



Privacy Impact Assessment

for the

Migrant Protection Protocols (MPP) Case Request System

DHS Reference No. DHS/ALL/PIA-094

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Homeland
Security



Abstract

The Migrant Protection Protocols (MPP) program is a United States (U.S.) government program initiated in January 2019 pursuant to Section 235(b)(2)(C) of the Immigration and Nationality Act (INA). Under MPP, the United States returns certain citizens and non-Mexican nationals to Mexico while their U.S. removal proceedings are pending. The MPP Case Request System provides an avenue for individuals to initiate a review of their enrollment in MPP if they believe they should not be included in the program. This Privacy Impact Assessment (PIA) is being conducted to analyze the privacy risks associated with the collection of personally identifiable information (PII) as part of this effort and document the mitigation strategies implemented to ensure adequate protection of those individuals' privacy.

Introduction

In 2019, then DHS Secretary Kirstjen Nielsen issued a memorandum creating the “Migrant Protection Protocols.”¹ MPP is a U.S. Government action whereby citizens and nationals of countries other than Mexico arriving in the United States by land from Mexico—whether or not at a port of entry—may be returned to Mexico pursuant to Section 235(b)(2)(C) of the INA while their U.S. removal proceedings are pending under Section 240 of the INA. This means that under MPP, noncitizens entering the United States from Mexico—whether at a port of entry without proper documentation or between ports of entry—are returned to Mexico and required to wait outside of the United States for the duration of their removal proceedings.

On June 1, 2021, DHS Secretary Alejandro Mayorkas determined that MPP should be terminated and issued a memorandum to that effect.² On August 13, 2021, however, the U.S. District Court for the Northern District of Texas determined in *Texas v. Biden* that the June 1, 2021 memorandum was not issued in compliance with the Administrative Procedure Act and the INA and ordered DHS to “enforce and implement MPP in good faith.”³ On October 29, 2021, after an extensive and comprehensive review, Secretary Mayorkas issued a new memorandum terminating MPP, which DHS will implement as soon as practicable after issuance of a final judicial decision to vacate the Texas injunction. Until that time, the Department will continue to comply with the Texas injunction requiring good-faith implementation and enforcement of MPP.

DHS is establishing the MPP Case Request System to ensure appropriate avenues for review of requests for disenrollment from MPP. The establishment of the MPP Case Request System is a DHS Headquarters-led effort, with input from U.S. Customs and Border Protection

¹ See Policy Guidance for Implementation of the Migrant Protection Protocols (January 25, 2019), available at <https://www.dhs.gov/publication/policy-guidance-implementation-migrant-protection-protocols>.

² See DHS Memorandum: *Termination of the Migrant Protection Protocols Program* (June 1, 2021), available at https://www.dhs.gov/sites/default/files/publications/21_0601_termination_of_mpp_program.pdf.

³ See *Texas v. Biden*, No. 2:21-cv-067, 2021 WL 3603341 (N.D. Tex. Aug. 13, 2021).



(CBP), U.S. Citizenship and Immigration Service (USCIS), and the Office for Civil Rights and Civil Liberties (CRCL). The purpose of this effort is to provide individuals a process to request review of their enrollment in MPP if they believe that they should not be included in the program—either because they meet one of the vulnerability criteria that may counsel in favor of their exclusion from the program (such as a known physical or mental health condition) or because they have a reasonable possibility of persecution or torture in Mexico. DHS has determined that the best mechanism for these requests is a public-facing form built on the DHS website that allow enrollees or persons acting on their behalf to file review requests. The goals for this process include consolidating all case requests (except humanitarian parole cases) that have come to U.S. Government and DHS personnel, components, offices, to ensure more equal access and a centralized intake and reporting mechanism.

MPP Case Request System/Process

DHS anticipates that a number of individuals in MPP may wish to request review of their enrollment in MPP. During the initial implementation of MPP, DHS received a number of reports of individuals who were placed in MPP and contested their enrollment based on vulnerabilities or fear of harm in Mexico.⁴ In anticipation that DHS may receive such requests during the court-ordered reimplementations of MPP, the Case Request Process will channel requests from individuals enrolled in MPP (or their representatives) to Component and DHS Headquarters staff who will revisit the initial MPP enrollment decisions. The Case Request Process is also meant to ensure that enrollments in MPP are consistent with DHS guidance regarding vulnerability and reasonable fear screenings.

The MPP Case Request System will centralize case requests from individuals enrolled in MPP who believe that they were enrolled in error because they believe they meet one of the criteria in the DHS guidance that should counsel in favor of their exemption from processing under MPP, such as potential non-refoulement considerations, or changed circumstances that render them no longer suitable for MPP. Reconsideration of an individual's placement in MPP is at DHS's discretion, and use of the Case Request Process does not create any obligations or private right of action enforceable against the government in judicial or administrative proceedings.

MPP Case Request System Form

DHS will provide a form on the (public facing) DHS.gov website for MPP enrollees or representatives acting on their behalf to submit requests. The information on the form will include instructions for submission. Information about the form will be made available via a tear sheet (see Appendix A) given to enrollees at the time of enrollment in MPP. The MPP Case Request System form URL (engage.dhs.gov/mpp) will also be searchable on the DHS.gov website.

⁴ See Explanation of the Decision to Terminate the Migrant Protection Protocols (October 29, 2021), *available at* <https://www.dhs.gov/publication/migrant-protection-protocols-termination-memo>.



The form, which is being developed with DHS Office of the Chief Information Officer (OCIO) assistance, will employ various cloud-based services (e.g., ServiceNow⁵ and Akamai⁶ for cloud security and content delivery). DHS will use these services to effectively and efficiently manage the receipt, creation, assignment, tracking, and storage of the necessary self-disclosure information to start the MPP Case Request Process. The website is hosted in the Federal Risk and Authorization Management Program (FedRAMP)-certified cloud and provides accessibility and functionality restrictions to define specific user roles through its ServiceNow infrastructure. Each user role has defined and limited access authority to view and edit data sets by OCIO master administrators.

Individuals (i.e., enrollees in MPP or their representative) will access the public facing MPP Case Request System form (engage.dhs.gov/mpp) to initiate the process. The form will be available in a number of languages (e.g., English, Spanish, Haitian Creole, Brazilian Portuguese), with form fields prompting individuals to provide specific and detailed information about who they are and why they are seeking reconsideration. The form also provides the ability to upload supporting documentation. Individuals will be required to attest to the truthfulness and accuracy of the information they have provided by confirming, upon a prompt in the form, that they are submitting information that is true and accurate to the best of their knowledge.

MPP Case Request System Case Management System

After the attestation, the form automatically populates the back-end case management system with the submitted information and routes it to the appropriate user group based on the information provided by the individual. Requests are reviewed by MPP Case Request System program personnel and assigned within the system to the appropriate CBP or USCIS groups, depending on the nature of the request. Submissions that do not relate to an individual request for disenrollment will not be routed to a component for action and handled directly by the MPP Case System program personnel.

CBP and USCIS will set their own procedures, consistent with operative DHS guidance related to MPP, on how particular review requests will be handled.⁷ If it is determined that a non-refoulement interview is needed, or that the requesting individual should be disenrolled from MPP, that decision will be communicated to the requesting individual or representative acting on their

⁵ ServiceNow specializes in the delivery of applications to commercial and government customers. It has an array of applications and functionalities that allow for workflow automation and incident management, thus making the management of service requests more efficient. ServiceNow uses its request management function to streamline service delivery for user requests, eliminates the duplication of efforts, ensures information accuracy, and reduces operational costs, all driven by automated workflows, approval rules, and service level agreements.

⁶ Akamai cloud security defends against a wide range of multi-vector attacks and boosts resilience against the most complex threats with multi-layer defense across an IT ecosystem.

⁷ More information about the MPP process can be found in CBP's program-specific Privacy Impact Assessment. See U.S. Department of Homeland Security, U.S. Customs and Border Protection, Privacy Impact Assessment for the Processing Individuals Subject to Migrant Protection Protocols (MPP), DHS/CBP/PIA-070 (2021), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.



behalf to ensure that the requesting individual can present themselves at a Port of Entry at a designated date and time for further processing.

If more information is required to process the request, MPP Case Request System program personnel or CBP/USCIS stakeholders can seek such additional information from the requesting individual using the contact information provided. All personnel will document any actions and the outcome of requests in the MPP Case Request System Case Management System.

Auditing

CRCL will audit the handling of requests through a sampling of request decisions to ensure consistency with DHS guidance.⁸ CRCL will determine which cases or sets of cases and data to review according to its own oversight procedures.

Reporting

A weekly report will be provided to Department leadership outlining the number of requests made, the number of review requests pending with Components, the number of decisions made, and their outcomes, as well as the overall timeframes from receipt, referral, and adjudication. Reports will also be shared with appropriate program stakeholders (e.g., CRCL, CBP, and USCIS). The reports will contain only aggregate data.

Fair Information Practice Principles (FIPPs)

The Privacy Act of 1974⁹ articulates concepts of how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information. The Homeland Security Act of 2002 Section 222(2) states that the Chief Privacy Officer shall assure that information is handled in full compliance with the fair information practices as set out in the Privacy Act of 1974.¹⁰

In response to this obligation, the DHS Privacy Office developed a set of Fair Information Practice Principles (FIPPs) from the underlying concepts of the Privacy Act to encompass the full breadth and diversity of the information and interactions of DHS.¹¹ The Fair Information Practice Principles account for the nature and purpose of the information being collected in relation to DHS's mission to preserve, protect, and secure the Homeland.

⁸ See "Guidance Regarding the Court-Ordered Reimplementation of the Migrant Protection Protocols" (December 2, 2021), available at https://www.dhs.gov/sites/default/files/2022-01/21_1202_plcy_mpp-policy-guidance_508.pdf

⁹ 5 U.S.C. § 552a.

¹⁰ 6 U.S.C. § 142(a)(2).

¹¹ U.S. DEPARTMENT OF HOMELAND SECURITY, PRIVACY POLICY GUIDANCE MEMORANDUM 2008-01/PRIVACY POLICY DIRECTIVE 140-06, THE FAIR INFORMATION PRACTICE PRINCIPLES: FRAMEWORK FOR PRIVACY POLICY AT THE DEPARTMENT OF HOMELAND SECURITY (2008), available at <https://www.dhs.gov/privacy-policy-guidance>.



DHS conducts Privacy Impact Assessments on both programs and information technology systems, pursuant to the E-Government Act of 2002, Section 208¹² and the Homeland Security Act of 2002, Section 222.¹³ Given that the MPP Case Request System Process involves a number of different programmatic aspects rather than a particular information technology system, this Privacy Impact Assessment is conducted as it relates to DHS' implementation of the Fair Information Practice Principles.

1. Principle of Transparency

Principle: DHS should be transparent and provide notice to the individual regarding its collection, use, dissemination, and maintenance of PII. Technologies or systems using PII must be described in a SORN and PIA, as appropriate.

MPP is a U.S. Government program, initiated in January 2019 pursuant to Section 235(b)(2)(C) of the INA. In addition to publication of the Act, DHS has provided information about MPP on its public-facing website: www.dhs.gov/migrant-protection-protocols. This website provides information, resources, and answers to common questions about the MPP process. Information about how to request review of an individual's placement in MPP is available at: <https://www.dhs.gov/mpp-additional-resources>.

This Privacy Impact Assessment also provides notice of this effort and the type of information used to fulfill the responsibilities of the MPP Case Request System Process. Other privacy compliance documentation, such as the CBP-specific MPP Privacy Impact Assessment and the associated System of Records Notices (DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Record¹⁴) covering the collection of the data, also provide notice.

Further, the Privacy Notice on the MPP Case Request System form, which is available and must be acknowledged by the individual prior to the individual entering their personally identifiable information, also provides information on how DHS may use and share this information.

Privacy Risk: There is a risk that individuals will not know that their information submitted through the form is specifically shared with CBP and USCIS.

Mitigation: This risk is mitigated. The MPP Case Request System form landing pages specifically outline that information is shared internally at DHS. The Privacy Notice outlines that the MPP Case Request System Form facilitates USCIS and CBP process covered by a joint USCIS and CBP System of Records Notice. This Privacy Impact Assessment, which is linked to in the Privacy Notice, further details this process and USCIS and CBP involvement. Further, individuals

¹² 44 U.S.C. § 3501 note.

¹³ 6 U.S.C. § 142.

¹⁴ See DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, 82 Fed. Reg. 43556 (September 18, 2017), available at <https://www.dhs.gov/system-records-notices-sorns>.



will be aware that CBP enrolls them in MPP and manages the MPP process at and in between Ports of Entry and USCIS handles immigration benefits and issues.

2. Principle of Individual Participation

Principle: DHS should involve the individual in the process of using PII. DHS should, to the extent practical, seek individual consent for the collection, use, dissemination, and maintenance of PII and should provide mechanisms for appropriate access, correction, and redress regarding DHS's use of PII.

Through the MPP Case Request System form, DHS explicitly asks individuals for different fields of information. Individuals who are submitting this data have consented to the Department's collection of their personally identifiable information by voluntarily providing it as part of the MPP Case Request System Process. Individuals are provided a Privacy Notice explaining how the information will be used and consent to the Department's collection and use. Individuals are required to affirmatively check that they have read the notice and consent. For representatives accessing the form on behalf of another individual, the representative will be required to upload a Form G-28¹⁵ noting that they are representing the individual on whose behalf they are submitting the request. For preparers accessing the form on behalf of another individual, the preparer will submit the enrollee's form, but return communications will be solely to the enrollee and not the preparer. The MPP Case Request System has been developed specifically to provide an avenue for individuals who believe they should not be included in the program to initiate a review of their enrollment in MPP. Other redress options are listed below, but the MPP Case Request System Process is specific to those individuals enrolled in MPP.

Further, any individual seeking access to or amendment of their records may submit a request in writing to the DHS Chief Privacy and Chief Freedom of Information Act (FOIA) Officer at the address below, or to the respective Component's Freedom of Information Act officer, which can be found at <https://www.dhs.gov/foia-contact-information>. DHS also accepts Privacy Act and Freedom of Information Act requests submitted electronically at <https://www.dhs.gov/dhs-foia-privacy-act-request-submission-form>.

Chief Privacy and Chief Freedom of Information Act Officer
Privacy Office, Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, D.C. 20528

Additionally, travelers who wish to file for redress can complete an online application through the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP) at <https://trip.dhs.gov>, or mail or email a completed copy of DHS Form 591, Travel Inquiry Form

¹⁵ USCIS Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*, is the document on which attorneys and accredited representatives provide information to establish their eligibility to appear for and act on behalf of an applicant, petitioner, or respondent in immigration matters. An attorney or accredited representative appearing before DHS must file Form G-28 in each case.



(TIF). For more information about the types of services the Department of Homeland Security Traveler Redress Inquiry Program can provide, please visit <https://www.dhs.gov/step-1-should-i-use-dhs-trip>.

Privacy Risk: There is a risk that an individual's information may be submitted to DHS through the MPP Case Request System by a third-party (e.g., attorney, representative) without the individual's knowledge.

Mitigation: This risk is partially mitigated. Third-party representatives are required to submit Form G-28 along with a submission on behalf of another individual. The Form G-28 documents a representative's eligibility to appear for and act on behalf of an applicant, petitioner, or respondent in immigration matters. For preparers accessing the form on behalf of another individual, the preparer will submit the enrollee's form, but return communications will be solely to the enrollee and not the preparer.

3. Principle of Purpose Specification

Principle: DHS should specifically articulate the authority which permits the collection of PII and specifically articulate the purpose or purposes for which the PII is intended to be used.

MPP is a U.S. government program initiated in January 2019 pursuant to Section 235(b)(2)(C) of the INA. Under MPP, the United States returns to certain citizens and non-Mexican nationals to Mexico while their U.S. removal proceedings are pending. MPP applies to those who arrive from Mexico by land.

DHS remains committed to building a safe, orderly, and humane immigration system that upholds our laws and values. As part of the MPP process, this includes appropriate avenues for redress and review. Therefore, DHS has established the MPP Case Request System Process. The purpose of this effort is to provide individuals who believe that they should not be included in the MPP program—either because they meet one of the vulnerability criteria that should counsel in favor of their exclusion from the program or because they have a reasonable fear of persecution or torture in Mexico—a process to review their enrollment in MPP.

DHS has determined that the best mechanism for MPP enrollment review requests is a form on the DHS public-facing website, which enables enrollees or persons acting on their behalf to file case requests. The goals for this process include consolidating all MPP enrollment complaints (except humanitarian parole cases) that have come to U.S. Government and DHS personnel, components, and offices to ensure more equal access and a centralized intake, review, and reporting mechanism.



4. Principle of Data Minimization

Principle: DHS should only collect PII that is directly relevant and necessary to accomplish the specified purpose(s) and only retain PII for as long as is necessary to fulfill the specified purpose(s). PII should be disposed of in accordance with DHS records disposition schedules as approved by the National Archives and Records Administration (NARA).

The MPP Case Request System Process is only collecting the minimum amount of PII required to process requests for MPP enrollment review. The MPP Case Request System program worked with the DHS Privacy Office and affected stakeholders to determine the below data elements are necessary for the individual to include on the form and for back-end case management application.

Online Form Fields (* denotes mandatory field)

- Name;*
- A-Number (optional);
- Date of Birth;*
- Citizenship;*
- Country of Birth (optional);
- Contact Information (e.g., phone, email);
- Individual's Current Location;*
- Contact Information for Person Other than MPP-Enrolled Individual (e.g., attorney, representative— these representatives are also required to upload Form G-28):
 - Name;
 - Phone;
 - Email; and
 - Nature of Relationship.
- Conditions that Apply to the Individual (yes/no);
 - I have a known physical health issue, such as a chronic illness;
 - I have a known mental health issue;
 - I have a disability;
 - I have a condition related to pregnancy; and
 - I have a safety need.



- Nature of Individuals Concern (yes/no);
 - I should not have been placed in the MPP program because of a particular vulnerability (particular vulnerabilities may include a known physical or mental health issue, including a disability or medical condition related to pregnancy; advanced age; or increased risk of harm in Mexico due to sexual orientation or gender identity);
 - My circumstances have changed since I was first placed in MPP and I believe I should now be taken out of MPP due to a particular vulnerability (particular vulnerabilities may include a known physical or mental health issue, including a disability or medical condition related to pregnancy; advanced age; or increased risk of harm in Mexico due to sexual orientation or gender identity);
 - I did not previously receive an interview about my fear of remaining in Mexico but my circumstances have changed, and I now have a fear of remaining in Mexico; and
 - I received an interview about my fear of remaining in Mexico but my circumstances have changed significantly since that time.

Individuals are also required to provide a brief description of their concern. Individuals are also provided the ability to upload supporting documentation.

The initial submission of information through the MPP Case Request System is covered by the following System of Record Notices:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records;¹⁶ and
- DHS/USCIS-007 Benefits Information System.¹⁷

Once a submission is received, the data is stored in the back-end case management application, along with other metadata (e.g., time/date of submission, system-assigned case number) the system automatically creates. The case management application is separated into three “modules”: CBP, USCIS, and CRCL. The below fields are captured for each module.

CBP

- Component Analysis Notes;

¹⁶ See DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, 82 Fed. Reg. 43556 (September 18, 2017), available at <https://www.dhs.gov/system-records-notices-sorns>.

¹⁷ See DHS/USCIS-007 Benefits Information System, 84 Fed. Reg. 54622 (October 10, 2019), available at <https://www.dhs.gov/system-records-notices-sorns>.



- Component Upload of Applicable Documents;
- Date CBP Decision Communicated to Requestor; and
- Outcome of CBP Analysis.

USCIS

- Component Analysis Notes;
- Component Upload of Applicable Documents;
- FIG (Further Information Gathering) Requested;
- Date USCIS Decision Communicated to Requestor or CBP for Further Review; and
- Outcome of USCIS Analysis.

CRCL

- CRCL Audit Analysis Notes;
- Outcome of CRCL Audit.

Data input by these stakeholders into their respective modules is covered by the following System of Records Notices:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records;
- DHS/USCIS-007 Benefits Information System;
- DHS/CBP-011 TECS;¹⁸
- DHS/CBP-023 Border Patrol Enforcement Records (BPER);¹⁹
- DHS/CBP-006 Automated Targeting System;²⁰ and
- DHS/ALL-029 Civil Rights and Civil Liberties Records.²¹

DHS is working to determine a records retention plan for information collected as part of the MPP Case Request System. Records will be held permanently until a records retention schedule can be

¹⁸ See DHS/CBP-011 U.S. Customs and Border Protection TECS, 73 Fed. Reg. 77778 (December 19, 2008), available at <https://www.dhs.gov/system-records-notices-sorns>.

¹⁹ See DHS/CBP-023 Border Patrol Enforcement Records (BPER), 81 Fed. Reg. 72601 (October 20, 2016), available at <https://www.dhs.gov/system-records-notices-sorns>.

²⁰ See DHS/CBP-006 Automated Targeting System, 77 Fed. Reg. 30297 (May 22, 2012), available at <https://www.dhs.gov/system-records-notices-sorns>.

²¹ See DHS/ALL-029 Civil Rights and Civil Liberties Records, 75 Fed. Reg. 39266 (July 8, 2010), available at <https://www.dhs.gov/system-records-notices-sorns>.



determined. Once the schedule has been properly developed, the MPP Case Request System program will seek approval from the National Archives and Records Administration (NARA). Upon approval, the proposed schedule will provide retention and disposition authorities for the records of mission related MPP Case Request System materials. The MPP Case Request System program and the ServiceNow platform administrators will ensure that the retention requirements are followed.

Privacy Risk: There is a risk that the MPP Case Request program will maintain information it receives and uses for longer than necessary.

Mitigation: This risk is not currently mitigated. As noted above, the MPP Case Request System program retention schedule is in the process of being determined. All records will be held permanently until a records retention schedule is approved. However, given the built-in technical capabilities of the ServiceNow Platform, implementation of any approved retention schedule(s) will be relatively easy to complete and set up in automated fashion.

5. Principle of Use Limitation

Principle: DHS should use PII solely for the purpose(s) specified in the notice. Sharing PII outside the Department should be for a purpose compatible with the purpose for which the PII was collected.

Information collected, used, and maintained is only used for purposes of the MPP Case Request System Process efforts. These purposes are outlined in the INA, this Privacy Impact Assessment, and the Privacy Notice that accompanies the MPP Case Request System form. This information is not shared outside DHS.

Privacy Risk: There is a risk information collected for the purposes of the MPP Case Request System may be used inappropriately.

Mitigation: This risk is mitigated. This Privacy Impact Assessment, the INA, and the Privacy Notice that accompanies the MPP Case Request System and other public-facing information about MPP document the types of the information being collected and the purposes for which it will be used. Only those DHS personnel with a need-to-know will have access to this information. The ServiceNow platform functionality allows for role-based access controls so that Component-specific information can be partitioned as required. As an example, not all submissions may be applicable to both CBP and USCIS. Depending on the selections made by the individual, the submission may only be routed for review by one of those Components.

Further, all personnel involved in the MPP Case Request System Process have been trained on how to use and share the information as necessary, in addition to receiving annual privacy and security awareness training that is required for all DHS employees.



6. Principle of Data Quality and Integrity

Principle: DHS should, to the extent practical, ensure that PII is accurate, relevant, timely, and complete, within the context of each use of the PII.

The purpose of the MPP Case Request System Process is to provide individuals who believe they should not be included in the program a method to request review of their enrollment in MPP. Reasons for review include meeting one of the vulnerability criteria that may counsel in favor of their exclusion from the program (e.g., a known physical or mental health condition) or because the individual has a credible fear of persecution or torture in Mexico.

Information is collected directly from individuals through the MPP Case Request System. Once submitted, the information is automatically entered in the MPP Case Request System Case Management System. If any information is incomplete or there are issues with the initial submission, MPP Case Request System program personnel can contact the submitting individual (or their representative) to request the information needed to evaluate the request. As the case moves through the MPP Case Request System Process, program personnel and Component stakeholders may also contact the individual (or their representative). Component stakeholders also use their review as an opportunity to match an individual's information to their own holdings to ensure accuracy.

Privacy Risk: There is a risk that inaccurate information will be used during the MPP Case Request System Process.

Mitigation: This risk is mitigated. The MPP Case Request System Process involves a two-step workflow that ensures data accuracy. First, information is collected directly from the individual and automatically transferred to the MPP Case Request System Case Management System. Second, during the MPP Case Request System program personnel and Component stakeholder reviews, DHS will check to ensure the submitted data matches the data DHS has in its holdings. If there are any concerns about data accuracy, DHS can contact the individual (or their representative) to reconcile any issues or concerns.

7. Principle of Security

Principle: DHS should protect PII (in all forms) through appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.

All the information DHS uses as part of this effort is maintained on the DHS network and all systems have been accredited in accordance with the requirements of DHS 4300A, Sensitive Systems Policy Directive.²²

²² See U.S. DEPARTMENT OF HOMELAND SECURITY, DHS SENSITIVE SYSTEMS POLICY DIRECTIVE 4300A (2017), available at <https://www.dhs.gov/privacy-policy-guidance>.



DHS implements appropriate administrative and technical safeguards, such as privileged or administrator accounts that restrict access to authorized personnel with a valid need-to-know to perform official duties. The MPP Case Request System Case Management System is made available only to those individuals with a need-to-know. System administrators set user roles to ensure appropriate access and use.

After using a PIV to access a government device, any DHS employee that needs production access to the MPP Case Request Management System will be required to use Multi-Factor Authentication. This is accomplished by the use of a unique username and strong password along with a security PIN provided by an authenticator application from their mobile device. In the event a username and password are forgotten, the employee will be required to set up a new password for future use.

DHS conducts regular audits of the MPP Case Request Process case management system users and maintains audit logs of activity in the system in accordance with DHS 4300A. These logs provide information on which files have been accessed, the date/time they were accessed, who accessed them, and whether any records were updated or modified.

Privacy Risk: There is a risk that individuals without a need-to-know will gain access to MPP Case Request System Process data.

Mitigation: This risk is mitigated. The systems and processes that the MPP Case Request System Process uses ensures that only those with a need-to-know will have access to the data. DHS personnel must be provided specific access to ServiceNow and the MPP site within. Once in the site, users are given role-based access based on their user role. Users are bucketed into the following groups and can only access data once a case has been routed for review to their respective group.

- CBP MPP group;
- CRCL MPP group;
- USCIS MPP group; and
- MPP administrators' group (and MPP developers' group).

8. Principle of Accountability and Auditing

Principle: DHS should be accountable for complying with these principles, providing training to all employees and contractors who use PII, and should audit the actual use of PII to demonstrate compliance with these principles and all applicable privacy protection requirements.

All MPP Case Request System Process case management users and those personnel that access the DHS network must complete annual privacy and security training to include signing and acknowledging Rules of Behavior, which outlines appropriate uses of system data, uploading records, disclosure and dissemination of records, and system security. The annual privacy and



security training emphasize the importance of appropriate and authorized use of personal data in government information systems. MPP Case Request System Process case management users also receive a notice reminding them that unauthorized or improper use or access may result in disciplinary action, as well as civil and criminal penalties.

The ServiceNow platform technical safeguards (e.g., role-based access controls) ensure that only authorized users with a valid need-to-know have access to the information necessary to accomplish their assigned tasks. The website application accessibility and functionality restrictions are defined by user roles. Each user role has defined and limited access authority to view and edit data set by a master administrator. The user roles are determined on a need-to-know to perform official duties. For example, USCIS personnel will not be able to access a case until it is routed to USCIS (generally after a CBP review). The master administrators also monitor all account and user activity on the information system. The master administrators use automated tools to assist them in monitoring, analyzing, and reporting activity in the system.

The ServiceNow platform also allows for the creation of audit logs to show all actions taken in the system by individuals users and for individual cases.

Responsible Official

Eva Millona
Assistant Secretary for Partnership and Engagement
U.S. Department of Homeland Security

Approval Signature

Original, sign version on file with the DHS Privacy Office.

Lynn Parker Dupree
Chief Privacy Officer
U.S. Department of Homeland Security
(202) 343-1717



Appendix A: Proposed Tear Sheet²³

Tear Sheet: If you believe you should not have been enrolled in MPP because you have a particular vulnerability (such as a known physical or mental health issue, including a disability or medical condition; advanced age; or increased risk of harm in Mexico due to sexual orientation or gender identity), please visit the following website: engage.dhs.gov/mpp.

If your circumstances have changed significantly since you were first placed in MPP and you believe you should now be taken out of MPP, please visit the following website: engage.dhs.gov/mpp with this information. Please note that the review of your request is at DHS's discretion. Submitting a disenrollment request does not create any private right of action enforceable in judicial or administrative proceedings.

Your request should include specific and detailed information about why you believe your enrollment into MPP is clearly incorrect or how your circumstances have changed since your initial placement in MPP. In addition, please attach any available documents that help support your request.

²³ To the extent available, enrollees may also be provided with information from the U.S. Department of State about resources (such as health clinics or hospitals) in Mexico.