

From: Jones, Dwight [<mailto:Dwight.Jones@dhs.gov>]

Sent: Wednesday, September 01, 2010 9:13 AM

To: Laura Rotolo

Subject: Correction to your acknowledgement letter for TSA10-0435

Due to the size and depth of your request we have found it necessary to segregate your request into five FOIA case numbers, so please disregard the first acknowledgement letter bearing this FOIA case number.

SENT VIA E-MAIL TO: lrotolo@aclum.org

Re: TSA 10-0435

Dear Ms. Rotolo:

This acknowledges receipt of your Freedom of Information Act/ Privacy Act (FOIA/PA) request to the Transportation Security Administration (TSA), dated March 25, 2010, for documents regarding Whole Body Imaging/Backscatter/Advance Imaging Technology. Your request was received in this office on March 30, 2010.

As it relates to your request for expedited treatment, your request is denied.

Under the DHS FOIA regulation, expedited processing of a FOIA request is warranted if the request involves “circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual,” 6 C.F.R. § 5.5(d)(1)(i), or “an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating

information,” 6 C.F.R. § 5.5(d)(l)(ii). Requesters that seek expedited processing must submit a statement explaining in detail the basis for the request, and that statement must be certified by the requester to be true and correct. 6 C.F.R. § 5.5(d)(3).

Your request for expedited processing is denied because you do not qualify for either category. You failed to demonstrate a particular urgency to inform the public about the government activity involved in the request beyond the public’s right to know about government activity generally. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

As it relates to your fee waiver request, your request has been granted.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the TSA FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS’ goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, TSA will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner

We have queried the appropriate program offices of TSA for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to

your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you deem the decision to deny expedited treatment an adverse determination, you may exercise your appeal rights. In the event that you may wish to appeal this determination an administrative appeal may be made in writing to Kimberly Walton, Special Counselor, Office of the Special Counselor, Transportation Security Administration, 601 South 12th Street, East Building, E7-121S, Arlington, VA 20598-6033. Your appeal **must be submitted within 60 days** from the date of this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed in should be prominently marked "FOIA Appeal." Please note the Special Counselor's determination will be administratively final. Your envelope and letter should be marked "Freedom of Information Act Appeal." Copies of the FOIA and regulations are available at www.DHS.gov.

Your request has been assigned reference number **TSA10-0435**. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at (571) 227-2300 or toll-free at (866) 364-2872.

TSA FOIA OFFICE



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