

Memorandum To: Pls, Researchers & Research Administrators
From: Mass General Brigham Research Leadership¹
Subject: **Travel Alert:** Traveling with MGB Hospital/Institute Owned Research Data on Electronic Devices

Date: 7/30/20

We have recently learned that Customs and Border Protection (CBP) officials are intercepting and questioning visa-holding researchers leaving the US about research data on electronic devices in carry-on or checked luggage. If the traveler fails to produce documentation authorizing data possession, the devices, including institutionally provided or personal laptops, phones, tablets, iPads, hard drives, thumb drives/memory sticks, are confiscated by CBP which triggers an FBI investigation. The traveler is often held at the airport for an extended period of time and forced to rebook their flight at a later date. Some travelers have faced adverse consequences for their visa status and future ability to return to the U.S. Electronic devices are not returned until completion of the FBI investigation. Pls should notify their Research Compliance or Corporate Compliance Office immediately if they or a member of their staff have been questioned, detained, or had their devices confiscated by CBP or the FBI. OGC, PIPS, and the appropriate MGB and hospital/institute compliance officials will follow-up with the FBI, CBP and Department of State as necessary. Pls or researchers should not respond to CBP, State, or FBI inquiries on their own.

The purpose of this **Travel Alert** is to remind **all** MGB researchers that research data generated within an MGB institution or on behalf of an MGB institution are owned by that institution and subject to MGB data sharing and retention policies. These requirements apply to domestic and international situations. Original data may not be transferred from the MGB institution; they must be retained at the institution. With appropriate authorization, copies may be provided to researchers who are leaving on a short-term basis (e.g., to visit family or their home institution for a short period of time) or permanently (through the off-boarding, transfer-out process) to return home or to a non-MGB position. Each situation has different documentation requirements. We recommend that travelers retain the documentation on their person while in transit. We strongly recommend that prior to traveling, the researcher and PI (or designee) review the data on the traveler's devices to ensure there is no unauthorized data. We also recommend that copies of personal data be stored elsewhere while traveling.

Short-Term International Travel: Effective immediately, written PI authorization is required of **all** MGB researchers (not just those authorized to work under a visa) when traveling internationally with research data for a short period of time even if the researcher will be returning to the MGB Institution. Prior to departure, the traveler must obtain a letter from the PI (on official institutional letterhead with the PI's signature) authorizing data transport; confirming copies not originals; confirming that the PI, as the institutional custodian of data in transit, has authority to share copies; stating the purpose/reason why the individual is traveling with the data (e.g., to continue working as co-author of a paper while traveling or to review data with collaborator at the traveler's home institution); how long the traveler will be out of the country (travel dates); and confirming the traveler will be returning to the MGB institution to continue participating in MGB research.

If the PI is the traveler, then the letter should be signed by the Chief with the same information. The PI/Chief's letter is not blanket authorization for repeated short-term travel with data. A new letter must be generated for each travel situation. The PI retains a copy of the letter in their research records. The traveler keeps the original copy on their person during transit, both leaving and entering the US. If the traveler obtains new data while outside the US and will be transporting the data on their devices, they should obtain appropriate documentation from the providing PI/institution to present if questioned by CBP.

Travel Associated with Off-Boarding/Permanently Leaving MGB Institution: There are longstanding procedures that Chiefs, Pls, Department Administrators, and researchers must follow when a research staff member leaves an MGB institution on a permanent basis. These are found in the institution's "transfer out" handbooks/guidance. The researcher's supervising PI (or designee), or the Chief (or designee), works with the department's Grant Administrator on transfer-out issues, e.g., transfer of grants to another institution; disposition of equipment; access to data, etc. Focusing on data, the departing researcher must secure the approval of their supervising PI or Chief to obtain copies of the data and transfer them to their new institution. These transfers are authorized via a Data Use Agreement (DUA) negotiated by an MGB contracting office. Data may not be transferred without a fully executed DUA. If the permanently departing researcher will be traveling internationally with the authorized data on an electronic device, they should have a copy of the fully executed DUA on their person to present to CBP or other officials, if questioned.

If you have any questions regarding this guidance, contact your institutional Research Compliance or Corporate Compliance Office.

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