



Fact Sheet

Fiche d'information

CHECKING IN

Your privacy rights at airports and border crossings

If you've travelled through a Canadian airport or U.S. border crossing in the past few years, you will have experienced the growing emphasis on security screening. The reality is that airports (and, to a lesser extent, sea ports and land border crossings) are different from most other public spaces in Canada. On the street, you would be understandably upset if police randomly demanded to examine your identification or subject you to searches.

Travellers today are subject to greater scrutiny than ever before. At airports, security measures are presented as a trade-off for safer skies.

But does that mean you have to check in your privacy rights with your luggage? Certainly not.

The Office of the Privacy Commissioner of Canada has been working for many years to ensure that security measures at airports and border crossings do not unduly infringe on the privacy of Canadians.

All federal government organizations responsible for security are subject to Canada's *Privacy Act*, which contains important safeguards for your personal information. The law also sets out mechanisms through which you can seek to have your privacy rights enforced.

We have prepared this fact sheet to explain the law, to describe the impact of security measures on your personal information and privacy rights, and to let you know where you can turn if you feel your rights have been violated.

Airport Security Screening

Travellers are generally accustomed to passing through metal detectors and sending their jackets, shoes and carry-on items through X-ray machines. Such security measures are the responsibility of the Canadian Air Transport Security Authority (CATSA).



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CATSA's screening officers ask to see the traveller's boarding pass, and may retain it during the screening process. They are not, however, permitted to handle passports or other personal identification documents unless there is a heightened risk condition that could be mitigated by identifying the passenger.

Passengers are sometimes sent for further investigation. This occurs most frequently among U.S.-bound passengers, but travellers to Canadian or other international destinations may also be referred for secondary screening.

Some passengers are sent for secondary screening at random. In other instances, officials want to investigate something suspicious that was noted when the traveller walked through the metal detector. In Canada, secondary screening takes one of two forms: Physical searches or millimetre-wave full-body scans.

Physical Searches

A physical search generally entails a CATSA officer first using a hand-held metal detector (or wand) that is run over the body of the traveller. The same officer will also perform a visual search under accessories such as belts or scarves. The officer may also 'pat down' the passenger to ensure that the individual is not concealing anything under his or her clothing.

The Canadian Air Transport Security Authority (CATSA) is responsible for screening all travellers and their belongings before they board an aircraft in Canada. For information about CATSA programs, visit its website: www.catsa-acsta.gc.ca.

What you should know:

- Physical searches must be carried out by two security officers of the same gender as the passenger. One officer conducts the search and the other serves as a witness.
- Passengers may ask that the pat-down be conducted in a private area. Airports are obliged to provide a room or curtained-off area for this purpose.
- If you or your belongings are selected for secondary inspection, you may request that CATSA officers wear gloves.
- Where millimetre-wave full-body scanners are available (see following section), passengers may ask to go through the scanner as an alternative to a physical search.

Redress:

- CATSA operates a toll-free number, 24 hours a day (1-888-294-2202) to process questions or complaints stemming from screening procedures or individuals' dealings with screening officers. Travellers may also report concerns on the [CATSA](http://www.catsa.gc.ca) website.
- Travellers with complaints about a search of personal items or devices may contact CATSA's [Claims Management Unit](#).

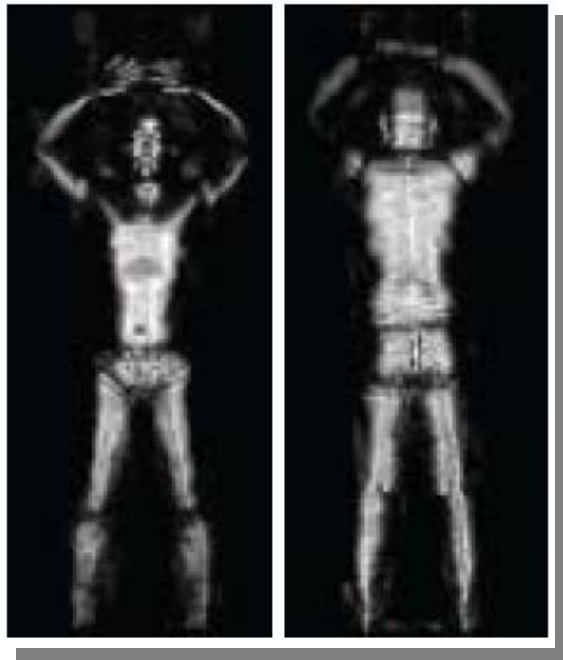
Millimetre-wave Full-body Scans

These big, glassy enclosures are the latest (and most controversial) addition to the security area of Canadian airports. The machines use radio waves to generate images of a passenger's body. A security screening officer stationed at a remote site can see from the image whether suspicious objects are concealed beneath the traveller's clothing. The equipment can spot items such as ceramic weapons, liquids, plastic explosives or other concealed objects that do not show up with standard metal detectors.

What you should know:

In planning for the deployment of the first 44 of these scanners, the federal government pledged to implement the program in a way that respects people's privacy and dignity. Here's what the government promised:

- Passengers selected for secondary screening, either at random or for cause, can choose to pass through the scanner or to undergo a physical search (see previous section.)
- No personal information, such as the passenger's name, boarding pass number or passport information, is associated with the scanned image.
- The security officer with the passenger doesn't see the scan, while the official viewing the scan cannot see the passenger.
- Images are examined for concealed threats and immediately deleted. They are not recorded or stored for future use.



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Collection of Traveller Data

The Government of Canada collects the personal information of travellers for various law enforcement and security initiatives.

Advance Passenger Information/Passenger Name Record Program

Under the Advance Passenger Information/Passenger Name Record (API/PNR) Program, the Canada Border Services Agency (CBSA) seeks to identify travellers who may pose a security risk – before they arrive in Canada. The CBSA reviews information on all individuals travelling to Canada, regardless of carrier or citizenship.

This is done by collecting the following personal information on all individuals arriving in Canada: name, date of birth, gender, citizenship, travel document data, itinerary, address, ticket payment information, baggage details and contact telephone numbers.

Names may be checked against watch lists, and certain individuals may be sent for further screening.

What you should know:

- The CBSA collects advance passenger information and passenger name records (API/PNR) data directly from the reservation systems of commercial carriers.
- This information is used in conjunction with other CBSA databanks to identify people who may be subject to closer questioning or examination on arrival in Canada, on the grounds that they could be contravening Canadian law or pose a threat to security.
- The CBSA stores this information in its Passenger Information System (PAXIS), and may share it with other agencies (including foreign authorities) for specified purposes related to ensuring the safety and security of Canadians, certain judicial proceedings, or as otherwise required by Canadian law.
- API/PNR data is retained for three-and-a-half years, subject to specific restrictions on how the information can be used and shared.

The Canada Border Services Agency (CBSA) is responsible for national security and public safety at border crossings, while also facilitating the free flow of people and goods. For information about the agency's programs, visit its website: www.cbsa-asfc.gc.ca.

Redress:

- Travellers have a right to [request a copy](#) of their personal API/PNR data, and may ask that a notation be included if any of the information is incorrect.
- It is also important to note that CBSA has an [Admissibility Branch](#), which operates independently and deals with disputes that develop over border services matters. Their representatives resolve disputes between clients and CBSA officers by impartially reviewing previous CBSA decisions.

Integrated Customs Enforcement System

Through the Integrated Customs Enforcement System (ICES) program, the CBSA has, since 2004, been collecting information on travellers crossing the Canada-U.S. border. The program is in place at all major airports, selected highway crossings and cruise ship facilities.

Personal information – name, date of birth, citizenship, address, mode of travel, purpose of travel and value of goods purchased abroad – is collected from customs declaration forms and matched with data from other CBSA sources to form a passage history.

Computers analyse passage histories to pinpoint people who have unusual or suspicious travel patterns. These individuals may be earmarked for closer scrutiny by customs officials and law enforcement agents.

What you should know:

- The Integrated Customs Enforcement System (ICES) is an automated system used by frontline customs inspectors, intelligence and investigations staff to collect personal information related to cross-border travel.
- ICES also contains records on arrests, seizures and customs investigations.
- Using ICES, CBSA officers are able to create, access, maintain and issue “lookouts.” A lookout flags or identifies particular travellers or vehicles on the basis of risk indicators or other available intelligence.
- Some travellers may be pulled over for secondary inspections or searches. In that case, all related information is also entered into the ICES database, including the reason for the additional screening; the results of the search; interview notes; identity information such as name, age, address, citizenship, licence and passport numbers; details of any CBSA actions taken (for example, if the individual was searched, arrested or detained), and the names of travel companions.
- Personal information collected under this program is retained for six years.



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Customs Searches

Under Canada’s *Customs Act*, CBSA officers have widespread powers to stop and search individuals, their baggage and other possessions and devices at any Canadian port of

entry, be this a land border crossing, air terminal or sea port. When such searches have been challenged in court, judges have typically recognized that people should have reduced expectations of privacy at border points. In this special context, privacy and other Charter rights are limited by factors such as sovereignty, immigration control, taxation and security.

What you should know:

- CBSA officers are authorized to conduct searches of individuals entering Canada, including their baggage, parcels or devices such as laptops, BlackBerrys or cellphones. These searches may be conducted without a warrant.
- In addition, officers may examine devices for photos, files, contacts and other media, in much the same way customs officials have broad powers to open, inspect and seize mailed packages being delivered into Canada.

Redress:

- If you have a dispute with any decision or search undertaken by an official of the CBSA, the agency's [Recourse Directorate](#) can review your case.

Canada's No-fly List

The goal of Canada's no-fly initiative, known as the **Passenger Protect Program**, is to prevent people who are believed to pose an immediate threat to air safety from boarding airplanes in Canada. Under the program, Canadian air carriers are required to match the names of all ticket holders against a watch list, known as the Specified Persons List. The list is compiled and administered by Transport Canada, based on advice from the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service (CSIS) and input from shared global intelligence.

What you should know:

- If a person's name matches one on the list, the airline representative must contact Transport Canada.
- If that person is determined to be the individual on the list, then he or she is barred from boarding the aircraft.
- The Specified Persons list contains the name, gender and birth date of any person the government deems too dangerous to fly.

Transport Canada, which sets policies and regulations on air safety, airline personnel and airport policy, also administers the [Passenger Protect Program](#). For information about Transport Canada programs, visit its website: www.tc.gc.ca.

Redress:

- If you have been denied the right to board an aircraft and you believe you have been placed on the Specified Persons List in error, you can apply to Transport Canada's [Office of Reconsideration](#) to have your case reviewed.
- Applicants for review must submit certified true copies of identity documents (such as birth certificates, passports or citizenship cards) along with certification from certain acceptable officials, including judges, lawyers, mayors or police officers.
- A review can be either to establish that the traveller is a different person than a known threat listed on the Specified Persons List, or to re-examine the basis and validity of an individual being listed as a threat to aviation security.
- The Office of Reconsideration aims to complete each review within 30 days.
- The Office also stipulates the [Canadian Human Rights Commission](#) and the [Federal Court of Canada](#) as avenues for redress for people denied boarding.

Your Privacy Rights

As a Canadian traveller, your privacy rights kick in from the moment you book a flight – online or through a travel agency – and continue on through the airport lobby and into the pre-boarding area. Those rights are protected by two federal laws.

- The [Privacy Act](#) applies to government departments and agencies, including Transport Canada, Citizen and Immigration Canada, the Canadian Air Transport Security Authority, the Canada Border Services Agency and the RCMP.
- Private enterprises, meanwhile, are governed by the [Personal Information Protection and Electronic Documents Act](#). PIPEDA applies to airlines, travel agencies and the many other commercial organizations that do business at airports, from duty-free stores and magazine shops to eateries and concessions.

Together, these two laws provide important safeguards for your privacy. In particular, commercial organizations and government agencies are obliged to limit the collection and use of your personal information, ensure it is accurate, protect it from unauthorized disclosure, minimize authorized disclosure, and provide access and correction measures for individuals. This is critically important because air security programs depend on the collection and analysis of large amounts of personal information. Any mistake can have grave consequences, including stranding travellers at airports or branding them as terrorists.

If you have Concerns

If you think your personal information has been collected, used or disclosed improperly by a government security program, you can turn to one of the redress mechanisms described in this fact sheet. There are also dedicated review bodies for complaints against the RCMP ([the Commission for Public Complaints against the RCMP](#)) and CSIS ([Security Intelligence Review Committee](#)) if Canadian travellers have concerns about their treatment or experiences. While currently without independent review bodies, the other agencies involved in aviation security do have complaint mechanisms, accessible at these links for [CATSA](#) and [CBSA](#) respectively.

If you are concerned about the potentially inappropriate collection or handling of your personal information by an airline or other commercial enterprise, you should start by contacting the organization directly and trying to have your issue resolved. If you are unsatisfied with the response you get from the government or private organization, you can file a complaint with the [Office of the Privacy Commissioner of Canada](#). The Commissioner has the power to investigate complaints, search for resolutions satisfactory to both parties, and make findings and recommendations. In the case of commercial organizations, she may take an unresolved complaint to Federal Court to obtain an order to respect your privacy rights which may have been violated.

For more information, please contact our Office

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