



**Privacy Impact Assessment Update  
for the**

**Western Hemisphere Travel Initiative  
(WHTI):**

**Beyond the Border**

**Entry/Exit Program Phase I**

**DHS/CBP/PIA-004(f)**

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## Abstract

U.S. Customs and Border Protection (CBP), as a component of the Department of Homeland Security (DHS), is publishing this Privacy Impact Assessment to give notice of an update to the Western Hemisphere Travel Initiative (WHTI) Privacy Impact Assessment (PIA). This update describes Phase I of the Beyond the Border entry/exit program, which is an initiative of the U.S.-Canada Beyond the Border Action Plan.<sup>1</sup> The Beyond the Border entry/exit program will expand the sharing of border crossing information with the Canada Border Services Agency (CBSA) by exchanging biographic, travel document, and other border crossing information collected from individuals entering the United States from Canada and vice versa at land ports of entry. This exchange of border crossing entry information will assist both countries so that the record of an entry into one country establishes an exit record from the other, ultimately supporting each nation in their immigration and law enforcement missions, as well as facilitating cross-border travel. This PIA update covers Phase I of the entry/exit program only, which is limited to exchanging entry records from certain individuals (other than U.S. and Canadian citizens) at certain land ports of entry to measure the ability to reconcile biographic entry records between Canada and the United States. DHS will publish additional updates to this PIA in advance of deployment of any subsequent phases to the Beyond the Border entry/exit program.

## Introduction

### *Border Crossing Information and the Arrival and Departure Information System*

The priority mission of CBP is to prevent terrorists and terrorist weapons from entering the country while facilitating legitimate travel and trade. In meeting this mission, CBP is responsible for collecting and reviewing border crossing information regarding persons entering and, where applicable, exiting the United States. Most of this information is derived from the travel documents that all individuals present to CBP when entering, and in some instances when departing, the United States. This travel document information, along with other information (such as date, time, and point of entry) is stored in the Border Crossing Information System (BCI) to facilitate and complete the record of that entry or exit.<sup>2</sup> This information is collected in order to validate the documentation provided by the individual, to make determinations regarding an individual's admissibility and for other immigration purposes, to identify security risks to the United States, to expedite CBP processing of legitimate travelers upon arrival in and

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<sup>1</sup> *United States–Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan* (December 2011), available at [http://www.whitehouse.gov/sites/default/files/us-canada\\_btb\\_action\\_plan3.pdf](http://www.whitehouse.gov/sites/default/files/us-canada_btb_action_plan3.pdf).

<sup>2</sup> Privacy Act System of Records Notice (SORN) available at <http://www.gpo.gov/fdsys/pkg/FR-2008-07-25/html/E8-17123.htm>.



prior to departure from the United States, and to ensure compliance with all other U.S. laws enforced by CBP at the border. Information from BCI regarding visitors and Legal Permanent Residents is transmitted to the DHS/National Protection and Programs Directorate (NPPD)/United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program Arrival and Departure Information System (ADIS).<sup>3</sup> ADIS matches a person's arrival and departure information provided by CBP crossing systems with changes in immigration status provided by U.S. Citizenship and Immigration Service's CLAIMS 3<sup>4</sup> and U.S. Immigration and Customs Enforcement Student and Exchange Visitor Information System (SEVIS)<sup>5</sup> to determine a traveler's duration of stay in relation to an overstay status indicator field.

### *Beyond the Border Entry/Exit Program: Overview*

To further its immigration and law enforcement missions DHS is participating in the Beyond the Border entry/exit program, a part of the U.S.-Canada Beyond the Border Action Plan. The Beyond the Border entry/exit program will expand the sharing of CBP border crossing information with the CBSA by exchanging BCI records collected from individuals entering the United States from Canada and vice versa at land ports of entry. This exchange of border crossing entry information will assist both countries so that the record of an entry into one country establishes an exit record from the other, ultimately supporting each nation in their immigration and law enforcement missions, as well as facilitating cross-border travel. By using the entry record of one country to establish an exit record for the other country, both countries are saved the expense and burden of establishing exit record collections at the common land border.

The Beyond the Border entry/exit program will enhance CBP's ability to identify the crossing of individuals along the U.S.-Canadian land border for immigration and law enforcement purposes. As part of the overall Beyond the Border program, both countries seek to screen travelers seeking to enter each country in order to:

- Identify individuals who seek to enter the perimeter for *mala fide* purposes and prevent them from traveling to the United States or Canada;
- Prevent individuals from assuming different identities between one country and the other;
- Identify those who have committed serious crimes or violated immigration laws in the other country and enable better-informed decisions on visas, admissibility, or other immigration benefits; and

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<sup>3</sup> ADIS SORN at: <http://www.gpo.gov/fdsys/pkg/FR-2007-08-22/html/E7-16473.htm> and PIA at: [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_usvisit\\_adis\\_2007.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_usvisit_adis_2007.pdf).

<sup>4</sup> CLAIMS 3 PIA is at: [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_cis\\_claims3.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cis_claims3.pdf) and the associated SORN is at: <http://www.dhs.gov/privacy-policy-guidance>

<sup>5</sup> SEVIS SORN at: <http://www.gpo.gov/fdsys/pkg/FR-2010-01-05/html/E9-31268.htm> and PIA at: [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_sevis\\_update\\_nctc.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_sevis_update_nctc.pdf).



- Facilitate ongoing efforts to streamline procedures at the United States–Canada border, thereby promoting trade and travel.

In conformance with the immigration and law enforcement purposes supported by BCI and ADIS, the Beyond the Border entry/exit program will help identify persons overstaying their visa or otherwise in violation of U.S. immigration laws; match entry and exit records to indicate a lawful exit from either country; identify individuals who may have failed to meet residency requirements for permanent resident status or citizenship applications; and identify persons subject to a removal or departure order who have departed. The Beyond the Border entry/exit program is divided into three distinct phases:

### *Beyond the Border Entry/Exit Program: Phase I*

Phase I, which is to begin in September of 2012, is a pilot program where CBP and CBSA will exchange entry border crossing records (described below) regarding third country nationals (not U.S. or Canadian citizens) who cross the common land border at these four locations:

#### Canada:

- Pacific Highway, British Columbia
- Douglas, British Columbia;
- Queenston Bridge, Ontario;
- Youngstown, Ontario.

#### United States:

- Pacific Highway, Blaine, Washington;
- Peace Bridge, Blaine, Washington;
- Lewiston Bridge, Buffalo, New York;
- Rainbow Bridge, Buffalo, New York.

Information exchanged under Phase I will measure the ability to reconcile biographic entry records between Canada and the United States to further inform subsequent phases of the project; to determine the ability to reconcile exit data to data previously collected as entry data for those same individuals; for statistical and analytical purposes to support the development of future technology; and for other improvements for subsequent phases of Beyond the Border entry/exit program. After exchanging data between September 30, 2012 and January 31, 2013, DHS and CBSA intend to prepare a joint report (devoid of personally identifiable information (PII)) concerning the number of cases they each received, the percentage of those successfully reconciled to an entry record, as well as any other lessons learned during this process. DHS and CBSA will not disclose any PII exchanged under Phase I with any other domestic agency or foreign government without the consent of the agency from which the data was received, or as



otherwise required by their respective laws and policies. Information collected during this phase will be used for a specific purpose with no new internal sharing or disclosures and will be deleted after six months. Individuals receive actual notice of the collection and there are several redress options available.

As part of Phase I, DHS will provide entry records from the BCI system to CBSA. Entry records received from CBSA will be securely transmitted to US-VISIT to test the ability of DHS to match the data received from CBSA to its existing entry records in ADIS. These records received from CBSA for matching will be covered by the ADIS SORN during Phase I. DHS and CBSA will retain personal information no longer than six months beyond the last exchange of information in Phase I, to the extent consistent with their respective domestic laws and policies. Once the joint report has been produced, the information collected electronically is to be destroyed in the most secure manner possible in order to make it irretrievable, not simply erased from databases, consistent with each agency's respective domestic laws and policies.

### *Beyond the Border Entry/Exit Program: Future Phases*

During Phase II, expected to begin in June 2013, both countries intend to exchange entry data on all third country nationals (all individuals excluding U.S. and Canadian citizens) who enter the United States or Canada at any land port of entry along the shared border between the United States and Canada. The entry information on the third country nationals received from Canada will then be stored in the BCI system of records, and transmitted along with all other BCI records regarding visitors or Legal Permanent Residents to ADIS. Similarly, Canada will store and maintain the BCI records along with its other visitors or Legal Permanent Resident border crossing records.

During Phase III, expected to begin in June 2014, both countries intend to expand the exchange entry data to include U.S. and Canadian citizens entering their own country, so that the other country may generate an exit record. Canada will not provide DHS with entry records regarding U.S. citizens, as U.S. citizens cannot by definition overstay or violate their terms of admission to the United States. However, DHS is to send data to CBSA regarding U.S. citizens who enter the United States at a land port of entry from Canada, so that such persons can be recorded by CBSA as having exited Canada. CBSA is to provide DHS with reciprocal data with regard to its citizens. The data received from Canada will be stored in the BCI system of records, and any records regarding visitors or Legal Permanent Residents will be transmitted along with all other BCI records regarding visitors or Legal Permanent Residents to ADIS. Similarly, Canada will store and maintain the BCI records along with its other border crossing records. As previously stated, DHS will publish additional updates to this Privacy Impact Assessment in advance of the second and third phases of the Beyond the Border entry/exit program.



## Reason for the PIA Update

This PIA update is being conducted to provide the public notice about DHS's Beyond the Border entry/exit program with CBSA, which is part of the Beyond the Border Action Plan between the United States and Canada. This entry/exit program will expand CBP's sharing of border crossing information with CBSA to include some data collected from persons (other than U.S. and Canadian citizens) as they enter the United States from Canada through certain land ports of entry. This phase of the entry/exit program will also expand the collection of border crossing information from CBSA to DHS to include some data collected from persons (other than U.S. and Canadian citizens) as they enter Canada from the United States through certain land ports of entry.

The exchange of entry data will assist both countries in identifying individuals of law enforcement interest, corroborating a visitor or Legal Permanent Resident declared travel history, and identifying discrepancies in border crossing data. In later phases, the Beyond the Border entry/exit program will also enhance cross-border travel by assisting individuals that must prove their entry and exit history for immigration purposes. A PIA update will be completed before those phases begin.

## 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.

### **The System and the Information Collected and Stored within the System**

Border crossing information shared with CBSA during Phase I is collected by CBP from non-U.S./non-Canadian citizens who enter the United States from Canada at the designated land ports of entry and stored in the BCI system of records.

Information sent from CBSA during Phase I will be received by CBP, transmitted to US-VISIT, and compared to records in US-VISIT's ADIS system of records to identify matches and then deleted. The records will be covered by the ADIS SORN during Phase I. No new types of information will be collected from individuals as part of the Beyond the Border entry/exit program. The information collected from persons (other than U.S. and Canadian citizens) and shared during Phase I of the Beyond the Border entry/exit program consists of information already collected as part of the border crossing process. Information shared from CBP's BCI with CBSA and received from CBSA includes:

- First/Given name
- Last name/Surname



- Middle Name
- Date of birth
- Nationality/Citizenship
- Gender
- Document type
- Document country of issuance
- Document number
- Canadian Work location code/U.S. Port of Entry codes
- Date of entry
- Time of entry

### **Uses of the System and the Information**

Information shared with CBSA from BCI as part of Phase I of the Beyond the Border entry/exit program will be used to determine the ability of CBSA to match the data received from the United States with entry data already existing in Canadian databases. Similarly, information received from Canada as part of Phase I of the Beyond the Border entry/exit program will be used to determine the ability of DHS to match the data received from CBSA with entry data already existing in ADIS. Information exchanged under Phase I will be limited to measure the ability to reconcile biographic entry records between Canada and the United States, in order to inform subsequent phases of the project; to determine the ability to reconcile exit data to data previously collected as entry data for those same individuals; for statistical and analytical purposes to support the development of future technology; and for other improvements for subsequent phases of Beyond the Border entry/exit program. Following the conclusion of the time period established, DHS and CBSA intend to prepare a joint report concerning the number of cases they each received, the percentage of those successfully reconciled to an entry record, as well as any other lessons learned during this process.

### **Retention**

DHS will retain personal information no longer than six months beyond the last exchange of information. Once the joint report has been produced, the information collected electronically is to be destroyed in the most secure manner possible in order to make it irretrievable, not simply erased from databases.

### **Internal Sharing and Disclosure**

Information received from CBSA will be compared with information in US-VISIT's ADIS and then deleted after US-VISIT attempts to match the records. Otherwise, no new internal



sharing or disclosures will occur pursuant to Phase I of the Beyond the Border entry/exit program.

### **External Sharing and Disclosure**

CBP is expanding the sharing of border crossing information from the BCI system of records to include sharing with CBSA information collected from persons (other than U.S. and Canadian citizens) entering the United States at certain land ports of entry from Canada. This sharing of information is permitted under the routine use in the BCI SORN which permits sharing "[t]o appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, under the terms of a memorandum of understanding or agreement, where CBP is aware of a need to utilize relevant data for purposes of testing new technology and systems designed to enhance border security or identify other violations of law."<sup>6</sup>

To mitigate the risk of information being used improperly by CBSA, the terms of the "Letter of Intent between the United States Department of Homeland Security and the Canada Border Services Agency for Phase I of the Entry-Exit System" permitting this exchange of information provides that CBP and CBSA are to safeguard any information received consistent with the laws of their respective countries and only use the information consistent with the terms of the arrangement (See the Appendix for the Letter of Intent). Further, for Phase I of the entry/exit plan, DHS and CBSA will retain personal information no longer than six months beyond the last exchange of information, to the extent consistent with their respective domestic laws and policies. Once the joint report has been produced, the information collected electronically is to be destroyed in the most secure manner possible in order to make it irretrievable, not simply erased from databases consistent with each agency's respective domestic laws and policies.

### **Notice**

Because no new information is being collected from the individual, and because the individual is already notified that the information is being collected for immigration and law enforcement purposes, no new notice is being provided aside from this PIA, the BCI SORN, ADIS SORN, and the Beyond the Border Action Plan. Individuals are provided actual notice of the collection, because CBP Officers or CBSA Officers collect the information from the traveler as he or she enters the United States or Canada, respectively.

### **Individual Access, Redress, and Correction**

No new access, redress, or correction measures are being instituted pursuant to the Phase I of the Beyond the Border entry/exit program. Individuals may use the existing access, redress, and corrective measures for border crossing information to correct information in the BCI system

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<sup>6</sup> [DHS/CBP-007 - Border Crossing Information \(BCI\)](#) July 25, 2008, 73 FR 43457.



of records obtained through Phase I of the Beyond the Border entry/exit program.<sup>7</sup> Additional redress measures can be found in the ADIS SORN.<sup>8</sup>

### **Technical Access and Security**

Technical access will be provided to CBSA through an existing secure electronic connection, which will be used to transmit information between CBP and CBSA. By using this existing secure connection, CBP and CBSA control and restrict the information that may be transmitted between the agencies, thus mitigating the risk of improper disclosures. Further, the United States and Canada have signed a Letter of Intent for Phase I which specifies that information exchanged should only be disclosed to authorized individuals with a need to know and only for uses that are consistent with the intended purposes of the program. Information will be securely transmitted between CBP and US-VISIT through existing methods (See the Appendix for the Letter of Intent).

### **Technology**

No new technology will be implemented through Phase I for the Beyond the Border entry/exit program beyond the technology required to securely transmit and receive border crossing information between DHS and CBSA.

## **Responsible Official**

Colleen Manaher  
Director, Land Border Integration, Office of Field Operations  
U.S. Customs and Border Protection  
Department of Homeland Security

## **Approval Signature**

Original signed and on file with the DHS Privacy Office.

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

<sup>7</sup> See the WHTI PIA (DHS/CBP/PIA-004) for more information at: <http://www.gpo.gov/fdsys/pkg/FR-2007-08-22/html/E7-16473.htm>.

<sup>8</sup> <http://www.gpo.gov/fdsys/pkg/FR-2007-08-22/html/E7-16473.htm>.

## Appendix

### Letter of Intent between the United States Department of Homeland Security and the Canada Border Services Agency for Phase I of the Entry-Exit System

The United States (U.S.), represented by the Department of Homeland Security (DHS) and Canada, represented by the Canada Border Services Agency (CBSA), hereinafter referred to as the “Participants,” intend to implement Phase I of the Entry/Exit System as described in the *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan*.

#### 1. Introduction

- (a) **WHEREAS** paragraph 5(1)(b) of the *Canada Border Services Agency Act* recognizes that the CBSA is responsible for providing integrated border services by implementing agreements between the Agency and a foreign state to carry out an activity or provide a service or program;
- (b) **WHEREAS** paragraph 13(2)(a) of the *Canada Border Services Agency Act* authorizes the CBSA to enter into an agreement or arrangement with a foreign state;
- (c) **WHEREAS** section 103(a)(3) of the Immigration and Nationality Act of 1952 (INA), as amended, gives the Secretary of Homeland Security the authority to perform acts as necessary to carry out the administration and enforcement of immigration laws;
- (d) **WHEREAS** the Participants share *The Statement of Mutual Understanding on Information Sharing* signed in February, 2003 as amended (herein referred to as the SMU);
- (e) **WHEREAS** each Participant acknowledges invoking Article 4(c) of the SMU by way of this Letter of Intent (herein referred to as LOI);
- (f) **WHEREAS** the Participants share a common desire to implement the concepts articulated in the *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan* (herein referred to as the BBAP) relating to the initiative to establish and coordinate entry and exit information systems, including a system that would permit information sharing in a manner such that a record of a land entry into one country can be utilized to establish an exit record from the other (herein referred to as Entry/Exit); and
- (g) **WHEREAS** the Participants share an understanding that their respective domestic privacy laws and policies, in addition to the Statement of Privacy Principles, by the United States and Canada, guide and inform information sharing arrangements in the context of the BBAP.

## 2. Preamble

- (a) As part of the implementation of the BBAP, the Participants intend to develop an Annex under the SMU for Phases II and beyond that would enable data transfers of biographic (i.e. name, document number) information about third country nationals, permanent residents of Canada and lawful permanent residents of the United States collected at automated land ports of entry, between the Participants to confirm exit of individuals from each other's country.
- (b) The Participants understand that this LOI is an interim measure to allow for a minimal data exchange, as outlined in paragraphs 6 and 8 of this LOI, and permit the future development of the Annex to the SMU to contain all necessary and appropriate procedures and rules, and that exit data can be successfully reconciled with entry data.
- (c) The Participants also intend to develop an additional legal framework for the exchange of information on Canadian and U.S. citizens for Phase III of the Entry/Exit system.

### THE PARTICIPANTS HEREBY EXPRESS THEIR INTENT AS FOLLOWS:

## 3. Definitions

For the purposes of this LOI:

- (a) **Third Country National** means a person who is not a citizen of Canada or a citizen or national of the United States under their respective laws.
- (b) **Permanent Resident of Canada** means a person who has acquired permanent resident status and has not subsequently lost that status under the *Immigration and Refugee Protection Act*.
- (c) **Lawful Permanent Resident of the United States** means a person who has been lawfully admitted for permanent residence, as defined in Section 101(a)(20) of the U.S. INA, as amended.

#### **4. Purpose**

- (a) The Participants intend that this LOI, in conjunction with the SMU, establish the framework for the collection, retention, use, disclosure and disposal of biographic entry data for Phase I of Entry/Exit for the purpose of establishing a record of exit from the United States and Canada. The Participants understand that Phase I is limited in scope to the exchange of biographic information on third country nationals, permanent residents of Canada, and lawful permanent residents in the United States who enter either country at four pre-determined automated land border ports of entry as outlined in paragraph 6 of this LOI.
- (b) The Participants intend to measure the ability to reconcile biographic entry records between Canada and the United States, in order to inform subsequent phases of the project consistent with the terms of an Annex to the SMU.
- (c) The Participants intend to use the data exchanged under this LOI for the purposes outlined in this section: to determine the ability to reconcile exit data to data previously collected, as entry data, for those same individuals; and for statistical and analytical purposes to support the development of future technology; and other improvements for subsequent phases of this BBAP item.
- (d) The Participants do not intend to disclose any data exchanged under this LOI with any other domestic agency or foreign government without the consent of the Participant from whom the data was received, or as otherwise required by their respective laws and policies.

#### **5. Governance/Authority**

- (a) The Participants intend to exchange information consistent with the provisions of the SMU, which facilitates the sharing of immigration information between Canada and the United States.
- (b) The Participants intend to respect and follow all of the parameters of the SMU. The Participants reaffirm their intent to share information in a manner consistent with their respective domestic laws and policies.

## 6. Data Exchange Criteria

- (a) The Participants intend to exchange approximately ninety (90) days of entry information on individuals who meet the following criteria:
  - 1) Entered Canada or the United States between September 30, 2012, and January 31, 2013; and
  - 2) Are believed to be third country nationals, permanent residents of Canada or lawful permanent residents of the United States as described in this LOI; and
  - 3) Entered Canada or the United States at any of the following ports of entry:
    - i. CANADA:
      - (a) Pacific Highway, Surrey, British Columbia;
      - (b) Douglas (Peace Arch), Surrey, British Columbia;
      - (c) Queenston-Lewiston Bridge, Niagara on the Lake, Ontario;
      - (d) Rainbow Bridge, Niagara Falls, Ontario.
    - ii. UNITED STATES:
      - (a) Pacific Highway, Blaine, Washington;
      - (b) Peace Arch, Blaine, Washington;
      - (c) Lewiston-Queenston Bridge, Lewiston, New York;
      - (d) Rainbow Bridge, Niagara Falls, New York.

## 7. Exclusions

- (a) The Participants do not intend to share biometric information under this LOI.
- (b) The Participants do not intend to exchange information under this LOI on any U.S. citizen or national, any Canadian citizen, persons who hold registered Indian status under Canada's *Indian Act*, or any person eligible to cross U.S. borders pursuant to section 289 of the INA, based on the travel document the individual presents at the respective ports of entry.

## **8. Data Elements for the Exchange**

Consistent with Article 5 of the SMU, the Participants intend to exchange the following biographic entry data elements meeting the appropriate criteria described above:

1. First/Given name
2. Last name/Surname
3. Middle Name
4. Date of birth
5. Nationality/Citizenship
6. Gender
7. Document type
8. Document number
9. Work location code/U.S. Port of Entry codes
10. Date of entry
11. Time of entry
12. Document country of issuance

## **9. Frequency**

- (a) The Participants intend to exchange information, as described within this LOI, between one and three times during Phase I, containing approximately ninety (90) days of data collected at land ports of entry, listed in paragraph 6, over the time period of September 30, 2012 to January 31, 2013.
- (b) The Participants understand that this LOI should not limit additional exchanges of information (during the September 30, 2012 – January 31, 2013 time period) as may be required in order to better support the development of subsequent phases.
- (c) The Participants intend that the data elements exchanged only include the biographic information of the travellers as outlined in paragraphs 6 and 8, and which is collected within the time period, as set forth within this LOI.

## **10. Procedure**

- (a) The Participants intend to exchange the data elements described above, for the categories of individuals described above, through existing secure electronic channels previously established between the Participants.
- (b) DHS intends to reconcile the entry records received from the CBSA, for the purposes outlined in paragraph 4 of this LOI, against the holdings in the Arrival Departure Information System, which is the DHS system designed to reconcile arrival and departure information and may retain such records consistent with applicable U.S. laws and policies and paragraph 12(i) of this LOI.
- (c) The CBSA intends to reconcile the entry records received from DHS, for the purposes outlined in paragraph 4 of this LOI, against the holdings in the CBSA's Passage History System, which is the CBSA system designed to reconcile arrival information and may retain such records consistent with applicable Canadian laws and policies and paragraph 12(i) of this LOI.
- (d) Neither Participant is to have direct query access to the systems of the other Participant.
- (e) Following the conclusion of the time period established, the Participants intend to prepare a joint report concerning the number of cases they each received, and the percentage of those successfully reconciled to an entry record as well as any other lessons learned during this process.

## **11. Cost**

Each participant intends to be responsible for its own costs for all activities conducted under this LOI.

## 12. Privacy

- (a) The Participants intend to share information in a manner consistent with the terms of this LOI and their respective domestic privacy laws and policies, and also consistent with the Statement of Privacy Principles of the BBAP agreement.

### Permitted Use

- (b) The Participants intend that the exchange of entry information under this LOI be limited to that which is necessary to successfully reconcile entry and exit records within the systems of each country, for the purposes described in this LOI, or as otherwise required by their respective domestic laws and policies.

### Information Security

- (c) The Participants intend to treat information received from the other in confidence and take all reasonable measures to preserve its confidentiality and integrity and to safeguard the information against accidental or unauthorized access, use or disclosure.
- (d) The Participants intend to protect all information exchanged with administrative, technical, and physical safeguards appropriate to the sensitivity of the information.
- (e) The Participants intend to only disclose information exchanged with authorized individuals with a need to know, who require this data as a regular part of their official duties, and for uses that are consistent with the stated purposes in paragraph 4 of this LOI, the SMU, and purposes for which the information was originally collected, or as otherwise required by their respective domestic laws and policies.

### Information Integrity

- (f) The Participants intend to make reasonable efforts to ensure that the information shared under this LOI is accurate, timely, and relevant. The Participants intend to take corrective action if they receive notification from the other Participant that there are inaccuracies in the information originally provided.

### Public Notification

- (g) The Participants intend to notify the public of the parameters of the collection of this information and, to the extent specified in their respective domestic laws and policies, to provide all persons who are the subject of information exchanged under this LOI, the opportunity to request access to personal information about themselves, as well as the opportunity to request correction of the personal information where the individual believes there is an error or omission.

- (h) The Participants intend to coordinate such notifications to the public, within the parameters of their respective domestic laws and policies.

#### Retention

- (i) The Participants intend to retain personal information no longer than six months beyond the last exchange of information, to the extent consistent with their respective domestic laws and policies to carry out the purposes identified in this LOI.
- (j) Once the aforementioned joint report has been produced, the information collected electronically is to be destroyed in the most secure manner possible in order to make it irretrievable, not simply erased from databases consistent with the Participants' respective domestic laws and policies.

#### Privacy Breach

- (k) To provide further safeguards for the privacy, security, confidentiality, integrity and availability of the information systems and the information they store, process and transmit, the Participants intend to provide notice to each other as follows:
  - 1) Immediate notification by telephone or e-mail in the event of a disaster or other situation that disrupts the intended transfer of information between them; and
  - 2) Immediate notification in writing as soon as reasonably practicable, but no later than 24 hours after becoming aware of any breach of the security of the information systems containing, or unauthorized use or disclosure of, any personal information shared under this LOI.
- (l) The Participants intend to cooperate with each other in conducting any review or audit of compliance with this LOI.

### 13. DESIGNATED OFFICIALS

The Participants designate the following officials for the purposes of the overall administrative responsibility of this LOI. These officials are also responsible for receiving any notices or changes provided for herein.

<b>For the CBSA:</b>	<b>For DHS:</b>	<b>For CIC:</b>
<p>Director Entry/Exit Project Division, Programs Branch, Canada Border Services Agency</p> <p>(exact name and address may be provided by way of letter)</p>	<p>Director Land Border Integration, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security</p> <p>Director US-VISIT Program National Protection and Programs Directorate U.S. Department of Homeland Security</p> <p>(exact name and address may be provided by way of letter)</p>	<p>Director Identity Management and Information Sharing, Admissibility Branch, Citizenship and Immigration Canada</p> <p>(exact name and address may be provided by way of letter)</p>

## **14. Differences in Interpretation and Application**

- (a) The Participants intend to resolve any differences in the interpretation or application of this LOI consistent with the SMU.
- (b) This LOI sets forth the intentions of the Participants with regard to Phase I of the Entry/Exit initiative.
- (c) This LOI is not intended to create or confer any right or benefit of any kind, either substantive or procedural that may be enforceable by any third party against the Participants, the governments of the United States and Canada, or the officers, employees, agents, or associated personnel thereof.
- (d) The provisions of this LOI are not intended to create any binding obligations of any kind between the Participants. Nothing in this LOI is intended to restrict the authority of either Participant to act as provided by law, status, or regulation, or to restrict any Participant from administering or enforcing any laws within its authority or jurisdiction.

This LOI shall take effect upon its signature.

**For the Canada Border Services Agency:**



Bruna Rados  
Director General, Special Projects  
Canada Border Services Agency

Sept 6/12  
Date

**For the U.S. Department of Homeland Security:**



David Heyman  
Assistant Secretary for Policy  
U.S. Department of Homeland Security

7-sep-12  
Date

**For Citizenship and Immigration Canada:**



Alain Desruisseaux  
Director General, Admissibility Branch  
Citizenship and Immigration Canada

06-09-12  
Date