



**Privacy Impact Assessment Update  
for the**

# **Person Centric Query Service**

**DHS/USCIS/PIA-010(a)**

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## Abstract

The Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS) developed the Person Centric Query Service (PCQS) to allow users to submit a single query and view all transactions involving an immigrant or nonimmigrant across multiple DHS and external systems. PCQS returns a consolidated view of the individual's past interactions with DHS Components and other agencies as he or she passed through the U.S. immigration system. USCIS is updating this privacy impact assessment (PIA) to document a new access agreement with the Department of Labor (DOL).

## Overview

USCIS developed PCQS to allow DHS employees and certain external federal agency employees, such as Department of State (DOS) Consular Officers, to obtain a consolidated read-only view of an immigrant's past interactions with the U.S. Government as he or she passed through the U.S. immigration system. PCQS retrieves and temporarily displays information from connected systems, which include USCIS systems, DHS systems, external agency systems, and private sector systems.<sup>1</sup> PCQS presents a single access point and eliminates the need to access these individual systems separately.

PCQS does not store data. PCQS retrieves and temporarily displays information from connected systems in a consolidated, read-only format for the user. Users initiate a PCQS search by entering a data element or a combination of data elements to uniquely identify a record in the connected IT systems. PCQS does not retain any of the information from a query and temporarily displays the information in a read-only format. This information may include, but is not limited to: applicant name, Alien Number (A-Number), Social Security number (SSN), gender, date of birth, residence address, phone number, e-mail address, certificate of citizenship number, naturalization certificate number, photographs, and background check results.

## Reason for the PIA Update

USCIS is updating the PCQS PIA to discuss the privacy risks and mitigations associated with providing the DOL read-only access to a limited CLAIMS 3 data set in PCQS. USCIS systematically shares information with the DOL to enhance the immigration adjudication process.

The DOL uses PCQS to assist in reviews and adjudications of labor condition and certification applications; program integrity actions such as business compliance with wage,

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<sup>1</sup> A "connected system" is a system, data set, or database that PCQS accesses to either retrieve or deliver data. For a complete list of connected systems, *see* Appendices A, B, and C in the original PCQS PIA, *available at* <https://www.dhs.gov/privacy>.



working conditions, and recruitment requirements, audit examinations, supervised recruitment, debarment, and invalidations; and processing enforcement actions to ensure compliance with required wage payments, working conditions, recruitment activities, and hiring practices.

### **Information Sharing with the DOL**

Under the Immigration and Nationality Act (INA), U.S. employers may request that certain foreign nationals come to work for their companies on a temporary or permanent basis. U.S. employers seeking certain types of temporary<sup>2</sup> or permanent<sup>3</sup> workers must file for a labor certification with the DOL. In those cases, the employer must demonstrate there are insufficient U.S. workers who are able, willing, available, and qualified to work in the position for which the foreign national is seeking. U.S. employers must also attest that hiring the foreign national will not displace or adversely affect the wages or working conditions of U.S. workers.

U.S. employers electronically file the relevant application (e.g., DOL Employment & Training Administration (ETA) Forms 9142A, *H-2A Application for Temporary Employment Certification* and 9142B, *H-2B Application for Temporary Employment Certification*; Form 9089, *Application for Permanent Employment Certification*; and Form 9035, *Labor Condition Application for Nonimmigrant Workers*) with the DOL. U.S. employers filing for nonimmigrants (temporary workers) use DOL's iCERT system, while the DOL's Permanent Case Management System (PERM) is used for immigrants (permanent workers).<sup>4</sup> If the DOL approves the employer's application, the next step is for the U.S. employer to file an employment-based petition with USCIS. For nonimmigrant workers, employers file Form I-129, *Petition for a Nonimmigrant Worker*, to request a specific nonimmigrant visa classification for the worker. Immigrant visa petitions are filed on Form I-140, *Immigrant Petition for Alien Worker*. The petition is what is used to classify a foreign national for a particular employment-based visa category (e.g., EB-3 skilled worker, H-1B specialty occupation, H-2A agricultural worker). If USCIS approves an employment-based nonimmigrant visa petition, the foreign national can obtain a visa from a U.S. consulate or embassy abroad or change or continue his or her nonimmigrant status if already in the United States (if available). An approved immigrant visa petition allows the prospective employee to obtain lawful permanent resident status by obtaining an immigrant visa at a U.S. consulate or embassy abroad, or adjusting status in the United States.

The DOL employees have read-only access to PCQS to view data drawn from the Computer Linked Application Information Management System (CLAIMS 3) that contains responsive information related to petitions for nonimmigrant and immigrant workers, and special immigrants.<sup>5</sup> The DOL is responsible for enforcement of labor certification violations and

<sup>2</sup> Examples include H-2A nonimmigrant agricultural workers or H-2B seasonal workers.

<sup>3</sup> Examples include EB-2 aliens with exceptional ability or EB-3 skilled workers.

<sup>4</sup> See DOL Employment and Training Administration (ETA) Foreign Labor Certification (FLC) System Privacy Impact Assessment, available at <https://www.dol.gov/oasam/ocio/programs/pia/mainpia.htm>.

<sup>5</sup> CLAIMS 3 is an electronic case management application that tracks and manages the adjudication process for most



violations of U.S. labor laws. Access to CLAIMS 3 information allows the DOL to review petition history for certain employers applying for labor condition applications (LCA) and/or labor certification. The DOL has access to real-time information about foreign nationals who have been admitted to the United States (or changed status to an employment-based category while in the United States) based on an approved certification or LCA. The DOL uses PCQS to assist in reviews and adjudications of labor condition and certification applications; program integrity actions such as business compliance with wage, working conditions, and recruitment requirements, audit examinations, supervised recruitment, debarment, and invalidations; and processing enforcement actions to ensure compliance with required wage payments, working conditions, recruitment activities, and hiring practices.

## Privacy Impact Analysis

In each of the below sections consider how the system has changed and what impact it has on the below fair information principles. In some cases there may be no changes and indicate as such.

### Authorities and Other Requirements

USCIS collects the source information for temporary display in PCQS under the authority of the INA.<sup>6</sup> Specifically, 8 U.S.C. § 1103 charges the Secretary of Homeland Security with the duty of administering and enforcing all laws relating to the immigration and naturalization of aliens. A Memorandum of Agreement (MOA) between DHS and DOL regarding employment-based benefit request form, labor certification, and labor condition application data was signed on January 12, 2017.<sup>7</sup>

PCQS retrieves and temporarily displays data from other Privacy Act systems of record. The source system systems of records notices (SORN) (described in the PCQS Appendices)<sup>8</sup> cover the data within PCQS. The data the DOL accesses is maintained by DHS/USCIS-007 Benefits Information System (BIS),<sup>9</sup> which covers the review of employment-based benefit request forms.

USCIS shares information with the DOL as permitted under the Routine Use X of DHS/USCIS-007 BIS. DHS/USCIS-007 BIS permits the sharing of information to DOL for enforcement of labor certification violations and violations of U.S. labor laws.

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domestically-filed, paper-based, immigration benefit filings with the exception of naturalization, intercountry adoption, and certain requests for asylum and refugee status. For more information, *see* DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems, *available at* <https://www.dhs.gov/privacy>.

<sup>6</sup> 8 U.S.C. § 1101, *et seq.*

<sup>7</sup> *Available at* [https://www.uscis.gov/sites/default/files/files/nativedocuments/Employment-Based\\_Petition\\_Labor\\_Certification\\_and\\_Labor\\_Condition\\_Application\\_Data.pdf](https://www.uscis.gov/sites/default/files/files/nativedocuments/Employment-Based_Petition_Labor_Certification_and_Labor_Condition_Application_Data.pdf).

<sup>8</sup> *See* DHS/USCIS/PIA-010 Person Centric Query Service, *available at* <https://www.dhs.gov/privacy>.

<sup>9</sup> DHS/USCIS-007 Benefit Information System, 81 FR 72069 (Oct. 19, 2016).



### Characterization of the Information

USCIS provide DOL read-only access to the PCQS to view, on a read-only basis, data drawn from CLAIMS 3 contains responsive information related to petitions for nonimmigrant and immigrant workers and special immigrants. Currently, DOL has access to the following CLAIMS 3 information in PCQS:

#### Petitioner and Employer Data from CLAIMS 3

- Employer name;
- Petitioner name;
- C/O Mailing Address;
- Employer Federal Employer Identification Number (FEIN);
- Petitioner FEIN;
- Visa class requested;
- Basis for Classification (New employment, Change of employer, etc.);
- Requested Action (Extension of stay, Change of status, etc.);
- Associated petitions;
- Status of petition;
- Determination date;
- Receipt number;
- Receipt date;
- Beneficiary(ies) Names;
- Validity dates;
- LCA/ ETA Case number;
- Will workers work offsite?;
- Will workers work in Commonwealth of the Northern Mariana Islands (CNMI)?<sup>10</sup>;
- Wages offered;

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<sup>10</sup> Congress has extended the CNMI-Only Investor (E-2C) nonimmigrant visa classification until Dec. 31, 2019. This visa classification allows eligible foreign, long-term investors and their spouses and children to remain lawfully present in the CNMI from Nov. 28, 2009, through Dec. 31, 2019.



- Current number of employees in United States;
- North American Industry Classification System (NAICS)<sup>11</sup> code;
- Initial DHS-USCIS-PIA-044 Validation Instrument for Business Enterprises (VIBE) core;<sup>12</sup>

### Beneficiary Data from CLAIMS 3

- Full Name, Alias(es);
- Prior period of stay, from and to;
- Classification;
- Passport number;
- Alien number;
- SSN;
- DOB;
- Country of Birth;
- Country of Citizenship;
- Current Nonimmigrant Status;
- Current U.S. Address;
- Previous visa classification history;
- Petition type;
- Dates of arrival/departure of aliens;
- Travel history;

### **Uses of the Information**

#### *DOL Use of USCIS Information*

The DOL is responsible for enforcement of labor certification violations and violations of U.S. labor laws. The DOL has the ability to sanction employers that fail to comply with those laws

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<sup>11</sup> The North American Industry Classification System (NAICS) classifies business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. The NAICS industry codes define establishments based on the activities in which they are primarily engaged.

<sup>12</sup> The VIBE Scoring Result is a risk-based score that notifies USCIS of any potentially problematic areas in the petition. The score is generated by comparing the petitioning information against Dunn & Bradstreet's (D&B) records. D&B is an independent company that provides commercial data, analytics, and insights for businesses. For more information see DHS/USCIS/PIA-044 VIBE available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



and DHS has the authority to bar employers from seeking to bring additional foreign laborers to the United States if they have been found to be violators by the DOL. To determine employer violations, the DOL reviews how employers utilize foreign workers versus what they claimed at the certification/benefit request stage.

**Privacy Risk:** There is a risk that the DOL may use information for purposes inconsistent with the purpose of the original collection.

**Mitigation:** USCIS mitigates this risk in several ways. USCIS is careful to only share data with external agencies pursuant to a routine use in the Benefits Information System SORN and when the information will be used for a purpose that is compatible with USCIS' mission and SORNs. Each user of PCQS has a different access profile based on its agency or office's mission. Each internal and external agency has a different access profile. PCQS is only available to authorized users that have been granted the appropriate privileges to access data from the connected IT system systems. PCQS users have been categorized into groups by organization and are provided access to designated connected IT systems based on the organization. Only the results from IT systems to which the user has access are temporarily displayed on the PCQS search screen.

Additionally, all PCQS users are required to sign Rules of Behavior (ROB) before they are permitted access to the system. The ROB clearly explain what users may and may not do within PCQS and with the information PCQS retrieves and temporarily displays. The ROB explicitly prohibit, for example, forwarding or sharing (in the form of a printed copy or screen shot) with any other user. Data may not be stored on any device. Third, a standard warning banner is displayed on the PCQS homepage to inform users that they are about to access a DHS-owned computer system. DOL employees who access USCIS PCQS are subject to DHS policies. By accepting the warning banner, the DOL employee consents to the proper uses of the system. Further, the warning banner advises authorized and unauthorized users of proper and improper use of the data, that the system may be monitored to detect improper use, and the consequences of improper use of the data. Last, the system's auditing capability records users' activities and the system's audit logs are reviewed on a regular basis by system administrators to ensure that the system is being used appropriately.

### **Notice**

This PIA Update provides notice to the public by describing information sharing with the DOL. Privacy Notices are attached to every information collection that is input into CLAIMS 3 and accessible through PCQS. Privacy Notices advise the preparer that information may be shared with other Federal Government agencies. Additionally, DHS/USCIS-007 Benefits Information System Routine Use X, permits the sharing to the DOL for enforcement of labor certification violations and violations of U.S. labor laws.



### **Data Retention by the project**

PCQS does not retain data from connected systems. USCIS provides DOL access to the PCQS to view, on a read-only basis, data drawn from CLAIMS 3 that contain employment-based non-immigrant and immigrant petition data. DOL does not retain any data from PCQS and under the conditions of the MOA, must receive permission from USCIS before it could retain any information from PCQS.

### **Information Sharing**

The DOL and USCIS entered into an information sharing agreement to share labor certification and immigration-related information. Through this agreement USCIS provides authorized employees read-only access to CLAIMS 3 information through PCQS. The DOL uses the USCIS data to assist in: reviews and adjudications of labor condition and certification applications; program integrity actions (such as business compliance with wage, working conditions, and recruitment requirements, audit examinations, supervised recruitment, debarment, and invalidations); and processing enforcement actions to ensure compliance with required wage payments, working conditions, recruitment activities, and hiring practices.

**Privacy Risk:** There is a risk that data shared by USCIS with the DOL will be disseminated by the DOL outside the purpose of the information sharing agreement.

**Mitigation:** This risk is fully mitigated. As a read-only system, PCQS information cannot be transmitted by the DOL to other entities. The ROBs that all PCQS users sign prohibit the transfer or storage of information displayed in PCQS. The MOA between USCIS and DOL places limitations on re-dissemination. The DOL may only share information under its respective information sharing agreements when the recipient has an official need, and that sharing is in accordance with the MOA and applicable privacy and confidentiality statutes. USCIS has documented data safeguards required to share information in the memorandum of understanding (MOU) and MOA with the DOL. All prospective information handlers must be trained on the uses of the information and authorized to access the information.

**Privacy Risk:** There is a risk that DOL personnel may access information in PCQS that they otherwise would not be able to view in the source system.

**Mitigation:** This risk is fully mitigated. Each internal and external agency has a different access profile in PCQS. PCQS is only available to authorized users who have been granted the appropriate privileges to access data from the connected IT system systems. These access rules are negotiated between USCIS and the receiving agency. PCQS users have been categorized into groups by organization and are provided access to designated connected IT systems based on the organization. Only the results from IT systems to which the user has access are temporarily displayed on the PCQS search screen.



### **Redress**

This update does not impact how access, redress, and correction may be sought through USCIS. Any person seeking access or redress of records related to a decision based on DOL actions or decisions must seek action through DOL's proper procedures.<sup>13</sup> USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act request. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. U.S. Citizens and Lawful Permanent Residents may also file a Privacy Act request to access their information. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address:

National Records Center  
Freedom of Information Act/Privacy Act Program  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Persons not covered by the Privacy Act or JRA are not able to amend their records through FOIA. Should a non-U.S. person find inaccurate information in his or her record received through FOIA, he or she may visit a local USCIS Field Office to identify and amend inaccurate records with evidence.

### **Auditing and Accountability**

USCIS ensures that practices stated in this PIA comply with internal USCIS policies, including the USCIS privacy policies, Standard Operating Procedures, information sharing agreements, orientation and training, rules of behavior, and auditing and accountability. The MOA between USCIS and the DOL clarifies the limitations to which the DOL may share USCIS records and the basic mechanisms established to protect this data. Additionally, USCIS requires that all

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<sup>13</sup> For more information, *see* DOL Employment and Training Administration (ETA) Foreign Labor Certification (FLC) System Privacy Impact Assessment, available at <https://www.dol.gov/oasam/ocio/programs/pia/mainpia.htm>.



PCQS users receive training in the use of PCQS prior to being approved for access to the system, and PCQS maintains audit trail logs to identify transactions performed by external users.

## **Responsible Official**

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## **Approval Signature**

Original, signed copy on file with the DHS Privacy Office

Philip S. Kaplan  
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