



**Privacy Impact Assessment Update
for the
Student Exchange Visitor Information System
(SEVIS)**

DHS/ICE/PIA – 001(a)

June 23, 2011

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Abstract

Department of Homeland Security (DHS) Immigration Customs Enforcement (ICE) is updating the Privacy Impact Assessment (PIA) for the Student Exchange Visitor Information System (SEVIS) published on February 5, 2005, in order to provide further notice of the expansion of routine sharing of SEVIS with the intelligence community in support of the Department's mission to protect the United States from potential terrorist activities.

Introduction

Congress mandated that DHS in consultation with the Departments of State (DOS) and Education (DOED), develop a national system to collect and maintain pertinent information on nonimmigrant students and exchange visitors, and the school and exchange visitor sponsors that host these individuals in the United States. ICE's Student and Exchange Visitor Program (SEVP) operates the SEVIS database under the authority of 8 U.S.C. § 1372 in coordination with the DOS, which oversees the operation of the Exchange Visitor (EV) program. Section 1372 requires DHS to develop and conduct a program to collect electronically from approved educational institutions and designated EV programs in the United States certain information about aliens who have or are applying for F, M, or J non-immigrant status. Section 1372 also requires that particular information be collected, such as identifying information about the alien; field of study, status and compliance information from educational institutions and exchange visitor programs; and the alien's date and port of entry.

Student, exchange visitor, and dependent information are maintained in SEVIS. SEVIS is an Internet-based system that maintains real time information on nonimmigrant students (F and M visa), exchange visitors (J visa), and their dependents (F/M/J-2). Designated school officials of SEVP-certified schools and responsible officers of DOS-approved programs use SEVIS to transmit mandatory information and event notification via the Internet to DHS and DOS throughout the lifecycle of a student or exchange visitor, from entry, to stay and to exit from the United States.

Pursuant to the National Security Act of 1947, as amended, the National Counter Terrorism Center (NCTC) "serve[s] as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support." 50 U.S.C. § 404o. In order to enhance information sharing, the President issued Executive Order 13388, *Further Strengthening the Sharing of Terrorism Information to Protect Americans* (October 27, 2005), which provides that the Head of each agency that possesses or acquires terrorism information shall promptly give access to that information to the head of each other agency that has counterterrorism functions. The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 (Pub. L. No. 108-458), as



amended places an obligation on U.S. government agencies to share terrorism information with the intelligence community, including NCTC. In certain instances, DHS shares the entire dataset with an intelligence community member in order to support the counterterrorism activities of the intelligence community and to identify terrorism information within DHS data. DHS has decided to share the entire SEVIS database with NCTC under a Memorandum of Agreement (MOA). The MOA permits NCTC to use SEVIS information to facilitate NCTC's counterterrorism efforts. This information sharing also aligns with DHS's mission to prevent and deter terrorist attacks. The MOA includes a number of safeguards to ensure the data is only used for the purposes explicitly permitted under the MOA, this PIA, and the DHS/ICE – 001 Student and Exchange Visitor Information System of Records Notice (SORN) 75 FR 412, January 5, 2010.¹ The MOA also limits the amount of time the information is maintained at NCTC, ensures proper information technology security is in place during and after transmission of the SEVIS data to NCTC, requires deletion of data, requires training for staff accessing SEVIS, and provides for routine reporting and auditing of NCTC's use of the data.

Reason for the PIA Update

DHS/ICE is updating the existing SEVIS PIA (DHS/ICE/PIA-001) published on February 5, 2005,² to account for the routine sharing of SEVIS data with the intelligence community, including NCTC. DHS has entered into an MOA NCTC in order to facilitate NCTC's counterterrorism efforts. This information sharing also aligns with DHS's mission to prevent and deter terrorist attacks. DHS and NCTC have placed specific safeguards in this MOA to ensure that the data is used appropriately and in accordance with the existing SORN, DHS/ICE – 001 Student and Exchange Visitor Information System of Records, 75 FR 412, January 5, 2010, and this PIA.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

There is no change in the collection of SEVIS information. ICE continues to collect the following type of information from nonimmigrant students, exchange visitors, and dependents: the nonimmigrant's name, country of birth, date of birth, country of citizenship, educational background, information on the education/program activity for which the individual is seeking admittance, and passport and visa information. A complete list of information collected and maintained in SEVIS on all nonimmigrant students, exchange visitors, and their dependents is listed in Appendix C of DHS/ICE/PIA-001 SEVIS PIA published on February 5, 2005.

¹ Available at: <http://edocket.access.gpo.gov/2010/E9-31268.htm>.

² Available at: http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_sevis.pdf.



Certified schools must provide specific information regarding the school, the nature and requirements of the educational program, location and contact information, and costs to attend. Designated sponsors must provide similar information regarding their exchange visitor programs. A full list of information collected from schools and sponsors is listed in Appendix C of DHS/ICE/PIA-001 SEVIS PIA published on February 5, 2005.

ICE is providing a subset of SEVIS data to NCTC in order to facilitate NCTC's counterterrorism efforts. This information sharing also aligns with DHS's mission to prevent and deter terrorist attacks.

Uses of the System and the Information

DHS/ICE has not changed the uses of the information.

Retention

The DHS retention period for SEVIS has not changed. The retention period for SEVIS records is 75 years. For the purposes of the MOA with NCTC, DHS has identified certain data fields as presumed U.S. Person information. Fields identified as U.S. Persons may be retained by NCTC for up to 180 days in order to identify terrorism information, in support of its counterterrorism mission and in support of DHS's mission to prevent and deter terrorist attacks. NCTC may retain any SEVIS information it identifies as "terrorism information" as defined in the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub.L. 108-458) for as long as it is permitted to under applicable laws, policies, and standards governing the retention of terrorism information.

Internal Sharing and Disclosure

No changes have been made to internal sharing. Information about non-immigrant students and exchange visitors from SEVIS is systematically shared with US-VISIT in order to build the Arrival and Departure Information System (ADIS)³ to identify immigrants and non-immigrants.

External Sharing and Disclosure

DHS has entered into a MOA with NCTC in order to facilitate NCTC's counterterrorism efforts. This information sharing also aligns with DHS's mission to prevent and deter terrorist attacks. This sharing is conducted pursuant to routine use W of the SEVIS SORN, which states that DHS may share SEVIS information with "a federal, state, or local agency, or other appropriate entity or individual, or through established liaison channels to selected foreign governments, in order to provide intelligence, counterintelligence, or other information for the purposes of intelligence, counterintelligence, or antiterrorism activities authorized by U.S. law, Executive Order, or other applicable national security directive."

³ The PIA and SORN for DHS/NPPD/US-VISIT/ADIS can be found at www.dhs.gov/privacy.



NCTC will process SEVIS data identified as or presumed to be U.S. Person information within 180 calendar days of receipt from DHS to determine whether a nexus to terrorism exists. NCTC will immediately purge all SEVIS data that do not constitute terrorism information no more than 180 calendar days from receipt. This process will be audited as required under the MOU. NCTC will review, retain, and disseminate SEVIS data it has determined to have a nexus to terrorism in accordance with procedures approved for NCTC by the Attorney General in accordance with Section 2.3 of Executive Order 12333 and additional terms specified in the MOU.

The MOU has strict safeguards to protect the PII provided to NCTC. These protections include oversight of NCTC's use of the data by DHS personnel detailed to NCTC. In addition, training has been provided to NCTC users on the appropriate use of personally identifiable information (PII). DHS/ICE will provide annual and periodic training to appropriate NCTC personnel on proper interpretation of the data contained in SEVIS and on proper treatment of data from certain categories which require special handling, such as asylum, refugee, and U.S. Person data.

NCTC may not disseminate to third parties information derived from SEVIS data, unless that data was identified as containing terrorism information. NCTC shall maintain an electronic copy of the SEVIS data that was disseminated, to whom, and the purpose for the dissemination.

Additionally, DHS is accounting for the disclosures of SEVIS data to NCTC pursuant to subsection (c) of the Privacy Act, which requires the Department to maintain an account of disclosures of Privacy Act records when such records are disclosed outside of DHS.

Notice

The SEVIS SORN was published in the *Federal Register* on January 5, 2010, 75 FR 412, and remains accurate and current. Routine Use W covers this sharing.

Individual Access, Redress, and Correction

No changes have been made to access, redress, and correction.

DHS allows persons, including foreign nationals, to seek administrative access under the Privacy Act to certain information maintained in SEVIS. Individual's may request access to their own data maintained in SEVIS by filing a request under the Freedom of Information Act/Privacy Act to the ICE FOIA Office. Specific instructions for filing a request with the ICE FOIA Office may be found at www.ice.gov/FOIA.

Requests should conform to the requirements of 6 CFR Part 5, which provides the rules for requesting access to Privacy Act records maintained by DHS. The envelope and letter should be clearly marked "Privacy Act Access Request." The request should include a general description of the records sought and must include the requester's full name, current address, and



date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury.

Technical Access and Security

The new sharing is conducted in conformance with existing information technology security protocols, including encryption.

Technology

No changes.

Responsible Official

Lyn Rahilly
Privacy Officer
U.S. Immigration and Customs Enforcement
Department of Homeland Security

Approval Signature

Final signed version on file with the DHS Privacy Office.

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