

# Executive Office for Immigration Review



## Privacy Impact Assessment for the Board of Immigration Appeals (BIA) Decision Repositories

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## **Section 1: Executive Summary**

*Provide a high-level overview of the project or information technology (e.g., application, tool, automated process) in non-technical terms that describes the project or 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 (EOIR) Board of Immigration Appeals (Board or BIA) adjudicates appeals of certain decisions of immigration judges, adjudicating officials in attorney discipline cases, and district directors of the Department of Homeland Security (DHS). Board decisions include immigration case information, such as party names and contact information; personal information of individuals in immigration proceedings, including dates and places of birth, sex, religion, race, ethnicity, and citizenship; alien registration numbers (A-numbers); attorney and accredited representative names, contact information, and EOIRID numbers; and employment or criminal history. Board decisions are incorporated as part of the official record of immigration proceedings (ROP). Beyond the ROP, EOIR utilizes several physical and electronic repositories to store copies of official Board decisions. EOIR shares copies of written Board decisions with other individuals and federal agencies for a variety of official purposes: to internal EOIR personnel to perform official duties; to parties in immigration proceedings who are affected by Board decisions; to the Department of Justice (DOJ) litigating divisions to represent the United States government in judicial proceedings when Board decisions are appealed to a federal court; to other DOJ offices for immigration-related regulatory work; and to members of the public as authorized or required by federal law, regulation, or court order, such as required disclosures under the Freedom of Information Act (FOIA). Appendix A lists and describes all physical and electronic repositories storing copies of Board decisions. Because BIA Decision Repositories collect, store, and disseminate copies of records containing personally identifiable information (PII), EOIR is conducting this privacy impact assessment (PIA) in accordance with Section 208 of the E-Government Act of 2002.

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

**2.1 Explain in more detail than above the purpose of the project or information technology, the type of technology used (e.g., databases, video conferencing, artificial intelligence, machine learning, privacy enhancing technologies), 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.**

The primary mission of EOIR is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR's administrative adjudicators<sup>1</sup> in

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<sup>1</sup> EOIR's administrative adjudicators include immigration judges (IJs), appellate immigration judges (AIJs) or Board

the Board, the Office of the Chief Immigration Judge (OCIJ),<sup>2</sup> and Office of the Chief Administrative Hearing Officer (OCAHO)<sup>3</sup> conduct immigration court proceedings, appellate reviews, and administrative hearings.

The Board is the highest administrative body for interpreting and applying immigration laws. The Board has been given nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges and by district directors of 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. The Board also has appellate review authority of disciplinary decisions against recognized organizations and representatives appearing before the immigration courts, DHS, and the Board. The Board's final decision and order on appeal is provided in writing to the parties and incorporated as part of the official ROP for an immigration or disciplinary case.

Certain decisions of the Board are subject to judicial review in federal courts, depending on the nature of the appeal; when a decision of the Board is reviewed by a federal court, the Board provides that court with a certified copy of the administrative record before the Board, which includes the Board's decision. When Board decisions are litigated before the federal courts, the United States government is represented by the DOJ Office of Immigration Litigation (OIL) or the United States Attorney's Office (USAO).

Copies of Board decisions are provided to a variety of individuals and entities for a variety of purposes. Unredacted copies of BIA decisions are provided to: (1) internal EOIR personnel for the purpose of carrying out official duties; (2) DOJ OIL and USAO for the purpose of representing the U.S. government when a Board decision is appealed to federal court<sup>4</sup>; and (3) DOJ Office of Legal Policy (OLP) for the purpose of researching developments in immigration law to guide Department immigration-related regulatory work. Redacted copies of BIA decisions are provided to members of the public as authorized or required by federal law, regulation, and court orders, including required disclosures under the FOIA.

EOIR uses scanners and optical character recognition (OCR) software from Kodak Capture and Tungsten Kofax to scan and digitize hardcopy BIA decisions to be added to

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members, and administrative law judges (ALJs)

<sup>2</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>3</sup> OCAHO is headed by a Chief Administrative Hearing Officer who is responsible for the general supervision and management of ALJs 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> OIL attorneys and U.S. attorneys may submit the Board decision copy to the federal court for preliminary review to assist with docketing of appeals when the certified administrative record has not yet been made available by EOIR. The Board decision is also included in the certified administrative record filed in federal judicial proceedings.

the electronic repositories. This OCR software allows EOIR to convert a digitized BIA decision into a text-searchable Portable Document Format (PDF). To appropriately tailor access and sharing of Board decisions, EOIR maintains several repositories for published, unpublished, redacted, and unredacted copies of Board decisions in PDF. Appendix A details each component of the Board Decision Repositories and includes both physical and electronic repositories. The repositories are hosted on a hybrid computing environment consisting of on-premises and cloud-based technologies.

**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
Statute	8 U.S.C. § 1252; 5 U.S.C. § 552.
Executive Order	
Federal regulation	8 C.F.R. §§ 1003.0, 1003.1, 1003.38(a); 28 C.F.R. § 0.45(k).
Agreement, memorandum of understanding, or other documented arrangement	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) (“2012 DHS MOA”); and Addendum I: Adding U.S. Customs and Border Protection As A Signatory to the Memorandum of Agreement Between The Department of Homeland Security and The Department of Justice Office for Immigration Review Regarding the Sharing of Information on Immigration Cases (effective September 23, 2022) (“2022 DHS MOA Addendum”).
Other (summarize and provide copy of relevant portion)	

**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.*

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(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>	<input checked="" type="checkbox"/>	B, C and D	<i>Email addresses of members of the public (US and non-USPERs)</i>
<b>Name</b>	<input checked="" type="checkbox"/>	A, B, C, D	Names of system users (EOIR and DOJ); names of members of the public identified in Board decisions.
<b>Date of birth or age</b>	<input checked="" type="checkbox"/>	C, D	Date of birth or age of members of the public who are subjects of Board decisions.
<b>Place of birth</b>	<input checked="" type="checkbox"/>	C, D	Place of birth of members of the public who are subjects of Board decisions.
<b>Sex</b>	<input checked="" type="checkbox"/>	C, D	Sex of members of the public who are subjects of Board decisions.
<b>Race, ethnicity, or citizenship</b>	<input checked="" type="checkbox"/>	C, D	Race, ethnicity, or citizenship of members of the public who are subjects of Board decisions.
<b>Religion</b>	<input checked="" type="checkbox"/>	C, D	Religion of members of the public who are subjects of Board decisions.
<b>Social Security Number (full, last 4 digits or otherwise truncated)</b>			
<b>Tax Identification Number (TIN)</b>			
<b>Driver's license</b>	<input checked="" type="checkbox"/>	C, D	When relevant to the issues on appeal, Board decisions may discuss driver's license information of members of the public who are the subject of the decision.
<b>Alien registration number</b>	<input checked="" type="checkbox"/>	C, D	A-number of members of the public who are subjects of Board decisions.
<b>Passport number</b>	<input checked="" type="checkbox"/>	C, D	When relevant to the issues on appeal, Board decisions may include passport numbers of members of the public who are the subject of the decision.
<b>Mother's maiden name</b>	<input checked="" type="checkbox"/>	C, D	Mother's maiden name of members of the public who are subjects of
<b>Vehicle identifiers</b>	<input checked="" type="checkbox"/>	C, D	When relevant to the issues on appeal, Board decisions may include vehicle identifiers of members of the public who are the subject of the decision.
<b>Personal mailing address</b>	<input checked="" type="checkbox"/>	C, D	Personal mailing address of members of the public who are subjects of Board decisions.
<b>Personal e-mail address</b>			

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<b>Personal phone number</b>			
<b>Medical records number</b>			
<b>Medical notes or other medical or health information</b>	X	C, D	When relevant to the issues on appeal, Board decisions may include health and medical information about members of the public in EOIR immigration proceedings.
<b>Financial account information</b>			
<b>Applicant information</b>			
<b>Education records</b>	X	C, D	When relevant to the issues on appeal, Board decisions may include education information or history of members of the public in EOIR immigration proceedings.
<b>Military status or other information</b>	X	C, D	When relevant to the issues on appeal, Board decisions may include military status information of members of the public in EOIR immigration proceedings.
<b>Employment status, history, or similar information</b>	X	C, D	When relevant to the issues on appeal, Board decisions may include employment status, history, or information of members of the public in EOIR immigration proceedings.
<b>Employment performance ratings or other performance information, e.g., performance improvement plan</b>			
<b>Certificates</b>			
<b>Legal documents</b>			
<b>Device identifiers, e.g., mobile devices</b>			
<b>Web uniform resource locator(s)</b>			
<b>Foreign activities</b>	X	C, D	Board decisions may include information about the lives and activities of members of the public who are subjects of EOIR immigration proceedings, including information about their lives and activities outside of the United States that form the basis of the individual's particular request for immigration relief in EOIR immigration proceedings.

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<b>Criminal records information, e.g., criminal history, arrests, criminal charges</b>	X	C, D	When relevant to the issues on appeal, Board decisions may include information about the criminal history, arrests, and charges of members of the public who are subjects of EOIR immigration proceedings.
<b>Juvenile criminal records information</b>	X	C, D	When relevant to the issues on appeal, Board decisions may include information about juvenile criminal history, arrests, and charges of members of the public who are subjects of EOIR immigration proceedings.
<b>Civil law enforcement information, e.g., allegations of civil law violations</b>	X	C, D	Immigration proceedings are considered administrative proceedings. Board decisions include information about immigration custody status/location/dates and allegations of violations of immigration law of members of the public who are subjects of EOIR immigration proceedings.
<b>Whistleblower, e.g., tip, complaint, or referral</b>			
<b>Grand jury information</b>			
<b>Information concerning witnesses to criminal matters, e.g., witness statements, witness contact information</b>	X	C, D	When relevant to the issues on appeal, Board decisions may include information concerning witnesses to criminal matters.
<b>Procurement/contracting records</b>			
<b>Proprietary or business information</b>			
<b>Location information, including continuous or intermittent location tracking capabilities</b>			
<b>Biometric data:</b>			
<b>- Photographs or photographic identifiers</b>			
<b>- Video containing biometric data</b>			
<b>- Fingerprints</b>			
<b>- Palm prints</b>			
<b>- Iris image</b>			
<b>- Dental profile</b>			

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- Voice recording/signatures	X	B	New federal government users for the BIA Decisions Partner Access application must sign a user agreement and rules of behavior to obtain access to the system.
- Scars, marks, tattoos	X	C, D	Information describing scars, marks, or tattoos may be included in Board decisions.
- Vascular scan, e.g., palm or finger vein biometric data			
- DNA profiles			
- Other (specify)			
<i>System admin/audit data:</i>	X	A, B	In addition to the system admin/audit data specified below, the BIA Decisions Suite tracks changes in user profile data fields, last log-in date, user registration sign-up date, and the date a user request and receives access.
- User ID	X	A, B	User IDs of federal government personnel authorized to access the system.
- User passwords/codes	X	A, B	User passwords of federal government personnel authorized to access the system.
- IP address	X	A, B, C, D	EOIR systems and websites track the IP address associated with user activity.
- Date/time of access	X	A, B, C, D	EOIR systems and websites track the date and time of user access and activity.
- Queries run	X	A, B, C, D	EOIR systems and websites track user search criteria history.
- Contents of files	X	A, B	The BIA Decision Suite tracks user document downloads.

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Other (please list the type of info and describe as completely as possible):	X	A, B, C, D	<p>When relevant to the issues on appeal, Board decisions may include country of origin, nationality, languages spoken, aliases, and family relationships of members of the public who are subjects of EOIR immigration proceedings. Board decisions are assigned unique appeal ID numbers linkable to particular individuals. Board decisions may also include state bar license numbers and EOIRID numbers for practitioner representing individuals in EOIR immigration proceedings.</p> <p>Because of the varied nature of immigration proceedings, Board decisions could conceivably include additional categories of unclassified PII not listed above, and, as such, it is not possible to list with certainty every item of information that may be collected, maintained, or disseminated by the system.</p>

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

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

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

<b>Non-government sources:</b>					
Members of the public	X	Public media, Internet		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
Within the Component	X		X
DOJ Components			X

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.
Federal entities	X			DHS is provided with copies of Board decisions as a party to EOIR immigration proceedings and as the agency that enforces final orders of removal.
State, local, tribal gov't entities				
Public	X			EOIR publishes copies of Board decisions on its website pursuant to law, regulation, or court order, including disclosures required under the Freedom of Information Act.
Counsel, parties, witnesses, and possibly courts or other judicial tribunals for litigation purposes	X			Parties to immigration proceedings and their representatives are provided with copies of Board decisions in the official ROP. DOJ OIL or USAO may submit copies of Board decisions to judicial tribunals when a Board decision is appealed to a federal circuit court of appeal.
Private sector				
Foreign governments				
Foreign entities				
Other (specify):				

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.*

Precedent Board decisions are publicly published for open data purposes and published on EOIR’s FOIA Library webpage, <https://www.justice.gov/eoir/foia-library-0>, and through the VLL website, <https://www.justice.gov/eoir/virtual-law-library>. Unpublished Board decisions are publicly released on the EOIR FOIA Reading Room website, <https://foia-qc.eoir.justice.gov/app/Home.aspx>, in accordance with a stipulation of settlement. See *New York*

*Legal Assistance Group (NYLAG) v. Board of Immigration Appeals*, 18 Civ. 9495 (S.D.N.Y. 2022). Unpublished Board decisions are also available in physical and electronic copies through the Law Library and Immigration Research Center at EOIR Headquarters in Falls Church, Virginia, or through the VLL website, <https://www.justice.gov/eoir/virtual-law-library>.

EOIR redacts sensitive or confidential information from decisions and orders before copies are made publicly available. Pseudonyms may also be used for individuals mentioned in Board decisions and orders if necessary to protect identities of vulnerable individuals or to otherwise prevent unwarranted intrusions on privacy.

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

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

EOIR implements 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 Statements, pursuant to 5 U.S.C. § 552a(e)(3), displayed on EOIR-sponsored collections of information; 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.*

Users voluntarily access any BIA Decision Repository and voluntarily participate in the collection, use, or dissemination of their information for purposes of obtaining a user account and/or using the system.

For the BIA Decisions Search System, users must complete a registration process to obtain a user account. During the registration process, prospective users are informed what personal information will be collected by EOIR to establish a user account. Prospective users must review and sign Rules of Behavior to obtain access, and users are informed that they may not access the system if they fail to provide the requested information. Authorized users are reminded of and agree to EOIR's collection and use of their information with each log-in.

The copies of Board decisions maintained by the system include information about individuals who are subjects of EOIR immigration proceedings as well as the practitioners of record representing the parties to EOIR immigration proceedings. Such individuals voluntarily provide their information to the agency by participating in immigration proceedings. Individuals may

decline to provide information to EOIR, and EOIR notifies individuals that the failure to provide certain information could impact the processing, adjudication, and/or outcome of the immigration case.

Individuals do not have the ability to object to the use or dissemination of their information for releases made pursuant to a SORN. Additionally, some immigration case information is provided by DHS as a party to immigration proceedings, and members of the public may not have an opportunity to consent to the collection or use of their information 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.

**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 access the publicly available Board Decision Repositories to access information about themselves included in copies of Board decisions.

Individuals who are subjects of immigration proceedings, including Board appeals, may access information in the system pertaining to them in the following additional ways: (1) individuals may view and download electronic copies of their own ROP through an online access portal to the EOIR Courts and Appeals System (ECAS); (2) individuals may request a copy of their own ROP at the immigration court or at Board headquarters where the ROP is located; (3) individuals may submit a Privacy Act request with EOIR's FOIA Office according to instructions on the EOIR website, <https://www.justice.gov/oir/freedom-information-act-foia>; or (4) individuals may request copies when filing an appeal to the Board or the U.S. Circuit Court of Appeals.

The Attorney General has exempted certain records in the BIA Decisions Repositories from the access and amendment provisions of the Privacy Act, pursuant to 5 U.S.C. § 552a(k), because the decisions constitute official records of opinions rendered in administrative proceedings, and administrative due process could not be achieved by the ex parte correction of such opinions by the subject of the opinion. *See* 28 C.F.R. § 16.83 (exempting information in the ROP from the access and amendment provisions of the Privacy Act, pursuant to 5 U.S.C. § 552a(k)).

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 correct any misinformation 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) (if the system operates under an Authorization to Use (ATU) or other authorization mechanism, provide related details wherever an ATO is referenced):</b></p> <p>BIA Decision Repositories are authorized to operate across three system boundaries:</p> <ul style="list-style-type: none"> <li>• JCON/eWorld – Adjudication Support ATO, granted March 6, 2025, expiring August 31, 2025. EOIR is completing the ongoing authorization process to extend this ATO beyond August 31, 2025.</li> <li>• JCON/eWorld – Business Tools ATO, granted March 13, 2025, expiring March 13, 2028.</li> <li>• Tungsten Automation ATO, granted February 10, 2025, expiring February 10, 2026.</li> </ul> <p><b>If an ATO has not been completed, but is underway, provide status or expected completion date:</b></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></p>
	<p><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></p>
X	<p><b>This information or information 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 NIST SP 800-60 v.2 rev.1, Guide for Mapping Types of Information and Information Systems to Security Categories: Appendices. Specify and provide a high-level summary of the justification, which may be detailed in the system security and privacy plan:</b></p> <p>The system is categorized as Moderate.</p>
X	<p><b>Monitoring, testing, or evaluation has been undertaken to safeguard the information and prevent its misuse. Specify:</b></p> <p>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>, in addition to 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.</p>

	<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>
X	Audit logs are collected and maintained for 120 days and are reviewed weekly by the EOIR Office of Information Technology (OIT) 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 provides user guides and system demonstrations to internal and external users as needed to train users to properly use the system. User guides and demonstrations are tailored to particular user roles.

**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?**

User access and permissions to BIA Decision Repositories are tailored based on the nature of the information and the particular user's role.

For repositories requiring a user account, a user is required to undergo security clearance, complete annual cybersecurity and privacy awareness trainings, and review and sign the DOJ Rules of Behavior to maintain access. To use BIA Decisions Partner Access, users must also review and sign the EOIR Partner Access agreement. User accounts are reviewed annually to determine whether continued access is necessary, are automatically disabled after 90 days of inactivity, and are locked for specified periods of time after a specified number of unsuccessful log-in attempts. User activities within restricted repositories are regularly monitored, logged, and audited for suspicious activity. User identities are verified with multi-factor authentication with each log-in attempt.

For public repositories, user accounts are not required. However, user activity on the website is regularly monitored, logged, and audited to detect suspicious activity. Before making Board decisions available through a public repository, EOIR applies redactions or pseudonyms to mask sensitive and confidential information and to protect the privacy of individuals identified in the decisions. Redacted decisions are reviewed for quality control before the decision is made publicly available.

EOIR conducts regular vulnerability scanning and configuration management activities to minimize privacy and security risks. EOIR data is encrypted in transit and at rest. EOIR also utilizes a variety of other security mechanisms to minimize privacy and security risks, including but not limited to firewalls and antivirus software.

**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.) If the project involves artificial intelligence and/or machine learning, indicate if the information is used for training AI models, and if so, how this will impact data retention and disposition.*

The official Board decision is maintained with the official ROP. The ROP is a temporary record with a retention period of 50 years after cutoff (NCI-060-84-03-0001). Copies of Board decisions stored in the BIA Decision Repositories are unscheduled records retained indefinitely until scheduled.

## **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); 82 FR 24147 (May 25, 2017) (rescinding 72 FR 3410 (Jan. 25, 2007)).

JUSTICE/EOIR-003 Attorney Discipline System, 85 FR 32423 (May 29, 2020).

JUSTICE/BIA-001, Decisions of the Board of Immigration Appeals, 48 FR 5331 (Feb. 4, 1983); 66 FR 8425 (Jan. 31, 2001); 82 FR 24147 (May 25, 2017) (rescinding 72 FR 3410 (Jan. 25, 2007)).

JUSTICE/DOJ-002, Department of Justice Information Technology, Information System, and Network Activity and Access Records, 86 FR 37188 (Jul. 14, 2021).

JUSTICE/DOJ-004, Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Records, 77 FR 26580 (May 4, 2012); 82 FR 24151, 152 (May 25, 2017).

EOIR and DOJ SORNs are available at: <https://www.justice.gov/opcl/doj-systems-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? For projects involving the use of artificial intelligence and/or machine learning, identify the privacy risks uniquely associated with the use of AI/ML, and how those risks are being mitigated, for example the risk of output inaccuracies and mitigations in the form of testing, continuous monitoring, training, secondary review, etc.*

*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,*
- *Type of technology employed (e.g. AI/ML),*
- *Specific uses or sharing,*
- *Privacy notices to individuals, and*
- *Decisions concerning security and privacy administrative, technical, and physical controls over the information.*

EOIR shares copies of Board decisions with a variety of recipients for different purposes, which increases the risk of inadvertently spilling PII to the incorrect recipient. EOIR must take extra care where the Board decision includes sensitive or confidential information that may not or must not be publicly disclosed. EOIR applies redactions and pseudonyms to decisions with sensitive or confidential information, and redactions are reviewed by EOIR personnel for quality control before making the decision publicly available. EOIR separates unredacted and redacted Board decisions into separate repositories to better control access to unredacted copies.

Unredacted copies in the BIA Decisions Search Application are only available to external federal partners with an authorized need to know, and who have completed the requisite user account registration process through BIA Decisions Partner Access. Specifically, the user's supervisor must verify the user has an official need to know, the user must complete a security clearance process as well as security and privacy awareness training, and the user must annually review and acknowledge the DOJ Rules of Behavior and EOIR Partner Access Agreement to maintain system access. If external users do not review and acknowledge the DOJ Rules of Behavior and EOIR Partner Access Agreement each year, the user's account will be revoked, and the user will need to re-register.

EOIR currently does not have a record retention schedule for records maintained in the system. The longer that EOIR retains information about individuals, the more opportunities exist for a

spill or breach of that information. Such risk will be mitigated once EOIR completes a record retention schedule that permits EOIR to appropriately dispose of records maintained in the system.

Other security and privacy controls are in place to safeguard information within the system to carefully monitor access and use of the information and to protect against unauthorized activity. User identities are verified with multi-factor authentication with each attempt to log-in. User accounts are reviewed regularly and deactivated after a specified period of inactivity. User activity is regularly monitored, logged, and audited for suspicious activity. Systems are also safeguarded with IT monitoring tools, firewalls, intruder detection and data loss prevention mechanisms, and audit logs. Data is encrypted in transit and at rest. System hardware, such as servers, are located in secure facilities.

## **Appendix A: EOIR Repositories for Board Decisions**

1. **BIA Decisions Search System** – This collection of web-based applications permits internal EOIR personnel and authorized federal government personnel to access, search, view, and download unredacted copies of published and unpublished Board decisions. The BIA Decisions Suite consists of the following applications:
  - a. **BIA Decisions Scanning Portal** – Original hardcopies of Board decisions are scanned to create an electronic copy. Using scanners and software from Kodak Capture and Tungsten Automation, the Scanning Portal applies OCR to create a text-searchable PDF document of the Board decision, drawing on immigration case metadata stored in the Case Access System for EOIR (CASE) to label and tag content. Scanned documents are manually reviewed and approved for quality control before deposited and stored in the BIA Decisions Search Application. The Scanning Portal is only accessible to authorized internal EOIR personnel.
  - b. **BIA Decisions Search Application** – Microsoft SharePoint Online application storing text-searchable PDF copies of unredacted Board decisions. The Search Application is available to authorized EOIR personnel and external federal government users. In the Search Application, users can access, view, and download copies of Board decisions. Users may conduct simple and complex searches by key word or phrase or filter based on A-number, fine number, notice to appear date, appeal type, BIA decision code, BIA decision date, immigration judge or Board member name, base city, or circuit court. Internal EOIR personnel access the Search Application through EOIR’s intranet site. External users access the Search Application through BIA Decisions Partner Access.
  - c. **BIA Decisions Partner Access** – Authorized external federal government users (OIL, USAO, and OLP) access the Search Application through the Partner Access application. New users must complete a registration process in the Partner Access application, which requires the user to request and receive supervisor approval and to review and sign the BIA Decisions Partner Access Agreement and Rules of Behavior with Adobe Acrobat Sign. The Partner Access application is integrated with DOJ Login to authenticate user identities.
  - d. **EOIR Rules of Behavior Portal** – Microsoft SharePoint Online library to store completed BIA Decisions Partner Access Agreements and Rules of Behavior signed by authorized external federal government users through the Partner Access registration process.
2. **Freedom of Information Act (FOIA) Library** – Available on the EOIR website, the FOIA Library, <https://www.justice.gov/oir/foia-library-0>, is a webpage where members of the public may view frequently requested records in full or with redactions, including copies of frequently requested Board decisions.
3. **FOIA Reading Room** – Available through EOIR’s FOIA Public Access Link (PAL), <https://foia-qc.eoir.justice.gov/app/Home.aspx>, the FOIA Reading Room permits members of the public to view redacted, unpublished Board decisions, which are retrieved from the BIA Decisions Suite repository and then copied and redacted or anonymized before posting to the FOIA Reading Room.
4. **Law Library and Immigration Research Center (LLIRC)** – The LLIRC is a physical

library located at EOIR Headquarters in Falls Church, Virginia, and maintains select sources of immigration law, including copies of Board decisions. The LLIRC serves the Board and other divisions of EOIR but is also open to the public. This is not a lending library; all materials must be viewed on premises, though limited self-service photocopying is available in the library.

5. **Virtual Law Library (VLL)** – The VLL, <https://www.justice.gov/eoir/virtual-law-library>, is an online extension of the LLIRC. Members of the public may access the VLL on EOIR’s website to view immigration-related law and information online, including copies of published Board decisions.