

From: Barrera, Staci A (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Sent: 5/13/2020 12:53:44 PM
To: Asher, Nathalie R (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Roncone, Stephen
CC: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Christopher S
(b)(6),(b)(7)(C) Aguilar, Max
(b)(6),(b)(7)(C) Clark, Kenneth N
(b)(6),(b)(7)(C) Holz, Jordan
Subject:
Attachments: FINAL Clearview-Facial Recognition White Paper - 30 Apr 20.docx

Good morning,

Just wanted to put this back on everyone's radar. We got word that the PIA is approved by DHS Privacy and should be posted today.

Thanks
Staci

From: Barrera, Staci A
Sent: Thursday, April 30, 2020 12:20 PM
To: Asher, Nathalie R (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov; Roncone, Stephen (b)(6),(b)(7)(C) @ice.dhs.gov
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov; Aguilar, Max (b)(6),(b)(7)(C) @ice.dhs.gov; Clark, Kenneth N (b)(6),(b)(7)(C) @ice.dhs.gov; Holz, Jordan (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: PIA release for Clearview/Facial Recognition

Colleagues,

As discussed at yesterday's Principals Meeting we are anticipating public posting on the DHS website later today of the Privacy Impact Assessment (PIA) to support HSI's use of Clearview/Facial Recognition. In anticipation of potential media, congressional and stakeholder inquiries once the PIA is posted, IGP has prepared the attached background information and talking points which were cleared by HSI, OPA and OCR. Please note we have not yet received confirmation from DHS Privacy this morning that they are ready to post the PIA so the timing could shift.

If there are questions or you need further information, IGP AD Ken Clark and ICE Privacy Officer Jordan Holz are available to assist your offices.

Thanks,
Staci



**ICE's use of Facial Recognition Services
Management and Administration**

Background:

ICE HSI routinely encounters digital images of potential victims or individuals suspected of crimes but cannot connect those images to identifiable information through existing investigative means and methods. HSI, therefore, submits those images to government agencies and commercial vendors (e.g., Clearview) to compare against their digital image galleries via facial recognition processes. The agencies and vendors query their databases and return lists of potential matches that HSI can use to produce investigative leads. These facial recognition services (FRS) use their own algorithms and business processes to determine the probability that an image submitted by ICE might match images in their galleries. ICE conducted a Privacy Impact Assessment (PIA) because the use of FRS entails the collection, maintenance, and dissemination of personally identifiable information (PII). Claims in this PIA have been reviewed and vetted through ICE IGP, HSI leadership, ICE OPLA, and the DHS Privacy Office. Once the DHS Chief Privacy Officer approves the PIA, the PIA will be posted publicly on the DHS Privacy website.

The following talking points are designed to support OPA and OCR to respond to media and Congressional inquiries on this topic:

Talking Points

- ICE has published this PIA to increase transparency and visibility regarding our efforts using facial recognition services (whether federal, state, or commercial) in furtherance of our mission. Publishing this PIA is a requirement under the E-Government Act of 2002.
- Publishing the PIA will help ICE defend itself against claims that we are not adequately protecting individual privacy and civil liberties in our use of facial recognition services. ICE can use this PIA to respond to inquiries from the media, Congress, advocacy groups, and FOIA requests.
- ICE's use of facial recognition services (FRS) is used to generate leads and identify potential investigation subjects or victims who likely match the image submitted by ICE.
- ICE does not take enforcement action solely based on an FRS return; our agents and officers need to do additional investigative work to establish "probable cause."
- ICE's use of commercial FRS has helped to identify multiple individuals engaged in child exploitation and other crimes related to child safety.
- All images returned from commercial FRS come from publicly available sources otherwise accessible to ICE personnel.
- Before submitting an FRS query, ICE personnel must use reasonable efforts to identify the individual through existing means and methods, such as government database queries and open source research.



-
- ICE will only use FRS approved for facial recognition identification (either through supervisory approval or the HSI Operational Systems Development and Management Unit – OSDM)
 - ICE has disabled functionality in commercial FRS (i.e., Clearview), so that ICE images are not stored or retained by the vendor.
 - ICE only submits photographs in furtherance of an ongoing investigation. ICE is developing training and Rules of Behavior (in conjunction with DHS Science & Technology, DHS Privacy, and DHS Civil Rights and Civil Liberties) to ensure appropriate use of FRS, consistent with claims made in the PIA. Personnel who fail to comply or use FRS for unlawful purposes will be disciplined in accordance with ICE policy.

From: (b)(6),(b)(7)(C)
Sent: 12/15/2020 3:36:23 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
CC: (b)(6),(b)(7)(C)
Subject: RE: Facial Recognition
Attachments: FW: PIA release for Clearview/Facial Recognition

Chris,

The PIA in the attached email may be related. We'll ask IGP for the memo.

Respectfully,

(b)(6),(b)(7)(C)
Policy Unit Chief
Office of Policy and Planning
U.S. Immigration and Customs Enforcement
500 12th Street SW " Washington, DC 20536
Office: (202) 732- (b)(6),(b)(7)(C)

From: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, December 15, 2020 10:25 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Facial Recognition

(b)(6),(b)(7)(C)

Have we been looped in on this?

- **Facial Recognition Memorandum:** ICE Privacy's memorandum outlining how Homeland Security Investigations (HSI) personnel can engage with facial recognition services is under review by the HSI Front Office. Privacy expects to receive feedback by December 15 and will respond to comments and questions. The target date to finalize this memorandum, including signature by the HSI EAD, is December 18.

This is from IGP's weekly update. If we haven't been, can you please get a copy for us to review?

Thanks!

Christopher S. Kelly
Assistant Director, Office of Policy and Planning
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C) @ice.dhs.gov
(o) (202) 732- (b)(6),(b)(7)(C)
(c) (202) 489- (b)(6),(b)(7)(C)

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From:

(b)(6),(b)(7)(C)

Sent:

5/13/2020 1:27:13 PM

To:

(b)(6),(b)(7)(C)

CC:

Subject:

FW: PIA release for Clearview/Facial Recognition

Attachments:

FINAL Clearview-Facial Recognition White Paper - 30 Apr 20.docx

FYSA

From: Barrera, Staci A (b)(6),(b)(7)(C)@ice.dhs.gov>

Sent: Wednesday, May 13, 2020 8:54 AM

To: Asher, Nathalie R (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Roncone,

Stephen (b)(6),(b)(7)(C)@ice.dhs.gov>

Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S

(b)(6),(b)(7)(C)@ice.dhs.gov>; Aguilar, Max (b)(6),(b)(7)(C)@ice.dhs.gov>; Clark, Kenneth N

(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@ice.dhs.gov>

Subject: RE: PIA release for Clearview/Facial Recognition

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Thanks

Staci

From: Barrera, Staci A

Sent: Thursday, April 30, 2020 12:20 PM

To: Asher, Nathalie R (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Roncone,

Stephen (b)(6),(b)(7)(C)@ice.dhs.gov>

Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S

(b)(6),(b)(7)(C)@ice.dhs.gov>; Aguilar, Max (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>

Subject: PIA release for Clearview/Facial Recognition

Colleagues,

As discussed at yesterday's Principals Meeting we are anticipating public posting on the DHS website later today of the Privacy Impact Assessment (PIA) to support HSI's use of Clearview/Facial Recognition. In anticipation of potential media, congressional and stakeholder inquires once the PIA is posted, IGP has prepared the attached background information

and talking points which were cleared by HSI, OPA and OCR. Please note we have not yet received confirmation from DHS Privacy this morning that they are ready to post the PIA so the timing could shift.

If there are questions or you need further information, IGP AD Ken Clark and ICE Privacy Officer Jordan Holz are available to assist your offices.

Thanks,
Staci

From: OPPTASKINGS
To: (b)(6),(b)(7)(C)
Subject: RE: Review and Comment (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI ICATT (b)(7)(E)
Date: Wednesday, July 7, 2021 2:42:00 PM

Will do, thank you both.

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Wednesday, July 7, 2021 2:42 PM
To: OPPTASKINGS (b)(7)(E)@ice.dhs.gov; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: Review and Comment (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI ICATT (b)(7)(E)

Please add a note recommending that review also be tasked to:
Kenneth N. Clark, Ph.D.
Chief Data Officer

Thanks,

(b)(6),(b)(7)(C)

From: OPPTASKINGS (b)(7)(E)@ice.dhs.gov
Sent: Wednesday, July 7, 2021 2:40 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov; OPPTASKINGS,
(b)(7)(E)@ice.dhs.gov
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: Review and Comment (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI ICATT (b)(7)(E)

Thank you!

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Wednesday, July 7, 2021 2:40 PM
To: OPPTASKINGS (b)(7)(E)@ice.dhs.gov
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: Review and Comment (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI ICATT (b)(7)(E)

I have no edits to the letter. If ERO says they're not using this technology, we kind of have no choice but to believe them. I agree with IGP's edits.

From: OPPTASKINGS (b)(7)(E)@ice.dhs.gov
Sent: Wednesday, July 7, 2021 8:12 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov

Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>

Subject: FW: Review and Comment (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI ICATT (b)(7)(E)

Hi (b)(6),(b)(7)(C)

Has the policy unit done any work on facial recognition technology? If so, could you please review this response letter?

(b)(6),(b)(7)(C)

Taskings Analyst

Business Management Unit

ICE Office of Policy and Planning

(202) 384 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@associates.ice.dhs.gov

From: ICATT.Alert (b)(7)(E)@ice.dhs.gov>

Sent: Tuesday, July 6, 2021 6:12 PM

To: #ICEPolicyTaskings (b)(7)(E)@ice.dhs.gov>

Subject: Review and Comment (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI ICATT (b)(7)(E)

Hello Policy,

A Clearance has been assigned to you. Please accept in 1 day

Clearance Name: (b)(7)(E) Assigned To Policy

Due Date: 07/07/2021 05:00 PM Eastern

Instructions:

OPP:

Please review the ERO drafted response (with IGP additions) and provide edits / comments via track changes.

Draft Response:

(b)(7)(E)

Incoming Letter:

(b)(7)(E)

Due:

NLT COB - 7/7/2021

Thank you.

Best,

(b)(6),(b)(7)(C)

Correspondence Specialist
Office of the Executive Secretariat
Office of the Director
U.S. Immigration and Customs Enforcement
202.281.2811 (b)(6),(b)(7)(C) (c)
(b)(7)(E) [@ice.dhs.gov](mailto:ice@dhs.gov)

Thank you,

ICATT System

From: OPPTASKINGS.
To: ICE Exec Sec
Cc: (b)(6),(b)(7)(C)
Subject: RE: [Request for Clarification] OPP Clearance (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI
Date: Wednesday, July 7, 2021 4:12:00 PM

Hi (b)(6),(b)(7)(C)

If IGP has reviewed then you can disregard our recommendation.

(b)(6),(b)(7)(C)

Taskings Analyst
Business Management Unit
ICE Office of Policy and Planning
(202) 384 (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@associates.ice.dhs.gov

From: ICE Exec Sec (b)(7)(E)@ice.dhs.gov>
Sent: Wednesday, July 7, 2021 4:05 PM
To: OPPTASKINGS, (b)(7)(E)@ice.dhs.gov>
Cc: ICE Exec Sec (b)(7)(E)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: [Request for Clarification] OPP Clearance (b)(7)(E) Mijente et al. write DHS re: Use of Facial Recognition Technology Provided by Clearview AI

Good afternoon OPP,

Thank you for providing clearance on the above mentioned item.

Before proceeding further I had a quick follow up question.

I noticed OPP cleared recommending, "tasking to chief data officer Kenneth Clark."

IGP has reviewed the item on two separate occasions and provided clearance. Their latest clearance was provided by Jordan Holz.

Would IGP's previous clearance of this item suffice to resolve OPP's recommendation or does OPP see a need for Chief Data Officer / IGP AD Kenneth Clark to specifically review and clear this response?

Thank you for your time and consideration.

Best,

(b)(6),(b)(7)(C)

Correspondence Specialist

Office of the Executive Secretariat

Office of the Director

U.S. Immigration and Customs Enforcement

202.28 [b)(6),(b)(7)(C)](c)

(b)(7)(E) @ice.dhs.gov

From: (b)(6),(b)(7)(C)
Sent: 11/19/2021 2:29:44 PM
To: (b)(6),(b)(7)(C); Kelly, Christopher S
Subject: RE: Clearview expansion

Thanks, Deb. I completely understand and will do.

From: Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Friday, November 19, 2021 9:29 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview expansion

Thanks for the flag, (b)(6),(b)(7)(C). As you know, I'm very interested in this issue, so please keep me posted on the conversations. (b)(5)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Friday, November 19, 2021 9:23 AM
To: Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Clearview expansion

FYSA

From: (b)(6),(b)(7)(C)
Sent: Friday, November 19, 2021 9:23 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview expansion

Good morning, (b)(6),(b)(7)(C)

Yes, thanks for reaching out. I would be the ORAP rep, and please add (b)(6),(b)(7)(C) from my team, to the list for backup.

Thanks!

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Friday, November 19, 2021 9:18 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Clearview expansion

Good morning (b)(6),(b)(7)(C)

The compliance documentation for Clearview's (face recognition) pilot by CEIU has expired. Other HSI units have expressed an interest in using the technology, so we are trying to gather all relevant stakeholders together to discuss expansion of use beyond CEIU. I am looking for an OPP representative to aid in the discussion. Would you be the right person for this, or know who I can reach out to? Thanks in advance.

Best,

(b)(6),(b)(7)(C)

Privacy Analyst

Office of Information Governance and Privacy

U.S. Immigration and Customs Enforcement

Desk: 202-732-

Mobile: 202-87 (b)(6),(b)(7)(C)

Main: 202-732-

From: Barrera, Staci A; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Sent: 12/6/2021 10:38:44 PM
To: (b)(6),(b)(7)(C); Fleischaker, Deborah
(b)(6),(b)(7)(C); Kelly, Christopher S
CC: (b)(6),(b)(7)(C)
Subject: ICE Biometrics
Attachments: 20211202__ICE Biometrics WH OSTP Respose.pptx

Good afternoon – this just came to my attention this afternoon, so wanted to loop you all in on the below given (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) was tasked by DHS Policy on this and it pertains to WH effort. Let me know if you have questions. Staci

Background: The White House Office of Science and Technology Policy (OSTP) issued a Request for Information (RFI) to the general public, private sector, NGOs, and government agencies, requesting input on past deployments, proposals, pilots, or trials, and current use of biometric technologies for the purposes of *identity verification, identification of individuals, and inference of attributes including individual mental and emotional states*. The purpose of this RFI is to understand the extent and variety of biometric technologies in past, current, or planned use; the domains in which these technologies are being used; the entities making use of them; current principles, practices, or policies governing their use; and the stakeholders that are, or may be, impacted by their use or regulation. The RFI comment period closes on January 15, 2022. Here is a link to the RFI: <https://www.federalregister.gov/documents/2021/10/08/2021-21975/notice-of-request-for-information-rfi-on-public-and-private-sector-uses-of-biometric-technologies>

PLCY requested **each Component to provide 1-3 PowerPoint slides summarizing (high level) their biometric program** through the Biometric ESC contacts – which is CAE Chris Moman for ICE. The request asked to focus in on use of Artificial Intelligence or Machine Learning in the development of your biometric technologies. Attached is what ICE submitted.

There is a briefing scheduled for December 8th at 1pm for WH OSTP staff that DHS Policy is coordinating. (b)(6),(b)(7)(C) has been asked to participate to brief the ICE slides. Expectation is that there may be additional meetings with OSTP between December 8th and end of January.

Staci A. Barrera
Executive Associate Director
Management and Administration, ICE
202-732- (o)
202-276- (c)

Immigration and Customs Enforcement

Biometric Programs



Homeland
Security



REL000009300001

epic.org

EPIC-20-03-06-ICE-FOIA-20231109-16th-Interim-Production

003279

ICE Biometrics Systems

Homeland Security Investigations (HSI) oversees programs and conducts operations to identify and apprehend removable aliens, to detain these individuals when necessary, and to remove illegal aliens from the United States.

- **Biometric Identification Transnational Migration Alert Program (BITMAP)**
 - BITMAP is a HSI led program, supported by Customs and Border Protection (CBP) and DoD, that trains and equips foreign counterparts to conduct targeted collections of biometric and biographic data on persons of interest. Foreign partners share this data with HSI to populate and enhance U.S. government databases. BITMAP is currently in use with over 40 law enforcement agencies in 16 countries.
- **Clearview AI**
 - HSI Child Exploitation Unit utilizes a small number of Clearview AI licenses for facial recognition in support of its mission.

Enforcement and Removal Operations (ERO) oversees programs and conducts operations to identify and apprehend removable aliens, to detain these individuals when necessary, and to remove illegal aliens from the United States.

- **EAGLE**
 - Biometric capture, search only, and booking/enrollment
- **EDDIE**
 - Mobile application for biometric identification
- **CART**
 - Kiosk-based check-in for aliens on Non-detained Docket
- **Enforcement Integrated Database (EID)**
 - Used jointly by all immigration enforcement components (ICE ERO, ICE HSI, Border Patrol, CBP Secondary, USCIS)
 - Governed by Configuration Management Board with component representation
- **ACRIMe**
 - Receives Immigration Alien Queries (IAQs) and generates Immigration Alien Responses (IARs) based primarily on biometric IDENT-NGI Interoperability matches



U.S. Immigration
and Customs
Enforcement

REL000009300001

003280

EPIC-20-03-06-ICE-FOIA-20231109-16th-Interim-Production

epic.org

From: (b)(6),(b)(7)(C)
Sent: 12/21/2021 9:29:52 PM
To: (b)(6),(b)(7)(C); Kelly, Christopher S
Fleischaker, Deborah
CC: (b)(6),(b)(7)(C)
Subject: deuces

All,

This is my close out email. (b)(6),(b)(7)(C) was briefed and (b)(6),(b)(7)(C) is up to speed on my big ticket items.

(b)(5),(b)(6),(b)(7)(C)

I still do not have an ICE phone and no idea when I will get one, but (b)(6),(b)(7)(C) has my personal cell phone. My USCIS cell/202-856-(b)(6),(b)(7)(C) will be returned to USCIS on 12/30. I do not plan on checking my ICE laptop for about a month (unless I don't get paid).

Thanks and have a happy holidays.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Detailed to the Office of Regulatory Affairs and Policy (ORAP)
Office of the Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C) @ice.dhs.gov
(m) 202-856-(b)(6),(b)(7)(C)

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From: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Sent: 12/22/2021 6:01:03 PM
To: (b)(6),(b)(7)(C) Fleischaker, Deborah
Subject: RE: Clearview Meeting Notes

10-4. That's good to hear.

Yes, good with (b)(6),(b)(7)(C) Let's transition that when he's back from use or lose.

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Wednesday, December 22, 2021 12:45 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>; Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview Meeting Notes

I was thinking (b)(6),(b)(7)(C) and was going to talk to you. I "tasked" (b)(6),(b)(7)(C) during our meeting today to consolidate and collect some information for us re: how many licenses, who has them, what units are using them, and what units are trying to get their hands on them. (b)(5),(b)(6),(b)(7)(C)

(b)(5)

(b)(6),(b)(7)(C)

From: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Wednesday, December 22, 2021 12:42 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>; Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview Meeting Notes

Thanks. Who are we going to have working on these issues with (b)(6),(b)(7)(C) out? This could be something for (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Wednesday, December 22, 2021 10:43 AM
To: Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Clearview Meeting Notes

FYSA

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Sent: Wednesday, December 22, 2021 10:24 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Holz, Jordan (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Clearview Meeting Notes

Good Morning All,

Per (b)(6),(b)(7)(C) requests, here are some brief notes I took from the Clearview AI meeting last week

1. Since the pilot's inception Clearview has made a number of improvements to its services that mitigate some privacy risks

(b)(7)(E)

2. Since the pilot's inception ICE has codified policy regarding the use of third party FR services, with Clearview in mind, and instituted mandatory training for users of Clearview.
 - a. If Clearview is expanded it was determined that the involvement of OCIO is necessary.
3. Child Exploitation Investigations Unit (CEIU) was the pilot program, and confirmed that they would like to continue their use of Clearview, but be removed from programmatic control of the national implementation of Clearview licenses
 - a. Responding to FOIA requests/congressional inquiries is too burdensome for a programmatic office to handle alone
 - b. Suggested a national program administrator at the HQ level
 - c. Has a white paper on its use of Clearview

4. **(b)(7)(E)**

5. **(b)(7)(E)**

6. **(b)(6),(b)(7)(C)** An early adopter of Clearview on behalf of CEIU, who has since transitioned to domestic operations but has continued being a CEIU representative states that Clearview can be used to support standard HSI field work

(b)(7)(E)

7. Human Rights Violators and War Crimes Unit – Would like to use Clearview AI to support their work in identifying human rights violators

(b)(7)(E)

8. Next steps that were determined. Privacy would reach out to OCIO for input, start updating privacy compliance documentation, and work with ORAP on any documentation needed for leadership. Will reach out to CEIU for white paper to leverage

(b)(6),(b)(7)(C)

Privacy Analyst

Office of Information Governance and Privacy

U.S. Immigration and Customs Enforcement

Desk: 202-732

Mobile: 202-8 **(b)(6),(b)(7)(C)**

Main: 202-732

From: Kelly, Christopher <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C)
Sent: 12/28/2021 2:40:18 PM
To: (b)(6),(b)(7)(C) Fleischaker, Deborah
Subject: RE: CLEARVIEW Tasking

Yes. I know I'm late, but I spoke to (b)(6),(b)(7)(C) about wanting to know what types of activities they're using them for and how it fits into the broader investigative process for them.

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Thursday, December 23, 2021 8:52 AM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)>@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: RE: CLEARVIEW Tasking

Hi, Deb, I will let (b)(6),(b)(7)(C) know to add. My thought was that it was pretty straight forward, and we could get into justifications (or lack thereof) as a follow up.

From: Fleischaker, Deborah <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Thursday, December 23, 2021 8:49 AM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: RE: CLEARVIEW Tasking

Thanks, (b)(6),(b)(7)(C) Wouldn't we also want to know why these programs and offices are requesting licenses?

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Thursday, December 23, 2021 8:48 AM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)>@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: FW: CLEARVIEW Tasking

FYSA

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Thursday, December 23, 2021 8:48 AM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: RE: CLEARVIEW Tasking

Hi (b)(6),(b)(7)(C)

Thanks again for the help. For the tasking, I would suggest:

(b)(5),(b)(7)(E)

Once we have the data, yes, we will be responding to Privacy and briefing leadership.

Have a great holiday!

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Thursday, December 23, 2021 8:11 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: CLEARVIEW Tasking

Good Morning (b)(6),(b)(7)(C)
Thank you for meeting with (b)(6),(b)(7)(C) and me yesterday. It was a very fruitful discussion.

I am drafting a tasking to identify the number of staff who have facial recognition software. Since the tasking will need to go to virtually everyone (we will need to send the tasking to the AOs, as well as the programs), I want to be sure we ask the right questions, only once. Specifically, you need to know:

(b)(5),(b)(7)(E)

Is that all the information you need? Also, once we collect these data, is the intent to answer questions raised by ICE Privacy?
Thanks

(b)(6),(b)(7)(C)
Division Chief, Policy, Planning, and Records Management (PPRM)
Homeland Security Investigations, Office of Administrative Operations
iPhone: 202-536-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ice.dhs.gov

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From: (b)(6),(b)(7)(C)
Sent: 1/25/2022 6:09:13 PM
To: (b)(6),(b)(7)(C)
Subject: FW: CLEARVIEW Tasking

From: (b)(6),(b)(7)(C)
Sent: Thursday, December 23, 2021 9:08 AM
To: Deborah Fleischaker (b)(6),(b)(7)(C)@ice.dhs.gov (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: FW: CLEARVIEW Tasking

FYSA

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Thursday, December 23, 2021 8:58 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: CLEARVIEW Tasking

Acknowledged. Given the breadth of the tasking, could you send me an email, confirming that ORAP is asking for these data, and how the responses will be used. The tasking will need to go out officially, and I know some of the divisions will ask.

Thanks!

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Thursday, December 23, 2021 8:56 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: CLEARVIEW Tasking

Hi (b)(6),(b)(7)(C)

I just spoke to Deb, and she would also like to add a request for why/what use each program/office is requesting license.

Thanks!

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, December 23, 2021 8:48 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: CLEARVIEW Tasking

Hi (b)(6),(b)(7)(C)

Thanks again for the help. For the tasking, I would suggest:

(b)(5),(b)(7)(E)

(b)(5),(b)(7)(E)

Once we have the data, yes, we will be responding to Privacy and briefing leadership.

Have a great holiday!

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Thursday, December 23, 2021 8:11 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: CLEARVIEW Tasking

Good Morning (b)(6),(b)(7)(C)

Thank you for meeting with (b)(6),(b)(7)(C) and me yesterday. It was a very fruitful discussion.

I am drafting a tasking to identify the number of staff who have facial recognition software. Since the tasking will need to go to virtually everyone (we will need to send the tasking to the AOs, as well as the programs), I want to be sure we ask the right questions, only once. Specifically, you need to know:

(b)(5),(b)(7)(E)

Is that all the information you need? Also, once we collect these data, is the intent to answer questions raised by ICE Privacy?

Thanks

(b)(6),(b)(7)(C)

Division Chief, Policy, Planning, and Records Management (PPRM)
Homeland Security Investigations, Office of Administrative Operations
iPhone: 202-536-(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ice.dhs.gov

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From: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Sent: 12/28/2021 2:42:33 PM
To: (b)(6),(b)(7)(C)
Subject: RE: Clearview License Data Call

Perfect! Thanks!

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, December 28, 2021 9:42 AM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: FW: Clearview License Data Call

FYSA

From: (b)(6),(b)(7)(C)
Sent: Thursday, December 23, 2021 9:07 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Clearview License Data Call

Good morning (b)(6),(b)(7)(C)

As we discussed yesterday on our Quarterly Policy Touch Base, ORAP is requesting assistance from HSI Policy with a data call to HSI to consolidate information related to use(s) of Clearview Facial Recognition technology/commercial data. In response to questions from Privacy related to the need to update the Privacy Impact Statement for use of Clearview and for discussion with others in the Director's Office, ORAP is requesting the following information:

(b)(5), (b)(7)(E)

Please let me know if you would like to discuss and whether we can be of any assistance.

Thanks very much!

(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)
Unit Chief – Policy Unit
U.S. Immigration and Customs Enforcement | Office of Regulatory Affairs and Policy
(b)(6),(b)(7)(C) @ice.dhs.gov

Mobile: 202-302 (b)(6),(b)(7)(C)

From: Kelly, Christopher S <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C)
Sent: 1/7/2022 7:00:27 PM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C)
Subject: RE: Clearview

No clue.

From: Fleischaker, Deborah <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Friday, January 7, 2022 2:00 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: RE: Clearview

What was the time-sensitive issue then?

From: Kelly, Christopher S <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Friday, January 7, 2022 1:59 PM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: FW: Clearview

From: (b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Friday, January 7, 2022 1:58 PM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Cc: Aguilar, Max <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: RE: Clearview

The Clearview contract option would need to be exercised by 9/4/22.

(b)(6),(b)(7)(C)

From: Kelly, Christopher S <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Friday, January 7, 2022 1:32 PM
To: (b)(6),(b)(7)(C)>@ice.dhs.gov>
Cc: Aguilar, Max <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: Clearview

(b)(6),(b)(7)(C)

Does OAQ happen to have details on the current Clearview contract? Specifically, when it expires or would need to be renewed?

We're dealing with Tae and (b)(6),(b)(7)(C) on a related issue (commercial data policy) and they were inquiring as it may dictate our timeline on a decision on the interim memo I believe you saw that required DD approval for any new or modified CD contracts.

Thanks!

Christopher S. Kelly

Deputy Assistant Director

Office of Regulatory Affairs and Policy

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

(b)(6),(b)(7)(C) [ice.dhs.gov](mailto:ckelly@ice.dhs.gov)

(o) (202) 732-
(b)(6),(b)(7)(C)

(c) (202) 489-
(b)(6),(b)(7)(C)

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From: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Sent: 1/7/2022 7:50:53 PM
To: Aguilar, Max (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: Clearview

OPLA has been dragging its feet on its review. We should have them back today, unless they push us again. In fairness to them, we had various directorates that needed/wanted more time.

I still think we're on track for the end of the month.

From: Aguilar, Max (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, January 7, 2022 2:49 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Clearview

Hey Chris – on a different topic, any update on the TW/RW policies?

From: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, January 7, 2022 1:59 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Aguilar, Max (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Clearview

Thanks!

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, January 7, 2022 1:58 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Aguilar, Max (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Clearview

The Clearview contract option would need to be exercised by 9/4/22.

(b)(6),(b)(7)(C)

From: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, January 7, 2022 1:32 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Aguilar, Max (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Clearview

(b)(6),(b)(7)(C)

Does OAQ happen to have details on the current Clearview contract? Specifically, when it expires or would need to be renewed?

We're dealing with Tae and [redacted] on a related issue (commercial data policy) and they were inquiring as it may dictate our timeline on a decision on the interim memo I believe you saw that required DD approval for any new or modified CD contracts.

Thanks!

Christopher S. Kelly

Deputy Assistant Director
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

[redacted] ice.dhs.gov

(o) (202) 734

(c) (202) 489 [redacted]

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From: (b)(6),(b)(7)(C)
Sent: 1/25/2022 10:29:32 PM
To: Fleischaker, Deborah (b)(6),(b)(7)(C); Kelly, Christopher S
Subject: RE: FY22 Clearview License

(b)(5)

(b)(6),(b)(7)(C) from Privacy is going to work with me to identify stakeholders for a meeting next week to talk about intent and numbers.

Thanks,

(b)(6),(b)(7)(C)

From: Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, January 25, 2022 5:03 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: FY22 Clearview License

(b)(5)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, January 25, 2022 4:33 PM
To: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>; Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: FY22 Clearview License

FYSA

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, January 25, 2022 4:21 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FY22 Clearview License

Hi (b)(6),(b)(7)(C)

Attached is the final count of Clearview Licenses from the divisions and the field. Please let me know if you need anything else or if you have any questions.

Thank you,

(b)(6),(b)(7)(C)
Special Assistant
Policy, Planning & Records Management Division
Office of Administrative Operations

Homeland Security Investigations
U.S. Immigration and Customs Enforcement

Office: 202-732-(b)(6),(b)(7)(C)

Mobile: 202-832-(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [@ice.dhs.gov](mailto:ice.dhs.gov)

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Division or Field	Total Count of Licenses Currently Held	Total Count of Licenses Requested	Notes from Divison/Field
International	(b)(7)(E)	(b)(7)(E)	(b)(7)(E)
CTOC Public Safety & Border Security			
HSI Cyber Crimes Center			
SAC/RAC			See below for notes from the specific field offices regarding licenses requested

Field Office	Count of Licenses Requested	Notes from Field
HSI Dallas	(b)(7)(E)	(b)(6),(b)(7)(C),(b)(7)(E)
HSI Phoenix		
HSI Los Angeles		
HSI Baton Rouge		
HSI Houston		
HSI Cincinnati		
HSI Kansas City		
HSI San Francisco		
HSI Norfolk		
HSI El Paso		
HSI Seattle		

From: Fleischaker, Deborah (b)(6),(b)(7)(C)
Sent: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
CC: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: Clearview License Data Call

That seems clearly true. I hope they can see that as well.

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Wednesday, January 26, 2022 10:34 AM
To: Fleischaker, Deborah (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Clearview License Data Call

FYSA,

(b)(5)

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Wednesday, January 26, 2022 10:32 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov> (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview License Data Call

Thanks, (b)(6),(b)(7)(C)

Just for clarity, could you please advise where these folks are, what unit they are in, and how they are associated with CE work?

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Wednesday, January 26, 2022 10:22 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Clearview License Data Call

Hi (b)(6),(b)(7)(C)

Below is a list of users that were not on the CEIU list, but reported as having an active license. The list was sent to (b)(6),(b)(7)(C) provided her update on the users below. Please let me know if you have any questions.

Thank you,

(b)(6),(b)(7)(C)
Special Assistant

Policy, Planning & Records Management Division
Office of Administrative Operations
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
Office: 202-732-
Mobile: 202-834-
@ice.dhs.gov

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From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Wednesday, January 26, 2022 10:16 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: Clearview License Data Call

Hi (b)(6),(b)(7)(C) Please see my notes below for the users on your list. Most of these folks were in the recent batch of nominations, and either hadn't completed all the steps yet, or hadn't made it onto our spreadsheet.

Please let me know if you need any other information.

- (b)(6),(b)(7)(C) Pending user, he needs to setup his password to activate his license.
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Does not have an active license. Appears to have had one during the pilot period. Hasn't logged in since 2020.
- (b)(6),(b)(7)(C) - Recently activated
- (b)(6),(b)(7)(C) - Active license since the summer, she should have been on our spreadsheet
- (b)(6),(b)(7)(C) - Recently activated

Thank you,

(b)(6),(b)(7)(C)
Special Agent | Program Manager
DHS | Homeland Security Investigations
Cyber Crimes Center | Child Exploitation Unit (CEIU) | Victim Identification Program
Cell: 808-285-
(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Tuesday, January 25, 2022 9:47 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov

Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>

Subject: FW: Clearview License Data Call

Please confirm if they have CEIU licenses or not abs then let's discuss

(b)(6),(b)(7)(C)

Child Exploitation Investigations Unit
Homeland Security Investigations

From: (b)(6),(b)(7)(C) @ice.dhs.gov>

Date: Tuesday, Jan 25, 2022, 3:56 PM

To: (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) @ice.dhs.gov>

Subject: Clearview License Data Call

Good Afternoon: (b)(6),(b)(7)(C)

The names listed below were not on the CEIU list, however the POCs or individuals have confirmed that they indeed hold an active license. Please let me know if you have any questions.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) not activated yet, currently working with C3 to activate

Thank you,

(b)(6),(b)(7)(C)

Special Assistant
Policy, Planning & Records Management Division
Office of Administrative Operations
Homeland Security Investigations
U.S. Immigration and Customs Enforcement

Office: 202-732 (b)(6),(b)(7)(C)

Mobile: 202-83 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) @ice.dhs.gov

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From: (b)(6),(b)(7)(C)
Sent: 2/17/2022 2:59:17 PM
To: Fleischaker, Deborah (b)(6),(b)(7)(C); Kelly, Christopher S
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: Clearview

Facial recognition firm Clearview AI tells investors it is seeking massive expansion beyond law enforcement

The Washington Post [2/16/2022 12:47 PM, Drew Harwell, 12597K] reports that the facial recognition company Clearview AI is telling investors it is on track to have 100 billion facial photos in its database within a year, enough to ensure “almost everyone in the world will be identifiable,” according to a financial presentation from December obtained by The Washington Post. Those images — equivalent to 14 photos for each of the 7 billion people on Earth — would help power a surveillance system that has been used for arrests and criminal investigations by thousands of law enforcement and government agencies around the world. And the company wants to expand beyond scanning faces for the police, saying in the presentation that it could monitor “gig economy” workers and is researching a number of new technologies that could identify someone based on how they walk, detect their location from a photo or scan their fingerprints from afar. The 55-page “pitch deck,” the contents of which have not been reported previously, reveals surprising details about how the company, whose work already is controversial, is positioning itself for a major expansion, funded in large part by government contracts and the taxpayers the system would be used to monitor. The document was made for fundraising purposes, and it is unclear how realistic its goals might be. Clearview was a little-known start-up until a New York Times report in early 2020, based on internal emails and public records uncovered by researchers, revealed the extent to which local police departments had begun using it to find potential suspects. The company said it has since grown its client list to more than 3,100 law enforcement agencies in the United States. It has contracts with the Department of Homeland Security, the FBI and the Army. The company said that it expects to increase its annual federal revenue to \$6 million this year, thanks to active expansions with DHS and the FBI and an “imminent” expansion from the Drug Enforcement Administration, and that it hopes to “increase overall usage” by state and local police agencies by 300 percent. U.S. Immigration and Customs Enforcement, a DHS agency, signed a one-year contract with Clearview in September that could extend to three years, totaling \$1.5 million, federal records show. The FBI signed an \$18,000 one-year contract in December; the presentation says it will grow to \$2.4 million this year. The DEA declined to comment, and the FBI and ICE did not respond to requests for comment.



(b)(6),(b)(7)(C)

Unit Chief – Policy Unit
U.S. Immigration and Customs Enforcement | Office of Regulatory Affairs and Policy

(b)(6),(b)(7)(C) @ice.dhs.gov
Mobile: 202-302 (b)(6),(b)(7)(C)

From: Kelly, Christopher S (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Sent: 3/4/2022 7:15:42 PM
To: ORAPTASKINGS (b)(7)(E)
(b)(7)(E) (b)(6),(b)(7)(C)
CC: (b)(6),(b)(7)(C) Fleischaker, Deborah
Subject: RE: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

I'm good. Thanks.

From: ORAPTASKINGS (b)(7)(E) @ice.dhs.gov>
Sent: Friday, March 4, 2022 1:55 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; Fleischaker, Deborah (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

Hi all,

Please review the attached documents and provide any comments/edits. The due date for this task is 3/7/22 at 2PM.

Thank you!

(b)(6),(b)(7)(C) (they/them/theirs)
Taskings Analyst
Business Management Unit
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C) @associates.ice.dhs.gov

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, March 4, 2022 1:32 PM
To: ORAPTASKINGS (b)(7)(E) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

Good afternoon, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) will be acting on Monday when this is due, but I recommend that it also be reviewed by Deb and Chris because of ongoing policy discussions in regard to Clearview Facial recognition.

Thanks,

(b)(6),(b)(7)(C)

From: ORAPTASKINGS (b)(7)(E)@ice.dhs.gov>
Sent: Friday, March 4, 2022 1:16 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

Good afternoon (b)(6),(b)(7)(C)

Please review the attached documents and provide any input/edit. The due date for this task is 3/7/22 at 2pm

Thank you!

(b)(6),(b)(7)(C) (they/them/theirs)
Taskings Analyst
Business Management Unit
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@associates.ice.dhs.gov

From: ICATT.Alert (b)(7)(E)@ice.dhs.gov>
Sent: Friday, March 4, 2022 12:44 PM
To: #ICEPolicyTaskings (b)(7)(E)@ice.dhs.gov>
Subject: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

Hello ORAP,

A Clearance has been assigned to you. Please accept in 1 day

Clearance Name: (b)(7)(E) Assigned To ORAP

Due Date: 03/07/2022 02:00 PM Eastern

Instructions:

Good afternoon,
Please review the below-listed documents associated with CBP's draft response and provide comment/clearance.

If you have input/edits, please upload a separate, redline file; OES will compile the input received. Thank you!

Documents to review:
(b)(7)(E) draft response
(b)(7)(E) incoming letter

Thank you,

ICATT System

Congress of the United States
Washington, DC 20515

February 9, 2022

The Honorable Alejandro N. Mayorkas
Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

RECEIVED
By ESEC at 10:17 am, Feb 09, 2022

Dear Secretary Mayorkas:

We write regarding the Department of Homeland Security's use of Clearview AI's facial recognition technology. In August 2021, the Government Accountability Office (GAO) published a report identifying the Secret Service, Immigrations and Customs Enforcement (ICE), and Customs and Border Protection (CBP), as federal entities that have used Clearview AI's technology.¹ Facial recognition tools pose a serious threat to the public's civil liberties and privacy rights, and Clearview AI's product is particularly dangerous. We urge you to immediately stop the Department's use of facial recognition technology, including Clearview AI's tools.

Clearview AI's technology could eliminate public anonymity in the United States. It reportedly allows users to capture and upload photos of strangers, analyze the photographed individuals' biometric information, and provide users with existing images and personal information of the photographed individuals found online. Clearview AI reportedly scrapes billions of photos from social media sites without permission from or notice to the pictured individuals.² In conjunction with the company's facial recognition capabilities, this trove of personal information is capable of fundamentally dismantling Americans' expectation that they can move, assemble, or simply appear in public without being identified. Reports indicate that use of this technology is already threatening to do so.³

This is especially troubling because studies show that when individuals believe the government is surveilling them, they are likely to avoid engaging in activities protected by the First Amendment.⁴ The use of facial recognition technology runs the risk of deterring the public from participating in marches or rallies, or speaking out against injustice, to give just two examples,

¹ *Facial Recognition Technology: Current and Planned Uses by Federal Agencies*, Government Accountability Office (Aug. 2021), <https://www.gao.gov/assets/gao-21-526.pdf>.

² Kashmir Hill, *The Secretive Company That Might End Privacy As We Know It*, N.Y. Times (Jan. 18, 2020), <https://www.nytimes.com/2020/01/18/technology/clearview-privacy-facial-recognition.html>.

³ Sara Morrison, *The world's scariest facial recognition company is now linked to everybody from ICE to Macy's*, Vox (Feb. 28, 2020), <https://www.vox.com/recode/2020/2/26/21154606/clearview-ai-data-breach>.

⁴ Jennifer Lynch, *Clearview AI—Yet Another Example of Why We Need A Ban on Law Enforcement Use of Face Recognition Now*, Electronic Frontier Foundation (Jan. 31, 2020), <https://www.eff.org/deeplinks/2020/01/clearview-ai-yet-another-example-why-we-need-ban-law-enforcement-use-face>.

for fear of being permanently included in law enforcement databases. In short, this technology utilizes a high level of surveillance that is often inconsistent with Americans' right to privacy.

Additionally, this technology poses unique threats to Black communities, other communities of color, and immigrant communities. An analysis of facial recognition tools conducted by the National Institute of Standards and Technology (NIST) found that Black, Brown, and Asian individuals were up to 100 times more likely to be misidentified than white male faces.⁵ Consistent with this research, at least three Black men have already been wrongfully arrested based on a false facial recognition match.⁶

Facial recognition technology like Clearview's poses unique threats to marginalized communities in ways that extend beyond the tools' inaccuracy issues. Communities of color are systematically subjected to over-policing,⁷ and the proliferation of biometric surveillance tools is, therefore, likely to disproportionately infringe upon the privacy of individuals in Black, Brown, and immigrant communities. With respect to law enforcement use of biometric technologies specifically, reports suggest that use of the technology has been promoted among law enforcement professionals,⁸ and reviews of deployment of facial recognition technology show that law enforcement entities are more likely to use it on Black and Brown individuals than they are on white individuals.⁹ Additionally, past law enforcement use of this technology reportedly targeted Black Lives Matter activists.¹⁰

Use of increasingly powerful technologies like Clearview AI's have the concerning potential to violate Americans' privacy rights and exacerbate existing injustices. Therefore, as the authors of the *Facial Recognition and Biometric Technology Moratorium Act* (S. 2052/H.R. 3907) — which would halt a federal agency or official from using these technologies¹¹ — we urge you to stop use of facial recognition tools, including Clearview AI's products.

⁵ National Institute of Standards and Technology, *NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software* (Dec. 19, 2019), <https://www.nist.gov/news-events/news/2019/12/nist-study-evaluates-effects-race-age-sex-face-recognition-software>

⁶ Kashmir Hill, *Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match*, N.Y. Times (Dec. 29, 2020), <https://www.nytimes.com/2020/12/29/technology/facial-recognition-misidentify-jail.html>.

⁷ Elizabeth Hinton, LeShae Henderson, & Cindy Reed, *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System*, Vera Institute for Justice (May 2018), <https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf>; *Criminal Justice Fact Sheet*, The National Association for the Advancement of Colored People, <https://naacp.org/resources/criminal-justice-fact-sheet>.

⁸ Carole Haskins, *A Popular Workshop for Police Encouraged Cops to Use Face Scans to ID People they Pull Over at Traffic Stops*, Business Insider (Feb. 2, 2022), <https://www.businessinsider.com/police-workshop-street-cop-training-podcast-facial-recognition-traffic-stops-2022-2?op=1>.

⁹ Automated Regional Justice Information System, *San Diego's Privacy Policy Development: Efforts & Lessons Learned*, <https://www.voiceofsandiego.org/wp-content/uploads/2021/04/E5-Meaningful-Metrics-1-1.pdf>.

¹⁰ James Vincent, *NYPD Used Facial Recognition to Track Down Black Lives Matter Activist*, The Verge (Aug. 18, 2020), <https://www.theverge.com/2020/8/18/21373316/nypd-facial-recognition-black-lives-matter-activist-derrick-ingram/>.

¹¹ Facial Recognition and Biometric Technology Moratorium Act, S. 2052, 117th Congress § 1 (2021); Facial Recognition and Biometric Technology Moratorium Act, H.R. 3907, 117th Congress § 1 (2021).

The Honorable Alejandro N. Mayorkas
February 9, 2022
Page 3

Thank you for your attention to this important matter.

Sincerely,



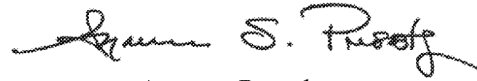
Edward J. Markey
United States Senator



Pramila Jayapal
United States Representative



Jeffrey A. Merkley
United States Senator



Ayanna Pressley
United States Representative

cc: The Honorable James M. Murray, Director, U.S. Secret Service
The Honorable Tae Johnson, Director, U.S. Immigration and Customs Enforcement
The Honorable Chris Magnus, Commissioner, U.S. Customs and Border Protection

From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
Cc: ORAPTASKINGS; (b)(6),(b)(7)(C)
Subject: RE: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)
Date: Monday, March 7, 2022 10:30:56 AM
Attachments: Markey Draft Response CBP - ORAP edits.docx

Hi all,

Good morning! Cleared with edits and comments as attached.

Thanks!

(b)(6),(b)(7)(C)

Policy Analyst
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
Cell: 202-760-(b)(6),(b)(7)(C)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 7, 2022 8:03 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: ORAPTASKINGS; (b)(7)(E)@ice.dhs.gov>; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

(b)(6),(b)(7)(C)

For your review/concurrence regarding the proposed response to the Senators and Representatives.

- **Recommendation:** SES Clearance, and recommend: Clear with comments.
- **Date Due and Description:** Due Monday afternoon, 03/07/2022, at 14:00, QFR regarding a response to a letter, from Senators Markey and Merkley and Representatives Jayapal and Pressley, about DHS's, CBP's, and ICE's use of Clearview AI's Facial technology.
- **Summary:** The Senators and Representatives wrote a letter to Secretary Mayorkas, requesting that DHS, CBP, and stop use of facial recognition tools, including Clearview AI's products. The

letter addresses concerns that the facial technology could eliminate public anonymity and deter individuals from public events due to being photographed and having biometric information analyzed and possibly shared. There is potentially a unique threat such technology has for Black, Brown, and Asian communities, realizing the historically over-policing and targeting of such individuals. A NIST study showed that such individuals were more likely to be facially misidentified compared to White individuals.

- **Analysis:** The response impacts ICE policy due to the current use of facial identification technology in performing operations requirements by DHS personnel. (b)(5)

(b)(5)

(b)(6),(b)(7)(C)

Policy Analyst
Office of Regulatory Affairs and Policy (ORAP)
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

(b)(6),(b)(7)(C) @ice.dhs.gov

From: ORAPTASKINGS (b)(7)(E) @ice.dhs.gov>

Sent: Friday, March 4, 2022 1:16 PM

To: (b)(6),(b)(7)(C) @ice.dhs.gov>

Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>

Subject: FW: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

Good afternoon (b)(6),(b)(7)(C)

Please review the attached documents and provide any input/edit. The due date for this task is 3/7/22 at 2pm

Thank you!

(b)(6),(b)(7)(C) they/them/theirs)

Taskings Analyst
Business Management Unit
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) @associates.ice.dhs.gov

From: ICATT.Alert (b)(7)(E) @ice.dhs.gov>
Sent: Friday, March 4, 2022 12:44 PM
To: #ICEPolicyTaskings (b)(7)(E) @ice.dhs.gov>
Subject: Review and Comment (b)(7)(E) Representative Markey and Others writes regarding DHS's use of Clearview AI facial recognition tools. (b)(7)(E)

Hello ORAP,

A Clearance has been assigned to you. Please accept in 1 day

Clearance Name: (b)(7)(E) Assigned To ORAP

Due Date: 03/07/2022 02:00 PM Eastern

Instructions:

Good afternoon,
Please review the below-listed documents associated with CBP's draft response and provide comment/clearance.

If you have input/edits, please upload a separate, redline file; OES will compile the input received. Thank you!

Documents to review:

(b)(7)(E) draft response
(b)(7)(E) incoming letter

Thank you,

ICATT System

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

From: Fleischaker, Deborah [REDACTED]
Sent: [REDACTED]
To: [REDACTED] (b)(6), (b)(7)(C)
CC: [REDACTED] (b)(6), (b)(7)(C) Kelly, Christopher S
Subject: RE: Review and Comment [REDACTED] (b)(7)(E) CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [REDACTED] (b)(7)(E)
Attachments: Markey Draft Response_CBP (ORAP 03.14.22)dtf.docx

I removed one comment [REDACTED] (b)(5) and added one [REDACTED] (b)(5) as well. Thanks for flagging, [REDACTED] (b)(6), (b)(7)(C)

From: [REDACTED] (b)(6), (b)(7)(C) @ice.dhs.gov
Sent: Monday, March 14, 2022 5:05 PM
To: [REDACTED] (b)(6), (b)(7)(C) @ice.dhs.gov
Cc: ORAPTASKINGS [REDACTED] (b)(7)(E) @ice.dhs.gov>; Fleischaker, Deborah <[REDACTED]@ice.dhs.gov>; Kelly, Christopher S [REDACTED] (b)(6), (b)(7)(C) @ice.dhs.gov
Subject: RE: Review and Comment [REDACTED] (b)(7)(E) CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [REDACTED] (b)(7)(E)

Recommend that this response not move forward until SES review and concurrence. I have added comments and edits.

Thanks,

[REDACTED] (b)(6), (b)(7)(C)

From: [REDACTED] (b)(6), (b)(7)(C) @ice.dhs.gov
Sent: Monday, March 14, 2022 4:35 PM
To: [REDACTED] (b)(6), (b)(7)(C) @ice.dhs.gov
Cc: ORAPTASKINGS [REDACTED] (b)(7)(E) @ice.dhs.gov>
Subject: FW: Review and Comment [REDACTED] (b)(7)(E) CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [REDACTED] (b)(7)(E)

[REDACTED] (b)(6), (b)(7)(C)
For your review/concurrence regarding the proposed response to the Senators and Representatives.

- **Recommendation:** SES Clearance, and recommend: Clear with comments.
- **Date Due and Description:** Due Tuesday afternoon, 03/15/2022, at 14:00, QFR regarding a response to a letter, from Senators Markey and Merkley and Representatives Jayapal and Pressley, about DHS's, CBP's, and ICE's use of Clearview AI's Facial technology.
- **Summary:** The Senators and Representatives wrote a letter to Secretary Mayorkas and Director Murray, US Secret Service, requesting that CBP, HSI and the Secret Service stop their use of facial recognition tools such as Clearview AI's products. The letter addresses concerns that the facial recognition technology could eliminate public anonymity and deter individuals from public events due to being photographed and having biometric information analyzed and possibly shared. There is potentially a unique threat that such technology has for Black, Brown, and Asian communities, given historical over-policing and targeting of such individuals.

- **Analysis:** The response impacts ICE policy due to CBP's and HSI's current use of facial identification technology in their operations. (b)(5)

(b)(5)

(b)(6),(b)(7)(C)

Policy Analyst
Office of Regulatory Affairs and Policy (ORAP)
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C)@ice.dhs.gov

From: ORAPTASKINGS (b)(7)(E)@ice.dhs.gov>

Sent: Monday, March 14, 2022 3:12 PM

To: (b)(6),(b)(7)(C)@ice.dhs.gov>

Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>

Subject: FW: Review and Comment (b)(7)(E) CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools (b)(7)(E)

Hi (b)(6),(b)(7)(C)

Please review the attached documents and provide any comments/edits. The due date for this task is 3/15/22 at 2:00PM.

Thank you,

(b)(6),(b)(7)(C) (they/them/theirs)

Taskings Analyst
Business Management Unit
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C)@associates.ice.dhs.gov

From: ICATT.Alert (b)(7)(E)@ice.dhs.gov>

Sent: Monday, March 14, 2022 12:28 PM

To: #ICEPolicyTaskings (b)(7)(E)@ice.dhs.gov>

Subject: Review and Comment (b)(7)(E) CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools (b)(7)(E)

Hello ORAP,

A Clearance has been assigned to you. Please accept in 1 day

Clearance Name: **(b)(7)(E)** Assigned To ORAP

Due Date: 03/15/2022 02:00 PM Eastern

Instructions:

Good Afternoon,
Please review the below-listed documents associated with CBP's draft response and provide comment/clearance.

If you have input/edits, please upload a separate, redline file; OES will compile the input received. Thank you!

Documents to review:

(b)(5)

[Draft Response]

[Incoming letter]

Thank you,

ICATT System

(b)(5)

(b)(5)

(b)(5)

The Honorable Edward J. Markey
United States Senate
Washington, DC 20510

(b)(5)

(b)(5)

(b)(5)

From: Fleischaker, Deborah
To: (b)(6),(b)(7)(C) RJ; (b)(6),(b)(7)(C)
Cc: ORAPTASKINGS; Kelly, Christopher S
Subject: RE: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866
Date: Monday, March 14, 2022 5:11:44 PM
Attachments: Markey Draft Response CBP (ORAP 03.14.22)dtf.docx

I removed one comment (re Secret Service) and added one (re scope of HSI use) as well. Thanks for flagging (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 14, 2022 5:05 PM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: ORAPTASKINGS <(b)(7)(E)@ice.dhs.gov>; Fleischaker, Deborah <(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866

(b)(5)

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, March 14, 2022 4:35 PM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: ORAPTASKINGS <(b)(7)(E)@ice.dhs.gov>
Subject: FW: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866

(b)(6),(b)(7)(C)

For your review/concurrence regarding the proposed response to the Senators and Representatives.

- **Recommendation:** (b)(5)
- **Date Due and Description:** Due Tuesday afternoon, 03/15/2022, at 14:00, QFR regarding a response to a letter, from Senators Markey and Merkley and Representatives Jayapal and Pressley, about DHS's, CBP's, and ICE's use of Clearview AI's Facial technology.
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shared. There is potentially a unique threat that such technology has for Black, Brown, and Asian communities, given historical over-policing and targeting of such individuals.

- **Analysis:** (b)(5)

(b)(5)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Policy Analyst
Office of Regulatory Affairs and Policy (ORAP)
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C) ice.dhs.gov

From: ORAPTASKING (b)(7)(E) ice.dhs.gov>

Sent: Monday, March 14, 2022 3:12 PM

To: (b)(6),(b)(7)(C) [@ice.dhs.gov](mailto:ice.dhs.gov)>

Cc: (b)(6),(b)(7)(C) ice.dhs.gov>

Subject: FW: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866

H (b)(6),(b)(7)(C)

Please review the attached documents and provide any comments/edits. The due date for this task is 3/15/22 at 2:00PM.

Thank you,

(b)(6),(b)(7)(C) they/them/theirs)

Taskings Analyst
Business Management Unit
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
(b)(6),(b)(7)(C) ssociates.ice.dhs.gov

From: ICATT.Alert (b)(7)(E) ice.dhs.gov>

Sent: Monday, March 14, 2022 12:28 PM

To: #ICEPolicyTasking (b)(7)(E) @ice.dhs.gov>

Subject: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866

Hello ORAP,

A Clearance has been assigned to you. Please accept in 1 day

Clearance Name: CL-22-00821 Assigned To ORAP

Due Date: 03/15/2022 02:00 PM Eastern

Instructions:

Good Afternoon,
Please review the below-listed documents associated with CBP's draft response and provide comment/clearance.

If you have input/edits, please upload a separate, redline file; OES will compile the input received. Thank you!

Documents to review:
22-00821-7 [Draft Response]
22-00821-2 [Incoming letter]

Thank you,

ICATT System

From: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Sent: (b)(6),(b)(7)(C)
To:
CC: (b)(6),(b)(7)(C) Fleischaker, Deborah
(b)(6),(b)(7)(C) Kelly, Christopher S
(b)(6),(b)(7)(C) Kelly, Chri
Subject: RE: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866
Attachments: Markey Draft Response_CBP (ORAP 03.14.22).docx

(b)(5) I have added comments and edits.

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Monday, March 14, 2022 4:35 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov
Cc: ORAPTASKINGS (b)(7)(E)@ice.dhs.gov
Subject: FW: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866

(b)(6),(b)(7)(C)

For your review/concurrence regarding the proposed response to the Senators and Representatives.

- **Recommendation:** (b)(5)
- **Date Due and Description:** Due Tuesday afternoon, 03/15/2022, at 14:00, QFR regarding a response to a letter, from Senators Markey and Merkley and Representatives Jayapal and Pressley, about DHS's, CBP's, and ICE's use of Clearview AI's Facial technology.
- **Summary:** The Senators and Representatives wrote a letter to Secretary Mayorkas and Director Murray, US Secret Service, requesting that CBP, HSI and the Secret Service stop their use of facial recognition tools such as Clearview AI's products. The letter addresses concerns that the facial recognition technology could eliminate public anonymity and deter individuals from public events due to being photographed and having biometric information analyzed and possibly shared. There is potentially a unique threat that such technology has for Black, Brown, and Asian communities, given historical over-policing and targeting of such individuals.

• **Analysis:** (b)(5)
(b)(5)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Policy Analyst
Office of Regulatory Affairs and Policy (ORAP)
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

(b)(6),(b)(7)(C) <ice.dhs.gov>

From: ORAPTASKINGS <(b)(7)(E)@ice.dhs.gov>

Sent: Monday, March 14, 2022 3:12 PM

To: (b)(6),(b)(7)(C) <ice.dhs.gov>

Cc: (b)(6),(b)(7)(C) <ice.dhs.gov>

Subject: FW: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866

Hi (b)(6),(b)(7)(C)

Please review the attached documents and provide any comments/edits. The due date for this task is 3/15/22 at 2:00PM.

Thank you,

(b)(6),(b)(7)(C) hey/them/theirs)

Taskings Analyst
Business Management Unit
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C) @associates.ice.dhs.gov

From: ICATT.Alert <(b)(7)(E)@ice.dhs.gov>

Sent: Monday, March 14, 2022 12:28 PM

To: #ICEPolicyTaskings <(b)(7)(E)@ice.dhs.gov>

Subject: Review and Comment -22-00821- CBP's response to Senator Markey and Others regarding DHS's use of Clearview AI facial recognition tools. [WF1227714] ICATT:0045866

Hello ORAP,

A Clearance has been assigned to you. Please accept in 1 day

Clearance Name: CL-22-00821 Assigned To ORAP

Due Date: 03/15/2022 02:00 PM Eastern

Instructions:

Good Afternoon,

Please review the below-listed documents associated with CBP's draft response and provide comment/clearance.

If you have input/edits, please upload a separate, redline file; OES will compile the input received. Thank you!

Documents to review:

22-00821-7 [Draft Response]

22-00821-2 [Incoming letter]

Thank you,

ICATT System

From: Fleischaker, Deborah <(b)(6),(b)(7)(C)>
Sent:
To: (b)(6),(b)(7)(C)
Subject: RE: Clearview Expansion Meeting Notes

Thanks for this, (b)(6),(b)(7)(C) As (b)(6),(b)(7)(C) and I discussed, I have serious ongoing reservations following that meeting.

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Sent: Friday, March 25, 2022 11:31 AM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov>; Fleischaker, Deborah <(b)(6),(b)(7)(C)>@ice.dhs.gov>
Subject: Clearview Expansion Meeting Notes

I typed this up for my own use during the meeting, thought I'd share in case it's useful.

(b)(6),(b)(7)(C),(b)(5)

(b)(6),(b)(7)(C) Clearview first came across IGP's desk in 2019 when HSI submitted a PTA for the use of this technology. As Clearview became more noticeable in public view, IGP put out a data call on offices outside of CEIU to determine who was using it, and IGP found that over (b)(7)(E) offices around the country were using Clearview, because the license is so cheap. IGP created a pilot program for the use of Clearview where only CEIU would use it while IGP was creating a more fleshed out infrastructure and drafting a privacy impact assessment and training requirements.

(b)(6),(b)(7)(C) (Requests a copy of the training)

(b)(6),(b)(7)(C): We can send a copy of the PowerPoint but there's also a PALMS training. As CEIU was testing out the efficacy of Clearview, IGP built out facial recognition administrative safeguards. IGP has done what they need to do, so they are deferring to leadership to determine how to go forward.

(b)(6),(b)(7)(C): Weren't we discussing whether there would be another PIA that is agency-wide?

(b)(6),(b)(7)(C), (b)(5)

(b)(6),(b)(7)(C), (b)(5)

(b)(6),(b)(7)(C) Are you using it for identity fraud investigations/how is it used.

(b)(6),(b)(7)(C) Yes. To make a search, you upload an image of a face and Clearview will match it to an open source, usually social media photo. A best practice would be to use multiple photos from multiple sources.

(b)(6),(b)(7)(C) How many people would have access?

(b)(6),(b)(7)(C) The last time we had access it was (b)(7)(E) censuses. CEIU has (b)(7)(E) censuses, and they give them to field personnel. He assumes that each field person has to take the 3-hour training, but he's unsure what other instructions they receive. He's unsure how it's used in the field.

(b)(6),(b)(7)(C) Do you know where the oversight would live if it was not CE?

(b)(6),(b)(7)(C) HSI-wide, he is unsure.

(b)(6),(b)(7)(C) OSDM would be the oversight office for facial recognition programs.

(b)(6),(b)(7)(C) Why aren't they now?

(b)(6),(b)(7)(C) OSDM is a new program so we're still getting it off the ground. CEIU started it with Clearview but it will switch over as OSDM develops further.

[REDACTED] Who else from Lead Development Center are we talking about?

(b)(6),(b)(7)(C) Field Office SACs are requesting it, currently they are not allowed under the PTA, but if they are granted licenses they could use it for every kind of investigation.

[REDACTED] Just as a reminder, any new expansions or renewals of Clearview are barred by the AD1 memo.

(b)(6),(b)(7)(C) Correct.

[REDACTED] (b)(5)

(b)(5)

(b)(6),(b)(7)(C) We're still trying to piece that together.

[REDACTED] Right now, as drafted, the Directive requires a case summary forwarded to IGP and ORAP for review before the license can be granted. It will have to be a pretty big justification for each line of investigation.

[REDACTED]: We need rules of the road that we currently don't have, and there's going to have to be a very good reason for expansion.

(b)(6),(b)(7)(C) Do you have the FR(SM?) memo that guides HSI's current use of facial recognition?

[REDACTED] No.

(b)(6),(b)(7)(C) We will send the memo to you.

(meeting end)

Notes to Follow up on

- FR(SM?) memo
- PowerPoint and PALMS training

From: Fleischaker, Deborah; (b)(6),(b)(7)(C)
Sent: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C); Kelly, Christopher S
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C); -Kelly, Chri]
Subject: ICE FOIA Records on Clearview AI Use – Just Futures Law

FYSA

(b)(7)(e)

Deborah Fleischaker
Assistant Director
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
202-495- (b)(6),(b)(7)(C)

From: Fleischaker, Deborah (b)(6),(b)(7)(C)
Sent: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C); Kelly, Christopher S
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Chri]
Subject: Commercial Data -- from the clips today

Lots in the clips today.

- <https://terrschwadron.medium.com/on-selling-data-to-ice-2186b7d19ec4>
- <https://www.theguardian.com/world/2022/may/10/us-immigration-agency-ice-domestic-surveillance-study>
- <https://www.bostonglobe.com/2022/05/09/business/clearview-ai-settles-suit-agrees-limit-sales-facial-recognition-database/>

Deborah Fleischaker
Assistant Director
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
202-495-(b)(6),(b)(7)(C)

From:

(b)(6),(b)(7)(C)

Sent:

5/13/2022 8:14:24 PM

To:

(b)(6),(b)(7)(C)

(b)(6), (b)(7)(C)

CC:

Subject: VIRTUAL: Face Recognition Guidelines Working Group kickoff meeting
Attachments: BRIEF_20220516_FRGWG Kickoff_final.pptx
Location: Microsoft Teams Meeting

Start: 5/16/2022 6:00:00 PM
End: 5/16/2022 7:00:00 PM
Show Time As: Tentative

Required Attendees:

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Optional
Attendees:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

Update 5/13: Attaching PPT deck for 5/16 meeting.

Please do not forward. Contact [\(b\)\(6\), \(b\)\(7\)\(C\)@bim.dhs.gov](#) [\(b\)\(6\), \(b\)\(7\)\(C\)@bim.dhs.gov](#) to have someone added or removed. For other assistance, please contact Mike Klesius.

[\(b\)\(6\), \(b\)\(7\)\(C\)](#) the Face Recognition Guidelines Working Group (FRGWG) is being established under the Biometric Capabilities Executive Steering Committee (BC-ESC). The purpose of the FRGWG is to develop an overall Department-level framework, in the form of a DHS Directive, for responsible use of face recognition.

Executive Champions:

[\(b\)\(6\), \(b\)\(7\)\(C\)](#) SOPDDUSM/CIO
Chief Privacy Officer

Co-Leads:

- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Deputy Assistant Secretary, Screening and Vetting, Counterterrorism and Threat Prevention, DHS Office of Strategy, Policy, and Plans
- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Executive Director, Admissibility and Passenger Programs, Office of Field Operations, U.S. Customs and Border Protection
- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Chief Technology Officer

Executive Secretariat:

• [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Director, Office of Biometric Identity Management

Co-Facilitators:

- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Director, Biometric Entry-Exit Strategic Transformation, U.S. Customs and Border Protection
- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Program Manager, AI/ML Integration and Transformation, Office of the Chief Technology Officer
- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Senior Advisor to the Chief Technology Officer, Office of the Chief Technology Officer
- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Biometric Credentialing and Policy Director, Office of Strategy, Policy, and Plans
- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Policy Analyst, Office of Strategy, Policy, and Plans
- [\(b\)\(6\), \(b\)\(7\)\(C\)](#) Director, Identity Capabilities Management Division, Office of Biometric Identity Management

This calendar invitation marks the kickoff meeting of the FRGWG.



Homeland
Security

Face Recognition Guidelines Working Group (FRGWG)

Supporting the
DHS Biometric Capabilities Executive Steering Committee
(BC-ESC)

Kickoff Meeting

May 16, 2022



Homeland
Security

Predecisional
For Official Use Only
2021-ICL-0005 2278

REL000009477.0001

003334

EPIC-20-03-06-ICE-FOIA-20231109-16th-Interim-Production

epic.org

Meeting Purpose & Agenda

(b)(5)

Introductions & Opening Remarks

(b)(5)

FRGWG Purpose, Scope, and Desired Outcomes

(b)(5)

FRGWG Assumptions

(b)(5)

DHS Directives Overview

(b)(5)

DHS Directives Overview: Process

(b)(5)

Directives Template

(b)(5)

Approach

(b)(5)

Approach: Notional Gameplan

(b)(5)

Discussion: Ground Rules

(b)(5)

Discussion: Logistics

(b)(5)

Time Permitting - Initial Discussion: “Policy and Requirements”

(b)(5)

Next Steps

(b)(5)

BACKUP

FRGWG Members (as of 5/13/2022)

1 of 2

(b)(6), (b)(7)(C)

FRGWG Members (as of 5/13/2022)

2 of 2

(b)(6), (b)(7)(C)

Running List: Potential References

(b)(5)

Running List: Potential References (cont.)

(b)(5)

Running List: Potential References (cont.)

(b)(5)

From:

(b)(6), (b)(7)(C)

Sent:

To:

Subject: RE: Clearview AI

I'll flip to them after we talk today.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)@ice.dhs.gov>

Sent: Tuesday, May 17, 2022 8:09 AM

To: (b)(6), (b)(7)(C)@ice.dhs.gov>

Subject: RE: Clearview AI

I don't see any reason not to.

From: (b)(6), (b)(7)(C)@ice.dhs.gov>

Sent: Tuesday, May 17, 2022 8:07 AM

To: (b)(6), (b)(7)(C)@ice.dhs.gov>

Subject: RE: Clearview AI

These can be shared with DHS, yes? I'm sure they have the PTA. But I am not sure about the policy.

And when I say "DHS" I mean this WG.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)@ice.dhs.gov>

Sent: Monday, May 16, 2022 3:02 PM

To: (b)(6), (b)(7)(C)@ice.dhs.gov>

Subject: FW: Clearview AI

From: (b)(6), (b)(7)(C)@ice.dhs.gov>

Sent: Tuesday, December 21, 2021 1:46 PM

To: (b)(6), (b)(7)(C)@ice.dhs.gov>; (b)(6), (b)(7)(C)@ice.dhs.gov>

Cc: (b)(6), (b)(7)(C)@ice.dhs.gov>; (b)(6), (b)(7)(C)@ice.dhs.gov>; (b)(6), (b)(7)(C)@ice.dhs.gov>

(b)(6), (b)(7)(C)@ice.dhs.gov>

Subject: RE: Clearview AI

(b)(6), (b)(7)(C) who is our Program Manager and assisting with the licenses for Clearview AI.

(b)(6),(b)(7)(C) please see below my answers in blue to your questions. As (b)(6),(b)(7)(C) aid, we would be happy to discuss further.

Thank you and Happy Holidays!

(b)(6),(b)(7)(C) Section Chief

Child Exploitation Investigations Unit (CEIU) | Victim Identification Program
DHS | Homeland Security Investigations | Cyber Crimes Center (C3)

C: (786) 22 (b)(6),(b)(7)(C)

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From: (b)(6),(b)(7)(C) ice.dhs.gov>
Sent: Tuesday, December 21, 2021 12:32 PM
To: (b)(6),(b)(7)(C) ice.dhs.gov>; (b)(6),(b)(7)(C) ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) ice.dhs.gov>; (b)(6),(b)(7)(C) ice.dhs.gov>
Subject: RE: Clearview AI

(b)(6),(b)(7)(C)

We can definitely get you what you are looking for. I am looping on the Section Chief over the program (b)(6),(b)(7)(C)

We don't have a pilot summary/review per se but we have been keeping updated executive summaries with successes and advancements within the tool. We can all jump on a call to discuss after the holiday of this will be easier.

Have a great Christmas.

(b)(6),(b)(7)(C)

Child Exploitation Investigations Unit
Homeland Security Investigations

From: (b)(6),(b)(7)(C) ice.dhs.gov>
Date: Tuesday, Dec 21, 2021, 12:16 PM
To: (b)(6),(b)(7)(C) ice.dhs.gov>; (b)(6),(b)(7)(C) dhs.gov>
Cc: (b)(6),(b)(7)(C) ice.dhs.gov>
Subject: RE: Clearview AI

Adding (b)(6),(b)(7)(C) from HIS Policy.

(b)(6),(b)(7)(C) this is an issue I'd like to discuss tomorrow during our quarterly meeting.

Thanks!

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, December 21, 2021 12:00 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: Clearview AI

Hi (b)(6),(b)(7)(C)

I was on the call with Privacy last week on the ongoing effort to update the privacy docs for FR. I met with (b)(6),(b)(7)(C) and company afterward and they suggested I reach out to you. I have had the opportunity to brief ORAP leadership on the status of Clearview and they have a few questions we were hoping you could help us with.

(b)(5)

(b)(5)

Please let me know if you need anything from me to facilitate. Have a nice holiday!

Thanks,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Detailed to the Office of Regulatory Affairs and Policy (ORAP)

Office of the Director

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

(b)(6),(b)(7)(C) ice.dhs.gov

(m) 202-856-**(b)(6),(b)(7)(C)**

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From:

(b)(6), (b)(7)(C)

Sent:

To:

CC:

Fleischaker, Deborah

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Kelly, Christopher S

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Kelly, Chri]

Subject:

Clearview

<https://gizmodo.com/clearview-ai-facial-recognition-fines-privacy-1848962656>



(b)(6), (b)(7)(C)

Unit Chief – Policy Unit

U.S. Immigration and Customs Enforcement | Office of Regulatory Affairs and Policy

(b)(6), (b)(7)(C)

oice@dhs.gov

Mobile: 202-302

(b)(6), (b)(7)(C)

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Department of Homeland Security

DHS Directives System

Directive Number: XXX-XX

Revision Number: XX

Issue Date:

**FACE RECOGNITION
TECHNOLOGY MANAGEMENT
DIRECTIVE**

(b)(5)

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Department of Homeland Security
DHS Directives System
Directive Number: XXX-XX
Revision Number: XX
Issue Date:

**FACE RECOGNITION
TECHNOLOGY MANAGEMENT
DIRECTIVE**

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(b)(5)

DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive	POC:
	Suspense Date: Friday, July 22, 2022, 5:00pm
Reviewer Name and Organization:	Submitted on:
INSTRUCTION NOTES: For column entries, please see below.	
<p>COMMENT #: Do not use this column.</p> <p>LINE #: Please use THREE DIGIT number (e.g., 003; 012; 150) to enable sorting of table.</p> <p>ORG/REVIEWER: Please enter initials for organization and reviewer.</p> <p>CRITICALITY: Enter NUMBER corresponding to the criteria description below:</p> <ul style="list-style-type: none"> 1 = Critical Issues: Significant weaknesses, major deficiencies, ambiguities, faulty analysis, etc. 2 = Important Clarifications: Further interpretation, explanation or expansion, corrective revisions, detailed discussions, etc. major deficiencies, ambiguities, faulty analysis, etc. 3 = Editorial Recommendations: Minor administrative/editorial corrections, etc. 	

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

003411
EPIC-20-03-06-ICE-FOIA-20231109-16th-Interim-Production
epic.org

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

From:

(b)(6),(b)(7)(C)

Sent:

To:

CC:

Fleischaker, Deborah

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Kelly, Christopher S

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

-Kelly, Chri;

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject:

RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

Sounds good. Sorry about the fire drill.

We will standby for an update and an agenda from DHS.

Thanks,

(b)(6),(b)(7)(C)

Sent with BlackBerry Work
(www.blackberry.com)

From:

(b)(6),(b)(7)(C)

ice.dhs.gov>

Date: Wednesday, Jul 20, 2022, 2:54 PM

To:

(b)(6),(b)(7)(C)

Cc: Fleischaker, Deborah

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

ice.dhs.gov>

Kelly, Christopher S

(b)(6),(b)(7)(C)

ice.dhs.gov>

(b)(6),(b)(7)(C)

@ice.dhs.gov>

Subject: RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

(b)(6),(b)(7)(C)

I just learned that DHS is not going to hold a call at 5:00 and we subsequently do not need to have a prep call in 10 minutes.

(b)(5)

(b)(5)

(b)(6),(b)(7)(C)

From:

(b)(6),(b)(7)(C)

Sent: Wednesday, July 20, 2022 11:00 AM

To:

(b)(6),(b)(7)(C)

Cc: Fleischaker, Deborah <Deborah.Fleischaker@ice.dhs.gov>

(b)(6),(b)(7)(C)

ice.dhs.gov>

Kelly, Christopher S

(b)(6),(b)(7)(C)

ice.dhs.gov>

(b)(6),(b)(7)(C)

@ice.dhs.gov>

Subject: RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

I think that's a good idea. 300 pm works for me.

Below is the Bloomberg Law article:

Government Relies on Industry for Facial Recognition Technology

Bloomberg Government

Government Relies on Industry for Facial Recognition Technology

- Contractors divided over whether to use facial recognition
- Government uses technology for screening, law enforcement

By Josh Axelrod / July 19, 2022 05:02AM ET / Bloomberg Government

The contracting community is at odds over the use of facial recognition technology as the federal government appears willing to continue to pay for it.

The government uses private sector facial recognition tools for activities like streamlining entry at security checkpoints or identifying suspects during criminal investigations.

Two major contractors—[Idemia](#) and Clearview AI—say they plan to continue using facial recognition, while [Microsoft](#) [announced](#) last month that it would limit its suite of artificial intelligence offerings.

Microsoft is part of a growing chorus of advocates arguing that regulations, standards, and, in some cases, outright bans are needed if the government is to continue buying the nascent tech tools from the private sector.

Idemia partners with the Department of Homeland Security to identify and approve travelers at airports. It holds the [most unclassified contract revenue](#) for facial recognition among government vendors.

Clearview AI offers a searchable database of faces to agencies like the Department of Defense and Homeland Security as well as to local police forces.

Microsoft, which is mainly a participant in the federal marketplace to sell IT services to customers like the Department of Defense and Homeland Security, is pushing for responsible use of facial recognition. The tech giant made a [push](#) for “government regulation and responsible industry measures” in 2018. In 2020, it barred police from using its facial recognition tool.

Last month, Microsoft said it would discontinue facial analysis tools that purport to detect a person’s emotional state due to inaccuracies and discriminatory applications. It will allow access to its tools based on a narrow set of approved use cases.

Government Is a Big Buyer

The government has awarded \$76 million worth of unclassified facial recognition-related contracts in the last two decades, according to Bloomberg Government data—and that doesn’t cover the likely trove of classified contract dollars involving federal law enforcement or the military.

The Transportation Security Administration exemplifies the attitude of procurement officers about the technology. “While our use of facial recognition technology remains in the pilot phase of development, it seems to be showing promise as a method of accurately verifying identity,” an agency spokesperson said in a statement for Bloomberg Government. “TSA has no plans to limit our current use of facial recognition.”

Advocates say if the government is to continue buying facial recognition tools from the private sector, it first needs to institute more regulations on where facial recognition can be applied and establish better standards to evaluate. Some also want new laws putting limits on the technology.

The AI industry suffers from a lack of uniformity and coordination, said Emrah Gultekin, CEO and co-founder of facial recognition contractor [Chooch](#). His company’s facial recognition helps military analysts sort through millions of images from drones and satellites.

AI standards require constant upgrades to keep up with changes in the tech. Because standards are inconsistent across the industry, the government is “reliant on what commercial suppliers say their software can do,” said Ellen Broad, associate professor of cybernetics at Australian National University, in an interview.

“There needs to be real scrutiny of the technologies being used and clear rules and mechanisms in place about how they’re used,” she said.

Contractors maintain that how the tool is used matters most. “If you have the proper use case and the proper controls around the technology, then you can justify it in a positive way,” Clearview AI CEO and co-founder Hoan Ton-That, said in an interview.

Law Enforcement Is Most Dicey

Critics point to law enforcement as one of the most problematic uses of facial recognition. Gultekin conceded that law enforcement applications can “get very hairy very quickly.”

Facial recognition by police “is most often deployed in communities targeting Black and Brown people in ways that allow police surveillance of Black and Brown communities,” Caitlin Seeley George, a director at the digital rights advocacy group, Fight for the Future, said in an interview.

The systems use tools like mugshot databases, “which are disproportionately filled with Black and Brown faces, as sources of comparison,” she said.

Much depends on how the system is set up. Ton-That said Clearview’s algorithms have never led to a wrongful arrest. The database doesn’t include a percentage match for accuracy, so officers can’t claim a near-certain match as evidence in court. He countered that facial recognition can offer “a fairer system overall,” since suspects’ defense teams can use the technology to identify witnesses or corroborate testimony.

There are applications that earn approval even from critics. Broad said facial recognition could be used so autonomous vehicles can delineate between human faces and objects or to assist people with visual impairments to identify visitors in their homes.

Building Datasets

Datasets mark the biggest problem in creating workable and unbiased facial recognition tools. If human biases are encoded into machine learning models, it leads to failures. For example, an AI tool trained on all White faces can’t accurately recognize people of color.

“The technology is inherently biased, both in its current algorithms, which we know are worse at identifying Black and Brown faces, faces of women, gender nonconforming people, basically anyone who’s not a White male,” Seeley George said.

Companies can reduce bias by introducing more data into their datasets, but that can cause its own problems.

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“To collect more data, it’s also a pitfall because you’re basically collecting other people’s information,” Gultekin said. “It’s this cycle that you need more data to lessen the bias, but you also need to create guardrails to make sure that we’re all working through a very similar system in order to deploy these computer vision models.”

Some companies opt not to build datasets off of publicly scraped images entirely.

The practice is “not something that we will vouch for,” Teresa Wu, vice president of innovation and client engagement at Idemia, told Bloomberg Government. “It’s not ethical. You have no consent of the subject and it’s not legally obtained data.”

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There is no federal legislation guiding the development of facial recognition technology, despite the myriad concerns around privacy and bias. Some cities and states have passed bans or rules governing its use, like Illinois’s Biometric Information Privacy Act, which creates standards for companies regarding the collection of biometric data.

The most straightforward attempt by agencies to provide direction to the private industry on developing biometric identification standards comes from the National Institute for Standards and Technology, which has been working with the industry since the 1990s. NIST conducts a Face Recognition Vendor Test that rates Clearview AI and Idemia at the top of the industry with close to 100 percent accuracy.

Lawmakers have since called for additional standards and regulations.

Congress failed last year to advance a bill (S. 2052) that would institute the moratorium on facial recognition technology.

Rep. [Don Beyer](#) (D-Va.) introduced a bill last month to ban law enforcement officers’ use of facial recognition on body camera footage (H.R. 8154). Senators earlier this year for [more transparency](#) in how facial recognition data is collected by companies like Idemia at security checkpoints.

To contact the reporter on this story: Josh Axelrod in Washington at jaxelrod@bloombergindustry.com

To contact the editors responsible for this story: Fawn Johnson at fjohnson@bloombergindustry.com; Amanda H. Allen at aallen@bloombergindustry.com

BGOV Contracting Analysis

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From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Date: Wednesday, Jul 20, 2022, 9:46 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: Fleischaker, Deborah (b)(6),(b)(7)(C) dhs.gov>, (b)(6),(b)(7)(C) ice.dhs.gov>, Kelly, Christopher S (b)(6),(b)(7)(C) ice.dhs.gov>, (b)(6),(b)(7)(C) ice.dhs.gov>
Subject: RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

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What are your thoughts? We have some free time after 3pm but not sure if that works for all the others.

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Subject: RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

Thank you, (b)(6),(b)(7)(C) will make sure DHS includes this group on the invite.

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
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Cc: Fleischaker, Deborah <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

Hi (b)(6),(b)(7)(C)

ORAP can certainly discuss this issue with DHS. Deb and I can attend. Is it possible to add Chris Kelly and (b)(6),(b)(7)(C) (copied here) to the invite when it goes out please?

Thanks and see you at 5pm.

(b)(6),(b)(7)(C)

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Subject: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

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DHS HQ would like to have a meeting at 5:00 today to discuss ICE and CBP's use of facial recognition and geolocation data. This meeting is being called by DHS Policy, DHS OLA, DHS OGC, and S1 Counselors. They are asking to hold this meeting in response to the following two recent articles and subsequent Hill interest:

- [Homeland Security records show 'shocking' use of phone data, ACLU says - POLITICO](#)
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During this call, DHS HQ would like to get the following information from ICE: (1) the current use of facial recognition and geolocation data, and (2) efforts are underway to ensure we are using commercial data responsibly. My understanding is that you are working on a new policy governing the use of commercial data, including facial recognition tools. Are you able to speak to both items or should I get SMEs from the programs to describe HSI and ERO's use of geolocation and facial recognition data?

(b)(6),(b)(7)(C)

From:

Sent:

To:

CC:

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Kelly, Christopher S

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Kelly, Chri

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject:

RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

I think that's a good idea. 300 pm works for me.

Below is the Bloomberg Law article:

Government Relies on Industry for Facial Recognition Technology

Bloomberg Government

Government Relies on Industry for Facial Recognition Technology

- o Contractors divided over whether to use facial recognition
- o Government uses technology for screening, law enforcement

By Josh Axelrod / July 19, 2022 05:02AM ET / Bloomberg Government

The contracting community is at odds over the use of facial recognition technology as the federal government appears willing to continue to pay for it.

The government uses private sector facial recognition tools for activities like streamlining entry at security checkpoints or identifying suspects during criminal investigations.

Two major contractors—[Idemia](#) and [Clearview AI](#)—say they plan to continue using facial recognition, while [Microsoft](#) announced last month that it would limit its suite of artificial intelligence offerings.

Microsoft is part of a growing chorus of advocates arguing that regulations, standards, and, in some cases, outright bans are needed if the government is to continue buying the nascent tech tools from the private sector. Idemia partners with the Department of Homeland Security to identify and approve travelers at airports. It holds the [most unclassified contract revenue](#) for facial recognition among government vendors.

Clearview AI offers a searchable database of faces to agencies like the Department of Defense and Homeland Security as well as to local police forces.

Microsoft, which is mainly a participant in the federal marketplace to sell IT services to customers like the Department of Defense and Homeland Security, is pushing for responsible use of facial recognition. The tech giant made a [push](#) for "government regulation and responsible industry measures" in 2018. In 2020, it barred police from using its facial recognition tool.

Last month, Microsoft said it would discontinue facial analysis tools that purport to detect a person's emotional state due to inaccuracies and discriminatory applications. It will allow access to its tools based on a narrow set of approved use cases.

Government Is a Big Buyer

The government has awarded \$76 million worth of unclassified facial recognition-related contracts in the last two decades, according to Bloomberg Government data—and that doesn't cover the likely trove of classified contract dollars involving federal law enforcement or the military.

The Transportation Security Administration exemplifies the attitude of procurement officers about the technology. "While our use of facial recognition technology remains in the pilot phase of development, it seems to be showing promise as a method of accurately verifying identity," an agency spokesperson said in a statement for Bloomberg Government. "TSA has no plans to limit our current use of facial recognition."

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BGOV Contracting Analysis

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From: [REDACTED] <[\[REDACTED\]@ce.dhs.gov](mailto:[REDACTED]@ce.dhs.gov)>
Date: Wednesday, Jul 20, 2022, 9:46 AM
To: [REDACTED] <[\[REDACTED\]@ce.dhs.gov](mailto:[REDACTED]@ce.dhs.gov)>

Cc: Fleischaker, Deborah (b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>,
Kelly, Christopher S <(b)(6),(b)(7)(C) @ice.dhs.gov>, (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: REQUEST: DHS Front Office Meeting on Geolocation and Facial Recognition Technology

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Department of Homeland Security
DHS Directives System
Directive Number: XXX-XX
Revision Number: XX
Issue Date:

FACE RECOGNITION TECHNOLOGY MANAGEMENT DIRECTIVE

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DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC:
	Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization:	Submitted on:
INSTRUCTION NOTES: For column entries, please see below.	
COMMENT #: Do not use this column.	
LINE #: Please use THREE DIGIT number (e.g., 003; 012; 150) to enable sorting of table.	
ORG/REVIEWER: Please enter initials for organization and reviewer.	
CRITICALITY: Enter NUMBER corresponding to the criteria description below:	
<ul style="list-style-type: none"> 1 = Critical Issues: Significant weaknesses, major deficiencies, ambiguities, faulty analysis, etc. 2 = Important Clarifications: Further interpretation, explanation or expansion, corrective revisions, detailed discussions, etc. major deficiencies, ambiguities, faulty analysis, etc. 3 = Editorial Recommendations: Minor administrative/editorial corrections, etc. 	

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

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Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

DOCUMENT COMMENT FORM

Document Title: Face Recognition Technology Management Directive **DRAFT #1**

POC:

Suspense Date: Friday, July 1, 2022, 5:00pm

Reviewer Name and Organization: **MASTER** — Updated Responses as of 7/29/22

Submitted on:

INSTRUCTION NOTES: For column entries, please see below.

COMMENT #: Do not use this column.

LINE #: Please use **THREE DIGIT** number (e.g., 003; 012; 150) to enable sorting of table.

ORG/REVIEWER: Please enter initials for organization and reviewer.

CRITICALITY: Enter **NUMBER** corresponding to the criteria description below:

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DOCUMENT COMMENT FORM

Document Title: Face Recognition Technology Management Directive **DRAFT #2**

POC:

Suspense Date: Friday, July 22, 2022, 5:00pm

Reviewer Name and Organization: **MASTER**

Submitted on:

INSTRUCTION NOTES: For column entries, please see below.

COMMENT #: Do not use this column.

LINE #: Please use **THREE DIGIT** number (e.g., 003; 012; 150) to enable sorting of table.

ORG/REVIEWER: Please enter initials for organization and reviewer.

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From: Kelly, Christopher S [redacted] (b)(6),(b)(7)(C)
[redacted] (b)(6),(b)(7)(C) KELLI, CHRIS
Sent: 8/1/2022 12:40:58 PM
To: [redacted] (b)(6),(b)(7)(C)
CC: Fleischaker, Deborah [redacted] (b)(6),(b)(7)(C)
[redacted] (b)(6),(b)(7)(C)
Subject: FW: FRGWG: Please Review DRAFT #3 Face Recognition Technology Management Directive (due 8/3) (Predecisional//FOUO)
Attachments: DHS FR Directive_draft_FOUO_predecisional (07292022)_Draft 3 for FRGWG distro.docx; Comment_Matrix_FRGWG_DRAFT 3 FR_Directive_20220729.docx; MASTER_Comment_Matrix_FRGWG_DRAFT_FR_Directive_Draft 1 Comments_with responses - updated (07292022).docx; MASTER_Comment_Matrix_FRGWG_DRAFT 2_FR_Directive_Draft 2 Comments_with responses (07292022).docx

[redacted] (b)(5)

Highlights:

[redacted] (b)(5)

From: [redacted] (b)(6),(b)(7)(C)@obim.dhs.gov>
Sent: Friday, July 29, 2022 4:35 PM
To: #DHS Face Recognition Guidelines Working Group <[redacted] (b)(7)(E)@obim.dhs.gov>
Subject: FRGWG: Please Review DRAFT #3 Face Recognition Technology Management Directive (due 8/3) (Predecisional//FOUO)

Predecisional//FOUO

[redacted] (b)(5)

(b)(5)

Respectfully,

(b)(6),(b)(7)(C)

Communications Specialist

Office of Biometric Identity Management (OBIM)

Department of Homeland Security (DHS)

Office: (202) 298-**(b)(6),(b)(7)(C)** Cell (202) 557-**(b)(6),(b)(7)(C)** Cube: **(b)(6),(b)(7)(C)**

Email: **(b)(6),(b)(7)(C)** @bim.dhs.gov

Office Hours: In Office Wednesday (WK1) and Thursday (WK2)

Department of Homeland Security
DHS Directives System
Directive Number: XXX-XX
Revision Number: XX
Issue Date:

FACE RECOGNITION TECHNOLOGY MANAGEMENT DIRECTIVE

(b)(5)

(b)(5)

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(b)(5)

DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC:
	Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization:	Submitted on:
INSTRUCTION NOTES: For column entries, please see below.	
COMMENT #: Do not use this column.	
LINE #: Please use THREE DIGIT number (e.g., 003; 012; 150) to enable sorting of table.	
ORG/REVIEWER: Please enter initials for organization and reviewer.	
CRITICALITY: Enter NUMBER corresponding to the criteria description below:	
<ul style="list-style-type: none"> 1 = Critical Issues: Significant weaknesses, major deficiencies, ambiguities, faulty analysis, etc. 2 = Important Clarifications: Further interpretation, explanation or expansion, corrective revisions, detailed discussions, etc. major deficiencies, ambiguities, faulty analysis, etc. 3 = Editorial Recommendations: Minor administrative/editorial corrections, etc. 	

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

003504

EPIC-20-03-06-ICE-FOIA-20231109-16th-Interim-Production

epic.org

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

Comment #	Line #	Page #	Ref Section	Comment	Response	Org/ Reviewer	Criticality

003506

EPIC-20-03-06-ICE-FOIA-20231109-16th-Interim-Production

epic.org

From: Kelly, Christopher S. (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) KELLY, CHRIS
Sent: 8/4/2022 5:16:16 PM
To:
CC: (b)(6),(b)(7)(C)
Subject: RE: RGWG: Draft #3 comment status
Attachments: Comment_Matrix_FRGWG_DRAFT 3 FR_Directive_(IGP_ERO_HSI Combined 8.2.22) +ORAP 8.4.2022.docx

Thanks, (b)(6),(b)(7)(C)

See attached. I had one comment re: (b)(5)

(b)(5)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Thursday, August 4, 2022 10:52 AM
To: Kelly, Christopher S. (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RGWG: Draft #3 comment status

Chris,

Here is what the ICE program offices came up with. We added our comments to the combined matrix. Attached is Matrix + draft directive.

We know you wanted to see this before we send back to DHS. This was due yesterday COB.

Thanks,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Office of Regulatory Affairs and Policy (ORAP)
Office of the Director
U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

(b)(6),(b)(7)(C) ice.dhs.gov

202-480-(b)(6),(b)(7)(C)m

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1

DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC: Michael McDermott/RJ Linnan Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization: ICE ORAP (+consolidated comments from Program Offices)	Submitted on: 08/03/2022
INSTRUCTION NOTES: For column entries, please see below.	
COMMENT #: Do not use this column.	
LINE #: Please use THREE DIGIT number (e.g., 003; 012; 150) to enable sorting of table.	
ORG/REVIEWER: Please enter initials for organization and reviewer.	
CRITICALITY: Enter NUMBER corresponding to the criteria description below:	
1 = Critical Issues: Significant weaknesses, major deficiencies, ambiguities, faulty analysis, etc.	
2 = Important Clarifications: Further interpretation, explanation or expansion, corrective revisions, detailed discussions, etc. major deficiencies, ambiguities, faulty analysis, etc.	
3 = Editorial Recommendations: Minor administrative/editorial corrections, etc.	

(b)(5)

1

DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC: Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization:	Submitted on: Tuesday, August 2, 2022
INSTRUCTION NOTE: For column entries, please see below.	
COMMENT #: Do not use this column.	
LINE #: Please use THREE DIGIT number (e.g., 003; 012; 150) to enable sorting of table.	
ORG/REVIEWER: Please enter initials for organization and reviewer.	
CRITICALITY: Enter NUMBER corresponding to the criteria description below:	
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2 = Important Clarifications: Further interpretation, explanation or expansion, corrective revisions, detailed discussions, etc. major deficiencies, ambiguities, faulty analysis, etc.	
3 = Editorial Recommendations: Minor administrative/editorial corrections, etc.	

(b)(5)

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

3

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

4

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

5

Predecisional/For Official Use Only

(b)(5)

(b)(5)

Predecisional/For Official Use Only

6

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

7

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

8

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

9

(b)(5)

DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC:
Reviewer Name and Organization:	Suspense Date: Wednesday, August 3, 2022, 5:00pm
	Submitted on: August 2, 2022
INSTRUCTION NOTES: For column entries, please see below.	
COMMENT #: Do not use this column.	
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(b)(5)

Predecisional/For Official Use Only

11

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

12

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

13

Predecisional/For Official Use Only

(b)(5)

Predecisional/For Official Use Only

14

From:

(b)(6),(b)(7)(C)

Sent:

To:

Kelly, Christopher S [mailto:(b)(6),(b)(7)(C)]

(b)(6),(b)(7)(C)

-Kelly, Chri]

CC:

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject:

RGWG: Draft #3 comment status

Attachments:

Comment_Matrix_FRGWG_DRAFT 3 FR_Directive_(IGP_ERO_HSI Combined 8.2.22) +ORAP 8.4.2022.docx; DHS FR Directive_draft_FOUO_predecisional (07292022)_Draft 3 for FRGWG distro.docx

Chris,

Here is what the ICE program offices came up with. We added our comments to the combined matrix. Attached is Matrix + draft directive.

We know you wanted to see this before we send back to DHS. This was due yesterday COB.

Thanks,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Office of Regulatory Affairs and Policy (ORAP)

Office of the Director

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

(b)(6),(b)(7)(C)

ice.dhs.gov

202-486-(b)(6),(b)(7)(C) (m)

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DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC: Michael McDermott/RJ Linnan
	Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization: ICE ORAP (+consolidated comments from Program Offices)	Submitted on: 08/03/2022
INSTRUCTION NOTES: For column entries, please see below.	
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(b)(5)

DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC: Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization:	Submitted on: Tuesday, August 2, 2022
INSTRUCTION NOTES: For column entries, please see below.	
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DOCUMENT COMMENT FORM

Document Title: Face Recognition Technology Management Directive DRAFT #3	POC: Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization:	Submitted on: August 2, 2022
INSTRUCTION NOTES: For column entries, please see below.	
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ORG/REVIEWER: Please enter initials for organization and reviewer.

CRITICALITY: Enter NUMBER corresponding to the criteria description below:

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2 = Important Clarifications: Further interpretation, explanation or expansion, corrective revisions, detailed discussions, etc. major deficiencies, ambiguities, faulty analysis, etc.

3 = Editorial Recommendations: Minor administrative/editorial corrections, etc.

(b)(5)

(b)(5)

(b)(5)

(b)(5)

From: (b)(6),(b)(7)(C)
Sent: 8/5/2022 2:07:55 PM
To: Kelly, Christopher S. (b)(6),(b)(7)(C); Kelly, Chri]
CC: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: exigent circumstances
Attachments: Comment_Matrix_FRGWG_DRAFT 3 FR_Directive_(IGP_ERO_HSI_Combined_8.2.22)+ORAP_8.4.2022.docx; DHS FR Directive_draft_FOUO_predecisional (07292022)_Draft3 for FRGWG distro.docx

Chris, I think (b)(6),(b)(7)(C) s out. Sending to you for review.

(b)(5)

Let me know your thoughts before I send to (b)(6),(b)(7)(C)

Thanks,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Office of Regulatory Affairs and Policy (ORAP)
Office of the Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C) @ice.dhs.gov
202-480-(b)(6),(b)(7)(C) (m)

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Document Title: Face Recognition Technology Management Directive DRAFT #3	POC: Michael McDermott/RJ Linnan Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization: ICE ORAP (+consolidated comments from Program Offices)	Submitted on: 08/03/2022
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(b)(5)

DOCUMENT COMMENT FORM	
Document Title: Face Recognition Technology Management Directive DRAFT #3	POC:
	Suspense Date: Wednesday, August 3, 2022, 5:00pm
Reviewer Name and Organization:	Submitted on: Tuesday, August 2, 2022
INSTRUCTION NOTES: For column entries, please see below.	
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DOCUMENT COMMENT FORM

Document Title: Face Recognition Technology Management Directive DRAFT #3

POC:

Suspense Date: Wednesday, August 3, 2022, 5:00pm

Reviewer Name and Organization:

Submitted on: August 2, 2022

INSTRUCTION NOTES: For column entries, please see below.

COMMENT #: Do not use this column.

LINE #: Please use THREE DIGIT number (e.g., 003; 012; 150) to enable sorting of table.

ORG/REVIEWER: Please enter initials for organization and reviewer.

CRITICALITY: Enter NUMBER corresponding to the criteria description below:

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- 2 = **Important Clarifications:** Further interpretation, explanation or expansion, corrective revisions, detailed discussions, etc. major deficiencies, ambiguities, faulty analysis, etc.
- 3 = **Editorial Recommendations:** Minor administrative/editorial corrections, etc.

(b)(5)

(b)(5)

(b)(5)

(b)(5)

From: Kelly, Christopher S [/O=Ice (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) KELLI, CHRIS]
Sent: 9/13/2022 3:52:09 PM
To: (b)(6),(b)(7)(C)
CC: (b)(6),(b)(7)(C)
Subject: RE: Clearview Discussion

Let's do 9:30. Thanks!

From: (b)(6),(b)(7)(C) ice.dhs.gov>
Sent: Tuesday, September 13, 2022 11:45 AM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) ice.dhs.gov>
Subject: RE: Clearview Discussion

Hi Chris,
Sure! It looks like all four of us (b)(6),(b)(7)(C) are available between 9am-11am tomorrow. Do we want to meet at 9am? 9:30am? If that works, I can send an invite.

Best regards,
(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Unit Chief-Policy
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C)@ice.dhs.gov

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From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, September 13, 2022 11:40 AM
To: (b)(6),(b)(7)(C) ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview Discussion

Looks like aligning our schedules today may be a real challenge at this point.

Can we do first thing tomorrow am?

From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Tuesday, September 13, 2022 11:17 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: RE: Clearview Discussion

Thanks for the update. (b)(6),(b)(7)(C) Chris, (b)(6),(b)(7)(C) let me know that he is available to meet with Deb today if that works for you. (b)(6),(b)(7)(C) indicated he has meetings until 1pm but is free after that today. I've got meetings from 2-3pm and 3:30pm-4:30pm, but am otherwise free after 1pm today.

Best regards,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Unit Chief-Policy
Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6),(b)(7)(C) @ice.dhs.gov

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From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Tuesday, September 13, 2022 11:01 AM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: RE: Clearview Discussion

2/3 of the way done with BWC. Then plan to flip to you Chris.

Are we meeting with Deb today on C/D or not?

Thanks,

(b)(6),(b)(7)(C)

From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, September 13, 2022 10:28 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: FW: Clearview Discussion

(b)(6),(b)(7)(C)

We can add this to a commercial data discussion when you're done with BWC. I don't what this is or what we've been telling them, and would certainly like to understand what this is about.

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, September 13, 2022 10:24 AM
To: Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Clearview Discussion

Thanks Chris,

If I recall correctly (b)(6),(b)(7)(C) was tracking this issue before RJ took it over. Would he be able to provide guidance on ORAP's current position and best next steps for CEIU?

From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, September 13, 2022 10:18 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Clearview Discussion

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) will be unexpectedly out of the office for a while. So I'm not sure if you all prefer to keep this or defer it. I'd jump in, but I'm actually not tracking the issue.

-Chris

-----Original Appointment-----

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, August 30, 2022 12:55 PM
To: (b)(6),(b)(7)(C)
Cc:
Subject: Clearview Discussion
When: Wednesday, September 14, 2022 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Meeting between ORAP and CEIU to discuss moving ownership of Clearview Licenses away from CEIU to perhaps a centralized HQ element.

Microsoft Teams meeting

Join on your computer or mobile app
[Click here to join the meeting](#)

Meeting ID: (b)(6),(b)(7)(C)
Passcode: (b)(6),(b)(7)(C)
[Download Teams](#) | [Join on the web](#)

[Learn More](#) | [Meeting options](#)

From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Tuesday, August 30, 2022 12:07 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: RE: Clearview

Works for me, thank you, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) *Section Chief*
Child Exploitation Investigations Unit (CEIU) | Victim Identification Program
DHS | Homeland Security Investigations | Cyber Crimes Center (C3)
C: (786) 229-(b)(6),(b)(7)(C)

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From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Tuesday, August 30, 2022 9:15 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: RE: Clearview

Thanks (b)(6),(b)(7)(C)

I don't want to speak for CEIU, but I think it's the time requirements for overseeing the volume of licenses they've purchased, and the FOIA/GAO/OIG audits they've been experiencing. I see availability in everyone's schedule on September 14 at 2pm. I'll send an invite for that time unless it doesn't work for anyone.

Best,
(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Tuesday, August 30, 2022 7:18 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: RE: Clearview

Hi (b)(6),(b)(7)(C)

Happy to touch base. Is this an indication that licenses/use have expanded beyond CE investigations? That would be very problematic given the hold memo.

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, August 29, 2022 10:52 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Clearview

Good Morning (b)(6),(b)(7)(C)

I just got off a call with CEIU about Clearview. The administrative burden of handling these licenses as an operational unit is starting to affect their mission effectiveness. I was wondering if we could set up a meeting in late September to discuss Leadership's requirements to move this to a more centralized control. Let me know what works for you and I'll try to set up a teams meeting to chat.

Best,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Privacy Officer (Acting)
U.S. Immigration and Customs Enforcement
Mobile: 202-870-(b)(6),(b)(7)(C)

From: Fleischaker, Deborah <(b)(6),(b)(7)(C)>
Sent: (b)(6),(b)(7)(C)
To: Kelly, Christopher S <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C) - Kelly, Chri
Subject: RE: Clearview Discussion

There is a lot more churn on this issue than I expected given the lack of policy.

From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Tuesday, September 13, 2022 10:29 AM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Clearview Discussion

Another thing I'm completely in the dark about. Interested to hear what ORAP is telling HSI about their licenses.

From: Kelly, Christopher S
Sent: Tuesday, September 13, 2022 10:27 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov
(b)(6),(b)(7)(C)@ice.dhs.gov
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: Clearview Discussion

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Cc: (b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: RE: Clearview Discussion

Thanks Chris,

If I recall correctly (b)(6),(b)(7)(C) was tracking this issue before (b)(6),(b)(7)(C) took it over. Would he be able to provide guidance on ORAP's current position and best next steps for CEIU?

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Subject: RE: Clearview Discussion

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) will be unexpectedly out of the office for a while. So I'm not sure if you all prefer to keep this or defer it. I'd jump in, but I'm actually not tracking the issue.

-Chris

-----Original Appointment-----

From: (b)(6),(b)(7)(C) @ice.dhs.gov>

Sent: Tuesday, August 30, 2022 12:55 PM

To: (b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

Subject: Clearview Discussion

When: Wednesday, September 14, 2022 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Meeting between ORAP and CEIU to discuss moving ownership of Clearview Licenses away from CEIU to perhaps a centralized HQ element.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Meeting ID: (b)(6),(b)(7)(C)

Passcode: V

[Download Teams](#) | [Join on the web](#)

[Learn More](#) | [Meeting options](#)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>

Sent: Tuesday, August 30, 2022 12:07 PM

To: (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C) @ice.dhs.gov>

Cc: (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C) @ice.dhs.gov>

Subject: RE: Clearview

Works for me, thank you. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Section Chief

Child Exploitation Investigations Unit (CEIU) | Victim Identification Program

DHS | Homeland Security Investigations | Cyber Crimes Center (C3)

C: (786) 229- (b)(6),(b)(7)(C)

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Sent: Tuesday, August 30, 2022 9:15 AM

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Cc: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: RE: Clearview

Thank (b)(6),(b)(7)(C)

I don't want to speak for CEIU, but I think it's the time requirements for overseeing the volume of licenses they've purchased, and the FOIA/GAO/OIG audits they've been experiencing. I see availability in everyone's schedule on September 14 at 2pm. I'll send an invite for that time unless it doesn't work for anyone.

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Best,
(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Privacy Officer (Acting)
U.S. Immigration and Customs Enforcement
Mobile: 202-870 (b)(6),(b)(7)(C)

From: Kelly, Christopher S <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C) [KELLY, CHRIS]
Sent: 9/13/2022 2:28:55 PM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C)
Subject: FW: Clearview Discussion

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From: Kelly, Christopher S
Sent: Tuesday, September 13, 2022 10:27 AM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov; (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
(b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
Cc: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov; (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
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(b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
Cc: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov; (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
Subject: RE: Clearview Discussion

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If I recall correctly (b)(6),(b)(7)(C) was tracking this issue before I took it over. Would he be able to provide guidance on ORAP's current position and best next steps for CEIU?

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(b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
Cc: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov; (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
Subject: RE: Clearview Discussion

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) will be unexpectedly out of the office for a while. So I'm not sure if you all prefer to keep this or defer it. I'd jump in, but I'm actually not tracking the issue.

-Chris

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From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)>@ice.dhs.gov
Sent: Tuesday, August 30, 2022 12:55 PM
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: Clearview Discussion
When: Wednesday, September 14, 2022 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Meeting between ORAP and CEIU to discuss moving ownership of Clearview Licenses away from CEIU to perhaps a centralized HQ element.

Microsoft Teams meeting

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Meeting ID: (b)(6),(b)(7)(C)

Passcode: (b)(6),(b)(7)(C)

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Cc: (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Clearview

Works for me, thank you, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) *ection Chief*

Child Exploitation Investigations Unit (CEIU) | Victim Identification Program

DHS | Homeland Security Investigations | Cyber Crimes Center (C3)

C: (786) 229-(b)(6),(b)(7)(C)

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Cc: (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C) @ice.dhs.gov> (b)(6),(b)(7)(C) @ice.dhs.gov>
(b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: Clearview

Thanks (b)(6),(b)(7)(C)

I don't want to speak for CEIU, but I think it's the time requirements for overseeing the volume of licenses they've purchased, and the FOIA/GAO/OIG audits they've been experiencing. I see availability in everyone's schedule on September 14 at 2pm. I'll send an invite for that time unless it doesn't work for anyone.

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(b)(6),(b)(7)(C)

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Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)@ice.dhs.gov>

Subject: RE: Clearview

Hi, (b)(6),(b)(7)(C)

Happy to touch base. Is this an indication that licenses/use have expanded beyond CE investigations? That would be very problematic given the hold memo.

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Sent: Monday, August 29, 2022 10:52 AM

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Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>

Subject: Clearview

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Best,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Privacy Officer (Acting)

U.S. Immigration and Customs Enforcement

Mobile: 202-87-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent:
To: Kelly, Christopher S [(b)(6),(b)(7)(C)] (b)(6),(b)(7)(C) -Kelly, Chri
CC: (b)(6),(b)(7)(C)
Subject: RE: Clearview Discussion

Ok, so discussing this tomorrow then.

Thanks,

(b)(6),(b)(7)(C)

From: Kelly, Christopher S [(b)(6),(b)(7)(C)]@ice.dhs.gov>
Sent: Tuesday, September 13, 2022 10:28 AM
To: [(b)(6),(b)(7)(C)]@ice.dhs.gov>
Cc: [(b)(6),(b)(7)(C)]@ice.dhs.gov> [(b)(6),(b)(7)(C)]@ice.dhs.gov>
Subject: FW: Clearview Discussion

(b)(6),(b)(7)(C)

We can add this to a commercial data discussion when you're done with BWC. I don't what this is or what we've been telling them, and would certainly like to understand what this is about.

-Chris

From: [(b)(6),(b)(7)(C)]@ice.dhs.gov>
Sent: Tuesday, September 13, 2022 10:24 AM
To: Kelly, Christopher S <[(b)(6),(b)(7)(C)]@ice.dhs.gov>; [(b)(6),(b)(7)(C)]@ice.dhs.gov>; [(b)(6),(b)(7)(C)]@ice.dhs.gov>
Cc: [(b)(6),(b)(7)(C)]@ice.dhs.gov>; [(b)(6),(b)(7)(C)]@ice.dhs.gov>
Subject: RE: Clearview Discussion

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Cc: [(b)(6),(b)(7)(C)]@ice.dhs.gov> [(b)(6),(b)(7)(C)]@ice.dhs.gov>
Subject: RE: Clearview Discussion

(b)(6),(b)(7)(C)

[redacted] will be unexpectedly out of the office for a while. So I'm not sure if you all prefer to keep this or defer it. I'd jump in, but I'm actually not tracking the issue.

-Chris

-----Original Appointment-----

From: [redacted] (b)(6),(b)(7)(C) [redacted]@ice.dhs.gov>

Sent: Tuesday, August 30, 2022 12:55 PM

To: [redacted] (b)(6),(b)(7)(C)

Cc: [redacted] (b)(6),(b)(7)(C)

Subject: Clearview Discussion

When: Wednesday, September 14, 2022 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).

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[Click here to join the meeting](#)

Meeting ID: [redacted] (b)(6),(b)(7)(C)

Passcode: [redacted] (b)(6),(b)(7)(C)

[Download Teams](#) | [Join on the web](#)

[Learn More](#) | [Meeting options](#)

From: [redacted] (b)(6),(b)(7)(C) [redacted]@ice.dhs.gov>

Sent: Tuesday, August 30, 2022 12:07 PM

To: [redacted] (b)(6),(b)(7)(C) [redacted]@ice.dhs.gov>; [redacted] (b)(6),(b)(7)(C) [redacted]@ice.dhs.gov>

Cc: [redacted] (b)(6),(b)(7)(C) [redacted]@ice.dhs.gov>; [redacted] (b)(6),(b)(7)(C) [redacted]@ice.dhs.gov>

Subject: RE: Clearview

Works for me, thank you, [redacted] (b)(6),(b)(7)(C)

[redacted] (b)(6),(b)(7)(C) Section Chief

Child Exploitation Investigations Unit (CEIU) | Victim Identification Program

DHS | Homeland Security Investigations | Cyber Crimes Center (C3)

C: (786) 229-[redacted] (b)(6),(b)(7)(C)

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Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C)@ice.dhs.gov>
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(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Privacy Officer (Acting)
U.S. Immigration and Customs Enforcement
Mobile: 202-876-(b)(6),(b)(7)(C)

From: Kelly, Christopher S <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C) [KELLY, CHRI]
Sent: 8/29/2022 3:41:55 PM
To: (b)(6),(b)(7)(C)
Subject: RE: Clearview

Yeah. I'm guessing there is way more sharing than anyone would care to believe.

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, August 29, 2022 11:41 AM
To: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview

Also, strange that HSI would complain about this to Privacy....

Thanks,

(b)(6),(b)(7)(C)

From: Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, August 29, 2022 11:31 AM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>; (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview

As I recall, the only true license holder is one unit in HSI (CEIU), which has essentially be the clearinghouse for licenses for other offices that want them.

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, August 29, 2022 11:20 AM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview

Just Clearview itself. Which means lots more than CE are doing requests, I suspect.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Monday, Aug 29, 2022, 11:17 AM
To: (b)(6),(b)(7)(C) <(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview

"administrative burden of handling these licenses" ...? Is this a reference to the pause memo? Or just the Clearview requirements?

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Monday, August 29, 2022 10:59 AM
To: (b)(6),(b)(7)(C)t@ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Clearview

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)@ice.dhs.gov>
Date: Monday, Aug 29, 2022, 10:51 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov>, (b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: Clearview

Good Morning (b)(6),(b)(7)(C)

I just got off a call with CEIU about Clearview. The administrative burden of handling these licenses as an operational unit is starting to affect their mission effectiveness. I was wondering if we could set up a meeting in late September to discuss Leadership's requirements to move this to a more centralized control. Let me know what works for you and I'll try to set up a teams meeting to chat.

Best,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Privacy Officer (Acting)
U.S. Immigration and Customs Enforcement
Mobile: 202-870-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent:
To: (b)(6),(b)(7)(C); Kelly, Christopher S
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Chri]
Subject: RE: Clearview

Just Clearview itself. Which means lots more than CE are doing requests, I suspect.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) <ice.dhs.gov>
Date: Monday, Aug 29, 2022, 11:17 AM
To: (b)(6),(b)(7)(C) <ice.dhs.gov>, Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: RE: Clearview

“administrative burden of handling these licenses”...? Is this a reference to the pause memo? Or just the Clearview requirements?

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) <ice.dhs.gov>
Sent: Monday, August 29, 2022 10:59 AM
To: (b)(6),(b)(7)(C) <ice.dhs.gov>; Kelly, Christopher S <(b)(6),(b)(7)(C)@ice.dhs.gov>
Subject: FW: Clearview

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) <ice.dhs.gov>
Date: Monday, Aug 29, 2022, 10:51 AM
To: (b)(6),(b)(7)(C) <ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) <ice.dhs.gov>, (b)(6),(b)(7)(C) <ice.dhs.gov>
Subject: Clearview

Good Morning (b)(6),(b)(7)(C)

I just got off a call with CEIU about Clearview. The administrative burden of handling these licenses as an operational unit is starting to affect their mission effectiveness. I was wondering if we could set up a meeting in late September to discuss Leadership’s requirements to move this to a more centralized control. Let me know what works for you and I’ll try to set up a teams meeting to chat.

Best,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Privacy Officer (Acting)

U.S. Immigration and Customs Enforcement

Mobile: 202-870-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent:
To: (b)(6),(b)(7)(C) Kelly, Christopher S
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Chri]
Subject: FW: Clearview

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C) <@ice.dhs.gov>
Date: Monday, Aug 29, 2022, 10:51 AM
To: (b)(6),(b)(7)(C) <@ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) <@ice.dhs.gov>, (b)(6),(b)(7)(C) <@ice.dhs.gov>
Subject: Clearview

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I just got off a call with CEIU about Clearview. The administrative burden of handling these licenses as an operational unit is starting to affect their mission effectiveness. I was wondering if we could set up a meeting in late September to discuss Leadership's requirements to move this to a more centralized control. Let me know what works for you and I'll try to set up a teams meeting to chat.

Best,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Privacy Officer (Acting)
U.S. Immigration and Customs Enforcement
Mobile: 202-870-(b)(6),(b)(7)(C)

From: Fleischaker, Deborah (b)(6),(b)(7)(C)
Sent: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Christopher S
CC: (b)(6),(b)(7)(C) Kelly, Chri]
(b)(6),(b)(7)(C)
Subject: RE: F/R Directive

Thanks so much, (b)(6),(b)(7)(C) will use this to reach out to Eric.

From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Friday, September 30, 2022 2:56 PM
To: Fleischaker, Deborah (b)(6),(b)(7)(C) @ice.dhs.gov (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) @ice.dhs.gov; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: RE: F/R Directive

Amended draft below.

Feel free to edits these. I am less comfortable discussing the ERO F/R second addition.

(b)(5)

(b)(5)

(b)(5)

Please let us know if there is anything you need to support elevating this to leadership. We look forward to hearing from you.

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, September 30, 2022 1:57 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; J (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: F/R Directive

Thanks, all, for this information. It's quite clear and I'm happy to pass these concerns up to leadership and/or reach out to (b)(6),(b)(7)(C) I do have a couple of small questions:

- (1) Do we have any concerns about the interplay of this directive with the commercial data directive? Are they in sync? Should they be moving concurrently given the large overlap between the two issues?

(2) Does the F/R draft no longer apply to facial verification? I think you mentioned it covered facial verification and that raises all sorts of issues regarding our data modernization efforts and ATD. Just want to be sure this directive does not cover it, or make sure that we raise this issue as well.

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Friday, September 30, 2022 12:34 PM
To: (b)(6),(b)(7)(C)@ice.dhs.gov; Kelly, Christopher S (b)(6),(b)(7)(C)@ice.dhs.gov
Cc: (b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: FW: F/R Directive

Hi (b)(6),(b)(7)(C)
Please see below and let us know if you'd like to discuss or have us synthesize further before you reach up.
Thanks,
(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)@ice.dhs.gov
Sent: Friday, September 30, 2022 8:51 AM
To: (b)(6),(b)(7)(C)@ice.dhs.gov; (b)(6),(b)(7)(C)@ice.dhs.gov
Subject: F/R Directive

Draft below.

(b)(5)

(b)(5)

Please let us know if there is anything you need to support elevating this to leadership. We look forward to hearing from you.

Thanks,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Office of Regulatory Affairs and Policy (ORAP)

Office of the Director

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

(b)(6),(b)(7)(C) ice.dhs.gov

202-480-1010 (m)

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From: Fleischaker, Deborah (b)(6),(b)(7)(C)
Sent: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
CC: (b)(6),(b)(7)(C); Kelly, Christopher S
Subject: (b)(6),(b)(7)(C) RE: F/R Directive

Thanks so much, (b)(6),(b)(7)(C) I will use this to reach out to (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) ice.dhs.gov
Sent: Friday, September 30, 2022 2:56 PM
To: Fleischaker, Deborah (b)(6),(b)(7)(C) ice.dhs.gov; (b)(6),(b)(7)(C) ice.dhs.gov; Kelly, Christopher S (b)(6),(b)(7)(C) ice.dhs.gov
Cc: (b)(6),(b)(7)(C) ice.dhs.gov
Subject: RE: F/R Directive

Amended draft below.

Feel free to edits these. I am less comfortable discussing the ERO F/R second addition.

(b)(5)

(b)(5)

(b)(5)

Please let us know if there is anything you need to support elevating this to leadership. We look forward to hearing from you.

Thanks,

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C) @ice.dhs.gov>
Sent: Friday, September 30, 2022 1:57 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov>; Kelly, Christopher S (b)(6),(b)(7)(C) @ice.dhs.gov>
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov>; J (b)(6),(b)(7)(C) @ice.dhs.gov>
Subject: RE: F/R Directive

Thanks, all, for this information. It's quite clear and I'm happy to pass these concerns up to leadership and/or reach out to Eric. I do have a couple of small questions:

(b)(5)

(b)(5)

From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Friday, September 30, 2022 12:34 PM
To: (b)(6),(b)(7)(C) @ice.dhs.gov; Kelly, Christopher S. (b)(6),(b)(7)(C) @ice.dhs.gov
Cc: (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: FW: F/R Directive

Hi, Deb,
Please see below and let us know if you'd like to discuss or have us synthesize further before you reach up.
Thanks,
RJ

From: (b)(6),(b)(7)(C) @ice.dhs.gov
Sent: Friday, September 30, 2022 8:51 AM
To: (b)(6),(b)(7)(C) @ice.dhs.gov; (b)(6),(b)(7)(C) @ice.dhs.gov
Subject: F/R Directive

Draft below.

(b)(5)

(b)(5)

(b)(5)

Please let us know if there is anything you need to support elevating this to leadership. We look forward to hearing from you.

Thanks,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Office of Regulatory Affairs and Policy (ORAP)
Office of the Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

(b)(6),(b)(7)(C) ice.dhs.gov

202-480-(b)(6),(b)(7)(C)m)

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From: (b)(6), (b)(7)(c)
Sent: 9/30/2022 6:10:30 PM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)>
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) Kelly, Christopher S
(b)(6),(b)(7)(C)
CC: (b)(6),(b)(7)(C) Kelly, Chri]
(b)(6),(b)(7)(C)
Subject: RE: F/R Directive

(b)(5)

Thanks,

(b)(6), (b)(7)(c)

From: Fleischaker, Deborah <(b)(6),(b)(7)(C)@ice.dhs.gov>
Sent: Friday, September 30, 2022 1:57 PM
To: (b)(6), (b)(7)(c)@ice.dhs.gov; Kelly, Christopher S <(b)(6), (b)(7)(c)@ice.dhs.gov>
Cc: (b)(6), (b)(7)(c)@ice.dhs.gov; (b)(6), (b)(7)(c)@ice.dhs.gov
Subject: RE: F/R Directive

Thanks, all, for this information. It's quite clear and I'm happy to pass these concerns up to leadership and/or reach out to (b)(6), (b)(7)(c) do have a couple of small questions:

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(c)@ice.dhs.gov
Sent: Friday, September 30, 2022 12:34 PM
To: Fleischaker, Deborah <(b)(6),(b)(7)(C)@ice.dhs.gov>; Kelly, Christopher S <(b)(6), (b)(7)(c)@ice.dhs.gov>

Cc: (b)(6), (b)(7)(c) <[redacted]@ice.dhs.gov>; (b)(6), (b)(7)(c) <[redacted]@ice.dhs.gov>

Subject: FW: F/R Directive

Hi, Deb,

Please see below and let us know if you'd like to discuss or have us synthesize further before you reach up.

Thanks,

(b)(6), (b)(7)(c)

From: (b)(6), (b)(7)(c) <[redacted]@ice.dhs.gov>

Sent: Friday, September 30, 2022 8:51 AM

To: (b)(6), (b)(7)(c) <[redacted]@ice.dhs.gov>; (b)(6), (b)(7)(c) <[redacted]@ice.dhs.gov>

Subject: F/R Directive

Draft below.

Deb,

(b)(5)

(b)(5)

Please let us know if there is anything you need to support elevating this to leadership. We look forward to hearing from you.

Thanks,

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Office of Regulatory Affairs and Policy (ORAP)
Office of the Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

(b)(6), (b)(7)(c) ice.dhs.gov

202-480-6375 (m)

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