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ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

AUG 10 2009

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT
OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT
OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Department of Defense (DoD) Freedom of Information Act (FOIA) Program

Recent memoranda from the President and the Attorney General place emphasis on the FOIA as a means to ensure transparency and open government. The DoD is committed to following the guidelines established for these programs. Consistent with this, it is important that we ensure effective common awareness and program execution within the Department.

As the DoD Chief FOIA Officer, I want to emphasize adherence to the existing guidance on notification procedures for significant FOIA releases. DoD Directive 5400.07 states that Heads of the DoD Components shall "[e]nsure that their respective chains of command, affected legal advisors, public affairs officers, and legislative affairs officers are aware of releases through the FOIA, inclusive of releases through litigation channels, that may be of significant public, media, or Congressional interest or of interest to senior DoD officials."

Effective immediately, and in addition to the requirements of DoDD 5400.07, please ensure that information copies of any significant FOIA releases are expeditiously sent from your component FOIA office to the Defense Freedom of Information Policy Office (DFOIPO). This new requirement will be included in the next update to DoDD 5400.07. To facilitate this, and to effectively manage our collective efforts in a timely fashion, we will initiate recurring meetings of component FOIA offices to enhance efforts



to stay collectively informed and improve management of the DoD FOIA program. The DFOIPO will notify the respective component FOIA offices of the schedule of meetings via subsequent memorandum.

My point of contact for questions or clarification on this policy is Jim Hogan, (703) 696-3329/4703, DFOIPO@WHS.MIL.



Michael L. Rhodes
Acting Director

From: Hogan, James CIV WHS-ESD
To: Trinh, Bao-Anh CIV USAF SAF/A6PP; Ross Civ Teresa D; "Patterson, Robin L CIV OPNAV, DNS-36"; "Bolling, Alecia S USA CIV (US)"; Aldorfer, Susan CIV WHS-ESD; Bell, Michael CIV WHS-ESD; Council, Suzanne CIV WHS-ESD; Graves, Aaron CIV WHS-ESD; Jacobsmeyer, Paul J. CIV WHS-ESD; Wahling, Mary L. CIV WHS-ESD
Cc: Carr, Stephanie CIV WHS-ESD
Subject: FOIA Requests concerning the Dover Mortuary
Date: Thursday, December 08, 2011 8:24:56 AM
Attachments: Departmental Level Notification - DoD Components.doc

All,

Please note that all FOIA requests concerning the Dover Mortuary should be considered "significant", and the responsive documents must be sent to DFOIPO prior to release in accordance with the attached. <<...>>

Jim

From: Hogan, James CIV WHS-ESD
To: Hogan, James CIV WHS-ESD
Subject: FOIA Requests concerning Drones
Date: Monday, February 25, 2013 4:57:35 PM
Attachments: Departmental Level Notification - DoD Components.docx
Importance: High

To all DoD FOIA officers and attorneys,

Issues concerning the use of DoD drone (aka pilotless or remote aircraft) have the attention of senior leadership; therefore, all responses to FOIA requests concerning this subject (including all uses of DoD drones, whether domestic or overseas operations) should be coordinated with the Defense Freedom of Information Policy Office in accordance with the attached.

Jim Hogan
Defense Freedom of Information Policy Office

From: [Jacobsmeier, Paul J. CIV WHS-ESD](#)
To: [Jacobsmeier, Paul J. CIV WHS-ESD](#)
Subject: Significant FOIA requests re sexual assault
Date: Friday, August 02, 2013 1:48:49 PM

-----Original Message-----

From: Defense Freedom Of Information Policy Office
Sent: Tuesday, June 04, 2013 6:50 AM
To: Hogan, James P CIV WHS-ESD-FOID
Subject: Significant FOIA requests

All,

Please note that all FOIA requests concerning sexual assault should be flagged as Significant FOIAs because there is senior leadership awareness on this issue. Please advise the Defense Freedom of Information Policy Office of any upcoming releases on this subject in accordance with our procedures.

Jim Hogan

From: [Hogan, James P CIV OSD ODCMO \(US\)](#)
To: [Hogan, James P CIV OSD ODCMO \(US\)](#)
Subject: Freedom of Information Request: Sex trafficking allegations, charges, reports re: defense contractors
Date: Tuesday, August 12, 2014 4:46:23 PM

DoD FOIA Officers and Attorneys,

Many of you have received a FOIA request similar to the one below. If you have, please advise this office prior to any release (or complete denial) of documents in accordance with our significant FOIA policy. There is no need of advising us of any "no record" responses.

Jim Hogan

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Correspondence, memoranda, administrative documents, legal documents, statistics, complaints, reports concerning sex trafficking and defense contractors in the Horn of Africa.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jennifer Schulte

Filed via MuckRock.com
E-mail (Preferred): 12904-42676563@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 12904
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

Departmental Situational Awareness Process for Significant DoD FOIA Responses

Significant FOIA Requests

- A “significant” FOIA request is one where, in the Component’s judgment, the subject matter of the released documents may be of interest or potential interest to DoD senior leadership. Any requests involving the current administration (including requests for information related to Senator Obama), previous administrations, Members of Congress (correspondence, travel, or otherwise), or current or previous DoD leadership would be included.
- Once a Component FOIA Office has determined that a response meets the above criterion, it will advise the Defense Freedom of Information Policy Office (DFOIPO) by logging the request into *INTELINK and uploading a copy of the request and the responsive documents, in their releasable form, into *INTELDOCS. If it is determined that only some of the responsive pages are considered “significant” (i.e. 5 out of 100 pages are considered congressional correspondence), please only upload those significant pages for review. The Component should include, in the “Comment” section, a short summary of the information being released and the estimated date of release.
- These responses will include initial requests, appeals, and litigation. Additionally, it is not necessary for a Component to be releasing any documents for a response to qualify as “significant.” A no record, Glomar (neither confirm nor deny) or a complete denial also may qualify as “significant.”
- The Component FOIA Office will not respond to the requester until DFOIPO advises it that the documents are cleared for release. If the Component does not hear from DFOIPO on whether the documents are cleared for release by the planned release date, they should contact DFOIPO for a status update. DFOIPO will make every effort to meet the Component’s planned release date; however, sometimes reviews will take longer when there are issues to be resolved (i.e. inconsistent redactions; ongoing litigation; missing coordination from a key player, etc.)

Questions or Challenges

- Components should contact DFOIPO at whs.dfoipo@mail.mil if they have questions or encounter problems following this process.

**If you have problems with the links above, please try cutting and pasting the following into your internet browser:*

Intelink (to log-in your request)

<https://intelshare.intelink.gov/sites/foiaprivacytrainingworkshops/significantfoiarelease/default.aspx>

Inteldocs (to upload your documents)

<https://www.intelink.gov/go/wNVZCi5>