

HOW TO MAKE A FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Step 1: Preparing Your Request

In whatever format (written, electronic, or fax) you submit your request:

- A. Label your request "FREEDOM OF INFORMATION ACT REQUEST", on the request (and also on the envelope, if you use a written request).
- B. Describe the specific record(s) you are seeking with enough detail so that a knowledgeable official of the activity may locate the record with a reasonable amount of effort. Such detail should include descriptive information, time-frame to be searched, etc. Because most Navy records are not retained permanently, the more information provided, the better opportunity there is to determine if the records would still exist and where. The FOIA clearly states that records must exist at the time the request is submitted to be considered.
- C. State your willingness to pay all fees or those up to a specified amount or provide a justification to support a fee waiver. Agreements to pay fees are considered to be up to \$250, unless another amount is specified. Currently we charge search, review (for commercial requesters only), and duplication costs. (The fee schedule is provided at enclosure (3) of Secretary of the Navy Instruction 5720.42F).
- D. Include your complete postal service mailing address on your request.

Step 2: Submitting Your Request

The next step in preparing to submit your request is deciding where to send the request. Because Navy records are decentralized you will get the fastest response by sending your request to the Department of the Navy component holding the record(s) you seek.

A. Submitting Your Request to a Navy Command

Please consult the Navy's web page "Where To Send A Request" for help in locating commands, obtaining addresses, or finding a command's web site. Once you have located a command and have its address you may submit your request in writing to that command. Alternatively, you may submit your request to a command via a web-based FOIA request form, if that command has one available on its web site.

If after consulting this list, you are not sure which activity may hold the records you seek, you may call the Navy's FOIA Manager, Mrs. Doris M. Lama, or Ms. Tracy Ross at (202) 685-6545/46 for assistance.

A. Submitting Your Request to the Human Resources Office Pensacola (HROP)

If the records you seek are held by the HROP you may use any of the following methods to submit a Freedom of Information Act Request:

1. Submit your request in writing to the:

Human Resources Office

Code 01A

368 South Avenue

Pensacola, Florida 32508-3978

2. Submit your request via FAX

You may send a fax of your request to 1-850-452-3978

1. Submit your request via Email to:

hropfoia@smtp.cnet.navy.mil

If the records you seek are not held by the Human Resources Office Pensacola, your request will be forwarded to the office most likely to have records meeting your description. You will be notified of the transfer of your request and provided a forwarding address. If we do not have sufficient information to determine the location of the requested information, you will be notified.

A sample format is provided at:

<http://www.ogc.secnaveq.hq.navy.mil/foiareq.htm>

Step 3: Processing Your Request

The FOIA allows "any person" to seek access to "agency records." The Navy processes thousands of FOIA requests for a wide variety of information and only in about 10% of the cases is information denied.

You will receive a response to your request. Please keep in mind that the 20 working day time limit begins when the activity holding the record(s) receives your request and does not include Saturdays, Sundays, or legal holidays.

In limited instances, information may be withheld from disclosure if it is:

- Currently and properly classified in the interest of national defense or foreign policy;
- Related solely to internal personnel rules and practices, the release of which would allow circumvention of a statute or rule;
- Protected by a statute that specifically exempts the information;
- Trade secrets and commercial or financial information which was obtained from a private source which would cause substantial competitive harm to the source;
- Pre-decisional opinions and recommendations, inter-agency or intra-agency memoranda or letters that show foreseeable harm if released. Also, attorney-client privilege and attorney-work product are covered.
- Personnel and medical information the release of which would result in a clearly unwarranted invasion of personal privacy; and/or
- Investigatory records or information compiled for law enforcement purposes, which (a) could reasonably be expected to interfere with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could be reasonably expected to disclose the identity of a confidential

source, (e) would disclose investigative techniques, and/or (f) could reasonably be expected to endanger the life or physical safety of an individual.