



Homeland Security

May 30, 2008

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 the thirteenth 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the redress that is available to individuals who believe that the ATS contains or utilizes inaccurate, incomplete or outdated information about them.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.

A search directed to CBP has produced an additional 310 pages of records responsive to your request. We have determined that 297 pages are releasable to you in full or with certain information withheld pursuant to Exemptions 2 (low) and (high), 5, 6, and 7 of the FOIA, and 13 pages are withheld in their entirety pursuant to Exemptions 2 (low) and (high), 5, 6, and 7 of the FOIA.

Enclosed are 297 pages of releasable information. The withheld information, consists of names or initials, deliberative material, legal opinions, law enforcement information, and homeland security information. I am withholding this information pursuant to Exemptions 2, 5, 6, and 7E of the FOIA, 5 U.S.C. §§ 552 (b)(2), (b)(5), (b)(6), and (b)(7)(E).

Also enclosed are 8 blank sheets with several numbers that represent withheld documents. Each number corresponds to a page of withheld information and has the appropriate exemptions that apply to that document. In this instance, there are 13 pages of withheld information that comprise 8 documents.

Exemption 2(low) exempts from disclosure records that are related to internal matters of a relatively trivial nature, such as internal administrative tracking. Exemption 2(high) protects information disclosure of which would risk the circumvention of a statute or agency regulation. Included within such information may be operating rules, guidelines, manuals of procedures for examiners or adjudicators, and homeland security information.

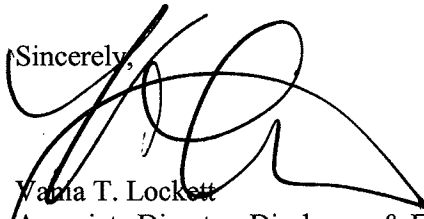
Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any

opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information.

Exemption 6 exempts from disclosure records the release of which would cause a clearly unwarranted invasion of personal privacy.

Exemption 7E protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

As stated in the February 1, 2008 Status Report for the litigation which encompasses this FOIA request, we are continuing to process your request with regard to documents located at the following CBP Offices: Office of Field Operations, National Targeting and Security, Office of Chief Counsel, and Office of Information and Technology. If you have any questions regarding this matter, please refer to **DHS/OS/PRIV 07-160/Sobel request**. This office can be reached at 866-431-0486. Thank you for your patience as we proceed with your request.

Sincerely,

Yanna T. Lockett
Associate Director, Disclosure & FOIA Operations

Enclosures: 305 pages

emails
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.

Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 10:04 AM
To: [REDACTED]
; Scardaville, Michael
Subject: Fw: Privacy Act matrix

Low (b)(2), (b)(6)
[REDACTED]

From: "Scardaville, Michael" Low (b)(2), (b)(6)
"Scardaville, Michael" Low (b)(2), (b)(6)
[REDACTED]

emails

Low (b)(2)

(b)(5) - AC & Delib, (b)(6)

Mike

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 5:13 PM

To: Scardaville, Michael; (b)(6)

Subject: RE: Privacy Act matrix

(b)(5) delib & AC

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

emails

Low (b)(2), (b)(6)

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From: Scardaville, Michael [Low (b)(2), (b)(6)]
Sent: Saturday, September 16, 2006 5:08 PM
To: [Redacted] Scardaville, Michael; [Redacted]
Cc: [Redacted]
Subject: RE: Privacy Act matrix

Exactly. If I put in a FOIA request for PNR related to me from my trip to Brussels last week, how would my request be adjudicated. Under what circumstance would I get it and under what would I not.

Mike

Low (b)(2), (b)(6)

From [Low (b)(2), (b)(6)]
Sent: Saturday, September 16, 2006 5:07 PM
To: Scardaville, Michael; [Redacted]
Subject: RE: Privacy Act matrix

On part 2, (b)(5) - Delib [Redacted]

(b)(6)

Director of International Privacy Programs

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emails

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6)

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Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 5:04 PM

(b)(6) Scardaville, Michael; (b)(6)

Subject: RE: Privacy Act matrix

I found the first half of #1. We didn't have any data on either. Part 2 is critical, however.

Mike

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 5:02 PM

To: Scardaville, Michael; (b)(6)

Subject: RE: Privacy Act matrix

Importance: High

Mike and all,

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emails

Here is the 5pm version that incorporates two sets of revisions by OGC/CBP or OGC/OGC and Mike. Hope we're close. I'd like to take a mental health break and go get some dinner.

On Policy's questions.

(b)(5) - Delib & AC
[REDACTED]

I'm not familiar with them can we look for Monday or maybe (b)(6) know.

2. We need to more thoroughly explain (b)(5) - Delib & AC
[REDACTED]

Done

3. He wants this for his own background, (b)(5) - Delib, (b)(6)
[REDACTED]

First draft in circulation with Policy.

(b)(6)
[REDACTED]

Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6)
[REDACTED]

emails

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From: Scardaville, Michael Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 2:17 PM
To: (b)(6); Scardaville, Michael
(b)(6)
Subject: RE: Privacy Act matrix

A few more thoughts in the attached.

Also, Stewart just came by my cube and looked over quickly and has a couple of requests for this document.

(b)(5) - Delib & AC
[Redacted]

(b)(5) - Delib
[Redacted]

(b)(5) - Delib, (b)(6)
[Redacted]

Also, looking forward (but not for this weekend) we need to consider
(b)(5) - Delib
[Redacted]

Mike

emails

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 12:48 PM

(b)(6) Scardaville, Michael

(b)(6)

Subject: RE: Privacy Act matrix

Attached is the revised version. It incorporates nearly all of OGC/CBP changes and added one section on retention. Please review and revise as needed without open ended questions. Thanks. Also attaching background SORN and new draft SORN and PIA that covers PNR. Call with any questions.

Home cell is Low (b)(2), (b)(6)

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6)

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Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 10:04 AM

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emails

Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 10:04 AM

To: (b)(6)

;Scardaville, Michael

Subject: Fw: Privacy Act matrix

Low (b)(2), (b)(6)

[Redacted content]

"Scardaville, Michael" Low (b)(2), (b)(6)

"Scardaville, Michael" Low (b)(2), (b)(6)

emails

Low (b)(2) [REDACTED]

OK. It's gone.

Mike

Low (b)(2), (b)(6) [REDACTED]

Low (b)(2), (b)(6) [REDACTED]

Sent: Saturday, September 16, 2006 4:57 PM

To: Scardaville, Michael; (b)(6) [REDACTED]

(b)(6) [REDACTED]

Subject: RE: Talkers Best Efforts now "in a manner consistent"

I tend to agree with (b)(6), (b)(5) - Delib [REDACTED]

[REDACTED]
Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6) [REDACTED]

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From: Scardaville, Michael [Low (b)(2), (b)(6)] emails

Sent: Saturday, September 16, 2006 4:54 PM

To: (b)(6) Scardaville, Michael; (b)(6)

Subject: RE: Talkers Best Efforts now "In a manner consistent"

While it may be nearly useless, (b)(5) - Delib

Mike

[Low (b)(2), (b)(6)]

[Low (b)(2), (b)(6)]

Sent: Saturday, September 16, 2006 4:46 PM

To: (b)(6) Scardaville, Michael; (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

Agree—can I also take out of matrix?

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

[Low (b)(2), (b)(6)]

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delete the message. Thank you.

emails

Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:43 PM

To: (b)(6) Scardaville, Michael; (b)(6)

Cc: (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

(b)(6), (b)(5) - AC and Delib

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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From Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:37 PM

To: Scardaville, Michael; (b)(6)

emails

Cc: (b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

Mostly fiddles. (b)

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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From: Scardaville, Michael [Low (b)(2), (b)(6)]
Sent: Saturday, September 16, 2006 4:29 PM
To: (b)(6)
Cc: (b)(6) Scardaville, Michael
Subject: RE: Talkers Best Efforts now "in a manner consistent"

I'm still working on mine. Don't worry.

Mike

emails

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:28 PM

To: (b)(6) Scardaville, Michael

Cc: (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

Two more seconds pls?

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:27 PM

To: (b)(6) Scardaville, Michael

Cc: (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

emails

Mike,

Can you run with (b)(6) edits? I'm fine with them. (b)(5) - Delib

Don't feel strongly about this sentence and it can come out if you want. Turning to version 3 of the matrix.

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel. (b)(6)

Fax: (b)(6)

Low (b)(2), (b)(6)

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Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:21 PM

To: (b)(6)

Cc: Scardaville, Michael (b)(6)

Subject: Re: Talkers Best Efforts now "In a manner consistent"

Thanks (b)(6) -here are my comments (b)

emails

(b)(6)

Office of Chief Counsel
U.S. Customs and Border Protection

Low (b)(2), (b)(6)

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.

Low (b)(2), (b)(6)

wrote: -----

To: "Scardaville, Michael" Low (b)(2), (b)(6)

Date: 09/16/2006 03:47PM

cc: Low (b)(2), (b)(6)

Subject: Talkers Best Efforts now "in a manner consistent"

Mike, and all

Attached is a first draft of Talkers (much of it based on the matrix with legalese removed). It could be more talkerfriendly, but I'll leave it to Policy to massage.

On matrix, I will incorporate Mike and (b)(6)'s latest comments and send out shortly.

Director of International Privacy Programs DHS, Privacy Office

Low (b)(2), (b)(6)

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emails
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.

From: Scardaville, Michael Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 2:17 PM
To: (b)(6) Scardaville, Michael
Cc: (b)(6)
Subject: RE: Privacy Act matrix

A few more thoughts in the attached.

Also, Stewart just came by my cube and looked over quickly and has a couple of requests for this document.

(b)(5) - Delib & AC
[Redacted]

(b)(5) - Delib & AC
[Redacted]

(b)(5) Delib, (b)(6)
[Redacted]

Also, looking forward (but not for this weekend) we need to consider

(b)(5) - Delib & AC
[Redacted]

Mike

Low (b)(2), (b)(6)
[Redacted]

Low (b)(2), (b)(6)
[Redacted]

emails

Sent: Saturday, September 16, 2006 12:48 PM
To: (b)(6) Scardaville, Michael
Cc: (b)(6)
Subject: RE: Privacy Act matrix

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Home cell is Low (b)(2), (b)(6)

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel: (b)(6)

Fax: (b)(6)

Low (b)(2), (b)(6)

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Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 10:04 AM

To: (b)(6)

Scardaville, Michael

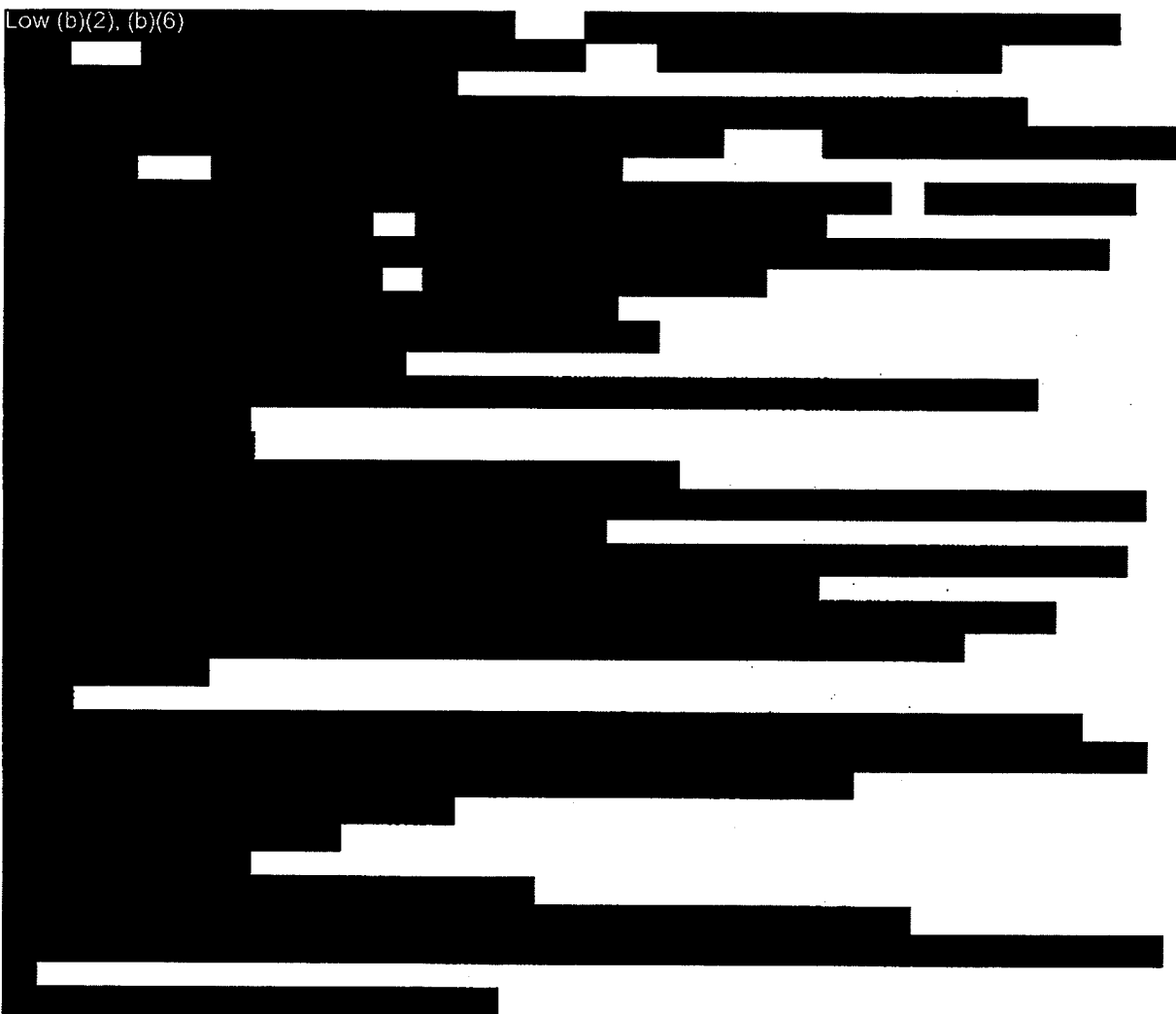
Subject: Fw: Privacy Act matrix

Low (b)(2)

emails
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From: (b)(6)
Sent: Saturday, September 16, 2006 10:04 AM
To: (b)(6)
Cc: (b)(6); Scardaville, Michael
Subject: Fw: Privacy Act matrix

Low (b)(2), (b)(6)

A large rectangular area of the page is completely redacted with black ink, obscuring the main content of the email. The redaction covers approximately 80% of the page's width and 50% of its height.

emails

Low (b)(2)

OK, we're getting somewhere. Attached are my edits (more additions really) plus (b)(5).

A few big issues remain:

(b)(5) - AC and Delib

(b)(5) - AC and Delib

(b)(5) - AC and Delib

(b)(5) - AC and Delib

(b)(5) - AC and Delib

6. Retention: (b)(6) I didn't understand your comment.

Thanks everyone for all the rush work on both docs.

Mike

Low (b)(2), (b)(6)

emails

Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:43 PM

To: (b)(6) Scardaville, Michael; (b)(6)

Cc: (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

(b)(5) - AC and Delib, (b)(6)

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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Sent: Saturday, September 16, 2006 4:37 PM

To: Scardaville, Michael; (b)(6)

Cc: (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

emails

Mostly fiddles. (b)

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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To: (b)(6)

Cc: (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

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Mike

Low (b)(2), (b)(6)

emails

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Sent: Saturday, September 16, 2006 4:28 PM
To: [Redacted] (b)(6) Scardaville, Michael
Cc: [Redacted] (b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

Two more seconds pls?

[Redacted] (b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

[Redacted] Low (b)(2)

[Redacted] Low (b)(2), (b)(6)

[Redacted] Low (b)(2), (b)(6)

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Sent: Saturday, September 16, 2006 4:27 PM
To: [Redacted] (b)(6) Scardaville, Michael
Cc: [Redacted] (b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

Mike,

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002943

emails

Can you run with (b)(6) edits? I'm fine with them. (b)(5) - Delib

Don't feel strongly about this sentence and it can come out if you want. Turning to version 3 of the matrix.

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6)

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From Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:21 PM

To: (b)(6)

Cc: Scardaville, Michael; (b)(6)

(b)(6)

Subject: Re: Talkers Best Efforts now "in a manner consistent"

Thanks (b)(6) here are my comments. (

(b)(6)

Office of Chief Counsel

U.S. Customs and Border Protection

emails

Low (b)(2), (b)(6)

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Low (b)(2), (b)(6)

To: "Scardaville, Michael" Low (b)(2), (b)(6)

Date: 09/16/2006 03:47PM

Low (b)(2), (b)(6)

Subject: Talkers Best Efforts now "in a manner consistent"

Mike, and all

Attached is a first draft of Talkers (much of it based on the matrix with legalese removed). It could be more talkerfriendly, but I'll leave it to Policy to massage.

On matrix, I will incorporate Mike and (b)(6)'s latest comments and send out shortly.

(b)(6)

Director of International Privacy Programs DHS, Privacy Office

Tel. (b)(6)

Fax: (b)(6)

Low (b)(2), (b)(6)

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002945

emails
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From: Scardaville, Michael [Low (b)(2), (b)(6)]
Sent: Saturday, September 16, 2006 2:17 PM
To: (b)(6); Scardaville, Michael
Cc: (b)(6)
Subject: RE: Privacy Act matrix

A few more thoughts in the attached.

Also, Stewart just came by my cube and looked over quickly and has a couple of requests for this document.

(b)(5) - Delib & AC
[Redacted]

(b)(5) - Delib & AC
[Redacted]

(b)(5) - Delib, (b)(6)
[Redacted]

Also, looking forward (but not for this weekend) we need to consider

(b)(5) - Delib & AC
[Redacted]

Mike

[Low (b)(2), (b)(6)]

[Low (b)(2), (b)(6)]
Sent: Saturday, September 16, 2006 12:48 PM
To: (b)(6); Scardaville, Michael
Cc: (b)(6)

emails

Subject: RE: Privacy Act matrix

Attached is the revised version. It incorporates nearly all of OGC/CBP changes and added one section on retention. Please review and revise as needed without open ended questions. Thanks. Also attaching background SORN and new draft SORN and PI that covers PNR. Call with any questions.

Home cell is (b)(6)

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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From Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 10:04 AM

To: (b)(6)

Cc: (b)(6); Scardaville, Michael

Subject: Fw: Privacy Act matrix

- Best Efforts Talkers-ms (b)(6) doc

Low (b)(2), (b)(6)

emails

Subject: Re: Talkers Best Efforts now "in a manner consistent"

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

"Scardaville, Michael"

DeliveredDate: 09/16/2006 05:11:09 PM

You're right - my bad.

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

From: Low (b)(2), (b)(6)

Scardaville, Michael Low (b)(2), (b)(6)

Sent: Sat Sep 16 17:08:50 2006

Subject: RE: Talkers Best Efforts now "in a manner consistent"

(b)(5) - Delib & AC

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

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emails

Tel: [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6)

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From: Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 5:07 PM

(b)(6); Scardaville, Michael; (b)(6)

Subject: RE: Talkers Best Efforts now "In a manner consistent"

(b)(5) - Delib. AC, (b)(6)

[REDACTED]

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

emails

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From: Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 5:03 PM
To: Scardaville, Michael; (b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

OK, put it back in. Sorry, I just took out of the matrix. For that matter, (b)(5) - Delib. AC

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6)

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From: Scardaville, Michael; Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 5:00 PM
(b)(6) Scardaville, Michael; (b)(6)

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emails

(b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

(b)(5) - Delib, (b)(6)

Mike

Low (b)(2), (b)(6)

From Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:59 PM

To: Scardaville, Michael; (b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

(b)(5) - Delib, AC, (b)(6)

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

This communication, along with any attachments, is covered by federal and
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emails

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From: Low (b)(2), (b)(6)]
Sent: Saturday, September 16, 2006 4:43 PM
(b)(6) Scardaville, Michael; (b)(6)
(b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

(b)(5) - Delib, AC, (b)(6)

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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emails

From: Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 4:37 PM
To: Scardaville, Michael (b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

Mostly fiddles. ■

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2)

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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From: Scardaville, Michael Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 4:29 PM
(b)(6) Scardaville, Michael
(b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

I'm still working on mine. Don't worry.

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emails

Mike

(b)(6), Low (b)(2)

From: Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 4:28 PM
(b)(6) Scardaville, Michael
(b)(6)
Subject: RE: Talkers Best Efforts now "in a manner consistent"

Two more seconds pls?

(b)(6)

Senior Counsel

Department of Homeland Security

Office of the General Counsel

Low (b)(2), (b)(6) 8

Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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From: Low (b)(2), (b)(6)
Sent: Saturday, September 16, 2006 4:27 PM
(b)(6) Scardaville, Michael
Page 255

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emails

(b)(6)

Subject: RE: Talkers Best Efforts now "in a manner consistent"

Mike,

Can you run with (b)(6) edits? I'm fine with them. (b)(5) - Delib

Don't feel strongly about this sentence and it can come out if you want. Turning to version 3 of the matrix.

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Email low (b)(2), (b)(6)

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From: Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 4:21 PM

To: [REDACTED]

Cc: Scardaville, Michael; (b)(6)

Subject: Re: Talkers Best Efforts now "in a manner consistent"

Thanks (b)(6) here are my comments. (

emails

(b)(6)

Office of Chief Counsel
U.S. Customs and Border Protection
Low (b)(2), (b)(6)

Low (b)(2), (b)(6)

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Low (b)(2), (b)(6)

e: -----

To: "Scardaville, Michael" Low (b)(2), (b)(6)

Date: 09/16/2006 03:47PM

cc: Low (b)(2), (b)(6)

Subject: Talkers Best Efforts now "in a manner consistent"

Mike, and all

Attached is a first draft of Talkers (much of it based on the matrix with legalese removed). It could be more talkerfriendly, but I'll leave it to Policy to massage.

On matrix, I will incorporate Mike and (b)(6)'s latest comments and send out shortly.

(b)(6)

Director of International Privacy Programs DHS, Privacy Office

Tel. (b)(6)

Fax: (b)(6)

Low (b)(2), (b)(6)

emails

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From: Scardaville, Michael [Low (b)(2), (b)(6)]
Sent: Saturday, September 16, 2006 2:17 PM
To: (b)(6) Scardaville, Michael
Cc: (b)(6)
Subject: RE: Privacy Act matrix

A few more thoughts in the attached.

Also, Stewart just came by my cube and looked over quickly and has a couple of requests for this document.

(b)(5) - Delib & AC
[Redacted]

(b)(5) - Delib & AC
[Redacted]

(b)(5) - Delib, (b)(6)
[Redacted]

Also, looking forward (but not for this weekend) we need to consider

(b)(5) - Delib & AC
[Redacted]

Mike

[Low (b)(2), (b)(6)]

From: [Low (b)(2), (b)(6)]

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emails

Sent: Saturday, September 16, 2006 12:48 PM

To: (b)(6); Scardaville, Michael

Cc: (b)(6)

Subject: RE: Privacy Act matrix

Attached is the revised version. It incorporates nearly all of OGC/CBP changes and added one section on retention. Please review and revise as needed without open ended questions. Thanks. Also attaching background SORN and new draft SORN and PI that covers PNR. Call with any questions.

Home cell is (b)(6)

(b)(6)

Director of International Privacy Programs

DHS, Privacy Office

Tel. [REDACTED]

Fax: [REDACTED]

Low (b)(2), (b)(6)

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From Low (b)(2), (b)(6)

Sent: Saturday, September 16, 2006 10:04 AM

To: (b)(6)

Cc: (b)(6); Scardaville, Michael

Subject: Fw: Privacy Act matrix

Low (b)(2)

(b)(6)
08/19/2004 10:45 AM

To: Low (b)(2), (b)(6)
cc:
Subject: High (b)(2), (b)(7)(E)

(b)(6)

Thanks for the info. This is exactly what we need to hear. Let me try to give you an update on your issues.

1. OIT is looking into this issue and we are hoping to fix this. This might not happen in the near future, but we will try to push OIT on this.

High (b)(2), (b)(7)(E), (b)(5) Delib

High (b)(2), (b)(7)(E), (b)(5) Delib

High (b)(2), (b)(7)(E), (b)(5) Delib

As for your second four questions, number 1 and 2 are the same issue which is ultimately answer number 1. Number 3 we are still looking into. If you have examples, we really could use them. The more information we have, the better off we are in solving the problem. Number 4 should be resolved, but I will check into this again. We intend on distributing updated guidance next week. This should help with some of the problems. If you need to call me, be aware of my new number. We've moved offices this week, so things are a little crazy around here.

(b)(6)
Office of Field Operations
National Targeting and Security
Low (b)(2), (b)(6)

Please note new number.
(b)(6)

(b)(6)
08/19/04 09:37 AM

To: Low (b)(2), (b)(6)
cc:
Subject: High (b)(2), (b)(7)(E)

Hey (b)(6)

It was nice to actually meet you a few weeks back at JFK. I just wanted to reach out to you and touch base on some of the concerns regarding (b)(2), (b)(7)(E), (b)(5) Delib know you are still working out some of the system "kinks," however these are a few of the problems that are being experienced:

High (b)(2), (b)(7)(E), (b)(5) Delib

High (b)(2), (b)(7)(E), (b)(5) Delib

High (b)(2), (b)(7)(E), (b)(5) Delib

002960

High (b)(2), (b)(7)(E), (b)(5) Delib [REDACTED] Again, very time consuming.

High (b)(2), (b)(7)(E), (b)(5) Delib [REDACTED]

We talked about the following issues while you were here. Have they been resolved?
What is the status?

High (b)(2), (b)(7)(E), (b)(5) Delib [REDACTED]

Remember, you asked for feedback from the field!! :)

Thanks (b)(6) [REDACTED]

002961

Low (b)(2), (b)(6)

08/26/2004 04:27 PM

cc:
Subject: ATIS/P Requirements

These are the subjects that (b)(6) will likely discuss at NTC.

(b)(6)

Office of Field Operations
Customs and Border Protection

Low (b)(2), (b)(6)

NOTE: New number

-----Forwarded by Low (b)(2), (b)(6) on 08/26/2004 04:26PM -----

To: Low (b)(2), (b)(6)

From:

Date: 08/26/2004 03:43PM

Subject: ATIS/P Requirements

(b)(6)

Watch Commander
National Targeting Center

Low (b)(2), (b)(6)

-----Forwarded by Low (b)(2), (b)(6) on 08/26/2004 03:42PM -----

To: Low (b)(2), (b)(6)

From:

Date: 08/17/2004 04:46PM

Low (b)(2), (b)(6)

Subject: ATIS/P Requirements

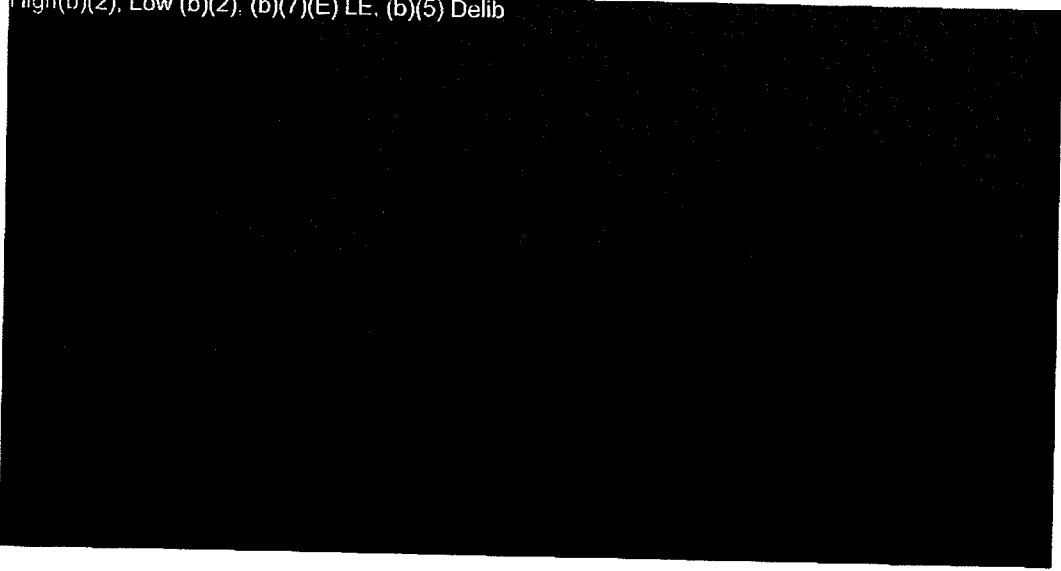
(b)(6)

The following changes/enhancements to ATIS/P (in no particular order) have been suggested by a number of users and will be formalized as requirements unless you indicate otherwise. You may indicate priority/importance at any time.

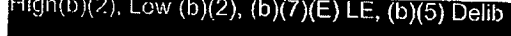
High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

002962

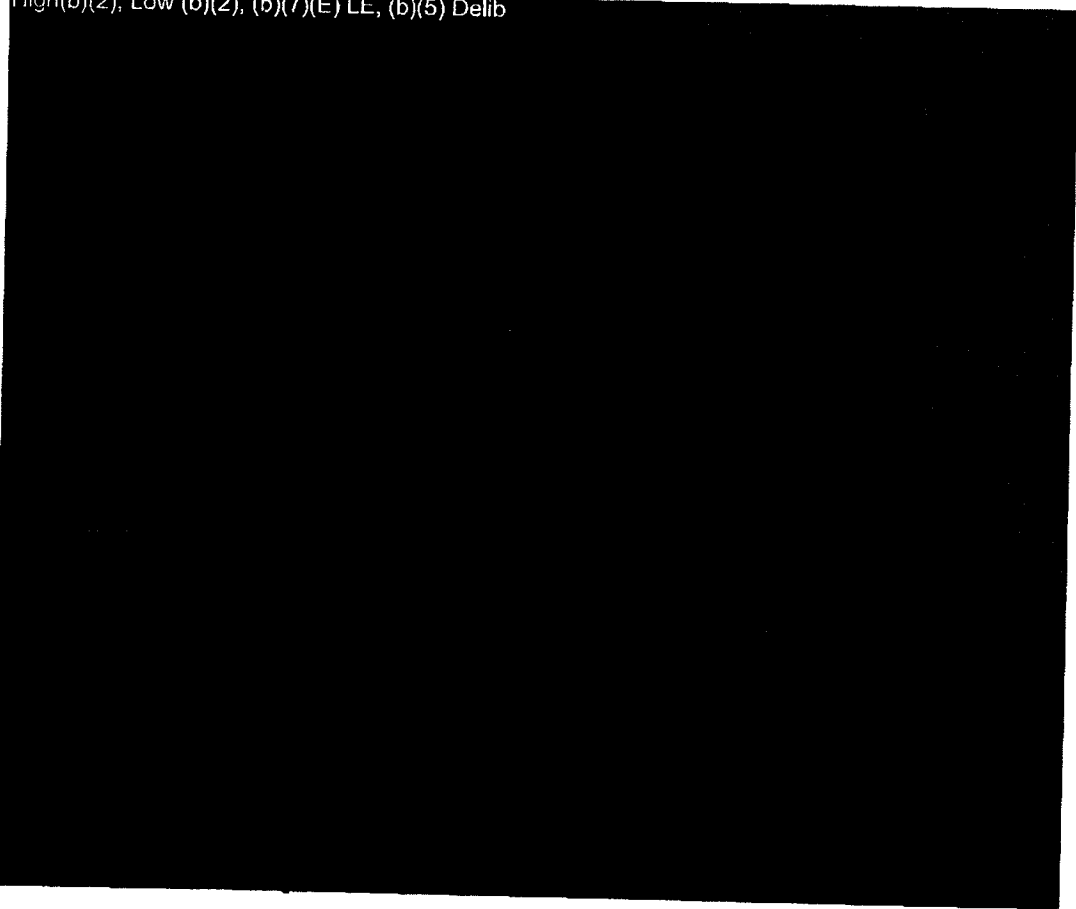
High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib



High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib



High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib



002963

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

(b)(6)

002964

(b)(6), Low (b)(2)

08/30/2004 09:49 AM

To: (b)(6), Low (b)(2)
cc: [REDACTED]

Subject: Re: Got Your Call

(b)(6)

Yes, I did receive an eMail from (b)(6), (b)(5) - Delib HQ/OFO NTS. POC is (b)(6) I forwarded your request to [REDACTED]

We (ATS/P) have much experience and knowledge in I94 and PNR data High (b)(2), (b)(7)(E) - LE [REDACTED]

You have names, DOB, and confirmed flight info in I94 data for non-immigrants. High (b)(2), (b)(7)(E) - LE [REDACTED]

High (b)(2), (b)(7)(E) LE, (b)(5) Delib [REDACTED]

However, having said my 2 cents on this matter, if HQ/OFO NTS consents in writing, I will create and deliver a PNR data set to you.

Thanks.

(b)(6)

(b)(6), Low (b)(2)

To: (b)(6), Low (b)(2)
From: (b)(6), Low (b)(2)
Date: 08/30/2004 09:37AM
Subject: Re: Got Your Call

(b)(6), Low (b)(2)

Did you receive EMAIL from (b)(6), High (b)(2), (b)(7)(E) LE, (b)(5) Delib [REDACTED]

Will you be in the office tomorrow? We can talk then..

My office phone does not seem to be working properly. Hopefully they will fix in next few hours.

[IMAGE] (b)(6), Low (b)(2)

[
I
M
A
G
E
]

[IMAGE]

[IMAGE]

To: (b)(6), Low (b)(2)
cc: [REDACTED]
Subject: Got Your Call

002965

(b)(6), Low
(b)(2)

0
8
/
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A
M

(b)(6)

Hello, I got your msg. Unfortunately, I am out of the office today. How can I help you?

(b)(6)

002966

Low (b)(2), (b)(6)

08/26/2004 03:57 PM

To: Low (b)(2), (b)(6)

cc:

Subject: Re: Rules, Queries, and [redacted]

(b)(6)

These are done?

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

Is a 6 month report "really" necessary?

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

This is alot of information. I did a similar report for (b)(6) saying she needed it ASAP for ISI. Time span is June/July 2004. Two hrs later she called me and told me she did not need it. The attached report for June & July 2004 is attached. The report took over 6 hrs to run under current CPU capacity. If you want 6 months, it will take much longer and could dregrade ATS/P DB performance. I am still looking for a HQ filter to screen these adhoc requests.



pax counts.xls

I'm working this one still. No timetable yet when it will be ready. Maybe COB 30 Aug

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

Thanks,

(b)(6)

(b)(6)

(b)(6)

08/26/2004 01:27 PM

To: Low (b)(2), (b)(6)

cc:

Subject: Rules, Queries, and Russians

(b)(6)

Here are the four things we spoke about:

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

002967

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Deib

The timeframes: I need #1 ASAP. #2 and #3, I would like to have by tomorrow afternoon. Please advise if this is a problem.

Thanks,

(b)(6)

Office of Field Operations
Customs and Border Protection
Low (b)(2), (b)(6)

NOTE: New number

002968

(b)(6), Low (b)(2)

08/26/2004 09:48 PM

To: (b)(6), Low (b)(2)

cc:

Subject: Re: Entitlement Coordination with the Field Users

Heads up. High (b)(2), Low (b)(2), (b)(7)(E) I E

There is a training issue involved here. Password expiration and password strength. See issues below.

(b)(6), Low (b)(2)

on 08/26/2004 09:47PM -----

To: (b)(6), Low (b)(2)

From:

Date: 08/26/2004 01:14PM

Subject: Re: Entitlement Coordination with the Field Users

High (b)(2), Low (b)(2), (b)(7)(E) I E

(b)(6)

[IMAGE] (b)(6), Low (b)(2)

[
I
M
A
G
E
]

[IMAGE]

[IMAGE]

(b)(6), Low (b)(2)

To: (b)(6), Low (b)(2)

cc:

Subject: Re: Entitlement Coordination with the Field Users

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002969

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(b)(6)

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

(b)(6), Low (b)(2)

(b)(6), Low (b)(2)

From: (b)(6), Low (b)(2)

Date: 08/26/2004 08:13AM

(b)(6), Low (b)(2)

Subject: Entitlement Coordination with the Field Users

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib

This information must be communicated to all ATS-L and Entitlement users.

(b)(6)

002970



(b)(6)

08/25/2004 04:14 PM

To: Low (b)(2), (b)(6)
cc: [Redacted]

Subject: Change to rule 1

(b)(6)

High(b)(2), Low (b)(2), (b)(7)(E) LE, (b)(5) Delib
[Redacted]

9-15, but if you could respond to (b)(6) What do you think? I'm out of the office until
[Redacted] that would be great. If you need me, page me. Take care.

(b)(6)

Office of Field Operations
National Targeting and Security
Low (b)(2), (b)(6)

Please note new telephone number.

002971