Why Redress?

Secure Flight –
- A Necessary Step
- Certainty of False Positives
  - Wrongly Matched
  - Wrongly Listed

The Necessity of Redress
- Due Process/Fairness to Individuals
- Allocation of Resources
- “small P” Politics
The Fundamental Problems

- The Persistent Nature of Information
  - “Clearing” is different in cyberworld

- The Different Definition of Threat
  - Predictive v. Reactive

- The Need for Nimbleness

- Calibrated but not Complete Transparency
The Five Issues

- Conditions of Inquiry
- Responsibility for Administration
- Rules of Transparency
- Rules of Process
- Correcting the False Positive
Conditions of Inquiry – Who?

Who may inquire?
- Individuals adversely affected
- But what about self-initiated inquiries
  - Should we permit self-initiated inquiries at all?
    - Or are they an avenue for terrorists?
  - Only US citizens?
  - Non US citizens, only in person?
Redress Channels – Where?

- Four-part Conceptual System of Record
  - Origination
  - Storage
  - Aggregation/Dissemination
  - End User
- Effected individual has limited knowledge
- Point of entry must be end user
- Independent ombudsman-like function
Transparency – What?

- Variable Dependent On –
  - Consequence (secondary screening or arrest)
  - Nature of the information (identification v. affiliation)

- Alternate Proxy Mechanisms
  - *In Camera* review
  - Congressional oversight
Redress Process – How?

- Initial administrative review
  - 90 days
  - Authorized to require originator to provide more information
  - Detailed audit logs and performance measures

- Administrative hearing with right to be heard and present evidence
  - Presumption of openness
  - Calibrated limits on transparency

- *De Novo* court review
Correcting the False Positive

- Full attribution – the record defines its origin, and sourcing
- Subscription – End users look to original records for updates
- Tethering – Data is linked to its source so that corrections wherever entering the system are propagated