



**Privacy Impact Assessment Update
for the
Vessel Requirements for the Notice of Arrival
and Departure (NOAD) and Automatic
Identification System (AIS) Rulemaking**

DHS/USCG/PIA-006(b)

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Contact Point

**Mr. Nicholas Andersen
Coast Guard Intelligence (CG-26)
Department of Homeland Security
202-372-2780**

Reviewing Official

**Karen L. Neuman
Chief Privacy Officer
Department of Homeland Security
202-343-1717**



Abstract

This Privacy Impact Assessment (PIA) updates the previous “Vessel Requirements for Notice of Arrival and Departure and Automatic Identification System Notice of Proposed Rulemaking” PIA dated November 19, 2008. The United States Coast Guard (USCG) is updating this PIA following a recently published final rule after considering comments received on the notice of proposed rulemaking (NPRM) published December 16, 2008. The USCG prepared this PIA update because the Notice of Arrival (NOA) portion of this final rule requires an expansion of an existing collection of personally identifiable information (PII).

Introduction

Under authority of the Ports and Waterways Safety Act (PWSA),¹ which authorizes the promulgation of regulations to require the receipt of arrival notices from vessels destined for a port or place subject to the jurisdiction of the United States, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) in 2008 that proposed to modify its existing Notice of Arrival (NOA) regulatory requirements.² After considering comments on that proposed rule, the Coast Guard is issuing a final rule that will change existing NOA requirements.³

Under the newly issued final rule,⁴ USCG expanded the NOA regulations to include: (a) foreign commercial vessels 300 gross tons (GT) or less than transit two or more Captain of the Port zones (COTP);⁵ and (b) U.S. commercial vessels 300 GT or less coming from a foreign port or place. The final rule also modifies related reporting content, timeframes, and procedures. The Automatic Identification System (AIS) regulations⁶ only apply to commercial vessels. The U.S. Coast Guard uses the combination of NOA and AIS data to improve navigation safety, enhance the ability to identify and track vessels, and heighten overall maritime domain awareness (MDA), thus helping address threats to maritime transportation safety and security.

The final rule adds five fields to the NOA information collection requirement, only three of which are new to industry: (1) the Maritime Mobile Service Identity (MMSI) number; (2) whether a vessel is 300 GT or less; and (3) whether the vessel’s voyage time is less than 24 hours. An MMSI number is a series of nine digits that are sent in digital form over a radio frequency channel to uniquely identify ships. For a vessel with AIS,⁷ the MMSI allows the

¹ 33 U.S.C. § 1221 *et seq.*

² 33 CFR part 160.

³ The Coast Guard received considerable public comment on this rulemaking. USCG provided a 4-month comment period for the proposed rule. It received 91 written submissions, and 27 persons made oral statements at the public meetings. There were approximately 475 comments in response to the USCG NPRM.

⁴ 80 FR 5282.

⁵ *Captain of the Port* means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in 33 CFR part 3.

⁶ Current AIS requirements are found in 33 CFR 164.46.

⁷ *AIS* means a maritime navigation safety communications system standardized by the International



vessel to recognize other vessels around it (on a visual display) that also have AIS. This aids in situational awareness and collision avoidance. The MMSI is assigned by a vessel's Flag Administration. For U.S. commercial vessels, the Federal Communications Commission (FCC) assigns MMSI numbers.

The two other fields – (4) last port of departure, and (5) arrival and departure date for last port of departure – are currently required⁸ but the Coast Guard is expanding to capture the last port of departure (whether foreign or domestic), the arrival and departure date, and the last 5 foreign ports or places visited and the dates of arrival and departure for those five visits. In addition, the final rule removes the submission of a consolidated NOA and the three ports-to-be-visited fields associated with those submissions.

Using Maritime Transportation Security Act of 2002 (MTSA) authority,⁹ this final rule also expands AIS requirements¹⁰ beyond Vessel Traffic Service (VTS) areas to all U.S. navigable waters, removes an exception for passenger and fishing vessels from the applicability threshold for commercial vessels 65 feet or more in length, and expands applicability to certain dredges and vessels moving certain dangerous cargo (CDC) or flammable or combustible liquid cargo in bulk. Unlike NOA, these AIS requirements do not involve the collection of PII. These requirements for additional commercial vessels to install and use AIS are consistent with statutory requirements and in limited cases rely on the Secretary's discretionary authority. The Coast Guard has identified dredges as the only vessels that will be required to install AIS based solely on the Secretary's discretionary authority to decide which vessels need AIS for safe navigation purposes.¹¹ The final rule will enhance our overall maritime domain awareness (MDA) by allowing the Coast Guard to retrieve more AIS and NOA data to meet the safety and security objectives of the MTSA and the PWSA.

Reason for the PIA Update

All NOA information is collected through eNOAD. USCG retains the information by vessel in the Ship Arrival Notification System (SANS), which is operated by the National Vessel Movement Center (NVMC) at the USCG's Operations Systems Center (OSC) in Kearneysville, WV. SANS provides a central location for all collected information from vessels scheduled to enter the United States.

Telecommunication Union (ITU), adopted by the International Maritime Organization (IMO), that—

- (1) Provides vessel information, including the vessel's identity, type, position, course, speed, navigational status, and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft;
- (2) Receives automatically such information from similarly fitted ships, monitors, and tracks ships; and
- (3) Exchanges data with shore-based facilities.

⁸ See 33 CFR 160.206, Table 160.206(2)(i) and (ii).

⁹ MTSA (46 U.S.C. § 70114) specifies which vessels must carry AIS.

¹⁰ Current AIS requirements are found in 33 CFR 164.46.

¹¹ 46 U.S.C. § 70114(a)(1)(D).



Currently, NOA information is received at the NVMC via e-mail, facsimile, telephone, and electronically at <https://enoad.nvmc.uscg.gov/>. SANS makes NOA information available to Coast Guard personnel stationed at various Captain of the Port zones, the Intelligence Coordination Center (ICC), and the National Maritime Intelligence Center (NMIC). For port safety issues, NOAD is reviewed to determine whether inspections are required on a particular vessel, or if there is a need to establish safety zones, escorts, boardings, and other safety operations.

The USCG has conducted this update to the PIA because the NOAD and AIS final rule will increase the number of individuals about whom PII is collected and stored in the SANS,¹² and will add new data fields.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

The increase in vessel NOA reports will come from U.S. and foreign vessels less than 300 GT arriving in a U.S. port or place from a foreign port. The NOA reports will include data on crew members and passengers. The crewmember/passenger data¹³ from vessels less than 300 GT is identical to that data collected now from vessels 300 GT or more. The data will be received, stored, and handled in the same manner as the data currently received from larger vessels.

As noted in the Introduction section above, the Coast Guard is adding three new NOA fields:

- The Maritime Mobile Service Identity (MMSI) number;
- Whether a vessel is 300 GT or less; and
- Whether the vessel's voyage time is less than 24 hours.

These new data fields are beyond what is currently called for in the regulation, but were included in the Coast Guard NPRM and NOAD and AIS PIA. None of these new data fields contain PII; rather the fields are specific to the vessel. The MMSI is a unique identity number used during radio transmissions from the AIS unit. The MMSI helps distinguish one vessel's AIS reports from another vessel's reports. It is similar to a radio call sign. The new data fields about vessel tonnage and voyage time are specific to the vessel and its voyage and contain no PII.

¹² Information is retrieved from the SANS by vessel and not by personal identifier. USCG safeguards NOAD data in the SANS in accordance with applicable laws, rules, and policies. The NOA data in SANS is covered by a DHS/USCG-029 Notice of Arrival and Departure System of Records.

¹³ The crewmember/passenger data is detailed in SORN DHS/USCG-029.



Uses of the System and the Information

The uses of PII have not changed with this update, and no new privacy risks have been identified. New fields added pursuant to the new regulation do not contain PII.

Retention

The retention schedules have not changed.¹⁴

Internal Sharing and Disclosure

The internal sharing and disclosure have not changed with this update, and no new privacy risks have been identified.

External Sharing and Disclosure

The external sharing and disclosure have not changed with this update, and no new privacy risks have been identified.

Notice

To provide extensive notice of the expanded collection and revised rulemaking, Coast Guard provided a four month comment period for the proposed rule. Coast Guard received 91 written submissions, and 27 persons made oral statements at Coast Guard public meetings. There were approximately 475 comments in response to the NPRM.

Information in SANS is retrieved by Vessel Name, Vessel ID Number, State, Port, or Captain of the Port Zone (geographical location), and therefore is not covered under the Privacy Act because information is not retrieved by a personal identifier. As outlined in the original PIA, because SANS data is used by other IT systems in order to vet, screen, or analyze information on individuals, Coast Guard nonetheless published a SORN for Notice of Arrival and Departure information that details the scope, sharing, and information access procedures for NOAD data at USCG.¹⁵ In addition to the NOAD SORN, USCG has previously provided notice of the use of NOAD information in the Marine Information for Safety and Law Enforcement and the Maritime Awareness Global Network SORNs.¹⁶

Individual Access, Redress, and Correction

Access, redress, and correction have not changed with this update, and no new privacy risks have been identified.

¹⁴ NARA's Request for Records Disposition Authority, dated 5.31.05, job Number N1-026-05-11.

¹⁵ DHS/USCG-029 Notice of Arrival and Departure SORN [79 FR 64812](#) (October 31, 2014).

¹⁶ See DHS/USCG-013 Marine Information for Safety and Law Enforcement SORN [74 FR 30305](#) (June 25, 2009) and DHS/USCG-061 Maritime Awareness Global Network SORN [73 FR 28143](#) (May 15, 2008).



Technical Access and Security

The technical access and security have not changed with this update, and no new privacy risks have been identified.

Technology

The technology has not changed with this update, and no new privacy risks have been identified.

Responsible Official

Mr. Nicholas Andersen
Coast Guard Intelligence (CG-26)
Department of Homeland Security

Approval Signature

Original signed copy on file with the DHS Privacy Office.

Karen L. Neuman
Chief Privacy Officer
Department of Homeland Security