



**Privacy Impact Assessment Update
for**

Secure Flight

DHS/TSA/PIA-018(f)

September 4, 2013

Contact Point

David P. Harding

Office of Strategy and Mission Support Branch

Transportation Security Administration

SFCommunications@dhs.gov

Reviewing Official

Jonathan R. Cantor

Chief Privacy Officer, Acting

Department of Homeland Security

(703) 235-0780



Abstract

The Transportation Security Administration (TSA) Secure Flight program screens aviation passengers and certain non-travelers before they access airport sterile areas or board aircraft. TSA is updating this Privacy Impact Assessment (PIA) to reflect operational changes. This update reflects: (1) the addition of Known Traveler populations to TSA Pre✓™; (2) the use of Secure Flight to screen passengers on certain government operated flights; and (3) the use of intelligence-driven flight by flight risk assessments to identify passengers and non-traveling individuals who require either enhanced screening or are eligible for expedited screening. It is anticipated that the primary result of these changes will be the identification of more passengers who are eligible for expedited screening in airports with TSA Pre✓™ lanes. Unless otherwise noted, the information provided in previously published PIAs remains in effect. Individuals are encouraged to read all program PIAs to have an understanding of TSA's privacy assessment of the Secure Flight program.

Introduction

The purpose of the Secure Flight program is to screen individuals before they access airport sterile areas¹ or board aircraft.² Generally, this screening has been designed to identify and prevent known or suspected terrorists or other individuals from gaining access to airports and airplanes where they may jeopardize the lives of passengers and others. To identify those who present a threat to aviation security, TSA uses the Secure Flight program to compare passenger and non-traveler information to the No Fly and Selectee List components of the Terrorist Screening Database (TSDB)³ and, when warranted by security considerations, against other watch lists maintained by TSA or other federal agencies, such as when the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) has identified to the Department of Homeland Security (DHS) persons who should not be permitted to board an aircraft due to public health concerns.⁴ TSA also uses the Secure Flight program to implement its redress program for individuals who have been assigned a unique redress number by the DHS Traveler Redress Inquiry Program (TRIP)⁵.

¹ "Sterile area" means a portion of an airport defined in the airport security program that provides passengers access to boarding aircraft and to which the access generally is controlled by TSA, an aircraft operator, or a foreign air carrier through the screening of persons and property. 49 C.F.R. § 1540.5.

² In October 2008, TSA published the Secure Flight Final Rule (73 FR 64018, Oct. 28, 2008) and the related PIA (Secure Flight Program PIA Update – DHS/TSA/PIA-018(a) http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_secureflight2008.pdf). 49 C.F.R. Part 1560.

³ For additional information about the TSDB, see http://www.fbi.gov/about-us/nsb/tsc/tsc_faqs.

⁴ The CDC Do Not Board list for public health threats is discussed fully in the Secure Flight Program PIA Update (DHS/TSA/PIA-018(b) – August 15, 2011) <http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-tsa-secure-flight.pdf>.

⁵ See http://www.dhs.gov/files/programs/gc_1169673653081.shtm.



As noted in the Secure Flight Program PIA Update of April 13, 2012,⁶ under the TSA Pre✓™ program, TSA also uses Secure Flight to identify passengers who have Known Traveler Numbers, *i.e.*, a unique number assigned to individual Known Travelers for whom the federal government has conducted a security threat assessment and determined do not pose a security threat.⁷ Generally, Known Travelers participate in TSA Pre✓™ by enrolling in a government program that conducts a security threat assessment that TSA has determined provides adequate assurances of passenger risk, such as U.S. Customs and Border Protection (CBP) Trusted Traveler program participants.⁸ Known Travelers also include eligible members of the U.S. Armed Forces. When making a travel reservation, Known Travelers who submit their Known Traveler number for transmission to TSA are eligible for expedited screening on flights originating from airports with TSA Pre✓™ lanes.⁹ By reducing the screening resources needed to screen these trusted travelers at airports, TSA is able to focus its screening efforts on passengers who are more likely to pose a threat to civil aviation.

Reason for the PIA Update

This PIA update reflects three items:

Addition of Known Traveler populations to the TSA Pre✓™ program. TSA is expanding Known Traveler populations in the TSA Pre✓™ program to include additional individuals with appropriate security checks, including certain members of the intelligence community; Medal of Honor recipients; and federal judges and Members of Congress who have opted in to TSA Pre✓™. TSA expects to expand TSA Pre✓™ in the future to include other individuals with appropriate security risk assessments, such as state and local law enforcement officers, and transportation sector workers who undergo TSA security threat assessments.

Use of Secure Flight screening for federal agency flights. TSA will permit federal agencies that operate, lease, or charter passenger aircraft to use Secure Flight to screen their passengers. For example, while TSA regulations do not require the Department of Defense (DoD) to screen its “Space-Available” aircraft passengers through Secure Flight, TSA will permit the DoD to use Secure Flight to accomplish such screening.

⁶ See [http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_tsa_secureflight_update018\(e\).pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_tsa_secureflight_update018(e).pdf).

⁷ See 49 C.F.R. § 1560.3.

⁸ CBP Trusted Traveler programs include Global Entry, SENTRI, and NEXUS. See www.cbp.gov/xp/cgov/travel/trusted_traveler. For individuals in the CBP Trusted Traveler programs, TSA receives from CBP a list of eligible travelers that is ingested into Secure Flight to minimize the processing time when Secure Flight receives passenger travel data. Eligible members of these programs provide their Known Traveler number to aircraft operators for transmittal to Secure Flight.

⁹ Passengers who are eligible for expedited screening are referred to a TSA Pre✓™ lane where they typically will be able to leave on their shoes, light outerwear, and belt, to keep their laptop in its case, and to keep their 3-1-1 compliant liquids/gels bag in a carry-on. TSA Pre✓™ lanes are available at 40 airports nationwide, with additional expansion planned. See *Raleigh-Durham International Airport*, <http://www.tsa.gov/press/releases/2013/03/28/tsa-pre%E2%9C%93%E2%84%A2-now-available-40-airports-nationwide-expedited-screening-begins..>



Use of flight by flight risk assessments.

Secure Flight program regulations are intended “to enhance the security of air travel within the United States and support the Federal government’s counterterrorism efforts by assisting in the detection of individuals identified on Federal government watchlists who seek to travel by air, and to facilitate the secure travel of the public.”¹⁰ TSA’s ability accomplish this purpose is enhanced when the agency is able to more readily distinguish between lower-risk and higher-risk passengers earlier in the prescreening process. This allows TSA to tailor and focus its physical screening more effectively and efficiently and thus facilitate the secure and efficient travel of all passengers. TSA will analyze passenger reservation information collected pursuant to the Secure Flight regulation to determine the appropriate level of physical screening for all passengers.

Passengers who are a match to a watchlist will continue to receive an appropriate screening instruction. For all other passengers, the flight by flight risk assessment will determine whether passengers will receive expedited, standard, or enhanced screening. It is anticipated that the primary result will be the identification of more passengers who are eligible for expedited screening in airports with TSA Pre[✓]™ lanes.

The level of screening for a passenger may change from flight to flight based on the particulars of a flight or the individual. For example, risk assessments have been used to provide for expedited screening for passengers age 12 and under, and passengers who are 75 years old or more. Other assessments may be based on a particular flight; for example, when multiple passengers on a single flight are matches to the TSDB. The risk assessment also may be used to give greater scrutiny to a particular flight or individual when, based on current intelligence or other factors, TSA concludes that there is greater risk. That greater scrutiny could result in more passengers receiving Selectee screening, fewer passengers receiving expedited screening, or other security procedures not visible to the general public.

The risk-based analysis includes a level of randomness to ensure unpredictable results. One potential result of the randomness is that a passenger who otherwise would have received expedited screening may instead be randomly selected to receive standard screening or enhanced screening, such as explosives detection testing.

Risk assessment factors are reviewed by the TSA Privacy Officer prior to deployment. No one will be denied the ability to fly or to enter the sterile area of an airport based on the results of the flight by flight risk assessment. Periodic oversight will be exercised by DHS Privacy, DHS Office for Civil Rights and Civil Liberties, and DHS Office of General Counsel.

¹⁰ 49 C.F.R. § 1560.1(b).



Privacy Impact Analysis

Information Collected and Stored within the System

Collection at Reservation

When making a travel reservation, individuals participating in TSA Pre✓™ will provide aircraft operators their Known Traveler number, along with their name, gender, and date of birth, which then will be provided to Secure Flight.

Storage of Known Traveler Information

TSA will maintain lists of individuals with Known Traveler numbers eligible for expedited screening. Secure Flight will check against these lists before issuing a boarding pass printing instruction. Secure Flight will maintain name, gender, date of birth, and Known Traveler number. For eligible CBP Trusted Travelers, Secure Flight will also maintain country of citizenship for the individual.

Risks

Privacy risks associated with collecting and storing the lists of eligible Known Travelers are mitigated through restrictions on the use and dissemination of the lists. Inclusion on a Known Traveler list is generally through opt-in by the individual; however, there may be occasions when Secure Flight will receive lists of Known Travelers from another federal agency through a routine use published in accordance with the Privacy Act by the originating agency. For example, lists of members of the U.S. Armed Forces are provided to Secure Flight in accordance with a routine use under the Privacy Act published for the Defense Enrollment Eligibility Reporting System. Entities not subject to the Privacy Act (for example, state and local agencies) may provide information to Secure Flight in compliance with the privacy laws applicable to the entity.

Uses of the System and the Information

TSA will use the information collected by Secure Flight to issue an appropriate boarding pass instruction for screening.

Retention

No change. The Secure Flight records retention schedule is predicated on the watchlist match status and is not impacted by the flight by flight risk assessment. Records will be retained up to seven days for passengers who are not a match to a watchlist.

Internal Sharing and Disclosure

No change.



External Sharing and Disclosure

No change.

Notice

TSA identified the potential for Known Travelers as part of the public rulemaking associated with the Secure Flight program in 2007. TSA receives information on eligible Known Travelers either with the consent of the individual or pursuant to the Privacy Act, 5 U.S.C. § 552a, through an internal sharing or a published routine use from another federal government agency's System of Records Notice (SORN). TSA may also receive information on eligible Known Travelers from an entity not subject to the Privacy Act, but only in accordance with the privacy laws applicable to that entity. Known Travelers must submit their Known Traveler number in order to participate, and will have notice of the program. In conjunction with this update, TSA has published an update to the DHS/TSA-019 Secure Flight Records SORN amending its record categories to reflect results of rules-based analysis. This PIA update also serves as notice to the public. In addition, the existing notice provided to passengers when making a reservation will be modified to reflect that the name, date of birth, and gender will be used for security screening purposes. The notice will state the following or a substantial equivalent:

The Transportation Security Administration (TSA) requires you to provide your full name, date of birth, and gender for the purpose of security screening, under the authority of 49 U.S.C. § 114, the Intelligence Reform and Terrorism Prevention Act of 2004, and 49 C.F.R. parts 1540 and 1560. You may also provide your Redress Number, if available. Failure to provide your full name, date of birth, and gender may result in denial of transport or denial of authority to enter the boarding area. TSA may share information you provide with law enforcement or intelligence agencies or others under its published system of records notice. For more on TSA privacy policies, or to review the system of records notice and the privacy impact assessment, please see the TSA Web site at www.tsa.gov.

Individual Access, Redress, and Correction

No change.

Technical Access and Security

No change.

Technology

No change.



Responsible Official

David P. Harding
Office of Strategy and Mission Support Branch
Office of Intelligence and Analysis
Transportation Security Administration
Department of Homeland Security

Approval Signature

Original signed and on file with the DHS Privacy Office.

Jonathan R. Cantor
Acting Chief Privacy Officer
Department of Homeland Security