



# Privacy Impact Assessment

for the

## Amtrak Rail Passenger Threat Assessment

**DHS Reference No. DHS/TSA/PIA-050(a)**

**April 11, 2023**



**Homeland  
Security**



## Abstract

The Transportation Security Administration (TSA) is responsible for security in all modes of transportation, including surface modes such as rail. Amtrak is a national passenger rail operator managing more than 300 trains a day to more than 500 destinations in the United States and Canada. For several months beginning at the end of 2021, from an operational risk perspective, TSA assessed historical passenger data for travel within the Northeast corridor to determine the extent to which known or suspected terrorists may have traveled on Amtrak trains to assess whether watchlist matching should be considered as a rail security enhancement. To conduct the assessment, Amtrak provided TSA with rail passenger personally identifiable information (PII) for TSA to match against the Terrorist Screening Center's (TSC) Terrorist Screening Dataset (TSDS),<sup>1</sup> commonly known as the "watchlist." TSA now intends to assess passenger travel data on additional Amtrak rail routes and is updating this Privacy Impact Assessment (PIA) to include Appendix A, which reflects all approved Amtrak rail routes for assessment. TSA is conducting this Privacy Impact Assessment update pursuant to the E-Government Act of 2002 because this assessment entails collection of personally identifiable information on members of the public for watchlist matching.

## Overview

Following the September 11, 2001, terrorist attacks, Congress created the National Commission on Terrorist Attacks upon the United States (9/11 Commission).<sup>2</sup> The 9/11 Commission investigated the facts and circumstances relating to the attacks, and issued its report<sup>3</sup> in which it recognized that transportation involves more than just aviation, noting that "about 6,000 agencies provide transit services through buses, subways, ferries, and light-rail service to about 14 million Americans."<sup>4</sup> The 9/11 Commission also recognized that "opportunities to do harm are as great, or greater, in maritime or surface transportation" as they are in aviation.<sup>5</sup> As early as 2007, Congress suggested the possibility of a security watchlist system for Amtrak.<sup>6</sup> More recently, in the TSA Modernization Act, Congress said Amtrak should consider a passenger vetting system to enhance passenger rail security.<sup>7</sup>

The Aviation and Transportation Security Act requires TSA to "assess threats to

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<sup>1</sup> The Terrorist Screening Center's (TSC) Terrorist Screening Dataset (TSDS) was formerly known as the Terrorist Screening Database (TSDB).

<sup>2</sup> Title VI, Intelligence Authorization Act for Fiscal Year 2003, Pub. L. 107-306 (116 Stat. 2383, Nov. 7, 2002).

<sup>3</sup> The 9/11 Commission Report is available at <http://www.9-11commission.gov/>.

<sup>4</sup> Report, p. 390-1.

<sup>5</sup> Report, p. 391.

<sup>6</sup> Title XV "Surface Transportation Security" of the Implementing Recommendations of the 9/11 Commission Act of 2007, codified at 6 U.S.C. § 1164.

<sup>7</sup> Federal Aviation Administration Reauthorization Act of 2018, P.L. 115-254, Division K, Title I (may be cited as the TSA Modernization Act). This assessment is being done independently of the TSA Modernization Act.



transportation”;<sup>8</sup> and “carry out such other duties, and exercise such other powers, relating to transportation security as the [Administrator] considers appropriate.”<sup>9</sup> Amtrak serves over 30 million customers traveling to more than 500 destinations in 46 states, the District of Columbia and three Canadian provinces, on more than 21,400 miles of routes.

For the initial assessment, Amtrak requested that TSA assess the use of Amtrak trains by known or suspected terrorists for rail transportation from an operational risk perspective. As part of the assessment, Amtrak provided historical passenger manifests for several months on routes in the Northeast corridor to TSA. The manifests contained first and last name and date of birth for passengers who have provided that data to Amtrak. In addition, where available, Amtrak also provided additional data elements that passengers had provided on an optional basis or as part of frequent passenger Guest Rewards accounts. These additional data elements included but did not exceed: middle initial; billing address; phone; email; ticketed origin/destination; and actual origin/destination. TSA matched the passenger information against the Terrorist Screening Dataset to identify possible known or suspected terrorists.<sup>10</sup> TSA did not provide individual personally identifiable information on any known or suspected terrorist to Amtrak; instead, TSA provided only statistical analysis regarding watchlist matching. TSA notes, however, that it only compared the data elements provided by Amtrak with the Terrorist Screening Dataset; TSA did not undertake identity resolution steps that it would take with an active passenger to confirm whether in fact the individual was a confirmed match to the watchlist (e.g., identity verification of the actual Amtrak passenger).

TSA intends to assess passenger travel data on additional Amtrak rail routes. Amtrak will provide to TSA the same data elements as previously provided in the initial assessment for matching against the Terrorist Screening Dataset. As before, TSA will not include personally identifiable information in the results to Amtrak, nor will TSA provide confirmation of an actual match to Amtrak because identity verification of the actual passenger is not undertaken as part of this assessment. In addition, during the process of resolving potential matches, TSA may share potential match information with the Terrorist Screening Center to obtain assistance in determining whether there is a true potential match.

## Reason for the PIA Update

This Privacy Impact Assessment update reflects that TSA expects to assess passenger data for travel on additional Amtrak rail routes. TSA is modifying the Privacy Impact Assessment to

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<sup>8</sup> 49 U.S.C. § 114(f)(2).

<sup>9</sup> 49 U.S.C. § 114(f)(15).

<sup>10</sup> For more information about the Department’s use of the Terrorist Screening Database, *see* U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION, PRIVACY IMPACT ASSESSMENT FOR THE DHS WATCHLIST SERVICE, DHS/ALL/PIA-027 (2016 and subsequent updates), available at <https://www.dhs.gov/privacy-documents-department-wide-programs>.



include an Appendix A, which reflects all approved Amtrak rail route assessments as of the date of the Appendix. In all other respects, the assessments remain as described in the previous Privacy Impact Assessment.

## Privacy Impact Analysis

### Authorities and Other Requirements

No changes.

### Characterization of the Information

No changes, except that future assessments will include additional Amtrak routes.

### Uses of the Information

There are no changes to the uses of information for this assessment.

### Notice

Prior to the start of the initial assessment, Amtrak revised its Privacy Policy to reflect that it would share information “with the federal government as legally permitted for transportation security purposes.” No historical data was shared by Amtrak with TSA until after Amtrak’s Privacy Policy was revised and the assessment began. The revised Amtrak Privacy Policy remains in place for the current assessment. Further, TSA is providing additional notice through this Privacy Impact Assessment update, in Appendix A, of the specific routes that will be assessed.

### Data Retention by the Project

No change.

### Information Sharing

No change.

### Redress

No change.

### Auditing and Accountability

No change.

### Other considerations: Efficacy

As TSA continues its assessment of historical passenger data on Amtrak routes, the DHS Privacy Office encourages TSA to also consider the efficacy of the use of this data for operational security purposes. Specifically, expansion of watchlist matching for all rail travel could raise significant privacy and civil liberties risks. On balance, the security benefits of such potential matching should outweigh the potential privacy and civil liberties risks. The continued assessment



of matching historical Amtrak passenger data against the Terrorist Screening Dataset should assist TSA with assessing the potential operational value of this activity, including whether and how TSA will evaluate any matches to the Terrorist Screening Dataset to determine the operational value of a vetting program for all travelers boarding a train and any additional requirements to effectively complete vetting of rail passengers (e.g., changes to Amtrak's business processes). As with all DHS activities that may impact privacy, traveler vetting programs carry inherent privacy-related risks and expansion of such vetting into additional modes of transportation should be supported by data that demonstrate the operational and security needs and efficacy of the proposed vetting solution.

The DHS Privacy Office looks forward to continued engagement with TSA and the Office of Civil Rights and Civil Liberties to review the findings of this assessment and appropriately evaluate any future proposed expansion of prescreening (including any additional assessments) for rail or other transportation passengers.

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## Approval Signature

Original, signed copy on file with the DHS Privacy Office.

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## **Appendix A**

### **Amtrak Rail Routes Approved for Assessment**

**Revised April 11, 2023**

1. Northeast corridor: daily, post-trip passenger data captured on Amtrak manifests for travel involving points between or through Washington, DC, and New York, NY.
2. Inter City Passenger Route: daily, post-trip passenger data captured on Amtrak manifests for routes that originate or terminate in Chicago, IL, to include its Midwest services, Eastern long distance, Illinois services, and Western long-distance services.