



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

USNAINST 5720.5C

28/AO

13 APR 2015

USNA INSTRUCTION 5720.5C

From: Superintendent

Subj: FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Ref: (a) 5 U.S.C. §552  
(b) DoD Manual 5400.07  
(c) SECNAVINST 5720.42F  
(d) DON CIO memo of 12 Dec 13 to DNS and DMCS, subj:  
"Department of the Navy Implementation of FOIAonline"  
(e) SECNAVINST 5211.5E

Encl: (1) Record of Freedom of Information (FOI) Processing Cost Form  
(DD Form 2086)

1. Purpose. To issue FOIA policies and procedures for implementation of references (a) through (d) at the United States Naval Academy (USNA).

2. Cancellation. USNAINST 5720.5B.

3. Applicability. The policies and procedures contained in this instruction apply to USNA and the Naval Academy Preparatory School (NAPS). This instruction governs disclosure of all records maintained at USNA and NAPS to any person requesting these records. All requests for Academy records, except for those that would normally be released as a matter of course, will be treated as FOIA requests and processed in accordance with this instruction and references (a) through (e).

4. Policy.

a. USNA will make available all public information; agency rules, opinions, orders, records, and proceedings falling under categories described in paragraphs (a)(1)-(2) of reference (a).

b. USNA will respond to requests promptly and fully in accordance with the public interests served by reference (a).

(1) A request must be perfected (i.e., meets the requirements of a proper FOIA request in accordance with reference (c) and this instruction).

(2) Initial determination to release or deny a record will ordinarily be made and reported to the requester within 20 working days after receipt of the request.

(3) A record must exist and be in the possession and control of USNA at the time the request is received to be considered subject to this instruction. There is no obligation to create or compile a record to satisfy a FOIA request.

13 APR 2015

c. Per reference (d), participation in FOIAonline, the web-based FOIA-processing system accessible at <https://foiaonline.regulations.gov>, is mandatory. All DON FOIA processing must occur through FOIAonline to ensure maintenance of accurate and complete reporting capabilities concerning the DON, including USNA.

5. Responsibility and Authority.

a. Initial Denial Authority. The Superintendent is designated as the Initial Denial Authority for USNA. The FOIA Coordinator is authorized to act as a denial authority and to sign "By direction" correspondence relating to routine FOIA matters.

b. Release Authority. The Superintendent is designated as the Release Authority for USNA. The FOIA Coordinator is authorized to sign "By direction" of the Superintendent in this regard. A request governed by reference (a) and this instruction may be granted by the FOIA Coordinator.

c. Freedom of Information Act Coordinator. The Superintendent's Administrative Officer is designated as the USNA FOIA Coordinator. The USNA FOIA Coordinator:

- (1) Serves as the principal point of contact on all FOIA matters.
- (2) Issues and updates a command FOIA instruction.
- (3) Compiles statistics and submits the Annual FOIA Report.
- (4) Provides general awareness training for personnel on the provisions of references (a) through (c) and this instruction.
- (5) Provides guidance on processing and the scope of FOIA exemptions and processes FOIA requests received by USNA.
- (6) Receives and tracks all FOIA requests received by USNA.
- (7) Maintains USNA FOIA web pages to include the Academy's FOIA Reading Room.

d. Assistant Staff Judge Advocate (ASJA). The ASJA reviews all proposed responses to FOIA requests received by USNA for correctness and legality. The ASJA will forward all sensitive FOIA requests and responses to the Staff Judge Advocate for review.

e. The Staff Judge Advocate (SJA). The SJA reviews all proposed responses to sensitive FOIA requests received by USNA for correctness and legality and forwards them to the Chief of Staff for review.

f. Public Affairs Officer (PAO). The PAO will review all responsive documents for FOIA requests made by members of the media.

g. Division and Department Heads. Division and department heads are responsible for ensuring their divisions and departments provide all responsive documents to the FOIA Coordinator when solicited for information

13 APR 2015

along with a completed DD Form 2086, enclosure (1), for fee estimation. Division and department heads will provide the requested information to the FOIA Coordinator within 15 work days.

6. Requirements for a perfected FOIA Request. In addition to the requirements of a perfected FOIA request set forth in reference (c), USNA will not consider a request "perfected," nor start the 20 day statutory clock, without the requester's full name, address, and written consent for any records contained within a Privacy Act (PA) System of Records (if applicable).

7. 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 does not bar its disclosure. Unlike the FOIA, the PA applies only to U.S. citizens and aliens admitted for permanent residence. Reference (e) implements the DON's Privacy Act Program. USNA will follow the guidelines set forth in reference (c) to ensure requesters receive the greatest access rights under both Acts.

8. Submitting a FOIA Request. Any party may submit a FOIA request to USNA for access to Academy maintained records by fax, mail, e-mail, or through FOIAonline.

a. Fax. A FOIA request can be submitted by fax to 410-293-2303 or 410-293-0005, Attention: FOIA Coordinator.

b. Mail. A FOIA request can be submitted by U.S. mail to the following address:

Superintendent, U.S. Naval Academy  
Attention: FOIA Coordinator  
121 Blake Road  
Annapolis, MD 21402-1300

c. E-mail. A FOIA request can be submitted by e-mail to FOIA@usna.edu.

d. FOIAonline. A FOIA request can be submitted through FOIAonline at <https://foiaonline.regulations.gov/foia/action/public/home>.

9. USNA FOIA Processing Procedures. Upon receipt of a FOIA request at USNA:

a. Forward all FOIA requests received by USNA to the FOIA Coordinator for processing.

b. Determine if the FOIA request is perfected. If the request is not perfected, the FOIA Coordinator will apprise the requester of the defect and assist in perfecting the request.

c. Enter FOIA request into FOIAonline (if not submitted in that manner) and USNA's internal tracking system. FOIAonline will generate a unique tracking number for each request.

13 APR 2015

d. Determine if the Naval Academy is the appropriate activity to respond to the request. If the Naval Academy is not the record holder, the FOIA Coordinator will reassign or refer the request to the appropriate activity. If the request is referred outside of the DON, the FOIA Coordinator will notify the requester of the referral in writing.

e. Send a letter acknowledging receipt of the request and informing the requester of the request's unique FOIA Online tracking number within 5 working days if USNA anticipates the request will not be answered within 20 working days. This will enable the requester to track the status of the request through FOIA Online.

f. Determine fee category and estimate fees to be charged as outlined in reference (c). If fees are projected to exceed the amount addressed in the request, send a letter to requester with attached DD Form 2086; enclosure (1), and assess the requester's willingness to pay. If the requester refuses to pay the fees, doesn't reduce the scope of the request to an agreed upon amount, or doesn't request a fee waiver within 20 work days, close out the request.

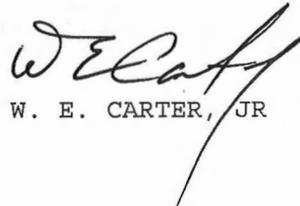
g. Gather all responsive documents from appropriate divisions and departments.

h. Assess responsive documents, apply exemptions, and redact documents.

i. Conduct all appropriate reviews of responsive documents for release.

j. Reply to the perfected FOIA request within FOIA time limits per reference (a).

k. Close out FOIA request in FOIAonline after final disposition letter is sent.

  
W. E. CARTER, JR

Distribution:  
Non-Mids (electronically)

13 APR 2015

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"/>					
<b>5. CLERICAL HOURS (E-9/GS-8 and below)</b>		FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST
a. SEARCH	1			X	\$20.00 =	0.00
b. REVIEW/EXCISING	2					0.00
c. OTHER ADMINISTRATIVE COSTS	3					0.00
<b>6. PROFESSIONAL HOURS (O-1 - O-6/GS-9-GS-15)/CONTRACTOR</b>			(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST
a. SEARCH	1			X	\$44.00 =	0.00
b. REVIEW/EXCISING	2					0.00
c. OTHER/COORDINATION/DENIAL	3					0.00
<b>7. EXECUTIVE HOURS (O-7 - ES 1 and above)</b>			(1) TOTAL HOURS	(2) HOURLY RATE		(3) COST
a. SEARCH	1			X	\$75.00 =	0.00
b. REVIEW/EXCISING	2					0.00
c. OTHER/COORDINATION/DENIAL	3					0.00
<b>8. COMPUTER SEARCH</b>			(1) TOTAL TIME	(2) RATE		(3) COST
a. MACHINE TIME (Not PC, desktop, laptop)	4			X	=	0.00
b. PROGRAMMER/OPERATOR TIME (Human)						0.00
(1) Clerical Hours	1					0.00
(2) Professional Hours	1					0.00
<b>9. OFFICE MACHINE COPY REPRODUCTION</b>			(1) NUMBER	(2) RATE		(3) COST
a. PAGES REPRODUCED FOR FILE COPY	3			X	.15 =	0.00
b. PAGES RELEASED	5					0.00
<b>10. PRE-PRINTED PUBLICATIONS</b>			(1) TOTAL PAGES	(2) RATE		(3) COST
a. PAGES PRINTED	5			X	.02 =	0.00
<b>11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES</b>			(1) NUMBER	(2) ACTUAL COST		(3) COST
a. TAPE/DISC/CD	6			X	=	0.00
b. PAPER PRINTOUT	3					0.00
<b>12. OTHER ADMINISTRATIVE FEES</b>			(1) NUMBER	(2) ACTUAL COST		(3) COST
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)	3			X	=	0.00
<b>13. AUDIOVISUAL MATERIALS</b>			(1) NUMBER	(2) ACTUAL COST		(3) COST
a. MATERIALS REPRODUCED	4			X	=	0.00
<b>14. SPECIAL SERVICES</b>			(1) NUMBER	(2) ACTUAL COST		(3) COST
a. ALL SPECIAL SERVICES (See instructions)	6			X	=	0.00
<b>15. MICROFICHE REPRODUCED</b>				X	.25 =	0.00
<b>FEE CODES</b> 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.				<b>16. FOR FOI OFFICE USE ONLY</b> a. TOTAL COLLECTABLE FEES b. TOTAL PROCESSING FEES c. TOTAL CHARGED d. FEES WAIVED/REDUCED (X one) e. FEES NOT APPLICABLE (X one)		
				\$0.00		
				Yes	No	
				Yes	No	
See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.						

13 APR 2015

**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.