



*Transportation Security
Administration*

March 21, 2003

Mr. Mihir Kshirsagar
Policy Analyst
Electronic Privacy Information Center
1718 Connecticut Avenue NW
Suite 200
Washington, DC 20009

FOIA Case: TSA03-021

Dear Sir:

This is in response to your Freedom of Information Act (FOIA) request dated October 3, 2002, specifically requesting the following information:

1. All memoranda of understanding with other federal agencies or other entities to share data as required by 49 U.S.C. §114(h)(1).
2. The notification procedures required under 49 U.S.C. §114(h)(2)
3. The policies and procedures required under 49 U.S.C. §114(h)(3).
4. The number of names on the watch lists as of the date this request is processed.
5. Policies or procedures concerning how names are placed on and/or removed from the watchlists.
6. Policies and procedures regarding who have access to the watchlists.
7. All complaints or communications from members of the public who claim to have mistakenly placed on the watchlists.

We are providing you with copies of all non-exempt records or portions of records that are responsive to your request. Other records that are responsive to your request are being withheld in full. TSA is withholding records or portions of records pursuant to Exemptions 2, 3, 5, and 6.

Portions of the documents fall under Exemption "High 2", which exempts "internal matters of a more substantial nature the disclosure of which would risk the circumvention of a statute or agency regulation."

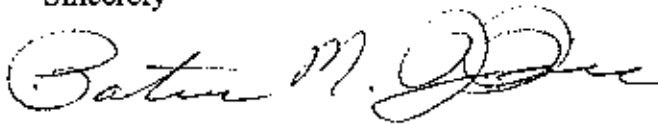
Exemption 3 permits the withholding of records specifically exempted from disclosure by another Federal statute. Section 114(s) of Title 49, United States Code, exempts from disclosure under FOIA information that "would be detrimental to the security of transportation" if disclosed. The TSA regulations implementing Section 114(s) and 40119(b) of Title 49, United States Code, are found in 49 CFR Part 1520. TSA is withholding information that falls under 49 CFR 1520.7(a), (b), (c), (j), and (l).

Portions of the intra and inter-agency documents are protected from release under Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)), which permits the withholding of records that are related to the deliberative or pre-decisional process.

Exemption 6 of the FOIA protects information that pertains to an individual and "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to" 5 U.S.C. 552(b)(6). Portions of the responsive documents have been withheld pursuant to this exemption to protect the privacy of individuals who have contacted TSA with a complaint or comment. In one instance, the name of a Federal employee has been withheld. TSA has determined that the individual's privacy interest outweighs the minimal public interest in this personal information.

The undersigned is the person responsible for this determination. Appeal to this determination may be made in writing to Douglas Callen, Director, Office of Security and Law Enforcement Liaison, Transportation Security Administration Headquarters, West Tower TSA-20, 10th Floor, 400 Seventh Street, SW, Washington, DC 20590. Your appeal must be submitted within 30 days after receipt of this determination. It should contain any information and state, to the extent possible, the reasons why you believe the initial determination should be reversed and the envelope in which the appeal is mailed in should be prominently marked "FOIA Appeal." The Director's determination will be administratively final. If you have any questions pertaining to your FOIA request please feel free to contact Ms. Catrina Pavlik at 1-866-FOIA-TSA (364-2872).

Sincerely



Patricia M. Riep-Dice
Associate Director
Freedom of Information