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Communications and Information

**FREEDOM OF INFORMATION ACT (FOIA)
AND PRIVACY ACT (PA) (UNIT)**

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This checklist reflects Command general guidance and responsibilities for effective and efficient management the Freedom of Information Act (FOIA) and Privacy Act (PA) programs.

SUMMARY OF REVISIONS

This checklist has been revised to reflect changes to critical and non-critical areas. An (|) indicates a revision. Information concerning Records Management has been removed and is incorporated in AFSPCCL 33-22, **Records Management Program**.

1. References have been provided for each critical item. Critical items have been kept to a minimum, and are related to public law, security, and/or mission accomplishment. While compliance with non-critical items is not rated, those items help gauge the effectiveness/efficiency of the function.
2. This publication establishes a baseline checklist. The checklist will also be used by the Command IG during applicable assessments. Use the attached checklist as a guide only. **AFSPC checklist will not be supplemented.** Units produce their own stand-alone checklists as needed to ensure an effective and thorough review of a unit program. Units are encouraged to contact the Command Functional OPR of this checklist to recommend additions and changes deemed necessary. See Attachment 1.

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ATTACHMENT 1

FREEDOM OF INFORMATION MANAGEMENT (FOIA) (UNIT) CHECKLIST

Table A1.1. Checklist.

| | | | |
|--|------------|-----------|------------|
| SECTION 1: Freedom of Information Act (FOIA) | | | |
| MISSION STATEMENT: Provide comprehensive policy and procedures to ensure compliance with DoD and AF (and AFSPC supplement) directive relating to Freedom of Information Act (FOIA). | | | |
| NOTE: All references are from DoD 5400.7-R/AF and AFSPC Supplements, <i>DoD Freedom of Information Act (FOIA) Program</i> , unless otherwise indicated. | | | |
| 1.1. CRITICAL ITEMS: | YES | NO | N/A |
| 1.1.1. Are requests answered within 20 workdays? (para C1.5.4) | | | |
| *1.1.2. Does the Freedom of Information Act Manager submit the fiscal year end report on DD Form 2564, Annual Report Freedom of Information Act , to HQ AFSPC/SCXX (FOIA) to arrive by 15 Oct each year? (AFSPC Sup (Added), para C7.1.1.1) | | | |
| 1.2. NON-CRITICAL ITEMS: Does the Freedom of Information Act Manager: | YES | NO | N/A |
| *1.2.1. Maintain a log to control Freedom of Information Act requests? (para C1.5.3.7.1.1) | | | |
| *1.2.2. Obtain release recommendations from the Office of Primary Responsibility (OPR) for records? (para C1.5.3.7.1.2) | | | |
| *1.2.3. Provide a reading room area for inspecting and copying records? (para C1.5.3.7.1.7 and Chapter 2) | | | |
| *1.2.4. Train all personnel who handle Freedom of Information Act requests and maintain a record of training? (para C1.5.3.7.1.8) | | | |
| *1.2.5. Review publications for compliance with DoD 5400.7-R/AF Sup? (para C1.5.3.7.1.9) | | | |
| *1.2.6. Complete a DD Form 2086, Record of Freedom of Information (FOI) Processing Cost , for each request to assess and collect fees? (para C1.5.3.7.1.13) | | | |
| *1.2.7. Send and maintain an extension notice to requester when a response cannot be completed in the 20 workdays time frame? (para C1.5.3.7.1.14) | | | |

| NON-CRITICAL ITEMS Cont: Does the Freedom of Information Act Manager: | YES | NO | N/A |
|---|------------|-----------|------------|
| *1.2.8. Ensured telephonic coordination with MAJCOM Foreign Disclosure Office been obtained for requests from individuals from other countries if no local Foreign Disclosure Officer is assigned to their unit? (AFSPC Sup (Added) para C1.5.5.1) | | | |
| *1.2.9. Ensured an individual of equal or higher rank signs letter to submitter advising that a determination has been made to release information over submitter's objection? (para C5.2.8.1) | | | |
| *1.2.10. Ensured a public Freedom of Information Act web site has been established to satisfy the electronic reading room requirement for 5 USC 552 (a)(2)(D) Freedom of Information Act processed records? (Chapter 2) | | | |
| *1.2.11. Ensure all denial responses to Freedom of Information Act requests are coordinated through AF attorneys? (para C1.5.3.4 and C1.5.3.6.1) | | | |
| *1.2.12. Ensure documents containing information exempted from mandatory release under the Freedom of Information Act (i.e., recall rosters) are marked "For Official Use Only" and reasonable steps taken to minimize access by unauthorized personnel? (para C4.1, C4.2 and C4.4) | | | |
| *1.2.13. Ensure all Freedom of Information Act denial case files contain records required by DoD 5400.7-R/AF and AFSPC Sup (Added), and AP9.4? | | | |
| *1.2.14. Ensure appeal packages forwarded to AFSPC contain all required records? (AFSPC Sup (Added) AP9.5.4) | | | |
| SECTION 2: PRIVACY ACT (PA) | | | |
| MISSION STATEMENT: Provide comprehensive policy and procedures to ensure compliance with AF directives relating to Privacy Act (PA). | | | |
| NOTE: All references are from AFI 33-332, <i>Air Force Privacy Act (PA) Program</i> , unless otherwise indicated. | | | |
| 2.1. CRITICAL ITEMS: | YES | NO | N/A |
| 2.1.1. Are records containing Privacy Act information protected from unauthorized access and properly destroyed upon completion of appropriate disposition? (Chapter 7.) | | | |

| CRITICAL ITEMS Cont: | YES | NO | N/A |
|--|------------|-----------|------------|
| *2.1.2. Does the base Privacy Act officer review and coordinate all publications and forms for compliance with Privacy Act requirements? (para 1.4.6.4.) | | | |
| 2.2. NON-CRITICAL ITEMS: | YES | NO | N/A |
| *2.2.1. Do local directives contain the appropriate Privacy Act warning statement when directives require collecting and or maintaining personal information in a system of records? (para 6.1) | | | |
| *2.2.2. Is a local form used to collect Privacy Act information directly from an individual, and is the appropriate Privacy Act Statement (PAS) is contained on the form? (para 3.2) | | | |
| *2.2.3. Is training provided for Privacy Act monitors, local Privacy Act systems managers, and all other unit personnel who handle Privacy Act information and is a record of training maintained? (para 1.4.6.1 and Chapter 10) | | | |
| *2.2.4. Are denials for access processed within 5 workdays from the date of receipt of the request? (para 1.4.6.7 and 4.4) | | | |
| *2.2.5. Are requirements in-place for safeguarding and protecting Privacy Act information posted on or transmitted across the Internet? (AFI 33-332, para 9.8; AFI 33-202, para 3.6.1.11; AFI 33-129, para 7.4 and Tables 1 and 2; AFI 33-119, para 9.4.2 and 9.4.2.1) (See Note below) | | | |
| *2.2.6. Is the base Privacy Act officer familiar with those conditions that enable disclosure of records without the subjects consent? (para 9.2) | | | |
| *2.2.7. Are personnel aware of the proper disposal methods used to dispose of records containing personal data protected by the Privacy Act? (para 7.3) | | | |
| Note: References: AFI 33-119, <i>Electronic Mail (E-Mail) Management and Use</i> ; AFI 33-129, <i>Transmission of Information via the Internet</i> ; and AFI 33-202, <i>Computer Security</i> . | | | |