SPAWARINST 5720.3D
3.0
20 Jan 2011

SPAWAR INSTRUCTION 5720.3D

From: Commander, Space and Naval Warfare Systems Command

Subj: SPACE AND NAVAL WARFARE SYSTEMS COMMAND FREEDOM OF
        INFORMATION ACT PROGRAM

Ref: (a) 5 U.S.C. 552, as amended Freedom of Information Act
        (b) DOD 5400.7-R
        (c) SECNAVINST 5720.42F

Encl: (1) DD Form 2086 - Record of FOIA Processing Cost
        (2) DD Form 2564 - Annual FOIA Report Work Sheet

1. Purpose. To implement references (a) through (c) within the
Space and Naval Warfare Systems Command (SPAWAR) which for the
purpose of this instruction includes SPAWAR Headquarters, SPAWAR
Systems Centers (SSC) and supported Program Executive Offices
(PEO) unless otherwise specified, establish policy and assign
responsibilities for the disclosure of records under the Freedom
of Information Act (FOIA) in accordance with reference (c).

2. Cancellation. SPAWARINST 5720.3C.

3. Applicability. This instruction applies throughout SPAWAR
Headquarters, SSCs, SPAWAR activities and supported PEOs to
written requests that either explicitly or implicitly cite FOIA.

4. Policy. SPAWAR will make available to the public the
maximum information concerning its operations, activities and
administration. Any agency record requested will be deemed
"releasable" and shall be released to a member of the public as
a matter of right unless it is determined that the record
contains matter which is exempt from disclosure per reference (c)
and that the release of the information would jeopardize a
governmental interest. If exempt matter in a record is
"reasonably segregable" from nonexempt matter, the nonexempt
portion shall be made available to the requester. SPAWAR
personnel will exert reasonable efforts to respond to requests
that do not strictly meet those criteria but are consistent with
the interests of the Department of the Navy policies.

5. Definitions. The terms used in this instruction have the
same meanings as those in reference (c).

6. <u>Requests for Records</u>. A request made under the FOIA for copies of records should be in conformity with the requirements of reference (c). The following applies:

   a. <u>Minimum Requirements for Request</u>. The minimum requirements of such requests are:

      (1) That they be in writing and indicate expressly or by clear implication that they are made in accordance with the FOIA or reference (c).

      (2) The request may be delivered by the postal service or other delivery means, facsimile or electronically.

      (3) That they contain a reasonable description of the particular record(s) requested so that SPAWAR personnel are able to identify and locate such records through reasonable effort.

      (4) A clear statement that the requester is willing to pay such fees or up to a specified limit, if fees are applicable or satisfactory evidence that the requester is entitled to waiver or reduction of such fees under the guidelines outlined in reference (c).

   b. <u>Time Limits for Reply</u>. Requests for records made pursuant to the FOIA and reference (c) require a determination within 20 working days, commencing with receipt of the request by SPAWAR, whether to release or withhold all or portions of the requested document(s). A request for a record in the possession of a Department of the Navy activity normally will not be deemed to have been received for purposes of the 20 working day time limit until it has been actually received by the cognizant activity. Upon receipt of a request for records that satisfies the minimum requirements of the instruction, an official having responsibility for making the decision to grant or deny a request for examination or for a copy of a record shall transmit that determination in writing to the requester within 20 working days. The record(s) requested may be made available, or a copy will be furnished, as appropriate, upon or promptly after the determination has been made that the record(s) may be released in whole or part. If the 20 day time limit cannot be met, the appropriate FOIA Coordinator should attempt to negotiate an informal time extension with the requester. If an informal extension cannot be negotiated, in limited circumstances a formal time extension may be sought from the SPAWAR Initial Denial Authority (IDA). See reference (c).

c. <u>Multi-track Processing</u>. SPAWAR Code 3.0 and each SSC will maintain a multi-track processing system for FOIA requests, which will be on a first in first out basis. One queue will be maintained for simple requests (defined as less than 8 hours work). More difficult requests (defined as more than 8 hours work) will be in the complex queue. Requesters must be given the opportunity to limit the scope of their request to qualify for the simple queue.

d. <u>Expedited Access</u>. Requesters can seek and receive expedited access once they have established a compelling need for the information. To establish a compelling need, they must demonstrate an imminent loss of substantial due process rights or humanitarian needs. Requesters must provide a certified statement outlying their need for expedited access. Approval for expedited access will move the request to the front of the simple queue.

e. <u>Creating a Record</u>. A record must exist and be in the possession of the Department of the Navy at the time of the request. It is not required that a record be created, compiled, or obtained for the purpose of furnishing information, except in limited circumstances. Mere possession of a record does not presume SPAWAR control. Records in the possession of SPAWAR but not under SPAWAR control, or identifiable portions thereof, shall be referred to the originating agency or activity (if under Executive Branch) for direct response to the requester. See reference (c).

f. <u>Electronic Searches</u>. A search includes the electronic review of records in order to respond to a FOIA request. The "action" code (code having cognizance over requested records) must make "reasonable efforts" to conduct searches for information maintained in electronic form.

g. <u>Form or Format of Disclosure</u>. A requester's choice among existing electronic forms or formats must be honored unless there would be practical difficulty in doing so. The action code must make "reasonable efforts" to produce records in the form or format requested.

h. <u>Electronic Deletions</u>. Action codes should indicate the amount of information deleted at the point in the record where the deletion is made, whenever it is "technically feasible" to do so given the complexity of the records involved.

7. <u>Exemptions from Disclosure</u>. No record or portion thereof shall be withheld from disclosure unless it is included within one or more of the exemptions listed in reference (c).

8. <u>Procedures and Responsibilities</u>. Reference (c) contains the general Department of the Navy policies and procedures governing the release of information under the FOIA. Within SPAWAR Headquarter and supported PEO's the following additional procedures and responsibilities will apply:

   a. The SPAWAR FOIA Coordinator, Office of Counsel Code 3.0, will be responsible for the receipt, document control, and response to all FOIA requests directed to SPAWAR headquarters and supported PEO's. SPAWAR and PEO codes receiving FOIA requests that have not been processed by Code 3.0 shall forward these requests to Code 3.0 immediately. Code 3.0 will act as the point of contact for the SPAWAR FOIA program and conduct all communications with FOIA requesters. Specifically, Code 3.0 will:

      (1) Upon receipt of a FOIA request, date/time stamp, log request in the Navy FOIA Database and control the request by assigning a control number and an action suspense date.

      (2) Forward the FOIA request to the SPAWAR or PEO action code.

      (3) If a substantive response cannot be provided within 20 working days, negotiate an informal extension or prepare an appropriate letter notifying the FOIA requester in accordance with reference (c).

      (4) Review packages prepared by SPAWAR or PEO action codes.

      (5) Prepare letters granting the FOIA request, or letters for the signature of the SPAWAR IDA denying or partially denying the FOIA request.

      (6) Collect FOIA fees calculated in accordance with reference (c). All fees collected will be forwarded to SPAWAR Code 1.4 for processing.

      (7) Provide or ensure proper FOIA training for SPAWAR and PEO personnel and the SSC FOIA Coordinators.

(8) Maintain SPAWAR headquarters and PEO FOIA files.

(9) Compile the information required for the annual FOIA report to CNO (OP-09B30) for the SPAWAR Claimancy.

b. Action codes will:

(1) Ensure the FOIA request has been initially processed by Code 3.0.

(2) Assemble all records that are responsive to the FOIA request.

(3) Notify SPAWAR 3.0 immediately via telephone or e-mail if the FOIA request appears to require a denial, partial denial, or additional response time.

(4) Return the FOIA request and responsive records to SPAWAR 3.0 with a recommendation for release, denial, or partial denial and the reasons therefore. Provide a point paper supporting the proposed denial or partial denial.

(5) Provide additional assistance to SPAWAR 3.0 as requested.

c. The Commander, SPAWAR 00; Vice Commander, SPAWAR 09; and Deputy Commander, SPAWAR 01, are SPAWAR Initial Denial Authorities.

d. The Office of Counsel, SPAWAR 3.0, shall review all proposed denials and partial denials and provide legal advice and assistance as required. Action codes will be advised of recommended disposition prior to action being taken.

9. SSCs. All SSCs will designate a FOIA Coordinator for the Center to administer FOIA requests. The name, title, and telephone number of the designated official will be furnished to SPAWAR Code 3.0 FOIA Coordinator within 30 days from receipt of this instruction and upon the designation of a new FOIA Coordinator. The official designated will:

a. Process all FOIA requests in accordance with reference (c) and this instruction.

b. Establish internal procedures for tracking requests.

c. Forward immediately any FOIA requests whose denial or partial denial is proposed to SPAWAR Code 3.0, including a copy of the records requested, a statement of reason(s) for the proposed denial, and a written opinion from the field legal counsel supporting the proposed denial. In the event it appears that a substantive decision (i.e., release in entirety, deny in whole or part) cannot be reached within the statutory 20 day period, immediately (within five days of receipt of request) negotiate an informal extension or prepare an appropriate letter notifying the FOIA requester in accordance with reference (c).
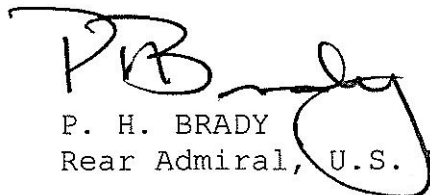
d. Prepare and submit Annual FOIA Reports as prescribed in reference (c) to SPAWAR Code 3.0 by 20 October of each year.

10. For Official Use Only. Records that are determined to be exempt from public dissemination under the exemptions should be designated or marked "For Official Use Only" or "FOUO" in accordance with reference (c). However, requested records marked "FOUO" should not be denied to a requester simply for that reason, but rather because such record is in fact exempt pursuant to one or more of the exemptions.

11. Reports and Records. Reference (c) directs submission of an annual FOIA report, enclosure (2), regarding the processing of FOIA requests. Code 3.0 will consolidate the SPAWAR report with those of the SSCs and forward the consolidated report to CNO NLT 3 November of each year.

12. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed in accordance with SECNAV Manual 5210.1.

13. Action. All SPAWAR personnel are required to familiarize themselves with the provisions of FOIA and to conform to the requirements of reference (c) and this instruction.

P. H. BRADY
Rear Admiral, U.S. Navy

Distribution:
Electronic only, via Collaboration and
Execution (CnE) Website
https://cne.cse.spawar.navy.mil

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST	REPORT CONTROL SYMBOL DD-DA&M(A)1365
Please read instructions on back before completing form.	

1. REQUEST NUMBER	2. TYPE OF REQUEST (X one)	3. DATE COMPLETED (YYYYMMDD)	4. ACTION OFFICE
	a. INITIAL b. APPEAL		

5. CLERICAL HOURS (E-9/GS-8 and below)	FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST
a. SEARCH	1				0.00
b. REVIEW/EXCISING	2		X $20.00	=	0.00
c. OTHER ADMINISTRATIVE COSTS	3				0.00

6. PROFESSIONAL HOURS (O-1 - O-6/GS-9-GS-15)/CONTRACTOR		(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST
a. SEARCH	1				0.00
b. REVIEW/EXCISING	2		X $44.00	=	0.00
c. OTHER/COORDINATION/DENIAL	3				0.00

7. EXECUTIVE HOURS (O-7 - ES 1 and above)		(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST
a. SEARCH	1				0.00
b. REVIEW/EXCISING	2		X $75.00	=	0.00
c. OTHER/COORDINATION/DENIAL	3				0.00

8. COMPUTER SEARCH		(1) TOTAL TIME	(2) RATE		(3) COST
a. MACHINE TIME (Not PC, desktop, laptop)	4				0.00
b. PROGRAMMER/OPERATOR TIME (Human)			X	=	
(1) Clerical Hours	1		$20.00/hr		0.00
(2) Professional Hours	1		$44.00/hr		0.00

9. OFFICE MACHINE COPY REPRODUCTION		(1) NUMBER	(2) RATE		(3) COST
a. PAGES REPRODUCED FOR FILE COPY	3		.15		0.00
b. PAGES RELEASED	5		X .15	=	0.00

10. PRE-PRINTED PUBLICATIONS		(1) TOTAL PAGES	(2) RATE		(3) COST
a. PAGES PRINTED	5		X .02	=	0.00

11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES		(1) NUMBER	(2) ACTUAL COST		(3) COST
a. TAPE/DISC/CD	6				0.00
b. PAPER PRINTOUT	3		X	=	0.00

12. OTHER ADMINISTRATIVE FEES		(1) NUMBER	(2) ACTUAL COST		(3) COST
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)	3		X	=	0.00

13. AUDIOVISUAL MATERIALS		(1) NUMBER	(2) ACTUAL COST		(3) COST
a. MATERIALS REPRODUCED	4		X	=	0.00

14. SPECIAL SERVICES		(1) NUMBER	(2) ACTUAL COST		(3) COST
a. ALL SPECIAL SERVICES (See instructions)	6		X	=	0.00

15. MICROFICHE REPRODUCED	5		X .25	=	0.00

FEE CODES

1 Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours.
2 Chargeable to "commercial" requesters only.
3 Not chargeable to any fee category.
4 Chargeable to "commercial". Chargeable to "other" after deduction of the equivalent of 2 hours. (Example: deduct $88.00 professional rate.)
5 Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial").
6 Chargeable to all fee categories. No deductions.

16. FOR FOI OFFICE USE ONLY

a. TOTAL COLLECTABLE FEES	
b. TOTAL PROCESSING FEES	$0.00
c. TOTAL CHARGED	
d. FEES WAIVED/REDUCED (X one)	Yes No
e. FEES NOT APPLICABLE (X one)	Yes No

See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.

DD FORM 2086, JAN 2003   PREVIOUS EDITION IS OBSOLETE.   Adobe Professional 7.0

INSTRUCTIONS FOR COMPLETING DD FORM 2086

This form is used to record costs associated with the processing of a Freedom of Information request.

1. REQUEST NUMBER - First two digits will express Calendar Year followed by dash (-) and Component's request number, i.e., 03-001.

2. TYPE OF REQUEST - Mark the appropriate block to indicate initial request or appeal of a denial.

3. DATE COMPLETED - Enter year, month and day, i.e., 20031001.

4. ACTION OFFICE - Enter the office processing this request.

5. CLERICAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search - Time spent in locating from the files the requested information.

Review/Excising - Time spent in reviewing the document content and determining if the entire document must retain its classification or segments could be excised thereby permitting the remainder of the document to be declassified. In reviews for other than classification, FOI exemptions 2 through 9 should be considered.

Other Administrative - Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, etc.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

6. PROFESSIONAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising/Other - See explanation above.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

7. EXECUTIVE HOURS - For each applicable activity category, enter the time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising/Other - See explanation above.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

8. COMPUTER SEARCH - When the amount of government-owned (not leased) computer processing machine time required to complete a search is known, and accurate cost information for operation is available, enter the time used and the rate. Then, calculate the total cost which is fully chargeable to the requester.

- Programmer and operator costs are calculated using the same method as in Items 5 and 6. This cost is also fully chargeable to requesters as computer search time.

9. OFFICE COPY REPRODUCTION - Enter the number of pages reproduced and/or released.

- Multiply by the rate per copy and enter cost figures.

10. PRE-PRINTED PUBLICATIONS - Enter total pages.

- Multiply the total number of pages by the rate per page and enter cost figures.

11. COMPUTER COPY - Enter the total number of tapes and/or printouts.

- Multiply by the actual cost per tape or printout and enter cost figures.

12. OTHER ADMINISTRATIVE FEES - Covers postage (when known), correspondence preparation, other non-billable charges not covered under Items 5 - 7, etc.

13. AUDIOVISUAL MATERIALS - Duplication cost is the actual cost of reproducing the material, including the wages of the person doing the work.

14. SPECIAL SERVICES - Covers items outside of the FOIA such as authenticating records at $5.20 per seal, overnight mail at cost, and other services for which the requester agrees to reimburse the agency.

15. MICROFICHE REPRODUCED - Enter the number of copies and multiply by the rate per copy.

16. FOR FOI OFFICE USE ONLY -

Total Collectable Fees - Add the blocks in the cost column and enter total in the total collectable fees block. Apply the appropriate waiver for the category of requester prior to inserting the final figure. Further discussion of chargeable fees is contained in Chapter VI of DoD Regulation 5400.7-R.

Total Processing Fees - Add all blocks in the cost column and enter total in the total processing fees block. The total processing fees in most cases will exceed the total collectable fees.

Total Charged - Enter the total amount that the requester was charged, taking into account the fee waiver threshold and fee waiver policy.

Fees Waived/Reduced - Indicate if the cost of processing the request was waived or reduced by placing an "X" in the "Yes" block or the "No" block.

Fees Not Applicable - Indicate if the cost of processing the request was not applicable by placing an "X" in the "Yes" block or the "No" block.

ANNUAL FREEDOM OF INFORMATION ACT REPORT	REPORT CONTROL SYMBOL DD-DA&M(A)1365

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING	REPORT FOR FISCAL YEAR

SECTION I - BASIC INFORMATION REGARDING REPORT

1. PERSON(S) TO CONTACT WHO CAN ANSWER QUESTIONS ABOUT THE REPORT

a. NAME *(Last, First, Middle Initial)*	b. TITLE	c. ADDRESS	d. TELEPHONE NO.	e. E-MAIL ADDRESS

2. PROVIDE AN ELECTRONIC LINK FOR ACCESS TO THE REPORT ON THE AGENCY WEB SITE.
The Defense Freedom of Information Policy Office (DFOIPO) will satisfy this requirement.

3. EXPLAIN HOW TO OBTAIN A COPY OF THE REPORT IN PAPER FORM.
The Defense Freedom of Information Policy Office will satisfy this requirement.

SECTION II - MAKING A FOIA REQUEST

1. ALL AGENCY COMPONENTS THAT RECEIVE FOIA REQUESTS *(Continue on separate page if necessary using the same format.)* Continuation Page

a. SUBCOMPONENT/COMPONENT OR AGENCY) *(e.g.., McDill AFB, Department of the Air Force)*	b. ADDRESS *(Mail Stop, Room, Building, Base, City, State or Country, ZIP Code)*	c. TELEPHONE NUMBER

2. PROVIDE A BRIEF DESCRIPTION OF WHY SOME REQUESTS ARE NOT GRANTED AND AN OVERVIEW OR CERTAIN GENERAL CATEGORIES OF THE AGENCY'S RECORDS TO WHICH THE FOIA EXEMPTIONS APPLY.
The Defense Freedom of Information Policy Office will satisfy this requirement.

SECTION III - ACRONYMS, DEFINITIONS AND EXEMPTIONS

The Defense Freedom of Information Policy Office will satisfy this requirement.

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING		REPORT FOR FISCAL YEAR	

SECTION IV - EXEMPTION 3 STATUTES *(Attach additional pages if necessary)* <u>Continuation Page</u>

(1) List all Exemption 3 statutes. (http://www.dod.mil/pubs/foi/b3.pdf)
(2) The Defense Freedom of Information Policy Office will satisfy this requirement.
(3) The Defense Freedom of Information Policy Office will satisfy this requirement.
(4) For each request, report the number of times each statute was relied upon, however, count each statute only once per request.

Total Number of Unique Uses of Exempt 3 Statutes: 0

1. STATUTE *(CTRL+click to select all applicable)*	2. TYPE OF INFORMATION WITHHELD	3. CASE CITATION	4. NO. OF TIMES RELIED UPON
	The Defense Freedom of Information Policy Office will satisfy this requirement.	The Defense Freedom of Information Policy Office will satisfy this requirement.	
Other:			
Other:			

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING	REPORT FOR FISCAL YEAR

SECTION V - FOIA REQUESTS

A. RECEIVED, PROCESSED AND PENDING FOIA REQUESTS.

Provide the numbers of received, processed, and pending requests, both **perfected and non-perfected**. The number in column 1 must match the number of "Requests Pending as of End of Fiscal Year" from the previous year's Annual FOIA Report. The sum of columns 1 and 2 minus the number in column 3 must equal the number in column 4.

1. NUMBER OF REQUESTS PENDING AS OF START OF FISCAL YEAR	2. NUMBER OF REQUESTS RECEIVED IN FISCAL YEAR	3. NUMBER OF REQUESTS PROCESSED IN FISCAL YEAR	4. NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR

B. DISPOSITION OF FOIA REQUESTS.

1. All Processed Requests. Provide the number of request dispositions as described below. Use only one column to report each request. Use the nine "Full Denial Based on Reasons Other than Exemptions" columns only if the request cannot be counted in columns 1 through 3. The numbers in column 5, "Total", must match the numbers in Section V. A., column 3.

(1) NUMBER OF FULL GRANTS	(2) NUMBER OF PARTIAL GRANTS/ PARTIAL DENIALS	(3) NUMBER OF FULL DENIALS BASED ON EXEMPTIONS	(4) NUMBER OF FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS *(Please count each case can be in only 1 column)*									(5) TOTAL
			a. NO RECORDS	b. ALL RECORDS REFERRED TO ANOTHER COMPONENT/ AGENCY	c. REQUEST WITHDRAWN	d. FEE-RELATED REASON	e. RECORDS NOT REASONABLY DESCRIBED	f. IMPROPER FOIA REQUEST FOR OTHER REASON	g. NOT AGENCY RECORD	h. DUPLICATE REQUEST	i. OTHER *(Explain in B.2 below)*	

2. Other Reasons for "Full Denials Based on Reasons Other than Exemptions". For any request marked "Other", provide descriptions of other reasons for full denials and the number of times each reason was relied upon. "Total" must equal "Other" column in B.1.

(1) DESCRIPTION OF "OTHER" REASONS FOR DENIALS	(2) NO. OF TIMES
	(3) TOTAL

3. Number of Times Exemptions Applied. Count each exemption only once per request.

EX. 1	EX. 2	EX. 3	EX. 4	EX. 5	EX. 6	EX. 7(A)	EX. 7(B)	EX. 7(C)	EX. 7(D)	EX. 7(E)	EX. 7(F)	EX. 8	EX. 9

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING	REPORT FOR FISCAL YEAR

SECTION VI - ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. RECEIVED, PROCESSED AND PENDING ADMINISTRATIVE APPEALS.

Provide the number of administrative appeals received, processed, and pending as described in columns 1 through 4. The sum of columns 1 and 2 minus the number in column 3 must equal the number in column 4. Starting with Fiscal Year 2009, the number in column 1 must match the number of "Appeals Pending as of End of Fiscal Year" from the previous year's Annual FOIA Report.

B. DISPOSITION OF ADMINISTRATIVE APPEALS - ALL PROCESSED APPEALS.

Provide the number of administrative appeal adjudications as described in the columns below. The number in the "Total" column must match the number in Section VI. A., column 3. In column 4, report the number of appeals which neither affirmed nor reversed/remanded the FOIA request determination, but were closed for other reasons (see DFOIPO Instructions) http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf page 15

1. NUMBER OF APPEALS PENDING AS OF START OF FISCAL YEAR	2. NUMBER OF APPEALS RECEIVED IN FISCAL YEAR	3. NUMBER OF APPEALS PROCESSED IN FISCAL YEAR	4. NUMBER OF APPEALS PENDING AS OF END OF FISCAL YEAR	1. NUMBER AFFIRMED ON APPEAL	2. NUMBER PARTIALLY AFFIRMED AND PARTIALLY REVERSED/REMANDED ON APPEAL	3. NUMBER COMPLETELY REVERSED/ REMANDED ON APPEAL	4. NUMBER OF APPEALS CLOSED FOR OTHER REASONS	5. TOTAL

C. REASONS FOR DENIAL ON APPEAL.

1. Number of Times Exemptions Applied. Note: If an administrative appeal results in the denial of information based on exemptions and also based on a reason or reasons presented in C.2 and 3, report that appeal on all applicable sections. For each administrative appeal, report all exemptions applied; however, count each exemption only once per appeal.

EX. 1	EX. 2	EX. 3	EX. 4	EX. 5	EX. 6	EX. 7(A)	EX. 7(B)	EX. 7(C)	EX. 7(D)	EX. 7(E)	EX. 7(F)	EX. 8	EX. 9

2. Reasons Other than Exemptions. Provide the number of administrative appeals resulting in denial for reasons other than exemptions, as described below. C.2. plus C.3 must be equal to B.4.

(1) NO RECORDS	(2) RECORDS REFERRED AT INITIAL REQUEST LEVEL	(3) REQUEST WITHDRAWN	(4) FEE-RELATED REASON	(5) RECORDS NOT REASONABLY DESCRIBED	(6) IMPROPER REQUEST FOR OTHER REASON	(7) NOT AGENCY RECORD	(8) DUPLICATE REQUEST OR APPEAL	(9) REQUEST IN LITIGATION	(10) APPEAL BASED SOLELY ON DENIAL OF REQUEST FOR EXPEDITED PROCESSING	(11) OTHER (Explain in C.3 below)

3. "Other" Reasons for Denial. Provide descriptions of the "other" reasons and the number of times each was relied upon. "Total" must equal "Other" column, C.2.(11).

(1) DESCRIPTION OF "OTHER" REASON	(2) NUMBER OF TIMES
	(3) TOTAL

SUBCOMPONENT/COMPONENT OR AGENCY REPORTING	REPORT FOR FISCAL YEAR

SECTION VI - ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS *(Continued)*

C.4. Response time for Administrative Appeals. Provide the (1) median, (2) average, and (3) and (4) range in number of days to respond to administrative appeals.

(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS

5. Ten Oldest Pending Administrative Appeals. Provide the date of receipt of the ten oldest pending administrative appeals, and the number of days pending. (YYYYMMDD, e.g. 20030918)
To calculate the number of Federal work days, see http://www.codeforexcelandoutlook.com/blog/2008/06/calculate-working-days-minus-holidays-in-vba/ or
http://www.excelexchange.com/WorkingDays.html. MS. Excel formula "Net workdays less holidays." See attached Excel list of Federal holidays.

	10th OLDEST	9th	8th	7th	6th	5th	4th	3rd	2nd	OLDEST
(1) DATE OF RECEIPT										
(2) NUMBER OF DAYS PENDING										

SECTION VII - FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

For tables in Section VII, include response times for only **perfected** requests. Begin counting days from the date of receipt of the **perfected** request.
If using a multi-track processing system, report response times separately for each track. If not using a multi-track processing system, at a minimum, report separately requests which have been granted expedited processing.
NOTE: Table A must reflect the response times for all processed **perfected** requests. Table B is a sub-set of Table A and must reflect the response times only for those **perfected** requests in which information was granted, either in full or in part.
  To calculate the number of Federal work days, see http://www.codeforexcelandoutlook.com/blog/2008/06/calculate-working-days-minus-holidays-in-vba/ or
http://www.excelexchange.com/WorkingDays.html. MS. Excel formula "Net workdays less holidays." See attached Excel list of Federal holidays.

A. PROCESSED REQUESTS - RESPONSE TIME FOR ALL PROCESSED <u>PERFECTED</u> REQUESTS. Provide the (1) median, (2) average and (3) and (4) range in number of days to process all **perfected** requests.

1. SIMPLE				2. COMPLEX				3. EXPEDITED PROCESSING			
(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS

B. PROCESSED REQUESTS - RESPONSE TIME FOR <u>PERFECTED</u> REQUESTS FOR WHICH INFORMATION WAS GRANTED. Provide the (1) median, (2) average and (3) and (4) range in number of days to process all **perfected** requests in which information was granted *(full grants and partial grants)*.

1. SIMPLE				2. COMPLEX				3. EXPEDITED PROCESSING			
(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS

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SECTION VII - FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS (Continued)

C. PROCESSED REQUESTS - RESPONSE TIME IN DAY INCREMENTS.

(1) Provide the number of **perfected** requests processed in each of the thirteen designated time increments (i.e., within 20 days in the first column, within 21-40 days in the second column, etc.).

(a) If using a multi-track system, create separate tables as presented below to report the information for each track. If not using a multi-track system, at a minimum create a separate table for requests which have been granted expedited processing.

(b) Insert the sum of the thirteen columns in the "Total" column to reflect the total number of requests processed for each of the tracks.

1. SIMPLE REQUESTS

<1 DAY	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL

2. COMPLEX REQUESTS

<1 DAY	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL

3. REQUESTS GRANTED EXPEDITED PROCESSING

<1 DAY	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL

D. PENDING REQUESTS - ALL PENDING PERFECTED REQUESTS.

Provide the number of **perfected** requests pending as of the end of the fiscal year, and the median and average number of days those requests had been pending. If an agency or component is unable to determine whether all of its pending requests are **perfected**, the agency must include all pending requests and attach a footnote that it has done so.

1. SIMPLE			2. COMPLEX			3. EXPEDITED PROCESSING		
(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS	(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS	(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS

E. PENDING REQUESTS - TEN OLDEST PENDING PERFECTED REQUESTS.
Provide the date of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days pending.

	10th OLDEST	9th	8th	7th	6th	5th	4th	3rd	2nd	OLDEST
1. DATE OF RECEIPT										
2. NUMBER OF DAYS PENDING										

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SECTION VIII - REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

Section VIII now reflects new mandatory reporting requirements and is no longer an optional section.

Provide information for underlined adjudicated requests for expedited processing or underlined adjudicated requests for a fee waiver, i.e., requests for expedited processing or requests for a fee waiver which were granted or denied. Do not include requests for expedited processing or requests for a fee waiver which became moot for various reasons and, as a result, were neither granted nor denied.

A. REQUESTS FOR EXPEDITED PROCESSING.

(1) Include requests for expedited processing made both at the initial request level and, when applicable, at the administrative appeal level.

(2) Calculating days: Count only the days spent adjudicating the request for expedited processing. Count **calendar days**, not working days.

(3) NOTE: The response time of this new reporting requirement captures the time taken to decide whether to grant or deny a request for expedited processing. This does not cover the FOIA requests which have already been granted expedited status, placed in the "expedited processing" track, and reported elsewhere in this Report. Rather, this new requirement reflects the time taken to make a determination, (i.e., adjudicate) whether a request for expedited processing should be granted or denied. The FOIA requires agencies to determine within ten calendar days whether a request satisfies the standards for expedited processing.

1. NUMBER GRANTED	2. NUMBER DENIED	3. MEDIAN NUMBER OF DAYS TO ADJUDICATE	4. AVERAGE NUMBER OF DAYS TO ADJUDICATE	5. NUMBER ADJUDICATED WITHIN TEN CALENDAR DAYS

B. REQUESTS FOR FEE WAIVER.

(1) Include requests for a waiver of fees made both at the initial request level and, when applicable, at the administrative appeal level.

(2) Calculating days: Count only the days spent adjudicating the fee waiver request. Count working days. Do not include additional days that may precede consideration of the fee waiver request, e.g., days the request waits in a processing queue, processing time which precedes commencement of adjudication of fee waiver request, etc.

1. NUMBER GRANTED	2. NUMBER DENIED	3. MEDIAN NUMBER OF DAYS TO ADJUDICATE	4. AVERAGE NUMBER OF DAYS TO ADJUDICATE

SECTION IX - FOIA PERSONNEL AND COSTS

A. PERSONNEL. Provide the number of "Full-Time FOIA Staff" by adding the number of "Full-Time FOIA Employees" and "Equivalent Full-Time FOIA Employees" *(see DFOIPO Instructions)* http://www.dod.mil/pubs/foi/dfoipo/Full_and_part_time_plus_cost_calculations_FOIA_FY10_8_30_10_final.xls http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf -- page 26.

B. COSTS. Add together all costs expended by the agency for processing FOIA requests at the initial request and administrative appeal levels, and for litigating FOIA requests. Include salaries of FOIA personnel, overhead, and any other FOIA-related expenses. *(Agency's budget may be used as a resource.) (Enter numbers only, no commas or periods.)* http://www.usdoj.gov/oip/foiapost/guidance-annualreport-052008.pdf -- page 27.

1. NUMBER OF FULL-TIME FOIA EMPLOYEES	2. NUMBER OF EQUIVALENT FULL-TIME FOIA EMPLOYEES	3. TOTAL NUMBER OF FULL-TIME FOIA STAFF	1. PROCESSING COSTS	2. LITIGATION-RELATED COSTS	3. TOTAL COSTS
			$	$	$

SECTION X - FEES COLLECTED FOR PROCESSING REQUESTS

Report the dollar amount of fees collected from FOIA requesters for processing their requests. Also report the percentage of total processing costs (from Section IX, B.1.) that those fees represent. In calculating the amount of fees collected, include fees received from a FOIA requester for search, review document duplication, and any other direct costs permitted by agency regulations.

1. TOTAL AMOUNT OF FEES COLLECTED	2. PERCENTAGE OF TOTAL PROCESSING COSTS
$ _____	_____ %

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SECTION XI - FOIA REGULATIONS

AGENCIES MUST PROVIDE AN ELECTRONIC LINK TO THEIR FOIA REGULATIONS, INCLUDING THEIR FEE SCHEDULE.

The Defense Freedom of Information Policy Office will satisfy this requirement.

SECTION XII - BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS.
(1) Provide the number of FOIA requests and administrative appeals that were **pending beyond the statutory time period** as of the end of the fiscal year.
(2) NOTE: The statutory time period is ordinarily twenty working days from receipt of a perfected request (see 5 U.S.C. Section 552(a)(6)(A)(i). but may be extended up to ten additional working days when "unusual circumstances" are present (see 5 U.S.C. Section 552(a)(6)(B)(i).

1. NUMBER OF BACKLOGGED REQUESTS AS OF END OF FISCAL YEAR *(Backlog requests should be equal to or less than Section V.A.4 total backlog requests.)*	2. NUMBER OF BACKLOGGED APPEALS AS OF END OF FISCAL YEAR *(Backlog appeals should be equal to or less than Section VI.A.4 total backlog appeals.)*

3. EXPLAIN BACKLOG HERE *(Optional)*

B. CONSULTATION ON FOIA REQUESTS - RECEIVED, PROCESSED, AND PENDING CONSULTATIONS.
The consultation portions of the Annual Report require information about consultations received from other agencies, not sent to other agencies.
(1) Provide the number of consultations received from other agencies, those processed, and those pending, as described in the columns below.
(2) The number in Column 1 must match the number of "Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year" (Column 4) from last year's Annual Report.
(3) The sum of Columns 1 and 2 minus the number in Column 3 must equal the number in Column 4.

1. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES PENDING AT YOUR AGENCY AS OF START OF THE FISCAL YEAR	2. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES DURING THE FISCAL YEAR	3. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PROCESSED BY YOUR AGENCY DURING THE FISCAL YEAR	4. NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES PENDING AT YOUR AGENCY AS OF END OF THE FISCAL YEAR

C. CONSULTATIONS ON FOIA REQUESTS - TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT YOUR AGENCY.
Provide the date of receipt of the ten oldest consultations received from other agencies pending at your agency as of the end of the fiscal year, and the number of days pending.

	10th OLDEST	9th	8th	7th	6th	5th	4th	3rd	2nd	OLDEST
1. DATE OF RECEIPT										
2. NUMBER OF DAYS PENDING										

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SECTION XII - BACKLOGS, CONSULTATIONS, AND COMPARISONS (Continued)

D. COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT - REQUESTS RECEIVED, PROCESSED, AND BACKLOGGED.

(1) Provide the number of requests received and the number of requests processed during the fiscal year, and the number of requests backlogged as of the end of the fiscal year (starting with the Annual Report from Fiscal Year 2009) from last year's Annual Report and the number of those received and processed during the fiscal year, and backlogged as of the end of the fiscal year, from the current Annual Report.

(2) The numbers in Columns 1 and 2 must match the "Number of Requests Received in Fiscal Year" from Section V. A. of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the "Number of Requests Processed in Fiscal Year" from Section V. A. of the Annual Report from last year and from this year respectively.

(3) The numbers in Columns 5 and 6 must match the "Number of Backlogged Requests as of End of the Fiscal Year" from Section XII. A. of the previous Annual Report and the current Annual Report, respectively.

REQUESTS RECEIVED		REQUESTS PROCESSED		REQUESTS BACKLOGGED	
1. NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	2. NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	3. NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	4. NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	5. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	6. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT

E. COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT - APPEALS RECEIVED, PROCESSED, AND BACKLOGGED.

(1) Provide the number of administrative appeals received and the number of administrative appeals processed during the fiscal year, and the number of administrative appeals backlogged as of the end of the fiscal year (starting with the Annual Report from Fiscal Year 2009) from last year's Annual Report and the number of those received and processed during the fiscal year, and backlogged as of the end of the fiscal year, from the current Annual Report.

(2) The numbers in Columns 1 and 2 must match the "Number of Administrative Appeals Received in Fiscal Year" from Section VI. A. of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the "Number of Administrative Appeals Processed in Fiscal Year" from Section VI. A. of the Annual Report from last year and from this year respectively.

(3) The numbers in Columns 5 and 6 must match the "Number of Backlogged Administrative Appeals as of End of the Fiscal Year" from Section XII. A. of the previous Annual Report and the current Annual Report, respectively.

APPEALS RECEIVED		APPEALS PROCESSED		APPEALS BACKLOGGED	
1. NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	2. NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	3. NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	4. NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	5. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	6. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT

F. DISCUSSION OF OTHER FOIA ACTIVITIES (Optional). Provide here any further information about the agency's efforts to improve FOIA administration. Attach additional pages if necessary.

SECTION II - MAKING A FOIA REQUEST (Continued)

1. ALL AGENCY COMPONENTS THAT RECEIVE FOIA REQUESTS (Continued) *Return to Section II 1*

a. SUBCOMPONENT/COMPONENT OR AGENCY (e.g.., McDill AFB, Department of the Air Force)	b. ADDRESS (Mail Stop, Room, Building, Base, City, State or Country, ZIP Code)	c. TELEPHONE NUMBER

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SECTION IV - EXEMPTION 3 STATUTES *(Continued)* Return to Section IV.1

(1) List all Exemption 3 statutes. (http://www.dod.mil/pubs/foi/b3.pdf)
(2) The Defense Freedom of Information Policy Office will satisfy this requirement.
(3) The Defense Freedom of Information Policy Office will satisfy this requirement.
(4) For each request, report the number of times each statute was relied upon, however, count each statute only once per request.

1. STATUTE *(CTRL+click to select all applicable)*	2. TYPE OF INFORMATION WITHHELD	3. CASE CITATION	4. NO. OF TIMES RELIED UPON
	The Defense Freedom of Information Policy Office will satisfy this requirement.	The Defense Freedom of Information Policy Office will satisfy this requirement.	
Other:			
Other:			