

National Aeronautics and
Space Administration
Ames Research Center
Moffett Field, CA 94035-1000



Reply to Attn of: DX: 204-2 (2004-007)

December 16, 2003

Marcia Hofmann
Electronic Privacy Information Center
1718 Connecticut Avenue NW
Suite 200
Washington, DC 20009

Re: Freedom of Information Act (FOIA) Request
Initial Determination and Rights of Appeal

Dear Ms. Hofmann:

This letter is in response to your Freedom of Information Act (FOIA) request dated October 3, 2003. With regard to documents that reflect the disclosure of Northwest passenger data to NASA, or relate to the negotiation or communication between the two parties (or other commercial airlines and NASA) for passenger data, we release the following records regarding the return of the Northwest data:

- (1) E-mail dated September 23, 2003, from Mark Schwabacher to Jay Dombrowski;
- (2) E-mail dated September 23, 2003 from Jay Dombrowski to Mark Schwabacher;
- (3) E-mail dated September 25, 2003 from Mark Schwabacher to Jay Dombrowski.

We also release the letter dated December 20, 2001 from Thomas Edwards to Jay Dombrowski and an e-mail dated December 19, 2001, from Patricia M. Jones to Jay Dombrowski, both of which are posted on your website after being previously disclosed under the FOIA.

With regard to your amended request for all records relating to the use of passenger data, we release a published paper entitled "Near Linear Time Detection of Distance-based Outliers and Applications to Security" presented by Stephen Bay and Mark Schwabacher.

NASA Ames respectfully denies the release of all other such records under 5 U.S.C. 552(b)(5) as "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." These documents withheld under Exemption 5 include drafts and other documents that are preliminary and pre-decisional in nature. We are, however, waiving Exemption 5 with regard to the briefing by NASA to Northwest Airlines, dated December 10 – 11, 2003,

that was previously released by the Transportation Security Administration under the FOIA and posted on your website. (Portions of that briefing were redacted under Exemption 5.) We have enclosed a copy of this briefing.

In addition, Northwest Airlines has indicated to NASA that it considers the records in question to be proprietary data and has objected to the release of these records under Exemption 4, 5 U.S.C. 5529b(4), as "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

You have the right to appeal this initial determination to the NASA Administrator. Your appeal must (1) be addressed to the Administrator, NASA Headquarters, Washington D.C. 20546; (2) be clearly identified on the envelope and in the letter as an "Appeal under the Freedom of Information Act"; (3) include a copy of the request for the agency record and a copy of this initial adverse determination; (4) to the extent possible, state the reasons why you believe the initial determination should be reversed, and (5) be sent to the Administrator within 30 calendar days of your receipt of this letter.

I thank you for your patience and cooperation in this matter.

Sincerely,



Terence Pagaduan
NASA Ames FOIA Officer