



Privacy Impact Assessment

for the

Electronic System for Travel Authorization (ESTA)

DHS Reference No. DHS/CBP/PIA-007(j)

July 12, 2024



**Homeland
Security**



Abstract

The Electronic System for Travel Authorization (ESTA) is an application and screening system used to determine whether citizens and nationals from countries participating in the Visa Waiver Program (VWP)¹ are eligible to travel to the United States. The U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) is publishing this Privacy Impact Assessment (PIA) update for ESTA to provide notice of and assess the privacy risks associated with recent enhancements to ESTA, including the expanded collection of an applicant's photograph.

Overview

As previously described in the ESTA Privacy Impact Assessment series, the Visa Waiver Program is a security partnership that promotes secure travel to the United States while facilitating U.S. passport-holders' travel to Visa Waiver Program partner nations. Since its inception in 1986, the Visa Waiver Program has evolved into a comprehensive security partnership with many of the United States' closest allies. DHS uses a risk-based, multi-layered approach to detect and prevent inadmissible individuals from traveling to the United States. This approach incorporates regular, national-level risk assessments concerning the potential impact on U.S. national security, immigration, and law enforcement interests of each program country's participation in the Visa Waiver Program. It also includes a comprehensive application process through the ESTA website or mobile application, and vetting of travelers prior to their departure for the United States, upon arrival at U.S. ports of entry, and during subsequent encounters with CBP within the United States.²

Visa Waiver Program travelers (hereinafter referred to as applicants, or their representatives)³ submit ESTA applications to CBP via the ESTA website or ESTA mobile

¹ The Visa Waiver Program, administered by DHS in consultation with the Department of State, permits citizens and nationals of designated participating countries to travel to the United States for business or tourism for stays of up to 90 days without a visa. In return, those designated participating countries must permit U.S. citizens and nationals to travel to their countries for a similar length of time without a visa for business or tourism purposes.

² CBP's ESTA is an application and screening system used to determine whether citizens and nationals from countries participating in the Visa Waiver Program are eligible to travel to the United States. A Visa Waiver Program traveler who intends to arrive at a U.S. port of entry must obtain an approved ESTA travel authorization to be considered for admission to the United States. The application collects biographic information, a photograph, and responses to questions related to an applicant's eligibility to travel under the Visa Waiver Program.

³ To accommodate people who may not have familiarity with or access to computers or the internet, DHS designed ESTA to allow a third party, such as a relative, friend, or travel agent, to submit an application on behalf of the traveler. In all cases, the traveler is responsible for the answers submitted on the traveler's behalf by a third party and the third party must check the box on the ESTA application indicating that the third party completed the application on the traveler's behalf. The email address provided should be the traveler's email address. If the traveler does not have an email address, an alternative third-party email address belonging to a point of contact (e.g., a family member, friend, or business associate) must be provided.



application. Regardless of the method of submission, the application collects name, country of birth and citizenship, date of birth, sex, travel document information, contact information (e.g., phone and email address), social media handle and platform (voluntary/optional), parents' names, employment information, destination address, and U.S. point of contact information, as well as responses to questions related to an applicant's eligibility to travel under the Visa Waiver Program. Both the ESTA website and ESTA mobile application also require the applicant to submit a photograph (i.e., a photograph of the applicant's passport page, to include the passport photograph, and a photograph of the applicant's face ("selfie")).

CBP uses ESTA application information to conduct vetting against selected DHS security and law enforcement databases, including TECS (not an acronym)⁴ and the Automated Targeting System (ATS),⁵ as well as publicly available sources (e.g., social media websites, even if the applicant chooses not to provide their social media information). In addition to this vetting, as described in previously published Privacy Impact Assessments in the ESTA series, CBP also shares ESTA application information, including the biometric and "selfie" photographs, with other federal government authorities, including but not limited to Intelligence Community partners. CBP may also share ESTA information on a case-by-case basis with appropriate state, local, tribal, territorial, or international government agencies, as described in the previous ESTA Privacy Impact Assessment series.

Once the vetting is complete, CBP will approve or deny the application. The applicant may check the status of their application in their profile on the ESTA website or ESTA mobile application. If the ESTA application is denied, the applicant is not eligible to travel to the United States under the Visa Waiver Program. If the application is approved, the approval establishes that the traveler is eligible to travel to the United States under the Visa Waiver Program, but the approval does not guarantee that the traveler is admissible to the United States. Upon arrival to a U.S. port of entry, the Visa Waiver Program traveler will be subject to an inspection by a CBP Officer who may determine that the traveler is inadmissible under U.S. law.

ESTA travel authorizations are valid for two years from the date of authorization, or until the Visa Waiver Program traveler's passport expires, whichever occurs first. An ESTA authorization generally permits the traveler to travel to the United States for multiple trips over a period of two years eliminating the need for a traveler to reapply during the validity period.

⁴ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE TECS SYSTEM: CBP PRIMARY AND SECONDARY PROCESSING, DHS/CBP/PIA-009 (2010 and subsequent updates) and TECS SYSTEM PLATFORM, DHS/CBP/PIA-021 (2016), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

⁵ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE AUTOMATED TARGETING SYSTEM, DHS/CBP/PIA-006(e) (2017), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.



ESTA Photograph Submission

As described in DHS/CBP/PIA-007(h), the ESTA application requires the applicant to submit a photograph as part of the ESTA application. For ESTA website submissions, CBP requires applicants or representatives to “capture” or “upload” a picture of the applicant’s passport page, which includes a photograph of the applicant/passport holder. For ESTA mobile application submissions, the applicant/representative is required to submit a photograph of the biographic passport page, as well as a “selfie”. To submit a “selfie,” the applicant must enable the ESTA mobile application to access the mobile device’s camera. Once the camera is enabled, the applicant or representative is prompted to place their mobile device near the passport’s electronic chip (eChip), a Radio Frequency Identification enabled chip that contains the same information that is printed on the passport’s data page: the holder’s name, date of birth, and other biographic information, as well as a biometric identifier (i.e., photograph).⁶ By placing the mobile device near the eChip, the mobile device enables the Near Field Communication⁷ capability to wirelessly retrieve the data stored within the eChip. The only biometric information on the eChip is the passport photograph. The eChip also includes a country signing certificate to certify the authenticity of the passport.

Once the mobile application retrieves the photograph from the eChip, the mobile application prompts applicants to take a live photograph or “selfie” of the applicant (representatives will be taken to the next screen). The mobile application instructs the ESTA applicant to line up their face with a box and to perform a “liveness” test to determine that it is a real person (and not a picture of a person) before the camera.⁸ Once the liveness test is complete, the mobile application takes the photograph. CBP uses the “selfie” image to conduct one-to-one (1:1) facial comparison against the passport photograph previously uploaded to the ESTA mobile application from the eChip. Using the Traveler Verification Service (TVS), CBP compares the two photographs to conduct a 1:1 match with the “selfie” and passport photograph to biometrically verify the applicant’s identity.⁹ If the two photographs are determined to be a match, the Traveler

⁶ The United States requires that the chip contain a digital photograph of the holder. All e-Passports issued by designated countries participating in the Visa Waiver Program and the United States have security features to prevent the unauthorized reading or “skimming” of data stored on the e-Passport chip.

⁷ Near Field Communication describes a technology which can be used for contactless exchange of data over short distances. Two Near Field Communication-capable devices are connected via a point-to-point contact over a short distance. This connection can be used to exchange data between the devices.

⁸ While the applicant is taking the “selfie,” the technology embedded within the ESTA mobile application relies on the device’s camera to view a live image through 3D face changes and observe perspective distortion to prove the image is 3D. If “liveness” cannot be confirmed, the applicant is unable to proceed with submitting the application through the ESTA mobile application and must do so via the ESTA website.

⁹ CBP’s Traveler Verification Service is an accredited information technology system consisting of a group of similar systems and subsystems that support the core functioning and transmission of data between CBP applications and partner interfaces. Since early 2017, CBP has used the Traveler Verification Service as its backend matching



Verification Service will send a match response back to ESTA. In the rare event that the Traveler Verification Service is unable to match the “selfie” to the passport photograph, the mobile application will prompt the applicant to retake a “selfie.” An applicant may attempt to retake the selfie up to three times. If after three attempts the Traveler Verification Service cannot match the two photographs, the mobile application will default to a third-party submission to allow for the submission of the application without the “selfie,” which does not negatively impact an individual’s ESTA application. Instead, a manual comparison of the passport photograph and a “selfie” will be completed by a CBP Officer after the application is submitted.

Reason for the PIA Update

With this Privacy Impact Assessment update, CBP will extend the “selfie” photograph submission requirement and verification process to the ESTA website. Applicants will be prompted to submit a photograph of their face (“selfie”) in addition to a photograph of the passport biographic page. In the initial roll out, applicants will upload a “selfie” to the website¹⁰ with a planned expansion to capture a “selfie” from a camera enabled device as another option. Third parties, such as travel agents or family members, are still required to provide a photograph of the ESTA applicant when using the website application.

Once submitted, ESTA uses the Traveler Verification Service to conduct one-to-one (1:1) facial comparison between the traveler’s submitted “selfie” and their passport photograph. If the two photographs are determined to be a match, the Traveler Verification Service will send a match response back to ESTA confirming that the two photographs are a match and confirming the applicant’s identity. The applicant is then able to proceed with the remainder of the application and submit it to CBP. If the Traveler Verification Service does not confirm a match, the applicant is able to continue with the rest of the application. The application will be submitted to CBP with a flag noting that the applicant’s identity must be manually reviewed by a CBP Officer. A manual review allows a CBP Officer to compare the submitted passport photograph with the selfie submitted by the applicant.

Passport photographs and selfies are used to ensure that the applicant is the rightful possessor of the document being used to obtain an ESTA travel authorization. With this change, the process for the ESTA website and ESTA mobile application submissions are the same.

service for all biometric entry and exit operations that use facial recognition. *See* U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE TRAVELER VERIFICATION SERVICE, DHS/CBP/PIA-056 (2018), *available at* <https://www.dhs.gov/privacydocuments-us-customs-and-border-protection>.

¹⁰ The ESTA website will provide guidance on the type of photograph to upload (e.g., include head and shoulders).



Privacy Impact Analysis

Authorities and Other Requirements

There are no changes to CBP authorities and other requirements to operate ESTA with this Privacy Impact Assessment update.

Characterization of the Information

There are no changes to the collection of photograph submissions through the ESTA application with this Privacy Impact Assessment update. As described in DHS/CBP/PIA-007(h), CBP previously collected photographs (the biographic passport page and “selfie”) as part of the ESTA application. However, prior to this Privacy Impact Assessment update, the “selfie” was only required as part of the mobile application submission. With this update, the “selfie” is required for both website and mobile application submissions.

Privacy Risk: There is a risk that the individual will submit a photograph of another individual who is not seeking an ESTA travel authorization.

Mitigation: This risk is partially mitigated. As described above, ESTA applications may be submitted by representatives of the ESTA applicant (e.g., travel agent, family member). However, because photographs are required to be submitted as part of the ESTA application, a representative submitting an application on behalf of the applicant is required to submit a photograph of the applicant as well as the applicant’s passport biographic data page. If the Traveler Verification Service is unable to confirm a match, the application and photographs are flagged for manual review by a CBP Officer.

Privacy Risk: There is a risk of overcollection now that CBP is requiring a “selfie” for all ESTA application submissions.

Mitigation: This risk is mitigated. As described in DHS/CBP/PIA-007(h), CBP is collecting the passport and “selfie” photographs to complete a 1:1 biometric identity verification and to conduct vetting. The collection of photographs ensures that the individual submitting the application (or whose on behalf it is submitted) is the passport holder. Accordingly, the website application process is now consistent with the ESTA mobile application process. Collecting photographs through the ESTA application process allows CBP to verify identity in advance and conduct certain vetting prior to the traveler’s arrival. CBP retains the photograph and “selfie” in the Traveler Verification Service for 14 days after submission. Further, CBP retains the image of the biographic passport page and “selfie” in ESTA for 15 years to reference in the future, including for identity verification and reconciliation purposes.



Uses of the Information

This update does not impact the use of information. CBP is collecting the “selfie” on the ESTA website to ensure the same identity verification is being conducted as with the existing mobile application submission. The “selfie” is used to verify the identity of the applicant against the photograph on the applicant’s passport. CBP will continue to use the information included in an individual’s ESTA application to determine their eligibility to travel to the United States, including whether the traveler poses a law enforcement or security risk.

Privacy Risk: There is a risk that the “selfie” will be used beyond identity verification purposes.

Mitigation: This risk is mitigated. CBP will only use the photographs as described in this Privacy Impact Assessment update. The primary purpose of this collection is for identity verification purposes. CBP will use the Traveler Verification Service to conduct a 1:1 comparison of the “selfie” and the biometric passport photograph. The purpose of this comparison is to ensure the individual submitting the application is the same person as the person on the identity documents. The photographs are stored in the ESTA database for 15 years for future reference, including identity verification and reconciliation purposes. Additionally, the “selfie” and passport photograph that are sent to the Traveler Verification Service are stored for 14 days for analysis and evaluation purposes.

In addition to using the selfie to conduct a liveness test and for identity verification purposes, CBP may also use the “selfie” to conduct biometric vetting in the future. As described in DHS/CBP/PIA-006(e) Automated Targeting System, “1.2.1 ATS Biometric Vetting Using Facial Recognition,” CBP uses the photograph submitted as part of the ESTA application to conduct biometric vetting. Biometric vetting occurs on an ad hoc basis when an ESTA application raises security concerns and requires additional manual review. This Privacy Impact Assessment will be updated if there are any changes to this practice.

Notice

CBP is providing notice of this change through the publication of this Privacy Impact Assessment update. Additionally, CBP issued a Federal Register Notice, an additional measure of notice, to outline the collection of “selfies” through the ESTA website.¹¹

Data Retention by the Project

There are no new privacy risks related to data retention. Upon formal submission, the traveler’s biographic application data, the passport photograph, and the “selfie” will be stored in the ESTA system for 15 years. In addition, the Automated Targeting System retains a copy of

¹¹ See <https://www.federalregister.gov/documents/2024/02/26/2024-03772/agency-information-collection-activities-revision-arrival-and-departure-record-and-electronic-system>.



ESTA application biographic data and vetting results to identify individuals from designated countries participating in the Visa Waiver Program who may pose a security risk in accordance with the Automated Targeting System retention schedule (i.e., 15 years).

Information Sharing

There are no changes to information sharing because of this update.

Redress

This update does not impact how access, redress, and correction may be sought through CBP.

Auditing and Accountability

There are no changes to auditing and accountability because of this update.

Contact Official

Ray Provencio
(A) Executive Director
Admissibility and Passenger Programs
Office of Field Operations
U.S. Customs and Border Protection

Responsible Official

Debra L. Danisek
CBP Privacy Officer
Privacy and Diversity Office
U.S. Customs and Border Protection
privacy.cbp@cbp.dhs.gov

Approval Signature

Original, signed version on file with the DHS Privacy Office.

Mason C. Clutter
Chief Privacy Officer
U.S. Department of Homeland Security
privacy@hq.dhs.gov