



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

12 2 SEP 2008

MEMORANDUM FOR DOD CHIEF FREEDOM OF INFORMATION ACT (FOIA)
PUBLIC LIAISONS

SUBJECT: Requirements for the DoD FOIA Annual Report

The suspense for the submission of your Fiscal Year (FY) 2008 inputs to the DoD FOIA Annual Report is November 30, 2008. All responses should be sent to the Defense Freedom of Information Policy Office via e-mail. The e-mail address will be provided at a later date.

Please find attached, (1) Instructions for Completing DD Form 2564, Annual Freedom of Information Act Report, FY2008; and (2) Annual Report Continuation Sheet for Section II, 1., All Agency Components that Receive FOIA Requests. The newly revised DD Form 2564, Annual Freedom of Information Act Report, may be found on the DoD Forms Management Program website.

The OPEN Government Act of 2008 requires us to report by Component and by Agency. The reporting Components will be OSD/JS, the other 16 Components with FOIA Public Liaisons, the Combatant Commands, the Defense Technical Information Center, the DoD Education Activity, and the TRICARE Manage Activity.

As a reminder, on July 1, 2008, DOJ mandated that "pure" Privacy Act (PA) requests are no longer included in the annual report. These are requests, made under the PA, in which all documents are in a PA system of records and the FOIA is not invoked. Further, DOJ advises that "consults" will be counted in section XII of the annual report, and not sections I through XI of the report. Consults are instances where another agency or DoD Component sends you documents for review, and you send the documents back to the originating agency for response directly to the requester. Because consults will now be counted in section XII only, some information such as disposition and exemptions used will not be reported for consults. We realize that many DoD Components are unable to retroactively change the consults to requests, which are already in the system, to FOIA requests. Therefore, Components do not need to be concerned about accounting for consults processed in FY 2008; however, they must be accounted for separately from FOIA requests beginning in FY 2009.



Should you have any questions, please contact Dave Henshall, Senior FOIA Policy Advisor, on (703) 696-3243.

Will Kammer

Will Kammer
Chief, Defense Freedom of Information Policy
Office

Attachments:
As stated