



# KNOW YOUR RIGHTS: AIRPORT SECURITY AND TRANSGENDER PEOPLE

Updated November 2013

*The right to travel freely is a fundamental human right, yet travelers across the country continue to express concerns about the intrusive security screening procedures used by the Transportation Security Administration (TSA). These procedures can be invasive of everyone's privacy and are of particular concern to transgender people because of their potential to "out" people in unsafe ways, potentially leading to harassment and discrimination. Most of the time, however, transgender people are able to proceed through security without incident. This guide answers common questions trans people may have about airport security procedures and outlines steps individuals can take to prevent and respond to problems at the airport.*

## PACKING AND PREPARATION

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All luggage—checked and carry-on—must be screened and may be hand-searched by TSA personnel. Be sure to check TSA's list of prohibited items. In deciding whether to check or carry on baggage, keep in mind that carry-on luggage is subject to additional restrictions (for example, regarding liquids and gels), and may be searched in your presence. Packing valuable items like cameras, cash, or laptop computers in your checked luggage is not recommended.

Medical equipment and prosthetics will be allowed through the checkpoint after completing the screening process, but some travelers may feel more comfortable putting these things in checked baggage. Gel-filled prosthetic items such as breast forms are not included in the three-ounce liquid limit for carry-ons, as they are considered medically necessary, but their presence in your carry-on luggage may result in extra screening. If possible, consider packing items containing liquid, gel, or powder in your checked luggage. Any medications and supplies such as syringes should be placed in a separate bag in your carry-on luggage. All travelers may ask any TSA official for private screening if their bags need to be opened.

You have the right to wear what you wish. Certain types of clothing, shoes, binding materials, prostheses or jewelry may cause you to receive additional scrutiny. Remove outerwear before you get to the security checkpoint. Airport metal detectors are extremely sensitive and may be set off by piercing jewelry, underwire or metal boning in clothing, and many shoes.

Travelers with questions about medical equipment, prostheses, or other assistive devices or about medical privacy can call the TSA Cares hotline in advance of their trip at 1-855-787-2227 to speak with a trained representative. For other advance travel questions, you can call TSA's Contact Center at 1-866-289-9673, or submit a question via TSA's website.

## BUYING TICKETS AND BRINGING ID

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All passengers 18 years of age or older are required to provide proof of identity at check-in and at the security checkpoint. TSA rules require that you provide your name, gender, and date of birth when making an airline reservation. The name, gender, and date of birth must match the government-issued photo ID you will provide when passing through security. The Secure Flight program checks this information against government watch lists, and gender information is used to eliminate false matches with the same or similar names – not to evaluate a person's

## **BUYING TICKETS AND BRINGING ID (CONTINUED)**

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gender. If you have different names or genders listed on different ID, you can choose which to provide, so long as you bring photo ID that matches your reservation. TSA Travel Document Checkers will check as you enter security to ensure that information on your ID matches your boarding pass. It does not matter whether your current gender presentation matches the gender marker on your ID or your presentation in your ID photo, and TSA officers should not comment on this.

Sometimes travelers have their tickets booked for them by other people. When this happens, you should make sure that the person booking your tickets uses the information on the government-issued ID you plan to use at the airport. The gender marker on your boarding pass must match the government-issued photo ID you show the TSA Travel Document Checker.

## **WHOLE-BODY SCANNERS**

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Advanced Imaging Technology (AIT) is TSA's term for devices it uses to scan the contours of the human body to look for things under a person's clothing that might be dangerous items. All TSA scanners are now equipped with software called Automatic Target Recognition (ATR). ATR analyzes the scan image of the body and displays an outline of a generic person with the location of anything the software identifies as an "anomaly" that TSA agents need to look at more closely. They call these things "anomalies." With ATR, according to the TSA, images of a traveler's actual body are never viewed by humans.

TSA will not disclose details of how ATR detects anomalies. While it is conceivable that ATR software could register body contours not typical for a person's gender as anomalies, NCTE is not aware of any instance of this actually happening. Foreign objects such as prosthetics, binding garments, or even paper or change left in a pocket will commonly register as anomalies requiring further screening. Often this consists of a limited pat-down of the area(s) where an anomaly was detected, however it can potentially involve a complete pat-down.

You may opt out of AIT scans at any time, but if you do opt out of AIT screening, you will be required to undergo a thorough pat-down.

## **PAT-DOWNS**

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At checkpoints using body scanners, a pat-down is the only alternative to being scanned. A pat-down may also be required if an anomaly is identified by the machine, if your clothing is very loose, or on a random basis. TSA pat-downs can be very invasive. Children 12 and under should receive a modified, less-intrusive pat-down under the observation and direction of their parents if necessary.

If you choose a pat-down to avoid the AIT machines or if the TSA agents require one for another reason, the pat-down must be performed by an officer of the same gender as the traveler. This is based on your gender presentation. So, for instance, transgender women should be searched by female officers, and transgender men should be searched by male officers. The gender listed on your identification documents and boarding passes should not matter for pat-downs, and you should not be subjected to personal questions about your gender. If TSA officers are unsure who should pat you down, they should ask you discreetly and respectfully. If you encounter any problem, ask to speak to a supervisor and clearly and calmly state how you should be treated.

Travelers may ask for a private screening at any time. You may take a witness of your choosing with you when you are being privately screened.

## PERSONAL ITEMS

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Just like with AIT machines, objects under clothing during pat-downs, such as binders or prosthetic devices, may lead to additional questioning and screening. While this can of course be very uncomfortable for trans people, it is often best to explain in a straightforward manner what the item detected during screening is. Be prepared to give a brief description of what these objects are so that you can minimize additional screening and avoid delays.

Travelers should never be required to lift, remove, or raise an article of clothing to reveal a prosthetic item and should not be asked to remove it. This applies to binding items, breast forms, and other prosthetics. If a TSA officer asks you to reveal a prosthetic item, ask to speak to a supervisor and calmly explain the situation.

Wigs or hairpieces do not usually require additional screening, but this may be required if they are bulky or not form-fitting. If you have gone through a metal detector or body scanner and TSA personnel want to do additional screening of a wig or hairpiece, you may request that a pat-down be limited to your hairpiece or that you be permitted to pat the area down yourself and have your hands swiped for chemical residue.

If you are carrying medically prescribed items, such as syringes or dilators, it is very helpful to have proof of the medical necessity of the item(s). Ask your doctor for a letter stating that he or she has prescribed the item or if possible keep medical devices in any pharmacy packaging that includes a prescription label. Be prepared to briefly explain the purpose of the item if asked. Alternatively, consider packing these items in checked baggage, if possible.

## CHILDREN 12 AND UNDER AND ADULTS 75 AND OLDER

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The TSA has adopted modified screening procedures for passengers under age 12 and under or 75 and over that include:

- Allowing them to leave their shoes on.
- Allowing multiple passes through the walk through metal detector and advanced imaging technology to clear any alarms on children.
- Using explosives trace detection technology on a wider basis, which involves using a wand to detect chemical traces in lieu of a pat-down.

Despite these new policies for children, screening and especially the possibility of a pat-down can be especially stressful for transgender children. If TSA personnel determine a pat-down is necessary, discreetly explaining the situation may help ensure an appropriate and more sensitive response.

## BEHAVIORAL DETECTION PROGRAM

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In addition to the checkpoint procedures described above, the TSA often uses behavior detection at airports throughout the country. Behavioral Detection Officers (BDOs) stationed in airports observe travelers and look for behaviors consistent with people who are concealing criminal activity. BDOs may casually approach you and ask questions about your destination and luggage, looking for further cues. Trans travelers may understandably be nervous if approached by BDOs, and may fear that their apprehension about encountering transphobia or privacy invasions could cause them to look “suspicious.” If approached by a BDO, we encourage you to answer questions in a straightforward manner. If you encounter any difficulty, ask to speak to a supervisor.

## COMMUNICATING WITH TSA OFFICERS

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- All travelers have the right to be treated with dignity, discretion and respect. If you encounter any issues, politely ask to speak to a supervisor immediately. Never raise your voice or threaten TSA staff.
- You may request a private screening or to speak to a supervisor at any time during the security screening process. Screening can be conducted in a private screening area with a witness or companion of the traveler’s choosing.

## COMMUNICATING WITH TSA OFFICERS (CONTINUED)

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- Calmly state the problem and ask the TSA personnel to take the appropriate action. If TSA personnel are unaware of your rights, there are sometimes placards with general information, such as the right to refuse to enter a full-body scanner, in the screening area. You can politely refer TSA screeners to them.
- We encourage you to assert your rights in a positive and respectful manner. At the same time, we strongly encourage you not to get in a confrontation with TSA personnel if at all possible. Threatening TSA agents or other passengers or acting aggressively can result in serious criminal charges. This does not mean that you cannot assert your rights, just that you should do so as calmly and positively as possible.
- If you are required to undergo additional screening, or think you might be, one option for discreetly communicating with TSA personnel is to use a preprinted “Notification Card” to disclose a particular personal item, medical condition, or other information. A template for this card that TSA agents will immediately recognize is available here: <http://www.tsa.gov/traveler-information/notification-card>.

## TSA PRE-CHECK: AN OPTION FOR FREQUENT TRAVELERS

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TSA is currently offering an “expedited screening” program called TSA Pre-Check for select, frequent travelers at a growing number of participating airports. While the program does not guarantee that one can avoid body scans or pat-downs, participants may experience pat-downs less frequently, and will be able to take advantage of conveniences such as leaving shoes and belts on during screening. Previously, travelers could only take advantage of TSA Pre-Check either by being enrolled in elite frequent-flyer programs with select airlines, or by enrolling in a “trusted traveler” program with US Customs and Border Patrol (CBP), which requires a fee and an interview with CBP officials. Starting in Fall 2013, passengers will also be able to enroll in TSA Pre-Check directly by completing an online application, paying an \$85 fee, and providing fingerprints at an approved enrollment center. If you travel very frequently, this option may be worth considering.

## RESPONDING TO PROBLEMS

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If you encounter any problems:

- You have the right to file a complaint. Both the TSA and the Department of Homeland Security (DHS) have separate civil rights offices that accept complaints of discriminatory treatment by TSA. You may file a complaint with either office or with both.
- Information and an optional form for filing complaints with the DHS Office for Civil Rights and Civil Liberties can be found here: <http://www.dhs.gov/file-civil-rights-complaint>. Fill it out and email it to [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), or, if you cannot save the form, email the same information it asks for to that address.
- Information and an optional form for filing complaints with the TSA Office for Civil Rights and Liberty can be found here: <http://www.tsa.gov/traveler-information/travelers-filing-complaint>. You can submit a complaint by sending the form or an email containing the same information to [TSAExternalCompliance@dhs.gov](mailto:TSAExternalCompliance@dhs.gov).
- We encourage you to file complaints immediately after the incident, or as soon as you are able, and provide as many details as possible. You should include the airport, date, time, and as much information about the incident and people involved as possible.
- FlyRights is a free app available for iPhone and Android smartphones. It provides a way to immediately file a report of an incident of discrimination with TSA and DHS when it occurs. Links to the Android and iPhone versions are included in the Resource links below.
- Also consider sending a copy of your complaint to [NCTE@transequality.org](mailto:NCTE@transequality.org) to help us better understand the problems facing trans travelers and advocate for improvements.
- You may also contact TSA prior to travel through “Talk to TSA” or the TSA Contact Center at 1-866-289-9673 and [TSA-ContactCenter@dhs.gov](mailto:TSA-ContactCenter@dhs.gov).

## PROBLEMS WITH AIRLINE STAFF OR OTHER OFFICIALS

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While it is rare, transgender people occasionally experience disrespectful treatment or other problems from airline staff. The Federal Aviation Act prohibits sex discrimination by airlines against passengers. Both courts and federal agencies have interpreted laws prohibiting sex discrimination to include discrimination because a person is transgender or does not conform to gender stereotypes.

The Aviation Consumer Protection Division handles complaints of discrimination by airlines. For discriminatory treatment by personnel or contractors of an air carrier (e.g., pilots, gate agents, and flight attendants), file a complaint online (<http://airconsumer.ost.dot.gov/escomplaint/es.cfm>) or by letter. Complete information on how to file a complaint is available online. This division also provides information on how to file complaints ([http://airconsumer.ost.dot.gov/CP\\_AirlineService.htm](http://airconsumer.ost.dot.gov/CP_AirlineService.htm)) against other officials who have contact with air travelers, such as airport personnel and airport police.

### Additional Resources

**TSA Advanced Imaging Technology Overview:** <http://www.tsa.gov/traveler-information/advanced-imaging-technology-ait>

**TSA Transgender Traveler Overview:** <http://www.tsa.gov/traveler-information/transgender-travelers>

**TSA 3-1-1 Liquid Guidelines:** <http://www.tsa.gov/traveler-information/make-your-trip-better-using-3-1-1>

**TSA Security Technologies:** <http://www.tsa.gov/about-tsa/security-technologies>

**TSA Notification Card:** <http://www.tsa.gov/traveler-information/notification-card>

**TSA Traveling with Children Overview:** <http://www.tsa.gov/traveler-information/traveling-children>

**TSA Pre-Check Overview:** <http://www.tsa.gov/tsa-precheck/tsa-precheck-how-it-works>

**TSA 3-1-1 Liquid Guidelines:** <http://www.tsa.gov/traveler-information/make-your-trip-better-using-3-1-1>

**TSA Contact Information for Advance Travel Questions:**

TSA Cares Hotline (for medical questions): 1-855-787-2227

TSA Contact Center: 1-866-289-9673 and [TSA-ContactCenter@dhs.gov](mailto:TSA-ContactCenter@dhs.gov)

“Talk to TSA” webform: <https://apps.tsa.dhs.gov/talktotsa/>

**DHS Civil Rights Complaint information:** <http://www.dhs.gov/file-civil-rights-complaint>

**TSA Civil Rights Complaint information:** <http://www.tsa.gov/traveler-information/travelers-filing-complaint>

**FlyRights App for iPhone and Android:** <http://fly-rights.org/>