



**Transportation  
Security  
Administration**

SEP 15 2010

**FOIA Case Number: TSA10-0825**

Ms. Laura Rótolo  
Staff Attorney  
ACLU of Massachusetts  
211 Congress St.  
Boston, MA 02110

Dear Ms. Rótolo:

This letter acknowledges receipt of your August 31, 2010, Freedom of Information Act (FOIA) request to the Transportation Security Administration (TSA), in which you seek the following information:

1. Policies, procedures and training materials regarding the screening of passengers who opt out of the Whole Body Imaging/Backscatter Full Body Scanner.
2. Policies, procedures and training materials regarding pat-down screening of passengers, including documents addressing when a pat-down is appropriate, the procedure for pat-downs generally and the procedures for what TSA has termed the "enhanced pat-down" process.

Your request was received in this office on September 10, 2010.

Expedited Processing

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)(1)(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).

Based on my review of your August 31, 2010, letter you have justified your need for expedited processing and it has been granted.

### Fee Waiver & Media Status

The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We have consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant;"
- (5) Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you have satisfied the burden under the FOIA of showing that the fee waiver requirements have been met and you qualify as a representative of the media. Therefore, your request for a fee waiver is granted..

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.

Your request has been assigned reference number **TSA10-0825**. Please refer to this identifier in any future correspondence. You may contact this office at 866-364-2872.

TSA FOIA OFFICE