



**Transportation  
Security  
Administration**

**TRANSPORTATION SECURITY ADMINISTRATION  
FREEDOM OF INFORMATION ACT (FOIA)  
REPORT  
FISCAL YEAR 2003**

**I. Basic Information Regarding Report**

**A. Person to be contacted with questions about the report:**

Patricia M. Riep-Dice  
Associate Director  
Freedom of Information Act/Privacy Act Division  
Office of Security  
Transportation Security Administration  
(571) 227-2502

**B. Electronic address for report on the World Wide Web:**

foia.tsa@dhs.gov

**C. Person to be contacted for a copy of the report in paper form:**

Catrina Pavlik  
Deputy Associate Director  
Freedom of Information Act and Privacy Act Division  
Office of Security  
Transportation Security Administration  
(571) 227- 2499  
Toll free (866) 364-3872

**II. How to Make a FOIA Request**

**A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.**

Patricia M. Riep-Dice, Associate Director for Freedom of Information  
**Transportation Security Administration**  
TSA Headquarters – East Tower  
4<sup>th</sup> Floor, TSA-20  
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Arlington, VA 22202-4204  
(571) 227-2300 Toll free (866) 364-3872  
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### **B.** Brief description of the agency's response-time ranges.

Upon establishing the Transportation Security Administration's FOIA/PA Division, we inherited 224 outstanding security related FOIAs from the Federal Aviation Administration. The responses to those FOIAs were broken into two categories: FOIAs that the search was still being conducted and FOIAs that the documents had been located and needed review and redaction. Those documents that were being reviewed contained Sensitive Security Information (SSI) and require an expert on the subject to review the redactions made. Because of this additional review, our response time for documents containing SSI has become very lengthy. To expedite as many requests as possible we are continuously adding documents to our FOIA web page: <http://www.tsa.gov/public>.

### **C.** Brief description of why some requests are not granted.

TSA has been withholding Sensitive Security Information, which is exempt from release under Exemption (b)(3) of the FOIA and 7(c).

## **III. *Definitions of Terms and Acronyms Used in the Report***

### **A.** Agency-specific acronyms or other terms.

TSA – Transportation Security Administration

SSI - Sensitive Security Information

### **B.** Basic terms expressed in common terminology.

1. FOIA/PA Request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.
2. Initial Request -- a request to a Federal agency for access to records under the FOIA.
3. Appeal -- a request to a Federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.



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5. Multi-track Processing -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited Processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of the request over other requests that were made earlier.
7. Simple Request -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex Request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial Grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA exemptions, or for some procedural reason (such as no record is located in response to a FOIA request).
12. Time Limits -- the time period pursuant to the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. Perfected Request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 Statute -- a separate Federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median Number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.



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16. Average Number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

### ***IV. Exemption 3 Statute***

#### **List of Exemption 3 statutes relied on by agency during current fiscal year.**

Title 49 CFR Part 1520.7 Sensitive Security Information

##### **1. Brief description of type(s) of information withheld under each statute**

1520.7(a) exempts from disclosure any approved, accepted or standard security program

1520.7(b) Security Directives and Information Circulars

1520.7(f) Description of, or technical specifications of, objects used to test screening equipment and equipment parameters under the rules listed in Section 1520.5(a)(1) through (6)

1520.7(h) any information that TSA has determined may reveal a systemic vulnerability of the aviation system, or a vulnerability of aviation facilities, to attack.

1520.7(h)(2) specific gate or other location on an airport when an event occurred 12 months or more before the date of the release of information

1520.7(h)(3) protects the identity of the special agent who conducted the investigation or inspection.

1520.7(j) any specific details of aviation security measures whether applied directly by the TSA or entities subject to the rules listed in §1520.5(a)1) through (6).

1520.7(l) any draft, proposed, or recommended change to the information and records identified in this section.

1520.7(m) the locations at which particular screening methods or equipment are used under the rules listed in 1520.5(a) through (6) if TSA determines that the information meets the criteria of 49 U.S.C. 40119

1520.7(n) any screener test used under the rules listed in 1520.5(a) through (6)

1520.7(p) performance data from screening systems, and from testing of screening systems under the rules listed in 1520.5(a) through (6)

1520.7(q) threat images and descriptions of threat images for threat image projection systems under the rules listed in 1520.5(1) through (6)

##### **2. Statement of whether a court has upheld the use of each statute**

N/A

### ***V. Initial FOIA/PA Access Requests***

#### **A. Numbers of Initial Requests:**

1. Number of requests pending as of end of preceding fiscal year: **193**



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2. Number of requests received during current fiscal year: **1123**
3. Number of requests processed during current fiscal year: **522**
4. Number of requests pending as of end of current fiscal year: **791**

### **B.** Disposition of initial requests.

1. Number of total grants: **55**
2. Number of partial grants: **97**
3. Number of denials: **61**

a. Number of times each FOIA exemption used (counting each exemption once per request).

- (1) Exemption 1 --**3**
- (2) Exemption 2--**9**
- (3) Exemption 3--**118**
- (4) Exemption 4--**18**
- (5) Exemption 5--**13**
- (6) Exemption 6--**31**
- (7) Exemption 7(A)--**3**
- (8) Exemption 7(C)--**26**
- (10) Exemption 7(F)--**2**

### 4. Other reasons for nondisclosure (total): **309**

- a. No records-- **68**
- b. Referrals-- **40**
- c. Request withdrawn --**46**
- d. Fee-related reason--**3**
- e. Not a proper FOIA request for some other reason—**1**
- f. Not an agency record--**3**
- g. Duplicate request--**15**
- h. Other (Specify)
  - Non-possession--**1**
  - Administratively closed --**130**
  - Litigation—**3**

## **VI. Appeals of Initial Denials of FOIA/PA Requests**

### **A.** Number of appeals.

1. Number of appeals received during fiscal year: **15**
2. Number of appeals processed during fiscal year: **13**

### **B.** Disposition of appeals.



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1. Number completely upheld: **7**
2. Number partially reversed: **4**
3. Number completely reversed: **2**

a. Number of times each FOIA exemption used:

- (1) Exemption 2---**1**
- (2) Exemption 3---**6**
- (3) Exemption 4---**0**
- (4) Exemption 5---**1**
- (5) Exemption 6---**5**
- (6) Exemption 7(A)---**0**
- (7) Exemption 7(B)---**0**
- (8) Exemption 7(C)---**2**
- (9) Exemption 7(D)---**0**
- (10) Exemption 7(E)---**1**

4. Other reasons for nondisclosure (total): **6**

- a. Expedited processing--**1**
- b. No Records--**1**
- c. Other (specify)
  - Remanded appeals--**1**
  - Fee-related issue--**2**
  - Privacy Act – k(6)--**1**

### ***VII. Compliance with Time Limits/Status of Pending Requests***

**A.** Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).

- a. number of requests processed: **102**
- b. median number of days to process: **155\***

2. Complex requests (specify for any and all tracks used).

- a. number of requests processed: **418**
- b. median number of days to process: **126**

3. Requests accorded expedited processing.

- a. number of requests processed: **2**



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b. median number of days to process: **65**

\* Due to the urgent need to hire over 50,000 employees before the end of the Fiscal Year, FOIA requests began to come in for various HR documents. However, documents were not available at that time. This created a longer response time.

**B.** Status of pending requests.

1. Number of requests pending as of end of current fiscal year: **791**

2. Median number of days that such requests were pending as of that date: **126**

### **VIII. Comparisons with Previous Year**

**A.** Comparison of numbers of requests received: **FY2002 – 401**  
**(FY2003–1123)**

**A.** Comparison of numbers of requests processed: **FY 2002 – 208**  
**(FY 2003 – 522)**

**C.** Comparison of median number of days requests were pending at the end of fiscal year: **FY 2002 – 138 (FY 2003 – 126)**

**D.** Other statistics significant to agency

The Transportation Security Administration (TSA) was created as a result of the Aviation and Transportation Security Act - Public Law 107-71, signed on November 19, 2001. The establishment of this new agency in such a short period of time was a sizable undertaking. Within less than 12 months from the inception of TSA, the agency hired a workforce of approximately 60,000 federal employees.

**E.** Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

As stated previously, upon establishing the Transportation Security Administration's FOIA/PA Division, it inherited 224 outstanding security related FOIAs from the Federal Aviation Administration. The responses to those FOIAs were broken into two categories: FOIAs that the search was still being conducted and FOIAs that the documents had been located and needed review and redaction. Those documents that were being reviewed contained Sensitive Security Information (SSI) and required an expert on the subject to review the redactions made. Because of this additional review, our response time for documents containing SSI has become very lengthy. To expedite as many requests as



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possible the agency continuous to add documents to its FOIA web page:  
<http://www.tsa.gov/public>.

FOIA/PA Division has openings for additional staff, however, due to budget constraints it is currently unable to fill these positions. In the interim, the agency is in the process of hiring contract FOIA Analysts to assist in eliminating the FY03 FOIA backlog.

The acquirement of SSI knowledge by the Specialist has dramatically increased our ability to process documents that contain SSI. Because of the sensitivity of these documents, this is not a subject we take lightly. Until this FOIA/PA Division was established, the staff, although very knowledgeable in the FOIA/PA, was never exposed to SSI material and have been obtaining knowledge by experience.

### *Costs/FOIA Staffing*

#### **A. Staffing levels.**

1. Number of full-time FOIA personnel: **10**
2. Number of personnel with part-time/occasional FOIA duties (in total work years): **3** work years
3. Total number of personnel (in total work years): **13** work years

#### **B. Total costs (including staff and all resources).**

1. FOIA processing (including appeals): \$ 912,226.00
2. Litigation-related activities (estimated): 52,540.00
3. Total costs: \$ 964,766.00

### **X. Fee**

**A. Total amount of fees collected by agency for processing requests: \$12,520.03**

**B. Percentage of total costs: 1.3%**

### **XI. FOIA Regulations (Including Fee Schedule)**



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Attached is a copy of the Department of Homeland Security (DHS) FOIA Regulations, 6 CFR Chapter 1 and Part 5, Freedom of Information Act and Privacy Act Procedures; Interim Final Rule