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Description of document: Federal Aviation Administration (FAA) FOIA response letters denying access to raw radar data, 2009-2010

Requested date: 2011

Released date: 05-August-2011

Posted date: 10-October-2011

Date/date range of document: 19-September-2009 – 22-January-2010

Source of document: FOIA Coordinator  
Federal Aviation Administration  
National Freedom of Information Act Staff, ARC-40  
800 Independence Avenue, SW  
Washington, DC 20591  
Fax: (202) 493-5032  
[Online FOIA form](#)

Note: Date of two letters illegible

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

Assistant Administrator for Regions  
and Center Operations

800 Independence Avenue, SW  
Washington, DC 20591

AUG - 5 2011

Re: Freedom of Information Act (FOIA) 2010-003775

This letter is in response to your FOIA request to the Federal Aviation Administration (FAA) for records within the FOIA office that describe the policy of refusing to release radar data in response to FOIA requests. You also asked for letters responding to requesters that deny access to radar data stipulating that if that portion of the request was burdensome, we could limit the request to the first item only.

Please be advised that all records located in response to the first item of your request were provided to you by the FAA's Air Traffic Organization in their response to FOIA 2010-004656.

For the second item of your request, the FAA releases processed radar in response to FOIA requests on a daily basis. The agency has denied requests for raw radar. A search of the agency's FOIA request database shows five instances where raw radar has been withheld and where the replies have not reached the records destruction date.

I am enclosing those five replies with the names and addresses of the requesters redacted. This information has been redacted and is being withheld from disclosure under Exemption 6 of the FOIA. Exemption 6 of the FOIA protects information that pertains to an individual "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6). When applying Exemption 6, the FAA weighs the privacy interest of an individual against any public interest in the records. In the case of the redacted information, I find that there is no public interest in the identities or the home addresses of these requesters.

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

The undersigned is responsible for this partial denial. You may request reconsideration of this determination by writing the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591.

Your request for reconsideration must be made in writing within 30 days from the date of receipt of this letter and must include all information and arguments relied upon. Your letter must state that it is an appeal from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

Sincerely,

A handwritten signature in black ink, appearing to read "D. Taylor", with a long horizontal stroke extending to the right.

Douglas C. Taylor, Ph.D.  
Director of Administration

Enclosure



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

Southwest Region  
Arkansas, Louisiana,  
New Mexico, Oklahoma,  
Texas

2601 Meacham Blvd.  
Fort Worth, TX 76137-000

**JAN 22 2010**

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Mr. [REDACTED]

Dear Mr. [REDACTED]

Subject: Freedom of Information Act (FOIA)  
Request Number 2010-001461

This is in response to your letter dated December 10, 2009, requesting central Missouri radar data from the Federal Aviation Administration (FAA) flight operations on November 30, 2009 and all active FAA air route traffic control antennas covering the Wheatland, Missouri, area.

We are enclosing antenna data for the Springfield-Branson Regional, Missouri, Airport Traffic Control Tower (ATCT). There are no fees associated with your request.

Regarding the request for radar returns and antenna heights, the records have been retrieved and reviewed. It has been determined that these records will be withheld from disclosure under Exemption 2 of the FOIA. Title 5 U.S.C. 552(b)(2) protects internal data, the disclosure of which would risk circumvention of a statute or agency regulations, or impede the effectiveness of an agency's activities. The data is considered critical infrastructure and the release of which could cause harm to the security of the national airspace.

Mr. Konstantine Nezer, Jr., Director, ATO Central Service Center, and the undersigned are the officials responsible for the above described partial denial determination. You may request an administrative review of the partial denial determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration National Headquarters, 800 Independence Avenue, SW, Washington, DC 20591.

Your request must be in writing within 30 calendar days from the date of receipt of the partial denial determination, and must include all information and arguments relied upon. Your letter must state that it is an appeal from a partial denial determination of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

INCURRENCES
ROUTING SYMBOL
MIS/Clark
DETAILS SIG
[Signature]
DATE
1/15/10
ROUTING SYMBOL
MSTeam GKassab
DETAILS SIG
[Signature]
DATE
1/15/10
ROUTING SYMBOL
AJV-C G.Nelson
DETAILS SIG
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ROUTING SYMBOL
AJV-C AKim
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AJV-C K Nezer
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ROUTING SYMBOL
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Your request has been assigned FOIA Number 2010-001461. Please refer to that number in any further correspondence concerning this matter. If you have any questions regarding this request, you may call Jean Clark, Administrative Services Group, ATO Central Service Center, at 817-222-4945.

Sincerely,

Original Signed by  
TERESA A. BRUNER

Teresa A. Bruner  
Regional Administrator,  
Southwest Region

Enclosure

cc: (w/o enclosure)  
Kansas City ARTCC  
Springfield, MO ATCT

AJVC52:JClark;jc;x4945:01/15/2010:N:MGTSUP/FOIA/201000146 [REDACTED]partialdenial.doc



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

Southwest Region  
Arkansas, Louisiana,  
New Mexico, Oklahoma,  
Texas

2601 Meacham Blvd.  
Fort Worth, TX 76137-0000



**CERTIFIED MAIL—RETURN RECEIPT REQUESTED**

Ms. [REDACTED]  
[REDACTED]  
[REDACTED]

Dear Ms. [REDACTED]

Subject: Freedom of Information Act (FOIA)  
Request Number 2010-001687

This is in response to your letter dated December 21, 2009, requesting radar data for the St. Louis, Missouri, area for December 15, 2009.

Regarding your request for radar returns, the records have been retrieved and reviewed. It has been determined that these records will be withheld from disclosure under Exemption 2 of the FOIA. Title 5 U.S.C. 552(b)(2) protects internal data, the disclosure of which would risk circumvention of a statute or agency regulations, or impede the effectiveness of an agency's activities. The data is considered critical infrastructure and the release of which could cause harm to the security of the national airspace.

There are no fees associated with your request.

Mr. Konstantine Nezer, Jr., Director, ATO Central Service Center, and the undersigned are the officials responsible for the above described denial determination. You may request an administrative review of the denial determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration National Headquarters, 800 Independence Avenue, SW, Washington, DC 20591.

Your request must be in writing within 30 calendar days from the date of receipt of the denial determination, and must include all information and arguments relied upon. Your letter must state that it is an appeal from a denial determination of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

Your request has been assigned FOIA Number 2010-001687. Please refer to that number in any further correspondence concerning this matter. If you have any questions regarding this request, you may call Jean Clark, Administrative Services Group, ATO Central Service Center, at 817-222-4945.

Sincerely,

*Original Signed by*  
*TERESA A. BRUNER*  
Teresa A. Bruner  
Regional Administrator,  
Southwest Region

cc: St. Louis TRACON

AJVC52:JClark;jc:x4945:01/15/2010:N:MGTSUP/FOIA/2010001687[REDACTED]denial.doc

CONCURRENCES
ROUTING SYMBOL MS/JC lark
INITIALS/SIG
DATE
ROUTING SYMBOL MSTeam /GKassou
INITIALS/SIG
DATE
ROUTING SYMBOL AJV-C/S/ENielsen
INITIALS/SIG
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ROUTING SYMBOL AJV-C/AKim
INITIALS/SIG
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ROUTING SYMBOL AJV-0/KNezer
INITIALS/SIG
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ROUTING SYMBOL ASW-2
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ROUTING SYMBOL ASW-1
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INITIALS/SIG
DATE



U.S. Department  
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**Federal Aviation  
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Southwest Region  
Arkansas, Louisiana,  
New Mexico, Oklahoma,  
Texas

2601 Meacham Blvd.  
Fort Worth, TX 76137-0000

SEP 19 2009

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Mr. [REDACTED]

Dear Mr. [REDACTED]

Subject: Freedom of Information Act (FOIA)  
Request Number 2009-006494

This is in response to your letter dated August 15, 2009, requesting copies of certain radar data for 0100Z to 0400Z on August 4, 2009, for six radar installations in the Texas and Louisiana area.

A search was conducted at the appropriate air traffic facilities within the Central Service Area. We are enclosing one CD-ROM with radar data from the Houston Terminal Radar Approach Control in Houston, Texas.

The Enroute Radar Intelligence Tool (ERIT) data was located at the Houston Air Route Traffic Control Center. This data is being withheld from disclosure under Exemption 2 of the FOIA. Title 5 U.S.C. 552(b)(2) protects internal data, the disclosure of which would risk circumvention of a statute or agency regulations, or impede the effectiveness of an agency's activities. The data is considered critical infrastructure and the release of which could cause harm to the security of the national airspace.

The fees associated with your request total \$13.35 for the radar data.

Payment may be made by check or money order payable to the Federal Aviation Administration. Please include your FOIA number on the bottom left-hand corner of your check. Your payment should be mailed to:

FAA/ATO Central Service Center  
ATTN: Lynda Parra, AJV-C52  
2601 Meacham Blvd.  
Fort Worth, TX 76137

You can also make payment electronically through Pay.gov. A link from our FOIA web page ([www.faa.gov/foia/](http://www.faa.gov/foia/)) will take you to a secure website where you can pay by e-check or credit card. When you access the website, you will be asked to provide FOIA Web Payment ID 337517, your FOIA number, requester's name, and amount due.

CONCURRENCES
ROUTING SYMBOL MS/JClark
INITIALS/SIG
DATE
ROUTING SYMBOL MSTeam /GK
INITIALS/SIG
DATE
ROUTING SYMBOL AJV-C5/GNie
INITIALS/SIG
DATE
ROUTING SYMBOL AJV-C/AKim
INITIALS/SIG
DATE
ROUTING SYMBOL AJV-0/KNezi
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DATE
ROUTING SYMBOL ASW-2
INITIALS/SIG
DATE
ROUTING SYMBOL ASW-1
INITIALS/SIG
DATE
ROUTING SYMBOL
INITIALS/SIG
DATE

Mr. Konstantine Nezer, Jr., Director, ATO Central Service Center, and the undersigned are the officials responsible for the above described partial denial determination. You may request an administrative review of the partial denial determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration National Headquarters, 800 Independence Avenue, SW, Washington, DC 20591.

Your request must be in writing within 30 calendar days from the date of receipt of the partial denial determination, and must include all information and arguments relied upon. Your letter must state that it is an appeal from a partial denial determination of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

Your request has been assigned FOIA Number 2009-006494. Please refer to that number in any further correspondence concerning this matter. If you have any questions regarding this request, you may call Jean Clark, Administrative Services Group, ATO Central Service Center, at 817-222-4945.

Sincerely,

**Original Signed By:  
Michael C. O'Hara**

Teresa A. Bruner  
Regional Administrator,  
Southwest Region

Enclosure

cc: (w/o enclosure)  
Houston TRACON  
Houston ARTCC  
Regions and Center Operations – Planning and Freedom of Information Act Staff, ARC-40

AJVC52:JClark:jc:x4945:09/16/2009:N:MGTSUP/FOIA/2009006494[REDACTED]partialdenial.doc





U.S. Department  
of Transportation  
**Federal Aviation  
Administration**  
SEP 25 2009

Southwest Region  
Arkansas, Louisiana,  
New Mexico, Oklahoma,  
Texas

2601 Meacham Blvd  
Fort Worth, TX 76137

**CERTIFIED MAIL—RETURN RECEIPT REQUESTED**

Mr. [REDACTED]

Dear Mr. [REDACTED]

Subject: Freedom of Information Act (FOIA)  
Request Number 2009-006761

This is in response to your letter dated September 2, 2009, requesting copies of certain radar data for 2300 Zulu on August 27, 2009, and 0330 Zulu on August 28, 2009, in the Kansas City, Missouri, area.

A search was conducted at the appropriate air traffic facilities within the Central Service Area. The En Route Radar Intelligence Tool (ERIT) data was located at the Kansas City Air Route Traffic Control Center. This data is being withheld from disclosure under Exemption 2 of the FOIA. Title 5 U.S.C. 552(b)(2) protects internal data, the disclosure of which would risk circumvention of a statute or agency regulations, or impede the effectiveness of an agency's activities. The data is considered critical infrastructure and the release of which could cause harm to the security of the national airspace.

Mr. Konstantine Nezer, Jr., Director, ATO Central Service Center, and the undersigned are the officials responsible for the above described denial determination. You may request an administrative review of the denial determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration National Headquarters, 800 Independence Avenue, SW, Washington, DC 20591.

Your request must be in writing within 30 calendar days from the date of receipt of the partial denial determination, and must include all information and arguments relied upon. Your letter must state that it is an appeal from a partial denial determination of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

Your request has been assigned FOIA Number 2009-006761. Please refer to that number in any further correspondence concerning this matter. If you have any questions regarding this request, you may call Lettie Perez, Administrative Services Group, ATO Central Service Center, at 817-222-5564.

Sincerely,  
Original Signed by  
TERESA A. BRUNER

Teresa A. Bruner  
Regional Administrator,  
Southwest Region

cc: Minneapolis Center/Kansas City Center/Kansas City Intl ATCT

CONCURRENCES
ROUTING SYMBOL AJV-C52/LPerez
INITIALS/SIG lp
DATE 9/22/09
ROUTING SYMBOL AJV-C52/GKas
INITIALS/SIG GKas
DATE 9/22/09
ROUTING SYMBOL AJV-C5/GNielse
INITIALS/SIG GNielse
DATE 9/22/09
ROUTING SYMBOL AJV-C/AKim
INITIALS/SIG AKim
DATE 9/22/09
ROUTING SYMBOL AJV-C/KNezer
INITIALS/SIG KNezer
DATE 9/22/09
ROUTING SYMBOL ASW-2
INITIALS/SIG ASW-2
DATE 9/24/09
ROUTING SYMBOL ASW-1
INITIALS/SIG ASW-1
DATE 9/24/09
ROUTING SYMBOL ASW-1
INITIALS/SIG ASW-1
DATE



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

Southwest Region  
Arkansas, Louisiana,  
New Mexico, Oklahoma,  
Texas

2601 Meacham Blvd  
Fort Worth, TX 76137

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Mr. [REDACTED]

Dear Mr. [REDACTED]

Subject: Freedom of Information Act (FOIA)  
Request Number 2009-006996

This is in response to your letter dated August 22, 2009, requesting copies of certain radar data for the time period of 0100 to 0400 Zulu on August 6, 2009, for various locations.

A search was conducted at the appropriate air traffic facilities within the Central Service Area. The En Route Radar Intelligence Tool (ERIT) data was located at the Houston Air Route Traffic Control Center. This data is being withheld from disclosure under Exemption 2 of the FOIA. Title 5 U.S.C. 552(b)(2) protects internal data, the disclosure of which would risk circumvention of a statute or agency regulations, or impede the effectiveness of an agency's activities. The data is considered critical infrastructure and the release of which could cause harm to the security of the national airspace. We are enclosing a CD-ROM containing radar data from the Houston Terminal Radar Approach Control. The fees associated with your request are \$13.35 for the CD-ROM.

Mr. Konstantine Nezer, Jr., Director, ATO Central Service Center, and the undersigned are the officials responsible for the above described partial denial determination. You may request an administrative review of the denial determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration National Headquarters, 800 Independence Avenue, SW, Washington, DC 20591. Your request must be in writing within 30 calendar days from the date of receipt of the partial denial determination, and must include all information and arguments relied upon. Your letter must state that it is an appeal from a partial denial determination of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

Your request has been assigned FOIA Number 2009-006996. Please refer to that number in any further correspondence concerning this matter. If you have any questions regarding this request, you may call Lettie Perez, Administrative Services Group, ATO Central Service Center, at 817-222-5564.

Sincerely,

**Original Signed By:**  
Michael C. O'Hara

Teresa A. Bruner  
Regional Administrator,  
Southwest Region

Enclosure

cc: Houston TRACON/Houston Center

AJVC521.Perez\5564\10\8\2009\N-MGTSUP\FOIA\2009-6996 [REDACTED] denial exemption high the 2.doc

CONCURRENCES	
ROUTING SYMBOL	AJV-C521.Perez
INITIALS SIG	[Signature]
DATE	10/17/09
ROUTING SYMBOL	AJV-C52/GKasson
INITIALS SIG	[Signature]
DATE	10/8/09
ROUTING SYMBOL	AJV-C5/GNielsen
INITIALS SIG	[Signature]
DATE	[Date]
ROUTING SYMBOL	AJV-C/AKim
INITIALS SIG	[Signature]
DATE	10/8/09
ROUTING SYMBOL	AJV-C/KNezer
INITIALS SIG	[Signature]
DATE	10/9/09
ROUTING SYMBOL	ASW-2
INITIALS SIG	[Signature]
DATE	10/16/09
ROUTING SYMBOL	ASW-1
INITIALS SIG	[Signature]
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