



House of Commons
Home Affairs Committee

Counter Terrorism Measures in British Airports: Government Response to the Committee's Ninth Report of Session 2009–10

First Special Report of Session 2010–11

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The Home Affairs Committee

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The current staff of the Committee are Elizabeth Flood (Clerk), Joanna Dodd (Second Clerk), Elisabeth Bates (Committee Specialist), Sarah Petit (Committee Specialist), Darren Hackett (Senior Committee Assistant), Sheryl Dinsdale (Committee Assistant), Ian Blair (Committee Assistant) and Alex Paterson (Select Committee Media Officer).

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Report

On 24 March 2010 the Home Affairs Committee published its Ninth Report of Session 2009–10, *Counter Terrorism Measures in British Airports*, HC 311. The Government's response to the Report was received on 4 August 2010, and is published as an Appendix to this Special Report.

In the Appendix, the Committee's original conclusions and recommendations are in bold text and the Government's response in plain text.

Government Response

Introduction

The Government welcomes the report by the Home Affairs Select Committee (HASC) into Aviation Security and is grateful for the opportunity to give evidence to the HASC afforded to both the Home Office and the Department for Transport.

The Government is also appreciative of the depth of thought and range of issues covered by the Committee. A number of recommendations have been made by the Select Committee and the Government has sought to provide a response to each of these in turn.

While this response is prepared by the Department for Transport, as the Department with lead responsibility for transport security, the Home Office has also provided input into it and the response has been shared with the Home Secretary.

Recommendations

1. The wider introduction of full-body scanners is a welcome development in airport security. We look forward to improvements in technology which will allow more effective and quicker scanners and urge the Government to work closely with industry in developing and introducing newer, improved models that would be more than 60% effective. We also recommend that the Government place greater emphasis on varying the measures put in place rather than relying on a mass deployment of one make and model. Passengers, and terrorists, should not know what regime they will face when they arrive at airports; greater unpredictability and a higher level of deterrence is needed in airport security arrangements.

We continue to put into place a layered approach to airport security, which is in line with the Committee's recommendations. This means that there are variety of methods and techniques in operation at any one time all designed to detect potential threats to aviation. Security (body) scanners are an addition to this regime.

Passengers are, therefore, not able to predict the exact search methods or technologies that will be used for them individually as they pass through the search comb.

We recognise the need for the introduction of security scanner technology. Broadly speaking there are currently two main types of scanner commercially available capable of detecting threat items concealed on the person. They use either backscatter X-ray or active millimetre wave technologies. The DfT has approved several makes and models of technology for use by the industry. The decision on which specific scanner to deploy is for airports to determine.

We agree with the Committee that it is important that manufacturers develop new scanners which are quicker, smaller and cheaper. We are working with the manufacturers to encourage this.

EC regulations currently restrict the use of security scanners to being used as an additional measure once passengers have already been through existing security controls—metal detectors and hand searches. However, an EC-approved trial is being conducted at Manchester airport to use scanners as a means of resolving alarms generated by existing security controls. The trial is showing that using scanners in this way can increase the detection of potential threats, whilst facilitating the quicker transit of passengers through security and efficiency savings for the airport operator.

2. The institution of “proportionate” measures, as described by Paul Clark strikes us as a euphemism for adopting a wholly reactive stance and waiting for terrorists to demonstrate their new capabilities before implementing improved security measures. In view of the ongoing terrorist threat to airline passengers and staff we urge the Government to constantly look for further technological measures to improve airport security. This should be matter of the utmost priority for the Ministers concerned.

All transport security measures are kept proportionate to the prevailing threat from terrorism. This approach balances the need for security against the need to keep passengers’ journeys as free-flowing as possible. The Joint Terrorism Analysis Centre keeps TRANSEC and other stakeholders informed of the prevailing threat to transport in the UK so that the appropriate security measures are put in place.

Building on science and technological developments in the field, TRANSEC works closely with manufacturers to promote development of new means of screening and takes a leading role in European and other international fora for developing technologies in this field. TRANSEC has its own Research Analysis and Development team and contributes to and benefits from cross departmental CONTEST Science and Technology Programme.

More generally, the Government is committed to enhancing technology where this can benefit aviation security, airports, crowded places and other areas at threat of attack. In the case of airports we are working to align the technologies and security checks at our airports in order to strengthen security and improve passenger flows. Frontline staff at airports, including airport security staff, the UKBA border force and the police, all play a vital role. We are working across Government to develop a more holistic approach incorporating the work by the UK Border Agency on border checks and identity assurance and cross government work within the CONTEST Science and Technology programme. This programme combines detection capabilities, border control measures, passenger data checks, policing and physical security. Part of this work includes a large scale technology demonstrator at a trial airport and a wide ranging engagement with industry and academia to identify innovative approaches to explosives detection. Together with the traveller centred approach within immigration, customs and police controls, this combination of a systems approach and innovation in key technology areas will help to address new and future threats.

3. If done correctly, profiling is clearly a powerful tool against terrorism—the earlier and more precisely that a threat can be identified, the easier the security operation will be; terrorist activity does not make a distinction between people of different origins, faiths or nationality. While we therefore cautiously recommend the use of profiling, we note that its use is also fraught with danger, as we have also noted in our Report into The Cocaine Trade, targeted security should not be perceived to be undertaken on

crude racial or ethnic grounds. The code of practice announced by Lord Adonis on 1 February is therefore welcome. The Government should now take steps to publicise its existence and ensure that airport staff adhere to the guidelines. In addition to the requirement in the draft code of practice that security officers must have completed appropriate training, the Government, should also mandate universal Behaviour Assessment and Security Screening (BASS) training, or similar, for all airport security staff at all UK airports, not just those operated by BAA, as a condition of employment.

The Government makes an important distinction between ‘profiling’ where passengers are selected on the basis of personal characteristics, possibly in a potentially discriminatory manner and “targeting” where selection is made based on prior information and / or intelligence or on the basis of showing certain behaviours. Behavioural analysis may be one means of doing this. The trial currently underway at Heathrow is intended to determine the effectiveness of this method in a counter-terrorism environment. We will make decisions, along with airport operators, about whether, and if so how, it might be more widely deployed in the light of the independent scientific evaluation of the trial.

The previous Government decided to introduce security scanners in January given the threat at the time. An ‘interim code of practice for the acceptable use of advanced imaging technology in an aviation security environment’ was produced at the time to cover that deployment, which provides clear safeguards for the use of security scanners at airports and addresses concerns about how people will be chosen for scanning. Passengers must not be selected on the basis of personal characteristics (i.e. on a basis that may constitute discrimination such as gender, age, race or ethnic origin).’ It is publicly available on the Department’s website. It is also the responsibility of the airlines to inform passengers of the terms and conditions of carriage.

We are currently consulting on what a final code of practice for security scanners should contain—including in relation to how passengers are selected for scanning—and this consultation document can also be found on the DfT website. The UK believes that EU regulations should require member states to produce and publish codes of practice which set out how passengers’ rights will be protected under applicable European and national law.

4. Given the importance of explosive trace detection (ETD) equipment, particularly in conjunction with the introduction of “profiling”, we do not understand why its introduction on a wider scale is not required before 31 December 2010. We still have not received a satisfactory answer as to why there is such a discrepancy in deadlines between the introduction of body scanners and trace detection equipment. We recommend that the Government speed up the deployment of ETD equipment and inform us why wider deployment will take up to 12 months.

Following the ‘Detroit’ incident on Christmas Day the then Secretary of State for Transport considered a number of options and decided, in consultation with industry, to mandate the introduction of Electronic Trace Detection and said that all regulated airports must have ETD deployed no later than 30.12.10. In doing so he recognised that a) the total number of passengers currently moving through an airport without ETD was extremely low, b) that those airports currently without ETD may need time to fund, purchase and deploy ETD equipment (and the associated staff training that would form part of the package) and c)

doing nothing 'extra' in the meantime was not an option. As such those few airports not currently employing ETD are required to conduct additional searches of passengers and their cabin baggage until such time as ETD is deployed.

5. While we appreciate that certain technical measures on the implementation of the proposed lists have yet to be decided, we are surprised that the Government is unable to share some relatively basic information on how the new system will operate. For example, it is disappointing that the Government cannot estimate, even to a low degree of accuracy, how large such lists are intended to be. Pending the results of the Home Office implementation review, we will not comment on the effectiveness of the "watchlist" measures except to suggest that this review should be completed as soon as possible and the results shared with the Committee. While we await this information we note the statement from Colonel Richard Kemp, a security expert, on the general effectiveness of watchlists: "These things are important but are only as good as the intelligence that feeds into them and only as good as the conscientiousness with which the information is spread around the place".

The current UK watchlisting system was designed and is still predominantly used for immigration purposes. However it is also used for listing individuals of interest for a variety of other purposes including law enforcement, national security including counter terrorism reasons. The watchlisting system is a long established tool in helping to detect persons of counter terrorism interest at the border, especially by police and by the UK Border Agency through their checks overseas in the visa issuance process, and their in-country checks on persons applying for changes to their immigration status when already within the UK.

The intention in the future is also to use the watchlisting system as a means for identifying individuals on no fly or enhanced screening lists before they travel, and to seek to prevent them from travelling. The issues identified by the Committee in the report, and also in further correspondence to the then security minister, are ones which are the subject of ongoing consideration to ensure that legislation, systems and processes may enable these new schemes to be operated effectively.

6. International standards in aviation security must be made tougher and the Government must push for tighter measures both in the EU and ICAO, while reserving the right to unilaterally refuse direct flights from countries which are unwilling to agree tougher standards and encouraging ICAO to be more willing to impose sanctions where needed. Rather than merely negotiating a reasonable outcome with the country concerned, the Government should be more willing to refuse direct flights, which in turn would create a commercial incentive for all states to improve their security regime. Help, both financial and technical, should be provided to help all willing states unable to reach the higher baseline. During this inquiry we have heard that a full-body scanner costs in the region of £100,000, it is clear that the funding allocated to the CTRF could therefore provide much in the way of equipment and training.

The Government is aware of the rationale for this recommendation. We are working hard internationally—both bilaterally, with our European partners and via ICAO, to drive up worldwide security standards. While financial constraints mean that it is difficult to provide direct help to 'all' countries in need of assistance, we are improving our co-

ordination efforts with other donor states to ensure best use of the £2m we spend on technical assistance each year. As has been shown through the decision to suspend direct flights from Yemen, we will not hesitate to take firm action where necessary.

7. More must be done to tackle terrorism at the source; it will not be enough merely to improve security at British airports. Despite the work done by the Department of Transport overseas it is clear that weak points exist in global airport security and the security regime in some countries, through a combination of a lack of resources and training, will be relatively lax. The British Government should do more, more quickly to improve airport security across the globe, particularly in identified “hot spots” of terrorist activity. We therefore welcome the funding allocated through the CTRF and urge the Government to ensure a much greater provision of direct help in the form of body scanners, ETD equipment and training to vulnerable areas.

The Department for Transport has been delivering aviation security capacity building overseas since 2005 using the Countering Terrorism and Radicalisation (CTR) Funding with the Foreign and Commonwealth Office.

Post Detroit the Department for Transport has realigned its capacity building programme to accelerate and prioritise those projects most relevant to the low/no metal threat. It has assessed the state of screening techniques and the need for further projects in key countries. More than double the CTR funding from the previous year has been made available in 2010/2011 for direct help in the form of provision of Explosive Trace Detection equipment and training in 9 states; X-ray equipment and training in 2 states and for the delivery of complementary aviation security training in these and 8 other states. Subject to the CTR Funding programme review it is hoped that funding will be made available for further training in another 5 key states.

8. Having witnessed these full-body scanners working at first-hand, we are confident that the privacy concerns that have been expressed in relation to these devices are overstated and that full body scanners are no more an invasion of privacy than manual "pat-downs" or searches of bags. Air passengers already tolerate a large invasion of their privacy and we do not feel that full body scanners add greatly to this situation. Privacy concerns should not prevent the deployment of scanners.

The Government welcomes the Committee's view. However privacy concerns are something that we take extremely seriously. The interim code of practice seeks to reassure passengers that suitable safeguards are in place to respect their privacy. We welcome further comments on this as part of the ongoing consultation.

9. Colonel Richard Kemp, an acknowledged expert in security matters, was correct to place great importance on the human aspect of security measures and, while we would not advocate the Government unilaterally mandating tougher measures and regulations without the cooperation of the industry, we are concerned that Lord Adonis' letter of 19 February suggests a somewhat laissez-faire attitude on the part of the Government towards the matter of airport security staff.

The Government is actively involved in working with the industry in this area. We have jointly completed a number of risk assessments which are being utilised to inform work on possible countermeasures. They will also provide information for work being undertaken

this year on a code of practice together with the wider review of staff measures in relation to aviation personnel.

In addition, European regulations introduced this year included the expansion of overseas criminal record checking for a wider number of airport staff. The UK continues to enhance the recruitment requirements imposed under the European regulations where they feel it merits a greater degree of assurance for those staff deployed on certain key security duties.

10. The fact that the deployment of staff is an “operational decision” should not prevent the Government from imposing improved security measures where it deems them necessary. In particular, the Government should work more closely with airport operators and security contractors to ensure adequate deployment of female security staff at security checkpoints and to develop and institute an universal improved training regime for all security staff deployed at all UK airports.

The Department for Transport welcomes the recommendation on male / female staffing levels at UK airports; however we are not aware of any particular shortfall in staff of either gender. As the Committee notes, detailed decisions concerning the recruitment and deployment of staff are for airport operators themselves to determine.

Training for UK aviation security staff is governed by European regulations which can be, and are, supplemented where we consider this is justified. Mandatory training syllabuses detail *how* the training requirements should be met. DfT officials regularly meet with industry stakeholders to review the effectiveness of security training—where the need for improvements is identified these are introduced in consultation with industry.

11. The Government is correct not to publicise every measure that it is taking, but should do more to camouflage and hide the technical specifications of security equipment. An initial step that the Government should take would be to insist that, as far as possible, the outside of security equipment is standardised and its technical specifications hidden from passengers.

The Department for Transport assesses the detection performance of security screening equipment used in UK airports, but does not specify the exact design of the product, since this could limit the development of innovative new detection systems and potentially generate unfair commercial barriers. The technical performance specifications are never visible to passengers, and whilst advertising and logos could be removed from equipment, the overall design may still be used to identify the equipment through internet searches. Given that screening methodologies are protected from disclosure, we do not anticipate that these would be shared.

12. The threat of terrorist attacks against airports and airplanes, as we noted earlier, is very real and ongoing. We therefore welcome the steps announced in the aftermath of the attempted attack of 25 December and urge the Government to speed up the roll-out of body scanners, and, particularly, Explosive Trace Detection equipment. We are confident that both of these devices and the other announced measures will form a better, “multi-layered” security regime.

We would agree that deployment, as a rule, should be made by the airport operators to reflect the prevailing threat. That said no one security measure is effective against all threats

and that is why we employ a multi-layered approach to airport security, meaning that passengers never know exactly what measures they will face before they fly. As indicated earlier, the use of Explosive Trace Detection equipment will be a mandated requirement with effect from the end of the year.

13. Airport security should not be viewed as something which occurs purely once a passenger steps into an airport terminal, but should begin the moment that a ticket is booked. In this context, the demarcation between transport security (“Transec”) based in the Department for Transport and wider counter-terrorism activity, centred in the Office for Security and Counter-Terrorism, based in the Home Office is unhelpful. We do not understand why transport security remains institutionally separate from wider counter-terrorism work and intelligence-gathering, and we cannot see the benefits of this separation of responsibility. Close collaboration between Government departments is a poor substitute for centralising policy and control under one roof. We recommend that Transec becomes the responsibility of the Home Office under the auspices of the OSCT.

The Department for Transport is closely involved in delivering the ‘Protect’ strand of CONTEST, working closely with the Home Office and other agencies. As the Department for Transport is also a security regulator for the transport industry, there are benefits from organising these regulatory responsibilities alongside wider responsibility for transport as a whole. In addition the Department for Transport as a whole has significant and long established links with the aviation industry and these help TRANSEC to deliver its regulatory responsibilities.

The Government believes that the best way to deal with security matters is through effective co-ordination between the various agencies. There are a number of processes initiated by the new Government which will be looking across the Counter Terrorism landscape and reviewing current systems, practices and organisational structures. In addition to the newly established National Security Council, the Cabinet Office is leading the ‘Strategic Defence and Security Review’ reporting in the autumn.