

EXHIBIT 4



AMERICAN CIVIL LIBERTIES UNION

Northern
California

January 19, 2018

VIA U.S. MAIL AND EMAIL

Deborah O. Moore
Acting FOIA Officer
Transportation Security Administration
US Department of Homeland Security
Freedom of Information Act Branch
601 South 12th Street
Arlington, VA 20598-6020
FOIA@tsa.dhs.gov

Re: Unperfected Case Number 2018-TSUN-00001

Dear Ms. Moore,

I write in response to your letter of January 4, 2018 indicating that my FOIA requested dated December 20, 2017 did not describe the records sought in sufficient detail. While we disagree, we provide the following clarifications.

Item 2

Original December 20, 2017 request:

Equipment, including but not limited to SIM-card readers and software manufactured by Cellebrite¹, used to search, examine, or extract data from passengers' electronic devices and SIM cards at the San Francisco International Airport. This request seeks records including but not limited to: documentation related to the acquisition, testing, use, maintenance, and location of such equipment; any inventories of the number of each type of equipment.² This request includes any records in the possession of the TSA San Francisco Field Office but generated by Covenant Aviation Security.

¹ Examples of such devices include, but are not limited to, the UFED Touch Platform manufactured by Cellebrite: <https://www.cellebrite.com/en/press/cellebrite-introduces-ufed-touch2-platform/>.

² According to the Government Accountability Office, TSA possesses ““acquisition documentation for passenger and baggage screening technologies,” including memorandums and “information regarding the number of each technology deployed in airports nationwide.” <http://www.gao.gov/assets/680/674297.pdf> at 28.

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TSA January 4, 2018 response:

The last sentence, which reads “any records...generated by Covenant Aviation Security,” is not reasonably described because it is overly broad. Please specify the types of records beyond what you have already described for this item. Otherwise, for this item, TSA will conduct a search for ‘documentation related to the acquisition, testing, use, maintenance, and location of such equipment; any inventories of the number of each type of equipment.

ACLU-NC Clarification:

This request seeks all records in the possession of the TSA San Francisco Field Office, regardless of the author of the document, related to (1) the acquisition, testing, use, maintenance, and location of equipment used to search, examine, or extract data from passengers’ electronic devices and SIM cards and (2) any inventories of the number of each type of such equipment.

Item 3

Original December 20, 2017 request:

Logs referencing the use or maintenance of any equipment used to search, examine, or extract data from passengers’ electronic devices at the San Francisco International Airport.

TSA January 4, 2018 response:

This item is not reasonably described because it is overly broad. Various types of security equipment may be used to screen passengers and their property. The same equipment that examines electronic devices may also be used to examine a variety of other items in the security process. Therefore, logs about “any equipment” used to search or examine passengers’ electronic devices are likely to be voluminous and include far more data than what is related to examining passengers’ electronic devices. Moreover, certain information in logs related to “use” and “maintenance” of screening equipment may be Sensitive Security Information (SSI), which would be withheld from release. Please clarify the specific logs or for which equipment you are seeking logs or other information to enable TSA to conduct a search.

ACLU-NC Clarification:

This request seeks all use or maintenance logs related to the search, examination, or extraction of data from passengers’ electronic devices. Any applicable exemption from disclosure under FOIA does not alleviate the agency of its duty to search for responsive records. Rather, the proper procedure is to search for and identify the records, and then to assert an applicable FOIA exemption.

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Item 4

Original December 20, 2017 request:

All communications between SFO and TSA referencing the replacement, supplementation, or relocation of any piece of Transportation Security Equipment (“TSE”) at SFO.


TSA January 4, 2018 response:

This item is not reasonably described because it is overly broad as TSA maintains varied types of security equipment as part of its overall security operation. Please specify the types of communications you are seeking, e.g., communications about TSE with a nexus to the search or examination of passengers’ electronic devices at SFO

ACLU-NC Clarification:

This request seeks all communications between SFO and TSA about TSE with a nexus to the search of, examination of, or extraction of data from passengers’ electronic devices at SFO.

Thank you for your cooperation. If I can provide any additional information that will expedite your processing of my request, please do not hesitate to contact me at (415) 293-6313 or tsimon@aclunc.org

Sincerely,

Theodora Simon
ACLU of Northern California