



OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

11 OCT 2007

ADMINISTRATION AND
MANAGEMENT

MEMORANDUM FOR DOD CHIEF FOIA PUBLIC LIAISONS

SUBJECT: Requirements for DoD Freedom of Information Act (FOIA) Electronic Reading Rooms

The purpose of this memorandum is to clarify and standardize the requirements for Electronic Reading Rooms on DoD FOIA Requester Service Center Web sites. These requirements are established by 5 U.S.C. § 552(a)(2) and will be incorporated into the next revision of DoD 5400.7-R. Because our FOIA programs are coming under increased scrutiny from Congress, the Office of Management and Budget, the Government Accountability Office, the media, and public interest groups, it is imperative that you ensure these requirements are met.

DoD Components shall ensure that their main FOIA Web sites have an Electronic Reading Room. For those Components with multiple FOIA Requester Service Centers, each Center must either have an Electronic Reading Room on its Web page or a link to the Components' Electronic Reading Room. These reading rooms must be easily accessible by the public.

For consistency, the Electronic Reading Room page will be divided into four sections. Each section will be labeled as described below:

- (a)(2)(A) Records – This section will include final opinions and orders made in the adjudication of cases that may be cited, used, or relied upon as precedents in future adjudications.
- (a)(2)(B) Records – This section will include those statements of policy and interpretations that have been adopted by the agency and are not published in the Federal Register.
- (a)(2)(C) Records – This section will include administrative staff manuals and instructions, or portions thereof, that establish DoD policy or interpretations of policy that affect the public.
- (a)(2)(D) Records – This section is for records released to the public, under the FOIA, that are or will likely become the subject of subsequent requests.

If a DoD Component does not have any records that would fall under any of the sections identified above, a statement should be made that the Component does not possess this type of records.

In many cases, instead of having electronic copies of all (a)(2)(A) through (C) records, a FOIA Requester Service Center Electronic Reading Room will have a link or links to other activity Web sites that contain the required records. For example, the Office of the Secretary of Defense/Joint Staff (OSD/JS) FOIA Requester Service Center Electronic Reading Room will provide links to other OSD/JS Web sites to meet the requirements of (a)(2)(A) through (C), and will post documents on its own Web page to meet the requirement of (a)(2)(D).

The FOIA (5 U.S.C. § 552(a)(2)) also requires that agencies maintain an index of (a)(2) records. We consider a listing of (a)(2) documents that are electronically available within Electronic Reading Rooms to satisfy this requirement. Additionally, the requirements of 5 U.S.C. § 552(g)(1) and (2) (index and descriptions of major information and record locator systems) will be satisfied for the entire Department of Defense by the Defense Freedom of Information Policy (DFOIPO) on its Web site. Therefore, DoD Components are not required to list this information on their individual Web sites; however, to ensure transparency, they shall link to the DFOIPO web site.

DFOIPO will audit DoD FOIA Requester Service Center Electronic Reading Rooms for compliance with this requirement in January 2008. This audit also will look at Requester Service Center Web site compliance with the DFOIPO September 29, 2006, memorandum, "Standards for DoD Freedom of Information Act (FOIA) Web Sites," attached. DoD FOIA Public Liaisons will be advised of the results of this audit.



Will Kammer
Chief, Defense Freedom of Information Policy
Office

Attachment:
As stated



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29 SEP 2006

MEMORANDUM FOR DOD CHIEF FOIA PUBLIC LIAISONS

SUBJECT: Standards for DoD Freedom of Information Act (FOIA) Web Sites

Reference: Director of Administration and Management Memorandum, February 1, 2006, titled Executive Order (EO) 13392 on the Freedom of Information Act (FOIA) – DoD Implementation

The FOIA and Executive Order (EO) 13392 establish certain requirements for information that Federal agencies should make publicly available on their web sites. This memorandum spells out those requirements as they apply to DoD FOIA Offices.

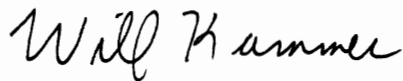
The subject memorandum required DoD agencies to establish FOIA Requester Service Centers. In keeping with the spirit of the EO, each FOIA Requester Service Center must have a dedicated web site containing information that will assist FOIA requesters in obtaining information from the government. It is the intention of the EO and of our guidance to make it as easy as possible for a requester to send a request directly to the office responsible for the requested information and to find out the status of the request. At a minimum, the FOIA Requester Service Center web sites must have the following:

- Mailing address
- Telephone number
- Facsimile number
- Email address (generic, not specific to a person, such as foia@dod.mil)
- Information as to the activities served by the FOIA Requester Service Center (e.g. a unit, command, or installation)
- A comment such as “FOIA requesters who have any questions concerning the processing of their requests with the [name of FOIA Requester Service Center] should contact this center at [center telephone number]. If you are not satisfied with the response from the center, you may contact the FOIA Public Liaison, [Name], at [telephone number and email address]. The email address for the FOIA Public Liaison should also be generic (e.g. foia_liaison@dod.mil)
- Documents released under the FOIA which have become, or are likely to become, the subject of subsequent requests and a list of these documents
- A link to the FOIA Handbook for the agency



Additionally, the DoD activity which is served by the FOIA Requester Service Center should have a link to that FOIA Requester Service Center on its own web page.

We are also asking that you survey the FOIA Requester Service Centers under your authority as a FOIA Chief Public Liaison and ensure that they are all in compliance with these directions. By November 15, 2006, provide this Office with the number of FOIA Requester Service Centers that you oversee, the identification of FOIA Requester Service Centers not in compliance with this guidance (if any and why) and the estimated date when compliance will be achieved.



Will Kammer
Chief, Defense Freedom of Information Policy
Office