



Privacy Impact Assessment
for the

Southwest Border Pedestrian Exit Field Test

DHS/CBP/PIA-027

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Contact Point

Kim A. Mills

Entry-Exit Transformation Office

Office of Field Operations

US Customs & Border Protection

(202) 344-3007

Reviewing Official

Karen L. Neuman

Chief Privacy Officer

Department of Homeland Security

(202) 343-1717



Abstract

The Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP) is conducting the Southwest Border Pedestrian Exit Field Test to determine if collecting biometrics (iris images and/or facial images) in conjunction with biographic data upon exit from the Otay Mesa, CA land port of entry will assist CBP in matching subsequent border crossing information records with previously collected records. The purpose of the test is to evaluate whether this biometrics collection will enable CBP to identify individuals who have overstayed their lawful period of admission, identify persons of law enforcement or national security interest, and improve reporting and analysis of all travelers entering and exiting the United States. CBP is conducting this PIA because this test collects personally identifiable information (PII) about members of the public.

Overview

To comply with its border security mission, CBP collects and reviews Border Crossing Information (BCI)¹ from the identity and travel documents that individuals present to CBP when entering or exiting the United States. CBP has authority to collect BCI from all individuals entering and exiting the United States – including U.S. citizens.² Generally, CBP collects BCI from certain inbound and outbound travelers³ to determine their admissibility into the United States, whether they have overstayed their period of admission, or whether they pose or are

¹ See DHS/CBP-007 Border Crossing Information (BCI) System of Records, 80 FR 26937 (May 11, 2015) *available at* <http://www.gpo.gov/fdsys/pkg/FR-2015-05-11/pdf/2015-11288.pdf>. U.S. Customs and Border Protection (CBP) collects border crossing information stored in this system of records through a number of sources, for example: (1) Travel documents (e.g., a foreign passport) presented by an individual at a CBP port-of-entry when he or she provided no advance notice of the border crossing to CBP; (2) carriers that submit information in advance of travel through the Advance Passenger Information System (APIS); (3) information stored in the Global Enrollment System (GES) (see DHS/CBP-002 Global Enrollment System (GES) SORN, 78 FR 3441, (January 16, 2013)) as part of a trusted or registered traveler program; (4) non-federal governmental authorities that issued valid travel documents approved by the Secretary of DHS (e.g., an Enhanced Driver's License (EDL)); (5) another federal agency that issued a valid travel document (e.g., data from a Department of State-issued visa, passport, passport card, or Border Crossing Card); or (6) the Canada Border Services Agency (CBSA) pursuant to the Beyond the Border Entry/Exit Program (see DHS/CBP/PIA-004(g) - Beyond the Border Entry/Exit Program Phase II (June 26, 2013), *available at* <http://www.dhs.gov/publication/beyond-border-entryexit-program-phase-ii>). When a traveler enters, is admitted to, paroled into, or departs from the United States, his or her biographical information, photograph (when available), and crossing details (time and location) is maintained in accordance with the DHS/CBP-007 Border Crossing Information SORN.

² Immigration and Naturalization Act, Section 215(b) "Citizens: Except as otherwise provided by the President and subject to such limitations and exceptions as the President may authorize and prescribe, it shall be unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid United States passport."

³ The test will collect and retain biometrics of all non-U.S citizens except those exempted under paragraph (a)(2) of 8 CFR Part 215.8, and Canadian citizens under Section 101(a)(15)(B) of the Immigration and Nationality Act who are not otherwise required to present a visa or have been issued Form I-94 or Form I-95 upon arrival into the United States.



suspected of posing a law enforcement or national security threat. CBP does not typically collect BCI information about U.S. citizens upon exit from the United States unless operationally necessary (*e.g.*, the crossing is a known drug smuggling route or there is a fugitive in the area).

BCI includes traveler biographic and biometric information and border crossing information such as location, date, and time of admission to or exit from the United States. BCI biographic information and photograph is collected from an individual's travel document and stored in TECS,⁴ along with relevant admission information. BCI biometric information (fingerprints) is stored in the DHS Automated Biometric Identification System (IDENT).⁵

Biographic Information Collection

To address national security and law enforcement concerns with all travelers along the southern land border with Mexico, CBP will collect and store biographic data on all persons – including U.S. citizens – departing through the Otay Mesa land border pedestrian crossing. CBP currently collects and stores biographic data on U.S. citizens when they exit the country through airports, seaports, during law enforcement or border security surge operations, and occasionally at land ports when traveling by train or bus.

This collection of all biographic BCI at the Otay Mesa crossing enhances CBP's situational awareness about all departing travelers and addresses national security and law enforcement risks along the southern land border with Mexico. It allows CBP to maintain a comparable security posture along the southern land border that it maintains along northern land border locations.⁶

The biographic information collection from U.S. citizens at the Otay Mesa border crossing will be stored in TECS, as will all other BCI information. A copy of the biographic BCI information collected at Otay Mesa during this field test will also be maintained in the same standalone database created for the biometric field test, described below.

Biometric Field Test Purpose

CBP plans to collect biometrics (facial images and/or iris) and biographic information (from identity and travel documents) of certain non-U.S. citizens, hereafter referred to as “non-

⁴TECS (not an acronym) is an updated and modified version of the former Treasury Enforcement Communications System, which is principally owned and managed by U.S. Customs and Border Protection and is its principal law enforcement and anti-terrorism database system. TECS securely links telecommunications devices and personal computers to a central system and database. See [DHS/CBP/PIA-009\(a\)](#).

⁵ See [DHS/NPPD/PIA-002](#), Automated Biometric Identification System (IDENT).

⁶ CBP partnered with the Government of Canada to exchange entry crossing data on all travelers transiting land borders between the U.S. and Canada. Upon implementation of the final phase of that agreement, CBP will receive biographic data on U.S. citizens crossing the land border into Canada. See DHS/CBP/PIA-004(g) - Beyond the Border Entry/Exit Program Phase II (June 26, 2013), available at <http://www.dhs.gov/publication/beyond-border-entryexit-program-phase-ii>.



exempt aliens,⁷ exiting the United States at the Otay Mesa land port-of-entry for a period of six (6) months beginning in December 2015. The operational goal of this test is to determine if facial images or irises collected upon exit from the United States at a land border crossing can be matched with biographic information stored in TECS, and whether CBP's collection of biometrics upon exit from the United States enhances CBP exit operations with acceptable impacts to the public's travel experience and border processing times. CBP will test biometric data, coupled with biographic information collected at exit from certain non-exempt aliens, to confirm non-exempt aliens' identities and match their arrival to their departure records within TECS. CBP chose to conduct this field test at the Otay Mesa land port-of-entry due to a high volume of pedestrians who repeatedly enter and exit the United States at the Otay Mesa land border crossing between San Diego, CA and Tijuana, Mexico.⁸

The test seeks to assess whether these tools are effective in identifying individuals who have overstayed their period of admission, or whether those individuals pose, or are suspected of posing, a law enforcement or national security threat. The test results will provide CBP with an operational feasibility assessment and report that may lead to potential deployment across the Southwest Border.

This PIA addresses specific activities associated with the Southwest Border Pedestrian Exit Field Test. Testing these technologies allows CBP to:

- Determine with a high degree of confidence if biometric collection, coupled with biographic data collection, enhances CBP exit operations in various modalities and with acceptable impacts to the public's travel experience and border processing times;
- Strengthen national security by enhancing CBP officers' ability to make more informed decisions on admissibility;
- Identify people who may pose a law enforcement or national security threat;
- Enhance the U.S. immigration system by identifying people who have overstayed their legal terms of admission;

⁷ The test will collect and retain biometrics of all non-U.S. Citizens except those exempted under paragraph (a)(2) of 8 CFR Part 215.8, and Canadian citizens under Section 101(a)(15)(B) of the Immigration and Nationality Act who are not otherwise required to present a visa or have been issued Form I-94 or Form I-95 upon arrival into the United States.

⁸ The Otay Mesa Port of Entry (POE) is a multi-modal (commercial, passenger vehicles, and pedestrians) international processing land POE. The POE is the busiest commercial facility on the California-Baja California international border. The port handles the second-highest volume of trucks, and the third-highest dollar value of trade among all United States (U.S.)-Mexico land POEs. In 2013, the Otay Mesa POE handled approximately 1.5 million trucks and \$36 billion worth of goods in both directions. The Otay Mesa port-of-entry has six northbound pedestrian lanes and one southbound pedestrian lane (a revolving door). *See* http://www.dot.ca.gov/dist11/departments/planning/pdfs/border/2014_Otay_Mesa_Fact_Sheet_July.pdf.



- Maintain a comparable security posture along the southern land border with Mexico that it maintains along northern land border with Canada; and
- Expedite border transit.

Biometric Field Test Process

CBP plans to collect iris and facial biometric data and biographic BCI from certain non-exempt aliens exiting the United States through the Otay Mesa Land border port-of-entry beginning December, 2015. In order to build a test dataset of comparison images at the beginning of the test, CBP will collect biometric data on non-exempt aliens seeking admission into the United States and use this test dataset for matching purposes when the individual exits the country. The test continues for approximately six (6) months.

The test alters the way in which travelers will exit the United States at the Otay Mesa land border port-of-entry in California. During the test, a pedestrian wishing to leave the United States at Otay Mesa, CA, must first present his or her travel document for review by CBP at an automated or staffed exit station. CBP will retrieve biographic data from presented travel documents and match the data against a copy of the traveler's BCI data collected during the preceding admission (contained in TECS) to determine citizenship and the traveler's admission/exit status. This match occurs in real-time while the individual has presented him or herself to the Customs and Border Protection Officer (CBPO) upon exit. Based on the query response, if CBP deems the person a non-exempt alien who must participate in the test,⁹ he or she is directed to pedestrian exit lanes equipped with biometric capture technology. U.S. citizens and exempt aliens are directed to the exit and may depart the United States after their biographic information is collected.

CBP directs the non-exempt aliens to biometric collection kiosks or lanes equipped with freestanding cameras capable of collecting iris and/or facial images on the move or using a "pause and look" approach. CBP stores the biometric data collected upon exit in a secure standalone database and processes the remaining BCI through TECS. As part of the field test, CBP will also store a copy of the corresponding biographic BCI in the standalone database, matched to the collected biometric information. This match may reveal travelers that overstayed their period of admission, maintained an unlawful presence, or raise other law enforcement or national security concerns.

CBP will not make operational decisions from any biometric data from the secure standalone database, include the data in law enforcement case files, or in the result records at the test's conclusion.

⁹ All aliens except those exempted under paragraph (a)(2) of 8 CFR Part 215.8, and Canadian citizens under Section 101(a)(15)(B) of the Immigration and Nationality Act who are not otherwise required to present a visa or have been issued Form I-94 or Form I-95 upon arrival into the United States.



Test Completion and Future Plans

Upon the test's completion, CBP plans to share the test biometric data maintained in the standalone database with DHS, Office of Biometric Information Management (OBIM) and DHS Science and Technology Directorate (S&T) as part of a test dataset to support their development of iris and facial algorithms associated with an initiative aimed at expanding biometric processing capabilities. In partnership with OBIM, DHS S&T solicited assistance from commercial vendors to assist in developing algorithms used to test recognition accuracy within current commercial facial recognition software products. This research and development (R&D) initiative aims to assist Departmental components and first responders in procuring the most accurate products for national security, law enforcement, or safety purposes. This test dataset will remain separated from other OBIM operational or encounter-based records and only used for evaluation purposes.

CBP also shares the test data and a report containing the test findings with DHS S&T in support of its responsibility to evaluate all departmental scientific testing and other border security biometric initiatives.

CBP, OBIM, and S&T will delete the data one year after the test completion. The test culminates in a data analysis and report on system performance and operational impact at the port-of-entry and exit as identified in the System Test and Evaluation Plan.

Should CBP decide to proceed past the test phase into operational deployment, it will update this PIA to inform the public about its intentions and to reflect any changes to the initiative prior to operational deployment.

Privacy Compliance Review

Due to the novel technologies and heightened privacy risks involved with the collection of biometrics, particularly with new and untested biometric modalities, the DHS Privacy Office will conduct a Privacy Compliance Review (PCR) at the conclusion of this field test. The PCR will focus particularly on the information stored in the standalone database and how it is used, retained, and destroyed one year after the pilot. The PCR will also assess whether the test dataset will remain separated from other OBIM operational or encounter-based records and only used for evaluation purposes.

Section 1.0 Authorities and Other Requirements

1.1 What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

CBP may collect and maintain records pursuant to:

- Section 7208 of The Intelligence Reform and Terrorism Prevention Act of 2004



(IRTPA);¹⁰

- Section 2(a) of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA);¹¹
- Section 215(b) of the Immigration and Nationality Act of 1952;¹²
- Section 205 of the Visa Waiver Permanent (VWP) Program Act of 2000;¹³
- Section 302 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act);¹⁴
- The Implementing Recommendations of the 9/11 Commission Act of 2007;¹⁵
- Interim Final Rule on Non-Immigrant Visa Travelers, January 2004;¹⁶
- Interim Final Rule on VWP Travelers and 50 Largest Land Ports, August 2004;¹⁷ and
- Final Rule on Additional Alien Categories, December 2008.¹⁸

The TECS PIA contains the authorities for BCI data associated with the test.

1.2 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?

The SORNs that govern maintenance, use, and dissemination of admission and exit data for CBP inspection systems include:

- DHS/CBP-007 Border Crossing Information (BCI).¹⁹ BCI data includes biographic and biometric information; photographs; mandatory or voluntary itinerary information provided associated with passenger transportation; and the time and location of the border crossing. Border crossing information resides on the TECS Information Technology platform.

¹⁰ Pub.L. No. 108-458, 118 Stat. 3638.

¹¹ Pub.L. 106-215, 114 Stat. 337.

¹² 8 U.S.C § 1185(b).

¹³ Pub.L. 106-396, 114 Stat. 1637, 1741.

¹⁴ Pub.L. 107-173, 116 Stat. 543, 552.

¹⁵ Pub.L. 110-53.

¹⁶ See 69 FR 468 at: <http://www.gpo.gov/fdsys/pkg/FR-2004-01-05/pdf/03-32331.pdf>.

¹⁷ See 69 FR 53318 at: <http://www.gpo.gov/fdsys/pkg/FR-2004-08-31/pdf/04-19906.pdf>.

¹⁸ See 73 FR 77473 at: <http://www.gpo.gov/fdsys/pkg/FR-2008-12-19/pdf/E8-30095.pdf>.

¹⁹ DHS/CBP-007 Border Crossing Information, 80 FR 26937 (May 11, 2015).



- DHS/CBP-008 Non-Federal Entity Data Systems (NEDS).²⁰ NEDS data includes copies of information derived from Enhanced Drivers Licenses (EDL) databases (or other traveler documents) from non-federal governmental authorities, such as states, Native American tribes, and Canadian provinces and territories, when the issuing authority has chosen to provide CBP with advance information from its databases regarding the EDL or other travel document. CBP uses the data to denote identities and citizenship, and to validate the travel document.

1.3 Has a system security plan been completed for the information system(s) supporting the project?

Yes. The test operates within the TECS enterprise architecture and security boundary under an approved Authority to Operate (ATO) and System Security Plan (SSP).

The temporary database does not require a formal Security Authorization (SA) until full operational deployment. CBP plans to complete an SA on the temporary database containing the biographic and biometric information and gain an ATO should the agency decide to pursue a full operational deployment following the test.

1.4 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?

Yes. CBP will retain the records for one year following completion of the test per NARA DAA-0563-2013-0001-0006 and DAA-0563-2013-0001-0007 approved on August 28, 2013.

CBP retains records regarding individuals that pose or are suspected of posing a law enforcement or national security threat during the test for 75 years in accordance with NARA approved retention schedules for the associated inspection systems.

1.5 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.

OMB Control Number 1651-0138 provides Paperwork Reduction Act (PRA) coverage for this collection.

CBP will review the Information Collection Request (ICR) that originated under another DHS Component (the former US-VISIT) and submit an updated PRA request under CBP operating authorities and Privacy Act SORN coverage.

²⁰ DHS/CBP-008 Non-Federal Entity Data Systems (NEDS), 73 FR 43462 (July 25, 2008).



Section 2.0 Characterization of the Information

2.1 Identify the information the project collects, uses, disseminates, or maintains.

This test collects biographic information from all travelers and biometric data from the non-exempt alien test population. For the duration of the test, non-exempt aliens must provide biometric information at the time of arrival or departure.²¹

Biographic data (captured from all U.S. citizens and non-exempt aliens) includes:

- Travel Document Type (e.g., Passport, Passport Card, Visa, Form I-551 Permanent Resident Card, Trusted Traveler Program Card, or an acceptable Radio Frequency Identification (RFID)-enabled and machine-readable border crossing travel document, such as an Enhanced Driver's License (EDL));
- Travel Document Number/Passport Number;
- Country or Entity issuing the Travel Document;
- Expiration Date of the Travel Document;
- Full Name (First, Middle if applicable, and Last);
- Date of Birth;
- Gender;
- Country of Citizenship; and
- RFID Tag Number(s).

²¹ 8 CFR 215.8(a) (2). Exempted aliens include:

- (1) Canadian citizens who under section 101(a)(15)(B) of the Immigration and Nationality Act are not otherwise required to present a visa or have been issued Form I-94 (see § 1.4) or Form I-95 upon arrival at the United States;
- (2) Aliens admitted on A-1, A-2, C-3 (except for attendants, servants, or personal employees of accredited officials), G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6 visas, and certain Taiwan officials who hold E-1 visas and members of their immediate families who hold E-1 visas who are maintaining such status at time of departure, unless the Secretary of State and the Secretary of Homeland Security jointly determine that a class of such aliens should be subject to this notice;
- (3) Children under the age of 14;
- (4) Persons over the age of 79;
- (5) Classes of aliens the Secretary of Homeland Security and the Secretary of State jointly determine shall be exempt; or
- (6) An individual alien whom the Secretary of Homeland Security, the Secretary of State, or the Director of Central Intelligence determines shall be exempt.



Biometric data (captured from non-exempt aliens) includes:

- Photograph of the individual, when available; and
- Iris image and/or facial image collected from non-exempt aliens as they exit or re-enter (to establish an initial dataset for comparison purposes) the United States.

CBP plans to conduct statistical analysis on the data to enhance reporting capabilities and metrics pertaining to travelers admitted to and departing from the United States.

2.2 What are the sources of the information and how is the information collected for the project?

CBP collects information from all pedestrians entering and exiting the United States at the Otay Mesa land border port-of-entry. CBP collects biographic information directly from individuals, including U.S. citizens, via RFID-enabled or machine-readable travel document, or through visual inspection and manual entry. CBP collects biometric information (iris and/or facial images) from non-exempt aliens at kiosks, free standing camera locations, or at Ready Lanes. CBP processes travelers without proper documents manually.

2.3 Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.

The test does not use data from any commercial or public source.

2.4 Discuss how accuracy of the data is ensured.

A CBPO reviews documents of outbound travelers for accuracy at the time of collection and prior to final submission to TECS as BCI. If a CBPO encounters a traveler who has overstayed his or her period of admission, or if the traveler poses or is suspected of posing a law enforcement or national security threat, the CBPO can ensure data accuracy by reviewing the travel document, additional information from available inspection systems, and information provided by the traveler. If any information appears inconsistent, the CBPO may refer the traveler for secondary screening to clarify or resolve the inconsistency.

During exit, CBP evaluates biometric test data accuracy by matching it against the biometric information obtained previously and maintained in the secure standalone database environment. CBP further ensures accuracy by not co-mingling the biometric data in the standalone database with BCI or other information not associated with the test population.



2.5 Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: There is a risk of inaccurate data because CBP is creating a copy of BCI data in the standalone database.

Mitigation: This risk is partially mitigated. CBP will not use the copy of BCI data in the standalone database to make any operational decisions. The biographic information is only collected to create a record to attach to the collected facial images and irises, otherwise CBP would not be able to tell to whom the biometrics belong and identify individuals who cross repeatedly. All data from the test will be destroyed within one year.

Privacy Risk: There is a risk of overcollection of data about U.S. citizens and exempt aliens who are not subject to the field test.

Mitigation: CBP mitigates this risk by using a two-step information collection process. CBP will collect biographic identification and travel information to determine an individual's citizenship. CBP will only direct individuals who are certain non-exempt aliens to the biometric collection kiosks or lanes.

Section 3.0 Uses of the Information

3.1 Describe how and why the project uses the information.

General Purpose:

The purpose of this test is to evaluate the feasibility of using biographic and biometric data in an operational environment to enhance CBP admission and exit operations with acceptable impacts to the traveling public and processing time, while providing CBPOs with tools to identify travelers that pose or are suspected of posing law enforcement or national security threats.

Specific Uses:

Biographic information collected upon admission or exit reveals the traveler's citizenship, which determines how the individual shall proceed. U.S. citizens will not be directed to lanes or kiosks that collect biometric information. Non-exempt aliens will proceed to biometric collection kiosks or lanes equipped with technology capable of collecting iris images and/or facial images on the move or using a "pause and look" approach.

CBP will use biographic information (see Section 2.1) presented by a traveler at exit to query the data maintained in CBP's inspection systems, such as TECS, to support its law enforcement, immigration and border control, and national security missions, as appropriate. CBP will use biographic data to discover travelers who pose or are suspected of posing a law enforcement or national security threat, have active warrants for criminal activity, are currently



inadmissible, or have overstayed their legal terms of admission.

CBP will use biometric information (see Section 2.1) collected upon admission and exit to evaluate the quality of the data collection in a non-real time manner to assess the ability to use the data for identity purposes and to support CBP's mission.

3.2 Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how DHS plans to use such results.

No. CBP uses this field test for research purposes only. This test does not include electronic searches, queries, or analyses for operational purposes such as predictive pattern or anomaly.

3.3 Are there other components with assigned roles and responsibilities within the system?

There are no assigned roles and responsibilities for other DHS Components relative to the test and the information contained in the standalone database.

CBP plans to share the biometric data maintained in the standalone database with DHS OBIM and DHS S&T as part of a test dataset to support their development of iris and facial algorithms associated with an initiative aimed at expanding biometric processing capabilities.

CBP will share the test data and a report containing the test's findings with DHS S&T in support of its responsibility to evaluate all scientific testing and other border security biometric initiatives conducted within DHS.

3.4 Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: The data may be used for purposes outside the originally stated purposes (i.e., for testing and evaluation purposes).

Mitigation: To mitigate this risk, CBP stores the biometric data in a secure standalone database environment, not connected to any other DHS system or network. The purpose of this test is to evaluate the functionality and usability of iris images and/or facial images along with BCI. Additionally, the iris and facial images and corresponding biographic information are only used for research, development, testing, and evaluation purposes. These steps mitigate privacy risks and help maintain a high level of individual privacy rights.

Privacy Risk: Although this is a test, CBP may make operational determinations about individuals using the test data if there is a law enforcement need. There is a privacy risk that adverse action may be taken against an individual while new technologies are still being tested.



Mitigation: CBP mitigates this risk by following normal law enforcement procedures and protocols using existing inspection systems and by verifying the information provided against a passport or another corroborating document, and if deemed necessary, by an in-person interview.

Section 4.0 Notice

4.1 How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

CBP will provide signage at the port-of-entry prior to and during the test period noting that CBP is collecting new information and testing new technologies, and that non-exempt aliens are subject to biometric data collection. These signs will be provided in both English and Spanish. Signage examples are included in the Appendix to this PIA.

In addition, CBP provides notice by issuing this PIA and through recent updates to DHS/CBP-007 Border Crossing Information SORN,²² to include multi-modal biometric collections. CBP intends to publish an announcement in the Federal Register to notify the traveling public.

4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

Individuals do not have the right to consent to particular uses of the information collected as part of the test due to CBP's law enforcement and other national security missions.

CBP seeks to increase individual participation in this law enforcement action by following processes and procedures already in place at ports. Upon presentation of their travel documents, individuals interact directly with the CBPO. An individual is able to explain why his or her appearance may differ from the passport photograph, and provide additional information to assist the CBPO in determining whether the individual has properly presented his or her valid e-passport or other compliant travel document.

Images collected by the test that become part of a case file for a law enforcement investigation or encounter are governed by the DHS/CBP-011 TECS SORN.²³ Individuals who believe their images may have been used in a law enforcement investigation or encounter must follow the procedures outlined in the corresponding privacy documents for the TECS SORN.

²² See DHS/CBP-007 Border Crossing Information (BCI) System of Records, 80 FR 26937 (May 11, 2015) available at <http://www.gpo.gov/fdsys/pkg/FR-2015-05-11/pdf/2015-11288.pdf>.

²³ DHS/CBP-011 U.S. Customs and Border Protection TECS, 73 FR 77778 (December 19, 2008).



4.3 Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that individuals may not receive adequate notice regarding why they are being separated into different exit lines or kiosks.

Mitigation: CBP mitigates this risk by deploying roving CBPOs to direct travelers to appropriate lanes based on the details of their travel documents and status. CBP further mitigates this risk through signage directing travelers to specific lanes based on citizenship and the type of travel documents accepted at a certain lane.

Privacy Risk: There is a risk that affected individuals may not know that they are required to provide biometric data at time of admission.

Mitigation: CBP is launching an extensive public relations campaign at the Otay Mesa border crossing in conjunction with this field test. Several of the signage examples are provided in the Appendix of this PIA. CBP is also issuing a Federal Register notice and publishing this PIA. CBP notice provides that CBP only uses this data collection for research and analysis purposes.

Section 5.0 Data Retention by the project

5.1 Explain how long and for what reason the information is retained.

CBP stores the biometric data (iris images and/or facial images) and copy of the biographic BCI data collected during the test in a secure stand-alone database environment for a period up to one year following the completion of the test. CBP, OBIM, and S&T plan to conduct analysis and verify results of published outcomes.

CBP retains operational information pertaining to admission into or exit from the United States for 75 years.

5.2 Privacy Impact Analysis: Related to Retention

Provided that CBP destroys all test data within one year of the completion of this field test, there is no risk to data retention. The DHS Privacy Office will verify that this requirement has been satisfied during the Privacy Compliance Review.

Section 6.0 Information Sharing

6.1 Is information shared outside of DHS as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

CBP does not share test biometric data (iris images and/or facial images) with entities outside of DHS. In the event that CBP determines that biometric information indicates a



potential border security or law enforcement violation of law, CBP may share the information for purposes consistent with the Routine Uses in the BCI and TECS SORNs, respectively.

6.2 Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.

CBP does not share test biometric data (iris images and/or facial images) with entities outside of DHS. In the event that CBP determines that biometric information indicates a potential border security or law enforcement violation of law, CBP may share the information for purposes consistent with the Routine Uses in the BCI and TECS SORNs, respectively.

6.3 Does the project place limitations on re-dissemination?

CBP does not share test biometric data (iris images and/or facial images) with entities outside of DHS. In the event that CBP determines that biometric information indicates a potential border security or law enforcement violation of law, CBP may share the information using existing procedures for external sharing consistent with the BCI and TECS SORNs, respectively.

6.4 Describe how the project maintains a record of any disclosures outside of the Department.

In the event that CBP determines that biometric information indicates a potential border security or law enforcement violation of law, CBP may share the information using existing procedures for external sharing consistent with the BCI and TECS SORNs, respectively.

6.5 Privacy Impact Analysis: Related to Information Sharing

Since CBP does not share test biometric data outside of DHS, there are no risks related to information sharing.

Section 7.0 Redress

7.1 What are the procedures that allow individuals to access their information?

For information available in standard CBP law enforcement systems used to inspect and admit travelers into the United States, DHS allows persons, including foreign nationals, to seek access under the Privacy Act and the Freedom of Information Act (FOIA) Requests for access to personally identifiable information may be submitted in accordance with the redress procedures outlined in the respective system's PIA and SORN.

U.S. Customs and Border Protection (CBP)
Freedom of Information Act (FOIA) Division
90 K Street, N.E.



Washington, D.C. 20229

7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

The objectives of this test involve analyzing the feasibility of using this technology in an operational environment. CBP's primary goal is to use the test data for research and analysis purposes.

Specific Opportunities to Correct Information:

Should information collected during the test becomes part of a case file for a law enforcement investigation or an encounter, individuals should follow the procedures to correct inaccurate or erroneous information contained in the applicable DHS/CBP-007 BCI SORN. Individuals who believe their images may have been used in a law enforcement investigation or encounter must follow the procedures outlined in the corresponding privacy documents for the BCI SORN.

For biographic information that is used to record departures and is entered into CBP TECS, DHS TRIP provides a redress process through a website that facilitates the submission and processing of redress requests. Any individual can request access to or correction of his or her PII regardless of his or her nationality or country of residence. The DHS TRIP PIA²⁴ describes this process and information is available in multiple places on DHS's public website.

The Secretary of Homeland Security has exempted BCI from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, CBP will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in BCI, or seeking to contest its content may gain access to certain information in BCI about themselves by filing a Freedom of Information Act (FOIA) request with CBP at:

U.S. Customs and Border Protection
Freedom of Information Act (FOIA) Division
90 K Street, N.E.
Washington, DC 20229

7.3 How does the project notify individuals about the procedures for correcting their information?

CBP collects the data for research, test, evaluation, and analysis purposes. The applicable SORNs listed in Section 1.2 serve as notice about the procedures for correcting erroneous or

²⁴ DHS/ALL/PIA-002(a) - DHS Traveler Redress Inquiry Program (TRIP) (June 5, 2013), *available at* <http://www.dhs.gov/privacy-documents-department-wide-programs>.



inaccurate information for incidents or encounters that become part of a case file. The DHS TRIP PIA provides procedures for correcting the biographic information contained in BCI.

7.4 Privacy Impact Analysis: Related to Redress

Privacy Risk: There is a risk that inaccurate or erroneous information may cause inconveniences for travelers departing and attempting to re-enter the United States.

Mitigation: While this is a general risk for all CBP encounters, CBP mitigates this risk during the field test pilot by not using the biometric information captured to make any operational decisions.

For individuals who believe that CBP has made an inaccurate determination about them or has relied on incorrect information, CBP provides redress to individuals who are part of an incident or encounter through measures set forth in the applicable PIAs, SORNs, or via the Privacy Act and FOIA request process.

Section 8.0 Auditing and Accountability

8.1 How does the project ensure that the information is used in accordance with stated practices in this PIA?

The test data resides on its own platform in a secure database environment on which all transactions are tracked and monitored. This framework facilitates oversight and audit capabilities to ensure consistent data handling pursuant to all applicable laws and regulations regarding privacy and data integrity. The SW Border Pedestrian Exit Field Test team maintains audit trails and or logs and reviews all user activity. The test team also employs strict role-based access controls. Test team users, authorized program management officials, and select CBP Office of Information Technology (OIT) personnel deemed to have misused the test data are subject to discipline in accordance with CBP's Code of Conduct.

8.2 Describe what privacy training is provided to users either generally or specifically relevant to the project.

All DHS employees and contractors receive annual privacy awareness training. CBP developed specific project implementation and control training that the test team conducts prior to the beginning of the test.

8.3 What procedures are in place to determine which users may access the information and how does the project determine who has access?

This test employs role and rule-based access. Only authorized personnel designated by the program manager may access the data. Users may not modify data, but are permitted to



organize data as needed to facilitate research and analysis activities. This role is primarily to ensure a clean data set in preparation for final analysis.

8.4 How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within DHS and outside?

In the normal course, CBP does not share test biographic or biometric data (iris images and/or facial images) with entities outside of DHS. The operational owner for systems related to incidents and/or encounters manages MOUs and information sharing agreements concerning PII and sends them to the CBP Privacy Officer and Office of Chief Counsel for review. The DHS Privacy Office receives the agreements for final concurrence prior to approval and signature.

Responsible Officials

Kim A. Mills
Entry-Exit Transformation Office
Office of Field Operations
US Customs & Border Protection

John Connors
CBP Privacy Officer
Office of Privacy and Diversity
Office of the Commissioner
U.S. Customs and Border Protection

Approval Signature

Original signed copy on file with the DHS Privacy Office.

Karen L. Neuman
Chief Privacy Officer
Department of Homeland Security



APPENDIX A

Notice to the Traveling Public Regarding the Otay Mesa Pedestrian Entry/Exit Field Test

U.S. Customs and Border Protection (CBP) serves as America's frontline defense, safeguarding the homeland at and beyond our borders. Beginning in December, CBP is testing new biometric facial and iris technology at the Otay Mesa pedestrian crossing for certain non-U.S. citizens entering the U.S.

This is the first phase of a two-phase project that will test facial and iris technology (biometrics) in a pedestrian environment for both arrival and departure of certain non-U.S. citizens.

The departure phase will begin in February, at which point certain non-U.S. citizens departing the United States will provide their biometric data to CBP. Similar to the current airport outbound environment, CBP will continue to perform and record law enforcement queries for U.S. citizens as they depart the U.S. The use of biometric technology for certain non-U.S. citizens will improve CBP's ability to accurately record the arrival and departure of visitors, and better identify those who stay longer than permitted.

Q: What will be required of pedestrian travelers upon entering the United States?

A: There will be no change for U.S. citizens. Certain non-U.S. citizens will provide biographic information just as is done now, as well as facial photographs and iris images.

Q: What do I have to do upon entering?

A: The entry kiosks at Otay Mesa have been replaced with new kiosks equipped with a face and iris camera. The kiosk instructions have been updated to guide you through the enrollment process. After you have successfully provided a facial photograph and iris image, you will not be requested to do so again during the entry process.

Q: What will happen with my facial photograph and iris image?

A: The photograph and image will be used for research and evaluation purposes only and will be destroyed 1 (one) year after the end of the test. CBP is dedicated to protecting the privacy of all travelers.

Q: Where can I receive more information about this field test?

A: Please go to www.cbp.gov, or contact the CBP Call Center at **1-877- 227-5511**.

Q: What options are available if I experience difficulties during the new process?

A: Travelers may request to speak to a supervisor or may contact the DHS Traveler Redress Inquiry Program (DHS TRIP) via email at trip@dhs.gov.



Desde el 10 de noviembre del 2015 hasta el 13 de febrero del 2016, estaremos probando nuevas tecnologías en este cruce peatonal. Haremos todo lo posible para hacerlo rápido y seguro; aún así, anticipe algún tiempo adicional.

"QUÉ BONITOS OJOS TIENES"

Desde el 10 de noviembre del 2015 hasta el 13 de febrero del 2016, estaremos probando nuevas tecnologías en este cruce peatonal. Haremos todo lo posible para hacerlo rápido y seguro; aún así, anticipe algún tiempo adicional.

"CON (CARA) ANGELICAL"

ESTAREMOS PROBANDO NUEVA TECNOLOGÍA.

WE WILL BE TESTING NEW TECHNOLOGY.