



**SUMMARY OF
REPORT TO THE CONGRESS**

**FREEDOM OF
INFORMATION**

CY 1979



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

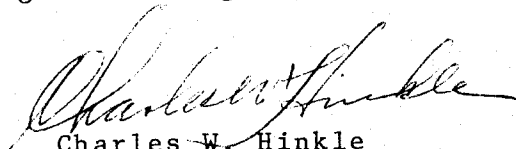
WASHINGTON, D.C. 20301

PUBLIC AFFAIRS

February 25, 1980

This Summary Report has been issued as an overview of the Department of Defense performance in the Freedom of Information Program during Calendar Year 1979, as required by subsection 3 (d) Section 552 of Title 5, United States Code. The enclosed pages were included with the thirteen separate Defense Agency reports transmitted to Congress as the "Report to the Congress, Freedom of Information", CY 1979.

Data on each item required by Congress is presented in chart and statistical form reflecting overall Agency and DoD totals.


Charles W. Hinkle
Director, Freedom of Information
and Security Review

Department of Defense
Reporting Agencies under the Freedom of Information Act
(As of December 31, 1979)

<u>Agency Abbreviation</u>	<u>Agency</u>	<u>Agency Head</u>
OSD/OJCS	Office of the Secretary of Defense (Including the Organization of the Joint Chiefs of Staff)	Harold Brown
Dept. Army	Secretary of the Army	Clifford L. Alexander
Dept. Navy	Secretary of the Navy	Edward Hidalgo
Dept. AF	Secretary of the Air Force	Hans M. Mark
DCA	Defense Communications Agency	VADM Samuel L. Gravelly, Jr. USN
DCAA	Defense Contract Audit Agency	Frederick Neumann
DIA	Defense Intelligence Agency	LtGen Eugene F. Tighe, Jr., USAF
DIS	Defense Investigative Service	Bernard J. O'Donnell
DLA	Defense Logistics Agency	LtGen Gerald J. Post, USAF
DMA	Defense Mapping Agency	MGen W. L. Nicholson, III, USAF
DNA	Defense Nuclear Agency	VADM R. R. Monroe, USN
NSA	National Security Agency Central Security Service	VADM Bobby R. Inman, USN
DCPA	*Defense Civil Preparedness Agency	Bardyl R. Tirana

* - Discontinued as of 15 July 1979

Department of Defense
FOI Appeal and Program Officials

<u>Agency Abbreviation</u>	<u>Appellate Authority</u>	<u>Program Official</u>
OSD/OJCS	Thomas B. Ross Ass't SecDef Public Affairs	Charles W. Hinkle Director, FOI and Security Review, OASD/PA
Dept Army	General Counsel Secretary of the Army	Guy Oldaker Chief, Records Mgmt Division The Adjutant General Center
Dept Navy	Judge Advocate General/ General Counsel for Secretary of the Navy	Donald Carr PA/FOIA Coordinator Naval Records Mgmt Division OPNAV
Dept AF	Thomas W. Nelson Admin Ass't to the Secretary of the Air Force	Charles C. Ratcliffe OPR for Freedom of Information Documentation Systems Division
DCA	VADM Samuel L. Gravely, Jr., USN, Director	John T. Whealen General Counsel
DCAA	Harry W. Kettles Ass't Director, Resources	Ms. Lee Taylor Records Administrator
DIA	John Brock DIA Counsel	R. Herbert Holzbauer Reference Library Branch Central Reference Division Deputy Director for Support
DIS	Bernard J. O'Donnell Director	LTC Dale L. Hartig Ass't for Information
DLA	LtGen Gerald J. Post, USAF, Director	Colonel J. McAleer, Jr. Staff Director, Administration
DMA	RADM E. L. Wilkinson USN, Deputy Director	Edward J. Obloy Acting General Counsel
DNA	VADM Robert R. Monroe, USN, Director	LtCol William J. McGee, USA Public Affairs Officer
NSA	Wm. H. Jenkins Appellate, FOI/Privacy	Roy R. Banner Chief, Policy Staff
DCPA	Bardyl R. Tirana Director	Walter A. Girstantas Ass't Dir for Admin Services

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Item 1

Initial Determinations Resulting in not
Providing all or a Portion of Record Requested

<u>Reporting Activity</u>	<u>Total Demands</u>		<u>Reasons</u>		
	<u>Completed Public Requests</u>	<u>Completed Reportable Requests*</u>	<u>Statutory Exemptions</u>	<u>+ Other</u>	<u>= Total</u>
OSD/OJCS	1,031	1,103	69	265	334
DEPT ARMY	23,682	23,912	790	911	1,701
DEPT NAVY	6,615	7,630	472	572	1,044
DEPT AF	17,124	19,102	891	2,382	3,273
DCA	64	81	4	10	14
DCAA	93	215	13	1	14
DIA	647	677	13	155	168
DIS	61	61	10	40	50
DLA	4,149	4,265	53	1,466	1,519
DMA	85	96	8	11	19
DNA	58	79	10	36	46
NSA	480	609	234	239	473
DCPA	15	15	0	1	1
DoD Totals	54,104	57,845	2,567	6,089	8,656

* A reportable request is that portion of an FOI request resulting in a single record or group of records pertaining to one general subject area being acted upon by one IDA who concludes that a single type of determination applies.

Item 2(a)

Exemptions Invoked on Initial Determinations

Exemptions by Number (552(a))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total *
OSD/OJCS	37		4	2	19	6	5			73
DEPT ARMY	98	10	3	135	381	338	482			1,447
DEPT NAVY	53	11	21	85	93	70	182	12		527
DEPT AF	52	19	66	290	446	404	95			1,372
DCA	2			1	1					4
DCAA				1	6	0	6			13
DIA	13	1	6	0	1	0	0			21
DIS						8	2			10
DLA	1		33	16	3					53
DMA	4				2	2				8
DNA	3			3	2	2				10
NSA	160	1	246	2	7	12	21			449
DCPA				0	0	0	0			0
DoD Totals	423	42	346	552	974	845	793	12		3,987
Percent of Total	11	1	9	14	24	22 21	19 20			100%

with Item 1

* Totals may not agree because of cases where two or more exemptions were cited.

Item 2(b)

Statutes Invoked on Initial Determinations

Statute	Number of Times by Agency													DoD Total
	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DCA	DCAA	DIA	DIS	DLA	DMA	DNA	NSA	DCPA	
18 U.S.C. 798												151		151
18 U.S.C. 1905		3	3	66					2					74
40 U.S.C. 376			2											2
50 U.S.C. 403							11					151		162
Public Law 86-36			5									246		251
Atomic Energy Act of 1954														
Public Law 88-290												1		1
Agency Totals		3	10	66			11		2			549		641

Item 2(c)

Other Reasons Cited on Initial Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/OJCS	196	60	2	3	4	265
DEPT ARMY	421	272	52	139	27	911
DEPT NAVY	163	227	77	70	35	572
DEPT AF	242	1,636	148	236	120	2,382
DCA	2	5	1		2	10
DCAA					1	1
DIA	53	98	2	0	2	155
DIS	4	26	2	8		40
DLA	<u>1,468</u>	39	7	1	5	<u>1,560</u> <i>1466</i>
DMA	3	6	1		1	11
DNA	16	13	6		1	36
NSA	38	180	2		1	239 <i>221</i>
DCPA	1					1
DoD Total	2,607	2,562	300	460	254	6,183

- * 1. Transferred Request.
 2. Lack Records.
 3. Failure of Requester to Reasonably Describe Record
 4. Other Failures by Requesters to Comply with Published Rules and/or Directives.
 5. Request Withdrawn by Requester.
 (See following page for description of each category.)

*change to 1560
in pgs 1*

*check w/
DLA*

Description of Other Reasons

1. Transferred Request (Appeal):

This category applies when responsibility for making a determination or a decision on categories listed below is shifted from one Component to another Component/Agency.

2. Lack of Records:

This category covers situations wherein the requester is advised the agency has no record, or has no statutory obligation to create a record.

3. Failure of Requester to Reasonably Describe Record:

This category is specifically based on Section 552(a)(3)(A) of the FOIA.

4. Other Failures by Requesters to Comply with Published Rules and/or Directives:

This category is based on Section 552(a)(3)(B) of the FOIA and includes instances of failure to follow published rules concerning time, place, fees, and procedures.

5. Request (Appeal) Withdrawn by Requester:

This category covers situations when the requester asks an agency to disregard the request (or appeal) or pursues the request outside FOIA channels.

Item 3

Initial Denial officials by Participation
(Agency Reports List Names and Titles)

A. Exemption Denials

Agency	Officials Authorized	Number of Officials Categorized by Instances of Participation						Total Officials
		Number of Instances						
		1	2-3	4-5	6-10	11-40	41+	
OSD/OJCS	35	11	7	3	1	0	0	22
DEPT ARMY	15	1	2	0	3	3	5	14
DEPT NAVY	99	2	4	4	5	9	3	27
DEPT AF	108	21	14	7	8	12	6	68
DCA	4					1		1
DCAA	7	1	1	1	1			4
DIA	2	2		1	1			4 *
DIS	1				1			1
DLA	47	8	7	1	2	1		19
DMA	26	8	1	1				10
DNA	1				1			1
NSA	1					1	1	2 *
DCPA	1	1						1
DoD Total	347	55	36	18	23	27	15	174

- o ^{50%}~~51%~~ of the ³⁴⁷~~342~~ IDAs authorized were involved in exemption denials.
- o 16% of the officials participated once.
- o ¹²~~21~~% of the officials participated 2-10 times.
- o 12% of the officials participated 11 or more times.

Item 3

(Cont'd)

B. Other Authority Denials*

Agency	Number of Officials Categorized by Instances of Participation							Total Officials
	Number of Instances							
	1	2-3	4-5	6-10	11-20	21-40	41+	
OSD/OJCS	8	6	2	1		1	1	19
DEPT ARMY	2	2	1	2	1	1	3	12
DEPT NAVY	5	1	3	1	3	6	6	25
DEPT AF								
DCA				1				1
DCAA								
DIA	1						1	1
DIS							1	1
DLA	3	3		2	1		1	10
DMA	5			1				6
DNA						1		1
NSA						1	3	4
D CPA	1							1
DoD total	25	12	6	8	5	10	15	81

- o 31% of the officials participated once.
- o 32% of the officials participated 2-10 times.
- o ~~38~~³⁷% of the officials participated 11 or more times.

* Other category determination processing is not limited to statutory exemption denial authorities.

Item 4

Number of Appeals and Results

Reporting Activity	Number of Appeals			Total
	Granted	Granted in Part	Denied	
OSD/OJCS	2	6	11 (4)	19
DEPT ARMY	17	22	65 (7)	104
DEPT NAVY	10	13	80	103
DEPT AF	8	38	158 (27)	204
DCA				
DCAA	6		6 (1)	12
DIA	0	0	4 (1)	4
DIS				
DLA	3	2	4 (2)	9
DMA	1	1	0	2
DNA				
NSA	1	7	37 (8)	45
DCPA	1			1
DoD Totals	49	89	365 (50)*	503

* This number of determinations for other reasons (see Item 5(c)) is included in the Denied column. Total appeals denied by exemption equal 260.

~~453
+ 50
= 503~~
See Item 6
503
- 49
454

Item 5(a)

Exemptions Invoked on Appeal Determinations

Exemptions by Number (552(a))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total
OSD/OJCS	7	0	0	0	5	5	3	0	0	20
DEPT ARMY	13	1	0	14	27	13	26	0	0	94
DEPT NAVY	5	1	2	18	57	24	9	0	0	116
DEPT AF	17	4	20	69	111	87	33	0	0	341
DCA										
DCAA					1		4			5
DIA	3		2							5
DIS										
DLA				2	1		1			4
DMA						1				1
DNA										
NSA	36		38		5	2	2			83
DCPA										
DoD Totals	81	6	62	103	207	132	78			669
Percent of Total	12	1	10 9	15	30 31	20	12			100%

* Footnote on discrepancy with item # (503)

Item 5(b)

Statutes Invoked on Appeal Determinations

Statute	Number of Times by Agency												DoD Totals	
	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DCA	DCAA	DIA	DIS	DLA	DMA	DNA	NSA		DCPA
Title 18 U.S.C. 798												36		36
Title 50 U.S.C. 403							2					1		3
18 U.S.C. 1905				20								36		56
Public Law 86-36												38		38
Agency Totals				20			2					111		133

Item 5(c)

Other Reasons Cited on Appeal Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/OJCS	4					4
DEPT ARMY				7		7
DEPT NAVY						
DEPT AF	4	19			4	27
DCA						
DCAA	1					1
DIA		1				1
DIS						
DLA			1	1		2
DMA						
DNA						
NSA	4	3		1		8
DCPA						
DoD Totals	13	23	1	9	4	50

- * 1. Transferred Appeal.
- 2. Lack of Records
- 3. Failure of Requester to Reasonably Describe Record.
- 4. Other Failures by Requesters to Comply with Published Rules and/or Directives
- 5. Request withdrawn by requester.

Item 6

Participation of Appellate Authorities
(Those responsible for denials in whole or in part)

~~Appellate~~
Ded Ward

<u>Name</u>	<u>Title</u>	<u>No. of Instances of Participation</u>	
		<u>Exemptions</u> <i>APPEALS</i>	<u>Other</u> <i>APPEALS REASONS</i>
<u>OSD/OJCS</u>			
Thomas B. Ross	Assistant Secretary of Defense (Public Affairs)	12	4
Thomas F. Lambert	Principal Deputy ASD (Public Affairs)	3	0
<u>DEPT ARMY</u>			
Clifford L. Alexander	Secretary of the Army	87	7
<u>DEPT NAVY</u>			
Harvey D. Wilcox	General Counsel	9	0
Sara E. Lister	Acting General Counsel	3	0
Coleman S. Hicks	Acting General Counsel	25	0
C. B. McDowell, RADM, USN	Judge Advocate General	57	0
John J. McDonnell	Acting General Counsel	1	0
J. S. Jenkins	Assistant Judge Advocate General (Civil Law)	21	0
<u>DEPT AF</u>			
Thomas W. Nelson	Administrative Assistant Secretary of the AF	49	0
Robert W. Crittenden	Deputy Administrative Assistant, Secretary of the AF	153	27
Michael J. Barrett, Jr.	Chief, General Litigation Division, Office of the Judge Advocate General, HQ, USAF	2	0

Item 6
(Cont'd)

Name	Title	No. of Instances of Participation	
		Exemptions	Other
<u>DCAA</u>			
H. W. Kettles	Assistant Director, Resources	5	1
<u>DIA</u>			
W.D. Robertson, RADM, USN	Vice Director for Production	1	0
A.L. Kelln, RADM, USN	Deputy Director	2	1
<u>DLA</u>			
G.J. Post, LtGen, USAF	Director	2	2
R.C. Gaskill, MGen, USA	Deputy Director	4	0
G.J. Thompson, RADM, USN	Deputy Director	2	0
<u>DMA</u>			
A.B. Martin, LtGen, USAF	Director	1	0
<u>NSA</u>			
Daniel B. Silver	General Counsel	19	4
Paul S. Brady	Acting General Counsel	10	1
Daniel C. Schwartz	General Counsel	9	3

DoD Totals

477

+ 50

~~83~~

~~50~~
~~504~~

Item 9

(503)

~~Item 9~~
~~503~~

~~YTD~~
~~50~~
~~503~~
~~504~~
~~505~~

Item 7

Court Opinions and Action Taken

No court opinions or orders were issued against Department of Defense agencies in 1979 giving rise to a proceeding under Section 552(a)(4)(F) of Title 5, U.S.C.

Item 8

FOIA Implementation Rules or Regulations

<u>Agency</u>	<u>Document Identification</u>	<u>Fed. Reg. Ref.</u>
DoD	DoD Directive 5400.7, 14 Feb 1975	40 F. R. No. 39 26 Feb 1975, pg. 8190
OSD/OJCS	DoD Directive 5400.10 6 Jan 1976	To be published
DEPT ARMY	AR 340-17, Change, #1, 24 Jan 1975	40 F. R. No. 40 27 Feb 1975, pg 8335
DEPT NAVY	SECNAVINST 5720,42B, 13 Feb 1975	40 F. R. No. 56 21 Mar 75, pg 12776
DEPT AF	AFR 12-30, 19 Feb 1975 *Interim Message Change 78-1	40 F. R. No. 37 24 Feb 75, pg 7901 (not published)
DCA	DCA Instruction 210-255-1, 31 Mar 1975	40 F. R. No. 70 10 Apr 75, pg 16203
DCAA	DCAA Regulation 5410.5, 29 Aug 1977, Change 1.	42 F. R. No. 154 10 Aug 77, pg 40433
DIA	DIA Regulation 12-39, 26 Jun 78	40 F. R. No 34 19 Feb 75, pg 7292
DIS	DIS Regulation 01-12, 14 Feb 1975	40 F. R. No. 34 19 Feb 75, pg 7289
DLA	DLA Regulation 5400.14, 13 Feb 75	40 F. R. No. 34 19 Feb 75, pg. 7282
DMA	DMA Instruction 5400.7A, 12 May 1975	40 F. R. No. 29 11 Feb 75, pg 6336
DNA	DNA Instruction 5400.7, 22 May 1975	40 F. R. No 124 26 Jun 75, pg 27025
NSA	NSA/CSS Regulation 10-9 3 Mar 1975	40 F. R. No. 34 19 Feb 75, pg. 7303
DCPA	DCPA Rules and Regulations	40 F. R. No. 34 19 Feb 75, pg 10457

* Amendments to Rules or Regulations promulgated in 1979 (attached to respective agency reports).

Item 9

Fees Schedule and Fees Collected

The attached fee schedule, Enclosure 2, DoD Directive 5400.7, establishes standard costs collectable by DoD Agencies.

\$298,676 was collected from the public for making records available. (See Item 10B for agency totals.)

Feb 14, 75

UNIFORM AGENCY FEES FOR SEARCH AND DUPLICATION UNDER
THE FREEDOM OF INFORMATION ACT AMENDMENTS
P. L. 93-502

Introduction

This enclosure describes fees for search and duplication. It is not intended to substitute for any schedule of fees or a policy of not to charge a fee established in connection with the issuance of publications or other materials in the routine course of business of a component.

SCHEDULE OF FEESDuplicationPublications, Forms and Reports

Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request.....	\$2.00
plus	
Forms, per copy.....	.05
Publications, per printed page.....	.01
Microfiche, per fiche.....	.06
Reports, per printed page.....	.05
(Examples: Cost of 20 forms, \$3.00; cost of a printed publication with 100 pages, \$3.00; cost of a microfiche publication consisting of 10 fiche, \$2.60)	

Office Copy Reproduction (when shelf stock is not available)

Minimum charge up to six reproduced pages.....	\$2.00
Minimum charge, first fiche.....	5.00
Each additional page.....	.05
Each additional fiche.....	.10

Other Issuances

Minimum charge up to six pages.....	\$2.00
Each additional page.....	.05

SEARCH

Clerical search, per hour	\$5.50
Minimum charge	2.75
Professional search (includes computer programmer time and review to determine whether a record comes within the scope of a request) per hour...	11.00
Minimum charge	5.50

Computer Service Charges

Computer service charges will be based on actual computer configuration used and be based on direct costs only of the Central Processing Unit, plus Input/Output Devices, plus Memory Capacity. Transportation costs of records and personnel arising from searches for requesting reports will be charged at actual cost.

Audiovisual Documentary Material

Service charges for audiovisual documentary materials will include clerical and professional search fees as listed above as well as the direct costs of reproducing the photography or tape and shipping or mailing charges. Audiovisual materials provided a requester under provisions of this Directive need not be in reproducible format or quality.

Waiver of Fees

1. In general, charges shall be waived or reduced when it is determined that release of a requested record primarily benefits the general public and, therefore, is in the public interest. Examples of common situations in which such a determination may be made include:

- a. The recipient of the benefits is engaged in a non-profit activity designed for public safety, health or welfare;
- b. Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

Feb 14, 75

c. The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity;

d. The request emanates from a representative of the public information media seeking a reasonable number of records.

2. A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the component or his designee for purposes of final appeal.

Collections

1. Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to specified limit that covers anticipated costs.

2. Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

3. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval and he agrees to incur the costs of search.

Item 10A

Availability of Records

(New Categories or segregable portions of records now being released)

None

Item 10 B

Calendar Year Costs and Fees Collected

Reporting Activity	Annual Cost*	Annual Fees Collected
OSD/OJCS	611,101	3,740
DEPT ARMY	1,876,976	119,568
DEPT NAVY	891,544	68,547
DEPT AF	1,577,023	48,564
DCA	24,048	443
DCAA	102,216	943
DIA	149,679	2,192
DIS	1,926	35
DLA	267,307	53,824
DMA	1,178	659
DNA	3,776	161
NSA	556,242	0
DCPA	1,687	0
<hr/>		
DoD Total	6,064,703	298,676

* Based on reporting procedures established March 16, 1977, to capture a "best estimate" cost of administering FOIA as amended. The attached cost outline provides a breakdown of costs by agency.

Check H's

1. DEFENSE DEPT. C/Y '79 REPORT OF FREEDOM OF INFORMATION COSTS
DOD REPORTING ACTIVITIES

COST OUTLINE	OSD/OJCS	ARMY	NAVY	AF	DCA	DCAA	DIA
I. Personnel Costs							
1) A. Estimated manyears	50.19	69.08	28.78	75.45	.06	1.26	2.94
B. Cost of manyears (grades considered)	426,753	1,193,945	508,738	940,615	16,800	51,926	93,000
2) C. Cost of estimated manhours by category (fee schedule rates)							
(1) Search Time	7,028	54,130	40,015	46,080	303	4,042	3,922
(2) Review & excising	12,548	46,493	16,852	51,273	1,800	916	2,976
(3) Coordination & approval	3,539	37,546	38,542	75,068	0	11,205	1,452
(4) Corres. & Form prep.	1,557	16,905	29,162	40,907	47	3,165	470
(5) Other activities	9,789	20,427	16,591	40,954	0	8,414	9,953
(6) Manhour cost total	34,461	175,501	141,162	254,282	2,150	27,742	18,773
D. Total of IB and IC	461,214	1,369,446	649,900	1,194,897	18,950	79,668	111,773
E. Overhead rate (25%)	115,304	342,362	162,475	298,724	4,738	19,917	27,943
F. Total of other costs	576,518	1,711,808	812,375	1,493,621	23,688	99,585	139,716
II. Other Case Related Costs							
A. Computer Search Time Costs	3,618	17,608	6,968	8,873	0	0	0
B. Reproduction Costs	1,286	60,156	17,730	25,082	360	943	1,700
C. Microfiche Reproduction	0	24,799	3,990	1,456	0	0	750
D. Cost of Printed Records	1,929	3,825	11,424	6,563	0	0	6,700
E. Total of Other Costs	6,833	106,388	40,112	41,974	360	943	9,150
III.A. Reporting Costs							
(1) Operational	750	36,209	15,538	16,944	0	1,350	650
(2) User	1,050	304	13,209	441	0	0	0
(3) Overhead (25% of (1) & (2))	450	9,128	7,187	4,346	0	338	163
B. Other operating costs (voluntary reporting of items such as postal, travel, computer, etc.)	25,500	13,139	3,123	19,697	0	0	0
C. TOTAL	27,750	58,780	39,057	41,428	0	1,688	813
IV. Summary							
A. Total Costs of I-III	611,101	1,876,976	891,544	1,577,023	24,048	102,216	149,679
B. Amount collected from public	3,740	119,568	68,547	48,564	443	943	2,192

1) Personnel assigned full-time or part-time FOI duties.
2) Personnel other than 1) above

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2. DEFENSE DEPT. C/Y '79 REPORT OF FREEDOM OF INFORMATION COSTS
DOD REPORTING ACTIVITIES (cont'd)

COST OUTLINE	DIS	DLA	DMA	DNA	NSA	DCPA	DoD Totals
I. Personnel Costs							
1) A. Estimated manyears		8.02			6.53		242.31
B. Cost of manyears (grades considered)		130,578			158,839		3,521,194
2) C. Cost of estimated manhours by category (fee schedule rates)							
(1) Search time	137	19,303	329	458	36,347	289	212,383
(2) Review & excising	714	4,719	0	666	16,209	116	115,282
(3) Coordination & approval	502	13,385	72	915	0	654	182,880
(4) Corres. & Form prep.	107	3,685	12	337	0	71	96,425
(5) Other activities	0	3,511	160	335	0	0	110,134
(6) Manhour cost total	1,460	44,603	573	2,711	52,556	1,130	757,104
D. Total of IB and IC	1,460	175,181	573	2,711	211,395	1,130	4,278,298
E. Overhead rate (25%)	365	43,795	143	678	52,849	283	1,069,576
F. Total of other costs	1,825	218,976	716	3,389	264,244	1,413	5,347,874
II. Other Case Related Costs							
A. Computer Search Time Costs	14	30,179	0	184	289,299	0	356,743
B. Reproduction Costs	50	8,693	71	93	556	132	116,852
C. Microfiche Reproduction	13	21	16	0	0	0	31,045
D. Cost of Printed Records	0	4,337	0	0	0	2	34,780
E. Total of Other Costs	77	43,230	87	277	289,855	134	539,420
III.A. Reporting Costs							
(1) Operational	19	3,878	225	88	1,200	112	76,963
(2) User	0	124	75	0	114	0	15,317
(3) Overhead (25% of (1) & (2))	5	1,001	75	22	329	28	23,072
B. Other operating costs (voluntary re- porting of items such as postal, travel, computer, etc.)	0	98	0	0	500	0	62,057
C. TOTAL	24	5,101	375	110	2,143	140	177,409
IV. Summary							
A. Total costs of I-III	1,926	267,307	1,178	3,776	556,242	1,687	6,064,703
B. Amount collected from public	35	53,824	659	161	0	0	298,676

1) Personnel assigned full-time or part-time FOI duties
2) Personnel other than 1) above

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Item 10 C

Time Limit Extensions by Agency

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Reporting Activity	I Unusual Circumstances			II & III Court Involvement	TOTAL
	Location	Volume	Consultation		
OSD/OJCS					
DEPT ARMY					
DEPT NAVY	28	45	18		91
DEPT AF	8	15	155		178
DCA					
DCAA	11	14	13		38
DIA		12			12
DIS					
DLA			1		1
DMA					
DNA		1			1
NSA					
DCPA					
DoD Totals	47	77	187		311

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ITEM 10 D

Internal Memoranda
(Including Directives not Published in Federal Register)

<u>Reporting Activity</u>	<u>No. of Memoranda</u>	<u>No. Available to Public</u>
OSD/OJCS	4	4
DEPT ARMY		
DEPT NAVY	3	3
DEPT AF		
DCA		
DCAA		
DIA		
DIS	1	1
DLA		
DMA	1	1
DNA		
NSA		
DCPA		
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DoD Totals	9	9
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Item 10 E (Optional)

Other Information (Opinions) or Recommendations on
Administering FOIA

The FOIA is used to obtain materials not in an effort to acquire information about the functioning of the Department of Defense, but rather to exploit their value as property. In some instances, property value is represented by development costs. Many requests have been received for technical data such as blueprints, drawings, and other materials to reproduce military hardware without reimbursement to the United States for the Costs of developing such hardware.

There still exists potential for export to foreign countries of sensitive military technology which does not qualify for exemption under the present Act. This is a continuing concern which has been addressed in previous reports.

A vast number of government documents are available from various public distribution systems. Fees for these services may vary from no charge to many thousands of dollars. On occasion, problems arise when the FOIA has been employed to by-pass these established distribution systems and its fees in an attempt to procure documents for the cost of reproduction.

The Freedom of Information Act continues to be used to obtain public records when litigation with the Government is pending thus circumventing the rules of boards and courts with respect to discovery of documents.

Item 11

FOIA Instructional and Educational Efforts

DoD Defense-wide training/education remains the major DoD concern in the management of its Departmental program implementing the FOIA, but lack of resources continues to hamper broader efforts in this area. The overall objective of maintaining that positive attitude regarding the public's legitimate access to DoD records, which is reflected in the Department's successful FOIA Program, is supported by the training activities of the Defense components described below.

OSD/OJCS Instruction in the implementation of the FOIA program continues within OSD and OJCS through OPM FOIA course notifications, and a standard procedure to brief newly appointed program officials and other employees on request. Personnel from the FOIA Program Director's office continue to participate in FOIA conferences, symposia, and seminars conducted by federal and private organizations.

Dept AF Air Force has a 24 minute film designed to create an interest in an understanding of the Freedom of Information Act. The film has received a wide viewing throughout the Air Force and will continue to be viewed. Personnel have attended FOIA Workshops sponsored by the US Office of Personnel Management. The FOIA also has been the subject of briefings at various conferences throughout the Air Force. Air Force Logistics Command, Staff Judge Advocate, has issued a guide to the Headquarters staff on processing FOIA/PA requests.

Dept Navy Activities within this Department report that the workshops and seminars given by the Civil Service Commission are being utilized by personnel who coordinate the Freedom of Information Act Program. Also, FOIA briefings are conducted at subordinate activities by headquarters personnel on a periodic basis during command readiness inspections.

DCA DCA provides a 45 minute briefing to all newly assigned personnel on the FOI and the Privacy Act. The DCA Headquarters General Counsel and Public Affairs Liaison Officer also assist in the educational process by briefing affected personnel concerning the requirements and implementation of the Act.

- DCAA Each of the six DCAA Regional Offices holds periodic conferences which provide FOIA training to Field Audit Office Managers. Regional FOIA Monitors hold on site visits to train members of the field Audit Office staff. The DCAA Records Administrator provides training and guidance to the Regional Directors, Regional FOIA Monitors, Field Audit Office Managers, and the Headquarters Staff. During calendar year 1979, the Records Administrator attended the Fifth Annual Seminar on Litigation Under the Freedom of Information Act and Privacy Act sponsored by the Center for National Security Studies.
- DIA The briefing of new coordinators and analysts directly involved in administering actions connected with the FOIA is accomplished on an "as requested" basis. This applies especially to classification reviews and the application of exemptions affiliated with the Act.
- DIS All incoming agents who receive formal instruction are advised of the provisions of the Act. Headquarters Staff Personnel receive detailed on-the-job training and have attended Office of Personnel Management training on administration of the Act. Due to the mission and centralized organization of DIS extensive formal training has not been necessary. Such training will be conducted when the Department of Defense training package is disseminated.
- DMA The bulk of DMA's effort with regard to employee training was directed toward dissemination of useful information to the greatest number of employees possible. DMA Headquarters General Counsel and Component Counsel and Public Affairs Officers also assisted in the educational process by delivering briefings and lectures to affected personnel concerning the requirements and implementation of the Act.
- DNA Individuals within DNA responsible for the release of information are kept current by applicable regulations, Agency policy and current court cases which are circulated routinely.
- NSA The NSA/CSS Freedom of Information Act Coordinator attended an OPM seminar on the FOIA during calendar year 1979.

Item 12

Freedom of Information
Prisoner of War/Missing in Action
(PW/MIA)

FACT SHEET

Completed Public Request

Statutory Exemptions

360

236

Exemptions Invoked on Initial Determinations: 377

Exemptions by Number (552(a)):

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>
205	0	97	0	10	65	0	0	0

Number of Appeals and Results:

Total Appeals: 72

Number of Appeals Granted: 6

Number of Appeals Partially Granted: 30

Number of Appeals Denied: 36

Exemptions Invoked on Appeal Determinations: ~~98~~ 128

Exemptions by Number (552(a)):

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>
67	0	49	0	3	9	0	0	0

\$137.38 was the average cost of each PW/MIA case, including appeals.

During the period 30 August 1977 through 31 December 1979, OSD processed FOI requests for records relating to Prisoner of War/Missing in Action (PW/MIA) in Southeast Asia. Practically all of these requests were submitted by the primary next-of-kin of these PW/MIA's in connection with PW/MIA Status Reviews being conducted.

The bulk of processing was accomplished by the Military Departments and the Defense Intelligence Agency. This processing activity has been included in their general reporting for 1977, 1978, and 1979.

This fact sheet portrays OSD summary data on these requests which has not been included in OSD data report for 1977, 1978, and 1979.