

Department of Defense (DoD)



# Freedom of Information Act Program Report for Fiscal Year (FY) 1998

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Prepared By:  
The Directorate for Freedom of  
Information  
and Security Review (DFOISR)



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## **Item I.**

### **Basic Information Regarding the Report**

A. Title, address, and telephone number of person to be contacted with questions about the report:

Write to: Chief, Program Management Division  
Directorate for Freedom of Information and Security Review  
1155 Defense Pentagon  
Washington, DC 20301-1155

Telephone: (703) 695-4773

Name of Incumbent: LTC D. E. Campbell, U. S. Army.

B. The electronic address (Universal Resource Line, URL) for this report is:

<http://www.defenselink.mil/pubs/foi/98report/>

C. You may obtain a paper copy of DoD's Annual FOIA Report for Fiscal Year 1998 by writing to the above address and asking for a copy. A FOIA request is not necessary. Please include a mailing address.

## **Item II.**

### **How to Make a FOIA Request**

The Department of Defense (DoD) Freedom of Information Act Handbook provides basic information about how to make a Freedom of Information Act (FOIA) request and general information about the Freedom of Information Act Program within the Department of Defense (DoD). This document also contains DoD component addresses, a brief description of response times, and the reason why some requests are not granted. The DoD Freedom of Information Act Handbook can be found at:

<http://www.defenselink.mil/pubs/foi/foiapam3.pdf>

## **Item III.**

### **Definition of Terms and Acronyms Used**

#### **In The Report**

A. Agency-specific acronyms or other terms.

1. The Military Departments.

a. The Department of the Army: Dept Army.

b. Department of the Navy: Dept Navy. The United States Marine Corps, USMC, is a part of the Department of the Navy.

c. Department of the Air Force: Dept Air Force.

2. Other Defense Agencies and Activities.

a. Defense Contract Audit Agency: DCAA.

b. Defense Finance and Accounting Service: DFAS.

c. Defense Information Systems Agency: DISA.

d. Defense Intelligence Agency: DIA.

- e. Defense Logistics Agency: DLA.
- f. Defense Security Service: DSS. Formerly Defense Investigative Service, DIS.
- g. Defense Threat Reduction Agency: DTRA. Formerly Defense Special Weapons Agency, DSWA.
- h. National Imagery and Mapping Agency: NIMA. Formerly Defense Mapping Agency, DMA.
- i. National Security Agency/Central Security Service: NSA/CSS or NSA.
- j. National Reconnaissance Office: NRO.
- k. Office of the Inspector General, Department of Defense: OIG, DoD.

3. Office of the Secretary of Defense, Chairman of the Joint Chiefs of Staff, Combatant Commands, and Defense Agencies/Activities not listed above: OSD/JS.

4. "Other Reasons" Cited on Initial and Appeal Determinations.

- a. No Records. A reasonable search of files failed to identify records responsive to the request.
- b. Referrals. The request was referred to another DoD Component or Federal Agency for action.
- c. Withdrawn. The request was withdrawn by the requester.
- d. Fee-Related Reason. The requester is unwilling to pay fees associated with the request; the requester is past due in the payment of fees associated with a previous FOIA request; or the requester disagrees with a fee estimate.
- e. Records not Reasonably Described. The request could not be acted upon since the record had not been described with sufficient particularity to enable the DoD Component to locate it by conducting a reasonable search.
- f. Not a Proper FOIA Request for Some Other Reason. The requester has failed unreasonably to comply with legitimate procedural requirements which are not not fee-related.
- g. Not an Agency Record. The requested information was not a record within the meaning of the FOIA.
- h. Duplicate Request. A request for the same information by the same requester. This includes identical requests received via different means (e.g., electronic mail, facsimile, mail, courier) at the same or different times.
- i. Other. Any other reason a requester does not comply with published rules, other than those mentioned above.

B. Basic terms, expressed in common terminology.

1. Freedom of Information Act/Privacy Act (FOIA/PA) request: A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. All requests for access to records, regardless of which law is cited by the

requester (FOIA or PA), are included in this report.

2. Initial Request: A request to a federal agency for access to records under the Freedom of Information Act (FOIA).

3. Appeal: A request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal: A request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

5. Multi-track processing: A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. Expedited processing: An agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7. Simple request: A FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.

8. Complex request: A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

9. Grant: An agency decision to disclose all records in full in response to a FOIA request.

10. Partial grant: An agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

11. Denial: An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time limits: The time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" request: A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute: A separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median number: The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average number: The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

## Item IV.

### Exemption 3 Statutes

Court Upheld?	Statute	Types of Material Withheld Under Statute
<b>Yes</b> <sup>1</sup>	5 USC §7114(b)(4)	Civil Service Reform Act – Representation Rights and Duties, Labor Unions
<b>No</b>	10 USC §128	Authority to Withhold Unclassified Special Nuclear Weapons Information
<b>Yes</b> <sup>2</sup>	10 USC §130	Authority to Withhold Unclassified Technical Data with Military or Space Application
<b>No</b>	10 USC §424	Protection of Organizational and Personnel Information for DIA, NRO, and NIMA
<b>No</b>	10 USC §455	Maps, Charts, and Geodetic Data; Public Availability
<b>No</b>	10 USC §618(f)	Action on Reports of Selection, Generally for Promotion, Boards
<b>No</b>	10 USC §1102	Confidentiality of Medical Records
<b>No</b>	10 USC §2305(g)	Protection of Contractor Proposals
<b>No</b>	16 USC §470w-3	National Historic Preservation
<b>Yes</b> <sup>3</sup>	18 USC §798(a)	Communications Intelligence
<b>No</b>	22 USC §2778(e) Sec 38(e) of the Arms Export Control Act	Control of Arms Exports
<b>Yes</b> <sup>4</sup>	26 USC §6103	Confidentiality and Disclosure of Returns and Return Information
<b>No</b>	31 USC §3730(b)(2)	Civil Actions for False Claims (specifies that materials related to civil complaints filed by private individuals on behalf of the U. S. Government under the False Claims Act will remain under seal for at least 60 days and shall not be served on a defendant until the court so orders).
<b>No</b>	41 USC §423	Procurement Integrity

Court Upheld?	Statute	Types of Material Withheld Under Statute
<b>Yes</b> <sup>5</sup>	42 USC §2162(a)	Restricted Data (Atomic Energy), Atomic Energy Act of 1954
<b>No</b>	42 USC	Formerly Restricted Data (Atomic Energy),

	§2168(a)(1)(C)	Atomic Energy Act of 1954
Yes <sup>6</sup>	50 USC §402 Note Sec 6, P.L. 86-36	NSA Functions and Information
Yes <sup>7</sup>	50 USC §403-3(c)(6) National Security Act of 1947, Subsection 102(d)(3), as amended	Intelligence Sources and Methods
Yes <sup>8</sup>	50 USC §403(g), Section 6 of the CIA Act of 1949	CIA Functions and Information
No	50 USC §435 Note Sec 1082, P.L. 102-190	Disclosure of Information Concerning US Personnel Classified as POW/MIA During Vietnam Conflict (McCain "Truth Bill")
Yes <sup>9</sup>	50 U.S.C. app. § 2411(c) (1), The Export Administration Act of 1979	Confidentiality of Information Obtained Under the Export Administration Act of 1979

#### **Item IV. Endnotes**

<sup>1</sup> Dubin v. Department of the Treasury, 555 F. Supp. 408, 412 (N.D. Ga. 1981), aff'd, 697 F.2d 1093 (11<sup>th</sup> Cir. 1983) (unpublished table decision); NTEU v. OPM, No. 76-695, slip op. at 4 (D.D.C. July 9, 1979).

<sup>2</sup> Chenkin v. Department of the Army, No. 93-494, 1994 U.S. Dist. LEXIS 20907, at \*8 (E.D. Pa. Jan. 14, 1994), aff'd, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision); Colonial Trading Corp. v. Department of the Navy, 735 F. Supp. 429, 431 (D.D.C. 1990); see also American Friends Serv. Comm. v. DOD, No. 83-4916, 1986 WL 10659, at \*4 (E.D. Pa. Sept. 25, 1986), rev'd on other grounds, 831 F.2d 441 (3d Cir. 1987).

<sup>3</sup> Winter v. NSA, 569 F. Supp. 545, 548 (S.D. Cal. 1983); see also Gilmore v. NSA, No. C 92-3646, 1993 U.S. Dist. LEXIS 7694, at \*\*26-27 (N.D. Cal. May 3, 1993) (finding that information on cryptography currently used by NSA "integrally related" to function and activity of intelligence gathering and thus protected).

<sup>4</sup> Church of Scientology v. IRS, 484 U.S. 9, 15 (1987); Aronson v. IRS, 973 F.2d 962, 964-65 (1st Cir. 1992) (finding that IRS lawfully exercised discretion to withhold street addresses pursuant to 26 U.S.C. § 6103(m)(1)); Long v. IRS, 891 F.2d 222, 224 (9th Cir. 1989) (holding that deletion of taxpayers' identification does not alter confidentiality of § 6103 information); DeSalvo v. IRS, 861 F.2d 1217, 1221 (10th Cir. 1988); Grasso v. IRS, 785 F.2d 70, 77 (3d Cir. 1986); Long v. IRS, 742 F.2d 1173, 1179 (9th Cir. 1984); Ryan v. ATE, 715 F.2d 644, 645 (D.C. Cir. 1983); Currie v. IRS, 704 F.2d 523, 527-28 (11th Cir. 1983); Willamette Indus. v. United States, 689 F.2d 865, 867 (9th Cir. 1982); Barney v. IRS, 618 F.2d 1268, 1274 n.15 (8th Cir. 1980) (dictum); Chamberlain v. Kurtz, 589 F.2d 827, 843 (5th Cir. 1979).

<sup>5</sup> Meeropol v. Smith, No. 75-1121, slip op. at 53-55 (D.D.C. Feb. 29, 1984), aff'd in relevant part & remanded in part sub nom. Meeropol v. Meese, 790 F.2d 942 (D.C. Cir. 1986). But see General Elec. Co. v. NRC, 750 F.2d 1394, 1401 (7th Cir. 1984) (concluding that provision concerning technical information furnished by license applicants lacked sufficient specificity to qualify as Exemption 3 statute).

<sup>6</sup> Founding Church of Scientology v. NSA, 610 F.2d 824, 828 (D.C. Cir. 1979); Hayden v. NSA, 452 F. Supp. 247,252 (D.D.C. 1978), aff'd, 608 F.2d 1381 (D.C. Cir. 1979).

<sup>7</sup> CIA v. Sims, 471 U.S. 159, 167 (1985); see also Minier v. CIA, 88 F.3d 796, 801 (9th Cir. 1996) (finding that agency properly refused to confirm or deny existence of records concerning deceased person's alleged employment relationship with CIA); Maynard v. CIA, 986 F.2d 547, 554 (1st Cir. 1993) (stating that under § 403(d)(3) it is responsibility of Director of CIA to determine whether sources or methods should be disclosed); Krikorian v. Department of State, 984 F.2d 461, 465 (D.C. Cir. 1993) (same); Fitzgibbon v. CIA, 911 F.2d 755, 761 (D.C. Cir. 1990) (same); Hunt v. CIA, 981 F.2d 1116, 1118 (9th Cir. 1992) (upholding agency's "Glomar" response to request on foreign national, because acknowledgement of any records would reveal sources and methods); Knight v. CIA, 872 F.2d 660, 663 (8th Cir. 1989) (same); Levy v. CIA, No. 95-1276, slip op. at 14-17 (D.D.C. Nov. 16, 1995) (same), aff'd, No. 96-5004 (D.C. Cir. Jan. 15, 1997); Roman v. Dailey, No. 97-1164, 1998 U.S. Dist. LEXIS 6708, at \*\*10-11 (D.D.C. May 11, 1998) (concluding that agency properly refused to confirm or deny existence of records pertaining to agency personnel and spy satellite programs); Blazy v. Tenet, 979 F. Supp. 10, 23-24 (D.D.C. 1997) (protecting intelligence sources and methods located in requester's personnel file), summary affirmance granted, No. 97-5330 (D.C. Cir. May 12, 1998); Andrade v. CIA, No. 95-1215, 1997 WL 527347, at \*\*3-5 (D.D.C. Aug. 18, 1997) (holding intelligence methods used in assessing employee fitness protectible); Earth Pledge Found. v. CIA, 988 F. Supp. 623, 627 (S.D.N.Y. 1996) (finding agency's "Glomar" response proper because acknowledgement of records would generate "danger of revealing sources"), aff'd per curiam, 128 F.3d 788 (2d Cir. 1997) (unpublished table decision); Campbell v. United States Dep't of Justice, No. 89-CV-3016, 1996 WL 554511, at \*6 (D.D.C. Sept. 19, 1996) ("CIA director is to be afforded 'great deference' by courts determining the propriety of nondisclosure of intelligence sources"); cf. Linder v. DOD, 133 F.3d 17, 25 (D.C. Cir. 1998) ("[C]ourts must give 'great deference' to the Director of Central Intelligence's determination that a classified document could reveal intelligence sources and methods and endanger national security.") (non-FOIA case).

<sup>8</sup> Minier, 88 F.3d at 801; Roman, 1998 U.S. Dist. LEXIS 6708, at \*\*10-11; Blazy, 979 F. Supp. at 23-24; Earth Pledge Found., 988 F. Supp. at 627-28; Campbell, 1996 WL 554511, at \*6; Kronisch v. United States, No. 83-2458, 1995 WL 303625, at \*\*4-6 (S.D.N.Y. May 18, 1995); Hunsberger v. CIA, No. 92-2186, slip op. at 3 (D.D.C. Apr. 5, 1995); Rothschild v. CIA, No. 91-1314, 1992 WL 71393, at \*2 (D.D.C. Mar. 25, 1992); Lawyers Comm. for Human Rights v. INS, 721 F. Supp. 552, 567 (S.D.N.Y. 1989); Pfeiffer v. CIA, 721 F. Supp. 337, 341-42 (D.D.C. 1989).

<sup>9</sup> Armstrong v. Executive Office of the President, No. 89-142, slip op. at 30-35 (D.D.C. July 28, 1995) (protecting information from export license application under Export Administration Act as Exemption 3 statute even though statute had lapsed and its provisions were extended by executive order); Africa Fund v. Mosbacher, No. 92 Civ. 289, 1993 WL 183736, at \*6 (S.D.N.Y. May 26, 1993) (holding that Export Administration Act protection applied to agency denial made after Act expired and before subsequent reextension); Lessner v. United States Dep't of Commerce, 827 F.2d 1333, 1336-37 (9th Cir. 1987) (construing statute as effective in 1987).

## Item V. Initial FOIA/PA Access Requests

### A. Numbers of initial requests.

1.	Number of requests pending as of end of preceding fiscal year (1 Oct 97):	8,804
2.	Number of requests received during current fiscal year (FY 1998):	107,627
3.	Number of requests processed during current fiscal year (FY 1998):	106,191
4.	Number of requests pending as of end of current fiscal year (30 Sep 98):	10,240

### B. Disposition of initial requests.

1.	Number of grants:	65,164
2.	Number of partial grants:	9,998
3.	Number of denials:	2,065
a. Number of times each FOIA exemption used (counting each exemption once per request).		
(1)	Exemption 1:	1,370
(2)	Exemption 2:	970
(3)	Exemption 3:	1,177
(4)	Exemption 4:	1,259
(5)	Exemption 5:	2,216
(6)	Exemption 6:	5,810
(7)	Exemption 7(A):	419
(8)	Exemption 7(B):	52
(9)	Exemption 7(C):	3,468
(10)	Exemption 7(D):	735
(11)	Exemption 7(E):	295
(12)	Exemption 7(F):	742
(13)	Exemption 8:	0
(14)	Exemption 9:	0
4. Other reasons for nondisclosure (total):		
a.	No records:	9,126
b.	Referrals:	9,809
c.	Request withdrawn:	2,741
d.	Fee-related reason:	1,425
e.	Records not reasonably described:	4,425
f.	Not a proper FOIA request for some other reason:	1,949
g.	Not an agency record:	1,922
h.	Duplicate request:	1,678
i.	Other (specify*):	253

\* Note: See table later.

## **Item VI.**

### **Appeals of Initial Denials of FOIA/PA Requests**

A. Numbers of appeals.

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1.	Number of appeals received during fiscal year (FY 1998):	1,096
2.	Number of appeals processed during fiscal year (FY 1998):	1,098

B. Disposition of appeals.

1.	Number denied in full:	647
2.	Number denied in part:	118
3.	Number completely reversed (granted):	38

a. Number of times each FOIA exemption used (counting each exemption once per appeal).
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(1)	Exemption 1:	88
(2)	Exemption 2:	44
(3)	Exemption 3:	62
(4)	Exemption 4:	38
(5)	Exemption 5:	200
(6)	Exemption 6:	270
(7)	Exemption 7(A):	58
(8)	Exemption 7(B):	4
(9)	Exemption 7(C):	107
(10)	Exemption 7(D):	13
(11)	Exemption 7(E):	9
(12)	Exemption 7(F):	5
(13)	Exemption 8:	0
(14)	Exemption 9:	0

4. Other reasons for nondisclosure (total):		
a.	No records:	98
b.	Referrals:	60
c.	Request withdrawn:	112
d.	Fee-related reason:	19
e.	Records not reasonably described:	7
f.	Not a proper FOIA request for some other	18

	reason:	
g.	Not an agency record:	0
h.	Duplicate request:	4
i.	Other (specify*):	6

\* Note: See table later.

## **Item VII.**

### **Compliance With Time Limits/Status of Pending Requests**

A. Median processing time for requests processed during the year (FY 1998).

1. Simple requests.		
a.	Number of requests processed:	85,964
b.	Median number of days to process:	16
2. Complex requests.		
a.	Number of requests processed:	17,907
b.	Median number of days to process:	39
3. Requests accorded expedited processing		
a.	Number of requests processed:	2,320
b.	Median number of days to process:	2.5

B. Status of pending requests (as of: 30 Sep 98).

1.	Number of requests pending:	10,240
2.	Median age of above cases in days:	73

## **Item VIII.**

### **Comparison With Previous Year**

**(Optional, Not Used)**

## **Item IX.**

### **Costs/FOIA Staffing**

A. Staffing levels (expressed in work years).

1.	Number of full-time FOIA personnel:	285.57
2.	Number of personnel with part-time or occasional FOIA duties:	520.35
3.	Total number of personnel:	805.92

B. Total costs (including staff and all resources).

1.	FOIA processing (including appeals):	\$39,086,264.90
2.	Litigation-related activities (estimated):	\$499,424.07
3.	Total costs:	\$39,585,688.97

## **Item X.**

### **Fees**

A.	Total amount of fees collected by the agency for processing requests:	\$689.154.55
B.	Percentage of total costs:	1.7

## **Item XI.**

### **FOIA Regulations (Including Fee Schedule)**

A. The Department of Defense (DoD) Freedom of Information Act Program Regulation, DoD 5400.7-R, September 4, 1998, which provides guidance regarding administration of the Freedom of Information Act (FOIA) Program within the Department of Defense (DoD), can be found at:

<http://www.dtic.mil/whs/directives/corres/html/54007.htm>

B. The Fee Schedule is Chapter 6 of the above regulation.

C. Additional Department of Defense FOIA documents and hyperlinks, including a copy of this report in portable document file format, can be found by accessing the following Universal Resource Locator (URL):

<http://www.defenselink.mil/pubs/foi/>

While not required, the tables on the pages that follow provide additional information for DoD components.

# **FREEDOM OF INFORMATION ACT**

## **ANNUAL REPORT**

### **FISCAL YEAR 1998**

**(Report Period: October 1, 1997 through September 30, 1998)**

#### **EXECUTIVE SUMMARY**

During the report period, fiscal year (FY) 1998, a total of 106,191 public requests for records under the Freedom of Information Act (FOIA) were completed by the Department of Defense (DoD). In the processing of these cases, the Department of Defense fully denied 2,065 and partially denied 9,998 out of 106,191 requests on the basis of FOIA exemptions. Of those exemptions, 7% were for classified information; 5% for internal rules and practices; 6% for statutory exemptions; 7% for proprietary data; 12% for deliberative material; 31% for privacy information; and 32% for law enforcement investigations. Thirty-three thousand two hundred twenty five (33,225) requests could not be filled in whole or in part for other reasons, such as lack of records, referral to another agency, or lack of specificity sufficient to identify the requested records. There were 1,098 actions taken on appeals of denied requests (38 granted, 118 partially denied, 647 fully denied, and 305 not filled for other reasons, as mentioned earlier).

The total DoD operating cost associated with the processing of requests during this report period was \$39,585,688.97. The average cost of processing a single case during this period was approximately \$372.78. Fee collections for records provided to the public amounted to \$689,154.55.

# Table for Item V.A.

## Numbers of Initial Requests

Component	Number Pending 1-Oct-97	Number Received FY 1998	Total Processed FY 1998	Number Pending 30-Sep-98
OSD/JS	1,511	3,483	3,217	1,777
Dept Army	1,832	36,306	35,700	2,438
Dept Navy	1,399	23,066	23,411	1,054
Dept Air Force	1,030	19,280	18,803	1,507
DCAA	17	159	155	21
DFAS	54	11,071	11,021	104
DIA	1,109	1,313	641	1,781
DSS	14	160	143	31
DISA	42	570	525	87
DLA	934	10,605	10,945	594
DTRA	109	275	235	149
NIMA	24	205	185	44
NRO	37	105	100	42
NSA/CSS	587	621	668	540
OIG, DOD	105	408	442	71
<b>DOD Totals</b>	<b>8,804</b>	<b>107,627</b>	<b>106,191</b>	<b>10,240</b>

Note: The fiscal year (FY) period covered by this report is FY 1998, 1 October 1997 through 30 September 1998.

# Table for Item V.B.

## Disposition of Initial Requests

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	3,217	1,256	451	65	1,666	3,438
Dept Army	35,700	23,246	3,118	501	10,977	37,842
Dept Navy	23,411	13,598	3,641	571	7,085	24,895
Dept Air Force	18,803	8,615	1,772	543	7,873	18,803
DCAA	155	72	18	5	60	155
DFAS	11,021	7,544	12	7	3,458	11,021
DIA	641	183	355	103	220	861
DSS	143	56	31	12	44	143
DISA	525	297	25	8	218	548
DLA	10,945	9,870	173	46	972	11,061
DTRA	235	60	36	8	137	241
NIMA	185	104	7	6	68	185
NRO	100	36	12	15	38	101
NSA/CSS	668	180	120	117	299	716
OIG, DOD	442	47	227	58	110	442
<b>DOD Totals</b>	<b>106,191</b>	<b>65,164</b>	<b>9,998</b>	<b>2,065</b>	<b>33,225</b>	<b>110,452</b>

- \* Please Note:
1. More than one action can be taken on each Initial Request.
  2. Multiple "Other" actions can be taken on a single Initial Request. See page 19, " Other Reasons Cited on Initial Determinations for Nondisclosure."

# Table for Item V.B.3.

## Exemptions Invoked on Initial Requests

Component	Exemptions by Number (5 U.S.C. §552(b))														Total*
	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)	
OSD/JS	234	44	72	62	81	186	12	0	11	1	0	0	0	0	703
Dept Army	396	474	215	526	821	1,958	14	18	967	535	237	2	0	0	6,163
Dept Navy	170	157	178	381	474	2,277	188	27	775	52	14	688	0	0	5,381
Dept Air Force	147	115	201	182	746	1,040	84	7	1,433	133	24	52	0	0	4,164
DCAA	3	0	1	4	3	8	6	0	0	0	0	0	0	0	25
DFAS	0	3	2	8	6	15	5	0	1	0	1	0	0	0	41
DIA	193	137	68	4	1	108	0	0	0	0	0	0	0	0	511
DSS	3	8	0	3	12	28	1	0	7	0	0	0	0	0	62
DISA	1	0	7	19	1	5	0	0	0	0	0	0	0	0	33
DLA	0	21	38	39	47	81	11	0	62	5	15	0	0	0	319
DTRA	16	1	26	14	5	9	0	0	0	0	0	0	0	0	71
NIMA	2	0	4	4	3	6	1	0	0	1	0	0	0	0	21
NRO	16	0	15	2	0	4	0	0	0	0	0	0	0	0	37
NSA/CSS	185	8	348	6	10	21	0	0	0	0	0	0	0	0	578
OIG, DOD	4	2	2	5	6	64	97	0	212	8	4	0	0	0	404
<b>DOD Totals</b>	<b>1,370</b>	<b>970</b>	<b>1,177</b>	<b>1,259</b>	<b>2,216</b>	<b>5,810</b>	<b>419</b>	<b>52</b>	<b>3,468</b>	<b>735</b>	<b>295</b>	<b>742</b>	<b>0</b>	<b>0</b>	<b>18,513</b>
<b>Percent of Total</b>	<b>7%</b>	<b>5%</b>	<b>6%</b>	<b>7%</b>	<b>12%</b>	<b>31%</b>	<b>2%</b>	<b>0%</b>	<b>19%</b>	<b>4%</b>	<b>2%</b>	<b>4%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

\* Please note:

1. More than one exemption may be used to deny information on any single request.
2. Rounded to nearest whole percentage point which is sometimes zero, 0%.
3. Due to rounding, the percentages on the bottom of the page add up to 99%, not 100%. Collectively, the various law enforcement exemptions round, 7(A) through 7(F) round up to 32%.

# Table for Item V.B.4.

## Other Reasons Cited on Initial Determinations for Nondisclosure

Component	Category*									Total
	1	2	3	4	5	6	7	8	9	
OSD/JS	408	849	240	32	66	19	4	47	3	1,668
Dept Army	3,258	3,465	824	877	652	317	1,433	198	0	11,024
Dept Navy	1,912	2,764	953	212	375	352	157	254	106	7,085
Dept Air Force	2,454	2,110	439	126	2,188	179	237	80	60	7,873
DCAA	22	29	2	0	5	2	0	0	0	60
DFAS	334	32	2	5	1,013	1,014	43	1,000	15	3,458
DIA	129	75	0	0	11	5	0	0	0	220
DSS	20	7	7	5	0	3	2	0	0	44
DISA	45	119	29	14	9	0	1	1	0	218
DLA	327	197	186	50	66	28	33	85	0	972
DTRA	37	79	8	8	0	0	5	0	0	137
NIMA	13	1	9	28	19	2	7	6	2	87
NRO	29	2	1	0	2	4	0	0	0	38
NSA/CSS	120	35	25	41	15	24	0	7	67	334
OIG, DOD	18	45	16	27	4	0	0	0	0	110
<b>DOD Totals</b>	<b>9,126</b>	<b>9,809</b>	<b>2,741</b>	<b>1,425</b>	<b>4,425</b>	<b>1,949</b>	<b>1,922</b>	<b>1,678</b>	<b>253</b>	<b>33,328</b>

Note: See Item III., Definitions of Terms and Acronyms Used In Report, for definitions of categories below:

1. No records.
2. Referrals.
3. Withdrawn.
4. Fee-Related Reason
5. Records not Reasonably Described.
6. Not a proper FOIA Request for Some Other Reason.
7. Not an Agency Record.
8. Duplicate Request.
9. Other (See next page).

# Table for Item V.B.4. Supplemental

## “Specific” Other Reasons Cited on Initial Determinations for Nondisclosure

Component	Other Specific Reason*								Total
	Electronic Referral	Insufficient Address	Lacked 3d Party Waiver	Publicly Sold Document	Direct NPRC Referral	Non-Attribution	Improper Referrals	Not Agency Issue	
OSD/JS		3							3
Dept Navy	23			20	42		4	17	106
Dept Air Force		12	48						60
DFAS		12	3						15
NIMA								2	2
NSA/CSS			61			6			67
<b>DOD Totals</b>	<b>23</b>	<b>27</b>	<b>112</b>	<b>20</b>	<b>42</b>	<b>6</b>	<b>4</b>	<b>19</b>	<b>253</b>

Note: See Definition of terms on the following page.

## Item V. B. 4. Supplemental (Continued)

### "Specific" Other Reasons Cited on Initial Determinations for Nondisclosure Explained

**Electronic Referral:** Requested information available on Internet and the requester was apprised of the Internet address.

**Insufficient Address:** The requester provided an insufficient or inaccurate address and could not be contacted.

**Lacked 3d Party Waiver:** A third party (e.g., an attorney) making a request on behalf of someone else failed to provide an authorization from the requester which would allow the third party access to the requester's records.

**Publicly Sold Document:** Requested material was available through cash sales and the requester was advised how to purchase.

**Direct NPRC Referral:** Requested concerned military service records of former service members. Requests were returned to the requester along with blank a form SF-180 and suggestion that they complete the form and submit directly to the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA), St. Louis, MO.

**Non-Attribution:** The agency's involvement in a referral action would itself compromise national security matters which are properly classified.

**Improper Referrals:** Referrals were returned to the referring agency/activity without action

for correction because they were incorrect or incomplete. Not Agency Issue: Requested documents did not pertain to the agency.

# Table for Item VI.A.

## Numbers of Appeals

<b>Component</b>	<b>Received FY 1998</b>	<b>Total Processed</b>
<b>OSD/JS</b>	<b>99</b>	<b>72</b>
<b>Dept Army</b>	<b>265</b>	<b>92</b>
<b>Dept Navy</b>	<b>263</b>	<b>449</b>
<b>Dept Air Force</b>	<b>245</b>	<b>319</b>
<b>DCAA</b>	<b>14</b>	<b>14</b>
<b>DFAS</b>	<b>8</b>	<b>5</b>
<b>DIA</b>	<b>48</b>	<b>28</b>
<b>DSS</b>	<b>7</b>	<b>7</b>
<b>DISA</b>	<b>1</b>	<b>1</b>
<b>DLA</b>	<b>24</b>	<b>23</b>
<b>DTRA</b>	<b>8</b>	<b>9</b>
<b>NIMA</b>	<b>3</b>	<b>2</b>
<b>NRO</b>	<b>5</b>	<b>3</b>
<b>NSA/CSS</b>	<b>63</b>	<b>49</b>
<b>OIG, DOD</b>	<b>43</b>	<b>25</b>
<b>DOD Totals</b>	<b>1,096</b>	<b>1,098</b>

# Table for Item VI.B.

## Disposition of Appeals

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	72	11	16	7	39	73
Dept Army	92	2	0	86	4	92
Dept Navy	449	10	41	217	187	455
Dept Air Force	319	10	30	270	9	319
DCAA	14	0	1	9	4	14
DFAS	5	0	2	2	1	5
DIA	28	2	12	10	4	28
DSS	7	0	3	4	0	7
DISA	1	0	0	0	1	1
DLA	23	2	3	6	14	25
DTRA	9	1	2	2	4	9
NIMA	2	0	1	1	0	2
NRO	3	0	0	1	2	3
NSA/CSS	49	0	1	16	33	50
OIG, DOD	25	0	6	16	3	25
<b>DOD Totals</b>	<b>1,098</b>	<b>38</b>	<b>118</b>	<b>647</b>	<b>305</b>	<b>1,108</b>

\* Please Note: 1. More than one action can be taken on each Appeal.

Note:

2. Multiple "Other" actions can be taken on a single Appeal. See later, "Other Reasons Cited on Appeal Determinations for Nondisclosure."

# Table for Item VI.B.3.

## Exemptions Invoked on Appeal Denials

Component	Exemptions by Number (5 U.S.C. §552(b))														Total*
	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)	
OSD/JS	8	2	2	0	4	13	2	0	0	0	0	0	0	0	31
Dept Army	2	11	4	3	43	40	31	0	0	0	0	0	0	0	134
Dept Navy	10	4	5	10	55	110	15	0	49	4	4	0	0	0	266
Dept Air Force	37	7	19	21	94	96	2	3	34	5	3	4	0	0	325
DCAA	0	0	0	0	2	2	6	0	0	0	0	0	0	0	10
DFAS	0	0	0	0	1	3	0	0	0	0	0	0	0	0	4
DIA	20	18	14	0	0	9	0	0	0	0	0	0	0	0	61
DSS	1	2	0	0	2	2	0	1	2	0	0	0	0	0	10
DISA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DLA	0	1	1	4	0	1	1	0	1	0	0	0	0	0	9
DTSA	1	0	2	0	0	1	0	0	0	0	0	0	0	0	4
NIMA	0	0	1	0	1	1	0	0	1	1	0	0	0	0	5
NRO	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
NSA/CSS	16	1	16	0	0	1	0	0	0	0	0	0	0	0	33
OIG, DOD	0	0	0	0	2	4	1	0	20	3	2	1	0	0	33
<b>DOD Totals</b>	<b>88</b>	<b>44</b>	<b>62</b>	<b>38</b>	<b>200</b>	<b>270</b>	<b>58</b>	<b>4</b>	<b>107</b>	<b>13</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>895</b>
<b>Percent of Total</b>	<b>10%</b>	<b>5%</b>	<b>7%</b>	<b>4%</b>	<b>22%</b>	<b>30%</b>	<b>6%</b>	<b>0%</b>	<b>12%</b>	<b>1%</b>	<b>1%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

- \* Please note:
1. More than one exemption may be used to deny information on any single appeal.
  2. Rounded to nearest whole percentage point which is sometimes zero, 0%.
  3. Due to rounding, the percentages on the bottom of the page add up to 99%, not 100%.

# Table for Item VI.B.4.

## Other Reasons Cited on Appeal Determinations for Nondisclosure

Component	Category*									Total
	1	2	3	4	5	6	7	8	9	
OSD/JS	16	13	12	0	0	0	0	2	0	43
Dept Army	16	0	1	0	0	0	0	0	0	17
Dept Navy	23	39	93	8	6	16	0	2	0	187
Dept Air Force	6	1	1	1	0	0	0	0	0	9
DCAA	2	4	0	0	0	0	0	0	0	6
DFAS	0	0	0	1	0	0	0	0	0	1
DIA	4	0	0	0	0	0	0	0	0	4
DSS	0	0	0	0	0	0	0	0	0	0
DISA	1	0	0	0	0	0	0	0	0	1
DLA	7	3	4	0	0	0	0	0	0	14
DTRA	3	0	0	1	0	0	0	0	0	4
NIMA	0	0	0	0	0	0	0	0	0	0
NRO	2	0	0	0	0	0	0	0	0	2
NSA/CSS	17	0	0	8	0	2	0	0	6	33
OIG, DOD	1	0	1	0	1	0	0	0	0	3
<b>DOD Totals</b>	<b>98</b>	<b>60</b>	<b>112</b>	<b>19</b>	<b>7</b>	<b>18</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>324</b>

Note: See Item III., Definitions of Terms and Acronyms Used In Report, for definitions of categories below:

- |   |  |
|---|--|
| 1. No records.                                      | 7. Not an Agency Record.   |
| 2. Referrals.                                       | 8. Duplicate Request.  |
| 3. Withdrawn.                                       | 9. Other: Appeal not submitted within required time frame - 5 instances. Request for expedited processing of Appeal rejected - 1 instance. |
| 4. Fee-Related Reason                               |  |
| 5. Records not Reasonably Described.                |  |
| 6. Not a proper FOIA Request for Some Other Reason. |  |

# Table for Item VII.A.

Median Processing Times for Initial Requests Processed During the Year

Component	Total Requests	Simple Requests	Simple Median Age	Complex Requests	Complex Median Age	Expedited Requests	Expedited Median Age
OSD/JS	3,217	2,916	16	280	18	21	7
Dept Army	35,700	27,595	16	7,624	41	481	10
Dept Navy	23,411	18,021	16	4,221	61	1,169	2
Dept Air Force	18,803	15,027	14	3,222	100	554	3
DCAA	155	97	35	58	72	0	0
DFAS	11,021	10,814	72	150	120	57	3
DIA	641	177	12	444	240	20	5
DSS	143	7	10	133	50	3	7
DISA	525	373	14	152	70	0	0
DLA	10,945	9,685	11	1,259	30	1	17
DTRA	235	54	15	181	76	0	0
NIMA	185	101	32	84	143	0	0
NRO	100	54	9	45	59	1	22
NSA/CSS	668	644	37	14	939	10	19
OIG, DOD	442	399	60	40	217	3	43
<b>DOD Totals</b>	<b>106,191</b>	<b>85,964</b>	<b>16</b>	<b>17,907</b>	<b>39</b>	<b>2,320</b>	<b>2.5</b>

Note: The number of calendar days, not work days, elapsed between the date requests were perfected and completed is reflected in the above median calculations.

# Table for Item VII.B.

## Status of Pending Requests

Component	End Report Period 30 September 1998	
	Number Pending	Median Age
OSD/JS	1,777	597
Dept Army	2,438	39
Dept Navy	1,054	30
Dept Air Force	1,507	79
DCAA	21	90
DFAS	104	68
DIA	1,781	648
DSS	31	60
DISA	87	121
DLA	594	40
DTRA	149	154
NIMA	44	92
NRO	42	617
NSA/CSS	540	624
OIG, DOD	71	50
<b>DOD Totals</b>	<b>10,240</b>	<b>73</b>

Note: The number of calendar days, not work days, elapsed between the date requests were perfected and the date indicated (30 September 1998) is reflected in the above median calculations.

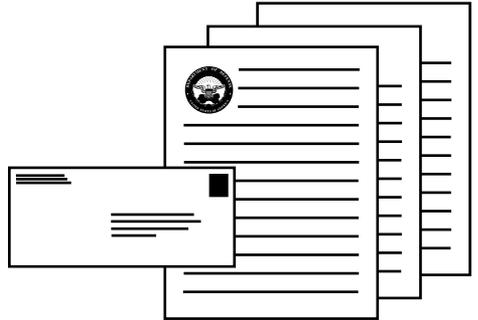
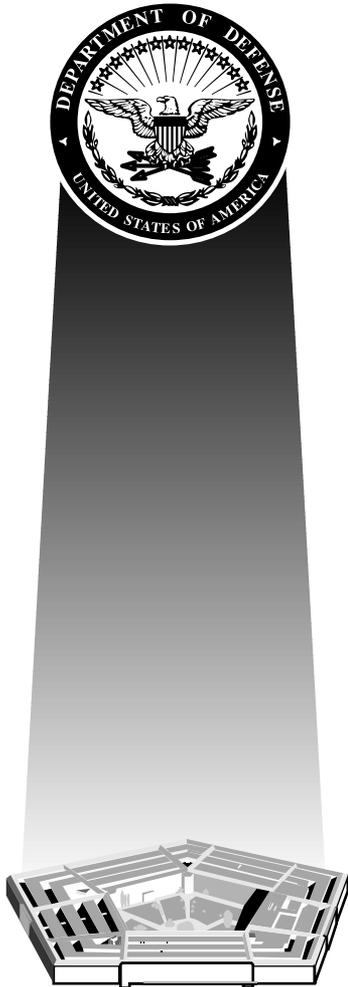
## Table for Item IX.

### FOIA Staffing/Costs

<b>Component</b>	<b>Full-Time Personnel</b>	<b>Part-Time Personnel</b>	<b>Total Personnel</b>	<b>FOIA Processing Cost</b>	<b>Litigation Cost</b>	<b>Total Program Cost</b>
OSD/JS	15.16	30.4	45.56	\$2,526,045.24	\$36,413.63	\$2,562,440.27
Dept Army	89.57	128.89	218.46	\$10,826,432.45	\$156,469.00	\$10,982,901.45
Dept Navy	78	248	326	\$13,592,096.00	\$211,725.00	\$13,803,821.00
Dept Air Force	37.8	90.25	128.05	\$6,574,568.00	\$5,000.00	\$6,579,568.00
DCAA	0	2.25	2.25	\$156,222.17	\$1,000.00	\$157,222.17
DFAS	14.29	8.91	23.2	\$1,049,172.30	\$3,000.00	\$1,052,172.30
DIA	5	0	5	\$346,656.00	\$5,000.00	\$351,656.00
DSS	2	0.5	2.5	\$80,767.00	\$0.00	\$80,767.00
DISA	0	2.83	2.83	\$227,137.81	\$0.00	\$227,137.81
DLA	11.9	6.02	17.92	\$1,041,487.00	\$0.00	\$1,041,487.00
DTRA	4	1	5	\$417,847.00	\$0.00	\$417,847.00
NIMA	3.6	0.2	3.8	\$267,456.68	\$4,383.44	\$271,840.12
NRO	4.25	0.5	4.75	\$393,506.00	\$4,317.00	\$397,823.00
NSA/CSS	15.9	0.6	16.5	\$1,197,447.75	\$72,116.00	\$1,269,563.75
OIG, DOD	4.1	0	4.1	\$389,442.10	\$0.00	\$389,442.10
<b>DOD Totals</b>	<b>285.57</b>	<b>520.35</b>	<b>805.92</b>	<b>\$39,086,258.05</b>	<b>\$499,424.07</b>	<b>\$39,585,688.97</b>

Department of Defense

# DOD Freedom of Information Act Handbook



Directorate for  
Freedom of Information  
and Security Review

**“A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.”**

*James Madison*

## **Introduction**

This handbook is intended to assist you in making Freedom of Information Act (FOIA) requests for Department of Defense (DoD) records. It will get you started and provide you with a brief description of your rights and the manner in which DoD will respond to your requests. The information contained herein is not intended to be definitive or exhaustive.

The FOIA, which is known by its legal cite as 5 U.S.C. § 552, along with the DoD Regulation, governs how requests will be processed within the DoD. DoD Regulation 5400.7-R, “Department of Defense Freedom of Information Act Program,” can be found at Part 286 of Chapter 32 of the Code of Federal Regulations, which is available in most libraries. It can also be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, for \$12.50, and may be found on the World Wide Web by entering:

<http://www.defenselink.mil/>

click on “Publications”

click on Freedom of Information Act (FOIA)

click Department of Defense (DoD) Freedom of Information Act  
Program Regulation

Due to its size and complexity, the Department of Defense’s FOIA program is decentralized among the several “DoD Components,” which operate their own FOIA offices and respond directly to the public for their own records. If you desire records from these Components, please write to them using the addresses beginning on page 6 of this handbook. This office, the Directorate for Freedom of Information and Security Review is responsible for responding to requests for records of the Office of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. Our address is the first one listed on page 6.

## Frequently Asked Questions

*What is the FOIA?*

The FOIA is a Federal law that establishes the public's right to request existing records from Federal government agencies.

*Who can file a FOIA request?*

Any "person" can file a FOIA request, including U.S. citizens, foreign nationals, organizations, universities, businesses, and state and local governments.

*Who is subject to the FOIA and what type of information can be requested?*

The FOIA's scope includes Federal Executive Branch Departments, agencies, and offices, Federal regulatory agencies, and Federal corporations. Congress, the Federal Courts, and parts of the Executive Office of the President are not subject to the FOIA. State and local governments are likewise not subject to the Federal FOIA, but some states have their own equivalent access laws for state records. At the Office of the Secretary of Defense/Chairman of the Joint Chiefs of Staff level, you may expect to find policy, planning and budgetary information for the DoD.

*What is a record?*

A record is the product(s) of data compilation, such as all books, papers, maps, and photographs, machine readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law in connection with the transaction of public business and in Department of Defense possession and control at the time the FOIA request is made.

*Can we ask questions under the FOIA?*

The FOIA does not require Federal Agencies to answer questions, render opinions, or provide subjective evaluations. Requesters must ask for existing records, such as those mentioned above.

*How do I file a FOIA request?*

- Label your request "Freedom of Information Act Request," preferably within the request letter and on the envelope, and address the request to the DoD Component(s) likely to have the information you seek. If you do not know which Component is likely to maintain the information you seek, you may call the Directorate for Freedom of Information and Security Review, at

(703) 697-1160/1180, or write to us at the address below (first one on page 6) for assistance.

- State your willingness to pay applicable fees. If you seek a fee waiver, provide a justification for such a waiver.
- Describe the specific records you are requesting in enough detail so that they can be located with a reasonable amount of effort. Generally, a record is reasonably described when the description contains sufficient file-related information (type of document, title, subject area, date of creation, originator, etc.); or the request contains enough event-related information (date and circumstances surrounding the event the record covers) to permit the conduct of an organized, non-random search.

**Note: A sample request letter can be found at the end of this handbook.**

*What are the reasons for not releasing a record?*

The reasons why the Office of the Secretary of Defense/Chairman of the Joint Chiefs of Staff may not release a record when a request for the record is made under the FOIA. They are:

- A reasonable search of files failed to identify responsive records.
- The requests if transferred to another DoD Component, or to another Federal Agency.
- The request is withdrawn by the requester.
- The requester is unwilling to pay fees associated with a request; the requester is past due in the payment of fees from a previous FOIA request; or the requester disagrees with the fee estimate.
- A record has not been described with sufficient particularity to enable the DoD Component to locate it by conducting a reasonable search.
- The requester has failed unreasonable to comply with procedural requirements, other than fee-related, imposed by DoD 5400.7-R or DoD Component supplementing regulations.
- The information requested is not a record within the meaning of the FOIA and this Regulation.
- The request is a duplicate request (e.g. a requester asks for the same information

more than once). This includes identical requests received via different means (e.g. electronic mail, facsimile, mail, courier) at the same or different times.

- Any other reason a requester does not comply with published rules other than those outlined above.
- The record is denied in whole or in part in accordance with procedures set forth in the FOIA.

#### *What are the FOIA exemptions?*

Records (or portions of records) will be disclosed unless that disclosure harms an interest protected by a FOIA exemption. The nine FOIA exemptions are cited in the Act as 5 U.S.C. § 552(b)(1) through (b)(9):

- (b)(1)—records currently and properly classified in the interest of national security;
- (b)(2)—records related solely to internal personnel rules and practices, which if released would allow circumvention of an agency function;
- (b)(3)—records protected by another law that specifically exempts the information from public release;
- (b)(4)—trade secrets and commercial or financial information obtained from a private source which would cause substantial competitive harm to the source if disclosed;
- (b)(5)—internal records that are deliberative in nature and are part of the decision making process that contain opinions and recommendations;
- (b)(6)—records which if released, would result in a clearly unwarranted invasion of personal privacy;
- (b)(7)—investigatory records or information compiled for law enforcement purposes;
- (b)(8)—records for the use of any agency responsible for the regulation or supervision of financial institutions; and
- (b)(9)—records containing geological and geophysical information (including maps) concerning wells.

*Can I appeal a denial?*

Yes. If your request is initially denied in whole or in part under one or more of the above exemptions or denied for some other reason, you will be advised of your appeal rights and the proper procedures for submitting the appeal within 60 days.

*How long will it take for my request to be processed?*

This is a difficult question to answer because of the size of DoD and its worldwide locations. In fairness to all requesters, DoD processes requests in order by date of receipt and according to their complexity. These are called easy and hard queuing tracks. Whenever possible, an initial determination to release or deny a record is made within 20 working days after receipt of the request by the official who is designated to respond. However, due to the thousands of requests received annually, the DoD is unable to answer all of them within the statute's time requirements. Therefore, requests will have to wait their turn in the Components' queuing tracks.

Under certain conditions, expedited access may be granted if there is a compelling need, such as a threat to life and safety, if a person engaged in disseminating information has an urgency to inform the public on actual or alleged Federal Government activity, an imminent loss of substantial due process rights, or a humanitarian need.

*Do I have to pay for a FOIA request?*

The FOIA allows fees to be charged to certain types of requesters, but it also provides that waivers or reductions in fees be given if disclosing the information is in the public interest. Public interest is defined as information which significantly enhances the public's knowledge of the operations and activities of the DoD. The FOIA requires that requesters be placed into one of the below categories:

Commercial. Requesters who seek information for a use or purpose that furthers their commercial, trade, or profit interest are considered commercial requesters. Commercial requesters pay all fees for search, review and duplication.

Educational. Institutions of education, including preschools, elementary or secondary schools and institutions of higher learning, qualify as educational institutions. The records must be sought in furtherance of scholarly research. Educational requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost.

Non-Commercial Scientific. A non-commercial scientific institution is operated solely for conducting scientific research. The records must be sought in furtherance of scientific research. Like educational requesters, these requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost.

News Media. A representative of the news media is a person actively gathering news for an entity organized and operated to publish or broadcast news to the public. News media pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. Again, the first 100 pages are provided at no cost.

“Other” Requesters. Requesters who do not qualify in another category are considered “other” requesters, and normally make requests for agency records for their personal use. “Other” requesters receive two hours search, all review costs, and the first 100 pages at no cost.

All requesters should submit a willingness to pay fees regardless of the fee category, however, this does not mean you will be charged fees. Except for commercial requesters whose fees total more than \$15, waivers are always considered. Fee waivers may be granted when disclosure of the records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. The following factors are weighed in making a fee waiver determination:

- The subject of the request.
- The informative value of the information to be disclosed.
- The contribution to an understanding of the subject by the general public likely to result from the disclosure.
- The significance of the contribution to public understanding.
- Disclosure of the information is not primarily in the commercial interest of the requester.
- The ability of the requester to disseminate the information.

## **DoD Components**

*Director, Freedom of Information & Security Review*  
1155 Defense Pentagon, Room 2C757  
Washington, DC 20301-1155

*Department of the Army*  
*FOIA/Privacy Acts Office*  
*TAPC-PDR-PF*  
7798 Cissna Road, Suite 205  
Springfield, VA 22150-3197

*Department of the Navy  
Chief of Naval Operations  
N09B30  
2000 Navy Pentagon  
Washington, DC 20350-2000*

*Department of the Air Force  
11 CS/SCSR (FOIA)  
1000 Air Force Pentagon  
Washington, DC 20330-1000*

*Defense Contract Audit Agency  
Attn: CMR  
8725 John J. Kingman Road  
Suite 2135  
Fort Belvoir, VA 22060-6219*

*Defense Finance & Accounting Service  
Directorate for External Services  
Crystal Mall 3, Rm 416  
Arlington, VA 22240-5291*

*Defense Intelligence Agency  
Attn: SVI-1  
Washington, DC 20340-5100*

*Defense Security Service  
Office of FOIA & Privacy V0020  
1340 Braddock Place  
Alexandria, VA 22314-1651*

*Defense Information Systems Agency  
Regulatory/General Counsel  
Attn: FOIA  
701 South Courthouse Road  
Arlington, VA 22204-2199*

*Defense Logistics Agency  
Attn: CAAR  
8725 John J. Kingman Road  
Suite 2533  
Ft Belvoir, VA 22060-6221*

*Defense Threat Reduction Agency  
FOIA Division  
45045 Aviation Drive  
Dulles, VA 20166-7517*

*Inspector General of the Department of Defense  
Chief, FOIA/PA Office  
400 Army Navy Drive, Rm 405  
Arlington, VA 22202-2884*

*National Imagery and Mapping Agency  
General Counsel's Office  
GCM  
Mail Stop D-10  
4600 Sangamore Road  
Bethesda, MD 20816-5003*

*National Reconnaissance Office  
Information Access & Release Center  
Attn: FOIA Officer  
14675 Lee Road  
Chantilly, VA 20151-1715*

*National Security Agency/Central Security Service  
FOIA/PA Services  
N5P5  
9800 Savage Road STE 6248  
Ft. George G. Meade, MD 20755-6248*

**\*NOTE:** The U.S. Marine Corps is under the Department of the Navy, but you may also write to them at *Commandant of the Marine Corps (ARAD), Headquarters U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380-1775*. The National Guard Bureau is under the Departments of the Army and Air Force, but you may write to them at *National Guard Bureau, Attn: NGB-ADM, (FOIA) 1411 Jefferson Davis Highway, Suite 10800, Arlington, VA 22202-3231*

## **Reading Rooms**

The Directorate for Freedom of Information and Security Review operates the Office of the Secretary of Defense/Chairman of the Joint Chiefs of Staff Reading Room which contains DoD directives, instructions, manuals, regulations and select documents that have been requested several times under the FOIA (these are called FOIA Processed (a) (2) Records). The Reading Room is open to the general public from 8:30 a.m. - 4:30 p.m. Monday through Friday (excluding Federal holidays). Its location is in the Directorate, Room 2C757, in the Pentagon. Although no appointments are necessary, you must call the Directorate at 697-1160/1180 from the house phone once you arrive at the Pentagon in order to be escorted to the reading room within the Pentagon.

Each Component operates its own Reading Room. For hours of operation, location and access procedures, please contact the Component for which you are interested.

## Electronic Access

At the DoD homepage, you will find a multitude of information including DoD's electronic reading room and the DoD Government Information Locator Service (GILS), which is essentially a card catalog that identifies public information resources. At the DoD homepage, you will also find the DoD FOIA Regulation, as well as the DoD Freedom of Information Act Annual Report. This is a detailed report which provides statistics on DoD's FOIA program such as the number of requests received, the number granted in full, and denied. The World Wide Web address for the DoD homepage and the DoD Government Information Locator Service (GILS) is:

**<http://www.defenselink.mil/>**

To access the DoD GILS system, select the "Search" button and then click on "Government Information Locator Service" for the GILS entries. Then scroll to the browse Defenselink Locator Records.

To go into the electronic reading room, click on "Publications" from the Defenselink homepage, then scroll down to Freedom of Information Act (FOIA) and click on it. Then select "Office of the Secretary of Defense/Joint Staff Electronic Reading Room." A list of titles appears. Click the title you are interested in to view that record.

## Conclusion

We trust this information will be helpful to you when pursuing FOIA requests with DoD. If you have any questions, you may call (703) 697-1160/1180 and ask for a FOIA officer.

## Sample FOIA Request Letter

DoD Component Head [or FOIA Officer]  
DoD Component  
Address  
City, State, Zip Code

Dear :

This is a request under the Freedom of Information Act (5 U.S.C. 552).  
I request that a copy of the following document(s) be provided to me: [identify the documents as specifically as possible].

In order to help you determine my status for the purpose of assessing fees, you should know that I am [insert one of the descriptions below]

a representative of the news media affiliated with the \_\_\_\_\_ newspaper (magazine, television station, etc.), and this request is made as part of news gathering and not for a commercial use.

affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for a commercial use.

affiliated with a private business and am seeking information for use in the company's business.

an individual seeking information for personal use and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$\_\_\_\_. If you estimate that the fees will exceed this limit, please inform me first.

[optional] I request a waiver of fees for this request because disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the DoD and is not primarily in my commercial interest. [Include details about how the requested information will be disseminated by you to the general public.]

[optional] I also include a telephone number at which I can be contacted if necessary to discuss any aspect of my request.

Sincerely,

Name  
Address  
City, State, Zip Code  
Telephone number [optional]

Bad Request

You have requested a nonexistent page. If you feel that you have reached this message in error, please review your request and try again.



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- DoD Contracts
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- DoD FOIA Regulation
- DoD Publications
- DoD Record Locator
- Doing Business with FOIA
- Final Opinions
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- FOIA Reference Materials
- Joint Staff Publications
- Major Info Systems
- OSD FOIA Instruction
- OSD/JS Privacy Office
- Sources of DoD Service Records
- Statements of Policy
- Text of the FOIA
- Verif. of Military Service

## OFFICE OF FREEDOM OF INFORMATION (OFOI)

The mission of the Office of Freedom of Information is to provide access to records created by the Office of the Secretary of Defense and Joint Staff. This includes the processing of Freedom of Information Act (FOIA) initial **requests** from the general public, and **consultations** from other DOD and Executive Branch Agencies and Departments. To fulfill this responsibility, OFOI operates this FOIA Requester Service Center.

All inquiries pertaining to a specific military branch, combatant command or component, see [DOD SERVICE CENTERS](#)

### **New** [Expanded OSD/JS FOIA Library](#)

DoD Contracts - Effectively immediately, all contracts released by this office will be posted in the **Contracts Reading Room**.

### **Most Recently Posted Reading Room Documents**

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[OSD/Joint Staff FOIA FOIA Log - 2007 & 2008 \(Excel Spreadsheet Format\)](#)

[OSD/Joint Staff FOIA FOIA Log - Data Dictionary](#)

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