

Important International Travel Guidance from the Export Compliance Office

We have recently seen some warnings from other universities reporting instances of visa-holding researchers being temporarily detained by Customs and Border Protection (CBP) to search electronic devices in carry-on or checked luggage while leaving the country. It appears that the searches may be focused on data that has not been authorized to leave the US. In some cases, the travelers reported being detained longer for questioning and having their devices seized. In some cases we are hearing that visas are already being impacted.

While UMD-related international travel is still under restriction, and all other international travel is strongly discouraged during the COVID19 pandemic, the following information and guidance are provided for researchers that must leave the country for personal reasons including international scholars returning home.

Laws applicable to research data:

- US laws control the export of physical items and technical information. An “export” can occur anytime an item leaves the country or when technical information of US-source is transmitted to a foreign person or location. When traveling from the US to a foreign location, the materials and data in possession of the traveler are considered an “export” to the foreign destination and any intermediate locations. For the most part, personal items and consumer electronic devices are exempt from control and can be legally carried to most locations (excluding Cuba, Iran, Syria, N. Korea, and Sudan). In some cases, technical information related to a sensitive technology might require an export license before it can leave the country or be transmitted to a foreign person. This depends on the sensitivity of the related item and the location of export. Fortunately for researchers, information that has already been published in open literature, or will be published soon, is usually exempt from export control. Information that is proprietary, or controlled for national security reasons (i.e. military technology) is likely subject to control and should not be carried on international travel. More information on export compliance and international travel can be found at: <https://research.umd.edu/international-travel>. You may also contact the Export Compliance Office if you have any questions: afgrant@umd.edu
- In addition to export control, there is also a concern with pre-published research data that has not been authorized by the Principal Investigator (PI) for sharing or release beyond the research team. It is common for the PI to protect sensitive research findings until the point that the intellectual property has been submitted for patent protection or the data is ready to be submitted for scientific publications. Taking such information without the consent of the PI could be considered theft or research misconduct depending on the circumstances.

Guidance for travelers:

- Do not travel internationally with export-controlled technical information on your hard drives (see export information section above). Violations of US export law can subject the individual to significant criminal penalties.
- Avoid traveling with unpublished technical information on the hard drives of your computer or devices. Even if legally allowable, the information could cause delays in the event of a search if it is not easily understood by the CBP agent. PDFs of written publications should not be a problem, especially if the document contains links to the published source. Slide presentations should also include links to the associated journal article in conspicuous locations.
- If possible, carry a “clean laptop” and devices with no research data on the hard disk (this can include email attachments that are automatically stored on the device’s hard drive. DivIT offers a laptop rental program to assist international travelers {add link to the laptop loaner program}. These laptops are reformatted between each use to ensure the drive does not contain any individual’s data
- If you need the data at your destination and it is legally permissible to be in your possession at that location (i.e. not export-controlled), you can utilize one of UMD’s network servers or cloud storage options to access and download the information through a secure connection with a VPN. For more information, see Cybersecurity Travel Tips and Suggestions.
- For US travelers traveling temporarily to a foreign location, review and complete the self-certification template for your electronic devices found on the export compliance: <https://research.umd.edu/international-travel>. The letter should reference the UMD Asset Tag number on your device.
- For foreign travelers, leaving the US temporarily or permanently, the Export Compliance Office can help verify that you have authorization to travel with UMD IT Assets and provide a letter or sticker confirming that the device is authorized to be carried by the traveler.
- If you have no other option but to travel with raw or unpublished research data (e.g. due to file size or poor internet connectivity at destination) it is essential to first, verify that the data is not subject to export control. Secondly, and in light of the purpose of this advisory, it may be helpful to carry some written evidence that you are authorized to have the data.
- The Export Compliance Office can assist you in determining whether data may be subject to export-control and can help you create a document to “self-certify” this determination. As a general rule, applied and developmental engineering and technology research is a higher risk and especially proprietary design information and technology with space or military applications.
- While there is no official way to prove that you are authorized to have the data in your possession, it might be helpful to have a letter from your advisor, PI, or next-level supervisor that describes the data and confirms that you are either the data-owner or an authorized user. If you are not the data-owner, the letter should indicate that you are authorized to travel with it. For datasets that have

been downloaded from publicly available sources, you might consider printing out the webpage with a link to the download file(s).

If you have specific questions, please contact Adam Grant of the Export Compliance Office: afgrant@umd.edu

Additional resources:

Mobile and Data Security While Traveling Abroad

<https://globalmaryland.umd.edu/offices/office-international-affairs/mobile-and-data-security-while-traveling-abroad>

Info on renting “clean laptops” from DivIT:

https://umd.service-now.com/itsupport?id=kb_article_view&sysparm_article=KB0014423&sys_kb_id=a54a9cd91b0b63c8ef518738cd4bcbeb

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