

A Citizen's Guide
To Request Army Records
Under The
Freedom of Information Act (FOIA)



“A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.”

James Madison

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Department of the Army
Freedom of Information and Privacy Acts
Office

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**DEPARTMENT OF THE ARMY
FREEDOM OF INFORMATION ACT (FOIA) GUIDE**

INTRODUCTION:

The purpose of this information is to provide guidance on how to make a Freedom of Information Act (FOIA) request for Department of the Army records. It will provide you with a brief description of your rights and the manner in which Army will respond to your requests. The information contained herein is not intended to be definitive or exhaustive.

The FOIA, which is known by its legal cite as 5 U.S.C. 552, along with the Department of Defense and Army Regulations, govern how requests will be processed within the Army. The Army Regulation (AR) 25-55, The Department of the Army FOIA Program, can be found at Part 518 of Chapter 32 of the Code of Federal Regulations, which is available in most libraries. AR 25-55 may also be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, for \$21.50, and may be found in the Army's Electronic Reading Room at <http://www.rmd.belvoir.army.mil/err.htm>.

Due to its size and complexity, Army components balance the goals of centralization of authority to promote uniform decisions and decentralization of process to facilitate responses within 20 days. Centralization permits functional areas of responsibility to exist under the Initial Denial Authorities (IDAs). The IDAs are the denial authorities for functional area records and are listed at Appendix A. Decentralization allows the Army Staff, Major Military Commands, and Installations, to operate their own FOIA offices and respond directly to the public. If you do not know which element of the Army Staff, Major Military Command, or Installation, to write for information, your request may be submitted to an IDA for its functional area of responsibility, or to the Department of the Army Freedom of Information and Privacy Acts Office, 7798 Cissna Road, Suite 205, Springfield, VA 22150-3166.

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I. FREQUENTLY ASKED QUESTIONS?

What is the FOIA?

The FOIA is a Federal law that establishes the public's right to request existing records from Federal Government agencies.

Who can file a FOIA request?

Any "person" can file a FOIA request, including U.S. citizens, foreign nationals, organizations, universities, businesses, and state and local governments.

Who is subject to the FOIA and what type of information can be requested?

The FOIA's scope includes Federal Executive Branch Departments, agencies, and offices, Federal regulatory agencies, and Federal corporations. Congress, the Federal Courts, and parts of the Executive Office of the President are not subject to the FOIA. State and local governments are likewise not subject to the Federal FOIA, but some states have their own equivalent access laws for state records.

What is a record?

A record is the product(s) of data compilation, such as all books, papers, maps, and photographs, machine readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law in connection with the transaction of public business and in Army possession and control at the time the FOIA request is made.

Can we ask questions under the FOIA?

The FOIA does not require Federal Agencies to answer questions, render opinions, or provide subjective evaluations. Requesters must ask for existing records, such as those mentioned above.

How do I file a FOIA request?

- Label your request "Freedom of Information Act Request," preferably within the request letter and on the envelope, and address the request to the Military Command or Installation likely to have the information you seek. If you do not know the location of the information you are seeking, or which Initial Denial Authority, (see Appendix A), is likely to maintain the information, you may call the Department of the Army Freedom of Information and Privacy Acts Office at (703) 806-5698, or write to the Department of the Army Freedom of Information and Privacy Acts Office, 7798 Cissna Road, Suite 205, Springfield, VA 22150-3166. E-mail is DAFOIA@rpmo.belvoir.army.mil.
- State your willingness to pay applicable fees. If you seek a fee waiver, provide a justification for such a waiver.

- Describe the specific records you are requesting in enough detail so that they can be located with a reasonable amount of effort. Generally, a record is reasonably described when the description contains sufficient file-related information (type of document, title, subject area, date of creation, originator, etc.); or the request contains enough event-related information (date and circumstances surrounding the event the record covers) to permit the conduct of an organized, non-random search.

NOTE: See Appendix B for a sample FOIA request letter

What are reasons for not releasing a record?

There are seven reasons why the Army may not release a record requested under FOIA. They are:

1. The request is transferred to another Army Component or Federal agency.
2. The Army Component determines through knowledge of its files and reasonable search efforts that it neither controls nor otherwise possesses the requested record.
3. A record has not been described with sufficient detail to enable the Army Component to locate it by conducting a reasonable search.
4. The requester has failed unreasonably to comply with procedural requirements, including payment of fees, imposed by the FOIA and AR 25-55.
5. The request is withdrawn by the requester.
6. The information requested is not a record within the meaning of the FOIA and the AR 25-55.
7. The record is denied in whole or part in accordance with procedures set forth in the FOIA and AR 25-55. (See FOIA exemptions, below)

What are FOIA exemptions?

- (b) (1) -- records currently and properly classified in the interest of national security;
- (b) (2) -- records related solely to internal personnel rules and practices, which, if released, would allow circumvention of an agency function;
- (b) (3) -- records protected by another law that specifically exempts the information from public release;
- (b) (4) -- trade secrets and commercial or financial information obtained from a private source which would cause substantial competitive harm to the source if disclosed;

- (b) (5) -- internal records that are deliberative in nature and are part of the decision making process that contain opinions and recommendations;
- (b) (6) -- records which, if released, would result in a clearly unwarranted invasion of personal privacy;
- (b) (7) -- investigatory records or information compiled for law enforcement purposes;
- (b) (8) -- records for the use of an agency responsible for the regulation or supervision of financial institutions; and
- (b) (9) -- records containing geological and geophysical information (including maps) concerning wells.

What is a denial?

When information is withheld, whether partially or fully, this constitutes a denial under FOIA. A request may be denied for one or more of the aforementioned exemptions. When this happens, you will be notified in writing by an Initial Denial Authority (IDA) and given appeal rights. IDAs are denial authorities for records that fall under their functional areas as listed in Appendix A. If your request is denied partially you will receive information that has portions deleted. Redacted records have the denied information removed from where it was originally located within the document. The appropriate exemption(s) for deletion of the information should be listed next to the sanitized area(s) on the document. There are usually two methods for sanitizing a document; one is to blacken out the denied information, and the other is to completely remove it.

Can I appeal a denial?

Yes. If your request is initially denied in whole or in part under one or more of the above exemptions or denied for some other reason, you will be advised of your appeal rights and the proper procedures for submitting the appeal within 60 days. If you are not satisfied with the appeal determination, you may seek a judicial review.

How long will it take for my request to be processed?

This is a difficult question to answer because of the size of Army and its worldwide locations. In fairness to all requesters, the Army processes requests in order by date of receipt and according to their complexity. These are called easy and hard queuing tracks. Whenever possible, an initial determination to release or deny a record is made within 20 working days after receipt of the request by the official who is designated to respond. However, due to the thousands of requests received annually, requests must wait their turn in the Army Component's queuing tracks.

If unusual circumstances exist that preclude a timely response, that office will give an estimated completion date and reason(s) for delay. Unusual circumstances are:

1. Need to search for and collect the requested records from other facilities that are separate from the office determined responsible for a release or denial decision on the requested information.

2. The need to search for, collect, and examine a voluminous amount of separate and distinct records which are requested in a single request.

3. The need for consultation, which shall be conducted with all practicable speed, with other agencies having a substantial interest in the determination of the request, or among two or more DoD Components having a substantial subject-matter interest in the request.

How do I qualify for expedited processing of my request?

To receive expedited processing, the requester must demonstrate one of the following compelling needs:

1. Failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

2. Information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government activity.

3. Other reasons that merit expedited processing are an imminent loss of substantial due process rights and humanitarian need.

Do I have to pay for a FOIA request?

The FOIA allows fees to be charged to certain types of requesters, but it also provides that waivers or reductions in fees be given if disclosing the information is in the public interest. Public interest is defined as information which significantly enhances the public's knowledge of the operations and activities of the Army. The FOIA requires that requesters be placed into one of the below categories:

Commercial. Requesters who seek information for a use or purpose that furthers their commercial, trade, or profit interest are considered commercial requesters. Commercial requesters pay all fees for search, review, and duplication.

Educational. Institutions of education, including preschools, elementary or secondary schools and institutions of higher learning, qualify as educational institutions. The records must be sought in furtherance of scholarly research. Educational requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost.

Non-Commercial Scientific. A non-commercial scientific institution is operated solely for conducting scientific research. The records must be sought in furtherance of scientific research. Like educational requesters, these requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost.

News Media. A representative of the news media is a person actively gathering news for an entity organized and operated to publicize or broadcast news to the public. News media pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. Again, the first 100 pages are provided at no cost.

“Other” Requester. Requesters who do not qualify in another category are considered “other” requesters, and normally make requests for agency records for their personal use. “Other” requesters receive two hours search, all review costs, and the first 100 pages at no cost.

All requesters should submit a willingness to pay fees regardless of the fee category, however, this does not mean you will be charged fees. Except for commercial requesters whose fees total more than \$15, waivers are always considered. Fee waivers may be granted when disclosure of the records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. The following factors are weighed in making a fee waiver determination.

- The subject of the request.
- The informative value of the information to be disclosed.
- The contribution to an understanding of the subject by the general public likely to result from the disclosure.
- The significance of the contribution to public understanding.
- Disclosure of the information is not primarily in the commercial interest of the requester.
- The ability of the requester to disseminate the information.

II. READING ROOM.

The Department of the Army Freedom of Information and Privacy Acts Office operates the Army’s Reading Room. It is open to the general public from 7:30 a.m. - 4:00 p.m., Monday through Friday (excluding Federal holidays), and located at 7798 Cissna Road, Suite 205, Springfield, VA 22150-3166. Please phone prior to visiting the Army’s Reading Room at (703) 806-5698.

III. ELECTRONIC ACCESS.

At the Army homepage, you will find a hyperlink to the Army’s Electronic Freedom of Information Act Reading Room and a hyperlink to the DoD Government Information Locator Service (GILS), which is essentially a card catalog that identifies public information resources. In the Army’s Electronic Freedom of Information Act

Reading Room, you will find the Army Freedom of Information Act Regulation, reading room records, and hyperlinks to other agencies within Army.

- The World Wide Web address for the Army's Electronic Freedom of Information Act Reading Rooms is: <http://www.rmd.belvoir.army.mil/err.htm>.
- The World Wide Web address for the Army homepage is: <http://www.army.mil>.
- The World Wide Web address for the DoD GILS system is: <http://www.defenselink.mil/>. To access the DoD GILS system, select the search button and then scroll down to DoD GILS Records, for the GILS entries.
- The World Wide Web address for the DoD Annual FOIA Report is: <http://www.defenselink.mil/pubs/foi>.

IV. CONCLUSION.

We trust this information will be helpful to you when pursuing FOIA requests with Army. If you have any suggestions, you may call (703) 806-5698 and ask for an FOIA Officer.

APPENDIX A. INITIAL DENIAL AUTHORITY LISTING

The Administrative Assistant to the Secretary of the Army is authorized to act for the Secretary of the Army on requests for all records maintained by the Office of the Secretary of the Army and its serviced activities, as well as requests requiring the personal attention of the Secretary of the Army.

Office of the Administrative Assistant to the Secretary of the Army
ATTN: SAAA-RM (FOIA)
6601 Army Pentagon, RM 3D739
Washington, DC 20310-6601

Phone: (703) 697-8070/8211
Fax: (703) 697-5585

The Assistant Secretary of the Army (Financial Management and Comptroller) is authorized to act on requests for finance and accounting records.

Office of the Assistant Secretary of the Army
(Financial Management and Comptroller)
ATTN: SAFM AO (FOIA)
109 Army Pentagon, RM 1D572
Washington, DC 20310-0109

Phone: (703) 695-2320
Fax: (703) 614-1292

The Assistant Secretary of the Army (Research, Development, and Acquisition) is authorized to act on requests for procurement records other than those under the purview of the Chief of Engineers and the Commander, U.S. Army Materiel Command.

Office of the Assistant Secretary of the Army
(Research, Development, and Acquisition)
ATTN: SFAE-ISA-IFR (FOIA)
Presidential Tower, Suite 11500
2511 Jefferson Davis Highway
Arlington, VA 22202-3911

Phone: (703) 604-7314
Fax: (703) 604- 7688

The Deputy Assistant Secretary of the Army (Civilian Personnel Policy) is authorized to act on requests for civilian personnel records, personnel administration and other civilian personnel matters.

Office of the Deputy Assistant Secretary of the Army
(Civilian Personnel Policy) (FOIA)
ATTN: SAMR-CPP-SM
200 Stovall Street, RM 4S29 (Hoffman II)

Alexandria, VA 22332-0300

Phone: (703) 325-9985

Fax: (703) 325-3524

The Director of Information Systems for Command, Control, Communications, and Computers is authorized to act on requests for records pertaining to the Army Information Resources Management Program.

Office of the Director of Information Systems for
Command, Control, Communications, and Computers

ATTN: SAIS-ZXA (FOIA)

107 Army Pentagon, RM 3E458

Washington, DC 20310-0107

Phone: (703) 697-9061/695-0678

Fax: (703) 695-3091

The Inspector General is authorized to act on requests for all Inspector General records.

Office of the Inspector General

ATTN: SAIG-ZXR (FOIA)

1700 Army Pentagon

Washington, DC 20310-1700

Phone: (703) 601-1093

Fax: (703) 607-5865

The Auditor General is authorized to act on requests for records relating to audits done by the U.S. Army Audit Agency. This includes requests for related records developed by the Audit Agency.

Office of the Auditor General

ATTN: SAAG-GC (FOIA)

3101 Park Center Drive, RM 1303

Alexandria, VA 22302-1596

Phone: (703) 681-4298
Fax: (703) 681-3308

The Deputy Chief of Staff for Operations and Plans is authorized to act on requests for records relating to strategy formulation, force development, individual and unit training policy, strategic and tactical command and control systems, nuclear and chemical matters, use of DA forces, and military policy records and reports, prisoner confinement, and correctional records.

Office of the Deputy Chief of Staff for Operations and Plans
ATTN: DAMO-ZXA-M (FOIA)
400 Army Pentagon, RM 3D532
Washington, DC 20310-0400

Phone: (703) 614-2011
Fax: (703) 693-2088

The Deputy Chief of Staff for Personnel is authorized to act on requests for case summaries, letters of instruction to boards, behavioral science records, general education records, alcohol and drug prevention and control records. Excluded are individual treatment/test records, which are a responsibility of the Surgeon General.

Office of the Deputy Chief of Staff for Personnel
ATTN: DAPE-ZXI-IC (FOIA)
300 Army Pentagon, RM 2D723
Washington, DC 20310-0300

Phone: (703) 695-3596/2116
Fax: (703) 695-3195

The Deputy Chief of Staff for Logistics is authorized to act on requests for records relating to DA logistical requirements and determinations, policy concerning material maintenance and use, equipment standards, and logistical readiness.

Office of the Deputy Chief of Staff for Logistics
ATTN: DALO-ZXA (FOIA)
500 Army Pentagon, RM 3D580
Washington, DC 20310-0500

Phone: (703) 697-4880
Fax: (703) 693-6652

The Chief of Engineers is authorized to act on requests for records involving civil works, military construction, engineer procurement, and ecology and the records of the U.S. Army Engineers, districts, laboratories, and field operating agencies.

U.S. Army Corps of Engineers
ATTN: CEHEC-OC (FOIA)
7701 Telegraph Road
Alexandria, VA 22315-3860

Phone: (703) 428-7329
Fax: (703) 428-7633

The Surgeon General is authorized to act on requests for medical research and development records and the medical records of active duty military personnel, dependents, and persons given physical examinations or treatment at DA medical facilities, to include alcohol and drug treatment/test records.

U.S. Army Medical Command
ATTN: MCIM (FOIA)
2050 Worth Road, Suite 13
Fort Sam Houston, TX 78234-6013

Phone: (210) 221-7826
Fax: (210) 221-8518/6296

The Chief of Chaplains is authorized to act on requests for records involving ecclesiastical relationships, rites performed by DA chaplains and nonprivileged communications relating to clergy and active duty chaplains' military personnel files.

Office of the Chief of Chaplains
ATTN: HQDA(DACH)-IME (FOIA)
2511 Jefferson Davis Highway
Suite 12500
Arlington, VA 22202-3907

Phone: (703) 601-1106
Fax: (703) 607-5828

The Judge Advocate General is authorized to act on requests for records relating to claims, courts-martial, legal services, and similar legal records. They are also authorized to act on requests for records, if those records relate to litigation in which the United States has an interest.

Office of the Judge Advocate General
ATTN: DAJA-AL (FOIA)
2200 Army Pentagon, RM 2E433
Washington, DC 20310-2200

Phone: (703) 614-4316
Fax: (703) 693-2518

The Chief, National Guard Bureau is authorized to act on requests for all personnel and medical records of retired, separated, discharged, deceased, and active Army National Guard military personnel, including technician personnel, unless such records clearly fall within another IDA's responsibility. This authority includes, but is not limited to, National Guard organization and training files, plans, operations and readiness files, policy files, historical files, files relating to National Guard military support, drug interdiction, civil disturbances, construction, civil works and ecology records dealing with armories, facilities within the states, ranges, etc., Equal Opportunity investigative records, aviation program records and financial records dealing with personnel, operation and maintenance, and equipment budgets.

Office of the Chief, National Guard Bureau
ATTN: NGB-ADM (FOIA)
2500 Army Pentagon, RM 2C363
Washington, DC 20310-2500

Phone: (703) 697-7744
Fax: (703) 693-9257

The Chief, Army Reserve is authorized to act on requests for all personnel and medical records of retired, separated, discharged, deceased, and reserve component military personnel, and all U.S. Army Reserve (USAR) records, unless such records clearly fall within another IDA's responsibility. Records under the responsibility of the Chief of Army Reserve include records relating to USAR plans, policies, and operations, changes in organizational status of USAR units, mobilization and demobilization policies, active duty tours, and the Individual Mobilization Augmentation program.

Office of the Chief, Army Reserve
ATTN: DAAR-ZXP (FOIA)
2400 Army Pentagon, RM 3E379
Washington, DC 20310-2400

Phone: (703) 695-0877/8

Fax: (703) 695-4380

The Commander, U.S. Army Materiel Command is authorized to act on requests for the records of AMC headquarters and its subordinate commands, units, and activities that relate to procurement, logistics, research, and development, and supply and maintenance operations.

U.S. Army Materiel Command
ATTN: AMCIO-F (FOIA)
5001 Eisenhower Avenue
Alexandria, VA 22333-0001

Phone: (703) 617-8965

Fax: (703) 617-7721

The Commander, U.S. Army Criminal Investigation Command is authorized to act on requests for criminal investigative records of USACIDC headquarters and its subordinate activities. This includes criminal investigation records, investigation-in-progress records, and military police reports that result in criminal investigation reports.

U.S. Army Criminal Investigation Command
ATTN: CICR-FP (FOIA)
6010 6th Street, BLDG #1465
Fort Belvoir, VA 22060-5585

Phone: (703) 806-0468

Fax: (703) 806-0462

The Commander, U.S. Total Army Personnel Command is authorized to act on requests for military personnel files relating to active duty (other than those of reserve and retired personnel) military personnel matters, personnel locator, physical disability determinations, and other military personnel administration records, records relating to military casualty and memorialization activities, heraldic activities, voting, records relating to identification cards, naturalization and citizenship, commercial solicitation, Military Postal Service Agency and Army postal and unofficial mail service.

U.S. Total Army Personnel Command
ATTN: TAPC-ALP-A (FOIA)
200 Stovall Street
Alexandria, VA 22332-0405

Phone: (703) 325-4053

Fax: (703) 325-7927

The Assistant Chief of Staff for Installation Management is authorized to act on requests for records relating to planning, programming, execution, and operations of Army installations. This includes base realignment and closure activities, environmental activities other than litigation, facilities and housing activities, and installation management support activities.

Office of the Assistant Chief of Staff
for Installation Management
ATTN: DAIM-MD (FOIA)
600 Army Pentagon, RM 1E677
Washington, DC 20310-0600

Phone: (703) 614-0512/1442
Fax: (703) 693-4791

The Commander, U.S. Army Community and Family Support Center is authorized to act on requests for records relating to morale, welfare, and recreation activities, nonappropriated funds, child development centers, community life programs, and family action programs, retired activities, club management, Army Emergency Relief, consumer protection, retiree survival benefits and records dealing with DA relationships with Social Security, Veteran's Affairs, United Service Organization, U.S. Soldiers and Airmen's Home, and American Red Cross.

U.S. Army Community and Family Support Center
ATTN: CFSC-MS (FOIA)
4700 King Street
Alexandria, VA 22302-4414

Phone: (703) 681-2907
Fax: (703) 681-1552

The Commander, U.S. Army Intelligence and Security Command is authorized to act on requests for intelligence investigation and security records, foreign scientific and technological information, intelligence training, mapping and geodesy information, ground surveillance records, intelligence threat assessment, and missile intelligence data relating to tactical land warfare systems.

U.S. Army Intelligence and Security Command
ATTN: IAMG-C-FOI/PO (FOIA)
4552 Pike Road
Fort Meade, MD 20755-5995

Phone: (301) 677-4501
Fax: (301) 677-2956

The Commander, U.S. Army Safety Center is authorized to act on requests for Army safety records.

U.S. Army Safety Center

ATTN: CSSC-SJA (FOIA)
Fort Rucker, AL 36362-5363

Phone: (334) 255-2373
Fax: (334) 255-2266

The General Counsel, Army And Air Force Exchange Service is authorized to act on requests for AAFES records.

Army and Air Force Exchange Service
ATTN: PL-C (FOIA)
P.O. Box 660202
Dallas, TX 75266-0202

Phone: (214) 312-3831
Fax: (214) 312-3456

The Commander, U.S. Army Forces Command is authorized to act on requests for specified command records that are unique to FORSCOM.

U.S. Army Forces Command
ATTN: AFCI-A (FOIA)
1777 Hardy Avenue, SW
Fort McPherson, GA 30330-1062

Phone: (404) 464-2552
Fax: (404) 464-4563

APPENDIX B. SAMPLE FOIA REQUEST LETTER

Army Component Head [or FOIA Officer]
Army Component
Address
City, State, Zip Code

Dear:

This is a request under the Freedom of Information Act (5 U.S.C. 552).

I request that a copy of the following document(s) be provided to me. [Identify the document(s) as specifically as possible].

In order to help you determine my status for the purpose of assessing fees, you should know that I am [Insert one of the descriptions below]

a representative of the news media affiliated with the _____ newspaper (magazine, television station, etc.), and this request is made as part of news gathering and not for a commercial use.

affiliated with an educational or non-commercial scientific institution, and this request is made for a scholarly or scientific purpose and not for commercial use.

affiliated with a private business and am seeking information for use in the companies business.

an individual seeking information for personal use and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$_____. If you estimate that the fees will exceed this limit, please inform me first.

[Optional] I request a waiver of fees for this request because disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the Army and is not primarily in my commercial interest. [Include details about how the requested information will be disseminated by you to the general public]

[Optional] I also include a telephone number at which I can be contacted if necessary to discuss any aspect of my request.

Sincerely,

Name

Address

City, State, Zip Code

Telephone Number [Optional]