USNAINST 5720.5A
4/AO
OCT 2 9 2002
CH-1
5-17-04

USNA INSTUCTION 5720.5A

From: Superintendent

Subj: FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Ref: (a) SECNAVINST 5720.42F
(b) SECNAVINST 5211.5D

Encl: (1) Record of Freedom of Information (FOI) Processing Cost (DD 2086)

1. <u>Purpose</u>. To provide the policies and procedures for implementation of the Freedom of Information Act (FOIA).

2. <u>Cancellation</u>. USNAINST 5720.5 No special markings appear because the directive is a complete revision.

3. <u>Applicability</u>. Reference (a) applies throughout the Department of the Navy (DON) and governs disclosure of agency records to any person. This instruction implements reference (a) and governs disclosure of agency records maintained at the Naval Academy and responses to requests from the public for copies or examination of these records. These requests will be treated as FOIA requests. Requests for access to records pertaining to the requester are considered Privacy Act requests and are processed under reference (b).

4. <u>Freedom of Information Act (FOIA) Coordinator</u>. The Administrative Officer is designated as the FOIA Coordinator for the Naval Academy. The FOIA Coordinator will:

a. Serve as principal point of contact on FOIA matters.

b. Provide training for personnel on the provisions of reference (a) and this instruction.

c. Issue a command instruction designating the FOIA Coordinator and Initial Denial Authority(ies), FOIA records disposition, and FOIA processing procedures.

d. Review internal directives, practices, and procedures, including those for forms and records, for conformity with reference (a) and this instruction.

e. Compile and submit input for the annual FOIA Report.

f. Provide guidance on handling FOIA requests and the scope of the FOIA exemptions.

5. <u>Release Authorities</u>. Requests governed by reference (a) and this instruction may be released by the Superintendent, Deputy ~~for Finance and Administration~~, the Staff Judge Advocate, or the FOIA Coordinator only.   / CHIEF OF STAFF

6. <u>Initial Denial Authorities (IDA's)</u>. Per reference (a), the Superintendent is designated as a denial authority for FOIA requests. The Deputy ~~for Finance and Administration~~ is authorized to act "By direction" of the Superintendent in this regard. The FOIA Coordinator is also authorized to act as a denial authority and to sign "By direction" correspondence relating to routine FOIA matters.

7. <u>Record Custodians</u>. Any individual maintaining an agency record is considered a Record Custodian. Record Custodians will:

   a. Have a working knowledge of reference (a) and act as the point of contact for administering the provisions of reference (a) and this instruction.

   b. Make sure written requests from the public for copies or examination of records are processed per this instruction.

   c. Train all personnel having access to or responsibilities in connection with agency records to meet the requirements of reference (a) and this instruction.

   d. Inform the FOIA Coordinator of any requests for agency records received that have not been recorded as FOIA requests.

8. <u>Policy</u>

   a. Per reference (a) and this instruction, the Naval Academy will make available to any party, U.S. and foreign citizens, the maximum information concerning our operations, activities, and administration. A record will only be withheld when it is exempt from disclosure under one or more of the FOIA exemptions listed in enclosure (4) to reference (a). Subject to FOIA's exemptions and the requester's compliance with prescribed minimum requirements, records requested by the public will be made available promptly, fully, and willingly.

   b. Per reference (a), initial determination to release or deny a record or a suitable interim reply will normally be made and reported to the requester within 20 working days after receipt of request.

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c. A record must exist and be in the possession and control of DON at the time of the request to be considered subject to this instruction. There is no obligation to create or compile a record to satisfy a FOIA request. Also, FOIA requests cannot be made for records that will be compiled in the future.

9. Action

a. General

(1) To qualify as a FOIA request, a request for copies of or permission to examine DON records must:

(a) Be in writing and indicate expressly, or clearly imply, it is a request under reference (a) or this instruction.

(b) Contain a reasonable description of the particular record(s) requested to enable personnel to locate or identify the particular record(s) desired with a reasonable amount of effort.

(2) All requests from the public for copies or examination of DON records, except requests made under the Privacy Act, will be processed per reference (a) and this instruction.

(3) The time requirements of reference (a) requiring written acknowledgement of a request within 20 working days of receipt will be strictly observed.

b. Processing a FOIA Request

(1) All FOIA's shall be referred to the FOIA coordinator. Upon receipt of a FOIA request, the FOIA coordinator will:

(a) Determine if the Naval Academy is the appropriate activity to respond to the request. If the Naval Academy is not, the FOIA Coordinator will readdress and forward the request to the appropriate activity and notify the requester of the readdressal per reference (a). If the Naval Academy is only partially responsible to respond to the request, the Coordinator will develop a response for those records belonging to the Academy as discussed below and forward the FOIA to the other agency(ies) responsible to complete the request.

(b) If the Naval Academy is the appropriate activity to respond, prepare an Unclassified Route Slip (USNA-███ 5216/4 ███ to route the request to the proper record custodian; and place the request and route slip in a folder conspicuously marked to identify it as a FOIA request.

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(c) Hand carry the request and the Record of Freedom of Information (FOI) Processing Cost (DD Form 2086) to the record custodian. A copy of DD Form 2086 is included as enclosure (1).

(d) Assist the record custodian as necessary in responding to the request.

(e) Make sure all requests are acted upon within the 20-day time frame.

(f) Route all FOIA requests through the Staff Judge Advocate, Flag Secretary, Public Affairs Officer, and other individuals with an official need to know.

(2) Within 14 working days of receiving the FOIA request for action from the FOIA Coordinator, the Record Custodian will:

(a) Review the request and make an initial determination whether the requester should be granted or denied, in whole or in part, and prepare a proposed response.

(b) Determine the search and/or duplication fees to be charged the requester and reflect such charges in the proposed response. The fees to be charged, and the conditions for waiving such fees, are set forth in enclosure (3) to reference (a). A Naval activity may not charge fees if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. If the processing cost is equal to or less than $15, there would be no charge.

(c) Complete the Record of FOI Processing Cost (DD Form 2086).

(d) Forward the proposed response in a double-spaced rough, with appropriate enclosures, and the completed DD Form 2086 to the FOIA Coordinator for approval and release.

R. C. PARSONS
Deputy for Finance and Administration

Distribution:
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RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST *Please read instructions on back before completing form.*		REPORT CONTROL SYMBOL DD-PA(A)1365

1. REQUEST NUMBER	2. TYPE OF REQUEST *(X one)*				3. DATE COMPLETED *(YYYYMMDD)*
		a. INITIAL		b. APPEAL	

4. CLERICAL HOURS *(E-9/GS-8 and below)*	TOTAL HOURS (1)		HOURLY RATE (2)		COST (3)
a. SEARCH					0.00
b. REVIEW/EXCISING					0.00
c. CORRESPONDENCE AND FORMS PREPARATION		X	$20.00	=	0.00
d. OTHER ACTIVITY					0.00

5. PROFESSIONAL HOURS *(O-1 - O-6/GS-9-GS-15)/CONTRACTOR*	TOTAL HOURS (1)		HOURLY RATE (2)		COST (3)
a. SEARCH					0.00
b. REVIEW/EXCISING					0.00
c. COORDINATION/APPROVAL/DENIAL		X	$44.00	=	0.00
d. OTHER ACTIVITY					0.00

6. EXECUTIVE HOURS *(O-7 - GS-16/ES 1 and above)*	TOTAL HOURS (1)		HOURLY RATE (2)		COST (3)
a. SEARCH					0.00
b. REVIEW/EXCISING		X	$75.00	=	0.00
c. COORDINATION/APPROVAL/DENIAL					0.00

7. COMPUTER SEARCH	TOTAL HOURS (1)		HOURLY RATE (2)		COST (3)
a. MACHINE HOURS					0.00
b. PROGRAMMER/OPERATOR TIME		X		=	
(1) Clerical			$20.00		0.00
(2) Professional			$44.00		0.00

8. OFFICE COPY REPRODUCTION	NUMBER (1)		RATE (2)		COST (3)
a. PAGES REPRODUCED		X	.15	=	0.00

9. MICROFICHE REPRODUCTION	NUMBER (1)		RATE (2)		COST (3)
a. MICROFICHE REPRODUCED		X	.25	=	0

10. PRINTED RECORDS	TOTAL PAGES (1)		RATE (2)		COST (3)
a. FORMS					0.00
b. PUBLICATIONS		X	.02	=	0
c. REPORTS					0

11. COMPUTER COPY	NUMBER (1)		ACTUAL COST (2)		COST (3)
a. TAPE		X		=	0
b. PRINTOUT					0

12. AUDIOVISUAL MATERIALS	NUMBER (1)		ACTUAL COST (2)		COST (3)
a. MATERIALS REPRODUCED		X		=	0

13. FOR FOI OFFICE USE ONLY

a. SEARCH FEES PAID		f. TOTAL COLLECTABLE COSTS	
b. REVIEW FEES PAID		g. TOTAL PROCESSING COSTS	$0.00
c. COPY FEES PAID		h. TOTAL CHARGED	
d. TOTAL PAID	$0.00	i. FEES WAIVED/REDUCED *(X one)*	Yes / No
e. DATE PAID *(YYYYMMDD)*		*See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.*	

DD FORM 2086, MAY 2002   PREVIOUS EDITION IS OBSOLETE.

Enclosure (1)

INSTRUCTIONS FOR COMPLETING DD FORM 2086

This form is used to record costs associated with the processing of a Freedom of Information request.

1. REQUEST NUMBER - First two digits will express Calendar Year followed by dash (-) and Component's request number, i.e., 02-001.

2. TYPE OF REQUEST - Mark the appropriate block to indicate initial request or appeal of a denial.

3. DATE COMPLETED - Enter year, month and day, i.e., 20021001.

4. CLERICAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search - Time spent in locating from the files the requested information.

Review/Excising - Time spent in reviewing the document content and determining if the entire document must retain its classification or segments could be excised thereby permitting the remainder of the document to be declassified. In reviews for other than classification, FOI exemptions 2 through 9 should be considered.

Correspondence and Forms Preparation - Time spent in preparing the necessary correspondence and forms to answer the request.

Other Activity - Time spent in activity other than above, such as duplicating documents, hand carrying documents to other locations, restoring files, etc.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

5. PROFESSIONAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising, and Other Activity - See explanation above.

Coordination/Approval/Denial - Time spent coordinating the staff action with interested offices or agencies and obtaining the approval for the release or denial of the requested information.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

6. EXECUTIVE HOURS - For each applicable activity category, enter the time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising - See explanation above.

Coordination/Approval/Denial - See explanation above.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

7. COMPUTER SEARCH - When the amount of government-owned (not leased) computer processing machine time required to complete a search is known, and accurate cost information for operation on an hourly basis is available, enter the time used and the hourly rate. Then, calculate the total cost which is fully chargeable to the requester.

- Programmer and operator costs are calculated using the same method as in Items 4 and 5. This cost is also fully chargeable to requesters as computer search time.

8. OFFICE COPY REPRODUCTION - Enter the number of pages reproduced.

- Multiply by the rate per copy and enter cost figures.

9. MICROFICHE REPRODUCTION - Enter the number of microfiche copies reproduced.

- Multiply by the rate per copy and enter cost figures.

10. PRINTED RECORDS - Enter total pages in each category. The categories are:

Forms *(Include any type of printed forms)*

Publications *(Include any type of bound document, such as directives, regulations, studies, etc.)*

Reports *(Include any type of memorandum, staff action paper, etc.)*

- Multiply the total number of pages in each category by the rate per page and enter cost figures.

11. COMPUTER COPY - Enter the total number of tapes and/or printouts.

- Multiply by the actual cost per tape or printout and enter cost figures.

12. AUDIOVISUAL MATERIALS - Duplication cost is the actual cost of reproducing the material, including the wages of the person doing the work.

13. FOR FOI OFFICE USE ONLY -

Search Fees Paid - Enter total search fees paid by the requester.

Review Fees Paid - Enter total review fees paid by the requester.

Copy Fees Paid - Enter the total of copy fees paid by the requester.

Total Paid - Add search fees paid and copy fees paid. Enter total in the total paid block.

Date Paid - Enter year, month, and day, i.e., 20021024, the fee payment was received.

Total Collectable Costs - Add the blocks in the cost column and enter total in the total collectable cost block. Apply the appropriate waiver for the category of requester prior to inserting the final figure. Further discussion of chargeable fees is contained in Chapter VI of DoD Regulation 5400.7-R.

Total Processing Costs - Add all blocks in the cost column and enter total in the total processing cost block. The total processing cost in most cases will exceed the total collectable cost.

Total Charged - Enter the total amount that the requester was charged, taking into account the fee waiver threshold and fee waiver policy.

Fees Waived/Reduced - Indicate if the cost of processing the request was waived or reduced by placing an "X" in the "Yes" block or the "No" block.