

April 23, 2019

By Email: FOIA@tsa.dhs.gov

Terri Miller
Transportation Security Administration
Freedom of Information Act Branch
601 S. 12th Street
11th Floor, East Tower, TSA-20
Arlington, VA 20598-6020

Re: Freedom of Information Act Request No. 4329146

Dear Ms. Miller:

On April 22, 2019, I submitted by email a Freedom of Information Act (“FOIA”) request to your office on behalf of Citizens for Responsibility and Ethics in Washington (“CREW”). The request was clearly identified as a FOIA request and sought three categories of records concerning or mentioning communications between Transportation Security Administration (“TSA”) official Chad Wolf and his previous firm as well as other identified individuals and entities. In support of CREW’s request for a fee waiver I explained that the requested information will shed light on the extent to which Mr. Wolf’s former colleagues have lobbied him during his tenure at TSA and the Department of Homeland Security. A copy of this request is enclosed as Exhibit A.

By email dated April 22, 2019, and sent at 1:45 p.m., the TSA Contact Center advised me that CREW’s FOIA request was incomplete because I failed to include a signed copy of TSA’s Affirmation/Declaration form, which the email stated, “is required if you are seeking records on behalf of yourself or a third party.” A copy of this email is enclosed as Exhibit B. The referenced form requires me to provide, *inter alia*, my date and place of birth and my citizenship status. It also asks me to indicate my understanding “that any applicable fees must be paid by me,” and requires me to execute the form under penalty of perjury.

The additional requirements TSA seeks to impose on CREW before it will treat CREW’s FOIA request as perfected exceed and conflict with what the FOIA itself requires and raise a substantial risk of chilling requests by CREW and others. There simply is no reason why TSA needs information about my date and place of birth or my citizenship status to process CREW’s FOIA request, which has not been made under the Privacy Act. Nor is it appropriate to ask me to acknowledge my personal liability for fees when CREW has demonstrated its entitlement to a fee waiver.

In my many years of submitting FOIA requests on behalf of CREW I have never before been requested to submit this kind of information. Its unprecedented nature highlights just how at odds the request for this information is with the FOIA, a statute intended to enhance agency

transparency and accountability. Accordingly, please be advised that CREW will not be submitting a signed Affirmation/Declaration form and considers its request, which complies fully with the FOIA, to be perfected as is and as of the date of submission, April 22, 2019.

Finally, even if TSA submitted this demand for an Affirmation/Declaration form in error, it raises substantial concerns that an agency like TSA is amassing personal data about FOIA requesters. CREW is an experienced FOIA requester able to identify the impropriety of asking a FOIA requester for personal data like their date and place of birth and citizenship status. Other less experienced members of the public may not realize the illegitimacy of TSA's request. Given the implications of the unauthorized collection of personal data concerning FOIA requesters, TSA must take appropriate steps to ensure such a mistake is not repeated.

Please advise me as soon as possible if you disagree with our position that CREW has already submitted a perfected request so that we can promptly pursue all available legal remedies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne L. Weismann', written in a cursive style.

Anne L. Weismann
Chief FOIA Counsel

encl.