

# Inspector General

United States  
Department of Defense



*“A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.”*

*James Madison*

## **BACKGROUND**

Enacted in 1966, the Freedom of Information Act (FOIA) is a federal law that establishes the public’s right to obtain information from federal government agencies. In 1974, after the Watergate scandal, the Act was amended to force greater agency compliance. It was also amended in 1996 to allow for greater access to electronic information.

The terrorist attacks of September 11 prompted a reevaluation of how to balance public access to information with the need for safety and security. The accumulation of confidential business information from owners and operators of the nation’s critical infrastructures, 85% of which is reportedly owned by the private sector, continues to be an important component of homeland security efforts. Concerns that competitors, terrorists, and other “bad actors” might gain access to security related information under the FOIA has prompted new confidentiality protections to promote information sharing between the private sector and the federal government and to prevent disclosure of certain types of security related information under FOIA.

## **INTRODUCTION**

This handbook is intended to assist you in making Freedom of Information Act (FOIA) requests for Department of Defense, Office of the Inspector General (DoD, OIG) records. The DoD, OIG is just one of several agencies within DoD that operates its own FOIA office and responds directly to the public for their own records. The FOIA Requester Service Center/Privacy Act Office is responsible for processing all incoming FOIA requests to the DoD, OIG. Also, this office develops and implements all policies and procedures pertaining to the FOIA for the agency. The information for sending us a FOIA request is listed at the back of this handbook under “DoD Components.”

## **DEFINITIONS**

**Access** – The review of a record or a copy of a record or parts thereof in a system of records by an individual.

**Action Officer** – a person who processes FOIA requests and reviews documents for release.

**Administrative Appeal** – A request by member of the general public, made under the FOIA, asking the appellate authority of a DoD Component to reverse a decision: to withhold all or part of a requested record; to deny a fee category claim by a requester; to deny a request for waiver or reduction of fees.

**Agency** – Businesses, departments, or services chartered or controlled by the federal government.

**Agency Record** – Documents created or obtained by an agency.

**Appeal** – A request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other adverse FOIA determination.

**Appellate Authority** – The Head of the DoD Component or the Component head's designee having jurisdiction for this purpose over the record, or any of the other adverse determinations.

**Circumvent** – To go around or avoid.

**Complex request** – A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

**Confidential Source** – A person or organization who has furnished information to the Federal Government under an expressed promise that the person's or the organization's identify will be held in confidence or under an implied promise of such confidentiality.

**Denial** – An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is

determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason.

**Disclose** – To reveal or show.

**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.

**DoD Component** – An element of the Department of Defense authorized to receive and act independently on FOIA requests. A DoD Component has its own initial denial authority (IDA), appellate authority, and legal counsel.

**Duplication** – Producing paper or microfiche copies of records.

**Duplicate Request** – A request for the same information by the same requester. This includes identical requests received via different means at the same or different times.

**Electronic Reading Room** – Records made available, via the internet, for public viewing at no charge.

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

**Expedited processing** – An agency will process a FOIA request on an expedited basis when a requester has shown a compelling need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

**Federal Agency** – 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.

**Fee Related Reason** – The requester is unwilling to pay fees associated with the request; the requester is past due in the payment of fees associated with a previous FOIA request; or the requester disagrees with a fee estimate.

**FOIA Request** – A written request for federal agency records that reasonably describes the record(s) sought, made by any person, including a member of the

public, an organization, or a business, but not including a Federal Agency or a fugitive from the law. Requesters should also indicate a willingness to pay fees associated with the processing of their request, or in the alternative, why a waiver of fees may be appropriate.

**Grant** – An agency decision to disclose all records in full in response to a FOIA request.

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

**Individual** – A living citizen of the United States or an alien lawfully admitted to the United States for permanent residence. The legal guardian of an individual has the same rights as the individual and may act on his or her behalf. No rights are vested in the representative of a dead person under the regulation.

**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. IDA's may also deny a fee category claim by a requester and/or deny a request for expedited processing due to demonstrated compelling need.

**Initial Request** – A request to a federal agency for access to records under the Freedom of Information Act (FOIA).

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

**Multi-track processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has a compelling need for records may request expedited processing.

**No Records** – A reasonable search of files failed to identify records responsive to the request.

**Not a Proper FOIA Request for Some Other Reason** – The requester has failed unreasonably to comply with legitimate procedural requirements which are not fee related.

**Not an Agency Record** – The requested information was not a record within the meaning of the FOIA.

**Partial grant** – An agency decision to disclose a record in part in response to a FOIA request. Deleting information determined to be exempt under one or more of the FOIA’s exemptions; or a decision to disclose some records in their entirety, but to withhold Others in whole or in part.

**Perfected request** – A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records.

**Personal Information** – Information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual’s official functions or public life.

**Person** – Any individual, partnership, corporation, association, or foreign or domestic government.

**Privacy Act Request** – A request from an individual for notification as the existence of, access to, or amendment of records pertaining to that individual. These records must be maintained in a system of records. The request must indicate that it is being made under Privacy Act to be considered a Privacy Act request.

**Processed Request or Appeal** – A request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

**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. That statutory purpose, however, is not fostered by disclosure of information about private citizens accumulated in various governmental files that reveals nothing about an Agency’s or official own conduct.

**Reading Room** – Records made available for public viewing at no charge.

**Record** – Any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to the individual’s education, financial transactions, medical history, and criminal or employment history, and that contains the individual’s name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as finger or voice print or a photograph.

**Records not Reasonably Described** – The request could not be acted upon since the record had not been described with sufficient particularity to enable the DoD Component to locate it by conducting a reasonable search.

**Redact** – To make ready for release. Applies to the removal of information from within a document.

**Referrals** – The request was referred to another DoD Component or Federal Agency for action.

**Review** – The process of examining a responsive record to determine disclosure, apply exemptions, redact exempt information, and prepare records for release.

**Risk Assessment** – An analysis considering information sensitivity, vulnerabilities, and the cost to a computer facility or word processing activity in safeguarding personal information processed or stored in the facility or activity.

**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.

**Other** – Any other reason a requester does not comply with published rules, other than those mentioned above.

**Search** – The process of looking for responsive records.

**Simple request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

**Statistical Record** – A record maintained only for statistical research or reporting purposes and not used in whole or in part in making determinations about specific individuals.

**Statute** – a federal law.

**System of Records** – A group of records under the control of a DoD Component from which information is retrieved by the individual's name or by some identifying number, symbol, or other identifying particular assigned to the individual. System notices for all Privacy Act systems of records must be published in the Federal Register.

**Time limits** – The time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a FOIA request).

**Unusual circumstances** – the need occurs to search for and collect records from separate offices, the need to examine a voluminous amount of records required by the request and the need to consult with another agency component.

**Unwarranted** – Groundless, without reason.

**Withdrawn** – The request was withdrawn by the requester.

## **FREQUENTLY ASKED QUESTIONS**

### **What is the FOIA?**

**Answer:** The FOIA is a federal law that establishes the public's right to request existing records from Federal government agencies.

### **Who can file a FOIA request?**

**Answer:** Any "person" can file a FOIA request, including U.S. citizens, foreign nationals, organizations, universities, businesses, and state and local governments. As an exception, DoD components which are part of the intelligence community are precluded from releasing records responsive to requests made by any foreign government or international government organization.

### **Who is subject to the FOIA and what type of information can be requested?**

**Answer:** The FOIA's scope includes Federal Executive Branch Departments, agencies, and offices; Federal regulatory agencies, and Federal corporations. Congress, the Federal Courts, and parts of the Executive Office of the President are not subject to the FOIA. State and local governments are likewise not subject to the Federal FOIA, but some states have their own access laws that are equivalent to the FOIA. The DoD OIG records are mostly investigations, evaluations and audit reports.

### **What is a record?**

**Answer:** A record is the product(s) 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 Department of Defense possession and control at the time the FOIA request is made.

### **Can I ask questions under the FOIA?**

**Answer:** The FOIA does not require Federal agencies to answer questions, render opinions, or provide subjective evaluations. Requesters must ask for existing records, such as those mentioned above.

## **How does an agency respond to requests from Congress?**

**Answer:** If a Chairman of a Committee or Subcommittee sends a letter requesting information from an agency, the agency should give the Chairman the information that was requested. If a member of Congress sends a FOIA request to an agency, the agency should process it as a request from any person under the FOIA, but with regard for the considerations of congressional relations, and discretionary disclosure.

## **How do I file a FOIA request?**

**Answer:** (1) You can send your FOIA request by letter and label your “Freedom of Information Act Request,” preferably within the request letter and on the envelope, and address the request to the following: Department of Defense, Office of the Inspector General, Attn: FOIA Requester Service Center/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202-4704 or Send by email to: [foia@dodig.mil](mailto:foia@dodig.mil) or Send by fax to: (703)602-0294. (2) You should state a willingness to pay applicable fees. If you seek a fee waiver, provide a justification for such a waiver. (3) Describe the specific records you are requesting in enough detail so that they can be located with a reasonable amount of effort. Generally, a record is reasonably described when the description contains sufficient file related information (type of document, title, subject area, date of creation, originator, etc.); or the request contains enough event related information (date and circumstances surrounding the event the record covers) to permit the conduct of an organized, non-random search. (4) A sample letter can be found at the end of this handbook.

## **How can I ask for expediting processing?**

**Answer:** A FOIA requester must demonstrate one of the following compelling needs:

- 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.
- 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.
- Another reason that merits expedited processing is an imminent loss of substantial due process rights.

## **What are the reasons for not releasing a record?**

### **Answer:**

- A reasonable search of files failed to identify responsive records.
- The request is transferred to another DoD component, or to another federal agency.
- The request is withdrawn by the requester.
- The requester is unwilling to pay fees associated with a request; the requester is past due in the payment of fees from a previous FOIA request; or the requester disagrees with the fee estimate.
- A record has not been described with sufficient particularity to enable the DoD, OIG to locate it by conducting a reasonable search.
- The requester has failed unreasonably to comply with procedural requirements, other than fee related, imposed by regulation or a DoD component supplementing regulations.
- The information requested is not a record within the meaning of the FOIA.
- The request is a duplicate request (e.g., a requester asks for the same information more than once). This includes identical requests received via different means (e.g., electronic mail, facsimile, mail, courier) at the same or different times.
- Any other reason a requester does not comply with published rules other than those outlined above.
- The record is denied in whole or in part in accordance with procedures set forth in the FOIA.

## **What are the FOIA exemptions?**

- (b)(1) specifically authorized under criteria established by an Executive order to be kept classified in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.
- (b)(2) records related solely to the internal personnel rules and practices of an agency. There are two types Low and High:
  - (1) Low – records qualifying under the Low (b)(2) are those that are trivial and housekeeping in nature for which there is no legitimate public interest or benefit to be gained by release, and it would constitute an administrative burden to process the request in order to disclose the records.
  - (2) High – records qualifying under the High (b)(2) are those containing or constituting statutes, rules, regulations, orders, manuals, directives, instructions, and security classification guides, the release of which would allow circumvention of these records thereby substantially hindering the effective performance of a significant function of the Department of Defense.
- (b)(3) records protected by another law or statute that specifically exempts the information from public release. trade secrets and commercial or financial information obtained from a person and privileged or confidential.
- (b)(4) trade secrets and commercial or financial information obtained from a private source which would cause substantial competitive harm to the source if disclosed.
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:
  - (b)(7)(A) could reasonably be expected to interfere with enforcement proceedings.
  - (b)(7)(B) would deprive a person of a right to a fair trial or an impartial adjudication.
  - (b)(7)(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy.
  - (b)(7)(D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.
  - (b)(7)(E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.
  - (b)(7)(F) could reasonably be expected to endanger the life or physical safety of any individual
- (b)(8) records for the use of any agency responsible for the regulation or supervision of financial institutions.
- (b)(9) records containing geological and geophysical information and data, including maps, concerning wells.

### **How long will it take for my request to be processed?**

**Answer:** By law an initial determination to release or deny is made within 20 working days after receipt of the request by the official who is designated to respond. However, due a continual backlog of requests we may be unable to respond within the FOIA statute's time requirements.

### **Can I appeal a denial?**

**Answer:** Yes, if your request is initially denied in whole or in part under one or more of the above exemptions or denied for some other reason, you will be advised of your appeal rights and the proper procedures for submitting the appeal within 60 days the final response from the DoD, OIG. All appeals should be sent to the DoD, OIG Appellate Authority; Mr. John Crane, Assistant Inspector General, Office of Communications and Congressional Liaison, 400 Army Navy Drive, Arlington, Virginia 22202. Please give your reasons for the appeal and write "Freedom of Information Act Appeal" printed clearly on the envelope and the letter. Also, reference your FOIA request number in your appeal letter, and include a copy of our final response letter. As with requests there may be a backlog of FOIA appeals at any given time in which the agency may be unable to respond within 20 working days.

### **Do I have to pay for a FOIA request?**

**Answer:** The FOIA allows fees to be charged to certain types of requesters, but it also provides that waivers or reductions in fees be given if disclosing the information is in the public interest. Public interest is defined as information which significantly enhances the public's knowledge of the operations and activities of the DoD, OIG. The FOIA requires that requesters be placed into one of the below categories:

**Commercial** – Requesters who seek information for a use or purpose that furthers their commercial, trade, or profit interest are considered commercial requesters. Commercial requesters pay all fees for search, review and duplication.

**Educational** – Institutions of education, including preschools, elementary or secondary schools and institutions of higher learning, qualify as educational institutions. The records must be sought in furtherance of scholarly research. Educational requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost.

**Non-Commercial Scientific** – A non-commercial scientific institution is operated solely for conducting scientific research. The records must be sought in furtherance of scientific research. Like educational requesters, these requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost.

**News Media** – A representative of the news media is a person actively gathering news for an entity organized and operated to publish or broadcast news to the public. News media pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. Again, the first 100 pages are provided at no cost.

**“Other” Requesters** – Requesters who do not qualify in another category are considered “other” requesters, and normally make requests for agency records for their personal use. “Other” requesters receive two hours search, all review costs, and the first 100 pages at no cost.

All requesters should submit a willingness to pay fees regardless of the fee category; however, this does not mean you will be charged fees.

### **Reading Rooms**

The DoD, OIG FOIA Electronic Reading Room contains DoD, OIG instructions and select documents that have been requested several times under the FOIA. To go into the electronic reading room, go to <http://www.foia@dodig.mil>. We also have reading room physically located in the FOIA Requester Service Center/Privacy Act Office. The reading room is open to the general public from 9:00 a.m. – 4:00 p.m. Monday through Friday (excluding Federal holidays). Although no appointments are necessary, you must call the office at (703) 604-9775 to be escorted to the reading room.

## Sample of a FOIA Request

Department of Defense, Office of the Inspector General  
FOIA Requester Service Center/Privacy Act Office  
400 Army Navy Drive, Room 1034  
Arlington, Virginia 22202-4704

March 1, 2006

To Whom It May Concern,

I request, under the provisions of the Freedom of Information Act (FOIA), a copy of the final report of the Defense Hotline investigation of allegations that Pentagon employees may have committed time and attendance fraud. I registered my complaint August 1999 and the Hotline office assigned number 44444 to the case.

I seek this information to learn what actions were taken by officials to resolve my complaint. Since I seek this information for personal use and will not gain commercially, fees should be assessed in the "all others" category. I am willing to pay \$5.00 for processing fees.

Sincerely,

Joan Doe  
1234 Windy Lane  
Anytown, USA 11111-2222  
(123) 555-0202

## **FOIA Addresses for DoD Components**

Department of Defense  
Office of the Inspector General  
Attn: FOIA Requester Service Center/  
Privacy Act Office  
Telephone number: (703) 604-9775  
Fax number: (703) 602-0294  
Email address: [foia@dodig.mil](mailto:foia@dodig.mil)

Office of Freedom of Information of Information  
1155 Defense Pentagon  
Washington, DC 20301-1155  
Telephone number: (703) 696-4495  
Fax number: (703) 696-4506  
Email address: [foia@whs.mil](mailto:foia@whs.mil)

Department of the Army  
FOIA/Privacy Act Office  
Attn: AHRC-PDD-FP  
7701 Telegraph Road  
Alexandria, VA 22315-3860  
Telephone number: (703) 428-6508  
Fax number: (703) 428-6522  
Email address: [FOIA@rmda.belvoir.army.mil](mailto:FOIA@rmda.belvoir.army.mil)

Department of the Navy  
CNO/DNS 36  
2000 Navy Pentagon  
Washington, DC 20350-2000  
Telephone number: (202) 685-6545  
Fax number: (202) 685-6545  
Email address: [navyfoia@hq.navy.mil](mailto:navyfoia@hq.navy.mil)

Department of the Air Force  
11CS/SCSR (FOIA)  
1000 Air Force Pentagon  
Washington, DC 20300-1000  
Telephone number: (703) 696-7263  
Fax number: (703) 696-7273  
Email address: [foia@bolling.af.mil](mailto:foia@bolling.af.mil)

Commandant of the Marine Corps (ARSE)  
Headquarters U.S. Marine Corps  
2 Navy Annex  
Washington, DC 20380-1775

Defense Contract Audit Agency  
ATTN: CMR  
8725 John J. Kingman Road  
Suite 2135  
Fort Belvoir, VA 22060-6219  
Telephone number: (703) 767-1002  
Fax number: 9703) 767-1011

Defense Finance & Accounting Service  
DFAS-DDC/DE  
Corporate Communications  
6760 East Irvington Place  
Denver, CO 80279-8000  
Telephone number: (303) 676-6045  
Fax number: (303) 676-7730  
Email address: [linda.krabbenhof@dfas.mil](mailto:linda.krabbenhof@dfas.mil)

Defense Intelligence Agency  
Attn: DAN-1A  
Washington, DC 20340-5100  
Telephone number: (301)394-5188  
Fax number: (202) 231-3909  
Email address: [foia@dia.mil](mailto:foia@dia.mil)

Defense Security Service  
Office of FOIA & Privacy, V0020  
1340 Braddock Place  
Alexandria, VA 22314-1651  
Telephone number: (202) 231-3916  
Fax number: (703) 325-5341  
Email address: [leslie.blake@mail.dss.mil](mailto:leslie.blake@mail.dss.mil)

Defense Information Systems Agency  
Regulatory/General Counsel  
Attn: FOIA

701 South Courthouse Road  
Arlington, VA 22204-2199  
Telephone number: (703) 607-6515  
Fax number: (703) 607-4344  
Email address: [bergerr@ncr.disa.mil](mailto:bergerr@ncr.disa.mil)

Defense Logistics Agency  
Attn: DP  
8725 John J. Kingman Road  
STOP 6201  
8725 John J. Kingman Road  
Fort Belvoir, VA 22060-6201  
Telephone number: (703) 767-6183  
Fax number: (703) 767-6312

Defense Threat Reduction Agency  
FOIA/PA Office  
STOP 6201  
8725 John J. Kingman Road  
Fort Belvoir, VA 22060-6201  
Telephone number: (703) 325-1205  
Fax number: (703) 325-2962  
Email address: [efoia@dtra.mil](mailto:efoia@dtra.mil)

Defense Contract Management Agency  
ATTN: FOIA/Privacy Office  
Congressional & Public Affairs Staff  
P.O. Box 151300  
Alexandria, VA 22315-9998  
Telephone number: (703) 428-1453  
Fax number: (703) 428-3580

National Geospatial Intelligence Agency  
General Counsel's Office  
GCP  
Mail Stop D-10  
4600 Sangamore Road  
Bethesda, MD 20816-5003  
Telephone number: (301) 227-2268  
Fax number: (301) 227-2035

National Reconnaissance Office  
Information Access & Release Center  
ATTN: FOIA Officer  
14675 Lee Road  
Chantilly, VA 20151-1715  
Telephone number: (703) 227-9128  
Email address: [foia@nro.mil](mailto:foia@nro.mil)

National Security Agency/Central Security Service  
FOIA/PA Services  
DC34  
9800 Savage Road STE 6248  
Fort Meade, MD 20755-6248  
Telephone number: (301) 688-6527  
Fax number: (301) 688-6198

### **Conclusion**

It is the DoD, OIG policy to promote public trust by making the maximum amount of information available to the public in accordance the FOIA, and DoD directives and regulations. If you should have any questions, please contact the Mr. Darryl R. Aaron, Chief FOIA Public Liaison at (703)604-9785 or email [Darryl.Aaron@dodig.mil](mailto:Darryl.Aaron@dodig.mil).

This handbook was prepared by the staff of the DoD, OIG FOIA Requester Service Center/Privacy Act Office.



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