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**Worley, Jordan P**

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**From:** Farnam, Julie E  
**Sent:** Friday, April 07, 2017 1:25 PM  
**To:** Button, Maria G (Gemma); Rosenberg, Ronald M (Ron); Hatchett, Doline L; Alfonso, Angelica M; Atkinson, Ronald A; Hawkins, Donald K; Patching, Laura D; Nimick, Charles L (Locky); Wheeler Roberts, Shannon L; Brown, Katherine H; Stiefel, Nathaniel I; Thomas, Paula; Nuebel Kovarik, Kathy; Levine, Laurence D; Melero, Mariela; Rogers, Debra A; Emrich, Matthew D; Davidson, Andrew J; FDNExecSec; OCOMM Clearance Taskers; SCOPS-Clearance; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Kerns, Kevin J; Borgen, Michael R; USCIS MGT Tasks; Higgins, Jennifer; Ruppel, Joanna; Nicholson, Maura J; Colucci, Nicholas V; Lafferty, John L; Kim, Ted H; Strack, Barbara L; Stone, Mary M; Neufeld, Donald W; Selby, Cara M (Carrie)  
**Subject:** Advance Parole Proposal--Edits Due COB 4/10  
**Attachments:** Advance Parole.docx

Good afternoon!

(b)(5)

Attached is the draft advance parole proposal. The paper proposes to

[Redacted]

Because most of your offices have been participating in the working group meetings, we request a quick review. Please provide any edits and comments (show-stoppers only) by COB Monday.

Thank you,  
Julie Farnam  
Senior Advisor  
Field Operations Directorate  
U.S. Citizenship and Immigration Services

[Redacted]

(b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

Referred to Department of Homeland Security



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## Worley, Jordan P

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**From:** USCIS Exec Sec  
**Sent:** Wednesday, May 24, 2017 11:35 AM  
**To:** Policy-Clearance; Graziadio, Josie; OCC-Clearance; Hawkins, Donald K; Sawyer, Kristina S (Kristy); Chappell-Kirby, Shvonne L; Irazabal, Luz F; USCIS Privacy Inquiries; USCIS MGT Tasks; Kerns, Kevin J; Borgen, Michael R  
**Cc:** USCIS Exec Sec; Button, Maria G (Gemma); Carter, Constance L; Compton, Dana C; AAO-Clearance  
**Subject:** [Clearance Request] Due: COB Friday, May 26, 2017 MOA between DHS PLCY-OIS and DOJ EOIR-OPAS re Info Sharing on Immigration Cases for Statistical Purposes WF1144017  
**Attachments:** WF 1144017 Attachment A - PLCY.OIS-EOIR.OPAS MOA\_5\_19\_17\_clean.docx; WF 1144017 COS action memo re OIS-EOIR MOA (for Component clearance) 5\_24\_2017.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon,

Please review the attached draft documents and provide your comments or clearance on the Memorandum of Agreement between the Department of Homeland Security Office of Policy, Office of Immigration Statistics and the Department of Justice Executive Office for Immigration Review Office of Planning, Analysis, and Statistics Regarding the Sharing of Information on Immigration Cases for Statistical Purposes. To review the documents please click [here](#).

This MOA facilitates OIS' fulfillment of its mandated reporting requirements. The Office of Immigration Statistics seeks Component assistance so that we may timely report this information to DHS management, Congress, and the general public.

Please provide your responses by **COB Friday, May 26, 2017**.

We request responses from the following program offices and directorates: **OP&S, OCC, PVY and MGT**.

To register your response and view all responses, click [here](#).

Respectfully,  
Garry R. Kilgore  
Office of the Executive Secretariat  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
 (office)

(b)(6)

## Worley, Jordan P

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**From:** USCIS Exec Sec  
**Sent:** Wednesday, July 19, 2017 2:32 PM  
**To:** Policy-Clearance; OCC-Clearance; Baker, Tamara L; Chappell-Kirby, Shvonne L; Hawkins, Donald K; Irazabal, Luz F; Sawyer, Kristina S (Kristy); USCIS Privacy Inquiries; Borgen, Michael R; Compton, Dana C; Kerns, Kevin J; USCIS MGT Tasks  
**Cc:** USCIS Exec Sec; Button, Maria G (Gemma); Carter, Constance L  
**Subject:** [Clearance Request] Due: COB Monday, July 24, 2017 REVISED MOA between PLCY-OIS and DOJ EOIR-OPAS re Info Sharing on Immigration Cases for Statistical Purpose WF1144017  
**Attachments:** WF 1144017 - PLCY.OIS-EOIR.OPAS MOA - revised (for Component clearance) 7\_18\_17.docx

Good Afternoon,

Please review the attached REVISED draft documents and provide your comments or clearance on the Memorandum of Agreement between the Department of Homeland Security Office of Policy, Office of Immigration Statistics and the Department of Justice Executive Office for Immigration Review Office of Planning, Analysis, and Statistics Regarding the Sharing of Information on Immigration Cases for Statistical Purposes. To review the documents please click [here](#).

This MOA facilitates OIS' fulfillment of its mandated reporting requirements. The Office of Immigration Statistics seeks Component assistance so that we may timely report this information to DHS management, Congress, and the general public.

Please provide your responses by **COB Monday, July 24, 2017**.

We request responses from the following program offices and directorates: **OP&S, OCC, PVY and MGT**.

To register your response and view all responses, click [here](#).

Respectfully,

Garry R. Kilgore

Office of the Executive Secretariat  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

 (b)(6)

**Worley, Jordan P**

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**From:** Alford, Uvanney J  
**Sent:** Thursday, March 16, 2017 6:33 AM  
**To:** Brown, Katherine H; Atkinson, Ronald A; Scialabba, Lori L; McCament, James W; Walters, Jessica S; Swanson, Toni; Torres, Juan J; Renaud, Tracy L; Moore, Joseph D; Reilly, Richard M; Schwartz, Mark A; Riley, James M (Mike); Hochman, Kathleen T; Carpenter, Dea D; Busch, Philip B; Cox, Rachel M; Levine, Laurence D; Emrich, Matthew D; Melero, Mariela; Rogers, Debra A; Scott, Danielle N; Salas, Bryan F; Garner, Angela L; Meckley, Tammy M; McMillan, Howard W (Mac); Lotspeich, Katherine J; Nelson, Jennifer A (Jen); Hope, Leslie K; McConnell, James E; Hawkins, Donald K; Langlois, Joseph E; Higgins, Jennifer B; Strack, Barbara L; Lafferty, John L; Ruppel, Joanna; Bannis, Pius D; Roma, Joseph T; Ho, Cheri L; Hussey, Jedidah M; Madsen, Kenneth S; Daum, Robert L; Radel, David M; Papazian, Varsenik L; Menges, Patricia A; Raufer, Susan; Bardini, Emilia M; Neufeld, Donald W; Velarde, Barbara Q; Zuchowski, Laura B; Richardson, Gregory A; Baran, Kathy A; Hazuda, Mark J; Monica, Donald J; Renaud, Tracy L; Cowan, Robert M; Muzyka, Carolyn L; Looney, Robert V; Redman, Kathy A; Pietropaoli, Lori A; Colucci, Nicholas V; Dedvukaj, Mirash (Mick); Hansen, Mark B; Cioppa, Thomas M; Douglas, David M; Heathman, Sandy M; Ortiz, Mario R; Barrows, Angela K (Kristi); Corsano, Anne A (Anne Arries); Kramar, John ("Kramar"); Chau, Anna K; Curda, Susan M; Gallmann, Al III (Al); Gulick, David G; Riordan, Denis C; Newman, Edward A; Coven, Phyllis A; Thompson, John E; Bryson, Tony R; Collett, Greg L; Taylor, Sarah T; Frazier, Denise M; Swacina, Linda M; Gomez, Cindy N; Patching, Laura D; Button, Maria G (Gemma); Carter, Constance L; Stanley, Kathleen M; Rosenberg, Ronald M (Ron); Thomas, Paula; Carrie, Mark A; Caudill-Mirillo, Ashley B; Cox, Sophia; Duell, Kim M; Duffy, Natalie B; Farnam, Julie E; Gallagher, Kevin E; Germain, Regina; Housden, William C; Limoncelli, Donald J; Moussa, Ramlah I; Rash, Carol A; Remillard, Jessica L; Rust, Maureen E; Kerns, Kevin J; Jones, Keith A; Medlock, Kelvin P; Davidson, Andrew J; Hofer, Michael D; Fatica, Erin K; Lassen, Brett H (Brett); Chavez, Miguel A; Smith, Kristen; Nunez, Rodolfo P; Miramontes, Joel; Nicolas, Margarete B; Young, Todd P; Carter, Jeffrey T (Jeff); Martinez, Monica A; Roberts, Jan M; La Bella, Magteld H; Wheeler Roberts, Shannon L; Hatchett, Dolline L; Valentine, Kimberly A; Chestnut, Monica L; Kvortek, Lisette E; Hamilton, Cristina A; Dunn, Maureen A; Deshommes, Samantha L; Cummings, Kevin J  
**Cc:** Alfonso, Angelica M; Barber, Ellen D; Barrera, Angelica M; Beppu, Jennifer M; Choe, Won J; Dacanay, Arthur J; Dalal, Ankur P (Andy); Evelyn, Heather D; Finnegan, Brenda T; Francis, Gregory I; Fuentes-Rivera, Luis O; Gary-Peeler, Susan; Glover-White, Danel; Kareem, Hamida J; Martin, Heather A; Nelson, Angela M; Perdomo, Mildred; Pettie, Shawan E; Powell, Paul; Rodriguez, Miguel E; Rowe, Monterey; White, Nakia V; Witherow, Hiroko; Wooden, Janeen R; Wright, Emmanuelle D; Tintary, Ruth E; Cathey, Aaron M; Arditti, Avi  
**Subject:** Congressional Hearing Link [redacted]  
[redacted] (b)(5)  
**Attachments:** USCIS AD Scialabba Testimony. IT Systems FINAL.pdf (b)(5)

Good Morning,

(b)(5)

Below is the webcast link to the [redacted] hearing before the House Homeland Security Subcommittee on Oversight and Management Efficiency. The hearing will begin at 9:30am this morning and the video will be available at that time. The USCIS witness for this hearing will be Acting

Director Lori Scialabba. Attached is the USCIS Testimony which was transmitted to the House Homeland Security Committee yesterday.

[Redacted]

If you have any questions, please do not hesitate to let us know.

(b)(5)

*Uvanney Alford*  
*Congressional Liaison*  
*U.S. Citizenship and Immigration Services*

[Redacted]

(b)(6)

**Worley, Jordan P**

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**From:** Casto, Randall W  
**Sent:** Tuesday, February 07, 2017 8:09 AM  
**To:** Hawkins, Donald K  
**Subject:** ELIS -- Date as System of Record

Good morning,

Not certain if you can help me. I am trying to identify the specific date that ELIS became recognized as the official “**system of record.**” My swim lane is DACA, but I believe the SORN would address ELIS generally.

Thank you.

Randy

**Randall W. Casto, PMP®**  
Project Manager, Technology Coordination Division  
USCIS Service Center Operations, HQ  
Department of Homeland Security  
20 Massachusetts Ave, NW (2000)  
Washington, DC 20529



(b)(6)



## Worley, Jordan P

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**From:** Sawyer, Kristina S (Kristy)  
**Sent:** Tuesday, May 30, 2017 10:38 AM  
**To:** Hawkins, Donald K  
**Subject:** EOIR MOA  
**Attachments:** RE: [Clearance Request] Due: COB Friday, May 26, 2017 MOA between DHS PLCY-OIS and DOJ EOIR-OPAS re Info Sharing on Immigration Cases for Statistical Purposes WF1144017; RE: [Clearance Request] Due: COB Friday, May 26, 2017 MOA between DHS PLCY-OIS and DOJ EOIR-OPAS re Info Sharing on Immigration Cases for Statistical Purposes WF1144017

**Worley, Jordan P**

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**From:** Sawyer, Kristina S (Kristy)  
**Sent:** Wednesday, June 14, 2017 2:44 PM  
**To:** Hawkins, Donald K  
**Cc:** Sharma, Steven R; Sawyer, Kristina S (Kristy)  
**Subject:** policy: what has been received so far  
**Attachments:** RE: Updated Privacy Policy for 2nd Review; RE: Updated Privacy Policy for 2nd Review;  
RE: Updated Privacy Policy for 2nd Review; RE: Updated Privacy Policy for 2nd Review;  
RE: Updated Privacy Policy for 2nd Review; RE: Updated Privacy Policy for 2nd Review;  
RE: Updated Privacy Policy for 2nd Review; RE: Updated Privacy Policy for 2nd Review

Donald,

Here is what was received today and a couple of questions that Steven answered on the policy.

Kristy Sawyer  
Senior Privacy Analyst  
U.S. Citizenship and Immigration Services  
Department of Homeland Security



(b)(6)

## Worley, Jordan P

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**From:** Rather-Jones, Kimberli R  
**Sent:** Wednesday, June 14, 2017 2:29 PM  
**To:** Sharma, Steven R; Sawyer, Kristina S (Kristy)  
**Cc:** Mayhew, Michael X  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Good afternoon

IRIS has no comment at this time.

Thanks  
Kim Jones

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**From:** Sharma, Steven R  
**Sent:** Monday, June 12, 2017 9:28 AM  
**To:** Dalal, Ankur P (Andy); Federwisch Webb, Victoria N; Dumas, Jessica L; Luong, Quan K; Langston, Robert C (Carter); Munoz-Lair, Anna; Lewis, Lisa M; Lockett, Vania T; Rather-Jones, Kimberli R; Mayhew, Michael X; Leach, Pamela D; Thompson, Rosetta; Scales, Donna B; Pignatelli, Robin C; Hays, Rex A; Young, Jason M; Dhabalia, Dimple D; Hosford, Douglas E (Doug); Hawkins, Donald K; Sawyer, Kristina S (Kristy); Kane, Megan R (CTR); White, Jason J; King, Julia A (Julie) (CTR); Haines, Marcus A (CTR); Marsico, Jason P (CTR); Hamilton, Cristina A; Beveridge, Jennifer L (Jenna); Greeley, Kevin A; Fant, Antonio; Barber, Dana L; Lins, Eliza E; Iglehart, Mario R; Eggleston, Jill A; Irazabal, Luz F; Porto, Victoria; Donnalley, Gia F  
**Subject:** Updated Privacy Policy for 2nd Review

All,

We have received feedback from the majority of directorates/program offices and have updated the policy accordingly to address this feedback. The only office where there is further discussion needed is OCC, whom we will be meeting with shortly to discuss. Attached are two versions (a clean version and redlined version) of the updated policy. Please review and provide any additional feedback as necessary. Please try to provide any feedback to myself and Kristy Sawyer by Wednesday, June 14 COB. Please let me know if you have any questions.

The proposed timeline is:

- Working group will have until COB Tuesday the 14<sup>th</sup> to review the next version.
- Final draft due to OCC June 16<sup>th</sup> with a two week review period.

Please forward to those I may have missed.

Thanks  
Steven

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**  
U.S. Citizenship and Immigration Services  
Office of Privacy

(b)(6)

## Worley, Jordan P

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**From:** Beveridge, Jennifer L (Jenna)  
**Sent:** Wednesday, June 14, 2017 9:06 AM  
**To:** Sharma, Steven R  
**Cc:** Sawyer, Kristina S (Kristy)  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Hi Steven,

Hope you are doing well! I provided a few comments (belatedly) to Cristina Hamilton last round but thought I would (b)(5) reach out to you directly. I'm wondering if you could explain how this revised policy would impact our data reporting.

With thanks,  
Jenna

**Jenna Beveridge**  
Acting Deputy Chief  
Research and Evaluation Division  
USCIS | Office of Policy and Strategy

(b)(6)

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**From:** Sharma, Steven R  
**Sent:** Monday, June 12, 2017 9:28 AM  
**To:** Dalal, Ankur P (Andy); Federwisch Webb, Victoria N; Dumas, Jessica L; Luong, Quan K; Langston, Robert C (Carter); Munoz-Lair, Anna; Lewis, Lisa M; Lockett, Vania T; Rather-Jones, Kimberli R; Mayhew, Michael X; Leach, Pamela D; Thompson, Rosetta; Scales, Donna B; Pignatelli, Robin C; Hays, Rex A; Young, Jason M; Dhabalia, Dimple D; Hosford, Douglas E (Doug); Hawkins, Donald K; Sawyer, Kristina S (Kristy); Kane, Megan R (CTR); White, Jason J; King, Julia A (Julie) (CTR); Haines, Marcus A (CTR); Marsico, Jason P (CTR); Hamilton, Cristina A; Beveridge, Jennifer L (Jenna); Greeley, Kevin A; Fant, Antonio; Barber, Dana L; Lins, Eliza E; Iglehart, Mario R; Eggleston, Jill A; Irazabal, Luz F; Porto, Victoria; Donnalley, Gia F  
**Subject:** Updated Privacy Policy for 2nd Review

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Please forward to those I may have missed.

Thanks  
Steven

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**  
U.S. Citizenship and Immigration Services  
Office of Privacy

[Redacted]

[Redacted]

| [www.uscis.gov](http://www.uscis.gov)

(b)(6)

## Worley, Jordan P

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**From:** Dumas, Jessica L  
**Sent:** Wednesday, June 14, 2017 2:07 PM  
**To:** Sharma, Steven R; Sawyer, Kristina S (Kristy)  
**Cc:** Federwisch Webb, Victoria N  
**Subject:** RE: Updated Privacy Policy for 2nd Review

The AAO does not have additional feedback.

Thanks for the opportunity to comment.

Jessica

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**From:** Sharma, Steven R  
**Sent:** Monday, June 12, 2017 9:28 AM  
**To:** Dalal, Ankur P (Andy); Federwisch Webb, Victoria N; Dumas, Jessica L; Luong, Quan K; Langston, Robert C (Carter); Munoz-Lair, Anna; Lewis, Lisa M; Lockett, Vania T; Rather-Jones, Kimberli R; Mayhew, Michael X; Leach, Pamela D; Thompson, Rosetta; Scales, Donna B; Pignatelli, Robin C; Hays, Rex A; Young, Jason M; Dhabalia, Dimple D; Hosford, Douglas E (Doug); Hawkins, Donald K; Sawyer, Kristina S (Kristy); Kane, Megan R (CTR); White, Jason J; King, Julia A (Julie) (CTR); Haines, Marcus A (CTR); Marsico, Jason P (CTR); Hamilton, Cristina A; Beveridge, Jennifer L (Jenna); Greeley, Kevin A; Fant, Antonio; Barber, Dana L; Lins, Eliza E; Iglehart, Mario R; Eggleston, Jill A; Irazabal, Luz F; Porto, Victoria; Donnalley, Gia F  
**Subject:** Updated Privacy Policy for 2nd Review

All,

We have received feedback from the majority of directorates/program offices and have updated the policy accordingly to address this feedback. The only office where there is further discussion needed is OCC, whom we will be meeting with shortly to discuss. Attached are two versions (a clean version and redlined version) of the updated policy. Please review and provide any additional feedback as necessary. Please try to provide any feedback to myself and Kristy Sawyer by Wednesday, June 14 COB. Please let me know if you have any questions.

The proposed timeline is:

- Working group will have until COB Tuesday the 14<sup>th</sup> to review the next version.
- Final draft due to OCC June 16<sup>th</sup> with a two week review period.

Please forward to those I may have missed.

Thanks  
Steven

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**  
U.S. Citizenship and Immigration Services  
Office of Privacy

(b)(6)

| [www.uscis.gov](http://www.uscis.gov)

**Worley, Jordan P**

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**From:** Sharma, Steven R  
**Sent:** Wednesday, June 14, 2017 9:02 AM  
**To:** Villasenor, Eissa M; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Eissa, [redacted]

[redacted] (b)(5)

Steven

Steven R. Sharma | Chief, Regional Privacy Operations  
U.S. Citizenship and Immigration Services  
Office of Privacy

[redacted] (b)(6)

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**From:** Villasenor, Eissa M  
**Sent:** Wednesday, June 14, 2017 1:52:36 PM  
**To:** Sharma, Steven R; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Hi Steven,

I have another question! [redacted]

[redacted] (b)(5)

Eissa

**From:** Sharma, Steven R  
**Sent:** Wednesday, June 14, 2017 7:44 AM  
**To:** Villasenor, Eissa M; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Thank you Eissa.

Steven

Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations  
U.S. Citizenship and Immigration Services  
Office of Privacy

[redacted] (b)(6)

[redacted] | [www.uscis.gov](http://www.uscis.gov)

**From:** Villasenor, Eissa M  
**Sent:** Tuesday, June 13, 2017 5:15 PM  
**To:** Sharma, Steven R; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Hello Steven,

The language works for RAD. I will add it to our edits.

Thank you,  
Eissa

**From:** Sharma, Steven R  
**Sent:** Tuesday, June 13, 2017 3:34 PM  
**To:** Villasenor, Eissa M; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** RE: Updated Privacy Policy for 2nd Review

[Redacted]

Would this language be acceptable to note this provision?

(b)(5)

[Redacted]

Thanks  
Steven

(b)(5)

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**  
U.S. Citizenship and Immigration Services  
Office of Privacy

[Redacted]

(f) (b)(6)  
[www.uscis.gov](http://www.uscis.gov)

**From:** Villasenor, Eissa M  
**Sent:** Tuesday, June 13, 2017 2:58 PM  
**To:** Sharma, Steven R; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Thanks for your prompt response, Steven.

[Redacted]



[Redacted]

(b)(5)

**From:** Sharma, Steven R  
**Sent:** Tuesday, June 13, 2017 1:30 PM  
**To:** Villasenor, Eissa M; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Eissa, thank you for reaching out to us. [Redacted]

[Redacted] My colleague

Kristy may have some additional questions, so I will defer to her to see if she would like to discuss any other points specific to RAD when she returns from leave tomorrow.

(b)(5)

Thanks  
Steven

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**  
U.S. Citizenship and Immigration Services  
Office of Privacy

[Redacted] (f) (b)(6)  
[www.uscis.gov](http://www.uscis.gov)

**From:** Villasenor, Eissa M  
**Sent:** Tuesday, June 13, 2017 12:45 PM  
**To:** Sharma, Steven R; Sawyer, Kristina S (Kristy)  
**Cc:** Chiorazzi, Anne  
**Subject:** FW: Updated Privacy Policy for 2nd Review

Hello Steven and Kristina,

RAIO Clearance provided your contact information. The document under review notes that USCIS Privacy would like to discuss certain issues with RAD. We're more than happy to discuss with you any questions you may have regarding this tasker. Please let us know if you have time to talk this afternoon or tomorrow morning.

Thank you,  
Eissa

**Eissa M. Villaseñor**  
Refugee Officer (Policy)  
Refugee Affairs Division  
U.S. Citizenship and Immigration Services  
111 Massachusetts Avenue, NW Suite 8000  
Washington, DC 20529-2100

[Redacted] (b)(6)  
[Redacted]

**From:** RAIO Clearance  
**Sent:** Tuesday, June 13, 2017 11:30 AM

**To:** Villasenor, Eissa M  
**Cc:** RAIO Clearance  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Hi Eissa,

You can reach out to **Steven R. Sharma, Chief, Regional Privacy Operations**, U.S. Citizenship and Immigration Services, Office of Privacy, [REDACTED] or Kristy Sawyer, [REDACTED]

(b)(6)

Thanks,  
Debra

**From:** Villasenor, Eissa M  
**Sent:** Tuesday, June 13, 2017 11:03 AM  
**To:** RAIO Clearance  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Hello RAIO Clearance,

In reviewing the document w/ comments, I found several comments from USCIS Privacy to RAD stating that they would like to discuss particular issues. I am wondering how we go about setting that up. I am guessing it's best to have a call w/ them prior to the due date.

Anne will be on leave tomorrow so it would be great to get this sorted out today.

Can you offer any help?

Thank you,  
Eissa

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**From:** RAIO Clearance  
**Sent:** Monday, June 12, 2017 11:05 AM  
**To:** Allen, Eugene A; Asylum Taskers; Chiorazzi, Anne; Gill, Lori R; Kline, Jennifer M; Liberto, James; Nicholson, Maura J; Palmer, Ann M; Potts, LeRoy G; RAIO-FDNS-IS; Schaper, Michael C; Sicard, Kimberly R; Sohrakoff, Karen A; USCIS IO Taskers; Villasenor, Eissa M  
**Cc:** Baker, Katherine H; Defensor, Michael R; Dhabalia, Dimple D; Fritz, Debra A; Gipson, Angela E; Grammer, Alexandra C (Alex); Kim, Ted H; Lafferty, John L; RAIO Clearance; Ruppel, Joanna; Stone, Mary M; Strack, Barbara L  
**Subject:** FW: Updated Privacy Policy for 2nd Review

Good Morning All,

Please review the updated Privacy Policy documents and address comments related to your program areas.

Responses are due back to RAIO Clearance (by using track changes) NLT 9:00am Wednesday, June 14.

Thanks,  
RAIO Clearance Box

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**From:** Sharma, Steven R  
**Sent:** Monday, June 12, 2017 9:28 AM  
**To:** Dalal, Ankur P (Andy); Federwisch Webb, Victoria N; Dumas, Jessica L; Luong, Quan K; Langston, Robert C (Carter); Munoz-Lair, Anna; Lewis, Lisa M; Lockett, Vania T; Rather-Jones, Kimberli R; Mayhew, Michael X; Leach, Pamela D; Thompson, Rosetta; Scales, Donna B; Pignatelli, Robin C; Hays, Rex A; Young, Jason M; Dhabalia, Dimple D; Hosford,

Douglas E (Doug); Hawkins, Donald K; Sawyer, Kristina S (Kristy); Kane, Megan R (CTR); White, Jason J; King, Julia A (Julie) (CTR); Haines, Marcus A (CTR); Marsico, Jason P (CTR); Hamilton, Cristina A; Beveridge, Jennifer L (Jenna); Greeley, Kevin A; Fant, Antonio; Barber, Dana L; Lins, Eliza E; Iglehart, Mario R; Eggleston, Jill A; Irazabal, Luz F; Porto, Victoria; Donnalley, Gia F

**Subject:** Updated Privacy Policy for 2nd Review

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The proposed timeline is:

- Working group will have until COB Tuesday the 14<sup>th</sup> to review the next version.
- Final draft due to OCC June 16<sup>th</sup> with a two week review period.

Please forward to those I may have missed.

Thanks  
Steven

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**

U.S. Citizenship and Immigration Services

Office of Privacy

(b)(6)

| [www.uscis.gov](http://www.uscis.gov)

## Worley, Jordan P

---

**From:** Lockett, Vania T  
**Sent:** Wednesday, June 14, 2017 1:47 PM  
**To:** Sharma, Steven R  
**Cc:** Sawyer, Kristina S (Kristy)  
**Subject:** RE: Updated Privacy Policy for 2nd Review  
**Attachments:** USCIS Privacy Policy\_v2.0\_12Jun17-clean vtl comments.docx

Steven,

Many thanks. Please find my comments on the updated version of the policy attached.

Best,  
Vania

**From:** Sharma, Steven R  
**Sent:** Monday, June 12, 2017 9:28 AM  
**To:** Dalal, Ankur P (Andy); Federwisch Webb, Victoria N; Dumas, Jessica L; Luong, Quan K; Langston, Robert C (Carter); Munoz-Lair, Anna; Lewis, Lisa M; Lockett, Vania T; Rather-Jones, Kimberli R; Mayhew, Michael X; Leach, Pamela D; Thompson, Rosetta; Scales, Donna B; Pignatelli, Robin C; Hays, Rex A; Young, Jason M; Dhabalia, Dimple D; Hosford, Douglas E (Doug); Hawkins, Donald K; Sawyer, Kristina S (Kristy); Kane, Megan R (CTR); White, Jason J; King, Julia A (Julie) (CTR); Haines, Marcus A (CTR); Marsico, Jason P (CTR); Hamilton, Cristina A; Beveridge, Jennifer L (Jenna); Greeley, Kevin A; Fant, Antonio; Barber, Dana L; Lins, Eliza E; Iglehart, Mario R; Eggleston, Jill A; Irazabal, Luz F; Porto, Victoria; Donnalley, Gia F  
**Subject:** Updated Privacy Policy for 2nd Review

All,

We have received feedback from the majority of directorates/program offices and have updated the policy accordingly to address this feedback. The only office where there is further discussion needed is OCC, whom we will be meeting with shortly to discuss. Attached are two versions (a clean version and redlined version) of the updated policy. Please review and provide any additional feedback as necessary. Please try to provide any feedback to myself and Kristy Sawyer by Wednesday, June 14 COB. Please let me know if you have any questions.

The proposed timeline is:

- Working group will have until COB Tuesday the 14<sup>th</sup> to review the next version.
- Final draft due to OCC June 16<sup>th</sup> with a two week review period.

Please forward to those I may have missed.

Thanks  
Steven

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**  
U.S. Citizenship and Immigration Services  
Office of Privacy

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**Worley, Jordan P**

---

**From:** Beveridge, Jennifer L (Jenna)  
**Sent:** Wednesday, June 14, 2017 9:09 AM  
**To:** Sharma, Steven R  
**Cc:** Sawyer, Kristina S (Kristy)  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Great! Thanks so much for your quick response. ☺

Much appreciated,  
Jenna

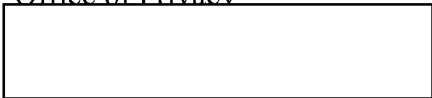
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**From:** Sharma, Steven R  
**Sent:** Wednesday, June 14, 2017 10:08 AM  
**To:** Beveridge, Jennifer L (Jenna)  
**Cc:** Sawyer, Kristina S (Kristy)  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Jenna, thank you. Hope you are well! This policy would not affect the rule of 10 for statistical data.

Thanks  
Steven

Steven R. Sharma | Chief, Regional Privacy Operations  
U.S. Citizenship and Immigration Services  
Office of Privacy



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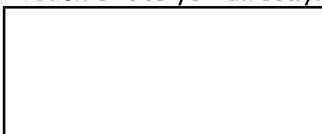
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**From:** Beveridge, Jennifer L (Jenna)  
**Sent:** Wednesday, June 14, 2017 3:05:44 PM  
**To:** Sharma, Steven R  
**Cc:** Sawyer, Kristina S (Kristy)  
**Subject:** RE: Updated Privacy Policy for 2nd Review

Hi Steven,

(b)(5)

Hope you are doing well! I provided a few comments (belatedly) to Cristina Hamilton last round but thought I would reach out to you directly.



With thanks,  
Jenna

**Jenna Beveridge**

Acting Deputy Chief

Research and Evaluation Division

USCIS | Office of Policy and Strategy

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**From:** Sharma, Steven R

**Sent:** Monday, June 12, 2017 9:28 AM

**To:** Dalal, Ankur P (Andy); Federwisch Webb, Victoria N; Dumas, Jessica L; Luong, Quan K; Langston, Robert C (Carter); Munoz-Lair, Anna; Lewis, Lisa M; Lockett, Vania T; Rather-Jones, Kimberli R; Mayhew, Michael X; Leach, Pamela D; Thompson, Rosetta; Scales, Donna B; Pignatelli, Robin C; Hays, Rex A; Young, Jason M; Dhabalia, Dimple D; Hosford, Douglas E (Doug); Hawkins, Donald K; Sawyer, Kristina S (Kristy); Kane, Megan R (CTR); White, Jason J; King, Julia A (Julie) (CTR); Haines, Marcus A (CTR); Marsico, Jason P (CTR); Hamilton, Cristina A; Beveridge, Jennifer L (Jenna); Greeley, Kevin A; Fant, Antonio; Barber, Dana L; Lins, Eliza E; Iglehart, Mario R; Eggleston, Jill A; Irazabal, Luz F; Porto, Victoria; Donnalley, Gia F

**Subject:** Updated Privacy Policy for 2nd Review

All,

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- Working group will have until COB Tuesday the 14<sup>th</sup> to review the next version.
- Final draft due to OCC June 16<sup>th</sup> with a two week review period.

Please forward to those I may have missed.

Thanks

Steven

**Steven R. Sharma, CIPP/G | Chief, Regional Privacy Operations**

U.S. Citizenship and Immigration Services

Office of Privacy

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**Worley, Jordan P**

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**From:** Christensen, Gillian M  
**Sent:** Tuesday, August 01, 2017 12:49 PM  
**To:** King, Alexander R; Umoru, Victoria E; Robinson, Brandon M; Garon, Michelle S; Hawkins, Donald K  
**Cc:** Hatchett, Dolline L; Langston, Robert C (Carter); McKinney, James R (Jim); Alfonso, Angelica M  
**Subject:** Fox News query: Rape Suspect a DACA recipient

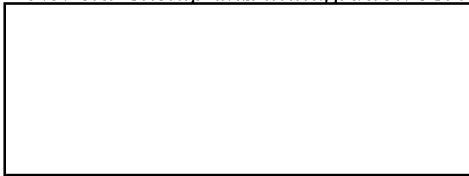
DACA Working Group: (b)(6) (b)(5)





Gillian M. Christensen  
Acting Chief of Media Relations  
U.S. Citizenship and Immigration Services (USCIS)

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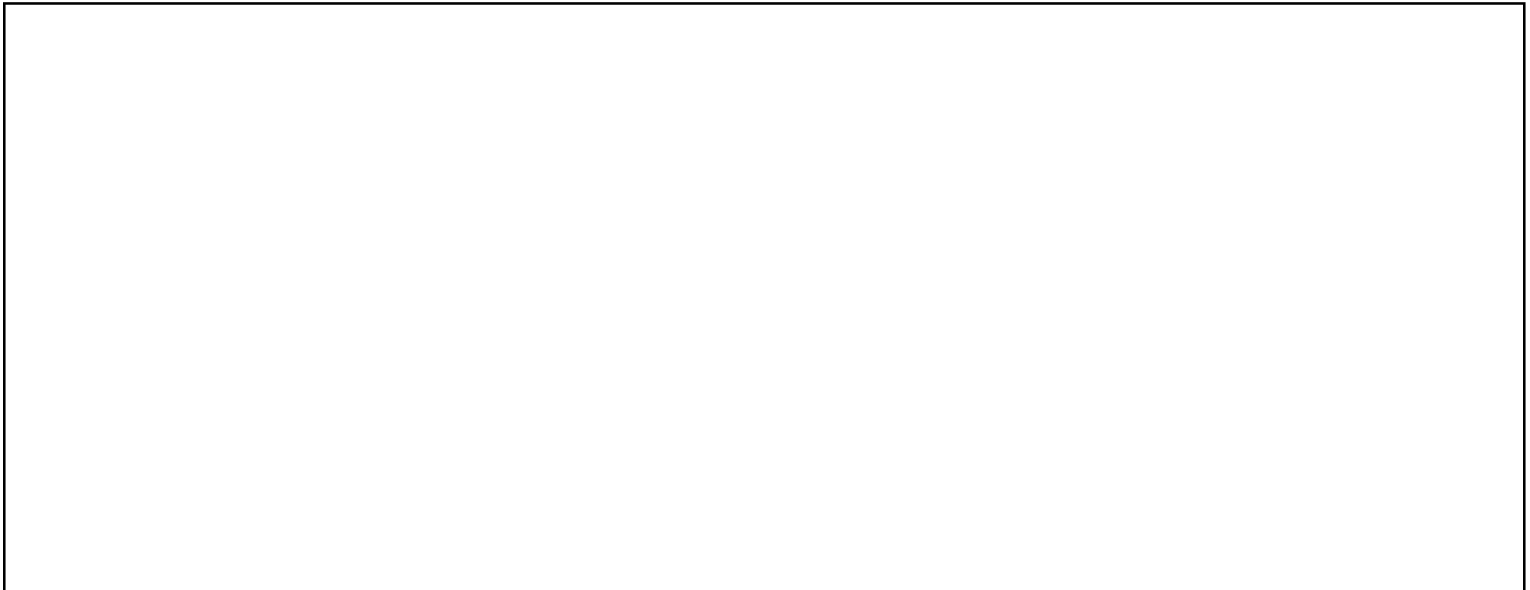
**Worley, Jordan P**

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**From:** Sawyer, Kristina S (Kristy)  
**Sent:** Wednesday, May 10, 2017 12:59 PM  
**To:** Hawkins, Donald K  
**Cc:** Sawyer, Kristina S (Kristy)  
**Subject:** FW: 2nd REVIEW - PLCY REQUEST FOR DHS COMPONENT COMPONENT INPUT/CLEARANCE] Sen. Dianne Feinstein (EO) WF 1139355  
**Attachments:** incoming Feinstein 02.27.17.pdf; Response to Senator Feinstein (USCIS OGC ICE edits) (IMM PLCY v.3).docx; WF 1139355 - Feinstein Enclosure (PLCY 4.19.17) USCIS edits\_commentsv2.docx; Response to Senator Feinstein (USCIS OGC ICE edits) (IMM PLCY v.3) (3) USCIS PRIV.docx

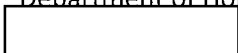
I responded to JE4 as requested. NM2 is about detention during proceedings so I assume the other programs tasked will answer.

(b)(5)



Does this work? My comment is in the fourth attachment.

Kristy Sawyer  
Senior Privacy Analyst  
U.S. Citizenship and Immigration Services  
Department of Homeland Security



(b)(6)

**From:** Tait, Karen E **On Behalf Of** USCIS Exec Congr Corresp  
**Sent:** Tuesday, May 09, 2017 4:43 PM  
**To:** HQ Field Operations; Policy-Clearance; RAI0 Clearance; SCOPS-Clearance; USCIS Privacy Inquiries  
**Cc:** Farnam, Julie E; Graziadio, Josie; Arroyo, Susan K; Weller, Angela V; Hawkins, Donald K; Sawyer, Kristina S (Kristy)  
**Subject:** 2nd REVIEW - PLCY REQUEST FOR DHS COMPONENT COMPONENT INPUT/CLEARANCE] Sen. Dianne Feinstein (EO) WF 1139355

Good afternoon **FOD, OP&S, RAIO, SCOPS, and PVY,**

DHS PLCY is requesting a second review of the attached draft and input if applicable to Comments **NM2** and **JE4**. For your reference, the third attachment is what USCIS submitted to DHS PLCY the first time we cleared with edits.

Please review and provide any edits/comments **by COB or sooner, Wednesday, May 10**. EXSO will then obtain OLA and OCC clearance before submitting to the Director's Office for final clearance.

Please let me know if you have any questions.

Thank you,  
Karen

---

**Karen Tait • U.S. Citizenship and Immigration Services**

Writer/Editor • Office of the Executive Secretariat

☎ (202) 272.0977 [redacted]

(b)(6)

[redacted]@uscis.dhs.gov

**From:** Farnam, Julie E

**Sent:** Tuesday, April 25, 2017 3:05 PM

**To:** USCIS Exec Congr Corresp; OCC-Clearance; #USCIS OLA Clearance; HQ Field Operations

**Cc:** Atkinson, Ronald A; Dalal, Ankur P (Andy); Button, Maria G (Gemma); Carter, Constance L; Bacon, William H; Wimbush, Tina M; Valverde, Michael; Renaud, Daniel M

**Subject:** RE: [DHS CONGRESSIONAL COMPONENT REVIEW/INPUT] Sen. Dianne Feinstein (EO) WF 1139355

Thanks, Karen. Will we have the opportunity to review again once all the responses are drafted? Right now, USCIS' input is not included and I think that is where, if we did have comments, most of the input would be.

Julie Farnam

Senior Advisor

Field Operations Directorate

U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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**From:** Tait, Karen E **On Behalf Of** USCIS Exec Congr Corresp

**Sent:** Tuesday, April 25, 2017 12:03 PM

**To:** OCC-Clearance; #USCIS OLA Clearance; HQ Field Operations

**Cc:** Atkinson, Ronald A; Dalal, Ankur P (Andy); Farnam, Julie E; Button, Maria G (Gemma); Carter, Constance L; Bacon, William H; Wimbush, Tina M

**Subject:** FW: [DHS CONGRESSIONAL COMPONENT REVIEW/INPUT] Sen. Dianne Feinstein (EO) WF 1139355

OCC, OLA, and FOD,

Please provide the status of your clearance. Note, EXSO did send this to PVY after it was initially tasked. PVY's and RAIO's comments are registered in CATS if you would like to review at the link below.

To register your response, please click [here](#).

Thank you,

Karen

[Redacted]

(b)(6)

**From:** Wimbush, Tina M

**Sent:** Friday, April 21, 2017 9:46 AM

**To:** USCIS Exec Congr Corresp

**Subject:** FW: [DHS CONGRESSIONAL COMPONENT REVIEW/INPUT] Sen. Dianne Feinstein (EO) WF 1139355

For the box.

*Tina Wimbush*

Writer-Editor

Office of the Executive Secretariat

U.S. Citizenship and Immigration Services

Washington, DC

Office: [Redacted]

(b)(6)

[Redacted]

for official actions)

**From:** Wimbush, Tina M

**Sent:** Friday, April 21, 2017 9:32 AM

**To:** HQ Field Operations; #USCIS OLA Clearance; Policy-Clearance; RAIO Clearance; SCOPS-Clearance; OCC-Clearance

**Cc:** Farnam, Julie E; AAO-Clearance; Graziadio, Josie; Weller, Angela V; Arroyo, Susan K; Neufeld, Donald W; Cox, Sophia

**Subject:** [DHS CONGRESSIONAL COMPONENT REVIEW/INPUT] Sen. Dianne Feinstein (EO) WF 1139355

Good morning **FOD, OCC, OP&S, RAIO, OLA, and SCOPS:**

Sen. Dianne Feinstein sent several questions to S1 regarding the Executive Order on Immigration. DHS PLCY prepared the response and is requesting that USCIS review and provide clearance to their draft response.

**SCOPS**, please provide a response to the following question listed on page 2 (note: DHS Privacy Office is requesting that USCIS provide current and future practice for handling information pertaining to recipients of DACA):

**Will these changes apply to recipients of the Deferred Action Childhood Arrivals Program, known as DACA?**

Clearance/input is **due to EXSO by 2:00 p.m., Monday, April 24, 2017.**

To register your response, please click [here](#).

Thanks,

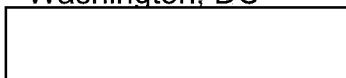
*Tina Wimbush*

Writer-Editor

Office of the Executive Secretariat

U.S. Citizenship and Immigration Services  
Washington, DC

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**Advance Parole for Aliens Currently In the United States**

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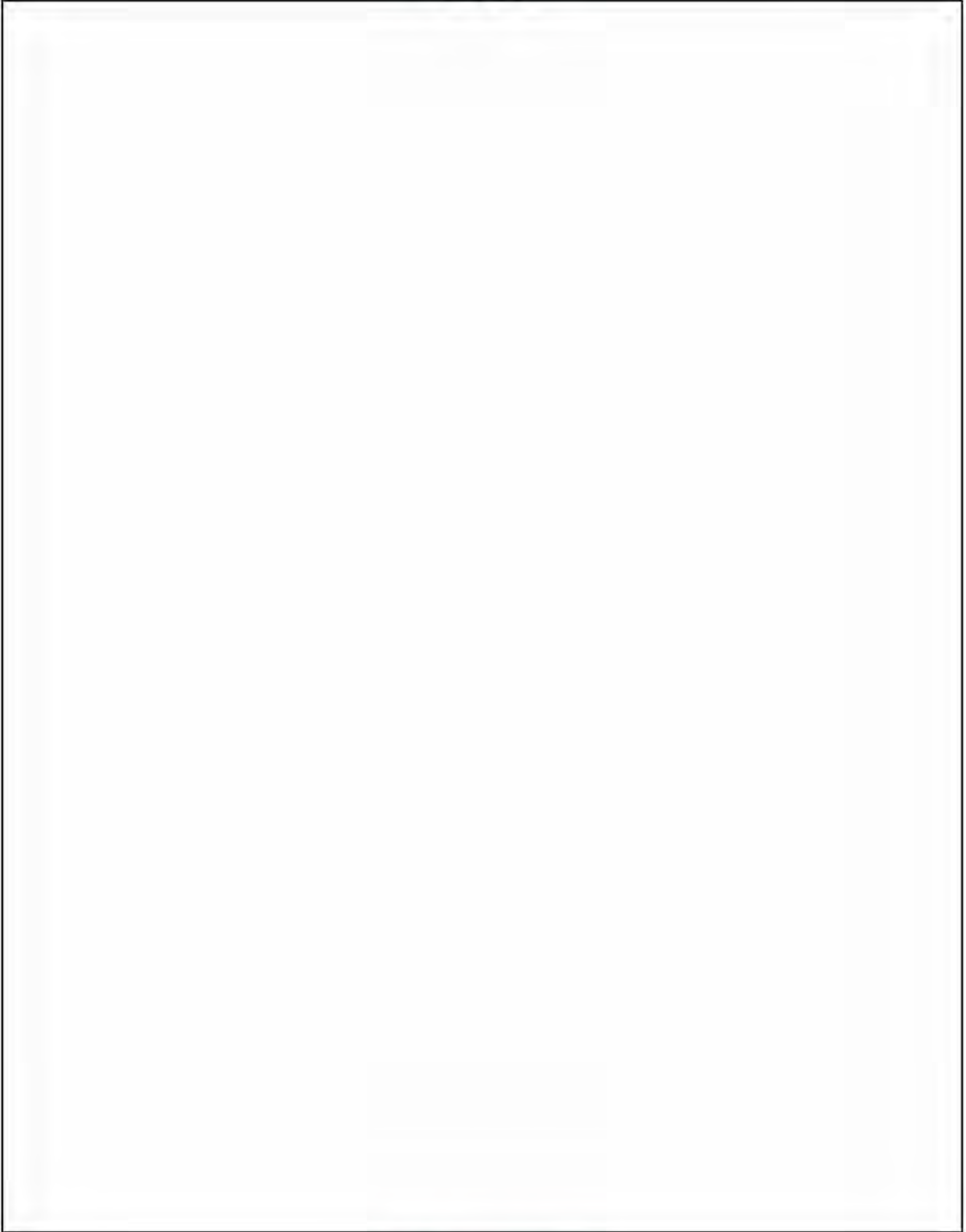
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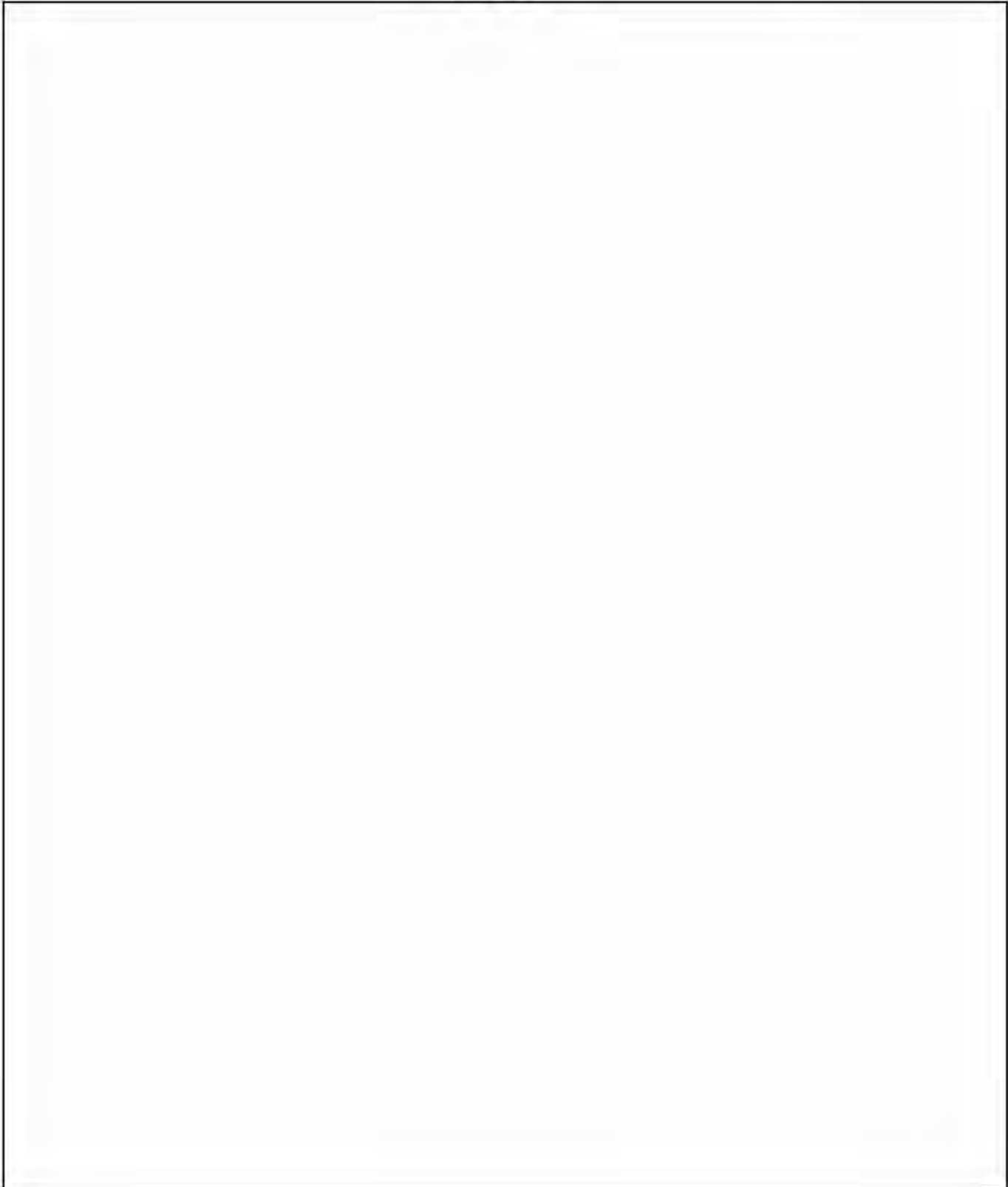


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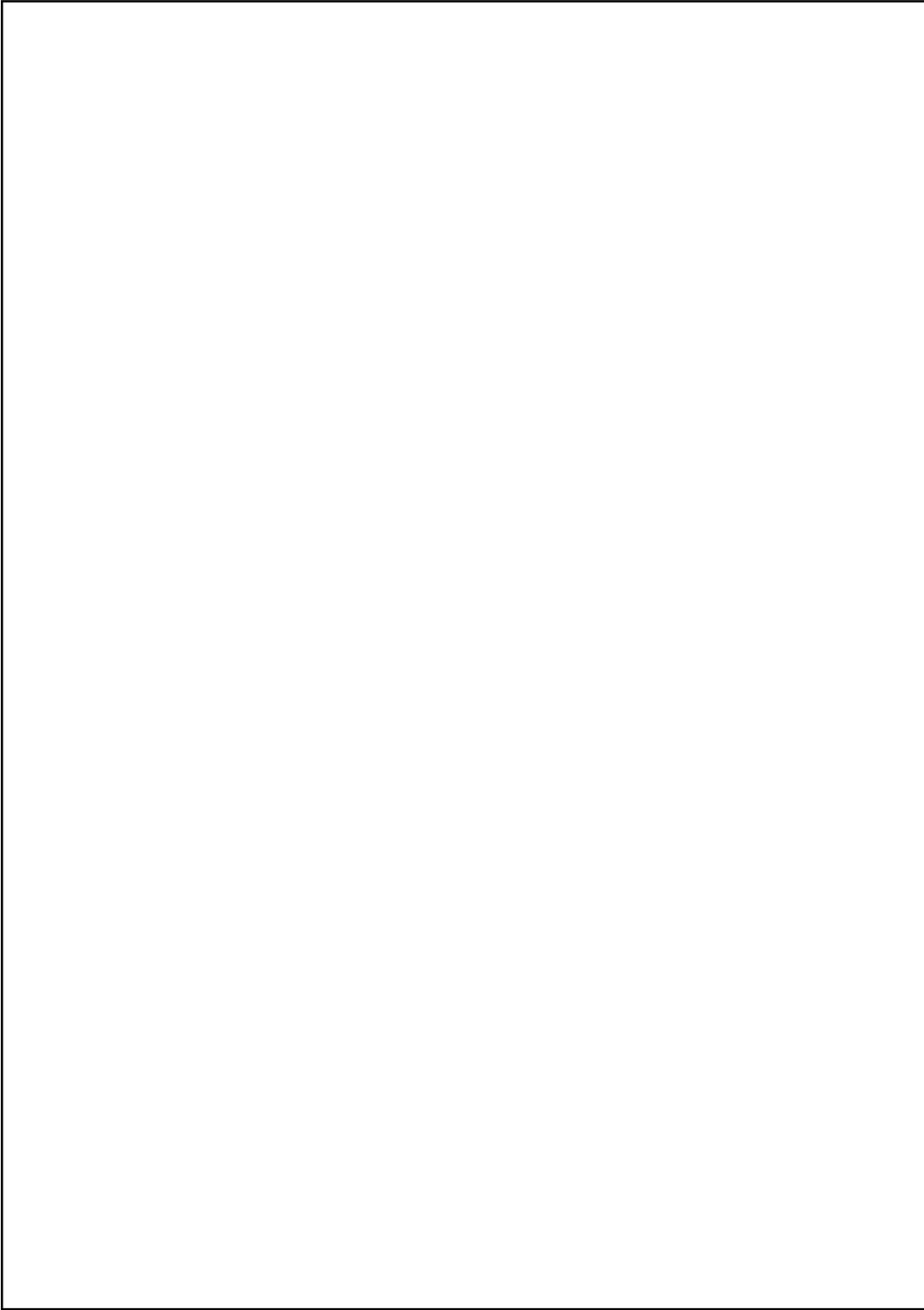
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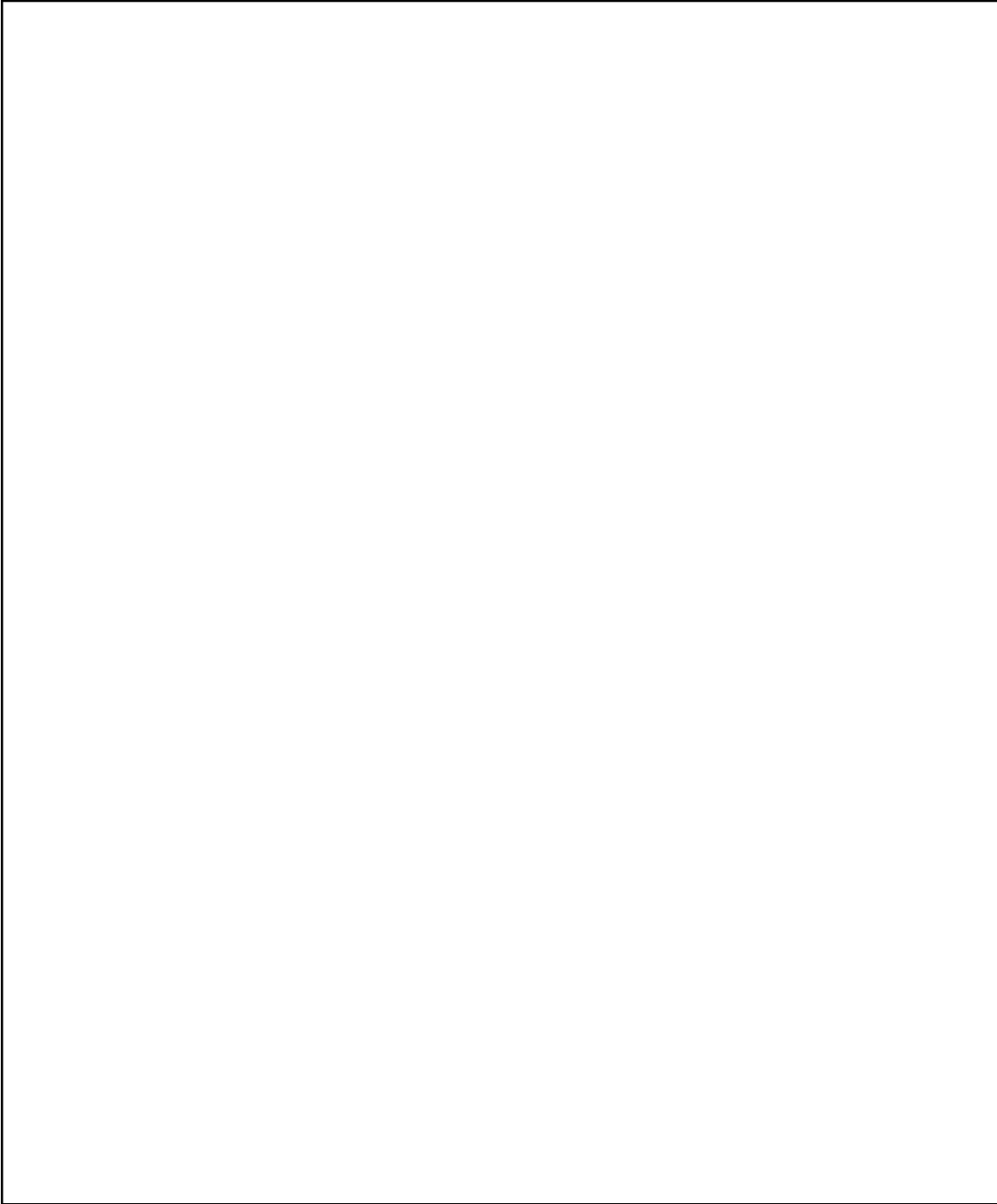


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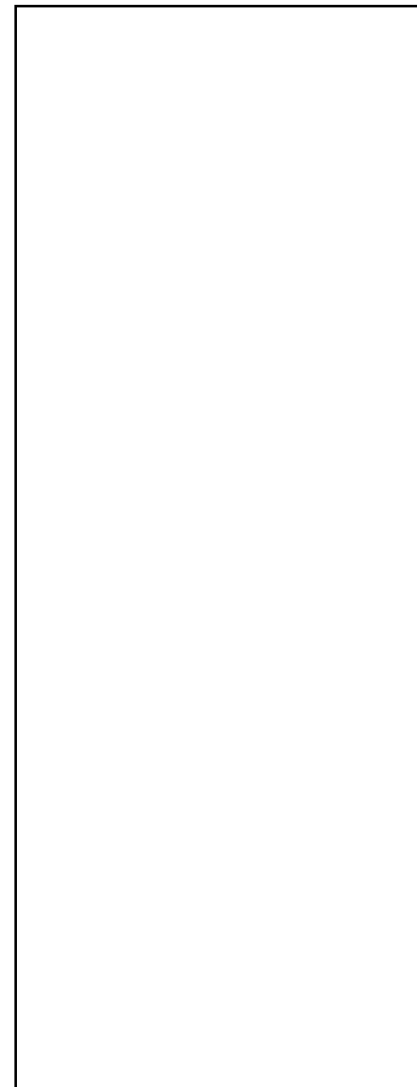
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Memorandum

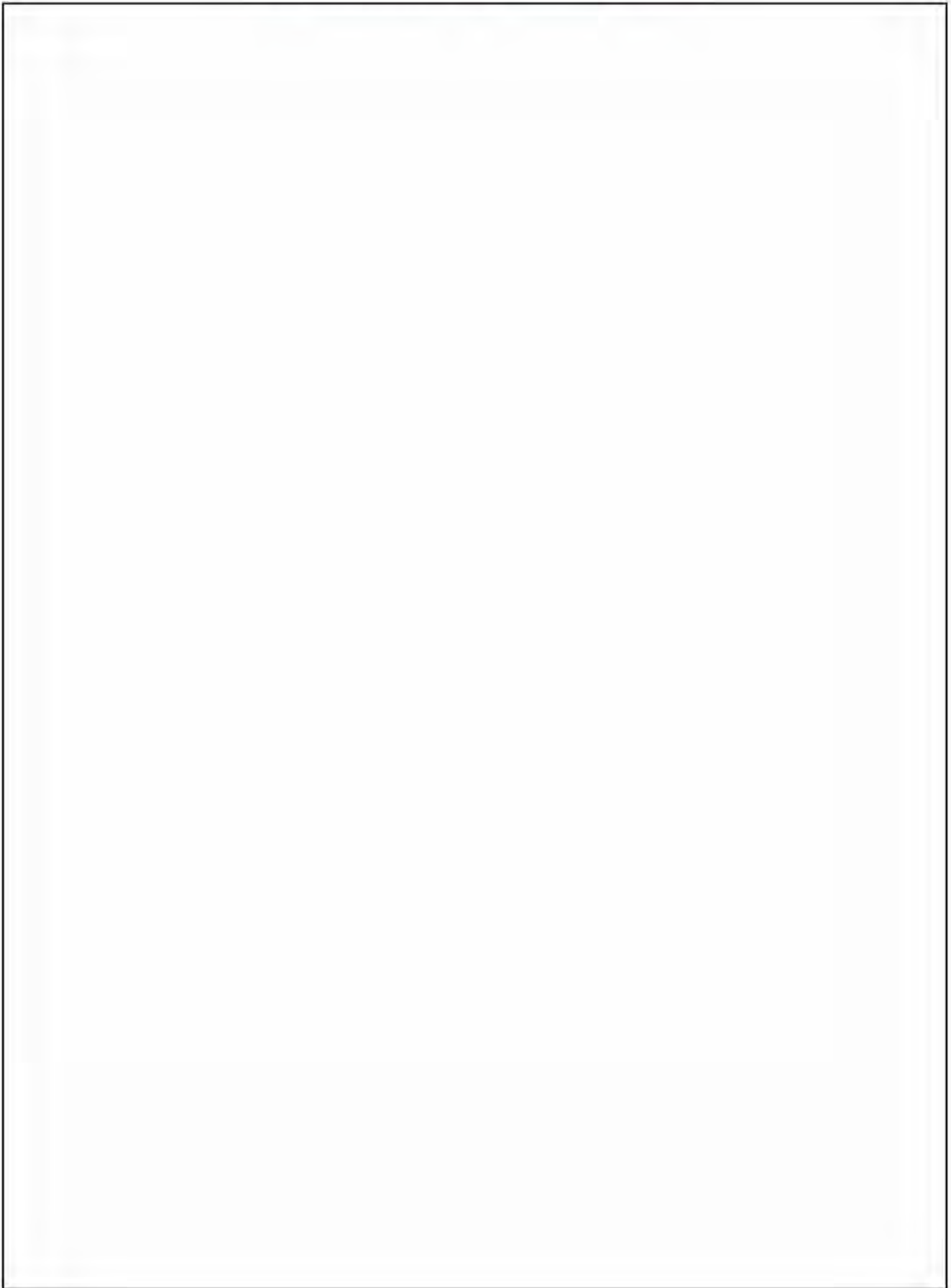
TO: All USCIS Employees and Contractors

FROM: Donald K. Hawkins, Chief Privacy Officer



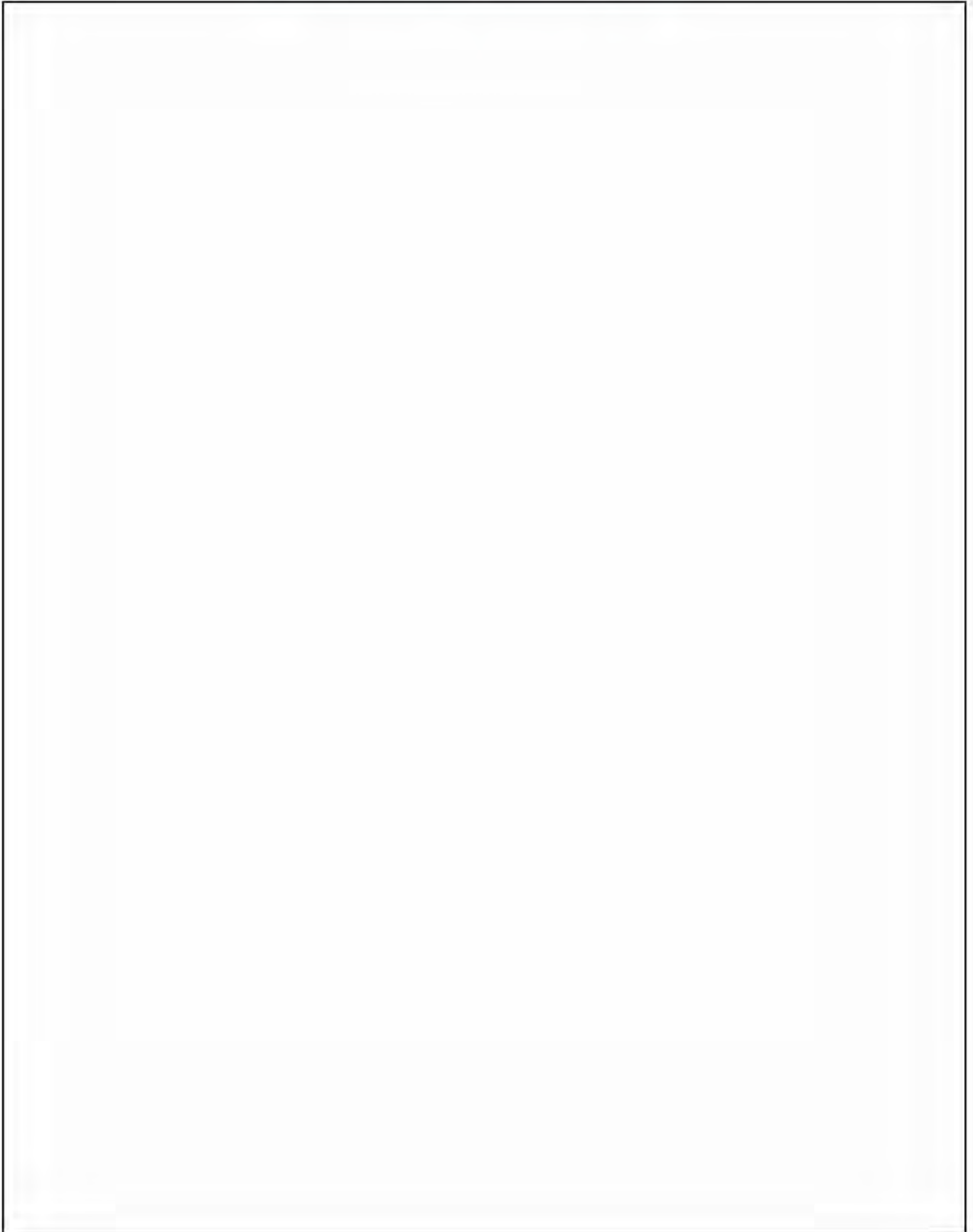
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U.S. Citizenship  
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## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**

**Purpose:** On January 25, 2017, President Trump issued Executive Order (E.O.) No. 13,768, *Enhancing Public Safety in the Interior of the United States*, which states that agencies may no longer extend the protections of the Privacy Act to those other than U.S. citizens (USCs) and Lawful Permanent Residents (LPRs). In response, DHS Privacy released *Policy Guidance Memorandum 2017-1, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information*, cancelling Privacy Policy Directive 262-12 (Mixed Systems Policy).<sup>1</sup> The purpose of this document is to provide guidance and procedures to support the implementation of the new DHS Privacy Policy. Program Offices should use the appendices to supplement and update their standard operating procedures and policies.

**Background:** In 2007, the DHS Privacy Office released the Mixed Systems Policy. Under this policy, DHS extended Privacy Act protections to Personally Identifiable Information (PII) regardless of whether the information pertained to a U.S. citizen, LPR, immigrant, or non-immigrant. DHS extended these protections because of inherent difficulties in determining a person's real-time immigration status, which may change over time through naturalization or adjustment.

Consistent with the Privacy Policy Guidance Memorandum 2017-1, USCIS will continue to afford Privacy Act protections to USCs and LPRs and treat all persons, regardless of

<sup>1</sup> The Mixed System policy states "Mixed System" or "Mixed Systems" shall mean any System of Records that collects, maintains, or disseminates information, which is in an identifiable form, and which contains information about U.S. Persons and non-U.S. Persons. See DHS Privacy Policy Guidance Memorandum No. 2007-01/Privacy Policy Directive 262-12, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Information on Non-U.S. Persons.

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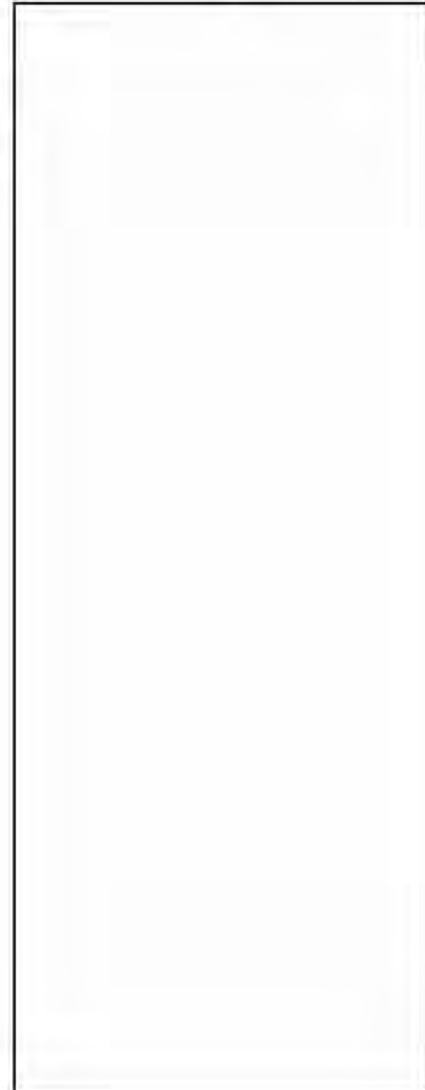
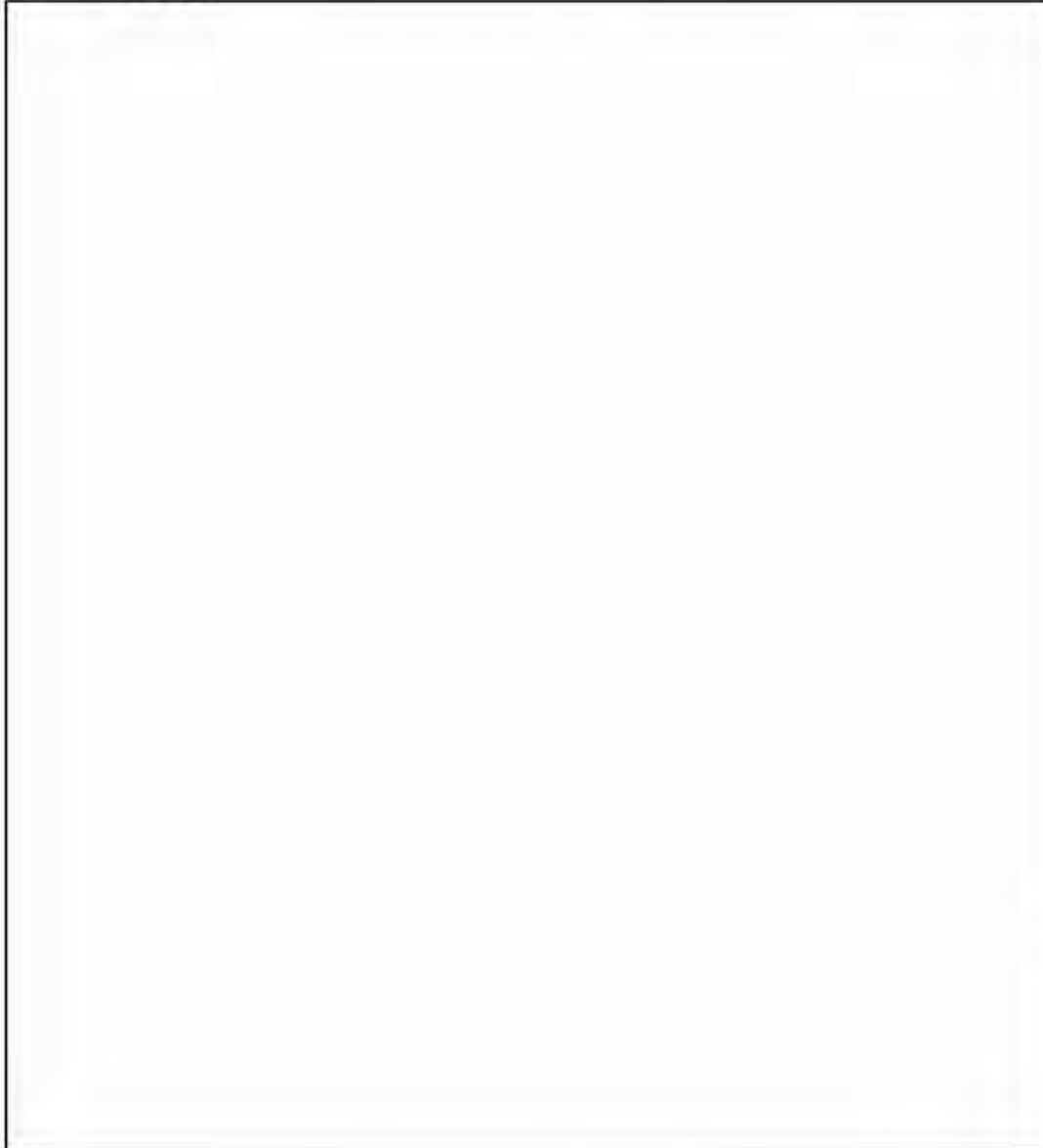
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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immigration status, consistent with the Fair Information Practice Principles (FIPPs),<sup>2</sup> applicable laws and regulations. All USCIS personnel must follow the legal and policy obligations outlined below. (b)(5)



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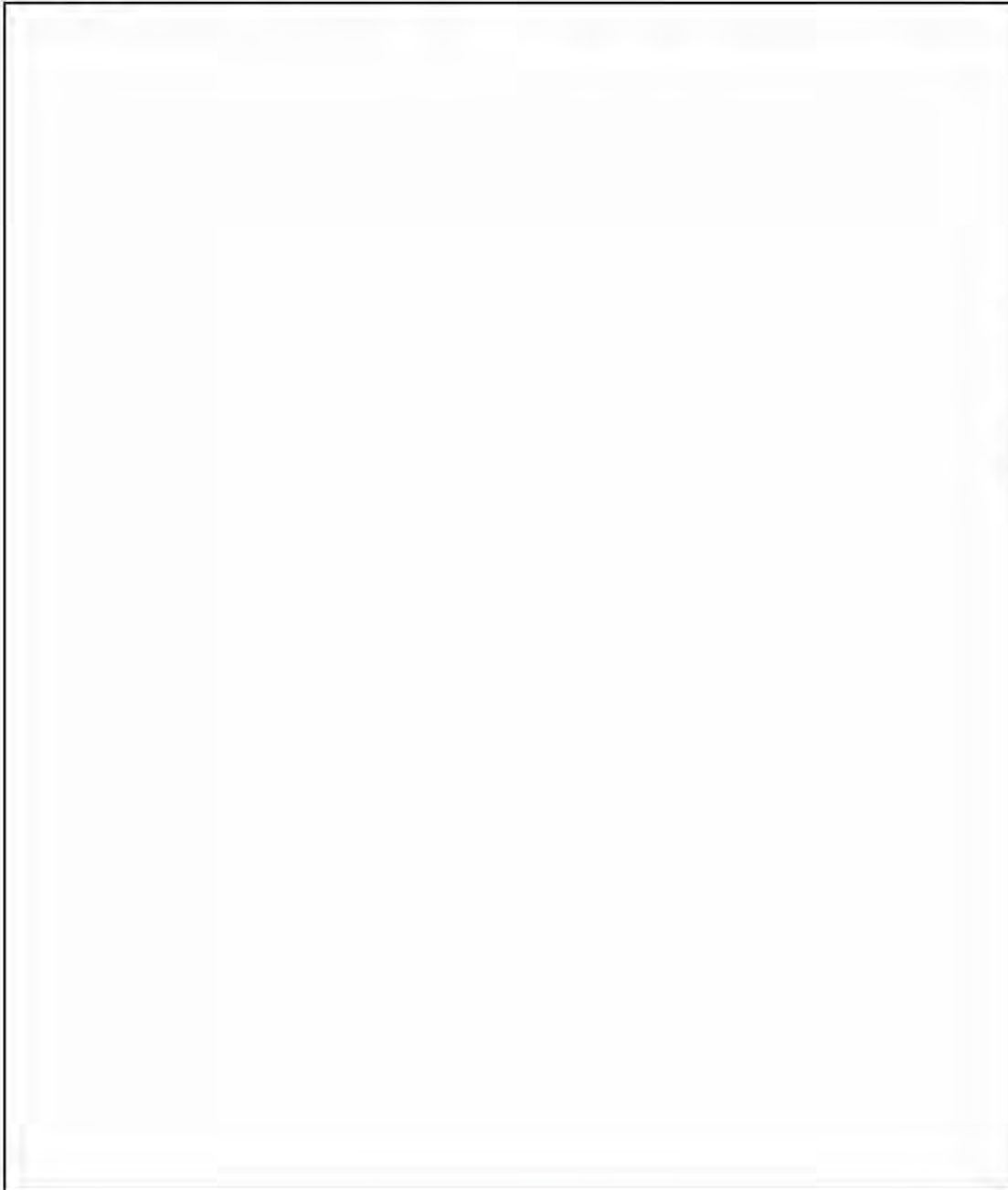
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**Appendix A: Handling of Special Protected Class Data**

Information to be included.

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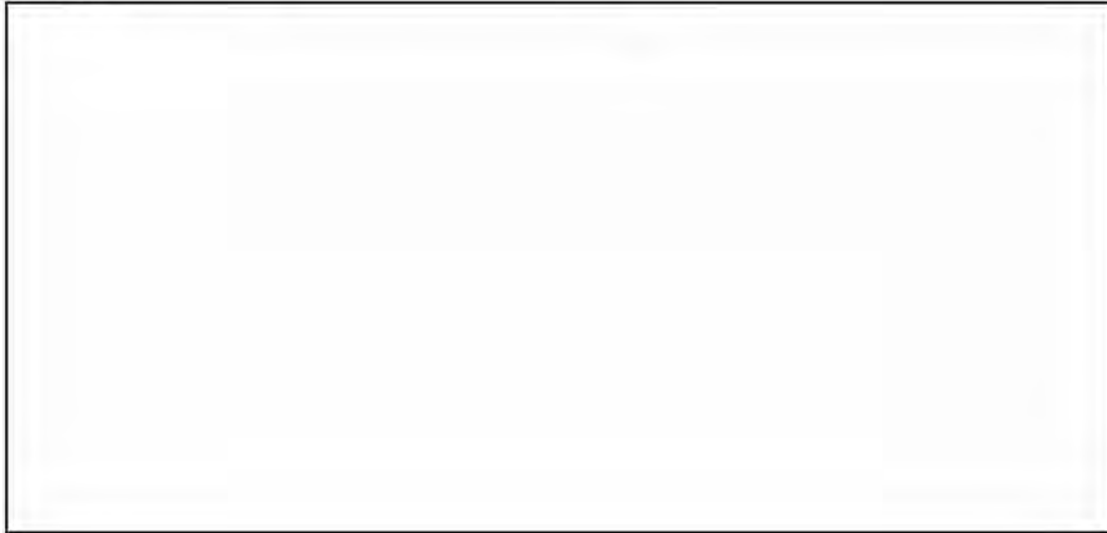
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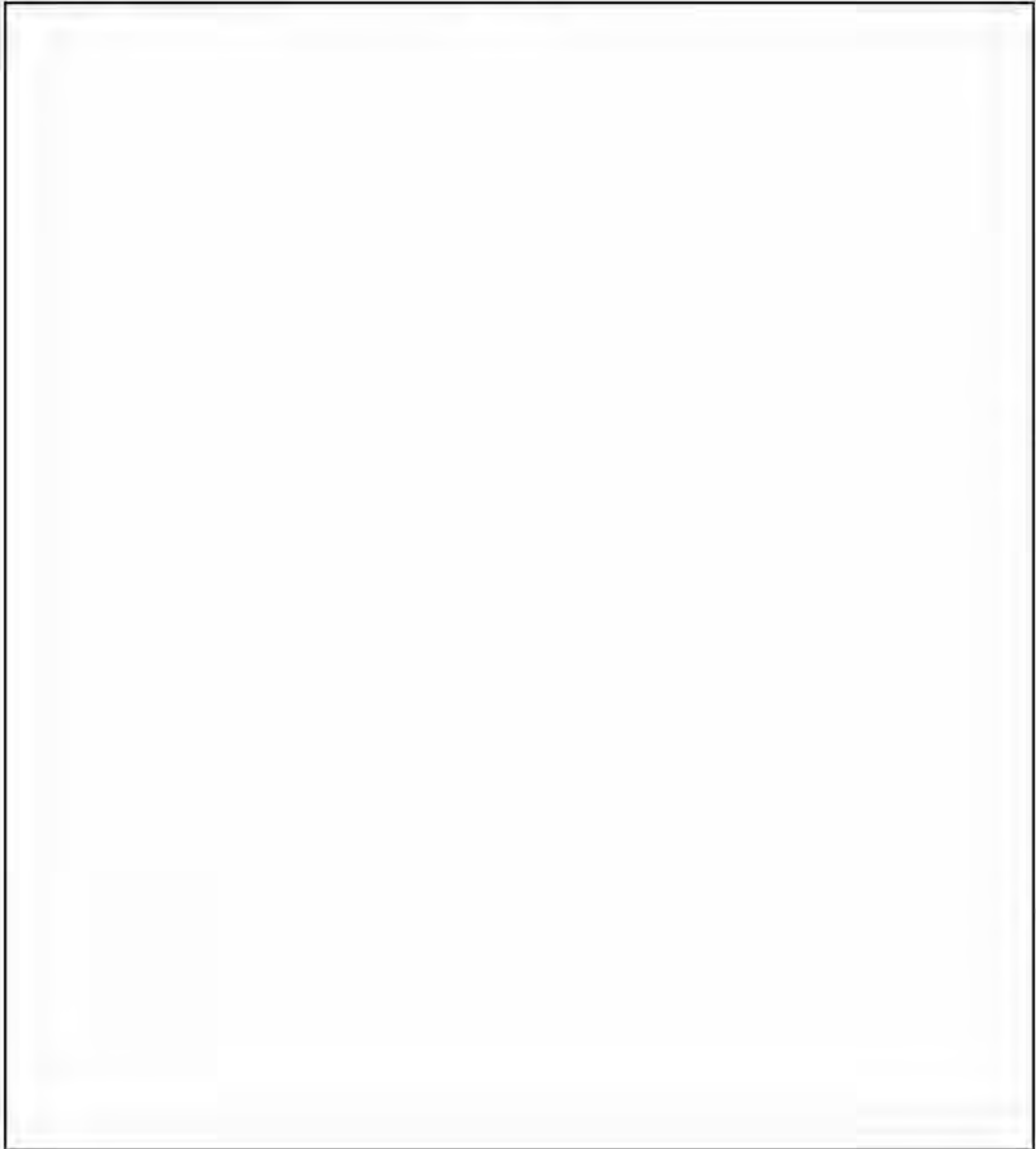


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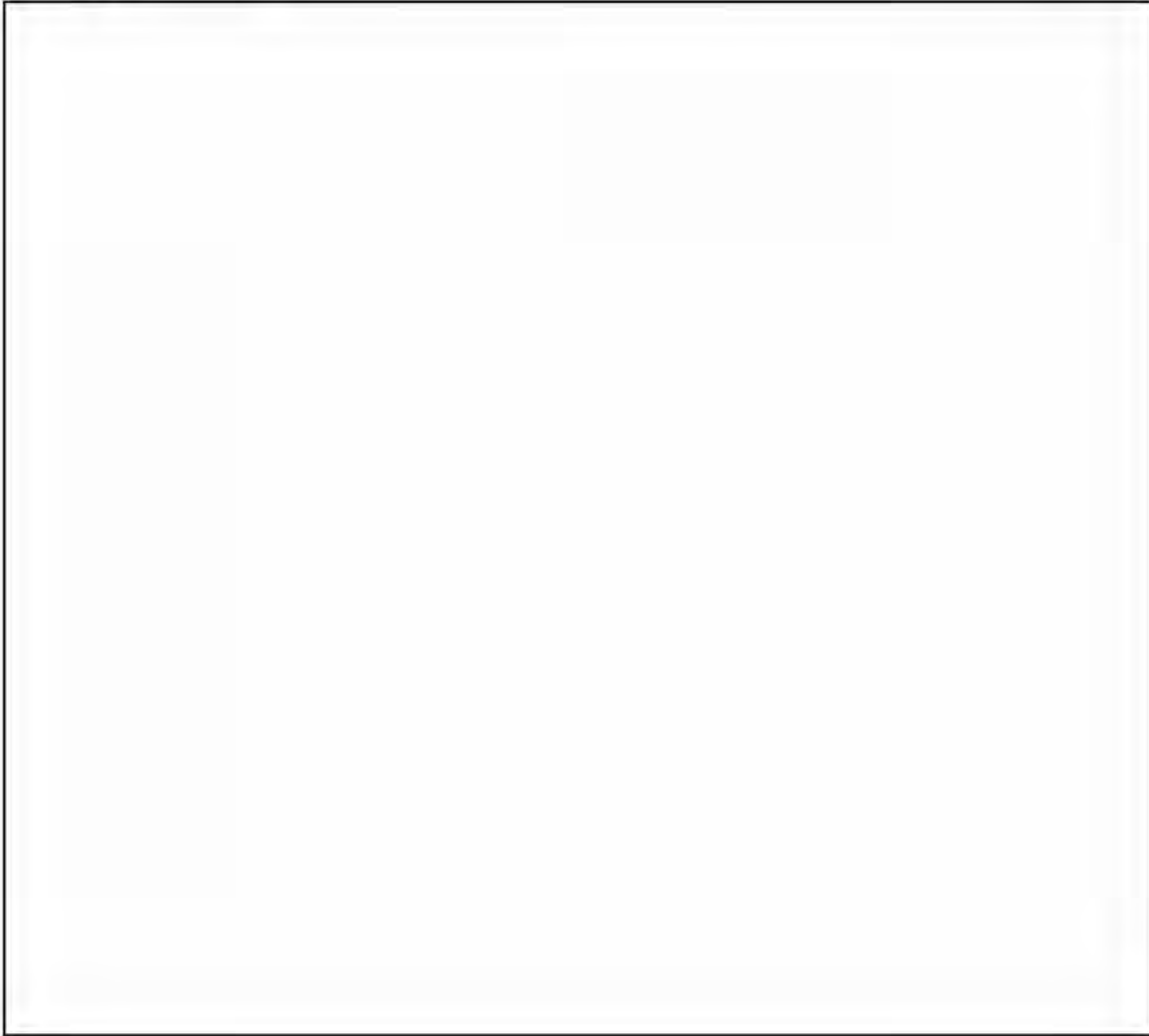


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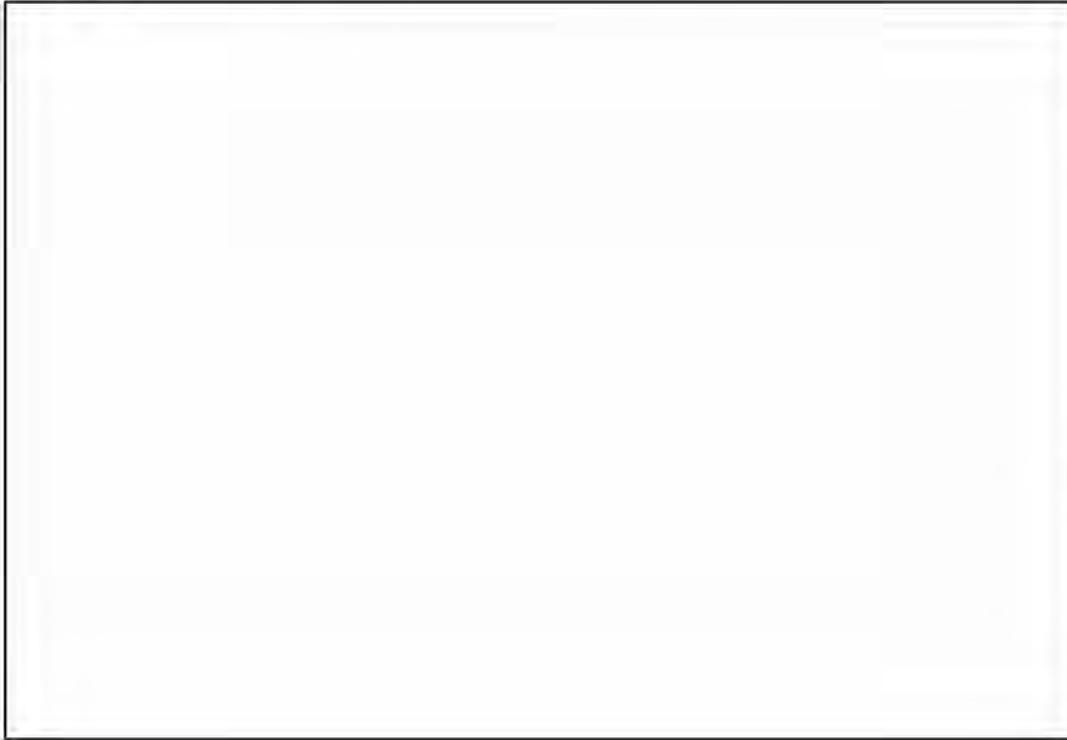


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**Appendix I: Information Sharing Workflow**

To be included.

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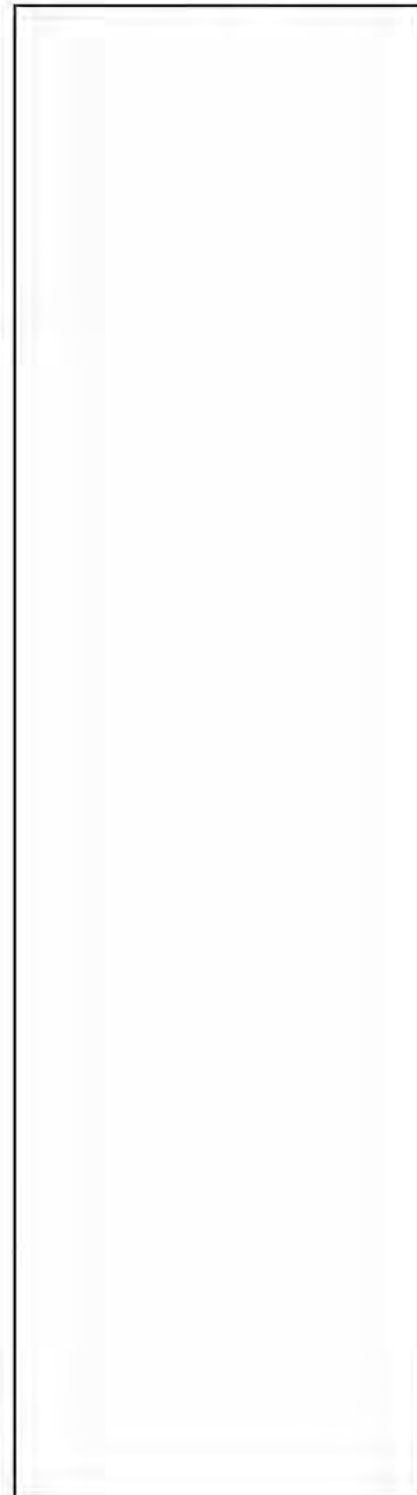
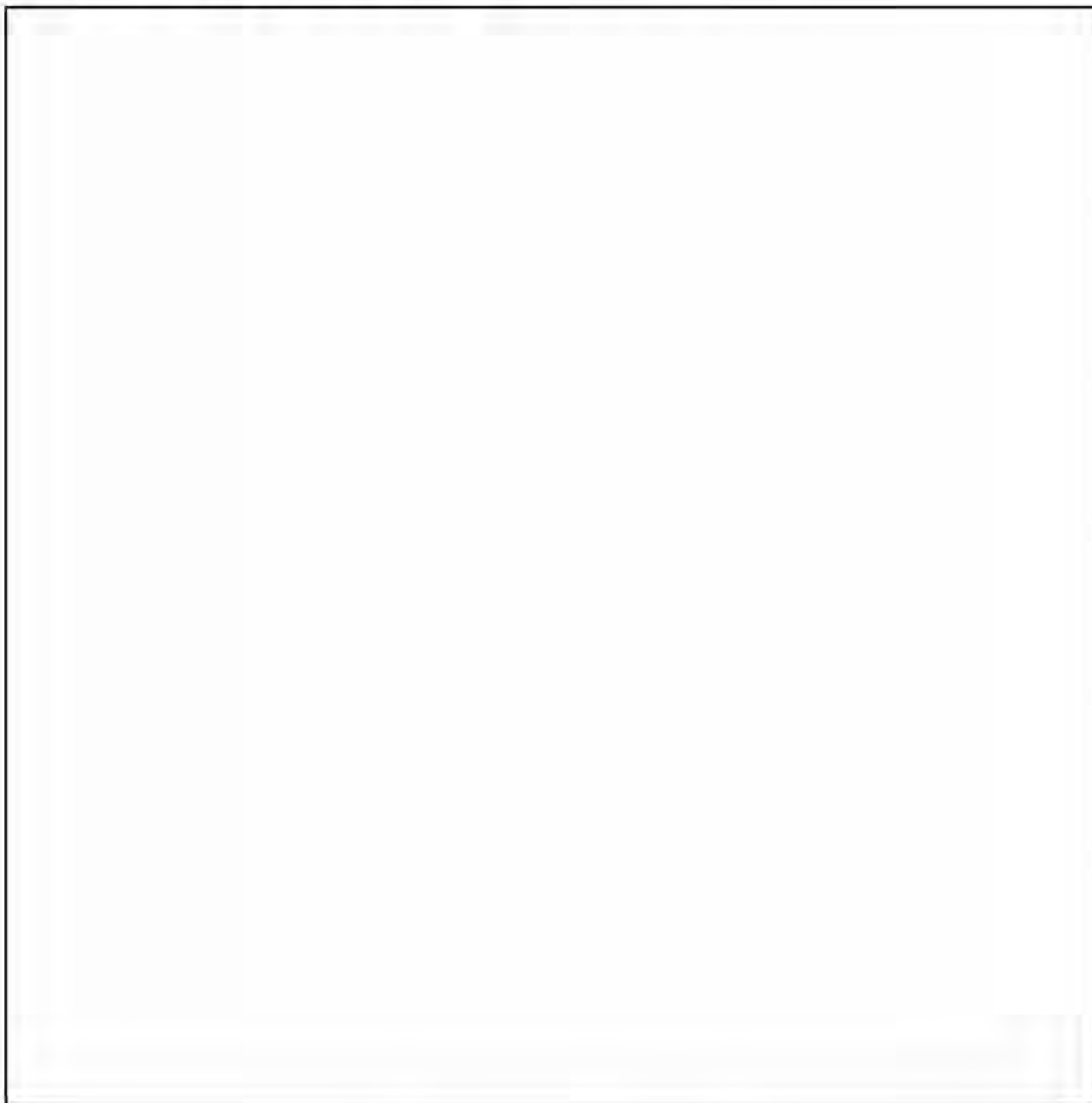
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U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



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Information Memorandum

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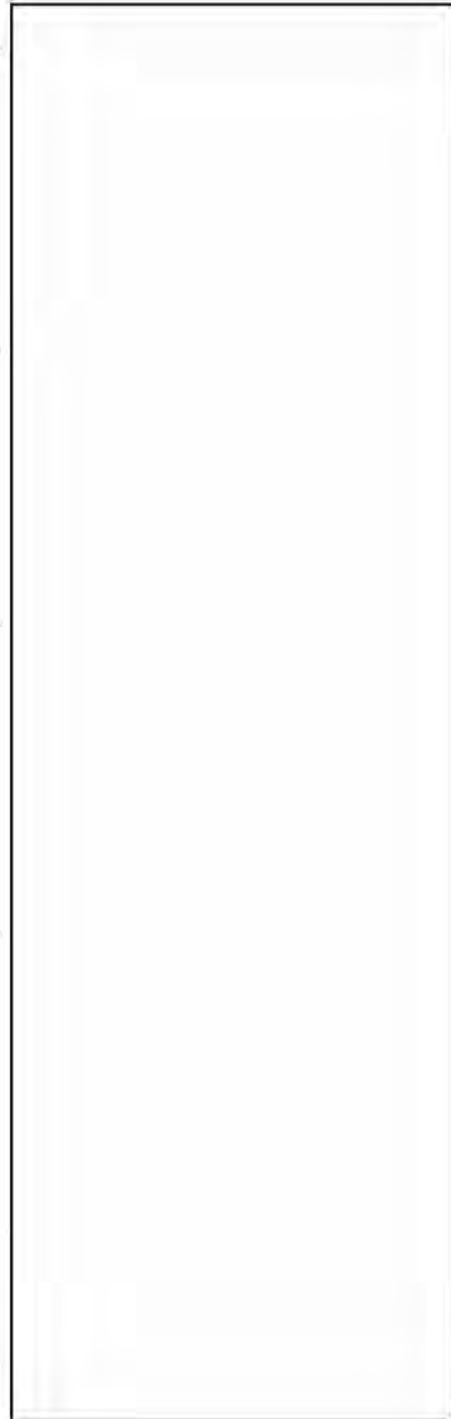
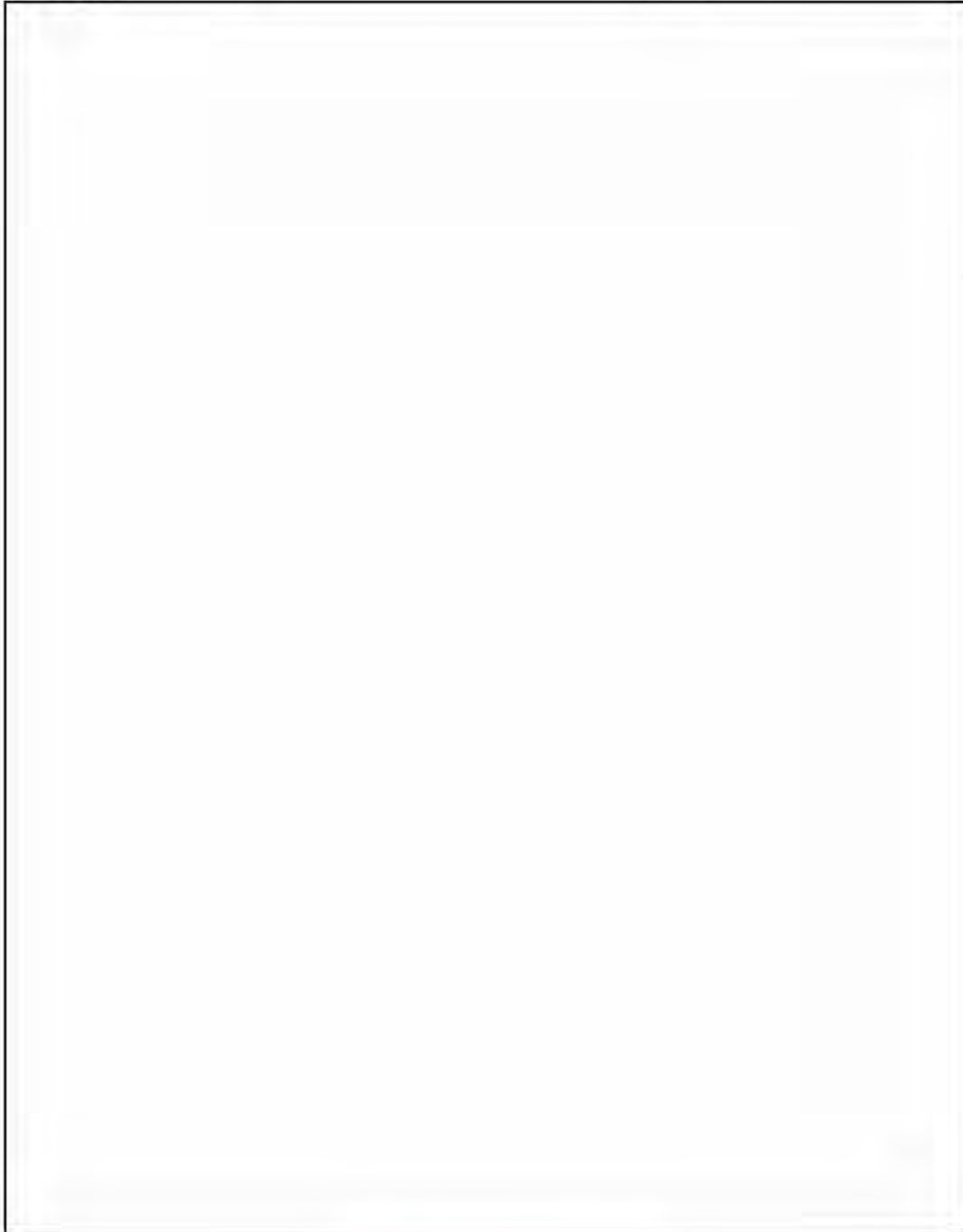
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Page 2

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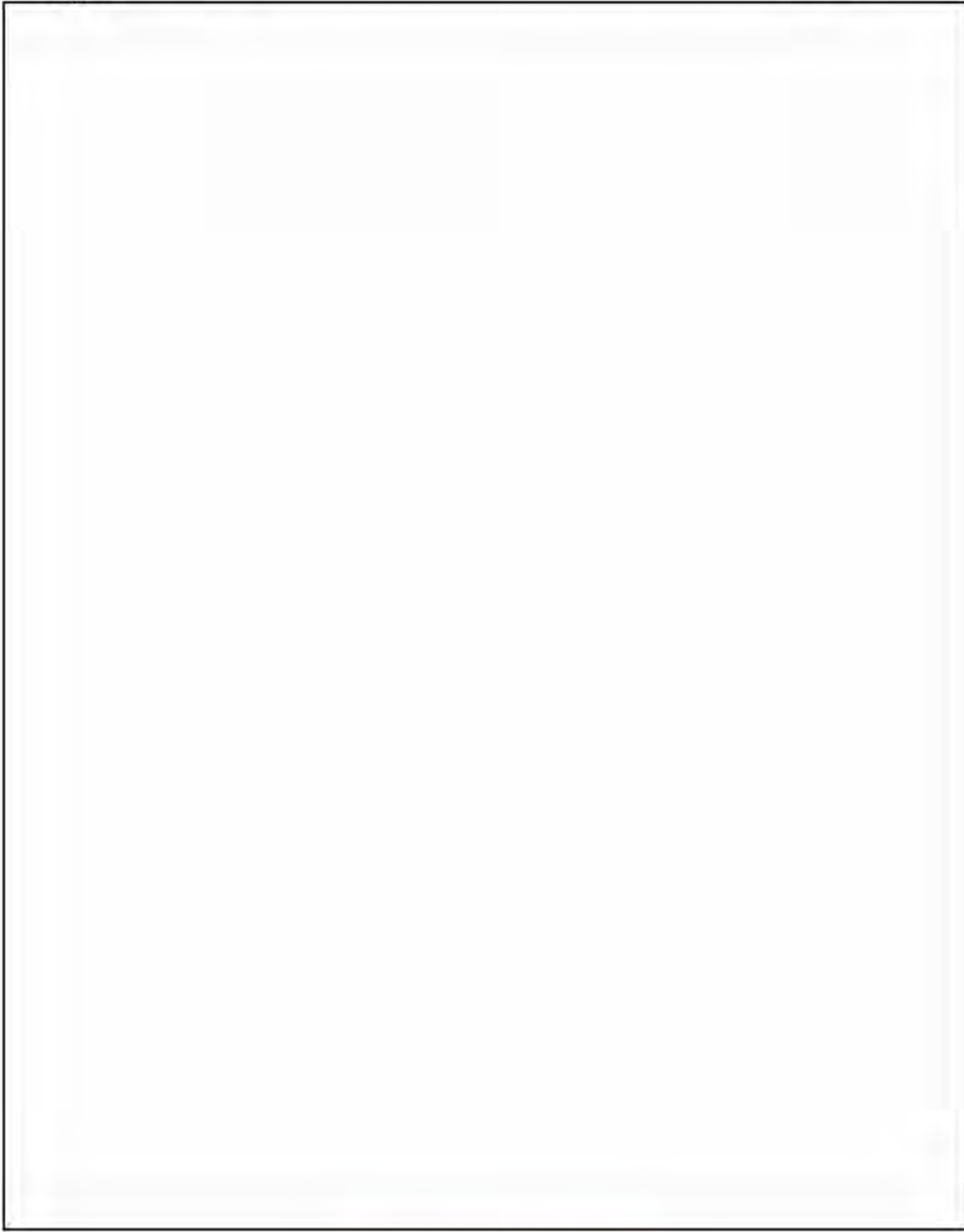
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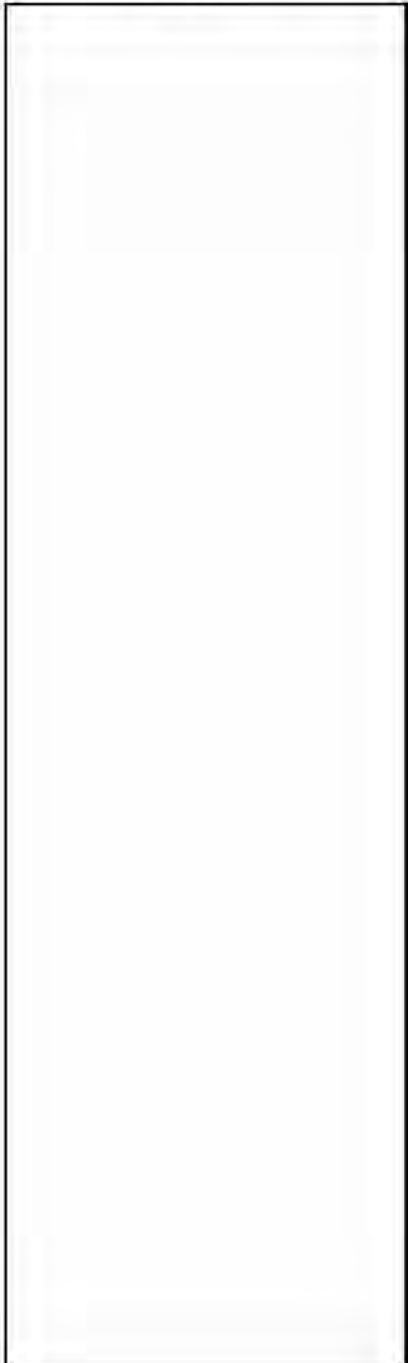
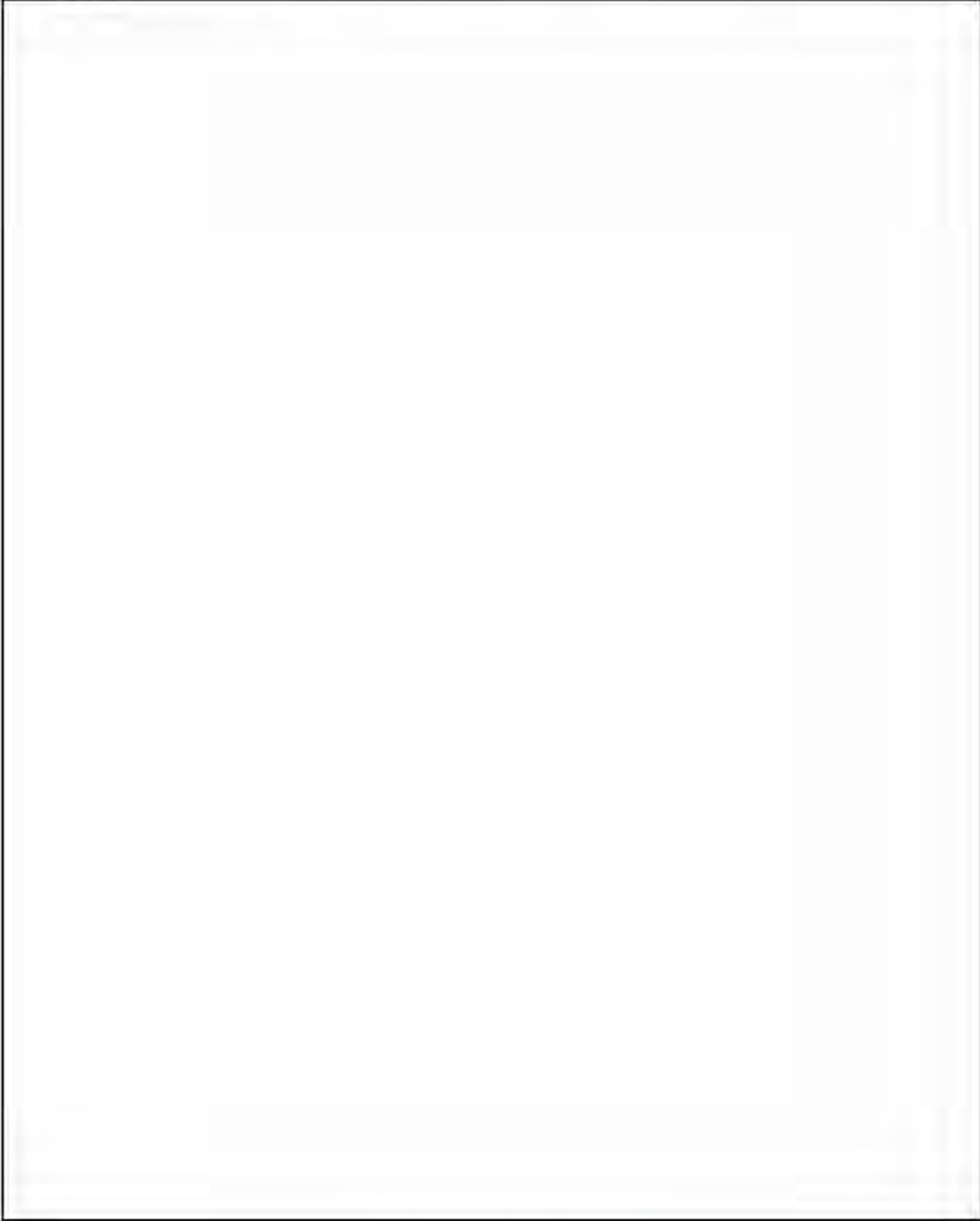


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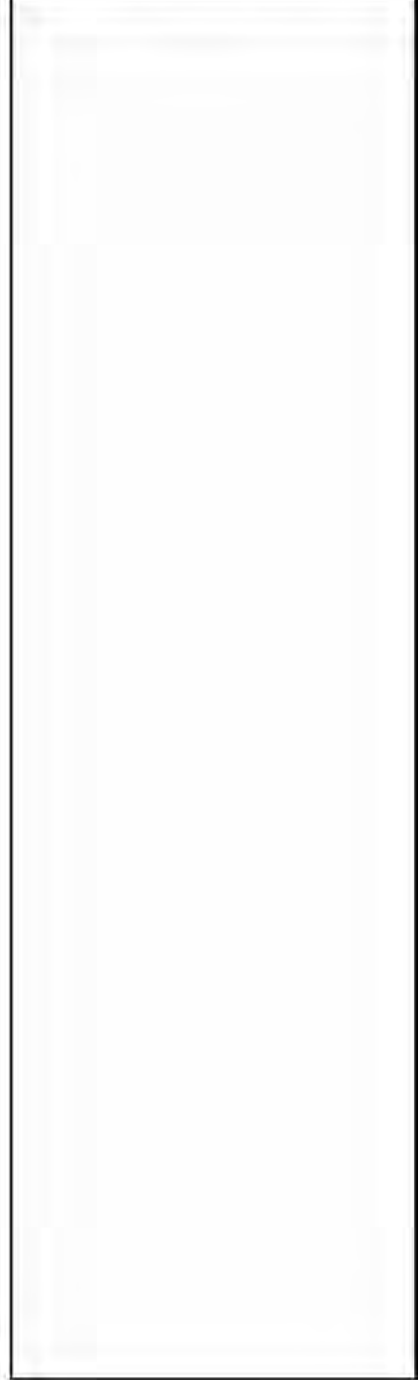
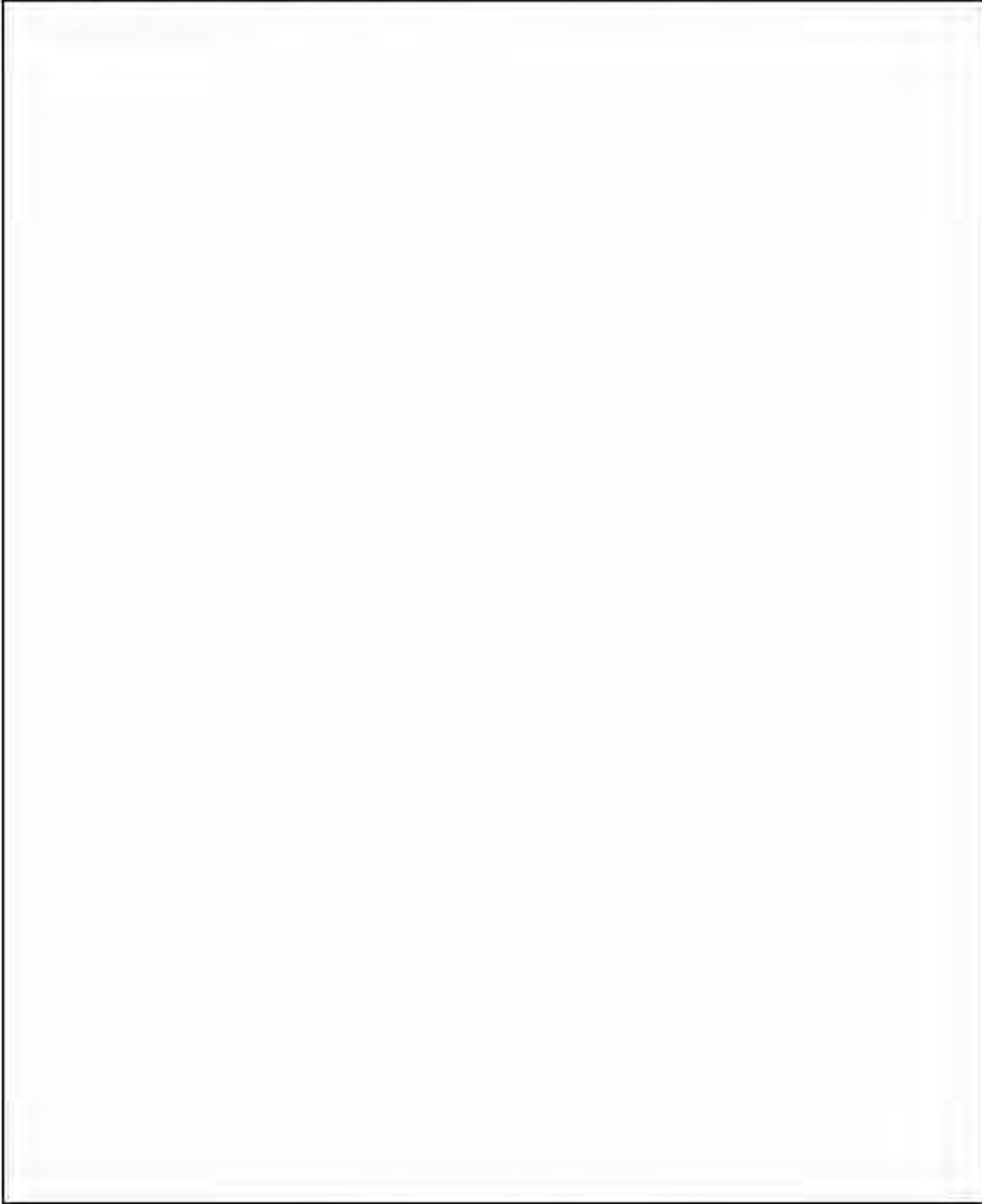


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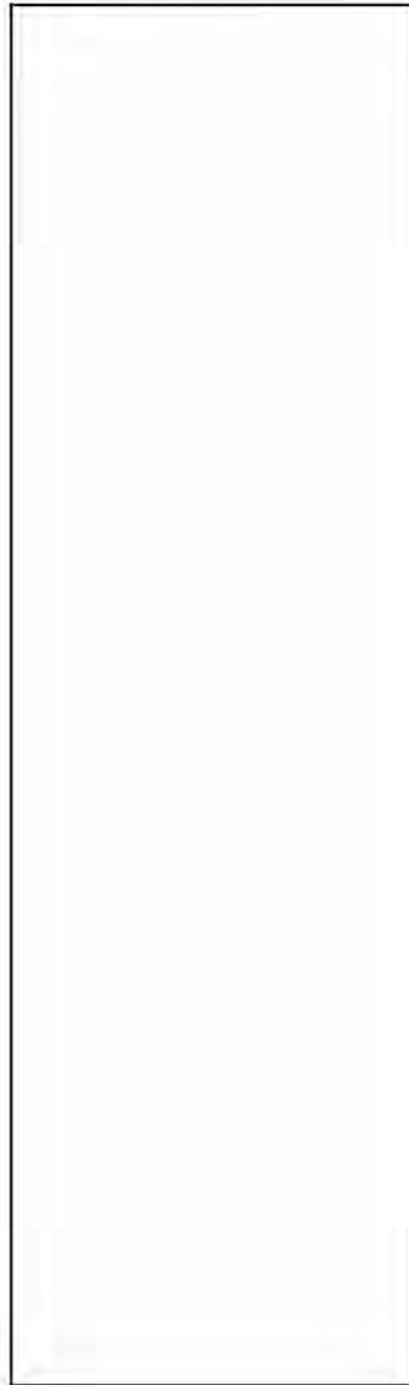
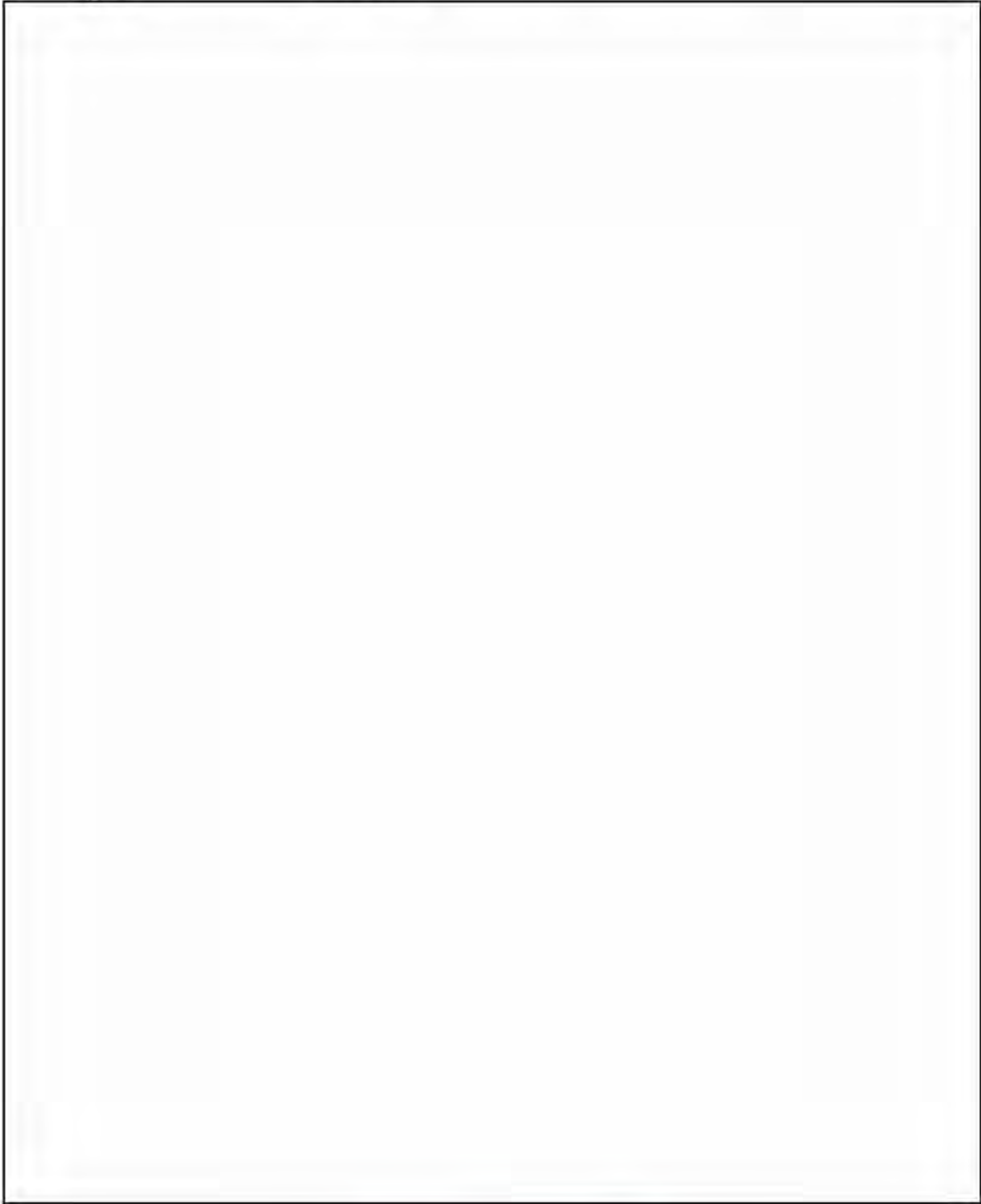


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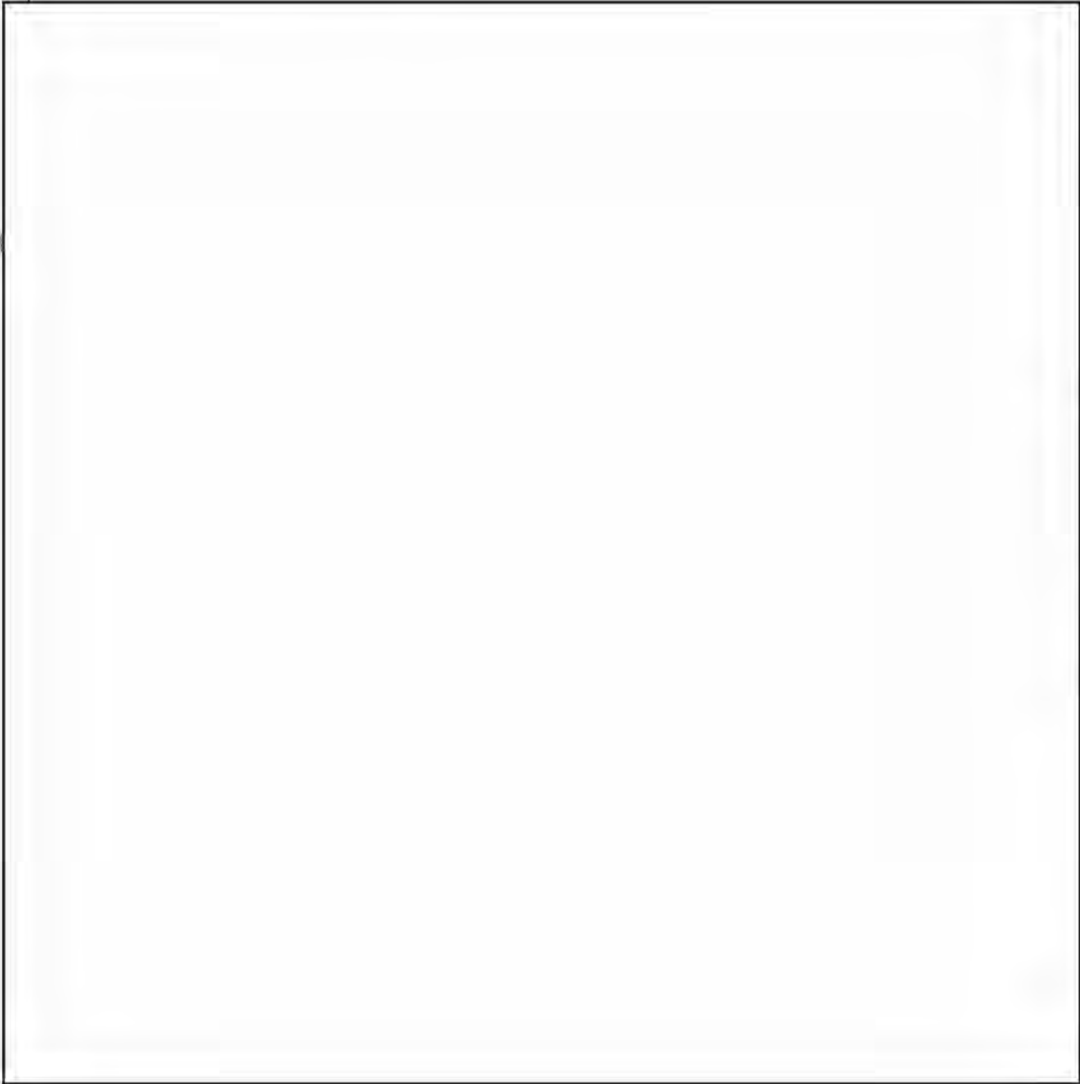
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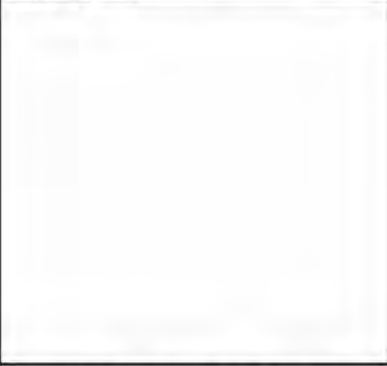


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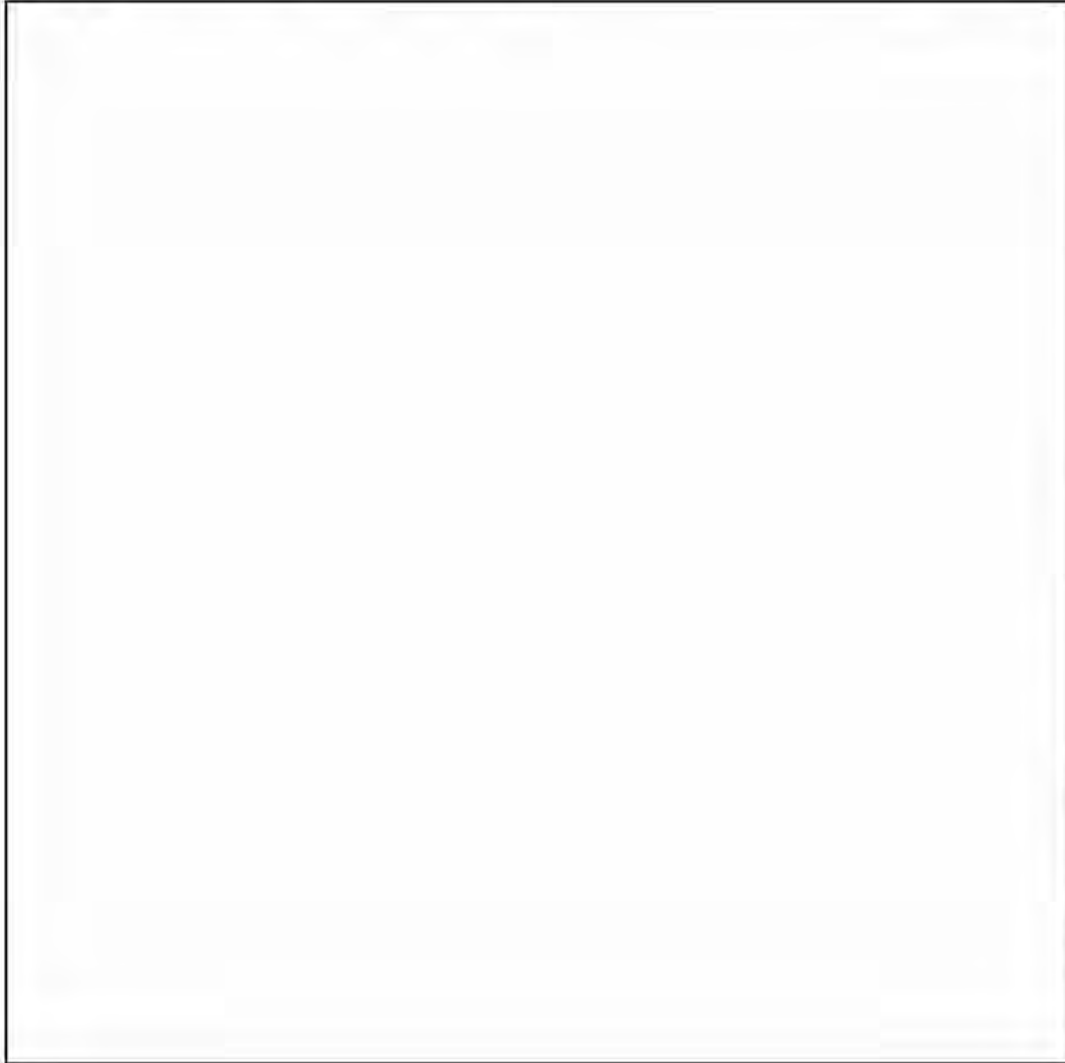
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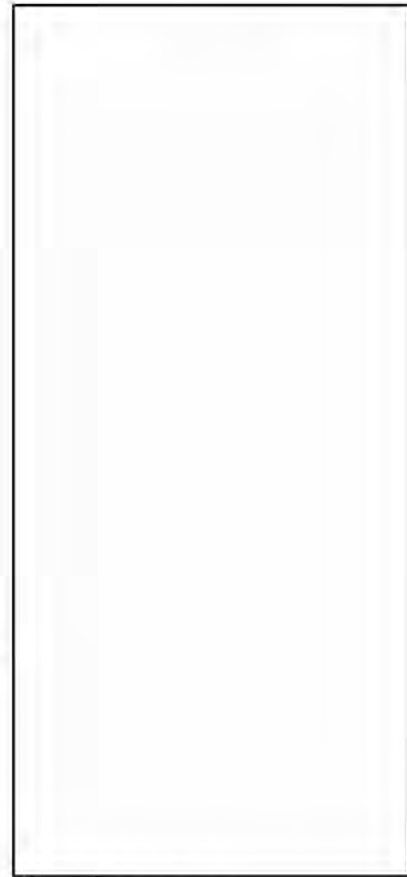
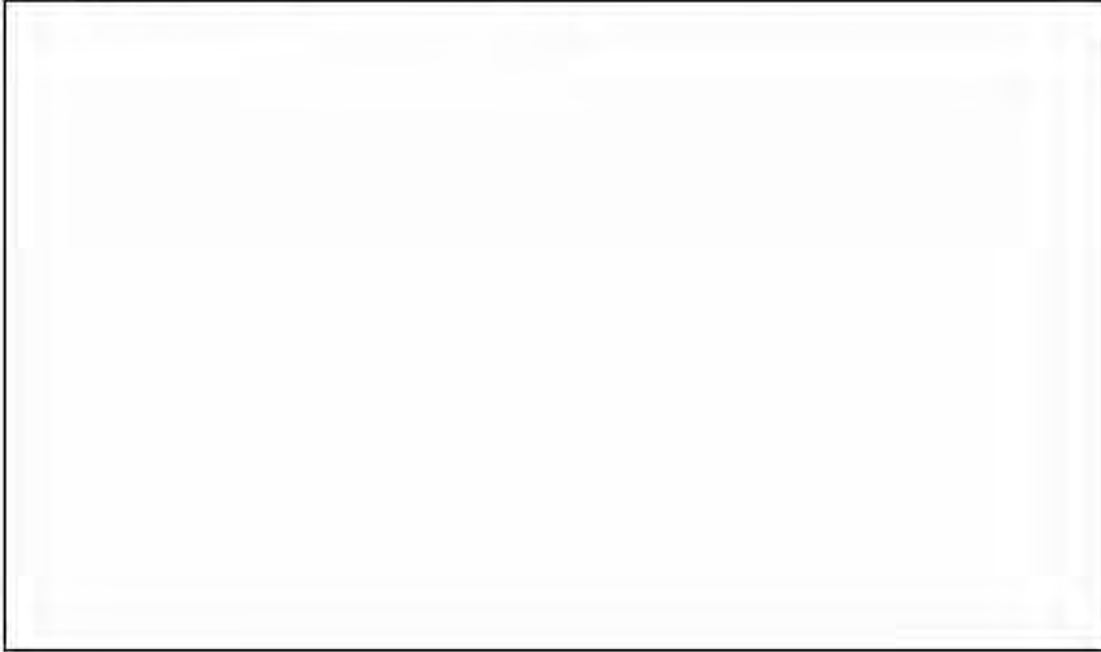
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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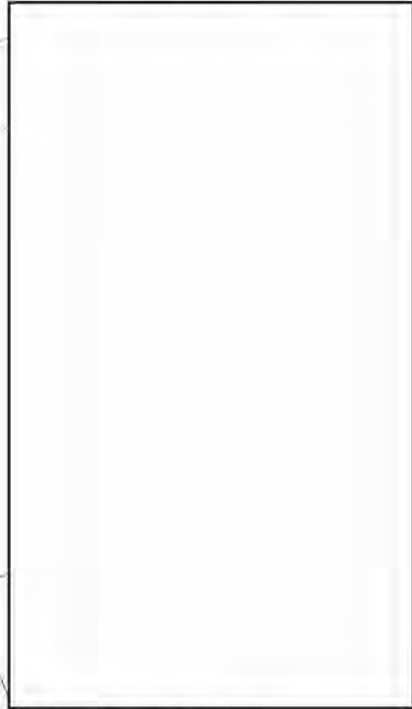
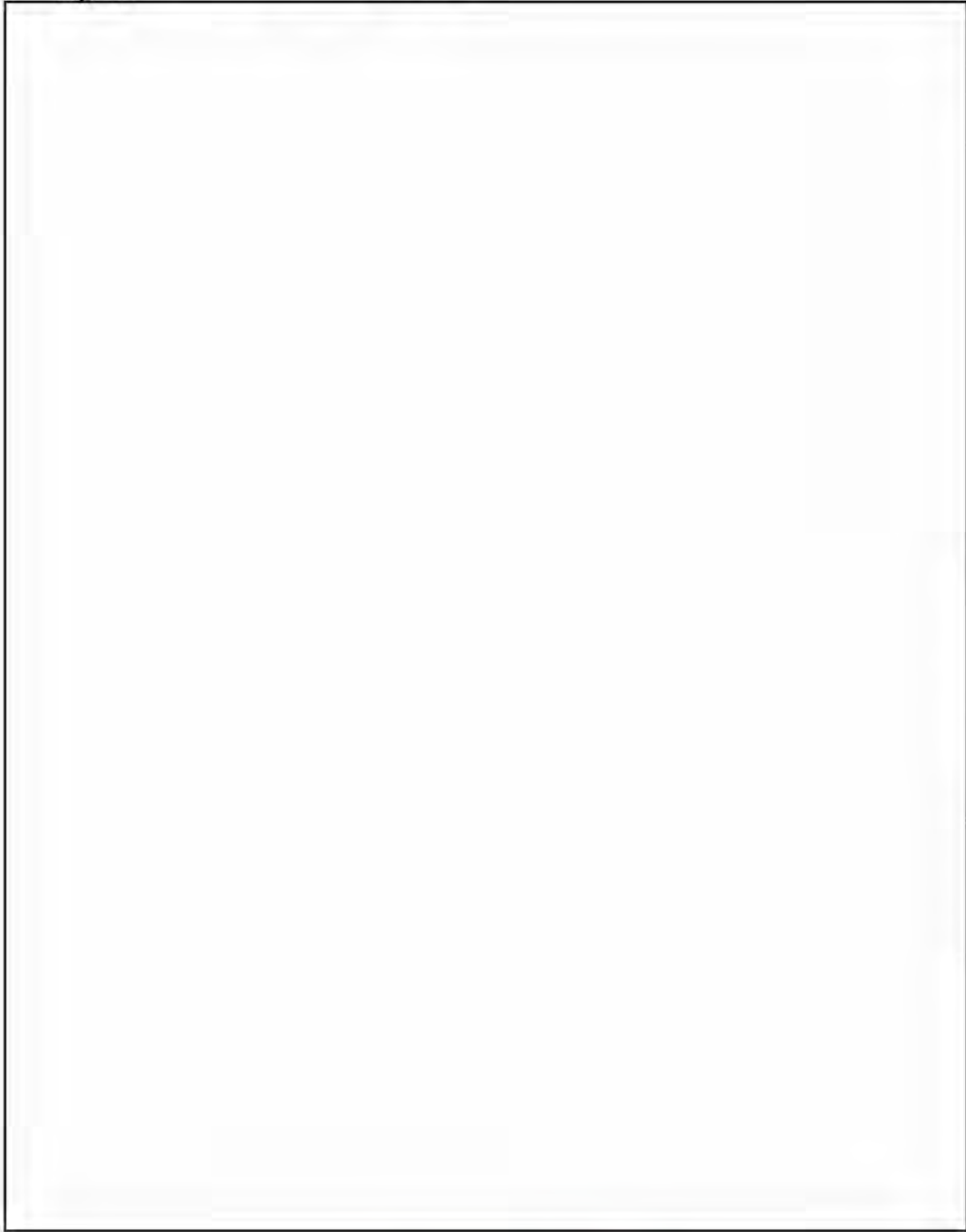
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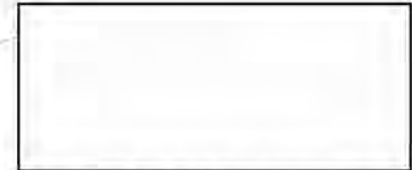
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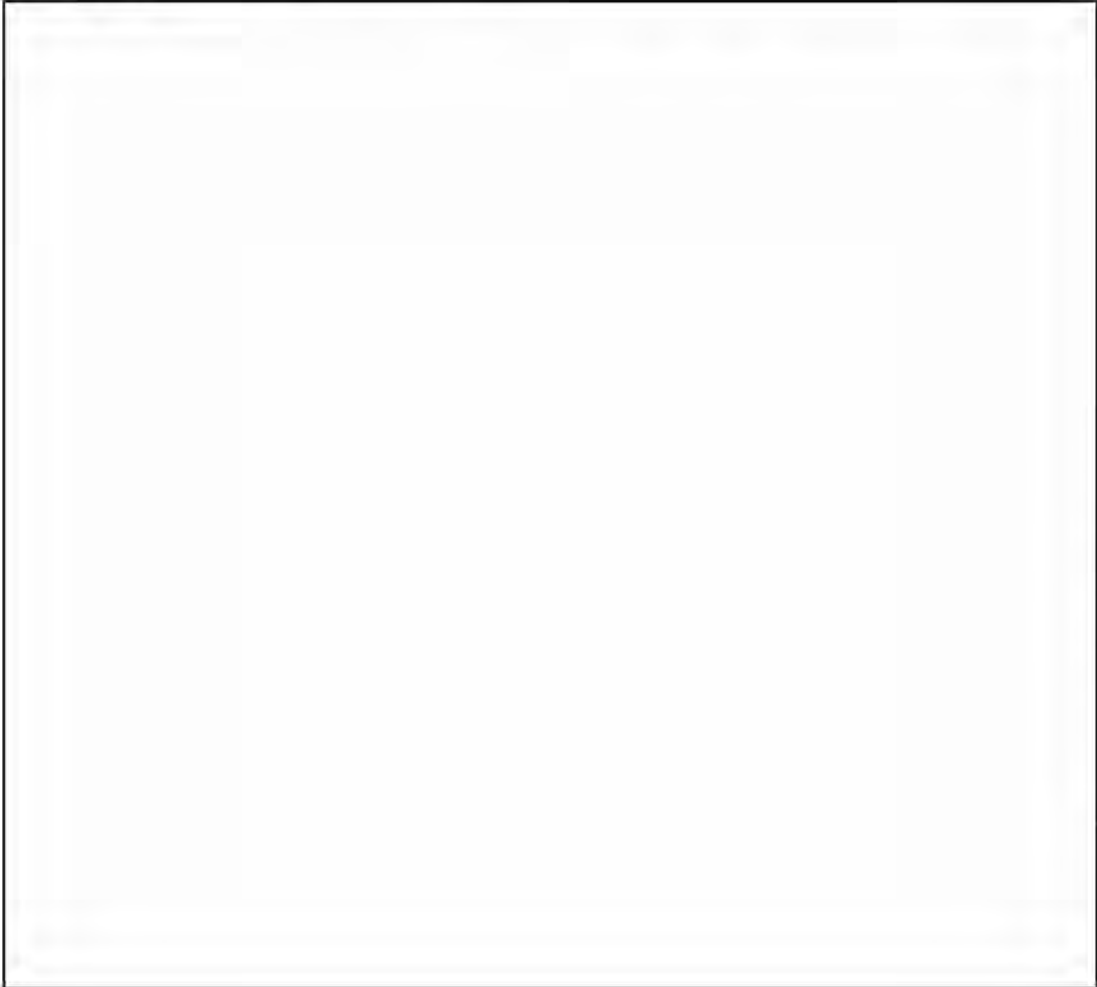
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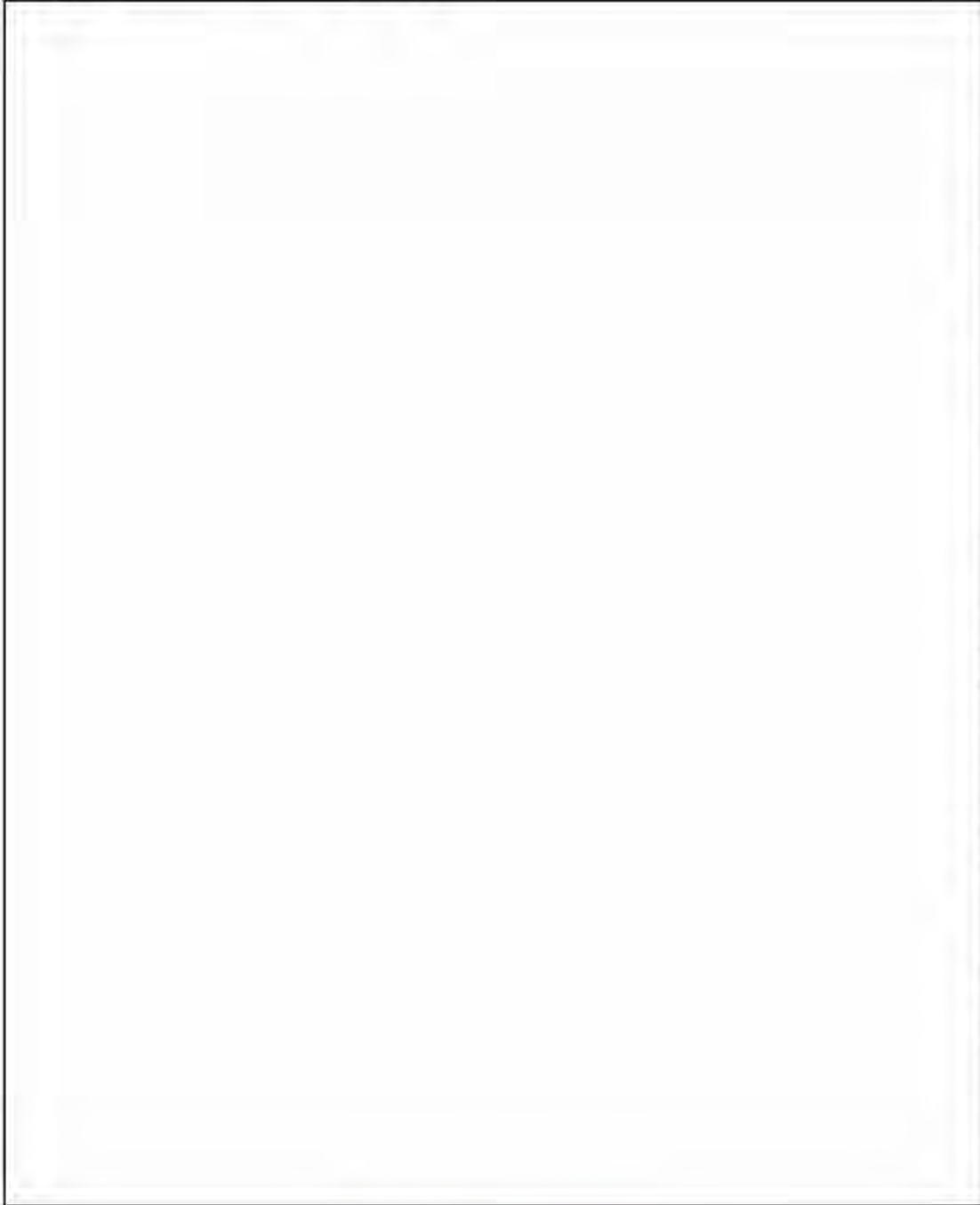
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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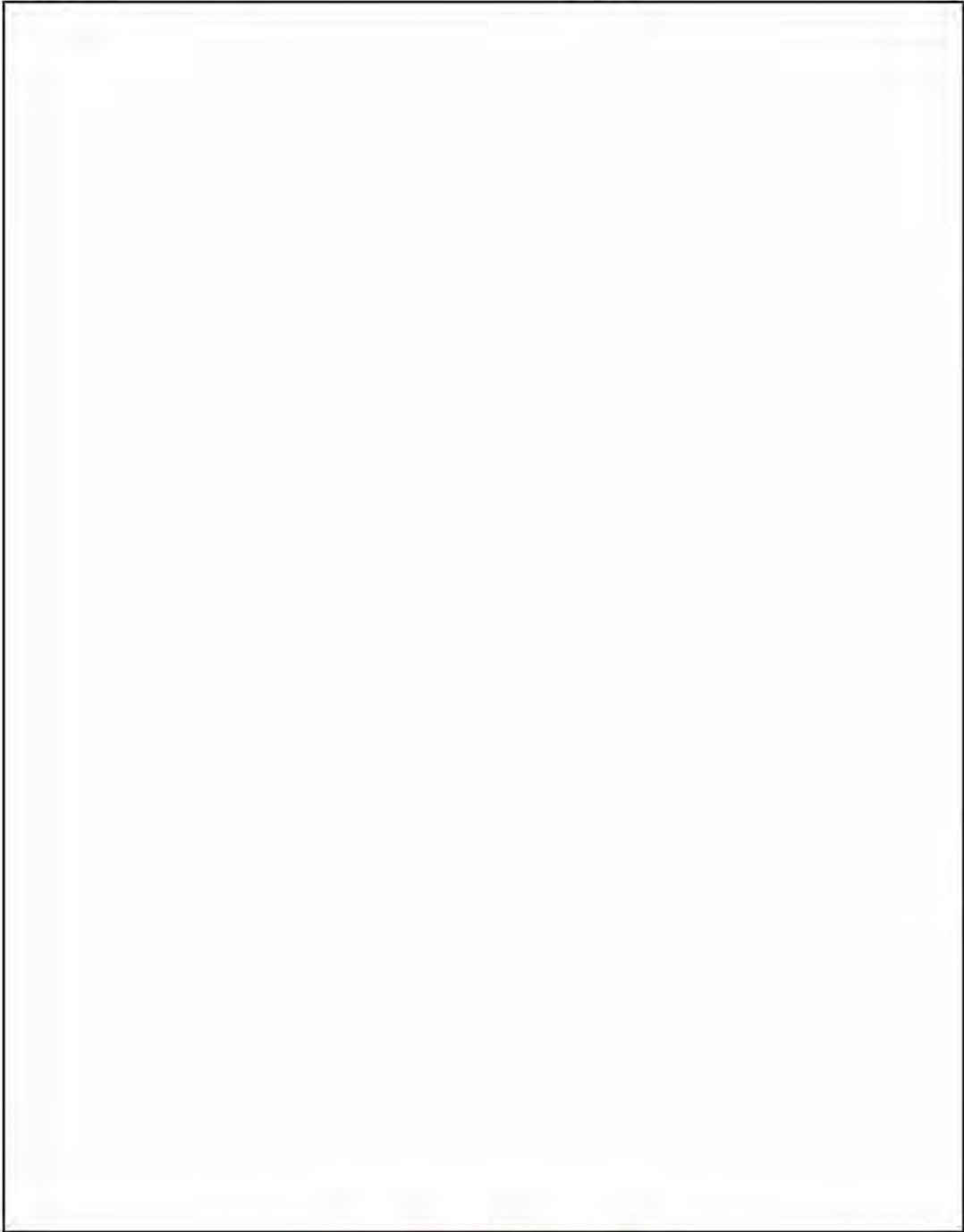
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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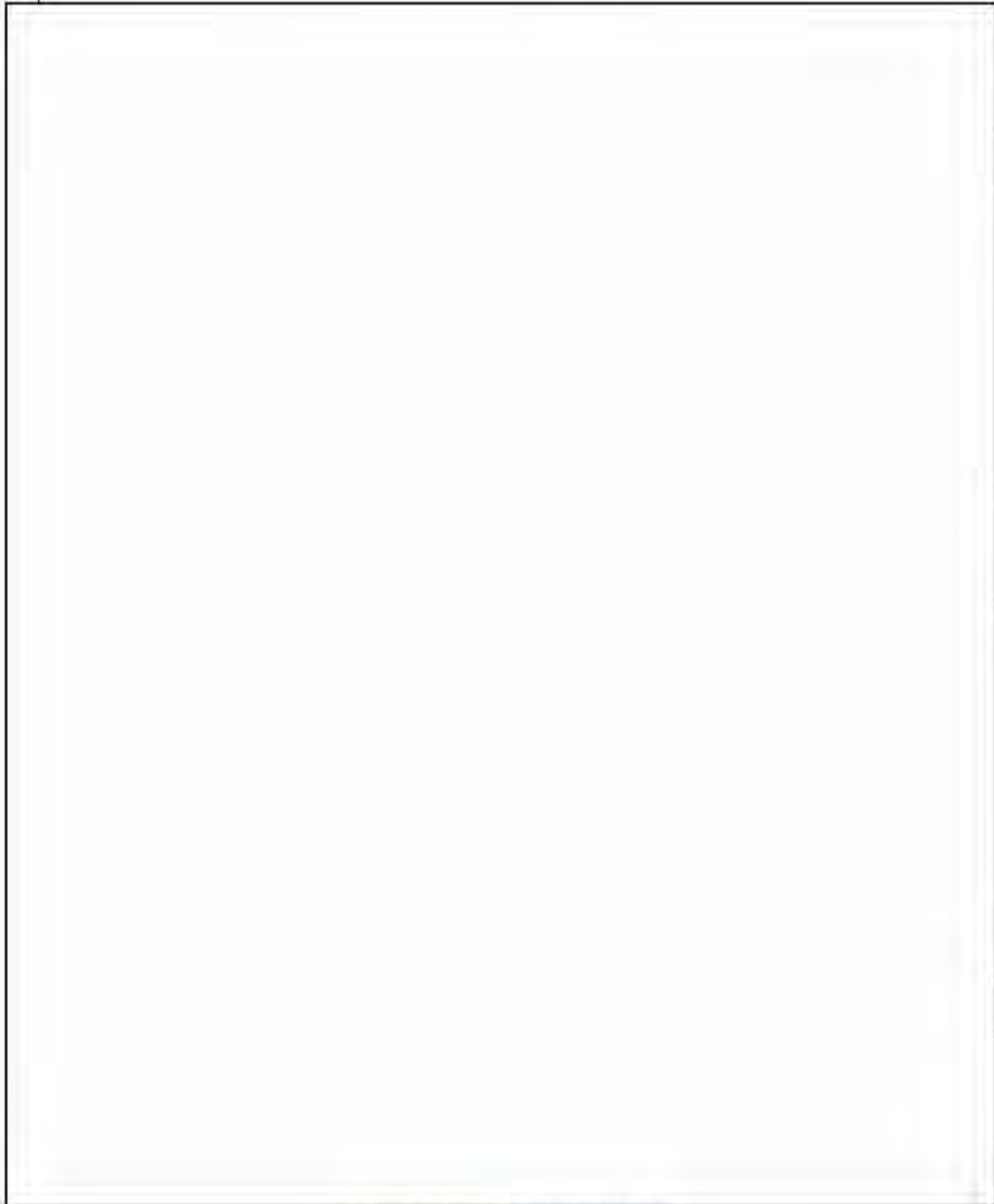
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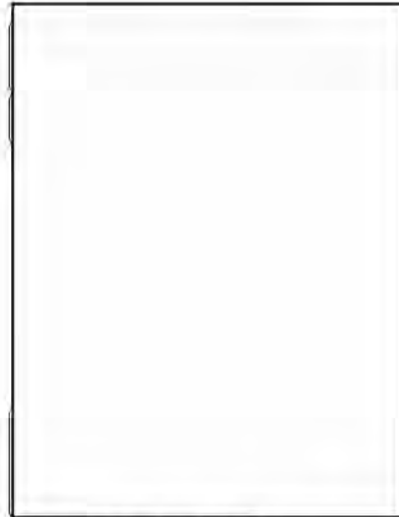
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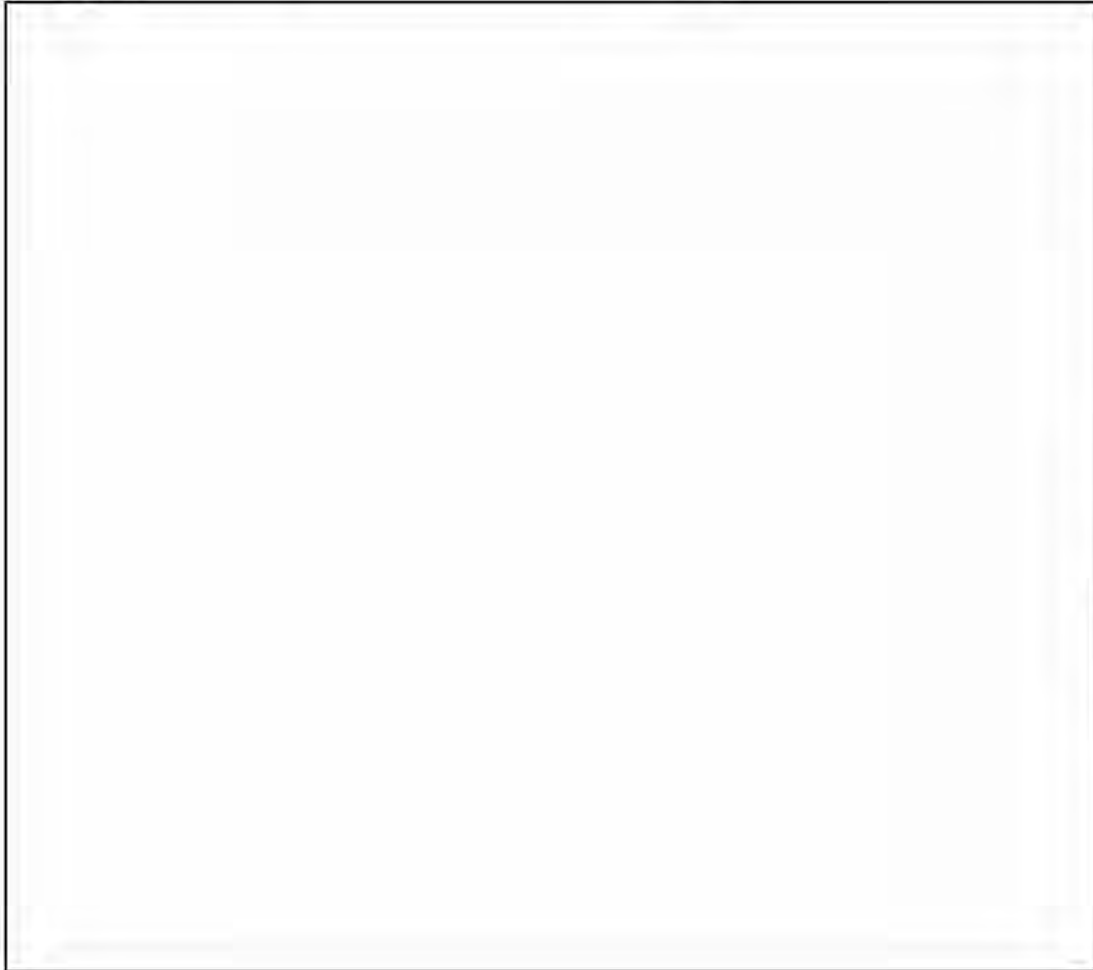
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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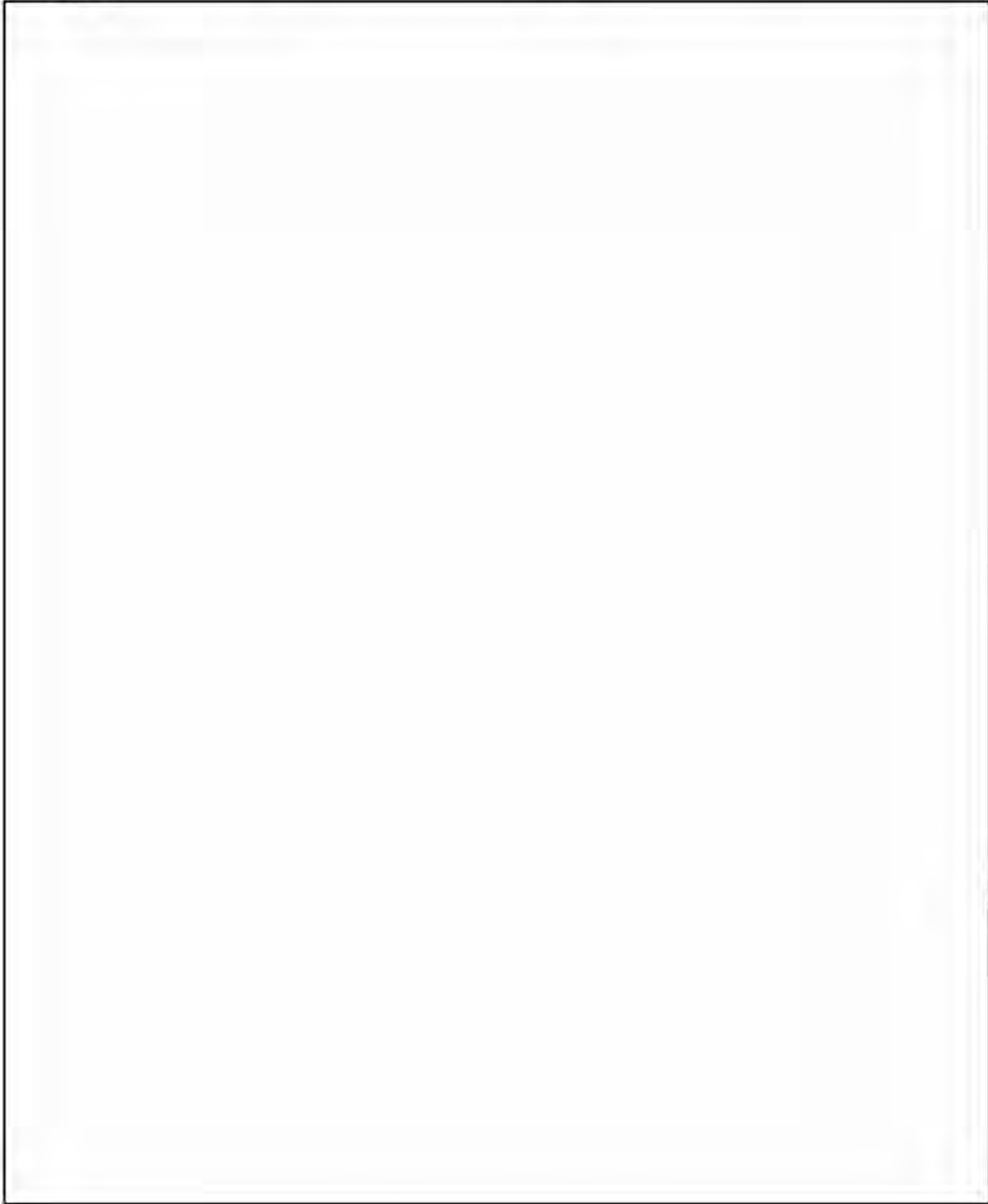


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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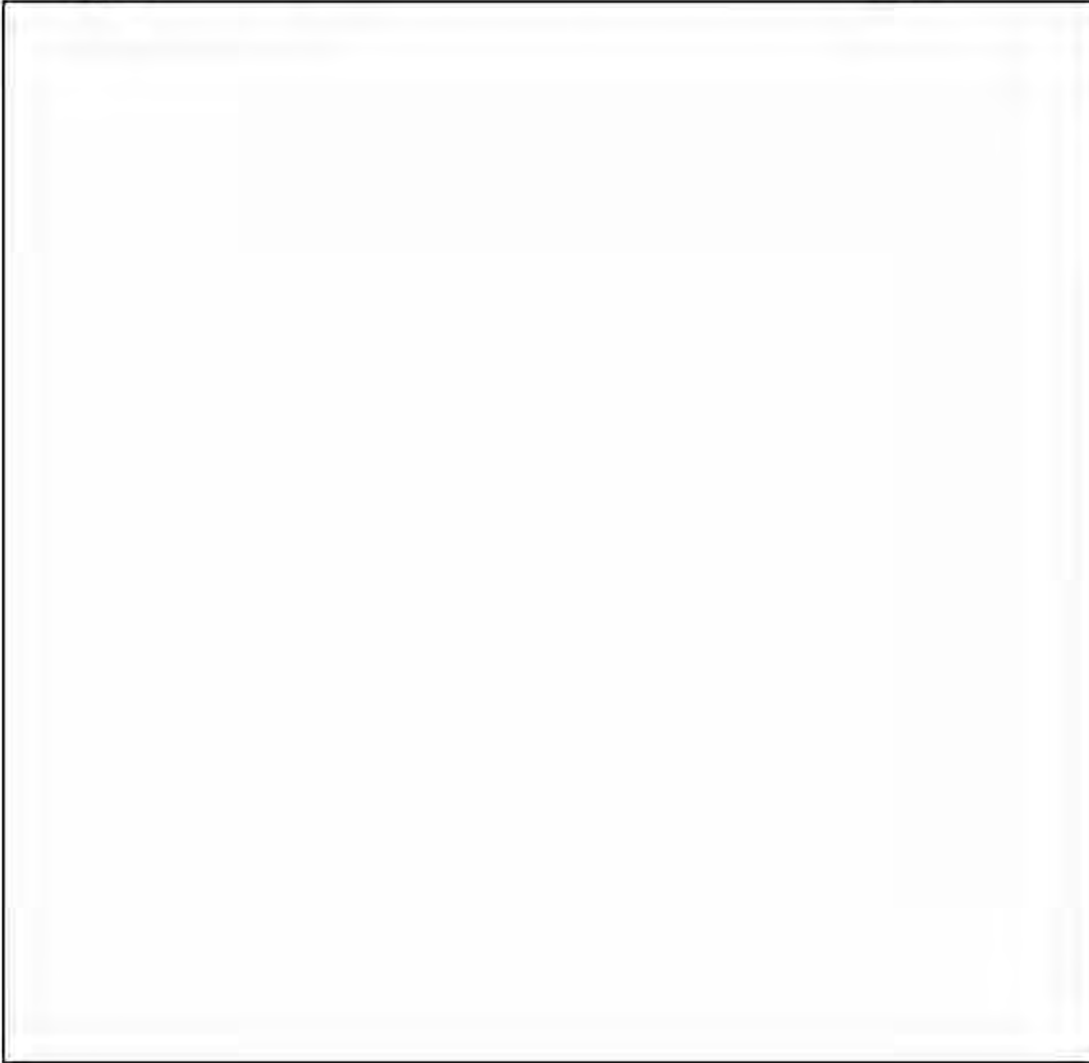
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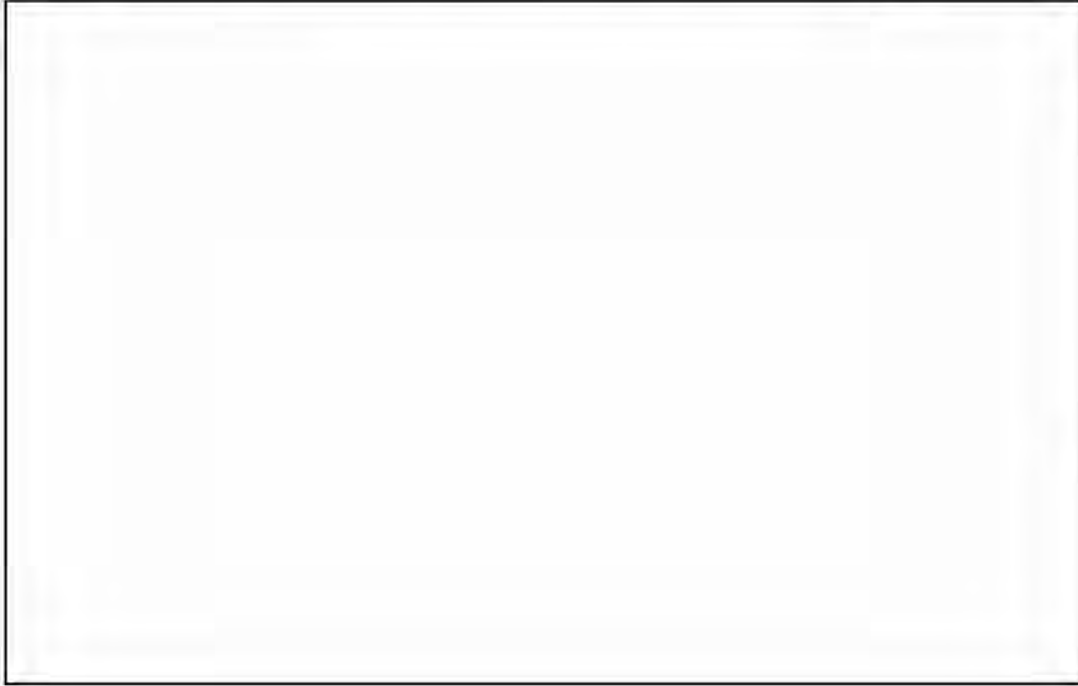


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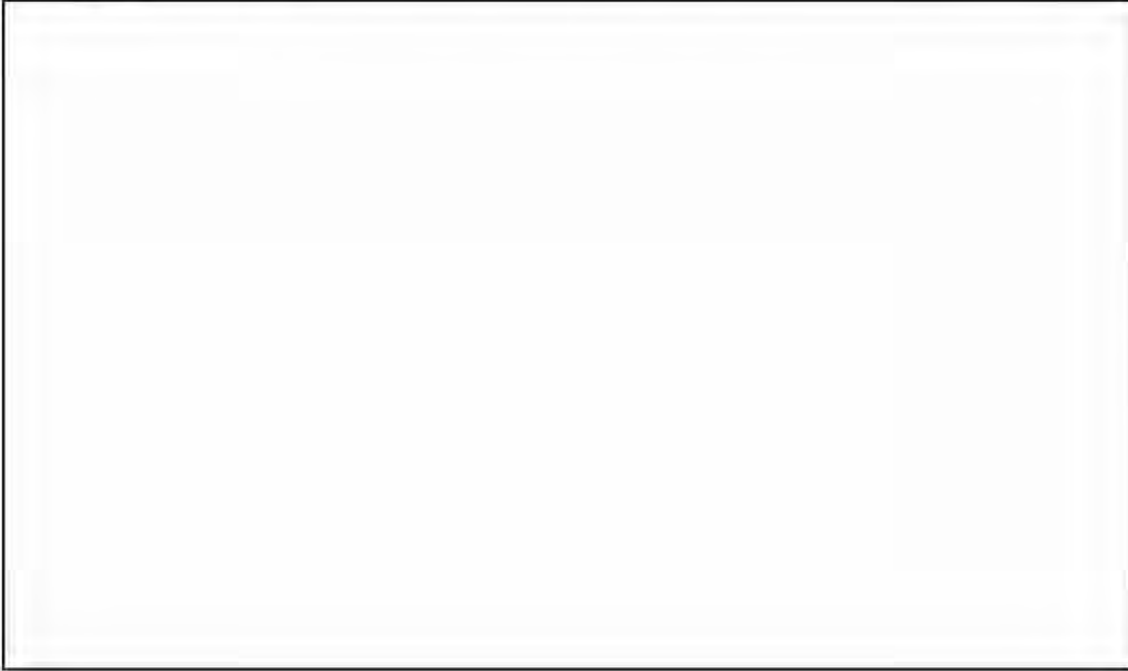


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
and Immigration  
Services  
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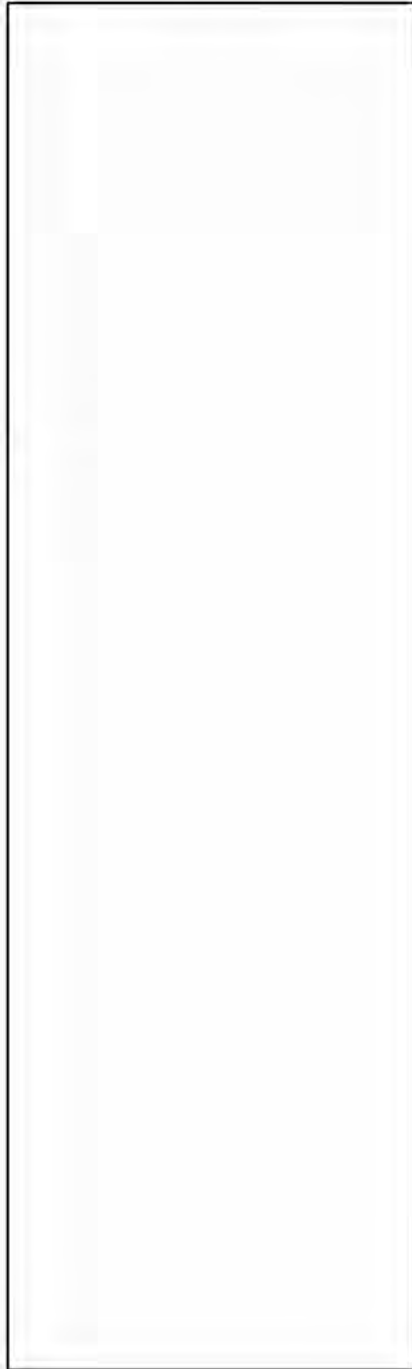
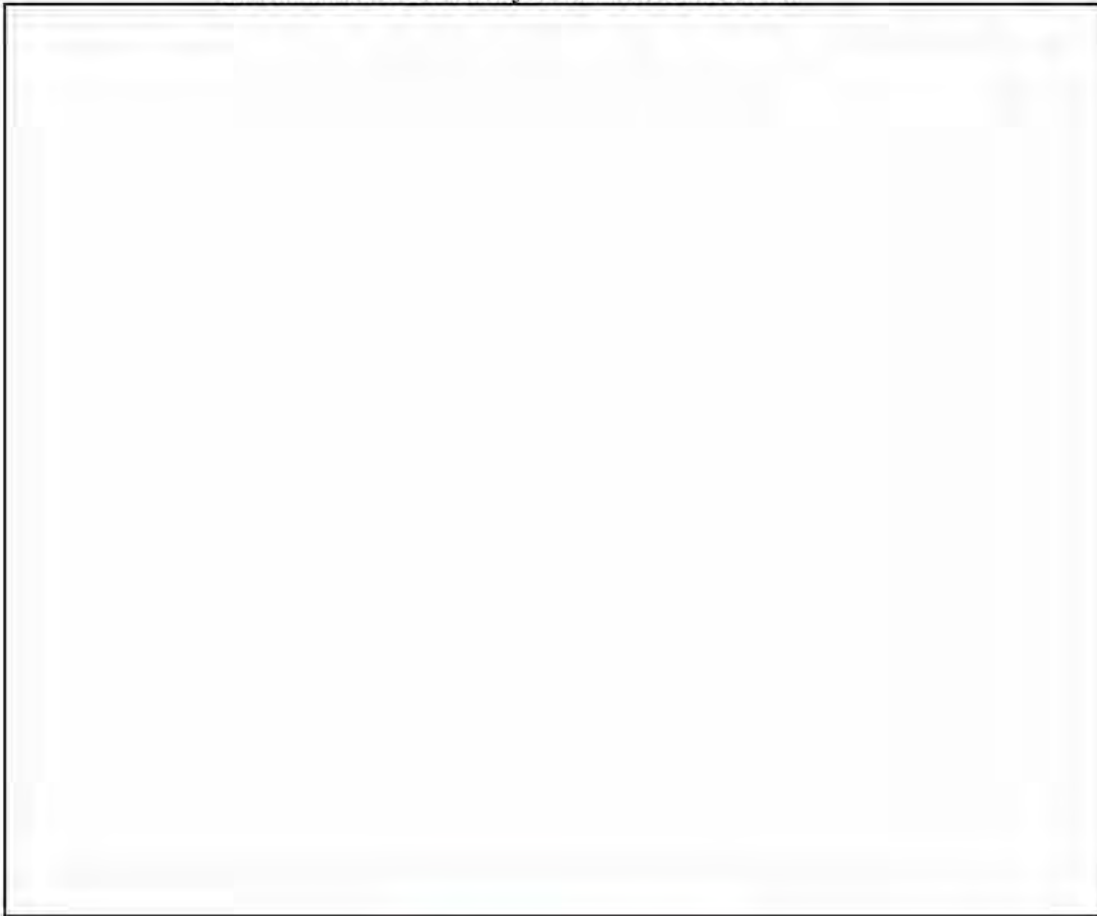
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## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

(b)(5) SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**



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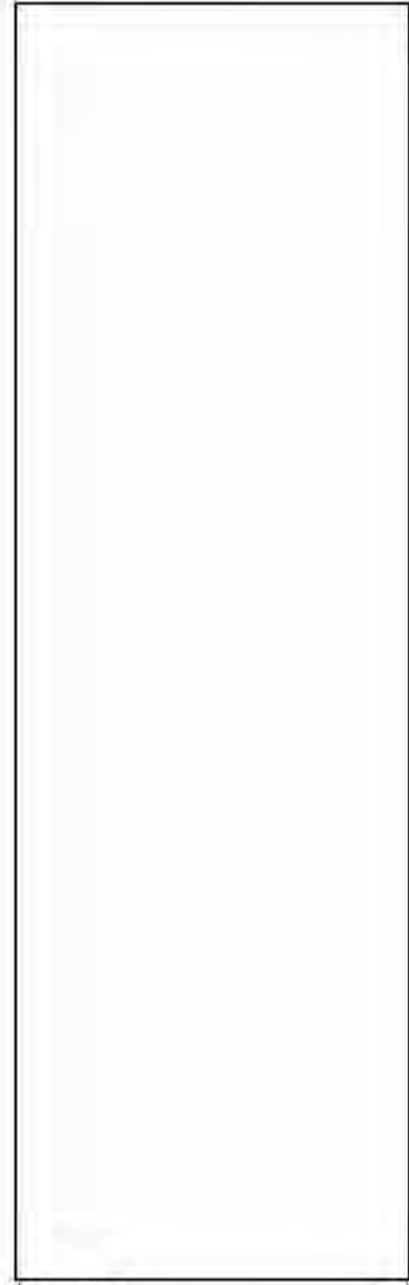
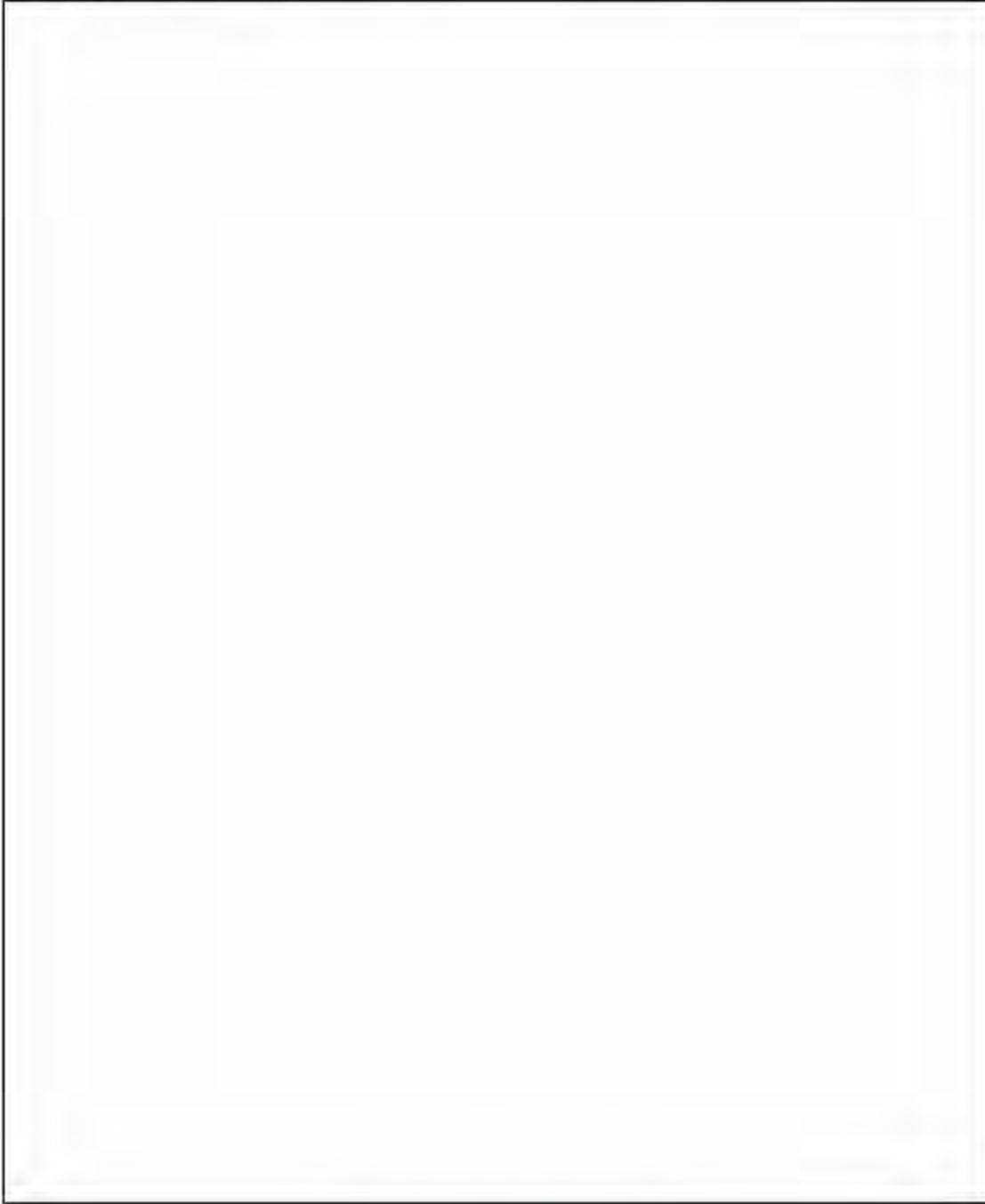
[www.uscis.gov](http://www.uscis.gov)

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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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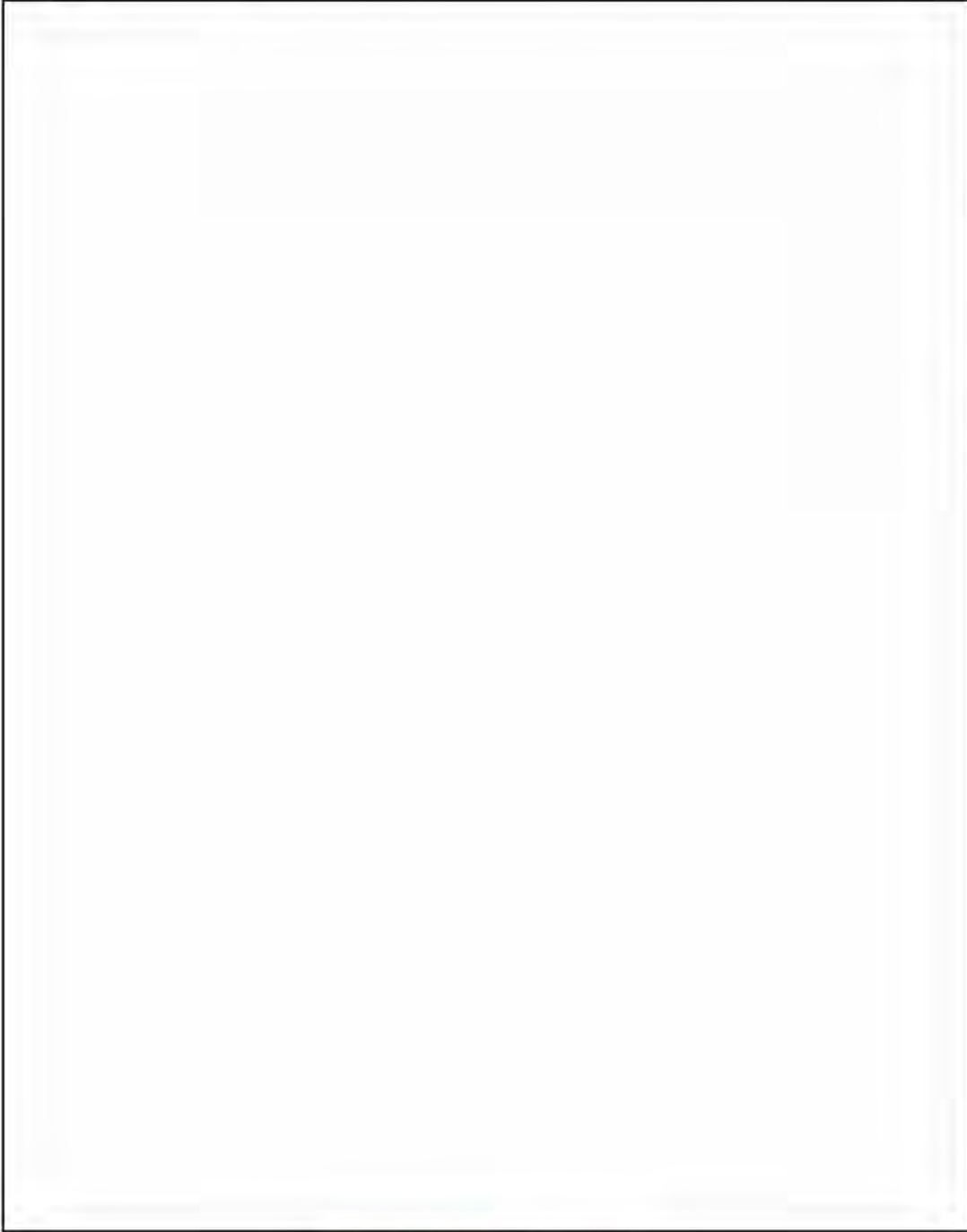
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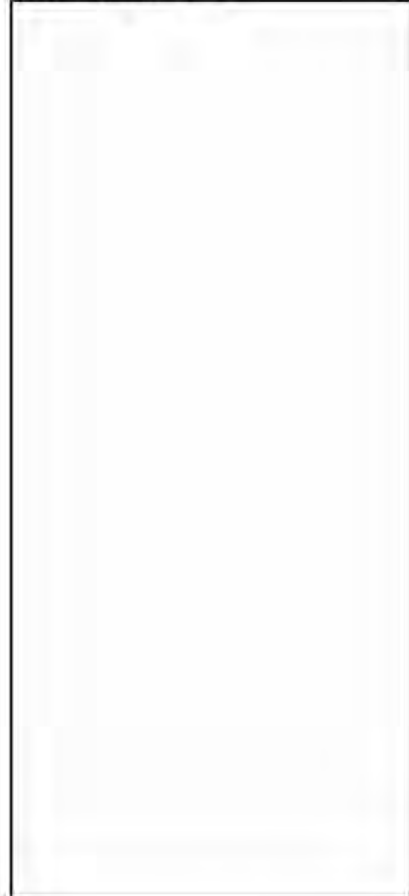
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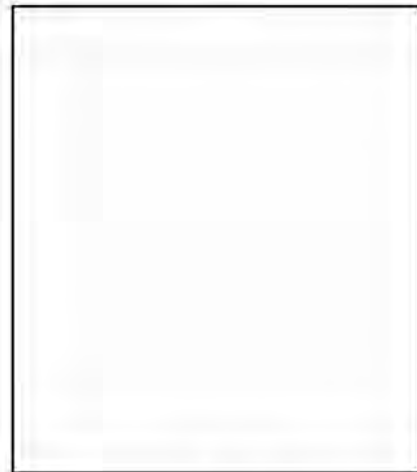
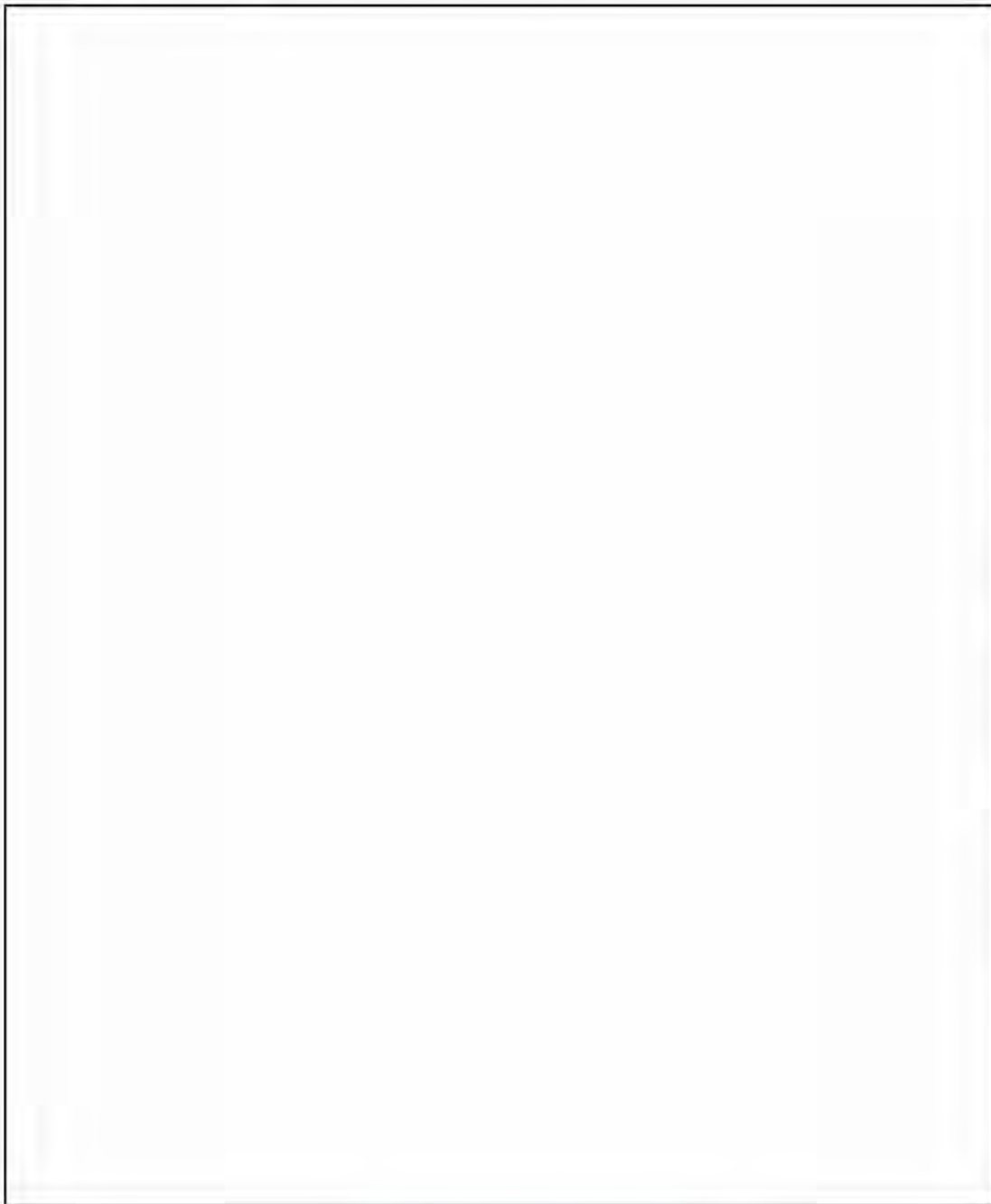
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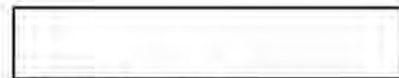
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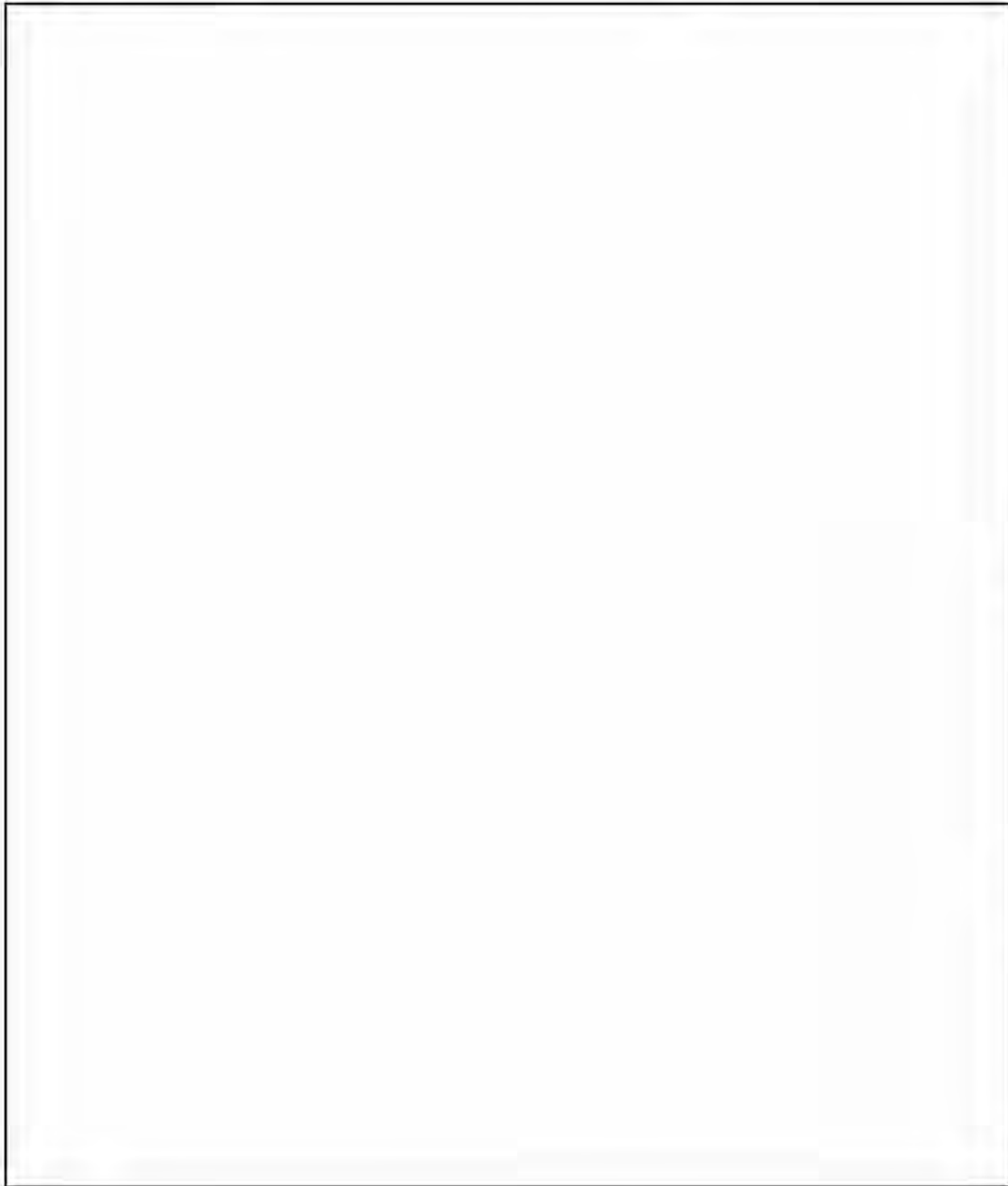


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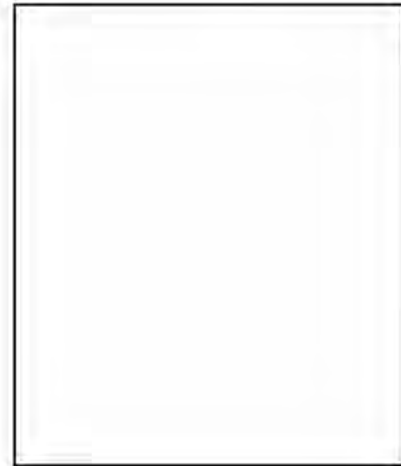
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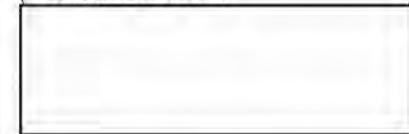
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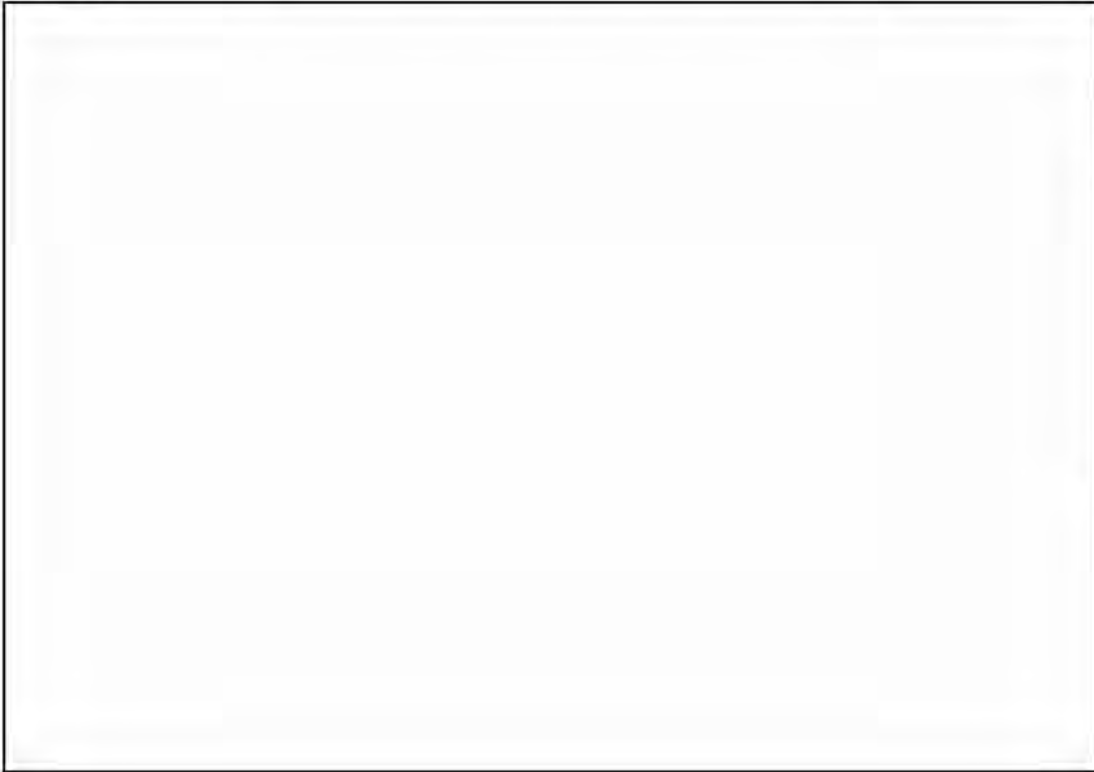
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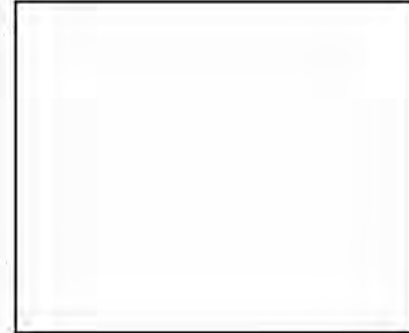
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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**Appendix A: Handling of Special Protected Class Data**

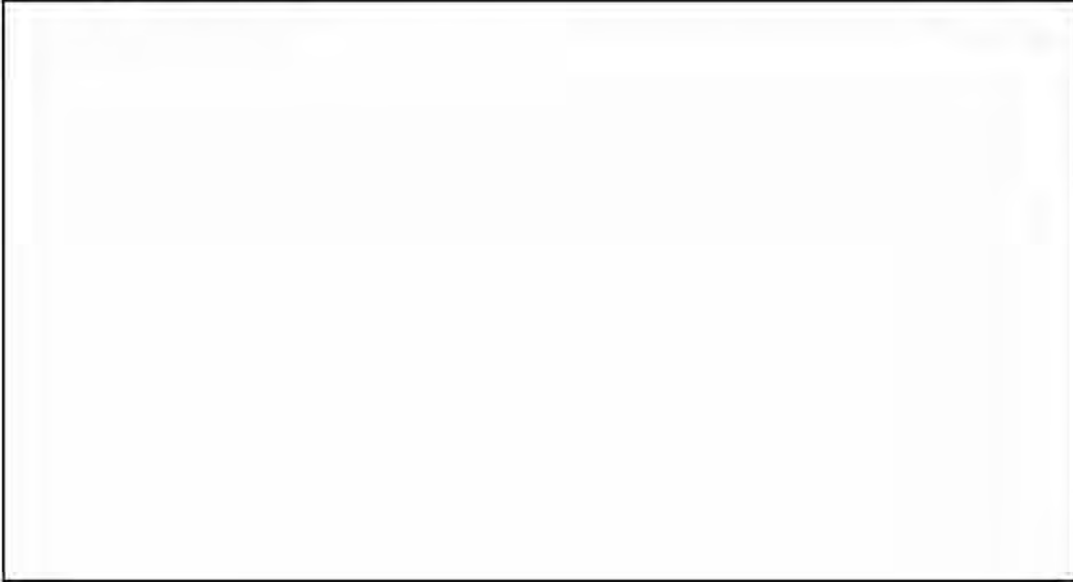
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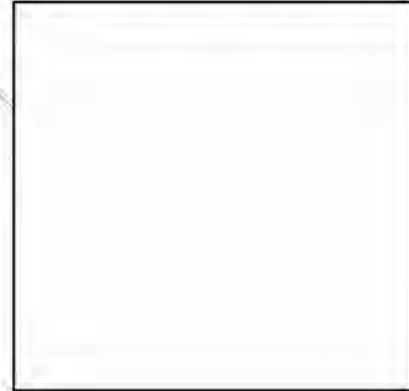
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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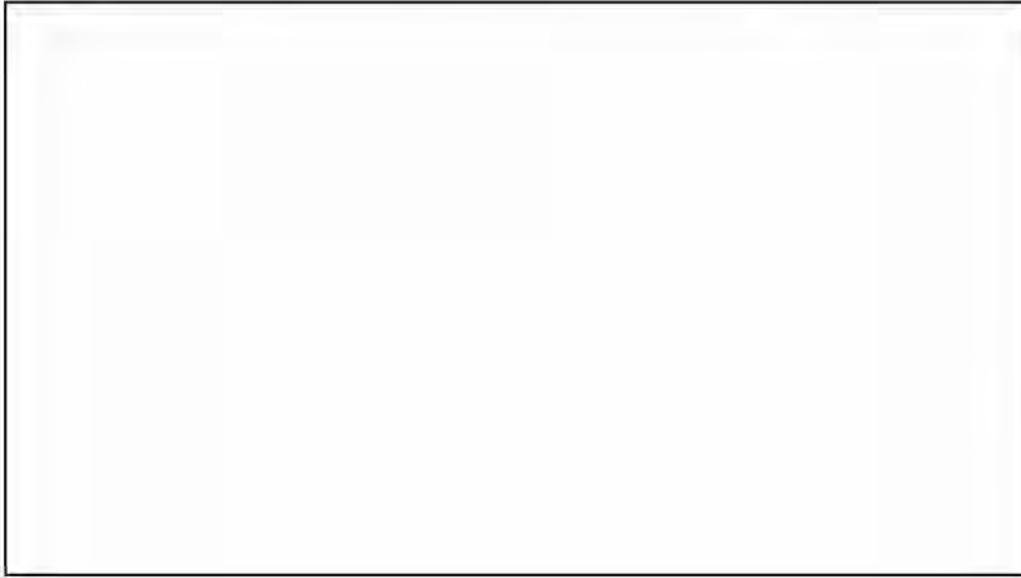


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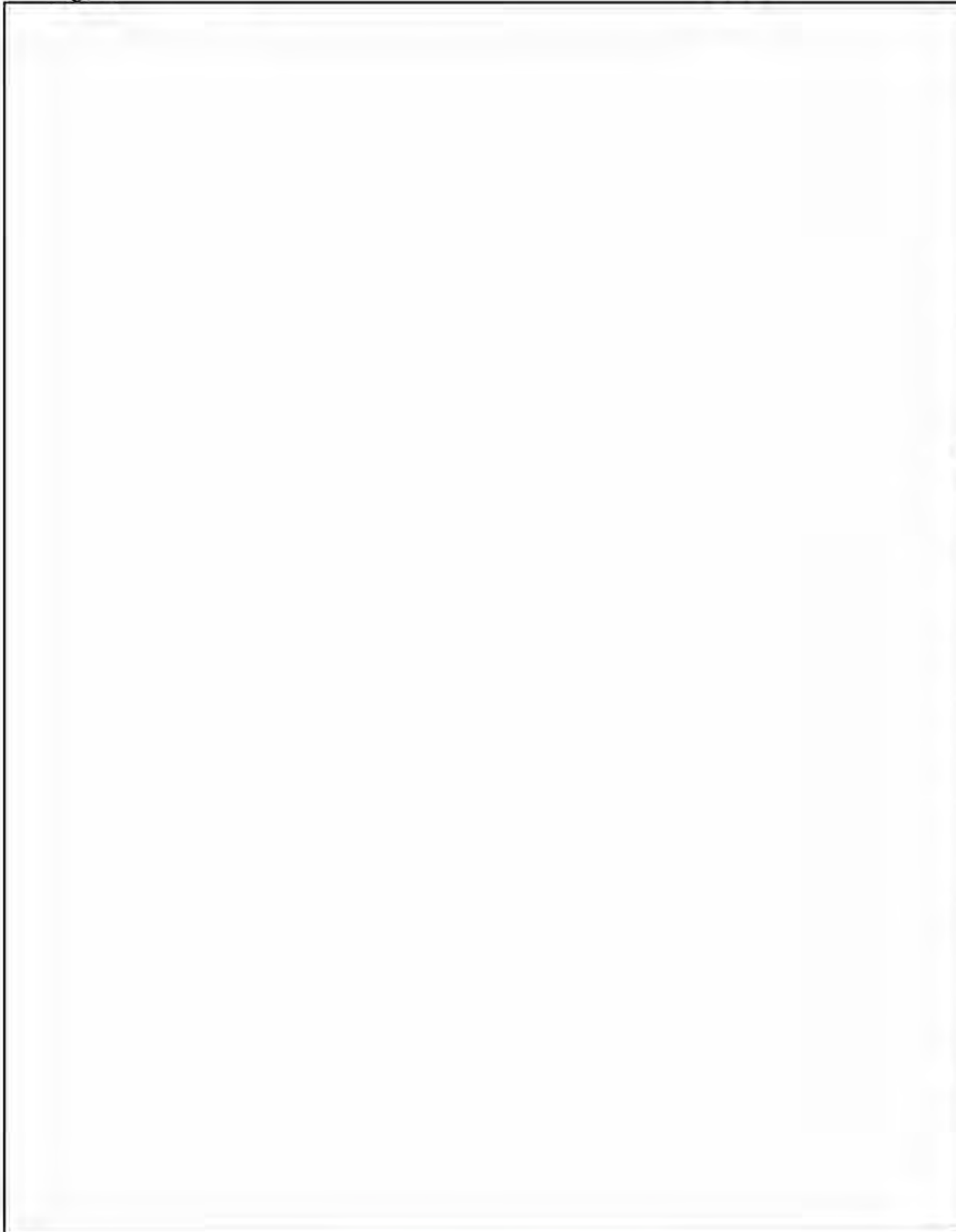
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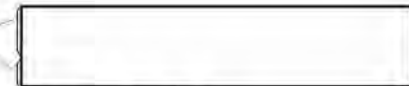
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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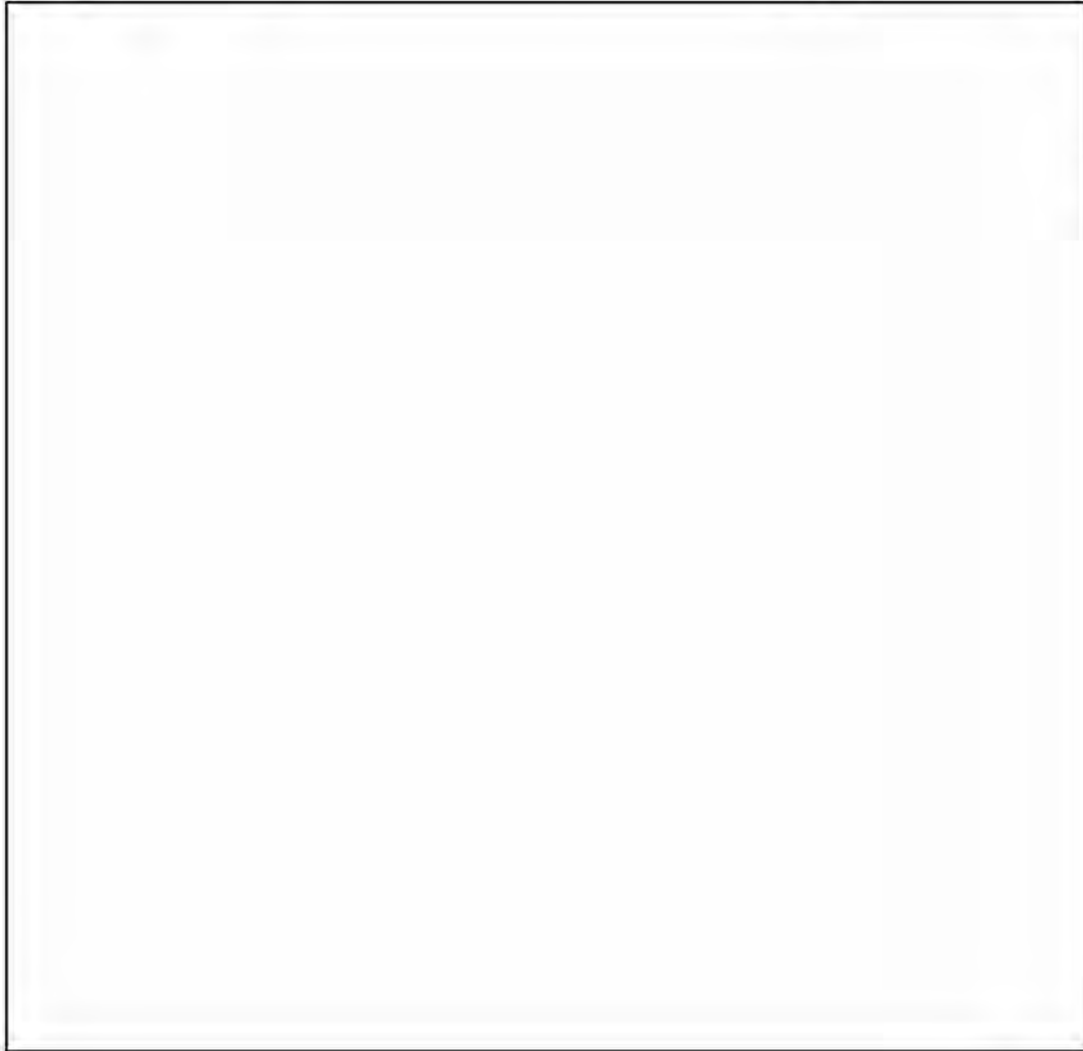
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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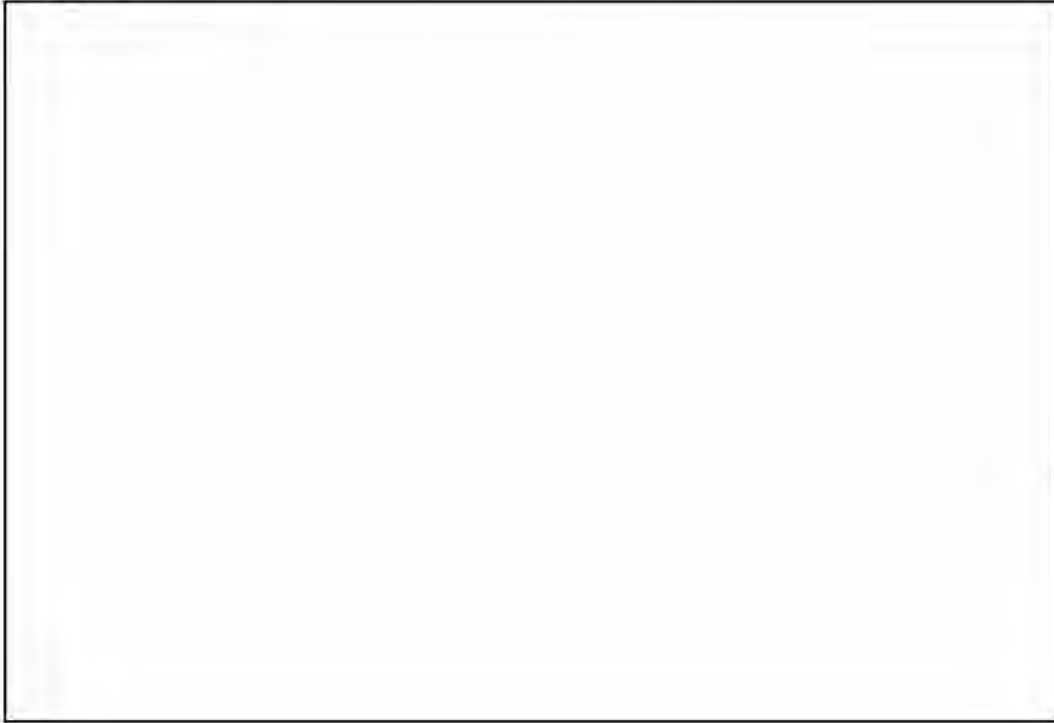


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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**Appendix I: Information Sharing Workflow**

To be included.

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
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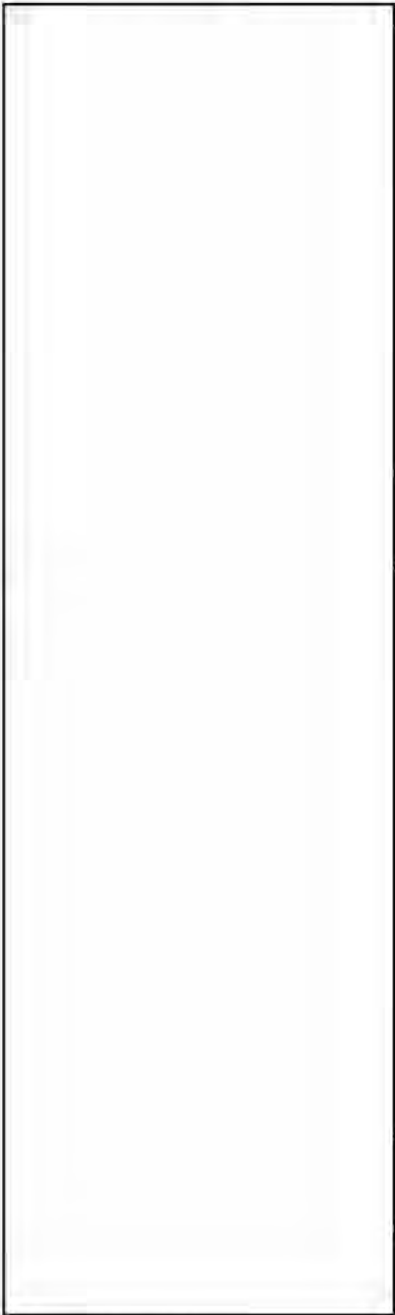
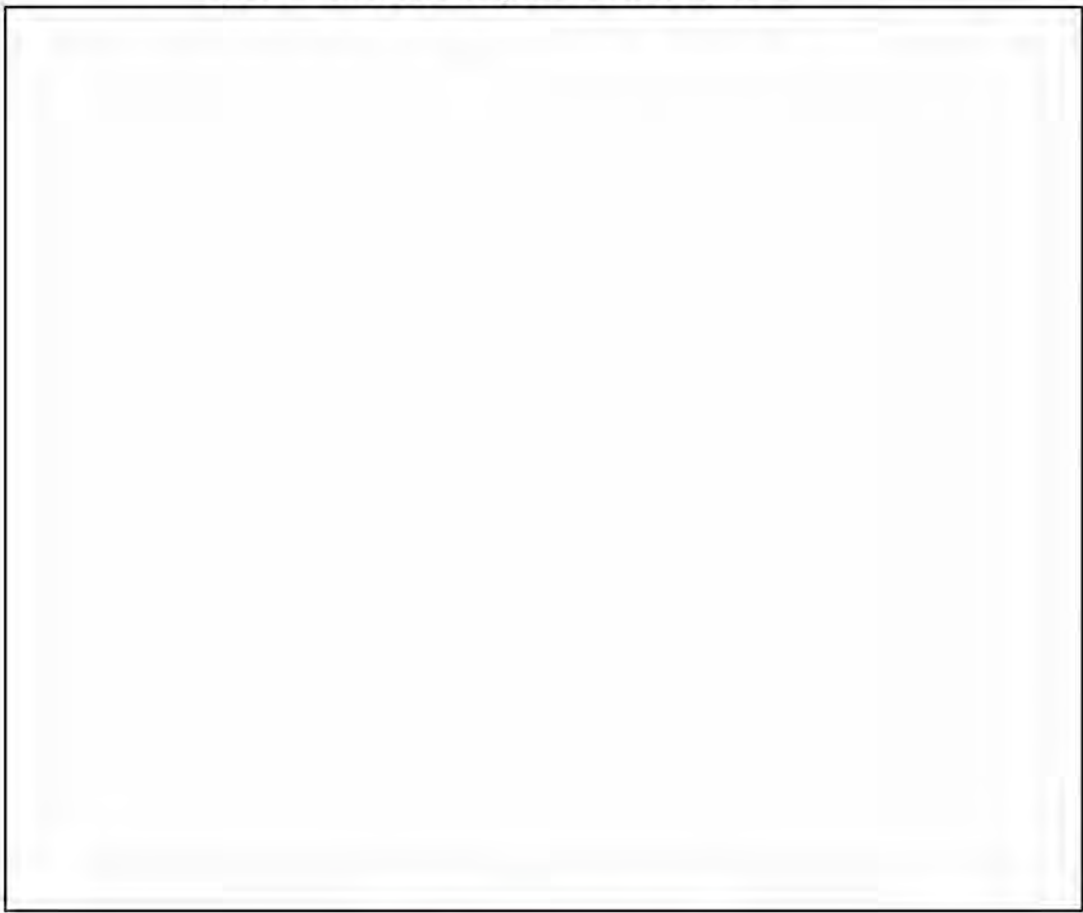
### Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

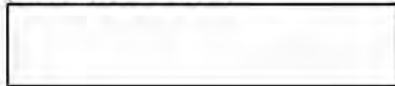
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SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**



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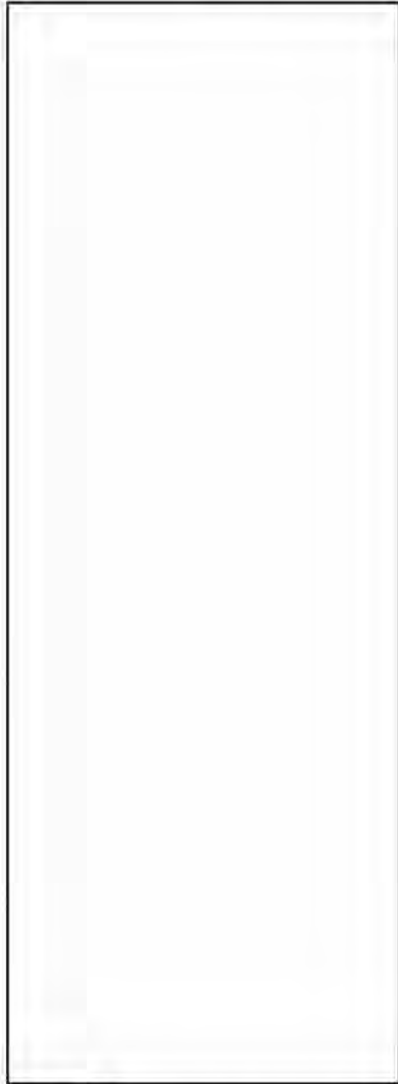
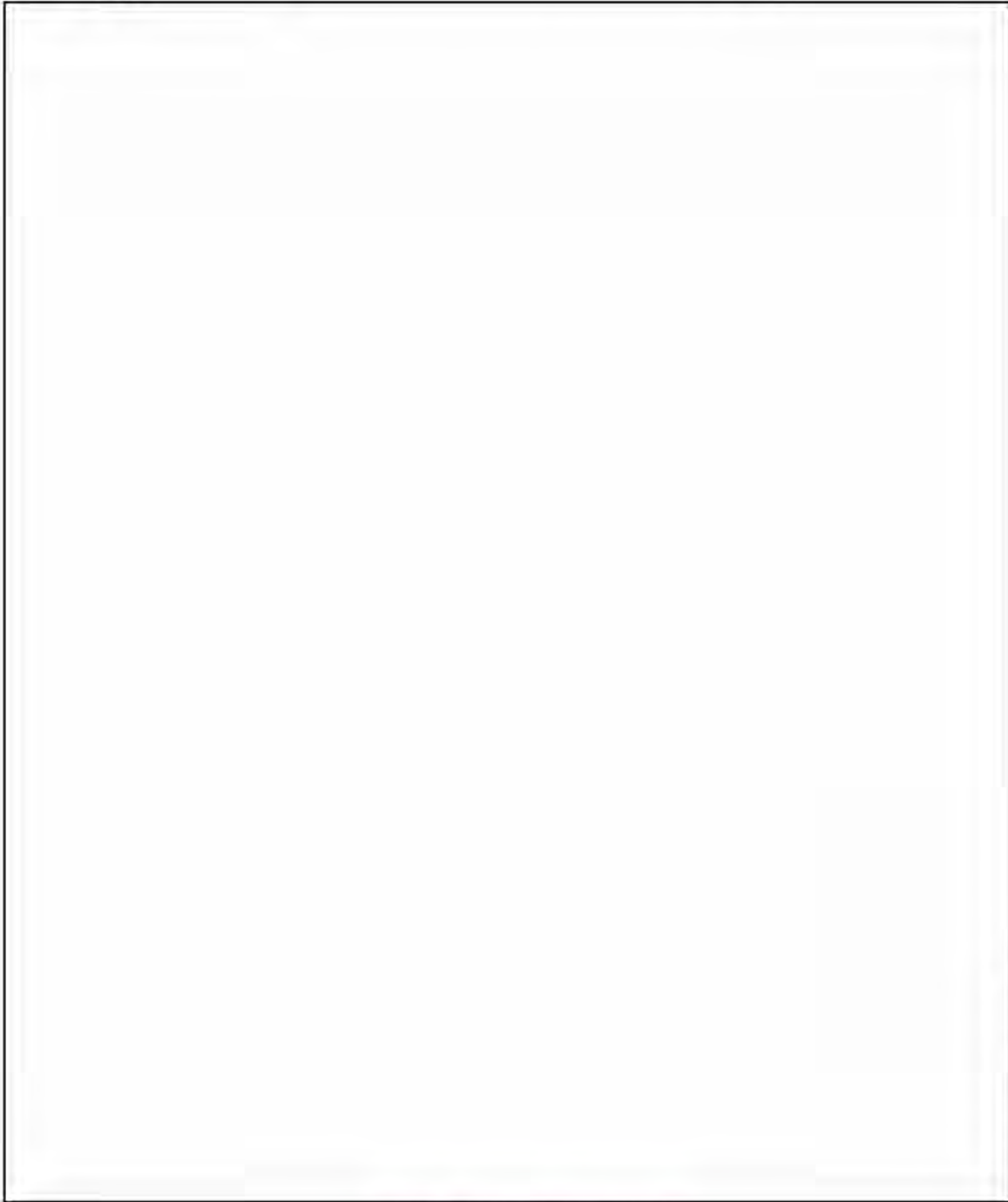
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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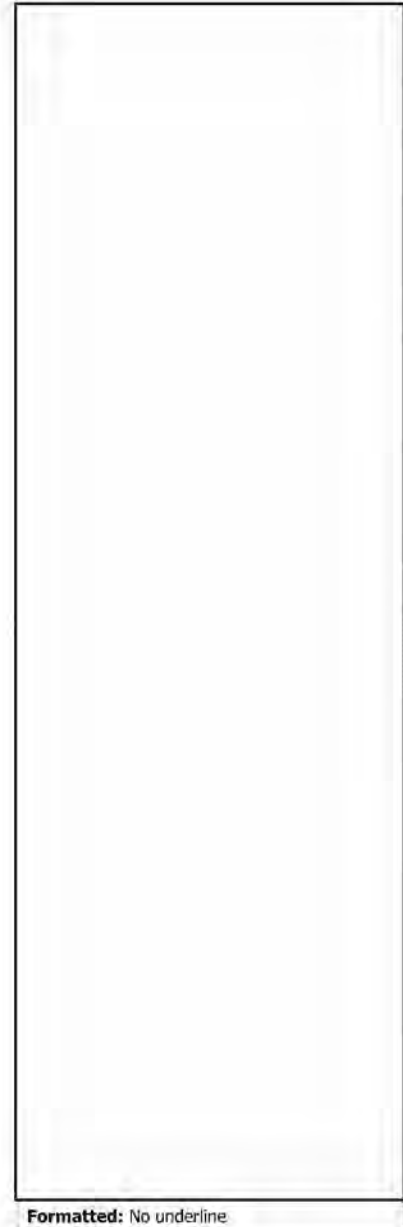
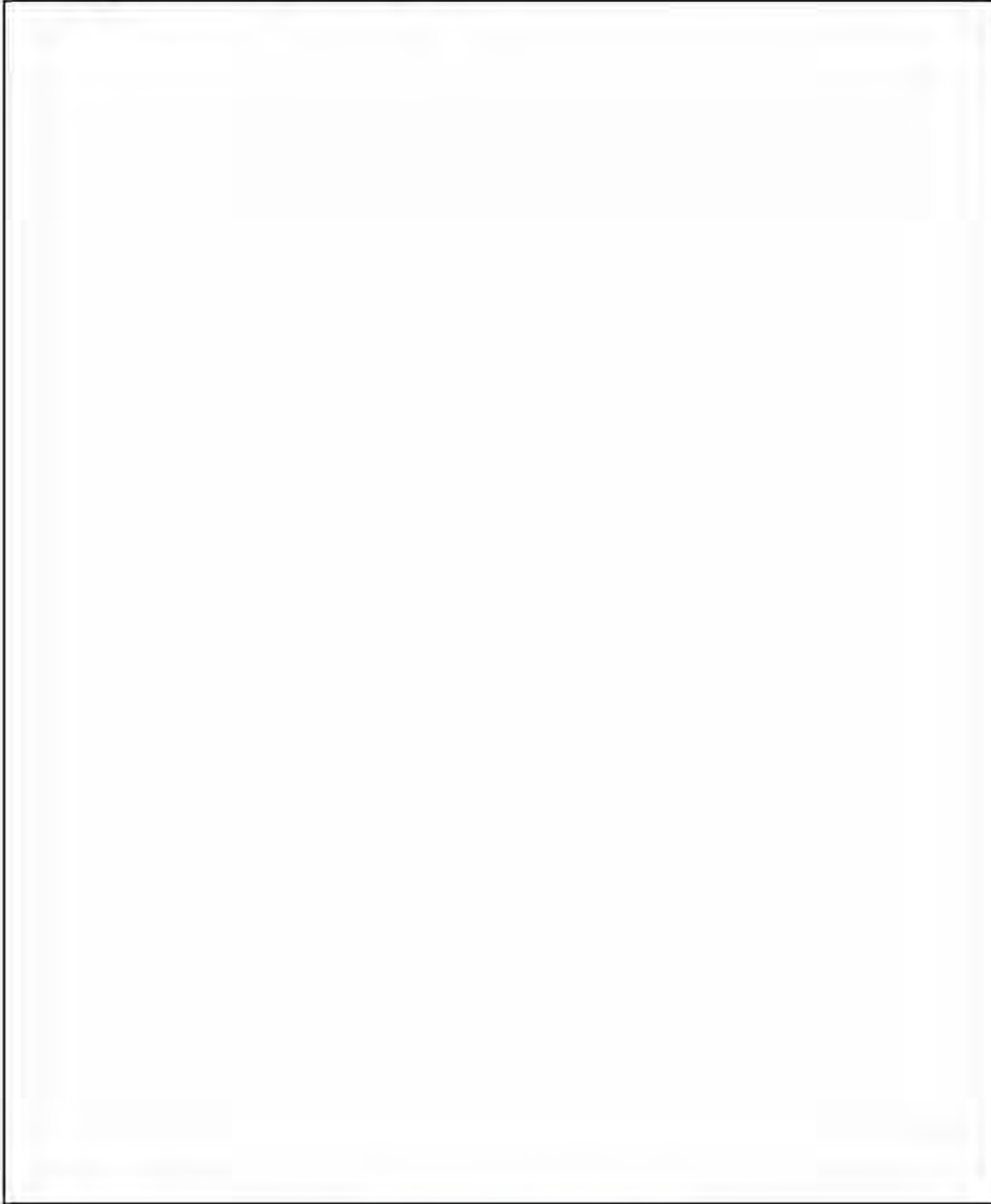
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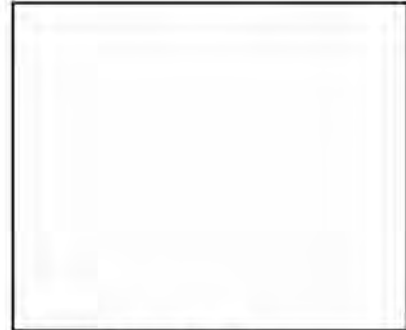
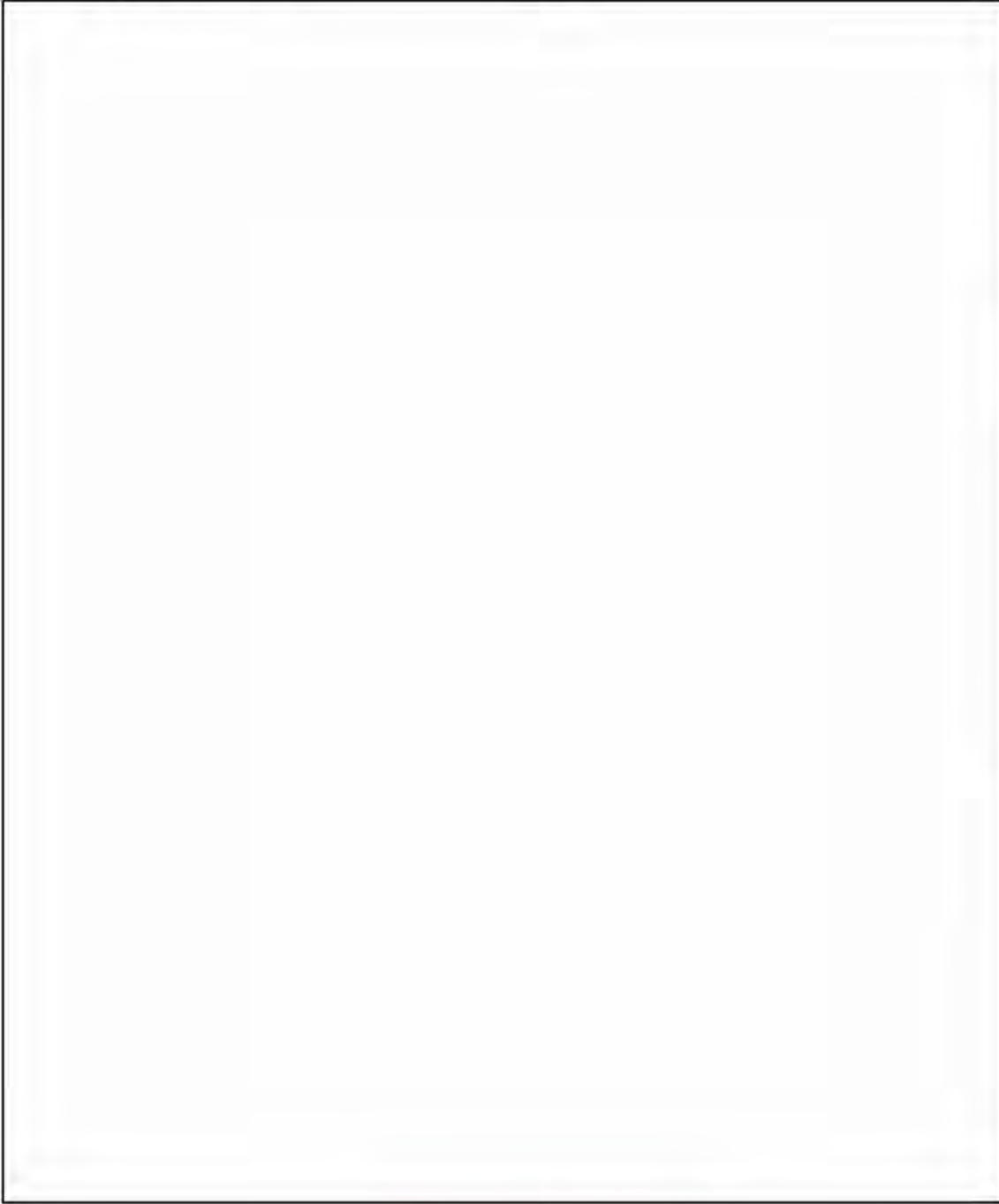
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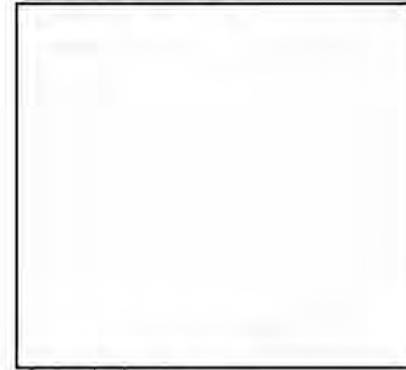
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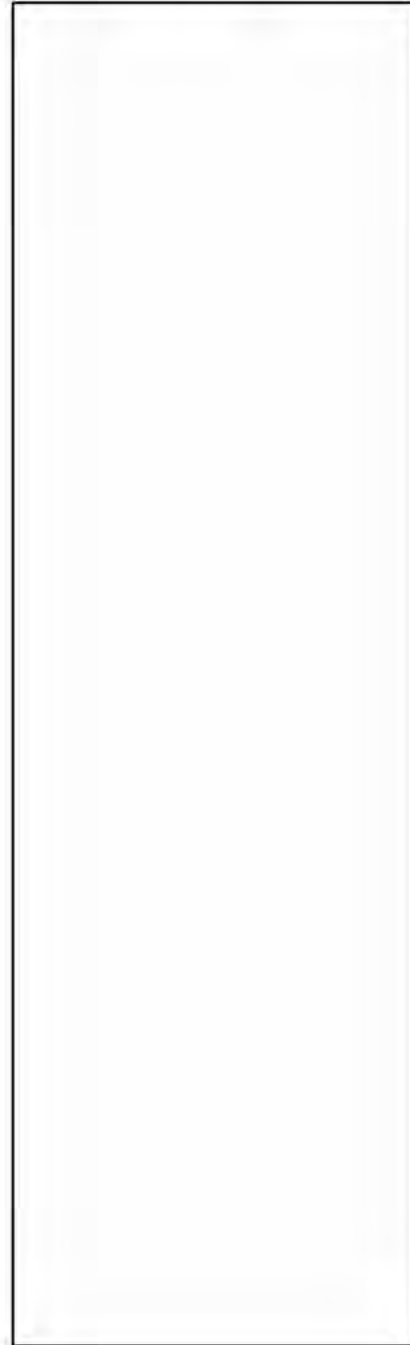
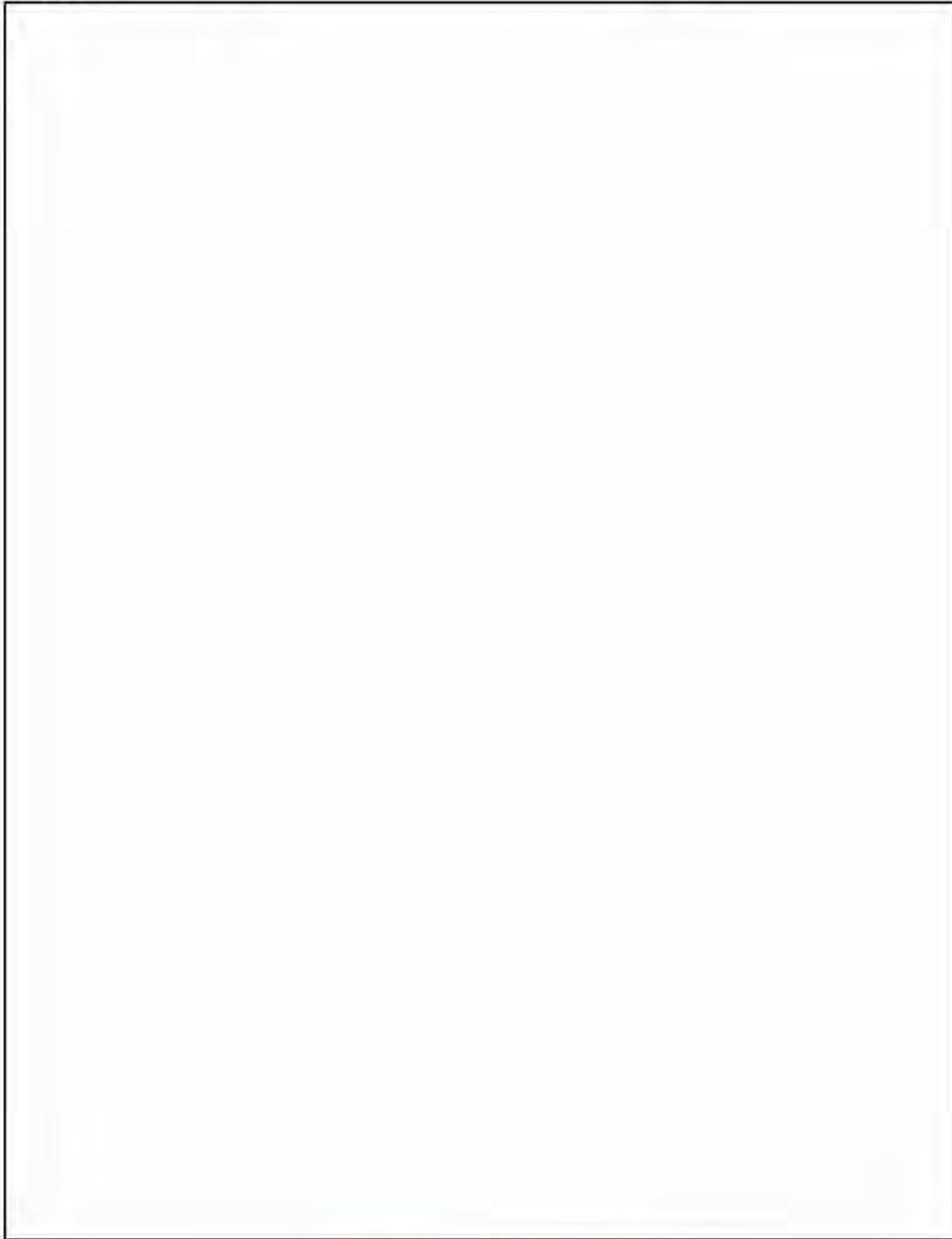
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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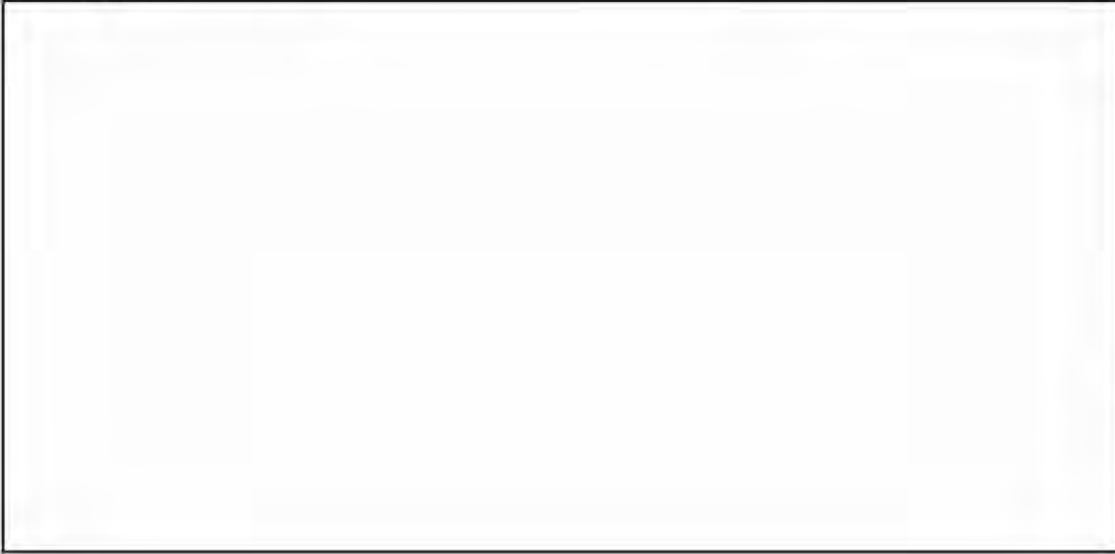


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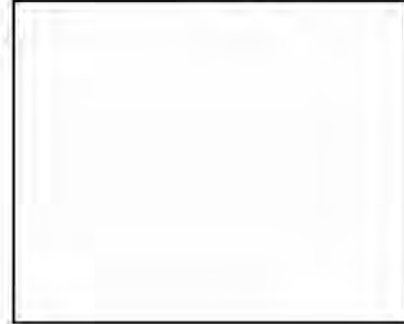
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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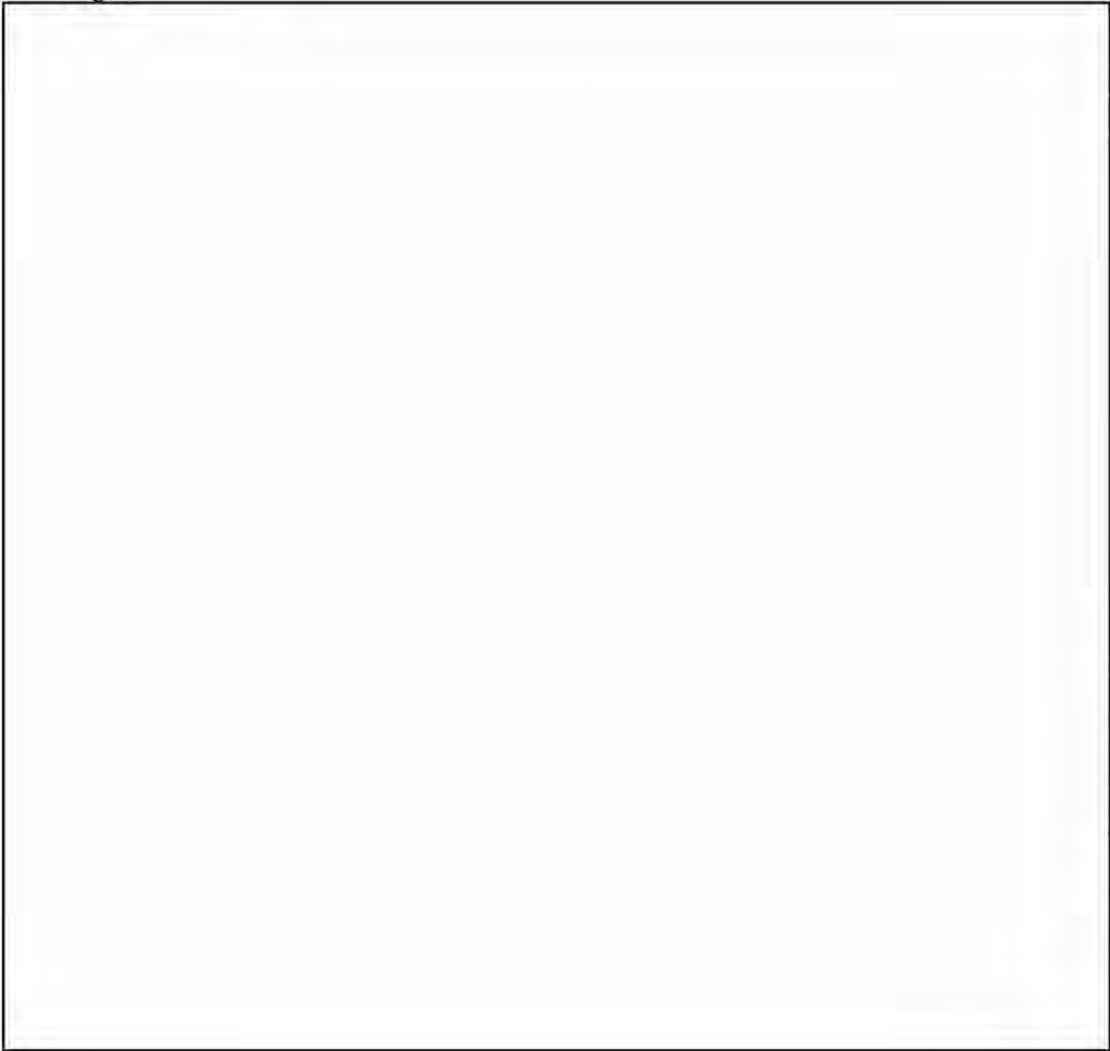


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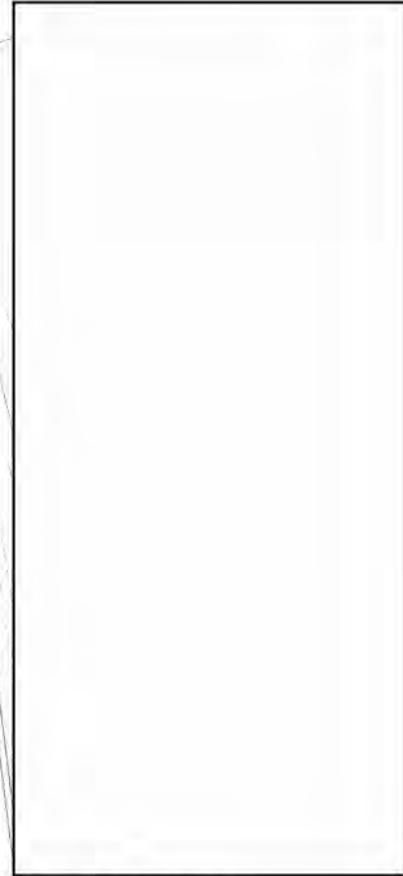
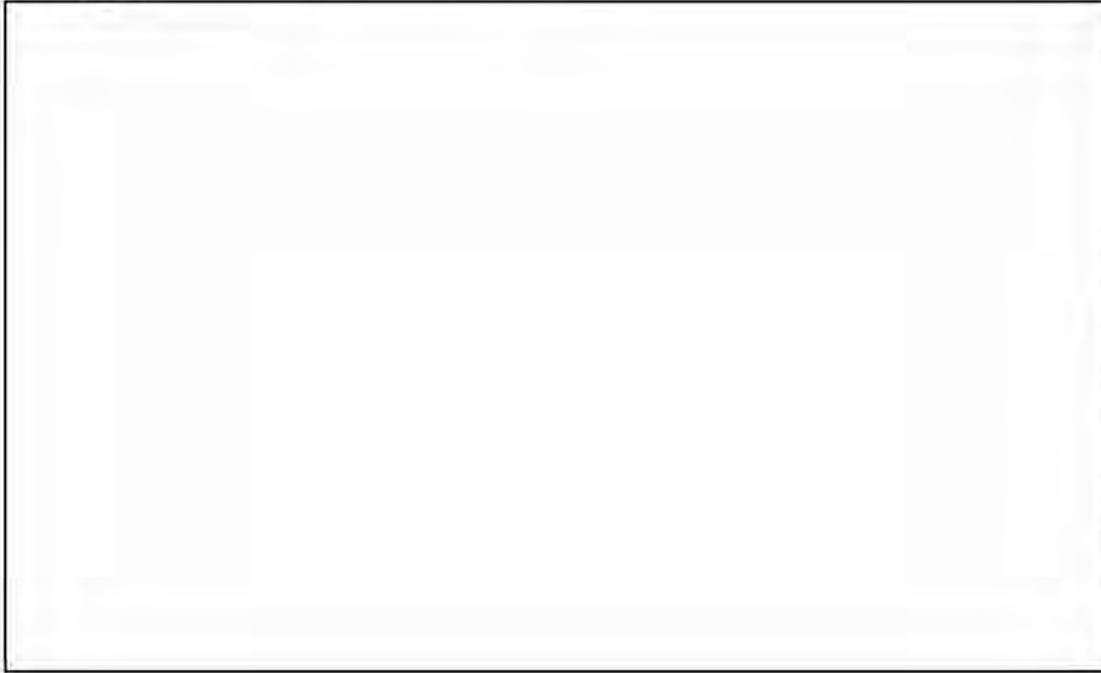
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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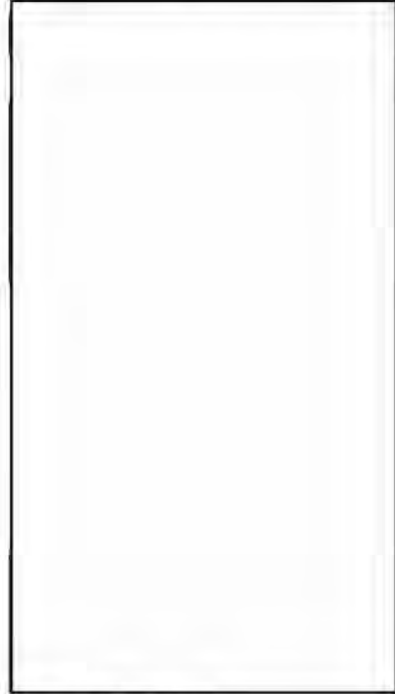
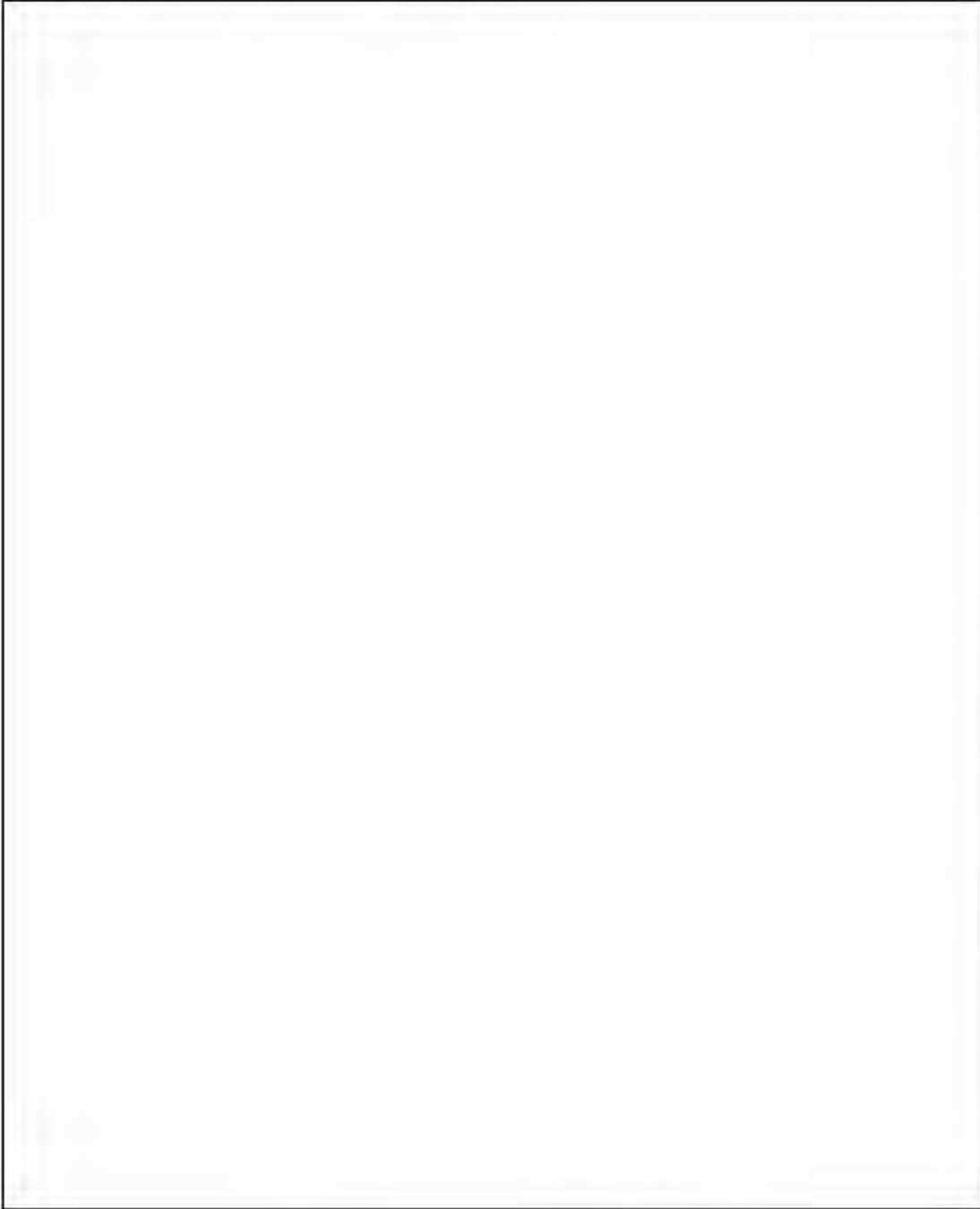
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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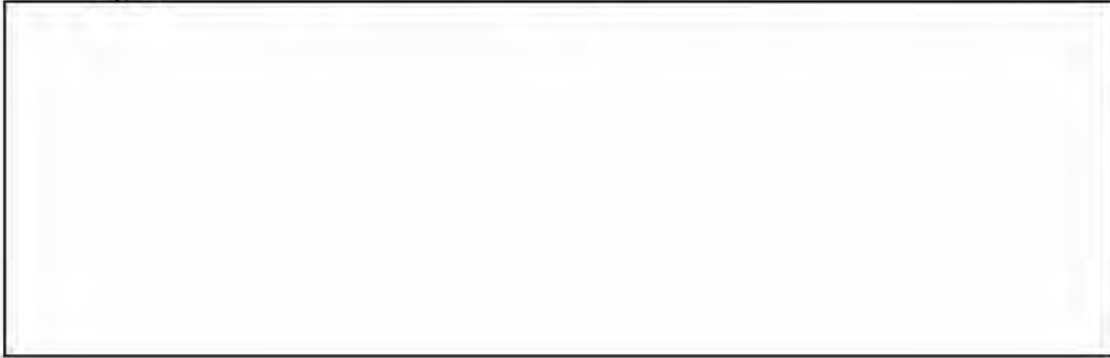
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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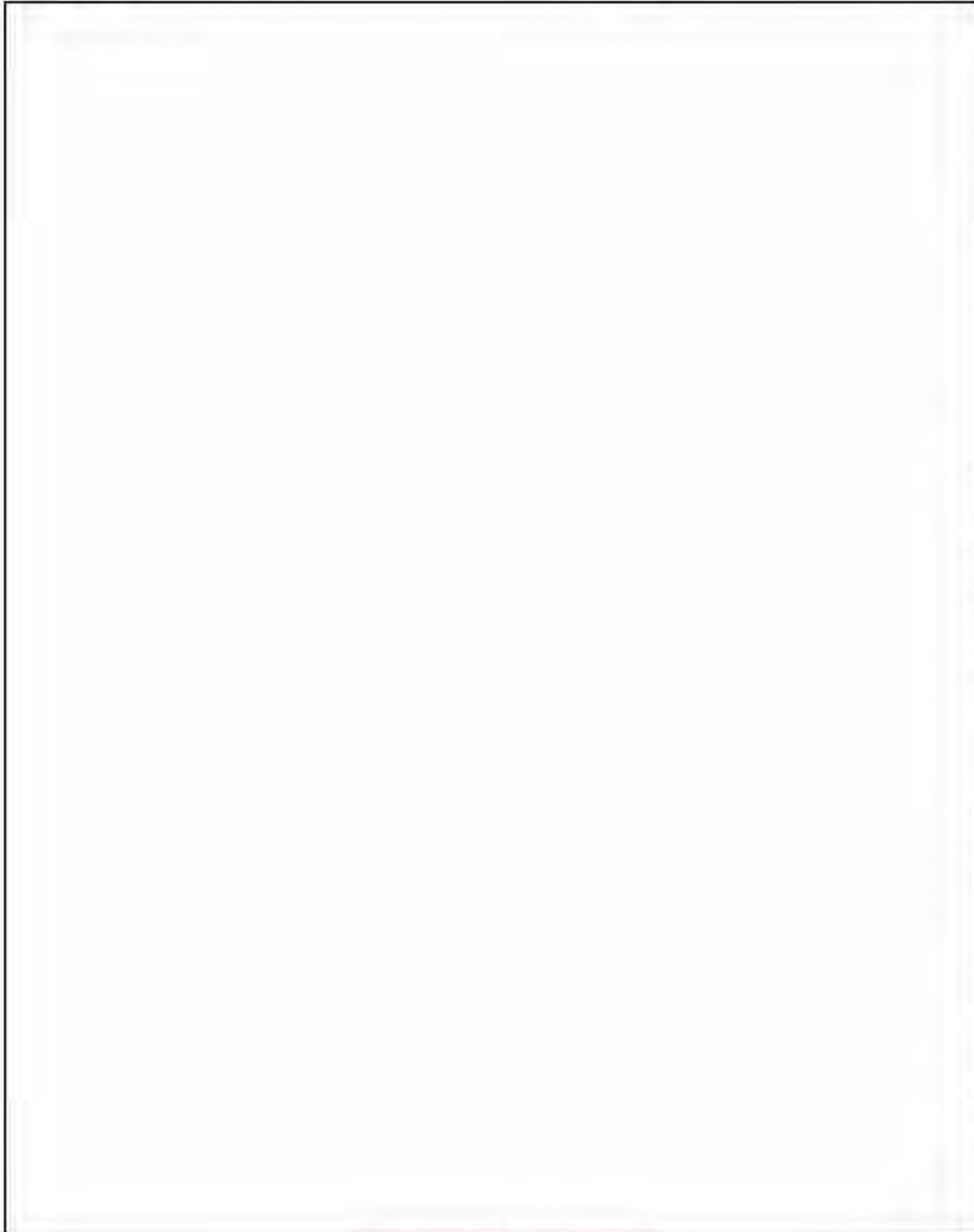
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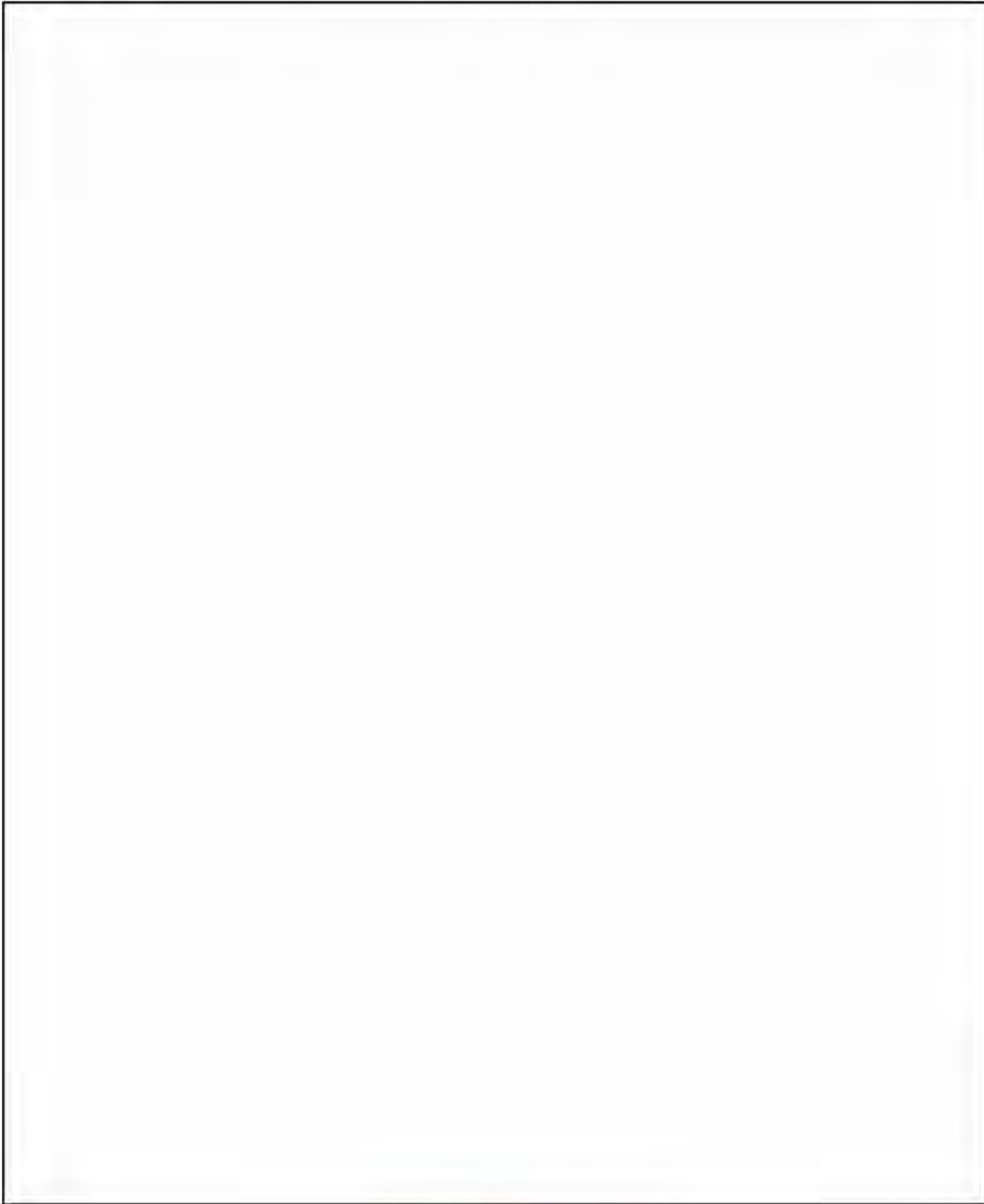


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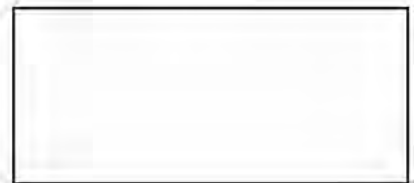
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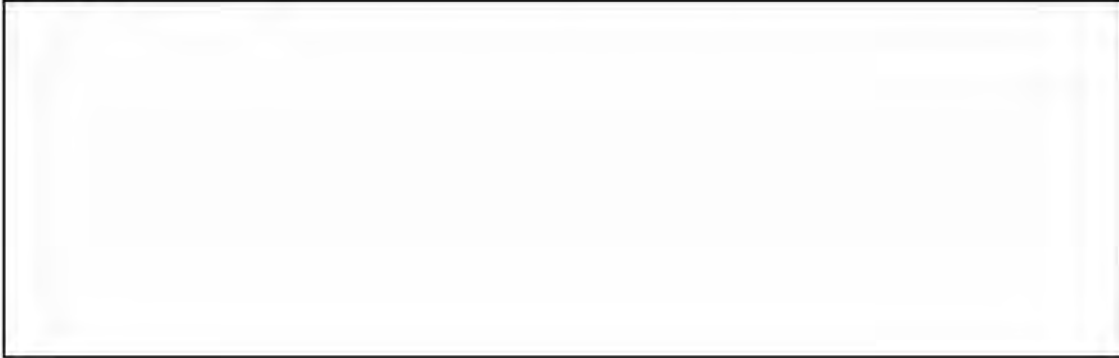


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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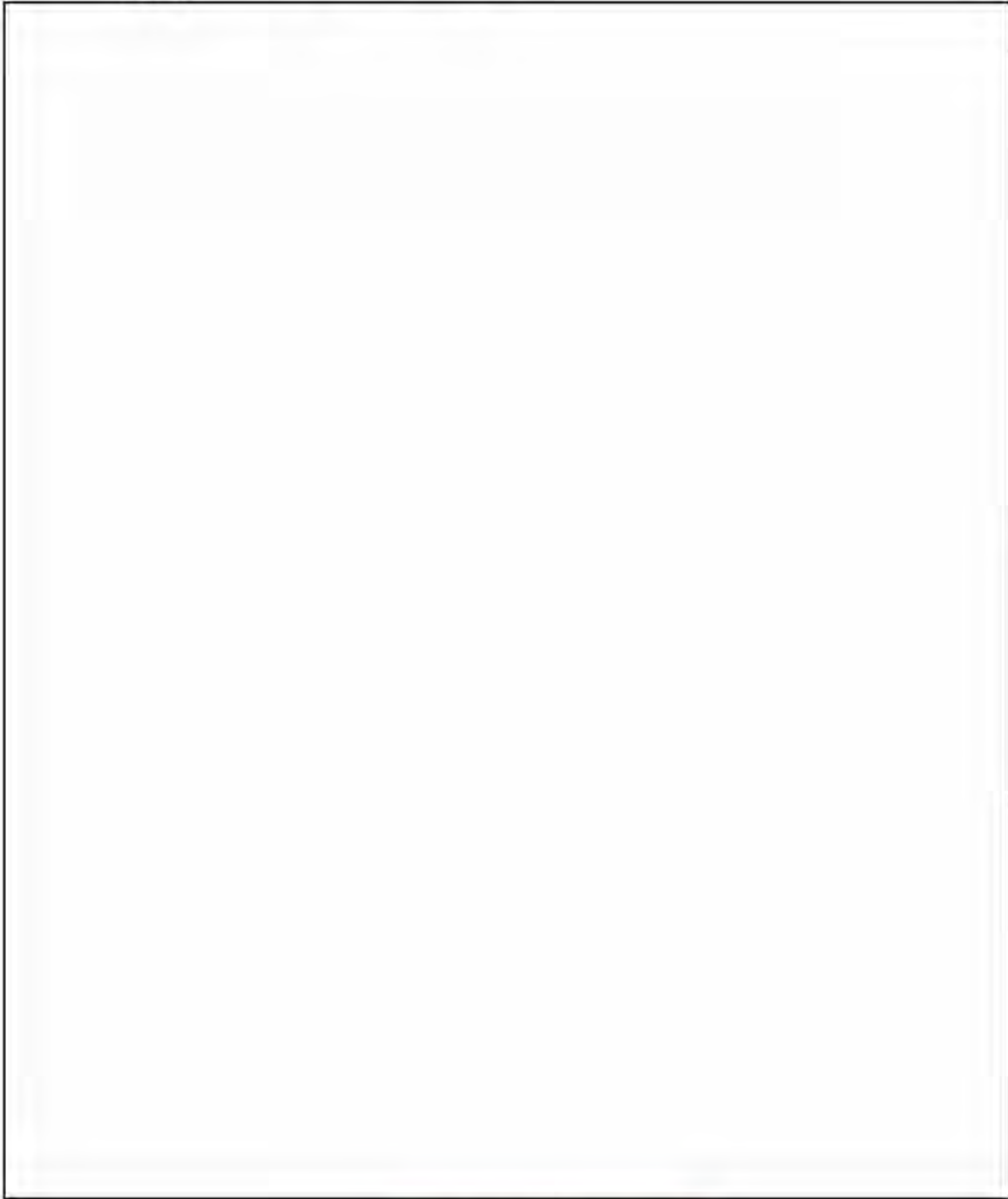
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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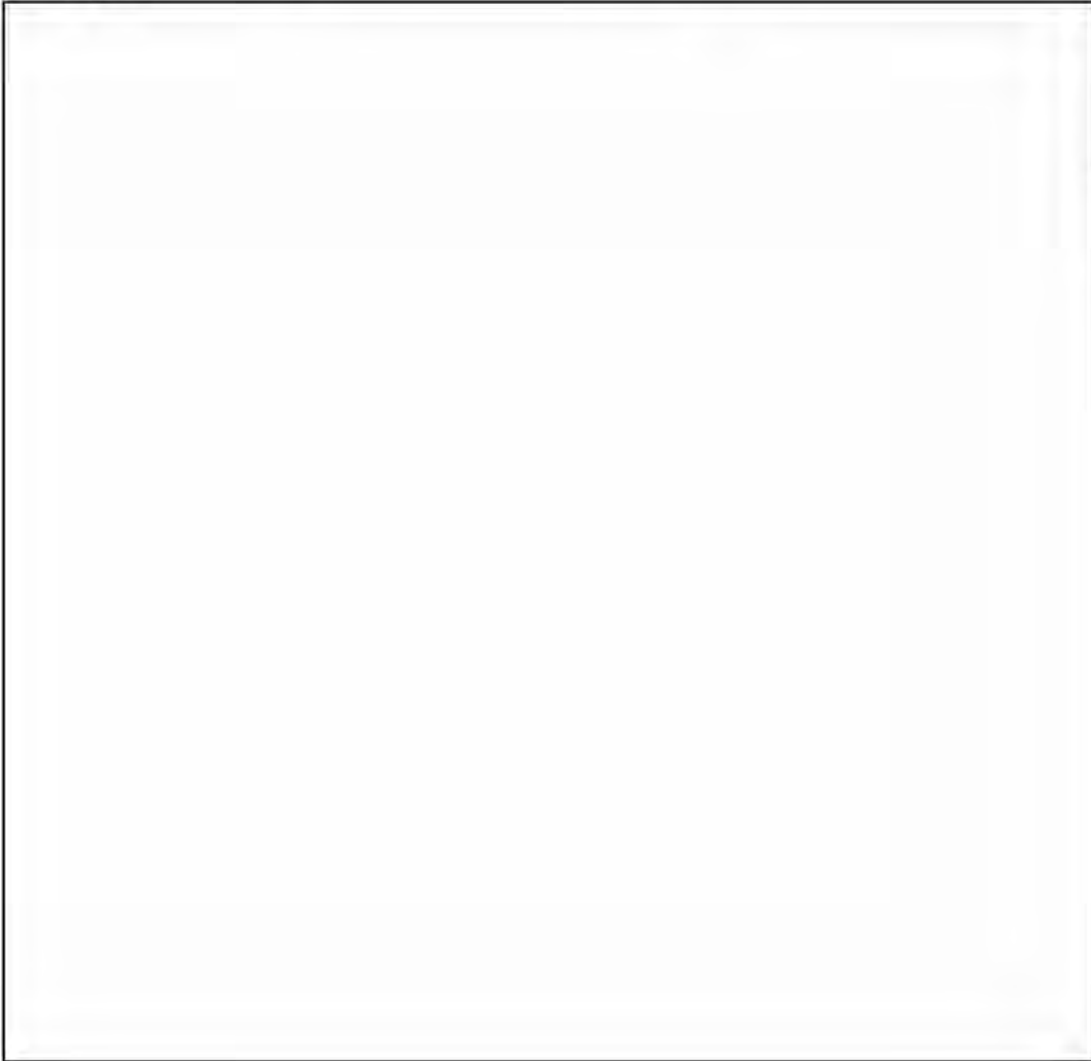


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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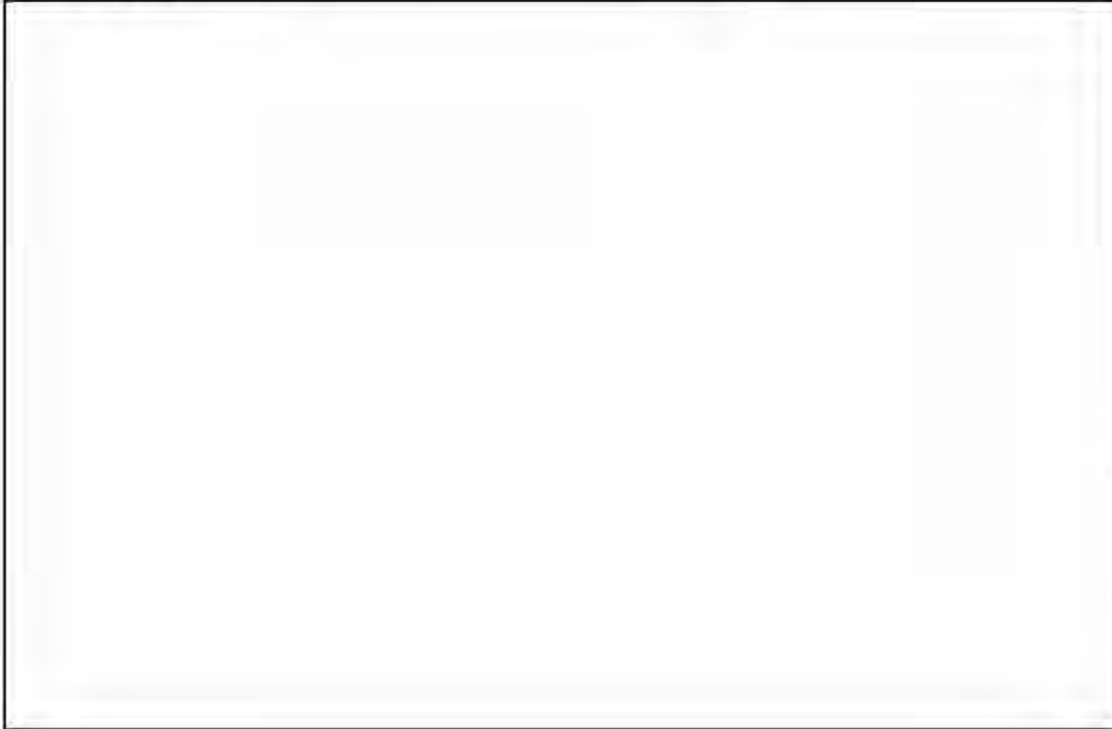


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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| **Appendix J: Information Sharing Workflow**

To be included.

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



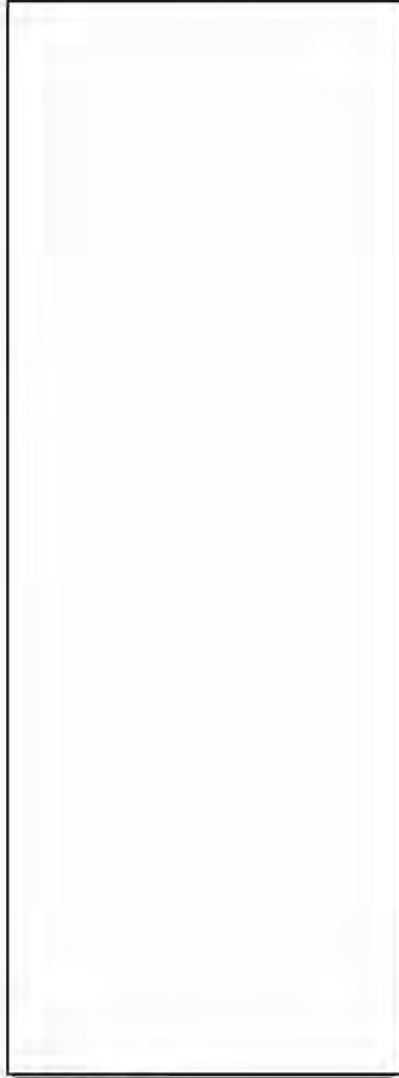
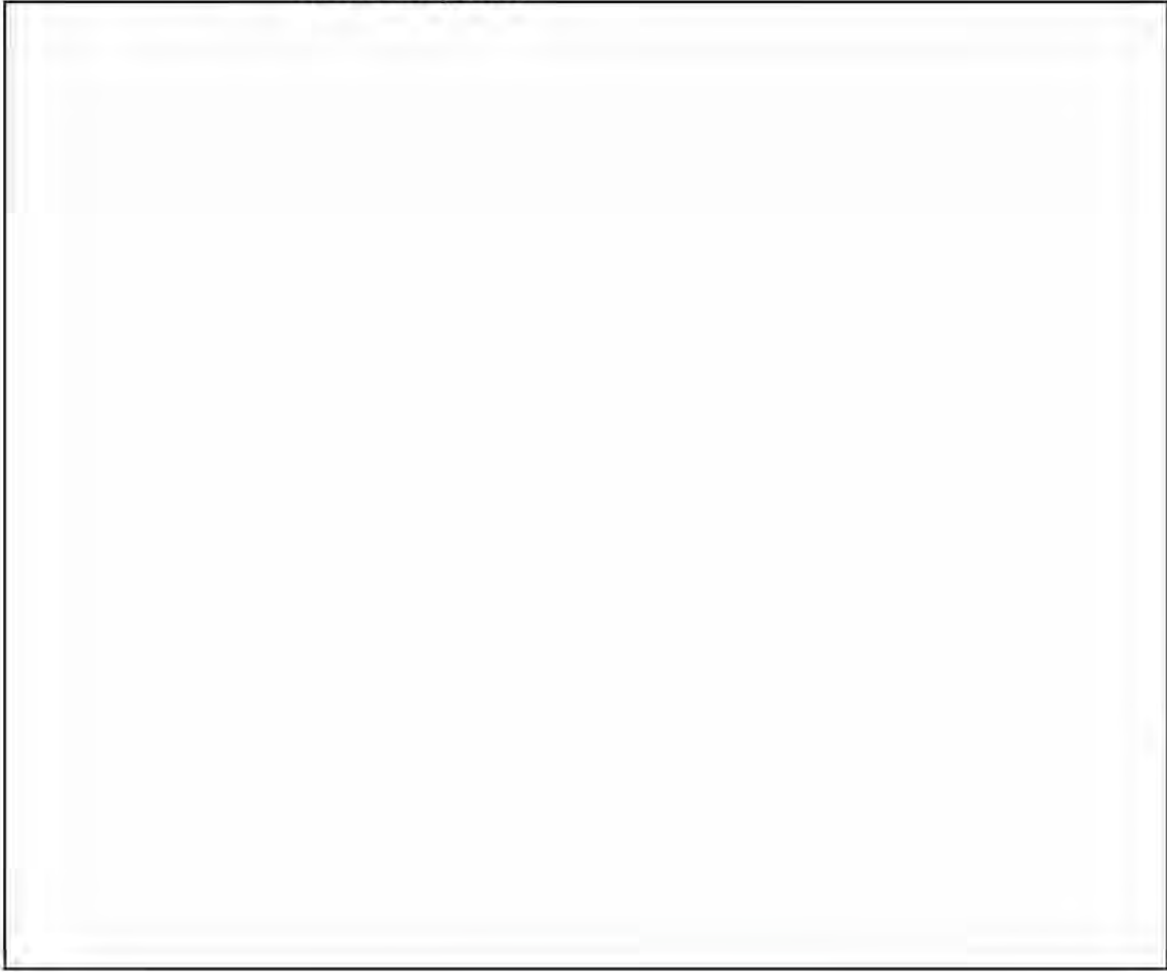
U.S. Citizenship  
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Information Memorandum (b)(5)

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer



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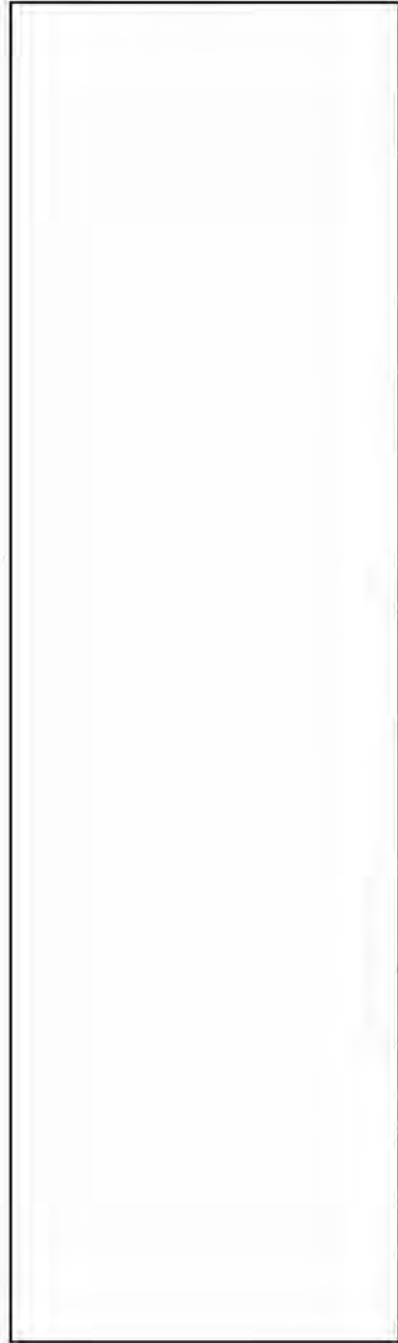
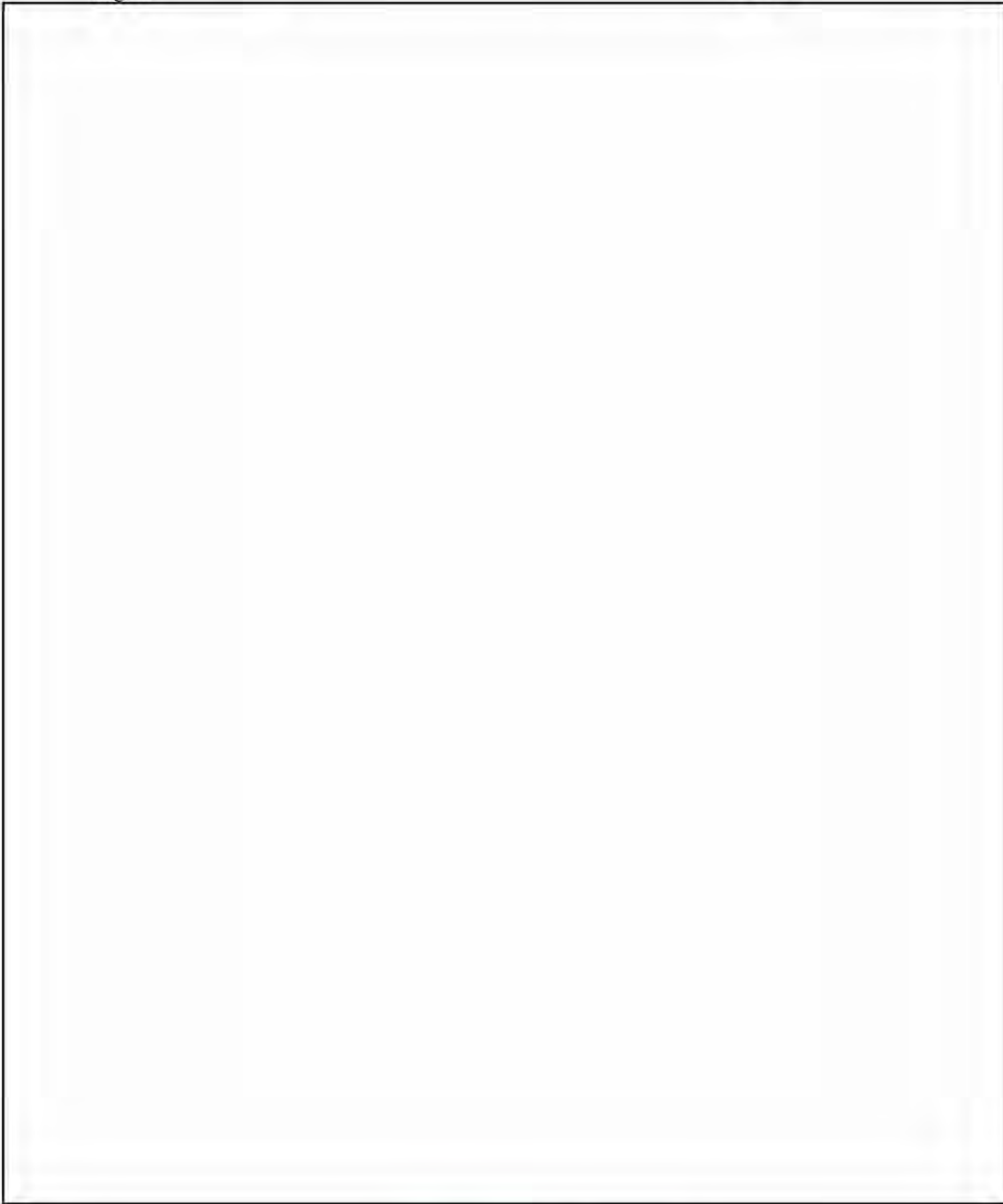
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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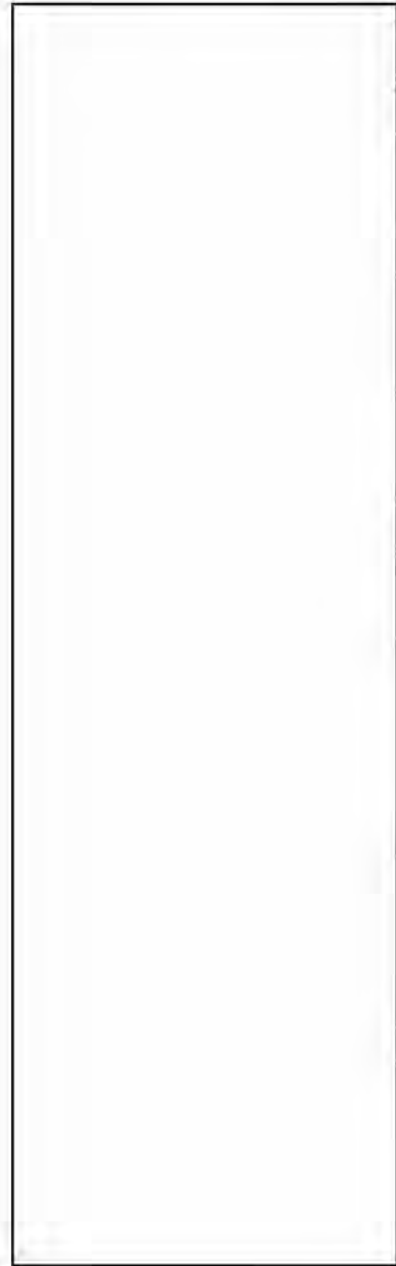
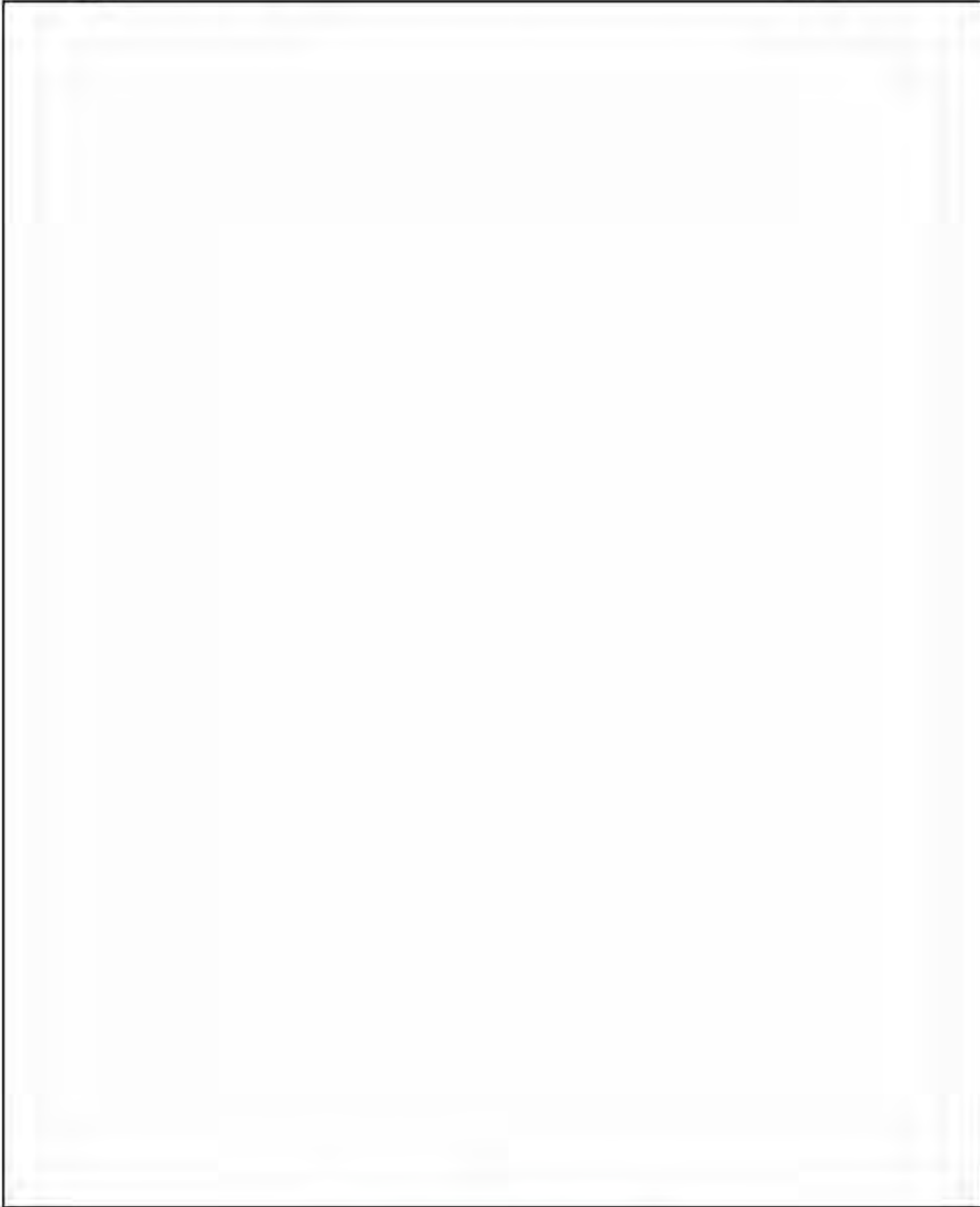
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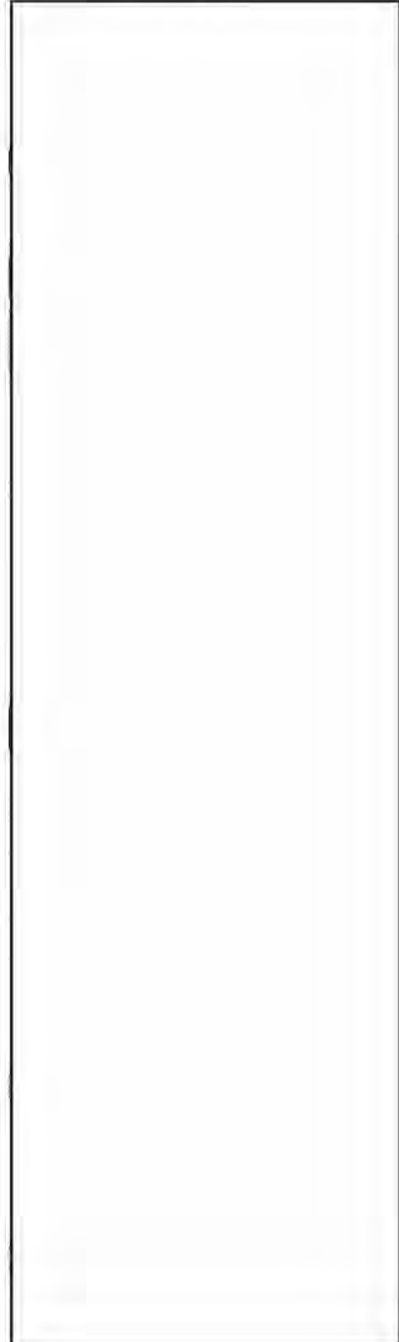
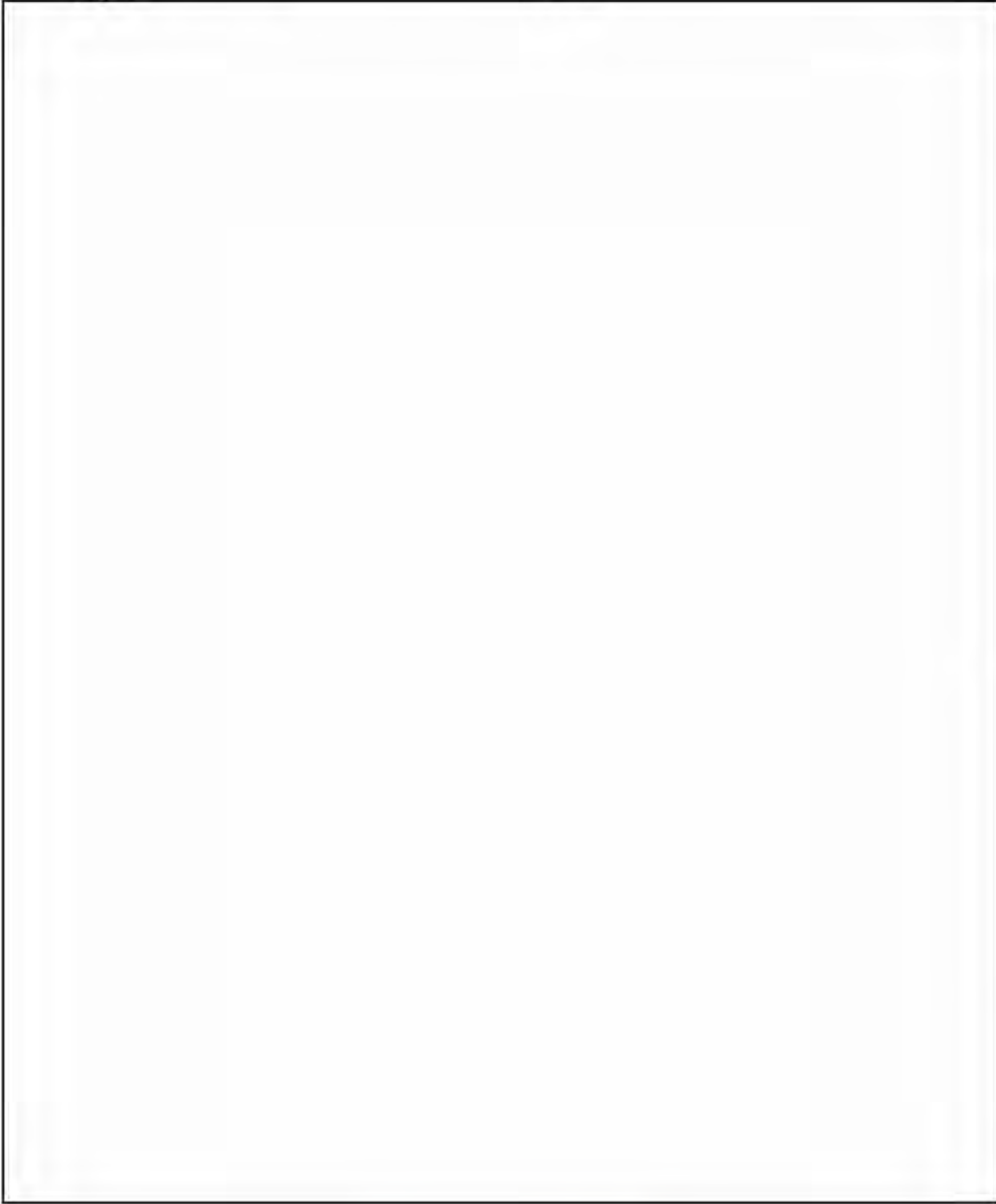
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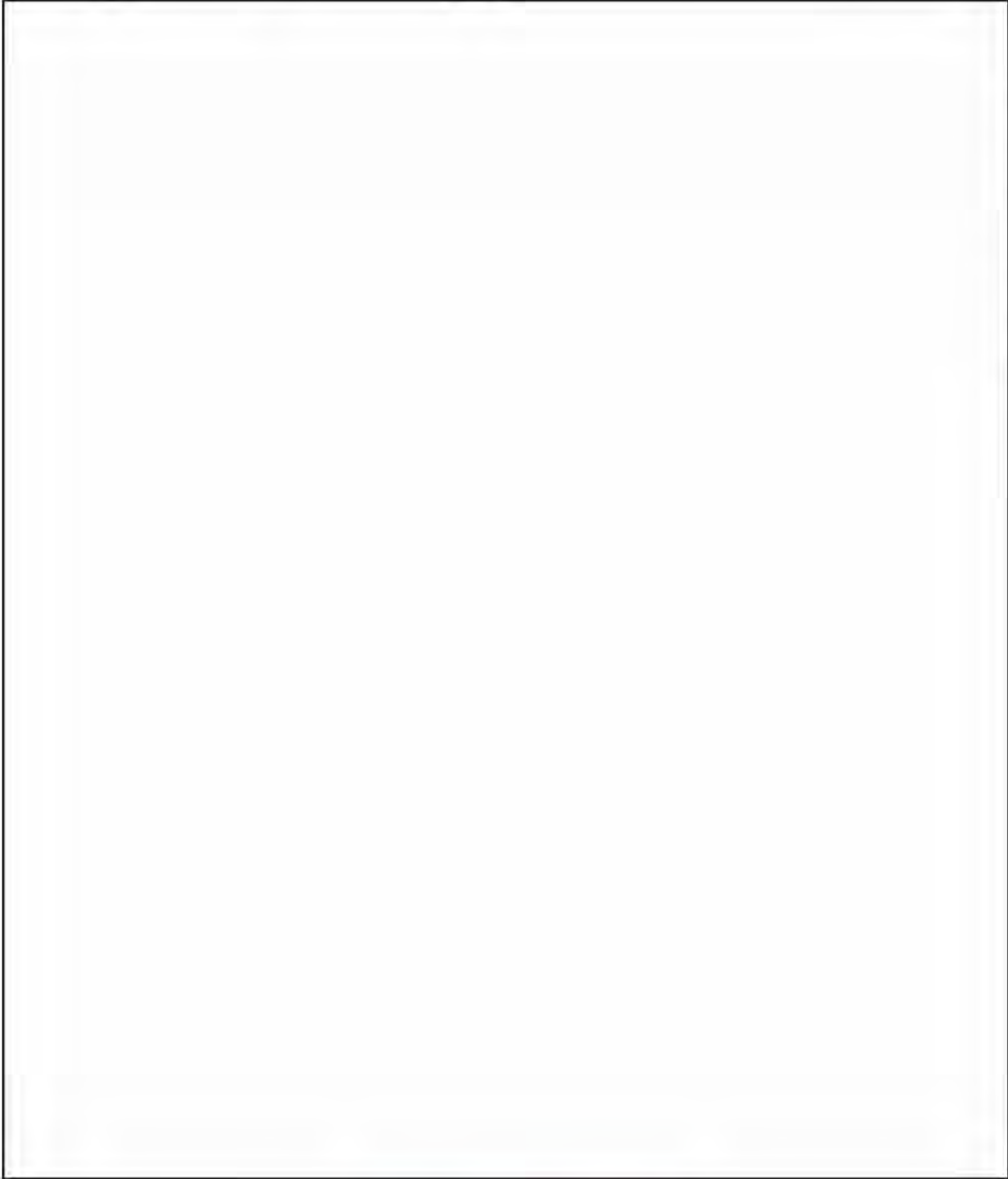
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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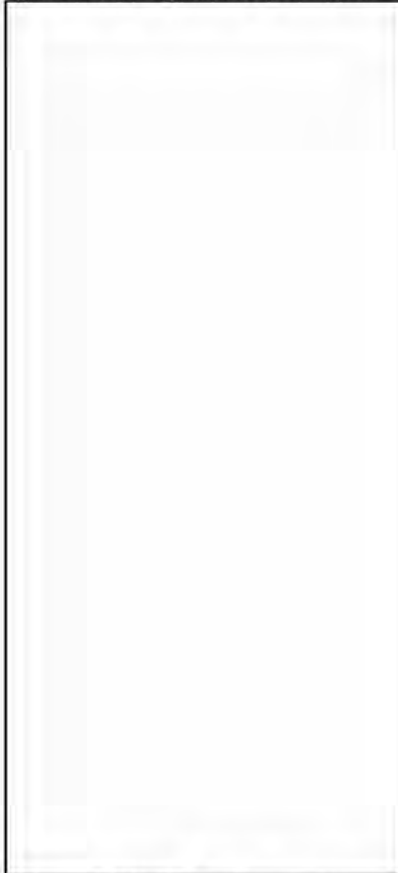
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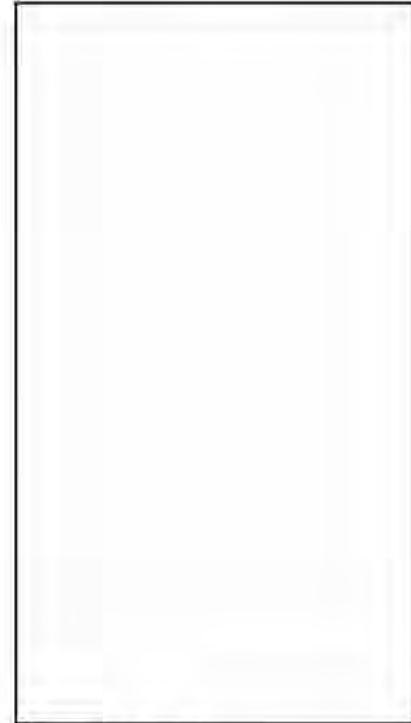
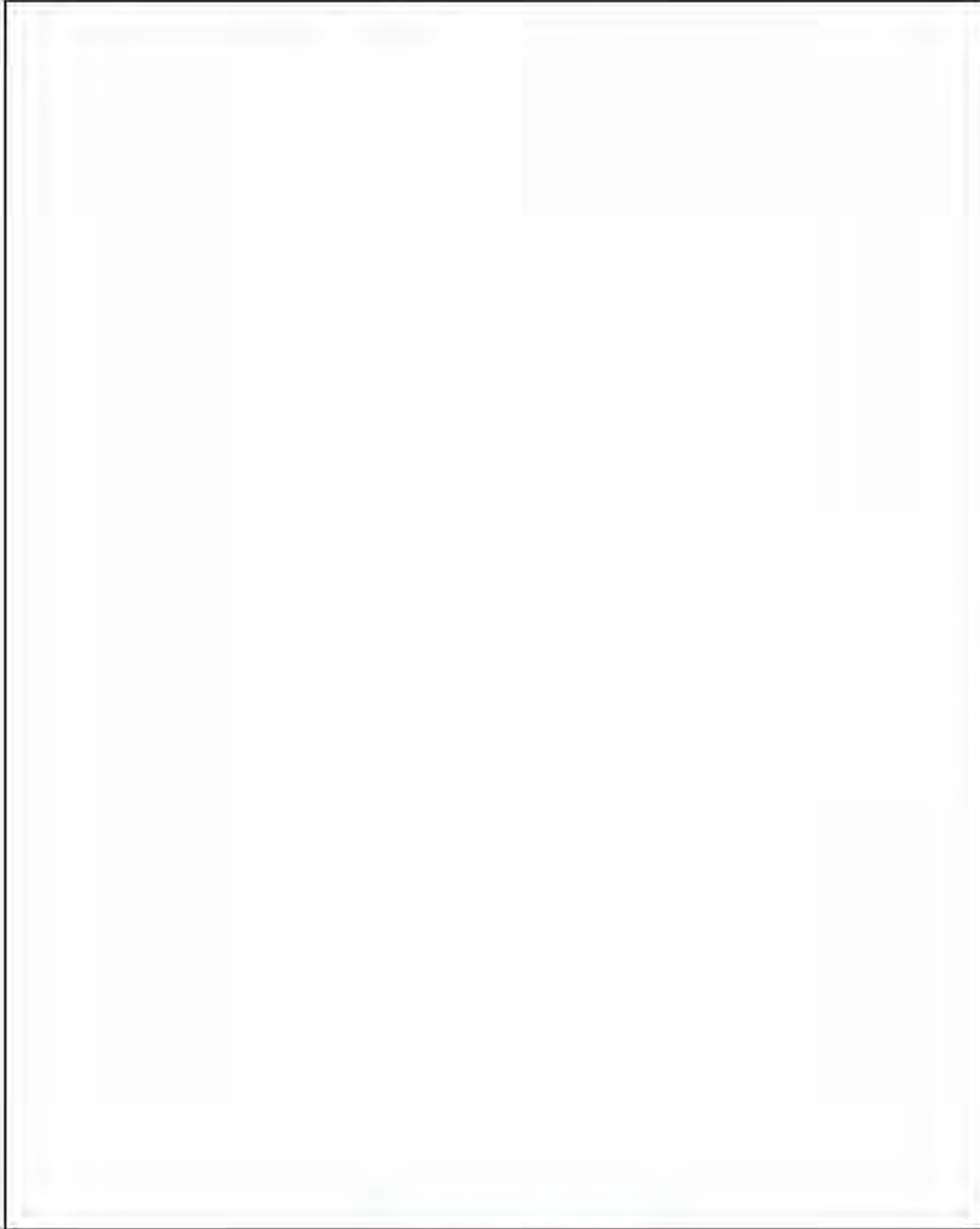
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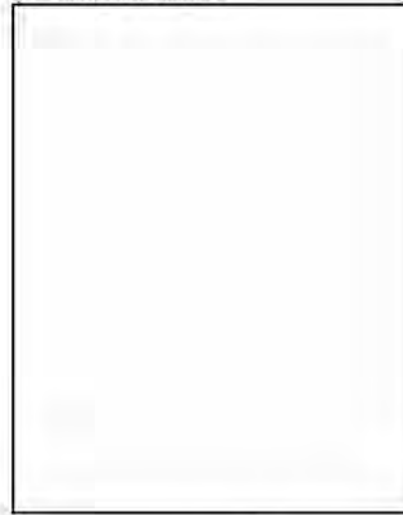
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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**Appendix A: Handling of Special Protected Class Data**

Information to be included.

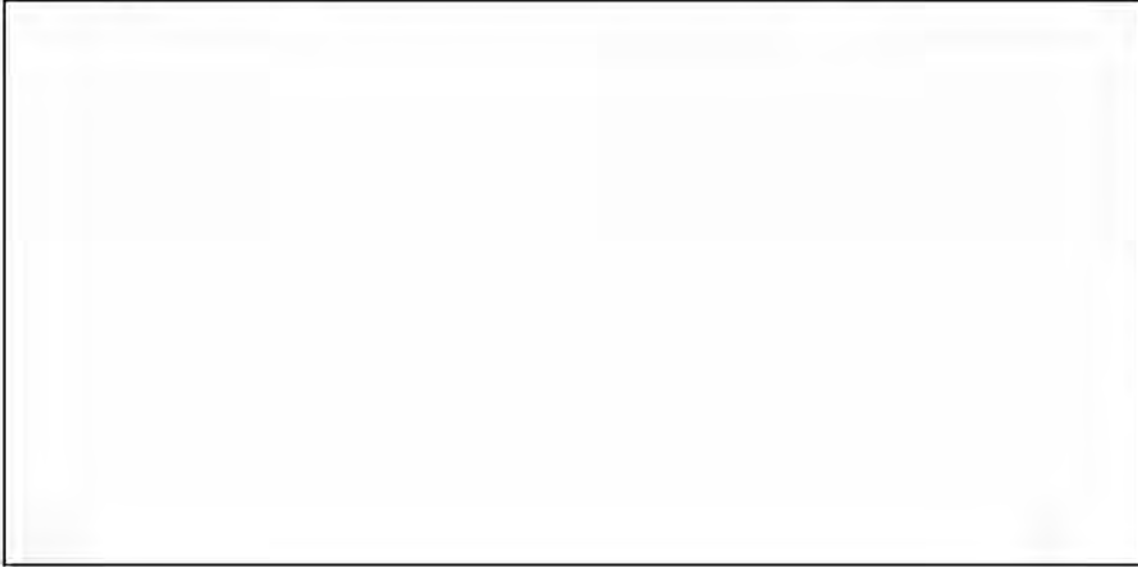
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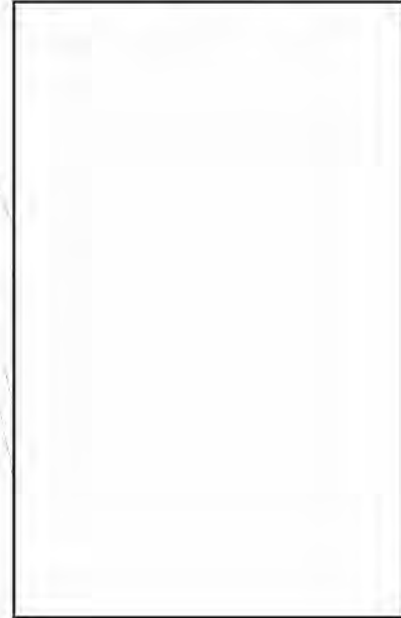
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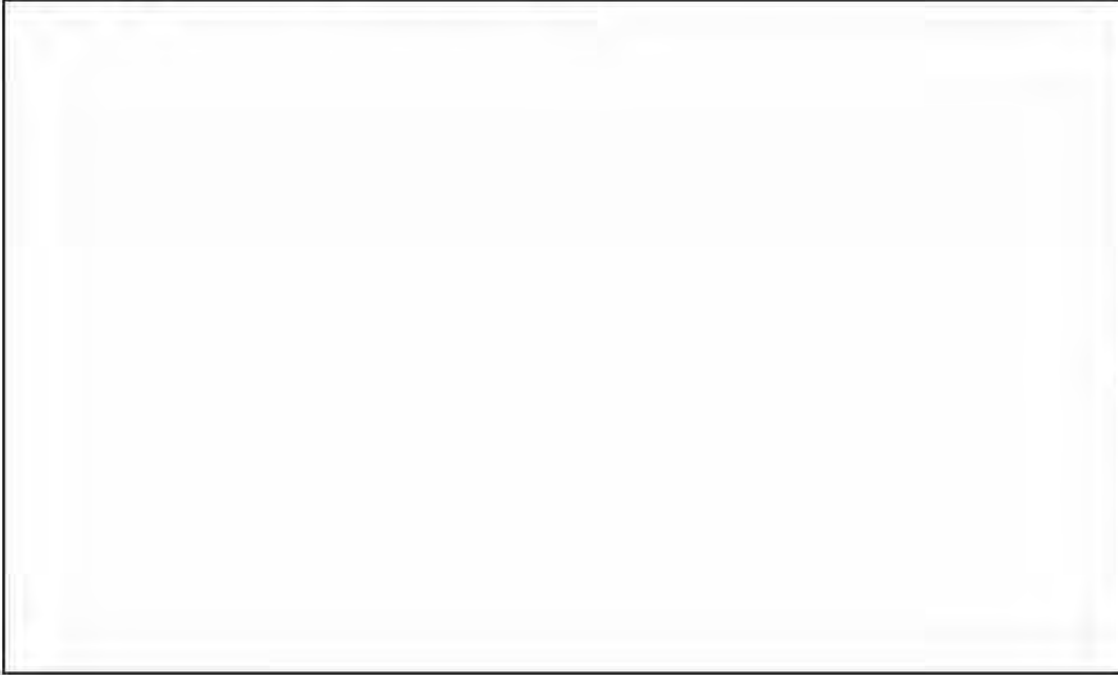


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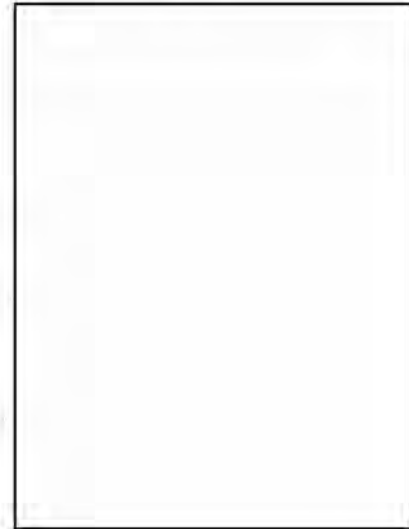
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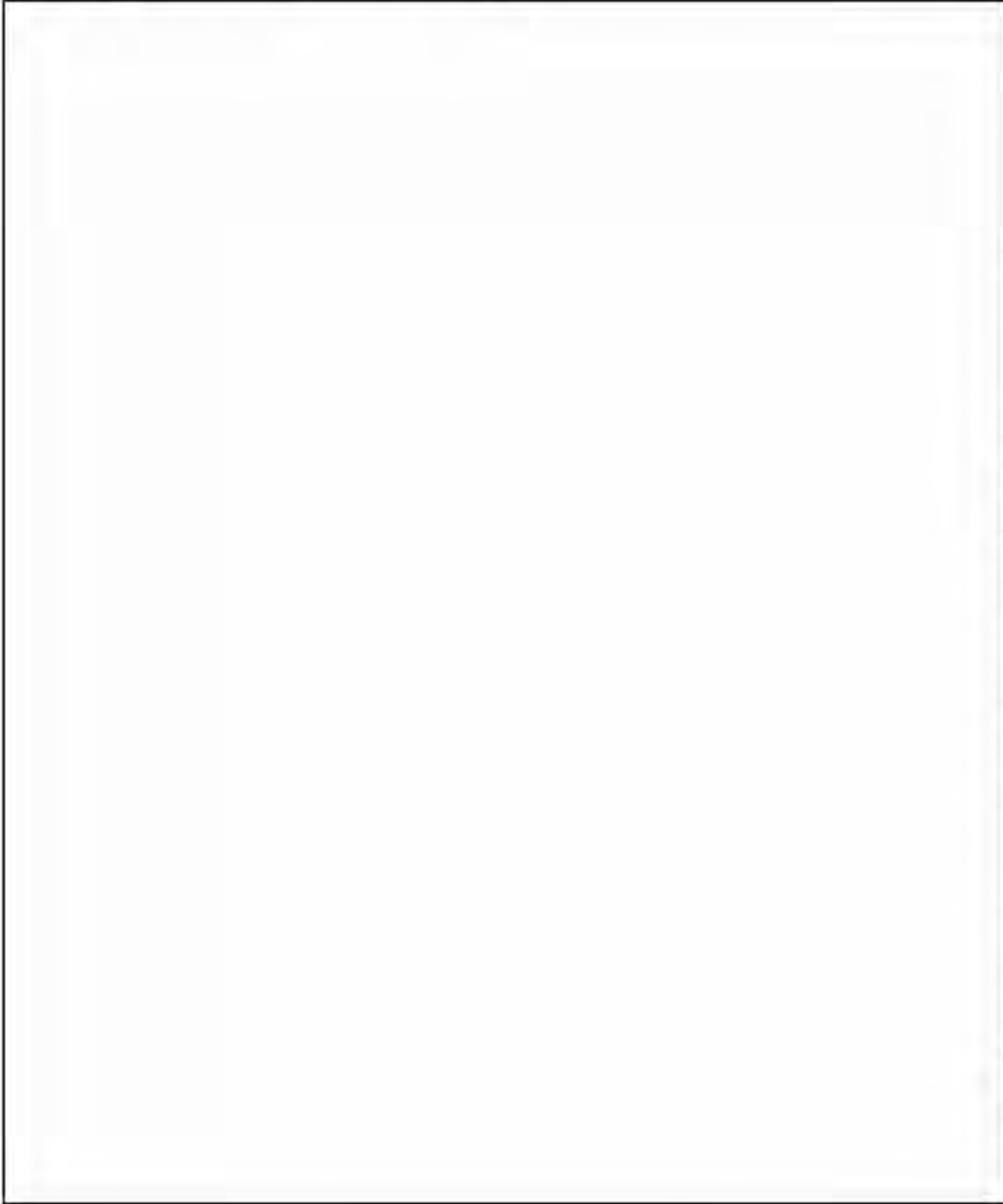


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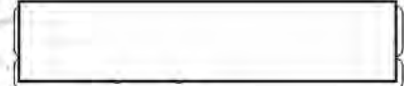
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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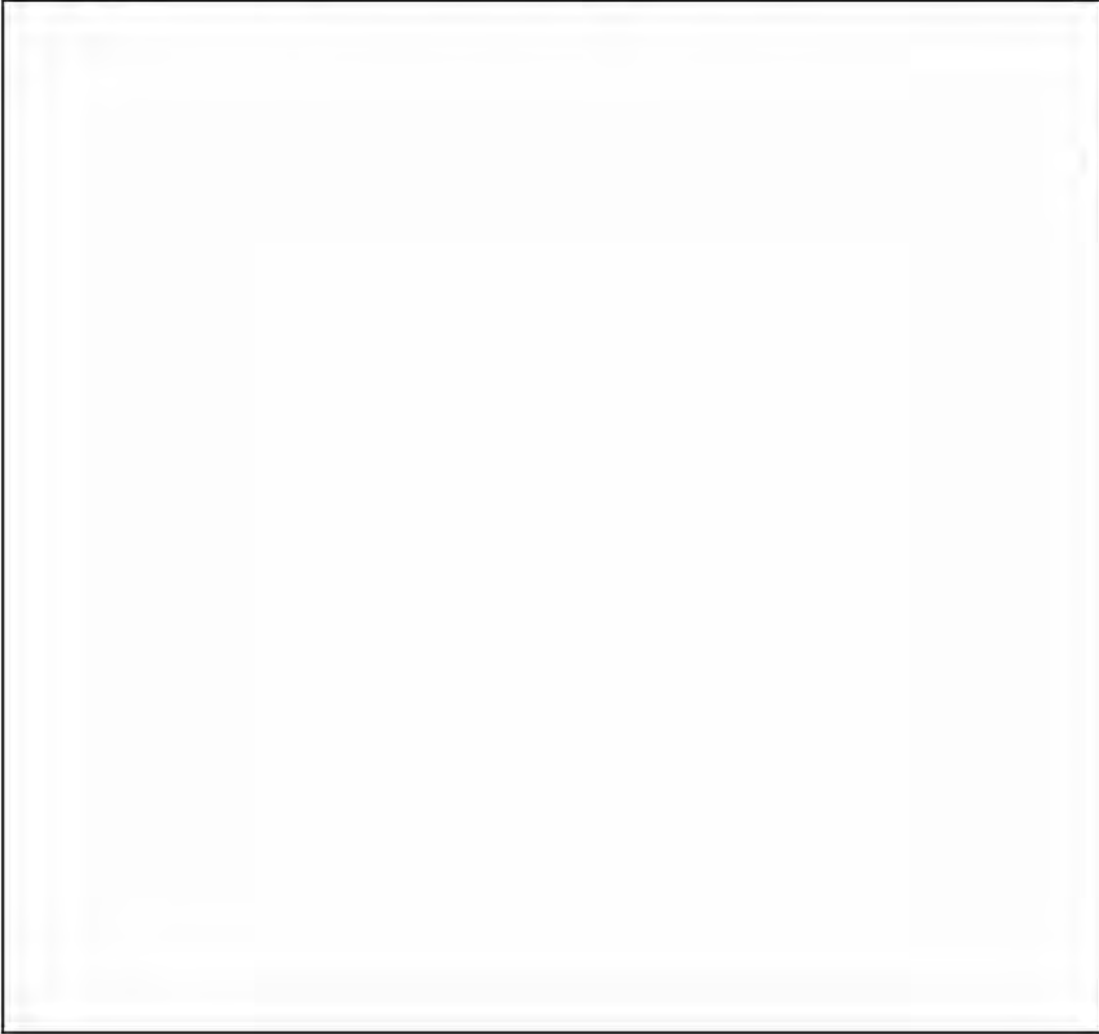


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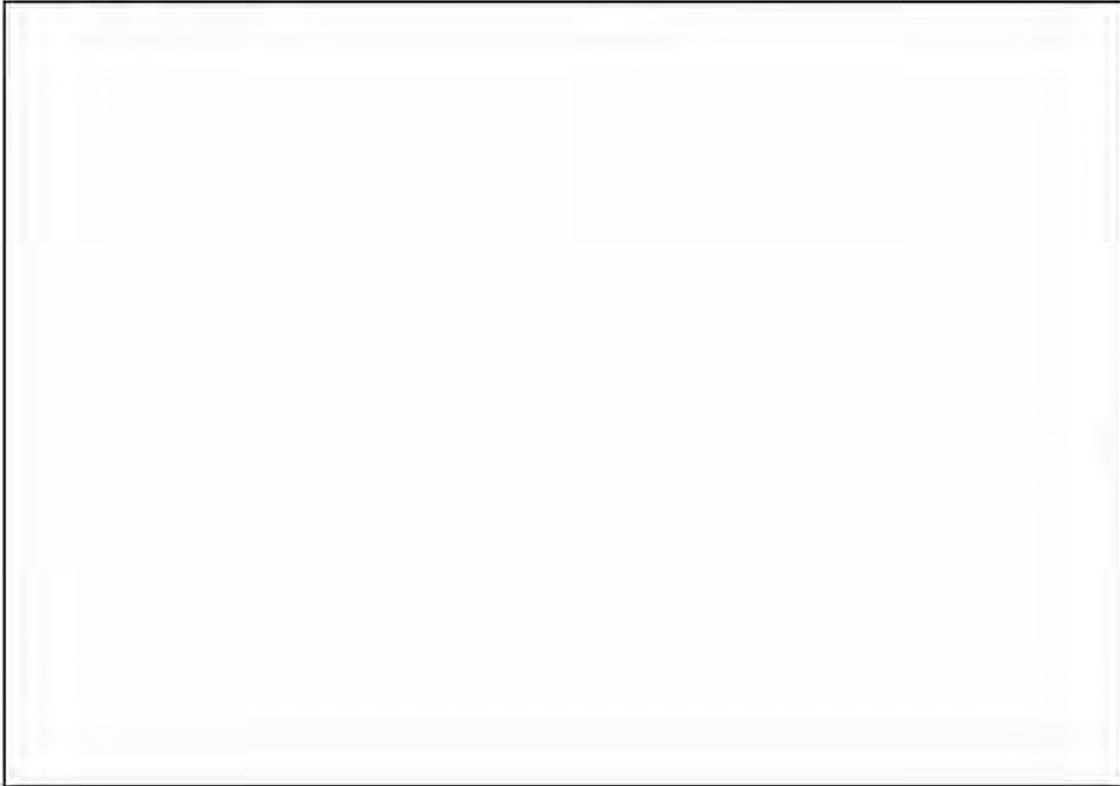


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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**Appendix I: Information Sharing Workflow**

To be included.

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
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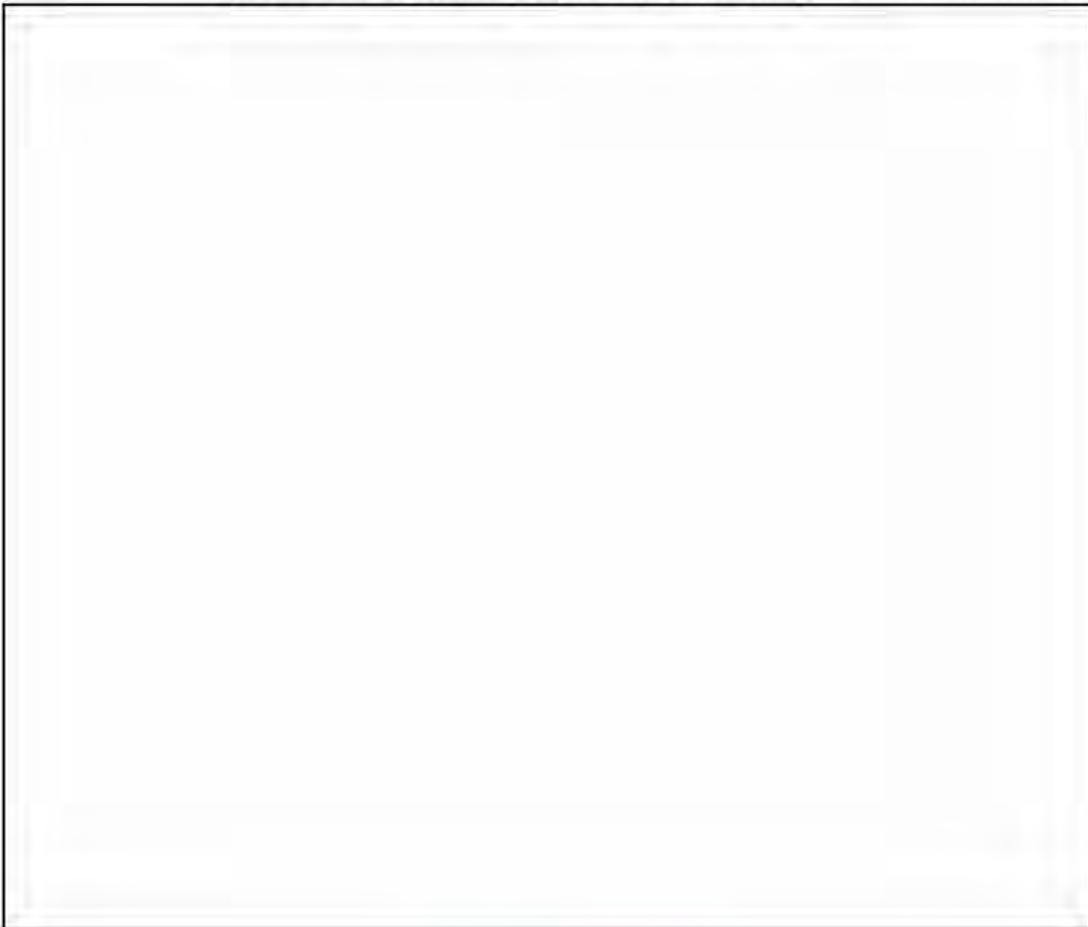
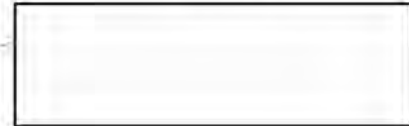
## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer (b)(5)

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information**

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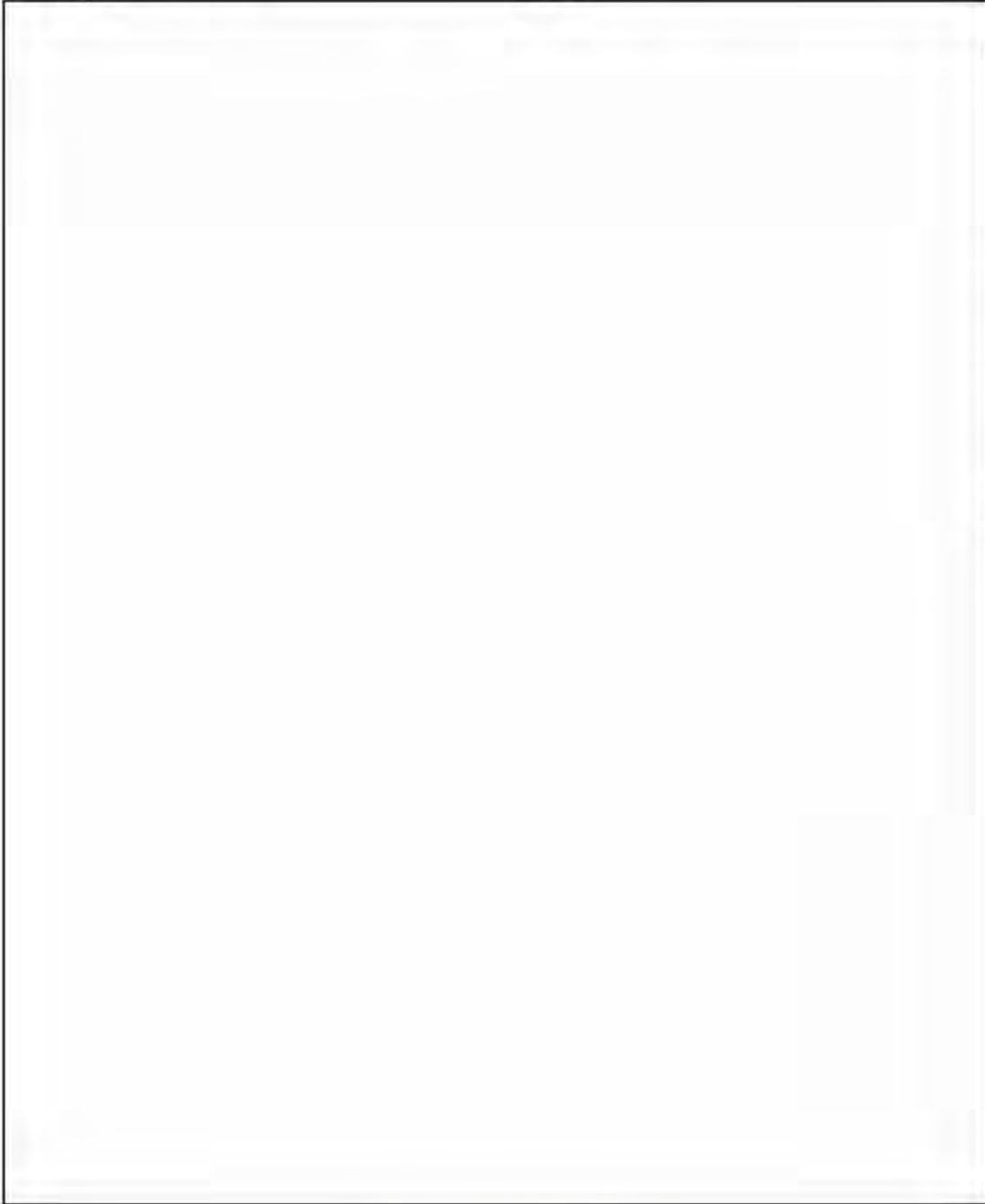
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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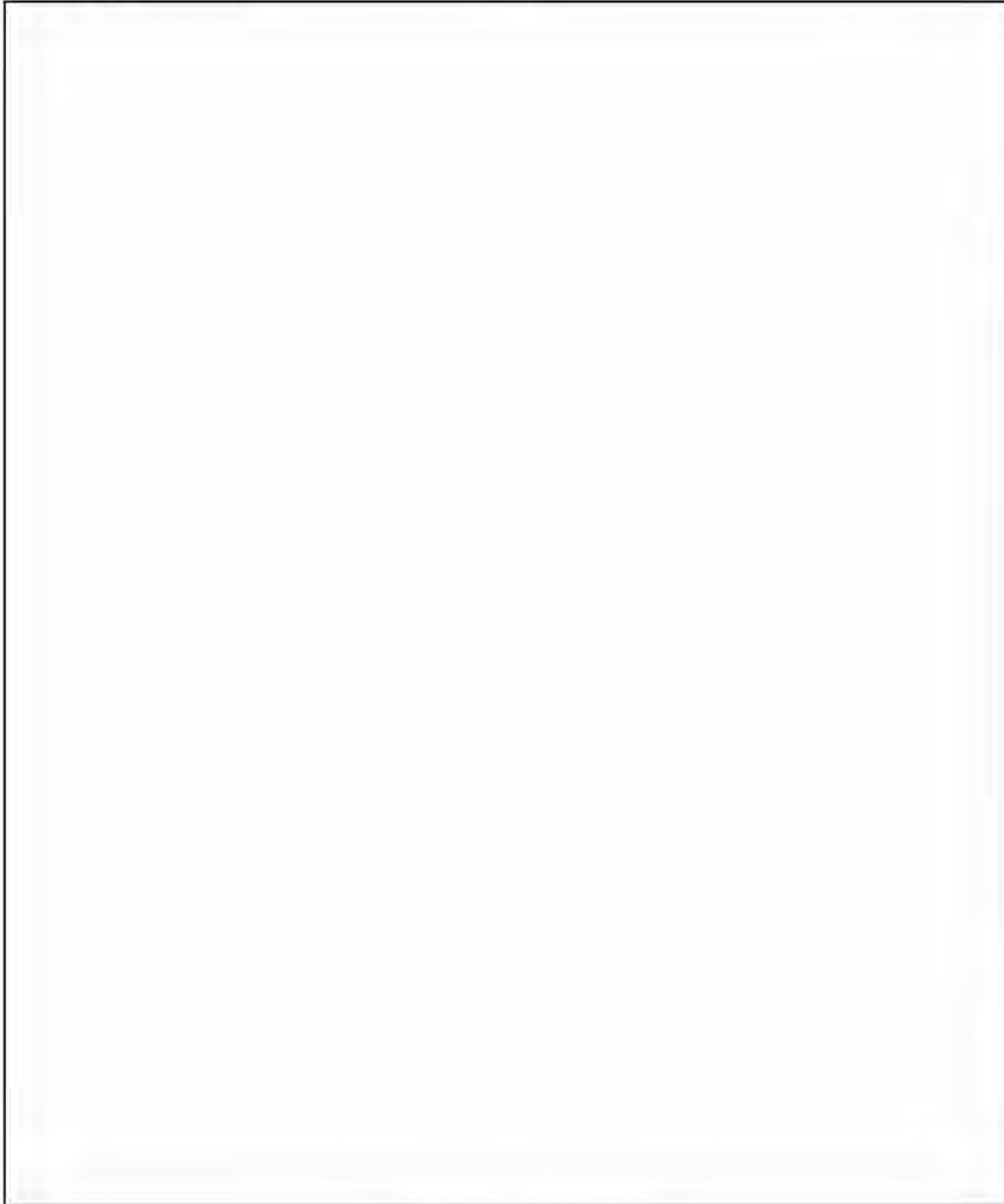
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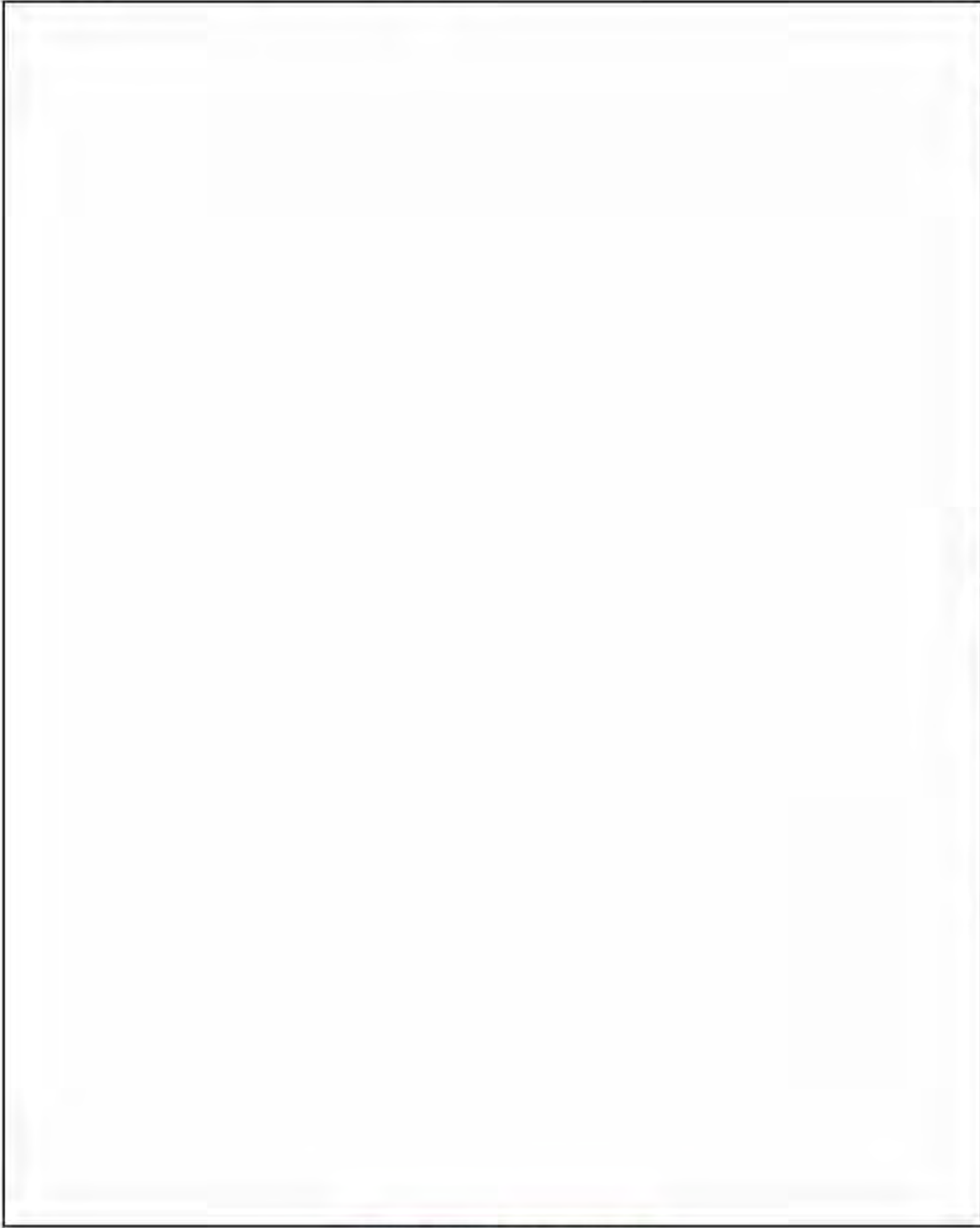


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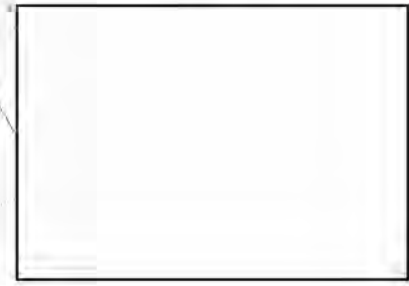
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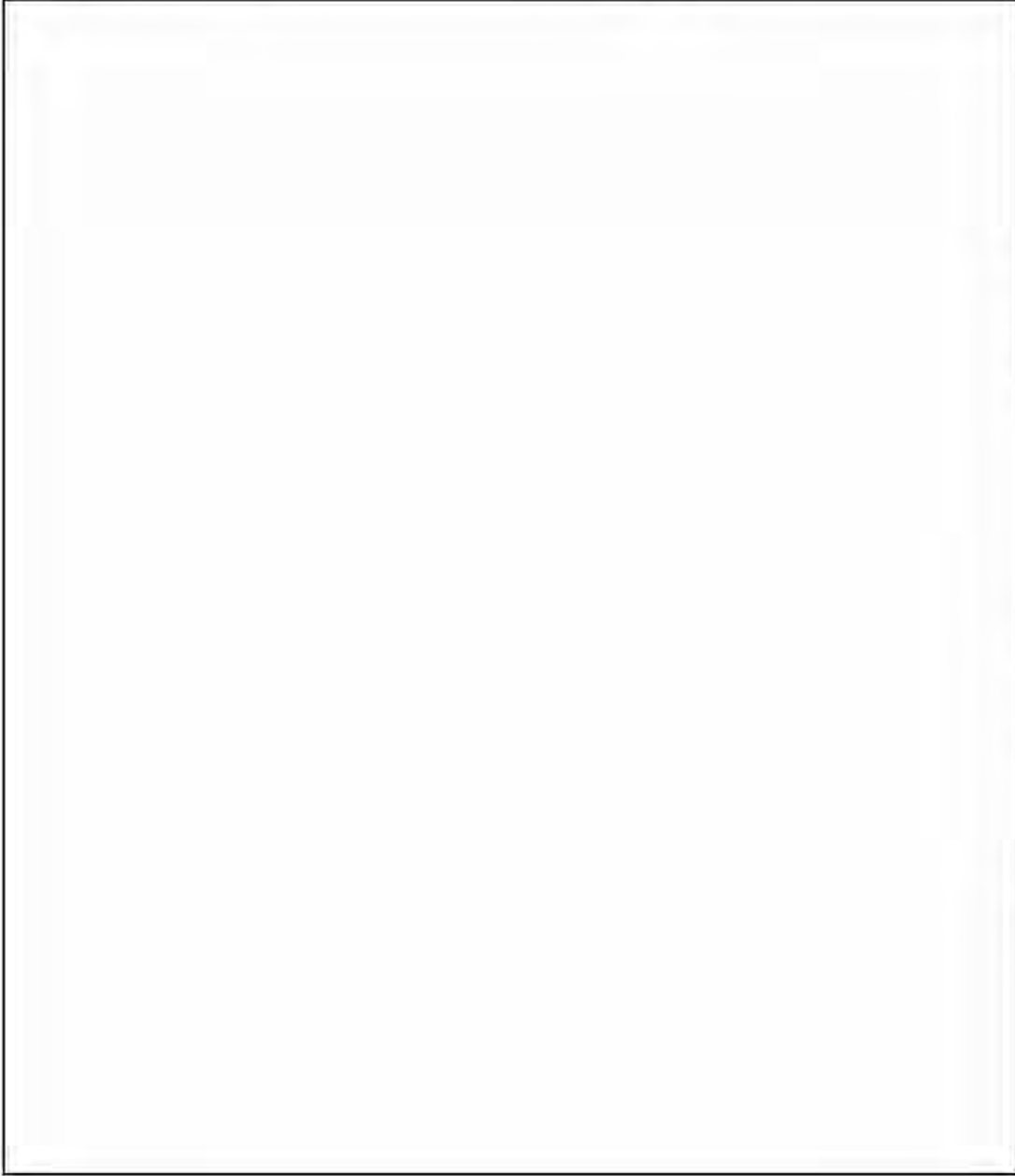
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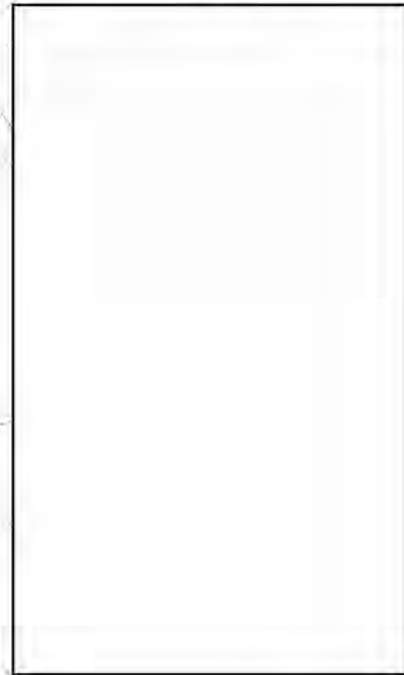
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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Page 6

**Appendix A: Handling of Special Protected Class Data**

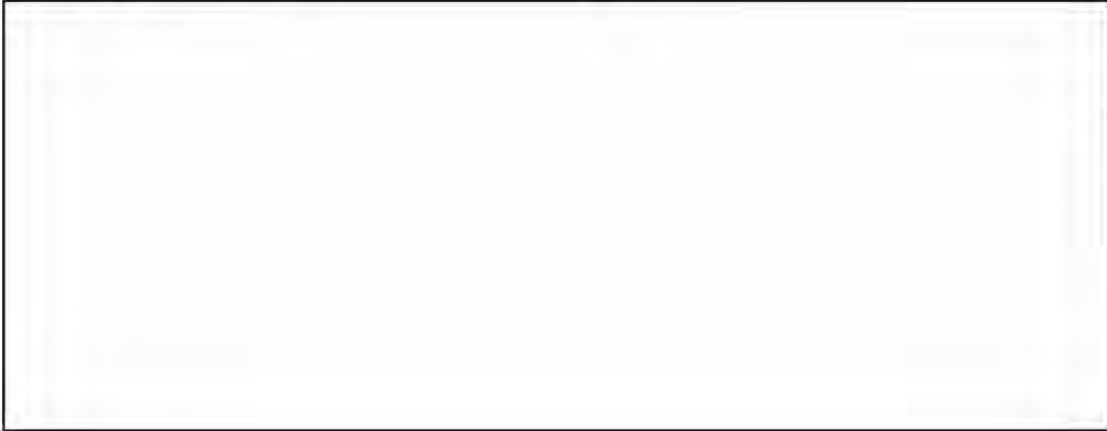
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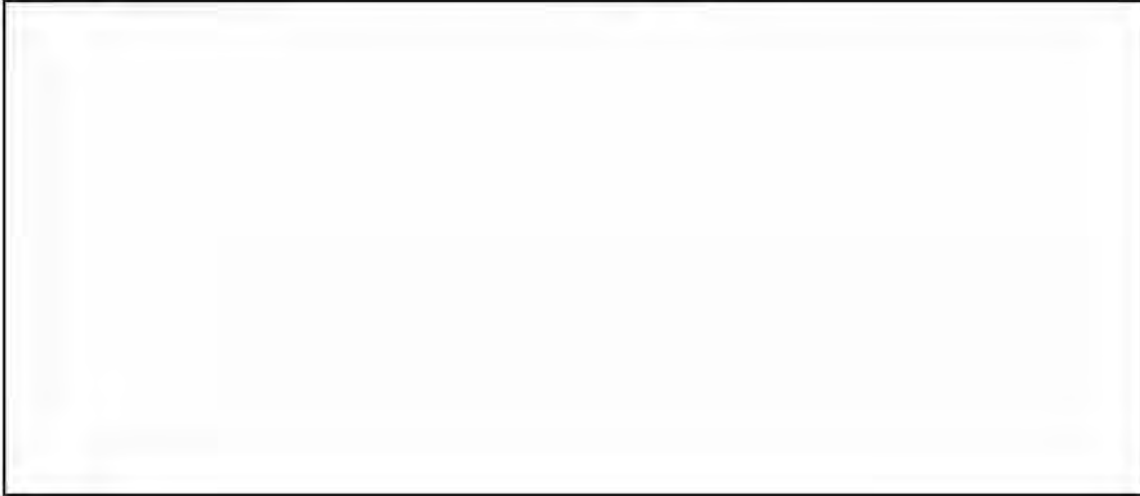
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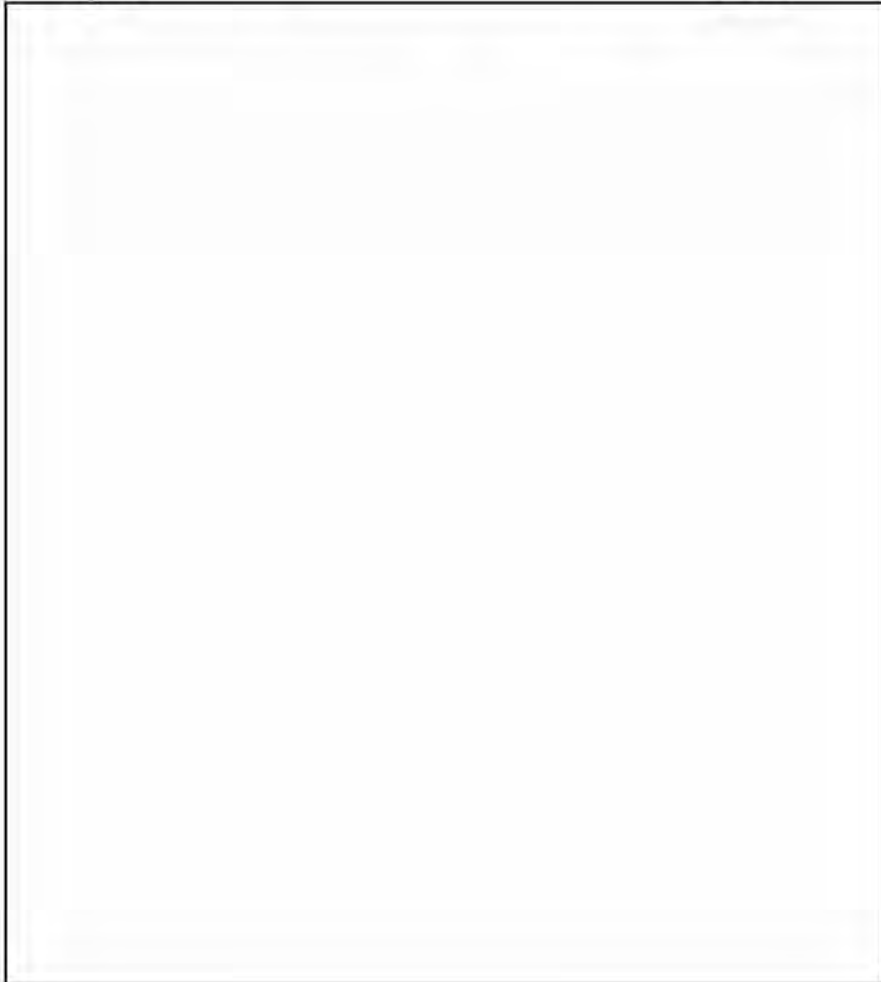
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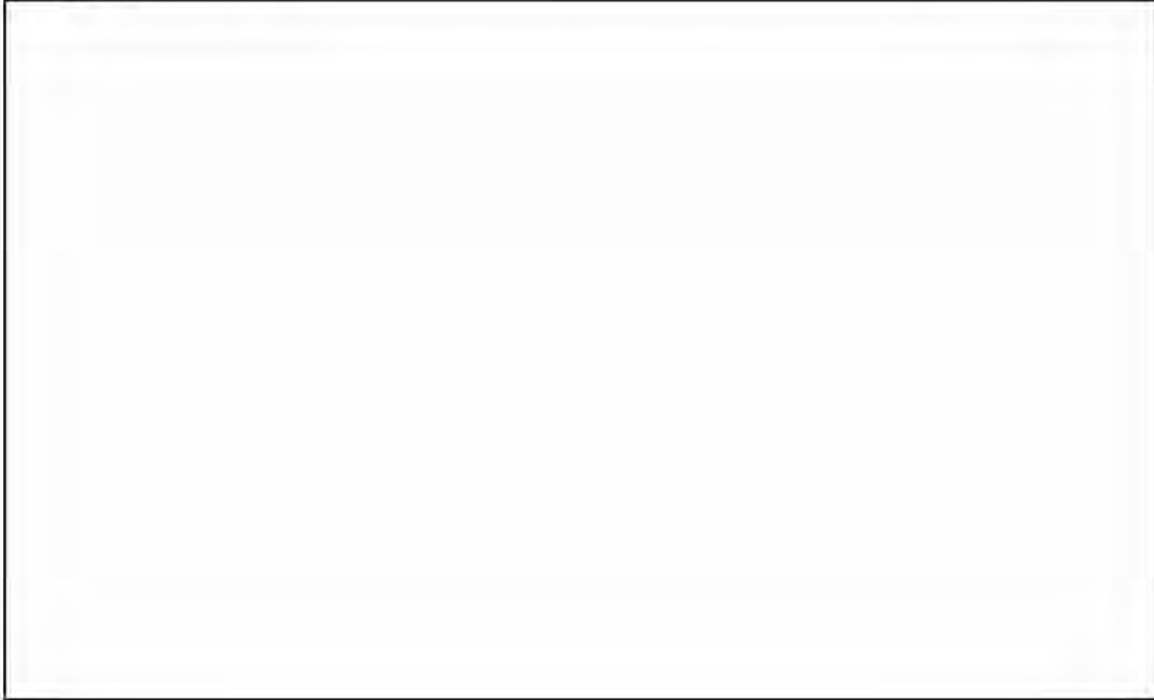


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**Appendix I: Information Sharing Workflow**

To be included.

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U.S. Citizenship  
and Immigration  
Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

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FROM: Donald K. Hawkins  
USCIS Chief Privacy Officer

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SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information**

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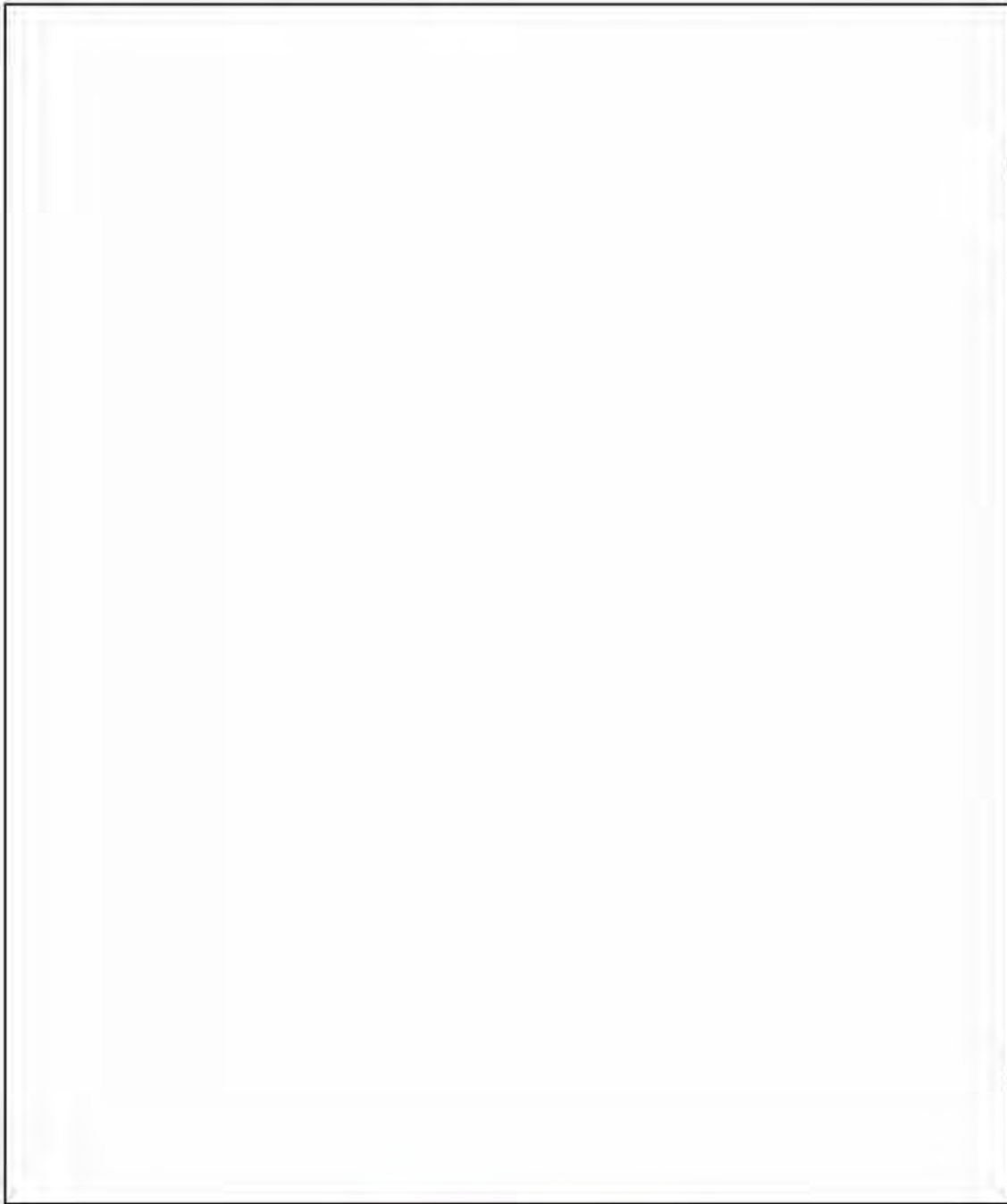
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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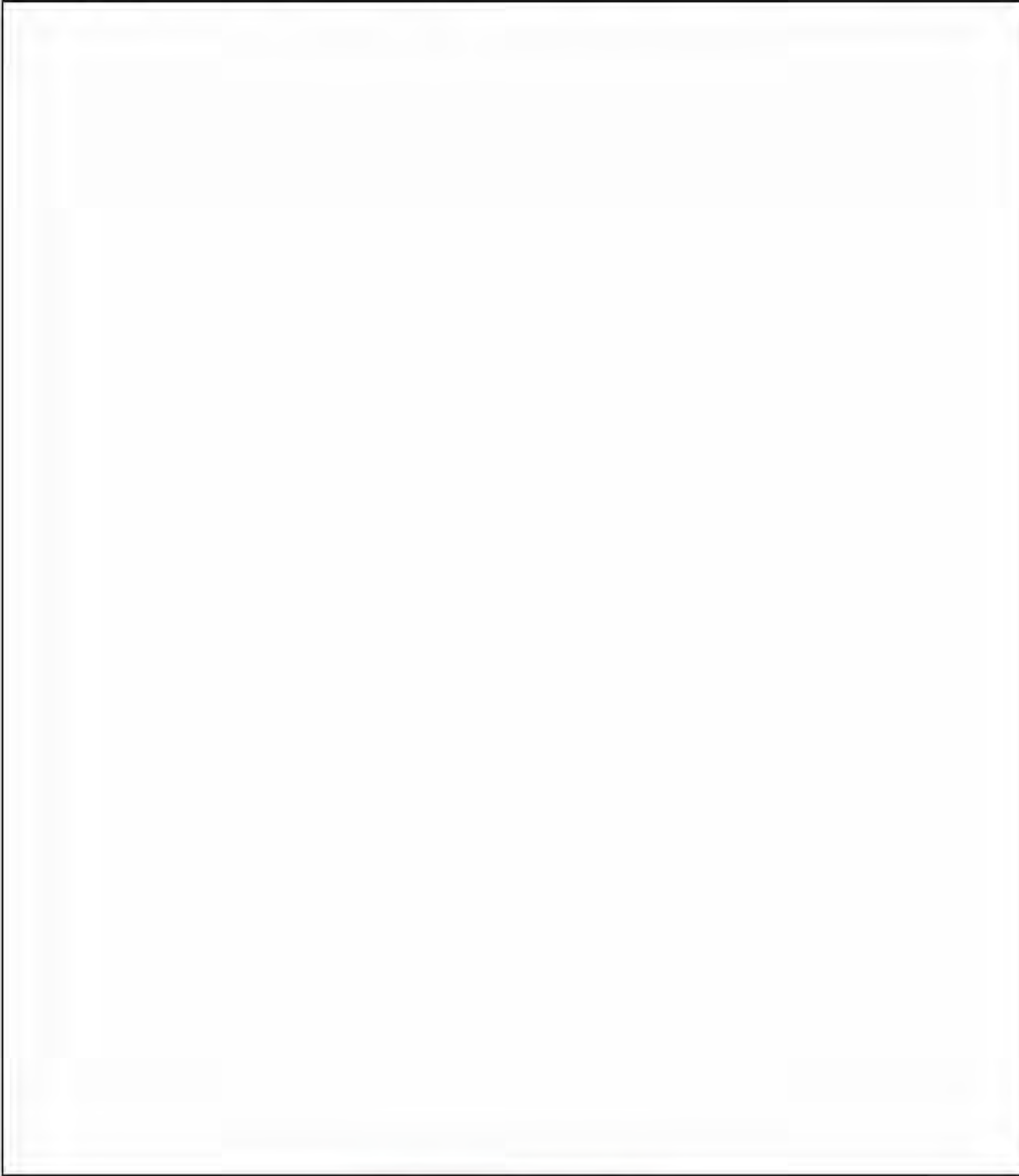
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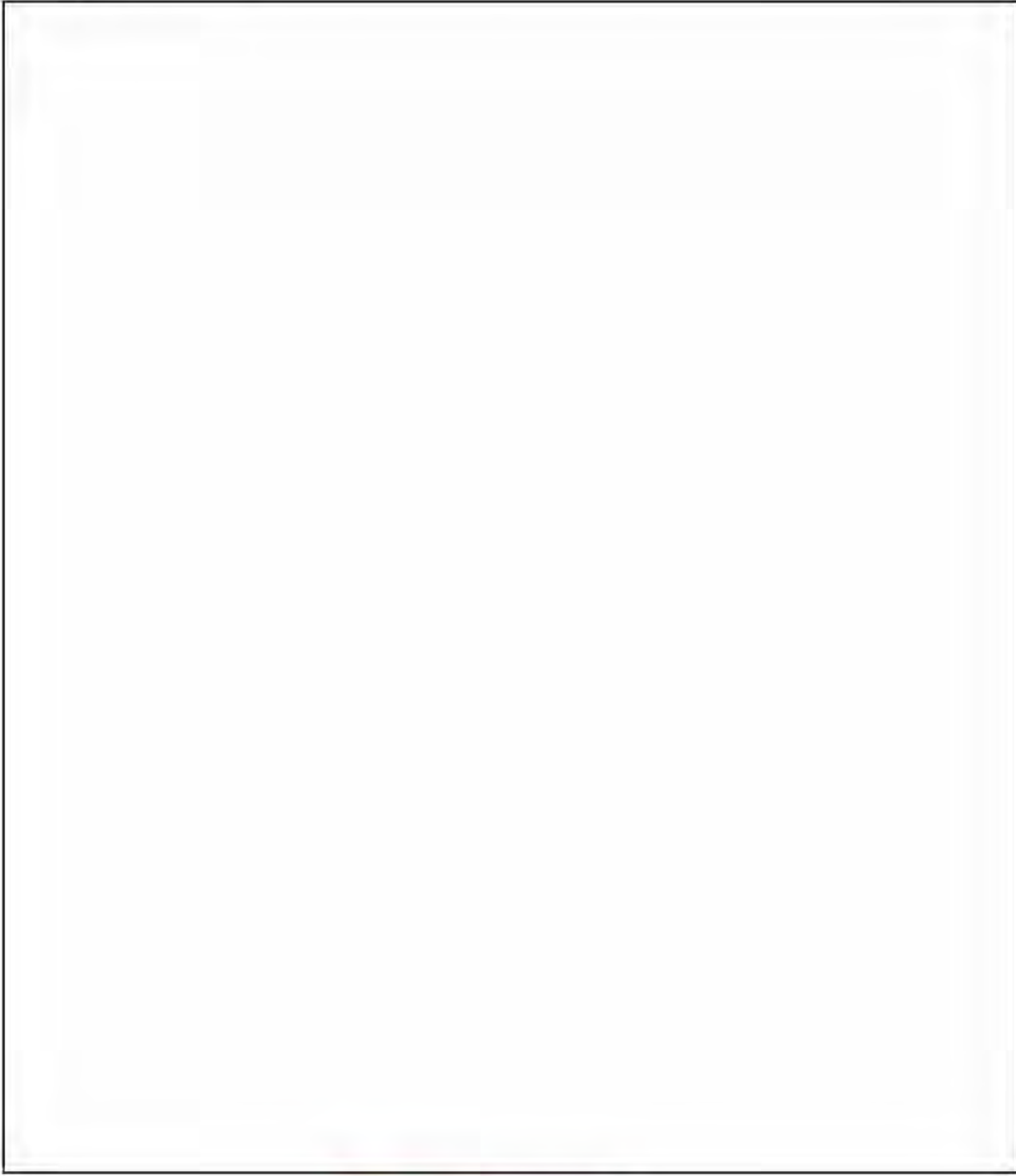
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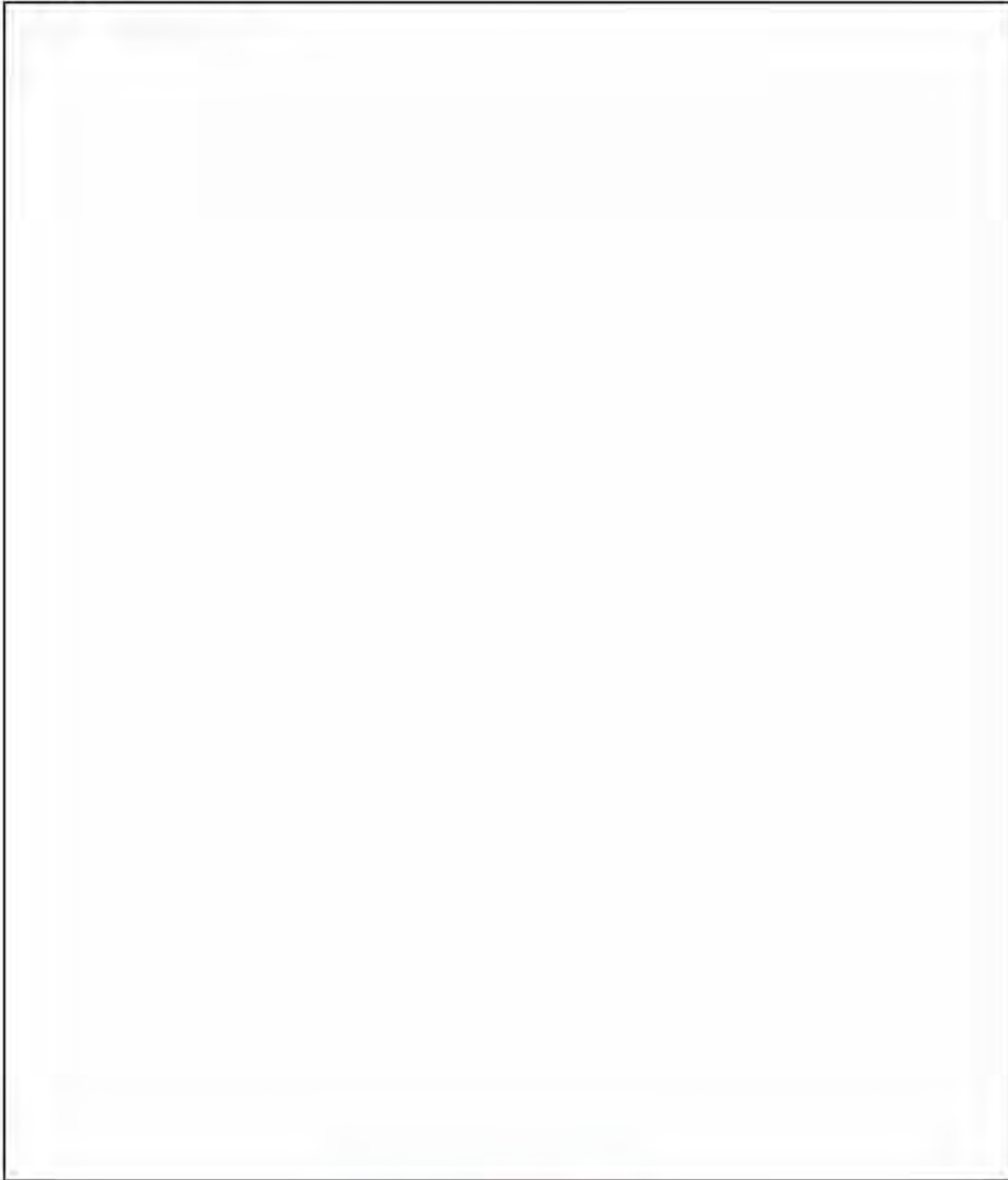
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U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
and Immigration  
Services

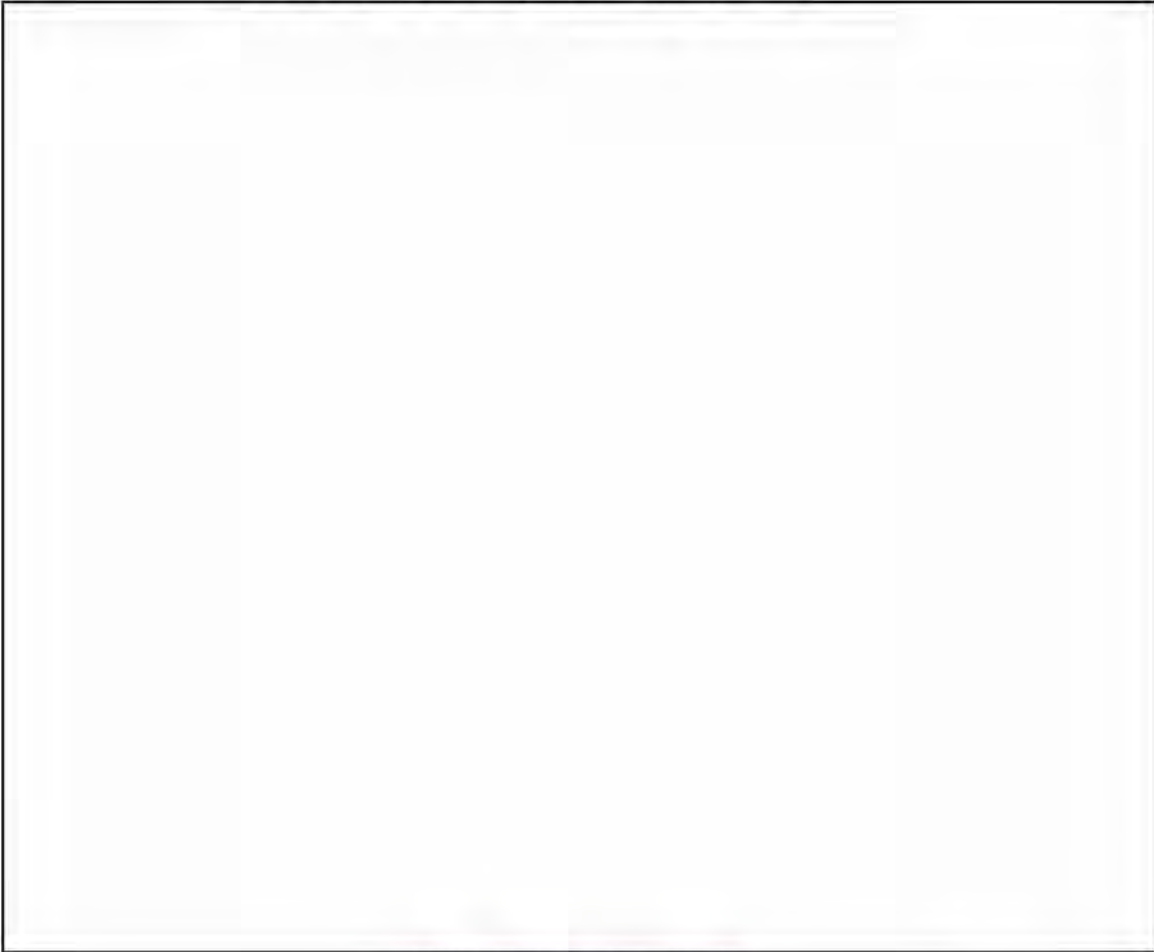
## Information Memorandum

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TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Chief Privacy Officer (b)(5)

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information**



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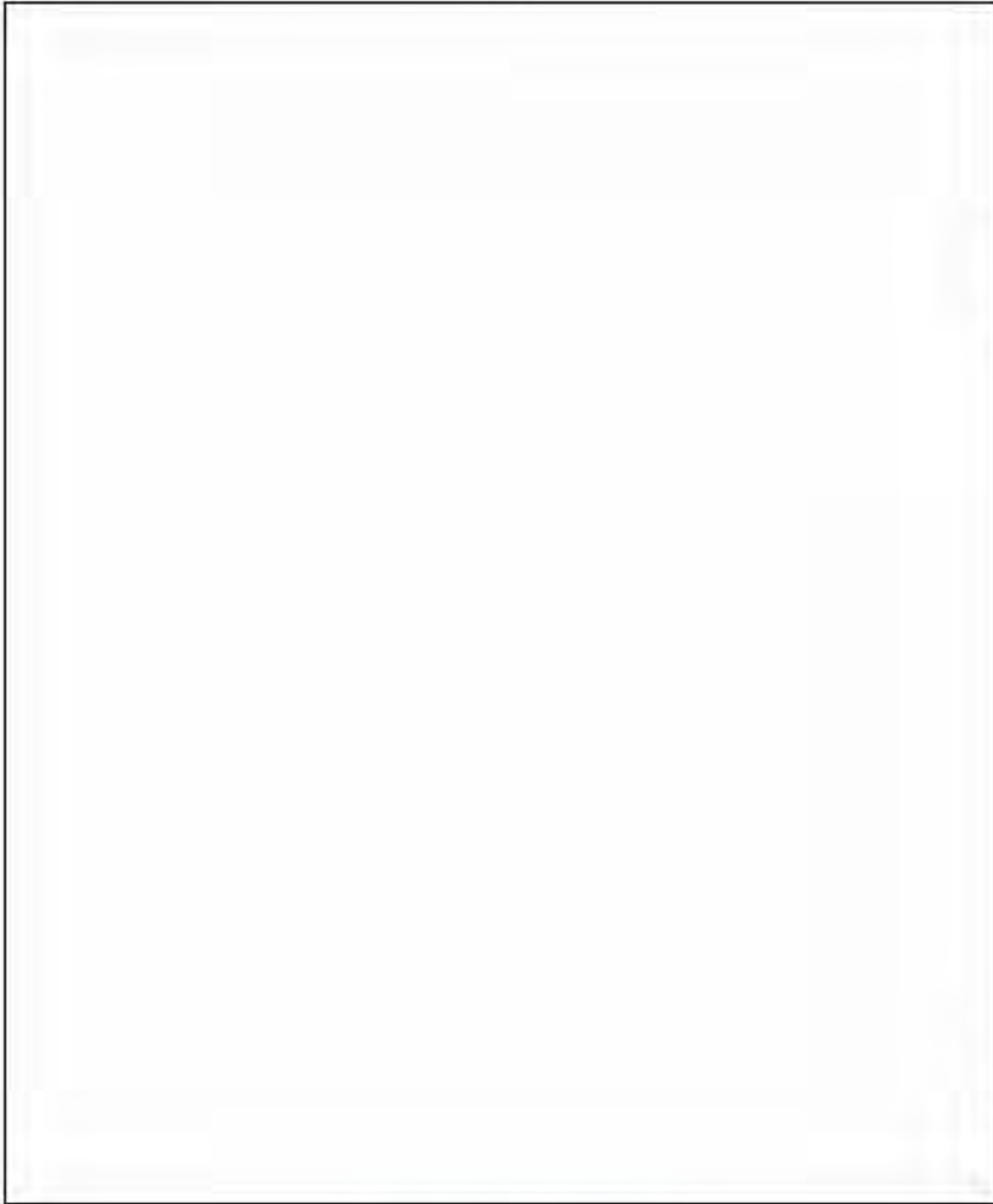
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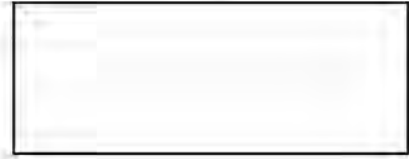
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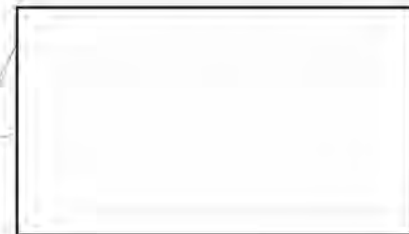
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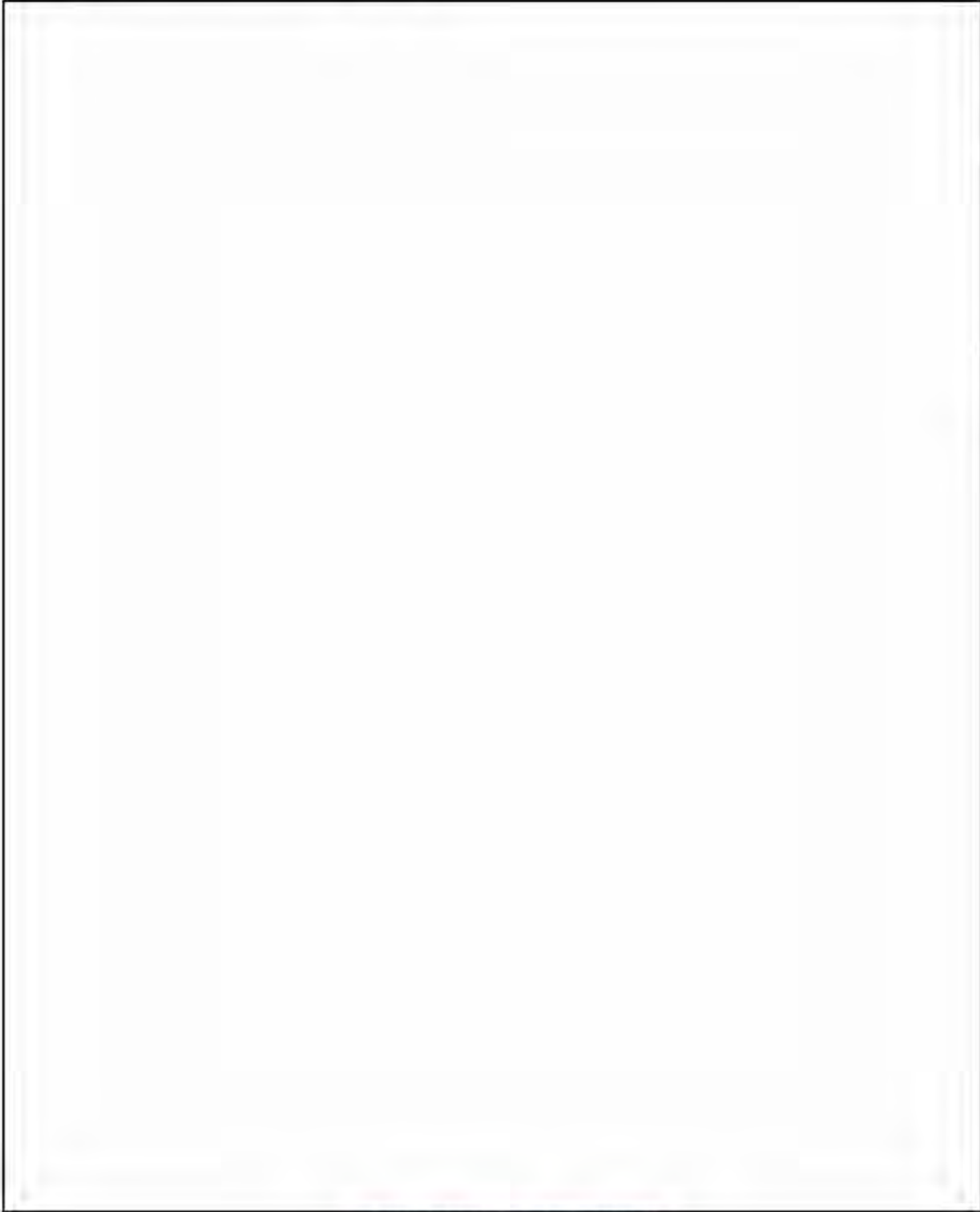


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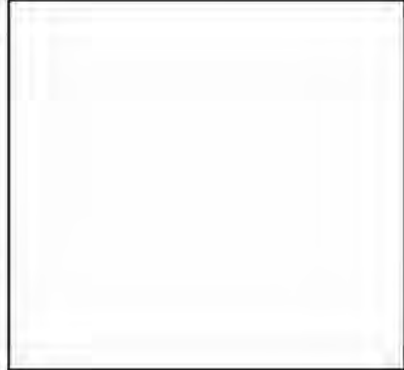
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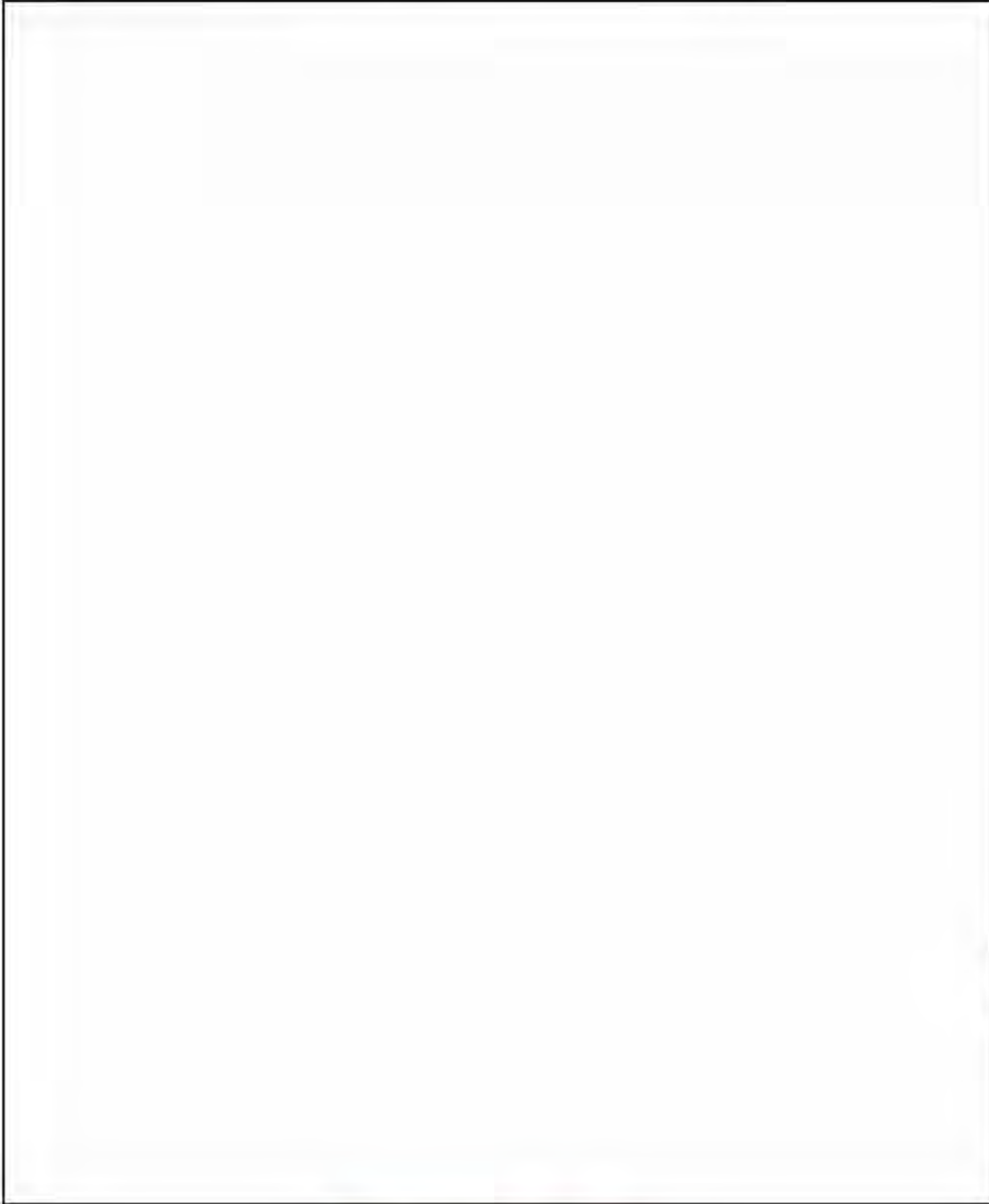


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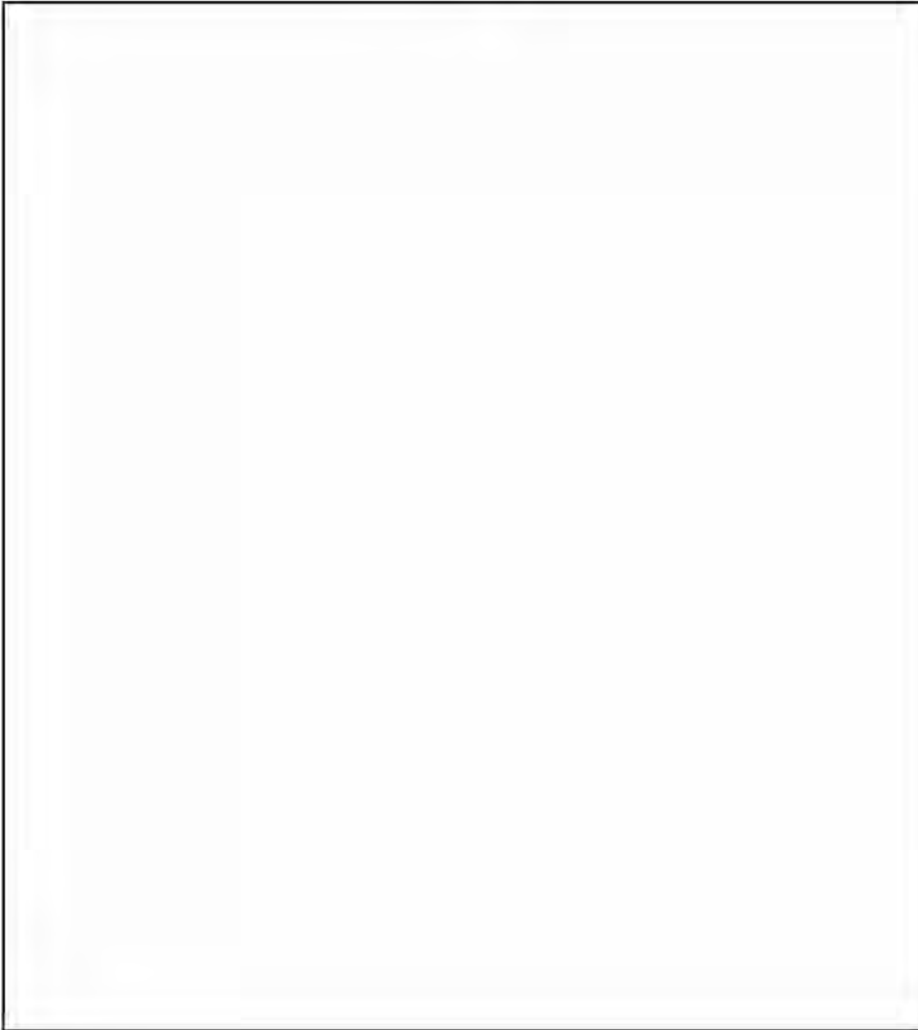
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**Appendix B: Definitions**

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U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



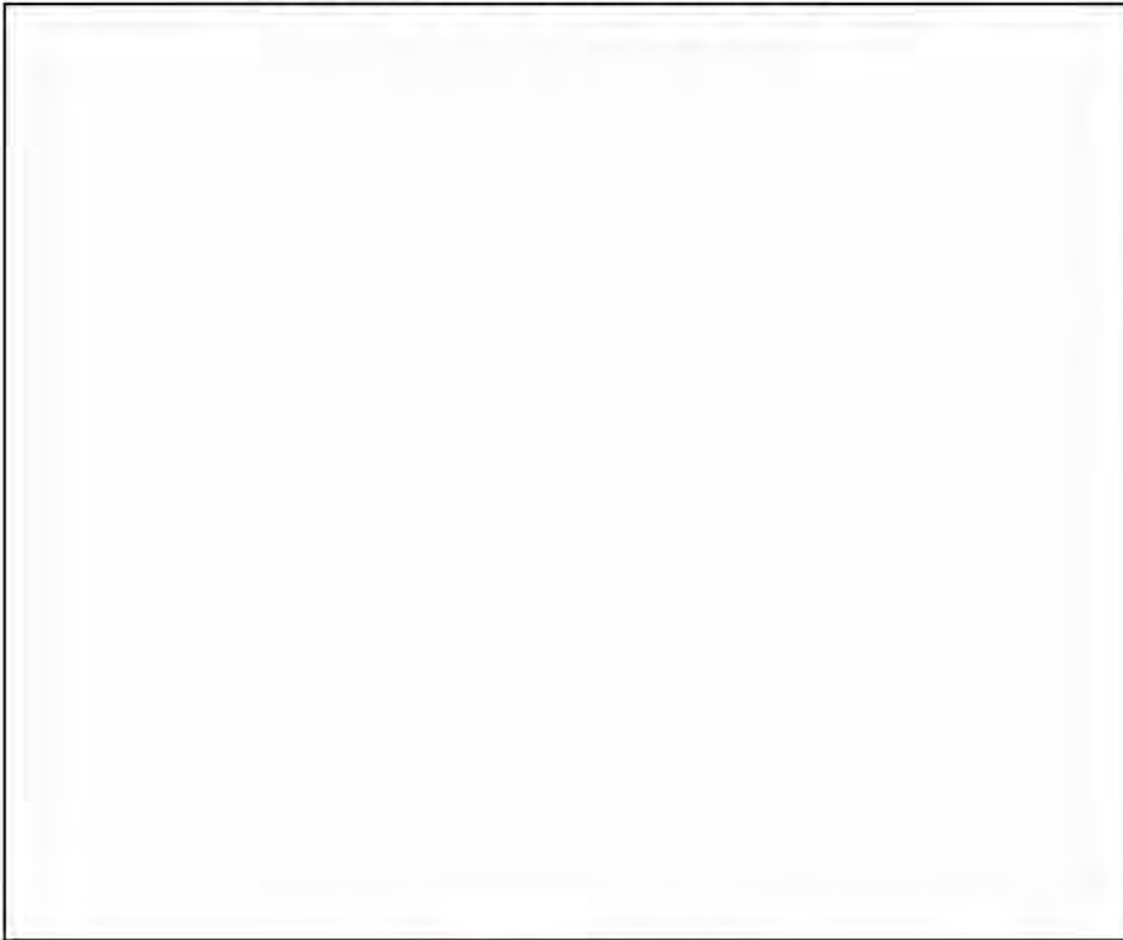
U.S. Citizenship  
and Immigration  
Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins (b)(5)  
USCIS Chief Privacy Officer

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**



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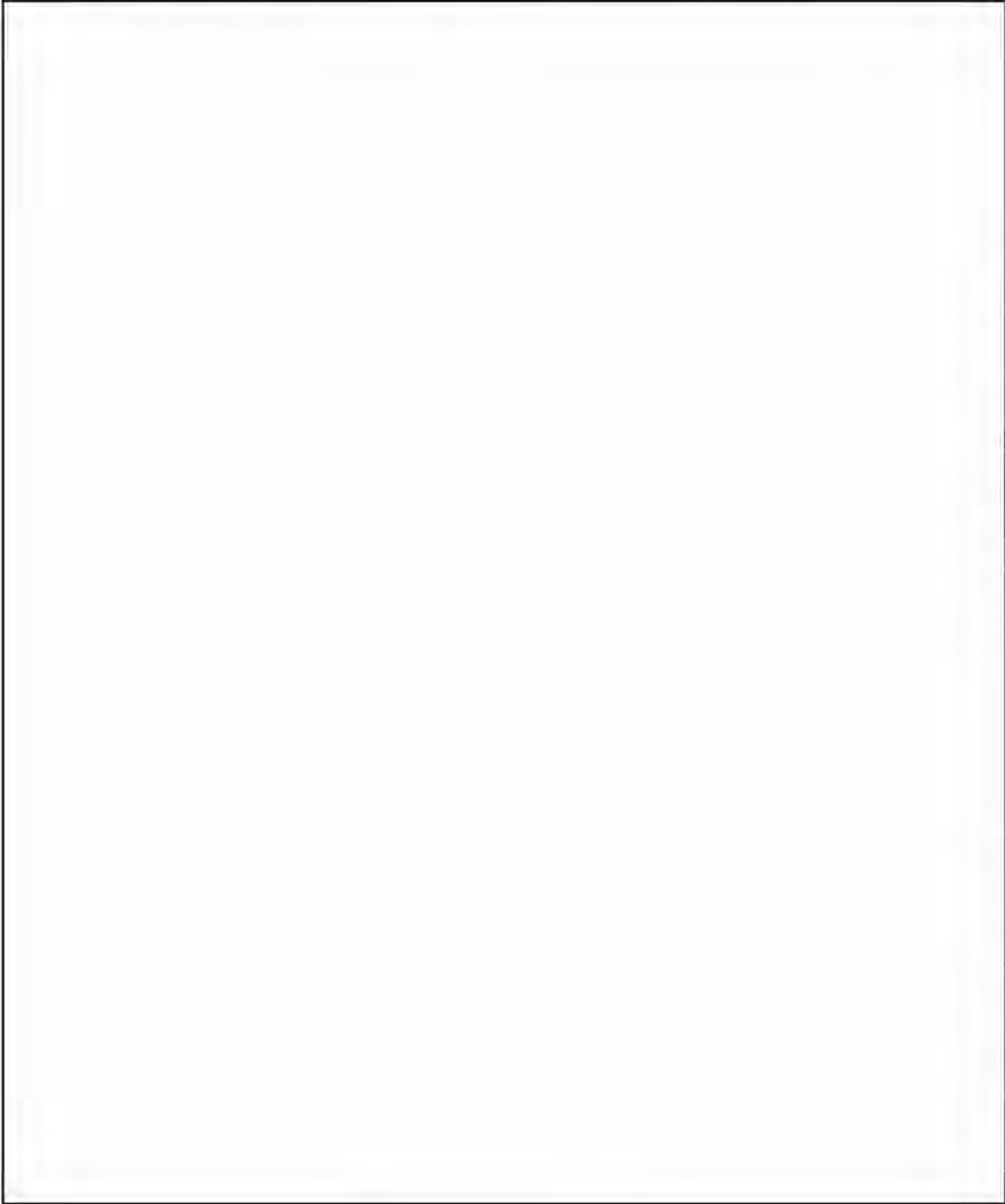
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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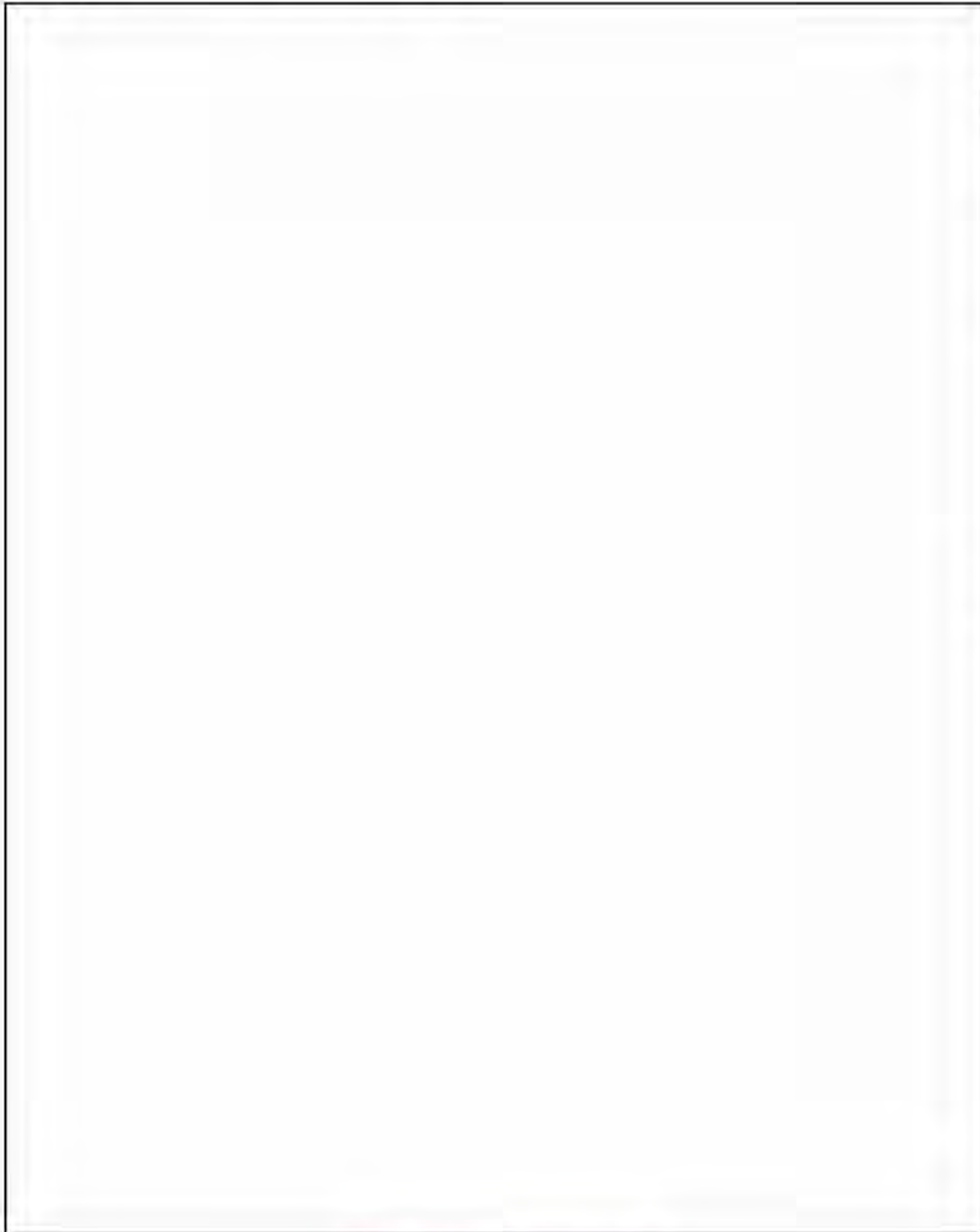
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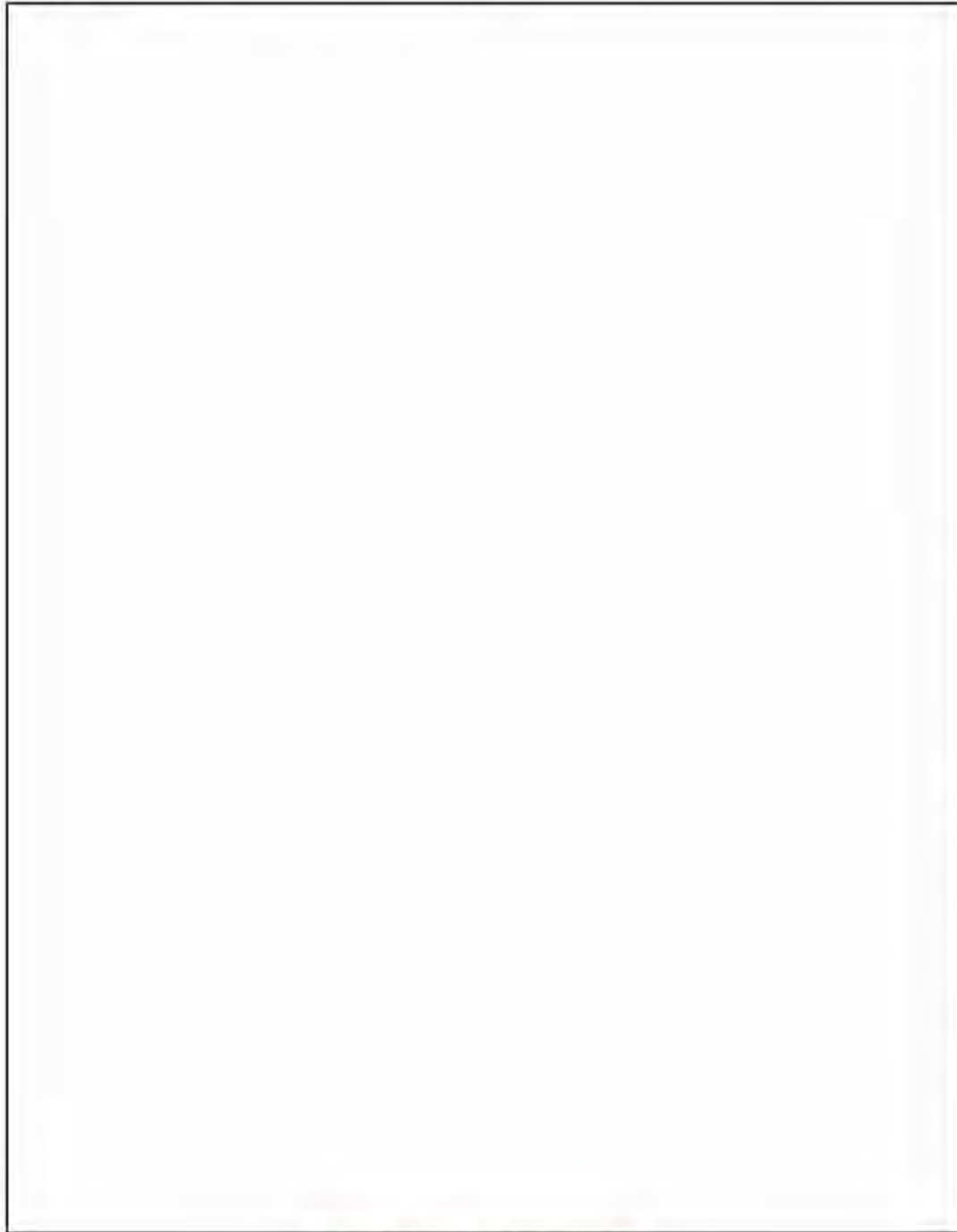
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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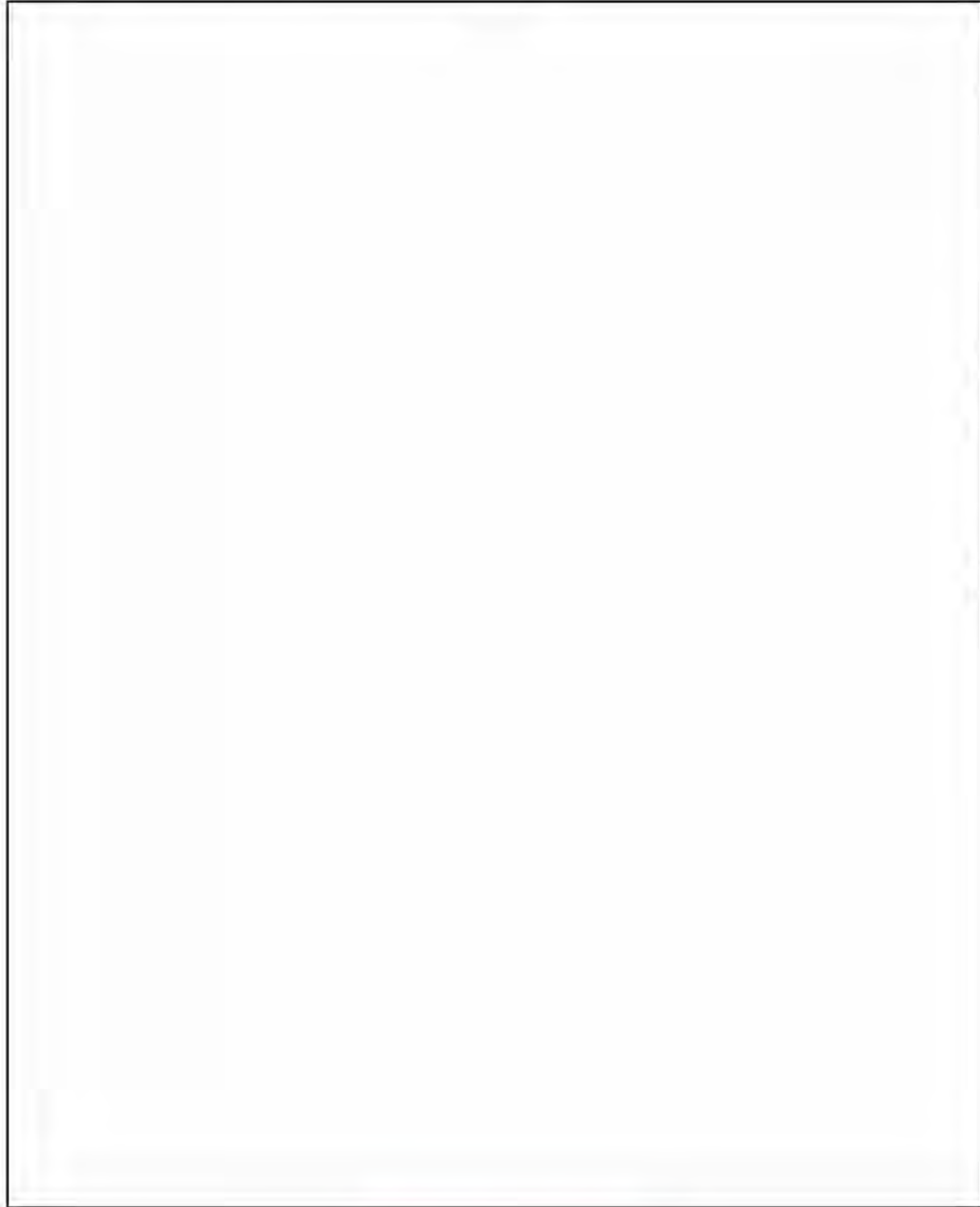
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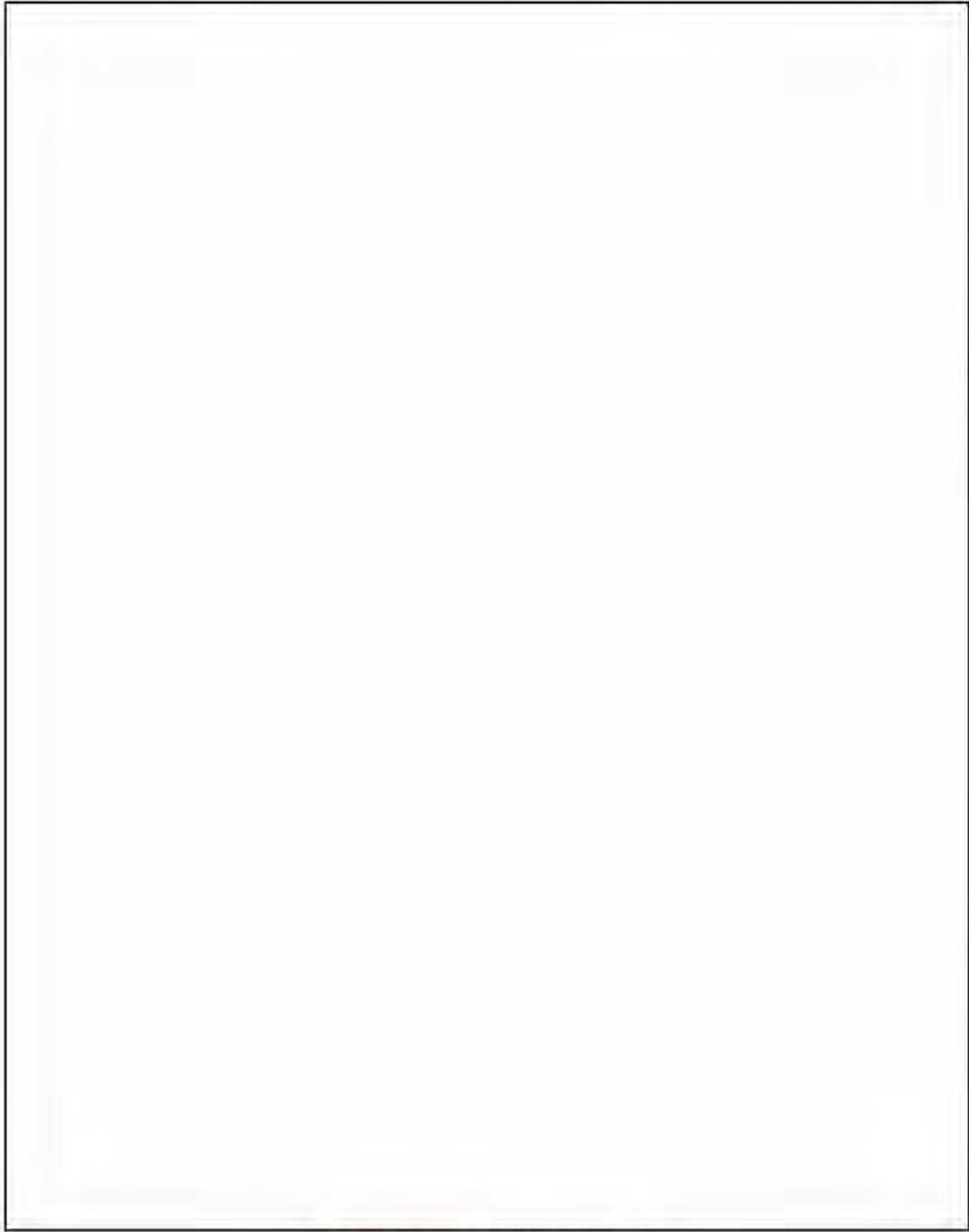
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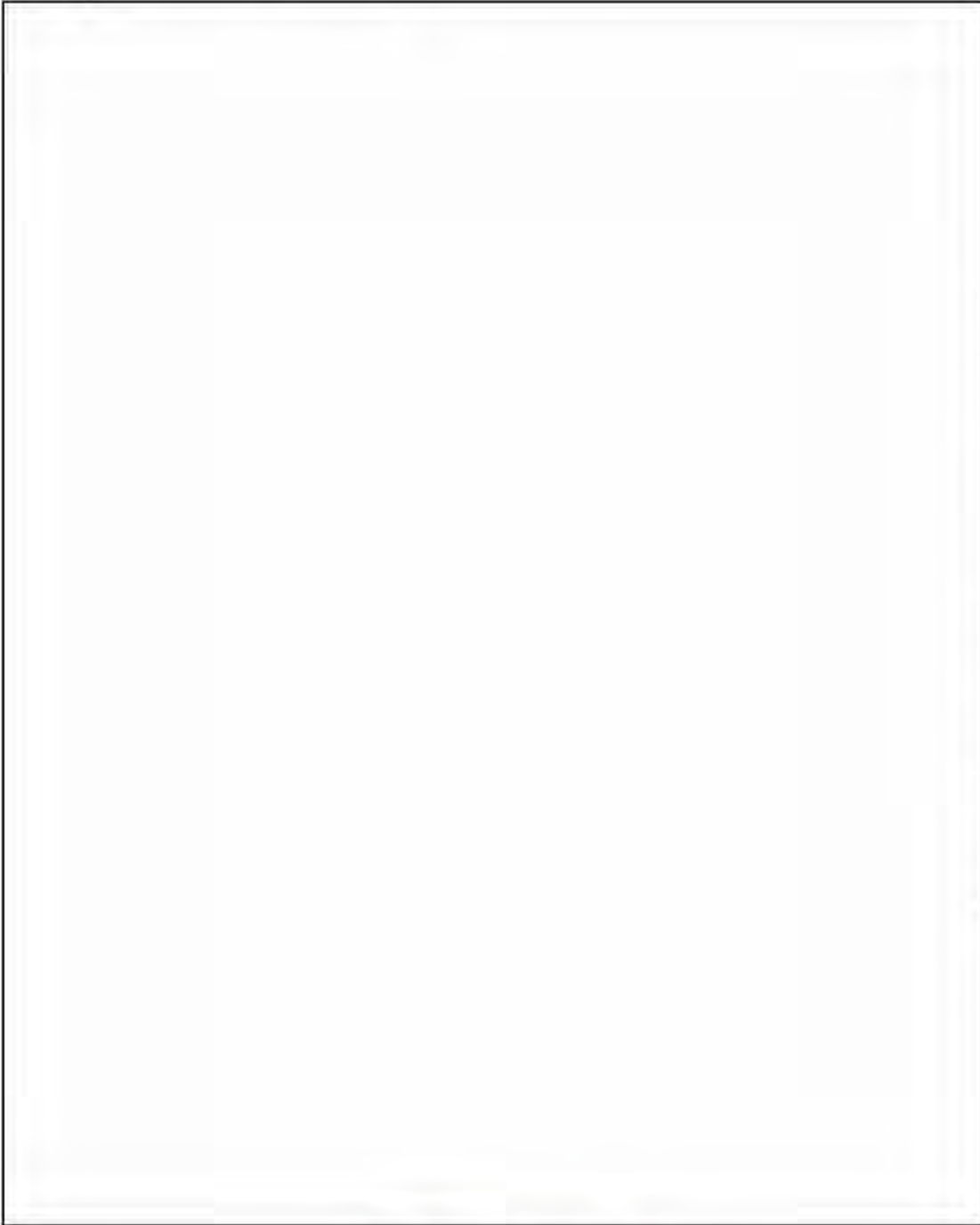
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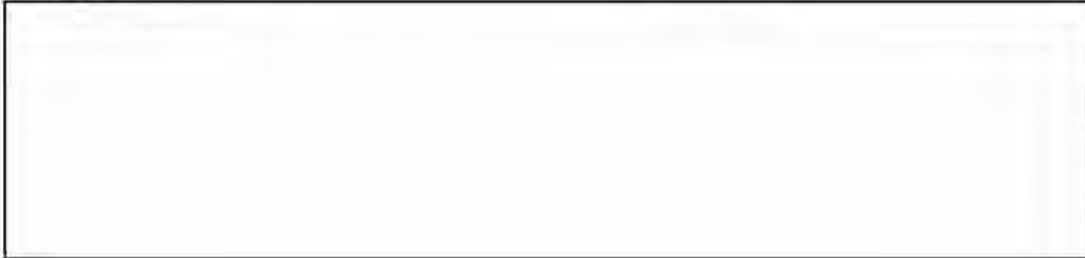
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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<sup>3</sup> 5 U.S.C. § 552a(b)(9).

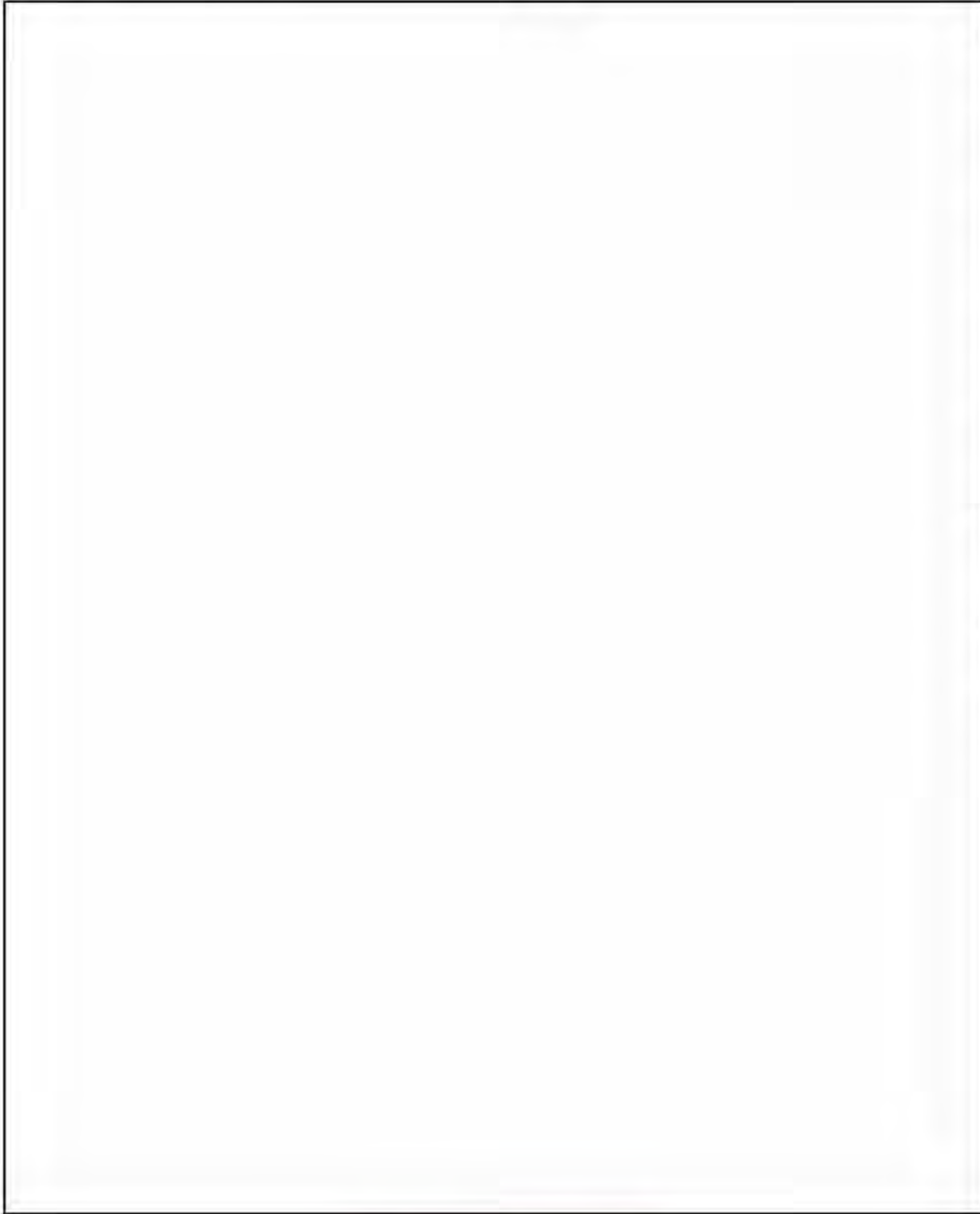
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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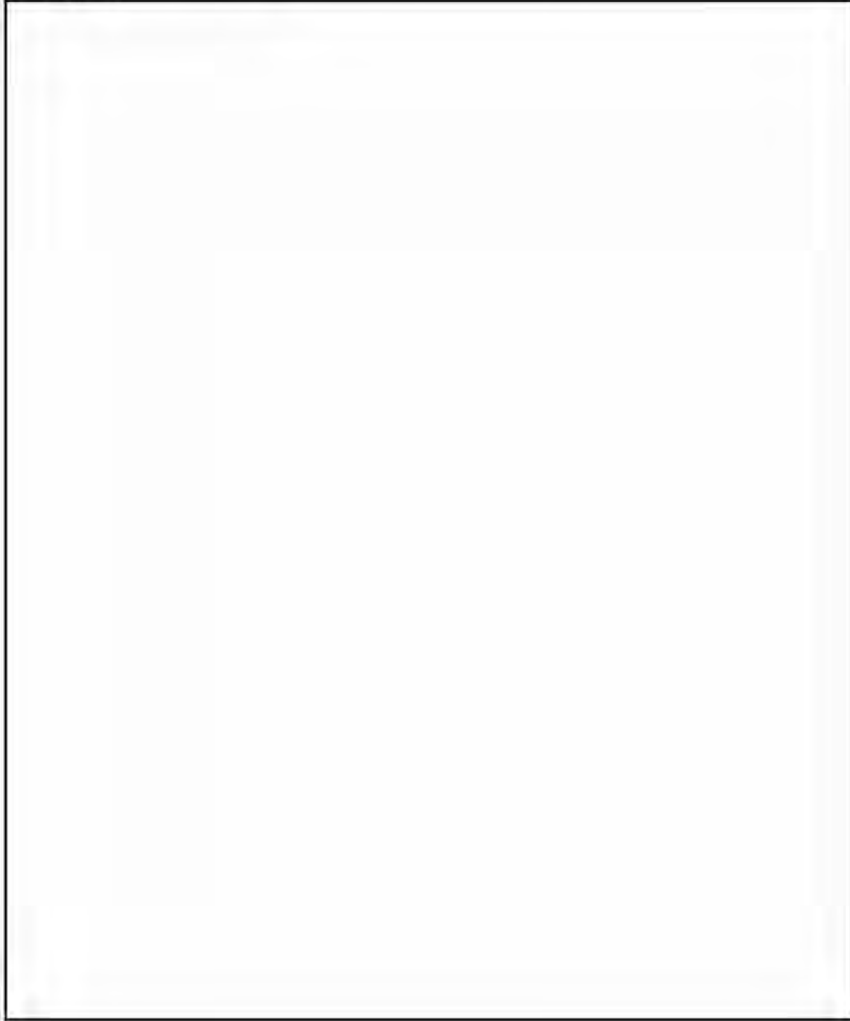
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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Page 11

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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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Page 12

**Appendix B: Definitions**

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U.S. Citizenship  
and Immigration  
Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Chief Privacy Officer

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**

**Purpose:** On January 25, 2017, President Trump issued Executive Order (E.O.) No. 13,768, *Enhancing Public Safety in the Interior of the United States*, which states that agencies may no longer extend the protections of the Privacy Act to those other than U.S. citizens (USCs) and Lawful Permanent Residents (LPRs). In response, DHS Privacy released *Policy Guidance Memorandum 2017-1, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information*, cancelling Privacy Policy Directive 262-12 (*Mixed Systems Policy*).<sup>1</sup> The purpose of this document is to provide guidance and procedures to support the implementation of the new DHS Privacy Policy.

**Background:** In 2007, the DHS Privacy Office released the Mixed Systems Policy. Under this policy, DHS extended Privacy Act protections to Personally Identifiable Information (PII) regardless of whether the information pertained to a U.S. citizen, LPR, immigrant, or non-immigrant. DHS extended these protections because of inherent difficulties in determining a person's real-time immigration status, which may change over time through naturalization or adjustment.



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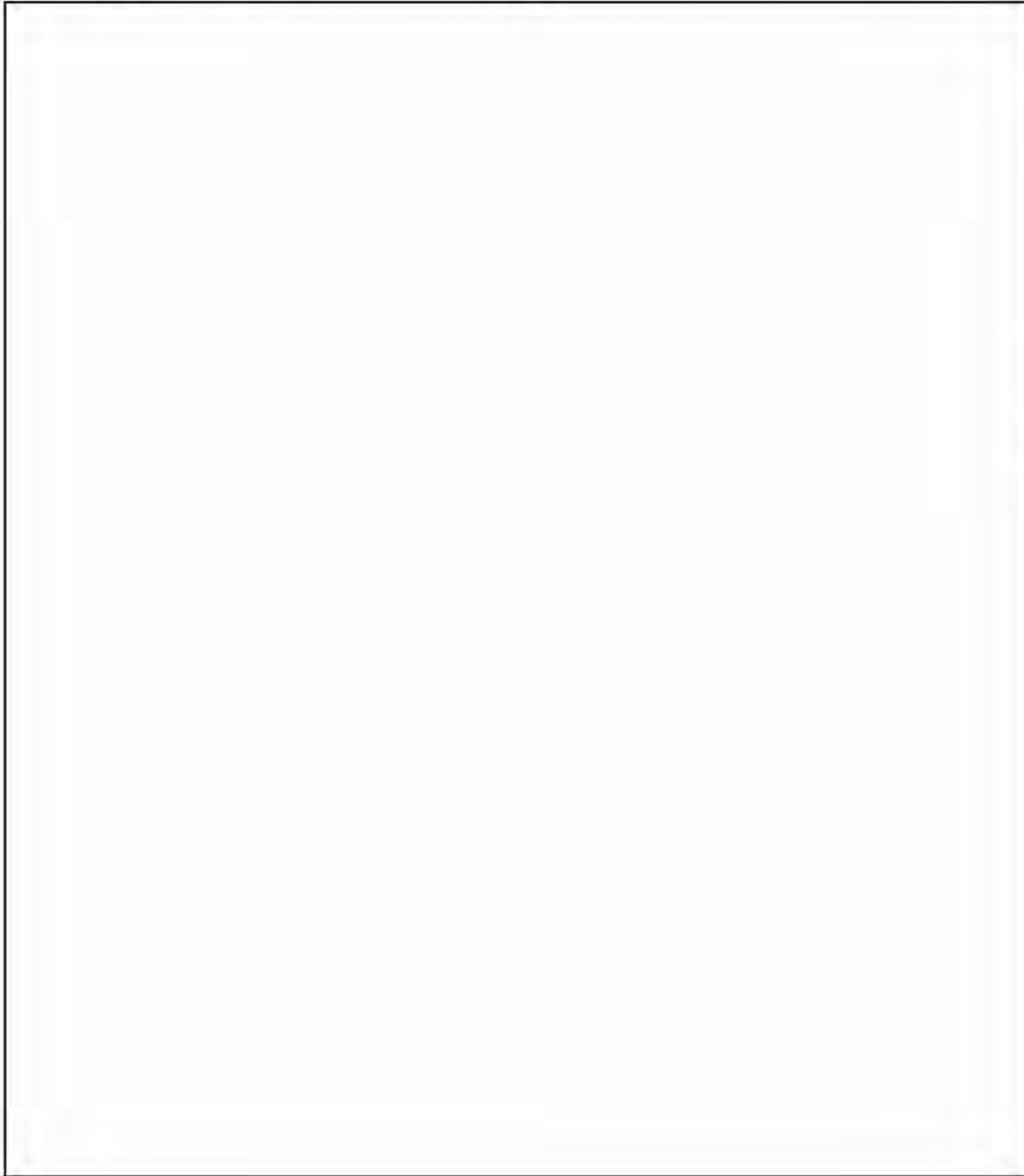
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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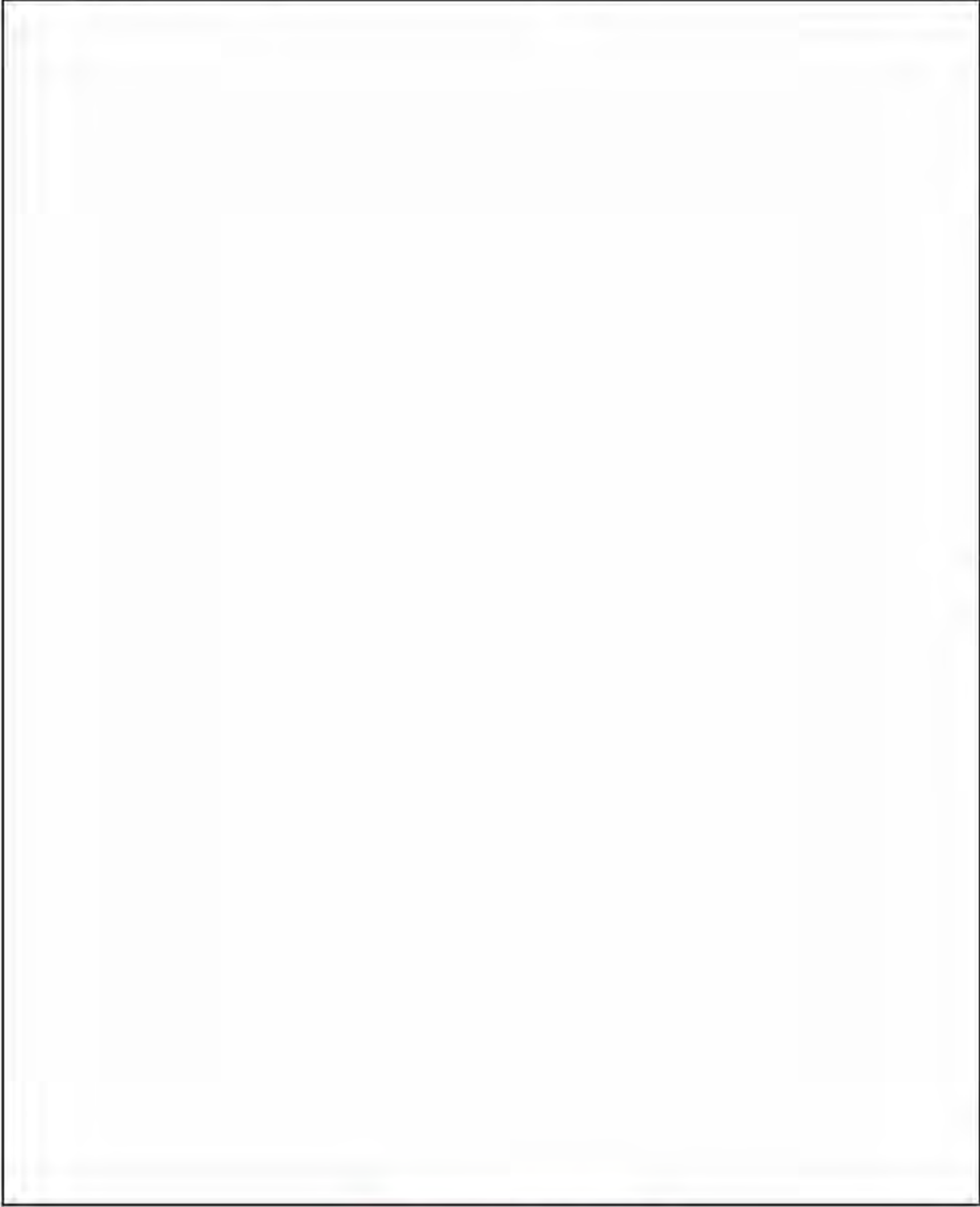


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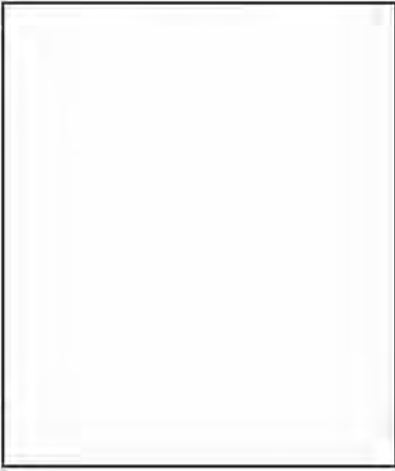
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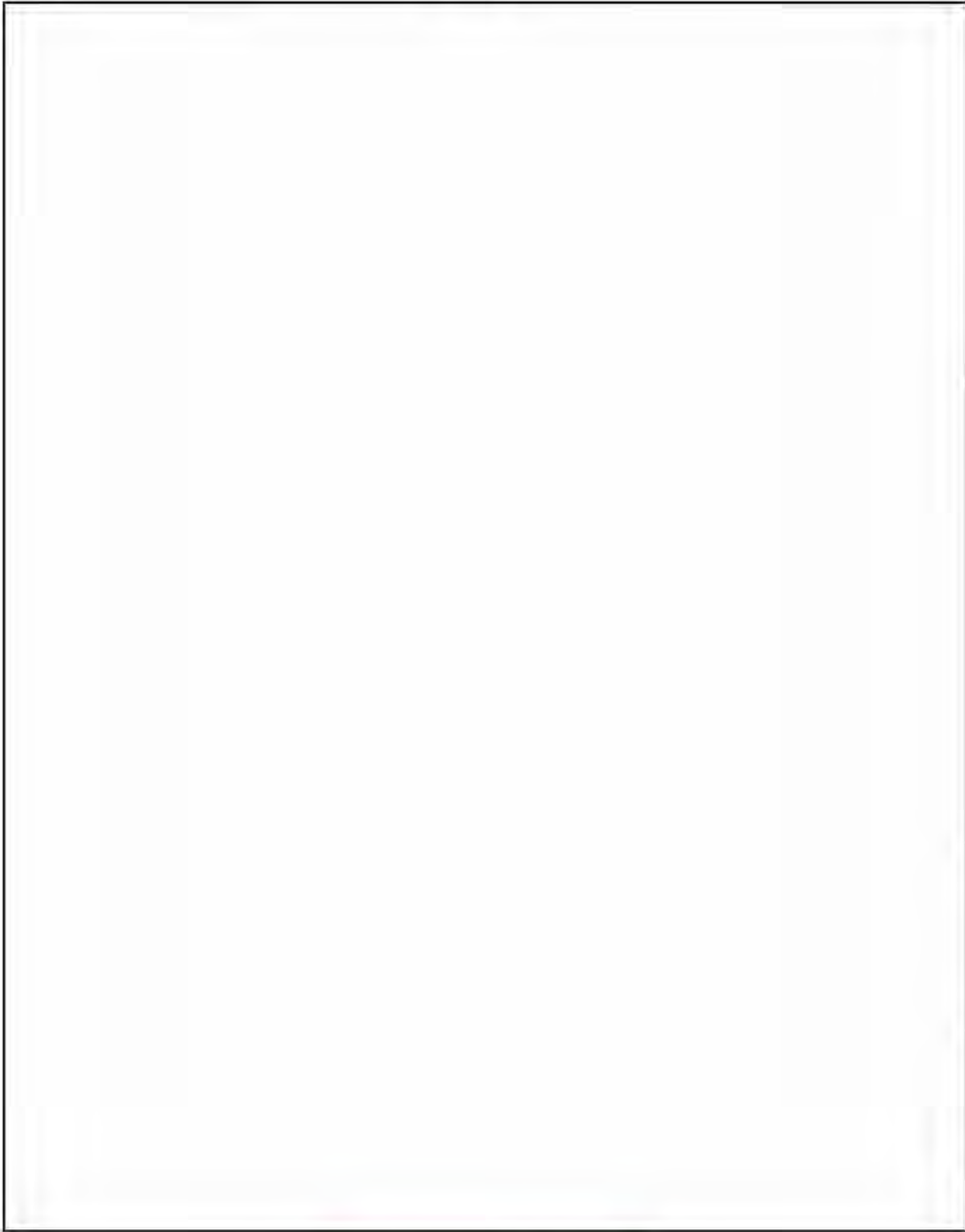
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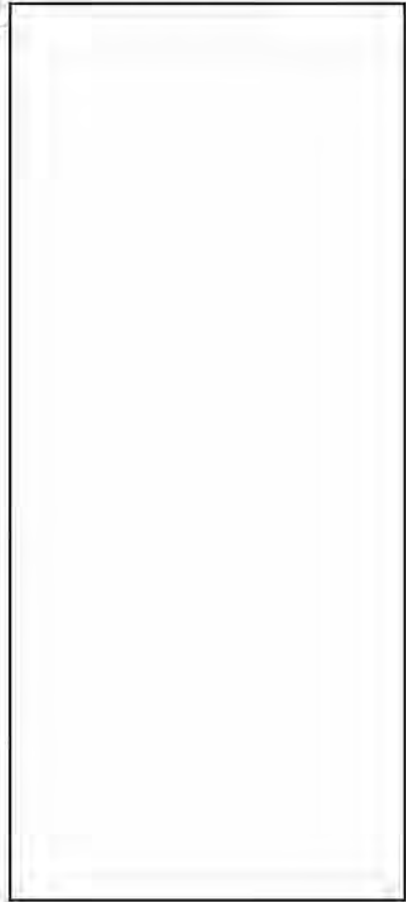
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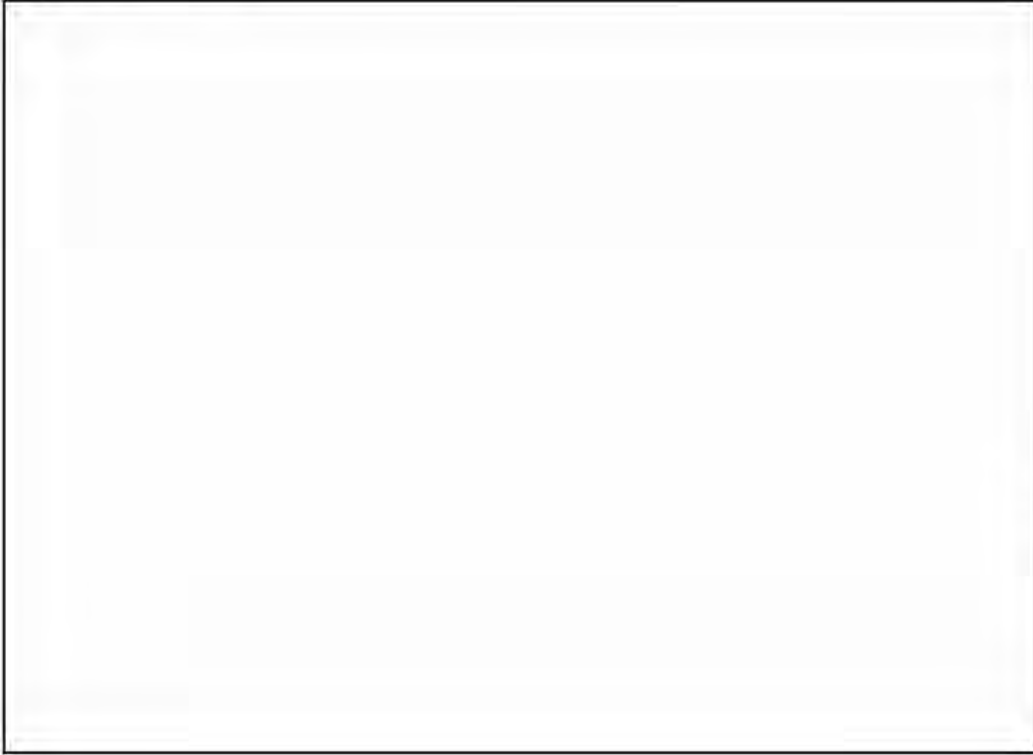
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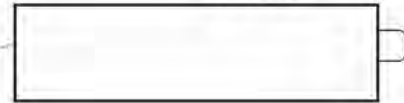
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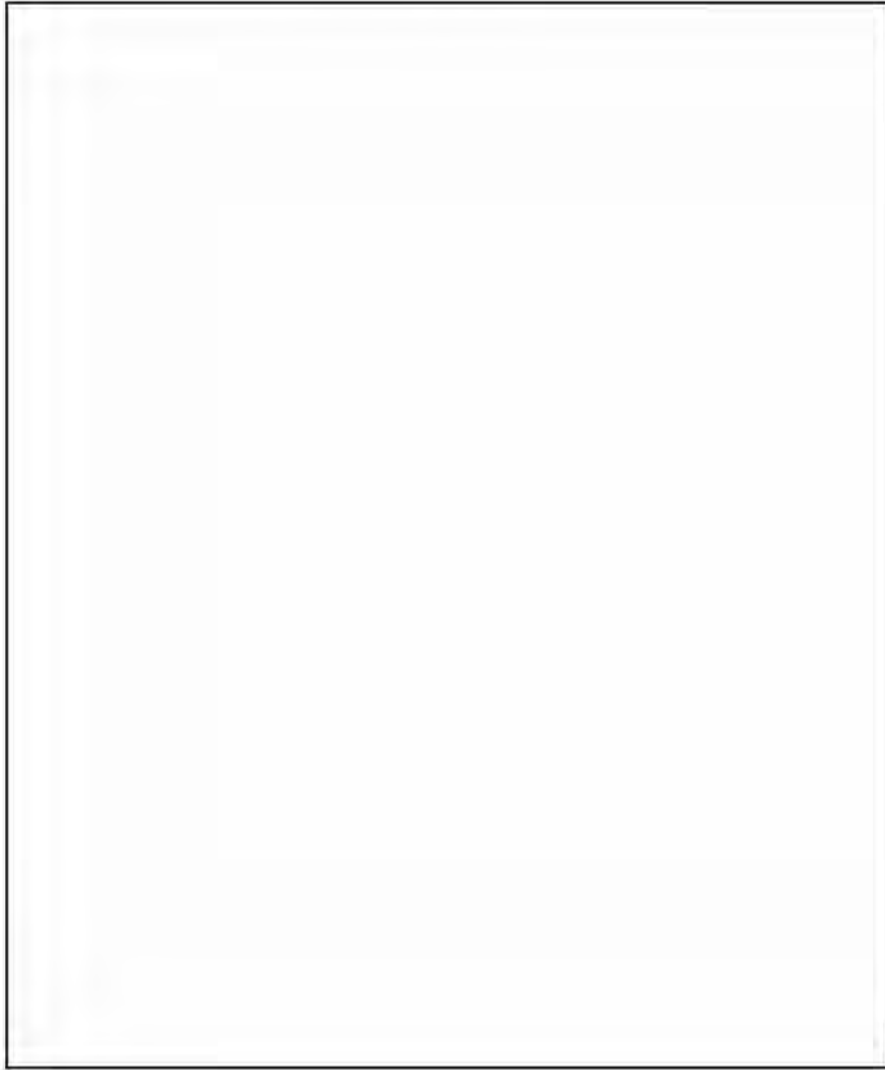


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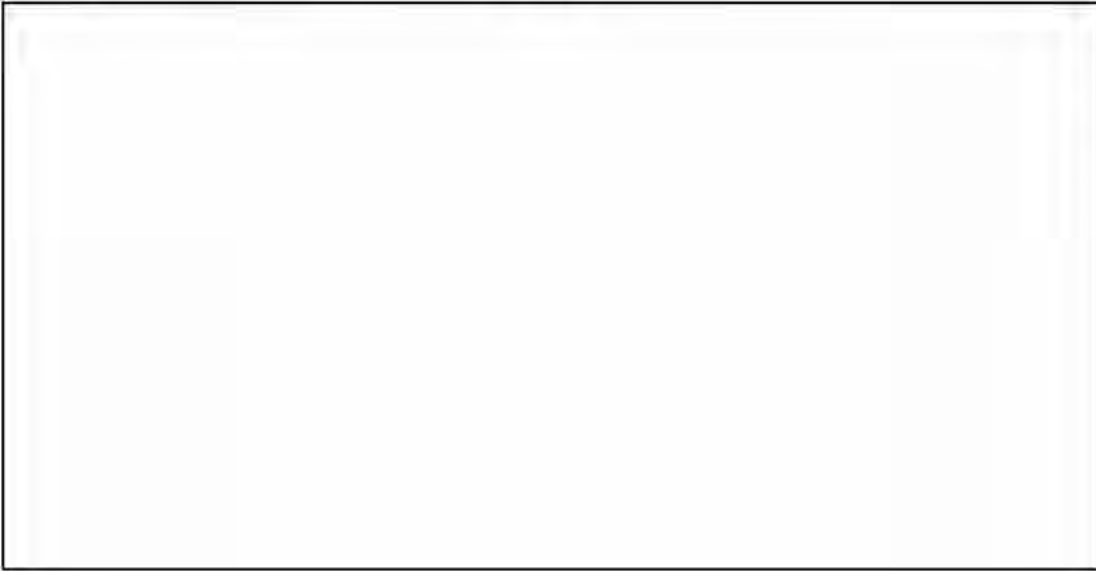
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**Appendix B: Information Sharing Workflow**

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U.S. Citizenship  
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Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Chief Privacy Officer

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**

**Purpose:** On January 25, 2017, President Trump issued Executive Order (E.O.) No. 13,768, *Enhancing Public Safety in the Interior of the United States*, which states that agencies may no longer extend the protections of the Privacy Act to those other than U.S. citizens (USCs) and Lawful Permanent Residents (LPRs). In response, DHS Privacy released *Policy Guidance Memorandum 2017-1, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information*, cancelling Privacy Policy Directive 262-12 (*Mixed Systems Policy*).<sup>1</sup> The purpose of this document is to provide guidance and procedures to support the implementation of the new DHS Privacy Policy.

**Background:** In 2007, the DHS Privacy Office released the Mixed Systems Policy. Under this policy, DHS extended Privacy Act protections to Personally Identifiable Information (PII) regardless of whether the information pertained to a U.S. citizen, LPR, immigrant, or non-immigrant. DHS extended these protections because of inherent difficulties in determining a person's real-time immigration status, which may change over time through naturalization or adjustment.

Consistent with DHS policy, USCIS will continue to afford Privacy Act protections to USCs and LPRs and treat all persons, regardless of immigration status, consistent with the Fair Information Practice Principles (FIPPs), applicable laws and regulations. All USCIS personnel must follow the legal and policy obligations outlined below.

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<sup>1</sup> The Mixed System policy states "Mixed System" or "Mixed Systems" shall mean any System of Records that collects, maintains, or disseminates information, which is in an identifiable form, and which contains information about U.S. Persons and non-U.S. Persons. See DHS Privacy Policy Guidance Memorandum No. 2007-01/Privacy Policy Directive 262-12, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Information on Non-U.S. Persons.

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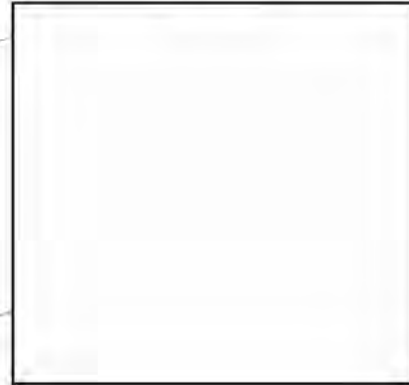
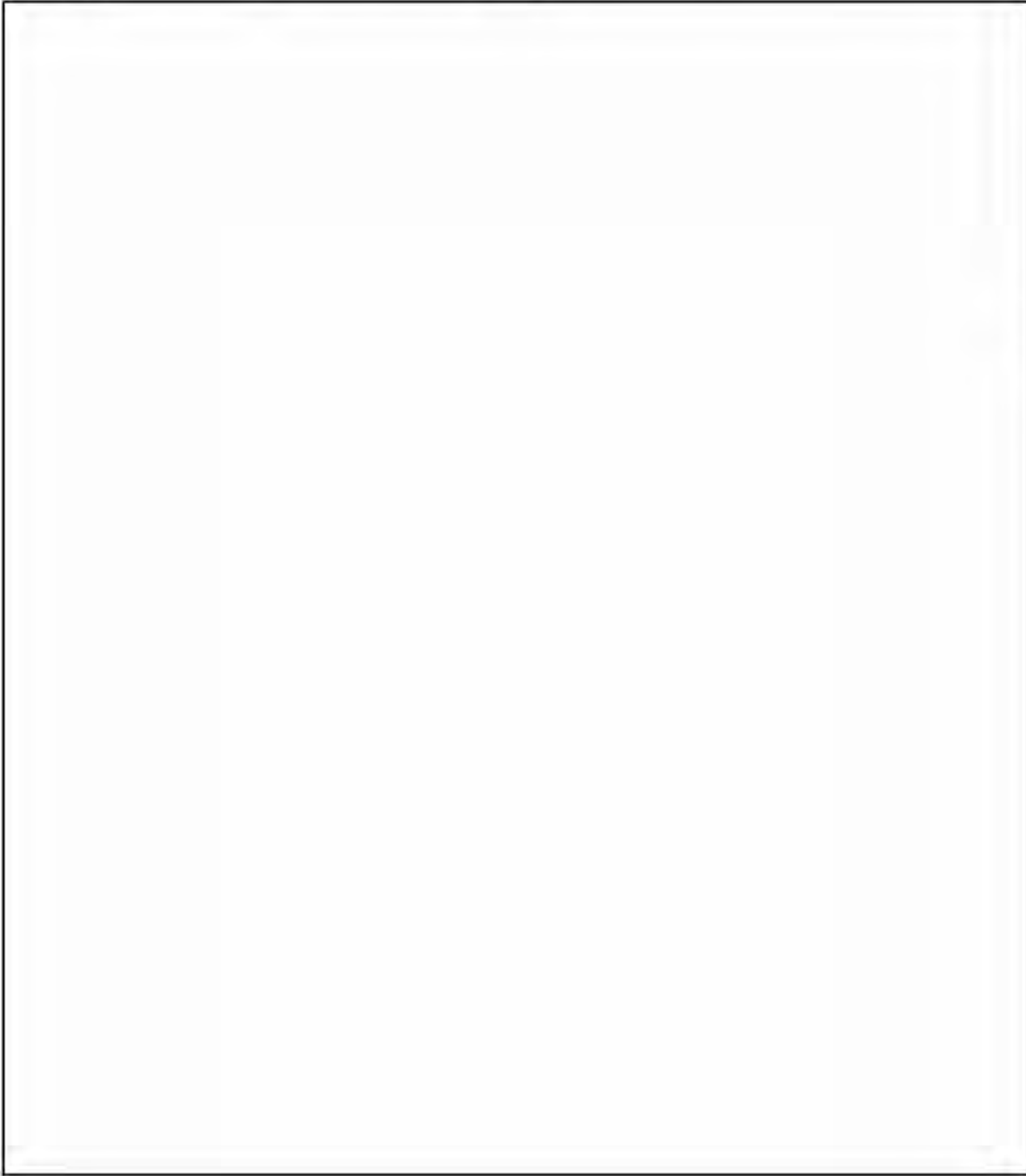
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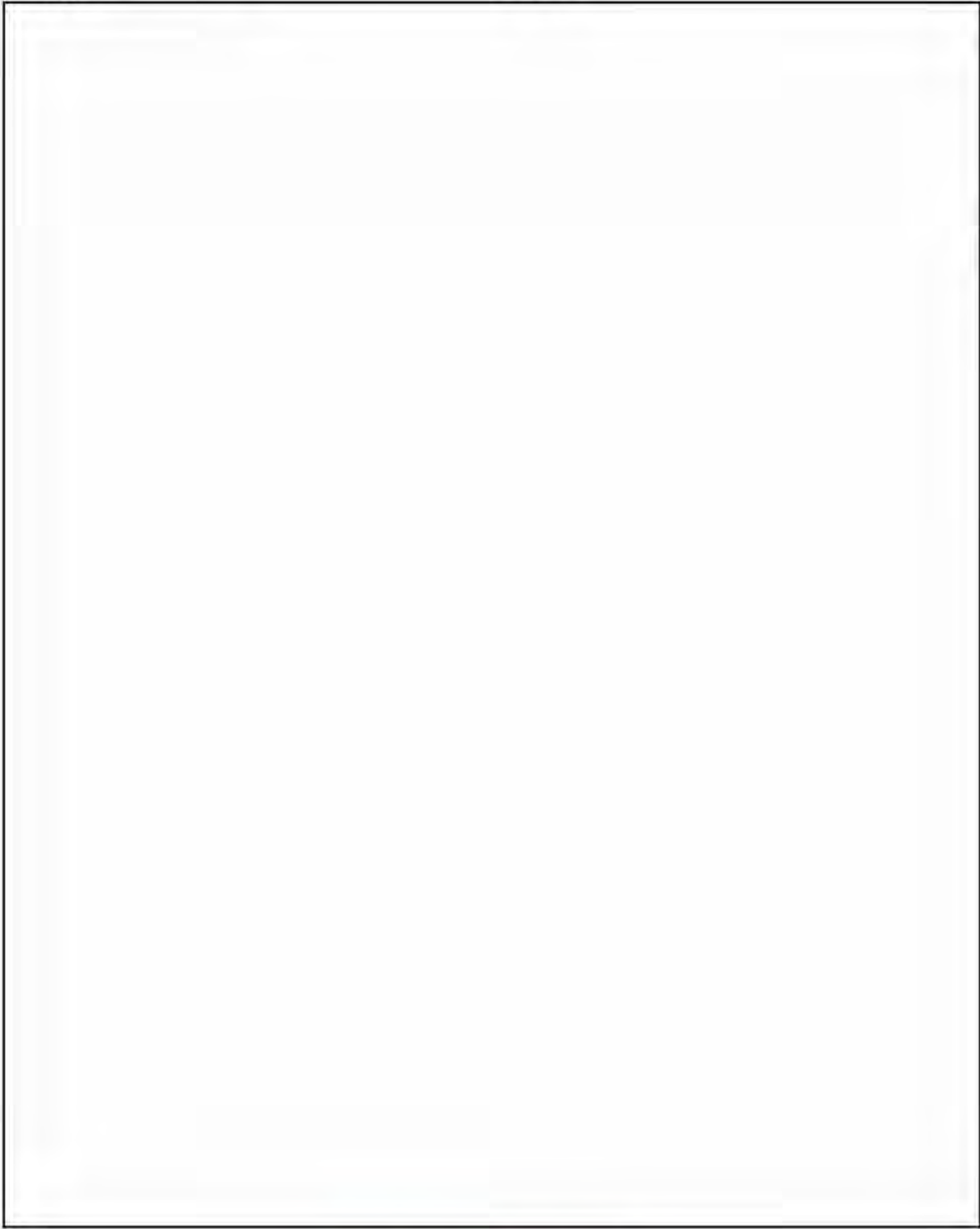


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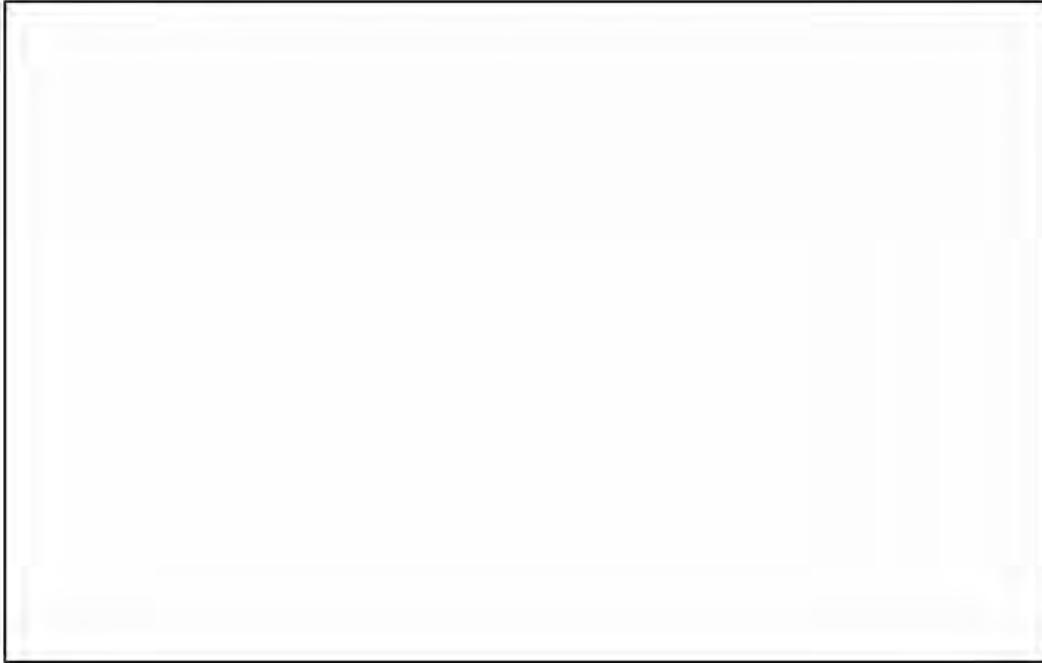
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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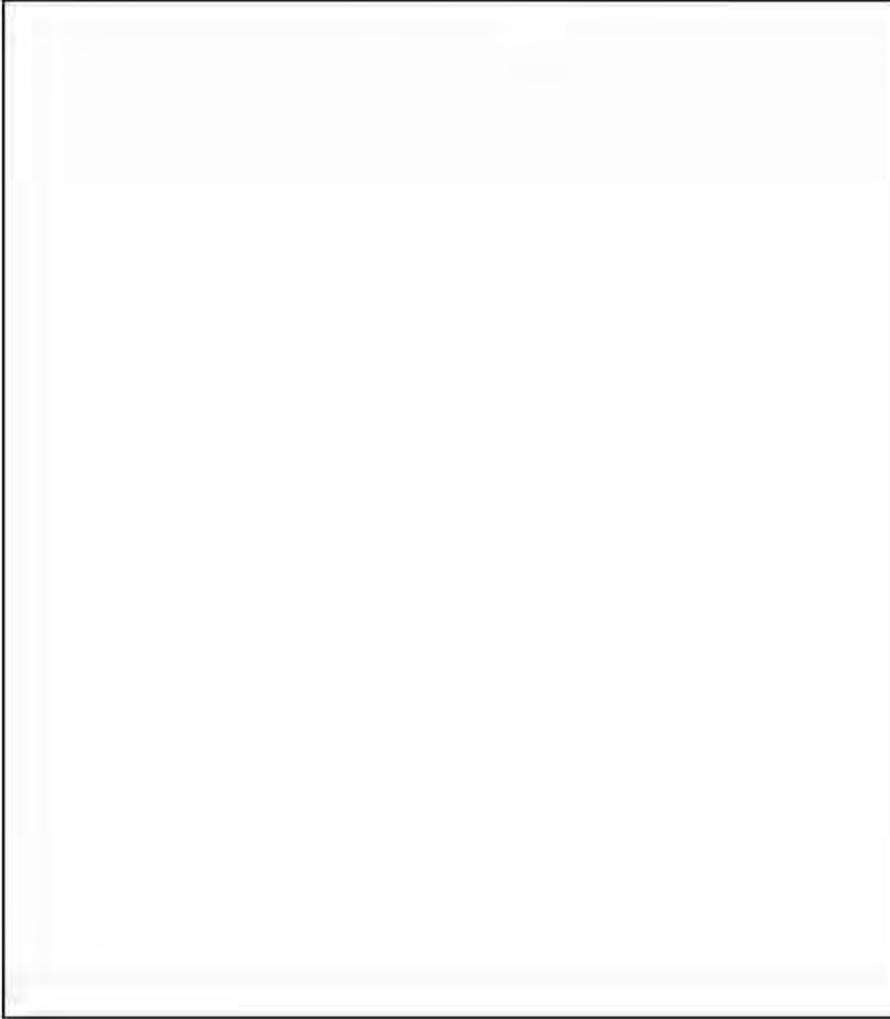
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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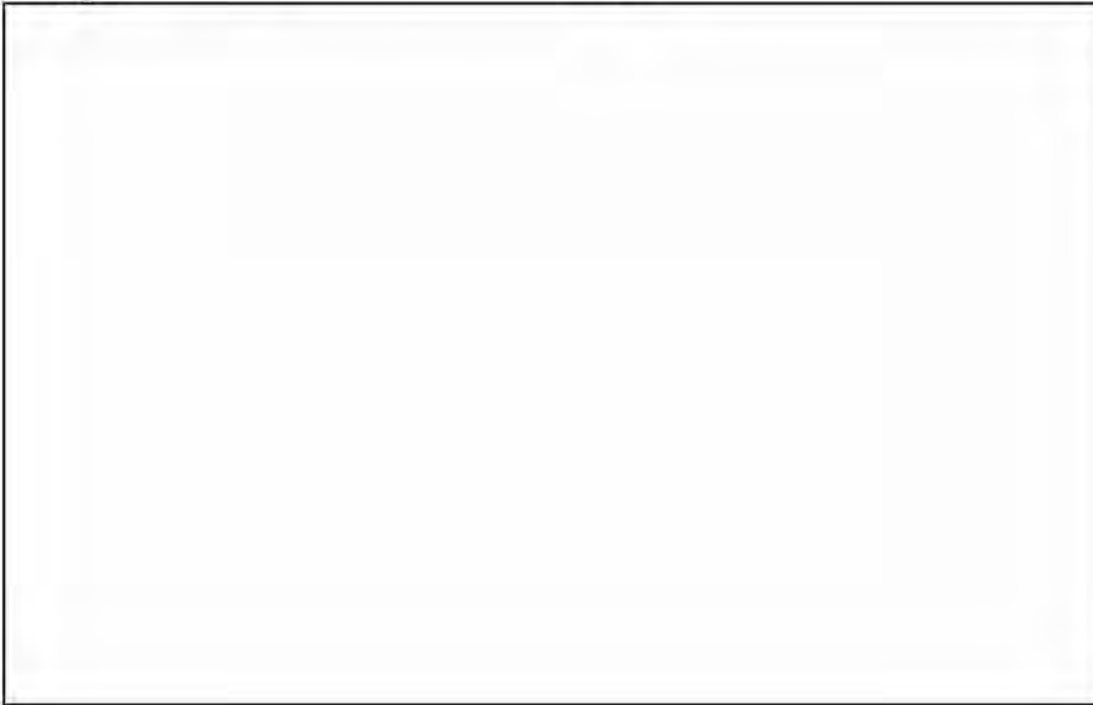
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**Appendix B: Information Sharing Workflow**

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U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
and Immigration  
Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins (b)(5)  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and  
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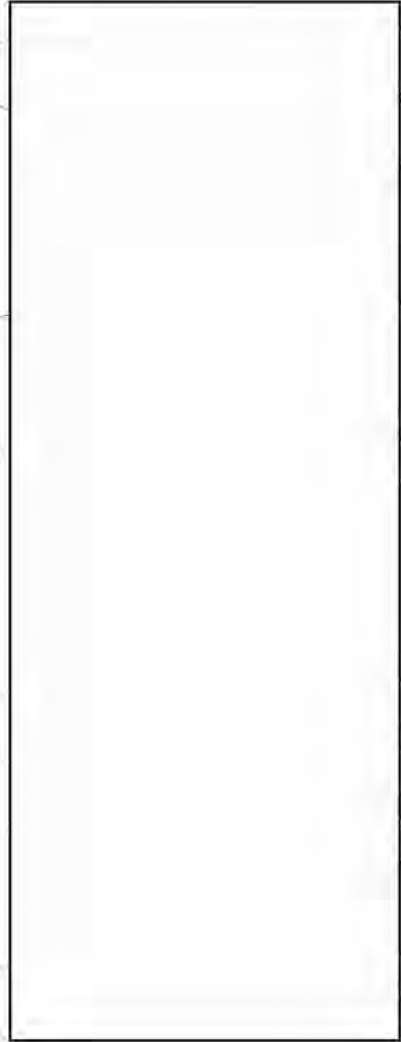
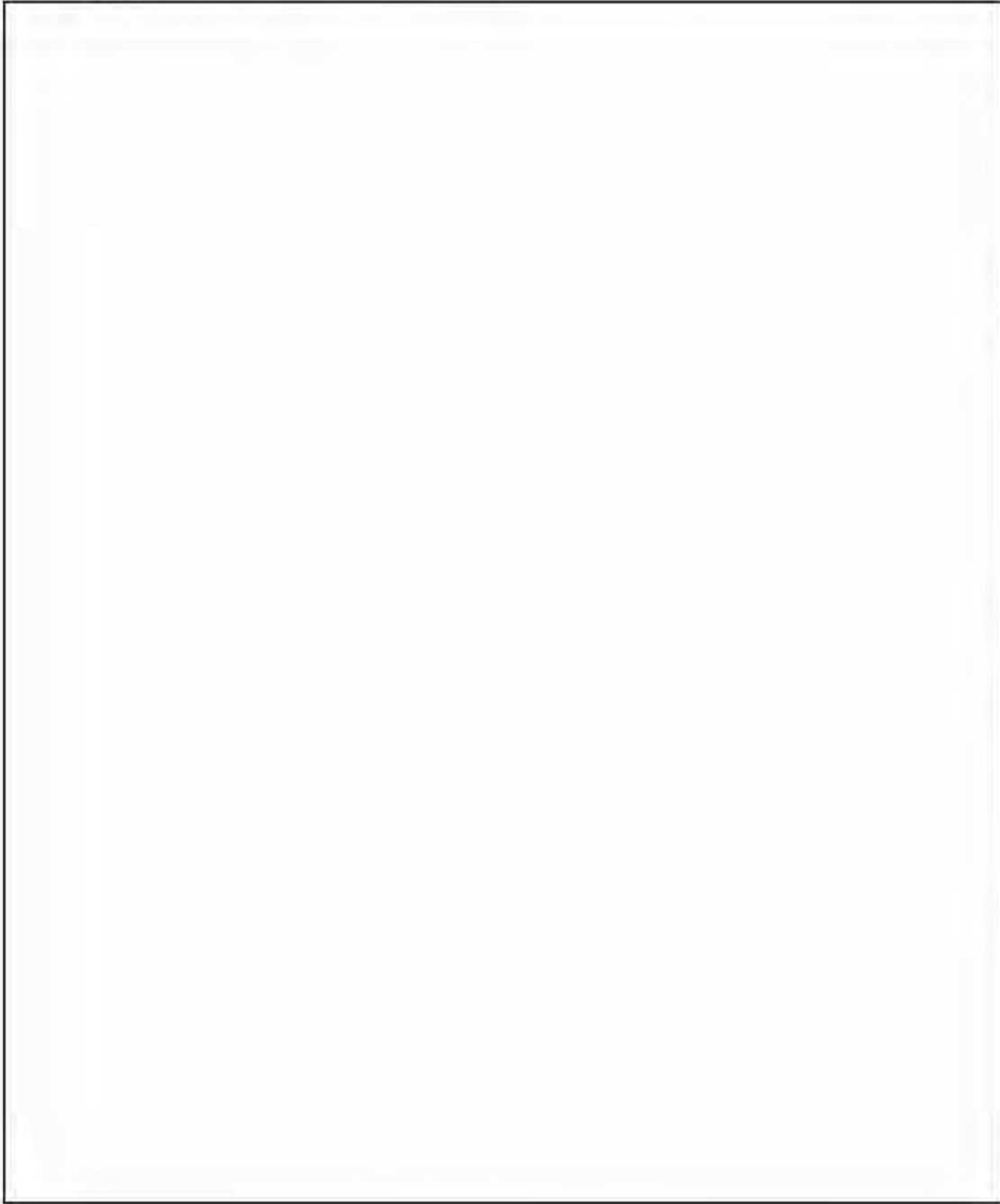
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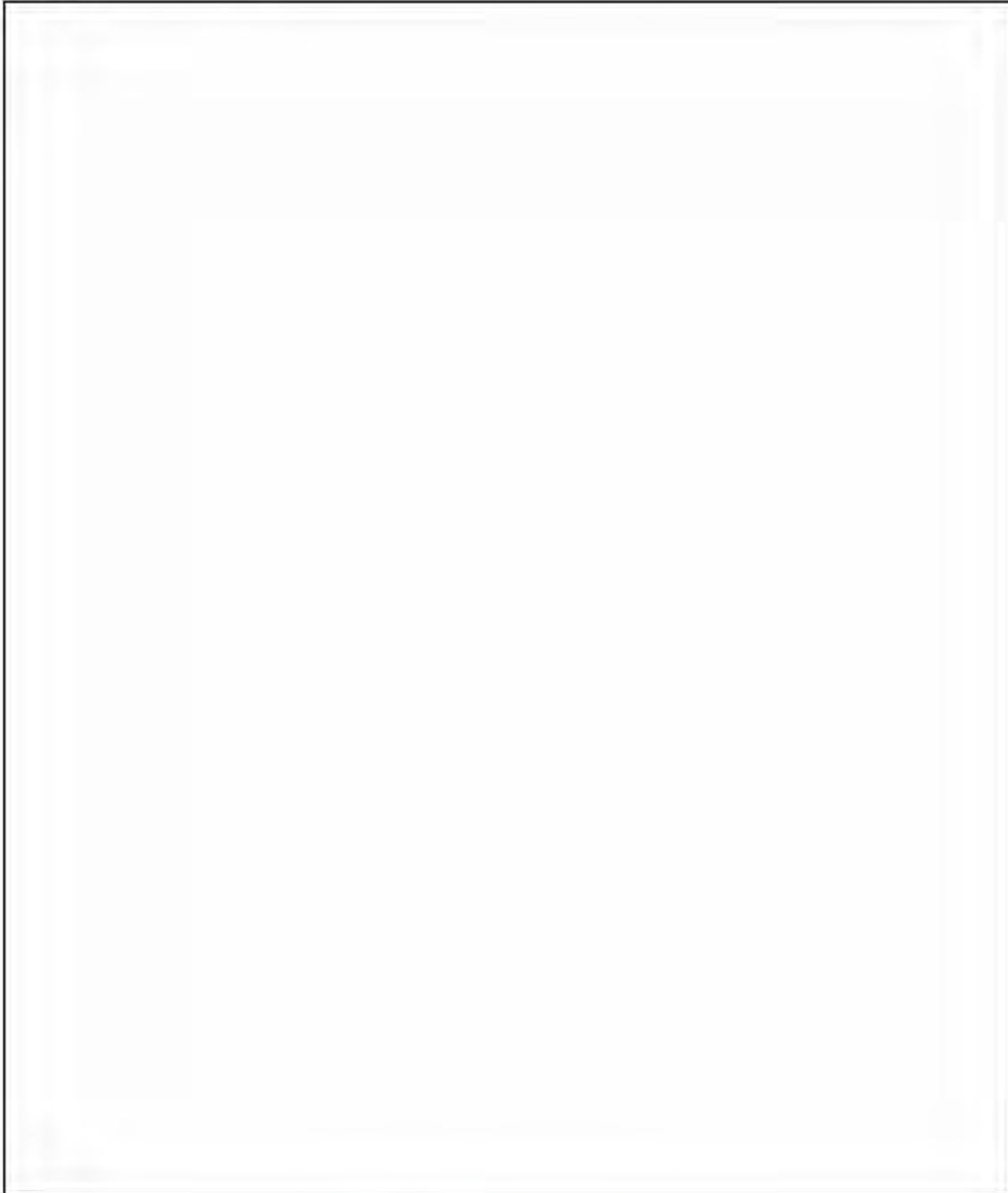


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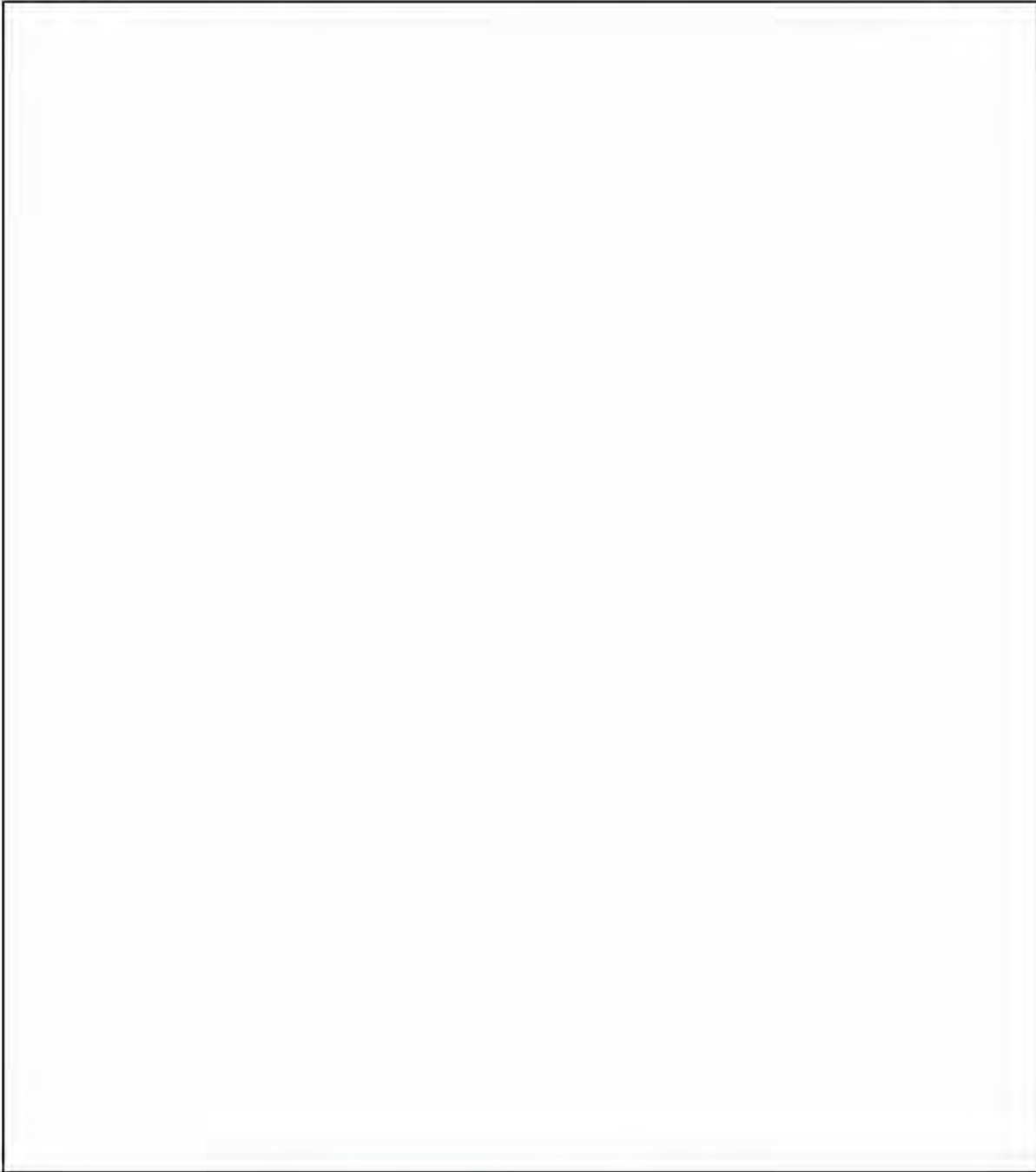


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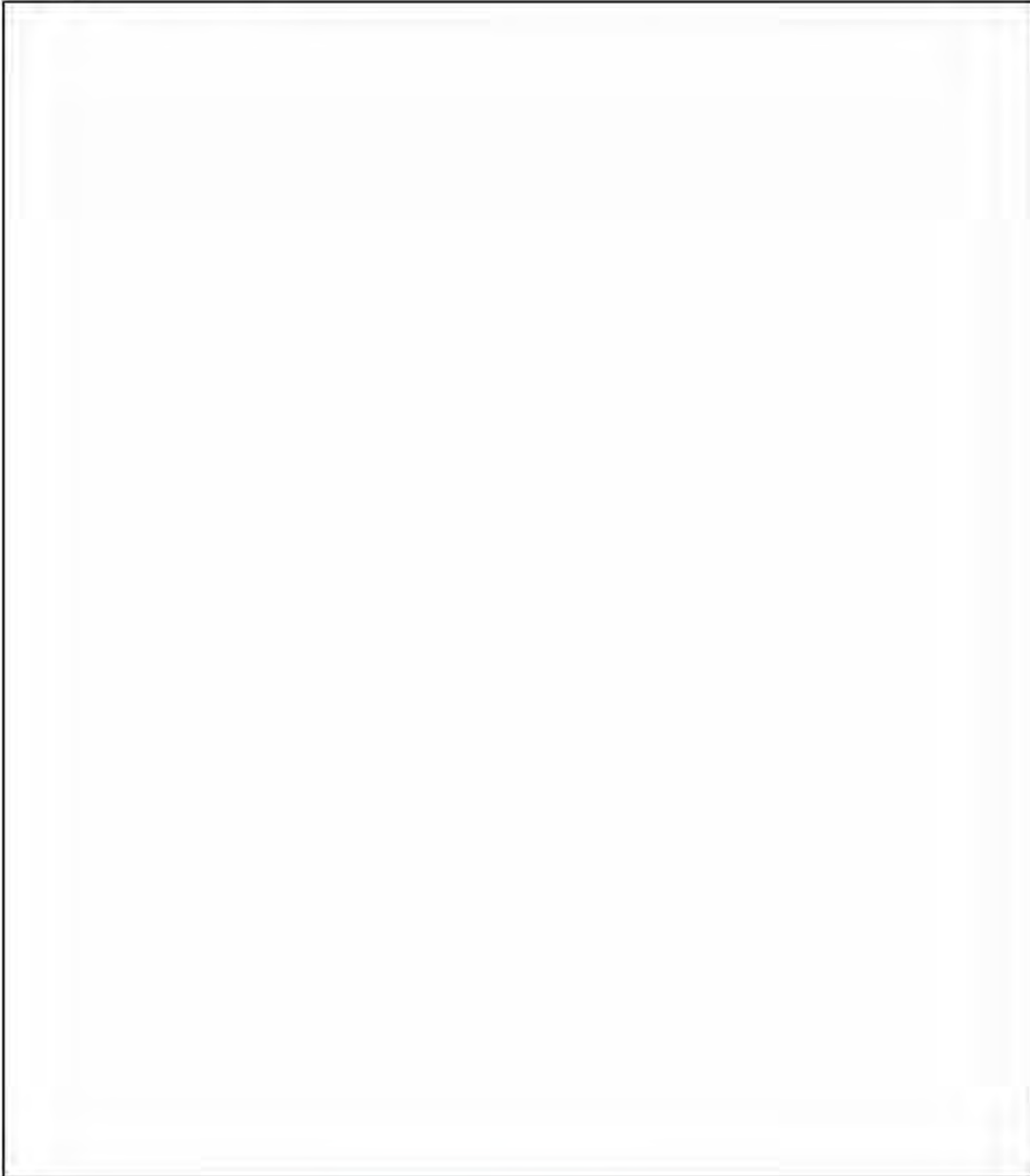
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**Appendix A: Handling of Special Protected Class Data**

Information to be included.

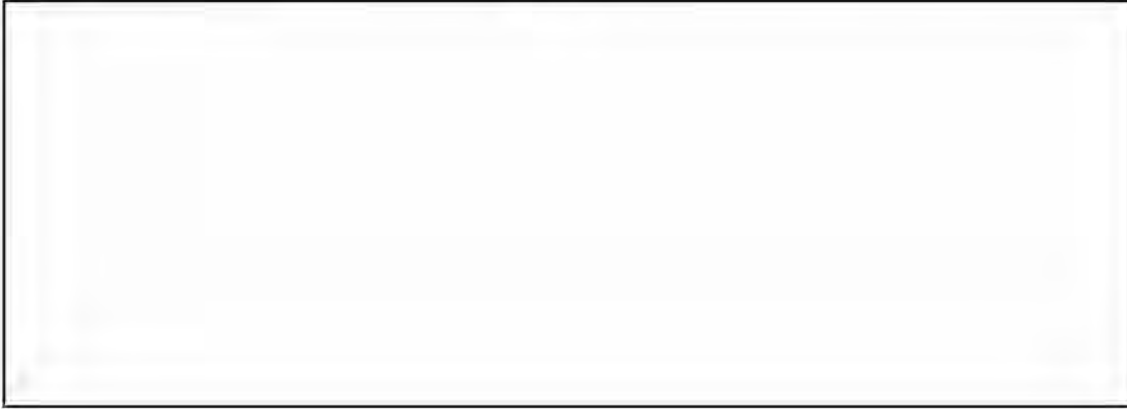
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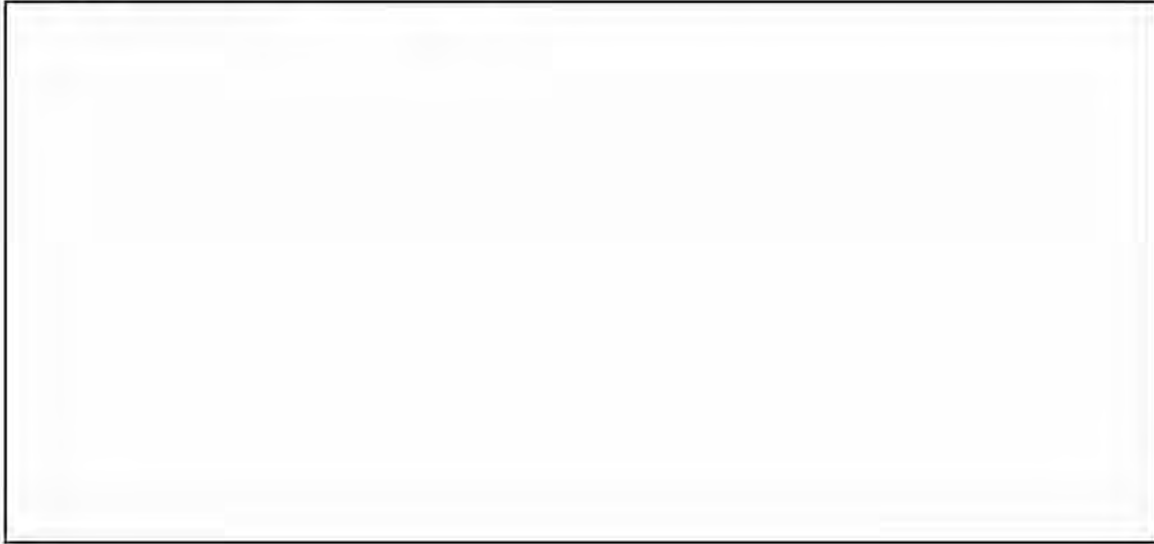


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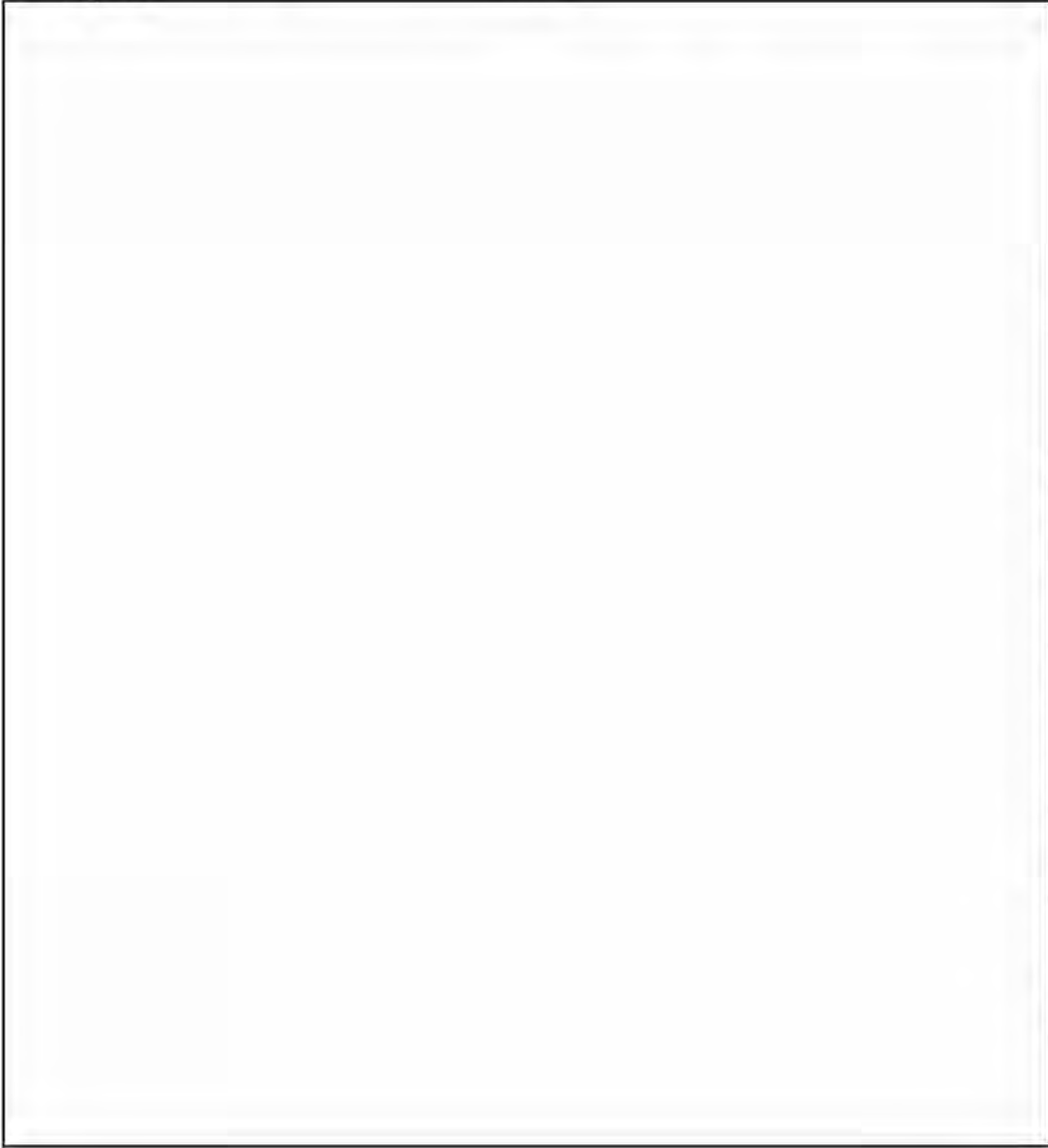
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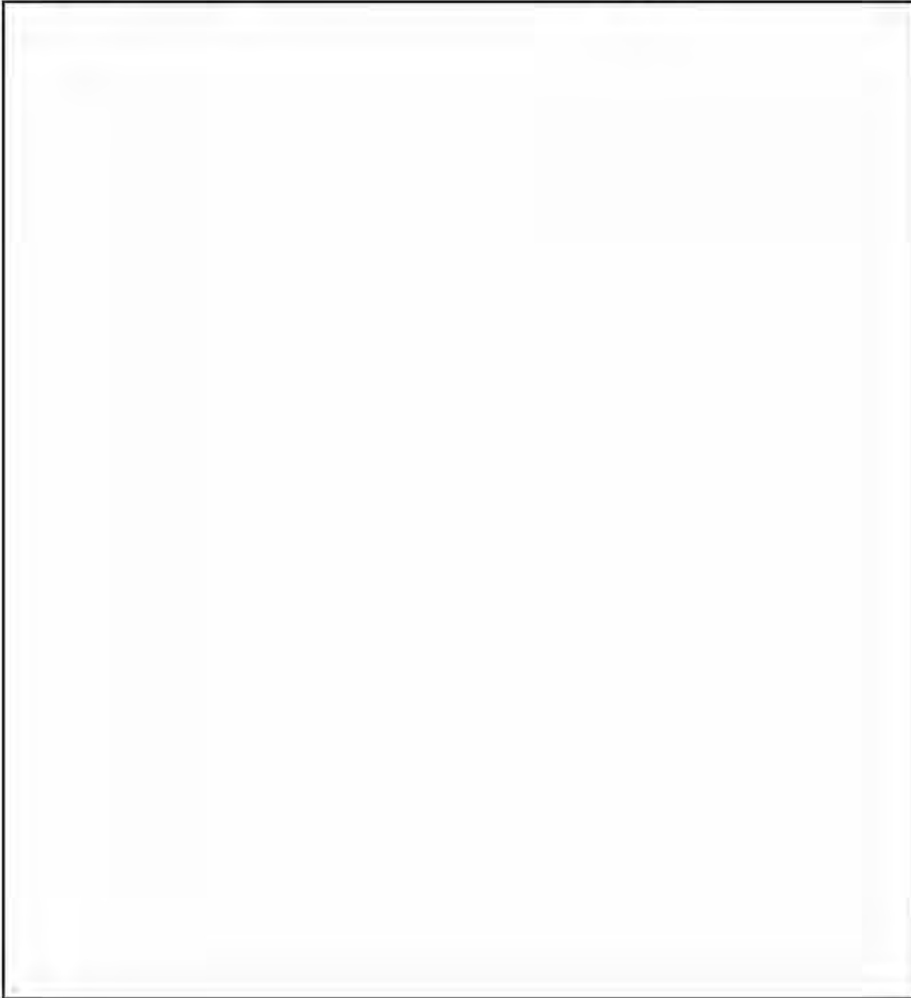


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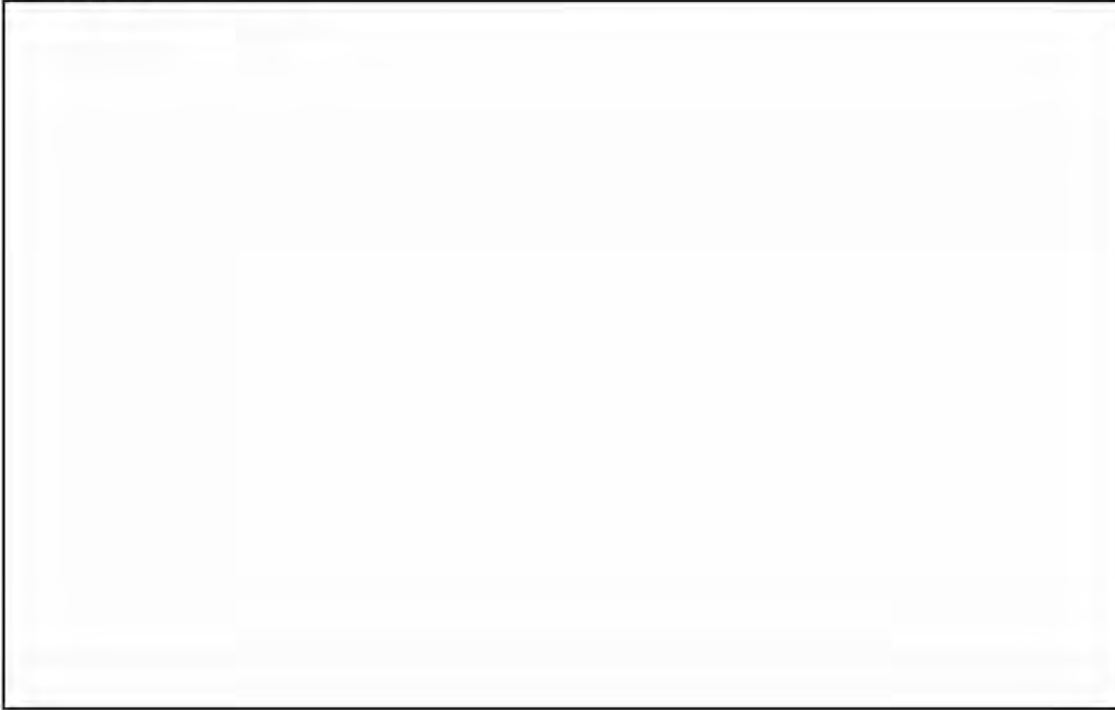


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**Appendix I: Information Sharing Workflow**

To be included.

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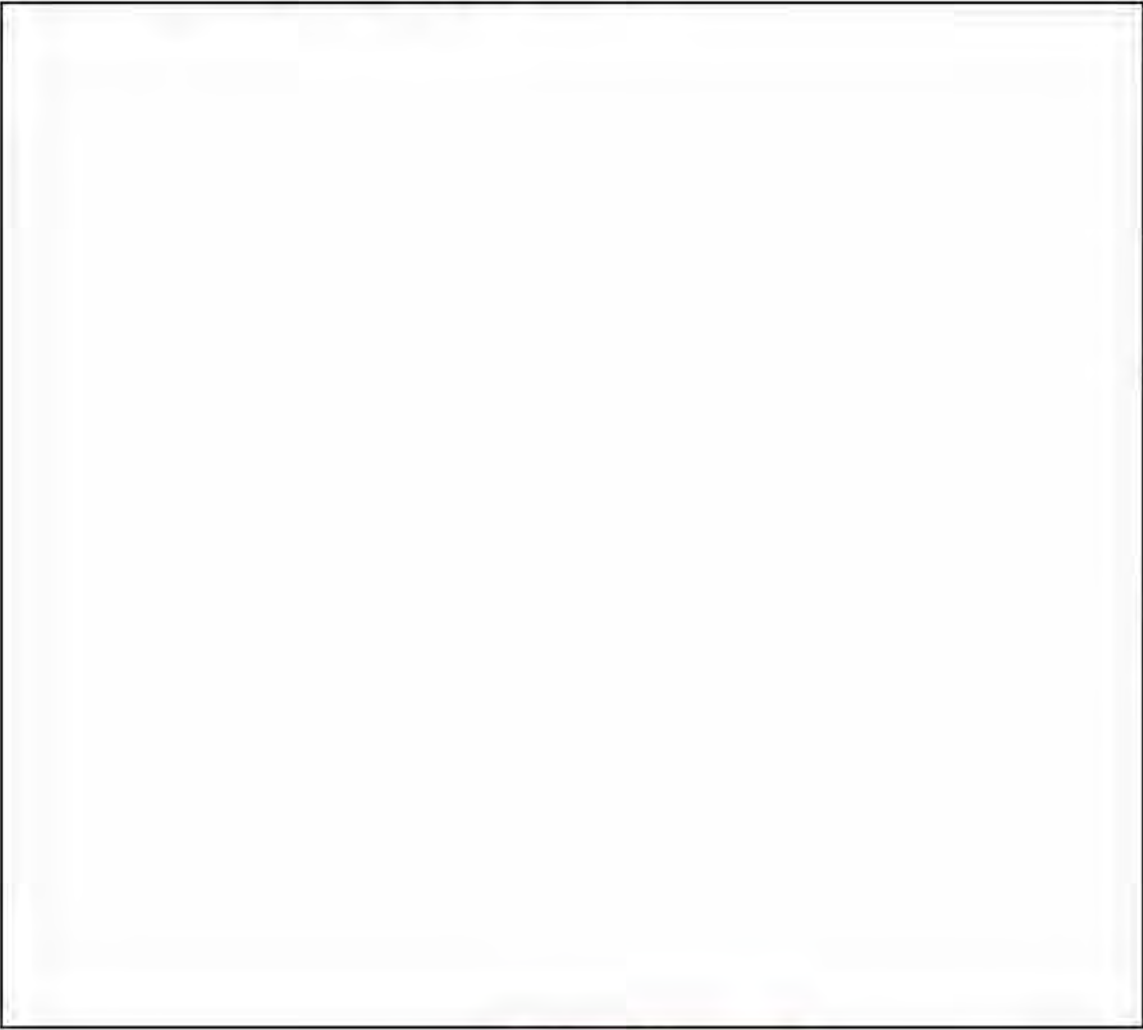
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## Information Memorandum

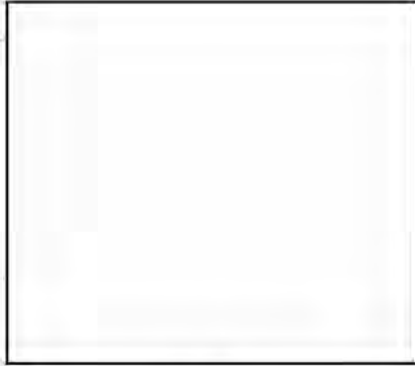
TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins (b)(5)  
USCIS Privacy Officer

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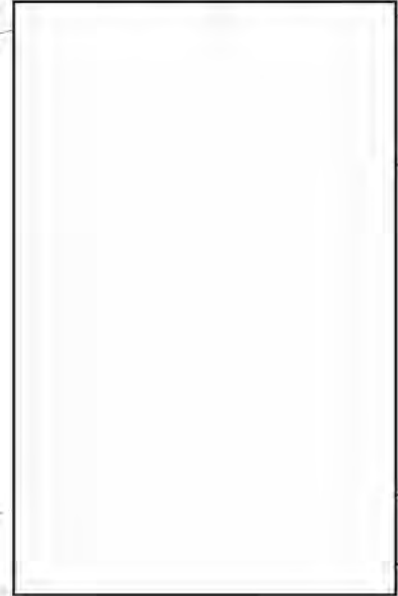
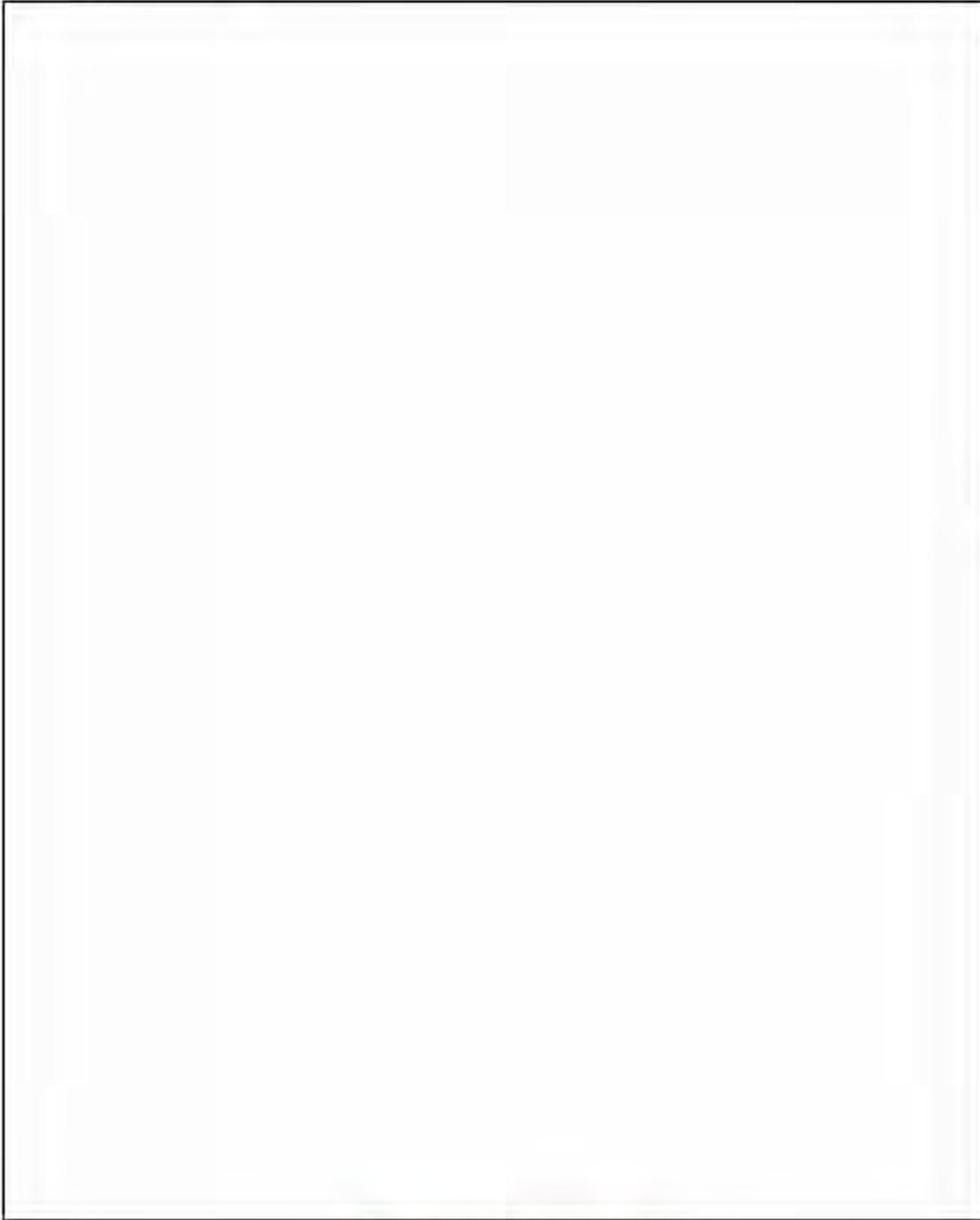
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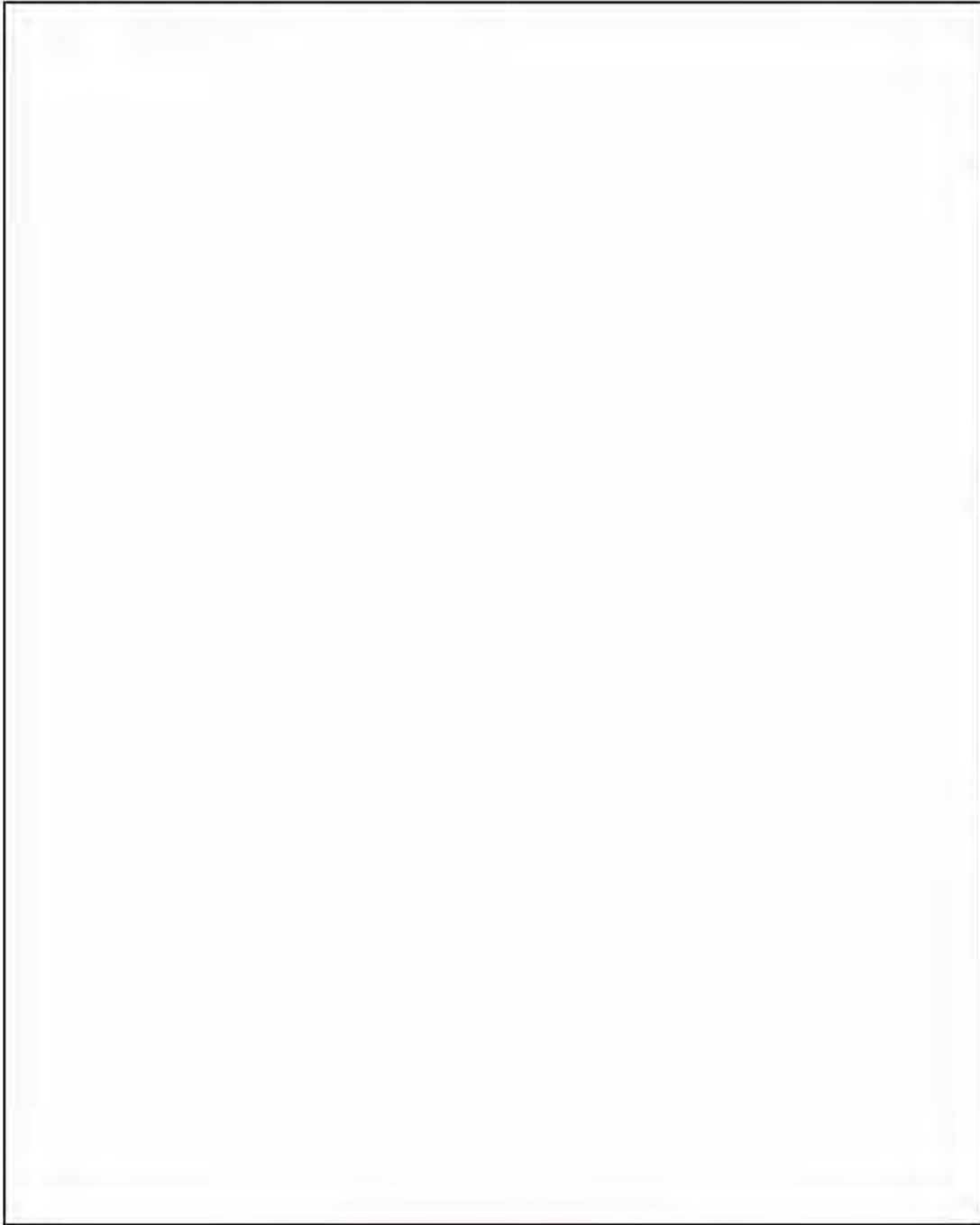


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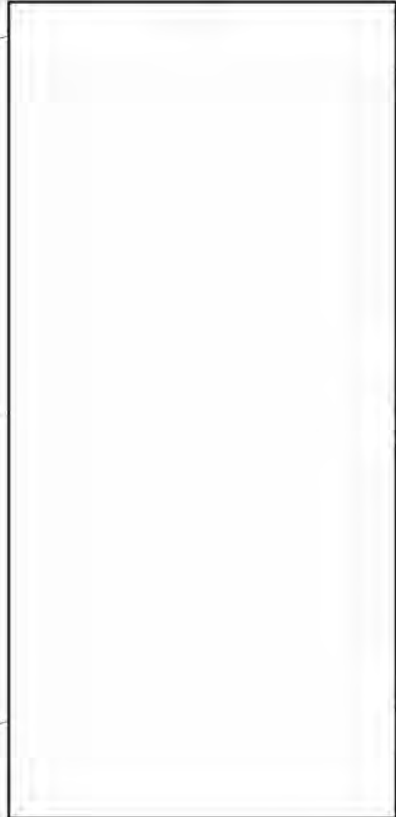
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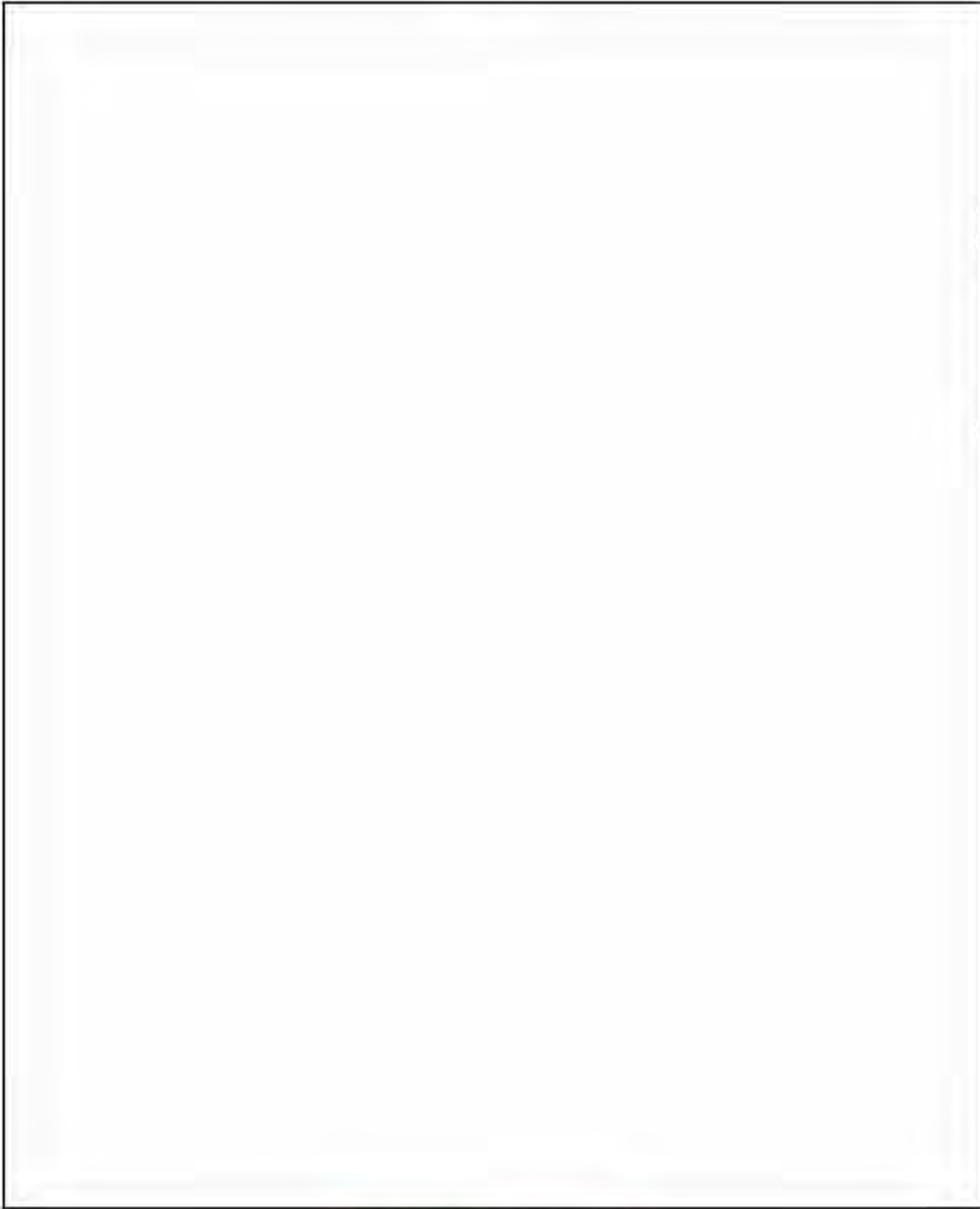
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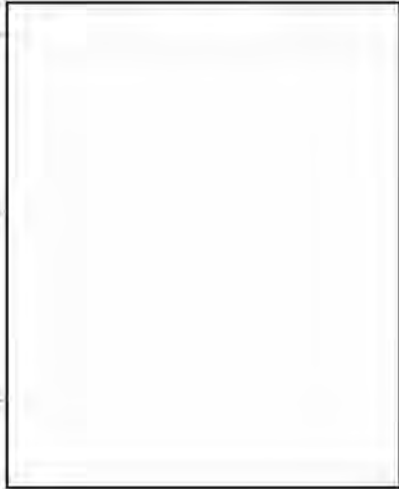
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**Appendix A: Handling of Special Protected Class Data**

Information to be included.

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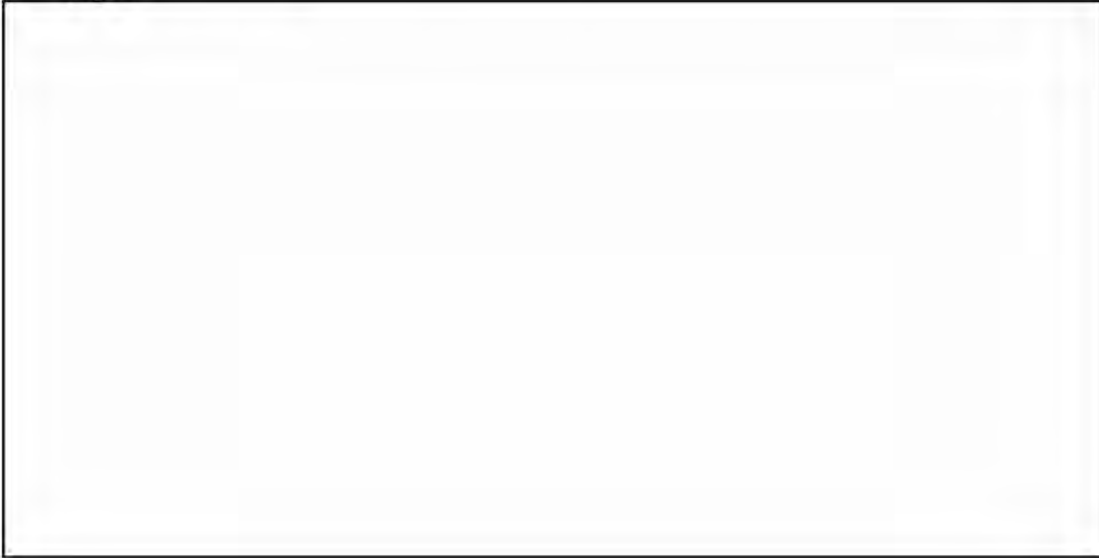
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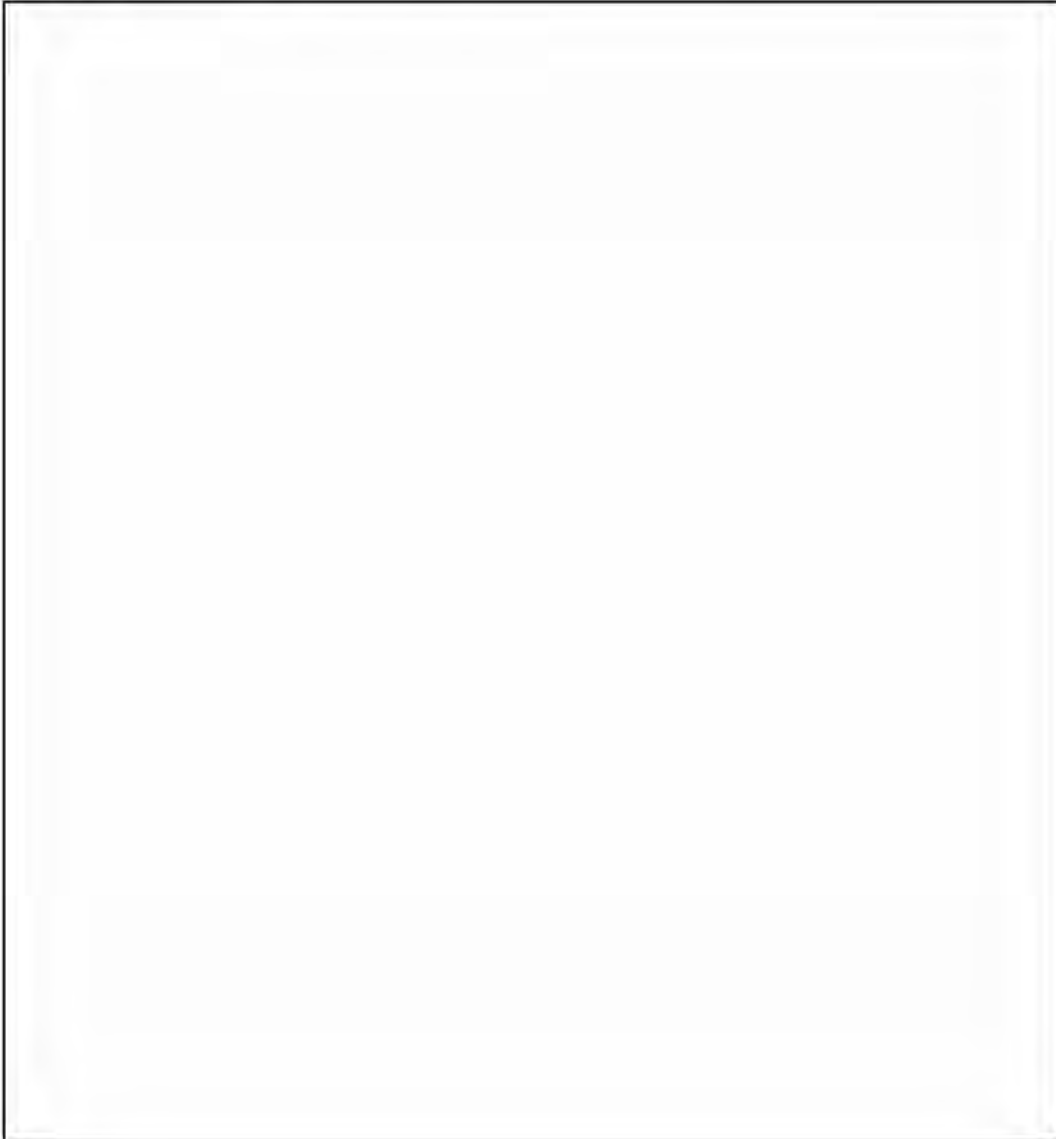


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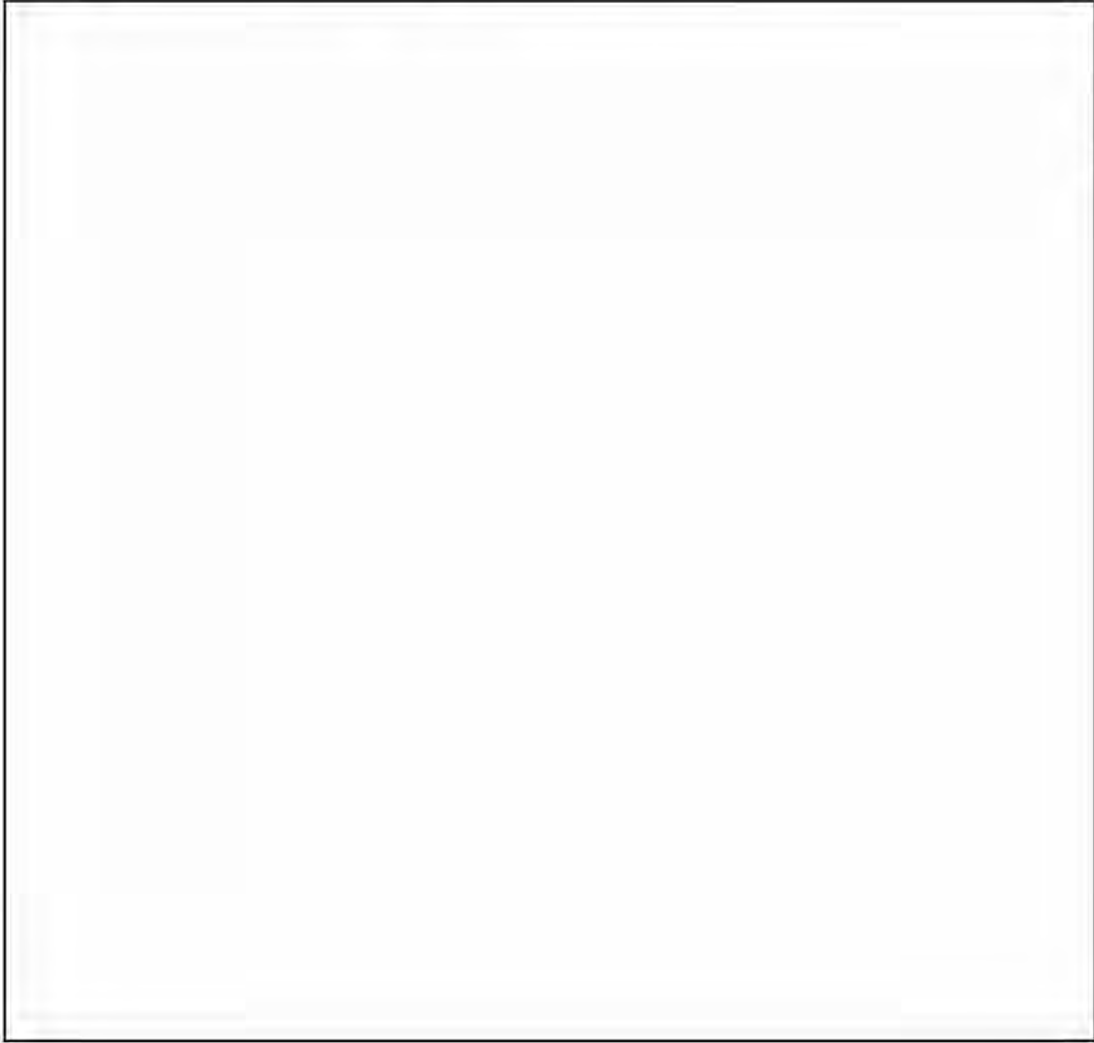
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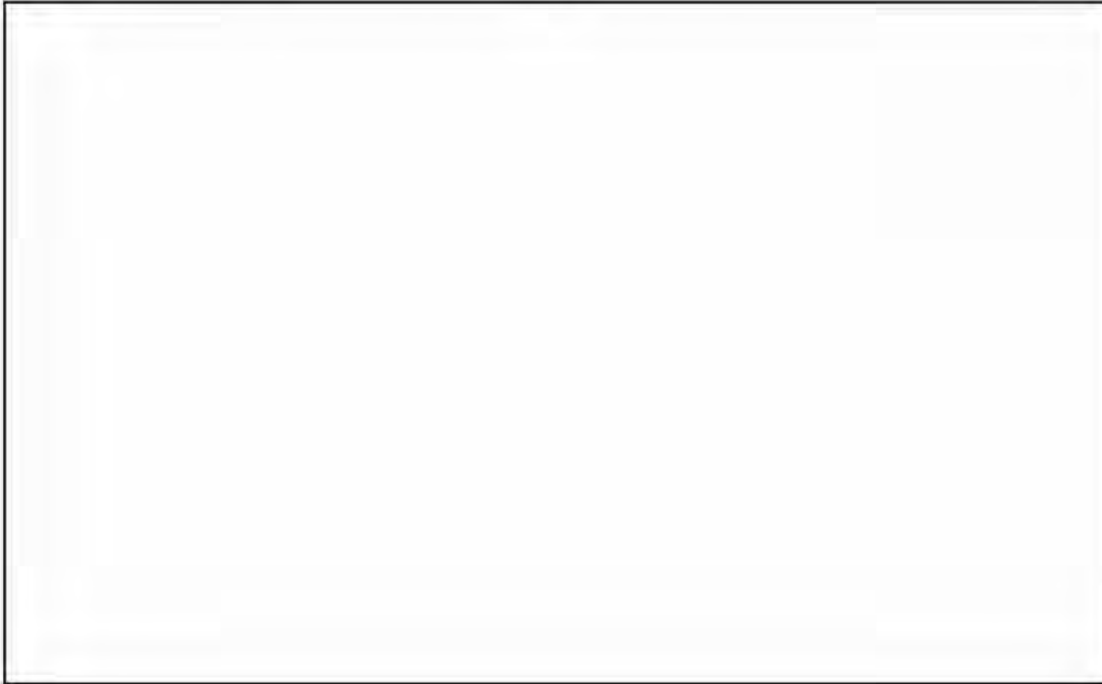


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**Appendix I: Information Sharing Workflow**

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U.S. Citizenship  
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## Information Memorandum

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FROM: Donald K. Hawkins  
USCIS Privacy Officer (b)(5)

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and  
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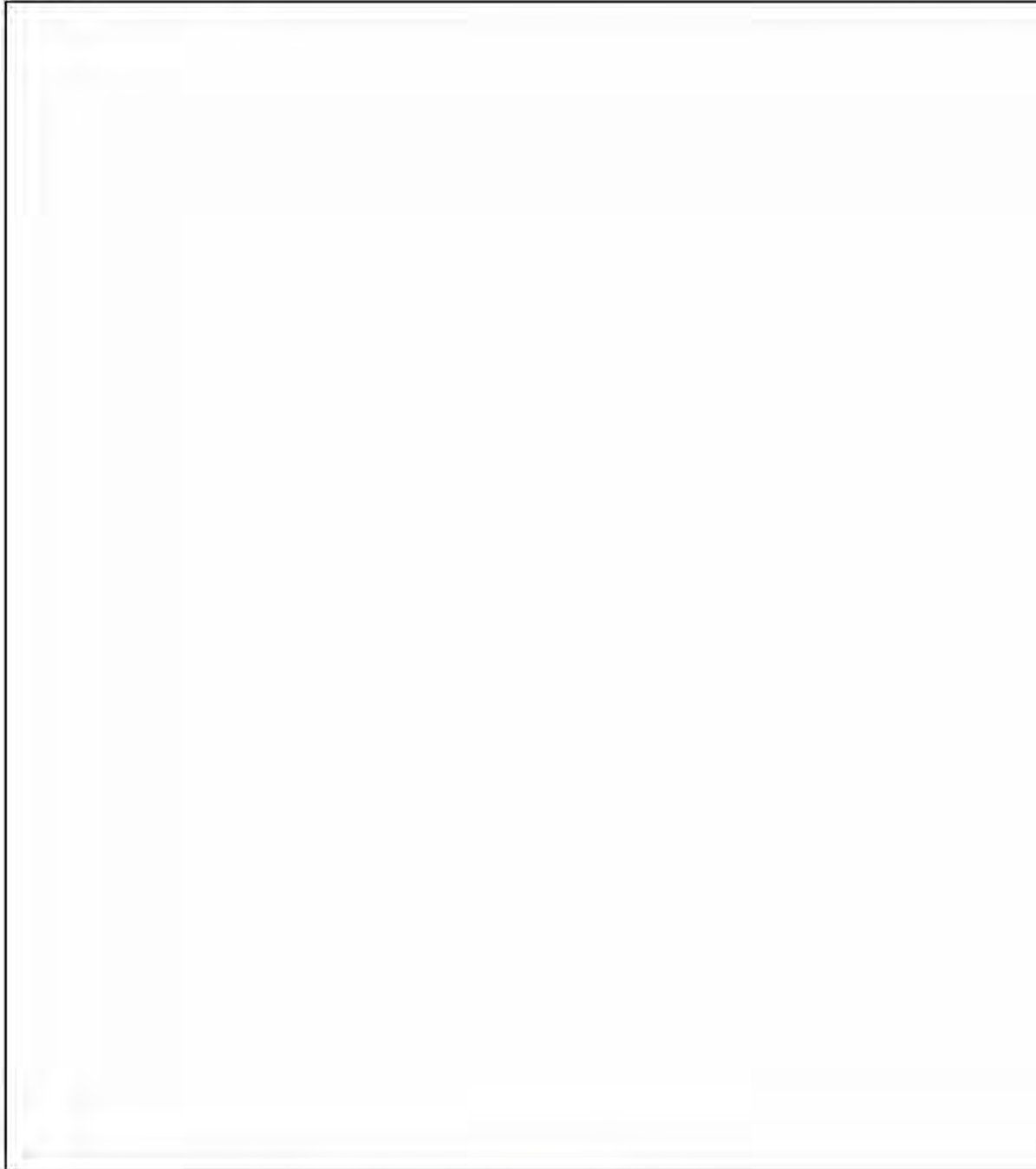
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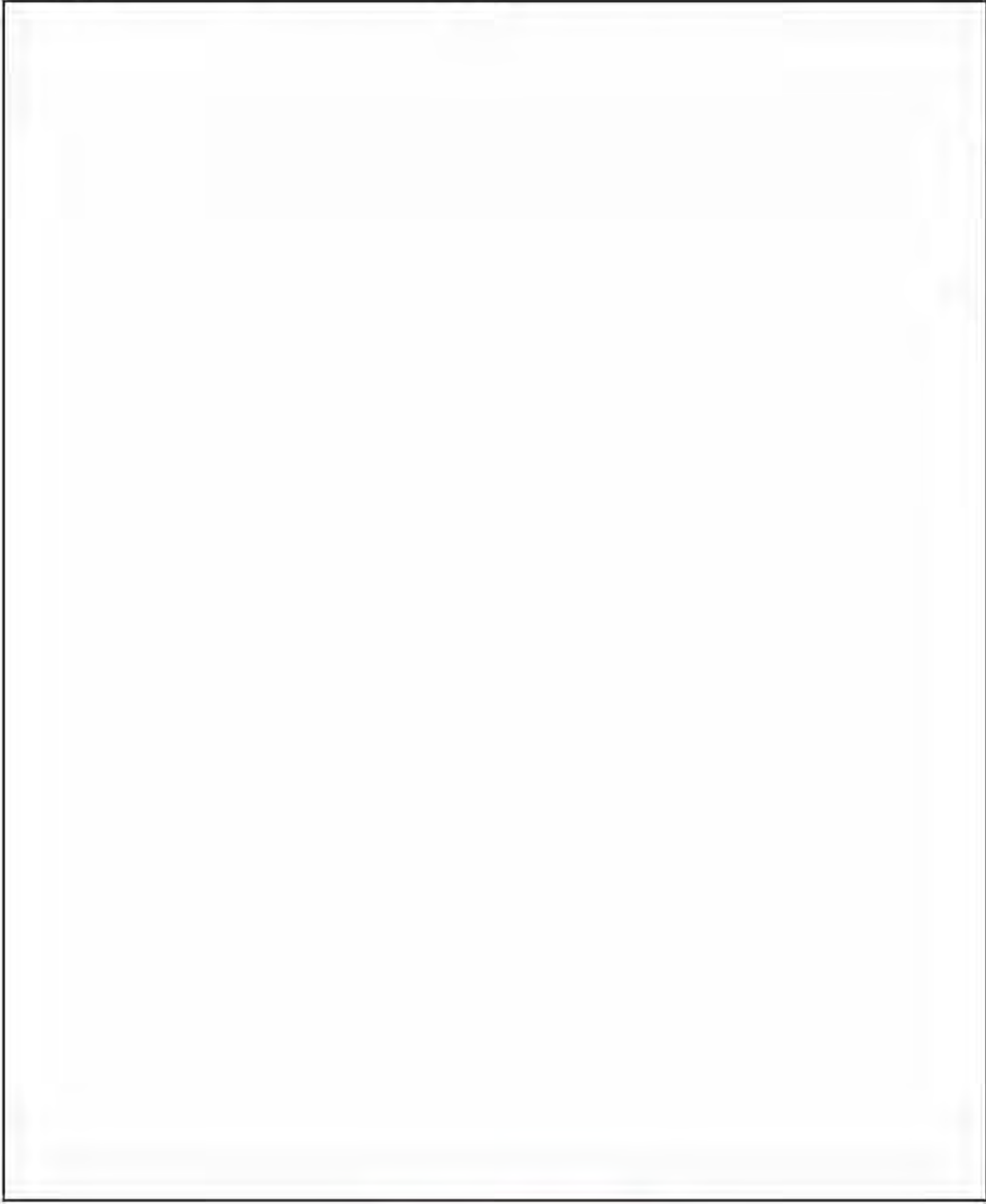
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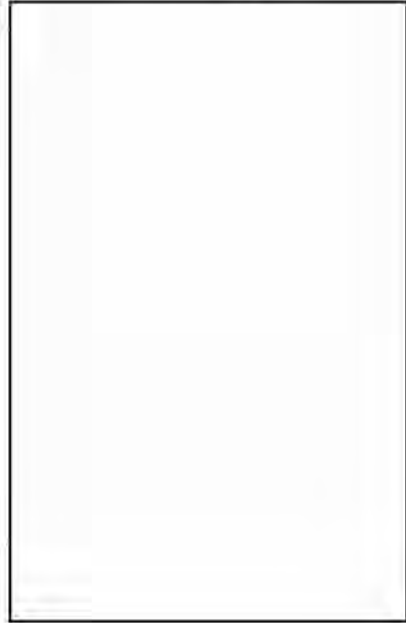
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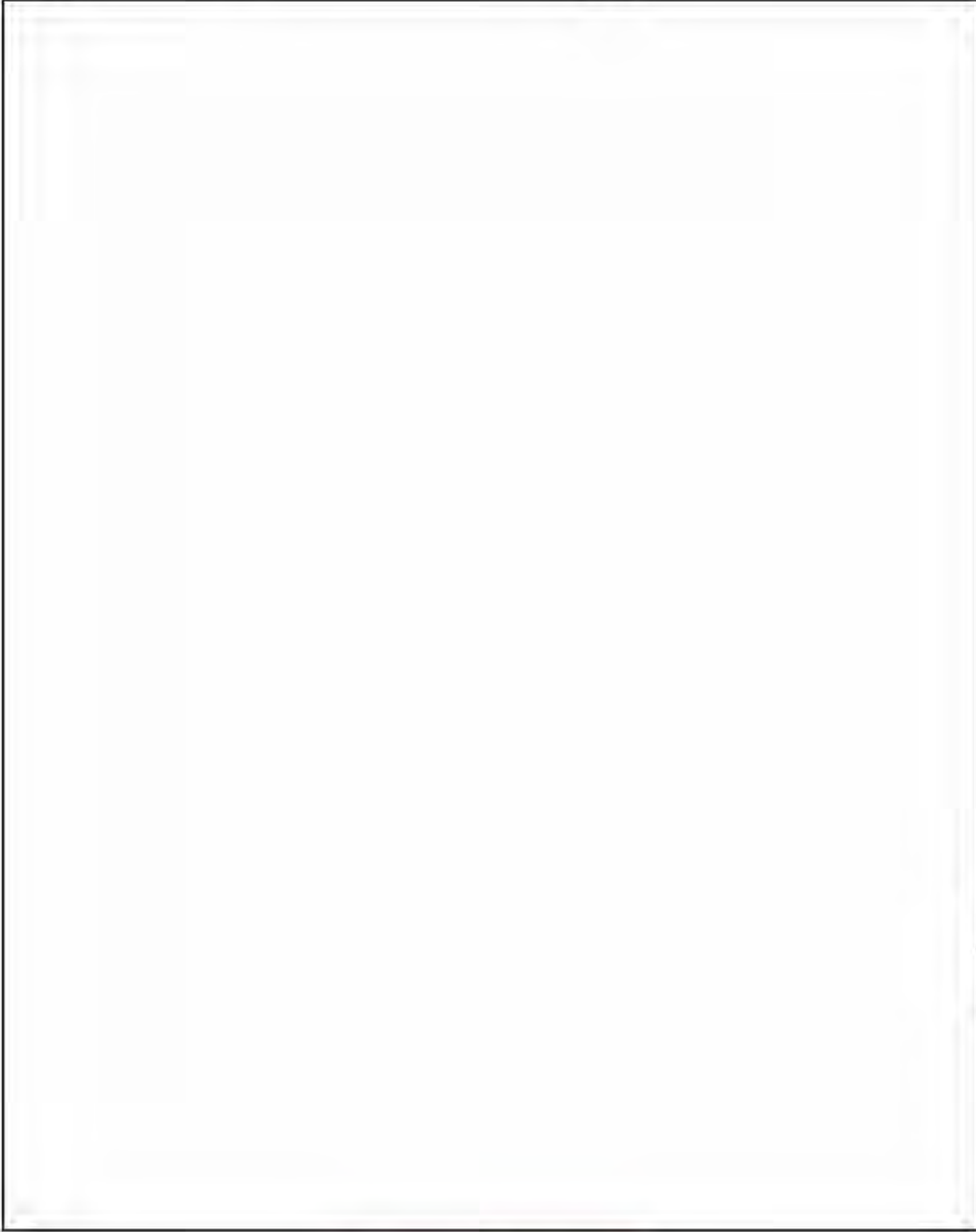
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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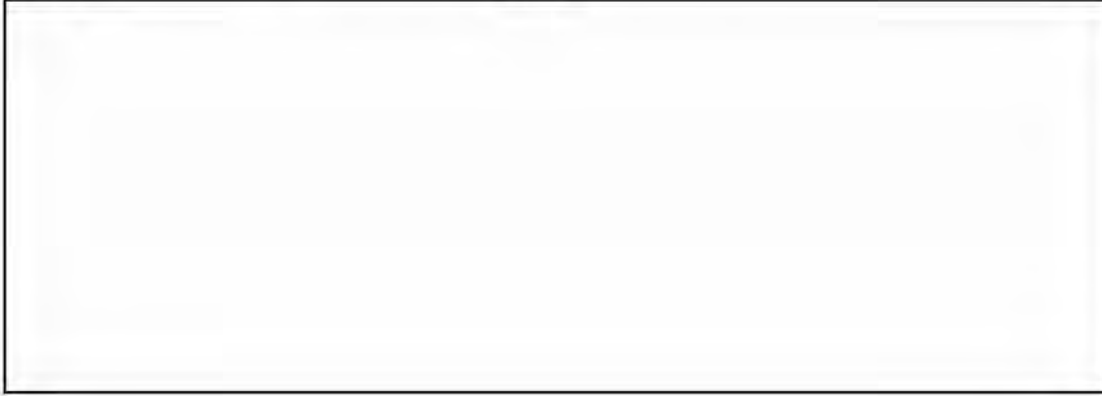
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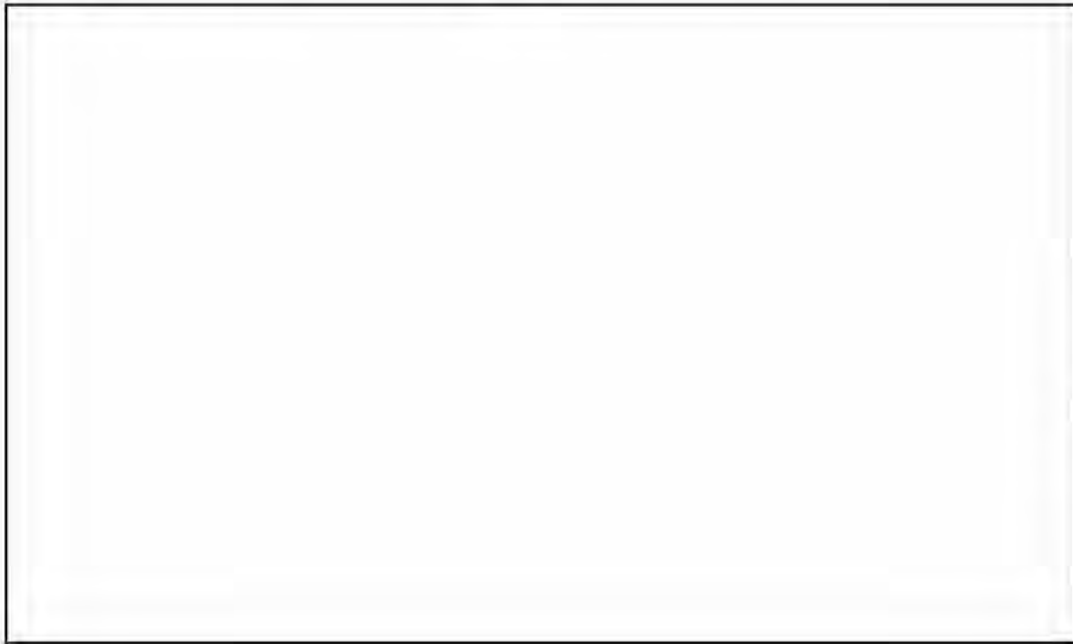


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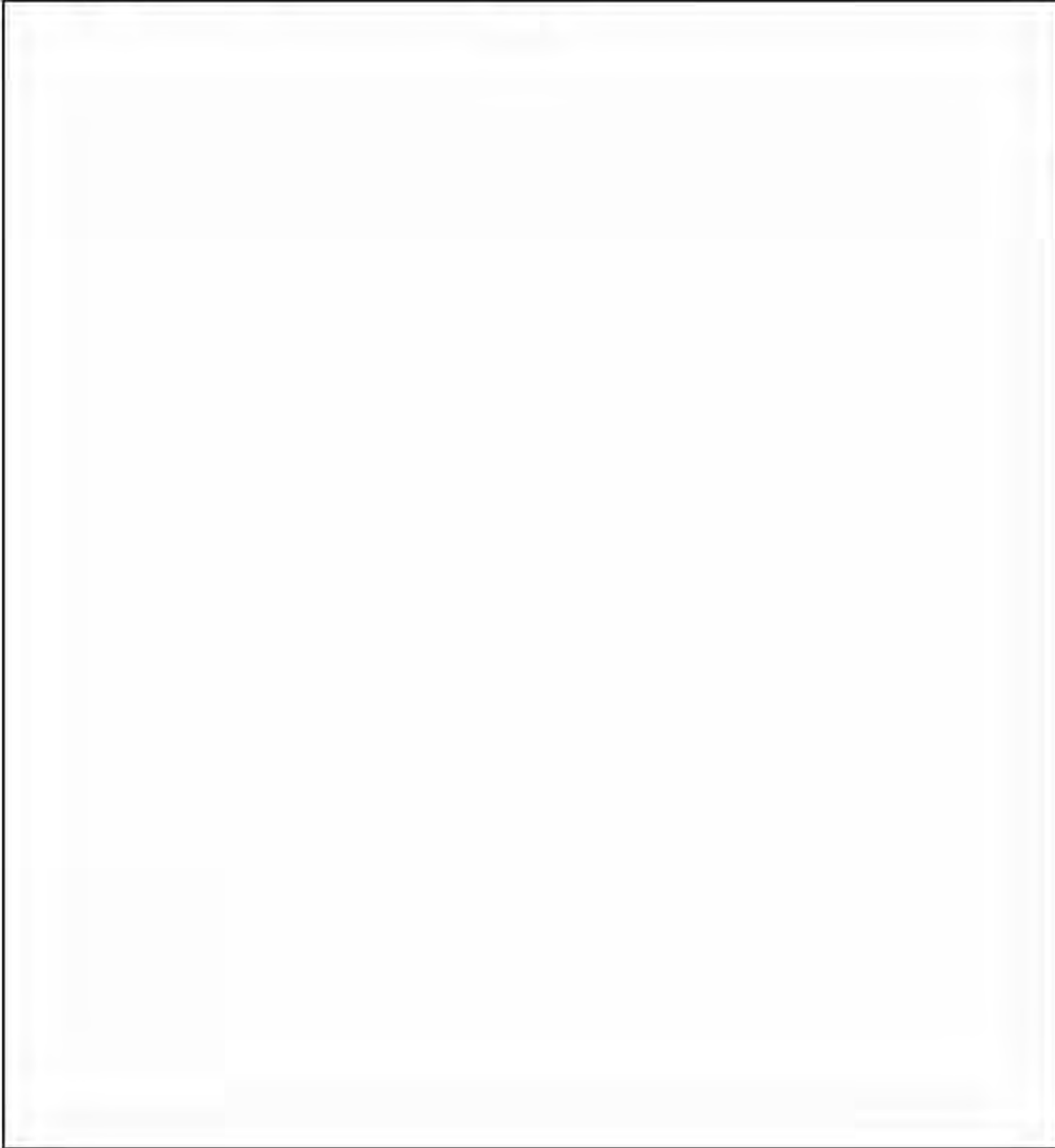
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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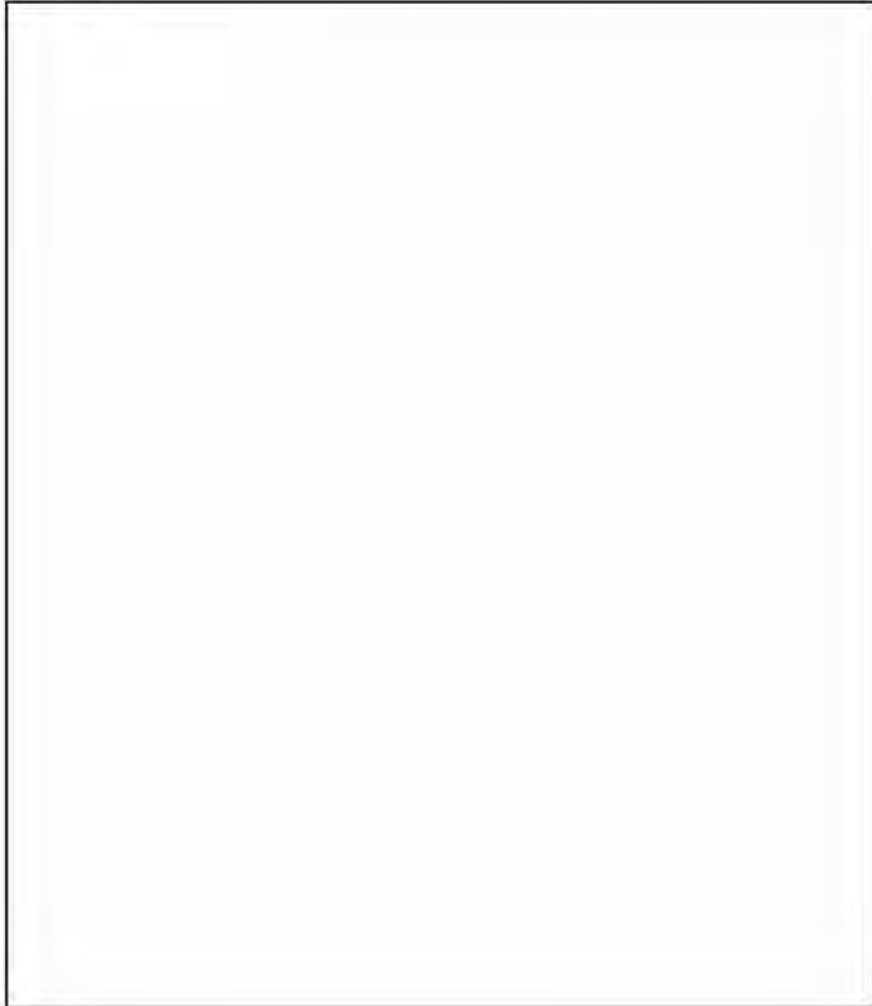


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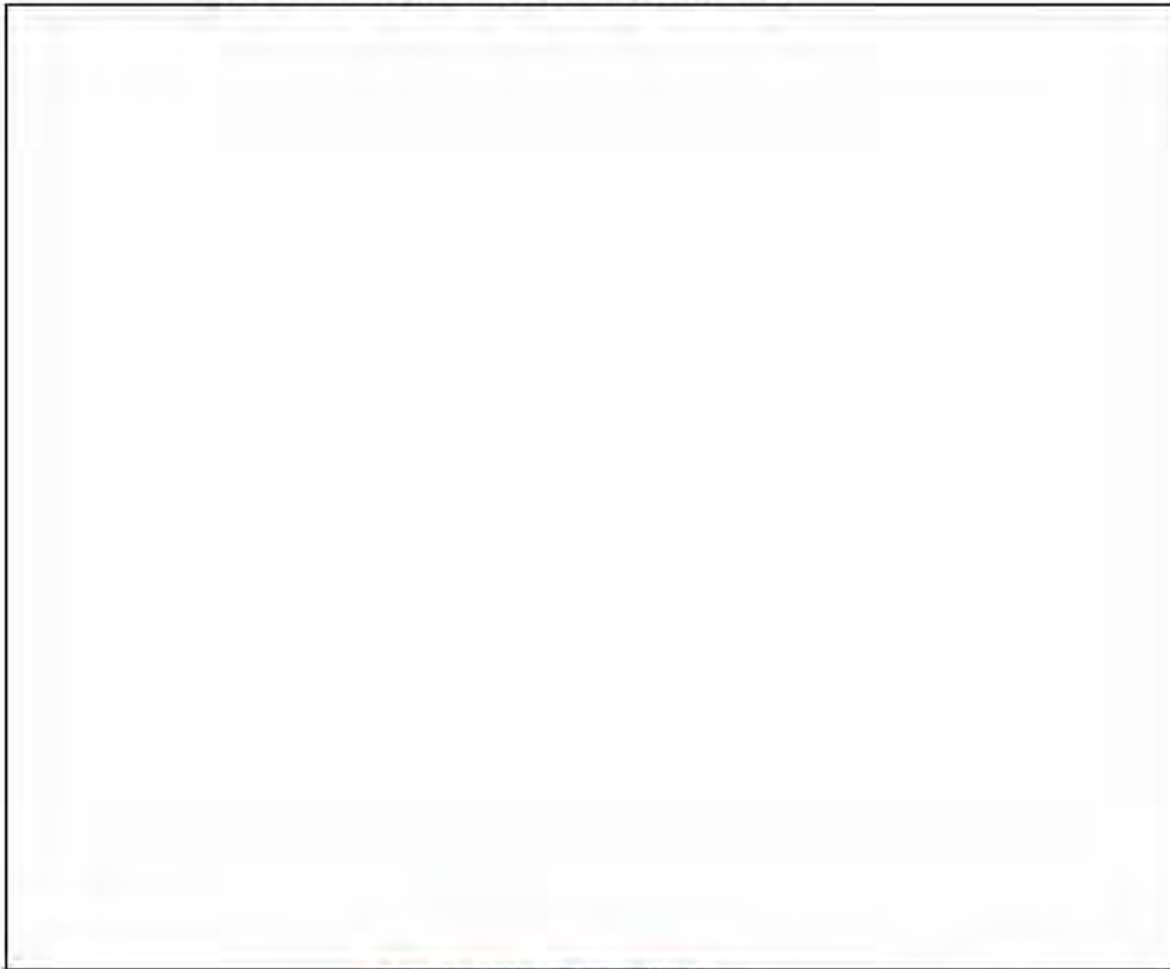
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TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

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SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and  
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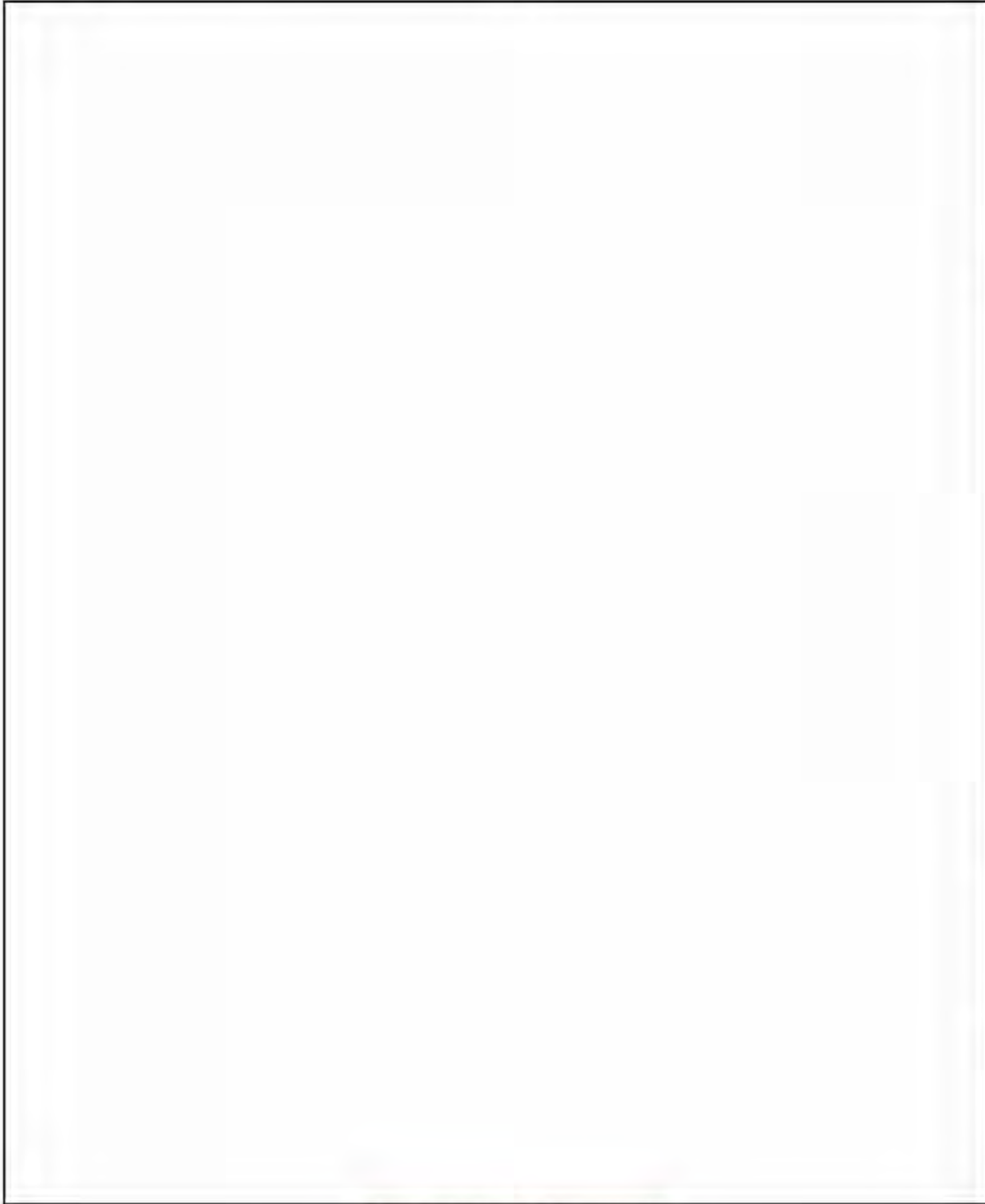


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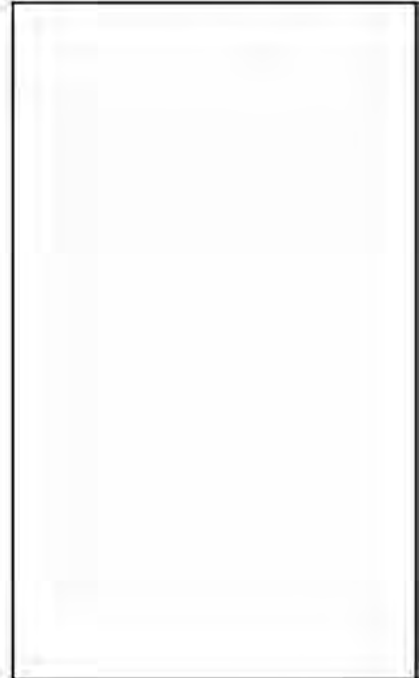
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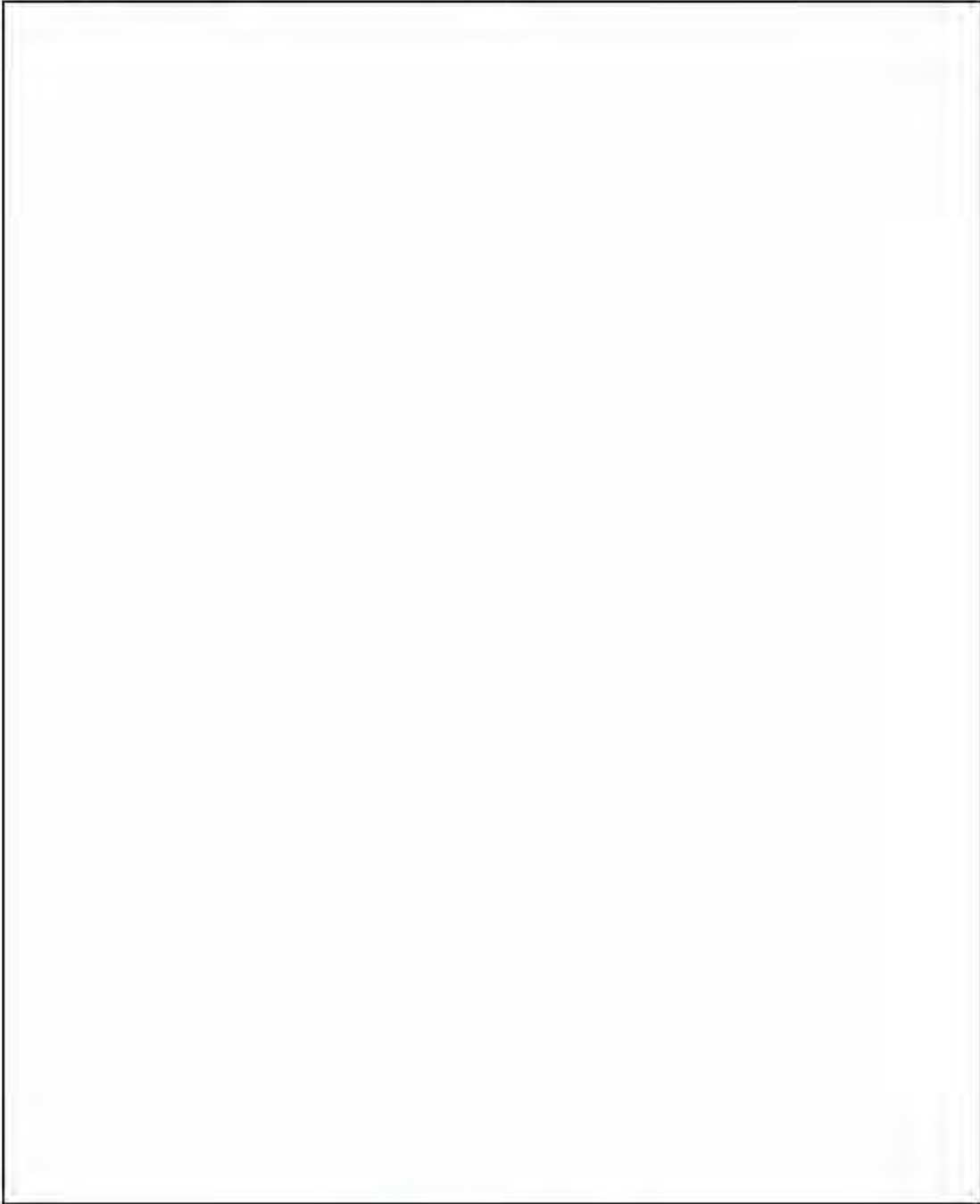


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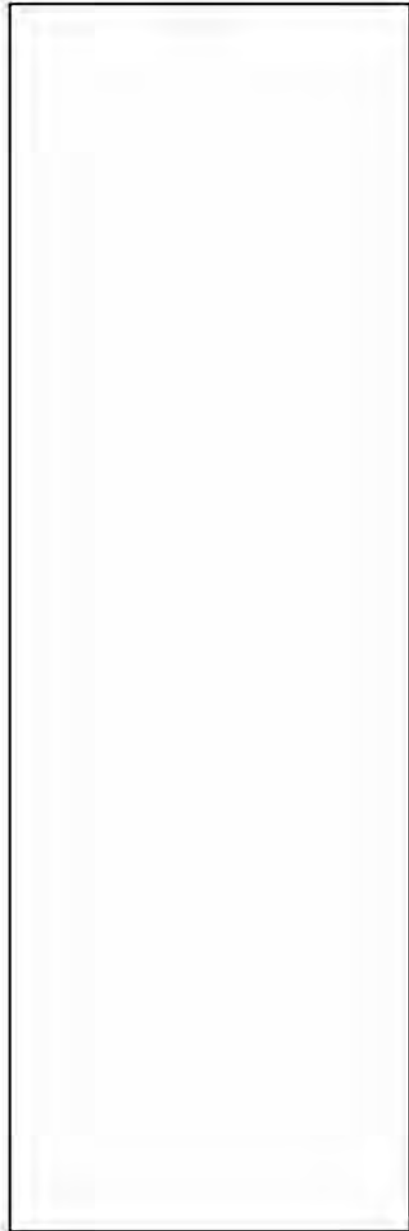
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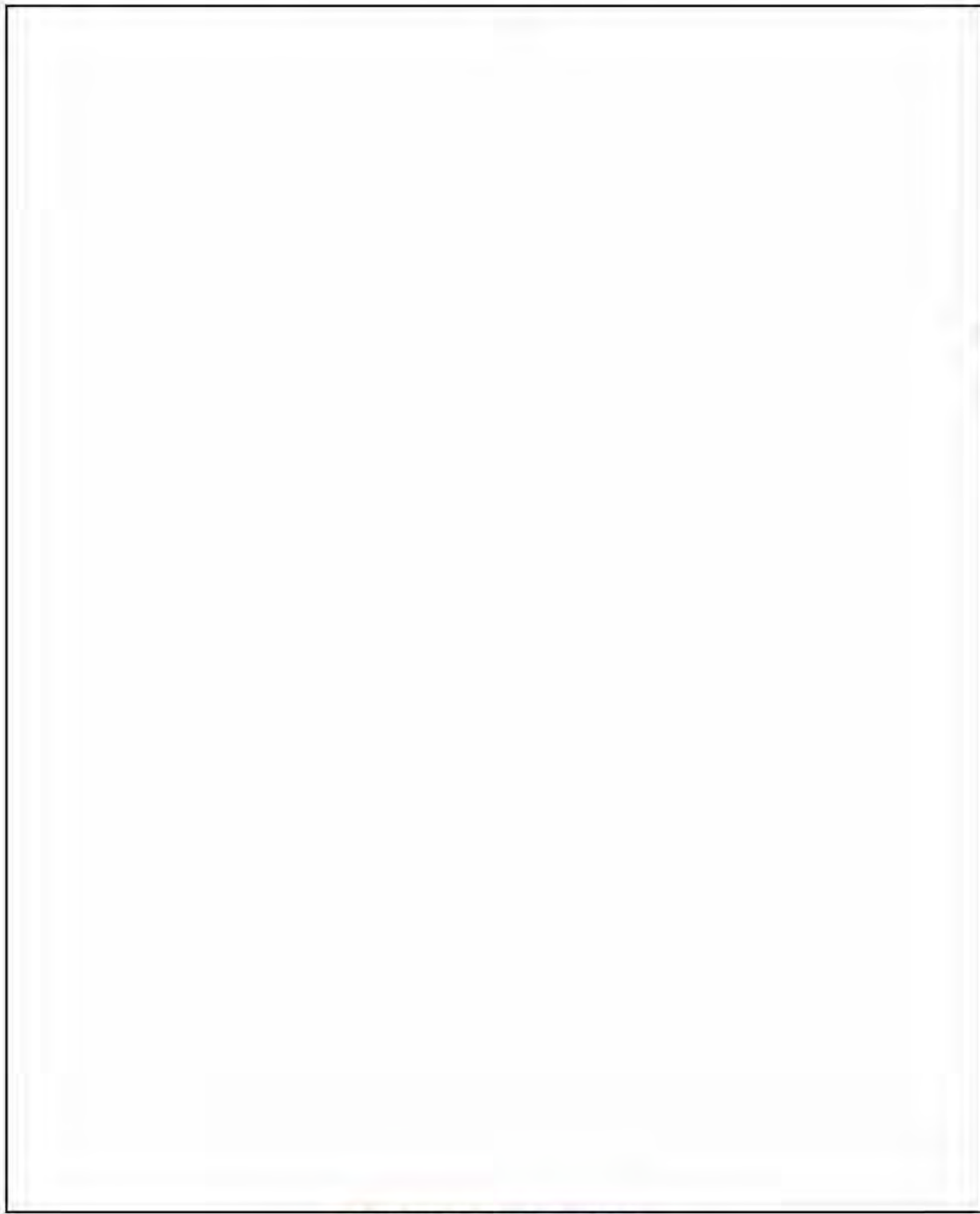


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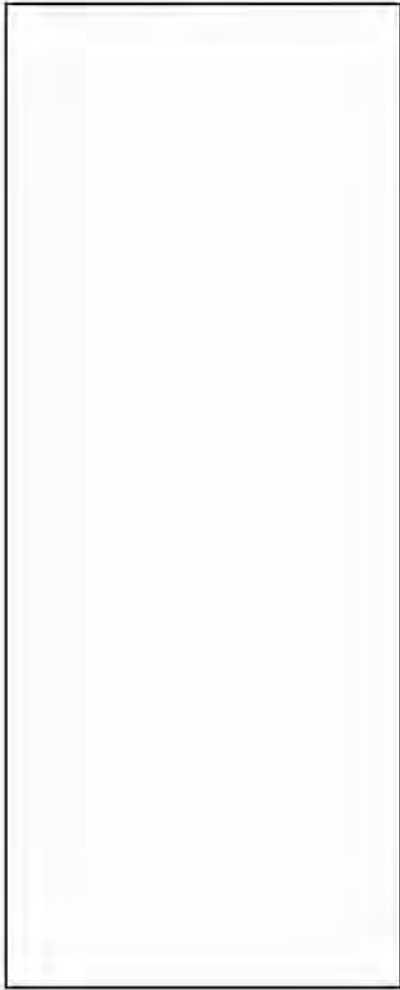
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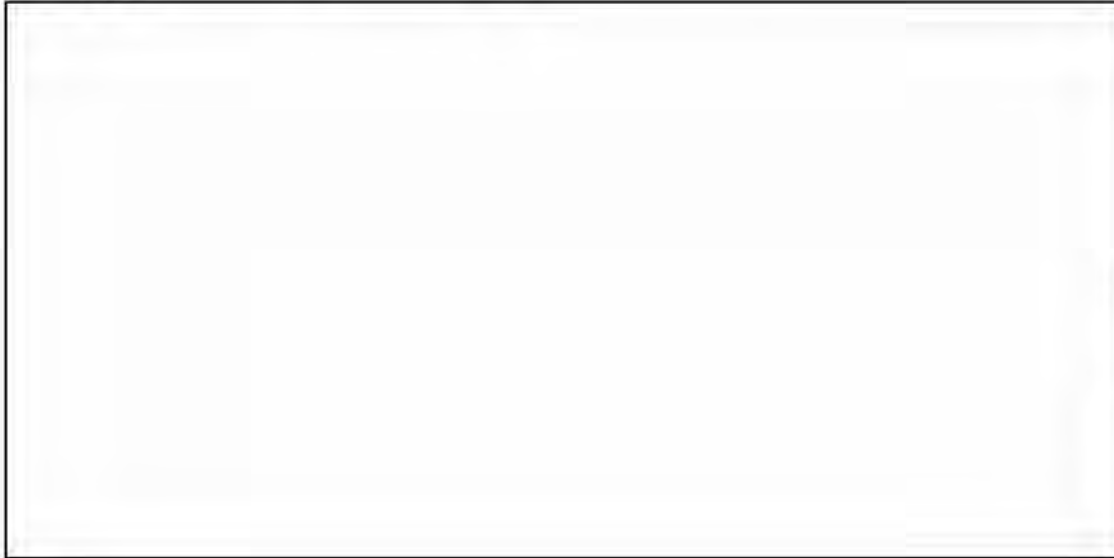


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Page 7

**Appendix A: Handling of Special Protected Class Data**

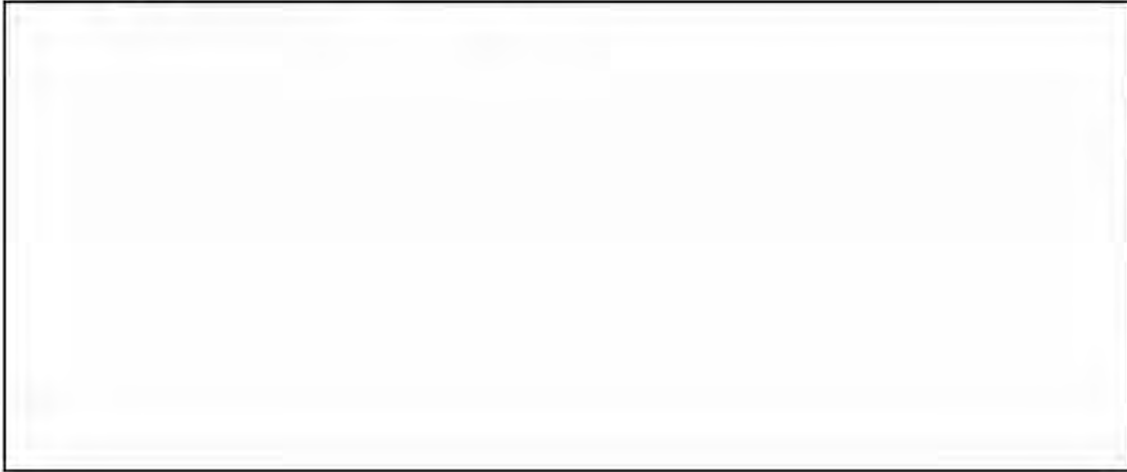
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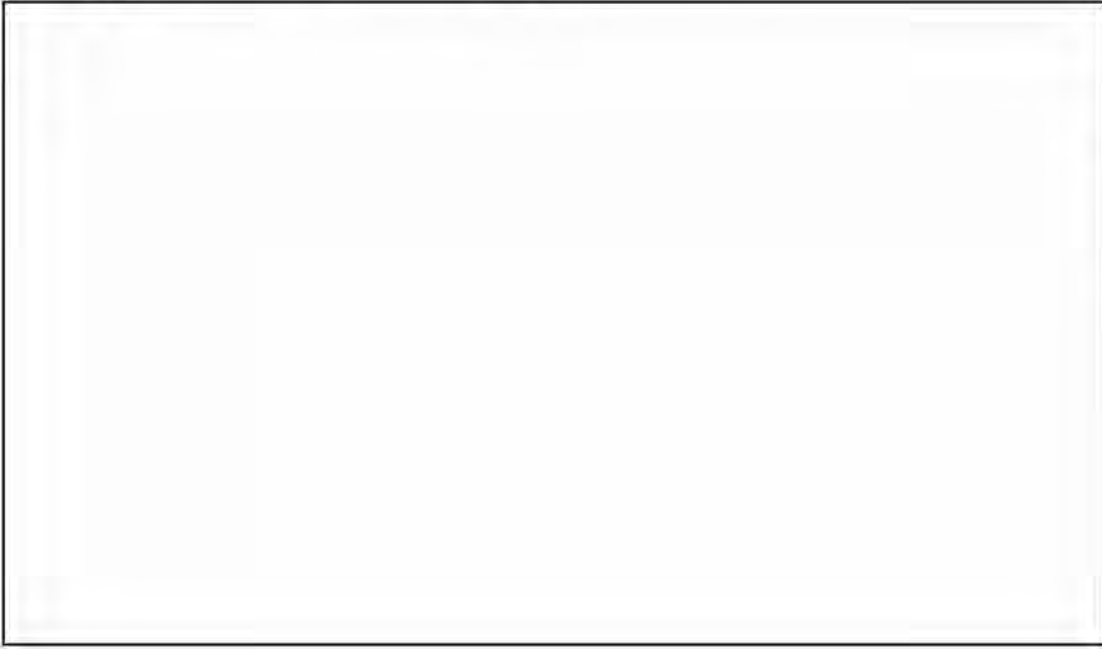


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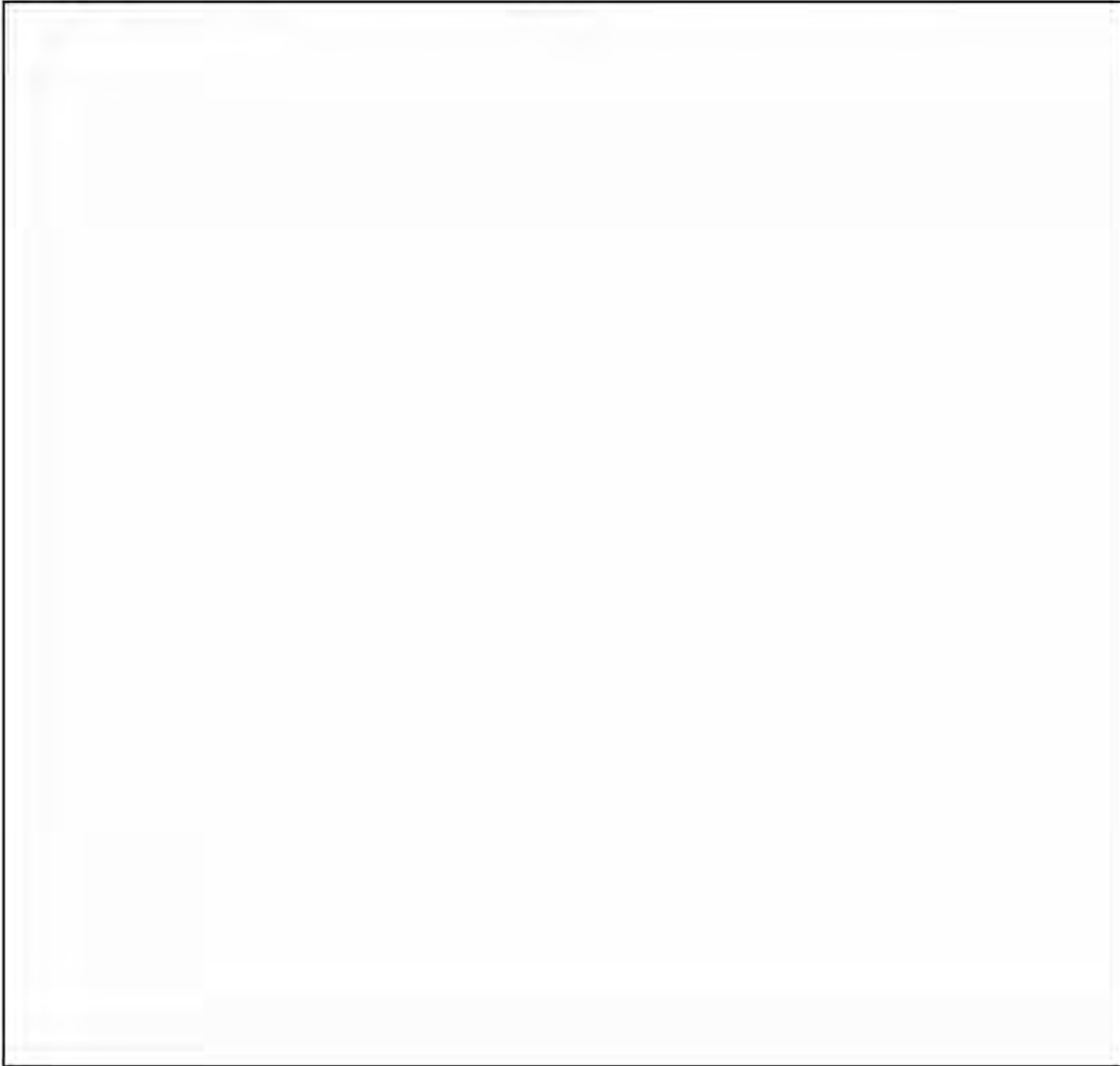


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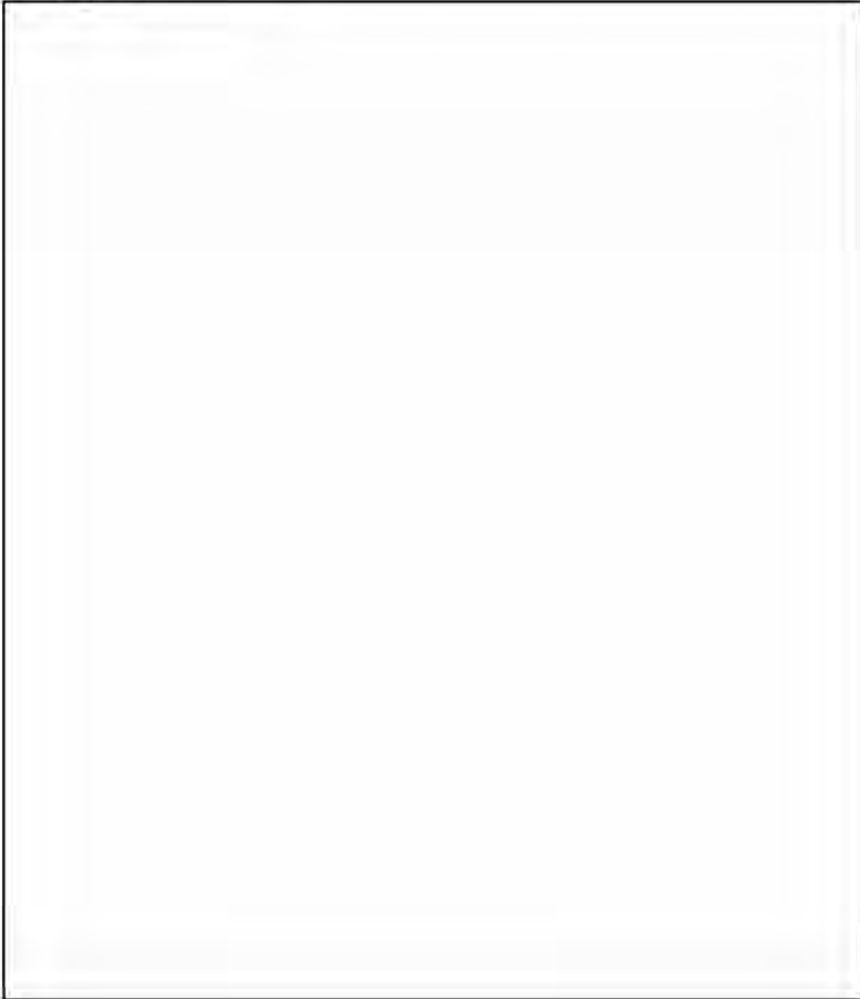
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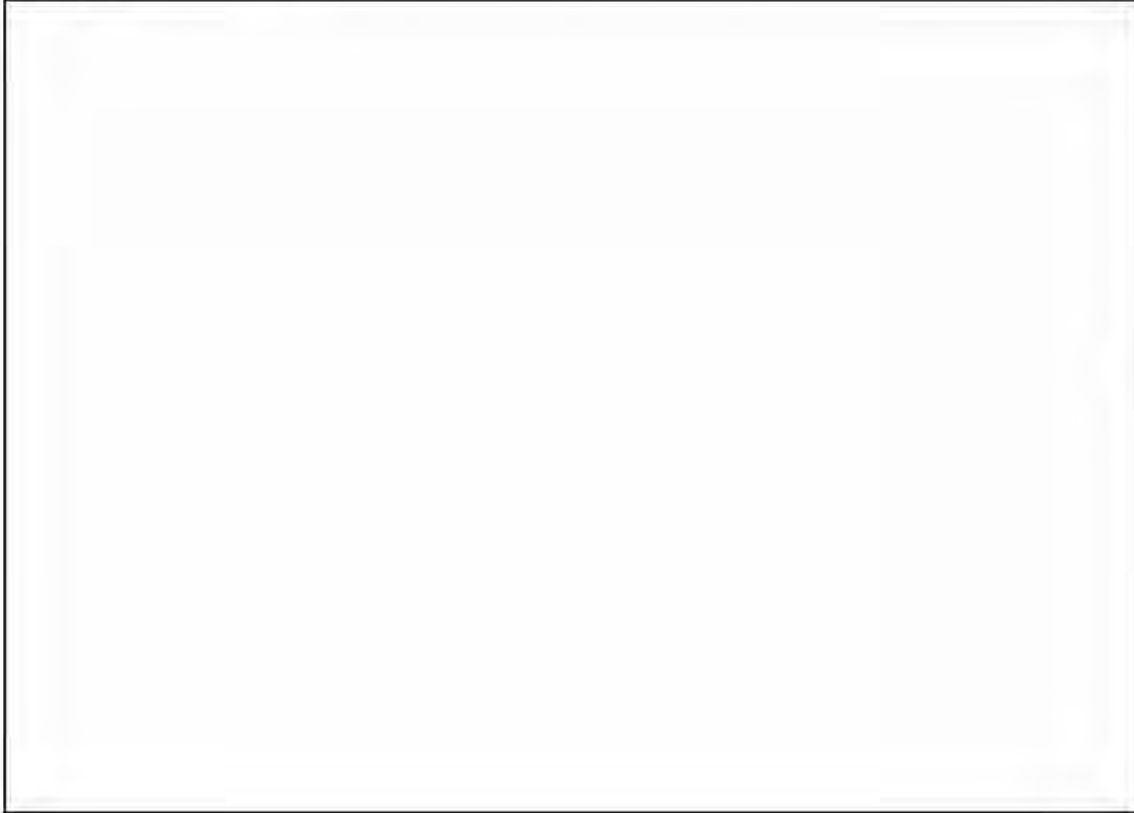
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**Appendix I: Information Sharing Workflow**

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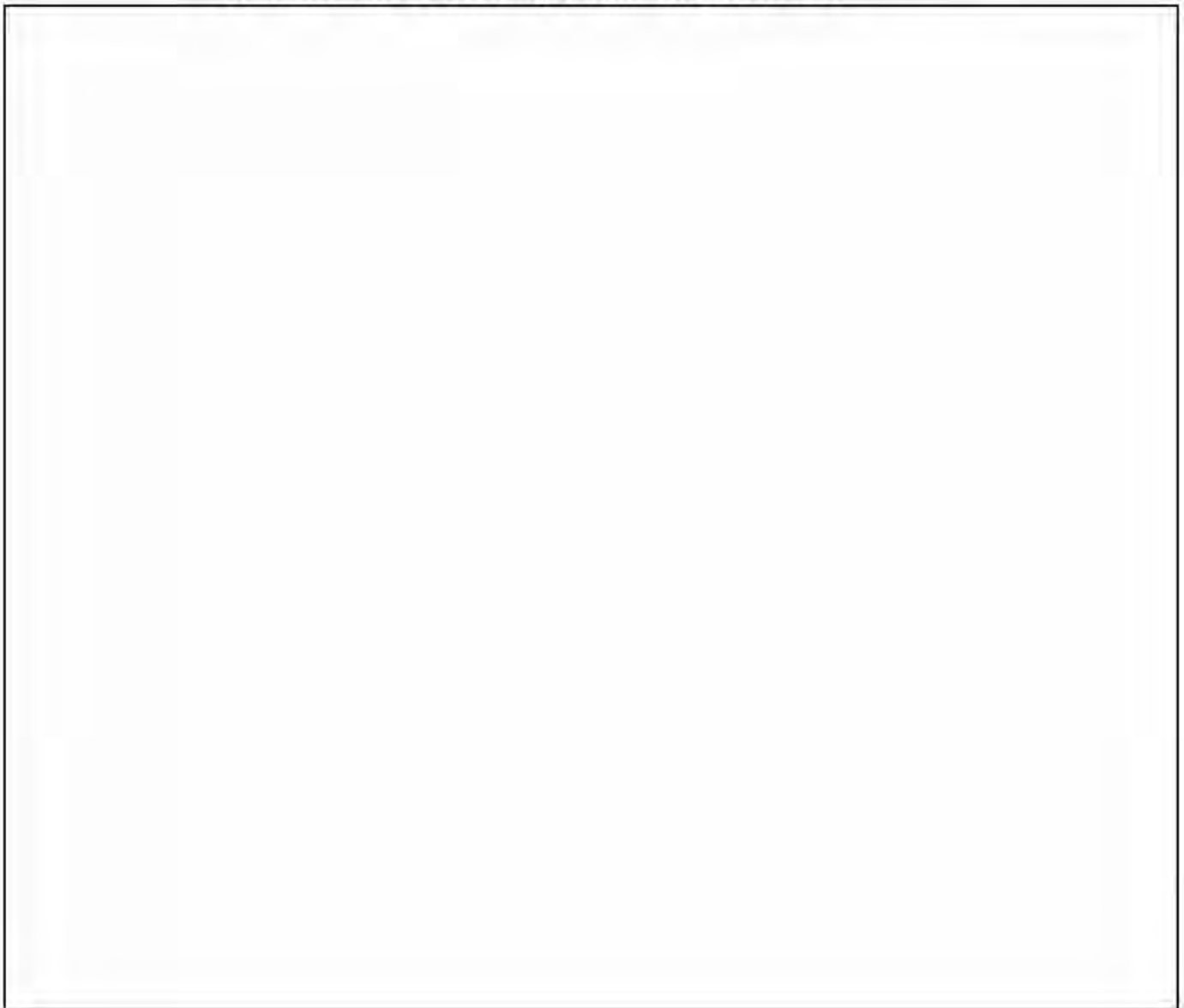
U.S. Citizenship  
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Services

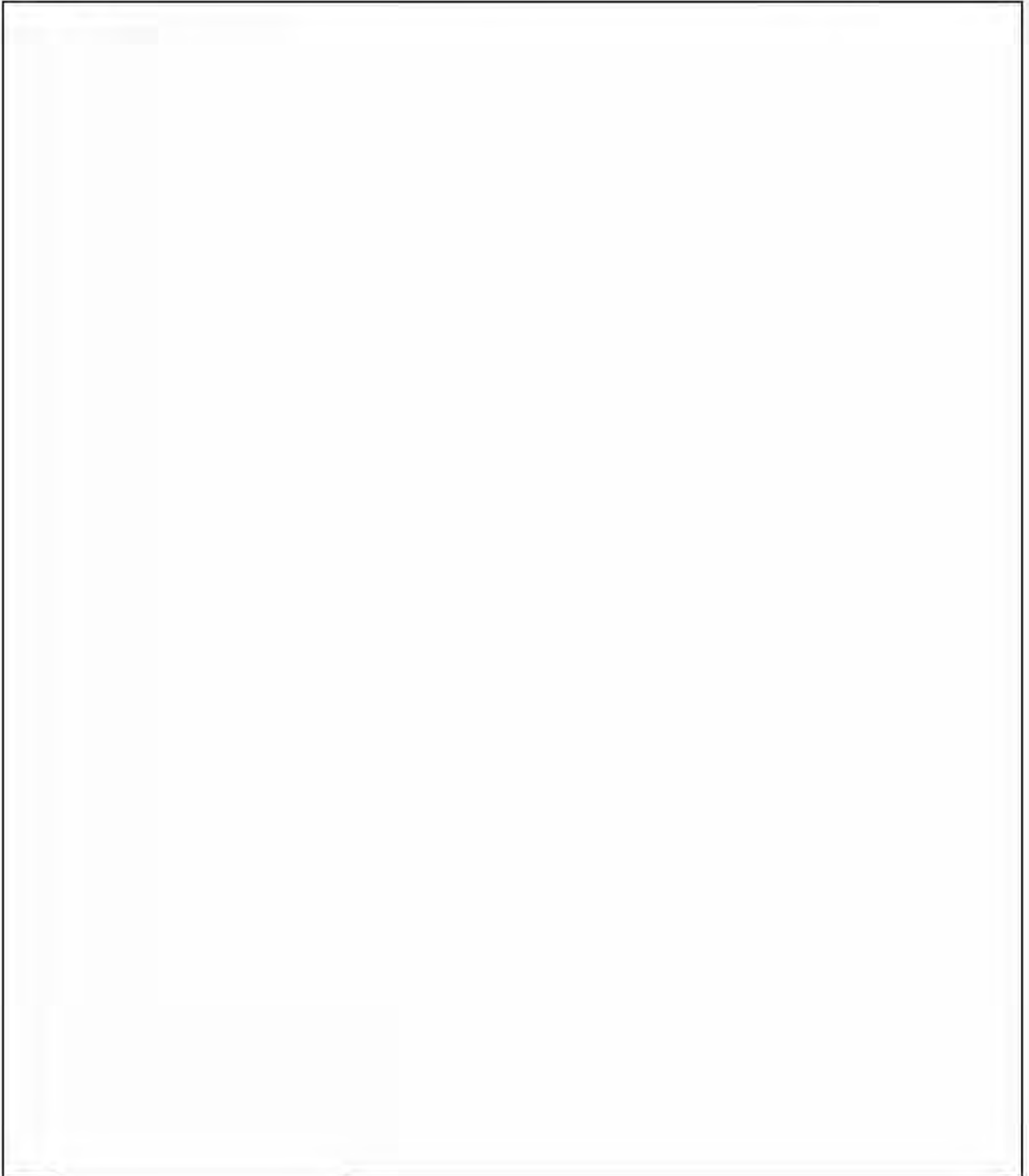
## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information** (b)(5)



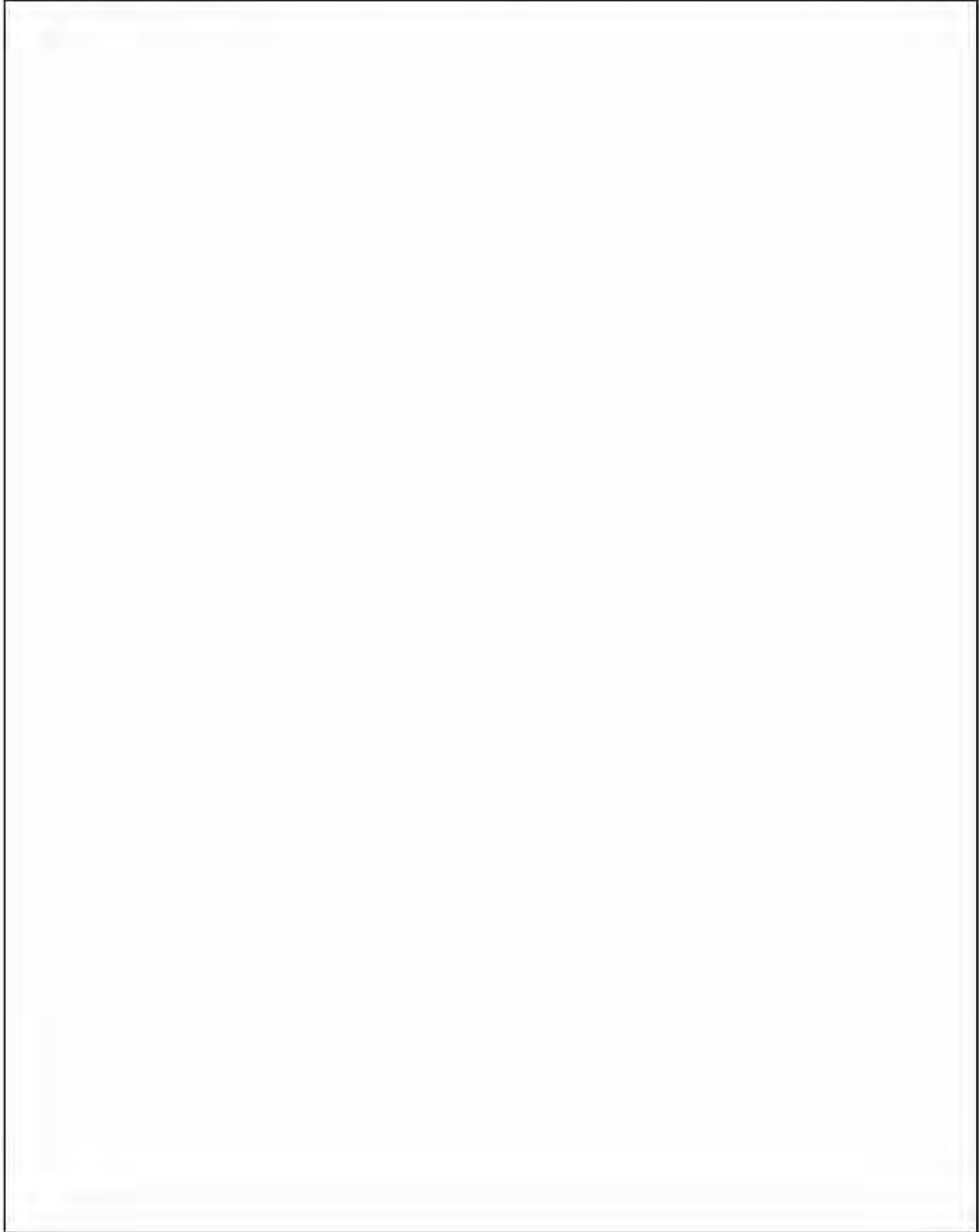


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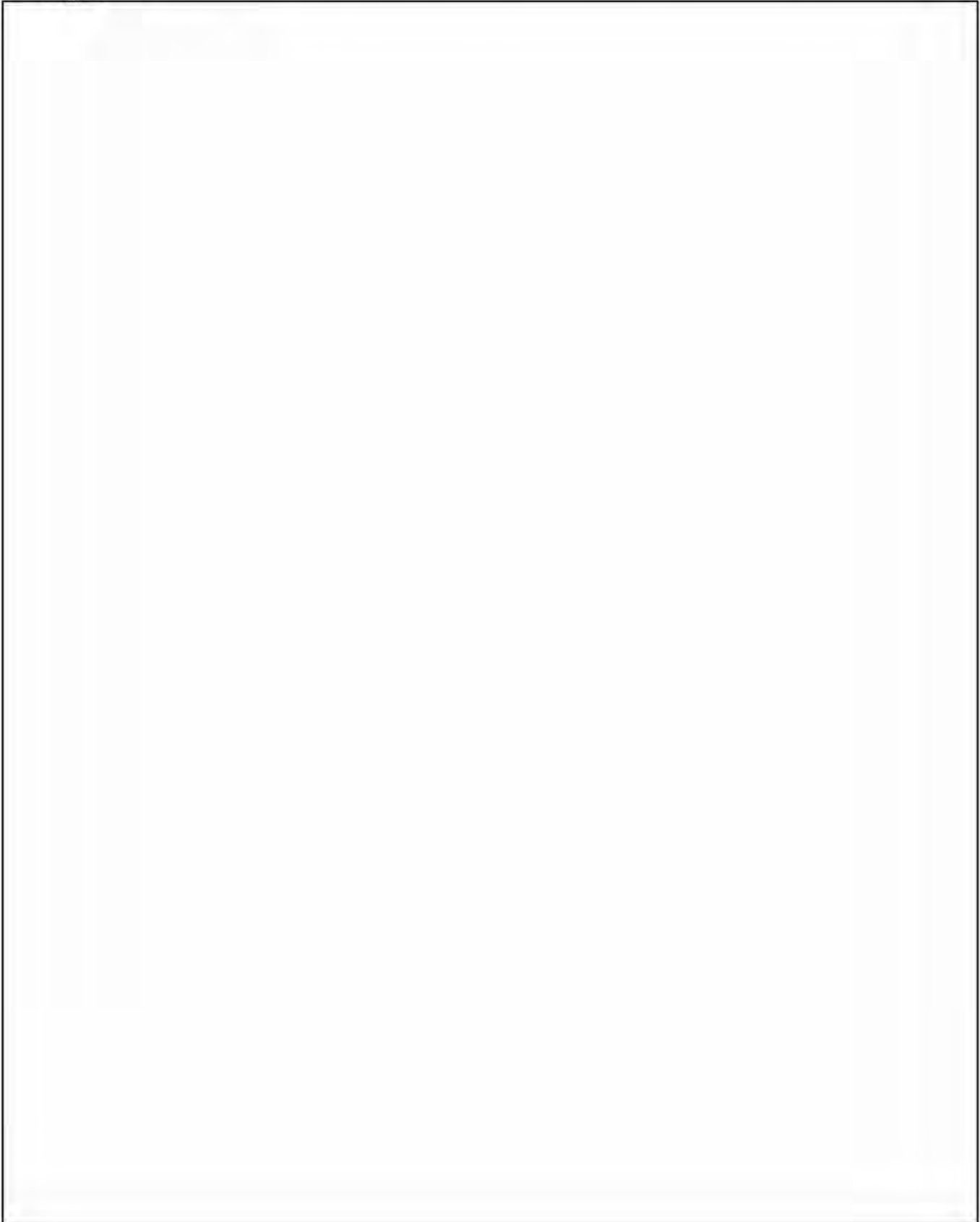
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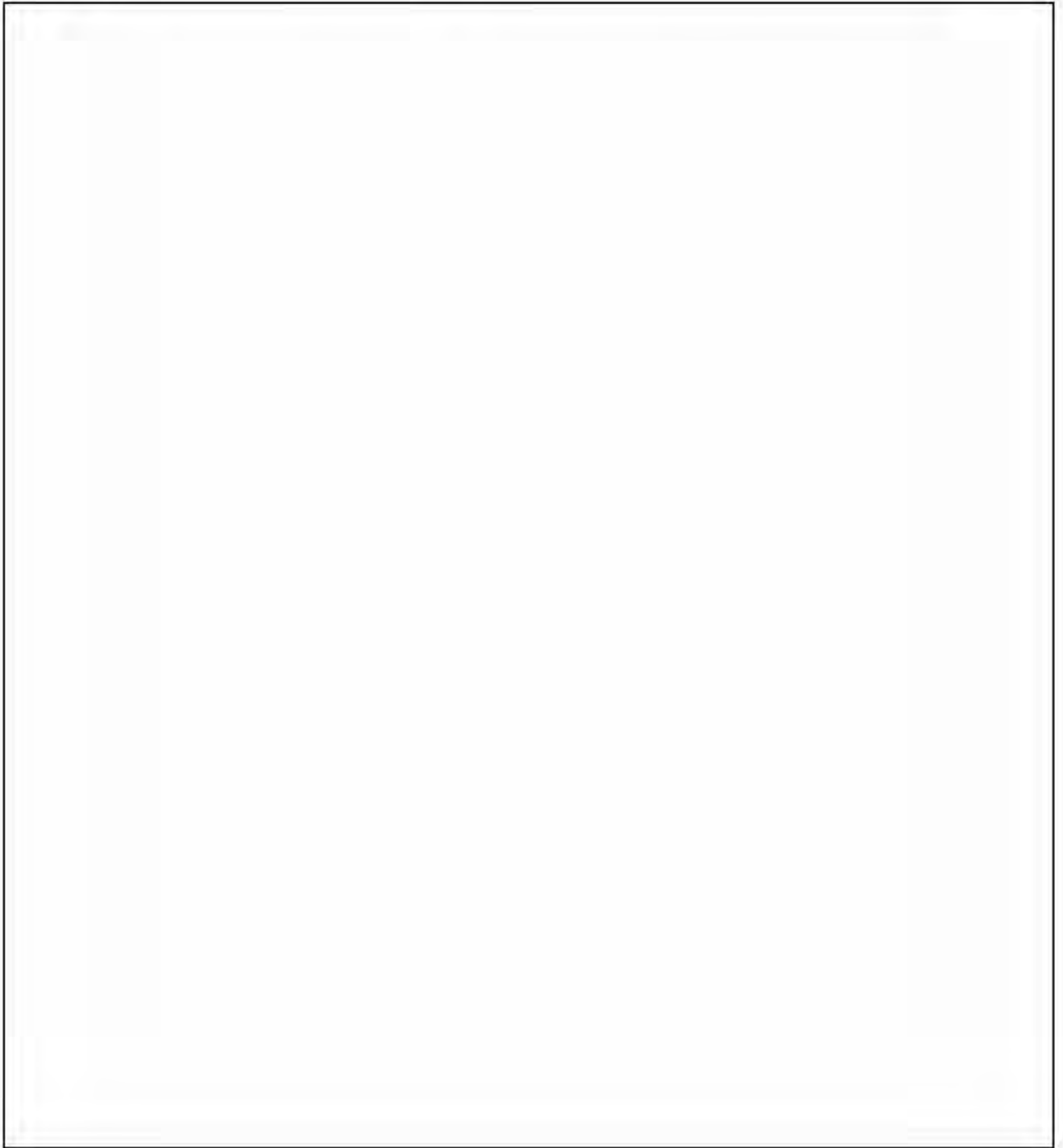


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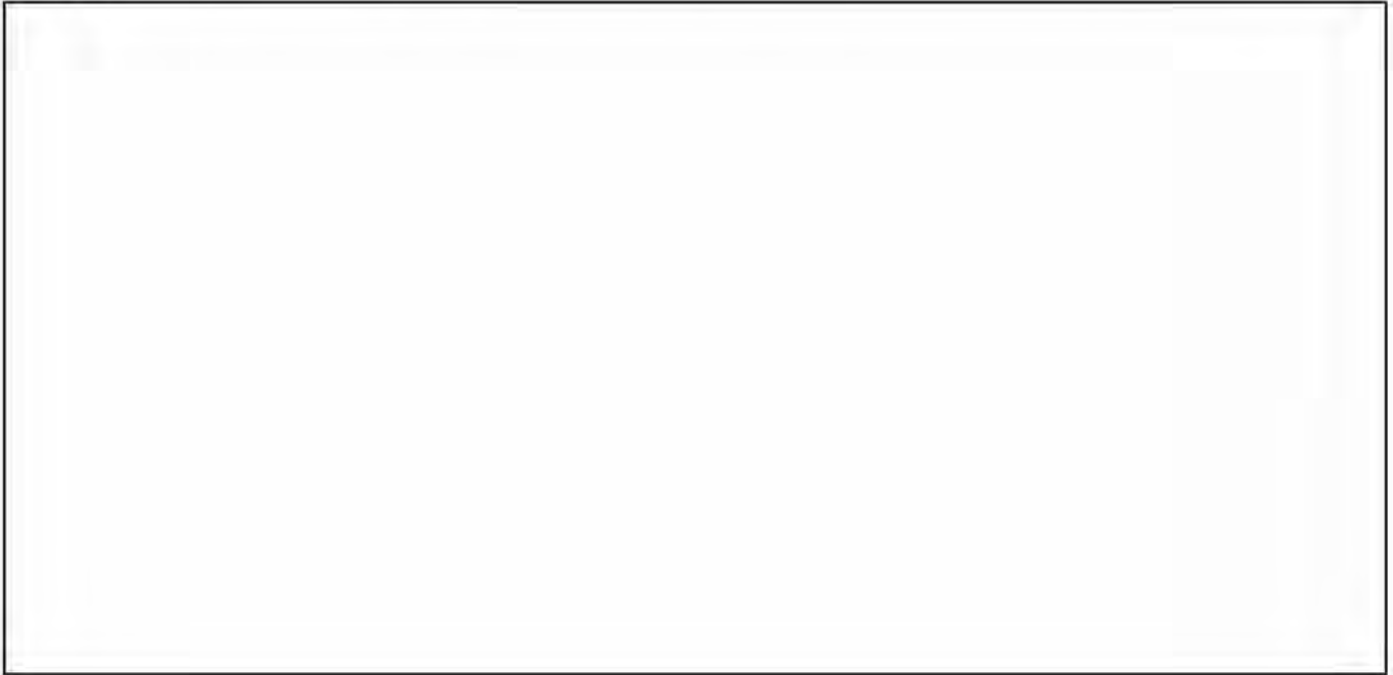
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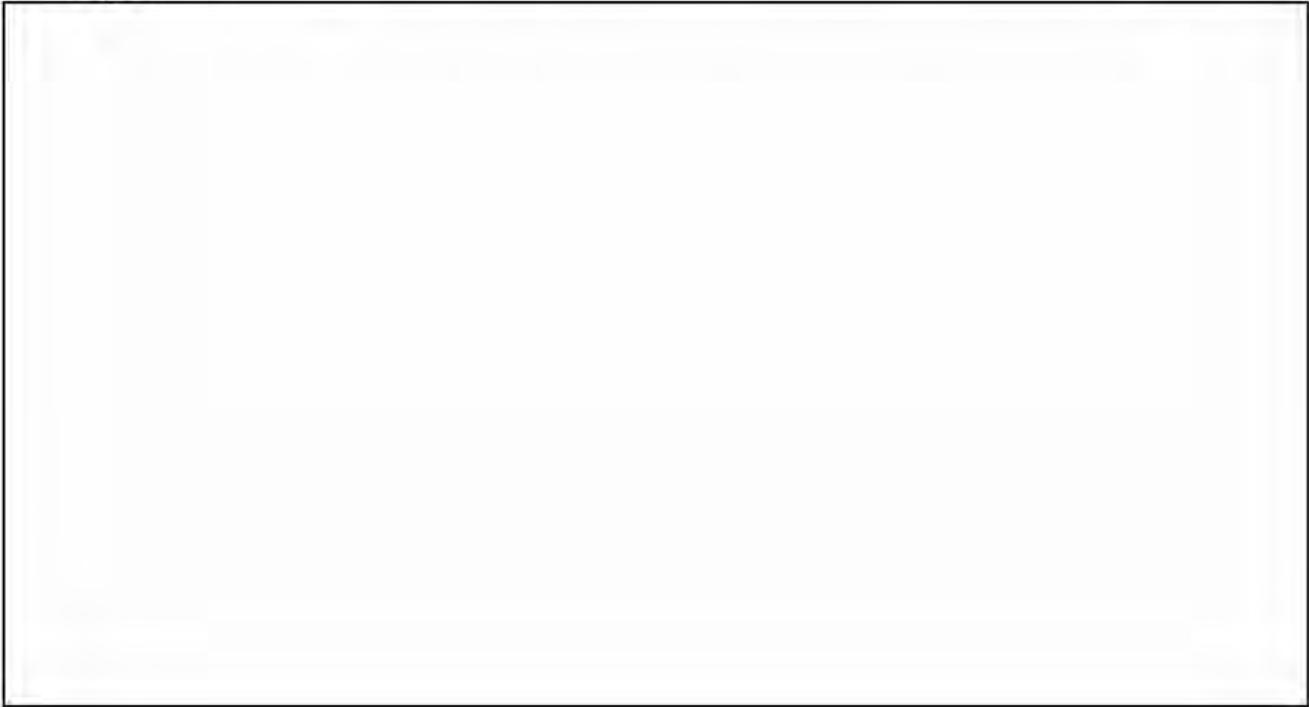
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**Appendix A: Handling of Special Protected Class Data**

Information to be included.

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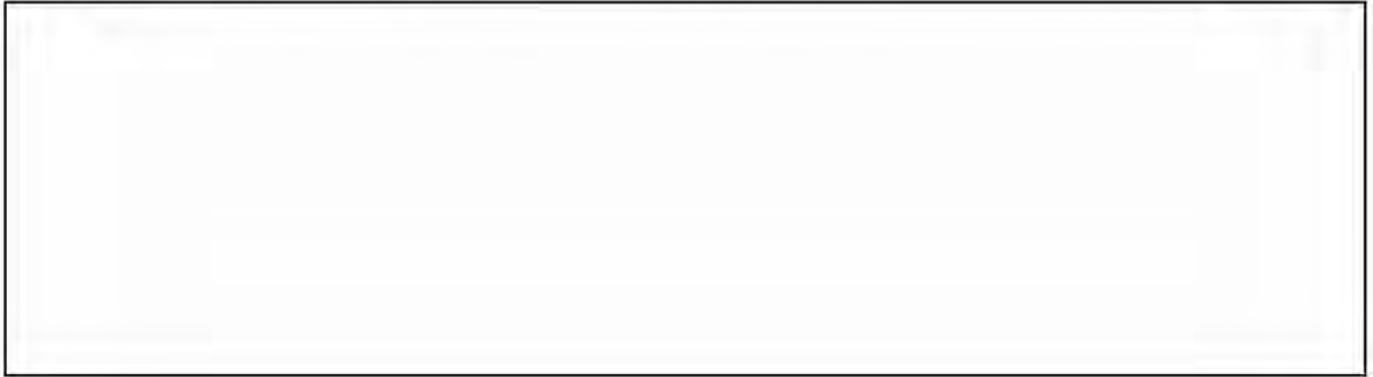


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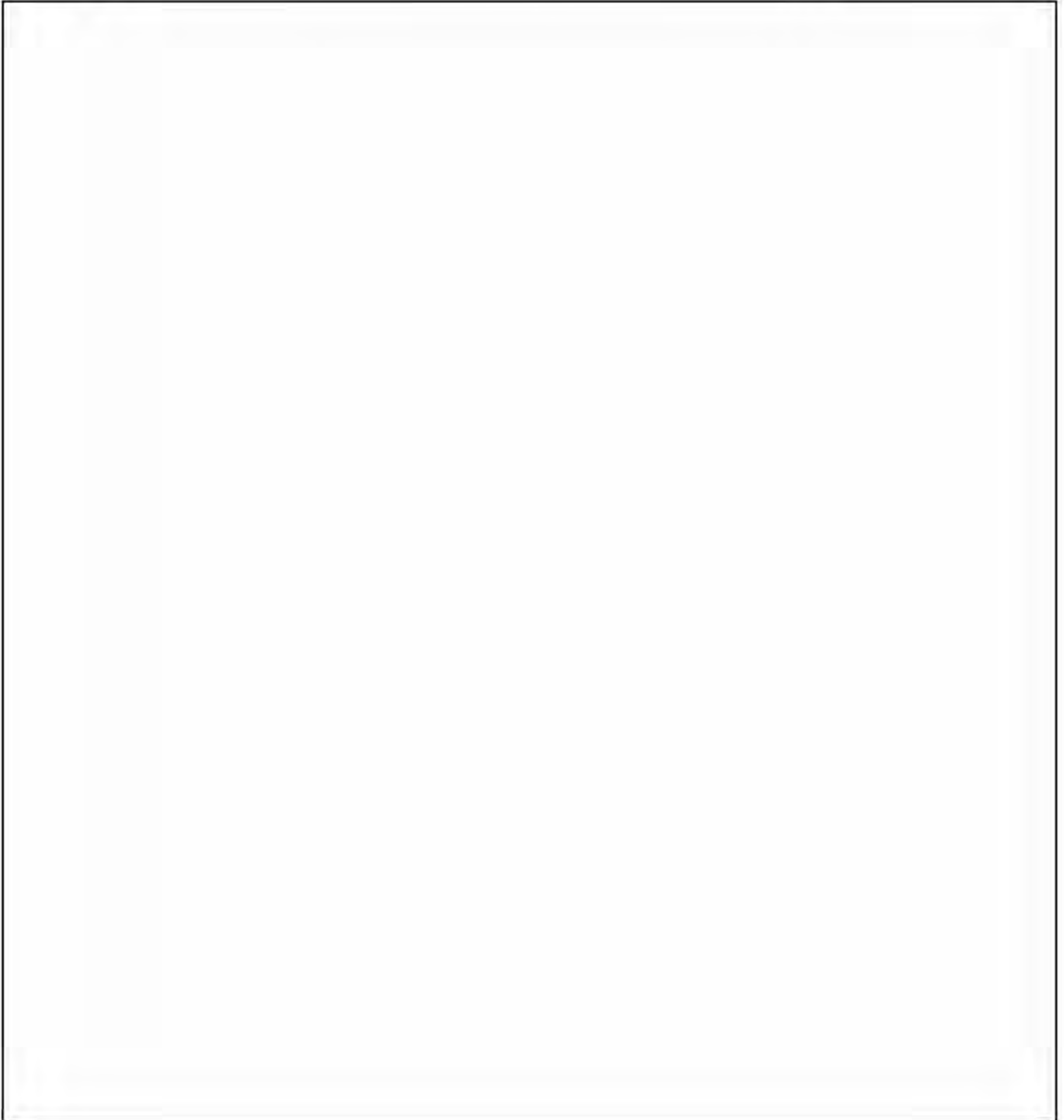
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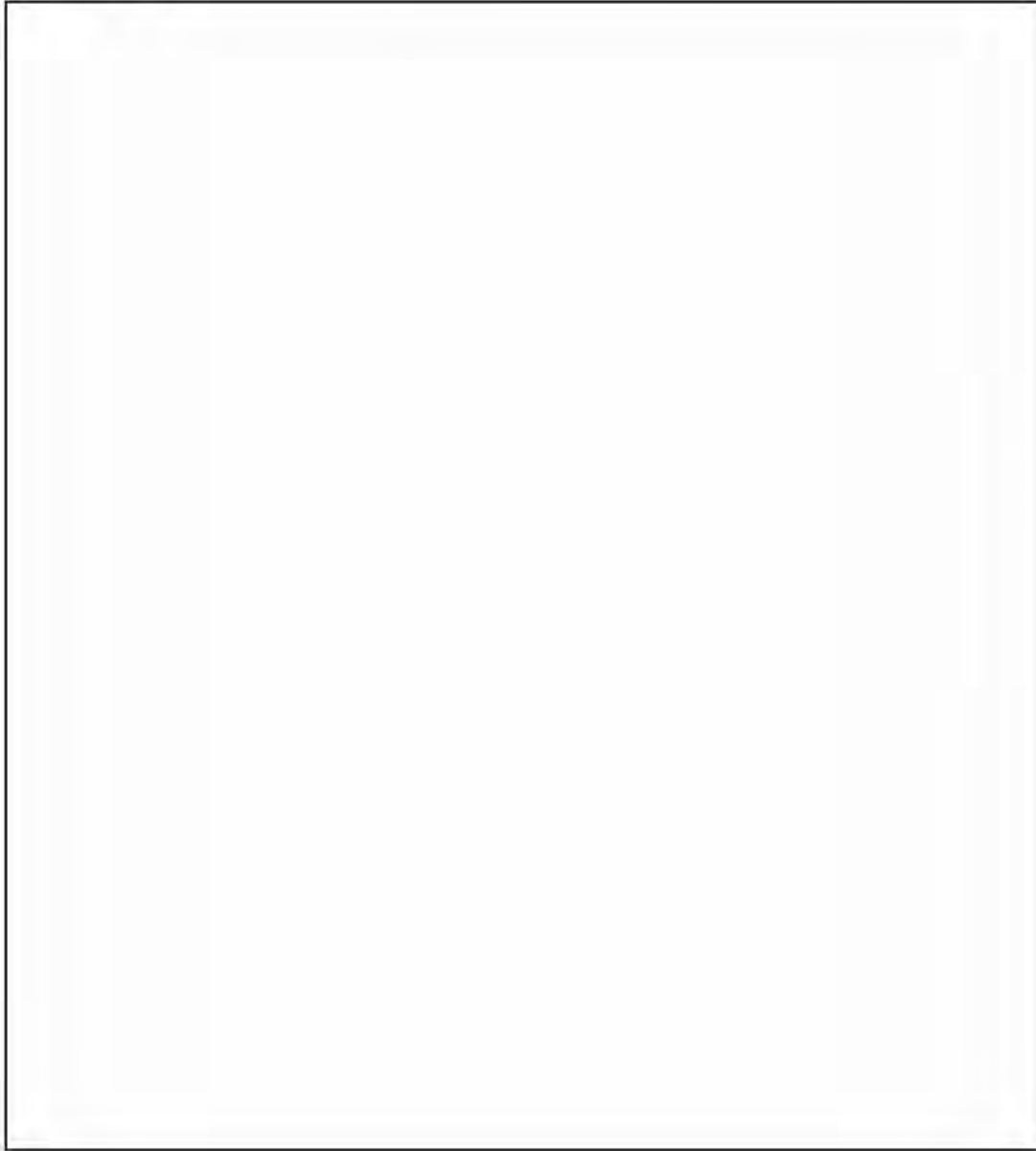
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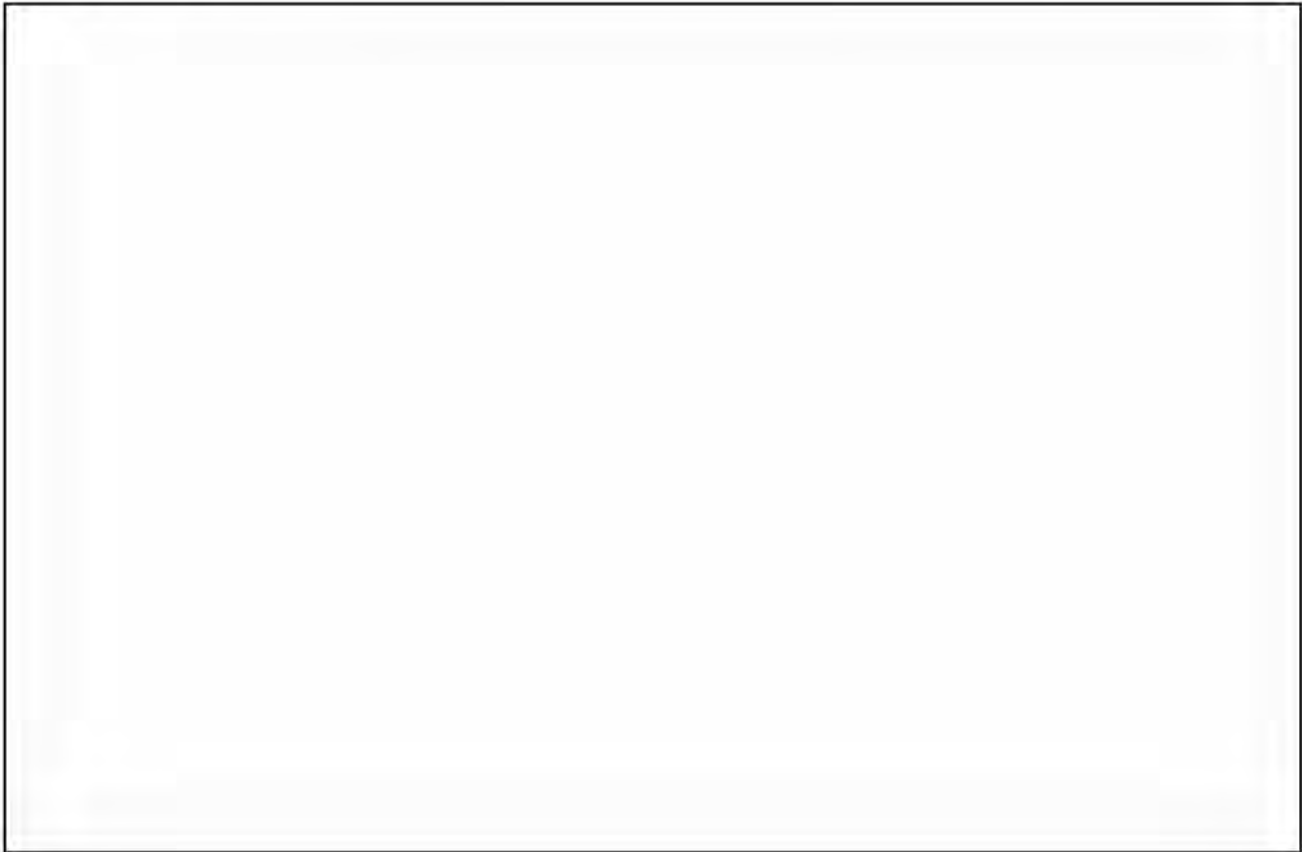


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Page 14

**Appendix I: Information Sharing Workflow**

To be included.

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## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**

**Purpose:** On January 25, 2017, President Trump issued Executive Order (E.O.) No. 13,768, *Enhancing Public Safety in the Interior of the United States*, which states that agencies may no longer extend the protections of the Privacy Act to those other than U.S. citizens (USCs) and Lawful Permanent Residents (LPRs). In response, DHS Privacy released *Policy Guidance Memorandum 2017-1, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information*, cancelling Privacy Policy Directive 262-12 (Mixed Systems Policy).<sup>1</sup> The purpose of this document is to provide guidance and procedures to support the implementation of the new DHS Privacy Policy. Program Offices should use the appendices to supplement and update their standard operating procedures and policies.

**Background:** In 2007, the DHS Privacy Office released the Mixed Systems Policy. Under this policy, DHS extended Privacy Act protections to Personally Identifiable Information (PII) regardless of whether the information pertained to a U.S. citizen, LPR, immigrant, or non-immigrant. DHS extended these protections because of inherent difficulties in determining a person's real-time immigration status, which may change over time through naturalization or adjustment.

Consistent with the Privacy Policy Guidance Memorandum 2017-1, USCIS will continue to afford Privacy Act protections to USCs and LPRs and treat all persons, regardless of

<sup>1</sup> The Mixed System policy states "Mixed System" or "Mixed Systems" shall mean any System of Records that collects, maintains, or disseminates information, which is in an identifiable form, and which contains information about U.S. Persons and non-U.S. Persons. See DHS Privacy Policy Guidance Memorandum No. 2007-01/Privacy Policy Directive 262-12, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Information on Non-U.S. Persons.

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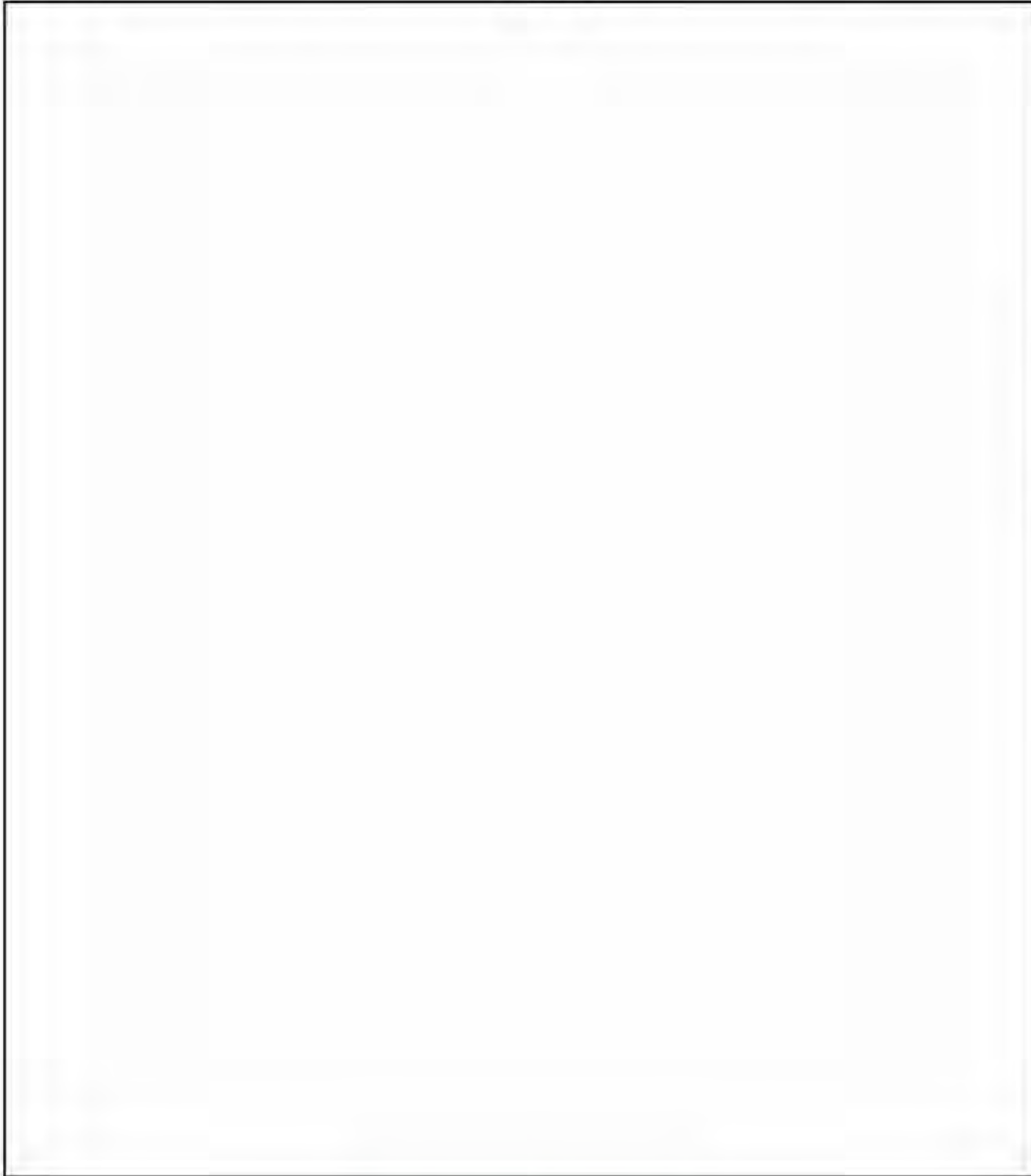
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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immigration status, consistent with the Fair Information Practice Principles (FIPPs),<sup>2</sup> applicable laws and regulations. All USCIS personnel must follow the legal and policy obligations outlined below.

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**II. First Person Information Requests (Privacy Act/Freedom of Information Act (Privacy Act/FOIA) Analysis):** First person information requests<sup>3</sup> are defined as requests made by an individual about their own information. The Freedom of Information Act (FOIA)<sup>4</sup> provides that any person regardless of citizenship or immigration status has a right to obtain records, including by seeking access to records held about oneself, maintained by a federal agency, subject to nine exemptions. The Privacy Act provides USCIs and LPRs with the right to access and amend their records contained in a DHS system of records, unless properly excepted from one or more provisions of the Privacy Act because of national security, criminal, investigatory, civil, and administrative enforcement requirements. USCIS continues to process all first party requests for records using a Privacy Act/FOIA analysis.

USCIS processes first person information requests from USCIs and LPRs under the FOIA and the Privacy Act. This allows the individual to benefit from whichever statute affords the most access. USCIS processes first person requests from non-USCIs and non-LPRs under the FOIA.

Appendix B covers the process for handling first party requests under the Privacy Act and FOIA.

**III. Official Third Party Sharing of PII Covered by the Privacy Act or Judicial Redress Act (JRA):** DHS Privacy Policy Guidance Memorandum 2017-01 defines official sharing “as requests from Congressional Committee Chairpersons acting on behalf of their committees, federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of official duties.” USCIS continues to apply a Privacy Act analysis to all official third party requests: in order to share information, there must be written consent or one of the Privacy Act exceptions.

<sup>3</sup> Amendment of records will be covered under a separate document.

<sup>4</sup> 5 U.S.C. § 552

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Appendix C covers the process for handling third party requests covered by the Privacy Act or JRA.

**IV. Official Third Party Sharing of PII Not Covered by the Privacy Act or JRA (FIPPs)<sup>5</sup>**

**Analysis:** For official sharing requests of PII on persons not covered by the Privacy Act, JRA, or confidentiality requirements, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs. Individual participation requires that USCIS involve the person in the process of using PII and, to the extent practicable, seek the person's consent for the collection, use, dissemination, or maintenance of PII. Because the records in this example are not covered by the Privacy Act and therefore not covered in a system of records notice, the notice requirement may be achieved through notice on the form that collects the data, or by a waiver provided to the individual before release.

Use limitation requires the sharing of the individual's information be compatible with the purposes for which the information was originally collected. According to OMB, the "compatibility" concept encompasses (1) functionally equivalent uses, and (2) other uses that are necessary and proper. The use need not be the main purpose for the collection but relevance is not enough. In other words, there must be a rational relationship between the purpose of the collection of the information and the intended use. Any routine or regular sharing must be described in the applicable PIA and privacy notice.

Although E.O. 13,768 excludes information relating to persons not covered by the Privacy Act from being subject to the Privacy Act, the authorized disclosure exceptions, including routine uses listed in the applicable SORNs of the Privacy Act, may continue to be good guidance as to whether a disclosure is consistent with the purpose for the collection of the information, and generally the FIPPs framework.

Appendix D covers the process for handling official third party sharing of PII not covered by the Privacy Act or JRA (FIPPs Analysis).

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<sup>5</sup> The DHS Chief Privacy Officer determined that the FIPPs serve as the foundational principles for privacy policy and implementation at DHS, regardless of immigration status. The FIPPs are a widely recognized framework for privacy law and policy used in many parts of the world. The FIPPs help serve as a useful framework for the Department to analyze how to handle PII, comply with its continuing responsibilities under the numerous legal obligations that apply, as well as adhere to its commitments to its partners. The Department uses the eight FIPPs to assess and enhance privacy protections by analyzing the nature and purpose of the collection and use of PII to fulfill DHS's mission. Nothing in E.O. 13,678 changes this responsibility.

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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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- V. **Third Party Requests for United States Citizens, Lawful Permanent Residents, and Individuals Covered by the Judicial Redress Act (JRA) PII**: For a request from a third party for information pertaining to a USC or LPR or to an individual covered by the Judicial Redress Act, after determining whether the individual is covered by the requirements in Section I, USCIS personnel must determine if any of the Privacy Act exceptions permit disclosure (e.g. written consent, routine use). If no Privacy Act exception applies, USCIS may conduct a FOIA analysis. If USCIS is unable to determine whether an individual is a USC or LPR, USCIS must continue to apply Privacy Act Protections to that individual's PII.

Appendix E covers the process for handling requests for information on individuals covered by the Privacy Act and the JRA.

- VI. **Third Party Sharing of PII Not Covered by the Privacy Act or JRA (FOIA Analysis)**: When responding to an inquiry from a third party (i.e., a party who is not the subject of the record(s) or a representative of the subject, or a party who is not covered under Official Sharing) for PII of a non-USC, non-LPR, or a person not covered by the JRA, all USCIS personnel must determine whether the individual is covered by the requirements set forth in Section I. If the individual does not have a protected status, USCIS personnel must perform an analysis under the FOIA to determine releasability.

The FOIA balances the public's right to know about the functions and operations of the Government as compared to the interest of the subject of the request in keeping his or her identity and activities private. Depending upon the nature of the encounter between USCIS and the subject, the notoriety of the subject's actions may diminish the extent to which those actions may remain private.

Prior to releasing a person's PII pursuant to a FOIA request from a third party, or when DHS proactively discloses records to a member of the general public and the person has not expressly consented to or approved of the disclosure, the personal privacy interests of the subject, regardless of immigration status, must be balanced against the public interest in the requested information. The Supreme Court has determined that the privacy interest inherent in exemptions 6 and 7(C) belongs to the person and not the agency. The only public interest to be considered is whether the requested information would shed light on the agency's performance of its statutory duties. Information that does not reveal the operations and activities of the Government does not satisfy the public interest requirement.

Appendix F covers the procedures for handling third party requests for information about individuals not covered by the Privacy Act or JRA.

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**Appendix A: Handling of Special Protected Class Data**

Information to be included.

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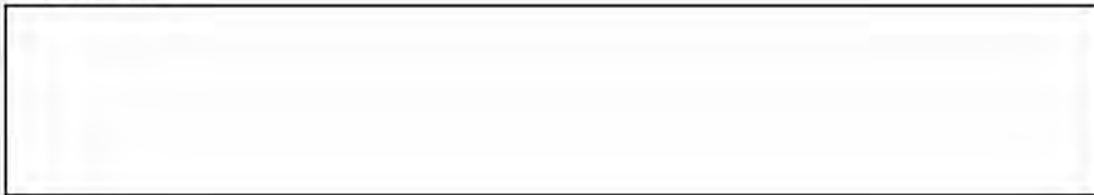
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**Appendix B: First Person Requests**

**First Person Request for A File:** An individual may request information about themselves under the FOIA and Privacy Act by USCIS Form 639. An individual may appear at a Field Office for an Infopass appointment, call a USCIS call center, or mail the Form 639 to USCIS FOIA. All first person requests for A-Files must be referred to the USCIS FOIA Office for appropriate handling. FOIA will process the case under the FOIA and/or Privacy Act per current procedures.



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**Appendix C: Official Third Party Sharing of PII Covered by the Privacy Act or JRA**

Official third party requests may include but are not limited to requests from Congressional Committees, federal courts, state and local law enforcement agencies, other administrative agencies, foreign government law enforcement agencies, and intelligence agencies.

Congressional Committee Requests Process:

Request for Assistance Process:

Request for Information Process:

Referrals to Law Enforcement Agencies Process:

Routine Information Sharing with law enforcement and intelligence community

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**Appendix D: Official Third Party Sharing of PII Not Covered by the Privacy Act or JRA (FIPPs Analysis):**

\*\*The uses cases for this category are the same as Appendix C but the requests are handled under a different analysis as outlined below.

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**Appendix E: Third Party Requests for Information About Individuals Covered by the Privacy Act or JRA**

**Asylum Use Cases:** Asylum cases are subject to strict regulatory confidentiality provisions outlined in 8 CFR § 208.6. USCIS personnel must determine whether a third party requests for information may be disclosed under 8 CFR § 208.6 or through a signed waiver by the applicant/claimant.

- Members of the U.S. Congress who are not Committee chairs acting on behalf of the Committee require a signed waiver by the applicant/claimant.
- Requests from media will be denied even with a signed waiver
- Members of the public will be denied even with a waiver from the applicant/claimant.

**RAD Use Cases:**

- Family members of refugee applicants
- Congressional representatives requesting information on behalf of family members of refugee applicants
- Department of State Consular Officers
- United Nations High Commissioner for Refugees
- Resettlement Support Centers
- Media
- Migration 5 (M5) (Formerly Five Country Conference (FCC))
- Request For Information Desk



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**Appendix F: Third Party Sharing of PII Not Covered by the Privacy Act or JRA (FOIA Analysis)**

\*\*The uses cases for this category are the same as Appendix E but the requests are handled under a different analysis as outlined below.

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**Appendix G: Countries covered by the Judicial Redress Act of 2015**

- European Union
- Austria
- Belgium
- Bulgaria
- Croatia
- Republic of Cyprus
- Czech Republic
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

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## **Appendix H: Definitions**

Fair Information Practice Principles (FIPPs): Transparency, individual participation, purpose specification, data minimization, use limitation, data quality and integrity, security, accountability and auditing

First person information requests: Request by an individual for information about himself or herself

Official sharing: Requests from Congressional Committee Chairpersons acting on behalf of their committees, federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of official duties

Routine information sharing through FDNS:

Special Protected Classes:

Third party: Party who is not the subject of the record(s), a representative of the subject, or a party who is not covered under Official Sharing

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**Appendix I: Information Sharing Workflow**

To be included.

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
and Immigration  
Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information (PII)**

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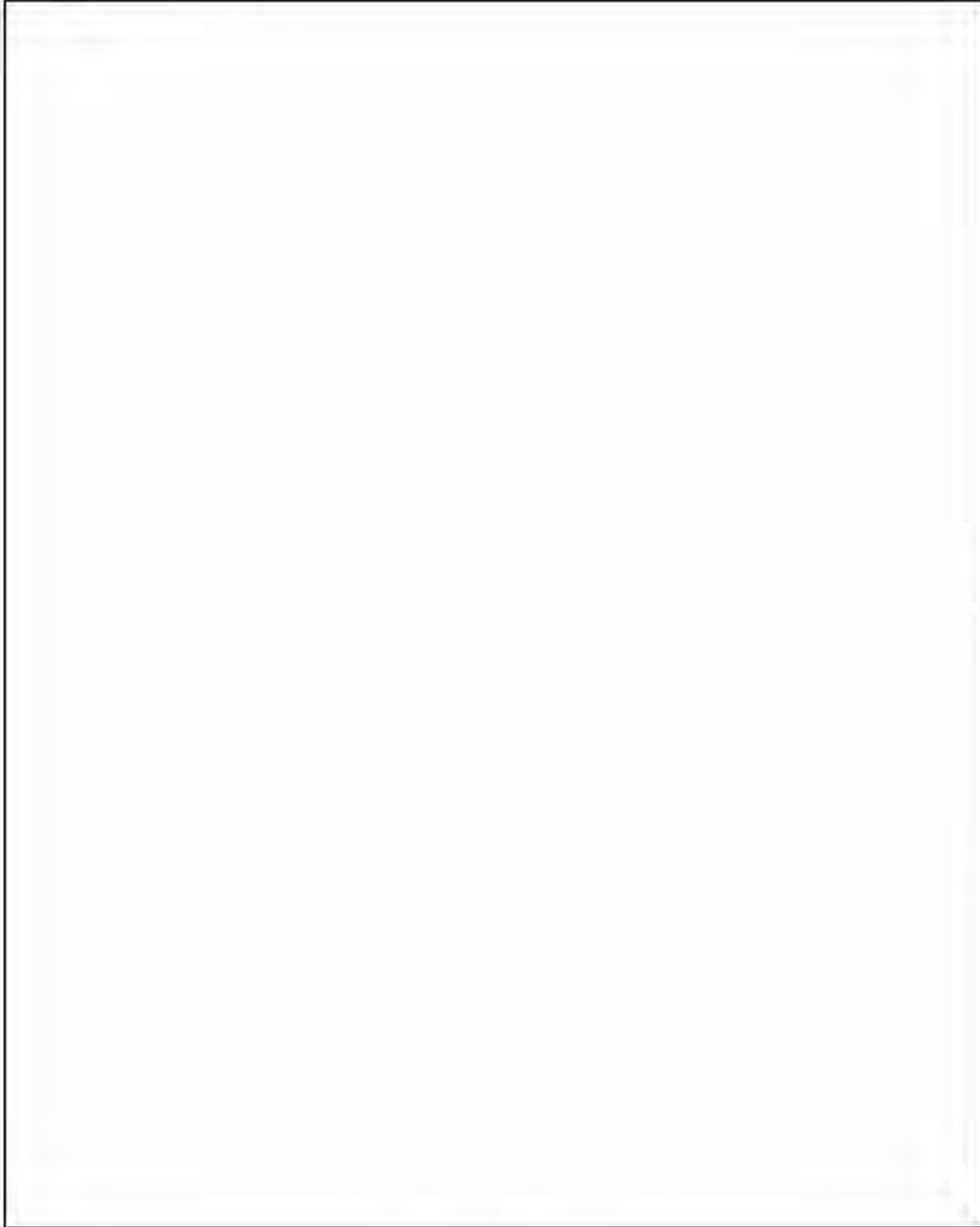
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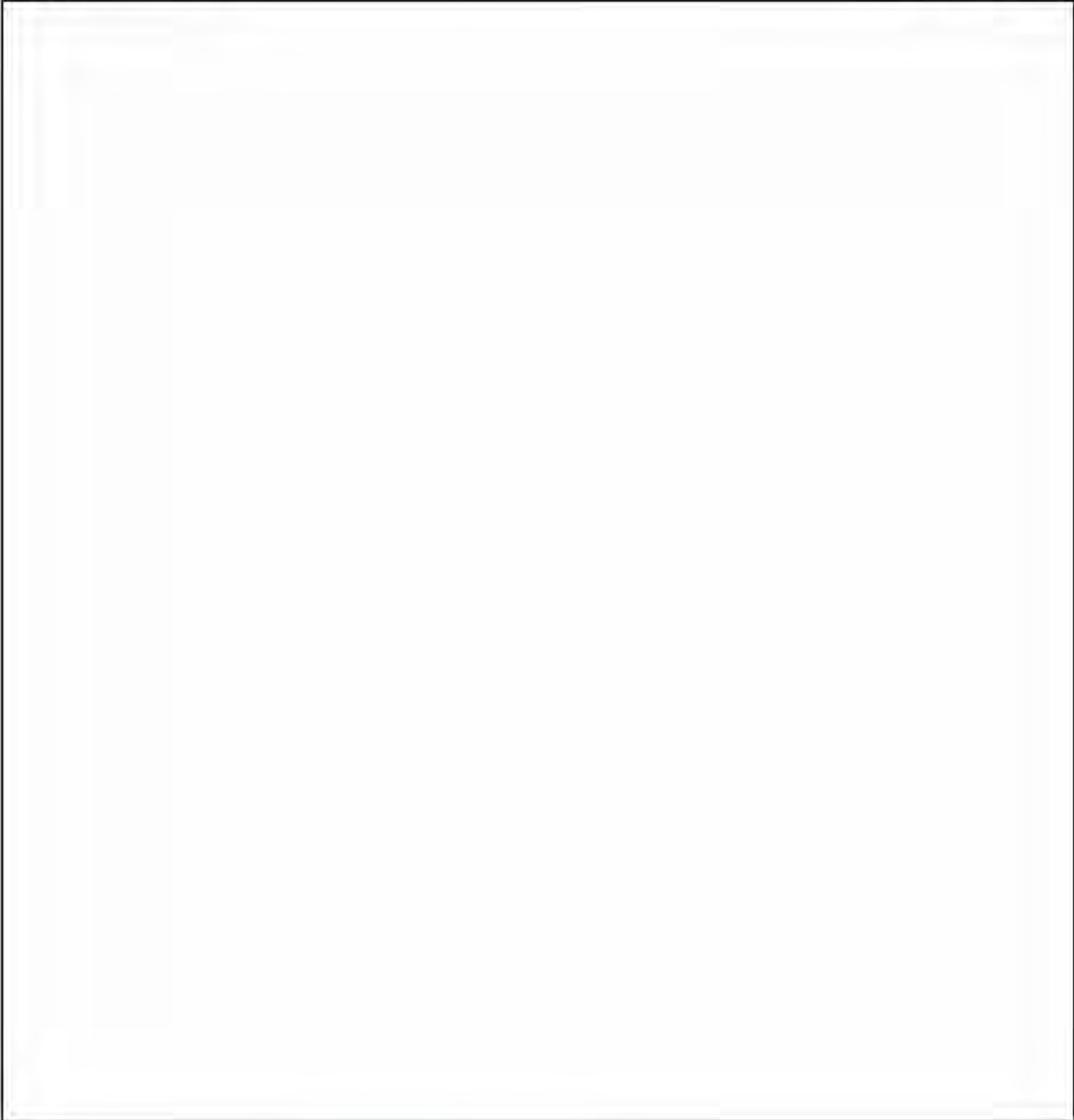


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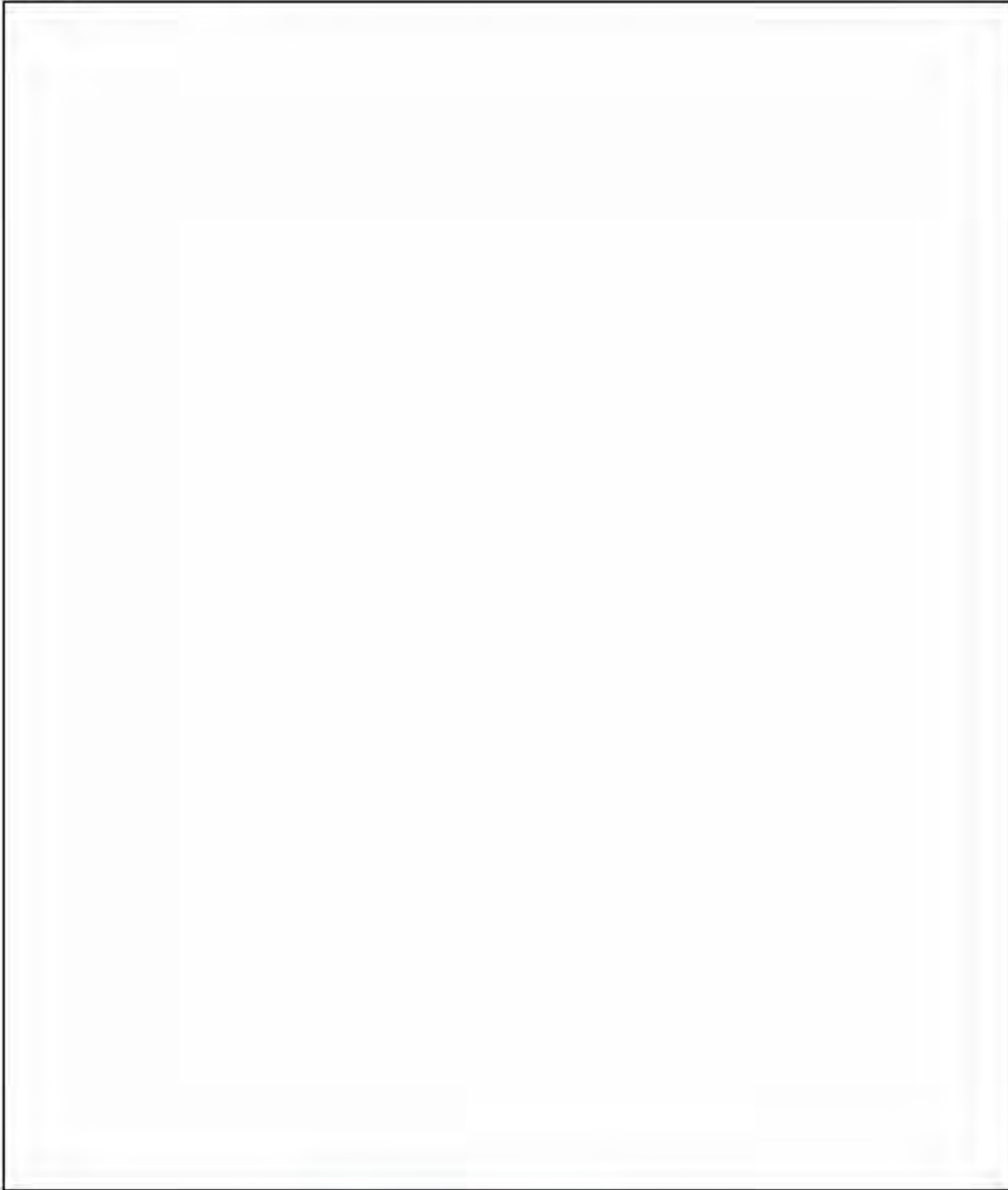


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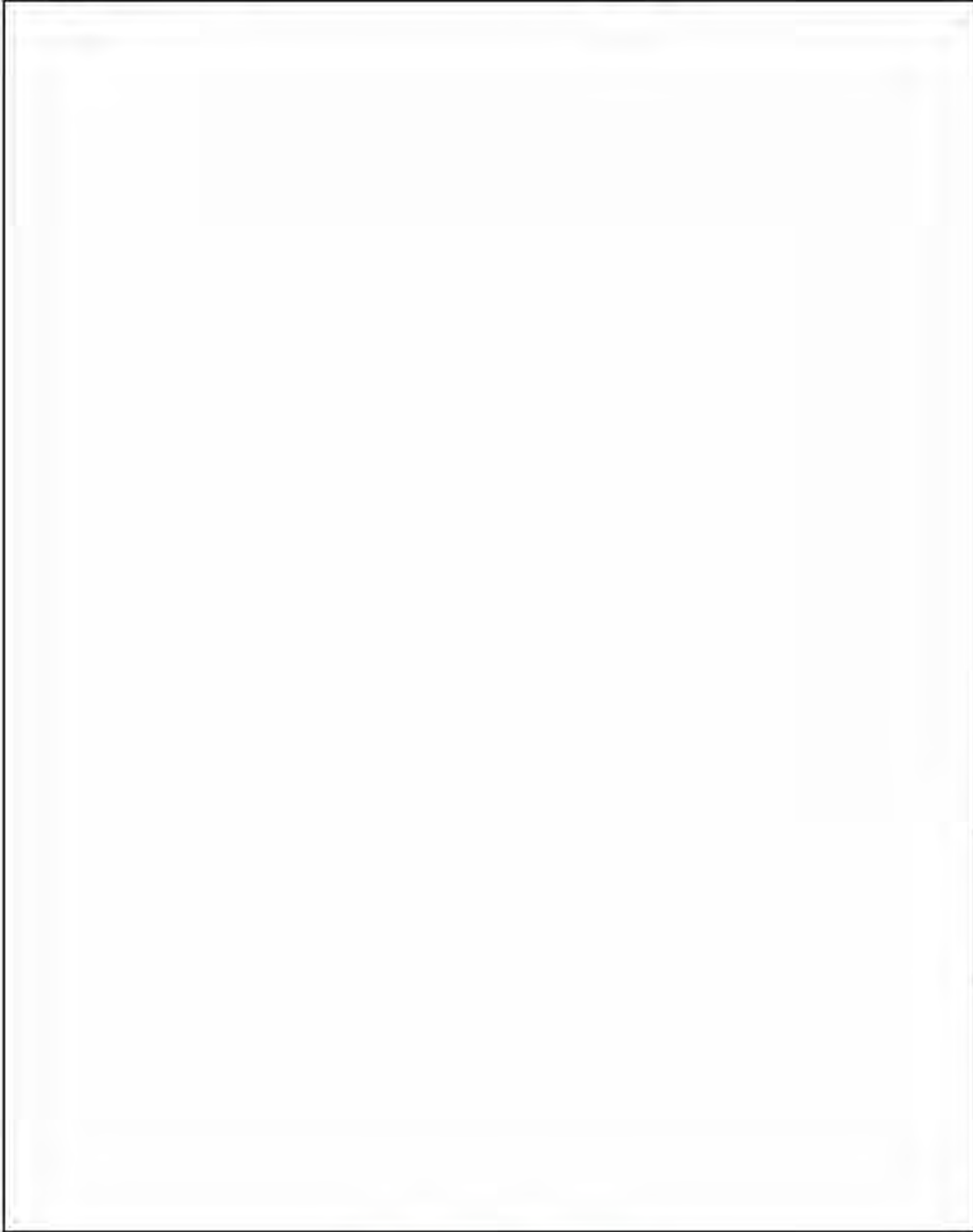


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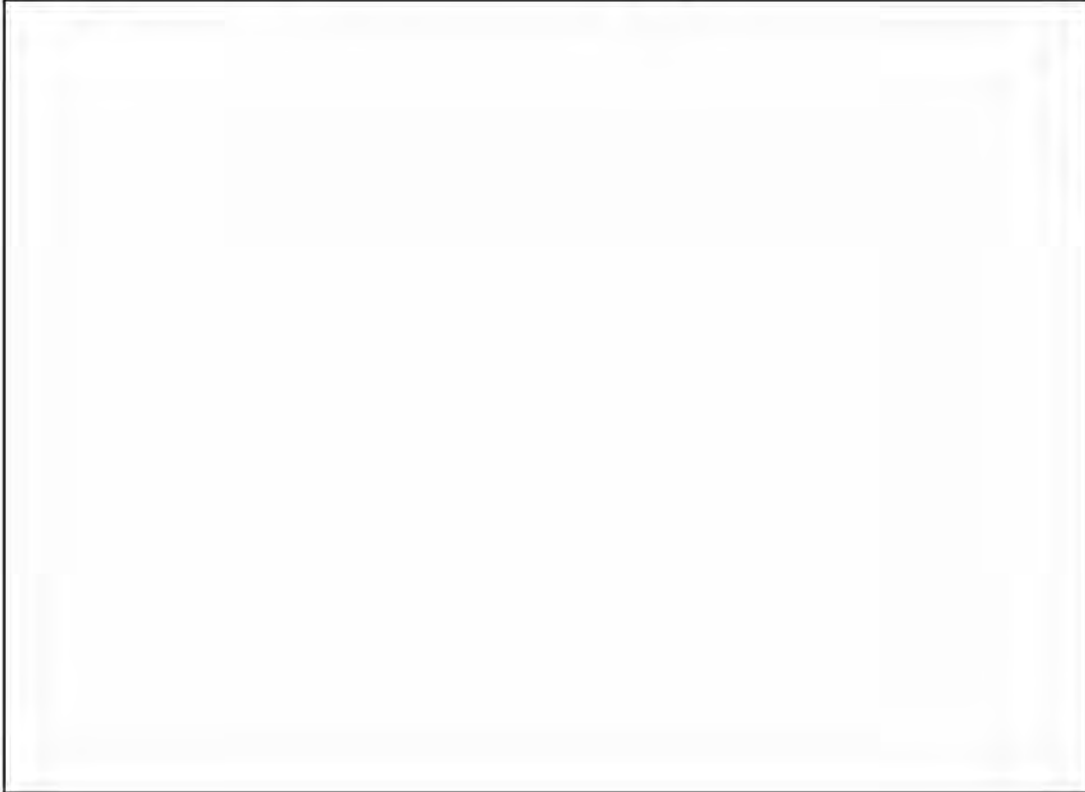


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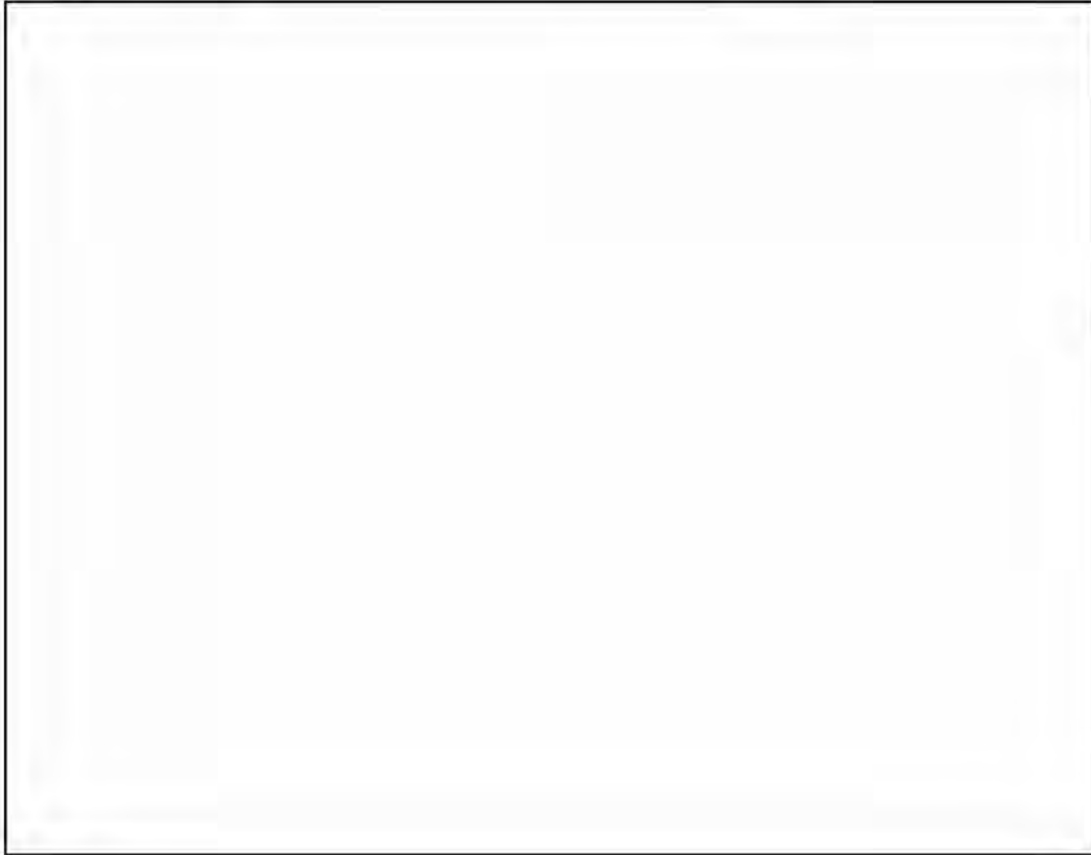
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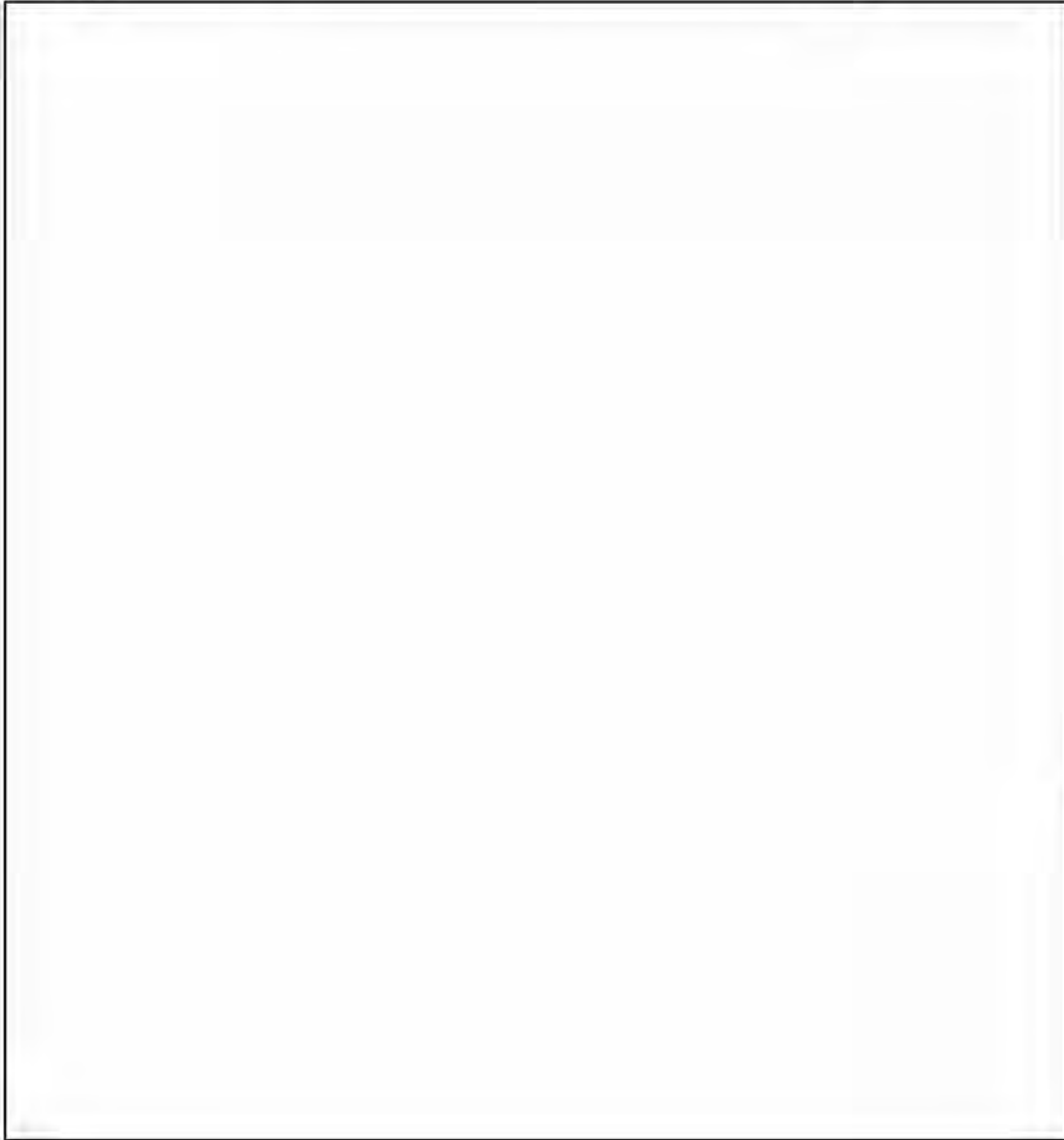
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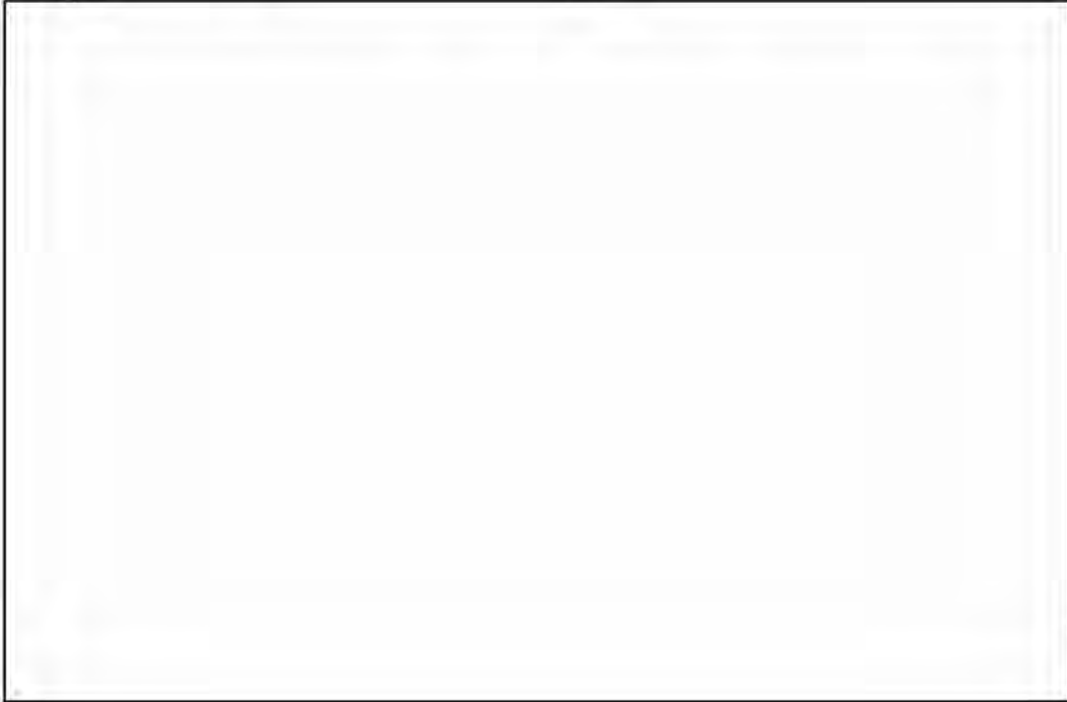


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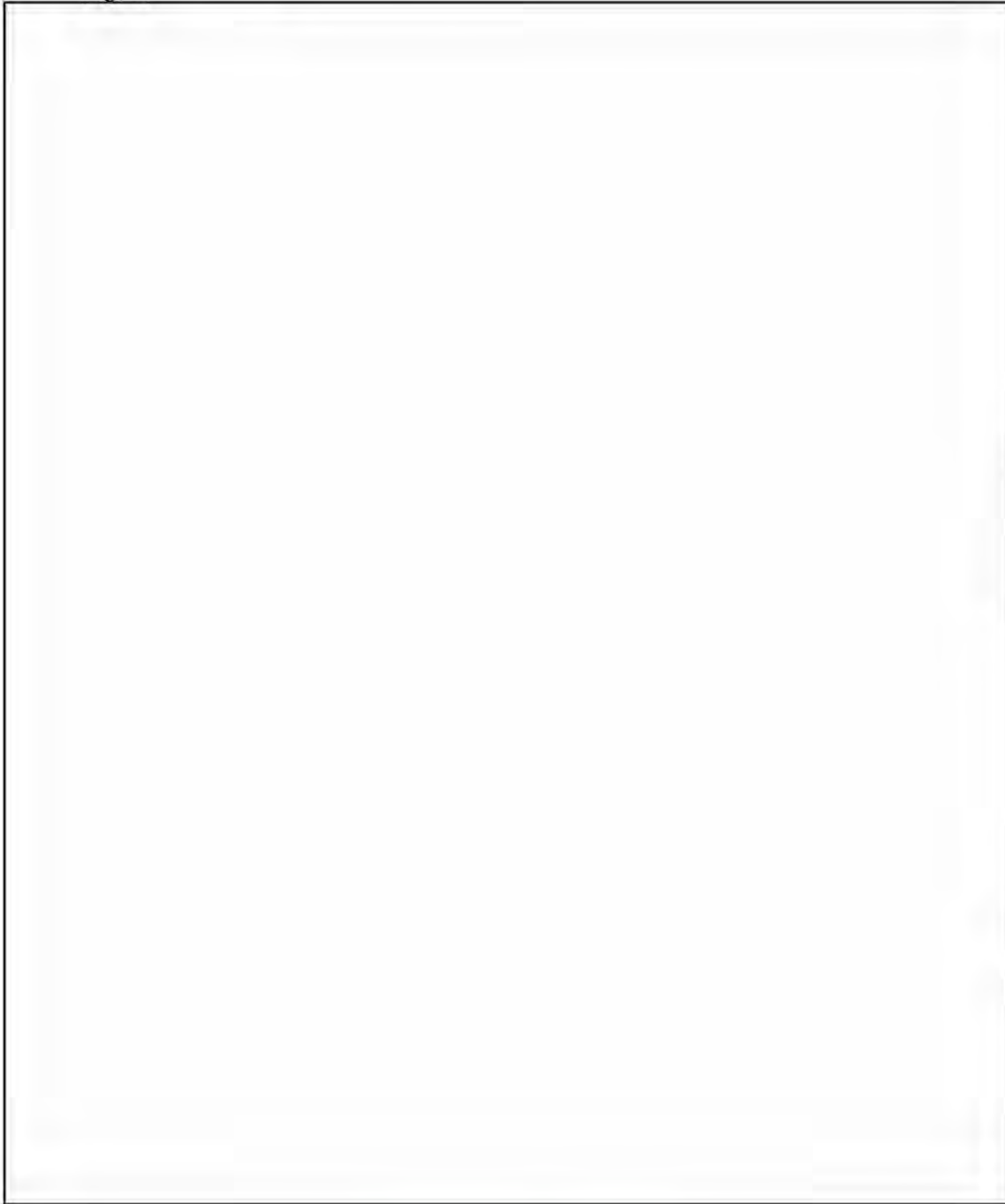
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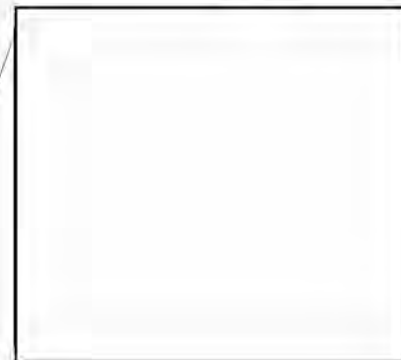
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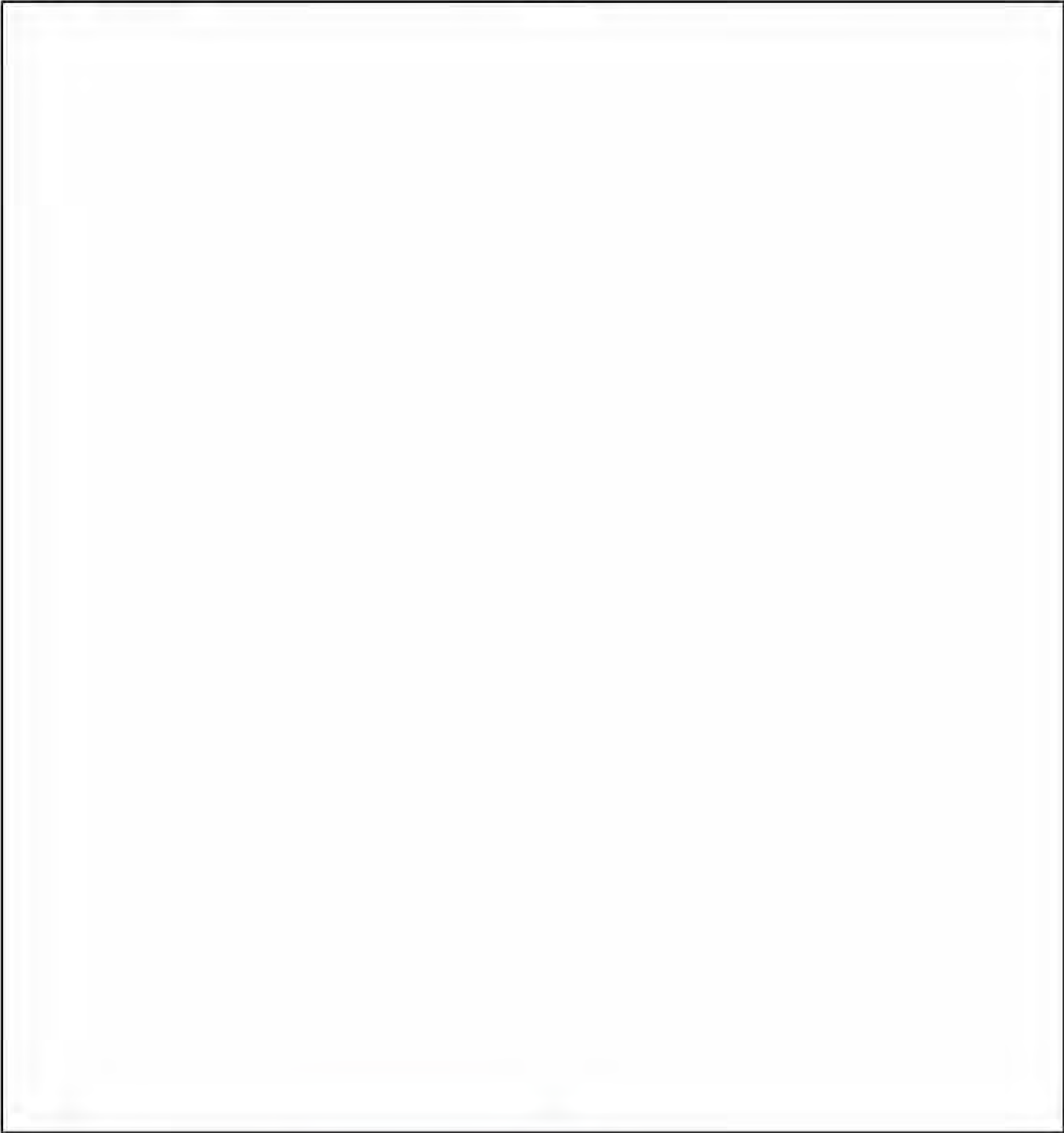


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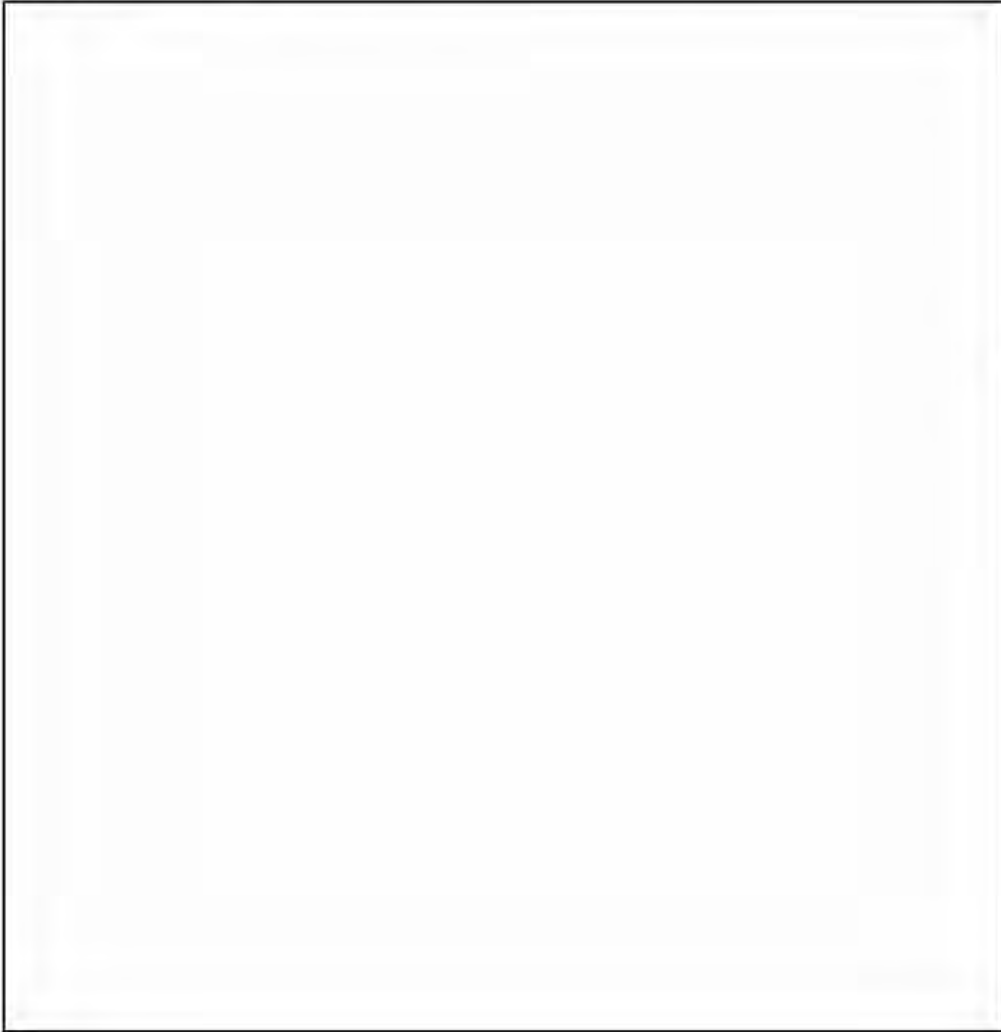


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**Appendix F: Information Sharing Workflow**

To be included.

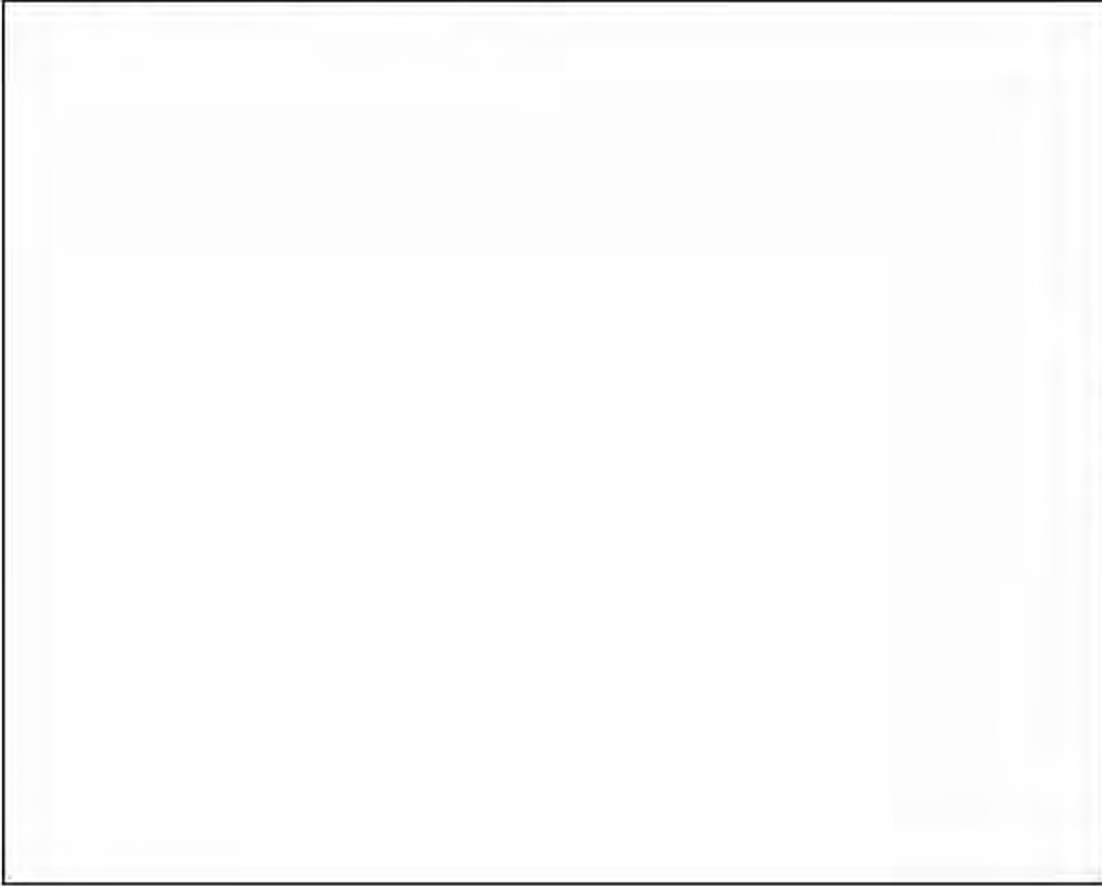
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
and Immigration  
Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information**

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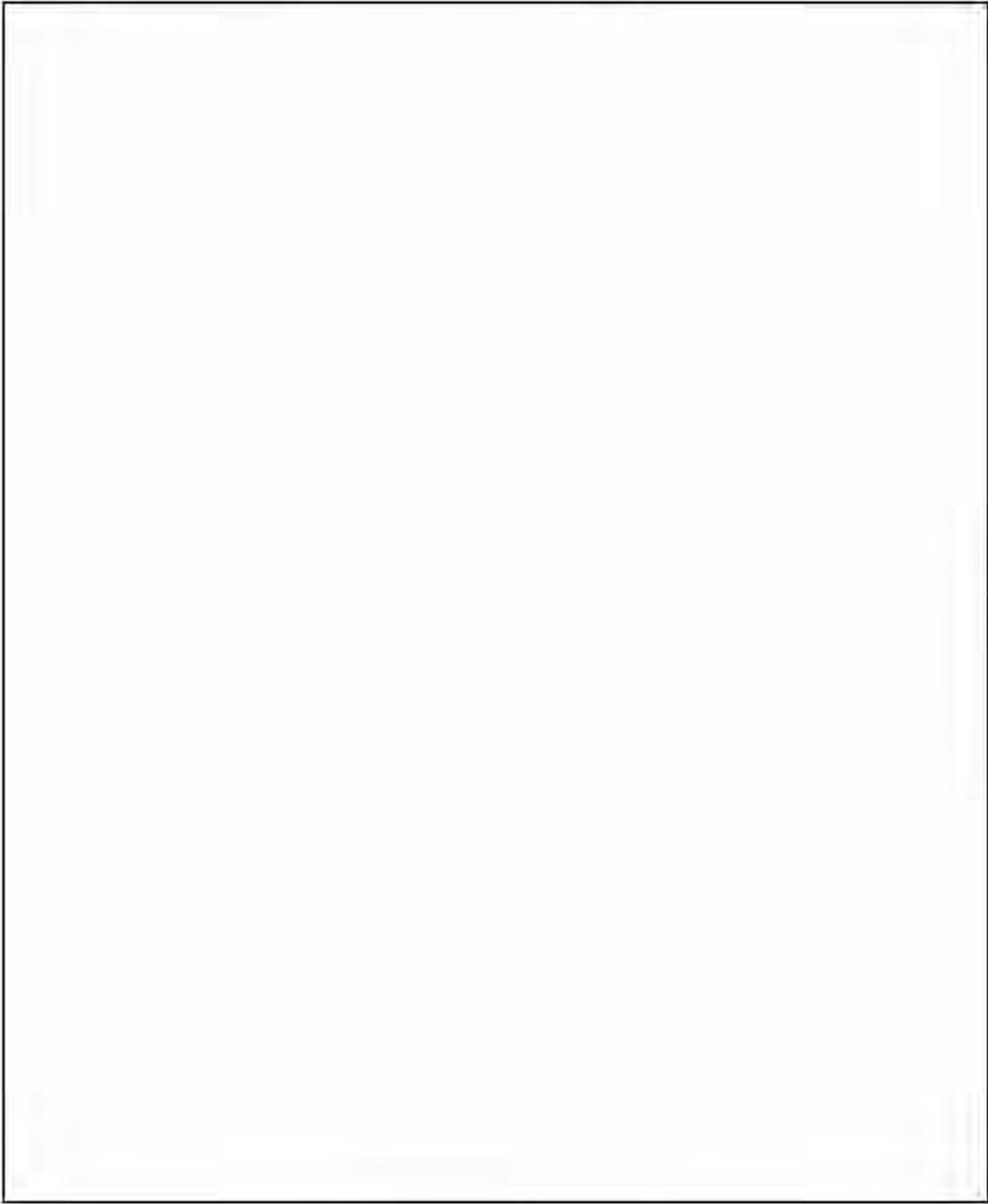
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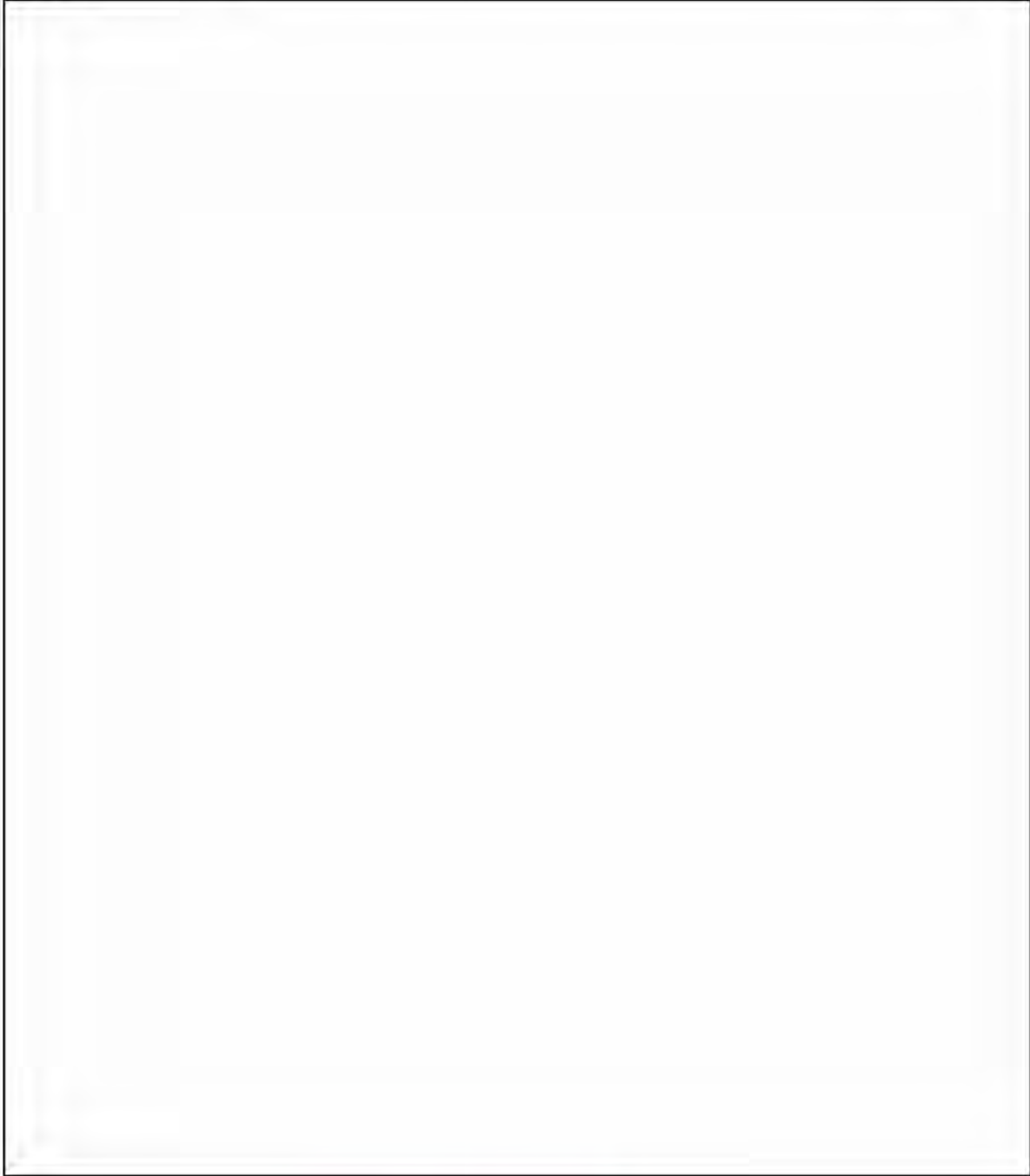


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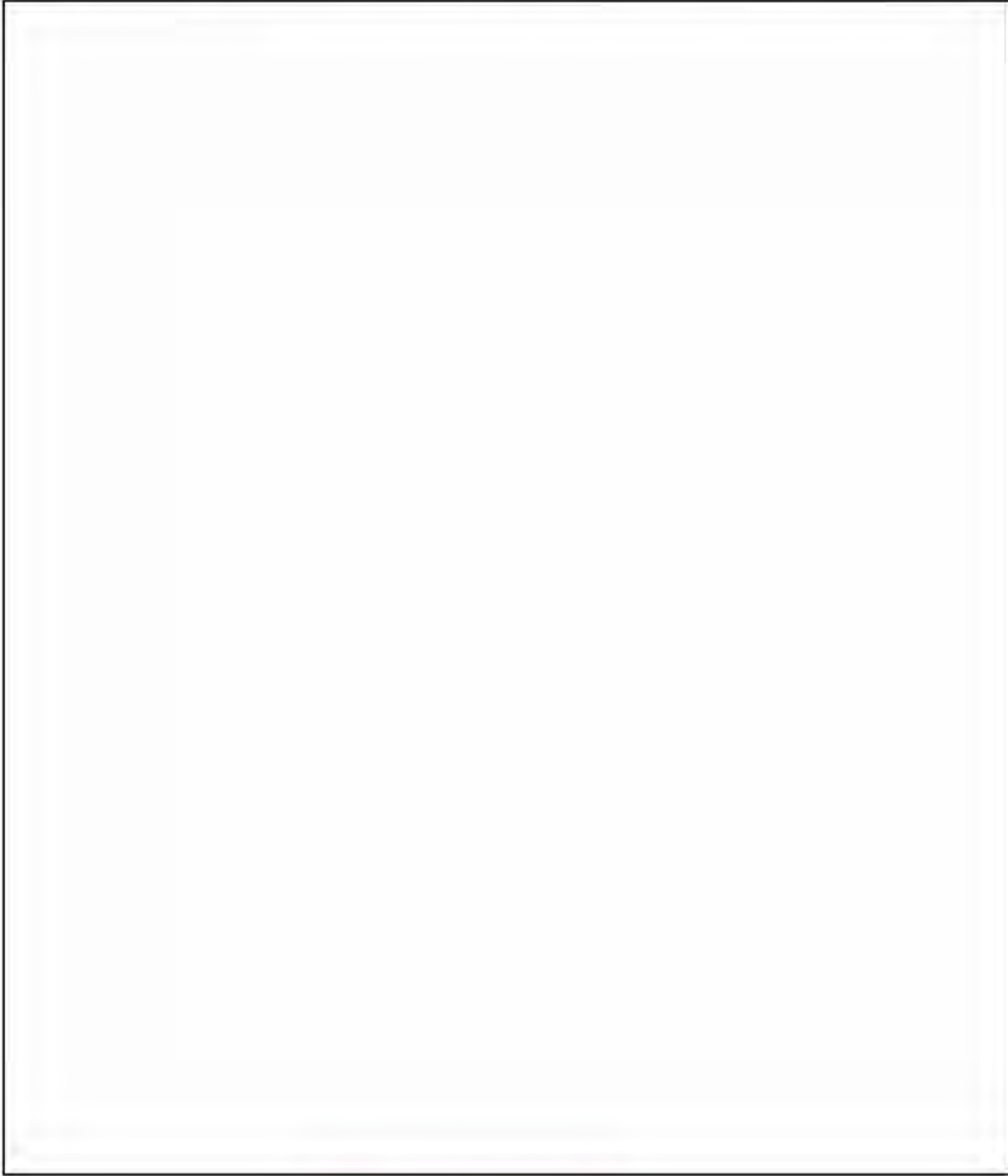


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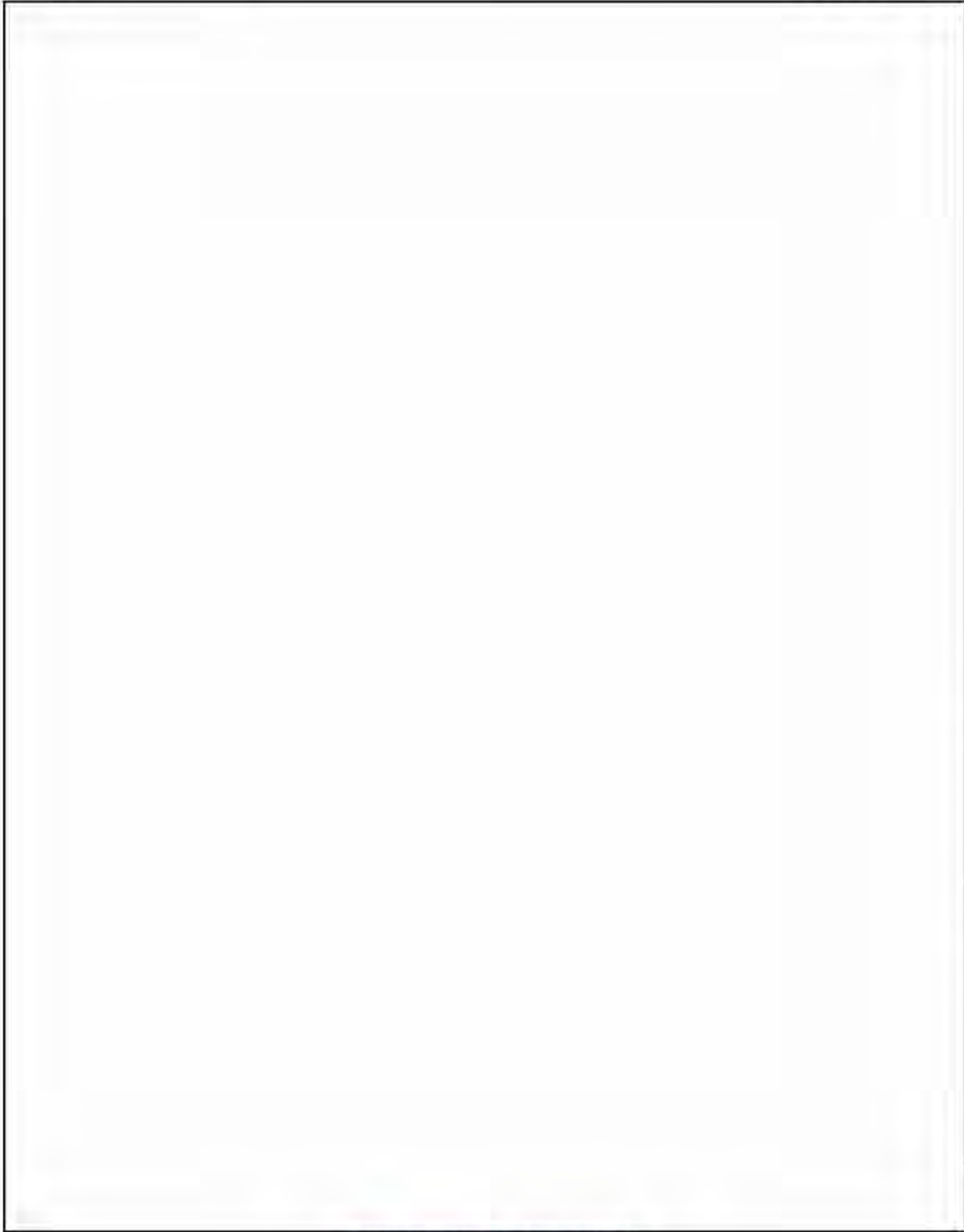


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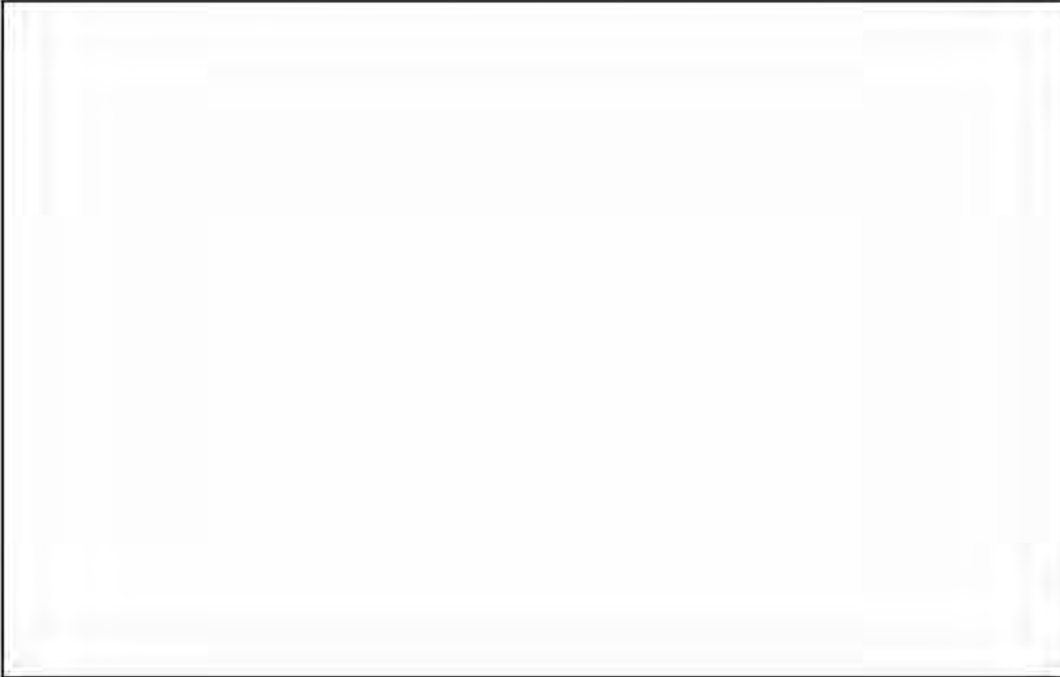
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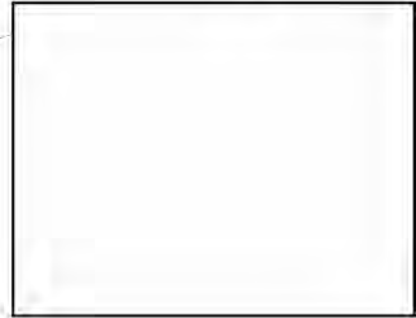
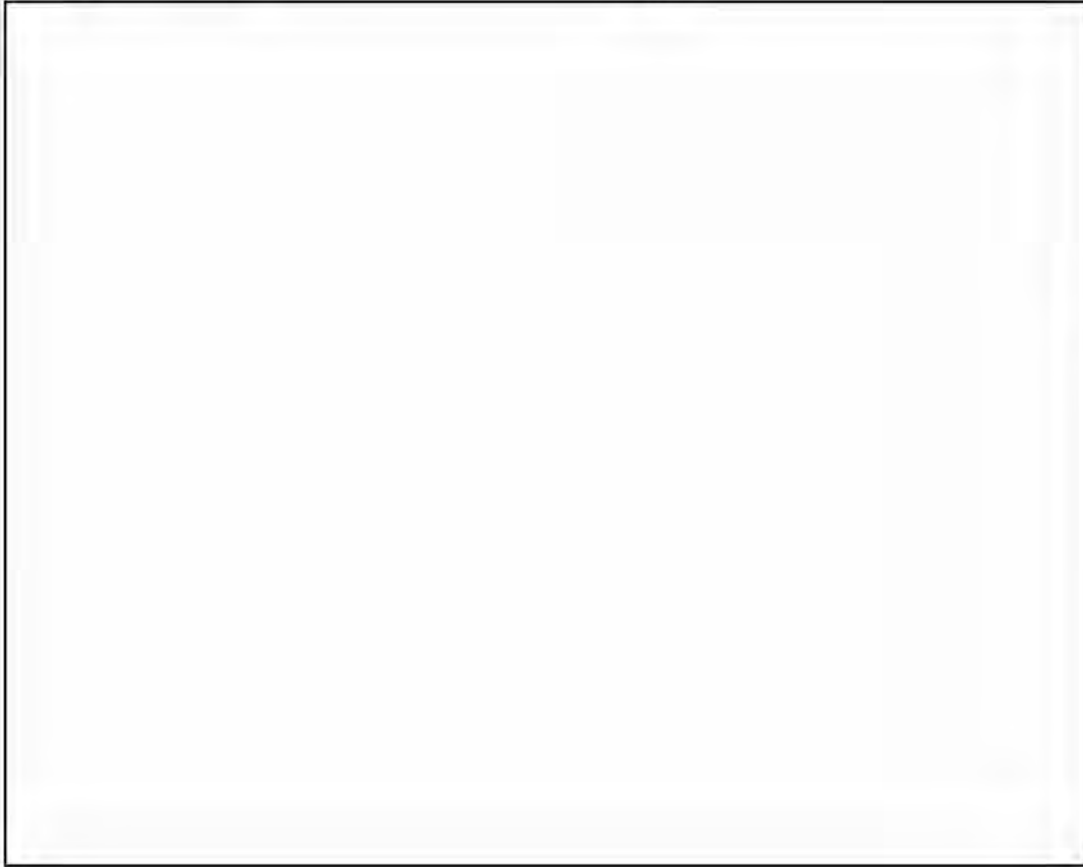
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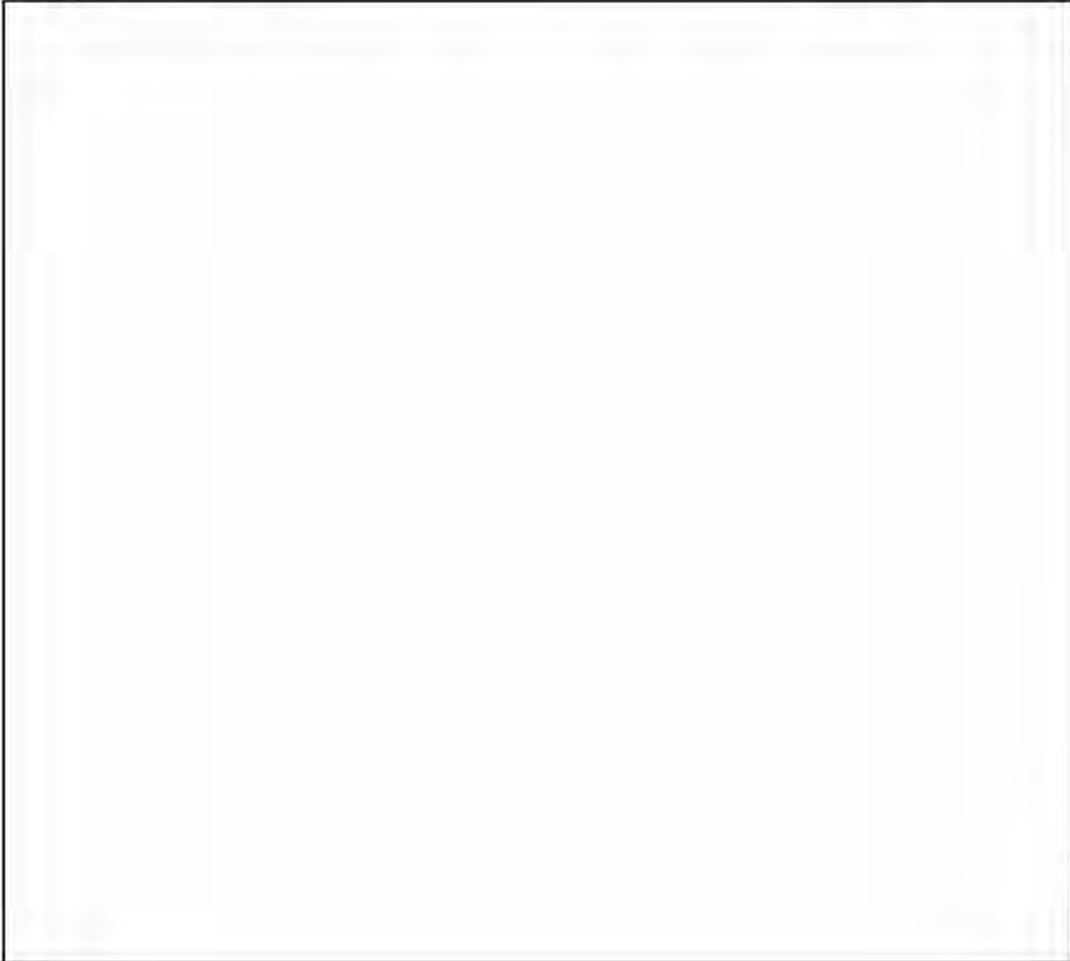
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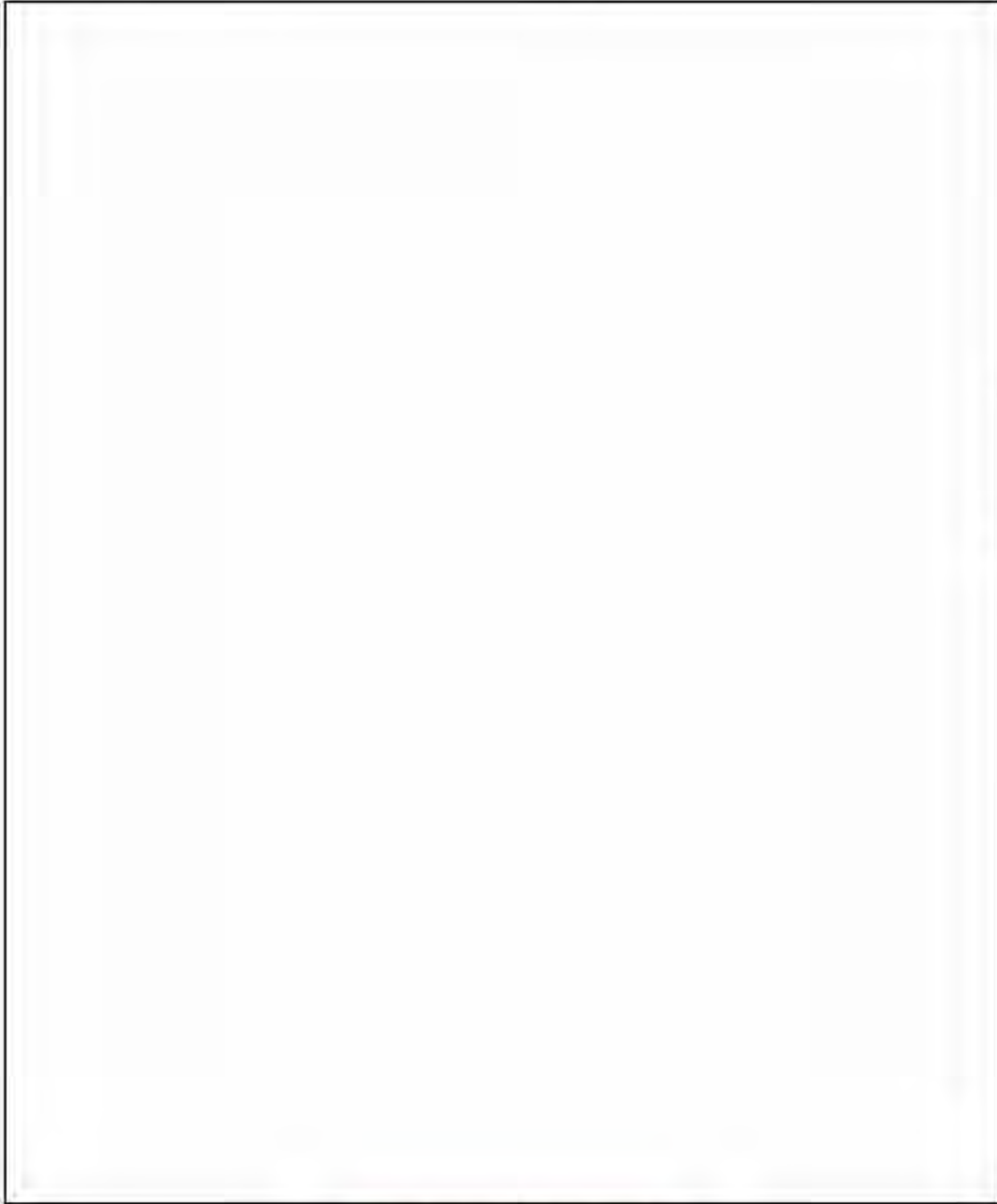
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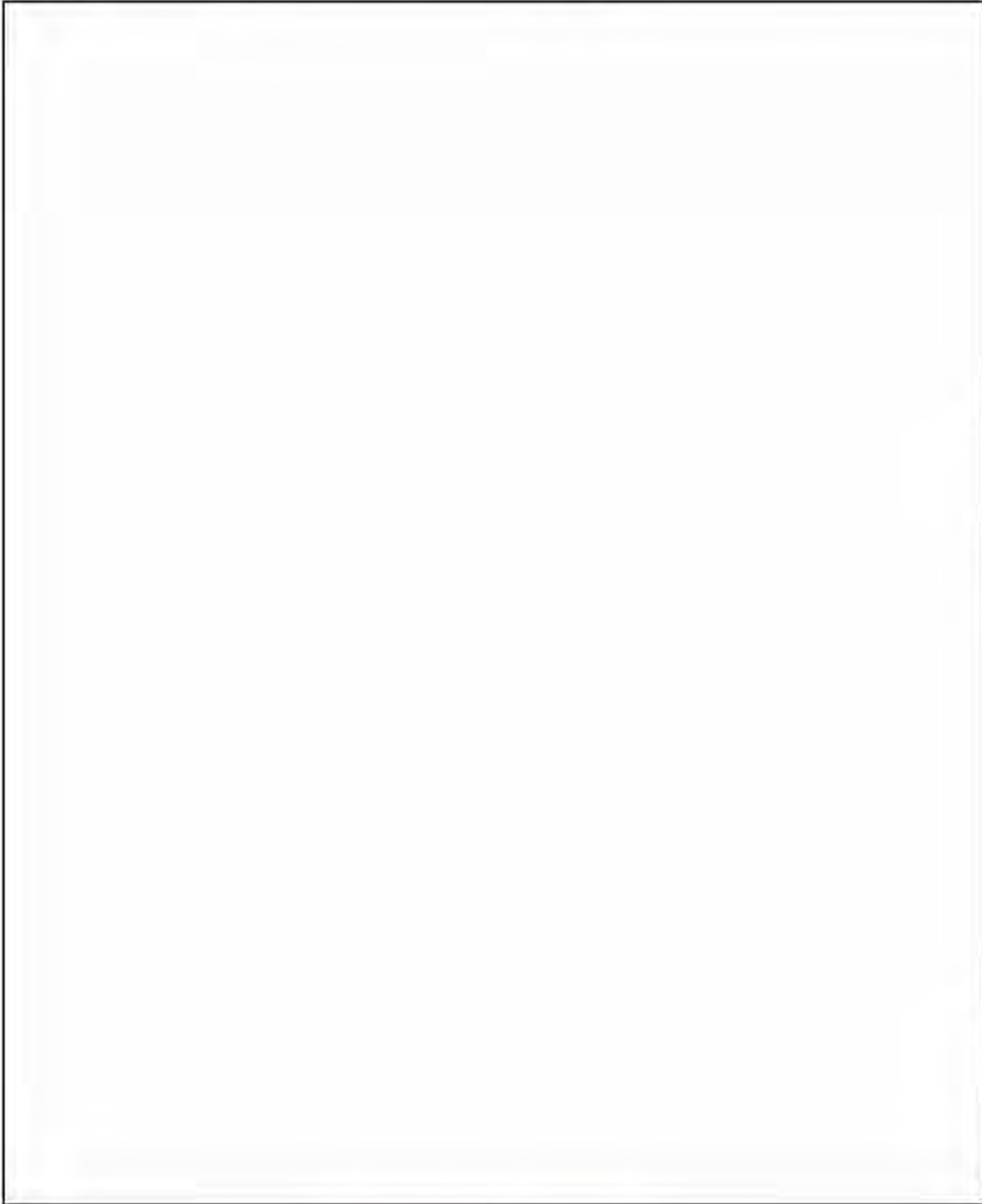


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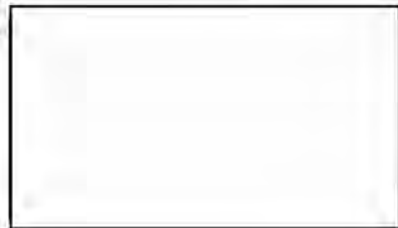
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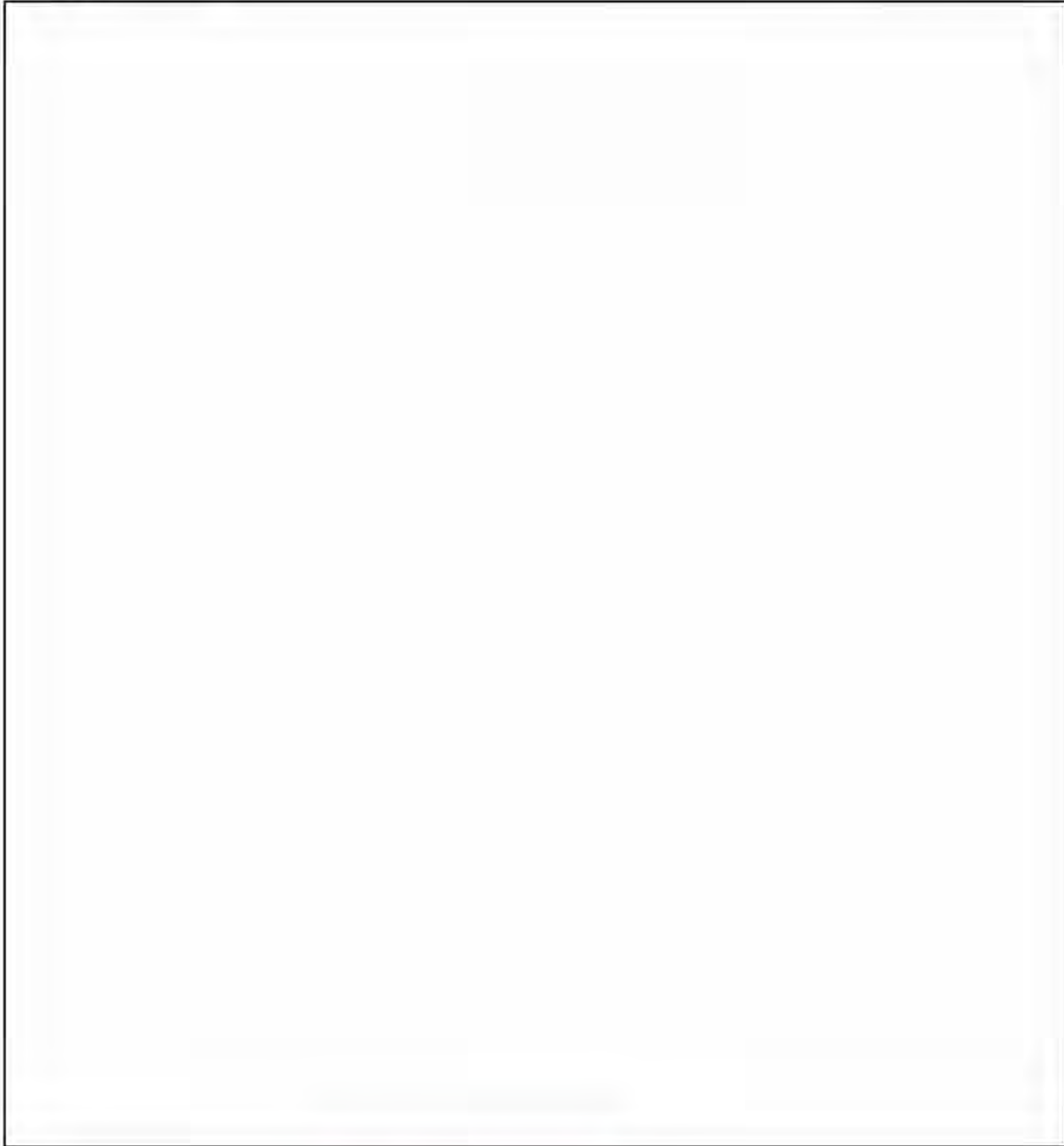


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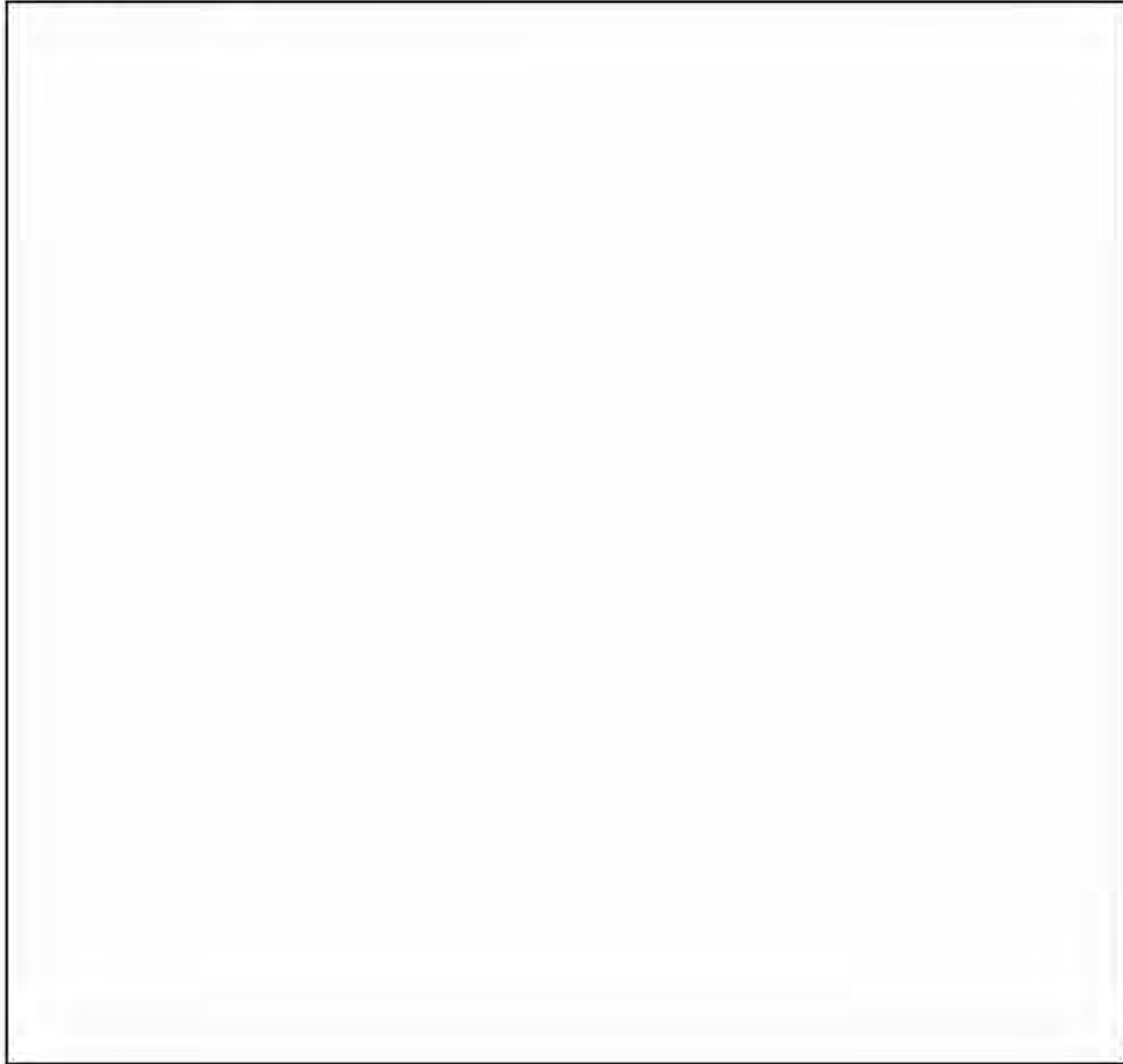


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**Appendix F: Information Sharing Workflow**

To be included.

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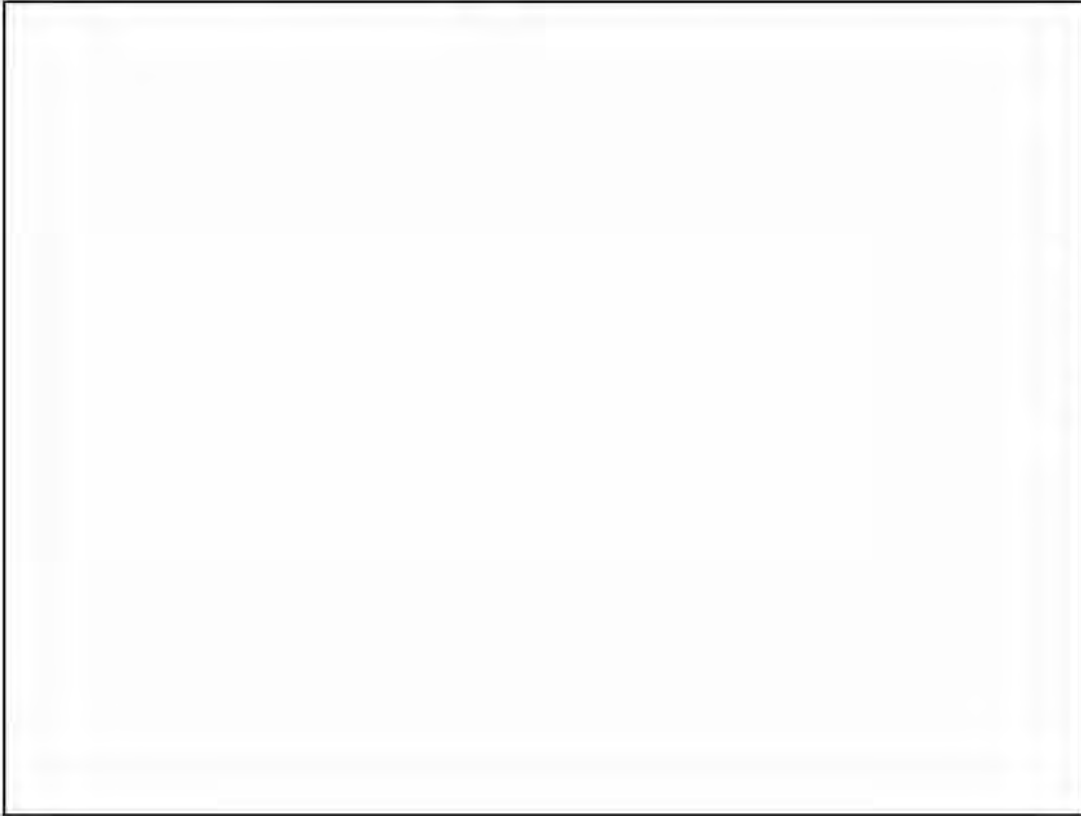


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U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
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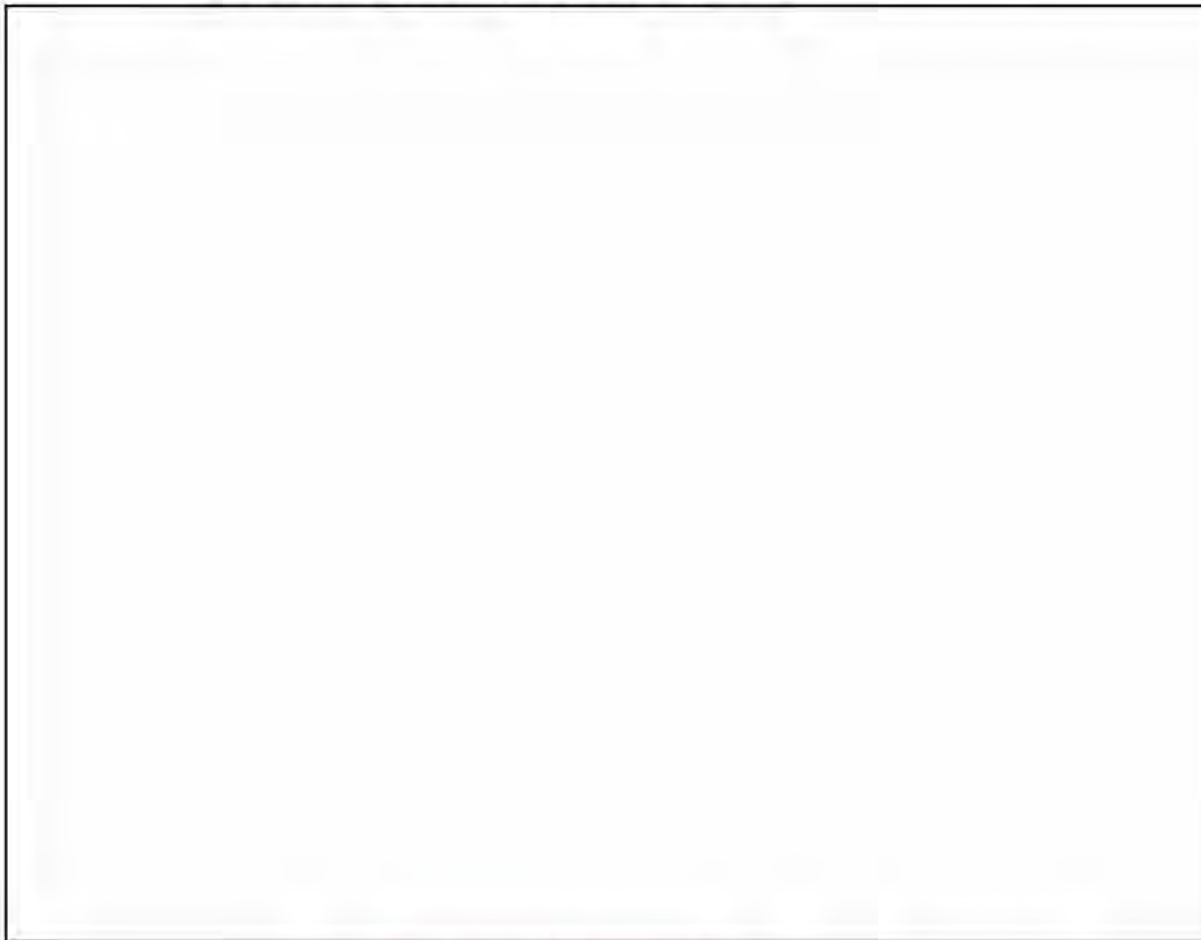
## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information**

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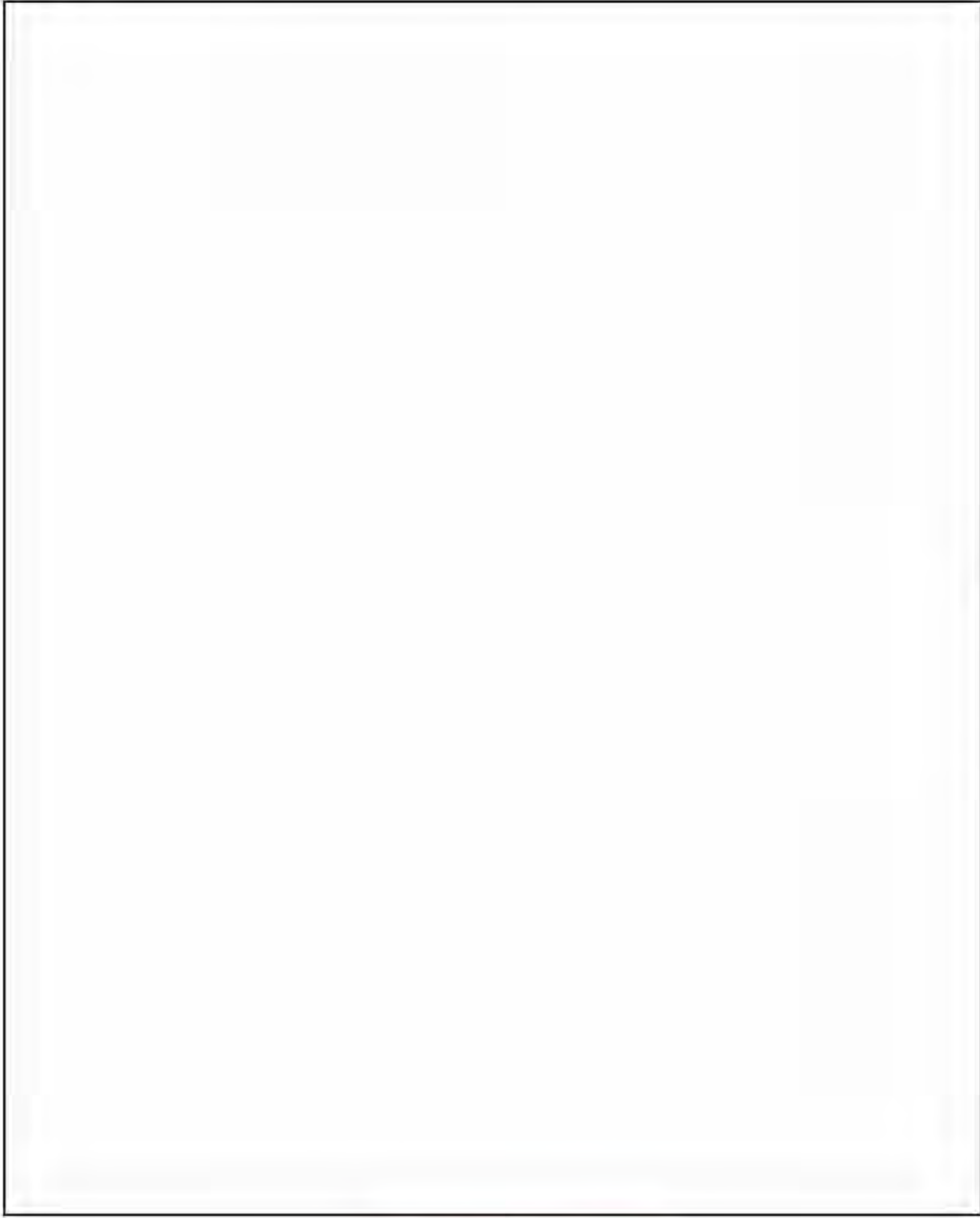
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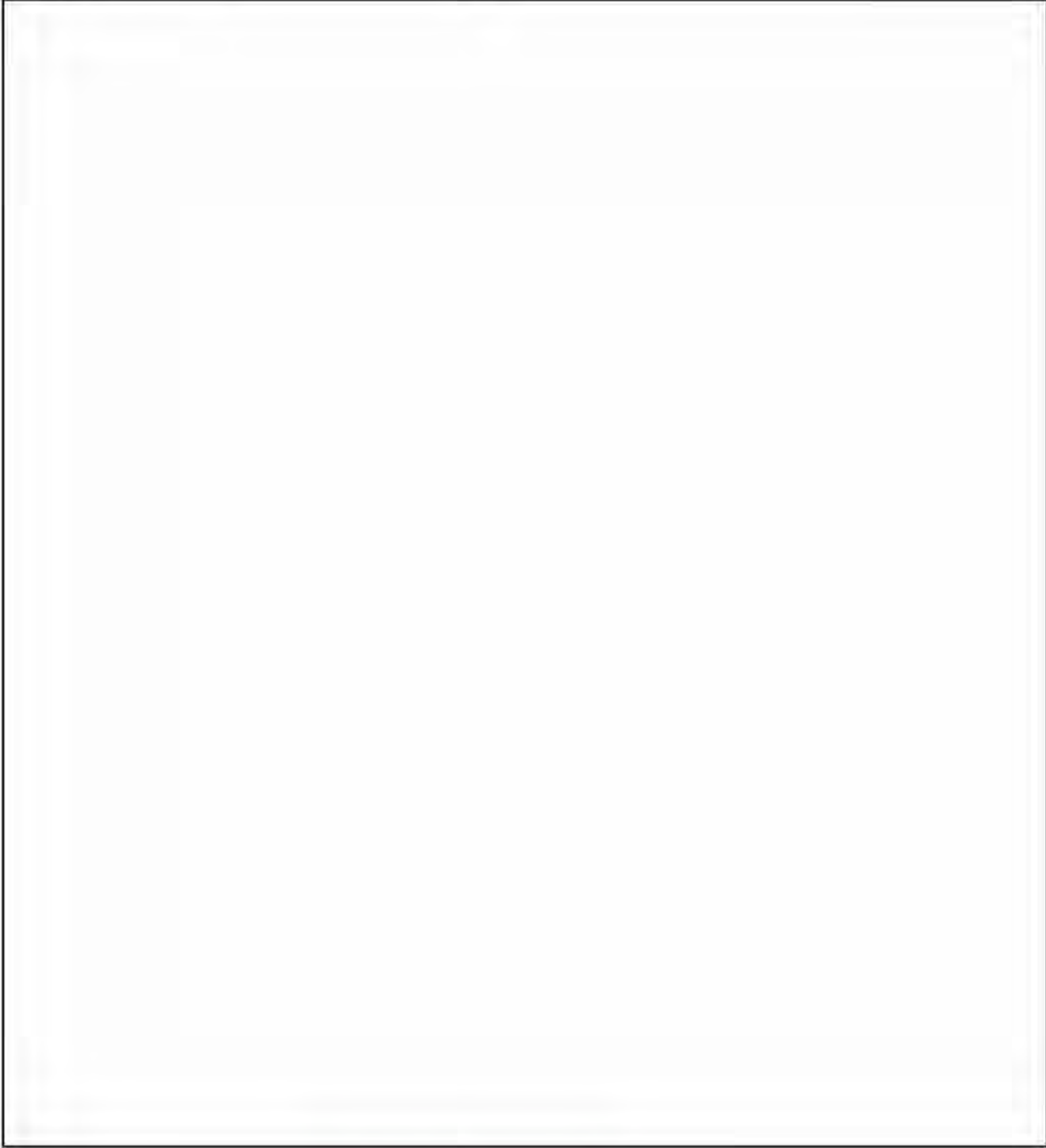


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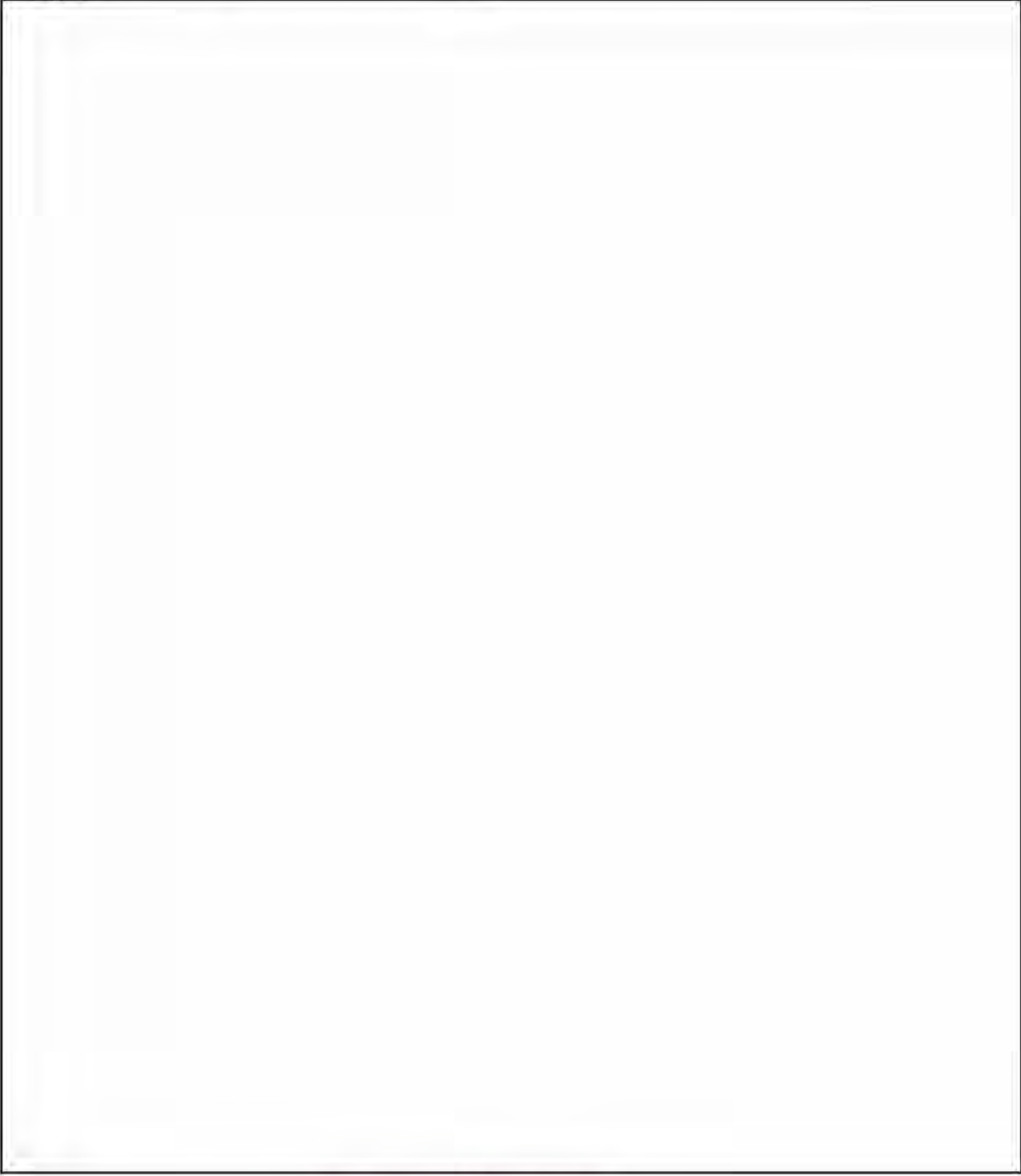


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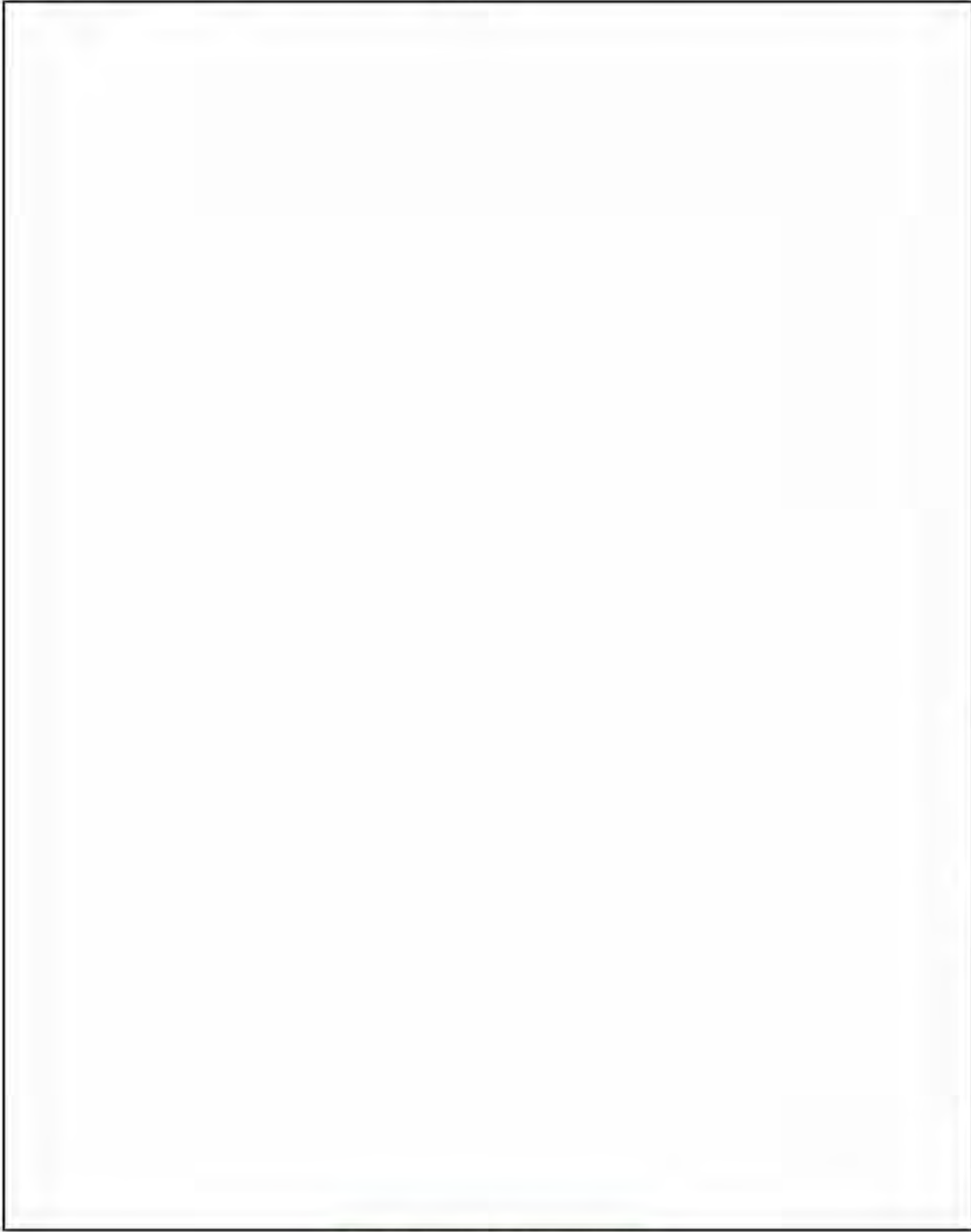


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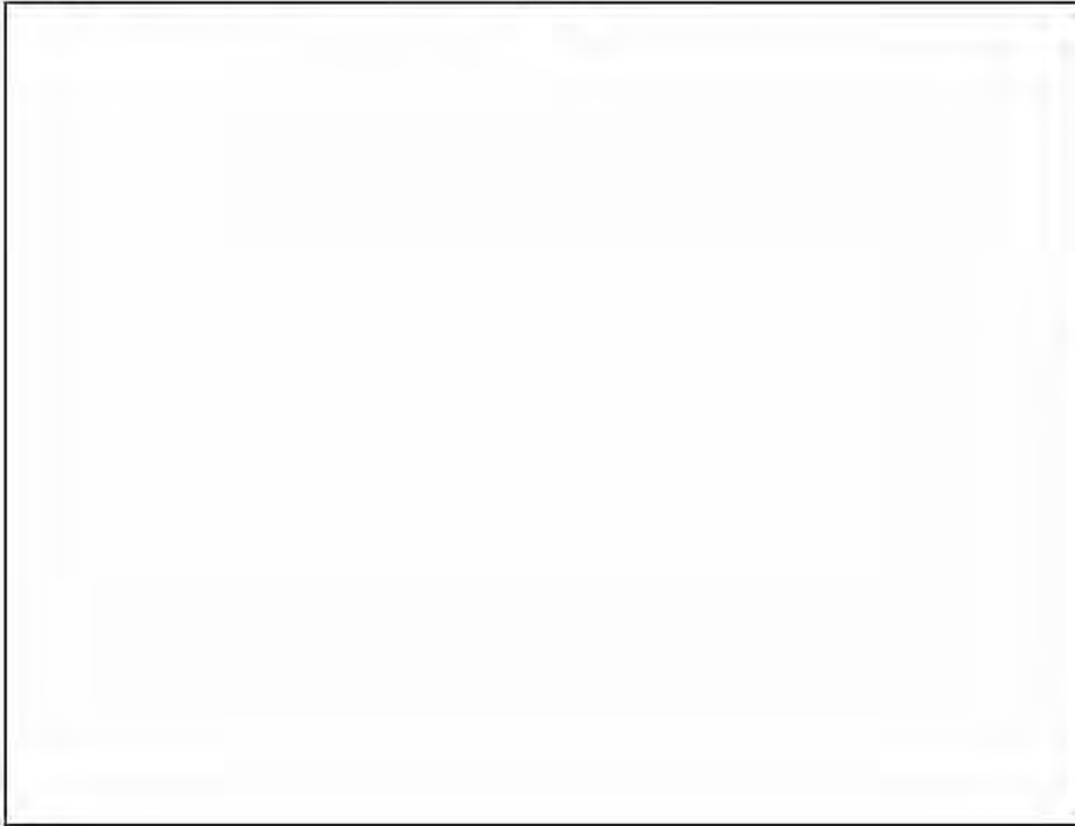
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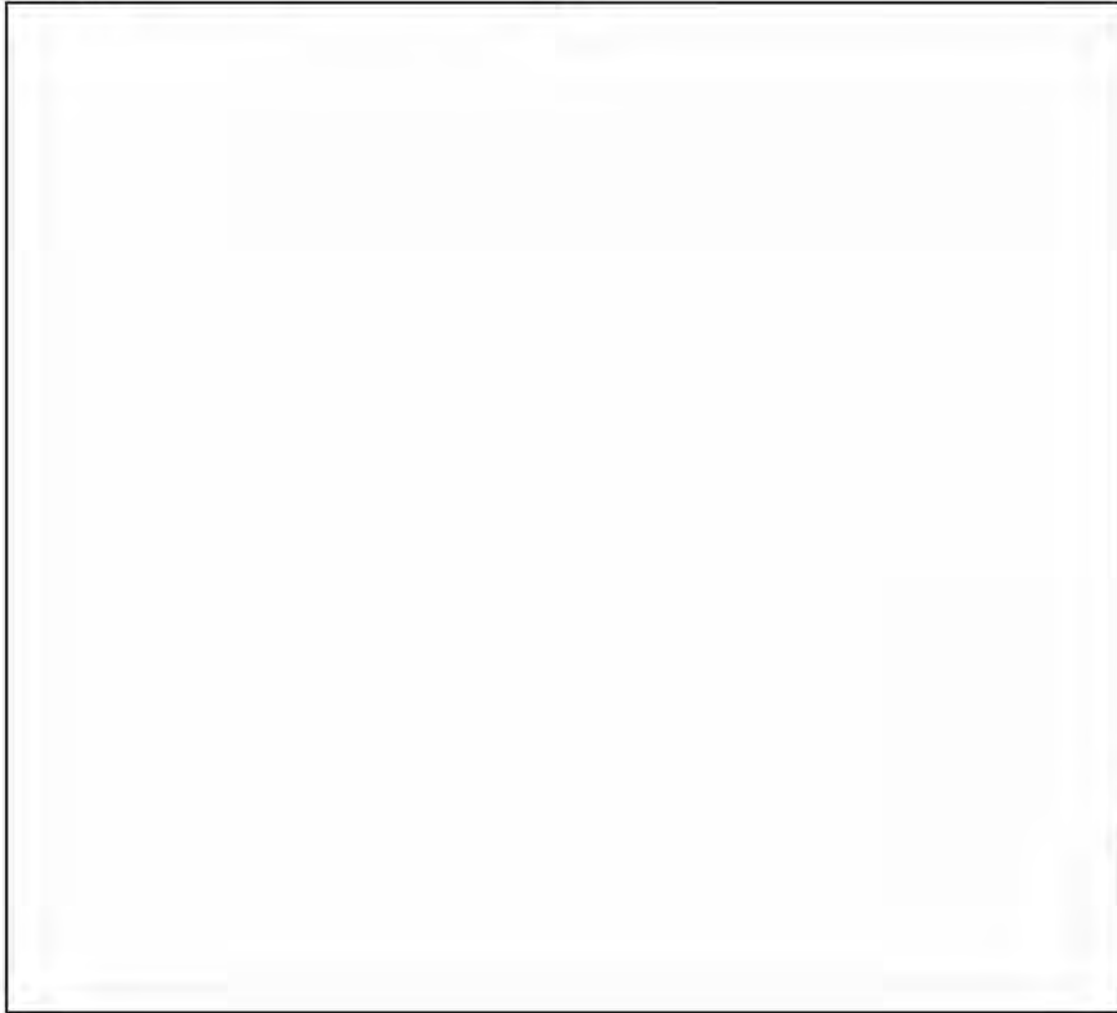
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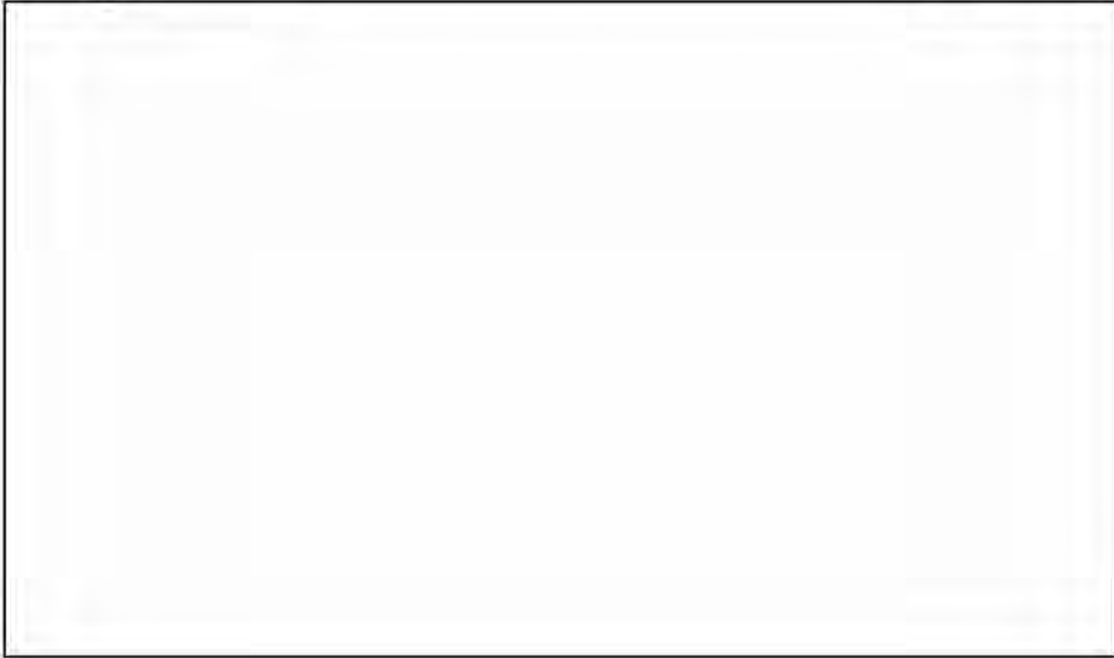


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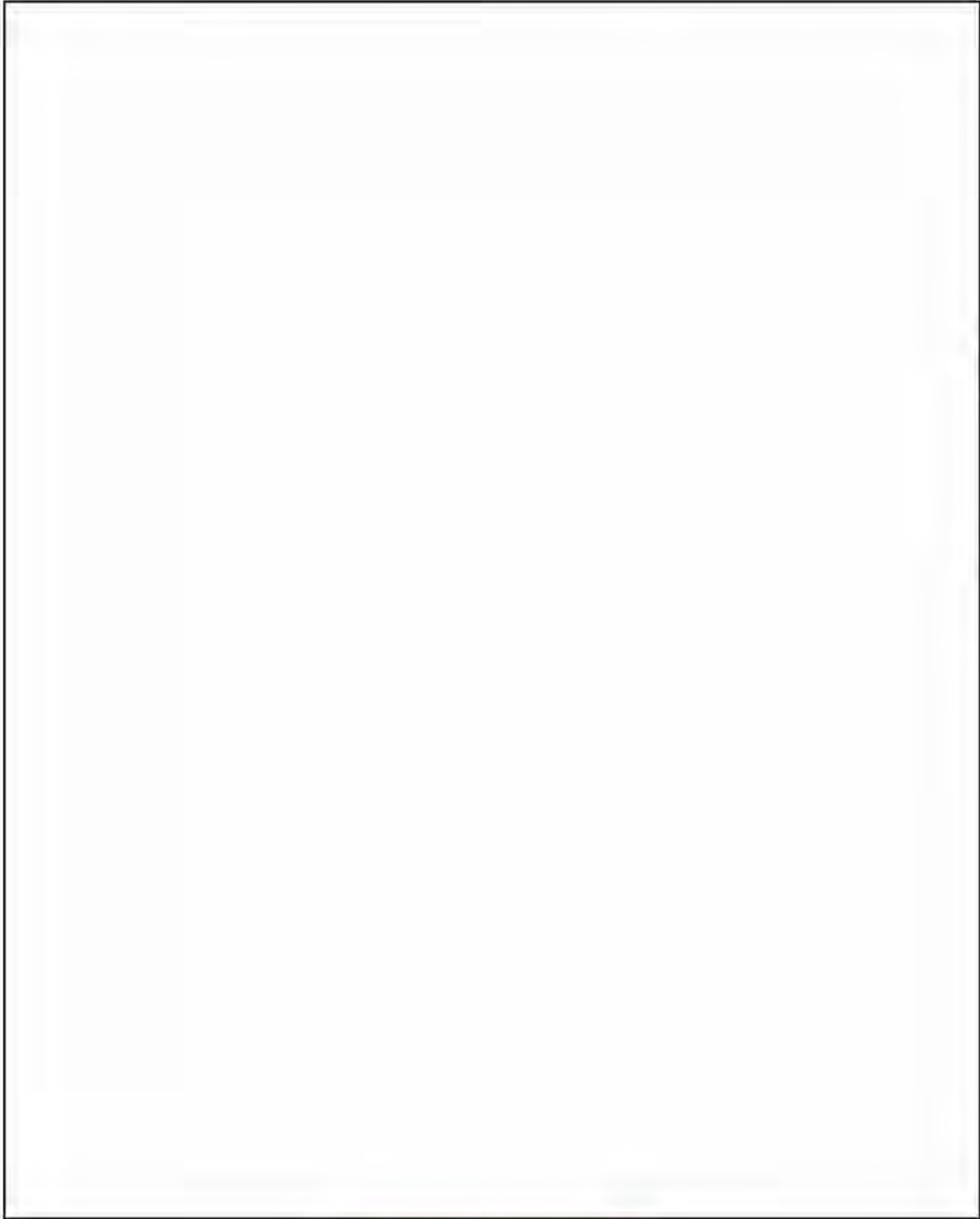
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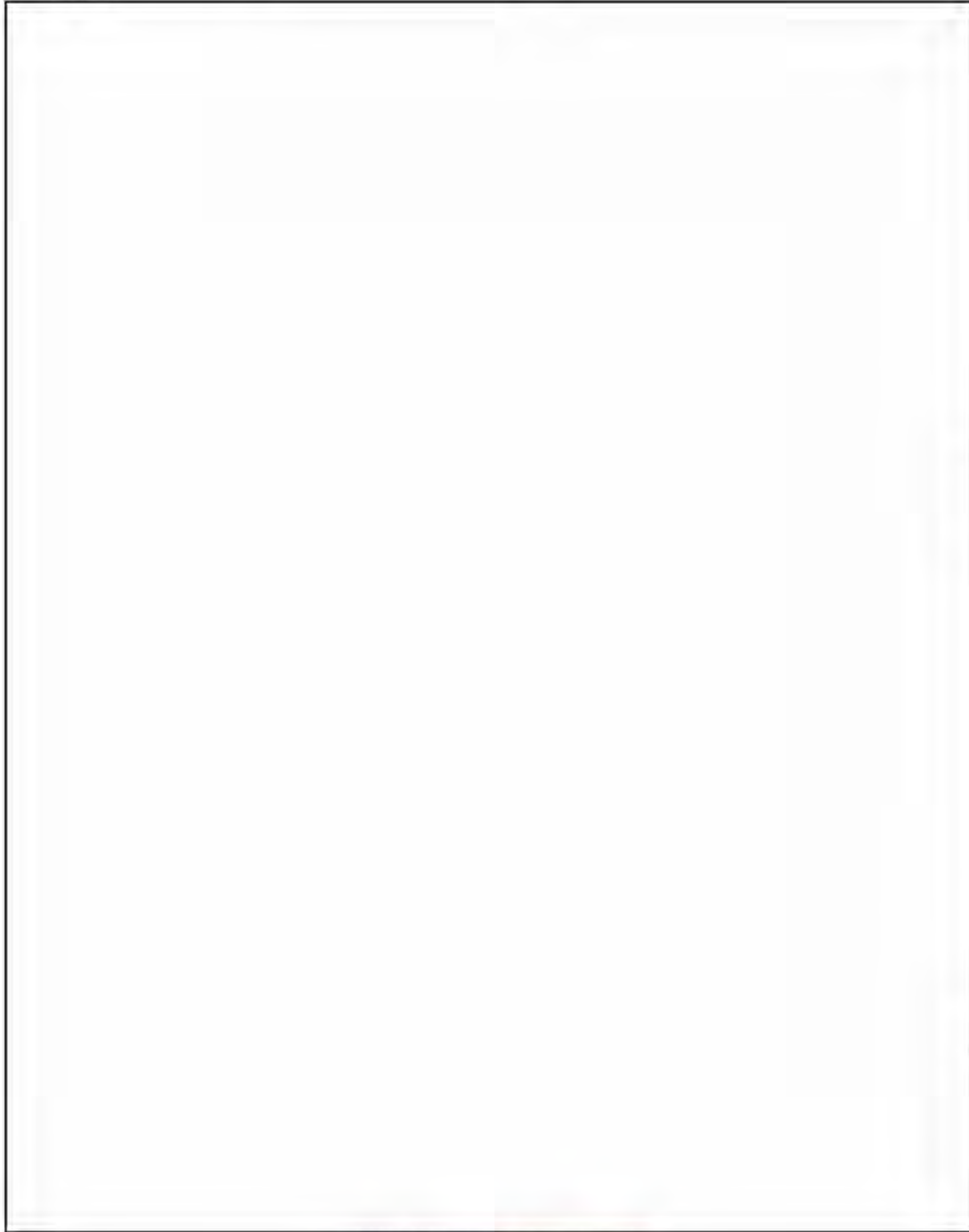
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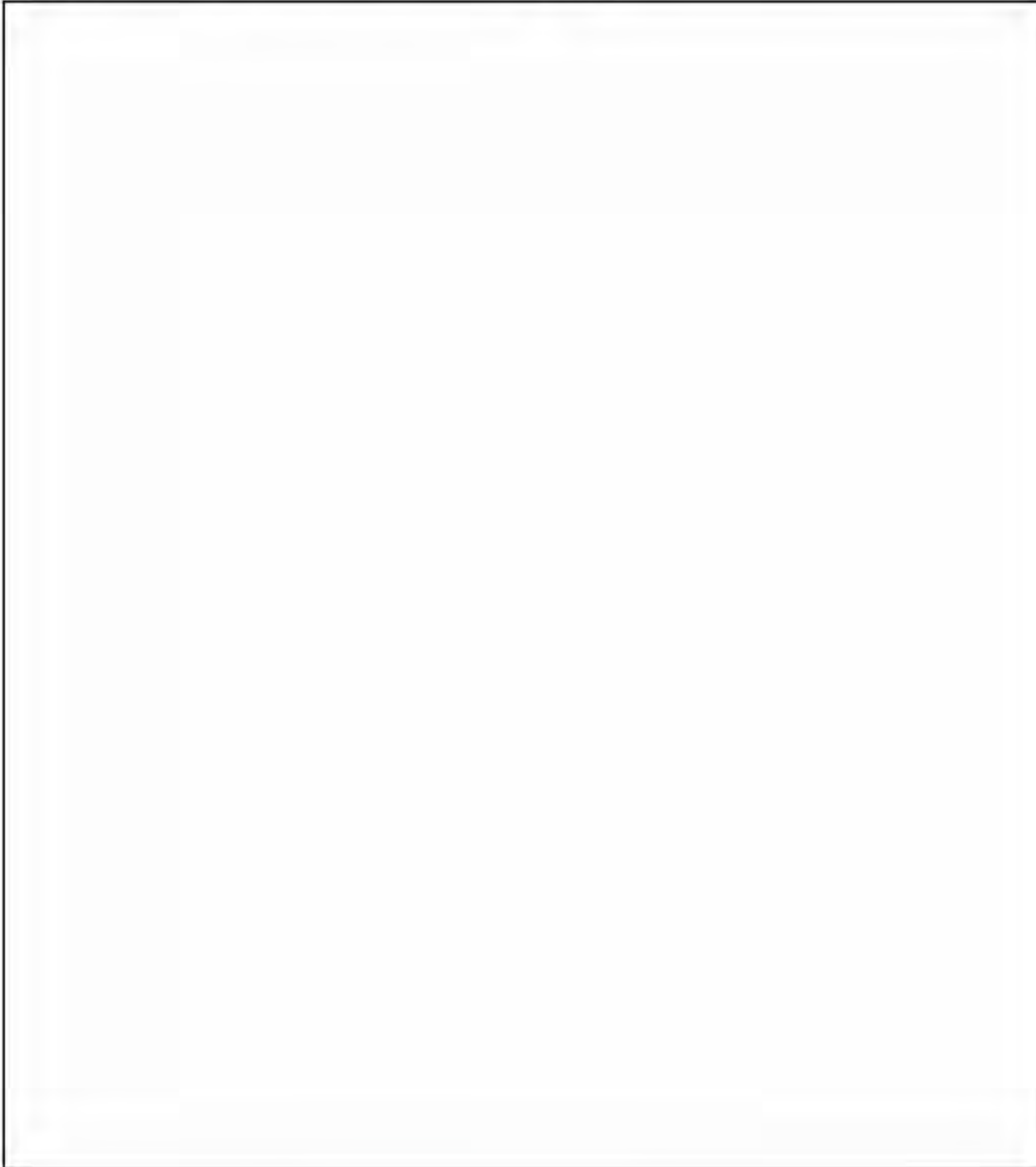
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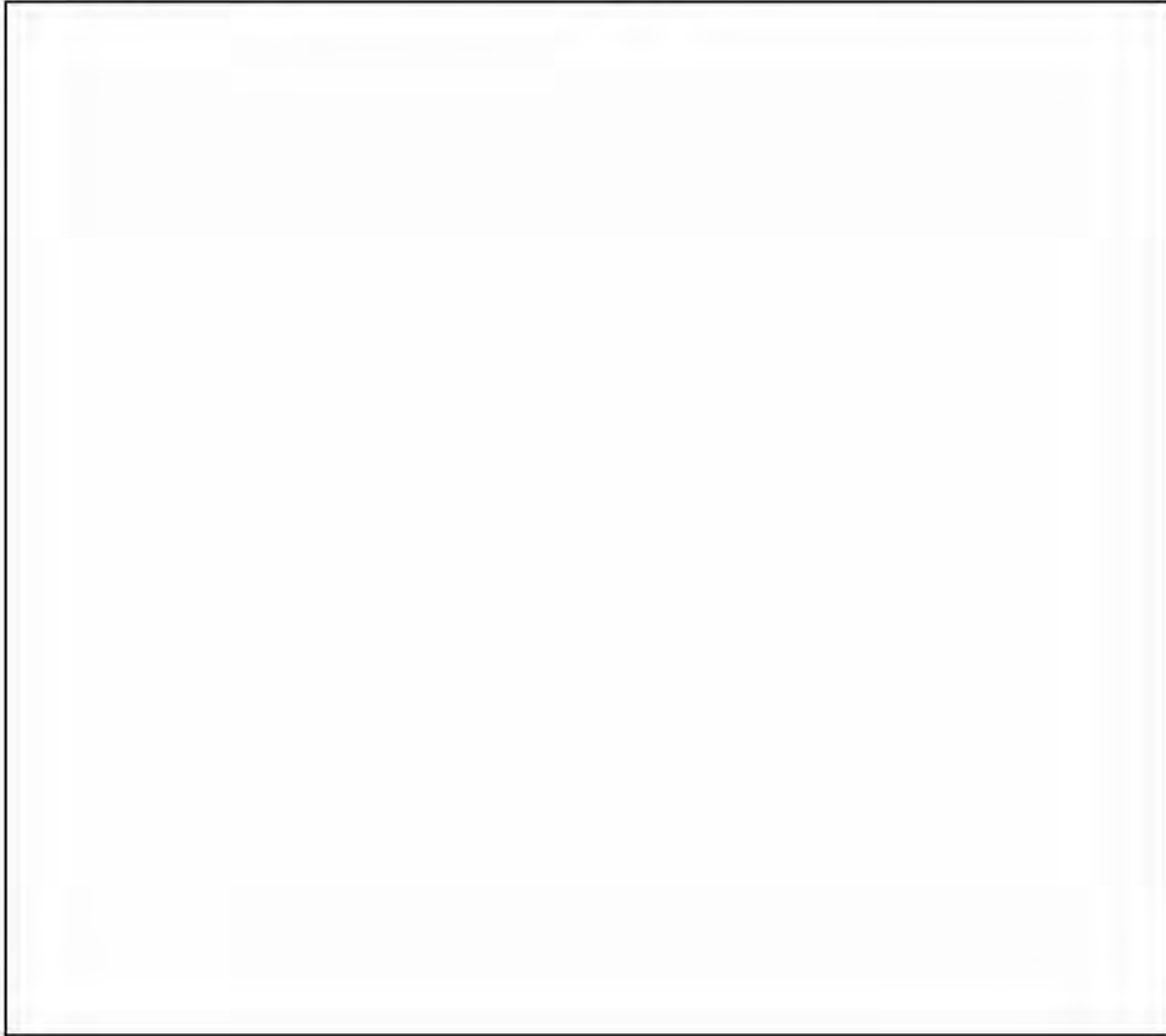
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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**Appendix F: Information Sharing Workflow**

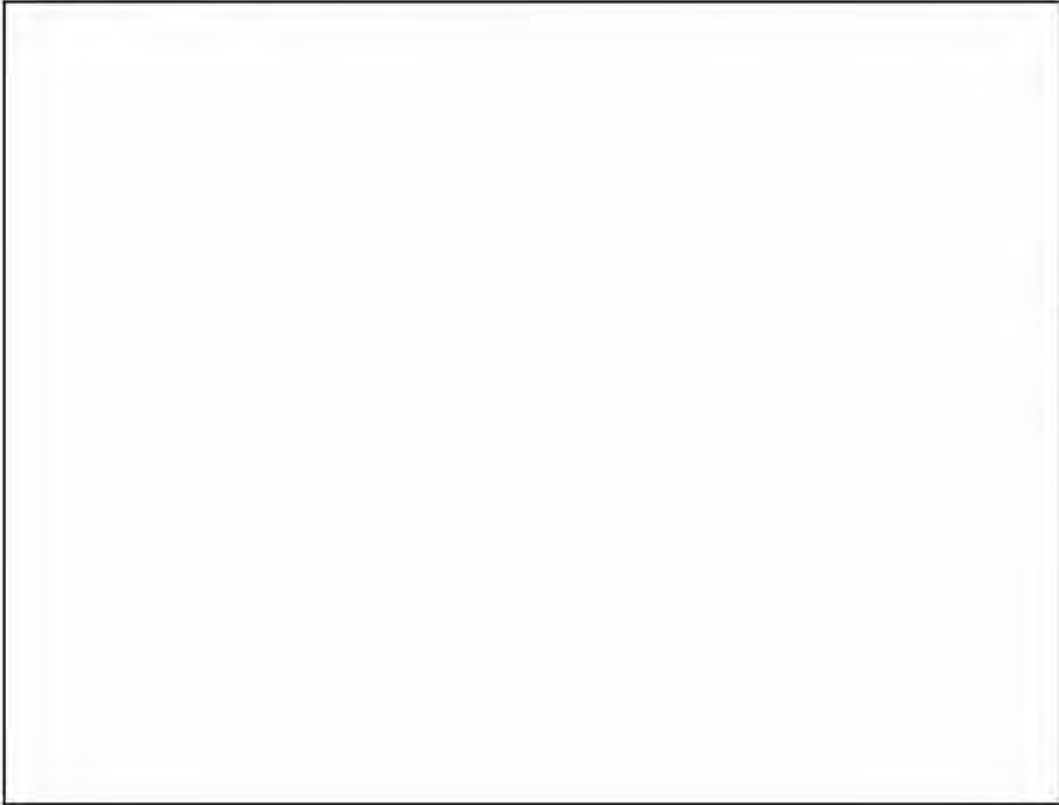
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U.S. Citizenship  
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Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**

**Purpose:** On January 25, 2017, President Trump issued Executive Order (E.O.) No. 13768, *Enhancing Public Safety in the Interior of the United States*, which states that agencies may no longer extend the protections of the Privacy Act of 1974<sup>1</sup> (Privacy Act) to those other than U.S. citizens (USCs) and Lawful Permanent Residents (LPRs). In response, on April 27, 2017, DHS Privacy issued *Privacy Policy Guidance Memorandum 2017-1, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information*, cancelling Privacy Policy Directive 262-12 (Mixed Systems Policy).<sup>2</sup> The purpose of this document is to develop the process to support the implementation of the new DHS Privacy Policy with regard to the management of discretionary disclosure of confirmed non-USC and non-LPR PII when no other restrictions or prohibitions on disclosure apply. USCIS Directorates and Program Offices should use the appendices to supplement and update their standard operating procedures and policies.

**Background:** In 2007, DHS Privacy issued the Mixed Systems Policy. Under this policy, DHS extended Privacy Act protections to Personally Identifiable Information (PII) regardless of whether the information pertained to a United States (USC), Legal Permanent Resident (LPR), immigrant, or non-immigrant.<sup>3</sup> DHS extended these protections because of inherent difficulties

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<sup>1</sup> 5 U.S.C. §552a.

<sup>2</sup> The Mixed Systems Policy states “Mixed System” or “Mixed Systems” shall mean any System of Records that collects, maintains, or disseminates information, which is in an identifiable form, and which contains information about U.S. Persons and non-U.S. Persons. See DHS Privacy Policy Guidance Memorandum No. 2007-01/Privacy Policy Directive 262-12, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Information on Non-U.S. Persons.

<sup>3</sup> The Privacy Act applies only to “individuals,” defined in the statute as “a citizen of the United States or an alien lawfully admitted for permanent residence.”

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in determining a person's real-time immigration status, which may change over time through naturalization or adjustment.

Consistent with the DHS Privacy Policy Guidance Memorandum 2017-1, USCIS will continue to afford Privacy Act protections to USC's and LPR's and treat all persons, regardless of immigration status, in accordance, consistent with the Fair Information Practice Principles (FIPPs),<sup>4</sup> applicable laws, and regulations. All USCIS personnel must follow the legal and policy obligations outlined below.

**Privacy Guidance and Procedures:** Below are the procedures and guidance to be considered when responding to requests for information from or access to agency records. The first step in determining whether to disclose information about an individual is whether the individual is a USC or LPR and thus entitled to protections under the Privacy Act, as well as determining whether the individual is protected by one of the confidentiality requirements outlined in Section I below. If USCIS confirms that the record subject is not currently a USC or LPR and is not otherwise protected by one of the confidentiality requirements, discretionary disclosure of confirmed non-USC and non-LPR PII is permitted to third parties when no other restrictions or prohibitions on the disclosure apply, subject to review under the analysis described in Appendix A. The appendices below outline changes in the way discretionary disclosures are handled in accordance with Executive Order 13768.

**I. Confidentiality & Nondisclosure Requirements in Immigration Immigration**

**Nationality Act (INA), USC, and 8 Code of Federal Regulations (CFR):** The

following statutes and regulations are not affected by E.O. 13768. Even if an individual is not subject to the protections of the Privacy Act, USCIS must still determine whether that individual is covered by any of the following and ensure appropriate handling of the record. The USCIS CHAP<sup>5</sup> outlines these legal requirements and USCIS Program Offices should continue to use the CHAP as a guide. When a program office is unclear whether an individual is covered by one of the following or requires assistance on the data handling restriction, please consult with the Office of Privacy and the Office of

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<sup>4</sup> The FIPPs form the basis of the Department's privacy compliance policies and procedures governing the use of personally identifiable information (PII). These principles are: Transparency, Individual Participation, Purpose Specification, Data Minimization, Use Limitation, Data Quality and Integrity, Security, and Accountability and Auditing. See DHS Privacy Policy Guidance Memorandum No. 2008-01/Privacy Policy Directive 140-06, *The Fair Information Practice Principles: Framework for Privacy Policy at the Department of Homeland Security*, available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>5</sup> CHAP is a companion resource to the agency's Policy Manual, providing employees with procedures for implementing those policies. <http://connect.uscis.dhs.gov/workingresources/CHAP/Pages/HTML/CHAP.aspx>.

Chief Counsel. If none of the requirements in this section apply, USCIS Personnel should continue to analyze the disclosure as outlined in the remainder of this policy.

- 8 U.S.C. § 1160(b)(5), (6); INA § 210(b)(5), (6); 8 CFR § 210.2(e) [Special Agricultural Worker (SAW)]
- 8 U.S.C. § 1186A(c)(4); INA § 216(c)(4) [battered spouse/child]
- 8 U.S.C. § 1202(f); INA § 222(f) [Department of State (DOS) records – on issuance or refusal of immigrant visas]
- 8 U.S.C. § 1254a(c)(6); INA § 244(c)(6); 8 CFR § 244.16 [Temporary Protected Status (TPS)]
- 8 U.S.C. § 1255A(c)(4), (5); INA § 245A(c)(4), (5); 8 CFR § 245a.2(t), 245a.3(n), 245a.21 [legalization]
- 8 U.S.C. § 1304(b); INA § 264(b) [alien registration]
- 8 U.S.C. § 1367 (a)(2), (b), (c), (d) [Violence Against Women Act (VAWA)]
- 18 U.S.C. § 3509(d)(1) [confidentiality protections for child witnesses]
- 18 U.S.C. § 5038 [protection from disclosure of federal juvenile delinquency records]
- 18 U.S.C. § 1304(b) [protection from disclosure of registration and fingerprint records submitted for immigration benefits]
- Section § 107(c)(1)(C) of Trafficking Victims Protection Act of 2000, Pub. L. 106-386 [trafficking victims/"T" visas] (codified at 8 USC 1367) [Ts, Us]
- 8 CFR § 208.6 [asylum and withholding of removal applications; and, credible and reasonable fear determinations]
- 8 CFR § 236.6 [information regarding pre-order detainees]
- 8 CFR § 241.5 [information regarding post-order detainees]
- 8 CFR § 1003.46 [information subject to IJ protective order]

## II. **First Party Information Requests (Privacy Act/Freedom of Information Act**

**[Privacy Act/FOIA] Analysis**): First party information requests<sup>6</sup> are defined as requests made by individuals for their own information. The Privacy Act provides USCIs and LPRs with the right to access and request amendment of their records contained in a DHS systems of records, unless properly exempted from one or more provisions of the Privacy Act because of national security, criminal, investigatory, civil, and administrative enforcement requirements. In contrast, the Freedom of Information Act (FOIA)<sup>7</sup> provides

<sup>6</sup> Amendment of records will be covered under a separate document.

<sup>7</sup> 5 U.S.C. § 552

that any person, regardless of citizenship or immigration status, has a right to obtain access to federal Agency records, access to federal Agency records unless such records are protected from public disclosure by certain exemptions or exclusions.

USCIS processes first party information requests from USCs and LPRs under the Privacy Act and the FOIA. This allows the individual to benefit from whichever statute affords the most access. USCIS processes first party requests from non-USCs and non-LPRs under FOIA only. All first party requests for access to their own information must be referred to the FOIA Office for appropriate handling. The FOIA Office will process the case under the Privacy Act and/or the FOIA per current procedures. First party requests are not intended to be covered by the procedures outlined below.

- III. Official Sharing Requests for PII Covered by the Privacy Act or Judicial Redress Act (JRA):** DHS Privacy Policy Guidance Memorandum 2017-01 defines official sharing as “requests from Congressional Committee Chairpersons acting on behalf of their committees, federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of their official duties.” USCIS continues to apply a Privacy Act analysis to all official sharing requests. Thus, to share information that is subject to the Privacy Act or JRA, USCIS must be provided with written consent from the individual whose records are being sought or it must be determined that there one of the statutory exceptions to the Privacy Act’s non-disclosure provision applies.<sup>8</sup> All other requirements of the Privacy Act continue to apply including all FIPPs based provisions referenced above.
- IV. Official Sharing Requests for PII Not Covered by the Privacy Act or JRA (FIPPs)<sup>2</sup> Analysis):** For official sharing requests for PII on persons not covered by the Privacy Act, JRA, after determining whether the individual is covered by the requirements in Section I, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs.

Individual participation requires that USCIS involve the person in the process of using their PII and, to the extent practicable, seek the person’s consent for the collection, use,

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<sup>8</sup> 5 U.S.C. § 552a(b).

<sup>9</sup> The DHS Chief Privacy Officer determined that the FIPPs serve as the foundational principles for privacy policy and implementation at DHS, regardless of immigration status. The FIPPs are a widely recognized framework for privacy law and policy used in many parts of the world. The FIPPs help serve as a useful framework for the Department to analyze how to handle PII, comply with its continuing responsibilities under the numerous legal obligations that apply, as well as adhere to its commitments to its partners. The Department uses the eight FIPPs to assess and enhance privacy protections by analyzing the nature and purpose of the collection and use of PII to fulfill DHS’s mission. Nothing in E.O. 13678 changes this responsibility.

dissemination, or maintenance of PII. Because the records in this example are not covered by the Privacy Act and therefore not covered in a system of records notice (SORN), the notice requirement may be achieved through notice on the form that collects the data, or by a waiver provided to the individual before release.

Use limitation requires the sharing of the individual’s information to be compatible with the purposes for which the information was originally collected. According to OMB, the “compatibility” concept encompasses (1) functionally equivalent uses, and (2) other uses that are necessary and proper. The use need not be the main purpose for the collection but relevance is not enough. In other words, there must be a rational relationship between the purpose of the collection of the information and the intended use. Any routine or regular sharing must be described in the applicable Privacy Impact Assessment (PIA) and privacy notice.

Although E.O. 13768 excludes information relating to non-USCs and non-LPRs from being subject to the Privacy Act, the authorized disclosure exceptions under 5 U.S.C. § 552a(b), including routine uses listed in the applicable SORNs, may continue to be good guidance as to whether a disclosure is consistent with the purpose for the collection of the information, and generally the FIPPs framework.

Appendix B covers the process for handling official sharing requests of PII not covered by the Privacy Act or JRA (FIPPs Analysis).

- V. **Non-Official Sharing, Third Party Requests Pertaining to USCs or LPRs for PII Covered by the Privacy Act or JRA**: For a request from a third party for information pertaining to a USC or LPR or to an individual covered by the JRA, after determining if the individual is covered by the requirements in Section I, USCIS personnel must determine if any of the Privacy Act exceptions permit disclosure (e.g., written consent, routine use). If no Privacy Act exception applies, USCIS may conduct a FOIA analysis. If USCIS is unable to determine if an individual is a USC or LPR, USCIS must continue to apply Privacy Act protections to that individual’s PII.
- VI. **Non-Official Sharing, Third Party Requests for PII Not Covered by the Privacy Act or JRA (FOIA Analysis)**: When responding to a request from a third party (i.e., a party who is not the subject of the record(s) or a representative of the subject, or a party who is not covered under Official Sharing) for PII of a non-USC, non-LPR, or a person not covered by the JRA, all USCIS personnel must determine if the individual is covered by the requirements in Section I. If the individual does not have a protected status, USCIS personnel must perform an analysis under the FOIA to determine releasability.

FOIA balances the public's right to know about the functions and operations of the Government as compared to the interest of the subject of the request in keeping his or her identity and activities private. Depending upon the nature of the encounter between USCIS and the subject, the notoriety of the subject's actions may diminish the extent to which those actions may remain private.

Prior to releasing a person's PII pursuant to a FOIA request from a third party, or when DHS proactively discloses records to a member of the general public and the person has not expressly consented to or approved of the disclosure, the personal privacy interests of the subject, regardless of immigration status, must be balanced against the public interest in the requested information. The United States Supreme Court has determined that the privacy interest inherent in exemptions 6 and 7(C) belongs to the person and not the agency. The only public interest to be considered is if the requested information would shed light on the agency's performance of its statutory duties. Information that does not reveal the operations and activities of the Government does not satisfy the public interest requirement.

**Appendix A: Third Party (Discretionary Disclosure of Information)**

1. The request for information must be in writing and contain sufficient information to positively identify the record as belonging to the subject;
2. USCIS personnel confirm the identity of individual;
3. USCIS personnel must determine whether the individual is subject to Section I of this document;
4. USCIS personnel must determine whether the subject is a USC or LPR;
5. If the subject is a USC or LPR, then refer to Section III for Official Sharing Requests or Section V for Non-Official Sharing or Third Party Requests.
6. If the subject is a non-USC or non-LPR:
  - a. If the request falls under the definition of an official request, USCIS personnel must review the applicable SORN to determine whether or not the disclosure is consistent with the FIPPS framework in accordance with DHS Policy. See Appendix B.
  - b. If the request is non-official in nature, USCIS personnel must conduct a balancing test to determine whether the public's right to know outweighs the individual's right to privacy. See Appendix C.



**Appendix B: Official Sharing Requests for PII Not Covered by the Privacy Act or JRA (FIPPs Analysis):**

The FIPPs serve as the foundational principles for privacy policy and implementation at DHS and USCIS, regardless of immigration status. The FIPPs are a widely recognized framework for privacy law. USCIS uses the FIPPs to analyze agency processes to determine how privacy is integrated effectively, understanding the nature and purpose of the collection and use of PII to fulfill the USCIS mission. Although E.O. 13768 excludes information relating to persons not covered by the Privacy Act from being subject to the Privacy Act, the authorized disclosure exceptions, including routine uses listed in the applicable SORNs of the Privacy Act, may continue to be good guidance as to whether a disclosure is consistent with the purpose for the collection of the information, and generally the FIPPs framework.

As stated above, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs for any official sharing requests for PII not covered by the Privacy Act or the JRA.

- Is there expressed consent provided by the individual allowing for the request to occur?
- Is the requester the chair of a Congressional committee with jurisdiction over the information or acting on behalf of the committee?
- Is there an order, agreement, arrangement, or mechanism between federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of their official duties?
- Is the request compatible to purpose for collection and the intended use, as listed in the system of records notice or any other allowable disclosure expressly permitted by law?

If the result is that the sharing is compatible with the FIPPs analysis and does not violate the subject's privacy, then submit the determination to the Privacy Office and Office of Chief Counsel to concur with the release.

**Appendix C: Non-Official Sharing, Third Party Requests for PII Not Covered by the Privacy Act or JRA (FOIA Analysis)**

When responding to an inquiry from a third party (i.e., a party who is not the subject of the record(s), a representative of the subject, or a party who is not covered under Official Sharing below) involving the disclosure of PII, a FOIA analysis must be performed that ensures that the information being shared is appropriate for release to the public.

- Does the requested information shed no light on the agency's performance of its statutory duties?
- Does release of the information compromise a pending litigation or compromise an ongoing investigation?
- Do the records about the person contain private information, investigative files or were the records compiled for law enforcement purposes?
- Do the privacy concerns of releasing the PII outweigh the public's right to know about the functions and operations of the Government?

If the result is that the public's right to know outweighs privacy interests of the subject then submit the determination to the Privacy Office and Office of Chief Counsel to concur with the release.

## Appendix D: Use Cases

Additional use cases will be added.

This appendix discusses common routine sharing that pertains to either Official or third party requests.

### 1. Media Release

USCIS will analyze all media requests for PII using the Privacy Act and FOIA analysis as appropriate.

The USCIS Office of Communication (OCOMM) is designated as responsible for managing media inquiry responses under this policy.

A media representative may initiate an inquiry at OCOMM or directly through the USCIS FOIA Office. When a media request is received, OCOMM will make a determination in accordance with this policy whether to fulfill the request and will be responsible for developing the response. As warranted, the FOIA office will facilitate the information requested. All internal parties involved will follow established business processes.

Information pertaining to individuals who are neither USCAs or LPRs: USCIS upholds statutes, regulations, and other legal obligations that limit or otherwise affect the handling of information. These include the requirements outlined in Section I of this memorandum.

In determining how to respond to the media using a Privacy Act and FOIA analysis, the personal privacy interests of a subject must be balanced against the public interest in the requested information. Under FOIA, courts have recognized that the subject of the federal records have privacy interests in their personal information maintained in those records.

When determining whether a release is in the public interest under FOIA, the only factor to be considered is whether the information will shed light on the agency's performance of its statutory duties. Information that does not reveal the operations and activities of the government does not satisfy the public interest requirement.

Release of Records: If OCOMM determines a release of PII is appropriate, OCOMM must work with the Office of Privacy and Office of Chief Counsel to confirm whether the disclosure would be legally permissible under the FOIA; the disclosure is not subject to limitations set forth in Section I; the disclosure would not interfere with ongoing litigation; and the disclosure is the minimal amount necessary to maintain the public trust.

Consistent with current SOPs, OCOMM may share procedural information about the process media representatives are inquiring about, direct reporters to the correspondence (such as denial letters) customers may have received, or ask questions about the case to help the reporter understand the process better.

- 2. Asylum Use Cases:** Asylum cases are subject to strict regulatory confidentiality provisions outlined in 8 CFR § 208.6. USCIS personnel must determine requested information may be disclosed to a third party under 8 CFR § 208.6, through a signed waiver by the applicant/claimant or through a FIPPs and/or FOIA analysis.

Information pertaining to individuals who are neither USCs or LPRs: USCIS upholds statutes, regulations, and other legal obligations that limit or otherwise affect the handling of information. These include the requirements outlined in Section I of this memorandum.

In determining how to respond to a request, one must determine first whether the request falls under the auspice of official sharing or third party sharing. If the request is considered to be an official request as defined in Section III above, then a FIPPs analysis will need to be done in accordance with Appendix B. If the request falls outside of the definition of official sharing, then it most likely is considered to be a third party request. In this case, a FOIA analysis will need to be done in accordance with Appendix C. The personal privacy interests of a subject must be balanced against the public interest in the requested information.

Examples of Official Sharing:

- Department of State Consular Officers;
  - CIS Checks - alien previously assigned an A-number, identify whether an alien is assigned more than one A-number, etc.
  - Legal Status in the United States
  - Mode of Entry (Legally, entered the U.S. without inspection (EWI), etc.)
  - Date of Entry
- DHS Office of International Affairs to answer case status inquiries from foreign embassies;
- Inquiries at USCIS international offices from USG agencies located abroad;
- Inquiries at USCIS international office from foreign governments;
- Migration 5 (M5) (Formerly Five Country Conference (FCC));
- Official Congressional inquiries through the Office of Legislative Affairs.

Examples of Third Party Sharing:

- Family members of refugee applicants;
- Congressional representatives requesting information on behalf of family members of refugee applicants;
- United Nations High Commissioner for Refugees;

- Resettlement Support Centers;
- Media;
- Countries covered under an existing Mutual Legal Assistance Treaty;
- Service providers such as the Cuban Haitian Entrant Program (CHEP).

Release of Records: If RAIO determines a release of PII is appropriate, RAIO must work with the Office of Privacy and Office of Chief Counsel to confirm whether the disclosure would be legally permissible under the FIPPs or through FOIA; the disclosure is not subject to limitations set forth in Section I; the disclosure would not interfere with ongoing litigation; and the disclosure is the minimal amount necessary to maintain the public trust.

- 3. Congressional Request for USCIS Records:** When a congressional inquiry is received, USCIS will make a determination to identify whether the request falls under official sharing or a third party request. Typically, USCIS receives requests from congressional committees or congressional offices working on behalf of an applicant.

Information from other agencies, such as U.S. Immigration and Customs Enforcement (ICE) or the Federal Bureau of Investigation (FBI), may be located in USCIS files and systems. This information must not be released in response to an inquiry, although it may be appropriate to refer the inquiry to another agency. In addition, specific statutory, regulatory, and policy protections may apply to certain cases, such as Violence Against Women Act (VAWA), T, and U cases.

The USCIS Office of Legislative Affairs (OLA) is designated as responsible for managing responses under this policy.

Information pertaining to individuals who are neither USCAs or LPRs: If the individual is not covered under the Privacy Act, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs. Individual participation requires that USCIS involve the person in the process of using PII and, to the extent practicable, seek the person's consent for the collection, use, dissemination, or maintenance of PII. Use limitation requires the sharing of the individual's information be compatible with the purposes for which the information was originally collected.

If the request is an official sharing request, specifically a request for disclosure to either House of Congress, or any Congressional committee or subcommittee, joint committee, or subcommittee of a joint committee if the matter is within their jurisdiction, there privacy act exception serves as justification that this disclosure is compatible with the purposes for which the information was originally collected.

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As with the scenario above, if the request is a third party request from a congressional staffer on behalf of an applicant, a written, signed, and notarized privacy release must be obtained from the applicant or petitioner prior to information being disclosed.

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**Appendix E: Countries covered by the Judicial Redress Act of 2015**

The following regional economic integration organization and countries have each been designated by the Attorney General as a “covered country,” effective on February 1, 2017:

- European Union
- Austria
- Belgium
- Bulgaria
- Croatia
- Republic of Cyprus
- Czech Republic
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

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**Appendix F: Information Sharing Workflow**

To be included.

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## **Appendix G: Definitions**

Fair Information Practice Principles (FIPPs): Transparency, individual participation, purpose specification, data minimization, use limitation, data quality and integrity, security, accountability and auditing.

First party information request: Request by an individual for information about himself or herself.

Official sharing: Requests from Congressional Committee Chairpersons acting on behalf of their committees, federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of their official duties.

Special Protected Classes: Classes of Aliens for which there are additional statutory, regulatory, or policy protections. Data pertaining to these classes of Aliens may have handling or use requirements different from United States Person information or other Alien data. The classes of Aliens covered under this definition include Asylum-Seekers; Asylees; Refugees; S, T, and U visa holders; individuals covered by the protections of the Violence Against Women Act (VAWA); Aliens with Temporary Protected Status; Legalization and Seasonal Agricultural Worker program applicants; and other individuals.

Third party: Party who is not the subject of the record(s), a representative of the subject, or a party who is not covered under Official Sharing.

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
and Immigration  
Services

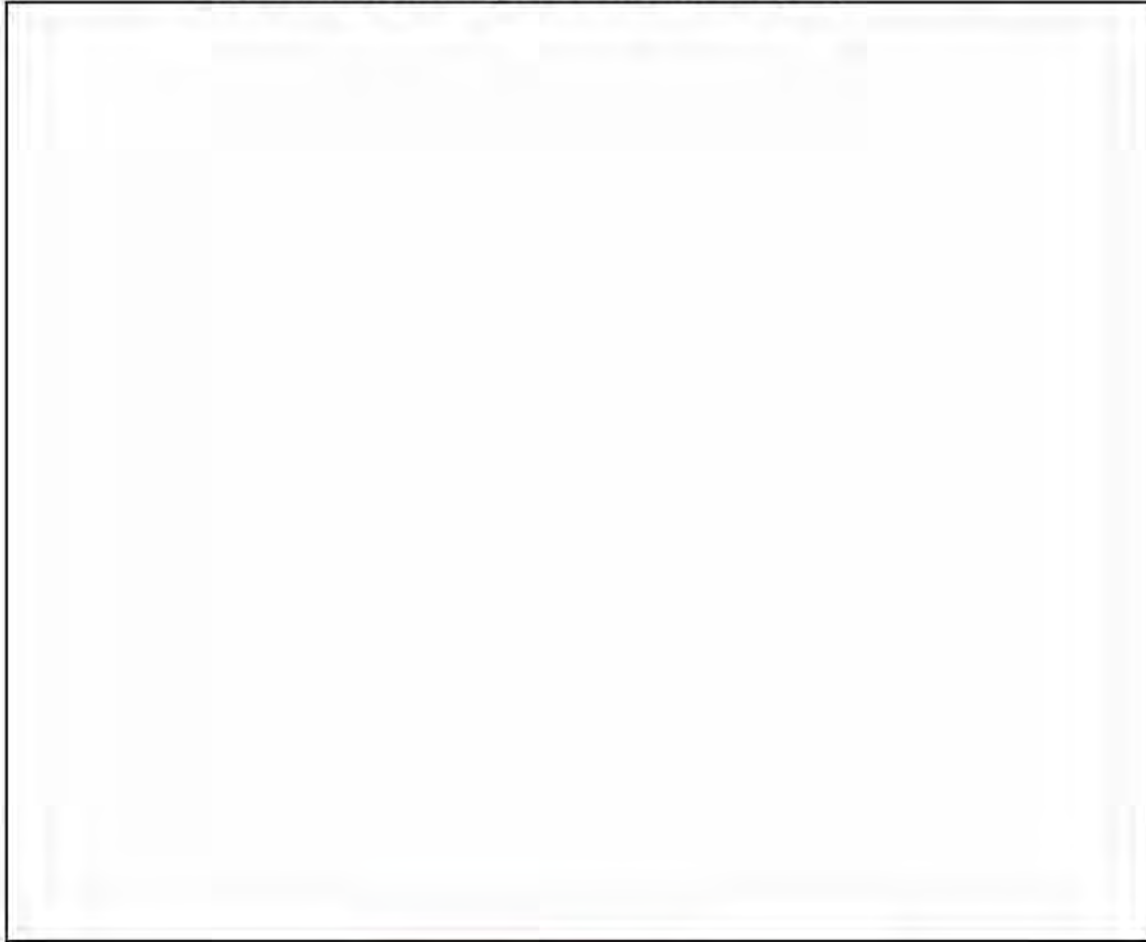
## Information Memorandum

TO: USCIS Directorates and Program Offices

(b)(5)

FROM: Donald K. Hawkins  
USCIS Privacy Officer

SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information (PII)**



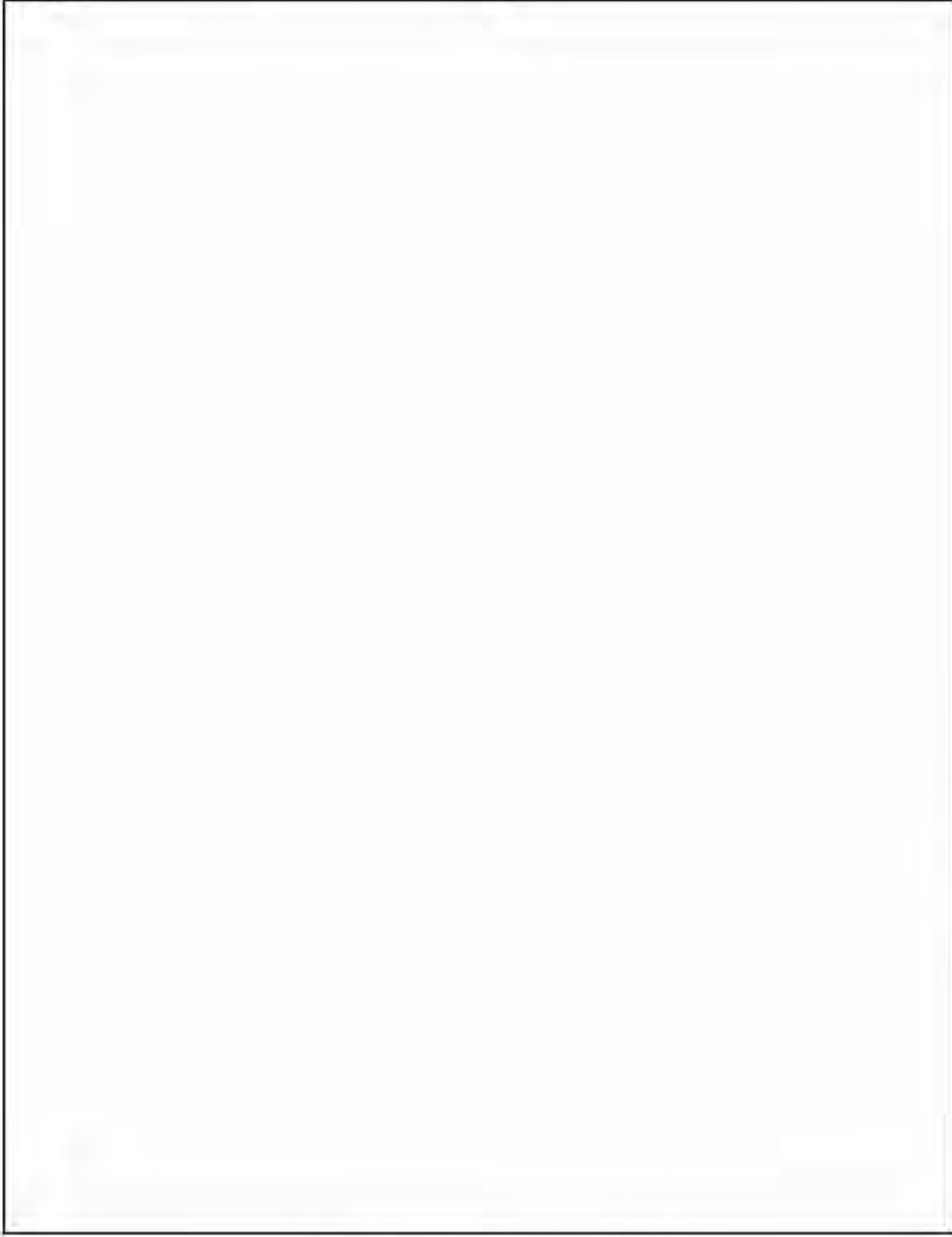
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[www.uscis.gov](http://www.uscis.gov)

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(b)(5)



(b)(5)



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with the Office of Privacy and the Office of Chief Counsel. If none of the requirements in this section apply, USCIS Personnel should continue to analyze the disclosure as outlined in the remainder of this policy.

- 8 U.S.C. § 1160(b)(5), (6); INA § 210(b)(5), (6); 8 CFR § 210.2(e) [Special Agricultural Worker (SAW)]
- 8 U.S.C. § 1186A(c)(4); INA § 216(c)(4) [battered spouse/child]
- 8 U.S.C. § 1202(f); INA § 222(f) [Department of State (DOS) records – on issuance or refusal of immigrant visas]
- 8 U.S.C. § 1254a(c)(6); INA § 244(c)(6); 8 CFR § 244.16 [Temporary Protected Status (TPS)]
- 8 U.S.C. § 1255A(c)(4), (5); INA § 245A(c)(4), (5); 8 CFR § 245a.2(t), 245a.3(n), 245a.21 [legalization]
- 8 U.S.C. § 1304(b); INA § 264(b) [alien registration]

[Redacted]

(b)(5)

- 18 U.S.C. § 3509(d)(1)[confidentiality protections for child witnesses]
- 18 U.S.C. § 5038 [protection from disclosure of federal juvenile delinquency records]
- 18 U.S.C. § 1304(b) [protection from disclosure of registration and fingerprint records submitted for immigration benefits]
- Section § 107(c)(1)(C) of Trafficking Victims Protection Act of 2000, Pub. L. 106-386 [trafficking victims/"T" visas] (codified at 8 USC 1367) [Ts, Us]
- 8 CFR § 208.6 [asylum and withholding of removal applications; and, credible and reasonable fear determinations]
- 8 CFR § 236.6 [information regarding pre-order detainees]
- 8 CFR § 241.5 [information regarding post-order detainees]
- 8 CFR § 1003.46 [information subject to IJ protective order]

**II. First Party Information Requests (Privacy Act/Freedom of Information Act**

**[Privacy Act/FOIA] Analysis**: First party information requests<sup>6</sup> are defined as requests made by individuals for their own information. The Privacy Act provides USCIs and LPRs with the right to access and request amendment of their records contained in a DHS systems of records, unless properly exempted from one or more provisions of the Privacy Act because of national security, criminal, investigatory, civil, and administrative

<sup>6</sup> Amendment of records will be covered under a separate document.

enforcement requirements. In contrast, the Freedom of Information Act (FOIA)<sup>7</sup> provides that any person, regardless of citizenship or immigration status, has a right to obtain access to federal Agency records, access to federal Agency records unless such records are protected from public disclosure by certain exemptions or exclusions.

USCIS processes first party information requests from USCs and LPRs under the Privacy Act and the FOIA. This allows the individual to benefit from whichever statute affords the most access. USCIS processes first party requests from non-USCs and non-LPRs under FOIA only. All first party requests for access to their own information must be referred to the FOIA Office for appropriate handling. The FOIA Office will process the case under the Privacy Act and/or the FOIA per current procedures. First party requests are not intended to be covered by the procedures outlined below.

**III. Official Sharing Requests for PII Covered by the Privacy Act or Judicial Redress Act (JRA)**

**Act (JRA):** DHS Privacy Policy Guidance Memorandum 2017-01 defines official sharing as “requests from Congressional Committee Chairpersons acting on behalf of their committees, federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of their official duties.” USCIS continues to apply a Privacy Act analysis to all official sharing requests. Thus, to share information that is subject to the Privacy Act or JRA, USCIS must be provided with written consent from the individual whose records are being sought or it must be determined that there one of the statutory exceptions to the Privacy Act’s non-disclosure provision applies.<sup>8</sup> All other requirements of the Privacy Act continue to apply including all FIPPs based provisions referenced above.

**IV. Official Sharing Requests for PII Not Covered by the Privacy Act or JRA (FIPPs)<sup>9</sup>**

**Analysis):** For official sharing requests for PII on persons not covered by the Privacy Act, JRA, after determining whether the individual is covered by the requirements in Section I, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs.

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<sup>7</sup> 5 U.S.C. § 552

<sup>8</sup> 5 U.S.C. § 552a(b).

<sup>9</sup> The DHS Chief Privacy Officer determined that the FIPPs serve as the foundational principles for privacy policy and implementation at DHS, regardless of immigration status. The FIPPs are a widely recognized framework for privacy law and policy used in many parts of the world. The FIPPs help serve as a useful framework for the Department to analyze how to handle PII, comply with its continuing responsibilities under the numerous legal obligations that apply, as well as adhere to its commitments to its partners. The Department uses the eight FIPPs to assess and enhance privacy protections by analyzing the nature and purpose of the collection and use of PII to fulfill DHS’s mission. Nothing in E.O. 13678 changes this responsibility.

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Individual participation requires that USCIS involve the person in the process of using their PII and, to the extent practicable, seek the person's consent for the collection, use, dissemination, or maintenance of PII. Because the records in this example are not covered by the Privacy Act and therefore not covered in a system of records notice (SORN), the notice requirement may be achieved through notice on the form that collects the data, or by a waiver provided to the individual before release.

Use limitation requires the sharing of the individual's information to be compatible with the purposes for which the information was originally collected. According to OMB, the "compatibility" concept encompasses (1) functionally equivalent uses, and (2) other uses that are necessary and proper. The use need not be the main purpose for the collection but relevance is not enough. In other words, there must be a rational relationship between the purpose of the collection of the information and the intended use. Any routine or regular sharing must be described in the applicable Privacy Impact Assessment (PIA) and privacy notice.

Although E.O. 13768 excludes information relating to non-USCs and non-LPRs from being subject to the Privacy Act, the authorized disclosure exceptions under 5 U.S.C. § 552a(b), including routine uses listed in the applicable SORNs, may continue to be good guidance as to whether a disclosure is consistent with the purpose for the collection of the information, and generally the FIPPs framework.

Appendix B covers the process for handling official sharing requests of PII not covered by the Privacy Act or JRA (FIPPs Analysis).

- V. **Non-Official Sharing, Third Party Requests Pertaining to USCs or LPRs for PII Covered by the Privacy Act or JRA:** For a request from a third party for information pertaining to a USC or LPR or to an individual covered by the JRA, after determining if the individual is covered by the requirements in Section I, USCIS personnel must determine if any of the Privacy Act exceptions permit disclosure (e.g., written consent, routine use). If no Privacy Act exception applies, USCIS may conduct a FOIA analysis. If USCIS is unable to determine if an individual is a USC or LPR, USCIS must continue to apply Privacy Act protections to that individual's PII.
- VI. **Non-Official Sharing, Third Party Requests for PII Not Covered by the Privacy Act or JRA (FOIA Analysis):** When responding to a request from a third party (i.e., a party who is not the subject of the record(s) or a representative of the subject, or a party who is not covered under Official Sharing) for PII of a non-USC, non-LPR, or a person not covered by the JRA, all USCIS personnel must determine if the individual is covered by

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the requirements in Section I. If the individual does not have a protected status, USCIS personnel must perform an analysis under the FOIA to determine releasability.

FOIA balances the public's right to know about the functions and operations of the Government as compared to the interest of the subject of the request in keeping his or her identity and activities private. Depending upon the nature of the encounter between USCIS and the subject, the notoriety of the subject's actions may diminish the extent to which those actions may remain private.

Prior to releasing a person's PII pursuant to a FOIA request from a third party, or when DHS proactively discloses records to a member of the general public and the person has not expressly consented to or approved of the disclosure, the personal privacy interests of the subject, regardless of immigration status, must be balanced against the public interest in the requested information. The United States Supreme Court has determined that the privacy interest inherent in exemptions 6 and 7(C) belongs to the person and not the agency. The only public interest to be considered is if the requested information would shed light on the agency's performance of its statutory duties. Information that does not reveal the operations and activities of the Government does not satisfy the public interest requirement.

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**Appendix A: Third Party (Discretionary Disclosure of Information)**

1. The request for information must be in writing and contain sufficient information to positively identify the record as belonging to the subject;
2. USCIS personnel confirm the identity of individual;
3. USCIS personnel must determine whether the individual is subject to Section I of this document;
4. USCIS personnel must determine whether the subject is a USC or LPR;
5. If the subject is a USC or LPR, then refer to Section III for Official Sharing Requests or Section V for Non-Official Sharing or Third Party Requests.
6. If the subject is a non-USC or non-LPR:
  - a. If the request falls under the definition of an official request, USCIS personnel must review the applicable SORN to determine whether or not the disclosure is consistent with the FIPPS framework in accordance with DHS Policy. See Appendix B.
  - b. If the request is non-official in nature, USCIS personnel must conduct a balancing test to determine whether the public's right to know outweighs the individual's right to privacy. See Appendix C.

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**Appendix B: Official Sharing Requests for PII Not Covered by the Privacy Act or JRA (FIPPs Analysis):**

The FIPPs serve as the foundational principles for privacy policy and implementation at DHS and USCIS, regardless of immigration status. The FIPPs are a widely recognized framework for privacy law. USCIS uses the FIPPs to analyze agency processes to determine how privacy is integrated effectively, understanding the nature and purpose of the collection and use of PII to fulfill the USCIS mission. Although E.O. 13768 excludes information relating to persons not covered by the Privacy Act from being subject to the Privacy Act, the authorized disclosure exceptions, including routine uses listed in the applicable SORNs of the Privacy Act, may continue to be good guidance as to whether a disclosure is consistent with the purpose for the collection of the information, and generally the FIPPs framework.

As stated above, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs for any official sharing requests for PII not covered by the Privacy Act or the JRA.

- Is there expressed consent provided by the individual allowing for the request to occur?
- Is the requester the chair of a Congressional committee with jurisdiction over the information or acting on behalf of the committee?
- Is there an order, agreement, arrangement, or mechanism between federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of their official duties?
- Is the request compatible to purpose for collection and the intended use, as listed in the system of records notice or any other allowable disclosure expressly permitted by law?

If the result is that the sharing is compatible with the FIPPs analysis and does not violate the subject's privacy, then submit the determination to the Privacy Office and Office of Chief Counsel to concur with the release.

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**Appendix C: Non-Official Sharing, Third Party Requests for PII Not Covered by the Privacy Act or JRA (FOIA Analysis)**

When responding to an inquiry from a third party (i.e., a party who is not the subject of the record(s), a representative of the subject, or a party who is not covered under Official Sharing below) involving the disclosure of PII, a FOIA analysis must be performed that ensures that the information being shared is appropriate for release to the public.

- Does the requested information shed no light on the agency's performance of its statutory duties?
- Does release of the information compromise a pending litigation or compromise an ongoing investigation?
- Do the records about the person contain private information, investigative files or were the records compiled for law enforcement purposes?
- Do the privacy concerns of releasing the PII outweigh the public's right to know about the functions and operations of the Government?

If the result is that the public's right to know outweighs privacy interests of the subject then submit the determination to the Privacy Office and Office of Chief Counsel to concur with the release.

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## **Appendix D: Use Cases**

Additional use cases will be added.

This appendix discusses common routine sharing that pertains to either Official or third party requests.

### **1. Media Release**

USCIS will analyze all media requests for PII using the Privacy Act and FOIA analysis as appropriate.

The USCIS Office of Communication (OCOMM) is designated as responsible for managing media inquiry responses under this policy.

A media representative may initiate an inquiry at OCOMM or directly through the USCIS FOIA Office. When a media request is received, OCOMM will make a determination in accordance with this policy whether to fulfill the request and will be responsible for developing the response. As warranted, the FOIA office will facilitate the information requested. All internal parties involved will follow established business processes.

Information pertaining to individuals who are neither USCAs or LPRs: USCIS upholds statutes, regulations, and other legal obligations that limit or otherwise affect the handling of information. These include the requirements outlined in Section I of this memorandum.

In determining how to respond to the media using a Privacy Act and FOIA analysis, the personal privacy interests of a subject must be balanced against the public interest in the requested information. Under FOIA, courts have recognized that the subject of the federal records have privacy interests in their personal information maintained in those records.

When determining whether a release is in the public interest under FOIA, the only factor to be considered is whether the information will shed light on the agency's performance of its statutory duties. Information that does not reveal the operations and activities of the government does not satisfy the public interest requirement.

Release of Records: If OCOMM determines a release of PII is appropriate, OCOMM must work with the Office of Privacy and Office of Chief Counsel to confirm whether the disclosure would be legally permissible under the FOIA; the disclosure is not subject to limitations set forth in Section I; the disclosure would not interfere with ongoing litigation; and the disclosure is the minimal amount necessary to maintain the public trust.

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Consistent with current SOPs, OCOMM may share procedural information about the process media representatives are inquiring about, direct reporters to the correspondence (such as denial letters) customers may have received, or ask questions about the case to help the reporter understand the process better.

2. **Asylum Use Cases:** Asylum cases are subject to strict regulatory confidentiality provisions outlined in 8 CFR § 208.6. USCIS personnel must determine requested information may be disclosed to a third party under 8 CFR § 208.6, through a signed waiver by the applicant/claimant or through a FIPPs and/or FOIA analysis.

Information pertaining to individuals who are neither USCAs or LPRs: USCIS upholds statutes, regulations, and other legal obligations that limit or otherwise affect the handling of information. These include the requirements outlined in Section I of this memorandum.

In determining how to respond to a request, one must determine first whether the request falls under the auspice of official sharing or third party sharing. If the request is considered to be an official request as defined in Section III above, then a FIPPs analysis will need to be done in accordance with Appendix B. If the request falls outside of the definition of official sharing, then it most likely is considered to be a third party request. In this case, a FOIA analysis will need to be done in accordance with Appendix C. The personal privacy interests of a subject must be balanced against the public interest in the requested information.

Examples of Official Sharing:

- Department of State Consular Officers;
  - CIS Checks - alien previously assigned an A-number, identify whether an alien is assigned more than one A-number, etc.
  - Legal Status in the United States
  - Mode of Entry (Legally, entered the U.S. without inspection (EWI), etc.)
  - Date of Entry
- DHS Office of International Affairs to answer case status inquiries from foreign embassies;
- Inquiries at USCIS international offices from USG agencies located abroad;
- Inquiries at USCIS international office from foreign governments;
- Migration 5 (M5) (Formerly Five Country Conference (FCC));
- Official Congressional inquiries through the Office of Legislative Affairs.

Examples of Third Party Sharing:

- Family members of refugee applicants;
- Congressional representatives requesting information on behalf of family members of refugee applicants;
- United Nations High Commissioner for Refugees;

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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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- Resettlement Support Centers;
- Media;
- Countries covered under an existing Mutual Legal Assistance Treaty;
- Service providers such as the Cuban Haitian Entrant Program (CHEP).

Release of Records: If RAIO determines a release of PII is appropriate, RAIO must work with the Office of Privacy and Office of Chief Counsel to confirm whether the disclosure would be legally permissible under the FIPPs or through FOIA; the disclosure is not subject to limitations set forth in Section I; the disclosure would not interfere with ongoing litigation; and the disclosure is the minimal amount necessary to maintain the public trust.

- 3. Congressional Request for USCIS Records:** When a congressional inquiry is received, USCIS will make a determination to identify whether the request falls under official sharing or a third party request. Typically, USCIS receives requests from congressional committees or congressional offices working on behalf of an applicant.

Information from other agencies, such as U.S. Immigration and Customs Enforcement (ICE) or the Federal Bureau of Investigation (FBI), may be located in USCIS files and systems. This information must not be released in response to an inquiry, although it may be appropriate to refer the inquiry to another agency. In addition, specific statutory, regulatory, and policy protections may apply to certain cases, such as Violence Against Women Act (VAWA), T, and U cases.

The USCIS Office of Legislative Affairs (OLA) is designated as responsible for managing responses under this policy.

Information pertaining to individuals who are neither USC's or LPRs: If the individual is not covered under the Privacy Act, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs. Individual participation requires that USCIS involve the person in the process of using PII and, to the extent practicable, seek the person's consent for the collection, use, dissemination, or maintenance of PII. Use limitation requires the sharing of the individual's information be compatible with the purposes for which the information was originally collected.

If the request is an official sharing request, specifically a request for disclosure to either House of Congress, or any Congressional committee or subcommittee, joint committee, or subcommittee of a joint committee if the matter is within their jurisdiction, there privacy act exception serves as justification that this disclosure is compatible with the purposes for which the information was originally collected.

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As with the scenario above, if the request is a third party request from a congressional staffer on behalf of an applicant, a written, signed, and notarized privacy release must be obtained from the applicant or petitioner prior to information being disclosed.

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**Appendix E: Countries covered by the Judicial Redress Act of 2015**

The following regional economic integration organization and countries have each been designated by the Attorney General as a “covered country,” effective on February 1, 2017:

- European Union
- Austria
- Belgium
- Bulgaria
- Croatia
- Republic of Cyprus
- Czech Republic
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

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**Appendix F: Information Sharing Workflow**

To be included.

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## **Appendix G: Definitions**

Fair Information Practice Principles (FIPPs): Transparency, individual participation, purpose specification, data minimization, use limitation, data quality and integrity, security, accountability and auditing.

First party information request: Request by an individual for information about himself or herself.

Official sharing: Requests from Congressional Committee Chairpersons acting on behalf of their committees, federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of their official duties.

Special Protected Classes: Classes of Aliens for which there are additional statutory, regulatory, or policy protections. Data pertaining to these classes of Aliens may have handling or use requirements different from United States Person information or other Alien data. The classes of Aliens covered under this definition include Asylum-Seekers; Asylees; Refugees; S, T, and U visa holders; individuals covered by the protections of the Violence Against Women Act (VAWA); Aliens with Temporary Protected Status; Legalization and Seasonal Agricultural Worker program applicants; and other individuals.

Third party: Party who is not the subject of the record(s), a representative of the subject, or a party who is not covered under Official Sharing.

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
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## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer

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SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**



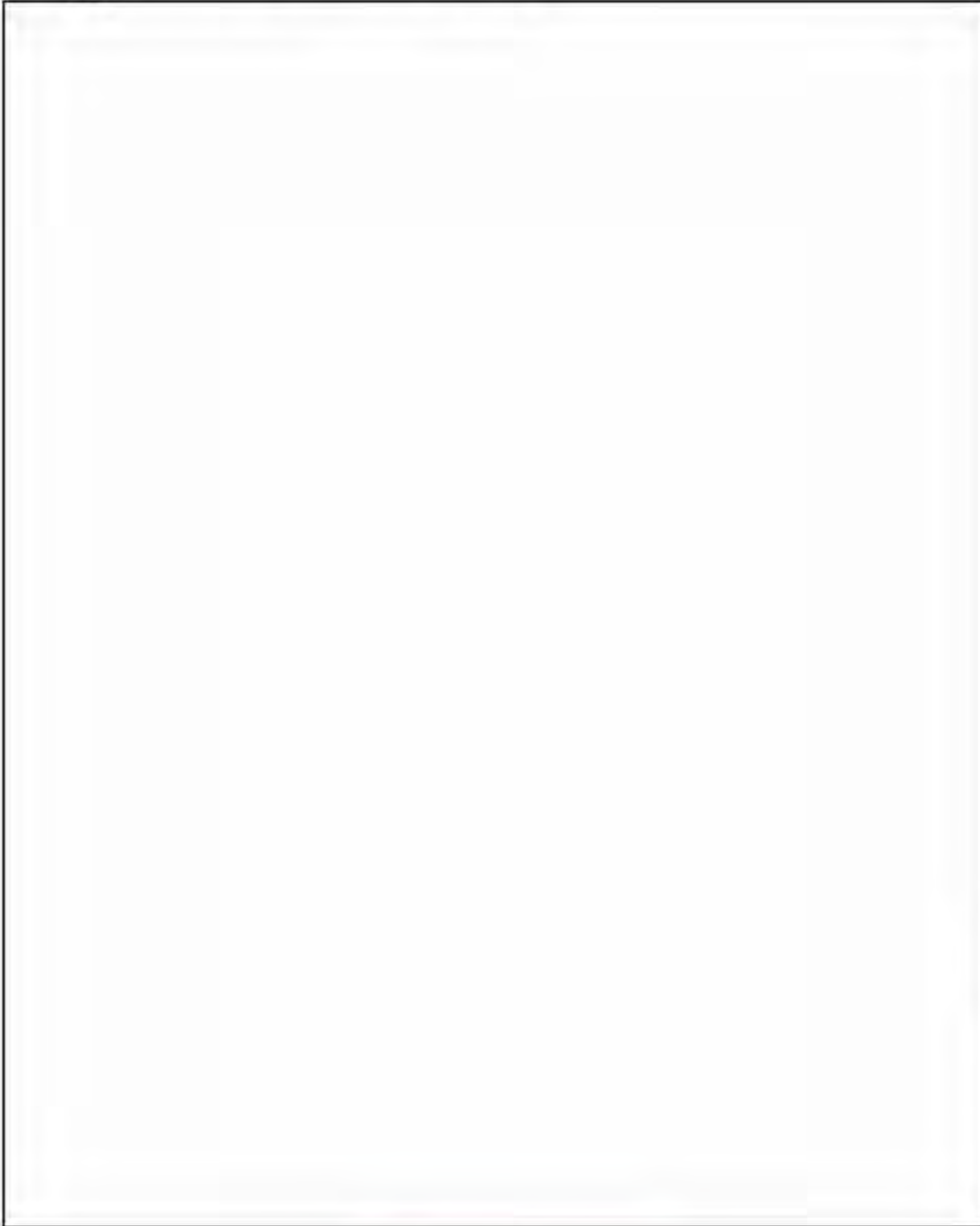
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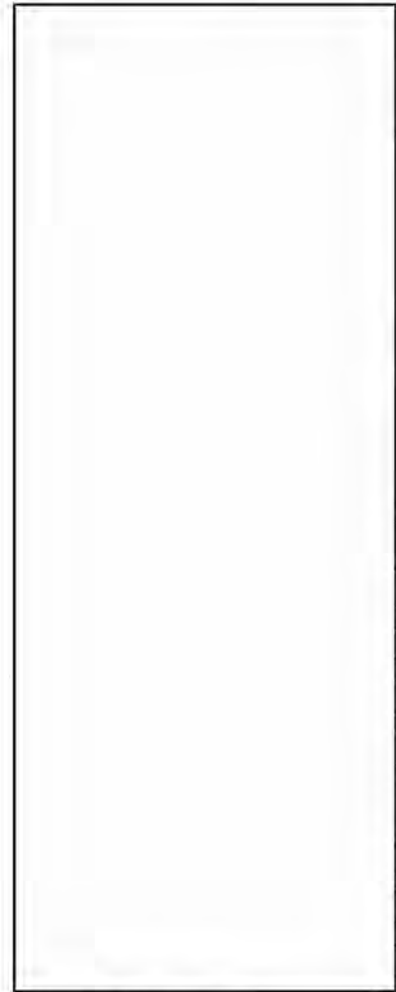
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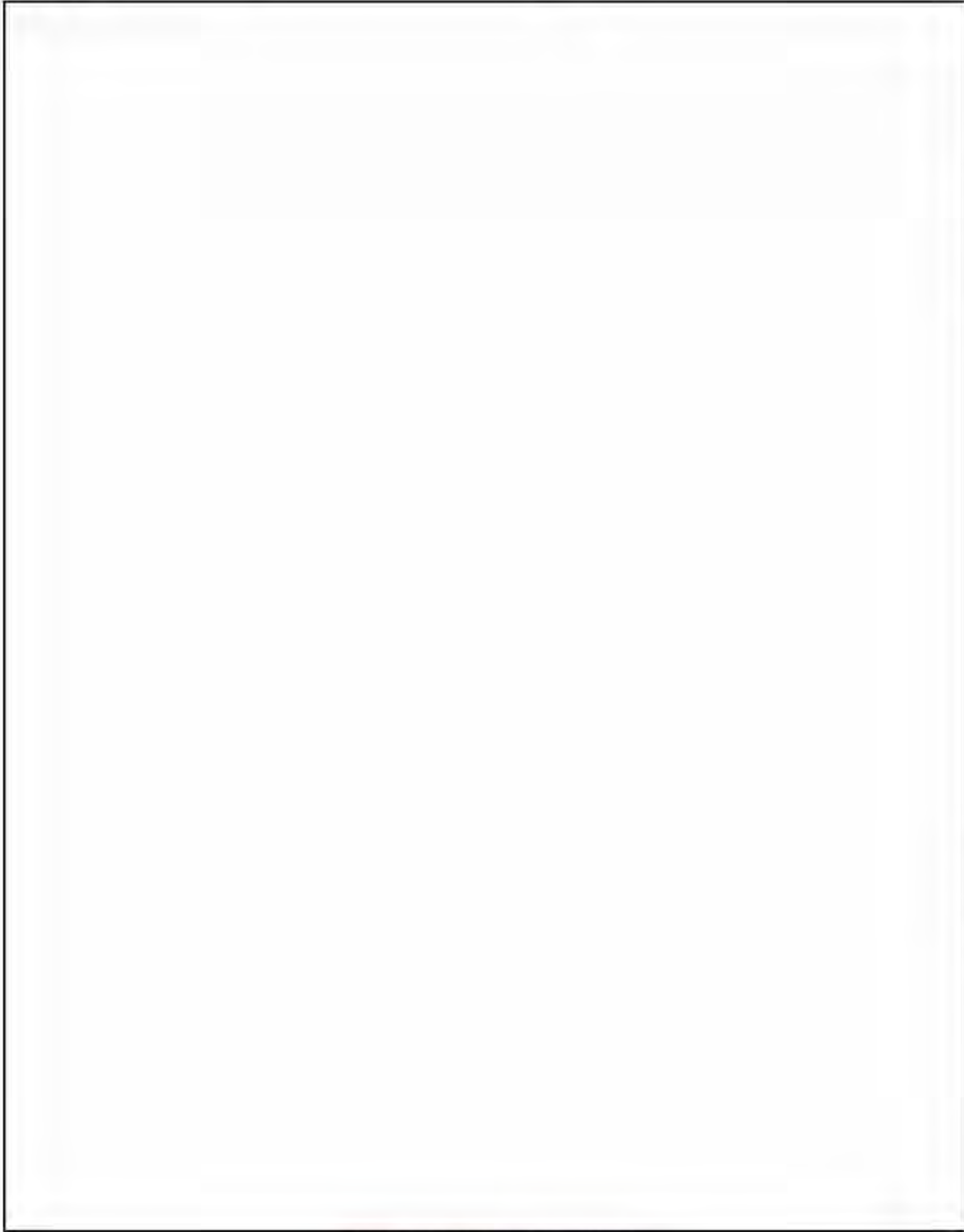
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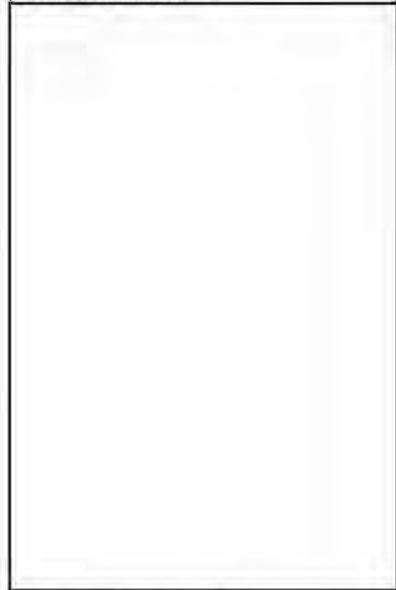
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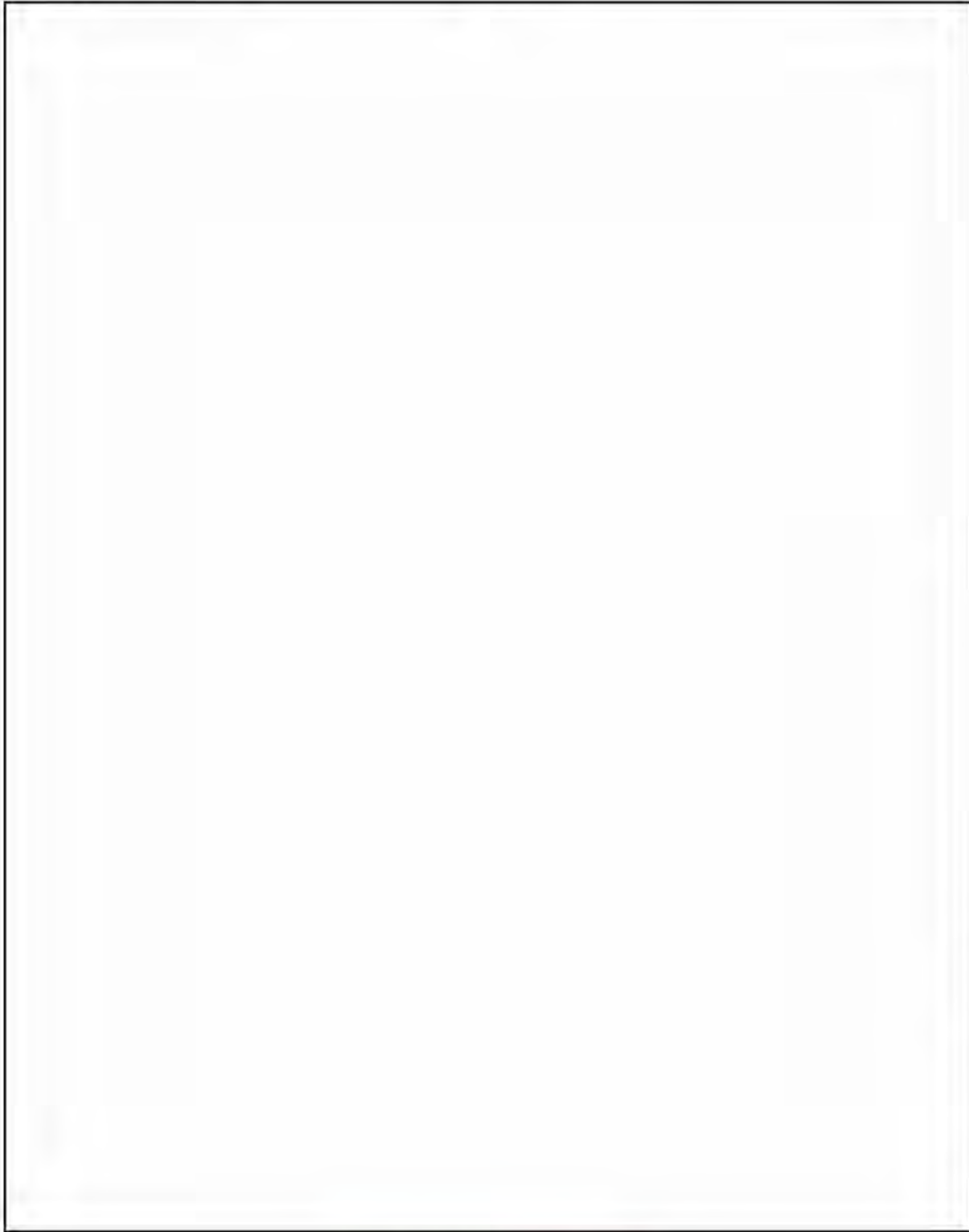
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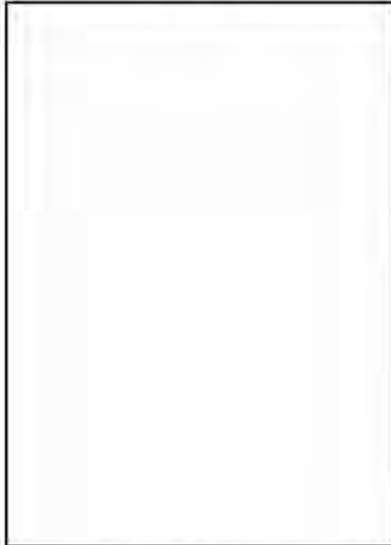
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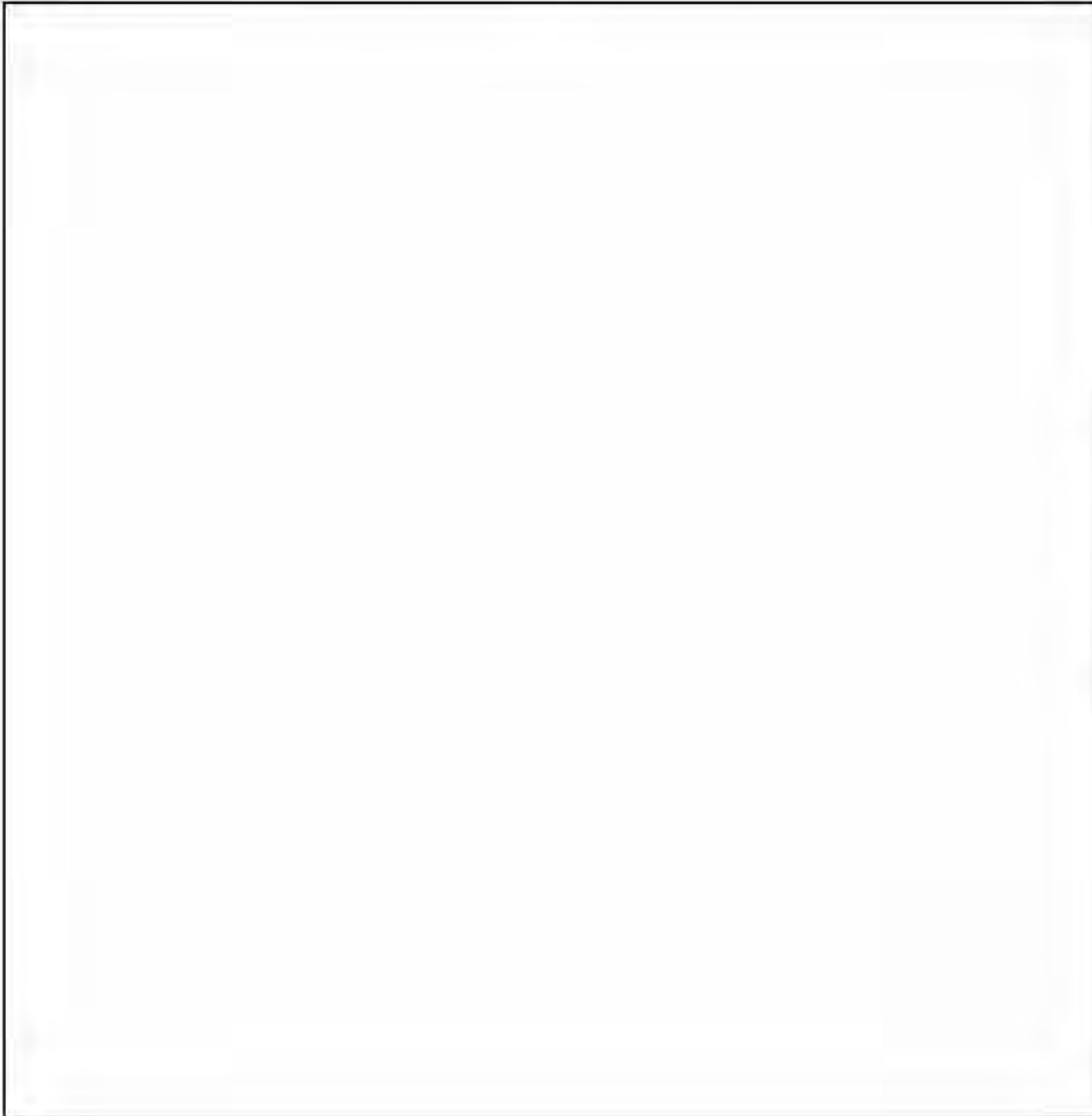
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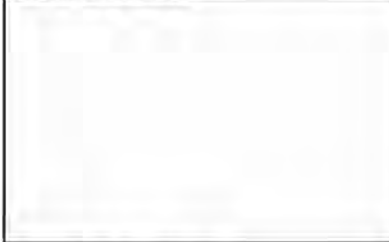
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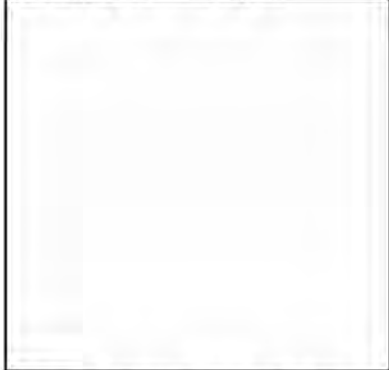


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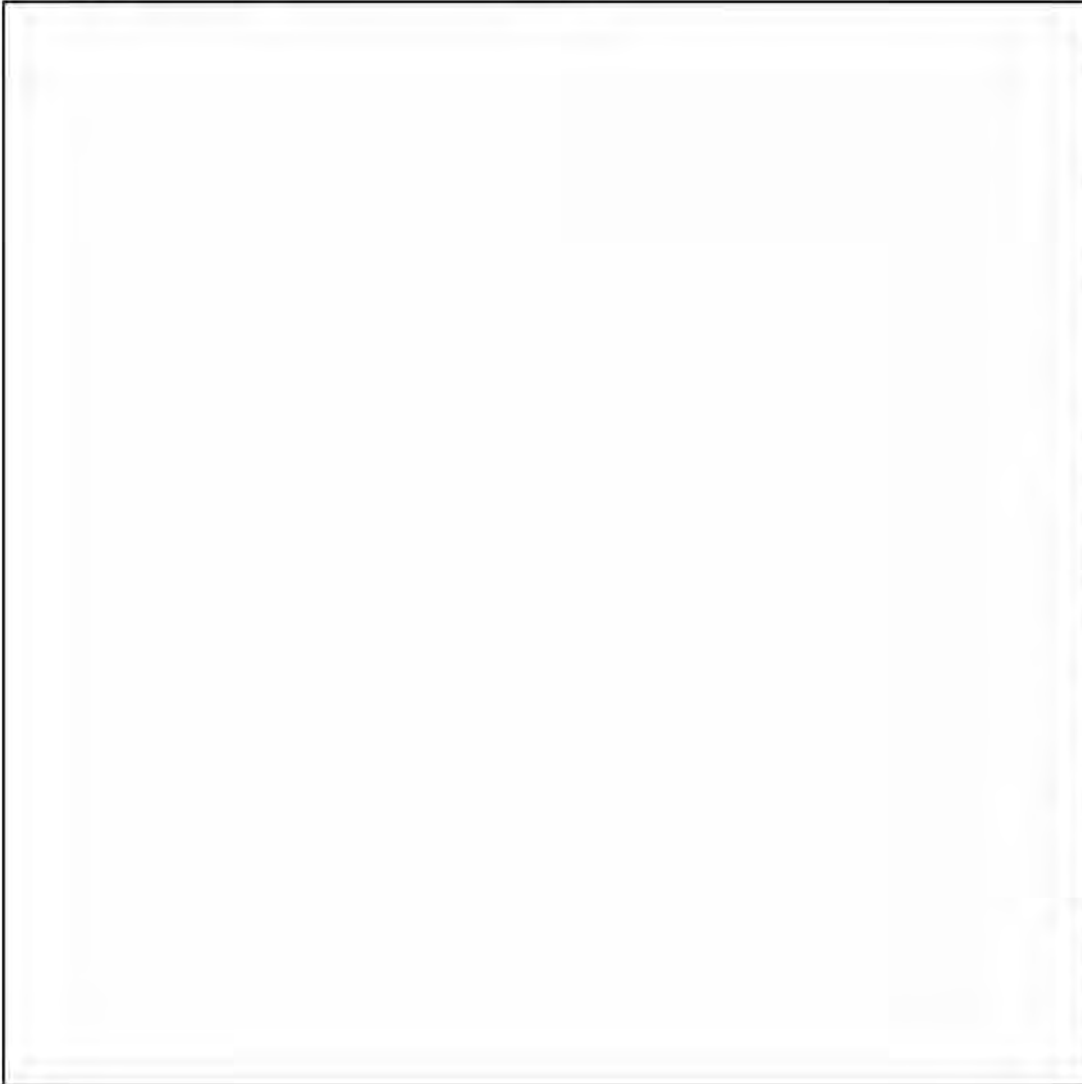
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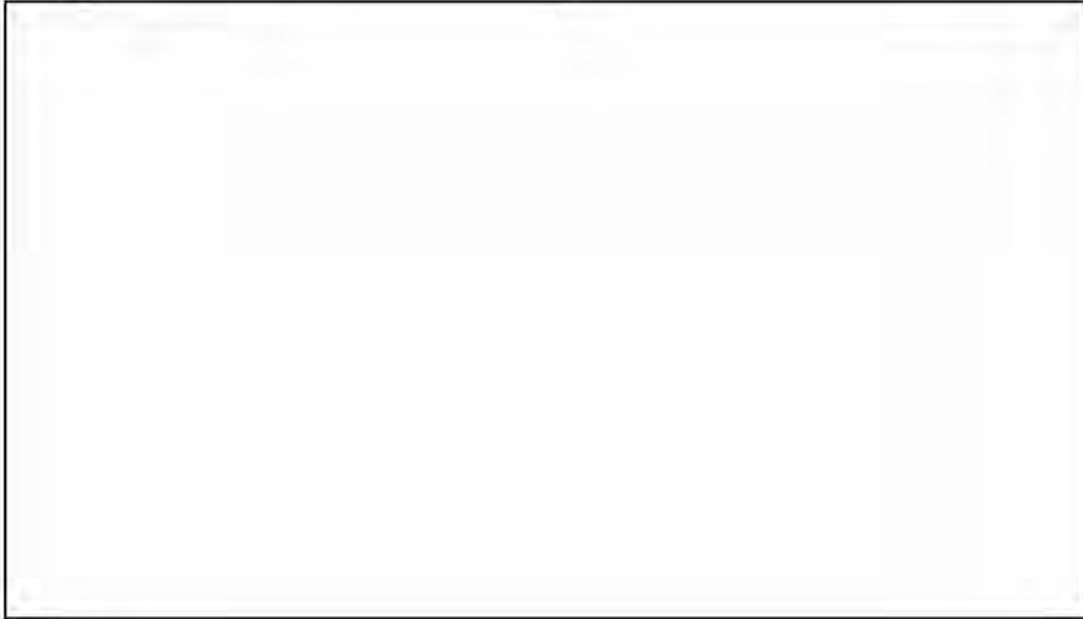
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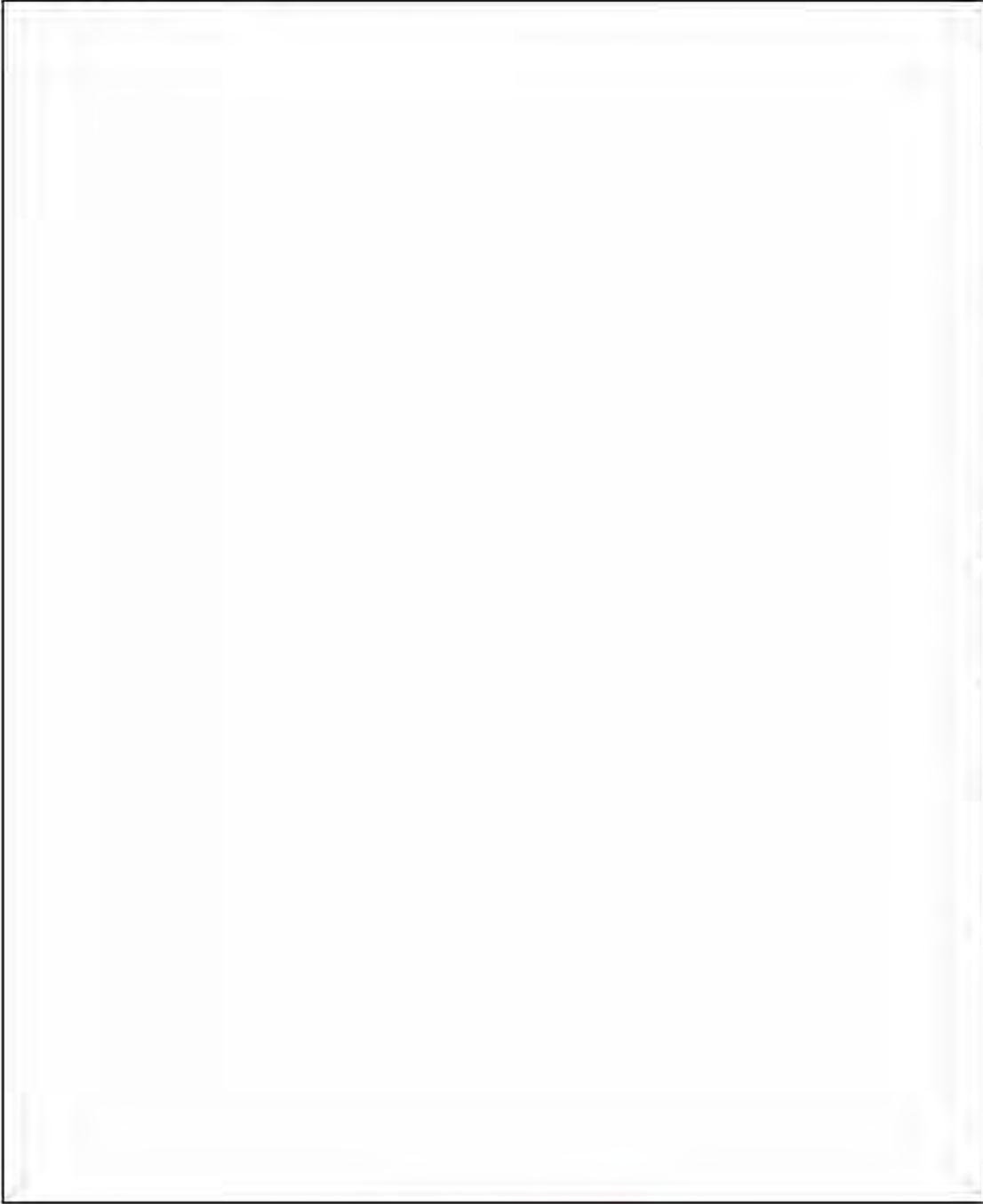
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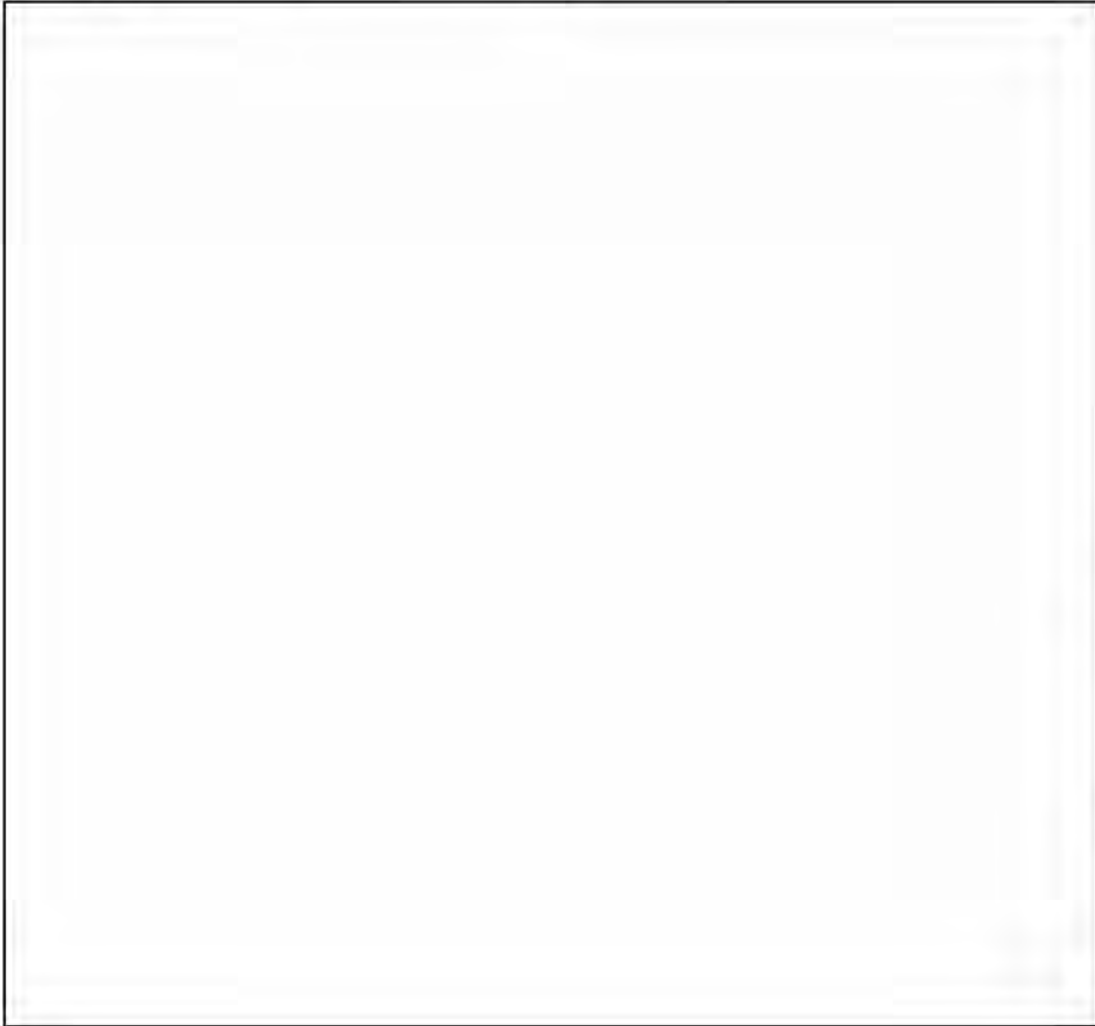
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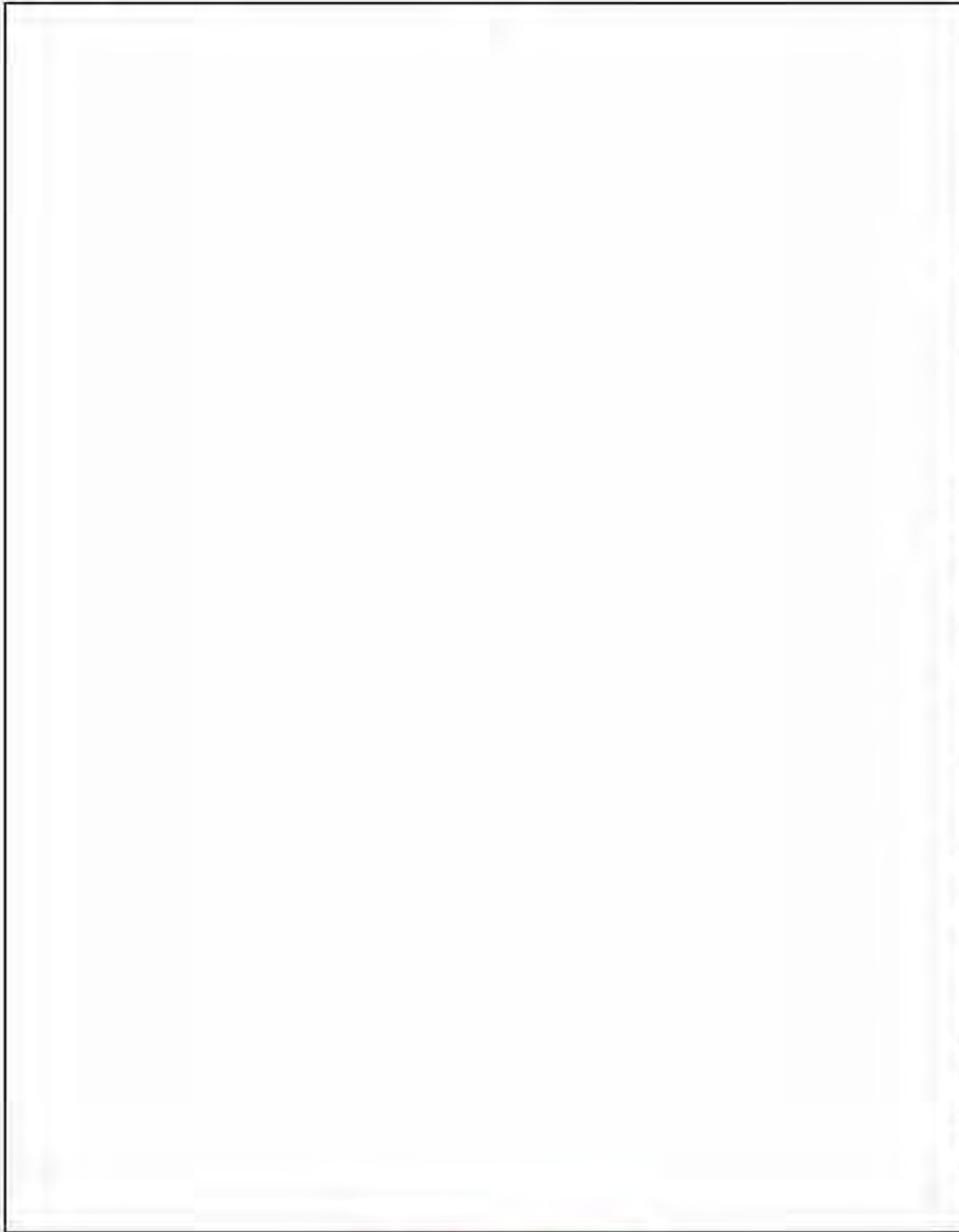
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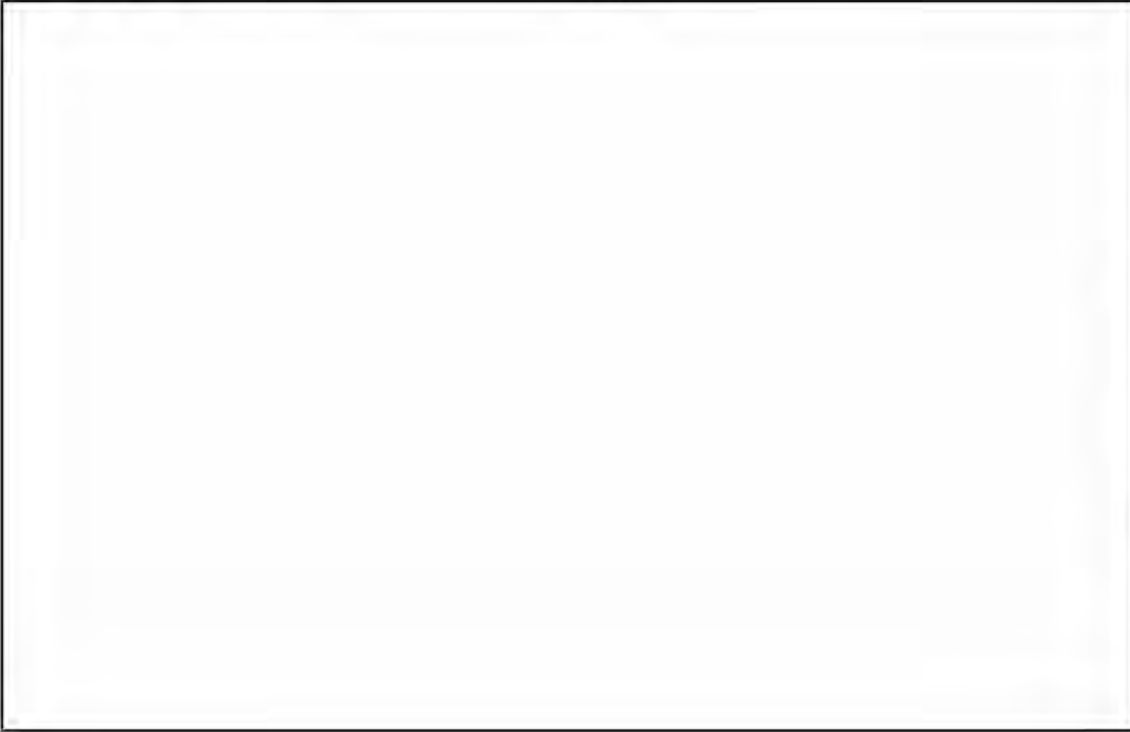
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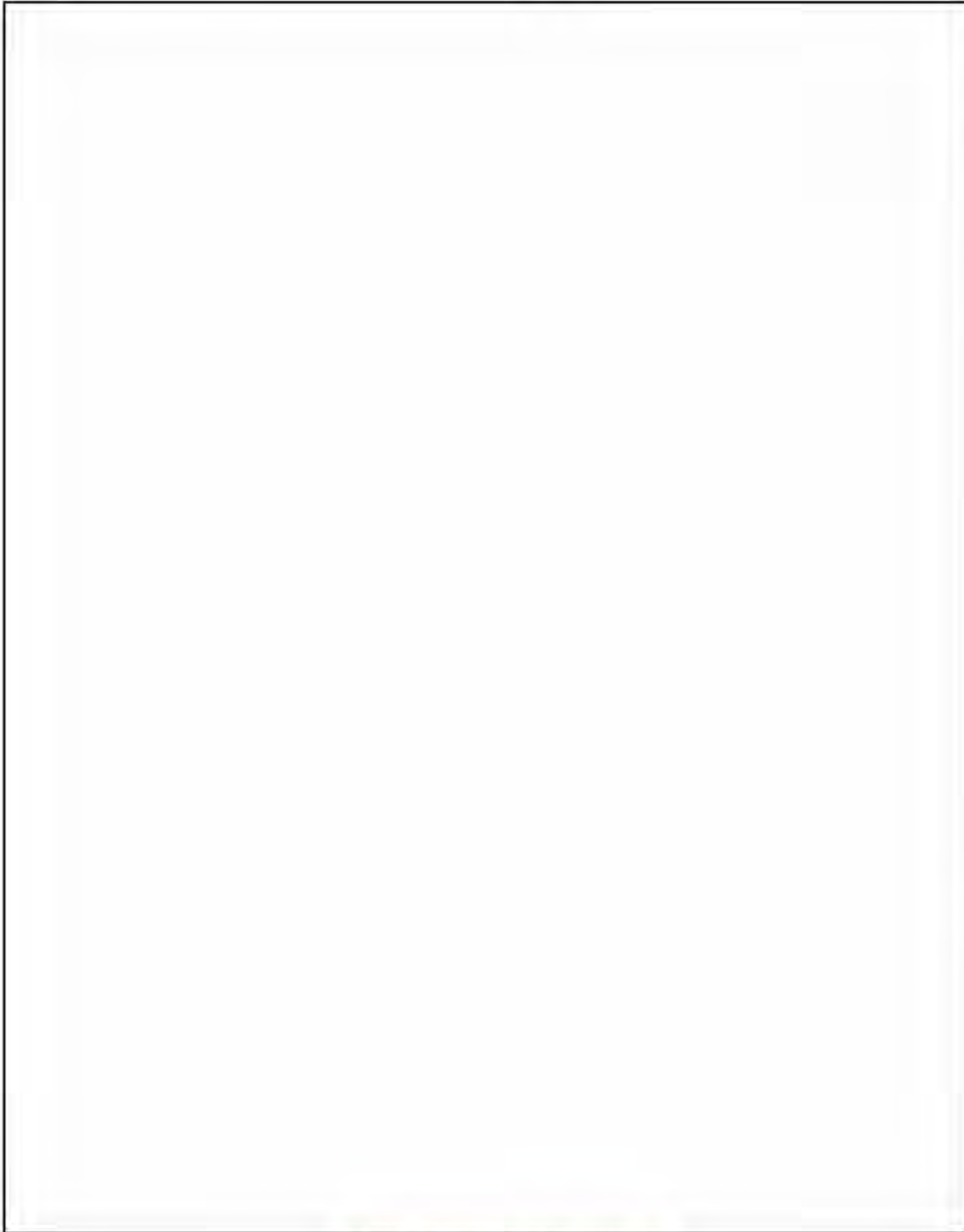
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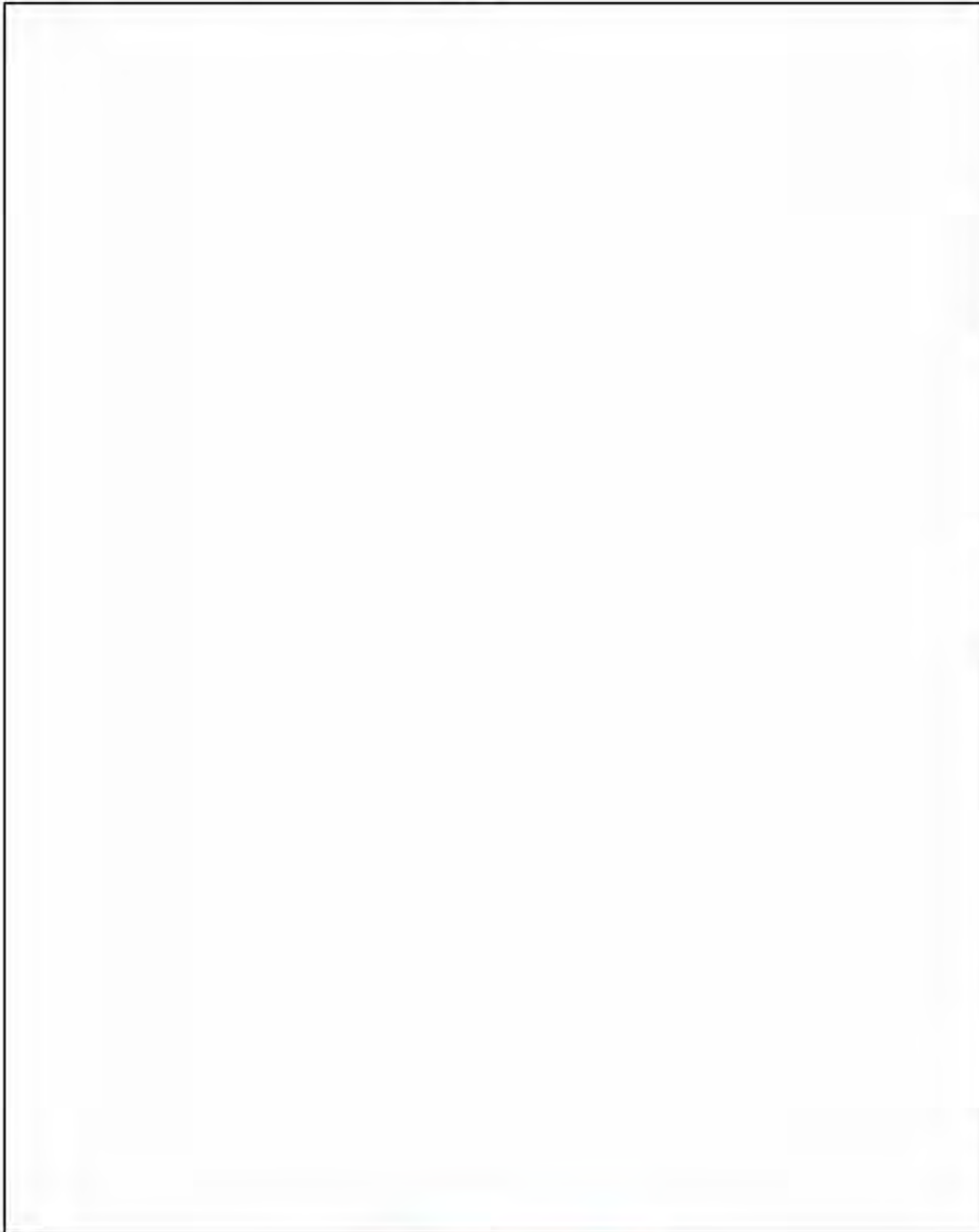


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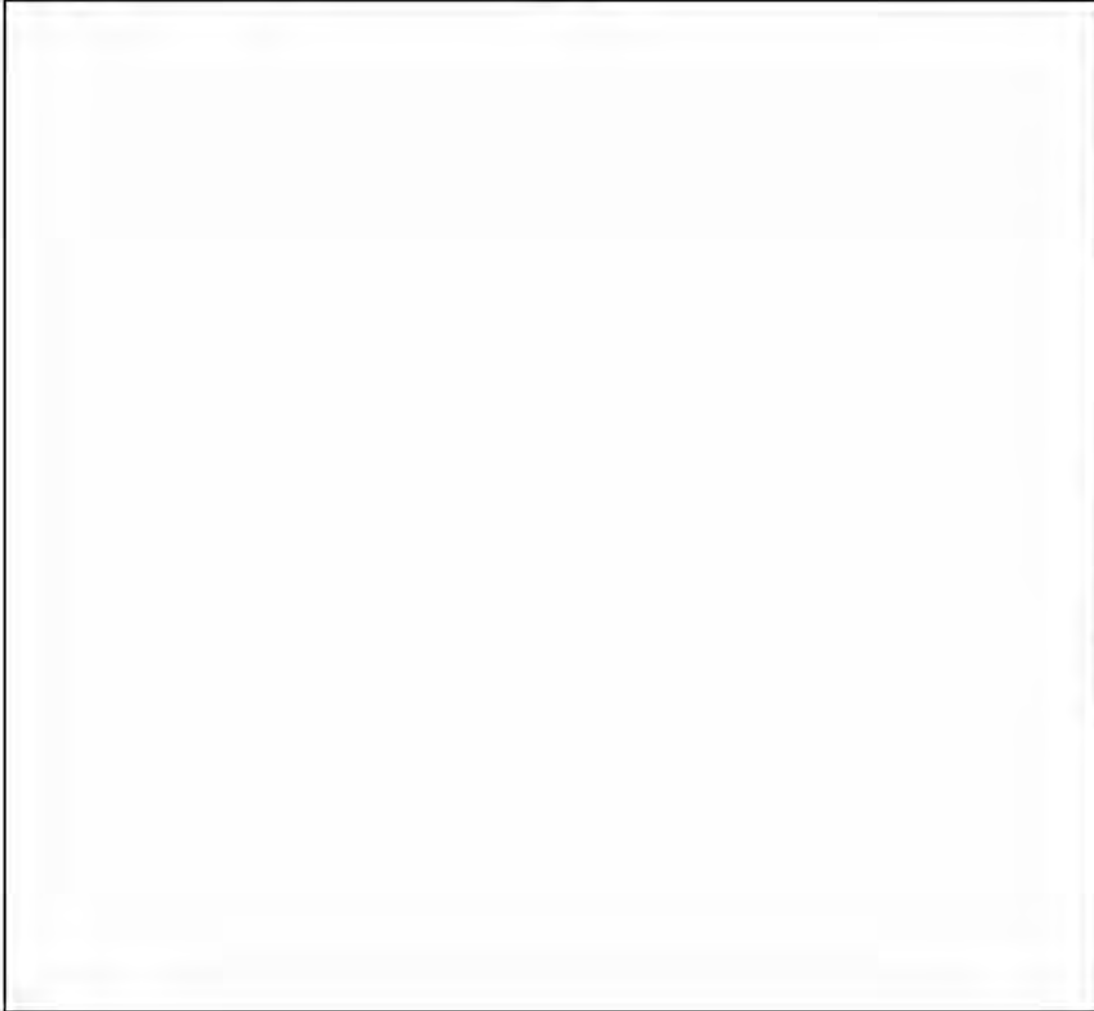
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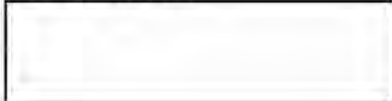
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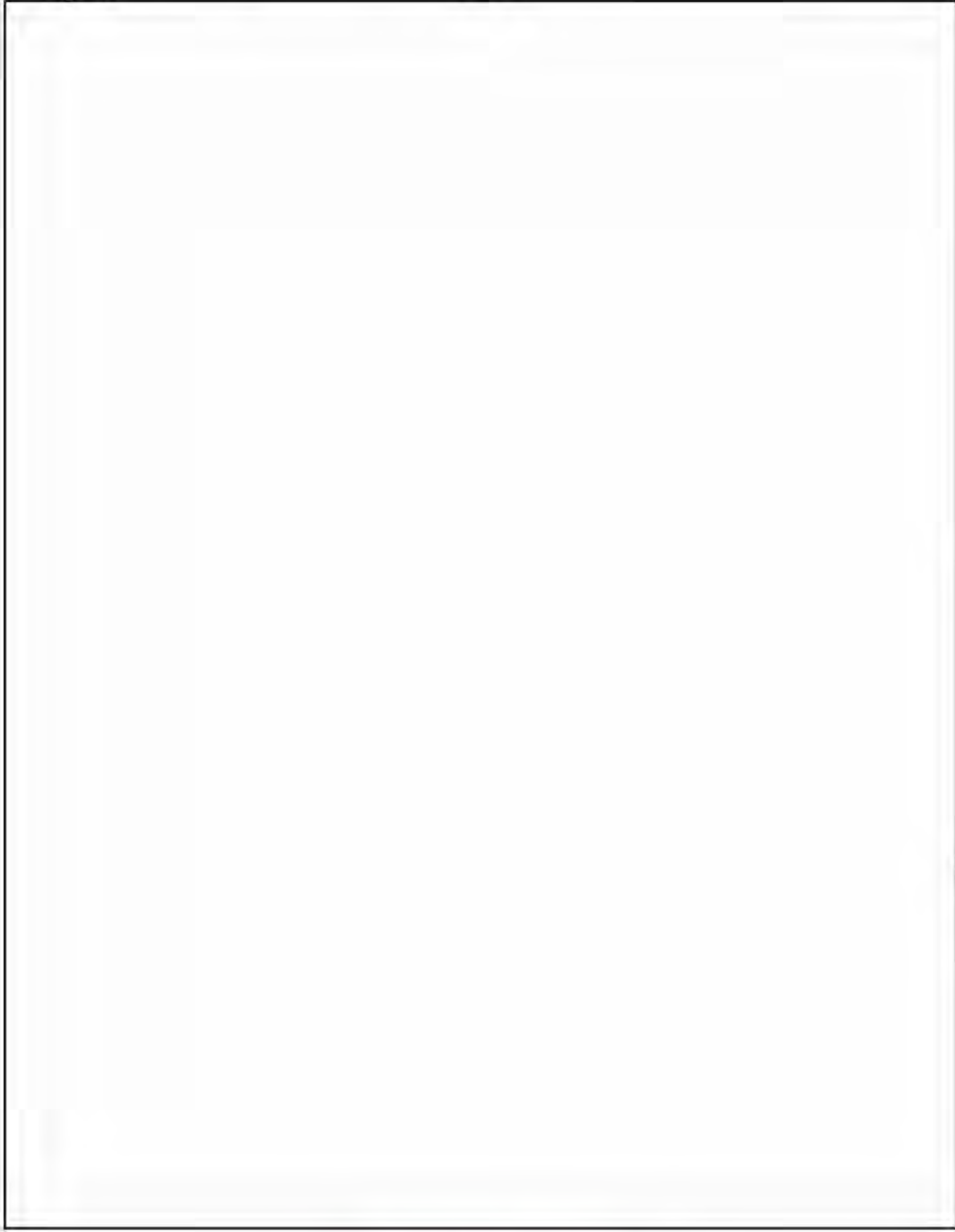
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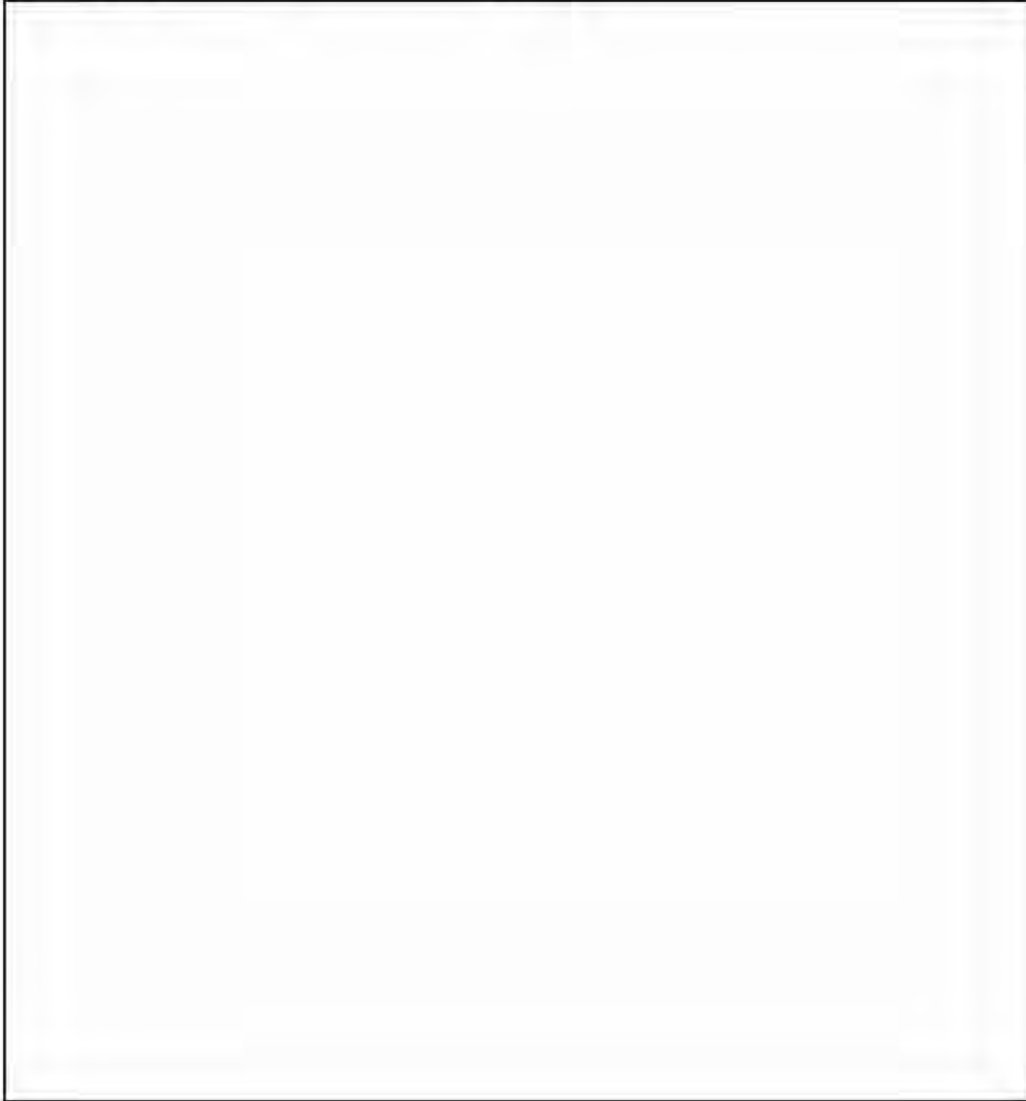
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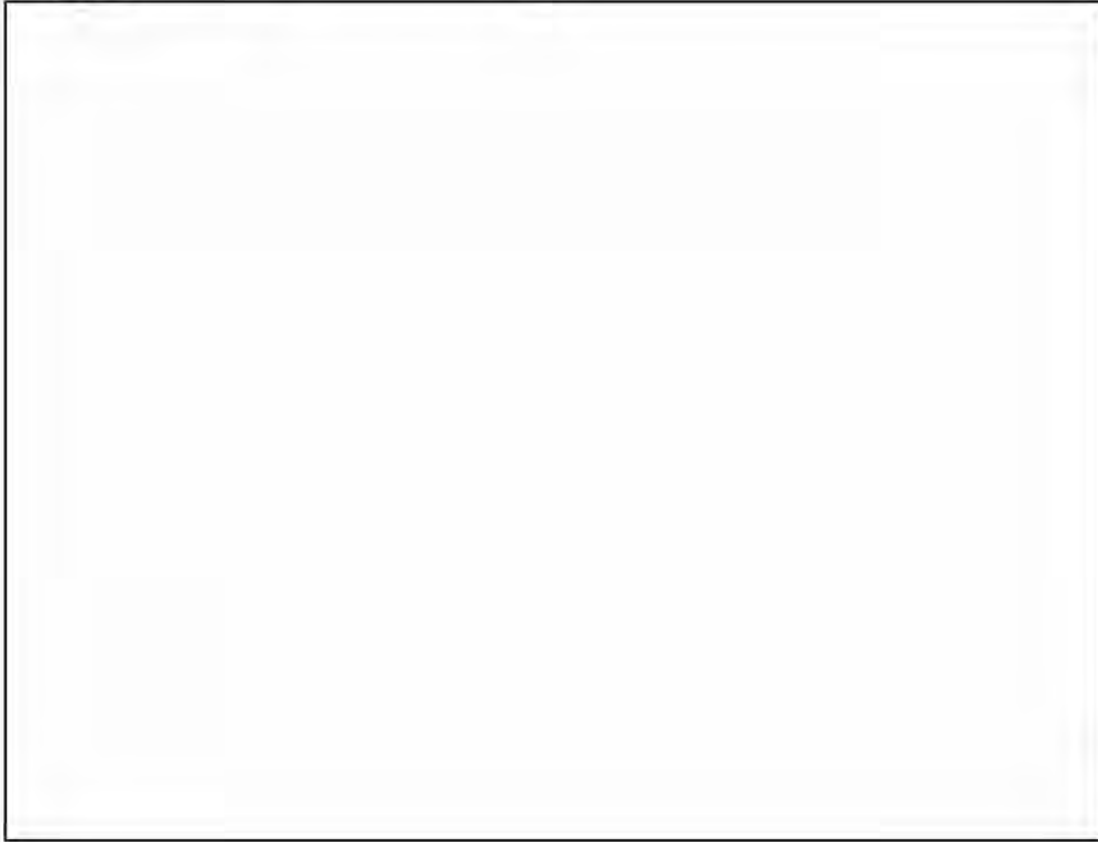
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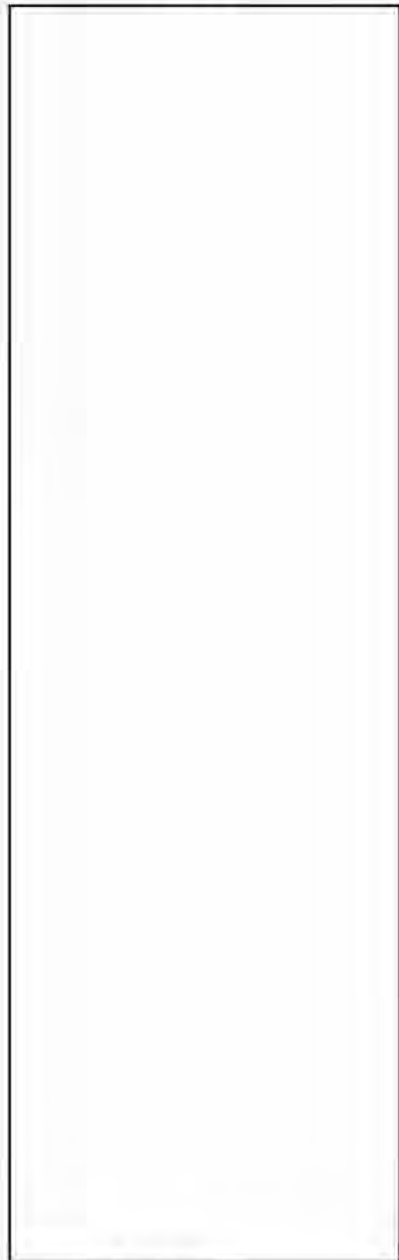


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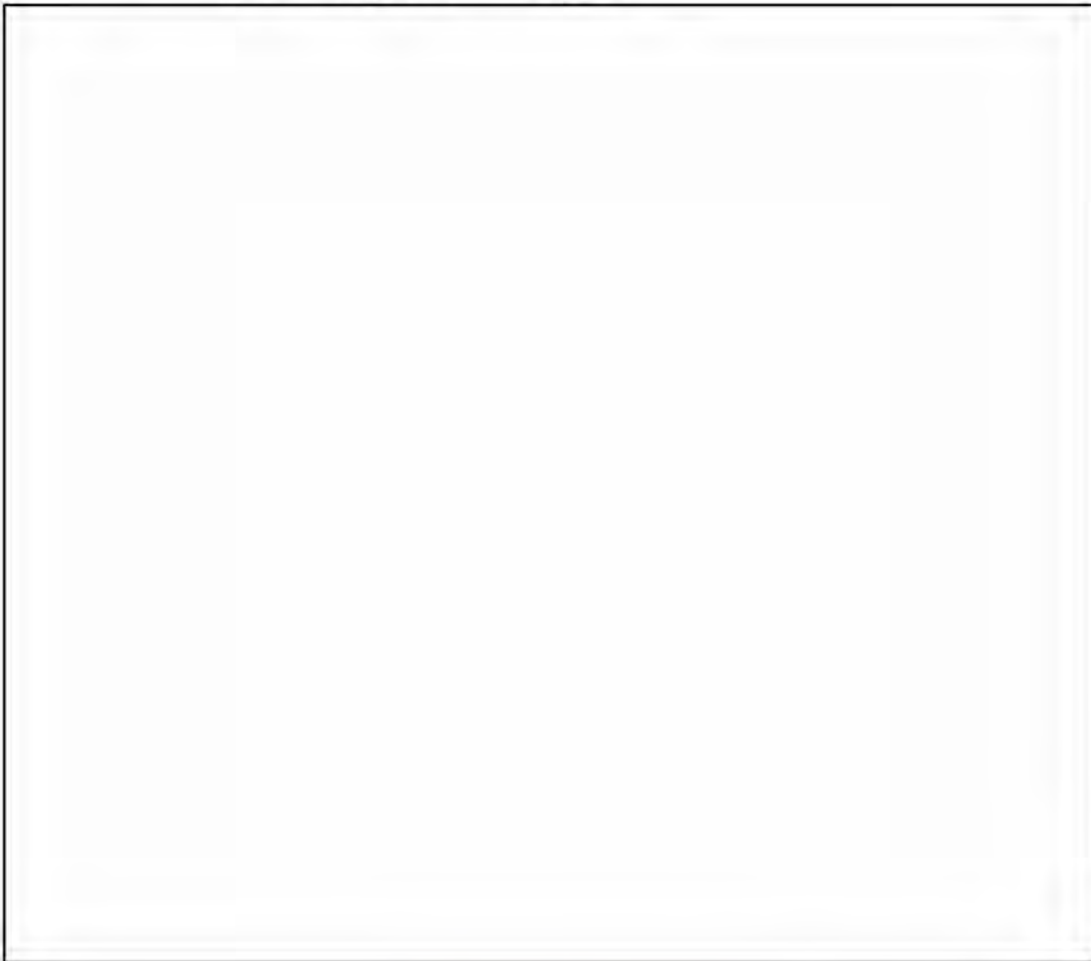
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## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer (b)(5)



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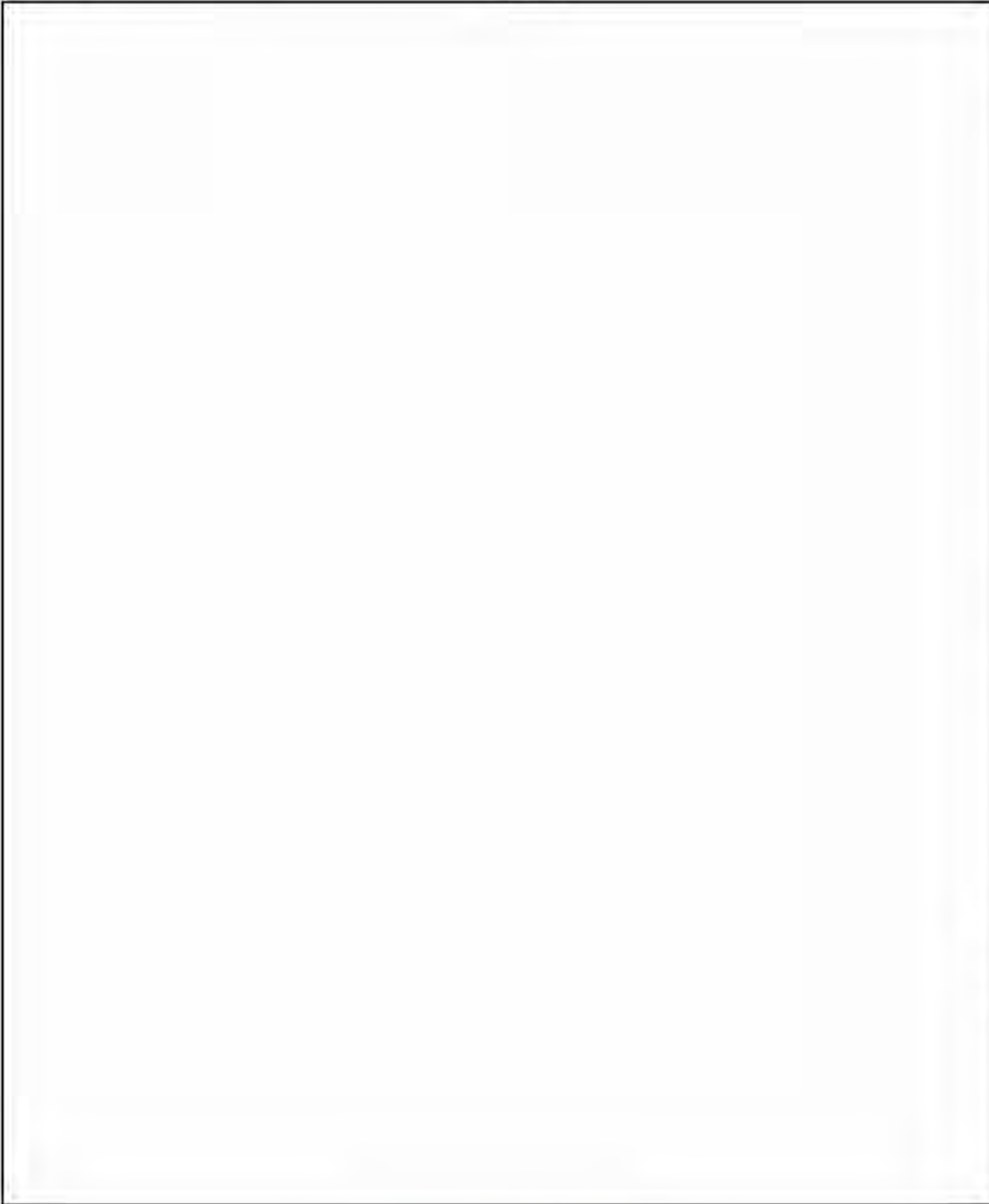
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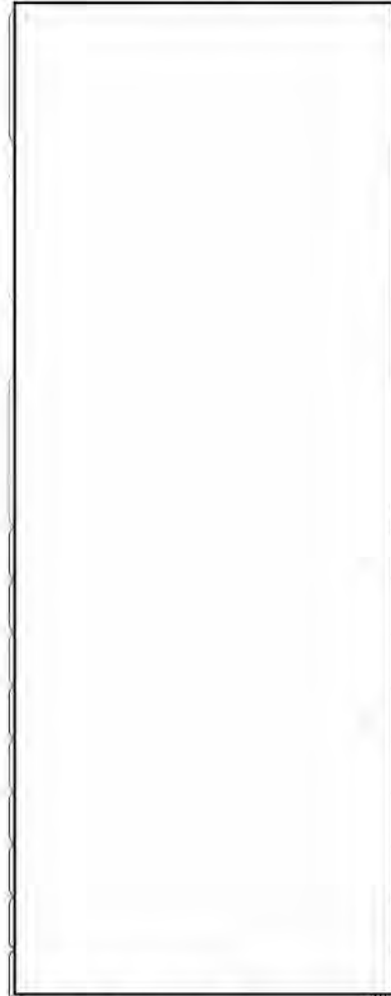
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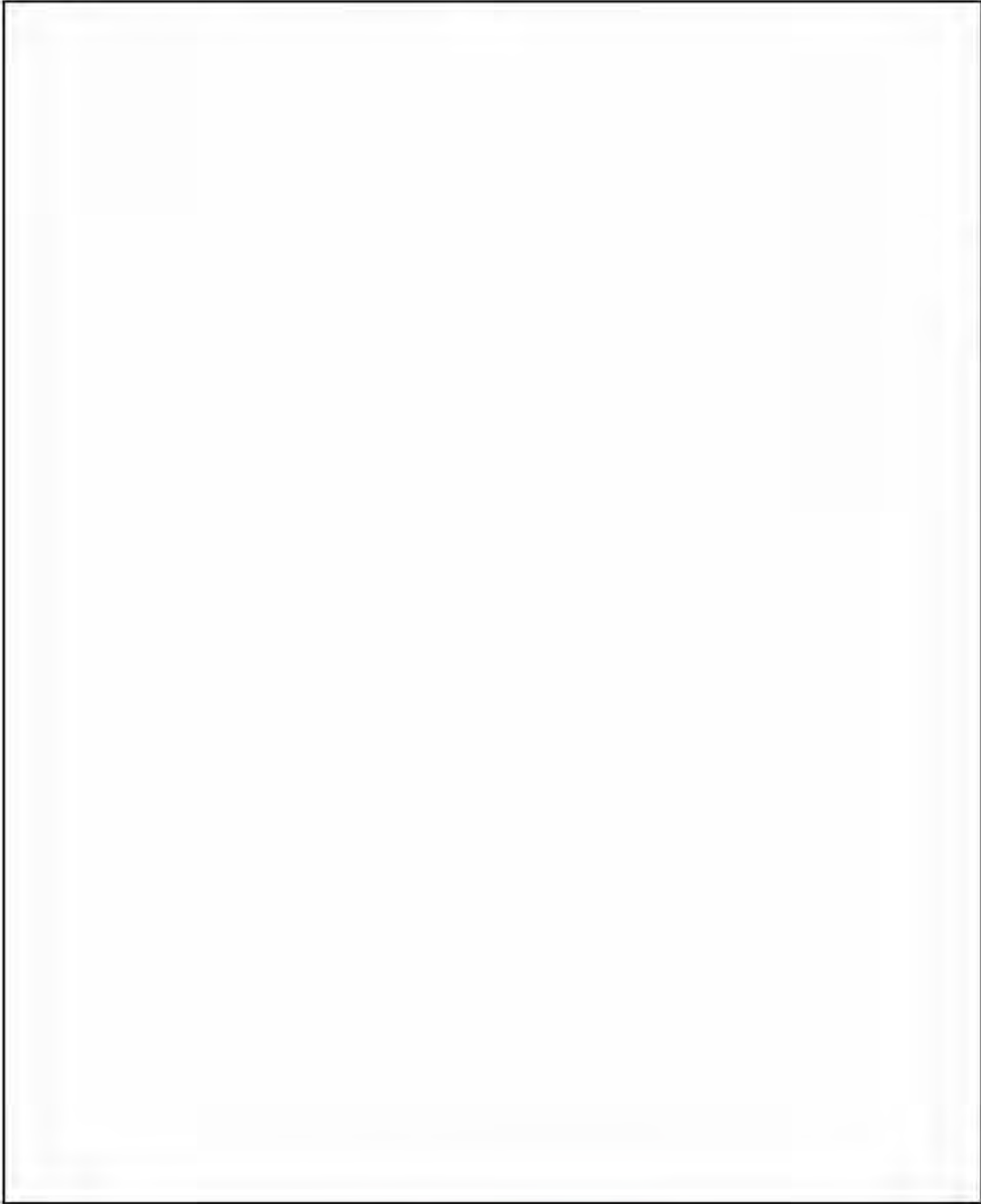
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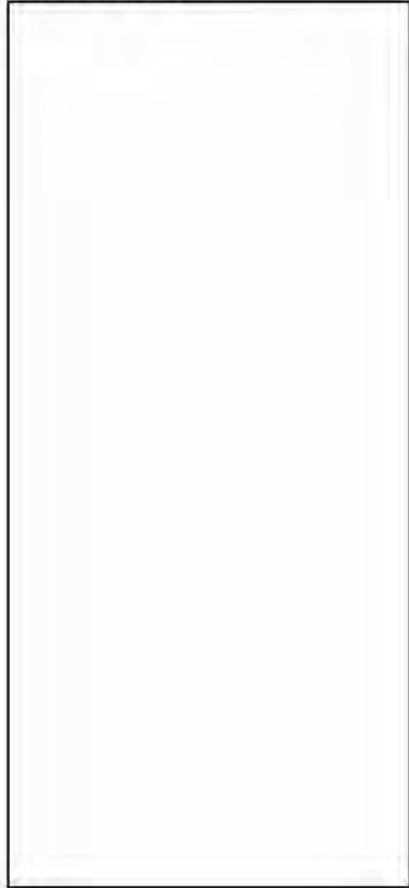


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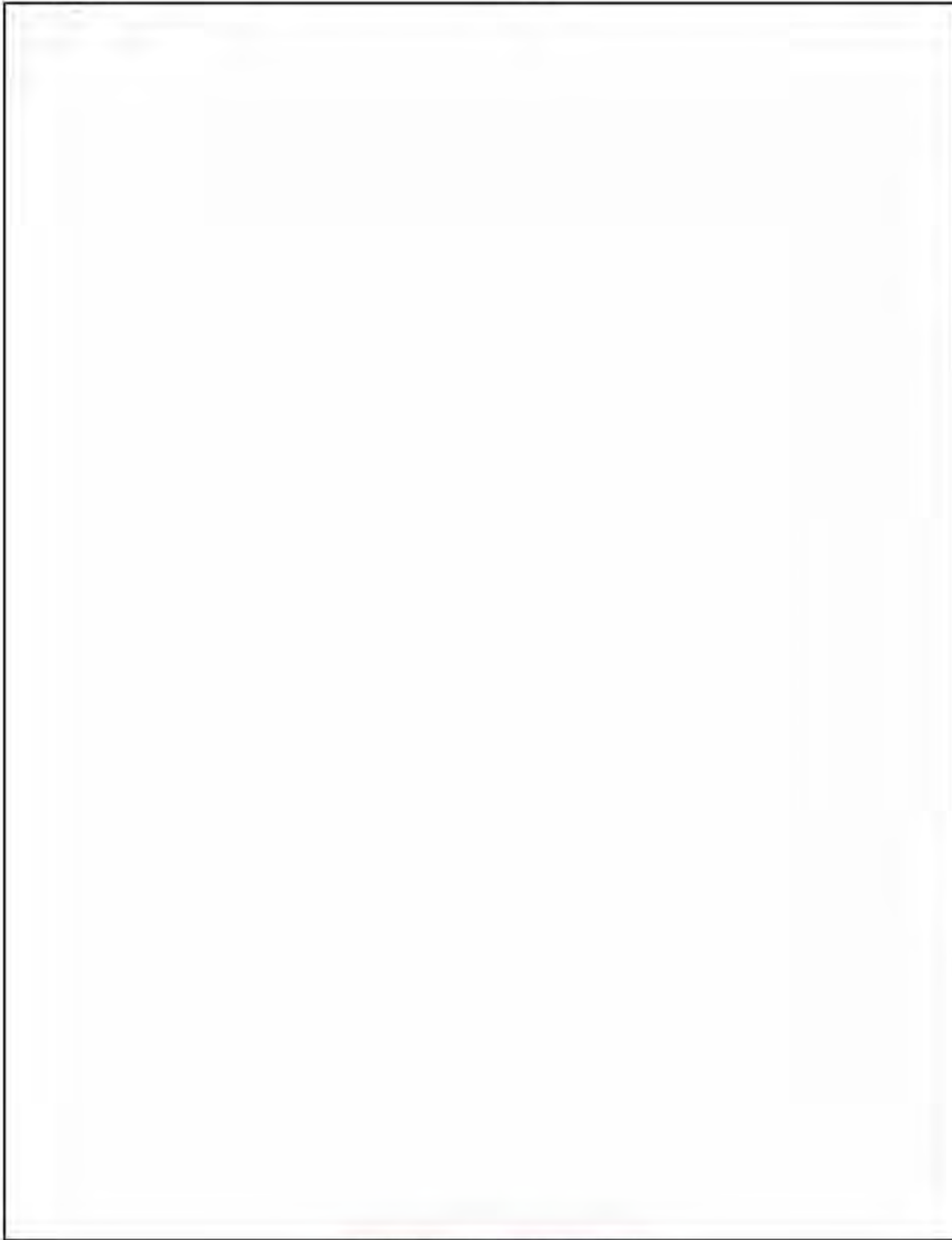
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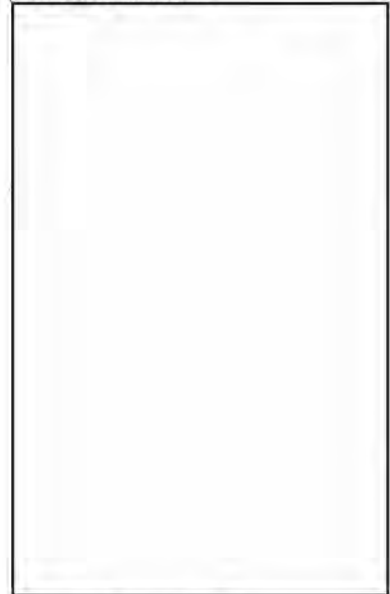
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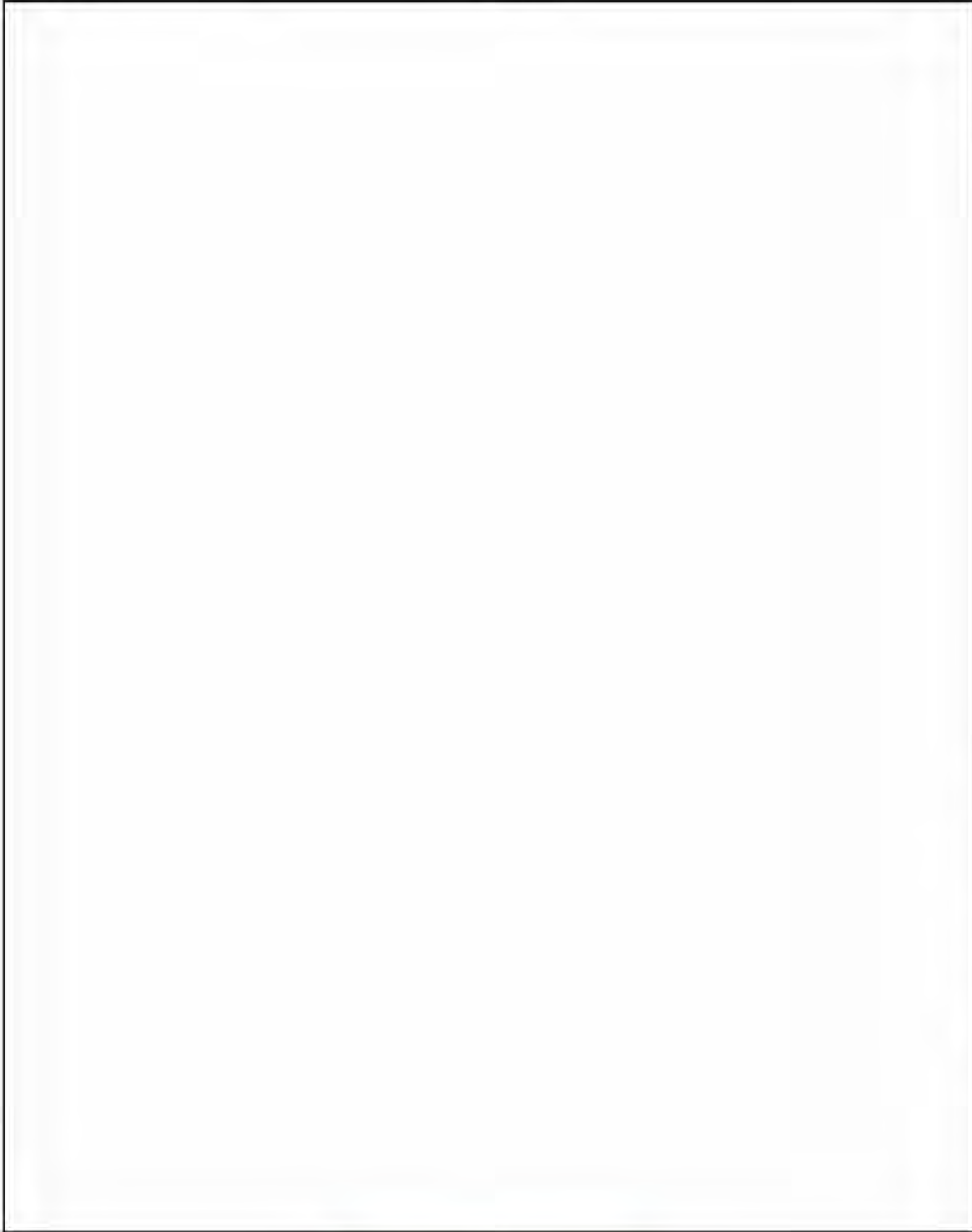
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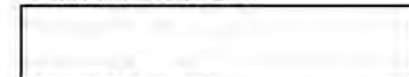


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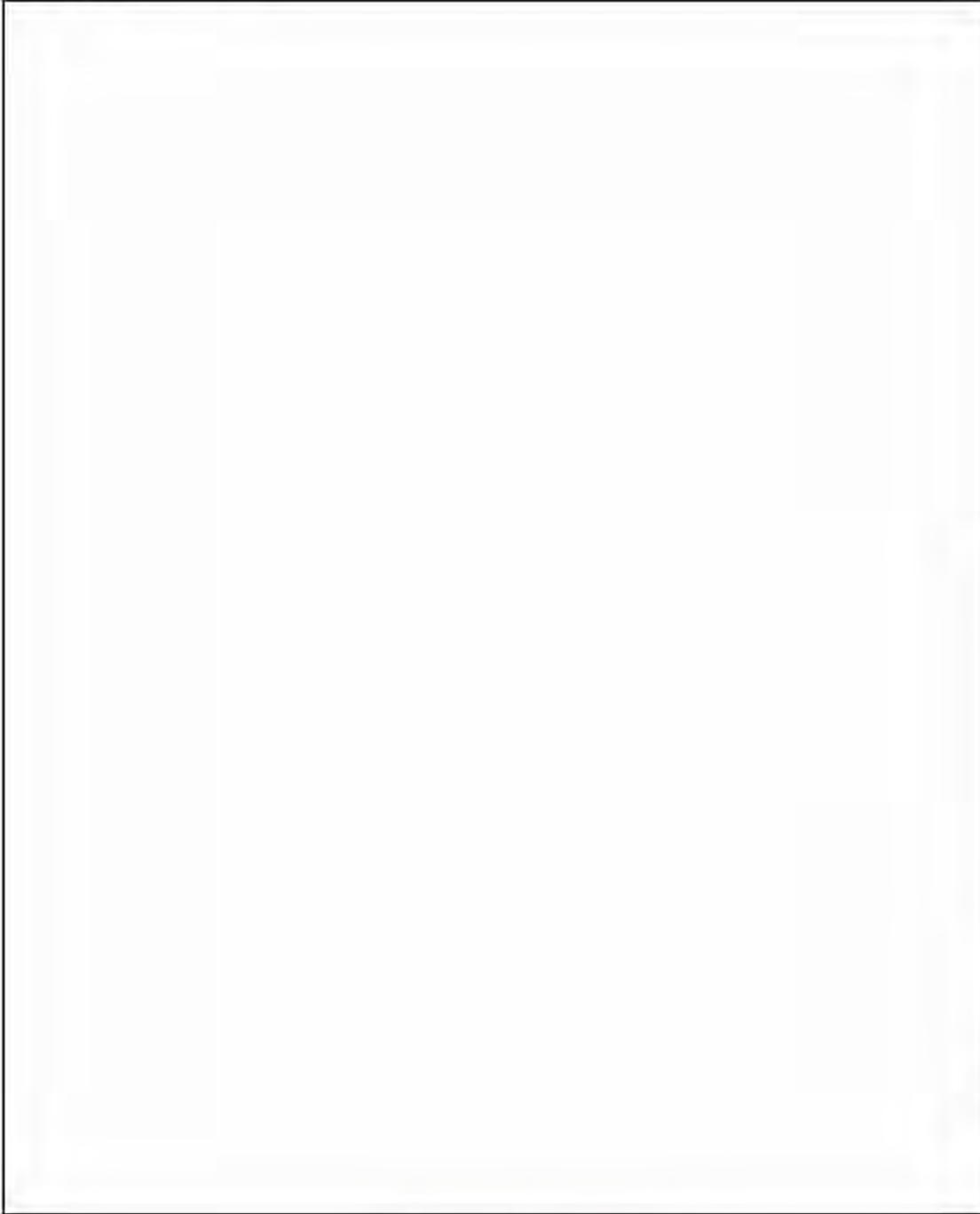


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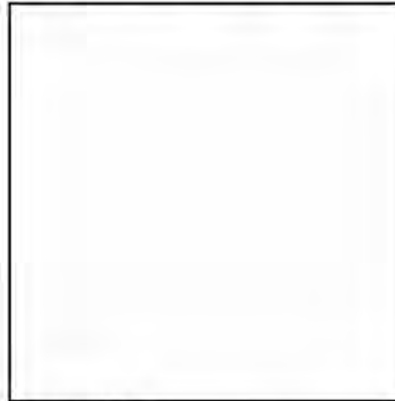
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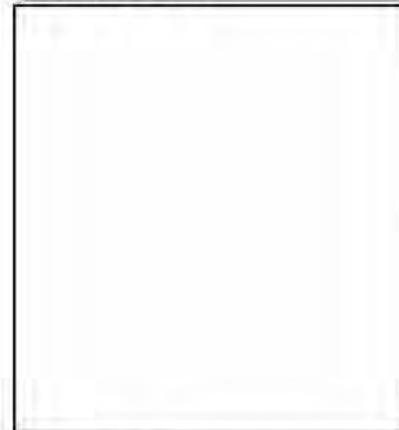
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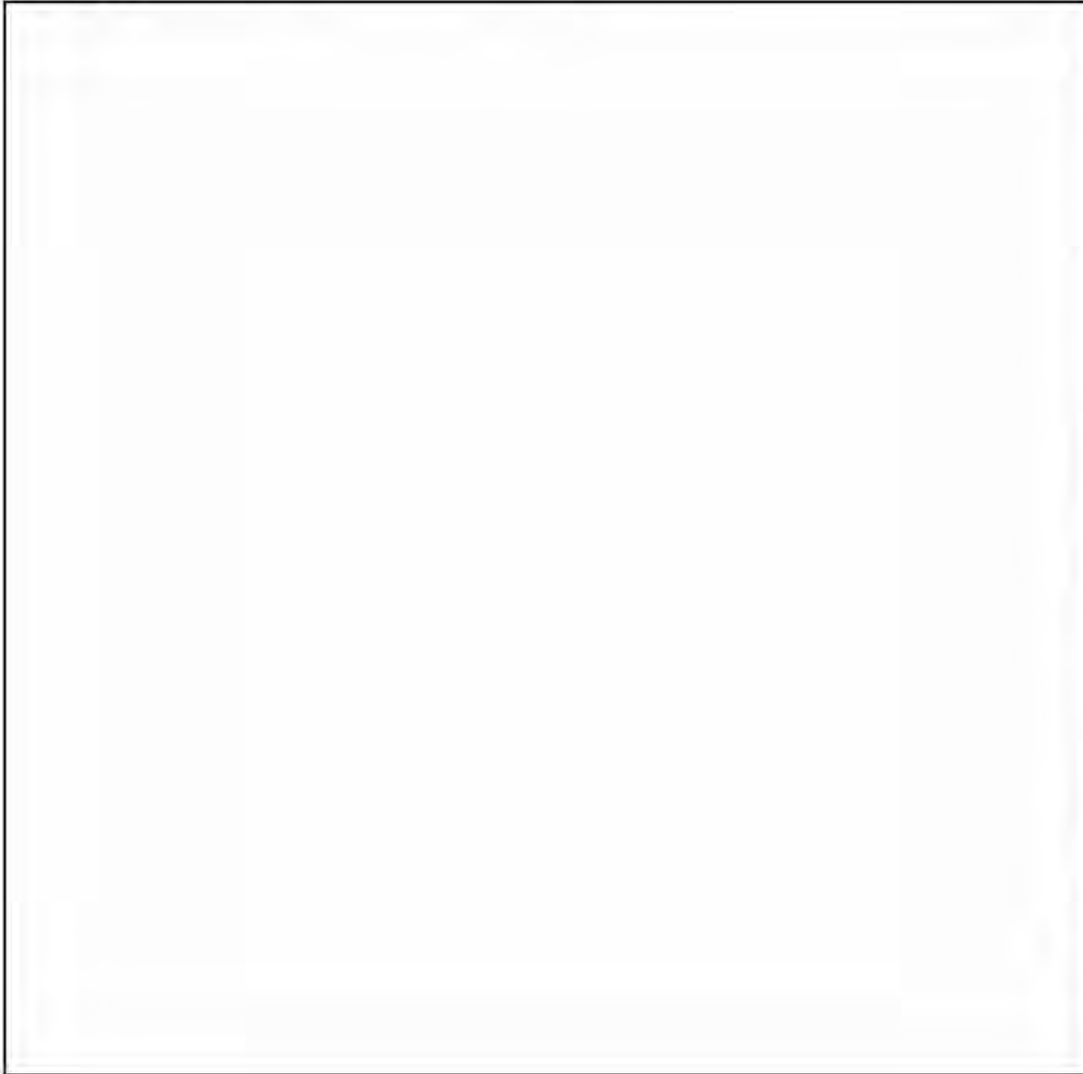
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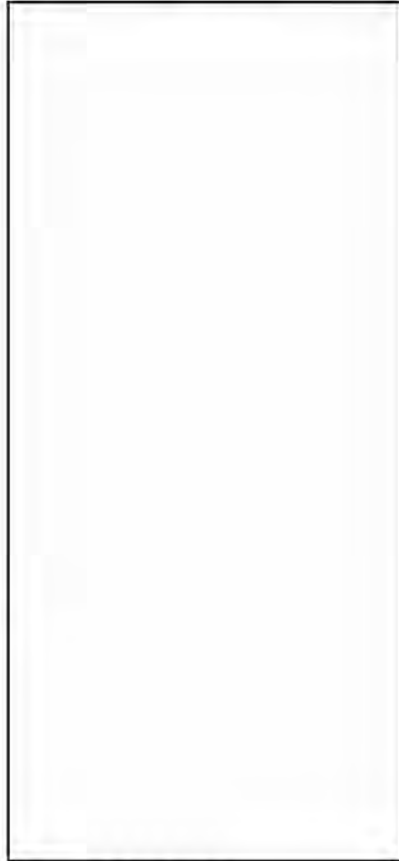
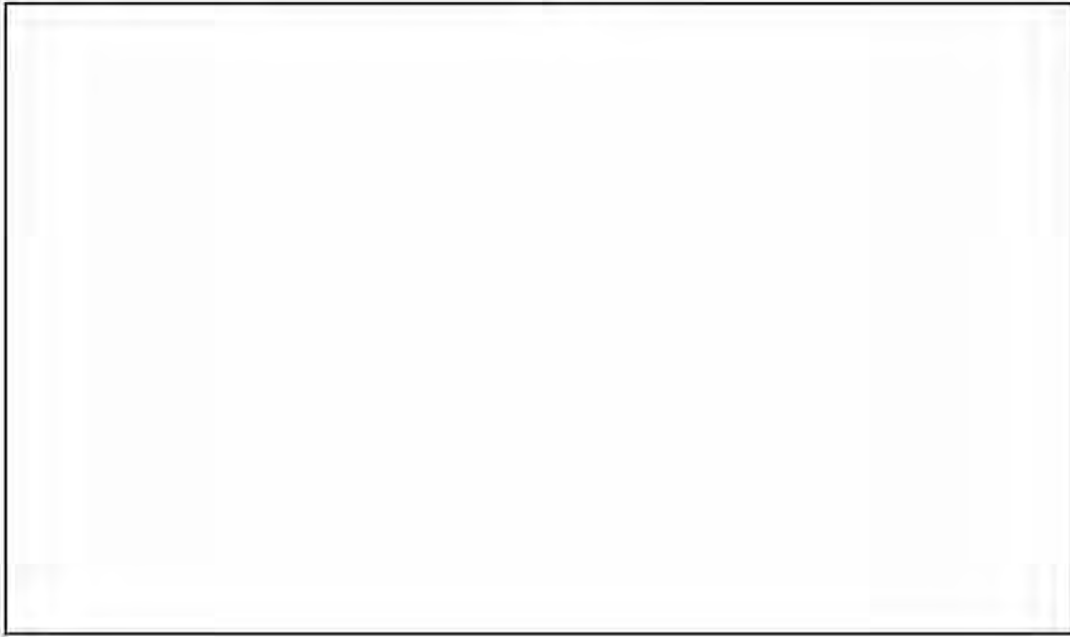


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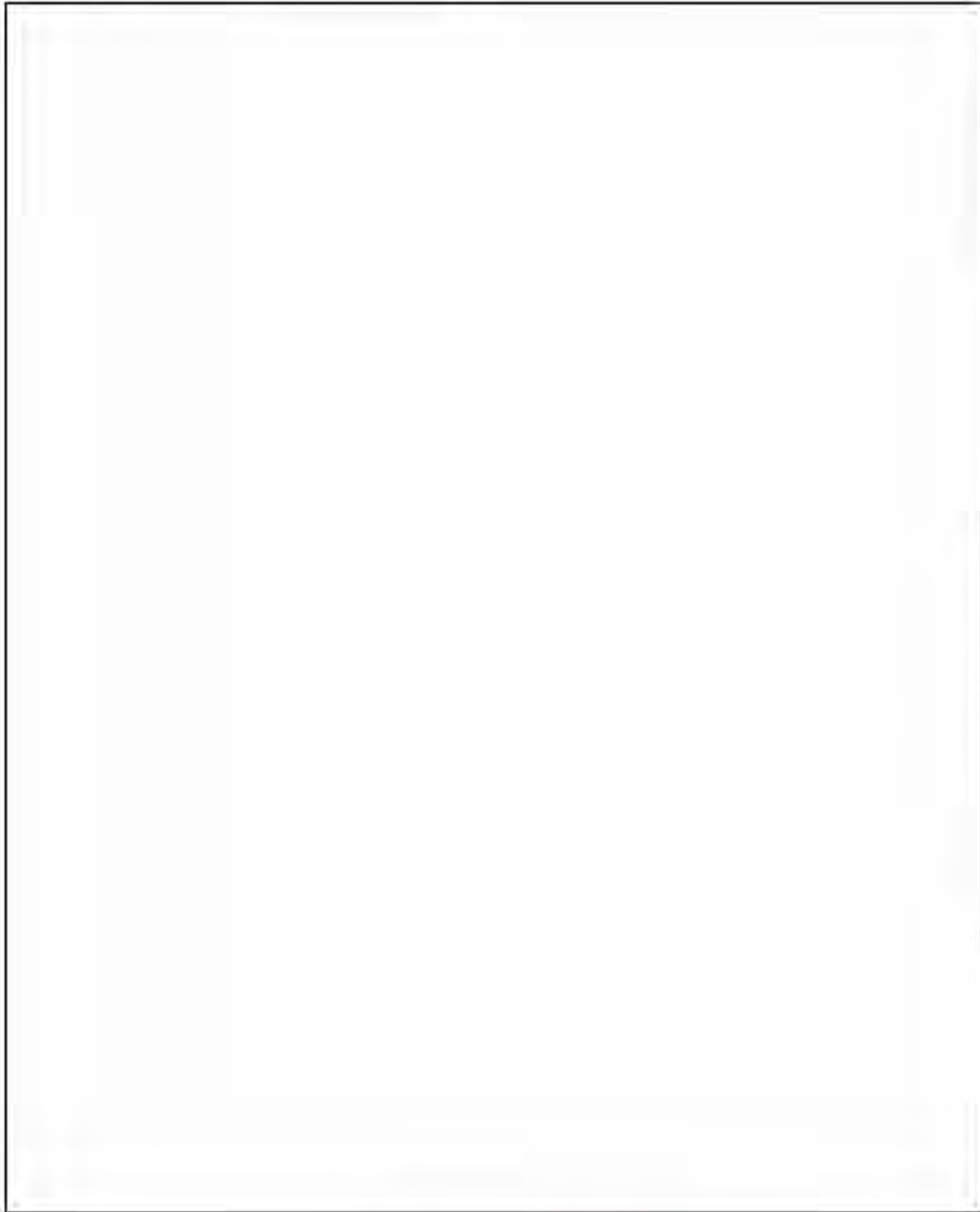
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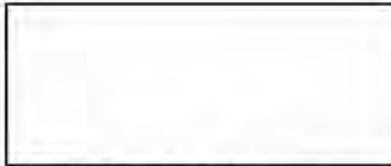
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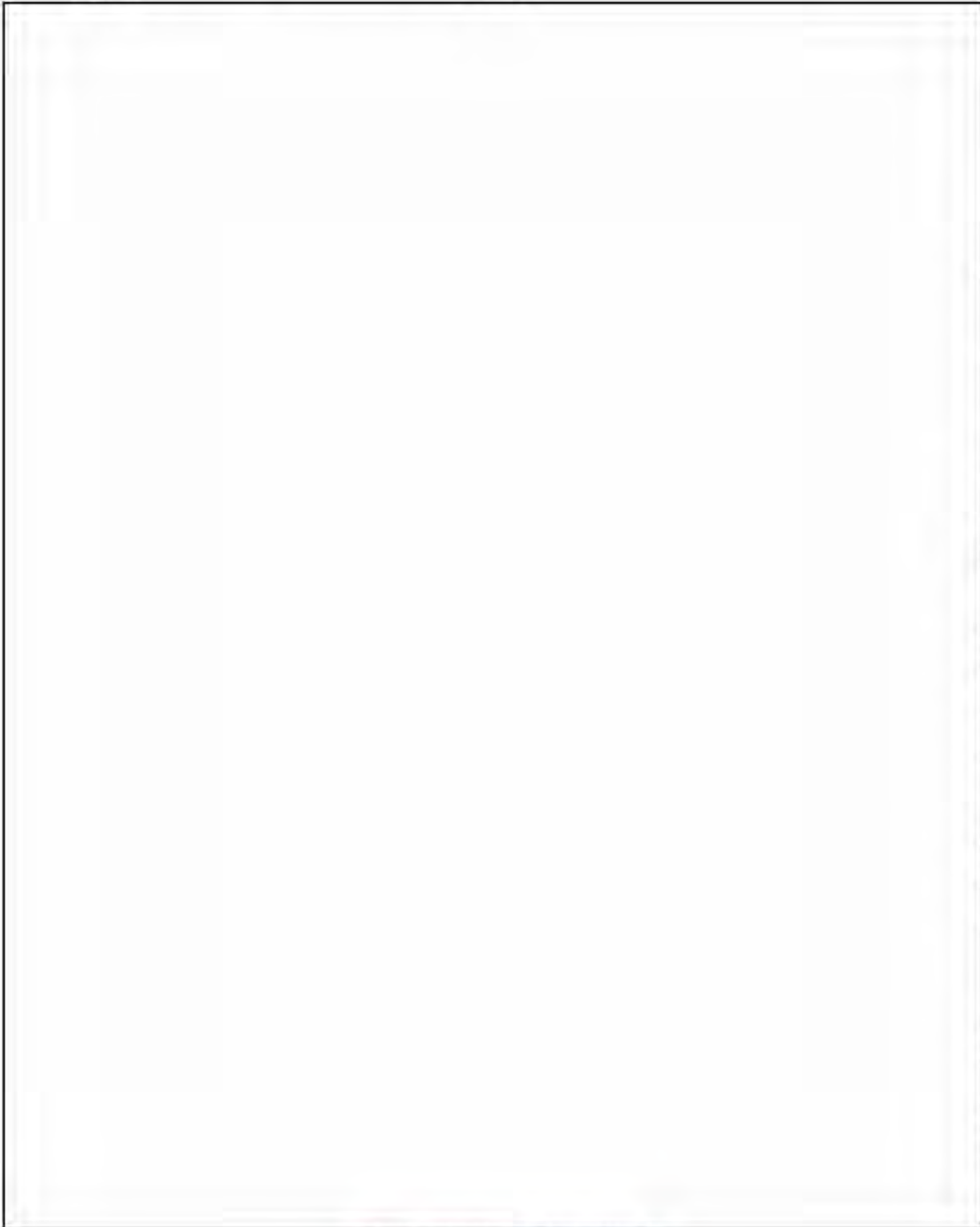
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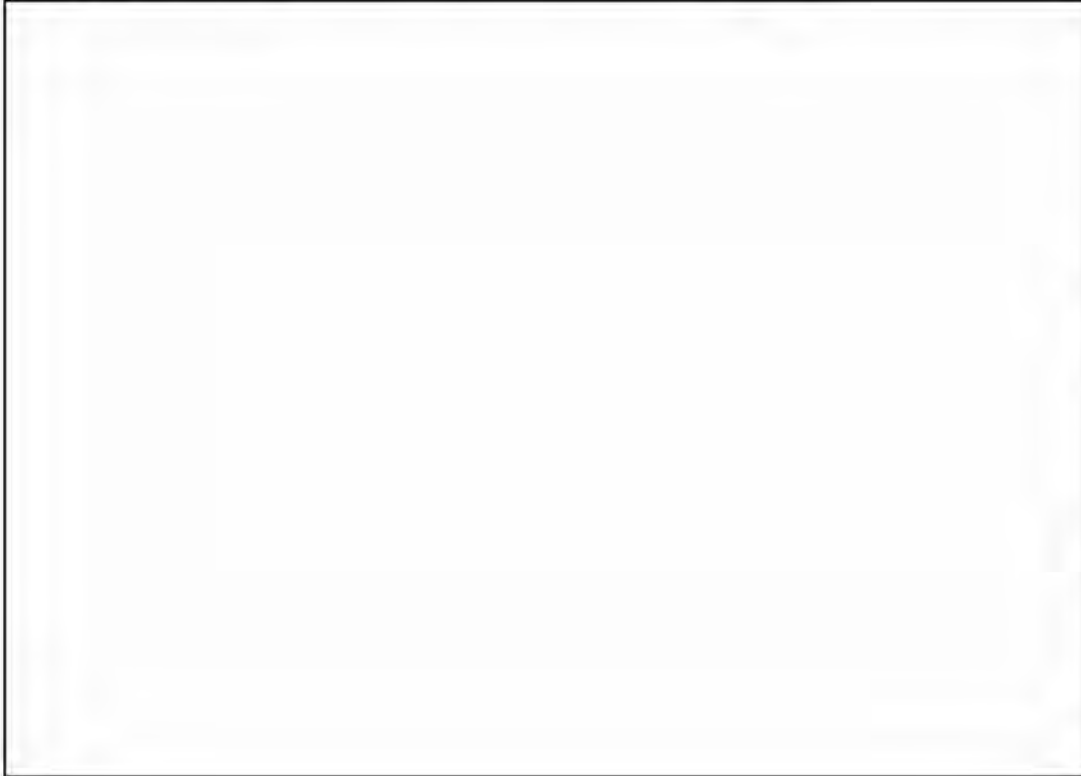
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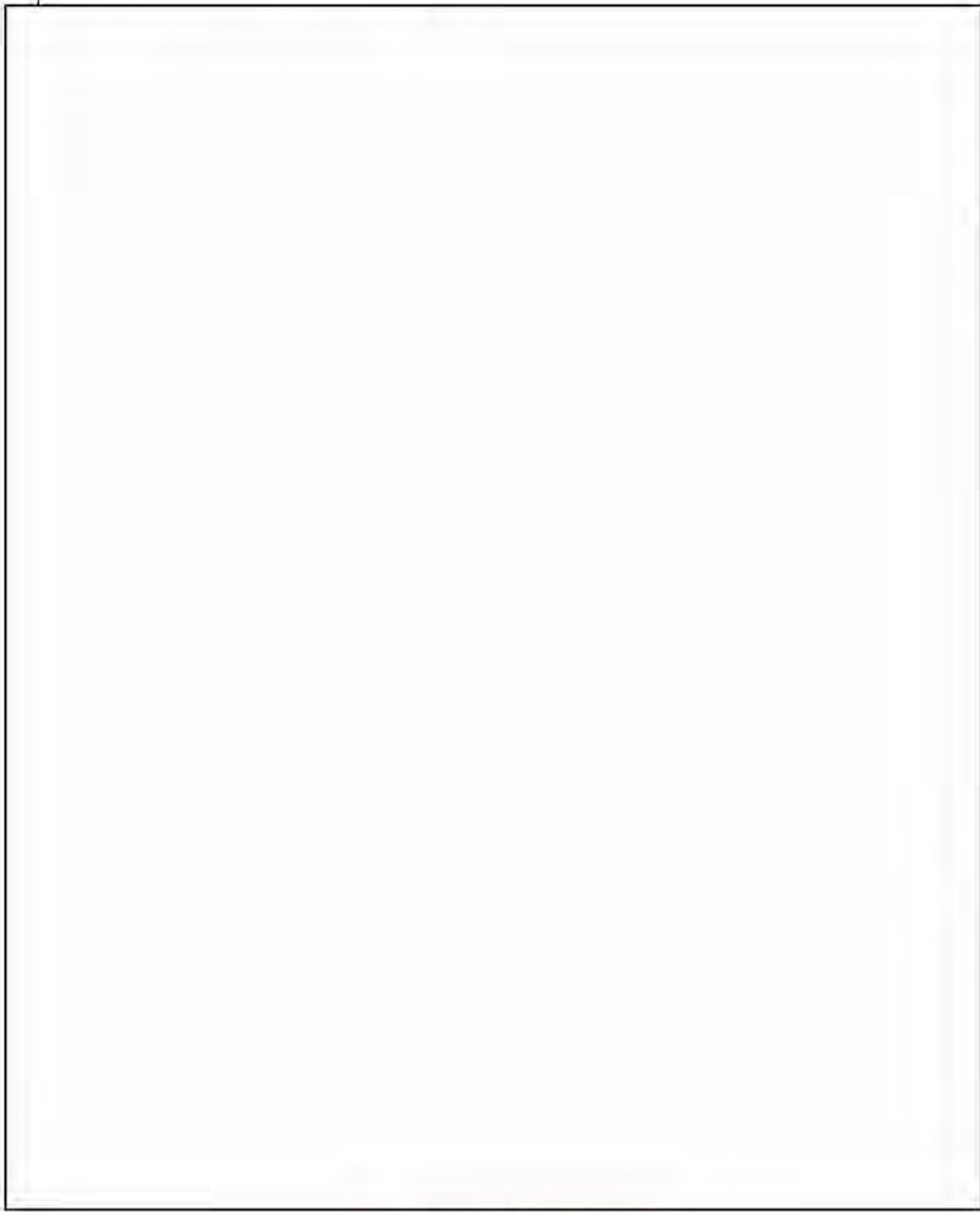
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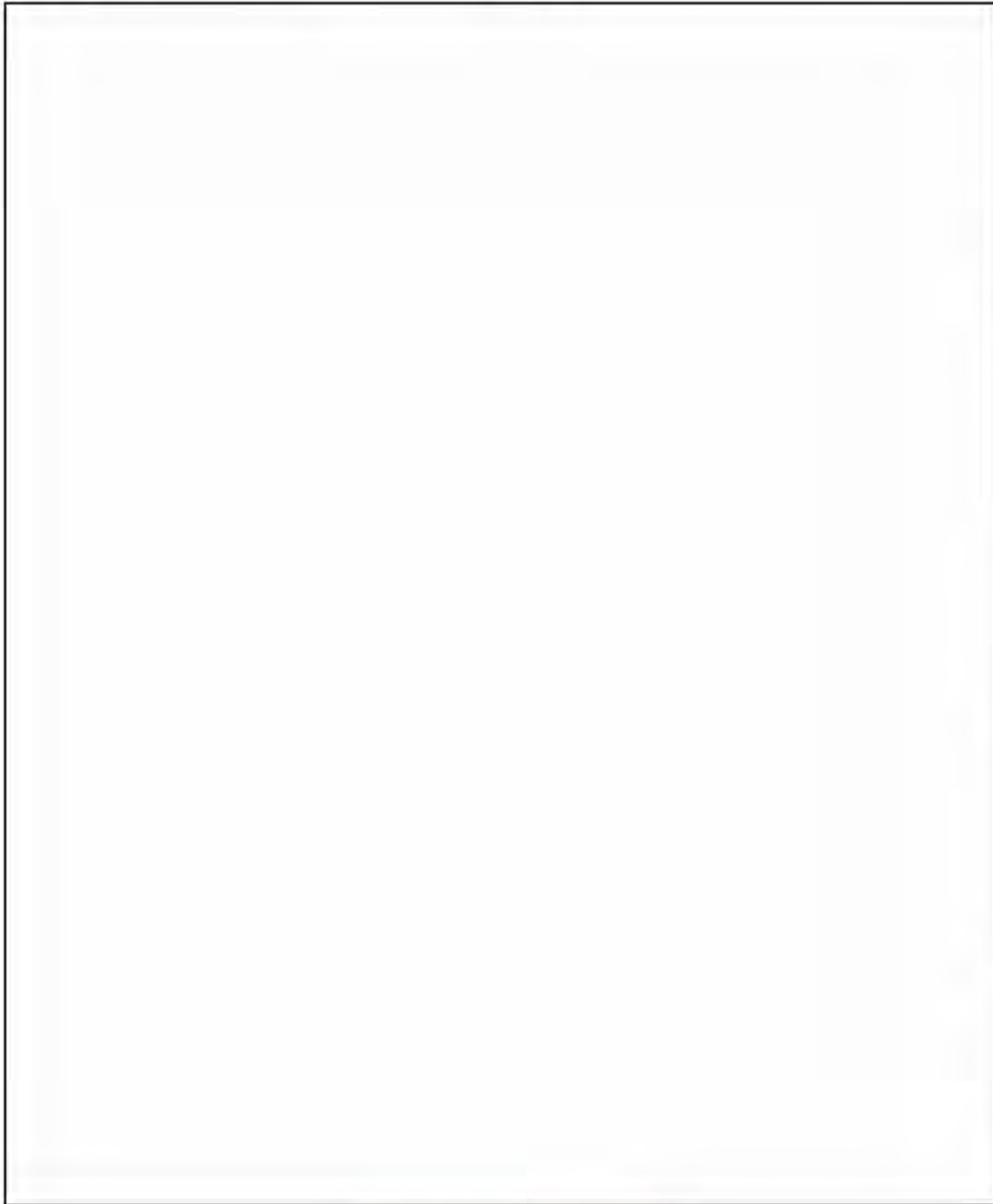
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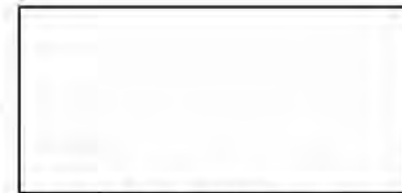
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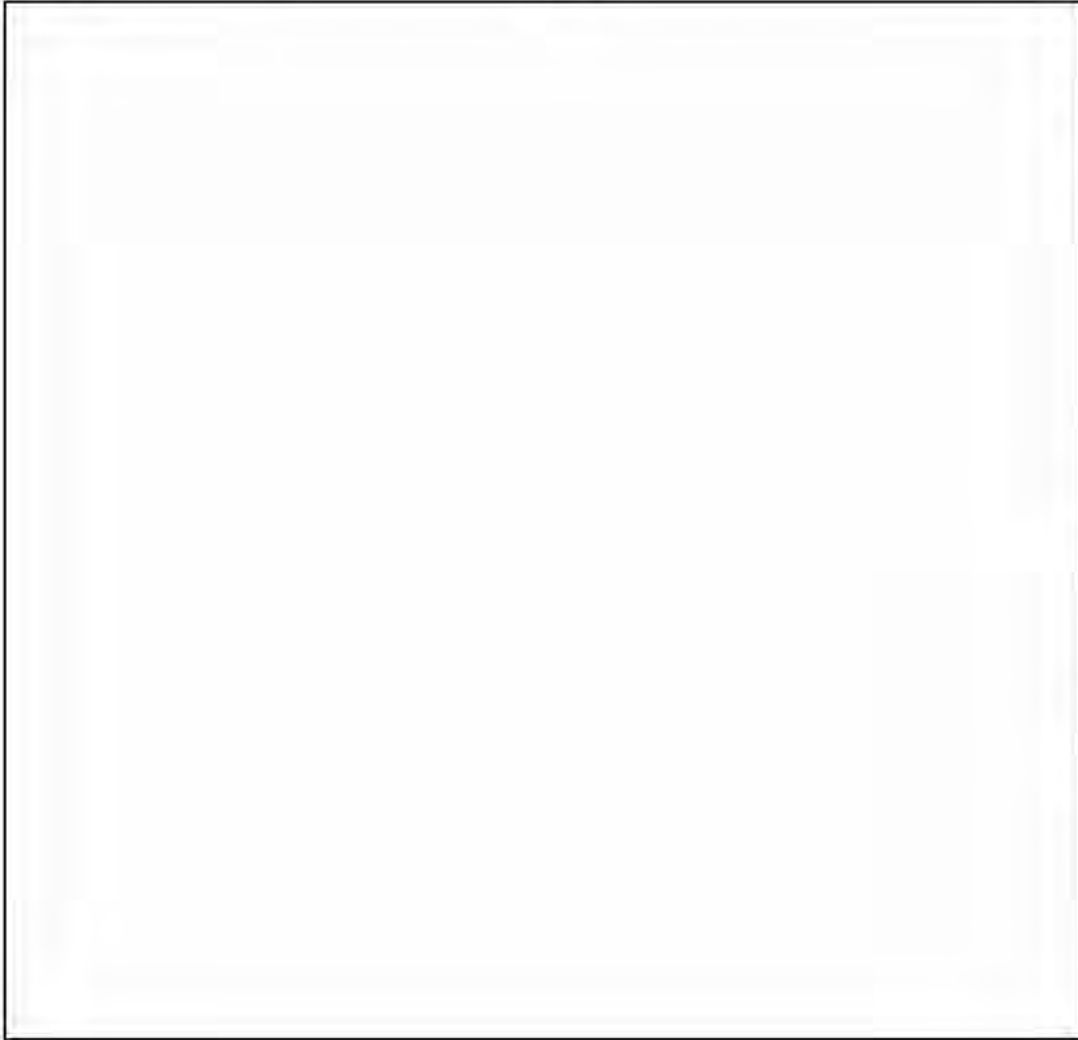
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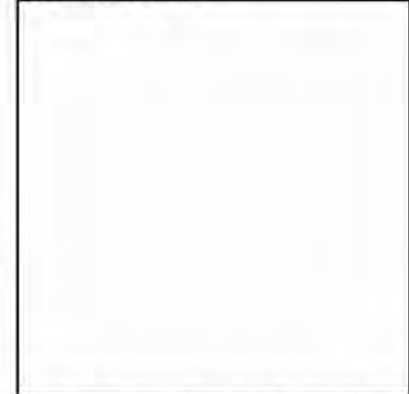
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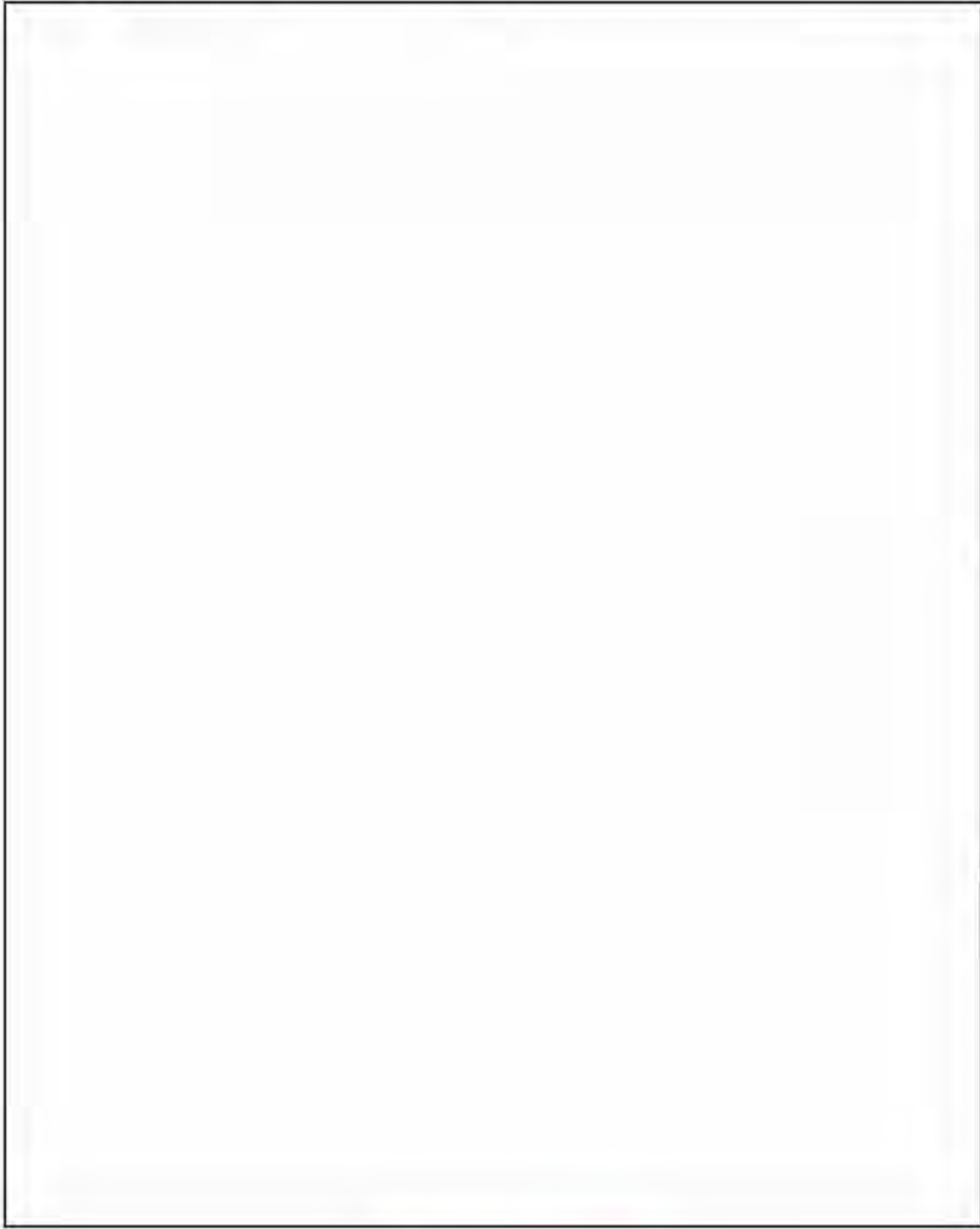
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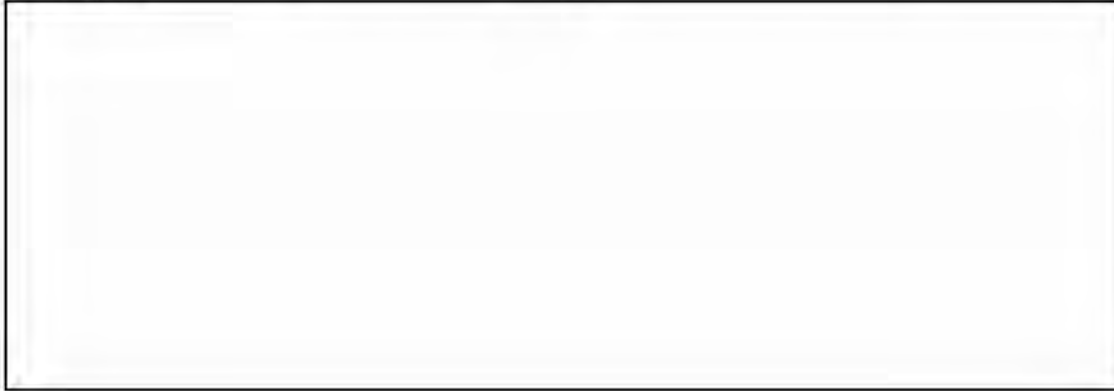
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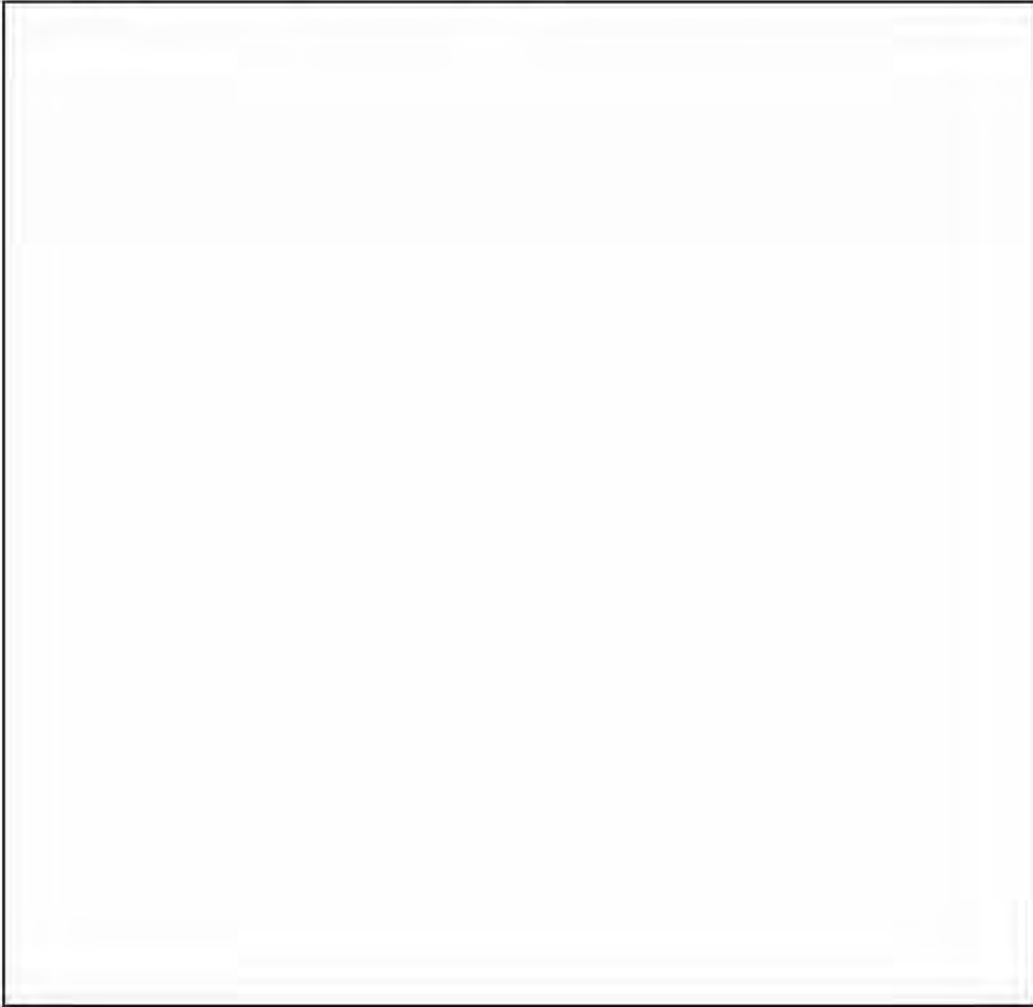


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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| **Appendix ~~JF1~~: Information Sharing Workflow**

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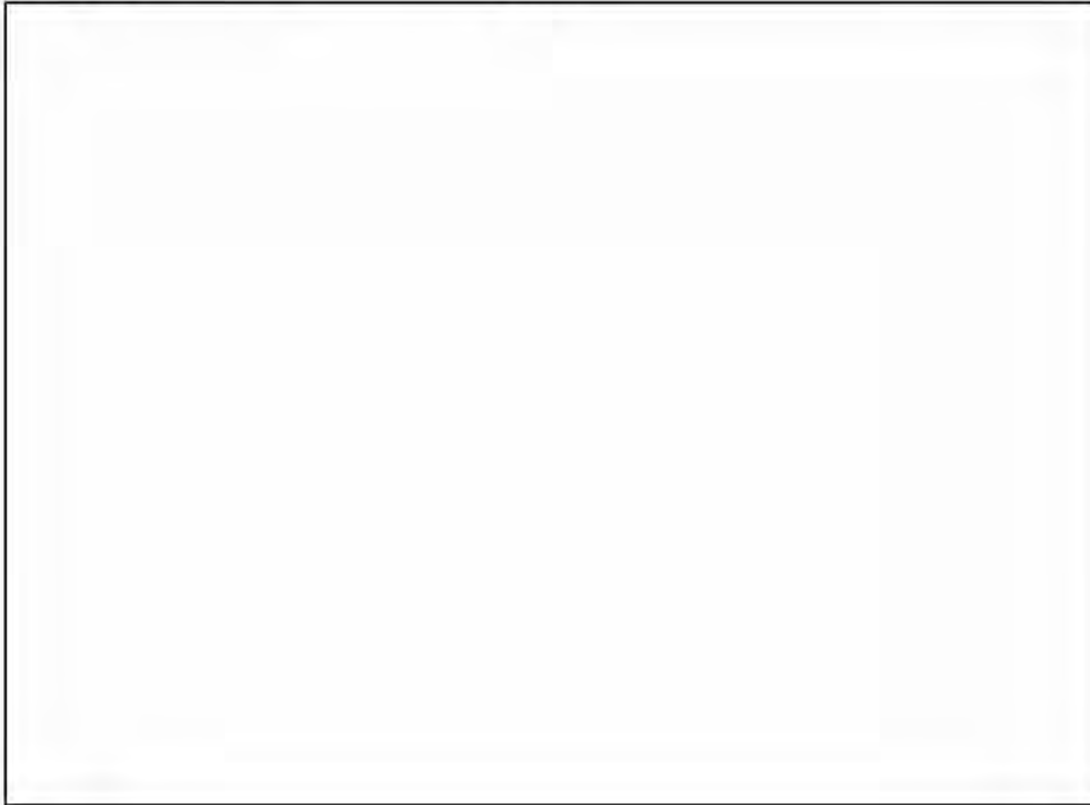
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



*U.S. Citizenship*  
U.S. Citizenship  
and Immigration  
Services

Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins (b)(5)  
USCIS Privacy Officer

[Redacted content]

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USCIS Privacy: No set date yet.

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www.uscis.gov

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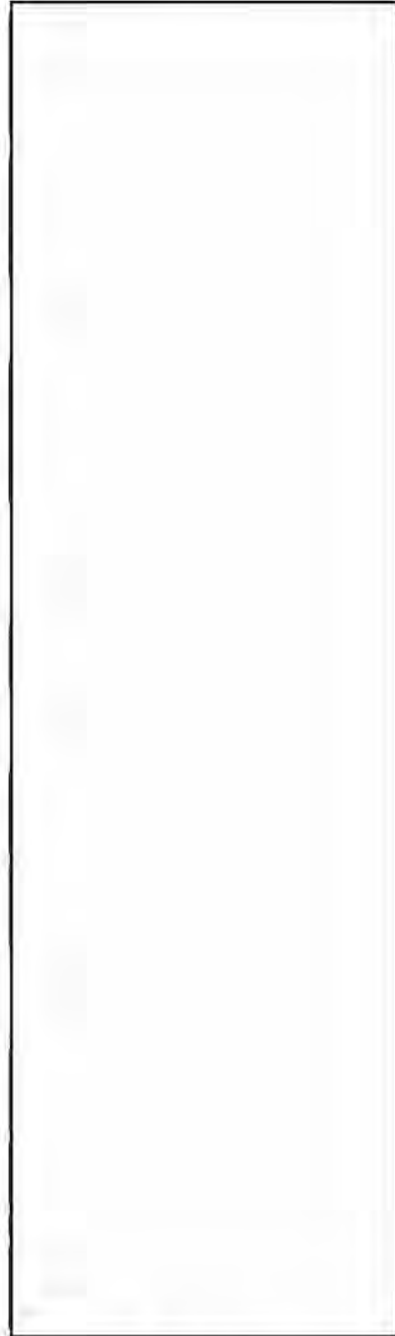
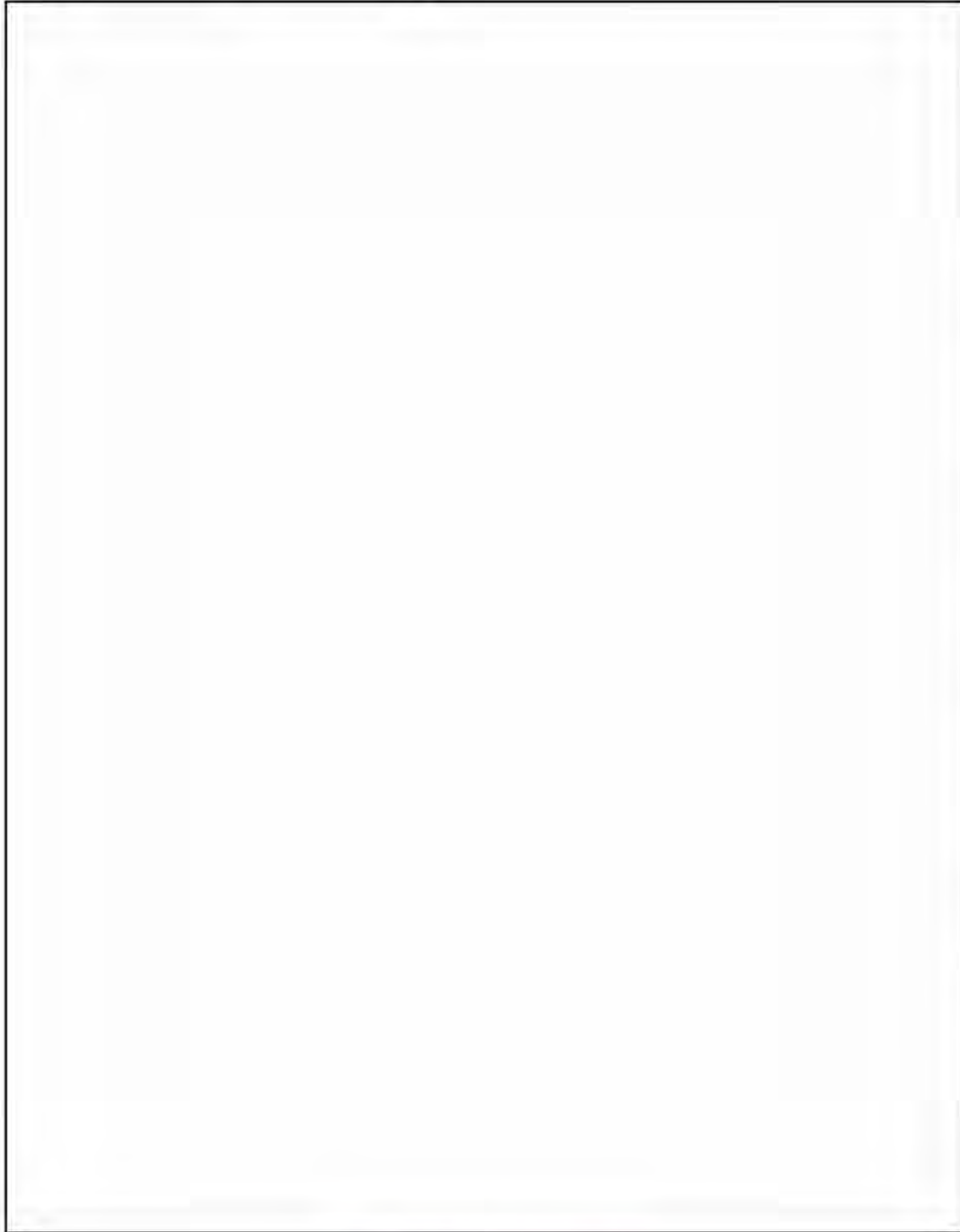


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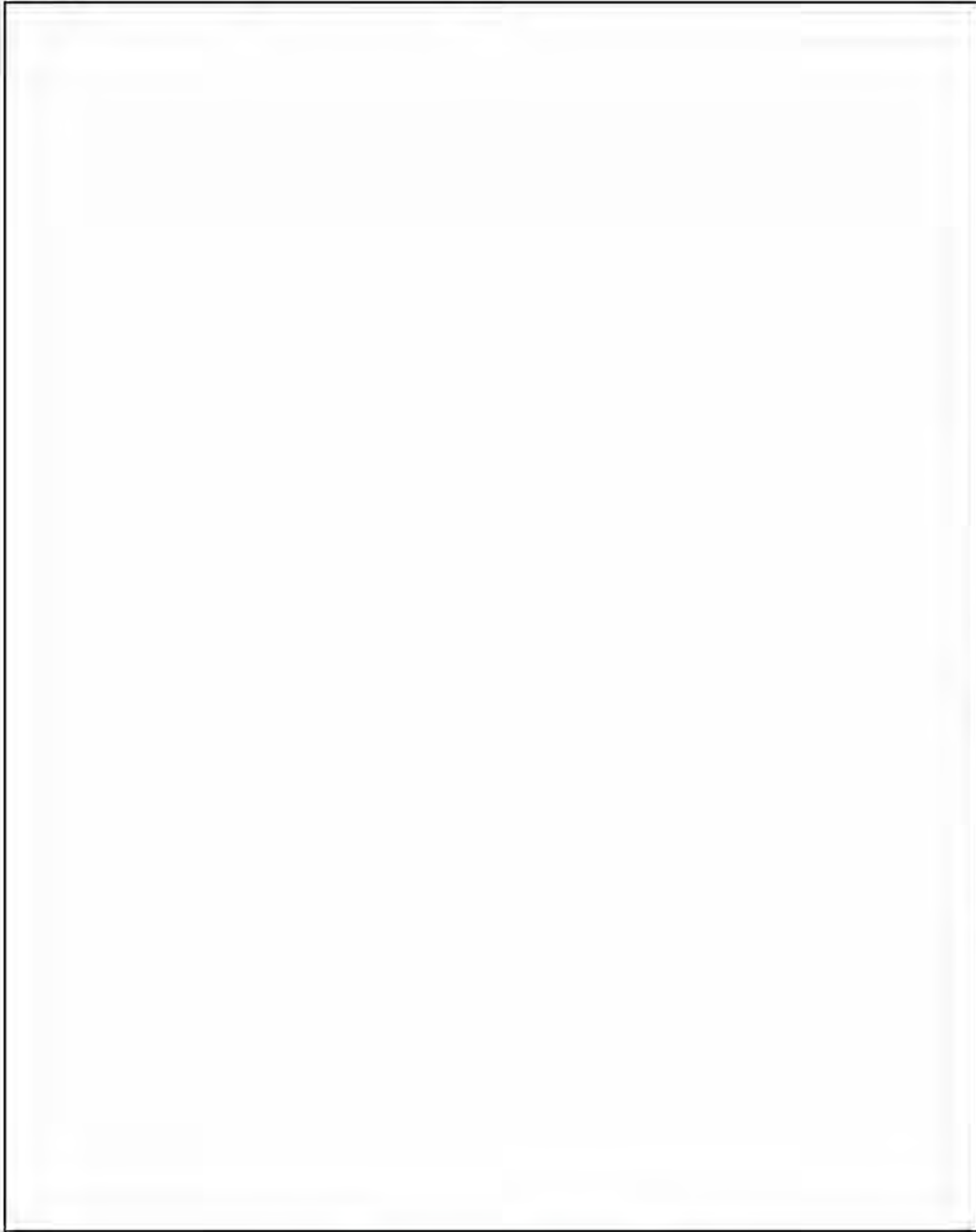
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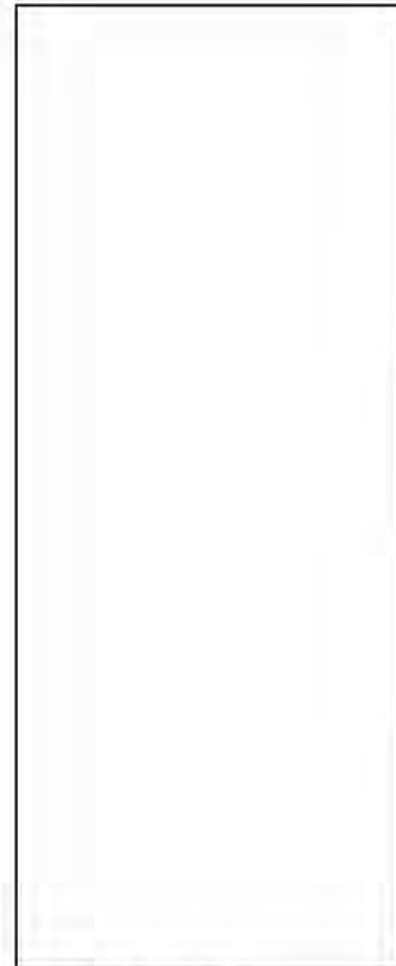
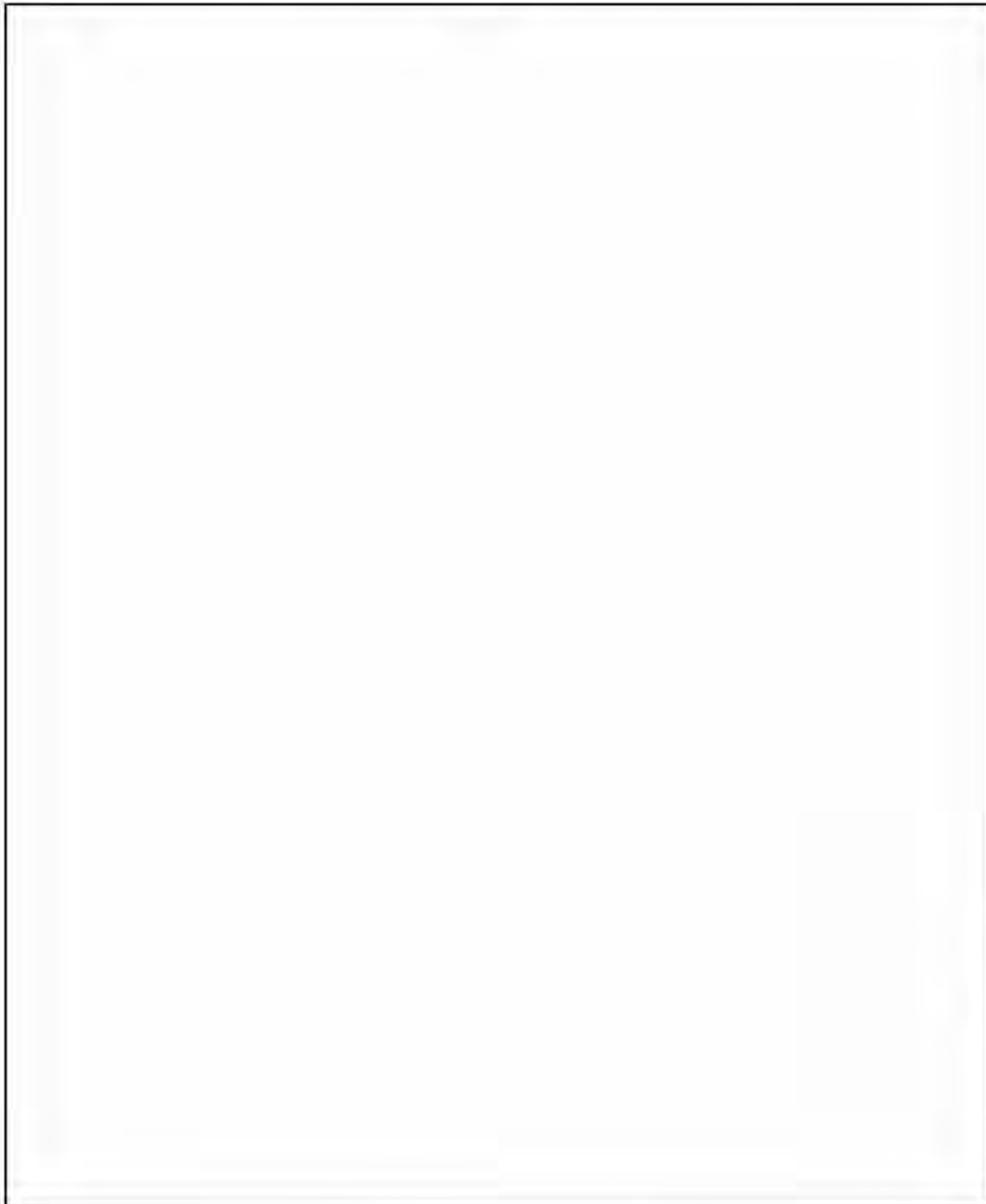
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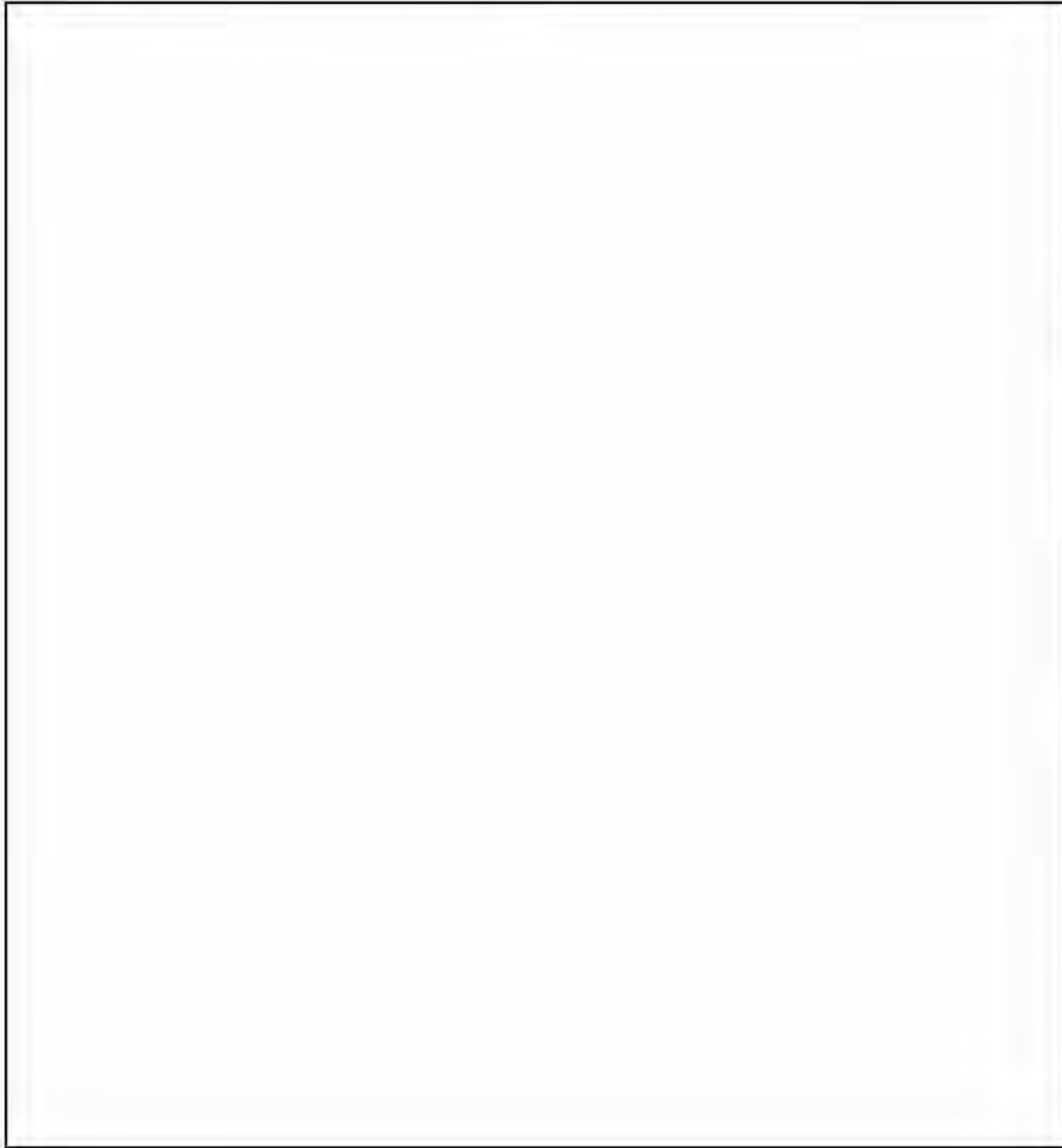
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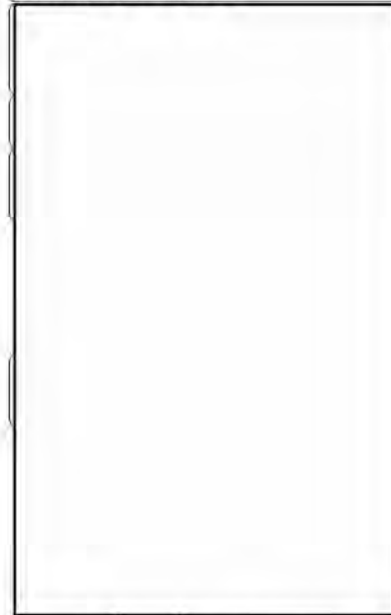
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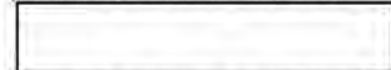
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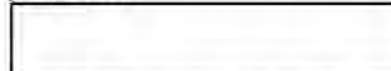


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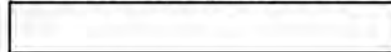


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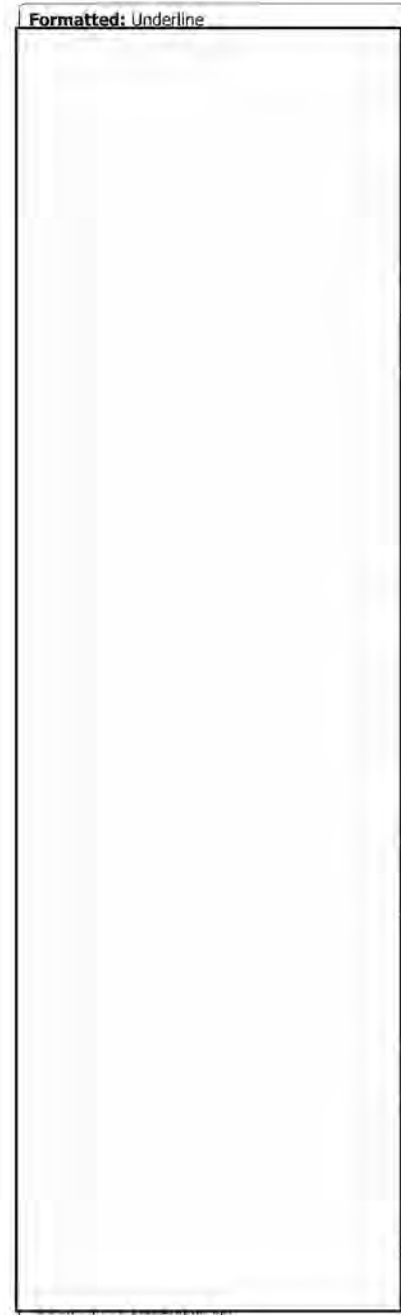
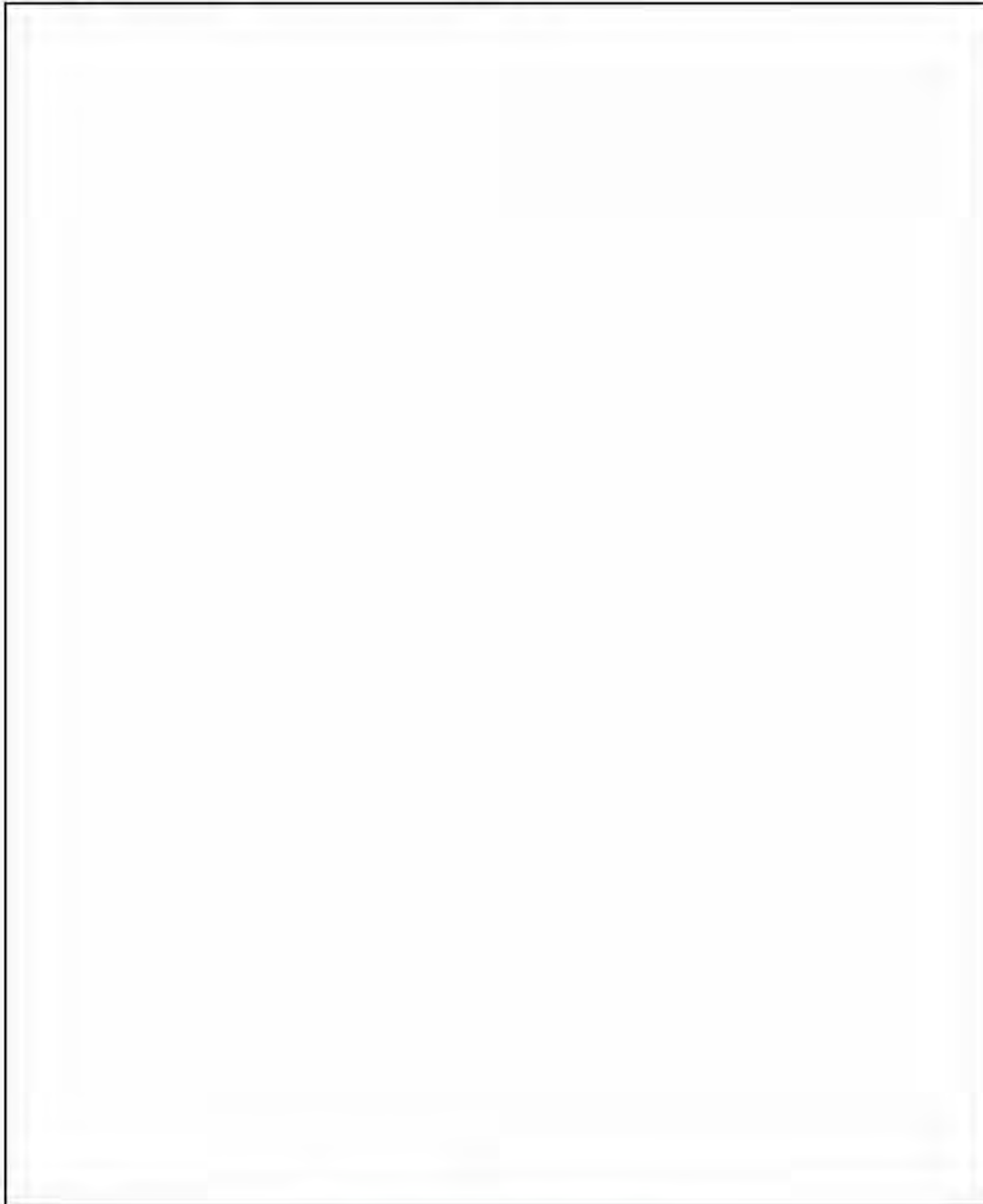
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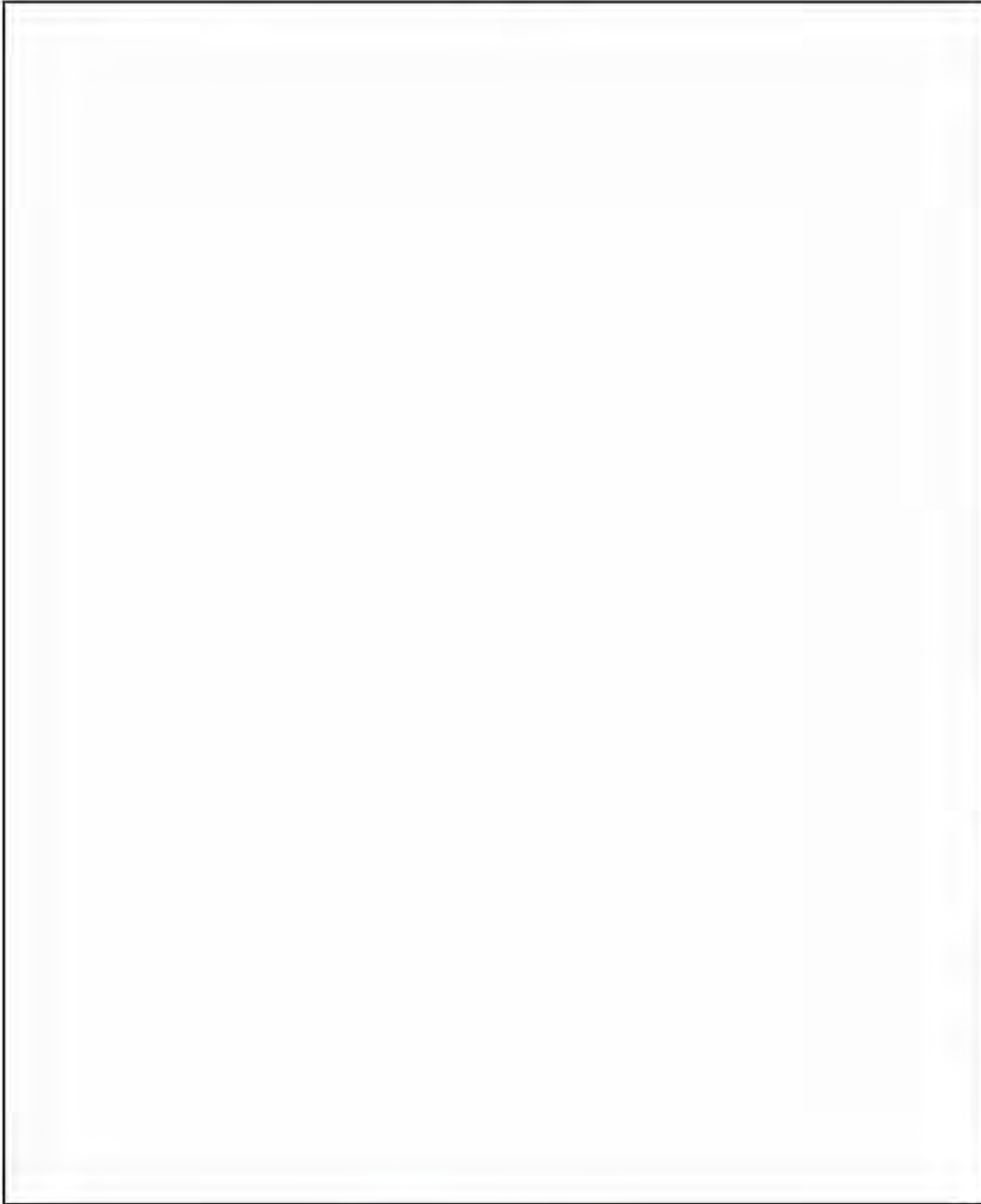


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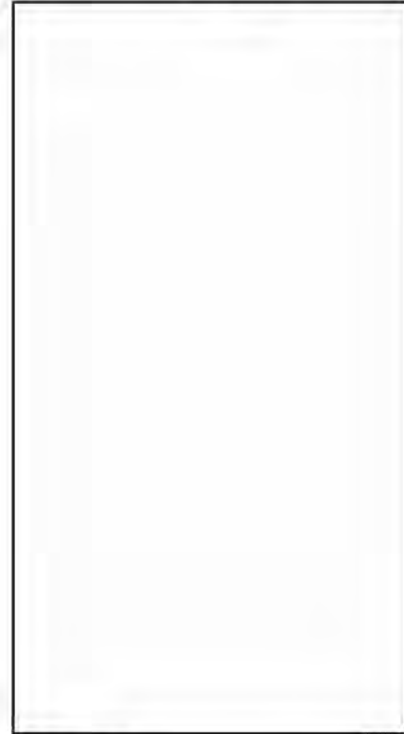
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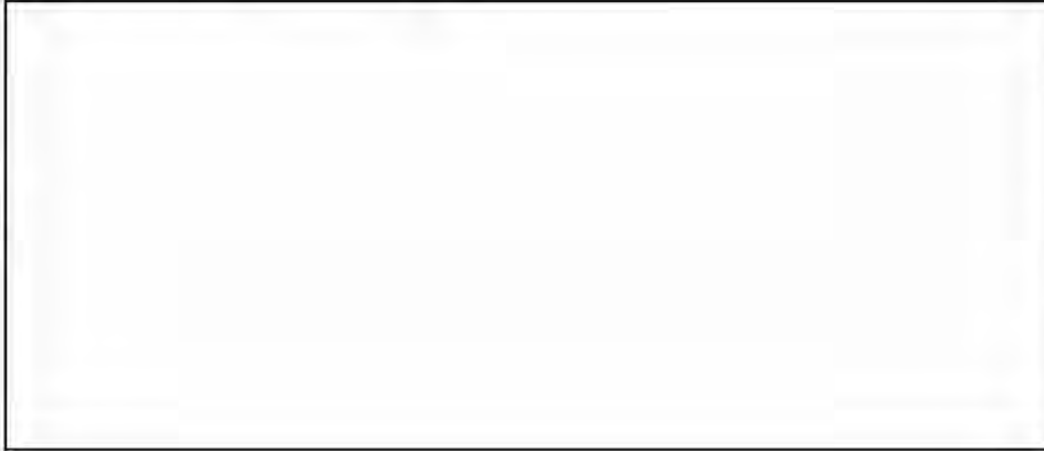
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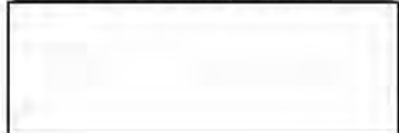
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| Appendix

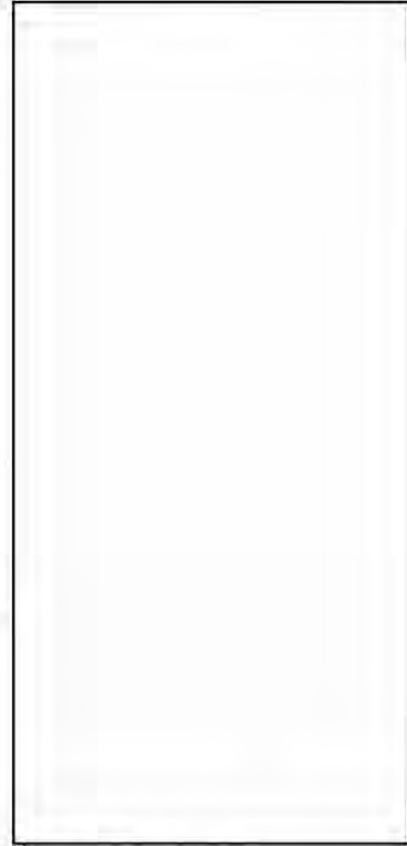
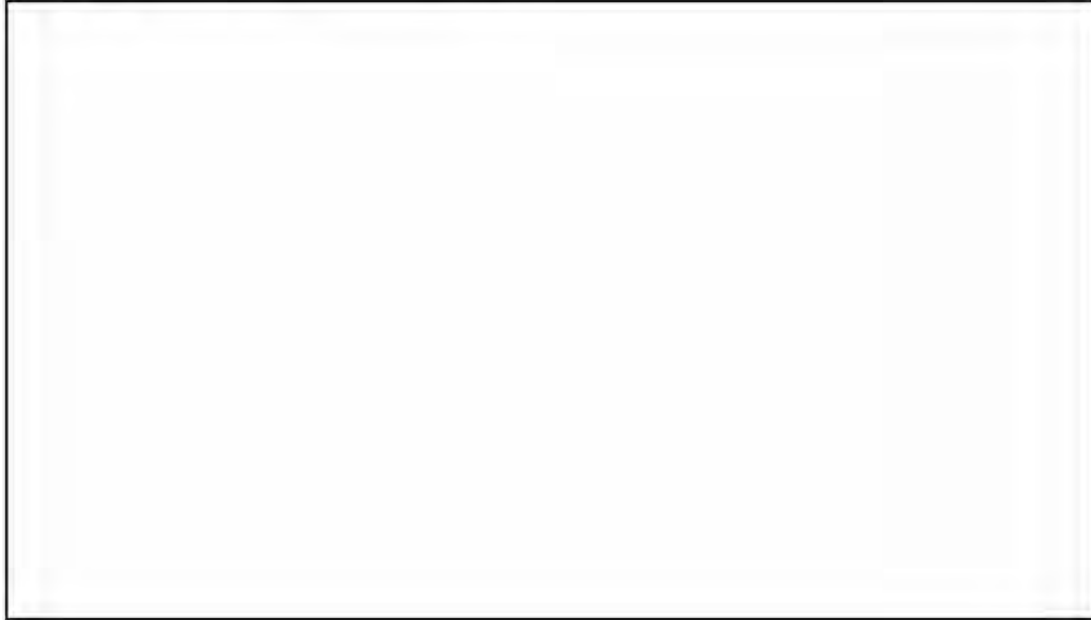
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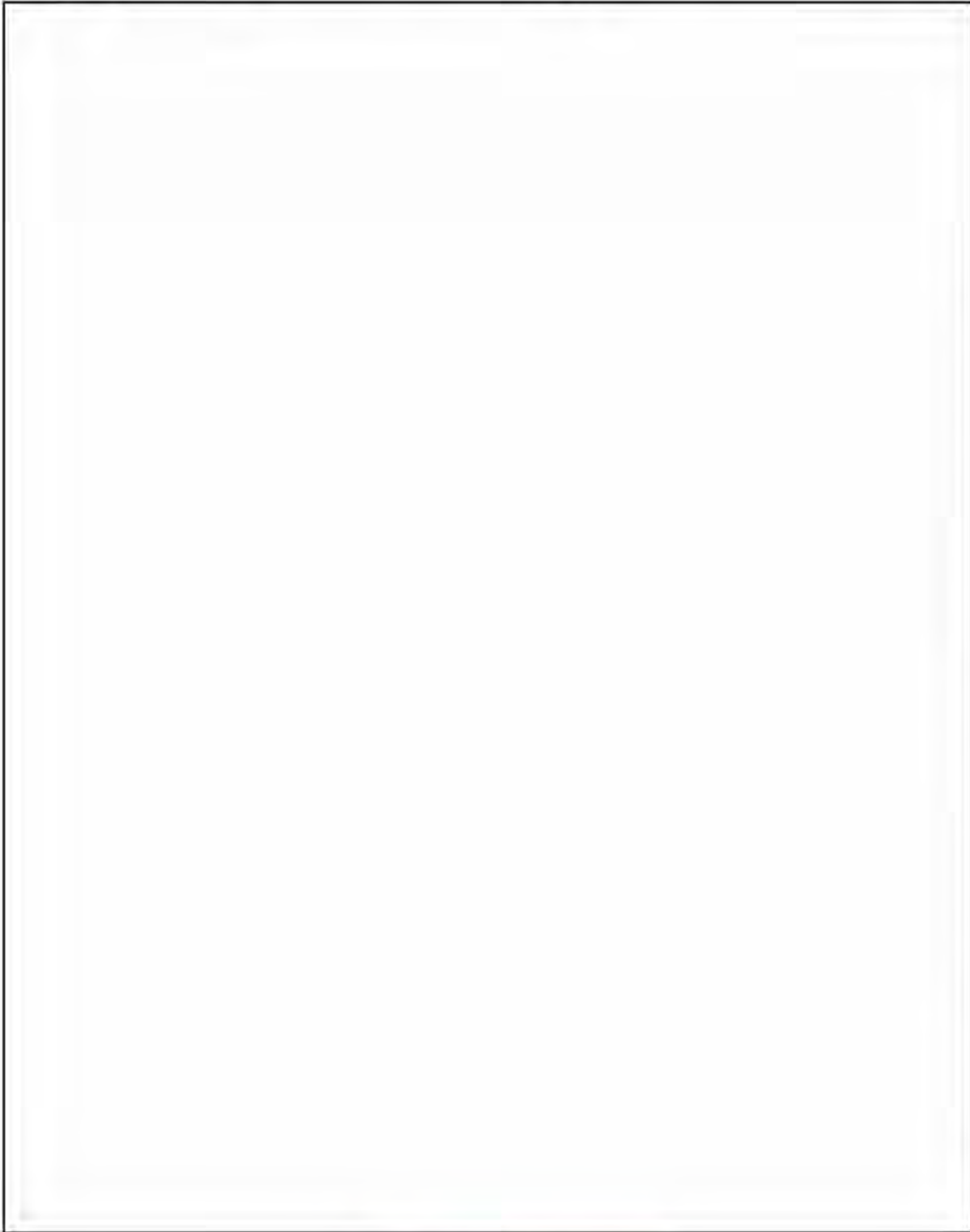
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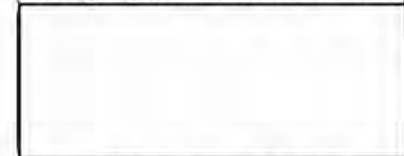
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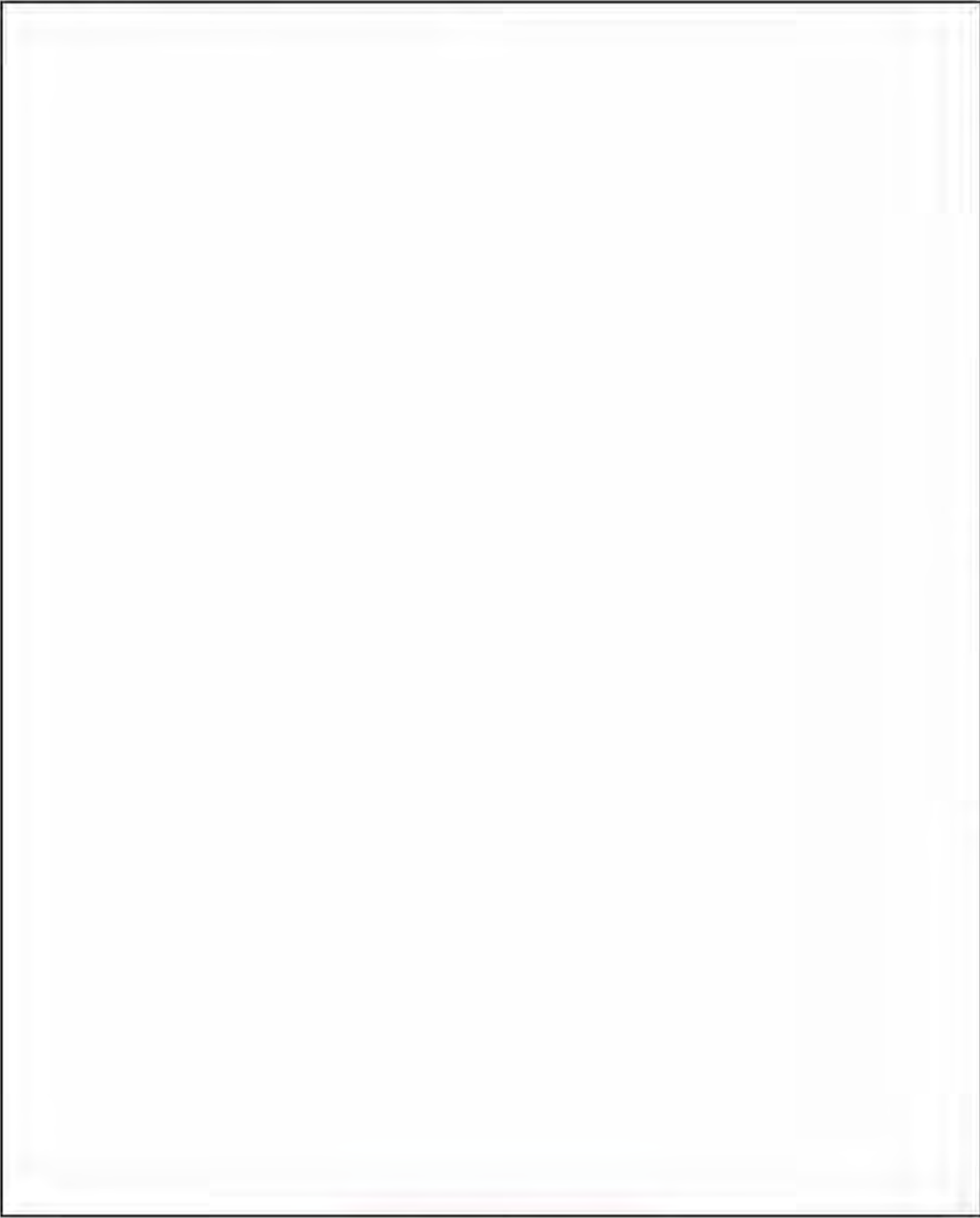
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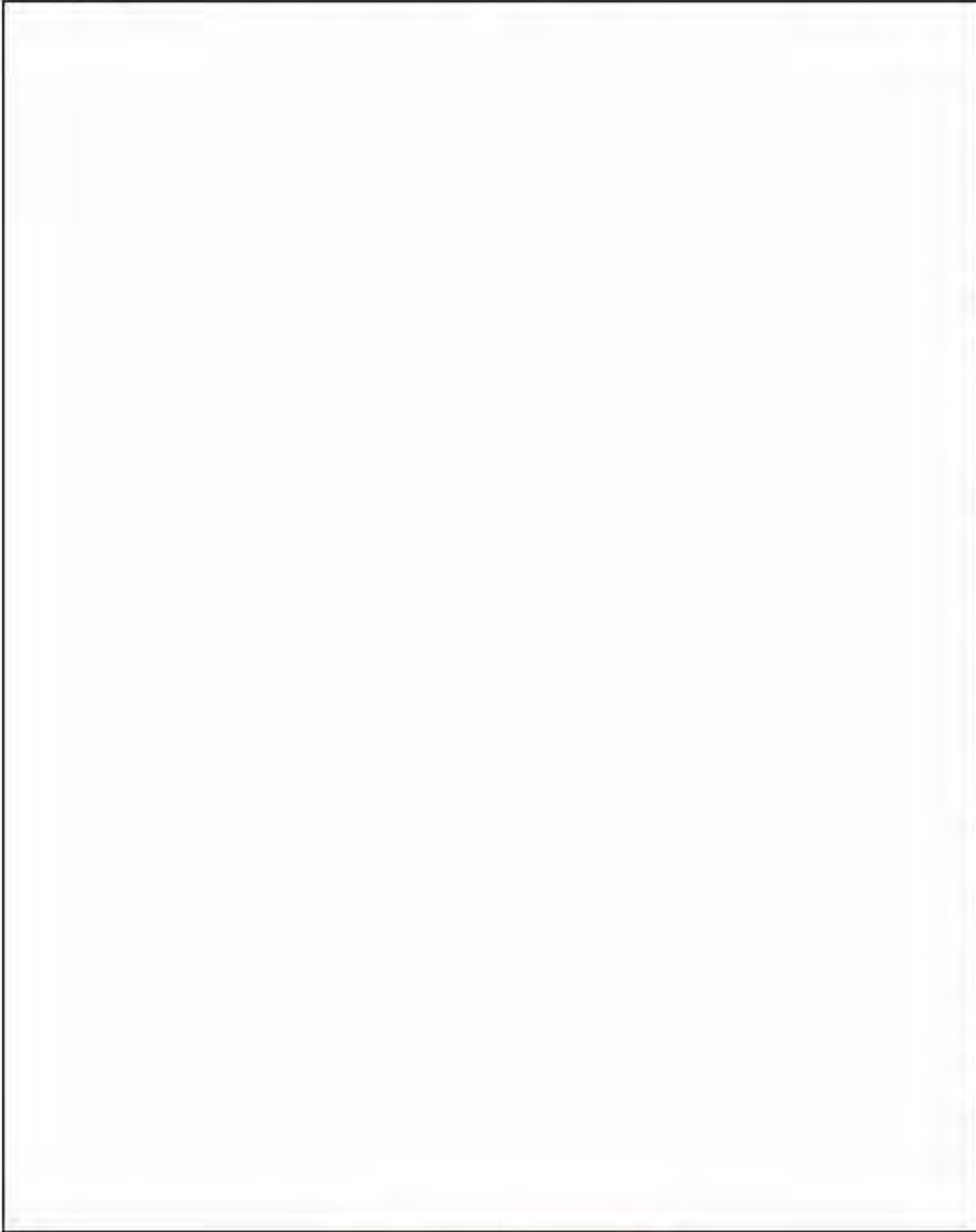
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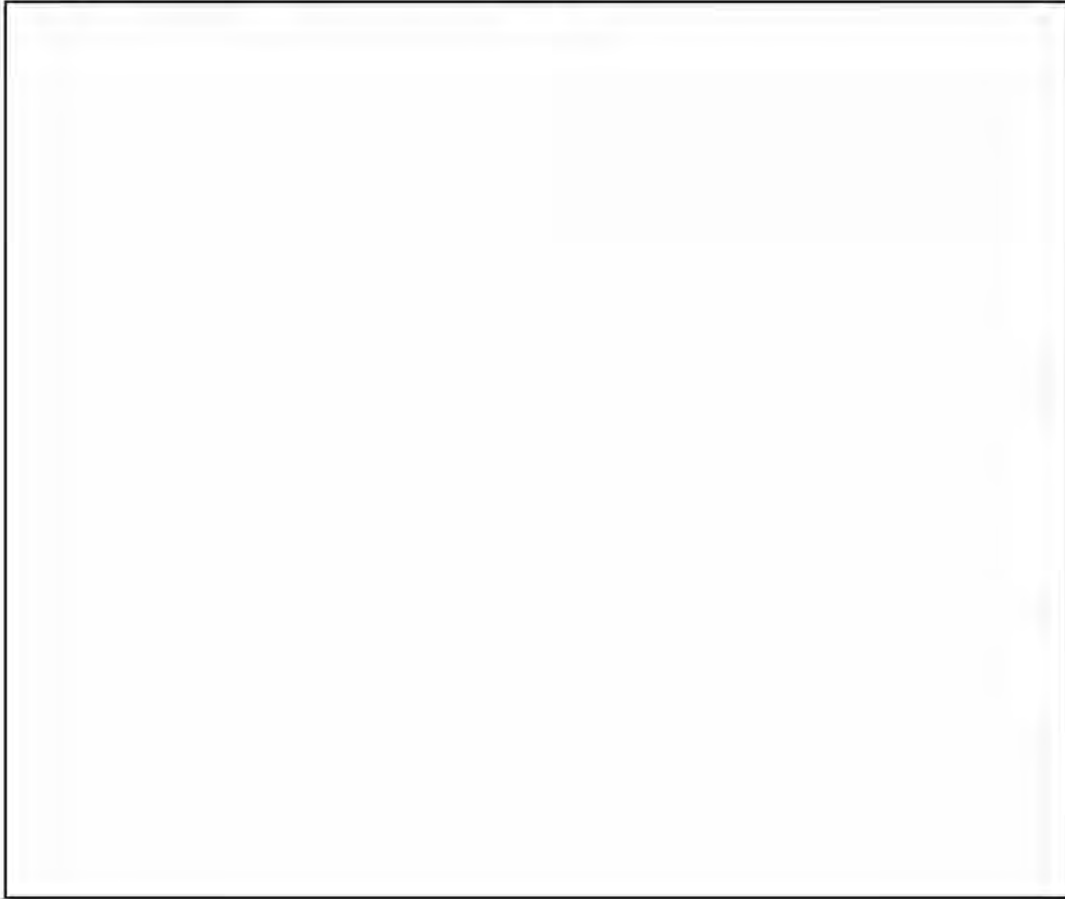
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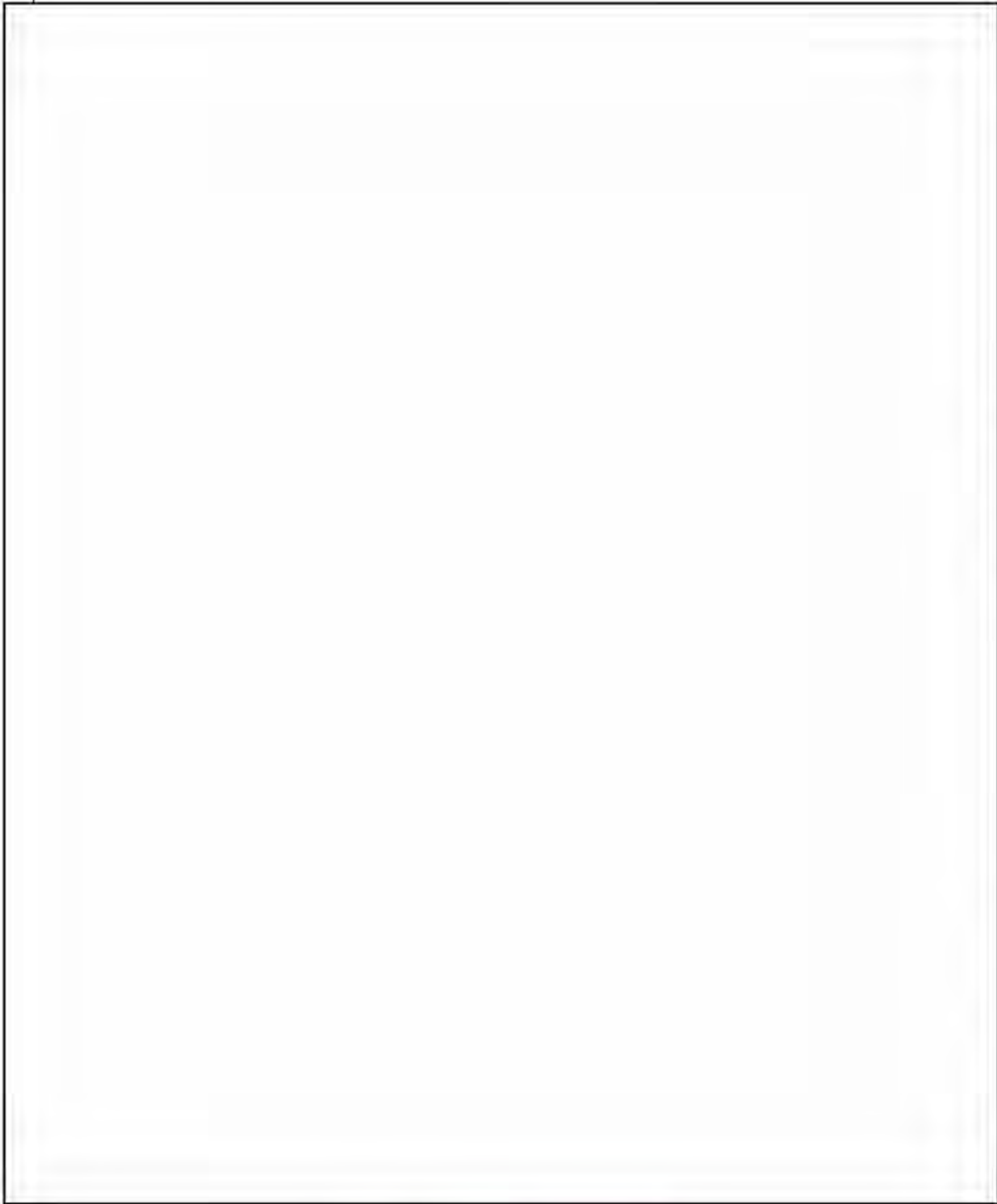


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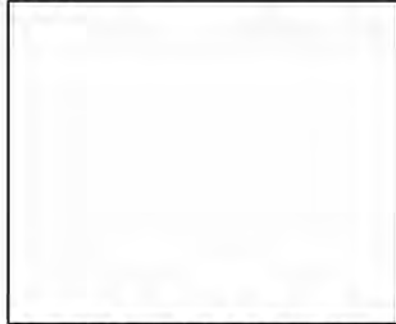


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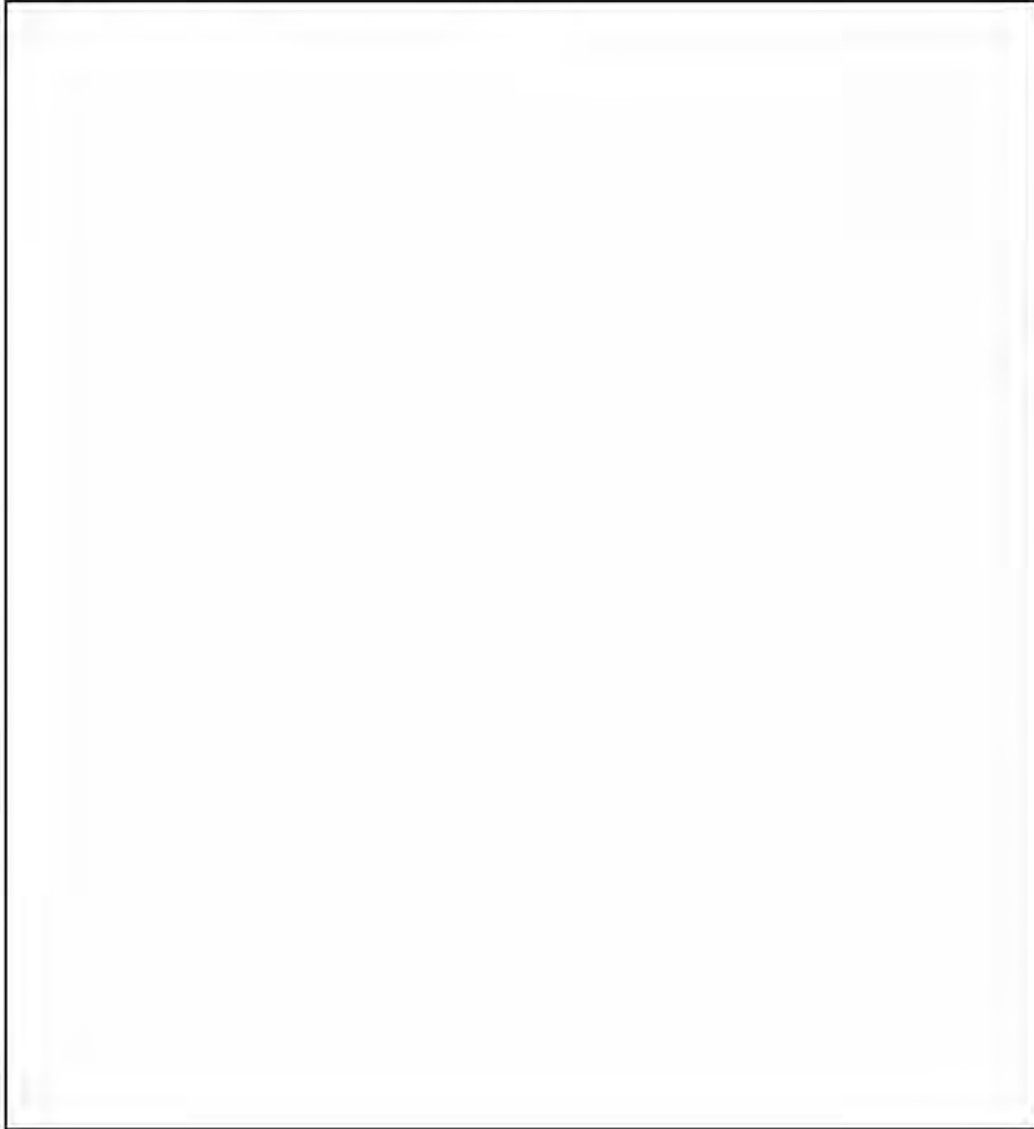
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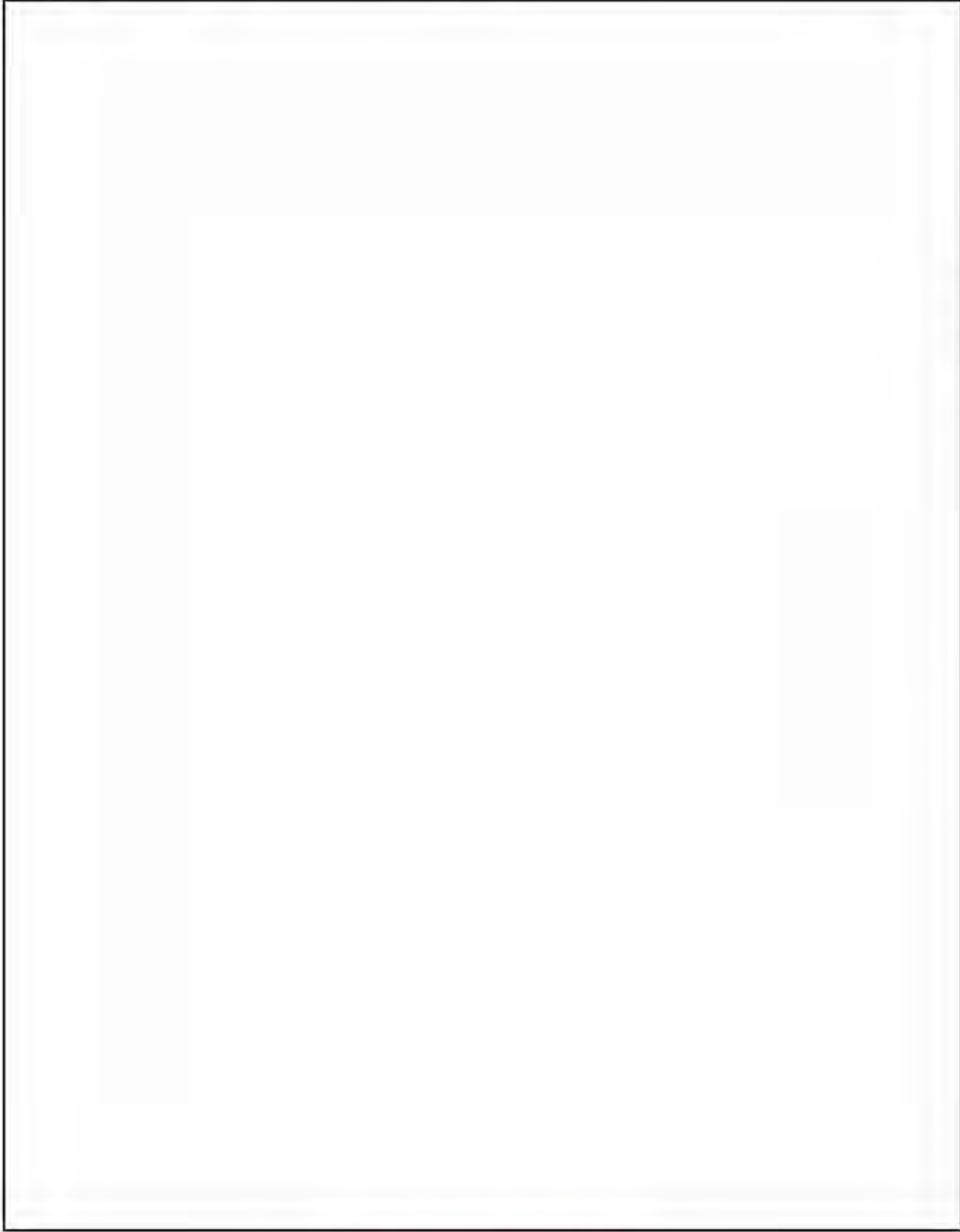
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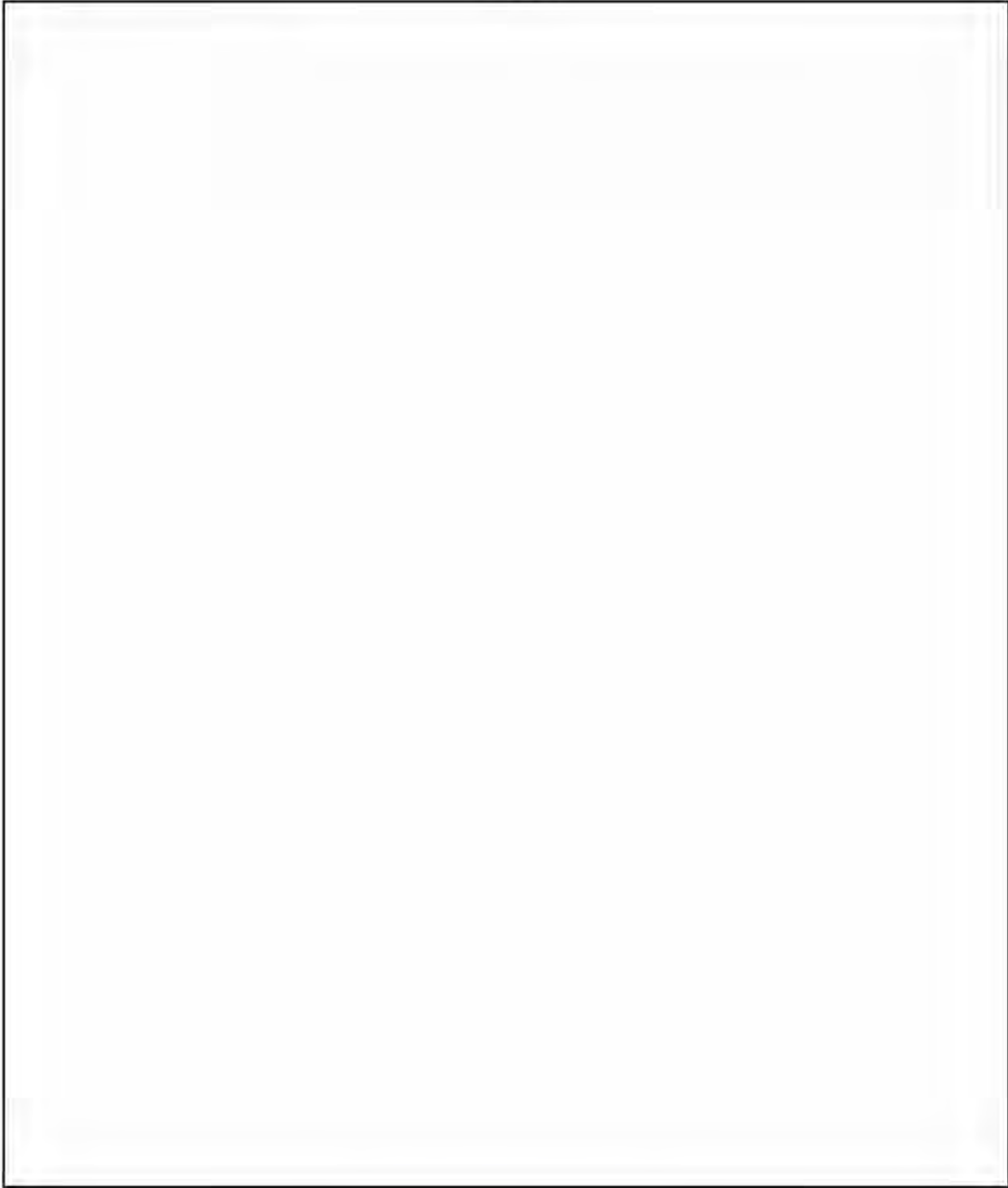
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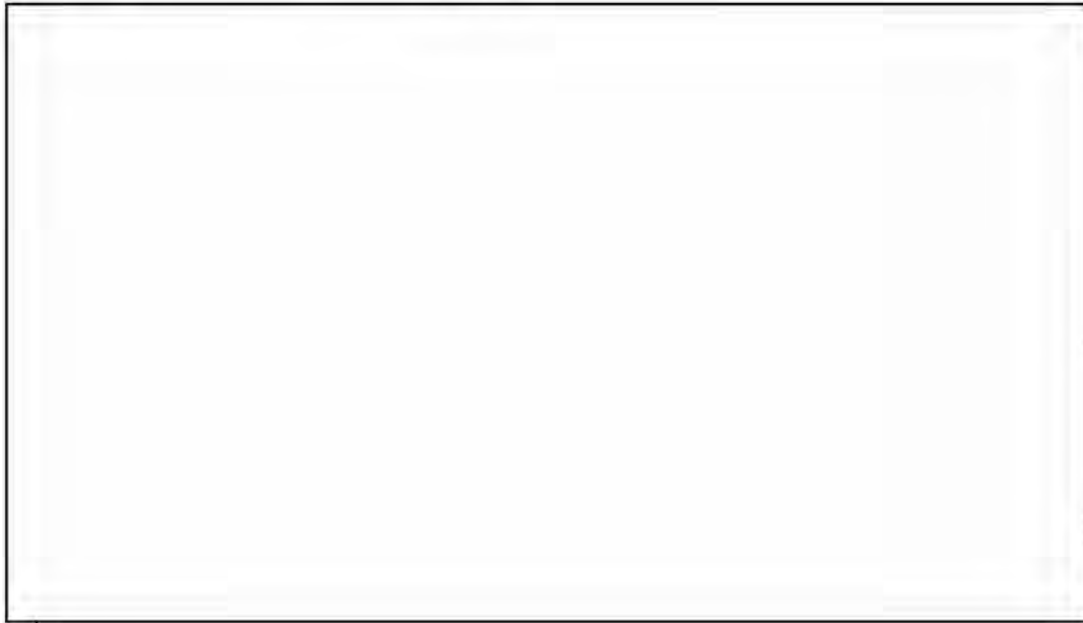
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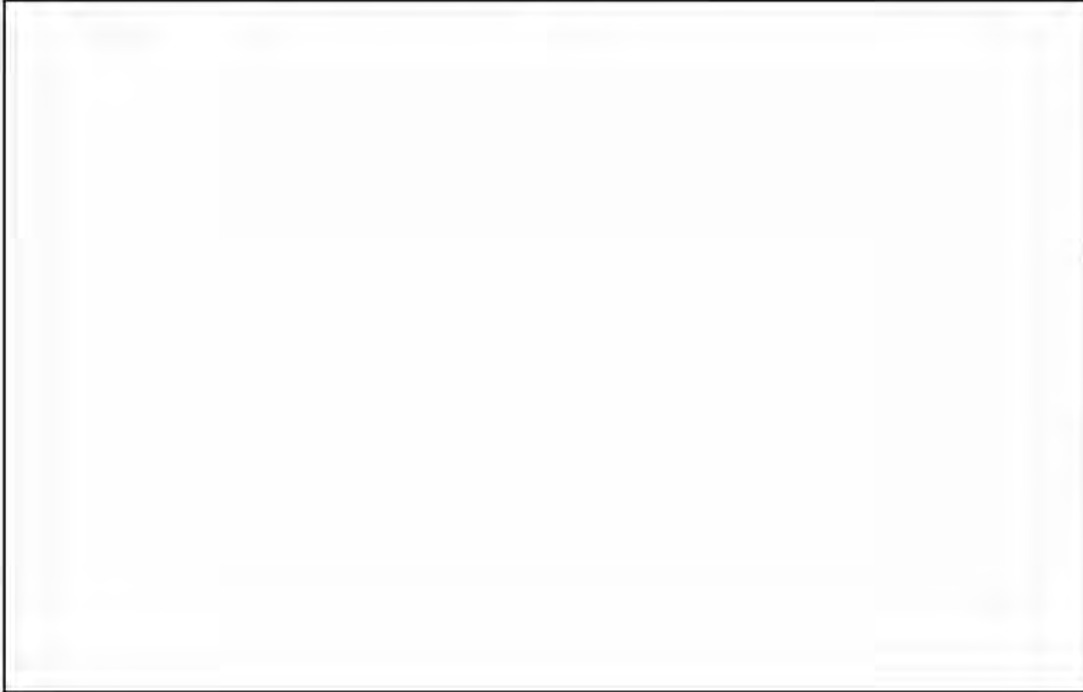
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U.S. Citizenship  
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## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer



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**Background:** In 2007, DHS Privacy issued the Mixed Systems Policy. Under this policy, DHS extended Privacy Act protections to Personally Identifiable Information (PII) regardless of whether the information pertained to a United States (USC), Legal Permanent Resident (LPR), immigrant, or non-immigrant.<sup>3</sup> DHS extended these protections because of inherent difficulties

<sup>1</sup> 5 U.S.C. §552a.

<sup>2</sup> The Mixed Systems Policy states "Mixed System" or "Mixed Systems" shall mean any System of Records that collects, maintains, or disseminates information, which is in an identifiable form, and which contains information about U.S. Persons and non-U.S. Persons. See DHS Privacy Policy Guidance Memorandum No. 2007-01/Privacy Policy Directive 262-12, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Information on Non-U.S. Persons.

<sup>3</sup> The Privacy Act applies only to "individuals," defined in the statute as "a citizen of the United States or an alien lawfully admitted for permanent residence."

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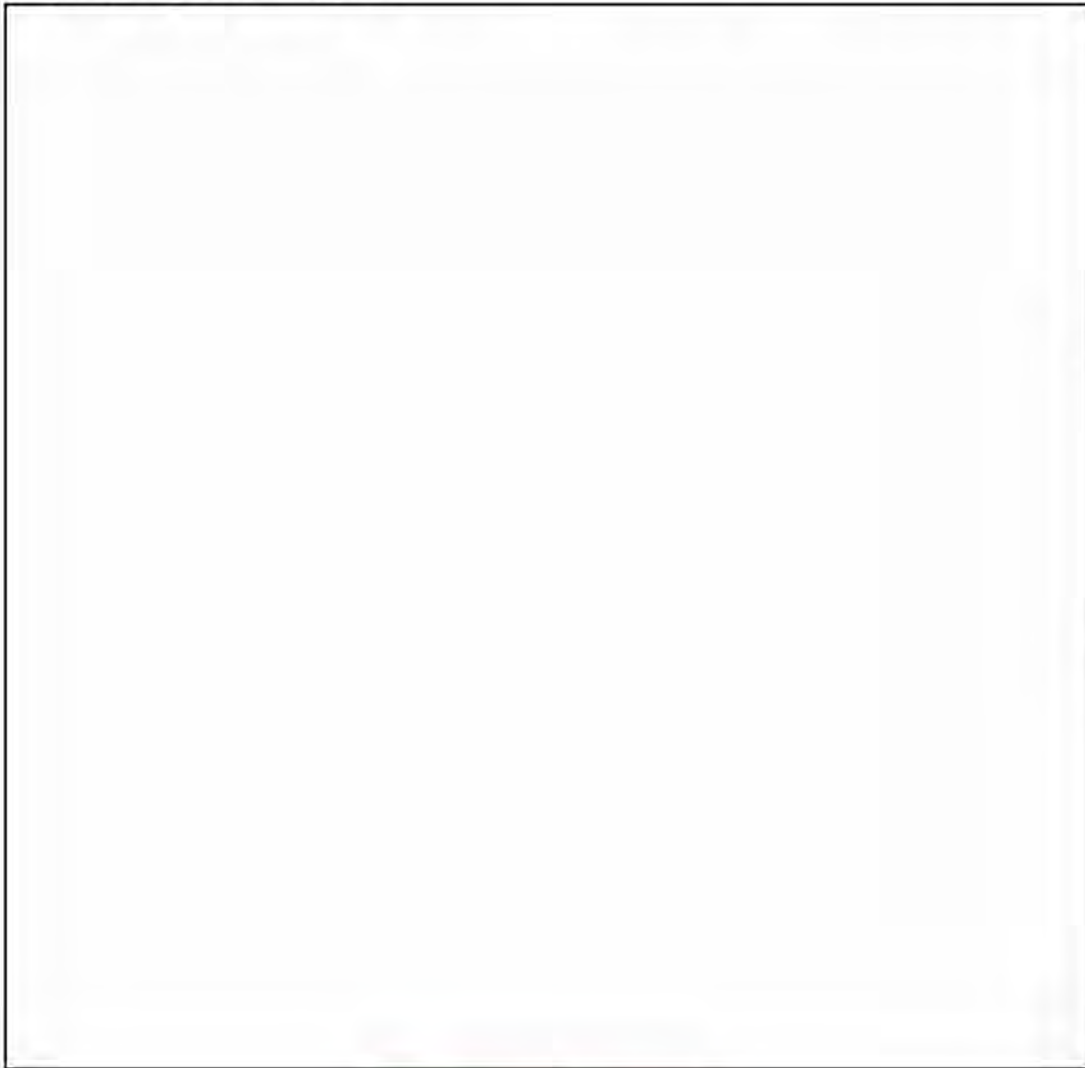
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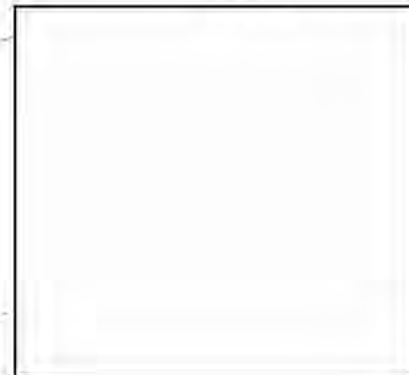
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in determining a person's real-time immigration status, which may change over time through naturalization or adjustment.

Consistent with the DHS Privacy Policy Guidance Memorandum 2017-1, USCIS will continue to afford Privacy Act protections to USCIs and LPRs and treat all persons, regardless of immigration status, in accordance, consistent with the Fair Information Practice Principles (FIPPs),<sup>4</sup> applicable laws, and regulations. All USCIS personnel must follow the legal and policy obligations outlined below.



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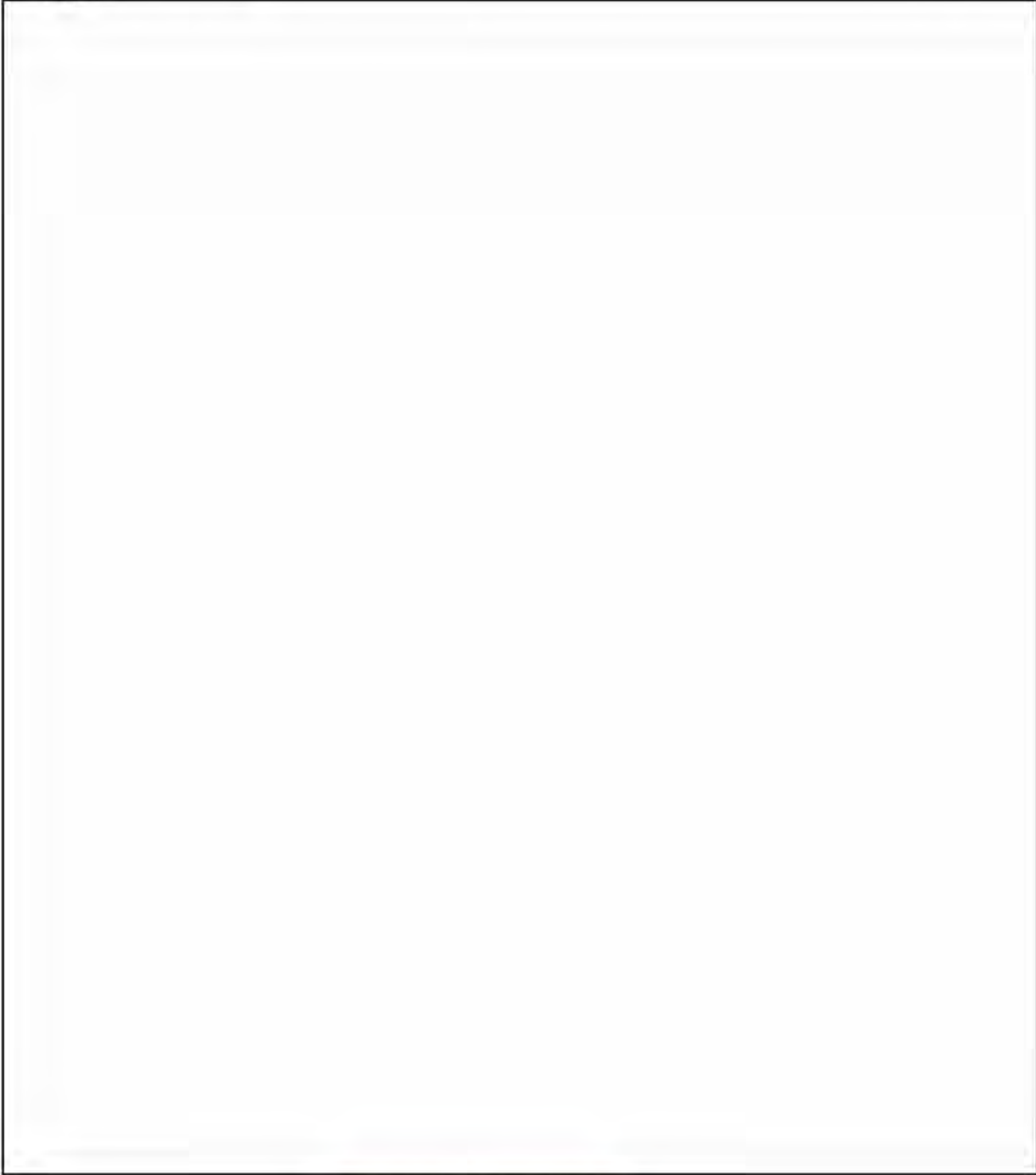


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Act because of national security, criminal, investigatory, civil, and administrative enforcement requirements. In contrast, the Freedom of Information Act (FOIA)<sup>8</sup> provides that any person, regardless of citizenship or immigration status, has a right to obtain access to federal Agency records, access to federal Agency records unless such records are protected from public disclosure by certain exemptions or exclusions.

USCIS processes first party information requests from USCAs and LPRs under the Privacy Act and the FOIA. This allows the individual to benefit from whichever statute affords the most access. USCIS processes first party requests from non-USCAs and non-LPRs under FOIA only. All first party requests for access to their own information must be referred to the FOIA Office for appropriate handling. The FOIA Office will process the case under the Privacy Act and/or the FOIA per current procedures. First party requests are not intended to be covered by the procedures outlined below.

**III. Official Sharing Requests for PII Covered by the Privacy Act or Judicial Redress Act (JRA)**

DHS Privacy Policy Guidance Memorandum 2017-01 defines official sharing as “requests from Congressional Committee Chairpersons acting on behalf of their committees, federal courts, federal, state, local, tribal, and foreign law enforcement and other administrative agencies having a need for information from DHS files for the performance of their official duties.” USCIS continues to apply a Privacy Act analysis to all official sharing requests. Thus, to share information that is subject to the Privacy Act or JRA, USCIS must be provided with written consent from the individual whose records are being sought or it must be determined that there one of the statutory exceptions to the Privacy Act’s non-disclosure provision applies.<sup>9</sup> All other requirements of the Privacy Act continue to apply including all FIPPs based provisions referenced above.

**IV. Official Sharing Requests for PII Not Covered by the Privacy Act or JRA (FIPPs)<sup>10</sup>**

**Analysis**: For official sharing requests for PII on persons not covered by the Privacy Act, JRA, after determining whether the individual is covered by the requirements in Section I, USCIS employees must conduct an individual participation and use limitation analysis under the FIPPs.

<sup>8</sup> 5 U.S.C. § 552

<sup>9</sup> 5 U.S.C. § 552a(b).

<sup>10</sup> The DHS Chief Privacy Officer determined that the FIPPs serve as the foundational principles for privacy policy and implementation at DHS, regardless of immigration status. The FIPPs are a widely recognized framework for privacy law and policy used in many parts of the world. The FIPPs help serve as a useful framework for the Department to analyze how to handle PII, comply with its continuing responsibilities under the numerous legal obligations that apply, as well as adhere to its commitments to its partners. The Department uses the eight FIPPs to assess and enhance privacy protections by analyzing the nature and purpose of the collection and use of PII to fulfill DHS’s mission. Nothing in E.O. 13678 changes this responsibility.

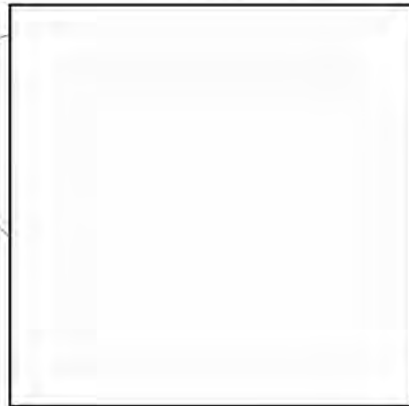
Individual participation requires that USCIS involve the person in the process of using their PII and, to the extent practicable, seek the person's consent for the collection, use, dissemination, or maintenance of PII. Because the records in this example are not covered by the Privacy Act and therefore not covered in a system of records notice (SORN), the notice requirement may be achieved through notice on the form that collects the data, or by a waiver provided to the individual before release.

Use limitation requires the sharing of the individual's information to be compatible with the purposes for which the information was originally collected. According to OMB, the "compatibility" concept encompasses (1) functionally equivalent uses, and (2) other uses that are necessary and proper. The use need not be the main purpose for the collection but relevance is not enough. In other words, there must be a rational relationship between the purpose of the collection of the information and the intended use. Any routine or regular sharing must be described in the applicable Privacy Impact Assessment (PIA) and privacy notice.

Although E.O. 13768 excludes information relating to non-USCs and non-LPRs from being subject to the Privacy Act, the authorized disclosure exceptions under 5 U.S.C. § 552a(b), including routine uses listed in the applicable SORNs, may continue to be good guidance as to whether a disclosure is consistent with the purpose for the collection of the information, and generally the FIPPs framework.

Appendix B covers the process for handling official sharing requests of PII not covered by the Privacy Act or JRA (FIPPs Analysis).

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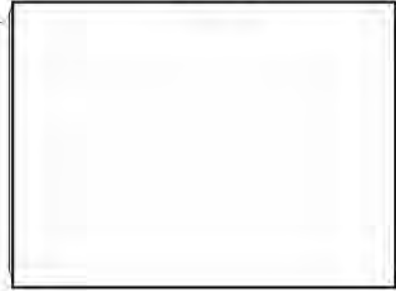
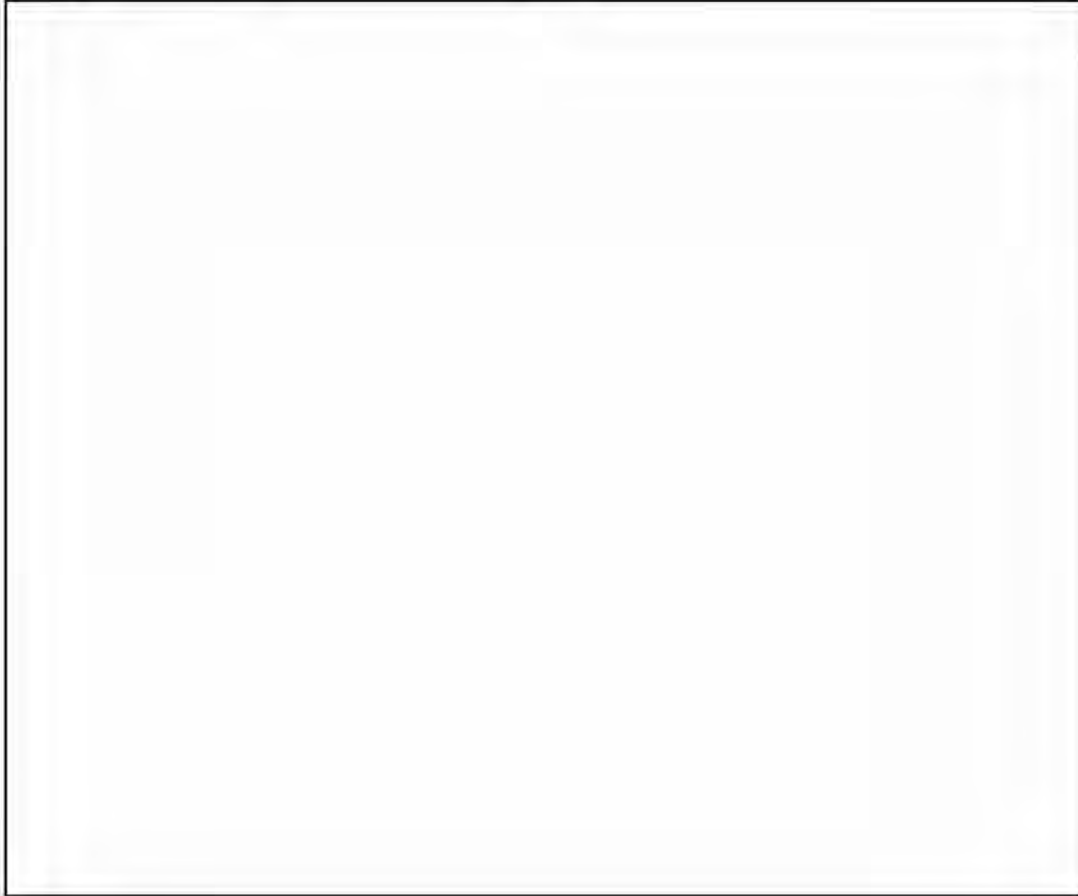


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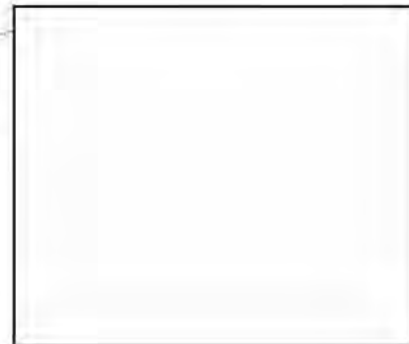
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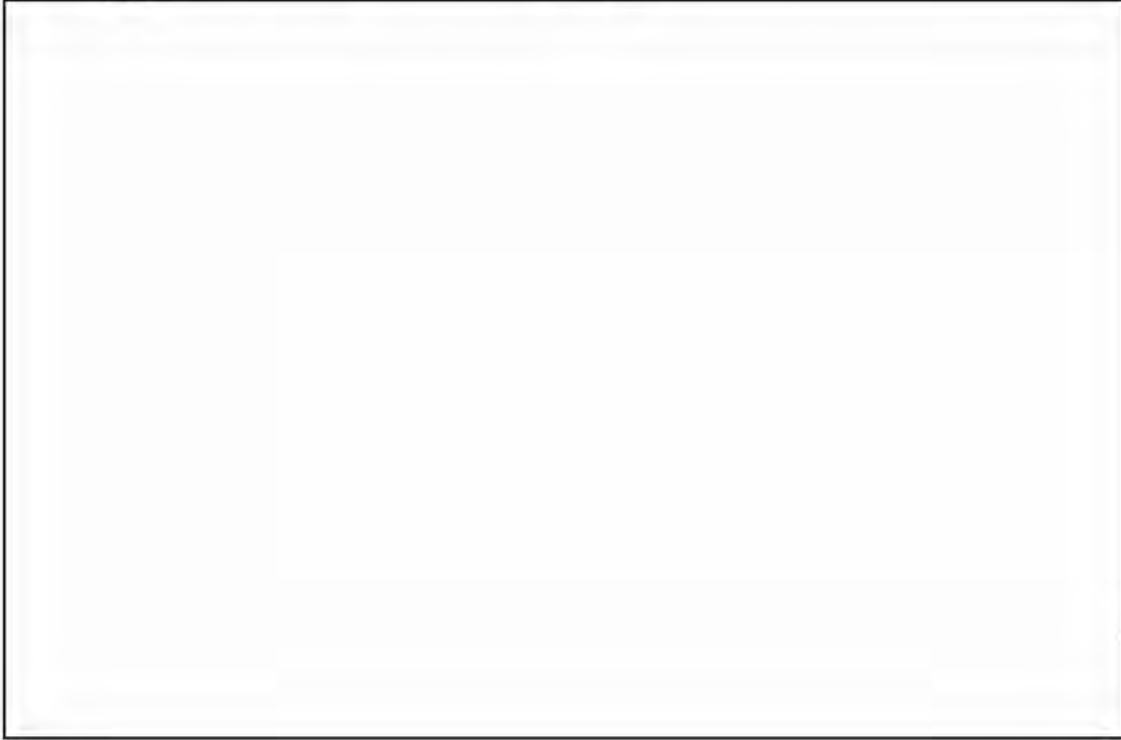


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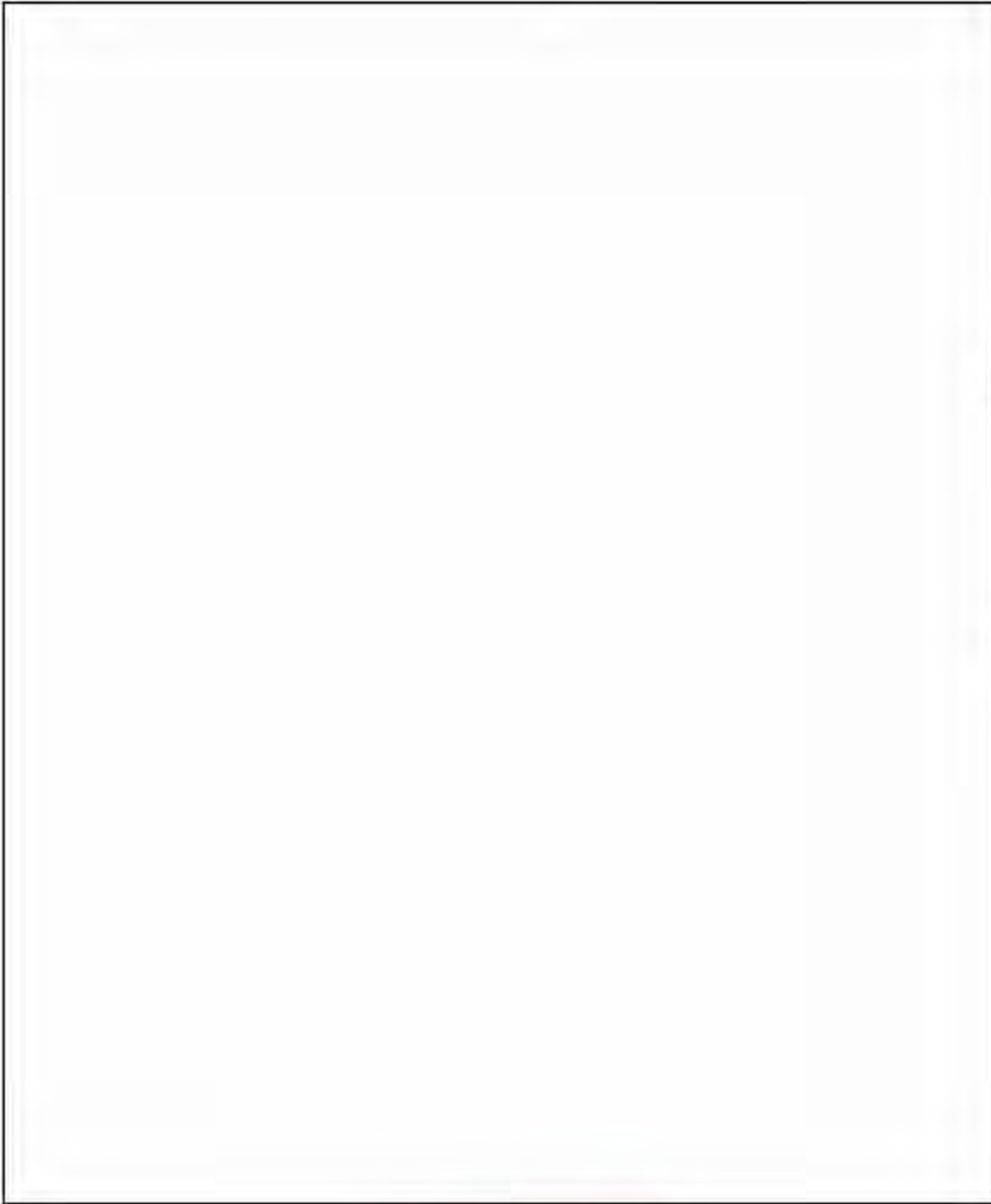
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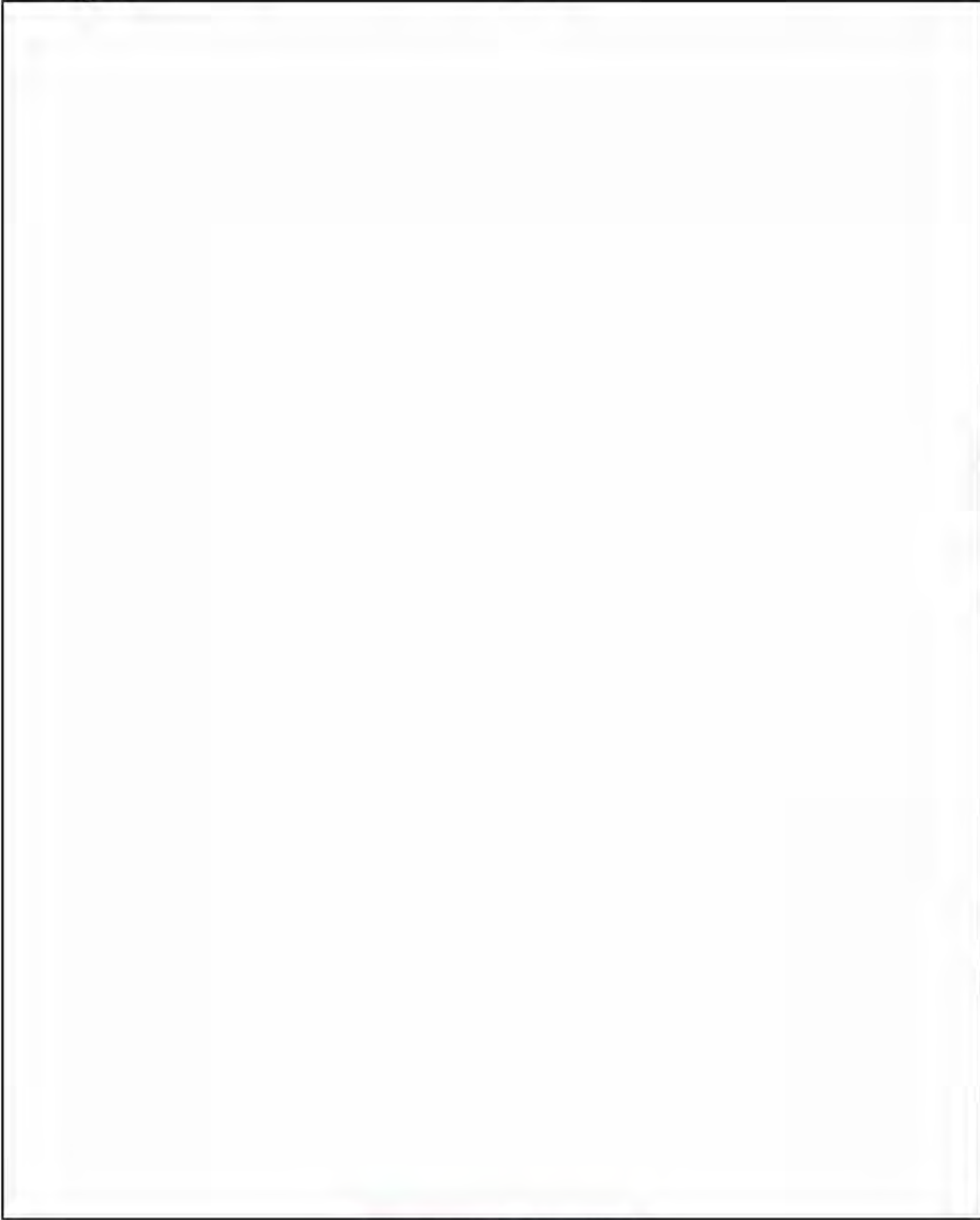


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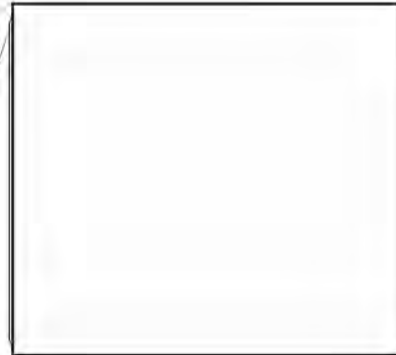
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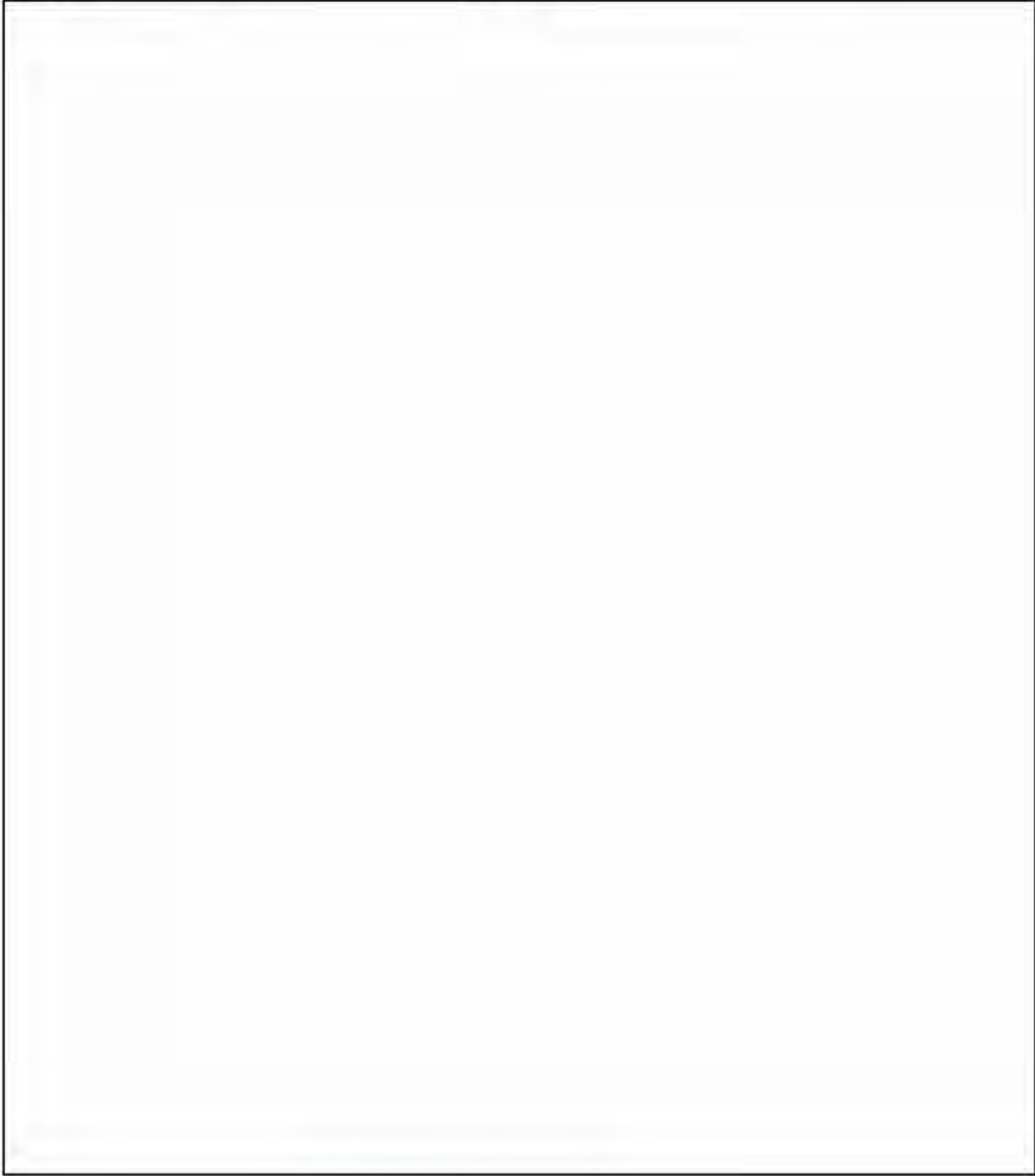
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As with the scenario above, if the request is a third party request from a congressional staffer on behalf of an applicant, a written, signed, and notarized privacy release must be obtained from the applicant or petitioner prior to information being disclosed.

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**Appendix E: Countries covered by the Judicial Redress Act of 2015**

The following regional economic integration organization and countries have each been designated by the Attorney General as a “covered country,” effective on February 1, 2017:

- European Union
- Austria
- Belgium
- Bulgaria
- Croatia
- Republic of Cyprus
- Czech Republic
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

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**Appendix F: Information Sharing Workflow**

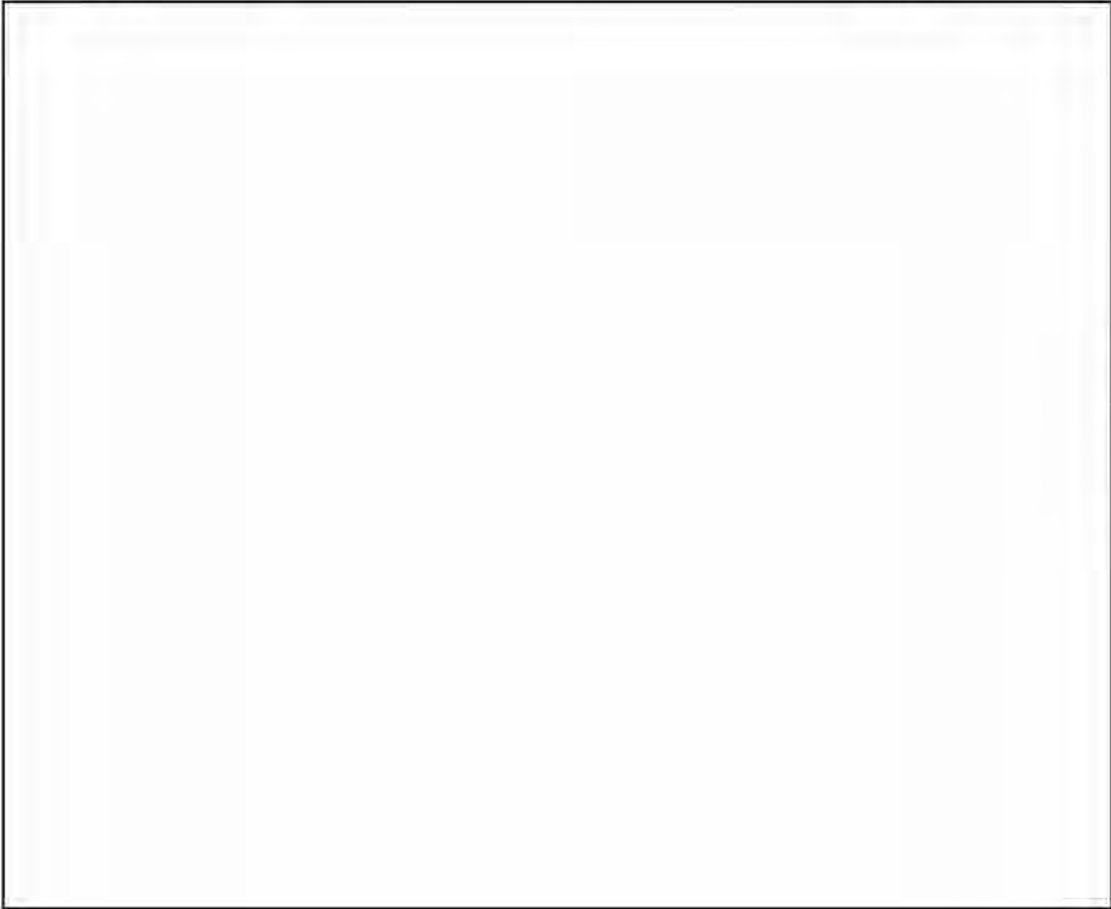
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



*U.S. Citizenship*  
U.S. Citizenship  
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Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer (b)(5)

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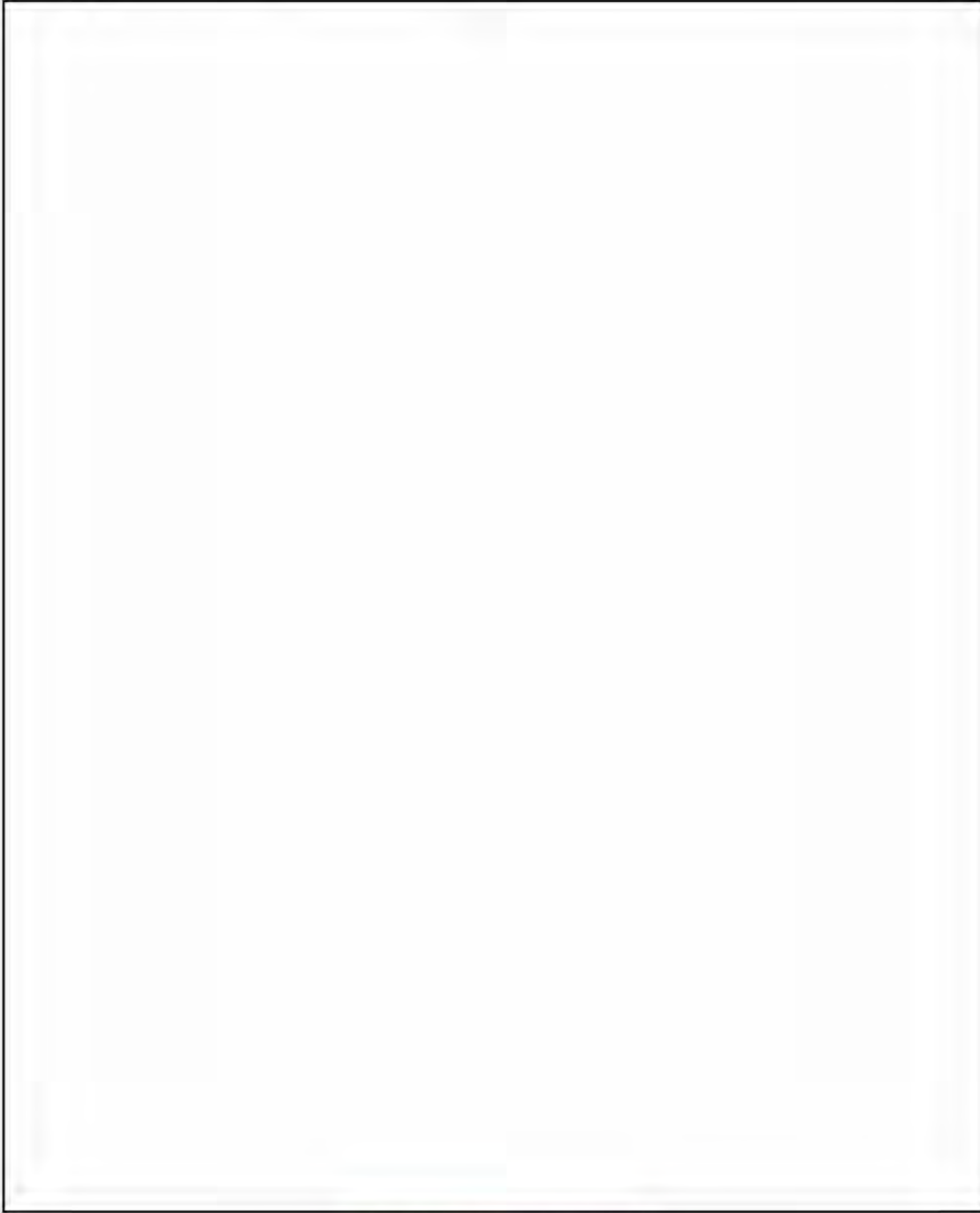
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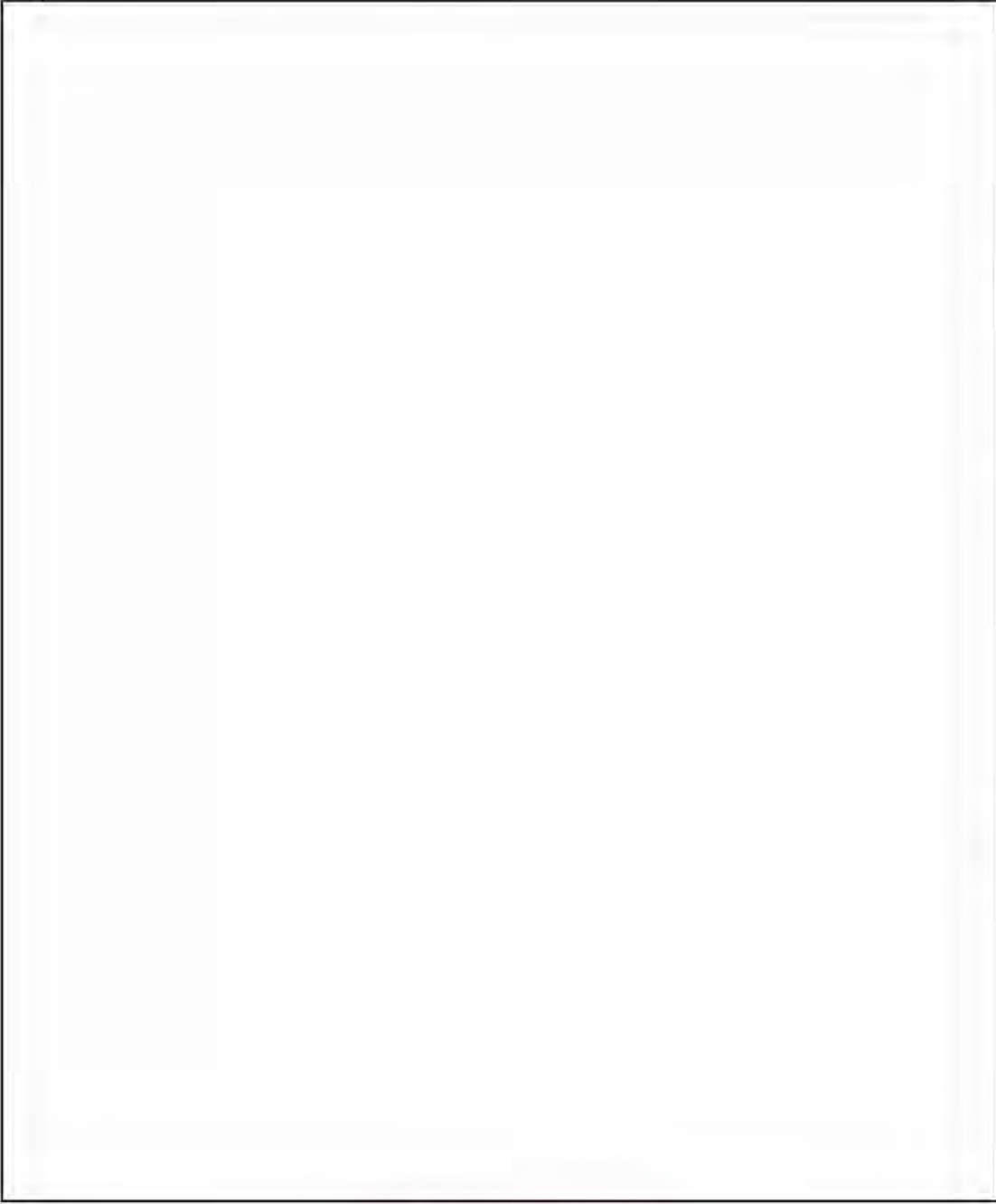
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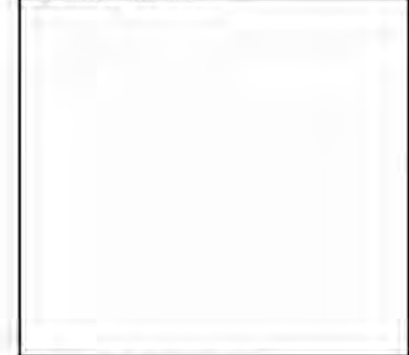
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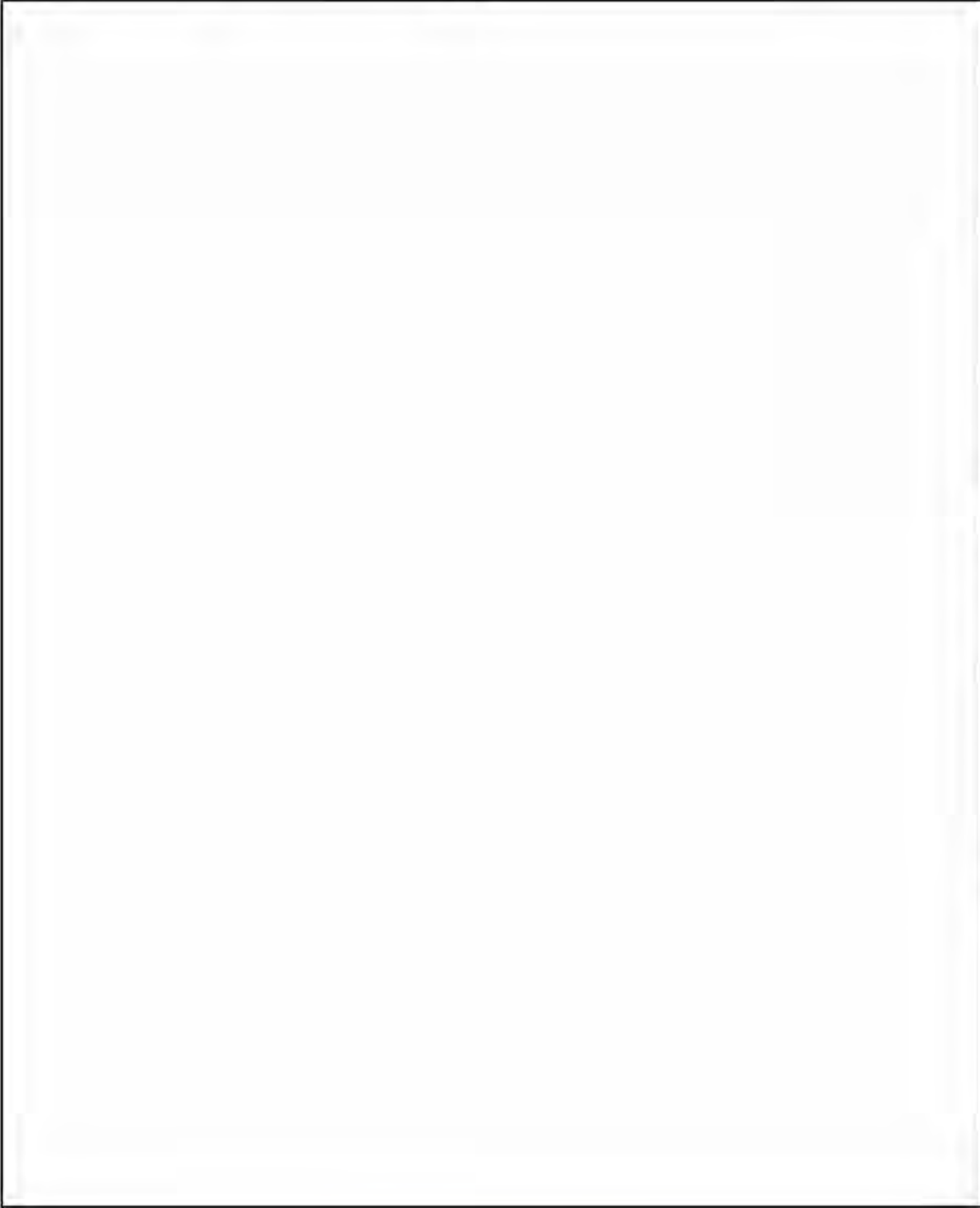
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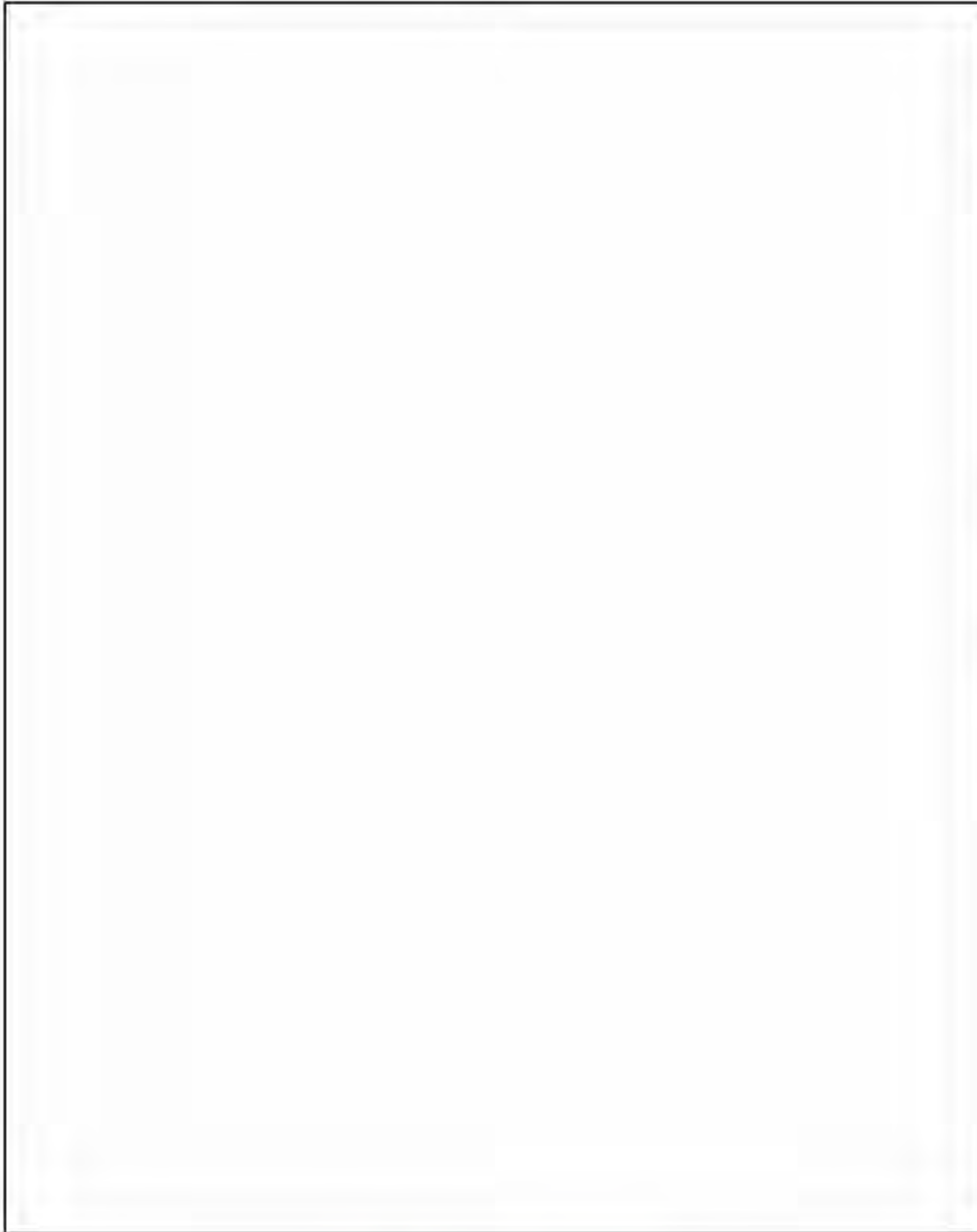
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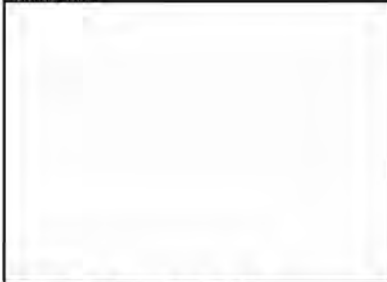
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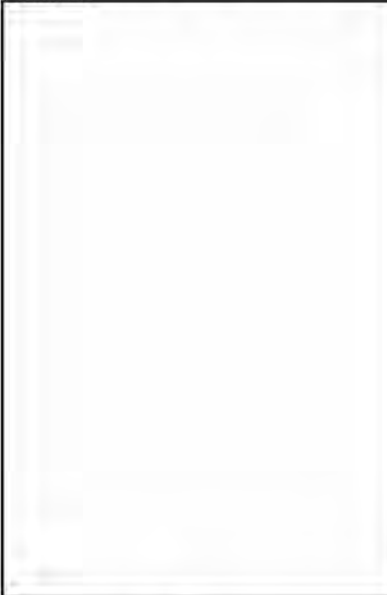


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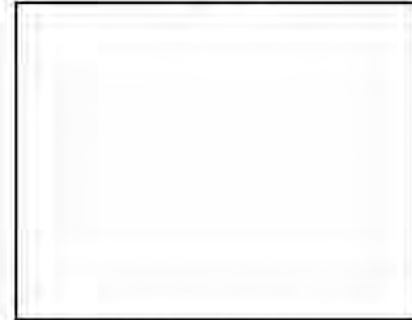
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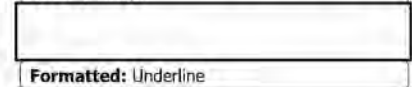
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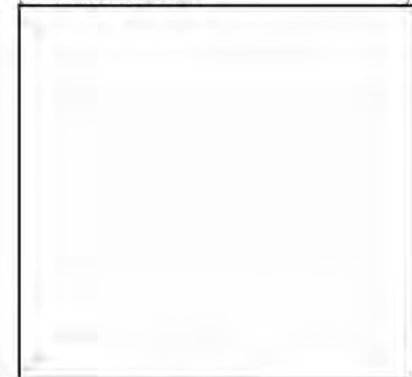
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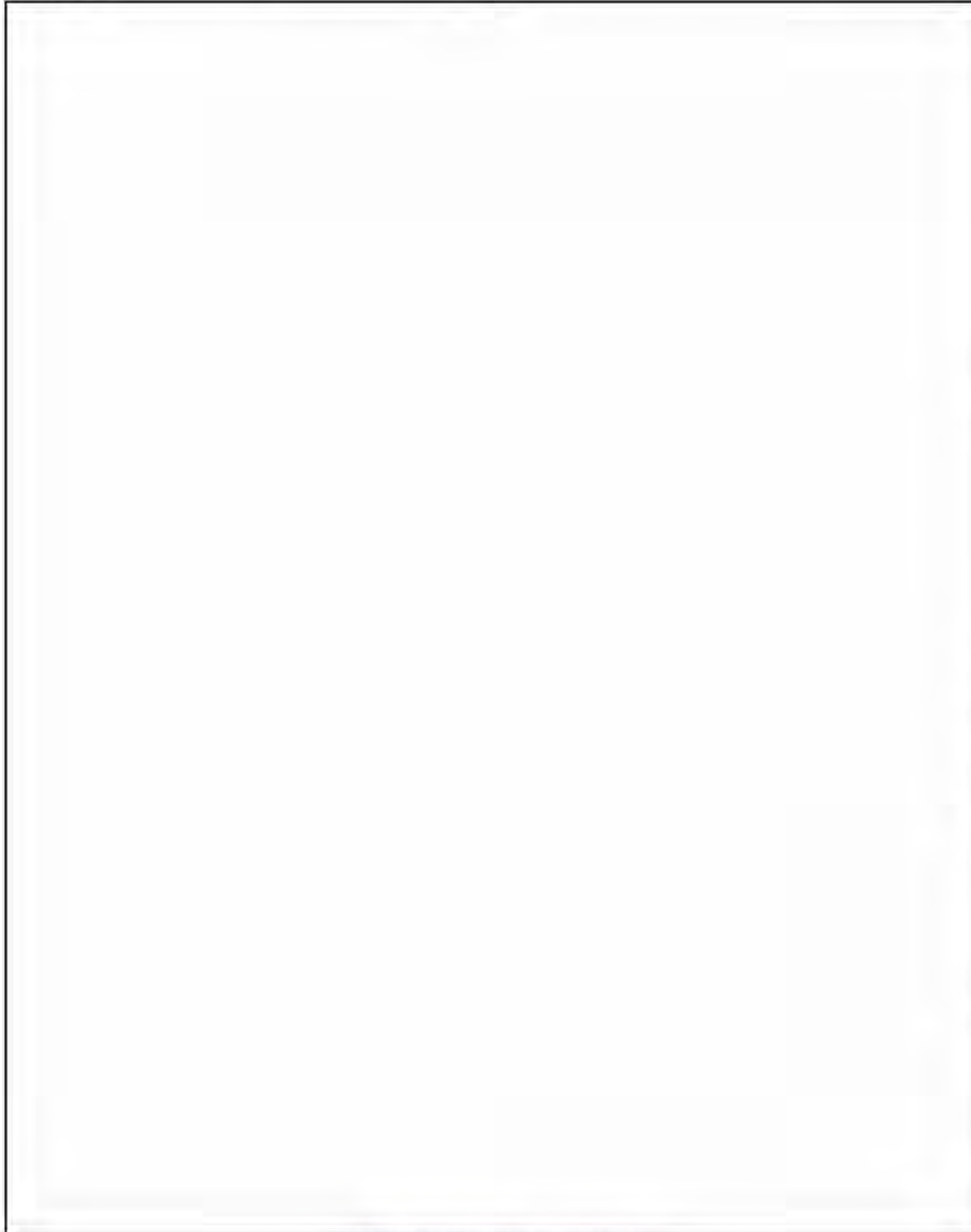
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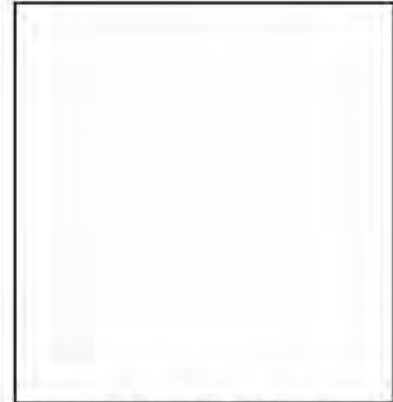
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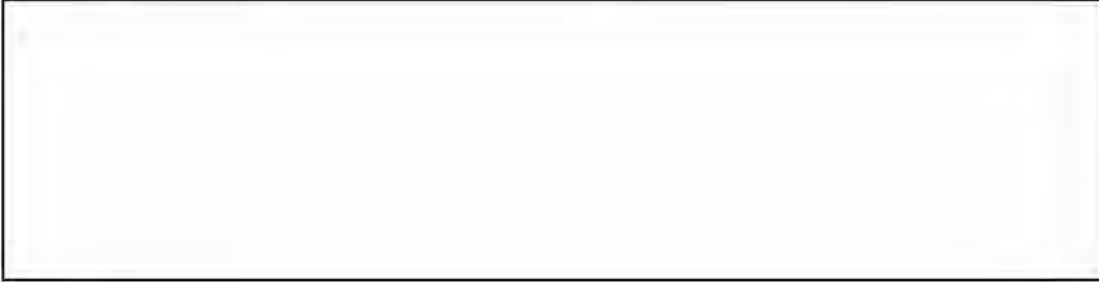


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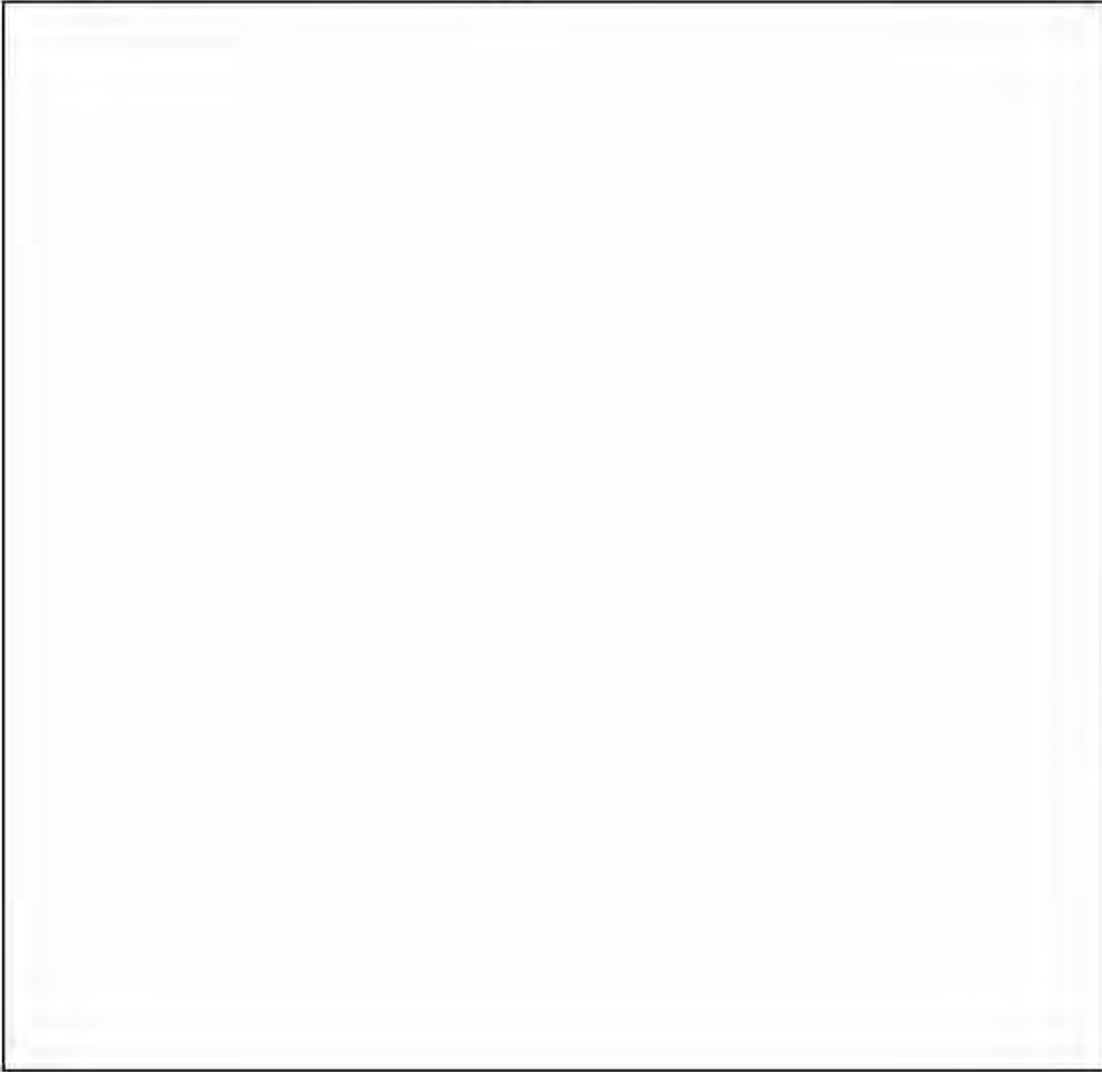


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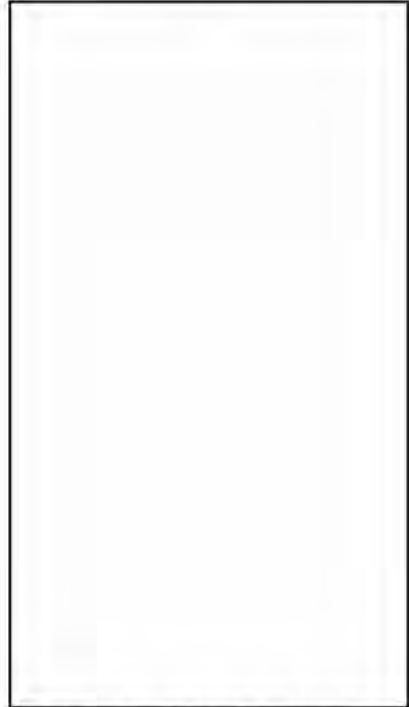
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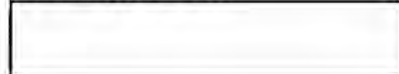
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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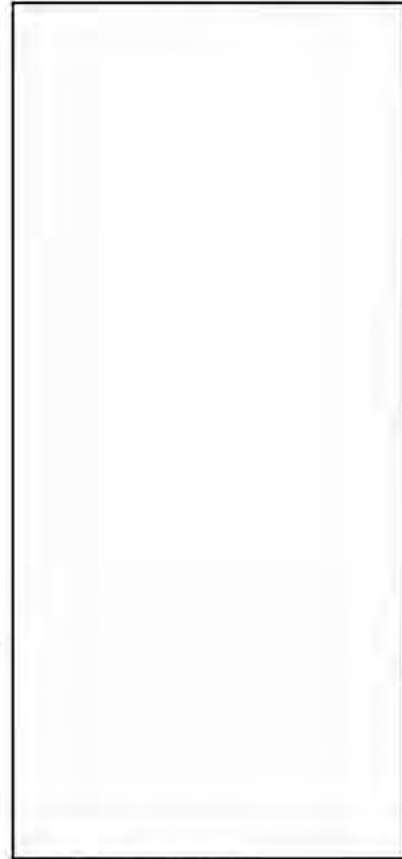
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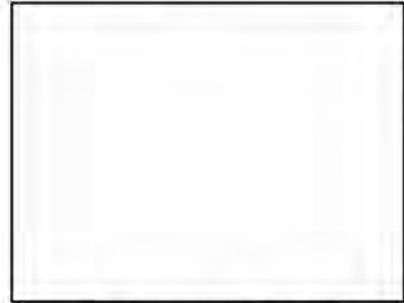
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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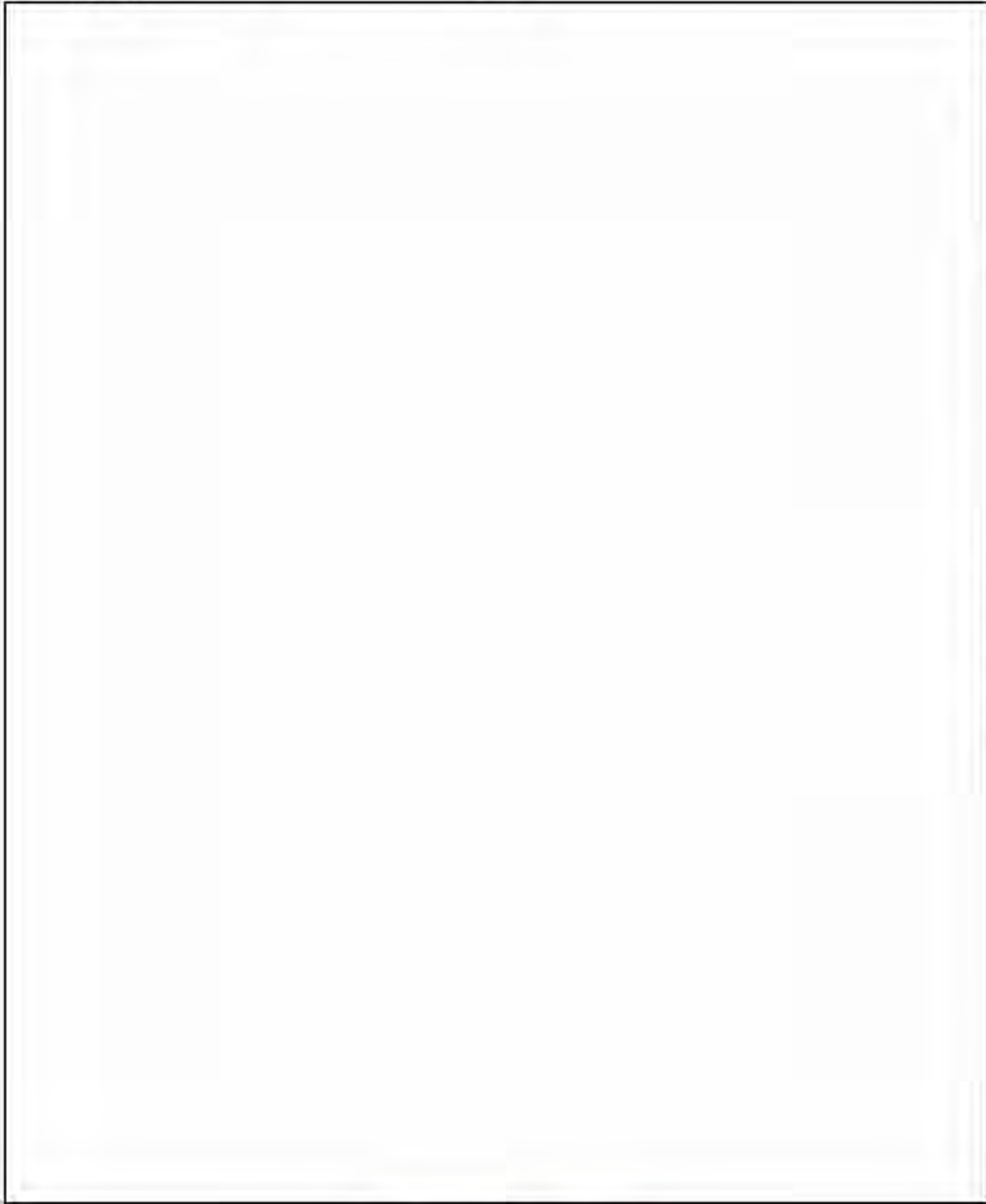
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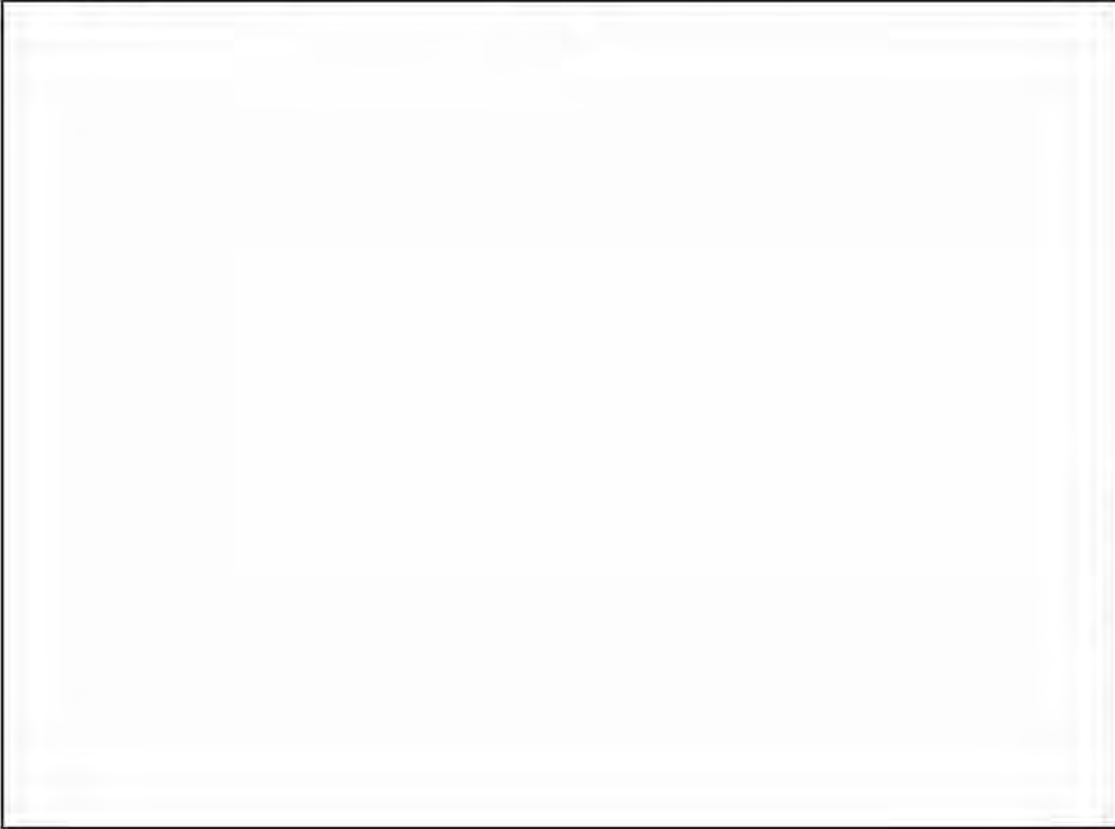
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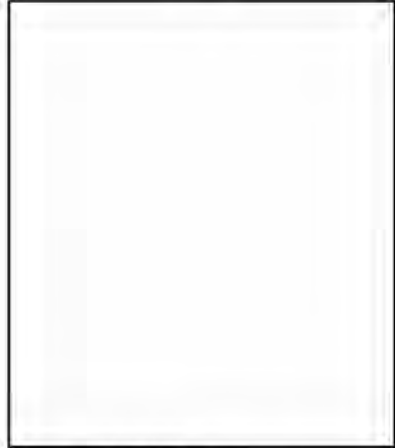
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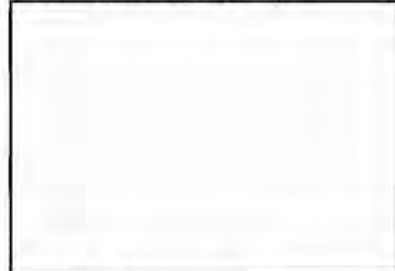
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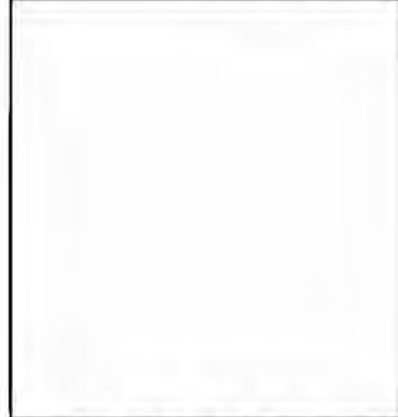
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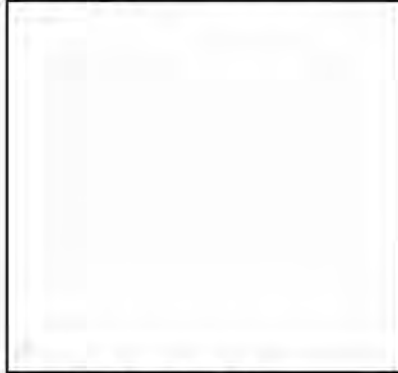
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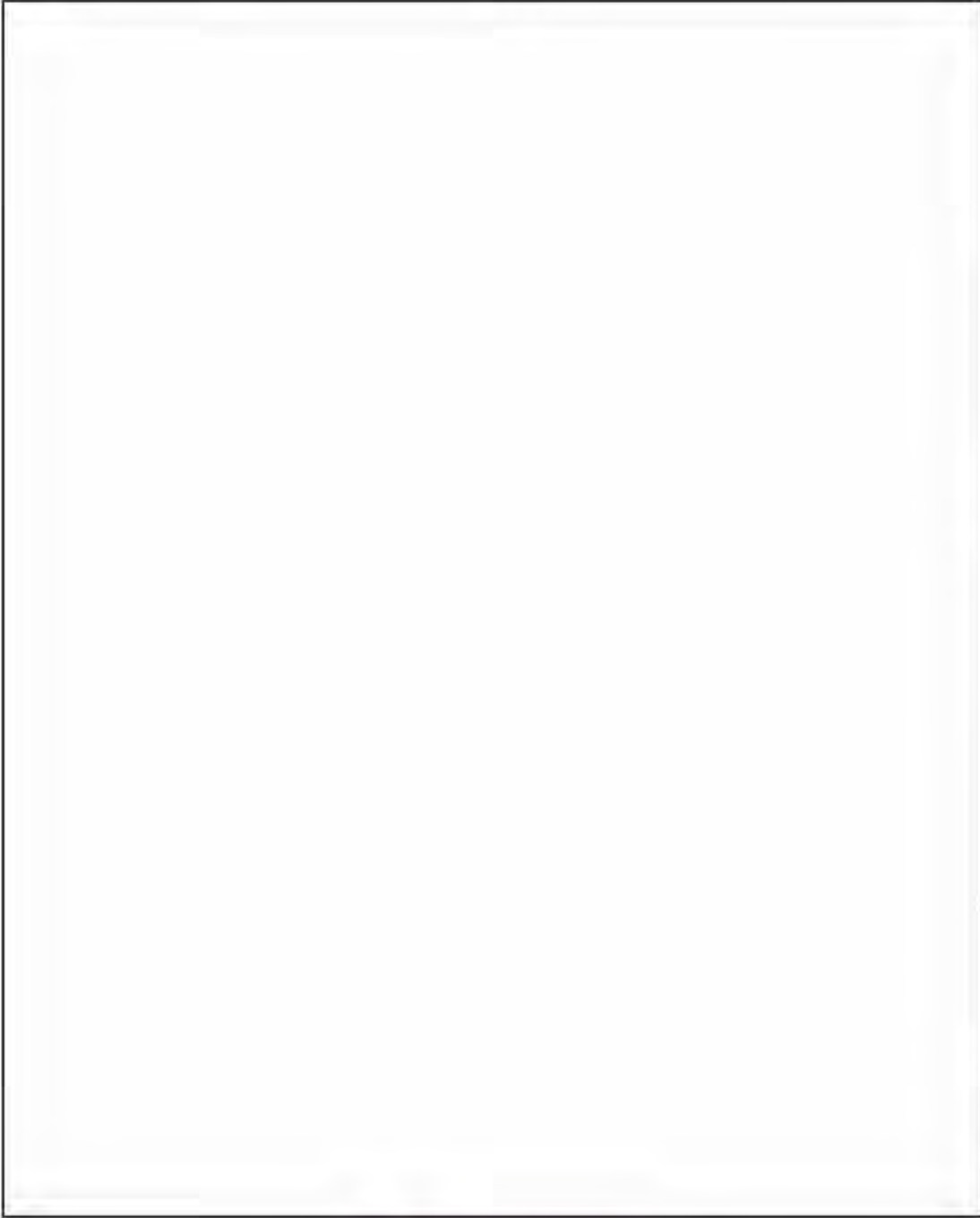


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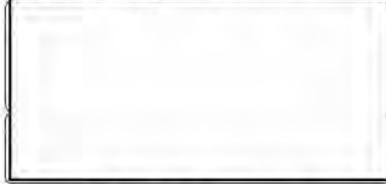
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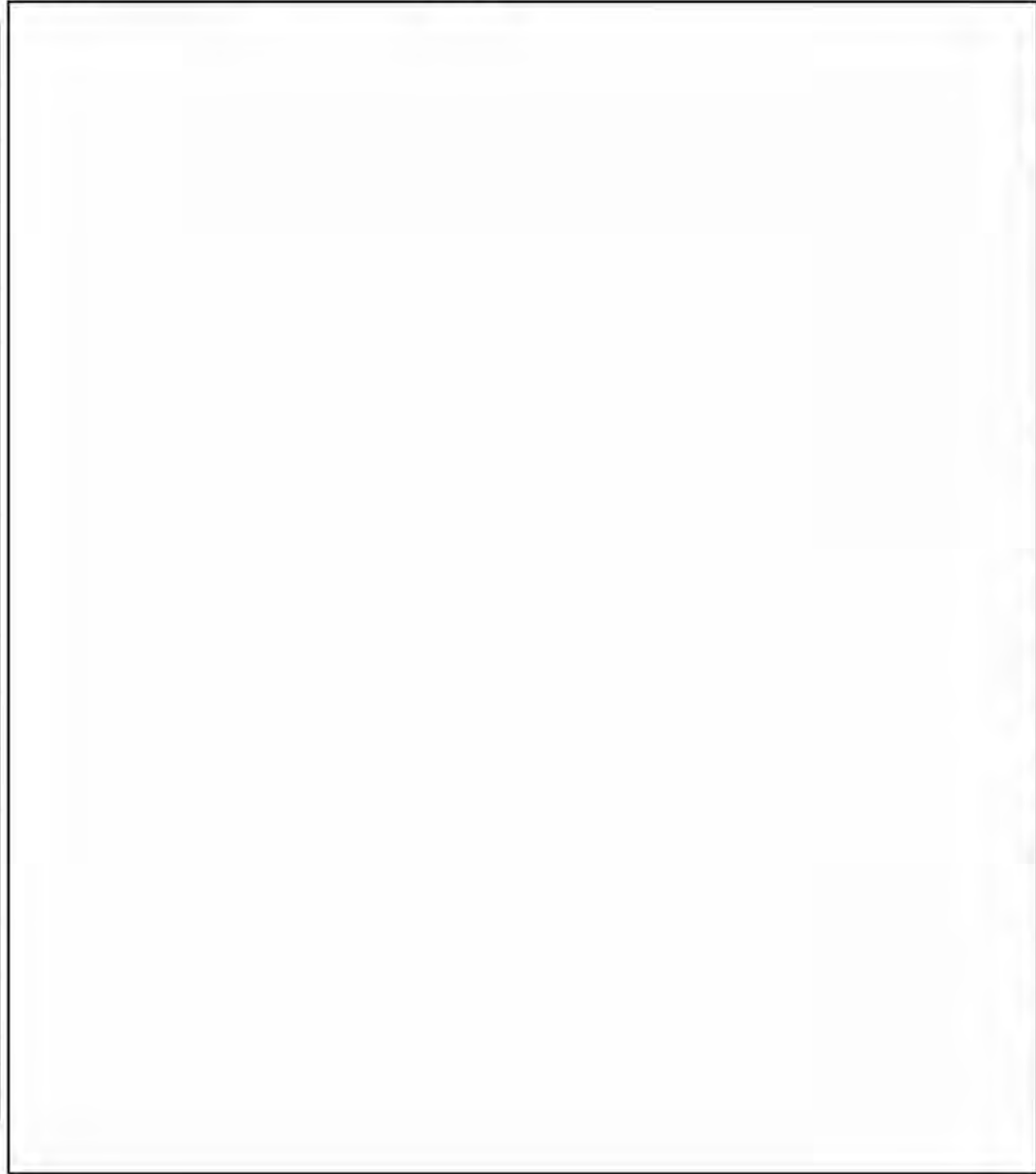
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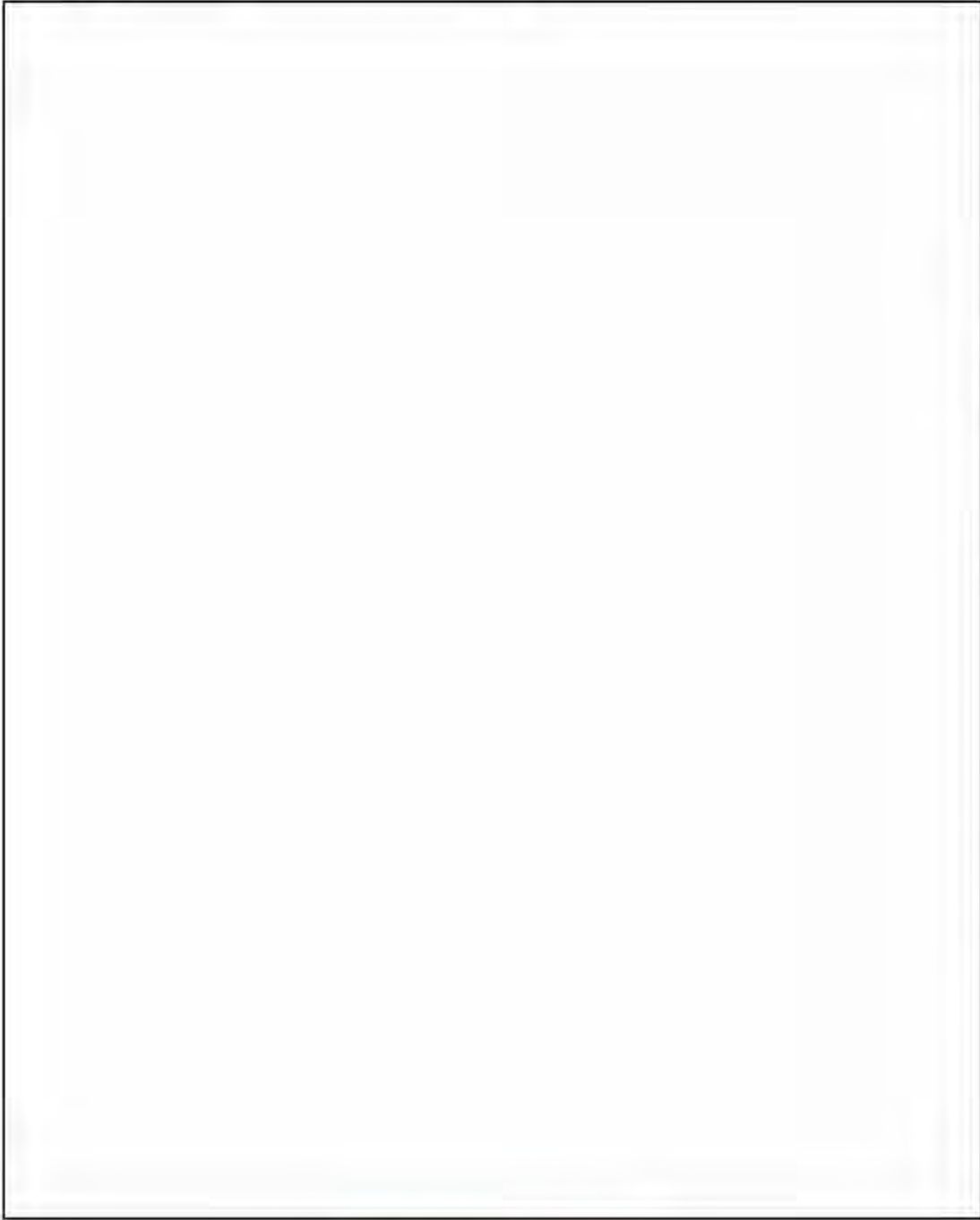
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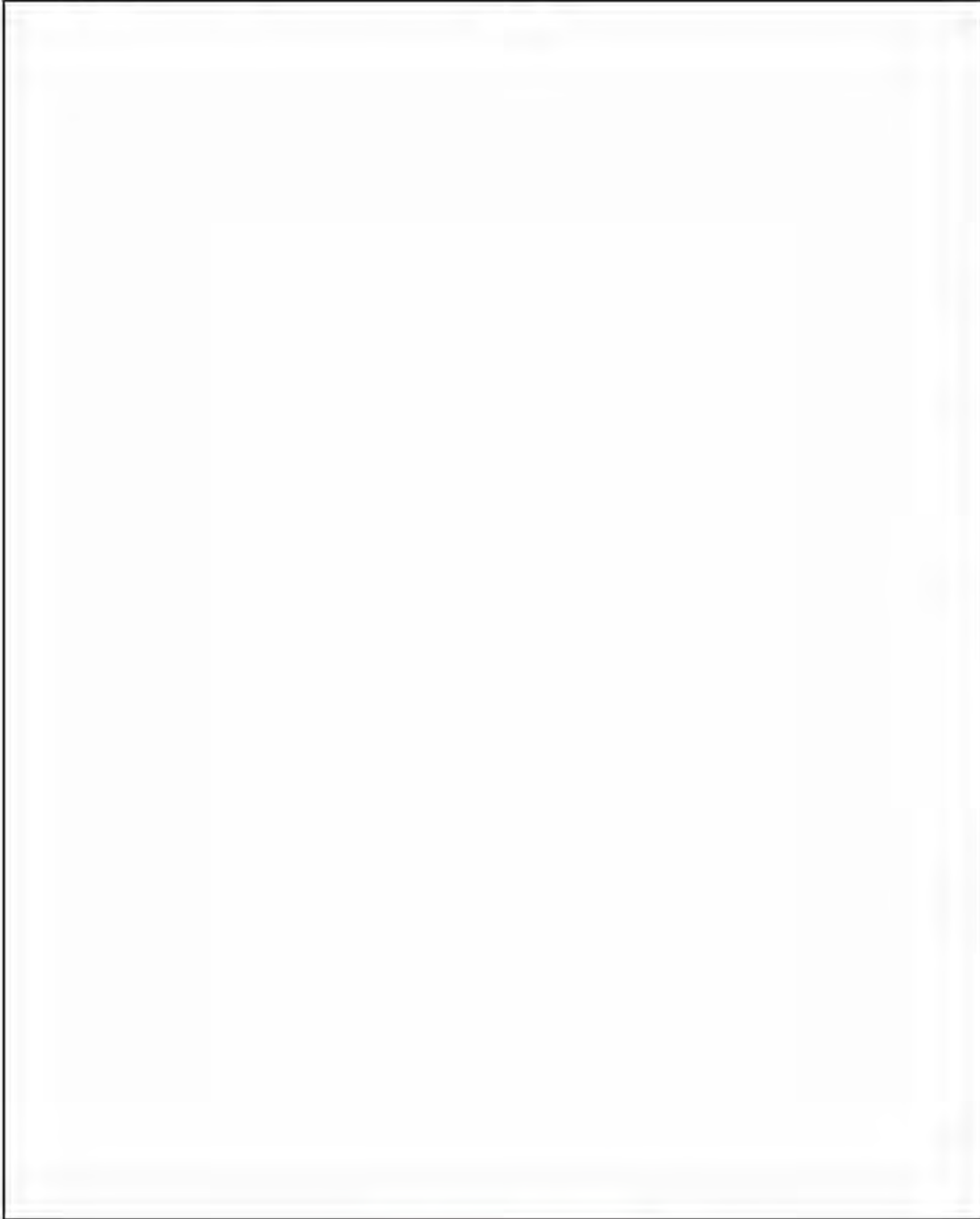
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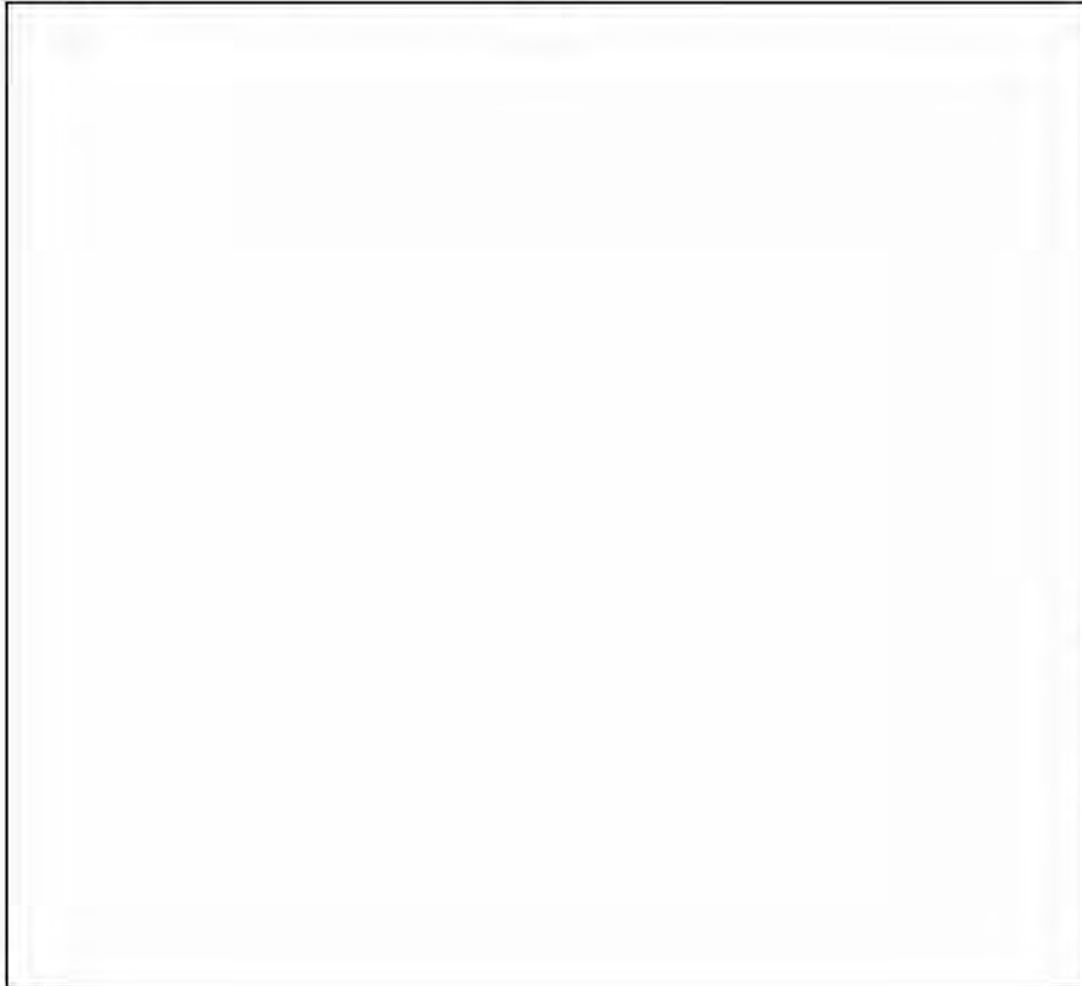
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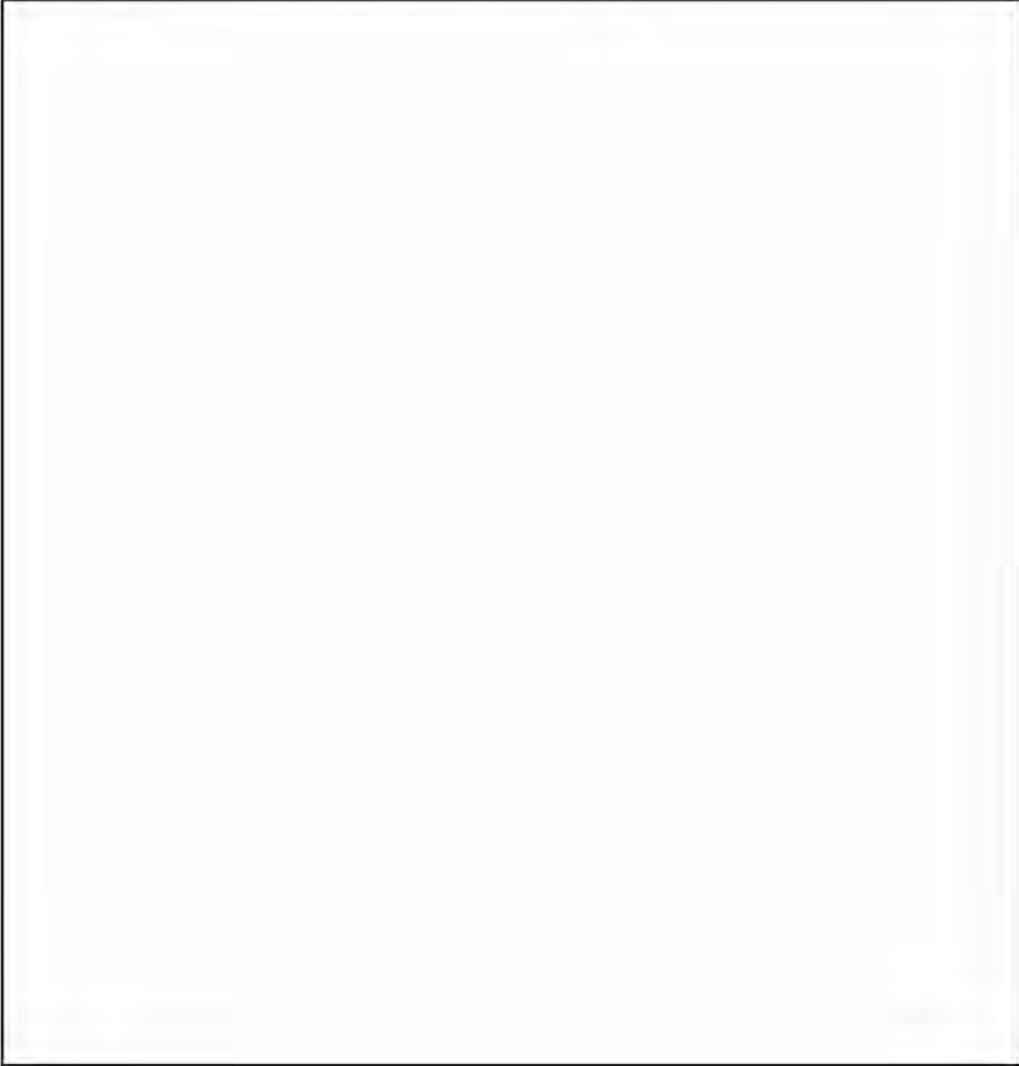
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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Page 26

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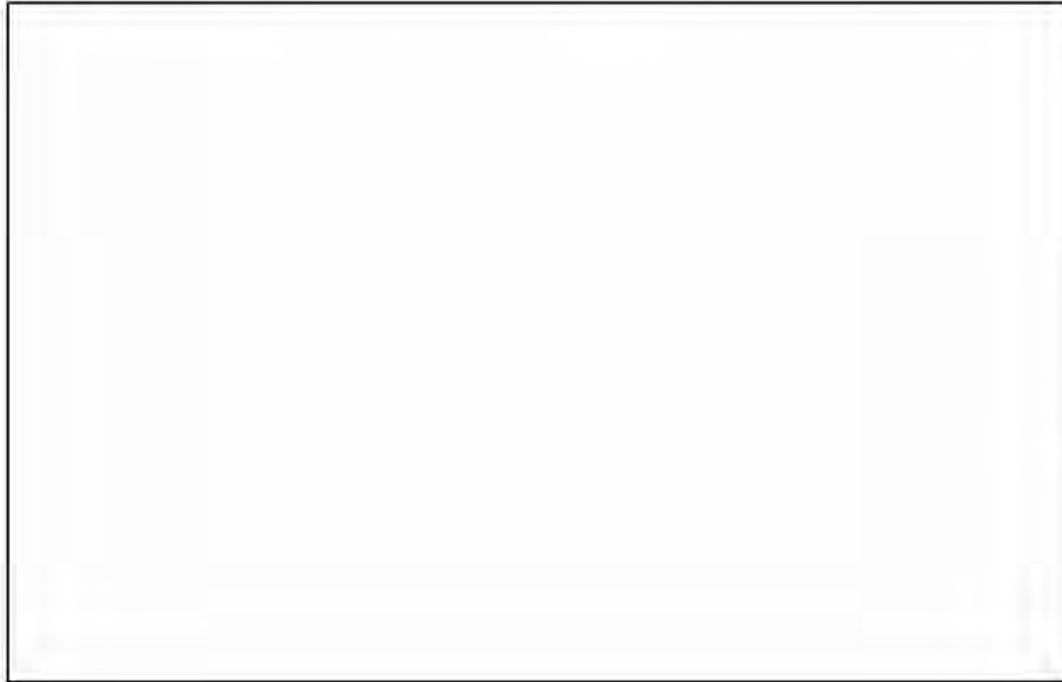


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Washington, DC 20529-XXXX



U.S. Citizenship  
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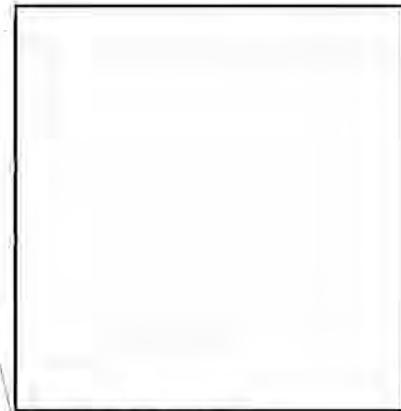
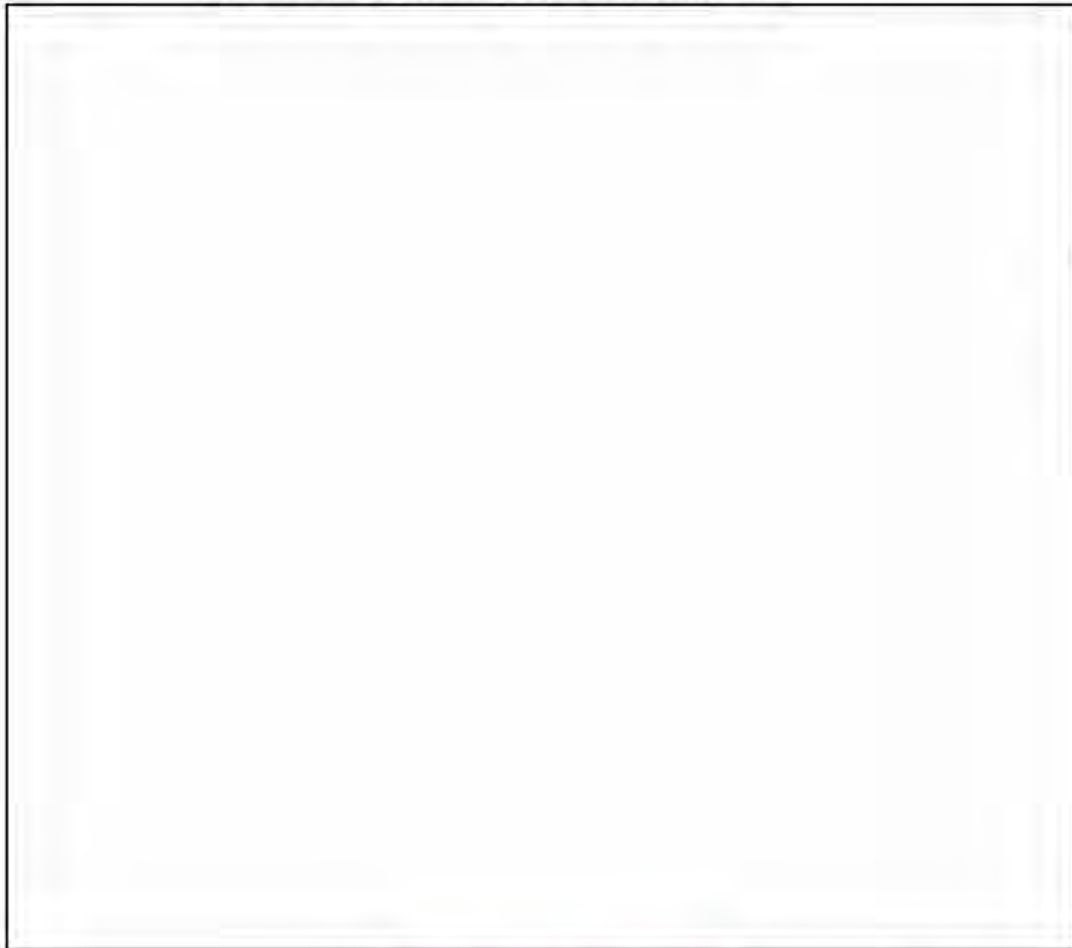
## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer (b)(5)

SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and  
Dissemination of Personally Identifiable Information**

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[www.uscis.gov](http://www.uscis.gov)

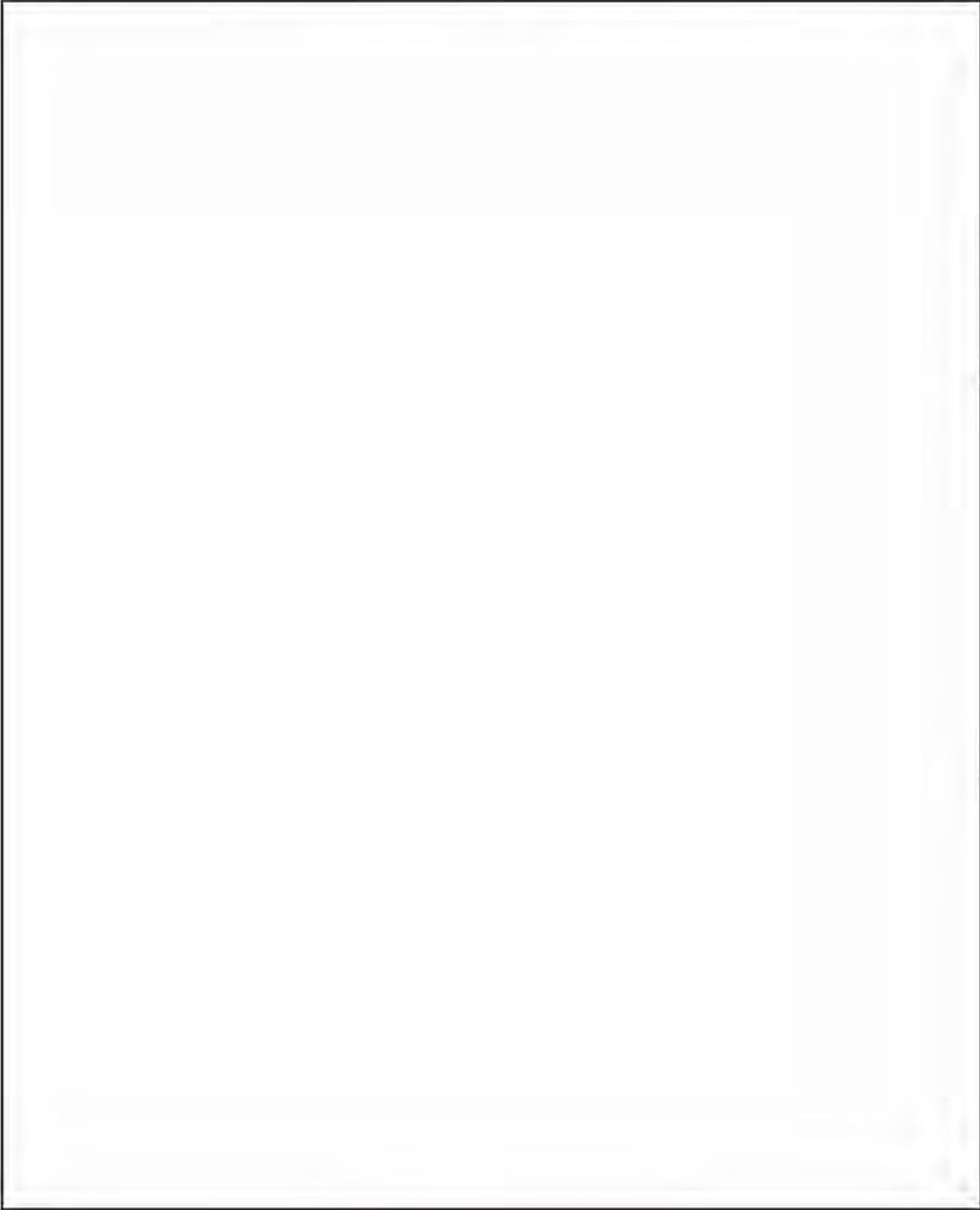


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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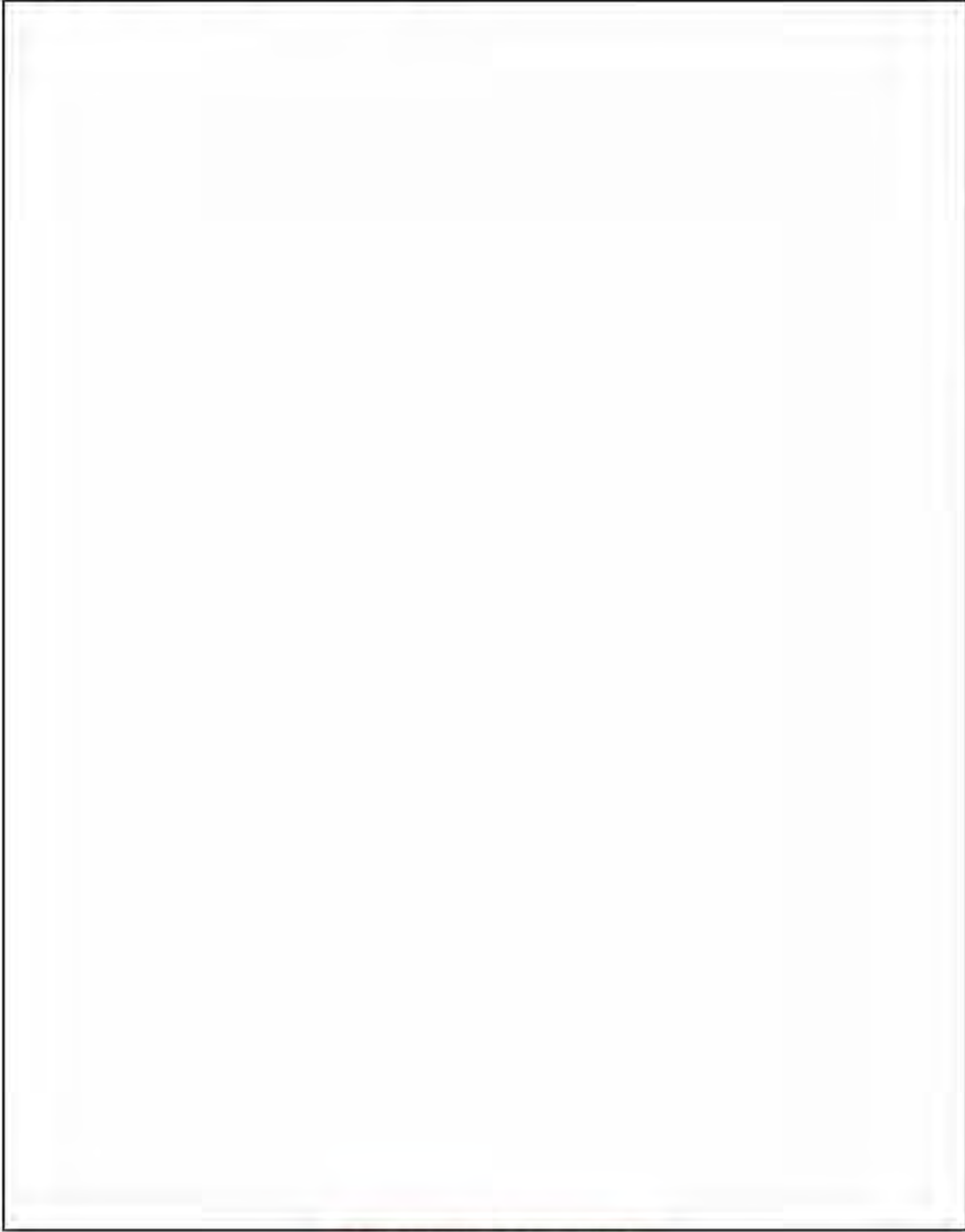
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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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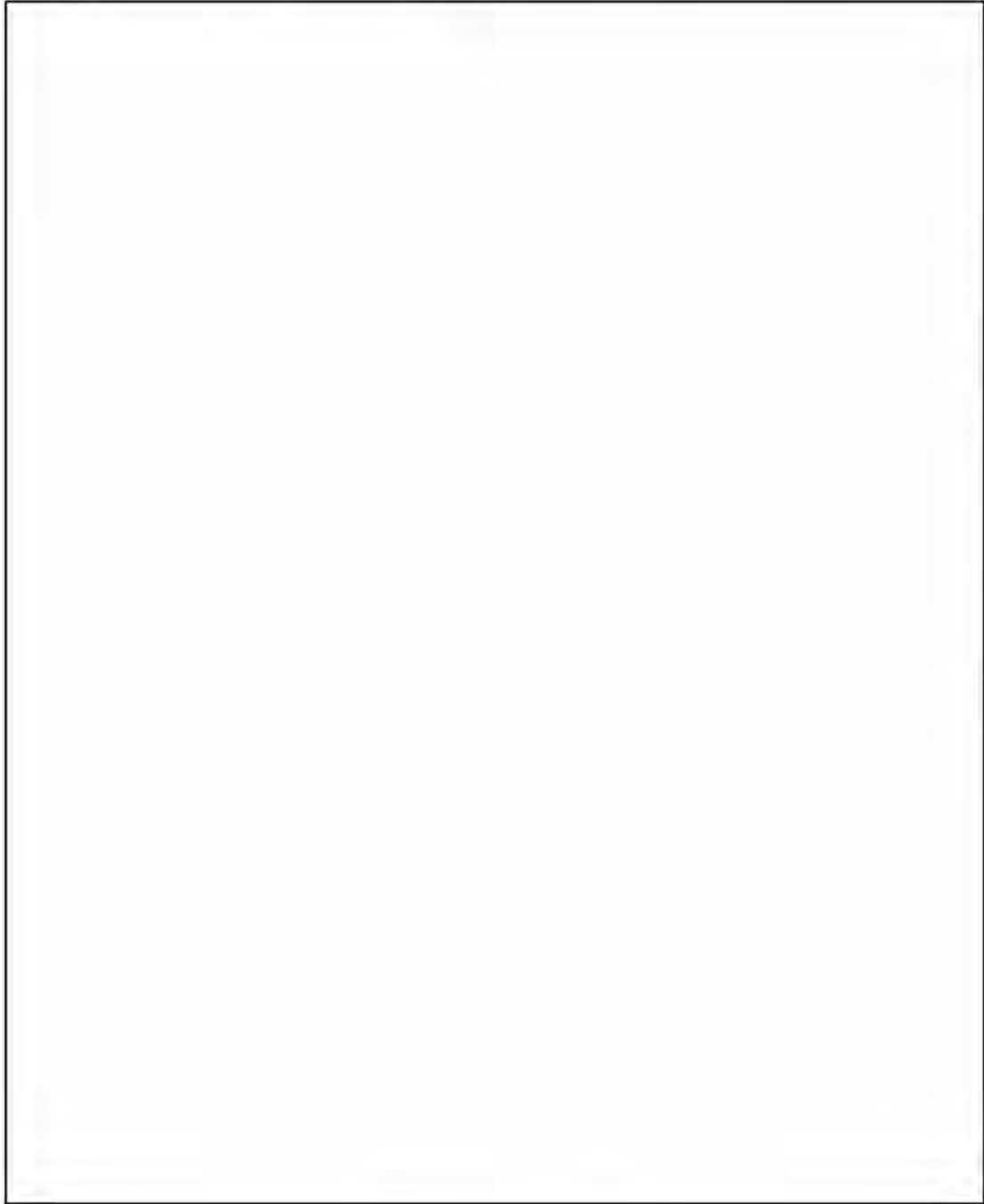


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information  
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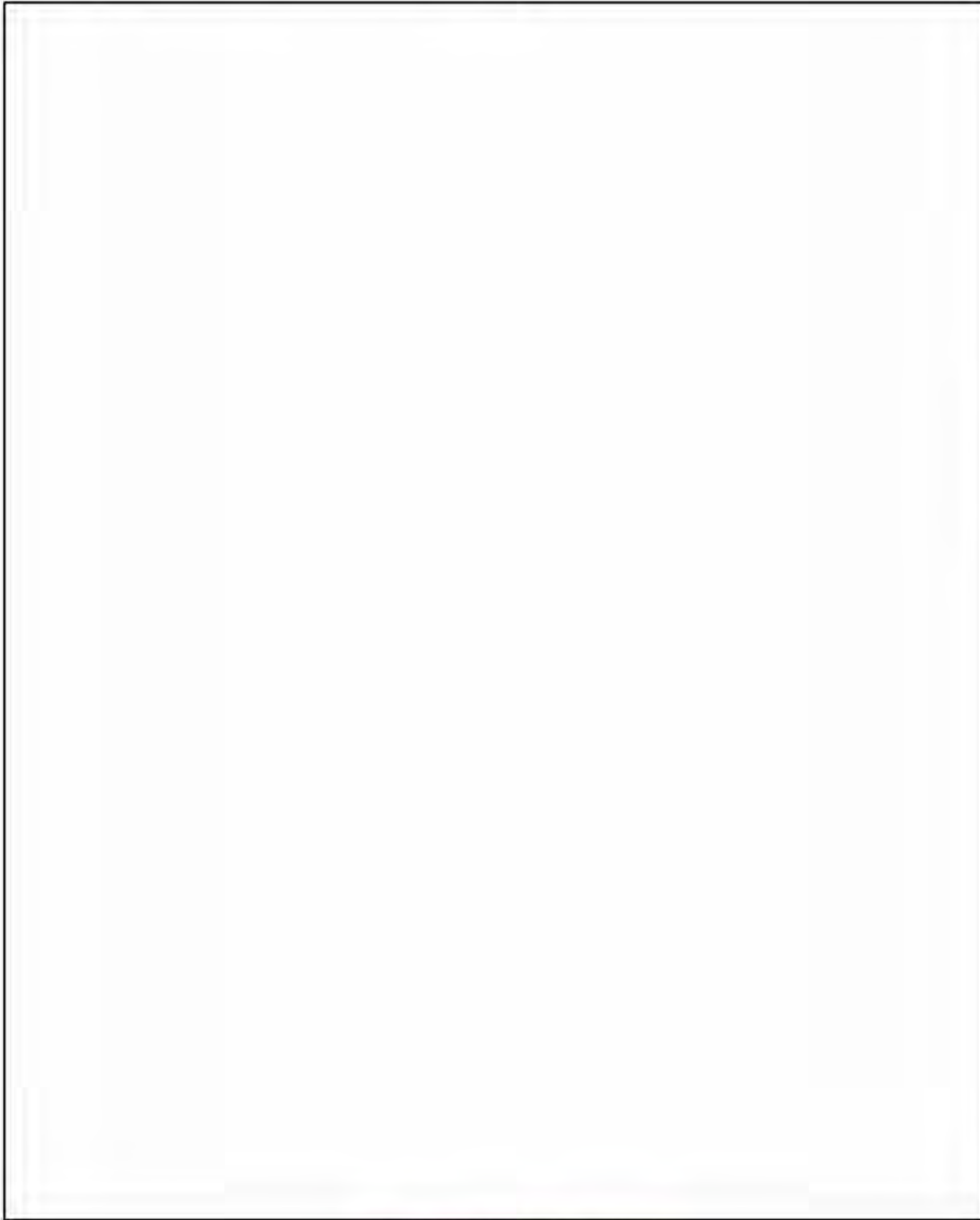
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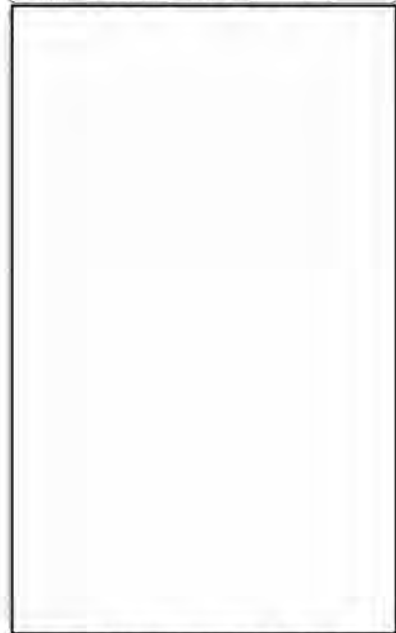


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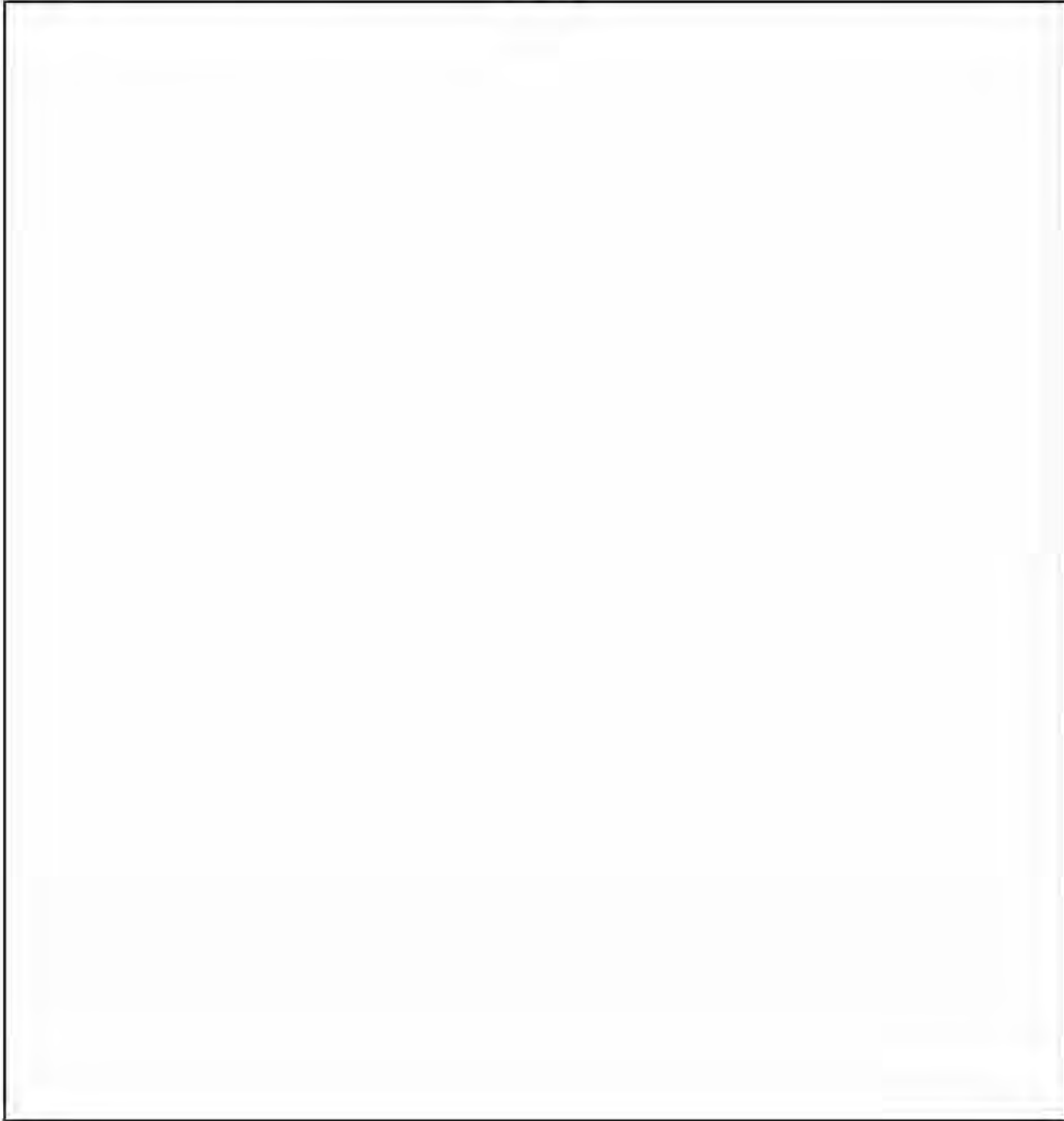
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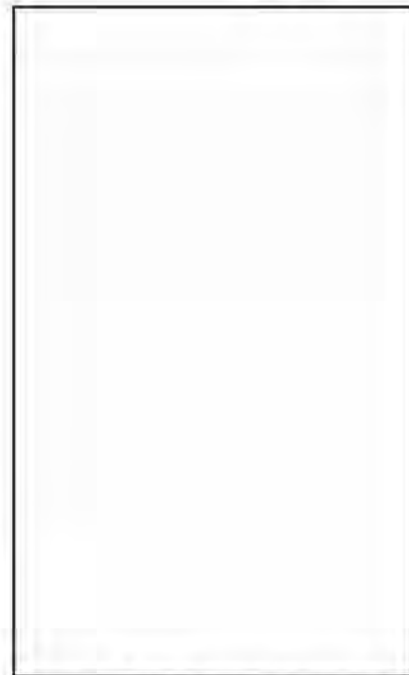
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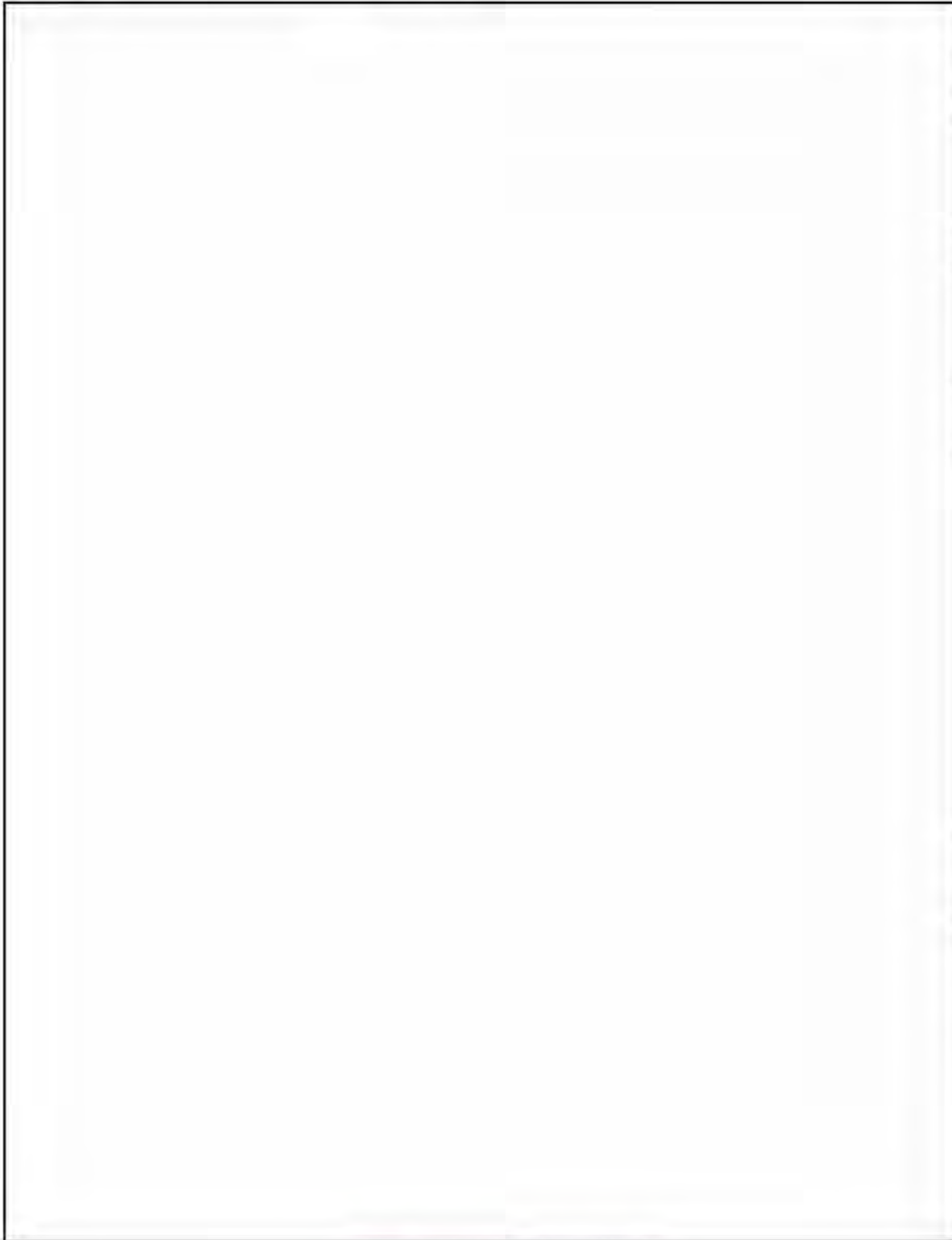


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally  
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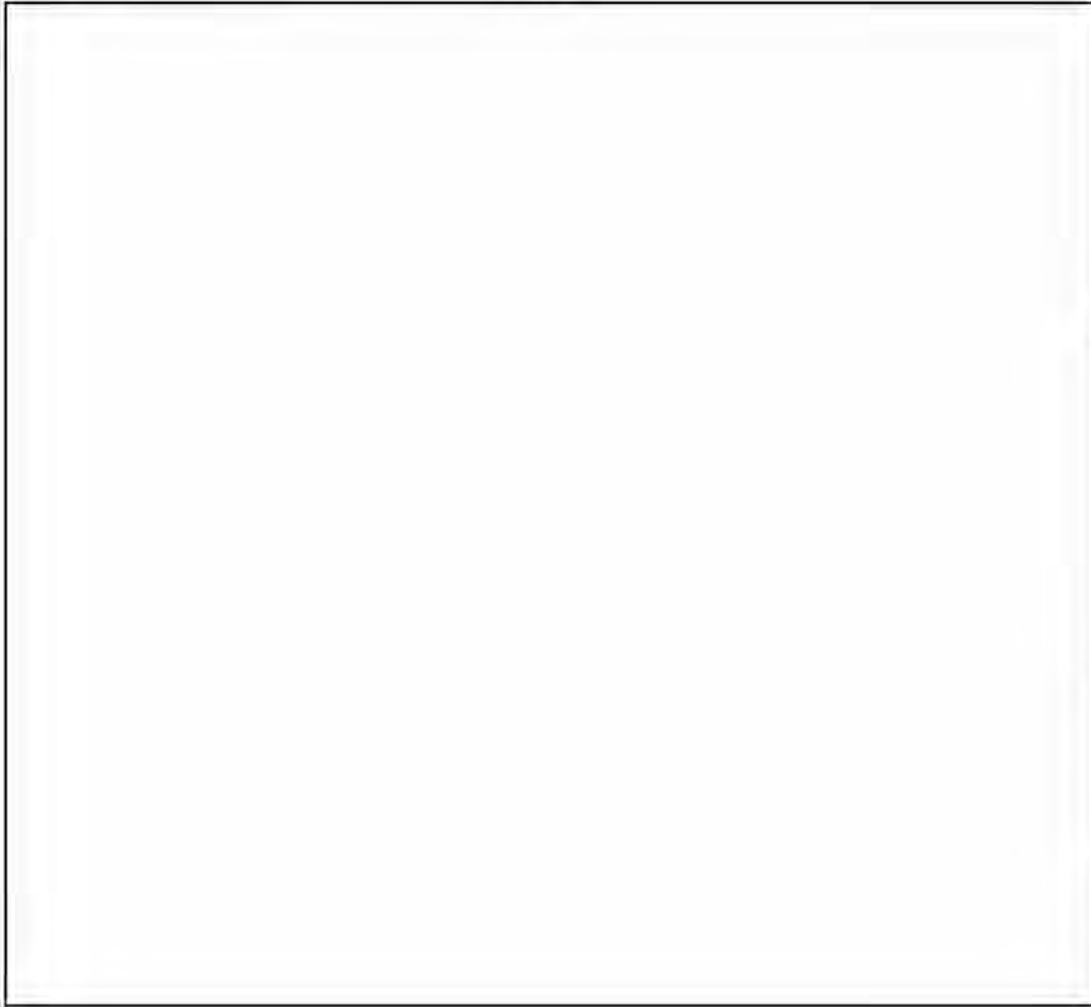


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USCIS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information

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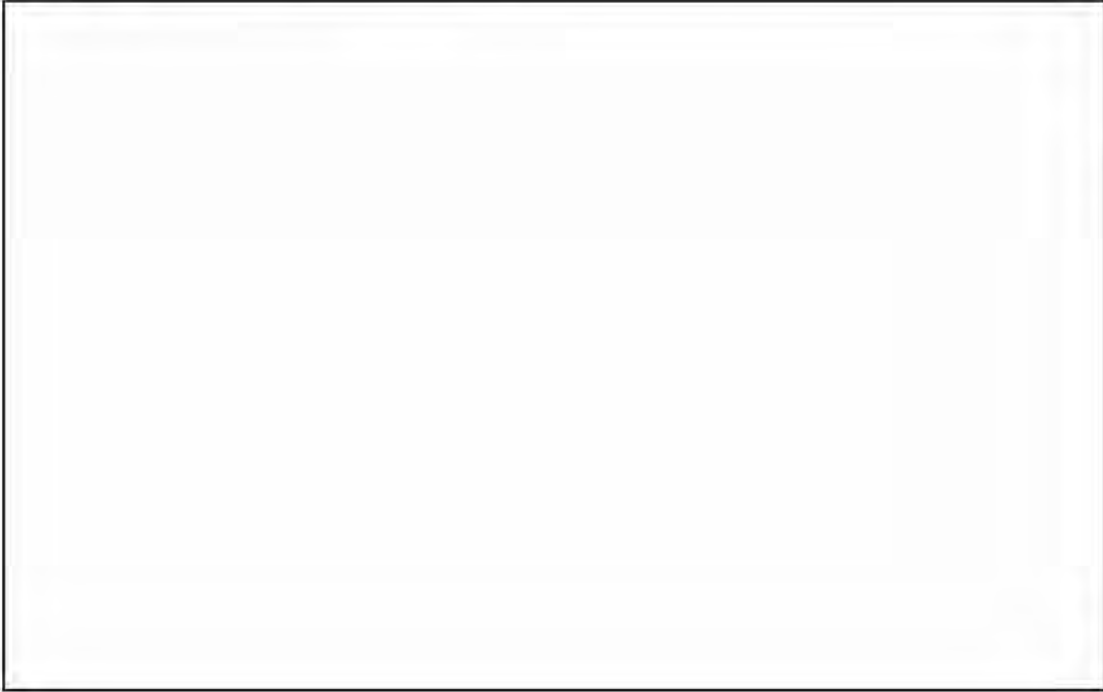


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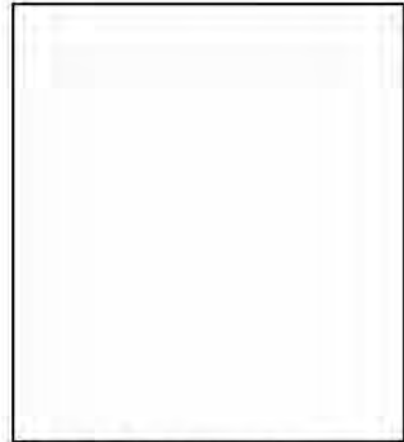
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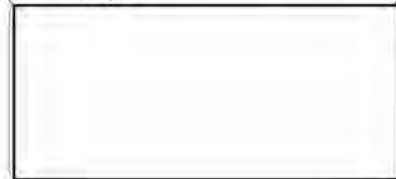
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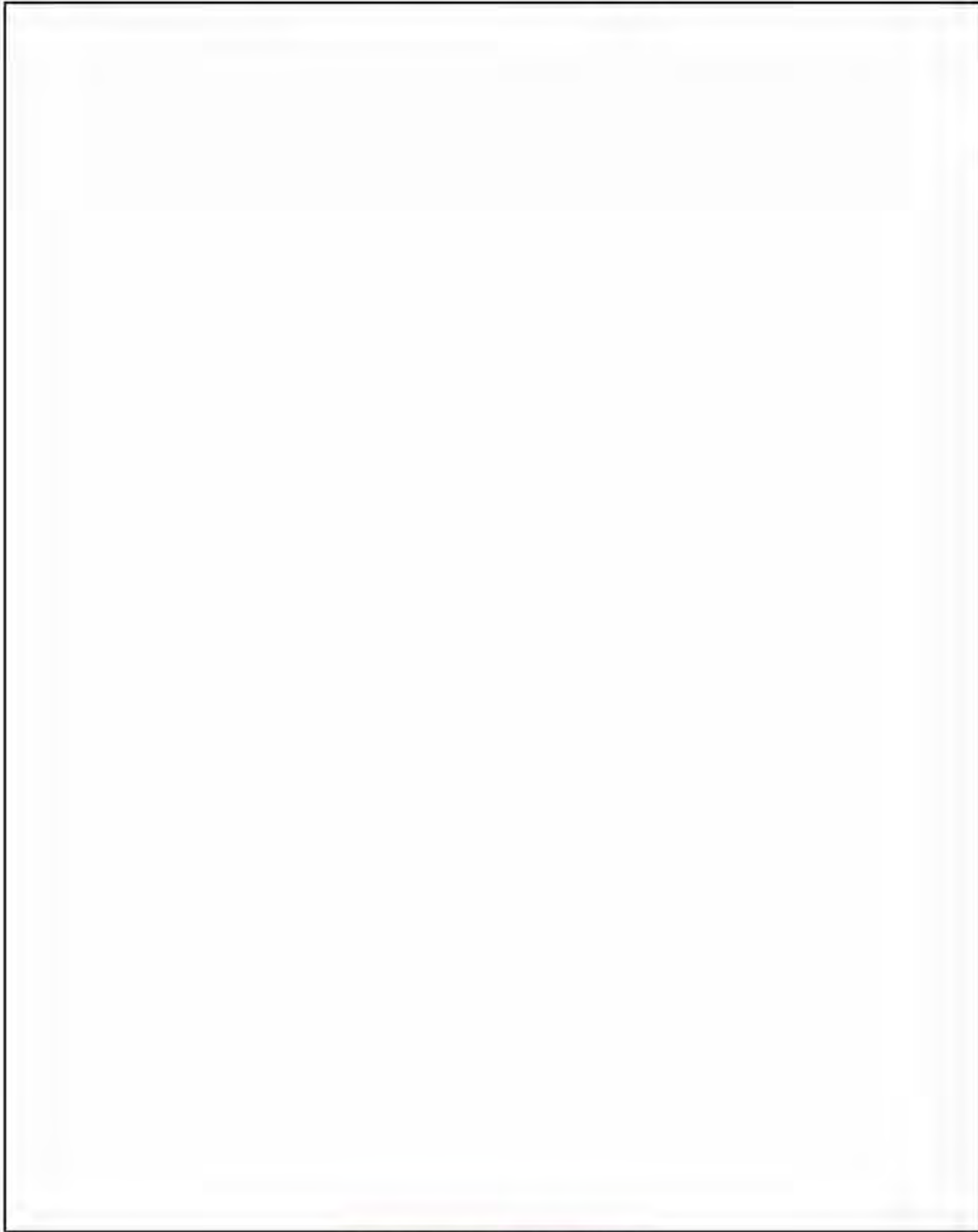
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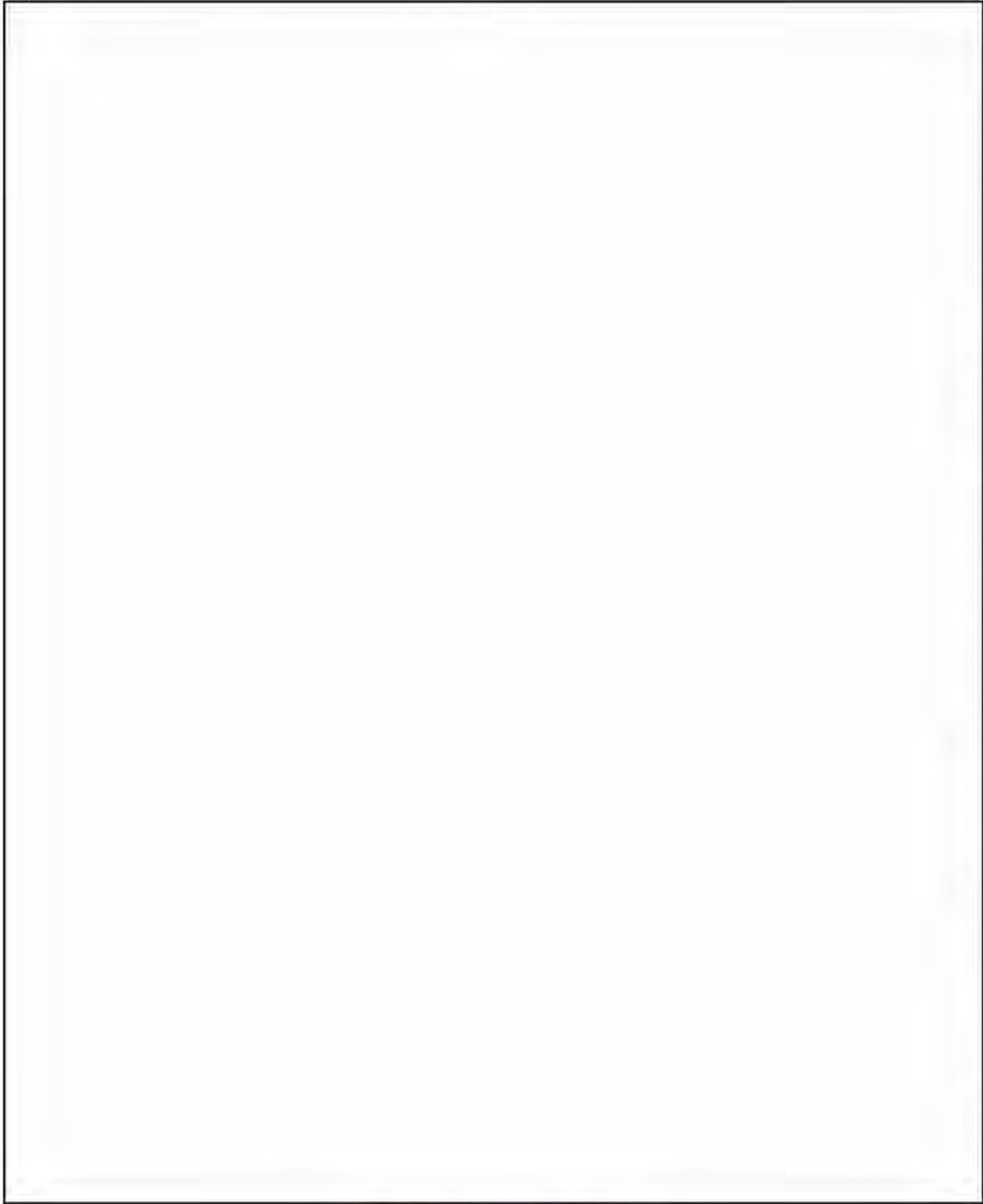
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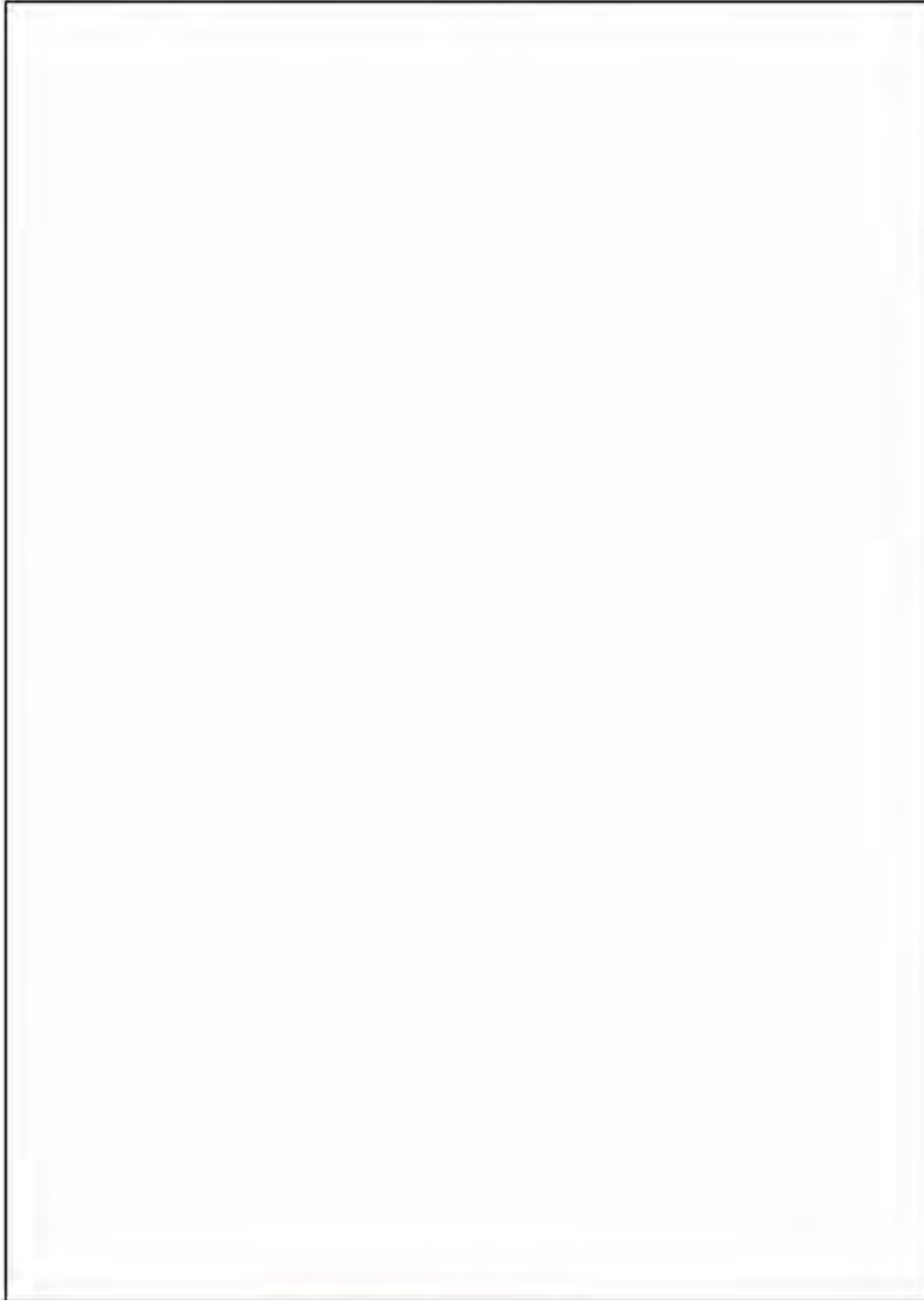
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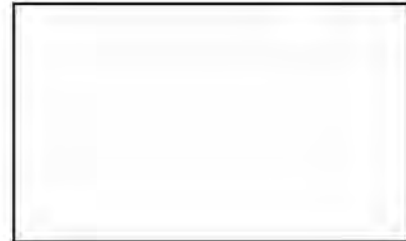
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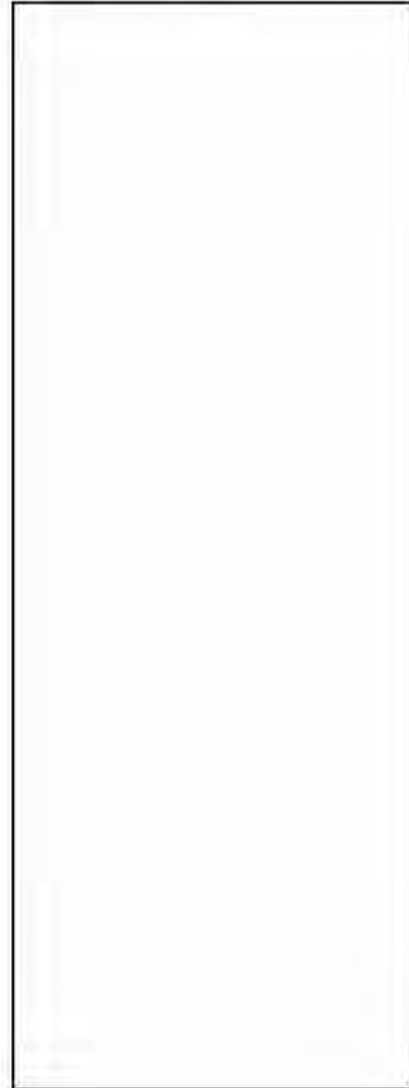
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#### **Appendix E: Countries covered by the Judicial Redress Act of 2015**

The following regional economic integration organization and countries have each been designated by the Attorney General as a “covered country,” effective on February 1, 2017:

- European Union
- Austria
- Belgium
- Bulgaria
- Croatia
- Republic of Cyprus
- Czech Republic
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

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**Appendix F: Information Sharing Workflow**

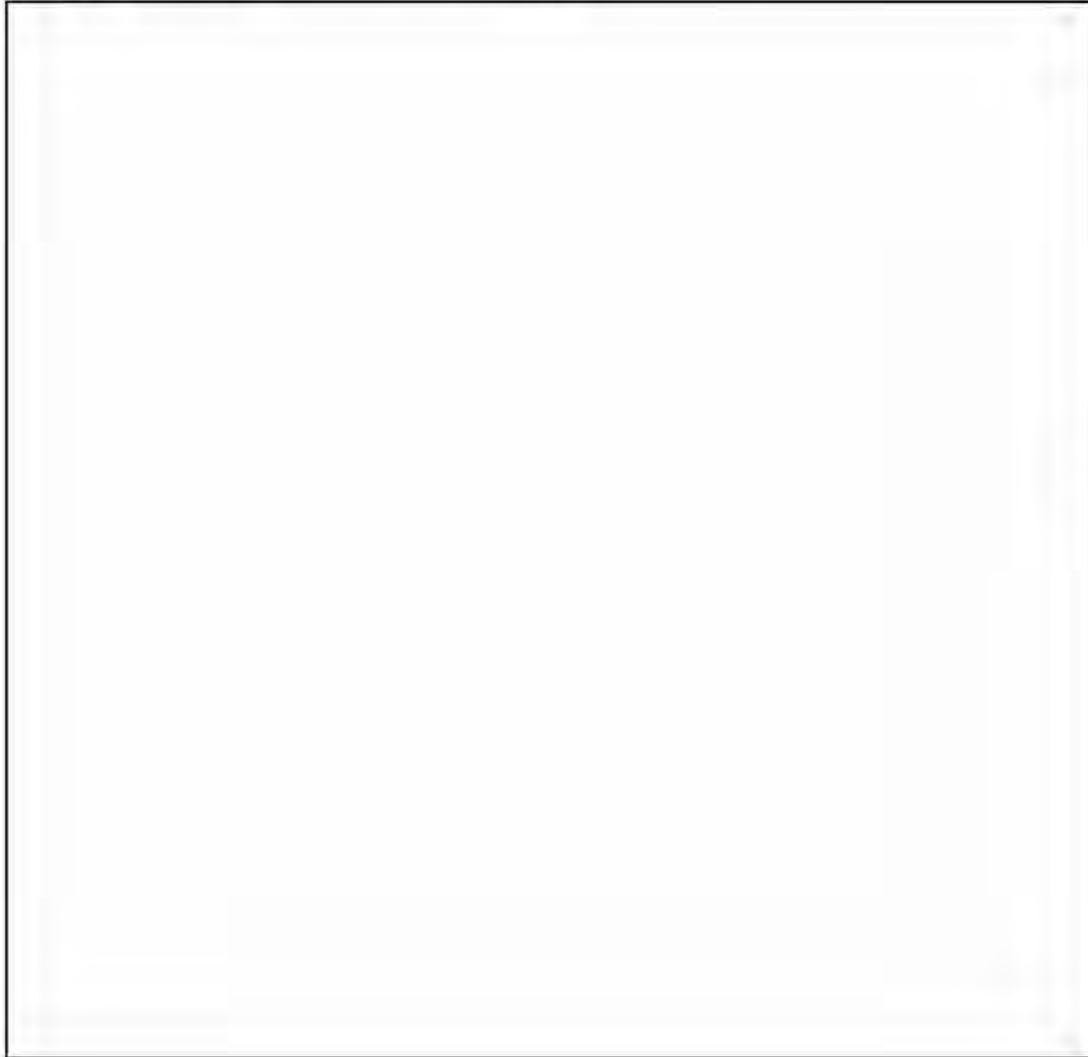
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U.S. Citizenship  
and Immigration  
Services

## Information Memorandum

TO: USCIS Directorates and Program Offices

FROM: Donald K. Hawkins  
USCIS Privacy Officer (b)(5)

SUBJECT: **USCIS Privacy Policy Guidance Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information**



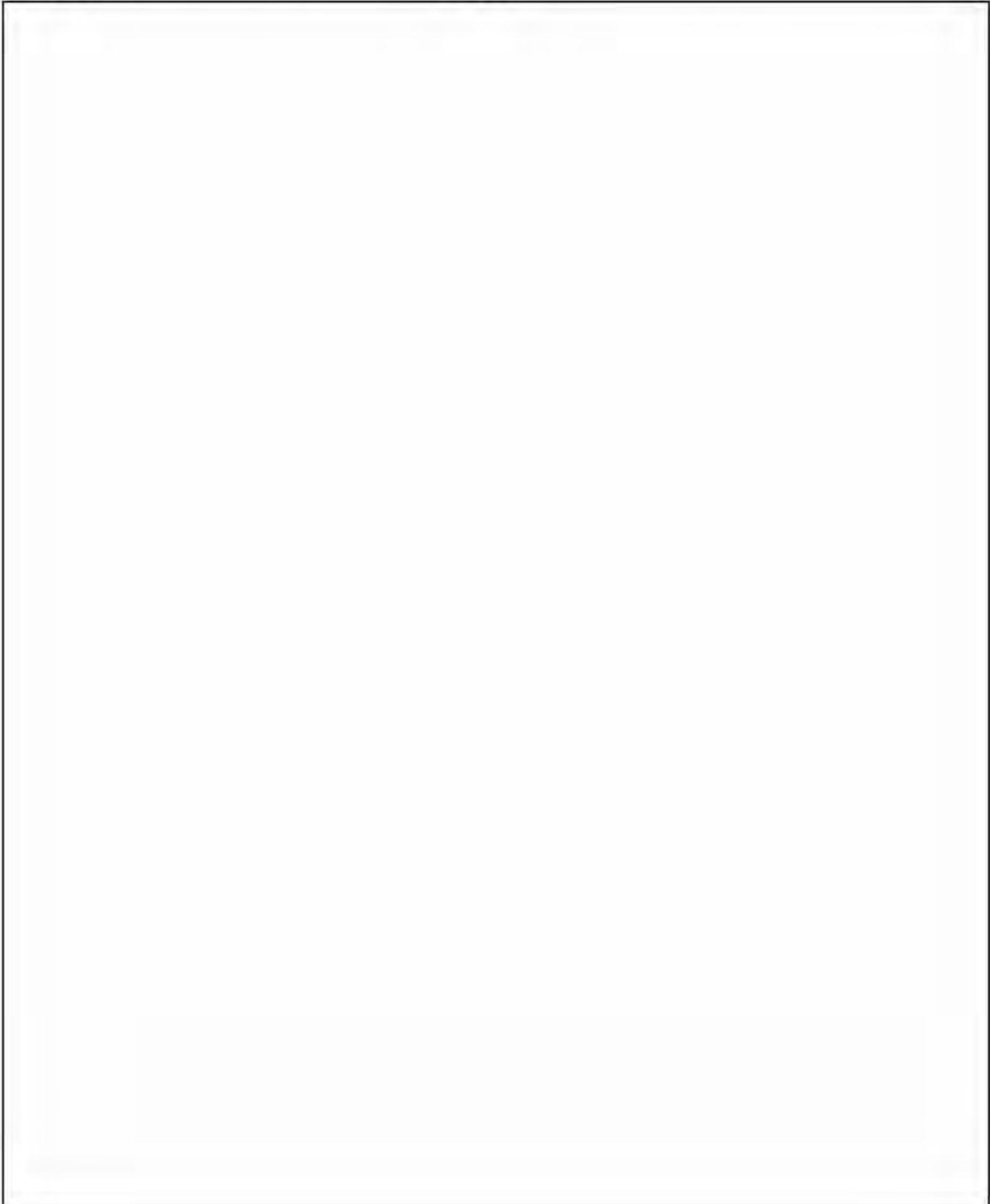
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Personally Identifiable Information

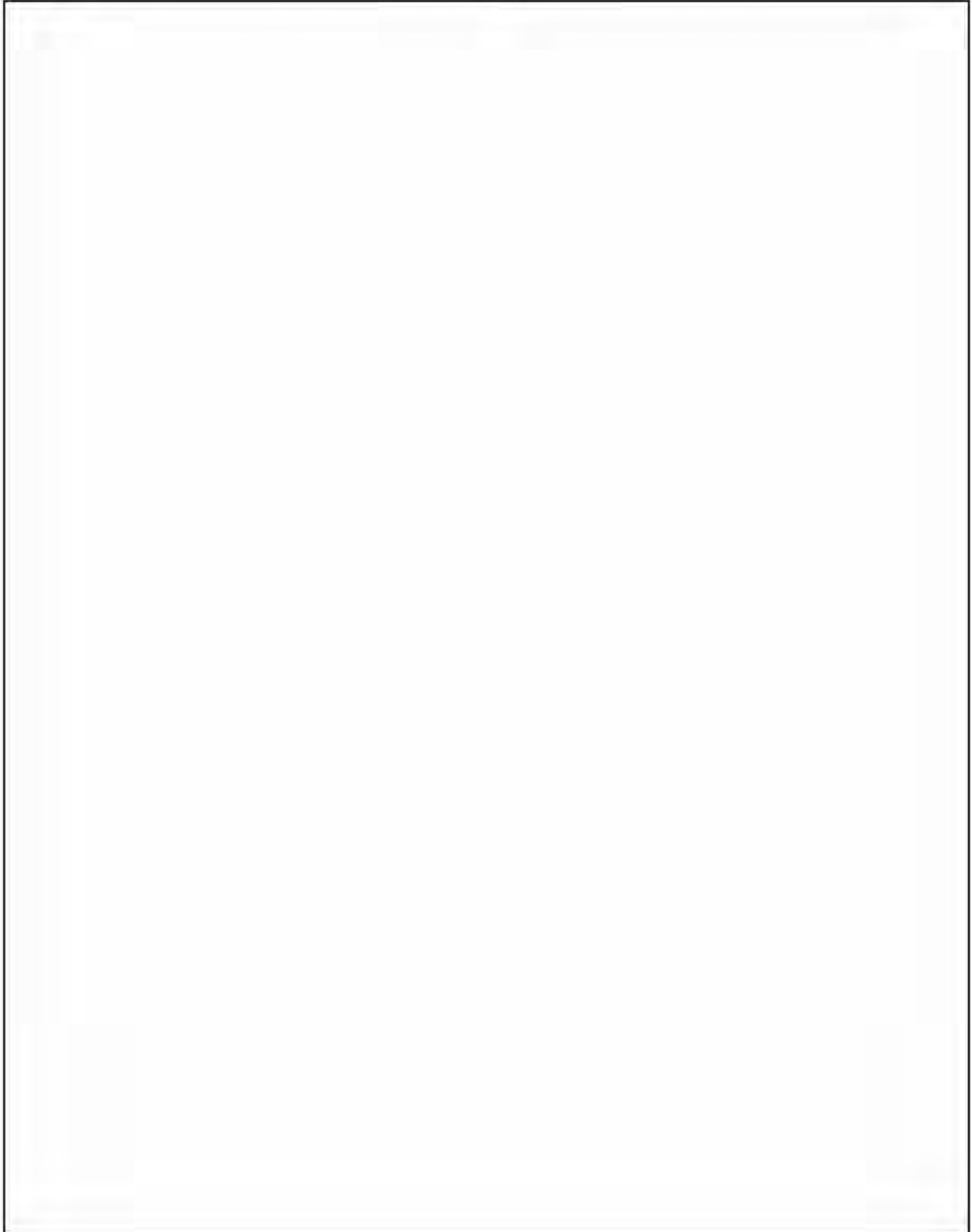
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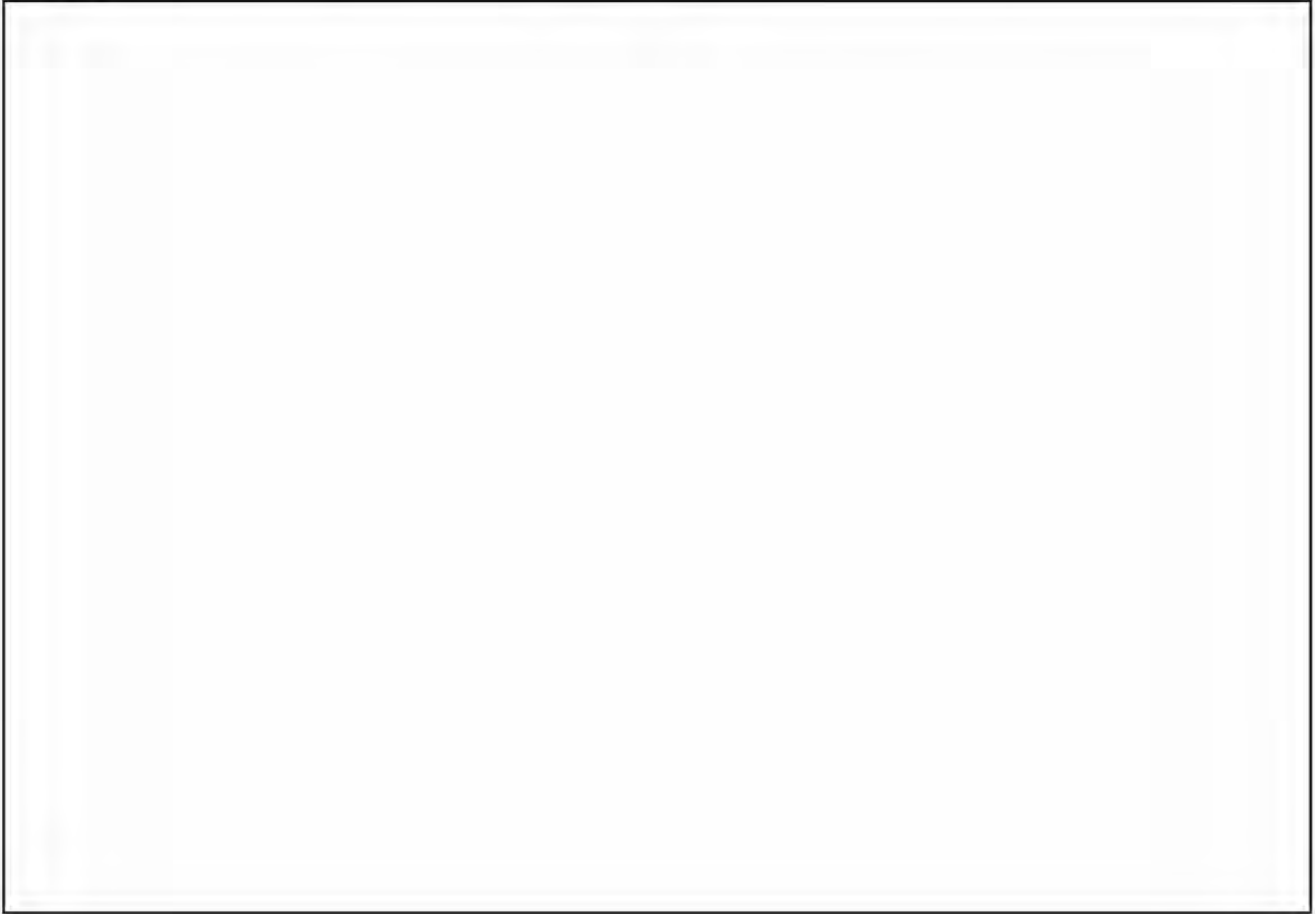
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<sup>14</sup> USCIS Privacy is developing a consent form to be used when the G-28 is not appropriate.

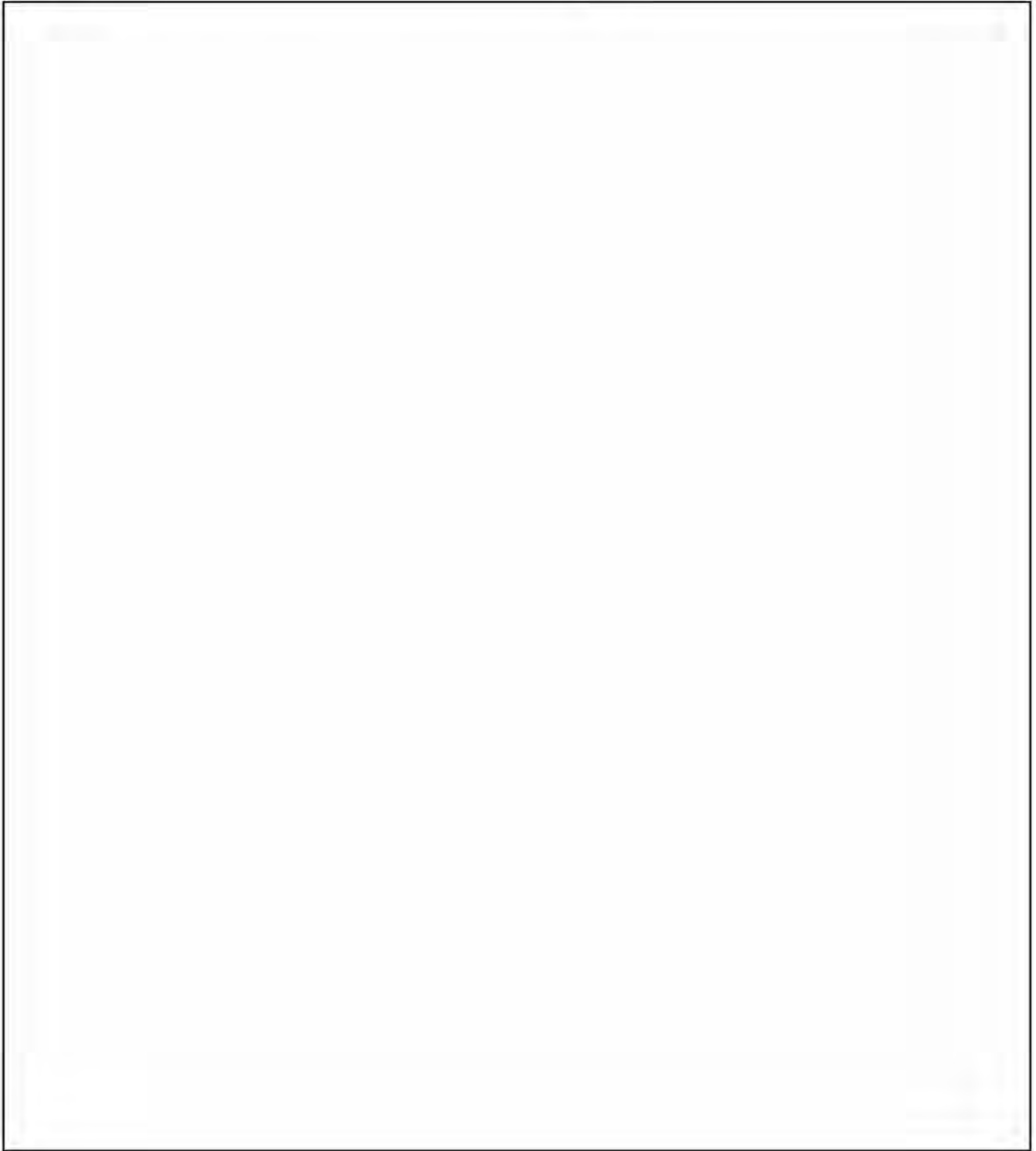


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