

WATCHLIST REDRESS MEMORANDUM OF UNDERSTANDING

TSC leads Federal Inter-Agency Cooperation to Enhance Existing Redress Roles and Responsibilities

The U.S. Terrorist Screening Center (TSC), charged with maintaining the U.S. Government's consolidated terrorist watchlist, established a formal watchlist redress process in January 2005. The goal of watchlist redress is to provide for timely and fair review of individuals' watchlist-related complaints, and to identify and correct any data errors, including errors in the terrorist watchlist itself.

Working closely with Federal inter-agency partners over the course of many months, a *Memorandum of Understanding on Terrorist Watchlist Redress Procedures* (MOU) was agreed upon and signed September 2007. The MOU standardizes preexisting inter-agency watchlist redress procedures allowing individuals an opportunity to receive a timely, fair and accurate review of their case.

Federal Inter-agency MOU Partners

With support from the White House Privacy and Civil Liberties Oversight Board, as well as senior-level federal inter-agency officials, the signatories agreed upon and co-signed the Watchlist Redress MOU:

- Department of Justice
- Federal Bureau of Investigation
- U.S. Terrorist Screening Center
- Department of State
- Department of Defense
- Department of the Treasury
- Central Intelligence Agency
- Department of Homeland Security
- Office of the Director of National Intelligence
- National Counterterrorism Center

MOU Inter-agency Commitments

The formal signing of the redress MOU ensures that Federal inter-agency partners have an official document that outlines the screening and nominating Agencies' mutual understanding of their obligations, responsibilities, and accountability as part of the redress process. Following are the key commitments:

- **Designate a Responsible Official.** Ensures accountability by requiring each party to designate a senior official responsible for the party's full participation in the redress process and overall compliance with the redress MOU.
- **Information Sharing.** Requires inter-agency cooperation and information sharing to coordinate and resolve redress complaints appropriately.

- **Data Protection.** Requires parties to secure personal information received by and exchanged between agencies during the redress process.
- **Data Correction.** Obligates parties to update and correct their records when erroneous information is identified.
- **Resources.** Requires that each party provide appropriate staff and other resources to ensure the redress process functions in a timely and efficient manner.
- **Privacy Act Compliance.** Each Party is responsible for its own compliance with the Privacy Act of 1974, 5 U.S.C. § 552a, in the collection, maintenance, use, and dissemination of personally identifiable information.

How the Redress Process Operates

- Individuals are encouraged to file a complaint about an adverse screening experience with the agency that conducted the screening. The Agency will then determine if the experience may be related to the terrorist watchlist.
- Up to 96 percent of the redress referrals received by TSC come from the U.S. Department of Homeland Security (DHS), home to a number of screening agencies such as U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, and the Transportation Security Administration.
- U.S. Department of Homeland Security recently launched DHS TRIP or DHS Traveler Redress Inquiry Program as the central gateway for redress complaints for all DHS Agencies. DHS TRIP is a web based program that can be found through the DHS website by visiting www.dhs.gov/trip.
- If the Agency determines that an individual complaint appears to be watchlist-related, it is referred to TSC's independent Redress Unit. The TSC does not directly accept redress complaints from the public because the screening agency is in the best position to determine if the individual's difficulty was related to the watchlist. Rather, TSC provides the necessary research and review allowing the screening Agency to respond to the complaint directly.
- TSC's Redress Unit, an independent and impartial office, follows written procedures to receive, track, and research watchlist-related complaints, to consult with agencies that nominate individuals to the watchlist, and to correct the watchlist or other data that may cause an individual unwarranted hardship or difficulty during a screening process.
- Since 2005, TSC's independent Redress Unit has successfully resolved over 90 percent of the redress complaints referred by Federal inter-agency partners.

Inter-agency Cooperation

- In the Fall of 2005, the TSC completed a first draft of the MOU intending that it would formally document the screening and nominating agencies' mutual understanding of their obligations and responsibilities arising out of the watchlist redress process.
- Throughout 2006, with the support of the White House Privacy and Civil Liberties Oversight Board and chief privacy officers from the Departments of Justice and Homeland Security, and the Office of the Director for National

- Intelligence, a multi-agency working group comprised of representatives from the participating agencies met to negotiate the final terms of the MOU.
- In December 2006, the working group completed a final draft of the MOU and in September 2007 the MOU was fully signed by the heads of all participating agencies.

The U.S. Terrorist Screening Center (TSC), established December 2003 by Homeland Security Presidential Directive-6, serves as the U.S. Government's consolidation point for known and suspected terrorist watchlist information, both foreign and domestic. The consolidated watchlist contains thousands of records that are updated daily and shared with our Federal, state, local, territorial, tribal law enforcement and intelligence community members as well as international partners to ensure that individuals with links to terrorism are appropriately screened. The TSC, administered by the Federal Bureau of Investigation and supported by Federal Departments and Agencies that include the Departments of Justice, Homeland Security, State, Office of the Director of National Intelligence, and the National Counterterrorism Center ensures that information provided to and consolidated by TSC is thorough, current, and accurate.