DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS, MARYLAND 21402-1300

USNAINST 5720.5B
28/AO
SEP   2 2009

USNA INSTRUCTION 5720.5B

From: Superintendent

Subj: FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

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

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

1. Purpose. To provide policies and procedures for implementation of the Freedom of Information Act at the United States Naval Academy (USNA).

2. Cancellation. USNAINST 5720.5A

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

4. Policy

   a. Per reference (a) and this instruction, the USNA will make available to any party, U.S. and foreign citizens, the maximum information concerning our operations, activities, and administration except to the extent that such records (or portions thereof) are protected from disclosure by one or more of the nine FOIA exemptions listed in reference (a) or one of three special law enforcement exclusions. Subject to FOIA exemptions and the requester's compliance with prescribed minimum requirements, records requested by the public will be made available promptly, fully, and willingly.

   b. Initial determination to release or deny a record will be made and reported to the requester within 20 working days after receipt of the request.

   c. A record must exist and be in the possession and control of USNA at the time the request is received to be considered subject to this instruction. There is no obligation to create or compile a record to satisfy a FOIA request.

5. Responsibilities

   a. Freedom of Information Act (FOIA) Coordinator. The Superintendent's Administrative Officer is designated as the FOIA Coordinator for the USNA. On the occasion of the FOIA Coordinator's relief, this designation is to be a part of any turnover.

   b. Initial Denial Authority. The Superintendent is designated as the initial denial authority for USNA using exemptions in reference (a). The FOIA Coordinator is authorized to act as a denial authority and to sign "By direction" correspondence relating to routine FOIA matters.

c. Granting Authority. The Superintendent is authorized to release information governed by reference (a). The FOIA Coordinator is authorized to sign "By direction" of the Superintendent in this regard. A request governed by reference (a) and this instruction may be granted by the FOIA Coordinator.

6. Action

    a. Freedom of Information Act Coordinator

        (1) Serve as the principal point of contact on all FOIA matters.

        (2) Issue a command instruction designating the FOIA Coordinator and Initial Denial Authority.

        (3) Compile and submit input for the annual report.

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

        (5) Provide guidance on handling FOIA requests and the scope of the FOIA exemptions.

        (6) Upon receipt of a FOIA request, the FOIA Coordinator will:

            (a) Determine if the FOIA request is a perfected request per reference (a).

            (b) Prepare a Superintendent's Controlled Mail Record (USNA-MMA-5216/4) to route the request to the proper office for action.

            (c) Enter FOIA request into tracking system and assign a case number.

            (d) Determine if the Naval Academy is the appropriate activity to respond to the request. If the Naval Academy is not, the FOIA Coordinator will readdress and forward the request to the appropriate activity and notify the requester of the readdressal.

            (e) Send letter acknowledging receipt of letter to requester within 5 work days.

            (f) Determine fee category and estimate fees to be charged as outlined in reference (a). If requester has stated his willingness to pay fees, send a letter to requester stating the estimated fees and ask if he is willing to pay the fees. If a response is not received within 20 work days, close out request.

            (g) Assist the action office as necessary in responding to the request.

            (h) Reply to FOIA request within 20 work days.

            (i) Chop FOIA replies through the Staff Judge Advocate, Public Affairs Officer, and Flag Secretary.

    b. Office Assigned Action on FOIA Request

        (1) When an office is assigned action to provide records to respond to a FOIA request they will provide the requested information to the FOIA Coordinator within 15 work days.

        (2) If the responsive documents require redacting, they will need to provide the FOIA Coordinator with a complete redacted and unredacted copy of documents. The exemption that applies must be written at each redaction site.

        (3) Fill out blocks 5, 6 and 9 of enclosure (1) and return to FOIA Coordinator for completion.

    (4) Forward responsive documents and appropriate paragraphs required to respond to request to the FOIA Coordinator for approval and release.

    (5) Send electronic copy of response to admin-routing@lists.usna.edu.

/S/
J. L. FOWLER

Distribution:
All Non-Mids (electronically)

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST

Please read instructions on back before completing form.

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

1. REQUEST NUMBER	2. TYPE OF REQUEST *(X one)*		3. DATE COMPLETED *(YYYYMMDD)*	4. ACTION OFFICE
	a. INITIAL	b. APPEAL		

5. CLERICAL HOURS *(E-9/GS-8 and below)*	FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST
a. SEARCH	1				
b. REVIEW/EXCISING	2		X $20.00	=	
c. OTHER ADMINISTRATIVE COSTS	3				

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

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

8. COMPUTER SEARCH	FEE CODE	(1) TOTAL TIME	(2) RATE		(3) COST
a. MACHINE TIME *(Not PC, desktop, laptop)*	4				
b. PROGRAMMER/OPERATOR TIME *(Human)*			X	=	
(1) Clerical Hours	1		$20.00/hr		
(2) Professional Hours	1		$44.00/hr		

9. OFFICE MACHINE COPY REPRODUCTION	FEE CODE	(1) NUMBER	(2) RATE		(3) COST
a. PAGES REPRODUCED FOR FILE COPY	3		.15		
b. PAGES RELEASED	5		X .15	=	

10. PRE-PRINTED PUBLICATIONS	FEE CODE	(1) TOTAL PAGES	(2) RATE		(3) COST
a. PAGES PRINTED	5		X .02	=	

11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES	FEE CODE	(1) NUMBER	(2) ACTUAL COST		(3) COST
a. TAPE/DISC/CD	6				
b. PAPER PRINTOUT	3		X	=	

12. OTHER ADMINISTRATIVE FEES	FEE CODE	(1) NUMBER	(2) ACTUAL COST		(3) COST
a. ALL POSTAGE/ADMINISTRATIVE *(See instructions)*	3		X	=	

13. AUDIOVISUAL MATERIALS	FEE CODE	(1) NUMBER	(2) ACTUAL COST		(3) COST
a. MATERIALS REPRODUCED	4		X	=	

14. SPECIAL SERVICES	FEE CODE	(1) NUMBER	(2) ACTUAL COST		(3) COST
a. ALL SPECIAL SERVICES *(See instructions)*	6		X	=	

15. MICROFICHE REPRODUCED	5		X .25	=	

FEE CODES

1 Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours.

2 Chargeable to "commercial" requesters only.

3 Not chargeable to any fee category.

4 Chargeable to "commercial". Chargeable to "other" after deduction of the equivalent of 2 hours. (Example: deduct $88.00 professional rate.)

5 Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial").

6 Chargeable to all fee categories. No deductions.

16. FOR FOI OFFICE USE ONLY

a. TOTAL COLLECTABLE FEES		
b. TOTAL PROCESSING FEES		
c. TOTAL CHARGED		
d. FEES WAIVED/REDUCED *(X one)*	Yes	No
e. FEES NOT APPLICABLE *(X one)*	Yes	No

See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.

DD FORM 2086, JAN 2003 PREVIOUS EDITION IS OBSOLETE.

Adobe Professional 7.0
Enclosure (1)

INSTRUCTIONS FOR COMPLETING DD FORM 2086

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

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