



Homeland Security

Privacy Office, Mail Stop 0665

January 21, 2010

Ms. Marcia Hofmann
Staff Attorney
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Re: **DHS/OS/PRIV 09-836**

Dear Ms. Hofmann:

This is the final response to your July 14, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), seeking records referencing the DHS Traveler Redress Inquiry Program (TRIP), from February 2007 to the present. Specifically, you requested the following records:

1. All complaints from travelers to the DHS Traveler Redress Inquiry Program (TRIP) concerning passenger prescreening, including, but not limited to:
 - a) Erroneous watch list matches or misidentifications;
 - b) Travel difficulties caused by DHS programs such as the Automated Targeting System, US-Visit or Secure Flight;
2. Any internal agency communications leading to the resolution of such complaints;
3. Any agency follow-up or formal response to individuals submitting such complaints.

In an August 27, 2009 email to you from a member of my staff, you were asked to contact this office to discuss ways to clarify the scope of your request. Through a series of follow-up e-mails and telephone conversations with James Holzer of my staff, you agreed to narrow the scope of your request such that the Department could produce the requested information in a timely fashion and without processing thousands of records comprised heavily of personally identifiable information (PII) or otherwise exempt information. In your November 3, 2009 e-mail to James Holzer, you confirmed your agreement in narrowing the scope of your request to include aggregated data for the following categories of records:

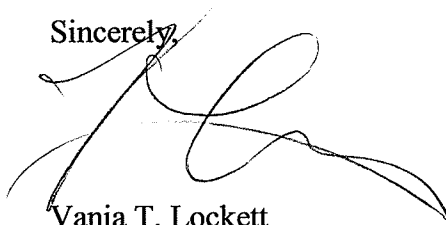
1. Complaints filed From 2007 – Present;
2. What are the categories/numerical breakdown;
3. Resolution of Complaints Metric;
4. Resolution Process.

Please be advised that, while the Department is not required to answer questions or create records in response to a FOIA request, we are granting your request, as amended by your November 3, 2009 e-mail, under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. After carefully reviewing your request, it was determined that the enclosed document, totaling 4 pages, is responsive to your request and is appropriate for public release. No deletions or exemptions have been claimed.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. Therefore, your request for a fee waiver is moot.

If you have any questions regarding this matter, please refer to **DHS/OS/PRIV 09-836**. If you need to contact our directly regarding this matter, please call 1-866-431-0486 or 703-235-0790.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vania T. Lockett', written over a horizontal line.

Vania T. Lockett
Associate Director, Disclosure & FOIA Operations

Enclosure(s): As stated, 4 pages

INFORMATION

From: DHS Office of Policy, Screening Coordination Office; and
DHS Traveler Redress Inquiry Program (DHS TRIP)

Re: FOIA request by the Electronic Frontier Foundation
(DHS/OS/PRIV 09-836)

1) How many complaints were filed from February 2007?

66,455 redress inquiries were filed with DHS TRIP from February 20, 2007-Aug 6, 2009.

Status	Volume
Closed	43,635
In Process	7,637
No/Pending Paperwork	15,183
Grand Total	66,455

The No/Pending Paperwork category captures redress applications that were submitted through DHS TRIP that was missing information (such as supporting identity documents) that are necessary for the completion of the redress process. When encountering an incomplete redress application, DHS TRIP personnel informs the applicant of which documents are needed. In many cases, the applicant does not follow-up – effectively abandoning the application.

2) What are the categories?

When applicants apply online, the DHS TRIP system asks them to self-declare the category of concerns that caused them to seek redress. The self-declaration is optional and over 15,000 applicants chose not to provide a category of concern. Applicants are not limited in the number of categories that they may select, and most applicants who chose to answer select multiple categories for redress (avg: 2.13 per redress application).

Note 1: This table does not reflect whether DHS determined that the self-declaration category is correct. For example, if the redress applicant marked that a ticketing agent told her that she was on a Federal watch list, it does not mean that the person is actually on a watch list.

Note 2: The wording of the self-declaration question has evolved for several issue categories. Where the difference in wording could produce a different interpretation, the categories were left as distinct. Where the wording was technical (e.g., called someone vs. “called someone”), the categories were manually combined.

From February 20, 2007-August 6, 2009:

Category of Concern	Self-Reports
I am unable to print a boarding pass at the airport kiosk or at home	30,410
I am directed to a ticket counter every time I fly	22,873
The airline ticket agent stated that I am on a Federal Government Watch List	22,420
No category selected ["Blank"]	15,326
I am always subjected to additional screening when going through an airport security checkpoint	14,424
I am repeatedly referred for secondary screening when clearing U.S. Customs and Border Protection	13,983
A ticket agent took my identification and "called someone" before handing me a boarding pass	13,961
I was detained during my travel experience	5,838
I feel my personal information has been misused	4,334
Other travel related issue	3,795
I missed my flight while attempting to obtain a boarding pass	2,424
I feel I have been discriminated against by a government agent based on race, disability, religion, gender, or ethnic	2,417
I was given an information sheet by a CBP Officer	1,939
I was denied entry into the United States	1,141
I was denied boarding	795
I was told my fingerprints were incorrect or of poor quality	260
I was told by CBP at a U.S. port of entry that my fingerprints need to be corrected by US-VISIT	104
I am a foreign student or exchange visitor who is unable to travel due to my status	67
I was referred to secondary screening when clearing U.S. Customs	18
I am a student who is unable to travel due to my status	8
I was told that my personal information was incomplete or inaccurate and to contact US-VISIT	7

3) How long did it take to resolve the complaints?

DHS measures case duration from the point of filing until closure.

System limitations prevent calculation of duration based solely on the time spent in DHS hands. When an applicant does not provide sufficient information or documentation to proceed, DHS TRIP contacts the applicant requesting the additional information. The system classifies the case as No/Pending Paperwork and no further work on it can take place until the applicants responds with the necessary information or supporting documents. The table below includes time taken by the filer to provide supporting paperwork, which is outside DHS' control.

For measuring duration, DHS considers the median to be the most appropriate metric. The median duration for closing a DHS TRIP case is 64 days. DHS has chosen to use median because it has determined that the mean is skewed by the long duration needed to close a limited number of cases. The standard deviation of the mean is so high to make the mean without true meaning.

In contrast, the duration's mean has little meaningful value as a DHS TRIP metric. It has very high standard deviation, reflecting that outlier cases on both side of the duration spectrum substantially skew the mean. The mean duration is 118 days with a standard deviation of 139 days.

From February 20, 2007-August 6, 2009:

DHS TRIP Metrics for Closed Cases			
Days	Median	Distribution	Count
1-30		24%	10,610
31-90		30%	13,268
91-180		15%	6,654
181-360		15%	6,389
361+		5%	2,330
N/A		10%	4,384
Total	64 days	100%	43,635

Note: “N/A” indicates that the DHS TRIP system does not contain sufficient data on a case to calculate duration.

4) What was done to rectify the situation?

Upon receiving redress requests, DHS TRIP personnel review each submission to ensure sufficient information documentation is provided. If more information or documents are needed, DHS TRIP notifies the applicant.

For applications which the DHS TRIP preliminary review considers complete, the case is compared to Federal watchlist records. If it is found to be a potential positive match to the watchlist, the case is referred to the Federal Bureau of Investigation’s Terrorist Screening Center (TSC). The TSC determines if the case is a positive match and refers it back to DHS TRIP if it is not. For positive matches, TSC’s Redress Unit follows written procedures to receive, track, and research watchlist-related complaints, to consult with agencies that nominate individuals to the watchlist, and to correct the watchlist or other data that may cause an individual unwarranted hardship or difficulty during a screening process. The case is then returned back to DHS.

When non-watchlist issues are identified, DHS TRIP assigns the case to redress officials in the appropriate component within DHS. If the issues involve more than one DHS component, DHS TRIP ensures review by all relevant components without the need for the applicant to file separate redress cases. Similarly, DHS consults and shares information with outside agencies, as appropriate, to relieve the applicant from the burden of seeking redress on an agency-by-agency basis.

Most cases are determined to be misidentifications. DHS has found that when people report problems when traveling, it is most often due to their names and personal information being similar to the record of another person in Federal watchlists or other federal, state, local and foreign sources.

To resolve, the controlling agency may make corrections to the applicant’s records that these inquiries determine are necessary, including, as appropriate, notations that may assist the applicant in avoiding incidents of misidentification. Redress control numbers are provided to applicants in the final response letter.

To maximize effectiveness of redress,

1. DHS recommends that travelers provide their redress control number at the time of booking for all air travel within or entering the United States. This information will assist the new technologies being introduced in 2009 to help prevent misidentifications.
2. DHS has a procedure whereby records used to process travelers at ports of entry into the United States are corrected, as appropriate, as a result of inquiries made through DHS TRIP. These corrections include safeguards to reduce the chance of misidentifications.