

Janine Castorina
Chief Privacy Officer
USPS Privacy and Records Management Office
475 L'Enfant Plaza SW
Room 1P830
Washington, DC 20260
privacy@usps.gov

May 25, 2021

RE: Freedom of Information Act Request

Dear Ms. Castorina,

We write on behalf of the Electronic Privacy Information Center (EPIC) to request copies of any and all Privacy Impact Assessments (PIAs)/Business Impact Assessments (BIAs) concerning the Internet Covert Operations Program (iCOP) and/or the facial recognition and social media monitoring systems used by the iCOP. In addition, we write to urge the USPS Privacy Office to proactively publish all Privacy Impact Assessments in searchable PDF format on the USPS website.

Under Section 208 of the E-Government Act of 2002, all federal agencies (including the Postal Service¹) must “conduct,” “review,” and “make . . . publicly available” a privacy impact assessment before obtaining information technology that collects information in an identifiable form or initiating a new collection of personal data using information technology.² On April 21, 2021 the public learned that the U.S. Postal Inspection Service has been operating a social media monitoring division since at least 2018.³ That program, the iCOP, uses Clearview AI’s facial recognition software, Zignal Labs social media monitoring software, and Nfusion identity masking and OSINT collection software.⁴ The systems used by iCOP qualify as technologies requiring privacy impact assessments under the E-Government Act because they collect identifiable information including facial recognition images.⁵ However, there does not appear to be a corresponding PIA on the Postal

¹ Compare 44 U.S.C. § 3502(1) (defining “agency” for the purposes of the Paperwork Reduction Act and E-Government Act to include any “establishment in the executive branch of the Government”); with 39 U.S.C. § 201 (forming the United States Postal Service as an “establishment of the executive branch of the Government”).

² E-Government Act of 2002, Pub. L. No. 107-347, § 208 (b)(1)(A)–(B), 116 Stat. 2899, 2921–22 (2002), 44 U.S.C. § 3502 note.

³ Jana Winter, *The Postal Service is running a 'covert operations program' that monitors Americans' social media posts*, Yahoo! News (Apr. 21, 2021), <https://news.yahoo.com/the-postal-service-is-running-a-running-a-covert-operations-program-that-monitors-americans-social-media-posts-160022919.html>.

⁴ Jana Winter, *Facial recognition, fake identities and digital surveillance tools: Inside the post office's covert internet operations program*, Yahoo! News (May 18, 2021), <https://news.yahoo.com/facial-recognition-fake-identities-and-digital-surveillance-tools-inside-the-post-offices-covert-internet-operations-program-214234762.html>.

⁵ See U.S. Postal Service, *Privacy Impact Assessments/Business Impact Assessments* (2010), <https://about.usps.com/who-we-are/privacy-policy/business-impact-assessment-8-2010.rtf>.

Service’s published list of Privacy Impact Assessments/Business Impact Assessments.⁶ If PIAs for the iCOP program or surveillance technologies used by the program exist, please provide them to EPIC. EPIC has also submitted a Freedom of Information Act request to the U.S. Postal Inspection Service for the PIAs related to the iCOP program (see attached). If your office provides the requested PIAs, EPIC can withdraw that FOIA request.

In addition, EPIC strongly encourages the USPS Privacy Office to fully comply with the E-Government Act by proactively publishing PIAs on the USPS website instead of requiring a written request to disclose them. Making PIAs “publicly available through the website of the agency” is the primary means of disclosure established by the E-Government Act.⁷ Accordingly, most major federal agencies have adopted this practice. The Homeland Security Department provides a list of PIAs organized by date and searchable by topic on its website, all of which are downloadable, searchable PDFs.⁸ The State Department, Health and Human Services, and many other agencies maintain lists of PIAs in PDF format as well.⁹ The USPS Privacy Office should adopt the DHS model, sorting PIAs by date and making them searchable by system or keyword.

Privacy Impact Assessments are often the first source of information the public has about federal surveillance systems. The current USPS practice of disclosing PIAs upon request creates a barrier to accessing information by imposing additional steps to obtain documents that are by law public information. Changing this practice and proactively publishing PDFs would benefit researchers, interested individuals, and the Postal Service itself by demystifying USPS systems. EPIC urges the Privacy Office to publish PIAs online in searchable PDF format. If you have any questions, please reach out to Jake Wiener at wieners@epic.org or (202) 483-1140 x130.

Respectfully,

/s/ Jake Wiener
Jake Wiener
EPIC Law Fellow

/s/ John Davisson
John Davisson
EPIC Senior Counsel

⁶ See *Privacy Impact Assessments (PIA)*, U.S. Postal Service (2021) (“To obtain a BIA, please contact us at Privacy Office, U.S. Postal Service[.]”), <https://about.usps.com/who-we-are/privacy-policy/privacy-impact-assessments.htm>.

⁷ E-Government Act § 208(b)(1)(B)(iii).

⁸ *Privacy Impact Assessments (PIA)*, U.S. Dep’t of Homeland Security (2021) <https://www.dhs.gov/publications-library/collections/privacy-impact-assessments-%28pia%29>.

⁹ *Privacy Impact Assessments*, U.S. Dep’t of State (2021), <https://www.state.gov/privacy-impact-assessments-privacy-office/>; *Privacy Impact Assessments*, HHS.gov (2021), <https://www.hhs.gov/pia/index.html>.