



**Privacy Impact Assessment Update
for the**

**Enforcement Integrated Database
(EID) – EAGLE**

DHS/ICE/PIA-015(e)

July 25, 2012

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Abstract

U.S. Immigration and Customs Enforcement (ICE) has established a new subsystem within the Enforcement Integrated Database (EID) called EID Arrest Guide for Law Enforcement (EAGLE). EAGLE is a booking application used by ICE law enforcement officers to process the biometric and biographic information of individuals arrested by ICE for criminal violations of law and administrative violations of the Immigration and Nationality Act (INA). Once fully deployed, EAGLE will replace the existing EID booking applications the Enforcement Apprehension and Booking Module (EABM), Mobile IDENT, and WebIDENT and will perform the identical functions of those applications as described below and in the EID PIA. EAGLE will also forge a new connection to the Department of Defense's (DOD) Automated Biographic Information System (ABIS) and permit the comparison of the fingerprints of foreign nationals arrested by ICE with the DOD's information in ABIS. This PIA Update is being conducted to provide public notice of the operation of the EAGLE booking system and its interconnection to the DOD ABIS database.

Overview

ICE has launched a new booking application known as EAGLE within the EID, an ICE-owned shared common database repository for several DHS law enforcement and homeland security applications.¹ 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 ICE and U.S. Customs and Border Protection (CBP). EAGLE is the booking application used to process the biometric and biographic information of individuals arrested by ICE Homeland Security Investigations (HSI) Special Agents for violations of law and ICE Enforcement and Removal Operations (ERO) officers to support bookings of individuals arrested for criminal and administrative violations of the INA and related laws. ICE Office of Professional Responsibility (OPR) agents also will use EAGLE to support bookings of individuals for criminal violations of law investigated by OPR.²

Once fully deployed, EAGLE will replace the EID booking applications EABM, Mobile IDENT, and WebIDENT and will perform the identical functions of those

¹ The specific ICE applications are EABM, ENFORCE Alien Removal Module (EARM), Enforcement Automated Biometric Identification System (WebIDENT), Mobile IDENT, and the User Account Management Module. The CBP application is called E3.

² ICE OPR is responsible for investigating allegations of employee misconduct.



applications as described below and in the EID PIA.³ EAGLE will also connect to DOD's ABIS and permit the comparison of the fingerprints of foreign nationals arrested by ICE with DOD's information in ABIS.

EAGLE as Replacement for EABM, Mobile IDENT, and WebIDENT Applications

Once fully deployed, EAGLE will perform all functions of the EID booking applications EABM, Mobile IDENT, and WebIDENT and permit the retirement of those applications from the EID environment. The specific data collected, uses of the data, and information sharing undertaken pursuant to EAGLE will not change from these prior applications. EAGLE will provide a single integrated arrest and booking application that supports fingerprint/photograph capture, collection of biographic information, recording of allegations and charges, preparation and printing of appropriate forms, and interfaces with the three major U.S. government biometric databases for the enrollment and query of fingerprints.⁴ EAGLE will be used to track the apprehension of individuals, both U.S. citizens and foreign nationals, who have been arrested by ICE, CBP, or other law enforcement officers within DHS for violations of criminal or administrative laws, including the INA (Title 8, United States Code).

EAGLE will also support the creation of records about individuals who are amenable to immigration removal proceedings but are not in the custody of DHS. These subject records may be used as part of an ongoing investigation and sometimes are used to place immigration detainers when DHS is seeking custody of an alien who is already in the custody of another federal, state, or local law enforcement agency. EAGLE will also support the query of fingerprints of individuals who are the subjects of ongoing criminal investigations to identify previous encounters. These queries do not result in the enrollment of an individual's fingerprints in IDENT or the creation of a new encounter in IDENT, but, for previously enrolled fingerprints, the DHS law enforcement officer may set an alert in IDENT that will notify him or her if the individual is encountered again.

Like its predecessor applications, EAGLE will submit biographic information, fingerprints, and arrest information to the FBI's IAFIS biometric database for storage and for fingerprint-based criminal records checks. EAGLE will receive the results of the fingerprint check from IAFIS, including any criminal history information or wants and warrants on the individual. EAGLE will also submit biographic information, fingerprints, photographs, and arrest/encounter information to the DHS IDENT biometric database for enrollment and query. EAGLE will receive the results of the IDENT check, which

³ See DHS/ICE/PIA-015 EID PIA (Jan. 14, 2010) for a full description of the functions of EABM, Mobile IDENT, and Web IDENT.

⁴ The three databases are DHS's Automated Biometric Identification System (IDENT), the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS), and the Department of Defense's Automated Biographic Information System (ABIS).



include any matching biographic information, Fingerprint Identification Number, photographs, and previous encounter information. EID uses the Fingerprint Identification Number to identify EID records that may be about the same person, enabling the user to determine whether to link the records. EAGLE also has the ability to retrieve additional information from U.S. Department of State (DoS) databases pertaining to visa issuance and passport data based off of the fingerprint match.

EAGLE also supports arrest processing and fingerprint checks from DHS law enforcement officers in the field via mobile device. This technology allows DHS personnel to determine a subject's immigration status, check for prior criminal history, and check for wanted subjects in the field without driving long distances to DHS offices, thereby improving booking times and enabling any appropriate release from law enforcement custody onsite.

New Connection with ABIS

EID/EAGLE will send the fingerprints of arrested foreign nationals to ABIS for matching purposes only. ABIS will not retain (enroll) the fingerprints. Any matching fingerprints in ABIS will trigger an automated message from ABIS to EID/EAGLE containing biographic information about the individual and limited information about why the individual's fingerprints are in ABIS. An individual's fingerprints may be in ABIS based on derogatory information about the individual, such as a known criminal history, intelligence justification, or as a known or suspected terrorist. Alternatively, an individual's fingerprints may be in ABIS after DOD or its partners fingerprint the individual and compare the prints against ABIS for purposes of base access, employment, benefits, or other administrative reasons. Finally, DOD also includes in ABIS fingerprints from historical sources, such as criminal fingerprint records from the Iraqi government. These historical records may reflect derogatory information about the individual, or simply contain identification data only.

The response from ABIS will be retained in EID/EAGLE and used by ICE law enforcement personnel to identify the individual. Encounter information may be used to question the individual or develop leads during the course of the investigation or law enforcement activity in which the individual was arrested. The EAGLE application may be used by any ICE office that arrests individuals, including HSI, ERO, which arrests individuals for criminal and administrative violations of the INA, and OPR, which conducts internal investigations into suspected misconduct or criminal activity.

Reason for the PIA Update

This update is necessary to describe the launch of the new EAGLE application and the new connection to the DOD ABIS biometric database to compare fingerprint records with those maintained in ABIS. An update to the EID PIA is required to



maintain public transparency and to identify and assess privacy risks associated with this new connection.

Privacy Impact Analysis

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

Authorities and Other Requirements

DHS has been authorized to collect information under 5 U.S.C. § 301; 8 U.S.C. § 1103; 8 U.S.C. § 1225(d)(3); 8 U.S.C. § 1324(b)(3); 8 U.S.C. § 1357(a); 8 U.S.C. § 1360(b); 19 U.S.C. § 1; and 19 U.S.C. § 1509. Additional authority is provided in 6 U.S.C. § 202; 8 U.S.C. §§ 1158, 1201, 1365a, 1365b, 1379, and 1732; and 19 U.S.C. §§ 2071, 1581-1583, and 1461; and the Immigration Reform and Immigrant Responsibility Act of 1996.

The DHS/ICE-011 Immigration and Enforcement Operational Records System (ENFORCE) System of Records Notice (SORN) (75 Fed. Reg. 23,274, May 3, 2010) applies to the information collected and maintained by EID/EAGLE. A system security plan has been approved for EID and the system was granted an Authority to Operate which expires on January 29, 2013. The EID system operates under a records retention schedule approved by the National Archives and Records Administration (NARA). The Paperwork Reduction Act does not apply to the information collected by ICE during the criminal or administrative arrest of an individual.

Characterization of the Information

With this update, EID will now receive and maintain the results of biometric-based record checks on arrested foreign nationals from a new source, ABIS.⁵ The ABIS response will consist of biographical/identifying information including a photograph where available; any derogatory information such as criminal history, known/suspected terrorist status, or intelligence-based information; date, time, and location of any DOD encounter that triggered the fingerprinting; and the reason for fingerprinting, such as base access, employment, or benefit application. In the case of historical fingerprint records loaded into ABIS, the ABIS results will consist of a brief descriptor of the historical source and an actual image of the fingerprint card itself. The results information will be sent to EID via a secure electronic connection with ABIS.

There is a risk that the ABIS data returned to EID/EAGLE may not be accurate or complete for several reasons. First, not all of the data is collected by DOD but may

⁵ As described in the DHS/ICE/PIA-015 EID PIA, EID already maintains the results of biometric-based record checks against the DHS Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS).



originate from other sources whose data collection methods are not known or subject to review. Second, DOD-collected data is not subject to system-enforced uniform standards of labeling in ABIS, which could interfere with accurate interpretation of the results by EID/EAGLE users. Finally, DOD's national security and national defense reasons for collecting and using this data do not necessarily require that the information be accurate or complete, therefore systems and processes may not have been established to emphasize data integrity to the same degree as government biometric data systems used for other purposes.

This risk is mitigated by the fact that DHS will not rely on the ABIS results to make determinations about the individual. The individuals queried against ABIS have already been encountered and arrested or detained by DHS personnel, and DHS will primarily use the ABIS results to help confirm or otherwise identify the individual. DHS will use any additional information received from ABIS, derogatory or otherwise, only as a source of potential leads and not as evidence or a basis for a decision about the individual's case. In addition, DHS personnel will be able to contact DOD for assistance interpreting ABIS results in the event that the contextual information (*e.g.*, reason for fingerprinting) is unclear.

Uses of the Information

ICE will use the results of biometric-based record checks to identify individuals who were previously encountered by the DOD. The ABIS results will provide information about the individual's identity and the circumstances of the previous DOD encounter. ICE will use this information to better identify the individual. ICE may also use the information about where and when the DOD encountered the individual as a source of potential leads in the context of an ICE investigation or other law enforcement action in which the individual was arrested, but will not use it as evidence in prosecution or as a basis for a decision about the individual's case.

Notice

No new notice to the individual is required. Generalized notice of the fact that the system is now comparing booking fingerprints with ABIS is provided by this update.

Data Retention by the project

With this update, there is no change to the record retention policy for EID. The ABIS results will be maintained along with the other booking/arrest data in EID for 100 years, pursuant to the approved records retention schedule.

Information Sharing

EID EAGLE will now send to ABIS the fingerprints, Fingerprint Identification Numbers, and gender of foreign nationals arrested by ICE and booked using the EAGLE



application. This transmission will occur via a Secure FTP connection between EID and ABIS governed by an Interconnection Security Agreement that details the security protocols and requirements in accordance with DOD and DHS security policies. DOD will not retain the queries or enroll the fingerprints sent to ABIS by ICE, but will retain an audit trail that indicates a query was performed. This sharing is authorized under an information sharing agreement between DHS and DOD, and under a Privacy Act routine use in the DHS/ICE-011 ENFORCE SORN which authorizes disclosure “to other federal, state, local, or foreign government agencies, individuals, or organization during the course of an investigation, proceeding, or activity within the purview of immigration and nationality laws to elicit information required by DHS/ICE to carry out its functions and statutory mandates.”

Because DOD does not retain this data but only uses it to run a biometric comparison and return any matching results to ICE, there is no new privacy risk associated with the disclosure of this data to DOD. The communication channels between ICE and DOD are appropriately secured using encryption, thereby minimizing the risk of compromise or interception when Personally Identifiable Information (PII) is being sent between the DHS and DOD networks.

Redress

With this update, there is no change to an individual’s rights of access, redress, and correction.



Auditing and Accountability

Access to EAGLE is the same as users who access EID, as described in the EID PIA and subsequent updates thereto. ICE is providing training to EAGLE users to ensure the proper use of the system. Otherwise, system auditing and oversight controls have not changed.

Any new information sharing agreements, Memoranda of Understanding (MOUs), new uses of the information, or new accesses to the system by organizations within DHS and outside would be controlled by the EID governance process. The ICE Privacy Office participates in this governance process and would coordinate on the initiation of any new projects or initiatives that have a potential impact on privacy.

Responsible Official

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Approval Signature

Original signed and on file with the DHS Privacy Office

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