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# DOD FOIA NEWS

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## Message from the Chief of DoD's FOIA Division

Because of your hard work, innovation and stick-to-it-mentality, you never leave me at a loss for words when it is time to share DoD FOIA accomplishments with senior leadership at DoD as well as with leaders outside of the walls of DoD. As if the results from last year's Annual Report were not enough to boast about, you gave me the opportunity to report recently that, even with a couple months left before the end of the fiscal year, DoD had closed all of its Ten Oldest



to gather together the folks that we have gathered today. The requesting community,

FOIA requests reported on the FY10 Annual Report. As we all know, old

cases on our FOIA logs are there for a reason.

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## FOIA & The BRAC Move Experience

Base Realignment and Closure is more commonly referred to by its acronym, BRAC. This name conjures up visions of moving, new commutes and new offices and new schedules. In one word, **change** is happening as the BRAC Commission's 2005 decisions come into full force this year. How does or will it affect the DoD FOIA community? There are a number of FOIA offices that have



moved or are moving as a result of BRAC. The Mark Center in Alexandria, Virginia recently welcomed the Defense

Freedom of Information Act Policy Office (DFOIPO), and the Office of the Secretary of Defense

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## Message from the Chief of DoD's FOIA Division

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They often involve complex issues, coordination with various components and agencies, and require the attention of our highly experienced, highly-trained FOIA professionals. Thank you for your part in transitioning the closing of these Ten Oldest cases from a goal set to a goal realized. This is one of the reasons continuous FOIA training is so important. It gives us the skills we need to tackle the many FOIA challenges that come our way.

An exciting new development in DoD FOIA/Privacy training is the hosting of a training workshop by U.S. Northern Command for all of DoD in Colorado Springs, Colorado this past October. The workshop had sessions on the FOIA Administrative Process, Exemption 2, post-Milner; Exemption 4 and Contract-Related Information; Ex-

emptions 5, 6 and 7; and FOIA Litigation. Also, there was Privacy training from the Defense Privacy and Civil Liberties Office. The attendance was over 200 participants. Whether you were able to attend or not, we want to hear from you about your thoughts on this type of DoD level training. Do you have ideas for additional training, additional topics, and possible locations? Is your organization willing to host such a workshop? Please let Stephanie Carr ([dfoipo@whs.mil](mailto:dfoipo@whs.mil)) know your thoughts. With costs rising for seminars at private convention centers, conducting more "in house" DoD FOIA and Privacy training might be a way to facilitate more budget friendly training for our access professionals.

Speaking of the access field, we are certainly hoping that the establishment of a FOIA/Privacy job field,

will be a part of our immediate future. Although we have heard nothing yet on the realization of this goal, it remains a priority for DoD and we will make you aware as soon as we learn more about the outcome of this effort.

Keep up the great work that all of you have been doing. As all our staffs are examined and re-examined in these budget conscious times, please keep us up to date on the changes in resources that are being made in your offices.



## FOIA & The BRAC Move Experience

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and Joint Staff FOIA Requester Service Center (OSD/JS), which are a part of the Washington Headquarters Services. Also headed to the Mark Center are the Department of Defense Educational Activity (DoDEA) FOIA Requester Service Center and the Department of Defense Office of the Inspector General (DoDIG) Office of Freedom of Information. Fort Meade in Maryland has gained the Defense Information Systems Agency (DISA) FOIA program. DISA's move from Arlington, VA to reside in Fort Meade is one of the more distant FOIA office moves. The Defense Security Service (DSS) FOIA office has transferred from Alexandria to Quantico, Virginia. The Defense

Contract Management Agency (DCMA) FOIA office has moved from Chester, Virginia to Fort Lee, Virginia. The National Guard Bureau (NGB) has moved within the confines of Arlington, Virginia. The Air Force (AF) FOIA Office is moving from Arlington Virginia to Bolling Air force base in Washington D.C. and the Pentagon. These different FOIA offices are trying to make the best of these changes for their staff and FOIA programs.

To see what lessons we can learn from DISA's FOIA Program move DFOIPO interviewed Robin Berger, the head of DISA's FOIA office. Robin Berger moved together with DISA's General Counsel's office, while the remaining

two FOIA officers, located at Scott Air Force Base in Illinois, were not affected by the BRAC. Similar to the Mark Center move, DISA moved from multiple rented buildings in the Northern Virginia area to one building built especially for DISA and owned by the federal government.

In all, Berger described her experience with the move as a positive one: "It was great. It was very surprising. They (those in charge of the move) described exactly what was going to happen before the move actually took place, and that is exactly what happened. It was a really smooth move." The toughest part of the move for Robin Berger was packing and unpacking. The

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# FOIA & The BRAC Move Experience

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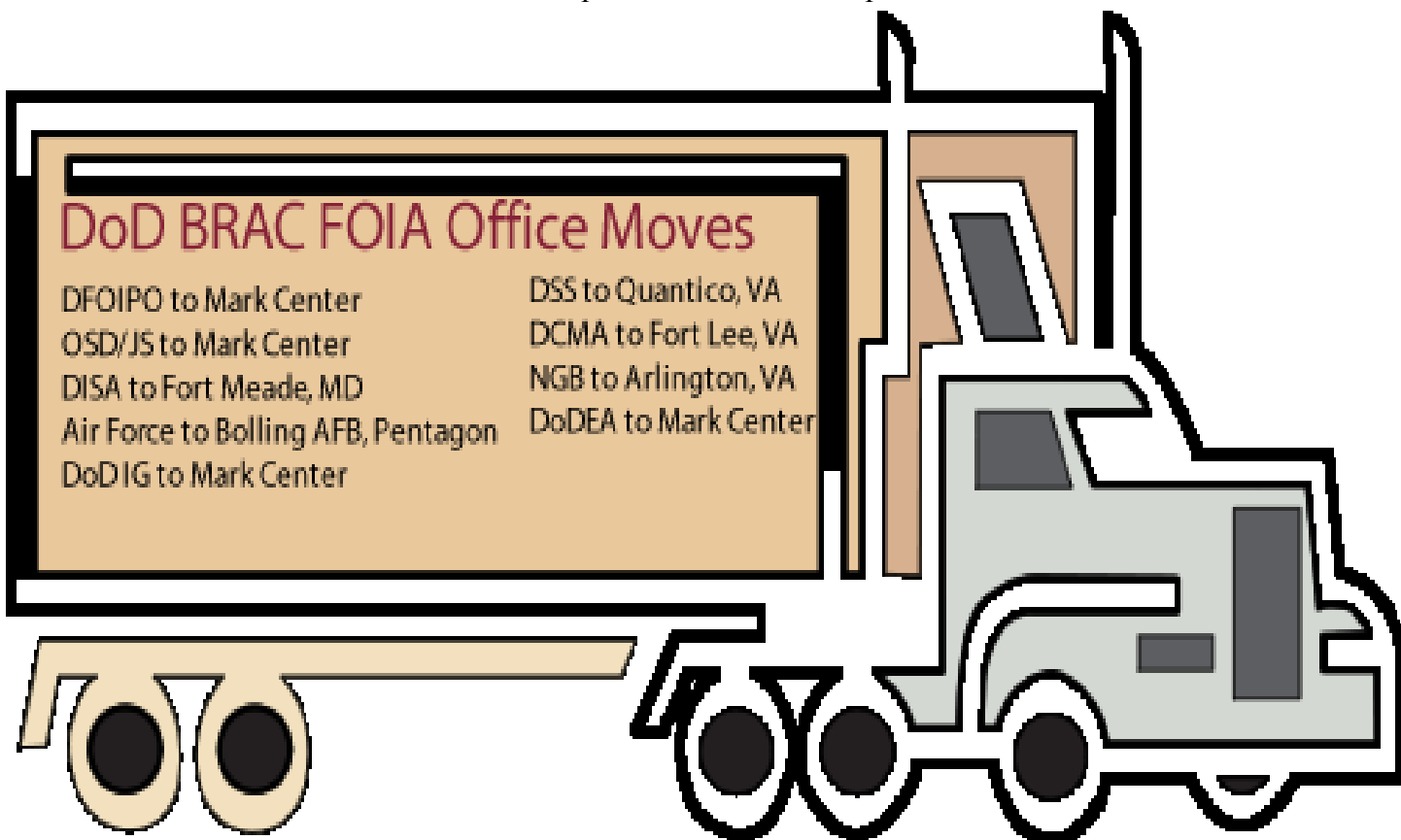
lessons that she would like to share with those who are about to move is to “go through your FOIA files ahead of time, image documents, ... and get rid of any unnecessary paper.”

DFOIPO and OSD/JS moved to the Mark Center in August 2011. These two offices have over forty people, combined. According to the manager of the move – OSD/JS and DFOIPO’s Security Manager – Ann Ernest-Johnson, “all the support from the BRAC itself is what helped us prepare for the move ... we knew what we were going into.” The preparation for the move lasted for years. The actual move lasted just one day. Ann Johnson said that the move went smoothly, “with a lot of help and support from everyone in the office ... everyone understood what we had to do and we did it.” There

were a lot of worries and uncertainties about commuting to the new location. However, according to Ann Ernest Johnson “once we knew we had to do it, everyone was anxious to get it over with.” DFOIPO and OSD/JS moved to a newly built building especially designed for the DoD. The move benefitted the FOIA functioning as in their previous location, in Rosslyn, Virginia DFOIPO and OSD/JS offices were spread out over three disparate floors. They are now located in the same suite, which, according to Ann Ernest Johnson, has encouraged cooperation and teamwork: “the camaraderie and communication among everyone has gotten better.” To ease the move, DFOIPO and OSD/JS “did a lot of scanning and went through a lot of files that had exceeded their disposition date. This helped

to reduce the amount of unnecessary material.”

No move is without its quirks, which was the case with the DFOIPO and OSD/JS. DFOIPO and OSD/JS have faced some network issues, which have made carrying out FOIA functions in a timely manner more challenging. According to Ann, they still see the move as a success and meticulous planning as the key to the success. Ann’s advice for other FOIA offices that will move in the future is to “know where everything is going and double check everything; we went according to the tenant guide provided by BRAC and attended all the meetings hosted by BRAC. This was very helpful.” Ann concludes: “You are only as strong as the people who support you. If you are supportive and cooperative, they will no doubt respond in kind.”



# Gery Huelseman and the Enterprise Referral Process

## Consultations & Referrals Just Got Easier

It is said that “necessity is the mother of invention.” Well, as a FOIA case processor at the National Air and Space Intelligence Center (NASIC), Gery Huelseman had a necessity. He was facing a very common problem – the need to get a set of Top Secret documents from his location at Wright-Patterson Air Force Base in Dayton Ohio, to legal staff in another part of the DoD, located in Texas. He needed to have the documents reviewed as soon as possible, and sending the documents by the Defense Courier Service was destined to take more time than he had to spare. Working for NASIC, Huelseman was familiar with how the intelligence community used a system known as “Inteldocs” to share documents across DoD Components and throughout government agencies, so he was able to send and then receive the documents in question via Inteldocs in a matter of minutes, instead of having to wait weeks or months to complete this process. Huelseman reports, “After the review was complete, I was thinking, *‘that was so easy; why isn’t everybody doing this?’*”

Having transferred the documents, he realized that this need to refer documents to different components and/or agencies is widespread throughout the FOIA community. The traditional document referral and consultation process of sending documents via courier or mail is time consuming, and especially difficult when multiple components have to review the same documents. Also, attempting to transmit the documents via email can be frus-



trating when mailbox size limits often restrict the sending of large or numerous attachments.

Huelseman’s insight led him to the use of an already existing platform, “Inteldocs”, to facilitate this process. His more than mediocre skills in Information Technology (IT) enabled him to maneuver through the Inteldocs system in a manner to get him the results he needed; but he wanted to share this newfound solution with others who may not be as computer savvy. The platform was already there, so Huelseman simply had to make the system user friendly for the FOIA community. To that end Huelseman, with the help of a fellow employee, Bob Burke, and Defense Freedom Of Information Policy Office’s (DFOIPO) FOIA Policy Analyst, Don Freeman, developed a folder structure for agencies and

components to place the documents; made the system uniform throughout the three networks (Unclassified, Secret and Top Secret), set permissions, so that document access could be managed, set the standards for the document images to keep the file size low, and created a metadata template so the documents could be tracked or searched within the system. Because Inteldocs is a robust system, they were able to implement these changes without significant involvement from the IT department.

So, what did all of this hard work, coordination and determination get us? The tool Huelseman and his team developed within the Inteldoc program is known as the Enterprise Referral Process. The name came about when looking at what the system was designed to do and who it was designed to serve. En-



# Gery Huelseman and the Enterprise Referral Process

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Enterprise implies an all-encompassing solution. The process is a method of using Inteldocs for both referrals (documents sent to a component or agency for response directly to the requester) and consultations (documents sent to a component or agency for a response back to the sending component, who would then respond to the requester). The next step for implementing the Enterprise Referral Process was to encourage other FOIA professionals to use it. Huelseman began working with the Air Force FOIA office and the Air Force declassification office, and encouraged them to use it. According to Huelseman, the breakthrough came about when Jim Hogan of the Defense Freedom of Information Policy Office invited him “to brief at the DoD level and then asked me again to brief at the cabinet level with some of the other agencies outside the DoD; from there it just took off (throughout the DoD FOIA Community). I briefed at the ASAP conferences. It was recognized as an agency best practice, in the report to Congress by OGIS (Office of Government Information Services)...”

According to Huelseman, since learning how to use the Enterprise Referral Process takes two hours or less, and the process is very intuitive, the number of people using it is expanding. Users are appreciating its capabilities and spreading the word as they do their jobs, referring and consulting with others within the FOIA community.

In a sense, users of the Enterprise Referral Process are training others to use the system. For in-

stance, when a user needs to transmit documents to a component or agency, and the user finds that a particular component or agency is unaware of the Enterprise Referral Process, that user explains the process and the benefits to the non-users, assists the non-user in obtaining an account and “bingo” a new and newly excited user is formed. One new user explains, “When I was introduced to the Enterprise Referral Process, I was surprised that the sender simply sent me a link, and when I clicked on that link I saw the list of all the documents I needed magically appear on my screen. I simply had to click on each document to conduct the necessary review. All I could think was “Wow! Where has this been all of my FOIA-processing life?” Huelseman has made himself available to train and troubleshoot, when necessary. Additionally, the Office of the Director of National Intelligence (ODNI) is now offering training for groups interested in Inteldocs, which includes training on the Enterprise Referral Process.

Currently the system is being used throughout the Department of Defense. The Department of Justice, Office of Information and Policy and the Office of Government Information Services are exploring the use of this tool throughout the federal government’s FOIA Community.

Talking to Gery Huelseman you get a sense of how passionate he is about the Enterprise Referral Process (ERP) that he started. “If

you create something, and watch it grow, it is exciting that you are able to make a difference, and that’s the biggest thrill.”

Gery Huelseman is optimistic about the future of the Enterprise Referral Process and the benefits it would bring. Each agency has its own procedures (for referrals), but in an environment like the Enterprise Referral Process, a federal-wide policy could be developed that would allow the entire FOIA Community to do a better job by providing quicker responses, while still protecting national security information and while reducing the costs of these referrals and consultations.” Huelseman believes, “while the Enterprise Referral Process may evolve into something else, at least it is the beginning of something. ... if someone comes up with something better, that will be great, because at least we got the idea that’s getting the FOIA community involved in an electronic process that is a collaborative process across the entire federal government.” Huelseman believes the benefits of the Enterprise Referral Process speak for themselves: “it’s simple, it’s cheap, it’s available; it’s everything that you want it to be.”

*If you are interested in using the Enterprise Referral Process system, log onto <https://www.intelink.gov/inteldocs/browse.php> and create an account. If you need assistance, contact the Help Desk at 301-688-1800.*





## FOIA — Going Green

When we think of **Going Green** in a typical office setting, most people think of purging and reducing paper files by getting rid of extraneous paper. And, while purging may be an appealing concept, the mere thought of it in a FOIA setting makes one uneasy. This is because, in FOIA, maintaining a good administrative record on every case received is vital. Caseworkers understand that the papers in these files document the processing of the FOIA request from cradle to grave - from the opening to the closing of the case. These files are relied upon when requests are appealed and/or litigated and whether you win or lose may depend on your administrative record.

Although “**Going Green**” is not a new concept at the Department of Defense (DoD), the idea of doing so is somewhat novel to many FOIA offices. FOIA processors often hear conflicting mes-

sages. From one source they hear, “purge, purge, purge” and from another source they hear, “maintain, maintain, maintain.” But, somewhere in between, there is that happy medium of “properly reducing.” In order to bring your office to the happy medium of properly reducing, you will need to apply proper “records management” procedures.

**So what is record management?** According to DoD 5015.2, records management is the “planning, controlling, directing, organizing, training, promoting, and other managerial activities involving the life cycle of information, including creation, maintenance (use, storage, retrieval), and disposal, regardless of media”.

**What does this mean for your office?** It means that there are steps that must be taken in order to ensure that all records and agency

documents that are important to DoD are being preserved and protected from “cradle to grave.”

In the quest to go green, FOIA processors must be certain to maintain all paperwork used to make a determination on a case, including the request, documents responsive to the request, records of phone conversations, comments from subject matter experts, and evidence of offices searched, to name a few. Once documents are determined to be a part of the administrative record, duplicates should be destroyed and the documents can be transitioned from paper to electronic format.

These electronic files should mirror your paper files and must be assigned a destruction date in accordance with the records management schedule. For instance, remember that no active FOIA case files can be destroyed; and once closed,

# FOIA — ing Green *continued*

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FOIA case files must have a records disposition date applied to them. Below is the disposition schedule for FOIA-related case files:

- Granted Requests – 2 years
- “Other Reason” Closures – 2 years
- Denials/Partial Denials – 6 years
- Appealed Requests – 6 years
- Litigated Requests – 6 years

It is a good practice to ensure that documents are destroyed when the disposition schedule dictates they should, as once a request is received for a document, that document must not be destroyed, even if it turns out that the document has well-passed its retention cycle. Another good practice is to notify document owners of this

when tasking them to retrieve documents responsive to a FOIA request.

Finally, for both Paper and Electronic Records, the following basic policies and procedures should be followed:

- Keep your filing current
- Only keep files needed for current business practices
- Retire noncurrent **records** to a Federal Records Center
- Maintain control of files; with paper **records** establish a check in and checkout system and with electronic **records** there should be version control.
- Back up your FOIA electronic files on a regular basis.

In the end, it is your responsibility to manage the FOIA records

for which you are responsible; however, that does not mean that you cannot get help. Contact your “**records manager**” about the rules and regulations for scanning and maintaining electronic files. The records manager should be able to give you guidance on naming conventions and the Dots per inch (dpi) level in which the documents must be scanned. The records manager is also prepared to give you advice on records vs. non-records; and temporary vs. permanent records.

If you follow DoD records management policies and procedures and remain knowledgeable of the standards set by the National Archives and Records Administration, it can be guaranteed that your records will safely go to “**greener**” pastures.



## Organization

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**DoD FOIA Newsletter is envisioned as a quarterly newspaper.**

**Defense Freedom of Information Policy Office (DFOIPO) was founded in 2006. It was created as a result of the issuance of the FOIA Executive Order 13392, which created the position of the Chief FOIA Officer, which added importance to the FOIA program. DFOIPO carries out the guidance on behalf the Director of Administration Management and facilitates the efficiency of the FOIA program.**

**For more information regarding DFOIPO and its role in DoD feel free to contact us at [dfoipo@whs.mil](mailto:dfoipo@whs.mil)**