

Department of the Air Force, DoD

§ 806.5

FOIA managers to assist IDAs in making decisions on FOIA requests.

(g) *Appellate authority.* The SAF has designated the Deputy General Counsel, Fiscal, Ethics, and Civilian Personnel (SAF/GCA) as the FOIA appellate authority.

(h) *Reading room.* Any place where a member of the public may view FOIA records.

§ 806.5 Responsibilities.

(a) The Director, Communications and Information (HQ USAF/SC) has overall responsibility for the Air Force FOIA Program. The Corporate Information Division (HQ AFCIC/ITC) administers the procedures necessary to implement the Air Force FOIA Program, submits reports to the Director, Freedom of Information and Security Review (DFOISR), and provides guidance and instructions to MAJCOMs. Responsibilities of other Air Force elements follow.

(b) SAF/GCA makes final decisions on FOIA administrative appeals.

(c) Installation commanders will: Comply with FOIA electronic reading room (ERR) requirements by establishing a FOIA site on their installation public web page and making frequently requested records (FOIA-processed (a)(2)(D)) records available through links from that site, with a link to the Air Force FOIA web page at <http://www.foia.af.mil>. See § 806.12(c).

(d) MAJCOM commanders implement this instruction and appoint a FOIA manager, in writing. Send the name, phone number, office symbol, and e-mail address to HQ AFCIC/ITC, 1250 Air Force Pentagon, Washington, DC 20330-1250.

(e) Air Force attorneys review FOIA responses for legal sufficiency, provide legal advice to OPRs, disclosure authorities, IDAs, and FOIA managers, and provide written legal opinions when responsive records (or portions of responsive records) are withheld. Air Force attorneys ensure factual and legal issues raised by appellants are considered by IDAs prior to sending the FOIA appeal files to the Secretary of the Air Force's designee for final action.

(f) Disclosure authorities and IDAs apply the policies and guidance in this

instruction, along with the written recommendations provided by staff elements, when considering what decisions to make on pending FOIA actions. Where any responsive records are denied, the IDA tells the requesters the nature of records or information denied, the FOIA exemption supporting the denial, the reasons the records were not released, and gives the requester the appeal procedures. In addition, on partial releases, IDAs must ensure requesters can see the placement and general length of redactions with the applicable exemption indicated. This procedure applies to all media, including electronic records. Providing placement and general length of redacted information is not required if doing so would harm an interest protected by a FOIA exemption. When working FOIA appeal actions for the appellate authority review:

(1) IDAs grant or recommend continued denial (in full or in part) of the requester's appeal of the earlier withholding of responsive records, or adverse determination (for example, IDAs may release some or all of the previously denied documents).

(2) IDAs reassess a request for expedited processing due to demonstrated compelling need, overturning or confirming the initial determination made by the FOIA manager.

(3) When an IDA denies any appellate action sought by a FOIA requester, the IDA, or MAJCOM FOIA manager (for no record, fee, fee estimates, or fee category appeals) will indicate in writing that the issues raised in the FOIA appeal were considered and rejected (in full or in part). Include this written statement in the file you send to the Secretary of the Air Force in the course of a FOIA appeal action. Send all appeal actions through the MAJCOM FOIA office.

(g) OPRs:

(1) Coordinate the release or denial of records requested under the FOIA with OCRs, FOIA offices, and with Air Force attorneys on proposed denials.

(2) Provide requested records. Indicate withheld parts of records annotated with FOIA exemption. Ensure requesters can see the placement and general length of redactions. This procedure applies to all media, including

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electronic records. Providing placement and general length of redacted information is not required if doing so would harm an interest protected by a FOIA exemption.

(3) Provide written recommendations to the disclosure authority to determine whether or not to release records, and act as declassification authority when appropriate.

(4) Make frequently requested records (FOIA-processed (a)(2)(D)) available to the public in the FOIA ERR via the Internet. As required by AFIs 33-129, Transmission of Information Via the Internet, and 35-205, Air Force Security and Policy Review Program, OPRs request clearance of these records with the PAO before posting on the WWW, and coordinate with JA and FOIA office prior to posting. The FOIA manager, in coordination with the functional OPR or the owner of the records, will determine qualifying records, after coordination with any interested OCRs.

(5) Complete the required GILS core record for each FOIA-processed (a)(2)(D) record.

(6) Manage ERR records posted to the installation public web page by updating or removing them when no longer needed. Software for tracking number of hits may assist in this effort.

(h) FOIA managers:

(1) Ensure administrative correctness of all FOIA actions processed.

(2) Control and process FOIA requests.

(3) Obtain recommendations from the OPR for records.

(4) Prepare or coordinate on all proposed replies to the requester. FOIA managers may sign replies to requesters when disclosure authorities approve the total release of records. If the MAJCOM part directs the OPR to prepare the reply, the OPR will coordinate their reply with the FOIA office.

(5) Make determinations as to whether or not the nature of requests are simple or complex where multitrack FOIA request processing queues exist.

(6) Approve or initially deny any requests for expedited processing.

(7) Provide interim responses to requesters, as required.

(8) Provide a reading room for inspecting and copying records.

(9) Provide training.

(10) Review publications for compliance with this part.

(11) Conduct periodic program reviews.

(12) Approve or deny initial fee waiver requests.

(13) Make the initial decision on chargeable fees.

(14) Collect fees.

(15) Send extension notices.

(16) Submit reports.

(17) Sign "no record" responses.

(18) Provide the requester the basis for any adverse determination (i.e., no records, fee denials, fee category determinations, etc.) in enough detail to permit the requester to make a decision whether or not to appeal the actions taken, and provide the requester with appeal procedures.

(i) On appeals, FOIA managers:

(1) Reassess a fee category claim by a requester, overturning or confirming the initial determination.

(2) Reassess a request for expedited processing due to demonstrated compelling need, overturning or confirming the initial determination.

(3) Reassess a request for a waiver or reduction of fees, overturning or confirming the initial determination.

(4) Review a fee estimate, overturning or confirming the initial determination.

(5) Confirm that no records were located in response to a request.

(j) The base FOIA manager acts as the FOIA focal point for the FOIA site on the installation web page.

(k) When any appellate action sought by a FOIA requester is denied by an IDA or FOIA manager for authorized actions, the IDA or FOIA manager will indicate, in writing, that the issues raised in the FOIA appeal were considered and rejected (in full or in part). Include this written statement in the file you send to the Secretary of the Air Force in the course of a FOIA appeal action. Send all appeal actions through the MAJCOM FOIA office.

§ 806.6 Prompt action on requests.

(a) Examples of letters to FOIA requesters (e.g., response determinations and interim responses) are included in § 806.27.

(b) Multitrack processing. (1) Examples of letters to FOIA requesters (e.g.,