



Transportation
Security
Administration

3600.1

FOIA Case Number: 2013-TSPA-00368

TSA13-0414

TSA13-0375

August 8, 2014

Sai

Redacted

Dear Sai:

This letter is an interim response to your Freedom of Information Act (FOIA) request to the Transportation Security Administration (TSA), dated January 28, 2013, in which you requested the following information:

- all surveillance video from January 21, 2013, taken at Boston Logan International Airport that shows yourself, TSA agent Tonge-Riley, TSA agent Kukula, and/or Officer Coleman;
- all reports, such as the TSA Incident Report that the TSA agents were required to file when contacting an officer;
- any police reports filed, whether informal or formal, by Coleman or others, any and all notes, correspondence, communications, etc. relating to the incident by any parties, witnesses, etc. ;
- copies of your documents that were made at the scene;
- any and all history of complaints against the TSA agents Tonge-Riley and/or Kukula;
- any and all history of similar complaints against any TSA, Logan police, and/or Logan Airport agent;
- any and all records of my x-ray baggage screening, such as images directly recorded by the baggage x-ray screener, surveillance tapes capturing images of the screener's monitors, manual or automated notes on its clearance status, and any other communications or records of any form that would indicate its results, whether anything looked suspicious on x-ray (and if yes, what), etc.;
- any and all records related to you held by any relevant parties; and
- all documents and communication related to responding to this request, whether internal or external.

By e-mail dated February 15, 2013, you provided additional information regarding incidents that occurred at LaGuardia Airport on June 27, 2012, and Chicago O'Hare International Airport on December 25, 2010, and requested copies of all records related to these events.

We are processing your request pursuant to the FOIA, 5 U.S.C. § 522, and the Privacy Act, 5 U.S.C. § 552(a).

A reasonable search within the relevant offices of the TSA was conducted and responsive material was located. Seven pages have been reviewed and portions of some of these pages are being withheld pursuant

to Exemptions (b)(3), (b)(6) and/or (b)(7)(c). A more complete explanation of these exemptions is provided below. Please note that any information pertaining to item 3 of your request would be maintained by the Massachusetts State Police and you will need to make a request for this information directly to them.

With respect to Item 7, there are no responsive records as TSA's checkpoint screening process does not require retention of x-ray images or automated notes related to the images. Also, a review of the incident narrative and report associated with your checkpoint experience also fail to mention x-ray images of your baggage.

With respect to Item 8, the portion of your request for "any and all records related to me held by any Relevant Parties" is overly broad and we are requesting that you provide a reasonable description of the records you are seeking in order for us to conduct a search for the documents. Pursuant to Department of Homeland Security regulations (6 CFR § 5.3(b)), requests should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the DHS component or office you believe created and/or controls the record. Once we receive this information from you we will initiate a search for records.

Privacy Act

Information about an individual maintained in a Privacy Act system of records may be accessed by that individual unless the agency has exempted the system of records from the access provisions. The information you are requesting is maintained in the Transportation Security Enforcement Record System (TSERS) (DHS/TSA 001).

The TSERS enables TSA to maintain an enforcement and inspections system for all modes of transportation for which TSA has security related duties and to maintain records related to the investigation or prosecution of violations or potential violations of Federal, State, local, or international criminal law. They may be used, generally, to identify, review, analyze, investigate, and prosecute violations or potential violations of transportation security laws, regulations and directives or other laws as well as to identify and address potential threats to transportation security. They may also be used to record the details of TSA security-related activity, such as passenger or property screening. Some of the information in this system of records is exempt from PA access pursuant to (k)(2). In the interest of full disclosure, however, we have processed this information for release under the FOIA.

Exemption (b)(3)

This information reveals Sensitive Security Information (SSI) and is exempt from disclosure under Exemption (b)(3), which permits the withholding of records specifically exempted from disclosure by another Federal statute. Section 114(r) of title 49, United States Code, exempts from disclosure SSI that "would be detrimental to the security of transportation" if disclosed. The TSA regulations implementing Section 114(r) are found in 49 CFR Part 1520.

Exemption (b)(6)

Exemption (b)(6) permits the government to withhold all identifying information that applies to a particular individual when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." This requires the balancing of the public's right to disclosure against the individual's right to privacy. After performing this analysis, it was determined that the privacy interest in the identities of the individuals in the records you have requested outweigh any minimal public interest in disclosure of

the information. Please note that any personal interest you may have in that information does not factor into the aforementioned balancing test.

Exemption (b)(7)(C)

Exemption (b)(7)(C) permits the government to withhold all law enforcement information when disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” Based upon the traditional recognition of strong privacy interests in law enforcement records is ordinarily appropriated. As such, we have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweighed any minimal public interest in disclosure of the information. Please note that any personal interest you may have in that information does not factor into this determination.

The FOIA Branch continues to process this request and will make additional releases to you in a timely manner.

Fees

The fees incurred to process your request do not exceed the minimum threshold necessary for charge and, therefore, there are no fees associated with processing this request.

Administrative Appeal

As TSA’s response to this request is currently the subject of litigation the administrative appeal rights normally associated with a FOIA request response are not being provided.

In an effort to maintain a more robust/efficient process to streamline reporting requirements, the TSA, through the Department of Homeland Security, converted to a new FOIA tracking system in October 2013. This modification has resulted in the inability to continue tracking requests with the tracking number assigned by the old system, and changed our naming convention. We are referencing both old and new tracking numbers in our response. I apologize for any confusion this may cause and appreciate your understanding.

If you have any questions pertaining to your request, please feel free to contact the FOIA Office at 1-866-364-2872 or locally at 571-227-2300.

Sincerely,



Teri M. Miller or Amanda Deplitch
Acting FOIA Branch Officers

Enclosure