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U.S. Department of Homeland Security

Freedom of Information Act Office
Arlington, VA 20598-6020



**Transportation
Security
Administration**

NOV 17 2010

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

TSA Case Number: TSA10-0179

Dear Mr. Hasbrouck:

This letter is in response to your Freedom of Information Act (FOIA) request dated December 18, 2009, that you made to the Transportation Security Administration (TSA). In your request you stated the following: "In testimony before the Subcommittee on Transportation Security and Infrastructure Protection of the House Committee on Homeland Security on December 16, 2009, TSA Acting Administrator Gail (sic) Rossides referred to "TSA 12 other SOPs". Based upon this testimony you requested the following information pertaining to:

- The 12 TSA "Standard Operating Procedures (SOPs)" referred to by Acting Admin Rossides
- Any other TSA Standard Operating Procedures, regardless of their number
- The list and index of TSA Standard Operating Procedures

Your request was processed pursuant to the FOIA, 5 U.S.C. § 552.

A search within the Transportation Security Administration (TSA) was conducted and we located 381 pages of records in response to item 1 of your request. These documents are being withheld in their entirety under Exemptions "high" 2 and 3 of the FOIA. An explanation of each of these exemptions is outlined below.

We have interpreted Item 2 as pertaining to other passenger and baggage screening SOPs other than those referenced by Acting Administrator Rossides. In response to this item, no other SOPs were located that were not referenced in Acting Administrator Rossides' testimony. A list of these SOPs is being provided in response to Item 3 of your request.

In response to item 3 of your request we have interpreted this as a request for a list of the SOPs the Acting Administrator referenced in her testimony. We have located one responsive page which we are releasing to you in its entirety.

Exemption (b)(2)

Exemption (b) (2) of the FOIA exempts from mandatory disclosure records that are "related solely to the internal personnel rules and practices of an agency." The courts have interpreted the exemption to encompass two distinct categories of information: (1) internal matters of a relatively trivial nature -- often referred to as "Low" 2 information; and (2) more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement -- often referred to as "High" 2 information.

We have determined that certain portions of the requested records should be withheld from disclosure as "high" (b)(2) information, in that they contain sensitive materials. Sensitive materials are exempt from mandatory disclosure under "high 2" when the requested documents are predominantly internal, and disclosure significantly risks circumvention of a regulation or statute, including civil enforcement and regulatory matters.

Sensitive materials are exempt from disclosure under "high" (b)(2) when the requested document is predominantly internal, and disclosure significantly risks circumvention of a regulation or statute, including civil enforcement and regulatory matters. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under "high" (b)(2) is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

Exemption (b)(3)

This information reveals Sensitive Security Information (SSI) and is exempt from disclosure under Exemption 3 of the FOIA. Exemption 3 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.

Pursuant to Section 1520.5(b)(9)(i), the following information regarding security screening under aviation or maritime transportation security requirements of Federal law: any procedures, including selection criteria and comments, instructions, and implementing guidance pertaining thereto, for screening of persons, accessible property, checked baggage, U.S. mail, stores, and cargo, that is conducted by the Federal government or any other unauthorized person constitutes SSI and is exempt from disclosure under 49 C.F.R. Section 1520.15(a).

Fees

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

A handwritten signature in black ink, appearing to read "Howard Plofker", written in a cursive style.

Howard Plofker
Acting FOIA Officer
Freedom of Information Act Office

Enclosure

Screening Checkpoint SOP

Screening Management SOP

Checked Baggage SOP

Advanced Imaging Technology (WBI)

Advanced Imaging Technology (WBI)

Playbook SOP

Colorimetric SOP

Stand Off Detection

Visible Intermodal Protection and Response

Bomb Appraisal Officer

SPOT