

## **INFORMATION GUIDE FOR ACTION OFFICER/RECORDS CUSTODIAN ON HOW TO HANDLE REQUEST FOR FREEDOM OF INFORMATION ACT (FOIA)**

Upon receipt of a FOIA request from the Installation FOIA Office, action office should review the request thoroughly and identify the record being requested.

### **Fee Assessment.**

1. Fees may not be used to discourage requesters, and to this end, FOIA fees are limited to standard charges for direct document search and duplication (for other than commercial requesters). Requesters must indicate a willingness to pay assessable search and duplication before a search for responsive records will be initiated.

a. Diligent effort must be exercised when estimating for processing fee. Search situations will vary and that an estimate is often difficult to obtain prior to an actual search. Bear in mind that the estimate is only for the manual hours to search for responsive records.

b. Consider the following factors when providing for an estimate for processing fee:

- (1) Volume of document (single-page memo/letter or multiple pages report)
- (2) Date/Period covered (date record was created or timeframe/period covered of event)
- (3) Various subject or title (specific subject /title or more than one subject/title)

2. DD Form 2086, Record of Freedom of Information Processing Cost will be used to document fee assessment.

### **Records Search**

1. The following guidelines are provided to deal with generalized requests for record and are based on the principle of reasonable effort. Descriptive information about a record may be divided into two broad categories:

a. Category I is file-related and includes information such as type of record (for example, memorandum), title, index citation, subject area, date of record creation, and originator.

b. Category II is event-related and includes the circumstances that resulted in the record being created or the date and circumstances surrounding the event the record covers.

2. When conducting search for responsive records, the individual conducting the search must ensure that the search focuses only on the information being requested. The record requested should contain the following:

- a. Type of record requested (i.e., memo, letter, email, etc)
- b. Subject/title of record requested
- c. Date record was created or period covered
- d. Originator of the record
- e. Name of individual the record is addressed to (when applicable, i.e. email)

3. After all reasonable effort has been exhausted and there is no record found to satisfy the request, an affidavit of "no records found" will be submitted. The affidavit must be notarized by the Staff Judge Advocate's Office. Contact the Installation FOIA Office for assistance regarding preparation of the affidavit of "no records found".

4. All responsive records found will be forwarded to the Installation FOIA Office through appropriate channel.

**Please contact the Installation FOIA office for any questions/assistance.**

<p><b>Installation FOIA Office, 393 Patton Avenue, Bldg 272, Presidio of Monterey, CA 93944</b> Ms. Emily Clark, 242-6215, <a href="mailto:emily.clark@us.army.mil">emily.clark@us.army.mil</a> Mr. Alfredo Lino, 242-6319, <a href="mailto:alfredo.lino@us.army.mil">alfredo.lino@us.army.mil</a></p>
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