



# PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

## JetBlue accused of renegeing on privacy promise

A decision by US air carrier JetBlue to give away customer details has backfired disastrously, resulting in accusations of deceptive practices, a federal privacy investigation, and class-action lawsuits. By **Eugene Oscapella**.

The website of JetBlue boasts that its satisfied customers come back regularly and "tell their friends and family about us." Unfortunately, JetBlue was also quietly telling its 'friend' - in this case, a Department of Defense (DoD) contractor carrying out a research project - about its customers, without their knowledge, and in apparent violation of its published privacy policy. A third company that also supplied additional personal information to the contractor has also come under scrutiny.

The resulting privacy imbroglio has led to an embarrassing *mea culpa* by JetBlue and brought on the colossal corporate headache of an investigation by the Federal Trade Commission (FTC) and impending class action lawsuits. In addition, three US senators have asked Defense Secretary Donald Rumsfeld for an investigation into whether the DoD violated the US Privacy Act in its dealings with the company. The Department of Homeland Security has also stepped in with its own investigation of whether the actions of government agencies violated US privacy laws.

As an information mining contractor working for the US army, Torch Concepts allegedly acquired information from JetBlue on over one million passengers during the summer of 2002. This included pas-

sengers' names, addresses and phone numbers. The contractor then matched the information on some of these individuals against personal data provided by another corporation, Acxiom. According to a bi-partisan group of three US senators who asked for a review of the matter, the contractor then attempted to draw inferences as to which data elements "best distinguish normal JetBlue passengers from past terrorists".

### THE ACTIONS OF JETBLUE

A JetBlue press release issued on September 22nd stated that no identifiable customer data was released to any third party, including the DoD and the Transportation Security Administration. Additionally it said that all the data had since been destroyed. The press release continued that JetBlue did not release any credit card or other payment information.

The next day, JetBlue's chief executive officer, David Neeleman, issued a public letter attempting to explain his company's actions. The letter stated that JetBlue was not paid for providing the information. "It was a well-intentioned attempt to assist the Department of Defense in a national security matter...[H]owever, in hindsight we realize that we made a mistake."

Neeleman gave his assurance that JetBlue was "committed to

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