

Department of the Air Force, DoD

§ 806.13

(1) Interfere with enforcement proceedings.

(2) Deprive a person of the right to a fair trial or an impartial judgment.

(3) Invade personal privacy unnecessarily.

(4) Identify a confidential source, including a state, local, or foreign agency or authority or any private institution that gives confidential information.

(5) Disclose information from a confidential source and obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

(6) Disclose methods for law enforcement investigation or prosecutions.

(7) Disclose guidelines for law enforcement investigations or prosecutions if the release would probably encourage circumvention of the law.

(8) Endanger an individual's life or physical safety.

(i) You may use this exemption to prevent disclosure of documents not originally created for, but later gathered for law enforcement purposes.

(j) *Exemption 8—Financial Institutions.* Those records contained in or related to examination, operation, or condition reports prepared by, on the behalf of, or for the use of, an agency that regulates or supervises financial institutions.

(k) *Exemption 9—Wells.* Records with geological and geophysical information and data, including maps, concerning wells.

§ 806.11 FOIA exclusions.

(a) Under two limited situations, requests for law enforcement records are not subject to disclosure under FOIA:

(1) Requests for law enforcement records when the investigation involves a possible criminal violation, the subject is unaware of the investigation, and disclosing the record's existence could interfere with enforcement.

(2) Requests for informant records a criminal law enforcement agency keeps under the informant's name or personal identifier made by a third party using the informant's name or personal identifier, but only when the informant's status as an informant has not been officially confirmed.

(b) In these cases, do not use denial procedures; instead, say you found no records. Coordinate with the SJA on these cases. When you write to the requester, do not give the statutory citation for the exclusion nor state your reliance on an exclusion.

§ 806.12 Denials.

Only denial authorities may withhold information. Denial authority level is at the deputy chiefs of staff and chiefs of comparable offices or higher at HQ USAF, and MAJCOM and FOA commanders. These officials may name an additional official as a denial authority. Send SAF/AAIQ a letter with the position titles only. Only the Administrative Assistant to the Secretary of the Air Force can approve a request for more than one additional denial authority. Send those requests, with justification, to SAF/AAIQ.

(a) When denying information, delete only the exempt parts of a record, release what remains, and let the requester know that you are providing all reasonably segregable, releasable parts of the record. Clearly show the requester where you deleted information.

(b) Denial letters must include the reason for the denial and cite the statutory exemption. Only authorized denial authorities sign denial letters. FOIA managers may sign "no records" responses. Denial letters and "no records" responses must also include an appeal paragraph that:

(1) Tells the requester to address appeals to the Secretary of the Air Force, through the FOIA office of the activity that issued the denial or "no records" response.

(2) Tells the requester to appeal within 60 calendar days from the date of the letter and to include reasons for reconsideration.

(3) Asks the requester to attach a copy of the response.

§ 806.13 Freedom of Information Act annual report.

(a) MAJCOM and FOA FOIA managers submit a calendar-year report on 3½- or 5¼-inch disk using the FOIA System. Send the report by 10 January to SAF/AAIQ. The report control symbol (RCS) is DD-PA(A)1365.

(b) SAF/AAIQ submits the report to the Office of the Assistant to the Secretary of Defense (Public Affairs) Directorate for Freedom of Information and Security Review on DD Form 2564, Annual Report—Freedom of Information Act.

§ 806.14 Host-tenant relationship.

(a) The host base FOIA manager logs, processes, and reports FOIA requests for tenant units. The host base FOIA office refers all recommended denials and “no records” appeals to the tenant MAJCOM FOIA manager.

(b) This host-tenant relationship does not apply to disclosure authorities for specialized records, such as the Air Force Audit Agency and the Air Force Office of Special Investigations.

§ 806.15 Processing FOIA requests.

All FOIA offices use the FOIA system to track and manage FOIA requests. AFM 4-196 is the FOIA System End User Manual.

(a) After receiving a FOIA request, the FOIA manager:

(1) Records the date and time of receiving the request, logs the request in the FOIA system and sets a suspense date. For more than 10 FOIA requests, sets up a first-in, first-out system to process the requests in the order received.

(2) Considers a request received when the FOIA office responsible for processing the request receives it; and when the requester states a willingness to pay fees set for his or her category (see § 806.17), has paid past FOIA debts, and has reasonably described the requested records.

(3) Determines the fee according to the requester’s category, writes to requesters who have not made arrangements to pay for the information and whose fees are more than \$15, telling them the category and cost of the request.

(4) Answers fee waiver requests before processing. Asks for more justification, if needed to make a good decision. Do not consider this notice a denial.

(5) Attaches DD Form 2086, Record of Freedom of Information (FOI) Processing Cost, or DD 2086-1, Record of Freedom of Information (FOI) Proc-

essing Cost for Technical Data, to each request. The OPR must complete and return this form to the FOIA office. These forms give the fees for charging, if any, and processing costs you use to prepare the FOIA annual report.

(6) Writes the requester to acknowledge receipt of the request if the date or postmark (whichever is later) is more than 10 workdays ago and informs the requester of any unusual problems.

(7) Tells the requester if the record is not sufficiently described and asks for more information. If possible, offers to help the requester identify the requested records and tells what kind of information makes searching for a record easier.

(8) Sends the request to the OPR who searches for the record and decides whether to release it.

(9) Sends classified records with no OPR or functional equivalent to SAF/AAIS, through the MAJCOM or FOA FOIA office, for HQ USAF/SP review. Telephones SAF/AAIS before sending the records.

(10) Tells the requester in a letter sent within 10 workdays after receiving the request of the final decision to release or deny the records.

(11) When answering requests for lists of names and duty addresses, tells requesters as early as possible about the mass mailing restrictions outlined in AFI 37-125, Official Mail, Small Parcel and Distribution Management (formerly AFR 4-50).

(12) Grants 10 additional workdays for one or more of three reasons:

(i) All or part of the requested records are not at the installation processing the request.

(ii) Fulfilling the request means collecting and reviewing an enormous number of records.

(iii) Other Air Force activities or other agencies need to be involved in deciding whether to release the records.

(13) Sends the requester a letter within 10 workdays, giving the reason for the delay and a date (within 20 workdays after receiving the request) when the requester can expect a final decision.

(14) Records extensions and reasons for them in the FOIA system.