

*Office of Law Enforcement
Federal Air Marshal Service*

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



Transportation
Security
Administration

July 11, 2011

Ryann Liebenthal
Harper's Magazine
666 Broadway, 11th Floor
New York, NY 10012

Dear Ms. Liebenthal:

I am in receipt of your May 18, 2011, letter to Administrator John Pistole regarding information pertaining to the Screening of Passengers by Observation Technique (SPOT) program. Specifically, you requested a declassification review—in accordance with Executive Order (E.O.) 13526, Classified National Security Information—of the behavioral indicators used under the SPOT program to identify potentially high-risk passengers.

The list of behavioral indicators used under the SPOT program has been determined to be Sensitive Security Information (SSI) in accordance with 49 U.S.C § 114(r) and is defined in Department of Homeland Security regulations under 49 CFR Part 1520. SSI is not subject to the provisions of E. O. 13526 and, as such, is not subject to mandatory declassification review. Information loses its SSI designation when the release of the information would no longer be detrimental to transportation security. Public release of the behavioral indicators used under the SPOT program would be detrimental to transportation security. As is the case with other security programs, we do not want to publically provide valuable information that could assist our adversaries. As such, the information may only be disclosed to covered persons who have a need to know the information as defined under 49 CFR Part 1520.7.

It is my understanding, Harper's Magazine has recently submitted a request under FOIA for "a list of... behavior indicators that TSA behavior detection officers use to identify potentially high risk passengers at the nation's airports," as quoted in an April 15, 2011, CNN report. Please contact our FOIA Office via email at FOIA@TSA.DHS.GOV should you wish to submit an additional FOIA request for this information.

Sincerely,


William E. Benner, Jr.
Chief, SSI Program