



A PROFESSIONAL CORPORATION

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August 31, 2012

Sara Rose
313 Atwood Street
Pittsburgh, PA 15213

Dear Ms. Rose,

As General Counsel to the Port of Pittsburgh Commission, I deliver this correspondence on behalf of the Commission in response to your recent request for documents under Pennsylvania's Right to Know Law. The Commission appreciates your acknowledgment of the extension of time so that the Commission might fully investigate your requests. After considering the nature of your requests, and conducting research into our obligations and ability to respond, the Commission offers the following.

With respect to your Request #1, the Commission has determined that any records regarding all federal, state, or local funds the Commission has sought or received are exempted from disclosure under Section 708(b)(2) of the Pennsylvania Right to Know Law, 65 P.S. § 67.708. Specifically, this section exempts from access records maintained in connection with the military, homeland security, national defense, law enforcement or other public safety activity that, if disclosed, would be likely to jeopardize or threaten public safety and preparedness.

Upon investigation, the Commission has determined that the records sought in your Request #1 constitute Sensitive Security Information ("SSI"), which, if disclosed, would be likely to jeopardize public safety and preparedness. Under 49 CFR Part 15.5(b), SSI is defined categorically as, among other things:

- (1) any security program or security contingency plan issued, established, required, received, or approved by the Department of Transportation or the Department of Homeland Security, including – (ii) any vessel, maritime facility, or port area security plan required or directed under Federal Law;
- (2) Any Security Directive or order – (ii) issued by the Coast Guard under the Maritime Transportation Security Act, 33 CFR part 6, or 33 U.S.C. 1221 et seq. related to maritime security;
- (14) Solicited or unsolicited proposals received by DHS or DOT, and negotiations arising therefrom, to perform work pursuant to a grant, contract, cooperative agreement, or other transaction, but only to the extent that the subject matter of the proposal relates to aviation or maritime transportation security measures.

It is the Commission's position that the records sought under Request #1 contain information concerning these categories, and are therefore considered SSI. The Commission's understanding in this regard is bolstered by various instances in which the Department of Homeland Security, the Federal Emergency Management Agency, and the Area Maritime Security Committee, among others, indicated that grant applications, grant proposals, and other documentation associated with grant funding can constitute SSI, particularly when those records relate to security. Given that the records requested in Request #1 constitute sensitive security information, the Commission would be subject to civil penalties and other enforcement or corrective action if

such information was disclosed. See 49 CFR 15.17. As such, the records sought under Resquest #1 are exempted from disclosure.

With respect to your Request #2, the Commission has determined that the records relating to which police departments, municipalities, boroughs, cities or other agencies received or purchased automatic license plate readers, if any, is exempted from disclosure under Section 708 of Pennsylvania's Right to Know Law, 65 P.S. § 67.708(b)(2). Such records would reveal the location of any ALPR's, if any, thereby jeopardizing the public safety and preparedness. Accordingly, such records are exempt from disclosure.

With respect to your Request #3, the Commission is not in possession of any documents concerning any requirements imposed either on or by the Commission in connection with ALPR's. An attestation of nonexistence of records is attached concerning this request.

With respect to your Request #4, the Commission is not in possession of any documents related to any regional databases, data mining programs, or other computerized management systems concerning any data obtained from ALPR's. An attestation of nonexistence of records is attached concerning this request.

With respect to your Request #5, the Commission is not in possession of any documents related to the purchase, lending, or sale of any ALPR data. An attestation of nonexistence of records is attached concerning this request.

Finally, with respect to your Request #6, the Commission is not in possession of any documents related to any data sharing agreements concerning ALPR data. An attestation of nonexistence of records is attached concerning this request.

Very truly yours,
Grogan Graffam, P.C.

/s/Ronald J. Brown
Ronald J. Brown

RJB/jrm

Enclosures

ATTESTATION OF NONEXISTENCE OF RECORD

Date: 9/4/12

Agency: Port of Pittsburgh Commission

Requester: Sara Rose

Records Requested: All records regarding regional databases, data mining programs or other computerized management systems into which ALPR data is deposited, including any training materials, policies, internal guidelines or procedures that govern access to, use of or auditing of said systems, including any federal guidelines or regulations which may be applicable to any such program.

I, James McCarville am this agency's Executive Director
[Print name] [Print job title]

and I make this statement under penalty of perjury as more fully set forth in 18 Pa. C.S. § 4904.

I attest that I have searched the agency's files to the best of my ability and that the records requested as set forth above do not exist. It is understood that this does not mean that the records do not exist under another spelling, another name, or under another classification.

My contact information, including telephone number and email address, is:

James McCarville
412 201 7335
jim@port.pittsburgh.pa.us

By: 
[Signature]

ATTESTATION OF NONEXISTENCE OF RECORD

Date: 9/4/12

Agency: Port of Pittsburgh Commission

Requester: Sara Rose

Records Requested: All records regarding any requirements imposed by federal, state, or local granting agencies with respect to ALPR equipment or systems, and any records describing any requirements imposed upon state and local police by your agency with respect to ALPR.

I, James McGiville am this agency's Executive Director
[Print name] [Print job title]

and I make this statement under penalty of perjury as more fully set forth in 18 Pa. C.S. § 4904.

I attest that I have searched the agency's files to the best of my ability and that the records requested as set forth above do not exist. It is understood that this does not mean that the records do not exist under another spelling, another name, or under another classification.

My contact information, including telephone number and email address, is:

James McGiville

412 201 7335

jmc @ port.pittsburgh.pa.us

By: 
[Signature]

ATTESTATION OF NONEXISTENCE OF RECORD

Date: 9/4/12

Agency: Port of Pittsburgh Commission

Requester: Sara Rose

Records Requested: All records regarding data sharing agreements that include
ALPR data with any agency of the federal, state, or local
government including but not limited to memoranda of
understanding/agreement between your agency and any
division or department of the U.S. Department of Justice, U.S.
Department of Homeland Security, U.S. department of
Transportation, the Federal Aviation Administration and
Department of Defense.

I, James McCarville am this agency's Executive Director
[Print name] [Print job title]

and I make this statement under penalty of perjury as more fully set forth in 18 Pa.
C.S. § 4904.

I attest that I have searched the agency's files to the best of my ability and that the records requested as set
forth above do not exist. It is understood that this does not mean that the records do not exist under another
spelling, another name, or under another classification.

My contact information, including telephone number and email address, is:

James McCarville
412 201 7335
jim@port.pittsburgh.pa.us

By: [Signature]
[Signature]

ATTESTATION OF NONEXISTENCE OF RECORD

Date: 9/4/12

Agency: Port of Pittsburgh Commission

Requester: Sara Rose

Records Requested: All records regarding the purchase, lending, or sale of ALPR
data to any entity

I, James McGruille am this agency's Executive Director
[Print name] [Print job title]

and I make this statement under penalty of perjury as more fully set forth in 18 Pa.
C.S. § 4904.

I attest that I have searched the agency's files to the best of my ability and that the
records requested as set forth above do not exist. It is understood that this does not
mean that the records do not exist under another spelling, another name, or under
another classification.

My contact information, including telephone number and email address, is:

James McGruille
412-201-7335
jim@port.pittsburgh.pa.us

By: 
[Signature]