

# THE PRACTICAL NOMAD

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The Practical Nomad: How to Travel Around the World (3rd edition, 2004)  
The Practical Nomad Guide to the Online Travel Marketplace (2001)  
<http://www.practicalnomad.com>

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## Travel Data and Privacy

<http://hasbrouck.org/articles/CFP2004.pdf>

### I. Conceptual overview:

- A. Importance of travel data
- B. Past limitations on capability of abuse (lack of abuse not due to lack of government or commercial desire):
  - 1. Potential for anonymous travel  
(no domestic passport in many countries)
  - 2. Lack of PNR indexing
- C. Shared interest of (1) industry and (2) government surveillance agencies in indexing travel records into comprehensive personal travel dossiers.
- D. What CALEA and laws requiring mobile phone location information are to communications, CAPPS-II and other proposals are to transportation (mandating transformation of travel infrastructure, especially airline reservations, into a global infrastructure of surveillance of the movements of people).

### II. Special complicating factors for travel data privacy:

- A. Fear of air travel disproportionate to actual risk:  
selling surveillance programs in the guise of security  
See <<http://hasbrouck.org/articles/fear.html>>

- B. Role of intermediaries and aggregators (see diagrams at <http://hasbrouck.org/cfp2003> and discussion at <http://hasbrouck.org/articles/PNR.html>)
  - 1. travel agencies and agents
  - 2. CRS's (Computerized reservation Systems), a/k/a GDS's (Global Distribution Systems)
  - 3. PNR processors (e.g. Airline Automation)
  
- C. Patriot Act, etc. blurring distinction between corporate and government databases (biggest danger of partial victory: government data retention limited, but same data retained by commercial entities and readily available to governments on request)

### III. Current proposals for government and commercial uses of travel data and the conversion of the travel reservation infrastructure into a traveller surveillance infrastructure

- A. APIS (Advanced Passenger Information systems)
  - 1. Limited to intl. flights (passport required)
  - 2. ICAO standard limited to data on passport);
  - 3. API was first govt.-mandated data collection
  
- B. US-VISIT (fingerscan, digital facial photo)
  - 1. exempt only if biometric passport
  - 2. biometric and biographic travel history
  
- C. TWIC (Transportation Worker Identification Credential)
  - 1. biometric, RFID (bar code considered but rejected)
  - 2. designed to be readily extensible to "users of the transportation system"
  
- D. CAPPS-II (Computer-Assisted passenger Prescreening, v. 2)
  - 1. 3 directives to require:
    - a. Reservation for each passenger
    - b. "Name +3": home address, home phone, DOB
    - c. Evidence/credential of identity
  - 2. Imposed through security directive:
    - a. secret
    - b. airlines forbidden to transport if don't comply -- no direct burden on individual
    - c. How to get standing to challenge CAPPS-II? (1st Amendment: freedom of assembly?)
    - d. Cost and implementation issues: see [http://hasbrouck.org/articles/Hasbrouck\\_TSA\\_comments-30SEP2003.pdf](http://hasbrouck.org/articles/Hasbrouck_TSA_comments-30SEP2003.pdf)

- E. biometric and RFID passports and travel documents
  - 1. ICAO (International Civil Aviation Organization) working group on MRTD (Machine Readable Travel Documents)
  - 2. IATA (International Air Transportation Association) working groups on:
    - a. Passenger Reservations (RESCOM)
    - b. CRS Harmonization (CRSHWG)
  - 3. Simplifying Passenger Travel  
<<http://www.Simplifying-Travel.org>>
  - 4. "Registered Traveller" (a/k/a "trusted traveller")
  
- IV. Commercial travel data handling, use, retention and sharing  
See: <<http://hasbrouck.org/articles/travelprivacy.html>>  
and <<http://hasbrouck.org/blog>>
  - A. Bulk PNR (Passenger Name Record) archive transfers:
    - 1. jetBlue Airways -> Torch Systems (TSA request)
    - 2. Northwest Airways -> NASA (DOT role/request?)
    - 3. American Airlines (and others) -> CAPPS-II contractors (via Airline Automation; DOT role?)
  
  - B. Current practices for commercial uses of travel reservations fail to meet any norm of data protection:
    - 1. Usually no privacy policy at all
    - 2. No oversight – policies routinely violated
    - 3. Flagrant violation of EU and Canadian law
    - 4. Who owns the data?
    - 4. Purpose restrictions on use/disclosure
    - 5. Retention restrictions
    - 6. Access by the data subject
  
- V. Regulatory and legislative activity and litigation
  - A. USA
    - 1. CAPPS-II oversight (DHS Privacy Office; Congress)
    - 2. Travel privacy legislation (not yet introduced)
  
  - B. European Union (Committee on Citizens' Freedoms and Rights, Justice, and Home Affairs, ("LIBE Committee"); EDRI.org (European Digital Rights); Statewatch.org)
  
  - C. Canada -- Bill C-17; see  
<<http://hasbrouck.org/blog/archives/000127.html>>
  
- VI. Gilmore v. Ashcroft, Hiibel v. Nevada, and anonymous travel