



DEPARTMENT OF DEFENSE  
OFFICE OF FREEDOM OF INFORMATION AND SECURITY REVIEW  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155

AUG 05 2004

Ref 04-CORR-028

MEMORANDUM FOR DOD FOIA OFFICES

SUBJECT Freedom of Information Act (FOIA) Requests for Detainee Related Information

Reference Chief, Freedom of Information and Security Review, memorandum, subject as above, ref 04-CORR-277, June 25, 2004

The referenced memorandum provided guidance regarding FOIA requests for detainee related information and directed all FOIA offices within the DoD to refer FOIA requests for detainee related information to the Office of Freedom of Information and Security Review (OFOISR). That memorandum is rescinded and this memorandum provides superseding guidance.

The Deputy Secretary of Defense in a memorandum dated June 23, 2004, (copy enclosed) asked that documents and other materials be provided to the DoD Detainee Task Force (DTF). In order to ensure consistency between the DTF and the FOIA, DoD components must send all proposed FOIA releases of detainee related information to OFOISR for liaison with the DTF. To facilitate the processing of detainee related FOIA requests while the DTF is collecting information, the following procedures should be followed by DoD FOIA offices. These procedures are dependent upon whether a component formally referred detainee related requests to OFOISR.

a For components who have referred detainee related FOIA requests to OFOISR. Resume processing those requests. If you hold or have access to responsive documents, forward the responsive documents to OFOISR with a written position on release or denial. Components forwarding documents to OFOISR for full or partial denial should include the name and title of your Initial Denial Authority (IDA). If you do not hold responsive documents, advise OFOISR of that fact and identify the relevant request by requestor name, date of the request and FOIA control number, if assigned.

b For components who have not referred detainee related FOIA requests to OFOISR. Continue to process your detainee related FOIA requests. If it is determined that the responsive documents should be fully denied, the component FOIA office may respond to the requester and provide OFOISR with a copy of the denial letter. The appellate authority will be identified as Director, Administration and Management (DA&M), Office of the Secretary of Defense (OSD) and the appellate address will be OFOISR. Requesters should be advised that they have 60 days, from date of denial, to appeal to this office. Documents which can be partially or fully released should be forwarded to OFOISR with a written position and should include the name and title of your Initial Denial Authority (IDA).



As background for this policy, the enclosed memorandum from Director, Freedom of Information and Security Review dated 23 September, 1991, addresses "Joint" documents which fall under the purview of the Unified Command, the Joint Staff, or the Office of the Secretary of Defense Appellate Authority. With respect to documents originated by the service components of Unified Commands, if these documents were originated while performing joint exercises or operations under the Unified Commands' authority, the documents are joint in nature, and are under the cognizance of the Unified Command.

If you have any questions, the point of contact at the OFOISR is Ms. Mary Wahling (703) 614-2411, DSN 224-2411, or [mary.wahling@dfoisr.whs.mil](mailto:mary.wahling@dfoisr.whs.mil)

  
C. D. Talbott  
Chief

Enclosures  
As stated