

DEPARTMENT OF DEFENSE



FREEDOM OF INFORMATION ACT PROGRAM CY 1983

SUMMARY OF THE REPORT TO CONGRESS

PREPARED BY:
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
(PUBLIC AFFAIRS)
DIRECTORATE FOR FREEDOM OF INFORMATION
AND SECURITY REVIEW

**CY 1983 FREEDOM OF INFORMATION ACT
ANNUAL REPORT
Highlights**

A total of 72,534 public requests for records under the Freedom of Information Act (FOIA) were processed during 1983 by the Department of Defense (DoD). This compares with an average annual case load of 61,692 for the years 1975-82, the reporting period since the act was amended, and is roughly 18% above average. One thousand five hundred thirty-five cases required time limit extensions — 75 for location, 279 for volume, and 1,181 for consultation.

The Department initially granted over 85% of the requests. There were 4,791 requests denied on the basis of FOIA exemptions. Of these initially denied requests, 1 of 7 was because continued classification was warranted; 1 of 5 was because the record requested was an internal memorandum; 1 of 25 was because of statutory exemption; 1 of 6 was because the information requested was considered proprietary data; 1 of 7 was because the record requested involved investigatory data; and 1 of 3 was because information requested involved personal privacy. An additional 7,085 requests could not be fulfilled in whole or in part for other reasons, such as lack of record requested, transferral to another agency; or lack of specificity sufficient to identify the requested records. There were 567 appeals of denied requests; 55 appeals were fully granted, 130 partially granted, and 382 again rejected.

Administrative costs associated with these requests were approximately \$9,703,971, somewhat more than the \$6,230,712 average for the 1975-82 period. The average cost of processing a single case has risen from \$101 (1975-82) to \$134 (1983). Fee collections for records provided to the public amounted to \$503,847.

Questions regarding this report should be addressed to the Director, Freedom of Information and Security Review, OASD (Public Affairs), The Pentagon, Washington, D.C. 20301.

**Department of Defense
Reporting Agencies under the Freedom of Information Act**

<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)	Caspar W. Weinberger
Dept. Army	Secretary of the Army	John O. Marsh, Jr.
Dept. Navy	Secretary of the Navy	John Lehman
Dept. Air Force	Secretary of the Air Force	Verne Orr
DCA	Defense Communications Agency	LtGen W.D. Powers, USAF
DCAA	Defense Contract Audit Agency	Charles O. Starrett, Jr.
DIA	Defense Intelligence Agency	LtGen James A. Williams, USA
DIS	Defense Investigative Service	Thomas J. O'Brien
DLA	Defense Logistics Agency	VAdm Eugene A. Grinstead, USN
DMA	Defense Mapping Agency	RAdm E.A. Wilkinson, Jr., USN
DNA	Defense Nuclear Agency	LtGen Richard K. Saxer, USAF
NSA/CSS	National Security Agency Central Security Service	LtGen Lincoln D. Faurer, USAF
CINCLANTCOM	Commander-in-Chief, Atlantic Command	Adm Wesley L. McDonald, USN
CINCEURCOM	Commander-in-Chief, U.S. European Command	Gen B. W. Rogers, USA
CINCPACOM	Commander-in-Chief, Pacific Command	Adm William J. Crowe, Jr., USN
CINCREDCOM	Commander-in-Chief, U.S. Readiness Command	Gen Wallace H. Nutting, USA
CINCSO	Commander-in-Chief, U.S. Southern Command	Gen Paul F. Gorman, USA
CINCCENTCOM	Commander-in-Chief, U.S. Central Command	LtGen Robert C. Kingston, USA

**Department of Defense
FOI Appeal and Program Officials**

<u>Agency Abbreviation</u>	<u>Appellate Authority</u>	<u>Program Official</u>
OSD/OJCS	Michael I. Burch Asst SecDef Public Affairs	Charles W. Hinkle Director, FOI and Security Review, OASD/PA
Dept. Army	General Counsel Secretary of the Army	W. A. Anderson Chief, Records Mgmt Division The Adjutant General Center
Dept. Navy	Judge Advocate General/ General Counsel for Secretary of the Navy	Gwendolyn R. Aitken PA/FOIA Coordinator Naval Records Division OPNAV
Dept. Air Force	Robert J. McCormick Admin Asst to the Secretary of the Air Force	Kip Ward OPR for Freedom of Information Documentation Systems Division
DCA	LtGen W.D. Powers, USAF Director	John T. Whealen General Counsel
DCAA	John H. van Santen Asst Director, Resources	Connie Miller Records Administrator
DIA	LtGen James A. Williams, USA Director	Penny A. Underdal FOIA Officer
DIS	Thomas J. O'Brien Director	Dale L. Hartig Asst for Information
DLA	VADM Eugene A. Grinstead, USN, Director	Col G.A. White, USAF Staff Director, Administration
DMA	Edward Obloy General Counsel	Del Malkie Public Affairs Officer
DNA	LtGen Richard K. Saxer, USAF, Director	LtCol Dale F. Keller, Jr., USA Public Affairs Officer
NSA/CSS	Robert E. Rich Deputy Director	James J. Devine Chief, Information Policy
CINCLANTCOM	Michael I. Burch Asst SecDef Public Affairs	Capt O. J. Resweber, USN Internal Relations Officer
CINCEUCOM	Michael I. Burch Asst SecDef Public Affairs	David K. Swiney Administrator
CINCPACOM	Michael I. Burch Asst SecDef Public Affairs	Maj Leon R. Raabe Chief, Administrative & Security Program's Division
CINCREDCOM	Michael I. Burch Asst SecDef Public Affairs	Mrs. G.T. Gentry FOIA Officer
CINCSSO	Michael I. Burch Asst SecDef Public Affairs	LtCol Richard A. Novak, USAF Deputy Legal Advisor
CINCCENTCOM	Michael I. Burch Asst SecDef Public Affairs	LtCol Robert L. Bates, USA Chief, Plans and Policy Division

CONTENTS

	Page
Item 1 — Initial Determinations Resulting in not Providing All or a Portion of Record Requested	1
Item 2 — Initial Determinations	
A. Exemptions Invoked	2
B. Statutes Invoked	3
C. Other Reasons	4
(Description of "Other Reasons")	5
Item 3 — Initial Denial Officials by Participation	
A. Exemption Denials	6
B. Other Authority Denials	7
Item 4 — Number of Appeals and Results	8
Item 5 — Appeal Determinations	
A. Exemptions Invoked	9
B. Statutes Invoked	10
C. Other Reasons	11
Item 6 — Participation of Appellate Authorities	12
Item 7 — Court Opinions and Action Taken	14
Item 8 — FOIA Implementation Rules and Regulations	15
Item 9 — Fees Schedule and Fees Collected	16
Item 10 — Administrative Efforts	
A. Availability of Records	19
B. Calendar Year Costs and Fees Collected	20
C. Time Limit Extensions by Agency	23
D. Internal Memoranda (number and availability)	24
E. Other Information or Recommendations on Administering FOIA	25
Item 11 — FOIA Instructional and Education Efforts	26

Item 1

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

Reporting Activity	Total Demands		Reasons			
	Completed Public Requests	Completed Reportable Requests*	Statutory Exemptions	+	Other	= Total
OSD/OJCS	1,671	3,231	266		762	1,028
DEPT ARMY	23,679	24,608	1,756		1,406	3,162
DEPT NAVY	14,875	23,031	788		1,283	2,071
DEPT AF	20,156	22,800	1,438		2,971	4,409
DCA	110	191	2		0	2
DCAA	114	151	8		93	101
DIA	919	973	109		145	254
DIS	124	124	33		37	70
DLA	10,246	10,246	175		158	333
DMA	101	103	19		22	41
DNA	103	113	19		29	48
NSA/CSS	363	381	164		165	329
CINCLANTCOM	1	1	1		0	1
CINCEUCOM	11	14	8		4	12
CINCPACOM	30	30	0		0	0
CINCREDCOM	11	13	2		0	2
CINCSO	11	28	2		10	12
CINCCENTCOM	9	9	1		0	1
DoD Totals	72,534	86,047	4,791		7,085	11,876

*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 Initial Denial Authority (IDA) who concludes that a single type of determination applies. Example: A single public request that requires the action of three IDAs in determining if a record under their jurisdiction is to be released would be counted as three reportable requests.

Item 2(a)

Exemptions Invoked on Initial Determinations

Exemptions by Number (552(b))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total*
OSD/OJCS	163	3	21	11	79	30	25	0	0	332
DEPT ARMY	248	11	21	411	299	849	287	0	0	2,126
DEPT NAVY	51	14	3	147	187	314	173	0	0	889
DEPT AF	126	17	16	259	583	469	404	0	0	1,874
DCA	0	0	0	1	1	0	0	0	0	2
DCAA	0	0	0	2	4	0	2	0	0	8
DIA	101	2	23	3	5	13	0	0	0	147
DIS	0	5	2	1	0	24	1	0	0	33
DLA	1	4	2	121	52	15	5	0	0	200
DMA	4	4	0	7	4	9	0	0	0	28
DNA	15	0	8	3	1	1	0	0	0	28
NSA/CSS	95	0	157	13	2	4	6	0	0	277
CINCLANTCOM	1	0	0	0	0	0	0	0	0	1
CINCEUCOM	7	0	0	0	1	0	0	0	0	8
CINCPACOM	0	0	0	0	0	0	0	0	0	0
CINCREDCOM	0	0	0	1	1	0	0	0	0	2
CINCSO	1	0	0	0	1	0	0	0	0	2
CINCCENTCOM	1	0	0	0	0	0	0	0	0	1
DoD Totals	814	60	253	980	1,220	1,728	903	0	0	5,958
Percent of Total	14	1	4	16	21	29	15	0	0	100

*Totals may 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/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DIA	DIS	DLA	DNA	NSA/CSS	
5 U.S.C. 552a						1				1
10 U.S.C. 2202				2						2
18 U.S.C. 798	1			2					70	73
18 U.S.C. 1905		21		6						27
18 U.S.C. 1917							2			2
18 U.S.C. 3771			2							2
22 U.S.C. 2278				2						2
42 U.S.C. 2162				3						3
50 U.S.C. 402				1					150	151
50 U.S.C. 403	2		1		25				78	106
Public Law 86-36	7									7
Public Law 97-255						1				1
Atomic Energy Act of 1954	9							8		17
National Security Act of 1947	4									4
Agency Totals	23	21	3	16	25	2	2	8	298	398

*Total may not agree with 552(b)(3) exemptions because of cases where two or more statutes were cited.

Item 2(c)

Other Reasons Cited on Initial Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/OJCS	404	265	51	20	22	762
DEPT ARMY	734	80	192	111	289	1,406
DEPT NAVY	598	358	76	78	173	1,283
DEPT AF	441	1,652	309	299	270	2,971
DCA	0	0	0	0	0	0
DCAA	67	18	3	0	5	93
DIA	5	104	18	15	3	145
DIS	6	19	0	12	0	37
DLA	52	64	18	1	23	158
DMA	6	12	1	0	3	22
DNA	13	13	2	0	1	29
NSA/CSS	1	32	0	98	34	165
CINCLANTCOM	0	0	0	0	0	0
CINCEUCOM	0	2	1	1	0	4
CINCPACOM	0	0	0	0	0	0
CINCREDCOM	0	0	0	0	0	0
CINCSO	1	8	0	1	0	10
CINCCENTCOM	0	0	0	0	0	0
DoD Totals	2,328	2,627	671	636	823	7,085

*Types of Categories

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)

"OTHER REASONS" DESCRIBED

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	Number of Officials Categorized by Instances of Participation							Total Officials*
	Officials Authorized	1	2-3	4-5	6-10	11-40	41+	
OSD/OJCS	51	16	16	4	7	5	1	49
DEPT ARMY	21	0	5	0	0	7	13	25
DEPT NAVY	307	21	12	9	4	10	4	60
DEPT AF	102	31	17	10	14	21	9	102
DCA	2	0	1	0	0	0	0	1
DCAA	7	1	0	0	1	0	0	2
DIA	1	1	0	0	0	1	1	3
DIS	1	0	0	0	0	1	0	1
DLA	39	13	12	2	6	3	0	36
DMA	10	1	2	3	0	0	0	6
DNA	1	1	1	1	1	0	0	4
NSA/CSS	1	0	1	1	1	0	2	5
CINCLANTCOM	1	1	0	0	0	0	0	1
CINCEUCOM	1	0	0	0	1	0	0	1
CINCPACOM	1	0	0	0	0	0	0	0
CINREDCOM	2	1	0	0	0	0	0	1
CINCSO	1	2	0	0	0	0	0	2
CINCCENTCOM	1	1	0	0	0	0	0	1
DoD Totals	550	90	67	30	35	48	30	300

*Total officials may exceed number authorized due to personnel turnover.

Item 3

**Initial Denial Officials by Participation
(Agency Reports List Names and Titles)
(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	11-40	41+	
OSD/OJCS	3	3	3	8	7	5	29
DEPT ARMY	0	1	1	3	5	5	15
DEPT NAVY	0	0	0	0	0	0	0**
DEPT AF	0	3	1	4	7	13	28
DCA	0	0	0	0	0	0	0
DCAA	0	0	1	2	4	0	7
DIA	0	0	0	0	0	1	1
DIS	0	0	0	0	1	0	1
DLA	3	4	0	1	6	0	14
DMA	2	0	2	2	0	0	6
DNA	0	1	0	1	1	0	3
NSA/CSS	1	0	0	0	0	1	2
CINCLANTCOM	0	0	0	0	0	0	0
CINCEUCOM	0	0	1	0	0	0	1
CINCPACOM	0	0	0	0	0	0	0
CINREDCOM	0	0	0	0	0	0	0
CINCSO	6	0	1	0	0	0	7
CINCCENTCOM	0	0	0	0	0	0	0
DoD Totals	15	12	10	21	31	25	114

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

**The Department of the Navy did not enumerate other authority denials this year.

Item 4

Number of Appeals and Results

Number of Appeals

Reporting Activity	Number of Appeals			Total
	Granted	Granted in Part	Denied	
OSD/OJCS	8	13	26	47
DEPT ARMY	29	43	141	213
DEPT NAVY	6	42	68	116
DEPT AF	8	27	111	146
DCA	0	0	0	0
DCAA	0	0	0	0
DIA	0	1	12	13
DIS	0	1	2	3
DLA	3	1	4	8
DMA	1	0	0	1
DNA	0	1	5	6
NSA/CSS	0	1	13	14
CINCLANTCOM	0	0	0	0
CINCEUCOM	0	0	0	0
CINCPACOM	0	0	0	0
CINCREDCOM	0	0	0	0
CINCSO	0	0	0	0
CINCCENTCOM	0	0	0	0
DoD Totals	55	130	382	567

Item 5(a)

Exemptions Invoked on Appeal Determinations

Exemptions by Number (552(b))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total*
OSD/OJCS	16	4	1	3	13	7	7	0	0	51
DEPT ARMY	21	4	1	19	57	44	11	0	0	157
DEPT NAVY	9	2	2	16	44	35	20	0	0	128
DEPT AF	11	1	2	18	74	42	35	0	0	183
DCA	0	0	0	0	0	0	0	0	0	0
DCAA	0	0	0	0	0	0	0	0	0	0
DIA	12	0	2	0	0	1	0	0	0	15
DIS	0	1	1	0	0	1	1	0	0	4
DLA	1	0	0	1	3	1	0	0	0	6
DMA	0	0	0	0	0	0	0	0	0	0
DNA	4	0	3	0	0	0	0	0	0	7
NSA/CSS	12	0	12	0	0	0	0	0	0	24
CINCLANTCOM	0	0	0	0	0	0	0	0	0	0
CINCEUCOM	0	0	0	0	0	0	0	0	0	0
CINCPACOM	0	0	0	0	0	0	0	0	0	0
CINCREDCOM	0	0	0	0	0	0	0	0	0	0
CINCSSO	0	0	0	0	0	0	0	0	0	0
CINCCENTCOM	0	0	0	0	0	0	0	0	0	0
DoD Totals	86	12	24	57	191	131	74	0	0	575
Percent of Total	15	2	4	10	33	23	13	0	0	100

*Totals do not agree with Item 4 because of cases where two or more exemptions were cited.

Item 5(b)

Statutes Invoked on Appeal Determinations

Statute	Number of Times by Agency								DoD Total*
	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DIA	DIS	DNA	NSA/CSS	
5 U.S.C. 552(a)				2		1			3
10 U.S.C. 3039		1							1
18 U.S.C. 798								12	12
18 U.S.C. 952								1	1
18 U.S.C. 1905				1					1
42 U.S.C. 2162								3	3
50 U.S.C. 402								12	12
50 U.S.C. 403					2			12	14
Atomic Energy Act of 1954	1		2						3
Agency Totals	1	1	2	3	2	1	3	37	50

*Total may not agree with 552(b)(3) exemptions because of cases where two or more statutes were cited.

Item 5(c)

Other Reasons Cited on Appeal Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/OJCS	2	6	0	0	0	8
DEPT ARMY	11	2	1	4	5	23
DEPT NAVY	0	0	0	0	0	0
DEPT AF	2	2	0	0	0	4
DCA	0	0	0	0	0	0
DCAA	0	0	0	0	0	0
DIA	0	0	0	0	0	0
DIS	0	1	0	0	0	1
DLA	0	0	0	0	0	0
DMA	0	0	0	0	0	0
DNA	0	0	0	2	0	2
NSA/CSS	0	1	0	1	0	2
CINCLANTCOM	0	0	0	0	0	0
CINCEUCOM	0	0	0	0	0	0
CINCPACOM	0	0	0	0	0	0
CINCREDCOM	0	0	0	0	0	0
CINCSO	0	0	0	0	0	0
CINCCENTCOM	0	0	0	0	0	0
DoD Totals	15	12	1	7	5	40

***Types of Categories**

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.

See Page 5 for full description of "other reasons".

Item 6

**PARTICIPATION OF APPELLATE AUTHORITIES
(Those Responsible for Denials in Whole or in Part)**

Name	Title	No. of Instances of Participation	
		Exemption	Other
<u>OSD/OJCS</u>			
Henry E. Catto, Jr.	Assistant Secretary of Defense (Public Affairs)	19	6
Michael I. Burch	Assistant Secretary of Defense (Public Affairs)	5	2
Marylou Sheils	Acting Assistant Secretary of Defense (Public Affairs)	1	0
Benjamin Welles	Principal Deputy ASD (Public Affairs)	6	0
<u>DEPT ARMY</u>			
Susan J. Crawford	Principal Deputy General Counsel	161	23
<u>DEPT NAVY</u>			
RADM T.E. Flynn, USN	Judge Advocate General	53	0
RADM J.J. McHugh, USN	Acting Judge Advocate General	22	0
RADM B.A. Harlow, USN	Acting Judge Advocate General	8	0
W.T. Skallerup, Jr.	General Counsel	26	0
Hugh O'Neill	Acting General Counsel	1	0
<u>DEPT AF</u>			
Robert J. McCormick	Administrative Assistant Secretary of the Air Force	133	4
E.C. Aldridge	Acting Secretary of the Air Force	1	0

Item 6

**PARTICIPATION OF APPELLATE AUTHORITIES
(Those Responsible for Denials in Whole or in Part)
(Cont'd)**

Name	Title	No. of Instances of Participation	
		Exemption	Other
<u>DIA</u>			
MGEN S. Bissell, USAF	Deputy Director	13	0
<u>DIS</u>			
Thomas J. O'Brien	Director	2	1
<u>DLA</u>			
VADM E.A. Grinstead	Director	3	0
MGEN J.H. Connolly	Deputy Director	2	0
<u>DNA</u>			
LGEN Harry A. Griffith, USA	Director	3	1
LGEN Richard K. Saxer, USAF	Director	1	1
<u>NSA/CSS</u>			
Robert E. Rich	FOI/PA Appeals Authority	11	0
George R. Cotter	Acting FOI/PA Appeals Authority	1	0
M.H. Iredell	Acting FOI/PA Appeals Authority	0	2

Item 7

Court Opinions and Action Taken

NAVY

Civil Action 81-3003. Case was dismissed.

Civil Action 82-1347. Case was dismissed.

Civil Action IP 82-1507C. Government motion for a summary judgment was granted, however, the plaintiff has appealed.

Civil Action 82-2076 CHHJRX. Case was dismissed.

Civil Action 82-2411. Government motion for a summary judgment was granted.

Civil Action 83-0342-A. Case was dismissed.

Civil Action 83-0982. Plaintiff motion for a summary judgment was granted, and information was released to the requester.

Item 8

FOIA IMPLEMENTATION RULES OR REGULATIONS

Agency	Document Identification	Fed. Reg. Ref.
DoD	DoD Directive 5400.7, 24 Mar 1980	45 F.R. No. 84 29 Apr 1980, Pg 28323
	DoD Regulation 5400.7R, Dec 1980 Change 2, 28 Sep 1982; Change 3, 6 Dec 1982	45 F.R. No. 236 5 Dec 1980, Pg 80502
DEPT ARMY	AR 340-17, 1 Oct 1982	47 F.R. No. 158 16 Aug 1982, Pg 35590
DEPT NAVY	SECNAVINST 5720.42C, 1 Oct 82	48 F.R. No. 101 24 May 1983, Pg 23194
DEPT AF	AFR 12-30, 15 Dec 82	48 F.R. No. 69 8 Apr 1983, Pg 15248
DCA	DCA Instruction 210-225-1, 19 Dec 1980	
DCAA	DCAA Regulation 5410.5, 29 Aug 1977, Change 1	42 F.R. No. 154 10 Aug 1977, Pg 40433
	DCAA Instruction 5410.8, 27 Aug 81	
DIA	DIA Regulation 12-39, 24 AUG 81	Publication Pending
DIS	DIS Regulation 01-12, 2 Oct 1981	
DLA	DLA Regulation 5400.14, 2 Feb 1981	40 F.R. No. 34 6 Apr 1981, Pg 20541
DMA	DMA Instruction 5400.7, 22 Apr 81	46 F.R. No 124 29 Jun 81, Pg 33245
DNA	DNA Instruction 5400.7, 29 July 1980	Publication Pending
NSA/CSS	NSA/CSS Regulation 10-9, 9 Feb 1982	

Item 9

**FEE SCHEDULE AND FEES
COLLECTED**

The attached fee schedule, reprinted from Chapter 6, DoD Regulation 5400.7-R, December 1980, establishes standard costs collectible by Department of Defense Agencies.

\$503,847 was collected from the public for making records available during the year 1983 (see Item 10B for Agency totals).

CHAPTER VI
FEE SCHEDULE
Section 1
GENERAL PROVISIONS

6-100 Application

The fees described in this chapter apply to FOIA requests. They reflect direct search and duplication costs, collection of which are permitted by the FOIA. They are neither intended to imply that fees must be charged in connection with providing information to the public in the routine course of business nor are they meant as a substitute for any other schedule of fees, such as DoD Instruction 7230.7 (reference (q)).

6-101 Fee Assessment

- a. Minimum fees shall not be charged.
- b. When direct search and duplication costs for a single FOIA request total less than \$30.00, fees should be waived automatically. The DoD Components, however, may set aside the automatic waiver provision when, on the basis of good evidence, the Component can demonstrate that waiver of fees is not in the public interest. Multiple requests from a single requester or from those acting in behalf of a single requester in an effort to take advantage of the waiver may create a situation in which waiver should be denied by the Component.
- c. Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis. The following circumstances, however, describe the most common circumstances in which waiver or reduction of fees are most likely to be warranted.
 1. No record is located or all records are denied. However, fee charges are appropriate if the requester insists upon a search and agrees to such fees after being informed that the search is likely to be nonproductive or that the records are all likely to be exempt from release.
 2. A record is voluntarily created to preclude an otherwise burdensome effort to provide voluminous amounts of available records including additional information not requested.
 3. The records are to be made available in response to a news media requester whose requests under this regulation are reasonable in scope and frequency.
 4. The record is for a nonprofit public interest group and the subject of the requested record is known to be of wide public interest, and furnishing the information can be considered as primarily benefiting the general public.
 5. A previous denial is reversed in whole or in part and the search and reproduction costs involved are not substantial.

6-102 Computation of Fees

The fee schedule contained in this chapter is used to compute the search and duplication costs associated with processing a given FOIA request. Search fees shall be computed based on time actually spent. Neither time-based nor dollar-based minimum charges for search and duplication are authorized.

Section 2
COLLECTION OF FEES AND FEE RATES

6-200 Collection of Fees

Collection of charges and fees need not be made in advance of rendering the service unless the costs are expected to exceed the fee waiver threshold and the requester has not indicated a willingness in writing to pay. It frequently is more practical to collect charges and fees at the time of providing the service or property to the recipient when the requester specifically states that the cost involved shall be acceptable or acceptable up to a specified limit that covers anticipated costs. Collection of fees in advance is an appropriate requirement only when the requester has not agreed in writing to pay the anticipated fee or has not honored previous commitments to pay fees that were owed an agency or component.

6-201 Search Fees

a. **Manual Search**

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate (\$)</u>
Clerical	E9/GS8 and below	8
Professional	01-06/GS9-GS-15	16
Executive	07/GS16/ES1 and above	26

b. Computer search is based on direct cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration.

c. Actual cost of transporting records or personnel to the search site may be included.

6-202 Duplication Fees

<u>Type</u>	<u>Cost per Page (¢)</u>
Printed Material	01
Office Copy	10
Microfiche	25

6-203 Audiovisual Documentary Materials

Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

6-204 Other Records

Direct search and duplication cost for any record not described above shall be computed in the manner described for audiovisual documentary material.

Item 10A

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

OSD/OJCS

Portions of the documents listed below were released during 1983:

- a. *The Congo Rescue Mission of November 1964, 8 April 1965*
(Weapon Systems Evaluation Group, ODDR&E contractor study)
- b. *Some Problems of Warning and Communications Revealed by the Northeast U.S. Power Failure of 9-10 November 1965, November 1968* (WSEG, ODDR&E contractor study)
- c. *The View From Above: High-Level Decisions and the Soviet-American Strategic Arms Competition, 1945-1950, October 1975* (OSD contractor study)

Official DoD film footage and still photography on U.S. military operations in Grenada during October-November 1983, December 1983.

Item 10 B

Calendar Year Costs and Fees Collected

Reporting Activity	Annual Cost*	Annual Fees Collected
OSD/OJCS	\$ 854,352	\$ 7,108
DEPT ARMY	2,856,890	136,518
DEPT NAVY	1,732,096	88,606
DEPT AF	2,947,419	87,100
DCA	24,006	737
DCAA	95,605	161
DIA	142,904	2,168
DIS	4,765	830
DLA	670,024	176,733
DMA	11,114	218
DNA	10,182	977
NSA/CSS	293,621	2,562
CINCLANTCOM	0	0
CINCEUCOM	45,550	0
CINCPACOM	4,605	0
CINCREDCOM	1,583	66
CINCSO	9,184	0
CINCCENTCOM	71	63
DoD Totals	\$9,703,971	\$503,847

*Based on reporting procedures established March 16, 1977, to capture a "best estimate" cost of administering FOIA as amended. The cost outline on the following pages provides a breakdown by DoD reporting agencies.

CALENDAR YEAR COSTS AND FEES COLLECTED BY DOD REPORTING AGENCIES

COST OUTLINE	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DCA	DCAA	DIA	DIS	DLA
I Personnel Costs									
A. Estimated Manyears*	14.99	95.80	40.70	83.78	.60	.93	2.01	.00	13.30
B. Manyear Costs (Grades Considered)	\$600,935	\$1,819,062	\$ 963,527	\$1,670,368	\$16,800	\$76,323	\$ 61,888	\$ 0	\$250,815
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**									
(1) Search Time	15,274	101,826	78,733	99,450	716	161	6,199	462	104,050
(2) Review & Excising	16,916	53,169	41,535	99,709	332	0	8,424	455	16,214
(3) Coordination & Approval	15,059	52,487	69,129	195,890	46	0	3,120	658	24,955
(4) Correspondence/Forms Preparation	3,343	58,029	52,863	66,173	438	0	1,233	313	15,923
(5) Other Activities	2,808	29,981	24,190	48,051	88	0	6,204	964	5,629
MANHOUR COST TOTAL	53,400	295,492	266,450	509,273	1,620	161	25,180	2,852	166,771
D. Total IB and IC	654,335	2,114,554	1,229,977	2,179,641	18,420	76,484	87,068	2,852	417,586
E. Overhead (Computed at 25%)	163,584	528,639	307,495	544,910	4,606	19,121	21,767	714	104,396
F. Total Personnel Costs	\$817,919	\$2,643,193	\$1,537,472	\$2,724,551	\$23,026	\$95,605	\$108,835	\$3,566	\$521,982
II Other Case-Related Costs									
A. Computer Search Time	\$ 1,489	\$ 37,749	\$ 21,756	\$ 37,820	\$ 41	\$ 0	\$ 29,060	\$ 574	\$119,249
B. Reproduction	6,674	110,548	66,178	53,865	889	0	371	25	11,569
C. Microfiche Reproduction	142	14,633	3,483	8,947	0	0	164	0	6,095
D. Printed Records	452	3,880	51,924	6,401	0	0	2,192	87	1,710
E. Total of Other Case-Related Costs	\$ 8,757	\$ 166,810	\$ 143,341	\$ 107,033	\$ 930	\$ 0	\$ 31,787	\$ 686	\$138,623
III Reporting/Other Costs									
A. Reporting Costs									
(1) Operational	\$ 650	\$ 12,546	\$ 24,115	\$ 29,766	\$ 12	\$ 0	\$ 1,825	\$ 410	\$ 5,379
(2) User	2,122	2,832	13,872	2,593	0	0	0	0	790
(3) Overhead (Computed at 25%)	693	3,845	9,497	8,090	3	0	457	103	1,543
B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.)	24,211	27,664	3,799	75,386	35	0	0	0	1,707
C. Total Reporting/Other Costs	\$ 27,676	\$ 46,887	\$ 51,283	\$ 115,835	\$ 50	\$ 0	\$ 2,282	\$ 513	\$ 9,419
IV Summary									
A. Total Costs, Sections I thru III	\$854,352	\$2,856,890	\$1,732,096	\$2,947,419	\$24,006	\$95,605	\$142,904	\$ 4,765	\$670,024
B. Amount Collected from the Public	\$ 7,108	\$ 136,518	\$ 88,606	\$ 87,100	\$ 737	\$ 161	\$ 2,168	\$ 830	\$176,733

*Personnel assigned full-time or part-time FOI duties.

**Personnel other than IB.

Note: Figures may not add due to rounding.

**CALENDAR YEAR COSTS AND FEES COLLECTED BY DOD REPORTING AGENCIES
(Cont'd)**

COST OUTLINE	DMA	DNA	NSA/CSS	CINCEUR	CINCLANT	CINCPAC	CINCREC	CINCSCO	CINCCENT	TOTALS
I Personnel Costs										
A. Estimated Manyears*	.00	.00	5.79	.99	.00	.15	.04	.18	.00	259.26
B. Many Costs (Grades Considered)	\$ 0	\$ 0	\$176,980	\$32,310	\$ 0	\$1,146	\$ 702	\$6,840	\$ 0	\$5,677,696
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**										
(1) Search Time	1,130	2,003	9,126	1,338	0	500	86	80	30	421,164
(2) Review & Excising	3,101	3,566	13,473	1,546	0	697	96	36	0	259,269
(3) Coordination & Approval	2,252	1,224	0	545	0	1,002	175	16	0	366,558
(4) Correspondence/Forms Preparation	1,057	475	504	230	0	212	38	56	0	200,887
(5) Other Activities	244	273	0	48	0	100	40	60	0	118,680
MANHOUR COST TOTAL	7,784	7,541	23,103	3,707	0	2,511	435	248	30	1,366,558
D. Total IB and IC	7,784	7,541	200,083	36,017	0	3,657	1,137	7,088	30	7,044,254
E. Overhead (Computed at 25%)	1,947	1,886	50,021	9,005	0	915	285	1,772	8	1,761,071
F. Total Personnel Costs	\$ 9,731	\$ 9,427	\$250,104	\$45,022	\$ 0	\$4,572	\$1,422	\$8,860	\$38	\$8,805,325
II Other Case-Related Costs										
A. Computer Search Time	\$ 68	\$ 225	\$ 40,257	\$ 0	\$ 0	\$ 0	\$ 52	\$ 0	\$26	\$ 288,366
B. Reproduction	400	438	1,641	446	0	33	27	67	7	253,178
C. Microfiche Reproduction	0	0	0	0	0	0	0	0	0	33,464
D. Printed Records	0	0	0	82	0	0	2	0	0	66,730
E. Total of Other Case-Related Costs	\$ 468	\$ 663	\$ 41,898	\$ 528	\$ 0	\$ 33	\$ 81	\$ 67	\$33	\$ 641,738
III Reporting/Other Costs										
A. Reporting Costs										
(1) Operational	\$ 634	\$ 0	\$ 1,150	\$ 0	\$ 0	\$ 0	\$ 64	\$ 205	\$ 0	\$ 76,756
(2) User	98	0	144	0	0	0	0	0	0	22,451
(3) Overhead (Computed at 25%)	183	0	325	0	0	0	16	52	0	24,807
B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.)	0	92	0	0	0	0	0	0	0	132,894
C. Total Reporting/Other Costs	\$ 915	\$ 92	\$ 1,619	\$ 0	\$ 0	\$ 0	\$ 80	\$ 257	\$ 0	\$ 256,908
IV Summary										
A. Total Costs, Sections I thru III	\$11,114	\$10,182	\$293,621	\$45,550	\$ 0	\$4,605	\$1,563	\$9,184	\$71	\$9,703,971
B. Amount Collected from the Public	\$ 218	\$ 977	\$ 2,562	\$ 0	\$ 0	\$ 0	\$ 66	\$ 0	\$63	\$ 503,847

*Personnel assigned full-time or part-time FOI duties.
**Personnel other than IB.

Note: Figures may not add due to rounding.

Item 10 C

Time Limit Extensions by Agency

Reporting Activity	I Unusual Circumstances			II & III Court Involvement	TOTAL
	Location	Volume	Consultation		
OSD/OJCS	7	39	833	0	879
DEPT ARMY	0	0	0	0	0
DEPT NAVY	6	135	9	0	150
DEPT AF	51	89	297	0	437
DCA	0	0	0	0	0
DCAA	1	1	10	0	12
DIA	1	1	0	0	2
DIS	8	6	7	0	21
DLA	0	8	0	0	8
DMA	0	0	0	0	0
DNA	0	0	25	0	25
NSA/CSS	0	0	0	0	0
CINCLANTCOM	0	0	0	0	0
CINCEUCOM	1	0	0	0	1
CINCPACOM	0	0	0	0	0
CINCREDCOM	0	0	0	0	0
CINCSSO	0	0	0	0	0
CINCCENTCOM	0	0	0	0	0
DoD Totals	75	279	1,181	0	1,535

Item 10 D

**Internal Memoranda
(Including Directives not Published in Federal Register)**

Reporting Activity	No. of Memoranda	No. Available to Public
OSD/OJCS	0	0
DEPT ARMY	0	0
DEPT NAVY	6	6
DEPT AF	0	0
DCA	0	0
DCAA	0	0
DIA	0	0
DIS	0	0
DLA	0	0
DMA	1	1
DNA	1	0
NSA/CSS	2	0
CINCLANTCOM	0	0
CINCEUCOM	2	2
CINCPACOM	0	0
CINCREDCOM	0	0
CINCSO	1	1
CINCCENTCOM	0	0
DoD Totals	13	10

Item 10E (Optional)

**Other Information (Opinions) or Recommendations on
Administering FOIA**

The Department of Defense continues to support the Administration's proposed amendments to the Freedom of Information Act. These amendments would stop the misuse of the Act in ways that are inconsistent with the original objective of the Congress, remedy some of the shortcomings in the current Act, improve procedures for the disclosure of information, and give broader protection to certain types of information. The amendments, in our opinion, remedy the problems that have been identified while preserving the Act as an effective tool to keep the American public as informed as possible about the operations of its government.

Of the 1671 requests completed in the Office of the Secretary of Defense, the following table categorizes the requesters by percentage of total case load:

<u>Category</u>	<u>Percentage</u>
Business Firms	11.2
Congress	.7
Foreign	2.5
Individual	31
Law Firms	22.1
News Media	17.8
Research	4.5
Special Interest	8.6
Students	.4
Other	1.2
	<u>100.0</u>

Item 11

FOIA INSTRUCTIONAL AND EDUCATIONAL EFFORTS

- DOD** The lack of funds for a Department-wide training/educational program continues as a major concern and hampers the overall effectiveness and management of the DoD FOIA Program. The programmed rotation of personnel in key positions and normal rotation of other personnel demand some training/educational efforts. Components are directed, within their available resources, to conduct their own training/educational programs. The educational programs are to be targeted toward all members of the Component, developing a general understanding and appreciation of the DoD FOIA program, whereas the training programs are to be focused toward those personnel who are involved in the day-to-day processing of FOI requests. The overall training/educational objective, when considering the limitation of funds, is being obtained and the Components' efforts are essential in maintaining the level of expertise to efficiently administer the Defense program.
- OSD/OJCS** Newly assigned personnel in the FOIA Program Director's Office attend conferences sponsored by OPM and other organizations. Briefings, orientations, and staff visits between Component Agencies encourage the participation of FOI personnel to attend FOI conferences, symposia and seminars presented by Federal and private organizations. During June 1983, the Directorate for Freedom of Information and Security Review, OASD (Public Affairs), also conducted a series of four one-hour training sessions on FOIA statutory provisions and request processing requirements for all OSD/OJCS components. This type of training received by OSD and OJCS personnel is key to the overall success of the OSD/OJCS program.
- DEPT ARMY** The Department of the Army FOIA coordinators inform Army personnel of the provisions of the Act on a continual basis. FOIA points of contact are available throughout the Army at all times to answer questions, provide guidance and resolve problems concerning the Act. Personnel responsible for administering the FOIA Program attend FOIA seminars and workshops throughout the year.
- DEPT NAVY** The Chief of Naval Operations, in conjunction with the Defense Privacy Board, developed and hosted a two-day Privacy Act/FOIA course which was presented in June to more than 60 PA/FOIA coordinators in the San Diego area and 40 in the Norfolk area. Naval activities in the Washington, D.C. area attended seminars by the American Society of Access Professionals, OPM, the Center for National Security Studies and Justice. Several commands conduct FOIA training designed specifically to their needs. For example, NIS conducts periodic training for students attending Special Agent School; the Navy Finance Center holds overviews and seminars for its disbursing officers and clerical people; and the Naval Military Justice School presents a one-hour PA/FOIA orientation. The Marine Corps has been using CNO videotapes developed in 1982 during their training, and several naval activities conducted training for their area legal officers.

Item 11

**FOIA INSTRUCTIONAL AND EDUCATIONAL EFFORTS
(Cont'd)**

- DEPT AF** Air Force has a 24-minute film designed to create an interest in and an understanding of the Freedom of Information Act. The Film has received wide viewing throughout the Air Force and will continue to be viewed. Personnel attend FOIA Workshops sponsored by OPM and major air commands. The FOIA is the subject of briefings at various conferences throughout the Air Force.
- DCAA** Newly assigned Regional Records Management Officers and FOIA Coordinators were provided an eight-hour training and orientation in FOIA policies and procedures at DCAA Headquarters. Field Audit Offices were visited by Regional FOIA Officers who discussed the requirements of the FOIA with the FAO Managers, Monitors and key office personnel.
- DIA** The briefing and training of new coordinators and analysts directly involved in administering actions connected with the FOIA is accomplished on an "as requested" basis.
- DIS** All new DIS agents receive formal instruction regarding the provisions of the Act and its implementation by DIS. Headquarters personnel have received detailed on-the-job training, and they present training programs to all other field and staff elements as needed. Extensive formal training has not been necessary due to the centralized organization of the FOIA mission in DIS.
- DLA** Individuals assigned FOIA responsibility participated in the following seminars, schools or courses: Freedom of Information and Privacy Act Workshop at OPM; The American Society of Access Professionals Symposium; and the Fifth Annual symposium of the FOI and Privacy Acts, titled Update on a New Era.
- DNA** Individuals within the Agency responsible for the release of information are kept current by applicable regulations, Agency policy and current court cases which are circulated routinely.
- NSA/CSS** Two members of the FOIA Processing Unit and an attorney from the General Counsel's Office attended an advanced Department of Justice seminar on FOIA.