



DEFENSE INFORMATION SYSTEMS AGENCY

P. O. BOX 4502
ARLINGTON, VIRGINIA 22204-4502

DISA INSTRUCTION 630-225-8*

07 September 2007

INFORMATION SERVICES

Freedom of Information Act (FOIA) Program for DISA

1. **Purpose.** This Instruction assigns responsibilities for the Freedom of Information Act (FOIA) Program for DISA.
2. **Applicability.** This Instruction applies to DISA.
3. **Authority.** This Instruction is published in accordance with the authority contained in DoD 5400.7-R, DoD Freedom of Information Act Program, 4 September 1998. It supplements DoD 5400.7-R to accommodate specific requirements of the DISA FOIA Program; however, DoD 5400.7-R takes precedence and shall be used for all issues not covered by this Instruction.
4. **Duties of the DISA FOIA Officer.** The DISA Freedom of Information Act (FOIA) Officer at DISA Headquarters, P.O. Box 4502, Arlington, Virginia, is vested with the authority, within DISA to release documentation for all requests of Agency records and will:
 - 4.1 Make the material described in C2.1 of DoD 5400.7-R (authority document) available for public inspection and reproduction. (A current index of this material will be maintained in accordance with C2.2 of DoD 5400.7-R.)
 - 4.2 Establish education and training programs for all DISA employees who contribute to implementation of FOIA in DISA.
 - 4.3 Respond to all requests for records from the public in accordance with DoD 5400.7-R whether the requests are received directly by Headquarters, DISA, or by the DISA combatant command field offices and coordinate proposed releases with the General Counsel in any case in which release is, or may be, controversial. Ensure all proposed denials are coordinated with the General Counsel.

4.4 Be the DISA principal point of contact for coordination of FOIA issues with the Defense Freedom of Information Policy Office (DFOIPO), Washington Headquarters Services (WHS).

4.5 Ensure the cooperation of the Agency with DFOIPO in fulfilling the responsibilities of monitoring FOIA for DISA.

4.6 Coordinate cases of significance to DFOIPO for review and evaluation after coordination with the General Counsel and with the approval of the Chief of Staff when the issues raised are unusual, precedent setting, or otherwise require special attention or guidance.

4.7 Advise DFOIPO prior to the denial of a request or prior to an appeal when two or more DoD components are affected by the request for a particular record and when circumstances suggest a potential public controversy.

4.8 Ensure completion of and timely submission to DFOIPO of the annual reporting requirement contained in DoD 5400.7-R.

4.9 Forward a copy of this Instruction to DoD WHS Office of Directives and Records to ensure it is published in the Federal Register.

5. Responsibilities.

5.1 Principal Directors of Strategic Business Units, Directors and Chief of Shared Services Units, and Directors of Program Executive Offices, Headquarters, DISA, and Commanders of DISA Combatant Command Field Offices. These individuals will furnish the FOIA Officer, when requested, with DISA documentary material which qualifies as a record in accordance with DoD 5400.7-R, for the purpose of responding to FOIA requests.

5.2 Chief of Staff (COS). The COS will, on behalf of the Director, DISA, respond to corrective or disciplinary action recommended by the Merit Systems Protection Board for arbitrary or capricious withholding of records requested, pursuant to the FOIA, by military members or civilian employees of DISA. (This action will be coordinated with the General Counsel).

5.3 General Counsel (GC). The GC, or in his or her absence, the Deputy General Counsel, is vested with the sole authority to deny, in whole or in part, a request received by DISA. The GC will:

5.3.1 Make the decision to deny a record in whole or in part; to deny a fee category claim; to deny a request for waiver or reduction in fees; to deny a request to review an initial fee estimate; to deny a request for expedited processing; or to confirm that no records were located during the initial search, in accordance with 5 U.S.C. § 552, as supplemented by the guidance provided in DoD 5400.7-R.

5.3.2 Inform the person denied a record of the basis for the denial of the request and of his or her right to appeal the decision to the Director, DISA, via written correspondence.

5.3.3 Review any appeal the public may consider adverse in nature and ensure the basis for the determination by the Director, DISA, is in writing stating the reasons for the denial and informing the requester of his or her right to a judicial review in the appropriate U.S. District Court.

5.4 Chief Legal Counsel, Defense Information Technology Contracting Organization (DITCO). The Chief Legal Counsel, DITCO, or, in his or her absence, the Deputy Legal Counsel, DITCO, is vested with the same authority and responsibilities for DITCO, as stated in subparagraphs 5.3.1, 5.3.2, and 5.3.3.

6. Duties of the DITCO FOIA Officer. The DITCO FOIA Officer, located at 2300 East Drive, Scott AFB, Illinois, is vested with the authority within DITCO to release documentation for all requests of records received by DITCO and its field activities, as stated in subparagraphs 4.1, 4.2, and 4.3.

7. Appeals Rights. All appeals should be addressed to the Director, DISA, and be postmarked no later than 60 days after the date of the initial denial letter.

8. Fees. Fees charged to the requester are specified in DoD 5400.7-R.

9. Reports. An annual report will be furnished to the DISA FOIA Officer at Headquarters by the DITCO FOIA Officer on or before 15 October in accordance with DoD 5400.7-R.

10. Questions. Questions regarding FOIA procedures and implementation should be addressed to the DISA FOIA Officer by the most expeditious means possible, including telephone calls, faxes, and electronic mail. All FOIA requests should be addressed

to the Defense Information Systems Agency, ATTN: Headquarters, FOIA Requester Service Center, P.O. Box 4502, Arlington, VA 22204-2199. All calls should be made to (703) 607-6515, faxes should be sent to (703) 607-4344, and electronic mail requests should be addressed to GeneralCounselDISA@disa.mil. Information can also be obtained on the DISA FOIA Web site at <http://www.disa.mil/gc/foia/foia.html>.

FOR THE DIRECTOR:



ALAN R. LYNN
Colonel, USA
Chief of Staff

*This Instruction cancels DISAI 630-225-8, 6 October 1998.
OPR: GC
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