

FOR IMMEDIATE RELEASE
Wednesday, January 12, 2011, 5:30pm EST

Contact:

Ginger McCall
Assistant Director, EPIC Open Government Project
(202) 483-1140 x 102

COURT GRANTS GOVERNMENT MOTION IN EPIC BODY SCANNER LAWSUIT

Privacy Organization Seeking Suspension of Airport Screening Program

WASHINGTON, DC – A federal court granted the Department of Homeland Security's motion to conclude one of EPIC's Freedom of Information Act (FOIA) lawsuits.

The decision stems from a 2009 lawsuit brought by EPIC, a leading privacy organization to obtain information about the controversial airport body scanners.

As a result of the lawsuit, EPIC has already obtained the technical specifications and vendors contract for the screening devices that generate naked images of air travelers.

According to EPIC, the documents show that the devices can store, record, and transmit images.

"The documents show that the TSA was not honest with the public about the body scanner program," said EPIC Counsel Ginger McCall.

EPIC was also seeking more than 2,000 images generated by airport body scanners held by the TSA. The government opposed the disclosure.

Today, a federal court agreed with the government on that part of the case, saying that current law allowed the agency to "exempt" the information. That law is currently being reviewed by the Supreme Court.

"These images are central to the dispute about the invasiveness of the airport body scanners. That is the reason they should be disclosed to the public," said EPIC President Marc Rotenberg.

EPIC is considering an appeal.

In a related case, EPIC is before a federal appeals court in Washington, seeking to suspend the body scanner program.

EPIC has called the program “invasive, unlawful, and ineffective.”

Oral argument in that case is scheduled for March, 10, 2011.

About EPIC

EPIC is a public interest research center in Washington, DC, established in 1994. EPIC focuses public attention on emerging privacy and civil liberties issues. EPIC routinely files amicus briefs in federal courts and pursues open government litigation against federal agencies. EPIC’s earlier success in obtaining the technical specification for the TSA body scanner documents was widely reported in the national and international media.

The FOIA case is EPIC v. DHS, No. 09-02084 (DC District Court)

The case to suspend the program is EPIC v. DHS, No. 10-1157 (DC Circuit Court)

###