



## DHS OPERATIONAL USE OF SOCIAL MEDIA

### **This template is used to assess the Department's Operational Use of Social Media, consistent with Management Directive 110-01.**

The DHS Privacy Office has created this template to determine privacy compliance with Management Directive 110-01, *Privacy Policy for Operational Use of Social Media*. For the purposes of the Management Directive and this template, "Operational Use" means authorized use of social media to collect personally identifiable information for the purpose of enhancing situational awareness, investigating an individual in a criminal, civil, or administrative context, making a benefit determination about a person, making a personnel determination about a Department employee, making a suitability determination about a prospective Department employee, or for any other official Department purpose that has the potential to affect the rights, privileges, or benefits of an individual. Operational use does not include the use of search engines for general Internet research, nor does it include the use of social media for professional development such as training and continuing education or for facilitating internal meetings. The following uses of social media are exempt from the Management Directive and are not subject to this requirement<sup>1</sup>:

- a) Communications and outreach with the public authorized by the Office of Public Affairs (covered by the existing PIAs: [DHS/ALL/PIA-031 - Use of Social Networking Interactions and Applications Communications/Outreach/Public Dialogue](#) and [DHS/ALL/PIA-036 - Use of Unidirectional Social Media Applications](#));
- b) The conduct of authorized intelligence activities carried out by the Office of Intelligence and Analysis, the intelligence and counterintelligence elements of the United States Coast Guard, or any other Component performing authorized foreign intelligence or counterintelligence

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<sup>1</sup> Gathering information by the Office of Operations Coordination and Planning (OPS) to enhance situational awareness is exempt from this requirement and is covered by the existing PIA: [DHS/OPS/PIA-004\(d\) - Publicly Available Social Media Monitoring and Situational Awareness Initiative Update](#).



functions, in accordance with the provisions of Executive Order 12333, as amended.

This template shall be used to document the process to be followed by all programs engaging in operational uses of social media; to identify information technology systems, technologies, rulemakings, programs, or pilot projects that involve PII and other activities that otherwise impact the privacy of individuals as determined by the Chief Privacy Officer; and to assess whether there is a need for additional Privacy Compliance Documentation. Components may appeal to the Deputy Secretary for Homeland Security if there is disagreement over the DHS Privacy Office determination of privacy compliance for the operational use of social media.



## DHS OPERATIONAL USE OF SOCIAL MEDIA

Please complete this form and send it to your Component Privacy Officer. Upon receipt, your Component Privacy Officer and the DHS Privacy Office will review this form and may request additional information.

### SUMMARY INFORMATION

**Date submitted for review:**

**Name of Component:** Customs and Border Protection

**Contact Information:** (b) (6), (b) (7)(C) Director, (b) (7)(E) Office of Intelligence and Investigative Liaison (b) (6), (b) (7)(C)

**Counsel<sup>2</sup> Contact Information:** Marc Bennett Courey, Office of Chief Counsel, Enforcement Section

**IT System(s) where social media data is stored:**

- Automated Targeting System- Targeting Framework.

Applicable Privacy Impact Assessment(s) (PIA):

DHS/CBP/PIA-006(b) [Automated Targeting System \(ATS\) Update](#), June 1, 2012. Per the ATS PIA, ATS maintains the official record “for certain law enforcement and/or intelligence data, reports, and projects developed by CBP analysts that may include public source information;”

Applicable System of Records Notice(s) (SORN):

[DHS/CBP-006 - Automated Targeting System](#) May 22, 2012, 77 FR 30297. Categories of records includes “Operational and analytical reports and/or projects developed that may include public source information and/or classified information obtained by users/analysts for reference or incorporation into the report or project.”

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<sup>2</sup> Counsel listed here must certify that appropriate authority exists to engage in particular operational activities involving social media.



## DHS OPERATIONAL USE OF SOCIAL MEDIA

### SPECIFIC QUESTIONS

1. Describe the category of use for collecting personally identifiable information from social media sources. Examples include: law enforcement intelligence, criminal investigations, background investigations, administrative investigations, professional responsibility investigations, benefit or employment determinations, or situational awareness. If use does not fit into one of these categories, please describe in full below. If your component has multiple categories of use, please submit separate template for each category.

The personnel anticipated to use social media under this Border Encounter SMOUT include CBP Officers (CBPO) and Border Patrol Agents (BPA). This SMOUT encompasses (b) (7)(E) only, as defined in CBP Directive 5410-003, (b) (7)(E). After determining a traveler requires additional inspection, CBP Officers and Border Patrol Agents perform checks on biographic information provided by the traveler at or between Ports of Entry. CBP personnel who (b) (7)(E) [redacted] [redacted] [redacted] [redacted] may access and review information, at their discretion, to perform queries on travelers' biographic information as they are undergoing secondary examination at a Port of Entry or between the ports of entry. Information gained through these operations may only be used by CBP personnel consistent with the legal authority of CBP, including admissibility determinations and other decisions as part of the inspection process. Information gained via social media as revealed by (b) (7)(E) [redacted] may be retained in records of examinations or case files in the Automated Targeting System's Targeting Framework (ATS-TF), if deemed necessary (b) (7)(E) [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]



CBP personnel may use mechanisms, such as the (b) (7)(E) (b) (7)(E) to access social media websites normally restricted from CBP workstations. (b) (7)(E)

(b) (7)(E) Information collected using social media is stored in the (b) (7)(E) (b) (7)(E)

2. Based on the operational use of social media listed above, please provide the appropriate authorities.

Under section 235 of the Immigration and Nationality Act and its implementing regulations, CBP Officers and Border Patrol Agents have several enforcement authorities and responsibilities associated with inspections at a port of entry. 8 U.S.C. § 1225; *see also* 8 CFR 287.2 (stating that a special agent in charge, port director, or chief patrol agent shall initiate an investigation when he has reason to believe there has been a criminal immigration violation); 8 CFR 287.4 (stating that several positions within Border Patrol may issue subpoenas to be used in criminal or civil investigations); 8 CFR 287.9 (stating that Border Patrol agents must obtain a search warrant prior to conducting a search in a criminal investigation unless a specific exemption to the warrant requirement is authorized by statute or recognized by courts). *See also* 19 U.S.C. §§ 482, 1467, 1496, 1582, and 1589a, and 19 CFR Part 162.

(b) (5)

3. Is this use of social media in development or operational?  
 In development.  Operational. Date first launched:  
Unknown
4. Please attach a copy of the Rules of Behavior that outline the requirements below.

Attached are the CBP Directive and Rules of Behavior.



5. Please describe the Rules of Behavior in effect for the listed operational use of social media. If users do NOT follow a particular Rule, please detail reasoning for not following that Rule:

a) *Equipment.* Use only government-issued equipment when engaging in the operational use of social media;

Yes.  No. If not, please explain:

b) *Email and accounts.* Use online screen names or identities that indicate an official DHS affiliation and use DHS email addresses to open accounts used when engaging in social media in the performance of their duties;

(b) (7)(E)

c) *Public interaction.* Access publicly available information through social media only by reviewing posted information without interacting with any individual who posted the information;

(b) (7)(E)

d) *Privacy settings.* Respect individuals' privacy settings and access only information that is publicly available;

Yes.  No. If not, please explain:

(b) (7)(E)

e) *PII collection.* Collect the minimum PII necessary for the proper performance of their authorized duties except for systems subject to Final Rules for Exemption from certain aspects of the Privacy Act;

Yes.  No. If not, please explain:

f) *PII safeguards.* Protect PII as required by the Privacy Act (if applicable) and DHS privacy policy;



Yes.       No. If not, please explain:

**g) Documentation.** Document operational use of social media, including date, site(s) accessed, information collected and how it was used.

Yes.       No. If not, please explain:

**h) Training.** Users complete annual privacy training which has been approved by Component Privacy Officer (or Privacy Point of Contact) based upon training materials provided by the DHS Privacy Office. Training must include, at minimum: legal authorities, acceptable operational uses of social media, access requirements, and requirements for documenting operational uses of social media.

Yes.       No. If not, please explain:

Yes, employees self-certify that they have read and understood their Component Rules of Behavior.

Yes, Component Privacy Officers or PPOCs maintain a record of employee attendance at privacy training that includes training on the Rules of Behavior.

No. If not, please explain:



## DHS SOCIAL MEDIA DOCUMENTATION (To be Completed by the DHS Privacy Office)

DATE reviewed by the DHS Privacy Office: December 17, 2015

NAME of the DHS Privacy Office Reviewer: (b) (6), (b) (7)(C)

### DESIGNATION

This program is covered by the following Privacy Impact Assessment and Privacy Act System of Records Notice:

PIA: DHS/CBP/PIA-006(b) Automated Targeting System (ATS) Update (June 1, 2012)

SORN: DHS/CBP-006 - Automated Targeting System May 22, 2012, 77 FR 30297

### DHS Privacy Office Determination

Program has met requirements to use social media for the stated authorized operational purposes, and must continue compliance with the requirements above.

Program has not yet met requirements to utilize social media for operational purposes.

Program authorities do not authorize operational use of social media.

Rules of Behavior do not comply. <Please explain analysis.>

Training required.

Additional Privacy compliance documentation is required:

A PIA is required.

New.

Updated. <Please include the name and number of PIA to be updated here.>





- A SORN is required:
  - New.
  - Updated. <Please include the name and number of SORN to be updated here.>

### DHS PRIVACY OFFICE COMMENTS

The DHS Privacy office finds that CBP's use of social media for Border Encounter Research is consistent with existing privacy compliance documentation and the DHS MD 110-01 requirements.

CBP will conduct attributable, (b) (7)(E) only. CBP Officers and Border Patrol Agents (b) (7)(E)

(b) (7)(E) CBP does not (b) (7)(E)  
(b) (7)(E)

Any information collected from social media will be stored within the CBP Automated Targeting System (ATS), Targeting Framework (TF) module. Per the 2012 ATS PIA, (b) (7)(E)

[Redacted text block]