

Safety, Security and Administration

FREEDOM OF INFORMATION ACT (FOIA) PROGRAM



BY ORDER OF THE DIRECTOR

RONALD P. McCOY
Colonel, USAF
Chief of Staff

RALPH R. TATE
Acting Chief, Safety, Security and Administration

AUTHORITY: Defense Commissary Agency Directives Management Program is established in compliance with DoD Directive 5105.55, Defense Commissary Agency (DeCA), November 1990.

MANAGEMENT CONTROLS: This directive contains Management Control provisions that are subject to evaluation and testing as required by DeCAD 70-2 and as scheduled in DeCAD 70-3. The Management Control Review Checklist to be used by assessable unit managers to conduct the evaluation and test management controls is at Appendix A.

APPLICABILITY: This directive applies to the Defense Commissary Agency (DeCA) activities.

HOW TO SUPPLEMENT: Supplementation of this directive is prohibited without prior authorization from HQ DeCA/SA.

HOW TO ORDER COPIES: Stores needing additional copies will submit requirements on DeCA Form 30-21 to Region/IM. Regions will consolidate requirements and order per published schedule.

SUMMARY: This directive provides policy and procedures for processing requests under the FOIA.

SUPERSEDES: DeCA Policy Letter 30-11, March 10, 1992
OFFICE OF PRIMARY RESPONSIBILITY (OPR): HQ DeCA/SAA
COORDINATORS:
DISTRIBUTION: E

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Chapter 1

THE FREEDOM OF INFORMATION ACT PROGRAM

1-1. **Purpose.** The purpose of this portion of the directive is to provide policies and procedures for implementation of the Freedom of Information Act and to promote uniformity in the DoD Freedom of Information Act Program.

1-2. **References.**

- a. DoD 5400.7-R, Department of Defense, DoD Freedom of Information Act Program, ~~September 1998.~~
- b. Title 5, United States Code, Section 552
- c. Title 5, United States Code, Section 552a.
- d. DoD Directive 5400.11-R, Department of Defense Privacy Program, June, 1982.
- e. DeCAD 30-2, Defense Commissary Agency Filing System, December 1992.
- f. Title 32, Code of Federal Regulations, Part 286h.

1-3. **Applicability.** This directive applies to Headquarters, regions, ~~districts,~~ central distribution centers (CDC), and commissaries of the Defense Commissary Agency (DeCA). All personnel are expected to comply with the procedures established herein. All FOIA requests will receive prompt attention and a reply will be dispatched ~~by the Agency FOIA Officer~~ within ~~20~~ working days to the requester. All DeCA FOIA responses will be coordinated with the General Counsel, DeCA ~~by the Agency FOIA Officer.~~

1-4. **Responsibilities.**

- a. Headquarters. The Director DeCA will appoint: the Agency FOIA Officer and the ~~Chief of Staff to serve as the~~ Initial Denial Authority (IDA) for the program.
 - (1) The FOIA Officer will:
 - (a) Establish and manage the FOIA program for DeCA.
 - (b) Provide guidance and staff assistance.
 - (c) Control and monitor all requests received and prepare documentation to the office of primary responsibility (OPR) for ~~responsive documents.~~
 - (d) ~~Prepare response to requester~~ Review documents and make release determination ~~based on~~ ~~applicable FOIA exemptions and recommendations~~ provided by OPR.
 - (e) ~~Prepare and~~ sign all response requests for releasable information to the requester after coordination through the General Counsel. Ensure denied requests for information are signed by the DeCA Initial Denial Authority.

(f) Submit DeCA's annual input to the DoD Annual Freedom of Information Act Report to Congress to the Office of the Assistant Secretary of Defense, Public Affairs, Freedom of Information and Security Review.

(2) DeCA Directorates/Staff Offices will:

(a) ~~→ Prepare and coordinate response via DeCA Form 30-1, Coordination/Information/Decision Paper/Trip Report, through all affected Agency Directorates/Staff Offices before sending to the FOIA Officer for release. Upon receipt of a FOIA, forward to the Agency FOIA Officer within 2 days. ←~~

(b) ~~→ If requested information is available, forward all information to the Agency FOIA Officer for release determination. ←~~ Complete DD Form 2086, Record of Freedom of Information (FOI) Processing Cost or DD Form 2086-1, Record of Freedom of Information (FOI) Processing Cost for Technical Data, as applicable, see Figures 1-1 and 1-2.

b. Regions:

(1) The Director/Commander will appoint a FOIA Coordinator who will:

(a) Upon receipt of a FOIA, forward to the ~~→ Agency ←~~ FOIA Officer within 2 days. ~~If requested information is available, forward all information to the Agency FOIA Officer for release determination. ←~~ Maintain suspense control of FOIA actions. ~~→ Prepare documentation to the OPR for response. ←~~

(b) Prepare letter to the requester informing him/her of the transfer to the ~~→ Agency ←~~ FOIA Officer ~~→ and forward request to DeCA FOIA Officer. ←~~

(c) Ensure processing costs are captured on DD Form 2086 or DD Form 2086-1, as applicable. ~~→ If collectable costs warrant fee assessment from the requester and the requester has failed to initially agree to pay associated fees, the coordinator will inform the requester of the anticipated costs and gain pay agreement prior to gathering the information ←~~

(d) If information is to be denied the requester, prepare a draft response back to the requester informing him/her of the transfer to the headquarters for response, see Figure 1-~~→ § 3. ←~~ Forward all denial (nonreleasable) requests, with the requested information and reasons for denial, to ~~→ DeCA the Agency ←~~ FOIA Officer who will prepare response for the ~~→ Chief of Staff's Initial Denial Authority's ←~~ signature after coordination with the General Counsel.

c. DeCA ~~→ Districts ←~~ CDC/Commissaries:

(1) Upon receipt of a FOIA, provide region coordinator a copy within two days.

(2) If requested information is available, forward all information to the coordinator who will transfer to the ~~→ DeCA Agency ←~~ FOIA Officer for release determination.

(3) If requested information is not available, provide the region the rationale so they can prepare a response back to the ~~→ DeCA Agency ←~~ FOIA Officer. If the information is available but determined not to be releasable, provide the region with the requested information and specific reasons why the request should be denied. The region will formalize a reply to the DeCA FOIA Officer, forwarding requested information and reasons for denial. The DeCA FOIA Officer will prepare the response to the requester with coordination by the General Counsel and signature by the ~~→ Executive Director for Support DeCA Initial Denial Authority. ←~~

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST			
Please read instructions on reverse before completing form.			
1. REQUEST NUMBER 93-016		2. TYPE OF REQUEST (X one) <input checked="" type="checkbox"/> a. INITIAL <input type="checkbox"/> b. APPEAL	
		3. DATE COMPLETED (YYMMDD) 93 02 22	
4. CLERICAL HOURS (E-9/GS-8 and below)		TOTAL HOURS (1)	HOURLY RATE (2)
a. SEARCH		1/2	X \$12.00 =
b. REVIEW/EXCISING			
c. CORRESPONDENCE AND FORMS PREPARATION		1/2	
d. OTHER ACTIVITY			
			COST (3) • 6.00 •• 6.00
5. PROFESSIONAL HOURS (O-1 - O-6/GS-9 - GS/GM-15)		TOTAL HOURS (1)	HOURLY RATE (2)
a. SEARCH			X \$45.00 =
b. REVIEW/EXCISING			
c. COORDINATION/APPROVAL/DENIAL			
d. OTHER ACTIVITY			
			COST (3) • ••
6. EXECUTIVE HOURS (O-7/GS/GM-16/ES 1 and above)		TOTAL HOURS (1)	HOURLY RATE (2)
a. SEARCH			X \$45.00 =
b. REVIEW/EXCISING			
c. COORDINATION/APPROVAL/DENIAL			
			COST (3) • ••
7. COMPUTER SEARCH		TOTAL HOURS (1)	HOURLY RATE (2)
a. MACHINE HOURS			X
b. PROGRAMMER/OPERATOR TIME			
(1) Clerical			
(2) Professional			\$12.00 \$25.00
			COST (3) • •
8. OFFICE COPY REPRODUCTION		NUMBER (1)	RATE (2)
a. PAGES REPRODUCED		140	X .15 =
			COST (3) • 21.00
9. MICROFICHE REPRODUCTION		NUMBER (1)	RATE (2)
a. MICROFICHE REPRODUCED			X .25 =
			COST (3) •
10. PRINTED RECORDS		TOTAL PAGES (1)	RATE (2)
a. FORMS			X .02 =
b. PUBLICATIONS			
c. REPORTS			
			COST (3) • •
11. COMPUTER COPY		NUMBER (1)	ACTUAL COST (2)
a. TAPE			X
b. PRINTOUT			
			COST (3) • •
12. AUDIOVISUAL MATERIALS		NUMBER (1)	ACTUAL COST (2)
a. MATERIALS REPRODUCED			X
			COST (3) •
13. For FOI Office Use Only			
a. SEARCH FEES PAID		f. TOTAL COLLECTABLE COSTS	27.00
b. REVIEW FEES PAID		g. TOTAL PROCESSING COSTS	33.00
c. COPY FEES PAID		h. TOTAL CHARGED	27.00
d. TOTAL PAID		i. FEES WAIVED/REDUCED (X one)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
e. DATE PAID (YYMMDD)		* Chargeable to all requesters after application of all waiver criteria. ** Chargeable only to commercial requesters.	

Figure 1-1

INSTRUCTIONS FOR COMPLETING DD FORM 2086

This form is used to record costs associated with the processing of a Freedom of Information request.

1. REQUEST NUMBER - First two digits will express Calendar Year followed by dash (-) and Component's request number, i.e., 87-001.

2. TYPE OF REQUEST - Mark the appropriate block to indicate initial request or appeal of a denial.

3. DATE COMPLETED - Enter year, month and day, i.e., 870621.

4. CLERICAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search - Time spent in locating from the files the requested information.

Review / Excising - Time spent 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.

Correspondence and Forms Preparation - Time spent in preparing the necessary correspondence and forms to answer the request.

Other Activity - Time spent in activity other than above, such as, duplicating documents, hand carrying documents to other locations, restoring files, etc.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

5. PROFESSIONAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search / Review / Excising, and Other Activity - See explanation above.

Coordination / Approval / Denial - Time spent coordinating the staff action with interested offices or agencies and obtaining the approval for the release or denial of the requested information.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

6. EXECUTIVE HOURS - For each applicable activity category, enter the time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search / Review / Excising - See explanation above.

Coordination / Approval / Denial - See explanation above.

- Multiply the time in the total hours column in each category by the hourly rate and enter the cost figures for each category.

7. COMPUTER SEARCH - Enter exact computer processing value in the total hours column. The salary scale (equating to items 4 and/or 5) for the programmer / operator executing the search will be recorded as part of the computer search cost, and entered in the appropriate block.

- Multiply the total hours by the hourly rates and enter the cost figures. Computer search will be based on direct cost of the Central Processing Unit, input / output devices, and memory capacity of the actual computer configuration used.

8. OFFICE COPY REPRODUCTION - Enter the number of pages reproduced.

- Multiply by the rate per copy and enter cost figures.

9. MICROFICHE REPRODUCTION - Enter the number of microfiche copies reproduced.

- Multiply by the rate per copy and enter cost figures.

10. PRINTED RECORDS - Enter total pages in each category. The categories are:

Forms (Include any type of printed forms)

Publications (Include any type of bound document, such as directives, regulations, studies, etc.)

Reports (Include any type of memorandum, staff action paper, etc.)

- Multiply the total number of pages in each category by the rate per page and enter cost figures.

11. COMPUTER COPY - Enter the total number of tapes and/or printouts.

- Multiply by the actual cost per tape or printout and enter cost figures.

12. AUDIOVISUAL MATERIALS - Duplication cost is the actual cost of reproducing the material, including the wage of the person doing the work.

13. FOR FOI OFFICE USE ONLY -

Search Fees Paid - Enter total search fees paid by the requester.

Review Fees Paid - Enter total review fees paid by the requester.

Copy Fees Paid - Enter the total of copy fees paid by the requester.

Total Paid - Add search fees paid and copy fees paid. Enter total in the total paid block.

Date Paid - Enter year, month and day, i.e., 871024, the fee payment was received.

Total Collectable Costs - Add the blocks in the cost column marked with an asterisk and enter total in the total collectable cost 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.

Total Processing Costs - Add all blocks in the cost column and enter total in the total processing cost block. The total processing cost in most cases will exceed the total collectable cost.

Total Charged - Enter the total amount that the requester was charged, taking into account the fee waiver threshold and fee waiver policy.

Fees Waived / Reduced - Indicate if the cost of processing the request was waived or reduced by placing an "X" in the "Yes" block or an "X" in the "No" block.

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST FOR TECHNICAL DATA						
Please read instructions on reverse before completing form.						
1. REQUEST NUMBER 93-022		2. TYPE OF REQUEST (X one)		3. DATE COMPLETED (YYMMDD)		
		<input checked="" type="checkbox"/> a. INITIAL		<input type="checkbox"/> b. APPEAL		
4. CLERICAL HOURS (E-9/GS-8 and below)				TOTAL HOURS (1)	HOURLY RATE (2)	COST (3)
a. SEARCH						*
b. REVIEW/EXCISING						*
c. CORRESPONDENCE AND FORMS PREPARATION				1/2	\$ 13.25	6.63
d. OTHER ACTIVITY						
e. MINIMUM CHARGE					\$ 8.30	
5. PROFESSIONAL HOURS (0-1-0-6/GS-9-GS/GM-15)				TOTAL HOURS (1)	HOURLY RATE (2)	COST (3)
a. SEARCH						*
b. REVIEW/EXCISING						*
c. COORDINATION/APPROVAL/DENIAL					ACTUAL HOURLY RATE	
d. OTHER ACTIVITY						
e. MINIMUM CHARGE					1/2 HOURLY RATE	
6. EXECUTIVE HOURS (0-7/GS/GM-16/ES 1 and above)				TOTAL HOURS (1)	HOURLY RATE (2)	COST (3)
a. SEARCH						*
b. REVIEW/EXCISING						*
c. COORDINATION/APPROVAL/DENIAL					ACTUAL HOURLY RATE	
d. MINIMUM CHARGE					1/2 HOURLY RATE	
7. COMPUTER SEARCH				TOTAL HOURS (1)	HOURLY RATE (2)	COST (3)
a. MACHINE HOURS				13	79.26	294.78
b. PROGRAMMER/OPERATOR TIME				2	\$13.25 OR MINIMUM	26.50
					ACTUAL OR MINIMUM	
8. REPRODUCTION				NUMBER (1)	RATE (2)	COST (3)
a. AERIAL PHOTOGRAPHS, SPECIFICATIONS, PERMITS, CHARTS, BLUEPRINTS, AND OTHER TECHNICAL DOCUMENTS					\$ 2.50	*
b. ENGINEERING DATA (Microfilm)						
- Aperture cards						
- Silver duplicate negative, per card					.75	*
- When keypunched and verified, per card					.85	*
- Diazo duplicate negative, per card					.65	*
- When keypunched and verified, per card					.75	*
- 35 mm roll film, per frame					.50	*
- 16 mm roll film, per frame					.45	*
- Paper prints (engineering drawings), each					1.50	*
- Paper reprints of microfilm indices, each					.10	*
c. AUDIOVISUAL MATERIALS (insert actual cost in block (2))						*
d. OTHER TECHNICAL DATA RECORDS						
Charges for any additional services not specifically provided above shall be made by components at the following rates:						
- Minimum charge for office copy (up to six images)					\$ 3.50	*
- Each additional image					.10	*
- Each typewritten page					3.50	*
- Certification and validation with seal, each					5.20	*
- Hand-drawn plots and sketches, each hour or fraction thereof					12.00	*
* Chargeable to all requesters.						
9. For FOI Office Use Only						
a. SEARCH FEES PAID		d. TOTAL PAID		g. TOTAL PROCESSING COSTS	327.91	
b. REVIEW FEES PAID		e. DATE PAID (YYMMDD)		h. TOTAL CHARGED	321.28	
c. COPY FEES PAID		f. TOTAL COLLECTABLE COSTS		i. FEES WAIVED/REDUCED (X one)	YES	NO
					<input checked="" type="checkbox"/>	<input type="checkbox"/>

DD Form 2086-1, JUN 89

Figure 1-2

INSTRUCTIONS FOR COMPLETING DD FORM 2086-1

This form is used to record costs associated with the processing of a Freedom of Information request for technical data.

1. REQUEST NUMBER - First two digits will express Calendar Year followed by dash (-) and Component's request number, i.e., 87-001.

2. TYPE OF REQUEST - Mark the appropriate block to indicate initial request or appeal of a denial.

3. DATE COMPLETED - Enter year, month and day, i.e., 870621.

4. CLERICAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search - Time spent in locating from the files the requested information.

Review / Excising - Time spent 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.

Correspondence and Forms Preparation - Time spent in preparing the necessary correspondence and forms to answer the request.

Other Activity - Time spent in activity other than above, such as, duplicating documents, hand carrying documents to other locations, restoring files, etc.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category. Both search and review costs are chargeable to the requester.

5. PROFESSIONAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search / Review / Excising, and Other Activity - See explanation above.

Coordination / Approval / Denial - Time spent coordinating the staff action with interested offices or agencies and obtaining the approval for the release or denial of the requested information.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category. Both search and review costs are chargeable to the requester.

6. EXECUTIVE HOURS - For each applicable activity category, enter the time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search / Review / Excising - See explanation above.

Coordination / Approval / Denial - See explanation above.

- Multiply the time in the total hours column in each category by the hourly rate and enter the cost figures for each category. Review costs are chargeable to the requester.

7. COMPUTER SEARCH - Enter exact computer processing hours in the total hours column. The salary spent in processing the request or by the programmer/operator executing the search will be recorded as part of the computer search cost, and entered in the appropriate block.

- Multiply the total hours by the computer hourly rates and enter the cost figures. Computer search will be based on direct cost only of the Central Processing Unit, input/output devices, and memory capacity of the actual computer configuration used. This amount is fully chargeable to the requester.

8. REPRODUCTION - Enter the number of pages or items reproduced.

- Multiply by the rate per copy and enter cost figures. The entire cost is chargeable to the requester. Reproduction cost for audiovisual material is the actual cost of reproducing the material, including the wage of the person doing the work.

9. FOR FOI OFFICE USE ONLY -

Search Fees Paid - Enter total search fees paid by the requester.

Review Fees Paid - Enter total review fees paid by the requester.

Copy Fees Paid - Enter the total of copy fees paid by the requester.

Total Paid - Add search fees paid and copy fees paid. Enter total in the total paid block.

Date Paid - Enter year, month and day, i.e., 871024, the fee payment was received.

Total Collectable Costs - Add the blocks in the cost column marked with an asterisk and enter total in the total collectable cost block. Only search, reproduction and printed records are chargeable to the requester. Further discussion of collectable costs is contained in Chapter VI, Section 3, DoD Regulation 5400.7-R.

Total Processing Costs - Add all blocks in the cost column and enter total in the total processing cost block. The total processing cost in most cases will exceed the total collectable cost.

Total Charged - Enter the total amount that the requester was charged, taking into account the fee waiver threshold and fee waiver policy.

Fees Waived / Reduced - Indicate if the cost of processing the request was waived or reduced by placing an "X" in the "Yes" block or an "X" in the "No" block.



**DEFENSE COMMISSARY AGENCY
HEADQUARTERS
FORT LEE, VIRGINIA 23801-6300**

REPLY TO
ATTENTION OF

SAAR

January 19, 1995

MEMORANDUM FOR COMMANDING OFFICER, TOOLS FACILITIES ENGINEERING
COMMAND, SOUTHERN DIVISION

SUBJECT: Freedom of Information Act (FOIA) Request

The attached FOIA request is forwarded for your action and direct response to the requester as the Defense Commissary Agency does not have the requested information. The requester has been informed of the transfer to your office.

SUE W. HALL
FOIA Officer

Attachment:
As Stated

Figure 1-4



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
FORT LEE, VIRGINIA 23801-6300

Mr. Howard Treely
129 Hardwood Lane
Shadybrook, West Virginia 22678

January 24, 1995

Dear Mr. Treely:

This responds to your Freedom of Information Act (FOIA) request dated January 20, 1995 in which you requested (**describe requested records**).

This office does not have the records you are requesting, therefore your request has been referred to our headquarters for further administrative action. They will respond directly to you. Any questions concerning your request may be made telephonically (**enter FOIA Officer's telephone number**) or in writing to the following address:

Defense Commissary Agency
Safety, Security, and Administration
Attention: FOIA Officer
Fort Lee, Virginia 23801-6300

I trust this information is responsive to your needs.

(Signature block)
Military or Civilian whichever applicable

1-5. Definitions.

- a. **FOIA. Freedom of Information Act.** It is the chief Federal Law on openness in government. The FOIA applies only to documents held by DeCA. The act grants public access to final opinions, orders of DeCA, policy statements and interpretations not published in the Federal Register, administrative staff manuals, and government records that affect the public. It does not apply to information maintained by the legislative and judicial branches. The act does apply to records of the Executive Office of the White House but not to the President's immediate staff or units in the Executive Office whose sole function is to advise and assist the President.
- b. **FOIA Request.** A written request for DoD records made by any person, including a member of the public (US or foreign citizen), 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-R, or DoD component supplementing regulations or instructions.
- c. **Agency Record.** The products of data compilation, such as books, papers, maps, and photographs, machine readable materials or other documentary materials, regardless of physical form or characteristics, made or received by DeCA in connection with the transaction of public business and in DeCA's possession and control at the time the FOIA request is made. The record must exist and be in the possession and control of DeCA at the time of the request to be considered subject to the DoD Directive and the FOIA. There is no requirement to create, compile, or obtain a record to satisfy a FOIA request.
- d. **Initial Denial Authority (IDA).** An official who has been granted authority by the Director of DeCA to withhold records requested under the FOIA for one or more of the nine categories of records exempt from mandatory disclosure. DeCA's IDA is the Chief of Staff.
- e. **Appellate Authority.** The Head of the DoD Component or the Component head's designee having jurisdiction for this purpose over the record. The appellate authority for DeCA is the Office of the Assistant Secretary of Defense, Public Affairs, Directorate of Freedom of Information and Security Review. All appeals of DeCA's denial of the release of records are processed by this office.
- f. **Administrative Appeal.** A request by a member of the general public, made under the FOIA, asking the appellate authority of DeCA to reverse an IDA decision to withhold all or part of a requested record or to deny a request for waiver or reduction of fees.
- g. **Federal Register.** A daily publication that provides a uniform system for the publication of Presidential and Federal Agency documents that concern the public, and that are required to be published by statute.
- h. **Commercial Requesters.** A request from an outside source who wants information for a use or purpose that furthers the commercial, trade or profit interest of the requester or the person(s) on whose behalf the request is being made.
- i. **Representative of the News Media.** Any person who actively gathers news for a body that is organized and operated to publish or broadcast news to the public. Examples of news media entities includes television or radio stations, publishers of periodicals (only those who qualify as broadcasters of news) who make their products available for purchase or subscription by the general public.

Chapter 2

POLICY

2-1. **Compliance.** DeCA personnel are expected to comply with the FOIA, and the procedures contained in this directive. DeCA shall conduct its activities in an open manner consistent with the need for security and adherence to other requirements of law and regulation.

2-2. **Processing Requests.** Prompt action is required on the processing of FOIA requests. A reply shall be dispatched within 10 working days, unless a delay is authorized. Requests shall be processed in order of receipt. However, this does not preclude a FOIA receiver from completing the action on a request which can be answered easily, regardless of its ranking within the order of receipt. The 10 working day suspense excludes Saturday, Sunday and Holidays.

2-3. **Exemption Use.** It is DeCA policy to furnish records requested unless they qualify fully or partially under one or more of the nine exemptions provided for under the FOIA. The following exemption portions are taken from DoD Regulation 5400.7-R, DoD Freedom of Information Act Program. These portions do not contain all inclusive information. When citing these exemptions, they are considered "b" exemptions, e.g., (b)(2), (b)(4), etc. Those types of records falling into these exemptions may be withheld in whole or in part from public disclosure under the FOIA, unless otherwise prescribed by law.

a. Number 1. Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by executive order and implemented by regulations such as the DoD 5200.1-R, DoD Information Security Program Regulation. Examples are: Classified materials; military plans, weapons or operations; foreign government information; intelligence activities or sources or methods; foreign relations or foreign activities of the United States, and a confidential source.

b. Number 2. Those related solely to the internal personnel rules and practices of DoD or any of its Components. This exemption has two profiles, high b2 and low b2.

(1) Those records which qualify under high b2 containing or constituting statutes, rules, regulations, orders, manuals, directives, and instructions - the release of which would allow circumvention of these records thereby largely hindering the effective performance of a significant function of the DoD. Examples are: DeCA operating rules, guidelines and manuals for investigators, inspectors, auditors or examiners that must remain privileged to fulfill a legal requirement; DeCA personnel and other administrative matters such as examination questions and answers used in commissary training courses or qualifications of candidates for employment, entrance on duty, advancement or promotion; and some types of computer software.

(2) Records under the low b2 outline are those that are trivial and housekeeping for which there is no genuine public interest or benefit to be gained by release. Examples are: DeCA rules on the use of parking facilities, directives on lunch hours, policy on sick leave usage, our file numbers, mail routing stamps, brief references to previous communications and other routine administrative matters.

c. Number 3. Those concerning matters that a statute specifically exempts from disclosure by wording that allows no judgement on the issue, or in accordance with standards established by that statute for withholding. Examples are: National Security Agency Information Exemption; Patent Secrecy; Restricted Data and Formerly Restricted Data; Authority to Withhold From Public Disclosure

Certain Technical Data; Confidentiality of Medical Quality Records: Qualified Immunity Participants; Physical Protection of Special Nuclear Material: Limitation on Dissemination of Unclassified Information, and Protection of Intelligence Sources and Methods.

d. Number 4. Those containing trade secrets or commercial or financial information that DeCA receives from a person or organization outside the Government with the understanding that the information will be maintained on a privileged or confidential basis. Records within this exemption must contain trade secrets or commercial or financial records - disclosure of which is likely to cause considerable harm to the competitive position of the source providing the information; hinder the Government's ability to receive necessary information in the future; or hurt some other rightful government interest. Examples are: Commercial or financial information received in confidence in connection with DeCA loans, bids, contracts or proposals, as well as other information received in confidence or privileged such as trade secrets, inventions, discoveries or other proprietary data; DeCA statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures; personal statements of DeCA employees given during inspections, investigations or audits when received in confidence and retained in confidence because they reveal trade secrets or commercial or financial information; financial data provided in confidence by private employees dealing with pay schedules; contractor/subcontractor technical or scientific information developed at their expense and technical or scientific developed in part at their expense and with Federal funds wherein the contractor/subcontractor has retained lawful proprietary interests; and copyrighted computer software under the Copyright Act of 1976.

e. Number 5. Except as provided in the last sentence of this paragraph, internal advice, recommendations, and individual evaluations, as contrasted with factual matters, that are in records pertaining to the decision-making process of an agency, whether within or among agencies, or within or among DoD Components. Also exempt are records pertaining to the attorney-client privilege and the attorney work-product privilege. Examples are: Nonfactual portions of staff papers to include after-action reports and situation reports which contain staff evaluations, advice, opinions, or suggestions; advice, suggestions and recommendations prepared on behalf of DoD by consultants, boards, committees, councils, groups, task forces, or familiar groups; nonfactual portions of evaluations by DoD personnel of contractors and their products; speculative, tentative, or evaluative matters; trade secrets or other confidential research development or commercial information owned by the Government where hasty release could affect the Government's negotiating position or other commercial interest; records exchanged among agency personnel and within and among DoD Components or agencies as part of the preparation for anticipated administrative proceeding by an agency or litigation before any Federal, state, or military court, as well as records that qualify for the attorney-client privilege; those portions of official reports of inspection, reports of the Inspector Generals, audits, investigations or surveys pertaining to safety, security, or internal management, administration or operation when these records have been treated by courts as privileged against disclosure in litigation; computer software; and budgetary information involved in the defense planning and resource allocation process. Information that is factual, or those reasonable portions that are factual, a direction or order from a superior to a subordinate, and internal decisions that have been made a matter of public record shall be made available to requesters.

f. Number 6. Information in personnel and medical files and other personal information files that if released would result in an unwarranted invasion of personal privacy. Release of this information contained in a Privacy Act System of records is prohibited and subject to civil and criminal penalties. Examples are: evaluations of candidates for civilian employment; home addresses and phone numbers; reports, records and other material dealing with personnel matters in which administrative actions, including disciplinary actions may be taken; published telephone directories, organizational charts and similar materials for personnel assigned to units that are sensitive, routinely deployable, or stationed in foreign territories are withholdable.

g. Number 7. Records or other information gathered for law enforcement purposes only to the extent that producing these records could result in: interference with proceedings; cause a person not to have a fair trial or hearing; constitute the invasion of personal privacy of a living person, including surviving family members; identity of a confidential source or information furnished by them; guidelines for procedures for law enforcement investigations or prosecutions; and those which endanger the life or physical safety of an individual.

h. Number 8. These records are contained in or related to examination, operation or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

i. Number 9. Those records containing geological and geophysical information and data (including maps) concerning wells.

Chapter 3

3-1. **FOR OFFICIAL USE ONLY.** Information that has not been given a security classification in accordance with the criteria of an Executive Order, but could be withheld from the public due to reasons cited in FOIA exemptions 2 through 9 shall be considered as being for official use only. No other material shall be considered or marked "For Official Use Only" (FOUO).

a. Previously FOUO marked materials do not necessarily mean the record will be withheld if requested under the FOIA. The information must be evaluated to see if FOIA exemptions apply to withhold the entire record or only portions of it. If determined that no governmental interest will result in risk of loss or harm, it may be released.

b. Marking our records at the time of creation shows FOUO content and helps speed up review at the time of a FOIA request. Headquarters personnel should contact the Security Specialist in Safety, Security and Administration for these procedures. Region personnel should contact their respective security specialist.

Chapter 4

RECEIPT, RELEASE AND PROCESSING

4-1. **Requests Received - Public Information.** Requesters seeking information from DeCA should address their requests to the ~~→ element where the information is located, i.e., Regions, Attention: FOIA Coordinator or ←~~ Headquarters, Attention: FOIA Officer. Those requests received for information not maintained by DeCA elements will be transferred to the responsible organization for response and a copy of the transfer furnished the requester. See Figure 3 & 4. Since it is policy to release as much information as possible, requests received for a record made under the FOIA may be denied only as listed below.

- a. The records are exempt under one or more of the FOIA exemptions;
- b. The request does not adequately describe the records sought;
- c. The requester fails to state in writing what they are seeking, or does not indicate a willingness to pay fees that may be required for furnishing the information.

4-2. **Requests Received - Private Parties.** All requests received will be made in writing and clearly show all other addressees within the Federal Government to whom the request was sent also. There are no procedures established to receive oral requests. Facsimile transmissions will be honored.

4-3. **Requests Received - Government Officials.** Notify the DeCA FOIA Officer if you receive a request from any Government official, e.g., State, Members of Congress, a Congressional Committee, Subcommittee, either House or officials of foreign governments, for instructions on handling the request.

4-4. **Nonrelease.** In addition to the denials listed in 4-1 above, there are seven reasons for not complying with a request for a record:

- a. The request is transferred;
- b. After searching the files, you determine that the record is not under your control or in your possession;
- c. The requester has not described sufficiently the information wanted so that a reasonable search cannot be performed;
- d. The requester has failed to comply with procedural requirements including payment of fees imposed by DoD 5400.7-R or this directive;
- e. The requester withdraws the request;
- f. The information requested is not a record within the meaning of the FOIA; and
- g. The record is denied within the procedures set forth in the FOIA and this directive.

4-5. **Partial Release.** Although portions of some records may be denied, the remaining segregable (set apart) portions must be released to the requester.

4-6. **Responses.** The initial decision to deny or release a record will be made and provided to the requester within ~~→ 10 20 ←~~ working days after receipt by the FOIA Officer or the Region FOIA Coordinator.

a. If the materials are to be furnished the requester, they will be forwarded promptly if all procedural requirements are met.

b. If a request for records is to be denied in full or in part, the FOIA officer will:

(1) Will provide the requester an explanation why;

(2) Cite the exemption(s) on which the denial is based;

(3) Request fee charges, if applicable, and;

(4) Include the information required to appeal the denial determination if so desired and the possibility of additional fees associated with this filing. See Figure 4-1.

4-7. **Response Time Extensions.** If additional time is needed to respond to a requester, the FOIA Officer → ~~or the Region FOIA Coordinator~~ ← will inform the requester in writing within the → ~~10~~ 20 ← day period. The written notification will provide the reasons for the delay and the anticipated date of receipt, which may not exceed an additional 10 working days. See Figure 4-2.

4-8. **Fund Account.** The Defense Finance and Accounting Center (DFAS) processes all fee payments for DeCA. When fees are charged, the response to the requester will include the amount of time expended times the fee charged for the specific category. The payment will be required to be sent to the DeCA headquarters mailing address, Attention: FOIA Officer. See Figure 4-3.



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
FORT LEE, VIRGINIA 23801-6300

D&D Associates
789 Anywhere Street
Somewhere, Kentucky 23803

January 19, 1995

Dear *****:

Your Freedom of Information Act request of January 5, 1995 submitted to the Midwest Region of the Defense Commissary Agency, was forwarded to this headquarters for response.

Attached are the price lists from all bidders on contract ***** as requested. The technical narratives are denied release under Title 5, United States Code, Section 552, exemption (b)4 as they contain proprietary information which would cause substantial harm to the firm's competitive position in future requirements. Fees associated with furnishing this information are waived.

Should you desire to contest this partial denial, you have the right to appeal under DoD Directive 5400.7-R. The appeal must be provided to the address listed below, in writing, no later than 60 calendar days after the date of this letter. You should be aware that there may be fees associated with the processing of an appeal.

Directorate for Freedom of Information
and Security Review, OASD (PA)
Room 2C757
1400 Defense Pentagon
Washington, DC 20304-1400

I trust this information is responsive to your needs. Point of contact for FOIA in this agency is Sue Hall, (804) 734-8549.

Sincerely,

Ronald P. McCoy
Colonel, U.S. Air Force
Chief of Staff

Attachment:
As Stated



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
FORT LEE, VIRGINIA 23801-6300

Mr. Samuel Hardrock
54 Place Street
Treely, New Jersey 23801

January 8, 1995

Dear Mr. Hardrock:

The Defense Commissary Agency acknowledges receipt of your letter in this office on January 10, 1995, in which you requested information under the Freedom of Information Act (FOIA).

We are processing your request for information, however, we must obtain these documents from one of our regional offices which will delay your receipt. We anticipate the requested information departing the Agency on or about January 30, 1995.

We regret any inconvenience this may cause you.

Sincerely,

Sue W. Hall
FOIA Officer

SAMPLE

Figure 4-2



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
FORT LEE, VIRGINIA 23801-6300

Mr. Jack Sun
Sundial Enterprises, Inc.
3800 Shady Road
Nicely, Virginia 23803

January 20, 1995

Dear Mr. Sun:

Reference is made to your Freedom of Information Act (FOIA) request dated January 6, 1995 in which you requested a copy of all purchase orders issued by DeCA for the claim against Color Form, and also proof of delivery, bill of lading or our document which verifies receipt.

Attached are the requested documents. For the information provided, please remit \$150.95 by check or money order made payable to the U.S. Treasurer within 30 calendar days of the date of this letter. That amount is derived from four hours of clerical search time at \$12.00 per hour; one hour of professional search at \$25.00 per hour; one hour of professional review at \$25.00 per hour; and 353 pages of office copy reproduction at \$0.15 per page. Payment should be mailed to the address provided below:

Defense Commissary Agency
Safety, Security and Administration
Attention: FOIA Officer
Fort Lee, VA 23801-6300

I trust this information is responsive to your needs.

Sincerely,

Sue W. Hall
FOIA Officer

Attachments:
As Stated

Chapter 5

FEE SCHEDULE

5-1. **Application.** The fee schedule provided in this chapter will be used to compute the search, review (in the case of commercial requesters) and duplication of documents associated with processing a FOIA request. Costs will be computed on time actually spent. The meaning of these terms follows:

a. Search - all time spent looking for materials to respond to a request. This can also include a page by page or line by line to determine if it, or portions are responsive to the request. DeCA personnel will ensure that the search performed is in the most responsive manner and at the least costs to the requester. Reviewing documents to determine if an exemption applies does not count as search time but review time.

(1) Manual Search

Type	Grade	Hourly Rate
Clerical	E9/GS8 and below	\$12
Professional	01-06/GS9-GS/GM15	\$25
Executive	07/GS/GM16/ES1 and above	\$45

(2) Computer Search: Cost is based on direct cost of the central processing unit, input-out devices and memory capacity of the actual computer configuration. The rate (equal to figures in (1)) for the computer operator/programmer who executes the search will be included as part of the computer search.

b. Duplication - making a copy of information for the response. The actual cost including the operator's time will be charged for copies of computer tapes and audiovisual material. If the fee exceeds \$25.00, the requester must be notified of the estimate first unless they have indicated a willingness to pay fees as high as anticipated.

Type	Cost Per Page
Pre-Printed material	\$.02
Office copy	.15
Microfiche	.25
Computer copies (tapes or printouts) (includes operator's time and cost of the tape)	Actual cost of duplicating the tape or printout

c. Review - (in the case of commercial requesters) examining the documents you have gathered to make the response to determine if an exemption permits nonrelease. Also included is excising the documents for release. Use the cost figures for manual search in a(1) above.

d. Excising - removing information from documents. For example, Privacy Act information, and other data to be withheld due to an exemption. Cost figures for manual search in a(1) apply.

5-2. **Fee Controls.** DeCA cannot charge requesters if the costs of routine collection and processing of the fee equals or exceeds the amount of the fee. When assessable fees total \$15.00 or less, the fees are

waived automatically for all requesters. DeCA will furnish without charge, the first 2 hours of search time and the first 100 pages of duplication (paper copies) to category other requesters EXCEPT commercial requesters. For example, a request (other than one from a commercial requester) that required 2 hours and 10 minutes of search time and office copying of 105 pages of documents, DeCA would only determine the cost for 10 minutes of search time and 5 pages of office copy reproduction. Using the fee schedule, these costs would be considered routine because the cost would be less than \$15.00 and the cost to DeCA would be more than the fee to obtain.

5-3. **Fee Waivers.** DeCA will furnish documents, without charge or a reduced fee, to requesters if determined that waiver or reduction of fees is in the public interest and furnishing the materials is likely to give important understanding of our operations or activities and providing this is not primarily in the commercial interest of the requester. Only the FOIA Officer → ~~or FOIA Coordinator~~ ← may authorize this procedure. This procedure is handled on a case-by-case basis. See Figure 5-1.

5-4. **Categories of Requesters.** There are five categories of FOIA requesters. Each category of these requesters must express a willingness to pay fees when submitting their requests. DeCA will not grant requests asking for multiple responses.

a. **Commercial** - a request from a person or firm that seeks information for a use or purpose that furthers the commercial, trade, or profit interest of the requester or the person(s) the requester is representing. DeCA will determine the use to which a requester will put to the documents requested. DeCA will charge search, review and duplication fees. These requesters do not receive the two hours of free search time or the 100 free pages of reproduced of documents.

b. **Educational Institution** - pre-school, a public or private elementary or secondary school, an institution of graduate high education, an institution of undergraduate higher education, professional education, and vocational education. DeCA will charge duplication fees only excluding the first 100 pages.

c. **Non-Commercial Scientific Institution** - an institution that is not operated on a commercial basis which operates solely for the purpose of conducting scientific research. DeCA will charge duplication fees only excluding the first 100 pages.

d. **Representatives 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. News means information about current events or that would be of current interest to the public who make their products available for purchase or subscription by the public (television, radio, publishers of periodicals). DeCA will charge duplication fees only excluding the first 100 pages.

e. **All Other Requesters** - persons who do not fit in the categories above fall in this category. These persons must reasonably describe the records they seek in order for us to process. DeCA will charge search and duplication fees only except that the first two hours of search time and the first 100 pages of duplication are furnished without charge. If the requester requests subjects about themselves, costs are treated under the fee provisions of the Privacy Act, which permits fees only for duplication. Keep in mind that this category of requesters can also be eligible for a waiver or fee reduction if disclosure of the information is in the public interest.



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
FORT LEE, VIRGINIA 23801-6300

Mr. Gordon Wrangler
Boston Press
212 16th Street
Fort Darling, Texas 23802

January 15, 1995

Dear Mr. Wrangler:

The attached information is provided pursuant to your Freedom of Information Act (FOIA) request dated January 8, 1995, in which you requested information pertaining to payments disbursed by the Defense Commissary Agency to suppliers during fiscal year 1994.

Fees associated with providing this information have been waived.

I trust this information is responsive to your needs.

Sincerely,

Sue W. Hall
FOIA Officer

Attachment:
As Stated

Chapter 6

FEE COLLECTION AND RATES

6-1. When the documents are provided to the requester, the fees will be addressed on the response letter for collection (See Figure 4-3). Advance payment of fees will not be requested unless the requester has previously failed to pay fees in a timely fashion, or DeCA has determined that the fee will exceed \$250. See Figure 6-1.

6-2. Nonchargeable costs on all FOIA requests are coordination/approval/denial/correspondence preparation and other activity.

6-3. The fee rates that the DeCA FOIA Officer → ~~and Region Coordinators~~ ← will use are in chapter 5. DeCA will waive fees if the information primarily benefits the general public.



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
FORT LEE, VIRGINIA 23801-6300

Ms. Janice Azalea
Windows, Inc.
22 Flower Lane
Landover, Virginia 22209

January 20, 1995

Dear Ms. Azalea:

Reference is made to your Freedom of Information Act (FOIA) request dated January 14, 1995, in which you stated you would pay up to \$200 to receive the information and the various telephone conversations with other members of your office pertaining to the associated cost.

As stated in our conversation on January 18, 1995, the costs associated with furnishing this information to you will be \$757.00. This charge is for reproduction only.

Pursuant to the FOIA, Title 5, United States Code, Section 552, this Agency is requesting advance payment before furnishing the requested information.

Please remit check or money order made payable to U. S. Treasurer in the amount of \$757.00. Mail your remittance to the address provided below:

Defense Commissary Agency
Safety, Security and Administration
Attention: FOIA Officer
Fort Lee, VA 23801-6300

I trust this information is responsive to your needs.

Sincerely,

Sue W. Hall
FOIA Officer

Chapter 7

REPORTS

7-1. The Reports Control Symbol assigned to the FOIA Annual Report is DD-PA(A)1365. The report is due to DeCA headquarters by the third week of January of each year, prepared on DD Form 2564, Figure 7-1.

7-2. The following instructions, keyed to specific items, will be used to complete the DD Form 2564:

a. ITEM 1

(1) Total Requests. Enter the total amount of FOIA requests responded to during the calendar year.

(2) Granted in Full. Enter the total amount of requests responded to and granted in full during the calendar year.

(3) Denied in Part. Enter the total number of requests responded to and denied in part based on one or more of the nine FOIA exemptions. (Denial of fee waivers are not counted.)

(4) Denied in Full. Enter the total number of requests responded to and denied in full based on one or more of the nine FPOA exemptions. (Denial of fee waivers are not counted.)

(5) "Other Reasons" Responses. Enter the total number of requests which you were unable to provide all or part of the requested information based on the six possible reasons listed under Item 2(3) below.

(6) Total Actions. Enter the total number of actions taken during the calendar year. This total is derived from the addition of 1b through 1e.

b. ITEM 2

(1) Exemptions Invoked on Initial Determinations. Enter the number of times an exemption was claimed for each request that was denied in full or in part. More than one exemption can be claimed on a single request. This response number will be equal to or greater than the total of 1c and 1d.

(2) b(3) Statutes Invoked on Initial Determinations. List the statutes cited and the number of times invoked when claimed. This total number will be equal to the total in 2(a) above. The statute must clearly contain the working that the information covered will be not be disclosed.

(3) "Other Reasons" Cited on Initial Determinations. You must tell the number of times each was claimed. Identification of "Other Reasons" follow:

(a) Transferred Request. Enter the number of times a request was transferred for action. Example - a request received at a region and the information is maintained by headquarters. The FOIA Coordinator transfers the request to headquarters for response.

(b) Lack of Records. Enter the number of times search of the files failed to provide records responsive to the request. There is no statutory obligation to create a record.

ANNUAL REPORT FREEDOM OF INFORMATION ACT						REPORT CONTROL SYMBOL DD-PA (A) 1365
1. INITIAL DETERMINATIONS						
a. TOTAL REQUESTS	b. GRANTED IN FULL	c. DENIED IN PART	d. DENIED IN FULL	e. "OTHER REASONS"	f. TOTAL ACTIONS	
755	273	8	3	471	755	
2a. EXEMPTIONS INVOKED ON INITIAL DETERMINATIONS						
(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7)
			2	4	6	
						TOTAL
						12
2b. (b)(3) STATUTES INVOKED ON INITIAL DETERMINATIONS (Continue on separate sheet if necessary)						
(1) (b)(3) STATUTES CLAIMED						(2) NUMBER OF INSTANCES
2c. "OTHER REASONS" CITED ON INITIAL DETERMINATIONS						
1	2	3	4	5	6	TOTAL
398	26				42	471
3. INITIAL DENIAL AUTHORITIES BY PARTICIPATION (Continue on separate sheet if necessary)						
a. NAME (Last, First, Middle Initial)	b. RANK (If Military)	c. TITLE AND ORGANIZATION				d. NUMBER OF INSTANCES
BELCHER, Bill G.	COL	Chief of Staff Defense Commissary Agency				7
KOCH, Michael E.	COL	Chief of Staff Defense Commissary Agency				4
4. APPEAL DETERMINATIONS						
a. TOTAL REQUESTS	b. GRANTED IN FULL	c. DENIED IN PART	d. DENIED IN FULL	e. "OTHER REASONS"	f. TOTAL ACTIONS	
2	1		1		2	
5a. EXEMPTIONS INVOKED ON APPEAL DETERMINATIONS						
(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7)
						TOTAL
5b. (b)(3) STATUTES INVOKED ON APPEAL DETERMINATIONS (Continue on separate sheet if necessary)						
(1) (b)(3) STATUTES CLAIMED						(2) NUMBER OF INSTANCES
5c. "OTHER REASONS" CITED ON APPEAL DETERMINATIONS						
1	2	3	4	5	6	TOTAL
6. APPEAL DENIAL AUTHORITIES BY PARTICIPATION (Continue on separate sheet if necessary)						
a. NAME (Last, First, Middle Initial)	b. RANK (If Military)	c. TITLE AND ORGANIZATION				d. NUMBER OF INSTANCES

Figure 7-1

7. COURT OPERATIONS AND ACTIONS TAKEN (Continue on separate sheet if necessary)				
8. FREEDOM OF INFORMATION ACT IMPLEMENTATION RULES OR REGULATIONS (Continue on separate sheet if necessary)				
9. FEES COLLECTED FROM THE PUBLIC				
TOTAL AMOUNT COLLECTED FROM PUBLIC				\$ 1,160.07
10a. AVAILABILITY OF RECORDS (Continue on separate sheet if necessary)				
10b. FOI PROGRAM COSTS				
I PERSONNEL COSTS				
A. ESTIMATED MANYEARS				1.56
B. MANYEAR COSTS				\$ 85,858.37
C. ESTIMATED MANHOURLY COSTS BY CATEGORY				
(1) Search Time				\$ 5,368.66
(2) Review and Editing				\$ 1,301.00
(3) Coordination and Approval				\$ 1,533.00
(4) Correspondence / Form Preparation				\$ 849.00
(5) Other Activities				\$ 751.00
(6) Total ((1) through (5))				\$ 9,802.66
D. OVERHEAD ((B + C) x 25%)				\$ 23,914.76
E. TOTAL (B through D)				\$ 19,575.79
II OTHER CASE-RELATED COSTS				
A. COMPUTER SEARCH TIME				\$ 157.45
B. OFFICE COPY REPRODUCTION				\$ 1,685.79
C. MICROFICHE REPRODUCTION				\$
D. PRINTED RECORDS				\$
E. COMPUTER COPY				\$ 22.00
F. AUDIOVISUAL MATERIALS				\$.32
G. OTHER				\$
H. SUBTOTAL (A through G)				\$ 1,865.56
I. OVERHEAD (25% x H)				\$ 466.40
J. TOTAL (H + I)				\$ 2,331.96
III. COST OF ROUTINE REQUESTS PROCESSED				\$
IV. TOTAL COSTS (I through III)				\$ 21,907.75
10c. FORMAL TIME LIMIT EXTENSIONS				
(1) LOCATION	(2) VOLUME	(3) CONSULTATION	(4) COURT	(5) TOTAL
1	1			2

DD Form 2564 Reverse, AUG 90

Figure 7-1 (Continued)

(c) Failure of Requester to Reasonably Describe Record. Enter the number of times a request could not be acted upon because the requester did not reasonably describe the record(s) wanted.

(d) Other Failures by Requester to Comply with Published Rules and/or Directives. Enter the number of times a requester failed to follow the rules and procedures (includes the willingness to pay for the materials).

(e) Request Withdrawn by Requester. Enter the number of times a requester withdrew a request.

(f) Not an Agency Record. Enter the number of times a requester was informed that the information wanted was not an agency record.

(g) Total. The addition of (1) through (6). This number will be equal to or greater than the number in 1e.

c. ITEM 3 Initial Denial Authorities by Participation. This information will be entered by the headquarters FOIA Officer. Region coordinators will not have the information.

d. ITEMS 4 through 9 will be addressed by the headquarters FOIA Officer.

e. ITEM 10

(1) Availability of Records. Report all categories of records now being released. For example - contracts, vendor payments.

(2) FOIA Program Costs.

(a) Personnel Costs. Items (a) and (b) below are used to capture manyears and salary costs of personnel primarily involved in planning, program management and/or administrative handling of FOIA requests. Primary handling is determined to be the FOIA Officer, FOIA Coordinators, General Counsel, Executive Officer, Chief of Staff and those Region Commanders/Directors who have not authorized FOIA Coordinators to release program responses. The salaries for military personnel are taken from the Department of Defense Accounting Manual, DoD 7220.9-M. Civilian personnel salaries are taken from the Office of Personnel Management salary table and 16% is added for benefits. A sample follows:

Grade	No of Personnel	Salary	% of Time	Costs
06	1	102,402	.0010	\$ 102
GM-14	1	70,095	.01	701
GS-12	1	49,861	.50	24,931
GS-11	1	41,603	<u>.10</u>	<u>4,160</u>
		TOTAL	.61	\$29,894

1 Estimated Manyears. Add the total percentages of time for personnel involved in administering the program and divide by 100. By taking the percentage of time above and dividing by 100 = .61 manyears.

2 Manyear Costs. Total costs of the individuals involved in administering the program. In the sample above the cost is \$29,894.

3 Estimated Manhour Costs by Category. This portion is where the costs are taken off of each DD Form 2086 processed during the calendar year. These costs are placed in the five areas of:

Search Time, Review and Excising, Coordination and Approval, Correspondence/Form Preparation and Other Activities. The Total block is the addition of the five areas.

4 Overhead. This represents the costs of supervision, administrative support and space and is computed as 25% of the sum of (b) and (c) above.

5 Total. The addition of blocks (b), (c), and (d) above.

(b) Other Case-Related Costs. This portion is also where the costs are taken off of each DD Form 2086 processed during the calendar year.

1 Computer Search Time. The cost of the central processing unit, input/output devices, memory, etc. of the system and the cost of the machine's operator/programmer.

2 Office Copy Reproduction. The cost of reproducing the information on office copying equipment.

3 Microfiche Reproduction. The cost of reproducing records and providing copies of microfiche.

4 Printed Records. The cost of providing copies of forms, publications or reports that have been printed for DeCA by the Defense Printing Service.

5 Computer Copy. The actual cost of making a copy of magnetic tapes, floppy diskettes, computer printouts, etc.

6 Audiovisual Materials. The actual cost of making a copy of audio or video tapes or like materials and the wage of the person doing the work.

7 Other. All other costs to DeCA such as per diem, courier vehicles, training courses, long distance telephone calls, special mail services, etc.

8 Subtotal. The sum of (a) through (g) above.

9 Overhead. This represents the costs of supervision, administrative support and space and is computed as 25% of the sum of (h) above.

10 Total. The sum of (h) and (i) above.

(c) Cost of Routine Requests Processed. This optional item is not used by DeCA.

(d) Total Costs. The sum of (1) through (3) above.

(3) Formal Time Limit Extensions. Enter the total number of times it was necessary to seek a formal 10 working day extension for one of the reasons explained below.

(a) Location. The need to search and locate requested records from another activity other than the office processing the request.

(b) Volume. The need to search for, collect, and appropriately examine a large amount of separate and distinct records in a single request.

- (c) Consultation. The need to talk to another agency having an interest in the material requested.
- (d) Court Involvement. Where the court took actions to allow additional time upon showing of exceptional circumstances because DeCA was unable to comply with the request within the time limits. A copy of the court opinion and court ordering containing the extension will be attached to the report.
- (e) Total. The sum of (1) through (4) above.

INTERNAL MANAGEMENT CONTROL REVIEW CHECKLIST

TASK: Personnel, and/or Organization Management

SUBTASK: Freedom of Information Act Program

THIS CHECKLIST: Freedom of Information Act Program

ORGANIZATION:

ACTION OFFICER:

REVIEWER:

DATE COMPLETED:

ASSESSABLE UNIT: The assessable units are HQ, DeCA, Regions, Service Centers, Districts, Central Distribution Centers, and commissaries. Each test question is annotated to indicate which organization(s) is (are) responsible for responding to the question(s). Assessable unit managers responsible for completing this checklist are shown in the DeCA MCP, DeCAD 70-2.

EVENT CYCLE 1: Establish and implement a Freedom of Information Act Program

Risk: If prescribed policies, procedures and responsibilities of the Freedom of Information Act Program are not adhered to, the public would not have the ability to obtain access to DeCA records.

Control Objectives: The prescribed policies, procedures, and responsibilities contained in 5 USC 552 are followed to allow access and release of DeCA records to the public.

Control Techniques: DoD 5400.7-R, Freedom of Information Act Program and DeCAD 30-12, Freedom of Information Act (FOIA) Program.

1. Ensure that a FOIA program is established and implemented.
2. Appoint an individual with FOIA responsibilities and ensure the designation of appropriate staff to assist.

Test Questions:

1. Is a FOIA program established and implemented in DeCA to encompass procedures for subordinate activities? **(DeCA HQ, Rgn IM)**

Response: YES ___ NO ___ NA ___

Remarks: *

2. Is an individual appointed FOIA responsibilities? **(DeCA HQ, Rgn IM)**

Response: YES ___ NO ___ NA ___

Remarks: *

3. Is the current name and office telephone number furnished OSD, Public Affairs, of the FOIA Officer and the IDA? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

4. Are the provisions on the protection of sensitive information regularly brought to the attention of managers responsible for responding to FOIA requests and those responsible for the control of DeCA records? **(DeCA HQ, Rgn IM)**

Response: YES ___ NO ___ NA ___

Remarks: *

5. Are rules governing "For Official Use Only" information understood and properly applied by functional proponents? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

6. Are the names and duty addresses of DeCA personnel (civilian and military) assigned to units that are sensitive, routinely deployable, or stationed in foreign territories being denied or forwarded to the proper IDA? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

7. Is the annual FOIA report prepared on DD Form 2564 and forwarded to OSD, PA for inclusion in the annual report to congress? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

EVENT CYCLE 2: Processing FOIA Requests

Risk: Failure to process FOIA requests correctly and release nonexempt DeCA records to the public could subject the Department of Defense or individuals to litigation.

Control Objective: FOIA requests are processed correctly.

Control Technique:

1. Ensure FOIA requests are logged into a formal control system.
2. Ensure FOIA requests are answered promptly and correctly.
3. Ensure DeCA records are only withheld when they fall under one or more of the nine FOIA exemptions.
4. Ensure all requests have been coordinated through the General Counsel or installation Chief Legal Officer/Staff Judge Advocate, as applicable.
5. Ensure FOIA requests are denied by the DeCA IDA.
6. Ensure all appeals are forwarded to OASD, PA, Directorate for Freedom of Information and Security Review.

Test Question:

1. Are FOIA requests logged into a formal control system? **(DeCA HQ, Rgn IM)**

Response: YES ___ NO ___ NA ___

Remarks: *

2. Are all FOIA requests dated and time stamped upon receipt? **(DeCA HQ, Rgn IM)**

Response: YES ___ NO ___ NA ___

Remarks: *

3. When replying to FOIA requests, is the 20 working day time limit met? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

4. When more than 20 working days are required to respond to a FOIA request, is the FOIA requester informed, explaining the circumstances for the delay and provided an approximate date for completion? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

5. Are DeCA records withheld only when they fall under one or more of the nine FOIA exemptions? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

6. Is the FOIA requester informed when their request is referred to another DeCA activity or organization? **(DeCA HQ, Rgn IM)**

Response: YES ___ NO ___ NA ___

Remarks: *

7. Do denial letters contain the name and title or position of the official who made the denial determination, explain the basis for the denial determination, cite the exemptions on which the denial is based, and advise the FOIA requester of their right to appeal the denial within 60 days to the Directorate for Freedom of Information and Security Review, OASD (PA)? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

8. Are FOIA requests denied only by the HQ DeCA IDA? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

9. Is coordination met with the General Counsel prior to forwarding a FOIA request to the IDA? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

10. Are the following items included when a FOIA request is forwarded to the IDA for release determination? **(DeCA HQ)**

a. Legal review?

Response: YES ___ NO ___ NA ___

Remarks: *

b. The original copy of the FOIA request?

Response: YES ___ NO ___ NA ___

Remarks: *

c. Copies of the requested information indicating portions recommended for withholding?

Response: YES ___ NO ___ NA ___

Remarks: *

d. A copy of the acknowledgement of receipt to the requester?

Response: YES ___ NO ___ NA ___

Remarks: *

e. A telephone point of contact?

Response: YES ___ NO ___ NA ___

Remarks: *

f. The recommended FOIA exemption(s)?

Response: YES ___ NO ___ NA ___

Remarks: *

g. Any recommendation to deny a request in whole or in part?

Response: YES ___ NO ___ NA ___

Remarks: *

11. Are all FOIA appeals received from the Directorate for Freedom of Information and Security Review (PA) coordinated with the General Counsel on the decision to retain denied status or release the records? (DeCA HQ)

Response: YES ___ NO ___ NA ___

Remarks: *

12. Is DD Form 2086-R, Record of Freedom of Information (FOI) Processing Cost, used to record costs associated with the processing of a FOIA request? (All)

Response: YES ___ NO ___ NA ___

Remarks: *

13. Is DD Form 2086-1R, Record of Freedom of Information (FOI) Processing Cost for Technical Data, used to record costs associated with the processing of FOIA request for technical data? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

14. Is the FOIA requester notified when charges will exceed \$250.00? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

15. Are fees collected at the time the requester is provided the records? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

16. Are commercial requesters charged for all search, review, and duplication costs? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

17. Are educational, noncommercial scientific institutions, or news media charged for duplication costs only, in excess of 100 pages, if more than 100 pages of records are requested? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

18. Are the first 2 hours of search time and the first 100 pages of duplication provided without charge to all "other" category requesters? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

19. Are FOIA fees collected and delivered to the servicing finance and accounting office within 30 calendar days after receipt? **(DeCA HQ)**

Response: YES ___ NO ___ NA ___

Remarks: *

EVENT CYCLE 3: Records Maintenance

Risk: Valuable records needed for court actions are destroyed or cannot be located.

Control Objective: FOIA requests are properly maintained throughout their life cycle and records containing "For Official Use Only" information are correctly marked.

Control Technique: Ensure the prescribed policies and procedures are followed during the life cycle of information.

Test Question:

1. Are records that fall within the range of exemptions 2 through 9 marked "For Official Use Only" at the time of creation? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

2. Are unclassified documents containing "For Official Use Only" information marked "For Official Use Only" at the bottom of the outside of the front cover (if any), on the first page, and on the outside of the back cover (if any)? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

3. Are individual pages containing both "For Official Use Only" and classified information marked at the top and bottom with the highest security classification of information appearing on the page? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

4. Are photographs, films, tapes, slides, and microform containing "For Official Use Only" information so marked to ensure that the recipient or viewer is aware of the information therein? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

5. Are "For Official Use Only" records stored properly during nonduty hours? **(All)**

Response: YES ___ NO ___ NA ___

Remarks: *

6. Are FOIA records maintained and disposed of in accordance with DeCAD 30-2, The Defense Commissary Agency Filing System? (All)

Response: YES ___ NO ___ NA ___

Remarks: *

*Explain rationale for YES responses or provide cross-references where rationale can be found. For NO responses, cross-reference to where corrective action plans can be found. If response is NA, explain rationale.

I attest that the above-listed internal controls provide reasonable assurance that DeCA resources are adequately safeguarded. I am satisfied that if the above controls are fully operational, the internal controls for this subtask throughout DeCA are adequate.

Safety, Security and Administration
FUNCTIONAL PROPONENT

I have reviewed this subtask within my organization and have supplemented the prescribed internal control review checklist when warranted by unique environmental circumstances. The controls prescribed in this checklist, as amended, are in place and operational for my organization (except for the weaknesses described in the attached plan, which includes schedules for correcting the weaknesses).

ASSESSABLE UNIT MANAGER
(Signature)