



8 travel rights at TSA airport checkpoints

By Ned Levi

When going through TSA screening, passengers have rights. Here are eight travel rights at TSA airport checkpoints.

When we go to airports in the U.S. and throughout the world, before we are permitted to proceed to our gates to board our flights, we have to go through airport security. In the U.S., airport security is generally conducted by the TSA (Transportation Security Administration).

When screened by TSA, air travelers have many rights which can make their screening easier, safer and fairer. It's important for each passenger to know their rights to ensure TSA TSOs (Transportation Security Officer) screen them properly and legally.

Many travelers are unaware of their rights at TSA airport security. Here is a list of eight travel rights at TSA airport checkpoints under TSA regulations which air travelers should definitely know to protect themselves.

1. TSA is only permitted to do "administrative searches" of passengers and their belongings, looking for prohibited items to ensure passengers' safety. "Criminal searches" may be carried out only by law enforcement personnel such as the FBI, and state and local law enforcement officers, which may be called in by TSA at their discretion. If TSA finds a gun in a passenger's possession during screening, for example, the passenger can count on a law

enforcement officer being called in.

2. Under a new TSA regulation, air travelers no longer have the absolute right to refuse going through TSA's full-body scanners and instead be screened with an enhanced pat-down. TSA does continue to generally accept passengers' requests for the pat-down. The Competitive Enterprise Institute and the Electronic Privacy Information Center have challenged the regulation at the U.S. Court of Appeals for the District of Columbia. The case was heard in September, but the court hasn't yet issued a ruling. Since this change in policy at TSA occurred, I've not been personally refused an enhanced pat-down. When asking for it, I calmly explain that I'm concerned about the long term health effects of the MMW waves emanating from full-body scanners and would appreciate TSA not forcing me to be irradiated.

3. Travelers have the right to request that the pat-down be conducted by a TSO of their gender. I've had to make this request just once, in Los Angeles, at a checkpoint which was very busy. It took about 10 minutes to get a man who was free to do the search. He was very professional when he did it. Typically I've always been assigned a man immediately, and my wife a female TSO.

4. Travelers have the right to request a private screening. Even if travelers don't ask, TSA TSOs are required to offer a private screening if sensitive or private areas of the body must be touched during a pat-down. Private screenings don't have to be completely private. Travelers have the right to bring a companion or family member with them to the private screening, and another TSA officer is required (of the same gender) to be present to observe the screening for any irregularities.

5. Passengers have the right to have TSOs change their gloves prior to their screening. I always request the TSO change their gloves, speaking to them calmly and with a serious voice.

Changing gloves is important to ensure hand hygiene for when TSO's touch your skin and any external medical devices you might have. It's also essential to prevent contamination of an explosives test. Nitrate-based explosives are particularly sticky. If the TSO's gloves touched nitrate residue when worn before your test,



7. Travelers may ask for reasonable accommodation during screening, including wheel chairs, crutches, canes, etc. Passengers must recognize that such accommodation devices are also subject to screening.

8. Passengers have the right not to remove or lift any article of clothing to reveal a sensitive body area. This rule extends to the removal or lifting of items of religious clothing. Sikh men, for example, often wear turbans that traditionally may not be touched by others. Sikh men, therefore, may ask to pat down their own turbans in front of the TSA TSO. That said, after the "self-pat-down," TSOs are permitted to run an explosives test on the hands of the traveler. Muslim women wearing a hijab (head covering or scarf) may ask to be screened privately by a female TSA officer if removal of the hijab is absolutely necessary.



Denver Airport, TSA Security, Copyright 2009 Dan Paluska

you will test positive for explosives due to the glove's contamination, resulting in a potentially lengthy delay.

6. If a private screening is offered by TSA, passengers are permitted to refuse the offer and require TSA conduct the screening in public.

I never request a private screening personally as, in my opinion, TSA TSOs are far more likely to obey the law if the pat-down is done in public with fellow passengers eyeballing how I'm being treated. Additionally, I'm certain that my screening is being videoed for evidence, when I'm in public.

These eight travel rights at TSA airport checkpoints are meant to protect travelers from unreasonable screening procedures by TSA. If necessary, no traveler should be afraid to remind TSA of their rights, but do it in a calm and serious voice for the best result. Don't hesitate to ask for a supervisor to ensure you retain your rights when TSA TSOs are over-zealous in their actions and don't protect your rights sufficiently. Remember, you're part of the traveling public they are charged to serve.