

**ETHICS PROGRAM INSPECTION REPORT**

Agency: Privacy and Civil Liberties Oversight Board

Report No.: 20-431

Date: September 14, 2020

Period Covered by Review: January 1, 2019 – December 31, 2019

**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**

  
Preventing Conflicts of Interest  
in the Executive Branch

1.0	AGENCY DATA	
	<b>EMPLOYEES</b>	
1.1	Number of full-time agency employees.	25
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	1
1.3	Number of non-PAS public financial disclosure reports required to be filed.	2
1.4	Number of confidential financial disclosure reports required to be filed.	2
	<b>ETHICS PROGRAM</b>	
1.5	Title of Designated Agency Ethics Official (DAEO).	General Counsel and Acting Executive Director
1.6	Grade level of DAEO.	ES V
1.7	Title of Alternate DAEO (ADAEO).	General Attorney
1.8	Grade level of ADAEO.	GS-15
1.9	Title of the primary, day-to-day ethics program administrator.	General Counsel and Acting Executive Director
1.10	Grade level of the primary, day-to-day ethics program administrator.	ES V
1.11	Current number of full-time ethics officials.	0
1.12	Current number of part-time ethics officials.	2
1.13	Number of reporting levels between the DAEO and the agency head.	1
	<b>COMMENTS</b>	
	None	

2.0	LEADERSHIP			
	<b>COMPLIANCE REQUIREMENTS</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>COMMENTS</b>			
	None			

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3.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)						
COMPLIANCE REQUIREMENTS				Yes	No	N/A
The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).						
3.1	•	Collection of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.2	•	Review/evaluation of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.3	•	Public availability of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.4		The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.5		Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.6		Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.7		There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.8		There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after termination) notified the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>DATA ANALYSIS</b>				<b>%</b>		
3.9		Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	0%			
3.10		Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%			
3.11		Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A			
3.12		Percentage of sampled non-PAS public financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
3.13		Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
3.14		Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%			
3.15		Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A			
3.16		Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
3.17		Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
<b>COMMENTS</b>						
<p>(3.3) OGE found that PCLOB's written procedures did not include a process for making public financial disclosure reports available to the public. However, PCLOB ethics officials updated the agency's written procedures during the course of the review. Therefore, OGE is not issuing a recommendation.</p> <p>(3.4) No filer submitted their report more than 30 days after the applicable due date.</p> <p>(3.9) Only one new entrant report was required to be filed in 2019. It was filed 12 days late.</p>						

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4.0 CONFIDENTIAL FINANCIAL DISCLOSURE					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
The agency has written policies and procedures in place governing: <i>See 5 U.S.C. app. IV, § 402(d)(1).</i>					
4.1	• Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.2	• Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.3	Confidential financial disclosure reports are securely maintained. <i>See OGE/GOVT-2.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See 5 C.F.R. § 2634.604.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.5	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See 5 C.F.R. § 2634.905(a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.6	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. <i>See 5 C.F.R. § 2638.105(a)(1).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DATA ANALYSIS			%		
4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See 5 C.F.R. § 2634.903(b).</i>	100%			
4.8	Percentage of sampled confidential annual reports filed timely. <i>See 5 C.F.R. § 2634.903(a).</i>	100%			
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See 5 C.F.R. § 2634.605(a).</i>	100%			
4.10	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. <i>See 5 C.F.R. §§ 2634.605(a) and 2634.909(a).</i>	100%			
COMMENTS					
(4.5) PCLOB does not have an OGE-approved alternative financial disclosure system.					

5.0 Notices to Prospective Employees					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
Written offers of employment for positions covered by the Standards of Conduct provide: <i>See 5 C.F.R. § 2638.303.</i>					
5.1	• A statement regarding the agency's commitment to government ethics.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.2	• Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.3	• Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.4	• Where applicable, notice of the time frame for completing initial ethics training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.5	• Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.6	The agency has established written procedures for issuing the notice to prospective employees. <i>See 5 C.F.R. § 2638.303(c).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See 5 C.F.R. § 2638.303(c).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.8	The agency can demonstrate that there is an effective process for ensuring all covered employees receive the required information with their written offer of employment. <i>See 5 C.F.R. § 2638.303.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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GOVERNMENT ETHICS**

  
Preventing Conflicts of Interest  
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COMMENTS	
	(5.1-5.8) PCLOB did not have written procedures for providing notices to prospective employees. The agency also did not have a template that met requirements. During the course of the review, PCLOB's ethics officials drafted the required written procedures and templates. Therefore, OGE will not be issuing a recommendation.

6.0 Notices to New Supervisors				
COMPLIANCE REQUIREMENTS				
		Yes	No	N/A
	The agency must provide each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.			
6.1	• Contact information for the agency's ethics office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	• The text of 5 C.F.R. § 2638.103.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	• A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	• Other information the DAEO deems necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.7	The agency can demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. <i>See</i> 5 C.F.R. § 2638.306(b).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
	(6.1-6.7) PCLOB did not have written procedures for notices to new supervisors. The agency also did not have a template that met requirements. During the course of the review, PCLOB's ethics officials drafted new written procedures and templates. Therefore, OGE is not issuing a recommendation.			

7.0 Initial Ethics Training				
COMPLIANCE REQUIREMENTS				
		Yes	No	N/A
	Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.			
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.304(f).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS				%
7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.		100%	
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See</i> 5 C.F.R. § 2638.304(b).		100%	

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None

**8.0 Annual Ethics Training****COMPLIANCE REQUIREMENTS****Yes****No****N/A**Each calendar year, public filers, confidential filers, and certain other employees must complete ethics training which meets specified requirements. *See* 5 C.F.R. §§ 2638.307 and 2638.308.8.1 The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. *See* 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).☒☐☐8.2 The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. *See* 5 C.F.R. § 2638.304(e)(2).☒☐☐8.3 The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. *See* 5 C.F.R. §§ 2638.307(d) and 2638.308(e).☒☐☐8.4 The agency's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. *See* 5 C.F.R. §§ 2638.307(f) and 2638.308(g).☒☐☐8.5 The agency can demonstrate it has an effective process for ensuring covered public filers, other than those whose pay is set at Level I or Level II of the Executive Schedule, complete live annual ethics training at least once every two years. *See* 5 C.F.R. § 2638.308(e)(2).☒☐☐**DATA ANALYSIS****Training Format****Live****Interactive**Percentage of public filers who completed annual ethics training before the end of the calendar year. *See* 5 C.F.R. § 2638.308(a).8.6 • Executive Schedule Level I and Level II. *See* 5 C.F.R. § 2638.308(e)(1).**N/A**8.7 • Other PAS and Equivalent. *See* 5 C.F.R. § 2638.308(e)(2).**0%****100%**8.8 • SES and Equivalent. *See* 5 C.F.R. § 2638.308(e)(3).**0%****100%**Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. *See* 5 C.F.R. § 2638.307(a)(d).8.9 • Employees required to file an annual confidential financial disclosure report. *See* 5 C.F.R. § 2638.307(a)(1).8.10 • Employees appointed by the President. *See* 5 C.F.R. § 2638.307(a)(2).8.11 • Employees of the Executive Office of the President. *See* 5 C.F.R. § 2638.307(a)(2).8.12 • Contracting officers described in 41 U.S.C. § 2101. *See* 5 C.F.R. § 2638.307(a)(3).8.13 • Other employees designated by the head of the agency. *See* 5 C.F.R. § 2638.307(a)(4).**0%****100%****COMMENTS**

(8.6) PCLOB has no Executive Schedule Level I or II employees.

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Preventing Conflicts of Interest  
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### 9.0 ETHICS ADVICE AND COUNSELING

	COMPLIANCE REQUIREMENT	Yes	No	N/A
9.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. <i>See</i> 5 C.F.R. § 2638.104(c)(4).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	COMMENTS			
	None			

### ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
	<p><u>ISSUE:</u> PCLOB did not have written procedures for making available public financial disclosure reports, conducting initial ethics training, notifying prospective employees and new supervisors of relevant ethics-related obligations, or notification templates that included all required information.</p> <p><u>AGENCY RESPONSE:</u> PCLOB's ethics officials drafted new written procedures and templates. OGE determined that the procedures and templates met applicable requirements.</p>