



Freedom of Information Policy

The Metropolitan Washington Airports Authority is committed to transparency in all its operations. From the beginning, it has maintained its own Freedom of Information Policy that continued the disclosure rules in force at the two Airports from the enactment of the federal Freedom of Information Act in 1966. All its records are available to the public, except those that are not required to be disclosed pursuant to the exemptions set out in Part 3 below.

Given its commitment to transparency, the Airports Authority encourages anyone interested in its activities to seek information informally. This document is designed to assist in that process, and is divided into three parts.

Part 1 identifies records easy to get from the Authority's website; Part 2 provides contacts for answering questions and help in obtaining other records; Part 3 provides a formal Freedom of Information procedure for obtaining Authority records that are not readily available, and includes standards for the withholding of certain types of records.

Part 1 – Records Generally Available

The Airports Authority makes most of its important records readily available, principally through the Authority website, www.mwaa.com, under the “About the Authority”, “Business Information” and “News and Publications” tabs. There anyone can read and download many records. The following are among those to be found there:

Board of Directors Records

(About the Authority tab – Board of Directors – Meeting Information)

- Calendars and Schedules
- Agendas and Papers prepared for Board and Committee Meetings (Minutes are included with the link for each meeting)

(About the Authority tab – Board of Directors – Reference Materials)

- Bylaws
- Committee Membership
- Committee Jurisdiction
- Travel and Business Expense Guidelines
- Resolution No. 01-20 – General Delegations and Reservations of Authority
- The Code of Ethical Responsibilities for Members of the Board of Directors
- The Lease of the Metropolitan Washington Airports between the United States and the Metropolitan Washington Airports Authority
- Provisions of the District of Columbia Code establishing, jointly with the Commonwealth of Virginia, the Metropolitan Washington Airports Authority
- Provisions of the Commonwealth of Virginia Code establishing, jointly with the District of Columbia, the Metropolitan Washington Airports Authority
- Provisions of the United States Code, authorizing the transfer of Washington National and Washington Dulles International Airports to the Metropolitan Washington Airports Authority, with conditions.
- The Freedom of Information Policy

(About the Authority tab – Annual Reports)

- Annual Reports from 2000 to present
- Comprehensive Annual Financial Reports from 2000 to present

Business Information Records

(Business Information tab)

- Contracting Manual and forms
- Construction Opportunities
- Concession Opportunities
- Equal Opportunity Programs

(About the Authority tab – Regulations and Policies)

- Regulations
- Code of Ethics for Directors
- Code of Ethics for Employees
- Airline Use and Lease Agreement

Other Records

(About the Authority tab – Financial)

- The Budget
- Comprehensive Annual Financial Reports
- Monthly Financial Statements
- Airline Rates and Charges
- Master Trust Indenture
- Official Statements

Dulles Rail Documents

(Link on the home page, under the Dulles Corridor logo; also Dulles – About Dulles International – Dulles Corridor Information)

- Historical and current documents, including contracts, for the Dulles Corridor Rail Project

Part 2 – Contacts

The Airports Authority maintains its principal corporate offices at 1 Aviation Circle on Ronald Reagan Washington National Airport. Records are kept there, at the airport offices at both Reagan National and Washington Dulles International Airport, and at the Dulles Corridor Metrorail Project office at 1593 Spring Hill Road in Vienna.

To obtain records informally, questions or requests can be directed to any office in the Authority likely to have them. If uncertain which office to call, contact the Secretary's office, 703-417-8740, which will refer you to the right office.

Part 3 – Formal Freedom of Information Procedures

I. Where to file a request – Formal Freedom of Information requests for records located anywhere within the Authority should be addressed to the Freedom of Information Officer, Office of the Secretary, MA-BD, Metropolitan Washington Airports Authority, 1 Aviation Circle, Suite 210, Washington, D.C. 20001-6000. They can also be submitted to [FOI@mwaa.com]. Questions may be directed to the e-mail address or to 703-417-8740.

II. Content of a request – Such requests should identify the records requested or set out as clearly as possible their nature, state the format requested (paper or electronic) and provide a telephone number and/or an e-mail address for clarifying communications.

III. Internal processing – The Freedom of Information Officer will assure a copy of the request is directed to the office holding the requested records, and will respond to a request as soon as possible, but not later than within two weeks of the receipt of the request. The Freedom of Information Officer will keep a docket of all Freedom of Information requests.

IV. Requests sent elsewhere – Copies of written FOI requests submitted to offices other than the Office of the Secretary will be promptly provided to the Freedom of Information Officer.

V. Response – The Authority’s written response shall (a) provide the records requested, (b) explain why more time is required to respond, or (c) deny the release of records, in whole or in part, based on the exemptions in paragraph VII below. If denied, the withheld records shall be identified, and reasons shall be provided for their withholding. Responses may not be sent without the concurrence of the Secretary and appropriate consultation with the General Counsel’s Office.

VI. Appeal

A. Step 1. If a request is denied, in whole or in part, or is not responded to within the two week period referenced in paragraph III of this part, the requester may appeal to the Chairman of the Legal Committee of the Board of Directors. Such an appeal must be addressed to the Secretary of the Authority at the address in paragraph I, clearly identified as an appeal under the Freedom of Information Policy, and filed with the Secretary within five business days of the date of the denial. The decision of the Committee Chairman shall be final unless Step 2 of the appeal process is pursued.

B. Step 2. A requester dissatisfied with a Step 1 decision may file a notice of an appeal of that decision to the FOI Review Panel. The FOI Review Panel will consist of not more than three retired judges who shall be selected for the panel by the Chairman of the Legal Committee and the Authority’s General Counsel. The requester’s notice of appeal must be filed with the Secretary of the Authority within five business days of the Step 1 decision. The requester and the General Counsel shall then jointly select a member of the FOI Review Panel to consider and de-

side the Step 2 appeal. Within 10 business days of the selection, the requester and the General Counsel each may make a written submission to the selected panel member setting out their position on the Step 1 decision. Thereafter, the panel member shall issue a written decision on the appeal. That decision shall be final, and the requester shall have no further right of appeal under this Policy.

VII. Reasons for withholding – Records or portions of records in the following categories of exemptions may be, but are not required to be, withheld from disclosure. Records are rarely withheld in their entirety; when an exemption applies to only a portion of a requested record, the rest of the record will be released. Any decision to withhold must set out the reasons for doing so, based on the exemptions stated below:

A. Personal Privacy. Personnel, payroll and financial records containing information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. The name, position and salary of Authority employees, however, are public information.

B. Confidential Business Information.

(1) Confidential business information of the Authority: records containing commercial, financial, or proprietary information which, if disclosed, could harm the competitive or negotiating position of the Authority; and

(2) Confidential business information provided by others and held by the Authority: records containing commercial, financial or proprietary information provided from outside the Authority, if the submitter claims a privilege for the information and gives adequate reasons why protection is necessary, or the information has been identified as exempt in the Authority Contracting Manual.

(3) Confidential procurement records, such as proposals, offers, bids and proposal scoring records, including competitive negotiation proposals, sealed bidding records, cost estimates, and business plans, the withholding of which is specifically addressed in the Authority Contracting Manual.

C. Law Enforcement and Security Records. Records compiled for law enforcement and security purposes, but only to the extent that and as long as the production of such records would: (1) interfere with investigative or enforcement proceedings; (2) deprive a person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity

of a confidential source and confidential information furnished only by the confidential source; (5) disclose law enforcement and security techniques and procedures not generally known outside the law enforcement community; (6) cause a suspect to flee or evade detection; (7) result in the destruction of evidence; or (8) endanger the life or physical safety of an individual.

D. Privileged Documents. Records subject to a generally recognized privilege, such as the attorney work product privilege and the attorney-client privilege; records that would not be available to a person in litigation with the Authority; and records with respect to matters addressed by the Board of Directors in Executive Session.

E. Pre-Decisional Documents. Records containing analyses and recommendations with respect to matters to be decided by the President and Chief Executive Officer or the Board of Directors, except to the extent the analyses and/or recommendations are disclosed or otherwise addressed in a final decision document. Documents prepared for the Board of Directors and its committees and not otherwise exempt from disclosure under paragraph VII are normally made available at www.mwaa.com before the meeting at which the matters addressed in the documents are to be discussed, but only after they have been provided to the Directors.

VIII. Other Considerations – Only existing records are subject to release. The Authority does not create new records in response to a Freedom of Information requests, including records summarizing data or other information. Only records held by the Authority can be released, paper records in its own files or electronic records on its own servers; this Policy does not reach records held by vendors, contractors, or other third parties. In addition, personal notes, papers and any other records created and maintained by the preparer solely as work papers for personal use are not treated as Authority records.

IX. Fees – Requests for a limited number of readily available records that do not require significant staff resources to locate and produce will normally be answered without charge. More substantial requests will be assessed fees to cover the costs of locating the requested records and in producing and delivering hard or electronic copies of the records. A schedule of such fees will be provided to the requester; if

the projected fees exceed \$250, a 50 percent deposit may be required before Authority resources are committed to locating and producing the requested records.

March 20, 2013