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Sent: Tuesday, September 23, 2014 8:26 AM

To: Hogan, James P CIV OSD ODCMO (US)

Subject: DoD FOIA Requester Service Center (RSC) websites

All,

It has come to our attention that some DoD FOIA Requester Service Center (RSC) websites are not meeting the standards established by the DoD in 2006 and 2008. As you may know, our new FOIA Manual, DoDM 5400.07, which is out for public comment, also discusses these standards.

Please review each RSC website under your responsibility and ensure it complies with the following (extracted from the draft, DoDM 5400.07):

- (1) The address, telephone number, facsimile number, and organizational e-mail address (or link to electronic FOIA request submission form) to which FOIA requests can be sent.
- (2) A link to the DoD FOIA handbook (<http://www.dod.mil/pubs/foi/dfoipo/foiaHandbook.html>)
- (3) A description of the types of records that can be requested.
- (4) The name and contact information of the DoD Component's FOIA Public Liaison.
- (5) Information on how a FOIA requester can obtain the status of a FOIA request (either by telephone or through the Requester Service Center website).
- (6) A FOIA library or a link to the DoD Component's FOIA library (described below) if the library is centralized.

Additionally, there are two other related requirements:

- (1) The websites of DoD Component Headquarters FOIA Requester Service Centers will link to the websites of the other Requester Service Centers within their Components (e.g. the primary FOIA website for each military department must have links to each FOIA RSC within that department).
- (2) The Internet home page of every DoD Component will link to the FOIA Requester Service Center for that DoD Component

As for FOIA Libraries (formerly called FOIA Reading Rooms),

Each DoD Component will establish one or more FOIA libraries. The DoD Components that have only one FOIA RSC will meet this requirement by having a FOIA Library on its FOIA website. The DoD Components with more than one FOIA RSC will meet this requirement by either having one FOIA library on its primary FOIA website or having a FOIA library on each FOIA RSC website.

(1) Final Opinions. Section (a)(2)(A) of the FOIA requires agencies to make final opinions available to the public. This requirement is met by the Defense Office of Hearings and Appeals website. DoD Components are not required to post or link to these documents in their FOIA libraries.

(2) Statements of Policy. Section (a)(2)(B) of the FOIA requires agencies to make statements of policy and interpretations available to the public that have been adopted by the agencies and are not published in the Federal Register. This requirement is met by the publication of DoD issuances on the DoD Issuances website. DoD Components are not required to post or link to these documents in their FOIA libraries.

(3) Administrative Staff Manuals or Instructions. Section (a)(2)(C) of the FOIA requires agencies to make administrative staff manuals and instructions that establish policy or interpretations that affect the public available to the public. Each DoD Component FOIA library will link to its respective Component's publicly available issuance publication web page. For example, the Air Force FOIA website will link to the Air Force e-Publishing website, and the OSD/Joint Staff FOIA Requester Service Center will link to the DoD Issuances website.

(4) Frequently Requested Documents. Section (a)(2)(D) of the FOIA requires agencies to make available to the public records that are or are likely to become the subject of frequent (three or more) FOIA requests. Each DoD Component FOIA library will post documents meeting this requirement.

(5) Index. Section (a)(2)(E) of the FOIA requires an index of the documents posted in accordance with Section (a)(2)(D). This requirement is met by the DoD Components arranging these documents in its FOIA library by topical or descriptive words, rather than by case name or numbering system, so that the public can readily locate material. Case name and numbering arrangements may also be included for DoD Component convenience.

(6) Proactive Releases. DoD Components will post other documents in this section of their FOIA library, such as proactive releases, documents released in accordance with the Mandatory Declassification Review program, and other documents released in accordance with the FOIA. This section may also contain links to other component offices proactively releasing documents.

A recent audit, by this office, of FOIA Libraries shows that too many do not meet the requirement of posting frequently requested documents. I will send out more details to the components in the future on this. In the meantime, you should know that OSD and other components are posting EVERY document (except for those that contain privacy information concerning the requester) online that they release. This initiative has been received very well by requesters and the Department of Justice, and we see no reason why every RSC couldn't do this. For starters, DoD Component RSCs can post all contracts they release.

Please let me know if you have any questions or concerns.

Regards,

Jim Hogan
DoD FOIA Policy