March 5, 2003

The Honorable Admiral James Loy
Undersecretary of Transportation Security
Department of Homeland Security
Washington, DC

Dear Admiral Loy,

The National Business Travel Association (NBTA), representing over 1,500 corporate travel managers and over 6 million frequent business travelers for the Fortune 1000 companies, would like to urge the Transportation Security Administration (TSA) to please provide the traveling public with a “privacy impact analysis” of the new computer assisted passenger prescreening system (CAPPsII).

As the TSA renews its focus on passenger prescreening, it is vital that you make public the privacy concerns born out of CAPPsII. Such analysis should describe the impact of CAPPsII on the privacy of individuals. A privacy impact analysis or a summary should be published in the Federal Register.

NBTA believes the initial “privacy impact analysis” should contain the following:

1) A description and assessment of the extent to which CAPPsII will impact the privacy interests of individuals, including the extent to which CAPPsII:

   a) Provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;
   b) Allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;
   c) Prevents such information, which is collected for one purpose, from being used for another purpose; and
   d) Provides security for such information.

Corporations are sensitive to compliance with federal mandates that require the exchange of corporate and employee travel data. Corporations will make reasonable efforts to collect current, accurate data and allow for needed disclosure, provided there are effective safeguards for protecting ownership of company information and traveler privacy. Disclosure of travel information either directly to travel suppliers or the federal government or to third parties depends on compliance with privacy laws and regulations, contractual commitments and consistency in observance of ethical rules in dealing with all agents of transactions.

Here are our concerns:
Does CAPPSII allow personal information to be shared between financial and travel institutions and unaffiliated third parties, including marketers, travel agencies, without the corporations or consumers consent?

Are travel suppliers required to meet even the minimum notice of information practices required under the law?

Does CAPPSII require travel suppliers to provide corporations and/or travelers with access to information about them that the travel supplier holds? What happens if a traveler is misidentified?

Will additional information, i.e. social security number, be required in the future when booking a ticket?

Will the classification of an individual change—good to bad or bad to good?

How long is data held by the travel supplier?

Can travelers opt-out of this process in exchange for additional security scrutiny?

Under CAPPSII, the traveler will have no control over how a travel supplier uses their data and the proprietary nature of the data. NBTA believes that there is a need for a clear and stable regulatory framework to guarantee free movement of personal and corporate data while maintaining privacy, confidentiality and security. More importantly, this framework will help to ensure consumer and corporate confidence in the exchange of information through the security screening process.

NBTA understands that ultimately this program will allow the TSA to focus more on the real threats and less on the millions of frequent travelers who are going about the nation’s business. NBTA would urge the TSA to please make public a “privacy analysis” of CAPPSII immediately in order to alleviate the concerns of the traveling public.

If you would like to discuss in more detail our position, please feel free to contact Eugene Laney, Director of Information & Legislative Services or myself.

Respectfully submitted,

Bill Connors
Executive Director
National Business Travel Association

CC: Secretary Tom Ridge
Department of Homeland Security

Secretary Norman Mineta
Department of Transportation

Chairman Don Young
House Transportation Committee

Chairman John McCain
Senate Commerce Committee