



**Privacy Impact Assessment Update
for the
DHS/USCIS/PIA-038(a) FOIA/PA
Information Processing System (FIPS)**

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Abstract

The Department of Homeland Security's United States Citizenship and Immigration Services (DHS/USCIS) uses the Freedom of Information Act and Privacy Act (FOIA/PA) Information Processing System (FIPS) to process FOIA/PA requests from individuals requesting access to DHS/USCIS records. USCIS is updating the FIPS PIA (DHS/USCIS/PIA-038) dated June 14, 2011,¹ to introduce the DHS/USCIS Enterprise Services Directorate's (ESD) National Records Center's (NRC) Significant Interest Group (SIG), use of the SharePoint Enterprise Collaborative Network (ECN) Site to track and receive records that are responsive to FOIA/PA requests.

Introduction

The Freedom of Information Act of 1966, as amended (5 U.S.C. § 552), permits any person to request access to federal agency records. The FOIA establishes a presumption that records in the possession of federal departments and agencies are accessible to people, except to the extent that the records are protected from disclosure by any of the nine exemptions contained in the law or by one of three special law enforcement record exclusions.²

The Privacy Act of 1974, as amended (5 U.S.C. § 552a), embodies a code of fair information principles that govern the collection, use, and dissemination of personally identifying information (PII) by federal departments. The Privacy Act permits U.S. citizens and legal permanent residents (LPR) with the opportunity to request access to federal department and agency records that are maintained on an individual. USCIS manages its Freedom of Information Act and Privacy Act (FOIA/PA) program in accordance with the DHS policy. Any PII that is collected, used, maintained, and/or disseminated in connection with a mixed system by DHS shall be treated as a system of records subject to the Privacy Act, regardless of whether the information pertains to a U.S. citizen, LPR, visitor, or alien.³ Individuals may request PA protected records about themselves; however, records may be exempt from access, amendment or correction depending on the System of Records.⁴

DHS/USCIS responds to and processes FOIA/PA requests through the Enterprise Services Directorate's (ESD) National Records Center (NRC), the home of the centralized FOIA/PA for the agency, to ensure compliance with the respective Acts. The NRC also develops and implements agency wide policy and program guidance on handling these requests in addition to handling and processing all requests.

¹ The FIPS PIA (DHS/USCIS/PIA-038) is available at www.dhs.gov/privacy

² The nine exemptions and three exclusions are available at www.dhs.gov/foia

³ The Privacy Policy Guidance Memorandum of January 19, 2007, as amended, can be found at: http://www.dhs.gov/xlibrary/assets/privacy_policyguide_2007-1.pdf

⁴ The Privacy Act of 1974 (5 U.S.C. § 552a) exemptions can be found in Section (j) and (k) of the Act at www.uscis.gov



NRC FOIA/PA Requests

The NRC predominantly receives FOIA/PA requests that pertain to alien files (A-file).⁵ To respond to these requests, the NRC FOIA/PA staff search for “responsive records” in DHS/USCIS systems (e.g., National File Tracking System, Central Index System, etc.). Responsive records are defined as any records, whether in electronic or paper form, that pertain to the information being requested.⁶ For example, if information on an A-file is requested, all records on that specific A-file would be considered “responsive records.” This process is described in the FOIA/PA Information Processing System (FIPS) PIA (DHS/USCIS/PIA-038) and remains unchanged.

However, in addition to the FOIA/PA requests for information contained in A-files, DHS/USCIS also receives and processes FOIA/PA requests for non A-file records. The NRC’s Significant Interest Group (SIG) handles these requests, which may require multiple offices within DHS/USCIS to search for responsive records, rather than just NRC FOIA/PA staff.

DHS/USCIS is updating the FIPS PIA dated June 14, 2011, to discuss the use of SharePoint Enterprise Collaborative Network (ECN), hereafter referred to as ECN, by the SIG to track and receive responsive records (or potentially responsive) to a FOIA/PA request.⁷ This update applies only to those cases handled by the SIG, which represents a small percentage of all the FOIA/PA requests received by the NRC. The process discussed in the FIPS PIA (DHS/USCIS/PIA-038) will remain the same for FOIA/PA requests pertaining to information contained in A-files.

Reason for the PIA Update

DHS/USCIS is updating the FIPS PIA (DHS/USCIS/PIA-038) to document how the SIG team processes FOIA/PA requests. This new process will utilize the existing ECN site at DHS/USCIS. The use of the ECN will streamline staffing, track the receipt of responsive records on non A-file requests, and allow offices assisting with responding to FOIA/PA requests to collaborate and have access to questions and answers asked of the NRC by other offices. This will also help to ensure searches are both adequate and timely.

⁵ The A-file includes information such as applications and petitions for benefits; vital documents (e.g., birth certificates, passports, marriage certificates); information (e.g., photographs, fingerprints); enforcement supporting documents (e.g., “rap sheet”); and other documents (e.g., naturalization certificates, tax returns, labor certification, correspondence, court dispositions, interview notes).

⁶ The types of records that are responsive to the request would include records such as: benefit application(s); birth certificate; passport; photograph; tax returns; interview notes; USCIS determination; and more. Another example is if information on non-alien files, such as procurement information, is being requested. Records that are responsive to that request may include the following information: employee name; employee job title; and employee salary.

⁷ For a full description of DHS’s use of SharePoint, please refer to the DHS SharePoint and Collaboration Sites PIA (DHS/ALL/PIA-037) at www.dhs.gov/privacy



Current process for SIG requests⁸

The FIPS process begins when a requester⁹ submits a FOIA/PA request to DHS/USCIS by fax, email, or U.S. mail. Once received, a SIG FOIA/PA analyst scans the request into FIPS, and uses FIPS to generate an acknowledgment letter to the requester confirming receipt of his/her FOIA/PA request. After a thorough analysis of the FOIA/PA request, the SIG analyst determines which program office within DHS/USCIS he or she believes may have responsive records to the request. Using the Microsoft Outlook e-mail system, the SIG analyst asks the designated FOIA/PA points of contact (POC) within program offices to search for records that may be responsive to the FOIA/PA request. The designated POCs then send the SIG analyst the responsive records either by e-mail or U.S. mail. The responsive records are then inputted into FIPS for processing.

Once the records are in FIPS, the SIG analyst analyzes the records by thoroughly reviewing the responsive records and redacts any information that needs protection from disclosure according to provisions of either the FOIA or PA. During this process, the SIG analyst also ensures that the requester is receiving as much information about what he or she is requesting as possible. After the review by the SIG analyst the case is provided to a SIG supervisor for approval. Upon receiving supervisory approval, SIG staff use FIPS to generate a letter to the requester itemizing the records and identifying what, if any, withholdings were used based on any of the exemptions.

New process for SIG requests

The only deviation from the current process for SIG is that ECN will be used to send requests for responsive records, as opposed to the Microsoft Outlook e-mail system. With the new process, once SIG analysts receive the records via ECN they then transfer the records into FIPS. Analysts can transfer the records either by printing from ECN and scanning them into FIPS or by saving the files to their hard drives and uploading the records into FIPS. Once the analysts retrieve the records from ECN, the analyst then deletes the records and the request from ECN.

The new process will provide a centralized site for SIG analysts to track and receive responsive records using ECN, which is widely used throughout DHS/USCIS. This improvement will allow SIG analysts to upload the request letters to a single task in ECN, which will be assigned to designated FOIA/PA request POCs within program offices. The POCs may review requests in ECN that are assigned to them and can upload responsive records directly to each request.

This new process provides many benefits to the DHS/USCIS FOIA/PA program. This effort eliminates the need to send multiple emails to multiple employees and will create a

⁸ The processes discussed below only pertain to non A-file FOIA/PA requests; a description of the A-file FOIA/PA requests can be found in the DHS/USCIS/PIA-038 at <http://www.dhs/privacy>

⁹ A requester is any individual or entity (e.g., organization, State, etc.) that submits the FOIA/PA request.



streamlined communication chain. The centralized system also allows NRC staff to identify cases that have been pending for a significant time in order to escalate concerns to DHS/USCIS and directorate leadership. Additionally, this accountability allows the NRC to promote technological efficiencies that drive a timely FOIA/PA process. Lastly, the use of ECN remedies the size limit issues that DHS/USCIS staff experience with email attachments.

Access to the designated ECN site will be limited to those who have been granted permissions to each individual request to search for records. The SIG ECN Site Administrator customizes user access to authorized individuals with a need-to-know the information.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

There is no change in the information collected and stored within the system as outlined by the FIPS PIA (DHS/USCIS/PIA-038). This update applies only to those cases handled by the SIG, which represents a small percentage of all the FOIA/PA requests received by the NRC. The process discussed in the FIPS PIA (DHS/USCIS/PIA-038) will remain the same for FOIA/PA requests pertaining to information contained in A-files.

The information captured in ECN during the SIG request process is identical to the information captured in FIPS. This information includes the requester's initial letter which includes the requester's name, address, date of FOIA/PA request, and a description of what records are being sought. Additionally, designated FOIA/PA POCs responsible for researching records for the FOIA/PA request will be able to use ECN to upload any documents that are responsive to the request. The information collected and stored may include personal, financial, employment, personnel, medical, and investigative records and interagency documents used at DHS/USCIS.

SIG analysts handling FOIA/PA requests and records containing PII encrypt the files prior to uploading them to ECN. The FOIA/PA POCs send an email with the password to analyst who asked them to conduct a search for records. Once a program office provides records in response to a FOIA/PA request on the ECN site, a SIG analyst prints the records and scans them into FIPS. After SIG analysts retrieve the records from the ECN site, they delete the soft copy record and shred any hard copies that they print.

Uses of the System and the Information

There is no change in the use of data as outlined by the FIPS PIA (DHS/USCIS/PIA-038). The implementation of ECN into the FOIA/PA request process is primarily being implemented to improve the ability for FOIA/PA staff to respond to and track certain DHS/USCIS FOIA/PA requests. Additionally, ECN can maintain PII, and access is limited to only those with a need-to-know, or those who need to review the individual request to search for records.



Retention

There is no change in the retention of data as described in the FIPS PIA (DHS/USCIS/PIA-038). The goal of using ECN is not to retain documents on the ECN site; rather the use is for easier facilitation of requesting information and receiving the documents. Once FOIA/PA requested documents are in FIPS for processing, the analyst deletes the record and request from ECN. This is the same process described in the FIPS PIA (DHS/USCIS/PIA-038), except that the program office FOIA/PA POCs use ECN to transfer responsive records rather than email. Once the responsive records are scanned into FIPS, the email is deleted. FIPS remains as the system of records subject to a National Archives and Records Administration (NARA) schedule for retention purposes, which has not changed since the publication of the original FIPS PIA (DHS/USCIS/PIA-038).

Internal Sharing and Disclosure

There is no change in the DHS internal sharing and disclosure as described in the FIPS PIA (DHS/USCIS/PIA-038).

External Sharing and Disclosure

There is no change in the DHS external sharing and disclosure as described in the FIPS PIA (DHS/USCIS/PIA-038).

Notice

There is no change in the notice requirements as described in the FIPS PIA (DHS/USCIS/PIA-038). This PIA update does not impact any notice requirements. The data retrieved from FIPS is covered by the existing DHS/ALL-001 DHS FOIA/PA records system of records.

Individual Access, Redress, and Correction

There is no change in any access, redress, or correction requirements as described in the previous FIPS PIA. Individuals may seek more information on access, redress, or correction by accessing the PIA for the individual system on the DHS Privacy web page.¹⁰

Technical Access and Security

Access to the information is determined through specified role-based permissions, as authorized by the site facilitators, comprised of SIG analysts. These role-based access controls are based upon the principle of least privilege. The principal of least privilege states that a user may only have the minimum privileges to perform their assigned tasks. NRC staff, functioning as facilitators, assigns specific rights to other users. For example, a facilitator may add

¹⁰ The DHS Privacy web site address is <http://www.dhs.gov/privacy>



permissions to FOIA POCs for specific tasks, and may allow those individuals to view the documents included, but not modify or delete the contents. When doing so, any access rights to the document must be specifically assigned to an individual user who receives the action.

The SIG ECN Site Administrator customizes user access to authorized individuals with a need-to-know the information. As with the previous process, the NRC staff coordinates with the individual program offices that ensures that all FOIA/PA POCs are identified. Risk of unapproved access has been mitigated through the ECN process for establishing PII-approved sites. The SIG team sets access controls in ECN so only FOIA/PA POCs with an official duty to review the specific FOIA/PA requests have access to that request. As SIG analysts address and delete requests, the SIG team updates the access controls to ensure that only those with a need-to-know have access.

The DHS/USCIS staff who have access to the ECN site are the members of the SIG team, program office FOIA/PA POCs, and the leadership of the NRC and ESD.

Technology

ECN is a virtual work environment that allows users to collaborate, share information, and enhance productivity. This PIA update reflects the new use of ECN, which allows users to enter data into a site, through manual typing and attaching documents from computer hard drives. Individuals provide that information to DHS/USCIS when submitting FOIA/PA requests. These requests and corresponding responsive documents are uploaded from individual hard drives to a centralized site in ECN, which is secured on DHS/USCIS servers.

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Approval Signature

Original signed copy on file with DHS Privacy Office

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