Freedom of Information Act and Privacy Act Office Arlington, VA 22202



FOIA Case Number: TSA06-0755

JUL 14 2006

Mr. Edward Hasbrouck 1130 Treat Avenue San Francisco, CA 94110

Dear Mr. Hasbrouck:

This letter is in response to your Freedom of Information Act (FOIA) request dated June 20, 2006, in which you requested all documents pertaining to an incident at Dulles International Airport on or about May 14, 2006.

We have processed your request under the FOIA, 5 U.S.C. § 552. A search within the Transportation Security Administration (TSA) was conducted and 10 pages responsive to your request were found. The documents have been reviewed and portions of the documents will be withheld pursuant to Exemptions 2, 3, 6, 7(C) and 7(F) of the FOIA. A detailed explanation of all applicable exemptions is provided below.

Exemption 2 of the FOIA exempts from mandatory disclosure records that are "related solely to the internal personnel rules and practices of an agency." The courts have interpreted the exemption to encompass two distinct categories of information:

- (1) internal matters of a relatively trivial nature -- often referred to as "low 2" information; and
- (2) more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement -- often referred to as "high 2" information.

We have determined that certain portions of the requested records are properly withheld from disclosure as "high" (b)(2) information, in that they contain internal administrative and/or personnel matters to the extent that disclosure would risk circumvention of a regulation or statute or impede the effectiveness of law enforcement activities. A more detailed explanation follows.

Sensitive materials are exempt from disclosure under "high" 2 when the requested document is predominantly internal, and disclosure significantly risks circumvention of a regulation or statute, including civil enforcement and regulatory matters. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under "high" 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

Portions of the requested records are considered Sensitive Security Information (SSI) and are exempt from disclosure under Exemption 3 of the FOIA. Exemption 3 permits the withholding of records specifically exempted from disclosure by another Federal statute. Section 114(s) of title 49, United States Code, exempts from disclosure of Sensitive Security Information that "would be detrimental to the security of transportation" if disclosed. The TSA regulations implementing Section 114(s) are found in 49 CFR Part 1520.

Pursuant to Section 1520.5(b)(6)(i), details of any security inspection or investigation of an alleged violation of aviation or maritime transportation security requirements of Federal law that would reveal a security vulnerability, including the identity of the Federal special agent or other Federal employee who conducted the inspection or audit constitute SSI and is exempt from disclosure.

Pursuant to Section 1520.5(b)(8)(i), specific details of aviation or maritime transportation security measures, both operational and technical, whether applied directly by the Federal government or another person, including security measures or protocols recommended by the Federal government constitutes SSI and is exempt from disclosure.

Pursuant to Section 1520.5(b)(9)(i), procedures, including selection criteria and any comments, instructions, and implementing guidance pertaining thereto, for screening of persons, accessible property, checked baggage, U.S. mail, stores, and cargo, that is conducted by the Federal government or any other authorized person constitutes SSI and is exempt from disclosure.

Exemption 6 of the FOIA permits the government to withhold all identifying information that applies to a particular individual when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." This requires a balancing of the public's right to disclosure against the individual's right to privacy. After performing this analysis, we have determined that the privacy interest in the identities of individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption 7(C) of the FOIA permits the government to withhold all law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Based upon the traditional recognition of strong privacy interests in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, we have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

In reviewing the requested records, we have determined that certain information is law enforcement information about a person properly withheld under Exemption 7(F) of the FOIA, in that disclosure of information about the individual could reasonably be expected to endanger his or her life or physical safety. Please note that, unlike the personal privacy protection afforded by other exemptions of the FOIA, no public interest balancing test is required under Exemption 7(F). Indeed, information is properly withheld whenever there is a reasonable likelihood of its disclosure risking physical harm to someone.

There is no charge associated with processing this request.

Administrative appeal from this determination may be made in writing to Tamara L. Miller, Special Counselor, Office of the Special Counselor, Transportation Security Administration, 601 South 12th Street, East Building, E7-121S, Arlington, VA 22202-4220. 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." The Special Counselor's determination will be administratively final. If you have any questions pertaining to your request, please feel free to contact the FOIA Office at 1-866-364-2872 or locally at 571-227-2300.

Catrina M. Pavli FOIA Officer

Freedom of Information Act And Privacy Act Office

Enclosure

Print Incident

General Information

Tracking Number

INC2006IAD0476

Incident Date

05/14/2006

Incident Time

1900

Incident Type

Unruly Passenger

Port

IAD-Washington-Dulles International

Occurred At Checkpoint

Yes

Checkpoint

East Checkpoint

Location

Passenger and Carry-on Screening Location

TSO Watch Notified?

No

Individuals Notified

Date Notified

Time Notified

Delivery Method

MWAA Police dispatch

05/14/2006

1908

Telephone

TSA Dulles ICC

05/14/2006

1908

Telephone

Recorded By

Reported By



62,67F

Additional Information

Primary Carrier Involved

United Airlines, Inc.

Secondary Carrier Involved

Indirect Carrier Involved

Flight Delay

of Flights Length of Delay

(Cumulative)

Terminal Evacuated

No

No

Media Attention

No

Canine Team Utilized

No

Specify Department

Direct/Connect Flight

Direct

On Board Location

FAM Intervention

No

Passenger Traveling Alone

Yes

Number of Unruly

Passengers

1

Time Passenger has been

Traveling

0

Flight Status

Flight Type

Domestic

Originating Port

IAD-Washington-Dulles International

Scheduled Destination

TPA-Tampa International

Actual Destination

TPA-Tampa International

Subject Information

Subject Name

Arrested

Cause Of Arrest

Charges Files

Hasbrouck, Edward John

No

No

Narrative Information

Incident Details

attempted to Edward J. Hasbrouck, Male, DOB bypass the airport security ID check and enter the TSA stopped HASBROUCK and checkpoint for screening. explained the process of comparing the boarding pass with the passengers ID prior to his entering the TSA checkpoint. and attempted to enter the HASBROUCK ignored checkpoint again. LEO's responded and questioned HASBROUCK who said he questioned the airport representatives authority to compare his ID and boarding pass. HASBROUCK allowed his boarding pass and ID to be compared and was then allowed to enter the checkpoint without any further incidents. An NCIC report was conducted and it was found that HASBROUCK had been arrested for a similar incident. No flight delays were incurred.

Disposition

HASBROUCK did allow his ID and boarding pass to be compared, and was then allowed to continue on to his flight

without any further incidents.

Status

Current State

Submitted For Review

Created By

05/14/2006 2103

Last Modified By

05/14/2006 2103

Status: Submitted For

Review

Name: Walking

Date: 05/14/2006 2103

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49/CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED WITHOUT THE WRITTEN PERMISSION OF THE UNDER SECRETARY OF TRANSPORTATION FOR SECURITY, WASHINGTON, DC 2059. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC AVAILABILITY TO BE DETERMINED UNDER 5 U.S.C. 552.

62, 67F

Shift Supervisor Incident Report Package Checklist

1	. Required documentation for a complete Incident Report Package:	
	Incident Report	
	Copy of Page with journal entries involving incident Notification Checklist	,
	Skytel Pager receipt	
	2 Copies of PARIS report (One of which will be attached to the ASI Report)	
	Shift Supervisor Incident Report Package Checklist	
2.	. Review the package for the following:	
	PARIS Report is in the proper format	
	Incident Report is complete with statements	
	Notification Checklist is utilized and complete	
	Grammatical / Spelling errors	
	TSOC notified within the 10-15 minute time limit	
	WebEOC language guide utilized	•
	AVO-400.18.1-1B was followed	
	PARIS Report # INC 2006 FAD 0976	
3.	The Shift Supervisor is responsible for following up to ensure that all required documentation is included in the package prior to being filed.	
4.	Supervisor's Comments:	
		•
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. I	I have reviewed this Incident Report Package and certify that the package is complete and correct to the best of my knowledge.	
	Watch Officer: 5-14-06	
	Supervisory 18/0	62,
	Supervisor:	bif

*Last revised on: 26 January 2006

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WUHITED

HASBROUCK/EDWARD

BOARDING PASS

UA 223 MAY 14 WASH/OULLES SAN FRANCISCO

C17 GATE BOARDS AT 7:15 PM

IDENTIFIER TRIMPE BOOKING CHIE V 016 2140284839 CPN ISSUED BY REAGLES AT DOCCOO TABLE UA 00168716753

SEATING

ETKT

HASBROUCK/EDUARD

UA 00168716753

3 HAY 14 WASH/DULLES UA 223 FROM SAN FRANCISCO TO

GATE C17 DEPARTS AT 7:45 PM

BOARDS AT 7:15 PM

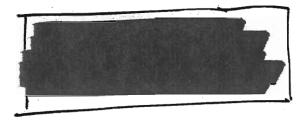
Y-CABIN 016 2140284839 CPN

invidades competentes permitter el paso del citadadaco e nacional de los Estados Un iqué nondrondo, rin demora de dificultades. y en caso de nescridad, prestarle soda Secretação de Estado da los Estados Unidos de América por el presente de par les présentes sondes autorités compélantes de lairser passer le intilé et, en cas de besoin, de lui anonder teors aide es protections einriksent des Bloks-Ouis tituldire du prétert passeport, song ldg Duilsed Status named herein to pass without dolay ur biss and in wase of need to give all taught aid and protess Le Secretaire d'Atras des Blats-linie d'Amérique by requests all sebven is may somern to permit the cifi NOT VALID UNTIL SIGNED SAME SECONATURE DU TITULAIR KHASBROUCK << EDWARD < JOHNS UNITED STATES OF AMERI Party of telest, Total for second FOUNDED JOH Use of home / Gate de HASBROUCH Glett Items / Presect 24 Feb 200

STAPLE

Incident Type,				מנים ביים מנים	Casa #: 00-00-00
Code/Tier level:		. Hunk Dassender			
Where: Lane 22	ane 22				
Passenger E	dward J. Hay	Passenger Edward J. Hasbrouck, Male, DOB Involved: 94110 Flight Information: United Airlin		Home Phone	Home Phone (San Francisco, CA) 1945 hours.
TSA Involved: SM		TSA/IAD SPOT Te	am, STSO		
	Time	Watch Officer Cal	Caller - In	Caller - Out	Narrative
Description of Incident:	1900		SM		Reported a Unruly Passenger in the queue outside of Lane 22 and requested MWAA PD.
	1901			MWAA PD	Requested an officer respond to the queue outside of Lane 22 for an unruly
ay napaga ayan ayan is				Dispatcher	passenger.
	1903			Page	TSA/IAD Senior Staff re: Notification Page for Unruly Passenger outside of Lane 22.
	1908		STSO		Reported that the Lunuly Passenger is now he passenger was screened to continue on his flight.
	1912			Page	TSA/IAD Senior Staff red Unruly Passenger is now the passenger was screened in the passenger is now the passenger in the passenger is now the passenger in the passenger is now the passenger in the passenger in the passenger is now the passenger in the passenger in the passenger is now the passenger in the passenger in the passenger in the passenger is now the passenger in the passe
Notifications: MWAA PD Dispatch	MWAA PD D	spatch TSA/IAD	AD Senior Staff		
How resolved? Passenger screened	assenger so	peened	and th	en cleared to co	and then cleared to continue on their flight.
Report Status: Received	3eceived		PARI	S Report No	PARIS Report No: INC2006IAD0476
ICC Officer:					

62, 67F 66,67C 63, 1520,5(6)(6;) 1520,5(6)(8;) 1520,5(6)(9;)



(Unruly/Disorderly Passenger)

DATE:

05/14/2006

INCIDENT #:

0516-05-06

PARIS#:

INC2006IAD0476

MWAA PD.....

AFSD-LE......202-306-

- SKYTEL Page.....
- TSA IAD Compliance.....ASI on Duty

WHEN INCIDENT IS CLOSED

Send SKYTEL page to Addressees giving resolution

62,

Watch Officer

Print Form

19:03

Time

19:01

19:27

62, 63 1520.5(6)(8i) 1570.5(6)(8i)

b7F

Icc, Dulles

From:

62

Sent:

Sunday, May 14, 2006 7:03 PM

To:

Icc, Dulles

Subject:

Skytel Personal Messaging email Message

lane 22.

Unruly Passenger: SM MWAA PD responding. ICC

reports an unruly passenger in the queue outside of

62, 67F

62,63 (520,566)(6i) 1520,5(6)(8i)

Icc, Dulles

From:

62

Sent:

Sunday, May 14, 2006 7:27 PM

To:

Icc, Dulles

Subject:

Skytel Personal Messaging email Message

Unruly passenger is now a Passenger was allowed to continue to fly. handled the screening of the passenger. ICC

62,67F

62,63

1520.516)(6i) 1520.516)(8i)