



**UNITED STATES MARINE CORPS**

MARINE FORCES RESERVE  
MARINE FORCES NORTH  
2000 OPELOUSAS AVENUE  
NEW ORLEANS, LA 70114-1500

ForO 5720.1  
CL  
**JUN 20 2016**

FORCE ORDER 5720.1

From: Commander  
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT AND PRIVACY ACT STANDARD OPERATING PROCEDURES

Ref: (a) 5 U.S.C. § 552  
(b) 5 U.S.C. § 552a  
(c) OPEN Government Act of 2007, Public Law No. 110-175  
(d) 32 CFR Chapter VI Part 701  
(e) SECNAVINST 5720.42F  
(f) SECNAVINST 5211.5E  
(g) DoD 5400.11-R  
(h) Enterprise Information Assurance Directive 011  
(i) MCO 5400.52  
(j) FOIAonline, FOIA Professional User Guide

Encl: (1) Marine Forces Reserve/Marine Forces North Freedom of Information Act and Privacy Act Standard Operating Procedure

1. Situation. Per references (a) and (b), the Freedom of Information Act (FOIA) and the Privacy Act give the public the right to access any Department of the Navy records unless the information in those records is protected by specific exemptions that qualify an Agency's need to withhold records from a requester and there is a sound legal basis to withhold them. The Department of the Navy adheres to the policy and disclosure regulations set forth in references (c) through (e) to implement the FOIA uniformly and consistently and to provide maximum allowable disclosure of agency records upon request by an individual. References (f) through (j) provide guidance and direction on Privacy Act issues and personally identifiable information (PII).

2. Mission. To establish standard operating procedures (SOP) regarding the effective organization and execution of the Marine Forces Reserve/Marine Forces North (MARFORRES/MARFORNORTH) FOIA/Privacy Act program. Enclosure (1) is the MARFORRES/MARFORNORTH FOIA/Privacy Act SOP.

3. Execution

a. Commander's Intent and Concept of Operations

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

(1) Commander's Intent. It is my intent to ensure the Force understands the FOIA and Privacy Act processes and executes those processes properly. Only the MARFORRES/MARFORNORTH Counsel's Office is authorized to process FOIA and Privacy Act requests and determine releasability of responsive documents.

(2) Concept of Operations

(a) Enclosure (1) is the official MARFORRES/MARFORNORTH SOP for processing FOIA and Privacy Act requests for information.

(b) Staff Sections and Major Subordinate Commands shall forward any request for information that explicitly declares it is a FOIA/Privacy Act request to the MARFORRES/MARFORNORTH Counsel's Office. Additionally, any request for information that appears to be a request under the FOIA or Privacy Act shall also be forwarded to the MARFORRES/MARFORNORTH Counsel's Office.

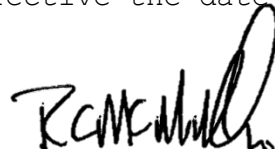
(c) I authorize the individuals serving in the positions of MARFORRES Executive Director, MARFORRES Chief of Staff, MARFORNORTH Chief of Staff, MARFORRES/MARFORNORTH Counsel, and MARFORRES/MARFORNORTH Deputy Counsel to sign responses to FOIA and Privacy Act requests by direction of the Initial Denial Authority.

4. Administration and Logistics. Not applicable.

5. Command and Signal

a. Command. This Order is applicable to the MARFORRES/MARFORNORTH.

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

  
REX C. MCMILLIAN

DISTRIBUTION: C, D

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LOCATOR SHEET

Subj: FREEDOM OF INFORMATION ACT AND PRIVACY ACT STANDARD OPERATING PROCEDURES

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RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Who Incorporated Change

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## Chapter 1

OVERVIEW OF THE FREEDOM OF INFORMATION ACT

1. Freedom of Information Act (FOIA). FOIA, Title 5 of the U.S. Code (U.S.C.), Section 552, generally provides that any person has a right, enforceable in court, to obtain access to federal agency records, except when they are protected from public disclosure under one of the nine FOIA exemptions or three FOIA exclusions.
2. FOIA Request. A request from any person for access to:
  - a. Agency Program Files;
  - b. Personal records on another individual;
  - c. Personal records about himself that are NOT filed within a Privacy Act system of records.
3. FOIA Requestors. Any person can be a FOIA Requestor. This includes U.S. and foreign individuals, businesses (corporations, sole proprietorships, etc.), Governments (foreign, state, tribal or local), universities & not-for-profit organizations, journalists and media.
4. Excluded entities. Two broad classes are excluded from the definition of "any person". These two classes are Federal Government entities and fugitives from justice.
5. Filing a FOIA Request. All requests must be in writing. Requests may be mailed, faxed, e-mailed, delivered by courier, delivered in person by the requestor, or submitted electronically through FOIAonline.
6. Use of Federal Government Resources. Federal employees, including all employees of and all service members attached to Marine Forces Reserve (MARFORRES) and Marine Forces North (MARFORNORTH), may NOT file FOIA requests using government stationary, supplies or computers. These requestors must also provide a personal mailing address where replies may be sent. Providing a personal e-mail address and requesting an electronic response are optional. Such requests must be prepared on the employee's own time and sent with postage acquired at their own expense.
7. Agency Records for FOIA Purposes. "Agency records" are those created or received in the course of conducting agency business. These include records in paper, electronic or other physical forms such as reports, letters, photographs, recordings, e-mails, and other files. A record must exist at the time of the request and be in the possession and control of the agency, or in the possession and control of a contractor on behalf of the agency.



a. Items NOT considered agency records:

- (1) Objects (such as furniture and wall paintings);
- (2) Intangible items (such as an individual's memory or oral communications);
- (3) Personal records of an individual that are:
  - (a) Maintained for the employee's convenience and
  - (b) Not subject to record retention and disposal rules, such as:
    1. Personal calendars purchased by the government;
    2. Private material brought into the agency by an employee for their own reference;
    3. Notes created by supervisors and other employees provided that these notes are:
      - a. Not filed with official records; and
      - b. Not shared with other employees; and
      - c. Not required by law, regulation or custom to be created; and
      - d. Not used in the decision-making process.

8. Possession and Control. A record must be in the possession and control of MARFORRES or MARFORNORTH before it may be released by the MARFORRES FOIA Request Service Center (RSC) MARFORRES.

a. A record is in the "possession" of MARFORRES/MARFORNORTH if it is in official files.

b. A record is under the "control" of MARFORRES/MARFORNORTH if it was:

- (1) Created by an employee in the course of official business;
- (2) Created under contract;
- (3) Maintained by a contractor for the purposes of records management; or
- (4) Considered to be "owned" by MARFORRES/MARFORNORTH by law or regulation.

9. Special Rule for Investigative Records. The MARFORRES RSC shall never advise a requestor that they are the subject of an ongoing investigation without clearance from the agency or activity involved (e.g. Department of Defense (DoD) Inspector General, Federal Bureau of Investigation, Customs and Border Enforcement, Office of the Staff Judge Advocate, Naval Criminal Investigative Service (NCIS)).

10. Exemptions. FOIA has nine exemptions that may be applied in order to exempt records, or portions of those records, from release. These exemptions are:

- a. Classified national defense and foreign relations information;
- b. Internal agency rules and practices;
- c. Information that is prohibited from disclosure by another law;
- d. Trade secrets and other confidential business information;
- e. Inter-agency or intra-agency communications that are protected by legal privileges;
- f. Information involving matters of personal privacy;
- g. Certain information compiled for law enforcement purposes;
- h. Information relating to the supervision of financial institutions; and
- i. Geological information on wells.

11. Time Limits. FOIA has statutory time limits for acknowledging a FOIA request and for making a determination on a FOIA request. There are also criteria for granting an extension of the determination time limit.

a. Unless answered with a final determination beforehand, every request will be acknowledged within five working days from the date the MARFORRES RSC receives the request.

b. A determination on the release of records must be made within 20 working days from the date of receipt from the date of receipt for FOIA requests. Records are released with a notification letter to the requestor.

c. In unusual circumstances, the 20 working day time limit may be extended. The requestor must be notified in writing (a) why the extension is necessary and (b) when a determination will be made. Unusual circumstances include the need to search for and collect records from separate offices or a request which demands a voluminous amount of records.

d. If expedited processing is requested, the MARFORRES RSC must notify the requestor within 10 working days as to whether expedited processing will be granted and the request moved up in the queue.

## 12. Appeals

a. Appeal Rights. The FOIA has provisions that allow the requestor to appeal an agency's determination to withhold responsive records.

(1) Appeals must be filed in writing and postmarked within 60 calendar days from the date of the initial denial letter.

(2) All requestors have the right to appeal a categorization, denial, adverse response, or fee determination. Requestors will be notified of this right in writing whenever a determination may be appealed.

(3) All written replies to requests that may be characterized as denials, partial denials, adverse, or partially adverse must include directions for appeal, including but not necessarily limited to, the proper mailing address and timeframe requirements for appeal.

(4) The Department of the Navy (DON) Office of General Counsel (OGC) has cognizance over matters affecting DON legal services in the areas of:

(a) Business and commercial law including contracts, grants and other business transactions;

(b) Real and personal property law;

(c) Environmental law that is not operational in nature;

(d) Fiscal law;

(e) Records regarding civilian personnel;

(f) Whenever exemption 4 is cited as the basis for denial.

(5) The proper wording to be included whenever a determination may be appealed to DON OGC is as follows:

"Because [insert the situation that might be deemed by a requester to be "adverse in nature" such as "some information has been withheld" or "no records were located responsive to your request" or "your request for a fee waiver was denied"], you may consider this to be an adverse determination that may be appealed.

If you have created an account in FOIAonline, you may submit your appeal directly within the web-based system. To do this, log into

your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal.

If you do not have a FOIAonline account, you may send an appeal by regular mail to the Department of the Navy, Office of the General Counsel (ATTN FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000.

Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope bear the notation 'Freedom of Information Act Appeal'."

(6) The DON Office of the Judge Advocate General (OJAG) has cognizance over matters affecting DON legal services in the areas of:

- (a) Military justice and military law;
- (b) NCIS investigations;
- (c) Operational law including fleet exercises and munitions;
- (d) Environmental law that is operational in nature;
- (e) Activities of military personnel;
- (f) Mishap reports;
- (g) Critical infrastructure information;
- (h) Detainee operations;
- (i) Any other matter not under OGC cognizance.

(7) The proper wording to be included whenever a determination may be appealed to DON OJAG is as follows:

"Because [insert the situation that might be deemed by a requester to be "adverse in nature" such as "some information has been withheld" or "no records were located responsive to your request" or "your request for a fee waiver was denied"], you may consider this to be an adverse determination that may be appealed.

If you have created an account in FOIAonline, you may submit your appeal directly within the web-based system. To do this, log into your account, retrieve your original request, and then click on the

"Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal.

If you do not have a FOIAonline account, you may send an appeal by regular mail to the Judge Advocate General (Code 14), 1322 Patterson Avenue, SE, Suite 3000, Washington Navy Yard, DC 20374-5066.

Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope bear the notation 'Freedom of Information Act Appeal'."

## Chapter 2

OVERVIEW OF THE PRIVACY ACT OF 1974

1. Privacy Act of 1974. The Privacy Act of 1974, 5 U.S.C. § 552a (2006), which has been in effect since September 27, 1975, can generally be characterized as an omnibus "code of fair information practices" that attempts to regulate the collection, maintenance, use, and dissemination of personal information by federal executive branch agencies. However, the Act's imprecise language, limited legislative history, and somewhat outdated regulatory guidelines have rendered it a difficult statute to decipher and apply.

2. The Computer Matching and Privacy Protection Act of 1988. (Pub. L. No. 100-503) amended the Privacy Act to add several new provisions. These provisions add procedural requirements for agencies to follow when engaging in computer-matching activities; provide matching subjects with opportunities to receive notice and to refute adverse information before having a benefit denied or terminated; and require that agencies engaged in matching activities establish Data Protection Boards to oversee those activities. Congress subsequently enacted the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. No. 101-508), which further clarified the due process provisions.

3. Policy Objectives. Broadly stated, the purpose of the Privacy Act is to balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them. The historical context of the Privacy Act is important to an understanding of its remedial purposes. In 1974, Congress was concerned with curbing the illegal surveillance and investigation of individuals by federal agencies that had been exposed during the Watergate scandal. It was also concerned with potential abuses presented by the government's increasing use of computers to store and retrieve personal data by means of a universal identifier -- such as an individual's social security number. The Privacy Act focuses on four basic policy objectives:

a. To restrict disclosure of personally identifiable records maintained by agencies;

b. To grant individuals increased rights of access to agency records maintained on themselves;

c. To grant individuals the right to seek amendment of agency records maintained on themselves upon a showing that the records are not accurate, relevant, timely, or complete;

d. To establish a code of "fair information practices" which requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records.

4. Records. A record is defined as "any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph". To qualify as a Privacy Act record, the information must identify an individual.

5. System of Records. A system of records is defined as "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual". Information taken from a protected record and subsequently incorporated into a record that is not maintained in a system of records can itself become a protected record.

6. Conditions of Disclosure to Third Parties. No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, subject to 12 exceptions.

a. A disclosure can be by any means of communication, including written, oral, electronic, and mechanical.

b. An agency's unauthorized release of a protected record constitutes a disclosure under the Privacy Act except in those rare instances where the record merely reflects information that the agency has previously, and lawfully, disseminated outside the agency to the recipient, who is fully able to reconstruct its material contents.

c. Whether the disclosure of information that is readily accessible to the public constitutes a disclosure under the Privacy Act is an issue that has been decided differently by the courts that have considered it.

d. APPENDIX E lists the personally identifiable information (PII) that may be disclosed without violating an individual's personal privacy.

7. Exceptions. The Privacy Act has 12 permissive, but not mandatory, exceptions that may be applied in order to exempt records, or portions of those records, from release. These exceptions are:

- a. To officers and employees of the agency which maintains the records with a need to know;
- b. Disclosures required under FOIA;
- c. The routine use of a record for a purpose which is compatible with the purpose for which it was collected;
- d. Bureau of the Census purposes;
- e. For use solely as a statistical research or reporting record so long as not individually identifiable;
- f. To the National Archives if the record's continued preservation is warranted;
- g. If properly requested by a law enforcement agency;
- h. For the health or safety of an individual;
- i. To either House of Congress or any committee or sub-committee with jurisdiction;
- j. For official use by the Comptroller General or the Government Accountability Office;
- k. Pursuant to the order of a court of competent jurisdiction;
- l. To a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

8. Responsibility and Authority. DON employees/contractors are responsible for safeguarding the rights of others by:

- a. Ensuring that PII contained in a system of records is protected to preserve its security and confidentiality;
- b. Only disclosing information contained in a system of records as authorized;
- c. Not maintaining unpublished official files;
- d. Safeguarding the privacy of individuals and confidentiality of PII contained in a system of records;
- e. Properly marking all documents containing PII as "FOR OFFICIAL USE ONLY"- PRIVACY SENSITIVE - any misuse or unauthorized disclosure can result in both civil and criminal penalties;
- f. Not maintaining privacy sensitive information in public folders;



g. Reporting any unauthorized disclosure of PII;

h. Reporting the maintenance of any unauthorized system of records.

9. Unauthorized Disclosure. In the event of an unauthorized disclosure of PII, immediately notify the MARFORRES Cybersecurity (CS) Officer. The CS Officer will work with the MARFORRES and Headquarters Battalion (HqBn) Privacy Act Officers and the Directorate responsible for the unauthorized disclosure to ensure:

a. All affected parties are properly notified;

b. Required reports are sent to the required agencies.

Chapter 3

COMMAND STRUCTURE

1. MARFORRES FOIA RSC. The MARFORRES RSC is responsible for processing all requests:

- a. Sent directly to the RSC;
- b. Forwarded to the RSC by Headquarters Marine Corps;
- c. Sent to any MARFORRES/MARFORNORTH Headquarters staff element;
- d. Sent to any MARFORRES subordinate command or unit.

2. MARFORRES/MARFORNORTH Headquarters Staff Elements and Subordinate Commands and Units. These elements, commands and units shall forward all FOIA and Privacy Act requests to the MARFORRES RSC by e-mail or post to:

- a. m\_mfr\_rsc@usmc.mil; or
- b. Attn: MARFORRES Deputy Counsel  
Marine Corps Support Facility  
2000 Opelousas Avenue  
Building 1, Room 4E5311  
New Orleans, LA 70114-1500

3. Personnel

a. MARFORRES RSC Director. The MARFORRES Counsel is assigned as the MARFORRES RSC Director and is responsible for all FOIA requests submitted to the MARFORRES staff or any MARFORRES subordinate unit.

(1) The MARFORRES RSC Director is required to be familiar with the FOIA program and the potential sensitivity of responses to FOIA requests.

(2) For Privacy Act data, the MARFORRES RSC Director must be knowledgeable about the applicable Privacy Act System of Records Notice, any exemptions, and the disclosure and accounting requirements of the Privacy Act.

(3) The MARFORRES RSC Director shall consult as necessary with the Privacy Act Officer assigned within the MARFORRES G-1 and the CS Officer assigned within the MARFORRES G-6.

b. MARFORRES FOIA Officer. The MARFORRES Deputy Counsel is assigned as the MARFORRES FOIA Officer and shall be the primary point of contact for the MARFORRES RSC. The FOIA Officer is responsible for:

- (1) Ensuring all FOIA/Privacy Act requests are perfected;
- (2) Drafting all FOIA and Privacy Act correspondence;
- (3) Ensuring all responses to FOIA/Privacy Act requests are completed within the statutory time restraints;
- (4) Maintaining accurate status of all FOIA requests in the FOIAonline database;
- (5) Maintaining complete hard copy files for the required time periods.

c. MARFORRES G-1 Privacy Act Officer. The MARFORRES G-1 Adjutant is assigned as the MARFORRES Privacy Act Officer and shall be the primary MARFORRES point of contact for questions and issues involving the Privacy Act. All requests for information under the Privacy Act sent to the MARFORRES G-1 Privacy Act Officer shall be forwarded to the MARFORRES RSC for processing.

d. MARFORRES HqBn Privacy Act Officer. The MARFORRES HqBn S-1 Adjutant is assigned as the MARFORRES HqBn Privacy Act Officer and shall work directly with the MARFORRES G-1 Privacy Act Officer on issues involving the Privacy Act. All requests for information under the Privacy Act sent to the MARFORRES HqBn Privacy Act Officer shall be forwarded to the MARFORRES G-1 Privacy Act Officer.

e. MARFORRES CS Officer. The MARFORRES G-6 shall assign the MARFORRES CS Officer.

(1) One of the MARFORRES CS Officer's duties is the overall monitoring and safeguarding of PII across the Force.

(2) Any questions involving PII that evolve during the processing of FOIA/Privacy Act requests shall be coordinated with the MARFORRES CS Officer.

f. Initial Denial Authority

(1) Commander, MARFORRES (COMMARFORRES)/MARFORNORTH is the Initial Denial Authority (IDA) for MARFORNORTH, MARFORRES and all MARFORRES subordinate units.

(2) Any official person delegated to act "by direction" of the IDA may sign for the IDA. The following persons are hereby authorized to sign by direction of the IDA:

- (a) HQMC FOIA Officer;
- (b) MARFORRES Chief of Staff;

(c) MARFORNORTH Chief of Staff;

(d) MARFORRES RSC Director;

(e) MARFORRES FOIA Officer.

4. Signature Authority

a. Full Releases: The FOIA Officer will normally sign all responses comprising full release of the requested information. Any person authorized to sign by direction of the IDA may sign full release responses as well.

b. Full and Partial Denials: Any person authorized to sign by direction of the IDA may sign responses containing a full or partial denial of the information requested.

c. "No-Record" Responses: Any person authorized to sign by direction of the IDA may sign responses that document a finding that MARFORRES has no responsive records to a FOIA request.

5. MARFORRES Subordinate Commands and Units

a. Command Adjutant. The MARFORRES FOIA Officer will normally work directly with the appropriate Major Subordinate (MSC) Command adjutant to request a search for responsive records.

b. Inspector-Instructor (I-I) Staffs. Upon receiving direction to search for responsive records to a FOIA request from the MSC adjutant, the I-I shall promptly conduct the search and report the results back to the MSC adjutant.



**UNITED STATES MARINE CORPS**  
MARINE FORCES RESERVE  
2000 OPELOUSAS AVENUE  
NEW ORLEANS, LA 70114-1500

IN REPLY REFER TO:  
1400  
CMD  
01 Oct 14

From: Executive Director  
To: First M. Last

Subj: APPOINTMENT AS FREEDOM OF INFORMATION ACT (FOIA) OFFICER

Ref: (a) SECNAVINST 5720.42F  
(b) ForO P5000.6D  
(c) ForO 5720.1

1. You are hereby appointed as the Marine Forces Reserve FOIA Officer.
2. You shall carry out all duties associated with this position in accordance with the references.
3. Point of contact at this command is Mr. Gray T. Lawyer, Counsel, commercial (504) 697-8144.

I. M. INCHARGE

Figure 3-1.--Sample Designation Letter

## Chapter 4

PROCESSING FOIA AND PRIVACY ACT REQUESTS

1. Receipt of Initial Requests. Initial requests are received, logged, and tracked by the MARFORRES RSC under the supervision of the MARFORRES RSC Director.

a. Any FOIA or Privacy Act request received by MARFORNORTH or any MARFORRES subordinate command or unit shall be immediately forwarded to the MARFORRES RSC.

b. The MARFORRES FOIA Officer performs the first review to ensure the request contains all the elements of a perfected request.

c. All FOIA and Privacy Act requests are tracked and processed through the FOIAonline database.

2. Perfected Requests. The MARFORRES RSC ensures a request is perfected before starting any search for responsive records. The request is considered perfected when:

a. The requested records are reasonably described;

b. The fee category and fee declaration are appropriate;

c. The request is in writing; and

d. Any request for expedited processing is adequately explained.

3. Acknowledgement. Within five business days of receiving a FOIA request, the MARFORRES RSC shall send an acknowledgement letter to the requestor.

4. Expedited Processing. When expedited processing is requested, the FOIA Officer shall immediately evaluate the request. Expedited processing shall be granted to a requestor after the requestor demonstrates a compelling need for the information. Notice of the determination shall be provided to the requestor within 10 calendar days after receipt of the request by the MARFORRES RSC. Once a determination to grant expedited processing has been made, the MARFORRES RSC shall process the request as soon as practicable.

a. Compelling need means:

(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) The 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.

Representatives of the news media normally qualify as individuals primarily engaged in disseminating information to the public.

b. Urgently needed means that the information has a particular value that will be lost if not disseminated quickly. Ordinarily, this means a breaking news story of general public interest.

c. Other reasons that merit expedited processing:

- (1) An imminent loss of substantial due process rights;
- (2) Humanitarian need.

5. Handling. Every request received shall be assigned a case number generated by the FOIAonline database. Hard copies of the request and all related information shall be collected into a folder and properly safeguarded. Electronic copies are placed in a Counsel SharePoint folder under "Freedom of Information Act" with access restricted solely to individuals assigned to the MARFORRES Counsel Office.

a. Case Numbers. Case numbers are generated by the FOIAonline database. The case number is comprised of the following parts: DON-USMC-YYYY-NNNNNN where:

- (1) YYYY is the four digit number for the current fiscal year;
- (2) NNNNNN is the sequential number generated by FOIAonline for the current fiscal year.

6. Determining the Suspense Date. Once a request is perfected, the suspense date is determined. The amount of time allowed between receipt of a request and the suspense date includes search, review, duplication, coordination, and response.

a. The statutory time allowed for completing a FOIA response is 20 working days. In order for the MARFORRES RSC to meet this requirement, the following **maximum** processing times shall be adhered to:

- (1) Two working days for the FOIA Officer to conduct an initial review, determine potential responsive records custodians, and send an appropriate search request to those custodians.
- (2) Ten additional working days to complete a coordinated search through a custodian of responsive records.
- (3) Five additional working days for collection, review, response preparation, and filing by the FOIA Officer.
- (4) Three additional working days to account for delays, organize materials, and send the determination letter to the requestor.

7. Scope. The need for a clarification of the scope of a request may toll the suspense date (stop the clock).

a. Tolling may only be done after the request has been tasked for processing.

b. Only the MARFORRES RSC is permitted to contact a requestor to ask for clarification of scope.

c. The MARFORRES RSC shall provide the requestor with 14 working days to respond to a request for clarification that is sent by mail and five working days to respond to a request for clarification that is sent by electronic mail.

d. The MARFORRES RSC shall always include a notice to the requestor that failure to provide a clarification of scope will result in the request being denied as the records sought are not reasonably described.

8. Search. When a record custodian is tasked to perform a search, the time spent searching the files and reading through documents to determine if they are responsive shall be recorded.

a. A search request containing PII sent from the MARFORRES RSC to a record custodian by e-mail shall be sent encrypted.

b. As the MARFORRES RSC is required to retain a complete, unredacted copy of all responsive records in the MARFORRES RSC case files, **all** responsive records shall be forwarded to the FOIA Officer.

c. The record custodian shall provide the following information to the MARFORRES RSC along with all responsive documents:

(1) The location(s) that were searched - physically as well as electronically;

(2) The amount of time spent on the search;

(3) The paygrade(s) of the person(s) conducting the search;

(4) A statement as to whether or not any responsive documents were destroyed (or were likely to have been destroyed) in accordance with Department of the Navy retention policies.

9. Review. The FOIA Officer shall review all responsive records to determine if all or part of the records should be withheld under a FOIA exemption. APPENDIX C contains explanations of the FOIA exemptions.

a. All redactions shall be done using Adobe Acrobat Professional software.



(1) All redacted areas must be identifiable. This is done by shading the redacted area.

(2) Every redacted area must note the reason for the redaction. In nearly all cases, this is accomplished by inserting text with the exemption used. For example, "U.S. FOIA (b) (6)".

b. All responsive record pages shall be marked and sequentially numbered using Adobe Acrobat Professional software. The bottom right footer of each page shall be annotated with the FOIAonline case number and a "Bates stamp" page number generated through the Adobe Acrobat Professional Tools menu. The recommended format is all capital letters, red type, Arial font 16 point. An example is:

FOIA DON-USMC-2016-123456      000001

This would represent the first page of a USMC FOIA case which is the 123,456th Department of the Navy FOIAonline case of fiscal year 2016.

c. While every effort must be made to meet the suspense date, there is a provision for the MARFORRES RSC to obtain an additional 10 working days to respond to a requestor. In the following unusual circumstances, the MARFORRES RSC may contact the requestor to explain the reason(s) for the delay and provide notification that an extension has been authorized:

(1) Searching in multiple locations;

(2) Searching for and reviewing a voluminous amount of records;

(3) Consulting with another Federal agency.

d. The MARFORRES RSC is also authorized and encouraged to negotiate informal deadline extensions with the requestor. Informal extensions may be for any length of time and shall be documented in the case file.

#### 10. Preparing the Response Letter

a. The FOIA Officer will cite the following information in the response letter:

(1) Each exemption used for withholding of information;

(2) Why each exemption was used;

(3) A statement as to whether fees have been assessed;

(4) A detailed account of all fees charged;

(5) Payment information, if applicable;

(6) An appeal paragraph.

b. For a full or partial denial, the response letter will note that the signer is either the IDA or is signing by direction of the IDA.

c. For a full denial, consideration will be made as to whether or not a reasonable segregation of material is practical. If not practical, the response letter will note the reason why, such as "non-exempt material is so inextricably intertwined with exempt material that disclosure would leave only meaningless information."

d. When a search produces no records, the response letter must validate a reasonable search. In order to demonstrate a reasonable search, the response letter should contain the information listed in paragraph 8.c above.

11. MARFORRES RSC Director Action

a. The MARFORRES RSC Director shall, on occasion, review full denials, partial denials, and "no responsive record" responses in order to:

(1) Ensure the appropriateness of the exemptions claimed;

(2) Ensure that reasonable segregation was performed where practical;

(3) Ensure that submitter notices were sent and reviewed for the use of exemption (b) (4);

(4) Provide an opinion, if necessary, on the rationale for the use of exemption (b) (4).

12. Invoicing. An invoice shall be generated for each FOIA request through the FOIAonline database. The DON follows the uniform fee schedule developed by the DoD which conforms to the Office of Management and Budget's Uniform FOIA Fee Schedule and Guidelines.

a. Fees reflect direct costs for search, review (for commercial requestors only), and duplication of documents.

b. The following categories of requestors are subject to varying levels of fees:

(1) Commercial. Seeks information to further the commercial, trade, or profit interest of the requestor or on whose behalf the request was made.

(2) Educational. Refers to:

(a) A pre-school;

- (b) A public or private elementary or secondary school;
- (c) An institution of graduate high education;
- (d) An institution of undergraduate high education;
- (e) An institution of professional education;

(f) An institution of vocational education, which operates a program or programs of scholarly research.

(3) Non-Commercial Scientific Institution. Refers to an institution that is not operated on a "commercial" basis and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(4) Representative of the News Media. Any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public.

(5) All Other Requestors. Requestors who do not fit into any other category are charged fees which recover the full direct cost of searching for and duplicating records EXCEPT that the first two hours of search and the first 100 pages of duplication shall be provided without charge.

c. Additional information on FOIA fees is located in enclosure (3) to reference (e).

d. An invoice that requires the requestor to pay fees shall be included with the response letter.

13. Distributing the Response Letter. Once the final response letter is signed, the FOIA Officer shall copy the records to be sent to the requestor.

a. The response letter and any enclosures should be sent to the requestor in the method requested. Responses may be transmitted by:

- (1) First Class Mail;
- (2) First Class Mail with a Return Receipt Requested;
- (3) Certified Mail;
- (4) Electronic Mail;
- (5) Fax.

b. If a response being sent by First Class Mail contains any PII, a Return Receipt must be requested.

c. If a response being sent by Electronic Mail contains any PII, the response must be password protected. The password must be sent to the requestor in a separate electronic mail message.

14. Case Files. The FOIA Officer is responsible for creating and maintaining a hard copy case file and a FOIAonline case file for every FOIA request.

a. A proper hard copy case file will contain:

- (1) The original request;
- (2) All correspondence from the requestor;
- (3) All correspondence from tasked staff elements or MSC;
- (4) Any other relevant correspondence;
- (5) A complete, unredacted copy of all responsive records;
- (6) A copy of the response letter;
- (7) A copy of the redacted responsive records provided with the response letter;
- (8) Any notes indicating the justification for the case disposition;
- (9) A copy of the invoice, even if no fees were charged;
- (10) A copy of the FOIAonline case file.

b. The FOIAonline case file shall follow the guidance in reference (j).



**UNITED STATES MARINE CORPS**  
MARINE FORCES RESERVE  
2000 OPELOUSAS AVENUE  
NEW ORLEANS, LA 70114-1500

IN REPLY REFER TO:  
5720

Ser Counsel/2015-123456AK  
18 Jun 15

**VIA ELECTRONIC MAIL**

Mr. John Q. Public  
123 Main Street Anytown, LA 70000 myemail@server.com

Subj: YOUR FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER  
DON-USMC-2015-123456

Dear Mr. Public:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request submitted on June 13, 2015. You have requested a copy of your military service records to include your Service Record Book and your complete medical record.

Your request was assigned tracking number DON-USMC-2015-123456 by the FOIAonline system. Please mention this tracking number in any correspondence regarding your request. You can access the FOIAonline system at [foiaonline.regulations.gov](http://foiaonline.regulations.gov).

Your request for expedited processing is approved.

Every effort will be made to respond to your request in accordance with Title 5, United States Code, Section 552 (a) (6) (i) and other applicable federal statutes and regulations.

Please contact me at (504) 697-8143 or [first.last@usmc.mil](mailto:first.last@usmc.mil) if you have any questions concerning the status of your request.

Sincerely,

First M. Last  
FOIA Officer  
U.S. Marine Forces Reserve

**To:** APPROPRIATE ADDRESSEES

**Subject:** \*\*\* FOUO \*\*\* FOIA Case DON-USMC-2015-123456 \*\*\* FOUO \*\*\*

FOR OFFICIAL USE ONLY -- PRIVACY SENSITIVE

Good morning,

I am in receipt of the subject FOIA request. This is a request for the following information pertaining to John Q. Public (DOB: 01 January 1910; SSN: 987-65-4321):

1. Military Service Records, including Service Record Book;
2. Complete Medical Record.

Expedited processing has been granted for this request.

I believe your offices may hold records that are responsive to this request. Please direct a search within your respective offices for all potentially responsive documents and provide me with any documents you locate. You can provide the documents in electronic or hard copy format.

A negative response is required. If you believe your office did or should have held responsive documents, but they were likely destroyed in accordance with records management retention requirements or some other reason, please let me know that along with what type of documents may have been destroyed.

If you believe other offices or units within MARFORRES may hold responsive records, please let me know and I will ask them to conduct a search as well.

In order to meet our required response deadline, I will greatly appreciate hearing from you no later than 1500 central time, Friday, 26 June 2015.

FOIA Officer

FOR OFFICIAL USE ONLY -- PRIVACY SENSITIVE

CONFIDENTIALITY NOTICE:

THIS ELECTRONIC MESSAGE TRANSMISSION IS FROM THE OFFICE OF COUNSEL, MARINE FORCES RESERVE, AND IS CONFIDENTIAL OR PRIVILEGED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE RETURN IT TO THE SENDER BY THE MOST CONFIDENTIAL MEANS POSSIBLE AND IMMEDIATELY NOTIFY THE SENDER VIA TELEPHONE. THE INFORMATION CONTAINED IN THIS E-MAIL AND ACCOMPANYING ATTACHMENTS CONSTITUTE CONFIDENTIAL INFORMATION WHICH MAY BE LEGALLY PRIVILEGED OR OTHERWISE PROTECTED FROM DISCLOSURE WITHOUT PERMISSION OF THE ORIGINATOR. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS INFORMATION, ANY DISCLOSURE, COPYING, DISTRIBUTION, OR TAKING OF ANY ACTION IN RELIANCE ON THIS INFORMATION IS STRICTLY PROHIBITED.

Figure 4-2.--Sample Search Request



**UNITED STATES MARINE CORPS**  
MARINE FORCES RESERVE  
2000 OPELOUSAS AVENUE  
NEW ORLEANS, LA 70114-1500

IN REPLY REFER TO:  
5720

Ser Counsel/2015-123456GR  
18 Jun 15

**VIA ELECTRONIC MAIL**

Mr. John Q. Public  
123 Main Street Anytown, LA 70000 myemail@server.com

Subj: YOUR FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER  
DON-USMC-2015-123456

Dear Mr. Public:

This letter refers to your June 13, 2015 Freedom of Information Act (FOIA) request in which you seek a copy of your military service records to include your Service Record Book and your complete medical record. Your request was assigned tracking number DON-USMC-2015-123456 by the FOIAonline system. Please mention this tracking number in any correspondence regarding your request. You can access the FOIAonline system at [foiaonline.regulations.gov](http://foiaonline.regulations.gov).

MARFORRES reviewed a total of seventy-six (76) pages that were responsive to your request. I am releasing all responsive documents to you.

I have categorized you as an "Other Requester" for the purpose of assessing FOIA processing fees. All fees have been waived in accordance with and as allowed by Secretary of the Navy Instruction 5720.42F. However, fees are assessed on a case-by-case basis, and you may be charged fees on future requests.

Should you have any questions, please feel free to contact me at (504) 697-8143 or [ronald.bald@usmc.mil](mailto:ronald.bald@usmc.mil).

Sincerely,

First M. Last  
FOIA Officer  
U.S. Marine Forces Reserve

Figure 4-3.--Sample Response Letter-Grant in Full



**UNITED STATES MARINE CORPS**  
MARINE FORCES RESERVE  
2000 OPELOUSAS AVENUE  
NEW ORLEANS, LA 70114-1500

IN REPLY REFER TO:  
5720

Ser Counsel/2015-234567DE  
30 Jun 15

**VIA ELECTRONIC MAIL**

Mr. John Q. Public  
123 Main Street Anytown, LA 70000 myemail@server.com

Subj: YOUR FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER  
DON-USMC-2015-234567

Dear Mr. Public:

This letter refers to your Freedom of Information Act (FOIA) request dated June 20, 2015 requesting any and all audio or video recordings, or any verbatim recording, in whatever form, of all proceedings in the General Court-Martial of *United States v John Doe*; including, but not limited to, the audio recordings of the arraignment taking place on 15 December 2014, any and all Article 39(a) hearings, including hearings occurring on 6 January 2015 and 15 January 2015, as well as any recordings of the trial that took place from 10 through 13 February 2015.

Your request was received by this office on June 20, 2015 and assigned tracking number DON-USMC-2015-234567 by the FOIAonline system. Please mention this tracking number in any correspondence regarding your request. You can access the FOIAonline system at [foiaonline.regulations.gov](http://foiaonline.regulations.gov).

Written transcripts for these events do not exist as they were not required to be made. The Government is not required to create a record pursuant to a FOIA request.

Marine Forces Reserve has reviewed the audio recordings of the General Court-Martial, arraignment, and Article 39(a) sessions. Unfortunately, I am compelled to deny your request for these recordings. It is not possible to parse out the privacy interests of individuals in the audio recordings that outweigh the public interest of release.

However, you are welcome to listen to the audio recordings at the Office of the Staff Judge Advocate for Marine Forces Reserve. You may contact Master Sergeant Smith at (504) 697-9999 or [jane.smith@usmc.mil](mailto:jane.smith@usmc.mil) to arrange a visit.

Figure 4-4. --Sample Response Letter-Denial



Subj: YOUR FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER  
DON-USMC-2015-234567

Because you have been denied records responsive to your request, you may consider this to be an adverse determination that may be appealed.

If you have created an account in FOIAonline, you may submit your appeal directly within the web-based system. To do this, log into your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal.

If you do not have a FOIAonline account, you may send an appeal by regular mail to the Judge Advocate General (Code 14), 1322 Patterson Avenue, SE, Suite 3000, Washington Navy Yard, DC 20374-5066.

Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope bear the notation "Freedom of Information Act Appeal".

Your fee waiver request was previously approved and you will not be charged any processing fees regarding this request. However, fees are assessed on a case-by-case basis, and you may be charged fees on future requests.

Please contact me at (504) 697-8143 or first.last@usmc.mil if you have any questions concerning the status of your request.

Sincerely,

First M. Last  
FOIA Officer  
U.S. Marine Forces Reserve

Figure 4-4. --Sample Response Letter-Denial-- Continued



**UNITED STATES MARINE CORPS**  
MARINE FORCES RESERVE  
2000 OPELOUSAS AVENUE  
NEW ORLEANS, LA 70114-1500

IN REPLY REFER TO:  
5720

Ser Counsel/2015-987654PD  
2 Jul 15

**VIA ELECTRONIC MAIL**

Mr. John Q. Public  
123 Main Street Anytown, LA 70000 myemail@server.com

Subj: YOUR FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER  
DON-USMC-2015-987654

Dear Mr. Public:

This letter refers to your Freedom of Information Act (FOIA) request dated June 17, 2015 requesting a copy of the Command Investigation initiated on 2 January 2013 by the 5th Marine Division.

Your request was received by this office on May 29, 2015 and assigned tracking number DON-USMC-2015-987654 by the FOIAonline system. Please use this tracking number whenever referring to this request. You can access the FOIAonline system at <https://foiaonline.regulations.gov/>.

Marine Forces Reserve reviewed a total of one hundred eight (108) pages that were responsive to your request. Unfortunately, I am compelled to partially deny your request for these documents. I have redacted information contained in eighty (80) of the responsive pages pursuant to Title 5, United States Code, Sections 552(b)(5) and 552(b)(6). Responsive documents subject to Section 552(b)(5) were pre-decisional, attorney work product, or communication covered by attorney-client privilege. Disclosure of information subject to Section 552(b)(6) would constitute an unwarranted invasion of personal privacy to individuals whose personal information appears in those records. I am releasing the remaining twenty-eight (28) pages to you in full.

Due to the size of the file, I will be sending it to you through the United States Army Secure Access File Exchange (SAFE) website at <https://safe.amrdec.army.mil>. You will receive an e-mail from the SAFE system with directions on how to access the file.

Because your request was partially denied, you may consider this to be an adverse determination that may be appealed.

If you have created an account in FOIAonline, you may submit your

Figure 4-5.--Sample Response Letter-Partial Grant/Partial Denial

Subj: YOUR FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER  
DON-USMC-2015-987654

appeal directly within the web-based system. To do this, log into your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal.

If you do not have a FOIAonline account, you may send an appeal by regular mail to the Department of the Navy, Office of the General Counsel (ATTN FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000.

Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope bear the notation "Freedom of Information Act Appeal".

All fees have been waived in accordance with and as allowed by Secretary of the Navy Instruction 5720.42F. However, fees are assessed on a case-by-case basis, and you may be charged fees on future requests.

Should you have any questions, please feel free to contact me at (504) 697-8143 or ronald.bald@usmc.mil.

Sincerely,

First M. Last  
FOIA Officer  
U.S. Marine Forces Reserve

Enclosure (sent under separate cover)

Figure 4-5.--Sample Response Letter-Partial Grant/Partial Denial--  
Continued

Chapter 5

CASE FILE MAINTENANCE AND RETENTION

1. Case filing

a. A hard copy case file must be created for every FOIA request. The case files must be kept in a locked filing cabinet drawer within the MARFORRES Counsel Office.

b. Every hard copy case file must display the date that the file is eligible for destruction.

c. Electronic documents may be maintained within the MARFORRES SharePoint provided that access to the documents is limited to personnel within the MARFORRES Counsel Office.

d. Any electronic documents maintained on SharePoint should be organized by their FOIA case file number and treated as an extension of the hard copy case file.

2. Case file and record retention. SECNAV M-5210.1, the DON Records Management Program Records Management Manual, contains the retention requirements for FOIA case files and records.

a. The following case files and records are required to be retained for two years:

- (1) All responsive documents released in full;
- (2) Annual reports;
- (3) Administrative files.

b. The following case files and records are required to be retained for six years:

- (1) FOIA requests which were denied in full;
- (2) FOIA requests which were denied in part;
- (3) FOIA requests which resulted in a "no-records" response;
- (4) Withdrawn FOIA requests.

c. Appeals. Upon learning that a FOIA response is being appealed, the MARFORRES RSC must protect and preserve the entire case file until the appeal is resolved.

(1) The FOIA Officer must coordinate with OGC or OJAG as appropriate to ensure all information is provided to the appellate authority.

(2) The FOIA Officer must verify when the appeal is finalized so the MARFORRES case file can be destroyed.

Chapter 6

REPORTS

1. Open cases. The FOIA Officer will track each case and send a weekly status report of every open case to the MARFORRES RSC Director. Cases remain open until a final response letter is signed and sent, and the case is closed in FOIAonline.

2. Overdue Responses. For every FOIA request where the MARFORRES RSC has not met its statutory 20 working day response obligation, the FOIA Officer will send a weekly status report to the requestor.

3. Quarterly report. HQMC Freedom of Information and Privacy Act Section requires an abbreviated quarterly report. There is no current requirement for the MARFORRES RSC regarding this report as it is generated by FOIAonline. However, the report form is included as Figure 6-1.

4. Annual report. Annual reports are compiled for every fiscal year. There is no current requirement for the MARFORRES RSC regarding this report as it is generated by FOIAonline. However, the report form is included as Figure 6-2.

## FY13 FOIA Quarterly Reporting Form

**Submit Completed Form to [smb.hqmc.foia@usmc.mil](mailto:smb.hqmc.foia@usmc.mil)**

Quarter: FY13 - 3rd Quarter (Apr. 1 - Jun. 30, 2013)

Department Name:

- a) FOIA requests received during quarter:
- b) FOIA requests processed during quarter:
- c) FOIA backlog at end of quarter:
- d) Status of 10 oldest backlogged cases as reported on the FY12 FOIA Annual Report by your agency.

Date of Request          Status of Request

Figure 6-1.--Quarterly Report Template

<b>ANNUAL FREEDOM OF INFORMATION ACT REPORT</b>				REPORT CONTROL SYMBOL DD-DA&M(A)1365	
SUBCOMPONENT/COMPONENT OR AGENCY REPORTING				REPORT FOR FISCAL YEAR	
<b>SECTION I - BASIC INFORMATION REGARDING REPORT</b>					
<b>1. PERSON(S) TO CONTACT WHO CAN ANSWER QUESTIONS ABOUT THE REPORT</b>					
a. NAME (Last, First, Middle Initial)	b. TITLE	c. ADDRESS	d. TELEPHONE NO.	e. E-MAIL ADDRESS	
<b>2. PROVIDE AN ELECTRONIC LINK FOR ACCESS TO THE REPORT ON THE AGENCY WEB SITE.</b> The Defense Freedom of Information Policy Office (DFOIPO) will satisfy this requirement.					
<b>3. EXPLAIN HOW TO OBTAIN A COPY OF THE REPORT IN PAPER FORM.</b> The Defense Freedom of Information Policy Office will satisfy this requirement.					
<b>SECTION II - MAKING A FOIA REQUEST</b>					
<b>1. ALL AGENCY COMPONENTS THAT RECEIVE FOIA REQUESTS</b> (Continue on separate page if necessary using the same format.) <a href="#">Continuation Page</a>					
a. SUBCOMPONENT/COMPONENT OR AGENCY) (e.g., <i>McDill AFB, Department of the Air Force</i> )	b. ADDRESS (Mail Stop, Room, Building, Base, City, State or Country, ZIP Code)	c. TELEPHONE NUMBER			
<b>2. PROVIDE A BRIEF DESCRIPTION OF WHY SOME REQUESTS ARE NOT GRANTED AND AN OVERVIEW OR CERTAIN GENERAL CATEGORIES OF THE AGENCY'S RECORDS TO WHICH THE FOIA EXEMPTIONS APPLY.</b> The Defense Freedom of Information Policy Office will satisfy this requirement.					
<b>SECTION III - ACRONYMS, DEFINITIONS AND EXEMPTIONS</b>					
The Defense Freedom of Information Policy Office will satisfy this requirement.					

Figure 6-2.--DD Form 2564 Annual FOIA Report



SUBCOMPONENT/COMPONENT OR AGENCY REPORTING		REPORT FOR FISCAL YEAR	
SECTION IV - EXEMPTION 3 STATUTES <i>(Attach additional pages if necessary)</i> <a href="#">Continuation Page</a>			
(1) List all Exemption 3 statutes. ( <a href="http://www.dod.mil/pubs/foi/b3.pdf">http://www.dod.mil/pubs/foi/b3.pdf</a> ) (2) The Defense Freedom of Information Policy Office will satisfy this requirement. (3) The Defense Freedom of Information Policy Office will satisfy this requirement. (4) For each request, report the number of times each statute was relied upon, however, count each statute only once per request.		Total Number of Unique Uses of Exempt 3 Statutes	
1. STATUTE <i>(CTRL+click to select all applicable)</i>	2. TYPE OF INFORMATION WITHHELD	3. CASE CITATION	4. NO. OF TIMES RELIED UPON
<input type="checkbox"/>	The Defense Freedom of Information Policy Office will satisfy this requirement.	The Defense Freedom of Information Policy Office will satisfy this requirement.	
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
Other: <input type="text"/>			
Other: <input type="text"/>			

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING											REPORT FOR FISCAL YEAR			
<b>SECTION V - FOIA REQUESTS</b>														
<b>A. RECEIVED, PROCESSED AND PENDING FOIA REQUESTS.</b> Provide the numbers of received, processed, and pending requests, both perfected and non-perfected. The number in column 1 must match the number of "Requests Pending as of End of Fiscal Year" from the previous year's Annual FOIA Report. The sum of columns 1 and 2 minus the number in column 3 must equal the number in column 4.														
1. NUMBER OF REQUESTS PENDING AS OF START OF FISCAL YEAR			2. NUMBER OF REQUESTS RECEIVED IN FISCAL YEAR			3. NUMBER OF REQUESTS PROCESSED IN FISCAL YEAR			4. NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR					
<b>B. DISPOSITION OF FOIA REQUESTS.</b> 1. All Processed Requests. Provide the number of request dispositions as described below. Use only one column to report each request. Use the nine "Full Denial Based on Reasons Other than Exemptions" columns only if the request cannot be counted in columns 1 through 3. The numbers in column 5, "Total", must match the numbers in Section V. A., column 3.														
(1) NUMBER OF FULL GRANTS	(2) NUMBER OF PARTIAL GRANTS/PARTIAL DENIALS	(3) NUMBER OF FULL DENIALS BASED ON EXEMPTIONS	(4) NUMBER OF FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS <i>(Please count each case can be in only 1 column)</i>									(5) TOTAL		
			a. NO RECORDS	b. ALL RECORDS REFERRED TO ANOTHER COMPONENT/ AGENCY	c. REQUEST WITHDRAWN	d. FEE-RELATED REASON	e. RECORDS NOT REASONABLY DESCRIBED	f. IMPROPER FOIA REQUEST FOR OTHER REASON	g. NOT AGENCY RECORD	h. DUPLICATE REQUEST	i. OTHER <i>(Explain in B.2 below)</i>			
2. Other Reasons for "Full Denials Based on Reasons Other than Exemptions". For any request marked "Other", provide descriptions of other reasons for full denials and the number of times each reason was relied upon. "Total" must equal "Other" column in B.1.														
(1) DESCRIPTION OF "OTHER" REASONS FOR DENIALS											(2) NO. OF TIMES			
											(3) TOTAL			
3. Number of Times Exemptions Applied. Count each exemption only once per request.														
EX. 1	EX. 2	EX. 3	EX. 4	EX. 5	EX. 6	EX. 7(A)	EX. 7(B)	EX. 7(C)	EX. 7(D)	EX. 7(E)	EX. 7(F)	EX. 8	EX. 9	

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING										REPORT FOR FISCAL YEAR				
<b>SECTION VI - ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS</b>														
<b>A. RECEIVED, PROCESSED AND PENDING ADMINISTRATIVE APPEALS.</b> Provide the number of administrative appeals received, processed, and pending as described in columns 1 through 4. The sum of columns 1 and 2 minus the number in column 3 must equal the number in column 4. Starting with Fiscal Year 2009, the number in column 1 must match the number of "Appeals Pending as of End of Fiscal Year" from the previous year's Annual FOIA Report.					<b>B. DISPOSITION OF ADMINISTRATIVE APPEALS - ALL PROCESSED APPEALS.</b> Provide the number of administrative appeal adjudications as described in the columns below. The number in the "Total" column must match the number in Section VI. A., column 3. In column 4, report the number of appeals which neither affirmed nor reversed/remanded the FOIA request determination, but were closed for other reasons (see <i>DFOI/PO Instructions</i> ) <a href="http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf">http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf</a> page 15									
1. NUMBER OF APPEALS PENDING AS OF START OF FISCAL YEAR	2. NUMBER OF APPEALS RECEIVED IN FISCAL YEAR	3. NUMBER OF APPEALS PROCESSED IN FISCAL YEAR	4. NUMBER OF APPEALS PENDING AS OF END OF FISCAL YEAR	1. NUMBER AFFIRMED ON APPEAL	2. NUMBER PARTIALLY AFFIRMED AND PARTIALLY REVERSED/REMANDED ON APPEAL	3. NUMBER COMPLETELY REVERSED/REMANDED ON APPEAL	4. NUMBER OF APPEALS CLOSED FOR OTHER REASONS	5. TOTAL						
<b>C. REASONS FOR DENIAL ON APPEAL.</b>														
1. Number of Times Exemptions Applied. Note: If an administrative appeal results in the denial of information based on exemptions and also based on a reason or reasons presented in C.2 and 3, report that appeal on all applicable sections. For each administrative appeal, report all exemptions applied; however, count each exemption only once per appeal.														
EX. 1	EX. 2	EX. 3	EX. 4	EX. 5	EX. 6	EX. 7(A)	EX. 7(B)	EX. 7(C)	EX. 7(D)	EX. 7(E)	EX. 7(F)	EX. 8	EX. 9	
2. Reasons Other than Exemptions. Provide the number of administrative appeals resulting in denial for reasons other than exemptions, as described below. C.2. plus C.3 must be equal to B.4.														
(1) NO RECORDS	(2) RECORDS REFERRED AT INITIAL REQUEST LEVEL	(3) REQUEST WITHDRAWN	(4) FEE-RELATED REASON	(5) RECORDS NOT REASONABLY DESCRIBED	(6) IMPROPER REQUEST FOR OTHER REASON	(7) NOT AGENCY RECORD	(8) DUPLICATE REQUEST OR APPEAL	(9) REQUEST IN LITIGATION	(10) APPEAL BASED SOLELY ON DENIAL OF REQUEST FOR EXPEDITED PROCESSING	(11) OTHER <i>(Explain in C.3 below)</i>				
3. "Other" Reasons for Denial. Provide descriptions of the "other" reasons and the number of times each was relied upon. "Total" must equal "Other" column, C.2.(11).														
(1) DESCRIPTION OF "OTHER" REASON										(2) NUMBER OF TIMES				

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING								REPORT FOR FISCAL YEAR			
<b>SECTION VI - ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS</b> <i>(Continued)</i>											
C.4. Response time for Administrative Appeals. Provide the (1) median, (2) average, and (3) and (4) range in number of days to respond to administrative appeals.											
(1) MEDIAN NUMBER OF DAYS			(2) AVERAGE NUMBER OF DAYS			(3) RANGE - LOWEST NUMBER OF DAYS			(4) RANGE - HIGHEST NUMBER OF DAYS		
5. Ten Oldest Pending Administrative Appeals. Provide the date of receipt of the ten oldest pending administrative appeals, and the number of days pending. (YYYYMMDD, e.g. 20030918) To calculate the number of Federal work days, see <a href="http://www.codeforexcelandoutlook.com/blog/2008/06/calculate-working-days-minus-holidays-in-vba/">http://www.codeforexcelandoutlook.com/blog/2008/06/calculate-working-days-minus-holidays-in-vba/</a> or <a href="http://www.excelexchange.com/WorkingDays.html">http://www.excelexchange.com/WorkingDays.html</a> . MS. Excel formula "Net workdays less holidays." See attached Excel list of Federal holidays.											
	10th OLDEST	9th	8th	7th	6th	5th	4th	3rd	2nd	1st	OLDEST
(1) DATE OF RECEIPT											
(2) NUMBER OF DAYS PENDING											
<b>SECTION VII - FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS</b>											
For tables in Section VII, include response times for only <b>perfected</b> requests. Begin counting days from the date of receipt of the <b>perfected</b> request. If using a multi-track processing system, report response times separately for each track. If not using a multi-track processing system, at a minimum, report separately requests which have been granted expedited processing. NOTE: Table A must reflect the response times for all processed <b>perfected</b> requests. Table B is a sub-set of Table A and must reflect the response times only for those <b>perfected</b> requests in which information was granted, either in full or in part. To calculate the number of Federal work days, see <a href="http://www.codeforexcelandoutlook.com/blog/2008/06/calculate-working-days-minus-holidays-in-vba/">http://www.codeforexcelandoutlook.com/blog/2008/06/calculate-working-days-minus-holidays-in-vba/</a> or <a href="http://www.excelexchange.com/WorkingDays.html">http://www.excelexchange.com/WorkingDays.html</a> . MS. Excel formula "Net workdays less holidays." See attached Excel list of Federal holidays.											
<b>A. PROCESSED REQUESTS - RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS.</b> Provide the (1) median, (2) average and (3) and (4) range in number of days to process all <b>perfected</b> requests.											
1. SIMPLE				2. COMPLEX				3. EXPEDITED PROCESSING			
(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS
<b>B. PROCESSED REQUESTS - RESPONSE TIME FOR PERFECTED REQUESTS FOR WHICH INFORMATION WAS GRANTED.</b> Provide the (1) median, (2) average and (3) and (4) range in number of days to process all <b>perfected</b> requests in which information was granted ( <i>full grants and partial grants</i> ).											
1. SIMPLE				2. COMPLEX				3. EXPEDITED PROCESSING			
(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING												REPORT FOR FISCAL YEAR			
<b>SECTION VII - FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS</b> <i>(Continued)</i>															
<b>C. PROCESSED REQUESTS - RESPONSE TIME IN DAY INCREMENTS</b>															
<p>(1) Provide the number of <b>perfected</b> requests processed in each of the thirteen designated time increments (i.e., within 20 days in the first column, within 21-40 days in the second column, etc.).</p> <p>(a) If using a multi-track system, create separate tables as presented below to report the information for each track. If not using a multi-track system, at a minimum create a separate table for requests which have been granted expedited processing.</p> <p>(b) Insert the sum of the thirteen columns in the "Total" column to reflect the total number of requests processed for each of the tracks.</p>															
<b>1. SIMPLE REQUESTS</b>															
<1 DAY	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL	
<b>2. COMPLEX REQUESTS</b>															
<1 DAY	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL	
<b>3. REQUESTS GRANTED EXPEDITED PROCESSING</b>															
<1 DAY	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL	
<b>D. PENDING REQUESTS - ALL PENDING PERFECTED REQUESTS.</b>															
Provide the number of <b>perfected</b> requests pending as of the end of the fiscal year, and the median and average number of days those requests had been pending. If an agency or component is unable to determine whether all of its pending requests are <b>perfected</b> , the agency must include all pending requests and attach a footnote that it has done so.															
<b>1. SIMPLE</b>					<b>2. COMPLEX</b>					<b>3. EXPEDITED PROCESSING</b>					
(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS		(3) AVERAGE NUMBER OF DAYS		(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS		(3) AVERAGE NUMBER OF DAYS		(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS		(3) AVERAGE NUMBER OF DAYS		
<b>E. PENDING REQUESTS - TEN OLDEST PENDING PERFECTED REQUESTS</b>															
Provide the date of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days pending.															
		10th OLDEST	9th	8th	7th	6th	5th	4th	3rd	2nd	OLDEST				
1. DATE OF RECEIPT															
2. NUMBER OF DAYS PENDING															

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING				REPORT FOR FISCAL YEAR	
<b>SECTION VIII - REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER</b>					
Section VIII now reflects new mandatory reporting requirements and is no longer an optional section. Provide information for <u>adjudicated</u> requests for expedited processing or <u>adjudicated</u> requests for a fee waiver, i.e., requests for expedited processing or requests for a fee waiver which were granted or denied. Do not include requests for expedited processing or requests for a fee waiver which became moot for various reasons and, as a result, were neither granted nor denied.					
<b>A. REQUESTS FOR EXPEDITED PROCESSING.</b>					
<p>(1) Include requests for expedited processing made both at the initial request level and, when applicable, at the administrative appeal level.</p> <p>(2) Calculating days: Count only the days spent adjudicating the request for expedited processing. Count <b>calendar days</b>, not working days.</p> <p>(3) NOTE: The response time of this new reporting requirement captures the time taken to decide whether to grant or deny a request for expedited processing. This does not cover the FOIA requests which have already been granted expedited status, placed in the "expedited processing" track, and reported elsewhere in this Report. Rather, this new requirement reflects the time taken to make a determination, (i.e., adjudicate) whether a request for expedited processing should be granted or denied. The FOIA requires agencies to determine within ten calendar days whether a request satisfies the standards for expedited processing.</p>					
1. NUMBER GRANTED	2. NUMBER DENIED	3. MEDIAN NUMBER OF DAYS TO ADJUDICATE	4. AVERAGE NUMBER OF DAYS TO ADJUDICATE	5. NUMBER ADJUDICATED WITHIN TEN CALENDAR DAYS	
<b>B. REQUESTS FOR FEE WAIVER.</b>					
<p>(1) Include requests for a waiver of fees made both at the initial request level and, when applicable, at the administrative appeal level.</p> <p>(2) Calculating days: Count only the days spent adjudicating the fee waiver request. Count working days. Do not include additional days that may precede consideration of the fee waiver request, e.g., days the request waits in a processing queue, processing time which precedes commencement of adjudication of fee waiver request, etc.</p>					
1. NUMBER GRANTED	2. NUMBER DENIED	3. MEDIAN NUMBER OF DAYS TO ADJUDICATE	4. AVERAGE NUMBER OF DAYS TO ADJUDICATE		
<b>SECTION IX - FOIA PERSONNEL AND COSTS</b>					
<b>A. PERSONNEL.</b> Provide the number of "Full-Time FOIA Staff" by adding the number of "Full-Time FOIA Employees" and "Equivalent Full-Time FOIA Employees" (see <i>DFOI/PO Instructions</i> ) <a href="http://www.dod.mil/pubs/foi/foiapo/Full_and_part_time_plus_cost_calculations_FOIA_FY10_9_30_10_final.xls">http://www.dod.mil/pubs/foi/foiapo/Full_and_part_time_plus_cost_calculations_FOIA_FY10_9_30_10_final.xls</a> <a href="http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf">http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf</a> -- page 26.			<b>B. COSTS.</b> Add together all costs expended by the agency for processing FOIA requests at the initial request and administrative appeal levels, and for litigating FOIA requests. Include salaries of FOIA personnel, overhead, and any other FOIA-related expenses. (Agency's budget may be used as a resource.) (Enter numbers only, no commas or periods.) <a href="http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf">http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf</a> -- page 27.		
1. NUMBER OF FULL-TIME FOIA EMPLOYEES	2. NUMBER OF EQUIVALENT FULL-TIME FOIA EMPLOYEES	3. TOTAL NUMBER OF FULL-TIME FOIA STAFF	1. PROCESSING COSTS	2. LITIGATION-RELATED COSTS	3. TOTAL COSTS
			\$	\$	\$
<b>SECTION X - FEES COLLECTED FOR PROCESSING REQUESTS</b>					
Report the dollar amount of fees collected from FOIA requesters for processing their requests. Also report the percentage of total processing costs (from Section IX, B.1.) that those fees represent. In calculating the amount of fees collected, include fees received from a FOIA requester for search, review document duplication, and any other direct costs permitted by agency regulations.					
1. TOTAL AMOUNT OF FEES COLLECTED			2. PERCENTAGE OF TOTAL PROCESSING COSTS		
\$ _____			_____ %		

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING						REPORT FOR FISCAL YEAR				
<b>SECTION XI - FOIA REGULATIONS</b>										
AGENCIES MUST PROVIDE AN ELECTRONIC LINK TO THEIR FOIA REGULATIONS, INCLUDING THEIR FEE SCHEDULE.										
The Defense Freedom of Information Policy Office will satisfy this requirement.										
<b>SECTION XII - BACKLOGS, CONSULTATIONS, AND COMPARISONS</b>										
<b>A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS.</b>										
(1) Provide the number of FOIA requests and administrative appeals that were <u>pending beyond the statutory time period</u> as of the end of the fiscal year.										
(2) NOTE: The statutory time period is ordinarily twenty working days from receipt of a perfected request (see 5 U.S.C. Section 552(a)(6)(A)(i)), but may be extended up to ten additional working days when "unusual circumstances" are present (see 5 U.S.C. Section 552(a)(6)(B)(i)).										
1. NUMBER OF BACKLOGGED REQUESTS AS OF END OF FISCAL YEAR <i>(Backlog requests should be equal to or less than Section V.A.4 total backlog requests.)</i>					2. NUMBER OF BACKLOGGED APPEALS AS OF END OF FISCAL YEAR <i>(Backlog appeals should be equal to or less than Section VI.A.4 total backlog appeals.)</i>					
3. EXPLAIN BACKLOG HERE <i>(Optional)</i>										
<b>B. CONSULTATION ON FOIA REQUESTS - RECEIVED, PROCESSED, AND PENDING CONSULTATIONS.</b>										
The consultation portions of the Annual Report require information about consultations received from other agencies, not sent to other agencies.										
(1) Provide the number of consultations received from other agencies, those processed, and those pending, as described in the columns below.										
(2) The number in Column 1 must match the number of "Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year" (Column 4) from last year's Annual Report.										
(3) The sum of Columns 1 and 2 minus the number in Column 3 must equal the number in Column 4.										
1. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES PENDING AT YOUR AGENCY AS OF START OF THE FISCAL YEAR			2. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES DURING THE FISCAL YEAR			3. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PROCESSED BY YOUR AGENCY DURING THE FISCAL YEAR			4. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES PENDING AT YOUR AGENCY AS OF END OF THE FISCAL YEAR	
<b>C. CONSULTATIONS ON FOIA REQUESTS - TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT YOUR AGENCY.</b>										
Provide the date of receipt of the ten oldest consultations received from other agencies pending at your agency as of the end of the fiscal year, and the number of days pending.										
	10th OLDEST	9th	8th	7th	6th	5th	4th	3rd	2nd	OLDEST
1. DATE OF RECEIPT										
2. NUMBER OF DAYS PENDING										

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

<b>SUBCOMPONENT/COMPONENT OR AGENCY REPORTING</b>				<b>REPORT FOR FISCAL YEAR</b>	
<b>SECTION XII - BACKLOGS, CONSULTATIONS, AND COMPARISONS</b> <i>(Continued)</i>					
<b>D. COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT - REQUESTS RECEIVED, PROCESSED, AND BACKLOGGED.</b>					
<p>(1) Provide the number of requests received and the number of requests processed during the fiscal year, and the number of requests backlogged as of the end of the fiscal year (starting with the Annual Report from Fiscal Year 2009) from last year's Annual Report and the number of those received and processed during the fiscal year, and backlogged as of the end of the fiscal year, from the current Annual Report.</p> <p>(2) The numbers in Columns 1 and 2 must match the "Number of Requests Received in Fiscal Year" from Section V. A. of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the "Number of Requests Processed in Fiscal Year" from Section V. A. of the Annual Report from last year and from this year respectively.</p> <p>(3) The numbers in Columns 5 and 6 must match the "Number of Backlogged Requests as of End of the Fiscal Year" from Section XII. A. of the previous Annual Report and the current Annual Report, respectively.</p>					
<b>REQUESTS RECEIVED</b>		<b>REQUESTS PROCESSED</b>		<b>REQUESTS BACKLOGGED</b>	
1. NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	2. NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	3. NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	4. NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	5. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	6. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT
<b>E. COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT - APPEALS RECEIVED, PROCESSED, AND BACKLOGGED.</b>					
<p>(1) Provide the number of administrative appeals received and the number of administrative appeals processed during the fiscal year, and the number of administrative appeals backlogged as of the end of the fiscal year (starting with the Annual Report from Fiscal Year 2009) from last year's Annual Report and the number of those received and processed during the fiscal year, and backlogged as of the end of the fiscal year, from the current Annual Report.</p> <p>(2) The numbers in Columns 1 and 2 must match the "Number of Administrative Appeals Received in Fiscal Year" from Section VI. A. of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the "Number of Administrative Appeals Processed in Fiscal Year" from Section VI. A. of the Annual Report from last year and from this year respectively.</p> <p>(3) The numbers in Columns 5 and 6 must match the "Number of Backlogged Administrative Appeals as of End of the Fiscal Year" from Section XII. A. of the previous Annual Report and the current Annual Report, respectively.</p>					
<b>APPEALS RECEIVED</b>		<b>APPEALS PROCESSED</b>		<b>APPEALS BACKLOGGED</b>	
1. NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	2. NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	3. NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	4. NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	5. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	6. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT
<b>F. DISCUSSION OF OTHER FOIA ACTIVITIES</b> <i>(Optional)</i> . Provide here any further information about the agency's efforts to improve FOIA administration. Attach additional pages if necessary.					

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued



SUBCOMPONENT/COMPONENT OR AGENCY REPORTING		REPORT FOR FISCAL YEAR
<b>SECTION II - MAKING A FOIA REQUEST</b> <i>(Continued)</i>		
<b>1. ALL AGENCY COMPONENTS THAT RECEIVE FOIA REQUESTS</b> <i>(Continued)</i> <a href="#">Return to Section II 1</a>		
a. SUBCOMPONENT/COMPONENT OR AGENCY (e.g., <i>McDill AFB, Department of the Air Force</i> )	b. ADDRESS (Mail Stop, Room, Building, Base, City, State or Country, ZIP Code)	c. TELEPHONE NUMBER

Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING		REPORT FOR FISCAL YEAR	
<b>SECTION IV - EXEMPTION 3 STATUTES</b> <i>(Continued) Return to Section IV.1</i>			
(1) List all Exemption 3 statutes. ( <a href="http://www.dod.mil/pubs/foi/b3.pdf">http://www.dod.mil/pubs/foi/b3.pdf</a> ) (2) The Defense Freedom of Information Policy Office will satisfy this requirement. (3) The Defense Freedom of Information Policy Office will satisfy this requirement. (4) For each request, report the number of times each statute was relied upon, however, count each statute only once per request.			
1. STATUTE <i>(CTRL+click to select all applicable)</i>	2. TYPE OF INFORMATION WITHHELD	3. CASE CITATION	4. NO. OF TIMES RELIED UPON
<input type="text"/>	The Defense Freedom of Information Policy Office will satisfy this requirement.	The Defense Freedom of Information Policy Office will satisfy this requirement.	
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Figure 6-2.--DD Form 2564 Annual FOIA Report--Continued

## APPENDIX A

FOIA AND PRIVACY ACT DEFINITIONS1. FOIA Definitions (DoD 5400.7-R)

a. FOIA Request. A written request for DoD records that reasonably describes the record(s) sought, made by any person, including a member of the public (U.S. or foreign citizen/entity), an organization, or a business, but not including a Federal Agency or a fugitive from the law, that either explicitly or implicitly invokes the FOIA, DoD Directive 5400.7, DoD 5400.7-R, or DoD component supplementing regulations or instructions. Requestors should also indicate a willingness to pay fees associated with the processing of their request or, in the alternative, explain why a waiver of fees may be appropriate. Written requests may be received by the postal service or other commercial delivery means, by facsimile, or electronically. Requests received by facsimile or electronically must have a postal mailing address included since it may not be practical to provide a substantive response electronically. The request is considered properly received, or perfected, when the above conditions have been met and the request arrives at the FOIA office of the component in possession of the records.

b. Agency Record

(1) The products 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 DoD possession and control at the time the FOIA request is made. Care should be taken not to exclude records from being considered Agency records, unless they fall within one of the categories below.

(2) The following **are not** included within the definition of the word "record":

(a) Objects or articles, such as structures, furniture, vehicles and equipment, whatever their historical value, or value as evidence;

(b) Anything that is not a tangible or documentary record, such as an individual's memory or oral communication;

(c) Personal records of an individual not subject to Agency creation or retention requirements, created and maintained primarily for the convenience of an Agency employee, and not distributed to other Agency employees for their official use. Personal papers fall into three categories:

1. Those created before entering Government service;
2. Private materials brought into, created, or received in the office that were not created or received in the course of transacting Government business;
3. Work-related personal papers that are not used in the transaction of Government business.

(3) A record must exist and be in the possession and control of the DoD at the time of the request to be considered subject to the FOIA. There is no obligation to create, compile, or obtain a record to satisfy a FOIA request.

(4) Hard copy or electronic records that are subject to FOIA requests under 5 U.S.C. 552(a)(3), and that are available to the public through an established distribution system, or through the Federal Register, the National Technical Information Service, or the Internet, normally need not be processed under the provisions of the FOIA. If a request is received for such information, DoD components shall provide the requestor with guidance, inclusive of any written notice to the public, on how to obtain the information. However, if the requestor insists that the request be processed under the FOIA, then the request shall be processed under the FOIA. If there is any doubt as to whether the request must be processed, contact the HQMC FOIA Officer.

c. DoD Component. An element of the DoD authorized to receive and act independently on FOIA requests. A DoD component has its own initial denial authority, appellate authority, and legal counsel.

d. Initial Denial Authority (IDA). An official who has been granted authority by the head of a DoD component to withhold records requested under the FOIA for one or more of the nine categories of records exempt from mandatory disclosure. IDAs may also:

- (1) Deny a fee category claim by a requestor;
- (2) Deny a request for expedited processing due to no demonstrated compelling need;
- (3) Deny a request for a waiver or reduction of fees;
- (4) Review a fee estimate;
- (5) Confirm that no records were located in response to a request.

e. Appellate Authority. The Head of the DoD component or the component head's designee having jurisdiction for this purpose over the record, or any other adverse determination.

f. Administrative Appeal

(1) A request by a member of the general public, made under the FOIA, asking the appellate authority of a DoD component to reverse a decision:

- (a) To withhold all or part of a requested record;
- (b) To deny a fee category claim by a requestor;
- (c) To deny a request for waiver or reduction of fees;
- (d) To deny a request to review an initial fee estimate;
- (e) To deny a request for expedited processing due to no demonstrated compelling need; or
- (f) To confirm that no records were located during the initial search.

(2) A member of the general public may also appeal:

- (a) The failure to receive a response determination within the statutory time limits;
- (b) Any determination that the requestor believes is adverse in nature.

g. Public Interest. The interest in obtaining official information that sheds light on an agency's performance of its statutory duties because the information falls within the statutory purpose of the FOIA to inform citizens about what their Government is doing. The statutory purpose, however, is not fostered by disclosure of information about private citizens accumulated in various Government files that reveals nothing about an agency's or official's own conduct.

h. Electronic Record. Records (including e-mail) that are created, stored, and retrievable by electronic means.

i. Federal Agency. As defined by 5 U.S.C. 552(f)(I), a Federal Agency is any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the Executive Branch of the Government (including the Executive Office of the President), or any independent regulatory Agency.

2. Privacy Act Program Definitions (DODD 5400.11 and DOD 5400.11-R)

a. Access. For the purposes of the Privacy Act of 1974 (5 U.S.C. 552a), the review of a record or a copy of a record, or parts thereof, in a system of records by any individual.

b. Agency. For the purposes of disclosing records subject to the Privacy Act of 1974 (5 U.S.C. 552a) among the DoD Components, the DoD is considered a single agency. For all other purposes, to include requests for access and amendment, denial of access, or amendment, appeals from denials, and record keeping, as relating to the release of records to non-DoD Agencies, each DoD Component is considered an agency.

c. Confidential Source. A person or organization who has furnished information to the Federal Government under an express promise, if made on or after September 27, 1975, that the person's or the organization's identity shall be held in confidence or under an implied promise of such confidentiality if this implied promise was made on or before September 26, 1975.

d. Disclosure. The transfer of any personal information from a system of records by any means of communication (such as oral, written, electronic, mechanical, or actual review) to any person, private entity, or Government Agency, other than the subject of the record, the subject's designated agent, or the subject's legal guardian.

e. Federal Personnel. Officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the United States (including survivor benefits).

f. Individual. A living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. The parent of a minor or the legal guardian of any individual may also act on behalf of an individual. Members of the U.S. Armed Forces are "individuals". Corporations, partnerships, sole proprietorships, professional groups, businesses, whether incorporated or unincorporated, and other commercial entities are not "individuals" when acting in an entrepreneurial capacity with the DoD, but are "individuals" when acting in a personal capacity (e.g., security clearances, entitlement to DoD privileges or benefits, etc.).

g. Individual Access. Access to information pertaining to the individual by the individual or his or her designated agent or legal guardian.

h. Lost, Stolen, or Compromised Information. Actual or possible loss of control, unauthorized disclosure, or unauthorized access of personal information where persons other than authorized users gain access or potential access to such information for other than authorized purposes where one or more individuals will be adversely affected. Such incidents also are known as breaches.

i. Maintain. To maintain, collect, use, or disseminate records contained in a system of records.

j. Non-Federal Agency. Any state or local government, or agency thereof, which receives records contained in a system of records from a source agency for use in a computer matching program.

k. Official Use. Within the context of this SOP, this term is used when officials and employees of a DoD Component have demonstrated a need for the use of any record or the information contained therein in the performance of their official duties, subject to DoD 5200.1-R, Information Security Program.

l. Personal Information. Information about an individual maintained by an agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and information which can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information which is linked or linkable to an individual. Such information is also known as PII.

m. Privacy Act. The Privacy Act of 1974, as amended, 5 U.S.C. 552a.

n. Privacy Act Request. A request from an individual for notification as to the existence of, access to, or amendment of records pertaining to that individual. These records must be maintained in a system of records.

o. Member of the Public. Any individual or party acting in a private capacity to include Federal employees or military personnel.

p. Record. Any item, collection, or grouping of information, whatever the storage media (paper, electronic, etc.), about an individual that is maintained by a DOD Component, including, but not limited to, an individual's education, financial transactions, medical history, criminal or employment history, and that contains his or her name, or the identifying number, symbol, or other identifying item assigned to the individual, such as a finger or voice print, or a photograph.

q. Routine Use. The disclosure of a record outside the Department of Defense for a use that is compatible with the purpose for which the information was collected and maintained by the Department of Defense. The routine use must be included in the published system notice for the system of records involved.

r. System of Records. A group of records under the control of a DoD Component from which personal information about an individual is retrieved by the name of the individual, or by some other identifying number, symbol, or other identifying particular assigned, that is unique to the individual.

s. System Manager. The DoD Component official who is responsible for the operation and management of a system of records.



## APPENDIX B

FOIA EXEMPTIONS VS. PRIVACY ACT EXEMPTIONS

1. General. The FOIA Exemptions are found in section (b) of the FOIA text; the Privacy exemptions are found at sections (c)(3), (d)(5), (j)(2), and (k). The FOIA exemptions are executed in a completely different way from the Privacy exemptions. FOIA requests are typically third party requests for Agency records where PA requests are first party requests for records about the individual.

2. Classified and For Official Use Only Data. The FOIA Exemptions allow us to withhold classified and "For Official Use Only" data from the public.

3. Exemption Rules. The Privacy Act Exemptions allow the agency to ignore certain recordkeeping requirements of the act. However, the agency must publish its intentions to invoke an exemption beforehand. This takes the form of an "Exemption Rule" that is published in the Federal Register. The governing system of records notice will also cite which exemptions apply to the records. The publication of an Exemption Rule allows the agency to forego the requirements to process amendment requests and access requests.

4. Invoking a FOIA Exemption. The decision to withhold a document from a FOIA requestor is not made until after receipt of the request and after the search has been completed. At that point, someone must review the requested documents to determine if any of the nine FOIA exemptions apply. If so, the exempt material is deleted from the requestor's copy. Otherwise, a full release is made.

5. Invoking a Privacy Act Exemption. The decision to withhold a document from a Privacy Act requestor is made long before a request is ever received. It is made at the time the system notice is published. The "Exemptions" paragraph of the notice states exactly which Privacy Act exemptions the agency intends to invoke when a request is received. If no exemptions have been claimed for the system, a full release must generally be made.

6. Issuing a Privacy Act Denial. Privacy Act denials are required to be jointly processed under both the Privacy Act and the FOIA. A record may only be withheld if it is exempt under BOTH acts. The following is the sequence of actions:

a. The "Exemption" paragraph of the notice is read to determine what material may be withheld. The entire file or a portion of the file might be withheld.

b. The exempt portions (and ONLY the exempt portions) are then rolled over into FOIA. If there is no FOIA exemption covering the material, the data must be released. If there is a parallel FOIA exemption, then those portions that are exempt under both acts are

deleted. The response letter to the requestor will advise that the request was considered under the Privacy Act and (all or portions) were found to be exempt from release and that those exempt portions were next considered under FOIA and found also to be exempt from release.

c. Note that only exempt portions of a Privacy file are rolled over under FOIA. If a Privacy system notice claims no exemptions, then the material may not be rolled over into FOIA and denied. But note there are three exceptions to this broad rule: Classified data (Privacy exemption (k)(1)); misfiled data (FOIA Exemption (b)(6)); and anticipated legal proceedings (Privacy exemption (d)(5)).

7. Handling Misfiled Data. Refusing to grant access to data about a third party that was misfiled is not a Privacy Act denial because you are not refusing to grant the subject access to his own data. Since this is third party data, you may refuse to provide it and cite the FOIA personal privacy exemption--(b)(6). It is important to point out that the courts have ruled both ways on this issue. In some instances the courts have allowed it to be removed. In other instances, the courts have ruled that any information in the requestor's file is presumed to be about him--whether or not that is the case--and released upon request.

8. Privacy Act Exemptions and Parallel FOIA Exemptions. Do not withhold data from a Privacy Act requestor unless the data is exempt from release under both statutes.

FOIA Exemption & Privacy Act Exemption Correlation

<u>When Citing This Privacy Act Exemption In Anticipation of Civil Litigation</u> .....	<u>Also Cite this FOIA Exemption</u>
(k) (1) Classified Information	(b) (1)
(k) (2) Investigatory Records	Any applicable (b) exemption
(k) (5) Confidential Sources	(b) (7) (D)
(k) (6) Test Material	(b) (2)
(k) (7) Armed Forces Evaluations	(b) (7) (D)
(d) (5) Access to information	(b) (5)

Table B-1

## APPENDIX C

FOIA EXEMPTIONS

1. General. The Freedom of Information Act (5 U.S.C. 552) lists 9 broad categories of information that are exempt from public disclosure. Material falling within these categories is to be marked and handled as "For Official Use Only" with the exception of Exemption 1. Classified materials are to be marked and handled according to DOD 5200.1-R, DOD Information Security Program Regulation, and related directives. The exemptions, the harms that could result from public disclosure, and typical examples are provided to assist you in determining what information should be marked as "For Official Use Only" and what records or portions of records may be publicly released. The examples are based on DOD 5400.7-R (DOD Freedom of Information Act Program), and decisions issued by federal courts.

2. Exemption 1. Classified Material (5 U.S.C. 552(b)(1)).

HARM: Injure the interests of national defense. Examples of data requiring protection: Any documents so marked.

3. Exemption 2. Internal Matters (5 U.S.C. 552(b)(2))

a. HARM: Release could allow someone to circumvent, frustrate, or render ineffective laws, statutes, or agency regulations. Examples of data requiring protection:

- (1) Government credit card account numbers;
- (2) An individual's security clearance level;
- (3) Guidelines for conducting investigations;
- (4) Security plans and procedures;
- (5) Security weaknesses and vulnerabilities;
- (6) Location and security of firearms;
- (7) Answers to test questions;
- (8) Strategies and theories in litigation;
- (9) Guidelines for detecting fraud;
- (10) Benchmarks and criteria used in evaluating job applicants;
- (11) Security classification guides, including actual classification levels.

b. "Security" covers a broad range of programs designed to protect the agency, employees, members, and resources (information security, computer security, building security, personnel security, etc.)

4. Exemption 3, Information Prohibited from Release by Federal Statute (5 U.S.C. 552(b)(3)). HARM: Release would violate Federal law. Some laws set both criminal and civil penalties for wrongfully disclosing information to one not entitled to receive it. Examples of data requiring protection:

a. Organizational and employee details (name, official title, series, grade, or salary) and the number of persons employed by or assigned to Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency;

b. Export trade certificate details;

c. Maps, Charts, and Geodetic Data;

d. Reports of Military Selection Boards;

e. Medical data;

f. Contractor proposals;

g. Commissary Stores Sales Data;

h. Reports of Technology Innovation;

i. Financial Disclosure Reports of Special Government Employees;

j. Dispute resolution communications;

k. Unclassified Technical Data with Military or Space Application;

l. Arms Exports;

m. Drug Abuse Rehabilitation;

n. Certain prisoner of war/missing in action data;

o. Employee Complaints to the Inspector General;

p. Protection of Sematech Information.

5. Exemption 4, Trade Secret, Commercial, and Financial Data Submitted in Confidence (5 U.S.C. 552(b)(4)). HARM: Release could result in competitive harm to the submitter or impair government's ability to obtain necessary information in the future. The term "submitter" includes a wide range of entities, including businesses,

not-for-profit organizations, state, local, and foreign governments, consultants, etc. In most circumstances, we are required to let the submitters know we plan to publicly disclose their information and provide them with an opportunity to comment on or formally bar disclosure through the courts. Examples of data requiring protection:

- a. Names of customers, suppliers, consultants, subcontractors;
- b. Business, financial, pricing, and management strategies;
- c. Raw research data;
- d. Profit and loss data, break-even calculations;
- e. Technical, cost, and management proposals;
- f. Assets, liabilities and net worth;
- g. Selling prices, purchase records, actual cost data;
- h. Unannounced future or planned products;
- i. Descriptions of plants or facilities, assembly line setups;
- j. Intrinsically valuable records;
- k. Financial data provided in support of locality wage surveys;
- l. Scientific and manufacturing processes;
- m. Statistical data concerning contract performance;
- n. Copyrighted computer software;
- o. Proprietary information submitted strictly on a voluntary basis.

6. Exemption 5, Government Privileged Information (5 U.S.C. 552(b)(5))

a. Information that would not be disclosable in litigation. This exemption covers all documents immune from civil discovery, the formal process by which litigants obtain information from each other for use in litigation. There are multiple discovery privileges; however, the most widely claimed are the deliberative process, attorney-client, attorney work product, and government commercial.

b. HARM: Release could stifle open and honest communication within the agency; interfere with adversarial trial processes; or interfere with the procurement process by prematurely disclosing government costs, estimates, etc. Examples of data requiring protection:

(1) Deliberative Process Privilege (So-Called "Executive" Privilege):

(a) Internal advice, recommendations and subjection evaluations;

(b) Nonfactual portions of after-action reports, lessons learned, situation reports containing evaluations, suggestions, advice, etc.;

(c) Advice, suggestions, or evaluation provided by consultants, boards, committees, panels, conferences and similar groups;

(d) Nonfactual portions of evaluations by MARFORRES personnel of contractors and their products:

1. Reports of inspection, reports of Inspector General audits, investigations, or surveys pertaining to safety, security or the internal management, administration or operation of DoD;

2. Drafts or proposed policies, statements, reports, etc.;

3. Interpretations of technical or statistical data.

(2) Attorney-Client Privilege. Refers to confidential communications between attorney and client. The privilege covers facts divulged to an attorney and advice and opinions provided to the client. In this sense, the agency is the "client"; the term "attorney" includes lower echelon individuals who possess information relevant to an attorney's advice rendering function;

(3) Attorney Work Product Privilege. Documents prepared by an attorney in anticipation of actual or potential litigation;

(4) Government Commercial Privilege:

(a) Government background documents used to calculate its bid in a "contracting out" procedure (i.e., OMB Circular A-76);

(a) Agency cost estimates for use in evaluating contractor proposals;

(b) Planning, programming, and budgetary information that is involved in the defense planning and resource allocation process;

(c) Information of a speculative, tentative, or evaluative nature such as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities or functions, when

such information would provide undue or unfair competitive advantage to private personal interests or would impede government functions.

7. Exemption 6, Personal Privacy (5 U.S.C. 552(b) (6))

a. 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".

b. HARMS: Release could invade an individual's privacy or embarrass him; violate the Privacy Act; or promote threats of terrorism. There are civil and criminal penalties for violating the Privacy Act. An individual may be fined up to \$5,000 for violating the Act. Examples of data requiring protection:

- (1) Demeaning or obviously unflattering photographs;
- (2) Financial, credit, and medical information;
- (3) Take-home pay (but not gross salary or grade);
- (4) The fact of and level of security clearance;
- (5) Federal health and life insurance options;
- (6) Leave balances;
- (7) Drug test results; the fact of participation in Employee Assistance Program (EAP) or rehabilitation programs;
- (8) Home addresses/telephone numbers, including home e-mail addresses;
- (9) Social Security Number;
- (10) Mother's maiden name;
- (11) Other names used;
- (12) Spouse and children data;
- (13) Religion, race, national origin;
- (14) Names and any data whatsoever on employees in foreign territories;
- (15) Performance rating (but not performance elements);
- (16) Awards (if they reveal performance ratings);
- (17) Sensitive, graphic details surrounding a person's death;



(18) Government credit card account numbers;

(19) Names and complete employment applications of vacancy non-selectees;

(20) Names and data about government travel card holders;

(21) Suggestions submitted to the agency;

(22) Identity of low-and mid-level employees accused of misconduct.

c. Federal Employee/Military Member Data Normally Released:

(1) Names of employees/members assigned within the U.S. (but not lists);

(2) Current and past position titles, occupational series, member specialty codes;

(3) Current and past grades;

(4) Current and past annual salary rates (but not take-home pay);

(5) Current and past awards (unless they reveal performance ratings);

(6) Current and past duty stations, duty addresses, and names of employing agencies (but not current overseas addresses);

(7) Position descriptions, job elements, and performance standards;

(8) Member's date of rank, source of commission, and awards and decorations;

(9) Education level;

(10) Education paid for by the government;

(11) Job-related training;

(12) Job qualifications and job-related certifications.

8. Exemption 7, Records Compiled for Law Enforcement Purposes (5 U.S.C. 552(b)(7)). This exemption has 6 separate prongs, as follows:

a. 5 U.S.C. 552(b)(7)(A) - Interference

(1) HARMS: Release could interfere with enforcement proceedings.

(2) So long as the investigation or final agency decision on the investigation is pending, this prong protects the entire investigative file.

(3) This exemption expires when the investigation is complete and the agency's action has been decided.

b. 5 U.S.C. 552(b)(7)(B) - Fair Trial. HARMS: Release could create prejudicial pretrial publicity that could deprive a person of a right to a fair trial or impartial adjudication.

c. 5 U.S.C. 552(b)(7)(C) - Personal Privacy

(1) HARMS: Release could constitute an unwarranted invasion of personal privacy.

(2) This exemption is applied to the names and identifying details of investigators, suspects, witnesses, sources, and persons casually mentioned in law enforcement records.

(3) There is a strong interest in protecting individuals from being associated with alleged criminal activity.

(4) Despite the similarities in language with FOIA Exemption 6, Exemption (7)(C) is much broader.

d. 5 U.S.C. 552(b)(7)(D) - Confidential Sources

(1) HARMS: Release could disclose the identity of sources, including a State, local or foreign agency who furnished information on a confidential basis.

(2) Source names are protected to prevent retaliation against sources and to ensure that witnesses continue to be willing to talk to investigators.

e. 5 U.S.C. 552(b)(7)(E) - Investigative Techniques and Procedures

(1) HARMS: Release would allow people to break the law and go undetected.

(2) Examples of data appropriate for withholding would be the location of hidden cameras, methods by which investigators verify statements, procedures for detecting criminals, etc.

f. 5 U.S.C. 552(b)(7)(F) - Physical Safety

(1) HARMS: This exemption allows the withholding of information necessary to protect the physical safety of a wide range of individuals and is appropriately applied when a requestor has threatened individuals in the past.

(2) While this exemption is similar to Exemption (7)(C), it is considerably broader. So long as there is a reasonable likelihood of disclosure risking physical harm to any individual, the person's name and identifying data may be withheld. (NOTE: Due to the complexity of Exemption 7, we have only provided truncated descriptions.)

(3) Disclose no information (including the fact that any investigation was conducted) without first consulting with the investigator involved or the FOIA/Privacy Act officer.

(4) Because law enforcement records are subject to the Privacy Act, wrongful disclosure could result in civil and criminal fines. Individuals may be fined up to \$5,000 for providing information to one not entitled to it or for knowingly requesting or obtaining information under false pretenses.)

9. Exemption 8, Financial Institutions (5 U.S.C. 552(b)(8)).

Documents regarding the examination, operation, supervision, or condition of financial institutions. HARMS: Release could undermine financial stability of banking industry; encourage economic panic; or interfere with market forces. This exemption has never been relied on within DoD.

10. Exemption 9, Wells (5 U.S.C. 552(b)(9)). Geological and geophysical information and data, including maps, concerning wells.

HARMS: Presumably crafted to protect the oil industry. This exemption has never been relied on within DoD.

Appendix D

Privacy Act Exemptions

1. The Privacy Act exemptions are found in four sections of 5 U.S.C. 552a.

2. The general exemptions in subsection (j). These exemptions may only be claimed in certain agencies. While MARFORRES never cites these, they are here for information:

a. (j)(1) Records maintained by the Central Intelligence Agency.

b. (j)(2) Records maintain by an agency that performs as its principal function any activity pertaining to the enforcement of criminal laws.

3. The specific exemptions in subsection (k). MARFORRES primarily relies on (k)(2) and (k)(5). However, on occasion, we may be required to cite other (k) exemptions:

a. (k)(1) Classified records properly classified under Executive Order 12958 and which are required by the Executive Order to be kept secret in the interest of national defense or foreign policy.

b. (k)(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2):

(1) Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(2) Here's what this exemption means: The entire record is exempt from release to the subject under the Privacy Act except in cases where we are taking an adverse action against an individual due to the information in the record. In those situations, we may only withhold confidential sources and any information that might identify those sources. "Adverse actions" need not be limited to personnel-type actions such as denial of security clearance, removal, downgrade, etc. It could be suspension of on-post driving privileges; barring an individual from the work site; or denial of any right, any privilege, or any benefit.

c. (k)(3) Materials involved with protection of the President or other individuals per 18 U.S.C. 3056.

d. (k) (4) Required by statute to be maintained and used solely as statistical records.

e. (k) (5) Investigatory material compiled solely for determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

f. (k) (6) Testing or examination materials used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity of fairness of the testing or examination process.

g. (k) (7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

4. Subsection (d) (5): This section allows withholding of material compiled in reasonable anticipation of civil action or proceeding. While agencies must publish in the Federal Register their intentions to claim an exemption before a request is ever received, this requirement is suspended for (k) (1) and (d) (5) materials.

APPENDIX E

PERSONALLY IDENTIFIABLE INFORMATION DISCLOSURE & NON-DISCLOSURE MATRICES

DEMOGRAPHIC DATA

The following PII data MAY BE DISCLOSED without violating the individual's personal privacy:

<p style="text-align: center;"><b>FORMER MILITARY</b></p> <p>* the name, rank, date of rank, gross salary, duty assignments, duty phone numbers, source of commission, promotion sequence number, awards and decorations, professional military education, and duty status at any given time.                  EXCEPTION: No data will be disclosed to reflect a past assignment to NSA, DIA, NRO, or NIMA.</p> <p>* service component (Army, Navy, etc.)</p> <p>* serial number (but not social security number)</p> <p>* date of entry into service and years of service</p> <p>* occupational code (MOS, AFSC, etc.)</p> <p>* gender</p> <p>* official photograph</p>	<p style="text-align: center;"><b>CURRENT MILITARY</b> (active or reserve):</p> <p>* the name, rank, date of rank, gross salary, past duty stations, past duty phone numbers, source of commission, promotion sequence number, awards and decorations, and professional military education/training.                  EXCEPTION: No data will be disclosed to reflect a current or past assignment to NSA, DIA, NRO, or NIMA.</p> <p>* service component (Army, Navy, etc.)</p> <p>* date of entry into service and years of service</p> <p>* occupational code (MOS, AFSC, etc.)</p> <p>* duty status (active, reserve, retired)</p> <p>* gender</p> <p>* official photograph</p>
<p style="text-align: center;"><b>FORMER DOD CIVILIAN EMPLOYEE:</b></p> <p>* name, position titles, grades, salary, duty stations, office phone numbers.                  EXCEPTION: No data will be disclosed to reflect a past employment with NSA, DIA, NRO, or NIMA.</p> <p>* occupational series, performance awards, bonuses, incentive awards, merit pay amount, meritorious or distinguished Executive Ranks, allowances and differentials, position description, identification of job elements and performance standards.</p> <p>* date of entry and years of service</p> <p>* gender</p> <p>* post-graduate/technical education in preparation for employee's profession</p> <p>* prior federal/state employment</p> <p>* prior private sector employment (if related to present duties);</p> <p>* membership in professional groups</p>	<p style="text-align: center;"><b>CURRENT DOD CIVILIAN EMPLOYEE:</b></p> <p>* name, position titles, grades, and salary.                  EXCEPTION: No data will be disclosed to reflect a past employment with NSA, DIA, NRO, or NIMA.</p> <p>* occupational series, performance awards, bonuses, incentive awards, merit pay amount, meritorious or distinguished Executive Ranks, allowances and differentials, position descriptions of past positions, position description of current position only if current duty station is not revealed, identification of job elements and performance standards.</p> <p>* date of entry and years of service</p> <p>* gender</p> <p>* post-graduate/technical education in preparation for employee's profession</p> <p>* prior federal/state employment</p> <p>* prior private sector employment (if related to present duties);</p> <p>* membership in professional groups</p>

**DEMOGRAPHIC DATA**

The following PII data **MAY NOT BE DISCLOSED** without violating the individual's personal privacy:

MILITARY (all members)	CIVILIAN EMPLOYEE (all members)
* social security number	* social security number
* home or quarters address	* home address
* home telephone number	* home telephone number
* home email address	* home email address
* home of record (city, state)	* ethnic origin
* ethnic origin	* race
* race	* religion
* religion	* citizenship
* citizenship	* age or date of birth
* age or date of birth	* place of birth
* place of birth	* marital status
* marital status	* dependent children
* dependent children	* type of leave taken
* character of discharge	* details of health and insurance benefits
	* supervisory assessments of professional conduct and ability
	* information provided by relative and references
	* names of references
	* prior employment history unrelated to employee's current occupation

Appendix F

Forms

1. Forms. The following forms may be used by the MARFORRES RSC:
  - a. DD 2086 Record of Freedom of Information Processing Cost;
  - b. DD 2564 Annual Freedom of Information Act Report;
  - c. SF 180 Request Pertaining to Military Records;
  - d. HQMC FOIA Quarterly Reporting Form;
  - e. Consent to Release Information to a Third Party.



RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST				REPORT CONTROL SYMBOL DD-DA&M(A)1365				
<i>Please read instructions on back before completing form.</i>								
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					
<b>5. CLERICAL HOURS (E-9/GS-8 and below)</b>		FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST			
a. SEARCH		1		X \$20.00 =	0.00			
b. REVIEW/EXCISING		2			0.00			
c. OTHER ADMINISTRATIVE COSTS		3			0.00			
<b>6. PROFESSIONAL HOURS (O-1 - O-6/GS-9-GS-15)/CONTRACTOR</b>			(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST			
a. SEARCH		1		X \$44.00 =	0.00			
b. REVIEW/EXCISING		2			0.00			
c. OTHER/COORDINATION/DENIAL		3			0.00			
<b>7. EXECUTIVE HOURS (O-7 - ES 1 and above)</b>			(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST			
a. SEARCH		1		X \$75.00 =	0.00			
b. REVIEW/EXCISING		2			0.00			
c. OTHER/COORDINATION/DENIAL		3			0.00			
<b>8. COMPUTER SEARCH</b>			(1) TOTAL TIME	(2) RATE	(3) COST			
a. MACHINE TIME (Not PC, desktop, laptop)		4		X \$20.00/hr =	0.00			
b. PROGRAMMER/OPERATOR TIME (Human)								
(1) Clerical Hours		1			0.00			
(2) Professional Hours		1			0.00			
<b>9. OFFICE MACHINE COPY REPRODUCTION</b>			(1) NUMBER	(2) RATE	(3) COST			
a. PAGES REPRODUCED FOR FILE COPY		3		X .15 =	0.00			
b. PAGES RELEASED		5			0.00			
<b>10. PRE-PRINTED PUBLICATIONS</b>			(1) TOTAL PAGES	(2) RATE	(3) COST			
a. PAGES PRINTED		5		X .02 =	0.00			
<b>11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES</b>			(1) NUMBER	(2) ACTUAL COST	(3) COST			
a. TAPE/DISC/CD		6		X =	0.00			
b. PAPER PRINTOUT		3			0.00			
<b>12. OTHER ADMINISTRATIVE FEES</b>			(1) NUMBER	(2) ACTUAL COST	(3) COST			
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)		3		X =	0.00			
<b>13. AUDIOVISUAL MATERIALS</b>			(1) NUMBER	(2) ACTUAL COST	(3) COST			
a. MATERIALS REPRODUCED		4		X =	0.00			
<b>14. SPECIAL SERVICES</b>			(1) NUMBER	(2) ACTUAL COST	(3) COST			
a. ALL SPECIAL SERVICES (See instructions)		6		X =	0.00			
<b>15. MICROFICHE REPRODUCED</b>				X .25 =	0.00			
<b>FEE CODES</b> 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.			<b>16. FOR FOI OFFICE USE ONLY</b> a. TOTAL COLLECTABLE FEES b. TOTAL PROCESSING FEES \$0.00 c. TOTAL CHARGED d. FEES WAIVED/REDUCED (X one) e. FEES NOT APPLICABLE (X one)					
			<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td>Yes</td> <td>No</td> </tr> </table>		Yes	No	Yes	No
Yes	No							
Yes	No							
<i>See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.</i>								

DD FORM 2086, JAN 2003

PREVIOUS EDITION IS OBSOLETE.

Reset

Adobe Professional 7.0

Figure F-1.--Record of Freedom of Information (FOI) Porcessing Cost (DD Form 2086)

<b>INSTRUCTIONS FOR COMPLETING DD FORM 2086</b>	
<i>This form is used to record costs associated with the processing of a Freedom of Information request.</i>	
<p><b>1. REQUEST NUMBER</b> - First two digits will express Calendar Year followed by dash (-) and Component's request number, i.e., 03-001.</p> <p><b>2. TYPE OF REQUEST</b> - Mark the appropriate block to indicate initial request or appeal of a denial.</p> <p><b>3. DATE COMPLETED</b> - Enter year, month and day, i.e., 20031001.</p> <p><b>4. ACTION OFFICE</b> - Enter the office processing this request.</p> <p><b>5. CLERICAL HOURS</b> - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:</p> <p style="padding-left: 20px;">Search - Time spent in locating from the files the requested information.</p> <p style="padding-left: 20px;">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.</p> <p style="padding-left: 20px;">Other Administrative - Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, etc.</p> <p style="padding-left: 20px;">- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.</p> <p><b>6. PROFESSIONAL HOURS</b> - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:</p> <p style="padding-left: 20px;">Search/Review/Excising/Other - See explanation above.</p> <p style="padding-left: 20px;">- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.</p> <p><b>7. EXECUTIVE HOURS</b> - For each applicable activity category, enter the time expended to the nearest 15 minutes in the total hours column. The activity categories are:</p> <p style="padding-left: 20px;">Search/Review/Excising/Other - See explanation above.</p> <p style="padding-left: 20px;">- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.</p>	<p><b>8. COMPUTER SEARCH</b> - 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.</p> <p style="padding-left: 20px;">- 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.</p> <p><b>9. OFFICE COPY REPRODUCTION</b> - Enter the number of pages reproduced and/or released.</p> <p style="padding-left: 20px;">- Multiply by the rate per copy and enter cost figures.</p> <p><b>10. PRE-PRINTED PUBLICATIONS</b> - Enter total pages.</p> <p style="padding-left: 20px;">- Multiply the total number of pages by the rate per page and enter cost figures.</p> <p><b>11. COMPUTER COPY</b> - Enter the total number of tapes and/or printouts.</p> <p style="padding-left: 20px;">- Multiply by the actual cost per tape or printout and enter cost figures.</p> <p><b>12. OTHER ADMINISTRATIVE FEES</b> - Covers postage (when known), correspondence preparation, other non-billable charges not covered under Items 5 - 7, etc.</p> <p><b>13. AUDIOVISUAL MATERIALS</b> - Duplication cost is the actual cost of reproducing the material, including the wages of the person doing the work.</p> <p><b>14. SPECIAL SERVICES</b> - 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.</p> <p><b>15. MICROFICHE REPRODUCED</b> - Enter the number of copies and multiply by the rate per copy.</p> <p><b>16. FOR FOI OFFICE USE ONLY</b> -</p> <p style="padding-left: 20px;"><b>Total Collectable Fees</b> - 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.</p> <p style="padding-left: 20px;"><b>Total Processing Fees</b> - 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.</p> <p style="padding-left: 20px;"><b>Total Charged</b> - Enter the total amount that the requester was charged, taking into account the fee waiver threshold and fee waiver policy.</p> <p style="padding-left: 20px;"><b>Fees Waived/Reduced</b> - Indicate if the cost of processing the request was waived or reduced by placing an "X" in the "Yes" block or the "No" block.</p> <p style="padding-left: 20px;"><b>Fees Not Applicable</b> - Indicate if the cost of processing the request was not applicable by placing an "X" in the "Yes" block or the "No" block.</p>

DD FORM 2086 (BACK), JAN 2003

Figure F-1.--Record of Freedom of Information (FOI) Porcessing Cost  
(DD Form 2086)--Continued

**REQUEST PERTAINING TO MILITARY RECORDS**

\* Requests from veterans or deceased veteran's next-of-kin may be submitted online by using eVetRecs at <http://www.archives.gov/veterans/military-service-records/>\*  
 (To ensure the best possible service, please thoroughly review the accompanying instructions before filling out this form. Please print clearly or type.)

**SECTION I - INFORMATION NEEDED TO LOCATE RECORDS (Furnish as much as possible.)**

1. NAME USED DURING SERVICE (last, first, and middle)		2. SOCIAL SECURITY NO.	3. DATE OF BIRTH	4. PLACE OF BIRTH		
5. SERVICE, PAST AND PRESENT (For an effective records search, it is important that all service be shown below.)						
	BRANCH OF SERVICE	DATE ENTERED	DATE RELEASED	OFFICER	ENLISTED	SERVICE NUMBER (If unknown, write "unknown")
a. ACTIVE COMPONENT						
b. RESERVE COMPONENT						
c. NATIONAL GUARD						
6. IS THIS PERSON DECEASED? If "YES" enter the date of death. <input type="checkbox"/> NO <input type="checkbox"/> YES _____				7. IS (WAS) THIS PERSON RETIRED FROM MILITARY SERVICE? <input type="checkbox"/> NO <input type="checkbox"/> YES		

**SECTION II - INFORMATION AND/OR DOCUMENTS REQUESTED**

1. CHECK THE ITEM(S) YOU ARE REQUESTING:

**DD Form 214 or equivalent.** When was the DD Form(s) 214 issued? YEAR(S): \_\_\_\_\_  
 If more than one period of service was performed, even in the same branch, there may be more than one DD214.  
 This form contains information normally needed to verify military service. A copy may be sent to the veteran, the deceased veteran's next of kin, or other persons or organizations if authorized in Section III, below. **An UNDELETED DD214 is ordinarily required to determine eligibility for benefits.** Sensitive items, such as, the character of separation, authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and dates of time lost are usually shown.  
**An undeleted copy will be sent unless you specify a deleted copy. Indicate here if you want a deleted copy of the DD Form 214.**   
 The following items are deleted: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and for separations after June 30, 1979, character of separation and dates of time lost.

**All Documents in Official Military Personnel File (OMPF)**

**Medical Records** (Includes Service Treatment Records, Health (outpatient) and dental records.) If hospitalized (inpatient), the facility name and date for each admission **must** be provided: \_\_\_\_\_

**Other (Specify):** \_\_\_\_\_

2. **PURPOSE:** (An explanation of the purpose of the request is **strictly voluntary**; however, such information may help to provide the best possible response and may result in a faster reply. Information provided will in no way be used to make a decision to deny the request.) Check appropriate box:  
 Benefits  Employment  VA Loan Programs  Medical  Genealogy  Correction  Personal  
 Other, explain: \_\_\_\_\_

**SECTION III - RETURN ADDRESS AND SIGNATURE**

1. **REQUESTER IS:** (Signature Required in # 3 below of veteran, next of kin, legal guardian, authorized government agent or "other" authorized representative. If "other" authorized representative, provide copy of authorization letter.) No signature required for Archival records.

Military service member or veteran identified in Section I, above  
 Next of kin of deceased veteran: \_\_\_\_\_  
 (Relationship)

Legal guardian (Must submit copy of court appointment.)  
 Other (specify) \_\_\_\_\_

**MUST HAVE PROOF OF DEATH** - See item 2a on instruction sheet.

2. **SEND INFORMATION/DOCUMENTS TO:**  
 (Please print or type. See item 4 on accompanying instructions.)

3. **AUTHORIZATION SIGNATURE WHEN REQUIRED** (See items 2a or 3a on accompanying instructions.) I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information in this Section III is true and correct. No signature required for Archival records.

Name _____	Signature Required - Do not print _____	Date _____
Street _____ Apt. _____	( ) _____ Daytime phone	( ) _____ Fax Number
City _____ State _____ Zip Code _____	Email address _____	

\*This form is available at <http://www.archives.gov/research/order/standard-form-180.pdf> on the National Archives and Records Administration (NARA) web site.\*

Figure F-2.--Request Pertaining to Military Records  
 (Standard Form 180)

**LOCATION OF MILITARY RECORDS**

The various categories of military service records are described in the chart below. For each category there is a code number which indicates the address at the bottom of the page to which this request should be sent. Please refer to the Instruction and Information Sheet accompanying this form as needed.

BRANCH	CURRENT STATUS OF SERVICE MEMBER	ADDRESS CODE	
		Personnel Record	Medical or Service Treatment Record
AIR FORCE	Discharged, deceased, or retired before 5/1/1994	14	14
	Discharged, deceased, or retired 5/1/1994 – 9/30/2004	14	11
	Discharged, deceased, or retired on or after 10/1/2004	1	11
	Active (including National Guard on active duty in the Air Force), TDRL, or general officers retired with pay	1	
	Reserve, retired reserve in nonpay status, current National Guard officers not on active duty in the Air Force, or National Guard released from active duty in the Air Force	2	
	Current National Guard enlisted not on active duty in the Air Force	13	
COAST GUARD	Discharge, deceased, or retired before 1/1/1898	6	
	Discharged, deceased, or retired 1/1/1898 – 3/31/1998	14	14
	Discharged, deceased, or retired on or after 4/1/1998	14	11
	Active, reserve, or TDRL	3	
MARINE CORPS	Discharged, deceased, or retired before 1/1/1905	6	
	Discharged, deceased, or retired 1/1/1905 – 4/30/1994	14	14
	Discharged, deceased, or retired 5/1/1994 – 12/31/1998	14	11
	Discharged, deceased, or retired on or after 1/1/1999	4	11
	Individual Ready Reserve	5	
	Active, Selected Marine Corps Reserve, TDRL	4	
ARMY	Discharged, deceased, or retired before 11/1/1912 (enlisted) or before 7/1/1917 (officer)	6	
	Discharged, deceased, or retired 11/1/1912 – 10/15/1992 (enlisted) or 7/1/1917 – 10/15/1992 (officer)	14	
	Discharged, deceased, or retired after 10/16/1992	14	11
	Active enlisted, officers	7	
	Former National Guard/USAR personnel	14	
NAVY	Discharged, deceased, or retired before 1/1/1886 (enlisted) or before 1/1/1903 (officer)	6	
	Discharged, deceased, or retired 1/1/1886 – 1/30/1994 (enlisted) or 1/1/1903 – 1/30/1994 (officer)	14	14
	Discharged, deceased, or retired 1/31/1994 – 12/31/1994	14	11
	Discharged, deceased, or retired on or after 1/1/1995	10	11
Active, reserve, or TDRL	10		
PHS	Public Health Service - Commissioned Corps officers only	12	

**ADDRESS LIST OF CUSTODIANS (BY CODE NUMBERS SHOWN ABOVE) – Where to write/send this form**

1	Air Force Personnel Center HQ AFPC/DPSIRP 550 C Street West, Suite 19 Randolph AFB, TX 78150-4721	6	National Archives & Records Administration Old Military and Civil Records (NWCTB-Military) Textual Services Division 700 Pennsylvania Ave., N.W. Washington, DC 20408-0001	11	Department of Veterans Affairs Records Management Center P.O. Box 5020 St. Louis, MO 63115-5020
2	Air Reserve Personnel Center Records Management Branch (DPTARA) 18420 E. Silver Creek Ave. Bldg. 390 MS 68 Buckley AFB, CO 80011	7	US Army Human Resources Command ATTN: AHRC-PDR-V 1600 Spearhead Division Ave., Dept 420 Fort Knox, KY 40122-5402 askhrc.army@us.army.mil	12	Division of Commissioned Corps Officer Support ATTN: Records Officer 1101 Wootton Parkway, Plaza Level, Suite 100 Rockville, MD 20852
3	Commander, Personnel Service Center (PSD-MR) MS7200 US Coast Guard 4200 Wilson Blvd., Suite 1100 Arlington, VA 22958-7200 <a href="http://useg.mil/psc/adm">http://useg.mil/psc/adm</a>	8	<i>Reserved.</i>	13	<i>Reserved.</i>
4	Headquarters U.S. Marine Corps Manpower Management Support Branch (MMSB-10) 2008 Elliot Road Quantico, VA 22134-5030	9	<i>Reserved.</i>	14	National Personnel Records Center (Military Personnel Records) 1 Archives Dr. St. Louis, MO 63138-1002
5	Marine Forces Reserve 4400 Dauphine St. New Orleans, LA 70146-5400	10	Navy Personnel Command (PERS-312E) 5720 Integrity Drive Millington, TN 38055-3120		eVetRees! <a href="http://www.archives.gov/veterans/military-service-records/">http://www.archives.gov/veterans/military-service-records/</a>

**INSTRUCTION AND INFORMATION SHEET FOR SF 180, REQUEST PERTAINING TO MILITARY RECORDS**

**1. General Information.** The Standard Form 180, Request Pertaining to Military Records (SF180) is used to request information from military records. Certain identifying information is necessary to determine the location of an individual's record of military service. Please try to answer each item on the SF 180. If you do not have and cannot obtain the information for an item, show "NA," meaning the information is "not available." Include as much of the requested information as you can. Incomplete information may delay response time. To determine where to mail this request see Page 2 of the SF180 for record locations and facility addresses.

Online requests may be submitted to the National Personnel Records Center (NPRC) by a veteran or deceased veteran's next of kin using eVetRees at <http://www.archives.gov/veterans/military-service-records/>.

**2. Personnel Records/Military Human Resource Records/Official Military Personnel File (OMPF) and Medical Records/Service Treatment Records (STR).** Personnel records of military members who were discharged, retired, or died in service less than 62 years ago and medical records are in the legal custody of the military service department and are administered in accordance with rules issued by the Department of Defense and the Department of Homeland Security (DHS, Coast Guard). STR's of persons on active duty are generally kept at the local servicing clinic, and usually are available from the Department of Veterans Affairs approximately 40 days after the last day of active duty. (See item 3, Archival Records, if the military member was discharged, retired or died in service over 62 years ago.)

a. **Release of information:** Release of information is subject to restrictions imposed by the military services consistent with Department of Defense regulations and the provisions of the Freedom of Information Act (FOIA) and the Privacy Act of 1974. The service member (either past or present) or the member's legal guardian has access to almost any information contained in that member's own record. An authorization signature, of the service member or the member's legal guardian, is needed in Section III of the SF180. Others requesting information from military personnel records and/or STR's must have the release authorization in Section III of the SF 180 signed by the member or legal guardian. If the appropriate signature cannot be obtained, only limited types of information can be provided. If the former member is deceased, surviving next of kin may, under certain circumstances, be entitled to greater access to a deceased veteran's records than a member of the general public. The next of kin may be any of the following: unremarried surviving spouse, father, mother, son, daughter, sister, or brother. Requesters **must provide proof of death, such as a copy of a death certificate, newspaper article (obituary) or death notice, coroner's report of death; funeral director's signed statement of death, or verdict of coroner's jury.**

b. **Fees for records:** There is no charge for most services provided to service members or next of kin of deceased veterans. A nominal fee is charged for certain types of service. In most instances service fees cannot be determined in advance. If your request involves a service fee, you will be notified.

**3. Archival Records.** Personnel records of military members who were discharged, retired, or died in service 62 or more years ago have been transferred to the legal custody of NARA and are referred to as "archival" records.

a. **Release of Information:** Archival records are open to the public. The Privacy Act of 1974 does not apply to archival records, therefore, written authorization from the veteran or next of kin is not required. However, in order to protect the privacy of the veteran, his/her family, and third parties named in the records, the personal privacy exemption of the Freedom of Information Act (5 U.S.C. 552 (b) (6)) may still apply and preclude the release of some information.

b. **Fees for Archival Records:** Access to archival records is granted by offering copies of the records for a fee (44 U.S.C. 2116 (c)). You will be notified if there is a charge for photocopies of documents contained in the record you are requesting. For more information see <http://www.archives.gov/st-louis/archival-programs/military-personnel-archival/ompf-archival-requests.html>.

**4. Where reply may be sent.** The reply may be sent to the service member or any other address designated by the service member or other authorized requester.

**5. Definitions and abbreviations.** DISCHARGED -- the individual has no current military status; SERVICE TREATMENT RECORD (STR) -- The chronology of medical, mental health and dental care received by service members during the course of their military career (does not include records of treatment while hospitalized); TDRL -- Temporary Disability Retired List.

**6. Service completed before World War I.** National Archives Trust Fund (NATF) forms must be used to request these records. Obtain the forms by e-mail from [inquire@nara.gov](mailto:inquire@nara.gov) or write to the Code 6 address on page 2 of the SF 180.

**PRIVACY ACT OF 1974 COMPLIANCE INFORMATION**

The following information is provided in accordance with 5 U.S.C. 552a(e)(3) and applies to this form. Authority for collection of the information is 44 U.S.C. 2907, 3101, and 3103, and Public Law 104-134 (April 26, 1996), as amended in title 31, section 7701. Disclosure of the information is voluntary. If the requested information is not provided, it may delay servicing your inquiry because the facility servicing the service member's record may not have all of the information needed to locate it. The purpose of the information on this form is to assist the facility servicing the records (see the address list) in locating the correct military service record(s) or information to answer your inquiry. This form is then retained as a record of disclosure. The form may also be disclosed to Department of Defense components, the Department of Veterans Affairs, the Department of Homeland Security (DHS, U.S. Coast Guard), or the National Archives and Records Administration when the original custodian of the military health and personnel records transfers all or part of those records to that agency. If the service member was a member of the National Guard, the form may also be disclosed to the Adjutant General of the appropriate state, District of Columbia, or Puerto Rico, where he or she served.

**PAPERWORK REDUCTION ACT PUBLIC BURDEN STATEMENT**

Public burden reporting for this collection of information is estimated to be five minutes per request, including time for reviewing instructions and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to National Archives and Records Administration (NHP), 8601 Adelphi Road, College Park, MD 20740-6001. **DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. SEND COMPLETED FORMS AS INDICATED IN THE ADDRESS LIST ON PAGE 2 OF THE SF 180.**



UNITED STATES MARINE CORPS

FOIA 5701

CERTIFICATION OF IDENTITY & AUTHORIZATION & CONSENT TO RELEASE TO ANOTHER PERSON

PRIVACY ACT STATEMENT. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Marine Corps systems of records are not wrongfully disclosed. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Full Name of Requester Military Rank Social Security Number

Current Address

Citizenship Status Date of Birth Place of Birth

AUTHORIZATION TO RELEASE INFORMATION TO ANOTHER PERSON. This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person. Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Marine Corps to release any and all information relating to me to:

Name of Individual

Address

Email Telephone Number

CERTIFICATION OF IDENTITY. 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, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Printed Name of Marine Signature of Marine Date

Figure F-3.--Certification of Identity and Authorization & Consent To Release to Another Person--Continued

## Appendix G

Frequently Asked Questions (FAQs)

1. The record custodian locates documents created by a non-MARFORRES command or agency. Can the MARFORRES RSC release these documents?

ANSWER: No. The MARFORRES RSC will refer the records to the proper component/agency FOIA office. The referral will consist of a memorandum with MARFORRES RSC point of contact information and include a copy of the request, a copy of the documents, and a copy of the letter to the requestor notifying him/her of the referral. If the record custodian has no other responsive records, the MARFORRES RSC shall include a completed DD Form 2086 with the referral so the proper FOIA office has all of the information for fee collection.

2. What action does the MARFORRES RSC take if responsive records are known to be destroyed?

ANSWER: The MARFORRES RSC will provide a "no-records" response to the requestor based on the fact that the records were properly destroyed. The response must include information regarding the requestor's right to appeal.

3. What action does the MARFORRES RSC take if all responsive records have been transferred to the National Personnel Records Center (NPRC)?

ANSWER: The MARFORRES RSC will provide a "no-records" response to the requestor based on the fact that MARFORRES/MARFORNORTH does not possess the records. Within the "no-records" response, the MARFORRES RSC will provide information to the requestor on how to properly request the records from the NPRC. Personnel seeking Military Records must submit a Standard Form 180 to the National Personnel Records Center (Military Personnel Records), 1 Archive Drive, St. Louis, MO 63138-1002. Personnel seeking civilian personnel records must send requests to the National Personnel Records Center, Annex, 1411 Boulder Boulevard, Valmeyer, IL 62295. The MARFORRES RSC response should also refer the requestor to [www.archives.gov](http://www.archives.gov) for the latest information.

4. What action does the MARFORRES RSC take if the MARFORRES/MARFORNORTH record custodian cannot locate the responsive records?

ANSWER: The MARFORRES RSC will provide a "no-records" response to the requestor. The response shall include an explanation of why the record custodian is unable to locate the records, for example, they were accidentally destroyed, MARFORRES/MARFORNORTH doesn't maintain the type of records requested, or MARFORRES/MARFORNORTH should have the records but is unable to locate them. The response must include information regarding the requestor's right to appeal. The MARFORRES RSC shall ensure the record custodian documents the areas that were searched, the paygrade of the persons who searched, and the amount of

time each person searched. This information must become part of the case file.

5. What if the billable fees will exceed the requestor's stated limit?

ANSWER: The MARFORRES RSC shall immediately notify the requestor and provide an estimate of the total costs. The FOIA Officer shall suspend the case until the requestor provides a response concerning the additional fees.

6. What action does the MARFORRES RSC take if it is unable to meet the statutory due date for a response?

ANSWER: The MARFORRES RSC is encouraged to contact the requester, explain the situation, and attempt to negotiate an informal extension that works for both the requester and the Agency. The MARFORRES RSC can unilaterally enact a 10-day extension in three situations:

- a. When voluminous records are involved;
- b. The records are stored at another location and have to be ordered;
- c. The MARFORRES RSC must consult with another activity. The MARFORRES RSC shall inform the requestor about the extension and provide the new due date. If the requestor does not agree with the extension, he/she may appeal the failure to respond during the statutory time limit.

7. Is e-mail an agency record?

ANSWER: Yes.

8. A requestor is asking for the personnel file of someone else. Does the requestor get the entire file?

ANSWER: Maybe. If the requestor included a release of information to a third party form signed by the subject of the request, the entire file may be released. If the requestor is unable to obtain a release from the subject of the request, then the request is processed under the FOIA, which limits release of personally identifiable information.

9. The requestor asks for information that could be extracted from an electronic database. Is the MARFORRES RSC required to produce this information?

ANSWER: There is no obligation to create, compile, or obtain a record to satisfy a FOIA request. Since it is not always apparent whether extracts from an existing database actually create a record,



the MARFORRES RSC will apply a standard of reasonableness. If the capability exists to respond to the request, and the effort would be a business as usual approach, then the information should be provided.

Appendix H

Contact Information

1. Headquarters US Marine Corps  
FOIA Program Office  
Commandant of the Marine Corps (ARSF)  
Headquarters US Marine Corps  
3000 Marine Corps Pentagon Rm 2B289  
Washington DC 20350-3000  
  
FOIA/PA Phone: (703) 614-4008  
Fax: (703) 614-6287  
FOIA Email: smb.hqmc.foia@usmc.mil
  
2. Marine Forces Reserve Chief of Staff  
Marine Forces Reserve  
2000 Opelousas Ave.  
Building 1, Room 4C1100  
New Orleans, LA 70114-1500  
  
Office: (504) 697-7999
  
3. Marine Forces North Chief of Staff  
Marine Forces Reserve  
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Building 1, Room 3E5300  
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Office: (504) 697-9641
  
4. Marine Forces Reserve FOIA Request Service Center Director  
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5. Marine Forces Reserve FOIA Officer  
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ronald.bald@usmc.mil

6. Marine Forces Reserve G-1 Privacy Act Officer  
Marine Corps Support Facility  
2000 Opelousas Ave.  
Building 1, Room 4E7600  
New Orleans, LA 70114-1500

Direct: (504) 697-7178

7. Marine Forces Reserve Headquarters Battalion Privacy Act  
Officer  
Marine Corps Support Facility  
2000 Opelousas Ave.  
Building 1, Room 1E6200  
New Orleans, LA 70114-1500

Direct: (504) 697-8010

8. Marine Forces Reserve Cybersecurity Officer  
Marine Corps Support Facility  
2000 Opelousas Ave.  
Building 1, Room 3E6200  
New Orleans, LA 70114-1500

Direct: (504) 697-7645