



DHS Privacy Office Investigation into FEMA Survivor Assistance Program

FEMA violated the Privacy Act of 1974 by collecting and maintaining prohibited information about individuals' political beliefs and used this irrelevant data to make unfair decisions, such as bypassing select homes during disaster relief efforts. This improper collection and maintenance of political affiliation information undermines public trust and raises concerns about impermissible bias based on political beliefs. This troubling overreach was not isolated to Hurricane Milton in 2024 but occurred as far back as Hurricane Ida in 2021. Addressing these violations and implementing corrective actions will allow FEMA to restore public trust, ensure compliance with privacy laws, and uphold its mission to provide fair and impartial disaster relief to all citizens.

Purpose:

The Homeland Security Act of 2002 authorizes the Chief Privacy Officer to investigate potential violations, provide recommendations, and ensure that DHS programs uphold the principles of fairness, transparency, and accountability. The DHS Privacy Office launched this investigation after media reports alleged that FEMA directed its workers to bypass certain homes. The investigation sought to determine whether FEMA's actions: 1) violated the Privacy Act of 1974 by collecting political affiliation information; 2) treated individuals unfairly based on political beliefs; and/or 3) stemmed from systemic issues in FEMA's policies, processes, and practices.

Findings:

This investigation revealed that FEMA violated the Privacy Act of 1974 and DHS policies when FEMA unfairly bypassed homes displaying signs supporting then-presidential candidate Donald Trump during disaster relief efforts. FEMA failed to notify the public about this collection, demonstrating a lack of transparency, and engaged in similar prohibited practices during multiple disasters, revealing systemic issues. FEMA's policies and training did not prohibit the collection of political affiliation information or define how to handle safety concerns appropriately, and FEMA failed to recognize and report these actions as privacy incidents, violating DHS policy.

Recommendations:

FEMA should implement stricter controls to prevent the collection of prohibited information by eliminating unstructured data entry in disaster assistance tools and replace it with standardized dropdown options. FEMA should develop clear guidance and training on authorized and prohibited types of personal information, define legitimate safety and hostility concerns, and explicitly prohibit treating political beliefs as safety issues. FEMA should also implement auditing and reporting requirements to monitor data collection practices and establish oversight mechanisms to ensure compliance with privacy laws and fairness in disaster relief efforts.