



VIA E-MAIL, U.S. MAIL, AND ONLINE PORTAL

Records Management Center
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-PL-5
Los Angeles, CA 90012
RMC@metro.net

August 29, 2018

Re: Public Records Act request for documents concerning use of body scanners by the Los Angeles Country Metropolitan Transportation Authority

To whom it may concern:

Pursuant to the California Public Records Act, California Government Code sections 6250 et seq., I write on behalf of the ACLU of Southern California to request records¹ relating to the acquisition and use of millimeter wave scanners² and any other full-body scanning devices³ by the Los Angeles Country Metropolitan Transportation Authority (“Metro”).

ACLU SoCal is deeply concerned about the recently-announced deployment of full body scanners at transit terminals operated by Metro. According to an August 14, 2018 Metro statement, the agency intends to use these body scanners to identify items on the physical person of thousands of Metro riders per hour. Metro believes doing so will assist in identifying individuals who intend to “cause mass casualties.”⁴ Yet the legality, efficacy, and impacts on individuals’ privacy from the use of such invasive scans are far from clear. First, the full-body scanning of passengers may violate the Fourth Amendment prohibition on unreasonable searches when done without any suspicion of wrongdoing outside of an airport. Second, such scanning is

¹ Throughout this request, the term “records” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

² When referencing “millimeter wave scanners” this request includes the (1) Thruvision TAC-TS4 portable terahertz millimeter wave passenger screening devices purchased by Metro, as well as (2) any other device from any other vendor that utilizes similar technology to screen individuals.

³ When referencing “any other full-body scanning devices,” this request refers to the broader category of any device or system that detects objects on a person’s body for security screening purposes without the need for physical contact.

⁴ Sotero, Dave, “TSA and L.A. Metro partner to provide advanced passenger screening system,” The Source (Metro), <http://thesource.metro.net/2018/08/14/tsa-and-l-a-metro-partner-to-provide-advanced-passenger-screening-system> (Aug. 14, 2018).

deeply invasive, and risks revealing innocuous yet sensitive information about the public without their knowledge or consent. Further, it is not clear if any data collected from the devices will be retained by Metro, shared with other agencies, or used in conjunction with other law enforcement purposes, all of which pose serious threats to the privacy of Metro passengers. Third, the use of these devices can incentivize Metro officers to perform illegal stops of individuals who are flagged by the devices' black-box algorithm as carrying a suspicious device.

Accordingly, and to facilitate public scrutiny of this program, ACLU SoCal requests all records relating to the acquisition and use of these devices by Metro. Specifically, please provide copies of all records mentioning or referencing the use of millimeter wave scanners or full-body scanning devices, or the trial, acquisition, installation, or use of any such services by Metro, including the following:

1. Grant applications, budget requests, loans, donations, or other funding records concerning millimeter wave scanners or any other full-body scanning devices;
2. Records referencing the purchase, acquisition, subscription to, or payment for millimeter wave scanners or any other full-body scanning devices;
3. Meeting agenda, public notices, and communications to or from any Metro or County employee concerning the use of millimeter wave scanners or any other full-body scanning devices;
4. All communications to or from any Metro or County employee to any third-party vendor that sells, leases, or otherwise makes available millimeter wave scanners or any other full-body scanning devices, including but not limited to Thruvision;
5. Any communications, memoranda, or documents shared by, created by, or delivered to the United States Transportation Security Administration concerning the trial, acquisition, installation, or use of millimeter wave scanners or any other full-body scanning devices;
6. All policies, guidance, or memoranda governing the use of millimeter wave scanners or any other full-body scanning devices by Metro, or governing the use or retention of data collected by such devices;
7. All product manuals or training materials describing the features of and use of millimeter wave scanners or any other full-body scanning devices by Metro; and
8. Any document that describes, discusses, or mentions the specifications and effectiveness of millimeter wave scanners or any other full-body scanning devices, including their efficacy, error rates (both false positives and false negatives), resolution, imaging capacity, and data retention capacity.

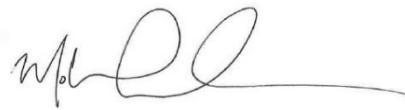


If you determine that some but not all the information is exempt from disclosure and that you intend to withhold it, we ask that you redact it for the time being and make the remaining responsive records available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed. If we can provide any clarification that will help expedite your attention to our request, please contact Mohammad Tajsar at (213) 977-9500, ext. 268.

Because this request is on a matter of public concern, and the ACLU of Southern California is a nonprofit public interest organization, we request a fee waiver. *See North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144 (1994). We also request that documents be provided in electronic format if possible. Doing so would eliminate the need to copy the materials and provides another basis for our requested fee waiver. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$50.

According to the California Public Records Act (California Government Code § 6253(c)), a response is required within 10 days. Thank you for your prompt attention to this matter. Please furnish all applicable records to us at mtajsar@aclusocal.org if in electronic format or, if in physical form, at 1313 W. 8th St. Suite 200, Los Angeles, CA 90017.

Sincerely,



Mohammad Tajsar
Staff Attorney
ACLU Foundation of Southern California

