



Homeland Security

The Honorable Susan M. Collins
Chairman
Committee on Governmental Affairs
United States Senate
Washington, DC 20510

Dear Madam Chairman:

Thank you for your letter, cosigned by Ranking Member Joseph I. Lieberman, expressing concern with the role of the Transportation Security Administration (TSA) in the exchange of passenger name records (PNR) from JetBlue Airways to Torch Concepts, and for this opportunity to clarify TSA's role. As you know, the events in question occurred while TSA was a part of the Department of Transportation. However, the Department of Homeland Security (DHS) is committed to creating a culture of privacy awareness and sensitivity, and we share the concerns that you raised about the fair and legitimate use of data in the successful pursuit of the Department's goals.

In May or June 2002, the Department of Defense (DOD) requested TSA's assistance in obtaining airline passenger data for use by DOD's subcontractor, Torch Concepts. TSA and DOD employees met with Torch Concepts at that time. Torch Concepts was engaged in a Base Security Enhancement study, involving analyzing traffic patterns on or near military installations. TSA was interested in learning more about the Torch Concepts approach because TSA was actively considering various ideas for the ultimate concept for CAPPs II. The briefing on the Torch Concepts application gave TSA the opportunity to learn about a potential approach to aviation-passenger risk evaluation.

At the briefing, DOD asked for TSA's assistance in obtaining PNR data that Torch Concepts needed to provide a proof of concept for its application. In a July 30, 2002 memorandum, TSA requested that JetBlue provide archived passenger data to the DOD. A copy of that memorandum and the cover email is enclosed. Except for an email from Torch confirming that it was arranging to receive the data, there is no record of any further communication to or from TSA on this matter and results of the project do not appear to have been sent to TSA. As you may know, the DHS Chief Privacy Officer recently issued a report on TSA's involvement in this matter and has referred her findings to the DHS Inspector General for further review.

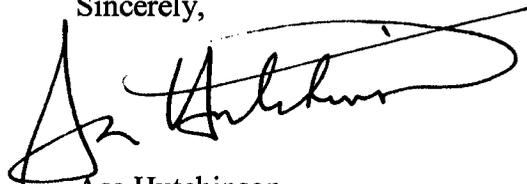
In order to prepare responses to a pre-hearing questionnaire for the nomination of ADM James M. Loy to the position of Deputy Secretary of the Department of Homeland Security that contained a question regarding this incident, TSA relied on the memory of a

TSA employee who had dealt with this matter in the May/June 2002 timeframe and represented that TSA had only introduced Torch Concepts to JetBlue. At about the same time the response was prepared, and in order to respond to a series of detailed questions from Senator Patrick Leahy, TSA began to search its files for written material related to the JetBlue matter. As a result of this search, TSA uncovered the fact of the written request to JetBlue. This new information will be included in the response to Senator Leahy's questions, and has also been included in an amended response to the question posed in the pre-hearing questionnaire for ADM Loy's confirmation that is being submitted to this Committee under separate cover.

The Department of Homeland Security is committed to enhancing security without compromising important privacy rights. As you know, the Department's Chief Privacy Officer Nuala O'Connor Kelly reports directly to Secretary Ridge on these important issues and has been personally involved in numerous BTS programs, including CAPPs II and the TSA's recent Privacy Education Week. During that week, TSA completed online and video privacy training for all employees. In addition, the Transportation Security Administration has also just announced the appointment of a privacy officer, and a privacy advisory board, to review TSA initiatives, specifically CAPPs II. The Department has demonstrated an unparalleled commitment to creating a culture that supports privacy values, through internal privacy compliance and education. Part of that commitment is to provide transparency about the Department's operations and to implement appropriate procedures for data usage going forward.

I hope that I have addressed all the concerns you raised in your letter. I would be happy to answer any further questions you may have on this matter. An identical response has been sent to Ranking Member Lieberman.

Sincerely,

A handwritten signature in black ink, appearing to read "Asa Hutchinson", written over a horizontal line.

Asa Hutchinson
Under Secretary
Border and Transportation Security

Enclosure

MEMORANDUM

DATE: July 30, 2002

TO: Robert DeFrancesco
Director, Corporate Security
Jet Blue Airlines (718-286-4096)

FROM: Mark T. Torbeck
CAPPS II Office

SUBJECT: Request for PNR Data for a Department of Defense (DoD) Proof of Concept

cc: Stephen L. Cohn
Office of the Assistant Secretary of the Army
(Acquisition, Logistics and Technology)
International Programs Manager
703-601-1556

Roy Nichols - *chair of company*
Torch Concepts
256-885-0168

- Accumen

As discussed, the Department of Defense (DoD) is currently involved in a Proof of Concept program for the purposes of improving military base security. DoD engaged the Transportation Security Administration (TSA) to assist in the securing of passenger name record (PNR) data to help meet this proof of concept initiative.

For this stated reason, TSA is requesting the use of archived PNR data belonging Jet Blue. We are requesting that Axiom, a contractor who provides PNR data parsing services to Jet Blue, provide this PNR data to the DoD contractor, Torch Concepts. Any non-disclosure agreements that need to be executed can be exchanged directly between the parties with copies provided to both DoD and TSA.

Torbeck, Mark

From: Torbeck, Mark
Sent: Wednesday, July 31, 2002 10:01 AM
To: 'Bob.DeFrancesco@jetblue.com'
Cc: 'micholsr@torchconcepts.com'; 'Stephen.Cohn@saait.army.mil'
Subject: Concept of Operations - PNR Data usage

Bob:

Thank you so much for your quick response and participation in support of this critical project involving base security. We at the TSA are working with DOD to support this effort. In conjunction with this effort, attached piz find the letter of request [which includes phone numbers] regarding PNR data being provided to Torch Concepts for this proof of concept.

If you have any question, piz do not hesitate to call. DOD is looking to kick this project off ASAP for all the obvious reasons, so anything you can do to help expedite the movement of the data between Axiom and Torch would be greatly appreciated.

Mark

B - 919-465-0770
C - 919-270-4964



DOD

sent with Jet Bit