



9111-28

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2018-0013]

Privacy Act of 1974; System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of Modified System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to modify, rename, and reissue a current DHS U.S. Immigration and Customs Enforcement (ICE) system of records titled, “Department of Homeland Security (DHS)/U.S. Immigration and Customs Enforcement (ICE)-007 Alien Criminal Response Information Management (ACRIME).” This system of records allows the Department to receive and respond to criminal history and immigration status inquiries made by federal, state, and local law enforcement agencies, and other federal agencies, including the Office of Personnel Management (OPM) and the Department of Health and Human Services (HHS). This system of records notice (SORN) covers records the Department collects and maintains on individuals who are: arrested; screened as part of a background check to determine suitability for employment, access, or other purposes; screened to verify or ascertain citizenship or immigration status, immigration history, and criminal history to inform an HHS determination regarding sponsorship of an unaccompanied alien child; or otherwise encountered by federal, state, and local law enforcement agencies. DHS may also use information maintained in this system of records for other purposes consistent with its statutory authorities.

As a result of a biennial review of this system, the Department is updating this SORN to: change the system of records name to Criminal History and Immigration Verification (CHIVE); add one new category of individuals to include individuals seeking approval from HHS to sponsor an unaccompanied alien child and/or other adult members of the potential sponsor's household; add one new category of records to include biometrics for potential sponsors of an unaccompanied alien child and/or other adult members of the potential sponsor's household; expand a category of records to include screening to verify or ascertain citizenship or immigration status, immigration history, and criminal history for sponsorship of unaccompanied alien children; add a new purpose of the system: to screen individuals to verify or ascertain citizenship or immigration status, immigration history, and criminal history to inform determinations regarding sponsorship of unaccompanied alien children who are in the care and custody of HHS; add a new routine use to describe how the DHS may share information from this system of records with HHS; modify routine use (E) and add routine use (F) to conform to Office of Management and Budget (OMB) Memorandum M-17-12 "Preparing for and Responding to a Breach of Personally Identifiable Information" (Jan. 3, 2017); revise the records retention periods so that they align with the records schedule approved by the National Archives and Records Administration (NARA); and clarify that DHS may use information maintained in this system of records for other purposes consistent with its statutory authorities.

Because this system will no longer cover information related to public tips, ICE is also updating the SORN to: remove two categories of individuals; remove two categories of records; remove one routine use that allows DHS to disclose reports of suspicious

activity, tips, potential violations of law, and other relevant information to external law enforcement agencies; and remove four purposes for the collection of information.

Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. This modified system of records will be included in DHS's inventory of record systems. ICE will issue a new Privacy Act rulemaking, elsewhere in the *Federal Register*.

DATES: Submit comments on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. This modified system of records notice will be effective upon publication. New or modified routine uses will be effective **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments, identified by docket number DHS-2018-0013 by one of the following methods:

- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 202-343-4010.
- Mail: Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, D.C. 20528-0655.

Instructions: All submissions received must include the agency name and docket number for this notice DHS-2018-0013. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Amber Smith, Privacy Officer, U.S. Immigration and Customs Enforcement, Washington, D.C. 20536-5600, (202) 732-3300, ICEPrivacy@ice.dhs.gov. For privacy questions, please contact: Philip S. Kaplan, Privacy@hq.dhs.gov, (202) 343-1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, D.C. 20528-0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. sec. 552a, DHS, U.S. Immigration and Customs Enforcement (ICE) proposes to modify, rename, and reissue a current DHS system of records notice (SORN) titled, “DHS/ICE-007 Alien Criminal Response Information Management (ACRIME),” 78 FR 10623 (Feb. 14, 2013).

The DHS/ICE update to ACRIME includes several changes. First, the system of records is being renamed “Criminal History and Immigration Verification (CHIVE)” to better align with the purpose of the system. This system of records covers records documenting inquiries received from federal, state, and local law enforcement agencies so ICE can check the immigration status and criminal history of individuals who are arrested or otherwise encountered by those agencies; and other federal agencies for screening (including as part of background checks being conducted by those agencies) to inform those agencies’ determinations regarding suitability for employment, access, sponsorship of an unaccompanied alien child, or other purposes or otherwise encountered by those agencies.

Second, DHS is adding a purpose of the system, as ICE will now screen

individuals seeking approval from HHS to sponsor an unaccompanied alien child, as well as other adult members of the potential sponsor's household, to verify or ascertain citizenship or immigration status, immigration history, and criminal history.

Third, DHS is clarifying that DHS may use information maintained in this system of records for other purposes consistent with its statutory authorities.

Fourth, this update adds a new category of individuals: those seeking approval from HHS to sponsor an unaccompanied alien child and/or other adult members of the potential sponsor's household.

Fifth, DHS is adding one category of records to include biometrics for potential sponsors and/or other adult members of the potential sponsor's household. DHS has also modified a category of records to include citizenship or immigration status and criminal and immigration history information for sponsorship of unaccompanied alien children.

Sixth, DHS is adding one new routine use that would allow ICE to share from this system of records the results of screening of potential sponsors and adult members of their households with HHS to inform HHS's determination whether to grant sponsor applications. Below is a summary of the new routine use and its corresponding letter:

(HH) To HHS, the citizenship or immigration status, immigration history, criminal history information, and other biographic information of potential sponsors for unaccompanied alien children and other adult members of the potential sponsors' households to inform an HHS determination regarding sponsorship of an unaccompanied alien child.

DHS is also modifying routine use (E) and adding routine use (F) to conform to Office of Management and Budget (OMB) Memorandum M-17-12 "Preparing for and

Responding to a Breach of Personally Identifiable Information” (Jan. 3, 2017). All following routine uses are being renumbered to account for the additional routine use.

Seventh, DHS is revising the records retention periods so that they align with the records retention schedule approved by the National Archives and Records Administration (NARA).

Finally, DHS is modifying this SORN since this system will no longer store information pertaining to the collection, processing, and response to public tip information concerning customs and immigration violations, suspicious activity, or other law enforcement matters. ICE will continue to collect information about individuals reporting tips, the subjects of such tips, and any information ICE collects in following up on a tip in the DHS/ICE–016 FALCON Search and Analysis System of Records, 82 FR 20905 (May 4, 2017).

As a result, the following changes are being made: (1) two categories of individuals are being removed from the system – individuals who report tips and individuals about whom those reports are made; (2) two categories of records are being removed from the system - those public tip records, which consist of information contained in tips received from the public or other sources regarding customs and immigration violations, other actual or potential violations of law, and suspicious activities; and also records created pertaining to ICE’s follow-up activities regarding a tip; (3) one routine use is being removed from the system that allows DHS to disclose reports of suspicious activity, tips, potential violations of law, and other relevant information to external law enforcement agencies; and (4) four purposes for the collection of information are being removed from the system. Purpose (4) in the prior

iteration of this SORN has been removed as it pertains to public tip records. Purposes (5), (6), and (7) have been removed since these purposes are more focused on ICE's Law Enforcement Support Center (LESC) rather than the system as a whole.

Information stored in the DHS/ICE-007 Criminal History and Immigration Verification (CHIVE) System of Records may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, ICE may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this SORN. This modified system of records will be included in DHS's inventory of record systems. Further, ICE will issue a new rule covering exemptions for this modified SORN elsewhere in the *Federal Register*.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial

review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/ICE-007 Criminal History and Immigration Verification (CHIVe) System of Records.

In accordance with 5 U.S.C. sec. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER: Department of Homeland Security (DHS)/ U.S. Immigration and Customs Enforcement (ICE)-007 Criminal History and Immigration Verification (CHIVe) System of Records.

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION: Records are maintained at the ICE Headquarters in Washington, D.C. and ICE field offices. Records are also maintained in the ACRIME information technology system, and the DHS Data Centers in Washington, D.C.

SYSTEM MANAGER(S): Unit Chief, Law Enforcement Support Center, U.S. Immigration and Customs Enforcement, 188 Harvest Lane, Williston, VT 05495; Unit Chief, Juvenile and Family Residential Management Unit, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 8 U.S.C. secs. 1103, 1226, 1227, 1228, 1231, 1232, 1357, 1360; 19 U.S.C. sec. 1589a; and the Brady Handgun Violence Protection Act of 1993 (Pub. L. No. 103-159).

PURPOSE(S) OF THE SYSTEM: The purposes of this system are: (1) To assist in identifying and arresting individuals in the United States who may be subject to removal under the Immigration and Nationality Act, as amended; (2) To respond to inquiries from

criminal justice agencies that seek to determine the immigration status of an individual in the context of a criminal justice matter for the purpose of identifying and arresting those who may be subject to removal; (3) To screen individuals to verify or ascertain citizenship or immigration status, immigration history, and criminal history to inform determinations regarding sponsorship of unaccompanied alien children who are in the care and custody of HHS and to identify and arrest those who may be subject to removal; and (4) To inform criminal justice agencies and agencies conducting background checks whether an individual is under investigation and/or wanted by ICE or other criminal justice agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Categories of individuals covered in this system include:

- (1) Individuals who are the subjects of immigration status inquiries submitted to ICE or immigration checks conducted by ICE, including:
 - A. Individuals who are encountered by, arrested by, under the investigation of, or in the custody of a criminal justice agency.
 - B. Individuals convicted of sexual offenses required to register as a sexual offender.
 - C. Individuals subject to background checks or investigations by or under the authority of a federal, state, local, tribal, or territorial agency to determine eligibility or suitability for employment, access, or other purposes.
 - D. Individuals applying to obtain/purchase a firearm in the United States and whose information has been submitted to ICE for the purpose of

conducting an immigration status check in support of background checks required by the Brady Handgun Violence Protection Act (Brady Act) or other applicable laws.

- (2) Individuals who are the subjects of criminal arrest warrants and immigration lookouts that ICE has entered into the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) System.
- (3) Individuals seeking approval from HHS to sponsor an unaccompanied alien child, and/or other adult members of the potential sponsor's household.
- (4) Law enforcement officers or other personnel working for criminal justice agencies who contact ICE for reasons relating to the purposes of this system of records, or for other law enforcement assistance.

CATEGORIES OF RECORDS IN THE SYSTEM: Categories of records in this system include:

- Biographic identifiers, other identifiers, and contact information (e.g., name, aliases, date and place of birth, address, telephone number, Social Security number (SSN), Alien Registration Number (A-Number), driver's license number, other personal identification numbers, fingerprint identification number, passport number);
- Visa, border, immigration and citizenship information (e.g., citizenship and/or immigration status, application for benefit information, visa and travel history);
- Criminal history information (e.g., FBI number, booking number, current charge[s], custodial status, past offenses and convictions);
- NCIC hit confirmation records, which consist of information supporting the entry

of criminal warrants or immigration lookouts into the NCIC system, such as criminal arrest warrant information, fingerprints and photographs, other information identifying the individual, and records reflecting the purpose/basis for the warrant or lookout. Records of inquiries received from criminal justice agencies regarding potential matches against ICE-created NCIC records, and records pertaining to ICE's research, resolution, and response to those inquiries;

- Background investigation records, which consist of identifying and other information received from agencies requesting an immigration status check and/or criminal history check on individuals as part of a background check for employment, gun ownership, or other reasons; research conducted by ICE during the conduct of the immigration status check; and ICE's research, resolution, and response to those inquiries;
- Sponsor screening records, which consist of identifying and other information received from HHS regarding potential sponsors of unaccompanied alien children and other adult members of the potential sponsor's household; research conducted by ICE during such screening; and ICE's response to those inquiries.
- Biometric identifiers (potential sponsors for unaccompanied alien children and other adult members of the potential sponsors' household only);
- Criminal justice immigration status check records, which consist of identifying and other information received from criminal justice agencies requesting an immigration status check on individuals in the context of a criminal justice matter; prioritization of requests; research conducted by ICE during the conduct of the immigration status check; and ICE's research, resolution, and response to those

inquiries;

- Information received pursuant to the activities supported by this system of records, including leads for ICE investigations and referrals to other agencies; and
- Identification and authentication information for law enforcement officers or other criminal justice personnel who contact ICE.

RECORD SOURCE CATEGORIES: Records are obtained from ICE, other federal, state, local, tribal, foreign, and international criminal justice entities (e.g., law enforcement agencies, investigators, prosecutors, correctional institutions, police departments, and parole boards), and other Federal Government agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under 5 U.S.C. sec. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. sec. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other federal agency conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. sec. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F: To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

H. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

I. To federal, state, local, tribal, territorial, foreign, or international agencies, if the information is relevant and necessary to a requesting agency's decision concerning individuals who are being screened with respect to their participation in, attendance at, or other relation to a national or special security event.

J. To domestic governmental agencies seeking to determine the immigration status of persons who have applied to purchase/obtain a firearm in the United States, pursuant to checks conducted on such persons under the Brady Handgun Violence Prevention Act or other applicable laws.

K. To federal, state, local, tribal, territorial, or international agencies seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.

L. To courts, magistrates, administrative tribunals, opposing counsel, parties, and witnesses, in the course of immigration, civil, or criminal proceedings (including discovery, presentation of evidence, and settlement negotiations) and when DHS determines that use of such records is relevant and necessary to the litigation before a court or adjudicative body when any of the following is a party to or have an interest in the litigation:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;
3. Any employee of DHS in his/her individual capacity when the Government has agreed to represent the employee; or
4. The United States, when DHS determines that litigation is likely to affect DHS or any of its components.

M. To the DOJ, Federal Bureau of Prisons (BOP), and other federal, state, local, territorial, tribal, and foreign law enforcement or custodial agencies for the purpose of placing an immigration detainer on an individual in that agency's custody, or to facilitate the transfer of custody of an individual to DHS from the other agency.

N. To a former employee of DHS for purposes of responding to an official inquiry by federal, state, local, tribal, territorial government agencies, or professional licensing authorities; or facilitating communications with a former employee that may be relevant and necessary for personnel-related or other official purposes when DHS requires

information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

O. To federal, state, local, tribal, territorial, or foreign government agencies, as well as to other individuals and organizations during the course of an investigation by DHS or the processing of a matter under DHS's jurisdiction, or during a proceeding within the purview of the immigration and nationality laws, when DHS deems that such disclosure is necessary to carry out its functions and statutory mandates or to elicit information required by DHS to carry out its functions and statutory mandates.

P. To international, foreign, intergovernmental, and multinational government agencies, authorities, and organizations in accordance with law and formal or informal international arrangements.

Q. To OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

R. To the U.S. Senate Committee on the Judiciary or the U.S. House of Representatives Committee on the Judiciary when necessary to inform members of Congress about an alien who is being considered for private immigration relief.

S. To the Department of State when it requires information to consider and/or provide an informed response to a request for information from a foreign, international, or intergovernmental agency, authority, or organization about an alien or an enforcement operation with transnational implications.

T. To federal, state, local, territorial, tribal, international, or foreign criminal, civil, or regulatory law enforcement authorities when the information is necessary for

collaboration, coordination, and de-confliction of investigative matters, prosecutions, and/or other law enforcement actions to avoid duplicative or disruptive efforts and to ensure the safety of law enforcement officers who may be working on related law enforcement matters.

U. To federal, state, local, tribal, territorial, or foreign government agencies or entities or multinational government agencies, with the approval of the Chief Privacy Officer, when DHS desires to exchange relevant data for the purpose of developing, testing, or implementing new software or technology whose purpose is related to this system of records.

V. To prospective claimants and their attorneys for the purpose of negotiating the settlement of an actual or prospective claim against DHS or its current or former employees, in advance of the initiation of formal litigation or proceedings.

W. To federal and foreign government intelligence or counterterrorism agencies or components when DHS becomes aware of an indication of a threat or potential threat to national or international security, or when such disclosure is to support the conduct of national intelligence and security investigations or to assist in anti-terrorism efforts.

X. To the DOJ, Federal Bureau of Investigation (FBI) in order to facilitate responses to fingerprint-based immigration status queries that are sent to ICE, including queries that the FBI sends on behalf of another agency.

Y. To federal, state, local, tribal, territorial, international, or foreign government agencies or entities for the purpose of consulting with that agency or entity:

1. To assist in making a determination regarding redress for an individual in connection with the operations of a DHS component or program;

2. To verify the identity of an individual seeking redress in connection with the operations of a DHS component or program; or

3. To verify the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

Z. To federal, state, local, tribal, territorial, foreign, or international agencies, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or the issuance, grant, renewal, suspension, or revocation of a security clearance, license, contract, grant, or other benefit; or to the extent necessary to obtain information relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

AA. To federal, state, local, tribal, territorial, foreign, or international agencies, if DHS determines (1) the information is relevant and necessary to the agency's decision concerning the hiring or retention of an individual, or the issuance of a security clearance, license, contract, grant, or other benefit, and (2) failure to disclose the information is likely to create a risk to government facilities, equipment, or personnel; sensitive information; critical infrastructure; or the public safety.

BB. To federal, state, local, tribal, territorial, foreign, or international agencies seeking information on the subjects of wants, warrants, or lookouts, or any other subject of interest, for purposes related to administering or enforcing the law, national security, immigration, or intelligence, when consistent with a DHS mission-related function.

CC. To federal, state, local, tribal, territorial, or foreign government agencies or organizations, or international organizations, lawfully engaged in collecting law enforcement intelligence, whether civil or criminal, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

DD. To foreign governments in order to notify them concerning an alien who is incapacitated, an unaccompanied minor, or deceased.

EE. To federal, state, local, tribal, and territorial courts or government agencies involved in criminal investigation or prosecution, pretrial services, sentencing, parole, probation, bail bonds, child welfare services, or any other aspect of the criminal justice process, and to counsel representing an individual in a criminal, civil, or child welfare proceeding, in order to ensure the integrity of the justice system by informing these recipients of the existence of an immigration detainer on that individual or that individual's status in removal proceedings, including removal, voluntary departure, or custodial status/location. Disclosure of that individual's Alien Registration Number (A-Number) and country of birth is also authorized to facilitate use of the ICE Online Detainee Locator System by the aforementioned individuals and agencies. This routine use does not authorize disclosure to bail bond companies or agents.

FF. To appropriate federal, state, local, tribal, foreign or international criminal justice agencies, or other authorized users of NCIC, to respond to inquiries regarding a person who is or may be the subject of an ICE-generated NCIC criminal arrest warrant or immigration lookout record.

GG. To the U.S. Department of Health and Human Services (HHS), the citizenship or immigration status, immigration history, criminal history information, and other biographic information of potential sponsors for unaccompanied alien children and other adult members of the potential sponsors' households to inform an HHS determination regarding sponsorship of an unaccompanied alien child.

HH. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: DHS/ICE stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: DHS/ICE retrieves records by personal, biographic, or biometric identifiers such as name, date of birth, place of birth, address, A-Number(s), FBI criminal history number(s), Social Security number, Fingerprint Identification Number, and passport number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: In accordance with Records Control Schedule DAA-0567-2017-0002, ICE retains the Immigration Alien Query (IAQ) and Immigration Alien Response (IAR)

records pertaining to traditional law enforcement checks, non-criminal biographical and biometric investigations; and ICE-generated FBI NCIC records for seventy-five (75) years.. Records collected pursuant to the Brady Act, special security events, and OPM checks will be kept for five (5) years from the date an immigration status determination is made and an IAR returned, after which the records will be deleted from the ACRIME information technology system. Furthermore, ICE is proposing to NARA to maintain records pertaining to the sponsorship of unaccompanied alien children for five (5) years. Until these records are officially scheduled, they will be treated as permanent and cannot be deleted.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: DHS/ICE safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. ICE has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES: The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act, and the JRA if applicable, because it is a law enforcement system. However, DHS/ICE will consider individual requests to determine whether or not information may be released. Thus, individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the ICE Freedom of Information Act (FOIA) Officer, whose contact

information can be found at <http://www.dhs.gov/foia> under “Contact Information.” If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, D.C. 20528-0655. Even if neither the Privacy Act nor the JRA provides a right of access, certain records about the individual may be available under FOIA.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual’s request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his or her identity, meaning that the individual must provide his or her full name, current address, and date and place of birth. The individual must sign the request, and the individual’s signature must either be notarized or submitted under 28 U.S.C. sec. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief FOIA Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, the individual should:

- Explain why he or she believe the Department would have information being requested;
- Identify which component(s) of the Department the individual believes may have the information about him or her;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from the second individual certifying his/her agreement for the first individual to access his or her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES: Individuals who wish to contest the accuracy of records in this system of records should submit these requests to the ICE Office of Information Governance and Privacy – Privacy Division. Requests must comply with verification of identity requirements set forth in DHS Privacy Act regulations at 6 CFR 5.21(d). Please specify the nature of the complaint and provide any supporting documentation. By mail (please note substantial delivery delays exist): ICE Office of Information Governance and Privacy – Privacy Division, 500 12th Street SW., Mail Stop 5004, Washington, D.C. 20536. By email: ICEPrivacy@ice.dhs.gov. Please contact the Privacy Division with any questions about submitting a request or complaint at 202-732-3300 or ICEPrivacy@ice.dhs.gov.

NOTIFICATION PROCEDURES: See “Record Access Procedures.”

EXEMPTIONS PROMULGATED FOR THE SYSTEM: The Secretary of Homeland Security, pursuant to 5 U.S.C. sec. 552a(j)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. sec. 552a(c)(3), (c)(4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), and (e)(8); (f); and (g). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. sec. 552a(k)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. sec. 552a(c)(3), (d), and (e)(1), (e)(4)(G), (e)(4)(H), and (f). Rules have been promulgated in accordance with the requirements of 5 U.S.C. sec. 553(b), (c), and (e) and have been published in the *Federal Register* as additions to Title 28, Code of Federal Regulations (28 CFR § 16.99). In addition, to the extent a record contains information from other exempt systems of records, ICE will rely on the exemptions claimed for those systems.

HISTORY: 78 FR 10623 (Feb. 14, 2013); 75 FR 8377 (Feb. 24, 2010); 74 FR 45079 (Aug. 31, 2009); 73 FR 74739 (Dec. 9, 2008).

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