



**Privacy Impact Assessment Update
for the
Screening of Passengers by
Observation Techniques (SPOT) Program**

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Abstract

The Screening of Passengers by Observation Techniques (SPOT) program is a behavior observation and analysis program designed to provide the Transportation Security Administration (TSA) Behavior Detection Officers (BDOs) with a means of identifying persons who pose or may pose potential transportation security risks by focusing on behaviors indicative of high levels of stress, fear, or deception. The SPOT program is a derivative of other behavioral analysis programs that have been successfully employed by law enforcement and security personnel both in the U.S. and around the world. This PIA update reflects that TSA will pilot the use of BDOs as part of the security checkpoint process, by incorporating BDO interaction with passengers.

Introduction

Section 114 of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71, November 19, 2001, 115 Stat. 597) grants TSA the responsibility for security in all modes of transportation. Specifically, Section 114(f) grants the TSA Administrator authority to “receive, assess, and distribute intelligence information related to transportation security,” as well as to “assess threats to transportation.” SPOT is one means by which TSA fulfills that responsibility, by enabling BDOs in the field to report individuals exhibiting behaviors that may possibly indicate terrorist activity for referral to selectee screening or Law Enforcement Officer (LEO) intervention. The SPOT program relies on BDOs trained to detect involuntary physical and physiological reactions that may indicate stress, fear, or deception regardless of race, gender, age, or religion.

TSA collects two categories of information. Under the first category, BDOs enter observations of behavior into a SPOT report (hard copy or through a personal digital assistant (PDA)) that will be entered into the SPOT database that may reveal trends across airports or over time within a single airport. These reports do not contain personally identifiable information (PII). Under the second category, individuals whose behavior exceeds a threshold of behavioral indicators may be referred for additional screening or LEO intervention. In these instances, the BDO may collect PII to check the individual’s identity against intelligence, terrorist, and law enforcement databases, and to provide information for use in trend analysis.

Terrorist acts that threaten transportation security are most vulnerable in the planning stages and the timely passage of SPOT referral information may assist in identifying such efforts before they become operational. Accordingly, BDOs may submit information (observations or PII-based reports) to the Federal Air Marshal Service for analysis within the Transportation Information Security System (TISS), as discussed in the TISS PIA.¹

¹ http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_tsa_tiss.pdf



Reason for the PIA Update

This PIA update reflects that TSA will pilot the deployment of BDOs to interact with passengers as part of the security checkpoint process to designate the level of screening for the individual. For the pilot, BDOs will typically be located with Travel Document Checkers, act as the Travel Document Checker, or be deployed after the Travel Document Checker. Information provided by travelers during the interaction will not be stored in the SPOT database. Information provided by travelers during the interaction may be stored in TSA databases, such as TISS, if there is an incident or law enforcement officer involvement.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

There is no additional collection of information entailed in this update. Information provided during the interaction will not be collected, unless there is an incident or law enforcement involvement to which contents of the interaction may be relevant. For example, if an individual provides conflicting answers about identification documents that appear fraudulent, that information may be recorded if a law enforcement officer becomes involved.

Uses of the System and the Information

Observations of behavior and information learned during the interaction will be used to designate an appropriate level of physical screening for the individual.

Retention

No change.

Internal Sharing and Disclosure

No change.

External Sharing and Disclosure

No change.

Notice

No additional notice will be provided, though the fact of the interaction with the BDO will be overt to the individual.



Individual Access, Redress, and Correction

No change.

Technical Access and Security

No change.

Technology

No change.

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Approval Signature

[Original signed copy on file with the DHS Privacy Office]

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