



**Privacy Impact Assessment Update
for the**

Bonds Online System (eBONDS) Phase Two

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Abstract

The Bonds Online System (eBONDS) is a web-based application used primarily by surety agents and the Office of Enforcement and Removal Operations (ERO) at U.S. Immigration and Customs Enforcement (ICE) to facilitate the ICE immigration bond management process. In June 2010, ICE deployed eBONDS Phase One, which allowed surety agents to post surety bonds electronically for detained aliens determined by ERO to be eligible for release on bond. ICE is now implementing eBONDS Phase Two, which will further automate the bond management process by permitting ICE to send electronic notifications to surety agents within eBONDS, eliminating the current process in which those notifications are sent by U.S. Mail or fax. ICE is also implementing an electronic document repository to store all bond-related documents provided and made available to surety agents via eBONDS. The eBONDS Privacy Impact Assessment (PIA) was originally published in July 2009. ICE is publishing this update to the eBONDS PIA to address the changes being deployed in Phase Two.

Introduction

Background

An immigration bond is a formal written guaranty by an obligor (an individual, entity, or surety company) posted as security for the amount of the immigration bond. The bond assures the Department of Homeland Security (DHS) that all of the conditions of the alien's release will be fulfilled by the obligor. Immigration bonds may be posted for the release from detention of aliens in removal proceedings and/or as voluntary departure bonds. Immigration bonds may be posted by an individual's or entity's deposit of cash in the full amount of the bond (known as cash bonds) or by surety companies, which guarantee the bond on behalf of a third party (known as surety bonds). If the conditions of a bond are satisfied, the bond is cancelled and, if a cash bond, the principal and accrued interest returned to the obligor. If a bond is declared breached, the cash deposited is forfeited to the U.S. Government and accrued interest returned to the obligor. For breached surety bonds, surety companies must pay DHS the full amount of the bond plus interest and penalties.

In a typical surety bond scenario an alien has been arrested and detained by ICE officers. ICE then determines if the alien is eligible for release on bond and if so, ICE/ERO sets a bond amount. A bond requestor, generally a third party such as a family member of the alien, contacts a surety company to request that it post bond for the alien. A surety agent, acting on behalf of the surety company, posts bond to obtain the alien's release and promises that the alien will satisfy the terms of release, usually to return for a court appearance or voluntarily depart the United States at a future date. The surety bond amount serves as security to ensure performance



and fulfillment of the bonded alien's obligations to the government. Should the alien not satisfy the terms of release, ICE declares the bond breached and the surety company must pay DHS the full amount of the bond plus interest and penalties.¹ If the conditions of a bond are satisfied, the bond is cancelled.

Prior to the deployment of eBONDS, surety agents were required to visit an ICE/ERO field office in person to verify an alien was eligible for bond and submit a completed Form I-352 ("Immigration Bond," OMB Control No. 1653-0022) bond documentation package in order to post a surety bond. With the deployment of eBONDS Phase One, surety agents are able to log on to eBONDS, verify the alien's bondable status online, complete and submit the Form I-352 package electronically, and obtain approval from ICE/ERO for the bond.²

Updates

eBONDS Phase Two further automates and facilitates the lifecycle of the surety bond process. Specifically, eBONDS Phase Two includes the following enhancements:

- Electronic delivery of breach, cancellation, and demand notices to surety agents via eBONDS regarding aliens for whom they have posted a surety bond;
- Deployment of the ICE Bond Document Repository to support eBONDS by electronically storing bond-related documentation and making it available to surety agents via eBONDS;
- Limiting the number of surety bonds that surety company agents can post to a specific blanket Power of Attorney number (as defined by each surety company administrator)³; and
- Supporting secure electronic communications between ICE/ERO and surety agents within eBONDS to allow surety agents to respond to ICE/ERO requests for additional information necessary to process and/or approve the bond application. For example,

¹ The bond principal is security guaranteeing performance by the alien released from detention much like a person's home functions as security for a mortgage loan to a lender. Should the home owner default on the terms of his loan, the lender may foreclose on the house; should the alien not satisfy the terms of release, the person (or the surety company) who posted the bond forfeits the bond money.

² Surety agents have eBONDS user accounts managed by a surety company. For additional information about these user accounts, please see the DHS PIA *Bonds Online System* available on the DHS Privacy Office website (www.dhs.gov/privacy).

³ In eBONDS Phase One, surety companies were able to post any number of surety bonds under a specific Power of Attorney number. Surety companies now want to be able to control the number of surety bonds posted under a specific Power of Attorney number (e.g., by total dollar amounts, by number of bonds, etc.). ICE determined there are no privacy concerns with this new user functionality.



ERO may request aliases for the alien if ERO has difficulty locating the alien's record in ICE systems using the name provided on the application.

Reason for the PIA Update

The original eBONDS PIA was published in July 2009. Since then, ICE has continued its plan to fully automate the surety bond process by defining additional requirements for eBONDS Phase Two. ICE is implementing the enhancements and modifications described in this PIA update to address the changes that will be implemented in Phase Two. Specifically, ICE is conducting this PIA update to address the expansion of eBONDS to enable ICE bond officials to send notifications to surety agents electronically via eBONDS as well as allow surety agents to acknowledge receipt of and access these notifications within eBONDS. ICE is also deploying a sub-system to eBONDS, the Bond Document Repository, to store all bond-related documents that are provided to surety agents who have posted surety bonds via eBONDS.

Privacy Impact Analysis

In each of the below sections consider how the system has changed and what impact it has on the below fair information principles. In some cases there may be no changes and indicate as such.

The System and the Information Collected and Stored within the System

With the publication of this update to the eBONDS PIA, ICE is incorporating into eBONDS electronic bond-related notifications, specifically breach, cancellation, and demand notices, which will be made available to the relevant surety agent for the bond when he or she logs onto the eBONDS system. As a result, with the deployment of Phase Two, eBONDS will store the following new data contained in these bond-related notifications:

- Breach Notices: Reason a bond has been breached (e.g., alien's failure to comply with conditions of a bond).
- Demand Notices: Reason for the demand for the alien to present himself/herself (e.g., for an immigration interview, for removal, etc.) and the date, time, and location where the alien needs to present himself/herself to ICE.⁴

⁴ There is no new information being collected or presented in the bond cancellation notices. Therefore, ICE has determined there are no privacy concerns with the electronic delivery of cancellation notices to surety agents via eBONDS.



This information is combined with other identifying information about the alien that is already collected and maintained in eBONDS (e.g., alien name, alien registration number [A-Number], surety agent name and address, etc.).

ICE bond officials manually enter this information into the ENFORCE Alien Removal Module (EARM) when a bond is breached or cancelled or a demand is made. Upon entering the information into EARM, the ICE bond officials select a command in EARM to generate the breach, cancellation, and demand notifications (in PDF format), which EARM automatically transmits to the Bond Document Repository for electronic storage. The ICE bond officials then select a command in EARM that is transmitted to eBONDS that notifies the relevant surety agent/company via email and permits the surety agent/company to view the notification once logged onto eBONDS.

Additionally, eBONDS will now contain communications between ICE and the surety agent if and when ICE needs to request additional information from the surety agent at any point in the bond process. ICE can make a request and the surety agent can respond within eBONDS. These communications are stored in EARM and can be retrieved by the surety agent users in electronic form via eBONDS. The nature of these communications could contain any information related to the administration, issuance, breach, termination, or cancellation of the bond. This is not a new collection of information as ICE currently engages in these types of question-and-answer communications with surety agents today. However, in eBONDS Phase One these communications occurred by telephone, fax, or email and were not stored in the eBONDS system.

The privacy risk associated with the incorporation of this new information remains the same as that described in the eBONDS PIA. There is a risk of the over-collection of PII, which is mitigated by limiting the amount of information about individuals to only the information necessary to effectively carry out the purpose of the system. Specifically, providing surety agents bond-related notifications with the necessary information about the surety bonds they have posted for aliens released from ICE custody on bond. Further, the bond-related documents are tied to a bond number, and are only available to the associated surety agent who posted the bond.

Uses of the System and the Information

With the deployment of eBONDS Phase Two the use of the eBONDS system has been expanded to include the communication of bond-related notifications from ICE to surety agents. The new information added in eBONDS Phase Two (i.e., the reason a bond is breached or a demand notice issued) is used by ICE to generate the appropriate bond-related notifications provided to the surety agents via eBONDS about aliens for whom they have posted surety bonds.



This information is typically combined with other identifying information about the alien that is already collected and maintained in eBONDS (e.g., alien name, alien registration number [A-Number], surety agent name and address, etc.).

The privacy risk associated with the use of information contained in eBONDS is the same as that described in the eBONDS PIA. There is a privacy risk of the misuse and inappropriate access to information maintained in eBONDS. This risk is mitigated by limiting access to eBONDS to only authorized users, as described below. To gain access to eBONDS surety companies are required to register with ICE and acknowledge in writing that they will: only use eBONDS for those purposes related to surety bonds (e.g., posting surety bonds, retrieving bond-related notifications, responding to requests for information from ICE, etc.); create, manage, and terminate surety agent user accounts in accordance with ICE policy; notify ICE in the event that they suspect or experience a security breach that impacts eBONDS; and follow guidance issued by ICE on the proper handling of personal information. Additionally, eBONDS limits the type of access per user role as well as limits surety agents' access to only those surety bonds they have posted. The user roles are described in detail below:

User Roles in eBONDS

- **eBONDS Administrator:** The eBONDS Administrator is responsible for creating and maintaining eBONDS user accounts for all surety personnel. This user is always an ICE employee who works in the ERO Bond Management Unit.
- **Surety Administrator:** Designated Administrator representing a surety company. Users with a Surety Administrator role can view the activity of Agency Administrator or Surety Agent accounts or deactivate those accounts.
- **Agency Administrator:** Designated Administrator who represents a surety agency. Users with an Agency Administrator role can view the activity of Surety Agent accounts or deactivate those accounts.
- **Surety Agent:** A licensed individual hired by a surety company to manage its bond submission process. A surety agent shall guarantee a contractual undertaking for an alien detainee. Surety agents can initiate bond requests for a particular alien, receive bond-related notices or information, and conduct other bond-related activities permitted in the system.

Retention

The information maintained in eBONDS is retained for the timeframes outlined in the original eBONDS PIA. In addition to the information maintained in eBONDS, ICE is also



retaining electronic copies of bond-related documents (which contain PII about aliens) in the Bond Document Repository. ICE proposes to retain the information in the Bond Document Repository for six (6) years and three (3) months from the date the surety bond is cancelled or closed in order to make the bond-related documents readily available to surety agents throughout the lifecycle of the surety bond and for any related debt collection activities or litigation. Paper copies of all bond-related documents are also placed into the alien's A-File and maintained for the life of that file. Because A-Files have been determined to be historic records by the National Archives and Records Administration (NARA), they are maintained for 100 years by DHS and then transferred to NARA for permanent retention.

The privacy risk associated with the retention of information in eBONDS remains the same as that described in the eBONDS PIA. The risk is that data will be retained for longer than necessary, which is mitigated by only retaining in eBONDS and the Bond Document Repository the alien bond information for limited periods appropriate to the purpose of the system. As previously noted, the alien bond information maintained in the Bond Document Repository is retained for 6 years and 3 months from the date the surety bond is cancelled or closed in order to make the bond-related documents readily available to surety agents throughout the lifecycle of the surety bond. This retention period is consistent with the existing retention schedule and appropriate length given ICE's mission and the purpose of the bond program.

Internal Sharing and Disclosure

The deployment of eBONDS Phase Two automates the current paper-based internal sharing procedures for generating bond-related notifications. Currently, ICE bond officials manually enter alien and bond-related information into fillable electronic forms that are printed out and mailed or faxed to surety agents. With this update, ICE bond officials will take advantage of alien and bond-related information that is already stored in EARM, will enter additional information related to the specific bond-related notification at issue, and will automatically create in a PDF the bond-related notice in an electronic form.

Since there is no internal sharing of eBONDS data with other non-ICE systems, ICE has determined there are no privacy risks related to internal sharing.

External Sharing and Disclosure

External sharing for surety bonds processed via eBONDS has changed from paper-based notifications to electronic notifications within eBONDS. ICE will no longer mail or fax bond-related notifications to surety agents if they have been delivered through eBONDS. With the deployment of eBONDS Phase Two, ICE will make available via eBONDS the appropriate bond-related documents to surety agents for those aliens for whom they have posted a surety



bond. The eBONDS system will generate an email to surety agents notifying them of a new notification document available in eBONDS, and the surety agents must then log on to eBONDS using their existing username and password in order to access the notifications. The email will not specify the nature of the documentation available in eBONDS or otherwise provide any PII related to the bonded alien or any other individuals.

Similarly, eBONDS Phase Two supports the bi-directional sharing and communication of information between ICE and surety agents when ICE is requesting additional information from a surety agent for the purposes of determining an alien's bond eligibility (e.g., requests for travel documentation to confirm departures, etc.). Using eBONDS, ICE will be able to post requests for information making them available to the appropriate surety agent. The surety agent will receive an email notification of a new communication waiting for them in eBONDS, and the surety agents must then log on to eBONDS using their existing username and password in order to access the communication. The email will not specify the nature of the communication available in eBONDS or otherwise provide any PII related to the bonded alien or any other individuals. Surety agents will then be able to upload and submit to ICE the requesting information via eBONDS.

The privacy risks associated with the external sharing and disclosures of information maintained in eBONDS remain the same as those described in the eBONDS PIA. First there is a risk of compromise when transmitting bond-related information to surety agents, which is mitigated by employing appropriate security measures such as the use of Secure Socket Layer (SSL) connections, Public Key Infrastructure (PKI), and usernames and passwords that ensure only authorized surety agents and company administrators have access to eBONDS. Also, by no longer providing eBONDS bond-related notifications via mail or fax, the risk of compromise is further mitigated because surety agents must log on to eBONDS in order to access those notifications. Second, there is a risk of inappropriate access and disclosure of bond-related information to surety agents without a proper need to know. To mitigate this risk, ICE requires all surety companies to register with ICE to gain access to eBONDS (as described above). Additionally, eBONDS provides surety agents and company administrators with limited access to only those records in eBONDS which they initiated as well as prohibits the modification of data pre-populated by ICE.

Notice

There are no changes to the notice procedures described in the eBONDS PIA.

Individual Access, Redress, and Correction



There are no changes to access, redress, and correction procedures described in the eBONDS PIA. These procedures are also described in the DHS/ICE – 004 Bond Management Information System (BMIS) SORN (76 FR 8761, February 15, 2011).

Technical Access and Security

In eBONDS Phase Two, ICE is deploying the Bond Document Repository, which is a sub-system of eBONDS that electronically stores bond-related documents both received from surety agents via eBONDS (e.g., the Form I-352, communications with ICE pertaining to an alien for whom a surety bond it posted) and made available to surety agents via eBONDS (e.g., breach, demand, and cancellation notices). The Bond Document Repository will be administered by an ICE System Administrator, who will have direct access to the repository and be responsible for any operations and maintenance. Individual users will not have direct access to the repository, and will only be able to access the Bond Document Repository through EARM and eBONDS.

Technology

There are no changes to the eBONDS technology described in the eBONDS PIA that raise privacy concerns.

Responsible Official

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Approval Signature

Original signed copy on file with DHS Privacy Office

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