

# NTSB Guidance for Passenger List Distribution and Control

Determining the whereabouts and welfare of those involved in a mass casualty incident (MCI) is the responsibility of the jurisdiction in which a transportation accident occurs. Following certain transportation accidents, the National Transportation Safety Board (NTSB) has primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers.<sup>1</sup> Accounting for all victims (including fatalities, the injured and uninjured) following a transportation accident MCI requires collaboration and sharing of information between agencies at the local, Tribal, State, and Federal level (i.e., emergency management, fire department, emergency medical services (EMS), law enforcement, the medical examiner/coroner, public health authorities, and hospitals that have received patients), and the air carrier or rail passenger carrier involved in the accident (herein referred to as carrier). Carriers are essential in this accounting process. They hold critical information – the passenger list/manifest (herein referred to as the passenger list) – that serves as the foundation for the victim accounting process. Because information on a passenger list is sensitive, organizations with access to the information must protect the privacy of victims and their families, while fulfilling their obligation to account for all victims.

## What information is included on the passenger list?

Carriers are obligated to provide the NTSB a list based on the best available information at the time of the request, of the names of the passengers aboard the aircraft or passenger train.<sup>2</sup> Carriers are also obligated to periodically update the list. The term “passenger” is broadly defined to include everyone aboard the aircraft or passenger train (crew, revenue, and non-revenue passengers).<sup>3</sup> Family assistance legislation does not provide additional detail regarding the contents of the passenger list; however, the Federal Family Assistance Frameworks for Aviation and Rail Passenger Disasters provide guidance on the format, file naming convention, and content.<sup>4</sup>

## What does the federal family assistance legislation state regarding passenger list distribution?

The federal family assistance legislation for air and rail passenger accidents specifies that the NTSB shall receive, upon request, the passenger list from the carrier involved in the accident.<sup>5</sup> The NTSB may share information on the list with the family of a passenger; or with a local, Tribal, State, or Federal agency responsible for determining the whereabouts or welfare of a passenger. These agencies may not release information from the passenger list obtained from the NTSB without express permission from the NTSB. These agencies may release this information without obtaining permission from the NTSB if the information was lawfully obtained through other means. The legislation allows the NTSB’s designated organization, which is the American Red Cross (Red Cross), to request the passenger list from the carrier. The Red Cross may not release to any person information on a passenger list but may provide information on the list about a passenger to the family of the passenger, to the extent the Red Cross considers appropriate<sup>6</sup> and in coordination with the NTSB and carrier.

## How should the jurisdiction responsible for victim accounting request information from the passenger list?

Local, Tribal, State, or Federal agencies that have direct responsibilities for victim accounting should submit requests for passenger list information to the NTSB Transportation Disaster Assistance Division (TDA). The NTSB will consider requests for passenger list information and provide relevant information to the agencies responsible for investigating missing persons (e.g., lead law enforcement agency), death investigation (i.e., the medicolegal authority), and healthcare community interface (e.g., emergency management) using a secure electronic platform.

Requests should be sent to [assistance@ntsb.gov](mailto:assistance@ntsb.gov) from the agency’s email and include the following information:

- Agency Name, Primary Point of Contact (POC), and POC Title.
- POC contact information (agency email and cell phone number).
- Specific passenger list information requested (e.g., number of persons on-board, names, etc.).
- Agency and POC role in the victim accounting process, and a brief justification for the request.
- An assurance that any passenger list information provided will not be publicly disclosed, and that the agency will obtain express authority from the NTSB before sharing information with other response agencies.

<sup>1</sup> 49 U.S.C. §1136(b) and 49 U.S.C. §1139(b)(1).

<sup>2</sup> 49 U.S.C. §41113(b)(4); 49 U.S.C. §41313(c)(4); and 49 U.S.C. §24316(b)(1).

<sup>3</sup> 49 U.S.C. §1136(h)(3) and 49 U.S.C. §1139(h)(4).

<sup>4</sup> [Federal Family Assistance Framework for Aviation Disasters](#) and Federal Family Assistance Framework for Rail Passenger Disasters [in development].

<sup>5</sup> 49 U.S.C. §1136(d)(1), 49 U.S.C. §1139(d)(1).

<sup>6</sup> 49 U.S.C. §1136(d)(2) and 49 U.S.C. §1139(d)(2).

This guidance does not prevent carriers from sharing passenger list information with agencies other than the NTSB, particularly during the life safety phase (e.g., fire/rescue). Carriers shall not be liable for damages in any action brought in a Federal or State court resulting from providing passenger list information pursuant to their family assistance response plans, unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.<sup>7</sup> Carriers should provide the NTSB with the requesting agency name, POC information, the specific passenger list information shared, and the date/time of dissemination, as soon as possible. Carriers should also notify the NTSB when requests are denied. The NTSB will maintain and provide similar information to the carrier.

**Additional considerations for the response community (i.e. local/state agencies, airports, and hospitals):**

- Only local, Tribal, State, and Federal agencies with direct responsibilities for victim accounting should submit requests to the NTSB for passenger list information to minimize duplicative or unwarranted requests.
- Information needs vary by agency mission and phase of the MCI response. For example, during the immediate life safety phase, fire/EMS assets responding to the scene need to know the number of persons onboard the aircraft or train. Once accident survivors have been cleared from the scene, agencies responsible for victim accounting will require names and as needed, contact information for survivors and family members. Agencies should specify the information needed and their role in the response at the time of the request.
- Frontline carrier personnel may not have access to, or authority to share passenger list information. Requests will most likely need to be directed to the carrier's corporate/headquarters personnel for consideration.
- The information contained on a passenger list is sensitive because it contains Personally Identifiable Information and because family members of those onboard the aircraft or train may not yet be aware of their loved-one's involvement in the accident. While the carrier is responsible for notifying families of persons onboard that their loved-one may be involved in the accident,<sup>8</sup> the process takes time.
- Establish appropriate document control measures and ensure safeguards are in place to prevent public disclosure of the information contained on the passenger list. This information must not be released beyond agencies that have a direct operational role in victim accounting (i.e., public safety agencies). Agencies may not release information from the passenger list obtained from the NTSB without express permission from the NTSB.
- Be prepared to address questions from the NTSB regarding the role of the requesting agency in the victim accounting process, use of the data, and mechanisms to prevent public disclosure.
- Develop policies and procedures to share information about the whereabouts and welfare of victims with the NTSB, carrier, and the Red Cross. The NTSB, carrier, and the Red Cross are mandated by federal legislation to offer services and information to accident victims and their family members.

**Additional considerations for air and rail passenger carriers:**

- This guidance does not preclude NTSB investigative requests under Title 49 Code of Federal Regulations Part 831 for passenger list-related information.
- Develop procedures to consider direct requests from the response community for the passenger list and determine if appropriate information from the passenger list should be shared with the requesting agency. Ensure that corporate and local (i.e., station) emergency response plans include these procedures and that carrier personnel are adequately trained to implement these procedures.
- Develop procedures to notify the NTSB TDA when information from the passenger list has been released to requesting agencies and when requests for information have been denied.
- Participate in local and state-level MCI response planning efforts within geographic areas of operation to develop an understanding of the overarching response and the victim accounting process. Identify key points of contact within the response community who will serve in a leadership role during an MCI victim accounting operation and who will likely request information from the passenger list. The NTSB will support carrier efforts to integrate into this process.

The response community and carriers are encouraged to contact the NTSB TDA (202-314-6290; [assistance@ntsb.gov](mailto:assistance@ntsb.gov)) during the preparedness phase to discuss the guidance offered in this document, and during the response phase to address requests for the passenger list/manifest.

This document supplants other NTSB guidance regarding distribution of the passenger list.

<sup>7</sup> 49 U.S.C. §41113(d), 49 U.S.C. §41313(e), 49 U.S.C. §24316(e)

<sup>8</sup> 49 U.S.C. §41113(b)(2) and (3), 49 U.S.C. §41313(c)(2) and (3), and 49 U.S.C. §24316(b)(2) and (4).