



ADMINISTRATION AND
MANAGEMENT

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

21 SEP 2006

MEMORANDUM FOR DOD CHIEF FOIA PUBLIC LIAISON OFFICERS

SUBJECT: DoD FOIA Personnel Position Descriptions

Reference: Department of Defense Freedom of Information Act (FOIA) Improvement Plan for Executive Order 13392, Improving Agency Disclosure of Information, June 14, 2006

One of the principal objectives in the referenced DoD FOIA Improvement Plan is to enhance positions for DoD FOIA Officers. Many FOIA Officers responding to the DoD-wide FOIA survey conducted in May 2006 raised concerns that the grades of FOIA positions do not adequately reflect their duties and responsibilities. FOIA Officers are largely, if not solely, responsible for the programmatic implementation of a highly visible Federal statute within their activity. Enhancing DoD civilian FOIA positions and ensuring FOIA personnel are compensated at the level commensurate with their responsibilities will assist in attracting, hiring, and retaining a professional, well trained, highly skilled, and motivated FOIA workforce. Additionally, a quality FOIA workforce throughout DoD is essential to achieving the objectives in the Executive Order focused on improved customer service and the elimination or reduction of FOIA case backlog.

As a first step toward achieving this objective, the attached sample position descriptions are provided for use by the DoD Components and FOIA Offices worldwide. The purpose of these sample position descriptions is to provide a framework for Components to review and revise current position descriptions for their FOIA personnel. The attached position descriptions are for use with the current OPM Personnel System. This Office will work with the DoD Civilian Personnel Management Service to create position descriptions for use within the new National Security Personnel System (NSPS), and we will work to ensure that FOIA Officer positions are converted into the NSPS pay bands that accurately reflect their duties and responsibilities.

If you have any questions, please contact Steve Fisher of my staff at 703-696-4697.

Will Kammer
Chief
Defense Freedom of Information
Policy Office

Attachments:
As stated



FREEDOM OF INFORMATION DISCLOSURE OFFICER

FREEDOM OF INFORMATION DISCLOSURE OFFICER GS-301-XX

INTRODUCTION

This position is located in the XX office. The office is responsible for directing and administering the [UNIT/AGENCY] Freedom of Information Act (FOIA) (5 USC § 552) program. Incumbent is solely responsible for implementing the FOIA within the [UNIT/AGENCY], which includes the policy development, administration and conduct of the [UNIT/AGENCY] FOIA Program. Incumbent also has full authority to review and clear [UNIT/AGENCY] information intended for release to the public. Incumbent also serves as Chief, [UNIT/AGENCY] FOIA Requester Service Center. The material reviewed is as a result of a FOIA request submitted by the public. The review and analysis of this material insures the withheld information is properly protected by one or more exemptions of 5 USC § 552.

MAJOR DUTIES

Serves as principal advisor to the [UNIT/AGENCY COMMANDER/DIRECTOR] on all matters relating to the review and release of information responsive to a FOIA request. Briefs senior [UNIT/AGENCY] officials on issues regarding the management and oversight of the [UNIT/AGENCY] FOIA program.

Implements policies and programs required by law for public access to [UNIT/AGENCY] information under the FOIA.

Interprets DoD FOIA policy for [UNIT/AGENCY] application.

Works directly with the [UNIT/AGENCY] General Counsel and the Department of Justice in writing legal affidavits in support of litigation filed pursuant to the Freedom of Information Act.

Analyzes and evaluates FOIA requests for [UNIT/AGENCY] records in terms of cited legislation and content to determine legislative applicability thereto. Determines cognizant [UNIT/AGENCY] office(s) responsible for search and review of requested documents and ensures action is properly assigned. In making this determination, conducts extensive telephone coordination throughout [UNIT/AGENCY], Command, DoD, and other federal agencies. Takes initiative to ensure requests for non-[UNIT/AGENCY] information are transferred to proper agencies. Accomplishes staff liaison and coordination to expedite processing within prescribed time limits.

Serves as independent FOIA case action officer. In this capacity, masters and applies expert knowledge of the FOIA, DoD Directive 5400.7, DoD Regulation 5400.7-R, DoD and FOIA litigation history in reviewing and analyzing classified and sensitive unclassified information for public release. Information is reviewed to ensure that withheld information is properly protected by an exemption of the FOIA (5 USC § 552). Incumbent prepares responses for FOIA requests to the public in areas such as [fill in types of requested information concerning UNIT/AGENCY].

Provides [UNIT/AGENCY] data for input into DoD Freedom of Information Act Annual Program Report to Congress.

Maintains a public reading room in paper or electronic format in accordance with 5 USC § 552 (a)(2). Ensures appropriate indices are maintained for records in the reading room.

Responsible for the training of [UNIT/AGENCY] personnel on their responsibilities under the FOIA.

FACTORS

1. Knowledge Required by the Position

Expert knowledge of the FOIA (including legal interpretations and decisions pertaining thereto) and other pertinent laws, Executive Orders, and FOIA court decisions and precedents pertaining to information disclosures, security, privacy and protection of information related to the FOIA Program.

Expert knowledge of DoD FOIA policy and related DoD regulations, directives, and court decisions regarding the FOIA, and to include the requirements set forth in Records Disposition Schedules and Information Security Program Regulations. Requires advanced ability to interpret these instructions in order to create and/or revise [UNIT/AGENCY] regulations.

Advanced ability to interpret civil law and court decisions affecting the FOIA within [UNIT/AGENCY] to apply to writing affidavits in support of FOIA litigation filed against the [UNIT/AGENCY].

Current and comprehensive knowledge of [UNIT/AGENCY] policies, programs and operations with specialized knowledge of weapons and force structure, plans and operations, RDT&E and acquisition, manpower, installations and logistics, reserve affairs, financial management, intelligence, public affairs, legal and legislative issues [or whatever is appropriate].

Working knowledge of records management and attendant procedures of the numerous depositories and libraries, which maintain technical, professional and other specialized documentation of interest to the public.

Keen ability to express ideas effectively, both orally and in writing.

2. Supervisory Controls

Supervision is consultative. Incumbent performs under the broad guidance and general supervision of the XX Chief, with full authority to review and clear [UNIT/AGENCY] information under the direction of the Initial Denial Authority for release to the public under the FOIA and the PA. Independently determines methods and approaches to be used, with work being evaluated in context of broad program objectives and compliance with national, congressional and departmental policies and priorities. Decisions are accepted as technically authoritative.

3. Guidelines

Basic guidelines include applicable federal statutes, including, but not limited to the FOIA (5 USC § 552) and its legislative history, Executive Orders, DoD and [UNIT/AGENCY] directives, court decisions in FOIA law suits and policies enunciated by policy level officials in the U.S. Government. Incumbent uses independent judgment and discretion in interpreting and determining intent of broadly stated guidelines, particularly in the areas of policy, FOIA legislation, court decisions, and security guides, and using expert knowledge in these areas, issues appropriate administrative policy statements and guidance to staff. The incumbent is a recognized expert in interpreting the aforementioned statutes, regulations, directives, Executive Orders, and policies as they pertain to the implementation of the [UNIT/AGENCY] FOIA program.

4. Complexity

Much of the requested information is voluminous, complex, and sensitive and the incumbent is frequently required to reconcile conflicting opinions concerning its suitability for public disclosure. These conflicting opinions may come from subject matter experts, legal counsel, or operations security managers. Incumbent is required to analyze unclassified information and determine if harm may be caused by disclosure and if so, be able to articulate that harm into legal affidavits for litigation, if necessary. This process includes total understanding and interpretation of vague, complex legal language contained in the FOIA and applying the correct FOIA exemption(s) to the sensitive information. The work involves establishing requirements and adjusting a heavy daily workload that is highly variable, unpredictable and uncontrollable, involving inflexible and extremely short suspenses to available administrative support. Incumbent analyzes the interrelated issues of legislative changes to the FOIA and attendant FOIA court

decisions to evaluate and affect overall FOIA program effectiveness and efficiency in assuring substantive, mission-oriented goals are met to enhance the FOIA program at large. Incumbent is also required to use subjective concepts and value judgments in determining whether information should be disclosed to the public. Such subjective conclusions are not readily susceptible to verification through normal objective standards or reevaluations, and incumbent performs in this manner with virtually no supervision.

5. Scope and Effect

The purpose of the position is to serve as a principal staff adviser to the [UNIT/AGENCY COMMANDER/DIRECTOR] on clearance of information requested under the FOIA for public disclosure. The incumbent is responsible for a decision-making process, the result of which bears directly on government transparency and national security. Subject matter pertaining to virtually every aspect of [UNIT/AGENCY] activity is reviewed for clearance to ensure it does not reveal sensitive information protected from release by a FOIA exemption. In the implementation of [UNIT/AGENCY]'s responsibility for the accurate and timely disclosure of information to the general public, the incumbent exercises the final FOIA review of [UNIT/AGENCY] information destined for such release. The results of this action contribute directly to the national objective of an informed public and the conduct of an open government.

6. Personal Contacts

The incumbent must develop and maintain contact with officials throughout the DoD, which frequently includes members of the Senior Executive Service, Schedule C appointees, and other offices and agencies within the Executive Branch, Legislative Branch (including the GAO), and representatives of defense contractors and research institutions. Incumbent also communicates directly with Congressional staff members, foreign government officials, members of foreign countries, the news media, the general public, public interest groups, business and legal officials, and FOIA personnel of all federal agencies. Duty requires contact with legal counsels in DoD, the Department of Justice, and U.S. Attorney's Office. [This paragraph is an example which might apply to a FOIA officer in a Headquarters. Of course, this must be tailored to the specific level of office.]

As the Chief, [UNIT/AGENCY] FOIA Requester Service Center, incumbent must respond in a timely manner to all inquiries from FOIA requesters into the status of their requests. These contacts may include members of the news media, DoD employees, public interest groups, military dependents, corporate executives, attorneys, and Congressional staff members.

7. Purpose of Contacts

To review current DoD and Department of Justice policies and programs to assure accurate and timely decisions which will reflect uniformity and consistency in the judgments made in the clearance of [UNIT/AGENCY] information proposed for public release.

To justify, defend, negotiate and/or resolve matters involving significant or controversial issues with the objective of arriving at a unified position, compromise or suitable alternative.

To insure legal interpretation of the FOIA is applied consistently and fairly to all members of the public, both foreign and domestic, legal officials, business officials, and public interest groups.

8. Physical Demands

Coping with continuous rigid and extremely short deadlines where the workload is heavy and highly variable, unpredictable, and uncontrollable.

9. Work Environment

Majority of work is performed in an office, conference room setting. A portion of work is performed in a classroom environment during presentation of training.

FREEDOM OF INFORMATION/PRIVACY ACT DISCLOSURE OFFICER

FREEDOM OF INFORMATION/PRIVACY ACT DISCLOSURE OFFICER GS-301-XX

INTRODUCTION

This position is located in the XX office. The office is responsible for directing and administering the [UNIT/AGENCY] Freedom of Information Act (FOIA) (5 USC § 552) and Privacy Act (PA) (5 USC § 552a) programs. Incumbent is solely responsible for implementing the FOIA and PA within the [UNIT/AGENCY], which includes the policy development, administration and conduct of the [UNIT/AGENCY] FOIA and PA Programs. Incumbent also has full authority to review and clear [UNIT/AGENCY] information intended for release to the public either directly or through Congress. Incumbent also serves as Chief, [UNIT/AGENCY] FOIA Requester Service Center. The material reviewed is as a result of a FOIA or PA request submitted by the public. The review and analysis of this material insures the withheld information is properly protected by one or more exemptions of 5 USC § 552 or 5 USC § 552a.

MAJOR DUTIES

Serves as principal advisor to the [UNIT/AGENCY COMMANDER/DIRECTOR] on all matters relating to the review and release of information responsive to a FOIA or PA request. Briefs senior [UNIT/AGENCY] officials on issues regarding the management and oversight of the [UNIT/AGENCY] FOIA and PA programs.

Implements policies and programs required by law for public access to [UNIT/AGENCY] information under the FOIA and PA.

Interprets DoD FOIA and PA policy for [UNIT/AGENCY] application.

Works directly with the [UNIT/AGENCY] General Counsel and the Department of Justice in writing legal affidavits in support of litigation filed pursuant to the Freedom of Information Act.

Analyzes and evaluates FOIA and PA requests for [UNIT/AGENCY] records in terms of cited legislation and content to determine legislative applicability thereto. Determines cognizant [UNIT/AGENCY] office(s) responsible for search and review of requested documents and ensures action is properly assigned. In making this determination, conducts extensive telephone coordination throughout [UNIT/AGENCY], Command, DoD, and other federal agencies. Takes initiative to ensure requests for non-

[UNIT/AGENCY] information are transferred to proper agencies. Accomplishes staff liaison and coordination to expedite processing within prescribed time limits.

Serves as independent FOIA and PA case action officer. In this capacity, masters and applies expert knowledge of the FOIA, PA, DoD Directive 5400.7, DoD Regulation 5400.7-R, and DoD Directive 5400.11 in reviewing and analyzing classified, sensitive unclassified, and privacy information for public release. Information is reviewed to ensure that withheld information is properly protected by an exemption of the FOIA or the PA. Incumbent prepares responses for FOIA and PA requests to the public in areas such as [fill in types of requested information concerning UNIT/AGENCY].

Provides [UNIT/AGENCY] data for input into DoD Freedom of Information Act Annual Program Report to Congress.

Maintains a public reading room in paper or electronic format in accordance with 5 USC § 552 (a)(2). Ensures appropriate indices are maintained for records in the reading room.

Responsible for the training of [UNIT/AGENCY] personnel on their responsibilities under the FOIA and PA.

FACTORS

1. Knowledge Required by the Position

Expert knowledge of the FOIA (including legal interpretations and decisions pertaining thereto) and other pertinent laws, Executive Orders, and FOIA court decisions and precedents pertaining to information disclosures, security, privacy and protection of information related to the FOIA Program.

Expert knowledge of DoD FOIA policy and related DoD regulations, directives, and court decisions regarding the FOIA, and to include the requirements set forth in Records Disposition Schedules and Information Security Program Regulations. Requires advanced ability to interpret these instructions in order to create and/or revise [UNIT/AGENCY] regulations.

Expert knowledge of the disclosure provisions of the PA, including Defense Privacy Board Advisory Opinions and current DoD PA policy.

Expert knowledge of the its interaction of the PA with the FOIA.

Advanced ability to interpret civil law and court decisions affecting the FOIA within [UNIT/AGENCY] to apply to writing affidavits in support of FOIA litigation filed against the [UNIT/AGENCY].

Current and comprehensive knowledge of [UNIT/AGENCY] policies, programs and operations with specialized knowledge of weapons and force structure, plans and operations, RDT&E and acquisition, manpower, installations and logistics, reserve affairs, financial management, intelligence, public affairs, legal and legislative issues [or whatever is appropriate].

Working knowledge of records management and attendant procedures of the numerous depositories and libraries, which maintain technical, professional and other specialized documentation of interest to the public.

Keen ability to express ideas effectively, both orally and in writing.

2. Supervisory Controls

Supervision is consultative. Incumbent performs under the broad guidance and general supervision of the XX Chief, with full authority to review and clear [UNIT/AGENCY] information under the direction of the Initial Denial Authority for release to the public under the FOIA and the PA. Independently determines methods and approaches to be used, with work being evaluated in context of broad program objectives and compliance with national, congressional and departmental policies and priorities. Decisions are accepted as technically authoritative.

3. Guidelines

Basic guidelines include applicable federal statutes, including, but not limited to the FOIA and its legislative history, the PA, Executive Orders, DoD and [UNIT/AGENCY] directives, court decisions in FOIA and PA law suits and policies enunciated by policy level officials in the U.S. Government. Incumbent uses independent judgment and discretion in interpreting and determining intent of broadly stated guidelines, particularly in the areas of policy, FOIA legislation, court decisions, and security guides, and using expert knowledge in these areas, issues appropriate administrative policy statements and guidance to staff. The incumbent is a recognized expert in interpreting the aforementioned statutes, regulations, directives, Executive Orders, and policies as they pertain to the implementation of the [UNIT/AGENCY] FOIA and PA programs.

4. Complexity

Much of the requested information is voluminous, complex, and sensitive and the incumbent is frequently required to reconcile conflicting opinions concerning its suitability for public disclosure. These conflicting opinions may come from subject matter experts, legal counsel, or operations security managers. Incumbent is required to analyze unclassified information and determine if harm may be caused by disclosure and

if so, be able to articulate that harm into legal affidavits for litigation, if necessary. This process includes total understanding and interpretation of vague, complex legal language contained in the FOIA and applying the correct FOIA exemption(s) to the sensitive information. Incumbent must also recognize whether information requested under the PA is subject to the Act's mandatory disclosure provisions. The work involves establishing requirements and adjusting a heavy daily workload that is highly variable, unpredictable and uncontrollable, involving inflexible and extremely short suspenses to available administrative support. Incumbent analyzes the interrelated issues of legislative changes to the FOIA and PA and attendant FOIA court decisions to evaluate and affect overall FOIA and PA program effectiveness and efficiency in assuring substantive, mission-oriented goals are met to enhance the FOIA and PA programs at large. Incumbent is also required to use subjective concepts and value judgments in determining whether information should be disclosed to the public. Such subjective conclusions are not readily susceptible to verification through normal objective standards or reevaluations, and incumbent performs in this manner with virtually no supervision.

5. Scope and Effect

The purpose of the position is to serve as a principal staff adviser to the [UNIT/AGENCY COMMANDER/DIRECTOR] on clearance of information requested under the FOIA and PA for public disclosure. The incumbent is responsible for a decision-making process, the result of which bears directly on government transparency and national security. Subject matter pertaining to virtually every aspect of [UNIT/AGENCY] activity is reviewed for clearance to ensure it does not reveal sensitive information protected from release by a FOIA exemption. In the implementation of [UNIT/AGENCY]'s responsibility for the accurate and timely disclosure of information to the general public, the incumbent exercises the final FOIA and PA reviews of [UNIT/AGENCY] information destined for such release. The results of this action contribute directly to the national objective of an informed public and the conduct of an open government.

6. Personal Contacts

The incumbent must develop and maintain contact with officials throughout the DoD, which frequently includes members of the Senior Executive Service, Schedule C appointees, and other offices and agencies within the Executive Branch, Legislative Branch (including the GAO), and representatives of defense contractors and research institutions. Incumbent also communicates directly with Congressional staff members, foreign government officials, members of foreign countries, the news media, the general public, public interest groups, business and legal officials, and FOIA personnel of all federal agencies. Duty requires contact with legal counsels in DoD, the Department of Justice, and U.S. Attorney's Office. [This paragraph is an example which might apply to

a FOIA officer in a Headquarters. Of course, this must be tailored to the specific level of office.]

As the Chief, [UNIT/AGENCY] FOIA Requester Service Center, incumbent must respond in a timely manner to all inquiries from FOIA requesters into the status of their requests. These contacts may include members of the news media, DoD employees, public interest groups, military dependents, corporate executives, attorneys, and Congressional staff members.

7. Purpose of Contacts

To review current DoD and Department of Justice policies and programs to assure accurate and timely decisions which will reflect uniformity and consistency in the judgments made in the clearance of [UNIT/AGENCY] information proposed for public release.

To justify, defend, negotiate and/or resolve matters involving significant or controversial issues with the objective of arriving at a unified position, compromise or suitable alternative.

To insure legal interpretation of the FOIA and the PA is applied consistently and fairly to all members of the public, both foreign and domestic, legal officials, business officials, and public interest groups.

8. Physical Demands

Coping with continuous rigid and extremely short deadlines where the workload is heavy and highly variable, unpredictable, and uncontrollable.

9. Work Environment

Majority of work is performed in an office, conference room setting. A portion of work is performed in a classroom environment during presentation of training.