

Secretary Napolitano Announces New Directives on Border Searches of Electronic Media



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[CBP Border Search of Electronic Devices Containing Information](#)

(PDF, 10 pages - 4.87 MB)

[ICE Border Searches of Electronic Media](#) *(PDF, 10 pages - 453 KB)*

[Privacy Impact Assessment: Border Searches of Electronic Information](#)

(PDF, 51 pages - 6 MB)

Department of Homeland Security (DHS) Secretary Janet Napolitano today announced new directives to enhance and clarify oversight for searches of computers and other electronic media at U.S. ports of entry—a critical step designed to bolster the Department’s efforts to combat transnational crime and terrorism while protecting privacy and civil liberties.

“Keeping Americans safe in an increasingly digital world depends on our ability to lawfully screen materials entering the United States,” said Secretary Napolitano. “The new directives announced today strike the balance between respecting the civil liberties and privacy of all travelers while ensuring DHS can take the lawful actions necessary to secure our borders.”

The new directives address the circumstances under which U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) can conduct border searches of electronic media—consistent with the Department’s Constitutional authority to search other sensitive non-electronic materials, such as briefcases, backpacks and notebooks, at U.S. borders.

The directives, available at DHS.gov, will enhance transparency, accountability and oversight of electronic media searches at U.S. ports of entry and includes new administrative procedures designed to reflect broad considerations of civil liberties and privacy protections—measures designed to ensure that officers and agents understand their responsibilities to protect individual private information and that individuals understand their rights.

Searches of electronic media, permitted by law and carried out at borders and ports of entry, are vital to detecting information that poses serious harm to the United States, including terrorist plans, or constitutes criminal activity—such as possession of child pornography and trademark or copyright infringement.

The DHS Privacy Office also released today a Privacy Impact Assessment, available at www.dhs.gov/privacy, in connection with the new directives to enhance public understanding of the authorities, policies, procedures and controls employed by DHS during border searches of electronic data to protect individuals’ privacy. The DHS Office for Civil Rights and Civil Liberties (CRCL) will also conduct a Civil Liberties Impact Assessment within 120 days.

In conjunction with the Privacy Office and CRCL, CBP will ensure training materials and procedures promote fair and consistent enforcement of the law relating to electronic media searches. CBP will also provide travelers subject to electronic device searches with clear and concise material informing them of the reasons for the search, how their data may be used and detailed information about their constitutional and statutory rights.

DHS conducts border searches of computers and other electronic media on a small percentage of international travelers seeking to enter the United States—searches often as basic as asking a traveler to turn on a device to ensure it is what it appears to be.

Between Oct. 1, 2008, and Aug. 11, 2009, CBP encountered more than 221 million travelers at U.S. ports of entry. Approximately 1,000 laptop searches were performed in these instances—of those, just 46 were in-depth.

The new directives will also allow DHS to develop automated, comprehensive data collection and analytic tools to facilitate accurate, thorough reporting on electronic media searched at the border, the outcomes of those searches and the nature of the data searched—further enhancing transparency and accountability.

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