

Privacy group sues TSA, Justice over airline passenger data

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A public interest organization has filed a lawsuit in federal court against the Transportation Security Administration and the Justice Department, seeking the immediate release of information about government efforts to collect airline passenger data since the Sept. 11 terrorist attacks.

The Electronic Privacy Information Center charges in [a complaint](#) filed Wednesday with the U.S. District Court for the District of Columbia that TSA and the FBI have failed to adequately respond to Freedom of Information Act requests. EPIC is asking the court to compel the agencies to immediately disclose all records related to the use of airline passenger information.

The complaint alleges that TSA has violated statutory time limits in responding to three separate FOIA requests. It says that the FBI has failed to expedite another FOIA request and has wrongfully withheld records.

Several agencies and airlines have disclosed in recent months that they have collected and shared personal information about airline passengers since 9/11.

JetBlue Airways has said that it shared more than five million passenger records with a Pentagon contractor in 2002. Northwest Airlines has acknowledged it gave three months' worth of 2001 passenger data to NASA's Ames Research Center for use in a passenger profiling project. American Airlines has admitted that one of its contractors, Airline Automation, gave 1.2 million passenger records in June 2002 to four companies competing for TSA contracts. Most recently, the FBI has said that it ordered the nation's largest airlines to turn over millions of passenger records from the days after the Sept. 11 terrorist attacks as part of a criminal investigation.

EPIC said the FBI's effort involved "the sweeping collection of massive amounts of passenger information without any suspicion that the vast majority of those affected have committed wrongdoing."

The FBI sent EPIC a letter May 19 denying the organization expedited processing of its FOIA request. The letter stated that the request was being denied "because the primary activity of EPIC does not appear to be information dissemination, which is requested for a requester to qualify for expedited processing."

The FBI also said EPIC had "not demonstrated any particular urgency to inform the public about the subject matter of your request beyond the public's right to know generally."

Representatives from TSA and Justice were not available for comment Friday.

The collection and sharing of passenger information also has come under congressional scrutiny.

In a Feb. 13 letter, Senate Governmental Affairs Committee Chairman Susan Collins, R-Maine, and ranking member Joseph Lieberman, D-Conn., called on the Homeland Security Department to explain its role in obtaining sensitive airline passenger data.

"We support the development of effective new systems and technologies to protect homeland and national security," the lawmakers wrote in a letter to Asa Hutchinson, DHS undersecretary for border and transportation security. "However, such systems must have appropriate safeguards to ensure the privacy of personal information and must be developed in an atmosphere of openness and public trust."

"Americans want to be full partners with their government in the war against terrorism," Collins and Lieberman wrote. "If the government needs their private information to help wage that war, then they deserve to know how the government obtained and will be using that information."