

EXHIBIT 5

U.S. Department of Homeland Security
Freedom of Information Act Branch

601 South 12th Street
Arlington, VA 20598



Transportation
Security
Administration

Freedom of Information Act/Privacy Act Request Acknowledgement

Requester Name and Address:

Theodora Simon
tsimon@aclunc.org
Investigator
ACLU
39 Drumm St

Request Date: January 23, 2017
Date Received: January 24, 2018
Perfected Case Number: 2018-TSFO-00143
Fee Waiver Requested: Yes Expedite Request: Yes
Category: Complex

San Francisco, CA 94111

Ms. Simon:

Your request has been received in this office for processing. Please see below to learn if we need additional clarification and/or documentation in order to continue processing your request. If the first box is checked, nothing more is required from you. If other boxes are checked and we do require supplemental information, you have 30 working days to respond. If you do not respond within this time frame, we will administratively close your case; however, you may resubmit your request at any time. If you have any questions, please contact this office at (571) 227-2300 or foia@tsa.dhs.gov. You may also check the status of your request at <https://www.dhs.gov/foia-status>.

If you are requesting video recordings from airports, please be aware that the Transportation Security Administration does not control video recordings at airports and, therefore, we are generally unable to provide those records. We recommend that you request video recordings from the local airport authority. Also be aware that the airport authorities generally delete recordings after thirty days.

- No additional information is needed at this time. However, if any additional information is needed in order to complete our search for documents we will contact you.
- Because you have asked for copies of records about yourself, we must verify your identity to ensure that your personal information is released only to you. Enclosed is the appropriate form that can be used to satisfy this requirement.
- Because you have submitted a third party request, we must receive a statement from the subject of the request verifying his/her identity and certifying his/her agreement that records concerning him/her may be released to you. Enclosed is the appropriate form that can be used to satisfy this requirement.

- Request did not reasonably describe the records sought or is too broad in scope. Requests are reasonably described when an agency employee is able to locate the records with a reasonable amount of effort. Please modify your request ensuring you specifically describe the records you seek. For example, what was the nature of your contact with TSA – did you apply for a job with TSA, did you encounter problems at an airport checkpoint (specify airport, date), current employee, etc.
- Your request for expedited processing is denied because you do not qualify under one of the two required categories: 1) Circumstances in which the lack of expedited treatment could pose an imminent threat to life or physical safety, or 2) You are person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity.

- Provisions of the FOIA allow us to recover part of the cost of complying with your request. We will construe the submission of your request as an agreement to pay up to \$25.00. (6 CFR section 5.11) If the cost will exceed this amount, we will contact you to advise of the new cost and your agreement to pay or modify the scope of your request to lessen the cost.
- You have requested a fee waiver. We are reviewing your request and will advise you of our determination shortly.

- We have determined that your request meets the “Unusual Circumstances” criteria of the FOIA due to one or more of the following: There is a need to search for and collect records from separate offices; there is a need to search for, collect, and examine a voluminous amount of records; or there is a need for consultation with another agency or among two or more components within the same agency. Therefore, we will not be able to complete the processing of your request within 30 working days (20 working days plus 10 additional business days allowed for “unusual circumstances.”

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please contact the FOIA Branch and the analyst who is assigned to process your request will assist you. To do so, you may send an e-mail to foia@tsa.dhs.gov, call 571-227-2300 or toll free 1-866-364-2872, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.