

American Federation of Labor and Congress of Industrial Organizations



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October 11, 2007

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Chertoff:

We write to express our concerns about the possible collection and retention of information indicating the union affiliation of air passengers and the use of that information to determine whether a person poses a terrorism security risk. We agree with the Department's objective to identify those representing a genuine threat, but we categorically reject the notion that union membership has any bearing on this determination.

In your July 26, 2007, letter to Mr. Luis Amado, President of the Council of the European Union, the Department seeks to clarify how it will handle the collection, use and storage of Passenger Name Records (PNR) pursuant to the agreement signed between the EU and the U.S. Specifically, the letter acknowledges and indeed plans for situations when sensitive PNR data reveal personal information about individuals including "trade union membership." While we understand that the Department may not be specifically requesting that air carriers collect information on union membership, we are extremely troubled by an international agreement that would anticipate the transfer of this data into the Department's data base.

Furthermore, we are dissatisfied by DHS assurances that an automated system will be employed which filters sensitive PNR codes and terms and does not use this information. First, it is not apparent how an automated system will identify union membership information and other personal data and how it will ensure that this information is indeed permanently deleted. Second, the letter concedes that in "exceptional cases, where the life of a data subject or of others could be imperiled" DHS could retain and use sensitive data which apparently includes union membership. As

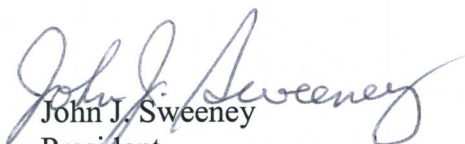
explained at the outset, we simply do not understand why union membership would be at all relevant to saving the life of an airline passenger or otherwise enhancing security.

Our concerns with this agreement and your follow-up letter are compounded by the fact that the PNR accord will apparently be used as a model by your agency in obtaining similar agreements with other countries. We must also note that recent press reports have detailed troubling trends regarding the degree of information collected about individuals as part of the Department's Automated Targeting System (ATS). While it is unclear if information collected through ATS would specifically include union membership status, the press reports explain (and the Department does not appear to disagree) that in at least one instance, information about the books that a traveler carried on board an aircraft was tracked and stored by DHS.

Even the suggestion that union membership is somehow indicative of a threat to security is offensive to the millions of workers we are proud to represent and will only serve to distract your agency from fulfilling its mission to protect our nation's homeland from true security threats. We therefore urge the Department to state clearly that it will not collect information on union membership and will ensure that this information is deleted from PNR data before it is transferred to DHS. Furthermore, we ask that you clarify that the U.S.-EU data sharing agreement will not include an exchange of union information and that this principle will be followed in future data sharing accords.

Thank you for your consideration of our views.

Sincerely,



John J. Sweeney
President
AFL-CIO



Edward Wytkind
President
Transportation Trades Department,
AFL-CIO

cc: Mr. Luis Amado, President of the Council of the European Union
The Honorable Joe Lieberman, Chairman,
U.S. Senate Homeland Security and Governmental Affairs Committee
The Honorable Susan M. Collins, Ranking Member,
U.S. Senate Homeland Security and Governmental Affairs Committee
The Honorable Bennie G. Thompson, Chairman,
U.S. House Homeland Security Committee
The Honorable Peter T. King, Ranking Member,
U.S. House Homeland Security Committee