



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5720  
Ser N09B10/1U514545  
20 Nov 01

From: Chief of Naval Operations  
To: E-Mail Distribution List (FOIA)  
Subj: UPDATE TO FOIA POLICY LETTER OF 26 OCT 01  
Ref: (a) CNO ltr Ser N09B10/1U514379 of 26 Oct 01

1. On November 9 and 19, 2001, the Department of Defense (DoD) issued policy guidance on the Freedom of Information Act (FOIA). Copies of their letters will be posted on the DoD web site at <http://www.defenselink.mil/pubs/foi/> guidance in the near future.
2. These policy letters address two issues: Withholding of Personally Identifying Information Under the Freedom of Information Act (FOIA) and DoD Guidance on Attorney General Freedom of Information Act (FOIA) Memorandum.
3. Prior to the issuance of these two policy letters, reference (a) was issued. Paragraph 5 stated that Department of the Navy (DON) activities could cite to both exemptions (b)(2) and (b)(6) as a basis to withhold certain names and addresses. After coordination with the Department of Justice, DoD has determined that exemption (b)(2) should not normally be cited. Accordingly, based on DoD's policy memo of 9 Nov 01, please only cite to exemption (b)(6), unless you can make a strong case to also cite to exemption (b)(2) [i.e., exemption (b)(6) does not fully protect DON's or an individual's interests].
4. The DoD policy memo of 9 Nov 01 contains the following guidance: Effective immediately, personally identifiable information (to include lists of e-mail addresses) in the categories listed below must be carefully considered and the interests in supporting withholding of the information given more serious weight in the analysis. This information may be found to be exempt under 5 U.S.C. 552(b)(6) because of the heightened interest in the personal privacy of DoD personnel that is concurrent with

the increased security awareness demanded in time of national emergency.

a. Lists of personally identifying information of DoD personnel: All DoD components shall ordinarily withhold lists of names and other personally identifying information of personnel currently or recently assigned within a particular component, unit, organization, or office with the DoD in response to requests under the FOIA. This is to include active duty military personnel, civilian employees, contractors, members of the National Guard and Reserves, military dependents, and Coast Guard personnel when the Coast Guard is operating as a service in the Navy. If a particular request does not raise security or privacy concerns, names may be released as, for example a list of attendees at a meeting held more than 25 years ago. Particular care shall be taken prior to any decision to release a list of names in any electronic format.

b. Verification of status of named individuals: DoD components may determine that release of personal identifying information about an individual is appropriate only if the release would not raise security or privacy concerns and has been routinely released to the public.

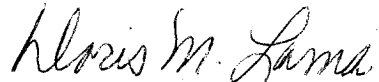
c. Names in documents that don't fall into the preceding categories: Ordinarily names of DoD personnel, other than lists of names, mentioned in documents that are releasable under the FOIA should not be withheld, but in special circumstances where the release of a particular name would raise substantial security or privacy concerns, such as a name may be withheld.

5. This policy does not preclude a DON activity from making a discretionary release of names and duty information of personnel who, by the nature of their position and duties, frequently interact with the public, such as flag/general officers, public affairs officers, or other personnel designated as official command spokespersons.

6. DON activities will continue to claim exemption (b)(3), specifically 10 U.S.C. 130b, to protect the names and duty station addresses of DON personnel who are stationed overseas, routinely deployable, or assigned to a sensitive unit.

7. This policy letter is being e-mailed/faxed to you for immediate implementation and dissemination to those activities that report to you. As always, our policy letters are posted under FOIA Resource Materials at foia.navy.mil/.

8. If you have any questions, please don't hesitate to contact the undersigned or Tracy Ross, (202) 685-6546.



DORIS M. LAMA

By direction

(202) 685-6545/DSN 325-6545