



**Privacy Impact Assessment Update
for the
Enforcement Integrated Database (EID)**

DHS/ICE/PIA-015(f)

April 8, 2014

Contact Point

James Dinkins

Executive Associate Director, Homeland Security Investigations

U.S. Immigration and Customs Enforcement

(202) 732-5100

Reviewing Official

Karen L. Neuman

Chief Privacy Officer

Department of Homeland Security

(202) 343-1717



Abstract

The Enforcement Integrated Database (EID) is a Department of Homeland Security (DHS) shared common database repository for several DHS law enforcement and homeland security applications. EID captures and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by certain DHS components, namely U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). The Privacy Impact Assessment (PIA) for EID was published in January 2010¹. Since its publication, the PIA has been updated several times to reflect the expansion of information entered into EID, the types of information shared with a foreign government, and an enhanced electronic sharing capability. This EID PIA Update addresses plans to further expand criminal history information sharing (CHIS), which will include fingerprints and photographs, with foreign countries about their nationals who are being removed from the United States. The sharing of criminal history information will be formalized using a Memorandum of Cooperation (MOC) signed by DHS and each country that elects to participate in these sharing agreements.

Introduction

EID is owned and operated by ICE and supports the law enforcement activities of certain DHS components. EID is the common database repository for all records created, updated, and accessed by a number of software applications including the ENFORCE Apprehension Booking Module, EID Arrest Guide for Law Enforcement (EAGLE), ENFORCE Alien Detention Module, and ENFORCE Alien Removal Module. Collectively these applications are referred to as the “ENFORCE/EAGLE applications.” EID and the ENFORCE/EAGLE applications capture and maintain information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and law enforcement investigations and operations conducted by ICE and CBP. EID provides users with the capability to access a person-centric view of the data using the ENFORCE/EAGLE applications. Users can also print reports, notices, and other documents containing EID data, which are used for criminal and administrative law enforcement purposes and typically are retained in criminal investigative files, detention files, and Alien Files (A-Files). Immigration related forms generated by the system are also sent to courts and other agencies to support the advancement and adjudication of DHS and Department of Justice immigration cases before U.S. immigration courts. Forms and data may also be provided to the criminal courts of the United States.

The PIA for EID published in January 2010, describes EID and the ENFORCE applications, and reflects the system at that time. With the July 28, 2010 and November 7, 2011 PIA updates,² DHS increased the amount of information entered into EID to include comprehensive criminal history information for all aliens arrested for administrative violations of the Immigration and Nationality Act

¹ Enforcement Integrated Database (EID) PIA, January 14, 2010, available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_ice_eid.pdf.

² Enforcement Integrated Database (EID) PIA Update, July 28, 2010 and November 7, 2011, available at <http://www.dhs.gov/privacy-documents-ice>.



(INA). DHS also expanded the scope of external sharing of EID information with the Government of Mexico, thereby necessitating an update to the PIA. With this PIA Update, DHS will include biometric information for aliens arrested for administrative violations, in addition to criminal history information it may provide with respect to these aliens to the receiving foreign government pursuant to a CHIS agreement. DHS also plans to expand the scope of sharing EID information in the near future with multiple foreign partners, including Guatemala, Honduras, El Salvador, Jamaica, Dominican Republic, and Bahamas. The list will continue to expand as DHS enters into CHIS agreements with additional countries (see Appendix for a list of participating countries). Lastly, DHS will receive equivalent criminal history information from its foreign partners for those nationals who are being removed from the United States. The criminal history information received from foreign partners will be included in the alien's EID record. The sharing of CHIS will be formalized using a MOC signed by both DHS and the participating country.

Reason for the PIA Update

With the publication of this PIA, DHS will now share biometric information with its foreign partners for their nationals who have been arrested for administrative violations of the INA. The CHIS agreement will expand on the criminal history information already being shared with Mexico. In addition, DHS is expanding the external sharing of criminal aliens' EID information with their foreign country to improve cooperation in coordinating and conducting the removal of aliens and suppressing criminal activities and threats to domestic and international security. Specifically, DHS will electronically provide its foreign partners, with which DHS has signed a MOC with certain criminal history and biometric information concerning their nationals who are being removed from the United States and who have been convicted of certain felonies in the United States. These felonies will include certain firearms, national security, violent, and drug-related crimes that the United States and the foreign partner have determined are most relevant to improving the removal process and suppressing criminal activities and threats to domestic security in both the United States and the foreign country receiving the alien. Reciprocally, DHS's foreign partners will share criminal history information with DHS for those aliens DHS has arrested who have been convicted of an equivalent crime in their respective country. DHS will enter this information into the alien's EID record and will use this information to place the alien in the appropriate detention setting (i.e., security level), as well as remove the alien under the appropriate safeguards.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

EID maintains information that is collected and used by the ENFORCE/EAGLE applications to support DHS law enforcement efforts in the areas of immigration, customs and trade enforcement, national security, and other criminal laws enforced by DHS. Information about each alien in EID is documented based on event-driven encounters, such as booking, arrest, detention, and removal. Therefore, an individual may be connected to multiple records in the system, each pertaining to a different event or encounter.



The personally identifiable information (PII) maintained in EID consists of biographical, descriptive, biometric, and encounter-related data about subjects and includes name(s), alias(es), date of birth, telephone numbers, addresses, nationality, citizenship, Alien Registration Number (A-Number), Social Security Number, passport number, visa information, family history, employment history, educational history, immigration history, and criminal history.

DHS enters the entire criminal history into EID of all aliens arrested for administrative violations of the INA. This information is captured in EID to ensure a complete criminal history is recorded for aliens who are arrested by ICE. The National Crime Information Center (NCIC)³ is a primary source of the criminal history information entered into EID. The NCIC is a computerized index of criminal justice information including criminal record history information and is available to federal, state, and local law enforcement. Authorized DHS personnel enter into EID all arrests and convictions for aliens appearing in NCIC. The collection of this information supports DHS's immigration enforcement actions, allows DHS to generate more accurate data concerning the arrest and removal of aliens with a criminal history, and enables the sharing of certain criminal history information for public safety purposes with Mexico.

With this PIA update, DHS will begin sharing biometric information from EID with other foreign partners that have entered into a CHIS agreement for their aliens arrested for administrative violations of the INA, and who have a final order of removal and have no pending appeals for that final order. Biometrics include photographs captured in EID, and fingerprints retrieved from the Automated Biometric Identification System (IDENT).⁴ DHS personnel will enter equivalent criminal history information provided by the foreign government for crimes the alien committed in his or her foreign country. The CHIS information shared between DHS and its foreign partners further supports DHS's immigration enforcement actions. More specifically, the criminal history information received from foreign partners will assist ICE in making more informed decisions about aliens' custody, detention, and over-all risk to public safety and security while they remain in ICE custody or if they return to ICE custody in the future. In addition, the CHIS information obtained from DHS better prepares foreign partners for potential public threats when the alien returns to their country. In summary, the sharing of criminal history information allows both partners to identify and mitigate risks that could harm their citizens.

Privacy Risks

1. There is an increased data integrity risk due to potentially inaccurate or untimely data being entered from other sources such as NCIC or foreign governments. This risk is mitigated by the standard law enforcement practice of confirming the existence of an arrest or conviction with the source (e.g., the court or other appropriate source, such as a parole officer) before making any adverse determinations that will affect the alien. The additional risk that information received from foreign partners will be inaccurate or irrelevant will be mitigated by the creation of a pre-approved criminal history matrix, which will identify the categories of crimes to be reported to ICE. Then, the criminal histories maintained by the foreign

³ For more information about NCIC, see <http://www.fbi.gov/about-us/cjis/ncic>.

⁴ For more information, see the IDENT PIA, December 7, 2012, at <http://www.dhs.gov/sites/default/files/publications/privacy-pia-nppd-ident-06252013.pdf>.



- partners will be mapped to the established coding system in the matrix, and only the matched crimes will be entered into EID.
2. In addition, there is a risk that CHIS data will be collected from foreign partners that is not needed. This risk is mitigated by a review process which ensures that only qualifying convictions are ingested into EID. With the current process, criminal history information received from foreign partners is compared manually with the criminal history coding system established by ICE for accuracy and relevancy. Crimes that do not meet the coding criteria are not entered into EID. Once the information sharing process is automated, only crimes with recognized criminal codes will be uploaded into the alien's person file in EID. Receipt of CHIS data from foreign partners will assist DHS in identifying and mitigating risks to public safety. For example, if an alien is convicted of aggravated homicide in his own country, the alien will be detained pending removal. In addition, criminal history information from foreign partners will assist with the custody and removal of these aliens if they return to ICE custody in the future. With the CHIS data, aliens with a criminal history can be identified if they return to the United States in the future and placed appropriately within the ICE custodial structure.
 3. The addition of biometric information also increases the privacy risk because it adds extremely sensitive data to the information being shared. Loss of biometric data could provide a definitive way, for those without a need to know, to identify the alien and access his or her data potentially resulting in harm or embarrassment to the alien through data compromise, loss, or improper use. User auditing and other security measures described in the original EID PIA and Updates help mitigate this risk.

Uses of the System and the Information

DHS will expand external sharing from EID with foreign partners to include the criminal history and biometric information for the foreign partner's nationals who are being removed from the United States. Reciprocally, DHS's foreign partners will share with DHS criminal history information for these same aliens who have been convicted of the same or equivalent felonies in the partner's country, and DHS will enter this information into the alien's EID record. The enhanced CHIS agreements will support DHS's immigration enforcement actions, create a more comprehensive criminal history database for these aliens, enhance the accuracy of data concerning the arrest and removal of criminal aliens, and specify the criminal history information shared between DHS and its foreign partners. More specifically, the criminal history information received from foreign partners will assist DHS in making more informed decisions about aliens' custody, detention, and over-all risk to public safety and security while they remain in ICE custody or if they return to ICE custody in the future. The criminal history information received from DHS will assist foreign partners in identifying and mitigating potential risks posed by the returning alien to its citizens.

This additional criminal history information is being shared to improve cooperation between the United States and foreign partners in coordinating and conducting the removal of aliens, suppressing criminal activities, and mitigating threats to domestic and international security. Specifically, ICE will use the foreign criminal history information to place the alien in the appropriate detention setting (i.e.,



security level), as well as remove the alien under the appropriate safeguards. These actions will help to protect the domestic security of both the United States and the foreign country receiving the alien. The foreign partner will use the additional criminal history information only for criminal justice purposes, such as coordinating responses to acts of violence and serious criminal violations. CHIS agreements will be formalized using Memorandum(s) of Cooperation (MOC). Under the contemplated MOC with the United States, the foreign partner may not use this criminal history information for other purposes or as a basis to deny or delay the removal of a foreign national.

The MOC will formalize these sharing agreements; DHS will enter into a legally non-binding agreement or MOC with each foreign partner. The MOC serves to recognize each country's common interest in protecting its people, supporting its laws, and enhancing its national security through mutual cooperation and sharing of criminal history information.

The intent of the MOC is to limit the use of this shared criminal history information for authorized purposes, and prevent public or third-party disclosures unless authorized by the participant who provided the information. When disclosure is made pursuant to court order or other mandatory legal vehicle, the partner will notify the participant that provided the information of the disclosure as soon as reasonably practical, but should endeavor to provide notice within 30 days of scheduled disclosure. The participants will agree to specified security measures, such as background screening of personnel and restricted access; physical and technical security of terminals and telecommunications lines; data security; data dissemination; logging and audit procedures; and notification of reported suspected or actual unauthorized access. Each party will retain the right to suspend, modify, or terminate participation in the MOC. Reasons for these actions may include unauthorized access, dissemination or disclosure of the data, or violations of the partner's applicable policies or regulations. Prior to this PIA update, DHS had signed one CHIS MOC with Mexico. This PIA expands the CHIS agreements to multiple foreign partners.

Privacy Risk

Enhanced sharing of criminal history and biometric information with multiple foreign partners increases the privacy risk that the data will be used for unauthorized purposes or disseminated to those without a need to know information. Once information is shared, DHS is limited in its ability to monitor and control the use of the shared data with its foreign partners. DHS exercises no enforcement authority over its foreign partners, and by design, the MOC is not legally binding. However, the MOC builds on the mutual law enforcement goals of each country to protect its people, enforce its laws, and achieve domestic security. Toward these mutual goals, the partners agree to abide by the conditions of the agreement. Should either partner believe that the conditions of the agreement are not being met, that partner retains the right to suspend, modify, or terminate the agreement.

Retention

This PIA update does not change the retention period for information maintained in EID. The additional criminal history information obtained by DHS's foreign partners will be entered into the alien's EID record and retained for 100 years in concert with the existing retention schedule.



Internal Sharing and Disclosure

Internal sharing and disclosure of EID information is not changed with this PIA update.

External Sharing and Disclosure

Currently, DHS shares EID information with Mexico to coordinate and conduct the removal of Mexican nationals from the United States to Mexico. The information shared presently is the alien's name, A-Number, nationality, date of birth, gender, medical information relevant to the transportation of the alien (e.g., diabetic diagnosis and medication), and a list of personal property in the alien's possession. This information is shared in the form of a hard copy document with Mexican officials at the time of an alien's removal from the United States to Mexico. The sharing of this information will continue with Mexico and will be expanded to all new foreign partners, in addition to the new electronic information sharing described below.

With this PIA update, ICE will expand its sharing with Mexico to include biometric information in addition to the criminal history information already provided. In addition, DHS will share criminal history and biometric information with other foreign partners with which it enters into CHIS agreements. The shared information will include criminal history information and biometric information for criminal aliens who are being removed from the United States and who have been convicted of certain firearms, national security, violent, and drug-related felonies. The foreign partners with which DHS plans to enter into a CHIS agreement in the near future are listed in the Appendix to this PIA update, and the Appendix will be updated as DHS enters into CHIS agreements with additional countries. Specifically, ICE will share information on foreign nationals convicted in the United States of felonies such as homicide, rape, drug sales, kidnapping, weapons trafficking, and terroristic threats. Before or at the time of a foreign national's removal, ICE will share the name; A-Number or Fingerprint Identification Number (FIN); biometric information; age; gender; and for any qualifying crime, the NCIC code, crime description, and date of conviction.

The additional criminal conviction data is being shared to improve cooperation between the United States and foreign partners in coordinating and conducting the removal of aliens and suppressing criminal activities and threats to domestic security. The foreign partner will use the additional criminal history information only for criminal justice purposes, such as coordinating responses to acts of violence and serious criminal violations. Under the contemplated MOC with the United States, the foreign partner may not use this criminal history information for other purposes or as a basis to deny or delay the repatriation of a foreign national.

To facilitate this information exchange, an ICE officer/agent uses a standardized electronic template maintained on each ICE officer/agent's computer terminal. To populate the electronic template, the ICE officer/agent first enters a foreign national's A-Number or FIN into the template. The template will then pull the relevant biographic information for that alien from EID. The ICE officer/agent will repeat this process in the template for all foreign nationals being processed for removal at that time. Once the relevant records from EID are included in the electronic template, the ICE officer/agent reviews the EID information to confirm the correct information was included in the template. Any errors found by the ICE officer/agent will be manually corrected prior to sharing with the foreign partner.



The ICE officer/agent then will select a button in the template indicating they want to share information on the aliens in the template with the foreign partner. Select biographic information from the template is automatically combined with the relevant criminal history information pulled from EID, incorporated into two encrypted email attachments, and sent to a secure email account with the foreign partner's designated law enforcement agency. Criminal history information for a foreign national is pulled from EID and included in the email attachments only if there is a match to the felony convictions described above, based on the NCIC codes for those crimes.

Both attachments in the email contain the same information: the alien's name; A-Number or FIN; age; gender; biometric information; and for any qualifying crime, the NCIC code, crime description, and date of conviction. The first attachment is formatted to be read by an official in the designated law enforcement agency. The second attachment, containing the same information as the first, will provide a file properly formatted for ingestion into the foreign partner's designated database.

Privacy Risk

There is a privacy risk that sharing EID information with multiple foreign government partners may lead to leaks, misuse, or loss of EID information. This risk is minimized by the use of a formal MOC agreement, as described earlier, between ICE and each foreign government that governs the use of the shared information. In order to receive EID information, in particular criminal history information and biometric information, each foreign government partner signs a MOC and agrees to Standard Operating Procedures (SOP). The MOC restricts access and use of criminal history information to authorized uses, requires written permission from ICE to share this information, prohibits public disclosure, and creates security standards for the safeguarding of the information. In addition, these documents provide for modification, suspension of sharing activities, and/or discontinuance by either participating party.

Notice

This PIA update provides information on the current sharing of criminal history and biometric information in EID between DHS and its foreign partners, and the DHS/ICE-011 Immigration and Enforcement Operational Records (ENFORCE) System of Records Notice (SORN), authorizes information sharing with foreign governments pursuant to an information sharing agreement.⁵

Individual Access, Redress, and Correction

This PIA update does not change the ability of an individual to access, redress, and correct their information.

Technical Access and Security

There is no change to the technical access and security of EID.

Technology

There is no change to the technology of EID.

⁵ See DHS/ICE-011 ENFORCE SORN, at <http://www.gpo.gov/fdsys/pkg/FR-2010-05-03/html/2010-10286.htm>.



Responsible Official

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

Approval Signature

Original signed and on file with the DHS Privacy Office.

Karen L. Neuman
Chief Privacy Officer
Department of Homeland Security



Appendix

Foreign partners with whom DHS plans to enter into a Criminal History Information Sharing (CHIS) agreement in the near future are listed in the following appendix. This appendix will be updated as DHS enters into CHIS agreements with additional countries.

1. Mexico
2. El Salvador
3. Guatemala
4. Honduras
5. Jamaica
6. Dominican Republic
7. Bahamas