Privacy Impact Assessment
for the

CBPTradePulse

DHS/CBP/PIA-036

September 30, 2016

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Abstract

The Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) CBPTradePulse system is an internal, Intranet-based performance management system used by CBP executives, senior managers, and other authorized CBP users to compile trade-related metrics, analyses, references, and reports. CBPTradePulse provides aggregated statistical reports that monitor international trade trends and patterns either at a national, district field office, or port of entry level. It also provides CBP users access to statistical documents involving examinations, entry summaries, validation activities, seizures, penalties, liquidated damages, and other trade-related metrics. CBP is conducting this PIA because CBPTradePulse uses personally identifiable information (PII) about members of the public to generate statistical metrics and analyses.

Overview

CBP safeguards the United States and its borders by fostering economic security through lawful international trade and travel. CBP uses its various authorities to combat trade fraud by: detecting high-risk activity, deterring non-compliance, and disrupting fraudulent behavior. Additionally CBP uses methods such as increased bonding, enhanced targeting and inspection of high-risk imports, and swift and thorough review of allegations to ensure a fair and competitive trade environment. CBPTradePulse serves as a data source that allows CBP stakeholders and decision makers to access metrics, analyses, reports, and trade-related references to make high-level operational decisions to combat trade fraud. CBPTradePulse is not accessible to members of the public or outside of CBP.

CBPTradePulse does not generate new personally identifiable information (PII) in order to develop and compile trade-related data. It extracts data using a secure file transfer protocol on a monthly basis from CBP's Automated Commercial Environment (ACE) System,[1] which serves as CBP's primary system for transactional trade data. Accessed through CBP's Intranet system, CBPTradePulse provides CBP users with a series of links to aggregated statistical data. This data includes but is not limited to: import value, collected revenue, compliance measurement rates, and penalty or seizure statistics. CBPTradePulse also contains more than 300 key performance measures that permit the CBP Office of International Trade (OT) to evaluate and measure the agency's performance while managing activities involving imports, revenue, collections, calculations, merchandise release and post-release data, validation activities, enforcement information, and trade partnership data. CBPTradePulse also provides the capability for

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[1] The Automated Commercial Environment (ACE) is a U.S. Customs and Border Protection (CBP) system designed to facilitate legitimate trade by serving as a single access point for collecting, sharing, and processing information submitted to CBP and government agencies. *See* DHS/CBP/PIA-003(b) (July 31, 2015), *available at* www.dhs.gov/privacy.

authorized CBP users to view useful reference data on specific international trade entities. CBP restricts access for most CBPTradePulse users to statistical trade-related data aggregated by port of entry. Authorized CBP users and those associated with an investigation or law enforcement activity may receive access to specific importer or exporter data, and or tailored reports that may include PII.

CBPTradePulse provides the ability to view key reports and analyses generated by OT analysts that include import trade trends and patterns, intellectual property rights, compliance measurements, and health and safety information.

CBPTradePulse Primary Purpose:

CBPTradePulse creates aggregate trade statistics and tailored reports for authorized CBP personnel. Its data includes but is not limited to:

- Merchandise entry summary transactions;

- Merchandise/shipment examinations;

- Non-PII related trade/merchandise post-release compliance validations and associated calculations;

- Estimated duties;

- Trade criteria;

- Fees;

- Taxes;

- Anti-Dumping duties;

- Countervailing duties;

- Seizures;

- Audit data;

- Penalty data;

- Revenue tracking;

- Compliance rates;

- Trade partnership information; and

- Links to external trade industry websites.

Data Source and Modules:

CBPTradePulse receives its data from ACE. Once extracted from ACE, the data resides on a series of sub-system/reporting staging servers (described below). This framework allows DHS/CBP users to access data via a secure web-based interface and also through a Virtual Private Network (VPN) connection for personnel operating from remote locations. The following staging servers/modules contain subsets of data (including PII in certain instances) obtained from ACE:

1. ACE Validation Activity Data Mart[2] Module

The ACE Validation Activity Data Mart contains importer/exporter data (including PII) obtained from ACE and described in Section 2.1 in order to create customized subsets of data pertaining to trade entity screening results, validation activities,[3] entry team management,[4] and import/export reference tables and statistics. This information allows CBP users to review potential violations, determinations, and related details and statistics. CBP trade and entry subject matter experts review the initial ACE data and process it through CBPTradePulse to create aggregated "Post-Release Measures" that CBP executives, senior managers, and other authorized CBP personnel use for their respective trade-related purposes.

2. Analytical Development Division (ADD) Warehouse[5] Module

The ADD Warehouse serves as a primary repository for entry summary transactions filed with CBP by importers. The ADD Warehouse stores ten (10) years of historical transaction data, including PII compiled by the U.S. Census Bureau (Census) based on official documents submitted simultaneously to CBP and the U.S. Census Bureau by importers and exporters during trade activities.[6] The Census data, already contained in ACE, includes Business Register data, which includes Federal Tax Information, Economic Census data, and Survey data. It also includes Importer of Record (IR) Numbers, Employer ID Numbers (EIN), or Social Security numbers (SSN) when used in lieu of an EIN. The additional Census data includes non-PII statistical data, such as Economic Census data, survey data, commodity information, accurate value, and duty information for imports/exports that are not recorded in ACE. CBP obtains the Census data on a monthly basis and in accordance with the established Memoranda of Understanding. Analysts/users perform complex queries and analysis, such as data trends and patterns, on the

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[2] A data mart is a customized subset of the larger data warehouse or repository compiled to meet a specific program need. Data marts are small slices of the data warehouse.

[3] Trade validation activities include but are not limited to fraud detection, merchandise and document authenticity verification, entity and trade partner existence, goods specifications and classification, and price and valuation assessments.

[4] Entry Team Management involves all human resources involved in traditional international trade activities, which includes but are not limited to International Trade Specialists, Auditors, Attorneys, Entry Specialists, Import Specialists, and National Analysis Specialists.

[5] A data warehouse is an aggregation of data from one or more sources to assist management in making decisions by comparing and analyzing information.

[6] See, https://www.dhs.gov/sites/default/files/publications/privacy-piaupdate-cbp-ace-july2015.pdf, and https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp-eis-01312014_0.pdf.

information in the database to support ad-hoc queries, management decision-making, and to support key trade measures calculations.

3. *Centers of Excellence and Expertise[7] Database Module*

The Centers of Excellence and Expertise (CEE) Database does not contain PII but supports CBP's virtual centers/facilities that proactively monitor and analyze the flow of goods into the United States and align CBP's trade processing activities along industry sectors for maximum efficiency.

The CEE Database derives from a combination of entry summary transactions and Census statistical data that is organized by key industries such as pharmaceuticals, aerospace, and consumer electronics. Data is further grouped within certain industries through the Harmonized Tariff Schedule (HTS),[8] which assigns tariffs, by HTS number and fiscal year. This statistical data also combines CBPTradePulse measures to provide a comprehensive view to CEE analysts in support of the Center's operational activities. CBP updates the CEE Database on a quarterly basis.

4. *Textile Clearinghouse[9] Module*

The Textile Clearinghouse is a database repository of all trade textile data obtained from ACE that does not involve PII. This database contains entry summary data for the Textiles and Apparel Priority Trade Issues (PTI)[10] that are high risk areas that can cause significant revenue loss, harm to the U.S. economy, or threaten the health and safety of the American people. CBP combines PTI data with corresponding HTS numbers, Free Trade Agreement (FTA) designations, square meter equivalent calculations, textile categories, and associated with various fiscal and calendar years. CBP vets and updates the database on a monthly basis.

CBP uses CBPTradePulse and the Textile Clearinghouse to conduct risk analyses on countries, trade agreements, importers, manufacturers, commodities, and to target manufacturers for CBP's Textile Production Verification Team (TPVT)[11] visits. It is also used to review and analyze e-allegations against textile companies.

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[7] A center of excellence (also known as a competency center or a capability center) is a group or team that leads other employees and the organization as a whole in some particular area of focus such as a technology, skill, or discipline. These centers may provide research, support, guidance, training, and oversight for other employees.

[8] *See*: Harmonized Tariff Schedules: https://help.cbp.gov/app/answers/detail/a_id/277/~/harmonized-tariff-schedule---determining-duty-rates.

[9] A central point or repository that collects and shares a specific type of information, in this case, textile information.

[10] *See:* Priority Trade Issues: https://www.cbp.gov/trade/priority-issues/trade-agreements.

[11] CBP Textile Production Verification Teams (TPVT) conduct on-site verification of foreign textile and apparel manufacturers. These teams monitor and verify production capability and compliance with Free Trade Agreements and other trade-related programs. TPVT visits are designed to help deter circumvention of textile-related laws such as the Caribbean Basin Trade Partnership Act (CBTPA). CBP uses this verification opportunities to also educate foreign governments and manufacturers.

5. *Analytical Development Division Risk Management[12] (ADDRM) Module*

The ADDRM is a CBPTradePulse module that provides secure access to trade-related documents, statistical information, and shipment/merchandise criteria. Users can download non-PII data to perform analyses and generate reports. Although the system allows users to review raw data that includes PII contained in examinations, entry summaries, validation activities, seizures, penalties, and liquidated damages, users must access ACE to obtain real-time data in instances that involve reviews or investigations associated with a particular entity. This module assists OT in equipping CBP leadership with aggregated reports that they can use while visiting certain ports of entry or in meetings with international trade partners. For example, an aggregated report may reflect the amount of steel imported/exported from a particular port of entry or country during a calendar year.

6. *Intellectual Property Rights[13] Trade Enforcement Data Warehouse Module*

The Intellectual Property Rights (IPR) Trade Enforcement Data Warehouse (ITED) is a data repository that combines import data and enforcement data to improve IPR/Trade Enforcement targeting. ITED helps identify new IPR risks and to provide a means to better identify unproductive examinations and redirect resources away from compliant importers. ITED includes daily extracts of financial data sources such as bills, bonds, debit vouchers, protests, seizures, penalties, and liquidated damages. ITED obtains data from the ACE Validation Activity Database and Textile Clearinghouse.

7. *Office of Intelligence Analytical Framework for Intelligence Module (OFAFI)*

The Office of Intelligence Analytical Framework for Intelligence (AFI)[14] Module is an internal one-way interface between CBPTradePulse and the CBP AFI system that allows authorized AFI users to query trade-related aggregated statistical data for use in finished intelligence products. AFI does not provide data or PII to CBPTradePulse. OFAFI extracts data from the ADD Warehouse and converts the data into a format grouped by industry type.

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[12] Risk management is the process of identification, analysis, and either acceptance or mitigation of uncertainty in the decision-making process.

[13] DHS/CBP/PIA-011 Intellectual Property Rights e-Recordation and Search Systems (IPRRSS) (December 11, 2012), *available at* www.dhs.gov/privacy.

[14] DHS/CBP/PIA-010(a) Analytical Framework for Intelligence (AFI) (September 1, 2016), *available at* www.dhs.gov/privacy, provides enhanced search and analytical capabilities to identify, apprehend, and prosecute individuals who pose a potential law enforcement or security risk, and aids in the enforcement of customs, immigration, and other laws enforced by DHS at the border.

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's law enforcement jurisdiction is highly complex and derives authority from a wide spectrum of federal statutes and regulations pursuant to:

- Trade and Customs Revenue Functions of the Department of Homeland Security;[15]

- Tariff Act of 1930, *as amended*;[16]

- Penalties for Fraud, Gross Negligence, and Negligence;[17]

- False Claims Act;[18]

- Ascertainment, Collection, and Recovery of Duties;[19]

- Licensing of Customs Brokers;[20]

- Identifying Numbers;[21]

- Customs Financial and Accounting Procedures;[22] and

- Importer Security Filing Data Elements.[23]

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

Information maintained within CBPTradePulse is covered by the following SORNs:

- DHS/CBP-001 Import Information System, System of Records.[24]

- DHS/CBP-004 Intellectual Property Rights e-Recordation and Search Systems (IPRS), System of Records.[25]

- DHS/CBP-020 Export Information System, System of Records.[26]

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[15] *See* 6 U.S.C. §§ 115(a)(1) and 212(b)(2).
[16] *See* 19 U.S.C. Chapter 4.
[17] *See* 19 U.S.C. § 1592.
[18] *See* 31 U.S.C. § 3729.
[19] *See* 19 U.S.C. §§ 1481-1529.
[20] See 19 U.S.C. § 1641.
[21] *See* 31 U.S.C. § 7701(c).
[22] *See* 19 CFR Part 24.
[23] *See* 19 CFR Part 149.3
[24] DHS/CBP-001 Import Information System (August 17, 2015, 80 FR 49256).
[25] DHS/CBP-004 Intellectual Property Rights e-Recordation and Search Systems (January 15, 2013, 78 FR 3015).
[26] DHS/CBP-020 Export Information System (September 2, 2015, 80 FR 53181).

- DHS/ALL-004 General Information Technology Access Account Records System, System of Records.[27]

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

Yes. CBPTradePulse received an extended Authority to Operate (ATO) on March 16, 2016, and will receive a full ATO upon publication of this PIA.

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

No. CBP is in the process of establishing statistical data-specific retention schedules for CBPTradePulse and its associated modules. Although ACE provides the data used by CBPTradePulse, CBP does not plan to use ACE records retention schedules because they involve multiple durations based on the types of records involved in the trade transaction. CBP will retain all CBPTradePulse statistical data records indefinitely until it receives an approved NARA Records Retention Schedule.

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.

Not applicable. CBPTradePulse does not collect information directly from individuals or place additional administrative burdens on members of the public.

Section 2.0 Characterization of the Information

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

CBPTradePulse aggregates international trade data received from ACE, which includes statistical data obtained from the U.S. Census Bureau, and converts the information to statistical data devoid of PII. In instances where CBPTradePulse users require specific importer/exporter PII, ACE provides the following information:

Data Submitted to ACE and the U.S. Census Bureau by Importers/Exporters:

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[27] DHS/ALL-004 General Information Technology Access Account Records System (November 27, 2012, 77 FR 70792).

- Company or individual names, including names of officers of customs broker firms or other business entities engaged in international trade or associated with the scope of the audit;

- Contact information (business address, home address for individuals, phone number, and email address);

- EINs and SSNs (Taxpayer Identifying Numbers);

- Importer of Record (IR) Number;

- License and permit numbers, dates issued, and district or port covered;

- Dun and Bradstreet, Inc. Data Universal Numbering System (DUNS) numbers;[28]

- Federal Tax Information; and

- Trade Partner Identifier.[29]

CBPTradePulse User Information:

- User name/ID;

- Password information;

- Email address; and

- Phone number.

Additional Non-PII Statistical Data Submitted by the U.S. Census Bureau:

- Economic Census data;

- Survey data;

- Commodity information; and

- Accurate value and duty information for imports/exports that are not recorded in ACE.

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

CBPTradePulse information originates from ACE and includes the same PII submitted simultaneously to the U.S. Census Bureau by importers/exporters along with non-PII statistical

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[28] *See* http://fedgov.dnb.com/webform/pages/dunsnumber.jsp.

[29] The Trading Partner Identification Number (or TPIN) is a confidential number assigned to organizations that are or intend to be contractors to the Federal Government of the United States. It is issued by the Central Contractor Registration (CCR) of the Department of Defense. Contractors are consistently advised by CCR to treat the TPIN as if it were a password, and not to reveal it to others not directly involved in their business operations.

data. The ACE/CBPTradePulse interface allows CBPTradePulse users to query current importer/exporter information from ACE and non-PII statistical data from the U.S. Census Bureau.

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

CBPTradePulse may receive publicly available data from ACE when ACE obtains corporate information and DUNS numbers from Dun & Bradstreet, Inc. CBP uses this information to verify the legitimacy of businesses associated with merchandise entry or international trade.

2.4 Discuss how accuracy of the data is ensured.

CBPTradePulse inherits its information from ACE. Although CBPTradePulse cannot verify data accuracy within the ACE dataset, it uses strict access rules and procedures to restrict access to the aggregated/statistical data contained in the system.

2.5 Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: There is a minimal risk that CBPTradePulse may contain inaccurate information due to data latency issues from its underlying source systems, primarily ACE.

Mitigation: CBP mitigates this risk by obtaining data directly from ACE, the transactional system that collected the trade data directly from the importer/exporter. Prior to the data arriving in CBPTradePulse, CBP collects information directly from applicants through ACE Trade Portal Accounts. All importers, or individuals acting on their behalf, must complete training and a CBP certification before they transmit information into ACE. ACE contains parameters that alert the submitter about inaccurate or otherwise inadequate data. Individuals enter the information themselves and have the ability to amend all of their submissions. All brokers or other authorized third-party submitters must obtain an ACE certification and receive written authorization from the importer.

Regarding data latency issues, CBPTradePulse is updated by its source systems on a monthly or a quarterly basis. Because CBPTradePulse is not a transactional system, and is used for operational planning and statistical reports, it does not require real-time information that would impact the functionality of CBP transactional databases. There is no privacy risk to this latency because the information within CBPTradePulse is not used to make determinations about specific individuals or businesses. Users must use ACE to obtain real-time data associated with reviews or investigations into to a particular entity.

Section 3.0 Uses of the Information

3.1 Describe how and why the project uses the information.

CBP uses CBPTradePulse to provide CBP executives, senior managers, and other authorized CBP users with international trade-related metrics, analyses, references, and reports. Using existing CBP systems and interfaces, CBPTradePulse creates aggregated trade statistics and tailored reports for authorized CBP personnel. It also provides CBP users with access to statistical documents involving examinations, entry summaries, validation activities, seizures, penalties, liquidated damages, and other trade-related metrics at a national, district field office, or port of entry level. CBP AFI users may access CBPTradePulse to query trade-related aggregated statistical data for use in intelligence products and reports. CBP personnel associated with an investigation or law enforcement activity must use ACE to obtain tailored reports that involve specific importer or exporter data, including PII, for law enforcement purposes.

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.

Yes. The ADD Warehouse Module in CBPTradePulse provides analysts/users with the ability to perform complex queries and analysis, such as data trends and patterns, on the information in the database to support ad-hoc queries and management decision-making. The data interfaces with CBPTradePulse to support calculations involving key trade measures.

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

No. Only authorized CBP employees receive access to CBPTradePulse.

3.4 <u>Privacy Impact Analysis</u>: Related to the Uses of Information

<u>Privacy Risk</u>: There is a minimal risk that information could be used in a manner inconsistent with the purpose of collection.

<u>Mitigation</u>: CBP mitigates this risk with administrative, technical, and physical security controls that place limitations on PII collection and protect PII against unauthorized disclosure, use, modification, or destruction. One mitigation mechanism includes assigning user rights based on the individual's role within the CBPTradePulse process. For example, the CBPTradePulse program managers assign master administrators to control access to the system. Master administrators restrict access to individuals that are assigned administrative roles and perform administrative functions within the system. Users do not have administrative rights over their

assigned projects. All CBPTradePulse users receive restricted, read-only access in order to view all the trade measures. Additionally, all system users receive annual privacy training and ACE users receive system specific training.

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.

CBPTradePulse does not collect PII directly from members of the public and is not accessible to individuals outside of CBP. This PIA's publication serves as notice by providing awareness of how CBP uses, disseminates, and retains information pulled by CBPTradePulse from other source systems.

The ACE PIA[30] and associated SORNs (as described in Section 1.2) provide notice by describing the scope of information collected by CBP during trade processing activities.

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

Since CBPTradePulse data originates from ACE, there are no opportunities for individuals to consent to uses, decline to provide information, or opt out of the collection. Regarding the data contained in ACE, U.S. law requires importers to provide CBP information that contains PII in conjunction with submitted commercial entry documents needed to import commodities or merchandise in to or transit through the United States. Importer identity, manufacturer or supplier, and other parties involved in the import transaction and supply chain are necessary for commercial entry acceptance. Failure to provide required information results in rejection of the commercial entry and CBP issuing an order to remove the commodity from the territory of the United States. When importers submit the required information to ACE, they fulfill their legal requirements and provide consent to how CBP uses the data.

4.3 Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that importers or exporters may not know that CBP uses CBPTradePulse to facilitate ACE data aggregation for statistical purposes.

Mitigation: This risk is partially mitigated. CBPTradePulse does not collect information directly from individuals or companies, therefore, direct notice is not provided to individuals

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[30] *See* DHS/CBP/PIA-003(b) Automated Commercial Environment (ACE) (July 31, 2015), *available at* www.dhs.gov/privacy.

whose information resides in the system. However, CBPTradePulse uses are consistent with the purpose for the original collection of information within ACE. ACE users submit their own information to CBP via the ACE portal, which provides a Privacy Act Statement, various informational pages, and opportunities to contact CBP for assistance with information filing, and contact information for the ACE Business Office.

Therefore, the risk to notice is partially mitigated by the substantial notice provided to ACE users at the time of collection. In addition, CBP mitigates this risk to the extent possible by publishing this CBPTradePulse-specific PIA.

Section 5.0 Data Retention by the project

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

CBP is in the process of developing a records retention schedule for CBPTradePulse aggregated statistical data and the raw ACE data contained in the staging servers. CBP will retain all CBPTradePulse statistical data records indefinitely until it receives an approved NARA Records Retention Schedule.

CBP manages ACE data in accordance with NARA-approved records retention schedules associated with that system.

5.2   Privacy Impact Analysis: Related to Retention

Privacy Risk: There is a risk that CBPTradePulse managers may retain data longer than necessary as it awaits an approved NARA Records Retention Schedule for its statistical data.

Mitigation: Most CBPTradePulse records will not contain PII, which reduces the risk associated with retaining records containing PII indefinitely until NARA approves the records retention schedule. In addition, CBP will mitigate this risk by developing a separate and distinct NARA Retention Schedule from the original ACE-generated data, which contains multiple retention durations based on the type of trade transaction. This approach allows CBP to streamline its CBPTradePulse retention schedule to cover aggregated statistical data as opposed to the entire ACE dataset. CBPTradePulse fundamentally enhances privacy protections by compiling information according to port of entry unless CBP stakeholders require specific importer/exporter data.

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.

No. CBPTradePulse is an internal system that normally does not share information with non-DHS programs or systems, but leverages statistical data provided to ACE via the ACE/U.S. Census Bureau interface.

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

CBPTradePulse does not share information external to DHS.

6.3 Does the project place limitations on re-dissemination?

CBPTradePulse does not share information external to DHS.

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

CBPTradePulse does not share information external to DHS. However, if an external party were to request CBPTradePulse information, the requesting party must submit a written request for specific information and state how it plans to use the information in relation to international trade activities.

If the request is for specific importer or exporter information, the request will be directed to the ACE Business Office. For disclosure of ACE records, CBP retains a copy of this request and submits it to the CBP Privacy Office for review. Once the CBP Privacy Office reviews the request, based on the circumstances of each case, a CBP Privacy official drafts an authorization memorandum specific to each case. CBP retains a copy of the memorandum. If the disclosure is approved, CBP also maintains a record of the disclosure using DHS Form 191.[31]

6.5 Privacy Impact Analysis: Related to Information Sharing

CBPTradePulse does not share information external to DHS, therefore, there is no risk to information sharing. In the event that information is requested from CBPTradePulse, the records would be strictly statistical and would not include PII. If the request is for specific importer or exporter information, the request will be directed to the ACE Business Office. For disclosure of ACE records, CBP follows the procedures described in Section 6.4.

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[31] Form 191 is an Accounting of Disclosure Form, which is completed each time PII is shared outside of DHS.

Section 7.0 Redress

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

CBPTradePulse maintains records that are covered by various underlying source system SORNs. Individuals are encouraged to verify which source system of records may contain their information:

- DHS/CBP-001 Import Information System, System of Records.[32]

- DHS/CBP-004 Intellectual Property Rights e-Recordation and Search Systems (IPRS), System of Records.[33]

- DHS/CBP-020 Export Information System, System of Records.[34]

- DHS/ALL-004 General Information Technology Access Account Records System, System of Records.[35]

The Secretary of Homeland Security has exempted some of these Systems of Records from the notification, access, and amendment procedures of the Privacy Act because there may be law enforcement systems. 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 these systems of records, or seeking to contest its content, may submit a request in writing to the DHS Chief Freedom of Information Act (FOIA) Officer or CBP's FOIA Officer, whose contact information can be found at http://www.dhs.gov/foia under "Contacts." Individuals may also submit a request via FOIA-Online.[36] If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive, S.W., Building 410, STOP-0655, Washington, D.C. 20528.

When seeking records about yourself from these systems of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. § 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While your inquiry requires no

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[32] DHS/CBP-001 Import Information System (August 17, 2015, 80 FR 49256).
[33] DHS/CBP-004 Intellectual Property Rights e-Recordation and Search Systems (January 15, 2013, 78 FR 3015).
[34] DHS/CBP-020 Export Information System (September 2, 2015, 80 FR 53181).
[35] DHS/ALL-004 General Information Technology Access Account Records System (November 27, 2012, 77 FR 70792).
[36] *See*: https://foiaonline.regulations.gov/foia/action/public/home.

specific form, you may obtain forms for this purpose from the Chief Privacy Officer and Chief FOIA Officer, http://www.dhs.gov/foia or 1-866-431-0486. In addition, you should:

- Explain why you believe the Department would have information on you;

- Identify which component(s) of the Department you believe may have the information about you;

- Specify when you believe the records would have been created; and

- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

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

Data contained in CBPTradePulse originates primarily from ACE. Individuals that file information electronically may amend, correct, or cancel their active data in ACE. ACE performs nightly updates, but CBPTradePulse retrieves the data on a weekly basis. Individuals may also follow the procedures in section 7.1 above or contact the ACE Client Representative Division below to request CBP correct erroneous ACE information:

Director, Client Rep Division
ACE Business Office, Office of International Trade
U.S. Customs and Border Protection
8444 Terminal Road
Beauregard A-312-5
Lorton, Virginia 22079

Individuals may also notify CBP or their Account Managers regarding incorrect or inaccurate information in ACE, and may send correction requests to:

U.S. Customs and Border Protection
CBP Information Center
Office of Public Affairs
1300 Pennsylvania Avenue
Washington, D.C. 20229

Although requests to amend information should be made in writing, individuals may contact the CBP INFO Center by phone at (877) 227-5511 or (703) 526-4200. By following the links on https://help.cbp.gov/app/home/search/1, individuals may submit complaints online.

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

Individuals may contact the CBP INFO Center[37] to obtain guidance for requesting correction of their information. This PIA, the ACE PIA and SORN, and www.cbp.gov provides contact information for making those requests. Within ACE, individuals who submit information electronically are notified of the procedures for correcting their information in the electronic user guides and during the training process.

7.4 <u>Privacy Impact Analysis</u>: Related to Redress

Privacy Risk: There is a privacy risk that CBPTradePulse is unable to correct information since it relies on underlying ACE system information.

Mitigation: CBP mitigates this risk by providing individuals the opportunity to correct their information either by directly accessing the source ACE system or through the measures stated throughout this PIA, associated SORNs, and associated websites. CBP further mitigates this risk by limiting the amount of information used during aggregated statistical data activities, therefore alleviating the need to correct data directly in CBPTradePulse. Furthermore, when the electronic system encounters a possible error with the transmitted data, it issues a response message alerting the individual that he or she may need to correct the information. Otherwise, individuals may submit a Privacy Act request as described in section 7.1.

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?

CBPTradePulse master administrators create and manage all accounts, conduct technical modifications, and employ audit trails that maintain a record of system and individual user activity. They create individual accounts at the request of CBPTradePulse program managers. The system employs role-based access controls that limit the access of information by different users and administrators based on the need to know the information for the performance of their official duties. CBP also employs processes to enforce separation of duties, to prevent unauthorized disclosure, or to prevent modification of information. No unauthorized users are permitted access

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[37] CBP INFO Center Website. Available at: https://help.cbp.gov/.

to system resources. CBPTradePulse system access control procedures adhere strictly to the DHS Sensitive Systems Policy Directive 4300A[38] and CBP's internal information system security policies.

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

CBPTradePulse users are required to take annual privacy, information security, and safeguarding national security information training prior to gaining and/or retaining access to the systems. CBPTradePulse users do not require specific access to ACE to access information contained in the CBPTradePulse ACE DataMart module. Authorized ACE users take system-specific training prior to gaining access. CBPTradePulse and ACE program managers maintain a master list of all users and whether they have completed privacy and security training. If a user fails to complete the training by the annual deadline, then he or she loses access to the systems.

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

CBPTradePulse program managers employ master administrators that control access to the system. A potential user's supervisor submits a request to CBPTradePulse program managers, and upon approval, transmit that request to a master administrator. Both the potential user's supervisor and the program manager determine whether the individual has a "need to know" basis for access to CBPTradePulse. After approval from the program manager, the master administrator only grants access to users once they receive an assigned international trade statistical data project.

CBP program managers restrict access to the systems by establishing specific roles and responsibilities, such as: Master Administrator, Security Administrator, Administrator, Audit/Executive, and User. Additional access controls restrict information security audit executives to read-only access, which allows them to monitor progress, compliance, and risk levels within a particular information security audit. CBP conducts audits in accordance with DHS Information Security guidelines.

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?

All information sharing and MOUs concerning PII sharing, including those related to CBPTradePulse, are created by the operational owner of the system, are sent to the CBP Privacy

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[38] DHS 4300A. Available at: http://www.dhs.gov/xlibrary/assets/foia/mgmt_directive_4300a_policy_v8.pdf.

Officer and Office of Chief Counsel for review, and to the DHS Privacy Office for final concurrence before approval and signing.

Responsible Officials

Mark Ziner
Director, Commercial Targeting Division
Office of International Trade
U.S. Customs and Border Protection
Department of Homeland Security

Debra L. Danisek
Acting CBP Privacy Officer
Privacy and Diversity Office
U.S. Customs and Border Protection
Department of Homeland Security

Approval Signature

Original signed copy on file with the DHS Privacy Office.

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Jonathan R. Cantor
Acting Chief Privacy Officer
Department of Homeland Security