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ADDENDUM ONE MOA 049-017  
to  
MEMORANDUM OF UNDERSTANDING  
between the  
BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE  
and the  
DEPARTMENT OF DEFENSE, DEFENSE INTELLIGENCE AGENCY  
for the  
SHARING OF VISA RECORDS  
(March 27, 2008)

A. PURPOSE.

Pursuant to Section "XI. AMENDMENT" of the "Memorandum of Understanding between the Bureau of Consular Affairs, Department of State (DOS/CA) and the Department of Defense, Defense Intelligence Agency (DOD/DIA) for the Sharing of Visa Records" (hereafter, "MOU") dated March 27, 2008, the purpose of this addendum is to document changes that will improve the security and overall efficiencies of data sharing between our agencies by:

- 1. Expanding DIA access to immigrant visa data, and providing a framework for sharing that data;

[Redacted]

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- 3. Specifying additional DIA responsibilities related to visa data access controls, safeguarding and oversight of unauthorized activity; and
- 4. Providing a mechanism to incorporate additional DOD intelligence components into the Parties' existing data sharing MOU via individual attachments to the MOU in coordination with DIA.

B. AMENDMENT – EXPANSION OF VISA DATA TO BE SHARED WITH DIA.

Section "IV. RESPONSIBILITIES OF THE PARTIES WITH RESPECT TO SYSTEMS, DATA UPDATE AND COORDINATION" is amended as follows:

- 1. Delete subparagraphs 1.a., 1.b., and 1.c. and replace with the following:
  - "1. DOS/CA understands it will:
    - a. Provide appropriate access to nonimmigrant and immigrant visa record data in a Sensitive but Unclassified (SBU) form; and

b. [Redacted]

[Redacted]

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C. AMENDMENT – ADDITIONAL ADVANCE CONSENT PROVISIONS AND INA 222(f) ANNOTATION.

Section “VI. LIMITATIONS ON THE DISCLOSURE AND USE OF INFORMATION” is amended as follows:

1. Add subsection heading “A. INA 222(f) Confidentiality of Visa Records” directly below “VI. LIMITATIONS ON THE DISCLOSURE AND USE OF INFORMATION”.

2. In Section VI, under the DIA responsibilities subheading, delete the existing subparagraph 7, and add the following subparagraphs 7, 7(a) and 10:

“The Defense Intelligence Agency will:

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7. Not disclose, reproduce, transmit, or copy a visa record, or any portion of information from a visa record, for sharing with any third party (including, but not limited to, any other U.S. government agency or office, any state or local government agency or office, Congress, the Government Accountability Office, courts, the media, and the general public), unless DIA has first notified DOS/CA of its intent to share such records with a third party and obtained DOS/CA consent prior to any sharing – except as provided in subparagraph 7(a) below;

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7(a) DOS/CA provides advance consent to DIA to share visa records, or any portion of information in a visa record, with the following U.S. government agencies:

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, provided that such disclosure is for the purpose of administering or enforcing U.S. law within the meaning of INA section 222(f). DOS/CA has previously determined that disclosure of visa records to the U.S. government agencies named in this paragraph is consistent with INA section 222(f), as these agencies require the data for administering or enforcing U.S. immigration law or other U.S. laws related to U.S. border security, counterintelligence, counterterrorism, counterespionage, counterproliferation, anti- trafficking, criminal investigations and other national security-related operations and activities;

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10. Annotate any visa records, or any portion of information from a visa record, approved for disclosure under this MOU with instructions that it is protected under INA 222(f), and may not be further disseminated.”

D. AMENDMENT – ADDITIONAL RESPONSIBILITIES RELATED TO VISA DATA ACCESS CONTROLS, SAFEGUARDING, OVERSIGHT AND UNAUTHORIZED ACTIVITY.

1. Nothing in this amendment is intended to conflict with any provisions in the Parties existing MOU. The intent of this amendment is to specify responsibilities of the Parties with respect to access to and handling of visa data - responsibilities that are consistent with or additional to the terms and conditions in the Parties’ existing MOU.

2. Section “VI. LIMITATIONS ON THE DISCLOSURE AND USE OF INFORMATION” is amended as follows:

Below Section VI.A. new subparagraph 10, add subsection heading “B. System Access Controls and Safeguards of Visa Records”, and the following subparagraphs:

“1. Access Authorization, Control and Oversight

DIA will:

a. Be responsible for the setup and maintenance of user accounts subject to consultation with DOS on requirements (see subparagraph (g) below regarding specific DOS/CCD user access controls for foreign national employees);



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c. Use [redacted] to ensure that access to DOS/CA visa records/systems and DIA use, dissemination, storage and disposal of DOS/CA information is in accordance with the MOU, and other relevant laws, regulations, and policies;

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d. Use its established system of oversight to counter and detect unauthorized access to or use, storage, disposal or dissemination of the information contained in DOS/CA visa records;

e. Ensure that information will be accessed only for official purposes, and only by authorized users pursuant to the MOU. Authorizations must be kept current in light of actual job responsibilities of individual users. When an individual no longer has a need to access DOS/CA visa records, access will be promptly terminated;

f. Ensure that all DIA employees, including contractors and detailees from third agencies with access to the information, will be properly advised of the rules governing the handling of data including specialized handling necessary for data on U.S. citizens, and lawful permanent residents covered under the Privacy Act, as well as the law pertaining to confidentiality of visa records.

g. Foreign national employees access to visa data: All foreign nationals who access visa data under this MOU must be in compliance with DOS policy regarding level of user access. DIA and other DOD components must obtain CA consent and guidance prior to establishing such access for each foreign national employee and report annually the status of foreign nationals' access to visa data.

### 3. Unauthorized Activity

a. The Parties acknowledge that the term "unauthorized activity" includes, but is not limited to, unauthorized access, use, dissemination, disclosure, storage, or disposal of DOS/CA visa data;

b. DIA will immediately, or as soon as practicable after becoming aware of the event, report all unauthorized activity including breaches of visa data to DOS/CA. If DIA determines that there has been or may have been unauthorized access, use, dissemination, storage, or disposal of DOS/CA visa records, or any other breach of the confidentiality relating to DOS/CA visa records, and as otherwise required in compliance with applicable laws, regulations, and policies, DIA will promptly take appropriate disciplinary or remedial actions and notify DOS/CA of its actions pursuant to applicable law;

c. In addition to any disciplinary or other action taken by DIA, DOS/CA may give a written warning against further unauthorized access; suspend or terminate access to DOS/CA data for DIA employees, including contractors and detailees from third agencies, who have engaged or are suspected of engaging in unauthorized activity or have failed to comply with any of the provisions of the MOU.

4. Data Accuracy

a. Should a DIA user discover an error in any DOS/CA visa records/data, DIA will report such error to DOS/CA.

b. DOS/CA will undertake to correct errors in visa databases consistent with its regular policies and practices.”

E. AMENDMENT – INCORPORATING ADDITIONAL DOD INTELLIGENCE COMPONENTS INTO THE DOS/CA - DOD/DIA MOU.

1. With respect to other DOD intelligence components that have requested or may request access to DOS/CA visa records and whose purpose for such access is consistent with INA section 222(f) as determined by DOS/CA, the Parties agree to incorporate each DOD component into the existing DOS/CA - DOD/DIA datasharing MOU by individual attachments to the MOU.

2. In addition to providing pertinent identifying, legal authority, background and purpose of use provisions, the attachment will document the new DOD component user’s understanding of and commitment to comply with all the terms and conditions of the existing DOD/CA-DOD/DIA MOU. Each DOD component will be responsible for the setup and maintenance of user accounts subject to consultation with DOS/CA on requirements. Each component will be responsible for certifying its own users and assigning them access to the visa information currently residing in the Consular Consolidated Database (CCD). The attachment will be signed by representatives of DOS/CA and the DOD component, in coordination with DIA.

F. POINTS OF CONTACT.

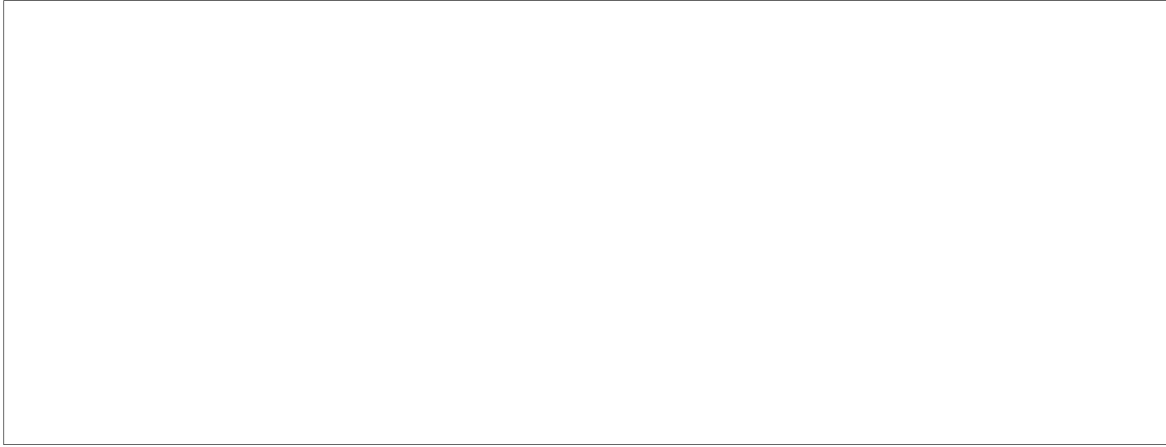
1. DOS/CA Visa Office:

Director  
Information Management and Liaison  
Office of Visa Services  
202- 663-1249

2. DOD/DIA:

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The foregoing represents the understanding reached by the Department of State, Bureau of Consular Affairs and Department of Defense, Defense Intelligence Agency.

SIGNATURES

Date 11-14-2011

David T. Donahue  
Deputy Assistant Secretary, Visa Services  
Bureau of Consular Affairs  
Department of State

Date 10-19-2011

Sharon A. Houy  
Chief of Staff  
Defense Intelligence Agency  
Department of Defense

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**Attachment: Reports and Users**

The majority of users in DOD DIA require basic access to the CCD [redacted]  
[redacted] DOD DIA users will be provided electronic data  
with regular updates [redacted]

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**Reports for DOD DIA :**

**CA Applicant Lookup**

This report allows a search across all application data [redacted]

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[redacted] The search results include links to the  
corresponding applicant case detail reports.

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**Applicant Summary**

Search [redacted]

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The report returned provides summary case information and, if available, a photo image  
of the applicant.

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**Applicant Summary**

Search [redacted] for applicants [redacted]

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The report returned provides summary case information and, if available, a photo image  
of the applicant.

**Scanned Documents**

Certain visa applications are scanned into a JPEG format and stored on the CCD. Also  
included are any other documents submitted with the applications.

**SAO Lookup**

Review data SAO cases

**Independent Lookout**

Provides a summary list of INK Lookouts and access to certain scanned documents