

Dear Port of Seattle Commissioners,

Cc: Stephen Metruck, Port of Seattle Executive Director

We, the Tech Equity Coalition, including members of the former Port of Seattle Biometrics External Advisory Group, community organizers, and privacy advocates, write to urge you to post clear and accessible signage in both visual and auditory forms in the new International Arrivals Facility (IAF) regarding the collection of biometric data from travelers and the rights available to travelers. Such signage should be present and discernible prior to an individual's biometric data being collected. Since Customs and Border Protection (CBP) has not posted such signage themselves, then the Port of Seattle must step up to do so.

On April 9th, 2022, Seattle-Tacoma International Airport (SEA) conducted a passenger flow simulation for the new IAF. The simulation enabled participants to "evaluate parts of the passenger journey such as ... signage".¹ Multiple members of the public participated in this simulation and found that the IAF's Simplified Arrivals area contains zero signage regarding the collection of biometric data from travelers or their rights under federal law at the point of biometric data collection. This lack of clear and accurate signage violates all seven of the Port of Seattle's Principles for Public-Facing Biometric Technology, which were adopted in Motion 2019-13.²

The Port of Seattle can and should post signage making it clear that CBP intends to collect biometric data from travelers and that U.S. citizens have the right to opt out of biometric data collection. This signage must be accessible to non-English speakers and people with disabilities. There is no federal law that prohibits a Port from posting lawful and factual signage on their Port property, and the Port has a responsibility to provide the public with clear signage to mitigate harm from CBP's activities.

In announcing a recent lawsuit against CBP and the Transportation Security Administration (TSA), the ACLU stated, "Unlike other forms of identity verification, facial recognition technology can enable undetectable, persistent government surveillance on a massive scale. As this technology becomes increasingly widespread, the government can use it to track individuals' movements and associations, posing grave risks to privacy and civil liberties. When such a technology is used by agencies like CBP, and TSA—which have been caught tracking and spying on journalists, subjecting innocent travelers to excessive and humiliating searches, and targeting and interrogating individuals because of their national origin, religious beliefs, or political views—we should all be concerned."³

The Port of Seattle's July 13th, 2021 Executive Policy on federal-collection of biometric data includes:

- "Requesting notification, and information on how systems meet Port's Biometric Principles"
- "Developing a comprehensive communications plan that notifies the general public of the implementation and all related information"
- "Guidelines for avoiding unintended image capture"

¹ [SEA Recruiting Volunteers for Passenger-Flow Simulation of International Arrivals Facility | Port of Seattle \(portseattle.org\)](https://portseattle.org/SEA-Recruiting-Volunteers-for-Passenger-Flow-Simulation-of-International-Arrivals-Facility)

² [Adopting Biometrics Principles and Establishing Working Group \(portseattle.org\)](https://portseattle.org/Adopting-Biometrics-Principles-and-Establishing-Working-Group)

³ [The Government Has a Secret Plan to Track Everyone's Faces at Airports. We're Suing. | News & Commentary | American Civil Liberties Union \(aclu.org\)](https://www.aclu.org/news/civil-liberties/the-government-has-a-secret-plan-to-track-everyones-faces-at-airports-were-suing)

These recommendations were adopted by the Port of Seattle via Order 2021-06.⁴ Given the lack of signage regarding biometric data collection at the new IAF, it appears that none of those policies have been adhered to for Air Entry, which those policies were specifically created to cover.

It is important to note that many civil rights and civil liberties groups⁵ have already urged the Port of Seattle to reject collaboration with CBP⁶ and not facilitate CBP's unauthorized surveillance.⁷ While the Port has chosen to collaborate with CBP, it still has a responsibility to protect travelers from surveillance harms.

Should the Port neither attempt nor post signage regarding biometric data collection in the IAF, then the Port will be further facilitating CBP's mass surveillance of travelers and violating its own principles.

We urge the Port of Seattle to post clear and accessible signage in the IAF regarding the collection of biometric data from travelers and the rights available to travelers, prior to and at the point of biometric data collection.⁸ If CBP does not willingly post such signage themselves, then the Port of Seattle must step up to do so.

Signed,

ACLU of Washington
Coalition for Rights & Safety for People in the Sex Trade
Conrad Cipoletti, Seattle Resident
Cynthia Spiess, T.E.C. Member & Independent Cybersecurity Researcher
Delcine Hackley, Seattle Resident
Emerald Onion
Indivisible Plus Washington
Japanese American Citizens League (JACL), Seattle Chapter
Katelyn Taylor, Private Advocate
La Resistencia
Legal Voice
Lisa Brownlee, WA Resident
MAPS-AMEN (American Muslim Empowerment Network)
OneAmerica
Parent Coalition for Student Privacy
Phil Mocek, Privacy Advocate and Tacoma resident
Strippers Are Workers (SAW)
The Identity Project (PapersPlease.org)
WA People's Privacy Network
Washington Association of Criminal Defense Lawyers
Washington Defender Association

⁴ [Order 2021-06.pdf \(portseattle.org\)](#)

⁵ [Open Letter to Port of Seattle Commission | ACLU of Washington \(aclu-wa.org\)](#)

⁶ [Port Biometrics ACLU + BEAG Letter of Dissent - September 29, 2020 | ACLU of Washington \(aclu-wa.org\)](#)

⁷ [Face Scans at Airport Departure Gates: An Investigation \(airportfacescans.com\)](#)

⁸ The CBP SEA IAF Standard Operating Procedure states, "The Port Director or designee shall determine the extent of CBP security areas at each airport." This means it is within the Port's control to designate what areas are within CBP oversight; and could empower the Port to designate that the walls of the hallways, mezzanine floor, and/or baggage claim area as not technically within a CBP security area.