

NASIC Knowledge Management – Freedom of Information Act (FOIA) / Privacy Act

Freedom of Information Act – Phone: (937) 257-2917 Email: nasickmcorgbox@us.af.mil

- **WHAT IS FOIA?** The Freedom of Information Act Program ([DODR 5400.07](#)) allows the general public including foreign citizens, military and civilian personnel acting as private citizens, to request records electronically or in writing from the Federal Government. Some records are released to the public under the Freedom of Information Act, and may therefore reflect deletion of some information in accordance with the FOIA's nine statutory exemptions or two law enforcement record exclusions. A consolidated list of such records is on [Office of Freedom of Information](#) site and the [U.S. Air Force FOIA](#) site. Currently the law allows 20 working days to process a FOIA request upon receipt of the request in the FOIA office.
- **WHO CAN SUBMIT A FOI REQUEST?** Members of the public, including foreign citizens, military and civilian personnel acting as private citizens, organizations and businesses, and individual members of the Congress for themselves or constituents, may request records in writing. It is important to remember that the Freedom of Information Act applies only to federal agencies. It does not create a right of access to records held by Congress, the courts, state or local government agencies, or by private businesses or individuals. Each state has its own public access laws that should be consulted for access to state and local records.
- **HOW TO MAKE A FOIA REQUEST** Before making a request, first look to see if the information you are interested in is already publicly available. You can find a lot of useful information on a range of topics on each agency's website. You can also search for information agencies have already posted online [here on FOIA.gov](#).

If the information you want is not publicly available, you can submit a FOIA request to the agency's FOIA Office. The request simply must be in writing and reasonably describe the records you seek. Most federal agencies now accept FOIA requests electronically, including by web form, or e-mail. See [the list of federal agencies](#) for details about how to make a request to each agency and any specific requirements for seeking certain records.

- **ARE YOU SEEKING A RECORD THAT IS CURRENTLY CLASSIFIED?** If you are only seeking a copy of a record or records that are currently classified, and would like the record reviewed for appropriate declassification and release, you should file a Mandatory Declassification Review request. Mandatory Declassification Review is a provision of Presidential Executive Order 13526 that allows members of the public to request a mandatory declassification review of a classified document to obtain a releasable version of the document. The desired document requested must be specified in sufficient detail that it can be readily located. The record in question may not be the subject of litigation. The mandatory declassification review process can be a very timely and in-depth, due to the classification of materials being reviewed by internal and outside agencies. MDR decisions can be administratively appealed to the Headquarters Air Force/AAIL (Mandatory Declassification Review) or Interagency Security Classification Appeals Panel (ISCAP).

Requests for review and release of classified records under the MDR process can be made to:

Headquarters Air Force/AAll (Mandatory Declassification Review)
1000 Air Force Pentagon
Washington, DC 20330-1000
Email: usaf.pentagon.saf-aa.mbx.mdr-workflow@mail.mil

- **RELEASE OF EMAIL ADDRESSES** Air Force policy is to deny requests for lists of e-mail addresses (both personal and organizational) using FOIA exemption (b)(6). We rely on FOIA exemption (b)(6) when denying lists of personal e-mail addresses. High (b)(2) is no longer to be used to protect internal information, the disclosure of which would risk circumvention of a statute or agency regulation. Because DOD e-mail systems are to be used only for official and authorized purposes, the addresses are considered primarily internal. The regulations at issue that could be circumvented include DOD and AF regulations that require us to limit use of e-mail to authorized purposes, and to protect the security of your computer and information systems. Exemption (b)(6) protects information that if released would permit a clearly unwarranted invasion of personal privacy. This does not prohibit an organization from including a single e-mail address on a Web page or in correspondence.
- **FOIA FEES** As described in DoD Regulation 5400.07-R, AFMAN 33-302, DoD FOIA Program, and [\(CFR\) 286.12 of Title 32](#), requestors should indicate a willingness to pay fees associated with the processing of their request or, in the alternative, why a waiver of fees may be appropriate. You will be contacted if the cost to provide the requested document(s) exceeds the amount authorized by you.

Fees are assessed depending on which group the request falls into. There are three fee categories:

Category 1: Commercial. Requesters pay all search, review, and duplication. Search and review time is chargeable at \$48.00 per hour and reproduction is chargeable at fifteen cents per page.

Category 2: Educational or Noncommercial Scientific Institution or News Media or Union. The first 100 copies are free, additional copies are fifteen cents per page. No charge for search or review. News media must be able to justify that they are actively gathering news for an entity that is organized and operated to publish or broadcast news to the public, such as a publication contract.

Category 3: All Others. The first 2 hours of search and review time are free. The remaining search and review time beyond 2 hours is chargeable at \$48.00 per hour. The first 100 pages of copies are free. Reproduction beyond 100 pages is chargeable at fifteen cents per page.

- **FOIA QUESTIONS** FOIA requesters who have questions concerning the processing of requests with the WPAFB Requester Service Center should call the WPAFB FOIA Office at (937) 257-2917 or email nasickmcorgbox@us.af.mil

- **SUBMITTING PRIVACY REQUESTS** If you are seeking records on yourself, this is a Privacy Act request, and you will need to provide proof of identity. At this time, all Privacy Act requests must be submitted by mailing/faxing directly to the appropriate [Requester Service Center](#).

For information on how, and what's required / to submit a Privacy request [click here](#).

NOTE: Air Force-affiliated requesters, to include military and civilian employees, should not use government equipment, supplies, stationery, postage, telephones, or official mail channels to make FOIA requests. Requests should be made through personal e-mail or postal service.