



United States Department of State

Washington, D.C. 20520

November 23, 2005

Mr. Charles L. Wilson
Manager, Image Group
National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899

Dear Mr. Wilson:

Ref: National Institute of Standards and Technology (NIST) request for 10-print slaps visa data.

I am writing to you in response to your request of October 19, 2005, for 10-print slaps visa data. Providing you with this visa data will enable NIST to evaluate segmentation methods and methods for real-time feedback on segmentation. These methods will then be available to the Department of State and to the Department of Homeland Security for incorporation into future client software systems. This data will also be used by NIST to help the FBI-IAFIS system developers in evaluating algorithms for use in the next generation IAFIS.

Providing NIST with 10-print slaps visa data for the foregoing purposes is authorized under section 222(f) of the Immigration and Nationality Act for the administration or enforcement of U.S. laws. To ensure the handling and protection of visa data in a manner consistent with the requirements of section 222(f), CA/VO will provide this visa data to NIST subject to the following conditions and requirements:

Section 222(f) of the Immigration and Nationality Act as amended, reads in part:

(1) The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States except that-

(2) The Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to foreign governments information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section relate to information in the database-

(A) With regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States...

(B) With regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with a foreign government in which that government agrees to use such information and records for the purposes described in the subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.

We understand and expect that-

The Bureau of Consular Affairs will:

Provide its relevant immigrant and nonimmigrant visa data to NIST in a Sensitive But Unclassified (SBU) form;

Designate CA/VO/I or another VO representative as point of contact to review requests by NIST for authority to share visa information, if necessary and appropriate, with another U.S. government entity or a foreign government.

NIST will:

Limit access to personnel who have a need to know to carry out their duties under applicable law;

Require all NIST personnel to be appropriately trained and briefed on the handling and protection of visa data prior to access. Such training shall be refreshed as needed and documented in writing, including the signing of a briefing acknowledgement form. NIST should regularly update CA/VO/I or another VO designee on the arrival or departure of any third

agency detail personnel (outside NIST) or contractors whose duties require access to visa data.

Not share visa information with a U.S. government entity outside of NIST except as permitted under INA section 222(f), and with the prior consent of CA/VO/I or another VO designee;

Not share visa information with a foreign government except with the prior consent of CA/VO/I or another CA/VO designee;

Designate a point of contact to carry out the requirements with regard to the disclosure and use of information and to the training for NIST employees with access to relevant visa data.

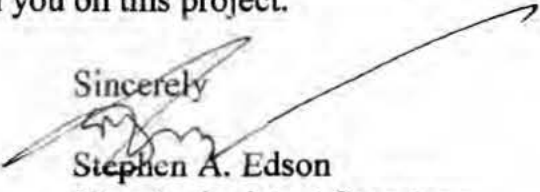
Both CA/VO and NIST agree that the exchange of data will be conducted in accordance with the Department of State's SBU standards set forth in the Foreign Affairs Manual.

Both CA/VO and NIST recognize that a visa bearer's status may change, and acknowledge that records of lawful permanent residents and United States citizens may be subject to the Privacy Act.

Please respond to this letter and indicate that you agree to the terms and conditions set forth above or contact us with any questions. We will contact your staff to make the final arrangements for providing the 10-print slaps visa data to NIST. We intend to consult with you in periodic teleconferences and an annual review to identify problems or needed refinements in the data share arrangement.

The points of contact in CA will be Martha Sardinias, Director, Information Management and Liaison, Visa Office (CA/VO/I), telephone 202-663-1249 and John Cook, Consular Officer, CA/VO/I, 202-261-8016. We look forward to working with you on this project.

Sincerely



Stephen A. Edson
Deputy Assistant Secretary
for Visa Services

**United States Department of State**

Visa Services
Washington, D.C. 20520

April 19, 2011

William C. Barker
Acting Division Chief
Information Access Division
Information Technology Laboratory
National Institute of Science and Technology
100 Bureau Drive Stop 8900
Gaithersburg, MD 20899-8900

Dear Mr. Barker:

I am writing to you in response to the request of December 17, 2010, from Patrick Grother of NIST for visa applicant images and associated biographic data for testing purposes related to facial recognition. Providing you with this data will enable NIST to conduct comparative testing of commercial facial recognition algorithms, along with examinations of demographic and ethnographic variation, of performance by image type/collection procedure, of binning strategies, and of time/age dependency in relation to facial recognition. NIST will share with the Bureau of Consular Affairs (CA) the results of your tests, which should be helpful to our facial recognition operations.

NIST recognizes that the visa data to be provided by CA under this arrangement constitute visa records of the Department of State within the scope of INA § 222(f). Such records, including extracts from and portions of such records, are considered "confidential" and must be treated in accordance with INA § 222(f) which reads in part:

"The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States...."

CA has determined that providing NIST with these images and associated biographic data of visa applicants is authorized under the exception to the § 222(f) confidentiality provisions for the use of visa records for the administration of U.S. laws.

To ensure the handling and protection of visa data in a manner consistent with the requirements of §222(f), CA will provide this visa data to NIST subject to the following conditions and requirements. CA will:

- Provide the relevant images and associated biographic data of visa applicants to NIST in a Sensitive But Unclassified (SBU) form.
- Designate the Director of the Office of Information Management and Liaison (CA/VO/I) or another Visa Office (VO) representative as point of contact to review all requests by NIST to share visa information, if necessary and appropriate, with any entity outside of NIST, and to provide consent to NIST prior to any such sharing. CA understands that NIST does not intend or foresee a need to share this visa data with an outside entity at present.

NIST will:

- Limit access to this visa data to personnel who have a need to know to carry out their duties under applicable law.
- Require all NIST personnel to be appropriately trained and briefed on the handling and protection of visa data prior to access. Such training shall be refreshed as needed and documented in writing, including the signing of a briefing acknowledgement form. NIST should regularly update CA/VO/I or another VO designee on the arrival or departure of any third agency detail personnel (outside NIST) or contractors whose duties require access to visa data.
- Not share visa information with any entity outside of NIST - including but not limited to any U.S., state or local government agency; foreign government; Congress; courts, media; or the general public - except as permitted under INA § 222(f), and with the prior consent of CA/VO/I or another VO designee.

- Annotate any visa data approved for disclosure by CA with instructions that such information is confidential under INA § 222(f) and may not be further disseminated.
- Designate a point of contact to carry out the requirements with regard to the disclosure and use of visa information and the training for NIST employees with access to relevant visa data.

Both CA and NIST agree that the transfer of visa data will be conducted in accordance with the Department of State's SBU standards set forth in the Foreign Affairs Manual, which are available at:

<http://www.state.gov/documents/organization/88404.pdf>.

Both CA and NIST recognize that a visa bearer's immigration status may change to lawful permanent resident or United States citizen. In recognition that the records of lawful permanent residents and United States citizens are subject to Privacy Act requirements, CA and NIST agree to follow their agency's internal procedures for meeting those requirements.

Please respond to this letter and indicate that you agree to the terms and conditions set forth above, or contact us with any questions. We will contact your staff to make the final arrangements for providing the images and associated biographic visa data to NIST. We intend to consult with you in periodic teleconferences and an annual review to identify problems or needed refinements in this data share arrangement.

The points of contact in CA for any questions concerning the sharing of visa data, as noted above, will be Martha Sardinas, Director, Information Management and Liaison, Visa Office (CA/VO/I), telephone 202-663-1249, and John Cook (CA/VO/I) telephone 202-261-8016. The point of contact in CA for any technical matters concerning the visa data and its transfer to NIST will be Angela Miller (CA/CST), telephone 202-663-1978. We look forward to working with you on this project.

Sincerely,



David T. Donahue
Deputy Assistant Secretary
for Visa Services



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-

August 3, 2011

David T. Donahue
Deputy Assistant Secretary for
Visa Services
2201 C St. NW
Main State Room 6811
Washington, DC 20520

Dear Mr. Donahue,

I am writing to you in response to your attached letter dated April 19, 2011, that requests agreement to the terms and conditions set forth therein which are prerequisite to the Department of State (DoS) Bureau of Consular Affairs (CA) sharing visa data with the National Institute of Standards and Technology (NIST) for the purposes of research including comparative testing of face recognition algorithms. Upon review, we agree to the terms and conditions set forth in your attached letter of April 19, 2011, and we look forward to receiving visa data for research purposes in a Sensitive But Unclassified (SBU) form.

The points of contact at NIST will be:

Michael Garriss, Group Leader/Manager, telephone 301-975-2928;
To carry out the requirements with regard to the disclosure and use of visa information and the training for NIST employees with access to relevant visa data.

Patrick Grother, Principal Investigator, telephone 301-975-4157;
To carry out research including comparative testing of face recognition algorithms.

Craig Watson, Lab Manager, telephone 301-975-4402;
To coordinate and make arrangements for providing images and associated biographic visa data to NIST.

We look forward to working with DoS/CA on this project.

Sincerely,

Leslie Collica
Acting Division Chief

Cc: Martha Sardinas
John Cook
Enc: April 19, 2011 Letter

NIST



United States Department of State

Visa Services
Washington, D.C. 20520

April 19, 2011

William C. Barker
Acting Division Chief
Information Access Division
Information Technology Laboratory
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100 Bureau Drive Stop 8900
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