



PRIVACY THRESHOLD ANALYSIS (PTA)

This form serves as the official determination by the DHS Privacy Office to identify the privacy compliance requirements for all Departmental uses of personally identifiable information (PII).

A Privacy Threshold Analysis (PTA) serves as the document used to identify information technology (IT) systems, information collections/forms, technologies, rulemakings, programs, information sharing arrangements, or pilot projects that involve PII and other activities that otherwise impact the privacy of individuals as determined by the Chief Privacy Officer, pursuant to Section 222 of the Homeland Security Act, and to assess whether there is a need for additional Privacy Compliance Documentation. A PTA includes a general description of the IT system, information collection, form, technology, rulemaking, program, pilot project, information sharing arrangement, or other Department activity and describes what PII is collected (and from whom) and how that information is used and managed.

Please complete the attached Privacy Threshold Analysis and submit it to your component Privacy Office. After review by your component Privacy Officer the PTA is sent to the Department's Senior Director for Privacy Compliance for action. 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 and assess whether any privacy compliance documentation is required. If compliance documentation is required – such as Privacy Impact Assessment (PIA), System of Records Notice (SORN), Privacy Act Statement, or Computer Matching Agreement (CMA) – the DHS Privacy Office or component Privacy Office will send you a copy of the relevant compliance template to complete and return.



Privacy Threshold Analysis (PTA)

Specialized Template for Information Collections (IC) and Forms

The Forms-PTA is a specialized template for Information Collections and Forms. This specialized PTA must accompany all Information Collections submitted as part of the Paperwork Reduction Act process (any instrument for collection (form, survey, questionnaire, etc.) from ten or more members of the public). Components may use this PTA to assess internal, component-specific forms as well.

Form Number:	OMB Control # 1653-0053		
Form Title:	Allegation of Counterfeiting and Intellectual Piracy		
Component:	Immigration and Customs Enforcement (ICE)	Office:	Homeland Security Investigations (HSI)- National IPR Center

IF COVERED BY THE PAPERWORK REDUCTION ACT:

Collection Title:	Allegation of Counterfeiting and Intellectual Piracy		
OMB Control Number:	1653-0053	OMB Expiration Date:	October 31, 2018
Collection status:	Revision	Date of last PTA (if applicable):	Click here to enter a date.

PROJECT OR PROGRAM MANAGER

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COMPONENT INFORMATION COLLECTION/FORMS CONTACT

Name:	Scott Elmore		
Office:	ICE OCIO	Title:	Forms Manager



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SPECIFIC IC/Forms PTA QUESTIONS

1. Purpose of the Information Collection or Form

- a. Describe the purpose of the information collection or form. *Please provide a general description of the project and its purpose, including how it supports the DHS mission, in a way a non-technical person could understand (you may use information from the Supporting Statement).*
If this is an updated PTA, please specifically describe what changes or upgrades are triggering the update to this PTA.

This is an updated PTA; the reason for submission is to update ICE Form 73-048 (Allegation of Counterfeiting and Intellectual Piracy).

The U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI)-led National Intellectual Property Rights Coordination Center (IPR Center) brings together 23 partner agencies to effectively leverage the resources, skills, and authorities of each in order to provide a comprehensive and coordinated response to intellectual property rights crimes. The IPR Center works with copyright owners, trade associations and both foreign and domestic law enforcement agencies. It accepts allegations concerning IPR violations from individuals and entities in both the public and private sector and has a website where allegations may be uploaded. Further information about the IPR Center is available at <http://www.iprcenter.gov/>.

The IPR Center modernized and automated its operations to gain efficiencies and improve effectiveness. One of the ways to accomplish this is through a system that automates the intake, development, deconfliction, and referral of investigative lead information intended for the purpose of initiating or resolving criminal and/or civil investigations and support actions involving IPR violations.

In coordination with its partner agencies, the IPR Center developed protocols for lead development and deconfliction. These come into play when complaints are received, either from the IPR Center’s website or through referrals or direct reports to a Center member. Complaints are circulated among participating members of the IPR Center to determine if any agency is already investigating the matter. If this process reveals no active investigations or other pertinent information, IPR Center partners conduct a review of the information to determine if it is sufficient to justify a criminal investigation. If so, a partner agency will be selected to pursue the matter, based on the merits and origin of the lead, the commodity involved, and a previously-agreed-to rotation schedule.

To facilitate the lead development and deconfliction process, the IPR Center updated the form it uses for complaint intake to add a number of data fields that provide more robust information about the allegation of a potential intellectual property crime. Personal



identifiers of the complainant are now solicited along with information about witnesses and victims as well as alleged violators, if available, and is stored in an ICE approved database/spreadsheet. A Privacy Act notice appears on the form.

HSI uses ICE Form 73-048, “Allegation of Counterfeiting and Intellectual Piracy Form” to allow individuals to report suspected violations of intellectual property rights. Individuals filling out this form provide information to ICE-HSI about individuals, businesses, and/or organizations that have violated counterfeiting and intellectual property rights laws. The information is collected from anyone who wishes to report a violation using the referral form available at <https://www.iprcenter.gov>. The specific information collected on the form is outlined in Question 2e (below). All information provided on the form *is voluntary*.

- b. List the DHS (or component) authorities to collect, store, and use this information. *If this information will be stored and used by a specific DHS component, list the component-specific authorities.*

Authority: 6 U.S.C. § 202; 8 U.S.C. § 1103; 8 U.S.C. § 1360; 31 CFR Chapter X, 5 U.S.C. § 552a; 5 U.S.C. § 301; 44 U.S.C. § 3101; Homeland Security Act of 2002, as amended, Pub. L. No. 107-296, 116 Stat. 2135 (2002); Immigration and Nationality Act of 1952, as amended, U.S. Code Title 8; DHS Delegation No. 7030.2, Delegation of Authority to the Assistant Secretary of U.S Immigration and Customs Enforcement; ICE Delegation No. 0001, Delegation of Authority to the Directors, Detention and



Removal and Investigations, and to Field Office Directors, Special Agents in Charge and Certain Other Officers of the Bureau of Immigration and Customs Enforcement; and 8 C.F.R. § 2.1, Authority of the Secretary of Homeland Security authorize ICE to collect the information requested in this web form.

2. Describe the IC/Form	
a. Does this form collect any Personally Identifiable Information” (PII ¹)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. From which type(s) of individuals does this form collect information? (Check all that apply.)	<input checked="" type="checkbox"/> Members of the public <input checked="" type="checkbox"/> U.S. citizens or lawful permanent residents <input checked="" type="checkbox"/> Non-U.S. Persons. <input checked="" type="checkbox"/> DHS Employees <input checked="" type="checkbox"/> DHS Contractors <input checked="" type="checkbox"/> Other federal employees or contractors.
c. Who will complete and submit this form? (Check all that apply.)	<input type="checkbox"/> The record subject of the form (e.g., the individual applicant). <input checked="" type="checkbox"/> Legal Representative (preparer, attorney, etc.). <input checked="" type="checkbox"/> Business entity. If a business entity, is the only information collected business contact information? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Law enforcement. <input checked="" type="checkbox"/> DHS employee or contractor. <input checked="" type="checkbox"/> Other individual/entity/organization that is NOT the record subject. <i>Please describe.</i>

¹ Personally identifiable information means any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which 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.



	Anyone can voluntarily complete and submit the form.
<p>d. How do individuals complete the form? <i>Check all that apply.</i></p>	<p><input type="checkbox"/> Paper.</p> <p><input type="checkbox"/> Electronic. (ex: fillable PDF)</p> <p><input checked="" type="checkbox"/> Online web form. (available and submitted via the internet)</p> <p><i>Provide link: People click the "Report IP Theft" button at www.iprcenter.gov/</i></p>
<p>e. What information will DHS collect on the form? <i>List all PII data elements on the form. If the form will collect information from more than one type of individual, please break down list of data elements collected by type of individual.</i></p>	
<p>PII on the ICE Form 73-048 includes:</p> <p>Section 1: Information about the Individual/Business that violated intellectual property rights:</p> <ul style="list-style-type: none"> • Business Name; • First Name; • Middle Initial; • Last Name; • Gender; • Address (full); • Country; • Email address; • Phone number; • Email address; • Website; • IP Address; • Social Media site; • Social Media user account; <p>Section 2: Other identifiers about the Individual/Business that violated intellectual property rights:</p> <ul style="list-style-type: none"> • Website; • IP Address; • Social Media site; • Social Media user account; <p>Section 6: Additional Information (if applicable, indicate the means of contact with the individual/business that violated the intellectual property rights).</p>	



Section 7: Witness or Victim 1:

- First Name;
- Middle Initial;
- Last Name;
- Address (full);
 - Country;
- Phone number;
- Email address;
- Website;

Section 8: Witness or Victim 2:

- First Name;
- Middle Initial;
- Last Name;
- Address (full);
 - Country;
- Phone number;
- Email address;
- Website;

Section 9: Organization 1:

- Organization Name;
- Contact Name;
- Phone number;
- Email address;

Section 10: Organization 2:

- Organization Name;
- Contact Name;
- Phone number;
- Email address;

Section 11: Contact information about the individual submitting the complaint (if the complainant wishes to identify him/herself):

- First Name;
- Middle Initial;
- Last Name;
- Business Name;
- Phone number;
- Email address;



Section 12: For Industry Use

Entities (Persons or Businesses) engaged in production, transportation, distribution or sale of counterfeit goods, foreign or domestic (Manufacturers, Shippers, Trading Companies, Freight Forwarders, Importers, Brokers, Individuals, etc.), or information regarding specific shipments.

- Entity Name
- Entity Address
- Entity Phone Number
- Entity URL (web address)
- Entity IP (internet protocol)
- Foreign Places of Receipt
- Foreign Ports of Lading
- Domestic Ports of Arrival or Entry
- Cargo Descriptions Used
- Container Number (s)

Entities subject to Cease & Desist letters, Suits, Arrests, Prosecutions, etc., foreign or domestic.

- Entity Name
- Entity Address
- Entity Phone Number
- Entity URL (web address)
- Entity IP (internet protocol)

Seizures executed overseas by foreign Customs or Law Enforcement and the shipping or manifest information associated with those seizures.

- **Country**
- **Port**
- **Importer Name**
- **Importer Phone Number**
- **Importer Address**
- **Exporter Name**
- **Exporter Phone Number**



- **Exporter Address**
- **Freight Forwarder Name**
- **Freight Forwarder Address**
- **Freight Forwarder Phone Number**
- **Counterfeit Goods Seized**
- **Cargo Description(s) Used**
- **Weight**
- **Quantity**
- **Destination Port (if different than detection Port)**
- **Container Number(s)**

f. Does this form collect Social Security number (SSN) or other element that is stand-alone Sensitive Personally Identifiable Information (SPII)? *Check all that apply. No, the form does not*

- | | |
|---|--|
| <input type="checkbox"/> Social Security number | <input type="checkbox"/> DHS Electronic Data Interchange Personal Identifier (EDIPI) |
| <input type="checkbox"/> Alien Number (A-Number) | <input checked="" type="checkbox"/> Social Media Handle/ID |
| <input type="checkbox"/> Tax Identification Number | <input type="checkbox"/> Known Traveler Number |
| <input type="checkbox"/> Visa Number | <input type="checkbox"/> Trusted Traveler Number (Global Entry, Pre-Check, etc.) |
| <input type="checkbox"/> Passport Number | <input type="checkbox"/> Driver's License Number |
| <input type="checkbox"/> Bank Account, Credit Card, or other financial account number | <input type="checkbox"/> Biometrics |
| <input type="checkbox"/> Other. <i>Please list:</i> | |

g. List the *specific authority* to collect SSN or these other SPII elements.

ICE may collect and maintain records about individuals, including Social Media Handle/ID pursuant to the following authorities:

- **Homeland Security Act of 2002, as amended, Pub. L. No. 107-296, 116 Stat. 2135 (2002);**
- **DHS Delegation No. 7030.2, Delegation of Authority to the Assistant Secretary of U.S Immigration and Customs Enforcement;**
- **19 U.S.C. § 1589a, Enforcement authority of customs officers;**
- **8 U.S.C. § 1357, Powers of immigration officers and employees;**



- **Homeland Security Act of 2002, as amended, Pub. L. No. 107-296, 116 Stat. 2135 (2002);**
- **Immigration and Nationality Act of 1952, as amended, U.S. Code Title 8;**
- **DHS Delegation No. 7030.2, Delegation of Authority to the Assistant Secretary of U.S Immigration and Customs Enforcement;**
- **ICE Delegation No. 0001, Delegation of Authority to the Directors, Detention and Removal and Investigations, and to Field Office Directors, Special Agents in Charge and Certain Other Officers of the Bureau of Immigration and Customs Enforcement;**
- **8 C.F.R. § 2.1, Authority of the Secretary of Homeland Security.**

h. How will this information be used? What is the purpose of the collection? Describe *why* this collection of SPII is the minimum amount of information necessary to accomplish the purpose of the program.

Not Applicable

<p>i. Are individuals provided notice at the time of collection by DHS (<i>Does the records subject have notice of the collection or is form filled out by third party</i>)?</p>	<p><input type="checkbox"/> Yes. Please describe how notice is provided. Click here to enter text.</p> <p><input checked="" type="checkbox"/> No. The Form is filled out by 3rd party in most instances.</p>
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3. How will DHS store the IC/form responses?

<p>a. How will DHS store the original, completed IC/forms?</p>	<p><input type="checkbox"/> Paper. Please describe. Click here to enter text.</p> <p><input checked="" type="checkbox"/> Electronic. Please describe the IT system that will store the data from the form. The original ICE Form 73-048 is stored on the ICE network by HSI special agents assigned to the National Cyber-Forensics and Training</p>
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	<p>Alliance (NCFTA) in Pittsburgh, PA. Pertinent data (i.e. Names, Businesses, email address, IP addresses, phone numbers) are indexed on a spreadsheet (HSI network) as well as indexed on a spreadsheet maintained by the NCFTA on their database.</p> <p><input type="checkbox"/> Scanned forms (completed forms are scanned into an electronic repository). Please describe the electronic repository. Click here to enter text.</p>
<p>b. If electronic, how does DHS input the responses into the IT system?</p>	<p><input checked="" type="checkbox"/> Manually (data elements manually entered). Please describe. HSI special agents assigned to the NCFTA manually transfer the pertinent data from the ICE Form 73-048 (i.e. Names, Businesses, email address, IP addresses, phone numbers) to the spreadsheets</p> <p><input type="checkbox"/> Automatically. Please describe. Click here to enter text.</p>
<p>c. How would a user search the information submitted on the forms, <i>i.e.</i>, how is the information retrieved?</p>	<p><input checked="" type="checkbox"/> By a unique identifier.² <i>Please describe.</i> If information is retrieved by personal identifier, please submit a Privacy Act Statement with this PTA. Information on this form may be retrieved by the following identifiers, if provided on the form: name, internet protocol (IP) address, email address, mailing address, and phone number.</p> <p><input type="checkbox"/> By a non-personal identifier. <i>Please describe.</i> Click here to enter text.</p>
<p>d. What is the records retention schedule(s)? <i>Include</i></p>	<p>Deconfliction records are currently on a pending schedule (Reports and Informational Materials DAA-0567-2016-0004). We are making updates to</p>

² Generally, a unique identifier is considered any type of “personally identifiable information,” meaning any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which 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.



<i>the records schedule number.</i>	the schedule, until it has been approved by the National Archives and Records Administration please treat these records as permanent.
e. How do you ensure that records are disposed of or deleted in accordance with the retention schedule?	The ICE Form 8-002, Records Disposition Form is completed and submitted to HSI/ICE Records for destruction approval. Once the records receive final approval to be destroyed by ICE Records the form is sent back to the requesting office. Once the records are destroyed by the requesting office, the form is returned to the ICE Records Division.
f. Is any of this information shared outside of the original program/office? <i>If yes, describe where (other offices or DHS components or external entities) and why. What are the authorities of the receiving party? Yes</i>	
<p><input checked="" type="checkbox"/> Yes, information is shared with other DHS components or offices. Please describe. This information is deconflicted/shared with the 23 IPR Center partners as well as with the analysts assigned to the NCFTA (when they run open source date base checks on the alleged target of the leads).</p> <p><input checked="" type="checkbox"/> Yes, information is shared <i>external</i> to DHS with other federal agencies, state/local partners, international partners, or non-governmental entities. Please describe.</p> <p>During the lead deconfliction process, the leads will be sent to the 23 IPR Center Partners (besides HSI).</p> <p>Domestic Law Enforcement Partners</p> <ul style="list-style-type: none"> • Federal Bureau of Investigation (FBI) • U.S. Customs and Border Protection (CBP) • U.S. Food and Drug Administration, Office of Criminal Investigations (FDA OCI) • U.S. Postal Inspection Service (USPIS) • U.S. Naval Criminal Investigative Service (NCIS) • U.S. General Services Administration, Office of Inspector General (GSA OIG) • Defense Criminal Investigative Service (DCIS) • U.S. Army Criminal Investigation Command (Army CID) • Defense Logistics Agency, Office of Inspector General (DLA OIG) • U.S. Air Force Office of Special Investigations (AFOSI) • National Aeronautics and Space Administration, Office of Inspector General (NASA OIG) • Nuclear Regulatory Commission • Federal Maritime Commission • U.S. Postal Service-Office of Inspector General 	



Regulatory Partners

- U.S. Department of Commerce, International Trade Administration (DOC ITA)
- U.S. Department of Commerce, U.S. Patent and Trademark Office (USPTO)
- U.S. Consumer Product Safety Commission (CPSC)
- U.S. Department of State, Office of International Intellectual Property Enforcement (DOS)

International Partners

- U.S. National Central Bureau (INTERPOL)
- Government of Mexico Tax Administration Service (GOM SAT)
- Royal Canadian Mounted Police (RCMP)
- Europol

No. Information on this form is not shared outside of the collecting office.



Please include a copy of the referenced form and Privacy Act Statement (if applicable) with this PTA upon submission.



PRIVACY THRESHOLD REVIEW

(TO BE COMPLETED BY COMPONENT PRIVACY OFFICE)

Component Privacy Office Reviewer:	Kevin Mullinix
Date submitted to component Privacy Office:	September 27, 2018
Date submitted to DHS Privacy Office:	September 7, 2018
Have you approved a Privacy Act Statement for this form? <i>(Only applicable if you have received a waiver from the DHS Chief Privacy Officer to approve component Privacy Act Statements.)</i>	<input checked="" type="checkbox"/> Yes. Please include it with this PTA submission. <input type="checkbox"/> No. Please describe why not. Click here to enter text.
<p>Component Privacy Office Recommendation: <i>Please include recommendation below, including what existing privacy compliance documentation is available or new privacy compliance documentation is needed.</i></p>	
<p>ICE is submitting this Forms-PTA to discuss ICE Form 73-048, “Allegation of Counterfeiting and Intellectual Piracy Form” to allow individuals to report suspected violations of intellectual property rights. Individuals filling out this form provide information to ICE Homeland Security Investigations about individuals, businesses, and/or organizations that have violated counterfeiting and intellectual property rights laws. The form is also used for intake, development, deconfliction, and referral of investigative lead information intended for the purpose of initiating or resolving criminal and/or civil investigations and support actions involving IPR violations.</p> <p>PII is collected from individuals who complete ICE Form 73-048, “Allegation of Counterfeiting and Intellectual Piracy Form” to report suspected violations of intellectual property rights about an Individual/Business (biographic, and social media identifiers). Individuals who complete ICE Form 73-048 may voluntarily provide their name, and contact information.</p>	



PIA coverage is provided by the DHS-ICE-PIA-041 National Intellectual Property Rights Coordination Center.

SORN coverage is provided by the DHS/ICE-009 External Investigations SORN, which covers the collection of information to the extent that the information in the IPR Center's database is about individuals and is retrieved by their names or personal identifiers.



PRIVACY THRESHOLD ADJUDICATION

(TO BE COMPLETED BY THE DHS PRIVACY OFFICE)

DHS Privacy Office Reviewer:	Hannah Burgess
PCTS Workflow Number:	1169449
Date approved by DHS Privacy Office:	October 15, 2018
PTA Expiration Date	October 15, 2021

DESIGNATION

Privacy Sensitive IC or Form:	Yes If "no" PTA adjudication is complete.
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 SPII applies. <input checked="" 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"/> Specialized training required. <input type="checkbox"/> Other. Click here to enter text.
DHS IC/Forms Review:	Choose an item.
Date IC/Form Approved by PRIV:	Click here to enter a date.
IC/Form PCTS Number:	Click here to enter text.
Privacy Act Statement:	Choose an item. Click here to enter text.
PTA:	Choose an item. Click here to enter text.



PIA:	<p>System covered by existing PIA If covered by existing PIA, please list: DHS/ICE/PIA-041 National Intellectual Property Rights Coordination Center If a PIA update is required, please list: Click here to enter text.</p>
SORN:	<p>System covered by existing SORN If covered by existing SORN, please list: DHS/ICE-009 - External Investigations January 5, 2010 75 FR 404 If a SORN update is required, please list: Click here to enter text.</p>
<p>DHS Privacy Office Comments: <i>Please describe rationale for privacy compliance determination above.</i></p>	
<p>ICE is submitting this PTA to discuss Form 73-048, Allegations of Counterfeiting and Intellectual Piracy Form, per the form renewal process. This form is used for allow individuals to report suspected violations of intellectual property rights.</p> <p>The form is accessible online, and is filled out by anyone wishing to report a violation. The form collects PII from the individual filling out the form, as well as about individuals, businesses, and/or organizations who they believe have violated counterfeiting and intellectual property rights laws. The form collects information about witnesses and victims as well as alleged violators. ICE uses the form for development, deconfliction, and referral of investigative lead information.</p> <p>The DHS Privacy Office agrees that this form is privacy sensitive, requiring PIA coverage. Coverage is provided by DHS/ICE/PIA-041 National Intellectual Property Rights Coordination Center. PRIV recommends that during the next update, this PIA be updated to expand and clarify the information collected from both the individual submitting the report and other individuals (witnesses, perpetrators, etc).</p> <p>SORN coverage is also required, and is provided by DHS/ICE-009 External Investigations. PRIV recommends that during the next update, this SORN be revised to include social media information.</p>	