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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 20598-6020

(by e-mail to FOIA.TSA@dhs.gov)

FOIA REQUEST

Fee benefit requested

Fee waiver requested

Dear FOIA Officer:

This is a request pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552.

We request access to and copies of (1) the most recent version of the document previously described as “Transportation Security Administration Certification of Identity”, copies of which are provided to airline passengers at TSA and TSA contractor checkpoints for passengers to sign, a copy of an earlier version of which is attached, (2) any communication (including but not limited to e-mail messages in their full and complete form including all headers and fully expanded addresses) within TSA or between TSA and other agencies including OMB regarding the content of or approval for use of this form, including in particular any records related to requests for or approvals of this form by OMB, any OMB control number for any version of this form, or the potential need for such approval.

As a representative of the news media we are only required to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information on TSA procedures that is of current interest to the public because without this information, there is no way for members of the public 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

The Identity Project FOIA request for “Certification of ID” and related records (page 1 of 2)

site at <<http://www.papersPlease.org>>, where we have published documents obtained in response to our previous FOIA requests, 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.

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. The records we are requesting clearly relate to government operations and activities. It is in the public interest for the traveling public – who will of course learn of these requirements when they are announced on flights – to know in advance with what orders they will be required to conform their actions. There has been, and continues to be, extensive interest in the TSA “identity verification” process, the forms used for it, and whether those forms have been approved by OMB. The Identity Project is a nonprofit organization with no commercial interest in this information.

There are no statutes or regulations specifying these procedures. In the absence of statutes or regulations, public disclosure and availability of the requested documents is essential to any public understanding of TSA operations, of what rights and authority the TSA claim, and of TSA expectations with respect to the conduct of TSA employees and contractors, airlines, and of members of the public.

This information will be made available to the public. Pursuant to 44 U.S.C. 3506(d)(4)(b), neither the TSA nor any agency may, “except where specifically authorized by statute ... restrict or regulate the use, resale, or redissemination of public information by the public.” The FOIA statute does not authorize any such restriction on the use or redissemination of information released pursuant to FOIA, and we intend to exercise fully our rights to use and public redissemination, for public nonprofit benefit, through our Web site, of any records released in response to this request.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the act. We will also expect you to release all segregable portions of otherwise exempt material. We, 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 (including by e-mail, since this request is being submitted by e-mail) to confirm your receipt of this request. We look forward to your complete reply within 20 business days, as the statute requires.

The TSA still has not published a FOIA notice in the Federal Register with a valid address for FOIA requests. Your office has claimed that requests sent to the addresses on your website have not been received “in this office” until many days after they were signed for by people representing themselves to the U.S. Postal Service as authorized to accept mail on your behalf, and many days after they were sent by e-mail. We have previously informed you of these facts. Your continuing violation of FOIA is knowing and deliberate. We have received no acknowledgment of, or response to, our complaint of this FOIA violation, which we hereby reiterate and request that you acknowledge.

Sincerely,

Edward Hasbrouck
The Identity Project

Transportation Security Administration Certification of Identity

Please provide the following information so that TSA can verify your identity and complete the passenger screening process.

PLEASE PRINT:

Full Name: _____

* Current Address: _____

* If a Current Address is unavailable, provide a Previous Address

Signature: _____ Date: _____

This information is being collected in accordance with 49 U.S.C. § 114(f) and 49 C.F.R. §§ 1540.105(a)(2), 1540.107 in order to verify your identity and complete the passenger screening process. This information may be shared with the Department of Justice or other Federal agency in the review, settlement, defense, and prosecution of claims, complaints, and lawsuits over matters in which TSA exercises jurisdiction, or for routine uses identified in TSA's systems of records, DHS/TSA 001 Transportation Security Enforcement Record System (TSERS) or DHS/TSA 002 Transportation Security Threat Assessment System (TSTAS). Disclosure of this information is voluntary; however, failure to furnish the requested information may result in an inability to complete the security screening process and, consequently, an inability to grant you access to the sterile area.

False statements may be punishable under the provisions of 18 U.S.C. Section 1001 by fine, imprisonment or both.

[For TSA Use Only] IVCC Identification Verification Reference Number: _____