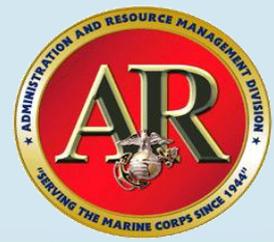


HEADQUARTERS MARINE CORPS



MARINES
THE FEW. THE PROUD.

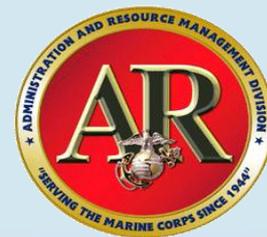


THE FREEDOM OF INFORMATION ACT PROGRAM

NEW EMPLOYEE ORIENTATION HQMC FOIA

2/10/2011

FREEDOM OF INFORMATION ACT



➤ MANDATED BY CONGRESS

➤ DOJ ISSUES FOIA GUIDANCE

➤ SECNAVINST 5720.42F (<http://foia.navy.mil> (Resource Materials))

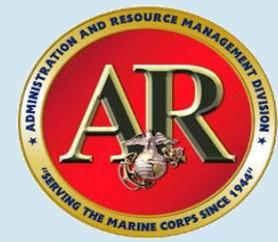
➤ 32 C.F.R. 701, "Department of the Navy Freedom of Information Act"

➤ BACKGROUND

FOIA enacted: 1966, Title 5 U.S.C. Section 552, amended several Times; Significant amendment: 1996 (E-FOIA), 2007 (Open Gov), 2009 (President/Vice President)

FOIA is a disclosure statute that pertains to agency records. It provides public access to information in Federal agencies records to ensure informed citizenry.





FREEDOM OF INFORMATION ACT

➤ FOIA REQUESTERS

- **Who can seek access to records?** Just About Anybody
- Foreign Govt, Businesses, Media, Education/Scientific Institutions



➤ **Exception**

- Foreign Intelligence, Federal Agencies,
- Fugitives

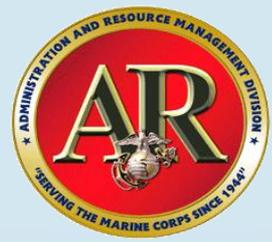


➤ **Who is not subject to the FOIA?**

- Federal Government, State Government, Executive Branch Govt – President, etc.



FREEDOM OF INFORMATION ACT

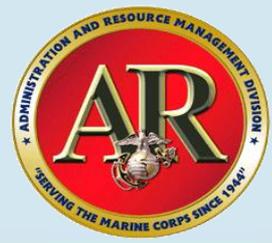


What Are Agency Records?

- Documents that are either created or obtained by an agency and are under the agency's control at the time the request is made. Ex. paper documents, tapes, photos, electronic records, reports, emails, audios, and recordings. **Agency must provide records in the format requested (if readily available).

What Are Not Considered Agency Records?

- Non-tangible Items [persons memory or oral communications]
- Tangible Objects [furniture, wall paintings, equipment, etc.]
- Individual's Personal Records [maintained for convenience of employee & are not subject to agency records retention regulations], ex. personal emails, telephone msgs. supervisor's memory joggers, staff's personal notes.

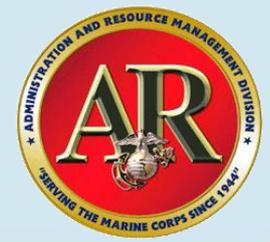


FREEDOM OF INFORMATION ACT

- **THREE WAYS THE PUBLIC CAN ACCESS AGENCY RECORDS**
- **(a)(1): Info published in Federal Register**
- **(a)(2): Information that must be made available for public inspection and copying;**
- **(a)(3): The agency must make records available upon request by the public.**



FOIA EXEMPTIONS



- **Exemption (b)(1) – Records classified records Executive Order**
- **Exemption (b)(2) – Records related solely to internal practices of the agency “For Official Use Only (FOUO)”**
- **Exemption (b)(3) – Permits the withholding of information under other U.S. Title Codes**
- **Exemption (b)(4) – Contractual Records, trade secrets and commercial financial information obtained from person considered privilege/confidential information.**
- **Exemption (b)(5) – Inter- or intra- agency records generated for litigation, pre-decisional that would not be available by law to a party other than the agency in litigation.**

Exemption (b)(6) - Protects personal information on individuals

FOIA EXEMPTIONS



Exemption (b)(6) Continued

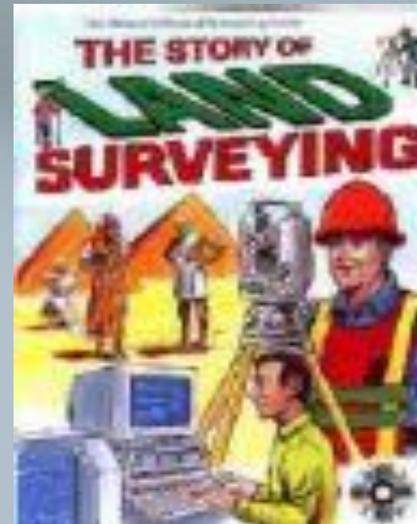
INFO WE PROTECT

- **Social Security Numbers**
- **Base Addresses (w/o names of occupants)**
- **Date of Birth**
- **Employment Applications/ratings**
- **Drug test results and facts showing participation in rehabilitation programs**
- **Names of employees who hold Gov't issued travel cards including card data**
- **Leave balances (types of leave used)**
- **Religion, race, national origin**
- Home Addresses & phone numbers**
- Names**
- Security Clearance Records**
- Derogatory Information**
- Performance ratings**
- Financial, credit, medical data**
- Mother's maiden name; other names used; family data**

FOIA EXEMPTIONS



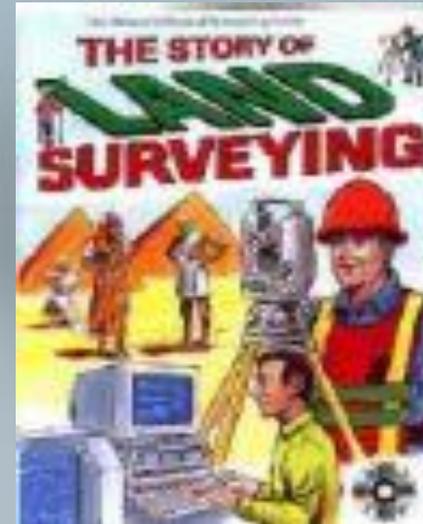
- **Exemption (b)(7)** – Investigative Records that are compiled for law enforcement purposes.
- **Exemption (b)(8)** – Records related to examination, operating or condition reports prepared by financial institutions.
- **Exemption (b)(9)** - Covers geological/geophysical Records
ex. waterways, wells



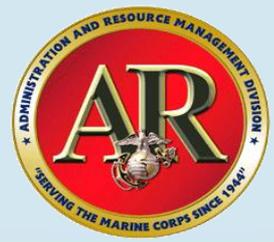
FOIA EXEMPTIONS



- **Exemption (b)(7)** – Investigative Records compiled for law Enforcement purpose
- **Exemption (b)(8)** – Financial Matters, Banking, Fiscal documents
- **Exemption (b)(9)** - Covers geological/geophysical Records
ex. waterways, wells



OFFICE RECORDS

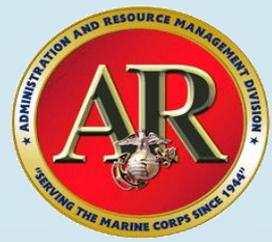


FAMILIARIZE YOURSELF WITH OFFICE FILES

**ARE THEY GOVERNED BY RETENTION
STANDARDS OR RELEASE REGULATIONS?**

HOW LONG ARE DOCUMENTS MAINTAINED?





HQMC FOIA/PA POINTS OF CONTACT

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- Mr. LaDonne White (LD), Deputy & USMC PA Coordinator
- FOIA Coordinator (Vacant)
- Ms. Mary Malone, FOIA Specialist
- Ms. Barb Gonzales, FOIA Specialist
- Ms. Tracy Clarke, FOIA Admin



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QUESTIONS?

