



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
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FEB 1 2006

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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SUBJECT: Executive Order (EO) 13392 on the Freedom of Information Act (FOIA) – DoD
Implementation

On December 19, 2005, the President signed EO 13392, "Improving Agency Disclosure of Information." EO 13392 sets new standards for Federal Agency FOIA programs by ordering that agencies emphasize a new citizen-centered approach to the FOIA with a results-oriented focus.

The first requirement of EO 13392 is for agency heads to name an Agency Chief FOIA Officer (ACFO) at the Assistant Secretary or equivalent level. On January 11, 2006, the Deputy Secretary of Defense signed the memorandum at attachment 1 designating the Director, Administration and Management (DA&M) as the ACFO for the DoD. As ACFO, I have designated the Defense Freedom of Information Policy Office (DFOIPO), a DA&M staff element, as the responsible action agent to implement the provisions of EO 13392 throughout DoD.

To comply with the provisions of the EO, DoD Components must ensure that proper procedures are established and adequate resources are applied to their FOIA programs. Recent heightened interest in the FOIA from the public, the media, watchdog organizations, and the Congress has resulted in the need for the Federal Agencies to re-examine their FOIA programs. EO 13392 is a reflection of this elevated visibility and interest. Historically, DoD Component FOIA programs have been under-emphasized, resulting in inadequate staffing and funding. EO 13392 requires DoD Components place a higher degree of senior leader oversight on their respective FOIA programs.

The EO requires Federal Agencies take specific steps to complete implementation. These steps are to:

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- Establish FOIA Requester Service Centers;
- Establish FOIA Public Liaisons;
- Conduct a thorough review of agency FOIA operations with focus on eliminating or reducing FOIA backlog;
- Develop an agency plan to improve FOIA operations and to eliminate or reduce FOIA backlog; and to
- Submit a report to the Attorney General and Director, Office of Management and Budget (OMB) summarizing the results of the agency review. This report will also include a copy of the agency's plan.

Within DoD, implementation of the EO will be conducted in three phases:

- Phase I: Establish a FOIA organizational structure and increase public awareness;
- Phase II: Review current FOIA operations; develop a plan for improvement; and report results; and
- Phase III: Improve FOIA services and eliminate or reduce backlog.

FOIA Requester Service Centers. In accordance with section 2(c)(i) of the EO, all DoD Components shall establish one or more FOIA Requester Service Centers to serve as initial points of contact for FOIA requesters to receive status updates and any appropriate information about their requests. It is recognized that many Components already have established FOIA Offices that could be redesignated as FOIA Requester Service Centers. In accordance with the EO, FOIA requesters shall be treated as customers seeking a service from their Federal Government. Therefore, FOIA Requester Service Centers shall have the ability to locate the current status of any requests within their purview and to respond professionally to requesters in need of assistance.

DoD Components shall have their respective Requester Service Centers designated and operational by March 1, 2006. Complete address listings for Requester Service Centers will be provided to the DFOIPO. The DFOIPO will provide specific guidance concerning this reporting requirement.

FOIA Public Liaisons. Section 2(c)(ii) of the EO requires the ACFO to designate FOIA Public Liaisons who shall serve as supervisory officials to whom requesters can raise concerns about the service received from the FOIA Requester Service Centers. Individuals named as FOIA Public Liaisons shall be in addition to and separate from FOIA Requester Service Center personnel. The number of FOIA Public Liaisons, as well as the option for larger DoD Components to designate Chief FOIA Public Liaisons, is at the discretion of individual DoD Components. Chief FOIA Public Liaisons would provide supervisory oversight essential for large Components with geographically dispersed subordinate elements. It is envisioned that each DoD Component cited at attachment 2 will designate a Chief FOIA Public Liaison to represent FOIA services from a Component perspective. Additional Chief FOIA Public Liaisons within the Component are optional and would be determined by organizational size, structure, and dispersion. FOIA Public Liaisons may serve in a FOIA Requester Service Center or another location, shall report via FOIA technical channels to the ACFO, and should be at a grade level commensurate with the importance of the position. The Component Chief FOIA Public Liaison

positions at attachment 2 should be staffed no lower than GS-15/O6-Colonel/Captain level. DoD Components shall ensure that personnel with appropriate FOIA knowledge and expertise be designated as FOIA Public Liaisons. It would be appropriate, therefore, to designate the existing DoD Component FOIA policy positions as FOIA Public Liaisons concurrent with an appropriate billet upgrade to reflect the new duties and increased responsibilities prescribed in EO 13392.

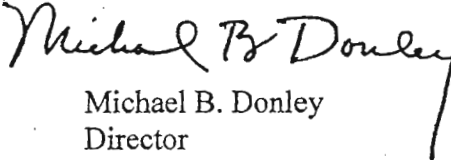
DoD Components shall submit their appointments for Component Chief FOIA Public Liaison positions complete with grade/rank, duty title, and contact information to the DFOIPO by March 1, 2006. The ACFO will designate each in writing to formalize the structure at attachment 2 in accordance with the intent of the EO. Component Chief FOIA Public Liaisons will similarly designate in writing FOIA Public Liaisons throughout the Component organization. The Office of the Secretary of Defense, the Joint Staff, the Combatant Commands, and selected DoD Field Activities will be served by the OSD FOIA Public Liaison as reflected at attachment 2. Therefore, these Components are not tasked to appoint FOIA Public Liaisons. Because public awareness is a principal objective of the EO, contact information for the networks of FOIA Public Liaisons and Requester Service Centers shall be posted to organizational web sites immediately following official designation.

Review, Plan and Report. Section 3 of the EO requires the ACFO to conduct a review of current Component FOIA operations and to develop an agency-specific plan to ensure that the agency's administration of the FOIA is consistent with applicable law and the EO. The Secretary of Defense will submit a summary of this review and the agency plan to the Attorney General and the OMB Director by June 14, 2006. The DFOIPO will lead the DoD FOIA review and development of the plan. DoD Component support is essential to both efforts. DoD Components shall conduct extensive internal reviews of their respective FOIA programs and will submit their reviews to the DFOIPO by May 1, 2006. Development of the DoD plan will be a collaborative effort, and Component Chief FOIA Public Liaisons will be principal points of contact.

By February 10, 2006, the DFOIPO will provide additional information concerning the required format and instructions for all DoD Component obligations specified in this EO implementation memorandum.

This is an important endeavor and I look forward to working with the Component Chief FOIA Public Liaisons in establishing a DoD network of professional FOIA Public Liaisons and Requester Service Centers trained and motivated to provide better service to the public.

My point of contact for this initiative is Mr. Will Kammer, Chief, DFOIPO. He can be contacted at 703-696-4495.


Michael B. Donley
Director

Attachments:
As stated