

the initial 10 working days may not exceed 10 additional working days and will be authorized only for the reasons described in section 2, chapter V, DoD 5400.7-R. A sample letter is shown at appendix B to this part 293.

(3) *No record.* When providing a “no record” response in answer to a request, the requester must be advised that such a response may be considered to be adverse, and if so interpreted, may be appealed using normal appeal procedures (see §293.7(a)(4)). An additional records search shall be conducted based on the receipt of an appeal to a “no record” response as part of the appellate process.

(4) *Record denied.* If a request for a record is denied, in whole or in part, the requester will be given a written explanation for such a determination by an official designated in §293.6. The requester will also be advised of his/her right to appeal the denial to the HQ DMA(GC) within 60 calendar days from the date of the denial letter. The letter will also include the name and address of the official responsible for the denial. A sample letter is at appendix C to this part 293. All denials must have benefit of a legal review prior to signature.

(5) *Request appealed.* Final determination on appeals will normally be made within 20 working days of receipt by the Deputy Director or General Counsel. If, due to unusual circumstances, additional time is needed to decide the appeal, the final determination may be delayed for the number of working days, not to exceed 10, which were not used as additional time for responding to the initial request. Final denials to provide a requested record will be made in writing by the Deputy Director or General Counsel in accordance with the appeal procedures prescribed in section 3, chapter V, DoD 5400.7-R.

(6) *Request referred.* If the record requested was originated by another agency or Component, it will be referred promptly to the originating agency or Component for disposition. The period allowed for responding to a request misdirected by the requester will not begin until it is received by the referral. A sample letter is shown at appendix D to this part 293.

(b) *Facilities for inspection and copying records.* (1) The handling of all requests from the public to inspect and copy records will be in strict accordance with the procedures prescribed in DoD 5400.7-R. Subject to exemptions contained in 5 U.S.C. 552, as amended, DMA will ensure easy access by the public for inspection and copying of records described in 5 U.S.C. 552, unless such records have been published and copies offered for sale. This inspection and copying will take place in appropriate rooms designated by HQ DMA(PA) and Components.

(2) HQ DMA and Components will make available current indexes which identify material described in paragraph (a)(2) of 5 U.S.C. 552, as amended.

(3) Use of DMA inspection and copying facilities by the public will be made by appointment only. Appointments will normally be requested by letter to FOIA officers or those acting in that capacity.

[56 FR 26614, June 10, 1991. Redesignated and amended at 56 FR 58179, 58180, Nov. 18, 1991; 56 FR 59217, Nov. 25, 1991]

**§293.8 Information requirements.**

Reporting requirements prescribed by this part have been assigned Report Control Symbol DD-PA(A)1365. (See chapter VII, DoD 5400.7-R.)

APPENDIX A TO PART 293—SAMPLE LETTER COMPLYING WITH REQUEST

Dear \_\_\_\_\_:

This is in response to your letter of \_\_\_\_\_ in which you requested \_\_\_\_\_ under the Freedom of Information Act, 5 U.S.C. 552, as amended.

After careful review and consideration of your request, we have determined that the record(s) you seek is(are) releasable and is(are) enclosed. Search and duplication costs have been waived. (See Chapter VI, DoD 5400-7-R for guidance on fee assessment.)

Sincerely,  
(Signed)

\_\_\_\_\_  
(Signature block of authorized official)

Enclosure.  
As stated.

[56 FR 26614, June 10, 1991. Redesignated and amended at 56 FR 58179, 58180, Nov. 18, 1991; 56 FR 59217, Nov. 25, 1991]

## APPENDIX B TO PART 293—SAMPLE LETTER NOTIFYING REQUESTER OF EXTENSION OF TIME

Dear \_\_\_\_\_:

This is in response to your letter of \_\_\_\_\_ in which you requested \_\_\_\_\_ under the Freedom of Information Act, 5 U.S.C. 552, as amended.

In order to process your request for \_\_\_\_\_ under FOIA, an extension of time will be necessary because of (use one of the following explanations):

a. The need to search for, collect, and properly examine a voluminous amount of separate and distinct records covered by your request;

b. The need to search for and collect the requested records from geographically separated elements within the Defense Mapping Agency;

c. The need for consultation, which will be conducted with all practicable speed, with another agency or geographically separated element of the Defense Mapping Agency having a substantial interest in the determination of your request;

d. Other.

A determination regarding your request will be made by (date) \_\_\_\_\_.

Sincerely,  
(Signed)

\_\_\_\_\_  
(Signature block of authorized official)

NOTE: Specify a date that will not result in an extension of time more than the authorized 10 working days.

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## APPENDIX C TO PART 293—SAMPLE LETTER DENYING REQUEST OR PARTIAL DENIAL FOR ACCESS TO OR FOR OBTAINING COPY OF RECORDS

Dear \_\_\_\_\_:

This is in response to your letter of \_\_\_\_\_ in which you requested \_\_\_\_\_ under the Freedom of Information Act, 5 U.S.C. 552, as amended.

After careful review and consideration of your request, we have determined that (the) (a portion of) document(s) you seek is (are) exempt from disclosure under FOIA. It is not releasable because it contains information that a (copy or paraphrase the applicable exemption set forth in DoD 5400.7-R).

The decision to withhold release of this (these) record(s) may be appealed in writing to the General Counsel, Defense Mapping Agency, within 60 calendar days from the date of this letter. You should include in your appeal any reasons for reconsideration

you wish to present. A copy of this letter should be enclosed with your appeal, and forwarded to the Defense Mapping Agency, ATTN: GC (A-7), 8613 Lee Highway, Fairfax, VA 22031-2137.

NOTE: If this is a partial denial, add the paragraph below if copies of releasable records are to be sent to the requester.

Copies of the releasable portion of the requested record(s) (are enclosed) (will be sent promptly under separate cover).

Sincerely,  
(Signed)

\_\_\_\_\_  
(Signature block of authorized denial authority)

NOTE: Any deletions made in the records should be justified on the grounds of the exemptions provided in DoD 5400.7-R. This format should be varied to fit the situation.

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## APPENDIX D TO PART 293—SAMPLE LETTER NOTIFYING REQUESTER OF MISDIRECTED REQUEST

Dear \_\_\_\_\_:

This is in response to your letter of \_\_\_\_\_ in which you requested \_\_\_\_\_ under the Freedom of Information Act, 5 U.S.C., section 552, as amended.

Your letter was misdirected to this Agency. We have forwarded same to (activity or agency to which the request was referred). You may expect to hear from them shortly.

For future reference, any other requests for similar records should be addressed to (name and address of agency).

Sincerely,  
(Signed)

\_\_\_\_\_  
(Signature block of authorized authority)

[56 FR 26614, June 10, 1991. Redesignated and amended at 56 FR 58179, 58180, Nov. 18, 1991; 56 FR 59217, Nov. 25, 1991]

## PART 295—OFFICE OF THE INSPECTOR GENERAL, FREEDOM OF INFORMATION ACT PROGRAM

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