

Airline databases spark privacy concerns

By Eugene Oscapella

ONE AIR TRAVELLER DATABASE has come under fire from privacy advocates while another chokes on its complexity. *PL&B International* looks at the use of airline databases in the fight against terrorism.

A Canadian government agency's plan to retain data on the foreign travel of all individuals entering Canada has come under intense fire from George Radwanski, Canada's Privacy Commissioner, and several of his provincial counterparts. Meanwhile, plans appear to be proceeding slowly in the United States for a massive domestic surveillance system designed to protect air travellers there.

The Canada Customs and Revenue Agency (CCRA) intends to retain the Advance Passenger Information/Passenger Name Record (API/PNR) information on every air traveller entering Canada for six years. API includes the name, date of birth, gender, travel document type/number/date of issue, citizenship and/or nationality, and Passenger Name Record Number.

Amendments to Canada's Customs Act in 2001 permitted the CCRA to obtain this information from airlines. However, the Privacy Commissioner maintained that the CCRA had explicitly promised to use this information only to identify arriving passengers who merited secondary screening, and that it would not retain the information at all in the case of the vast majority of travellers.

Said the Commissioner: "The government of Canada has no business systematically recording and tracking where all law-abiding Canadians travel, with whom we travel, or how often we travel. And the government of Canada has no business compiling databases of personal information about Canadians solely for the purpose of having this information available to use against us if and when it

becomes expedient to do so. Such behaviour violates the key principles of respect for privacy rights and fair information practices, and has no place in a free society."

The federal Privacy Commissioner is not alone in his concerns. In early October, the Information and Privacy Commissioner for British Columbia, David Loukidelis, voiced his support for the federal Commissioner's position. "The CCRA's program of surveillance is over-broad and unnecessarily targets innocent Canadians", he wrote. There was also strong opposition expressed by the Commissioners of Ontario and Alberta.

The Ligue des Droits et Libertés of Quebec called the proposed database "the introduction of an extensive citizen surveillance system" and a "fishing expedition" clearly in contravention of Canada's Charter of Rights and Freedoms. "The Minister seems to confuse usefulness with necessity," stated the Ligue's press release. Even the *Toronto Star*, long considered a newspaper sympathetic to the current federal government, called the database a "coarse and unprecedented invasion of privacy."

Meanwhile, as the Canadian government weathers these protests, the US Transportation Security Administration is encountering delays in implementing its traveller profiling system known as CAPPS II (Computer Assisted Passenger Pre-screening System). The system, to be operated by government in conjunction with private sector firms, is designed to "deter, prevent or capture ter-

rorists" before they board an airplane, according to government documents cited by the *Washington Post*. The Electronic Privacy Information Center (EPIC) says the initiative will expand the range of databases searched for suspicious activity so that each airline passenger will be subjected to an extensive profiling.

The *Washington Post* reports, however, that the system will not be ready for testing until 2003. This is in part, it says, because of the complexity of the task - "in effect, the creation of the nation's largest domestic surveillance system". The system will eventually extend to other forms of public transportation.

According to the article, passengers would be required to provide identifying information when they make reservations. The information would include a name and address, passport, Social Security and frequent-flier numbers. Private data services would use this data to ferret out more information about the individual. Transportation Security Administration computers would then use artificial intelligence and other sophisticated software to isolate those passengers who might be terrorists.



Further information on airline security see the following websites:
www.privcom.gc.ca/;
www.epic.org/privacy/airtravel