



Transportation
Security
Administration

NOV 10 2009

Edward Hasbrouck
The Identity Project
1736 Franklin Street, 9th Floor
Oakland CA 94612

FOIA Appeal Case Number: TSA10-0052

Dear Mr. Hasbrouck:

This is in response to your letter appealing the October 26, 2009 denial of expedited processing on your request for the Transportation Security Administration (TSA) Screening Management Standard Operating Procedures (Screening SOP). In your original request, you assert that the public has "no way" to anticipate what to expect at an airport screening checkpoint, and that the information is needed prior to the confirmation hearings for the new nominee for TSA Administrator. As discussed below, I do not agree with your conclusion that there is an urgency to inform the public as to the contents of the Screening SOP.

As you state in your letter of November 3, 2009, your request was first submitted to TSA on the same day as the first confirmation hearing and expedited processing clearly would not serve any public purpose. Moreover, the Screening SOP has been in existence for years, public interaction with the screening process has been a daily experience for millions of passengers for years, there is extensive information on the TSA website on what the public can expect as part of the screening process (www.tsa.gov), and the fact that there would be a nominee for TSA Administrator that would have to undergo a confirmation process has been public knowledge for months. Your decision to request the SOP a full month after the announcement of the nomination of Mr. Southers to be TSA Administrator and so close to the confirmation hearings does not create any greater urgency for the document that warrants expedited processing. Further, the Screening SOP contains Sensitive Security Information (SSI) protected from disclosure under the Freedom of Information Act under 49 USC 114(r) and its implementing regulations at 49 CFR Part 1520, and cannot be posted on your website for public viewing as you intend.

Based on the foregoing, I deny your appeal. This is the final decision on your appeal. I am the Transportation Security Administration official responsible for this decision. Should you choose to do so, you may seek judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside, or in which the agency records are situated, or in the District of Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Walton".

Kimberly Walton
Special Counselor