Privacy Office
U.S. Department of Homeland Security (DHS)
Privacy Compliance Review (PCR) Open Recommendations

DHS Instruction 047-01-004 for Privacy Compliance Reviews[1] stipulates that the Chief Privacy Officer (CPO) determines the implementation status of PCR recommendations. The CPO, through the Privacy Compliance Review Team, updates the status of open recommendations at least semi-annually—but may vary by PCR. The Privacy Compliance Review Team analyzed 20 open recommendations and updated their status as of November 2020.

Responsible DHS Component	PCR Name and Final Product URL	Date of Final PCR Product and Implementation Status	PCR Recommendation and Implementation Status Summary
U.S. Customs & Border Protection (CBP)	U.S. and EU Passenger Name Record (PNR) Agreement	6/26/2015	*Recommendation 9*: Given office restructuring and reorganizing within U.S. Customs and Border Protection (CBP); DHS Office of Strategy, Policy, and Plans; DHS Privacy Office; and the DHS Traveler Redress Inquiry Program, the 2013 CBP PNR Directive should be promptly updated to reflect responsibilities for each office.
		Not Implemented 🔴	*Pending*: Updates to the CBP PNR Directive, to include recommendations from the 2015 PCR, are ongoing. In the meantime, the 2013 CBP PNR Directive remains applicable.
U.S. Secret Service (USSS)	U.S. Secret Service	7/21/2017	*Recommendation 2*: USSS should formalize and empower the USSS Personally Identifiable Information (PII) Working Group to address privacy shortcomings and implement privacy best practices. [***Note recommendation modified to reflect the goal of formalizing the USSS Privacy Office compliance and oversight responsibilities (not limited to the PII Working Group) and increased engagement across USSS.]

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[1] *See:* U.S. DEPARTMENT OF HOMELAND SECURITY, PRIVACY POLICY INSTRUCTION 047-01-004 FOR PRIVACY COMPLIANCE REVIEWS (2017), Section V.A., *available at*: https://www.dhs.gov/publication/dhs-privacy-policy-instruction-047-01-004-privacy-compliance-reviews.

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Responsible DHS Component	PCR Name and Final Product URL	Date of Final PCR Product and Implementation Status	PCR Recommendation and Implementation Status Summary
		Partially Implemented 🟡	**Pending**: USSS determined the PII Working Group may not be the appropriate entity for monitoring and enforcement as suggested by the PCR findings. USSS Privacy Office Delegation (finalized December 27, 2019), however, formalizes compliance and oversight role and contributes to oversight and implementation of DHS privacy policy. USSS working on several draft privacy policies to ensure sustainability.
USSS	U.S. Secret Service	7/21/2017	**Recommendation 3**: USSS should formalize the USSS Privacy Officer's authority within decision making fora, such as the Enterprise Governance Council and the Information Technology Review Committee, where privacy equities can be fully addressed before USSS makes operational decisions.
		Partially Implemented 🟡	**Pending**: USSS Privacy Office Delegation (finalized December 27, 2019) formalizes authority across USSS and, by default, within USSS decision-making fora. USSS Privacy Office working to operationalize its Delegation.
USSS	U.S. Secret Service	7/21/2017	**Recommendation 6**: As a best practice, USSS should focus on under-standing and implementing standing DHS Privacy Policies, Directives, and Instructions, unless said privacy policies/instructions need to be tailored to USSS. USSS should, however, use appropriate means to raise awareness and oversee implementation and compliance with DHS privacy policies/instructions.
		Partially Implemented 🟡	**Pending**: USSS privacy compliance and training policies are currently in draft.
USSS	U.S. Secret Service	7/21/2017	**Recommendation 8**: USSS Privacy Office should improve processes and increase oversight of USSS compliance with federal privacy laws, regulations, and DHS privacy policies. This improvement includes timely submission of privacy compliance documents on all privacy sensitive systems/programs/operations.

Date Posted: January 13, 2021

Responsible DHS Component	PCR Name and Final Product URL	Date of Final PCR Product and Implementation Status	PCR Recommendation and Implementation Status Summary
		Partially Implemented 🟡	*Pending*: USSS working to fill personnel vacancies within its privacy compliance division to better serve the Component and manage timely, complete submissions to the DHS Privacy Office (PRIV).
CBP	Electronic System for Travel Authorization (ESTA)	10/27/2017	*Recommendation 3*: As a best practice, the U.S. Customs and Border Protection Electronic System for Travel Authorization Program should consider developing and providing more clear instructions to applicants aimed at reducing the inaccurate inclusion of non-identifier information in the social media 'free-text' portion of the online application.
		Not Implemented 🔴	*Pending:* The ESTA program has not yet gone live with mandatory collection of Social Media, which is when the instructions would be updated. See 7/29/2019 SORN.
Office of Operations Coordination (OPS)	Publicly Available Social Media Monitoring and Situational Awareness Initiative	12/8/2017	*Recommendation 1*: OPS should fully implement DHS Instruction 047-01-008, DHS Privacy Incident Handling Guidance. The OPS Privacy Officer [Privacy Point of Contact (PPOC)] must follow up to see that there is a reasonable assurance that a National Operations Center (NOC) Media Monitoring Capability (MMC) PII spill (however rare) will ultimately be reported to DHS the Enterprise Security Operations Center (ESOC).
		Partially Implemented 🟡	*Pending:* The NOC MMC updated its Standard Operating Procedures with information regarding reporting incidents to the ESOC.
OPS	Publicly Available Social Media Monitoring	12/8/2017	*Recommendation 2*: OPS should fully implement DHS Instruction 047-01-005 for Component Privacy Officers to oversee privacy compliance, policy, and oversight activities in general and to ensure the internal NOC MMC controls keep pace with existing DHS privacy policy and best practices.

Date Posted: January 13, 2021

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	and Situational Awareness Initiative	Partially Implemented 🟡	*Pending*: OPS and PRIV continue to discuss appropriate implementation of policy required responsibilities (including privacy compliance, reporting, policy development and implementation, incident and complaint mitigation, training, forms, records retention, information sharing, and Privacy Act Statements and Amendment Requests).
OPS	Publicly Available Social Media Monitoring and Situational Awareness Initiative	12/8/2017	*Recommendation 3*: As a best practice, OPS Privacy Officer [PPOC] should test the general incident reporting procedures for suspected or confirmed breaches as well as identify appropriate mitigations and lessons learned.
		Partially Implemented 🟡	*Pending*: OPS and PRIV continue to discuss appropriate implementation of incident policy required responsibilities across OPS.
U.S. Citizenship & Immigration Services (USCIS), U.S. Coast Guard (USCG), U.S. Immigration & Customs Enforcement (ICE), Office of Biometric Identity	Privacy Incidents Affecting Individuals Protected by Section 1367	2/4/2019	*Recommendation 1*: Components with systems containing Section 1367 information, including all Components with a criminal justice law enforcement or immigration law enforcement mission, should develop implementing instructions, Standard Operating Procedures, or other policy guidance to ensure compliance with the confidentiality rules under Section 1367, tailored to the specific context of their missions and systems.
		Not Implemented 🔴	*Pending*: Listed Components are in beginning stages of considering and/or developing appropriate guidance.

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Management (OBIM)			
USCIS	Privacy Incidents Affecting Individuals Protected by Section 1367	2/4/2019	*Recommendation 2*: By September 2019, the United States Citizenship and Immigration Services must report system access inventory findings to the DHS Privacy Office and the Office for Civil Rights and Civil Liberties (CRCL), including how it has addressed gaps in 1367 confidentiality protections.
		Partially Implemented 🟡	*Pending*: In November 2019, USCIS provided PRIV and CRCL a final report that reviewed all information systems to account for how special protected class data is identified, stored, handled, protected, and shared at USCIS. USCIS continues to consider how to address gaps in 1367 confidentiality protections uncovered in this report.
USCIS	Privacy Incidents Affecting Individuals Protected by Section 1367	2/4/2019	*Recommendation 3*: United States Citizenship and Immigration Services must identify an Information Sharing and Access Agreement (ISAA) with FBI that covers bulk sharing.
		Not Implemented 🔴	*Pending*: USCIS is drafting an ISAA with the FBI to cover this sharing, including a specific section on sharing of 1367 information.
CBP	Privacy Incidents Affecting Individuals Protected by Section 1367	2/4/2019	*Recommendation 4*: By February 2019, CBP will report to PRIV and CRCL whether all of its system interfaces and online query responses are configured to ensure only authorized users receive 1367 records, with caveats, as appropriate.
		Not Implemented 🔴	*Pending*: CBP has not been able to confirm whether tagging in its systems conformed to the caveat requirement in Directive 215-01-001.
Science & Technology	Science & Technology	6/24/2019	*Recommendation 1*: The DHS Science and Technology Directorate should promptly reorganize the DHS S&T Privacy Office and fully comply with DHS Instruction 047-01-005.

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Directorate (S&T)	Directorate Privacy Office	Partially Implemented 🟡	*Pending*: DHS S&T underwent a Component-wide revitalization that positioned the privacy office as a direct report to the Chief of Staff. To fully comply with DHS Instruction 047-01-005, DHS S&T is drafting directorate specific policy directives.
S&T	Science & Technology Directorate Privacy Office	6/24/2019	*Recommendation 4*: The DHS Science and Technology Directorate should better leverage and utilize the privacy compliance process to fully comply with departmental policies regarding the use of social media and human subjects when undertaking privacy-sensitive research programs and projects.
		Partially Implemented 🟡	*Pending*: The DHS S&T Privacy Office has made progress in its use of the privacy compliance framework, yet work remains to provide timely, complete, and comprehensive documentation.
S&T	Science & Technology Directorate Privacy Office	6/24/2019	*Recommendation 5*: The DHS Science and Technology Directorate Privacy Office should incorporate and develop all aspects of a healthy privacy program, including, compliance, policy, information sharing, incident management, oversight, training, and outreach.
		Partially Implemented 🟡	*Pending*: The DHS S&T Privacy Office has taken and continues to take steps to design and implement a healthy privacy program at DHS S&T.
Office of the Chief Security Officer (OCSO)	Foreign Access Management System (FAMS)[2]	10/3/2019	*Recommendation 1*: DHS Office of the Chief Security Officer should promptly restructure the OCSO Privacy Point of Contact function to fully implement DHS Instruction 047-01-001 to better identify and address privacy risks.
		Not Implemented 🔴	**Pending**: OCSO Chief of Staff drafting changes to organizational positioning of PPOC yet has not yet addressed effective implementation of DHS Instruction 047-01-001 and all responsibilities of the PPOC.

[2] Due to classification, this final product is not posted to the PRIV website.

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OCSO	Foreign Access Management System[3]	10/3/2019	**Recommendation 2**: DHS OCSO, together with the OCSO PPOC and the DHS Privacy Office, should develop a thorough programmatic approach to privacy by incorporating and developing all aspects of a healthy privacy program, including policy, oversight, compliance, awareness, incident management, training, and outreach for OCSO Center for International Safety and Security's (CISS) FAMS and the Foreign Access Management Enterprise (FAME) Portal.
		Partially Implemented 🟡	**Pending**: Successful implementation of Recommendation 2 hinges on successful implementation of Recommendation 1.
OCSO	Foreign Access Management System[4]	10/3/2019	**Recommendation 4**: DHS OCSO, especially within CISS's FAMS and FAME Portal operations, should ensure all PII sharing associated with FAMS and the FAME Portal is in accordance with and covered by official ISAAs.
		Partially Implemented 🟡	**Pending**: OCSO CISS has taken significant steps to address this recommendation through the drafting of a DHS-Office of the Director of National Intelligence (ODNI) Memorandum of Agreement to ensure the proper protection of PII, which awaits ODNI's final signature.
OCSO	Foreign Access Management System[5]	10/3/2019	**Recommendation 5**: The DHS [Office of the] Chief Procurement Officer (OCPO) should review CISS's FAMS and FAME Portal procurement practices and agreements to improve contract and agreement hygiene, contract fulfillment, and contract delivery.
		Partially Implemented 🟡	**Pending**: OCSO CISS has taken several steps to more closely coordinate with OCPO. PRIV is responsible for providing the OCPO with the 2019 PCR report, which has not yet happened because of the classification issues between OCSO and ODNI.

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[3] *Id*.
[4] *Id*.
[5] *Id*.

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