Knight First Amend. Inst. at Columbia Univ. v. Dep't of Homeland Sec.
No. 1:17-cv-00548-TSC

Defendants' Combined Reply in Support of Their Motion for Summary Judgment and Opposition to Plaintiff's Cross Motion for Summary Judgment

Ex. F

U.S. Customs and Border Protection

Inspection of Electronic Devices

Why You May Be Chosen for an Inspection

You may be subject to an inspection for a variety of reasons, some of which include: your travel documents are incomplete or you do not have the proper documents or visa; you have previously violated one of the laws CBP enforces; you have a name that matches a person of interest in one of the government's enforcement databases; or you have been selected for a random search.

If you are subject to inspection, you should expect to be treated in a courteous, dignified, and professional manner. Because the border is a law enforcement environment, CBP officers may not be able to answer all of your questions about an examination that is underway. If you have concerns, you can always ask to speak with a CBP supervisor.

Authority to Search

All persons, baggage, and merchandise arriving in, or departing from, the United States are subject to inspection, search and detention. This is because CBP officers must determine the identity and citizenship of all persons seeking entry into the United States, determine the admissibility of foreign nationals, and deter the entry of possible terrorists, terrorist weapons, controlled substances, and a wide variety of other prohibited and restricted items. Various laws that CBP is charged to enforce authorize such searches and detention (see, for example, 8 U.S.C. § 1357 and 19 U.S.C. §§ 1499, 1581, 1582).

What Happens Now?

You're receiving this sheet because your electronic device(s) has been detained for further examination, which may include copying. You will receive a written receipt (Form 6051-D) that details what item(s) are being detained, who at CBP will be your point of contact, and the contact information (including telephone number) you provide to facilitate the return of your property within a reasonable time upon completion of the examination.

The CBP officer who approved the detention will speak with you and explain the process, and provide his or her name and contact telephone number if you have any concerns. Some airport locations have dedicated Passenger Service Managers who are available in addition to the onsite supervisor to address any concerns.

Return or Seizure of Detained Electronic Device(s)

CBP will contact you by telephone when the examination of the electronic device(s) is complete, to notify you that you may pick-up the item(s) during regular business hours from the location where the item(s) was detained. If it is impractical for you to pick up the device,

(continue on back)

(Return or Seizure of Detained Electronic Device(s) continue)

CBP can make arrangements to ship the device to you at our expense. CBP may retain documents or information relating to immigration, customs, and other enforcement matters only if such retention is consistent with the privacy and data protection standards of the system in which such information is retained. Otherwise, if after reviewing the information, there exists no probable cause to seize it, CBP will not retain any copies.

If CBP determines that the device is subject to seizure under law – for example, if the device contains evidence of a crime, contraband or other prohibited or restricted items or information – then you will be notified of the seizure as well as your options to contest it through the local CBP Fines, Penalties, and Forfeitures Office.

Privacy and Civil Liberties Protection

In conducting border searches, CBP officers strictly adhere to all constitutional and statutory requirements, including those that are applicable to privileged, personal, or business confidential information. For example, the Trade Secrets Act (18 U.S.C. § 1905) prohibits federal employees from disclosing, without lawful authority, business confidential information to which they obtain access as part of their official duties. Moreover, CBP has strict oversight policies and procedures that implement these constitutional and statutory safeguards. Further information on DHS and CBP privacy policy can be found at *www.dhs.gov/privacy.*

The DHS Office for Civil Rights and Civil Liberties investigates complaints alleging a violation by DHS employees of an individual's civil rights or civil liberties. Additional information about the Office is available at *www.dhs.gov/civilliberties.*

Additional information on CBP's search authority, including a copy of CBP's policy on the border search of information, can be found at: *www.cbp.gov/xp/cgov/travel/admissibility/.*

Privacy Act Statement

Pursuant to 5 U.S.C. § 552a (e)(3), this Privacy Act Statement serves to inform you of the following concerning the possible collection of information from your electronic device.

AUTHORITY and PURPOSE: See above, **Authority to Search.**

ROUTINE USES The subject information may be made available to other agencies for investigation and/or for obtaining assistance relating to jurisdictional or subject matter expertise, or for translation, decryption, or other technical assistance. This information may also be made available to assist in border security and intelligence activities, domestic law enforcement and the enforcement of other crimes of a transnational nature, and shared with elements of the federal government responsible for analyzing terrorist threat information.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: Collection of this information is mandatory at the time that CBP or ICE seeks to copy information from the electronic device. Failure to provide information to assist CBP or ICE in the copying of information from the electronic device may result in its detention and/or seizure.

CBP INFO Center Contacts

CBP INFO Center – This office responds to general or specific questions or concerns about CBP examinations. You may contact us in any one of three ways:

Telephone – During the hours of 8:30 a.m. to 5 p.m. Eastern time:
(877) 227-5511 (toll-free call for U.S. callers)
(703) 526-4200 (international callers)
(866) 880-6582 (TDD)

Online through the "Questions" tab at:
http://www.cbp.gov

Mail address format:
CBP INFO Center (Rosslyn, VA)
1300 Pennsylvania Avenue NW Washington, D.C. 20229

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