



Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2909
Telephone (617) 568-5000
www.massport.com

VIA E-MAIL

February 12, 2013

Dear Sai,

Your letter entitled "FOIA, Privacy Act & evidence preservation demand," was received by the Massachusetts Port Authority ("Authority") and forwarded to me for a response. I am providing you with the following information in accordance with the Massachusetts Public Record laws.

Your request states, "[o]n Monday, 21 January 2013, I was heading for American Airlines flight 1551 from Boston Logan...to San Francisco...and passed through the Transportation Security Administration ("TSA") checkpoint guarding gates B30-36." My research indicates that the flight that you reference travels from Boston Logan to Chicago O'Hare. You further state in your request that your rights were violated in "multiple ways." Without further descriptive information about the alleged incident, including the approximate time that it allegedly occurred, the Authority is unable to identify and, therefore, preserve materials it may have in its possession.

With respect to the specific materials you requested in your letter, the Authority can nevertheless provide you with the following information:

- You requested "all surveillance video from that day covering myself, TSA agents Tonge-Riley, TSA agent Kukula, and/or Officer Coleman." The Authority neither confirms nor denies the existence of video cameras, past or present, at the location you describe. To the extent that any video footage may exist, the footage is presumptively Sensitive Security Information ("SSI") under 49 C.F.R. Part 1520. The Authority is prohibited from disseminating SSI unless authorized to do so by the TSA. Furthermore, the information as to whether such video surveillance does or does not exist is also SSI. Finally, to the extent that any such footage exists, it is exempt from disclosure under M.G.L. c. 4 §26(a) and (n). Accordingly, this aspect of your request must be denied.
- You requested "all reports related to the event, such as the TSA Incident Report that the TSA agents were required to file when contacting an officer." TSA, not the Authority, is the custodian of any TSA Incident reports that may have been filed related to this incident. The Authority is not in possession of any reports related to this alleged event.
- You requested "any police reports filed, whether informal or formal, by Coleman or others." The Authority is not in possession of any police reports filed by Trooper Coleman (or anyone

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- else) related to the alleged event that you describe. The Massachusetts State Police (MSP) is the appropriate custodian of any police reports that may have been filed by any MSP troopers.
- You requested "any and all notes, correspondence, communications, etc relating to this incident by any parties, witnesses, etc[.]" The Authority is not in possession of any records that are responsive to this request.
 - You requested "the copies of my documents that were made at the scene." The Authority is not in possession of any documents that are responsive to this request. MSP and/or TSA may be the appropriate party to contact regarding this aspect of your request.
 - You requested "any and all history of complaints against the TSA agents Tonge-Riley and/or Kukula." TSA is the custodian of TSA personnel records. The Authority is not in possession of any documents that are responsive to this request.
 - You requested, "any and all history of similar complaints against any TSA, Logan police, and/or Logan Airport agent." Based on the limited information you have provided, the nature of your complaint against the parties you have specified is unclear. It is therefore difficult to assess whether similar complaints have been made against any of those parties. Furthermore, as stated above, the Authority is not the custodian of records pertaining to TSA agents. Nor is it the custodian of personnel records pertaining to MSP Troopers. The Authority is not in possession of any records that are responsive to this request.
 - You requested, "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 automatic notes on its clearance status, and any other communications ore records of any form that would indicate its results, whether anything looked suspicious on x-ray)and if yes, what), etc." TSA is charged with screening passengers, not the Authority. The Authority is neither the custodian of the records you seek nor is it in possession of any such records. With regard to the surveillance tapes, the Authority neither confirms nor denies the existence of video cameras in that area or of the existence of the surveillance tape that you describe. As stated previously, any such video footage that may exist is SSI and is exempt from disclosure under M.G.L. c. 4 §7(26)(a) and (n).
 - You requested, "any and all records related to me held by any relevant parties." The Authority can only provide you with records in its possession, not records held by other "relevant parties." To the best of its knowledge, and based on the very limited information you have provided to the Authority, the Authority is not in possession of any records related to you.
 - You requested, "all documents and communication related to responding to this request, whether internal or external." Any documents related to responding to this request have been generated by legal counsel for the Authority. Any such documents are therefore protected by

the attorney-client privilege and are exempt from disclosure. Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444 (2007).

With respect to the Authority's determination that the various video footage you have requested is or would be exempt under M.G.L. c. 4 §7(a) and (n), you have the right to appeal that determination to the Supervisor of Public Records in the Office of the Secretary of the Commonwealth.

If wish to provide additional descriptive information about the alleged incident, the Authority will research further whether it has any records that are responsive to your request or whether there are any materials in its possession that should be preserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Kalowski". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michelle Kalowski
Legal Counsel, Transportation Security & Aviation