

SUBCHAPTER N—FREEDOM OF INFORMATION ACT PROGRAM

PART 285—DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

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AUTHORITY: 5 U.S.C. 552.

SOURCE: 72 FR 71793, Dec. 19, 2007, unless otherwise noted.

§ 285.1 Purpose.

This part:

- (a) Updates policies and responsibilities for implementing the DoD FOIA Program in accordance with 5 U.S.C. 552 (commonly known as the “FOIA”).
- (b) Continues to authorize 32 CFR part 286 to implement the FOIA Program.
- (c) Implements E.O. 13392 within the Department of Defense.
- (d) Continues to delegate authorities and responsibilities for the effective administration of the FOIA Program consistent with DoD Directive 5105.53¹.

§ 285.2 Applicability.

This part applies to:

- (a) The Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).
- (b) National Security Agency/Central Security Service records, unless the records are exempt according to 50 U.S.C. 402.
- (c) Defense Intelligence Agency, National Reconnaissance Office, and National Geospatial-Intelligence Agency

¹Copies of DoD Directives, Instructions, and Publications may be obtained at <http://www.dtic.mil/whs/directives/>.

records, unless the records are exempt according to 50 U.S.C. 403-5e, 10 U.S.C. 424 and 455, or other applicable law.

§ 295.3 Policy.

It is DoD policy to:

- (a) Promote public trust by making the maximum amount of information available to the public, in both hard copy and electronic formats, on the operation and activities of the Department of Defense, consistent with the DoD responsibility to protect national security and other sensitive DoD information.
- (b) Allow a requester to obtain records from the Department of Defense that are available through other public information services without invoking the FOIA.
- (c) Make available, according to the procedures established by DoD 32 CFR part 286, DoD records requested by a member of the public who explicitly or implicitly cites the FOIA.
- (d) Answer promptly all other requests for DoD information and records under established procedures and practices.
- (e) Release DoD records to the public unless those records are exempt from disclosure as outlined in 5 U.S.C. 552.
- (f) Process requests by individuals for access to records about themselves contained in a Privacy Act system of records according to the procedures set forth in 32 CFR part 310 and this part, as amplified by DoD 32 CFR part 286.
- (g) Provide FOIA requesters with citizen-centered ways to learn about the FOIA process, about DoD records that are publicly available, and about the status of a FOIA request and appropriate information about the DoD response.

§ 285.4 Responsibilities.

- (a) The Director, Administration and Management (DA&M) shall:
 - (1) Serve as the DoD Chief FOIA Officer in accordance with E.O. 13392.
 - (2) Direct and oversee the DoD FOIA Program to ensure compliance with the