

Non-Federal Biometric Passenger Processing: Any proposed use of biometrics for passenger processing other than those required by the federal government

	Justified	Voluntary	Private	Equitable	Transparent	Lawful	Ethical
Key Words	Approval; Operational Need; Net Benefit-Cost	Opt-in; Unintended Capture; Training	Security; Privacy; Storage	Accurate Rates; Training	Communication Plan & Accountability Report; Performance Evaluation	State & Federal Regulations	Immigrant and Refugee Engagement Plan; Law Enforcement Disclosure Mitigation; Technology Ethical Advisory Board
Port	<p><i>If a request for private sector implementation of non-federally mandated biometrics for passenger processing is received...</i></p> <p><b>Approval</b> must come from the <b>Aviation Managing Director</b> (AMD) or Maritime Managing Director (MMD) after:</p> <p>a) The AMD or MMD has notified the <b>Port Executive Director</b> and Port Commission (3) weeks in advance of any staff action; &amp;</p> <p>b) the AMD or MMD has <b>evaluated whether the request is a justified based on the following criteria:</b></p> <ul style="list-style-type: none"> <li>o Demonstrated <b>operational need</b>, which is defined as an added benefit to travelers vs existing manual processes</li> <li>o Compliance with all <b>Port principles and policies</b></li> <li>o Compliance with all <b>CBP requirements</b></li> <li>o <b>Net benefit-cost to travelers</b> of the added customer facilitation vs. potential privacy and other risks</li> </ul> <p>The Aviation Managing Director or Maritime Managing Director <b>should consult the Port's Technology Ethical Advisory Board</b> (once it is established) for feedback</p>	<p>The port should not approve proposals that do not include an <b>opt-in (not opt-out) provision</b></p> <p>The port should <b>set standards for where and how</b> biometrics are used at Port facilities to <b>prevent unintended capture</b> and should train staff on procedures.</p>	<p>The port should develop biometric <b>data security and privacy standards</b> (based on existing national and global standards) for compliance by all private sector operators requiring that:</p> <p>a) any data collected should be <b>used only for the explicitly</b> communicated purposes; &amp;</p> <p>b) <b>unauthorized third parties</b> may not have access to the data</p> <p>The Port should endeavor to seek clarification from the State of Washington Attorney General whether transmission of biometric data is <b>exempt from state public disclosure requirements</b>.</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should:</p> <p>a) develop <b>training standards</b> for administering the technology and include how to handle mismatching issues appropriately</p> <p>b) request CBP <b>accuracy rates</b> before approval of any non-federally mandated use of biometrics for passenger processing which would use CBP TVS system.</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should produce:</p> <p>a) a comprehensive <b>communication plan to notify general public of implementation</b>, including rights and recourse in case of violations and/or data breaches</p> <p>b) an annual <b>accountability report</b> including publicly available information on topics which can be found listed under recommendation 16a in the draft policy recommendation document</p> <p>each of which should be <b>shared publicly</b> through all Port communication channels.</p> <p>The Port should periodically conduct its <b>own performance evaluation</b> to ensure that <b>private sector operators are following all of the Port policies</b>.</p>	<p>Port must ensure that any proposals to implement non-federally mandated biometrics for passenger processing <b>comply with all relevant state and federal laws</b></p> <p>Port staff should actively track and advocate for <b>state and federal laws and regulations</b></p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should:</p> <p>a) develop an engagement plan along with relevant partners to educate local immigrant and refugee communities in <b>multiple languages and in a culturally appropriate way</b> about:</p> <ul style="list-style-type: none"> <li>o The biometric program;</li> <li>o The technology;</li> <li>o Their rights; and</li> <li>o Resources for sharing concerns about incidents</li> </ul> <p>b) require commitment from private sector operators <b>not to disclose personal data to a law enforcement agency</b> unless the disclosure is:</p> <ul style="list-style-type: none"> <li>o Pursuant to the consent of the consumer;</li> <li>o Required by federal, state, or local law;</li> <li>o Necessary to prevent or respond to a national security issue, an emergency involving danger of death; or</li> <li>o To the national center for missing and exploited children</li> </ul> <p>c) form and regularly consult a <b>Technology Ethical Advisory Board</b> composed of community stakeholders, academics, technology experts and other key stakeholders</p>
Private Sector Operators	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The proposal must:</p> <p>a) <b>explicitly articulate compliance</b> of Biometric principles and all policies in this document</p> <p>b) explicitly state <b>why biometrics are preferable</b> over existing manual processes</p> <p>c) provide a <b>cost-benefit analysis</b> of utilizing biometrics</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) submit a plan for <b>minimizing unintended capture</b></p> <p>b) <b>demonstrate</b> that their <b>employees have received training</b> on Port standards for avoiding unintended capture</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) demonstrate full alignment with the Port's biometric data security and privacy standards</p> <p><i>If the proposed implementation has obligations related to U.S. Transportation Security Administration, then...</i></p> <p>The operator must:</p> <p>a) demonstrate full alignment with all of the Port's Air Security Program rules and requirements</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) Verify that their technology <b>demonstrates high levels of accuracy</b> both overall and between various characteristics</p> <p>b) make available a technical capability (like an API) to enable legitimate, independent and reasonable <b>tests for accuracy and unfair performance</b></p> <p>c) <b>verify that their employee training</b> for operating biometrics meets the Port's training standards.</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator should:</p> <p>a) <b>partner with the Port</b> on implementation of the Port communications plan</p> <p>b) share with the Port to the extent possible all <b>requested information for inclusion into the accountability report</b></p> <p>c) <b>share publicly</b>, to the extent possible, the Port's annual accountability report through relevant communications channels</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator:</p> <p>a) must demonstrate compliance with all relevant <b>state and federal laws</b></p> <p>b) should support the Port in advocating for <b>state and federal laws and regulations</b></p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator should:</p> <p>a) <b>partner with the Port to inform local immigrant and refugee communities</b> in multiple languages and culturally appropriate ways about:</p> <ul style="list-style-type: none"> <li>o Resources for sharing concerns about incidents related to legal rights and respectful treatment</li> </ul>

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Note: The Port has broad authority to establish policies that govern the activities of Port staff and the use of Port resources, to the extent such policies are consistent with federal law. Private sector stakeholders operating at Port facilities (such as airlines) are also subject to the Port's

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Airlines (CBP Traveler Verification System)	<p><i>If an airline proposes to implement non-federally mandated biometrics for passenger processing using the CBP Traveler Verification Service (TVS) system, then ...</i></p> <p>The airline must:</p> <p>a) <b>show documentation</b> that the proposed process has been <b>approved by CBP</b> and is in compliance with CBP's requirements</p>	<p><i>If an airline proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The airline must:</p> <p>a) submit a <b>plan for minimizing unintended capture</b>; &amp;</p> <p>b) demonstrate that their employees have received <b>training on Port standards</b> for avoiding unintended capture</p>	<p><i>If an airline proposes to implement non-federally mandated biometrics for passenger processing using the CBP Traveler Verification Service (TVS) system, then ...</i></p> <p>The airline must:</p> <p>a) meet all of <b>CBP's encryption and security standards</b>;</p> <p>b) <b>delete biometric data</b> in accordance with CBP's Biometric Requirements; &amp;</p> <p>c) not give <b>unauthorized third parties</b> access to any data as stated in the CBP Requirements</p>			<p><i>If an airline using CBP's TVS system proposes to implement non-federally mandated biometrics for passenger processing, then...</i></p> <p>The airline must:</p> <p>a) <b>show documentation of compliance</b> with CBP's Business Requirements</p>	
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policies, consistent with their own federal obligations and the terms of their agreements with the Port – such as lease agreements or operating agreements with the Port, which varies on a case-by-case basis. The Port has very limited authority to influence, much less direct, the activities of federal agencies operating at Port facilities.