



**SUMMARY OF
REPORT TO THE CONGRESS**

**FREEDOM OF
INFORMATION**

CY 1978



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

PUBLIC AFFAIRS

~~March 1, 1978~~

1 MAR 1979

This Summary Report has been issued as an overview of Department of Defense performance in the Freedom of Information Program in Calendar Year 1978 required by subsection 3(d), Section 552 of Title 5, United States Code. The enclosed pages were included with the thirteen separate Defense agency reports transmitted to Congress as the "Report to the Congress, Freedom of Information, CY 1978."

Data on each item required by Congress are presented in chart and statistical form reflecting overall agency and DoD totals.

A handwritten signature in cursive script, reading "Charles W. Hinkle", is positioned above the typed name.

Charles W. Hinkle
Director, Freedom of Information
and Security Review

Department of Defense
Reporting Agencies under the Freedom of Information Act
(as of December 31, 1978)

| <u>Agency Abbreviation</u> | <u>Agency</u> | <u>Agency Head</u> |
|--------------------------------|---|-------------------------------------|
| OSD/OJCS | Office of the Secretary of Defense (including the Organization of the Joint Chiefs of Staff) | Harold Brown |
| Dept Army | Secretary of the Army | Clifford L. Alexander |
| Dept Navy | Secretary of the Navy | W. Graham Claytor, Jr. |
| Dept AF | Secretary of the Air Force | John C. Stetson |
| DCA | Defense Communications Agency | Lt Gen Lee M. Paschall, Jr. USAF |
| DCAA | Defense Contract Audit Agency | Frederick Neuman |
| DIA | Defense Intelligence Agency | Lt Gen Eugene F. Tighe, Jr. USAF |
| DIS | Defense Investigative Service | Bernard J. O'Donnell |
| DLA | Defense Logistics Agency | LtGen W. W. Vaughan, USA |
| DMA | Defense Mapping Agency | LtGen Abner B. Martin, USAF |
| DNA | Defense Nuclear Agency | VAdm R. R. Monroe, USN |
| NSA | National Security Agency Central Security Service | VAdm Bobby Inman, USN |
| DCPA | Defense Civil Preparedness Agency | Bardyl R. Tirana |

Department of Defense
FOI Appeal and Program Officials

| <u>Agency Abbreviation</u> | <u>Appellate Authority</u> | <u>Program Official</u> |
|--------------------------------|---|---|
| OSD/OJCS | Thomas B. Ross Ass't SecDef Public Affairs | Charles W. Hinkle Director, FOI and Security Review, OASD/PA |
| Dept Army | General Counsel Secretary of the Army | Guy Oldaker Chief, Records Mgmt Division Office of The Adjutant General |
| Dept Navy | Judge Advocate General/ General Counsel for Secretary of the Navy | Donald Carr PA/FOIA Coordinator Naval Records Mgmt Division OPNAV |
| Dept AF | Thomas W. Nelson Admin Ass't to the Secretary of the Air Force | Charles C. Ratcliffe OPR for Freedom of Information Documentation Systems Division |
| DCA | LtGen Lee M. Paschall, Jr. USAF, Director | John T. Whealen General Counsel |
| DCAA | Harry W. Kettles Ass't Director, Resources | Ms. Lee Taylor Records Administrator |
| DIA | John Brock DIA Counsel | R. Herbert Holzbauer Reference Library Branch Central Reference Division Deputy Director for Support |
| DIS | Bernard J. O'Donnell Director | LTC Dale L. Hartig Ass't for Information |
| DLA | LtGen W. W. Vaughan, USA, Director | Colonel J. McAleer, Jr. Staff Director, Administration |
| DMA | RADM R. M. Collins, USN, Deputy Director | Edward J. Obloy Acting General Counsel |
| DNA | VADM Robert R. Monroe, USN, Director | LtCol William J. McGee, USA Public Affairs Officer |
| NSA | Wm. H. Jenkins Appellate, FOI/Privacy | Roy R. Banner Chief, Policy Staff |
| DCPA | Bardyl R. Tirana Director | Walter A. Girstantas Ass't Dir for Admin Services |

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Item 1

Initial Determinations Resulting in not
Providing all or a Portion of Record Requested

| <u>Reporting Activity</u> | <u>Total Demands</u> | | <u>Reasons</u> | | |
|---------------------------|----------------------------------|---------------------------------------|---|--------------|--------------|
| | <u>Completed Public Requests</u> | <u>Completed Reportable Requests*</u> | <u>Statutory Exemptions + Other = Total</u> | | |
| OSD/OJCS | 873 | 898 | 99 | 377 | 476 |
| DEPT ARMY | 19,884 | 19,884** | 1,174 | 821 | 1,995 |
| DEPT NAVY | 7,840 | 8,218 | 609 | 690 | 1,299 |
| DEPT AF | 22,270 | 23,748 | 853 | 2,020 | 2,873 |
| DCA | 75 | 97 | 5 | 9 | 14 |
| DCAA | 58 | 58 | 4 | 29 | 33 |
| DIA | 960 | 996 | 15 | 146 | 161 |
| DIS | 70 | 70 | 4 | 50 | 54 |
| DLA | 3,797 | 3,831 | 78 | 1,296 | 1,374 |
| DMA | 35 | 40 | 5 | 4 | 9 |
| DNA | 25 | 25 | 5 | 9 | 14 |
| NSA | 564 | 704 | 172 | 418 | 590 |
| DCPA | 15 | 15 | 6 | 7 | 13 |
| DoD Totals | 56,466 | 58,584 | 3,029 | 5,876 | 8,905 |

* A reportable request is that portion of an FOI request resulting in a single record or group of records pertaining to one general subject area being acted upon by one IDA who concludes that a single type of determination applies.

** Minimum figure since the Department of Army was unable to provide actual number of reportable requests which would be larger to some degree.

Item 2(a)

Exemptions Invoked on Initial Determinations

Exemptions by Number (552(a))

| Reporting Activity | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | Total |
|--------------------|------|-----|-----|-----|------|------|------|---|---|-------|
| OSD/OJCS | 42 | 1 | 4 | 1 | 30 | 14 | 7 | | | 99 |
| DEPT ARMY | 163 | 9 | 4 | 177 | 297 | 385 | 654 | | | 1,689 |
| DEPT NAVY | 34 | 10 | 15 | 56 | 90 | 135 | 292 | | | 632 |
| DEPT AF | 125 | 43 | 70 | 288 | 417 | 369 | 131 | | | 1,443 |
| DCA | 1 | | | 4 | | | | | | 5 |
| DCAA | | | | | 2 | 1 | 1 | | | 4 |
| DIA | 15 | 2 | 9 | | 2 | 3 | 1 | | | 32 |
| DIS | | | | | | | 5 | | | 5 |
| DLA | 1 | 2 | | 40 | 18 | 18 | 6 | | | 85 |
| DMA | 4 | | | | 1 | | 1 | | | 6 |
| DNA | 5 | | | | | | | | | 5 |
| NSA | 120 | 1 | 185 | 1 | 4 | 2 | 25 | | | 338 |
| DCPA | | | | 1 | 1 | 2 | 2 | | | 6 |
| DoD Totals | 510 | 68 | 287 | 568 | 862 | 929 | 1125 | | | 4,349 |
| Percent of Total | 11.7 | 1.5 | 6.5 | 13 | 19.8 | 21.3 | 25.8 | | | 100% |

Totals may not agree because of cases where two or more exemptions were cited.

Item 2(b)

Statutes Invoked on Initial Determinations*

| Statute | Number of Times by Agency | | | | | | | | | | | DoD Total | | |
|---------------------------|---------------------------|-----------|-----------|---------|-----|------|-----|-----|-----|-----|-----|-----------|-----|------|
| | OSD/OJCS | DEPT ARMY | DEPT NAVY | DEPT AF | DCA | DCAA | DIA | DIS | DLA | DMA | DNA | | NSA | DCFA |
| 18 U.S.C. 798 | | | | | | | | | | | 103 | | | 103 |
| 18 U.S.C. 1905 | 1 | 4 | 2 | 70 | | | | | | | | | | 77 |
| 50 U.S.C. 403 | | | | | | | 9 | | | | 114 | | | 123 |
| Public Law 86-36 | 2 | | | | | | | | | | 177 | | | 179 |
| Atomic Energy Act of 1954 | 1 | | | | | | | | | | | | | 1 |
| Agency Totals | 4 | 4 | 2 | 70 | | | 9 | | | | 394 | | | 483 |

* The Department of Defense General Counsel currently is compiling a listing of all statutes which may qualify for use of Exemption 3 by Agencies of this Department. When completed, it will be provided by separate cover in response to the recent request of the House Subcommittee on Government Information and Individual Rights of the Committee on Government Operations.

Item 2(c)

Other Reasons Cited on Initial Determinations

| Reporting Activity | Category* | | | | | Total |
|--------------------|--------------|--------------|------------|------------|------------|--------------|
| | 1 | 2 | 3 | 4 | 5 | |
| OSD/OJCS | 230 | 132 | 3 | 2 | 10 | 377 |
| DEPT ARMY | 314 | 315 | 40 | 133 | 19 | 821 |
| DEPT NAVY | 194 | 236 | 51 | 153 | 56 | 690 |
| DEPT AF | 235 | 1,312 | 149 | 222 | 102 | 2,020 |
| DCA | 2 | 6 | | | 1 | 9 |
| DCAA | 18 | 10 | | | 1 | 29 |
| DIA | 51 | 89 | 4 | 2 | | 146 |
| DIS | 5 | 39 | | 5 | 1 | 50 |
| DLA | 1,305 | 45 | 2 | 4 | | 1,356 |
| DMA | | 3 | | | 1 | 4 |
| DNA | 3 | 4 | 2 | | | 9 |
| NSA | 170 | 233 | 3 | 4 | 8 | 418 |
| DCPA | | 7 | | | | 7 |
| DoD Total | 2,527 | 2,431 | 254 | 525 | 199 | 5,936 |

- * 1. Transferred Request.
2. Lack of Records.
3. Failure of Requester to Reasonably Describe Record.
4. Other Failures by Requesters to Comply with Published Rules and/or Directives.
5. Request Withdrawn by Requester.
(See following page for description of each category.)

Description of Other Reasons

1. Transferred Request (Appeal):

This category applies when responsibility for making a determination or a decision on categories listed below is shifted from one Component to another Component/Agency.

2. Lack of Records:

This category covers situations wherein the requester is advised the agency has no record, or has no statutory obligation to create a record.

3. Failure of Requester to Reasonably Describe Record:

This category is specifically based on Section 552(a)(3)(A) of the FOIA.

4. Other Failures by Requesters to Comply with Published Rules and/or Directives:

This category is based on Section 552(a)(3)(B) of the FOIA and includes instances of failure to follow published rules concerning time, place, fees and procedures.

5. Request (Appeal) Withdrawn by Requester:

This category covers situations when the requester asks an agency to disregard the request (or appeal) or pursues the request outside FOIA channels.

Item 3

Initial Denial Officials by Participation
(Agency Reports List Names and Titles)

A. Exemption Denials

| Agency | Officials Authorized | Number of Officials Categorized by Instances of Participation | | | | | | Total Officials |
|------------------|----------------------|---|-----------|-----------|-----------|-----------|-----------|-----------------|
| | | Number of Instances | | | | | | |
| | | 1 | 2-3 | 4-5 | 6-10 | 11-40 | 41+ | |
| OSD/OJCS | 32 | 18 | 10 | 4 | 2 | 1 | 0 | 35 |
| DEPT ARMY | 15 | | 1 | | 2 | 8 | 7 | 18 |
| DEPT NAVY | 99 | 14 | 12 | 11 | 7 | 12 | 2 | 58 |
| DEPT AF | 111 | 26 | 10 | 3 | 6 | 11 | 8 | 64 |
| DCA | 1 | | | 1 | | | | 1 |
| DCAA | 7 | | 2 | | | | | 2 |
| DIA | 2 | 2 | 1 | | 1 | | | 4 |
| DIS | 1 | | | 1 | | | | 1 |
| DLA | 44 | 3 | 4 | 1 | 3 | 2 | | 13 |
| DMA | 27 | 5 | | | | | | 5 |
| DNA | 1 | | | 1 | | | | 1 |
| NSA | 1 | | | 1 | 1 | 1 | 1 | 4 |
| DCPA | 1 | | 1 | | | | | 1 |
| DoD Total | 342 | 68 | 41 | 23 | 22 | 35 | 18 | 207 |

- o 61% of the 342 IDAs authorized were involved in exemption denials.
- o 19% of the officials participated once.
- o 25% of the officials participated 2-10 times.
- o 15% of the officials participated 11 or more times.

Item 3

(Cont'd)

B. Other Authority Denials*

| Agency | Number of Officials Categorized by Instances of Participation | | | | | | | Total Officials |
|------------------|--|-----------|----------|-----------|-----------|----------|-----------|--------------------|
| | Number of Instances | | | | | | | |
| | 1 | 2-3 | 4-5 | 6-10 | 11-20 | 21-40 | 41+ | |
| OSD/OJCS | 8 | 8 | 2 | 1 | 1 | 2 | 1 | 23 |
| DEPT ARMY | | | 3 | 1 | 3 | | 4 | 11 |
| DEPT NAVY | 8 | 5 | 4 | 11 | 6 | 4 | 4 | 42 |
| DEPT AF** | | | | | | | | |
| DCA | | | | 1 | | | | 1 |
| DCAA** | | | | | | | | |
| DIA | 1 | | | | | | 1 | 2 |
| DIS | | | | | | | 1 | 1 |
| DLA | 2 | 2 | | 4 | | | 1 | 9 |
| DMA | 4 | | | | | | | 4 |
| DNA | | | | 1 | | | | 1 |
| NSA | | 2 | | | | | 3 | 5 |
| DCPA | | | | 1 | | | | 1 |
| DoD Total | 23 | 17 | 9 | 20 | 10 | 6 | 15 | 100 |

- o 23% of the officials participated once.
- o 46% of the officials participated 2-10 times.
- o 31% of the officials participated 11 or more times.

* Other category determination processing is not limited to statutory exemption denial authorities.

** Not reported by Department of Air Force or DCAA.

Item 4

Number of Appeals and Results

| Reporting Activity | Number of Appeals | | | Total |
|--------------------|-------------------|------------------------|------------------|------------|
| | <u>Granted</u> | <u>Granted in Part</u> | <u>Denied</u> | |
| OSD/OJCS | | | 5 (1) | 5 |
| DEPT ARMY | 4 | 22 | 76 | 102 |
| DEPT NAVY | 8 | 19 | 58 (10) | 85 |
| DEPT AF | 9 | 60 | 121 (11) | 190 |
| DCA | | | | |
| DCAA | | | | |
| DIA | 0 | 1 | 5 (1) | 6 |
| DIS | | | | |
| DLA | 3 | 5 | 6 (1) | 14 |
| DMA | | | | |
| DNA | | | | |
| NSA | 0 | 4 | 48 (6) | 52 |
| DCPA | | | | |
| DoD Totals | 24 | 111 | 319 (30)* | 454 |

* This number of determinations for other reasons (see Item 5(c)) is included in the Denied column. Total appeals denied by exemption equal 260.

Item 5(a)

Exemptions Invoked on Appeal Determinations

Exemptions by Number (552(a))

| Reporting Activity | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | Total |
|--------------------|------|-----|-----|----|-----|-----|----|---|---|-------|
| OSD/OJCS | 2 | | | | 2 | | | | | 4 |
| DEPT ARMY | 13 | 6 | 1 | 17 | 40 | 21 | 39 | 0 | 0 | 137 |
| DEPT NAVY | 5 | 2 | 0 | 12 | 19 | 22 | 13 | 0 | 0 | 73 |
| DEPT AF | 21 | 13 | 10 | 38 | 94 | 55 | 21 | 0 | 0 | 252 |
| DCA | | | | | | | | | | |
| DCAA | | | | | | | | | | |
| DIA | 5 | | 3 | | | | | | | 8 |
| DIS | | | | | | | | | | |
| DLA | | 1 | 1 | 7 | 1 | 3 | 3 | | | 16 |
| DMA | | | | | | | | | | |
| DNA | | | | | | | | | | |
| NSA | 40 | | 40 | | 3 | | | | | 83 |
| DCPA | | | | | | | | | | |
| DoD Totals | 86 | 22 | 55 | 74 | 159 | 101 | 76 | | | 573 |
| Percent of Total | 15.0 | 3.0 | 9.0 | 12 | 27 | 17 | 13 | | | 100% |

Item 5(b)

Statutes Invoked on Appeal Determinations

| Statute | Number of Times by Agency | | | | | | | | | | | | DoD Totals | |
|----------------------|---------------------------|-----------|-----------|---------|-----|------|-----|-----|-----|-----|-----|-----|---------------|------|
| | OSD/OJCS | DEPT ARMY | DEPT NAVY | DEPT AF | DCA | DCAA | DIA | DIS | DLA | DMA | DNA | NSA | | DCPA |
| Title 18 U.S.C. 798 | | | | | | | | | | | | 40 | | 40 |
| Title 50 U.S.C. 403 | | 1 | | | | | 4 | | | | | | | 5 |
| 18 U.S.C. 1905 | | | | 9 | | | | | | | | 40 | | 49 |
| Public Law 86-36 | | | | | | | | | | | | 40 | | 40 |
| 22 U.S.C. 1934 | | | | 1 | | | | | | | | | | 1 |
| Agency Totals | | 1 | | 10 | | | 4 | | | | | 120 | | 135 |

Item 5(c)

Other Reasons Cited on Appeal Determinations

| Reporting Activity | Category* | | | | | Total |
|--------------------|-----------|----------|----------|-----------|----------|-----------|
| | 1 | 2 | 3 | 4 | 5 | |
| OSD/OJCS | 1 | | | | | 1 |
| DEPT ARMY | | | | | | |
| DEPT NAVY | 7 | 1 | 2 | 0 | 0 | 10 |
| DEPT AF | 1 | 2 | 0 | 6 | 2 | 11 |
| DCA | | | | | | |
| DCAA | | | | | | |
| DIA | | 1 | | | | 1 |
| DIS | | | | | | |
| DLA | 1 | | | | | 1 |
| DMA | | | | | | |
| DNA | | | | | | |
| NSA | | 2 | | 4 | | 6 |
| DCPA | | | | | | |
| DoD Totals | 10 | 6 | 2 | 10 | 2 | 30 |

- * 1. Transferred Appeal.
 2. Lack of Records.
 3. Failure of Requester to Reasonably Describe Record.
 4. Other Failures by Requesters to Comply with Published Rules and/or Directives.

Item 6

Participation of Appellate Authorities
(those responsible for denials in whole or in part)

| <u>Name</u> | <u>Title</u> | <u>No. of Instances of Participation</u> | |
|---------------------------|--|--|--------------|
| | | <u>Exemptions</u> | <u>Other</u> |
| <u>OSD/OJCS</u> | | | |
| Thomas B. Ross | Assistant Secretary of Defense (Public Affairs) | 4 | 1 |
| <u>DEPT ARMY</u> | | | |
| Clifford L. Alexander | Secretary of the Army | 102 | |
| <u>DEPT NAVY</u> | | | |
| Harvey D. Wilcox | General Counsel | 1 | |
| Togo D. West, Jr. | General Counsel | 16 | |
| C. B. McDowell | Judge Advocate General | 29 | |
| W. O. Miller, RADM, USN | Judge Advocate General | 6 | |
| J. S. Jenkins, CAPT, USN | Assistant Judge Advocate General (Civil Law) | 14 | |
| W. D. Pfeiffer, CAPT, USN | Deputy Assistant Judge Advocate General | 7 | |
| <u>DEPT AF</u> | | | |
| Thomas W. Nelson | Administrative Assistant Secretary of the Air Force | 73 | |
| Eldon L. McColl | Deputy Administrative Assistant, Secretary of the Air Force | 29 | 2 |
| Robert W. Crittenden | Deputy Administrative Assistant, Secretary of the Air Force | 60 | 5 |
| Michael J. Barrett, Jr. | Chief, General Litigation Division, Office of the Judge Advocate General, Hq, USAF | | 1 |

Item 6
(Cont'd)

| <u>Name</u> | <u>Title</u> | <u>No. of Instances of Participation</u> | |
|---------------------------|---|--|--------------|
| | | <u>Exemptions</u> | <u>Other</u> |
| <u>DIA</u> | | | |
| H. R. Aaron, LtGen, USA | Deputy Director | 8 | 1 |
| <u>DLA</u> | | | |
| W. W. Vaughan, LtGen, USA | Director | 3 | |
| G. J. Post, LtGen, USAF | Director | 2 | |
| R. C. Gaskill, MGen, USA | Deputy Director | 3 | |
| Philip Crosby, RADM, USN | Deputy Director | 2 | |
| K. W. Kabeiseman | Counsel | 1 | 1 |
| <u>NSA</u> | | | |
| William H. Jenkins | Commandant, National Cryptologic School | 4 | |
| Daniel B. Silver | General Counsel | 42 | 6 |
| DoD Totals | | - | |
| | | <u>406</u> | <u>17</u> |

Item 7

Court Opinions and Action Taken

No court opinions or orders were issued against Department of Defense agencies in 1978 giving rise to a proceeding under Section 552(a)(4)(F) of Title 5, U.S.C.

Item 8

FOIA Implementation Rules or Regulations

| <u>Agency</u> | <u>Document Identification</u> | <u>Fed. Reg. Ref.</u> |
|---------------|---|--|
| DoD | DoD Directive 5400.7, 14 Feb 1975 | 40 F.R. No. 39 26 Feb 1975, pg. 8190 |
| OSD/OJCS | DoD Directive 5400.10, 6 Jan 1976 | To be published |
| DEPT ARMY | AR 340-17, Change #1, 24 Jan 1975 | 40 F.R. No. 40 27 Feb 1975, pg 8335 |
| DEPT NAVY | SECNAVINST 5720.42B, 13 Feb 1975 | 40 F. R. No. 56 21 Mar 75, pg 12776 |
| DEPT AF | AFR 12-30, 19 Feb 1975 *Interim Message Change 78-1 | 40 F. R. No. 37 24 Feb 75, pg 7901 (not published) |
| DCA | DCA Instruction 210-225-1, 31 Mar 1975 | 40 F. R. No. 70 10 Apr 75, pg 16203 |
| DCAA | DCAA Regulation 5410.5, 29 Aug 1977 | 42 F. R. No. 154 10 Aug 77, pg 40433 |
| DIA | DIA Regulation 12-39, 26 Jun 78 | 40 F. R. No. 34 19 Feb 75, pg 7292 |
| DIS | DIS Regulation 01-12, 14 Feb 1975 | 40 F. R. No. 34 19 Feb 75, pg 7289 |
| DLA | DLA Regulation 5400.14, 13 Feb 75 | 40 F. R. No. 34 19 Feb 75, pg. 7282 |
| DMA | DMA Instruction 5400.7A, 12 May 1975 | 40 F. R. No. 29 11 Feb 75, pg 6336 |
| DNA | DNA Instruction 5400.7, 22 May 1975 | 40 F. R. No. 124 26 Jun 75, pg 27025 |
| NSA | NSA/CSS Regulation 10-9 3 Mar 1975 | 40 F. R. No. 34 19 Feb 75, pg. 7303 |
| DCPA | DCPA Rules and Regulations | 40 F. R. No. 34 19 Feb 75, pg 10457 |

* Amendments to Rules or Regulations promulgated in 1978 (attached to respective agency reports).

Item 9

Fees Schedule and Fees Collected

The attached fee schedule, Enclosure 2, DoD Directive 5400.7, establishes standard costs collectable by DoD Agencies.

\$279,440 were collected from the public for making records available. (See Item 10B for agency totals.)

UNIFORM AGENCY FEES FOR SEARCH AND DUPLICATION UNDER
THE FREEDOM OF INFORMATION ACT AMENDMENTS
P. L. 93-502

Introduction

This enclosure describes fees for search and duplication. It is not intended to substitute for any schedule of fees or a policy of not to charge a fee established in connection with the issuance of publications or other materials in the routine course of business of a component.

SCHEDULE OF FEES

Duplication

Publications, Forms and Reports

Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

| | |
|---|---------|
| Minimum fee, per request | \$ 2.00 |
| plus | |
| Forms, per copy | .05 |
| Publications, per printed page | .01 |
| Microfiche, per fiche | .06 |
| Reports, per printed page | .05 |
| (Examples: Cost of 20 forms, \$3.00; cost of a printed publication with 100 pages, \$3.00; cost of a microfiche publication consisting of 10 fiche, \$2.60) | |

Office Copy Reproduction (when shelf stock is not available)

| | |
|---|---------|
| Minimum charge up to six reproduced pages | \$ 2.00 |
| Minimum charge, first fiche | 5.00 |
| Each additional page | .05 |
| Each additional fiche | .10 |

Other Issuances

| | |
|--|---------|
| Minimum charge up to six pages | \$ 2.00 |
| Each additional page | .05 |

SEARCH

| | |
|---|---------|
| Clerical search, per hour | \$ 5.50 |
| Minimum charge | 2.75 |
| Professional search (includes computer programmer time and review to determine whether a record comes within the scope of a request) per hour | 11.00 |
| Minimum charge | 5.50 |

Computer Service Charges

Computer service charges will be based on actual computer configuration used and be based on direct costs only of the Central Processing Unit, plus Input/Output Devices, plus Memory Capacity. Transportation costs of records and personnel arising from searches for requesting reports will be charged at actual cost.

Audiovisual Documentary Material

Service charges for audiovisual documentary materials will include clerical and professional search fees as listed above as well as the direct costs of reproducing the photography or tape and shipping or mailing charges. Audiovisual materials provided a requester under provisions of this Directive need not be in reproducible format or quality.

Waiver of Fees

1. In general, charges shall be waived or reduced when it is determined that release of a requested record primarily benefits the general public and, therefore, is in the public interest. Examples of common situations in which such a determination may be made include:

- a. The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare;
- b. Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

c. The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity;

d. The request emanates from a representative of the public information media seeking a reasonable number of records.

2. A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the component or his designee for purposes of final appeal.

Collections

1. Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to specified limit that covers anticipated costs.

2. Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

3. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval and he agrees to incur the costs of search.

Item 10A

Availability of Records

(New categories or segregable portions of records now being released)

Student Handbook, School of Medicine, Uniformed Services University
of Health Science - OSD/OJCS

Item 10 B

Calendar Year Costs and Fees Collected

| <u>Reporting Activity</u> | <u>Annual Cost*</u> | <u>Annual Fees Collected</u> |
|---------------------------|---------------------|------------------------------|
| OSD/OJCS | 591,238 | 4,817 |
| DEPT ARMY | 1,751,483 | 87,782 |
| DEPT NAVY | 948,977 | 70,121 |
| DEPT AF | 1,631,979 | 63,500 |
| DCA | 1,087 | 607 |
| DCAA | 62,294 | 839 |
| DIA | 198,292 | 12,599 |
| DIS | 1,033 | 40 |
| DLA | 285,535 | 38,957 |
| DMA | 1,486 | 163 |
| DNA | 1,674 | 15 |
| NSA | 523,528 | 0 |
| DCPA | 933 | 0 |
| <hr/> | | |
| DoD Total | 5,999,539 | 279,440 |

* Based on reporting procedures established March 16, 1977, to capture a "best estimate" cost of administering FOIA as amended. The attached cost outline provides a breakdown of costs by agency.

DOD REPORTING ACTIVITIES

| COST OUTLINE | OSD/OJCS | ARMY | NAVY | AF | DCA | DCAA | DIA |
|--|----------|-----------|---------|-----------|-------|--------|---------|
| I. Personnel Costs | | | | | | | |
| A. Estimated manyears | 23.25 | 72.84 | 24.92 | 80.66 | 0.0 | 1.14 | 3.17 |
| B. Cost of manyears (grades considered) | 422,257 | 1,186,125 | 475,621 | 974,281 | 0 | 44,807 | 97,110 |
| C. Cost of estimated manhours by category (fee schedule rates) | | | | | | | |
| (1) Search time | 6,877 | 48,348 | 40,620 | 40,912 | 351 | 572 | 9,289 |
| (2) Review & excising | 11,499 | 29,198 | 20,408 | 60,693 | 0 | 396 | 7,360 |
| (3) Coordination & approval | 3,384 | 27,825 | 46,322 | 79,332 | 0 | 1,010 | 1,641 |
| (4) Corres. & Form prep. | 1,179 | 12,730 | 25,104 | 39,676 | 143 | 333 | 218 |
| (5) Other activities | 1,536 | 16,824 | 78,090 | 36,149 | 0 | 786 | 33,528 |
| (6) Manhour cost total | 24,475 | 135,025 | 210,540 | 256,762 | 494 | 3,097 | 52,036 |
| D. Total of IB and IC | 446,732 | 1,321,150 | 686,071 | 1,231,042 | 494 | 47,904 | 149,146 |
| E. Overhead rate (25%) | 111,683 | 330,287 | 171,518 | 307,761 | 123 | 11,976 | 37,286 |
| F. Total of other costs | 558,415 | 1,651,437 | 857,589 | 1,538,804 | 617 | 59,880 | 186,432 |
| II. Other Case Related Costs | | | | | | | |
| A. Computer Search Time Costs | 2,591 | 9,272 | 8,437 | 8,455 | 142 | 0 | 0 |
| B. Reproduction Costs | 1,218 | 47,798 | 27,411 | 24,786 | 263 | 839 | 3,750 |
| C. Microfiche Reproduction | 0 | 2,114 | 5,911 | 1,579 | 0 | 0 | 110 |
| D. Cost of Printed Records | 1,264 | 2,720 | 9,518 | 13,666 | 65 | 0 | 7,350 |
| E. Total of Other Costs | 5,073 | 61,904 | 51,277 | 48,486 | 470 | 839 | 11,210 |
| III. Reporting Costs | | | | | | | |
| (1) Operational | 750 | 25,088 | 16,818 | 19,603 | 0 | 1,260 | 200 |
| (2) User | 1,050 | 188 | 13,413 | 416 | 0 | 0 | 0 |
| (3) Overhead (25% of (1) & (2)) | 450 | 6,319 | 7,558 | 5,111 | 0 | 315 | 50 |
| B. Other operating costs (voluntary reporting of items such as postal, travel, computer, etc.) | 25,500 | 6,547 | 2,322 | 19,559 | 0 | 0 | 400 |
| C. TOTAL | 27,750 | 38,142 | 40,111 | 44,689 | 0 | 1,575 | 650 |
| IV. Summary | | | | | | | |
| A. Total costs of I-III | 591,238 | 1,751,483 | 948,977 | 1,631,979 | 1,087 | 62,294 | 198,292 |
| B. Amount collected from public | 4,817 | 87,782 | 70,121 | 63,500 | 607 | 839 | 12,599 |

DOD REPORTING ACTIVITIES (cont'd)

| COST OUTLINE | DIS | DLA | DMA | DNA | NSA | DCPA | DoD Totals |
|--|-------|---------|-------|-------|---------|------|------------|
| I. Personnel Costs | | | | | | | |
| A. Estimated manyears | 0.0 | 8.08 | 0.0 | 0.0 | 5.37 | 0.0 | 219.43 |
| B. Cost of manyears (grades considered) | 0 | 142,348 | 0 | 0 | 132,329 | 0 | 3,474,878 |
| C. Cost of estimated manhours by category (fee schedule rates) | | | | | | | |
| (1) Search time | 123 | 18,747 | 124 | 94 | 42,367 | 82 | 208,506 |
| (2) Review & excising | 66 | 9,642 | 0 | 803 | 7,343 | 189 | 147,501 |
| (3) Coordination & approval | 174 | 18,121 | 227 | 204 | 0 | 160 | 178,401 |
| (4) Corres. & Form prep. | 120 | 4,361 | 18 | 82 | 0 | 73 | 84,037 |
| (5) Other activities | 106 | 6,399 | 433 | 97 | 0 | 92 | 174,140 |
| (6) Manhour cost total | 589 | 57,270 | 802 | 1,280 | 49,710 | 596 | 792,585 |
| D. Total of IB and IC | 589 | 199,618 | 802 | 1,280 | 182,039 | 596 | 4,267,463 |
| E. Overhead rate (25%) | 147 | 49,904 | 201 | 320 | 45,510 | 149 | 1,066,865 |
| F. Total of other costs | 736 | 249,522 | 1,003 | 1,600 | 227,549 | 745 | 5,334,329 |
| II. Other Case Related Costs | | | | | | | |
| A. Computer Search Time Costs | 279 | 19,767 | 63 | 0 | 293,979 | 0 | 342,985 |
| B. Reproduction Costs | 5 | 6,273 | 12 | 19 | 246 | 0 | 112,620 |
| C. Microfiche Reproduction | 0 | 4 | 10 | 0 | 0 | 0 | 9,728 |
| D. Cost of Printed Records | 0 | 4,359 | 67 | 0 | 0 | 11 | 39,020 |
| E. Total of Other Costs | 284 | 30,403 | 152 | 19 | 294,225 | 11 | 504,353 |
| III. Reporting Costs | | | | | | | |
| (.) Operational | 10 | 3,798 | 200 | 44 | 702 | 142 | 68,615 |
| (2) User | 0 | 326 | 65 | 0 | 165 | 0 | 15,623 |
| (3) Overhead (25% of (1) & (2)) | 3 | 1,031 | 66 | 11 | 217 | 35 | 21,166 |
| B. Other operating costs (voluntary reporting of items such as postal, travel, computer, etc.) | 0 | 455 | 0 | 0 | 670 | 0 | 55,453 |
| C. TOTAL | 13 | 5,610 | 331 | 55 | 1,754 | 177 | 160,857 |
| IV. Summary | | | | | | | |
| A. Total costs of I-III | 1,033 | 285,535 | 1,486 | 1,674 | 523,528 | 933 | 5,999,539 |
| B. Amount collected from public | 40 | 38,957 | 163 | 15 | 0 | 0 | - 279,440 |

Item 10 C

Time Limit Extensions by Agency

| Reporting Activity | I Unusual Circumstances | | | II & III Court Involvement | Total |
|--------------------|----------------------------|-----------|--------------|----------------------------------|------------|
| | Location | Volume | Consultation | | |
| OSD/OJCS | 3 | 3 | 2 | | 8 |
| DEPT ARMY | | | | | |
| DEPT NAVY | 30 | 35 | 24 | | 89 |
| DEPT AF | 55 | 10 | 195 | | 260 |
| DCA | | | | | |
| DCAA | 5 | 4 | 5 | | 14 |
| DIA | | 1 | | | 1 |
| DIS | | | | | |
| DLA | | | 3 | | 3 |
| DMA | | | | | |
| DNA | | | | | |
| NSA | | | 7 | | 7 |
| DCPA | | | | | |
| DoD Totals | 93 | 53 | 236 | | 382 |

Item 10 D

Internal Memoranda
(Including Directives not Published in Federal Register)

| <u>Reporting Activity</u> | <u>No. of Memoranda</u> | <u>No. Available to Public</u> |
|---------------------------|-------------------------|--------------------------------|
| OSD/OJCS | 4 | 4 |
| DEPT ARMY | | |
| DEPT NAVY | 3 | 3 |
| DEPT AF | | |
| DCA | | |
| DCA | | |
| DCAA | | |
| DIA | 1 | 1 |
| DIS | | |
| DLA | | |
| DMA | | |
| DNA | | |
| NSA | | |
| DCPA | | |
| <hr/> | | |
| DoD Totals | 8 | 8 |

Item 10E (Optional)

Other Information (Opinions) or Recommendations
on Administering FOIA

An area of particular concern is the potential for export to foreign countries of sensitive military technology. Since under the Freedom of Information Act (FOIA), neither proof of citizenship nor a reason for access are required, it is possible that foreign interests can gain access to sensitive military technology which does not qualify for exemption under the present Act.

Another problem concerns the proliferation of access statutes which duplicate and complicate service to the public. None of the other statutes would appear to provide access rights other than those already inherent in the FOIA.

The Freedom of Information Act is being used as a vehicle for obtaining public records when litigation with the Government is pending to circumvent the rules of boards or courts with respect to discovery of documents.

Another major problem concerns the lack of an adequate DoD education program for continuing orientation and training of all DoD personnel concerning FOIA/Privacy Act requirements and objectives. Although this area of concern was fully addressed last year under Item 11 (FOIA Instructional and Educational Efforts), the primary concern stems from the FY 1978 Congressional prohibition of DoD development of a Department-wide FOIA training program.

Item 11

FOIA Instructional and Educational Efforts

- DoD The Department continues to hold to the belief that long-term compliance with the spirit of the Freedom of Information Act depends on preserving a positive attitude regarding the public's legitimate access to DoD records. The training efforts described in the following paragraphs support this long-term compliance goal, but are constrained by the continued lack of resources. Education and training efforts remain the major DoD concern in the management of its Departmental programs implementing the Freedom of Information Act.
- OSD/OJCS During CY 1978, instruction to employees in the implementation of the FOIA Program within the Office of the Secretary of Defense and Organization of the Joint Chiefs of Staff continued to be augmented through discussions with program officials; notifications concerning Civil Service Commission FOIA courses; and a standard procedure to brief newly appointed program officials and other employees upon request. FOIA Program personnel continued to attend private sector FOIA conferences, symposia and seminars.
- DEPT ARMY Developed an Army Correspondence Training Course Program on Freedom of Information and Privacy Acts. (A copy is attached and listed in Item 10D.)
- DEPT NAVY Activities within this Department report that the workshops and seminars given by the Civil Service Commission are being utilized by personnel who coordinate the Freedom of Information Act Program. Also, FOIA briefings are conducted at subordinate activities by headquarters personnel on a periodic basis during command readiness inspections.
- DEPT AF Air Force is utilizing a 24-minute film designed to create an interest in and an understanding of the Freedom of Information Act. The film has received a wide viewing throughout the Air Force and will continue to be viewed. Personnel have attended FOIA Workshops sponsored by the U. S. Civil Service Commission.
- DCA DCA provides a 45-minute briefing to all newly assigned personnel on the FOI and the Privacy Act. The DCA Headquarters Counsel and Public Affairs Liaison Officer also assists in the educational process by briefing affected personnel concerning the requirements and implementation of the Act.

Item 11
(Cont'd)

- DCAA Semiannual executive conferences provide training to the Agency's executive staff. Each of the six regional offices hold periodic regional conferences, which provide FOIA training to Field Audit Office Managers. Regional FOIA Monitors hold on-site visits to train members of the Field Audit Office staff. The DCAA Records Administrator provides training and guidance to the Regional Directors, Regional FOIA Monitors, Field Audit Office Managers, and Headquarters staff. During calendar year 1978, the Records Administrator attended seminars sponsored by the U.S. Civil Service Commission and the "Litigation Under the Amended Federal FOIA" conference sponsored by the Center for National Security Studies.
- DIA Continued increase in participation by Command Elements in stressing importance of FOIA. Compliance with the Act is an item on the agenda of The Inspector General.
- DIS All incoming agents who receive formal instruction are advised of the provisions of the Act. Headquarters Staff personnel receive detailed on-the-job training and have attended Civil Service Commission courses on administration of the Act. Due to the mission and centralized organization of DIS, extensive formal training has not been necessary. Such training will be conducted when the Department of Defense training package is disseminated.
- DLA FOI instructional and educational efforts undertaken during the period of this report include: 4th Annual Seminar on FOIA/Privacy Act Litigation; Civil Service Course on FOIA/Privacy Act; Army Judge Advocate General's School Procurement Attorney's Course; periodic distribution of Department of Justice List of FOIA cases.
- DMA The bulk of DMA's effort with regard to employee training was directed toward dissemination of useful information to the greatest number of employees possible. This was accomplished by publication of articles concerning the Act in all DMA Headquarters and Component newspapers, bulletins, etc. In addition, copies of other relevant publications, such as Commanders Digest, were widely distributed throughout the Agency. DMA Headquarters and Component Counsel and Public Affairs Officers also assisted in the educational process by delivering briefings and lectures to affected personnel concerning the requirements and implementation of the Act.

Item 11
(Cont'd)

DNA

A mandatory annual briefing on Title 5 U.S.C. 552, as amended by Public Law 93-502, and DoD Directive 5400.7 is conducted for all assigned FOI representatives.

NSA

During calendar year 1978, three NSA/CSS employees involved in administering the FOIA attended the CSC course "Successful Implementation of the Freedom of Information Act and Privacy Act." Five NSA/CSS employees involved in administering the FOIA attended the annual "Openness in Government" seminar sponsored by the Federal Bar Association. Comprehensive briefings on the Freedom of Information and Privacy Acts were provided to our Office of Security Personnel. Individual briefings on the FOIA were given to various Agency employees throughout the year.