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July 7, 2005

Via Facsimile

Deputy Secretary Michael Jackson
Department of Homeland Security
Washington, DC

Re: DHS Data Privacy and Integrity Advisory Committee Examination of
Secure Flight Program

Dear Deputy Secretary Jackson:

Thank you for coming to the first meeting of the Data Privacy and Integrity Advisory Committee ("Committee"). As you know, the Department of Homeland Security formed the Privacy Advisory Committee to provide operational and programmatic advice to the Privacy Officer and the Secretary regarding programs within the purview of DHS.

Now that the Committee is organized and has established subcommittees to pursue its tasks, we wish to respond to your request that we examine the Secure Flight program. We were pleased to have public testimony from Justin Oberman before our Committee last month in Boston. He made reference to that appearance and your earlier request in his testimony last week before the House Homeland Security Committee when he wrote:

As you are probably aware, recently, the Deputy Secretary requested the Department's Chief Privacy Officer to assess the handling of PNR information and commercial data during the testing phase and to provide any recommendations about how to strengthen our focus on privacy protection as we continue testing and contemplate deployment of Secure Flight. The Deputy Secretary has made the same request of the Department's new Data Privacy and Integrity Advisory Committee. I met with this group in Boston last week to brief them and to solicit their counsel.

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I am writing to confirm the Committee's intent to examine the Secure Flight Program in order to provide you with advice and assistance in its development. As Mr. Oberman noted in his House testimony we are prepared to offer you our candid assessment of the program's approach to data privacy and integrity as the Department proceed with the development of Secure Flight. While we appreciate the introduction to the program that we received in Boston, a more comprehensive review requires more robust information. Our Designated Federal Officer, Rebecca Richards, will shortly be calling Mr. Oberman to set up several opportunities for a more in-depth briefing on the operation of the program. The locus of this review will be within the Committee's Screening Subcommittee, chaired by Professor Howard Beales.

Assuming the excellent cooperation that we anticipate from Mr. Oberman and his staff, our expectation is that we will produce a Committee review of the Secure Flight program for approval at our December meeting. Please reassure us that such a review will be timely and will be of use for consideration by TSA before the Department takes final action on Secure Flight.

If a report in that time frame will not be timely because final decisions about the program will have already been made, please advise us of that as well. Should that be the case, then we believe it would be more useful for us to conduct an evaluation after the program has been in operation for, say, 6 months, and make suggestions for any needed improvements. In either event, our review will be from the broader perspective of asking whether there are data privacy and integrity issues of concern, not narrowly focused on compliance with the Privacy Act.

I write this letter on behalf of the Committee, after consultation with the Vice-Chair, Lisa Sotto, and the Screening Subcommittee Chair, Howard Beales. It will be made part of the public record of our work, for your future reference and that of the public.

Sincerely yours,



Paul Rosenzweig
Chair, DHS Data Privacy and
Advisory Committee

Cc: Nuala O'Connor Kelly, DHS Chief Privacy Officer
Rebecca Richards, DHS Designated Federal Official
Justin Oberman, TSA
Members, DHS-Data Privacy and Integrity Advisory Committee