

§518.5

commands (MACOMS), and subordinate commands are responsible for the supervision and execution of the FOIA program in functional areas and activities under their command.

(e) Heads of Joint Service agencies or commands for which the Army is the Executive Agent, or otherwise has responsibility for providing fiscal, logistical, or administrative support, will adhere to the policies and procedures in this regulation.

(f) Commander, Army and Air Force Exchange Service (AAFES), is responsible for the supervision of the FOIA program within that command pursuant to this part.

§518.5 Authority.

(a) This part governs written FOIA requests from members of the public. It does not preclude the release of personnel or other records to agencies or individuals in the Federal Government for use in official work.

(b) Soldiers and civilian employees of the Department of the Army (DA) may, as private citizens, request DA or other agencies' records under the FOIA. They must prepare requests at their own expense and on their own time. They may not use Government equipment, supplies, or postage to prepare personal FOIA requests. It is not necessary for soldiers or civilian employees to go through the chain of command to request information under the FOIA.

(c) Requests for DA records processed under the FOIA may be denied only in accordance with the FOIA (5 U.S.C. 552(b)), as implemented by this part. Guidance on the applicability of the FOIA is also found in the Federal Acquisition Regulation (FAR).

(d) Release of some records may also be affected by the programs that created them. They are discussed in the following regulations:

- (1) AR 20-1 (Inspector General activities and procedures);
- (2) AR 27-10 (military justice);
- (3) AR 27-20 (claims);
- (4) AR 27-40 (litigation: release of information and appearance of witnesses);
- (5) AR 27-60 (intellectual property);
- (6) AR 36-2 (Government Accounting Office audits);

32 CFR Ch. V (7-1-14 Edition)

(7) AR 40-66, AR 40-68, and AR 40-400 (medical records);

(8) AR 70-31 (technical reports);

(9) AR 20-1, AR 385-40 and DA Pam 385-40 (aircraft accident investigations);

(10) AR 195-2 (criminal investigation activities);

(11) AR 190-45 (Military Police records and reports);

(12) AR 360-1 (Army public affairs: public information, general policies on release of information to the public);

(13) AR 380-5 and DoD 5200.1-R (national security classified information);

(14) AR 380-5 paragraph 7-101e (policies and procedures for allowing persons outside the Executive Branch to do unofficial historical research in classified Army records);

(15) AR 380-10 (Technology Transfer for disclosure of information and contacts with foreign representatives);

(16) AR 381-45 (U.S. Army Intelligence and Security Command investigation files);

(17) AR 385-40 (safety reports and records);

(18) AR 600-8-104 (military personnel information management records);

(19) AR 600-85 (alcohol and drug abuse records);

(20) AR 608-19 (family advocacy records); and

(21) AR 690 (series civilian personnel records, FAR, DoD Federal Acquisition Regulation Supplement (DFARS) and the Army Federal Acquisition Regulation Supplement (AFARS) procurement matters).

§518.6 Public information.

(a) *Public information.* The public has a right to information concerning the activities of its Government. Army policy is to conduct its activities in an open manner and provide the public with a maximum amount of accurate and timely information concerning its activities, consistent always with the legitimate public and private interests of the American people. A record requested by a member of the public who follows rules established by proper authority in DA shall not be withheld in whole or in part unless the record is exempt from mandatory partial or total disclosure under the FOIA. As a matter of policy, Army activities shall make