

ALABAMA DEPARTMENT OF HOMELAND SECURITY  
ADMINISTRATIVE CODECHAPTER 375-X-4  
DEFINITION, DESIGNATION AND DISCLOSURE OF SENSITIVE SECURITY  
INFORMATION

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375-X-4-.01      Definition.

"Sensitive Security Information," hereinafter referred to as SSI, is a document in any written or electronic form, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack, and shall include:

- (a) a document assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism; such as, information concerning threats against transportation, information regarding critical aviation, surface transportation, or maritime infrastructure assets;
- (b) threat or vulnerability assessments;
- (c) risk planning documents;
- (d) needs assessments;
- (e) blueprints;
- (f) domestic preparedness strategies;
- (g) the location of community drinking water wells and surface water intakes;
- (h) the emergency contact information of emergency responders and volunteers;
- (i) infrastructure records or schematic drawings that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems;

(j) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport is responsible for:

1. determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

2. identifying a document or record described under item No. 1 and clearly marking it as "sensitive security information and not subject to public disclosure without approval of (insert name of submitting public agency)".

3. This provision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(k) For purposes of this Rule, SSI also shall include such documentation and information as identified and defined in 49 C.F.R. §15, or the disclosure of which is prohibited under the criteria of 49 U.S.C. §40119.

**Author:** James M. Walker, Jr.

**Statutory Authority:** Code of Ala. 1975, §31-9A-5.

**History: New Rule:** Filed January 10, 2006; effective February 14, 2006.

#### **375-X-4-.02      Designation As Sensitive Security Information (SSI).**

Information will not be designated as SSI unless necessary to carry out the duties and responsibilities of the Department. In order to determine whether information, or documentation, should be designated as SSI, the Director, or his designee, shall review the information being submitted, or considered, for classification. In making this determination, the Director should consider whether the information was obtained or developed as a means of carrying out certain security or research and development activities, or is being considered at the request of a person,

corporation or other entities who created and/or possess the information and seek its classification as SSI (hereinafter the "Discloser"). SSI can include information originating from within the Department or from other government and non-government activities. Upon being satisfied that the information in question meets the requirements of designation as SSI, the Director shall designate and the Department shall thereafter treat such information as SSI.

**Author:** James M. Walker, Jr.

**Statutory Authority:** Code of Ala. 1975, §31-9A-5.

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### **375-X-4-.03      Disclosure Of SSI.**

(1) SSI is exempt from disclosure under the Freedom of Information Act and the State's open or public records statutes. Generally, SSI shall not be disclosed if it is deemed to be an unwarranted invasion of personal privacy; if it would reveal a trade secret or privileged or confidential commercial or financial information; if it will be detrimental to the safety of passengers in transportation; or otherwise unreasonably endanger the critical infrastructure of the United States or the State of Alabama.

(2) If a record or document designated as SSI also contains information that may be disclosed in response to a FOIA or public records request, the record may be released only if the information is not otherwise exempt from disclosure and it is practical to redact the SSI from the record.

(3) Any SSI which the Department shares with other government entities will be specifically marked as "SSI." or "For Official Use Only" (FOUO). The Department will share such information only with those federal, state, county, and local government agencies or other entities that have a specific "need to know" in order to:

(a) Better understand security problems and interdependencies related to critical infrastructure and protected systems, so as to ensure the availability, integrity, and reliability thereof; and

(b) Help prevent, detect, mitigate, or recover from the effects of interference, compromise, or incapacitation problems related to critical infrastructure or protected systems.

(4) The SSI will retain its designation until determined otherwise by the Director, or the Discloser. The obligations of the Department to safeguard the SSI shall remain in effect until such time as the Director, or the Discloser, removes or alters the designation.

**Author:** James M. Walker, Jr.

**Statutory Authority:** Code of Ala. 1975, §31-9A-5.

**History: New Rule:** Filed January 10, 2006; effective February 14, 2006.