

§ 518.100

each request as it is processed. Care should be exercised so that costs are comprehensive to include a 25% overhead, yet not duplicated elsewhere in the report. Multiply the number of routine requests processed items the cost factor to compute this amount.

(4) *Total costs.* Enter the sum of (1) through (3) of this section.

(f) *Format time limit extension.* Enter the total number of instances in which it was necessary to seek a formal 10 working day time extension for one of the reasons explained as follows:

(1) *Location.* The need to search for and collect the requested records from another activity that is separate from the office processing the request.

(2) *Volume.* The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records in a single request.

(3) *Consultation.* The need for consultation with another agency having a substantial interest in the material requested.

(4) *Court involvement.* Where court actions were taken on the basis of exhaustion of administrative procedures because the department/activity was unable to comply with the request within the applicable time limits, and in which a court allowed additional time upon a showing of exceptional circumstances, provide a copy of each court opinion and court order containing such an extension of time.

(5) *Total.* Enter the sum of paragraphs (j)(2)(i) through (j)(2)(iv) above of this section.

(ii) [Reserved]

[56 FR 48932, Sept. 26, 1991, as amended at 56 FR 56011, Oct. 31, 1991]

Subpart H—Education and Training

RESPONSIBILITY AND PURPOSE

§ 518.100 Responsibility.

The head of each DoD Component is responsible for the establishment of educational and training programs on the provisions and requirements of this Regulation. The educational programs should be targeted toward all members of the DoD Component, developing a general understanding and appreciation of the DoD FOIA Program; whereas, the training programs should be focused toward those personnel who are involved in the day-to-day processing of FOIA requests, and should provide a thorough understanding of the procedures outlined in this Regulation.

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§ 518.101 Purpose.

The purpose of the educational and training programs is to promote a positive attitude among DoD personnel and raise the level of understanding and appreciation of the DoD FOIA Program, thereby improving the interaction with members of the public and improving the public trust in the Department of Defense.

§ 518.102 Scope and principles.

Each Component shall design its FOIA educational and training programs to fit the particular requirements of personnel dependent upon their degree of involvement in the implementation of this Regulation. The Program should be designed to accomplish the following objectives:

(a) Familiarize personnel with the requirements of the FOIA and its implementation by this Regulation.

(b) Instruct personnel, who act in FOIA matters, concerning the provisions of this Regulation, advising them of the legal hazards involved and the strict prohibition against arbitrary and capricious withholding of information.

(c) Provide for the procedural and legal guidance and instruction, as may be required, in the discharge of the responsibilities of initial denial and appellate authorities.

(d) Advise personnel of the penalties for noncompliance with the FOIA.

§ 518.103 Implementation.

To ensure uniformity of interpretation, all major educational and training programs concerning the implementation of this Regulation should be coordinated with the Director, Freedom of Information and Security Review, OASD(PA).

§ 518.104 Uniformity of legal interpretation.

In accordance with DoD Directive 5400.7 (reference (b)), the General Counsel of the Department of Defense shall ensure uniformity in the legal position and interpretation of the DoD FOIA Program. This regulation provides procedures for contacting the DOD General Counsel where required.

APPENDIX A TO PART 518—UNIFIED COMMANDS—PROCESSING PROCEDURES FOR FOI APPEALS

1. *General.*

a. In accordance with DoD Directive 5400.7 (reference (b)) and this Regulation, the Unified Commands are placed under the jurisdiction of the Office of the Secretary of Defense, instead of the administering Military Department, only for the purpose of administering the Freedom of Information (FOI) Programs. This policy represents an exception to the policies in DoD Directive 5100.3 (reference (f)).

b. The policy change above authorizes and requires the Unified Commands to process FOI requests in accordance with DoD Directive 5400.7 (reference (b)) and DoD Instruction 5400.10 (reference (hh)) and to forward directly to the OASD(PA) all correspondence associated with the appeal of an initial denial for information under the provisions of the FOIA.

2. *Responsibilities of Commands.*

Unified Commanders in Chief shall:

a. Designate the officials authorized to deny initial FOIA requests for records.

b. Designate an office as the point-of-contact for FOIA matters.

c. Refer FOIA cases to the ASD(PA) for review and evaluation when the issues raised are of unusual significance, precedent setting, or otherwise require special attention or guidance.

d. Consult with other OSD and DoD Components that may have a significant interest in the requested record prior to a final determination. Coordination with agencies outside of the Department of Defense, if required, is authorized.

e. Coordinate proposed denials of records with the appropriate Unified Command's Office of the Staff Judge Advocate. Answer any request for a record within 10 working days of receipt. The requester shall be notified that his request has been granted or denied. In unusual circumstances, such notification may state that additional time, not to exceed 10 working days, is required to make a determination.

f. Provide to the ASD(PA) when the request for a record is denied in whole or in part, a copy of the response to the requester or his representative, and any internal memoranda that provide background information or rationale for the denial.

g. State in the response that the decision to deny the release of the requested information, in whole or in part, may be appealed to the Assistant Secretary of Defense (Public Affairs), the Pentagon, Washington, DC 20301-1400.

h. Upon request, submit to ASD(PA) a copy of the records that were denied. ASD(PA) shall make such requests when adjudicating appeals.

3. *Fees for FOI Requests.*

The fees charged for requested records shall be in accordance with subpart F.

4. *Communications.*

Excellent communications capabilities currently exist between the OASD(PA) and the Public Affairs Offices of the Unified Commands. This communication capability shall be used for FOIA cases that are time sensitive.

5. *Reporting Requirements.*

a. The Unified Commands shall submit to the ASD(PA) an annual report. The instructions for the report are outlined in subpart G.

b. The annual report shall be submitted in duplicate to the ASD(PA) not later than each February 1. This reporting requirement is assigned Report Control Symbol DD-PA(A)1365.

APPENDIX B TO PART 518—ADDRESSING FOIA REQUESTS

1. *General.*

a. The Department of Defense includes the Office of the Secretary of Defense and the Joint Staff, the Military Departments, the Unified Commands, the Defense Agencies, and the DoD Field Activities.

b. The Department of Defense does not have a central repository for DoD records. FOIA requests, therefore, should be addressed to the DoD Component that has custody of the record desired. In answering inquiries regarding FOIA requests, DoD personnel shall assist requesters in determining the correct DoD Component to address their requests. If there is uncertainty as to the ownership of the record desired, the requester shall be referred to the DoD Component that is most likely to have the record.

2. *Listing of DoD Component Addresses for FOIA Requests.*

a. Office of the Secretary of Defense and the Joint Staff. Send all requests for records from the below listed offices to: Office of the Assistant Secretary of Defense (Public Affairs), Attn: Directorate for Freedom of Information and Security Review, room 2C757, The Pentagon, Washington, DC 20301-1400.

(1) Executive Secretariat.

(2) Under Secretary of Defense (Policy).

(a) Assistant Secretary of Defense (International Security Affairs).

(b) Assistant Secretary of Defense (International Security Policy).

(c) Assistant Secretary of Defense (Special Operations/Low Intensity Conflict).

(d) Principal Deputy Under Secretary of Defense (Strategy and Resources).

(e) Deputy Under Secretary of Defense (Trade Security Policy).

(f) Deputy Under Secretary of Defense (Security Policy).