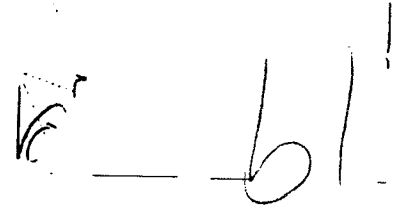
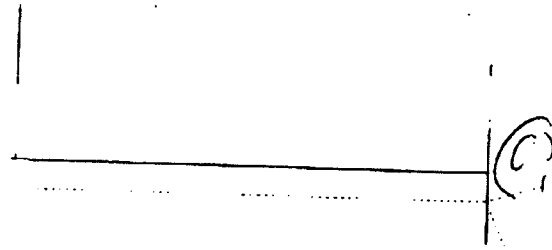


bl



002814

Deleted C65 3

b1

Comment: b6,3 What does this refer to?

b1

002815

Deleted: From

Deleted: CBP

b1

Deleted: and Amendment. 1

~~(S)~~ (S)

b1

Deleted: [b5]

(c)

b1

002816

002817

Formatted: Font: Not Bold

19

(1)

Formatted: Comment [D18]

2655

(1)

Formatted: Indent: Left: 0"

19

b1

(iv) Global text edits/Issues:

- (a)
- (a)

(c)

b1

(c)

(v) Preambular text:

- (a)
- (a)
- (a)
- (c)
- (c)

b1

(c)

002937

Perred: Schaefer MFL

Revised: 12/2022

363

~~SECRET~~

(S)  
(S)

b1

002938

~~SECRET~~

~~SECRET~~

[ b6 ]

**From:** Rosenzweig, Paul  
**Sent:** Monday, June 26, 2006 10:13 AM  
**To:** Baker, Stewart  
**Subject:** RE: PNR memo  
**Attachments:** NSC PNR Memo Ver sab (PSR).doc

[

b5

]

(S)

b1

P

(J) Back to soaking up water ...

**From:** Baker, Stewart  
**Sent:** Mon 6/26/2006 5:33 AM  
**To:** Rosenzweig, Paul; Scardaville, Michael  
**Subject:** RE: PNR memo (U)

(C) apologies. I use an open source word processor. See if this works for you.

**From:** Rosenzweig, Paul  
**Sent:** Mon 6/26/2006 12:20 AM  
**To:** Baker, Stewart; Scardaville, Michael  
**Subject:** RE: PNR memo (U)

Stewart

(U) I can't open this in Word. What format did you save it in?

P

**From:** Baker, Stewart  
**Sent:** Sun 6/25/2006 10:19 PM  
**To:** Rosenzweig, Paul; Scardaville, Michael  
**Subject:** PNR memo (U)

(U) Here's my edit. Please read carefully for things you think are wrong. [

[

b5

]

000319

MAILED  
COMM-FEDER  
MFR  
JUN 26 2006

6/12/2007

(40)

~~SECRET~~

Scardaville, Michael

From: Baker, Stewart

Sent: Sunday, July 30, 2006 3:00 PM

To: Roserzweig, Paul; Scardaville, Michael

Subject: NSC memo, etc.

~~SECRET~~

(C) - b1

(S)

(L) Finally, to be ready for this meeting, I'd like a few things:

(C) 1. The [ 65 ] list that Paul prepared

(C) 2.

4.5 - b1

(5) Thanks.

Stewart

AS's  
 1) Paper edit  
 2) → Sec. ...  
 3) Post 9/11 study ...

Revised Secret Air MFR  
 7/20/06

7/31/2006

~~SECRET~~

001529

(41)



474

From: Baker, Stewart [ b2 (100) ]  
Sent: Thursday, September 14, 2006 6:48 AM  
To: [ b6 ] Baker, Stewart; [ b6 ] Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b6 ]  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

~~SECRET~~

(c) b1

-----Original Message-----

From: [ b6 ] [mailto:[ b6 ]]  
Sent: Thursday, September 14, 2006 12:04 AM  
To: [ b6 ]; Baker, Stewart: [ b6 ]  
Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b6 ]  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

(c)

----- Original Message -----

From: [ b2(100) + b6 ]  
To: Baker, Stewart [ b2(100) ] [ b6 ]  
Michael [ b2(100) ] [ b6 ] Scardaville,  
Cc: Teufel, [ b2(100) ] [ b6 ] Rosenzweig,  
Paul [ b2(100) ] [ b2(100) + b6 ]  
Sent: Wed Sep 13 21:00:55 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

Derived: Schneider MFR  
Declass 9/20/31

~~SECRET~~

001515

~~SECRET~~

----- Original Message -----

From: "Baker, Stewart" < b2 (low) >  
Sent: 09/13/2006 06:26 PM  
To: ( b6 b2 (low) )  
Cc: "Teufel, Hugo" < b2 low > ; "Scardaville, Michael" < b2 >  
( b2 (low) + b6 ) "Rosenzweig, Paul" ( b2 (low) )  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

----- Original Message -----

From: ( b6 )  
Sent: Wednesday, September 13, 2006 6:19 PM  
To: ( b6 ) Scardaville, Michael; Baker, Stewart  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

----- Original Message -----

From: ( b6 )  
To: Scardaville, Michael; Baker, Stewart  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Sent: Wed Sep 13 18:11:34 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1  
(s)

-----  
Sent from my BlackBerry Wireless Handheld

~~SECRET~~

----- Original Message -----

From: Scardaville, Michael  
To: ( b6 ) Baker, Stewart  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Sent: Wed Sep 13 17:59:03 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

~~SECRET~~

( b6 )

(c)

b1

(c)

Mike  
( b2 (law) )

-----Original Message-----

From: ( b6 )  
Sent: Wednesday, September 13, 2006 5:56 PM  
To: Baker, Stewart; Scardaville, Michael  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c)

b1

(c)

(c)

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Scardaville, Michael  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Sent: Wed Sep 13 17:51:33 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c)

b1

-----Original Message-----

From: Scardaville, Michael  
Sent: Wednesday, September 13, 2006 4:58 PM  
To: Baker, Stewart

~~SECRET~~

Cc: ( Frenkel, Jonathan; ( b1  
Bob M; ( b1  
( b1 ) Jacksta,  
( b1 ) Mortensen,  
Kenneth; ( b1 ) Rosenzweig, Paul;  
( b1 ) Scardaville, Michael; ( b1 ) Teufel, Hugo;  
( b1 )

Subject: FW: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Stewart,

(c) b1

"Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini."

(u)

Mike  
( b2(100) )

-----Original Message-----

From: Telmo.Baltazar ( b2(100) )  
Sent: Wednesday, September 13, 2006 9:30 AM  
To: Scardaville, Michael; Rosenzweig, Paul; ( b1 )  
( b2(100) + b1 )  
( b2(100) + b1 )  
Subject: PNR: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Dear Colleagues,

1/ GJ/ml b1

Best regards,

Telmo Baltazar

[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default_en.htm)

(u) Justice and home affairs - 13-09-2006 - 09:13  
PNR: Frattini updates MEPs on talks with USA

The US administration is ready to accept the EU's request for a two-stage procedure in the talks on the transfer of passenger name records (PNR). Commission vice-president Franco Frattini told members of the Civil Liberties Committee on Tuesday. MEPs agreed with the timetable put forward by Council and Commission representatives but were keen that the substance of the agreement be improved and they voiced concern about the unclear ratification process.

(u)

The idea proposed by the Council to US officials during their first negotiating meeting last Friday is for the two sides to sign an initial

1/17/2007

001519

[ b4 ]

SECRET

From: [ b4 b2 low ]  
Sent: Thursday, September 14, 2006 6:59 AM  
To: Baker, Stewart; [ b4 ] Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b6 ]  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

SB.

(u) [ b5 ]

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart [ b2 low ]  
To: [ b4 b2 low ] Scardaville, Michael [ b2 low ] Baker, Stewart [ b2 low ] [ b4 ]  
Cc: Teufel, Hugo [ b2 low ] Rosenzweig, Paul [ b2 low ] [ b6 ]  
Sent: Thu Sep 14 06:48:10 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

----- Original Message -----

From: [ b4 b2 low ]  
Sent: Thursday, September 14, 2006 12:04 AM  
To: [ b4 ] Baker, Stewart; [ b6 ] Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b4 ]  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

----- Original Message -----

From: [ b6 b2 low ]  
To: Baker, Stewart [ b2 low ] [ b6 ]

[ b6 b2 low  
Michael [ b2 low ] Scardaville,  
Cc: Teufel, Hugo [ b2 low ] [ b6 ] Rosenzweig,  
Paul [ b2 low ] [ b6 b2 low ]  
Sent: Wed Sep 13 21:00:55 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(c) b1

----- Original Message -----

From: "Baker, Stewart" [ b2 low ]  
Sent: 09/13/2006 06:26 PM  
To: [ b6 b2 low ]  
[ b6 b2 low ] "Scardaville, Michael" [ b2 low ]  
Cc: "Teufel, Hugo" [ b2 low ] [ b6 ]  
[ b6 b2 low ] "Rosenzweig, Paul" [ b2 low ]  
Subject: RE: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(c) b1

-----Original Message-----

From: [ b6 ]  
Sent: Wednesday, September 13, 2006 6:19 PM  
To: [ b6 ] Scardaville, Michael; Baker, Stewart  
Cc: Teufel, Hugo: [ b6 ] Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(c) b1

----- Original Message -----

From: [ b6 ]  
To: Scardaville, Michael; Baker, Stewart

Cc: Teufel, Hugo; [ b6 ] [ ] Rosenzweig, Paul  
Sent: Wed Sep 13 18:11:34 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

2/5

(c) b1

(S)

Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Scardaville, Michael  
To: [ b6 ] Baker, Stewart  
Cc: Teufel, Hugo; [ b6 ] [ ] Rosenzweig, Paul  
Sent: Wed Sep 13 17:59:03 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

[ b6 ]

(c) b1

(c) Mike  
[ b2 low ]

-----Original Message-----  
From: [ b6 ]  
Sent: Wednesday, September 13, 2006 5:56 PM  
To: Baker, Stewart; Scardaville, Michael  
Cc: Teufel, Hugo; [ b6 ] [ ] Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

@ e b1

Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Baker, Stewart  
To: Scardaville, Michael



Cc: Teufel, Hugo; [ b6 ]  
Rosenzweig, Paul  
Sent: Wed Sep 13 17:51:33 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(7): b1

-----Original Message-----

From: Scardaville, Michael  
Sent: Wednesday, September 13, 2006 4:58 PM  
To: Baker, Stewart  
Cc: [ b6 ]  
Frenkel, Jonathan; [ b6 ]  
Bob M: [ b6 ]  
[ b6 ]  
Kenneth; [ b6 ]  
[ b6 ]; Scardaville, Michael; [ b6 ]  
[ b6 ]  
Subject: FW: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

[ ] Jacksta,  
[ ]  
[ ] Mortensen,  
[ ]; Rosenzweig, Paul;  
[ ] Teufel, Hugo;

Stewart,

(e) b1

"Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini."

(u)

Mike  
[ b2 low ]

-----Original Message-----

From: Telmo.Baltazar [ b2 low ]  
Sent: Wednesday, September 13, 2006 9:30 AM  
To: Scardaville, Michael; Rosenzweig, Paul; [ b6 ]  
[ b6 ] [ b2 low ]  
Subject: PNR: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Dear Colleagues,

b1

Best regards,

Telmo Baltazar

~~SECRET~~

[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default_en.htm)

Justice and home affairs - 13-09-2006 - 09:13  
PNR: Frattini updates MEPs on talks with USA

1) The US administration is ready to accept the EU's request for a two-stage procedure in the talks on the transfer of passenger name records (PNR), Commission vice-president Franco Frattini told members of the Civil Liberties Committee on Tuesday. MEPs agreed with the timetable put forward by Council and Commission representatives but were keen that the substance of the agreement be improved and they voiced concern about the unclear ratification process.

The idea proposed by the Council to US officials during their first negotiating meeting last Friday is for the two sides to sign an initial interim agreement to run until November 2007 - in which the conditions on data protection and transfer of PNR would remain unchanged - and start immediate negotiations for a further definitive agreement to run from 2008, on which the content can be renegotiated. "The US said it was prepared to enter into negotiations of substance" on this second agreement, said Mr Frattini. A Commission representative was present on Friday to assist Council during the negotiations.

4) Asked by rapporteur Sophie In 't Veld (ALDE, NL) whether the US was willing to make its commitments on the protection and use of data legally binding, Mr Frattini admitted that this would not be easy for the first short term agreement, since it would require the US Congress to ratify these conditions (known as the 'undertakings', which are now in an annex and not part of the legal text). Stavros Lambrinidis (PES, EL) responded: "You have told us enough... the US is seeking to turn the issue of making the undertakings legally binding into a problem (...) We agreed to sign the short term agreement while keeping the content unchanged but now the US is not so interested in signing and is dragging its feet". He claimed the American position was a form of "blackmail".

#### Ratification procedure

4) Under the treaties, Mr Frattini explained, an interim international agreement signed by the EU with a third country can come into force immediately, without waiting for the ratification process to be concluded: "The need to be ratified does not prevent it from taking effect immediately", he said. Ewa Klant (EPP-ED, DE) was surprised that no ratification by national parliaments would be required on such a sensitive topic and Ignasi Guardans (ALDE, ES) added: "only ratification can give legitimacy to your work, Mr Frattini. You need the parliaments' blessing (...) so they take responsibility for it".

#### Time pressure

4) Commissioner Frattini warned of the risks of not reaching a PNR deal with US to replace the pact annulled by the EU Court of Justice, which is due to expire on September 30. He explained that there is not enough time for negotiations at present and that he had urged US officials to accept merely a change in how the deal is framed legally. Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini. "I am aware that it is in our interest

1/17/2007

001503  
001504

(u) to avoid bilateral agreements", said Martine Roure (PES, FR), "but it is our responsibility to ensure that EU citizens can enjoy at least the same level of data protection as US citizens".

(u) Lastly, Mr Frattini said that positive or voluntary profiling should be seen as a benefit, as "it can mean you spend less time at borders". The Commission will therefore consider submitting a draft directive on this direction. "We will present a feasibility study next spring", he said. Lastly, he argued that giving people the chance to register their personal data in a database voluntarily would allow them to cut down the number of controls and even diminish the risk that they would suffer ethnic profiling.

11/09/2006

Committee on Civil Liberties, Justice and Home Affairs  
In the Chair : Jean-Marie CAVADA (ALDE, FR)

~~SECRET~~

From: [b6] ]  
Sent: Friday, September 15, 2006 7:04 PM  
To: Teufel, Hugo  
Subject: Fw: URGENT: PCC Tasking

(u) Meant to copy you on this. I'm handling but just so you're aware on the state of play. Will be going to DVC with EU monday morning at the NAC.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Rosenzweig, Paul  
To: Scardaville, Michael; [b6] b2 low ]  
Cc: 'Scardaville, Michael' [b2 low] ] Jacksta, Bob M  
Sent: Fri Sep 15 18:51:07 2006  
Subject: RE: URGENT: PCC Tasking

(u) Let me jump in and offer kudos to the core PNR team. We are doing great work [b5] ] . Keep

P

Paul Rosenzweig

[b2 low]

-----Original Message-----

From: Scardaville, Michael  
Sent: Friday, September 15, 2006 6:36 PM  
To: [b6] b2 low ]  
Cc: Scardaville, Michael; Jacksta, Bob M; Rosenzweig, Paul  
Subject: URGENT: PCC Tasking  
Importance: High

All,

(u) You missed one of the more fun-filled PNR meetings yet, but before I go into details, let me get right to the taskings. DHS left with two taskings:

b1

(u) #2 is minor and I'll take care of it and send a copy once Stewart is happy with it. On #1, we need to finalize [b6] document and make it a little more readable for non-lawyers. [b5]

Derived: Schneider MFR  
Declass: 15 Sept 2021  
1/17/2007

(44)

002948

(u) The target due date for both documents is Noon Tomorrow (yes Saturday) Sorry but that's unavoidable - personally I'm hoping for rain tomorrow.

(u) To recap generally and provide food for thought.

(c)

(c)

(c)

b1

(c)

(c)

(c)

(c)

(c)

(c) No options are off the table, but if the description of what is covered [b5] is good enough we will present the Joint Statement as an alternative to the EU's proposal by Monday.

(u) Please send me an email confirming that you received this and give me a ring if you'd like to discuss. [b6] if you can give me an idea of when you can provide you additions it would be very useful so I know when to get in tomorrow. I'll be here for a while yet and will likely be in most of the day tomorrow.

Mike  
[b2] [low]

002949

-----Original Message-----

From: [b6]

Sent: Thursday, September 14, 2006 4:27 PM

To: Scardaville, Michael; [b6] [b2] [low]

Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

1/17/2007

Importance: High

[b6]

Attached is a draft explicating what is meant [b6]

b5

~~SECRET~~

(u)

For Mike,

I've addressed to you to make sure this is in the ball park for what POLICY envisions. [b6]

b5

(u)

Thanks.

[b6]

Director of International Privacy Programs

DHS, Privacy Office

Tel. [b2 law]

Fax [b2 law]

Email: [b6 b2 law]

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you received this in error, please reply immediately to the sender and delete the message. Thank you.

-----Original Message-----

From: Scardaville, Michael

Sent: Thursday, September 14, 2006 8:52 AM

To: [b6 b2 law]

Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(u)

I can do a call before 9:00 or after 9:45.

(u)

[b6 b5]

(c)

(c)

b1

Mike

[b2 law]

-----Original Message-----

From: [b6]

Sent: Thursday, September 14, 2006 7:17 AM

To: [b6 b2 law] Scardaville, Michael

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

1/17/2007

002950

(c) b1

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: [ b6 b2 low ]

To: [ b6 b2 low ]

Sent: Thu Sep 14 07:03:55 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(v) [ b5 ] [ b6 ]

----- Original Message -----

From: [ b6 b2 low ]

To: [ b6 b2 low ]

[ b6 b2 low ] Scardaville, Michael [ b2 low ] Baker, Stewart [ b2 low ] [ b6 ]

Cc: Teufel, Hugo [ b2 low ] [ b6 b2 low ] Rosenzweig, Paul [ b2 low ] [ b6 ]

Sent: Thu Sep 14 06:50:44 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

[ b6 ]

Understand your views but unless I'm misunderstanding, [ b5 ] Mike wanted something soon so + I'll try to circulate something by cob or early tomorrow for you to look at

(S)

(v) [ b5 ]

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: [ b6 b2 low ]

To: [ b6 ] Baker, Stewart [ b2 low ] [ b6 b2 low ] [ b6 b2 low ] Scardaville, Michael [ b2 low ]

Cc: Teufel, Hugo [ b2 low ] [ b6 b2 low ] Rosenzweig, Paul [ b2 low ] [ b6 ]

Sent: Thu Sep 14 00:03:58 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

002951

(C) b1

----- Original Message -----

From: [ b6 b2 100 ]

To: Baker, Stewart [ b2 100 ] [ b6 b2 100 ]  
[ b6 b2 100 ] Scardaville, Michael [ b2 100 ]

Cc: Teufel, Hugo [ b2 100 ] [ b6 ] [ b2 100 ]  
[ b6 b2 100 ] [ b6 ]

Sent: Wed Sep 13 21:00:55 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(C) b1

----- Original Message -----

From: "Baker, Stewart" [ b2 100 ]

Sent: 09/13/2006 06:26 PM

To: [ b6 b2 100 ] [ b2 100 ] [ "Scardaville, Michael" ]

Cc: "Teufel, Hugo" [ b2 100 ] [ b6 b2 100 ] [ "Rosenzweig, Paul" ]  
[ b2 100 ]

Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(C) b1

-----Original Message-----

From: [ b6 ]

Sent: Wednesday, September 13, 2006 6:19 PM

To: [ b6 ] Scardaville, Michael; Baker, Stewart

Cc: Teufel, Hugo; [ b6 ] Rosenzweig, Paul

Subject: Re: EU Commission Vice President Franco Frattini updates

002952





-----Original Message-----

From: [ b6 ]  
Sent: Wednesday, September 13, 2006 5:56 PM  
To: Baker, Stewart; Scardaville, Michael  
Cc: Teufel, Hugo; [ b6 ] ; Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(a)  
(e) b1

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Scardaville, Michael  
Cc: Teufel, Hugo; [ b6 ] ; Rosenzweig, Paul  
Sent: Wed Sep 13 17:51:33 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(a) b1

-----Original Message-----

From: Scardaville, Michael  
Sent: Wednesday, September 13, 2006 4:58 PM  
To: Baker, Stewart  
Cc: [ b6 ] ; Jacksta,  
Frenkel, Jonathan; [ b6 ] ; Mortensen,  
Bob M; [ b6 ] ; Rosenzweig, Paul;  
[ b6 ] ; Scardaville, Michael; [ b6 ] ; Teufel, Hugo;  
[ b6 ]  
Subject: FW: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA  
Importance: Low

Stewart.

002954

(E) b1


(U) "Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini."

Mike  
[ b2 low ]

-----Original Message-----

From: Telmo.Baltazar [ b2 low ]  
Sent: Wednesday, September 13, 2006 9:30 AM  
To: Scardaville, Michael; Rosenzweig, Paul; [ b6 ]  
[ b6 b2 low ]  
[ b6 b2 low ]  
Subject: PNR: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Dear Colleagues,

 b1

Best regards,

Telmo Baltazar

[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-10525-254-0-9-37-902-20060908IPR10489-11-09-2006-2006-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-10525-254-0-9-37-902-20060908IPR10489-11-09-2006-2006-false/default_en.htm)

(U) Justice and home affairs - 13-09-2006 - 09:13  
PNR: Frattini updates MEPs on talks with USA

(U) The US administration is ready to accept the EU's request for a two-stage procedure in the talks on the transfer of passenger name records (PNR). Commission vice-president Franco Frattini told members of the Civil Liberties Committee on Tuesday. MEPs agreed with the timetable put forward by Council and Commission representatives but were keen that the substance of the agreement be improved and they voiced concern about the unclear ratification process.

The idea proposed by the Council to US officials during their first negotiating meeting last Friday is for the two sides to sign an initial interim agreement to run until November 2007 - in which the conditions on data protection and transfer of PNR would remain unchanged - and start immediate negotiations for a further definitive agreement to run

002955

from 2008, on which the content can be renegotiated. "The US said it was prepared to enter into negotiations of substance" on this second agreement, said Mr Frattini. A Commission representative was present on Friday to assist Council during the negotiations.

Asked by rapporteur Sophie In 't Veld (ALDE, NL) whether the US was willing to make its commitments on the protection and use of data legally binding, Mr Frattini admitted that this would not be easy for the first short term agreement, since it would require the US Congress to ratify these conditions (known as the 'undertakings', which are now in an annex and not part of the legal text). Stavros Lambrinidis (PES, EL) responded: "You have told us enough... the US is seeking to turn the issue of making the undertakings legally binding into a problem (...) We agreed to sign the short term agreement while keeping the content unchanged but now the US is not so interested in signing and is dragging its feet". He claimed the American position was a form of "blackmail".

#### Ratification procedure (✓)

Under the treaties, Mr Frattini explained, an interim international agreement signed by the EU with a third country can come into force immediately, without waiting for the ratification process to be concluded: "The need to be ratified does not prevent it from taking effect immediately", he said. Ewa Klamt (EPP-ED, DE) was surprised that no ratification by national parliaments would be required on such a sensitive topic and Ignasi Guardans (ALDE, ES) added: "only ratification can give legitimacy to your work, Mr Frattini. You need the parliaments' blessing (...) so they take responsibility for it".

#### Time pressure (✓)

Commissioner Frattini warned of the risks of not reaching a PNR deal with US to replace the pact annulled by the EU Court of Justice, which is due to expire on September 30. He explained that there is not enough time for negotiations at present and that he had urged US officials to accept merely a change in how the deal is framed legally. Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini. "I am aware that it is in our interest to avoid bilateral agreements", said Martine Roure (PES, FR), "but it is our responsibility to ensure that EU citizens can enjoy at least the same level of data protection as US citizens".

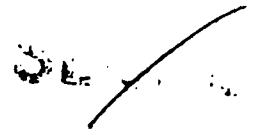
Lastly, Mr Frattini said that positive or voluntary profiling should be seen as a benefit, as "it can mean you spend less time at borders". The Commission will therefore consider submitting a draft directive on this direction. "We will present a feasibility study next spring", he said. Lastly, he argued that giving people the chance to register their personal data in a database voluntarily would allow them to cut down the number of controls and even diminish the risk that they would suffer

002956

ethnic profiling.

11/09/2006

Committee on Civil Liberties, Justice and Home Affairs  
In the Chair : Jean-Marie CAVADA (ALDE, FR)



002957

1/17/2007

[ b6 ]

~~CONFIDENTIAL~~

From: Scardaville, Michael [ b2 low ]  
Sent: Tuesday, September 19, 2006 5:05 PM  
To: Kraninger, Kathleen, Scardaville, Michael  
Cc: [ b6 ]  
Subject: RE: Push v pull

(u)

(c) [ b6 ]

b5

(c)

(c)

b1

(c)

b5

(c)

b5

(u) Do you have any documentation [ b5 ] that I can read?

Mike [ b2 low ]

-----Original Message-----

From: Kraninger, Kathleen (mailto: [ b2 low ] )  
Sent: Tuesday, September 19, 2006 4:48 PM  
To: Scardaville, Michael  
Cc: [ b6 ]  
Subject: Push v pull

(c)

(c)

b1

Periodic ...

Peck ...

002441

(45)

(44)

[ b6 ]

From: Sales, Nathan  
Sent: Wednesday, September 27, 2006 11:04 AM  
To: Baker, Stewart  
Cc: Coldebella, Gus; Michael  
Subject: RE: PNR sharing under 202

~~CONFIDENTIAL~~

[ Scardaville ]

[ b6 ]

b1

Best  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development  
Department of Homeland Security

[ b2 low ]

From: [ b6 ]  
Sent: Wednesday, September 27, 2006 10:33 AM  
To: Sales, Nathan; Baker, Stewart  
Cc: Coldebella, Gus; [ b6 ]  
Subject: RE: PNR sharing under 202

[ Scardaville, Michael; [ b6 ] ]

Nathan, [ b6 ]

b1

[ b5 ]

[ b6 ]  
Associate General Counsel (I&A)  
Department of Homeland Security

mobile  
pager  
fax

[ b6 b2 low ]

This communication, along with any attachments, is covered by federal and state law governing electronic communication and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any direct or indirect use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

091527 CONFIDENTIAL

Merick, Schneider, MPA  
9/27/06

(446)

(46)

From: Sales, Nathan  
Sent: Wednesday, September 27, 2006 8:56 AM  
To: Baker, Stewart  
Cc: Coldebella, Gus  
Subject: RE: PNR sharing under 202

Scardaville, Michael;

b6

b1

Best,  
NAS

Nathan A. Sales,  
Deputy Assistant Secretary for Policy Development  
Department of Homeland Security

b2 low

From: Baker, Stewart  
Sent: Tuesday, September 26, 2006 5:50 PM  
To: Baker, Stewart  
Cc: Sales, Nathan; Coldebella, Gus  
Subject: PNR sharing under 202

Scardaville, Michael;

Stewart,

b6

b1

Associate General Counsel (I&A)  
Department of Homeland Security

mobile  
pager  
fax

b2 low

This communication, along with any attachments, is covered by Federal Communications Commission law governing electronic communications and may contain confidential and/or legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

001523



L 64

3

From: L 64 3  
Sent: Sunday, October 01, 2006 4:11 PM  
To: Teufel, Hugo  
Subject: Re: PNR implementation plan

Item 2 may esp need compliance to work on the new sorn. I've alerted L 64 3

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; L 64 3  
Cc: Spero, Deborah J; L 64 3; Rosenzweig, Paul; L 64 3  
'Perry, Phil' L 62 100 3; Teufel, Hugo  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan

This is good. Two issues jump out:

1. Our proposal to the EU includes a promise that additional agencies will meet the standards imposed by the Undertakings on CBP. We need to operationalize those requirements and determine whether they require any changes in the activities of the receiving agencies or any special handling of PNR. We may need a memo setting forth the steps receiving agencies will take to meet the requirements. L

will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably L 64 3 from OGC and/or L 66 3 from Privacy. b5 3 It

2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item. L

we identify a POC Monday? b5 3 Can

I've talked to the Secretary about this, and he wants it to move forward as quickly as possible. In the meantime, L b5 3

Stewart

----- Original Message -----

From: Sales, Nathan  
Sent: Sun 10/1/2006 1:18 PM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; L 64 3  
Cc: Spero, Deborah J; L 64 3; Rosenzweig, Paul  
Subject: RE: PNR implementation plan

As promised, here's the draft implementation plan. The working group hopes to have this finalized tomorrow, which would enable us to "throw the switch" in pretty short order.

Cheers,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
L 62 100 3

----- Original Message -----  
From: Sales, Nathan

Denver from: Schneider 11/1/06  
Declassify on: 10 Oct. 2008

001001  
001000

47

Sent: Sunday, October 01, 2006 10:58 AM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; ~~EBG~~ J

Cc: Spero, Deborah J; ~~EBG~~ J; Rosenzweig, Paul

Subject: Re: PNR implementation plan

(U)

(U)

Stewart et al.,

(a)

Our implementation working group has put together a draft plan to make PNR data available to other DHS entities. Further refinement of the tasks will be needed, but right now we have a 16-step plan that will take approximately three weeks to execute. I will circulate the current draft to this group when I'm out of church.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; ~~EBG~~ J

Cc: Spero, Deborah J; ~~EBG~~ J; Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

Subject: PNR implementation plan

(U)

(c)

b1

(c)

(u)

Nathan Sales, DAS for Policy Development, has been leading the planning process for opening PNR data to other agencies. The Secretary has expressed determination to implement quickly the changes that we've been negotiating so hard for. We need to report to him by COB Thursday on a detailed implementation plan for access by ICE and TSA, including any issues that need to be resolved.

(u)

Can you attend or make someone available from your agencies for a Monday meeting to force the pace on planning? Nathan can provide details on what's already been done and by whom. I will attend the meeting to provide more details about the kinds of restrictions/procedures we will need to implement to live up to the spirit of the negotiations.

(U)

Stewart

~~001002~~  
001001

E 66

From: Baker, Stewart  
Sent: Sunday, October 01, 2006 5:11 PM  
To: Sales, Nathan; Ahern, Javson P; Myers, Julie L; Basham, Wralph; C 66  
Cc: Spero, Deborah J; C 66; Rosenzweig, Paul; C 66  
Subject: RE: PNR implementation plan

(1)  
(2)

Yes. Good.

-----Original Message-----

From: Sales, Nathan  
Sent: Sun 10/1/2006 2:38 PM  
To: Baker, Stewart; Ahern, Javson P; Myers, Julie L; Basham, Wralph; C 66  
Cc: Spero, Deborah J; C 66; Rosenzweig, Paul; C 66  
Subject: Re: PNR implementation plan

(1)  
(2)

b1

On (2), we'll work to identify a POC tomorrow.

Thanks,  
NAS

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Javson P; Myers, Julie L; Basham, Wralph; C 66  
Cc: Spero, Deborah J; C 66; Rosenzweig, Paul; C 66  
Perry, Phil; C 62 100; Teufel, Hugo  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan

(1)  
(2)

This is good. Two issues jump out:

1. Our proposal to the EU includes a promise that additional agencies will meet the standards imposed by the Undertakings on CBP. We need to operationalize those requirements and determine whether they require any changes in the activities of the receiving agencies or any special handling of PNR. We may need a memo setting forth the steps receiving agencies will take to meet the requirements. C

will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably C 66 from OGC and/or C 66 from Privacy

2. The EDRN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item. C

we identify a POC Monday?

I've talked to the Secretary about this, and he wants us to move forward as quickly as possible. In the meantime, C

Stewart

Derived from: Schneider MFK  
Declassify on: 1 Oct 2024  
001004

(48)

-----Original Message-----

From: Sales, Nathan

Sent: Sun 10/1/2006 1:18 PM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C b c

Cc: Spero, Deborah J; C b c Rosenzweig, Paul

Subject: RE: PNR implementation plan

(U) As promised, here's the draft implementation plan. The working group hopes to have this finalized tomorrow, which would enable us to "throw the switch" in pretty short order.

(U) Cheers,  
NAS

(S) Nathan A. Sales

Deputy Assistant Secretary for Policy Development Department of Homeland Security

C b c low

-----Original Message-----

From: Sales, Nathan

Sent: Sunday, October 01, 2006 10:58 AM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C b c

Cc: Spero, Deborah J; C b c Rosenzweig, Paul

Subject: Re: PNR implementation plan

(S) Stewart et al.,

(U) Our implementation working group has put together a draft plan to make PNR data available to other DHS entities. Further refinement of the tasks will be needed, but right now we have a 16-step plan that will take approximately three weeks to execute. I will circulate the current draft to this group when I'm out of church.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; C b c

Cc: Spero, Deborah J; C b c Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

Subject: PNR implementation plan

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(U) Can you attend or make someone available from your agencies for a Monday meeting to force the pace on planning? Nathan can provide details on what's already been done and by whom. I will attend the meeting to provide more details about the kinds of

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001005

88

restrictions/procedures we will need to implement to live up to the spirit of the negotiations.

Stewart

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

001006

~~CONFIDENTIAL~~

[ b6 ]  
b6 b2 [unclear]

-----Original Message-----

From: [ b6 ] <TSA OCC>  
Sent: Monday, October 02, 2006 9:55 AM  
To: Kerner, Francine; List-Counsel-Deputies; [ b6 ] <TSA OCC>; [ b6 ]  
Subject: Re: PNR implementation plan

[ b6 ] Pls call me if you need my help today. (New cell  
[ b2 ] I'll be in the office tomorrow. [ b6 ]

b5

[ b6 ]

----- Original Message -----

From: Kerner, Francine  
To: List-Counsel-Deputies; [ b6 ] <TSA OCC>; [ b6 ] <TSA OCC>;  
[ b6 ] <TSA OCC>  
Sent: Sun Oct 01 15:18:16 2006  
Subject: Fw: PNR implementation plan

FYI. Close Hold please. [ b6 ] please contact [ b6 ] on Monday.

b5

Monday and Tuesday. Keep me advised via email.

[ b6 ] I will be out

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Kip Hawley  
To: Kerner, Francine; [ b6 ] b2 [unclear]  
CC: [ b6 ] b2 (144)  
Sent: Sun Oct 01 13:56:18 2006  
Subject: Fw: PNR implementation plan

[ b6 ] Francine, -part of a longer thread on pnr. [ b6 ] has the lead...k

002964

----- Original Message -----

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ]  
[ b6 ] b2 [unclear]  
Cc: Spero, Deborah J; [ b6 ] Rosenzweig, Paul; [ b6 ]  
Perry, Phil; Teufel, Hugo  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan

[ b6 ] This is good. Two issues jump out:

Derived: Schneider MFE  
Declass: 2 Oct 2021

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

(u) 1. Our proposal to the EU includes a promise that additional agencies will meet the standards imposed by the Undertakings on CBP. We need to operationalize those requirements and determine whether they require any changes in the activities of the receiving agencies or any special handling of PNR. We may need a memo setting forth the steps receiving agencies will take to meet the requirements. ~~☐~~

It will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably ~~☐~~ b5 from OGC and/or ~~☐~~ b6 from Privacy.

(u) 2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item. ~~☐~~  
we identify a POC Monday? b5 ☐ Can

(u) I've talked to the Secretary about this, and he wants it to move forward as quickly as possible. In the meantime, ~~☐~~ b5 ☐

Stewart

-----Original Message-----

From: Sales, Nathan

Sent: Sun 10/1/2006 1:18 PM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; ~~☐~~ b6 ☐

Cc: Spero, Deborah J; ~~☐~~ b6 ☐ Rosenzweig, Paul

Subject: RE: PNR implementation plan

(u) As promised, here's the draft implementation plan. The working group hopes to have this finalized tomorrow, which would enable us to "throw the switch" in pretty short order.

Cheers,  
NAS

Nathan A. Sales

Deputy Assistant Secretary for Policy Development Department of Homeland Security  
~~☐~~ b2 low ☐

-----Original Message-----

From: Sales, Nathan

Sent: Sunday, October 01, 2006 10:58 AM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; ~~☐~~ b6 ☐

Cc: Spero, Deborah J; ~~☐~~ b6 ☐ Rosenzweig, Paul

Subject: Re: PNR implementation plan

Stewart et al.,

(u) Our implementation working group has put together a draft plan to make PNR data available to other DHS entities. Further refinement of the tasks will be needed, but right now we have a 16-step plan that will take approximately three weeks to execute. I will circulate the current draft to this group when I'm out of church.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; ~~☐~~ b6 ☐

Cc: Spero, Deborah J; ~~☐~~ b6 ☐ Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

Subject: PNR implementation plan

002965

b1

ref: [unclear]

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(C)

(C)

b1

(u)

Nathan Sales, DAS for Policy Development, has been leading the planning process for opening PNR data to other agencies. The Secretary has expressed determination to implement quickly the changes that we've been negotiating so hard for. We need to report to him by COB Thursday on a detailed implementation plan for access by ICE and TSA, including any issues that need to be resolved.

(u)

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Stewart

002966

CONFIDENTIAL



91

CONFIDENTIAL

[ b6 ]

---

From: [ b6 ] ]  
Sent: Monday, October 02, 2006 12:53 PM  
To: [ b6 ] ]  
Cc: [ b6 ] b2 lcc ]  
Subject: RE: PNR implementation plan ] 'Mortensen, Kenneth'

[ b6 ] ]  
Some additional context for this. If in fact CBP and PRIV can work out a PIA and SORN for ATS by this Friday, then it will be approved next Friday (Oct. 13) and then will go to OMB for 10 days. So the very earliest the SORN could be in the FR is Oct 23

We will certainly work toward that goal and I have spoken with [ b6 ] ] about this, but you may want to make sure that CBP is fully on board and placing correct pressure to get it done. There is substantial work that has to be completed.

[ b6 ] ]

-----Original Message-----

From: [ b6 ] ]  
Sent: Sunday, October 01, 2006 4:09 PM  
To: [ b6 ] ]  
Cc: [ b6 ] b2 lcc ]  
Subject: Fw: PNR implementation plan ]

[ b6 ] ]  
See email below. Item two may esp need compliance work on a sorn.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ] ]  
Cc: Spero, Deborah J; [ b6 ] ] Rosenzweig, Paul; [ b6 ] ]  
'Perry, Phil' [ b2 lcc ] Teufel, Hugo ]  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan ]

] This is good. Two issues jump out:

1. Our proposal to the EU includes a promise that additional agencies will meet the standards imposed by the Undertakings on CBP. We need to operationalize those requirements and determine whether they require any changes in the activities of the receiving agencies or any special handling of PNR. We may need a memo setting forth the steps receiving agencies will take to meet the requirements. [ b5 ] ]

will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably [ b6 ] ] from OGC and/or [ b6 ] ] from Privacy. ] It

2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item. [ b5 ] ]

we identify a POC Monday? ] Can

] I've talked to the Secretary about this, and he wants it to move forward as quickly as possible. In the meantime, [ b5 ] ]

] Stewart

Derwenton: Schneider-MF  
Declarify on: 2 Oct. 2006  
001016

(50)

~~CONFIDENTIAL~~

-----Original Message-----

From: Sales, Nathan  
Sent: Sun 10/1/2006 1:18 PM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C b 6 J  
Cc: Spero, Deborah J; C b 6 J Rosenzweig, Paul  
Subject: RE: PNR implementation plan

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Cheers,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
C b 2 104 J

-----Original Message-----

From: Sales, Nathan  
Sent: Sunday, October 01, 2006 10:58 AM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C b 6 J  
Cc: Spero, Deborah J; C b 6 J Rosenzweig, Paul  
Subject: Re: PNR implementation plan

Stewart et al.,

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-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; C b 6 J  
Cc: Spero, Deborah J; C b 6 J Rosenzweig, Paul  
Sent: Sun Oct 01 10:41:34 2006  
Subject: PNR implementation plan

b1

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~~CONFIDENTIAL~~

001017

7

I will attend the meeting to provide more details about the kinds of restrictions/procedures we will need to implement to live up to the spirit of the negotiations.

Stewart

~~SECRET~~

001018

C 66

~~CONFIDENTIAL~~

From: C 66  
Sent: Monday, October 02, 2006 1:45 PM  
To: C 66  
Subject: RE: PNR implementation plan

(U)

New timeline. I am currently working to have everything ready for signature on Friday, which means that they would publish on Oct. 16/17.

C 66

-----Original Message-----

From: C 66  
Sent: Monday, October 02, 2006 1:42 PM  
To: Teufel, Hugo; C 66  
Subject: Re: PNR implementation plan

(U)

HT,  
I'm copying C 66 who I believe is already working this with cbp C 66

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Teufel, Hugo  
To: Baker, Stewart; Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C 66 I  
Cc: Spero, Deborah J; C 66  
'Perry, Phil' C 62 low  
Sent: Mon Oct 02 13:26:31 2006  
Subject: RE: PNR implementation plan

C 65 SORN and are working on it now. C 65

Hugo Teufel III  
Chief Privacy Officer  
U.S. Department of Homeland Security  
Washington, DC 20528  
C 62 low

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

-----Original Message-----

From: Baker, Stewart  
Sent: Sunday, October 01, 2006 1:53 PM  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C 66  
Cc: Spero, Deborah J; Errera, C 66  
'Perry, Phil'; Teufel, Hugo  
Subject: RE: PNR implementation plan

This is good. Two issues jump out:

000977

1. Our proposal to the EU includes a promise that additional agencies will meet the standards imposed by the Undertakings on CBP. We need to operationalize those requirements and determine whether they require any changes in the activities of the receiving agencies or any special handling of PNR. We may need a memo setting forth the

Derived from: Schriener MFR  
Exclusion on 2 Oct 2001

(S)

CONFIDENTIAL

steps receiving agencies will take to meet the requirements.

will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably [b6] from OGC and/or [b6] from Privacy. It

2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item.

we identify a POC Monday? Can

I've talked to the Secretary about this, and he wants it to move forward as quickly as possible. In the meantime,

Stewart

-----Original Message-----

From: Sales, Nathan

Sent: Sun 10/1/2006 1:18 PM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [b6]

Cc: Spero, Deborah J; [b6] Rosenzweig, Paul

Subject: RE: PNR implementation plan

As promised, here's the draft implementation plan. The working group hopes to have this finalized tomorrow, which would enable us to "throw the switch" in pretty short order.

Cheers,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development  
Department of Homeland Security  
[b2 low]

-----Original Message-----

From: Sales, Nathan

Sent: Sunday, October 01, 2006 10:58 AM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [b6]

Cc: Spero, Deborah J; [b6] Rosenzweig, Paul

Subject: Re: PNR implementation plan

Stewart et al.,

Our implementation working group has put together a draft plan to make PNR data available to other DHS entities. Further refinement of the tasks will be needed, but right now we have a 16-step plan that will take approximately three weeks to execute. I will circulate the current draft to this group when I'm out of church.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; [b6]

Cc: Spero, Deborah J; [b6] Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

Subject: PNR implementation plan

b1

000978

CONFIDENTIAL

b1

(P) Nathan Sales, DAS for Policy Development, has been leading the planning process for opening PNR data to other agencies. The Secretary has expressed determination to implement quickly the changes that we've been negotiating so hard for. We need to report to him by COB Thursday on a detailed implementation plan for access by ICE and TSA, including any issues that need to be resolved.

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(U) Stewart

~~CONFIDENTIAL~~

189

C 66

3

From: C 66 3  
Sent: Monday, October 02, 2006 1:52 PM  
To: Teufel, Hugo  
Subject: Re: PNR implementation plan

2  
3

Sitting down to a delegation dinner but the privacy office never sleeps but we get a little weary.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Teufel, Hugo  
To: C 66 3  
Sent: Mon Oct 02 13:43:04 2006  
Subject: RE: PNR implementation plan

4  
5

She was in the office when I sent the e-mail!

Hugo Teufel III  
Chief Privacy Officer  
U.S. Department of Homeland Security  
Washington, DC 20528  
C 62 low 3

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-----Original Message-----  
From: C 66 3  
Sent: Monday, October 02, 2006 1:42 PM  
To: Teufel, Hugo; C 66 3  
Subject: Re: PNR implementation plan

6

HT,  
I'm copying C 66 3 who I believe is already working this with cbp C 66 3

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Teufel, Hugo  
To: Baker, Stewart; Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralpn; C 66 3  
Cc: Spero, Deborah J; C 66 3 3 Posenzweig, Paul; C 66 3  
Perry, Phil; C 62 low 3 3  
Sent: Mon Oct 02 13:26:31 2006  
Subject: RE: PNR implementation plan

7

C 65 3 SORN and are working on it now. C 65

8

Hugo Teufel III  
Chief Privacy Officer

CONFIDENTIAL

Derived from: Schneider MTR  
Declassify on: 2 Oct. 2021

001019

52

~~CONFIDENTIAL~~

(U) U.S. Department of Homeland Security  
Washington, DC 20528  
[ b2 low ]

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-----Original Message-----

(U) From: Baker, Stewart  
Sent: Sunday, October 01, 2006 1:53 PM  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ]  
Cc: Spero, Deborah J; [ b6 ] Rosenzweig, Paul; [ b6 ]  
'Perry, Phil'; Teufel, Hugo  
Subject: RE: PNR implementation plan

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(U) will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably [ b6 ] from OGC and/or [ b6 ] from Privacy. [ ] It

(U) 2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item. [ b5 ]

(U) we identify a POC Monday? [ ] Can

(U) I've talked to the Secretary about this, and he wants it to move forward as quickly as possible. In the meantime, [ b5 ]

Stewart

-----Original Message-----

(U) From: Sales, Nathan  
Sent: Sun 10/1/2006 1:18 PM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ]  
Cc: Spero, Deborah J; [ b6 ] Rosenzweig, Paul  
Subject: RE: PNR implementation plan

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NAS

(U) Nathan A. Sales  
Deputy Assistant Secretary for Policy Development  
Department of Homeland Security  
[ b2 low ]

-----Original Message-----

(U) From: Sales, Nathan  
Sent: Sunday, October 01, 2006 10:58 AM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ]

~~CONFIDENTIAL~~

001020



70) Cc: Spero, Deborah J; [ b6 ] Rosenzweig, Paul  
Subject: Re: PNR implementation plan

Stewart et al.,

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-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; [ b6 ]

Cc: Spero, Deborah J; [ b6 ] Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

9) Subject: PNR implementation plan

61

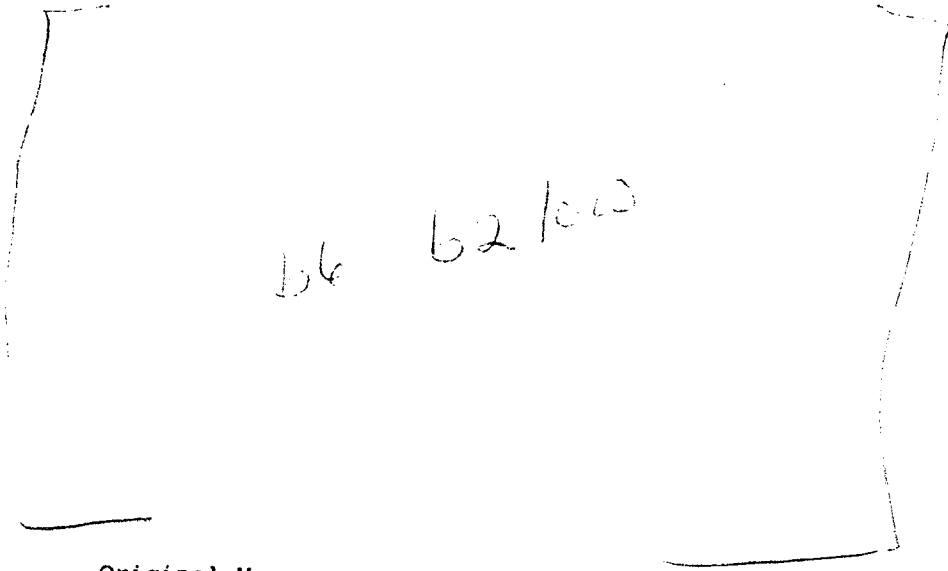
10) Nathan Sales, DAS for Policy Development, has been leading the planning process for opening PNR data to other agencies. The Secretary has expressed determination to implement quickly the changes that we've been negotiating so hard for. We need to report to him by COB Thursday on a detailed implementation plan for access by ICE and TSA, including any issues that need to be resolved.

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Stewart

~~CONFIDENTIAL~~

[ b6 ]



b6 b2 100

-----Original Message-----

From: [ b6 ] <TSA OCC>  
Sent: Monday, October 02, 2006 1:53 PM  
To: Kerner, Francine  
Cc: [ b6 ] <TSA OCC>; [ b6 ] <TSA OCC>; [ b6 ] <TSA OCC>  
Subject: RE: PNR implementation plan

(1)

Please find attached a copy of the CBP-EU Undertakings document governing access to PNR data. A/S Stewart Baker's email below indicates that agency heads will need to prepare a memo setting forth the steps receiving agencies will need to follow to comply with the requirements outlined in the Undertakings document. These requirements encompass the use of data, storage, treatment and protection, data elements, and redress, etc. [

45 The existing PNR agreement expired yesterday and the US has still not agreed with the EU on an interim arrangement. DHS has proposed that the US would maintain the status quo, with the exception that DHS agencies will be able to access PNRs under the framework of the existing Undertakings.

[ b6 ]

[ b6 ]

Assistant Chief Counsel for International Law Transportation Security Administration  
Department of Homeland Security ph. [ b2 100 ] cell [ b2 100 ] fax [ b2 100 ]

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT THIS COMMUNICATION MIGHT CONTAIN COMMUNICATIONS BETWEEN ATTORNEY AND CLIENT, COMMUNICATIONS THAT ARE PART OF THE AGENCY DELIBERATIVE PROCESS, OR ATTORNEY-WORK PRODUCT, ALL OF WHICH ARE PRIVILEGED AND NOT SUBJECT TO DISCLOSURE OUTSIDE THE AGENCY OR TO THE PUBLIC. PLEASE CONSULT WITH THE OFFICE OF CHIEF COUNSEL BEFORE DISCLOSING ANY INFORMATION CONTAINED IN THIS E-MAIL.

-----Original Message-----

From: Kerner, Francine  
Sent: Sunday, October 01, 2006 3:24 PM  
To: Kip Hawley; [ b6 ] [ b2 100 ]  
Cc: [ b6 ] [ b2 100 ]  
Subject: Re: PNR implementation plan

002967

(53)

~~CONFIDENTIAL~~

Derived: Schneider MAR  
DeClass: 28 Oct 2021

~~CONFIDENTIAL~~

Thank you Kip. We'll contact [b6] on Monday, making this a top priority. [ ]

(u) [ ] b6 [ ] from OCC will be taking the lead, working with [ ] b6 [ ]  
Fjk

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Kip Hawley  
To: Kerner, Francine; [ ] b6 [ ] b2 low [ ]  
CC: [ ] b6 [ ] b2 low [ ]  
Sent: Sun Oct 01 13:56:18 2006  
Subject: Fw: PNR implementation plan

(u) Francine, part of a longer thread on pnr. [b6] has the lead...k

----- Original Message -----

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ ] b6 [ ]  
[ ] b6 [ ] b2 low [ ]  
Cc: Spero, Deborah J; [ ] b6 [ ] Rosenzweig, Paul; [ ] b6 [ ]  
Perry, Phil; Teufel, Hugo  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan

This is good. Two issues jump out:

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(u) 2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item. [ ]

we identify a POC Monday? [ ] b5 [ ] Can

(u) I've talked to the Secretary about this, and he wants it to move forward as quickly as possible. In the meantime, [ ] b5 [ ]

Stewart

002968

-----Original Message-----

From: Sales, Nathan  
Sent: Sun 10/1/2006 1:18 PM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ ] b6 [ ]  
Cc: Spero, Deborah J; [ ] b6 [ ] Rosenzweig, Paul  
Subject: RE: PNR implementation plan

(u) As promised, here's the draft implementation plan. The working group hopes to have this finalized tomorrow, which would enable us to "throw the switch" in pretty short order.

Cheers,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
[ ] b2 low [ ]

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

-----Original Message-----

From: Sales, Nathan

Sent: Sunday, October 01, 2006 10:58 AM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ]

Cc: Spero, Deborah J; [ b6 ] Rosenzweig, Paul

Subject: Re: PNR implementation plan

Stewart et al.,

(u) Our implementation working group has put together a draft plan to make PNR data available to other DHS entities. Further refinement of the tasks will be needed, but right now we have a 16-step plan that will take approximately three weeks to execute. I will circulate the current draft to this group when I'm out of church.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; [ b6 ]

Cc: Spero, Deborah J; [ b6 ] Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

Subject: PNR implementation plan

(c)  
-----  
-----  
(c)  
b1

(u) Nathan Sales, DAS for Policy Development, has been leading the planning process for opening PNR data to other agencies. The Secretary has expressed determination to implement quickly the changes that we've been negotiating so hard for. We need to report to him by COB Thursday on a detailed implementation plan for access by ICE and TSA, including any issues that need to be resolved.

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Stewart

002969

3  
~~CONFIDENTIAL~~

C66

From: C66  
Sent: Monday, October 02, 2006 3:45 AM  
To: C66  
Cc: C66 b210w  
Subject: Re: PNR implementation plan

Great--i have a feeling there will be a lot of interest in this. Assume C66 will coordinate with C66

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: C66  
To: C66  
Cc: C66 b210w  
C66 b210w  
Sent: Sun Oct 01 21:54:57 2006  
Subject: Re: PNR implementation plan

I have the PIA and C66 is currently working on the SORN for ATS (I assume). I will look at PIA tomorrow and will follow up with C66 on SORN to see whether it can happen.

Sent using BlackBerry

----- Original Message -----

From: C66  
To: C66  
Cc: C66 b210w  
C66 b210w  
Sent: Sun Oct 01 16:09:19 2006  
Subject: Fw: PNR implementation plan

C66  
See email below. Item two may esp need compliance work on a sorn.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julia L; Basham, Wralph; C66  
Cc: Spero, Deborah J; C66; Losenzweig, Paul; C66  
'Perry, Phil' C66 b210w; Teufel, Hugo  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan

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2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14

000332

54

days will take a lot of work, and we don't have a POC for that item. *bs* *Can*

we identify a POC Monday?

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Stewart

-----Original Message-----

From: Sales, Nathan  
Sent: Sun 10/1/2006 1:18 PM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; *C66*  
Cc: Spero, Deborah J; *C66* Rosenzweig, Paul  
Subject: RE: PNR implementation plan *(C)*

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NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
*C6210w*

-----Original Message-----

From: Sales, Nathan  
Sent: Sunday, October 01, 2006 10:58 AM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; *C66*  
Cc: Spero, Deborah J; *C66* Rosenzweig, Paul  
Subject: Re: PNR implementation plan *(C)*

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; *C66*  
Cc: Spero, Deborah J; *C66* Rosenzweig, Paul  
Sent: Sun Oct 01 10:41:34 2006  
Subject: PNR implementation plan *(C)*

*b1*



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Stewart

CONFIDENTIAL

000334

~~UNCLASSIFIED~~  
CONFIDENTIAL

55

[ b4 ]

From: [ b6 ] ]  
Sent: Wednesday, October 04, 2006 6:40 PM  
To: [ b4 ] ] [ b2 low ] ]  
Subject: Fw: PNR implementation plan

(v)

Don't know if you saw this email chain. [

b5

] ]

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Teufel, Hugo; Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ]  
Cc: Spero, Deborah J; [ b4 ] ] [ b2 low ] ] [ b4 ] ]  
'Perry, Phil' [ b2 low ] ]  
Sent: Mon Oct 02 15:32:02 2006  
Subject: RE: PNR implementation plan

(v)

I leave the lead to the two offices concerned; whoever can move most quickly should step out.

(e)

(c)

b1

(e)

-----Original Message-----

From: Teufel, Hugo  
Sent: Monday, October 02, 2006 1:27 PM  
To: Baker, Stewart; Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [ b6 ]  
Cc: Spero, Deborah J; [ b6 ] ] [ b2 low ] ] [ b4 ] ]  
'Perry, Phil'  
Subject: RE: PNR implementation plan

(v)

b5

] ] SORN and are working on it now. [ b5 ] ]

Hugo Teufel III  
Chief Privacy Officer  
U.S. Department of Homeland Security  
Washington, DC 20528  
[ b2 low ] ]

002942

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UNCLASSIFIED  
(55)

~~UNCLASSIFIED~~

Denved Schneider MPE  
Dated 4 OCT 2021



CONFIDENTIAL

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From: Baker, Stewart

Sent: Sunday, October 01, 2006 1:53 PM

To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C 66 ]

Cc: Spero, Deborah J; C 66 ] Rosenzweig, Paul; C 66 ]

'Perry, Phil'; Teufel, Hugo

Subject: RE: PNR implementation plan

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Stewart

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To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; C 66 ]

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Subject: RE: PNR implementation plan

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Nathan A. Sales

Deputy Assistant Secretary for Policy Development Department of Homeland Security  
C 62 10 2 ]

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Sent: Sunday, October 01, 2006 10:58 AM

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Cc: Spero, Deborah J; C 66 ] Rosenzweig, Paul

Subject: Re: PNR implementation plan

Stewart et al.,

002943

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2  
~~Unclassified~~ Confidential

~~CONFIDENTIAL~~

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; ~~E b 6~~ ]

Cc: Spero, Deborah J; ~~E b 6~~ ] Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

Subject: PNR implementation plan

(e)

b1

(e)

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(u)

Stewart

002944

~~CONFIDENTIAL~~ CONFIDENTIAL

△ b6 >  
From: [ b6 b2 10w ]  
Sent: Tuesday, October 10, 2006 11:13 AM  
To: [ b6 >  
Subject: RE: FW: PNR implementation plan

(U)

(C)

b1

[ b6 >  
Office of Chief Counsel  
U.S. Customs and Border Protection  
Phone:  
Fax: [ b2 10w ]  
Email: [ b6 b2 10w ]

(U)

(U)

(U) This document, and any attachment(s) hereto, may contain confidential and/or sensitive attorney-client privileged, attorney work-product, and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult with the CBP Office of Chief Counsel before disclosing any information contained in this e-mail.

[ b6 b2 10w ]

To [ b6 b2 10w ]

10/10/2006 11:06 AM

(U)

cc:  
Subject: RE: FW: PNR implementation plan

(C)

b1

[ b6 >  
Senior Counsel  
Department of Homeland Security  
Office of the General Counsel  
NACI Washington, D.C. 20528  
Fax: [ b2 10w ]

(U)

(U)

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-----Original Message-----  
From: [ b6 b2 10w ]  
Sent: Tuesday, October 10, 2006 11:04 AM  
To: [ b6 >  
Subject: Re: FW: PNR implementation plan

(U)

000980

Denied from: Schneider MFE  
Declassify on: 10 Oct. 2021

(56)

(U) I don't know--I've lost track. What do I need to do now--I am already reviewing this guidance [b6] prepared for the field [b5]

(U) [b6] [b5]  
Office of Chief Counsel  
U.S. Customs and Border Protection  
Phone: [b2] [b6] [b5]  
Fax: [b2] [b6] [b5]  
Email: [b6] [b2] [b6] [b5]

(U) This document, and any attachment(s) hereto, may contain confidential and/or sensitive attorney-client privileged, attorney work-product, and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult with the CBP Office of Chief Counsel before disclosing any information contained in this e-mail.

[b6] [b2] [b6] [b5] To:  
cc:

Implementation plan 10/10/2006 10:52 (U) Subject: FW: PNR  
AM

(U) Have you gotten this? I just got from Mike on Friday, and I see CBP OCC in a number of places - [b6]

(U) [b6] [b5]  
Senior Counsel  
Department of Homeland Security  
Office of the General Counsel  
NAC- [Washington, D.C. 20528]

[b2] [b6] [b5]  
Fax:

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000981

and delete the message. Thank you.

From: Scardaville, Michael [mailto: ] b6 10w  
Sent: Friday, October 06, 2006 1:29 PM  
To: [ ]  
Subject: PNR: PNR implementation plan

(u) Mike

cb2 10w

From: Sales, Nathan  
Sent: Friday, October 06, 2006 11:11 AM  
To: Jacksta, Bob M; Kraninger, Kathleen; [ ]

b6

(u) Co: Baker, Stewart; Barth, Richard; Rosenzweig, Paul; Scardaville, Michael  
Subject: PNR implementation plan

(u) As I'm sure many of you have heard by now, last night DHS reached an agreement with the EU on PNR information. In light of this development, we have been given the go-ahead to begin preparations for the sharing of PNR data within DHS. Attached please find the final version of the PNR implementation plan.

(u) As we've discussed, this plan sets a three-week horizon for PNR information-sharing. The following are the tasks that are scheduled to be completed within seven days - i.e., by Friday, October 13:

- (u) \*
- (u) \* Components will determine which personnel require immediate access to PNR data. Components will report the names and total number to CBP.
- (u) \* Each component will designate a data-access point of contact and provide to CBP. CBP will provide the name of its POC to other components.
- (u) \* An IT group, comprising representatives from CBP and other components, will be convened to resolve all technical issues surrounding access to PNR data. The IT group will have an initial organizational meeting.
- (u) \* CBP OCC will draft a request letter template for use by other components seeking access to PNR/ATS-P. The letter will include, among other things, a description of the purpose for which the request is being made (by office or individual as appropriate), the number and names of individuals to receive access, a POC for managing the component's access including enforcing accountability for use, and training requirements. CBP will share the draft with the components.
- (u) \* CBP OCC will draft a request approval letter detailing the obligations the agency and its officers accept by accessing the system, POCs for scheduling training, etc. CBP will share the draft with the components.

I think it's important to keep as close to the schedule as possible, so please let me know about any timing problems as soon as they develop.  
(U) (Hopefully there won't be any!) Thanks again for all your help in making PNR information-sharing a reality.

Best,

(U) NAS

Nathan A. Sales

(U) Deputy Assistant Secretary for Policy Development

Department of Homeland Security

62 10w 3

(See attached file: PNR implementation chart (10.06.2006).doc)

000983

[ b6 ]

From: [ b6 b2 low ]  
Sent: Thursday, October 26, 2006 3:39 PM  
To: [ b6 ]  
Subject: Re: Fw: PNR Access Requests and CBP Field Guidance

(u) [ b5 ]

[ b6 ]  
Office of Chief Counsel  
U.S. Customs and Border Protection  
Phone: [ b2 low ]  
Fax: [ b2 low ]  
Email: [ b6 b2 low ]

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[ b6 b2 low ]

To: [ b6 b2 low ]

CBP Field

10/26/2006 03:36

cc:  
Subject: Re: Fw: PNR Access Requests and  
Guidance

PM

[ b5 ]

(u)

[ b6 ]

----- Original Message -----  
From: [ b6 b2 low ]  
To: [ b6 b2 low ]  
Sent: Thu Oct 26 15:32:36 2006  
Subject: Re: Fw: PNR Access Requests and CBP Field Guidance

(u) Let's take a fresh look in the morning--my mind is too cloudy at the moment. [ b5 ]

[ b6 ]  
Office of Chief Counsel  
U.S. Customs and Border Protection  
Phone: [ b2 low ]  
Fax: [ b2 low ]  
Email: [ b6 b2 low ]

002973

This document, and any attachment(s) hereto, may contain confidential and/or sensitive attorney-client privileged, attorney work-product, and/or U.S. Government information, and

*[Handwritten signature]*

Derived From: Schneider RFR  
Declassify: Oct 26, 2041

(57)

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[ b6, b2/10w ]

To: [ b6 b2/10w ]

cc:

10/26/2006 03:29  
Requests and CBP Field  
PM

Subject: Re: Fw: PNR Access  
Guidance

(d)

[ b6 ] b5

----- Original Message -----

From: [ b6 b2 10w ]

To: [ b6 b2 10w ]

Sent: Thu Oct 26 15:25:45 2006

Subject: Re: Fw: PNR Access Requests and CBP Field Guidance

(c)

b1

[ b6 ]

Office of Chief Counsel  
U.S. Customs and Border Protection  
Phone: [ b2 10w ]  
Fax: [ b2 10w ]  
Email: [ b6 b2 10w ]

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[ b6 b2/10w ]

To: [ b6 b2/10w ]

cc:

002974

10/26/2006 03:10  
Requests and CBP Field  
PM

Subject: Fw: PNR Access  
Guidance



~~CONFIDENTIAL~~

(u) My brains hurt. [b6]

----- Original Message -----

From: Scardaville, Michael [b2] [low] [b6] [b2] [low] [b6] [b2] [low] [b6]  
To: [b6] [b2] [low] [b6] [b2] [low] [b6] [b2] [low] [b6]  
Sales, Nathan [b2] [low] [b6] [b2] [low] [b6]  
Cc: [b6] [b2] [low] [b6] [b2] [low] [b6]  
Sent: Thu Oct 26 14:59:28 2006  
Subject: RE: PNR Access Requests and CBP Field Guidance

(b1) That was a big part of the purpose of the conversation. My logic is outlined below:

(u) [ b5 ]

(u) [b6] [b2] [low] [b6]

b1

(u) [b6] [b2] [low] [b6]

(u) I hang out with lawyers too much.

Mike  
[b2] [low] [b6]

-----Original Message-----

From: [b6] [b2] [low] [b6]  
Sent: Thursday, October 26, 2006 2:33 PM  
To: Scardaville, Michael; Sales, Nathan  
Cc: [b6] [b2] [low] [b6]  
Subject: RE: PNR Access Requests and CBP Field Guidance

(u) [ b5 ]

[b6] [b2] [low] [b6]  
Senior Counsel  
Department of Homeland Security

002975

~~CONFIDENTIAL~~

Off: of the General Counsel  
NAC Washington, D.C. 20528

Fax: 762100

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-----Original Message-----

From: Scardaville, Michael [mailto:62100] ]  
Sent: Thursday, October 26, 2006 11:55 AM  
To: Sales, Nathan  
Cc: 66 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

(u) A couple of edits responding to [66] comments in the track changes version.

Mike

62100 ]

-----Original Message-----

From: Sales, Nathan  
Sent: Thursday, October 26, 2006 9:01 AM  
To: Scardaville, Michael  
Subject: FW: PNR Access Requests and CBP Field Guidance

(u) Mike, will you please look at this and let me know if it's ready to go to the components? I'd like to circulate it by noon. Thanks.

Nathan A. Sales

Deputy Assistant Secretary for Policy Development Department of Homeland Security  
62100 ]

-----Original Message-----

From: 66 ]  
Sent: Wednesday, October 25, 2006 10:34 PM  
To: Sales, Nathan  
Subject: RE: PNR Access Requests and CBP Field Guidance

(u) Apologies for the delay - didn't get the last changes until late today. Attaching a clean and redlined version as reviewed by Mike, Privacy, and CBP (OFO and Chief Counsel). Please let me know if you think other revisions are necessary. Thx, [66]

66 ]

Senior Counsel  
Department of Homeland Security  
Office of the General Counsel  
NAC Washington, D.C. 20528

Fax: 62100 ]

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-----Original Message-----

From: Sales, Nathan  
Sent: Wednesday, October 25, 2006 9:24 AM  
To: 66 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

002976

CONFIDENTIAL

~~CONFIDENTIAL~~

Great. Thanks for the update. I'd like to get this to the components early today, so I appreciate the quick turnaround.

(u) Best,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
[b2 low]

-----Original Message-----

From: [b6]  
Sent: Wednesday, October 25, 2006 9:23 AM  
To: Sales, Nathan  
Subject: Re: PNR Access Requests and CBP Field Guidance

(u) Have most comments on the summary and am waiting for one last review of the revision [b6]

----- Original Message -----

From: Sales, Nathan  
To: Scardaville, Michael; [b6]  
[b6]  
Sent: Wed Oct 25 09:21:14 2006  
Subject: RE: PNR Access Requests and CBP Field Guidance

(u) Morning, all. Are we in a position to circulate the revised versions of the documents we discussed at Monday's meeting? Please let me know where things stand with the request letters and the thumbnail summary.  
Thanks much.

Best,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
[b2 low]

-----Original Appointment-----

From: [b6] <CTR> On Behalf Of Sales, Nathan  
Sent: Wednesday, October 18, 2006 1:34 PM  
To: Scardaville, Michael; [b6] [b2/low] Conference room (Large); [b6]  
[b6]  
Subject: Updated: PNR Access Requests and CBP Field Guidance  
When: Monday, October 23, 2006 9:30 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).  
Where: [b2/low] conference room

<<Draft PNR request from components (10.17.2006).doc>> <<Draft PNR approval from CBP (10.17.2006).doc>>

002977

~~CONFIDENTIAL~~

[ b6 ]

From: Scardaville, Michael [ b2 low ]  
Sent: Thursday, October 26, 2006 6:30 PM  
To: [ b6 ] Scardaville, Michael; Sales, Nathan  
Cc: [ b6 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

~~CONFIDENTIAL~~

(1) Works for me.

Mike  
[ b2 low ]

-----Original Message-----  
From: [ b6 ] [ b2 low ]  
Sent: Thursday, October 26, 2006 6:29 PM  
To: Scardaville, Michael; Sales, Nathan; [ b6 ]  
Cc: [ b6 ]  
Subject: Re: PNR Access Requests and CBP Field Guidance

(2) [ b5 ]

[ b6 ]

-----Original Message-----  
From: Scardaville, Michael [ b2 low ]  
To: Sales, Nathan [ b2 low ] Scardaville, Michael [ b2 low ]  
Cc: [ b6 ]  
Sent: Thu Oct 26 18:26:53 2006  
Subject: RE: PNR Access Requests and CBP Field Guidance

(3) I'm fine with that.

Mike  
[ b2 low ]

-----Original Message-----  
From: Sales, Nathan [mailto:[ b2 low ]]  
Sent: Thursday, October 26, 2006 6:25 PM  
To: Scardaville, Michael; [ b6 ]  
Cc: [ b6 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

(4) I'm assuming that the paragraph would end after that sentence. If that's right, this looks okay to me. [ b6 ]

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
[ b2 low ]

-----Original Message-----  
From: Scardaville, Michael [mailto:[ b2 low ]]  
Sent: Thursday, October 26, 2006 5:22 PM  
To: Sales, Nathan; [ b6 ] Scardaville, Michael  
Cc: [ b6 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

(5) How about substituting:

002985

[ b1 ]

~~CONFIDENTIAL~~

*Handwritten notes:*  
I'm assuming that the paragraph would end after that sentence. If that's right, this looks okay to me.

CONFIDENTIAL

From:

(1) [ b5 ]

Mike

[ b2 low ]

-----Original Message-----

From: Sales, Nathan [mailto: [ b2 low ] ]  
Sent: Thursday, October 26, 2006 6:19 PM  
To: [ b6 ] Scardaville, Michael  
Cc: [ b4 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

One other thought: [

(2) [ b5 ]

Best,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
[ b2 low ]

-----Original Message-----

From: Sales, Nathan  
Sent: Thursday, October 26, 2006 6:03 PM  
To: [ b6 ] Scardaville, Michael  
Cc: [ b6 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

Let's not bother Stewart about this; we can handle at the staff level.

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
[ b2 low ]

-----Original Message-----

From: [ b6 ] [ b2 low ]  
Sent: Thursday, October 26, 2006 6:01 PM  
To: Scardaville, Michael; [ b6 ] Sales, Nathan  
Cc: [ b6 ]  
Subject: re: PNR Access Requests and CBP Field Guidance

(a) [ b5 ]

[ ]

(c) [ b1 ]

002986

-----Original Message-----

From: Scardaville, Michael [ b2 low ]  
To: [ b6 ] [ b2 low ] Scardaville, Michael [ b2 low ]

CONFIDENTIAL

Sales, Nathan [ b2 /ow ]  
Co: [ b6 ]  
Sent: Thu Oct 26 14:59:16 2006  
Subject: RE: PNR Access Requests and CBP Field Guidance

~~CONFIDENTIAL~~

That was a big part of the purpose of the conversation. My logic is outlined below:

[ b5 ]

b1

I hang out with lawyers too much.

Mike  
[ b2 /ow ]

-----Original Message-----

From: [ b6 ] [ b2 /ow ]  
Sent: Thursday, October 26, 2006 2:33 PM  
To: Scardaville, Michael; Sales, Nathan  
Co: [ b6 ]  
Subject: RE: PNR Access Requests and CBP Field Guidance

[ b5 ]

Senior Counsel  
Department of Homeland Security  
Office of the General Counsel  
National Washington, D.C. 20528

[ b2 /ow ]

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-----Original Message-----

From: Scardaville, Michael (mailto: [b2 low])  
Sent: Thursday, October 26, 2006 11:55 AM  
To: Sales, Nathan  
Cc: [b2 low]  
Subject: RE: PNR Access Requests and CBP Field Guidance

~~CONFIDENTIAL~~

A couple of edits responding to [b6] comments in the track changes version.

Mike

[b2 low]

-----Original Message-----

From: Sales, Nathan  
Sent: Thursday, October 26, 2006 9:01 AM  
To: Scardaville, Michael  
Subject: FW: PNR Access Requests and CBP Field Guidance

Mike, will you please look at this and let me know if it's ready to go to the components? I'd like to circulate it by noon. Thanks.

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security

[b2 low]

-----Original Message-----

From: [b6]  
Sent: Wednesday, October 25, 2006 10:34 PM  
To: Sales, Nathan  
Subject: RE: PNR Access Requests and CBP Field Guidance

Apologies for the delay - didn't get the last changes until late today. Attaching a clean and redlined version as reviewed by Mike, Privacy, and CBP ICFO and Chief Counsel. Please let me know if you think other revisions are necessary. Thx. [b6]

Senior Counsel  
Department of Homeland Security  
Office of the General Counsel  
NAC Washington, D.C. 20528

Fax: [b2 low]

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-----Original Message-----

From: Sales, Nathan  
Sent: Wednesday, October 25, 2006 9:24 AM  
To: [b6]  
Subject: RE: PNR Access Requests and CBP Field Guidance

Great. Thanks for the update. I'd like to get this to the components early today, so I appreciate the quick turnaround.

Best,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security

[b2 low]

~~16~~

-----Original Message-----

From: C b 6 ]  
Sent: Wednesday, October 25, 2006 9:23 AM  
To: Sales, Nathan  
Subject: RE: PNR Access Requests and CBP Field Guidance

( ) Have most comments on the summary and am waiting for one last review of the revision C b 6 ]

----- Original Message -----

From: Sales, Nathan  
To: Scardaville, Michael, C b 6 ]  
C b 6 ]  
Sent: Wed Oct 25 09:21:14 2006  
Subject: RE: PNR Access Requests and CBP Field Guidance

( - ) Morning, all. Are we in a position to circulate the revised versions of the documents we discussed at Monday's meeting? Please let me know where things stand with the request letters and the thumbnail summary. Thanks much.

Best,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
C b 2 / a ]

-----Original Appointment-----

From: C b 6 ] <CTR> On Behalf Of Sales, Nathan  
Sent: Wednesday, October 18, 2006 1:34 PM  
To: Scardaville, Michael; C b 6 ] [ b 2 / a ] Conference room (Large); C b 6 ]  
C b 6 ]  
Subject: Updated: PNR Access Requests and CBP Field Guidance  
When: Monday, October 23, 2006 9:30 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).  
Where: [ b 2 / a ] conference room

<<Draft PNR request from components (10.17.2006).doc>> <<Draft PNR approval from CBP (10.17.2006).doc>>

~~16~~



~~CONFIDENTIAL~~

[ b6 ]

From: Baker Stewart  
Sent: Monday November 20, 2006 4:59 PM  
To: [ b6 ] Scardaville Michael  
Cc: Rosenzweig Paul  
Subject: RE: Filtering Sensitive PNR data

(c) b1

From: [ b6 ]  
Sent: Monday, November 20, 2006 4:44 PM  
To: Baker, Stewart; [Scardaville, Michael]  
Cc: Rosenzweig, Paul  
Subject: RE: Filtering Sensitive PNR data

(c) b1

b6  
Senior Counsel  
Office of General Counsel  
Department of Homeland Security  
Phone: [ b6 ]  
Fax: [ b6 ]  
100

From: Baker, Stewart  
Sent: Monday, November 20, 2006 4:14 PM  
To: Scardaville, Michael  
Cc: Rosenzweig, Paul; [ b6 ]  
Subject: RE: Filtering Sensitive PNR data

(c) b1

From: Scardaville, Michael  
Sent: Monday, November 20, 2006 4:07 PM  
To: Baker, Stewart  
Cc: Rosenzweig, Paul; [ b6 ]  
Subject: Filtering Sensitive PNR data

Stewart.

(c) b1

~~CONFIDENTIAL~~

091525

9.19.2007

General Schmitt MPA

Rec'd 11/20/06

591

(452)

(v) Is our memory consistent with yours?

Thanks

Mike

Michael Scardicella  
Special Assistant/International Policy Liaison  
Office of Policy Development  
U.S. Department of Homeland Security  
Office: ( 62 )  
Cellular: [ 104 ]

CONFIDENTIAL

CONFIDENTIAL

001526

[ b6 ]

From:

[ b6 b2 low ]

on behalf of

Sent:

Thursday, January 18, 2007 1:30 PM

To:

[ b6 b2 low ]

Subject:

Re: Fw: PNR implementation plan

Attachments:

PNR implementation chart (09.29.2006).doc



PNR implementation chart (09.29.2006).doc

[ b6 b2 low ]

10/02/2006 07:57 AM

To

[ b6 b2 low ]

cc

[ b6 b2 low ]

Subject

Fw: PNR-implementation plan

(a) [ b6 ] Your name is in this plan (attached), so I assume you've been involved. Please call me this morning to discuss.

----- Forwarded by [ b6 b2 low ] [ b6 ] on 10/02/2006 07:56 AM -----

"SPERO, DEBORAH J"

[ b2 low ]

To

[ b6 b2 low ]

10/02/2006 07:15 AM

cc

Subject:

Fw: PNR implementation plan

001543

Derived from: Schneider MF  
Declassify: Jan. 18, 2022

(60)

For our meeting this morning.

-----Original Message-----

From: Sales, Nathan [mailto:*c b z 100*] *↗*  
Sent: Sunday, October 01, 2006 1:19 PM  
To: Baker, Stewart; AHERN, JAYSON P; Myers, Julie L; BASHAM, W RALPH;  
*c b c* *↗*  
Cc: SPERO, DEBORAH J; *c b c* *↗* Rosenzweig, Paul  
Subject: RE: PNR implementation plan

As promised, here's the draft implementation plan. The working group hopes to have this finalized tomorrow, which would enable us to "throw the switch" in pretty short order.

Cheers,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development  
Department of Homeland Security

*c b z 100* *↗*

-----Original Message-----

From: Sales, Nathan  
Sent: Sunday, October 01, 2006 10:58 AM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph;  
*c b c* *↗*  
Cc: Spero, Deborah J; *c b c* *↗* Rosenzweig, Paul  
Subject: Re: PNR implementation plan

Stewart et al.,

Our implementation working group has put together a draft plan to make PNR data available to other DHS entities. Further refinement of the tasks will be needed, but right now we have a 16-step plan that will take approximately three weeks to execute. I will circulate the current draft to this group when I'm out of church.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Baker, Stewart  
To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan

001544

C66 J

Cc: Spero, Deborah J; C66 J, Rosenzweig, Paul  
Sent: Sun Oct 01 10:41:34 2006  
Subject: PNR implementation plan

e)

b1

e)

Nathan Sales, DAS for Policy Development, has been leading the planning process for opening PNR data to other agencies. The Secretary has expressed determination to implement quickly the changes that we've been negotiating so hard for. We need to report to him by COB Thursday on a detailed implementation plan for access by ICE and TSA, including any issues that need to be resolved.

Can you attend or make someone available from your agencies for a Monday meeting to force the pace on planning? Nathan can provide details on what's already been done and by whom. I will attend the meeting to provide more details about the kinds of restrictions/procedures we will need to implement to live up to the spirit of the negotiations.

Stewart

(See attached file: PNR implementation chart (09.29.2006).doc)

091545