



DEPARTMENT OF THE NAVY
NAVAL INSPECTOR GENERAL
1254 9TH STREET SE
WASHINGTON NAVY YARD DC 20374-5006

IN REPLY REFER TO.

6 Aug 13

MEMORANDUM

From: Naval Inspector General

To: Staff

Subj: POLICY ON POSTING INSPECTION AND INVESTIGATION REPORTS ON
NAVINGEN PUBLIC READING ROOM

Ref: (a) 5 U.S.C. § 552, As Amended By Public Law No. 104-231, 110 Stat. 3048
(b) SECNAVINST 5720.42F of 6 Jan 1999 (FOIA)

1. Over the past 8 months we have conducted a trial wherein we have posted selected Inspection and Investigation Reports, as well as Special Studies, on the publicly accessible NAVINGEN webpage. This trial was proposed to and sanctioned by the Under Secretary of the Navy. The trial has been a success and we will now implement the practice on a permanent basis.

2. The practice of posting such records, i.e., records that have become public, on an unrestricted website has been required by statute since the passage of reference (a) in 1996. The Navy drafted an implementing Instruction in 1999, reference (b), but the actual implementation at the command level has been sporadic. Nevertheless, the Department of Justice's guidance to the Executive Departments in applying the statute's requirement was:

Under this provision, when records are disclosed in response to a FOIA (Freedom of Information Act) request, an agency will be required to determine if they have already become the subject of subsequent FOIA requests or, in the agency's best judgment based upon the nature of the records and the types of requests regularly received, are likely to be the subject of multiple requests in the future. If either is the case, then those records in their FOIA-processed form (but not, of course, any information about a first-party requester that would not be disclosed to any other FOIA requester) will become "reading room" records to be made automatically available to potential FOIA requesters.

3. In making these decisions, DODIG uses a simple "three request" test to determine which investigation report it will post in its reading room. This means, if DODIG receives three FOIA requests for any investigation report it will post the report in its reading room. The posted report is the redacted report released under FOIA. We will adopt the DODIG approach regarding investigation reports, which based on our history would entail very few investigations actually being posted. Regarding our Inspection and Special Studies, we will post those reports automatically 90 days after the date they were signed out but then only after they have been properly redacted, which means personal identifiers, classified information and other data exempt from release will be removed from the document prior to its posting in the reading room (DODIG's general practice is to post inspections and audits when finalized).

4. This practice will bring us into conformity with the regulations and perhaps reduce the number of FOIA requests we need to process (since the information, at least in some cases, will already be publicly available).



J.P. WISECUP