

DEPARTMENT OF DEFENSE



FREEDOM OF INFORMATION ACT PROGRAM CY 1981

SUMMARY OF THE REPORT TO CONGRESS

PREPARED BY:
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
(PUBLIC AFFAIRS)
DIRECTORATE FOR FREEDOM OF INFORMATION
AND SECURITY REVIEW

**CY 1981 FREEDOM OF INFORMATION ACT
ANNUAL REPORT
— Highlights —**

A total of 64,676 public requests for records under the Freedom of Information Act (FOIA) were processed during 1981 by the Department of Defense (DoD). This compares with an average annual case load of 49,804 for the years 1975-80, the reporting period since the Act was amended, and is roughly 30% above average. One thousand forty-nine cases required time limit extensions — 86 for location, 195 for volume, and 768 for consultation.

The Department initially granted over 80% of the requests. Of the 12,432 denials, 527 were appealed by the requesters; 78 appeals were fully granted, 169 partially granted, and 280 again rejected. Only 2 court opinions were issued relative to DoD's administration of the Act. Both involved the Defense Contract Audit Agency; one was voluntarily dismissed by the plaintiffs and a government motion for summary judgment was granted by the court in the other. These were the first court opinions involving DoD since 1975.

Of the initially denied requests, 1 of 9 was because continued classification was warranted; 1 of 3 because the record was an internal memorandum; 1 of 20 because of statutory exemption; 1 of 9 was considered proprietary data; 1 of 4 because the record involved investigatory data; and 1 of 6 involved personal privacy. In addition, 8,296 requests could not be fulfilled in whole or in part for other reasons, such as lack of record requested, transferral to another agency, or lack of specificity sufficient to identify the requested records.

Administrative costs associated with these requests were approximately \$7,603,707, somewhat more than the \$5,589,671 average for the 1975-80 period. The average cost of processing a single case has risen from \$112 (1975-80) to \$118 (1981). Fee collections for records provided to the public amounted to \$399,781.

Questions regarding this report should be addressed to the Director, Freedom of Information and Security Review, OASD (Public Affairs), the Pentagon, Washington, D.C. 20301.

**Department of Defense
Reporting Agencies under the Freedom of Information Act
(As of December 31, 1981)**

| Agency Abbreviation | Agency | Agency Head |
|--------------------------------|--|--------------------------------|
| OSD/OJCS | Office of the Secretary of Defense (Including the Organization of the Joint Chiefs of Staff) | Caspar W. Weinberger |
| Dept. Army | Secretary of the Army | John O. Marsh, Jr. |
| Dept. Navy | Secretary of the Navy | John Lehman |
| Dept. Air Force | Secretary of the Air Force | Verne Orr |
| DCA | Defense Communications Agency | LtGen W. J. Hilsman, USA |
| DCAA | Defense Contract Audit Agency | Charles O. Starrett, Jr. |
| DIA | Defense Intelligence Agency | LtGen James A. Williams, USA |
| DIS | Defense Investigative Service | Thomas J. O'Brien |
| DLA | Defense Logistics Agency | VAdm Eugene A. Grinstead, USN |
| DMA | Defense Mapping Agency | MGen Richard M. Wells, USA |
| DNA | Defense Nuclear Agency | LtGen Harry A. Griffith, USA |
| NSA/CSS | National Security Agency Central Security Service | LtGen Lincoln D. Faurer, USAF |
| CINCLANTCOM | Commander-in-Chief, Atlantic Command | Adm H. D. Train, USN |
| CINCEURCOM | Commander-in-Chief, U.S. European Command | Gen B. W. Rogers, USA |
| CINCPACOM | Commander-in-Chief, Pacific Command | Adm R. L. J. Long, USN |
| CINCREDCOM | Commander-in-Chief, U.S. Readiness Command | Gen D. A. Starry, USA |
| CINCSO | Commander-in-Chief, U.S. Southern Command | Adm William J. Crowe, Jr., USN |

**Department of Defense
FOI Appeal and Program Officials**

| Agency Abbreviation | Appellate Authority | Program Official |
|--------------------------------|---|---|
| OSD/OJCS | Henry E. Catto, Jr. Asst SecDef Public Affairs | Charles W. Hinkle Director, FOI and Security Review, OASD/PA |
| Dept. Army | General Counsel Secretary of the Army | W. A. Anderson Chief, Records Mgmt Division The Adjutant General Center |
| Dept. Navy | Judge Advocate General/ General Counsel for Secretary of the Navy | Gwendlyn R. Aitken PA/FOIA Coordinator Naval Records Division OPNAV |
| Dept. Air Force | Robert J. McCormick Admin Asst to the Secretary of the Air Force | Kip Ward OPR for Freedom of Information Documentation Systems Division |
| DCA | LtGen W. J. Hilsman, USA Director | John T. Whealen General Counsel |
| DCAA | Thomas E. Cleaver Asst Director, Resources (Acting) | Connie Miller Records Administrator |
| DIA | John Brock DIA Counsel | R. Herbert Holzbauer Deputy Director for Support |
| DIS | Thomas J. O'Brien Director | Dale L. Hartig Asst for Information |
| DLA | VADM Eugene A. Grinstead, USN, Director | Col R. F. McCormack, USA Staff Director, Administration |
| DMA | Edward Obloy General Counsel | Del Malkie Public Affairs Officer |
| DNA | LtGen Harry A. Griffith, USA, Director | LtCol Dale F. Keller, Jr., USA Public Affairs Officer |
| NSA/CSS | Ann Caracristi Deputy Director | Eugene F. Yeates Director of Policy |
| CINCLANTCOM | Henry E. Catto, Jr. Asst SecDef Public Affairs | Lt (JG) John Botek Internal Relations Officer |
| CINCEUCOM | Henry E. Catto, Jr. Asst SecDef Public Affairs | Frank Lane Records Mgmt & Privacy Officer |
| CINCPACOM | Henry E. Catto, Jr. Asst SecDef Public Affairs | Kazuo Kibota PACOM Records Manager |
| CINREDCOM | Henry E. Catto, Jr. Asst SecDef Public Affairs | LtCol Richard T. Petrio, USA Adjutant General |
| CINCISO | Henry E. Catto, Jr. Asst SecDef Public Affairs | CDR E. T. Lindberg, USN Assistant Legal Advisor |

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Item 1

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

| Reporting Activity | Total Demands | | Reasons | | | |
|--------------------|---------------------------|--------------------------------|----------------------|---|--------------|---------------|
| | Completed Public Requests | Completed Reportable Requests* | Statutory Exemptions | + | Other | = Total |
| OSD/OJCS | 1,679 | 2,882 | 176 | | 676 | 852 |
| DEPT ARMY | 31,467 | 31,467 | 1,571 | | 1,087 | 2,658 |
| DEPT NAVY | 6,141 | 6,896 | 654 | | 765 | 1,419 |
| DEPT AF | 17,641 | 21,066 | 1,255 | | 3,521 | 4,776 |
| DCA | 88 | 88 | 4 | | 2 | 6 |
| DCAA | 138 | 150 | 9 | | 94 | 103 |
| DIA | 1,022 | 1,060 | 95 | | 210 | 305 |
| DIS | 109 | 109 | 19 | | 49 | 68 |
| DLA | 5,557 | 5,569 | 151 | | 1,484 | 1,635 |
| DMA | 218 | 246 | 16 | | 29 | 45 |
| DNA | 107 | 155 | 18 | | 57 | 75 |
| NSA/CSS | 490 | 522 | 163 | | 317 | 480 |
| CINCLANTCOM | 0 | 0 | 0 | | 0 | 0 |
| CINCEUCOM | 6 | 13 | 5 | | 5 | 10 |
| CINCPACOM | 8 | 8 | 0 | | 0 | 0 |
| CINCREDCOM | 4 | 4 | 0 | | 0 | 0 |
| CINCSO | 1 | 1 | 0 | | 0 | 0 |
| DoD Totals | 64,676 | 70,236 | 4,136 | | 8,296 | 12,432 |

*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 Initial Denial Authority (IDA) who concludes that a single type of determination applies. Example: A single public request that requires the action of three IDAs in determining if a record under their jurisdiction is to be released would be counted as three reportable requests.

Item 2(a)

Exemptions Invoked on Initial Determinations

Exemptions by Number (552(b))

| Reporting Activity | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | Total* |
|-------------------------|------------|------------|------------|------------|--------------|------------|--------------|----------|----------|--------------|
| OSD/OJCS | 112 | 172 | 25 | 26 | 176 | 43 | 6 | 0 | 0 | 560 |
| DEPT ARMY | 166 | 6 | 1 | 159 | 486 | 285 | 870 | 0 | 0 | 1,973 |
| DEPT NAVY | 65 | 25 | 15 | 93 | 234 | 215 | 7 | 0 | 0 | 654 |
| DEPT AF | 102 | 67 | 81 | 254 | 612 | 373 | 451 | 0 | 0 | 1,940 |
| DCA | 2 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 5 |
| DCAA | 0 | 0 | 0 | 1 | 3 | 2 | 3 | 0 | 0 | 9 |
| DIA | 85 | 5 | 27 | 0 | 4 | 7 | 0 | 0 | 0 | 128 |
| DIS | 0 | 0 | 2 | 1 | 1 | 15 | 6 | 0 | 0 | 25 |
| DLA | 2 | 0 | 3 | 97 | 58 | 9 | 1 | 0 | 0 | 170 |
| DMA | 1 | 0 | 0 | 4 | 7 | 4 | 1 | 0 | 0 | 17 |
| DNA | 7 | 0 | 2 | 2 | 3 | 4 | 0 | 0 | 0 | 18 |
| NSA/CSS | 80 | 0 | 150 | 5 | 2 | 4 | 2 | 0 | 0 | 243 |
| CINCLANTCOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCEUCOM | 23 | 3 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 28 |
| CINCPACOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCREDCOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCSO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DoD Totals | 645 | 278 | 307 | 643 | 1,589 | 961 | 1,347 | 0 | 0 | 5,770 |
| Percent of Total | 11 | 5 | 5 | 11 | 28 | 17 | 23 | 0 | 0 | 100 |

*Totals may not agree with Item 1 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 | DIA | DIS | DLA | DNA | NSA/CSS | CINCEUCOM | |
| 5 U.S.C. 552(a) | | | 5 | | | | | | | | 5 |
| 18 U.S.C. 798 | 1 | | | | | | | 70 | | | 71 |
| 18 U.S.C. 1905 | | 35 | 1 | | | 2 | | 1 | | | 39 |
| 22 U.S.C. 2778 | | 1 | | | | | | | | | 1 |
| 26 U.S.C. 6103 | | | 1 | | | | | | | | 1 |
| 42 U.S.C. 2162 | | | | 3 | | | | | | 1 | 4 |
| 43 U.S.C. 2162 | 1 | | | | | | | | | | 1 |
| 50 U.S.C. 401 | | | 1 | | | | | | | | 1 |
| 50 U.S.C. 402 | | | | 1 | | | | 147 | | | 148 |
| 50 U.S.C. 403 | 4 | | 1 | 27 | | | | 73 | | | 105 |
| Atomic Energy Act of 1954 | 8 | | | | | | | 2 | | | 10 |
| Federal Rules of Criminal Procedures, Rule 6e | | | | | | 2 | | | | | 2 |
| International Traffic in Arms Regulation | | | | | | | 1 | | | | 1 |
| Public Law 86-36 | 14 | | | | | | | | | | 14 |
| Agency Totals | 28 | 36 | 8 | 5 | 27 | 2 | 3 | 2 | 291 | 1 | 403 |

*Total may not agree with 552(b)(3) exemptions because of cases where two or more statutes were cited.

Item 2(c)

Other Reasons Cited on Initial Determinations

| Reporting Activity | Category* | | | | | Total |
|--------------------|--------------|--------------|------------|------------|------------|--------------|
| | 1 | 2 | 3 | 4 | 5 | |
| OSD/OJCS | 393 | 208 | 44 | 14 | 17 | 676 |
| DEPT ARMY | 479 | 246 | 151 | 186 | 25 | 1,087 |
| DEPT NAVY | 348 | 241 | 44 | 86 | 46 | 765 |
| DEPT AF | 321 | 2,544 | 298 | 245 | 113 | 3,521 |
| DCA | 0 | 2 | 0 | 0 | 0 | 2 |
| DCAA | 53 | 33 | 2 | 2 | 4 | 94 |
| DIA | 15 | 144 | 32 | 16 | 3 | 210 |
| DIS | 22 | 20 | 0 | 7 | 0 | 49 |
| DLA | 1,401 | 63 | 3 | 5 | 12 | 1,484 |
| DMA | 5 | 20** | 1 | 1 | 2 | 29 |
| DNA | 24 | 26 | 7 | 0 | 0 | 57 |
| NSA/CSS | 5 | 144 | 0 | 120 | 48 | 317 |
| CINCLANTCOM | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCEUCOM | 2 | 3 | 0 | 0 | 0 | 5 |
| CINCPACOM | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCREDCOM | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCSO | 0 | 0 | 0 | 0 | 0 | 0 |
| DoD Totals | 3,068 | 3,694 | 582 | 682 | 270 | 8,296 |

*Types of Categories

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)

**Includes four determinations which cited DoDR 5400.7-R, Section 1, Paragraph 402(b)(3) as the basis for not providing mapping, charting, and geodesy products.

"OTHER REASONS" DESCRIBED

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 | Number of Officials Categorized by Instances of Participation | | | | | | | Total Officials* |
|-------------------|--|-----------|-----------|-----------|-----------|-----------|-----------|---------------------|
| | Officials Authorized | 1 | 2-3 | 4-5 | 6-10 | 11-40 | 41+ | |
| OSD/OJCS | 51 | 19 | 10 | 7 | 6 | 4 | 0 | 46 |
| DEPT ARMY | 20 | 1 | 2 | 3 | 4 | 7 | 7 | 24 |
| DEPT NAVY | 124 | 14 | 10 | 7 | 11 | 6 | 2 | 50 |
| DEPT AF | 94 | 34 | 18 | 10 | 10 | 14 | 8 | 94 |
| DCA | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| DCAA | 7 | 2 | 0 | 0 | 1 | 0 | 0 | 3 |
| DIA | 1 | 0 | 0 | 0 | 0 | 2 | 1 | 3 |
| DIS | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| DLA | 42 | 3 | 7 | 0 | 1 | 6 | 0 | 17 |
| DMA | 9 | 0 | 4 | 0 | 1 | 0 | 0 | 5 |
| DNA | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| NSA/CSS | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| CINCLANTCOM | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCEUCOM | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| CINCPACOM | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCREDCOM | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCSO | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DoD Totals | 358 | 73 | 51 | 28 | 35 | 41 | 20 | 248 |

*Total officials may exceed number authorized due to personnel turnover.

Item 3

**Initial Denial Officials by Participation
(Agency Reports List Names and Titles)
(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 | 11-40 | 41+ | |
| OSD/OJCS | 4 | 1 | 1 | 3 | 7 | 3 | 19 |
| DEPT ARMY | 0 | 0 | 0 | 3 | 1 | 4 | 8 |
| DEPT NAVY | 9 | 11 | 3 | 9 | 3 | 8 | 43 |
| DEPT AF | 0 | 0 | 0 | 0 | 0 | 0 | 0** |
| DCA | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DCAA | 0 | 2 | 1 | 2 | 1 | 1 | 7 |
| DIA | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| DIS | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| DLA | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DMA | 2 | 3 | 0 | 1 | 1 | 0 | 7 |
| DNA | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| NSA/CSS | 0 | 0 | 0 | 1 | 1 | 1 | 3 |
| CINCLANTCOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCEUCOM | 0 | 0 | 5 | 0 | 0 | 0 | 5 |
| CINCPACOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCREDCOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCSO | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DoD Totals | 15 | 17 | 10 | 19 | 14 | 20 | 95 |

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

**The Department of the Air Force does not process "other category" determinations as request denials. Statutory exemption denial authority not required for this category.

Item 4

Number of Appeals and Results

Number of Appeals

| Reporting Activity | Number of Appeals | | | Total |
|--------------------|-------------------|-----------------|------------|------------|
| | Granted | Granted in Part | Denied | |
| OSD/OJCS | 5 | 6 | 11 | 22 |
| DEPT ARMY | 27 | 60 | 67 | 154 |
| DEPT NAVY | 21 | 51 | 32 | 104 |
| DEPT AF | 13 | 37 | 148 | 198 |
| DCA | 0 | 0 | 0 | 0 |
| DCAA | 0 | 3 | 0 | 3 |
| DIA | 1 | 1 | 8 | 10 |
| DIS | 2 | 3 | 1 | 6 |
| DLA | 6 | 2 | 1 | 9 |
| DMA | 1 | 1 | 1 | 3 |
| DNA | 0 | 0 | 0 | 0 |
| NSA/CSS | 1 | 5 | 11 | 17 |
| CINCLANTCOM | 0 | 0 | 0 | 0 |
| CINCEUCOM | 0 | 0 | 0 | 0 |
| CINCPACOM | 0 | 0 | 0 | 0 |
| CINCREDCOM | 0 | 0 | 0 | 0 |
| CINCSO | 0 | 0 | 0 | 0 |
| DoD Totals | 77 | 169 | 280 | 526 |

Item 5(a)

Exemptions Invoked on Appeal Determinations

Exemptions by Number (552(b))

| Reporting Activity | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | Total* |
|-------------------------|-----------|-----------|-----------|-----------|------------|------------|-----------|----------|----------|------------|
| OSD/OJCS | 4 | 0 | 0 | 3 | 9 | 6 | 1 | 0 | 0 | 23 |
| DEPT ARMY | 18 | 4 | 2 | 19 | 51 | 32 | 33 | 0 | 0 | 159 |
| DEPT NAVY | 4 | 0 | 1 | 20 | 38 | 27 | 11 | 0 | 0 | 101 |
| DEPT AF | 13 | 6 | 31 | 55 | 101 | 48 | 30 | 0 | 0 | 284 |
| DCA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DCAA | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 |
| DIA | 9 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 11 |
| DIS | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 4 |
| DLA | 1 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 5 |
| DMA | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| DNA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NSA/CSS | 14 | 0 | 16 | 0 | 0 | 1 | 0 | 0 | 0 | 31 |
| CINCLANTCOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCEUCOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCPACOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCREDCOM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCSO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DoD Totals | 63 | 11 | 53 | 99 | 199 | 117 | 80 | 0 | 0 | 622 |
| Percent of Total | 10 | 2 | 8 | 16 | 32 | 19 | 13 | 0 | 0 | 100 |

*Totals do not agree with Item 4 because of cases where two or more exemptions were cited.

Item 5(b)

Statutes Invoked on Appeal Determinations

| Statute | Number of Times by Agency | | | | | DoD Total* |
|---------------------------|------------------------------|-----------|-----------|----------|-----------|---------------|
| | DEPT ARMY | DEPT NAVY | DEPT AF | DIA | NSA/CSS | |
| 5 U.S.C. 552(a) | | | 31 | | | 31 |
| 10 U.S.C. 3039 | 1 | | | | | 1 |
| 18 U.S.C. 793 | | | | | 1 | 1 |
| 18 U.S.C. 798 | | | | | 14 | 14 |
| 50 U.S.C. 403 | | | | 2 | 14 | 16 |
| Atomic Energy Act of 1954 | | 2 | | | | 2 |
| Executive Order 12065 | | 1 | | | | 1 |
| Agency Totals | 1 | 3 | 31 | 2 | 29 | 66 |

*Total may not agree with 552(b)(3) exemptions because of cases where two or more statutes were cited.

Item 5(c)

Other Reasons Cited on Appeal Determinations

| Reporting Activity | Category* | | | | | Total |
|--------------------|-----------|-----------|----------|-----------|-----------|------------|
| | 1 | 2 | 3 | 4 | 5 | |
| OSD/OJCS | 1 | 0 | 0 | 0 | 0 | 1 |
| DEPT ARMY | 22 | 10 | 0 | 5 | 0 | 37 |
| DEPT NAVY | 13 | 4 | 2 | 11 | 16 | 46 |
| DEPT AF | 13 | 0 | 0 | 0 | 0 | 13 |
| DCA | 0 | 0 | 0 | 0 | 0 | 0 |
| DCAA | 0 | 0 | 0 | 0 | 0 | 0 |
| DIA | 0 | 0 | 0 | 0 | 0 | 0 |
| DIS | 0 | 1 | 0 | 0 | 0 | 1 |
| DLA | 0 | 0 | 0 | 0 | 2 | 2 |
| DMA | 1 | 0 | 0 | 0 | 0 | 1 |
| DNA | 0 | 0 | 0 | 0 | 0 | 0 |
| NSA/CSS | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCLANTCOM | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCEUCOM | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCPACOM | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCREDCOM | 0 | 0 | 0 | 0 | 0 | 0 |
| CINCSO | 0 | 0 | 0 | 0 | 0 | 0 |
| DoD Totals | 50 | 15 | 2 | 16 | 18 | 101 |

*Types of Categories

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
 5. Request Withdrawn by Requester.
- See Page 5 for full description of "other reasons".

Item 6

**PARTICIPATION OF APPELLATE AUTHORITIES
(Those Responsible for Denials in Whole or in Part)**

| Name | Title | No. of Instances of Participation* |
|----------------------------------|--|---|
| <u>OSD/OJCS</u> | | |
| Henry E. Catto, Jr. | Assistant Secretary of Defense (Public Affairs) | 12 |
| Benjamin Welles | Principal Deputy ASD (Public Affairs) | 2 |
| Thomas F. Lambert | Principal Deputy ASD (Public Affairs) | 1 |
| John A. Goldsmith | Special Assistant to the ASD (Public Affairs) | 2 |
| <u>DEPT ARMY</u> | | |
| John O. Marsh, Jr. | Secretary of the Army | 127 |
| <u>DEPT NAVY</u> | | |
| Walter Skallerup, Jr. | General Counsel | 4 |
| Hugh O'Neill | Principal Deputy | 5 |
| Harvey J. Wilcox | Acting General Counsel | 9 |
| J.S. Jenkins, RADM, JAGC, USN | Judge Advocate General | 35 |
| J.J. McHugh, RADM, JAGC, USN | Acting Judge Advocate General | 30 |
| <u>DEPT AF</u> | | |
| Robert J. McCormick | Administrative Assistant, Secretary of the Air Force | 31 |
| Robert W. Crittenden | Deputy Administrative Assistant, Secretary of the Air Force | 154 |
| <u>DCAA</u> | | |
| Darrell J. Oyer | Assistant Director, Resources | 3 |

Item 6

**PARTICIPATION OF APPELLATE AUTHORITIES
(Those Responsible for Denials in Whole or in Part)
(Cont'd)**

| Name | Title | No. of Instances of Participation* |
|--------------------------------|--|---|
| <u>DIA</u> | | |
| R.X. Larkin, MGEN, USA | Acting Director | 2 |
| R.X. Larkin, MGEN, USA | Deputy Director | 5 |
| E.A. Burkhalter, RADM, USN | Deputy Director | 2 |
| <u>DIS</u> | | |
| Bernard J. O'Donnell | Director | 4 |
| <u>DLA</u> | | |
| G.J. Post, LTGEN, USAF | Director | 1 |
| Emmett W. Bowers, MGEN, USA | Deputy Director | 1 |
| Charles F. Drenz, BGEN, USA | Deputy Director, Acquisition Management | 1 |
| <u>DMA</u> | | |
| Edward J. Obloy | General Counsel | 2 |
| <u>NSA/CSS</u> | | |
| Ann Caracristi | Deputy Director | 16 |

*Includes only appeals denied in whole or in part. See Item 4, Page 8.

Item 7

Court Opinions and Action Taken

DCAA

Civil Action 81-0318. Voluntarily dismissed by the plaintiffs.

Civil Action 81-0531-A. Government motion for a summary judgment was granted by the court.

Item 8

FOIA IMPLEMENTATION RULES OR REGULATIONS

| Agency | Document Identification | Fed. Reg. Ref. |
|------------------|---|--|
| DoD | DoD Directive 5400.7, 24 Mar 1980 | 45 F.R. No. 84 29 Apr 1980, Pg 28323 |
| | DoD Regulation 5400.7R, Dec 1980 | 45 F.R. No. 236 5 Dec 1980, Pg 80502 |
| DEPT ARMY | AR 340-17, Change 2, 15 Nov 1979 | 40 F.R. No. 40 27 Feb 1975, Pg 12776 |
| DEPT NAVY | SECNAVINST 5720.42B, 13 Feb 1975 | 40 F.R. No. 56 21 Mar 1975, Pg 12776 |
| DEPT AF | AFR 12-30, 19 Feb 1975 | 40 F.R. No. 37 24 Feb 1975, Pg 7901 |
| | Interim Message Change 78-1 | Not Published |
| DCA | DCA Instruction 210-225-1, Change 1, 31 Mar 1975 | 40 F.R. No. 70 10 Apr 1975, Pg 16203 |
| DCAA | DCAA Regulation 5410.5, 29 Aug 1977, Change 1 | 42 F.R. No. 154 10 Aug 1977, Pg 40433 |
| | DCAA Manual 5410.6 | 42 F.R. No. 154 10 Aug 1977, Pg 40433 |
| DIA | DIA Regulation 12-39, 24 Aug 1981 | Publication Pending |
| DIS | DIS Regulation 01-12, 14 Feb 1975 | 40 F.R. No. 34 19 Feb 1975, Pg 7289 |
| DLA | DLA Regulation 5400.14, 2 Feb 1981 | 40 F.R. No. 34 6 Apr 1981, Pg 20541 |
| DMA | DMA Instruction 5400.7A, 12 May 1975 | 40 F.R. No. 29 11 Feb 1975, Pg 6336 |
| DNA | DNA Instruction 5400.7, 29 July 1980 | Not Published |
| NSA/CSS | NSA/CSS Regulation 10-9, 3 Mar 1975 | 40 F.R. No. 34 19 Feb 1975, Pg 7303 |

Item 9

**FEE SCHEDULE AND FEES
COLLECTED**

The attached fee schedule, reprinted from Chapter 6, DoD Regulation 5400.7-R, December 1980, establishes standard costs collectible by Department of Defense Agencies.

\$399,781 was collected from the public for making records available during the year 1981 (see Item 10B for Agency totals).

CHAPTER VI
FEE SCHEDULE
Section 1
GENERAL PROVISIONS

6-100 Application

The fees described in this chapter apply to FOIA requests. They reflect direct search and duplication costs, collection of which are permitted by the FOIA. They are neither intended to imply that fees must be charged in connection with providing information to the public in the routine course of business nor are they meant as a substitute for any other schedule of fees, such as DoD Instruction 7230.7 (reference (q)).

6-101 Fee Assessment

- a. Minimum fees shall not be charged.
- b. When direct search and duplication costs for a single FOIA request total less than \$30.00, fees should be waived automatically. The DoD Components, however, may set aside the automatic waiver provision when, on the basis of good evidence, the Component can demonstrate that waiver of fees is not in the public interest. Multiple requests from a single requester or from those acting in behalf of a single requester in an effort to take advantage of the waiver may create a situation in which waiver should be denied by the Component.
- c. Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis. The following circumstances, however, describe the most common circumstances in which waiver or reduction of fees are most likely to be warranted.
 1. No record is located or all records are denied. However, fee charges are appropriate if the requester insists upon a search and agrees to such fees after being informed that the search is likely to be nonproductive or that the records are all likely to be exempt from release.
 2. A record is voluntarily created to preclude an otherwise burdensome effort to provide voluminous amounts of available records including additional information not requested.
 3. The records are to be made available in response to a news media requester whose requests under this regulation are reasonable in scope and frequency.
 4. The record is for a nonprofit public interest group and the subject of the requested record is known to be of wide public interest, and furnishing the information can be considered as primarily benefiting the general public.
 5. A previous denial is reversed in whole or in part and the search and reproduction costs involved are not substantial.

6-102 Computation of Fees

The fee schedule contained in this chapter is used to compute the search and duplication costs associated with processing a given FOIA request. Search fees shall be computed based on time actually spent. Neither time-based nor dollar-based minimum charges for search and duplication are authorized.

Section 2
COLLECTION OF FEES AND FEE RATES

6-200 Collection of Fees

Collection of charges and fees need not be made in advance of rendering the service unless the costs are expected to exceed the fee waiver threshold and the requester has not indicated a willingness in writing to pay. It frequently is more practical to collect charges and fees at the time of providing the service or property to the recipient when the requester specifically states that the cost involved shall be acceptable or acceptable up to a specified limit that covers anticipated costs. Collection of fees in advance is an appropriate requirement only when the requester has not agreed in writing to pay the anticipated fee or has not honored previous commitments to pay fees that were owed an agency or component.

6-201 Search Fees

a. Manual Search

| <u>Type</u> | <u>Grade</u> | <u>Hourly Rate (\$)</u> |
|--------------|-----------------------|-------------------------|
| Clerical | E9/GS8 and below | 8 |
| Professional | 01-06/GS9-GS-15 | 16 |
| Executive | 07/GS16/ES1 and above | 26 |

b. Computer search is based on direct cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration.

c. Actual cost of transporting records or personnel to the search site may be included.

6-202 Duplication Fees

| <u>Type</u> | <u>Cost per Page (*)</u> |
|------------------|--------------------------|
| Printed Material | 01 |
| Office Copy | 10 |
| Microfiche | 25 |

6-203 Audiovisual Documentary Materials

Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

6-204 Other Records

Direct search and duplication cost for any record not described above shall be computed in the manner described for audiovisual documentary material.

Item 10A

**Availability of Records
(New Categories or segregable portions of records now being released)**

OSD/OJCS

Portions of the documents listed below were released during 1981 by the Office of the Director, Program Analysis and Evaluation:

- a. **Capabilities for Limited Contingencies in the Persian Gulf, 15 June 1979.**
- b. **The Growing U.S. Involvement in Iran, 22 January 1975.**
- c. **Draft Presidential Memoranda —**
 1. **Recommended FY 1965-1969 Strategic Retaliatory Forces, 6 December 1963**
 2. **Recommended FY 1966-1970 Program for Strategic Offensive Forces, Continental Air & Missile Defense Forces and Civil Defense, 3 December 1964**
 3. **Theater Nuclear Forces (4 memoranda, dated 1965, January 1966, January 1967, and January 1968)**
 4. **Recommended FY 1967-1971 Strategic Offensive and Defensive Forces, 1 November 1965, 9 November 1966, and 15 January 1968**
 5. **NATO Strategy and Force Structure, 7 January 1969**

Item 10 B

Calendar Year Costs and Fees Collected

| Reporting Activity | Annual Cost* | Annual Fees Collected |
|---------------------------|---------------------|------------------------------|
| OSD/OJCS | \$ 708,458 | \$ 5,960 |
| DEPT ARMY | 2,633,104 | 159,802 |
| DEPT NAVY | 897,650 | 85,801 |
| DEPT AF | 2,174,794 | 65,609 |
| DCA | 23,456 | 953 |
| DCAA | 106,670 | 4,737 |
| DIA | 149,221 | 3,061 |
| DIS | 5,605 | 162 |
| DLA | 357,908 | 70,111 |
| DMA | 5,487 | 0 |
| DNA | 9,810 | 0 |
| NSA/CSS | 490,343 | 2,793 |
| CINCLANTCOM | 0 | 0 |
| CINCEUCOM | 39,189 | 747 |
| CINCPACOM | 1,798 | 0 |
| CINCREDCOM | 161 | 0 |
| CINCSO | 53 | 45 |
| DoD Totals | \$7,603,707 | \$399,781 |

*Based on reporting procedures established March 16, 1977, to capture a "best estimate" cost of administering FOIA as amended. The cost outline on the following pages provides a breakdown by DoD reporting agencies.

CALENDAR YEAR COSTS AND FEES COLLECTED BY DOD REPORTING AGENCIES

| COST OUTLINE | | OSD/OJCS | DEPT ARMY | DEPT NAVY | DEPT AF | DCA | DCAA | DIA | DIS | DLA |
|--------------|---|-----------|-------------|-----------|-------------|----------|-----------|-----------|---------|-----------|
| I | Personnel Costs | | | | | | | | | |
| | A. Estimated Manyears* | 14.0 | 98.7 | 25.6 | 72.2 | .6 | 1.0 | 2.0 | 0 | 8.9 |
| | B. Manyear Costs (Grades Considered) | \$449,815 | \$1,702,897 | \$477,201 | \$1,227,718 | \$16,800 | \$ 78,828 | \$ 56,588 | \$ 0 | \$170,745 |
| | C. Estimated Manhour Costs by Category (Fee Schedule Rates)** | | | | | | | | | |
| | (1) Search Time | 12,665 | 77,753 | 44,286 | 97,972 | 506 | 5,504 | 10,151 | 347 | 23,075 |
| | (2) Review & Excising | 21,808 | 52,485 | 28,983 | 70,294 | 744 | 0 | 2,475 | 2,328 | 13,691 |
| | (3) Coordination & Approval | 8,082 | 51,812 | 36,193 | 105,190 | 192 | 0 | 2,767 | 582 | 13,213 |
| | (4) Correspondence/Forms Preparation | 2,056 | 27,472 | 22,345 | 62,558 | 12 | 0 | 1,485 | 253 | 12,653 |
| | (5) Other Activities | 3,020 | 38,148 | 19,901 | 55,022 | 0 | 0 | 8,170 | 330 | 5,528 |
| | MANHOUR COST TOTAL | 47,631 | 247,670 | 151,707 | 391,036 | 1,454 | 5,504 | 25,048 | 3,840 | 68,160 |
| | D. Total IB and IC | 497,446 | 1,950,567 | 628,908 | 1,618,794 | 18,254 | 84,332 | 81,636 | 3,840 | 238,905 |
| | E. Overhead (Computed at 25%) | 124,361 | 487,642 | 157,227 | 404,689 | 4,564 | 21,083 | 20,409 | 960 | 59,726 |
| | F. Total Personnel Costs | \$621,807 | \$2,438,209 | \$786,135 | \$2,023,443 | \$22,818 | \$105,415 | \$102,045 | \$4,801 | \$298,631 |
| II | Other Case-Related Costs | | | | | | | | | |
| | A. Computer Search Time | \$ 139 | \$ 44,671 | \$ 20,451 | \$ 22,504 | \$ 0 | \$ 0 | \$ 38,962 | \$ 18 | \$ 45,805 |
| | B. Reproduction | 5,217 | 92,351 | 34,850 | 46,483 | 638 | 283 | 417 | 521 | 6,102 |
| | C. Microfiche Reproduction | 34 | 5,373 | 2,887 | 1,679 | 0 | 0 | 436 | 0 | 478 |
| | D. Printed Records | 1,519 | 11,967 | 8,340 | 8,873 | 0 | 0 | 5,216 | 14 | 1,421 |
| | E. Total of Other Case-Related Costs | \$ 6,909 | \$ 154,362 | \$ 66,528 | \$ 79,539 | \$ 638 | \$ 283 | \$ 45,021 | \$ 553 | \$ 53,806 |
| III | Reporting/Other Costs | | | | | | | | | |
| | A. Reporting Costs | | | | | | | | | |
| | (1) Operational | \$ 2,262 | \$ 14,089 | \$ 18,374 | \$ 20,334 | \$ 0 | \$ 778 | \$ 1,724 | \$ 200 | \$ 3,156 |
| | (2) User | 3,150 | 1,609 | 14,448 | 1,474 | 0 | 0 | 0 | 0 | 61 |
| | (3) Overhead (Computed at 25%) | 1,353 | 3,925 | 8,206 | 5,452 | 0 | 194 | 431 | 50 | 804 |
| | B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.) | 72,977 | 20,910 | 3,959 | 44,552 | 0 | 0 | 0 | 0 | 1,450 |
| | C. Total Reporting/Other Costs | \$ 79,742 | \$ 40,533 | \$ 44,987 | \$ 71,812 | \$ 0 | \$ 972 | \$ 2,155 | \$ 251 | \$ 5,471 |
| IV | Summary | | | | | | | | | |
| | A. Total Costs, Sections I thru III | \$708,458 | \$2,633,104 | \$897,650 | \$2,174,794 | \$23,456 | \$106,670 | \$149,221 | \$5,605 | \$357,908 |
| | B. Amount Collected from the Public | \$ 5,960 | \$ 159,802 | \$ 85,801 | \$ 65,609 | \$ 953 | \$ 4,737 | \$ 3,061 | \$ 162 | \$ 70,111 |

*Personnel assigned full-time or part-time FOI duties.
**Personnel other than IB.

Note: Figures may not add due to rounding.

**CALENDAR YEAR COSTS AND FEES COLLECTED BY DOD REPORTING AGENCIES
(Cont'd)**

| COST OUTLINE | DMA | DNA | NSA/CSS | CINCEUR | CINCLANT | CINCPAC | CINCREC | CINCSSO | TOTALS |
|---|--------------|--------------|---------------|--------------|----------|------------|------------|-----------|----------------|
| I Personnel Costs | | | | | | | | | |
| A. Estimated Manyears* | 0 | 0 | 8.4 | 1.7 | 0 | .6 | 0 | 0 | 233.0 |
| B. Manyear Costs (Grades Considered) | \$ 0 | \$ 0 | \$215,058 | \$28,983 | \$0 | \$ 936 | \$ 0 | \$ 0 | \$4,425,569 |
| C. Estimated Manhour Costs by Category (Fee Schedule Rates)** | | | | | | | | | |
| (1) Search Time | 156 | 2,026 | 21,923 | 1,336 | 0 | 40 | 16 | 9 | 297,755 |
| (2) Review & Excising | 1,132 | 1,009 | 10,916 | 445 | 0 | 211 | 0 | 0 | 206,521 |
| (3) Coordination & Approval | 1,631 | 2,090 | 4 | 377 | 0 | 84 | 79 | 0 | 222,296 |
| (4) Correspondence/Forms Preparation | 638 | 844 | 73 | 44 | 0 | 32 | 32 | 24 | 130,521 |
| (5) Other Activities | 196 | 1,468 | 48 | 116 | 0 | 134 | 2 | 0 | 132,083 |
| MANHOUR COST TOTAL | 3,753 | 7,437 | 32,954 | 2,318 | 0 | 501 | 129 | 32 | 989,176 |
| D. Total IB and IC | 3,753 | 7,437 | 248,012 | 31,301 | 0 | 1,437 | 129 | 32 | 5,414,745 |
| E. Overhead (Computed at 25%) | 939 | 1,859 | 62,003 | 7,825 | 0 | 359 | 32 | 8 | 1,353,687 |
| F. Total Personnel Costs | \$4,692 | \$9,296 | \$310,005 | \$39,126 | \$0 | \$1,796 | \$161 | \$40 | \$6,768,430 |
| II Other Case-Related Costs | | | | | | | | | |
| A. Computer Search Time | \$ 11 | \$ 0 | \$176,601 | \$ 0 | \$0 | \$ 0 | \$ 0 | \$ 0 | \$ 349,152 |
| B. Reproduction | 37 | 178 | 1,343 | 56 | 0 | 2 | 0 | 7 | 188,485 |
| C. Microfiche Reproduction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 10,893 |
| D. Printed Records | 12 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 37,372 |
| E. Total of Other Case-Related Costs | \$ 60 | \$ 188 | \$177,944 | \$ 56 | \$0 | \$ 2 | \$ 0 | \$13 | \$ 585,902 |
| III Reporting/Other Costs | | | | | | | | | |
| A. Reporting Costs | | | | | | | | | |
| (1) Operational | \$ 538 | \$ 260 | \$ 1,404 | \$ 0 | \$0 | \$ 0 | \$ 0 | \$ 0 | \$ 63,119 |
| (2) User | 50 | 0 | 144 | 6 | 0 | 0 | 0 | 0 | 20,942 |
| (3) Overhead (Computed at 25%) | 147 | 66 | 388 | 1 | 0 | 0 | 0 | 0 | 21,017 |
| B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.) | 0 | 0 | 448 | 0 | 0 | 0 | 0 | 0 | 144,296 |
| C. Total Reporting/Other Costs | \$ 735 | \$ 326 | \$ 2,384 | \$ 7 | \$0 | \$ 0 | \$ 0 | \$ 0 | \$ 249,375 |
| IV Summary | | | | | | | | | |
| A. Total Costs, Sections I thru III | \$5,487 | \$9,810 | \$490,343 | \$39,189 | \$0 | \$1,798 | \$161 | \$53 | \$7,603,707 |
| B. Amount Collected from the Public | \$ 0 | \$ 0 | \$ 2,793 | \$ 747 | \$0 | \$ 0 | \$ 0 | \$45 | \$ 399,781 |

*Personnel assigned full-time or part-time FOI duties.
**Personnel other than IB.

Note: Figures may not add due to rounding.

Item 10 C

Time Limit Extensions by Agency

| Reporting Activity | I Unusual Circumstances | | | II & III Court Involvement | TOTAL |
|--------------------|----------------------------|------------|--------------|----------------------------------|--------------|
| | Location | Volume | Consultation | | |
| OSD/OJCS | 20 | 60 | 518 | 0 | 598 |
| DEPT ARMY | 0 | 0 | 0 | 0 | 0 |
| DEPT NAVY | 17 | 65 | 4 | 0 | 86 |
| DEPT AF | 42 | 40 | 211 | 0 | 293 |
| DCA | 0 | 0 | 0 | 0 | 0 |
| DCAA | 0 | 17 | 18 | 0 | 35 |
| DIA | 3 | 5 | 0 | 0 | 8 |
| DIS | 0 | 3 | 6 | 0 | 9 |
| DLA | 0 | 0 | 2 | 0 | 2 |
| DMA | 0 | 0 | 2 | 0 | 2 |
| DNA | 0 | 5 | 7 | 0 | 12 |
| NSA/CSS | 0 | 0 | 0 | 0 | 0 |
| CINCLANTCOM | 0 | 0 | 0 | 0 | 0 |
| CINCEUCOM | 4 | 0 | 0 | 0 | 4 |
| CINCPACOM | 0 | 0 | 0 | 0 | 0 |
| CINREDCOM | 0 | 0 | 0 | 0 | 0 |
| CINCSO | 0 | 0 | 0 | 0 | 0 |
| DoD Totals | 86 | 195 | 768 | 0 | 1,049 |

Item 10 D

**Internal Memoranda
(Including Directives not Published in Federal Register)**

| Reporting Activity | No. of Memoranda | No. Available to Public |
|--------------------|------------------|-------------------------|
| OSD/OJCS | 6 | 6 |
| DEPT ARMY | 0 | 0 |
| DEPT NAVY | 2 | 2 |
| DEPT AF | 0 | 0 |
| DCA | 0 | 0 |
| DCAA | 0 | 0 |
| DIA | 0 | 0 |
| DIS | 0 | 0 |
| DLA | 0 | 0 |
| DMA | 1 | 1 |
| DNA | 1 | 1 |
| NSA/CSS | 0 | 0 |
| CINCLANTCOM | 0 | 0 |
| CINCEUCOM | 2 | 2 |
| CINCPACOM | 0 | 0 |
| CINCREDCOM | 0 | 0 |
| CINCSO | 0 | 0 |
| DoD Totals | 12 | 12 |

Item 10E (Optional)

**Other Information (Opinions) or Recommendations on
Administering FOIA**

The Department of Defense continues to support the Administration's proposed amendments to the Freedom of Information Act. These amendments would stop the misuse of the Act in ways that are inconsistent with the original objective of the Congress, remedy some of the shortcomings in the current Act, improve procedures for the disclosure of information, and give broader protection to certain types of information. The amendments, in our opinion, remedy the problems that have been identified while preserving the Act as an effective tool to keep the American public as informed as possible about the operations of its government.

Of the 1679 requests received in the Office of the Secretary of Defense, the following table categorizes the requesters by percentage of total case load:

| <u>Category</u> | <u>Percentage</u> |
|------------------|-------------------|
| Business Firms | 23 |
| Congress | .5 |
| Foreign | 4 |
| Individual | 32 |
| Law Firms | 18 |
| News Media | 7 |
| Research | 7 |
| Special Interest | 6 |
| Students | 1 |
| Other | 1.5 |
| | <u>100.0</u> |

FOIA INSTRUCTIONAL AND EDUCATIONAL EFFORTS

- DoD** The lack of funds for a Department-wide training/educational program continues as a major concern and hampers the overall effectiveness and management of the DoD FOIA Program. The programmed rotation of personnel in key positions and normal rotation of other personnel demand some training/educational efforts. Components are directed, within their available resources, to conduct their own training/educational programs. The educational programs are to be targeted toward all members of the Component, developing a general understanding and appreciation of the DoD FOIA Program, whereas the training programs are to be focused toward those personnel who are involved in the day-to-day processing of FOI requests. The overall training/educational objective is being obtained and the Components' efforts are essential in maintaining the level of expertise to efficiently administer the Defense program.
- OSD/OJCS** Newly assigned personnel in the FOIA Program Director's Office attend conferences sponsored by OPM and other organizations. Briefings, orientations, and staff visits between Component Agencies encourage the participation of FOI personnel to attend FOI conferences, symposia and seminars presented by Federal and private organizations. This type of training received by OSD and OJCS personnel is key to the overall success of the OSD/OJCS Program.
- DEPT ARMY** The Department of the Army FOIA coordinators inform Army personnel of the provisions of the Act on a continual basis. FOIA points of contact are available throughout the Army at all times to answer questions, provide guidance and resolve problems concerning the Act. Personnel responsible for administering the FOIA Program attend FOIA seminars and workshops throughout the year.
- DEPT NAVY** The Department of the Navy's training efforts in FOIA have been minimal. Periodic briefings are conducted at naval commands to alert personnel of policy changes as applicable, and to familiarize newly assigned personnel who may participate in the processing of FOIA requests. A representative from the Office of General Counsel participated in various naval procurement seminars and presented comprehensive briefings to Navy contract and procurement specialists. DODCI courses dealing with the management concerns of Automated Information Systems are attended regularly by ADP managers and technicians. The Navy Finance Center has recently begun to publish in its periodical "Shore Talk" a series of articles concerning current FOIA/PA issues, and how those issues could affect disbursing officers, payroll clerks, etc. Despite lack of funds for a comprehensive DoD-wide training package, this Department is designing a training package to be incorporated into its FOIA directive. However, it will be general in nature and provide only an overview of the various levels of the Act. It will not be customized to the various levels of personnel and their functional areas of responsibility.

**FOIA INSTRUCTIONAL AND EDUCATIONAL EFFORTS
(Cont'd)**

- DEPT AF** Air Force has 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. The FOIA instructions and education are disseminated via policy and guidance letters, news bulletin items, base newspapers, and question and answer papers.
- DCA** DCA provides a 45-minute briefing to all newly assigned personnel of the FOI and Privacy Acts. The DCA Headquarters General Counsel and Public Affairs Officer also assist in the educational process by briefing and providing guidance to affected personnel and action officers concerning the requirements of the Act.
- DCAA** Responsible individuals in all regional offices, Headquarters principal staff elements and Field Audit Managers have access to the Headquarters FOIA program manager for purposes of clarifying understanding of Agency-wide policies and procedures, obtaining additional guidance, as well as discussing real or hypothetical situations for purposes of expanding knowledge. Newly assigned Regional Records Management Officers and FOIA Coordinators are provided an 8-hour training and orientation in FOIA policies and procedures at DCAA Headquarters.
- DIA** The briefing of new coordinators and analysts directly involved in administering actions connected with the FOIA is accomplished on an "as requested" basis. This applies especially to classification reviews and the application of exemptions affiliated with the Act.
- DIS** All new DIS agents receive formal instruction regarding the provisions of the Act and its implementation by DIS. Headquarters personnel have received detailed on-the-job training and they present training programs to all other field and staff elements as needed. Extensive formal training has not been necessary due to the centralized organization of the FOIA mission in DIS.
- DLA** Individuals assigned FOIA responsibility participated in two seminars: "Litigation Under FOIA & PA (Center of National Securities Studies)" (7th Annual) and "Your Business, Your Trade Secrets, and Your Government."
- DMA** Individuals newly assigned FOIA responsibility will attend FOIA workshops. The Assistant General Counsel briefed personnel at a Public Affairs Conference on their new responsibilities concerning FOIA.
- DNA** Individuals within the Agency responsible for the release of information are kept current by applicable regulations, Agency policy and current court cases which are circulated routinely.
- NSA/CSS** Two members of the FOI processing unit attended a Department of Justice seminar on Information Law.