

## **FREEDOM OF INFORMATION ACT (FOIA) GUIDANCE DAVIS-MONTHAN AIR FORCE BASE ARIZONA**

**FOIA INTRODUCTION:** Effective 30 March 2009: The Air Force has established a new Freedom of Information Act (FOIA) website for submitting request online to our Requester Service Centers (RSC). Click on the following AF eFOIA Public Access Link (PAL): <https://www.foia.af.mil/palMain.aspx>. Once there, we recommend you review all the links listed on the left side as they have been designed to provide information and guidance. The Freedom of Information Act (FOIA) generally provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions, or by one of three special law enforcement record exclusions. The principles of government openness and accountability underlying the FOIA are inherent in the democratic ideal: "The basic purpose of the FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed."

**WHO CAN SUBMIT A FOIA 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.

**FEES FOR PROCESSING FOIA REQUESTS:** The FOIA allows fee charges based on the requester's category. There are three categories: commercial (pay search, review, and reproduction fees); educational, non-commercial scientific institution, and news media (pay reproduction fees; first 100 pages provided at no cost); and others (pay search and reproduction fees; first two hours search and 100 pages provided at no cost). Ensure that the last paragraph of your response includes your willingness to pay fees.

**FEE WAIVERS:** If you are advised or expect that a fee will be charged, you may request in writing a waiver of those fees if the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. The mere fact that you are a non-profit organization or a member of the media does not in and of itself qualify for a fee waiver. In addition, a requester's inability to pay is not a legal basis for granting a fee waiver.

**WHERE TO SEND A FOIA REQUEST:** For fastest response times, the Air Force has decentralized its FOIA program. If you want to submit a FOIA inquiry online go to <https://www.foia.af.mil/palMain.aspx>. No single office handles all FOIA requests.

**HOW TO MAKE A FOIA REQUEST:** To submit a FOIA inquiry online go to <https://www.foia.af.mil/palMain.aspx>, describe the records you want as specifically as possible, and let the office know how much you are willing to pay. Furnish any facts or clues

about the time, place, persons, events, subjects, or other details of the information or records you want. That will help the office decide where to search and determine what records pertain to your request. It can also save you and the government time and money, and you may get what you want faster. There is no special form to complete.

**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. All Privacy Act request must be submitted by <https://www.foia.af.mil/palMain.aspx>.

**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.

**EXEMPT INFORMATION UNDER THE FOIA:** Under the FOIA, certain records may be withheld in whole or in part from the requester if they fall within one of the nine FOIA exemptions. The exemptions are outlined in DoD Regulation 5400.7/Air Force supplement, Chapter 3. <http://www.foia.af.mil>.

**RELEASE OF E-MAIL ADDRESSES:** Air Force policy is to deny requests for lists of e-mail addresses (both personal and organizational) using FOIA exemption (b)(2)(high). We also rely on FOIA exemption (b)(6) when denying lists of personal e-mail addresses. High (b)(2) protects 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 of in correspondence.

#### **MISCELLANEOUS INFORMATION:**

- AF FOIA Reading Room Site: (<http://www.foia.af.mil/reading/documents/index.asp>)
- Can I ask questions under the FOIA? The FOIA does not require Federal Agencies to answer questions, render opinions, or provide subjective evaluations. Requesters must ask for existing records. However, efforts will be made to search for records that may answer the questions.
- How do I request a copy of my military medical records?  
<http://www.archives.gov/veterans/military-service-records/medical.html>
- How do I request a copy of my military personnel Record?  
<http://www.archives.gov/veterans/evetrecs/index.html>
- How do I request a copy of my DD 214?  
<http://www.archives.gov/veterans/military-service-records/get-service-records.html>

**"If dissatisfied with the response received from the center, you may contact the FOIA Public Liaison at (757) 764-2265 or email [acc.foia@langley.af.mil](mailto:acc.foia@langley.af.mil) "**