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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 79147A
28 November 2016

JOHN GREENEWALD
[REDACTED]

Dear Mr. Greenewald:

This responds to your Freedom of Information Act (FOIA) request dated 15 September 2014 for Intellipedia entries on FREEDOM OF INFORMATION ACT and/or FOIA. As stated in our previous letter, dated 17 September 2014, your request was assigned Case Number 79147. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost. There are no assessable fees for this request. A copy of your request is enclosed.

For your information, NSA provides a service of common concern for the Intelligence Community (IC) by serving as the executive agent for Intelink. As such, NSA provides technical services that enable users to access and share information with peers and stakeholders across the IC and DoD. Intellipedia pages are living documents that may be originated by any user organization, and any user organization may contribute to or edit pages after their origination. Intellipedia pages should not be considered the final, coordinated position of the IC on any particular subject. The views and opinions of authors do not necessarily state or reflect those of the U.S. Government.

Your request has been processed under the FOIA. We conducted a search of all three levels of Intellipedia, and located the documents that are responsive to your request. The material responsive to your request was determined to also be responsive to a similar FOIA request, and your request was placed in the first-in, first-out processing queue along with that request for concurrent processing. The documents are enclosed. Certain information, however, has been deleted from the enclosures.

This Agency is authorized by statute to protect certain information concerning its activities (in this case, employee contact information and internal URLs), as well as the names of its employees. Such information is exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 3605). We have determined that such information exists in these records, and we have excised it accordingly.

In addition, personal information regarding individuals has been deleted from the enclosures in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below.

- The appeal must be in writing and addressed to:

NSA/CSS FOIA/PA Appeal Authority (DJ4),
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

- It must be postmarked no later than 90 calendar days of the date of this letter.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of requested information was unwarranted.
- NSA will endeavor to respond within 20 working days of receiving your appeal, absent any unusual circumstances.
- Appeals received after 90 days will not be considered.

Sincerely,


for

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority

Encls:
a/s

From: donotreply@nsa.gov
Sent: Monday, September 15, 2014 5:46 PM
To: donotreply@nsa.gov
Cc: john@greenewald.com
Subject: FOIA Request (Web form submission)

Name: John Greenewald

Email: john@greenewald.com

Company: The Black Vault

Postal Address: [REDACTED]

Postal City: [REDACTED]

Postal State-prov: [REDACTED]

Zip Code: [REDACTED]

Country: United States of America

Home Phone: [REDACTED]

Work Phone: [REDACTED]

Records Requested: To whom it may concern,

This is a non-commercial request made under the provisions of the Freedom of Information Act 5 U.S.C. S 552. My FOIA requester status as a "representative of the news media" however due to your agency's denial of this status, I hereby submit this request as an "All other" requester.

I prefer electronic delivery of the requested material either via email to john@greenewald.com or via CD-ROM or DVD via postal mail. Please contact me should this FOIA request should incur a charge.

I respectfully request a copy of the Intellipedia entry (from all three Wikis that make up the Intellipedia) for the following entry(s) (Or whatever similar topic may pertain if it is slightly worded differently):

FREEDOM OF INFORMATION ACT

- and/or -

FOIA

Thank you so much for your time, and I am very much looking forward to your response.

Sincerely,

John Greenewald, Jr.
[REDACTED]

(U) Freedom of Information Act (FOIA)

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From Intellipedia

The **Freedom of Information Act (FOIA)** is United States law that defines agency records subject to disclosure, outlines mandatory disclosure procedures, and grants exemptions to the statute.

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- 1 Freedom of Information Act(FOIA)
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Freedom of Information Act(FOIA)

See also Freedom of Information Act, Redactions and Exemptions

Definition

(U) The Freedom of Information Act, FOIA, codified as Title 5 United States Code, Section 552, is a law that provides the public access to federal agency records. FOIA embodies the concept of the peoples' right to know about the activities and operations of their government. FOIA generally provides that any person has a right, enforceable in court, to gain access to federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of nine exemptions discussed below. Under FOIA, disclosure is the rule, not the exception and the government bears the burden of justifying withholding of the requested records. The purpose of the exemptions is to preclude the unauthorized disclosure of information that requires protection. These exemption categories reflect laws, executive orders, regulations, or court decisions that either require or permit protection of certain classes of information.

Application to Federal Agencies

(U) It is important to note that FOIA only applies to Federal Agencies, meaning the Executive branch of our government. Although created by Congress, FOIA does not apply to the Legislative branch. Any person may file a request under FOIA, except fugitives from the law or foreign government intelligence agents. Also, FOIA only applies

to agency records which are defined as information collected, produced or maintained by the government agency which is within the possession and control of the government and which is readily retrievable and reproducible. Personal records such as working notes, tangible objects such as the murder weapon in a criminal trial, or un-compiled data are not considered records under FOIA.

Presumption of Disclosure

As directed by the President, please apply the presumption of disclosure to all decisions involving release of information under the FOIA.

FOIA Professionals:

“

On January 21, 2009, President Obama signed the "Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act," (http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/Presidential) which establishes a new policy for Executive Branch departments and agencies concerning disclosure and transparency. The President directed all agencies to administer the FOIA with a clear presumption in favor of disclosure, to resolve doubts in favor of openness, and to not withhold information based on "speculative or abstract fears." In addition, the President called on agencies to ensure that requests are responded to with "a spirit of cooperation," that disclosures are timely, and that modern technology is used to make information available to the public even before a request is made.

To implement these objectives, the President directed the Attorney General to issue new guidelines governing the FOIA. Those guidelines will reaffirm the Executive Branch's "commitment to accountability and transparency." The Department of Justice looks forward to issuing the guidelines directed by the President and to working directly with other departments and agencies to ensure that the President's goal of making his administration the most open and transparent in history is realized.

The President's memorandum was effective immediately and supersedes former Attorney General Ashcroft's Memorandum on the FOIA dated October 12, 2001. As a result, agency personnel should immediately begin to apply the presumption of disclosure to all decisions involving the FOIA, as the President has called for.

Once the new FOIA guidelines are issued by the Attorney General, OIP will conduct comprehensive training on those guidelines and provide additional advice and guidance to departments and agencies to ensure that our government is accountable and transparent, in keeping with the President's commitment.

Melanie Ann Pustay

Director

Office of Information and Privacy (<http://www.usdoj.gov/oip/oip.html>)

U.S. Department of Justice

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OSD/JS Requester Service Center

The OSD/JS RSC is the office that answers FOIA request for the **Office of the Secretary of Defense**, and the **Joint Staff**.

DoD Enterprise Referral Process



(b) (3) - P.L. 86-36

DoD Enterprise Referral Process (ERP) is designed to transfer equities/records across domains in an auditable, secured environment. As the process matures, it will be available across the entire federal government. Its initial capabilities will be a drop box structure. The objective will be to reduce courier and U.S mail costs. It will avoid unauditible e-mail and local area networks transfers. With proper access controls, the unreviewed records will be seen by those authorized to review the material. It resides on Intelinks, a cross domain document repository, hosted by the Office of the Director for National Intelligence. It will have capabilities on the NIPRnet, SIPRnet and JWICS security fabrics.

Regulations

Please add your Agency's regulation here:

- DOJ FOIA Guide, 2009 (http://www.usdoj.gov/oip/foia_guide09.htm)
- FOIA Guidance (<http://www.usdoj.gov/oip/foi-act.htm>) from the DoJ
- DoD 5400.7-R: DoD Freedom of Information Act Program (<http://www.dtic.mil/whs/directives/corres/pdf/540007r.pdf>) This is the implementing regulation of the Department of Defense. This regulation provides detailed information on processing FOIA requests and discusses the nine exemptions in depth.
- DODD 5400.7: DOD Freedom of Information Act (FOIA) Program (<http://www.dtic.mil/whs/directives/corres/pdf/540007p.pdf>)
- DoD FOIA Handbook (<http://www.dod.mil/pubs/foi/docs/FOIAhandbook.pdf>)

Exemptions

(U) There are nine exceptions for information that is exempt from disclosure. They are typically referred to by their subsection (b)(1)-(9). They are:

[b(1)] Classified information - information that is currently and properly classified

[b(2)] Agency rules and practices - Information that pertains solely to the internal rules and practices of the agency. This exemption is divided into "high" and "low." The "high" profile permits withholding of a document that, if released, would allow circumvention of an agency rule, policy, or statute, thereby impeding the agency in the conduct of its mission. An example of b(2) "high" exemption is not releasing a military installations force protection plan because release would allow people to circumvent the installation security. The "low" profile permits withholding if there is no public interest in the document, and it would be an administrative burden to process the request. An example of b(2) "low" exemption is not releasing the two volume binder of instructions on how to operate the office copy machine.

[b(3)] Information exempted by statute - Information specifically exempted by statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed.

[b(4)] Privileged corporate information such as trade secrets - Information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis that, if released, would result in competitive harm to the company, impair the government's ability to obtain like information in the future or to protect the government's interest in compliance with program effectiveness.

[b(5)] Deliberative inter-agency memoranda - This exemption is used to protect deliberative, pre-decisional advice. The rationale is that release of such advice, either before or after the advice is rendered would chill future candid advice. DOD policy is to NOT release any war plans under this exemption since war plans are by their nature deliberative and produced prior to final decision.

[b(6)] Personal private information - Information the release of which could reasonably be expected to constitute a clearly unwarranted invasion of the personal privacy of individuals.

[b(7)] Law enforcement information the disclosure of which would interfere with law enforcement proceedings and procedures, or endanger someone.

[b(8)] Certain financial records.

[b(9)] Geological and geophysical information concerning wells.

Please create a new page for additional discussion of each exemption.

INITIAL DENIAL AUTHORITIES (IDA'S)

Generally, only a designated IDA may deny release of a properly requested record. The IDA authority may be delegated according to internal agencies policies. In general, a person who has original classification authority over particular information usually is appointed as the IDA for the same information at the same classification level.

FEES

Requestors may be charged fees for production of materials. Details as to fees and fee waivers are set out in DoD 5400.07-R. No fees may be charged by any DOD component if the total fees are less than \$25.00. With the exception of requesters for commercial use, the first two hours of search time and 100 pages of copies are free. Fees may be waived for many reasons. - See Chapter 5 of DoD 5400.07-R.

TIME LIMITS

FOIA requests must receive a response within 20 working days from the date of receipt. While there are means to obtain formal or informal extensions, this usually requires permission of the IDA. The 20-day clock begins when the request is "perfected" and reaches the appropriate releasing command or agency. The 20-day response usually consists of acknowledging receipt of the request and apprising the requester that the agency is working on the request. **INITIAL ACTION:** Upon receiving a FOIA request, the initial action should include: Date stamp. Review the request to see if it complies with minimum requirements of a FOIA request. [Requests must be: In writing; cite FOIA, or clearly imply it; reasonably describe the records sought, and provide a statement on fees.] If the minimum requirements are not met, return to the requestor and explain the deficiency (this does not constitute a denial of the request). If unclear as to what is asked, request clarification. Respond within 20 days, as noted above.

SPECIAL RECORDS

Note that FOIA requests for certain types of information require special handling because authority to release that information is strictly controlled. Requests for the following must be forwarded to the appropriate release authority: - NCIS reports. - IG reports. - Court-martial records. - Mishap and safety reports. - Nuclear information. - Medical quality assurance reports.

Found on SIPRnet Intellipedia

See Also

- USAF Training on FOIA
- Classified Information

External Links

- Wikipedia: Freedom of Information Act (United States) ([http://en.wikipedia.org/wiki/Freedom_of_Information_Act_\(United_States\)\)](http://en.wikipedia.org/wiki/Freedom_of_Information_Act_(United_States))))
- US government contacts (<http://www.usdoj.gov/oip/foiacontacts.htm>)
- Dept of Justice Guidance (<http://www.usdoj.gov/oip/foiapost/mainpage.htm>)
- DoD Office of the Secretary of Defense/Joint Staff FOIA site (<http://www.dod.mil/pubs/foi/>)
- Defense Freedom of Information Policy Office web site (<http://www.dod.mil/pubs/foi/dfoipo/index.html>)
- Navy FOIA page (<http://foia.navy.mil/>)
- ODNI FOIA Regs (<http://www.dni.gov/content/FOIA%20Regs.pdf>)
- CIA Regs (<http://www.foia.cia.gov/foia.asp>)
- NATO security briefing slides (<https://securecac.hqda.pentagon.mil/cusr/forms.aspx>) from the Pentagon

Retrieved from [REDACTED]

Categories: Acts of Congress | Title 5 | FOIA, Freedom of Information Act | Executive Order 12958 | Equity Review | Law | Enterprise Referral Process | Classification

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(U) Freedom of Information Act



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You have new messages (last change).

The **Freedom of Information Act (FOIA)**, section 552 of title 5, United States Code, was signed into law on July 4, 1966 by President Lyndon B. Johnson. FOIA requires agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies, subject to statutory exemptions, for any public or private purpose. This Act:

- fosters democracy by ensuring public access to agency records and information;
- improves public access to agency records and information;
- ensures agency compliance with statutory time limits;
- and maximizes the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.



President Lyndon B. Johnson

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- 2 FOIA Exemptions
- 3 (U) FOIA Contacts
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Revisions of the Act

The Electronic Freedom of Information Amendment of 1996 amended section 552 of title 5, United States Code, to provide for public access to information in an electronic format.

The Intelligence Authorization Act of 2002 amended the FOIA to prohibit intelligence agencies from disclosing records to foreign governments or international governmental organizations.^[1]

Breadcrumbs

[hide]



See the SIPRNET Intellipedia page at *Freedom of Information Act* (Configure your browser for MDDS)



This article has a companion article on Intellipedia-U called *Freedom of Information Act*.

In 2007, Congress passed the Open Government Act of 2007 to improve the FOIA process. The measure:

- Created a numerical tracking system, so citizens could follow their requests like package deliveries.
- Established clear penalties for deliberate delay, including repayment of attorneys' fees for applicants.
- Created an ombudsman office at the National Archives to mediate disputes over requests.
- Ensured that information records held by private government contractors are subject to FOIA requests.^[2]

The Open Government Act of 2007 also created the Office of Government Information Services (OGIS). This office falls within the National Archives and Records Administration and opened in September, 2009. OGIS will review agency FOIA practices and policies, monitor FOIA compliance, and mediate disputes between FOIA requesters and agencies.^[3]

FOIA Exemptions

Certain information is exempt from disclosure under the FOIA:

- (b)(1)(A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and (B) are in fact properly classified pursuant to such Executive Order;^[4]
- (b)(2) related solely to the internal personnel rules and practices of an agency;^[4]
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;^[4]
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;^[4]
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;^[4]
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;^[4]
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of the right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis; and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could

reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger the life or physical safety of any individual;^[4]

- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;^[4] or
- (b)(9) geological and geophysical information and data, including maps, concerning wells. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.^[4]

For a full list of FOIA exemptions, please see the Freedom of Information Act text

(U) FOIA Contacts

(b) (6)

This table provides contact information for FOIA offices across the Intelligence Community.^[5]

Agency	POC	Phone	Email
Director of National Intelligence			
National Security Agency			
Central Intelligence Agency			
National Reconnaissance Office			
National Geospatial-Intelligence Agency			
Defense Intelligence Agency			
Air Force			

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(b) (6)

Army

Marine Corps

Coast Guard
Intelligence
Coordination
CenterDrug Enforcement
AgencyDepartment of
EnergyDepartment of
Homeland
SecurityDepartment of
StateDepartment of the
TreasuryFederal Bureau of
InvestigationOffice of Naval
Intelligence

See also

- CIA Public Information Programs Division
- Executive Order 12958
- Privacy Act (PA)
- Freedom of Information Act at CIA

External links

- Department of Justice FOIA Guide, released 08/2009 (http://www.usdoj.gov/oip/foia_guide09.htm)
- CAPCO FOIA webpage
- USAID FOIA webpage
- ONI FOIA webpage

References

1. ↑ United States Department of Justice Office of Information Policy, FOIA Post, "FOIA Amended by Intelligence Authorization Act," posted 12/23/2002. <http://www.usdoj.gov/oip/foiapost>

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/2002foiapist38.htm

2. ↑ Information Con Game [redacted], New York Times 22 Dec 2007 (CIA internal link)
3. ↑ United States Department of Justice Office of Information Policy, FOIA Post, "Office of Government Information Services Is Now Open," posted 10/21/2009. <http://www.usdoj.gov/oip/foiapist/2009foiapist20.htm>
4. ↑ 4.0 4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.8 ACLU Step-by-Step Guide to Using the Freedom of Information Act, American Civil Liberties Union Foundation pamphlet by Allan Robert Adler, ISBN 0-86566-062-X
5. ↑ Principal FOIA Contacts at Federal Agencies, <http://www.usdoj.gov/oip/foiacontacts.htm>, accessed 7/23/2009. (b) (3) - P.L. 86-36

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Evidence of unauthorized use collected during monitoring may be used for administrative, criminal, or other adverse actions.

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(U) Freedom of Information Act



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This article is also on
JWICS with additional
information.



This article is also on
Intellipedia-U with
additional information.

(U) General Information

(U) The **Freedom of Information Act**, FOIA, codified as Title 5 United States Code, Section 552, is a law that provides the public access to federal agency records. FOIA embodies the concept of the peoples' right to know about the activities and operations of their government. FOIA generally provides that any *person* has a right, enforceable in court, to gain access to federal *agency records*, except to the extent that such records (or portions thereof) are protected from disclosure by one of nine exemptions discussed below. Under FOIA, disclosure is the rule, not the exception and the government bears the burden of justifying withholding of the requested records. The purpose of the exemptions is to preclude the unauthorized disclosure of information that requires protection. These exemption categories reflect laws, executive orders, regulations, or court decisions that either require or permit protection of certain classes of information.

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(U) The implementing Department of Defense Regulation is [DoD 5400.07-R]

[redacted], This regulation provides detailed information on processing FOIA requests and discusses the nine exemptions in depth.

(U) The nine exceptions for information that is exempt from disclosure are: (b)(3)-P.L. 86-36

1. Classified information - information that is currently and properly classified
2. Agency rules and practices - Information that pertains solely to the internal rules and practices of the agency. This exemption is divided into "high" and "low." The "high" profile permits withholding of a document that, if released, would allow circumvention of an agency rule, policy, or statute, thereby impeding the agency in the conduct of its mission. An example of b(2) "high" exemption is not releasing a military installations force protection plan because release would allow people to circumvent the installation security. The "low" profile permits withholding if there is no public interest in the document, and it would be an administrative burden to process the request. An example of b(2) "low" exemption is not releasing the two volume binder of instructions on how to operate the office copy machine.
3. Information exempted by statute - Information specifically exempted by statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed. Department of Justice list of recognized Exemption 3 statutes.
4. Privileged corporate information such as trade secrets - Information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis that, if released, would result in competitive harm to the company, impair the government's ability to obtain like information in the future or to protect the government's interest in compliance with program effectiveness.
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[REDACTED]
[REDACTED] (b) (3) - P.L. 86-36
6. Personal private information - Information the release of which could reasonably be expected to constitute a clearly unwarranted invasion of the personal privacy of individuals.
7. Law enforcement information the disclosure of which would interfere with law enforcement proceedings and procedures, or endanger someone.
8. Certain financial records.
9. Geological and geophysical information concerning wells.

(U) INITIAL DENIAL AUTHORITIES (IDA)

(U) Generally, only a designated IDA may deny release of a properly requested record.

(U) FEES

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means to obtain formal or informal extensions, this usually requires permission of the IDA. The 20-day clock begins when the request is "perfected" and reaches the appropriate releasing command or agency. The 20-day response usually consists of acknowledging receipt of the request and apprising the requester that the agency is working on the request.

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- Date stamp.
- Review the request to see if it complies with minimum requirements of a FOIA request. [Requests must be: In writing; cite FOIA, or clearly imply it; reasonably describe the records sought, and provide a statement on fees.]
- If the minimum requirements are not met, return to the requestor and explain the deficiency (this does not constitute a denial of the request).
- If unclear as to what is asked, request clarification.
- Respond within 20 days, as noted above.

(U) SPECIAL RECORDS

(U) Note that FOIA requests for certain types of information require special handling because authority to release that information is strictly controlled. Requests for the following must be forwarded to the appropriate release authority:

- NCIS reports. - IG reports. - Court-martial records. - Mishap and safety reports. - Nuclear information. - Medical quality assurance reports.

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Categories: Articles also on JWICS | Articles also on NIPRnet | Information Management | Legal Resource | FOIA, Freedom of Information Act | Executive Order 12958 | Equity Review | Enterprise Referral Process

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