

§ 518.100

(5) *Total.* Enter the sum of paragraphs (j)(2)(i) through (j)(2)(iv) above of this section.

(ii) [Reserved]

[56 FR 48932, Sept. 26, 1991, as amended at 56 FR 56011, Oct. 31, 1991]

Subpart H—Education and Training

RESPONSIBILITY AND PURPOSE

§ 518.100 Responsibility.

The head of each DoD Component is responsible for the establishment of educational and training programs on the provisions and requirements of this Regulation. The educational programs should be targeted toward all members of the DoD Component, developing a general understanding and appreciation of the DoD FOIA Program; whereas, the training programs should be focused toward those personnel who are involved in the day-to-day processing of FOIA requests, and should provide a thorough understanding of the procedures outlined in this Regulation.

§ 518.101 Purpose.

The purpose of the educational and training programs is to promote a positive attitude among DoD personnel and raise the level of understanding and appreciation of the DoD FOIA Program, thereby improving the interaction with members of the public and improving the public trust in the Department of Defense.

§ 518.102 Scope and principles.

Each Component shall design its FOIA educational and training programs to fit the particular requirements of personnel dependent upon their degree of involvement in the implementation of this Regulation. The Program should be designed to accomplish the following objectives:

(a) Familiarize personnel with the requirements of the FOIA and its implementation by this Regulation.

(b) Instruct personnel, who act in FOIA matters, concerning the provisions of this Regulation, advising them of the legal hazards involved and the strict prohibition against arbitrary and capricious withholding of information.

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(c) Provide for the procedural and legal guidance and instruction, as may be required, in the discharge of the responsibilities of initial denial and appellate authorities.

(d) Advise personnel of the penalties for noncompliance with the FOIA.

§ 518.103 Implementation.

To ensure uniformity of interpretation, all major educational and training programs concerning the implementation of this Regulation should be coordinated with the Director, Freedom of Information and Security Review, OASD(PA).

§ 518.104 Uniformity of legal interpretation.

In accordance with DoD Directive 5400.7 (reference (b)), the General Counsel of the Department of Defense shall ensure uniformity in the legal position and interpretation of the DoD FOIA Program. This regulation provides procedures for contacting the DOD General Counsel where required.

APPENDICES TO PART 518

APPENDIX A TO PART 518—UNIFIED COMMANDS—PROCESSING PROCEDURES FOR FOI APPEALS

1. *General.*

a. In accordance with DoD Directive 5400.7 (reference (b)) and this Regulation, the Unified Commands are placed under the jurisdiction of the Office of the Secretary of Defense, instead of the administering Military Department, only for the purpose of administering the Freedom of Information (FOI) Programs. This policy represents an exception to the policies in DoD Directive 5100.3 (reference (f)).

b. The policy change above authorizes and requires the Unified Commands to process FOI requests in accordance with DoD Directive 5400.7 (reference (b)) and DoD Instruction 5400.10 (reference (hh)) and to forward directly to the OASD(PA) all correspondence associated with the appeal of an initial denial for information under the provisions of the FOIA.

2. *Responsibilities of Commands.*

Unified Commanders in Chief shall:

a. Designate the officials authorized to deny initial FOIA requests for records.

b. Designate an office as the point-of-contact for FOIA matters.

c. Refer FOIA cases to the ASD(PA) for review and evaluation when the issues raised

are of unusual significance, precedent setting, or otherwise require special attention or guidance.

d. Consult with other OSD and DoD Components that may have a significant interest in the requested record prior to a final determination. Coordination with agencies outside of the Department of Defense, if required, is authorized.

e. Coordinate proposed denials of records with the appropriate Unified Command's Office of the Staff Judge Advocate. Answer any request for a record within 10 working days of receipt. The requester shall be notified that his request has been granted or denied. In unusual circumstances, such notification may state that additional time, not to exceed 10 working days, is required to make a determination.

f. Provide to the ASD(PA) when the request for a record is denied in whole or in part, a copy of the response to the requester or his representative, and any internal memoranda that provide background information or rationale for the denial.

g. State in the response that the decision to deny the release of the requested information, in whole or in part, may be appealed to the Assistant Secretary of Defense (Public Affairs), the Pentagon, Washington, DC 20301-1400.

h. Upon request, submit to ASD(PA) a copy of the records that were denied. ASD(PA) shall make such requests when adjudicating appeals.

3. Fees for FOI Requests.

The fees charged for requested records shall be in accordance with subpart F.

4. Communications.

Excellent communications capabilities currently exist between the OASD(PA) and the Public Affairs Offices of the Unified Commands. This communication capability shall be used for FOIA cases that are time sensitive.

5. Reporting Requirements.

a. The Unified Commands shall submit to the ASD(PA) an annual report. The instructions for the report are outlined in subpart G.

b. The annual report shall be submitted in duplicate to the ASD(PA) not later than each February 1. This reporting requirement is assigned Report Control Symbol DD-PA(A)1365.

APPENDIX B TO PART 518—ADDRESSING FOIA REQUESTS

1. General.

a. The Department of Defense includes the Office of the Secretary of Defense and the Joint Staff, the Military Departments, the Unified Commands, the Defense Agencies, and the DoD Field Activities.

b. The Department of Defense does not have a central repository for DoD records.

FOIA requests, therefore, should be addressed to the DoD Component that has custody of the record desired. In answering inquiries regarding FOIA requests, DoD personnel shall assist requesters in determining the correct DoD Component to address their requests. If there is uncertainty as to the ownership of the record desired, the requester shall be referred to the DoD Component that is most likely to have the record.

2. Listing of DoD Component Addresses for FOIA Requests.

a. Office of the Secretary of Defense and the Joint Staff. Send all requests for records from the below listed offices to: Office of the Assistant Secretary of Defense (Public Affairs), Attn: Directorate for Freedom of Information and Security Review, room 2C757, The Pentagon, Washington, DC 20301-1400.

(1) Executive Secretariat.

(2) Under Secretary of Defense (Policy).

(a) Assistant Secretary of Defense (International Security Affairs).

(b) Assistant Secretary of Defense (International Security Policy).

(c) Assistant Secretary of Defense (Special Operations/Low Intensity Conflict).

(d) Principal Deputy Under Secretary of Defense (Strategy and Resources).

(e) Deputy Under Secretary of Defense (Trade Security Policy).

(f) Deputy Under Secretary of Defense (Security Policy).

(g) Director of Net Assessment.

(h) Director Defense Security Assistance Agency.

(i) Defense Technology Security Administration.

(3) Under Secretary of Defense (Acquisition).

(a) Assistant Secretary of Defense (Production and Logistics).

(b) Assistant Secretary of Defense (Command, Control, Communications, and Intelligence).

(c) Assistant to the Secretary of Defense (Atomic Energy).

(d) Director, Defense Research and Engineering.

(e) Director, Small and Disadvantaged Business Utilization.

(4) Comptroller of the Department of Defense.

(5) Assistant Secretary of Defense (Force Management and Personnel).

(6) Assistant Secretary of Defense (Health Affairs).

(7) Assistant Secretary of Defense (Legislative Affairs).

(8) Assistant Secretary of Defense (Public Affairs).

(9) Assistant Secretary of Defense (Program Analysis and Evaluation).

(10) Assistant Secretary of Defense (Reserve Affairs).

(11) General Counsel, Department of Defense.

(12) Director, Operational Test and Evaluation.

(13) Assistant to the Secretary of Defense (Intelligence Oversight).

(14) Assistant to the Secretary of Defense (Intelligence Policy).

(15) Defense Advanced Research Projects Agency.

(16) Strategic Defense Initiative Organization.

(17) Defense Systems Management College.

(18) National Defense University.

(19) Armed Forces Staff College.

(20) Department of Defense Dependent Schools.

(21) Uniformed Services University of the Health Sciences.

b. Department of the Army. Army records may be requested from those Army officials who are listed in 32 CFR part 518 (reference (ii)), appendix B. Send requests to the Chief, Freedom of Information and Privacy Act Division, Information Systems Command—Pentagon, Attn: ASQNS-OP-F, room 1146, Hoffman I, 2461 Eisenhower Avenue, Alexandria, VA 22331-0301 for records of the Headquarters, U.S. Army, or if there is uncertainty as to which Army activity may have the records. Send requests to particular installations or organizations as follows:

(1) Current publications and records of DA field commands, installations, and organizations.

(a) Send the request to the commander of the command, installation, or organization, to the attention of the Freedom of Information Act Official.

(b) Consult AR 25-400-2 for more detailed listings of all record categories kept in DA offices.

(c) Contact the installation or organization public affairs officer for help if you cannot determine the official within a specific organization to whom your request should be addressed.

(2) Department of the Army publications.

(a) Write to the U.S. Government Printing Office, which has many DA publications for sale. Address: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-0001.

(b) Use the facilities of about 1,000 Government publication depository libraries throughout the United States. These libraries have copies of many DA publications. Obtain a list of these libraries from the Superintendent of Documents at the above address.

(c) Send requests for current administrative, training, technical, and supply publications to the National Technical Information Service, U.S. Department of Commerce, Attn: Order Preprocessing Section, 5285 Port Royal Road, Springfield, VA 22151-2171; commercial telephone, (703) 487-4600. The National Technical Information Service handles requests for unclassified,

uncopyrighted, and nondistribution-restricted Army publications not sold through the Superintendent of Documents.

(3) Military personnel records. Send requests for military personnel records of information as follows:

(a) Army Reserve personnel not on active duty and retired personnel—Commander, U.S. Army Reserve Personnel Center, 9700 Page Blvd., St. Louis, MO 63132-5200; commercial telephone, (314) 263-7600.

(b) Army officer personnel discharged or deceased after 1 July 1917 and Army enlisted personnel discharged or deceased after 1 November 1912—Director, National Personnel Records Center, 9700 Page Blvd., St. Louis, MO 63132-5100.

(c) Army personnel separated before the dates specified in (ii) above—Textual Reference Division, Military Reference Branch, National Archives and Records Administration, Washington, DC 20408-0001.

(d) Army National Guard officer personnel[EM]Chief, National Guard Bureau. Army National Guard enlisted personnel[EM]Adjutant General of the proper State.

(e) Active duty commissioned and warrant officer personnel—Commander, U.S. Total Army Personnel Command, Attn: TAPC-ALS, Alexandria, VA 22332-0405; commercial telephone, (703) 325-4053. Active duty enlisted personnel—Commander, U.S. Army Enlisted Records and Evaluation Center, Attn: PCRE-RF, Fort Benjamin Harrison, IN 46249-4701; commercial telephone, (317) 542-3643.

(4) Medical records.

(a) Medical records of non-active duty military personnel. Use the same addresses as for military personnel records.

(b) Medical records of military personnel on active duty. Address the medical treatment facility where the records are kept. If necessary, request locator service per (e) above.

(c) Medical records of civilian employees and all dependents. Address the medical treatment facility where the records are kept. If the records have been retired, send requests to the Director, National Personnel Records Center, 111 Winnebago St., St. Louis, MO 63118-4199.

(5) Legal records.

(a) Records of general courts-martial and special courts-martial in which a bad conduct discharge was approved. For cases not yet forwarded for appellate review, apply to the staff judge advocate of the command having jurisdiction over the case. For cases forwarded for appellate review and for old cases, apply to the U.S. Army Legal Service Agency, Attn: JALS-CC, Nassif Building, Falls Church, VA 22041-5013; AUTOVON 289-1888, commercial telephone, (202) 756-1888.

(b) Records of special courts-martial not involving a bad conduct discharge. These

records are kept for 10 years after completion of the case. If the case was completed within the past 3 years, apply to the staff judge advocate of the headquarters where it was reviewed. If the case was completed from 3 to 10 years ago, apply to the National Personnel Records Center (Military Records), 9700 Page Blvd., St. Louis, MO 63132-5100. If the case was completed more than 10 years ago, the only evidence of conviction is the special courts-martial order in the person's permanent records. Request as in (3) above.

(c) Records of summary courts-martial. Locally maintained records are retired 3 years after action of the supervisory authority. Request records of cases less than 3 years old from the staff judge advocate of the headquarters where the case was reviewed. After 10 years, the only evidence of conviction is the summary courts-martial order in the person's permanent records. Request as in (3) above.

(d) Requests submitted under (b) and (c) above. These requests will be processed in accordance with chapter V. The IDA is The Judge Advocate General, HQDA (DAJA-CL), WASH DC 20310-2213; AUTOVON 225-1891, commercial telephone, (202) 695-1891.

(e) Administrative settlement of claims. Apply to the Chief, U.S. Army Claims Service, Attn: JACS-TCC, Fort George G. Meade, MD 20755-5360; AUTOVON 923-7860, commercial telephone, (301) 677-7860.

(f) Records involving debarred or suspended contractors. Apply to HQDA (JALS-PF), WASH DC 20310-2217; AUTOVON 285-4278, commercial telephone, (202) 504-4278.

(g) Records of all other legal matters (other than records kept by a command, installation, or organization staff judge advocate). Apply to HQDA (DAJA-AL), WASH DC 20310-2212; AUTOVON 224-4316, commercial telephone, (202) 694-4316.

(6) Civil works program records. Civil works records include those relating to construction, operation, and maintenance for the improvement of rivers, harbors, and waterways for navigation, flood control, and related purposes, including shore protection work by the Army. Apply to the proper division or district office of the Corps of Engineers. If necessary to determine the proper office, contact the Commander, U.S. Army Corps of Engineers, Attn: CECC-K, WASH DC 20314-1000; commercial telephone, (202) 272-0028.

(7) Civilian personnel records. Send requests for personnel records of current civilian employees to the employing installation. Send requests for personnel records of former civilian employees to the Director, National Personnel Records Center, 111 Winnebago St., St. Louis, MO 63118-4199.

(8) Procurement records. Send requests for information about procurement activities to the contracting officer concerned or, if not feasible, to the procuring activity. If the

contracting officer or procuring activity is not known, send inquiries as follows:

(a) Army Materiel Command procurement: Commander, U.S. Army Materiel Command, Attn: AMCPA, 5001 Eisenhower Ave., Alexandria, VA 22333-0001.

(b) Corps of Engineers procurement: Commander, U.S. Army Corps of Engineers, Attn: CECC-K, WASH DC 20314-1000; commercial telephone, (202) 272-0028.

(c) All other procurement: HQDA (DAJA-KL), WASH DC 20310-2208; AUTOVON 225-6209, commercial telephone, (202) 695-6209.

(9) Criminal investigation files. Send requests involving criminal investigation files to the Commander, U.S. Army Criminal Investigation Command, Attn: CICR-FP, 2301 Chesapeake Ave., Baltimore, MD 21222-4099; commercial telephone, (301) 234-9340. Only the Commanding General, USACIDC, can release any USACIDC-originated criminal investigation file.

(10) Personnel security investigation files and general Army intelligence records. Send requests for personnel security investigation files, intelligence investigation and security records, and records of other Army intelligence matters to the Commander, U.S. Army Intelligence and Security Command, Attn: IACSF-FI, Fort George G. Meade, MD 20755-5995.

(11) Inspector General records. Send requests involving records within the Inspector General system to HQDA (SAIG-ZXL), WASH DC 20310-1714. AR 20-1 governs such records.

(12) Army records in Government records depositories.

(a) Noncurrent Army records are in the National Archives of the United States, WASH DC 20408-0001; in Federal Records Centers of the National Archives and Records Administration; and in other records depositories. Requesters must write directly to the heads of these depositories for copies of such records.

(b) A list of pertinent records depositories is published in AR 25-400-2, table 6-1.

(c) Department of the Navy. Navy and Marine Corps records may be requested from any Navy or Marine Corps activity by addressing a letter to the Commanding Officer and clearly indicating that it is an FOIA request. Send requests to Chief of Naval Operations, Code OP-09B30, room 5E521, Pentagon, Washington, DC 20350-2000, for records of the Headquarters, Department of the Navy, and to Freedom of Information and Privacy Act Office, Code MI-3, HQMC, room 4327, Washington, DC 20308-0001, for records of the U.S. Marine Corps, or if there is uncertainty as to which Navy or Marine activities may have the records.

(d) Department of the Air Force. Air Force records may be requested from the Commander of any Air Force installation, major command, or separate operating agency

(Attn: FOIA Office). For Air Force records of Headquarters, United States Air Force, or if there is uncertainty as to which Air Force activity may have the records, send requests to Secretary of the Air Force, Attn: SAF/AAIS(FOIA), Pentagon, room 4A1088C, Washington, DC 20330-1000.

(e) Defense Contract Audit Agency (DCAA). DCAA records may be requested from any of its regional offices or from its headquarters. Requesters should send FOIA requests to the Defense Contract Audit Agency, Attn: CMR, Cameron Station, Alexandria, VA 22304-6178, for records of its headquarters or if there is uncertainty as to which DCAA region may have the records sought.

(f) Defense Communications Agency (DCA). DCA records may be requested from any DCA field activity or from its headquarters. Requesters should send FOIA requests to Defense Communications Agency, Code H104, Washington, DC 20305-2000.

(g) Defense Intelligence Agency (DIA). FOIA requests for DIA records may be addressed to Defense Intelligence Agency, Attn: RTS-1, Washington, DC 20340-3299.

(h) Defense Investigative Service (DIS). All FOIA requests for DIS records should be sent to the Defense Investigative Service, Attn: V0020, 1900 Half St., SW., Washington, DC 20324-1700.

(i) Defense Logistics Agency (DLA). DLA records may be requested from its headquarters or from any of its field activities. Requestors should send FOIA requests to Defense Logistics Agency, Attn: DLA-XAM, Cameron Station, Alexandria, VA 22304-6100.

(j) Defense Mapping Agency (DMA). FOIA requests for DMA records may be sent to the Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031-2137.

(k) Defense Nuclear Agency (DNA). FOIA requests for DNA records may be sent to the Defense Nuclear Agency, Public Affairs Office, room 113, 6801 Telegraph Road, Alexandria, VA 22310-3398.

(l) National Security Agency (NSA). FOIA requests for NSA records may be sent to the National Security Agency/Central Security Service, Attn: Q-43, Fort George G. Meade, MD 20755-6000.

(m) Office of the Inspector General, Department of Defense (IG, DoD). FOIA requests for IG, DoD records may be sent to the Department of Defense Office of the Inspector General, Assistant Inspector General for Investigations, Attn: Deputy Director FOIA/PA Division, 400 Army Navy Drive, Arlington, VA 22202-2884.

(n) Defense Finance and Accounting Service (DFAS). DFAS records may be requested from any of its regional offices or from its headquarters. Requesters should send FOIA requests to Defense Finance and Accounting Service, Crystal Mall 3, room 416, Washing-

ton, DC 20376-5001 for records of its headquarters, or if there is uncertainty as to which DFAS region may have the records sought.

3. *Other Addressees.*

Although the below organizations are OSD and Joint Staff Components for the purposes of the FOIA, requests may be sent directly to the addresses indicated.

(a) Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS). Director, OCHAMPUS, Attn: Freedom of Information Officer, Aurora, CO 80045-6900.

(b) Chairman, Armed Services Board of Contract Appeals (ASBCA). Chairman, Armed Services Board of Contract Appeals, Skyline Six, 5109 Leesburg Pike, Falls Church, VA 22041-3208.

(c) U.S. Central Command. U.S. Central Command/CCJI/AG, MacDill Air Force Base, FL 33608-7001.

(d) U.S. European Command. Headquarters, U.S. European Command/ECJ1-AR(FOIA), APO New York 09128-4209.

(e) U.S. Southern Command. U.S. Commander-in-Chief, Southern Command, Attn: SCJ1, APO Miami 34003-0007.

(f) U.S. Pacific Command. U.S. Commander-in-Chief, Pacific Command, USPACOM FOIA Coordinator (J18A), Administrative Support Division, Joint Secretariat, Box 28, Camp H.M. Smith, HI 96861-5025.

(g) U.S. Special Operations Command. U.S. Special Operations Command, Attn: SOJ6-SI (FOI Officer), MacDill, Air Force Base, FL 33608.

(h) U.S. Atlantic Command. Commander-in-Chief, Atlantic Command, Code J02P6, Norfolk, VA 23511-5100.

(i) U.S. Space Command. Chief Records Management Division, Directorate of Administration, United States Space Command Peterson Air Force Base, CO 80914-5001.

(j) U.S. Transportation Command. U.S. Commander-in-Chief, Transportation Command, Attn: TCDA-RM, Scott Air Force Base, IL 62225-7001.

4. *National Guard Bureau.*

FOIA requests for National Guard Bureau records may be sent to the Chief, National Guard Bureau (NGB-DAI), Pentagon, room 2C362, Washington, DC 20310-2500.

5. *Miscellaneous.*

If there is uncertainty as to which DoD component may have the DoD record sought, the requester may address a Freedom of Information request to the Office of the Assistant Secretary of Defense (Public Affairs), Attn: Directorate for Freedom of Information and Security Review, room 2C757, The Pentagon, Washington, DC 20301-1400.

Department of the Army, DoD

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APPENDIX C TO PART 518—LITIGATION STATUS SHEET

- 1. Case Number* (Number used by Component for references (for DA, use case name))
- 2. Requester
- 3. Document Title or Description
- 4. Litigation
 - a. Date Complaint Filed
 - b. Court
 - c. Case File Number*
- 5. Defendants (agency and individual)
- 6. Remarks: (brief explanation of what the case is about)
- 7. Court Action
 - a. Court's Finding
 - b. Disciplinary Action (as appropriate)
- 8. Appeal (as appropriate)
 - a. Date Complaint Filed
 - b. Court
 - c. Case File Number*
 - d. Court's Finding
 - e. Disciplinary Action (as appropriate)

APPENDIX D TO PART 518—OTHER REASON CATEGORIES

- 1. *Transferred Requests.* This category applies when responsibility for making a determination or a decision on categories 2, 3, or 4 below is shifted from one Component to another, or to another Federal Agency.
- 2. *Lack of Records.* This category covers those situations wherein the requester is advised the DoD Component has no record or has no statutory obligation to create a record.
- 3. *Failure of Requester to Reasonably Describe Record[E/H].* This category is specifically based on section 552(a)(3)(a) of the FOIA (reference (a)).

4. *Other Failures by Requesters to Comply with Published Rules or Directives.* This category is based on section 5529a)(3)(b) of the FOIA (reference (a)) and includes instances of failure to follow published rules concerning time, place, fees, and procedures.

5. *Request Withdrawn by Requester.* This category covers those situations wherein the requester asks an agency to disregard the request (or appeal) or pursues the request outside FOIA channels.

6. *Not an Agency Record.* This category covers situations where the information requested is not an agency record within the meaning of the FOIA and this regulation.

APPENDIX E TO PART 518—DoD FREEDOM OF INFORMATION ACT PROGRAM COMPONENTS

Office of the Secretary of Defense/Joint Staff/Unified Commands, Defense Agencies, and the DoD Field Activities

- Department of the Army
- Department of the Navy
- Department of the Air Force
- Defense Communications Agency
- Defense Contract Audit Agency
- Defense Finance and Accounting Service
- Defense Intelligence Agency
- Defense Investigative Service
- Defense Logistics Agency
- Defense Mapping Agency
- Defense Nuclear Agency
- National Security Agency
- Office of the Inspector General, Department of Defense
- Defense Finance and Accounting Service

[56 FR 48932, Sept. 26, 1991, as amended at 56 FR 56011, Oct. 31, 1991]

Appendix F--DD Form 2564,
Annual Report--Freedom of Information Act

ANNUAL REPORT FREEDOM OF INFORMATION ACT										REPORT CONTROL SYMBOL
1. INITIAL DETERMINATIONS										
a. TOTAL REQUESTS	b. GRANTED IN FULL	c. DENIED IN PART	d. DENIED IN FULL	e. "OTHER REASONS"	f. TOTAL ACTIONS					
2a. EXEMPTIONS INVOKED ON INITIAL DETERMINATIONS										
(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7)	(b) (8)	(b) (9)	TOTAL	
2b. (b)(3) STATUTES INVOKED ON INITIAL DETERMINATIONS (Continue on separate sheet if necessary)										
(1) (b)(3) STATUTES CLAIMED									(2) NUMBER OF INSTANCES	
2c. "OTHER REASONS" CITED ON INITIAL DETERMINATIONS										
1	2	3	4	5	6	TOTAL				
3. INITIAL DENIAL AUTHORITIES BY PARTICIPATION (Continue on separate sheet if necessary)										
a. NAME (Last, First, Middle Initial)	b. RANK (If Military)	c. TITLE AND ORGANIZATION							d. NUMBER OF INSTANCES	
4. APPEAL DETERMINATIONS										
a. TOTAL REQUESTS	b. GRANTED IN FULL	c. DENIED IN PART	d. DENIED IN FULL	e. "OTHER REASONS"	f. TOTAL ACTIONS					
5a. EXEMPTIONS INVOKED ON APPEAL DETERMINATIONS										
(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7)	(b) (8)	(b) (9)	TOTAL	
5b. (b)(3) STATUTES INVOKED ON APPEAL DETERMINATIONS (Continue on separate sheet if necessary)										
(1) (b)(3) STATUTES CLAIMED									(2) NUMBER OF INSTANCES	
5c. "OTHER REASONS" CITED ON APPEAL DETERMINATIONS										
1	2	3	4	5	6	TOTAL				
6. APPEAL DENIAL AUTHORITIES BY PARTICIPATION (Continue on separate sheet if necessary)										
a. NAME (Last, First, Middle Initial)	b. RANK (If Military)	c. TITLE AND ORGANIZATION							d. NUMBER OF INSTANCES	

7. COURT OPINIONS AND ACTIONS TAKEN (Continue on separate sheet if necessary)				
8. FREEDOM OF INFORMATION ACT IMPLEMENTATION RULES OR REGULATIONS (Continue on separate sheet if necessary)				
9. FEES COLLECTED FROM THE PUBLIC				
TOTAL AMOUNT COLLECTED FROM PUBLIC				\$
10a. AVAILABILITY OF RECORDS (Continue on separate sheet if necessary)				
10b. FOI PROGRAM COSTS				
I. PERSONNEL COSTS				
A. ESTIMATED MANYEARS				
B. MANYEAR COSTS				\$
C. ESTIMATED MANHOURLY COSTS BY CATEGORY				
(1) Search Time				\$
(2) Review and Excising				\$
(3) Coordination and Approval				\$
(4) Correspondence / Form Preparation				\$
(5) Other Activities				\$
(6) Total ((1) through (5))				\$
D. OVERHEAD ((B + C) x 25%)				\$
E. TOTAL (B through D)				\$
II. OTHER CASE - RELATED COSTS				
A. COMPUTER SEARCH TIME				\$
B. OFFICE COPY REPRODUCTION				\$
C. MICROFICHE REPRODUCTION				\$
D. PRINTED RECORDS				\$
E. COMPUTER COPY				\$
F. AUDIOVISUAL MATERIALS				\$
G. OTHER				\$
H. SUBTOTAL (A through G)				\$
I. OVERHEAD (25% x H)				\$
J. TOTAL (H + I)				\$
III. COST OF ROUTINE REQUESTS PROCESSED				\$
IV. TOTAL COSTS (I through III)				\$
10c. FORMAL TIME LIMIT EXTENSIONS				
(1) LOCATION	(2) VOLUME	(3) CONSULTATION	(4) COURT	(5) TOTAL

DD Form 2564 Reverse, AUG 90

APPENDIX G TO PART 518—INTERNAL CONTROL REVIEW CHECKLIST

Task: Army Information Management.
Subtask: Records Management.

This Checklist: Freedom of Information Act Program.

Organization:

Action Officer:

Reviewer:

Date Completed:

Assessable Unit: The specific managers responsible for using this checklist (e.g., at applicable FOA, MACOM, SIO, and TOE division headquarters) will be designated by the cognizant headquarters' staff functional

principal. The responsible principal and mandatory schedule for using the checklist will be shown in the annual updated Management Control Plan

Event Cycle 1: Establish and Implement a Freedom of Information Act Program.

Risk: If the prescribed policies, procedures, and responsibilities of the Freedom of Information Act Program are not followed the public would not have the ability to obtain access to and release of Army records.

Control Objective: To ensure that prescribed policies, procedures, and responsibilities contained in 5 U.S.C. 552 are followed to allow access and release of Army records to the public.

Control Technique: The document used to accomplish the control objective is AR 25-55, The Department of the Army Freedom of Information Act Program.

1. Ensure that a Freedom of Information Act Program is established and implemented.
2. Appoint an individual with Freedom of Information Act responsibilities and ensure designation of appropriate staff to assist him/her.
3. Appoint an individual with Operations Security (OPSEC) responsibilities, if required.

Test Questions

1. Is a Freedom of Information Act Program established and implemented in your organization?
Response: Yes ___ No ___ NA ___
Remarks: 1
2. Is an individual appointed Freedom of Information Act Responsibilities?
Response: Yes ___ No ___ NA ___
Remarks: 1
3. Is an individual appointed OPSEC responsibilities, if required?
Response: Yes ___ No ___ NA ___
Remarks: 1
4. Is DA Form 4948-R, Freedom of Information Act (FOIA)/Operations Security (OPSEC) Desk Top Guide used?
Response: Yes ___ No ___ NA ___
Remarks: 1
5. Does DA Form 4948-R contain the current name and office telephone number of the FOIA/OPSEC advisor?
Response: Yes ___ No ___ NA ___
Remarks: 1
6. Are provisions of AR 25-55 concerning the protection of OPSEC sensitive information regularly brought to the attention of managers responsible for responding to FOIA requests and those responsible for control of Army records?
Response: Yes ___ No ___ NA ___
Remarks: 1

7. Are rules governing "For Official Use Only" information understood and properly applied by functional proponents?

Response: Yes ___ No ___ NA ___
Remarks: 1

8. Are names and duty addresses of Army personnel (civilian and military) assigned to units that are sensitive, routinely deplorable, or stationed in foreign territories being denied or forwarded to the proper initial denial authority (IDA) for denial?

Response: Yes ___ No ___ NA ___
Remarks: 1

9. Is the format contained in AR 25-55, used when preparing the annual FOIA report?

Response: Yes ___ No ___ NA ___
Remarks: 1

10. Is the worksheet contained in AR 25-55 used when preparing the annual FOIA report?

Response: Yes ___ No ___ NA ___
Remarks: 1

11. Is the input for the annual FOIA report forwarded to the Army Freedom of Information and Privacy Act Division, Information Systems Command by the second week of each January?

Response: Yes ___ No ___ NA ___
Remarks: 1

EVENT _____
Cycle 2: Processing FOIA Requests.

Risk: Failure to process FOIA requests correctly and release non-exempt Army records to the public could subject the Department of the Army or individuals to litigation.

Control Objective: FOIA requests are processed correctly.

Control Technique

1. Ensure FOIA requests are logged into a formal control system.
2. Ensure FOIA requests are answered promptly and correctly.
3. Ensure Army records are withheld only when fall under the purview of one or more of the nine FOIA exemptions.
4. Ensure FOIA requests are denied by properly delegated/designated IDAs.
5. Ensure all appeals are forwarded to the Office of the Army General Counsel.

Test Questions

1. Are FOIA requests logged into a formal control system?
Response: Yes ___ No ___ NA ___
Remarks: 1
2. Are all FOIA requests date and time stamped upon receipt?
Response: Yes ___ No ___ NA ___
Remarks: 1
3. Is the 10 working day time limit met when replying to FOIA requests?
Response: Yes ___ No ___ NA ___
Remarks: 1

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4. When more than 10 working days are required to respond, is the FOIA requester informed, explaining the circumstances requiring the delay and provided an approximate date for completion?

Response: Yes ___ No ___ NA ___
Remarks: 1

5. Are Army records withheld only when they fall under one or more of the nine FOIA exemptions?

Response: Yes ___ No ___ NA ___
Remarks: 1

6. Is the FOIA requester informed when a FOIA request is referred to another Army activity or organization?

Response: Yes ___ No ___ NA ___
Remarks: 1

7. Do denial letters contain the name and title or position of the official who made the denial determination; explain the basis for the denial determination; cite the exemptions on which the denial is based; and advise the FOIA requester of his or her right to appeal the denial within 60 days to the Secretary of the Army (Office of the Army General Counsel)?

Response: Yes ___ No ___ NA ___
Remarks: 1

8. Is the FOIA requester informed of the appellate procedures when an IDA denies a record in whole or in part?

Response: Yes ___ No ___ NA ___
Remarks: 1

9. Is the Chief of Legislative Liaison notified of all releases of information to members of Congress or staffs of congressional committees?

Response: Yes ___ No ___ NA ___
Remarks: 1

10. Are FOIA requests denied only by properly delegated/designated IDAs?

Response: Yes ___ No ___ NA ___
Remarks: 1

11. Is the servicing Judge Advocate consulted prior to forwarding a FOIA request to an IDA for action?

Response: Yes ___ No ___ NA ___
Remarks: 1

12. Are the following items included when forwarding a FOIA request to an IDA for a determination of releasability?

a. A copy of the legal review provided by the local legal advisor?

Response: Yes ___ No ___ NA ___
Remarks: 1

b. The original copy of the FOIA request?

Response: Yes ___ No ___ NA ___
Remarks: 1

c. Copies of the requested information indicating portions recommended for withholding?

Response: Yes ___ No ___ NA ___
Remarks: 1

d. A copy of the acknowledgement of receipt to the requester?

Response: Yes ___ No ___ NA ___
Remarks: 1

e. A telephone point of contact?

Response: Yes ___ No ___ NA ___
Remarks: 1

f. The recommended FOIA exemption?

Response: Yes ___ No ___ NA ___
Remarks: 1

g. Any recommendation to deny a request in whole or in part?

Response: Yes ___ No ___ NA ___
Remarks: 1

13. Are all FOIA appeals forward to the Office of the General Counsel for a decision with a copy of denied and released records?

Response: Yes ___ No ___ NA ___
Remarks: 1

14. Is a copy of the FOIA denial letter included when forwarding appeals to the Office of the General Counsel?

Response: Yes ___ No ___ NA ___
Remarks: 1

15. Is DD Form 2086-R, Record of Freedom of Information (FOI) Processing Cost, used to record costs associated with the processing of a FOIA request?

Response: Yes ___ No ___ NA ___
Remarks: 1

16. Is DD Form 2086-1-R, Record of Freedom of Information (FOI) Processing Cost for Technical Data, used to record costs associated with the processing of a FOIA request for technical data?

Response: Yes ___ No ___ NA ___
Remarks: 1

17. Is the FOIA requester notified when charges will exceed \$250.00?

Response: Yes ___ No ___ NA ___
Remarks: 1

18. Are fees collected at the time the requester is provided the records?

Response: Yes ___ No ___ NA ___
Remarks: 1

19. Are commercial requesters charged for all search, review, and duplication costs?

Response: Yes ___ No ___ NA ___
Remarks: 1

20. Are educational institutions, non-commercial scientific institutions, or news media charged for duplication only, in excess of 100 pages, if more than 100 pages of records are requested?

Response: Yes ___ No ___ NA ___
Remarks: 1

21. Are the first 2 hours of search time, and the first 100 pages of duplication provided without charge to all "other" category requesters?

Response: Yes ___ No ___ NA ___
Remarks: 1

22. Are FOIA fees collected and delivered to the servicing finance and accounting office within 30 calendar days after receipt?

Response: Yes ___ No ___ NA ___

Remarks: 1

23. Are FOIA fees collected for technical data retained by the organization providing the technical data?

Response: Yes ___ No ___ NA ___

Remarks: 1

Event Cycle 3: Records Management.

Risk: Valuable records needed for court actions are destroyed or cannot be located.

Control Objective: Records containing "For Official Use Only" information are correctly marked and FOIA requests are properly maintained throughout their life cycle.

Control Technique: Ensure the prescribed policies and procedures are followed during the life cycle of information.

Test Questions

1. Are unclassified documents containing "For Official Use Only" information marked "FOR OFFICIAL USE ONLY" in bold letters at least 3/16 of an inch high at the bottom of the outside of the front cover (if any), on the first page, and on the outside of the back cover (if any)?

Response: Yes ___ No ___ NA ___

Remarks: 1

2. Are individual pages containing both "For Official Use Only" and classified information marked at the top and bottom with the highest security classification of information appearing on the page?

Response: Yes ___ No ___ NA ___

Remarks: 1

3. Are photographs, films, tapes, slides, and microform containing "For Official Use Only" information so marked "For Official Use Only" to ensure recipient or viewer is aware of the information therein?

Response: Yes ___ No ___ NA ___

Remarks: 1

4. Is "For Official Use Only" material transmitted outside the Department of the Army properly marked "This document contains information EXEMPT FROM MANDATORY DISCLOSURE under the FOIA. Exemption * * * applies"?

Response: Yes ___ No ___ NA ___

Remarks: 1

5. Are permanently bound volumes of "For Official Use Only" information so marked on the outside of the front and back covers, title page, and first and last page?

Response: Yes ___ No ___ NA ___

Remarks: 1

6. Is DA Label 87 (For Official Use Only Cover Sheet) affixed to "For Official Use Only" documents when removed from a file cabinet?

Response: Yes ___ No ___ NA ___

Remarks: 1

7. Do electrically transmitted messages contain the abbreviation "FOUO" before the beginning of the text?

Response: Yes ___ No ___ NA ___

Remarks: 1

8. Are "For Official Use Only" records stored properly during nonduty hours?

Response: Yes ___ No ___ NA ___

Remarks: 1

9. Are FOIA records maintained and disposed of in accordance with AR 25-400-2, The Modern Army Recordkeeping System (MARKS)?

Response: Yes ___ No ___ NA ___

Remarks: 1

1. Explain rationale for YES responses or provide cross-reference where rationale can be found. For NO responses, cross-reference to where corrective action plans can be found. If response is NA, explain rationale.

I attest that the above-listed internal controls provide reasonable assurance that Army resources are adequately safeguarded. I am satisfied that if the above controls are fully operational, the international controls for this subtask throughout the Army are adequate.

Director of Information for Command, Control, Communications, and Computers

Functional Proponent

I have reviewed this subtask within my organization and have supplemented the prescribed internal control review checklist when warranted by unique environmental circumstances. The controls prescribed in this checklist, as amended, are in place and operational for my organization (except for the weaknesses described in the attached plan, which includes schedules for correcting the weaknesses).

Operating Manager

PART 519—PUBLICATION OF RULES AFFECTING THE PUBLIC

GENERAL

Sec.

- 519.51 Purpose.
519.52 Explanation of terms.
519.53 Responsibilities.
519.54 Designation of Rulemaking Coordinators.
519.55 Statement of compliance.
519.56 Submission of publications for printing.
519.57 Incorporation by reference.

INFORMATION TO BE PUBLISHED IN THE FEDERAL REGISTER

- 519.58 General.
519.59 Information to be published.
519.60 Exceptions.
519.61 Procedures.
519.62 Effect of not publishing.