



**SUMMARY OF
REPORT TO THE CONGRESS**

**FREEDOM OF
INFORMATION**

CY 1977



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

March 1, 1978

PUBLIC AFFAIRS

This Summary Report has been issued as an overview of Department of Defense performance in the Freedom of Information Program in Calendar Year 1977 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 1977."

Data on each item required by Congress are 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, 1977)

<u>Agency Abbreviation</u>	<u>Agency</u>	<u>Agency Head</u>
OSD/JCS	Office of the Secretary of Defense	Harold Brown
Dept Army	Secretary of the Army	Clifford L. Alexander
Dept Navy	Secretary of the Navy	W. Graham Clayton, Jr.
Dept AF	Secretary of the Air Force	John C. Stinson
DCA	Defense Communications Agency	Lt Gen Lee M. Paschall, Jr. USAF
DCAA	Defense Contract Audit Agency	Frederick Newman
DIA	Defense Intelligence Agency	Lt Gen Eugene F. Tighe, Jr. USAF, Director
DIS	Defense Investigative Service	Bernard J. O'Donnell
DLA	Defense Logistics Agency	LTGEN W. W. Vaughan, USA
DMA	Defense Mapping Agency	Lt Gen Abner B. Martin, USAF
DNA	Defense Nuclear Agency	VADM R. R. Monroe, USN
NSA	National Security Agency Central Security Service	VADM Bobby Inman, USN
DCPA	Defense Civil Preparedness Agency	Bardyl R. Tirana

Department of Defense
FOI Appeal and Program Officials

<u>Agency Abbreviation</u>	<u>Appellate Authority</u>	<u>Program Official</u>
OSD/JCS	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 Office of The Adjutant General
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	Lt Gen Lee M. Paschall, Jr. USAF, Director	John T. Whealen General Counsel
DCAA	Harry W. Kettles Ass't Director of 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 W. W. Vaughan, USA, Director	Colonel J. McAleer, Jr. Staff Director, Administration
DMA	RADM R. M. Collins, USN , Deputy Director	B. C. Wimberly General Counsel
DNA	VADM Robert R. Monroe, USN, Director	LTCOL William J. McGee, USA Public Affairs Officer
NSA	Wm. H. Jenkins Appellate, FOI/Privacy	William P. Sullivan Acting Chief, Policy Staff Office
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 + Other = Total</u>		
OSD/JCS	782	886	103	351	454
DEPT ARMY	17,376	17,376**	1,532	893	2,425
DEPT NAVY	4,215	4,652	418	349	767
DEPT AF	17,173	18,009	782	1,460	2,242
DCA	84	98	6	4	10
DCAA	141	141	17	66	83
DIA	804	838	23	195	218
DIS	62	62	10	37	47
DLA	4,060	4,238	98	1,310	1,408
DMA	27	29	1	6	7
DNA	29	29	4	7	11
NSA	485	516	144	341	485
DCPA	17	27	12	5	17
DoD Totals	45,255	46,901	3,150	5,024	8,174

* 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.

** DEPT ARMY could not gather statistics from field activities for this report.

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/JCS	52	5	12	5	37	9	10	0	0	130
DEPT ARMY	131	10	46	93	318	236	698	0	0	1,532
DEPT NAVY	42	4	6	98	83	94	190	0	0	517
DEPT AF	69	20	50	336	490	381	96	0	0	1,442
DCA	2	0	0	2	2	0	0	0	0	6
DCAA	0	0	3	3	12	2	1	0	0	21
DIA	23	0	1	0	1	0	0	0	0	25
DIS	0	0	0	0	1	5	10	0	0	16
DLA	0	0	3	50	17	24	7	0	0	101
DMA	0	0	0	0	0	1	0	0	0	1
DNA	3	0	0	1	0	0	0	0	0	4
NSA	129	0	157	3	2	10	7	0	0	308
DCPA	0	0	0	10	1	1	0	0	0	12
DoD Totals	451	39	278	601	964	763	1,019	0	0	4,115*
Percent of Total	10.96	0.95	6.76	14.60	23.43	18.54	24.76	0	0	100%

* Total does not agree with Item 1 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/JCS	DEPT ARMY	DEPT NAVY	DEPT AF	DCA	DCAA	DIA	DIS	DLA	DMA	DNA	NSA	DCPA	
10 U.S.C. 2202	-	1	-	-	-	-	-	-	-	-	-	-	-	1
18 U.S.C. 504	-	-	1	-	-	-	-	-	-	-	-	-	-	1
18 U.S.C. 798	1	-	-	-	-	-	-	-	-	-	108	-	-	109
18 U.S.C. 1905	-	41	-	50	-	3	-	-	-	-	-	-	-	94
50 U.S.C. 403	7	-	-	-	-	-	-	-	-	-	121	-	-	128
Public Law 86-36	1	-	-	-	-	-	-	-	-	-	142	-	-	143
Atomic Energy Act of 1954	4	4	-	-	-	-	-	-	-	-	-	-	-	8
Agency Totals	13	46	1	50	-	3	-	-	-	-	371	-	-	484

Item 2(c)

Other Reasons Cited on Initial Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/JCS	173	167	8	0	3	351
DEPT ARMY	182	235	79	151	246	893
DEPT NAVY	166	92	18	44	29	349
DEPT AF	334	772	92	146	116	1,460
DCA	0	1	0	0	3	4
DCAA	47	15	1	0	3	66
DIA	56	131	4	4	0	195
DIS	1	36	0	0	0	37
DLA	1,276	19	1	9	5	1,310
DMA	0	6	0	0	0	6
DNA	3	3	0	0	1	7
NSA	140	197	0	3	1	341
DCPA	0	5	0	0	0	5
DoD Total	2,378	1,679	203	357	407	5,024

- * 1. Transferred Request.
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.
(See following page for description of each category.)

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

<u>Agency</u>	<u>Officials Authorized</u>	<u>Number of Officials Categorized by Instances of Participation</u>						<u>Total Officials</u>
		<u>Number of Instances</u>						
		<u>1</u>	<u>2-3</u>	<u>4-5</u>	<u>6-10</u>	<u>1-40</u>	<u>41+</u>	
OSD/JCS	32	13	16	5	2	1	0	37
DEPT ARMY	24	2	0	1	4	8	9	24
DEPT NAVY	89	7	11	6	9	5	3	41
DEPT AF	111	30	17	5	4	7	7	70
DCA	1	0	0	0	1	0	0	1
DCAA	7	1	3	0	1	0	0	5
DIA	4	0	1	0	1	1	0	3
DIS	1	0	0	0	1	0	0	1
DLA	52	6	3	2	4	3	0	18
DMA	22	1	0	0	0	0	0	1
DNA	1	0	0	1	0	0	0	1
NSA	1	0	0	0	0	0	1	1
DCPA	1	0	0	0	0	1	0	1
DoD Total	346	60	51	20	27	26	20	204

- o 59.0% of the 346 IDA authorized were involved in exemption denials.
- o 29.4% of the officials participated once.
- o 48.1% of the officials participated 2-10 times.
- o 22.5% 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/JCS	19	5	5	11	1	1	1	43
DEPT ARMY	0	2	1	1	2	0	6	12
DEPT NAVY	10	14	10	4	5	2	1	46
DEPT AF	not reported*							
DCA	0	0	1	0	0	0	0	1
DCAA	0	2	4	0	0	0	1	7
DIA	0	0	0	0	0	0	1	1
DIS	0	0	0	0	0	1	0	1
DLA	0	2	1	0	0	1	1	5
DMA	1	1	0	0	0	0	0	2
DNA	0	0	0	1	0	0	0	1
NSA	0	0	0	0	0	0	1	1
DCPA	0	0	1	0	0	0	0	1
DoD Total	30	26	23	17	8	5	12	121

- o 24.8% of the officials participated once.
- o 54.5% of the officials participated 2-10 times.
- o 20.7% of the officials participated 11 or more times.

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

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/JCS	12	0	2	2	6	1	0	0	0	23
DEPT ARMY	22	2	0	5	39	33	58	0	0	159
DEPT NAVY	6	4	1	12	22	26	18	0	0	89
DEPT AF	9	4	11	44	95	43	29	0	0	235
DCA	0	0	0	1	1	0	0	0	0	2
DCAA	0	0	1	1	8	0	2	0	0	12
DIA	4	0	1	0	0	0	0	0	0	5
DIS	0	0	0	0	1	1	1	0	0	3
DLA	0	0	0	6	1	2	0	0	0	9
DMA	1	0	0	0	0	0	0	0	0	1
DNA	0	0	0	0	0	0	0	0	0	0
NSA	30	0	30	0	0	0	2	0	0	62
DCPA	0	0	0	0	0	0	0	0	0	0
DoD Totals	84	10	46	71	173	106	110	0	0	600
Percent of Total	14.00	1.70	7.67	11.8	28.83	17.67	18.33	0	0	100%

Item 5(b)

Statutes Invoked on Appeal Determinations

Statute	Number of Times by Agency												DoD Total	
	OSD/JCS	DEPT ARMY	DEPT NAVY	DEPT AF	DCA	DCAA	DIA	DIS	DLA	DMA	DNA	NSA		DCPA
Title 18 U.S.C. 798	-	-	-	-	-	-	-	-	-	-	-	26	-	26
Title 50 U.S.C. 403	1	-	-	-	-	-	-	-	-	-	-	27	-	28
18 U.S.C. 1905	-	-	-	11	-	1	-	-	-	-	-	-	-	12
Public Law 86-36	-	-	-	-	-	-	-	-	-	-	-	29	-	29
Atomic Energy Act of 1954	1	-	-	-	-	-	-	-	-	-	-	-	-	1
Agency Totals	2	-	-	11	-	1	-	-	-	-	-	82	-	96

Item 5(c)

Other Reasons Cited on Appeal Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/JCS	0	1	0	0	0	1
DEPT ARMY	0	0	0	0	0	0
DEPT NAVY	17	4	1	9	0	31
DEPT AF	0	0	0	2	0	2
DCA	0	0	0	0	0	0
DCAA	0	0	0	0	0	0
DIA	0	0	0	0	0	0
DIS	0	0	0	0	0	0
DLA	0	3	0	0	2	5
DMA	0	0	0	0	0	0
DNA	0	0	0	0	0	0
NSA	0	0	0	0	0	0
DCPA	0	0	0	0	0	0
DoD Totals	17	8	1	11	2	39

- * 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.

Item 6

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

<u>Name</u>	<u>Title</u>	<u>No. of Instances of Participation</u>	
		<u>Exemptions</u>	<u>Other</u>
<u>OSD/JCS</u>			
Thomas B. Ross	Assistant Secretary of Defense (Public Affairs)	10	1
Alan Woods	Assistant Secretary of Defense (Public Affairs)	1	
Thomas F. Lambert	Principal Deputy Assistant Secretary of Defense (Public Affairs)	1	
Guy E. Hairston, MajGen, USAF	Deputy Assistant Secretary of Defense (Public Affairs)	2	
<u>DEPT ARMY</u>			
Secretary of the Army		159	
<u>DEPT NAVY</u>			
E. Grey Lewis	General Counsel	2	
Togo D. West, Jr.	General Counsel	6	
William L. Brown	Deputy General Counsel	2	
Harvey Wilcox	Deputy General Counsel	1	
C. B. McDowell	Judge Advocate General	33	7
W. O. Miller, RADM, USN	Judge Advocate General	37	8
J. S. Jenkins, CAPT, USN	Assistant Judge Advocate General (Civil Law)	5	4
W. D. Pfeiffer, CAPT, USN	Deputy Assistant Judge Advocate General	3	12

Item 6
(Cont'd)

<u>Name</u>	<u>Title</u>	<u>No. of Instances of Participation</u>	
		<u>Exemptions</u>	<u>Other</u>
<u>DEPT AF</u>			
Thomas W. Nelson	Administrative Assistant Secretary of The Air Force	10	
Eldon L. McColl	Deputy Administrative Assistant, Secretary of The Air Force	140	2
<u>DCA</u>			
James M. Rockwell, MajGen	Vice Director, DCA	1	
<u>DCAA</u>			
Harry W. Kettles	Assistant Director, Resources	10	
<u>DIA</u>			
B. R. Inman, VADM, USN	Director (Acting)	3	
J. Hughes	Vice Director Operations & Supply (Acting)	1	
<u>DIS</u>			
Bernard J. O'Donnell	Director	2	
<u>DLA</u>			
W. W. Vaughan, LtGen, USA	Director, DLA	4	1
Philip Crosby, RADM, USN	Deputy Director, DLA	6	4
<u>DMA</u>			
W. T. Riordan	Deputy Director Programs, Production and Operations	1	
<u>NSA</u>			
William H. Jenkins	FOI Appeal Authority	32	
<u>DCPA</u>			
	No Appeals		
	DoD Total	<u>472</u>	<u>39</u>

Item 7

Court Opinions and Action Taken

No court opinions or orders were issued against Department of Defense agencies in 1977 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/JCS	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 77-1	40 F.R. No. 37 24 Feb 75, pg 7901 (not published)
DCA	DCA Instruction 210-225-1, 31 Mar 1975	40 F.R. No. 70 10 Apr 75, pg 16203
DCAA	DCAA Regulation 5410.5, 29 Aug 1977	42 F.R. No. 154 10 Aug 77, pg 40433
DIA	DIA Regulation 12-39, 18 Feb 1975 Change A, 16 Sep 76	40 F.R. No. 34 19 Feb 75, pg 7292 (not published)
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 1977 (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. The fees policy is currently undergoing formal revision to eliminate minimum fees and thereby conform to the currently encouraged discretionary practice.

\$226,675.59 was collected from the public for making records available. (See Item 10B for agency totals)

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 FEES

Duplication

Publications, 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 copy05
Publications, per printed page01
Microfiche, per fiche06
Reports, per printed page05
(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 page05
Each additional fiche10

Other Issuances

* Minimum charge up to six pages	\$ 2.00
Each additional page05

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 nonprofit 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;

* Under Revision

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)

Corps of Engineers Appraisal Report - - DLA

Item 10 B

Calendar Year Costs and Fees Collected

<u>Reporting Activity</u>	<u>Annual Cost *</u>	<u>Annual Fees Collected</u>
OSD/JCS	\$549,348.00	\$1,996.20
DEPT ARMY	1,545,020.00	84,083.94
DEPT NAVY	661,945.00	39,174.69
DEPT AF	1,638,328.00	59,830.00
DCA	1,029.00	652.71
DCAA	70,463.00	695.05
DIA	149,504.00	1,231.00
DIS	2,362.00	5.65
DLA	325,418.00	38,692.00
DMA	1,830.00	245.17
DNA	1,191.00	21.00
NSA	574,120.00	14.00
DCPA	3,052.00	34.18
<hr/>		
DoD Total	\$5,523,610.00	\$226,675.59

* 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.

REPORTING ACTIVITIES

COST OUTLINE		OSD/JCS	ARMY	NAVY	AF	DCA	DCAA	DIA
I.	Routine Requests Processed (No. of requests x cost factor)		5,925		9,986			
II.	Personnel Costs*							
	A. Estimated manyears	15.04	62.02	15.52	92.88		1.11	2.56
	B. Cost of manyears (grades considered)	381,827	1,012,582	311,506	946,746		35,803	93,142
	C. Cost of estimated manhours by category (fee schedule rates)							
	(1) Search time	12,055	48,764	40,927	53,430	386	1,862	7,677
	(2) Review & excising	16,007	22,947	36,057	68,591	94	6,572	2,755
	(3) Coordination & approval	6,597	35,441	48,638	97,117	-	7,332	1,826
	(4) Corres. & Form prep.	1,199	9,778	19,999	29,368	164	1,006	152
	(5) Other activities	1,918	10,118	22,879	37,836	-	2,412	12,171
	(6) Manhour cost total	37,776	127,068	168,500	286,342	644	19,184	24,581
	D. Total of IIB and IIC	419,603	1,139,630	480,006	1,233,088	644	54,987	117,723
	E. Overhead rate (25%)	104,901	284,908	120,027	308,273	162	13,746	29,431
	F. Total of other costs	524,504	1,424,538	600,033	1,541,361	806	68,733	147,154
III.	Other Case Related Costs							
	A. Computer Search Time Costs	1,062	7,818	4,978	7,700	25	91	-
	B. Reproduction Costs	1,510	45,040	32,055	24,703	91	110	750
	C. Microfiche Reproduction	1	768	2,214	1,546	107	-	-
	D. Cost of Printed Records	593	2,929	2,272	10,679	-	-	1,400
	E. Total of Other Costs	3,166	56,535	41,519	44,628	223	201	2,150
IV.	Reporting Costs							
	(1) Operational	550	25,769	9,932	23,459	-	1,223	50
	(2) User	850	1,646	5,225	418	-	-	30
	(3) Overhead (25% of (1) & (2))	350	6,853	3,789	5,968	-	306	20
	B. Other operating costs (voluntary re- porting of items such as postal, travel, computer, etc.)	19,928	23,754	1,447	12,508	-	-	100
	C. TOTAL	21,678	58,022	20,393	42,353	-	1,529	200
V.	Summary							
	A. Total costs of I-IV	549,348	1,545,020	661,945	1,638,328	1,029	70,463	149,504
	B. Amount collected from public	1,996.20	84,083.94	39,174.69	59,830.00	652.71	695.05	1,231.00

* These costs reflect general estimated amounts associated with processing public requests. Individuals involved in request processing are given the option of recording the time spent as a percentage of available hours (each 120 days) or on an hourly basis per request. The manyear statistics should not be construed to mean number of people devoted exclusively to the FOI program in each agency.

REPORTING ACTIVITIES

COST OUTLINE	DIS	DLA	DMA	DNA	NSA	DCPA	TOTAL
I. Routine Requests Processed (No. of requests x cost factor)							15,911
II. Personnel Costs *							
A. Estimated manyears	.019	9.86			6.0		205.009
B. Cost of manyears (grades considered)	268	181,307			127,986		3,091,167
C. Cost of estimated manhours by category (fee schedule rates)							
(1) Search time	179	12,344	26	209	51,462	787	230,108
(2) Review & excising	592	7,979	-	303	3,831	77	165,805
(3) Coordination & approval	384	16,334	61	233	-	998	214,961
(4) Corres. & Form prep.	96	8,520	-	185	-	69	70,536
(5) Other activities	164	4,085	904	185	-	400	93,072
(6) Manhour cost total	1,415	49,262	991	1,115	55,293	2,331	774,482
D. Total of IIB and IIC	1,683	230,569	991	1,115	183,279	2,331	3,865,649
E. Overhead rate (25%)	422	57,632	247	-	45,819	382	966,150
F. Total of other costs	2,105	288,201	1,238	1,115	229,098	2,913	4,831,799
III. Other Case Related Costs							
A. Computer Search Time Costs	143	14,097	-	-	343,840	-	379,754
B. Reproduction Costs	60	6,384	53	20	531	49	111,356
C. Microfiche Reproduction	-	250	-	-	14	-	4,880
D. Cost of Printed Records	-	7,546	167	-	-	5	25,591
E. Total of Other Costs	203	28,277	220	20	344,385	54	521,581
IV. Reporting Costs							
(1) Operational	40	5,526	222	44	258	77	67,150
(2) User	3	655	75	-	252	-	9,154
(3) Overhead (25% of (1) & (2))	11	1,543	75	12	127	8	19,062
B. Other operating costs (voluntary reporting of items such as postal, travel, computer, etc.)	-	1,216	-	-	-	-	58,953
C. TOTAL	54	8,940	372	56	637	85	154,319
V. Summary							
A. Total costs of I-IV	2,362	325,418	1,830	1,191	574,120	3,052	5,523,610
B. Amount collected from public	5.65	38,692.00	245.17	21.00	14.00	34.18	226,675.59

Item 10 C

Time Limit Extensions by Agency

Reporting Activity	I Unusual Circumstances			II & III Court	Total
	Location	Volume	Consultation	Involvement	
OSD/JCS	7	6	12	0	25
DEPT ARMY	0	0	1	0	1
DEPT NAVY	28	13	6	0	47
DEPT AF	29	22	194	0	245
DCA	0	0	0	0	0
DCAA	16	22	25	0	33*
DIA	0	0	0	0	0
DIS	0	0	0	0	0
DLA	0	0	2	0	2
DMA	0	0	0	0	0
DNA	0	0	0	0	0
NSA	0	6	3	0	9
DCPA	0	0	0	0	0
DoD Totals	80	69	243	0	362*

* Total does not balance because DCAA reported instances in which all three circumstances necessitated extension of time.

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>
DoD	2	2
OSD/JCS	6	6
DEPT ARMY	0	0
DEPT NAVY	3	3
DEPT AF	0	0
DCA	0	0
DCAA	5	5
DIA	2	2
DIS	0	0
DLA	0	0
DMA	0	0
DNA	0	0
NSA	0	0
DCPA	0	0
DoD Total	<u>18</u>	<u>18</u>

Item 10 E (Optional)

Other Information (Opinions) or Recommendations
on Administering FOIA

A major problem which often arises in the day-to-day administration of the Department of Defense FOIA Program concerns the proper handling of requests for records created by other than U.S. Federal Executive Branch Agencies. Examples of these requests include:

- a. Private corporations seeking information produced by actual or prospective competitors.
- b. Requests for records or information provided by foreign governments.
- c. Requests for records including technical data which may otherwise be subject to the provisions of the Export Control Act, depending on the nationality of the requester.

Another major problem concerns the lack of an adequate DoD education program for continuing orientation and training of all DoD personnel concerning FOIA/Privacy Act requirements and objectives. Although this area of concern is more fully addressed elsewhere under Item 11 (FOIA Instructional and Educational Efforts), the primary concern stems from the Congressional prohibition of DoD development of a Department-wide FOIA training program.

Item 11

FOIA Instructional and Educational Efforts

DoD

In 1977, Congress, through its Appropriations Committees, deleted all funds for, and prohibited completion of, a DoD unique program of Freedom of Information Act and Privacy Act education and instruction. While this major, single Defense-wide training program was being developed by the Interservice Training Review Organization, DoD placed a moratorium on all other FOIA/Privacy Act training development within the Department to achieve maximum cost effectiveness. The Appropriations Committees' decision not only terminated abruptly this DoD educational development program, but also left the Department without a Defense-wide education/training program of any major consequence. Long-term compliance with the spirit of the Freedom of Information Act depends on preserving a positive attitude regarding the public's legitimate access to DoD's records. The cornerstone of the process which instills this positive attitude is a pervasive and effective training program. The Congressional prohibition of this Defense-wide training/education effort is a major setback to the Department's Freedom of Information Program, and remains the major DoD concern in the management of its Departmental programs implementing the FOIA.

OSD/JCS

During the first half of CY 1977, instruction to employees in the implementation of the FOIA Program within the Office of the Secretary of Defense and Organization of the Joint Chiefs of Staff continued to be augmented through conferences for program officials; notifications concerning Civil Service Commission FOIA courses; and a standard procedure to brief newly appointed program officials and other employees upon request. FOIA Program personnel continued to attend private sector FOIA conferences, symposia and seminars.

DEPT NAVY

The Department of the Navy (OP-09B1P) is in the process of establishing a board consisting of representatives from the various Naval Headquarters activities within the Washington area. The board will be known as "The FOIA/PA Policy Board," and will meet once a month to discuss: (1) problem areas encountered by the various activities, (2) more ideas on the administration of the Acts, (3) a training program within this Department,

and (4) comments on litigation concerning both Acts. Other efforts planned, developed, and utilized by headquarters and major field command organizations include:

a. Many Freedom of Information office personnel have attended schools and seminars sponsored by the U.S. Civil Service Commission.

b. All published documents for the Naval Facilities and Engineering Command are specifically cleared for impact on the Freedom of Information and Privacy regulations prior to issuance.

- DEPT AF Air Force has developed a 24-minute film designed to create an interest in and 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 U.S. Civil Service Commission.
- DCA DCA provides a 45-minute briefing to all newly assigned personnel on the FOI and the Privacy Act.
- DCAA A DCAA Executive Conference, held semiannually, provides training on FOIA to the Agency's executive staff. Each of the six regions hold periodic regional conferences, which provide FOIA training to Field Audit Office managers. In addition, the Regional FOIA Monitors hold on-site visits to train members of the Field Audit Office staff.
- DIA Continued increase in participation by Command Elements in stressing importance of FOIA. Compliance with the Act is an item on the agenda of The Inspector General.
- DIS All incoming agents undergoing training have received formal instruction on the Act. Headquarters Staff personnel have received detailed on-the-job training and have attended Civil Service Commission courses in this area. Due to the mission and centralized organization of the DIS, extensive formal training has not been necessary. Such training will be conducted when the Department of Defense training package is disseminated.

- DLA New employees were briefed on FOIA as part of orientation as well as continuous training on FOIA by Primary Level Field Activities.
- 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. This was accomplished by publication of articles concerning the Act in all DMA Headquarters and Component newspapers, bulletins, etc. In addition, copies of other relevant publications, such as Commanders Digest, were widely distributed throughout the Agency. DMA Headquarters 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 A mandatory annual briefing on Title 5 U.S.C. 552, as amended by Public Law 93-502, and DoD Directive 5400.7 is conducted for all assigned FOI Representatives.