



UNITED STATES MARINE CORPS  
MARINE AIR GROUND TASK FORCE TRAINING COMMAND  
MARINE CORPS AIR GROUND COMBAT CENTER  
BOX 788100  
TWENTYN NE PALMS, CALIFORNIA 92278-8100

CCO 5720.10C  
1B

JUL 09 2012

COMBAT CENTER ORDER 5720.10C

From: Commanding General  
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT (FOIA)

Ref: (a) SECNAV 5720.42F

Encl: (1) Exemptions That Apply to the Government  
(2) CC 5720/1 FOIA Request Form  
(3) DD Form 2086, Record of FOIA Processing Cost

1. Situation. The principal purpose of the FOIA is to ensure that agencies of the federal government, including the military departments, provide the public with requested information to the maximum extent possible. The FOIA applies to disclosure of records held by agencies of the Executive branch of the federal government. It requires the disclosure of records to the public unless the information falls within one of nine exemptions under the law. The reference establishes Department of the Navy procedures for making general information available to members of the public concerning its operations, activities, and administration, unless the information is exempt from disclosure under the FOIA. Enclosure (1) lists the exemptions.

2. Cancellation. CCO 5720.10B.

3. Mission. To establish procedures for processing FOIA information requests, enclosure (2), made by members of the general public pursuant to the provisions of the FOIA, 5 U.S.C. § 552, as amended.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Any Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) organization receiving a request, which does or can reasonably be construed to fall under the FOIA will immediately record the date of receipt on the request and the receiving organization will then hand-deliver the request to the FOIA Coordinator.

(2) Concept of Operations

(a) FOIA Coordinator. The MAGTFTC, MCAGCC Adjutant is designated as the FOIA Officer. A member of the Adjutant's staff may be appointed as the FOIA Coordinator.

(b) Initial Denial Authority (IDA). The Commanding General (CG) is the IDA for all documents under the cognizance of the MAGTFTC, MCAGCC. As

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

the principal assistant to the CG, the Chief of Staff, MAGTFTC, MCAGCC is also authorized to act as the IDA in the absence of the CG. Except in unusually sensitive cases, the Assistant Chief of Staff (AC/S) G-1, Deputy AC/S G-1, or the Adjutant MAGTFTC, MCAGCC will normally act as the IDA by direction in accordance with paragraphs 6e(5) and (6) of the reference.

(c) The most critical aspect of the FOIA is the requirement that every request receive a response within twenty working days. This mandate demands accurate tracking and prompt handling of all FOIA requests.

b. Subordinate Element Missions

(1) FOIA Coordinator

(a) Coordinate, prepare, and provide one of the following written responses to the requester for all FOIA requests received by any installation organization within twenty working days after receipt of the valid request:

1. Release of all requested information;
2. Partial release of requested information;
3. Denial of release of requested information;
4. Extension of time limit (only the IDA may grant a one-time extension of ten days).

(b) Maintain an electronic log and hardcopy files of all correspondence and documents associated with the request;

(c) Perform all other duties described by the reference.

(2) Staff Judge Advocate or Counsel

(a) Ensure that all requests received for information that fall under the provisions of the FOIA are date-stamped, marked conspicuously as required, and immediately hand-delivered to the FOIA Coordinator;

(b) Provide necessary information and legal assistance to the FOIA Coordinator on a priority basis so that adequate responses can be made within given time constraints.

(3) Other Activities

(a) Immediately forward FOIA requests received to the FOIA Coordinator for processing. Respond to inquiries by referring requesters to the FOIA Coordinator or the FOIA information on the Combat Center website at: [http://www.marines.mil/unit/29palms/g1/pages/adj\\_foia.aspx](http://www.marines.mil/unit/29palms/g1/pages/adj_foia.aspx). Use of enclosure (2) is encouraged and can be obtained at: <https://www.navalforms.document:services.dla.mil>.

(b) Promptly respond to requests tasked by the FOIA Coordinator by producing the responsive documents or indicating why the documents cannot be identified or submitted to the Coordinator for review. Enclosure (3) will be used to record costs incurred for search and duplication.

JUL 09 2010

(c) If there are concerns regarding the release of unclassified documents, they should be promptly addressed by discussing the issues with the FOIA Coordinator or FOIA Officer, or by providing additional notes with the documents. All unclassified documents must be provided to the FOIA Coordinator for review and possible redaction; any redactions of exempt material will be applied and approved by the IDA, see paragraph 4a(2)(b), before release to the requester.

c. Coordinating Instructions

(1) Any record can be requested by any person under the FOIA; however, the determination of what to release must be done by the designated IDA.

(2) Requests for documents received by MAGTFPC, MCAGCC, Marine Corps Mountain Warfare Training Center (MCMWTC), Marine Aviation Weapons and Tactics Squadron 1 (MAWTS-1), or Marine Corps Tactics and Operations Group (MCTOG) personnel may only be handled directly in the following cases:

(a) Requests for materials already published or designated for public release.

(b) Requests by individuals for the requester's own personal information. This will fall under the Privacy Act; however, records with co-mingled personal information may be processed under both laws and should be reviewed and released by the FOIA Officer. Records managers should refer to the applicable system of records notice for additional guidance.

(3) When in doubt, refer the request to the FOIA Officer.

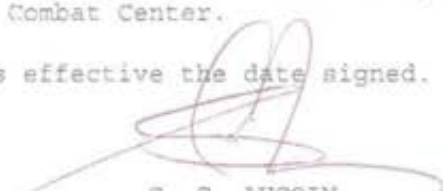
(4) Forms. Enclosure (2) can be obtained from the Naval Forms Online web site at <https://navalforms.documentservices.dla.mil/>. Use the forms tab to access the search page; enter the form number or the title name in the keyword search.

5. Administration and Logistics. Distribution Statement A directives issued by the Commanding General are distributed by email upon request and can be viewed at <http://www.29palms.usmc.mil/dirs/manpower/adj/ccotoc.asp>.

6. Command and Signal

a. Command. This Order is applicable to active-duty, reserve, and civilian personnel aboard the Combat Center.

b. Signal. This Order is effective the date signed.



G. C. AUCOIN  
Chief of Staff



### Exemptions That Apply to the Government

In accordance with 5 U.S.C. § 552(b), the following is a list of exemptions which apply to government information subject to the FOIA:

1. (b) (1) EXEMPTION - Protects Classified Matters of National Defense or Foreign Policy. This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.
2. (b) (2) EXEMPTION - Internal Personnel Rules and Practices. This exemption protects from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency." The information must be "internal" to the organization, such that the records are kept within the organization for its own use. Additionally, the information must be "related solely" - that is, exclusively - to the organization's "personnel rules and practices." Examples might include records of retention and separation, standards of conduct, disciplinary matters, compensation and benefits, policy regarding leave and liberty, and other similar records.
3. (b) (3) EXEMPTION - Information Specifically Exempted by Other Statutes. This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information "specifically exempted from disclosure by statute."
4. (b) (4) EXEMPTION - Trade Secrets, Commercial or Financial Information. This exemption protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." This exemption is intended to protect the interests of both the government and submitters of information.
5. (b) (5) EXEMPTION - Privileged Interagency or Intra-agency Memoranda or Letters. This exemption protects "interagency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency." As such, it has been construed to "exempt those documents and only those documents that are normally privileged in the civil discovery context."
6. (b) (6) EXEMPTION - Personal Information Affecting an Individual's Privacy. This exemption permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." This exemption cannot be invoked to withhold from a requester information pertaining to the requester.
7. (b) (7) EXEMPTION - Investigatory Records Compiled for Law Enforcement Purposes. As amended, this exemption protects from disclosure "records or information compiled for law enforcement purposes ...."

JUL 08

## 8. EXEMPTION 7 Categories

a. EXEMPTION 7(A) Records or information the Disclosure of Which Could Reasonably Be Expected to Interfere with Enforcement Proceedings. This exemption authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings."

b. EXEMPTION 7(B) Records, the Disclosure of Which Would Deprive a Person of a Right to a Fair Trial or an Impartial Adjudication. This exemption is aimed at preventing prejudicial pretrial publicity that could impair a court proceeding, protects "records or information compiled for law enforcement purposes [the disclosure of which] would deprive a person of a right to a fair trial or an impartial adjudication."

c. EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information, the disclosure of which, "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

d. EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for "records or information compiled for law enforcement purposes [which] could reasonably be expected to disclose the identity of a confidential source -- including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis--and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source."

e. EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

f. EXEMPTION 7(F) To Protect the Physical Safety of a Wide Range of Individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that "would ... endanger the life or physical safety of law enforcement personnel," the amended exemption provides protection to "any individual" when disclosure of information about him or her "could reasonably be expected to endanger [his/her] life or physical safety."

9. (b)(8) EXEMPTION - Regulation of Financial Institutions. This exemption protects matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

10. (b)(9) EXEMPTION - Geological and Geophysical Information Concerning Wells. This exemption covers "geological and geophysical information and data, including maps, concerning wells."

Enclosure (1)

FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST

PRIVACY ACT STATEMENT

Under the **AUTHORITY** of 5 U.S.C. 552 Freedom of Information Act (FOIA), 5 U.S.C. 552(a) Privacy Act (PA), CCO 5720.10C, and E.O. 9397 (SSN), this form is **FOR OFFICIAL USE ONLY** for the **PURPOSE** of processing individual requests for access and amendment of personal records, processing requests made under the provisions of the FOIA, and ensuring timely response to requesters. In addition to those **DISCLOSURES** generally permitted under section (b) of the PA, the information may specifically be disclosed outside the DoD as a **ROUTINE USE** pursuant to 5 U.S.C. 552a(b)(3) to individuals who file FOIA requests for access to information on who has made FOIA requests and/or what is being requested under FOIA. Providing the requested information is voluntary, but failure to adequately describe the requested records or provide complete contact information will prevent or delay the processing of the request.

Date of Request (DD MMM YY): \_\_\_\_\_ FOIA/PA # \_\_\_\_\_  
(for office use only)

I would like to submit a request under the Freedom of Information Act/Privacy Act and/or Routine Use. The following information is provided.

I am willing to pay the fees associated with processing my request up to \$250.00 or \_\_\_\_\_

Type of information requested:  Accident Report  Incident Report  Contract information  Other (specify below)

IDENTIFYING INFORMATION FOR INVESTIGATION OR INCIDENT REPORTS ONLY - DESCRIBE OTHER DOCUMENTS IN THE NEXT SECTION

Subject or Insured Individual's Name: \_\_\_\_\_ SSN (LAST 4) \_\_\_\_\_  
(for accident/incident report) ONLY IF REQUIRED TO IDENTIFY RECORDS

Date of incident (MMM YY): \_\_\_\_\_ Location of Incident: \_\_\_\_\_

OTHER INFORMATION TO IDENTIFY THE REQUESTED RECORDS:

Provide enough information to identify the document you are requesting (i.e. type of document if not identified above, contract number or description, probable location of the document, etc.)

REQUESTER CONTACT INFORMATION (type or print clearly):

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

E-mail (optional) \_\_\_\_\_ How do you wish to receive your response?  
 PICK UP  MAILED

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above.

Printed name of requester \_\_\_\_\_ Signature of Requester \_\_\_\_\_

**PLEASE NOTE:** This office has twenty (20) working days in which to provide you a response. Depending on current workloads, information requested, location of records, etc., the response time may vary.

"FOR OFFICIAL USE ONLY - PRIVACY ACT SENSITIVE"

Any misuse or unauthorized release of personal information could result in both civil and criminal penalties. Requests for documents containing personal information must be signed by the requester. Digital signatures accepted only from CAC users. You may return this request by faxing it back at (760) 830-1130, e-mail to: [smbplmsfoia@usmc.mil](mailto:smbplmsfoia@usmc.mil), or mail to:

Commanding General  
Attn: Adjutant (FOIA coordinator)  
Box 788101  
MAGTFTC, MCAGCC  
Twentynine Palms, CA 92278



**RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST**

REPORT CONTROL SYMBOL  
DD-DA&M(A)1365

Please read instructions on back before completing form.

1. REQUEST NUMBER		2. TYPE OF REQUEST (X one) a. INITIAL <input type="checkbox"/> b. APPEAL <input type="checkbox"/>		3. DATE COMPLETED (YYYYMMDD)		4. ACTION OFFICE	
5. CLERICAL HOURS (E-9/GS-8 and below)				FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH				1			0
b. REVIEW/EXCISING				2		X \$20.00	0
c. OTHER ADMINISTRATIVE COSTS				3			0
6. PROFESSIONAL HOURS (O-1 - O-6/GS-9-GS-15)/CONTRACTOR					(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH				1			0
b. REVIEW/EXCISING				2		X \$44.00	0
c. OTHER/COORDINATION/DENIAL				3			0
7. EXECUTIVE HOURS (O-7 - ES 1 and above)					(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH				1			0
b. REVIEW/EXCISING				2		X \$75.00	0
c. OTHER/COORDINATION/DENIAL				3			0
8. COMPUTER SEARCH					(1) TOTAL TIME	(2) RATE	(3) COST
a. MACHINE TIME (Not PC, desktop, laptop)				4			0
b. PROGRAMMER/OPERATOR TIME (Human)							
(1) Clerical Hours				1		X \$20.00/hr	0
(2) Professional Hours				1		\$44.00/hr	0
9. OFFICE MACHINE COPY REPRODUCTION					(1) NUMBER	(2) RATE	(3) COST
a. PAGES REPRODUCED FOR FILE COPY				3		X .15	0
b. PAGES RELEASED				5		.15	0
10. PRE-PRINTED PUBLICATIONS					(1) TOTAL PAGES	(2) RATE	(3) COST
a. PAGES PRINTED				5		X .02	0
11. COMPUTER PRODUCT OUTPUT ACTUAL COST CHARGES					(1) NUMBER	(2) ACTUAL COST	(3) COST
a. TAPE/DISC/CD				6		X	0
b. PAPER PRINTOUT				3			0
12. OTHER ADMINISTRATIVE FEES					(1) NUMBER	(2) ACTUAL COST	(3) COST
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)				3		X	0
13. AUDIOVISUAL MATERIALS					(1) NUMBER	(2) ACTUAL COST	(3) COST
a. MATERIALS REPRODUCED				4		X	0
14. SPECIAL SERVICES					(1) NUMBER	(2) ACTUAL COST	(3) COST
a. ALL SPECIAL SERVICES (See instructions)				6		X	0
15. MICROFICHE REPRODUCED				5		X .25	0
<p><b>FEE CODES</b></p> <p>1 Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours.</p> <p>2 Chargeable to "commercial" requesters only.</p> <p>3 Not chargeable to any fee category.</p> <p>4 Chargeable to "commercial". Chargeable to "other" after deduction of the equivalent of 2 hours. (Example: deduct \$88.00 professional rate.)</p> <p>5 Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial").</p> <p>6 Chargeable to all fee categories. No deductions.</p>				<p><b>16. FOR FOI OFFICE USE ONLY</b></p> <p>a. TOTAL COLLECTABLE FEES</p> <p>b. TOTAL PROCESSING FEES</p> <p>c. TOTAL CHARGED</p> <p>d. FEES WAIVED/REDUCED (X one)</p> <p>e. FEES NOT APPLICABLE (X one)</p> <p>See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.</p>			

**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., 03-001.

**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., 20031001.

**4. ACTION OFFICE** - Enter the office processing this request.

**5. 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.

**Other Administrative** - Time spent in activity other than above, such as 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.

**6. 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/Other** - 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. 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/Other** - 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.

**8. 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 is available, enter the time used and the 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 5 and 6. This cost is also fully chargeable to requesters as computer search time.

**9. OFFICE COPY REPRODUCTION** - Enter the number of pages reproduced and/or released.

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

**10. PRE-PRINTED PUBLICATIONS** - Enter total pages.

- Multiply the total number of pages 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. OTHER ADMINISTRATIVE FEES** - Covers postage (when known), correspondence preparation, other non-billable charges not covered under Items 5 - 7, etc.

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

**14. SPECIAL SERVICES** - Covers items outside of the FOIA such as authenticating records at \$5.20 per seal, overnight mail at cost, and other services for which the requester agrees to reimburse the agency.

**15. MICROFICHE REPRODUCED** - Enter the number of copies and multiply by the rate per copy.

**16. FOR FOI OFFICE USE ONLY** -

**Total Collectable Fees** - Add the blocks in the cost column and enter total in the total collectable fees 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 Fees** - Add all blocks in the cost column and enter total in the total processing fees block. The total processing fees in most cases will exceed the total collectable fees.

**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.

**Fees Not Applicable** - Indicate if the cost of processing the request was not applicable by placing an "X" in the "Yes" block or the "No" block.