Privacy Impact Assessment

for the

CBP Translate Application

DHS Reference No. DHS/CBP/PIA-069

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Abstract

The U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO) inspects and processes travelers from all over the world. The diversity of languages spoken by travelers can pose linguistic challenges throughout the inspection process. To assist CBP Officers (CBPO) in meeting these translation challenges, CBP developed CBP Translate, a mobile and web application that will assist CBPOs in communicating with travelers. CBP is submitting this new Privacy Impact Assessment (PIA) to assess the privacy risks and provide notice of CBP Translate, which captures and stores written transcripts and audio recordings of translated conversations, images of documents containing text, and travel document information from travelers encountered at U.S. Ports of Entry (POE).

Overview

CBPOs inspect travelers at POEs to determine compliance with federal immigration, customs, and agriculture laws, among other laws and regulations enforced at the border. To meet this complex mission, CBPOs may interact with travelers at various points of their trip, including as they board planes to leave the United States, as well as during primary and secondary inspections upon arrival in the United States. CBPOs encounter travelers from virtually every country in the world, speaking a myriad of languages. In order to ensure that a CBPO can conduct a complete inspection and limit any misunderstandings, the CBPO and traveler must be able to communicate during their interactions.

To verbally communicate with travelers who are not proficient in English or another language commonly spoken by CBPOs, CBP currently uses a combination of: 1) CBPOs certified in foreign languages, 2) available non-government staff at the POE (e.g., airline representatives or port ambassadors), and 3) a fee-based phone translation service. However, there are many times when a human translator is not readily available. Without a readily available translator, the CBPO cannot ask basic or routine questions, such as "do you have any food with you?" or "why are you visiting the United States?" In instances where the CBPO is having difficulty communicating with the traveler, travelers may be referred for a secondary inspection. Many of these travelers could be quickly processed on primary or inspected elsewhere in the port by a CBPO conducting roving or outbound inspections, but instead must wait in the secondary inspection area for in-person language translation services. Referring routine travelers to secondary inspection, solely due to language issues, creates delays for CBP operations, as well as for the travelers.

To alleviate this inefficient process, CBP developed CBP Translate, a mobile and web application that provides CBPOs with a more efficient way to communicate with travelers and expedite basic questioning when the use of human translation services is impractical or

unavailable.

CBP Language Access Plan Requirements

Language barriers can negatively impact interactions with the public, provision of services, and law enforcement activities. Executive Order (EO) 13166[1] requires Federal Agencies to review all services they provide to the public and create a system or process to provide Limited English Proficiency (LEP) individuals meaningful access to those services. Ensuring effective communication with all persons, including LEP persons, facilitates the CBP mission.

Because CBP interacts with travelers from all over the world, CBP has developed a comprehensive CBP Language Access Plan (LAP).[2] The CBP LAP provides steps to improve and increase language services for LEP individuals in operations, services, activities, and programs across CBP. To meet the requirements of the EO and the LAP, CBP personnel take language courses in order to become fluent in a foreign language. CBP also contracts with translation services to provide translations over the phone when a fluent speaker is not available on site. Additionally, CBP policy directs CBP to develop and identify technologies that assist CBP personnel in providing language assistance services. CBP developed CBP Translate as a technology to assist CBP personnel in communicating with LEPs.

CBP Translation Process

During the CBP inspection process, CBPOs ask travelers basic questions and potential follow-ups, sometimes at random, regarding admissibility or other customs and agriculture issues. Once a CBPO recognizes that communication with a traveler will be difficult due to a language barrier, and the use of human translation services is impractical or unavailable, the CBPO has the option of using CBP Translate, either through a government-issued smartphone or microphone-enabled workstation. CBPOs may use the CBP Translate mobile and web application to communicate with any traveler. CBPOs are not allowed to use CBP Translate to capture biographic information from U.S. Citizens (USC) and Lawful Permanent Residents (LPR). To further reinforce this prohibition, the CBP Translate mobile and web application includes a mandatory login pop-up message stating, "By signing into the application, you've acknowledged that you will not use the CBP Translate app for sworn statements. U.S. Citizen and Lawful Permanent Resident biographic information must not be included when creating a recorded a conversation." CBPOs must acknowledge reading the message before they can proceed to the application landing page.

Before using CBP Translate, the CBPO will provide the traveler with a disclaimer that explains the purpose of the CBP Translate mobile and web application. The language in the

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[1] *See* Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP), (August 11, 2000), *available at:* https://www.lep.gov/executive-order-13166.
[2] *See* U.S. Customs and Border Protection, Language Access Plan, *available at*: https://www.cbp.gov/about/language-access.

disclaimer notice is located in Section 4.1 of this PIA. The CBPO selects the traveler's likely language[3] and then displays the disclaimer text in both English and the traveler's native or preferred language. If audio translation is available for the traveler's native or preferred language, the CBPO has the option to play an audio translation for the traveler. If the CBPO is unable to determine the traveler's language, then CBP may use traditional translation services such as a phone translator.

The traveler must acknowledge that he or she understands what CBP Translate is, and consent to its use to help facilitate a conversation due to the language barrier. If a traveler declines to use CBP Translate, the CBPO may send the traveler to the secondary screening area, where CBP will use human translation services, such as a phone translator, a language-certified CBPO, or a port ambassador who is certified in the traveler's native or preferred language.

If the traveler agrees, either verbally or in writing, to use CBP Translate to facilitate the conversation, the CBPO will use the application to ask basic or routine questions. The CBPO will speak into the microphone and the application will return a translated written transcript of what was said and, if available, an audio translation as well. The CBPO will then turn either the smartphone microphone or workstation microphone to the traveler for them to read the translated transcript of questions and respond. The CBPO will never allow the traveler to handle the smartphone, though the traveler may hit the "speaker" button to facilitate the conversation. Additionally, CBP Translate allows the CBPO to use the phone's camera to scan and translate foreign text into English or other languages. During these routine questions and answers, no traveler information is recorded.

Basic Translations and Recorded Conversations

CBPOs will primarily use CBP Translate for basic, back-and-forth translations to ask simple, preliminary questions when the use of a human translator is either impractical or not readily available. CBPOs can also take images of documents travelers have, such as forms, and CBP Translate will translate the text. CBPOs will not take images of the actual travel documents. CBP Translate stores chat bubbles for every translation. Depending on availability, these chat bubbles may be audio and/or text bubbles. The audio chat bubbles records retained within CBP Translate are covered by and adhere to the NARA Incident-Activated Audio/Video Recordings Records: Non-Evidentiary Audio/Video Files (DAA-0568-2015-0002-0001) retention schedule. Audio bubbles are stored on CBP servers, accessible to application and dashboard users, for 90 days pursuant to an approved National Archives and Records Administration (NARA) schedule. CBP is working with to create a records schedule for the chat bubble text files that are generated by

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[3] CBPOs will use their training and other information known about the traveler, such as from the traveler's travel document or flight itinerary, to make an educated guess on the traveler's preferred language.

CBP Translate when a conversation is captured between a traveler and a CBPO.

A CBPO may decide to use CBP Translate during a secondary inspection. For these secondary inspections, the CBPO will select the "record conversation" feature to save the translated conversation on the CBP Translate Dashboard that is part of the CBP Translate web application. When the CBPO selects the "record" option to capture the translated conversation, the application will ask, "Is the traveler a USC or LPR?" The CBPO must select a yes or no answer. If the CBPO selects "yes," the biographic fields will gray out and become inaccessible, and the recorded conversation will be assigned a date/time stamp and unique, non-identifiable number for ease of officer reference. If the CBPO selects "no," the biographic fields will remain accessible. For the non-USC and non-LPR recorded conversations, the application prompts the CBPO to scan the Machine-Readable Zone (MRZ) of the traveler's travel document. The scan pulls the relevant biographic information from the document and sends it to the CBP Translate Dashboard so that the conversation can be associated with the traveler in the Dashboard; the document information can also be manually entered, if the MRZ scan does not work. The application does not capture or store an actual image of the travel document. After the CBPO completes the recorded conversation, a summary view of the conversation will appear in the application so the CBPO can review all conversation details prior to closeout. CBP saves the original audio and written transcripts, as well as any edits the CBPO made to the transcript to correct mistranslations, in the CBP Translate Dashboard for ten years. Travelers can identify mistranslations by looking at the way the application transcribes their words and can re-record a response if they believe there is an error.

If, during the course of any translated conversation, recorded or not, the CBPO determines that the information a traveler provides may necessitate a sworn statement of any kind, may result in an adverse action, or may have other actionable law enforcement or national security implications, the CBPO must cease using CBP Translate and enlist certified human translation services.

CBP Translate Dashboard

The CBP Translate Dashboard is a part of the CBP Translate Web Application that acts as a repository for all basic chat bubbles and recorded conversations. CBPOs using the CBP Translate mobile application cannot view the CBP Translate Dashboard through their device. However, information CBPOs collect through the mobile application is pushed to the CBP Translate Dashboard which the CBPO can later access from their CBP workstation. The Dashboard also stores the original audio and written transcripts. For recorded conversations, the Dashboard also stores the traveler's document information (for non-USCs and non-LPRs) scanned from the MRZ. Finally, the Dashboard can save images of documents such as forms that the traveler is carrying. The Dashboard is only accessible via a CBP workstation.

All CBP Translate users can access the Dashboard. However, the information they are able

to view is limited by their access provisions, which are set by the CBP Office of Information Technology (OIT). CBPOs are only able to view their own chat bubbles and recorded conversations. Supervisory CBPOs can view all records under their purview. CBP Translate users can search in the CBP Translate Dashboard using a free text keyword search which will return results based on the users' access provisions.

User Access Controls and Cloud-Based Services

CBP Translate mobile and web applications are internal applications that can only be accessed by CBP employees and not by members of the public. CBPOs must access the applications via a government-issued smartphone or government workstation. CBP's Enterprise Identity, Credential, and Access Management service (SailPoint) manages users' supervisory access to the CBP Translate mobile and web applications. CBP SailPoint is a complete access management service handling the processing of User Access Requests (UAR), authenticating users' identity, and tracking approved user roles. CBP uses AirWatch[4] to push the mobile application to approved user's smartphones. CBP supervisors working in the Dashboard manage non-supervisory access.

The CBP Translate mobile and web applications complete language translation using Google Cloud Services. However, these applications will not connect directly to Google Cloud Services and Google Cloud Services does not retain any information. Instead, the mobile and web applications send information to a CBP server, located in CBP's internal cloud, which in turn sends information to Google Cloud Services. Google Cloud Services then use a variety of Google translation tools to provide audio and transcript translations, as well as the ability to translate documents. In addition to providing a written translation, Google Cloud Services will return an audio translation if text-to-speech support is available for selected languages. Along with the translations, Google Cloud Services sends a confidence score from 0.0-1.0 that rates the accuracy of the translation.

Data Retention

CBP collects the following information from members of the public through the CBP Translation Application: conversation (including voice/audio data), date and time of transaction, transcripts of conversations (i.e., text/audio), and images of forms/papers the travelers are carrying with them. CBP does not store this information in another CBP system, and no information collected is stored locally on the CBP Officer's smartphone.

The audio chat bubble records retained within CBP Translate are covered by and adhere to the NARA Incident-Activated Audio/Video Recordings Records: Non-Evidentiary Audio/Video Files (DAA-0568-2015-0002-0001) retention schedule. The cutoff for the Incident-Activated

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[4] AirWatch is a mobile device management system. CBP uses Airwatch to manage mobile security, device management and application management of CBP-provided devices (e.g., smartphone, tablet).

Audio/Video Recording Records is 90 days from the recording termination date of the event and any records of audio bubbles exceeding 90 days after cutoff are, on a monthly basis, automatically destroyed. CBP is working to create a retention schedule for the date and time of transaction, transcripts of conversations (text), and images of documents stored in the CBP Translate Dashboard for ten years from the date of the collection of information.

CBP is also working to create a records schedule for the chat bubble text files that are generated by CBP Translate when a conversation is captured between a traveler and a CBPO. If any of the recorded conversations become attached to a secondary record, they would be subject to the records retention for the system of record that is documenting that exchange.

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?

The authority to collect this information is pursuant to CBP's authority to conduct searches and inspections at the border, including: 6 U.S.C. § 211; 8 U.S.C. §§ 1225 and 1357; 19 U.S.C. §§ 482, 507, 1461, 1496, 1499, 1581, 1582, 1589a, and 1595a; 22 U.S.C. § 401; and 31 U.S.C. § 5317, as well as the attending regulations of CBP promulgated at Titles 8 and 19 of the Code of Federal Regulations.

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

The Privacy Act of 1974 states that a system of records notice (SORN) is required when all of the following apply: 1) records are maintained by a federal agency; 2) the records contain information about an individual; 3) and the records are retrieved by personal identifier. "Individual," as defined by the Privacy Act of 1974, means a citizen of the United States or an alien lawfully admitted for permanent residence. The CBP Translate mobile and web application does not create any records containing information about a USC or LPR "individual" that are retrievable by personal identifier. However, the CBP Translate mobile and web application can search by the name of the non-USC/non-LPR traveler and retrieve information.

SORN coverage for biographic information, traveler responses to immigration and customs inspection-related questions, and time and location of the border crossing is provided by DHS/CBP-007 Border Crossing Information (BCI).[5]

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[5] *See* DHS/CBP-007 Border Crossing Information (BCI), 77 FR 30297 (December 13, 2016), *available at* https://www.dhs.gov/system-records-notices-sorns.

SORN coverage for the CBP user information maintained is provided by DHS/ALL-004 General Information Technology Access Account Records System (GITAARS).[6]

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

Yes, CBP completed a system security plan. The Authority to Operate (ATO) date for CBP Cloud Mobility (C2MP) Authorization Package, of which CBP Translate is a subsystem, was signed on December 19, 2019.

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

The audio chat bubbles retained within CBP Translate are covered by and adhere to the following NARA-approved records schedule: Incident-Activated Audio/Video Recordings Records: Non-Evidentiary Audio/Video Files (DAA-0568-2015-0002-0001). The cutoff for the Incident-Activated Audio/Video Recording Records is 90 days from the recording termination date of the event and any audio bubbles exceeding 90 days after cutoff are, on a monthly basis, automatically destroyed.

CBP is working to create a retention schedule for the date and time of transaction, transcripts of conversations (text), and images of documents stored in the CBP Translate Dashboard, to be stored for ten years from the date of the collection of information.

Additionally, CBP is working to create a records schedule for the chat bubble text files that are generated by CBP Translate when a conversation is captured between a traveler and a CBPO. If any of the conversations are recorded and become attached to a secondary record, the audio and text bubble files would be subject to the records retention for the system of record that is documenting that exchange.

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.

The Paperwork Reduction Act (PRA) does not apply as CBP will not use the CBP Translate application to ask identical questions. CBPO line of questioning varies by traveler.

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[6] *See* DHS/ALL-004 General Information Technology Access Account Records System (GITAARS), 77 FR 70792 (November 27, 2012), *available at* https://www.dhs.gov/system-records-notices-sorns.

Section 2.0 Characterization of the Information

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

The CBP Translate application allows CBPOs to communicate with travelers who do not speak English or another shared language when the use of human translation services is either impossible or impractical. The CBP Translate mobile and web applications collect the following information from members of the public: written and audio transcripts of the conversation between the CBPO and the traveler, date and time of conversation, and, for non-USC and non LPR travelers, images of documents the traveler is carrying with them, if appropriate. Additionally, during a conversation with non-USC and non-LPR travelers, the CBPO may collect biographic information from the travel documents, either through scanning the MRZ or manually entering it into the application. The biographic information consists of the traveler's full name, date of birth, country of citizenship, and travel document number.

The CBP Translate Dashboard is the repository for all chat bubbles and recorded conversations CBPOs conduct using the mobile or web application. The CBP Translate Dashboard maintains all information captured by the mobile applications during "recorded conversations" as part of a single conversation package.

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

CBPOs may collect biographic information using CBP Translate directly from non-USC and non-LPR travelers with whom there is a language barrier and the use of human translation services is either impossible or impractical. CBPOs may use CBP translate to collect non-identifying information from USC and LPR travelers. In all cases, travelers speak into a microphone and CBP Translate captures that information as well as the translation. The translations are provided by Google Cloud Services. Additionally, CBPOs may scan travel documents belonging to non-USC and non-LPR travelers in order to populate the biographic fields in the CBP Translate Dashboard or capture images of other documents they are carrying in order to translate text. Their biographic data is stored in the CBP Translate Dashboard database and is not shared outside of the CBP Translate application with other CBP systems.

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

CBP Translate does not use commercial sources or publicly available information.

2.4 Discuss how accuracy of the data is ensured.

CBP Translate connects to Google Cloud Services via the CBP server. Google Cloud Services provides the translation service and returns text and, if available, audio results. Google will report a confidence score of 0.0-1.0 for its transcriptions to help pinpoint any statements that could potentially contain errors. As an additional safeguard, CBP intends to retain transcripts (written), audio, and images of documents for interviews for ten years to assist in future interactions with the traveler and to test the accuracy of the translations. Using Google Cloud Services, CBP is able to train the translations by noting errors, which helps Google Cloud Services create better translations. No information collected through CBP Translate mobile or web applications will be stored with Google. CBP will not use information obtained through CBP Translate as the basis for determining whether a law enforcement action is warranted. CBP will only make such determinations using standard human-based translation services.

2.5 Privacy Impact Analysis: Related to the Characterization of the Information

Privacy Risk: There is a risk that the application will provide an inaccurate translation of a traveler's verbal statement or a traveler's document.

Mitigation: This risk is partially mitigated. CBPOs are not required to use CBP Translate and can use other options, such as a phone translation service, if they believe the translations are inaccurate. Transcriptions are also provided in the speaker's native language, allowing them to review their statements for accuracy. Additionally, Google Cloud Services will report a confidence score of 0.0-1.0 for its transcriptions to help pinpoint any statements that could potentially contain errors. CBP chose Google Cloud Services as the translation provider because it permits CBP to correct errors in the translation, which permits Google Cloud Services to learn and provide more accurate translations in the future.

As an additional safeguard, CBP will retain the original audio data for recorded conversations to allow for separate review and confirmation of translation accuracy. While the risk does exist of a mistranslation, the impact of this risk is further mitigated by the fact that the application will not be used for any adverse actions or sworn statements. In these instances, the CBPO must obtain human translation services from a trained CBP employee, a port ambassador, or approved phone translation service.

Section 3.0 Use of the Information

3.1 Describe how and why the project uses the information.

CBP uses CBP Translate to overcome language barriers that may exist between travelers and CBPOs when human translation services are unavailable or impractical to use. Use of CBP Translate will make CBP inspections more efficient and reduce the need for secondary referrals to address simple or routine questions. Additionally, the CBP Translate Dashboard will serve as a repository to review and query prior traveler recorded conversation. CBPOs can use the CBP Translate Dashboard to review a prior conversation they had with a traveler and can export a digital copy to attach to that inspection record. CBP retains this information to create more informed secondary inspection records and to assist in future interactions with the traveler.

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.

The CBP Translate mobile and web application do not conduct electronic searches, queries, or analyses to discover or locate a predictive pattern.

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

No. Only approved CBP personnel have access to CBP Translate.

3.4 Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: There is risk that information collected from travelers may be used to determine admissibility of the traveler at a U.S. POE.

Mitigation: This risk is mitigated. CBP will not use CBP Translate to make a final determination of the traveler's admissibility. CBP will only use CBP Translate as an enhancement tool in support of existing inspection procedures when a language barrier exists, and a human translator is not available or impractical to use. If a CBPO suspects the traveler may be inadmissible, the CBPO will refer the traveler to secondary where a further admissibility inspection will be done and a certified human translator will be contacted, as warranted. In addition, CBPOs and CBP personnel are trained to use the CBP Translate mobile and web application strictly for translation purposes only, and not to obtain sworn statements.

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 is providing notice of CBP Translate by publishing this PIA. In addition, CBP provides a translated privacy disclaimer, which is displayed in both English and the traveler's native or preferred language, before its use. If a traveler does not consent to using CBP Translate, the CBPO will seek other approved human translation services, and may refer the traveler to wait in secondary, pending a certified human translator's availability.

The disclaimer text reads as follows: "Thank you for using the Translation Application – this mobile device allows proficient communication with U.S. Customs and Border Protection (CBP) Officers in your native language. Through this application, voice data, transaction information, and transcripts of conversations between you and the CBP Officer will be collected and retained according to the published retention schedules. You may decline to use this application and request a human translation."

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

CBP does not require travelers to use the CBP Translate mobile or web application. CBPOs read a disclaimer to the traveler to inform the traveler that the conversation may occur through CBP Translate. The traveler can either accept or determine they do not want to use CBP Translate. This acceptance can be verbal or non-verbal (if a traveler states they do not want to use the application, CBP will obtain human translation services, such as a certified CBPO, port ambassador, or over-the-phone translation service). The traveler may revoke their consent to providing personally identifiable information (PII) at any time prior to the CBPO inputting the document information into the application. The traveler may also refuse to use CBP Translate at any time and can request human translation services. CBP uses the data collected only for the purpose defined in Section 3.0.

4.3 <u>Privacy Impact Analysis</u>: Related to Notice

<u>Privacy Risk</u>: There is a risk that travelers may not realize or understand that use of CBP Translate is optional.

<u>Mitigation</u>: This risk is mitigated. Before using CBP Translate, the CBPO will provide the traveler with a disclaimer that explains the purpose of the CBP Translate mobile and web application and explains that use of CBP Translate is optional. The CBPO selects the traveler's likely language and then displays the disclaimer text in both English and the traveler's language.

If audio translation is available for the traveler's native or preferred language, the CBPO has the option to play an audio translation for the traveler. CBPOs will use their training and other information known about the traveler, such as from the traveler's travel document or flight itinerary, to make an educated guess on the traveler's native language. If the CBPO is unable to determine the traveler's language, then CBP may use traditional translation services such as a phone translator.

The traveler must acknowledge that he or she understands what CBP Translate is, and consent to its use to help facilitate a conversation due to the language barrier. If a traveler declines to use CBP Translate, the CBPO may send the traveler to the secondary screening area, where CBP will use human translation services, such as a phone translator, a language-certified CBPO, or a port ambassador who is certified in the traveler's preferred language.

If the traveler agrees, either verbally or in writing, to use CBP Translate to facilitate the conversation, the CBPO will use the application to ask basic or routine questions. Travelers provide all information directly to the CBP Translate application, and prior to collection travelers must consent to the privacy disclaimer notice displayed within the application. CBP provides a privacy disclaimer notice stating the purpose of the data collection on the CBP Translate mobile and web application. CBP also mitigates this risk through publication of this PIA.

Section 5.0 Data Retention by the Project

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

CBP retains information differently depending on the type of conversation. CBP retains audio bubbles locally in the mobile application on the CBPO's device for 90 days. CBP is working to create a records schedule for the chat bubble text files that are generated by CBP Translate when a conversation is captured between a traveler and a CBPO. If any of the recorded conversations become attached to a secondary record, they would be subject to the records retention for the system of record that is documenting that exchange.

CBP is working on a retention schedule to retain written transcripts, audio, and images of documents for recorded conversations conducted by CBPOs through either the mobile or web application for ten years in the CBP Translate Dashboard. CBP can search this information by the name of the non-USC/non-LPR traveler, the name of the CBP employee who conducted the interview, the date, or the port where the interview took place. CBP retains this information to create more informed secondary inspection records and to assist in future interactions with the traveler. Additionally, CBP will use this information to test the accuracy of the translations.

5.2   Privacy Impact Analysis: Related to Retention

Privacy Risk: There is a risk CBP will retain information about travelers for longer than necessary.

Mitigation: This risk is mitigated. Using an automated process every month, CBP OIT reviews the interview information stored in the CBP Translate Dashboard, and all information beyond the ten-year storage period is deleted. The retention period is useful to CBP as OIT uses it for testing the accuracy of language translations and to filter out translations of words that have ambiguity (e.g., the word 'light' for example can mean not very heavy or not very dark. Words like "light, "note," "bear," and "over" are lexically ambiguous).

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.

In general, CBP will not share CBP Translate mobile and web information outside of DHS. CBP Translate is only used to overcome language barriers for basic and routine questions when the use of human translation services is impractical or unavailable. CBP will use in-person translation services to pursue an adverse action or other law enforcement action, or to capture a sworn statement. However, there may be exigent national security situations where CBP may share CBP Translate information.

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

Not applicable. Generally, the CBP Translate mobile and web application do not share information outside of DHS.

6.3   Does the project place limitations on re-dissemination?

Not applicable. Generally, the CBP Translate mobile and web application do not share information outside of DHS.

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

Not applicable. Generally, the CBP Translate mobile and web application do not share information outside of DHS.

6.5 Privacy Impact Analysis: Related to Information Sharing

There is no privacy risk related to information sharing.

Section 7.0 Redress

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

Any traveler may request information about his or her records contained in the CBP Translate mobile application or Dashboard through procedures provided by the Freedom of Information Act (FOIA) (5 U.S.C. § 552) and the access provisions of the Privacy Act of 1974 (5 U.S.C. § 552a(d)) at https://foia.cbp.gov/palMain.aspx, or by writing to:

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

When seeking records from the CBP Translate Dashboard, the request must conform to Part 5, Title 6 of the Code of Federal Regulations. An individual must provide his or her full name, current address, and date and place of birth. The individual must also provide:

- An explanation of why the individual believes DHS would have information on him or her;

- Details outlining when the individual believes the records would have been created, and

- If the request is seeking records pertaining to another living individual, it must include a statement from that individual certifying his or her agreement for access to his or her records.

The request must include a notarized signature or be submitted pursuant to 28 U.S.C. § 1746, which permits statements to be made under penalty of perjury as a substitute for notarization. Without this information, CBP may not be able to conduct an effective search, and the request may be denied due to lack of specificity or lack of compliance with applicable regulations. Although CBP does not require a specific form, guidance for filing a request for information is available on the DHS website at http://www.dhs.gov/file-privacy-act-request and at http://www.dhs.gov/file-foia-overview.

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

Individuals wishing to correct inaccurate information may submit a Privacy Act Amendment request through the same access process explained above.

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

Upon request, CBP personnel may provide tear sheets explaining the FOIA and Privacy Act amendment process. Additionally, the procedures in place travelers must take in order to correct inaccurate information are discussed above in Section 7.1.

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

<u>Privacy Risk</u>: There is a risk that travelers cannot access, correct, or amend their records since capturing document or biographic information in the CBP Translate application is limited to non-USC and non-LPR travelers.

<u>Mitigation</u>: This risk is partially mitigated. Depending on the type of information the traveler would like to access, correct, or amend dictates how redress can be provided. During the inspection process, the traveler can correct/amend any mistranslations captured from the CBP Translate application in real time and provide the amendment verbally to the CBPO. The CBP Translate web application tracks all changes for audit purposes. In addition, the traveler can also make a FOIA request for the information after the inspection is performed. Recorded conversations captured in CBP Translate are retained for 10 years. However, general chat statements (audio bubbles) captured in CBP Translate are retained only for 90 days and therefore all information outside of this 90-day period will not be available to the traveler.

CBP reviews all requests for access, correction, and amendment for non-USC and non-LPR travelers on a case-by-case basis and makes any corrections as necessary to ensure data integrity of CBP systems and records.

<u>Privacy Risk</u>: There is a risk that travelers will not be aware of how to correct their information submitted into the mobile or web application.

<u>Mitigation</u>: This risk is mitigated. This PIA provides information on the redress process for the CBP Translate mobile or web application. In addition, CBP provides a translated privacy disclaimer notice, which is displayed in both English and in the traveler's native language. The disclaimer is embedded into the CBP Translate mobile and web application. All travelers must review and consent to the disclaimer in the CBP Translate mobile and web application prior to using the application.

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?

CBP manages users' access to CBP Translate through CBP's Enterprise Identity, Credential, and Access Management SailPoint service. CBP SailPoint is a complete access management service handling the processing of User Access Requests (UAR), authenticating user's identity, and tracking approved user roles. CBP uses AirWatch to push the mobile application to approved users' smartphones. CBPO users will have access restricted to their own recorded conversations. CBP supervisors will have "read only" access to recorded conversations conducted by officers under their purview. While CBPOs can edit their recorded conversation, an audit log records all changes made.

CBP uses security and application logs to monitor access and activities conducted through the CBP Translate mobile and web applications. CBP performs regular audits to ensure the agency complies with the policies and procedures set forth in the CBP Information Systems Security Policy and Procedures Handbook.

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

CBP personnel permitted access to the CBP Translate mobile and web application are required to complete the DHS Security Awareness Training Course and privacy training. In addition, CBP will provide specific instructional training on the CBP Translate application. The training will provide employees information on when to use the CBP Translate application and emphasize to employees that CBP prohibits the collection of identifiable information for USCs and LPRs. Training also emphasizes that CBP Translate cannot be used to obtain sworn statements or to form the basis for an adverse action, criminal prosecution, or other law enforcement action.

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

Program access is handled through the Search Results SailPoint system. The two current roles are User (who can only access their own recorded conversation data) and Supervisor (who can also access recorded conversations created by officers under their purview).

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 business requirements, Memoranda of Understanding, and Information Sharing Agreements are reviewed by the respective CBP program manager within CBP OFO, in consultation with the Office of Information Technology. Agreements involving PII are also generally subject to approval by the CBP Privacy Officer, the Office of Chief Counsel, and DHS in accordance with procedures developed by the DHS Information Sharing and Safeguarding Governance Board.

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Approval Signature

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