose for obtaining NDNH information – verifying the employment and income of participants of the specified programs.

XIV. PERIODIC REPORTING OF PERFORMANCE OUTCOMES

The Office of Management and Budget requires OCSS to periodically report measures of the performance of the FPLS, including the NDNH, through various federal management devices, such as the Office of Management and Budget Information Technology Dashboard, the Annual Report to Congress, and the Major IT Business Case. OCSS is required to provide performance measures demonstrating how the FPLS supports OCSS’s strategic mission, goals and objectives, and cross-agency collaboration. OCSS also requests such performance reporting to ensure matching partners use NDNH information for the authorized purpose.

To assist OCSS in its compliance with federal reporting requirements and to provide assurance that HUD uses NDNH information for the authorized purpose, HUD will provide OCSS a

written report describing the performance outputs and outcomes attributable to its use of NDNH information for the purposes set forth in this agreement. The report will identify the estimate of the erroneous rental housing assistance payments attributable to tenant reporting of income that was determined through the comparison using NDNH information.

HUD will provide such reports, in a format determined by HUD and approved by OCSS, to OCSS on an annual basis, no later than three months after the end of each fiscal year of the matching program.

The reports may also assist HUD in the development of a cost-benefit analysis of the matching program required for any subsequent matching agreements in accordance with 5 U.S.C. § 552a(o)(1)(B). *See* section II.B of this agreement.

XV. DISPUTE RESOLUTION

Disputes related to this agreement over financial or accounting issues must be resolved in accordance with instructions provided in the Treasury Financial Manual, Volume I, Appendix 5, *Overall Intra-Governmental Transactions Processes/General Information*, Section 2.3, or a superseding directive, available on the Treasury Financial Manual website at <https://tfm.fiscal.treasury.gov/v1/p2/Appendix-5-2-4700.pdf>.

XVI. PERSONS TO CONTACT

- A.** The U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Services contact for programs is:

Sherri Grigsby
Deputy Director
Division of Federal Systems
Office of Child Support Services
Administration for Children and Families
Mary E. Switzer Building
330 C Street SW, 5th Floor
Washington, DC 20201
Phone:
202-401-6114
Email: Sherri.Grigsby@acf.hhs.gov

- B.** The U.S. Department of Housing and Urban Development contacts are:

Matching Agreement and Systems Operations Issues
Shalene Domingo, EIV Program Manager
Office of Public and Indian Housing
Real Estate Assessment Center (REAC)
550 12th Street SW, Suite 100
Washington, DC 20410
Telephone: 202-475-8625
Email: Shalene.J.Domingo@hud.gov

Lindsey R. Redlin
Branch Chief, Subsidy Oversight Branch
Assisted Housing Oversight Division
Office of Asset Management and Portfolio Oversight
451 7th Street, S.W., Suite 6162
Washington DC 20410
Telephone: 202-402-5988
Email: Lindsey.Redlin@hud.gov

XVII. APPROVALS

By their signatures below, the authorized officials approve this agreement.

A. U. S. Department of Health and Human Services Program Official

Tangler Gray Commissioner Office of Child Support Services	Date

B. U. S. Department of Health and Human Services Data Integrity Board

Cheryl Campbell Chairperson HHS Data Integrity Board	Date

C. U.S. Department of Housing and Urban Development Program Official[s]

Dominique Blom General Deputy Assistant Secretary for Office of Public and Indian Housing	Date

Jeffrey D. Little General Deputy Assistant Secretary Office of Housing	Date

Ashley L. Sheriff Deputy Assistant Secretary for the Real Estate Assessment Center U.S. Department of Housing and Urban Development	Date

D. U.S. Department of Housing and Urban Development Data Integrity Board

Bradley S. Jewitt Chairperson Data Integrity Board Department of Housing and Urban Development	Date

SECURITY ADDENDUM

**U.S. Department of Health and Human Services
Administration for Children and Families
Office of Child Support Services**

and

U.S. Department of Housing and Urban Development
Verification of Employment and Income and Analysis

I. PURPOSE AND EFFECT OF THIS SECURITY ADDENDUM

The purpose of this security addendum is to specify the security controls that the Office of Child Support Services (OCSS) and U.S. Department of Housing and Urban Development (HUD) must have in place to ensure the security of the records compared against records in the National Directory of New Hires (NDNH), and the results of the information comparison.

By signing this security addendum, OCSS and HUD agree to comply with the provisions of the Social Security Act, the Privacy Act of 1974, the Federal Information Security Modernization Act of 2014 (FISMA), Office of Management and Budget (OMB) directives, the National Institute of Standards and Technology (NIST) series of Special Publications (SP), and the underlying agreement to this security addendum. Further, each agency has implemented the minimum security controls required for a system categorized as “moderate” in accordance with the Federal Information Processing Standards (FIPS) Publication 199, *Standards for Security Categorization of Federal Information and Information Systems*. OCSS and HUD agree to use the information (such as input and output files) received from each agency for authorized purposes in accordance with the terms of the agreement.

As federal requirements change or new requirements are established, OCSS and HUD must comply with such requirements.

II. APPLICABILITY OF THIS SECURITY ADDENDUM

This security addendum is applicable to the agency, personnel, facilities, documentation, information, electronic and physical records, other machine-readable information, and the information systems of OCSS and HUD and HUD authorized entities specified in the agreement which are hereinafter “OCSS” and “HUD.”

III. SECURITY AND PRIVACY SAFEGUARDING REQUIREMENTS

The safeguarding requirements in this security addendum are drawn from the *Office of Child Support Services Division of Federal Systems Security Requirements for Federal Agencies*

Receiving National Directory of New Hires Data. This document is available upon request from ocsssecurity@acf.hhs.gov.

This section provides the safeguarding requirements with which OCSS and HUD must comply and continuously monitor. HUD must also comply with three additional requirements: Breach Reporting and Notification Responsibility; Security Authorization; and Audit Requirements.

The safeguarding requirements for receiving NDNH information as well as the safeguards in place at OCSS for protecting the agency input files are as follows:

1. HUD must restrict access to, and disclosure of, NDNH information to authorized personnel who need NDNH information to perform their official duties in connection with the authorized purposes specified in the agreement.

OCSS restricts access to and disclosure of the agency input files to authorized personnel who need them to perform their official duties as authorized in this agreement.

Policy/Requirements Traceability: 5 U.S.C. § 552a(b)(1), NIST SP 800-53 Rev 5, *Security and Privacy Controls for Information Systems and Organizations*, AC-3, AC-6

2. HUD must establish and maintain an ongoing management oversight and quality assurance program to ensure that only authorized personnel have access to NDNH information.

OCSS management oversees the use of the agency input files to ensure that only authorized personnel have access.

Policy/Requirements Traceability: 5 U.S.C. § 552a; NIST SP 800-53 Rev 5, PL-4(1), PS-6, PS-8

3. HUD must advise all authorized personnel who will access NDNH information of the confidentiality of NDNH information, the safeguards required to protect NDNH information, and the civil and criminal sanctions for non-compliance contained in the applicable federal laws, including section 453(1)(2) of the Social Security Act. 42 U.S.C. § 653(1)(2).

OCSS advises all personnel who will access the agency input files of the confidentiality of the information, the safeguards required to protect the information, and the civil and criminal sanctions for non-compliance contained in the applicable federal laws.

Policy/Requirements Traceability: 5 U.S.C. § 552a; NIST SP 800-53 Rev 5, PL-4(1), PS-6, PS-8

4. HUD must deliver security and privacy awareness training to personnel with authorized access to NDNH information and the system that houses, processes, or transmits NDNH information. The training must describe each user's responsibility for proper use and protection of NDNH information, how to recognize and report potential indicators of insider threat, and the possible sanctions for misuse. All personnel must receive security and privacy awareness training before accessing NDNH information and at least annually thereafter. The training must cover the matching provisions of the federal Privacy Act, the Computer Matching and Privacy Protection Act, and other federal laws governing use and misuse of protected information.

OCSS delivers security and privacy awareness training to personnel. The training describes each user's responsibility for proper use and protection of other agencies' input files, how to recognize and report potential indicators of insider threat, and the possible sanctions for misuse. All personnel receive security and privacy awareness training before accessing agency input files and at least annually thereafter. The training covers the other federal laws governing use and misuse of protected information.

Policy/Requirements Traceability: 5 U.S.C. § 552a; 44 U.S.C. § 3551 et seq; OMB Circular A-130, *Managing Information as a Strategic Resource*; OMB M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information*; NIST SP 800-53 Rev 5, AT-2(2), AT-3, AT-4

5. HUD personnel with authorized access to NDNH information must sign non-disclosure agreements, rules of behavior, or equivalent documents before system access, annually, and if changes in assignment occur. The non-disclosure agreement, rules of behavior, or equivalent documents must outline the authorized purposes for which the HUD may use NDNH information, the privacy and security safeguards contained in this agreement and security addendum, and the civil and criminal penalties for unauthorized use. HUD may use "wet" and/or electronic signatures to acknowledge non-disclosure agreements, rules of behavior, or equivalent documents.

OCSS personnel with authorized access to the agency input files sign non-disclosure agreements and rules of behavior annually.

Policy/Requirements Traceability: OMB Circular A-130 – Appendix I, *Responsibilities for Protecting and Managing Federal Information Resources*; OMB M-17-12; NIST SP 800-53 Rev 5, PS-6

6. HUD must maintain records of authorized personnel with access to NDNH information. The records must contain a copy of each individual's signed non-disclosure agreement, rules of behavior, or equivalent document and proof of the individual's participation in security and privacy awareness training. HUD must make such records available to OCSS upon request.

OCSS maintains a record of personnel with access to the agency input files. The records contain a copy of each individual's signed non-disclosure agreement, rules of behavior, or equivalent document and proof of the individual's participation in security and privacy awareness training.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, AT-4

7. HUD must have appropriate procedures in place to report confirmed and suspected security or privacy incidents (unauthorized use or disclosure involving personally identifiable information), involving NDNH information. Immediately upon discovery, but in no case later than one hour after discovery of the incident, HUD must report confirmed and suspected incidents, in either electronic or physical form, to OCSS, as designated in this security addendum. The requirement for HUD to report confirmed or suspected incidents involving NDNH information to OCSS exists in addition to, not in lieu of, any HUD requirements to report to the United States Computer Emergency Readiness Team (US-CERT) or other reporting agencies.

OCSS has appropriate procedures in place to report security or privacy incidents, or suspected incidents involving the agency input files. Immediately upon discovery but in no case later than one hour after discovery of the incident, OCSS will report confirmed and suspected incidents to the HUD security contact designated in this security addendum. The requirement for OCSS to report confirmed or suspected incidents to HUD exists in addition to, not in lieu of, requirements to report to US-CERT or other reporting agencies.

Policy/Requirements Traceability: OMB Circular A-130 – Appendix I; OMB M-17-12; NIST SP 800-53 Rev 5, IR-6

8. HUD must prohibit the use of non-HUD furnished equipment to access NDNH information without specific written authorization from the appropriate HUD representatives.

OCSS does not permit personnel to access the agency input files remotely using non-agency furnished equipment.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, AC-20(1)(2)

9. HUD must require that personnel accessing NDNH information remotely (for example, telecommuting) adhere to all the security and privacy safeguarding requirements provided in this security addendum. HUD and non-HUD furnished equipment must have appropriate software with the latest updates to protect against attacks, including, at a minimum, current antivirus software and up-to-date system patches and other software patches. Before electronic connection to HUD resources, HUD must scan the HUD and non-HUD furnished equipment to ensure compliance with HUD standards. All remote connections must be through Network Access Control, and all data in transit between the remote location and HUD must be

encrypted using FIPS 140-3 encryption standards. Personally owned devices must not be authorized. See numbers 8 and 19 of this section for additional information.

OCSS does not permit personnel to access the agency input files remotely using non-agency furnished equipment.

Policy/Requirements Traceability: OMB-M-17-12; NIST SP 800-53 Rev 5, AC-17, AC-20

10. HUD must implement an effective continuous monitoring strategy and program that must ensure the continued effectiveness of security controls by maintaining ongoing awareness of information security, vulnerabilities, and threats to the information system housing NDNH information. The continuous monitoring program must include configuration management, patch management, vulnerability management, risk assessments before making changes to the system and environment, ongoing security control assessments, and reports to HUD officials as required.

OCSS has implemented a continuous monitoring strategy and program that ensures the continued effectiveness of security controls by maintaining ongoing awareness of information security, vulnerabilities, and threats to the information system housing the input files. The continuous monitoring program includes configuration management, patch management, vulnerability management, risk assessments before making changes to the system and environment, ongoing security control assessments, and reports to the U.S. Department of Health and Human Services officials as required.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, CA-7(1)(4); NIST SP 800-137, *Information Security Continuous Monitoring (ISCM) for Federal Information Systems and Organizations*

11. HUD must maintain an asset inventory of all software and hardware components within the boundary of the information system housing NDNH information. The inventory must be detailed enough for HUD to track and report.

OCSS maintains an inventory of all software and hardware components within the boundary of the information system housing the agency input files.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, CM-2(3)(7), CM-7(1)(2)(4), CM-8(1)(3), CM-11, IA-3, PM-5, SA-4(1)(2)(9)(10), SC-17, SC-18, SI-4(2)(4)(5)

12. HUD must maintain a system security plan describing the security requirements for the system housing NDNH information and the security controls in place or planned for meeting those requirements. The system security plan must describe the responsibilities and expected behavior of all individuals who access the system.

OCSS maintains a system security plan that describes the security requirements for the information system housing the agency input files and the security controls in place or planned for meeting those requirements. The system security plan includes responsibilities and expected behavior of all individuals who access the system.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, PL-2, NIST SP 800-18 Rev 1, *Guide for Developing Security Plans for Federal Information Systems*

13. HUD must maintain a plan of action and milestones (and when applicable, a corrective action plan) for the information system housing NDNH information to document plans to correct weaknesses identified during security control assessments and to reduce or eliminate known vulnerabilities in the system. HUD must update the plan of action and milestones (and when applicable, the corrective action plan) as necessary based on the findings from security control assessments, security impact analyses, and continuous monitoring activities.

OCSS maintains a plan of action and milestones for the information system housing the agency input files to document plans to correct weaknesses identified during security control assessments and to reduce or eliminate known vulnerabilities in the system. OCSS updates the plan of action and milestones as necessary based on the findings from security control assessments, security impact analyses, and continuous monitoring activities.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, CA-5, NIST SP 800-18 Rev 1

14. HUD must maintain a baseline configuration of the system housing NDNH information. The baseline configuration must include information on system components (for example, standard software packages installed on workstations, notebook computers, servers, network components, or mobile devices; current version numbers and patch information on operating systems and applications; and configuration settings/parameters), network topology, and the logical placement of those components within the system architecture.

OCSS maintains a baseline configuration of the information system housing the agency input files.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, CA-7, CA-9, CM-2(3)(7), CM-3(2), CM-5, CM-6, CM-7(1)(2)(4), CM-8(1)(3), CM-11, SI-4(2)(4)(5)

15. HUD must limit and control logical and physical access to NDNH information to only those personnel authorized for such access based on their official duties, and identified in the records maintained by HUD pursuant to numbers 6 and 27 of this section. HUD must prevent personnel from browsing by using technical controls or other compensating controls.

OCSS limits and controls logical and physical access to the agency input files to only those personnel authorized for such access based on their official duties. OCSS prevents browsing using technical controls that limit and monitor access to the agency input files.

Policy/Requirements Traceability: 5 U.S.C. § 552a; NIST SP 800-53 Rev 5, AC-2, AC-3

16. HUD must transmit and store all NDNH information provided pursuant to this agreement in a manner that safeguards the information and prohibits unauthorized access. All electronic HUD transmissions of information to HUD and entities specified in the agreement must be encrypted utilizing a FIPS 140-3 compliant product.

HUD and OCSS exchange data via a mutually approved and secured data transfer method that utilizes a FIPS 140-3 compliant product.

Policy/Requirements Traceability: OMB M-17-12; FIPS 140-3, *Security Requirements for Cryptographic Modules*; NIST SP 800-53 Rev 5, MP-4, SC-8

17. HUD must transfer and store NDNH information only on HUD owned portable digital media and mobile computing and communications devices that are encrypted at the disk or device level, using a FIPS 140-3 compliant product. See numbers 8 and 18 of this section for additional information.

OCSS does not copy the agency input files to mobile media.

Policy/Requirements Traceability: OMB M-17-12; FIPS 140-3

18. HUD must prohibit the use of computing resources resident in commercial or public facilities (for example, hotels, convention centers, airports) from accessing, transmitting, or storing NDNH information.

OCSS prohibits the use of computing resources resident in commercial or public facilities (for example, hotels, convention centers, airports) from accessing, transmitting, or storing the agency input files.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, AC-19(5), CM-8(3)

19. HUD must prohibit remote access to NDNH information, except via a secure and encrypted (FIPS 140-3 compliant) transmission link and using two-factor authentication. HUD must control remote access through a limited number of managed access control points.

OCSS prohibits remote access to the agency input files except via a secure and encrypted (FIPS 140-3 compliant) transmission link and using two-factor authentication.

Policy/Requirements Traceability: OMB M-17-12; FIPS 140-3; NIST SP 800-53 Rev 5, AC-17, IA-2(6)(12), SC-8

20. HUD must maintain a fully automated audit trail system with audit records that, at a minimum, collect data associated with each query transaction to its initiator, capture date and time of system events and type of events. The audit trail system must protect data and the audit tool from addition, modification or deletion and should be regularly reviewed and analyzed for indications of inappropriate or unusual activity.

OCSS maintains a fully automated audit trail system with audit records that, at a minimum, collect data associated with each query transaction with its initiator, capture date and time of system events and type of events. The audit trail system must protect data and the audit tool from addition, modification or deletion and should be regularly reviewed and analyzed for indications of inappropriate or unusual activity.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, AU-2, AU-3, AU-6(1)(3), AU-8, AU-9(4), AU-11

21. HUD must log each computer-readable data extract (secondary store or files with duplicate NDNH information) from any database holding NDNH information and verify that each extract has been erased within 60 days after completing authorized use. If HUD requires the extract for longer than 60 days to accomplish a purpose authorized pursuant to this agreement, HUD must request permission, in writing, to keep the extract for a defined period, subject to OCSS written approval. HUD must comply with the retention and disposition requirements in the agreement.

OCSS does not extract information from the agency input files.

Policy/Requirements Traceability: OMB M-17-12, NIST SP 800-53 Rev 5, MP-4, MP-6, SI-12

22. HUD must utilize a time-out function for remote access and mobile devices that require a user to re-authenticate after no more than 30 minutes of inactivity. See numbers 8, 9, and 19 of this section for additional information.

OCSS utilizes a time-out function for remote access and mobile devices that requires a user to re-authenticate after no more than 30 minutes of inactivity.

Policy/Requirements Traceability: OMB M-17-12, NIST SP 800-53 Rev 5, AC-11, AC-12, AC-17, SC-10

23. HUD must erase electronic records after completing authorized use in accordance with the retention and disposition requirements in the agreement.

OCSS erases the electronic records after completing authorized use in accordance with the retention and disposition requirements in the agreement.

Policy/Requirements Traceability: 5 U.S.C. § 552a, NIST SP 800-53 Rev 5, MP-4, MP-6, SI-12

24. When storage media are disposed of, the media will be destroyed or sanitized so that the erased records are not recoverable.

Policy/Requirements Traceability: 5 U.S.C. § 552a, NIST SP 800-53 Rev 5, MP-4, MP-6, SI-12

25. HUD must implement a Network Access Control (also known as Network Admission Control (NAC)) solution in conjunction with a Virtual Private Network (VPN) option to enforce security policy compliance on all HUD and non-HUD remote devices that attempt to gain access to, or use, NDNH information. HUD must use a NAC solution to authenticate, authorize, evaluate, and remediate remote wired and wireless users before they can access the network. The implemented NAC solution must evaluate whether remote machines are compliant with security policies through host(s) integrity tests against predefined templates, such as patch level, service packs, antivirus, and personal firewall status, as well as custom created checks tailored for the HUD enterprise environment. HUD must disable functionality that allows automatic code execution. The solution must enforce security policies by blocking, isolating, or quarantining non-compliant devices from accessing the HUD network and resources while maintaining an audit record on users' access and presence on the HUD network. See numbers 8 and 19 of this section for additional information.

OCSS ensures that personnel do not access the agency input files remotely using non-agency furnished equipment.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, AC-17, AC-20, IA-2(6)(12), IA-3

26. HUD must ensure that the organization responsible for the data processing facility storing, transmitting, or processing NDNH information complies with the security requirements established in this security addendum. The "data processing facility" includes the personnel, facilities, documentation, data, electronic and physical records and other machine-readable information, and the information systems of HUD including, but not limited to, employees and contractors working with the data processing facility, contractor data centers, and any other individual or entity collecting, storing, transmitting, or processing NDNH information.

OCSS ensures that the data processing facility complies with the security requirements established in this security addendum.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, SA-9(2)

27. HUD must store all NDNH information provided pursuant to this agreement in an area that is physically safe from access by unauthorized persons during duty hours as well as non-duty hours or when not in use.

OCSS stores the agency input files provided pursuant to this agreement in an area that is physically safe from access by unauthorized persons during duty hours as well as non-duty hours or when not in use.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, PE-2, PE-3

28. HUD must maintain a list of personnel authorized to access facilities and systems processing sensitive data, including NDNH information. HUD must control access to facilities and systems wherever NDNH information is processed. Designated officials must review and approve the access list and authorization credentials initially and periodically thereafter, but no less often than annually.

OCSS maintains lists of personnel authorized to access facilities and systems processing the agency input files. OCSS controls access to facilities and systems wherever the agency input files are processed. Designated officials review and approve the access list and authorization credentials initially and periodically thereafter, but no less often than annually.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, AC-2, PE-2

29. HUD must label printed reports containing NDNH information to denote the level of sensitivity of the information and limitations on distribution. HUD must maintain printed reports in a locked container when not in use and must not transport NDNH information off of HUD and HUD authorized entities' premises. When no longer needed, in accordance with the retention and disposition requirements in the agreement, HUD must destroy these printed reports by burning or shredding.

OCSS does not generate printed reports containing the agency input files.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, MP-2, MP-3, MP-4, MP-5, MP-6

30. HUD must use locks and other protective measures at all physical access points (including designated entry and exit points) to prevent unauthorized access to computer and support areas containing NDNH information.

OCSS uses locks and other protective measures at all physical access points (including designated entry/exit points) to prevent unauthorized access to computer and support areas.

Policy/Requirements Traceability: NIST SP 800-53 Rev 5, PE-3

IV. CLOUD SOLUTION (OPTIONAL)

HUD may choose to use cloud computing to distribute services over broader architectures. HUD must leverage vendors and services only when all FPLS information physically resides in systems located within the United States and all support and services of the system that may facilitate FPLS access must be done from the U.S., its possessions, and territories.

The cloud service provider must be Federal Risk and Authorization Management Program (FedRAMP) certified in order to meet federal security requirements for cloud-based computing or data storage solutions. Cloud implementations are defined by the service model and deployment model used. Software as a Service, Platform as a Service, and Infrastructure as a Service are examples of cloud service models for cloud implementation. The deployment models may include private cloud, community cloud, public cloud, and hybrid cloud. Data security requirements as defined below still must be met regardless of the type of cloud implementation chosen.

1. The cloud-based solution must reside on a FedRAMP compliant system. FedRAMP is a government-wide program that provides a standardized approach to security assessment, authorization, and continuous monitoring for cloud products and services.
2. Use of a cloud solution must be approved in advance by OCSS at least 45 days before connectivity to FPLS information and confidential child support program information can be established. States that have already established a cloud solution housing FPLS information must send official notification of this major change to OCSS.
3. FPLS information must be encrypted in transit, to, from, and within the cloud environment. All mechanisms used to encrypt FPLS information must use FIPS 140 validated modules. Adequate logging controls must be in place to determine key changes and access.
4. HUD must provide the physical address of the cloud provider/data center where FPLS information will be received, processed, stored, accessed, protected and/or transmitted.
5. Software and/or services that receive, transmit, process, or store FPLS information, must be isolated within the cloud environment, so other cloud customers sharing physical or virtual space cannot access other customers information or applications.

6. Any storage devices where FPLS information has resided, must be securely sanitized and/or destroyed using methods acceptable by the National Institute of Standards and Technology (NIST).
7. HUD must implement sufficient multifactor authentication for accessing their cloud environment including cloud management console(s) and systems within the cloud environment.
8. HUD and the cloud service provider must comply with all requirements in this agreement, including the security addendum, including the data retention policies agreed upon by the HUD and OCSS to ensure that all required statutory requirements are met. The HUD must ensure such compliance by the cloud service provider.
9. The data stored by the cloud service provider should ONLY be used for the authorized purpose of the matching program.
10. It is the obligation of HUD to ensure that the cloud solution that houses the FPLS information and confidential child support program information is stored domestically and is specified in the contract or Service Level Agreement between HUD and the cloud service provider.

Policy/Requirements Traceability: IRS Publication 1075 *Tax Information Security Guidelines For Federal, State and Local Agencies*, revised November 2021, Section 3.3.1 Cloud Computing

V. BREACH REPORTING AND NOTIFICATION RESPONSIBILITY

Upon disclosure of NDNH information from OCSS to HUD, HUD is the responsible party in the event of a confirmed or suspected breach of the information, including responsibility for any costs associated with breach mitigation and remediation. Immediately upon discovery, but in no case later than one hour after discovery of the incident, HUD must report confirmed and suspected incidents, in either electronic or physical form, to the security team. Incident reporting contact information is in this security addendum (*See* section VIII). HUD is responsible for all reporting and notification activities, including but not limited to: investigating the incident; communicating with US-CERT; notifying individuals whose information is breached; notifying any third parties, including the media; notifying any other public and private sector agencies involved; responding to inquiries about the breach; responding to Congressional inquiries; resolving all issues surrounding the information breach; performing any follow-up activities; correcting the vulnerability that allowed the breach; and any other activity as required by OMB M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information*, and other federal law and guidance.

Policy/Requirements Traceability: *US-CERT Federal Incident Notification Guidelines* (April 1, 2017); OMB Circular A-130 – Appendix I; OMB M-17-12; NIST SP 800-53 Rev 5, IR-6

VI. SECURITY AUTHORIZATION

OCSS requires systems that process, transmit or store NDNH information to be granted authorization to operate following the guidelines in NIST 800-37 Revision 2, *Risk Management Framework for Information Systems and Organizations: A System Life Cycle Approach for Security and Privacy*.

1. HUD Security Posture

OCSS requires HUD to demonstrate its security posture before receiving NDNH information and periodically thereafter, by providing a copy of the Authorization to Operate (ATO) for the HUD environment that will house NDNH information on HUD premises.

The HUD ATO was signed on November 9, 2023. OCSS considers this evidence that the HUD environment is in compliance with the security requirements in this security addendum. The effective period for the current ATO is six months. HUD must provide a signed ATO letter whenever the ATO signature date on file with OCSS expires during this agreement. Failure to provide an updated ATO may result in the termination of this agreement or delay in release of files until current ATO is provided.

HUD is only authorized to process, transmit, and store NDNH information in the HUD environment and premises.

2. HUD Permitted Entity Security Posture

Prior to the redisclosure of NDNH information by HUD to any entity authorized pursuant to 453(j)(7)(E) and specified within the agreement, HUD must demonstrate, and OCSS must review and approve, the security posture of the entity's systems and processes.

All information systems and applications that process, transmit or store NDNH information must be fully compliant with FISMA, OMB directives, and NIST guidelines.

Prior to receiving NDNH information, entities must have implemented the minimum security controls required for a system categorized as "moderate" in accordance with FIPS 199.

All systems and applications handling NDNH information must first be granted the ATO through the authorization process according to NIST SP 800-37 Revision 2. In addition, if applicable, federal agencies that share NDNH information with entities specified in the agreement must ensure the specified contractors meet the same safeguarding requirements. The authorizing official of the agency that re-discloses NDNH information to the permitted entity may grant them the ATO or security authorization.

The security authorization process must have been conducted according to the NIST SP 800-37 Revision 2, as appropriate.

Federal agencies must comply with NIST SP 800-37 Revision 1, including implementing a continuous monitoring program for permitted entities. Agencies must conduct the authorization process at least every three years or when there are major changes to a system. Agencies must verify privacy protection periodically through audits and reviews of the systems and procedures.

By signing the security addendum, HUD signatories confirm that HUD has reviewed the entities specified in the agreement, reviewed the security controls in place to safeguard information and information systems and has determined that the risk to federal data is at an acceptable level. The security controls in place at all entities specified in the agreement are commensurate with those of a federal system categorized as “moderate” according to FIPS 199. *See also: OMB M-23-03, Fiscal Year 2023 FISMA Guidance (Guidance on Federal Information Security and Privacy Management Requirements), December 2, 2022.*

VII. AUDIT REQUIREMENTS

Section 453(j)(7)(E)(ii) and (iv)(II) of the Social Security Act provides that the disclosure of NDNH information to HUD and additional authorized entities is conditioned upon the disclosure being subject to audit in a manner satisfactory to the Secretary of Health and Human Services. 42 U.S.C. § 653(j)(7)(E)(ii) and (iv)(II).

Policy/Requirements Traceability:

OMB M-23-03, Fiscal Year 2022 FISMA Guidance (Guidance on Federal Information Security and Privacy Management Requirements), December 2, 2022. OMB Circular No. A-130 – Appendix I

VIII. PERSONS TO CONTACT

- A. The U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Services security contact is:

Venkata Kondapolu, Director
Division of Federal Systems
Office of Child Support Services
Administration for Children and Families
Mary E. Switzer Building
330 C Street, SW, 5th Floor
Washington, DC 20201
Phone: 202-260-4712
Email: Venkata.kondapolu@acf.hhs.gov

- B. The U.S. Department of Housing and Urban Development security contact is:

Gregg R. Kendrick, Chief Information Security Officer
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 4278
Washington, DC 20410
Mobile: (202) 655-1437
Telephone: (202) 404-7403
Email: Gregg.R.Kendrick@hud.gov

- C. Incident Reporting contact information for the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Services is:

OCSS Security Team
Phone: 202-401-9389
Email: ocsssecurity@acf.hhs.gov

IX. APPROVALS

By their signatures below, the authorized officials approve this security addendum.

A. U.S. Department of Health and Human Services Officials

Venkata Kondapolu Director Division of Federal Systems	Date
Tanguler Gray Commissioner	Date

B. U.S. Department of Housing and Urban Development

Gregg R. Kendrick Chief Information Security Officer U.S. Department of Housing and Urban Development	Date

APPENDIX A

Previous Computer Matching Agreements, Evaluation, and Other Agreements Between OCSS and HUD

Prior matching agreements and renewals, a legislatively required evaluation, and other agreements conducted between OCSS and HUD are as follows:

1. Computer Matching Agreement and Renewal “Verification of Employment and Income Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 2107, effective August 28, 2021, through February 27, 2024.
2. Computer Matching Agreement and Renewal “Verification of Employment and Income Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 1814, effective January 28, 2019, through July 27, 2021.
3. Computer Matching Agreement and Renewal “Verification of Employment and Income Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 1513, effective April 25, 2016, through October 24, 2018.
4. Computer Matching Agreement, Renewal and Amendment, “Verification of Employment and Income Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 1304, effective March 16, 2015, through March 15, 2016.
5. Computer Matching Agreement, “Verification of Employment and Income and Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 1304, effective September 16, 2013, through March 15, 2015.
6. Computer Matching Agreement, Renewal and Amendment, “Verification of Employment and Income Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 1008 effective August 4, 2012, through August 3, 2013.
7. Computer Matching Agreement, “Verification of Employment and Income and Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 1008, effective February 4, 2011, through August 3, 2012.
8. Computer Matching Agreement, Renewal and Amendment, “Verification of Employment and Income Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 0802, effective January 6, 2010, through January 5, 2011.
9. Computer Matching Agreement, “Verification of Employment and Income and Reduction and Measurement of Improper Payments,” HHS DIB Approval No. 0802, effective July 6, 2008, through January 5, 2010 (superseded previous matching agreement).
10. Computer Matching Agreement, “Verification of Eligibility for Benefits for HUD Multifamily Housing Programs,” HHS DIB Approval No. 0703, effective December 11, 2007, through June 11, 2009.
11. Memorandum of Understanding, “Measurement of Improper Payments,” August 15, 2007.
12. Computer Matching Agreement, Renewal, “Verification of Eligibility for HUD Housing Programs,” HHS DIB Approval No. 0509, effective March 29, 2007, through March 28, 2008.

13. Computer Matching Agreement, "Verification of Eligibility for HUD Housing Programs," HHS DIB Approval No. 0509, effective July 12, 2005, through March 28, 2007.
14. "Evaluation, The Cost and Benefits and the Adequacy of Safeguarding Measures: Comparisons of Information in the National Directory of New Hires and Information in the Custody of the Department of Housing and Urban Development," May 2007.
15. Memorandum of Understanding, "Measurement of Improper Payments," September 2006.
16. Memorandum of Understanding, "Measurement of Improper Payments," March 2005.
17. Memorandum of Understanding, "Measurement of Improper Payments," June 2004.

APPENDIX B

Cost-Benefit Analysis

U.S. Department of Housing and Urban Development – National Directory New Hires Computer Matching Program

Verification of Employment and Income and Analysis

BACKGROUND:

HUD and HHS have maintained a formal interagency Computer Matching Agreement (CMA) for the purpose of verifying the employment and income information of participants in certain HUD rental assistance programs. HHS's Office of Child Support Services provides HUD with new hire, quarterly wage, and unemployment insurance data from the National Directory of New Hires (NDNH) to support participant income verifications as required during the administration of HUD's rental housing assistance programs. HUD consolidates data and makes this combined data available online via its Enterprise Income Verification System (EIV) to authorized system users that administer HUD rental housing assistance programs. The use of NDNH data is critical when validating tenant reported income during family interim and annual reexaminations. To accomplish this, EIV electronically compares tenant data acquired from the Office of Public and Indian Housing's Inventory Management System (IMS) and the Office of Multifamily Housing's Tenant Rental Assistance Certification System (TRACS) to perform data matching comparisons with the NDNH to measure income discrepancies between what is voluntarily reported by a family receiving HUD rental assistance against what is reported in the NDNH database. These matching comparisons are performed monthly to acquire (W-4) new hires, wage, and unemployment insurance income information for all program participants aged 18 and over.

The NDNH computer matching program allows the EIV System to provide a wide variety of verification reports which summarize, compare, and project tenant household income and identify tenants with income discrepancies and/or unreported income. Additionally, NDNH data assists the EIV System with identifying tenants who have started a new job, tenants who may be receiving multiple benefits and applicants who may already be receiving HUD rental assistance. The EIV reports are used by Public Housing Agencies (PHAs), Owners/Agents (O/As) and HUD Headquarters (HQ), Field Office (FO) personnel and Office of Inspector General investigators and auditors who monitor EIV data and review the performance of PHAs and O/As. In addition to this, MF Housing provides oversight by performance-based contract administrators (PBCAs) and traditional contract administrators (TCAs) who also use the EIV System reports.

Also, using the EIV System integrated with NDNH data streamlines the income verification process which results in less administrative burden in complying with third party verification requirements. Which in turn will benefit PHAs, tenants, taxpayers, and applicants by ensuring that the level of benefits provided on behalf of families is proper and will prevent fraud, waste, and abuse within HUD subsidized housing programs. Use of the EIV System by PHAs, owners, management agents, and contract administrators became mandatory effective January 31, 2010.

HUD’s rental housing assistance programs are administered on behalf of HUD by third-party program administrators, including PHAs, public and private project owners, and contracted management agents. In the programs examined, eligible tenants are generally required to pay 30 percent of their adjusted income toward shelter costs (rent plus utilities), with HUD subsidizing the balance of the rental payment. New program applicants are required to provide certain information on household characteristics, income, assets, and expenses that is used to determine what rent they should pay. Existing tenants are required to recertify this information annually and, also, in some circumstances, when there are significant changes in household income or family composition. Applicant or tenant failure to correctly report income may result in HUD’s over or underpayment of housing assistance. The failure of the responsible program administrator to correctly interview the tenant or process and calculate the tenant’s rental assistance may also result in HUD’s over or underpayment of housing assistance.

COSTS

Key Element 1: Personnel Costs

Recipient Agency - Staffing for EIV is made up of 9 full-time government staff dedicated to working with the EIV System and the report information contained within. Approximately \$2.6 million can be attributed to Personnel/Staff Costs for the 30-month duration of this CMA. All staff salaries vary according to actual step levels, estimate based on Step 1 for all staff. Definitive Contract for IT Outsourcing awarded in FY2023 (3-Year Duration) ceiling value of \$4.5 million.

Staffing	# of Staff	Position	Total
EIV	1	GS-15	\$155,700 x 2.5 years = \$389,250.00
EIV	2	GS-14	\$264,736 x 2.5 years = \$661,840.00
EIV	5	GS-13	\$560,075 x 2.5 years = 1,400,187.50
EIV	1	GS-09	\$64,957 x 2.5 years = \$162,392.50
Total Year 1			\$1,045,468 (year1)
Total Year 2			\$1,045,468 (year 2)
Total 6-Months			\$522,734.00 (6-Months)
Cumulative EIV Staff Salaries 30-month CMA Total 2.5 Years		\$1,045,468.00 x 2.5 years	\$2,613,670.00
Contract for IT Outsourcing (3-year Duration)			\$4,500,000.00
HUD’s Data Access and User Fees 2.5 Years		\$1,245,647.00/per year x 2.5 years	\$3,114,175.00
TOTAL			\$10,227,824.00

Clients – N/A
Third Parties – N/A
General Public – N/A

Key Element 2: Agencies' Computer Costs

Recipient Agency - HUD's Computer Cost is approximately \$1,245,647.06, (per year with a slight increase each fiscal year), totaling \$3,114,175.00 for the (30-month duration of this CMA. This amount is a combination of various access and user fees that are paid for HUD's use of the records during data matching. There is no other outside public agency fee involved with this matching agreement. There is also no charge for external use to HUD's stakeholders who administer HUD's rental assistance programs.

BENEFITS

Key Element 3: Avoidance of Future Improper Payments

Recipient Agency - The primary category of improper payments within HUD's rental programs takes the form of either overpayments or underpayments to rental recipients. Timely and current data is critical to accurately assess the veracity of income reported by rental applicants.

Trending analyses were used to provide a national estimate of the subsidy cost to HUD resulting from assisted housing tenants who intentionally misreport their income. During FY2023 there was over \$2.3 billion in underreported income by rental recipients. This could have resulted in \$185 million in overpayments to rental recipients were it not for the data matching with NDNH. With an estimated \$5.7 million in Personnel and Computer Costs this represents a return of over 32:1.

For this analysis it was assumed that there was no underlying pattern of behavior in a time series for the past several years. Therefore, the trend was assumed to be linear. It is assumed that the factors formerly impacting a data point may no longer be doing so to the same extent for the current analysis. This means that the extrapolation of the historical time series will not necessarily yield a valid prediction of the future but given the data available it provides a viable estimate.

Utilizing the NDNH data provided by HHS allows HUD the ability to develop a risk-based assessment of housing agency performance of intake processing protocols that could lead to a change in policies or procedures. This can also lead to more accurate tenant assessments through either threats of sanctions or by establishing corrective action plans. HUD can also establish a methodology to extrapolate and estimate error rates across housing agencies based on size and demographics.

Benefits of the computer matching program for HUD include:

1. Reducing improper payments in accordance with Executive Order 13520, issued on November 20, 2009, and the Improper Payments Elimination and Recovery Act of 2010, enacted on July 22, 2010.
2. Increasing the availability of rental subsidies to individuals who meet the requirements of the housing assistance programs.
3. Determining the appropriate level of rental subsidies.
4. Identifying and recovering overpayments of rental subsidies.
5. Deterring future abuses in rental subsidy programs.
6. Ensuring that only valid tenants receive rental assistance; and
7. Reduced administrative costs associated with manual verifications.

Clients – Using the NDNH data as an upfront income verification technique is valuable in validating tenant-employment, and tenant reported income as well as streamlining the PHAs income verification process. This results in less administrative burden in complying with third party verification requirements. Additionally, NDNH information will help to identify and cure inaccuracies in housing subsidy determinations and reduce administrative and subsidy payment errors which in turn will benefit both PHAs, tenants and taxpayers.

General Public – Via the HUD-HHS CMA, HUD-REAC's ability to use NDNH data is an invaluable tool for taxpayers, applicants/program participants, and housing program administrators. This data has assisted HUD with ensuring that limited Federal resources are available to serve as many eligible families as possible by reducing the high incidence of tenant un-reporting and/or underreporting of income and has identified program errors which improves the integrity and accuracy of rent calculations and tenant subsidy determinations made by PHAs and Multifamily Housing O/A's. In addition, avoidance of improper payments allows more available funding and opportunities for very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market.

Key Element 4: Recovery of Improper Payments and Debts Owed

Recipient Agency – HUD's Office of Public and Indian Housing also uses the Enterprise Income Verification (EIV) System in the recovery of Improper Payments and for PHA maintenance of the Debts Owed Module. The Debts Owed Module is used to record and maintain a national repository of debts owed and adverse information to Public Housing Agencies (PHAs) and Section 8 landlords. It is a repository of adverse information of former tenants/program participants who have voluntarily or involuntarily terminated participation in one of the above-listed HUD rental assistance programs. At the conclusion of any family's rental assistance participation, HUD requires PHAs to collect and record any debt owed by the family (all members 18 years of age and older) and report any adverse information that may have aided in the termination of the family or household member. With this, PHA's are required to record:

- Amount of any balance a family owes the PHA or Section 8 landlord (up to \$500,000) and provide an explanation for balance owed (i.e., unpaid rent, retroactive rent (due to

unreported income and/ or change in family composition) or other charges such as damages, utility charges, etc.); and

- Whether or not the family has entered into a repayment agreement for the amount owed the PHA; and
- Whether or not the family has defaulted on a repayment agreement; and
- Whether or not the PHA has obtained a judgment against the family; and
- Whether or not the family has filed for bankruptcy; and
- The negative reason(s) for the family's end of participation or any negative status (i.e., abandoned unit, fraud, lease violations, criminal activity, etc.) as of the end of participation date.

Debts Owed and Termination information is maintained in the EIV System for a period of up to ten (10) years from the end of participation date or such other period consistent with State Law. HUD Program Administrators will have access to this information during the time of application for rental assistance and for use during mandatory reexamination of family income and composition. With use of the EIV Debts Owed module, PHAs will be alerted of an applicant's prior program history, may it be a debt owed (in any state or U.S. territory) or negative information which led to the family's termination, when the family voluntarily or involuntarily exited the program. This information may be used to determine a family's suitability for initial or continued rental assistance and to assist with the avoidance of providing limited Federal housing assistance to families who have previously been unable to comply with HUD program requirements. If the reported information in the EIV Debts Owed Module is verified as accurate, in accordance with 24 CFR 982.552 (c), (v), (vi), (vii) program administrators have the discretion to terminate current rental assistance participants or deny future request for HUD rental assistance, in accordance with HUD Regulations and the PHA's established administrative policies. Since applicants and tenants are required to sign an EIV Debts Owed to Public Housing Agencies and Terminations form HUD 9886, acknowledging that the PHA provided them the Debts Owed to PHAs and Termination's notice, use of the NDNH information via this CMA has assisted HUD with pursuing a "good citizen" program with its rental recipients. By informing applicants and participants of the EIV data, where it comes from and how it will be used, this has assisted many applicants and program participants to abide with the rules by correctly reporting income and household composition.

Recapture audits are conducted at least annually based on the payment history to the housing agencies. Depending on other risk factors, they are also conducted on an ongoing basis for selected housing agencies. Recovery of any overfunded payments to housing agencies can take place monthly if necessary. In egregious situations program administrators may not have their annual contribution contract renewed or may be forced to merge with another, better organized program administrator in their service area.

Clients and General Public - HUD's EIV Staff provides monitoring efforts to confirm PHA compliance with PIC reporting requirements, the recovery of improper payments and the effective use of the EIV system and NDNH data to reduce improper payments. Although not all improper payments are fraud, and not all improper payments represent a loss to the government, recovery efforts inform American citizens that their tax dollars are being spent as efficiently and effectively as possible by the Federal government. HUD estimates that use of the NDNH data

has identified programs susceptible to significant improper payments and has saved an estimated \$207,800,000 to PHA administered HUD rental housing programs. By identifying and measuring improper payment issues and determining the root causes of error, HUD and its PHA partners can focus its resources so that corrective action plans can be thoughtfully developed and successfully carried out. The information in EIV is also used by HUD, HUD's Office of Inspector General (OIG), and auditors to ensure program participants and administrators comply with HUD rules.

HUD's Improper Payment Reduction Forecast

HUD will continue to take aggressive steps to address the causes of improper rental housing assistance payments to ensure that the right benefits go to the right people as well as address known causes and levels of improper payments. In addition, PIH has implemented additional functionalities within the EIV System and has a team dedicated to monitoring PHA progress and compliance in all risk factors measured by and associated with the EIV System. This effort will result in documenting the occurrence of improper payments and HUD's recovery thereof. Overall, the purpose of EIV is to identify and prevent fraud within HUD rental assistance programs, so that limited taxpayer's dollars can assist as many eligible families as possible. With the continued use of NDNH data via the CMA, EIV will help to improve the integrity of HUD rental assistance programs.