

**BY ORDER OF THE COMMANDER
PACIFIC AIR FORCES**

DOD 5400.7-R/AIR FORCE SUPPLEMENT 1



**PACIFIC AIR FORCES COMMAND
Supplement 1**

28 JULY 2004

Information Management

**DOD FREEDOM OF INFORMATION ACT
PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication applies to the Air Force Reserve Command (AFRC) units and members upon mobilization and applies to the Air National Guard (ANG) United States Title 10 status.

SUMMARY OF REVISIONS

This revision realigns guidance to DOD 5400.7-R/AFSUP1/PACAFSUP1. A bar (|) indicates revisions from the previous edition.

DOD 5400.7-R_AFSUP, 22 July 1999, is supplemented as follows:

C1.3.1.1. The Office of Primary Responsibility (OPR) will process proposed denial/partial denial of functional requests through the office of the Staff Judge Advocate and the Base FOIA Manager.

| C1.4.5. The Chief, Architecture, Technology, and Interoperability Division, Directorate of Communications and Information (HQ PACAF/SCT), and the Chief, Complaints & Inquiries, Office of the Inspector General (HQ PACAF/IGQ)(IG records only), are designated as Initial Denial Authorities for PACAF.

C1.5.3. The Directorate of Communications and Information (HQ PACAF/SC) has program level oversight of the FOIA Program in PACAF. The Base Communications Squadron has responsibility for the FOIA Program at PACAF installations.

C1.5.3.6.7. (Added) Provide FOIA Manager with a written "no records" response. Indicate how the search was conducted (manual, computer, etc.).

C1.5.3.6.8. (Added) Record processing costs on DD Form 2086, Record of Freedom of Information (FOI) Processing Cost (see Appendix 3).

| C1.5.3.7. The host base Records Manager (RM) will perform FOIA managerial responsibilities. If the RM function is contracted, the Communications Squadron Commander will designate the base FOIA Manager. Provide the name of the FOIA Manager to HQ PACAF/SCT by phone, email, or letter.

C1.5.3.7.1.18. (Added) When denial or partial denial is recommended, the FOIA Manager will forward one complete copy of the requested information to HQ PACAF/SCT (FOI) and ensure the following actions:

C1.5.3.7.1.18.1. (Added) No records are released prior to forwarding.

C1.5.3.7.1.18.2. (Added) An appropriate disclosure authority (Paragraph 5.2.1.2.) signs the memorandum recommending denial or partial denial. See Appendix 7.13.1.1.(Added).

C1.5.3.7.1.18.3. (Added) Send a letter notifying the requester of the referral. See Appendix 7.3.1.(Added).

C1.5.3.7.1.18.4. (Added) The package contains: the FOIA request, an OPR recommendation fully supporting any recommended denial, a legal opinion with a thorough analysis of how the cited exemption(s) support withholding, all requested records with denial recommendation(s) highlighted in yellow and all correspondence from base agencies and the requester (tasking letters, extensions, referral letter, DD Form 2086, etc.). Assemble records as illustrated in Appendix 7(Added).

C1.5.3.7.1.19. (Added) The FOIA Manager will maintain a complete copy of all responsive records, coordination and correspondence with requester in accordance with AFMAN 37-139, Table 37-19, Rule 24. If the responsive records are too voluminous to warrant duplication and maintenance by the FOIA Manager, the FOIA Manager will ensure the record OPR maintains the records according to Rule 24 or according to the disposition instruction for the related records, whichever is longer.

C1.5.14. Personal information on third parties such as SSN, home address or telephone, date of birth, etc., will be considered non-responsive unless specifically requested. Consult with the requester for concurrence to withhold as indicated in sub-paragraphs below.

C3.2.1.1.2. FOIA packages forwarded to HQ PACAF/SCT (FOI) recommending denial or partial denial of classified information will include a written statement from an initial classification authority or declassification authority certifying the data was properly classified originally and that it remains properly classified per Executive Order 12958. The statement will contain justification for classification.

C3.2.1.4.8. The OPR will send the advisory letter after coordination with the staff judge advocate office and provide a copy to the FOIA Manager.

C3.2.1.6.2.2. Requests for local base telephone directories, staff directories, organizational charts received at overseas PACAF bases (Osan, Kunsan, Kadena, Misawa, and Yokota) whether or not they invoke the FOIA will be logged as a FOIA request and forwarded to HQ PACAF/SCT (FOI) for denial.

C5.1.1.2.2. When the host base FOIA manager supports tenant units, responsibilities will be included in the host tenant support agreement.

C5.2.1.2. Within HQ PACAF, Division Chiefs are disclosure authorities. At PACAF bases, Commanders and Vice/Deputy Commanders of numbered air forces, wings and groups are disclosure authorities. Further delegation is not authorized.

C5.3.1.1. HQ PACAF/JAQ will provide HQ PACAF/SCT (FOI) with a written opinion on each issue raised in the appeal.

C6.1.2. Base FOIA managers will use DD Form 2086 to compile and assess fees to requesters and provide cost statistics for the Annual FOIA Report. (DD-DA&M(A)1365)

C7.1.1.1. Base FOIA managers send report to HQ PACAF/SCT (FOI) by 10 Oct for consolidation. Report will be authenticated by the Communications Squadron Commander.

C7.1.4. (Added) Base FOIA managers will send a quarterly metric report (RCS: PAF-SCT(Q)0201) to HQ PACAF/SCT (FOI) no later than the 5th day of January, April, July, and October. See Appendix 7, AP7.18(Added) for format. Report will be sent by email to pacaf.sct@hickam.af.mil.

AP7.3.1. (Added) Provide the following interim response when forwarding denial/partial denial packages to HQ PACAF.

This is an interim response to your Freedom of Information Act request, dated ____XXXX___. We forwarded your request to HQ PACAF/SCT (FOI) on (date) for review and processing. They will respond directly to you at the earliest possible date.

Refer any question to HQ PACAF/SCT (FOI), 25 E St, Ste C316, Hickam AFB HI 96853-5409.

AP7.13.1.1. (Added) Provide the following recommendation for denial/partial denial letter when forwarding packages to HQ PACAF:

MEMORANDUM FOR HQ PACAF/SCT (FOI)

25 E St Ste C316

Hickam AFB HI 96853-5409

FROM:

Subject: Recommendation for (Denial/Partial Denial) of FOIA Request - Name of Requester

1. Recommend (denial/partial denial) of the attached records requested by (name of requester/name of company). (Provide reason for recommending denial/partial denial.)
2. Please refer questions to the (name of base) FOIA office at DSN 000-0000.

Disclosure Authority

Attachments:

1. Original FOIA Request
2. JA Opinion
3. OPR Recommendation

4. One complete legible copy of requested records with portions recommended for denial marked with yellow highlighter
5. Other administrative processing documents (i.e., tasking letter, copy of letter notifying requester of referral to HQ PACAF, etc.)

AP7.18. (Added) RCS: PAF-SCT(Q)0201 format.

Number of FOIA requests closed during quarter:

Total processing days: (add number of workdays for each closed FOIA case)

Average processing time: (Divide b by a).

Types of requests:

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