



**SUMMARY OF
REPORT TO THE CONGRESS**

**FREEDOM OF
INFORMATION**

CY 1978



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

PUBLIC AFFAIRS

~~March 1, 1978~~

1 MAR 1979

This Summary Report has been issued as an overview of Department of Defense performance in the Freedom of Information Program in Calendar Year 1978 required by subsection 3(d), Section 552 of Title 5, United States Code. The enclosed pages were included with the thirteen separate Defense agency reports transmitted to Congress as the "Report to the Congress, Freedom of Information, CY 1978."

Data on each item required by Congress are presented in chart and statistical form reflecting overall agency and DoD totals.

A handwritten signature in cursive script, reading "Charles W. Hinkle", is positioned above the typed name.

Charles W. Hinkle
Director, Freedom of Information
and Security Review

Department of Defense
Reporting Agencies under the Freedom of Information Act
(as of December 31, 1978)

<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)	Harold Brown
Dept Army	Secretary of the Army	Clifford L. Alexander
Dept Navy	Secretary of the Navy	W. Graham Claytor, Jr.
Dept AF	Secretary of the Air Force	John C. Stetson
DCA	Defense Communications Agency	Lt Gen Lee M. Paschall, Jr. USAF
DCAA	Defense Contract Audit Agency	Frederick Neuman
DIA	Defense Intelligence Agency	Lt Gen Eugene F. Tighe, Jr. USAF
DIS	Defense Investigative Service	Bernard J. O'Donnell
DLA	Defense Logistics Agency	LtGen W. W. Vaughan, USA
DMA	Defense Mapping Agency	LtGen Abner B. Martin, USAF
DNA	Defense Nuclear Agency	VAdm R. R. Monroe, USN
NSA	National Security Agency Central Security Service	VAdm Bobby Inman, USN
DCPA	Defense Civil Preparedness Agency	Bardyl R. Tirana

Department of Defense
FOI Appeal and Program Officials

<u>Agency Abbreviation</u>	<u>Appellate Authority</u>	<u>Program Official</u>
OSD/OJCS	Thomas B. Ross Ass't SecDef Public Affairs	Charles W. Hinkle Director, FOI and Security Review, OASD/PA
Dept Army	General Counsel Secretary of the Army	Guy Oldaker Chief, Records Mgmt Division Office of The Adjutant General
Dept Navy	Judge Advocate General/ General Counsel for Secretary of the Navy	Donald Carr PA/FOIA Coordinator Naval Records Mgmt Division OPNAV
Dept AF	Thomas W. Nelson Admin Ass't to the Secretary of the Air Force	Charles C. Ratcliffe OPR for Freedom of Information Documentation Systems Division
DCA	LtGen Lee M. Paschall, Jr. USAF, Director	John T. Whealen General Counsel
DCAA	Harry W. Kettles Ass't Director, Resources	Ms. Lee Taylor Records Administrator
DIA	John Brock DIA Counsel	R. Herbert Holzbauer Reference Library Branch Central Reference Division Deputy Director for Support
DIS	Bernard J. O'Donnell Director	LTC Dale L. Hartig Ass't for Information
DLA	LtGen W. W. Vaughan, USA, Director	Colonel J. McAleer, Jr. Staff Director, Administration
DMA	RADM R. M. Collins, USN, Deputy Director	Edward J. Obloy Acting General Counsel
DNA	VADM Robert R. Monroe, USN, Director	LtCol William J. McGee, USA Public Affairs Officer
NSA	Wm. H. Jenkins Appellate, FOI/Privacy	Roy R. Banner Chief, Policy Staff
DCPA	Bardyl R. Tirana Director	Walter A. Girstantas Ass't Dir for Admin Services

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Item 1

Initial Determinations Resulting in not
Providing all or a Portion of Record Requested

<u>Reporting Activity</u>	<u>Total Demands</u>		<u>Reasons</u>		
	<u>Completed Public Requests</u>	<u>Completed Reportable Requests*</u>	<u>Statutory Exemptions + Other = Total</u>		
OSD/OJCS	873	898	99	377	476
DEPT ARMY	19,884	19,884**	1,174	821	1,995
DEPT NAVY	7,840	8,218	609	690	1,299
DEPT AF	22,270	23,748	853	2,020	2,873
DCA	75	97	5	9	14
DCAA	58	58	4	29	33
DIA	960	996	15	146	161
DIS	70	70	4	50	54
DLA	3,797	3,831	78	1,296	1,374
DMA	35	40	5	4	9
DNA	25	25	5	9	14
NSA	564	704	172	418	590
DCPA	15	15	6	7	13
DoD Totals	56,466	58,584	3,029	5,876	8,905

* 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 IDA who concludes that a single type of determination applies.

** Minimum figure since the Department of Army was unable to provide actual number of reportable requests which would be larger to some degree.

Item 2(a)

Exemptions Invoked on Initial Determinations

Exemptions by Number (552(a))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total
OSD/OJCS	42	1	4	1	30	14	7			99
DEPT ARMY	163	9	4	177	297	385	654			1,689
DEPT NAVY	34	10	15	56	90	135	292			632
DEPT AF	125	43	70	288	417	369	131			1,443
DCA	1			4						5
DCAA					2	1	1			4
DIA	15	2	9		2	3	1			32
DIS							5			5
DLA	1	2		40	18	18	6			85
DMA	4				1		1			6
DNA	5									5
NSA	120	1	185	1	4	2	25			338
DCPA				1	1	2	2			6
DoD Totals	510	68	287	568	862	929	1125			4,349
Percent of Total	11.7	1.5	6.5	13	19.8	21.3	25.8			100%

Totals may not agree 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	DCA	DCAA	DIA	DIS	DLA	DMA	DNA		NSA	DCFA
18 U.S.C. 798											103			103
18 U.S.C. 1905	1	4	2	70										77
50 U.S.C. 403							9					114		123
Public Law 86-36	2											177		179
Atomic Energy Act of 1954	1													1
Agency Totals	4	4	2	70			9					394		483

* The Department of Defense General Counsel currently is compiling a listing of all statutes which may qualify for use of Exemption 3 by Agencies of this Department. When completed, it will be provided by separate cover in response to the recent request of the House Subcommittee on Government Information and Individual Rights of the Committee on Government Operations.

Item 2(c)

Other Reasons Cited on Initial Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/OJCS	230	132	3	2	10	377
DEPT ARMY	314	315	40	133	19	821
DEPT NAVY	194	236	51	153	56	690
DEPT AF	235	1,312	149	222	102	2,020
DCA	2	6			1	9
DCAA	18	10			1	29
DIA	51	89	4	2		146
DIS	5	39		5	1	50
DLA	1,305	45	2	4		1,356
DMA		3			1	4
DNA	3	4	2			9
NSA	170	233	3	4	8	418
DCPA		7				7
DoD Total	2,527	2,431	254	525	199	5,936

- * 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.)

Description of Other Reasons

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	Officials Authorized	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	32	18	10	4	2	1	0	35
DEPT ARMY	15		1		2	8	7	18
DEPT NAVY	99	14	12	11	7	12	2	58
DEPT AF	111	26	10	3	6	11	8	64
DCA	1			1				1
DCAA	7		2					2
DIA	2	2	1		1			4
DIS	1			1				1
DLA	44	3	4	1	3	2		13
DMA	27	5						5
DNA	1			1				1
NSA	1			1	1	1	1	4
DCPA	1		1					1
DoD Total	342	68	41	23	22	35	18	207

- o 61% of the 342 IDAs authorized were involved in exemption denials.
- o 19% of the officials participated once.
- o 25% of the officials participated 2-10 times.
- o 15% of the officials participated 11 or more times.

Item 3

(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	11-20	21-40	41+	
OSD/OJCS	8	8	2	1	1	2	1	23
DEPT ARMY			3	1	3		4	11
DEPT NAVY	8	5	4	11	6	4	4	42
DEPT AF**								
DCA				1				1
DCAA**								
DIA	1						1	2
DIS							1	1
DLA	2	2		4			1	9
DMA	4							4
DNA				1				1
NSA		2					3	5
DCPA				1				1
DoD Total	23	17	9	20	10	6	15	100

- o 23% of the officials participated once.
- o 46% of the officials participated 2-10 times.
- o 31% of the officials participated 11 or more times.

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

** Not reported by Department of Air Force or DCAA.

Item 4

Number of Appeals and Results

Reporting Activity	Number of Appeals			Total
	<u>Granted</u>	<u>Granted in Part</u>	<u>Denied</u>	
OSD/OJCS			5 (1)	5
DEPT ARMY	4	22	76	102
DEPT NAVY	8	19	58 (10)	85
DEPT AF	9	60	121 (11)	190
DCA				
DCAA				
DIA	0	1	5 (1)	6
DIS				
DLA	3	5	6 (1)	14
DMA				
DNA				
NSA	0	4	48 (6)	52
DCPA				
DoD Totals	24	111	319 (30)*	454

* This number of determinations for other reasons (see Item 5(c)) is included in the Denied column. Total appeals denied by exemption equal 260.

Item 5(a)

Exemptions Invoked on Appeal Determinations

Exemptions by Number (552(a))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total
OSD/OJCS	2				2					4
DEPT ARMY	13	6	1	17	40	21	39	0	0	137
DEPT NAVY	5	2	0	12	19	22	13	0	0	73
DEPT AF	21	13	10	38	94	55	21	0	0	252
DCA										
DCAA										
DIA	5		3							8
DIS										
DLA		1	1	7	1	3	3			16
DMA										
DNA										
NSA	40		40		3					83
DCPA										
DoD Totals	86	22	55	74	159	101	76			573
Percent of Total	15.0	3.0	9.0	12	27	17	13			100%

Item 5(b)

Statutes Invoked on Appeal Determinations

Statute	Number of Times by Agency													DoD Totals
	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DCA	DCAA	DIA	DIS	DLA	DMA	DNA	NSA	DCPA	
Title 18 U.S.C. 798												40		40
Title 50 U.S.C. 403		1					4							5
18 U.S.C. 1905				9								40		49
Public Law 86-36												40		40
22 U.S.C. 1934				1										1
Agency Totals		1		10			4					120		135

Item 5(c)

Other Reasons Cited on Appeal Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/OJCS	1					1
DEPT ARMY						
DEPT NAVY	7	1	2	0	0	10
DEPT AF	1	2	0	6	2	11
DCA						
DCAA						
DIA		1				1
DIS						
DLA	1					1
DMA						
DNA						
NSA		2		4		6
DCPA						
DoD Totals	10	6	2	10	2	30

- * 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.

Item 6

Participation of Appellate Authorities
(those responsible for denials in whole or in part)

<u>Name</u>	<u>Title</u>	<u>No. of Instances of Participation</u>	
		<u>Exemptions</u>	<u>Other</u>
<u>OSD/OJCS</u>			
Thomas B. Ross	Assistant Secretary of Defense (Public Affairs)	4	1
<u>DEPT ARMY</u>			
Clifford L. Alexander	Secretary of the Army	102	
<u>DEPT NAVY</u>			
Harvey D. Wilcox	General Counsel	1	
Togo D. West, Jr.	General Counsel	16	
C. B. McDowell	Judge Advocate General	29	
W. O. Miller, RADM, USN	Judge Advocate General	6	
J. S. Jenkins, CAPT, USN	Assistant Judge Advocate General (Civil Law)	14	
W. D. Pfeiffer, CAPT, USN	Deputy Assistant Judge Advocate General	7	
<u>DEPT AF</u>			
Thomas W. Nelson	Administrative Assistant Secretary of the Air Force	73	
Eldon L. McColl	Deputy Administrative Assistant, Secretary of the Air Force	29	2
Robert W. Crittenden	Deputy Administrative Assistant, Secretary of the Air Force	60	5
Michael J. Barrett, Jr.	Chief, General Litigation Division, Office of the Judge Advocate General, Hq, USAF		1

Item 6
(Cont'd)

<u>Name</u>	<u>Title</u>	<u>No. of Instances of Participation</u>	
		<u>Exemptions</u>	<u>Other</u>
<u>DIA</u>			
H. R. Aaron, LtGen, USA	Deputy Director	8	1
<u>DLA</u>			
W. W. Vaughan, LtGen, USA	Director	3	
G. J. Post, LtGen, USAF	Director	2	
R. C. Gaskill, MGen, USA	Deputy Director	3	
Philip Crosby, RADM, USN	Deputy Director	2	
K. W. Kabeiseman	Counsel	1	1
<u>NSA</u>			
William H. Jenkins	Commandant, National Cryptologic School	4	
Daniel B. Silver	General Counsel	42	6
DoD Totals		-	
		<u>406</u>	<u>17</u>

Item 7

Court Opinions and Action Taken

No court opinions or orders were issued against Department of Defense agencies in 1978 giving rise to a proceeding under Section 552(a)(4)(F) of Title 5, U.S.C.

Item 8

FOIA Implementation Rules or Regulations

<u>Agency</u>	<u>Document Identification</u>	<u>Fed. Reg. Ref.</u>
DoD	DoD Directive 5400.7, 14 Feb 1975	40 F.R. No. 39 26 Feb 1975, pg. 8190
OSD/OJCS	DoD Directive 5400.10, 6 Jan 1976	To be published
DEPT ARMY	AR 340-17, Change #1, 24 Jan 1975	40 F.R. No. 40 27 Feb 1975, pg 8335
DEPT NAVY	SECNAVINST 5720.42B, 13 Feb 1975	40 F. R. No. 56 21 Mar 75, pg 12776
DEPT AF	AFR 12-30, 19 Feb 1975 *Interim Message Change 78-1	40 F. R. No. 37 24 Feb 75, pg 7901 (not published)
DCA	DCA Instruction 210-225-1, 31 Mar 1975	40 F. R. No. 70 10 Apr 75, pg 16203
DCAA	DCAA Regulation 5410.5, 29 Aug 1977	42 F. R. No. 154 10 Aug 77, pg 40433
DIA	DIA Regulation 12-39, 26 Jun 78	40 F. R. No. 34 19 Feb 75, pg 7292
DIS	DIS Regulation 01-12, 14 Feb 1975	40 F. R. No. 34 19 Feb 75, pg 7289
DLA	DLA Regulation 5400.14, 13 Feb 75	40 F. R. No. 34 19 Feb 75, pg. 7282
DMA	DMA Instruction 5400.7A, 12 May 1975	40 F. R. No. 29 11 Feb 75, pg 6336
DNA	DNA Instruction 5400.7, 22 May 1975	40 F. R. No. 124 26 Jun 75, pg 27025
NSA	NSA/CSS Regulation 10-9 3 Mar 1975	40 F. R. No. 34 19 Feb 75, pg. 7303
DCPA	DCPA Rules and Regulations	40 F. R. No. 34 19 Feb 75, pg 10457

* Amendments to Rules or Regulations promulgated in 1978 (attached to respective agency reports).

Item 9

Fees Schedule and Fees Collected

The attached fee schedule, Enclosure 2, DoD Directive 5400.7, establishes standard costs collectable by DoD Agencies.

\$279,440 were collected from the public for making records available. (See Item 10B for agency totals.)

UNIFORM AGENCY FEES FOR SEARCH AND DUPLICATION UNDER
THE FREEDOM OF INFORMATION ACT AMENDMENTS
P. L. 93-502

Introduction

This enclosure describes fees for search and duplication. It is not intended to substitute for any schedule of fees or a policy of not to charge a fee established in connection with the issuance of publications or other materials in the routine course of business of a component.

SCHEDULE OF FEES

Duplication

Publications, Forms and Reports

Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request	\$ 2.00
plus	
Forms, per copy05
Publications, per printed page01
Microfiche, per fiche06
Reports, per printed page05
(Examples: Cost of 20 forms, \$3.00; cost of a printed publication with 100 pages, \$3.00; cost of a microfiche publication consisting of 10 fiche, \$2.60)	

Office Copy Reproduction (when shelf stock is not available)

Minimum charge up to six reproduced pages	\$ 2.00
Minimum charge, first fiche	5.00
Each additional page05
Each additional fiche10

Other Issuances

Minimum charge up to six pages	\$ 2.00
Each additional page05

SEARCH

Clerical search, per hour	\$ 5.50
Minimum charge	2.75
Professional search (includes computer programmer time and review to determine whether a record comes within the scope of a request) per hour	11.00
Minimum charge	5.50

Computer Service Charges

Computer service charges will be based on actual computer configuration used and be based on direct costs only of the Central Processing Unit, plus Input/Output Devices, plus Memory Capacity. Transportation costs of records and personnel arising from searches for requesting reports will be charged at actual cost.

Audiovisual Documentary Material

Service charges for audiovisual documentary materials will include clerical and professional search fees as listed above as well as the direct costs of reproducing the photography or tape and shipping or mailing charges. Audiovisual materials provided a requester under provisions of this Directive need not be in reproducible format or quality.

Waiver of Fees

1. In general, charges shall be waived or reduced when it is determined that release of a requested record primarily benefits the general public and, therefore, is in the public interest. Examples of common situations in which such a determination may be made include:

- a. The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare;
- b. Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

c. The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity;

d. The request emanates from a representative of the public information media seeking a reasonable number of records.

2. A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the component or his designee for purposes of final appeal.

Collections

1. Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to specified limit that covers anticipated costs.

2. Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

3. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval and he agrees to incur the costs of search.

Item 10A

Availability of Records

(New categories or segregable portions of records now being released)

Student Handbook, School of Medicine, Uniformed Services University
of Health Science - OSD/OJCS

Item 10 B

Calendar Year Costs and Fees Collected

<u>Reporting Activity</u>	<u>Annual Cost*</u>	<u>Annual Fees Collected</u>
OSD/OJCS	591,238	4,817
DEPT ARMY	1,751,483	87,782
DEPT NAVY	948,977	70,121
DEPT AF	1,631,979	63,500
DCA	1,087	607
DCAA	62,294	839
DIA	198,292	12,599
DIS	1,033	40
DLA	285,535	38,957
DMA	1,486	163
DNA	1,674	15
NSA	523,528	0
DCPA	933	0
<hr/>		
DoD Total	5,999,539	279,440

* Based on reporting procedures established March 16, 1977, to capture a "best estimate" cost of administering FOIA as amended. The attached cost outline provides a breakdown of costs by agency.

DOD REPORTING ACTIVITIES

COST OUTLINE	OSD/OJCS	ARMY	NAVY	AF	DCA	DCAA	DIA
I. Personnel Costs							
A. Estimated manyears	23.25	72.84	24.92	80.66	0.0	1.14	3.17
B. Cost of manyears (grades considered)	422,257	1,186,125	475,621	974,281	0	44,807	97,110
C. Cost of estimated manhours by category (fee schedule rates)							
(1) Search time	6,877	48,348	40,620	40,912	351	572	9,289
(2) Review & excising	11,499	29,198	20,408	60,693	0	396	7,360
(3) Coordination & approval	3,384	27,825	46,322	79,332	0	1,010	1,641
(4) Corres. & Form prep.	1,179	12,730	25,104	39,676	143	333	218
(5) Other activities	1,536	16,824	78,090	36,149	0	786	33,528
(6) Manhour cost total	24,475	135,025	210,540	256,762	494	3,097	52,036
D. Total of IB and IC	446,732	1,321,150	686,071	1,231,042	494	47,904	149,146
E. Overhead rate (25%)	111,683	330,287	171,518	307,761	123	11,976	37,286
F. Total of other costs	558,415	1,651,437	857,589	1,538,804	617	59,880	186,432
II. Other Case Related Costs							
A. Computer Search Time Costs	2,591	9,272	8,437	8,455	142	0	0
B. Reproduction Costs	1,218	47,798	27,411	24,786	263	839	3,750
C. Microfiche Reproduction	0	2,114	5,911	1,579	0	0	110
D. Cost of Printed Records	1,264	2,720	9,518	13,666	65	0	7,350
E. Total of Other Costs	5,073	61,904	51,277	48,486	470	839	11,210
III. Reporting Costs							
(1) Operational	750	25,088	16,818	19,603	0	1,260	200
(2) User	1,050	188	13,413	416	0	0	0
(3) Overhead (25% of (1) & (2))	450	6,319	7,558	5,111	0	315	50
B. Other operating costs (voluntary reporting of items such as postal, travel, computer, etc.)	25,500	6,547	2,322	19,559	0	0	400
C. TOTAL	27,750	38,142	40,111	44,689	0	1,575	650
IV. Summary							
A. Total costs of I-III	591,238	1,751,483	948,977	1,631,979	1,087	62,294	198,292
B. Amount collected from public	4,817	87,782	70,121	63,500	607	839	12,599

DOD REPORTING ACTIVITIES (cont'd)

COST OUTLINE	DIS	DLA	DMA	DNA	NSA	DCPA	DoD Totals
I. Personnel Costs							
A. Estimated manyears	0.0	8.08	0.0	0.0	5.37	0.0	219.43
B. Cost of manyears (grades considered)	0	142,348	0	0	132,329	0	3,474,878
C. Cost of estimated manhours by category (fee schedule rates)							
(1) Search time	123	18,747	124	94	42,367	82	208,506
(2) Review & excising	66	9,642	0	803	7,343	189	147,501
(3) Coordination & approval	174	18,121	227	204	0	160	178,401
(4) Corres. & Form prep.	120	4,361	18	82	0	73	84,037
(5) Other activities	106	6,399	433	97	0	92	174,140
(6) Manhour cost total	589	57,270	802	1,280	49,710	596	792,585
D. Total of IB and IC	589	199,618	802	1,280	182,039	596	4,267,463
E. Overhead rate (25%)	147	49,904	201	320	45,510	149	1,066,865
F. Total of other costs	736	249,522	1,003	1,600	227,549	745	5,334,329
II. Other Case Related Costs							
A. Computer Search Time Costs	279	19,767	63	0	293,979	0	342,985
B. Reproduction Costs	5	6,273	12	19	246	0	112,620
C. Microfiche Reproduction	0	4	10	0	0	0	9,728
D. Cost of Printed Records	0	4,359	67	0	0	11	39,020
E. Total of Other Costs	284	30,403	152	19	294,225	11	504,353
III. Reporting Costs							
(.) Operational	10	3,798	200	44	702	142	68,615
(2) User	0	326	65	0	165	0	15,623
(3) Overhead (25% of (1) & (2))	3	1,031	66	11	217	35	21,166
B. Other operating costs (voluntary reporting of items such as postal, travel, computer, etc.)	0	455	0	0	670	0	55,453
C. TOTAL	13	5,610	331	55	1,754	177	160,857
IV. Summary							
A. Total costs of I-III	1,033	285,535	1,486	1,674	523,528	933	5,999,539
B. Amount collected from public	40	38,957	163	15	0	0	- 279,440

Item 10 C

Time Limit Extensions by Agency

Reporting Activity	I Unusual Circumstances			II & III Court Involvement	Total
	Location	Volume	Consultation		
OSD/OJCS	3	3	2		8
DEPT ARMY					
DEPT NAVY	30	35	24		89
DEPT AF	55	10	195		260
DCA					
DCAA	5	4	5		14
DIA		1			1
DIS					
DLA			3		3
DMA					
DNA					
NSA			7		7
DCPA					
DoD Totals	93	53	236		382

Item 10 D

Internal Memoranda
(Including Directives not Published in Federal Register)

<u>Reporting Activity</u>	<u>No. of Memoranda</u>	<u>No. Available to Public</u>
OSD/OJCS	4	4
DEPT ARMY		
DEPT NAVY	3	3
DEPT AF		
DCA		
DCA		
DCAA		
DIA	1	1
DIS		
DLA		
DMA		
DNA		
NSA		
DCPA		
<hr/>		
DoD Totals	8	8

Item 10E (Optional)

Other Information (Opinions) or Recommendations
on Administering FOIA

An area of particular concern is the potential for export to foreign countries of sensitive military technology. Since under the Freedom of Information Act (FOIA), neither proof of citizenship nor a reason for access are required, it is possible that foreign interests can gain access to sensitive military technology which does not qualify for exemption under the present Act.

Another problem concerns the proliferation of access statutes which duplicate and complicate service to the public. None of the other statutes would appear to provide access rights other than those already inherent in the FOIA.

The Freedom of Information Act is being used as a vehicle for obtaining public records when litigation with the Government is pending to circumvent the rules of boards or courts with respect to discovery of documents.

Another major problem concerns the lack of an adequate DoD education program for continuing orientation and training of all DoD personnel concerning FOIA/Privacy Act requirements and objectives. Although this area of concern was fully addressed last year under Item 11 (FOIA Instructional and Educational Efforts), the primary concern stems from the FY 1978 Congressional prohibition of DoD development of a Department-wide FOIA training program.

Item 11

FOIA Instructional and Educational Efforts

- DoD The Department continues to hold to the belief that long-term compliance with the spirit of the Freedom of Information Act depends on preserving a positive attitude regarding the public's legitimate access to DoD records. The training efforts described in the following paragraphs support this long-term compliance goal, but are constrained by the continued lack of resources. Education and training efforts remain the major DoD concern in the management of its Departmental programs implementing the Freedom of Information Act.
- OSD/OJCS During CY 1978, instruction to employees in the implementation of the FOIA Program within the Office of the Secretary of Defense and Organization of the Joint Chiefs of Staff continued to be augmented through discussions with program officials; notifications concerning Civil Service Commission FOIA courses; and a standard procedure to brief newly appointed program officials and other employees upon request. FOIA Program personnel continued to attend private sector FOIA conferences, symposia and seminars.
- DEPT ARMY Developed an Army Correspondence Training Course Program on Freedom of Information and Privacy Acts. (A copy is attached and listed in Item 10D.)
- DEPT NAVY Activities within this Department report that the workshops and seminars given by the Civil Service Commission are being utilized by personnel who coordinate the Freedom of Information Act Program. Also, FOIA briefings are conducted at subordinate activities by headquarters personnel on a periodic basis during command readiness inspections.
- DEPT AF Air Force is utilizing a 24-minute film designed to create an interest in and an understanding of the Freedom of Information Act. The film has received a wide viewing throughout the Air Force and will continue to be viewed. Personnel have attended FOIA Workshops sponsored by the U. S. Civil Service Commission.
- DCA DCA provides a 45-minute briefing to all newly assigned personnel on the FOI and the Privacy Act. The DCA Headquarters Counsel and Public Affairs Liaison Officer also assists in the educational process by briefing affected personnel concerning the requirements and implementation of the Act.

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(Cont'd)

- DCAA Semiannual executive conferences provide training to the Agency's executive staff. Each of the six regional offices hold periodic regional conferences, which provide FOIA training to Field Audit Office Managers. Regional FOIA Monitors hold on-site visits to train members of the Field Audit Office staff. The DCAA Records Administrator provides training and guidance to the Regional Directors, Regional FOIA Monitors, Field Audit Office Managers, and Headquarters staff. During calendar year 1978, the Records Administrator attended seminars sponsored by the U.S. Civil Service Commission and the "Litigation Under the Amended Federal FOIA" conference sponsored by the Center for National Security Studies.
- DIA Continued increase in participation by Command Elements in stressing importance of FOIA. Compliance with the Act is an item on the agenda of The Inspector General.
- DIS All incoming agents who receive formal instruction are advised of the provisions of the Act. Headquarters Staff personnel receive detailed on-the-job training and have attended Civil Service Commission courses on administration of the Act. Due to the mission and centralized organization of DIS, extensive formal training has not been necessary. Such training will be conducted when the Department of Defense training package is disseminated.
- DLA FOI instructional and educational efforts undertaken during the period of this report include: 4th Annual Seminar on FOIA/Privacy Act Litigation; Civil Service Course on FOIA/Privacy Act; Army Judge Advocate General's School Procurement Attorney's Course; periodic distribution of Department of Justice List of FOIA cases.
- DMA The bulk of DMA's effort with regard to employee training was directed toward dissemination of useful information to the greatest number of employees possible. This was accomplished by publication of articles concerning the Act in all DMA Headquarters and Component newspapers, bulletins, etc. In addition, copies of other relevant publications, such as Commanders Digest, were widely distributed throughout the Agency. DMA Headquarters and Component Counsel and Public Affairs Officers also assisted in the educational process by delivering briefings and lectures to affected personnel concerning the requirements and implementation of the Act.

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(Cont'd)

DNA

A mandatory annual briefing on Title 5 U.S.C. 552, as amended by Public Law 93-502, and DoD Directive 5400.7 is conducted for all assigned FOI representatives.

NSA

During calendar year 1978, three NSA/CSS employees involved in administering the FOIA attended the CSC course "Successful Implementation of the Freedom of Information Act and Privacy Act." Five NSA/CSS employees involved in administering the FOIA attended the annual "Openness in Government" seminar sponsored by the Federal Bar Association. Comprehensive briefings on the Freedom of Information and Privacy Acts were provided to our Office of Security Personnel. Individual briefings on the FOIA were given to various Agency employees throughout the year.