

DEPARTMENT OF AVIATION

STANDARD POLICIES AND PROCEDURES

NO. 6003

Issue Date: 03/30/05

Revision Dates: 00/00/00

SUBJECT: CONTRACTOR PROTECTION OF SENSITIVE SECURITY INFORMATION (SSI)

SUBMITTED BY: AIRPORT SECURITY DATE: 03/30/05

APPROVED:  DATE: 5/2/05
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APPROVED:  DATE: 5/2/05
AVIATION LEGAL SERVICES

APPROVED:  5/2/05
Turner West Co-Manager of Aviation Date Signed

APPROVED:  5/2/05
Vicki Braunagel Co-Manager of Aviation Date Signed

PURPOSE:

To establish a process for the documentation, use, and recovery of Sensitive Security Information (SSI) of a specific origin.

APPLICABILITY:

All departments handling Engineering documents or materials containing SSI information.

RESPONSIBILITY:

The Code of Federal Regulations (CFR) 49 Part 1520 (referred to herein by section number) describes the handling and protection of SSI and, among other things, the release of information that the Transportation Security Administration (TSA) has determined may reveal a systemic vulnerability of the aviation system, or a vulnerability of aviation facilities, to attack. SSI disclosure is limited to persons or entities under criteria identified in federal regulations, subject to a strict "need-to-know" standard, and as otherwise determined by TSA or the Department of Homeland Security (DHS).

As is relevant to this policy, one category of SSI is information that describes airport programs or designs, which could be misused for purposes detrimental to the safety of passengers.

In addition to other City and DIA policies regarding the release of information, including but not limited to the internal DIA Engineering policy entitled Release of Information and Security Policy, the DIA Engineering CADD/GIS/Record Management group will adhere to this policy for the release and security of any SSI information in its custody; unauthorized access or loss of SSI engineering records are violations of federal law and regulations.

POLICY:

This policy is intended to assure control of SSI records in accordance with 49 CFR Part 1520.

Authorized staff has a duty to protect SSI. Necessary steps need to be taken to safeguard SSI. When not in an authorized person's possession, SSI must be stored in a secure container, such as a locked desk, locked file cabinet or locked room.

If there is an indication, or it is believed, that Engineering SSI records have been tampered with, Airport Security must be notified.

Companies under contract: Prior to receiving SSI, these companies must sign the Confidentiality and Non-Disclosure Agreement, attached, stating that SSI will be guarded from unauthorized persons, that materials will be controlled while in use and secured when not in use, and that all SSI plans and materials will be returned to the airport or destroyed following the completion of the project.

Note: Companies that receive Notice to Proceed (NTP) must contact Airport Security to be established within the federally approved Airport Security Program. All individuals working at the airport must be badged under the current Airport Security badging guidelines. Any employees within the company that will handle or review SSI information must be, at a minimum, fingerprinted and cleared by Airport Security. If a company receiving NTP does not follow the aforementioned process, the contract will be suspended until the process is complete. Any charges incurred during the delay are at the contractor's expense.

General Contractors, or Primary Contractors, are to control the access to, handling of, and recollection of SSI disseminated to any and all Subcontractors. The SSI Return or Destruction Compliance Form, attached, provides direction for the handling of, and accounting for, SSI.

Companies not selected during the bidding process: Prior to receiving SSI, these companies must sign the Confidentiality and Non-Disclosure Agreement, attached, stating that SSI will be guarded from unauthorized persons, that SSI materials will be controlled while in use and secured when not in use, and that all SSI plans and materials will be returned to the airport, or destroyed, immediately following the announcement of bid results.

The Confidentiality and Non-Disclosure Agreement form is available online and can be filled out prior to the pre-bid meeting.

Project Managers: Must keep the Project Manager Control List of SSI Release and Recovery, attached, of all SSI material released during a project, with company information as well as release and recovery dates of the SSI. This record will act as a ledger from which to track SSI material. It may be determined that the content of selected SSI is of such a sensitive nature that the use of said documents must be restricted to the airport premises.

Companies who have done business with Denver International Airport: These companies will be sent both Confidentiality and Non-Disclosure Agreement and Request for Disclosure forms, attached. A description of SSI materials held by these companies must now be kept, as it is not feasible to request that all old records be returned. SSI holders have the option of destroying those records or marking them in accordance with Part 1520. Protection policies must be adhered to by companies known to be SSI holders.

SSI materials must be clearly labeled with the following warnings per Federal Regulations:

Top of document:
SENSITIVE SECURITY INFORMATION

Bottom of document:

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, ARLINGTON, VA. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

These stamps are available at the airport and can be loaned as needed.

This policy is meant to create a system of accountability for records that are now considered SSI which have not been returned to DIA by the companies to which they were distributed. This will ensure that the appropriate storage and/or disposal practices of SSI are adhered to, under the control of the City, in accordance with directives by the TSA.

CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

1. I, _____, am an employee of _____ (“Contractor”).

2. Contractor, under contract (the “Contract”) with Denver International Airport, is executing the acceptance of its responsibilities for Airport Security at Denver International Airport (referred to herein as the “City”).

3. Pursuant to the Contractor’s work for the City under the Contract, the Contractor has and will request that the City provide it with various documents or other records (collectively, “documents”).

4. I understand the following with respect to any documents, or information therein, that are provided by the City to me, or which come into my possession pursuant to the Contractor’s work for the City:

- A. These documents may be considered Sensitive Security Information (“SSI”) under applicable federal regulations;
- B. These documents may be protected from disclosure under the Colorado Open Records Act;
- C. These documents may be protected from disclosure under the federal Freedom of Information Act.
- D. These documents are considered by the City to contain information that is vital to the security and safe operation of Denver International Airport, whether or not these documents are otherwise classified by any other entity or law as containing such information.
- E. These documents are considered by the City to possibly contain information that is commercially or financially sensitive or which is a trade secret.

5. I agree to the following with respect to any documents, or information therein, that are provided by the City to me, or which come into my possession pursuant to the Contractor’s work for the City:

- A. I will safeguard these documents, and the information therein, to prevent inadvertent disclosure of them by keeping the documents under the control of authorized persons, when in use, and storing the documents in a secure container, such as a locked desk, file cabinet, or locked room, when not in use;

- B. I will not release these documents, or the information therein, to any party, company, person, organization or entity for any reason that does not expressly serve the Contractor's obligations to the City under its contract with the City, as determined by the Contractor's employee with appropriate supervisory and decision-making authority;
- C. I will not release these documents, or the information therein, pursuant to the request under the Colorado Open Records Act or the Freedom of Information Act without affording the City the opportunities under those laws to protect these documents from disclosure;
- D. I will notify the City if a request is made for these documents, or the information therein; and
- E. I shall return, or destroy, these documents following the completion of the agreed upon contract, or following the bidding process, if not selected as the Contractor; and
- F. Specifically with regards to SSI,
 - 1) I shall comply with the broadest possible interpretation of the federal regulations in handling SSI (49 CFR § 1520, as amended);
 - 2) I shall provide the Airport with an SSI Return of Destruction Compliance Form, listing all SSI material that I have destroyed.

6. I further understand that the City may seek appropriate legal remedies for any violation of my agreements here.

By my signature below, I hereby affirm and agree to the matters set forth above.

Witnessed,

Print Name

Print Name

Signature Date

Signature Date

Title

Title

Company

Manager/Project Manager,
City and County of Denver,
Denver International Airport

PROJECT MANAGER CONTROL LIST OF SSI RELEASE AND RECOVERY

Project _____

Project Manager _____

Company	Material	Release Date	Recovery Date

REQUEST FOR DISCLOSURE

The City and County of Denver, and Denver International Airport is requesting that you, as a current or former contractor provide a list of all Sensitive Security Information (SSI) records you possess.

SSI is defined as information that describes airport programs or designs, for example, which could be misused for purposes detrimental to the safety of passengers. SSI disclosure is limited by a strict "need-to-know" basis as determined by TSA.

These records could be in the form of any writing, drawing, map, tape, film, photograph, or other means by which information is preserved, irrespective of format.

Section 1520.9 (1) specifies that persons who receive SSI must protect it from disclosure. Therefore, it is the responsibility of these persons to insure that the information entrusted to them remains secure and confidential. This includes the availability and accessibility of the information.

Company: _____

Please list SSI items or documents below, use additional pages if necessary:

SSI materials must be clearly labeled with the following warnings per Federal Regulations:

Top of document:
SENSITIVE SECURITY INFORMATION

Bottom of document:

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