

§ 286h.4

32 CFR Ch. I (7-1-98 Edition)

(6) *Documents that disclose the Government's negotiating position.* Documents that would disclose the government's negotiating position (such as pre-negotiation business clearances and positions and government cost estimates) or would adversely impact the government negotiating strategy shall not be released.

(7) *Drafts and working papers.* Drafts and working papers that would otherwise be releasable under paragraph 286h.3(a) shall not be released where their release would inhibit the development of agency positions, jeopardize the free exchange of information that is part of the deliberative process, or compromise the decision-making process.

(c) *Freedom of Information Act.* Where a request for information, the release of which is restricted under paragraph 286h.3(b) is made under the Freedom of Information Act, the request shall be forwarded to the appropriate official for disposition in accordance with DoD 5400.7-R.⁴ Requests for contractor bid or proposal information pursuant to the Freedom of Information Act shall be subject to subparagraph 5-207 a. of DoD 5400.7-R, which requires notice to a non-United States Government source of a record.

§ 286h.4 Responsibilities.

(a) The Under Secretary of Defense (Acquisition) shall be responsible for establishing uniform policies and procedures for the release of acquisition-related information.

(b) The Under Secretary of Defense (Policy), Assistant Secretary of Defense (Program Analysis and Evaluation) and Comptroller, DoD are responsible for adjudicating requests for access to Planning, Programming and Budgeting information pertaining to their respective phases of the PPB system.

(c) The Head of each DoD Component shall assure that procedures for the release of acquisition-related information are consistent with the policy contained in this Directive and shall not impose any additional restrictions on release of such information. These procedures shall specifically identify the

⁴See footnote 1 to § 286h.3(b)(2)(ii).

individuals authorized to release and transmit acquisition-related information.

PART 287—DEFENSE INFORMATION SYSTEMS AGENCY (DISA) FREEDOM OF INFORMATION ACT PROGRAM

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SOURCE: 57 FR 61324, Dec. 24, 1992, unless otherwise noted.

§ 287.1 Purpose.

This part delineates responsibility for making available to the public the maximum amount of information concerning the operations and activities of the Defense Information Systems Agency (DISA) and the Office of the Manager, National Communications System (OMNCS).

§ 287.2 Applicability.

This part applies to Headquarters, DISA/OMNCS, and DISA field activities in the Metropolitan Washington area.

§ 287.3 Authority.

Published in accordance with the authority contained in 32 CFR part 286.

§ 287.4 Responsibilities.

(a) The DISA Freedom of Information Act (FOIA) Officer at DISA Headquarters, 701 S. Courthouse Road, Arlington, VA, is vested with the authority, within DISA/OMNCS, to release records for all requests coming to Headquarters, DISA, and to the field activities in the Metropolitan Washington Area, and will:

- (1) Make the material described in paragraph 2-101 of DoD Directive 5400.7-R,¹ DoD Freedom of Information

¹Copies may be obtained at cost, from the National Technical Information Service, 5285 Port Royal Rd, Springfield, VA 22161.