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Description of document: Two Federal Aviation Administration (FAA) memoranda re: sensitivity of radar system information and FOIA guidance for such information, 2005, 2010

Requested date: 02-February-2011

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Titles of documents: Guidance for FOIAs Seeking Location of Radar Antenna Sites and Radar Data, December 8, 2010
Sensitivity of United States Radar System Information, December 2, 2005

Source of document: FOIA Coordinator
Federal Aviation Administration
National Freedom of Information Act Staff, ARC-40
800 Independence Avenue, SW
Washington, DC 20591
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[Online FOIA form](#)

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Mission Support Services
800 Independence Ave., SW.
Washington, DC 20591

FEB 14 2011

This responds to your Freedom of Information Act (2011-003002) request dated February 2. Your request sought a copy of the memo dated December 2, 2005 from Director, Office of Internal Security and Investigations to the Acting Director, ATC Spectrum Engineering Services, Mailstop AJW-6, entitled Sensitivity of United States Radar System Information. You also sought a copy of the memo dated December 8, 2010 from Carol Might, Director, Litigation Liaison Office, Mission Support Services, to Deanna Hall, Gail Kasson and Johnathon Calkins.

A records search was conducted in the Air Traffic Organization Mission Support Services Litigation Liaison office. Enclosed is a copy of the requested information.

If you owe fees for the processing of this request, an invoice containing the amount due and payment instructions will be enclosed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C.A. Might'.

Carol A. Might
Director, Mission Support Services Litigation Liaison Office
Air Traffic Organization

Enclosure

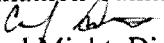


Federal Aviation Administration

Memorandum

Date: December 8, 2010

To: Deanna Hall, Acting Manager, Management Support Team, ESC
Gail Kasson, Manager, Administrative Services Group, CSC
Johnathon Calkins, Team Manager, Management Support Team, WSC

From: 
Carol Might, Director, Litigation Liaison Office, Mission Support Services

Subject: Guidance for FOIAs Seeking Location of Radar Antenna Sites and Radar Data

Radar Antenna Sites

In December of 2005, the Office of Internal Security and Investigations (AIN-1) advised Technical Operations' Spectrum Engineering Services (AJW-6) (see attached memo) that AJW's database, which contained the site information (latitude and longitude) for radar antennas, should be classified as Sensitive Security Information (SSI). As a result, this information was not to be released in response to a FOIA request. While this guidance applied to both long range (Air Route Surveillance Radar (ARSR)) and short range (Airport Surveillance Radar (ASR)) radar sites, it has been discovered that the locations of short range radars are currently available to the public through the Internet. Consequently, the FAA has no basis for withholding the latitude and longitude of short range radar sites. However, the guidance of the attached memo still applies to site information for long range radars and therefore must be withheld in response to a FOIA request. The applicable exemptions would be High 2 and 3. There has been some past confusion on this issue, because there was a period of time that AJW posted all of this data on a publicly available Web site. However, earlier this year, AJW removed that data from its Web site. In summary, FOIA requests seeking latitude and longitude for short range radar (i.e., ASR) site can be released and requests for long range radar (i.e., ARSR) sites are to be withheld under exemptions High 2 and 3.

Radar Data

Fundamentally, FOIA requests for radar data are processed just like any other request. The responsible facility is required to search and retrieve the responsive records, then the facility's quality assurance (QA) office, in conjunction with the facility's Technical Operations office, must review the records and redact that which is sensitive. However, if the sensitive data cannot be reasonably segregated from that which is not sensitive, then the responsive record must be withheld in its entirety.

The guidance for responding to requests for raw radar data, such as ERIT, remains the same. We will not release raw radar. There was also some recent confusion as to whether CDR data can be released, because Order 6191.2, STARS System Security Handbook, classifies CDR data as SSI. However, according to Appendix E of 6191.2, the parts of the CDR data that are **not** SSI are target, tracking and flight plan data, which is the data we routinely release in FOIA and for discovery in litigation and enforcement cases.

In summary, the facility's QA office, in conjunction with the facility's Technical Operations office, have the technical expertise to review the responsive records and therefore must make the disclosure determinations for those FOIA requests that seek radar data, and then advise the Service Center FOIA office accordingly.

Please let me know if you have any questions or concerns with respect to the aforementioned guidance.

Attachment



Federal Aviation Administration

Memorandum

Date: DEC 2 2005

To: Acting Director, ATC Spectrum Engineering Services, Mailstop AJW-6

From: Director, Office of Internal Security and Investigations, AIN-1

Prepared by: Internal Security Policy Division, AIN-200

Subject: Sensitivity of United States Radar System Information

Your e-mail of November 9, 2005 asked for recommendations and guidance on

1. The suitable sensitive unclassified information (SUI) label for your database of United States radar systems and microwave links.
2. Background checks or security clearances for access to this information.
3. Proper labeling and handling of SUI and Sensitive Security Information (SSI).
4. Contracting language and nondisclosure agreements for people who need access to this information.
5. Justification to withhold this information if someone requests it through the Freedom of Information Act (FOIA).

Your e-mail stated the database information:

1. Is not normally available to the public;
2. Contains information such as the locations of all United States radar systems and microwave links that send radar information; and
3. Provides information that a criminal or terrorist could use to spot weak links in national surveillance capabilities and to find radar sites to disrupt or destroy the vital services and security measures they provide.

Based on your description of the database and by Title 49 Code of Federal Regulations Part 15.5(b), it's proper to label database information SSI because

1. The database lists physical assets vital to the aviation transportation system;
2. Destruction or incapacity of these assets would have a debilitating impact on transportation security; and
3. Criminals or terrorists could use database information to evade surveillance, an aviation security measure.

On your other requests:

1. FAA Order 1600.75, Chapter 3 has guidance for marking and handling SSI.
2. FAA Order 1600.75, Chapter 2 has guidance for access to SSI. A person does not need a security clearance for access to SSI. FAA employees and contractors must have a favorably adjudicated National Agency Check with Written Inquiries (NACI) for access.
3. For details on writing security clauses, go to the Contract Writing Toolbox in the FAA Acquisition Toolset at <http://fast.faa.gov>. We can help you craft a nondisclosure agreement.
4. FOIA exemptions High 2 and 3 are suitable exemptions to cite if you get an FOIA request for database information. See FAA Order 1270.1 and Paragraph 9, Chapter 1, FAA Order 1600.75 for guidance on handling FOIA requests for SSI.

Our point of contact for this memorandum is John McCarthy, 202-493-5423.