

Attorney General Lisa Madigan, Chair
Ms. Deborah Ale Flint, Member
Mr. David Berg, Member
Mr. Charlie Leocha, Member

Advisory Committee for Aviation Consumer Protection (ACACP)
Office of Aviation Enforcement and Proceedings
U.S. Department of Transportation
1200 New Jersey Ave. SE.
Washington, DC, 20590

December 2, 2013

Dear Ms. Madigan and Members of the ACACP:

As organizations and individuals with expertise and experience relevant to consumer privacy, we welcome the interest of the ACACP in the privacy of air travelers as a consumer protection issue.

The exclusive jurisdiction of the Department of Transportation (DOT) over many of the activities of travel companies preempts action by the agencies with primary responsibility for protecting consumer privacy in other industry sectors, such as the FTC and state attorneys general. That makes ongoing attention to this issue and action by the DOT essential to protect air travelers' privacy.

In light of this, we are particularly concerned by the lack of clear information provided to members of the public by the DOT, making clear the DOT's jurisdiction and procedures with respect to privacy violations by airlines, travel agencies, and computerized reservation systems.

Consumer privacy is not mentioned anywhere on the DOT website, complaint forms, or reports. The DOT website provides no information on what sorts of privacy violations fall within its jurisdiction, how or to whom such violations can be reported, or how such complaints are handled.

We urge the ACACP to recommend that the Department add a "privacy" tab to the DOT aviation consumer protection website and add privacy as a category in DOT complaint forms, logs, and reports. And we urge the Secretary of Transportation to act promptly to adopt and implement that recommendation. The DOT website should provide clear information on DOT jurisdiction, policies, and points of contact and procedures for complaints with respect to the privacy obligations and practices of airlines, travel agencies, and computerized reservation systems.

We also urge the ACACP to establish a permanent subcommittee or working group on consumer privacy, to ensure that the work of the DOT on this issue is reviewed on an ongoing basis and that further actions are recommended as necessary to protect air travelers' privacy. Among the issues for such a subcommittee or working group would be periodic review of DOT reports (once they begin to include privacy complaints and enforcement activities as a distinct reporting category), whether privacy policies should be required to be included in airline conditions of carriage, and what structures for liaison and coordination with other agencies and departments (such as the FTC and DHS) can best facilitate investigation and enforcement action and avoid jurisdictional gaps in cases that implicate the jurisdiction of multiple agencies – as is likely where personal information related to air travel is commingled with data related to other travel services outside the jurisdiction of the DOT.

We would welcome the opportunity to work with the ACACP, the DOT, and the air travel industry, and to share our experience and expertise in consumer privacy norms and best practices.

Sincerely,

Consumer Travel Alliance
7062 Solomon Seal Court
Springfield, VA 33152
(202) 713-9596
www.consumertravelalliance.org

Consumer Federation of America
1620 I St., NW, Ste. 200
Washington, DC 20006
(202) 387-6121
www.consumerfed.org

Privacy Rights Clearinghouse
3108 - 5th Ave., Ste. A
San Diego, CA 92103
(619) 298-3396
www.privacyrights.org

Privacy Times
PO Box 302
Cabin John, MD 20818
(301) 229-7002
www.privacymtimes.com

Consumer Action
PO Box 70037
Washington, DC 20024
(202) 544-3088
www.consumer-action.org

Privacy Activism
PO Box 210376
San Francisco, CA 94121-0376
www.privacyactivism.org

Electronic Privacy Information Center
1718 Connecticut Ave., NW, Ste. 200
Washington, DC 20009
(202) 483-1140
www.epic.org

National Network to End Domestic Violence
1400 - 16th St., NW, Ste. 330
Washington, DC 20036
(202) 543-5566
www.nnedv.org

Center for Financial Privacy and Human Rights
PO Box 2658
Washington, DC 20013-2658
financialprivacy.org

National Workrights Institute
28 Stone Cliff Rd.
Princeton, NJ 08540
(609) 683-0313
www.workrights.us

World Privacy Forum
3108 Fifth Ave. , Suite B
San Diego, CA 92013
(760) 712-4281
www.worldprivacyforum.org

American Civil Liberties Union
915 - 15th St. NW
Washington, D.C. 20005
(202) 715-0839
www.aclu.org

Edward Hasbrouck
(Travel author and consumer advocate)
1130 Treat Ave.
San Francisco, CA 94110
(415) 824-0214
www.hasbrouck.org

Remar Sutton
(Founder, Privacy Rights Now coalition)
PO Box 770033
Atlanta, GA 30357
www.remarsuttonassociates.com

Robert Ellis Smith
(Publisher, Privacy Journal)
PO Box 28577
Providence RI 02908
(401) 274-7861
www.privacyjournal.net

Kathryn A. Serkes
(Founder, Take Back Washington)
Seattle, WA
www.takebackwashington.org