

# The Office of Infrastructure Protection

National Protection and Programs Directorate  
Department of Homeland Security

The Chemical Facility Anti-Terrorism Standards and Personnel  
Surety

June 2011



Homeland  
Security

# Personnel Surety Overview

- Pursuant to the Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part 27, affected individuals at CFATS-covered chemical facilities must undergo four types of background checks: (1) identity, (2) legal authorization to work, (3) criminal history, and (4) check for terrorist ties (i.e., check against the Terrorist Screening Database (TSDB))
  - Covered facilities are required to conduct the first three
  - DHS must conduct the TSDB check, as this is an inherently governmental function
- Affected individuals are:
  - Facility personnel with or seeking access to restricted areas or critical assets; and
  - Unescorted visitors with or seeking access to restricted areas or critical assets
- Facilities retain authority to grant or deny access at a high-risk chemical facility; DHS does not grant or deny access
- In a series of recent Federal Register notices and related documents, DHS has outlined the plan for how DHS intends to implement the CFATS Personnel Surety Program, which will allow chemical facilities to comply with Risk Based Performance Standard (RBPS)-12 by implementing “measures designed to identify people with terrorist ties”
  - The Department recently submitted an Information Collection Request (ICR) outlining its plan to the Office of Management and Budget (OMB) for review and approval



# Personnel Surety Program Timeline

- 60-day Paperwork Reduction Act (PRA) Notice published June 2009
- 30-day PRA Notice published April 2010
- On June 14, 2011, DHS took the following actions:
  - Published a Response to 30-day PRA comments in the Federal Register
  - Published a System of Records Notice (SORN) in the Federal Register
  - Published a Notice of Proposed Rulemaking (NPRM) requesting certain Privacy Act exemptions in the Federal Register
  - Submitted an ICR to OMB for review and approval
  - Published a Privacy Impact Assessment for the Personnel Surety Program on the DHS website
- Phased implementation of Tier 1 facilities with authorized Site Security Plans (SSPs) to begin screening in Fall 2011



# Personnel Surety Program

- To conduct the TSDB check DHS intends that:
  - Each high-risk chemical facility will submit, add, update, and remove personally identifiable information (PII) to DHS via a web portal and notify DHS when an affected individual no longer has access to restricted areas and/or critical assets
  - DHS will notify the facility of DHS's receipt of the PII and send the data to DHS/Transportation Security Administration (TSA) for recurrent vetting against the TSDB
- DHS intends to allow facilities to either (a) propose their own submission schedules to DHS as part of their SSPs, or (b) submit PII based on the following default schedules:
  - Facilities will have 60 or 90 days (depending on risk level) to make initial submissions as to existing personnel
  - Subsequently, facilities will submit new individuals' information to DHS for vetting at least 48 hours prior to allowing those individuals access



# Personnel Surety Program

- DHS intends to coordinate with the FBI's Terrorist Screening Center on all positive matches to the TSDB
- DHS does not intend to routinely notify either (1) the high-risk chemical facility, or (2) the affected individual of TSDB vetting results
- DHS may contact a facility:
  - For additional information where needed to complete vetting
  - For additional information as part of audits/data accuracy reviews
  - In coordination with law enforcement to notify them of a positive match

# Information Collection

- Information collected about individuals in order to perform TSDB vetting

| REQUIRED   | OPTIONAL / IF APPLICABLE  |
|--|---|
| <ul style="list-style-type: none"><li>• Full Name</li><li>• Date of Birth</li><li>• Gender or Citizenship</li><li>• IF non-US Person<ul style="list-style-type: none"><li>– Passport Information, or</li><li>– Alien Registration Number</li></ul></li></ul> | <ul style="list-style-type: none"><li>• Alias</li><li>• Place of Birth</li><li>• DHS Redress Number</li></ul> |

# Information Collection

- Information collected about individuals necessary to verify enrollment in certain other DHS programs

|                                      | <b>TWIC</b>   | <b>HME</b>   | <b>NEXUS</b>  | <b>SENTRI</b>  | <b>FAST</b>  |
|--------------------------------------|---|--|---|--|--|
| <b>Name</b>                          | Required  | Required   | Required  | Required   | Required   |
| <b>Date of Birth</b>                 | Required  | Required   | Required  | Required   | Required   |
| <b>Unique Credential Information</b> | <ul style="list-style-type: none"> <li>- TWIC Serial Number (Required)</li> <li>- Expiration Date (Required)</li> </ul> | <ul style="list-style-type: none"> <li>- Commercial Driver's License (CDL) Issuing State(s) (Required)</li> <li>- CDL Number (Required)</li> <li>- Expiration Date (Required)</li> </ul> | <ul style="list-style-type: none"> <li>- PASS Number (Required)</li> <li>- Expiration Date; (Required)</li> </ul> | <ul style="list-style-type: none"> <li>- PASS Number (Required)</li> <li>- Expiration Date (Required)</li> </ul> | <ul style="list-style-type: none"> <li>- PASS Number (Required)</li> <li>- Expiration Date (Required)</li> </ul> |



# Homeland Security

For more information visit:  
[www.dhs.gov/criticalinfrastructure](http://www.dhs.gov/criticalinfrastructure)

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