



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5720
Ser 84/090
19 May 00

From: Commander, Navy Personnel Command
To: Commanding Officer, Naval Consolidated Brig Charleston
Commanding Officer, Naval Consolidated Brig Miramar

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUESTS

Ref: (a) SECNAVINST 5720.42F, Department of the Navy Freedom Information Act (FOIA) Program
(b) FOIA Brief Sheet prepared by Head, PA/FOIA Branch (N09B30), Office of CNO
(c) SECNAVINST 5211, Navy Privacy Act System of Record Notices

Encl: (1) Documents Related to the Administration of Individual Prisoners

1. References (a) and (b) stress the importance of meeting FOIA requests in a timely and complete manner. Towards this end, the following information is provided.

2. FOIA requests most often come to the brig initially. In the past, the brig has generally been instructed to forward the request to PERS-84 or to PERS-06, Office of Legal Counsel. This is the logical procedure when requests seek sensitive material which might compromise privacy or brig operations. There are, however, categories of information which are not sensitive and which the brig can safely release without review by higher authority.

3. Determining what can be released at the local level and what cannot is important because the Freedom of Information Act gives us only twenty business days to respond to a request. If additional time is needed, one of two things needs to happen:

a. The brig can contact the requester and negotiate an extension agreeable to both parties. This is often the best method if the release of information is not in question but will take some time to assemble and send.

b. A formal extension letter can be sent advising the requester that ten more days will be needed. This requires the signature of the Initial Denial Authority (IDA) which means

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forwarding the request to PERS-06 via PERS-84. This method should be reserved for requests that seek sensitive material (as defined below). Even when this route is taken, it is generally advisable for the brig to notify the requester by phone that the request has been received and is being acted upon.

4. Types of documents which are releasable by the brig without submission of the matter to PERS-06 include:

a. Anything contained in SECNAVINST 1640.9B.

b. Any brig SOP's with the exception of certain security procedures (see paragraph 5 below).

5. Documents which are not releasable at the brig level without case-by-case approval from PERS-06 via PERS-84 include:

a. All documents included in Section N01640-1, "Categories of Records in the System, reference (b). These documents are listed in enclosure (1).

b. Security procedures, the release of which could compromise the good order and security of the facility, are not releasable at the brig level. These include:

(1) Any SOP's which reveal the design or operation of brig security fixtures, equipment, procedures and practices.

(2) All post orders.

(3) Brig logs.

(4) All other letters, memo's, videotapes, etc., which reveal brig security procedures and practices.

c. Any information which would tend to violate a prisoner's right to privacy.

6. Reference (b) includes the following:

a. "FOIA request must be in writing; cite or imply it's made under the FOIA; and reasonably describe the records being

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sought so that a knowledgeable official of the agency can conduct a reasonable search; and, if fees are applicable, cite a willingness to pay all fees or those up to a specified amount."

b. If a request does not meet these minimum requirements, the requester is advised telephonically or in writing of the deficiency so he/she may refine the request. Naturally, we would want to assist the requester in refining the request, by explaining how our files are maintained; estimated costs; etc.

c. Communication between the brig and the requester can help focus the request and save time and trouble for everyone.

7. As stated in reference (a), "...fees may not be used to discourage requesters." Reasonable fees related to FOIA requests may be imposed by the brig, however, when search, review and reproduction time is substantial. Following are the three categories of requestors and applicable fee provisions:

a. Commercial requesters.

- (1) Fee for search, review and reproduction
- (2) Fees of \$15.00 or less are waived

b. Educational, non-commercial scientific and news media requesters.

- (1) Reproduction fees only.
- (2) First 11 pages of office copy are free.
- (3) Fees of \$15.00 or less are waived.

c. All other requesters.

- (1) Search and reproduction fees only.
- (2) First two hours of search time is free.
- (3) First 100 pages of office copy are free.

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8. Fees schedules are:

a. Reproduction costs.

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| (1) Pre-printed material: | \$0.02/page |
| (2) Office copy reproduction: | 0.15/page |
| (3) Microfiche reproduction: | 0.25/page |

b. Search/Review costs..

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|---------------------------------------|-------------|
| (1) Clerical (E-9/GS-8 and below: | \$12.00/hr. |
| (2) Professional (0-1/6 // GS-9/15): | 25.00/hr. |
| (3) Executive (0-7/GS-16/ES-1 and up: | 45.00/hr. |

c. Computer search.

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| (1) Direct cost of computer search. |
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d. Audiovisual/documentary materials.

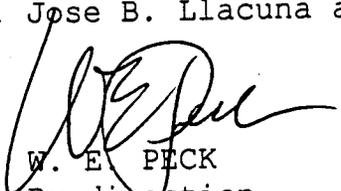
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| (1) Actual costs. |
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9. Many requesters have no real idea of the volume of documentation for which they are asking, another reason to communicate early on with the requester.

10. **The authority to deny requests under the Freedom of Information Act is held only by Commander, Navy Personnel Command.** Each NAVCONBRIG must establish procedures whereby a proposed denial is promptly forwarded to PERS-06 via PERS-84. NAVCONBRIGs who think a request should be denied will forward a copy of all pertinent correspondence, a copy of the requested records, a copy of the letter notifying the requester of the referral to PERS-06 via PERS-84, and a statement on the exemptions relied upon in recommending denial.

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11. All FOIA matters which cannot be handled at the NAVCONBRIG level shall be referred to PERS-06 via PERS-84. Point of contact in this matter is Mr. Jose B. Llacuna at DSN 882-4445.



W. E. PECK
By direction

Copy to:
PERS-06L

DOCUMENTS RELATED TO THE ADMINISTRATION OF INDIVIDUAL PRISONERS

Courts-martial orders;

Release orders;

Confinement orders;

Medical examiners' reports; .

Requests and receipts for health and comfort supplies;

Reports and recommendations relative to disciplinary actions;

Clothing and equipment records;

Mail and visiting lists and records;

Personal history records;

Individual prisoner utilization records;

Requests for interview;

Initial interview;

Spot reports;

Prisoner identification records;

Parolee agreements;

Inspection record of prisoner in segregation;

Personal funds records; .

Valuables and property records;

Daily report of prisoners received and released;

Admission classification summary;

Social history;

Clemency recommendations and actions;

Parole recommendations and actions;

Restoration recommendations and actions;

Psychiatric, psychological, and sociological reports;

Certificate of parole;

Certificate of release from parole;

Requests to transfer prisoners;

Disciplinary action data cards showing name, grade, Social Security number, sex, education, sentence, offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release;

Weekly status report (each member's legal status, offense charged, length of time confined).

On tape, the same data as the disciplinary action data card, except name, computation of sentence.