



Privacy Impact Assessment Update
for the
Alien Flight Student Program

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Abstract

The Transportation Security Administration (TSA) is updating the Privacy Impact Assessment (PIA) used by the Alien Flight Student Program (AFSP) to conduct security threat assessments (STAs). TSA is issuing this update to expand the covered population required to undergo STAs to include candidates seeking recurrent flight training. The AFSP PIA was published initially on June 18, 2004, and subsequently amended on December 22, 2006. The December 22, 2006 PIA remains in effect to the extent that it is consistent with this update, and should be read together with this update.

Introduction

On November 19, 2001, Congress enacted the Aviation and Transportation Security Act (ATSA), Pub. L. 107-71. Under Section 113 of the ATSA (49 U.S.C. § 44939), certain flight training providers are prohibited from providing flight training to certain aliens and other designated individuals (candidates) unless the individuals had undergone an assessment to determine whether they posed a threat to aviation or national security. Originally established under the Department of Justice as the Flight Training Candidate Checks Program (FTCCP), the threat assessment function was transferred to TSA by Congress in the Vision 100—Century of Aviation Reauthorization Act, Pub. L. 108-176. TSA promulgated an Interim Final Rule (IFR) to implement the threat assessment program and security awareness training requirements on September 21, 2004. See 69 *Federal Register* 56324 and 56343.

On September 2008, Congress passed the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Appropriations Act of 2009). The Act authorizes TSA to establish a process to determine that an alien who takes recurrent flight training is not a risk to aviation or national security, and to impose reasonable fees for this process after notifying the public through the Federal Register. The notice was published in the Federal Register on April 13, 2009.

Reason for the PIA Update

The Alien Flight Student Program PIA is being updated to expand the covered population required to undergo security threat assessments (STAs) to include candidates seeking recurrent flight training (category 4). Prior to this update, TSA would only verify that the candidates were current and qualified to fly the aircraft but now these candidates will be required to complete a security threat assessment. The PIA is also being updated to collect candidate additional contact information used to facilitate communication between TSA and the candidate and to verify employment. In addition, the contact information is used to clarify passport data submission requirements and to clarify the process for candidates who are unable to obtain a current and valid passport from their country of nationality because they are refugees, asylees, or holders of a temporary protected status (TPS).



Privacy Impact Analysis

The System and the Information Collected and Stored within the System

TSA collects and retains personal, biographical, and biometric data on flight training candidates who are required to undergo a STA. There are four categories of candidates subject to the STA requirement. Category 1 represents candidates who request training on aircraft with a maximum takeoff weight (MTOW) of more than 12,500 pounds and who are not eligible for expedited processing¹; Category 2 represents candidates who request training on aircraft with a MTOW of more than 12,500 pounds and who are eligible for expedited processing; Category 3 represents candidates who request training on aircraft with a MTOW of 12,500 pounds or less; and Category 4 represents candidates who request recurrent flight training on aircraft for which they are current and qualified. The information that TSA will collect from Category 4 recurrent flight training candidates is the same as that for the other categories, except that individuals seeking recurrent training need not provide fingerprints; they do need to provide a copy of their current pilot certificate. Prior to this change, candidates seeking recurrent flight training were not subject to the STA requirement.

TSA requires the following information from candidates seeking recurrent training: his or her full name (and any other names used previously); any unique student identification number issued previously to the candidate by the Department of Justice or TSA (such as for other flight training); a copy of the candidate's current, unexpired passport and visa (if any), which is required under 49 CFR 1552.3(d)(2)(iii); the candidate's current airman certificate, issuing country, certificate number, and type rating; the type of training for which the candidate is applying, the date of the candidate's prior recurrent training (if any); a copy of the training form documenting that recurrent training; the dates and location of the candidate's requested training; and a photograph of the candidate taken when the candidate arrives at the flight school for recurrent training.

In addition to the information listed above, TSA now requests information from the candidate's passport via a secure web-based data submission, including the candidate's date of birth; gender; birth country; nationality; height, weight, eye color, and hair color; country of citizenship; type of citizenship (current, dual, or historical); whether citizenship is acquired through birth or naturalization; dates of citizenship; and passport information (issue and expiration date, status, city of issuance). Additionally, TSA requires contact information to facilitate communication between TSA and the candidate, such as his or her address, dates at the address, phone number, and email address; and employment information, such as his or her occupation, employer's name, phone number, and email address. A candidate may also voluntarily indicate whether his or her passport was issued outside the United States and whether it has been renewed. Upon completion

¹ Previously trained and approved flight candidates are eligible for expedited processing. If upon submission of their next application they have not changed any relevant information, the application will be processed expeditiously, which usually means a turnaround of five days or less.



or non-completion of training, the flight training provider enters the termination date of the training event.

Candidates who are unable to obtain a current and valid passport from their country of nationality because they are refugees, asylees, or holders of a temporary protected status (TPS) must submit one or more of the following documents in lieu of a passport: a refugee travel document; a permanent or conditional resident card; and/or document issued by the United States Citizenship and Immigration Services (USCIS), formerly the Immigration and Naturalization Service (INS), indicating the candidate's status as lawfully present in the United States and the expiration of such status.

Uses of the System and the Information

In addition to the uses described in the original AFSP PIA published initially on June 18, 2004 and subsequently amended on December 22, 2006, TSA will use the system and the information to include candidates seeking recurrent flight training in the STA requirement. The system and information will also be used to facilitate communication between TSA and the candidates and to clarify the process for candidates who are unable to obtain a current and valid passport from their country of nationality because they are refugees, asylees, or holders of a temporary protected status (TPS).

Retention

TSA will retain this information in accordance with the National Archives and Records Administration (NARA) records schedule, Transportation Threat Assessment and Credentialing, approved on March 8, 2007. The approved NARA schedule contains the following dispositions:

TSA will delete/destroy information contained in the AFSP Database one year after an individual's credential or access privilege granted based upon the STA is no longer valid. In addition, information contained in AFSP Database on those individuals who may originally have appeared to be a match to a government watch list, but who are subsequently cleared as not posing a threat to transportation or national security, will be deleted/destroyed seven years after completion of the STA, or one year after any credential or access privilege granted based on the STA is no longer valid, whichever is longer. Information contained in the AFSP Database on individuals who are actual matches to a government watch list or who otherwise pose a threat to transportation or national security, will be deleted/destroyed ninety-nine years after completion of the STA, or seven years after TSA learns that the individual is deceased, whichever is shorter.

Internal Sharing and Disclosure

Information will be shared within DHS with those officials and employees who have a need for the information in the performance of their duties. In the ordinary course, it is expected that information will be shared with the Office of Transportation Threat Assessment and Credentialing (TTAC), the Office of Intelligence in the event of a match or possible match, the Office of Chief Counsel for enforcement action or other investigation, the Office of Security Operations for operational response, and the Office of Transportation Security Network Management for program management. Information may also be shared with the TSA Office of



Civil Rights and Civil Liberties, the TSA Privacy Office, the TSA Ombudsman, and TSA Legislative Affairs to respond to complaints or inquiries. All information will be shared in accordance with the provisions of the Privacy Act, 5 U.S.C. § 552a. It is also expected that information will be shared with U.S. Immigration & Customs Enforcement (ICE) and U.S. Citizenship & Immigration Service (USCIS) concerning immigration issues.

External Sharing and Disclosure

TSA may also share information about individuals posing or suspected of posing a threat to transportation or national security outside of DHS, with the Terrorist Screening Center (TSC), the Department of Transportation, Federal, State, or local law enforcement or intelligent agencies, or other organizations in accordance with the routine uses identified in the applicable Privacy Act system of records notices (SORN), DHS/TSA 002, Transportation Security Threat Assessment System (T-STAS). DHS/TSA 002 was last published in the Federal Register on November 8, 2005, and can be found at 70 FR 67,731-67,735 and 70 FR 67,735-67,736.

Notice

All flight candidates have been notified about the new STA requirement for candidates seeking recurrent flight training via a statement posted on www.flightschoolcandidates.gov. In addition, a Privacy Act Statement is provided to each candidate. The publication of this PIA and the applicable SORN, DHS/TSA 002, Transportation Security Threat Assessment System (T-STAS) also serves to provide public notice of the collection, use, and maintenance of this information.

Individual Access, Redress, and Correction

There are no changes to the access, redress, and correction mechanisms associated with this collection except that STA redress procedures now apply to flight candidates seeking recurrent training.

Technical Access and Security

There are no changes to the technical access and security parameters associated with this collection.

Technology

There are no changes to the technology associated with this collection.

Approval Signature

Original signed and on file with the DHS Privacy Office

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