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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

AMERICAN CIVIL LIBERTIES UNION)
FOUNDATION, *et al.*,)
)
Plaintiffs,)
)
v.)
)
DEPARTMENT OF JUSTICE, *et al.*,)
)
Defendants.)
_____)

CASE NO. 19-CV-00290-EMC
**SUPPLEMENTAL DECLARATION OF
PATRICK HOWARD**

I, Patrick A. Howard, declare the following to be true and correct:

1. I am a Branch Chief in the Freedom of Information Act (FOIA) Division, Privacy and Diversity Office, Office of the Commissioner, U.S. Customs and Border Protection (CBP).
2. I submit this declaration to supplement the declaration dated January 28, 2021, that I submitted in support of Defendant Department of Homeland Security’s Motion for Summary Judgment with respect to the request submitted to CBP.
3. I understand that the American Civil Liberties Union Foundation and the American Civil Liberties Union Foundation of Northern California (hereinafter Plaintiffs) challenge CBP’s withholding of certain information under Exemptions (b)(4), (b)(5), and (b)(7)(E).

1 4. In this declaration, I provide additional clarifying information and details regarding spe-
2 cific redactions of the previously released records, including intra-agency memoranda, directives,
3 issue papers, privacy threshold analyses (PTAs), social media operational use templates
4 (SMOUTs), and commercial contracts.
5

6 **APPLICATION OF FOIA EXEMPTION (b)(7)(E)**

7 5. The records at issue include intra-agency memoranda, directives, issue papers, PTAs,
8 SMOUTs, and commercial contracts. The information withheld pursuant to Exemption (b)(7)(E)
9 was compiled and utilized for law enforcement purposes in that the information was created and
10 used by CBP in its law enforcement mission to secure the border of the United States through the
11 operational use of social media.
12

13 6. As an initial matter, CBP's Social Media Directive 5410-003 (January 2, 2015) contained
14 information under the headings of Overt Research, Overt Monitoring, and Overt Engagement that
15 was released. *See* Pls.' Opp. & Cross-Mot. For Partial Summ. J., Ex. A, ECF No. 109-1 at
16 USCBP000133-34. However, information under Masked Monitoring and Undercover Engage-
17 ment was withheld under Exemption (b)(7)(E) because this information described tactics used for
18 more sensitive law enforcement purposes, and the agency has imposed additional internal controls
19 on their use. *See id.* at 134-36. Release of specific information withheld in these sections would
20 reveal sensitive, non-public information relating to the scope of the use of these techniques and
21 steps and limitations the agency places on the use of these techniques. This could reveal the relative
22 frequency with which CBP utilizes these techniques, thereby enabling illicit actors to gain infor-
23 mation regarding the relative likelihood with which they may be subjected to these techniques. If
24 this information were disclosed, individuals who seek to violate the law at the border could use it
25 to allocate resources and employ countermeasures, thereby risking circumvention of the law.
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1 7. Additionally, certain information contained within CBP's Social Media Directive, when
2 aggregated with information in the public domain, could reveal specific information concerning
3 how particular law enforcement techniques or procedures are used in specific situations. For ex-
4 ample, certain PTAs and SMOUTs released in this case discuss the circumstances in which specific
5 law enforcement techniques related to social media may be utilized. Information withheld in the
6 Social Media Directive, when aggregated with other details of procedures and capabilities con-
7 tained in these privacy documents, would reveal the scenarios in which CBP employs these tech-
8 niques. It could also reveal CBP's capabilities and limitations, or the likelihood of CBP utilizing
9 certain social media investigative techniques in specific operational locations, in particular cir-
10 cumstances, or against particular types of illicit threats. This additional information is not publicly
11 known and release of this information would risk circumvention of law as it could be used to
12 develop countermeasures, avoid detection, and frustrate CBP's ability to detect illicit activity and
13 enforce the law.

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16 8. In addition, Exemption (b)(7)(E) was applied in issue papers and summaries. *See* Pls.' Opp.
17 & Cross-Mot. For Partial Summ. J., Ex. A, ECF No. 109-1 at USCBP000001-22. These issue
18 papers were drafted by CBP personnel to describe to senior CBP law enforcement officials the
19 current status and future proposals on the use of social media in support of CBP's law enforcement
20 activities, such as the vetting of international travelers seeking entry into the United States to iden-
21 tify persons who are suspected of, or may pose a higher risk of, engaging in illicit activity. These
22 issue papers described the efficacy of, and contain information regarding, specialized techniques
23 and procedures related to CBP's operational use of social media. Their purpose was to aid CBP
24 decisionmakers regarding the development of policy, the allocation of resources, and the imple-
25 mentation of procedures and techniques relating to CBP's law enforcement mission.
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1 9. These issue papers also include specific details and examples of law enforcement tech-
2 niques and procedures that provide CBP managers a practical understanding of how CBP may
3 utilize certain social media investigative techniques. The information that was withheld pursuant
4 to Exemption (b)(7)(E) is not generally known to the public and the disclosure of this information
5 would impede CBP's law enforcement mission by alerting individuals to CBP's specific tech-
6 niques and procedures utilized in its investigations.
7

8 10. CBP also applied Exemption (b)(7)(E) to the various PTAs. *See* Pls.' Opp. & Cross-Mot.
9 For Partial Summ. J., Ex. A, ECF No. 109-1 at USCBP000023-39, 48-57, 149-60, 296-306, 337-
10 28, 349-58. Unlike Privacy Impact Assessments (PIAs), CBP's PTAs are not generally released
11 to the public. The information withheld in these PTAs includes non-public descriptions of sensi-
12 tive law enforcement techniques and procedures and is substantially more detailed than the infor-
13 mation contained in publicly available PIAs. The PTAs provide specific technical, unique, and
14 specialized details about the activity being addressed in the record and often involve particular
15 types of cases in which CBP may use certain law enforcement techniques, whereas one PIA may
16 be applicable to cover activities described in multiple PTAs. The information withheld in the
17 PTAs would reveal sensitive, non-public details about CBP's law enforcement investigations and
18 activities. The information withheld in the PTA at USCBP000050-51 did not include the names
19 of any contractor, but rather included names and descriptions of specific technical tools with
20 unique capabilities utilized by CBP to review and analyze social media information for law en-
21 forcement purposes. The information withheld from the PTA at USCBP000298-99 also included
22 names and descriptions of specific technical tools with unique capabilities utilized by CBP to re-
23 view and analyze social media information for law enforcement purposes, as well as the company
24 name of the tool's developer, which is similar to, closely associated with, and would tend to reveal
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1 the capabilities of, the specialized tool utilized by CBP. This information is not public. Disclosure
2 of these details would permit bad actors to develop countermeasures, avoid detection, and frustrate
3 CBP's ability to detect illicit activity and enforce the law. The rationale for redaction of the infor-
4 mation is further detailed in CBP's Vaughn index, which has been updated and is attached as
5 Exhibit A to this declaration. With respect to information contained in the PTA on USCBP000033
6 regarding retention periods, CBP reprocessed the PTA without these redactions in May 2021, at-
7 tached as Exhibit B to this declaration.
8

9 11. Next, CBP withheld information in SMOUTs that are not publicly available and, like in-
10 formation withheld in PTAs, would reveal information that is not publicly known. *See* Howard
11 Decl., Ex. A, ECF No. 98-4 at USCBP000161-69, 170-77, 178-91. While some general infor-
12 mation regarding law enforcement's use of social media may be in the public domain, the
13 SMOUTs discuss the specific circumstances in which CBP's may use certain law enforcement
14 techniques relating to the operational use of social media. Additionally, this information, when
15 combined with other information released in response to this FOIA request or that is otherwise
16 publicly available, could reveal sensitive details about the specific technique employed in partic-
17 ular kinds of circumstances. For example, whether officers or agents interact with the public or
18 mask identities in particular kinds of circumstances would reveal the scope and type of social
19 media activity employed in the particular circumstances, use case, or mission that is the subject of
20 the SMOUT. This information, if disclosed, would harm CBP's ability to effectively carry out its
21 law enforcement functions by revealing the types of illicit activities or the circumstances in which
22 CBP is likely to use certain techniques. CBP's mission is to protect the borders of the United
23 States against terrorists and the instruments of terror, enforce the customs and immigration laws
24 of the United States, and foster our Nation's economy through lawful international trade and travel.
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1 The disclosure of these techniques and methods would permit bad actors to understand how CBP
2 conducts law enforcement activities and would seriously compromise CBP's ability to perform its
3 law enforcement mission.

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5 12. Finally, the information contained in CBP's commercial contracts that was withheld under
6 Exemption (b)(7)(E) was never publicly released as it relates to the specific contracts. *See* Pls.'
7 Opp. & Cross-Mot. For Partial Summ. J., Ex. A, ECF No. 109-1 at USCBP000197-249. Any in-
8 formation withheld is not publicly available. This information includes names of specific compa-
9 nies that offer unique capabilities, tools used, and quantities purchased. Revealing this information
10 would indicate the scope, specific type, and extent of CBP's operational use of social media in a
11 certain field. CBP has a legitimate law enforcement interest in protecting this information as it
12 demonstrates CBP's technical capabilities and potential limitations. Disclosure of this information
13 would risk circumvention of law as it could be used to develop countermeasures, avoid detection,
14 and frustrate CBP's ability to detect illicit activity and enforce the law.

15 16 **APPLICATION OF FOIA EXEMPTION (b)(5)**

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18 13. CBP invoked Exemption (b)(5) within its PTAs. *See* Pls.' Opp. & Cross-Mot. For Partial
19 Summ. J., Ex. A, ECF No. 109-1 at USCBP000023-39, 48-57, 296-306, 337-48, 349-58. PTAs
20 play an important role in CBP's deliberations related to potential agency activity and any potential
21 privacy compliance requirements related to that activity. Specifically, information withheld pur-
22 suant to Exemption (b)(5) in these records relates to the CBP Privacy Office's recommendations
23 to the DHS Privacy Office with respect to proposed privacy limitations on CBP's proposed activ-
24 ities. This information constitutes deliberative and predecisional analysis and was compiled to
25 inform the DHS decisionmaker's final decision regarding the privacy compliance requirements for
26 these activities.
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1 14. In addition, the information withheld pursuant to Exemption (b)(5) in CBP's issue papers
2 is also deliberative and predecisional. As noted above, these issue papers were drafted by CBP
3 staff and contained proposals for upper-level management concerning the proposed use of CBP's
4 operational use of social media. The issue papers contained information that informed and guided
5 CBP's leadership in the development and use of certain social media law enforcement techniques
6 and procedures. The information withheld pursuant to Exemption (b)(5) involved assessments re-
7 lated to CBP's use of social media in its operations and analysis to support recommendations to
8 CBP leadership. Information related to the recommended responses to questions about CBP's use
9 of social media was withheld pursuant to Exemption (b)(5) where it either discussed hypothetical
10 future policies relating to the collection of social media information as in USCBP000014-15, or
11 discussed the subject matter of ongoing internal analyses relating to the potential capabilities and
12 limitations of certain techniques relating to the operational use of social media, as in
13 USCBP000003. Release of the information withheld in these issue papers would reveal agency
14 deliberations and could negatively impact CBP's decision-making process in the future. This also
15 could discourage and chill open, frank discussions on matters of policy between subordinates and
16 superiors. Further, release of this information could contribute to premature disclosure of proposed
17 policies before they are finally adopted.

21 **APPLICATION OF FOIA EXEMPTION (b)(4)**

22 15. Finally, Plaintiffs argue that CBP improperly withheld information in a privacy threshold
23 analysis under Exemption (b)(4). However, CBP's reprocessed productions removed the (b)(4)
24 redactions noted by Plaintiffs. Plaintiffs attached to their motion the original versions of these
25 productions, rather than the re-processed documents. For the Court's reference, the re-processed
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1 pages, which were produced to Plaintiffs in December 2020, are attached as Exhibit C to this
2 declaration.

3 **CBP'S SEARCH**

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5 16. As discussed in my initial declaration, the Office of Field Operations' subject matter ex-
6 perts searched the electronic record repository identified as likely to contain responsive records.
7 The specific personnel conducting the search in the Office of Field Operations have extensive
8 knowledge of the subject matter involved in Plaintiff's FOIA request and are familiar with the
9 types of records and the repositories where such records are maintained. Therefore, the FOIA
10 office determined that the areas identified and searched by these subject matter experts were the
11 locations where responsive records were likely to be maintained.
12

13 17. In addition to the Office of Field Operations, as noted in my previous declaration, other
14 offices, including the Privacy and Diversity Office, U.S. Border Patrol, Office of Professional Re-
15 sponsibility, Office of Acquisition, Office of Information Technology, Office of Intelligence, Of-
16 fice of Public Affairs, Air and Marine Operations, and the Office of Chief Counsel also conducted
17 searches. CBP's search was extensive and included a search for records among all offices that
18 were determined to potentially have records responsive to the request.
19

20 18. The request to each of the relevant offices to conduct a search included all categories in
21 Plaintiff's FOIA request. However, CBP did not task its Office of Information and Technology to
22 conduct an electronic keyword search of emails to identify records responsive to items 3 and 4 of
23 Plaintiff's request. In light of this fact, CBP has determined that it will conduct a supplemental
24 electronic keyword search of email records responsive to items 3 and 4.
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1 19. CBP also made minor corrections to its Vaughn Index to account for one change made in
2 the December 2020 reprocessed production, and one change in the May 2021 reprocessed produc-
3 tion. This updated Vaughn index is attached as Exhibit A to this Declaration.

4 20. Also, as noted above, in December 2020, CBP reprocessed all five productions. The repro-
5 cessed pages that previously contained the (b)(4) redactions noted by Plaintiffs are attached as
6 Exhibit C. CBP also again reprocessed Production 1 in May 2021 to remove redactions on
7 USCBP000033. This page is attached as Exhibit B to this declaration.

8
9 **SEGREGABILITY**

10 21. Plaintiffs have been provided with all responsive records not withheld in full that were
11 identified in CBP's search for records in response to Plaintiffs' FOIA request. Where appropriate,
12 CBP asserted FOIA exemptions in the released records. All information withheld is exempt from
13 disclosure pursuant to a FOIA exemption or is not reasonably segregable because it is so inter-
14 twined with protected material that segregation is not possible or its release would have revealed
15 the underlying protected material. CBP personnel have reviewed the documents determined to be
16 responsive, line-by-line, to identify information exempt from disclosure or for which a discretion-
17 ary waiver of exemption could apply, and all reasonably segregable portions of the relevant records
18 have been released to Plaintiffs in this matter. In my determination, any further release of the
19 exempted materials could reasonably lead to the identification of information that is properly pro-
20 tected by the exemptions asserted.
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26 I declare under a penalty of perjury that the foregoing is true and correct to the best of my infor-
27 mation, knowledge, and belief.
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1 Executed this 21st day of May 2021.
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Patrick Howard

4 Patrick A. Howard, Branch Chief
5 FOIA Division
6 Privacy and Diversity Office
7 Office of the Commissioner
8 U.S. Customs and Border Protection
9 U.S. Department of Homeland Security
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Exhibit A

Record Description	Bates Number	Disposition	Description of Applicable Exemptions
Production 1			
Information Issue Paper (Oct. 6, 2016)	USCBP000001-04	Released with redactions	<p>Reprocessed with fewer redactions: 000003</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency memorandum that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Descriptions of analyses being conducted by CBP personnel to evaluate the feasibility and effectiveness of using social media information in CBP’s law enforcement and border security mission in order to inform future policy decisions by CBP decision makers. • Descriptions of the content and status of a draft, pre-decisional report on the use of social media in CBP operations being prepared to inform future policy decisions by CBP decision makers. • Descriptions of the subject of ongoing policy deliberations and recommendations for future activities relating to the operational use of social media. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that</p>

			<p>would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of the scope and investigatory focus of CBP’s operational use of social media • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Descriptions of the law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of vulnerabilities and limitations in CBP’s operational use of social media.
<p>CBP Use of Social Media Paper (May 25, 2016)</p>	<p>USCBP000005-07</p>	<p>Released with redactions</p>	<p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information,</p>

			<p>would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information. • Information that could reveal details about a specific law enforcement investigation, including information that could identify the subject of a law enforcement investigation and the specific techniques used to uncover potentially illicit activity in an ongoing investigation. • Descriptions of vulnerabilities and limitations in CBP’s operational use of social media.
<p>CBP Use of Social Media Paper (Sept. 26, 2016)</p>	<p>USCBP000008-12</p>	<p>Released with redactions</p>	<p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency memorandum that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p>

			<ul style="list-style-type: none"> • Descriptions of analyses being conducted by CBP personnel to evaluate the feasibility and effectiveness of using social media information in CBP’s law enforcement and border security mission in order to inform future policy decisions by CBP decision makers. • Descriptions of recommended future uses and techniques for social media information being evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations. <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Descriptions of specific law enforcement techniques and types of analysis that CBP does
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			or does not utilize when using publicly available social media information.
Social Media Briefing Paper	USCBP000013-15	Released with redactions	<p>Reprocessed with fewer redactions: 00014</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency memorandum that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Description of recommended future uses and techniques for social media information being evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations. • Information prepared by CBP personnel to inform CBP decision makers of the status and scope of internal CBP deliberations regarding a proposal to modify certain forms and applications used to obtain immigration and travel benefits. • Descriptions of the status and scope of inter-agency consultations and deliberations regarding proposed modifications to certain forms and applications used to obtain immigration and travel benefits. • Description of the status and contents of a predecisional draft report regarding privacy requirements and the non-final

			<p>recommendations and assessments of the report's authors.</p> <ul style="list-style-type: none"> • Recommended responses to hypothetical questions contained in briefing materials developed by CBP staff to suggest responses for agency decision makers if asked in future inquiries about CBP's operational use of social media. <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information in law enforcement operations. • Information regarding vulnerabilities and limitations in CBP's operational use of social media. • Descriptions of the scope and investigatory focus of CBP's operational use of social media.
Information Issue Paper (June 2, 2016)	USCBP000016-17	Released with redactions	Reprocessed with fewer redactions: 000017

			<p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency memorandum that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Description of proposed future uses and techniques for social media information being evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations. • Description of the scope and subject matter of assessment being conducted by CBP to inform agency deliberations and develop recommendations for CBP policy makers regarding the future use of social media in CBP’s border security mission. • Description of the status and contents of a draft report regarding proposed areas of investigative focus and future developments, prepared to inform agency deliberations and make recommendations to CBP decision makers regarding the operational use of social media within CBP. <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for</p>
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			<p>law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information in law enforcement operations.
Information Issue Paper (Aug. 30, 2016)	USCBP000018-19	Released with redactions	<p>Reprocessed with fewer redactions: 000019</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency memorandum that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency's decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Description of recommended future uses and techniques for social media information being evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations.

			<ul style="list-style-type: none"> • Description of recommended future uses and techniques for social media information being evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations. • Descriptions of the content and status of a draft, pre-decisional report on the use of social media in CBP operations being prepared to inform future policy decisions by CBP decision makers. • Description of the scope and subject matter of assessment being conducted by CBP to inform agency deliberations and develop recommendations for CBP policy makers regarding the future use of social media in CBP's border security mission. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for</p>
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			<p>law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information in law enforcement operations.
Information Issue Paper (Apr. 20, 2017)	USCBP000020-22	Released with redactions	<p>Reprocessed with fewer redactions: 0000020, 000022</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency memorandum that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency's decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Description of recommended future uses and techniques for social media information being evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations. • Description of recommended future uses and techniques for social media information being

			<p>evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations.</p> <ul style="list-style-type: none"> • Descriptions of the content and status of a draft, pre-decisional report on the use of social media in CBP operations being prepared to inform future policy decisions by CBP decision makers. • Description of the scope and subject matter of assessment being conducted by CBP to inform agency deliberations and develop recommendations for CBP policy makers regarding the future use of social media in CBP's border security mission <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement</p>
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			<p>techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue • Descriptions of vulnerabilities and limitations in CBP's operational use of social media.
Privacy Threshold Analysis: Electronic Visa Update System (EVUS)	USCBP000023-39	Released with redactions	<p>Reprocessed with fewer redactions: 000024, 000025, 000033, 00037; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency's decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Description of privacy risk mitigation strategies and assessments being proposed by CBP to DHS Privacy in connection with potential changes to the use of social media in CBP's law enforcement and border security mission.

			<ul style="list-style-type: none"> • Descriptions of the status and scope of inter-agency consultations and deliberations regarding proposed record retention plan. • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Information regarding the factors considered and criteria utilized when determining whether to use social media information in conducting CBP's law enforcement and border security
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			<p>mission, including the vetting of international travelers or applicants for immigration benefits.</p> <ul style="list-style-type: none"> • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the law enforcement processes utilized and information consulted when vetting international travelers or applicants for immigration benefits.
DHS Operational Use of Social Media, Office of Internal Affairs: Use of Social Media for Criminal Investigations	USCBP000040-47	Released with redactions	<p>Reprocessed with fewer redactions: 000041, 000043, 000047</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency's decision-making processes. Information redacted under exemption (b)(5) includes a description of the content and status of a draft, pre-decisional report on the use of social media in CBP operations prepared to inform future policy decisions by CBP leadership regarding the use of social media by CBP.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly</p>

			<p>unwarranted invasion of personal privacy, including names and phone numbers of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Information relating to unique types of evidence obtained using the law enforcement techniques at issue.
Privacy Threshold Analysis: Pilot Evaluation	USCBP000048-57	Released with redactions	<p>Reprocessed with fewer redactions: 000050, 000052, 000053, 00056; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency's decision-making processes. Information redacted under exemption (b)(5) includes:</p>

			<ul style="list-style-type: none"> • Description of the scope and subject matter of assessment being conducted by CBP to inform agency deliberations and develop recommendations for CBP policy makers regarding the future use of social media in CBP’s border security mission. • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Description of the content and status of a draft, pre-decisional assessment on the use of social media in CBP operations. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement</p>
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			<p>techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Information relating to unique types of evidence obtained using the law enforcement techniques at issue.
Production 2			
Talking Points: October 2016 Electronic System for Travel Authorization Enhancements	USCBP000058-60	Released with without redactions	N/A
Privacy Threshold Analysis: IntelCenter Social Media Database Ingestion into ATS	USCBP000061-70	Released with redactions	<p>Reprocessed with fewer redactions: 000062, 000068; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily</p>

			<p>make available to the public. Redactions applied to this information include:</p> <ul style="list-style-type: none"> • Sensitive information about software and database, including capabilities and limitations of the software, the business practices of the contractor, and descriptions of how CBP is able to use the software. • Information that the database contains <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Descriptions of recommended future uses and techniques for social media information being evaluated and considered by CBP personnel pending a decision on the feasibility and effectiveness of incorporating such uses and techniques into CBP operations. • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Explanations of internal deliberations within DHS, including recommendations from DHS Privacy to CBP. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record,</p>
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			<p>which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Names and descriptions of specialized law enforcement units, operational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue • Descriptions of specific types of information CBP intends to access, and how it intends to utilize such information in conducting particular law enforcement functions. • Detailed descriptions of how CBP intends to record, report, and store law enforcement information gathered • Descriptions of the scope and investigatory focus of CBP's operational use of social media
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<p>Privacy Threshold Analysis: Office of Intelligence and the Office of Professional Responsibility</p>	<p>USCBP000071- 80</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 00072, 00078; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Explanations of internal deliberations within DHS, including recommendations from DHS Privacy to CBP. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and</p>
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			<p>procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue • Descriptions of the scope and investigatory focus of CBP’s operational use of social media • Information that could reveal details about a specific law enforcement investigation, including information that could identify the subject of such investigation and the specific techniques used to uncover potentially illicit activity in an ongoing investigation. • Information regarding the factors considered and criteria utilized when information is reported to the Joint Intake Center • Descriptions of criteria for utilizing particular law enforcement techniques, which could reveal the degree to which such techniques are available.
<p>Privacy Threshold Analysis: Youtube Access for CBP</p>	<p>USCBP000081-87</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 00082, 00086; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p>

			<p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Explanations of internal deliberations within DHS, including recommendations from DHS Privacy. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p>
DHS Operational Use of Social Media: Office of Trade: Forced Labor Division	USCBP000088-96	Released with redactions	<p>Reprocessed without redactions: Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p> <p>(b)(5) - Exemption (b)(5) has been applied to attorney/client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal</p>

			<p>matter for which the client has sought professional advice. The exemption was applied to information describing consultations with CBP Office of Chief Counsel.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names and phone numbers of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP's operational use of social media.
DHS Operational Use of Social Media: Office of Professional Responsibility: Use of Social	USCBP000097-105	Released with redactions	Reprocessed with fewer redactions: 00098; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)

Media for Administrative Investigations			<p>(b)(5) - Exemption (b)(5) has been applied attorney-client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to information describing consultations with CBP Office of Chief Counsel.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names and phone numbers of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information.
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			<ul style="list-style-type: none"> Detailed descriptions of how CBP intends to record, report, and store law enforcement information gathered
DHS Operational Use of Social Media: Office of Professional Responsibility: Use of Social Media for Criminal Investigations	USCBP000106-15	Released with Redactions	<p>Reprocessed with fewer redactions: 000107; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p> <p>(b)(5) - Exemption (b)(5) has been attorney/client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to information describing consultations with CBP Office of Chief Counsel.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names and phone numbers of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement</p>

			<p>techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Detailed descriptions of how CBP intends to record, report, and store law enforcement information gathered •
<p>DHS Operational Use of Social Media: Office of Professional Responsibility: Use of Social Media for Background Investigations and Periodic Reinvestigations</p>	<p>USCBP000116-24</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000117, 000121, 000122, 000124; Header Information (Phone Numbers and Email Addresses for DHS Privacy Office)</p> <p>Exemption (b)(5) has been applied to attorney-client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to information describing the subject matter of consultations with the CBP Office of Chief Counsel for the purpose of providing legal advice.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names and phone numbers of non-SES DHS employees.</p>

			<p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Detailed descriptions of how CBP intends to record, report, and store law enforcement information gathered •
Production 3			
CBP Directive, January 2, 2015	USCBP000125-36	Released with redactions	<p>Reprocessed with fewer redactions: 000136</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement</p>

			<p>techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. Descriptions of criteria for utilizing particular law enforcement techniques, which could reveal the degree to which certain such techniques are available.
Interim Standard Operating Procedure	USCBP000137-41	Released with redactions	<p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names of non-SES DHS employees and signatures of DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p>

			<ul style="list-style-type: none"> • Information that would enable access to and/or manipulation of law enforcement processes, databases, and/or information, including email addresses and methods used internally by CBP personnel in the approval process for engaging in the operational use of social media. • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes.
<p>Internal Memorandum, February 15, 2018</p>	<p>USBP000142-46</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000142</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information.

			<ul style="list-style-type: none"> • Descriptions of the scope and investigatory focus of CBP's operational use of social media. • Descriptions of criteria for utilizing particular law enforcement techniques, which could reveal the degree to which such techniques are available. Information that would enable access to and/or manipulation of law enforcement processes, databases, and/or information, including email addresses, network addresses, URLs and methods used internally by CBP personnel in the approval process for engaging in the operational use of social media.
Email re DHS/CBP Privacy Assessment, March 27, 2019	USCBP000147-48	Released with redactions	<p>Reprocessed with fewer redactions: 000147,, 000148</p> <p>(b)(6) - Exemptions (b)(6) has been applied to information contained in the record that identifies a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of individuals appearing in records relating to the operational use of social media.</p> <p>(b)(7)(C) – Exemption (b)(7)(C) has been applied to information contained in the record which was compiled for law enforcement purposes, that identifies a particular individual, and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees appearing in records compiled for law enforcement purposes relating to the operational use of social media.</p>

<p>Privacy Threshold Analysis: Office of Intelligence and the Office of Professional Responsibility, July 2, 2018</p>	<p>USCBP000149- 60</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000150, 000158</p> <p>(b)(5) - Exemption (b)(5) has been applied to portions of this intra-agency document that would be normally privileged in the civil discovery context. Specifically, exemption (b)(5) has been applied to the following:</p> <ul style="list-style-type: none"> • Attorney-client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to information describing the subject matter and content of communications between the CBP Office of Chief Counsel and CBP personnel conducted for the purpose of providing legal advice. • Deliberative process privileged information. The deliberative process privilege applies to information that is predecisional and deliberative and withholding the information is necessary to protect the agency's decision-making processes. Redacted information includes descriptions of the status and scope of predecisional deliberations regarding the development of training for conducting social media activities, and recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. Opinions and recommendations from DHS Privacy to CBP
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			<p>regarding future steps to evaluate and achieve compliance with privacy laws and policy.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of the specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which
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			<p>would reveal the investigatory focus of the law enforcement techniques or procedures at issue.</p> <ul style="list-style-type: none"> • Descriptions of specific types of information CBP intends to access, and how it intends to utilize such information in conducting particular law enforcement functions.
DHS Operational Use of Social Media: Office of Intelligence and Investigative Liaison	USCBP000161-69	Released with redactions	<p>Reprocessed with fewer redaction: 000163</p> <p>(b)(5) – Exemption (b)(5) has been applied to attorney-client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to information describing consultations with CBP Office of Chief Counsel.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names and phone numbers of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for</p>

			<p>law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Descriptions of specific types of information CBP intends to access, and how it intends to utilize such information in conducting particular law enforcement functions.
<p>DHS Operational Use of Social Media: Office of Intelligence and Investigative Liaison</p>	<p>USCBP000170-77</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000171 (b)(5) - Exemption (b)(5) has been applied to portions of this intra-agency document that would be normally privileged in the civil discovery context. Specifically, exemption (b)(5) has been applied to the attorney-client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to information describing the subject matter and content of communications between</p>

			<p>the CBP Office of Chief Counsel and CBP personnel conducted for the purpose of providing legal advice.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names and phone numbers of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which
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			<p>would reveal the investigatory focus of the law enforcement techniques or procedures at issue.</p> <ul style="list-style-type: none"> • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes.
DHS Operational Use of Social Media: U.S. Border Patrol, November 27, 2017	USCBP000178-91	Released with redactions	<p>Reprocessed with fewer redactions: 000179, 000190; Header Information (Email Phone Numbers and Email Addresses of DHS Privacy Office)</p> <p>(b)(5) - Exemption (b)(5) has been applied to attorney/client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to information describing the subject matter and content of communications between the CBP Office of Chief Counsel and CBP personnel conducted for the purpose of providing legal advice.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p>

			<p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP's operational use of social media.] • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes.
CBP Operational Use of Social Media, Rules of Behavior	USCBP000192-96	Released with redactions	<p>Reprocessed with fewer redactions: 000196; Header Information (Phone Numbers and Email Addresses of DHS Privacy Office)</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement</p>

			<p>purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Information regarding the investigatory focus of certain law enforcement activities regarding unauthorized access to government information and suspected techniques, tactics, and/or procedures of illicit actors that may access classified or otherwise protected information. • Information that would enable access to internal processes used by CBP to manage and secure information technology systems used in support of CBP's law enforcement functions.
Production 4			
Contract Number HSHQDC-12-D-00013, Order Number 70B04C18F00001093	USCBP000197-212	Released with redactions	<p>Reprocessed with fewer redactions: 000198, 000199, 000206, 000207</p> <p>(b)(3)(A) – Exemption (b)(3)(A) has been applied to records or information that are exempted from disclosure by statute. Redactions applied to this information include tax information withheld pursuant to 26 U.S.C. § 6103, which prohibits the disclosure of tax returns or return information.</p>

			<p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include unit prices and ext. prices, where the disclosure of such information would reveal nonpublic commercial information furnished by the contractor or may be used to reverse engineer the contractor's proprietary technical approach under a government contract.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, signatures, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p>
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			<ul style="list-style-type: none"> • Descriptions of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Information, such as the quantity and period of performance, that would reveal the degree to which certain law enforcement tools or techniques are available to CBP law enforcement personnel.
Award Contract Number HSHQDC13D00027, Order Number 70B04C18F00001257	USCBP000213-34	Released with redactions	<p>Reprocessed with fewer redactions: 000215, 000216, 000234</p> <p>(b)(3)(A) – Exemption (b)(3)(A) has been applied to records or information that are exempted from disclosure by statute. Redactions applied to this information include tax information withheld pursuant to 26 U.S.C. § 6103, which prohibits the disclosure of tax returns or return information.</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include unit prices and ext. prices, where the disclosure of such information would reveal nonpublic commercial information furnished by the</p>

			<p>contractor or may be used to reverse engineer the contractor's proprietary technical approach under a government contract.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, signatures, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Descriptions of specific law enforcement techniques that CBP intends to utilize when using publicly available social media
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			<p>information in the scope of its law enforcement activities.</p> <ul style="list-style-type: none"> • Descriptions of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes. • Information, such as the quantity and period of performance, that would reveal the degree to which certain law enforcement tools or techniques are available to CBP law enforcement personnel.
<p>Delivery Order 70B04C18F00000377</p>	<p>USCBP000235-41</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000235 (b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include unit prices and ext. prices, where the disclosure of such information would reveal nonpublic commercial information furnished by the contractor or may be used to reverse engineer the contractor's proprietary technical approach under a government contract.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including</p>

			<p>names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Descriptions of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes. • Information, such as the delivery date, that would reveal the degree to which certain law enforcement tools or techniques are available to CBP law enforcement personnel.
Contract Number HSHQDC-13-D-00026, Order Number HSBP1017J000831	USCBP000242-49	Released with redactions	<p>Reprocessed with fewer redactions: 000243</p> <p>(b)(3)(A) – Exemption (b)(3)(A) has been applied to records or information that are exempted from disclosure by statute. Redactions applied to this</p>

			<p>information include tax information withheld pursuant to 26 U.S.C. § 6103, which prohibits the disclosure of tax returns or return information.</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include unit prices and ext. prices, where the disclosure of such information would reveal nonpublic commercial information furnished by the contractor or may be used to reverse engineer the contractor's proprietary technical approach under a government contract.</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, signatures, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention</p>
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			<p>of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Descriptions of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes. • Information, such as the quantity, delivery date, and period of performance, that would reveal the degree to which certain law enforcement tools or techniques are available to CBP law enforcement personnel.
Production 5			
Contract Spreadsheet	USCBP000250	Released with redactions	<p>Reprocessed with fewer redactions: 000250</p> <p>(b)(7)(E) - Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Description of specific technical tools with unique capabilities utilized by CBP to review

			<p>and analyze social media information for law enforcement purposes.</p> <ul style="list-style-type: none"> • Information that would reveal the identity of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Information, such as the quantity and period of performance, that would reveal the degree to which certain law enforcement tools or techniques are available to CBP law enforcement personnel.
Order Number HSBP1014P00537	USCBP000251-71	Released with redactions	<p>Reprocessed with fewer redactions: 000251, 000252, 000253, 000262, 000268</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include:</p> <ul style="list-style-type: none"> • Unit prices and ext. prices, where the disclosure of such information would reveal nonpublic commercial information furnished by the contractor or may be used to reverse engineer the contractor's proprietary technical approach under a government contract. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes</p>

			<p>relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, signatures, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Information, such as the delivery date, that would reveal the degree to which certain law enforcement tools or techniques are available to CBP law enforcement personnel. • Descriptions of specific law enforcement techniques that CBP intends to utilize when using publicly available social media information. • Descriptions of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and
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			third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue.
Statement of Work	USCBP000272-84	Released with redactions	<p>Reprocessed with fewer redactions: 000273</p> <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes. • Information, such as the quantity, that would reveal the degree to which certain law

			<p>enforcement tools or techniques are available to CBP law enforcement personnel.</p> <ul style="list-style-type: none"> Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue.
<p>Privacy Threshold Analysis: Office of Information Technology/Cyber Security Directorate, October 10, 2018</p>	<p>USCBP000285-95</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000286, 000293</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include sensitive information about software, including the type, capabilities and limitations of the software, the business practices of the contractor, and descriptions of how CBP is able to use the software.</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes internal deliberations within DHS consisting of the CBP Privacy Office’s recommendations to the DHS Privacy Office as to the steps necessary to ensure compliance with DHS privacy policies and applicable legal obligations, prior to a final decision of whether to approve a proposed use of social media.</p>

			<p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes.
Privacy Threshold Analysis: Office of Field Operations, July 8, 2016	USCBP000296- 306	Released with redactions	Reprocessed with fewer redactions: 000297

		<p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include sensitive information about software, including the type, capabilities and limitations of the software, the business practices of the contractor, and descriptions of how CBP is able to use the software.</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, including descriptions of content and status of draft, pre-decisional documents. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that</p>
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			<p>would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes.
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<p>Privacy Threshold Analysis: Office of Field Operations, August 19, 2016</p>	<p>USCBP000307-15</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000308, 000314</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include: sensitive information about software, including the type, capabilities and limitations of the software, the business practices of the contractor, and descriptions of how CBP is able to use the software.</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Explanations of internal deliberations within DHS, including recommendations from DHS Privacy to CBP. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular</p>
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			<p>individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes.
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<p>Privacy Threshold Analysis: Office of Field Operations, November 21, 2016</p>	<p>USCBP000316-26</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000317, 000325</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include sensitive information about software, including the type, capabilities and limitations of the software, the business practices of the contractor, and descriptions of how CBP is able to use the software.</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Descriptions of analyses being conducted by CBP personnel to evaluate the feasibility and effectiveness of a certain method of using social media information in CBP’s law enforcement and border security mission in order to inform future policy decisions by CBP decision makers. • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Explanations of internal deliberations within DHS, including recommendations from DHS Privacy to CBP.
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			<p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue.
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			<ul style="list-style-type: none"> • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes
Privacy Threshold Analysis: Homeland Security Advanced Research Project Agency, November 21, 2016	USCBP000327-36	Released with redactions	<p>Reprocessed with fewer redactions: 000328, 000335</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include sensitive information about software and database, including the type, capabilities and limitations of the software, the business practices of the contractor, and descriptions of how CBP is able to use the software.</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Explanations of internal deliberations within DHS, including recommendations from DHS Privacy to CBP.

			<p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes
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<p>Privacy Threshold Analysis: Office of Field Operations, May 9, 2017</p>	<p>USCBP000337- 48</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000338, 000347</p> <p>(b)(4) - Exemption (b)(4) has been applied to commercial information obtained from a CBP contractor that is privileged or confidential, which the originator of the information would not customarily make available to the public. Redactions applied to this information include sensitive information about software and database, including the type, capabilities and limitations of the software, the business practices of the contractor, and descriptions of how CBP is able to use the software.</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. • Explanations of internal deliberations within DHS, including recommendations from DHS Privacy to CBP. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that</p>
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			<p>would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p> <p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes
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<p>Privacy Threshold Analysis: Office of Field Operations, January 5, 2018</p>	<p>USCBP000349-58</p>	<p>Released with redactions</p>	<p>Reprocessed with fewer redactions: 000350, 000356</p> <p>(b)(5) – Exemption (b)(5) has been applied to portions of this intra-agency document that are subject to the deliberative process privilege because the information is predecisional and deliberative and withholding the information is necessary to protect the agency’s decision-making processes. Information redacted under exemption (b)(5) includes:</p> <ul style="list-style-type: none"> • Descriptions of existing or proposed processes for CBP personnel to utilize a certain method of using social media information in CBP’s law enforcement and border security mission in order to inform future policy decisions by CBP decision makers. • Recommendations from the CBP Privacy Office to the DHS Privacy Office prior to the final decision of whether to approve a proposed CBP activity relating to social media, and descriptions of the proposed activity that is pending approval. <p>(b)(6)/(b)(7)(C) - Exemptions (b)(6)/(b)(7)(C) have been applied to information contained in the record, which was compiled for law enforcement purposes relating to the operational use of social media, that would disclose the personal information of a particular individual and disclosure would constitute a clearly unwarranted invasion of personal privacy, including names, phone numbers, and email addresses of non-SES DHS employees.</p>
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			<p>(b)(7)(E) – Exemption (b)(7)(E) has been applied to information in records compiled for law enforcement purposes, explaining law enforcement techniques and procedures, including information that, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information. Redacted information includes:</p> <ul style="list-style-type: none"> • Descriptions of specific law enforcement techniques and the types of analysis that CBP does or does not utilize when using publicly available social media information. • Descriptions of the scope and investigatory focus of CBP’s operational use of social media. • Descriptions of criteria for utilizing particular law enforcement techniques, which could reveal the degree to which such techniques are available. • Names and descriptions of specialized law enforcement units, organizational subunits, and third party agencies, the disclosure of which would reveal the investigatory focus of the law enforcement techniques or procedures at issue. • Description of specific technical tools with unique capabilities utilized by CBP to review and analyze social media information for law enforcement purposes.
Withheld in Full			
Email from Office of Chief Counsel	N/A (4 pages)	Withheld in Full	This email was withheld in full under exemption (b)(5).

			Exemption (b)(5) has been applied to attorney/client privileged information. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The exemption was applied to attorney-client communications.
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Exhibit B



Homeland Security

Privacy Office
 U.S. Department of Homeland Security
 Washington, DC 20528
 202-343-1717, pia@hq.dhs.gov
 www.dhs.gov/privacy

	<p>https://www.evus.gov/, and clicking on the Privacy Act Statement at the bottom.</p> <p><input type="checkbox"/> By a non-personal identifier. <i>Please describe.</i></p> <p>Click here to enter text.</p>
<p>d. What is the records retention schedule(s)? <i>Include the records schedule number.</i></p>	<p>Enrollment information submitted to EVUS generally expires and is deemed “inactive” two years after the initial submission of information by the enrollee. In the event that a traveler's passport remains valid for less than two years from the date of the EVUS notification of compliance, the EVUS enrollment will expire concurrently with the passport. Information in EVUS will be retained for one year after the EVUS travel enrollment expires. After this period, the inactive account information will be purged from online access and archived for 12 years. At any time during the 15-year retention period (generally 3 years active, 12 years archived) CBP will match data linked to active law enforcement lookout records to enforcement activities, and/or investigations or cases, including EVUS enrollment attempts that are unsuccessful, which will remain accessible for the life of the law enforcement activities to which they may become related. NARA guidelines for retention and archiving of data will apply to EVUS (b) (5) [REDACTED].</p> <p>Records replicated on the unclassified and classified networks will follow the same retention schedule.</p> <p>Payment information is not stored in EVUS, but is forwarded to <i>Pay.gov</i> and stored in CBP's financial processing system, CDCDS, pursuant to the DHS/CBP-018, CDCDS system of records notice.</p> <p>When a traveler's EVUS data is used for purposes of processing his or her application for admission to the United States, the EVUS data will be used to create a corresponding admission record in the DHS/CBP-016 Non-Immigrant Information System (NIIS) (March 13, 2015, 80 FR 13398). This corresponding admission record will be retained in accordance with the NIIS retention schedule, which is 75 years.</p>

Exhibit C



Homeland Security

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www.dhs.gov/privacy

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SPECIFIC PTA QUESTIONS

1. Reason for submitting the PTA: New PTA	
<p>U.S. Customs and Border Protection (CBP) is responsible for securing the borders of the United States while facilitating legitimate travel and trade to and from the same. CBP is entering into a testing and evaluation pilot with <i>MITRE</i> to test and evaluate their (b) (7)(E). This pilot will assess the (b) (5), (b) (7)(E).</p> <p>(b) (7)(E) already in use by CBP (and across DHS).</p> <p>CBP currently uses publicly available social media information – consistent with previously approved Social Media Operational Use Templates (SMOUTs) – to conduct social media analysis in support of its border security mission. In particular, one of CBP’s approved SMOUTs permits CBP to use (b) (7)(E) (b) (7)(E) to conduct thorough social media research in accordance with the terms of use of various social media platforms and providers. In all cases involved in this pilot, CBP will only access publicly available information in accordance with the privacy policies of the underlying social media or open source platforms analyzed. This means that all searches will be conducted (b) (7)(E).</p> <p>(b) (7)(E)</p> <p>Analysis during this testing and evaluation pilot will be focused primarily on (b) (7)(E). However, research using publicly available information may be conducted (b) (7)(E) pursuant to CBP’s law enforcement authorities as deemed necessary to support CBP operations. As a pilot, this study will be fluid and allow for a range of information to be researched related to CBP’s mission.</p> <p>(b) (7)(E)</p>	

2. Does this system employ any of the following technologies:	<input type="checkbox"/> Closed Circuit Television (CCTV) <input checked="" type="checkbox"/> Social Media
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(b) (7)(E) is also used by S&T for its various social media pilots, including the ESTA Social Media Vetting Pilot.

(b) (7)(E)



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4(f) If header or payload data⁵ is stored in the communication traffic log, please detail the data elements stored.
Click here to enter text.

5. Does this project, program, or system connect, receive, or share PII with any other DHS programs or systems⁴?	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. If yes, please list: Any identified PII or potentially derogatory information will be stored within ATS-TF.
6. Does this project, program, or system connect, receive, or share PII with any external (non-DHS) partners or systems?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If yes, please list:
6(a) Is this external sharing pursuant to new or existing information sharing access agreement (MOU, MOA, LOI, etc.)?	N/A
7. Does the project, program, or system provide role-based training for personnel who have access in addition to annual privacy training required of all DHS personnel?	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. If yes, please list: MITRE has available documentation on the use of the (b) (7)(E) (b) (7)(E) _____ _____
8. Per NIST SP 800-53 Rev. 4, Appendix J, does the project, program, or system maintain an accounting of disclosures of PII to individuals/agencies who have requested access to their PII?	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes. In what format is the accounting maintained: DHS 191 Form which will be provided to the CBP Privacy and Diversity Office should any information from ATS-TF be disclosed.

³ When data is sent over the Internet, each unit transmitted includes both header information and the actual data being sent. The header identifies the source and destination of the packet, while the actual data is referred to as the payload. Because header information, or overhead data, is only used in the transmission process, it is stripped from the packet when it reaches its destination. Therefore, the payload is the only data received by the destination system.

⁴ PII may be shared, received, or connected to other DHS systems directly, automatically, or by manual processes. Often, these systems are listed as "interconnected systems" in Xacta.