

## Introduction

The Metropolitan Washington Airports Authority (MWAA) has developed a technology solution to authenticate passengers at airports. This solution, known as veriScan, will process Personal Data in accordance with applicable law and this Privacy Statement. MWAA respects individual privacy and values the confidence of such individuals. This Privacy Statement sets forth MWAA's privacy principles with respect to Personal Data, including the implementation of privacy procedures and technical security measures to keep Personal Data private and secure, which MWAA follows in its normal course of business.

MWAA complies with the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. MWAA has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>

MWAA participates in both the [EU – U.S. Privacy Shield](#) and [U.S. – Swiss Privacy Shield Frameworks](#). MWAA acknowledges its commitment to comply with the [EU – U.S. Privacy Shield](#) and [U.S. – Swiss Privacy Shield](#) Principles (“Principles”) for all Personal Data received from the EU, the UK, and Switzerland. MWAA will collect, use, and disclose Personal Data received from the EU, the UK, and Switzerland in accordance with the principles outlined in this Privacy Statement, in the Principles, and as required by law. For purposes of Privacy Shield compliance enforcement, MWAA acknowledges that it is subject to the investigatory and enforcement powers of the United States Department of Transportation (USDOT).

## Scope

This Privacy Statement applies to Personal Data received by MWA from airline departure control systems and travelers in connection with the operations and use of the Site and the veriScan system.

## Definitions

For the purposes of this Privacy Statement, the following definitions shall apply:

“MWA” means Metropolitan Washington Airports Authority

“Personal Data” is data about an identified or identifiable individual that is within the scope of applicable law, including Regulation (EU) 2016/679, received by an organization in the United States from the European Union and recorded in any form.

“veriScan system” refers to the technology solution used to authenticate the identity of individuals via facial recognition.

“Site” refers to the veriScan web page; [www.aviationveriscan.com](http://www.aviationveriscan.com).

“Sensitive Personal Data” is Personal Data which includes information such as unique government identification credentials, race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or information that concerns health, sexual orientation, or criminal allegations (convictions or otherwise), or is otherwise defined by the Principles as “sensitive information” (see, e.g., Commission Implementing Decision (EU) 2016/1250, Annex II § II.2.c).

## MWA Privacy Statement

**Notice:** veriScan will only process Personal Data as required by law or as specified herein for the purposes of this Privacy Statement.

### PURPOSE FOR COLLECTION, USE, AND DISCLOSURE OF PERSONAL DATA

MWA may collect, use, and disclose Personal Data in its normal course of business with respect to the Site and the veriScan system for the following purposes:

- In conjunction with U.S. Customs and Border protection (CBP) systems for the identification authentication activities defined by the CBP's Air Entry and Exit programs;
- Meeting legal, security, processing, and regulatory requirements;
- In conjunction with airline departure control systems;
- Providing the veriScan technology solution to MWAA business partners; and
- Compiling statistics for analysis of the veriScan site and services.

## **WHAT DATA WE COLLECT**

As part of how we provide the veriScan service, MWAA may be provided Personal Data from third party sources. Generally, this information is limited to the authorization by CBP of an individual to board an aircraft at a participating airline gate.

When interacting with the veriScan system, individuals will provide us with photographic information in order to provide the veriScan service.

### **Where you request information via the Site**

If, while interacting with the Site, you request further information about our services, we may require you to submit your name, e-mail address, the name of your organization, and the country in which you are based.

### **Where you register with us and/or request services via the Site**

If you register with the Site, or request a service available on the Site, we may ask you for your name, e-mail address, country, telephone number, and the reason for your communication; as well as information about your position, organization, and such other information as is reasonably necessary so that we can respond. If we ask for such information, then on the data submission form, we shall indicate by way of an asterisk which information is optional and which information is mandatory.

Individuals should not provide MWAA with any Personal Data that is not specifically requested. Where MWAA receives Personal Data from other entities, it will use or disclose such Personal Data in accordance with the above procedures.

MWAA may consolidate or aggregate Personal Data in a non-identifiable form (anonymized/pseudonymized data) to help MWAA improve product design and services, to enhance MWAA's research activities, and to facilitate other business functions.

## **DISCLOSURE OF INFORMATION TO OTHERS**

We do not disclose any Personal Data about you collected via the veriScan service or the Site to any third parties except as stated in this Privacy Policy, as otherwise permitted by law, or authorized by you.

### **Generally**

Third parties to whom we disclose information are required by law and contractual undertakings to keep your Personal Data confidential and secure, and to use and disclose it for purposes that a reasonable person would consider appropriate in the circumstances, in compliance with all applicable legislation, which purposes are as follows:

- For legal, regulatory, and related purposes; and
- To manage the Site via data processing service providers.

If these third parties wish to use your Personal Data for any other purpose, they will have a legal obligation to notify you of this and, where required, to obtain your consent. Contact us at [privacy-info@mwaa.com] for more information on these third parties.

### **Service Providers**

Because a number of the service providers we use are located in the United States, your Personal Data will be processed and stored inside the United States; and the U.S. government, courts, or law enforcement or regulatory agencies may be able to obtain disclosure of your Personal Data under U.S. laws.

## Other Legally Required Disclosures

MWAA reserves the right to disclose without your prior permission any Personal Data about you or your use of this Site if MWAA has a good faith belief that such action is necessary: (a) to protect and defend the rights, property, or safety of MWAA, employees, other users of this Site, or the public; (b) to enforce the terms and conditions that apply to use of this Site; (c) as required by a legally valid request from a competent governmental authority; or (d) to respond to claims that any content violates the rights of third parties. We may also disclose Personal Data as we deem necessary to satisfy any applicable law, regulation, legal process, or governmental request.

### Choice:

MWAA generally does not rely on consent as the basis for processing. We usually rely on our legitimate interest in providing the veriScan service as the fair and lawful basis for processing Personal Data. However, there may be times when we do rely on consent for such processing. Your knowledge of and consent to MWAA's collection, use, and disclosure of your Personal Data is important **when we use consent as a basis** for processing Personal Data. We rely on your voluntary provision of Personal Data to us directly as the indication of your consent to our Personal Data handling practices.

**Where MWAA relies on consent** for the fair and lawful processing of Personal Data, the opportunity to consent will be provided when the Personal Data in question is collected. Your consent may be given through your authorized representative, such as a legal guardian, agent, or holder of a power of attorney.

As it relates to your use of the Site and the veriScan service, MWAA maintains servers and other storage facilities in the United States. As a consequence of your use of the site or the veriScan service, your Personal Data may be used or stored in the United States. Regarding data collected by the site, your use of the site is affirmative consent to the processing of your Personal Data in a country which may not have the same level of privacy protection as your country of residence. Should you withdraw this consent,

you agree that you will not use or visit the Site subsequent to your withdrawal of such consent.

**Where MWAA relies on consent** for the fair and lawful processing of Personal Data, and subject to certain legal or contractual restrictions and reasonable notice, you may withdraw consent at any time. MWAA will inform you of the consequences of withdrawing your consent. In some cases, refusing to provide certain Personal Data or withdrawing consent for MWAA to collect, use, or disclose your Personal Data could mean that we cannot provide the requested services or information to you.

If you wish to withdraw consent please refer to the contact information section below.

However, there are a number of instances where MWAA does not require your consent to engage in the processing or disclosure of Personal Data. MWAA may not solicit your consent for the processing or transfer of Personal Data for those purposes which have a statutory basis, such as:

- The transfer or processing is in our legitimate interest for the provision of the veriScan service;
- The transfer or processing is necessary for the performance of a contract between you and MWAA;
- The transfer or processing is necessary for the performance of a contract, concluded in your interest, between MWAA and a third party;
- The transfer or processing is necessary or legally required on important public interest grounds; for the establishment, exercise, or defense of legal claims, or to protect your vital interests; or
- The transfer or processing is required by applicable law.

For Sensitive Personal Data, MWAA will provide individuals the opportunity to affirmatively and explicitly authorize or consent to the collection, processing, transfer, or disclosure of their Sensitive Personal Data to a non-agent third party or to the use of

their Sensitive Personal Data for a purpose other than the one for which the individual originally consented.

MWAA will not disclose your Personal Data to third parties except as otherwise stated in this Privacy Statement.

**Accountability for Onward Transfers:** MWAA will obtain assurances from any service providers, if any, that they will safeguard Personal Data consistent with this Privacy Statement. An example of appropriate assurances that may be provided by service providers includes a contractual obligation that the service providers provide at least the same level of protection as is required by MWAA's privacy Principles set out in this Statement. Where MWAA has knowledge that a service provider is using or disclosing Personal Data in a manner contrary to this Privacy Statement, MWAA will take appropriate steps to prevent or stop the use or disclosure. MWAA also complies with the Privacy Shield Principle regarding liability for onward transfers.

In addition, MWAA may transfer Personal Data collected by the Site outside of the individual's country of residence for the purposes and in the manner set out above; including for processing and storage by service providers in connection with such purposes. In all situations, MWAA takes reasonable steps to ensure that your privacy is protected. Such steps include, but are not limited to, implementing privacy, security, and contractual controls, as well as steps noted above, as required by applicable law. To the extent that any Personal Data is sent out of an individual's country of residence, it is subject to the laws of the country in which it is held, and may be subject to disclosure to the governments, courts, or law enforcement or regulatory agencies of such other country, pursuant to the laws of such country, consistent with the Principles.

**Security:** MWAA has implemented reasonable physical, technical, and managerial controls and safeguards to keep your Personal Data protected from unauthorized access, disclosure, alteration, and destruction.

**Data Integrity and Purpose Limitation:** MWAA will use Personal Data only in ways that are compatible with the purposes for which it was collected or consented to by the

individual. MWAA will have appropriate steps in place to ensure that Personal Data is relevant to its intended use, accurate, complete, and current. MWAA will only store Personal Data for as long as it is needed to fulfill the purposes for which it was collected, subject to applicable data retention periods determined by MWAA as a result of applicable law.

### **Access and Correction:**

Upon written request, MWAA will grant individuals access to Personal Data that it holds about them, subject to any legal restrictions. In addition, MWAA will permit individuals to correct, amend, or delete information that is demonstrated to be inaccurate or incomplete, subject to certain exceptions provided by law. In some instances, applicable law or regulatory requirements allow or require MWAA to refuse to provide some or all of an individual's Personal Data. In addition, Personal Data may have been destroyed, erased, or made anonymous in accordance with MWAA's record retention obligations and practices. In the event that MWAA cannot provide an individual with access to his/her Personal Data, MWAA will endeavor to provide the individual with an explanation, subject to any legal or regulatory restrictions.

### **Recourse, Enforcement and Liability**

#### **Individual Complaint**

You may contact MWAA regarding any question or complaint regarding the collection, processing, and transfer of their Personal Data under the Privacy Shield by fully describing your question or complaint, including all the relevant details such that we may identify you, in an email and emailing it to [\[privacy-info@mwaa.com\]](mailto:privacy-info@mwaa.com). MWAA will promptly investigate and respond to complaints within 45 calendar days of their receipt. MWAA will attempt to resolve complaints, disputes and requests to revoke consent regarding collection, processing, transfer, and disclosure of Personal Data in accordance with the principles contained in this Privacy Statement, and the Principles.

MWAA will conduct periodic compliance audits of its relevant privacy practices to verify adherence to this Privacy Statement.

## **Independent Recourse Mechanism**

Privacy Shield-related complaints or disputes that cannot be resolved between MWAA and the complainant will be handled through the JAMS dispute resolution process. MWAA has engaged JAMS as an independent dispute resolution provider. JAMS is an independent organization whose mission is to build user trust and confidence by promoting the use of fair information practices. In the event that MWAA is unable to resolve a complaint or dispute to the satisfaction of the complainant, the complainant may make an online request for dispute resolution assistance by JAMS at <https://www.jamsadr.com/eu-us-privacy-shield>, or by mail at the following address:

JAMS San Francisco Mediation, Arbitration and ADR Services  
Two Embarcadero Center  
Suite 1500  
San Francisco, CA 94111  
USA

Such online or regular mail request to JAMS must include the following information: (i) the name of the company, (ii) the alleged privacy violation, (iii) contact information of the complainant, and (iv) whether the complainant would like the particulars of the complaint shared with MWAA. The use of this independent dispute resolution provider is at no cost to you.

## **Binding Arbitration**

Under certain circumstances, it is possible that you may use binding arbitration as a final resort to address any Privacy Shield complaints you may have. In order to invoke this arbitration option you must take the following steps prior to initiating an arbitration claim: (1) raise the claimed violation directly with MWAA and afford us an opportunity to respond to the issue within 45 days; (2) make use of the independent recourse mechanism, in this case JAMS, which is at no cost to you; and (3) raise the issue through your Data Protection Authority to the U.S. Department of Commerce and afford the U.S. Department of Commerce an opportunity to use best efforts to resolve the issue.

This arbitration option may not be invoked if your same claimed violation (1) has previously been subject to binding arbitration, (2) was the subject of a final judgment entered in a court action to which you were a party, or (3) was previously settled by you and MWAA. In addition, you may not invoke this option where the Data Protection Authority of the country of your residence already has jurisdiction to resolve your complaint.

You may initiate binding arbitration, subject to the pre-arbitration requirements provision above, by delivering a “Notice” to MWAA. The Notice shall contain a summary of steps taken to resolve the claim, a description of the alleged violation, and, at the choice of the individual, any supporting documents and materials and/or a discussion of law relating to the alleged claim. For more information on how to invoke arbitration under the Privacy Shield Framework, please visit <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

Finally, you may only use binding arbitration to ensure MWAA follows the data handling practices set out in this Policy. No other form of remedy is available by any arbitration under this section.

### **Contact Information**

Any questions or concerns regarding handling of Personal Data under the Privacy Shield or related to revocation of consent to collect, process, transfer, or disclose your Personal Data should be directed by email to [privacy-info@mwaa.com](mailto:privacy-info@mwaa.com).

Any requests to opt-out of future communications from MWAA, or to opt-out of a particular MWAA program, should be directed to MWAA by e-mail at [privacy-info@mwaa.com](mailto:privacy-info@mwaa.com)

Alternatively, letters may be sent to the following address:

MWAA  
Attn: Office of General Counsel/Privacy  
1 Aviation Circle  
Washington, DC 20001-6000

All communications to MWAA should include the individual's name and contact information (such as e-mail address, phone number, or mailing address), and a detailed explanation of the request. E-mail requests to delete, amend, or correct Personal Data should include "Deletion Request" or "Amendment/Correction Request," as applicable, in the subject line of the e-mail. MWAA will endeavor to respond to all reasonable requests in a timely manner, and in any case, within any time limits prescribed by applicable law.

### **Changes To MWAA Privacy Statements**

MWAA reserves the right to amend this Privacy Statement from time to time to reflect technological advancements, legal and regulatory changes, and MWAA's business practices, subject to applicable laws. If MWAA changes its privacy practices, an updated version of this Privacy Statement will reflect those changes. MWAA will provide notice of such changes by updating the effective date listed on this Privacy Statement. It is your responsibility to check this Privacy Statement frequently to view any amendments. Your continued interaction with MWAA, in the activities covered above, will be subject to the then-current Privacy Statement.

**Last Updated: January 14, 2020**