

JUN 19 2009



**Transportation
Security
Administration**

Ms. Lillie Coney
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Suite 200
Washington, DC 20009

Dear Ms. Coney:

Thank you for your letter of May 31, 2009, to Secretary Janet Napolitano on behalf of 24 groups regarding privacy concerns associated with the Transportation Security Administration (TSA) Whole Body Imaging (WBI) program. I would like to take this opportunity to update you on TSA's WBI program and the privacy protections that are accompanying the deployment of WBI equipment.

As you know, whole body imaging is an umbrella term used to describe a number of technologies that enable TSA to detect prohibited items that may be concealed under clothing without a physical search of a passenger. WBI is a key component of TSA efforts to address evolving security threats, including non-metallic threat items. To date, 19 airports across the nation are using WBI technology, and at six of those airports, WBI is being used in primary screening. At all locations, individuals who do not want to go through WBI screening may decline in favor of a pat-down, whether in primary or secondary screening.

TSA is committed to preserving privacy in its security programs and believes strongly that the WBI program accomplishes that through a screening protocol that ensures complete anonymity for the individual undergoing the WBI scan. This is achieved by physically separating the officer viewing the image from the person undergoing the scan. This officer sits in a windowless room that is separated from the checkpoint. The WBI scanned images cannot be stored or retained, pursuant to a factory setting that cannot be changed by the operator. Cameras and cell phones are not allowed in the viewing room under any circumstances. Further anonymity protection is achieved by a filter on the scanned image that blurs the face of the individual who was scanned. TSA has not deviated from these operational protocols, first published in the Privacy Impact Assessment for WBI in January 2008 prior to the first devices being operated in the WBI pilot. While we believe that these privacy protections are robust, we also believe that improvements in WBI technology will allow us to add even more privacy protections in the future while continuing to maintain the effectiveness of these systems to detect threat items.

From the outset of the WBI program, TSA has worked to inform the public on WBI screening and to listen to public reaction to the technology. These efforts are not static:

we continue to listen to the public, and we constantly look for ways to improve our outreach and education. TSA outreach has included briefings to the Privacy Coalition in March 2007 and again in December 2008. Indeed, it was a comment specifically from you at the March 2007 meeting that prompted signage being placed directly on the WBI devices instead of only being made available in a brochure. Recently, we improved the signage at the entrance to the passenger screening queue. In the near future, we also will be adding WBI information on the video screens at checkpoints with WBI screening. In October 2007, TSA offered demonstrations of the technology to news organizations and to privacy groups, including three groups that signed your letter (American Civil Liberties Union, EPIC, and Center for Democracy and Technology). The TSA web site has information on WBI screening at www.tsa.gov/approach/tech/body_imaging.shtm. The TSA blog, one of the most heavily trafficked blogs in the Federal government (third behind only the White House and the Congressional Budget Office blogs), has made repeated posts on the WBI program, and TSA considered views expressed in several hundred comments to the posts as well as reaction to articles in the news and travel media. TSA also considered international reaction to the deployment of WBI by other governments at foreign airports.

Finally, with respect to health concerns, the energy (both x-ray and millimeter wave) generated by the WBI devices are only a small fraction of the energy that individuals are exposed to every day. The x-ray energy is equivalent to 2 minutes of flight at altitude, or the energy that every living thing is exposed to in a single day at ground level, while the millimeter wave energy is equivalent to 1/100,000 of the energy permitted by the FCC for cell phones.

We appreciate hearing the concerns expressed in your letter and hope this information is helpful. If you need additional assistance, please contact Peter Pietra, Director, Privacy Policy & Compliance, at TSAPrivacy@dhs.gov.

Sincerely yours,



Gale D. Rossides
Acting Administrator