

SAMPLE LETTER D
TOTAL DENIAL OF DOCUMENTS RESPONSE

NOTE TO PREPARER OF CORRESPONDENCE: There are limited instances when information must be denied in its entirety. Since your response serves as the administrative record, please ensure that you:

* Identify all applicable exemptions and wherever possible identify the kinds of information being exempted. For example, if you are denying information under exemption (b)(6), and it consists of social security numbers, date of birth, home addresses, etc., tell the requester as this may eliminate an unnecessary appeal.

* Identify the specific statute that applies if you are claiming a (b)(3) exemption.

* Explain to the requester that no reasonably segregable information exists for release.

* Include the date of the request and date received in the response and ensure the response is signed and dated.

* Ensure a point of contact and telephone number are included in your final response letter.

Dear **[MR/MS/MRS_____]**:

This responds to your Freedom of Information Act (FOIA) request of **[DATE OF REQUEST LETTER]** in which you seek **[RESTATEMENT OF WHAT REQUESTER IS SEEKING]**. Your request was received by this office on **[DATE REQUEST RECEIVED]** and assigned file number **[FILE NUMBER]**.

NOTE: IF REQUEST DOES NOT DELINEATE DATE/TIME FRAME OF DOCUMENTS OR SEARCH TO BE UNDERTAKEN, THEN ADD THIS PARAGRAPH: Pursuant to procedures established in Secretary of the Navy Instruction (SECNAVINST) 5720.42F, our search for responsive records will encompass only those records in existence as of **[DATE REQUEST RECEIVED OR DATE REQUEST PROCESSING COMPLETED]**.

IF DOCUMENTS ARE NOT CENTRALLY LOCATED, YOU MAY WISH TO DEFINE THE AREA OF SEARCH: During our search, we examined the files

maintained by **[IDENTITY OF SEARCH LOCATION(S)]** and identified **[DESCRIPTION OF RESPONSIVE DOCUMENT(S)]** as being responsive to your request.

Upon review, we determined that the document(s) you seek is (are) exempt from disclosure for the following reason(s):

[CITE ONE OR MORE OF THE APPLICABLE FOIA EXEMPTIONS, STATE THE REASON FOR THE WITHHOLDING, AND INDICATE THAT NO REASONABLY SEGREGABLE INFORMATION IS AVAILABLE FOR RELEASE]:

EXAMPLE: 5 U.S.C. 552(b)(1): Information consists of nuclear warhead information which is currently and properly classified SECRET. There is no information which is reasonably segregable for release.

5 U.S.C. 552(b)(3): Information consists of the names and duty station addresses of personnel who are routinely deployable, overseas, or in sensitive units. 10 U.S.C. 130b precludes such release.

5 U.S.C. 552(b)(6): Information consisting of social security numbers, home addresses, and date of birth have been withheld since release would constitute a clearly unwarranted invasion of personal privacy.

[INSERT APPLICABLE FEE LANGUAGE: FEES ARE COMPUTED BASED ON THE "CATEGORY OF THE REQUESTER" AND DO NOT INCLUDE ALL PROCESSING COSTS. FOR EXAMPLE, CORRESPONDENCE AND FORMS PREPARATION COSTS, OTHER ACTIVITY COSTS, COORDINATION/APPROVAL/DENIAL COSTS ARE COLLECTED FOR PURPOSES OF COMPILING THE ANNUAL FOIA REPORT, BUT ARE NOT RECOUPABLE FROM THE REQUESTER. ANY CHARGE OF FEES, MUST BE BROKEN DOWN TO REFLECT THE CATEGORY OF REQUESTER, TYPE OF FEE (I.E., SEARCH, REVIEW, DUPLICATION; NUMBER OF HOURS AND/OR PAGES; AND THE ACTUAL DOLLAR COST)].

Option 1 (no fees involved):

The fees associated with the processing of your request are waived in this instance.

Option 2 (fees incurred, but total less than \$250.00):

The fees incurred during the processing of your request amount to **[INSERT FEE AMOUNT]**, for search **[INSERT SEARCH AMOUNT]** and review **[INSERT REVIEW FEE AMOUNT, if applicable]**. Please forward a check or money order made payable to the Treasurer of

the United States for the stated amount to this office within 30 calendar days from the date of this correspondence.

Because your request has been denied, you are advised of your right to appeal this determination, in writing, to **[SELECT THE APPROPRIATE APPELLATE AUTHORITY]**.

[FOR BUSINESS/COMMERCIAL LAW AND CIVILIAN PERSONNEL LAW ISSUES]: General Counsel of the Navy, 720 Kennon Street SE, Room 214, Washington Navy Yard, DC 20374-5012; **or**

[FOR MILITARY LAW AND ALL MATTERS OTHER THAN THOSE FALLING UNDER THE COGNIZANCE OF GENERAL COUNSEL]: Judge Advocate General of the Navy (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066.

Your appeal must be postmarked within 60 calendar days from the date of this letter to be considered. A statement as to why your appeal should be granted should be included and the enclosed copy of this letter should be attached. Both the appeal letter and the envelope should bear the notation, "Freedom of Information Act Appeal."

Any questions concerning this matter should be directed to **[ACTION OFFICER'S NAME AND CODE]** at **[ACTION OFFICER'S TELEPHONE NUMBER]**. I am the official responsible for the denial of your request.

Sincerely,

SIGNATURE

(Must be signed by an IDA)