

Act Program available for public inspection and reproduction. A current index of this material will be maintained in accordance with paragraph 2-101 of DoD 5400.7-R.

(2) Establish education and training programs for all DISA/OMNCS military members and employees who contribute to DISA/OMNCS implementation of the Freedom of Information Act.

(3) Respond to all requests for records from private persons in accordance with 32 CFR part 286 whether the requests are received directly by Headquarters, DISA/OMNCS, or by DISA field activities. Coordinate such release with the General Counsel in any case in which release is, or may be controversial.

(4) Be the DISA/OMNCS principal point of contact for coordination with the Office of the Assistant Secretary of Defense (Public Affairs), reference FOIA issues.

(5) Ensure the cooperation of DISA/OMNCS with the OASD (PA) in fulfilling the responsibilities of monitoring the implementation of the Freedom of Information Act program.

(6) Refer cases of significance to the OASD (PA) for review and evaluation, after coordination with the General Counsel and with the approval of the Chief of Staff, when the issues raised are unusual, precedent setting, or otherwise require special attention or guidance.

(7) Advise the OASD (PA), prior to the denial of a request or prior to an appeal when two or more DoD components are affected by the request for a particular record, and when circumstances suggest a potential public controversy.

(8) Be responsible for the annual reporting requirement contained in 32 CFR part 286.

(9) Furnish copies of the material to be published in the Federal Register to DISA Code ADR.

(b) The mission/support staff Directors and the Chief of Staff, DISA will furnish the FOIA Officer, when requested, with DISA/OMNCS documentary material which qualifies as a record in accordance with 32 CFR part 286, for the purpose of responding to FOIA requests. All such requests for in-

formation will be referred to the FOIA Officer.

(c) The Chief of Staff, DISA will, on behalf of the Director, DISA, respond to the corrective or disciplinary action recommended by the Merit Systems Protection Board for arbitrary or capricious withholding of records requested, pursuant to the Freedom of Information Act, by military members or employees of DISA/OMNCS. This action will be coordinated with the General Counsel, DISA.

(d) The DISA General Counsel, or in his absence, the Deputy General Counsel within DISA/OMNCS is vested with the sole authority to deny, in whole or in part, a request. The General Counsel, DISA will:

(1) Make the decision, whenever a request for a record is to be denied in whole or in part, in accordance with the criteria provided in 32 CFR part 286.

(2) Inform the person denied a record of the basis for the denial of the request and of his or her right to appeal the decision to the Director, DISA via written correspondence.

(3) Ensure that if such an appeal is taken, that the basis for the determination by the Director, DISA not to release the record will be in writing, will state the reasons for the denial, and will inform the requester of his or her right to a judicial review in the appropriate U.S. district court.

(e) DISA (Code ADR) will arrange for the publication of this part in the FEDERAL REGISTER, after coordinating with the DISA/OMNCS Freedom of Information Act Officer and General Counsel.

§287.5 Fees.

Fees charged to the requester are contained in 32 CFR part 286.

§287.6 Reports.

Each major staff element and field activity on the distribution list of this part will furnish an annual report by January 5 to the Freedom of Information Officer, Headquarters, DISA, in accordance with 32 CFR part 286.