

**EDWARD HASBROUCK**

**Government Surveillance  
and Control of Travelers**

**The Brennan Center for Justice  
(NYU School of Law)**

**3 October 2012**

# Surveillance of Travel vs. Surveillance of Communications

1. Movements of people vs. movements of messages
2. CALEA vs. enforced modifications to travel IT systems (\$2B+ since 9/11 in costs to travel industry)
3. Suspicionless dragnet capture & retention of data
4. Legality of communications vs. travel surveillance
5. How the government uses this data

# Government Surveillance and Control of Travelers

1. ID requirements ("Papers, Please!")
2. ID-linked "Personal Travel History"
3. "Permission To Travel" control system  
(based on identity and ID-linked history)
4. Default is "NO"

# Travel Dataveillance:

3 partially overlapping sets of data required by DHS for each air traveler (depending on whether flight is domestic or intl.)

1. "Advance Passenger Information System" (APIS) data
2. "Passenger Name Record" data
3. "Secure Flight Passenger Data

# Domestic vs. International:

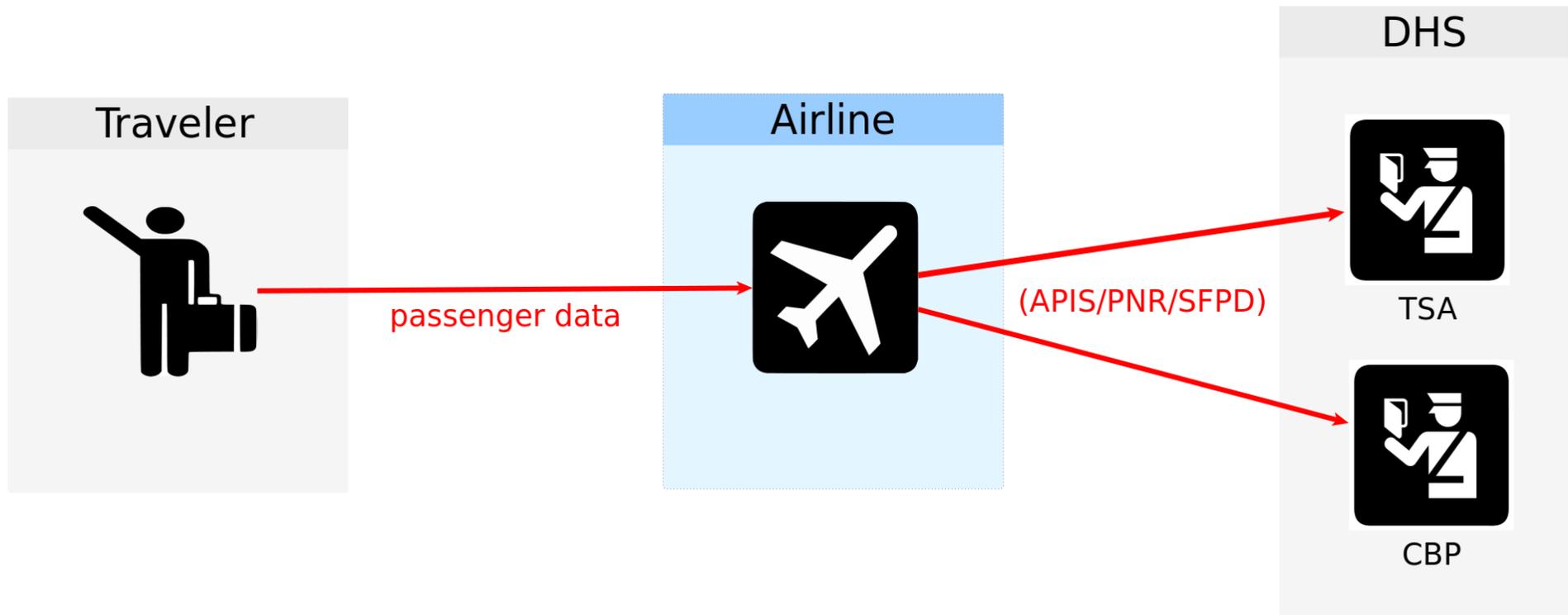
different names for systems and datasets,  
same essential content and functions

## International Travel:

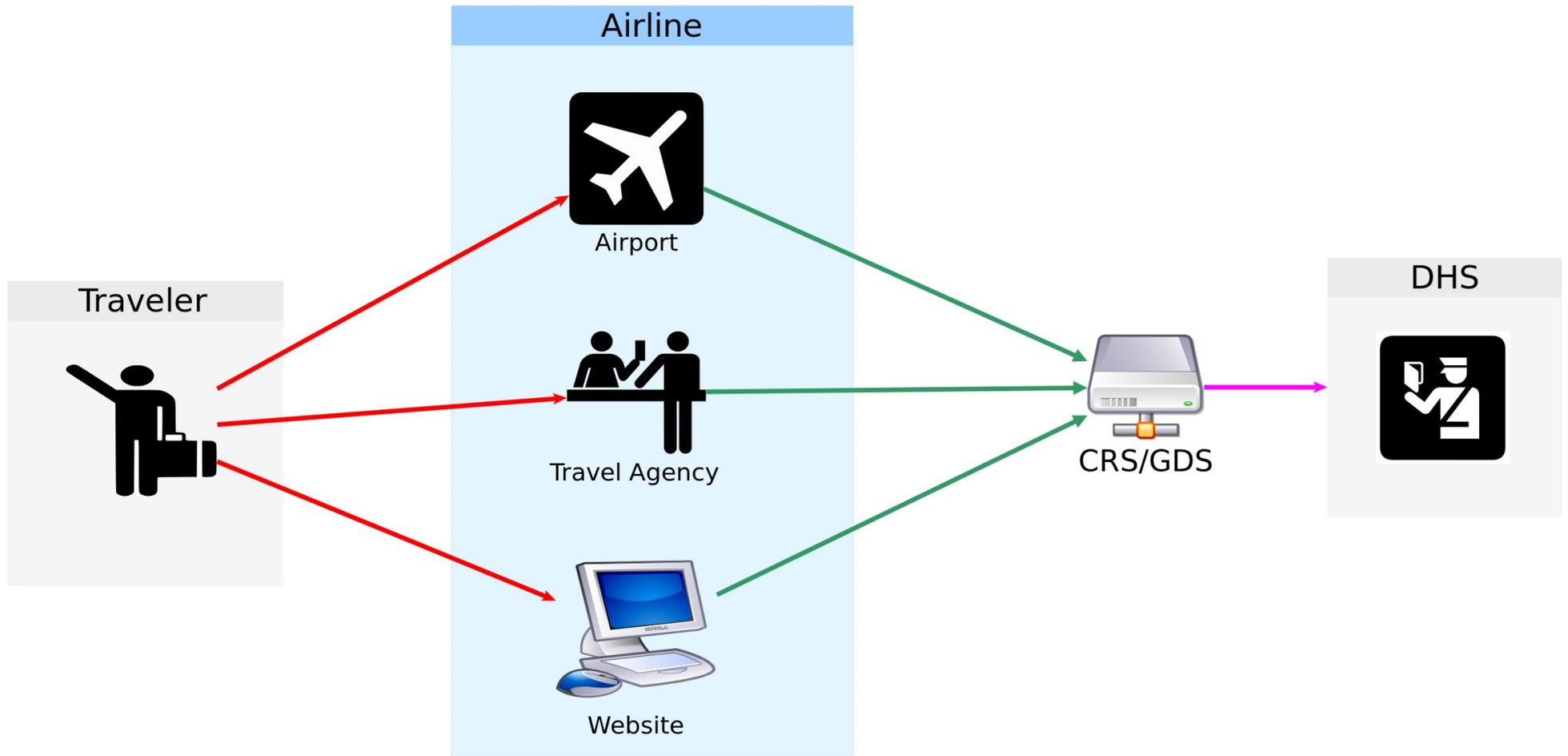
- "Advanced Passenger Information System" (APIS) data
- "Passenger Name Record" (PNR) data accessed & "ingested"
- CBP "Automated Targeting System (ATS)

## Domestic US Travel:

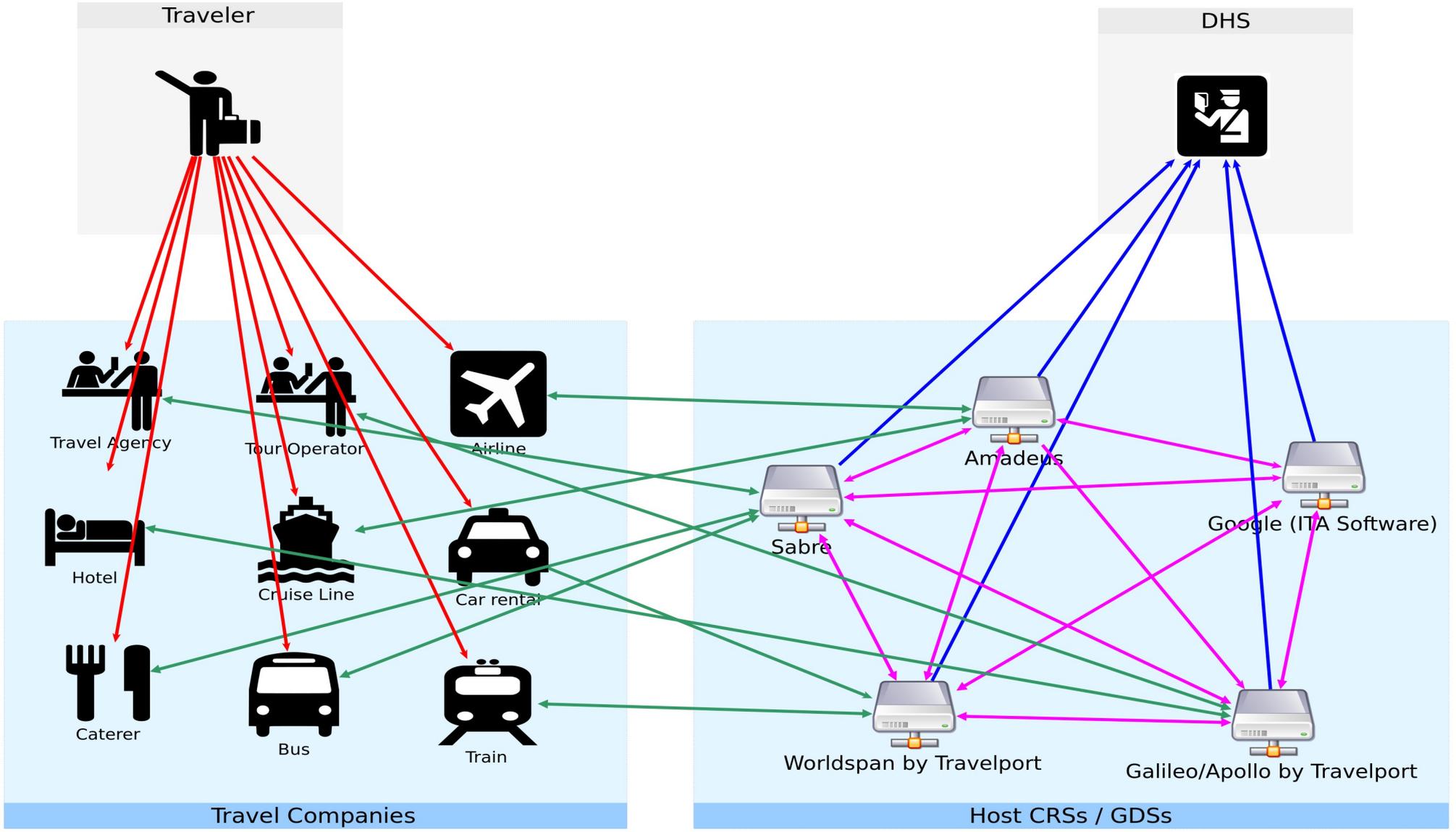
- Secure Flight Passenger Data (SFPD)
- PNR data accessible to TSA but not usually "ingested"
- TSA "Secure Flight"

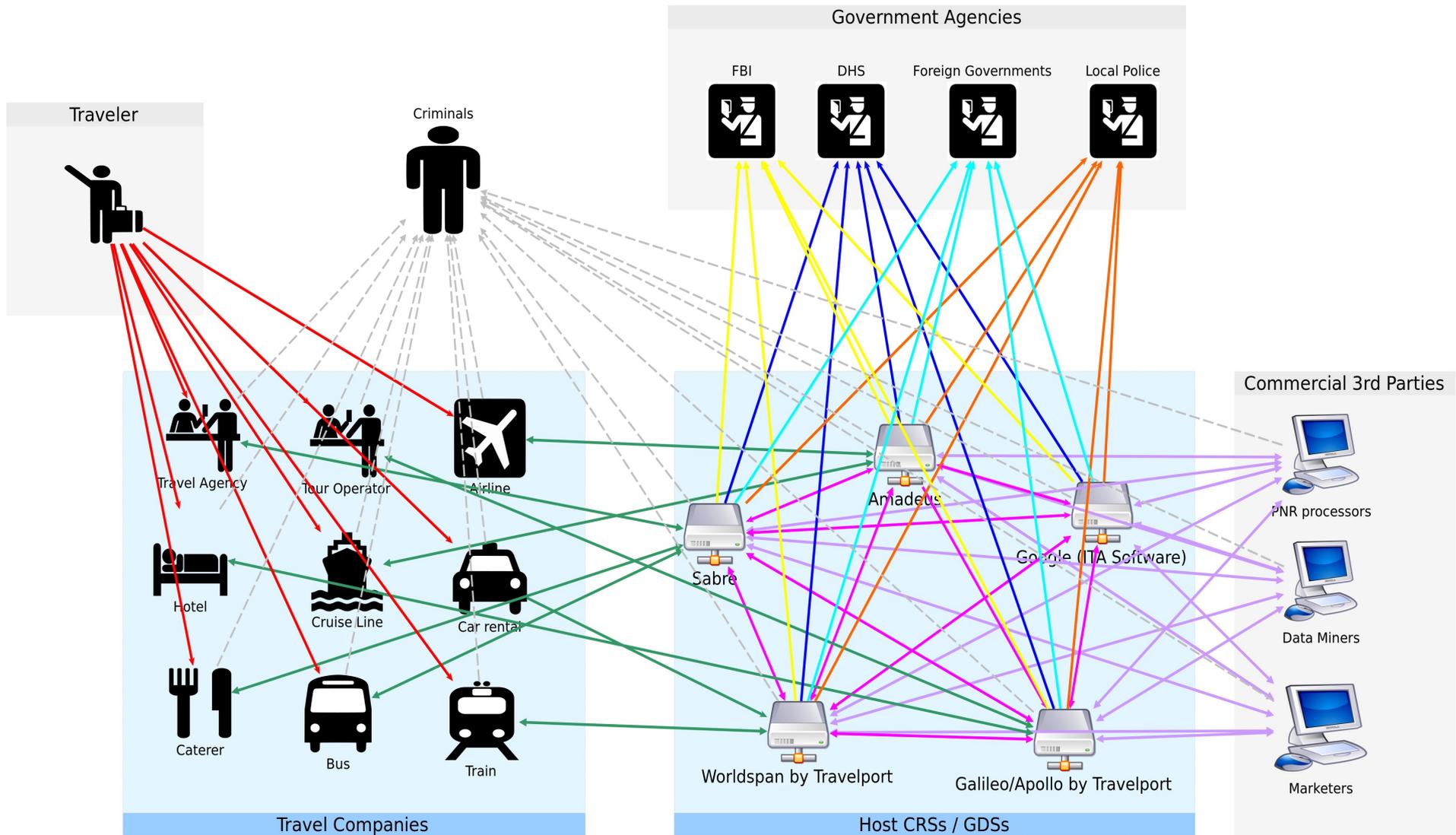


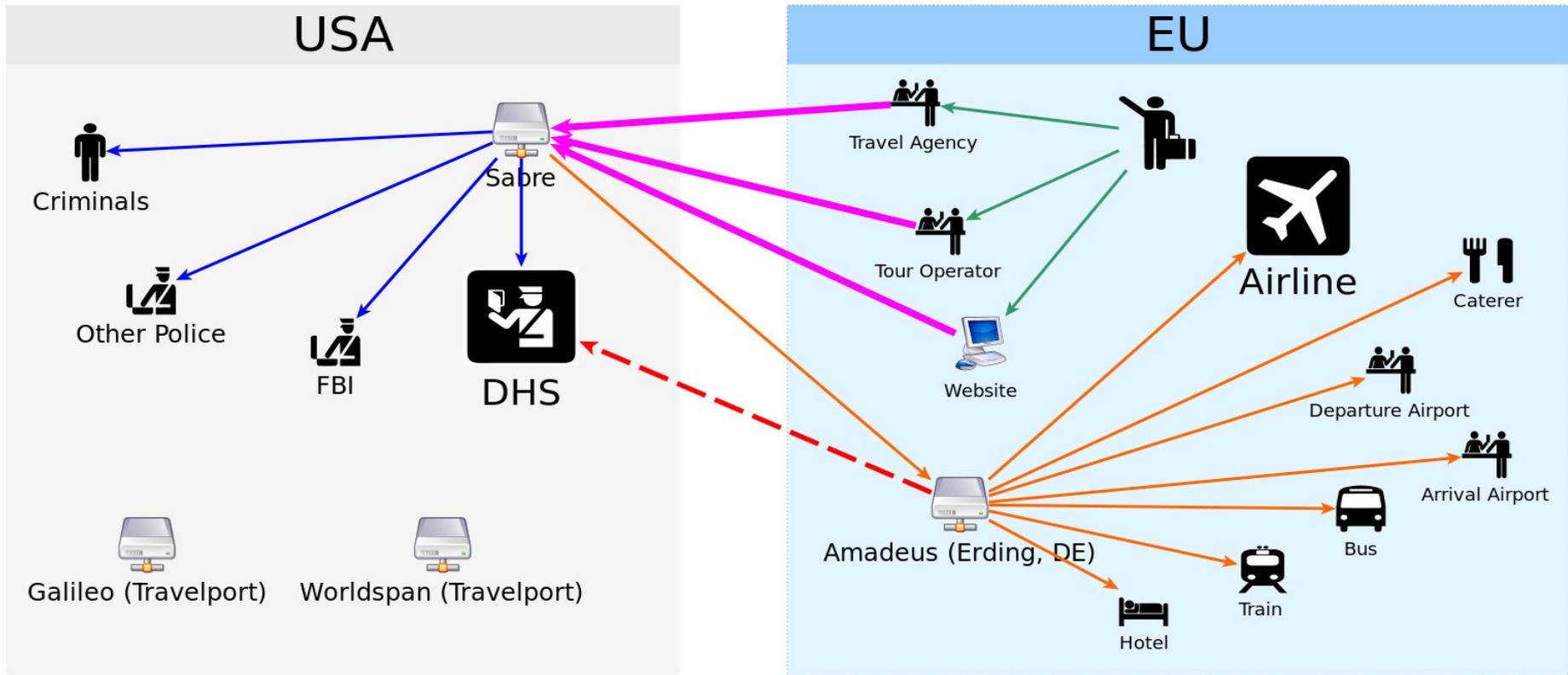
This is how the DHS thought it would work, but the reservations data ecosystem isn't structured like this.



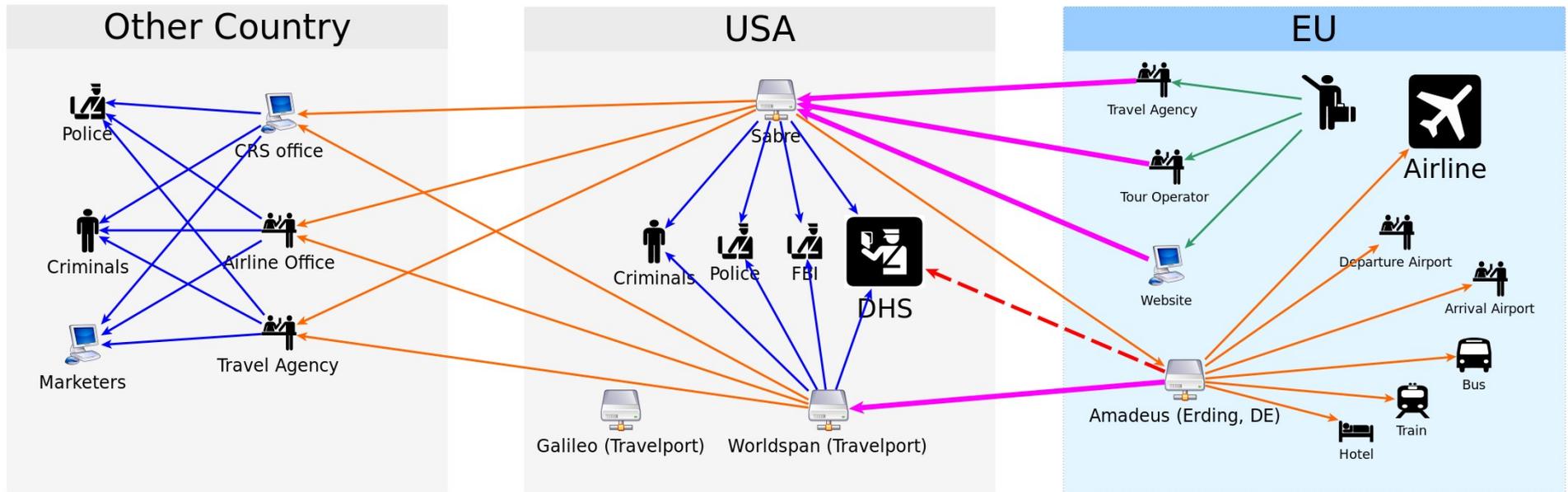
Most airlines don't host their own PNRs. They outsource this to a third-party "Computerized Reservation System" (CRS) or "Global Distribution System" (GDS).





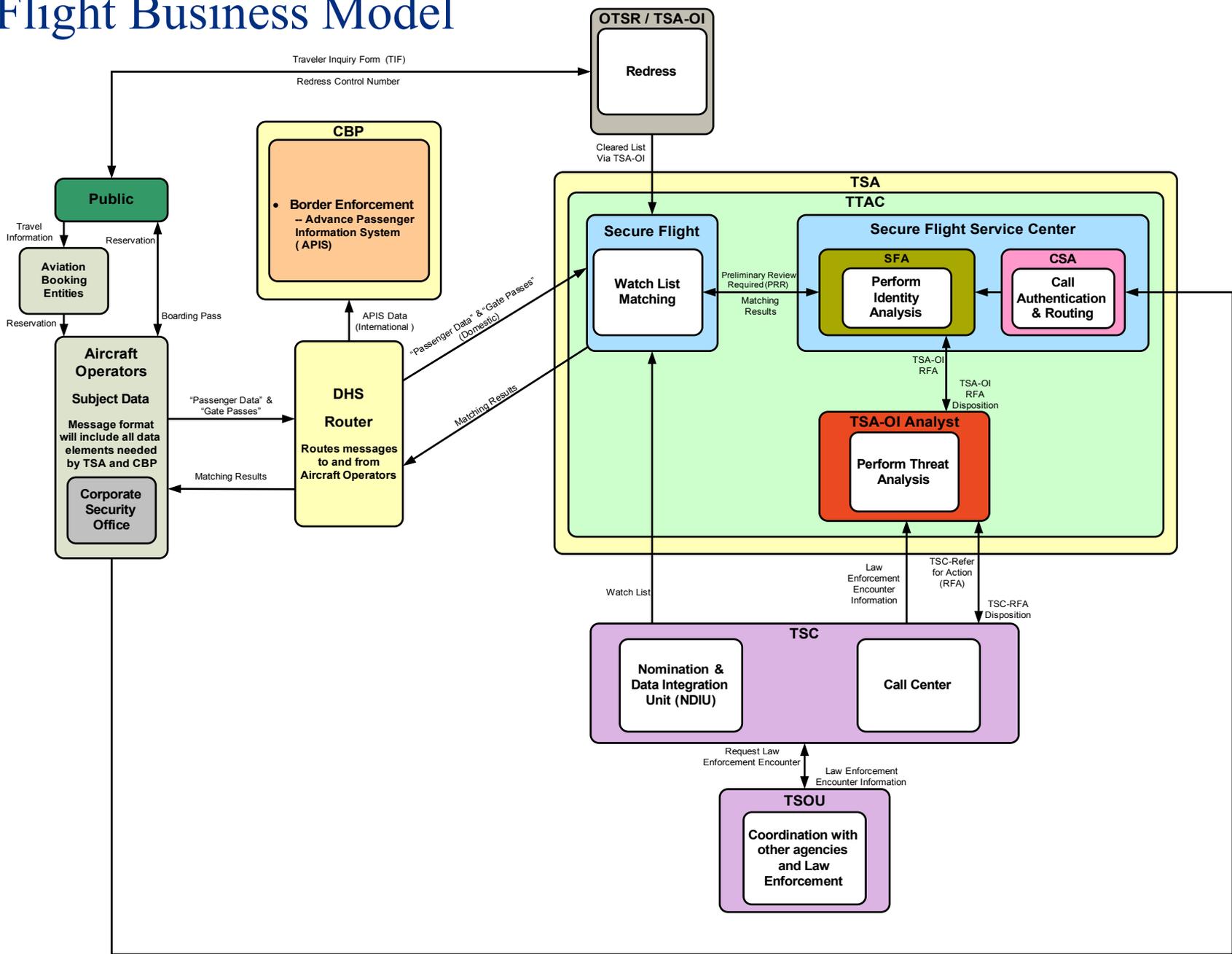


Because most of the CRSs are based in the USA, data is routinely stored in the USA and accessible to the DHS from US companies even for journeys within other parts of the world.

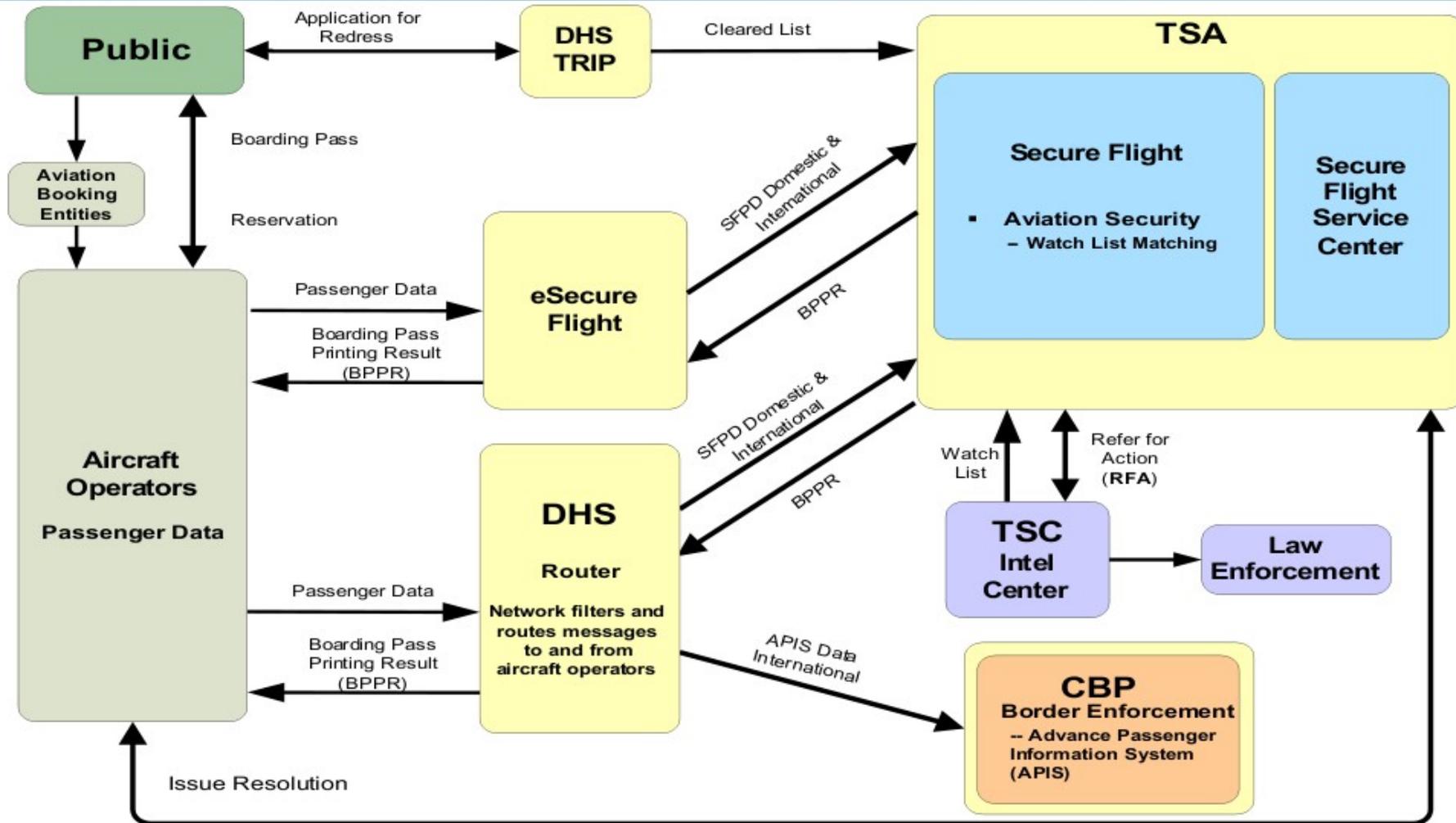


The CRSs are the original globally-accessible "cloud".

# Secure Flight Business Model

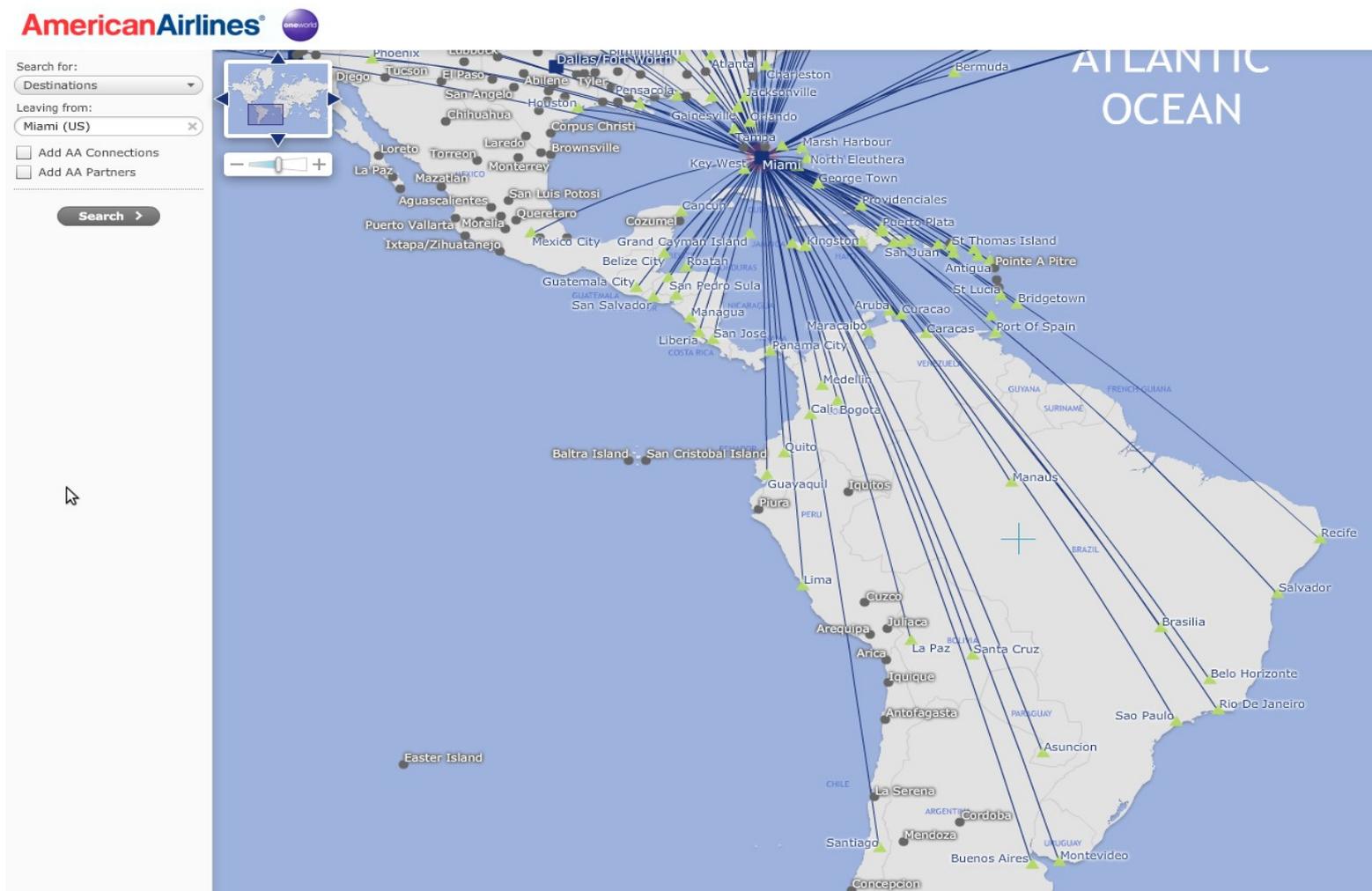


# Secure Flight Process Flow



Transportation Security Administration

**Secure Flight**  
Your safety is our priority



ATS records include passengers on all flights that overfly US territory, even if they don't land in the US. What would happen if Cuba wanted the reservations of everyone who overflies Cuba?

# Contents of ATS records

1. TECS index (international entry/exit log since 1992)
2. TECS detail page(s) including secondary inspection notes for each entry or exit
3. Complete copies of PNRs for all international air travel to, from, via, or overflying US territory
4. "Risk assessments" and rules used to generate them
5. Pointers to external databases (govt. & commercial)

RUN DATE = 12/15/09 RUN TIME = 16:06  
NOTE: TIME SHOWN IS SYSTEM HOST TIME.

TECS II  
PASSENGER ACTIVITY REPORT

PAGE NO. 3

REQUESTED BY: (b)(6),(b)(7)(C) ID: (b)(6),(b)(7)(C)  
FROM 01/01/82 AT 00:00 TO 12/15/09 AT 00:00  
PRINTER LOCATION: (b)(2)

PASSENGER SURNAME	CROSS DATE/TIME	LOCA	TERMID	LTPY	FIRST NAME	DOCUMENT NUMBER	CTRY	TYP	BIRTHDTE	INSPECTOR
QYAGN	QYRSLT	TECS-RECORD-ID	API	ARCDE	FLNBR	ARRLC	DEPLC			
SITE - DESCRIPTION			DIRECTION	AGN	REF	IND				
HASBROUCK	02/02/00 00:00		01	API	EDWARD	158700338	US	P	01/11/60	APIS QRY
CUS (b)(2)				R	BA	287	SFO	LHR		
2801 -				I	N					
HASBROUCK	02/11/99 15:22		PL24	API	EDWARD	158700338	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				C	BA	217	IAD	LHR		
5401 -				I	N					
HASBROUCK	10/28/97 09:36	7922	ZR10	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A338 - VANCOUVER, INTL AIRPORT-C				I	N					
HASBROUCK	11/15/95 18:39	2720	XX18	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A272 - LOS ANGELES, LAX TERM 2				I	N					
HASBROUCK	10/22/95 00:00		01	API	EDWARD				01/11/60	APIS QRY
CUS (b)(2)				R	CI	4	SFO	TPE		
2801 -				I	N					
HASBROUCK	10/22/95 16:30	2801	YW02	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A281 - SAN FRANCISCO, INTL AP TE				I	N					
HASBROUCK	04/10/94 21:10	2720	YQ51	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A273 - LOS ANGELES, BRADLEY AP L				I	N					
HASBROUCK	08/18/92 18:29	2801	YW13	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A281 - SAN FRANCISCO, INTL AP TE				I	N					

~~OFFICIAL USE ONLY TECS II INFORMATION OFFICIAL USE ONLY~~

My ATS file includes records of my international travel since 1992. The first SORN (Federal Register notice) of the existence of ATS was in 2006.

11:43:40:86

LAND BORDER SECONDARY INSPECTION

03/28/2012

\*A

\*B

\*C

\*\* REFERRAL TIME: 22:33 EST / LANE #: S3 \*\*

PAGE 1

----- I N S P E C T I O N   R E M A R K S -----

(b) (7) (E)

NEGATIVE COMPUTER QUERIES FOR CRIMINALITY WANTS AND WARRANTS.  
NEGATIVE VEHICLE EXAM.  
SUBJECT IS A USC.

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)

There can be a TECS detail page with free-text notes for each border crossing – even if nothing illegal or suspicious was found.

16:07:17

(b)(6),(b)(7)(C)

IO25 INSPECTION REMARKS

12/15/2009

(b)(2)

(b)(2)

PAGE 1

+-----INSPECTION REMARKS-----+

PAX VERBALLY DECLARED FOOD. 1 APPLE WAS SEIZED. BREAD WAS INSPECTED AND RELEASED. NO CIVIL PENALTY ISSUED.

“No penalty issued.”

But my apple and bread are in  
my permanent ATS file with CBP.

HASBROUCK  
09/05/06 00:00  
[REDACTED] (b)(2)  
S. JERONIMO

01 API EDWARD 01/11/60  
R 212838038 US P APIS QRY  
0 2V 69 MTR NYP  
N

This ATS record contains APIS data for a train trip from New York to Montreal, obtained by CBP from Amtrak's reservation system.

HASBROUCK  
07/20/08 22:14 3302 VY01 VEH EDWARDJOHN  
CUS (b)(2) N 212838038 US P 01/11/60  
L332 - EASTPORT, BORDER CROSSING I N (b)(6),(b)(7)(C)

This ATS record describes a crossing of the USA-Canada border by private car. Current ATS records include the license number of the vehicle, obtained from automated license plate readers.

16:07:39

(b)(6),(b)(7)(C)

IO25 INSPECTION REMARKS

12/15/2009

(b)(2)

(b)(2)

PAGE 1

+-----INSPECTION REMARKS-----+  
PAX ARRIVED FROM ARGENTINA, AA 900, IN A LIVESTOCK SHOW. HIS SHOES WERE  
CLEANED AND DISINFECTED FOR POSSIBLE CONTAMINATION.

CBP washed my shoes – and made a note  
about it in my permanent ATS dossier.



07:47:18

I025 INSPECTION REMARKS

08/10/2007

PAGE 1

+----- I N S P E C T I O N R E M A R K S -----+  
PAX HAS MANY SMALL FLASHLIGHTS WITH POT LEAVES ON THEM. HE HAD A BOOK ENTITLED  
DRUGS AND YOUR RIGHTS"

What book are you reading?  
You read about drugs? About your rights?  
That goes in your permanent file.

b2

SDXHXW/  
\*\* ELECTRONIC LISTING \*\*  
1.Z/1HASBROUCK/EDWARD  
1 UA 847C 17JUL IADEZE SB2 945P 920A^ TU/WE E  
IAD/0654CT/ARVS 849P OT ^DPTS 945P OT  
EZE/0654CT/ARVS 920A OT  
FONE-IADR000005106239675  
]  
---HISTORY---  
RCVD-VRU/0000000  
DEN AG IF 1719Z/17MAY  
XS UA 847 F17JUL IADEZE SB/SB2 945P 920A \*  
AS UA 847 C17JUL IADEZE SB/SB2 945P 920A  
RCVD-/U112345 -CR- IAD/1S9B/UA SU JK 17JUL0102Z  
HS UA 847 F17JUL IADEZE SB/SB2 945P 920A \*  
RCVD-/0000000 -CR- DEN/1S9B/UA AG IF 17MAY1719Z  
]

Guilt by association? The only contact information in this 2007 PNR from my ATS file is the home telephone number of a friend.

62  
[REDACTED]  
\*\*\* ELECTRONIC TICKET \*\*\*

F 1.1 HASBROUCK/EDWARDMR

WW1ACWW 29AUG PMIME5

1 AC 761 A SA 9SEP YULSFO HK1 0830 1130 CABY

FONE-

~~1. WW1-H 1 415 824-8562~~

2. WW1-P 1 415 824-0214

3. WW1-A 1130 TREAT AVE. /\*\*/SAN FRANCISCO CA/94110 US

4. WW1-A AIRCANADA//HASBROUCK.ORG/MEMBER EMAIL

TKT-

1.1 K29AUGWW1WW 0142138066453

AP FAX-

1.1 SSRFQTVYYPN1 /UA00168716753

RMKS-

1.1 C/H IS EDWARD HASBROUCK/CA USER ENTERED CREDIT CARD/USD 248  
.78/ALL PSGRWEB BOOKING/EMAIL TO C/H

2. MOP: CHARGE MY CREDIT CARD

3. PASSENGER REQUESTED I/R DELIVERY BY EMAIL TO AIRCANADA//HASBR  
OUCK.ORG

4. TIDGERGJK1J4

5. BKIP 172.24.96.31 29AUG06 17:22

This PNR from my ATS file includes my timestamped IP address, so even a dynamic IP address could be identified.

1 .HASBROUCK/EDWARD MR(ADT)  
2 AF 83 N 13JAN 2 SFOCDG B 1 I 1535 1125 1  
3 AF 7183 L 14JAN 3 CDGZXR B 1 TN 1235 1412  
4 AF 7186 L 20JAN 2 ZYRCDG HK1 1609 1746  
5 AF 84 N 21JAN 3 CDGSFO HK1 2E 1015 1255  
6 SEA RQST AF HK1 CDGSFO /41AN /P2/S4  
7 SSR CCCC AF HK1 /P2/S4  
8 AP 1-4158240214  
9 AP AF@HASBROUCK.ORG

This PNR from my ATS file with CBP includes the details of my travel by train between Paris and Brussels.

--- TST RLR ---

RP/DCA1S219L/DCA1S219L

SJ/GS 26MAR10/0724Z Y55IZ2

1.HASBROUCK/EDWARD J MR(ADT PT/23

2 LH 455 L 05APR 1 SFOFRA HK1 I 1415 1005 1

LH /Y55IZ2

3 LH 4576 L 06APR 2 FRABRU HK1 1 1300 1355

LH /Y55IZ2

4 LH 6911 S 23APR 5 XERFRA HK1 0815 1100

LH /Y55IZ2

5 LH 418 S 23APR 5 FRAIAD HK1 1 1310 1545

LH /Y55IZ2

6 LH 9368 S 23APR 5 IADSFO HK1 1735 2021

LH /Y55IZ2

7 ARNK

8 SEA RQST LH HK1 FRAIAD /46KN /P23/S4

9 SEA NSSW LH UC1 FRABRU N /P23/S2

10 SEA NSSW LH UC1 XERFRA N /P23/S3

11 SEA RQST LH KK1 IADSFO /RS/NS SGMT/34GN /P23/S5

12 SSR cccc LH HK1 /P23/S1

13 SSR cccc LH HK1 /P23/S4

14 SSR cccc LH UN1 /P23/S5

15 AP DCA 703 998-7676 - TRANS AM TRAVEL - A

16 AP X AUDITED BY [REDACTED]

← third party name

17 AP 14158248562-H

18 AP 14158240214-M

19 AP EDWARD@HASBROUCK.ORG

This PNR from my ATS file with CBP includes the details of my travel by bus between Strasbourg and Frankfurt.

```

1 UA 900Q 25DEC SFOFRA HK1 213P 1015A^* MO/TU E 4
2 UA8974Q 26DEC FRATXL HK1 1125A 1230P * TU E 4
OPERATED BY DEUTSCHE LUFTHANSA AG
3 OK 519M 01JAN TXLPRG HK1 710P 810P * MO E
4 OK 648M 01JAN PRGLHR HK1 910P 1000P * MO E
5 UA 955Q 07JAN LHRSEFO HK1 1005A 118P * SU E

```

The “OK” (Czech Air) flights were on a separate ticket, and did not connect to flights to or from the US. UA would not be able to see these flights in the CRS – only a CRS user with "root" access would be able to see them. OK does not fly to the US.

# Other data in PNRs

- Hotel reservations (How many beds did you and your traveling companion ask for in your hotel room?)
- Special meals (Kosher? Halal?) and special service requests (medical conditions? physical disabilities?)
- Reservations and special service requests for tours, cruises, ground transport, and other travel services
- Billing codes (Which client did a lawyer bill this trip to?)
- Discount codes (What organization are you associated with? What convention are you attending?)



# EDWARD HASBROUCK "The Practical Nomad"

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+1-415-824-0214  
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**The Identity Project:**  
<http://www.PapersPlease.org>