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ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
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10 JUL 2008

MEMORANDUM FOR DOD FOIA PUBLIC LIAISONS

SUBJECT: Freedom of Information Act (FOIA) Requests FOIA Logs

DoD FOIA Requester Service Centers (RSC) are receiving FOIA requests for their FOIA logs which are subsequently posted by requesters on the internet. The purpose of this memorandum is to provide guidance to DoD FOIA Officers in determining the releasable information in the logs.

Not all RSC FOIA logs include the same information; however, the logs should contain as a minimum the FOIA case number, name of FOIA requester, and subject of the request. FOIA requesters, according to the Department of Justice, do not have an expectation of privacy in the fact that they have made a request; therefore, the names of FOIA requesters should be released. The exception to this is the case of first-party requesters seeking information on themselves under the Privacy Act. In this instance, the names of these first-party requesters should not be disclosed.

Sometimes the subject portion of FOIA requests listed in a FOIA log reflect privacy concerns and must be redacted under Exemption 6 of the FOIA. For example, when a requester (first party) asks for information pertaining to the investigation or disciplinary action of another person, FOIA Officers should recognize that the subject of the investigation clearly has a privacy interest. In this case, the identifying information of the subject of the investigation should not be released unless it is determined that release would shed light on the activities of the DoD and override the inherent public interest. An example when it might be allowable to release the name is when a high-ranking official (e.g. SES or General Officer) is under investigation and the name has been publicly released.

If FOIA RSCs include requester home addresses or telephone numbers or personal email addresses on their FOIA logs, this information should be redacted, too. If you have any questions, contact Mr. Dave Henshall at dave.henshall@whs.mil, (703) 696-4689, or DSN 426-4689.

Will Kammer
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