



U.S. Department of Homeland Security

Privacy Office Investigation 2025-01

Potential Violations of the Privacy Act of 1974 and Other
Policy Requirements by the Federal Emergency
Management Agency

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Executive Summary

The U.S. Department of Homeland Security (DHS) Privacy Office investigated allegations reported in the media that the Federal Emergency Management Agency (FEMA) had directed its field workers to bypass homes displaying political signs supporting then-presidential candidate Donald Trump during disaster survivor assistance efforts. The investigation focused on reported activities following Hurricane Milton in Florida and whether the activities resulted in violations of the Privacy Act of 1974 and the DHS Fair Information Practice Principles.¹ The investigation further sought to determine whether the activities represented an isolated incident, as stated by FEMA, or a systemic issue.

The investigation revealed that FEMA engaged in troubling overreach, violating the Privacy Act of 1974 and disregarding the DHS Fair Information Practice Principles by improperly collecting and maintaining records tied to Americans' First Amendment activities. This conduct demonstrated a failure to protect data integrity and fairness in disaster relief decisions, a lack of transparency and accountability, and a refusal to report privacy breaches. The Privacy Act was enacted precisely to prevent the secret accumulation of information on citizens and the creation of hidden government databases—tactics that undermine fundamental rights and fuel distrust in federal agencies.² The findings also exposed widespread gaps in FEMA's policies, processes, and procedures, resulting in systemic violations that unfairly targeted individuals across the country. The prohibited collection of constitutionally protected information underscores a pattern of weaponizing federal power against Americans and abusing the trust placed in government institutions.

FEMA's actions could lead to the erosion of public trust in FEMA's delivery of disaster relief and contribute to the perception that FEMA is biased in how it carries out its mission by only aiding those with certain political beliefs.

Purpose of Investigation

The investigation sought to determine whether FEMA impermissibly collected and maintained information during disaster survivor assistance efforts on how individuals exercise their First Amendment rights, specifically, the rights related to freedom of expression often displayed in the form of political affiliation. The investigation also examined whether FEMA's actions treated individuals unfairly based on the individuals' political beliefs. The investigation assessed the causes of FEMA's actions and whether the actions resulted from ineffective guidance, failure to

¹ DHS adopted the Fair Information Practice Principles as the foundational principles for privacy policy and implementation at the Department. See DHS Privacy Policy Guidance Memorandum, "The Fair Information Practice Principles: Framework for Privacy Policy at the Department of Homeland Security," available at <https://www.dhs.gov/publication/privacy-policy-guidance-memorandum-2008-01-fair-information-practice-principles>.

² See Senate Report No. 93-1183, Protecting Individual Privacy in Federal Gathering, Use and Disclosure of Information, Report of the Committee on Government Operations, United States Senate, to Accompany S. 3418, September 26, 1974, at 2.

adhere to proper guidance, lack of internal controls, or improper motivations. Additionally, the investigation aimed to assess whether FEMA’s policies, procedures, and practices comply with privacy requirements and whether the alleged activities resulted from systemic problems.

Summary of Findings

The investigation into FEMA’s actions during disaster survivor assistance efforts discovered several significant privacy violations of a systemic nature. First, the DHS Privacy Office found that FEMA violated an explicit prohibition in the Privacy Act of 1974 by collecting and maintaining information about individuals’ political beliefs. This occurred during FEMA’s response to Hurricane Milton, specifically related to individuals’ support for then-presidential candidate Donald Trump, and during the course of this investigation, we have uncovered evidence that this also occurred during other disasters across the nation. Because FEMA collected information that is prohibited by law, FEMA’s actions violated the Privacy Act of 1974 and Fair Information Practice Principles.

FEMA failed to maintain data integrity and fairness in its determinations regarding disaster relief assistance. The information collected by FEMA about political beliefs was irrelevant and unnecessary for providing disaster relief. The collection and use of the political information compromised the data quality and integrity, further violating the Privacy Act of 1974.

The investigation also uncovered significant transparency and accountability shortcomings. FEMA effectively hid from the American people the collection of political information and neglected to issue a notice required by the Privacy Act of 1974. This collection of political information, linked to personal identifiers, created an undisclosed system of records.

Moreover, the impermissible collection of information about political beliefs adversely affected individuals. For example, FEMA’s actions led to the initial bypassing of homes displaying Trump campaign signs, thus delaying disaster relief for those individuals. Although these homes were later canvassed by different FEMA teams, the initial bypass created unfairness and violated the Privacy Act of 1974.

The former FEMA Administrator, Deanne Criswell, acknowledged the serious nature of FEMA’s actions, by testifying before Congress and issuing a statement to the American people admitting to the wrongdoing and explaining that FEMA fired the employee responsible³ Administrator Criswell further explained that FEMA’s actions were not “indicative of any widespread cultural problems at FEMA.”⁴ However, the DHS Privacy Office found that FEMA’s own records showed that this prohibited activity occurred during responses to multiple disasters by multiple employees across the nation.

³ In March 2025, FEMA terminated another three individuals within the crew lead’s supervisory chain.

⁴ In *The Eye of the Storm: Oversight of FEMA’s Disaster Readiness and Response* (2024), *available at* <https://www.congress.gov/event/118th-congress/house-event/LC73761/text>.

Upon recognizing the impermissible collection reported by media outlets, FEMA failed to report the activities as a suspected or confirmed privacy incident, as required by DHS policy.

FEMA's policies, processes, and procedures suffer from significant gaps and require corrective actions to ensure privacy compliance, impartiality, and fairness for all disaster survivors.

I. Background

A. Introduction

In the aftermath of a disaster, FEMA assesses the impact, offers survivor assistance services and information to affected citizens, and collects information from disaster survivors. In the aftermath of Hurricane Milton in October 2024, FEMA reportedly directed their field workers “to avoid homes advertising Trump,” i.e., to bypass homes that may have been impacted by a natural disaster when the home displayed campaign signs supporting then-presidential candidate Donald Trump. These alleged directions occurred while FEMA field workers were canvassing disaster-affected homes in Florida; thereby, delaying assistance to those homes.

Assisting disaster survivors is part of FEMA's core mission to help people before, during, and after disasters. Through canvassing, FEMA captures operationally relevant information regarding the consequences of a disaster for individuals and local communities. FEMA uses the information to make operational decisions regarding where to send critical resources and provide disaster relief assistance to survivors, among other purposes.

FEMA conducted its investigation into the canvassing activities after the media reported the alleged instructions to avoid certain homes during Hurricane Milton. The agency concluded that the activity was “an isolated incident” and terminated the involved crew lead.⁵ FEMA later terminated three additional individuals within the crew lead's immediate supervisory chain for failure to meet standards of conduct. FEMA continued to assert that they “found no evidence that this was a systemic problem.”⁶

B. Legal Authority

FEMA performs disaster survivor assistance under the following legal and policy framework:

- The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes federal assistance to state and local governments during major disasters and emergencies and outlines the types of assistance that can be provided, such as direct

⁵ In *The Eye of the Storm: Oversight of FEMA's Disaster Readiness and Response* (2024), available at <https://www.congress.gov/event/118th-congress/house-event/LC73761/text>.

⁶ Letter to the Chairman of the Committee on Oversight and Government Reform (March 4, 2025), available at <https://buchanan.house.gov/2025/3/breaking-fema-fires-three-supervisors-following-buchanan-letter-demanding-accountability>.

services to individuals and households who, as a direct result of a major disaster, have necessary expenses and serious needs that they are unable to meet through other means.⁷

- The Disaster Recovery Reform Act of 2018, amended the Stafford Act to enhance the nation’s disaster preparedness, response, recovery, and mitigation efforts by emphasizing pre-disaster mitigation, streamlining disaster assistance, and improving coordination among federal, state, local, tribal, and territorial agencies.⁸
- The Homeland Security Act of 2002 assigns FEMA the responsibility to reduce the loss of life and property and protect the nation from all hazards, including natural disasters, acts of terrorism, and other human-caused disasters, by leading and supporting the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.⁹
- FEMA policies, including FEMA Policy 112-01 Publication 1, “We Are FEMA,”¹⁰ FEMA Directive 123-0-2-1 Personnel Standards of Conduct,¹¹ and the Disaster Survivor Assistance Field Operations Guide,¹² govern FEMA’s implementation of the disaster assistance program.

II. Statement of Facts

A. The Privacy Act of 1974

The Privacy Act of 1974 is the principal law governing the handling of personal information in the federal government.¹³

One of the provisions of the Privacy Act of 1974, central to this investigation, prohibits agencies from maintaining records describing how any individual exercises their rights guaranteed by the First Amendment, unless one of the three exceptions applies. In this case, none of the exceptions were relevant or applicable to FEMA.¹⁴

⁷ 42 U.S.C. § 5121 et seq.

⁸ Disaster Recovery Reform Act of 2018, Pub. L. No. 115-254, div. D, 132 Stat. 3438 (2018).

⁹ Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 501-503, 116 Stat. 2135, 2212-2214 (2002).

¹⁰ See Federal Emergency Management Agency, FEMA Policy 112-01 Publication 1, We Are FEMA (November 18, 2019), available at https://www.fema.gov/sites/default/files/2020-07/pub1_english_2019.pdf.

¹¹ See Federal Emergency Management Agency, Directive 123-0-2-1, Personnel Standards of Conduct (October 14, 2020), available at <https://www.usfa.fema.gov/downloads/pdf/nfa/fema-directive-123-0-2-1.pdf>.

¹² See Federal Emergency Management Agency, Disaster Survivor Assistance Field Operations Guide (September 2018).

¹³ 5 U.S.C. § 552a.

¹⁴ 5 U.S.C. § 552a(e)(7) (Each agency that maintains a system of records shall – “maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.”)

Also, the DHS Privacy Office's investigation focused on FEMA's activities that involved four specific provisions of the Privacy Act of 1974. Three of the four provisions require that agencies, like FEMA:

- Maintain only relevant and necessary information about an individual, i.e., U.S. Citizens and Lawful Permanent Residents, to carry out a purpose the agency is required to accomplish by law – e.g., FEMA's disaster assistance;¹⁵
- Publish notice of the existence and character of the records maintained about an individual;¹⁶
- Maintain personal information that is accurate, timely, complete, and relevant to ensure fairness to the individual when making a determination about an individual, e.g., deciding to provide disaster assistance.¹⁷

B. FEMA Guidance

FEMA has at least three guidelines that direct FEMA employees to maintain high ethical standards. FEMA holds its personnel to the highest standards, particularly focusing on honesty, impartiality, character, and conduct, given the critical mission that FEMA performs. Federal regulations require each federal employee to respect and adhere to principles of ethical conduct as a basic obligation of public service.¹⁸ Additionally, FEMA published supplemental guidance.

1. FEMA's Core Values and Guiding Principles – “We Are FEMA”¹⁹

FEMA's foundational guidance, “We Are FEMA,” provides direction to all FEMA personnel on how to conduct themselves and the decision-making process. FEMA holds that their core values are “Compassion, Fairness, Integrity, and Respect.” FEMA defines fairness as “treating everyone impartially, offering unbiased and consistent assistance, and ensuring equal access to resources and tools,” and integrity as “our responsibility as stewards of Federal resources, services, and programs, and our

¹⁵ 5 U.S.C. § 552a(e)(1) (Each agency that maintains a system of records shall – ... “maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President.”)

¹⁶ 5 U.S.C. § 552a(e)(4)(C) (Each agency that maintains a system of records shall – ... “subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, which notice shall include - ... the categories of records maintained in the system.”)

¹⁷ 5 U.S.C. § 552a(e)(5) (Each agency that maintains a system of records shall – “maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.”)

¹⁸ 5 C.F.R. § 2635.101.

¹⁹ See Federal Emergency Management Agency, FEMA Policy 112-01 Publication 1, We Are FEMA (November 18, 2019), available at https://www.fema.gov/sites/default/files/2020-07/pub1_english_2019.pdf.

conduct as trusted professionals.”²⁰ All other FEMA guidance and policy stem from this foundational document.

The guidance discusses what FEMA personnel should do before, during, and after a disaster, emphasizing that personnel need to provide “ground truth information” so that FEMA and its partners can use the “information to provide the right resources to the right places at the right time.”²¹ During a disaster, FEMA personnel are expected to deliver assistance that is timely, efficient, effective, and accessible.²² After a disaster, FEMA personnel are expected to directly assist survivors by providing financial assistance or other direct resources or services, such as housing, medical, child care, legal services, and unemployment.²³

The guidance also highlights FEMA’s guiding principles of “Accessibility, Accountability, Empowerment, Engagement, Flexibility, Getting Results, Preparation, Stewardship, and Teamwork.”²⁴ These guiding principles direct how FEMA personnel interact with survivors and how to solve complex issues.²⁵

2. FEMA Personnel Standards of Conduct²⁶

FEMA’s Directive on Personnel Standards of Conduct sets forth FEMA’s policy for the general standards of conduct and aims to ensure that FEMA’s core values of Compassion, Fairness, Integrity, and Respect guide all personnel covered by the Directive. The Directive also provides a Standard for ethical conduct.

The Directive emphasizes that all disaster assistance personnel “shall perform their work in an equitable and impartial manner without discrimination,”²⁷ and that personnel should not engage in notoriously disgraceful conduct.²⁸ The Directive provides Standards for Ethical Conduct, including the requirement to act impartially and not give preferential treatment to any private organization or individual.²⁹ The

²⁰ *Id.*, at 11-12.

²¹ *Id.*, at 38.

²² *Id.*, at 40.

²³ *Id.*, at 43.

²⁴ *Id.*, at 48.

²⁵ *Id.*, at 48.

²⁶ See Federal Emergency Management Agency, Directive 123-0-2-1, Personnel Standards of Conduct (October 14, 2020), available at <https://www.usfa.fema.gov/downloads/pdf/nfa/fema-directive-123-0-2-1.pdf>.

²⁷ *Id.* at 3.

²⁸ *Id.*, at 5. Notoriously disgraceful conduct is defined as any conduct that would embarrass or discredit the employee, FEMA, or the federal government.

²⁹ *Id.* at 10.

Standards also include a section on Hatch Act requirements that prohibit political activity by federal employees while on duty and while conducting official business.³⁰

3. FEMA Disaster Survivor Assistance Field Operations Guide³¹

The Disaster Survivor Assistance Field Operations Guide, updated in September 2018, outlines the operational procedures and responsibilities for FEMA’s Disaster Survivor Assistance program.

The guide outlines the five essential functions of FEMA’s Disaster Survivor Assistance program: 1) Assess, Inform, Report, 2) On-Site Registration Intake, 3) Case Status Inquiries and Updates, 4) Survivor Needs Assessment, and 5) Community Outreach and Partnerships. The guide discusses the need for FEMA personnel to obtain ground truth on critical and emerging needs, ensure disaster survivors have access to assistance, and provide timely assistance.

The guide also provides direction for how to respond when hostile individuals may confront FEMA’s Disaster Survivor Assistance personnel. When dealing with hostile individuals, FEMA instructs personnel to:

- Remove yourself from the situation if you feel threatened.
- Listen with empathy and don’t interrupt. Let the individual tell their story and/or give their opinion.
- Stay on the subject and do not debate with the individual; avoid making counter-arguments.
- Respond in a calm and normal voice.
- Don’t become upset or react to labels or personal attacks.
- Conclude the conversation on a positive note. Always ask the person what else you can do to help.
- If the person continues with hostile behavior or if you feel unsafe, leave.

The Disaster Survivor Assistance Field Operations Guide does not define the term “hostile.”

C. Hurricane Milton Media Reports

According to several media reports, following Hurricane Milton in Florida in October 2024, a FEMA supervisor instructed workers to avoid homes displaying Trump campaign signs. At

³⁰ *Id.* “For purposes of the Hatch Act, political activity is defined as activity directed at the success or failure of a political party, partisan political group, or a candidate for partisan political office.” The Hatch Act is outside the scope of the DHS Privacy Office’s investigation; however, we are noting that FEMA’s alleged activities meet the Hatch Act’s definition of political activity.

³¹ See Federal Emergency Management Agency, Disaster Survivor Assistance Field Operations Guide (September 2018).

least 20 homes reportedly did not receive initial disaster assistance. The Daily Wire was the first news outlet to report these allegations.³²

D. FEMA Office of Professional Responsibility's Investigation³³

In late October 2024, a Disaster Survivor Assistance employee made a complaint to FEMA's Office of Professional Responsibility. The complaint alleged that a supervisor of Disaster Survivor Assistance had instructed staff to avoid homes that displayed support for then-presidential candidate Donald Trump. In response to these allegations, FEMA's Office of Professional Responsibility conducted a misconduct investigation. During the investigation, the Office of Professional Responsibility established a timeline of events and interviewed several FEMA personnel. The DHS Privacy Office reviewed the Office of Professional Responsibility's investigation as part of its own investigation, specifically focusing on their findings of wrongdoing. FEMA's Office of Professional Responsibility noted that this matter was also referred to the DHS Office of the Inspector General³⁴ and the U.S. Office of Special Counsel.³⁵

E. FEMA Administrator's Testimony³⁶

On November 19, 2024, FEMA Administrator Deanne Criswell testified before the House Subcommittee on Economic Development, Public Buildings, and Emergency Management to address allegations of political bias in FEMA's disaster response efforts following Hurricanes Helene and Milton.

Administrator Criswell confirmed the termination of the crew lead involved, stating that the actions were a "clear violation of FEMA's core values and principles." Administrator Criswell emphasized that the employee's actions were not in line with FEMA's policies and that the matter had been referred to the Office of Special Counsel for further investigation.³⁷ She assured the Subcommittee that FEMA would work with the DHS Office of the Inspector General to determine if this directive was an isolated incident or indicative of a broader issue.

³² Leif Le Mahieu, Exclusive: FEMA Official Ordered Relief Workers To Skip Houses With Trump Signs, Daily Wire (November 8, 2024), <https://www.dailywire.com/news/exclusive-fema-official-ordered-relief-workers-to-skip-houses-with-trump-signs>.

³³ See Federal Emergency Management Agency, Report of Investigation (January 30, 2025).

³⁴ FEMA requested that the DHS Office of the Inspector General conduct an independent inquiry into whether FEMA denied disaster survivor assistance to supporters of President Trump.

³⁵ The U.S. Office of Special Counsel's investigation was to determine if the FEMA employee violated the Hatch Act. The Hatch Act is outside the scope of the DHS Privacy Office's investigation. According to its website, the Office of Special Counsel confirmed that the FEMA employee in question "violated the Hatch Act by engaging in political activity while on duty and using her official authority or influence to interfere with or affect the results of an election," and sought disciplinary action from the U.S. Merit Systems Protection Board. See <https://osc.gov/News/Pages/25-21-FEMA-Hatch-Act-Political-Discrimination.aspx>.

³⁶ In The Eye of the Storm: Oversight of FEMA's Disaster Readiness and Response (2024), available at <https://www.congress.gov/event/118th-congress/house-event/LC73761/text>.

³⁷ The referral to the Office of Special Counsel aimed to address other matters not covered by this investigation.

The Subcommittee members expressed significant concerns about the potential for political bias within FEMA’s disaster response efforts, the impact of such bias on public trust in FEMA, and FEMA’s ability to effectively carry out its mission. The Chair of the House Committee on Transportation and Infrastructure further emphasized the importance of ensuring that FEMA provides aid to all Americans, regardless of political affiliation.

In response to the allegations, Administrator Criswell stated that FEMA had taken steps to canvass the homes that were skipped because of the terminated employee’s directive. FEMA had also provided refresher training to all staff in the field to reinforce the importance of serving all individuals impartially and without discrimination. Administrator Criswell committed to ensuring that any additional instances of similar behavior would be addressed promptly and appropriately.

The hearing highlighted serious concerns about potential political bias within FEMA’s disaster response efforts. The Subcommittee underscored the need for a thorough investigation to ensure that such actions are not systemic and that FEMA remains committed to providing aid to all disaster survivors regardless of political affiliation.

III. Findings

A. The DHS Privacy Office found that, in numerous instances, FEMA violated the Privacy Act of 1974 by collecting and maintaining information that was irrelevant and unnecessary to accomplish FEMA’s statutory purpose of providing disaster assistance.³⁸

Evidence: The DHS Privacy Office examined screenshots of the tool that FEMA canvassers use to collect information from disaster survivors and data extracted from the tool’s database. The tool’s information indicated that canvassers included information related to political party affiliation, campaign signs, and other information related to freedom of expression.

Analysis: The Privacy Act of 1974 states that agencies should maintain only the personal information about individuals that the agency needs to perform a purpose required to be accomplished by law. The purpose FEMA performed in this case is disaster assistance. FEMA publicly identified all the types of information that it requires to perform disaster assistance activities.³⁹

FEMA asserts that political affiliation does not influence its decisions regarding disaster assistance.⁴⁰ The data and document review indicates otherwise. In fact, the review shows that

³⁸ 5 U.S.C. § 552a(e)(1). The corresponding DHS Fair Information Practice Principle is the principle of Data Minimization, which requires FEMA to collect only the information necessary and relevant for disaster assistance and retain the information only as long as necessary to carry out the disaster assistance.

³⁹ See DHS/FEMA-008 Disaster Recovery Assistance Files System of Records Notice, 89 FR 73104 (September 9, 2024), *available at* [System of Records Notices \(SORNs\) | Homeland Security](#).

⁴⁰ See Federal Emergency Management Agency, Statement from FEMA Administrator Deanne Criswell on Employee Misconduct (November 9, 2024), *available at* <https://www.fema.gov/press-release/20241109/statement-fema-administrator-deanne-criswell-employee-misconduct>.

several canvassers in different disasters and different states collected information of the same nature as the Hurricane Milton canvassers.

The information collected included obviously protected information about individuals' freedom of expression, such as campaign signs showing support for then-presidential candidate Donald Trump or political positions, such as supporting gun ownership, or indicating that an individual expressed support or disagreed with a political leader. None of this information is necessary or relevant to the disaster relief mission FEMA performs and should not have been used as a basis for any FEMA decision.

B. The DHS Privacy Office found FEMA failed to provide notice regarding the collection of First Amendment-protected information in the *DHS/FEMA-008 Disaster Recovery Assistance Files System of Records*.⁴¹

Evidence: The Privacy Act of 1974 requires FEMA to publish notice of collection and maintenance of personal information to the public in the form of a system of records notice.⁴² FEMA maintains personal information associated with disaster assistance records in FEMA's Disaster Recovery Assistance Files. FEMA published notice to the public including the specific categories of information that FEMA needs from individuals to provide disaster assistance. The DHS Privacy Office's review of documents and system data showed that FEMA collected and maintained information about various forms of individuals' protected speech. FEMA included the information in FEMA's records with other personal information that could be used to identify an individual. The current notice does not include the collection of an individual's protected expression, such as political affiliation.

Analysis: FEMA's collection of any type of personal information outside of the types identified in the published system of records notice is not authorized until FEMA provides proper notice and transparency through the well-established system of records notice process. FEMA's failure to publish a system of records notice for its collection, use, and maintenance of information about individuals' political beliefs violates the notice provisions of the Privacy Act of 1974. FEMA's failure to provide notice is not surprising given the Privacy Act of 1974 prohibits the collection of this type of information in the first place.

⁴¹ 5 U.S.C. § 552a(e)(4). The corresponding DHS Fair Information Practice Principle is the principle of Transparency, which requires FEMA to provide notice to the public about its collection and maintenance of personal information for disaster assistance purposes.

⁴² Since FEMA retrieves information about individuals regarding disaster relief by a personal identifier (e.g., name and address), FEMA is maintaining a "system of records."

C. The DHS Privacy Office found that, in numerous instances, FEMA violated the Privacy Act of 1974 by using irrelevant information to make unfair decisions to bypass homes based on individuals' freedom of expression.⁴³

Evidence: Based on FEMA's Office of Professional Responsibility investigative report, FEMA's Disaster Survivor Assistance personnel admittedly collected personal information, such as information about political beliefs.⁴⁴ Screenshots of FEMA's tool that collects and maintains information for the purpose of disaster survivor assistance further evidenced that FEMA collected personal information about firearm support and individuals' statements about political matters. The screenshots included numerous entries in Hurricane Milton, for example, that showed that FEMA bypassed homes that displayed signage for then-presidential candidate Donald Trump. The FEMA Administrator at that time testified that a different FEMA team later canvassed these bypassed homes.⁴⁵ FEMA collected similar types of First-Amendment protected speech in other disasters as shown in the figures below.

"... [she] admitted to posting the message ['avoid homes advertising Trump'] in the [Microsoft] Teams group chat, but said it was shorthand for avoiding hostile homes..."

- excerpt from FEMA's Internal Investigation

Analysis of FEMA data shows that both FEMA employees and contractors were responsible for collecting irrelevant information. In fact, the data shows that the instances in which canvassers collected irrelevant information involved FEMA employees more frequently than contractors. See Figure 1.

⁴³ 5 U.S.C. § 552a(e)(5). The corresponding DHS Fair Information Practice Principles are Data Minimization and Data Quality and Integrity. Data Minimization requires FEMA to collect only the information necessary and relevant for disaster assistance and retain the information only as long as necessary to carry out the disaster assistance. Data Quality and Integrity requires FEMA to ensure that personal information is accurate, relevant, timely, and complete.

⁴⁴ See Federal Emergency Management Agency, Report of Investigation (January 30, 2025).

⁴⁵ In The Eye of the Storm: Oversight of FEMA's Disaster Readiness and Response (2024), available at <https://www.congress.gov/event/118th-congress/house-event/LC73761/text>.

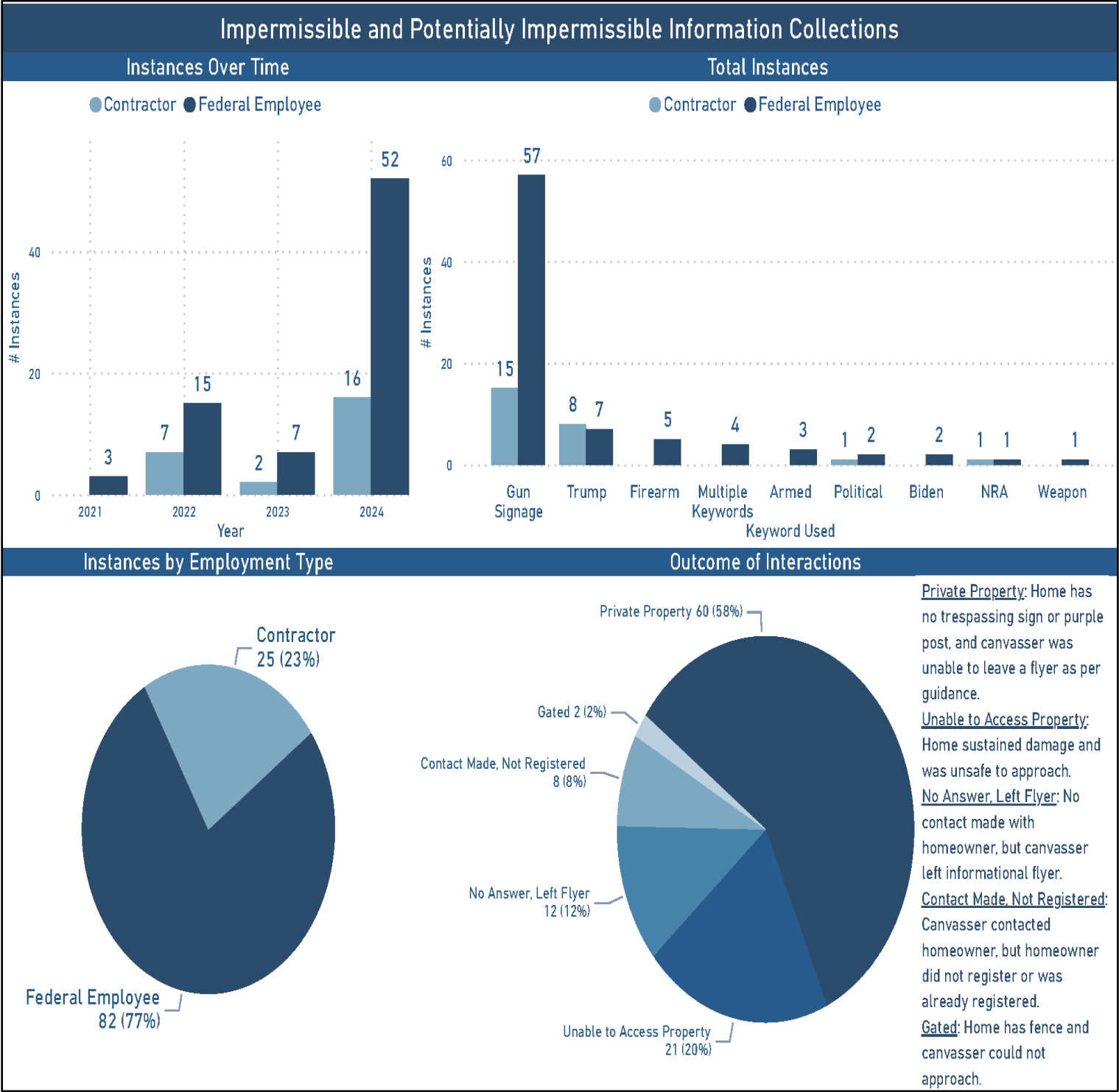


Figure 1: FEMA’s Collection of Political Information (2021-2024)

Analysis: Information about political affiliation, political support, and political statements is not relevant to determining whether to provide disaster assistance. Nor does this type of information convey a safety or hostility issue as suggested by the supervisor who instructed canvassers to avoid homes with Trump signs. If a canvasser feels unsafe or is faced with hostility, only information about the nature of the actual safety issue or hostility should be cited. Any other information is not relevant and cannot be used to make decisions.

Not only is FEMA's collection of political information irrelevant to its mission, but it impacts the individual's record itself. In several instances, as depicted in Figure 2, i.e., in different disasters, states, and timeframes, canvassers' records show that canvassers skipped homes and left no disaster assistance flyers, citing First Amendment-protected activity as the reason for not making contact. The initial bypassing of the homes led to an incomplete record because the individual was not given the opportunity to register for disaster assistance. Ultimately, FEMA's decision to skip certain homes delayed disaster relief.

FEMA compromised the fairness of its decision-making by using protected First Amendment information irrelevant to FEMA's mission to influence disaster assistance decisions. Such practices violate the principles of fairness and impartiality required by the Privacy Act of 1974, undermining public trust and the integrity of FEMA's operations.

D. The DHS Privacy Office found that, in numerous instances, FEMA violated the Privacy Act of 1974 by collecting and maintaining impermissible information about individuals that describes the exercise of rights guaranteed by the First Amendment.⁴⁶

Evidence: The DHS Privacy Office examined screenshots of FEMA's tool that collects and maintains information for the purpose of disaster survivor assistance. The entries within the tool clearly showed that canvassers

included information related to political party affiliation, campaign signs, and other information that may be considered First Amendment-

"...she was not the only Crew Lead to instruct their staff to avoid homes advertising support for then Presidential candidate Trump and implied her actions were not isolated."
- excerpt from FEMA's Internal Investigation

protected freedom of expression within the free-text notes section. The screenshots and data showed that FEMA canvassers bypassed homes specifically noting information related to an individual's exercise of First Amendment rights. In several instances, canvassers' records indicate that canvassers skipped homes and left no disaster assistance flyers, citing the First Amendment-protected activity.

⁴⁶ 5 U.S.C. § 552a(e)(7). The corresponding DHS Fair Information Practice Principles are Data Minimization and Use Limitation. Data Minimization requires FEMA to collect only the information necessary and relevant for disaster assistance and retain the information only as long as necessary to carry out the disaster assistance. Use Limitation requires FEMA use personal information solely for the purpose specified in the notice.

“I do not believe that this employee’s actions are indicative of any widespread cultural problems at FEMA.”

- FEMA Administrator, Deanne Criswell, when testifying before Congress

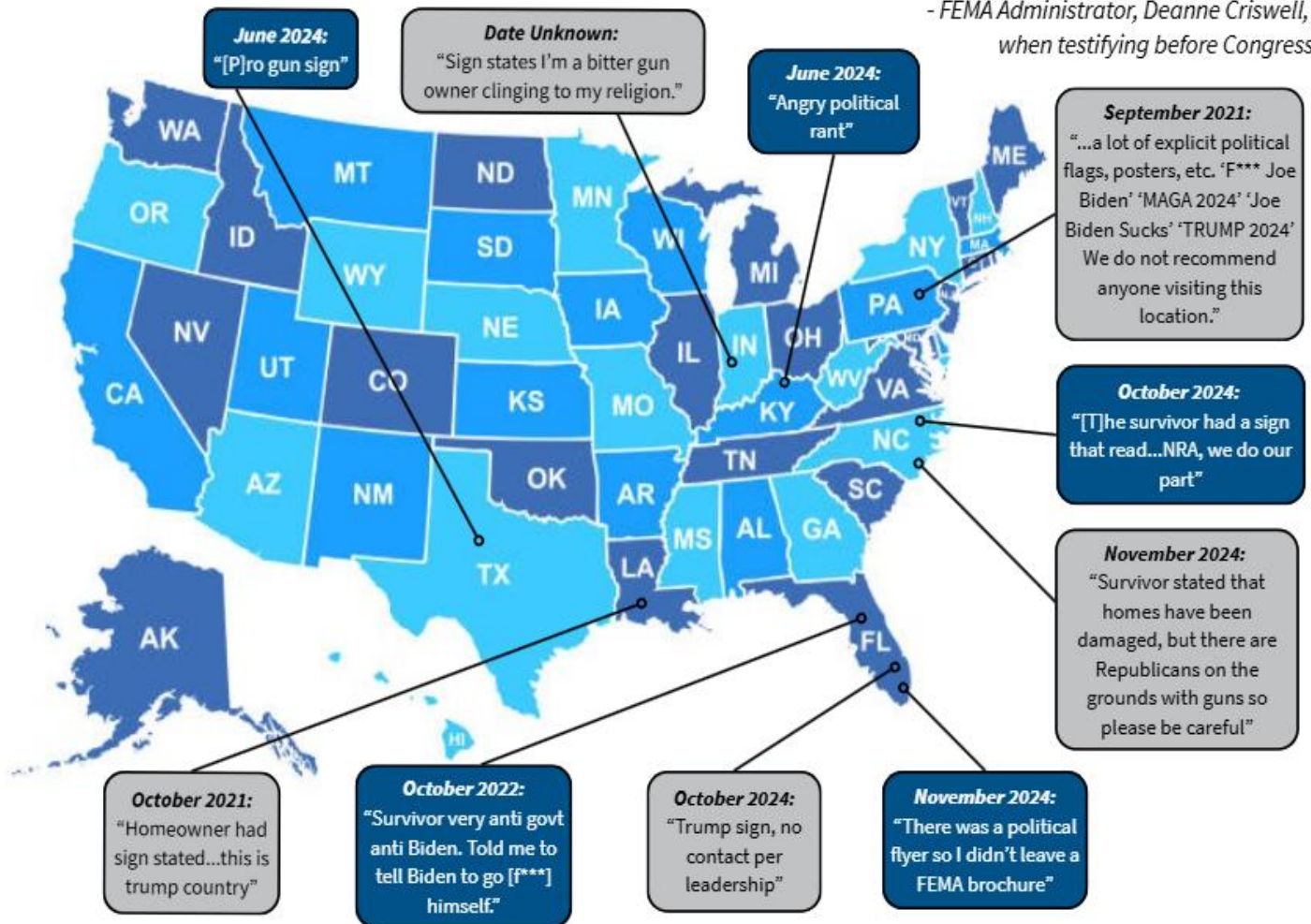


Figure 2: Examples of FEMA Political Information Collection in Various States and Disasters (2021-2024)

Analysis: Subsection (e)(7) of the Privacy Act of 1974 generally prohibits federal agencies from collecting or maintaining records on individuals exercising their First Amendment rights, such as freedom of speech, religion, assembly, and petition. There are limited exceptions in circumstances where the federal agency is expressly authorized by statute, has the individual’s consent, or the information collected relates to an authorized law enforcement activity. These exceptions did not apply to FEMA. Consequently, the Privacy Act of 1974 explicitly prohibits FEMA from collecting or maintaining First Amendment-protected information. The data and document review show that several canvassers in different disasters and states collected information of the same nature as the Hurricane Milton canvassers. The information collected included obviously protected information about individuals’ freedom of expression, such as campaign signs showing support for then-

presidential candidate Donald Trump, or political positions, such as supporting gun ownership, or indicating that an individual expressed support for or disapproval of a political leader.

E. The DHS Privacy Office found that FEMA violated DHS policy, in numerous instances, specifically privacy incident reporting instructions in *DHS Instruction 047-01-008*, by failing to recognize and report this as a suspected or confirmed privacy incident.⁴⁷

Evidence: FEMA’s records show that FEMA repeatedly collected information that was not relevant or necessary to accomplish FEMA’s statutory purpose. In addition, FEMA collected impermissible information that described how an individual exercised rights guaranteed by the First Amendment.

Analysis: Due to the collection and maintenance of unauthorized and impermissible records, FEMA had an obligation to recognize and report these actions as suspected or confirmed privacy incidents. DHS Instruction 047-01-008 states that DHS personnel (to include employees, contractors, and detailees) “have an obligation to report suspected or confirmed privacy incidents in a timely manner,”⁴⁸ so that the DHS Privacy Office can initiate the privacy incident response process as required by policy. The DHS Privacy Office conducted a search of the privacy incidents system for every FEMA incident involving suspected personal information spillage from November 2021 to the present. The DHS Privacy Office was not able to find any record that FEMA reported or handled the alleged activities as a privacy incident as required.

F. The DHS Privacy Office found that FEMA’s actions violated FEMA’s current policies, processes, and procedures in numerous instances.

Evidence: The DHS Privacy Office reviewed the guidance and training provided by FEMA that governs and instructs canvassers on providing disaster assistance – from core values and guiding principles to personnel standards and the field guidance. None of the guidance addressed the appropriate information to collect

or the prohibition on the collection of First Amendment-protected information, such as political beliefs. The guidance on how to handle hostile individuals and

“...[she] was unable to explain how she would identify a hostile home...”

- excerpt from FEMA’s Internal Investigation

physical safety lacked definitions or concrete examples. The relevant training materials also did not address the appropriate information to be collected or the prohibition on collecting First Amendment-related information. Nor did the training identify what is hostile or unsafe or provide examples. The DHS Privacy Office was unable to find guidance on how FEMA employees ensure survivors are notified about available disaster assistance in hostile or unsafe situations.

⁴⁷ See U.S. Department of Homeland Security, DHS Instruction 047-01-008 Privacy Incident Handling Instruction (2024), available at <https://www.dhs.gov/publication/privacy-incident-handling-guidance-0>. The corresponding DHS Fair Information Practice Principle is the principle of Accountability and Auditing, which requires FEMA to comply with privacy policies and procedures, including the timely reporting and handling of privacy incidents.

⁴⁸*Id.*

Analysis: While the DHS Privacy Office was unable to find evidence of a broader directive from FEMA leadership to bypass homes based on political affiliation, the DHS Privacy Office did find that FEMA has no guidance to address the issues involved in this investigation. This lack of guidance leaves significant questions up to the individual canvasser's judgment, which increases the likelihood of collecting impermissible information and unfair decision-making. From a privacy perspective, FEMA's failure to address these issues directly in policy, guidance, or training increases the risk that FEMA personnel are susceptible to future violations of the Privacy Act of 1974 as FEMA canvassers will continue to be unaware of what personal information is relevant and necessary to disaster assistance. Determining what constitutes First Amendment-protected information cannot be left to a canvasser's discretion as it creates confusion and inconsistency, which weakens the public's trust in government services.

FEMA lacks sufficient guidance, processes, and standardized procedures for Disaster Survivor Assistance canvassers on not only what constitutes a hostile or unsafe situation but also how to handle hostile or unsafe situations while canvassing homes. The gap in the training and protocols leaves canvassers vulnerable to potential risks and hazards in making erroneous, inconsistent, and unfair decisions. Without clear directives, canvassers are left with too much discretion in determining how to respond to threatening or dangerous scenarios, which can lead to inconsistent decision-making. This variability leads to an increased risk of unfairness in how different situations are handled as some canvassers may choose to withdraw from potentially unsafe environments, while others may proceed despite the risks. In the absence of clear guidance, the canvasser's subjective determination of what constitutes a hostile or unsafe situation and the response to that will likely result in unequal service delivery and potentially jeopardize the physical safety of both the canvassers and the disaster survivors they aim to assist. While the canvasser needs the ability to assess safety, FEMA's guidance must make clear that the canvasser does not base safety decisions on personal biases, such as political affiliations. Enhanced safety measures and comprehensive training are essential to ensure the well-being and effectiveness of FEMA personnel in the field, promoting fairness and consistency in disaster response operations.

It is impermissible for canvassers to collect First Amendment-protected information, yet some canvassers seemed to equate certain political positions with hostile or unsafe situations. FEMA should make the prohibition on the collection of First Amendment-related information well-known down to the canvasser level through leadership, guidance, training, and accountability.

IV. Recommendations

The DHS Privacy Office has developed recommendations for corrective actions to enhance FEMA's compliance with privacy requirements and the fair delivery of disaster relief assistance. The DHS Privacy Office recommends that FEMA:

- A. Recommendation 1: Considers removing FEMA employees' ability to input unstructured data into FEMA's Individual Disaster Survivor Assistance tools and instead provides dropdown options for alternative contact methods. Using a dropdown menu of alternative responses would eliminate the collection of First Amendment-related information. But, limiting the possible responses may prevent FEMA from collecting information it needs and could mask impermissible bias or discrimination, if that is occurring.
- B. Recommendation 2: Develops and issues guidance and training on types of personal information that FEMA is authorized to collect and maintain, in addition to what FEMA is prohibited from collecting and maintaining (e.g., First Amendment-related information). This guidance and training should provide appropriate tools and teach personnel about what information is relevant and necessary to perform disaster assistance in accordance with their system of records notice, in addition to privacy incident reporting requirements. The guidance and training should also specifically identify the authorized and prohibited types of personal information to ensure that FEMA personnel are trained to recognize each type.
- C. Recommendation 3: Clearly defines and trains personnel on how to identify legitimate safety and hostility concerns. This can be done by providing clear definitions of the terms and offering examples of how these issues may arise during disaster assistance activities.
- D. Recommendation 4: Addresses the issue of FEMA employees treating protected political expression as a safety or hostility concern directly. FEMA should provide clear guidance stating that expressing a political belief does not pose a legitimate safety or hostility concern. Providing clear definitions will help minimize the chances of FEMA staff relying on their own biases, or judgments when making decisions that could result in the collection of impermissible information, unfair treatment, or negative impacts on an individual's rights or benefits.
- E. Recommendation 5: Develops and implements new auditing and reporting requirements to continuously monitor FEMA's collection and maintenance of personal information in its disaster survivor assistance collection tools and systems to ensure the information collected and maintained is consistent with the purposes of disaster survivor assistance, Privacy Act provisions, and DHS policy requirements, including privacy incident reporting requirements.
- F. Recommendation 6: Develops and implements oversight mechanisms, including administrative and technical controls, as well as auditing and reporting requirements (see Recommendation 5), to ensure that FEMA personnel are only collecting information that is relevant and necessary for carrying out their disaster assistance mission. It is important that personnel do not gather extraneous information, and the information cannot include details related to individuals' First Amendment rights.

V. Conclusion

The findings of this investigation have significant implications for the public, especially individuals impacted by FEMA's disaster relief efforts. FEMA's unauthorized collection and retention of political affiliation information erodes public trust in the agency's ability to provide impartial and unbiased disaster relief. FEMA's actions not only violated legal privacy protections but also raise concerns about potential discrimination based on political beliefs.

The investigation revealed that FEMA initially bypassed homes with political signs supporting then-presidential candidate Donald Trump during disaster relief efforts, leading to delays in assistance. Such actions could potentially worsen hardship, cause harm, or even result in loss of life for individuals in disaster-affected areas. Ensuring that FEMA's policies, procedures, and activities adhere to privacy requirements is essential to maintaining public confidence and ensuring that all citizens receive fair and timely disaster relief, regardless of their political affiliations.

While the FEMA Administrator testified that FEMA's actions were an isolated incident, the DHS Privacy Office found that FEMA's actions were not limited to the Hurricane Milton disaster relief efforts in 2024. In fact, the DHS Privacy Office found that FEMA impermissibly collected prohibited information at least dating back to the Hurricane Ida disaster in September 2021.

By addressing these violations and implementing corrective actions, FEMA can restore public trust and demonstrate its commitment to providing equitable disaster relief to all citizens, thereby upholding the principles of fairness and impartiality that are fundamental to its mission.

VI. Appendix A: Methodology

The DHS Privacy Office conducted the investigation into FEMA's potential violations of the Privacy Act of 1974 and the DHS Fair Information Practice Principles by performing legal, policy, and literature reviews. The DHS Privacy Office also made direct requests to FEMA for documents and narrative information. Through the requests, the DHS Privacy Office obtained detailed written responses from FEMA regarding its authorities, policies, procedures, and practices related to the collection and maintenance of disaster survivor assistance. Additionally, the DHS Privacy Office requested relevant documents, including internal communications, policy documents, standard operating procedures, guidance, training materials, and decision memoranda.

The DHS Privacy Office examined FEMA's Disaster Survivor Assistance Field Operations Guide and other relevant operational guides. The DHS Privacy Office also reviewed privacy compliance documentation, such as the DHS/FEMA-008 Disaster Recovery Assistance Files System of Records Notice,⁴⁹ the FEMA Individual Assistance Program Privacy Impact Assessment,⁵⁰ and the FEMA Individual Assistance Systems Privacy Impact Assessment⁵¹ to assess whether political affiliation information was appropriately categorized and disclosed.

The DHS Privacy Office searched the DHS privacy incidents database to identify any reported privacy incidents involving FEMA from October 2024 to the present.

The DHS Privacy Office obtained datasets from FEMA's tools and systems used for disaster survivor assistance to verify the collection and maintenance of political affiliation information, performed a keyword search of relevant terms, and reviewed each positive result within the datasets to confirm the presence of First Amendment protected data. The DHS Privacy Office analyzed the data within FEMA's system to assess the integrity and relevance of the collected information, and to determine if the collected data aligned with FEMA's statutory purpose of providing disaster relief assistance.

The DHS Privacy Office compiled and analyzed all collected data, documents, and responses to substantiate the investigation's findings. The DHS Privacy Office conducted a gap analysis to identify any deficiencies in FEMA's policies, processes, and procedures that may have contributed to the unauthorized collection and maintenance of political affiliation information.

⁴⁹ See DHS/FEMA-008 Disaster Recovery Assistance Files System of Records Notice, 89 FR 73104 (September 9, 2024), *available at* [System of Records Notices \(SORNs\) | Homeland Security](#).

⁵⁰ See U.S. Department of Homeland Security, Federal Emergency Management Agency, Privacy Impact Assessment for Individual Assistance Program, DHS/FEMA/PIA-049 (2018), *available at* DHS/FEMA/PIA-049 Individual Assistance (IA) Program | Homeland Security.

⁵¹ See U.S. Department of Homeland Security, Federal Emergency Management Agency, Privacy Impact Assessment for Individual Assistance Systems, DHS/FEMA/PIA-059 (2024), *available at* DHS/FEMA/PIA-059 Individual Assistance (IA) Systems | Homeland Security.