



**U.S. Department of Transportation**

## **Privacy Impact Assessment**

**National Highway Traffic Safety Administration**

**NHTSA**

### **Vehicle Importation Safety Tracking Application (VISTA)**

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## Executive Summary

Pursuant to Title 49 of the U.S. Code, Chapter 301 Motor Vehicle Safety, the National Highway Traffic Safety Administration (NHTSA) has authority to carry out motor vehicle and highway safety programs. Under its statutory authority, NHTSA establishes and enforces Federal Motor Vehicle Safety Standards (FMVSSs). To manage and analyze the data associated with vehicle importation and safety compliance, NHTSA developed the Vehicle Importation Safety Tracking Application (VISTA) system. This system maintains vehicle importation and compliance process information, Registered Importer (RI) identification, and vehicle petition information.

A Privacy Impact Assessment (PIA) is required as VISTA contains Personally Identifiable Information (PII) on members of the public. The previous PIA under the Motor Vehicle Importation Information (MVII) was published November 19, 2018. This update is being conducted to ensure the PIA accurately reflects the current system.

## What is a Privacy Impact Assessment?

*The Privacy Act of 1974 articulates concepts for how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct privacy impact assessments (PIAs) for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and documented assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to—i) ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; ii) determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.<sup>1</sup>*

*Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates the DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use and share. It is a comprehensive analysis of how the DOT's electronic information systems and collections handle personally identifiable information (PII). The goals accomplished in completing a PIA include:*

- *Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;*

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<sup>1</sup>Office of Management and Budget's (OMB) definition of the PIA taken from guidance on implementing the privacy provisions of the E-Government Act of 2002 (see OMB memo of M-03-22 dated September 26, 2003).



- *Accountability for privacy issues;*
- *Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and*
- *Providing documentation on the flow of personal information and information requirements within DOT systems.*

*Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.*

## **Introduction & System Overview**

NHTSA's Office of Vehicle Safety Compliance (OVSC) enforces the requirement that all motor vehicles and equipment manufactured or imported for sale in the United States meet all applicable FMVSSs<sup>2</sup>. Motor vehicles and items of regulated motor vehicle equipment are considered "conforming" if they are covered by a manufacturer's certification that they meet all applicable FMVSS. Conforming vehicles and equipment may be imported into the United States (U.S.) free of restriction. A nonconforming vehicle may be imported on a permanent basis only if NHTSA deems it eligible for importation, based on its capability of being modified to conform to all applicable FMVSSs.

NHTSA makes import eligibility decisions based on petitions filed by registered importers (RIs). RIs are NHTSA-licensed commercial entities who are permitted to import nonconforming vehicles and bring them into compliance with all applicable FMVSS. If NHTSA decides, by granting a petition for import eligibility, that a vehicle of a particular make, model, and model year is eligible for importation, the vehicle may be imported only by an RI or by a person who has a contract with an RI to modify the vehicle so that it complies with all applicable FMVSSs following importation. The system that is used to monitor the importation of motor vehicles and motor vehicle equipment is VISTA. VISTA is primarily used as a tracking system to monitor the importation of noncomplying motor vehicles imported by RIs. Information is also recorded about RIs, importation related petitions, the duration of RI vehicle processing and associated fees.

NHTSA requires the importer of a motor vehicle or item of motor vehicle equipment to file a declaration with the U.S. Customs and Border protection (CBP) setting forth the lawful basis for the item's entry into the U.S. This declaration is made on the DOT HS-7 Declaration form (OMB No. 2127-0002). The HS-7 form contains 14 boxes, each of which sets forth a lawful basis for the importation of a motor vehicle or motor via equipment. The HS-7 form may be filed in hard copy or electronic form.

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<sup>2</sup> 49 U.S.C. § 30112(a)(1)



## **Electronic Submission of Form HS-7**

To file electronically, data is entered into the CBP's Automated Broker Interface (ABI) system by a Customs House Broker hired by the importer. NHTSA has statutory authority and OMB approval to collect the information submitted to CBP and transmitted to NHTSA. The information collected electronically from CBP ABI system includes: the RI's identification number (if the importer is registered with NHTSA, this would be a five-digit code assigned by the agency), name, business or personal address, vehicle identification number (VIN), any equipment information, surety information, and the names, street address, city, state, zip code and, sometimes, signature of the owners of the vehicles or equipment being imported. Occasionally, CBP files list a Tax Identification Number (TIN) or social security number (SSN) of an individual seeking to import their own vehicle into the U.S. in place of the RI's identification number. In these cases, which are rare, OVSC is unable to determine whether the number appearing in the "identification number" field is a TIN, SSN, or other number, as this information is entered into the ABI system by the customs broker and is not transmitted to NHTSA with any unique or distinguishing designation identifying it as anything other than an "identification number."

CBP transmits the HS-7 form data from ABI to NHTSA via the Automated Commercial Environment (ACE) system. NHTSA has a Memorandum of Understanding (MOU) with CBP that governs the transmission of the data from CBP to NHTSA.

Initially, the information is transmitted to a "staging server" hosted by the Federal Highway Administration Secured Large File Transfer System (FHWA SLFTS) where the data is reviewed for accuracy prior to being uploaded to VISTA. After the data is uploaded into VISTA, the data in the "staging server" is deleted every 30 days.

NHTSA then transfers the information from the staging server to the VISTA database, which houses information on motor vehicles and equipment imported into the United States. This allows the RI to bring the vehicle into the U.S. for modification. After performing modifications to bring the vehicle into compliance with all applicable FMVSS, the RI submits a statement of conformity to NHTSA. If satisfied that all necessary modifications have been made to the vehicle, NHTSA issues a letter to the RI releasing the required DOT conformance bond that was furnished at the time of the vehicle's importation into the U.S.

In addition to conforming and nonconforming vehicles imported in the manner described above, HS-7 forms are filed for nonconforming vehicles that are temporarily imported by nonresidents or foreign diplomats or military personnel for personal use, or by other individuals and entities for purposes of investigations, research, demonstrations or training, or competitive racing events. HS-7 forms are also filed for vehicles imported in a limited number of other circumstances, all specified on the HS-7 form.



OVSC staff have access to RI identification (RI ID) numbers for work related purposes, such as compliance investigations. Compliance investigations are used to determine if the DOT conformance bond release letters are authentic. This process includes the OVSC staff and a supervisor reviewing the bonds to ensure that the bond release letters are not replicated. The OVSC staff also use the RI ID numbers in official correspondence with the RIs, including investigations and show cause orders<sup>3</sup>.

The new data in VISTA can generate official Office of Vehicle Safety Compliance (OVSC) correspondence, reports that identify the fees incurred by RIs, and other reports containing data related to the importation of motor vehicles and motor vehicle equipment.

### **Submission of Hardcopy Form HS-7**

RIs submit their HS-7 form files electronically to NHTSA, and in rare instances hard copies of paperwork containing the HS-7 and other forms such as CBP form 7501 noting entry data and Canadian documents relating to the vehicle or business (belonging to either the RI or their customer) are sent directly to NHTSA as well. These hard copies are used by non-brokers who do not have system access to file electronic forms. NHTSA's staff receives these hard copy forms and manually enters the information directly into the VISTA system for processing and stores the hard copies in a secure file room once completed and in accordance with their approved Records Disposition Schedule. In addition to the processes detailed above, VISTA generates correspondence and reports, that assist OVSC in enforcing Federal importation laws and regulations.

At the time of importation, most vehicles have yet to be sold to a purchaser in the United States. For this reason, most of the VINs referenced on H-7 forms relate to a commercial entity and not an individual. However, as previously stated and noted on the H-7 form itself, there are some occasions, albeit rare, when nonresidents, foreign diplomats, military personnel, or other individuals or entities (e.g., a sole proprietorship or "DBA") U.S. citizens, Military and Civilian employees, nonresidents seek to import conforming or nonconforming vehicles. In such cases, the name, address, city, state, zip code, signature, VIN, and sometimes social security number, country of origin, and/or passport number for that individual are listed on the HS-7 form. In such cases, Official Orders issued by a foreign government or embassy may be attached to the HS-7 form. However, the vast majority of the information collected, used, retained and generated by the VISTA system is commercial in nature, as RIs are commercial entities and most vehicles imported through the processes detailed above are owned by car manufacturers and dealers.

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<sup>3</sup> Cause orders are an administrative process requesting the RI to explain why the registration should not be suspended or revoked.



In addition to the PII that may be obtained from HS-7 forms, VISTA collects and maintains PII of federal contractors and employees who require access to the system. This information includes name and system login information.

## **Fair Information Practice Principles (FIPPs) Analysis**

*The DOT PIA template is based on the fair information practice principles (FIPPs). The FIPPs, rooted in the tenets of the Privacy Act, are mirrored in the laws of many U.S. states, as well as many foreign nations and international organizations. The FIPPs provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis conducted by DOT is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile (FEA-SPP) v3<sup>4</sup>, sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council and the Privacy Controls articulated in Appendix J of the NIST Special Publication 800-53 Security and Privacy Controls for Federal Information Systems and Organizations<sup>5</sup>.*

## **Transparency**

*Sections 522a(e)(3) and (e)(4) of the Privacy Act and Section 208 of the E-Government Act require public notice of an organization's information practices and the privacy impact of government programs and activities. Accordingly, DOT is open and transparent about policies, procedures, and technologies that directly affect individuals and/or their personally identifiable information (PII). Additionally, the Department should not maintain any system of records the existence of which is not known to the public.*

As required by the Privacy Act of 1974, DOT/NHTSA provides direct notice to individuals via Privacy Act Statements on all paper and electronic forms it uses to collect PII that is subject to the Act. Notice is also provided to individuals through the Privacy Act System of Records Notice (SORN) DOT/NHTSA 463 – [Motor Vehicle and Motor Vehicle Equipment Import](#) - 65 FR 19550 - April 11, 2000.

NHTSA utilizes this Privacy Impact Assessment (PIA) to inform the public that their PII is stored and used by the system. The PIA identifies the purpose for which the PII is collected and used. It can be found at: <https://www.transportation.gov/individuals/privacy/privacy-impact-assessments>

In addition, NHTSA provides notice of the information it requires from individuals who wish to import a vehicle on its Vehicle Importation and Certification Webpage: <https://www.nhtsa.gov/importing-vehicle>.

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<sup>4</sup> <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>

<sup>5</sup> [http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft\\_800-53-privacy-appendix-J.pdf](http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft_800-53-privacy-appendix-J.pdf)



## Individual Participation and Redress

*DOT provides a reasonable opportunity and capability for individuals to make informed decisions about the collection, use, and disclosure of their PII. As required by the Privacy Act, individuals should be active participants in the decision-making process regarding the collection and use of their PII and they are provided reasonable access to their PII and the opportunity to have their PII corrected, amended, or deleted, as appropriate.*

NHTSA ensures that individuals have the right to (a) obtain confirmation of whether NHTSA has PII relating to them; (b) access the PII related to them within a reasonable time, cost, and manner and in a form that is readily intelligible to the individual; (c) obtain an explanation if such a request is denied and be given the opportunity to challenge such denial; and (d) challenge PII relating to him or her, and if the challenge is successful, have the data erased, rectified, completed, or amended. Privacy Act requests for access to an individual's record must be in writing, but it may be mailed, faxed or emailed.

Individuals seeking access or contesting information about them in the VISTA can make a request in writing to the NHTSA Privacy Office located at the Department of Transportation 1200 New Jersey Avenue, SE Washington, DC 20590. The request must include the requester's name, mailing address, telephone number, and/or email address; a description and the location of the records requested. When seeking records about yourself from this system of records, your request must conform to the Privacy Act regulations set forth in [49 CFR part 10](#). You must verify your identity by: (1) Having your signature on your request letter witnessed by a notary; or (2) including the following statement immediately above the signature on your request letter: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]." If you request information about yourself and do not follow one of these procedures, your request cannot be processed.

For more information related to PII collected under the FOIA, please see U.S. Department of Transportation's Freedom of Information Act and Privacy Act system of records notice. 84 Fed. Reg. 4605 (February 15, 2019) (<https://www.govinfo.gov/content/pkg/FR-2019-02-15/pdf/2019-02356.pdf>).

Additionally, an individual can contact a NHTSA staff member to address a privacy concern or inaccuracy with current data by emailing: [NHTSA.Privacy@dot.gov](mailto:NHTSA.Privacy@dot.gov).

## Purpose Specification

*DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that impacts privacy; and (ii) specify the purpose(s) for which it collects, uses, maintains, or disseminates PII.*

Pursuant to Title 49 of the U.S. Code, Chapter 301 Motor Vehicle Safety, the National Highway Traffic Safety Administration (NHTSA) has authority to carry out motor vehicle



and highway safety programs. Under its statutory authority, NHTSA establishes and enforces Federal Motor Vehicle Safety Standards (FMVSSs), including the limitation on importing motor vehicle and equipment. *See* 49 U.S.C. § 30112. In addition, Chapter 301 provides NHTSA with authority to regulate the importation of vehicles and equipment that do not comply with FMVSSs. *See* 49 U.S.C. §§ 30141-30147. NHTSA's implementing regulations are at 49 CFR 591.

VISTA collects PII to manage the motor vehicle importation process, ensuring that motor vehicles that were not originally manufactured to comply with all applicable FMVSS are lawfully imported. VISTA stores records related to permanent and temporary importation of nonconforming motor vehicles in accordance with the approved Records Disposition Schedule. These vehicles may be imported permanently by an RI, or a person who has a contract with an RI to bring the vehicle into compliance with applicable FMVSS. The PII in the system is required to have the identity of the RI or person importing nonconforming vehicles to ensure compliance with the law and regulations (see 49 CFR 591 and 49 CFR 592). Alternatively, vehicles may be imported temporarily, such as those imported by foreign military, nonresidents of the United States, or imported for the purposes of research, investigations, demonstration or training, or competitive racing events. NHTSA also uses VISTA to enforce its regulations that prohibit importers from entering salvage, repaired salvage, or reconstructed motor vehicles.

## **Data Minimization & Retention**

*DOT should collect, use, and retain only PII that is relevant and necessary for the specified purpose for which it was originally collected.*

NHTSA collects, uses, and retains in VISTA only the data elements that are relevant and necessary for the purposes of enforcing statutes and regulations related to the importation of motor vehicles and regulated motor vehicle equipment. In very rare instances, the RI may use their social security number or other business identifier on the DOT HS-7form. This may also occur with non-RI individuals due to not having a business identifier and instead using their social security number.

Under the approved National Archives and Records Administration (NARA) records schedule ([DAA-0416-2017-0001-0003](#)), NHTSA retains all electronic records maintained in VISTA for a maximum period of 5 years, or when the records are no longer needed for business operations, whichever term comes first. This retention period aligns with the CBP statute of limitations for records in ACE/ITDS. Hard copy files are stored for one year in locked file cabinets at the NHTSA DOT Headquarters facility and then shipped for secure storage at a NARA facility. The records retention schedule remains in effect for the hard copies and electronic records.



## Use Limitation

*DOT shall limit the scope of its PII use to ensure that the Department does not use PII in any manner that is not specified in notices, incompatible with the specified purposes for which the information was collected, or for any purpose not otherwise permitted by law.*

NHTSA limits the scope of the PII it collects to only the data necessary to support the criteria of VISTA. NHTSA receives requests for VISTA information from individuals (such as prospective vehicle purchasers), business entities (such as car dealers, car auctions, and RIs) organizations (such as trade associations). The agency provides non-PII VISTA data after verifying the requestor's identity and the requestor's need for the information. Consistent with the routine uses of the system, NHTSA shares VISTA data with government agencies (both State and Federal) that have a legal and authorized need to know that information.

The VISTA is not publicly accessible and is only accessible to personnel within NHTSA's OVSC, specifically in the Import and Certification Division. VISTA access is restricted to Federal employees and contractors through a password-protected application housed in the DOT headquarters building. These personnel have read-only access to the data file coming from CBP, so the source information cannot be modified or erased. The Federal employees and contractors can add or modify program information already in VISTA, that is monitored by the Program Manager. NHTSA uses the PII in VISTA to identify the individuals who are responsible for importing and ensuring that nonconforming vehicles meet the requirements of the law and are in compliance with the statutes and regulations pertaining to the importation of motor vehicles and regulated motor vehicle equipment.

## Data Quality and Integrity

*In accordance with Section 552a(e)(2) of the Privacy Act of 1974, DOT should ensure that any PII collected and maintained by the organization is accurate, relevant, timely, and complete for the purpose for which it is to be used, as specified in the Department's public notice(s).*

NHTSA collects data in electronic format related to imported vehicles. Before the data is imported into the VISTA database, several data integrity and validation checks are performed like comparing existing and new data to find missing, inaccurate, or duplicate entries. NHTSA may request changes to the CBP data and validate entry data with the importer. Customs House Brokers who made erroneous entries into the ACE system may also request that VISTA data be amended by submitting written requests or updated Customs Release forms via postal mail (NHTSA, Office of Vehicle Safety Compliance, Import and Certification Division, 1200 New Jersey Ave., SE, WEF-230, Washington, DC 20590), or via email to [importcertification@dot.gov](mailto:importcertification@dot.gov). VISTA contractors do not delete or void records unless exact duplicates are found.



Occasionally, NHTSA receives by mail hard copies of the HS-7 forms from CBP. These forms have been already reviewed and vetted by CBP. NHTSA staff review the forms for clarity before the information is manually entered in VISTA.

## **Security**

*DOT shall implement administrative, technical, and physical measures to protect PII collected or maintained by the Department against loss, unauthorized access, or disclosure, as required by the Privacy Act, and to ensure that organizational planning and responses to privacy incidents comply with OMB policies and guidance.*

NHTSA Security Policy and Practices are based on NIST Information Risk Management and Security standards. These are supplemented by privacy specific guidance provided in NIST 800-122. The NIST security guides and standards are used by NHTSA to, among other things; assess information confidentiality, integrity and availability risks, identify required security safeguards, and adjust the strength and rigor of those safeguards to reduce risks to appropriate acceptable levels.

Under this policy, NHTSA has implemented appropriate administrative, physical and technical safeguards to protect the confidentiality, availability and integrity of the VISTA system and information. All federal employees and contractors undergo appropriate background checks prior to being granted access to the DOT network. In addition, all VISTA users receive both general and role-based security training on an annual basis.

VISTA utilizes role-based security to restrict user access to application functions and information required to fulfill their job function. VISTA enforces assigned authorizations for controlling access to the system using unique username/password combinations and roles and group membership. The VISTA application maintains an audit trail of changes made, date/time of change, and the username for each database change.

All remote network communications are encrypted using Federal Information Processing Standard (FIPS)-140 certified encryption modules. Remote access to VISTA IT Infrastructure is provided via the DOT Secure Remote Access solution. By policy and design we do not allow direct access to VISTA from public networks.

## **Accountability and Auditing**

*DOT shall implement effective governance controls, monitoring controls, risk management, and assessment controls to demonstrate that the Department is complying with all applicable privacy protection requirements and minimizing the privacy risk to individuals.*

NHTSA is responsible for identifying, training and holding NHTSA employees and contractors accountable for adhering to DOT Privacy and Security policies, and regulations. DOT follows and adheres to Fair Information Practice Principles (FIPPs) for the protection



of information associated with VISTA records. In addition to these practices, policies and procedures will be consistently applied, especially as they relate to the protection, retention and disposal of records. NHTSA provides training to employees and contractors on the collection, use, processing and security of VISTA data. The training is mandatory annual security and privacy awareness training. In addition, each NHTSA employee and contractor with access to VISTA must agree to the system rules of behavior. NHTSA Security and Privacy Officers conduct security and privacy reviews of VISTA consistent with the Office of Management and Budget circular A-130, Section 8b(3), Securing Agency Information Systems and follow the DOT Privacy Risk Management Policy 1351.18.

<https://www.transportation.gov/sites/dot.gov/files/docs/CIOP - Privacy Risk Management - 1351.18 - Policy - 09302014.pdf>. Responsible Official.

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### **Approval and Signature**

Karyn Gorman  
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