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Secure Flight & Redress

Paul Rosenzweig
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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 effected
- But what about self-initiated inquires
 - 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