



DHS/CBP Procedures for Access, Correction or Rectification, and Redress for Passenger Name Records (PNR)¹

1. How can an individual request access to his or her PNR?

Any individual, regardless of citizenship, who wishes to seek access to his or her PNR held by DHS can do so under the Freedom of Information Act (FOIA). FOIA provides members of the public with access to records, subject to certain exemptions, about the operations and activities of the U.S. federal government. Individuals seeking access to PNR records may submit a FOIA request to U.S. Customs and Border Protection (CBP) using the [FOIAonline Request Form](#), or by mailing a request to:

CBP FOIA Headquarters Office
U.S. Customs and Border Protection
FOIA Division
1300 Pennsylvania Avenue, NW, Room 3.3D
Washington, DC 20229

An individual who is not satisfied with the agency's response under FOIA may challenge a refusal to disclose data or a lack of a response to a FOIA request first through an administrative appeals process, and then in federal court.

2. How can an individual request correction or rectification of his or her PNR?

Several options are available for individuals seeking correction of personally identifiable information (PII) held by DHS.

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CBP FOIA Headquarters Office
U.S. Customs and Border Protection
FOIA Division

¹ Article 10, paragraph 2 of the 2011 Agreement between the United States of America and the European Union on the Use and Transfer of Passenger Name Records to the United States Department of Homeland Security states, "DHS shall publish and provide to the EU for possible publication its procedures and modalities regarding access, correction or rectification, and redress procedures."

1300 Pennsylvania Avenue, NW, Room 3.3D
Washington, DC 20229
Fax Number: (202) 325-0230

The Privacy Act of 1974, as amended (5 U.S.C. § 552a), governs the maintenance of information in federal agency systems through which records are retrieved using the PII of United States citizens and lawful permanent residents. The Privacy Act regulates how the government can disclose, share, provide access to, and maintain the personal information that it collects in such systems. Though the Privacy Act does not afford coverage to non-U.S. persons, the Judicial Redress Act of 2015 (5 U.S.C. § 552a note) extends provisions of the Privacy Act to non-U.S. citizens and non-lawful permanent residents who are citizens of countries that have been designated pursuant to procedures identified within the Judicial Redress Act.² For those covered by neither, DHS policy³ covers information for all persons, regardless of immigration status, and treated consistent with the Fair Information Practice Principles (FIPPs). DHS allows persons, including foreign nationals, to seek access and request amendment to certain information maintained in the Automated Targeting System⁴ (ATS), including PNR. However, certain information maintained in ATS, such as information pertaining to the rule sets or accounting of a sharing with a law enforcement or intelligence entity in conformance with a routine use, may not be accessed, pursuant to 5 U.S.C. §§ 552a (j)(2) or (k)(2).

Requests for access to personally identifiable information contained in ATS, including PNR, may be submitted to the FOIA Headquarters Office, above. Requests for amendment of information should conform to the requirements of 6 CFR Part 5, which provides the rules for requesting access to records maintained by DHS. The envelope and letter should be clearly marked "Privacy Act Access Request." The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury.

- Questions, concerns, or comments of a general or specific nature regarding CBP or its handling of PNR may be directed to the CBP INFO Center. You may contact the CBP INFO Center in any one of three ways:

Online - <https://help.cbp.gov/app/home>

Telephone - During the hours of 8:30 a.m. to 5:00 p.m. Eastern Standard Time:
(877) 227-5511 (toll-free call for U.S. callers)
(202) 325-8000 (international callers)
(866) 880-6582 (TDD)

² Available at <https://www.congress.gov/114/plaws/publ126/PLAW-114publ126.pdf>.

³ *Privacy Policy Guidance Memorandum 2017-01, DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information* available at <https://www.dhs.gov/publication/dhs-privacy-policy-guidance-memorandum-2017-01>.

⁴ See DHS/CBP/PIA-006 Automated Targeting System, available at <https://www.dhs.gov/publication/automated-targeting-system-ats-update>.

Mail - U.S. Customs & Border Protection
OPA/CBP INFO Center
1300 Pennsylvania Avenue N.W., MS: 1345
Washington, DC 20229

- Individuals may also seek redress through the DHS Traveler Redress Inquiry Program (DHS TRIP). Persons who believe they have been improperly denied entry, refused boarding for transportation, or identified for additional inspection by CBP may submit a redress request through DHS TRIP. DHS TRIP is a single point of contact for persons who have inquiries or seek resolution regarding difficulties they experienced during their travel screening at transportation hubs – such as airports, seaports, and train stations – or crossing U.S. borders. Through DHS TRIP, a traveler can request correction of erroneous data stored in ATS and other data stored in other DHS databases through one application. DHS TRIP redress requests can be made online at <http://www.dhs.gov/dhs-trip> or by mail at:

DHS Traveler Redress Inquiry Program (DHS TRIP)
601 South 12th Street, TSA-901
Arlington, VA 20598-6901

- In the event that a complaint cannot be resolved by CBP or through the DHS TRIP process, the complaint may be directed, in writing, to the Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528-0550; Email at privacy@hq.dhs.gov; Phone: (202) 343-1717; and Fax: (202) 343-4010. The Chief Privacy Officer shall review the situation and endeavor to resolve the complaint.

3. What are an individual's other options for judicial redress?

Judicial redress for individuals, regardless of citizenship, may be available under the following circumstances:

- The Computer Fraud and Abuse Act (CFAA) (18 U.S.C. § 1030) allows individuals to bring a civil action in court for actual damages, and in some cases punitive damages plus attorney fees, when that individual's personal information held on a U.S. government computer system, including the Automated Targeting System (ATS) that holds PNR, has been improperly accessed, causing a certain type of harm.
- The Electronic Communications Privacy Act (18 U.S.C. § 2701 et seq. and 18 U.S.C. § 2510 et seq.) allows any person to bring a civil action in court for actual damages, and in some cases punitive damages plus attorney fees, when that person's stored wire or electronic communications are improperly accessed or disclosed, or when that person's wire, oral, or electronic communications are improperly intercepted or disclosed.
- Under 49 U.S.C. § 46110, an individual with interest in particular transportation orders, including orders that implement DHS Transportation Security Administration watchlists, may file a petition for review in an appropriate U.S. Court of Appeals.
- The Administrative Procedure Act (5 U.S.C. §§ 551 – 559), or APA, generally provides for judicial review of final agency action that is not precluded by statute or committed to the discretion of the agency, and provides for a court to set aside final administrative

action not in compliance with statutes, or that is arbitrary and capricious, or an abuse of discretion. Individuals can bring APA claims on their own behalf, or as part of a class action.

4. What administrative, civil, and criminal enforcement measures apply to PNR?

Administrative, civil, and criminal enforcement measures are available under U.S. law for unauthorized disclosure of U.S. records, including PNR. Relevant provisions include, but are not limited to:

- 18 U.S.C. § 641 (public money, property or records) establishes penalties for the theft or improper use of (among other things) any record of the United States or any department or agency thereof.
- 18 U.S.C. § 1030 (fraud and related activity in connection with computers [CFAA]) establishes penalties related to unauthorized access to a computer system containing sensitive records, and the fraudulent use or damage of such systems and records.
- 19 C.F.R. § 103.34 (sanctions for improper actions by CBP officers or employees) establishes disciplinary actions and criminal penalties for CBP officers or employees who improperly disclose confidential information.