



**UNITED STATES MARINE CORPS**  
MARINE AIR GROUND TASK FORCE TRAINING COMMAND  
MARINE CORPS AIR GROUND COMBAT CENTER  
BOX 788100  
TWENTYNINE PALMS, CALIFORNIA 92278-8100

CCO 5720.10F  
1B

**AUG 15 2016**

COMBAT CENTER ORDER 5720.10F

From: Commanding General  
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT

Ref: (a) SECNAV 5720.42F  
(b) DON CIO Memo of 12 Dec 13

Encl: (1) Exemptions That Apply to the Government  
(2) CC 5720/1 Freedom of Information/Privacy Act Request  
(3) CC 5720/2 Unsworn Declaration and Signature for  
Freedom of Information/Privacy Act Request

1. Situation. The principal purpose of the Freedom of Information Act (FOIA) is to ensure that agencies of the federal government, including the military departments, provide the public with requested information to the maximum extent possible. The FOIA applies to disclosure of records held by agencies of the Executive Branch of the federal government. It requires the disclosure of records to the public unless the information falls within one of nine exemptions under the law. Reference (a) establishes Department of the Navy procedures for making general information available to members of the public concerning its operations, activities, and administration, unless the information is exempt from disclosure under the FOIA. Enclosure (1) lists the exemptions. As of 1 February 2014, all requests will be processed through FOIAOnline, per reference (b).

2. Cancellation. CCO 5720.10E.

3. Mission. To establish procedures for processing information requests made by members of the general public pursuant to the provisions of the FOIA, 5 U.S.C. § 552, as amended.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. All requested records will be reviewed and released in a timely manner as prescribed by the FOIA and implemented by the references and this Order.

(2) Concept of Operations

(a) FOIA Coordinator. The MAGTF/TC, MCAGCC Adjutant is designated as the FOIA Officer. A member of the Adjutant's staff may be appointed as the FOIA Coordinator.

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(b) Initial Denial Authority. The Commanding General (CG) is the Initial Denial Authority (IDA) for all documents under the cognizance of the MAGTFTC, MCAGCC. As the principal assistant to the CG, the Chief of Staff, MAGTFTC, MCAGCC is also authorized to act as the IDA in the absence of the CG. Except in unusually sensitive cases, the Assistant Chief of Staff (AC/S) G-1, Deputy AC/S G-1, or the Adjutant MAGTFTC, MCAGCC will normally act as the IDA by direction in accordance with paragraphs 6e(5) and (6) of reference (a).

(c) The most critical aspect of the FOIA is the requirement that every request receive a response within 20 working days. This mandate demands accurate tracking and prompt handling of all FOIA requests.

b. Subordinate Element Missions

(1) Freedom of Information Act Coordinator

(a) Coordinate, prepare, and provide one of the following written responses to the requester for all FOIA requests received by any installation organization within 20 working days after receipt of the valid request:

1. Release of all requested information;
2. Partial release of requested information;
3. Denial of release of requested information;
4. Extension of time limit (only the IDA may grant a one-time extension of ten days).

(b) Maintain an electronic log and hardcopy files of all correspondence and documents associated with the request; all requests will be entered into the FOIAonline system for tracking.

(c) Perform all other duties described by the reference (a).

(2) Staff Judge Advocate or Counsel. In addition to the general responsibilities detailed for Other Activities below, provide necessary information and legal assistance to the FOIA Coordinator on a priority basis so that adequate responses can be made within the given time constraints.

(3) Other Activities

(a) Immediately forward FOIA requests received to the FOIA Coordinator for processing. Respond to inquiries by referring requesters to the FOIA Coordinator at <http://www.29palms.marines.mil/Staff/G1Manpower/FOIA.aspx>, or FOIAonline at <https://foiaonline.regulations.gov>.

(b) Promptly respond to requests tasked by the FOIA Coordinator by producing the responsive documents or indicating why the documents cannot be identified or submitted to the Coordinator for review. DD Form 2086 or the equivalent information may be used to record costs incurred for search and duplication.

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(c) If there are concerns regarding the release of unclassified documents, they should be promptly addressed by discussing the issues with the FOIA Coordinator, FOIA Officer, or by providing additional notes with the documents. All unclassified documents must be provided to the FOIA Coordinator for review and possible redaction; any redactions of exempt material will be applied and approved by the IDA, see paragraph 4a(2)(b), before release to the requester.

c. Coordinating Instructions

(1) Any record can be requested by any person under the FOIA; however, the determination of what to release must be done by the designated IDA.

(2) Use of enclosure (2) or (3) is encouraged to ensure compliance with reference (a). Enclosure (2) may be submitted directly to the FOIA Coordinator. Enclosure (3) may be used to support a request for personal information submitted via FOIAonline.

(3) Requests for documents received by any MAGTF/TC, MCAGCC personnel, including Marine Corps Mountain Warfare Training Center, Marine Aviation Weapons and Tactics Squadron One, Marine Corps Tactics and Operations Group, or Marine Corps Logistics Operations Group, may only be handled directly in the following cases:

(a) Requests for materials already published or designated for public release.

(b) Requests by individuals for the requester's own personal information. This will fall under the Privacy Act; however, records with co-mingled personal information or subject to exemptions under the Privacy Act may be processed under both laws and should be reviewed and released by the FOIA Officer. Records managers should refer to the applicable System of Records Notice for additional guidance.

(c) When in doubt, refer the request to the FOIA Officer.

(4) Forms. Enclosures (2) and (3) can be obtained from the Naval Forms Online website at <https://navalforms.Documentservices.dla.mil>. On the forms tab, follow the directions for a keyword search and enter the form designation or title. DD Form 2086 can be obtained from the Department of Defense website at <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2086.pdf>.

5. Administration and Logistics. Directives issued by this Headquarters are published and distributed electronically. Electronic versions of Combat Center directives can be found at <http://www.29palms.marines.mil/Staff/G1Manpower/AdjutantOffice/Orders.aspx>.

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6. Command and Signal

a. Command. This Order is applicable to active duty, reserve, and civilian personnel aboard the Combat Center and all units that fall under the cognizance of the CG, MAGTFTC, MCAGCC.

b. Signal. This Order is effective the date signed.

  
J. F. HARP  
Chief of Staff

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Exemptions That Apply to the Government

In accordance with 5 U.S.C. § 552(b), the following is a list of exemptions which apply to government information subject to the FOIA:

1. (b)(1) EXEMPTION - Protects Classified Matters of National Defense or Foreign Policy. This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.
2. (b)(2) EXEMPTION - Internal Personnel Rules and Practices. This exemption protects from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency." The information must be "internal" to the organization, such that the records are kept within the organization for its own use. Additionally, the information must be "related solely" - that is, exclusively - to the organization's "personnel rules and practices." Examples might include records of retention and separation, standards of conduct, disciplinary matters, compensation and benefits, policy regarding leave and liberty, and other similar records.
3. (b)(3) EXEMPTION - Information Specifically Exempted by Other Statutes. This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information "specifically exempted from disclosure by statute."
4. (b)(4) EXEMPTION - Trade Secrets, Commercial or Financial Information. This exemption protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." This exemption is intended to protect the interests of both the government and submitters of information.
5. (b)(5) EXEMPTION - Privileged Interagency or Intra-agency Memoranda or Letters. This exemption protects "interagency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency." As such, it has been construed to "exempt those documents and only those documents that are normally privileged in the civil discovery context."
6. (b)(6) EXEMPTION - Personal Information Affecting an Individual's Privacy. This exemption permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." This exemption cannot be invoked to withhold from a requester information pertaining to the requester.
7. (b)(7) EXEMPTION - Investigatory Records Compiled for Law Enforcement Purposes. As amended, this exemption protects from disclosure "records or information compiled for law enforcement purposes...."
8. EXEMPTION 7 Categories
  - a. EXEMPTION 7(A) Records or information the Disclosure of Which Could Reasonably Be Expected to Interfere with Enforcement Proceedings. This exemption authorizes the withholding of "records or information compiled for

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law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings."

b. EXEMPTION 7(B) Records, the Disclosure of Which Would Deprive a Person of a Right to a Fair Trial or an Impartial Adjudication. This exemption is aimed at preventing prejudicial pretrial publicity that could impair a court proceeding, protects "records or information compiled for law enforcement purposes [the disclosure of which] would deprive a person of a right to a fair trial or an impartial adjudication."

c. EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

d. EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for "records or information compiled for law enforcement purposes [which] could reasonably be expected to disclose the identity of a confidential source --including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis--and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source."

e. EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

f. EXEMPTION 7(F) To Protect the Physical Safety of a Wide Range of Individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that "would... endanger the life or physical safety of law enforcement personnel," the amended exemption provides protection to "any individual" when disclosure of information about him or her "could reasonably be expected to endanger [his/her] life or physical safety."

9. (b)(8) EXEMPTION - Regulation of Financial Institutions. This exemption protects matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

10. (b)(9) EXEMPTION - Geological and Geophysical Information Concerning Wells. This exemption covers "geological and geophysical information and data, including maps, concerning wells."

Enclosure (1)

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CC 5720/1 Freedom of Information Act/Privacy Request

CCO 5720.10(series)

FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST

PRIVACY ACT STATEMENT

Under the AUTHORITY of 5 U.S.C. 552 Freedom of Information Act (FOIA), 5 U.S.C. 552(a) Privacy Act (PA), 10 U.S.C. 5041, Headquarters, Marine Corps, Secretary of the Navy Instructions 5720.42F, Department of the Navy Freedom of Information Act Program, and 5211.5, Department of the Navy Privacy Act Program; this form is FOR OFFICIAL USE ONLY for the PURPOSE of tracking, processing, and coordinating requests made under the provisions of the FOIA and/or PA. Information collected on this form will be filed within a PA System of Records collection governed by PA System of Records Notices NM5720-1 (FOIA) or NM5211-1 (PA). In addition to those ROUTINE USES generally permitted under section 552 of the PA, the information may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) to individuals who file FOIA requests for access to information on who has made FOIA requests and/or what is being requested under FOIA. DISCLOSURE of the requested information is voluntary, but failure to adequately describe the requested records or provide complete contact information will prevent or delay the processing of the request.

NOTE: You may use FOIAonline instead of this form to electronically submit a request and receive a response. If you are requesting personal information, you will still need to sign an unsworn declaration (use CC 5720/2, Block 13 of this form, or use the declaration) and upload it to the online request. If you do not use FOIAonline, you may use this form (or a letter containing the same information) to submit a request directly to the Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center as instructed below.

1. Date of Request (DD MMM YY); 2. FOIA/PA Request (for office use only)

I would like to submit a request under the Freedom of Information Act/Privacy Act and/or Routine Use. The following information is provided:

3. I am willing to pay the fees associated with processing my request up to \$250.00 for

4. Provide enough information to identify the document you are requesting (i.e. type of document, contract number or description, probable location of the document, etc.) Do not write your Social Security Number or other personal information on this form. Be sure to provide your telephone number and/or e-mail in the Contact Information so we can contact you for additional information if necessary.

REQUESTER CONTACT INFORMATION (type or print clearly):

5. Name; 6. Address; 7. City; 8. State; 9. Zip Code; 10. Phone Number; 11. E-mail (optional); 12. How do you wish to receive your response? (PICUP, MAIL, FOIA ONLINE (e-mail))

13. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named as the requester.

Printed name of requester; Signature of Requester

You may submit your request by uploading to FOIAonline at https://foiaonline.regulations.gov, e-mail to: SMBPLMSG-1FOIA@usmc.mil, or mail to: Commanding General, Attn: Adjutant (FOIA), Box 788101, MAGFTFC, MCGACC, Twentynine Palms, CA 92278.

"FOR OFFICIAL USE ONLY - PRIVACY ACT SENSITIVE" Any misuse or unauthorized release of personal information could result in both civil and criminal penalties. Requests for documents containing personal information must be signed by the requester. Digital signatures accepted only from CAC users.

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CC 5720/2 Unsworn Declaration and Signature for  
Freedom of Information/Privacy Act Request

CCO 5720.10(series)

**UNSWORN DECLARATION AND SIGNATURE FOR  
FREEDOM OF INFORMATION/PRIVACY ACT REQUEST**

Under the **AUTHORITY** of 5 U.S.C. 552 Freedom of Information Act (FOIA), 5 U.S.C. 552(a) Privacy Act (PA), 10 U.S.C. 5041, Headquarters, Marine Corps; Secretary of the Navy Instructions 5720.42F, Department of the Navy Freedom of Information Act Program, and 5211.5, Department of the Navy Privacy Act Program; this form is **FOR OFFICIAL USE ONLY** for the **PURPOSE** of tracking, processing, and coordinating requests made under the provisions of the FOIA and/or PA. Information collected on this form will be filed within a PA System of Records collection governed by PA System of Records Notices **NM05720-1** (FOIA) or **NM05211-1** (PA). In addition to those **ROUTINE USES** generally permitted under section (b) of the PA, the information may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) to individuals who file FOIA requests for access to information on who has made FOIA requests and/or what is being requested under FOIA. **DISCLOSURE** of the requested information is voluntary, but failure to adequately describe the requested records or provide complete contact information will prevent or delay the processing of the request. Failure to provide a signed declaration of identity will prevent or delay release of personal information to the requester.

Use the guidance on Page Two to submit your request on FOIAonline.

Use this page to provide an unsworn declaration of identity in order to request information that is personal to you. You must print and manually sign this form unless you have a Combined Access Card (CAC).

I declare under penalty of perjury under the laws of the United States of America that the information provided is true and correct, and that I am the person named as the requester.

Printed name of requester	Signature of Requester

SAMPLE

**"FOR OFFICIAL USE ONLY - PRIVACY ACT SENSITIVE"**

Any manual or unauthorized release of personal information could result in both civil and criminal penalties. Requests for documents containing personal information must be made by the requester. **Digital signatures accepted only from CAC users.**

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**INSTRUCTIONS:** If you are submitting a request via FOIAonline and your request is for information that is personal to you, you may use this form to provide the required signature and declaration of identity so we can release the information to you from a Privacy Act System of Records.

Additional guidance for using FOIAonline:

1. Access the website at <https://foiaonline.regulations.gov>.
2. Follow instructions to create a new request. You do not need to create an account unless you anticipate making multiple requests.
3. In the Agency Selection section, use the dropdown lists to select the following agencies and sub-agencies (with each selection another sub-agency dropdown will appear):

**Agency Selection**

\* Agency : Department of the Navy

\* Sub-Agency : United States Marine Corps

Marine Corps National Capital Region

Marine Corps Training and Education Command

MAGTFTC, MCAGCC, Twentynine Palms

\* Submitted Date :

Perfected Date :

4. Enter the rest of the requester information and describe your request in the fields provided.
5. If you are requesting information that is personal to you, you will print this form and sign the declaration on the first page, then scan and upload this form as a supporting document by selecting it in the "Attach Supporting Files" section at the bottom of the online request page (see illustration below). If you have a CAC, you may digitally sign the signature block instead of printing, signing, and scanning the form.

**Attach Supporting Files**

If you are having problems, or do not see the "Select Files" button, [switch to the basic uploader.](#)

**SELECT FILES**

No attachments have been added.

6. Follow the instructions on the website to submit your request. The website will provide a tracking number for your reference.
7. You may use the tracking number to follow the progress of your request on the website.
8. Call (760) 830-4189 with any questions.