

occasion, occurred under the systems currently in use. During the test period, TSA hopes to confirm that the use of the CAPPS II program will significantly reduce improper identification.

Routine Uses

In response to the comments received that expressed concerns about the further dissemination of passenger information, TSA has narrowed several routine uses in the proposed notice, and eliminated others in their entirety, as follows:

Proposed Routine Use 1 (to Federal, State, local, international, or foreign agencies) (now Routine Use 1) has been narrowed to pertain to specified violations of criminal law.

Proposed Routine Use 3 (now Routine Use 3) has been modified to specify immigration and intelligence agencies.

Proposed Routine Uses 4 (to individuals and organizations), 5 (to government agencies in connection with employment, contract or benefit matters) and 6 (to news media) have been deleted.

Proposed Routine Use 2 (now Routine Use 2) and proposed Routine Use 9 (now Routine Use 4) have been modified slightly to make the language consistent with the routine uses in other TSA systems of records. These changes are not substantive and do not expand or narrow the scope of the routine uses.

Proposed Routine Use 10 (now Routine Use 5) has been modified slightly to allow for disclosures to airports and aircraft operators only to the extent required in the interests of counterterrorism or passenger or aviation security.

Proposed Routine Use 11 (now Routine Use 6) has been modified to permit disclosure to the General Services Administration (GSA), in addition to the National Archives and Records Administration (NARA), for purposes of records management inspections. Both GSA and NARA have the statutory authority under 44 U.S.C. 2904 and 2906 to conduct inspections or surveys of TSA records, which was not reflected in the proposed routine use. This modification corrects the omission.

DHS/TSA 010

SYSTEM NAME:

Passenger and Aviation Security Screening Records.

SECURITY CLASSIFICATION:

Classified, sensitive.

SYSTEM LOCATION:

Records are maintained at the Transportation Security Administration (TSA), Department of Homeland

Security, P.O. Box 597, Annapolis Junction, MD 20701-0597.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals traveling to, from or within the United States by passenger air transportation; known terrorists and individuals on terrorism watch lists; persons with outstanding federal or state warrants for crimes of violence; government officials or other persons holding requisite security clearances, positions of trust and confidence, or otherwise deemed not to require heightened scrutiny.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Passenger Name Records (PNRs) obtained from airlines, Global Distribution Systems and Computer Reservation Systems (the specific contents of PNRs often vary by airline, but will include at least the following passenger information: Full name, date of birth, home phone number, home address, and travel itinerary); other information in PNR may include payment information, and frequent flier number (if any);

(b) Authentication scores and codes obtained from commercial data providers;

(c) Numerical "risk scores" generated by the CAPPS II system;

(d) Watch lists and government databases containing information on known terrorists and terrorist associates, or other information pertinent to the detection of terrorists and their associates, or pertinent to the detection of outstanding state or federal warrants for crimes of violence.

(e) Names of and other identifying information about government officials or other persons holding security clearance or positions of trust and confidence, such as not to warrant heightened scrutiny.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 114, 44901, and 44903.

PURPOSE(S):

The system will be used to facilitate the development, testing, and conduct of the Computer Assisted Passenger Prescreening System II (CAPPS II). The purpose of CAPPS II is to minimize threats to passenger and aviation security by determining which passengers should be afforded additional scrutiny prior to boarding an aircraft. In addition, CAPPS II is designed to determine the likelihood that a passenger is a known terrorist, or has identifiable links to known terrorists or terrorist organizations, including both foreign and domestic terrorist

organizations, or otherwise poses a threat to passenger or aviation security.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To appropriate Federal, State, local, international, or foreign agencies or authorities responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, or order, or in accordance with law or international agreements, where DHS becomes aware of an outstanding state or federal arrest warrant for a crime of violence.

(2) To contractors, grantees, experts, or consultants when necessary to perform a function or service related to the CAPPS II system or this system of records for which they have been engaged. Such recipients are required to comply with the Privacy Act, 5 U.S.C. 552a, as amended.

(3) To Federal, State, local, international, or foreign agencies or authorities, including those concerned with law enforcement, visas and immigration, and to agencies in the Intelligence Community, or in accordance with law or international agreements, with respect to persons who may pose a risk of air piracy or terrorism or who may pose a threat to aviation, passenger safety or national security.

(4) To the Department of Justice or other Federal agencies conducting litigation, or in a proceeding before a court, adjudicative or administrative body, when: (a) TSA, or (b) any employee of TSA in his/her official capacity, or (c) any employee of TSA in his/her individual capacity where DOJ or TSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to litigation or has an interest in such litigation, and TSA determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which TSA collected the records.

(5) To airports and aircraft operators, only to the extent the disclosure is deemed required for counterterrorism or passenger or aviation security purposes.

(6) To the General Services Administration and the National Archives and Records Administration (NARA) in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.