



**Privacy Impact Assessment Update
for the**

**Southwest Border
Pedestrian Exit Field Test**

DHS/CBP/PIA-027(a)

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Contact Point

Colleen Manaher

Planning, Program Analysis and Evaluation (PPAE)

Office of Field Operations (OFO)

(202) 344-3003

Reviewing Official

Philip S. Kaplan

Chief Privacy Officer

Department of Homeland Security

(202) 343-1717



Abstract

The U.S. Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP) conducted the Southwest Border Pedestrian Exit Field Test from December 2015 until May 2016. The purpose of this test was to determine if collecting biometrics in conjunction with biographic data upon exit from the United States would assist CBP in matching subsequent border crossing information records with previously-collected entry records. In addition, the test would evaluate whether this particular biometrics collection would enable CBP to identify individuals who 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 updating this Privacy Impact Assessment (PIA) in order to provide an update on the results of the Southwest Border Pedestrian Exit Field Test, and to notify the public of its intention to extend the retention period for the personally identifiable information (PII) collected during the test until April 2020.

Overview

During the Southwest Border Pedestrian Field Test,¹ CBP collected biographic and biometric information from certain non-U.S. citizens, hereafter referred to as “non-exempt aliens,” exiting the United States at the Otay Mesa Land Port of Entry for a period of six months beginning in December 2015. The operational goal of this test was to determine if facial images or iris images collected upon exit from the United States at a land border crossing could be matched with biographic information stored in the TECS System,² and whether CBP’s collection of biometrics upon exit from the United States enhances CBP exit operations with minimal impacts to the public’s travel experience and border processing times. CBP conducted this Field Test at the Otay Mesa Land Port of Entry, located between San Diego, California, and Tijuana, Mexico, due to a high volume of pedestrians who repeatedly enter and exit the United States at that location. This test sought to assess the effectiveness of these tools in identifying individuals who had overstayed their period of admission, or whether those individuals posed, or were suspected of posing, a law enforcement or national security threat.

From December 2015 until May 2016, CBP collected biographic data to record all travelers entering or departing the United States through the Otay Mesa land border pedestrian crossing. During this Field Test, in addition to the biographic data, non-exempt, non-U.S. citizens submitted

¹ See DHS/CBP/PIA-027 Southwest Border Pedestrian Exit Field Test (November 6, 2015), *available at* www.dhs.gov/privacy.

² TECS (not an acronym) is an updated and modified version of the former Treasury Enforcement Communications System, which is principally owned and managed by CBP 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) TECS System: CBP Primary and Secondary Processing, *available at* www.dhs.gov/privacy.



their biometrics (face and iris images) upon both entry and exit. CBP used the information collected during this pilot to determine the quality of biometrics captured under various conditions (such as an outdoor environment) and the ability to match biometrics submitted upon exit with those submitted previously during entry.

Test Completion

Once the initial test was complete, CBP and its vendor analyzed the test data to evaluate the recognition accuracy of commercial software and to explore the feasibility of performing biometric matching processes using face and iris in the future. This test culminated in a data analysis and report on system performance and operational impacts at the port of entry.

Privacy Compliance Review Results

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 conducted a Privacy Compliance Review (PCR) at the conclusion of the Field Test. The PCR focused on the Fair Information Practice Principles (FIPPs) and addressed how the information was collected and maintained, the limitations on the use of the information, and how the information remained separate from operational data.

In the PCR, the DHS Privacy Office found that CBP managed the Southwest Border Pedestrian Exit Field Test with privacy-protective objectives, and with sensitivity to privacy and data aggregation risks.³ CBP took significant steps to protect the biometric information that was collected at the Otay Mesa Port of Entry. The DHS Privacy Office recommended that the careful stewardship of collected information exhibited during the test should be emulated in similar projects going forward. Specifically, protective and appropriate use measures should be fully embedded within any expansion of this test or the operationalization of any other biometric collection technologies or procedures, or if CBP shares any information from this test or any future biometrics collection programs with other entities. The PCR outlined 10 recommendations, which provided CBP with best practices and an initial privacy compliance framework for any potential future biometric programs in order to further improve CBP's ability to demonstrate adherence to privacy requirements. The DHS Privacy Office Compliance Team discussed the 10 recommendations with CBP program officials and CBP Privacy Office staff and agreed to provide all necessary support for the implementation of these recommendations during future CBP biometric initiatives.⁴

³ See Privacy Compliance Review of the U.S. Customs and Border Protection Southwest Border Pedestrian Exit Field Test (December 30, 2016), available at www.dhs.gov/privacy.

⁴ See Privacy Compliance Review of the U.S. Customs and Border Protection Southwest Border Pedestrian Exit Field Test (December 30, 2016), available at www.dhs.gov/privacy.



Reason for the PIA Update

Test Database and Extended Retention of the Data

CBP is updating this PIA to provide notice that CBP is retaining biometrics gathered from non-exempt aliens as part of this test until April 2020 to maintain a database of facial images for testing purposes.

Originally, CBP published a PIA and Federal Register Notice (FRN) in 2015⁵ to provide notice that CBP would retain data collected during the test for one year. Since the initial test in 2015, CBP has continued to explore the best modalities and collection methods for implementation of the biometric entry-exit program. In particular, CBP continues to conduct testing and analysis to determine the factors that lead to high quality biometric capture that will result in higher confidence scores. The biometrics collected under this initiative provide CBP with a baseline of images collected in a live environment that may be compared with images collected in other similar CBP pedestrian pilots.

- *Usefulness of relevant real world data* – Having operational data allows CBP the opportunity to assess vendor claims with real world data prior to expending time and resources to pilot systems in the field. Typically, biometric systems use live (probe) images to compare against stored (reference) images. The Otay Mesa data provides a rich set of probe images that are not typically available for ongoing analysis.
- *Uniqueness of the data* – Most face biometric analysis today leverages full frontal images from mugshot databases. Unfortunately, this is not typically how face comparison operations in CBP are conducted. A live sample (probe) is typically not taken as a controlled image (like a mugshot). The Otay Mesa data is uniquely representative of how face biometrics may be collected in CBP's mission space.
- *Technical focus on passive collection* – Facial biometrics continue to evolve to more of a passive technology. Users are no longer expected to present their face directly to the camera. In order to expedite processing, passive face collection is desired and industry is responding. The reference data we have from Otay Mesa represents live face image data collected passively.
- *Face biometric technology advancements* – Given the focus on passive capture, technology providers continue to refine their solutions to collect face images with minimal participation from the subject. As technology continues to shift and advance, CBP needs baseline data to test across technology providers over time.

⁵ See 80 FR 70241 at: <https://www.gpo.gov/fdsys/pkg/FR-2015-11-13/pdf/2015-28843.pdf>.



- *Richness of gallery* – Populating a collection of face images for analysis is difficult. This is mostly due to the inability to gather enough human subjects for the data collection process. Having a large number of faces, with diverse demographics, across varying operating conditions is beneficial to CBP. The data collected as part of the Otay Mesa test provides CBP with a rich dataset that allows more robust and ongoing analysis.

Due to the high value of this data to assist CBP in ensuring the highest levels of confidence in biometric matching capabilities, CBP is retaining the biometric data gathered under this initiative until April 2020 but is **not** storing the associated biographic information. CBP is also taking steps to promote data minimization and privacy protections by removing the biographic information associated with these original test photos, and populating the record with test biographic “dummy” information. To provide additional notice of this adjustment to the retention period, CBP is also updating its FRN.

Privacy Impact Analysis

Authorities and Other Requirements

There is no change in the legal authorities and other requirements cited in the previously issued Southwest Border Pedestrian Exit Field Test PIA.⁶

Characterization of the Information

There is no change in the characterization of information cited in the previously issued Southwest Border Pedestrian Exit Field Test PIA.⁷

CBP is using this data to evaluate the performance of facial/iris recognition and matching technologies. The images captured during the test were anonymized, or separated from the corresponding live biographic data, and were replaced with test biographic data. The resulting combination of images and test biographic data are being used as a test facial/iris biometric gallery in order to more accurately represent the live environment, rather than a lab environment. If CBP decides to proceed into operational deployment of this method of collection, it will publish an updated PIA to provide public notice and to reflect any changes to the initiative prior to operational deployment.

Privacy Risk: There is a risk that CBP will store the images and biographic data together while testing is being conducted, thus increasing the potential harm to individual travelers in the event of a breach.

⁶ See DHS/CBP/PIA-027 Southwest Border Pedestrian Exit Field Test (November 6, 2015), available at www.dhs.gov/privacy.

⁷ See DHS/CBP/PIA-027 Southwest Border Pedestrian Exit Field Test (November 6, 2015), available at www.dhs.gov/privacy.



Mitigation: This risk is mitigated because CBP has anonymized the images that were captured during the test. These facial and iris images are anonymized, or separated from their respective live biographic data, in a standalone database. CBP replaced the live biographic PII with test biographic data in order to mitigate the privacy risk while creating an accurate reflection of the live environment.

Uses of the Information

The original PIA explained the purpose of the test, which was to evaluate the feasibility of using biographic and biometric data in an operational environment to enhance CBP entry and exit operations with acceptable impacts to the traveling public and processing time. At the same time, this data should provide CBP Officers with the tools to identify travelers who pose or are suspected of posing law enforcement or national security threats. The PIA also described how the Field Test was developed for research purposes only, but not to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or anomaly.

As part of this extended retention period, CBP will develop a test and research environment for the biometrics. This test database will consist of live captured photos in the operational environment from the original pilot, which provides a more accurate dataset to evaluate new tools and algorithms. This gallery also helps CBP create a baseline for backwards compatibility and improvement confirmation. By using the previously collected photos as the standard test biometric dataset against different (or updated) vendor algorithms, CBP can accurately determine whether the algorithms produce different match rates and results. Retaining the older images helps CBP create a baseline to test against, as opposed to re-running algorithms against newer images that are not from the operational environment.

During its extended retention period, CBP plans to use this data for testing and analysis, consistent with the uses reported in the original PIA.

Notice

CBP is publishing this PIA Update to provide notice of the extension of the data retention period to April 2020 for the data collected during the initial Southwest Border Pedestrian Exit Field Test.

Privacy Risk: There is a risk that individuals will not know that CBP is retaining their information for longer than originally planned and communicated.

Mitigation: This risk is partially mitigated. Although it is not feasible for CBP to provide direct notice to individuals that their information will be retained for a longer period of time, CBP is providing general notice via the publication of this PIA and the upcoming FRN.



Data Retention by the Project

The original Southwest Border Pedestrian Exit Field Test PIA and FRN⁸ were published in 2015, prior to the beginning of the Field Test, indicating that CBP would be retaining the biometric data collected during the Field Test for one year following the test. Because the data is necessary for continued testing, however, CBP is updating this PIA and FRN in order to extend the data retention period through April 2020.

CBP continues to retain biographic border crossing information in accordance with the Border Crossing Information (BCI) System of Records Notice (SORN)⁹ (for 15 years for U.S. Citizens and Lawful Permanent Residents and 75 years for all other travelers), and maintains any operational law enforcement information pertaining to admission into or exit from the United States for up to 75 years, in accordance with the TECS SORN.¹⁰ However, CBP did not make operational decisions using the biometric data obtained during this test, and continues to retain this data for testing purposes only.

Privacy Risk: There is a risk that CBP will maintain the information longer than necessary, past the retention period extension of April 2020.

Mitigation: This risk is mitigated. CBP deleted the biometric information of U.S. citizens as soon as they were identified and their citizenship was confirmed. During this Field Test, CBP took proactive steps to ensure that biometrics were not captured from U.S. Citizens or exempt aliens.¹¹ Officers stationed at the Otay Mesa Port of Entry directed travelers through the port depending on what travel document was presented. Travel documents were electronically scanned to determine which travelers were exempted and what biographic information CBP was authorized to collect. Biographic, but not biometric, information was collected from U.S. Citizens and exempted travelers. CBP has anonymized the biometric data collected on non-exempt aliens and is maintaining it in a secure stand-alone CBP database. However, CBP is not storing the associated biographic information. CBP removed the original associated biographic data and replaced it with test biographic “dummy” information. The test data is only being used for research purposes, with the exception of the data associated with open law enforcement records. CBP will not make any operational decisions based on any biometric data collected or maintained from this test. No biographic and biometric information collected under this test will be retained longer than April 2020; or, it will be disposed of earlier if it is determined that the data is no longer needed.

⁸ See 80 FR 70241 at: <https://www.gpo.gov/fdsys/pkg/FR-2015-11-13/pdf/2015-28843.pdf>.

⁹ See DHS/CBP-007 Border Crossing Information (BCI) System of Records, 80 FR 26937 (May 11, 2015).

¹⁰ See DHS/CBP-011 U.S. Customs and Border Protection TECS, 73 FR 77778 (December 19, 2008).

¹¹ Exempted aliens are those travelers 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.



Information Sharing

This update does not impact internal or external sharing and disclosure, which is described in the original Southwest Border Pedestrian Exit Field Test PIA.

Redress

There is no change in the procedures that allow individuals to access their information, or to correct erroneous or inaccurate information, or the notice of these procedures cited in the Southwest Border Pedestrian Exit Field Test PIA.

Auditing and Accountability

This update does not impact how the test ensures that information is used properly, how privacy training is provided to users, or the procedures in place to determine which users may access the information.

Responsible Officials

Colleen Manaher
Executive Director
Planning, Program Analysis and Evaluation
Office of Field Operations
U.S. Customs and Border Protection

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

Approval Signature

Original, signed copy on file with the DHS Privacy Office.

Philip. S. Kaplan
Chief Privacy Officer
Department of Homeland Security