

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

edward@hasbrouck.org
telephone 510-208-7744

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Transportation Security Administration
Freedom of Information Act (FOIA) Division
TSA-20, 11th Floor, East Tower
601 South 12th Street
Arlington, VA 20598-4220

FOIA.TSA@dhs.gov

FOIA REQUEST

Fee benefit requested

Fee waiver requested

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of the most recent version of each of the following documents, including any and all appendices, attachments, enclosures, supplements, updates, change notices, revisions, interpretive or guidance notes, usage instructions, or the like, including any such supplements, updates, or revisions contained in TSA Operations Directives or Management Directives:

1. The TSA's "Screening Checkpoint Standard Operating Procedures (SOP)"
2. The TSA's "Checked Baggage Screening Standard Operating Procedures (SOP)"
3. Each of the TSA "Notices of Inspection (NOI)".
4. The TSA's "Frequently Asked Questions (FAQ)". According to the Screening Management SOP as posted at fbo.gov, "FAQs may be accessed by Training Coordinators and TSMs at <https://tsaweb001/spb>. To request access to the FAQ, contact TSA Screening SOPs@dhs.gov."
5. TSA Operations Directive 400-50-1-8, Travel Document Checker Implementation Procedures" and any other TSA Operations Directives or Management Directives related to "travel documents", travel document checking, ID checking, or identity verification.
6. The list and index of TSA Operations Directives.
7. The list and index of TSA Management Directives.

Each of these documents is mentioned in the unredacted version of the TSA's "Screening Management Standard Operating Procedures (SOP)" posted at http://www.fbo.gov/utills/dZip?base=dbf1e063790c5202ce3e7d83a5b5edc1&class=document_package&id=4be9bf2272dddc_e4d84f01ee50bafec. (In this version, black boxes are coded to appear in places as a separate "layer" of the PDF document, but the text itself is unredacted in the raw file, and completely accessible to reading, selection, copying, and pasting from any PDF reader software.)

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on TSA screening procedures that is of current interest to the public because without this information, there is no way for members of the public to anticipate what to expect at TSA checkpoint or to know what actions by TSA employees or contractors or members of the public the TSA believes are permitted or required. This information is being sought on behalf of The Identity Project ("IDP"). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

One of the principal activities of IDP is publication of the informational and educational Web site at <http://www.papersPlease.org>, where we have published documents obtained in response to our previous FOIA requests, including the excerpts from the Screening Management SOP released in response to our previous FOIA request, for dissemination to the general public. This information will also be publicized through my own Web site and blog of travel news, information, and advice, "The Practical Nomad", at <http://hasbrouck.org> and <http://hasbrouck.org/blog>, which has been a leading source of news concerning TSA practices, and in the sections concerning airport security in future editions of my book, "The Practical Nomad: How to Travel Around the World" (Avalon Travel, 4th edition, 2007).

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. There has been, and continues to be, extensive interest in what, if any, rules or procedures govern activities by the TSA, TSA contractors, third parties, and the public at TSA checkpoints, as well as concerning the posting of the Screening Management SOP at fbo.gov.

To the best of our knowledge, and belief, there are no statutes, rules, or regulations specifying these procedures, rights, or obligations. In the absence of statutes or regulations, public disclosure and availability of the requested documents -- as the Identity Project intends to make through publication on our Web site -- is essential to any public understanding of TSA checkpoint operations, of what rights and authority the TSA claim, and of TSA expectations with respect to the conduct of TSA employees and contractors and of members of the public.

If my request is denied in whole or part, I ask that you justify all deletions by reference

to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Please respond as soon as possible to confirm your receipt of this request. I look forward to your complete reply within 20 business days, as the statute requires.

If you do not expect to provide a complete response within 20 days, I request that you inform me within that time of how to exercise my right to appeal any constructive denial of this request. I intend to promptly appeal any constructive denial, and I need to know at what address such an appeal will be accepted. In response to my previous and still pending request for documents including the Screening Management SOP – which was sent to the address published by you in your most recent FOIA notice in the Federal Register and the current Code of Federal Regulations -- I was provided with a different address for FOIA requests and appeals. But since no updated FOIA notice has been published by you in the Federal Register, I have no way to know whether that address is current, or at what address you are now accepting FOIA requests or appeals (or will be, as of the date of any appeal I might file).

I believe that this is a serious, ongoing violation of your obligation under FOIA to maintain a current, valid address in the CFR, at which FOIA requests and appeals are accepted, and to publish timely notice of any change of address in Federal Register. I have already reported this violation to the DHS Office of the Inspector General as well as to the TSA.

Since the same address is also included in numerous TSA System of Records Notices (SORNs) published pursuant to the Privacy Act, and since no new SORNs have been published with a new address for any of those TSA Systems of Records, I believe that those TSA employees operating Systems of Records without the publication in the Federal Register of a valid SORN for each system of records including a valid current address at which requests are actually being accepted are probably in ongoing criminal violation of the Privacy Act.

I reiterate my complaint of (1) violation of FOIA and (2) probable criminal violation of the Privacy Act by TSA employees, and request that you acknowledge receipt of these complaint, advise me of the person or office to whom they has been referred for investigation and enforcement (including criminal investigation and enforcement) and corrective action, and confirm that this complaint will be included in TSA and DHS reporting of complaints of both FOIA violations and (criminal) Privacy Act violations by the TSA.

Sincerely,

Edward Hasbrouck

Consultant on travel-related issues
The Identity Project