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# FREEDOM OF INFORMATION ACT (5 USC § 552) BASIC TRAINING

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## **OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)**

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**"A DEMOCRACY WORKS BEST WHEN THE PEOPLE  
HAVE ALL THE INFORMATION THAT THE SECURITY OF  
THE NATION PERMITS. NO ONE SHOULD BE ABLE TO  
PULL THE CURTAINS OF SECRECY AROUND DECISIONS  
WHICH CAN BE REVEALED WITHOUT INJURY TO THE  
PUBLIC INTEREST."**

# **OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)**

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## **INTRODUCTION**

### **WHAT IS THE FOIA?**

- LAW PASSED BY PRESIDENT JOHNSON AND ENACTED BY CONGRESS IN 1966 PROVIDING FOR ACCESS TO RECORDS MAINTAINED BY THE EXECUTIVE BRANCH OF THE U.S. GOVERNMENT.**
- APPLIES TO RECORDS MAINTAINED BY THE EXECUTIVE BRANCH OF THE GOVERNMENT, INCLUDING THE EXECUTIVE OFFICE OF THE PRESIDENT.**
  - NOT BY THE LEGISLATIVE OR JUDICIAL BRANCHES**
  - NOT BY STATE OR LOCAL GOVERNMENTS**
  - NOT BY PRIVATE ORGANIZATIONS**
  - NOT BY PRIVATE CITIZENS**
- IS A DISCLOSURE STATUTE.**

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## **- FOIA AMENDED SEVERAL TIMES**

### **- 1974 AMENDMENTS: PUT "TEETH" INTO FOIA**

- defined "person"**
- established "reasonable description of records" requirement**
- established nine exemption provisions**
- established "ten-working-day" processing time frame for initial determinations and "twenty-working-day" processing time frame for appeals**
- allowed for search and reproduction fees to be collected from requester**
- established requirement for Annual Report submission to Congress**

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- 1986 AMENDMENTS: FOIA REFORM ACT**
  - further defined "law enforcement" exemption**
  - broadened the threshold of exemption (b)(7) by establishing six subcomponent categories [(b)(7)(A), (b)(7)(B), (b)(7)(C), (b)(7)(D), (b)(7)(E), and (b)(7)(F)]**
  - established requirement for uniform fee schedule and guidelines**

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## **- 1996 AMENDMENTS: E-FOIA**

- established requirement that (a)(2) materials created after November 1, 1996, be made available electronically to FOIA requesters.**
- established new category of (a)(2) records [5 USC 552(a)(2)(d)] which consists of FOIA released documents that may become subject to frequent FOIA requests**
- required that an Index of (a)(2)(d) Records be made available to the public by December 31, 1999**
- directed Agencies to provide requested data in any medium asked for by the requester**

- required Agencies to search for records in electronic form
- established multi-track processing
- established that backlogs are not exceptional circumstances for delay unless an Agency can demonstrate its progress in reducing its backlog
- provided for "expedited access" processing "out of sequence"
- extended statutory processing time frame from "ten-working-days" to "twenty-working-days"
- established requirement that Agencies identify to the requester the amount of information denied
- changed Annual Reporting requirements

**- directed Agencies to provide to the public reference materials and/or a Guide for requesting information, to include:**

**- an index and description of all Agency major information systems**

**- a Handbook describing specific procedures and requirements for FOIA requesters seeking information and documents**

**- allowed for Agency to aggregate FOIA requests from the same requester or group of requesters when the requests constitute a single request because they involve related matters.**



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## **IMPLEMENTATION**

### **BY AGENCY REGULATION:**

**-- DoD DIRECTIVE 5400.7 (29 SEP 97); SUBJ: DOD FREEDOM OF INFORMATION ACT PROGRAM**

**-- DoD REGULATION 5400.7-R (4 SEP 98); SUBJ: DOD FREEDOM OF INFORMATION ACT PROGRAM**

**-- SECNAVINST 5720.42F: SUBJ: DEPARTMENT OF THE NAVY FREEDOM OF INFORMATION ACT PROGRAM**

**CODIFIED AT 32 CFR PART 701**

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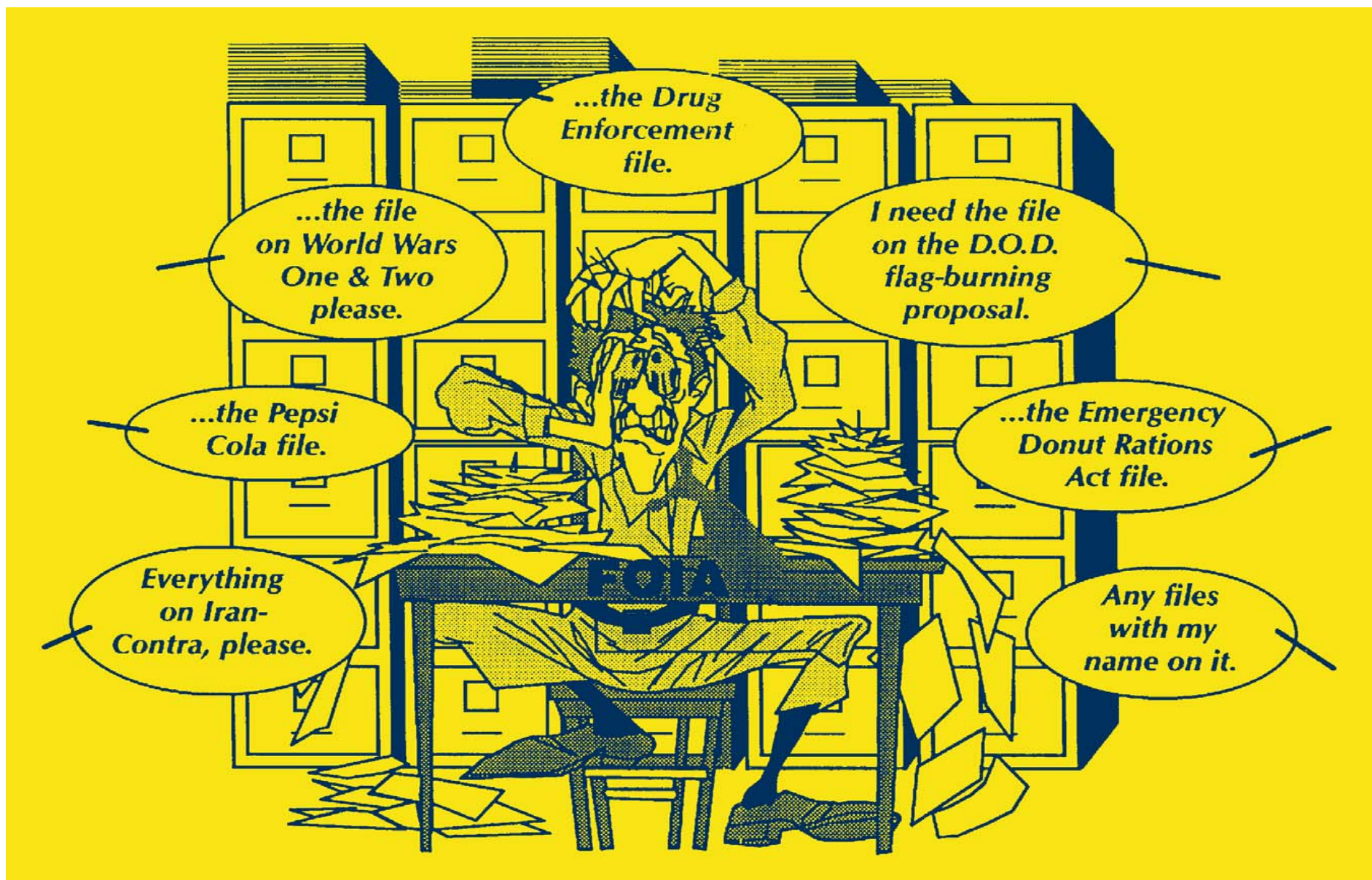
## **WHAT IS A FOIA REQUEST**

- **IN WRITING (BY MAIL, FAX, OR EMAIL)**
- **FROM ANY PERSON**
- **REQUESTS COPIES OF "AGENCY RECORDS"**
  - **CREATED OR OBTAINED BY AN AGENCY**
  - **UNDER CONTROL OF AGENCY**
  - **NOT TANGIBLE OBJECTS**

- **REASONABLY DESCRIBES DESIRED RECORDS TO ALLOW FOR READY IDENTIFICATION AND RETRIEVAL**
- **STATES WILLINGNESS TO PAY REASONABLY INCURRED PROCESSING FEES, OR, IN THE ALTERNATIVE PROVIDES JUSTIFICATION AS TO WHY FEES SHOULD BE WAIVED IN WHOLE OR IN PART**
- **DOES NOT HAVE TO EXPLAIN OR JUSTIFY PURPOSE OF REQUEST**
- **IMPLICITLY OR EXPLICITLY INVOKES THE FREEDOM OF INFORMATION ACT**

# OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)

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# **OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)**

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## **TIME LIMITS**

**- 20 WORKING DAYS FROM DATE OF RECEIPT OF "PROPER" FOIA REQUEST BY THE AGENCY (OR COMPONENT OF THE AGENCY) THAT MAINTAINS THE RECORDS**

**- "UNUSUAL CIRCUMSTANCES," MAY INVOKE FORMAL 10-ADDITIONAL-WORKING-DAYS EXTENSION PROVISION**

**-- LOCATION OF RECORDS**

**-- VOLUME OF RECORDS**

**-- NEED TO CONSULT WITH EXTERNAL PARTY**

**- ALTERNATIVELY, WORK WITH REQUESTER TO OBTAIN INFORMAL EXTENSION, FOLLOWING UP WITH CONFIRMATION CORRESPONDENCE**

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- PROCESS FIRST-IN, FIRST-OUT**
- MULTI-TRACK PROCESSING**
- FAILURE TO COMPLY WITH TIME LIMITS MAY BE TREATED AS A CONSTRUCTIVE EXHAUSTION OF ADMINISTRATIVE REMEDIES**
- REQUESTER MAY IMMEDIATELY SEEK APPEAL AND/OR JUDICIAL REVIEW FOR TIMELINESS**

# **OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)**

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## **ROUTINE ACTION REQUESTS**

**-- EXPECT TO BE ABLE TO PROVIDE REQUESTER WITH  
SUBSTANTIVE DETERMINATION ON REQUEST WITHIN 20 WORKING  
DAY TIME LIMITS OF THE FOIA.**

**-- PROCESSED FIRST IN, FIRST OUT IN "SIMPLE" PROCESSING  
QUEUE.**



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## COMPLEX ACTION REQUESTS

- REQUEST IS COMPLEX (IE, MULTI-FACETED, REQUIRES IN-DEPTH RESEARCH, RESPONSIVE RECORDS REQUIRE EXTENSIVE REVIEW).
- DO NOT EXPECT TO BE ABLE TO PROVIDE REQUESTER WITH SUBSTANTIVE DETERMINATION WITHIN THE 20 WORKING TIME FRAME OF THE FOIA.
- CONTACT REQUESTER TO APPRISE THAT REQUEST HAS BEEN PLACED IN COMPLEX QUEUE AND WHY.
- ALLOW REQUESTER TO TAILOR/NARROW REQUEST TO ALLOW IT TO BE MOVED TO THE SIMPLE QUEUE.
- PROCESS FIRST-IN, FIRST-OUT IN COMPLEX QUEUE.

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## EXPEDITED ACTION REQUESTS

- PROCESSED OUT OF SEQUENCE.
- REQUESTER DEMONSTRATES "COMPELLING" NEED OR URGENCY.
  - JEOPARDY TO LIFE OR PERSONAL SAFETY
  - THREATENED LOSS OF DUE PROCESS RIGHTS
  - PRIMARILY ENGAGED IN DISSEMINATING INFORMATION AND THE INFORMATION BEING REQUESTED IS CONSIDERED TO BE NEWSBREAKING.
- DECISION TO GRANT OR DENY EXPEDITED PROCESSING MUST DETERMINED WITHIN 10 CALENDAR DAYS FROM DATE OF RECEIPT.

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## **SEARCHING FOR RECORDS**

### **- CONDUCT A "REASONABLE" SEARCH**

**- COURTS HAVE DEFINED AS "REASONABLY CALCULATED TO UNCOVER ALL RELEVANT DOCUMENTS"**

### **- IF NO RESPONSIVE DOCUMENTS FOUND --**

**- APPRISE REQUESTER OF SEARCH EFFORTS (WHERE, HOW LONG, AND BY WHOM), RECORDS DISPOSITION SCHEDULES GOVERNING TYPE OF REQUESTED RECORD, AND AFFORD "DENIAL RIGHTS" TO PROPER APPELLATE AUTHORITY**

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## RESPONSIVE DOCUMENTS REVIEW

- IF NO HARM IN DISCLOSURE, RELEASE IN FULL
- IF HARM WOULD RESULT FROM DISCLOSURE --
  - IDENTIFY SPECIFIC PORTION(S) OF DOCUMENT, DESCRIBE HARM, REDACT, AND APPLY APPROPRIATE EXEMPTION PROVISION.
  - ALL OTHER PORTIONS MUST BE RELEASED

**NOTE: THE COURTS HAVE HELD THAT AGENCIES MUST REASONABLY SEGREGATE AND DISCLOSE ALL INFORMATION THAT CAN BE RELEASED WITHOUT HARM.**

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## FOIA EXEMPTIONS TO DISCLOSURE

### Exemption (b)(1)

Allows for the withholding of information that is currently and properly classified by E.O. 12958;

- Duration of classification: 10 years for newly classified information.
- Automatic declassification of most 25 year old information .
- Must conduct declassification review of exempt information.
- No discretionary disclosure of properly classified information.

Only allows for the withholding of the classified data itself, not the entire document simply because it is stamped with a classified marking.

Sanitized copies of the unclassified portions must be prepared for possible release under the FOIA.

## Exemption (b)(2)

**Pertains to matters related solely to internal personnel rules and practices, which if released, would circumvent how the Navy does business**

**-- two profiles:**

**-- High (b)(1): internal matters, the disclosure of which would risk circumvention of a statute or agency regulation, operating rules, guidelines, and manuals for investigators, auditors, and/or examiners; examination questions and answers used for training, employment, and/or promotion; security classification guides. RELEASE NOT NEGOTIABLE.**

**-- Low (b)(2): internal matters of a relatively trivial matter (ie, parking facility rules, lunch hour rules, sick leave policy, file numbers, mail routing stamps, initials, data processing notations). DISCRETIONARY DISCLOSURE APPROPRIATE (NO HARM IN DISCLOSURE).**

## **Exemption (b)(3)**

**Information precluded/prohibited from being released by another authorized statute.**

### **Examples:**

- Restricted disclosure for duty station address information regarding defense employees in sensitive, routinely-deployable, and/or overseas units (10 USC 130b)**
- Control of Arms Exports, Section 38(e) of the Arms Export Control Act (22 USC 2778(e)).**
- Unclassified, militarily critical technology with military or space application (10 USC 130).**
- Restricted Data and Formerly Restricted Data (42 USC 2161-2165). Atomic energy information from the Atomic Energy Act of 1954.**
- Confidentiality of Medical Records: Qualified Immunity Participants (10 USC 1102).**
- Procurement Integrity Act (41 USC 423)**

## **Exemption (b)(4)**

**Information submitted by an outside party which is trade secret/proprietary in nature and submitted with an understanding of confidentiality.**

**-- Trade Secret: commercially valuable plan, formula or process used to make or prepare a trade commodity that is the end product**

**-- proprietary commercial/financial information - privileged and confidential data related to business, trade or commerce (ie, research data, technical designs, customer and supplier lists, profit/loss data, overhead)**

**-- an outside party may be a corporation, state government or agency of a foreign government.**



**Privileged and confidential:**

**National Parks established two-part test:**

- **IMPAIRMENT PRONG:** disclosure would impair the Government's ability to obtain necessary information in the future)
- **COMPETITIVE HARM PRONG:** disclosure would cause substantial harm to the competitive interest of the submitter.

**Critical Mass established a distinction between voluntary and required submissions:**

- voluntarily submitted information is categorically protected if not "customarily" disclosed to the public (burden on Government to prove otherwise)

**What is voluntary? Is the submission required?**

## **Submitter notice (predisclosure notification) requirements of E.O. 12600**

- Advise submitter of FOIA request**
- Afford reasonable time for submitter to object**
- Provide written notice of explanation and reasonable number of days prior to disclosure date (to submitter)**
- Not necessary for line item (unit price) information contained in Section B of a contract that was awarded as a result of a competitive solicitation issued on or after January 1, 1998**
  - FAR Chapter 15 provides advance notice to contractors that "unit price" information WILL BE made available to competitors upon request**

**Examples of (b)(4) exempt materials:**

**-- trade secrets and commercial or financial information contained in loans, bids, contracts, and/or proposals.**

**-- statistical data concerning contract performance, income, profit, losses, and/or expenditures.**

**-- personal statements in inspections, investigations, or audits that reveal company trade secrets or proprietary information.**

**-- financial data in locality wage surveys used to adjust pay schedules.**

**-- scientific and manufacturing data submitted with a research grant application or with a report while research is still in progress.**

**-- technical or scientific data developed at private expense.**

**Examples of (b)(4) exempt materials (con't):**

**-- technical or scientific data developed in part with federal funds and private expense if the contractor retains proprietary interest in accordance with 10 USC 2320-2321 and the Department of Defense Federal Acquisition Regulation Supplement (DFARS). LIMITED RIGHTS.**

**-- computer software that is copyrighted under the Copyright Act of 1976.**

## **Exemption (b)(5)**

**Intra- or Inter-Agency, non-factual, deliberative information, used in a decision-making process, which, if released, would jeopardize a governmental issue. Encompasses privileges that would be asserted during civil discovery in litigation.**

### **Examples:**

- non-factual parts of After-Action Reports and Lessons Learned containing evaluations, opinions, suggestions, and/or recommendations.**
- advice, suggestions, or evaluations of consultants, boards, committees, groups, or commissions.**
- speculative information the acquisition/disposition of real estate or facilities where release would provide unfair advantage.**

- trade secret, confidential research, or commercial information owned by the government.**
- information prepared for anticipated administrative or litigation proceedings.**
- information pertaining to an attorney-client relationship or to attorney work product (covers factual material/no temporal limit)**
- planning, programming, and budgetary information.**
- facts inextricably intertwined with opinion and recommendation.**

**DISCRETIONARY DISCLOSURE APPROPRIATE. Even though information may be legally exempt, disclosure as matter of discretion when there is no definable, foreseeable harm in its disclosure.**

## **Exemption (b)(6)**

**Information, which, if released, would result in a clearly unwarranted invasion of the personal privacy of another individual;**

### **Examples:**

- home addresses, home telephone numbers, and home e-mail addresses**
- official duty email addresses and duty telephone numbers for personnel assigned to overseas, sensitive, and/or routinely deployable units/billets**
- personnel and medical files.**
- employment application data (resumes, SF-171s).**
- security clearance records.**
- personnel administrative or disciplinary actions.**

## **Exemption (b)(7)**

**Information or records compiled for law enforcement, which is investigatory in nature that would or could:**

**(a) reasonably be expected to interfere with law enforcement proceedings;**

**(b) deprive a person of a right to a fair trial or impartial adjudication;**

**(c) reasonably be expected to constitute an unwarranted invasion of personal privacy of others;**

**(d) reasonably be expected to disclose the identity of a confidential source;**

**(e) disclose investigative techniques and procedures; or**

**(f) reasonably be expected to endanger to life or safety of another individual.**



## **Exemption (b)(8) - NOT NORMALLY USED BY THE DON**

**Information pertaining to matters that a contained in or related to examination, operating, or condition reports prepared by or for the use of an agency responsible for the regulation or supervision of financial institutions (banking records).**

**-- very broadly construed.**

**-- two major purposes:**

**(1) to protect the security of financial institutions by withholding from the public reports that contain frank evaluations of a bank's stability.**

**(2) to promote cooperation and communication between employees and examiners.**

**Exemption (b)(9) - NOT NORMALLY USED BY THE DON**

**Geological and geophysical information and data, including maps, concerning wells.**

**-- very rarely invoked or interpreted.**

**-- one court has held that exemption (b)(9) applies only to "well information of a technical or scientific nature."**

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## THREE SENSITIVE LAW ENFORCEMENT EXCLUSIONS OF THE FOIA:

-- expressly authorized federal law enforcement agencies to treat certain especially sensitive records under certain specified circumstances to treat the records as not subject to the requirements of the FOIA (No responsive records response).

-- must be implemented with utmost care (coordinate with DOJ Office of Information and Privacy prior to invocation).

Exclusion (c)(1) - Subject of criminal law investigation is unaware of investigation and disclosure would interfere with law enforcement proceedings.

Exclusion (c)(2) - Informants' records maintained by name or personal identifier and requested by a third party.

Exclusion (c)(3) - Pertains solely to records maintained by the Federal Bureau of Investigation that pertain to foreign intelligence/counterintelligence or international terrorism and existence of the records is classified in accordance with current Executive Order.

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**1993 - PRESIDENT CLINTON/JANET RENO NEW FOIA  
POLICY "NEW SPIRIT OF OPENESS IN GOVERNMENT"**

# OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)

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## DISCRETIONARY DISCLOSURE

**4 OCT 93 - ATTORNEY GENERAL JANET RENO SIGNS MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES REGARDING THE FOIA AND IMPLEMENTATION OF PRESIDENT CLINTON'S "OPENNESS IN GOVERNMENT"**

**-- ESTABLISHES NEW "FORESEEABLE HARM" STANDARD**

**-- ENCOURAGES DISCLOSURE OF "LEGALLY EXEMPT" DATA AS A MATTER OF "GOOD PUBLIC POLICY," UNLESS A SPECIFIC HARM CAN BE IDENTIFIED**

**-- APPRISES THAT DOJ WILL NOT DEFEND IN LITIGATION UNLESS "FORESEEABLE HARM" HAS BEEN ESTABLISHED**

**-- REQUESTER SHOULD BE APPRISED THAT, WHILE INFORMATION IS EXEMPT FROM DISCLOSURE, IT IS BEING RELEASED AS A MATTER OF DISCRETION AND THAT THE DISCLOSURE DOES NOT CONSTITUTE A WAIVER OF THE RIGHT TO CLAIM THIS EXEMPTION FOR SIMILAR RECORDS IN THE FUTURE**

# **OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)**

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## **DENIALS**

- INFORMATION DENIED IN WHOLE OR IN PART MUST BE SIGNED BY AN ACTIVITY'S INITIAL DENIAL AUTHORITY (IDA)**
- MUST APPRISE REQUESTER OF THE EXEMPTION(S) APPLIED AND WHY**
- MUST ADVISE OF RIGHT TO APPEAL AND IDENTIFY APPROPRIATE DON APPELLATE AUTHORITY**

## **OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)**

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**-- IT IS THE POLICY OF THE DEPARTMENT OF DEFENSE TO MAKE AVAILABLE TO THE PUBLIC THE MAXIMUM AMOUNT OF INFORMATION CONCERNING ITS OPERATIONS AND ACTIVITIES.**

**-- THE POSSIBILITY THAT THE DISCLOSURE OF INFORMATION COULD CAUSE EMBARRASSMENT TO THE AGENCY BY SUGGESTING ADMINISTRATIVE ERROR OR INEFFICIENCY MAY NOT BE CONSIDERED WHEN DETERMINING WHETHER INFORMATION CAN BE DISCLOSED UNDER THE FOIA.**

**-- A RECORD EXEMPT FROM DISCLOSURE, ALTHOUGH LEGALLY EXEMPT, SHOULD BE MADE AVAILABLE WHEN NO SIGNIFICANT GOVERNMENT PURPOSE WOULD BE SERVED BY ITS WITHHOLDING (NO FORESEEABLE HARM IDENTIFIED).**



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## **REFERRALS**

**WHEN SEARCH IDENTIFIES DOCUMENTS IN FILE NOT ORIGINATED BY YOUR ACTIVITY:**

**-- REFER TO ORIGINATING ACTIVITY FOR A RELEASE DETERMINATION AND DIRECT RESPONSE TO REQUESTER**

**-- NOTIFY REQUESTER OF REFERRAL**

**NOTE: IF THE DOCUMENT ORIGINATOR IS AN INTELLIGENCE SOURCE, CONTACT AND COORDINATE PRIOR TO REFERRAL. IN SOME INSTANCES, THE REQUESTER WILL NOT BE NOTIFIED OF THE REFERRAL.**

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**-- ACTION OFFICER HAS KNOWLEDGE OF OR REASON TO BELIEVE ANOTHER AGENCY/ACTIVITY TO BE IN POSSESSION OF RESPONSIVE DOCUMENT(S)**

**-- SHOULD REFER THE REQUEST TO THAT AGENCY/ACTIVITY FOR ACTION AND DIRECT RESPONSE TO REQUESTER**

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## **APPEALS**

**- MUST BE ADDRESSED TO APPROPRIATE APPELLATE AUTHORITY AND POSTMARKED WITHIN 60 CALENDAR DAYS FROM THE DATE OF INITIAL DENIAL**

**- APPELLATE AUTHORITIES:**

**\* GENERAL COUNSEL - FOR MATTERS CONCERNING BUSINESS AND COMMERCIAL LAW, REAL AND PERSONAL PROPERTY LAW, INTELLECTUAL PROPERTY LAW, CIVILIAN PERSONNEL AND LABOR LAW, ENVIRONMENTAL LAW, ETC.**

**\* JUDGE ADVOCATE GENERAL - IN ADDITION TO MILITARY LAW, ALL MATTERS EXCEPT THOSE FALLING UNDER THE COGNIZANCE OF THE GENERAL COUNSEL**

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## **APPELLATE AUTHORITY MAILING ADDRESSES**

**GENERAL COUNSEL OF THE NAVY  
720 KENNON STREET SE, ROOM 214  
WASHINGTON NAVY YARD, DC 20374-5012**

**JUDGE ADVOCATE GENERAL  
GENERAL LITIGATION DIVISION (CODE 14)  
1322 PATTERSON AVENUE SE SUITE 3000  
WASHINGTON NAVY YARD, DC 20374-5066**

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## FEEES

- USE DD FORM 2086 TO DOCUMENT ALL COSTS ASSOCIATED WITH THE PROCESSING OF A REQUEST
- DETERMINE REQUESTER'S FEE CATEGORY (MEDIA, SCIENTIFIC/ EDUCATIONAL, COMMERCIAL, OTHER)
  - NOT ALL PROCESSING COSTS MAY BE CHARGED TO REQUESTER
  - ALL PROCESSING COSTS ARE REPORTED IN ACTIVITY'S ANNUAL FOIA REPORT
- WHEN BILLING REQUESTER, CHECKS MADE PAYABLE TO THE TREASURER OF THE UNITED STATES

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## **FEE WAIVERS**

**FEES MAY BE WAIVED IN WHOLE OR IN PART BASED ON JUSTIFICATION PROVIDED BY REQUESTER**

**-- WHEN DISCLOSURE OF INFORMATION IS IN THE PUBLIC INTEREST**

**-- CONTRIBUTES SIGNIFICANTLY TO THE PUBLIC UNDERSTANDING OF THE OPERATIONS OR ACTIVITIES OF THE GOVERNMENT**

**-- NOT PRIMARILY IN THE COMMERCIAL INTEREST OF THE REQUESTER**

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## **DON FOIA ON-LINE INTERNET SITE**

*<http://foia.navy.mil>*

**NOTE: AS AN ALTERNATIVE, GO TO *<http://www.navy.mil>*, THEN CLICK ON "FOIA INFO" IN THE LOWER LEFT CORNER OF SCREEN.**

**CONTAINS: (1) LINKS TO OTHER RELEVANT WEBSITES  
(2) LINK TO SECNAVINST 5720.42F  
(3) INFORMATION ABOUT UPCOMING REPORTING REQUIREMENTS  
(4) LINKS TO OTHER FOIA RESOURCES  
(5) SAMPLE RESPONSES TO FOIA REQUESTS  
(6) DON ACTIVITIES ELECTRONIC READING ROOMS  
(ALL ECHELON 2 COMMANDS SHOULD BE LINKED)**



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## **ANNUAL REPORTING**

### **ALL REPORTING REQUIREMENTS BASED ON FISCAL YEAR**

**-- RECORD KEEPING (FOIA LOG/DATABASE) MUST CONTAIN DATA ELEMENTS TO ALLOW FOR REPORT COMPILATION**

- DATE REQUEST RECEIVED**
- PROCESSING TRACK (IE, SIMPLE, COMPLEX, EXPEDITED)**
- DATE REQUEST COMPLETED**
- TYPE OF ACTION TAKEN (FULL GRANT, REFERRAL, ETC.)**
  - IF DENIAL, EXEMPTIONS INVOKED**
    - IF (b)(3) DENIAL, STATUTE DRIVING DENIAL**
- PROCESSING COST ELEMENTS**
- BILLING INFORMATION**

# **OVERVIEW OF THE FREEDOM OF INFORMATION ACT (5 USC § 552)**

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## **WILL NEED TO REPORT --**

**-- NUMBER OF REQUESTS PROCESSED/COMPLETED (BASED ON COMPLETION DATE FALLING WITHIN REPORTING PERIOD RANGE)**

**-- NUMBER OF FULL GRANTS**

**-- NUMBER OF PARTIAL DENIALS**

**-- NUMBER OF FULL DENIALS**

**-- NUMBER OF "OTHER REASONS" FOR NOT PROCESSING**

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## **-- TYPES OF "OTHER REASON" RESPONSES**

- NO RESPONSIVE RECORDS**
- REFERRED TO ANOTHER ACTIVITY/AGENCY**
- WITHDRAWN/CANCELLED REQUESTS**
- FEE ISSUES**
- INADEQUATE DESCRIPTION OF DESIRED DOCUMENTS**
- FAILURE TO FOLLOW PUBLISHED AGENCY RULES (OTHER THAN FEES OR DESCRIPTION)**
- NOT AN AGENCY RECORD**
- DUPLICATE REQUEST**
- OTHER REASON NOT LISTED ABOVE**

**-- DESCRIPTION OF REASONS AND NUMBER OF TIMES CITED ALSO NEED TO BE REPORTED**

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**-- IF RECORDS DENIED IN WHOLE OR IN PART --**

**-- NUMBER OF TIMES EACH OF THE FOIA EXEMPTIONS  
INVOKED**

**NOTE: TOTAL NUMBER OF EXEMPTIONS MUST BE  
GREATER THAN OR EQUAL TO THE SUM OF NUMBER OF  
PARTIAL AND FULL DENIALS**

**-- IF (b)(3) EXEMPTION INVOKED,**

**-- LIST OF STATUTES PROVIDING BASIS FOR (b)(3)  
DENIAL AND NUMBER OF TIMES INVOKED**

**NOTE: SUM OF STATUTES MUST BE EQUAL TO THE  
NUMBER OF (b)(3) EXEMPTIONS INVOKED**

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**-- NUMBER OF REQUESTS RECEIVED (BASED ON RECEIVED DATE FALLING WITHIN REPORTING PERIOD RANGE)**

**-- NUMBER OF REQUESTS PROCESSED/COMPLETED, BROKEN DOWN TO THE NUMBER OF --**

**-- SIMPLE REQUESTS**

**-- COMPLEX REQUESTS**

**-- EXPEDITED REQUESTS**

**NOTE: YOU WILL ALSO NEED TO REPORT THE MEDIAN NUMBER OF PROCESSING DAYS FOR EACH CATEGORY OF REQUEST**

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**-- NUMBER OF REQUEST FILES "OPEN" AT THE BEGINNING OF THE REPORTING PERIOD (WILL BE THE SAME NUMBER AS THE NUMBER OF "OPEN" REQUESTS AT THE END OF THE PREVIOUS REPORTING PERIOD)**

**-- NUMBER OF REQUEST FILES "OPEN" AT THE END OF THE REPORTING PERIOD**

**-- MEDIAN AGE OF OPEN REQUESTS**

**-- AMOUNT OF FEES COLLECTED FROM REQUESTERS**

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## **-- PROGRAM COSTS**

**-- NUMBER OF FULL TIME STAFF (THOSE PERSONS WHOSE POSITIONS WERE SOLELY DEDICATED TO FOIA PROCESSING)**

**-- NUMBER OF PART TIME STAFF (THOSE PERSONS WHO ROUTINELY WORK FOIA AS A PART OF THEIR DUTIES AND ACTION OFFICERS WHO WORK FOIA ON CASE-BY-CASE BASIS).**

## **-- ESTIMATED LITIGATION COSTS**

**-- TOTAL PROGRAM COSTS (COMPILED FROM DD-2086 FORMS, ROUTINE REQUEST COSTS, PERSONNEL COSTS, AND OVERHEAD)**