[Federal Register Volume 76, Number 113 (Monday, June 13, 2011)]

[Notices]

[Pages 34233-34240]

From the Federal Register Online via the Government Printing Office [<http://www.gpo.gov/>]

[FR Doc No: 2011-14489]

-----------------------------------------------------------------------

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2011-0048]

Privacy Act of 1974; U.S. Citizenship and Immigration Services,

Immigration and Customs Enforcement, Customs and Border Protection--001

Alien File, Index, and National File Tracking System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of Update and Reissuance of Privacy Act System of

Records.

-----------------------------------------------------------------------

SUMMARY: The Department of Homeland Security is updating and re-

publishing the previously established Privacy Act system of records

notice published in the Federal Register on January 16, 2007 for the

Department of Homeland Security U.S. Citizenship and Immigration

Services, Immigration and Customs Enforcement, and the Customs and

Border Protection Alien File, Index, and National File Tracking System

of Records. This system of records contains information regarding

transactions involving an individual as he/she passes through the U.S.

immigration and inspection process, some of which may also be covered

by separate systems of records notices. This system of records contains

personally identifiable information such as the individual's name,

Alien Registration Number, receipt file number, date and place of

birth, date and port of entry, as well as the location of each official

Alien File. It may also contain other personal identifiers such as an

individual's social security number. The Department of Homeland

Security is updating the Department of Homeland Security United States

Citizenship and Immigration Services--001 Alien File and Central Index

System to be renamed Department of Homeland Security U.S. Citizenship

and Immigration Services, Immigration and Customs Enforcement, Customs

and Border Protection--001 Alien File, Index, and National File

Tracking System of Records with the following substantive changes: (1)

The addition of new routine uses to allow the Department of Homeland

Security to share information from the system; (2) an update to the

classification level of the system and to provide notice that the

system may contain classified records; and (3) a proposed exemption

from certain provisions of the Privacy Act for records that are

classified. Additionally, this notice includes non-substantive changes

to simplify the formatting and text of the previously published notice

and improve the public's understanding of the system. To propose the

additional exemption, the Department of Homeland Security is also

giving concurrent notice of proposed rulemaking pursuant to the Privacy

Act of 1974 for the Department of Homeland Security U.S. Citizenship

and Immigration Services, Immigration and Customs Enforcement, Customs

and Border Protection--001 Alien File, Index, and National File

Tracking System of Records. The legacy final rule exempting the

Immigration and Naturalization Service Alien File and Central Index

System, JUSTICE/INS-001A legacy system of records from certain portions

of the Privacy Act remains in effect until publication of a final rule

by the Department of Homeland Security.

DATES: Submit comments on or before July 13, 2011.

ADDRESSES: You may submit comments, identified by DHS-2011-0048 by one

of the following methods:

 Federal e-Rulemaking Portal: <http://www.regulations.gov/>.

Follow the instructions for submitting comments.

 Fax: 703-483-2999.

 Mail: Mary Ellen Callahan, Chief Privacy Officer, Privacy

Office, Department of Homeland Security, Washington, DC 20528.

 Instructions: All submissions received must include

Department of Homeland Security as the agency name and docket number

for this rulemaking. All comments received will be posted without

change to <http://www.regulations.gov/>, including any personal

information provided by the submitter.

 Docket: For access to the docket to read background

documents or comments received go to <http://www.regulations.gov/>.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact:

Donald K. Hawkins (202-272-8000), Privacy Officer, U.S. Citizenship and

Immigration Services, 20 Massachusetts Avenue, NW., Washington, DC

20529. For privacy issues please contact: Mary Ellen Callahan (703-235-

0780), Chief Privacy Officer, Privacy Office, U.S. Department of

Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

 The Department of Homeland Security (DHS) implements U.S.

immigration law and policy through the U.S. Citizenship and Immigration

Service's (USCIS) processing and adjudication of applications and

petitions submitted for citizenship,

[[Page 34234]]

asylum, and other immigration benefits. USCIS also supports national

security by preventing individuals from fraudulently obtaining

immigration benefits and by denying applications from individuals who

pose national security or public safety threats. U.S. immigration

policy and law is also implemented through U.S. Immigration and Customs

Enforcement's (ICE) law enforcement activities and U.S. Customs and

Border Protection's (CBP) inspection and border protection processes.

 The Alien File (A-File), Index, and National File Tracking System

of Records is the official record system that contains information

regarding transactions involving an individual as he/she passes through

the U.S. immigration and inspection process. The DHS/USCIS-ICE-CBP-001

Alien File, Index, and National File Tracking System of Records

contains personally identifiable information (PII) such as the

individual's name, Alien Registration Number, receipt file number, date

and place of birth, date and port of entry, as well as the location of

each official A-File. It may also contain other personal identifiers

such as an individual's Social Security Number (SSN), if the individual

has one and it is in the A-File. Some records contained in the DHS/

USCIS-ICE-CBP-001 A-Files are derived from separate systems of record,

in which case the system of records notice pertaining to the

originating system would govern the treatment of those records.

Previously, the legacy agency Immigration and Naturalization Services

(INS) collected and maintained information concerning all of these

immigration and inspection interactions. Since the formation of DHS,

however, immigration responsibilities have been divided among USCIS,

ICE, and CBP. While USCIS is the custodian of the A-File, all three

components create and use A-Files, hence this joint System of Records

Notice.

 A notice detailing this system of records was last published in the

Federal Register on January 16, 2007, as the DHS/USCIS-001 Alien File

and Central Index System (CIS), (72 FR 1755).

 DHS is updating the DHS/USCIS-001 Alien File and Central Index

System of Records to be renamed DHS/USCIS-ICE-CBP-001 Alien File,

Index, and National File Tracking System of Records to include the

following substantive changes: (1) The addition of thirteen routine

uses and updates to other routine uses to allow DHS to share

information from the system; (2) an update to the classification level

of the system and to provide notice that the system may contain

classified records; and (3) a proposed exemption from certain

provisions of the Privacy Act for records that are classified.

 DHS is renaming this system in order to provide a better

description of the types of records that are maintained in this system

of records. These records may be maintained in paper or electronic

format, but the uses and protections outlined in the notice do not

change because of the format or the specific IT system in which they

are maintained. DHS has provided more explicit notice on the specific

IT systems where these types of records may exist under ``Location.''

 Below is a summary of the thirteen routine use additions or

modifications with the letter in parentheses corresponding to the

routine use impacted:

 (A) Updated: To include DHS as an additional party for litigation

in the release of information to the Department of Justice (DOJ);

 (D) New: To an agency, organization, or individuals for the purpose

of performing audits or oversight as authorized by law;

 (F) Updated: To include interns and students working on assignments

for DHS;

 (I) New: To courts for immigration, civil, or criminal proceedings;

 (K) New: To DOJ or other federal agencies when conducting

litigation to assist in development of the agency's legal and/or policy

position;

 (L) Updated: To include sharing with international organizations

about an alien or an enforcement operation with transnational

implications;

 (P) New: To a government organization in regards to hiring or

retention of an individual where failure to disclose the information on

an individual is likely to create a security risk;

 (Q) Updated: Rewritten to provide better clarification on when

information is released to current or prospective employers;

 (T) New: To Congress during the private immigration relief

legislation process;

 (U) Updated: To government agencies to assist in the collection of

debts;

 (V) Updated: To third parties posting immigration bonds;

 (BB) New: To third parties when an individual will be released from

DHS custody to assist with arranging housing or medical care;

 (CC) New: To domestic government agencies when an individual will

be released from DHS custody and there are concerns related to health

and safety;

 (DD) New: To foreign governments to coordinate removal of

individuals;

 (EE) New: To law enforcement agencies for de-conflicting

investigations and other coordination of law enforcement activities;

 (FF) New: To custodial agencies to place an immigration detainer on

an individual or to facilitate the transfer of custody of the

individual from DHS to that agency;

 (GG) New: To government agencies to confirm the location, custodial

status, removal or voluntary departure of an alien in order to

facilitate the custody, care and/or legal rights of the individual's

minor children;

 (HH) New: To government agencies to assist in making determinations

of redress;

 (II) New: To share information from the system on a case-by-case

basis with the news media or public.

 The latter sharing, to the news media or public, would be done only

with the approval of the DHS Chief Privacy Officer, who will weigh the

public interest in receiving the information against the privacy

interests of the individual to whom the information pertains, when the

disclosure is necessary to preserve confidence in the integrity of DHS

or demonstrate the accountability of DHS personnel.

 Classification level: DHS has updated the SORN to indicate that

both classified and unclassified information may be maintained in the

A-File, as such DHS is providing a concurrent notice of proposed

rulemaking pursuant to the Privacy Act of 1974 for the DHS/USCIS-ICE-

CBP--001 Alien File, Index, and National File Tracking System of

Records to include an exemption for classified information in addition

to the existing law enforcement information exemption. The proposed

rule extends the Privacy Act exemption to classified information and

then re-publishes the existing exemptions claimed for the legacy

JUSTICE/INS-001A A-File and CIS, (66 FR 46812). Generally, USCIS, ICE,

and CBP are not the originators of the classified materials maintained

in some A-Files. DHS therefore, would rely upon the Privacy Act

exemptions claimed by the system of records from which the classified

material originated. By issuing this particular exemption, DHS is

providing further transparency about the existence of classified

material in this system of records. All of the exemptions DHS is

proposing are standard law enforcement and national security exemptions

exercised by a large number of federal law enforcement and intelligence

agencies. Until DHS

[[Page 34235]]

publishes a final rule exempting the system from certain portions of

the Privacy Act, the legacy final rule exempting the JUSTICE/INS-001A

A-File and CIS, (66 FR 46812) legacy system of records from certain

portions of the Privacy Act remains in effect for this system of

records.

 Pursuant to Pub. L. No. 107-296, Homeland Security Act of 2002,

Section 804 Savings Provisions, and by reference 28 CFR Appendix C to

Part 16, Subpart E, pertaining to the JUSTICE/INS-001A A-File and CIS,

(66 FR 46812) system of records notice, the records and information in

this system are exempt from 5 U.S.C. 552a (c)(3) and (4), (d), (e)(1),

(2), and (3), (e)(4)(G) and (H), (e)(5) and (8), and (g) of the Privacy

Act. These exemptions apply only to the extent that records in the

system are subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and

(k)(2).

 Administrative changes: In addition to the above mentioned

substantive changes to this system of records notice, DHS has updated

the categories of individuals and categories of records so that they

are more clearly defined.

 Consistent with DHS's statutory information sharing mission,

information stored in the DHS/USCIS-ICE-CBP--001 Alien File, Index, and

National File Tracking System of Records may be shared with other DHS

components, as well as appropriate federal, state, local, tribal,

foreign, or international government agencies. This sharing will take

place only after DHS determines that the receiving component or agency

has a need to know the information to carry out national security, law

enforcement, immigration, intelligence, or other functions consistent

with the purposes of this system of records and the routine uses set

forth in this system of records notice.

II. Privacy Act

 The Privacy Act embodies Fair Information Principles in a statutory

framework governing the means by which the United States Government

collects, maintains, uses, and disseminates individuals' records. The

Privacy Act applies to information that is maintained in a ``system of

records.'' A ``system of records'' is a group of any records under the

control of an agency for which information is retrieved by the name of

an individual or by some identifying number, symbol, or other

identifying particular assigned to the individual. In the Privacy Act,

an individual is defined to encompass United States citizens and lawful

permanent residents. As a matter of policy, DHS extends administrative

Privacy Act protections to all individuals where systems of records

maintain information on U.S. citizens, lawful permanent residents, and

visitors, and aliens. Individuals may request access to their own

records that are maintained in a system of records in the possession or

under the control of DHS by complying with DHS Privacy Act regulations,

6 CFR Part 5.

 The Privacy Act requires each agency to publish in the Federal

Register a description denoting the type and character of each system

of records that the agency maintains, and the routine uses that are

contained in each system in order to make agency record keeping

practices transparent, to notify individuals regarding the uses to

which their records are put, and to assist individuals to more easily

find such files within the agency. Below is the description of the DHS/

USCIS-ICE-CBP--001 A-File, Index, and National File Tracking system of

records.

 In accordance with 5 U.S.C. 552a(r), DHS has provided a report of

this revised system of records to the Office of Management and Budget

and to the Congress.

System of Records:

 DHS/USCIS-ICE-CBP--001.

System name:

 Department of Homeland Security U.S. Citizenship and Immigration

Services, Immigration and Customs Enforcement, Customs and Border

Protection--001 Alien File, Index, and National File Tracking System of

Records.

Security classification:

 Unclassified, sensitive, for official use only, and classified.

System location:

 Alien Files (A-Files) are maintained in electronic and paper format

throughout DHS. Digitized A-Files are located in the Enterprise

Document Management System (EDMS). The Central Index System (CIS)

maintains an index of the key personally identifiable information (PII)

in the A-File which can be used to retrieve additional information

through such applications as Enterprise Citizenship and Immigrations

Services Centralized Operational Repository (eCISCOR), the Person

Centric Query Service (PCQS) and the Micorfilm Digitization Application

System (MiDAS). The National File Tracking System (NFTS) provides a

tracking system of where the A-Files are physically located, including

whether the file has been digitized.

 The databases maintaining the above information are located within

the DHS data center in the Washington, D.C. metropolitan area as well

as throughout the country. Computer terminals providing electronic

access are located at U.S. Citizenship and Immigration Services (USCIS)

sites at Headquarters and in the Field throughout the United States and

at appropriate facilities under the jurisdiction of the U.S. Department

of Homeland Security (DHS) and other locations at which officers of DHS

component agencies may be posted or operate to facilitate DHS's mission

of homeland security. Hard copies of the A-Files are primarily located

at the records centers in Lee Summit, Missouri; Suitland, Maryland; San

Bruno, California; Seattle, Washington; and Dayton, Ohio. Hard copies

may also be located at Headquarters, Regional, District, and other

USCIS file control offices in the United States and foreign countries

as detailed on the agency's Web site, <http://www.uscis.gov/>. Hard copies

may also be located at the offices and facilities of U.S. Immigration

and Customs Enforcement (ICE) and U.S. Customs and Border Protection

(CBP).

Categories of individuals covered by the system:

 Categories of individuals covered by this system include:

 Lawful Permanent Residents;

 Naturalized United States Citizens;

 United States Citizens when petitioning for benefits under

the Immigration and Nationality Act (INA) on behalf of another

individual;

 Individuals who received or petition for benefits under

the INA;

 Individuals who are subject to the enforcement provisions

of the INA;

 Individuals who are subject to the INA and:

 [cir] Are under investigation by DHS for possible national security

threats or threats to the public safety,

 [cir] Were investigated by the DHS in the past,

 [cir] Are suspected of violating immigration-related criminal or

civil provisions of treaties, statutes, regulations, Executive Orders,

and Presidential proclamations administered by DHS, or

 [cir] Are witnesses and informants having knowledge of such

violations;

 Relatives and associates of those individuals list above

who are subject to the INA;

 Individuals who have renounced their U.S. Citizenship; or

 Preparers, Attorneys, and Representatives who assist

individuals during benefit and enforcement proceedings under the INA.

 Note: Individuals may fall within one or more of these categories.

[[Page 34236]]

Categories of records in the system:

 Categories of records in this system include:

 A. The hardcopy paper A-File, which contains the official record

material about each individual for whom DHS has created a record under

the Immigration and Nationality Act such as: Naturalization

certificates; various documents and attachments (e.g., birth and

marriage certificates); applications and petitions for benefits under

the immigration and nationality laws; reports of arrests and

investigations; statements; other reports; records of proceedings

before or filings made with the U.S. immigration courts and any

administrative or federal district court or court of appeal;

correspondence; and memoranda. Specific data elements may include:

 Alien Registration Number(s) (A-Numbers);

 Receipt file number(s);

 Full name and any aliases used;

 Physical and mailing addresses;

 Phone numbers and email addresses;

 Social Security Number;

 Date of birth;

 Place of birth (city, state, and country);

 Countries of citizenship;

 Gender;

 Physical characteristics (height, weight, race, eye and

hair color, photographs, fingerprints);

 Government-issued identification information (i.e.,

passport, driver's license):

 [cir] Document type,

 [cir] Issuing organization,

 [cir] Document number, and

 [cir] Expiration date;

 Military membership;

 Arrival/Departure information (record number, expiration

date, class of admission, etc.);

 FBI Identification Number;

 Fingerprint Identification Number;

 Immigration enforcement history, including arrests and

charges, immigration proceedings and appeals, and dispositions

including removals or voluntary departures;

 Immigration status;

 Family history;

 Travel history;

 Education history;

 Employment history;

 Criminal history;

 Professional accreditation information;

 Medical information relevant to an individual's

application for benefits under the Immigration and Nationality Act

before the Department or the immigration court, an individual's

removability from and/or admissibility to the United States, or an

individual's competency before the immigration court;

 Specific benefit eligibility information as required by

the benefit being sought; and

 Video or transcript of immigration interview.

 B. EDMS maintains the electronic copy of the A-File (same

information as above with the exception of material that cannot be

scanned such as cassette tapes, CDs, or DVDs) if it was scanned from

the paper file.

 C. CIS contains information on those individuals who during their

interactions with DHS have been assigned an A-Number. The system

contains biographic information on those individuals allowing DHS

employees to quickly review the individual's immigration status. The

information in the system can then be used to retrieve additional

information on the individual from other systems. The information in

the system can be used to request the hard copy A-File from the DHS

File Control Office that has custody of the file. Specific data

elements may include:

 A-Number(s);

 Full name and any aliases used;

 Social Security Number;

 Date of birth;

 Place of birth (city, state, and country);

 Country of citizenship;

 Gender;

 Government issued identification information (i.e.,

passport, driver's license):

 [cir] Document type;

 [cir] Issuing organization;

 [cir] Document number; and

 [cir] Expiration date;

 Arrival/Departure information (record number, expiration

date, class of admission etc.);

 Immigration status;

 Father and Mother's first name;

 FBI Identification Number;

 Fingerprint Identification Number;

 Immigration enforcement history, including arrests and

charges, immigration proceedings and appeals, and dispositions

including removals or voluntary departures; and

 File Control Office location of the paper or electronic A-

File.

 D. NFTS contains the location of the A-File to a more detailed

level within the DHS File Control Office. Specific data elements

include:

 A-Number(s);

 Receipt File Number; and

 Location of the paper or electronic A-File and Receipt

File at and within the DHS File Control Office, as well as the history

of who has maintained the A-File, including the component, section and

employee.

Authority for maintenance of the system:

 Authority for maintaining this system is in Sections 103 and 290 of

the INA, as amended (8 U.S.C. 1103 and 1360), and the regulations

issued pursuant thereto; and Section 451 of the Homeland Security Act

of 2002 (Pub. L. 107-296).

Purpose(s):

 The purpose of this system of records is to carry out the provision

of benefits under and the enforcement of the INA and related statutes.

A-Files, EDMS, CIS, and NFTS are used primarily by DHS employees for

immigration benefits processing, protection of national security, and

administering and enforcing immigration and nationality laws and

related statutes.

 The purpose of the A-File is to document an individual's benefits

and enforcement transactions as he/she passes through the U.S.

immigration and inspection process.

 The purpose of CIS is to provide a searchable central index of A-

Files and to support the location and transfer of A-Files among DHS

personnel and offices as needed in support of immigration benefits and

enforcement transactions.

 The purpose of NFTS is to accurately account for the specific

physical location of A-Files and Receipt Files within a DHS File

Control Office, and to track the request and transfer of all A-Files

and Receipt Files.

 These records assist the Department with processing applications

for benefits under applicable immigration laws; detecting violations of

these laws; supporting the referral of such violations for prosecution

or other appropriate enforcement action; supporting law enforcement

efforts and the inspection process; and supporting protection of the

United States borders.

Routine uses of records maintained in the system, including categories

of users and the purposes of such uses:

 Note: Even when a valid routine use permits disclosure of

information from this system of records to a third party, in some cases

such disclosure may not be permissible because of confidentiality laws

and policies that limit the sharing of information about the

application for or award of certain immigration benefits. For example,

information in this system of records contained in or pertaining to

applications for asylum or refugee protection, information relating to

persons who have pending or approved

[[Page 34237]]

petitions for protection under the Violence Against Women Act (VAWA),

Seasonal Agricultural Worker or Legalization claims, the Temporary

Protected Status of an individual, and information relating to S, T, or

U visas should not be disclosed pursuant to a routine use unless

disclosure is otherwise permissible under the confidentiality statutes,

regulations, or policies applicable to that information. However, these

confidentiality provisions do not prevent DHS from disclosing

information to the U.S. Department of Justice and United States

Attorneys' Offices as part of an ongoing criminal or civil

investigation.

 In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, all or a portion of the records or

information contained in this system may be disclosed outside DHS as a

routine use pursuant to 5 U.S.C. 552a(b)(3).

Routine uses, to include disclosures:

 A. To the Department of Justice (including United States Attorneys'

Offices) or other federal agency conducting litigation or in

proceedings before any court, adjudicative or administrative body, when

it is necessary to the litigation and one of the following is a party

to the litigation or has an interest in such litigation:

 1. DHS or any component thereof;

 2. Any employee of DHS in his/her official capacity;

 3. Any employee of DHS in his/her individual capacity where DOJ or

DHS has agreed to represent the employee; or

 4. The United States or any agency thereof, is a party to the

litigation or has an interest in such litigation, and DHS determines

that the records are both relevant and necessary to the litigation and

the use of such records is compatible with the purpose for which DHS

collected the records.

 B. To a congressional office from the record of an individual in

response to an inquiry from that congressional office made at the

request of the individual to whom the record pertains.

 C. To the National Archives and Records Administration or other

federal government agencies pursuant to records management inspections

being conducted under the authority of 44 U.S.C. 2904 and 2906.

 D. To an agency, organization, or individual for the purpose of

performing audit or oversight operations as authorized by law, but only

such information as is necessary and relevant to such audit or

oversight function.

 E. To appropriate agencies, organizations, and individuals when:

 1. DHS suspects or has confirmed that the security or

confidentiality of information in the system of records has been

compromised;

 2. DHS has determined that as a result of the suspected or

confirmed compromise there is a risk of harm to economic or property

interests, identity theft or fraud, or harm to the security or

integrity of this system or other systems or programs (whether

maintained by DHS or another agency or entity) or harm to the

individuals who rely upon the compromised information; and

 3. The disclosure made to such agencies, entities, and persons is

reasonably necessary to assist in connection with DHS efforts to

respond to the suspected or confirmed compromise and prevent, minimize,

or remedy such harm.

 F. To contractors and their agents, grantees, experts, consultants,

interns, trainees, students, and others performing or working on a

contract, service, grant, cooperative agreement, or other assignment

for DHS, when necessary to accomplish an agency function related to

this system of records. Individuals provided information under this

routine use are subject to the same Privacy Act requirements and

limitations on disclosure as are applicable to DHS officers and

employees.

 G. To appropriate federal, state, tribal, territorial, local,

international, or foreign law enforcement agencies or other appropriate

authorities charged with investigating or prosecuting a violation or

enforcing or implementing a law, rule, regulation, or order, where a

record, either on its face or in conjunction with other information,

indicates a violation or potential violation of law, which includes

criminal, civil, or regulatory violations and such disclosure is proper

and consistent with the official duties of the person making the

disclosure.

 H. To clerks and judges of courts exercising naturalization

jurisdiction for the purpose of filing petitions for naturalization and

to enable such courts to determine eligibility for naturalization or

grounds for revocation of naturalization.

 I. To courts, magistrates, administrative tribunals, opposing

counsel, parties, and witnesses, in the course of immigration, civil,

or criminal proceedings before a court or adjudicative body when:

 1. DHS or any component thereof; or

 2. Any employee of DHS in his or her official capacity; or

 3. Any employee of DHS in his or her individual capacity where the

agency has agreed to represent the employee; or

 4. The United States, where DHS determines that litigation is

likely to affect DHS or any of its components;

 Is a party to litigation or has an interest in such litigation, and

DHS determines that use of such records is relevant and necessary to

the litigation, and that in each case, DHS determines that disclosure

of the information to the recipient is a use of the information that is

compatible with the purpose for which it was collected.

 J. To an attorney or representative (as defined in 8 CFR 1.1(j))

who is acting on behalf of an individual covered by this system of

records in connection with any proceeding before USCIS, ICE, or CBP or

the Executive Office for Immigration Review.

 K. To the Department of Justice (including United States Attorneys'

Offices) or other federal agency conducting litigation or in

proceedings before any court, adjudicative or administrative body,

where necessary to assist in the development of such agency's legal

and/or policy position.

 L. To the Department of State in the processing of petitions or

applications for benefits under the Immigration and Nationality Act,

and all other immigration and nationality laws including treaties and

reciprocal agreements; or when the Department of State requires

information to consider and/or provide an informed response to a

request for information from a foreign, international, or

intergovernmental agency, authority, or organization about an alien or

an enforcement operation with transnational implications.

 M. To appropriate federal, state, local, tribal, territorial, or

foreign governments, as well as to other individuals and organizations

during the course of an investigation by DHS or the processing of a

matter under DHS' jurisdiction, or during a proceeding within the

purview of the immigration and nationality laws, when DHS deems that

such disclosure is necessary to carry out its functions and statutory

mandates to elicit information required by DHS to carry out its

functions and statutory mandates.

 N. To an appropriate federal, state, tribal, territorial, local, or

foreign government agency or organization, or international

organization, lawfully engaged in collecting law enforcement

intelligence, whether civil or criminal, or charged with investigating,

prosecuting, enforcing or implementing civil or criminal laws, related

rules, regulations or orders, to enable these entities to carry out

their law enforcement responsibilities, including the collection of law

enforcement intelligence and the disclosure is

[[Page 34238]]

appropriate to the proper performance of the official duties of the

person receiving the information.

 O. To an appropriate federal, state, local, tribal, territorial,

foreign, or international agency, if the information is relevant and

necessary to a requesting agency's decision concerning the hiring or

retention of an individual, or issuance of a security clearance,

license, contract, grant, or other benefit, or if the information is

relevant and necessary to a DHS decision concerning the hiring or

retention of an employee, the issuance of a security clearance, the

reporting of an investigation of an employee, the letting of a

contract, or the issuance of a license, grant or other benefit.

 P. To an appropriate federal, state, local, tribal, territorial,

foreign, or international agency, if DHS determines (1) The information

is relevant and necessary to that agency's decision concerning the

hiring or retention of an individual, or issuance of a security

clearance, license, contract, grant, or other benefit, and (2) failure

to disclose the information is likely to create a risk to government

facilities, equipment, or personnel; sensitive information; critical

infrastructure; or the public safety.

 Q. To an individual's current employer to the extent necessary to

determine employment eligibility or to a prospective employer or

government agency to verify an individual is eligible for a government-

issued credential that is a condition of employment.

 R. To a former employee of DHS, in accordance with applicable

regulations, for purposes of: responding to an official inquiry by a

federal, state, or local government entity or professional licensing

authority; or facilitating communications with a former employee that

may be necessary for personnel-related or other official purposes where

the Department requires information or consultation assistance from the

former employee regarding a matter within that person's former area of

responsibility.

 S. To the Office of Management and Budget in connection with the

review of private relief legislation as set forth in OMB Circular No.

A-19 at any stage of the legislative coordination and clearance process

as set forth in the Circular.

 T. To the U.S. Senate Committee on the Judiciary or the U.S. House

of Representatives Committee on the Judiciary when necessary to inform

members of Congress about an alien who is being considered for private

immigration relief.

 U. To a federal, state, tribal, or local government agency and/or

to domestic courts to assist such agencies in collecting the repayment

of loans, or fraudulently or erroneously secured benefits, grants, or

other debts owed to them or to the United States Government, or to

obtain information that may assist DHS in collecting debts owed to the

United States Government;

 V. To an individual or entity seeking to post or arrange, or who

has already posted or arranged, an immigration bond for an alien to aid

the individual or entity in (1) Identifying the location of the alien,

or (2) posting the bond, obtaining payments related to the bond, or

conducting other administrative or financial management activities

related to the bond.

 W. To a coroner for purposes of affirmatively identifying a

deceased individual (whether or not such individual is deceased as a

result of a crime).

 X. Consistent with the requirements of the INA, to the Department

of Health and Human Services (HHS), the Centers for Disease Control and

Prevention (CDC), or to any state or local health authorities, to:

 1. Provide proper medical oversight of DHS-designated civil

surgeons who perform medical examinations of both arriving aliens and

of those requesting status as a lawful permanent resident; and

 2. Ensure that all health issues potentially affecting public

health and safety in the United States are being or have been,

adequately addressed.

 Y. To a federal, state, local, tribal, or territorial government

agency seeking to verify or ascertain the citizenship or immigration

status of any individual within the jurisdiction of the agency for any

purpose authorized by law.

 Z. To the Social Security Administration (SSA) for the purpose of

issuing a SSN and card to an alien who has made a request for a SSN as

part of the immigration process and in accordance with any related

agreements in effect between the SSA, DHS and the Department of State

entered into pursuant to 20 CFR 422.103(b)(3); 422.103(c); and

422.106(a), or other relevant laws and regulations.

 AA. To federal and foreign government intelligence or

counterterrorism agencies or components where DHS becomes aware of an

indication of a threat or potential threat to national or international

security, or where such use is to conduct national intelligence and

security investigations or assist in anti-terrorism efforts.

 BB. To third parties to facilitate placement or release of an

individual (e.g., at a group home, homeless shelter, etc.) who has been

or is about to be released from DHS custody but only such information

that is relevant and necessary to arrange housing or continuing medical

care for the individual.

 CC. To an appropriate domestic government agency or other

appropriate authority for the purpose of providing information about an

individual who has been or is about to be released from DHS custody

who, due to a condition such as mental illness, may pose a health or

safety risk to himself/herself or to the community. ICE will only

disclose information about the individual that is relevant to the

health or safety risk they may pose and/or the means to mitigate that

risk (e.g., the individual's need to remain on certain medication for a

serious mental health condition).

 DD. To foreign governments for the purpose of coordinating and

conducting the removal of individuals to other nations under the INA;

and to international, foreign, and intergovernmental agencies,

authorities, and organizations in accordance with law and formal or

informal international arrangements.

 EE. To a federal, state, local, territorial, tribal, international,

or foreign criminal, civil, or regulatory law enforcement authority

when the information is necessary for collaboration, coordination and

de-confliction of investigative matters, prosecutions, and/or other law

enforcement actions to avoid duplicative or disruptive efforts and to

ensure the safety of law enforcement officers who may be working on

related law enforcement matters.

 FF. To the DOJ Federal Bureau of Prisons and other federal, state,

local, territorial, tribal and foreign law enforcement or custodial

agencies for the purpose of placing an immigration detainer on an

individual in that agency's custody, or to facilitate the transfer of

custody of an individual from DHS to the other agency. This will

include the transfer of information about unaccompanied minor children

to HHS to facilitate the custodial transfer of such children from DHS

to HHS.

 GG. To federal, state, local, tribal, territorial, or foreign

governmental or quasi-governmental agencies or courts to confirm the

location, custodial status, removal or voluntary departure of an alien

from the United States, in order to facilitate the recipients' exercise

of responsibilities pertaining to the custody, care, or legal rights

(including issuance of a U.S. passport) of the removed individual's

minor children, or the adjudication or collection of child

[[Page 34239]]

support payments or other debts owed by the removed individual.

 HH. To a federal, state, tribal, territorial, local, international,

or foreign government agency or entity for the purpose of consulting

with that agency or entity: (1) To assist in making a determination

regarding redress for an individual in connection with the operations

of a DHS component or program; (2) for the purpose of verifying the

identity of an individual seeking redress in connection with the

operations of a DHS component or program; or (3) for the purpose of

verifying the accuracy of information submitted by an individual who

has requested such redress on behalf of another individual.

 II. To the news media and the public, with the approval of the

Chief Privacy Officer in consultation with counsel, when there exists a

legitimate public interest in the disclosure of the information or when

disclosure is necessary to preserve confidence in the integrity of DHS

or is necessary to demonstrate the accountability of DHS's officers,

employees, or individuals covered by the system, except to the extent

it is determined that release of the specific information in the

context of a particular case would constitute an unwarranted invasion

of personal privacy.

Disclosure to consumer reporting agencies:

 None.

Policies and practices for storing, retrieving, accessing, retaining

and disposing of records in the system:

Storage:

 Records in this system are stored electronically or on paper in

secure facilities in a locked drawer behind a locked door. The records

are stored on paper, magnetic disc, tape, CD-ROM, DVD, and other

digital media.

Retrievability:

 Digitized A-Files maintained in EDMS can be searched and retrieved

by any of the following fields alone or in any combination:

 A-Number;

 Last name;

 First name;

 Middle name;

 Aliases;

 Date of birth;

 Country of birth;

 Gender; and

 Through a full text-based search of records contained in

the digitized A-File (based on optical character recognition of the

scanned images).

 The location of the paper record from which the digitized A-Files

was produced can be searched in CIS using the following data:

 A-Number; or

 Full name; or

 Alias; or

 Sounds-like name with or without date of birth; or

 Certificate of Citizenship or Naturalization Certificate

number; or

 Driver's License Number; or

 FBI Identification Number; or

 Fingerprint Identification Number; or

 I-94 admission number; or

 Passport number; or

 Social Security Number; or

 Travel document number.

 The location of the paper or digitized record A-Files and Receipt

Files can be searched in NFTS using the following data:

 A-Number; or

 Receipt File Number.

Safeguards:

 Records in this system are safeguarded in accordance with

applicable rules and policies, including all applicable DHS automated

systems security and access policies. Strict physical and technical

controls have been imposed to minimize the risk of compromising the

information that is being stored. Access to the hard copy records and

computer systems containing the records in this system is limited to

those individuals who have a need to know the information for the

performance of their official duties and who have appropriate

clearances or permissions.

Retention and disposal:

 The A-File records are permanent whether hard copy or electronic.

A-Files are transferred to the custody of the National Archives 100

years after the individual's date of birth. Newly-eligible files are

transferred to the National Archives every five years. When a paper A-

File is digitized, the digitized A-File maintained in EDMS becomes the

official record and maintains the same retention schedule as the

original paper A-File. The hard copy files are sent to the records

center once the records have been digitized.

 CIS records are permanently retained on-site because they are the

index of where the physical A-File is and whether it has been

transferred to the National Archives.

 NFTS records are temporary and deleted when they are no longer

needed for agency business. The records exist only as a reference to a

physical or digital file, and exist for as long as the referenced file

exists. NFTS records associated with an A-File will be retained on a

permanent basis even after the A-File has been retired to NARA to

retain accurate recordkeeping. Receipt Files with a shorter retention

period will have the associated NFTS record destroyed or deleted once

the file has been destroyed.

System manager and address:

 The DHS system manager is the Chief, Records Division, U.S.

Citizenship and Immigration Services, Department of Homeland Security,

U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue,

NW., Washington, DC 20529.

Notification procedure:

 The Secretary of Homeland Security has exempted this system from

the notification, access, and amendment procedures of the Privacy Act

because it contains classified and sensitive unclassified information

related to intelligence, counterterrorism, homeland security, and law

enforcement programs. These exemptions apply only to the extent that

records in the system are subject to exemption. However, USCIS will

consider individual requests to determine whether or not information

may be released. Individuals must request access to their information

by submitting a Freedom of Information (FOIA) or Privacy Act request to

USCIS in writing clearly marked ``Privacy Act Request'' or ``FOIA

Request'' to the following address: National Records Center, U.S.

Citizenship and Immigration Services, FOIA/PA Office, P.O. Box 64064-

8010, Lee's Summit, MO 64064-8010.

 When seeking records about yourself from this system of records or

any other Departmental system of records, your request must conform

with the Privacy Act regulations set forth in 6 CFR part 5. You must

first verify your identity, meaning that you must provide your full

name, current address and date and place of birth. You must sign your

request, and your signature must either be notarized or submitted under

28 U.S.C. 1746, which permits statements to be made under penalty of

perjury as a substitute for notarization. While no specific form is

required, you may obtain forms for this purpose from the Chief FOIA

Officer, <http://www.dhs.gov/FOIA> or 1-866-431-0486. In addition you

should provide the following:

 An explanation of why you believe the Department would

have information on you;

 Identify which component(s) of the Department you believe

may have the information about you;

[[Page 34240]]

 Specify when you believe the records would have been

created;

 Provide any other information that will help the FOIA

staff determine which DHS component agency may have responsive records;

and

 If your request is seeking records pertaining to another

living individual, you must include a statement from that individual

certifying his/her agreement for you to access his/her records.

 Without this bulleted information, USCIS may not be able to conduct

an effective search, and your request may be denied due to lack of

specificity or lack of compliance with applicable regulations.

Record access procedures:

 See ``Notification procedure'' above.

Contesting record procedures:

 See ``Notification procedure'' above.

Record source categories:

 Basic information contained in DHS records is supplied by

individuals on Department of State and DHS applications and forms.

Other information comes from inquiries or complaints from members of

the general public and members of Congress; referrals of inquiries or

complaints directed to the President or Secretary of Homeland Security;

reports of investigations, sworn statements, correspondence, official

reports, memoranda, and written referrals from other entities,

including federal, state, and local governments, various courts and

regulatory agencies, foreign government agencies and international

organizations.

Exemptions claimed for the system:

 The Secretary of Homeland Security has exempted this system from

the following provisions of the Privacy Act, subject to the limitations

set forth in 5 U.S.C. 552a(c)(3) and (c)(4): (d); (e)(1), (e)(2),

(e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (e)(12); (f);

(g)(1); and (h) pursuant to 5 U.S.C. 552a(j)(2). Additionally, the

Secretary of Homeland Security has exempted this system from the

following provisions of the Privacy Act, subject to the limitation set

forth in 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H),

(e)(4)(I); and (f) pursuant to 5 U.S.C. 552a(k)(1) and (k)(2).

 Dated: May 27, 2011.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2011-14489 Filed 6-10-11; 8:45 am]

BILLING CODE 9111-97-P