

# Executive Office for Immigration Review



## **Privacy Impact Assessment** for the Adjudication and Appeal Systems

Issued by:

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## **Section 1: Executive Summary**

***Provide a high-level overview of the information technology (e.g., application, tool, automated process) in non-technical terms that describes the information technology, its purpose, how the information technology operates to achieve that purpose, the general types of information involved, how information may be used and shared, and why a Privacy Impact Assessment was conducted. (Note: this section is an overview; the questions below elicit more detail.)***

The Executive Office for Immigration Review's (EOIR) primary mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. To this end, EOIR utilizes a variety of applications, information systems, and technologies to conduct immigration court proceedings, appellate reviews, and administrative hearings. This collection of information systems and technologies (hereinafter referred to as the Adjudication and Appeal Systems) also encompasses public-facing applications used to collect information necessary for EOIR's Office of the Chief Immigration Judge (OCIJ),<sup>1</sup> Board of Immigration Appeals (BIA),<sup>2</sup> and Office of the Chief Administrative Hearing Officer (OCAHO)<sup>3</sup> to adjudicate immigration proceedings. The Adjudication and Appeal Systems generally handle immigration case information, such as: party names and contact information; personal information of individuals in proceedings, including dates and places of birth, gender, religion, race, ethnicity, and citizenship; alien registration numbers (A-numbers); employment history; copies of legal documents, such as birth certificates, passports, and marriage licenses; criminal history; civil law enforcement information; photographs; audio recordings; and photocopies of fingerprints, among other case-related information. EOIR uses this information in the Adjudication and Appeal Systems to adjudicate immigration proceedings. In addition, EOIR may share this information with other agencies in accordance with routine uses set forth in EOIR System of Records Notices (SORNs) or as otherwise permitted by law and regulation.

Appendix A to this PIA lists and briefly summarizes the systems and applications that comprise the "Adjudication and Appeal Systems." This PIA also encompasses the computing environment that comprises the technological infrastructure of the Adjudication and Appeal Systems, including almost all computing platforms, telecommunications services, and internal data networks under the control of EOIR. The Adjudication and Appeal Systems are hosted across the following components: workstations and peripherals<sup>4</sup>, such as desktop and laptop computers, mobile devices, scanners, and printers; application software, including self-developed and off-the-shelf software; servers and storage

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<sup>1</sup> OCIJ is led by the Chief Immigration Judge, who establishes operating policies and oversees policy implementation for the immigration courts. OCIJ provides overall program direction and establishes priorities for approximately 600 immigration judges located across 68 immigration courts and three adjudication centers throughout the Nation.

<sup>2</sup> The BIA is the highest administrative body for interpreting and applying immigration laws. The BIA has been given nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges and by district directors of the Department of Homeland Security (DHS) in a wide variety of proceedings in which the Government of the United States is one party and the other party is an alien, a citizen, or a business firm.

<sup>3</sup> OCAHO is headed by a Chief Administrative Hearing Officer who is responsible for the general supervision and management of Administrative Law Judges who preside at hearings which are mandated by provisions of law enacted in the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990, both of which, among other laws, amended the Immigration and Nationality Act of 1952 (INA).

<sup>4</sup> EOIR's Office of Information Technology (OIT) catalogues, manages, and tracks its IT asset inventory with Ivanti Service Manager (ISM) and IT Asset Management (ITAM) database. Together, these solutions allow EOIR OIT to retrieve IT asset data with barcode scanning, track IT asset availability and performance, maintain a product catalog of authorized IT assets assigned and distributed to EOIR employees and contractors, and store IT asset vendor information.

solutions; telecommunications and office collaboration platforms, such as Cisco, Voice Over Internet Protocol (VoIP), Microsoft Email and Collaboration Services, and WebEx; and network connectivity components, such as routers, switches, cables, and interface equipment to external networks where necessary. The components supporting the Adjudication and Appeal Systems are hosted both on-premises and via cloud-based solutions, such as Microsoft Azure.

EOIR initially completed a PIA for its Adjudication and Appeal Systems in 2018. In the 2018 assessment, EOIR included the Adjudication and Appeal Systems as part of the JCON eWorld General Support System (GSS). Since then, EOIR has reconceptualized the scope of the JCON eWorld GSS and redefined the boundaries of the information technology (IT) assets handling immigration case information. Additionally, since 2018, new types of information have been added to the Adjudication and Appeal Systems and EOIR has established new interconnections with these systems. For example, since 2018, EOIR developed a Payment Services System to collect fee payments from members of the public and connected the Payment Services System to the Case Access System for EOIR (CASE). EOIR has also developed the Respondent Access application, a web-based application for individuals who are the subject of EOIR immigration proceedings and who do not have legal representation to view case information and electronically file certain documents in immigration proceedings. Such changes present new privacy risks or concerns, necessitating this updated PIA.

## **Section 2: Purpose and Use of the Information Technology**

***2.1 Explain in more detail than above the purpose of the information technology, why the information is being collected, maintained, or disseminated, and how the information will help achieve the Component's purpose, for example, for criminal or civil law enforcement purposes, intelligence activities, and administrative matters, to conduct analyses to identify previously unknown areas of concern or patterns.***

Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. EOIR's Adjudication and Appeal Systems collect, maintain, and, where appropriate and permissible, disseminate information to facilitate agency adjudication processes for each of EOIR's adjudicating components: the Office of the Chief Immigration Judge (OCIJ); the Board of Immigration Appeals (BIA or Board); and the Office of the Chief Administrative Hearing Officer (OCAHO). The Adjudication and Appeal Systems enable EOIR's adjudicating components to docket and manage immigration proceedings, communicate with parties to proceedings, collect and review information and documents supplied by parties to proceedings, and draft and issue final orders. The Adjudication and Appeal Systems include applications that enable certain components within the Department of Homeland Security (DHS) to participate in EOIR immigration proceedings, by initiating proceedings or submitting documents and evidence in proceedings, as the official representative of the United States government. The Adjudication and Appeal Systems also include public-facing applications for individuals who are the subject of the immigration proceedings, or their legal practitioner of record, to provide information, documents, and evidence in proceedings.

***2.2 Indicate the legal authorities, policies, or agreements that authorize collection of the information. (Check all that apply and include citations/references.)***

Authority	Citation/Reference
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<p>Statute</p>	<p>8 U.S.C. §§ 1101 et seq., 1103(g), 1158, 1159, 1154, 1229a, 1255, 1255a, and 1324a, 1324b, and 1324c</p> <p>31 U.S.C. Ch. 33; 31 U.S.C. § 3720.</p>
<p>Executive Order</p>	<p>Executive Order (EO) 13767, Border Security and Immigration Enforcement Improvements (signed Jan. 25, 2017) published 82 Fed. Reg. 8793 (Jan. 30, 2017); EO 13768, Enhancing Public Safety in the Interior of the United States (signed Jan. 25, 2017) published 82 FR 8799 (Jan. 30, 2017); EO 13780 Protecting the Nation From Foreign Terrorist Entry Into the United States (signed Mar. 6, 2017) published 82 Fed. Reg. 13209 (Mar. 9, 2017); EO 14028, Improving the Nation’s Cybersecurity (signed May 12, 2021) published 86 FR 26633 (May 17, 2021); EO 14058, Transforming Federal Customer Service Experience and Service Delivery to Rebuild Trust in Government (signed Dec. 13, 2021) published 86 FR 71357 (Dec. 16, 2021).</p>
<p>Federal regulation</p>	<p>8 C.F.R. Parts 1001 and 1003; 8 C.F.R. § 103.7; 8 C.F.R. § 1103.7; 8 C.F.R. § 1240.9; 8 C.F.R. § 1292.1; 28 C.F.R. § 16.10; 28 C.F.R. Part 68.</p>
<p>Agreement, memorandum of understanding, or other documented arrangement</p>	<p>Memorandum of Agreement Between the Department of Homeland Security and the Department of Justice Executive Office for Immigration Review Regarding the Sharing of Information of Immigration Cases (Oct. 22, 2012).</p> <p>Memorandum of Agreement Between the DOJ, EOIR and the Administrative Office of the United States Courts Documenting Access by the United States Courts of Appeal to the Board of Immigration Appeals Decisions on the Intranet (BIA eDecisions) and the Exchange of Statistical Information (Sept. 8, 2016).</p> <p>Memorandum of Understanding Between the EOIR and the Bureau of Justice Statistics (May 16, 2017) (authorizing the sharing of EOIR immigration data for the annual statistical compilation of the Standard Analysis Files (SAFs) under the Federal Justice Statistics Program).</p> <p>Agency Participation Agreement between Executive Office for Immigration Review and U.S. Department of the Treasury, Bureau of the Fiscal Service (executed Aug. 17, 2020).</p>
<p>Other (summarize and provide copy of relevant portion)</p>	

**Section 3: Information in the Information Technology**

**3.1** *Indicate below what types of information that may be personally identifiable in Column (1) will foreseeably be collected, handled, disseminated, stored and/or accessed by this information technology, regardless of the source of the information, whether the types of information are specifically requested to be collected, and whether particular fields are provided to organize or facilitate the information collection. Please check all that apply in Column (2) and indicate to whom the information relates in Column (3). Note: This list is provided for convenience; it is not exhaustive. Please add to “other” any other types of information.*

(1) General Categories of Information that May Be Personally Identifiable	(2) Information is collected, processed, disseminated, stored and/or accessed by this information technology (please check each applicable row)	(3) The information relates to: A. DOJ/Component Employees, Contractors, and Detailees; B. Other Federal Government Personnel; C. Members of the Public - US Citizens or Lawful Permanent Residents (USPERs); D. Members of the Public - Non-USPERs	(4) Comments
<i>Example: Personal email address</i>	X	B, C and D	<i>Email addresses of members of the public (US and non-USPERs)</i>
<b>Name</b>	X	A, B, C, D	
<b>Date of birth or age</b>	X	C, D	
<b>Place of birth</b>	X	C, D	
<b>Gender</b>	X	C, D	
<b>Race, ethnicity, or citizenship</b>	X	C, D	
<b>Religion</b>	X	C, D	
<b>Social Security Number (full, last 4 digits or otherwise truncated)</b>	X	C, D	EOIR does not solicit SSNs but members of the public who are subjects of immigration proceedings may voluntarily include SSNs in documents filed in EOIR immigration proceedings.
<b>Tax Identification Number (TIN)</b>	X	C, D	EOIR does not solicit TINs but members of the public who are subjects of immigration proceedings may voluntarily include TINs in documents filed in EOIR immigration proceedings.
<b>Driver’s license</b>	X	C, D	
<b>Alien registration number</b>	X	C, D	
<b>Passport number</b>	X	C, D	
<b>Mother’s maiden name</b>	X	C, D	
<b>Vehicle identifiers</b>	X	C, D	License plate and VIN numbers may appear in documents filed by parties to EOIR immigration proceedings.
<b>Personal mailing address</b>	X	C, D	
<b>Personal e-mail address</b>	X	C, D	
<b>Personal phone number</b>	X	C, D	

(1) General Categories of Information that May Be Personally Identifiable	(2) Information is collected, processed, disseminated, stored and/or accessed by this information technology (please check each applicable row)	(3) The information relates to: A. DOJ/Component Employees, Contractors, and Detailees; B. Other Federal Government Personnel; C. Members of the Public - US Citizens or Lawful Permanent Residents (USPERs); D. Members of the Public - Non-USPERs	(4) Comments
<b>Medical records number</b>	X	C, D	EOIR does not solicit this information but members of the public who are subjects of immigration proceedings may voluntarily include this information in documents filed in EOIR immigration proceedings.
<b>Medical notes or other medical or health information</b>	X	C, D	Mental competency status and related competency adjudications of members of the public who are subjects of EOIR immigration proceedings. It is possible that parties to EOIR immigration proceedings may submit documents that include other medical or health information.
<b>Financial account information</b>	X	C, D	Limited payment information of members of the public paying filing fees for certain filings in EOIR immigration proceeding. Parties to EOIR immigration proceedings may submit tax documents that contain tax or other financial information.
<b>Applicant information</b>	X	C, D	Members of the public who are subjects of immigration proceedings may voluntarily include such information not otherwise solicited by EOIR.
<b>Education records</b>	X	C, D	
<b>Military status or other information</b>	X	C, D	
<b>Employment status, history, or similar information</b>	X	C, D	Proof of employment and other employment records of members of the public who are subjects of immigration proceedings.
<b>Employment performance ratings or other performance information, e.g., performance improvement plan</b>	X	C, D	Disciplinary information of private bar attorneys and legal representatives appearing in EOIR immigration proceedings.
<b>Certificates</b>	X	C, D	Members of the public who are subjects of immigration proceedings may voluntarily include copies of certificates not otherwise solicited by EOIR.
<b>Legal documents</b>	X	C, D	Photocopies of legal documents such as birth certificates, passports, visas, marriage licenses, and professional licenses.
<b>Device identifiers, e.g., mobile devices</b>	X	A, B, C, D	Device type, web browser type, operating system version, device platform, device manufacturer, device model.

(1) General Categories of Information that May Be Personally Identifiable	(2) Information is collected, processed, disseminated, stored and/or accessed by this information technology (please check each applicable row)	(3) The information relates to: A. DOJ/Component Employees, Contractors, and Detailees; B. Other Federal Government Personnel; C. Members of the Public - US Citizens or Lawful Permanent Residents (USPERs); D. Members of the Public - Non-USPERs	(4) Comments
<b>Web uniform resource locator(s)</b>			
<b>Foreign activities</b>	X	C, D	Members of the public who are subjects of EOIR immigration proceedings may include information about their life and activities outside of the United States (i.e., foreign activities), particularly activities in the individual’s country of origin, that form the basis of the individual’s particular request for immigration relief in EOIR immigration proceedings.
<b>Criminal records information, e.g., criminal history, arrests, criminal charges</b>	X	C, D	Criminal history of members of the public who are subjects of EOIR immigration proceedings. Bureau of Prisons (BOP) and fingerprint ID numbers may be included in criminal history documents.
<b>Juvenile criminal records information</b>	X	C, D	Criminal history of members of the public who are subjects of EOIR immigration proceedings. BOP and fingerprint ID numbers may be included in criminal history documents.
<b>Civil law enforcement information, e.g., allegations of civil law violations</b>	X	A, B, C, D	<p>Immigration proceedings are considered administrative proceedings. EOIR’s Adjudication and Appeal Systems handle information related to immigration proceedings, including proceeding date, time, location, outcome, filing deadlines, case docketing information. Such information pertains to EOIR personnel, Federal and private legal representatives in immigration proceedings, and members of the public in immigration proceedings.</p> <p>Immigration custody status, custody location, custody dates, allegations of violations of immigration law of members of the public who are subjects of EOIR immigration proceedings.</p>
<b>Whistleblower, e.g., tip, complaint, or referral</b>			

(1) General Categories of Information that May Be Personally Identifiable	(2) Information is collected, processed, disseminated, stored and/or accessed by this information technology (please check each applicable row)	(3) The information relates to: A. DOJ/Component Employees, Contractors, and Detailees; B. Other Federal Government Personnel; C. Members of the Public - US Citizens or Lawful Permanent Residents (USPERs); D. Members of the Public - Non-USPERs	(4) Comments
<b>Grand jury information</b>	X	C, D	Parties to EOIR proceedings may voluntarily include grand jury indictment records in EOIR immigration proceedings.
<b>Information concerning witnesses to criminal matters, e.g., witness statements, witness contact information</b>	X	C, D	Information concerning witnesses may be included in criminal histories of subjects of EOIR immigration proceedings.
<b>Procurement/contracting records</b>	X	A	Invoicing information of contract transcription services (invoice number, status, date, total information transcribed, amounts, fees or penalties, disbursement amount, job type code).
<b>Proprietary or business information</b>			
<b>Location information, including continuous or intermittent location tracking capabilities</b>	X	A	The eTranscription application processes geographic location of contract vendors accessing the vendor-facing component of the application.
<i>Biometric data:</i>			
- <b>Photographs or photographic identifiers</b>	X	C, D	Photos of individuals may be included in document submissions in EOIR immigration proceedings
- <b>Video containing biometric data</b>			
- <b>Fingerprints</b>	X	C, D	Photocopies of fingerprints of members of the public encountering DHS may be included in document submissions in EOIR immigration proceedings.
- <b>Palm prints</b>			
- <b>Iris image</b>			
- <b>Dental profile</b>			
- <b>Voice recording/signatures</b>	X	A, B, C, D	EOIR creates digital audio recording (DAR) files of EOIR immigration proceedings.
- <b>Scars, marks, tattoos</b>	X	C, D	Physical descriptors identifying scars, marks, or tattoos of individuals encountering DHS ICE may be included in document submissions in EOIR immigration proceedings.
- <b>Vascular scan, e.g., palm or finger vein biometric data</b>	X	C, D	Photocopies of fingerprints, which may show finger vein biometrics, of members of the public encountering DHS may be included in document submissions in EOIR immigration proceedings.



(1) General Categories of Information that May Be Personally Identifiable	(2) Information is collected, processed, disseminated, stored and/or accessed by this information technology (please check each applicable row)	(3) The information relates to: A. DOJ/Component Employees, Contractors, and Detailees; B. Other Federal Government Personnel; C. Members of the Public - US Citizens or Lawful Permanent Residents (USPERs); D. Members of the Public - Non-USPERs	(4) Comments
- DNA profiles			
- Other (specify)	X	C, D	Physical descriptors identifying height, weight, eye color, hair color, and complexion of individuals encountering DHS ICE may be included in document submissions in EOIR immigration proceedings.
<i>System admin/audit data:</i>			
- User ID	X	A, B, C, D	User IDs for DOJ employees, contractors, and detailees may include PIV credentials.
- User passwords/codes	X	A, B, C, D	
- IP address	X	A, B, C, D	
- Date/time of access	X	A, B, C, D	Audit data also includes document or job number.
- Queries run			
- Contents of files			

<p>(1) General Categories of Information that May Be Personally Identifiable</p>	<p>(2) Information is collected, processed, disseminated, stored and/or accessed by this information technology (please check each applicable row)</p>	<p>(3) The information relates to:                      A. DOJ/Component Employees, Contractors, and Detailees;                      B. Other Federal Government Personnel;                      C. Members of the Public - US Citizens or Lawful Permanent Residents (USPERs);                      D. Members of the Public - Non-USPERs</p>	<p>(4) Comments</p>
<p><b>Other (please list the type of info and describe as completely as possible):</b></p>	<p>X</p>	<p>A, B, C, D</p>	<p>Country of origin, nationality, languages spoken, aliases, family relationships, appeal ID numbers of members of the public who are subjects of EOIR immigration proceedings.</p> <p>State bar license numbers and EOIR ID numbers for legal practitioners representing individuals in EOIR immigration proceedings.</p> <p>FOIA request numbers associated with immigration proceedings for members of the public making FOIA requests.</p> <p>Federal Records Center (FRC) transfer numbers for ROPs transferred to FRC storage.</p> <p>Invoicing information of contract vendor transcription services (invoice number, status, date, total cases, total pages, total DAR, total tapes, amounts, fees or penalties, disbursement amount, tax ID, contract number, appeal ID, job type code).</p> <p>EOIR anticipates the Adjudication and Appeal Systems will handle the above information but it is possible that parties to immigration proceedings may voluntarily provide other information believed to be relevant to immigration proceedings. Given the varied nature of immigration proceedings, it is not possible to identify all of the categories of PII that could be received by EOIR and handled by the agency's Adjudication and Appeal Systems.</p>

**3.2 Indicate below the Department's source(s) of the information. (Check all that apply.)**

<b>Directly from the individual to whom the information pertains:</b>					
In person	X	Hard copy: mail/fax	X	Online	X
Phone	X	Email	X		
Other (specify):					

<b>Government sources:</b>					
Within the Component	X	Other DOJ Components	X	Other federal entities	X
State, local, tribal		Foreign (identify and provide the international agreement, memorandum of understanding, or other documented arrangement related to the transfer)	X		
Other (specify):					

<b>Non-government sources:</b>					
Members of the public	X	Public media, Internet	X	Private sector	
Commercial data brokers					
Other (specify):					

**Section 4: Information Sharing**

**4.1 Indicate with whom the Component intends to share the information and how the information will be shared or accessed, such as on a case-by-case basis by manual secure electronic transmission, external user authorized accounts (i.e., direct log-in access), interconnected systems, or electronic bulk transfer.**

Recipient	How information will be shared			
	Case-by-case	Bulk transfer	Direct log-in access	Explain specifics of the sharing, as well as how these disclosures will support and are compatible with the purposes of the collection.
Within the Component	X	X	X	EOIR internally shares information with personnel who need to know the information to perform their job duties.

Recipient	How information will be shared			Explain specifics of the sharing, as well as how these disclosures will support and are compatible with the purposes of the collection.
	Case-by-case	Bulk transfer	Direct log-in access	
DOJ Components	X	X	X	EOIR shares information with other DOJ components articulating an authorized need to know the information. More specifically, EOIR shares information with the following DOJ components for the following purposes: Civil Division, Office of Immigration Litigation (OIL), Criminal Division, Office of the Inspector General (OIG), and Office of the Solicitor General, as the DOJ components representing EOIR in Federal court when EOIR immigration proceedings are appealed to or the subject of a Federal court proceeding; the Attorney General, Office of Legal Policy, Office of Legal Counsel, and Bureau of Justice Statistics pursuant to authorized need to know and/or MOA.

Recipient	How information will be shared			Explain specifics of the sharing, as well as how these disclosures will support and are compatible with the purposes of the collection.
	Case-by-case	Bulk transfer	Direct log-in access	
Federal entities	X	X	X	EOIR shares information with DHS as a party to immigration proceedings, as the agency enforcing final orders of removal, for compilation of immigration statistics, pursuant to an authorized need to know, and/or in accordance with MOAs and interconnection security agreements (ISAs). EOIR also shares information with other federal entities in accordance with law, regulation, and/or MOA: Administrative Office of the United States Courts (AOUSC); Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR); Government Accountability Office (GAO); Department of State; U.S. Commission for International Religious Freedom (USCIRF).
State, local, tribal gov't entities	X			EOIR shares information, such as information received by the EOIR Attorney Discipline and Fraud programs, with state, local, or tribal government entities with an authorized need to know for law enforcement or court litigation purposes.

Recipient	How information will be shared			Explain specifics of the sharing, as well as how these disclosures will support and are compatible with the purposes of the collection.
	Case-by-case	Bulk transfer	Direct log-in access	
Public	X			EOIR shares information with members of the public upon request pursuant to the Freedom of Information Act (FOIA) or the Privacy Act, subject to applicable exemptions. EOIR also shares information on its public website relating to contact information of pro bono legal service providers, recognized organizations, accredited representatives, and attorneys and representatives who are ineligible to practice immigration law. Members of the public may obtain immigration case information upon entry of a valid A-number in the Automated Case Information System (ACIS) website or 1-800 hotline.
Counsel, parties, witnesses, and possibly courts or other judicial tribunals for litigation purposes	X		X	EOIR shares immigration case information with parties and their legal representatives in EOIR immigration proceedings. Upon request, EOIR also shares information with authorized personnel of the AOUSC and Federal circuit courts of appeal if the information relates to Federal litigation involving EOIR immigration proceedings.
Private sector	X			Private sector individuals and entities may obtain immigration case information upon entry of a valid A-number in the ACIS website or 1-800 hotline. Private sector individuals and entities may also obtain immigration case information pursuant to a FOIA request, if such information is response to the request.

Recipient	How information will be shared			Explain specifics of the sharing, as well as how these disclosures will support and are compatible with the purposes of the collection.
	Case-by-case	Bulk transfer	Direct log-in access	
Foreign governments	X			Foreign governments may obtain immigration case information upon entry of a valid A-number in the ACIS website or 1-800 hotline. Foreign governments may also obtain information from EOIR pursuant to FOIA.
Foreign entities	X			Foreign entities may obtain immigration case information upon entry of a valid A-number in the ACIS website or 1-800 hotline. Foreign entities may also obtain information pursuant to FOIA. The United Nations High Commissioner for Refugees may obtain asylum- and refugee-related statistical data or individual case information provided that the entity receives written authorization from the subject of immigration proceedings, pursuant to the U.S. accession to the 1967 Protocol to the 1951 Refugee Convention and the U.S. Treaty responsibilities and reporting obligations.
Other (specify):	X			Members of the public or other entities may obtain information from EOIR in the following ways: pursuant to a FOIA request; pursuant to a written request establishing an authorized need to know; pursuant to publicly available information on the EOIR website; upon entry of a valid A-number in the ACIS website or 1-800 hotline; pursuant to a written authorization provided by the subject of a record maintained by EOIR.

**4.2** *If the information will be released to the public for “[Open Data](#)” purposes, e.g., on [data.gov](#) (a clearinghouse for data from the Executive Branch of the federal government), and/or for research or statistical analysis purposes, explain whether—and, if so, how—the information will be de-identified, aggregated, or otherwise privacy protected.*

Some information in the Adjudication and Appeal Systems will be released to the public for statistical analysis and research purposes. Statistical data is shared on the EOIR website (<https://www.justice.gov/eoir/statistics-and-reports>). Information released for statistical purposes is anonymized and aggregated before release. Additionally, EOIR makes available to the public certain decisions and final orders of its adjudicating components on the FOIA Reading Room (<https://foia.eoir.justice.gov/app/ReadingRoom.aspx>) and Virtual Law Library (<https://www.justice.gov/eoir/ag-bia-decisions>); before publication or dissemination, EOIR redacts personally identifiable information (PII) that could identify individuals.

## **Section 5: Notice, Consent, Access, and Amendment**

**5.1** *What, if any, kind of notice will be provided to individuals informing them about the collection, use, sharing or other processing of their PII, e.g., a Federal Register System of Records Notice (SORN), providing generalized notice to the public, a Privacy Act § 552a(e)(3) notice for individuals, or both? Will any other notices be provided? If no notice is provided, please explain.*

EOIR employs several methods to notify and inform individuals about how the agency collects, uses, shares, and processes their PII: (1) SORNs published in the Federal Register and available for convenience on the DOJ website (<https://www.justice.gov/opcl/doj-systems-records#EOIR>); (2) Privacy Act § 552a(e)(3) notices on EOIR information collections and public-facing applications that collect PII; and (3) the DOJ Privacy Policy, displayed on the common footer of the EOIR website (<https://www.justice.gov/doj/privacy-policy>).

**5.2** *What, if any, opportunities will there be for individuals to voluntarily participate in the collection, use or dissemination of information in the system, for example, to consent to collection or specific uses of their information? If no opportunities, please explain why.*

Members of the public can voluntarily provide most of the information handled by the Adjudication and Appeal Systems. Individual may decline to provide their information to the agency, and EOIR notifies individuals that failure to provide certain information may result in restricted access to agency systems and applications or could impact their eligibility to participate in proceedings, seek certain forms of immigration relief, or serve as a legal representative before EOIR.

Some immigration case information is provided by DHS as a party to immigration proceedings to which members of the public may not have an opportunity to consent to the collection or use of PII provided to EOIR by DHS. However, individuals in immigration proceedings may object to evidentiary submissions of information by DHS in the course of EOIR immigration proceedings.

Individuals may authorize EOIR to release information about them to designated recipients. Individuals do not have the ability to object to the use or dissemination of their information for



releases made pursuant to a SORN or otherwise authorized by law or regulation.

**5.3 What, if any, procedures exist to allow individuals to gain access to information in the system pertaining to them, request amendment or correction of said information, and receive notification of these procedures (e.g., Freedom of Information Act or Privacy Act procedures)? If no procedures exist, please explain why.**

Individuals may obtain access to information in the Adjudication and Appeal Systems in the following ways: (1) individuals may view and download electronic copies of their own record of proceeding (ROP); (2) individuals may request a copy of their own record of proceeding at the immigration court or BIA where the ROP is located; or (3) individuals may submit a Privacy Act request with EOIR's FOIA Office. Individuals may submit a Privacy Act request to amend or correct PII maintained by the agency. Instructions for making Privacy Act requests are available on the EOIR website (<https://www.justice.gov/eoir/freedom-information-act-foia>).

The Attorney General has exempted certain records in the Adjudication and Appeal Systems from the access provisions of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), because they contain investigatory material compiled for law enforcement purposes, as stated in Order No. 18-86, 51 FR 32305 (Sept. 11, 1986), as amended by Order No. 180-99, 64 FR 61787 (Nov. 15, 1999); 28 C.F.R. § 16.83. Nonetheless, EOIR takes seriously its obligation to maintain accurate records and, in its sole discretion, agrees to permit amendment or correction of EOIR records and will share that information in appropriate cases with subjects of the information. Where necessary, EOIR works with DHS, frequently the originator of EOIR immigration proceedings information, to work to correct any necessary information in EOIR records received from DHS.

**Section 6: Maintenance of Privacy and Security Controls**

**6.1 The Department uses administrative, technical, and physical controls to protect information. Indicate the controls below. (Check all that apply).**

X	<p><b>The information is secured in accordance with Federal Information Security Modernization Act (FISMA) requirements, including development of written security and privacy risk assessments pursuant to National Institute of Standards and Technology (NIST) guidelines, the development and implementation of privacy controls and an assessment of the efficacy of applicable privacy controls. Provide date of most recent Authorization to Operate (ATO):</b> Currently, the Adjudication and Appeal Systems are covered by the JCON eWorld ATO, granted April 20, 2021, expiring April 22, 2024.</p> <p><b>If an ATO has not been completed, but is underway, provide status or expected completion date:</b> EOIR is in the process of updating or completing ATOs for all of the Adjudication and Appeal Systems supported by the JCON eWorld GSS and the expected completion date is April 22, 2024.</p> <p><b>Unless such information is sensitive and release of the information could pose risks to the Component, summarize any outstanding plans of actions and milestones (POAMs) for any privacy controls resulting from the ATO process or risk assessment and provide a link to the applicable POAM documentation:</b> EOIR has one outstanding POAM with the</p>
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	DAR System, POAM 44517, to upgrade the system from Windows 10 1909 and 21H1 to 22H2.
	<b>This system is not subject to the ATO processes and/or it is unclear whether NIST privacy controls have been implemented and assessed. Please explain:</b> N/A.
X	<b>This system has been assigned a security category as defined in Federal Information Processing Standards (FIPS) Publication 199, Standards for Security Categorization of Federal Information and Information Systems, based on the information it contains and consistent with FIPS 199. Specify and provide a high-level summary of the justification, which may be detailed in the system security and privacy plan:</b> Adjudication and Appeal Systems are categorized as Moderate.
X	<b>Monitoring, testing, or evaluation has been undertaken to safeguard the information and prevent its misuse. Specify:</b> In accordance with DOJ Order 0908, <i>Use and Monitoring of DOJ Information Technology, Information Systems, and Access to an Authorized Users' Electronic Information</i> , daily monitoring of cybersecurity incidents, EOIR conducts annual cybersecurity incident response testing and evaluation of alerts for cyber threats to safeguard and protect EOIR's data from spills and/or leaks.
X	<b>Auditing procedures are in place to ensure compliance with security and privacy standards. Explain how often system logs are reviewed or auditing procedures conducted:</b> Audit logs are collected and maintained for 120 days and are reviewed weekly by the software development and IT security staff to ensure compliance with security and privacy standards.
X	<b>Contractors that have access to the system are subject to information security, privacy and other provisions in their contract binding them under the Privacy Act, other applicable laws, and as required by DOJ policy.</b>
X	<b>Each Component is required to implement foundational privacy-related training for all Component personnel, including employees, interns, and contractors, when personnel on-board and to implement refresher privacy training annually. Indicate whether there is additional training specific to this system, and if so, please describe:</b> EOIR also requires personnel to complete records training and annually review and accept OIT Rules of Behavior to supplement its privacy- and cybersecurity-related trainings.

**6.2 Explain key privacy and security administrative, technical, or physical controls that are designed to minimize privacy risks. For example, how are access controls being utilized to reduce the risk of unauthorized access and disclosure, what types of controls will protect PII in transmission, and how will regular auditing of role-based access be used to detect possible unauthorized access?**

Users of the Adjudication and Appeal Systems require authorized user accounts with role-based permissions that limit the extent to which user groups access, view, download, send, and receive PII. EOIR employs the Department's DOJ Login system to authenticate user identities to prevent unauthorized access, and DOJ Login automatically deactivates EOIR user accounts with more than 90 days of inactivity. Additionally, EOIR OIT monitors accounts daily for suspicious activity.

Communications and data transfers on external-facing systems and applications with DHS are secured, protected, and encrypted with security measures such as Virtual Private Networks (VPN), Secure File Transfer Protocol (FTP), and Secured Socket Layer (SSL) certificates. Information accessible on the ACIS website and 1-800 hotline is masked to protect the identity of protected classes of individuals in EOIR immigration proceedings, such as asylum applicants and victims of domestic violence or human trafficking. PII is removed or redacted from agency materials made publicly available on the EOIR FOIA Reading Room and Virtual Law Library. Before EOIR disseminates statistical data generated from Adjudication and Appeal Systems, EOIR deidentifies the data by aggregating and anonymizing the data.

**6.3 *Indicate how long the information will be retained to accomplish the intended purpose, and how it will be disposed of at the end of the retention period. (Reference the applicable retention schedule approved by the National Archives and Records Administration, if available.)***

The Adjudication and Appeal Systems contains some records that have been designated as permanent by NARA. For example, the records in EOIR's Case Access System for EOIR (CASE), which contains immigration case information, including appeals, identification and biographic data of noncitizens, testimony, decisions rendered, and important dates and actions in each proceeding, are designated as permanent pursuant to EOIR-N1-60-08-7 (closed records are cut off annually and transferred to NARA 25 years after cutoff). CASE also performs tracking and management functions initiated as part of legacy systems, but also includes information about practitioners of record and a docket listing of all documents filed in proceedings. Further, CASE stores attorney information to allow for coordination of attorneys' schedules, as well as hearing and judge scheduling through interactive scheduling.

Pursuant to record retention schedules approved by NARA, Records of Proceeding (ROPs) are temporary records with a retention period of 50 years after cutoff (NC1-60-84-7); Bond Proceeding Files are temporary records with a retention period of two to 20 years after cutoff (DAA-0582-2014-0002; DAA-0582-2023-0001); Digital Audio Recordings (DAR) are temporary records with a retention period of 25 years after cutoff (N1-60-08-7); records related to attorney discipline are temporary records with retention periods ranging from six to 25 years after cut off (DAA-0582-2017-0002); records concerning fraud actions are temporary records with retention periods ranging from three to 15 years after cut off (DAA-0582-2017-001); records concerning pro bono attorneys are temporary records with retention periods ranging from three to four years (DAA-0582-2016-0001).

Records related to eWorld System user activities and system events, including events in EOIR's Adjudication and Appeal Systems, are used for internal auditing purposes, and are maintained for 120 days to provide support for after-the-fact investigations of security incidents and to meet regulatory and organizational information retention requirements.

Unscheduled records are retained indefinitely until scheduled. EOIR is in the process of drafting and obtaining NARA approval of new records schedules, which may implement new retention periods for unscheduled information in the Adjudication and Appeal Systems.

## **Section 7: Privacy Act**

**7.1** *Indicate whether information related to U.S. citizens or aliens lawfully admitted for permanent residence will be retrieved by a personal identifier (i.e., indicate whether information maintained by this information technology will qualify as “records” maintained in a “system of records,” as defined in the Privacy Act of 1974, as amended).*

\_\_\_\_\_ No.        X   Yes.

**7.2** *Please cite and provide a link (if possible) to existing SORNs that cover the records, and/or explain if a new SORN is being published:*

- JUSTICE/EOIR-001, Records and Management Information System, 69 FR 26179 (May 11, 2004), <https://www.govinfo.gov/content/pkg/FR-2004-05-11/pdf/04-10564.pdf>.
- JUSTICE/EOIR-002, OCAHO Case Management System (CMS), 84 FR 42016 (Aug. 16, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-08-16/pdf/2019-17364.pdf>.
- JUSTICE/EOIR-003, Attorney Discipline System, 85 FR 32423 (May 29, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-05-29/pdf/2020-11528.pdf>.
- JUSTICE/BIA-001, Decisions of the Board of Immigration Appeals, 48 FR 5331 (Feb. 4, 1983), <https://www.justice.gov/opcl/docs/48fr5331.pdf>.
- JUSTICE/BIA-002, Roster of Organizations and their Accredited Representatives Recognized by the Board of Immigration Appeals, 45 FR 75908 (Nov. 17, 1980), <https://www.justice.gov/opcl/docs/45fr75908.pdf>.
- JUSTICE/DOJ-002, Department of Justice Information Technology, Information System, and Network Activity and Access Records, 86 FR 37188 (Jul. 14, 2021), [https://www.justice.gov/d9/pages/attachments/2021/08/02/2021-14986\\_-\\_doj-002\\_sorn\\_update.pdf](https://www.justice.gov/d9/pages/attachments/2021/08/02/2021-14986_-_doj-002_sorn_update.pdf).
- JUSTICE/DOJ-020, DOJ Identity, Credential, and Access Service Records System, 84 FR 60110 (Nov. 7, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-11-07/pdf/2019-24246.pdf>.
- Treasury/FMS .013—Collections Records, 85 FR 11776 (Feb. 27, 2020), <https://www.federalregister.gov/documents/2020/02/27/2020-03969/privacy-act-of-1974-system-of-records>.

## **Section 8: Privacy Risks and Mitigation**

*When considering the proposed use of the information, its purpose, and the benefit to the Department of the collection and use of this information, what privacy risks are associated with the collection, use, access, dissemination, and maintenance of the information and how are those risks*

*being mitigated?*

*Note: When answering this question, please specifically address privacy risks and mitigation measures in light of, among other things, the following:*

- *Specific information being collected and data minimization strategies, including decisions made to collect fewer data types and/or minimizing the length of time the information will be retained (in accordance with applicable record retention schedules),*
- *Sources of the information,*
- *Specific uses or sharing,*
- *Privacy notices to individuals, and*
- *Decisions concerning security and privacy administrative, technical, and physical controls over the information.*

The nature of immigration proceedings, and the documentation and information submitted by the parties and collected in the course of proceedings, presents opportunities for the agency to collect more information than may be necessary to achieve the agency's mission. Specifically, there are opportunities for parties to immigration proceedings to voluntarily provide information that the agency did not request or does not require. Pursuant to its obligations under the Paperwork Reduction Act, EOIR regularly reviews its information collections to ensure it only solicits the minimum amount of information necessary and relevant to the agency's mission. Additionally, EOIR provides guidance to individuals on its agency forms and electronic information collection instruments to advise the individual on the scope of information that the agency requires.

EOIR maintains large quantities of PII, and it therefore must exert significant efforts to ensure the PII is accurate and reliable. EOIR primarily relies on individuals to contact the agency to update its records and maintain the integrity of EOIR's records. EOIR provides individuals with several methods by which the individual can update agency records about the individual; EOIR identified and described these methods in Section 5.3 of this PIA. Names and A-numbers are the primary means by which EOIR retrieves information in its systems of records; records maintained with an inaccurate name or A-number could result in improper disclosure of PII or associate incorrect information with a particular name or A-number. For this reason, EOIR requests names and A-numbers on nearly all of its information collections and forms to ensure information is associated with the correct immigration proceeding once entered into EOIR's systems.

Additionally, because EOIR maintains significant quantities of PII, it manages high volumes of information requests and must therefore carefully review each request to ensure the agency is authorized to share information in response. EOIR has streamlined its processes to obtain consent from individuals to disclose their records by making available the Form EOIR-59, Certification and Release of Records. EOIR directs all requests for information to its Office of the General Counsel for review pursuant to laws and regulations governing information sharing and disclosure, such as FOIA, the Privacy Act, Systems of Records Notices, the INA, and 8 U.S.C. § 1367 of the Violence Against Women's Act (VAWA). When fulfilling requests for statistical data or publishing statistical data to its website, EOIR deidentifies data by anonymizing and aggregating data.

EOIR must provide case information to parties in immigration proceedings. EOIR has devised a variety of applications by which it shares case information with parties, including the Case Portal,

Respondent Access, and eRegistry applications, and the ACIS website and 1-800 hotline. While ease of access creates convenience for individuals to obtain information that EOIR maintains about them, it simultaneously offers ease of access for unauthorized users if access is not carefully monitored. Therefore, EOIR requires users to obtain a verified user account and authenticates user identities before EOIR grants access to its public-facing applications. Each user session occurs on an encrypted connection to protect data during transmission. For the ACIS website and 1-800 hotline, users must, at a minimum, enter a valid A-number to retrieve case information. EOIR employs hcaptcha on the ACIS website to ensure bots do not access the system. Because the ACIS website and 1-800 hotline do not require a user account or identity authentication to access case information, EOIR significantly limits the amount of information handled by these systems. Additionally, EOIR masks certain case information on the ACIS website and 1-800 hotline to protect the identities of particularly vulnerable individuals, such as asylum seekers or victims of domestic violence or human trafficking.

Similar to external users, EOIR employees' and contractors' use of the Adjudication and Appeal Systems also present risks of unauthorized access, compromised data integrity, and unauthorized or improper disclosure or destruction of information. EOIR mitigates these risks by only granting internal access to employees or contractors who complete the requisite security clearance and/or background check process, identity validation, and annual security and privacy training, and who annually review and acknowledge DOJ's Rules of Behavior to maintain system access. System access, data storage, and abilities to create data files are all restricted based on user roles and permissions. Like external user accounts, internal user accounts are reviewed regularly and deactivated after a specified period of inactivity. Moreover, user activity audits are conducted regularly to monitor suspicious activity.

Several virtual and physical security measures are in place to safeguard sharing of information, including: IT monitoring tools; firewalls; intruder detection and data loss prevention mechanisms; and audit logs. EOIR has established minimum auditable events based on DOJ IT security requirements demanding that the information system produces audit records with sufficient information to, at a minimum, establish what type of event occurred, when and where it occurred, the source of the event, outcome of the event, and identity of any user or subject associated with the event. EOIR's databases are stored on fully secured servers, maintained in compliance with FISMA and OMB guidance. Consistent with FISMA and NIST security controls, transmissions of EOIR non-public data occur only through secure methods, e.g., Virtual Private Networks (VPN), Secure File Transfer Protocol (FTP), or Secure Sockets Layer (SSL) encryption. Also, data files regularly, proactively released through the FOIA Reading Room contain technologies that only allow the selected, de-identified data to be pushed out to the Internet.

Finally, Memoranda of Agreement (MOAs) and contracts provisions are in place to manage and control access to EOIR information by its partners and vendors. EOIR's current MOAs are described in Section 2.2 of this PIA. Contracts with vendors contain security language required by the DOJ, including contracts for FedRAMP-compliant cloud services, such as the Microsoft Azure Cloud supporting critical infrastructure for the Adjudication and Appeal Systems. MOAs and contracts contain privacy and security provisions including confidentiality and need-to-know requirements, as well as breach response protocols and termination provisions for any failure to abide by these requirements.

## **APPENDIX A: EOIR Adjudication and Appeal Systems**

This appendix lists the systems and applications collectively referred to as the “Adjudication and Appeal Systems” throughout this PIA.

1. **Automated Case Information System (ACIS)** – A public-facing, web-based application for members of the public to view limited case information upon entry of an A-number. Information available on the ACIS website may also be obtained using the 1-800 Hotline.
2. **1-800 Telephone Information System (1-800 Hotline)** – A public-facing, electronic phone system to provide members of the public with limited case information upon entry of an A-number. Information available through the Hotline may also be obtained on the ACIS website.
3. **BIA Electronic En Banc System** – An internal, web-based application that serves as a case management system for appellate immigration judges of the BIA to manage and facilitate en banc proceedings.
4. **Case Access System for EOIR (CASE)** – An internal, web-based electronic case management system and database of immigration case information for OCIJ and BIA, designed to internally manage all aspects of an immigration proceeding and serving as the official data repository for immigration case data.
5. **Digital Audio Recording (DAR) System** – Developed using commercial off-the-shelf software, EOIR uses the DAR system to create and maintain audio recordings of in-person, telephone, and virtual immigration proceedings and uses DAR audio files to generate transcripts of immigration proceedings.
6. **Electronic Contract Interpreter Ordering Service (ECIOS)** – An internal agency application used by EOIR’s Language Services Unit to manage and fulfill requests from EOIR’s adjudicating components for employee and contract language interpreter services for immigration proceedings.
7. **EOIR Case and Appeals System (ECAS)** – A suite of internal and public-facing, web-based applications to manage electronic documents in immigration proceedings before EOIR’s OCIJ and BIA components, from initial submission of electronic documents by the parties to maintenance and storage of the official electronic record of immigration proceedings to use of electronic documents by agency adjudicators in issuing notices and orders.
  - a. **eFiling Applications** – EOIR hosts three web-based applications for parties to immigration proceedings to electronically file submissions to immigration courts or the BIA.
    - i. **Case Portal** – The public-facing, web-based application for practitioners of record (such as attorneys and accredited representatives) to electronically file documents on behalf of clients in EOIR immigration proceedings.
    - ii. **DHS Portal** – The external-facing, web-based application for attorneys at the Department of Homeland Security to electronically file documents in EOIR immigration proceedings as the official representative of the United States government.
    - iii. **Respondent Access** – The public-facing, web-based application for individuals who are subjects of EOIR immigration proceedings to electronically file documents and who are not represented by an attorney or accredited representative (pro se individuals).
  - b. **Electronic Record of Proceeding (eROP) Application** – An internal, web-based system to create, use, manage, maintain, and store electronic records of proceedings

- (eROPs), the official electronic case file for EOIR immigration proceedings associated with a particular A-number.
- c. **Judicial Tools** – An internal, web-based system that allows EOIR personnel, such as immigration judges, BIA adjudicators, and support staff, to annotate immigration case files and eROPs and to assist adjudicators in drafting and issuing notices and orders.
  - d. **eProcessing Application** – An internal, web-based application that enables EOIR personnel to review, process, accept, and reject immigration case documents electronically filed through EOIR’s external-facing eFiling applications.
8. **EOIR Payment Services System (EOIR Payment Portal or ePay)** – A public-facing, web-based system hosted by EOIR that connects to the U.S. Department of Treasury Pay.gov website to enable members of the public to electronically pay filing fees for document filings in EOIR immigration proceedings or fees associated with certain FOIA requests.
  9. **eRegistration (eRegistry) Application** – A public-facing web-based application that enables legal practitioners seeking to represent individuals in EOIR immigration proceedings to register for an EOIR ID number, a number required before a practitioner can enter an appearance in a proceeding to serve as the practitioner of record in EOIR immigration proceedings.
  10. **eTranscription (eTS) System** – A web-based system utilized by EOIR’s adjudicating components and contract vendors to transcribe DAR files of immigration proceedings and to manage service orders for vendor transcription services.
  11. **FileTrail/Barcode System** – An internal agency system that tracks the physical location of paper records of proceedings (ROPs), including the location of ROPs archived to the Federal Records Centers, using a barcode scanning mechanism.
  12. **Immigration Review Information Exchange System (IRIES)** – A web-based information exchange and retrieval application used by EOIR to exchange immigration case-related information with DHS as authorized by statute, regulation, MOA, and inter-connection security and control documentation.
  13. **OCAHO Public Access and Case Management System** – A web-based system that provides internal case management services and a public-facing, web-based electronic document filing application for immigration proceedings adjudicated by OCAHO.