



UNITED STATES MARINE CORPS
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE, NORTH CAROLINA 28542-0004

BO 5720.1A
BADJ
APR 02 2001

BASE ORDER 5720.1A

From: Commanding Officer
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES FOR HANDLING
REQUESTS FOR PUBLIC DISCLOSURE OF RECORDS HELD BY MARINE
CORPS BASE, CAMP LEJEUNE

Ref: (a) 5 U.S.C., Section 552
(b) SECNAVINST 5720.42F

Encl: (1) Freedom of Information Act/Privacy Act and Routine
Use Request Form, MCBCL/MPWR/ADJ/5720.1/2
(2) Record of Freedom of Information (FOI) Processing
Cost, DD 2086

Reports Required: Annual Freedom of Information Act Report
(Report Symbol DD-5720-25)

1. Situation. This Order establishes procedures for handling FOIA requests for locally held records as defined by references (a) and (b), and outlines procedures for the submission of reports as required by reference (b).

2. Cancellation. BO 5720.1.

3. Mission

a. To ensure activities act promptly on all requests for federal records and process such requests pursuant to the references. Reference (b) provides amplifying instructions for compliance and implementation when processing such requests and outlines fee procedures (Enclosure (2)) which will be followed to cover expense(s) incurred in providing such records to requesters under the FOIA. Reference (b) gives specific denial authority to the Commanding Officer (CO), Marine Corps Base (MCB), Camp Lejeune (CamLej).

b. Summary of Revision. This Order was revised to add the requirement of paragraph 4a(1)(e).

4. Execution. The CO, MCB, CamLej has designated the Director, Manpower with the responsibility for advising and managing FOIA procedures along with being the authorized denial authority.

a. Tasks

(1) Director, Manpower. Appoint a FOIA Coordinator to perform the duties as outlined for MCB, CamLej.

(a) Act as the Responsible Officer and principal point of contact on FOIA matters.

(b) Establish and maintain a database/control log of requests received under the FOIA.

(c) Consolidate cost data (enclosure (2)) provided by the action agencies after acting upon each FOIA request and prepare the required annual report as directed by reference (b). The annual report is due by 25 October of each year to Headquarters Marine Corps (HQMC).

(d) Coordinate FOIA requests received by organizations located aboard MCB, CamLej. The Staff Judge Advocate (SJA) MCB, CamLej and Counsel, Eastern Area Counsel Office (EACO), will provide legal guidance in their respective areas of cognizance for all cases in which questions arise pertaining to the legality of providing or denying a record. Respective areas of cognizance for providing FOIA advice are:

1. For SJA: Military law, general standards of conduct matters and standards of conduct matters related to military personnel and all other matters except those falling under the cognizance of Counsel.

2. For Counsel: All appropriated and nonappropriated contract and procurement law matters; civilian personnel law cases; business and commercial law aspects of patent, copyright, royalty, trademark and other intellectual property matters; environmental and land use law matters; procurement integrity and other standards of conduct matters affecting civilian employees; all commercial and business law litigation involving the command and all commercial and business law aspects of acquisition, custody, disposal, management, and taxation of real and personal property.

(e) The FOIA Office will ensure that within five working days from the date of receipt, all FOIA requestors will be mailed an acknowledgement receipt letter that acknowledges, at a minimum, receipt of his/her FOIA request and provides contact information of the FOIA Office.

(f) Reply in writing to the requester within 20 working days after receipt of a request. If an extension is deemed necessary in which to respond, the action officer will request an extension with a completion date to the FOIA Coordinator. The FOIA Coordinator will reply to the requestor with an extension letter prior to 20 working days from the receipt of the original FOIA request.

(g) Fees. Fees are assessed and calculated per enclosure (3) of reference (b).

1. Applicable fees for commercial requesters, educational or noncommercial scientific institution or news media are outlined in enclosure (3) of reference (b). The action activity will prepare enclosure (2) and forward it to the FOIA Coordinator.

2. For all other requesters, the FOIA Coordinator will recover the full direct cost of searching for and duplicating records, except that the first two hours of search time and the first 100 pages of duplication shall be furnished without charge. The action activity will prepare enclosure (2) and forward it to the FOIA Coordinator. Requesters must reasonably describe the records sought. Requesters should indicate a willingness to pay assessable search and duplication costs if more than two hours of search effort or 100 pages of records are desired.

3. Fees may not be used to discourage requesters. FOIA fees are limited to standard charges for direct document search, review (in the case of commercial requesters) and duplication.

4. The action activity will forward an estimate of assessable fees to the FOIA Coordinator if desired by the requester.

5. The FOIA Coordinator may charge for time spent searching for records, even if that search fails to located records responsive to the request. If the action activity estimates that search charges are likely to exceed

\$25.00, it will notify the requester of the estimated amount of fees, unless the requester has indicated in advance his or her willingness to pay fees as high as those anticipated.

6. Fees may be waived or reduced if furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the DoN/DoD and is not primarily in the commercial interest of the requester. The action activity must make a written analysis whether to waive or reduce fees based on the criteria found in paragraph 7, enclosure (3) of reference (b). Questions regarding fee waivers or reductions should be addressed to either the SJA or EACO depending on their respective areas of cognizance.

(2) Commanding Officers/Department Heads

(a) Ensure that personnel are fully aware of the necessity to be responsive to FOIA requests.

(b) Notify the FOIA Coordinator by telephone (451-8503) or email if an extension is needed and provide a date the FOIA will be completed.

(c) Assign an action officer to coordinate all requirements regarding FOIA requests with the FOIA Coordinator.

(3) SJA and Counsel. Provide legal guidance on FOIA requests as required.

b. Coordinating Instructions. The following disposition instructions are provided for records required to be maintained on FOIA matters:

(1) Correspondence relating to implementation of the FOIA will be maintained for two years.

(2) Responses to FOIA requests granting access, referrals to other locations, lack of adequate description of records, and notification of fees will be maintained for two years.

(3) Responses on denials to access (in part or whole) that are not appealed will be maintained for six years.

(4) Records created in response to administrative appeals will be maintained six years after final determinations or three years after adjudication by the court.

(5) Annual reports will be maintained two years after the reporting period.

5. Administration and Logistics

a. Requesters can fax enclosure (1) to the FOIA Coordinator at (910) 451-3688/1265 or mail the request to the following address:

COMMANDING OFFICER
(ATTN: FOIA COORDINATOR)
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE, NC 28542-0004

b. Enclosure (1) is also located on the following website:
<http://www.lejeune.usmc.mil/mcb/index.asp>

c. Under no circumstances will the action activity respond directly to the requester. The FOIA Coordinator will provide all responses to the requester.

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Base, Camp Lejeune and all tenant organizations.

b. Signal. This Order is effective the date signed.


W. A. MEIER
By direction

DISTRIBUTION: A

DISTRIBUTION STATEMENT: Approved for public release;
distribution is unlimited.

FREEDOM OF INFORMATION ACT/PRIVACY ACT AND ROUTINE USE REQUEST FORM

PRIVACY ACT STATEMENT

Under the **AUTHORITY** 5 U.S.C. 552(a) and E.O. 9397 (SSN), this form is **FOR OFFICIAL USE ONLY** for the **PURPOSE** to track, process, and coordinate individual requests for access and amendment of personal records; to process appeals on denials of requests for access or amendment to personal records; to compile information for reports, and to ensure timely response to requesters. In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside DoD as a **ROUTINE USE** pursuant to 5 U.S.C. 552a(b)(3) to individuals who file FOIA requests for access to information on who has made FOIA requests and/or what is being requested under FOIA. **DISCLOSURE** is **MANDATORY**.

Commanding Officer
Marine Corps Base Camp Lejeune
Attn: S-1 (FOIA Coordinator)
PSC Box 20004
Camp Lejeune, NC 28542-0004

Date Requester completed the form (DD MMM YY): _____

FOIA PA ROUTINE _____

Date Request Received: _____

(Please Check) **Type of Request**

- FREEDOM OF INFORMATION ACT (FOIA)**
(Attorney/Environmental/Investigations)
- PRIVACY ACT (PA)**
(Personal information directly about the individual, SRB, OPM)
- ROUTINE USE**
(OFFICIAL USE, Federal, State and local agency for civil or criminal or for hiring, retention, insurance company, accident reports, security clearance and contract)

NOTICE: Military Police Incident Reports pertaining to but not limited to: assault, breaking and entering, drugs, domestic assault, burglary will be forwarded to Naval Criminal Investigative Service (NCIS) Headquarters for processing. Please ask the FOIA Coordinator for more information.

I am willing to pay the fees above \$25.00 for the processing my request in the amount of: _____

Information requested: (Describe information requested and where to locate the information)

Requester or Client's Name: _____ SSN _____

Names of all persons involved: _____

Date of incident (DD MMM YY) : _____ Location of Incident: _____

Please provide your address: (Print or type clearly)

Name _____

Address _____

City _____ State _____ Zip Code _____ Country _____

Do you want to pick up the report or have it mailed to you? PICK UP MAILED E-MAILED

E-MAIL: If you provide your e-mail address you authorize a response via e-mail _____

(Requester's Name (PRINT)) _____

(Phone Number) _____

(Signature of requester or agent)
(Signature required for PA/ROUTINE USE Requests)

AGENCY STAMP

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct".

PLEASE NOTE: There is no processing time limits when processing PA Requests, but we will process as expeditiously as possible. This office has twenty (20) working days in which to provide a response to a FOIA Request. Depending on current workloads, information requested, dates and/or accidents etc...the response time may vary.

"FOR OFFICIAL USE ONLY - PRIVACY ACT SENSITIVE"

Any misuse or unauthorized release of personal information could result in both civil and criminal penalties.
You may return this request by faxing it back at (910) 451-3688 or e-mail to FOIA.MCBLcjeune@usmc.mil

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST				REPORT CONTROL SYMBOL DD-DA&M(A)1365	
Please read instructions on back before completing form.					
1. REQUEST NUMBER	2. TYPE OF REQUEST (X one)	3. DATE COMPLETED (YYYYMMDD)	4. ACTION OFFICE		
	<input type="checkbox"/> a. INITIAL <input type="checkbox"/> b. APPEAL				
5. CLERICAL HOURS (E-9/GS-8 and below)		FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH		1		X \$20.00 =	0
b. REVIEW/EXCISING		2		X \$20.00 =	0
c. OTHER ADMINISTRATIVE COSTS		3		X \$20.00 =	0
6. PROFESSIONAL HOURS (O-1 - O-6/GS-9-GS-15)/CONTRACTOR		(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST	
a. SEARCH		1		X \$44.00 =	0
b. REVIEW/EXCISING		2		X \$44.00 =	0
c. OTHER/COORDINATION/DENIAL		3		X \$44.00 =	0
7. EXECUTIVE HOURS (O-7 - ES 1 and above)		(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST	
a. SEARCH		1		X \$75.00 =	0
b. REVIEW/EXCISING		2		X \$75.00 =	0
c. OTHER/COORDINATION/DENIAL		3		X \$75.00 =	0
8. COMPUTER SEARCH		(1) TOTAL TIME	(2) RATE	(3) COST	
a. MACHINE TIME (Not PC, desktop, laptop)	4			X	0
b. PROGRAMMER/OPERATOR TIME (Human)				X	0
(1) Clerical Hours	1		\$20.00/hr	=	0
(2) Professional Hours	1		\$44.00/hr	=	0
9. OFFICE MACHINE COPY REPRODUCTION		(1) NUMBER	(2) RATE	(3) COST	
a. PAGES REPRODUCED FOR FILE COPY	3		.15	X =	0
b. PAGES RELEASED	5		.15	X =	0
10. PRE-PRINTED PUBLICATIONS		(1) TOTAL PAGES	(2) RATE	(3) COST	
a. PAGES PRINTED	5		.02	X =	0
11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES		(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. TAPE/DISC/CD	6			X =	0
b. PAPER PRINTOUT	3			X =	0
12. OTHER ADMINISTRATIVE FEES		(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)	3			X =	0
13. AUDIOVISUAL MATERIALS		(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. MATERIALS REPRODUCED	4			X =	0
14. SPECIAL SERVICES		(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. ALL SPECIAL SERVICES (See instructions)	6			X =	0
15. MICROFICHE REPRODUCED		(1) NUMBER	(2) ACTUAL COST	(3) COST	
	5		.25	X =	0
FEE CODES		16. FOR FOI OFFICE USE ONLY			
1 Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours. 2 Chargeable to "commercial" requesters only. 3 Not chargeable to any fee category. 4 Chargeable to "commercial". Chargeable to "other" after deduction of the equivalent of 2 hours. (Example: deduct \$88.00 professional rate.) 5 Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial"). 6 Chargeable to all fee categories. No deductions.		a. TOTAL COLLECTABLE FEES b. TOTAL PROCESSING FEES c. TOTAL CHARGED d. FEES WAIVED/REDUCED (X one) e. FEES NOT APPLICABLE (X one)			
				0	
		Yes	No		
		Yes	No		
See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.					

INSTRUCTIONS FOR COMPLETING DD FORM 2086

This form is used to record costs associated with the processing of a Freedom of Information request.

1. REQUEST NUMBER - First two digits will express Calendar Year followed by dash (-) and Component's request number, i.e., 03-001.

2. TYPE OF REQUEST - Mark the appropriate block to indicate initial request or appeal of a denial.

3. DATE COMPLETED - Enter year, month and day, i.e., 20031001.

4. ACTION OFFICE - Enter the office processing this request.

5. CLERICAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search - Time spent in locating from the files the requested information.

Review/Excising - Time spent in reviewing the document content and determining if the entire document must retain its classification or segments could be excised thereby permitting the remainder of the document to be declassified. In reviews for other than classification, FOI exemptions 2 through 9 should be considered.

Other Administrative - Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, etc.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

6. PROFESSIONAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising/Other - See explanation above.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

7. EXECUTIVE HOURS - For each applicable activity category, enter the time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising/Other - See explanation above.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

8. COMPUTER SEARCH - When the amount of government-owned (not leased) computer processing machine time required to complete a search is known, and accurate cost information for operation is available, enter the time used and the rate. Then, calculate the total cost which is fully chargeable to the requester.

- Programmer and operator costs are calculated using the same method as in Items 5 and 6. This cost is also fully chargeable to requesters as computer search time.

9. OFFICE COPY REPRODUCTION - Enter the number of pages reproduced and/or released.

- Multiply by the rate per copy and enter cost figures.

10. PRE-PRINTED PUBLICATIONS - Enter total pages.

- Multiply the total number of pages by the rate per page and enter cost figures.

11. COMPUTER COPY - Enter the total number of tapes and/or printouts.

- Multiply by the actual cost per tape or printout and enter cost figures.

12. OTHER ADMINISTRATIVE FEES - Covers postage (when known), correspondence preparation, other non-billable charges not covered under Items 5 - 7, etc.

13. AUDIOVISUAL MATERIALS - Duplication cost is the actual cost of reproducing the material, including the wages of the person doing the work.

14. SPECIAL SERVICES - Covers items outside of the FOIA such as authenticating records at \$5.20 per seal, overnight mail at cost, and other services for which the requester agrees to reimburse the agency.

15. MICROFICHE REPRODUCED - Enter the number of copies and multiply by the rate per copy.

16. FOR FOI OFFICE USE ONLY -

Total Collectable Fees - Add the blocks in the cost column and enter total in the total collectable fees block. Apply the appropriate waiver for the category of requester prior to inserting the final figure. Further discussion of chargeable fees is contained in Chapter VI of DoD Regulation 5400.7-R.

Total Processing Fees - Add all blocks in the cost column and enter total in the total processing fees block. The total processing fees in most cases will exceed the total collectable fees.

Total Charged - Enter the total amount that the requester was charged, taking into account the fee waiver threshold and fee waiver policy.

Fees Waived/Reduced - Indicate if the cost of processing the request was waived or reduced by placing an "X" in the "Yes" block or the "No" block.

Fees Not Applicable - Indicate if the cost of processing the request was not applicable by placing an "X" in the "Yes" block or the "No" block.