

Enclosure II
INTERCONNECTION SECURITY AGREEMENT

Memorandum of Understanding
Between the U.S. Customs Service
and the U.S. Coast Guard
for Use of the
Treasury Enforcement Communications System (TECS)

Dated: MAY - 5 1994

The U.S. Customs Service (hereinafter Customs Service), as System Manager, and the U.S. Coast Guard (hereinafter Coast Guard) agree to the following Memorandum of Understanding (MOU) provisions for use of the Treasury Enforcement Communications System (hereinafter TECS) and for protection of the sensitive law enforcement information contained therein.

I. Introduction

There is a recognized need to promote the sharing of sensitive law enforcement information between the Federal law enforcement agencies. TECS was designed to support this need by providing multi-agency access to a common database of enforcement data supplied by the participating agencies. The Customs Service is both a user of TECS and the system manager. In operating a multi-agency enforcement system, it is imperative that the participating agencies observe common procedures to provide adequate security, data integrity and performance. This MOU is needed to document those procedures.

The Interagency Border Inspection System (IBIS), a multi-agency mechanism for providing support to the nation's border security mission, is a further requirement for this MOU. As defined in the IBIS Charter and accompanying procedures, TECS is the designated clearinghouse for the border security information supplied by the IBIS agencies. An MOU between the Customs Service and IBIS requires the Customs Service, as the system manager of TECS, to take the necessary actions to collect, maintain, and protect this information, and to make this information available to the IBIS agencies. In response to this mandate, and as prescribed by the IBIS data sharing procedures, the Customs Service is entering into individual MOU's with the IBIS agencies to document the agreements necessary to effectively share and protect the IBIS information maintained in TECS.

II. Statement of Purpose

This MOU is intended to document the agreement between the Customs Service and the Coast Guard for the use of TECS, the protection of TECS data, and the adherence to common procedures for the effective sharing of sensitive law enforcement and related information.

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III. Agreement**A. Standard Terms for all Agencies Using TECS:**

1. TECS is the repository for data from many separate agency sources. This data includes sensitive law enforcement information from Federal law enforcement agencies. Each agency supplying data is considered to be the owner of that data and is responsible for its content and validity. In accepting this responsibility, the Coast Guard agrees to comply with the TECS Data Standards, Customs Service Directive Number 4320-03 issued July 20, 1990, and, for the transmission of data to TECS, the IBIS Data Exchange Procedures, dated October 3, 1991, and its addendum dated March 25, 1993.
2. A "TECS user agency" is defined as an agency that has been granted access to TECS. TECS user agency "personnel" are defined as duly authorized employees of, or assigned to, a TECS user agency. "TECS users" are defined as TECS user agency personnel that have been granted individual access to TECS.
3. The Customs Service is responsible for ensuring the integrity of the agency records after they are supplied to TECS and for maintaining safeguards to prevent any unauthorized disclosure of the data. Disclosure of the data will be consistent with the Privacy Act, 5 U.S.C. 552a and other applicable law. The Coast Guard agrees that their access to TECS does not make TECS a Coast Guard "system of records" for Privacy Act purposes and agrees to rely on the Customs Service, as the system manager for TECS, to publish all notifications concerning the TECS system of records required by the Privacy Act. The Customs Service agrees to publish and maintain all Federal Register notification for the TECS system of records pursuant to the Privacy Act. Further, the Coast Guard agrees not to place records accessed through TECS into a separate system of records, unless specifically authorized in section III.B. of this MOU.
4. The Coast Guard agrees to comply with the appropriate administrative security provisions related to the use and dissemination of the information in TECS and to consider all information in TECS as "Unclassified, For Official Use Only."

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5. The information in TECS is covered by the provisions of the "third agency rule." Pursuant to this principle, the Coast Guard agrees not to disclose Level 2, 3, or 4 data (i.e., records restricted to agency, group or individual access) to third parties without the prior knowledge and consent of the owning agency. TECS Level 1 records (i.e., those records that are available to all TECS users) may be disclosed to third parties, if otherwise authorized by law, without prior knowledge or consent of the owning agency, only under the following conditions:
- the third party must be an employee or detailee of one of the TECS user agencies (this information cannot be further disclosed to parties who are not TECS user agency personnel without approval from the owner of that information);
 - the material being disclosed must include labeling indicating that the information is "For Official Use Only";
 - in the case of information on persons, an automated CF-191 Record of Disclosure must be completed to document the disclosure; and,
 - the records are not Immigration and Naturalization (INS) NAILS records which, because they originate from multiple sources, cannot be disclosed without the prior consent of INS.

The "third agency rule" also covers requests for data made under the FOIA. The Coast Guard agrees that, in responding to FOIA requests, they will restrict such processing to Coast Guard systems of records and will exclude TECS from such processing. Should the inclusion of TECS records be required for any FOIA requests, such FOIA requests will be forwarded to the U.S. Customs Service, Special Investigations Division - FOIA, for handling.

6. The Coast Guard agrees to designate a National System Control Officer (SCO) who will be responsible for implementing the Coast Guard policy for TECS use and coordinating the designation and assignment of TECS access for all applicable employees in the Coast Guard. Further, the National SCO will serve as the single point of contact within the Coast Guard for general TECS access and use issues. Local SCO's, if assigned, will be authorized contact with the Customs Service to add, change, modify, and delete TECS users under their direct control in accordance with the policies and procedures established by the National SCO.

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7. Unless exempted by the Commissioner, U.S. Customs Service, all TECS users must have a completed background investigation of one of the following types. Access to TECS functions and data will be limited depending on the type of background investigation that has been completed, as described below.

- Type 1: NCIC, TECS and Credit Checks. Users with this type of background investigation will be limited to basic TECS functions including sign-on, main menu, E-Mail, "Daily News," and entry/query of subject records. These users may only access records owned by the user's agency.
- Type 2: National Agency Check with Inquiries (NACI), conducted in accordance with the criteria in the Federal Personnel Manual (FPM) Section 736-13, and NCIC, TECS and credit checks. Users with this type of background investigation may have access to any of the functions authorized for the user's agency with the exception of: supervisory approval functions, internal affairs functions, and System Control Officer (SCO) functions. These users may also access level 1 data from other agencies, but are denied access to higher level data from other agencies.
- Type 3: Full-field background investigation which has been conducted in accordance with the criteria in the Federal Personnel Manual (FPM) Section 736-13. Users with this type of background investigation may be given access to any of the functions and data authorized for use by the Coast Guard (as defined in section III. B.).

Coast Guard Exemption - The Customs Service agrees to the following special background investigation procedures for Coast Guard military personnel:

- Type 2: A National Agency Check (NAC) with a full-field investigation on any derogatory information developed in accordance with the Coast Guard Personnel Security Program Manual (COMDTINST M5520.12), plus NCIC, TECS and credit checks.
- Type 3: A single-scope background investigation will be conducted in accordance with the Coast Guard Personnel Security Program Manual (COMDTINST M5520.12) and National Security Directive 63.

The Coast Guard is responsible for ensuring that no Coast Guard employee will be granted access to TECS without one of these types of completed background investigations. Twice yearly, the Customs Service will supply the Coast Guard National SCO with a computer listing of all Coast Guard TECS users and their type of background investigation. The

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National SCO will be required to sign this listing verifying that completed background investigations, of the specified type, are on file with the Coast Guard, and return the signed listing to the Customs Service within 30 calendar days. The Customs Service will periodically conduct audits to verify compliance with this requirement.

8. The Coast Guard agrees to distribute to its TECS users the TECS USER SECURITY HANDBOOK and take steps to ensure that these users abide by the provisions of this document. As part of this responsibility, the Coast Guard agrees to conduct annual audits of compliance with this handbook, and provide the results of these audits to the Director, Office of Enforcement Systems. The Customs Service will also verify compliance with this requirement through a Computer Based Training course and an automated certification test. All Coast Guard users will be required to pass this certification test in order to access any functions or data in TECS.
9. As a member of the IBIS Steering Committee, the Coast Guard agrees to provide a senior management representative to attend the Steering Committee's meetings. The Coast Guard also agrees to provide a working level representative for the IBIS Users Group meetings.
10. The automated functions within TECS for adding, updating, reporting, retrieving, or otherwise processing information are the responsibility of the Customs Service. Any additions, enhancements, or modifications to these automated functions desired by the Coast Guard will be designed, developed, and implemented by the Customs Service according to requirements and specifications supplied by the Coast Guard and approved by the Customs Service.
11. TECS provides users with access to the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS) through interfaces governed by agreements between the Customs Service and the managers of these systems. The Coast Guard agrees to abide by these agreements (copies attached) in its use of these interfaces.
12. The Coast Guard has the option of designating the data it enters into TECS as access Level 1, 2, 3, or 4, and to specify which TECS users may access this data. The Coast Guard understands and agrees that any data it provides to TECS and designates as Level 1 will be accessible to all TECS users. Further, the Coast Guard understands and agrees that this Level 1 data may be disseminated to other TECS user agencies, without prior notification to the Coast Guard, as stipulated in paragraph III.A.5. of this MOU.

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B. Terms Specific to the Coast Guard:

1. The Coast Guard is granted access to TECS data, functions, and other support as follows, subject to the background investigation limitations described in section III.A.7.

Data Access: The Coast Guard will have access to the following categories of records in TECS:

- TECS Level 1 records.
- TECS Level 2, 3, and 4 records owned by the Coast Guard and entered into TECS at the option of the Coast Guard consistent with paragraph III.B.2. of this MOU.
- TECS Level 3 and 4 records owned by another TECS user agency, with the owning agency's authorization. This authorization will be documented by a memorandum from the owning agency to the Director, Office of Enforcement Systems, US Customs Service, explicitly stating the records and access to be granted.
- Primary Query History (POH) records. These are records of the primary queries made at airports and land borders which can be used to identify individuals or vehicles entering the country.
- National Crime Information Center (NCIC) records. NCIC records including Federal warrants, stolen vehicles and plates, vehicles used in felonies, other stolen items, and criminal histories are available through the on-line interface between TECS and NCIC.
- National Law Enforcement Telecommunications System (NLETS) records. Records from the 50 states on criminal histories and motor vehicle registration data are available through the on-line interface between TECS and NLETS.
- Images associated with accessible records.

Access to Functions: The Coast Guard TECS users will have access to the following sets of functions. The specific subset of these functions authorized for each TECS user will be determined by the Coast Guard National SCO. Also, the records displayed or printed under these functions are limited to those authorized under the previous section on data access.

- User Profile Record (UPR) Functions: These functions allow TECS users to create, modify, retrieve, and display records describing users on the system. Only designated System Control Officers are authorized to create or modify records on TECS users other than themselves. Coast Guard users are required to update individual user profile records with current information.

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- **Subject Query and Update:** These functions allow TECS users to create, modify, and/or delete records on person, business, vehicle, vessel, and aircraft subjects, and to retrieve and display subject records based on the entry of query parameters. The modify and delete functions will only be available for records owned by the Coast Guard.
- **"Intell Alert" Query and Update:** The Coast Guard TECS users will have access to functions allowing them to create, modify, delete, and disseminate records providing intelligence related to inspection activities. These are called "Intell Alerts." Coast Guard TECS users will also be able to query, retrieve, and display these records. The modify and delete functions will only be available for records owned by the Coast Guard.
- **Record Linking:** This function retrieves and displays records that are related to records found during a subject or Intell Alert query.
- **Management Information Reports:** These functions allow TECS users to request formatted reports for display or printing.
- **NCIC/NLETS:** These functions allow queries to the FBI's NCIC and the criminal history and motor vehicle registration files of 48 states through the NLETS.
- **Printing:** This function allows TECS users to print records or groups of records retrieved through query functions or reports obtained through the management information function.
- **Primary Query History:** This function provides on-line query and display, or off-line reports, of historical information on primary queries performed at airports and land borders.
- **System Support:** This function includes "help," an on-line user guide, electronic mail, access to edit tables, and a variety of other general functions. Coast Guard TECS users will have access to all system support functions except those limited to Customs Service systems management staff and Internal Affairs staff. SCO functions will be limited to the designated National SCO and local SCO's.

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2. The Coast Guard agrees to share information at access Level 1 with the TECS community through the on-line entry of records, as appropriate, into the TECS database.
3. All data provided to TECS by the Coast Guard, whether entered on-line or transferred from Coast Guard databases, will be stored as Coast Guard-owned records in the TECS database. Only Coast Guard users will be allowed to modify or delete the records owned by the Coast Guard.

IV. Term of Agreement

1. This MOU will be effective from the date of signature. Except as provided below, it may be terminated by either party upon 30 days advance written notice to the other. This agreement, or any addenda to this agreement, or the termination of this agreement, will not affect any other agreement or addenda entered into between the Customs Service and other parties, or entered into between agencies that have access to TECS unless provided by the specific terms of these agreements and addenda. If this agreement between the Customs Service and the Coast Guard is terminated and the Coast Guard is signatory to other agreements between the Customs Service and other entities, those agreements will remain unaffected by the termination of this agreement.
2. The Customs Service reserves the right to suspend immediately furnishing data to the Coast Guard when either security or dissemination requirements are violated. The Customs Service may reinstate the Coast Guard to recipient status upon receipt and consideration of satisfactory assurances that such circumstances giving rise to the violation have been corrected. If resolution cannot be reached within 60 days of suspension, this may be considered basis for termination of the agreement in accordance with this section.

V. Revisions, Amendments, and Modifications

Revisions, amendments, and modifications to this agreement or its addenda may be made upon the written approval of the Customs Service and the Coast Guard and shall become effective upon the date of written approval by both.

