

The Identity Project

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December 23, 2018

Amtrak FOIA Office
60 Massachusetts Avenue, NE
Washington, DC 20002

via e-mail to <foiarequests@amtrak.com>

FOIA Request

Fee benefit requested

Fee waiver requested

Dear FOIA Officer:

This is a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

I request access to and copies of:

- (1) The current interline agreement between Amtrak and VIA Rail Canada and any other current agreement between Amtrak and VIA Rail Canada pertaining to the collection, use, retention, or disclosure of personal information pertaining to ticket purchasers or passengers or contained in reservations, including but not limited to information in ARROW records and records in computerized reservation systems (CRSs) or global distribution systems (GDSs) used by Amtrak's agents or sub-agents;
- (2) Amtrak's current contracts with Sabre, Travelport, and Amadeus, including any attachments, addenda, amendments, or supplemental agreements;
- (3) Amtrak's current privacy policy or policies pertaining to ticket purchasers and passengers, any records of changes to that policy since January 1, 1996, and any records pertaining to the legal basis for that policy;

- (4) Any Amtrak policies, procedures, terms, conditions, training materials, or instructions to staff, contractors, or ticket sales agents pertaining to the collection, use, retention, or sharing by Amtrak of personal information, including identity documents or other evidence of identity (a) collected in Canada or the European Union, (b) pertaining to passengers boarding trains in Canada, or (c) pertaining to passengers purchasing or holding tickets issued by agents or sub-agents of Amtrak in Canada or the European Union, by VIA Rail Canada, or by VIA Rail Canada or its agents or sub-agents;
- (5) Any policies, procedures, or communications within Amtrak, between Amtrak and VIA Rail Canada, or between Amtrak and other agencies concerning the applicability of Amtrak terms and conditions, including Amtrak's privacy policy or requirements for government-issued identity documents or other evidence of identity, to passengers traveling on tickets issued (a) in the European Union or Canada or (b) by VIA Rail Canada or its agents or sub-agents;
- (6) Any records pertaining to the legal basis for applying Amtrak conditions of carriage to passengers traveling on tickets issued in Canada or the European Union or the use, sharing, or transfer of data pertaining to such passengers;
- (7) Any Amtrak policies, procedures, terms, conditions, training materials, or instructions to staff, contractors, or ticket sales agents pertaining to compliance with (a) the Canadian Personal Information Protection and Electronic Documents Act (PIPEDA), (b) the European Union Data Protection Directive (Directive 95/46/EC), or (c) the European Union General Data Protection Regulation (GDPR), including but not limited to any policies or procedures for the exercise of access rights by data subjects;
- (8) Any records pertaining to (a) the legal basis for applying Amtrak conditions of carriage or requirements for evidence of identity to passengers traveling on tickets issued in Canada or the European Union, (b) the use, sharing, or transfer of data pertaining to such passengers, or (c) the applicability to Amtrak or to Amtrak's agents and contractors of the Canadian Personal Information Protection and Electronic Documents Act (PIPEDA), the European Union Data Protection Directive (Directive 95/46/EC), or the European Union General Data Protection Regulation (GDPR);
- (9) Any electronic file in which any of the above records are included;

- (10) All metadata pertaining to any such file, including but not limited to the filename including any extension; the filesize in bytes, KB, MB, or GB; the name of the workstations, server, other device, or virtual server, or the label on the archival or backup media, in which the file was found; the path to the file on that device or in that filesystem; the creation, modification, and/or any other date(s) for the file, as stored in the filesystem in which it is found; and the owner and all permissions (creation, access, and modification) for the file in the filesystem in which it is found.

I request that all responsive records be provided in text-searchable electronic form, and that each responsive digital record be produced in the form of a discrete file.

With respect to any records held in electronic form, I request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original e-mail archive files, word processing files, or other electronic files, including any file headers, embedded metadata, and all other file content.

With respect to any e-mail messages included in the responsive records, I specifically request access to and copies of the raw "message source" files including all headers and attachments, fully expanded e-mail addresses, full addresses for address "aliases", full lists for "distribution list" aliases, and all related metadata.

I request that any PDF files be produced in text-searchable form. I request that image files not be substituted for responsive digital records of e-mail messages, word processing files, spreadsheets, or presentations, or other digital files containing text.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on Amtrak policies and procedures that is of current interest to the public as part of widespread public interest in ID requirements for travel by common carrier and the handling of personal data pertaining to ticket purchasers and passengers.

There is particular interest in Amtrak's privacy policies and practices with respect to tickets issued in the European Union in Canada, in light of the substantial differences between relevant US, Canadian, and EU law and the recent changes to EU law through the enactment of the EU General Data Protection Regulation (GDPR).

This information is being sought on behalf of The Identity Project (“IDP”). IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

This information will be made available to the public. The principal activity of IDP is publication of the informational and educational Web site at <<http://www.papersPlease.org>>, where we have published documents obtained in response to our previous FOIA requests and reports on Amtrak policies and practices.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The records we are requesting clearly relate to government operations and activities. It is in the public interest for the public to know what terms, conditions, and policies apply to Amtrak travel and personal information.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. Please respond as soon as possible to confirm your receipt of this request. I look forward to your complete reply within 20 business days, as the FOIA statute requires.

Sincerely,

Edward Hasbrouck
Consultant on travel-related civil liberties issues
The Identity Project (PapersPlease.org)