



PRIVACY THRESHOLD ANALYSIS (PTA)

This form is used to determine whether a Privacy Impact Assessment is required.

Please use the attached form to determine whether a Privacy Impact Assessment (PIA) is required under the E-Government Act of 2002 and the Homeland Security Act of 2002.

Please complete this form and send it to your component Privacy Office. If you do not have a component Privacy Office, please send the PTA to the DHS Privacy Office:

Senior Director, Privacy Compliance
The Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528
Tel: 202-343-1717

PIA@hq.dhs.gov

Upon receipt from your component Privacy Office, the DHS Privacy Office will review this form. If a PIA is required, the DHS Privacy Office will send you a copy of the Official Privacy Impact Assessment Guide and accompanying Template to complete and return.

A copy of the Guide and Template is available on the DHS Privacy Office website, www.dhs.gov/privacy, on DHSConnect and directly from the DHS Privacy Office via email: pia@hq.dhs.gov, phone: 202-343-1717.



PRIVACY THRESHOLD ANALYSIS (PTA)

SUMMARY INFORMATION

Project or Program Name:	Form I-9 "Employment Eligibility Verification" (renewal)		
Component:	U.S. Citizenship and Immigration Services (USCIS)	Office or Program:	Verification
Xacta FISMA Name (if applicable):	Not applicable	Xacta FISMA Number (if applicable):	Not applicable
Type of Project or Program:	Form or other Information Collection	Project or program status:	Update
Date first developed:	November 1, 1986	Pilot launch date:	Click here to enter a date.
Date of last PTA update	March 26, 2012	Pilot end date:	Click here to enter a date.
ATO Status (if applicable)	Choose an item.	ATO expiration date (if applicable):	Click here to enter a date.

PROJECT OR PROGRAM MANAGER

Name:	Karen Powers		
Office:	Verification	Title:	Management and Program Analyst
Phone:	202-443-0244	Email:	karen.e.powers@uscis.dhs.gov

INFORMATION SYSTEM SECURITY OFFICER (ISSO) (IF APPLICABLE)

Name:	Paul Stanard/Daniel McCarthy		
Phone:	202-272-9062/202-272-8253	Email:	Paul.M.Stanard@uscis.dhs.gov/ Daniel.J.McCarthy@uscis.dhs.gov



SPECIFIC PTA QUESTIONS

1. Reason for submitting the PTA: Renewal PTA

Please provide a general description of the project and its purpose in a way a non-technical person could understand. If this is an updated PTA, please describe what changes and/or upgrades that are triggering the update to this PTA. If this is a renewal please state whether or not there were any changes to the project, program, or system since the last version.

Background

In 1986, Congress mandated that employers verify that all new employees hired after November 6, 1986, are authorized to work in the United States. In response to this mandate, Form I-9, “*Employment Eligibility Verification*,” was created and is now issued by the U.S. Citizenship and Immigration Services (USCIS). All U.S. employers must complete and retain a Form I-9 for each individual they hire for employment in the United States. This requirement applies to both U.S. Citizens and non-citizens. The employer must examine Form I-9 and the documentation (e.g., driver’s license, passport, birth certificate) an employee presents to determine whether the documentation reasonably appears to be genuine. The employer records the documentation information on Form I-9.

USCIS does not collect information directly from employees via this process; rather, employers collect this information directly from their employees. Employers that participate in the E-Verify program submit information from Form I-9 to the E-Verify system, which uses various federal government databases to determine employment eligibility. After undergoing the Paperwork Reduction Act (PRA) process in 2012-2013, USCIS published a revised Form I-9 in March 2013 that among other things included new data fields for employees to provide their e-mail address and telephone number. These changes were documented in a PTA, and prompted updates to the Form I-9 PIA and E-Verify SORN, completed on June 21, 2013, and July 22, 2013, respectively.

This PTA replaces the expired 2012 I-9 PTA. There are no substantive changes to the form, and no new collection of PII. The form is covered by existing privacy compliance documentation.

2. Does this system employ any of the following technologies:

If you are using any of these technologies and want coverage under the respective PIA for that technology please stop here and contact the DHS Privacy Office for further guidance.

- Closed Circuit Television (CCTV)
- Social Media
- Web portal¹ (e.g., SharePoint)
- Contact Lists
- None of these

¹ Informational and collaboration-based portals in operation at DHS and its components that collect, use, maintain, and share limited personally identifiable information (PII) about individuals who are “members” of the portal or “potential members” who seek to gain access to the portal.



<p>3. From whom does the Project or Program collect, maintain, use, or disseminate information? <i>Please check all that apply.</i></p>	<p><input type="checkbox"/> This program does not collect any personally identifiable information²</p> <p><input checked="" type="checkbox"/> Members of the public</p> <p><input type="checkbox"/> DHS employees/contractors (list components):</p> <p><input type="checkbox"/> Contractors working on behalf of DHS</p> <p><input type="checkbox"/> Employees of other federal agencies</p>
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<p>4. What specific information about individuals is collected, generated or retained?</p>
<p><i>Please provide a specific description of information that is collected, generated, or retained (such as names, addresses, emails, etc.) for each category of individuals.</i></p> <p>USCIS does not collect information via this process. Information is collected by employers only, directly from their employees. Employers only collect those data fields contained on the Form I-9. The data fields that could potentially be collected are as follows:</p> <p>Employee (All employees, unless indicated otherwise)</p> <ul style="list-style-type: none"> • Name (Last, First, Middle Initial, Other Names Used) • Address • Date of Birth • Social Security Number (optional, unless the employer participates in E-Verify) • Claimed Citizenship or Immigration Status (U.S. Citizen (USC)), Noncitizen National, Lawful Permanent Resident, or Alien Authorized to Work in the United States) • A-Number or I-94 Number (Non-USCs) • Signature • Date of Signature • Phone Number (optional) • Email Address (optional) • Foreign Passport Number and Country of Issuance (required only if employee attests to being an "Alien Authorized to Work," does not have an Alien Registration Number, did not receive an I-94 from USCIS and entered the U.S. using a foreign passport) <p>Preparer/Translator (if appropriate)</p> <ul style="list-style-type: none"> • Name

² DHS defines personal information as "Personally Identifiable Information" or PII, which is any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual, regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the U.S., or employee or contractor to the Department. "Sensitive PII" is PII, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. For the purposes of this PTA, SPII and PII are treated the same.



- Address
- Signature
- Date of Signature

Document(s) as set forth in Lists A, B or C

- Title
- Issuing Authority
- Number (e.g., driver's license number)
- Expiration Date (if any)

Employer (or Employer's Authorized Representative)

- Name
- Title
- Signature
- Date of Signature
- Business or Organization Name and Address

Reverification and Rehires (if applicable, to be completed by employer)

- New Name (if applicable)
- Date of Rehire (month/day/year)(if applicable)
- If the employee's previous grant of employment authorization has expired, new information from the document that establishes current employment authorization, including: document title, document number and expiration date (if any)
- Signature of Employer's or Authorized Representative
- Date of Employer's or Authorized Representative's Signature

The information on Form I-9 comes from:

- Employees who provide basic information about themselves and attest to their own immigration status;
- The preparers/translators, if applicable, who provide information about themselves;
- Document(s) provided by the employee
- Employers or their authorized representative who enter the date of hire and attest to having reviewed the documents, to determining that they reasonably appear to be genuine and relate to the individual presenting it, and believing the employee to be authorized to work in the United States.

4(a) Does the project, program, or system retrieve information by personal identifier?

- No. Please continue to next question.
 Yes. If yes, please list all personal identifiers used:



4(b) Does the project, program, or system use Social Security Numbers (SSN)?	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.
4(c) If yes, please provide the specific legal basis and purpose for the collection of SSNs:	The SSN is an optional field on the Form I-9, unless the employer participates in the E-Verify Program. The legal authority to collect SSNs is provided by Immigration Reform and Control Act of 1986, codified at 8 USC 1324a.
4(d) If yes, please describe the uses of the SSNs within the project, program, or system:	E-Verify employers enter an employee's SSN into the E-Verify system, which verifies the employee's employment eligibility against the Social Security Administration database. The SSN is used to for the purpose of verifying an employee's employment eligibility.
4(e) If this project, program, or system is an information technology/system, does it relate solely to infrastructure? <i>For example, is the system a Local Area Network (LAN) or Wide Area Network (WAN)?</i>	<input checked="" type="checkbox"/> No. Please continue to next question. <input type="checkbox"/> Yes. If a log kept of communication traffic, please answer the following question.
4(f) If header or payload data³ is stored in the communication traffic log, please detail the data elements stored.	
Click here to enter text.	
5. Does this project, program, or system connect, receive, or share PII with any other DHS programs or systems⁴?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If yes, please list: Click here to enter text.
6. Does this project, program, or system connect, receive, or share PII with any external (non-DHS) partners or systems?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If yes, please list: Click here to enter text.
6(a) Is this external sharing pursuant to new or existing information sharing	Choose an item.

³ When data is sent over the Internet, each unit transmitted includes both header information and the actual data being sent. The header identifies the source and destination of the packet, while the actual data is referred to as the payload. Because header information, or overhead data, is only used in the transmission process, it is stripped from the packet when it reaches its destination. Therefore, the payload is the only data received by the destination system.

⁴ PII may be shared, received, or connected to other DHS systems directly, automatically, or by manual processes. Often, these systems are listed as "interconnected systems" in Xacta.



<p>access agreement (MOU, MOA, LOI, etc.)?)</p>	<p>Please describe applicable information sharing governance in place:</p> <p>N/A</p>
<p>7. Does the project, program, or system provide role-based training for personnel who have access in addition to annual privacy training required of all DHS personnel?</p>	<p><input checked="" type="checkbox"/> No.</p> <p><input type="checkbox"/> Yes. If yes, please list:</p>
<p>8. Per NIST SP 800-53 Rev. 4, Appendix J, does the project, program, or system maintain an accounting of disclosures of PII to individuals who have requested access to their PII?</p>	<p><input checked="" type="checkbox"/> No. What steps will be taken to develop and maintain the accounting: There are no requests for disclosure of PII because the form is not routinely collected by the government.</p> <p><input type="checkbox"/> Yes. In what format is the accounting maintained:</p>
<p>9. Is there a FIPS 199 determination?⁴</p>	<p><input type="checkbox"/> Unknown.</p> <p><input checked="" type="checkbox"/> No.</p> <p><input type="checkbox"/> Yes. Please indicate the determinations for each of the following:</p> <p>Confidentiality: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Undefined</p> <p>Integrity: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Undefined</p> <p>Availability: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Undefined</p>

PRIVACY THRESHOLD REVIEW

⁴ FIPS 199 is the [Federal Information Processing Standard](#) Publication 199, Standards for Security Categorization of Federal Information and Information Systems and is used to establish security categories of information systems.



(TO BE COMPLETED BY COMPONENT PRIVACY OFFICE)

Component Privacy Office Reviewer:	Kristy Sawyer/Sarita Rijhwani
Date submitted to Component Privacy Office:	January 20, 2016
Date submitted to DHS Privacy Office:	January 21, 2016
Component Privacy Office Recommendation: <i>Please include recommendation below, including what new privacy compliance documentation is needed.</i>	
This PTA replaces the expired Form I-9 updated PTA (March 2, 2012). We recommend this form be designated as "Privacy Sensitive" and covered by existing privacy compliance documentation- (DHS/USCIS-011 E-Verify System of Records, August 11, 2014 and DHS/USCIS/PIA-036(b) - Form I-9 Employment Eligibility Verification Update; DHS/USCIS/PIA-036 Employment Eligibility Verification Requirements Under the Form I-9 April 15, 2011; DHS/USCIS/PIA-030(d) - E-Verify Program.	

(TO BE COMPLETED BY THE DHS PRIVACY OFFICE)

DHS Privacy Office Reviewer:	Lindsay Lennon
PCTS Workflow Number:	1117860
Date approved by DHS Privacy Office:	January 21, 2016
PTA Expiration Date	January 21, 2019

DESIGNATION

Privacy Sensitive System:	Yes If "no" PTA adjudication is complete.
Category of System:	Form/Information Collection If "other" is selected, please describe: Click here to enter text.
Determination:	<input type="checkbox"/> PTA sufficient at this time. <input type="checkbox"/> Privacy compliance documentation determination in progress. <input type="checkbox"/> New information sharing arrangement is required. <input type="checkbox"/> DHS Policy for Computer-Readable Extracts Containing Sensitive PII applies. <input type="checkbox"/> Privacy Act Statement required.



<input checked="" type="checkbox"/> Privacy Impact Assessment (PIA) required. <input checked="" type="checkbox"/> System of Records Notice (SORN) required. <input type="checkbox"/> Paperwork Reduction Act (PRA) Clearance may be required. Contact your component PRA Officer. <input type="checkbox"/> A Records Schedule may be required. Contact your component Records Officer.	
PIA:	System covered by existing PIA If covered by existing PIA, please list: DHS/USCIS/PIA-036(b) - Form I-9 Employment Eligibility Verification Update; DHS/USCIS/PIA-030(d) - E-Verify Program
SORN:	System covered by existing SORN If covered by existing SORN, please list: DHS/USCIS-011 - E-Verify Program August 11, 2014 79 FR 46852
DHS Privacy Office Comments: <i>Please describe rationale for privacy compliance determination above.</i>	
There have been no substantive changes to the form since the 2012 PTA, and no new collections of PII. PRIV agrees with USCIS Privacy that the DHS/USCIS/PIA-036(b) continues to cover the form. When USCIS collects information from the Form I-9, the employer enters the information into the E-Verify system. Therefore, the E-Verify PIA and E-Verify SORN cover the collection of that information.	