



Privacy Impact Assessment

for the

Centralized Area Video Surveillance System

DHS Reference No. DHS/CBP/PIA-014(b)

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**Homeland
Security**



Abstract

The U.S. Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP) uses the Centralized Area Video Surveillance System (CAVSS), a system of cameras and separate microphones recording video and audio, respectively, to collect and maintain video images and audio recordings of persons involved in any incidents or disturbances related to DHS/CBP law enforcement at the border, including inspection areas, while seeking entry or admission into the United States. CAVSS collects, maintains, and disseminates personally identifiable information (PII) in the form of video and audio recordings. CBP is updating this Privacy Impact Assessment (PIA) to document the National Archives and Records Administration (NARA) approved records retention schedule for CAVSS.

Overview

CBP maintains closed circuit television (CCTV) cameras and microphones in and around ports of entry (POE), U.S. Border Patrol (USBP) locations,¹ and other CBP facilities (e.g., CBP headquarters). In addition to enhancing border security, CAVSS imagery and audio recordings are routinely used to support various CBP missions, administrative functions, and judicial proceedings. Video and audio from CAVSS are necessary to maintain the security of CBP facilities and personnel, to provide a record of any incidents or disturbances involving CBP officers/agents or the traveling public related to the inspection process, and to prosecute persons apprehended in violation of federal criminal laws.

CBP uses audio recordings combined with the video images² to record the travelers' interactions with CBP personnel, including interviews of travelers seeking admission into the United States, secondary inspection, or when a subject is held within CBP custody.³ Audio recordings from CAVSS microphones can collect and store a person's utterances or verbal statement of his or her biographic information (e.g., name, date of birth, citizenship, port of entry,

¹ U.S. Border Patrol uses CAVSS to record images along the U.S. border perimeter from a CBP facility, but these longer range CAVSS cameras do not include a microphone to record any sound with the images the camera captures. U.S. Border Patrol requires video information from CAVSS perimeter-out cameras to detect activities away from a CBP facility that pose a threat to border security. For example, a perimeter-out camera could alert U.S. Border Patrol to a person leaving a vehicle headed toward a CBP facility, as that person may be trying to avoid detection in case CBP stops the vehicle. These perimeter-out cameras are in fixed positions meant to survey a large area far away from a CBP facility, as opposed to the interior and perimeter CAVSS cameras capable of monitoring the direct facility perimeter and monitoring individuals in smaller CBP facilities.

² CAVSS cameras employ fixed and pan/tilt/zoom capabilities and are used primarily for traveler identification, situational awareness, and monitoring the facility and its perimeters.

³ CCTV cameras can have integrated microphones allowing audio recording capability and/or utilize separate microphones installed near the cameras which are fed into the transmission of a camera. The microphones are installed in locations where CBP regularly interacts with the public (e.g., a primary inspection lane), but not every camera necessarily has a microphone installed nearby. For cameras with associated microphones, CAVSS software records the audio and video recording onto a network video recorder (NVR).



method of entry, vehicle information, date of entry, time of entry) as well as more sensitive information that is discussed or found during secondary inspection or apprehension.

While CAVSS may collect and store personally identifiable information and sensitive personally identifiable information (SPII), there is no textual personally identifiable information stored in CAVSS, and personally identifiable information captured by CAVSS audio/video cannot be electronically searched, queried, or analyzed by personal identifier.

The previous Privacy Impact Assessment update for CAVSS, DHS/CBP/PIA-014(a),⁴ states that CAVSS video footage is configured to record and maintain data for 90 days unless a significant event occurs, such as an apprehension.⁵ If no significant event occurs, video and audio surveillance recordings are automatically over-written. If a significant event occurs involving unlawful activity, CBP extracts the recording and saves the footage on an encrypted device to assist with law enforcement investigations, the prosecution of persons apprehended for violation of criminal laws, and/or to assist in the adjudication of complaints. If extracted, CBP retains this footage for 6 months, or until the close of the investigation or case associated with the event, whichever is later. Furthermore, if the video or audio is needed for a law enforcement case, the video or audio will be linked to the necessary personally identifiable information and maintained consistent with the relevant enforcement system of records.

Reason for the PIA Update

CBP is issuing this Privacy Impact Assessment update to formalize the approval of the NARA-approved retention schedule. NARA recently formalized the DAA-0568-2021-0002, titled “Incident-Driven and Fixed Facility Surveillance Audio/Video Recordings.” This schedule covers incident-driven and fixed facility surveillance audio/video recordings created by CBP personnel using cameras including, but not limited to, fixed facility surveillance and monitoring cameras.

Pursuant to this records retention schedule, the recorded data could result in three types of audio/video files:

- (1) audio/video files that have no evidentiary value;⁶

⁴ See U.S. Department of Homeland Security, U.S. Customs and Border Protection, Privacy Impact Assessment for the Centralized Area Video Surveillance System, DHS/CBP/PIA-014(a) (2018), *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

⁵ Other significant events may include natural disasters, weather-related incidents, intrusions, fires, tampering with equipment, and unlawful activity.

⁶ Audio/video recorded by law enforcement personnel during the normal course of the performance of their duties determined to have no evidentiary value.



- (2) audio/video files that have been tagged as being of potential law enforcement significance;⁷ and
- (3) audio/video files that have evidentiary value.⁸

CBP retains CAVSS audio/video recorded by security cameras that are installed outside and inside CBP facilities and capture recordings taken during the normal course of duties. These recordings may have no apparent evidentiary value at the point of collection; however, these recordings will still be retained for at least 30 days but no longer than 180 days, consistent with DAA-0568-2021-0002-0003, to determine whether any evidentiary value exists. CBP retains CAVSS footage tagged for its potential law enforcement significance during routine surveillance/incident driven events for 3 years, consistent with DAA-0568-2021-0002-0002. These video files are tagged by officers as “potentially evidentiary.” This also covers footage of arrests and apprehensions that do not result in prosecution. If these records become associated with an investigation or case, they will be tagged as “evidentiary,” and maintained consistent with the relevant law enforcement system of records.

Privacy Impact Analysis

Authorities and Other Requirements

The legal authorities and other requirements do not change because of this update.

Characterization of the Information

This update does not impact the type of information collected by CAVSS. There are no new risks associated with the characterization of information.

Uses of the Information

This update does not impact the use of information. There are no new risks associated with the use of CAVSS.

Notice

CBP is providing general notice on the update to retention through this Privacy Impact Assessment update. There are no new risks to notice.

Data Retention by the Project

CBP retains CAVSS audio/video recorded by security cameras that are installed outside and inside CBP facilities and capture recordings taken during the normal course of duties. These

⁷ Captured Events (potentially evidentiary) - Any recorded data that captures an action of law enforcement significance that has not been pulled into any criminal, administrative, civil, or other legal proceeding.

⁸ Any recorded data that may have material or probative value, or may have bearing on any criminal, administrative, civil, or other legal proceeding. Audio/Video Files determined to have evidentiary value shall be preserved under established rules of evidence with the associated case file.



recordings may have no apparent evidentiary value at the point of collection; however, these recordings will still be retained for at least 30 days but no longer than 180 days, consistent with DAA-0568-2021-0002-0003, to determine whether any evidentiary value exists. CBP retains CAVSS footage tagged for its potential law enforcement significance during routine surveillance/incident driven events for 3 years, consistent with DAA-0568-2021-0002-0002. These audio or video files are tagged by officers as “potentially evidentiary.” This also covers footage of arrests and apprehensions that do not result in prosecution. If these records become associated with an investigation or case, they will be tagged as “evidentiary,” maintained consistent with the relevant law enforcement system of records.

Privacy Risk: There is a risk that CBP is retaining information for too long.

Mitigation: This risk is mitigated. The CBP Office of Field Operations (OFO) worked with the CBP Records Management Branch, the CBP Privacy and Diversity Office, and the CBP Office of Chief Counsel to establish the NARA-approved retention schedule. The retention schedule is consistent with the concept of retaining personally identifiable information only for as long as is necessary to fulfill the specified purpose. CBP retains CAVSS footage for a temporary period unless there is evidentiary value in the video footage. If the footage is needed for law enforcement purposes, the video will be maintained consistent with the relevant law enforcement system of records. This is consistent with all other CBP information that is collected and found to be of law enforcement relevance.

Information Sharing

This update does not impact information sharing. There are no new risks associated with information sharing.

Redress

This update does not impact how access, redress, and correction may be sought through CBP. There are no new risks associated with redress.

Auditing and Accountability

This update does not impact auditing and accountability. There are no new risks associated with auditing and accountability.

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