



Written by [Michael Tennant](#) on November 7, 2022

State Dept. Lets Other Agencies Search Passport Database at Will

The State Department is granting multiple federal law enforcement and intelligence agencies “unfettered access” to its passport database, which contains personal information on “more than 145 million Americans,” without any legal safeguards to protect privacy, Senator Ron Wyden (D-Ore.) charged in a Thursday [letter](#) to Secretary of State Antony Blinken.

Wyden discovered State’s policy of letting other agencies comb through passport data during an investigation into a Department of Homeland Security Office of Inspector General (OIG) report of abuses committed by a [secret Customs and Border Patrol \(CBP\) unit](#) that has essentially no limits on the investigations it can undertake.



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One CBP agent decided to look into an alleged relationship between a U.S. reporter and a congressional staffer. In so doing, he accessed the State Department’s passport database, obtaining personal information and passport photos for both individuals. Although the agent, his supervisor, and another CBP employee were referred to the Justice Department for potential criminal prosecution, the department “declined to prosecute and all three remain in their jobs,” reported [Yahoo News](#).

“In the normal course of criminal investigations and intelligence collection, federal officers must rely on legal processes, including subpoenas and National Security Letters, in order to obtain subscriber information and similar records,” Wyden wrote to Blinken. “The fact that many of the same records are readily available to federal agents through direct access to State Department passport applications removes any checks and invites exactly the kind of abuses detailed in the OIG report.”

“The breadth of this access highlights the potential for other abuses,” he continued. State Department officials told Wyden during a July briefing that 25 other unspecified federal agencies, including law enforcement and intelligence agencies, have access to the passport database. “They further stated that, while the department is not legally required to provide other agencies with such access, the department has done so without requiring these other agencies to obtain compulsory legal process, such as a subpoena or court order.”

“The department’s mission does not include providing dozens of other government agencies with self-service access to 145 million Americans’ personal data,” penned Wyden. “The department has voluntarily taken on this role, and in doing so, prioritized the interests of other agencies over those of law-abiding Americans. While there is a legitimate role for the use of this information by law enforcement, the current unregulated system of interagency access to millions of Americans’ records goes far beyond what a reasonable person would expect or tolerate.”



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Rachel Levinson-Waldman, managing director of the Liberty & National Security Program at the Brennan Center for Justice, told Yahoo News the revelations in Wyden's letter are quite concerning.

"The use of passport data to vet Americans for no justifiable purpose sets off alarm bells," she said. "This data includes such sensitive information as an applicant's Social Security number, date of birth, gender identity and every name they have ever used."

Wyden asked Blinken to provide him with "the complete list of external agencies with access to passport application data" and any "agreements governing that access," how many times the agencies have accessed the data, what lessons the State Department has learned from the OIG report, and what it is "doing to ensure such abuses don't occur in the future."

In addition, he recommended several reforms to prevent further abuses, including developing a policy to verify that an external agency has a "legitimate purpose" for accessing the passport database, notifying individuals when other agencies obtain their data, and publishing annual statistics of such database searches. He also requested a "written plan ... detailing the steps that the department will take to address these matters."

Wyden gave Blinken a deadline of December 9 to respond to his requests. Those concerned about privacy hope that the secretary will cooperate fully.

"If the State Department has no mechanism to vet the purposes for which government agents seek to access this data, it is extremely vulnerable to misuse and abuse, whether to conduct unsanctioned fishing expeditions on political antagonists or to stalk a former domestic partner," said Levinson-Waldman. "Senator Wyden's inquiries are critical, and the State Department should take immediate steps to significantly tighten access to this data and track the uses to which it is put."



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