



FBI CJIS Division
Policy for Biometric Information Sharing
With Domestic and International Agencies



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November 24, 2010

FBI CJIS Division Policy for Biometric Information Sharing With Domestic and International Agencies

1. Policy Title

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2. Authorities

- a. 5 U.S.C. § 552a, as amended (Privacy Act of 1974)
- b. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) of 2001
- c. The Homeland Security Act of 2002
- d. The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004
- e. Executive Order 13388 of October 25, 2005, Further Strengthening the Sharing of Terrorism Information to Protect Americans
- f. Homeland Security Presidential Directive (HSPD) 2
- g. HSPD 6
- h. HSPD 11
- i. National Security Presidential Directive (NSPD) 59 / HSPD 24

3. Purpose

The purpose of this policy is to establish the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division's standardized approach to biometric information sharing with domestic and international agencies for the administration of criminal justice or national security purposes. Establishment of this policy will provide the ability for enhanced record sharing and improved person-centric identification across the United States Government (USG) and with international partners. This policy will ensure that the disclosure of information is compatible with the purpose for which the information was collected; information is related to the Sharing Partners responsibilities; is in direct correlation to the FBI's mission; and is in compliance with the CJIS Advisory Policy Board (APB) Data Protection Strategies. Dependent upon the method by which the biometric information sharing initiative will be accomplished, this policy will also ensure the records shared are complete, accurate, timely and relevant.

Information sharing activities accomplished through the Integrated Automated Fingerprint Identification System (IAFIS)/NGI are exempt from the FBI Information Sharing Activities with Other Government Agencies policy (Corporate Policy Directive 0012D). Implementation of this policy will support the FBI's roles and responsibilities for implementation of NSPD 59 / HSPD 24, while establishing policy to address other FBI CJIS Division records and recommended methods of sharing.

4. Policy Statement

To establish a policy for the FBI CJIS Division covering biometric information sharing with a domestic or international agency:

- a. The FBI CJIS Division will establish a Biometric Information Sharing Working Group (BISWG) to consist of subject matter experts from across the CJIS Division and the data owners to ensure all potentially impacted areas are informed of biometric information sharing initiatives and have the opportunity to discuss impacts and risks prior to the BISWG's decision.
- b. A Biometric Information Sharing Checklist will document the criteria requirements necessary to determine what information can be shared with a domestic or international agency. The category of records (e.g., Wanted Persons, Sexual Offender Registry), associated biometrics (e.g., fingerprints, latents, palmprints) and biographics (e.g., name, date of birth, gender) will be determined on a case by case basis.
- c. These agreements will be discussed through the BISWG and documented in accordance with 4(g) or (h).
- d. The FBI CJIS Division will pursue obtaining comparable categories of biometric records from the domestic or international agency with all biometric information sharing initiatives.

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- e. The FBI CJIS Division will exchange the biometrics and biographics using the following methods in order of preference:
 - i. If connectivity exists between the FBI CJIS Division's biometric repository and the domestic or international agency, the FBI CJIS Division will perform biometric exchange in an automated manner via shared services. For domestic or international agencies with a defined business need, this method of sharing will provide a means of access to search the FBI CJIS Division's full biometric repository.
 - ii. If connectivity exists between the FBI CJIS Division's biometric repository and the domestic or international agency and circumstances exist where a shared services methodology will not satisfy the requirements of the domestic or international agency, a shared data methodology may be used. This method will allow authorized records to be shared automatically through the existing connection with near-real time maintenance being performed to ensure data accuracy and integrity.
 - iii. If connectivity does not exist, the FBI CJIS Division will determine the feasibility of establishing a connection.
 - iv. If connectivity does not exist and it is determined a connection will not be established, the records will be considered for sharing via an extract. Approval for this method of sharing and all associated processing requirements will be determined and approved on a case-by-case basis through the BISWG.
- f. The FBI CJIS Division will pursue the establishment of written governing document(s), such as an Interconnection Security Agreement (ISA), Memorandum of Understanding (MOU), or Memorandum of Cooperation (MOC) with the domestic or international agency to control biometric information sharing initiatives.
- g. Written governing documents must cover specifics associated with the biometric information sharing initiative to include, but not limited to:
 - i. Categories of records and associated biographics included in the biometric sharing initiative
 - ii. Method by which the records will be exchanged
 - iii. Method by which notifications will be exchanged (if applicable)
 - iv. Data Maintenance
 - v. Data Retention
 - vi. Restrictions on the Use and Disclosure of Information
 - vii. Third Party Dissemination
 - viii. Data Disposal
 - ix. Data Security
 - x. Redress
- h. In the event that the FBI CJIS Division cannot satisfy the condition to establish jointly-held written governing documents, the Biometric Information Sharing Checklist will be considered the governing document for the biometric sharing initiative.
- i. The FBI CJIS Division sharing initiative point of contact will assess the need to conduct a Privacy Threshold Analysis and/or Privacy Impact Assessment for each biometric sharing initiative and mark the checklist accordingly.
- j. The FBI CJIS Division sharing initiative point of contact will clearly communicate existing biometric sharing procedures and protocols with the domestic or international agency to address how records exchanged from domestic or international agencies will be shared across agencies.
- k. Information from the Federal Identification Records System (FIRS), retained within the domestic or international biometric repository shall not be further disseminated in a manner that would violate Federal law, regulation, relevant APB Data Protection Strategies or applicable System of Records Notices. This may require the FBI CJIS Division to obtain from the domestic or international agency full disclosure on:
 - i. Agencies accessing/searching the data within the respective system;
 - ii. Dissemination rules/notifications procedures when hits occur.

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5. Scope

This policy applies to all FBI CJIS Division Sections involved with activities related to biometric information sharing initiatives with domestic or international agencies.

6. Roles and Responsibilities

A Charter has been established to further define the roles and responsibilities of the BISWG. The remainder of this section provides high level responsibilities.

- a. The FBI CJIS Division shall:
 - i. Establish a point of contact for each biometric information sharing initiative;
 - ii. Identify the liaison with the domestic or international agency;
 - iii. Pursue establishment of jointly-held written governing documents;
 - iv. Complete necessary documentation to be maintained by the Biometric Information Sharing Working Group when jointly-held written governing documents cannot be established.
- b. The FBI CJIS Division BISWG shall:
 - i. Review and assess all biometric information sharing initiatives, including all information provided by the established point of contact.
 - ii. Maintain documentation or access to documentation, on all biometric information sharing initiatives.
 - iii. Discuss biometric sharing initiatives and when necessary involve other substantive FBI units or boards (e.g., Counterterrorism Division, Full APB/Compact Council) and determine approval.

7. Exemptions

- a. Sharing initiatives prior to October 1, 2010 are exempt from this policy. Renewals of any such policies will be subject to this policy.
- b. Sharing initiatives concerning FBI owned records that are approved by the AD and/or DAD are exempt from this policy. However, a Biometric Information Sharing Checklist should be provided to the BISWG for tracking purposes only and written notification of the AD and/or DAD decision.
- c. Under rare circumstances, the CJIS Division may receive an expedited request for records (i.e., Flyaway mission, natural disaster). When time does not permit for a BISWG meeting to occur, these types of requests can be approved by the AD and/or DAD. However, the POC for the record sharing initiative is required to provide a follow-up briefing to the BISWG and complete a Biometric Information Sharing Checklist documenting the records shared and the AD and/or DAD decision.

8. References

- a. References
 - i. 5 U.S.C. § 552a, as amended (Privacy Act of 1974)
 - ii. USA PATRIOT Act of 2001, as amended in 2005
 - iii. The Homeland Security Act of 2002, as amended by IRTPA of 2004
 - iv. Executive Order 13388 of October 25, 2005, Further Strengthening the Sharing of Terrorism Information to Protect Americans
 - v. HSPD 2
 - vi. HSPD 6
 - vii. HSPD 11
 - viii. NSPD 59 / HSPD 24
 - ix. Corporate Policy Directive, dated May 14, 2009, Proper Handling and Protection of Personally Identifiable Information on Mobile Devices
 - x. CJIS Advisory Policy Board (APB) Data Protection Strategies

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9. Definitions

- a. Administration of Criminal Justice – detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.
- b. Shared Services – ability for each agency to submit fingerprint transactions to the other agency for a search of that agency's complete repository, allowing each agency to follow internal guidelines and policies for response dissemination and hit notifications. Mechanism by which biometric information sharing is accomplished via searches of a domestic or international biometric repository.
- c. Shared Data – ability for authorized records to be shared automatically through an existing connectivity with near-real time maintenance being performed to ensure data accuracy and integrity.
- d. Extract – a bulk set of records removed from a repository and provided to another agency for information sharing purposes.

10. Appendices, Attachments, and Forms

Biometric Information Sharing Checklist
Biometric Information Sharing Working Group Charter