



**U.S. Department
of Transportation**

**Office of the Secretary
of Transportation (OST)**

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Washington, DC 20590

OST FOIA Contact Information

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August 27, 2019

Anna Laitin
Consumers Reports – Financial Policy
1101 17th Street, N.W. – Suite #500
Washington, DC 20036

FOIA File: OST-2018-0408

Dear Ms. Laitin:

This is in response to your Freedom of Information Act (FOIA) request received September 27, 2018. You requested a copy of the following information:

- All documents related to the review mandated by this provision, including any reports, studies, or examinations conducted of airline policies;
- All complaints submitted to DOT regarding family seating since July 2016 – the date of enactment of PL 114-190; and,
- Any materials created by the Department since July 2016 to “establish a policy” on family seating as provided for in Section 2309 of PL 114-190.

Pursuant to the FOIA, 5 U.S.C. § 552, enclosed are responsive records which contains any and all complaints, documents and materials received and/or created by the U.S. Department of Transportation (DOT with the exception of names and personal identifiers which are protected from release pursuant to FOIA Exemption 6. Exemption 6 permits the withholding of information about individuals “in personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) and 49 CFR 7.23(c)(6).

Furthermore, information of a commercial nature that was provided voluntarily to DOT by a commercial business has been withheld pursuant to FOIA Exemption 4. FOIA Exemption 4 protects the interests of both government and submitters of information. It encourages submitters to voluntarily furnish useful commercial or financial information to the government and it correspondingly provides the government with an assurance that such information will be reliable.

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We also enclosed several internal documents between staff members within the Office of Aviation Enforcement and Proceedings with the exception of some information which was pre-decisional and deliberative which has been withheld pursuant to FOIA Exemption 5. FOIA Exemption 5 protects certain pre-decisional intra-agency/inter-agency deliberative discussions. 5 U.S.C. § 552(b)(5) and 49 CFR 7.23(c)(5).

I am the person responsible for this determination. If you are dissatisfied with this response, you may appeal to Judith S. Kaleta, Deputy General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave., S.E., Washington, DC 20590. If you prefer, your appeal may be sent via electronic mail to ost.foia.appeals@dot.gov. An appeal must be received within 90 days of the date of this determination and should contain any information and arguments you wish to rely on. The Deputy General Counsel's determination will be administratively final.

I apologize for the delay in responding to your request.

Sincerely,

Michael C. Bell
DOT/OST FOIA Officer

Enclosures