



Transportation
Security
Administration

November 30, 2011

3600.1

FOIA: TSA10-0789, TSA11-0110

Mr. Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110
Edward@hasbrouck.org

Dear Mr. Hasbrouck:

This letter is in response to your August 17, 2010 Freedom of Information Act (FOIA) request that was submitted to the Department of Homeland Security (DHS). DHS referred your request to the Transportation Security Administration (TSA) on August 26, 2010, in which you sought access to and copies of any and all documents and records created by DHS or other agencies or departments in the course of processing, investigating, or action on your complaint of FOIA and Privacy Act violations, including, but not limited to:

1. DHS Privacy Office;
2. DHS Office of the Inspector General;
3. Offices who receive e-mail addressed to DHSOIGHOTLINE@dhs.gov, foia.tsa@dhs.gov, foia@dhs.gov, privacy@dhs.gov, TELLTSA@dhs.gov, TSA-ContactCenter@dhs.gov, or who receive communications from or are responsible for liaison with or supervision of contractors who receive such mail;
4. Any other office or agency which was consulted or contacted by those offices, or by other DHS Offices in the course of processing, investigating, or action of your complaint; and
5. Any other office, agency, or department identifiable as having or likely to have responsive records.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

A reasonable search within the TSA was conducted and 34 pages responsive to your request were located. In addition, 22 pages of responsive documents were referred by DHS for processing and direct response to you. These documents have been reviewed and portions of the pages are being withheld pursuant to FOIA Exemptions (b)(2), (b)(5) and (b)(6). A more complete explanation of these exemptions is provided below.

Exemption (b)(2)

Exemption (b)(2) exempts from mandatory disclosure records that are “related solely to the internal personnel rules and practices of an agency.” We have determined that certain portions of the requested records contain personnel rules and/or internal practices of the TSA and are thus properly withheld from disclosure under this exemption.

Exemption (b)(5)

Exemption (b)(5) protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. Of those, we have determined that some of the information in the documents you have requested is appropriately withheld under the deliberative process privilege. Under the deliberative process privilege, disclosure of those records would injure the quality of future agency decisions by discouraging the open and frank policy discussions between subordinates and superiors.

We have also determined that information in the documents you have requested is appropriately withheld under the attorney-client privilege. The attorney-client privilege protects the communications between an attorney and his/her client relating to a matter for which the client has sought legal advice, as well as to protect facts divulged by client to attorney and any opinions given by attorney based on these facts.

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, we have 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.

Fees

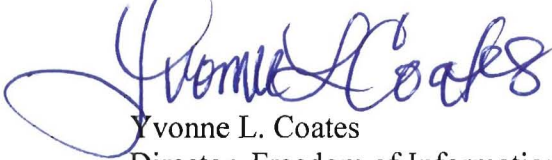
The fees incurred to process your request do not exceed the minimum threshold necessary for charge and, therefore, there are no fees associated with processing this request.

Administrative Appeal

In the event that you may wish to appeal this determination, an administrative appeal may be made in writing to Kimberly Walton, Special Counselor, Office of the Special Counselor, Transportation Security Administration, 601 South 12th Street, East Building, E7-121S, Arlington, VA 20598-6033. Your appeal **must be submitted within 60 days** from the date of

this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed in should be prominently marked "FOIA Appeal." Please note that the Special Counselor's determination of the appeal will be administratively final. 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,



Yvonne L. Coates
Director, Freedom of Information Act Office
Office of the Special Counselor
Transportation Security Administration

Enclosure