



Privacy Impact Assessment Update

for the

Unified Secondary System: Advance Information from Certain Undocumented Individuals

DHS Reference No. DHS/CBP/PIA-067(a)

May 7, 2021



Homeland
Security



Abstract

U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO) is responsible for processing individuals entering the United States at Ports of Entry. To facilitate individual processing, CBP is expanding the use of the Unified Secondary System (USEC) to receive specified biographic and biometric information in advance from certain undocumented individuals who may seek to apply for admission at a U.S. port of entry. On behalf of these undocumented individuals, International Organizations (IO) or Non-Governmental Organizations (NGO) submit specified biographic and biometric information to CBP via the CBP One™ Mobile Application. Upon arrival at the port of entry and referral to secondary, CBP officers access this previously submitted information within USEC to pre-populate standard intake processing fields within the system. CBP is conducting this PIA update to analyze the privacy risks of expanding Unified Secondary to collect and store advance arrival information from certain undocumented individuals.

Overview

All individuals arriving at, or traveling through, any United States air, sea, or land port of entry are subject to inspection by a CBP officer (CBPO).¹ The purpose of this primary inspection is to ensure that the individual is legally admissible to the United States, and that the individual is not bringing items into the United States contrary to law.² CBPOs at primary inspection have broad discretion to refer individuals for additional scrutiny, commonly known as “secondary inspection,” with or without suspicion. Some reasons an individual may be referred for secondary inspection include: if the trained CBPO at primary believes that further inspection is needed; if the CBPO at primary is alerted to an issue that may require further inspection; to address issues with the documentation or information supplied; or at random. If an individual arrives at a port of entry without sufficient documentation to determine admissibility, the individual may be referred for a secondary inspection.³

¹ 19 U.S.C. §§ 1433, 1461, and 8 CFR Part 235, *Inspection of Persons Applying for Admission*.

² Individuals who are inadmissible are subject to removal from the United States. The Immigration and Nationality Act (INA) sets forth grounds for inadmissibility (INA § 212(a)). The general categories of inadmissibility include health, criminal activity, national security, public charge, lack of labor certification (if required), fraud or misrepresentation, prior removals, unlawful presence in the United States, and several miscellaneous categories. However, for certain grounds of inadmissibility, it may be possible for a person to obtain a waiver of that inadmissibility.

³ 8 U.S.C. § 1182, *Inadmissible aliens*. In general, any nonimmigrant who is not in possession of a valid visa or border crossing identification card at the time of application for admission is inadmissible.



When processing undocumented individuals, typically CBP receives no advance biographic information, nor does the individual present a valid travel document by which CBP can conduct standard law enforcement and national security system checks. Therefore, undocumented individuals may be referred for secondary inspection to conduct additional routine systems queries or questioning to aid officers in making admissibility determinations. When an individual warranting referral for secondary inspection is encountered at a port of entry, the primary CBPO creates a “referral” within the primary processing system.⁴ This “referral” generates a “secondary inspection referral” within USEC. This secondary inspection referral includes all information available from primary inspection to allow the CBPO assigned at secondary to process the individual referred for secondary inspection.

During the secondary inspection, CBPOs conduct routine questioning to resolve the reason for the referral. When undocumented individuals arrive at a port of entry with insufficient or inadequate documentation, CBPOs typically conduct routine questioning to obtain the same basic biographic information found on a travel document (such as a passport or visa) or a prior authorization for travel, such as the Electronic System for Travel Authorization (ESTA).⁵ Additionally, as part of the secondary inspection, CBPOs may collect biometric information to further assist in identity verification.

If, during the secondary inspection, the CBPO determines that the individual may be inadmissible to the United States, the CBPO will create a Unified Secondary event. The CBPO will manually populate the event with available information, including information provided by the individual during routine questioning, adding to any basic information available from the initial primary inspection. For undocumented individuals, this may only be a photograph taken by CBP at primary with no accompanying biographic information. Using the biographic information provided by the undocumented individual during secondary inspection, the CBPO inputs the information into USEC, which then runs standard law enforcement and national security system checks against CBP and other government holdings. The CBPO may also input the undocumented individual’s responses to questions on various topics such as his or her intent to enter the country, travel history, familial relationships, and any other information the CBPO deems necessary or that the facts of the case dictate. Individuals determined to be inadmissible to the United States will be

⁴ For a full description of the privacy risks and mitigations associated with CBP primary and secondary processing procedures, please *see* U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE TECS SYSTEM: CBP PRIMARY AND SECONDARY PROCESSING, DHS/CBP/PIA-009 (2010 and subsequent updates) and TECS SYSTEM PLATFORM, DHS/CBP/PIA-021 (2016), *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

⁵ *See* U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION, DHS/CBP/PIA-007 (2008 and subsequent updates), *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.



processed for the appropriate adverse action, such as the issuance of a Notice to Appear (NTA) for removal proceedings under Section 240 of the Immigration and Nationality Act (INA) or placing the individual in expedited removal, with a referral for a Credible Fear interview, if appropriate.

At the conclusion of the inspection, the CBPO enters a disposition, allegations, or charges and completes specific forms and documents necessary for parole or referral for detention, and any adverse action. Additionally, USEC event/secondary inspection results are noted in the TECS system,⁶ saved in the Automated Targeting System (ATS),⁷ and sent to the ICE Enforcement Integrated Database (EID).⁸ CBPOs determine the appropriate processing disposition on a case-by-case basis and consider the totality of the circumstances. CBPOs do not make any disposition determinations in advance of an encounter with an undocumented individual.

As described above, CBP relies on the CBPO to manually collect and input information from undocumented individuals into the Unified Secondary system as an event. This is a time-consuming process that is inherently prone to manual data entry errors. Not only is this burdensome to the CBPO, but it also ultimately leads to increased wait times at ports of entry and reduces the number of individuals CBP may process on a given day. With this PIA update, CBP is giving notice of a new process for receiving specified biographic and biometric information in advance of certain undocumented individuals' arrival into the United States. If these individuals are referred for secondary inspection upon arrival, CBPOs will be able to import the advance information into USEC to streamline processing of an undocumented individual at a port of entry.

⁶ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE TECS SYSTEM: CBP PRIMARY AND SECONDARY PROCESSING, DHS/CBP/PIA-009 (2010 and subsequent updates) and TECS SYSTEM PLATFORM, DHS/CBP/PIA-021 (2016), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

⁷ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE AUTOMATED TARGETING SYSTEM, DHS/CBP/PIA-006(e) (2017), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

⁸ EID is a DHS shared common database repository used by several DHS law enforcement and homeland security applications. EID stores 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 ICE, U.S. Citizenship and Immigration Services (USCIS), and CBP. EID supports ICE's processing and removal of noncitizens from the United States. See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, PRIVACY IMPACT ASSESSMENT FOR THE ENFORCEMENT INTEGRATED DATABASE (EID), DHS/ICE/PIA-015 (2010 and subsequent updates), available at <https://www.dhs.gov/privacydocuments-ice>.



Reason for the PIA Update

On March 20, 2020, the Department of Health and Human Services (HHS) issued an Interim Final Rule (IFR) and Order under Sections 265 and 268 of Title 42 of the U.S. Code, which permits the Director of the Centers for Disease Control and Prevention (CDC) to “prohibit . . . the introduction” into the United States of individuals when the Director believes that “there is serious danger of the introduction of [a communicable] disease into the United States.”⁹ Section 268 of Title 42 provides that customs officers—which include officers of CBP’s Office of Field Operations and U.S. Border Patrol agents—shall implement any quarantine rule or regulation issued by the CDC, which includes Orders under section 265. The original 2020 CDC Order has been extended and amended. The most current version of the Order was issued on October 13, 2020, after HHS issued a Final Rule (FR) under Sections 265 and 268 of Title 42 of the U.S. Code.¹⁰ The CDC Order does not apply to U.S. citizens, lawful permanent residents, and their spouses and children, nor does it apply to U.S. military personnel or those who arrive at a port of entry with valid travel documents. The Order permits customs officers to except individuals from the CDC Order in totality of the circumstances based on “consideration of significant law enforcement, officer and public safety, *humanitarian*, and public health interests.” (emphasis added).

Currently, CBPOs spend a significant amount of time collecting and verifying basic biographic data during the inspection process to process undocumented individuals (including those excepted from the CDC Order) once they arrive at the port of entry. CBPOs individually collect and manually input information into USEC during the secondary inspection and event completion. To streamline the processing of undocumented individuals who may potentially be excepted from the CDC Order, CBP is relying on partnerships with certain International Organizations/NGOs. International Organizations/NGOs will identify undocumented individuals that are potentially excepted from the CDC Order on humanitarian grounds. If an International Organization/NGO identifies an individual as potentially eligible for this exception, the International Organization/NGO may submit certain biographic and biometric information to CBP on the individual’s behalf. The International Organizations/NGOs will use the CBP One™ Mobile Application to collect and submit this advance information on a voluntary basis to CBP. The advance collection of this information will help to streamline the case processing of undocumented individuals upon arrival at a port of entry. The manual input of data into USEC by CBPOs is a time-consuming process. The advance collection enables CBPOs to import the information collected by CBP One™ directly into a Unified Secondary event, which reduces the need for manual data entry and improves case processing efficiencies. This advance information collection

⁹ See <https://www.federalregister.gov/documents/2020/03/24/2020-06238/control-of-communicable-diseases-foreign-quarantine-suspension-of-introduction-of-persons-into>.

¹⁰ See <https://www.cdc.gov/coronavirus/2019-ncov/order-suspending-introduction-certain-persons.html>.



also minimizes the amount of time individuals are required to spend in congregate settings with CBPOs and other individuals seeking admission to the United States, which is a safer practice during the ongoing pandemic.

CBP One™

CBP One™ is available for Android and iOS mobile devices in the Google Play or iTunes mobile application stores.¹¹ International Organizations/NGOs must either create a new account using an email address, phone number, and password or open an existing Login.Gov¹² account to access CBP One™. Upon logging into CBP One™, a notification displaying the CBP Privacy Policy will appear, and users must consent to it prior to using the mobile application. Once the International Organization/NGO user has created a new account or logged into an existing account, the International Organization/NGO user may begin the submission of advance information to CBP on behalf of the undocumented individual. As part of this process, no International Organization/NGO CBP One™ user information is collected or stored by CBP.

With the consent of and on behalf of the individual, the International Organization/NGO user will input the following information: name, date of birth, phone numbers, U.S. address, foreign addresses, nationality, employment history (optional), travel history (optional), emergency contact information (optional), family information (optional), marital information (optional), identity documents (optional; non-Western Hemisphere Travel Initiative (WHTI) compliant¹³), gender, height, weight, and eye color.¹⁴ Next, the International Organization/NGO may take or upload an existing photograph of the individual into CBP One™. The International Organization/NGOs verbally advise the undocumented individual that he or she may opt out of providing a photograph.¹⁵ If an individual opts out of providing a photograph, the International

¹¹ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE CBP ONE™ MOBILE APPLICATION, DHS/CBP/PIA-068 (2021), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

¹² Login.Gov ensures a secure connection and identity verification for IOs/NGOs to use CBP One™. See GENERAL SERVICES ADMINISTRATION, PRIVACY IMPACT ASSESSMENT FOR LOGIN.GOV (2020), available at <https://www.gsa.gov/reference/gsa-privacy-program/privacy-impact-assessments-pia>.

¹³ WHTI is the joint Department of State (DOS) and DHS plan to implement a key 9/11 Commission recommendation and the statutory mandates of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). IRTPA, in part, required DHS and DOS to develop and implement a plan to require all travelers, U.S. citizens and foreign nationals alike, to present a passport or other acceptable document that denotes identity and citizenship when entering the United States. The types of acceptable WHTI compliance document vary by port of entry type, but generally include U.S. Passport; U.S. Passport Card, Enhanced Driver's License, Enhanced Tribal Card, Trusted Traveler Program card (NEXUS, SENTRI or FAST); U.S. Military identification card when traveling on official orders; or U.S. Merchant Mariner document when traveling in conjunction with official maritime business.

¹⁴ CBP is issuing an emergency information collection pursuant to the Paperwork Reduction Act to permit this collection; however, the data elements are substantially similar to, and used for the same purposes as, the Form I-94W Nonimmigrant Visa Waiver Arrival/Departure Record.

¹⁵ IOs/NGOs are responsible for providing the method of opt-out.



Organization/NGO can still submit the biographic information to CBP. Once the biographic and biometric information is captured, the information collection is complete, and the International Organizations/NGOs submit the information to CBP using CBP One™.

CBP Collection and Processing

Upon submission, CBP One™ transfers the biographic information and photograph to a segregated database within ATS. CBP uses the information to perform background checks and queries of certain databases to identify any previous DHS encounters, public safety threats (such as wants/warrants), and national security threats (such as links to terrorist organizations) prior to an undocumented individual's arrival to a port of entry. CBP may use the results of this vetting to make the appropriate processing determination at the time that the individual arrives at the port of entry.

In addition to conducting pre-vetting, CBP also stores a templated copy of the picture in a standalone Traveler Verification System (TVS)¹⁶ gallery, which will be matched against a photograph taken by a CBPO once the individual arrives at the port of entry using Simplified Arrival.¹⁷ CBP uses the photographs submitted for advanced information via CBP One™ to build a segmented TVS gallery. CBP stages all photographs submitted via CBP One™ in this segmented TVS gallery until the individual arrives at the port of entry.

Inspection Process

Primary

When the undocumented individual arrives at a port of entry he or she is subject to a full primary inspection. As part of processing using Simplified Arrival, the CBPO takes a picture of the individual during the primary inspection. Once the CBPO takes the photograph, the undocumented individual's live photograph will be compared against the pre-made gallery of images taken from the photographs submitted from International Organizations/NGOs via CBP One™ – known as *1:n matching*. If the primary CBPO determines that secondary inspection is warranted, the CBPO will refer the individual for secondary inspection. If TVS locates a match in the pre-made gallery, the referral will be created from Simplified Arrival to Unified Secondary,

¹⁶ CBP's TVS is an accredited information technology system consisting of a group of similar systems and subsystems that support the core functioning and transmission of data between CBP applications and partner interfaces. Since early 2017, CBP has used the TVS as its backend matching service for all biometric entry and exit operations that use facial recognition, regardless of air, land, or sea. See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE DHS/CBP/PIA-056 TRAVELER VERIFICATION SERVICE, available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

¹⁷ Simplified Arrival is an enhanced international arrival process that uses facial biometrics to automate the manual document checks that are already required for admission into the United States, providing individuals with a secure, touchless travel experience while fulfilling a longstanding Congressional mandate to biometrically record the entry and exit of non-citizens.



and will include the confirmation number previously generated by CBP One™. This information will be stored in ATS. If TVS does not produce a match, or the undocumented individual did not provide a photograph, the CBPO can manually query the CBP One™ confirmation number or name and date of birth provided by the undocumented individual. If the manual query identifies a match to application data previously collected through CBP One™, the referral created from Simplified Arrival to USEC will include the confirmation number.

Secondary

Once the primary CBPO refers the undocumented individual to secondary, CBPOs can import the information captured through CBP One™ into a USEC event. This will reduce the time that the CBPO typically spends manually entering data during the inspection process. Once the CBPO imports information into the USEC event, the CBPO will complete the secondary inspection, which includes additional system checks and questioning. The additional checks and routine questioning that occur as part of the secondary inspection process help CBPOs determine whether an individual is admissible or inadmissible. CBPOs also can review the data prior to performing the import and can edit the data after importing it to the USEC event. CBPOs determine the appropriate processing disposition for individuals seeking admission on a case-by-case basis at the time the individual is encountered at a port of entry.

Privacy Impact Analysis

Authorities and Other Requirements

The legal authorities and System of Records Notice(s) do not change as a result of this update. This information will be collected on a voluntary basis for the purpose of facilitating and implementing CBP's mission. This collection is consistent with DHS and CBP's authorities, including under 6 U.S.C. §§ 202 and 211(c). Under these authorities, DHS and CBP are permitted to maintain the security of the border, including "securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States," and "implement[ing] screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound."

CBP is concurrently seeking emergency approval from the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) for the collection of advance information from undocumented individuals who seek to enter the United States.

Privacy Risk: There is a risk that CBP does not have clear authority to collect advanced information about certain undocumented individuals prior to arrival at the port of entry.



Mitigation: This risk is mitigated. CBP conducted a legal analysis and determined that this collection is consistent with DHS and CBP’s authorities, including under 6 U.S.C. §§ 202 and 211(c). Under these authorities, DHS and CBP are permitted to maintain the security of the border, including “securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States,” and “implement[ing] screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound.” Furthermore, CBP is collecting this information on a completely voluntarily basis from undocumented individuals for the purpose of facilitating and implementing CBP’s mission. Opt-in consent is required to participate.

Privacy Risk: There is a risk that CBP’s currently published System of Records Notices do not provide sufficient coverage and notice for the new collection of pre-arrival information.

Mitigation: This risk is partially mitigated. Several existing Systems of Records Notices provide sufficient notice to the public and permit this collection of information. The Automated Targeting System (ATS) System of Records Notice¹⁸ permits collection of information in anticipation of travel. All information collected at the time of inspection and processing is covered by the Nonimmigrant Information System¹⁹ and U.S. Customs and Border Protection TECS²⁰ System of Records Notices.

To the extent this collection becomes a regular, pre-arrival information collection, CBP will explore publishing a new System of Records Notice to give full transparency regarding collection, uses of information, permissible routine uses, and other Privacy Act agency requirements, much like those for other pre-arrival datasets such as Advance Passenger Information System (APIS)²¹ and the ESTA.

Characterization of the Information

CBP is continuing to collect the same information typically collected during the inspection process. However, with this update, CBP is providing notice of its advance collection of certain information prior to certain undocumented individuals’ arrival in the United States. This information will be voluntarily submitted to CBP from an International Organization/NGO via the

¹⁸ See DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297, available at <https://www.dhs.gov/system-records-notices-sorns>.

¹⁹ See DHS/CBP-016 Nonimmigrant Information System, March 13, 2015, 80 FR 13398, available at <https://www.dhs.gov/system-records-notices-sorns>.

²⁰ See DHS/CBP-011 U.S. Customs and Border Protection TECS, December 19, 2008, 73 FR 77778, available at <https://www.dhs.gov/system-records-notices-sorns>.

²¹ See DHS/CBP-005 Advance Passenger Information System (APIS), March 13, 2015, 80 FR 13407, available at <https://www.dhs.gov/system-records-notices-sorns>.



CBP One™ Mobile Application, on behalf of the individual. The purpose of this advance collection is to achieve efficiencies in processing individuals upon their arrival to the port of entry, consistent with public health protocols, space limitations, and other restrictions given the current pandemic. To streamline the processing of undocumented individuals at ports of entry, CBP plans to collect biographic and biometric information in advance of arrival. The voluntary provision of this information in advance enables CBP to streamline in-person processing upon arrival by reducing the inspection and administrative burden for both CBPOs and the undocumented individual.

Privacy Risk: There is a risk of overcollection since CBP may collect advance arrival information about individuals who do not actually arrive at the port of entry.

Mitigation: This risk is partially mitigated. CBP, through International Organizations/NGOs, is collecting this information from individuals whom International Organizations/NGOs determine are seeking to travel to the United States and may be excepted from Title 42. The undocumented individuals voluntarily provide this information to International Organization/NGOs, who in turn submit the information to CBP on the undocumented individual's behalf. This advanced information helps to streamline the individual's inspection and processing upon his/her arrival at a port of entry. This information collection is similar to other advanced information collections, such as Advanced Passenger Information (API),²² where a travel carrier submits advance information on passengers intending to travel to the United States. In this circumstance, CBP also collects and retains information on individuals who may intend to travel but fail to board the carrier. However, this advanced information, combined with the results of the pre-vetting, are used by CBP to identify public safety threats (such as wants/warrants) and national security threats (such as links to terrorist organizations). Furthermore, for future travel, CBPOs may refer to past vetting results as a basis for interview inspection questions and to assist with admissibility determinations.

Privacy Risk: There is a risk that information submitted via CBP One™ and stored in ATS will be inaccurate.

Mitigation: This risk is partially mitigated. International Organizations/NGOs submit information originally provided by the individual to CBP. While there is always an inherent risk to manual data entry, International Organizations/NGOs can review and verify the information prior to submission to CBP. Additionally, during the inspection process, a CBPO will verify and update any information in USEC that is deemed incorrect or inaccurate.

²² See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE ADVANCED PASSENGER INFORMATION SYSTEM, DHS/CBP/PIA-001 (2008 and subsequent updates), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.



Privacy Risk: There is a risk that CBP is collecting more information than necessary to make an admissibility determination.

Mitigation: This risk is mitigated. CBP is collecting the same information that is typically collected prior to an individual traveling to the United States (e.g., API, Passenger Name Record data,²³ ESTA,²⁴ Form I-94 - *Nonimmigrant Visa Waiver Arrival/Departure*²⁵) and during the secondary inspection process. CBP is collecting information that would be normally collected at the port of entry during secondary inspection in accordance with existing CBP processes. In this circumstance the collection occurs in advance of an undocumented individual's arrival in order to streamline the processing of these individuals upon their arrival to the port of entry. The advance collection of this data helps streamline secondary processing because it reduces the manual data entry into the Unified Secondary event. Not only does this enable CBP to process individuals more efficiently, but it also reduces the amount of time undocumented individuals spend in congregate settings, thereby reducing the risk of COVID-19 transmission.

CBP is collecting this advance arrival information on a completely voluntary basis. CBP has carefully evaluated the data elements to be submitted, and has made the collection of certain fields optional. For example, the submission of employment history and a photograph is optional. If an individual chooses to not supply this information to the International Organization/NGO, his or her advance arrival information can still be successfully submitted. However, failure to provide requested information in advance may result in reduced processing efficiencies for individual cases.

Uses of the Information

This update does not impact the use of information. International Organizations/NGOs are using CBP One™ to voluntarily collect biographic information and a photograph from individuals prior to their arrival at a CBP port of entry. The purpose of this advance information collection is to streamline the processing of such individuals consistent with public health protocols, space

²³ U.S. law requires air carriers operating flights to, from, or through the U.S. to provide CBP, with certain passenger reservation information, called Passenger Name Record (PNR) data. The collection of PNR data allows CBP to prevent, detect, investigate, and prosecute terrorist offenses and related crimes and certain other crimes that are transnational in nature. Air carriers are required to provide this information on all persons traveling on flights to, from, or through the United States to CBP beginning 72 hours prior to departure of a flight, and up until 24 hours before the scheduled flight departure.

²⁴ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION, DHS/CBP/PIA-007 (2008 and subsequent updates), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

²⁵ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE I-94 WEBSITE APPLICATION, DHS/CBP/PIA-016 (2013 and subsequent updates), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.



limitations, and other restrictions given the current pandemic. This process is designed to reduce the inspection and administrative burden for both the CBPO and the individual.

Upon receipt, the CBP One™ data is sent to and stored in a segregated database in ATS. Prior to an undocumented individual's arrival at a port of entry, and consistent with CBP standard operations, CBP will use the advance arrival information to conduct pre-arrival vetting. As with any other biographic information collected by CBP and stored within ATS, CBP uses this information for vetting and targeting purposes to identify individuals who may warrant additional scrutiny. This vetting is consistent with CBP border security authorities and will be used to identify individuals who may pose a risk to national security or public safety, may be a terrorist or suspected terrorist, or may otherwise be engaged in activity in violation of U.S. law. Additionally, CBPOs will continue to use Unified Secondary to document inspections and manage immigration events. Instead of manually entering information that is typically collected when an event is created in USEC, USEC will now include functionality to allow the direct import of information obtained from CBP One™ into a USEC event.

Privacy Risk: There is a risk that CBP will conduct pre-arrival vetting checks on individuals who do not arrive in the United States.

Mitigation: This risk is partially mitigated. CBP may conduct pre-arrival vetting on undocumented individuals who never arrive in the United States. This collection and use is consistent with current CBP operations, such as when CBP receives API from carriers who submit information regarding travelers intending to travel to the United States but who do not arrive. In both these circumstances, CBP still collects and vets travelers to identify public safety threats (such as wants/warrants) and national security threats (such as links to terrorist organizations). Additionally, CBP is collecting this information on a completely voluntary basis. By providing certain biographic and biometric information to the International Organizations/NGOs, these individuals consent for the International Organizations/NGOs to submit the information to CBP for pre-arrival vetting and screening. Furthermore, CBP only retains this information for 1 year, reducing the risk that CBP will use the information beyond the original intended purpose of conducting pre-arrival vetting.

Privacy Risk: There is a risk that CBP will use the information for purposes other than what is stated in this PIA.

Mitigation: This risk is mitigated. The original DHS/CBP/PIA-067 CBP Unified Secondary and this PIA update articulate the ways in which CBP will use the information. Once the information from CBP One™ is populated into a USEC event, it will be used in the same way other USEC events are used and shared. Secondary inspections that result in adverse or administrative immigration actions are automatically sent to and stored in the ICE Enforcement Integrated Database. Additionally, biometric and associated biographic information collected



during the secondary inspection process is enrolled in the Automated Biometric Identification System/Homeland Advanced Recognition Technology System (IDENT/HART).²⁶

Privacy Risk: There is a risk that CBP will enroll undocumented individuals in IDENT/HART based on the photograph submitted via CBP One™.

Mitigation: This risk is partially mitigated. CBP stores the photographs received from CBP One™ in a segmented database within TVS. CBP only uses these photographs to create the TVS gallery of photographs that CBP collects through CBP One™ for advance arrival information. CBP will continue to populate the segmented TVS gallery with images sent to CBP from International Organizations/NGOs via CBP One™. However, upon arrival at a port of entry, CBPOs take another photograph of the individual. This photograph is enrolled into IDENT/HART as it is a biometric travel encounter.

Notice

International Organizations/NGOs provide notice to individuals before submitting information to CBP on their behalf. CBP is providing general notice on the expansion through this PIA update, an appendix update to CBP/PIA-068 CBP One™ Mobile Application, and appendix update to DHS/CBP/PIA-056 Traveler Verification Service. Additionally, CBP is concurrently issuing an emergency PRA approval for the collection of advance information on undocumented individuals seeking entry into the United States.

Data Retention by the Project

The advance arrival information collected via CBP One™ will be stored in a segregated database within ATS for 1 year. However, if the advance arrival information is imported into a Unified Secondary event, or an ATS event is created during pre-arrival vetting, it will be stored within ATS for 15 years consistent with the ATS retention schedule. Additionally, the USEC event data will be transmitted and stored in other systems, where it is retained in accordance with the retention schedules for those systems. For example, information that is sent to and stored in TECS

²⁶ See U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT, PRIVACY IMPACT ASSESSMENT FOR THE AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM (IDENT), DHS/OBIM/PIA-001 (2012), *available at* <https://www.dhs.gov/privacydocuments-office-biometric-identity-management-obim>. DHS is in the process of replacing IDENT with the Homeland Advanced Recognition Technology System (HART) as the primary DHS system for storage and processing of biometric and associated biographic information. For more information about HART, please see U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT, PRIVACY IMPACT ASSESSMENT FOR THE HOMELAND ADVANCED RECOGNITION TECHNOLOGY SYSTEM (HART) INCREMENT 1, DHS/OBIM/PIA-004 (2020), *available at* <https://www.dhs.gov/privacydocuments-office-biometric-identity-management-obim>.



is retained for 75 years in accordance with the TECS retention schedule. Many of the forms completed through USEC are sent to the Enforcement Integrated Database as the source system, in which case they are stored for 75 years.

Privacy Risk: There is a risk that CBP will retain information on individuals who do not arrive in the United States.

Mitigation: This risk is partially mitigated. CBP is retaining information on individuals who may not arrive in the United States. However, CBP is retaining this information on a temporary basis. If the undocumented individual does not appear at a port of entry within a year of providing it to an International Organization/NGO, CBP will purge the data unless the individual is associated with an active law enforcement or national security investigation. This temporary retention period is 13 months, consistent with the APIS SORN.

Information Sharing

There are no changes to information sharing as a result of this update. Information collected through USEC continues to be shared on a case-by-case basis with appropriate federal, state, local, tribal, and foreign governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, or when CBP believes the information would assist enforcement of civil or criminal laws.

Redress

This update does not impact how access, redress, and correction may be sought through CBP.

Auditing and Accountability

This update does not impact the auditing and accountability mechanisms in place to ensure information is used in accordance with stated practices in the original PIA and this PIA update.

Privacy Risk: There is a risk that the information CBP receives from CBP One™ will be comingled with other data in ATS.

Mitigation: This risk is mitigated. Upon receipt, the CBP One™ data is sent to and stored in a segregated database in ATS. This segregated database is a separate set of independently managed tables within ATS. However, the biographic and biometric information submitted via the CBP One™ Mobile Application will be accessible for pre-vetting in ATS. If an ATS event is



created, then the information can be queried from the targeting or secondary system. The data will not be accessible to import into the secondary processing system until the individual arrives at the port of entry.

Contact Official

Emilia Bakopoulos
Director, Systems Enforcement Analysis and Review Division
Admissibility and Passenger Programs
Office of Field Operations
U.S. Customs and Border Protection
(202) 344-1372

Responsible Official

Debra L. Danisek
CBP Privacy Officer
Privacy and Diversity Office
U.S. Customs and Border Protection
(202) 344-1610

Approval Signature

Original, signed copy on file with the DHS Privacy Office.

Lynn Parker Dupree
Chief Privacy Officer
U.S. Department of Homeland Security
(202) 343-1717