



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS MARYLAND 21402-1300

USNAINST 5720.5D
28/AO
17 April 2026

USNA INSTRUCTION 5720.5D

From: Superintendent, U.S. Naval Academy

Subj: FREEDOM OF INFORMATION ACT PROGRAM

Ref: (a) 5 U.S.C. §552
(b) DoDM 5400.07, DoD Freedom of Information Act Program of 25 January 17
(c) SECNAVINST 5720.42G
(d) USNAINST 5211.3E

1. Purpose

a. To issue policy, assign responsibilities, delegate authority, and implement reference (a), the Freedom of Information Act (FOIA), at the U.S. Naval Academy (USNA) per references (b) and (c).

b. Revision initiated to satisfy directive periodicity requirements. Major changes to this instruction include revisions to the Responsibilities and Authority section, Policy section, and the addition of required information.

2. Cancellation. USNAINST 5720.5C.

3. Applicability. The policies and procedures contained in this instruction apply to USNA and the Naval Academy Preparatory School (NAPS), referred herein as USNA, and those submitting FOIA and/or Privacy Act (PA) requests to USNA. This instruction governs disclosure of records under the release authority of the Superintendent to any person requesting these records. All requests for USNA records, except for those that would normally be released as a matter of course or processed per reference (d), will be treated as FOIA requests and processed in accordance with this instruction and references (a) through (c).

4. Policy

a. Relationship between FOIA and PA. Not all requesters are knowledgeable of the appropriate statutory authority to cite when requesting records. In some instances, they may cite neither Act, but will imply one or both Acts. If the record is required to be released under the FOIA, the PA cannot bar its disclosure. Unlike the FOIA, the PA applies only to U.S. citizens and aliens lawfully admitted for permanent residence. Reference (d) implements the USNA's Privacy Program. USNA will follow the guidelines set forth in reference (c) to ensure requesters receive the greatest access rights under both Acts. Only those delegated as a denial authority for USNA are permitted to deny a request in part or in full for records requested under the FOIA or the PA.

b. Requests for USNA Records. Forward all FOIA requests received by USNA to the FOIA office for processing at FOIA@usna.edu. All requests for information contained in a PA system of records must be processed per reference (d). If the record holder cannot legally provide the record in full to the requester or if there is any doubt whether the record holder can legally provide the record in full to the requester, the request should be sent to the FOIA office for processing under this instruction.

c. Submitting a FOIA Request to USNA. The available methods for submitting a FOIA request to USNA will be posted on the USNA FOIA Program website. To submit a FOIA request to USNA, requesters must follow the directions on the FOIA website for submitting a FOIA request at <https://www.usna.edu/AdminSupport/foia/foia-request.php>.

5. Responsibility and Authority

a. Initial Denial Authority. Per reference (c), the Superintendent has Initial Denial Authority for USNA. For speed, efficiency, and uniformity of decision making, the FOIA Coordinator is delegated to act as an Initial Denial Authority for USNA under the authority in reference (c).

b. Release Authority. As defined in reference (c), release authority is delegated to the FOIA Coordinator for all requests subject to this instruction.

c. FOIA Coordinator. The Superintendent's Administrative Officer is designated as the FOIA Coordinator for USNA and is authorized to sign correspondence relating to FOIA matters on USNA letterhead. The FOIA Coordinator will perform all duties of the echelon II FOIA coordinator and the command FOIA coordinator for USNA per reference (c), and:

(1) Serves as the USNA FOIA Public Liaison and subject matter expert.

(2) Issues and updates the USNA FOIA instruction, USNA FOIA guides, and maintains the USNA FOIA website to include the USNA FOIA Reading Room as required.

(3) Reviews FOIA requests received by USNA and ensures command utilization of the Department of the Navy required FOIA tracking system.

d. Staff Judge Advocate (SJA). The SJA will review proposed responses to FOIA requests received by USNA of a non-routine nature or deemed appropriate for higher level review by the FOIA Coordinator or Assistant Staff Judge Advocate (ASJA) for correctness and legality and forward them to the Chief of Staff for review and awareness.

e. USNA Command Counsel: The USNA Command Counsel will review proposed responses to FOIA requests received by USNA of a non-routine nature or deemed appropriate for higher level review by the FOIA Coordinator or ASJA dealing with matters under the appeal authority of the General Counsel of the Navy.

f. ASJA. The ASJA will review all proposed responses to FOIA requests received by USNA for correctness and legality and will:

(1) Forward any FOIA request deemed non-routine or high-visibility to the SJA or USNA Command Counsel for review.

(2) Take all required FOIA training as prescribed by the Office of the Chief Information Officer.

(3) Draft command legal responses as required in response to FOIA appeals or litigation.

g. Public Affairs Officer (PAO). The PAO will review records being released to members of the media and any responses to requests with potential public interest as deemed appropriate by the FOIA Coordinator or ASJA before release. If required, the Public Affairs Officer will be the last review before the response is released.

h. Cost Center Heads. USNA FOIA staff will send FOIA requests for cost center records to the appropriate cost center for coordination, search, and review. After receiving a request from the FOIA office, cost center heads will:

(1) Ensure the appropriate cost center personnel conduct reasonable searches, as described in reference (a), for records responsive to all applicable portions of the request. Cost center heads should ensure all personnel involved in the search or review of records for a FOIA request receive and follow all guidance provided by the FOIA office concerning the processing of the request.

(2) Ensure responsive records are submitted in portable document format, labeled, and organized in a manner where the FOIA staff can easily identify the responsive records and which portion of the request each record is responsive to. A memo describing the search parameters and listing the responsive records for each portion of the request may be required, as determined by the FOIA coordinator.

(3) Ensure Subject Matter Experts (SME) propose redactions for information they believe is not releasable to the public pursuant to an exemption cited in reference (a). Each proposed redaction must be accompanied by an explanation of why the subject matter expert believes the information falls within a proposed exemption.

(4) Review all cost center proposed redactions for awareness and concurrence and ensure responsive records are returned to the FOIA office within 10 business days. Delegation of the review requirement is authorized as necessary to meet statutory deadlines.

(5) Ensure search declarations are provided with responses to requests where no records were located for a request or any portion of a request or as requested by the FOIA office.

(6) Coordinate with the FOIA office if a request is unclear, requires additional information, or if the request will take longer than 10 business days to process.

(7) Unless unusual circumstances exist that were coordinated with the FOIA office, ensure all required documentation, to include processing costs, are provided to the FOIA office in the requested

formats within 10 business days. Only records that are actually responsive to a request should be submitted.

i. SMEs. SMEs, those asked to conduct a search or review of records in response to a FOIA request, are responsible for ensuring a reasonable search is conducted as defined in reference (a) as well as following all guidance provided by the FOIA office and cost center concerning the processing of the FOIA request.

j. All hands. All hands are responsible for familiarizing themselves with this instruction, references (a) through (c), the USNA FOIA website, and reviewing any materials provided by the FOIA office or cost center concerning the FOIA.

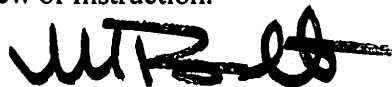
k. Any Person Submitting a FOIA Request. Any person, as defined in reference (a), can submit a FOIA request to USNA for records. Requesters must follow all procedures contained in reference (a), all posted Department of Defense and Department of the Navy policies, as well as all posted requirements for submitting a Freedom of Information Act and/or Privacy Act request listed on the USNA FOIA program website located at <https://www.usna.edu/AdminSupport/foia/index.php>.

6. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the DON Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local record custodian or the USNA Records Manager.

7. Review and Effective Date. Per OPNAVINST 5215.17A, the FOIA Coordinator will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction.



M. J. BORGSCHULTE

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via the USNA Issuance Website, <https://www.usna.edu/AdminSupport/Inst/>.