



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST
PSC BOX 20005
CAMP LEJEUNE, NC 28542-0005

MCIEASTO 5720.1A
G-1

29 JAN 2010

MARINE CORPS INSTALLATIONS EAST ORDER 5720.1A

From: Commanding General
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES FOR HANDLING
REQUESTS FOR PUBLIC DISCLOSURE OF RECORDS HELD BY MARINE
CORPS INSTALLATIONS EAST (MCIEAST) COMMANDS

Ref: (a) SECNAVINST 5720.42F
(b) 5 U.S.C., Section 552
(c) EO 13392 FOIA
(d) DoD Directive 5400.07, "DoD Freedom of Information
Act (FOIA) Program," January 2, 2008
(e) DoD 5400.7-R, "DoD Freedom of Information Act
(FOIA) Program," September 1998
(f) SECNAVINST 5211.5E
(g) MCIEASTO 5211.1A
(h) SECNAV M-5210.1

Encl: (1) MCIEAST/G-1/ADJ/5720.1/1 (FOIA Request Form)
(2) Form DD 2086, Record of Freedom of Information (FOI)
Processing Cost

Reports Required: Annual Freedom of Information Act Report
(Report Symbol DD-5720-25) par. 6

1. Situation. To establish procedures for handling FOIA requests for MCIEAST Headquarters and subordinate commands as defined by the references, and to outline procedures for the submission of reports as required by reference (a).

2. Cancellation. MCIEASTO 5720.1.

3. Mission

a. Background. To ensure MCIEAST FOIA offices act promptly on all requests for Federal records, and process such requests pursuant to the references (a) through (h). The references provide amplified instructions for compliance and implementation

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distribution is unlimited.

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when processing such requests, and outlines fee procedures which will be followed to cover expenses incurred in providing such records to requesters under the FOIA.

b. Summary of Revision. This Order has been revised and should be reviewed in its entirety.

4. Execution. The Commanding General has designated the Assistant Chief of Staff (AC/S), G-1 with the responsibility for advising and managing FOIA procedures. Additionally, the AC/S G-1 is appointed as the authorized denial authority for MCIEAST.

a. Tasks

(1) AC/S G-1

(a) Maintain denial authority for MCIEAST FOIA requests.

(b) Appoint in writing a FOIA Public Liaison.

(c) Establish a FOIA Requester Service Center.

(d) Appoint in writing a MCIEAST FOIA Officer.

(2) MCIEAST FOIA Public Liaison

(a) Serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from a subordinate MCIEAST FOIA office.

(b) Ensure responses to FOIA requests and FOIA-related inquiries are provided according to references (a) through (g). For example, the FOIA Public Liaison shall assist, as appropriate, in reducing delays, increasing transparency and understanding of the status of requests, and resolving any disputes.

(3) MCIEAST FOIA Requester Service Center

(a) Act on inquiries from a FOIA requester concerning the processing of their FOIA request.

(b) Post appropriate information about the Requester Service Center on the MCIEAST website, including contact information for the MCIEAST FOIA Public Liaison.

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(4) MCIEAST FOIA Officer/Coordinator

(a) Retain responsibility for efficient and appropriate compliance with the FOIA throughout MCIEAST.

(b) Monitor FOIA implementation throughout MCIEAST, including public meetings with the extent deemed appropriate by the MCIEAST FOIA Officer. Apprise the AC/S, G-1 of MCIEAST's performance in implementing the FOIA, including the extent to which the MCIEAST FOIA program meets the milestones and reporting standards established consistent with applicable law and references (a) through (g).

(c) Recommend to the AC/S, G-1 such adjustments to MCIEAST FOIA practices, policies, personnel, and funding as may be necessary to carry out the policy.

(d) Review and report on MCIEAST's performance in implementing the FOIA, and facilitate the public's understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions.

(e) Process requests utilizing enclosure (1) and maintain a FOIA Electronic Log (database) for the following:

1. All initial FOIA requests directed to the MCIEAST Headquarters seeking to obtain access to records maintained in the files of MCIEAST Headquarters.

2. Routed or referred FOIA requests where the installation records custodian/subject matter expert has expressed concern with regard to public disclosure of the responsive document(s) under FOIA.

(f) Process all partial and full denials for MCIEAST Headquarters and subordinate commands for release.

(g) Ensure the files reflect complete administrative records, as required by references (d) and (e), and that FOIA request files, the FOIA log, and other related records are maintained for mandated time frames, as established in reference (g).

(h) Reply in writing to requesters within five working days with an acknowledgement letter informing them that their request has been received. This letter will contain

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routing and processing information (date received, date of perfected request, installation date and installation file number and the 20 working day date). If a delay is anticipated, an estimated response date will be provided with an explanation of the delay and appeal rights.

(i) Route or refer documents to the responding agency within 10 working days of receipt. When a question arises regarding the appropriate responder, the MCIEAST FOIA office will first contact the proposed receiver to ensure proper routing of the request.

(j) Seek legal review regarding releasable information if it's determined the information is of a complex nature or the release is unclear.

(k) Per reference (a), Initial Denial Authorities (IDAs) are responsible for ensuring that reports are collected from subordinate activities by 25 October following the close of the fiscal year reporting period. Installation annual reports are due to the MCIEAST FOIA Coordinator by 16 October each year. A consolidated MCIEAST FOIA annual report will be submitted by 21 October to Commander, U.S. Marine Corps Bases, Atlantic.

(l) Create and maintain a MCIEAST FOIA web page. Ensure MCIEAST reading room materials are placed in the activities electronic reading room when applicable. Work closely with the activities webmaster to ensure the information placed on the activities website does not violate policies set forth in the references.

(m) Ensure FOIA processing time frames are in compliance with statutory requirements and regulatory dictates.

(n) Coordinate MCIEAST FOIA requests with MCIEAST subordinate commands and serve as a consultant to outside agencies regarding routing, referrals and responding to FOIA requests.

(o) Ensure training is provided to subordinate command FOIA personnel on FOIA responsibilities and practices within the MCIEAST constituency and keep abreast of new developments in FOIA policy/practices (and pass this information along to all FOIA personnel). FOIA processing guidance and assistance will be provided to FOIA personnel on a case-by-case basis as issues arise. The MCIEAST FOIA Officer acts as an intermediary between subordinate command FOIA personnel and HQMC FOIA.

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(p) Maintain a listing of subordinate command FOIA Coordinators to include full name, address, and telephone (office and fax). On the MCIEAST website, identify coordinators as "FOIA Coordinators."

(q) Conduct routine random staff assist visits/reviews/self-evaluations at the MCIEAST level and subordinate command level to ensure compliance with FOIA.

(r) Maintain and publish MCIEAST FOIA office information so the public may call regarding the status of their requests and receive an estimated response date.

(5) MCIEAST Subordinate Commanders

(a) Appoint in writing a command FOIA Officer/Coordinator.

(b) Process records under your command's area of responsibility.

(c) Utilize a FOIA Electronic Log (database) to capture and maintain FOIA tracking data, resource information, and record numbers used when compiling an administrative record.

(d) Ensure the files reflect complete administrative records, as required by references (d) and (e), and that FOIA request files, the FOIA log, and other related records are maintained for mandated time frames, as established in reference (g).

(e) Reply in writing to requesters within five working days with an acknowledgement letter informing them that their request has been received. This letter will contain routing and processing information (date received, date of perfected request, date and file number and the 20 working day date). If a delay is anticipated, an estimated response date will be provided with an explanation of the delay and appeal rights.

(f) Provide a response letter and documents to the requester within 20 working days after receipt of a request. If an extension of time is necessary in which to respond, the FOIA Officer/Coordinator will forward the extension letter to the requester prior to the 20 working day due date.

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(g) Ensure your FOIA Officer/Coordinator is providing the record holders, department heads or systems managers a copy of the FOIA request and a due date the records are to be provided to the FOIA office for processing. The file that is requested will be complete with all supplemental documents.

(h) Route or refer documents to the responsive FOIA office within 10 working days of receipt. When there may be a question about the referral, the FOIA Officer/Coordinator will call the proposed receiver to ensure there is proper routing.

(i) Route all partial and full denials to MCIEAST FOIA Officer/Coordinator for release in a timely manner. The 20 working day period starts once the first FOIA office receives the request and ends when the last FOIA office releases the request.

(j) Create and maintain a FOIA web page. Ensure your reading room materials are placed in the activities electronic reading room.

(k) Provide annual reports to the MCIEAST FOIA Officer by 16 October each year.

(l) Ensure training is provided to all command personnel on FOIA responsibilities and practices within the installation's constituency. Keep abreast of new developments in FOIA policy/practices, and pass this information along to records managers within the command.

(m) Maintain and publish individual FOIA office information so the public may call regarding the status of their requests and receive an estimated response date. Point of contact information will be included in each letter sent to the requester.

(6) Installation Department Heads/Systems of Records Managers

(a) Conduct a search for responsive records, to include making a manual search for records as well as an electronic search for records. Ensure all possible avenues are considered before making a determination that no record could be found. If records were transferred according to reference (h), that information will need to be provided to the FOIA Officer/Coordinator in response to the search for responsive records.

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(b) Per reference (h), the Privacy Act (PA) systems of records managers are responsible for overseeing the collection, maintenance, use, and dissemination of information from a PA system of records. Ensure all personnel who have access to those records are aware of their responsibilities for protecting Personally Identifiable Information (PII) that is being collected or maintained.

(c) Notify your designated FOIA Officer/Coordinator by telephone or E-mail if an extension is required and provide an expected date of completion.

(d) Assign an action officer to coordinate all requirements regarding FOIA requests with the command's FOIA Coordinator.

(7) MCIEAST Staff Judge Advocate (SJA)/Eastern Area Counsel Office (EACO). When requested by the MCIEAST FOIA Officer/Coordinator, provide legal guidance/review on FOIA requests in respective areas of cognizance for all cases in which questions arise pertaining to the legality of providing or denying a request.

b. Coordinating Instructions. The following disposition instructions are provided in consonance with reference (g):

(1) Records relating to the general implementation of the FOIA, including notices, routine correspondence, and related records shall 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 shall be maintained for six years.

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

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

(5) Annual reports shall be maintained permanently.

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

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5. Administration and Logistics

a. AC/S G-1 has staff cognizance over the MCIEAST FOIA Program.

b. Requesters can fax enclosure (1) to the MCIEAST FOIA Coordinator at (910) 451-1265, E-mail to FOIA.MCIEAST@usmc.mil, or mail the request to the following address:

COMMANDING GENERAL
MARINE CORPS INSTALLATIONS EAST
(ATTN: MCIEAST FOIA COORDINATOR)
PSC BOX 20005
CAMP LEJEUNE, NC 28542-0005

c. Enclosure (1) is also located on the following website:
<http://www.marines.mil/units/mcieast/Pages/welcome.aspx>

d. The MCIEAST FOIA Coordinator will provide all responses pertaining to partial and full denials. The installation commands are not authorized to provide a release determination if information is being withheld.

6. Command and Signal

a. Command. This Order is applicable to MCIEAST.

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



D. P. THOMAS
Chief of Staff

DISTRIBUTION: A

29 Jan 10

REPORTING REQUIREMENT DD-5720-25 ARAD

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

PRIVACY ACT STATEMENT

Information contained on this form is maintained under the Systems of Records Notice NM05720-1 FOIA Request/Appeal Files and Tracking System (April 2, 2008, 73 FR 17961) 5 U.S.C. 552, the Freedom of Information Act, as amended. **AUTHORITY:** 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; E.O. 9397 (SSN); and Secretary of the Navy Instruction 5720.42F, Department of the Navy Freedom of Information Act Program. **PRINCIPLE:** Individuals who request access to information under the provisions of the Freedom of Information Act (FOIA) or make an appeal under the FOIA. **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. **ROUTINE USE :** 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 the DoD as 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: MANDATORY** for computer matching.

Commanding General
Marine Corps Installations East
Attn: G-1 (FOIA Coordinator)
PSC Box 20005
Camp Lejeune, NC 28542-0005

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-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/ROUTINE USE 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) 451-1265 or e-mail to FOIA.MCIEAST@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			
	a. INITIAL <input type="checkbox"/> b. APPEAL <input type="checkbox"/>					
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	=
b. REVIEW/EXCISING		2				
c. OTHER ADMINISTRATIVE COSTS		3				
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	=
b. REVIEW/EXCISING		2				
c. OTHER/COORDINATION/DENIAL		3				
7. EXECUTIVE HOURS (O-7 - ES 1 and above)		(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST	
a. SEARCH		1		X	\$75.00	=
b. REVIEW/EXCISING		2				
c. OTHER/COORDINATION/DENIAL		3				
8. COMPUTER SEARCH		(1) TOTAL TIME	(2) RATE		(3) COST	
a. MACHINE TIME (Not PC, desktop, laptop)		4		X	=	
b. PROGRAMMER/OPERATOR TIME (Human)						
(1) Clerical Hours		1	\$20.00/hr			
(2) Professional Hours		1	\$44.00/hr			
9. OFFICE MACHINE COPY REPRODUCTION		(1) NUMBER	(2) RATE		(3) COST	
a. PAGES REPRODUCED FOR FILE COPY		3		X	.15	=
b. PAGES RELEASED		6	.15			
10. PRE-PRINTED PUBLICATIONS		(1) TOTAL PAGES	(2) RATE		(3) COST	
a. PAGES PRINTED		5		X	.02	=
11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES		(1) NUMBER	(2) ACTUAL COST		(3) COST	
a. TAPE/DISC/CD		6		X	=	0.00
b. PAPER PRINTOUT		3				
12. OTHER ADMINISTRATIVE FEES		(1) NUMBER	(2) ACTUAL COST		(3) COST	
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)		3		X	=	0.00
13. AUDIOVISUAL MATERIALS		(1) NUMBER	(2) ACTUAL COST		(3) COST	
a. MATERIALS REPRODUCED		4		X	=	0.00
14. SPECIAL SERVICES		(1) NUMBER	(2) ACTUAL COST		(3) COST	
a. ALL SPECIAL SERVICES (See instructions)		6		X	=	0.00
15. MICROFICHE REPRODUCED		(1) NUMBER	(2) ACTUAL COST		(3) COST	
a. ALL MICROFICHE REPRODUCED		5		X	.25	=
FEE CODES		16. FOR FOI OFFICE USE ONLY				
1 Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours.			a. TOTAL COLLECTABLE FEES			
2 Chargeable to "commercial" requesters only.			b. TOTAL PROCESSING FEES	\$0.00		
3 Not chargeable to any fee category.			c. TOTAL CHARGED			
4 Chargeable to "commercial". Chargeable to "other" after deduction of the equivalent of 2 hours. (Example: deduct \$88.00 professional rate.)			d. FEES WAIVED/REDUCED (X one)	Yes	No	
5 Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial").			e. FEES NOT APPLICABLE (X one)	Yes	No	
6 Chargeable to all fee categories. No deductions.	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.