

Nlets: Questions and Answers

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Nlets (or NLETS, the National Law Enforcement Telecommunications System) plays an outsized and often opaque role in immigration enforcement. Nlets is a network through which information is shared between states, between states and the federal government, between federal agencies, and between all these entities in the U.S. and parallel entities abroad. Commercial businesses play an undefined role as Nlets “strategic partners,” and the system also provides hosting services to businesses that serve “law enforcement.”¹

¹ *Nlets 2019 Annual Report*, available from <https://www.nlets.org/nlets-resources/library>.

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Nlets's publicly available resources describe a system for sharing criminal justice and "public safety" information.² But its uses extend far beyond that, enabling the sharing of driver's license, vehicle registration, and biometric, biographical and other information in the service of civil immigration enforcement. And it is closely linked with commercial businesses that gather and share personal information in unregulated ways using Nlets.

Nlets's operations are intertwined with the work of federal and state agencies, and the system performs inherently governmental functions. But despite this intimate relationship, it is not run by the federal government or directly by individual states. Instead, it is a "private not for profit [*sic*] corporation owned by the States [*sic*] that was created more than 50 years ago by the 50 state law enforcement agencies."³ That institutional setup limits public information about Nlets and prevents meaningful accountability.

Despite the crucial role it plays in immigration enforcement, Nlets has received little attention. The U.S. Department of Homeland Security (DHS) has provided scant information about its use of Nlets, and the overall picture of how Nlets operates in the immigration context is hazy at best.

The questions and answers below outline some of what we know about Nlets and suggests steps advocates concerned about Nlets can take. This publication is a work in progress; we'll update it as we learn more.

■ What is Nlets?

According to the Nlets website:

Nlets is the premiere interstate justice and public safety network in the nation for the exchange of law enforcement-, criminal justice-, and public safety-related information

Nlets, is a private not for profit [*sic*] corporation owned by the States [*sic*] that was created more than 50 years ago by the 50 state law enforcement agencies. The user population is made up of all of the United States and its territories, all Federal agencies with a justice component, selected international agencies, and a variety of strategic partners that serve the law enforcement community-cooperatively [*sic*] exchanging data.

The types of data being exchanged vary from motor vehicle and drivers' data, to Canadian and Interpol databases located in Lyon France, to state criminal history records and driver license and corrections images. Operations consist of more than 1.6 billion transactions a year to over 1 million personal computer, mobile and handheld devices in the U.S. and Canada at 45,000 user agencies and to 1.3 million individual users.⁴

For a list of transactions available through Nlets, see the *Nlets Wiki/User Guide* table of contents (included as Appendix A, below).⁵

² "Who We Are: Mission and Vision," <https://www.nlets.org/about/who-we-are>.

³ *Id.*

⁴ *Id.* Interpol's full name is International Criminal Police Organization. It is an intergovernmental organization, with 194 member countries. "What is INTERPOL?," <https://www.interpol.int/en/Who-we-are/What-is-INTERPOL>.

⁵ "Contents," *Nlets Wiki/User Guide*, <https://wiki.nlets.org/index.php/Contents>.

■ Which federal agencies that play a role in immigration enforcement or immigration benefits are Nlets “core members”?

Three U.S. Department of Homeland Security agencies — U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) — are “core members” of Nlets. The U.S. Department of Justice, the Federal Bureau of Investigation (FBI)/National Crime Information Center (NCIC), and the U.S. Department of State also are core members. Core members are Nlets “strategic partners.”⁶

■ What state driver’s license information can ICE obtain through Nlets?

Nlets transmits a wide range of personal information contained in state department of motor vehicle (DMV) records that ICE uses in immigration enforcement. According to ICE’s response to a Freedom of Information Act (FOIA) request, “Law enforcement (including ICE) has access to DMV data, primarily through NLETS. But that is on a case by case [sic] basis - [sic] not bulk.”⁷ Despite its claimed reliance on Nlets, ICE failed to provide details about its use.⁸ And the California Department of Justice claimed to have no information regarding the California DMV’s use of Nlets,⁹ though we understand that DHS agencies are able to obtain DMV records (with the exception of driver’s license photos) through Nlets.

ICE can’t use Nlets to obtain the records of everyone who has a license issued without proof of immigration status. But it can obtain a broad array of DMV information by making a single request that goes to all states (assuming a state’s system supports this) if it can provide an individual’s name, date of birth, and sex, or a license number. In return, it may receive a driver’s name, address, date of birth, physical description, Social Security number, license type, driver’s restrictions, license status, license number, and sometimes a photo (driver’s license photos are available only from states that permit this). Nlets consolidates a multi-state response in a single response.¹⁰

⁶ *Nlets Overview* (PowerPoint), available from <https://www.nlets.org/about/hosting> (under “Most Recent Library Items”).

⁷ Email message from (redacted) to (redacted), subject: “Re. NYT: California Driver's License Program Hits an Unexpected Snag,” Mar. 4, 2014, obtained from DHS in response to a Freedom of Information Act request, www.nilc.org/wp-content/uploads/2016/05/batesp413.pdf.

⁸ *Documents Obtained Under Freedom of Information Act: How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information* (NILC, May 2016), www.nilc.org/issues/drivers-licenses/ice-dmvs-share-information/.

⁹ *How California Driver’s License Records Are Shared with the Department of Homeland Security* (ACLU of Northern California and National Immigration Law Center, Dec. 2018), www.nilc.org/issues/immigration-enforcement/how-calif-dl-records-shared-with-dhs/.

¹⁰ “Section 13: Driver License Transactions” (subsection titled “Multi-State Query Functionality”), *Nlets Wiki/User Guide*, https://wiki.nlets.org/index.php/Section_13:_Driver_License_Transactions#Multi-State_Query_Functionality. The *Nlets Wiki/User Guide* does not specify which states participate in this message type.

Figure 1: Nlets Graphic Illustrating “Multi-State Query Functionality”

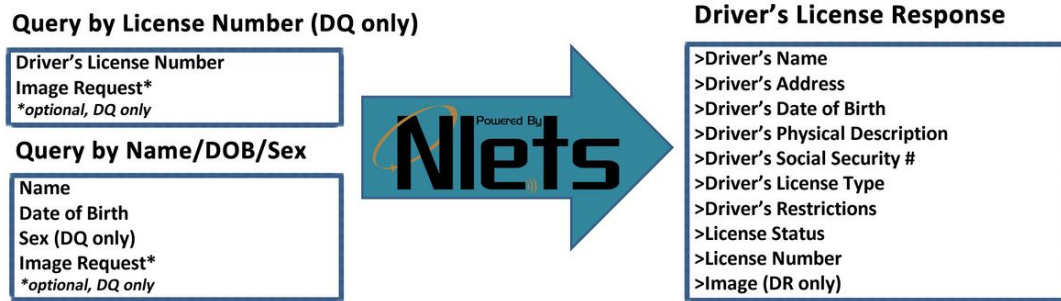


IMAGE URL: <https://wiki.nlets.org/images/0/05/Section13-DQ.jpg>

If ICE does not provide an exact date of birth, it may direct its inquiry only to an individual state.

ICE may also send a name-only query by providing a first and last name. The response from individual states that allow this may include the address, sex, date of birth, physical description, Social Security number, driver’s license number, type of license, restrictions and/or license status.¹¹

Figure 2: Nlets Graphic Illustrating “Driver’s Name-Only Query/Response (DNQ/DNR)”

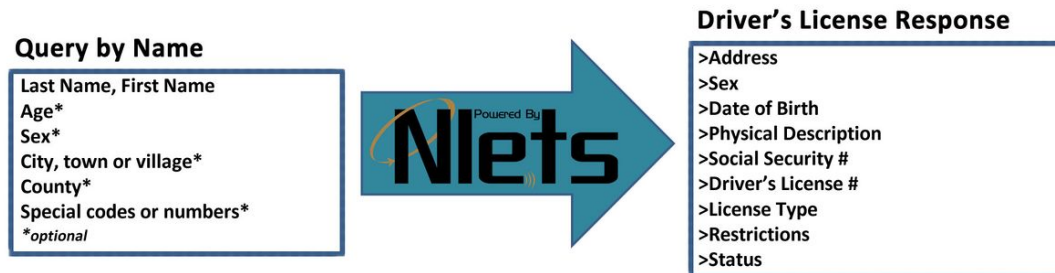


IMAGE URL: <https://wiki.nlets.org/images/2/28/Section13-DNQ.jpg>

■ **Can ICE obtain bulk driver’s license information about immigrants through Nlets?**

It does not appear that ICE can, for example, use Nlets to gather information, in a single query, about *all* drivers in a state who’ve been issued a driver’s license without having to show proof of lawful immigration status in the U.S. (in states that issue licenses without requiring such proof). That’s because Nlets queries must contain individualized information; i.e., the requester must fill in standardized fields and provide specific codes that relate to an individual, and the information returned corresponds only to those standardized fields and codes. However, a single query can be used to obtain information about the individual from all states that have information about that person (if a state’s system supports this).

¹¹ “Section 13: Driver License Transactions” (subsection titled “Driver’s Name-Only Query Response (DNQ/DNR)”), *Nlets Wiki/User Guide*, https://wiki.nlets.org/index.php/Section_13:_Driver_License_Transactions#Driver.27s_Name-Only_Query_.2F_Response_.28DNQ.2FDNR.29. The *Nlets Wiki/User Guide* does not specify which states participate in this message type.

■ **What driver history information can ICE obtain through Nlets?**

ICE can obtain driver history information by providing an individual’s name, date of birth, and sex, or a license number. A response may include name, address, date of birth, physical description, Social Security number, license type, driver’s restrictions, license status, license number, and image (a driver’s license photo is available only in states that permit this). Driver history requests can be made only to a single state.¹²

■ **Can ICE obtain driver’s license photos through Nlets?**

Nlets also has a service that allows state driver’s license photos to be shared among members. But not all states participate in this photo-sharing service,¹³ which indicates that states may limit their participation in Nlets.

Figure 3: Nlets Map Illustrating “NISP - DL Photo Sharing”

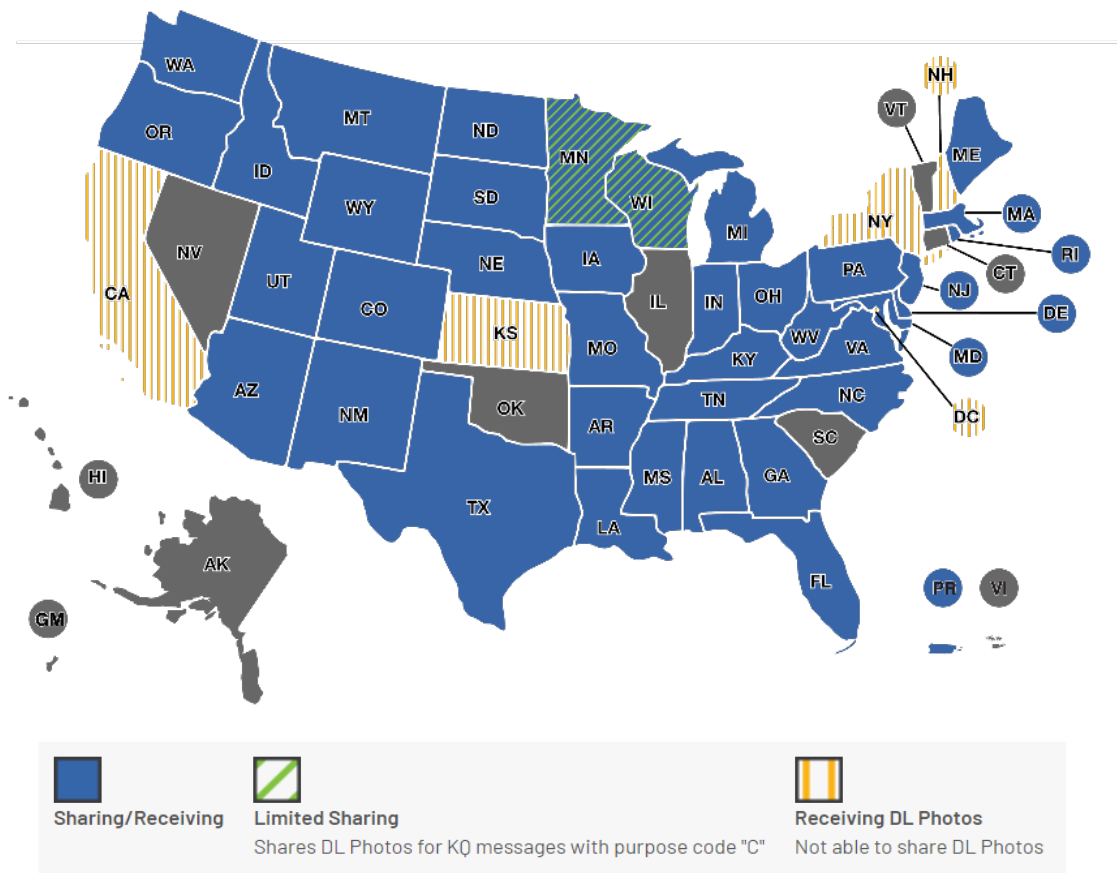


IMAGE URLs: map – <https://www.nlets.org/our-members/grantmaps?imageid=be645ff6-e534-11e9-9f73-00155d003202>;
 legend – <https://www.nlets.org/our-members/grantmaps?mapid=d26b4e70-934e-11e3-9a61-00155d003202>

¹² “Section 14: Driver History Transactions,” *Nlets Wiki/User Guide*, https://wiki.nlets.org/index.php/Section_14:_Driver_History_Transactions#Driver_History_Transactions_.28KQ.2FKR.29.

¹³ “Our Members,” <https://www.nlets.org/our-members/grantmaps?mapid=d26b4e70-934e-11e3-9a61-00155d003202>. The map on this webpage shows which states participate in photo-sharing and the nature of their participation.

■ What motor vehicle registration information can ICE obtain through Nlets?

ICE may obtain the license number, license type, license year, vehicle identification number (VIN), vehicle model, vehicle style, and vehicle color for up to two vehicle matches through an inquiry by license plate, license year, and license type, or by VIN, vehicle make (optional), and vehicle manufacture year (optional).

A single inquiry for vehicle registration information may be sent to all states if the state's system supports this.

ICE may also obtain vehicle registration information through a name-only inquiry, but its request can only be sent to a single state.¹⁴

■ Can states limit access to DMV information through Nlets?

According to DHS, New York is preventing DHS access to DMV information through Nlets by rejecting the originating requester code (ORI) that DHS must provide as a requester.

In 2019, New York passed A3675, which makes standard driver's licenses available without regard to an applicant's citizenship or immigration status.¹⁵ Section 2 of the law limits disclosure of records regarding standard licenses to any agency that primarily enforces immigration law unless the DMV is presented with a lawful court order or judicial warrant signed by an Article III judge.¹⁶ It also requires persons or entities that have access to DMV records to certify that they won't use them for civil immigration purposes and limits their ability to disclose the records to agencies that primarily enforce immigration law. In addition, it requires certifying agencies to maintain, for five years, records of their uses of driver's license records and information and disclosures to persons or entities that primarily enforce immigration law.

DHS then banned New York residents from enrolling or reenrolling in programs, such as Global Entry, that enable vetted and approved travelers entering the U.S. to expedite the border clearance process. In response to litigation filed by the New York Civil Liberties Union challenging the ban, DHS and its component agencies complained, among other claims, that A3675 prevented their access to DMV records through Nlets.

According to ICE, "New York has blocked U.S. Immigration and Customs Enforcement (ICE) [through Nlets] by ORI codes, and has instructed all law enforcement agencies/departments with access that providing New York DMV records to ICE will result in a loss of access to their agency."¹⁷

¹⁴ "Section 12: Vehicle Registration Transactions," *Nlets Wiki/User Guide*,

https://wiki.nlets.org/index.php/Section_12:_Vehicle_Registration_Transactions#Vehicle_Registration_Transactions_.28RQ.2FRR.2C_RQG_.26_RNQ.2FRNR.29.

¹⁵ Bill No. A03675, New York State Assembly,

https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A03675&term=2019&Summary=Y&Memo=Y&Text=Y.

¹⁶ Bill No. A03675, New York State Assembly, Sec. 2,

https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A03675&term=2019&Text=Y. "Agency that primarily enforces immigration law" is defined in New York's law to include, but not be limited to, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and any successor agencies having similar duties. The law was amended in 2020 to exempt from the limitation individuals seeking acceptance into a trusted traveler program or to facilitate vehicle imports and/or exports. A9508B/S7508, https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A9508-B&term=2019&Summary=Y&Text=Y.

¹⁷ "U.S. Immigration and Customs Enforcement Response to Operational Assessment of State Laws Restricting the Sharing of Department of Motor Vehicle Information with DHS" (U.S. Immigration and

Use of ORI codes to restrict access by ICE or CBP to DMV information through Nlets is a significant development and may be a significant tool for other states to use. It is unclear, however, how New York will monitor whether other agencies that are restricted from sharing DMV records with immigration enforcement agencies comply with that restriction.

We will continue to track how New York's restrictions are affecting DHS's access to DMV records through Nlets. And we encourage advocates in other states to investigate whether their states similarly can use ORI codes to accomplish this result, whether through legislation or administrative action.

It is important to note, however, that DHS may still have access to DMV records through other means. As DHS pointed out in the New York litigation, "In addition to access through Nlets, some states provide DHS law enforcement Components [*sic*] direct access to their DMV databases, and some states direct ICE to obtain data through their local fusion centers, through state and local partners, or through court orders. The amount of DMV information available to ICE [from DMVs] varies from state to state."¹⁸

■ What criminal justice information can ICE obtain through Nlets?

ICE may obtain criminal history information through a single request that goes to all states, simply by providing a name (combined with several other elements), Social Security number or "Miscellaneous Number." That inquiry will provide information that is not available through the National Crime Information Center's (NCIC's) Interstate Identification Index (III) and is intended to be used after an inquiry to the III. Inquiries may be made to five states at a time.¹⁹

ICE may also obtain parole, probation, and corrections information through Nlets.²⁰ Nlets requires users to enter one of five different indices: name/date of birth/sex, state ID number, FBI number, Social Security number, or miscellaneous number.

Customs Enforcement, Jan. 14, 2019), pp. 18–25 of Document 43-1, filed Apr. 24, 2020, in *Lewis-McCoy, et al. v. Wolf, et al.* (1:20-cv-01142-JMF) (S.D.N.Y.), p. 18. ORI is an abbreviation for Originating Agency Identification, and an ORI code identifies the agency making a request through Nlets. "Section 01: Introduction," *Nlets Wiki/User Guide*, https://wiki.nlets.org/index.php/Section_01:_Introduction#Control_Terminal.

¹⁸ Memorandum for the Acting Secretary from James W. McCament, Senior Official Performing the Duties of the Under Secretary, Office of Strategy, Policy, and Plans, U.S. Dept. of Homeland Security, subject: "Component Operational Impact Assessments of State Laws Restricting the Sharing of DMV Data with DHS" (Jan. 27, 2020), pp. 31–41 of Document 43-1, filed Apr. 24, 2020, in *Lewis-McCoy, et al. v. Wolf, et al.* (1:20-cv-01142-JMF) (S.D.N.Y.), pp. 31–32.

¹⁹ "Section 15: Criminal History Record Information Transactions (CHRI)," *Nlets Wiki/User Guide*, [https://wiki.nlets.org/index.php/Section_15:_Criminal_History_Record_Information_Transactions_\(CHRI\)#Multi-State_Query_Functionality](https://wiki.nlets.org/index.php/Section_15:_Criminal_History_Record_Information_Transactions_(CHRI)#Multi-State_Query_Functionality). See below for more information about the NCIC. The *Nlets Wiki/User Guide* does not indicate whether a "miscellaneous number" includes an Individual Tax Identification Number (ITIN), nor does it describe what criminal history information is not available through the III but is available through Nlets.

²⁰ "Section 17: Parole, Probation, Corrections Transactions," *Nlets Wiki/User Guide*, https://wiki.nlets.org/index.php/Section_17:_Parole,_Probation,_Corrections_Transactions#Parole.2C_Probation.2C_Corrections_Queries.

■ What immigration information does ICE provide through Nlets?

Nlets provides the means for ICE to share immigration information with requesting agencies.²¹ Through its Immigration Alien Transactions function, inquiries may be made to ICE's Law Enforcement Support Center to obtain a wide variety of immigration information, such as whether the individual has previously been deported, appears to be in the U.S. "legally" or "illegally," is a lawful permanent resident or naturalized citizen, or appears to be deportable but isn't currently wanted.

An inquiry not only provides immigration information to a requesting agency, it also notifies ICE that an individual has been arrested or is on probation, which enables ICE to take enforcement action.

Nlets is a member agency of ICE's Law Enforcement Information Sharing Services (LEISS or LEIS). According to a 2019 Privacy Impact Assessment, "The LEIS Service enables domestic law enforcement agencies outside of DHS to query certain information contained in DHS systems, and also permits authorized DHS law enforcement officials and analysts to query data from other law enforcement entities that have signed agreements with DHS to use the Service."²²

Among other things, "ICE is currently piloting a capability that permits ICE agents to query Canada through OBIM [DHS's Office of Biometric Identity Management] biometric systems using the Nlets portal on the LEISS network; since ICE will be able to send a query and receive a response, this pilot is considered a two-way service."²³

■ How is Nlets used for employment eligibility verification?

USCIS's E-Verify system uses Nlets to verify the validity of driver's license and state ID information used to prove identity for employment.²⁴ According to a Privacy Impact Assessment (PIA) for the E-Verify program, Nlets is an E-Verify "partner" and allows access to driver's license data in "nearly all 50 states, as well as the District of Columbia and Puerto Rico, under one single information sharing agreement."²⁵

The PIA explains that "E-Verify sends NLETS the driver's license or state ID number and, NLETS will return, [sic] the name, address, date of birth, physical description, Social Security number (SSN), driver's license type, restrictions, driver's license or state ID status, and

²¹ "Section 19: Immigration Alien Transactions," *Nlets Wiki/User Guide*,

https://wiki.nlets.org/index.php/Section_19:_Immigration_Alien_Transactions#Overview.

²² *Privacy Impact Assessment for the Law Enforcement Information Sharing Service (LEIS Service)* (DHS/ICE/PIA-051) (U.S. Dept. of Homeland Security, June 28, 2019),

https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-leiss-july2019_0.pdf, p. 1.

²³ *Id.*, p. 26.

²⁴ "The USCIS Verification Division is launching new enhancements in order to improve E-Verify These enhancements include: (1) a new interconnection to the National Law Enforcement Telecommunications System (NLETS)" *Privacy Impact Assessment Update for the E-Verify Program* (DHS/USCIS/PIA-030(g)) (U.S. Dept. of Homeland Security, June 18, 2019),

<https://www.dhs.gov/sites/default/files/publications/privacy-pia-dhsuscis030ge-verifynlets-june2019.pdf>, p. 1.

"E-Verify, authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), is an Internet-based service that allows participating employers to electronically verify the employment eligibility of their new employees to work in the United States." *Id.*

²⁵ *Id.*, p. 4.

driver's license or ID number"²⁶ The DMV information provided through Nlets is far more than what is required for E-Verify.

According to the PIA, "NLETS does not have a tailored response configuration for USCIS so the data elements that are not pertinent to the verification process (address, physical description, SSN, and restrictions) are not stored by USCIS. The address, physical description, SSN, and restrictions will not be sent to the audit logs and will never be made available to USCIS personnel, E-Verify participants, or USCIS systems."²⁷ Whether this is accurate is unclear in the absence of audits.

Employees who use a state driver's license or ID to prove identity for E-Verify purposes do not specifically consent to the use of Nlets to confirm their identity through access to state motor vehicle databases. The PIA claims that notice of the use of Nlets for this purpose is provided by the PIA and a System of Records Notice, the Privacy Act Notice located in the instructions for the I-9 Employment Eligibility Form, and E-Verify websites.²⁸ However, the I-9 instructions make no mention of USCIS's access to state driver's license records or Nlets's use for this.²⁹

It is unclear how or whether state laws limiting access to DMV information, such as Social Security numbers, limit USCIS's access to or use of that information through Nlets.

■ What role does Nlets play in sharing information about unaccompanied minors and their sponsors?

Federal agencies have used Nlets to transmit to the FBI and to ICE information available from the U.S. Department of Health and Human Services' (HHS's) Office of Refugee Resettlement about sponsors of unaccompanied minors seeking release from detention.

According to an August 2019 letter from ICE to the Legal Aid Justice Center, in investigating potential sponsors of detained immigrant children, "HHS submits biographic and biometric data via the International Justice and Public Safety Network (NLETS) to the FBI. The FBI creates an Immigration Alien Query (IAQ), which is transmitted to ICE via NLETS." In turn, "The Law Enforcement Support Center (LESC) transmits a biometric-based summary Immigration Alien Response (IAR), which is transmitted to HHS through NLETS."³⁰

Under a memorandum of agreement between HHS, ICE, and CBP, "[T]he Office of Refugee Resettlement (ORR) will provide ICE with the name, date of birth, address, fingerprints, and any available identification documents or biographic information regarding the potential UAC sponsor and all adult members of the potential sponsor's household."³¹ Responses are transmitted to the FBI and then to HHS via Nlets. That information may include FBI number, state identification number, NCIC number, name, date of birth, country

²⁶ *Id.*, p. 5.

²⁷ *Id.*, p.10.

²⁸ *Id.*, pp. 11-12.

²⁹ Instructions for Form I-9, Employment Eligibility Verification (U.S. Citizenship and Immigration Services, 10/21/2019 edition), <https://secure.i9.talx.com/Popups/Documents/I-9InstructionsNew.pdf>.

³⁰ Letter from Shiraz Panthaky, Chief, Government Information Law Division, Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement, to Rebecca Wolozin, Legal Aid Justice Center (August 30, 2019), <https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2019-09/JECMvHayes-TouhyResponse-08302019.pdf>, p. 2.

³¹ *Id.*, p. 1. UAC is the acronym for "unaccompanied alien children."

of birth, country of citizenship, “FIN,” alien registration number, mother’s first name, father’s first name, “File Control Office (FCO),” naturalization information (“Certificate Number, Date and Location”), Social Security number, last known address, removal proceedings and/or prior removal information.³²

However, section 224 of the 2019 Consolidated Appropriations Act provides:

SEC. 224. (a) None of the funds provided by this Act or any other Act, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used by the Secretary of Homeland Security to place in detention, remove, refer for a decision whether to initiate removal proceedings, or initiate removal proceedings against a sponsor, potential sponsor, or member of a household of a sponsor or potential sponsor of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) based on information shared by the Secretary of Health and Human Services.³³

It is unclear why Nlets would be the mechanism for transmission of biometric information between federal agencies and whether information about sponsors is currently shared between ORR, the FBI, and ICE through Nlets.

■ How does Nlets interact with businesses?

Nlets provides commercial businesses significant access to governmental databases but provides little specific information about how these businesses and Nlets interact. According to Nlets,

Nlets is proud to have created strong public/private partnerships with organizations that support law enforcement and first responders. These partnerships support our core business by serving the needs of our members and they allow qualified organizations to securely and appropriately utilize the national and international reach of Nlets for the benefit of the justice community. ...

First and foremost, strategic partners gain the opportunity to work with the U.S. states and territories, Federal agencies, associate and regional agencies, and other strategic partners that are already members of Nlets. And, second, strategic partners can join Nlets in realizing our vision to serve every stratum of the justice and public safety communities.³⁴

The Nlets website lists 34 companies as “strategic partners,”³⁵ but it provides scant information (via hyperlinks for each company) about what it means to be a strategic partner. For example:

³² *Id.*, p. 2. The term for which “FIN” is an acronym is not specified; it *may* mean “fingerprint identification number,” since that term appears in a list at the top of p. 2.

³³ Consolidated Appropriations Act, 2019, <https://www.congress.gov/116/bills/hjres31/BILLS-116hjres31enr.pdf>.

³⁴ “Nlets Partnerships,” <https://www.nlets.org/partnerships/nlets-partnerships>.

³⁵ “Strategic Partners,” <https://www.nlets.org/partnerships/strategic-partner-list>.

Datamaxx, one of the first Nlets Strategic Partners, uses its direct connection to Nlets to offer authorized customers NCIC and State information access from any platform, including desktop, web, mobile, and handheld devices. Also available are message switching, criminal history, e-citation, screening and access control, and information sharing solutions. Datamaxx has secure and appropriate access in order serve their customers as a switch maintenance provider.³⁶

The description provided for 17 of the 34 strategic partners is: “Uses securely limited access via Nlets to motor vehicle registration information necessary for the enforcement of traffic-related violations.”³⁷

The descriptions provided for 11 of the 34 strategic partners is: “Has secure and appropriate access across the Nlets network as approved by state control terminal agencies on behalf of requesting endpoint agencies.”³⁸

Descriptions provided for some companies — for example, the one for Datamaxx, above — describe their use of Nlets in sweeping, vague language. Or Nlets and how the company uses it are not even mentioned in the description provided, e.g.,

The IJIS Institute is a nonprofit alliance working to promote and enable technology in the public sector and expand the use of information to maximize safety, efficiency, and productivity. IJIS has members and associates working within and across several major public-sector domains as our areas of focus: Criminal Justice (Law Enforcement, Corrections, Courts), Public Safety (Fire, EMS, Emergency Management), Homeland Security, Health and Human Services, and Transportation.³⁹

Another example of this:

Rekor Recognition Systems, Inc. (REKOR) is a leading public safety and license plate recognition provider of, traffic management, automated traffic safety enforcement solutions, parking enforcement solutions, security, and surveillance. We provide innovative solutions to businesses, municipalities, states, and the U.S. military. Our combination of subject matter experts, leading proprietary technology, and superior customer service offers a unique solution for our customers.⁴⁰

We are unaware of the existence of any audits or other monitoring or oversight of how or under what conditions Nlets is used to give commercial entities access to information gathered and stored by government entities.

Nlets also provides “hosting services” to 39 businesses (many of them Nlets strategic partners).⁴¹ Its hosting service role supports a complex network of companies and systems that facilitate immigration enforcement.

³⁶ *Id.*

³⁷ *Id.* See, e.g., the description provided for BLS/Blue Line Services.

³⁸ *Id.* See, e.g., the description provided for 365 Labs.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ “Hosting Partners,” <https://www.nlets.org/partnerships/hosting-partner-list>.

For example, Forensic Logic’s COPLINK is hosted by Nlets.⁴² COPLINK is software designed for police that can consolidate data from many sources, aid collaboration, and help generate tactical leads. It enables law enforcement professionals to generate photo lineups, save their search history, and organize investigations to generate reports more easily.

COPLINK provides law enforcement agencies access to a wide range of personal information that then becomes available to ICE through a complex network of interlocking databases. According to a 2018 analysis by three immigrants’ rights organizations:

COPLINK contains diverse information on individuals, organizations, and vehicles, among other things, and allows users to filter individual searches by categories such as race, hair color, eye color, complexion, build, ethnicity, and country of origin, as well as employers, associates, hangout spots, and gang-related information.⁴³

Analysts have criticized COPLINK’s use of “predictive analytics” as leading to racial profiling and a “racist feedback loop.”⁴⁴

COPLINK has been integrated with the Thomson Reuters CLEAR (Consolidated Lead Evaluation and Reporting) database.⁴⁵ According to a Thomson Reuters shareholders resolution, “CLEAR consolidates public records across numerous databases, such as motor vehicle and arrest records, utilities, health care provider information, cellphone records, and license plate recognition.”⁴⁶ ICE uses CLEAR to track people whom it considers to be undocumented.⁴⁷

CLEAR also provides access to Vigilant Solutions’s license plate recognition system.⁴⁸ Vigilant Solutions obtains license plate location and surveillance from local law enforcement agencies and private businesses, and ICE can obtain this information for immigration enforcement through its contract with Vigilant Solutions. The widespread use of automated license plate recognition (ALPR) technology may violate the privacy rights of immigrants and U.S. citizens alike, and it may also violate state laws restricting the sharing of drivers’

⁴² “COPLINK” (webpage on website of Nlets hosting partner Forensic Logic), <https://forensiclogic.com/coplink/> (“agency data can be stored on-premise, or in our secure cloud environment at NLETS”).

⁴³ *Who’s Behind ICE? The Tech and Data Companies Fueling Deportations* (National Immigration Project of the National Lawyers Guild, Immigrant Defense Project, and Mijente, Oct. 23, 2018), https://mijente.net/wp-content/uploads/2018/10/WHO’S-BEHIND-ICE_-The-Tech-and-Data-Companies-Fueling-Deportations-_v1.pdf, pp. 46-47, citing George Joseph, “New Documents Reveal How ICE Mines Local Police Databases Across the Country,” *The Appeal*, Apr. 26, 2018, <https://theappeal.org/new-documents-reveal-how-ice-mines-local-police-databases-across-the-country-660e2dfddb3/>.

⁴⁴ *Id.* (*Who’s Behind ICE?*), pp. 53-54.

⁴⁵ “Partners,” <https://forensiclogic.com/partners/> (“By integrating Forensic Logic COPLINK with Thomson Reuters CLEAR, the best of public records and law enforcement data can be combined.”).

⁴⁶ Kim Lyons, “Thomson Reuters Faces Pressure Over ICE Contracts,” *The Verge*, May 21, 2020, <https://www.theverge.com/2020/5/21/21266431/thomson-reuters-ice-clear-software>.

⁴⁷ McKenzie Funk, “How ICE Picks Its Targets in the Surveillance Age,” *New York Times Magazine*, Oct. 3, 2019, <https://www.nytimes.com/2019/10/02/magazine/ice-surveillance-deportation.html> (hereinafter “How ICE Picks Its Targets in the Surveillance Age”).

⁴⁸ “CLEAR for Law Enforcement,” <https://legal.thomsonreuters.com/en/c/iacp>.

information for immigration enforcement.⁴⁹ ICE’s ALPR-related contract is not directly with Vigilant Solutions but instead with a Thomson Reuters subsidiary.⁵⁰

Publicly available information provided by Nlets leaves undefined and unexplained how the interrelated companies and systems operate through its role as a hosting service.

■ Is Nlets the same as the National Crime Information Center (NCIC) database operated by the FBI?

No. The NCIC is an FBI database containing, according to the FBI, “an electronic clearinghouse of crime data that can be tapped into by virtually every criminal justice agency nationwide, 24 hours a day, 365 days a year.”⁵¹ Despite the FBI’s designation of NCIC as a criminal database, it also includes civil immigration records, such as records of prior removal/deportation orders.⁵²

But Nlets and NCIC do operate in tandem. According to a privacy impact assessment for ICE’s Alien Criminal Response Information Management System (ACRIME), the NCIC-Nlets Web Service (NNWS) “uses a connection between the NLETS and the FBI’s NCIC. ICE uses NNWS to update a subject’s criminal record in FBI’s NCIC system, to connect to the Wants and Warrants Module, and for data exchange. Specifically, NNWS is used to query FBI’s NCIC system to receive criminal history information for the requested subject. NNWS is also used to distribute IARs back to the requesting agency and to submit updates to FBI lookout files.”⁵³

■ What are some of the problems with Nlets?

- Nlets acts like a government network, but its operation by a state-owned nonprofit may limit access to information through Freedom of Information Act or state public records requests.
- No overall picture exists of how Nlets operates to serve governmental and nongovernmental functions.
- Private companies have significant access to governmental information through Nlets, without meaningful regulation or oversight.
- No audits have been conducted of Nlets accuracy, reliability, and use.
- Use of Nlets may limit a state’s ability to protect information about its drivers/consumers and thereby undermines the effectiveness of state and local programs.

⁴⁹ Vasudha Talla, “Documents Reveal ICE Using Driver Location Data From Local Police for Deportations,” ACLU Immigrants’ Rights Blog, March 13, 2019, <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/documents-reveal-ice-using-driver-location-data>.

⁵⁰ “How ICE Picks Its Targets in the Surveillance Age,” note 47.

⁵¹ “National Crime Information Center (NCIC),” <https://www.fbi.gov/services/cjis/ncic>.

⁵² These records are currently housed in the NCIC’s “Immigration Violator File,” which, according to the FBI, contains civil immigration records “on criminal aliens whom immigration authorities have deported and aliens with outstanding administrative [i.e., civil] warrants of removal.” *Id.*

⁵³ *Privacy Impact Assessment Update for the Alien Criminal Response Information Management System (ACRIME)* (DHS/ICE/PIA-020(c)) (U.S. Department of Homeland Security, Sep. 28, 2018), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-acrime-september2018.pdf>, p. 6.

■ What are some unanswered questions about Nlets?

- If a state limits access to or use of its own networks, may ICE or other federal agencies obtain that same information through Nlets?
- How do commercial enterprises use Nlets, and which laws, regulations, or policies limit their access to and use of government records through Nlets?
- Why is Nlets the mechanism for information-sharing between federal agencies, and in which places does Nlets play that role?
- What role will Nlets play in the development of a giant federal biometrics database called Homeland Advanced Recognition Technology (HART)?

■ What can advocates do?

- Ask questions of your state agencies. Below are examples of questions regarding access to driver's license and vehicle registration information that you may consider raising in meetings with state officials or in drafting public records requests. You can also adapt these questions to other state databases that share information through Nlets:
 - Can federal and state law enforcement agencies, including DHS agencies, gain access to information in driver's license and vehicle registration databases through Nlets?
 - Are the state's criminal justice or other state and local networks an intermediary or access point between Nlets and driver's license or vehicle registration databases?
 - Can federal and state law enforcement agencies obtain driver's license and vehicle registration databases through Nlets if they are not authorized users of a state's criminal justice information system(s) or other state and local information systems and networks?
 - Does your state's system support a multi-state request by DHS through Nlets for driver's license or vehicle registration information?
 - Does your state's system support a request by DHS for driver's license information by name only?
 - Can your state limit DHS's access to driver's license or vehicle registration information through Nlets by blocking requests made with ICE's or CBP's Originating Agency Identification (ORI) code?
 - Can DHS agencies find out, through Nlets, an individual's country of birth?
 - Can DHS agencies find out, through Nlets, whether an individual has been issued a non-REAL ID license?
 - Are DHS agencies able to learn through Nlets whether an individual has a license issued to people who have not proved that they have lawful immigration status in the U.S.?
 - Does your state share Social Security numbers through Nlets?
 - Does your state share driver's license photographs with DHS agencies through Nlets?
 - Does your state provide driver's license or vehicle registration information to commercial entities through Nlets?
 - Can you show us a sample DHS agency query made to Nlets for information in driver's

license and vehicle registration databases, as well as the results of that query?

- What audits or records does the state maintain of DHS’s use of Nlets to obtain driver’s license and vehicle registration information?
- Explore how your state can limit transmissions through Nlets.
- Demand that your state not permit Nlets to undercut its statutory and administrative restrictions on sharing immigrants’ personal information, such as whether an individual has a Social Security number, the type of identity documents submitted, and the use of driver’s license information for immigration enforcement.⁵⁴
- Demand that your state not participate in Nlets photo-sharing.

■ Conclusion

Nlets plays a significant role in supporting a sweeping system of surveilling and monitoring immigrants and citizens. Given the potential consequences for the people whose personal information is shared — and the threat posed by Nlets and related/associated information system to *everyone’s* privacy — it is critical that we understand and are able to limit how it is used.

⁵⁴ For information on steps that states have taken to protect the confidentiality of driver’s license–related information, see *Protecting State Driver’s License Information* (NILC June 2020), www.nilc.org/issues/drivers-licenses/protecting-state-drivers-license-information/.

APPENDIX A

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