



Privacy Impact Assessment Update
for the

Biometric Exit Mobile Program

DHS/CBP/PIA-026(a)

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Abstract

The Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) Planning, Program Analysis, and Evaluation (PPAE) uses wireless handheld CBP Biometric Exit Mobile (BE-Mobile) devices to capture biometric and biographic information in support of its border security mission. DHS is issuing this updated Privacy Impact Assessment (PIA) to provide notice that CBP is operationalizing the BE-Mobile for permanent use during outbound law enforcement operations at authorized airports. In addition, CBP is expanding the use of the BE-Mobile device to biometric exit projects in the sea and land environments.

Overview

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act¹ mandated the creation of an automated system to record arrivals and departures of non-U.S. citizens at all air and land ports of entry. The 2002 Enhanced Border Security and Visa Entry Reform Act,² the Intelligence Reform and Terrorism Prevention Act of 2004,³ and the Implementing Recommendations of the 9/11 Commission Act of 2007⁴ all called for the creation of a nationwide biometric entry-exit system. Although biometric screening on entry has been in place since 2004,⁵ U.S. Customs and Border Protection (CBP) has continued to develop and test various systems and processes in order to identify a method for comprehensive biometric exit screening, including the creation of exit records for individuals departing the United States. In 2013, CBP assumed responsibility within DHS for the creation of an integrated, automated entry and exit system that records the arrival and departure of aliens, verifies their identities, and authenticates their travel documents using biometric identifiers.⁶ The Consolidated Appropriations Act of 2016⁷ authorized CBP to expend up to \$1 billion in certain visa fee surcharges collected over the next ten years for biometric entry and exit implementation. In 2017, Executive Order 13780, “Protecting the Nation from Foreign Terrorist Entry into the United States,” required DHS to “expedite the completion and implementation of a biometric entry-exit tracking system for ‘in-scope’ travelers to the United States.”⁸ In fulfillment of these Congressional and Presidential directives, CBP continues to

¹ Pub. L. 104-208.

² Pub. L. 107-173.

³ Pub. L. 108-458.

⁴ Pub. L. 110-53.

⁵ See DHS/NPPD/PIA-001 US-VISIT Program, available at www.dhs.gov/privacy.

⁶ Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6, H.R. 933 (March 16, 2013).

⁷ Pub. L. 114-113.

⁸ Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*, 82 FR 13209 (March 9, 2017), available at <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>.



develop new procedures to collect and analyze biometric information from in-scope⁹ travelers who are entering or departing the United States.

On June 18, 2015, CBP published a Privacy Impact Assessment (PIA),¹⁰ which provided notice of the Biometric Exit Mobile (BE-Mobile) Air Test, which it conducted between June 2015 and April 2016. CBP designed this test to assess a new biometric exit process for in-scope travelers departing the United States on select international flights at designated U.S. airports. During the test, CBP Officers (CBPO) used BE-Mobile devices (wireless handheld devices that capture biometric and biographic information) at the departure gate to collect data from in-scope travelers. The purpose of the pilot was to assess the effectiveness of the deployment of hand-held devices to support air exit operations, and to evaluate the potential impacts of such technology on existing outbound inspection processes. CBP recorded biometrics from in-scope aliens departing on certain flights and used statistical software to randomly select flights to screen (randomized by day, carrier, and destination). The pilot assessed the value of this mobile technology to existing teams of CBPOs conducting normal outbound enforcement operations, including random and targeted traveler inspections.

Ultimately, the BE-Mobile Air Test generated valuable data that CBP used to: 1) assess performance and processing time for traveler inspection; 2) gauge the average number of in-scope travelers impacted by this screening; and 3) assess the ability to screen travelers using a handheld device outside of the Federal Inspection Services (FIS) area. Based on this data and officer feedback, CBP found that BE-Mobile devices provide significant value to outbound operations and improve the efficiency of traveler screening.

The BE-Mobile devices use commercial off-the-shelf (COTS) hardware (i.e., mobile phones and specialized devices for document swipes and fingerprint collection) and a CBP-developed software application to capture biographic and biometric exit data. BE-Mobile uses fingerprints, facial images, and the existing connections between CBP's Automated Targeting System (ATS)-Unified Passenger (UPAX) module¹¹ and the DHS Office of Biometric Identity Management's (OBIM) Automated Biometric Identification System (IDENT)¹² for all biometric queries and storage. CBP encrypts data on the wireless handheld device as it is collected and encrypts the biometric and biographic data during transmission to and from internal and external systems. No information is retained on the BE-Mobile device.

⁹ In-scope travelers subject to the biometric air exit experiment are travelers who meet the criteria established under 8 CFR § 215.8, which generally includes all non-U.S. citizens with certain narrow exceptions. For a list of exempt aliens, refer to the 2015 BE-Mobile Air Test PIA (footnote 1).

¹⁰ See DHS/CBP/PIA-026, Biometric Exit Mobile Air Test (BE-Mobile), available at www.dhs.gov/privacy.

¹¹ See DHS/CBP/PIA-006(e) Automated Targeting System (ATS), available at www.dhs.gov/privacy.

¹² See DHS/NPPD/PIA-002 Automated Biometric Identification System (IDENT), available at www.dhs.gov/privacy.



Reason for the PIA Update

Given the effectiveness of the BE-Mobile devices during the pilot, CBP is updating the existing Biometric Exit Mobile Air Test PIA to provide notice of the permanent use of BE-Mobile to support both random and targeted outbound law enforcement operations at air, land, and potentially sea ports of entry throughout the United States. Over the last several years, as CBP has expanded its biometric air exit mission and introduced biometric technologies such as the Traveler Verification Service (TVS)¹³ facial recognition and matching service, CBPOs have also expanded the use of BE-Mobile devices. Moreover, CBP is now implementing technical demonstrations to use BE-Mobile devices in the land and sea environments in order to record departures, both biographically and biometrically (including facial images and fingerprints).

CBP's Use of BE-Mobile in the Air Exit Environment

At airports, CBP has begun to make use of facial recognition and matching technologies through the TVS during air exit operations, including in conjunction with the Transportation Security Administration. If, as part of the TVS identity verification process, either a no-match or mismatch is indicated, CBPOs may choose to confirm a traveler's identity by using BE-Mobile. In addition, CBPOs stationed at the departure gate may select travelers for inspection during boarding either at random, or based on officer discretion. In this case, CBPOs may view the traveler's passport or other valid travel document. If the traveler is in-scope, the officer may swipe his or her document in the machine readable zone (MRZ) of the BE-Mobile device, then collect the traveler's fingerprints. The BE-Mobile device transfers prints and passport information to the appropriate DHS and CBP information technology system to identify any law enforcement lookouts related to the traveler. In addition, the device matches the traveler to the Advance Passenger Information System (APIS)¹⁴ manifest and creates a confirmed exit record in such CBP systems as APIS and the Arrival and Departure Information System (ADIS).¹⁵ If the system checks yield no derogatory information, the CBPO allows the traveler to board. If a traveler-specific referral is generated based on information from ATS-UPAX, that referral can be processed using BE-Mobile, and the inspection information will be memorialized within that UPAX event.

CBPOs often use BE-Mobile devices to assist them during secondary screening of travelers. Based on the inspection results and the queries using the newly-collected biometric and biographic data, if CBP finds actionable derogatory information on the traveler, (e.g., the individual is found on the IDENT biometric watch list), the CBPO may escort the traveler to the FIS area to conduct further questioning and take the appropriate actions under CBP's law enforcement authorities. Actionable derogatory information on travelers who unlawfully entered

¹³ See DHS/CBP/PIA-030 Traveler Verification Service, available at www.dhs.gov/privacy.

¹⁴ See DHS/CBP-005 Advance Passenger Information System (APIS), 80 FR 13407 (March 13, 2015).

¹⁵ See DHS/CBP/PIA-024 Arrival and Departure Information System, available at www.dhs.gov/privacy.



the United States without undergoing CBP inspection may result in specified enforcement actions upon re-entry.¹⁶ If there is a biometric mismatch or the traveler's biometric identity record cannot be found, the CBPO may use the BE-Mobile device to conduct a search for hits against IDENT biometric watch lists to ensure that the traveler is not a threat. If fingerprints cannot be captured via the device, biographic data and photos are used to vet the traveler. For individuals on visas who overstayed their visas, remaining in the United States past the "admit until date," visa cancellation may be considered upon re-entry. If the device returns no actionable derogatory information, the CBPO releases the traveler for departure and presses the "Release" option on the BE-Mobile device to indicate that the traveler is released to exit the United States. Thus, the final transaction will be recorded as a confirmed exit record in IDENT and the TECS System.¹⁷

CBP's Use of BE-Mobile at the Land Border for Pedestrians and Vehicles

This PIA Update also describes the use of the BE-Mobile device at the land border. BE-Mobile devices will be used in two capacities for exit at land ports of entry: 1) as a targeted law enforcement tool to support current pulse and surge operations on exit; and 2) as an exception processing tool for CBP's larger, comprehensive biometric exit strategy. Pulse and surge operations are short-term enforcement operations that increase the frequency of outbound inspections at specific ports either randomly or based on intelligence. BE-Mobile devices are used as an exception processing tool when travelers cannot be verified through the primary method of inspection.

Historically, CBPOs had little or no access to technology to assist them at the land border with outbound inspections. BE-Mobile provides CBPOs with the ability to query biographic and biometric identifiers in the land outbound environment, and to create a variety of records to confirm the traveler's departure from the United States. Similar to the air environment, CBPOs use BE-Mobile to support outbound, pulse and surge operations at the land border. CBPOs also use BE-Mobile devices to view non-matches from the TVS. If a traveler cannot be matched using CBP's TVS facial recognition technology, a CBPO uses BE-Mobile to process the traveler, confirm the traveler's identity, and document his or her departure from the United States.

CBP is currently performing technical demonstrations to screen and record the exits of Third Country Nationals (TCN)¹⁸ departing the United States by land. Initially, CBP is testing this process at a limited number of locations using a pulse and surge strategy to inspect people, cargo, and conveyances leaving the United States at all airports and land border crossings. For the TCN

¹⁶ For example, if CBP determines through this device that it does not have an entry record on an individual, they would be categorized as having entered without inspection (EWI). No enforcement action is taken on exit; however, if that person attempted to reenter, the EWI would be taken into account.

¹⁷ See DHS/CBP/PIA-009(a) TECS System: CBP Primary and Secondary Processing, *available at* www.dhs.gov/privacy.

¹⁸ TCNs are defined for purposes of the initiative as all foreign nationals, other than Canadian citizens or Mexican Nationals traveling on a Border Crossing Card, who lawfully enter the United States under any visa classification with a limited term of admission.



initiative, all travelers who are encountered during pulse and surge operations will present their travel documents to a CBPO. If the officer determines, based on a visual inspection of the documents, that the traveler is not a TCN, then the individual will be released for travel, unless law enforcement concerns are present. However, upon further inspection, if the officer determines that the traveler is a TCN, then the CBPO will swipe the MRZ of the traveler's passport and capture his or her biometrics using the BE-Mobile device. If the device cannot read the MRZ, or the traveler is traveling with a valid document other than a passport, the CBPO either swipes the alternative document or uses the device's barcode reader to input biographic details. Alternatively, the CBPO may manually enter the biographic data, if necessary. The application then conducts a biographic query against the TECS System and the National Crime Information Center (NCIC)¹⁹ databases for law enforcement purposes. In addition, if a traveler is a TCN and is considered "in-scope," the BE-Mobile device prompts the CBPO to capture his or her two index fingerprints, with the option of capturing a facial photo. BE-Mobile performs a one-to-one verification of the fingerprints against the IDENT biometric identity record, which determines whether or not the individual's identity is located on the biometric watch list. At the conclusion of these technical demonstrations, CBPOs will continue to use BE-Mobile devices as a law enforcement tool during outbound pulse and surge operations at land ports of entry throughout the country.

CBP's Use of BE-Mobile at Seaports

CBP has begun testing biometric technologies during cruise and commercial operations at select seaports. Currently, CBP, in partnership with cruise lines, is testing the ability to compare facial images captured at the debarkation point to previously-provided images captured at embarkation. CBP may use BE-Mobile devices for law enforcement operations and as an exception processing tool, similarly to the the use of BE-Mobile in both air and land operations. CBPOs may also use BE-Mobile to inspect crew members on cruise, fishing, or shipping vessels.

Privacy Impact Analysis

Authorities and Other Requirements

The authorities to collect and retain information related to biometric exit and law enforcement exit operations have not changed since the original PIA. The 2002 Enhanced Border Security and Visa Entry Reform Act (EBSVERA, Public Law No. 107-173), the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA, Public Law No. 108-458), and the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law No. 110-53) all called for the creation of a nationwide, biometric entry/exit system. The information is covered by the Paperwork Reduction Act (PRA) and the OMB Number: 1600-0006.²⁰

¹⁹ Information on the NCIC is available at <https://www.fbi.gov/about-us/cjis/ncic>.

²⁰ See <http://www.gpo.gov/fdsys/pkg/FR-2010-03-09/html/2010-4905.htm>.



CBP's collection of biometric data for this project, including retention and destruction of the data, is governed by the SORNs for Border Crossing Information (BCI)²¹ and IDENT.²² Secondary inspection records and any adverse or enforcement actions are covered by the SORNs for TECS²³ and ATS,²⁴ and border crossing records for non-U.S. citizens that become part of records in ADIS are covered by the ADIS SORN.²⁵

Characterization of the Information

At the time of publication of this PIA, no changes to the definitions of in-scope or exempted aliens have been published since the 2015 Biometric Exit Mobile Air Test PIA,²⁶ as defined in 8 CFR 215.8. The biometrics collection and inspection processes detailed above are the same as outlined in the original PIA. Currently, the only changes are to the sample size, locations, and the type of port of entry. Use of the BE-Mobile device has been expanded to include travelers at the land border, an increase in travelers at additional airport locations, and new flight routes. If rule changes occur, CBP will subsequently update this PIA to reflect those changes in definition. In addition, CBP is considering BE-Mobile's usage in the seaport environment. CBP has begun testing biometric technologies during cruise and commercial operations at select seaports.

For use in the air environment, CBPOs use BE-Mobile devices on select outbound international flights for enforcement purposes. For the select flight, CBPOs deploy to the departure gate and position themselves near the departing passenger loading bridge and obtain biographic data from travelers by swiping or inputting the information from the travel document (passport, visa, lawful permanent resident card, or other qualifying travel document) on a wireless handheld device. If the passport's information is not machine-readable, CBPOs manually input the document's biographic details into the BE-Mobile device. CBPOs confirm whether the traveler is in-scope for biometric capture based on the travel document presented and the results displayed on the BE-Mobile device. If the traveler is in-scope, the BE-Mobile device prompts the CBPO to capture the traveler's fingerprints. If the traveler is out-of-scope, he or she may proceed to board the aircraft.

During pedestrian inspections upon departure from the United States, CBPOs use BE-Mobile devices to assist inspections during pulse and surge operations, and to view non-matches from the TVS, along with any available derogatory information on travelers, as they depart. Additionally, CBPOs may use BE-Mobile devices as an exception processing tool at land borders and potentially seaports, in a similar manner to outbound air operations.

²¹ See DHS/CBP-007 Border Crossing Information, 81 FR 4040 (January 25, 2016).

²² See DHS/US-VISIT-004 DHS Automated Biometric Identification System, 72 FR 31080 (June 5, 2007).

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

²⁴ See DHS/CBP-006 Automated Targeting System (ATS) 77 FR 30297 (May 22, 2012).

²⁵ See DHS/CBP-021 Arrival and Departure Information System, 80 FR 72081 (November 18, 2015).

²⁶ See DHS/CBP/PIA-026 Biometric Exit Mobile Air Test (June 18, 2015), available at www.dhs.gov/privacy.



The biometric and biographic data collected from outgoing travelers allows the CBPO to confirm the passenger's departure from the United States. Biometric data and biographic data will be stored in IDENT. Biographic data will also be entered into TECS, the CBP law enforcement data system. Through these systems, CBP records travelers' departures, verifies their identities, and screens in-scope travelers against biometric watchlists.

Privacy Risk: There is a risk that CBP will collect fingerprints on U.S. citizens, who are not defined as in-scope travelers and not subject to the biometric exit requirement.

Mitigation: This risk is mitigated by the technical configuration of the BE-Mobile application, which only prompts the CBPO to collect the traveler's fingerprints after scanning the travel document and determining that the traveler is in-scope. Law enforcement concerns would provide the only exception involving U.S. citizens. Additionally, CBP provides role-based training to BE-Mobile users. CBP uses peer train-the-trainer relationships and supervisors to train CBPOs on the use of the BE-Mobile device. Finally, CBPOs are also trained to ask travelers whether they are dual national U.S. citizens to ensure that they do not capture U.S. citizen biometrics.

Uses of the Information

The primary mission of any biometric exit program is to provide assurance of traveler identity on departure, giving CBP the opportunity to match the departure with a prior arrival record. This enhances the integrity of the immigration system and the ability to accurately detect travelers who have overstayed their lawful period of admission to the United States. As CBP expands the deployment of BE-Mobile devices for outbound law enforcement actions in the air exit operational environment, CBP will now begin using the tool in the land border, pedestrian environment, and may begin use at seaports as well. CBP will continue to use the biographic and biometric data collected via the BE-Mobile devices in order to confirm traveler identities, record their departure, run watchlist checks against aliens, and match departures with prior arrival records. This identify verification enables CBP to accurately detect travelers who have overstayed their lawful period of admission to the United States, which ultimately enhances the integrity of the immigration system and the security of the country. Finally, the biometric data collected by BE-Mobile devices and then stored in IDENT will be used to support immigration enforcement, management of immigration benefits, law enforcement, and other homeland security missions, as articulated in the respective PIAs and SORNs such as IDENT and BCI.

Privacy Risk: There is a risk that the biometric data could be inadvertently retained on the handheld mobile device.

Mitigation: The handheld BE-Mobile device does not retain any data. The device is only used for collections and not for storage. The biometric data is stored in IDENT. The software on the BE-Mobile device immediately transmits the collected biographic and biometric data to ATSU-PAX for processing and retention in a manner consistent with CBP's examination process at primary.



Notice

Although CBP does not specifically address the use of BE-Mobile devices for outbound law enforcement activities, it does post signs in boarding areas that provide notice related to search and detention of persons, merchandise, and conveyances. This signage states that individuals may be subject to searches upon arrival or departure from the United States and states the: 1) authority and purpose for inspection, 2) description of how traveler information may be shared, and 3) consequences for failing to provide information. CBP also provides information on a number of biometric exit initiatives on its public website.²⁷

Privacy Risk: There is a risk that an individual may not be aware that CBP is employing BE-Mobile devices that may collect their biometrics during some, but not all, outbound travel.

Mitigation: CBP partially mitigates this risk by providing various forms of notice describing the collection and uses of information upon exit using biometric devices, including the publication of CBP SORNs in the Federal Register, this PIA, as well as other previous PIAs. Additionally, signs in departure boarding areas provide notice related to the search and detention of persons, merchandise, and conveyances. This signage reminds travelers that they may be subject to search upon arrival or departure from the United States and provides the authority and purpose for inspection, the routine uses, and the consequences for failing to supply the required information.

Data Retention

There have been no changes related to retention since the original BE-Mobile Air Test PIA. CBP retains border crossing records for non-immigrant aliens for 75 years, consistent with the BCI and ADIS SORNs. DHS retains biometric air exit information on non-immigrant aliens for 75 years, in accordance with the IDENT retention schedule. CBP retains records related to adverse or law enforcement actions for 75 years under the TECS SORN.

Information Sharing

There have been no changes to internal or external sharing since the original PIA. The BCI, IDENT, ADIS, and TECS SORNs provide additional information related to the purposes for which information collected from outbound travelers, or information linked to law enforcement operations, may be shared outside of DHS.

Redress

Individuals seeking notification of and access to records collected during the process, or seeking to contest their content, may submit a Freedom of Information Act (FOIA) or Privacy Act request to CBP at <https://foia.cbp.gov/palMain.aspx>, or by mailing a request to:

CBP FOIA Headquarters Office

²⁷ See <https://www.cbp.gov/travel/biometric-security-initiatives>.



U.S. Customs and Border Protection
FOIA Division
90 K Street NE, 9th Floor
Washington, DC 20002
Fax Number: (202) 325-0230

Requests for information are evaluated to ensure that the release of information is lawful; will not impede an investigation of an actual or potential criminal, civil, or regulatory violation; and will not reveal the existence of an investigation or investigative interest on the part of DHS or another agency.

All FOIA requests must be in writing and include the requestor's daytime phone number, email address, and as much information as possible of the subject matter to expedite the search process.

Persons who believe they have been adversely impacted by this program (for example, refused boarding for transportation, or identified for additional screening by CBP) may submit a redress request through DHS Traveler Redress Inquiry Program (TRIP). DHS TRIP is a single point of contact for persons who have inquiries or seek resolution regarding difficulties they experienced during their travel screening at ports of entry such as airports, seaports, or land borders. Through DHS TRIP, a traveler can request correction of erroneous data stored in DHS databases through one application. DHS TRIP redress requests can be made online at <http://www.dhs.gov/dhs-trip> or by mail at:

DHS TRIP
601 South 12th Street, TSA-901
Arlington, VA 20598-6901

Privacy Risk: There is a risk that individuals, particularly non-U.S. persons, may not understand how to correct any inaccurate information that collected CBP has collected using BE-Mobile devices.

Mitigation: The DHS Traveler Redress Inquiry Program (TRIP) website provides a redress process to facilitate 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. This process has been described in the DHS TRIP PIA²⁸ and information is available in multiple locations on DHS's public website. For ports of entry where BE-Mobile devices are being used, CBP officers will direct travelers to DHS TRIP and the CBP Info Center if needed for obtaining answers to questions. In addition, in areas in CBP officers use BE-Mobile devices to support the TVS biometric exit demonstrations, CBP makes tear sheets available that refer travelers to redress options such as DHS TRIP and the CBP Info Center.

²⁸ See DHS/ALL/PIA-002(a) DHS Traveler Redress Inquiry Program (TRIP), available at www.dhs.gov/privacy.



Auditing and Accountability

There have been no changes to auditing and accountability since the 2015 PIA.

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