

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Sophia Helena In't Veld, )  
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 Plaintiff, )  
 )  
 v. ) Civil Action No. 08-1151 (RMC)  
 )  
 United States Department of )  
 Homeland Security, et al., )  
 )  
 Defendants. )

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**DECLARATION OF DAVID DODSON**

I, David Dodson, hereby declare and state as follows:

1. I am the Passenger Branch Chief, Analysis and Targeting Division, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection (CBP), within the U.S. Department of Homeland Security (DHS) (hereinafter DHS/CBP) and have held that position since June 8, 2008. I have been with DHS/CBP (formerly, the U.S. Customs Service) since 1996. Initially assigned to Los Angeles International Airport, I worked in Passenger Operations as well as the Contraband Enforcement Team (CET), the Passenger Enforcement Rover Team (PERT), and the Passenger Analysis Unit (PAU) until 2002. During the course of these assignments, I became recognized as an expert user of the Treasury Enforcement Communications System (TECS), the Automated Targeting System – Passenger (ATS-P), and Passenger Name Record (PNR) data, earning numerous awards. In 2002, I was selected as one of the first permanent employees of DHS/CBP's National Targeting Center. In 2004, I became a program manager responsible for development of ATS-P on behalf of the DHS/CBP Office of

Field Operations; I continued in this capacity before the program was reassigned to the newly-created Office of Intelligence and Operations Coordination. I make this declaration based on my personal knowledge and information I have received in the performance of my official duties. This declaration is intended to supplement information already provided concerning the adequacy of CBP search in the Declaration of Vania Lockett dated September 15, 2008 (Lockett Declaration).

2. I am very familiar with the operation of many of the systems used by DHS/CBP, in particular those used in connection with DHS/CBP's screening of travelers entering and exiting the United States. In the course of my duties, I regularly conduct research in those DHS/CBP systems, including TECS (including the Advance Passenger Information System (APIS) and the Non-Immigrant Information System (NIIS)) and ATS-P (including the Suspect and Violator Indices (SAVI)).

3. ATS-P is a proprietary system created and used by DHS/CBP (and its predecessor, the U.S. Customs Service), that relies upon PNR data provided by the airlines and maintained in ATS-P, as well as data derived from TECS, APIS, NIIS, SAVI, and other databases. Only certain DHS/CBP officers and other officers within DHS, are authorized to access PNR through ATS-P for purposes of carrying out their law enforcement, counterterrorism and other border security responsibilities. DHS/CBP receives PNR data from air carriers pursuant to its lawful authority under 49 U.S.C. § 44909 and 19 C.F.R. § 122.49d. Depending upon the air carrier, PNR data may be "pushed" electronically to DHS/CBP by the air carriers at specified intervals, or DHS/CBP may initiate an automated "pull" of the data from the air carriers' reservation (also referred to as a Computerized Reservation System (CRS)). Once received, that

PNR data is filtered to ensure that only those categories of data that CBP requires is maintained by ATS-P. See ATS System of Records Notice (SORN), 72 Fed. Reg. 43650 (August 6, 2007).

4. As a routine matter, DHS/CBP officers only query PNR that is maintained in ATS-P; officers are only permitted to access PNR data directly from an air carrier's reservation or departure control system in exceptional circumstances.

5. Prior to the June 25, 2002 publication of an interim rule requiring electronic connectivity between CBP (then the U.S. Customs Service) and commercial airlines' reservation systems for purposes of accessing PNR (67 Fed. Reg. 42712), DHS/CBP officers (and their predecessors, U.S. Customs Service officers) responsible for screening travelers, including myself, would routinely access PNR data directly from reservation systems (including CRSs). Current policy (implemented after issuance of the PNR interim rule) provides for an automated function to download certain PNR information into ATS-P (rather than allowing an individual officer to manually query the CRS). However, authorized DHS/CBP officers may in exceptional circumstances directly access a CRS to obtain PNR data. I am, therefore, very familiar with how to query a CRS and the differences between a CRS and DHS/CBP proprietary systems, having regularly used CRS systems for approximately three (3) years to obtain PNR data for law enforcement use prior to the change in access policy.

6. DHS/CBP's ATS-P system is not a CRS, does not maintain complete replicas of all PNR data stored in air carrier CRSs, and is not queried in the manner in which CRSs operate. DHS/CBP has access to PNR data from the reservation/departure control systems of over 130 airlines and its technical experts have consulted with

developers and expert users from each airline to facilitate the exchange of data. There is a significant difference between DHS/CBP's interaction with the airlines and those of the Plaintiff's Declarant, Mr. Edward John Hasbrouck ("Hasbrouck Declaration"), whose expertise undertaken on behalf of travel agencies, as described in his declaration, appears to be limited to cross-airline ticketing arrangements (permitting only the exchange of limited sets of information), and not full exchanges and transfers of PNR as Mr. Hasbrouck suggests in his Declaration. Hasbrouck Declaration ¶ 6.

7. I understand and routinely use PNR data maintained in ATS-P. Based on my proficiency in using ATS-P as a screening tool, I was responsible for assisting the DHS/CBP Office of Information and Technology in drafting the ATS-P User's Guide and Reference Manual, which is used to instruct DHS/CBP officers and analysts in the use of the ATS-P system, including guidance regarding how to perform passenger queries, including queries of PNR, NIIS and SAVI.

8. I regularly participate in meetings in which DHS/CBP considers query parameters and possible changes to the ATS-P system in order to improve the system's law enforcement functions. This participation includes extensive discussion of name-based query parameters, including appropriate parameters for querying names that contains multiple words or punctuation in a single name field.

9. Because of my skills in conducting queries of TECS and ATS-P, I am frequently asked to conduct searches for passenger data, in particularly PNR in ATS-P, that may be responsive to Freedom of Information (FOIA) and Privacy Act (PA) requests made pursuant to 5 U.S.C. §552 and 5 U.S.C. §552a. Based on this, I am familiar with DHS's obligations under the FOIA and PA, and the procedures followed by DHS in

responding to requests.

10. I conducted a full a search of the systems identified in the Plaintiff's request<sup>1</sup> within the custody and control of DHS/CBP, to include NIIS, SAVI, TECS, ATS-P, and APIS. This search was conducted on July 1 and 2, 2008, at the request of the DHS Privacy Office. A description of the systems searched was provided in the Lockett Declaration; further information may also be obtained through the relevant published PA system of record notices for each system and the Privacy Impact Assessments for such systems available at <http://www.dhs.gov/xinfo/share/publications>.

11. I applied the same highly effective search techniques, including searching multiple name and travel document permutations, in response to Plaintiff's request, as I use on a daily basis to query DHS/CBP's systems for individuals whose names contain multiple words, spaces or hyphenation in name and travel document number fields.

12. I searched ATS-P (including SAVI) using various permutations of Plaintiff's name, based on my experience conducting searches for similar compound names. These terms included (1) Last Name "intveld"/First Name "soph%" (which yielded the records that were subsequently redacted); (2) Last Name "Int veld"/First Name "soph%"; (3) Last Name "In Tveld"/First Name "Soph%"; and (4) Last Name "In T Veld"/First Name "Soph%".<sup>2</sup> These searches yielded eight (8) pages of PNR records maintained in ATS-P.

13. I subsequently ran searches in the other relevant DHS/CBP systems for records associated with various permutations of Plaintiff's name, which further yielded two document numbers (in this case, passport numbers). The name-based search terms

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<sup>1</sup> See Lockett Declaration ¶¶ 7-8 and Exhibits A and B attached thereto.

<sup>2</sup> Inclusion of apostrophes in the search terms would not yield results in the relevant CBP systems (in particular, the name fields in PNR records do not capture apostrophes).

included (1) Last Name "Intveld"/First Name "Sophia"; (2) Last Name "Intveld"/First Name "Sophie"; (3) Last Name "Int Veld"/First Name "Sophia"; (4) Last Name "Int Veld"/First Name "Sophie"; (5) Last Name "In T Veld"/First Name "Sophia"; (6) Last Name "In T Veld"/First Name "Sophie"; (7) "In Tveld"/First Name "Sophia"; and (8) "In Tveld"/First Name "Sophie". These name-based and document number searches yielded the remaining 20 pages of records. A total of 28 pages of record were either released in full or redacted and provided to Plaintiff on July 9, 2008. See Lockett Declaration at ¶ 14.

14. My queries of DHS/CBP's relevant systems were not restricted by any date or data field parameters, but rather searched for all responsive records regarding the Plaintiff (using the specified variations of Plaintiff's name and two document numbers, identified above) which were contained in relevant DHS/CBP systems at the time the search was conducted.

15. In response to Plaintiff's request I did not search, query or otherwise use any of the commercial reservations systems to which Mr. Hasbrouck refers in his Declaration, and with which he claims to be familiar. My search was confined to records, including PNR data, as maintained in DHS/CBP systems, which is substantially different from the systems and data sets with which Mr. Hasbrouck asserts familiarity. Mr. Hasbrouck has not asserted knowledge with regard to any DHS/CBP proprietary system which was employed in the search for Plaintiff's records. These DHS/CBP systems are for use in carrying out DHS/CBP's law enforcement, counterterrorism and other border security missions and details regarding how the systems are operated and queried are generally considered by DHS/CBP to be sensitive and not subject to public disclosure.

16. Mr. Hasbrouck repeatedly makes statements in his Declaration that are not accurate, and reflect a complete lack of familiarity or understanding of the construction of the name fields in the DHS/CBP systems queried in response to Plaintiff's request. For example, Mr. Hasbrouck asserts that "Ms In 't Veld's surname - which includes two spaces and an apostrophe - cannot be completely or unambiguously entered into a PNR." (Hasbrouck Declaration at ¶18). As explained above, this statement is inaccurate with regard to the presence of spaces in the surname. I and other DHS/CBP officers and analysts regularly review PNR records and conduct queries in which the surname or other name field contains spaces.

17. In Mr. Hasbrouck's Declaration (¶ 13), he asserts that there is a discrepancy between the passport numbers on pages 1 (the TECS screen) and 29 (the ADIS screen—a US-VISIT record) of the records produced. However, the passport numbers on those two pages are identical (ND7138894); the other passport number contained in the records produced by DHS/CBP actually appears on page 28 (the TECS screen, listing NY9191CF6) (and pages 10-11) of the production.<sup>3</sup> Based on my experience, the travel dates of the records and structure of the PNR record, it is very likely that these two passport numbers are due to the issuance of a new travel document.<sup>4</sup>

18. By searching for responsive records concerning Plaintiff using various name combinations, and conducting a second search using the document numbers that were associated to the results of the name search, I ensured the thoroughness of the

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<sup>3</sup> The passport number contained on page 57 (an ADIS screen listing passport number ND71399848) of the documents produced by DHS is derived from and was produced by US-VISIT in connection with Plaintiffs FOIA request.

<sup>4</sup> The ADIS record located at page 57 of the DHS production indicates that the expiration date for passport number ND7138894 was 2/11/08; pages 10-11 of the DHS production indicate Plaintiff traveled to the U.S. following that expiration date.


search conducted in responsive to Plaintiff's FOIA request.

19. Mr. Hasbrouck suggests in his declaration that PNR data produced by DHS/CBP in response to Plaintiff's FOIA request is incomplete. Hasbrouck Declaration at ¶¶ 22-24. However, the declarant's description of commands in the Sabre system are reflective of different ticketing records linked to, but not part of, the PNR. Additionally, as publicly stated in the System of Record Notice and the Privacy Impact Assessment describing DHS/CBP's intended use of PNR data in ATS-P, DHS/CBP voluntarily limited its collection of PNR to 19 specific categories of data. Other types of records not specifically listed by DHS/CBP (for example, the number of bags per segment), or which are otherwise outside the contents of a PNR as collected by the airline and provided to DHS/CBP (such as ticketing information or seat assignments normally collected by many airlines in records other than PNR), are not collected by DHS/CBP, and thus could not be searched for, or provided pursuant to, a FOIA request.

**JURAT CLAUSE**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed this 5th day of December, 2008.

  
David Dodson