

# DEPARTMENT OF DEFENSE



## FREEDOM OF INFORMATION ACT PROGRAM CY 1984

### 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 1984 FREEDOM OF INFORMATION ACT ANNUAL REPORT Highlights**

A total of 71,345 public requests for records under the Freedom of Information Act (FOIA) were processed during 1984 by the Department of Defense (DoD). This compares with an average annual case load of 62,897 for the years 1975-83, the reporting period since the act was amended, and is roughly 13% above average. Three thousand two hundred ninety-one cases required time limit extensions—89 for location, 547 for volume, and 2,655 for consultation.

The Department initially granted over 79% of the requests. There were 5,439 requests denied on the basis of FOIA exemptions. Of these initially denied requests, 1 of 5 was because continued classification was warranted; 1 of 5 was because the record requested was an internal memorandum; 1 of 20 was because of statutory exemption; 1 of 8 was because the information requested was considered proprietary data; 1 of 5 was because the record requested involved investigatory data; and 1 of 5 was because information requested involved personal privacy. An additional 8,954 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. There were 830 appeals of denied requests; 77 appeals were fully granted, 141 partially granted, and 612 again rejected.

Administrative costs associated with these requests were approximately \$10,788,581, somewhat more than the \$6,616,638 average for the 1975-83 period. The average cost of processing a single case has risen from \$105 (1975-83) to \$151 (1984). Fee collections for records provided to the public amounted to \$505,173.

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**

<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)	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.D. Powers, USAF
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	LtGen Donald M. Babers, USA
DMA	Defense Mapping Agency	RAAdm E.A. Wilkinson, Jr., USN
DNA	Defense Nuclear Agency	LtGen Richard K. Saxer, USAF
NSA/CSS	National Security Agency Central Security Service	LtGen Lincoln D. Faurer, USAF
CINCLANTCOM	Commander-in-Chief, Atlantic Command	Adm Wesley L. McDonald, USN
CINCEUCOM	Commander-in-Chief, U.S. European Command	Gen B. W. Rogers, USA
CINCPACOM	Commander-in-Chief, Pacific Command	Adm William J. Crowe, Jr., USN
CINCREDCOM	Commander-in-Chief, U.S. Readiness Command	Gen Wallace H. Nutting, USA
CINCISO	Commander-in-Chief, U.S. Southern Command	Gen Paul F. Gorman, USA
CINCCENTCOM	Commander-in-Chief, U.S. Central Command	LtGen Robert C. Kingston, USA

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

<b>Agency Abbreviation</b>	<b>Appellate Authority</b>	<b>Program Official</b>
OSD/OJCS	Michael I. Burch Asst SecDef Public Affairs	W.M. McDonald 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	Gwendolyn 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.D. Powers, USAF Director	John T. Whealen General Counsel
DCAA	John H. van Santen Asst Director, Resources	Connie Miller Records Administrator
DIA	LtGen James A. Williams, USA Director	Peter Park FOIA Officer
DIS	Thomas J. O'Brien Director	Dale L. Hartig Chief, Information/Public Affairs
DLA	LtGen Donald M. Babers, USA Director	Col G.A. White, USAF Staff Director, Administration
DMA	Edward Obloy General Counsel	Del Malkie Director, Public Affairs
DNA	LtGen Richard K. Saxer, USAF, Director	LtCol Dale F. Keller, Jr., USA Public Affairs Officer
NSA/CSS	Robert E. Rich Deputy Director	Julia B. Wetzel Director of Policy
CINCLANTCOM	Michael I. Burch Asst SecDef Public Affairs	Capt O. J. Resweber, USN Internal Relations Officer
CINCEUCOM	Michael I. Burch Asst SecDef Public Affairs	David K. Swiney Administrator
CINCPACOM	Michael I. Burch Asst SecDef Public Affairs	Maj Leon R. Raabe Chief, Administrative & Security Program's Division
CINCREDCOM	Michael I. Burch Asst SecDef Public Affairs	Ms. G.T. Gentry FOIA Officer
CINCSO	Michael I. Burch Asst SecDef Public Affairs	LtCol Richard A. Novak, USAF Deputy Legal Advisor
CINCCENTCOM	Michael I. Burch Asst SecDef Public Affairs	Maj Glenn H. Smallwood, USAF Deputy Adjutant General

## CONTENTS

	Page
Item 1 — Initial Determinations Resulting in not Providing All or a Portion of Record Requested	1
Item 2 — Initial Determinations	
A. Exemptions Invoked	2
B. Statutes Invoked	3
C. Other Reasons	4
(Description of "Other Reasons")	5
Item 3 — Initial Denial Officials by Participation	
A. Exemption Denials	6
B. Other Authority Denials	7
Item 4 — Number of Appeals and Results	8
Item 5 — Appeal Determinations	
A. Exemptions Invoked	9
B. Statutes Invoked	10
C. Other Reasons	11
Item 6 — Participation of Appellate Authorities	12
Item 7 — Court Opinions and Action Taken	14
Item 8 — FOIA Implementation Rules and Regulations	15
Item 9 — Fees Schedule and Fees Collected	16
Item 10 — Administrative Efforts	
A. Availability of Records	19
B. Calendar Year Costs and Fees Collected	20
C. Time Limit Extensions by Agency	23
D. Internal Memoranda (number and availability)	24
E. Other Information or Recommendations on Administering FOIA	25
Item 11 — FOIA Instructional and Education Efforts	26

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	1,837	3,556	395		773	1,168
DEPT ARMY	23,556	24,734	1,726		1,478	3,204
DEPT NAVY	16,502	18,663	1,026		2,676	3,702
DEPT AF	17,588	19,990	1,664		3,040	4,704
DCA	198	198	3		0	3
DCAA	135	186	13		111	124
DIA	1,070	1,135	174		184	358
DIS	164	164	28		56	84
DLA	9,456	11,611	107		313	420
DMA	143	148	19		41	60
DNA	131	180	34		35	69
NSA/CSS	459	495	221		210	431
CINCLANTCOM	25	25	4		14	18
CINCEUCOM	7	9	4		3	7
CINCPACOM	51	53	16		8	24
CINCREDCOM	8	8	0		3	3
CINCSSO	7	16	4		9	13
CINCCENTCOM	8	8	1		0	1
<b>DoD Totals</b>	<b>71,345</b>	<b>81,179</b>	<b>5,439</b>		<b>8,954</b>	<b>14,393</b>

\*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	246	4	26	26	112	47	54	0	0	515
DEPT ARMY	349	32	2	179	287	456	513	0	0	1,818
DEPT NAVY	73	24	2	212	231	420	296	0	0	1,258
DEPT AF	253	60	43	282	666	497	416	0	0	2,217
DCA	0	3	0	0	0	0	0	0	0	3
DCAA	0	0	0	4	3	3	3	0	0	13
DIA	188	3	10	9	7	4	3	0	0	224
DIS	0	5	0	1	3	19	0	0	0	28
DLA	1	4	0	75	18	9	0	0	0	107
DMA	6	1	0	10	2	2	0	0	0	21
DNA	8	3	10	11	2	0	0	0	0	34
NSA/CSS	104	0	206	5	17	10	8	0	0	350
CINCLANTCOM	4	0	0	0	1	1	0	0	0	6
CINCEUCOM	4	0	0	0	0	0	0	0	0	4
CINCPACOM	16	0	0	0	0	0	0	0	0	16
CINCREDCOM	0	0	0	0	0	0	0	0	0	0
CINCISO	4	0	0	0	0	0	0	0	0	4
CINCCENTCOM	1	0	0	0	0	0	0	0	0	1
<b>DoD Totals</b>	<b>1,257</b>	<b>139</b>	<b>299</b>	<b>814</b>	<b>1,349</b>	<b>1,468</b>	<b>1,293</b>	<b>0</b>	<b>0</b>	<b>6,619</b>
<b>Percent of Total</b>	<b>19</b>	<b>2</b>	<b>5</b>	<b>12</b>	<b>20</b>	<b>22</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>100</b>

\*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	DNA		NSA/CSS
5 U.S.C. 552a	1					4	5	
10 U.S.C. 140				1			1	
17 U.S.C. 101		1					1	
17 U.S.C. 106				1			1	
18 U.S.C. 798				4			79	
18 U.S.C. 1905				30			30	
18 U.S.C. 3771			2				2	
22 U.S.C. 2278				1			1	
42 U.S.C. 2162	1			1			2	
50 U.S.C. 402				5			206	
50 U.S.C. 403	1				10		89	
Public Law 86-36	10						10	
Atomic Energy Act of 1954	7					6	13	
National Security Act of 1947	6	1					7	
<b>Agency Totals</b>	<b>26</b>	<b>2</b>	<b>2</b>	<b>43</b>	<b>10</b>	<b>10</b>	<b>374</b>	<b>467</b>

\*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	420	275	34	11	33	773
DEPT ARMY	658	313	157	337	13	1,478
DEPT NAVY	1,558	580	99	173	266	2,676
DEPT AF	614	1,625	237	290	274	3,040
DCA	0	0	0	0	0	0
DCAA	72	27	6	0	6	111
DIA	23	121	36	1	3	184
DIS	6	35	1	11	3	56
DLA	41	182	36	1	53	313
DMA	15	20	2	1	3	41
DNA	11	16	0	5	3	35
NSA/CSS	1	55	1	133	20	210
CINCLANTCOM	1	13	0	0	0	14
CINCEUCOM	1	0	2	0	0	3
CINCPACOM	0	7	1	0	0	8
CINCREDCOM	1	2	0	0	0	3
CINCISO	1	8	0	0	0	9
CINCCENTCOM	0	0	0	0	0	0
<b>DoD Totals</b>	<b>3,423</b>	<b>3,279</b>	<b>612</b>	<b>963</b>	<b>677</b>	<b>8,954</b>

## \*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)

## **"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	17	10	5	5	11	1	49
DEPT ARMY	21	1	3	1	2	6	11	24
DEPT NAVY	315	27	18	11	18	15	5	94
DEPT AF	108	28	19	5	16	26	11	105
DCA	2	0	1	0	0	0	0	1
DCAA	7	0	1	2	0	0	0	3
DIA	1	0	0	1	0	1	1	3
DIS	1	0	0	0	0	1	0	1
DLA	35	12	3	6	4	3	0	28
DMA	10	3	1	1	1	0	0	6
DNA	1	0	0	0	0	1	0	1
NSA/CSS	1	2	2	0	0	1	2	7
CINCLANTCOM	1	0	0	1	0	0	0	1
CINCEUCOM	1	0	0	1	0	0	0	1
CINCPACOM	1	0	0	0	0	1	0	1
CINCREDCOM	2	0	1	0	0	0	0	1
CINCSO	54	2	1	0	0	0	0	3
CINCCENTCOM	1	1	0	0	0	0	0	1
<b>DoD Totals</b>	<b>613</b>	<b>93</b>	<b>60</b>	<b>34</b>	<b>46</b>	<b>66</b>	<b>31</b>	<b>330</b>

\*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	5	2	2	7	10	5	31
DEPT ARMY	0	2	0	6	3	5	16
DEPT NAVY	9	18	12	15	15	15	84
DEPT AF	0	1	0	3	7	10	21
DCA	0	0	0	0	0	0	0
DCAA	0	2	0	3	1	1	7
DIA	0	0	0	0	0	2	2
DIS	0	0	0	0	0	1	1
DLA	6	3	0	1	6	1	17
DMA	4	0	1	0	2	0	7
DNA	0	0	0	0	1	0	1
NSA/CSS	0	0	0	0	0	1	1
CINCLANTCOM	0	0	0	0	1	0	1
CINCEUCOM	0	1	0	0	0	0	1
CINCPACOM	0	0	0	1	0	0	1
CINCREDCOM	0	1	0	0	0	0	1
CINCSO	9	0	0	0	0	0	9
CINCCENTCOM	0	0	0	0	0	0	0
<b>DoD Totals</b>	<b>33</b>	<b>30</b>	<b>15</b>	<b>36</b>	<b>46</b>	<b>41</b>	<b>201</b>

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

Item 4

**Number of Appeals and Results**

Number of Appeals

Reporting Activity	Granted	Granted in Part	Denied	Total
OSD/OJCS	13	17	38	68
DEPT ARMY	16	53	158	227
DEPT NAVY	13	41	177	231
DEPT AF	4	14	153	171
DCA	0	0	1	1
DCAA	0	0	1	1
DIA	0	6	58	64
DIS	0	1	0	1
DLA	3	6	4	13
DMA	0	3	0	3
DNA	28	0	5	33
NSA/CSS	0	0	17	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
CINCCENTCOM	0	0	0	0
<b>DoD Totals</b>	<b>77</b>	<b>141</b>	<b>612</b>	<b>830</b>

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	28	0	2	0	19	8	6	0	0	63
DEPT ARMY	36	2	0	11	73	54	20	0	0	196
DEPT NAVY	18	6	1	10	37	63	49	0	0	184
DEPT AF	34	9	3	16	88	40	29	0	0	219
DCA	1	0	0	0	0	0	0	0	0	1
DCAA	0	0	0	0	0	0	1	0	0	1
DIA	60	0	1	0	2	1	0	0	0	64
DIS	0	0	0	0	1	1	0	0	0	2
DLA	0	0	1	3	4	3	2	0	0	13
DMA	1	0	0	2	1	2	0	0	0	6
DNA	4	1	0	0	0	0	0	0	0	5
NSA/CSS	12	0	12	2	1	1	1	0	0	29
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
CINCCENTCOM	0	0	0	0	0	0	0	0	0	0
<b>DoD Totals</b>	<b>194</b>	<b>18</b>	<b>20</b>	<b>44</b>	<b>226</b>	<b>173</b>	<b>108</b>	<b>0</b>	<b>0</b>	<b>783</b>
<b>Percent of Total</b>	<b>25</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>29</b>	<b>22</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>100</b>

\*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*
	OSD/OJCS	DEPT NAVY	DEPT AF	DIA	DLA	NSA/CSS	
5 U.S.C. 552a					1		1
10 U.S.C. 140			1				1
18 U.S.C. 798						11	11
42 U.S.C. 290dd-3		1					1
42 U.S.C. 2011			1				1
50 U.S.C. 402						12	12
50 U.S.C. 403			1	1		11	13
Atomic Energy Act of 1954	1						1
National Security Act of 1947	1						1
<b>Agency Totals</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>34</b>	<b>42</b>

\*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	0	8	1	0	1	10
DEPT ARMY	27	8	1	0	0	36
DEPT NAVY	13	4	2	12	13	44
DEPT AF	0	1	0	0	0	1
DCA	0	0	0	0	0	0
DCAA	0	0	0	0	0	0
DIA	0	0	0	0	0	0
DIS	0	0	0	0	0	0
DLA	0	0	0	0	0	0
DMA	0	0	0	0	0	0
DNA	0	0	0	0	0	0
NSA/CSS	0	2	0	0	0	2
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
CINCCENTCOM	0	0	0	0	0	0
<b>DoD Totals</b>	<b>40</b>	<b>23</b>	<b>4</b>	<b>12</b>	<b>14</b>	<b>93</b>

## \*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".



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

Name	Title	No. of Instances of Participation	
		Exemption	Other
<b><u>OSD/OJCS</u></b>			
Michael I. Burch	Assistant Secretary of Defense (Public Affairs)	35	10
Fred S. Hoffman	Principal Deputy ASD (Public Affairs)	4	0
Kathleen Troia	Principal Deputy ASD (Public Affairs)	6	0
<b><u>DEPT ARMY</u></b>			
Darrell L. Peck	Deputy General Counsel	175	36
<b><u>DEPT NAVY</u></b>			
RADM T.E. Flynn, USN	Acting Judge Advocate General	80	2
RADM B.A. Harlow, USN	Acting Judge Advocate General	5	2
RADM J.J. McHugh, USN	Acting Judge Advocate General	42	1
RADM R.L. Slater, USN	Acting Judge Advocate General	5	0
CAPT H.D. Campbell, USN	Acting Judge Advocate General	1	0
CAPT W.A. Kjos, USN	Deputy Judge Advocate General	0	28
CAPT E.W. Hosken, USN	Deputy Judge Advocate General	0	5
W.W. Skallerup, Jr.	General Counsel	35	4
Hugh O'Neill	Acting General Counsel	6	0
James T. Tate, Jr.	Assistant General Counsel	0	2
<b><u>DEPT AF</u></b>			
Robert J. McCormick	Administrative Assistant Secretary of the Air Force	38	0
Steven A. Thompson	Deputy, Administrative Assistant Secretary of the Air Force	128	1

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

Name	Title	No. of Instances of Participation	
		Exemption	Other
<u>DCA</u>			
LGEN W.D. Powers, USAF	Director	1	0
<u>DCAA</u>			
John Van Santen	Assistant Director, Resources	1	0
<u>DIA</u>			
MGEN S. Bissell, USAF	Deputy Director	63	0
BGEN D. Goodman, USAF	Acting, Deputy Director	1	0
<u>DIS</u>			
Thomas J. O'Brien	Director	1	0
<u>DLA</u>			
VADM E.A. Grinstead, USN	Director	1	0
RADM B.A. Pomponio, USN	Deputy Director	5	0
MGEN J.H. Connolly	Deputy Director	2	0
Karl Kabeiseman	General Counsel	2	0
<u>DMA</u>			
Edward J. Obloy	General Counsel	3	0
<u>DNA</u>			
LGEN R.K. Saxer, USAF	Director	5	0
<u>NSA/CSS</u>			
Robert E. Rich	Deputy Director	12	2
Milton H. Iredell	Chief of Staff	3	0

Item 7

**Court Opinions and Action Taken**

None

## 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 Change 2, 28 Sep 1982; Change 3, 6 Dec 1982	45 F.R. No. 236 5 Dec 1980, Pg 80502
DEPT ARMY	AR 340-17, 1 Oct 1982	47 F.R. No. 158 16 Aug 1982, Pg 35590
DEPT NAVY	SECNAVINST 5720.42C, 1 Oct 82	48 F.R. No. 101 24 May 1983, Pg 23194
DEPT AF	AFR 12-30, 15 Dec 82	48 F.R. No. 69 8 Apr 1983, Pg 15248
DCA	DCA Instruction 210-225-1, 19 Dec 1980	Publication Pending
DCAA	DCAA Regulation 5410.5, 29 Aug 1977, Change 1	42 F.R. No. 154 10 Aug 1977, Pg 40433
	DCAA Instruction 5410.8, 27 Aug 81	
DIA	DIA Regulation 12-39, 24 AUG 81	Publication Pending
DIS	DIS Regulation 01-12, 2 Oct 1981	
DLA	DLA Regulation 5400.14, 2 Feb 1981	40 F.R. No. 34 6 Apr 1981, Pg 20541
DMA	DMA Instruction 5400.7, 22 Apr 81	46 F.R. No 124 29 Jun 81, Pg 33245
DNA	DNA Instruction 5400.7, 29 July 1980	Publication Pending
NSA/CSS	NSA/CSS Regulation 10-9, 9 Feb 1982	

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.

\$505,173 was collected from the public for making records available during the year 1984 (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)**

None



Item 10 B

**Calendar Year Costs and Fees Collected**

<b>Reporting Activity</b>	<b>Annual Cost*</b>	<b>Annual Fees Collected</b>
OSD/OJCS	\$ 928,049	\$ 6,049
DEPT ARMY	3,254,675	148,365
DEPT NAVY	2,036,336	80,141
DEPT AF	3,238,101	82,590
DCA	24,580	482
DCAA	95,746	279
DIA	144,533	1,914
DIS	6,778	1,072
DLA	647,459	181,910
DMA	19,107	174
DNA	6,145	1,072
NSA/CSS	314,371	1,125
CINCLANTCOM	0	0
CINCEUCOM	43,099	0
CINCPACOM	17,463	0
CINCREDCOM	1,959	0
CINCISO	9,502	0
CINCCENTCOM	678	0
<b>DoD Totals</b>	<b>\$10,788,581</b>	<b>\$505,173</b>

\*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*	15.83	124.66	44.17	93.00	.60	.93	2.01	.00	8.00
	B. Manyear Costs (Grades Considered)	\$631,831	\$1,966,172	\$1,219,032	\$1,945,828	\$16,800	\$76,323	\$ 81,089	\$ 0	\$179,860
	C. Estimated Manhour Costs by Category (Fee Schedule Rates)**									
	(1) Search Time	23,476	156,690	72,743	102,592	878	256	3,628	610	121,326
	(2) Review & Excising	28,178	85,705	41,339	119,810	292	0	7,068	880	21,946
	(3) Coordination & Approval	11,932	72,739	98,155	136,852	186	0	7,429	890	38,263
	(4) Correspondence/Forms Preparation	4,438	53,231	38,014	68,442	474	0	1,461	483	16,146
	(5) Other Activities	2,694	26,893	33,471	26,008	141	0	3,959	1,429	13,210
	MANHOUR COST TOTAL	70,718	395,258	283,722	453,704	1,971	256	23,545	4,292	210,891
	D. Total IB and IC	702,549	2,361,430	1,502,754	2,399,532	18,771	76,579	104,634	4,292	390,751
	E. Overhead (Computed at 25%)	175,637	590,358	375,689	599,884	4,694	19,144	26,159	1,073	97,689
	F. Total Personnel Costs	\$878,186	\$2,951,788	\$1,878,443	\$2,999,416	\$23,465	\$95,723	\$130,793	\$5,365	\$488,440
II	Other Case-Related Costs									
	A. Computer Search Time	\$ 1,794	\$ 66,999	\$ 9,634	\$ 22,424	\$ 309	\$ 0	\$ 7,306	\$ 604	\$123,790
	B. Reproduction	5,835	155,200	78,986	55,449	806	23	406	68	10,875
	C. Microfiche Reproduction	43	13,789	4,423	10,571	0	0	490	0	11,423
	D. Printed Records	547	4,492	4,626	4,360	0	0	3,401	325	1,013
	E. Total of Other Case-Related Costs	\$ 8,219	\$ 240,480	\$ 97,669	\$ 92,804	\$ 1,115	\$ 23	\$ 11,603	\$ 997	\$147,101
III	Reporting/Other Costs									
	A. Reporting Costs									
	(1) Operational	\$ 640	\$ 23,338	\$ 29,296	\$ 32,677	\$ 0	\$ 0	\$ 1,709	\$ 332	\$ 5,951
	(2) User	2,112	1,148	14,145	1,224	0	0	0	0	829
	(3) Overhead (Computed at 25%)	688	6,122	10,860	8,476	0	0	428	84	1,695
	B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.)	38,204	31,799	5,923	103,504	0	0	0	0	3,443
	C. Total Reporting/Other Costs	\$ 41,644	\$ 62,407	\$ 60,224	\$ 145,881	\$ 0	\$ 0	\$ 2,137	\$ 416	\$ 11,918
IV	Summary									
	A. Total Costs, Sections I thru III	\$928,049	\$3,254,675	\$2,036,336	\$3,238,101	\$24,580	\$95,746	\$144,533	\$6,778	\$647,459
	B. Amount Collected from the Public	\$ 6,049	\$ 148,365	\$ 80,141	\$ 82,590	\$ 482	\$ 279	\$ 1,914	\$1,072	\$181,910

\*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	CINCRED	CINCSCO	CINCCENT	TOTALS
I	Personnel Costs										
	A. Estimated Manyears*	.00	.00	6.22	1.00	.00	.69	.03	.18	.02	297.33
	B. Manyear Costs (Grades Considered)	\$ 0	\$ 0	\$197,399	\$ 33,485	\$ 0	\$ 7,247	\$ 570	\$7,209	\$293	\$ 6,363,138
	C. Estimated Manhour Costs by Category (Fee Schedule Rates)**										
	(1) Search Time	2,053	1,544	4,943	393	0	373	85	60	32	491,682
	(2) Review & Excising	3,587	523	28,758	323	0	2,785	191	0	112	341,497
	(3) Coordination & Approval	4,087	924	0	80	0	2,677	433	12	42	374,701
	(4) Correspondence/Forms Preparation	1,928	1,002	1,610	163	0	476	206	120	38	188,232
	(5) Other Activities	1,486	412	0	22	0	334	38	64	0	110,161
	MANHOUR COST TOTAL	13,141	4,405	35,311	981	0	6,645	953	256	224	1,506,273
	D. Total IB and IC	13,141	4,405	232,710	34,466	0	13,892	1,523	7,465	517	7,869,411
	E. Overhead (Computed at 25%)	3,286	1,101	58,177	8,617	0	3,474	381	1,867	129	1,967,359
	F. Total Personnel Costs	\$16,427	\$5,506	\$290,887	\$43,083	\$ 0	\$17,366	\$1,904	\$9,332	\$646	\$ 9,836,770
II	Other Case-Related Costs										
	A. Computer Search Time	\$ 0	\$ 36	\$ 19,480	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 252,376
	B. Reproduction	701	588	3,156	9	0	96	2	50	5	312,255
	C. Microfiche Reproduction	0	0	0	0	0	0	0	0	0	40,739
	D. Printed Records	0	15	0	7	0	1	3	0	24	18,814
	E. Total of Other Case-Related Costs	\$ 701	\$ 639	\$ 22,636	\$ 16	\$ 0	\$ 97	\$ 5	\$ 50	\$ 29	\$ 624,184
III	Reporting/Other Costs										
	A. Reporting Costs										
	(1) Operational	\$ 824	\$ 0	\$ 350	\$ 0	\$ 0	\$ 0	\$ 40	\$ 95	\$ 0	\$ 95,252
	(2) User	118	0	48	0	0	0	0	0	0	19,624
	(3) Overhead (Computed at 25%)	236	0	100	0	0	0	10	25	0	28,724
	B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.)	801	0	350	0	0	0	0	0	3	184,027
	C. Total Reporting/Other Costs	\$ 1,979	\$ 0	\$ 848	\$ 0	\$ 0	\$ 0	\$ 50	\$ 120	\$ 3	\$ 327,627
IV	Summary										
	A. Total Costs, Sections I thru III	\$19,107	\$6,145	\$314,371	\$43,099	\$ 0	\$17,463	\$1,959	\$9,502	\$678	\$10,788,581
	B. Amount Collected from the Public	\$ 174	\$1,072	\$ 1,125	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 505,173

\*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	38	94	1,143	0	1,275
DEPT ARMY	0	3	1	0	4
DEPT NAVY	12	349	1	0	362
DEPT AF	33	96	188	0	317
DCA	0	0	0	0	0
DCAA	1	2	6	0	9
DIA	0	0	0	0	0
DIS	5	2	10	0	17
DLA	0	0	1,291	0	1,291
DMA	0	0	12	0	12
DNA	0	0	0	0	0
NSA/CSS	0	0	0	0	0
CINCLANTCOM	0	0	0	0	0
CINCEUCOM	0	0	0	0	0
CINCPACOM	0	0	1	0	1
CINCREDCOM	0	0	0	0	0
CINCSO	0	1	2	0	3
CINCCENTCOM	0	0	0	0	0
<b>DoD Totals</b>	<b>89</b>	<b>547</b>	<b>2,655</b>	<b>0</b>	<b>3,291</b>

Item 10 D

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

<b>Reporting Activity</b>	<b>No. of Memoranda</b>	<b>No. Available to Public</b>
OSD/OJCS	2	2
DEPT ARMY	11	10
DEPT NAVY	12	12
DEPT AF	0	0
DCA	0	0
DCAA	0	0
DIA	0	0
DIS	0	0
DLA	0	0
DMA	2	2
DNA	1	1
NSA/CSS	0	0
CINCLANTCOM	0	0
CINCEUCOM	2	2
CINCPACOM	0	0
CINCREDCOM	0	0
CINCSO	0	0
CINCCENTCOM	0	0
<b>DoD Totals</b>	<b>30</b>	<b>29</b>

Item 10E (Optional)

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

Of the 1,837 requests completed 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>
<b>Business Firms</b>	<b>12.3</b>
<b>Congress</b>	<b>.4</b>
<b>Foreign</b>	<b>2.5</b>
<b>Individual</b>	<b>34.4</b>
<b>Law Firms</b>	<b>16.2</b>
<b>News Media</b>	<b>14.8</b>
<b>Research</b>	<b>5.3</b>
<b>Special Interest</b>	<b>12.2</b>
<b>Students</b>	<b>.3</b>
<b>Other</b>	<b>1.6</b>
	<hr/>
	<b>100.0</b>

## 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, when considering the limitation of funds, 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. During April 1984, the Directorate for Freedom of Information and Security Review, OASD (Public Affairs), also conducted two four-hour training sessions of FOIA statutory provisions and request processing requirements for all OSD/OJCS components. 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** A representative of the Chief of Naval Operations, in conjunction with a member of the Defense Privacy Board, conducted two Privacy Act/FOIA training sessions at naval activities in Pensacola, Florida and Newport, Rhode Island. Naval activities in the Washington D.C. area attended seminars by the American Society of Access Professionals, OPM, the Center for National Security Studies and the Department of Justice. Several commands conduct FOIA training designed specifically to their needs. For example, the Navy Finance Center holds overviews and seminars for its disbursing officers and clerical people; and the Naval Military Justice School presents a one-hour Privacy Act/FOIA orientation.

**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 wide viewing throughout the Air Force and will continue to be viewed. Personnel attend FOIA Workshops sponsored by OPM and major air commands. The FOIA is the subject of briefings at various conferences throughout the Air Force.
- DCAA** FOIA Personnel in regional offices, Headquarters principal staff elements, and all field audit managers have access to Headquarters FOIA program managers for purposes of clarifying understanding of agency-wide policies and procedures. In addition, newly assigned Regional Records Management Officers and FOIA Coordinators are provided an eight-hour training and orientation briefing at DCAA Headquarters.
- DIA** A one-hour briefing aimed at increasing the understanding and procedures by which DIA meets FOIA requirements is presented weekly to Agency personnel who are either directly or indirectly involved with the FOIA process.
- DIS** New agents receive formal instruction regarding the provisions of FOIA and its implementation by DIS. Headquarters personnel have received detailed on-the-job training and present training programs to 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.
- DMA** DMA Aerospace Center conducted two one-hour training classes as part of its in-house supervisors training course. Three DMA Hydrographic/Topographic Center personnel attended workshops.
- DNA** FOIA briefings are presented to new personnel reporting for duty at DNA.
- NSA/CSS** Three FOIA officers attended Department of Justice seminars, and two others attended a U.S.D.A. Graduate School course on the FOIA.