

Answers to Questions Regarding Tribal Access to the FPLS

FEES

Question 1. What fees are associated with access to the FPLS?

Answer 1: There are several fees associated with accessing the FPLS.

- The start-up fee is charged to set up the access to the portal. OCSE waived this fee for tribal child support programs.
- The FPLS data set fee is charged by OCSE to access the information. We waived this fee for the tribal child support programs.
- The portal/telecom fees are charged to use the system and access the information.

Question 2. May these fees be paid by the child support grant?

Answer 2: The portal/telecom fee may be paid by the child support grant. The start-up fee and the data set fees have to be paid with tribal funding; however, these fees have been waived.

Question 3. Can OCSE deduct the fee from my annual grant award?

Answer 3: No. The tribe must send a payment to OCSE. Credit card and Automated Clearing House (ACH) are the preferred payment methods, although payment can be made by check. The tribe should indicate its intended payment method in the reimbursement agreement.

OCSE FINANCIAL INFORMATION:

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SECURITY

Question 4. What is an independent security self-assessment that the tribe must submit to OCSE?

Answer 4: An independent self-assessment, also called an independent security assessment, is an assessment to validate existing security controls and make a determination of a general security posture of an IT system.

An unbiased, outside entity that is well versed in Information Assurance and IT cybersecurity technology, processes, and methodology must conduct the independent security assessment. The independent security assessment must include information on the security controls defined within a documented security agreement and detailed findings (if any) and recommendations to improve the tribal child support agency's plans, procedures, and practices. The tribal child support agency must make a report of such an independent assessment available to OCSE for review and approval prior to obtaining access to the FPLS.

Additionally, we have developed a tribal IV-D Self-Assessment Tool to assist tribal IV-D agencies assess and document compliance with OCSE's security requirements (see attachment). While we do not require tribal IV-D agencies to use this tool or submit this assessment to us, we recommend using this as a guide to assess your security posture using an independent assessor or assessment team who are individuals or groups who conduct impartial assessments of organizational information systems.

Question 5. How do tribal child support agencies find an agency that is qualified to do an independent assessment?

Answer 5: Below is a definition taken from the National Institute of Standards and Technology (NIST) that will assist tribes in finding a qualified independent assessor.

NIST CA-2 SECURITY ASSESSMENTS

(1) SECURITY ASSESSMENTS / INDEPENDENT ASSESSORS

The organization employs assessors or assessment teams with [Assignment: organization-defined level of independence] to conduct security control assessments.

Supplemental Guidance: Independent assessors or assessment teams are individuals or groups who conduct impartial assessments of organizational information systems.

Impartiality implies that assessors are free from any perceived or actual conflicts of interest with regard to the development, operation, or management of the organizational information systems under assessment or to the determination of security control effectiveness.

To achieve impartiality, assessors should not: (i) create a mutual or conflicting interest with the organizations where the assessments are being conducted; (ii) assess their own work; (iii) act as management or employees of the organizations they are serving; or (iv) place themselves in positions of advocacy for the organizations acquiring their services. Independent assessments can be obtained from elements within organizations or can be contracted to public or private sector entities outside of organizations.

Authorizing officials determine the required level of independence based on the security categories of information systems and/or the ultimate risk to organizational operations, organizational assets, or individuals. Authorizing officials also determine if the level of assessor independence provides sufficient assurance that the results are sound and can be used to make credible, risk-based decisions. This includes determining whether contracted security assessment services have sufficient independence, for example,

when information system owners are not directly involved in contracting processes or cannot unduly influence the impartiality of assessors conducting assessments. In special situations, for example, when organizations that own the information systems are small or organizational structures require that assessments are conducted by individuals that are in the developmental, operational, or management chain of system owners, independence in assessment processes can be achieved by ensuring that assessment results are carefully reviewed and analyzed by independent teams of experts to validate the completeness, accuracy, integrity, and reliability of the results. Organizations recognize that assessments performed for purposes other than direct support to authorization decisions are, when performed by assessors with sufficient independence, more likely to be useable for such decisions, thereby reducing the need to repeat assessments.

Question 6. May the tribal child support programs pay for the security assessment using the child support grant funds?

Answer 6: Yes. Security assessment costs that are determined to be reasonable, necessary and allocable to the tribal child support program may be claimed under the child support grant.

Question 7. What are the federal requirements for safeguarding data obtained from the FPLS?

Answer 7: The federal requirements for safeguarding confidential child support information are described at [45 CFR 309.80](#) and [310.15](#). In addition, tribal child support programs must also comply with the safeguarding requirements noted in Footnote 2 to Appendix A of the Final Rule on Safeguarding Child Support Information, [75 Fed. Reg. 81894, dated December 29, 2010](#) (see [PIQT-07-02](#), [PIQT-10-01](#), and [45 CFR 302.35](#)). Therefore, tribal child support policies, procedures, and contracts must include specific provisions that safeguard privacy rights and prohibit and sanction the unauthorized use or disclosure of confidential information, as required by federal regulations.