



UNITED STATES MARINE CORPS

MARINE CORPS AIR BASES WESTERN AREA EL TORO
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ABO 5720.2E

AR/29

13 Jul 98

AIR BASES ORDER 5720.2E

From: Commander
To: Distribution List
Subj: FREEDOM OF INFORMATION ACT
Ref: (a) DoD 5400.7-R
(b) SECNAVINST 5720.42E
(c) MCO 5720.56A
(d) MCO P5211.2B

1. Purpose. To establish procedures for responding to Freedom of Information Act (FOIA) requests, providing responses and preparing reports.

2. Cancellation. ABO 5720.2D

3. Summary of Revision. This Order is a complete revision and should be reviewed in its entirety.

4. Background

a. FOIA. Per references (a) through (c), the public has a right to information concerning the activities of its Government. FOIA enables members of the public to obtain releasable records on the operation and activities of Department of Defense (DoD). The maximum amount of requested information is made available to the public unless it falls within the nine exempted categories. DoD policy is to conduct its activities in an open manner and to provide the public with a maximum amount of accurate and timely information concerning its activities, consistent always with the legitimate public and private interests of the American people. Marine Corps Air Bases Western (MCABWA) shall conform with this policy by also conducting its activities in an open manner, consistent with the need for security and adherence to other requirements of law and regulation.

b. Relationship between the FOIA and the Privacy Act

(1) Per reference (d), the Privacy Act provides safeguards for individuals against invasions of privacy as a result of the collection of personal information. The Privacy Act allows the individual of the record the opportunity to request access, notification, and amendment of the personal record.

(2) FOIA ensures that there is not conflict with the Privacy Act and may be claimed when members of the public request personal records on individuals. This exemption protects the privacy of the individual from unwarranted injury, and annoyance of publicity due to the release of personal records (e.g., medical or personnel files).

(3) Not all requesters are knowledgeable of the appropriate statutory authority to cite when requesting records so care must be taken to correctly process requests.

5. Information

a. Initial Denial Authority (IDA). The Commander, MCABWA is the IDA for MCABWA. The Chief of Staff is also an IDA. The IDA is authorized to deny FOIA requests, in whole or in part. The IDA is also authorized to grant extensions and to deny a request to waive or reduce FOIA fees.

b. Release Authority. The Staff Judge Advocate (SJA) MCABWA is the designated Release Authority for MCABWA, except for Marine Corps Air Station (MCAS) Yuma. The Director, Law Center, MCAS Yuma is the Release Authority for MCAS Yuma. The Release Authority will release the record unless the record or portion thereof is exempt. If the record is to be denied in whole or part, the release authority shall forward the requested record along with the recommendation for denial to the IDA. The SJA, MCABWA is responsible for submitting a consolidated annual report for MCABWA.

c. FOIA Coordinators. The FOIA Coordinator is appointed by the Release Authority. There is a FOIA Coordinator located at MCAS Yuma and one located with SJA, MCABWA. The duties of a FOIA Coordinator are as follows:

(1) Serves as principal point of contact on FOIA matters. Provides guidance for processing of FOIA requests.

(2) Provides training when needed for command personnel in the provisions of the FOIA.

(3) Compiles and submits input for the Annual FOIA Report. The FOIA Coordinator at MCAS Yuma will submit input for the annual report to SJA, MCABWA.

d. All commanding officers and headquarters assistant chiefs of staff are authorized to furnish requested copies of records under their possession and control to the Release Authority and FOIA Coordinator.

6. Action

a. Upon receipt of a FOIA request, the request will promptly be forwarded to the appropriate FOIA Coordinator for processing. The request will have the date it was received and in big letters, "FOIA" written on the envelope or document.

b. The command possessing the requested record will expeditiously forward the record requested by the FOIA Coordinator in a concealed envelope marked "sensitive FOIA material". Address all questions to the FOIA Coordinator or Release Authority.

c. Upon receipt of the FOIA request, the FOIA Coordinator will ensure timely processing. Per reference (a), the Release Authority or IDA must respond within 20 working days.


S. F. MUGG
Chief of Staff

DISTRIBUTION: A



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ABO 5720.2E Ch 1

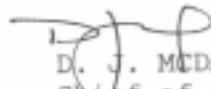
SJA

31 JAN 2001

AIR BASE ORDER 5720.2E CH 1

From: Commander
To: Distribution List
Subj: FREEDOM OF INFORMATION ACT

1. Purpose. To direct pen changes to the basic Order.
2. Action
 - a. On the letter head page, change Ref: (b) to read "SECNAVINST 5720.42F." Change Ref: (c) to read "SECNAVINST 5211.5D."
 - b. On the letter head page, paragraph 4a change "Per references (a) through (c)" to read "Per references (a) and (b)."
 - c. On the letter head page, paragraph 4b(1), change to read "Per references (c) and (d)."
3. Filing Instructions. File this Change transmittal directly behind the signature page of the basic Order.


D. J. MCDANIEL
Chief of Staff

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