



# Homeland Security

Privacy Office DHS-D3

May 4, 2007

Mr. David L. Sobel  
Electronic Frontier Foundation  
1875 Connecticut Avenue, N.W.  
Suite 650  
Washington, DC 20009

Re: **DHS/OS/PRIV 07-160/Sobel request**

Dear Mr. Sobel:

This is our second partial release to your Freedom of Information Act (FOIA) requests to the Department of Homeland Security (DHS), dated November 7, 2006 and December 6, 2006, requesting DHS records concerning the Automated Targeting System (ATS). These two requests were aggregated to simplify processing. The following is a consolidated list of records requested:

1. All Privacy Impact Assessments prepared for the ATS system or any predecessor system that served the same function but bore a different name.
2. A Memorandum of Understanding executed on or about March 9, 2005 between Customs and Border Protection (CBP) and the Canada Border Services Agency to facilitate the Automated Exchange of Lookouts and the Exchange of Advance Passenger Information.
3. All records, including Privacy Act notices, which discuss or describe the use of personally-identifiable information by the CBP (or its predecessors) for purposes of screening air and sea travelers.
4. All System of Records Notices (SORNs) that discuss or describe targeting, screening, or assigning "risk assessments" of U.S. citizens by CBP or its predecessors.
5. All records that discuss or describe the redress that is available to individuals who believe that the ATS contains or utilizes inaccurate, incomplete or outdated information about them.
6. All records that discuss or describe the potential consequences that individuals might experience as a result of the agency's use of the ATS, including but not limited to arrest, physical searches, surveillance, denial of the opportunity to travel, and loss of employment opportunities.
7. All records that discuss or identify the number of individuals who have been arrested as a result of screening by the ATS and the offenses for which they were charged.
8. All complaints received from individuals concerning actions taken by the agency as a result of ATS "risk assessments" or other information contained in the ATS, and the agency's response to those complaints.
9. All records that discuss or describe Section 514 of the Department of Homeland Security Appropriations Act, 2007, P.L. 109-295 (H.R. 5441) and its prohibition against the development or testing of "algorithms assigning risk to passengers whose names are not on Government watch lists."
10. All records that address any of the following issues:
  - a. Whether a system of due process exists whereby aviation passengers determined to pose a threat are either delayed or prohibited from boarding their scheduled flights may appeal such decision and correct erroneous information contained in the ATS;

- b. Whether the underlying error rate of the government and private databases that will be used in the ATS to assign a risk level to an individual will not produce a large number of false positives that will result in a significant number of individuals being treated mistakenly or security resources being diverted;
- c. Whether the agency has stress-tested and demonstrated the efficacy and accuracy of all search tools in the ATS and has demonstrated that the ATS can make an accurate predictive assessment of those individuals who may constitute a threat;
- d. Whether the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which the ATS is being developed and prepared;
- e. Whether the agency has built in sufficient operational safeguards to reduce the opportunities for abuse;
- f. Whether substantial security measures are in place to protect the ATS from unauthorized access by hackers or other intruders;
- g. Whether the agency has adopted policies establishing effective oversight of the use and operation of the system;
- h. Whether there are no specific privacy concerns with the technological architecture of the system;
- i. Whether the agency has, pursuant to the requirements of section 44903(i)(2)(A) of Title 49, United States Code, modified the ATS with respect to intrastate transportation to accommodate states with unique air transportation needs and passengers who might otherwise regularly trigger a high risk status; and
- j. Whether appropriate life-cycle estimates, expenditure and program plans exist.

In our January 26, 2007 letter, we advised you that we had located 11 pages of records responsive thus far to your request from the Office of Policy (PLCY). Of those 11 pages, we released 8 pages to you with certain information withheld pursuant to the FOIA. Three pages were withheld in their entirety pursuant to the FOIA. We further notified you that we were continuing our search in the Office of the Executive Secretariat (ES), the DHS Office of the Chief Information Officer (CIO), the DHS Privacy Office (PRIV), the DHS Office of the General Counsel (OGC), the DHS Screening Coordination Office (SCO), the Transportation Security Administration (TSA), and U.S. Customs and Border Protection (CBP). Our search is also continuing within PLCY. Additionally, we have queried the DHS Office of the Inspector General (OIG) for records responsive to your request.

Pursuant your February 15, 2007 letter, we have only considered documents pertaining to the ATS passenger module (ATS-P) to be responsive to your request. We will also consider all draft documents responsive to your request. Searches directed to CIO and SCO did not produce any documents responsive to your request.

A search directed to ES has produced 3 pages of documents responsive to your request. We have enclosed those 3 pages with certain information withheld pursuant to Exemption 7E of the FOIA.

A search directed to PLCY has produced thus far an additional 6 pages responsive to your request. We have enclosed those 6 pages with certain information withheld pursuant to Exemptions 2 and 6 of the FOIA.

A search directed to PRIV has produced thus far 224 pages of records responsive to your request. Of those 224 pages, we have enclosed 7 pages with certain information withheld pursuant to Exemptions 2, 5 and 6 of the FOIA. For your information, 217 pages are public documents available online. Please be advised that the FOIA does not require federal agencies to provide publicly available information; therefore, we are not providing the following documents to you:

- 1) The Department of Treasury, Customs Service SORN which is the legacy SORN for ATS, is available in the Federal Register at 66 FR 202 (18 October 2001) pp. 52983 – 53041;

- 2) Comments and complaints regarding the November 2, 2006 ATS SORN are available through [www.regulations.gov](http://www.regulations.gov);
- 3) The November 22, 2006 Privacy Impact Assessment for ATS is available online at [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_cbp\\_ats.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cbp_ats.pdf);
- 4) The ATS "Notice of Privacy Act System of Records," is available in the Federal Register at 71 FR 212 (2 November 2006) pp. 64543 – 64546; and
- 5) The extension of comment period for the ATS SORN is available in the Federal Register at 71 FR 236 (8 December 2006) p. 71182.

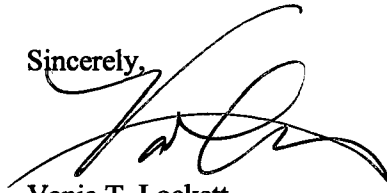
Additionally, the following document is available at the listed website: A December 19, 2006 transcript entitled, "Homeland Security Assistant Secretary Baker Delivers Remarks at the Center for Strategic and International Studies on Terrorist Screening and Privacy Issues, Washington," can be obtained through [www.CQ.com](http://www.CQ.com). Since this is a commercial website, DHS will produce the documents if you so request, but of course, a copying charge may be assessed.

A search directed to TSA has produced 5 pages of records responsive to your request. Of those 5 pages, we are withholding 2 pages in their entirety pursuant to Exemption 5 of the FOIA. For your information, a 3-page article entitled "DHS Official Rebukes Notion that Privacy Concerns Outweigh Benefits of ATS Screening," can be obtained at [www.CQ.com](http://www.CQ.com). As in the instance above, because this is a commercial website, DHS will produce the document for a fee should you request it. TSA has completed its search for documents, and no other responsive documents were located.

Enclosed are 16 pages with certain information withheld pursuant to Exemptions 2, 5 and 6 of the FOIA, 5 U.S.C. §§ 552 (b)(2), (b)(5), (b)(6), and (b)(7)(E). Exemption 2 (high) protects information applicable to internal administrative matters to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Exemption 2 (low) protects from disclosure records that are related to internal matters of a relatively trivial nature, such as internal administrative tracking. Exemption 5 protects the integrity of the deliberative or policy-making processes within the agency by exempting from mandatory disclosure drafts, opinion, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. Exemption 6 exempts from disclosure records the release of which would cause a clearly unwarranted invasion of personal privacy. Exemption 7E affords protection to all law enforcement information that would disclose techniques and/or procedures for law enforcement investigations.

Our office continues to process your request as it pertains to ES, PRIV, PLCY, OGC, OIG, and CBP. If you have any questions regarding this matter, please refer to **DHS/OS/PRIV 07-160/Sobel request**. The DHS Privacy Office can be reached at 703-235-0790. Thank you for your patience as we proceed with your request.

Sincerely,



Vania T. Lockett

Associate Director, Disclosure & FOIA Operations

Enclosures: 16 pages

[ ] \_\_\_\_\_  
DQ

**From:** ( b6 )  
**Sent:** Wednesday, December 20, 2006 1:29 PM  
**To:** [ b6 ]  
**Cc:** [ b6 ] Teufel, Hugo  
**Subject:** ATS Talking Points

( b6 )

Please find attached the talking points on ATS for Hugo [ (b)(5) ]  
[ (b)(5) ]

The key talking points at the beginning of this document and background are the same materials provided to the Secretary for the HSAC briefing. The second page is different than what was given to the Secretary because I have updated it based on latest and greatest information this morning.

Thanks,  
( b6 )

[ b6 ]

Privacy Office  
Department of Homeland Security

[ b2 & b6 ]

**FOR OFFICIAL USE ONLY**

**AUTOMATED TARGETING SYSTEM KEY TALKING POINTS**

- ATS is not a new program nor does it represent a new collection of information. ATS-P has been in use since 1999. ATS for cargo has been in use since 1996.
- The SORN (published on November 2, 2006) and the PIA (published on November 24, 2006) were published to provide greater transparency
- DHS decided to extend the comment period for the ATS SORN until December 29, 2006 (published December 8, 2006).
- DHS will be reviewing the public comments. It is likely DHS will be issuing an updated SORN, PIA, and Notice of Proposed Rulemaking in January 2007.
- ATS assists CBP in preventing terrorists and terrorist weapons from entering the U.S. and enforcing all import and export laws, while facilitating legitimate trade and travel across the U.S. borders.
- ATS treats all passengers equally and all cargo equally. It does not profile on race, ethnicity, or arbitrary assumptions.
- ATS assists CBP in making an assessment in advance of arrival into the U.S. based on information that DHS would otherwise collect at the point of entry.
- ATS does not replace human decision making. It is a decision support tool for use by trained law enforcement officials.
- ATS may only be accessed by personnel with a need to access information in the course of completing their official duties
- ATS employs auditing systems to identify unauthorized access and misuse.
- ATS is not a domestic program; it is used only within the context of international travel and border security.
- Individuals may seek access to the source information collected in ATS or originating from a government source system pursuant to the FOIA and as a matter of CBP policy.

**FOR OFFICIAL USE ONLY**

KEY ISSUES RAISED TO DATE ON ATS SORN

- To date DHS has received over 161 comments on the SORN through regulations.gov and an additional 500 comments with the same text from individuals. The three major issues that have been raised are:

1. The TECS SORN did not appropriately cover the ATS program.

*Response:* The system was created prior to the creation of the Department. As new parts of TECS are developed and existing portions are updated, DHS will publish new PIAs and SORNs, as appropriate.

2. DHS should not use the TECS exemptions under the previous SORN and should not classify PNR as law enforcement data.

*Response:* Because ATS is associated with TECS, the application of the existing exemptions is appropriate. Nonetheless, as noted in the SORN, DHS has committed to reviewing the exemptions and publishing a new Notice of Proposed Rulemaking for the exemptions within 90 days of publishing the SORN. This is likely to occur. As part of the NPRM process for the exemptions, this will be examined.

3. Retaining the data for 40 years.

*Response:* Not all data will be retained for this period of time. As is stated in the PIA and SORN, if the underlying information is retained for a shorter period of time, then that retention period will be followed. DHS will live up to any existing or future obligations for retention of the information. The 40 years is the longest amount of time the information will be maintained. At the same time, it is known that the planning cycle for terrorist attacks has in the past spanned long periods of time.

**BACKGROUND**

- To provide expanded notice and transparency to the public, the Department of Homeland Security, U.S. Customs and Border Protection gave notice regarding the Automated Targeting System (ATS) on November 2, 2006 in the Federal Register. The Privacy Impact Assessment was published on November 24, 2006 and provides additional details about the privacy impact associated with this system.
- DHS has received a number of comments from the public on the System of Records Notice and will be reviewing them in the coming weeks.
- ATS is not a new program nor does it represent a new collection of information. ATS was initially deployed in the early 1990's to identify cargo that was likely to be entering the United States in violation of U.S. law. Passenger modules were first deployed in the mid 1990's.
  - This assessment is being published now to provide the public with greater visibility into an existing program.
  - ATS is the enforcement screening module associated with the Treasury Enforcement Communications System and was previously covered by the Treasury Enforcement Communications System "System of Records Notice."
  - As part of DHS's updating of its system of records notices and in an effort to provide more detailed information to the traveling public and trade community, CBP has determined that ATS should be noticed as a separate system of records, giving greater visibility into its targeting and screening efforts.
- ATS is employed as an analytical tool to enhance CBP screening and targeting capabilities by permitting query-based comparisons of different data modules associated with the TECS system, as well as comparisons with data sets from sources outside of TECS.
- ATS is the primary tool used by CBP to prescreen cargo and travelers destined to the United States. In many cases, it is the United States government's first opportunity to determine whether a good or person presents a risk of terrorism, illegal immigration, trafficking or other criminal activities. Without ATS the United States would be blind to potential threats until they have entered the United States and screening at points of entry would be slower and more cumbersome.
  - ATS treats all passengers equally and all cargo equally. It does not profile on race, ethnicity or arbitrary assumptions.
  - ATS makes an assessment in advance of arrival based on information that DHS would otherwise collect at the point of entry.
  - ATS does not replace human decision making. It provides analysis for use by trained law enforcement officials.

## **FOR OFFICIAL USE ONLY**

- Significant system safeguards have been put in place to protect the traveling public from the unauthorized disclosure of their personal information. Access to ATS is only given to personnel with a need to access information in the course of completing their official duties and stiff penalties are associated with misuse. Auditing systems have been established to identify unauthorized access and misuse.
- Individuals may seek access to the source information collected in ATS or originating from a government source system pursuant to the FOIA and as a matter of CBP policy.

### *ATS and PNR Agreement*

- Nothing in the PIA supersedes the details of the October 2006 PNR agreement. This agreement and the Undertakings continue to be implemented consistent with the letters exchanged between A/S Baker and DG Faull.
- The PIA addresses the general use of ATS not the PNR agreement specifically and was issued to meet U.S. legal requirements and to provide transparency to the traveling public.
- DHS will soon be updating its May 2004 Federal Register Notice regarding the original PNR agreement with the details of the 2006 agreement. This update is being issued to provide transparency to the traveling public about the details of the agreement.

### *Risk Assessments*

- With respect to the data that ATS creates, i.e., the risk assessment for an individual, the risk assessment is for official law enforcement use only and is not communicated outside of CBP staff, nor is it subject to access under the Privacy Act. ATS is a system that supports CBP law enforcement activities, as such an individual might not be aware of the reason CBP is engaging in additional scrutiny, nor should he or she as this may compromise the means and methods of how CBP came to require further scrutiny.

### *Retention*

- ATS stores data for 40 years because a recently identified transnational criminal or terrorists travel history is frequently relevant to assessing the risk they present and, when appropriate, developing a case against them. To prematurely delete data already collected under existing statutory authority would severely hamper these efforts with minimal impact on an individual's privacy.
  - This retention period for data in ATS reflects the longest underlying retention period for the data in its source records (for example, data from ACS, AMS, and ACE is retained for six years).
  - However, the touchstone for data retention, however, is its relevance and utility. Accordingly, CBP will regularly review the data maintained in ATS to ensure its continued relevance and usefulness. If no longer relevant and useful, CBP will delete the information.

**FOR OFFICIAL USE ONLY**



## FOR OFFICIAL USE ONLY

### *Background on ATS System*

- The Automated Targeting System (ATS) is an Intranet-based enforcement and decision support tool that is the cornerstone for all Customs and Border Protection's (CBP) targeting efforts.
  - CBP uses ATS to improve the collection, use, analysis and dissemination of intelligence to target, identify and prevent potential terrorists and terrorist weapons from entering the United States and identify other violations and violators of U.S. law.
  - In this way, ATS allows CBP officers to more effectively and efficiently focus their efforts on cargo shipments and travelers that most warrant further attention.
  - ATS standardizes names, addresses, conveyance names, and similar data so these data elements can be more easily associated with other business data or personal information to form a more complete picture of a traveler, import, or export in context with previous behavior of the parties involved.
- Every traveler and shipment processed through ATS is subjected to a real-time rule based evaluation.
  - ATS consists of six modules that provide selectivity and targeting capability to support CBP inspection and enforcement activities.
  - ATS-Inbound – inbound cargo and conveyances (rail, truck, ship, and air)
  - ATS-Outbound – outbound cargo and conveyances (rail, truck, ship, and air)
  - ATS-Passenger (ATS-P) – travelers and conveyances (air, ship, and rail)
  - ATS-Land (ATS-L) - private vehicles arriving by land
  - ATS - International (ATS-I) - cargo targeting for CBP's collaboration with foreign customs authorities. (in development)
  - ATS- -Trend Analysis and Analytical Selectivity Program, (ATS-TAP) (analytical module)
- Generally, ATS collects and maintains personal information relating to name, risk assessment, and the internal system rules upon which the assessment is based and Passenger Name Record data obtained from commercial carriers.
  - ATS does not collect information directly from individuals. The information used by ATS to build the risk assessment is collected from government data sources and from entities providing data in accordance with U.S. legal requirements or other applicable arrangements (e.g., air carriers providing PNR regarding individual passengers).
  - Relevant data, including personally identifiable information, is necessary for CBP to effectively and efficiently assess the risk and/or threat posed by a

FOR OFFICIAL USE ONLY

**FOR OFFICIAL USE ONLY**

person, a conveyance operated by person, or cargo, handled by a person, entering or exiting the country.

*ATS PIA*

- DHS published the PIA for ATS on November 24, 2006.
- Text of the PIA is available from the DHS Privacy Office website, [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

**FOR OFFICIAL USE ONLY**

**FOR OFFICIAL USE ONLY**

*Responses to Press Statements/Inaccuracies*

Michael J. Sniffen, "Feds Rate Travelers for Terrorism," *Associated Press*, Dec. 1, 2006  
Objective Inaccuracies

<b><u>Inaccuracy</u></b>	<b><u>Reality</u></b>
DHS and CBP have been screening airline passengers for years "[w]ithout notifying the public."	The first four words of the article are objectively inaccurate, and they set the tone for the rest of the piece. DHS and CBP officials have discussed the passenger screening process in many public forums, including congressional hearings and on CBP's website.
Risk assessments are based on "where [passengers] are from, how they paid for their tickets, their motor vehicle records, past one-way travel, seating preference, and what kind of meal they ordered."	The rules used to evaluate risk are based on intelligence, past experience, and other practical factors. Passengers are not screened based on their nationality, meal preference, or other innocuous factors.
"[Electronic Frontier Foundation's David] Sobel said in the interview the government notice also raises the possibility that faulty risk assessments could cost innocent people jobs in shipping or travel, government contracts, licenses or other benefits."	ATS is a decision support tool. As such it may highlight a person that may require additional attention and a possible interview with an officer. But ATS does not make recommendations concerning a person's employment. ATS is not used in employment background checks (but it may be used in future TSA credentialing programs).  [ b5 ]

**FOR OFFICIAL USE ONLY**

**FOR OFFICIAL USE ONLY**

<p>“Everybody else can see it, but you can’t,’ Stephen Yale-Loeher, an immigration lawyer who teaches at Cornell Law school, said in an interview.” I.e., travelers cannot learn whether the system has information on them nor can they contest the records.</p>	<p>Any person can submit a FOIA request for information about them in ATS. While targeting rules and other analytical factors are subject to the law enforcement exemptions of FOIA, the personal information against which those assessments are made (and collected via regulatory requirements) are available. If such information is inaccurate, the person can seek correction through CBP’s Customer Satisfaction Unit. CBP further maintains a program to suppress files so that persons who they have cleared don’t have to keep going through secondary screening.</p>
<p>“For security reasons, Ahern declined to disclose any of the rules, but a Homeland Security document on data-mining gave an innocuous example of a risk assessment rule: ‘If an individual sponsors more than one fiancée for immigration at the same time, there is likelihood of immigration fraud.’”</p>	<p>[ b7E ] [ b5 ]</p>

**FOR OFFICIAL USE ONLY**



U.S. Customs and  
Border Protection

Commissioner

December 18, 2006

MEMORANDUM FOR SECRETARY CHERTOFF

FROM: Commissioner *W. Keith Baker*

SUBJECT: Automated Targeting System for Passengers Update

I am writing to provide you an update on the performance of U.S. Customs and Border Protection's (CBP) Automated Targeting System for Passengers (ATS-P)<sup>1</sup> and its role in preventing known national security risks and serious criminal violators from entering the United States.

On a daily basis, ATS-P generates a significant number of referrals for further follow-up by CBP Officers. The encounters described below underscore how the use of automated tools is critical to identifying travelers who present potential security threats while at the same time keeping the vast majority of the traveling public safe and moving expeditiously.

[ b7E ]

---

<sup>1</sup> The U.S. Customs Service began using automated targeting systems as a law enforcement tool in the early 1990's to help Customs Inspectors identify cargo entering the United States in violation of U.S. law. These early targeting systems were expanded to the passenger environment in the mid-1990's and the web-based ATS-P became operational in October 2000.

07 E

[ b7E ]

Annually, 87 million air travelers and 26 million cruise ship passengers and crew arrive in the United States, ( b7E )  
( b7E ) In each of the cases detailed above, the intensive work of CBP Officers in identifying and interviewing the individuals was conducted and completed while a huge flow of legitimate and law-abiding travelers, both U.S. citizens and non-citizens, transited the international arrival areas within minimal delay.

My staff and I are available to provide additional information or answer any questions you may have regarding this update.

## **Automated Targeting System**

### **Authority**

- CBP has the authority to access information from the ATS system and other programs under the Customs and Border Protection's border authority derived from USC1467 and 19CFR162.6. These provisions state that all persons, baggage and merchandise arriving in the Customs territory of the United States from places outside thereof are liable to inspection by a CBP Officer. Homeland Security Presidential Directive HSPD-6 provides additional border authority to develop and maintain thorough, accurate, and current information about individuals suspected to be, or have been engaged in terrorism and use that information as appropriate to support law enforcement, immigration, visa, and protective processes.

### **What is the ATS System**

- The Automated Targeting System is an enforcement tool used by trained, professional CBP law enforcement officials to effectively perform their primary duty of guarding our Nation's Borders. ATS extracts information from the Treasury Enforcement Communications System (TECS) and the Reservation Monitoring System (ResMon) and places it in a searchable format. ATS can be programmed to search for criteria such as itinerary, travel history, criminal history, immigration violations, etc. ATS makes an assessment in advance of arrival based on information that DHS would otherwise collect at the point of entry. ATS information combined with the CBP Officers knowledge and expertise is used to detect and prevent terrorist activity and identify other violations and violators of U.S. Laws, and does not replace human decision-making process.

### **Brief depiction of the passenger targeting process:**

- Advanced passenger information (APIS) is transmitted by the carrier to the Customs mainframe system. The APIS data contains the passengers name, date of birth, passport number, and country of citizenship. This data is queried against terrorist's watchlists, criminal databases, and other law enforcement activities. Transmitted reservation data is assessed on a case-by-case basis or by utilizing rule-based targeting procedures by qualified CBP Officers. Trained CBP Officers determine risk assessments based on information and knowledge and either release, create lookouts or schedule examinations.



## **Automated Targeting System, Passengers (ATS-P) and its component the PNR system.**

- **ATS makes an assessment in advance of arrival based on information that DHS would otherwise collect at the point of entry to determine risk assessments. This information includes passports, visa requirements, travel arrangements, travel itineraries and unusual travel patterns.**
- **ATS information is utilized and evaluate regardless of race, sex, or ethnic backgrounds.**
- **ATS users are restricted access to certain sensitive data fields; that may include religion, race, political preference, health issues, meal selections and sexual preferences. Although the airline collects this type of data, it is not accessible to the CBP Officer. Access to view restricted sensitive information requires permission form the Deputy Commissioner of CBP. As of this date no requests have been submitted.**
- **Authorization to access passenger information is authorized and utilized only when performing official duties and only on a need to know basis.**
- **Effective internal safeguards are in place to protect the traveling public from unauthorized use and disclosure. Access to ATS is restricted to users who have completed the CBP background investigation, who have prior approval for The Enforcement Communication System (TECS) with an active user profile and their work requires access to the system. To be assigned ATS access, a supervisor must forward an access request to CBP-HQ defining why access is requested. The request is reviewed and if approved by HQ-CBP forwarded to ATS Security for concurrence. ATS users are required to pass security awareness biennial training and a users usage of the system is audited for compliance.**
- **Information derived from the system is provided to other agencies on a need to know basis only and within agency request procedures. Disclosure request require a written request from the eligible authority explaining what information is being requested and why. If approved by CBP, the record of disclosure must contain the CF191 disclosure form and approved cover letter. The document is marked with "Property of U.S. Customs and Border Protection" followed by a synopsis explaining that the information is the property of CBP and is confidential. The disclosure office maintains all request and copies. 5 U.S.C 552 defines internal and external sharing of information, procedures and request.**

- **ATS data is stored for forty years to retain essential history that otherwise would be lost. This information is used not only to provide information on violators but also to protect those who are considered low risk. If it is determined that ATS data becomes irrelevant the information can be deleted by CBP.**
- **PNR access is restricted to CBP users and made available to users on a need to know basis in conjunction with their official duties for the purpose of preventing and combating terrorism and other related crimes or violations. User access request are evaluated prior to approval.**

( b2 )

---

**From:** ( b6 )  
**Sent:** Monday, December 18, 2006 5:01 PM  
**To:** ( b6 )  
**Cc:** ( b6 )  
**Subject:** ATS speech with edits  
**Attachments:** ( b6 ) CSIS speech (12 15 2006) ( b6 ) edits.doc

( b6 )

I've attached Stewart's ATS speech with tracked changes. I made some organizational changes: ( b5 )  
( b5 ) . I think it has a better flow that way.

Also, I highlighted places where a better word choice could be used for a public speech ( b5 )  
( b5 ) I hope that helps.

Regards,  
( b6 )

[ b6 ]  
Private Sector Office  
Department of Homeland Security  
Washington DC

[ b2+b6 ]

( b2 )