

Date: January 12, 2009
From: Matt Ehling
RE: Comments related to TSA "Secure Flight" records disposition
Job Number: N1-560-08-3

The comments below are organized by item numbers that correspond to those listed in Ivan King's memo of December 18, 2008.

A1: Secure Flight Program - Master File – Government Watch List.

Recommendation: Retain copies of master Watch List on a permanent basis, including revisions made to the list for redress and other purposes.

Comments: Due to public concerns over "false positive" matches to government watch lists, as well as public controversies regarding the potential for such lists to be used for political profiling, NARA should retain its copies of the TSA's master Watch List. The permanent retention of the list would eventually benefit journalists and researchers attempting to resolve questions related to the foregoing public concerns.

Even though the TSA master Watch List is itself a compilation of information from other agencies, the manner in which TSA has compiled and categorized this information may have its own, independent research value.

Due to the presumed classification status of the information contained in the list, it may take some time for Watch List information to be released through FOIA requests or other mechanisms. Permanent NARA retention would ensure that such materials would eventually be available for study and analysis, once classification issues were addressed.

Permanent NARA retention would also ensure that redundant copies of the master Watch List exist, in the event that the TSA's records are compromised.

A2: Secure Flight Program - Master File – Reply Log.

No comments, no recommendations.

A3: Secure Flight Program – Master File – Recorded Communication.

Recommendation: Retain recorded communications on a permanent basis.

Comments: Recorded conversations between Secure Flight analysts and airline personnel regarding Watch List matching would hold value for journalists and researchers attempting to analyze how flight denial decisions are made and implemented.

The permanent retention of such recordings would ensure that journalists and researchers would eventually be able to analyze how Secure Flight is actually implemented in the field, and whether any legal concerns are raised by its procedures and protocols.