



Border Search of Electronic Devices

All persons, baggage, and merchandise arriving in, or departing from, the United States are subject to inspection by U.S. Customs and Border Protection (CBP). This search authority includes all electronic devices crossing our nation's borders.

What to Expect

You are receiving this document because CBP intends to conduct a border search of your electronic device(s). This may include copying and retaining data contained in the device(s). The CBP officer conducting the examination will speak with you and explain the process.

Travelers are obligated to present electronic devices and the information resident on the device in a condition that allows for the examination of the device and its contents. Failure to assist CBP in accessing the electronic device and its contents for examination may result in the detention of the device in order to complete the inspection.

Throughout CBP's inspection, you should expect to be treated in a courteous, dignified, and professional manner. As border searches are a law enforcement activity, 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.

CBP will return your electronic device(s) prior to your departure from the port of entry unless CBP identifies a need to temporarily detain the device(s) to complete the search or the device is subject to seizure. If CBP detains or seizes your device(s), you will receive a completed written custody receipt detailing the item(s) being detained or seized, who at CBP will be your point of contact, and how to contact them. To facilitate the return of your property, CBP will request contact information.

Should you have additional questions or concerns, please contact the telephone number provided on the written custody receipt.

Return or Seizure of Detained Electronic Device(s)

If your device or devices are temporarily detained, CBP will contact you when the examination of your electronic device(s) is complete to notify you that you may pick up the item(s) from the location where the item or items were detained. If it is impractical for you to pick up your device, CBP can make arrangements to return your device to you.

If CBP determines that the detained device(s) is subject to seizure under law – for example, if the device or devices are subject to forfeiture or contain 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 the seizure through the local CBP Fines, Penalties, and Forfeitures Office.

Data Use

CBP may retain a copy of the information from a border search of an electronic device in the following circumstances:

- 1) when CBP determines there is probable cause to believe that the contents of the electronic device contains evidence of a violation of law that CBP is authorized to enforce or administer; or
- 2) the information relates to immigration, customs, and other enforcement matters.

Any retention is consistent with applicable system of records notices, as well as CBP privacy and data protection standards.

The information obtained during the course of this search may be made available to other agencies if CBP determines there is a need for further investigation, to obtain assistance such as subject matter expertise, translation assistance, decryption, or other technical assistance; or the disclosure is consistent with the Privacy Act and CBP privacy and data protection standards. As a federal law enforcement agency, CBP may share lawfully seized and/or retained

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information with other federal, state, local, and foreign law enforcement agencies responsible for analyzing threat information and in furtherance of law enforcement investigations, counterterrorism, and prosecutions (consistent with the routine uses contained in the applicable system of records notices).

More information is available at www.dhs.gov/privacy-impact-assessments. Click on "CBP" at the left and then "DHS/CBP-PIA-008 Border Searches of Electronic Devices."

Authority to Search and Purpose of Search

Border searches are conducted in furtherance of CBP's statutory responsibilities and to ensure compliance with federal laws that CBP enforces or administers at the border and in support of its immigration, customs, agriculture, and counterterrorism missions. Among other things, CBP officers may conduct border searches to determine the identity and citizenship of all persons seeking entry into the United States, determine the admissibility of foreign nationals, and deter and prevent the entry of possible terrorists, terrorist weapons, controlled substances, and a wide variety of other prohibited and restricted items. Border searches are authorized by the following legal authority: 6 U.S.C. §§ 202, 211; 8 U.S.C. §§ 1225, 1357; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a(d); 31 U.S.C. § 5317; 22 U.S.C. § 401; and other pertinent laws and regulations relating to immigration, customs, monetary instruments, and exports.

A copy of CBP's policy on the border search of information, can be found at: <https://www.cbp.gov/travel/cbp-search-authority>.

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. CBP has strict oversight policies and procedures that implement these constitutional and statutory safeguards. Further information on U.S. Department of Homeland Security (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 <https://www.dhs.gov/topics/civil-rights-and-civil-liberties>.

DHS Travel Redress Inquiry Program (DHS TRIP)

DHS TRIP provides a single portal for travelers who have inquiries or seek resolution regarding difficulties they experienced during travel screening or while crossing U.S. borders. To initiate an inquiry, please log onto DHS TRIP's website at: www.dhs.gov/trip. There you will be prompted to describe your particular concern and experience, provide contact information to which a response will be directed, and be assigned a case number to help monitor progress of your inquiry. In addition, depending on your inquiry, documentation may be required.

CBP Information Center

This office responds to general or specific questions or concerns about CBP processing. You may contact this CBP office in any one of three ways:

Telephone — During the hours of 8:30 a.m. to 5:00 p.m. Eastern time:

(202) 325-8000 (international callers)

(877) 227-5511 (toll-free call for U.S. callers)

(866) 880-6582 (TDD)

Online through the CBP Information Center Website at:

<https://help.cbp.gov>

Mail address format:

U.S. Customs and Border Protection

IPL/CBP INFO Center

1300 Pennsylvania Avenue N.W., MS 1345

Washington, D.C. 20229