



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 5720.10L
G-1 B
DEC 04 2024

COMBAT CENTER ORDER 5720.10L

From: Commanding General
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT

Ref: (a) SECNAVINST 5720.42G
(b) 5 U.S.C. §552
(c) 44 U.S.C. §3506

Encl: (1) Exemptions that Apply to the Government
(2) CC 5720/1 FOIA/PA Request
(3) CC 5720/2 Unsworn Declaration and Signature for FOIA/PA Request

1. Situation. The principal purpose of the Freedom of Information Act (FOIA), codified in 5 USC §552, as amended, is to ensure that agencies of the federal government which include 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, see enclosure (1). 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. All FOIA requests will be processed through SecureRelease. Reference (b) requires that the Agency determine within 20 days (excepting Saturdays, Sundays, and legal federal holidays) after the receipt of any FOIA request whether to comply with such requests and to immediately notify the person making the request of the determination and reasons therefore.

2. Cancellation. CCO 5720.10K.

3. Mission. To implement and administer the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) FOIA Program per the policies and procedures of reference (a).

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. To make a determination on all FOIA requests and release the records within the statutory limits stated in reference (c).

(2) Concept of Operations

(a) FOIA Officer and FOIA Coordinator. The MAGTFTC, MCAGCC G-1

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Adjutant is designated as the FOIA Officer and will designate a member of the Adjutant's staff as the FOIA Coordinator. The FOIA Coordinator should be an officer, staff noncommissioned officer, or civilian equivalent due to the nature of certain FOIA sensitivity requests.

(b) Initial Denial Authority (IDA). Per reference (a) every denial of a FOIA request must be made by a duly authorized IDA. The Chief of Staff (C/S) is the authorized IDA for denial of any documents subject to a FOIA request that falls within the cognizance of the MAGTFTC, MCAGCC. In the absence of the C/S, the IDA authority will be retained by the Commanding General, MAGTFTC, MCAGCC. An extension of time limit may only be granted by the IDA for a one-time extension of up to 10 days.

(c) The most critical aspect of the FOIA is the requirement by the FOIA Officer/Coordinator to make a determination by the statutory time limit of 20 working days and promptly submit a response to the requestor. This mandate demands accurate tracking and prompt handling of all FOIA requests.

b. Subordinate Element Missions

(1) Freedom of Information Act Officer/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 a valid request.

(b) Maintain an electronic log and electronic files of all correspondence and documents associated with the request; all requests are to be entered into the SecureRelease system for tracking. If another FOIA system supersedes SecureRelease and it is designated by the United States Marine Corps FOIA Office to be utilized, do so as required if it is in accordance with the references that govern the FOIA program.

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

(d) The FOIA Officer will review all requests and redacted documents before submission to the IDA. In the absence of the FOIA Officer, the Assistant Chief of Staff (AC/S) G-1 will review all requests and redacted documents.

(2) Staff Judge Advocate or Office of the General Counsel. Provide necessary information and legal assistance to the FOIA Coordinator on a priority basis in order to adequately provide responses within the prescribed timelines.

(3) Subordinate and Tenant Commands/Agencies/Activities

(a) Direct FOIA inquiries to the MCAGCC/MAGTFTC FOIA page at <https://www.29palms.marines.mil/Staff-Offices/Resource-Management-Directorate/Adjutant/#freedom-of-information-act>, or SecureRelease at <https://www.securerelease.us>.

(b) Promptly respond to support requests by the FOIA Officer/Coordinator as described below:

1. Produce and electronically transmit records via encrypted email as un-redacted responsive documents, or indicate why the documents cannot be identified or submitted to the FOIA Officer/Coordinator for review. If the documents are too large to send via encrypted email, please send via the encrypted option through DoD SAFE (<https://safe.apps.mil>). Documents will be sent via PDF format.

2. Submit all responsive documents to the FOIA Officer/Coordinator within five working days after receipt of the request by the FOIA Officer/Coordinator. Any unforeseen delays must be coordinated with the FOIA Officer/Coordinator.

3. Department of Defense (DD) Form 2086 or the equivalent information may be used to record costs incurred for search and duplication.

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

c. Coordinating Instructions

(1) The IDA shall inform the requester of the final decision to grant or deny the request, in whole or in part, by a written communication ("final notice").

(2) Documents that are requested for an official command investigation shall not be made as a FOIA request. Requests for those documents must be made through the corresponding unit's legal officer. The legal officer will, in turn, be able to provide those documents for use in an official investigation.

(3) Use of enclosures (2) and (3) are 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 SecureRelease.

(4) Per reference (a), SecureRelease is available at <https://discoverysecurerelease02.deloittfed.com> which is used for processing FOIA/Privacy Act requests. If the request was not submitted to the FOIA Coordinator, rerouting of the request shall be accomplished within 10 working days.

(5) Per references (a) through (c), the requestor is required to provide contact information, such as email address, physical address, and telephone number. Failure to comply with this requirement is grounds to refuse the request or to close the request as improper.

5. Administration and Logistics

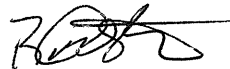
a. Directives issued by this headquarters are published and distributed electronically. Electronic versions of Combat Center directives can be found at <https://www.29palms.marines.mil/Staff-Offices/G-1-Manpower-Directorate/Adjutant/#combat-center-orders>.

b. Forms. Enclosures (2) and (3) may be obtained from the Combat Center Adjutant website at <https://www.29palms.marines.mil/Staff-Offices/G-1-Manpower-Directorate/Adjutant/#combat-center-forms>. DD Form 2086 can be obtained from the Official DoD Website for DoD Forms at http://www.esd.whs.mil/Directives/forms/dd2000_2499/.

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 Commanding General, MAGTFTC, MCAGCC.

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



R. D. STORER
Chief of Staff

DISTRIBUTION: A

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

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)

CC 5720/1 Freedom of Information Act/Privacy Request

CCO 5720.10(series)

FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST				
<p style="text-align: center;">PRIVACY ACT STATEMENT</p> <p>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 Controlled Unclassified Information 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 <u>NM5720-1</u> (FOIA) or <u>NM5211-1</u> (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.</p> <p>NOTE: You may use Secure Release 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 write out the declaration) and upload it to the online request. If you do not use Secure Release 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.</p>				
1. Date of Request (DD MMM YY):	2. FOIA/PA # (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 or				
<input type="checkbox"/> Fee Waiver Justification:				
<input type="checkbox"/> Expedited Request Justification:				
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			
12. How do you wish to receive your response? <input type="checkbox"/> Pick Up <input type="checkbox"/> Mailed <input type="checkbox"/> Electronic				
<div style="border: 1px solid black; padding: 10px;"> <p>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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; height: 40px; vertical-align: bottom;">Printed name of requester</td> <td style="width: 50%; height: 40px; vertical-align: bottom;">Signature of Requester</td> </tr> </table> <p style="text-align: center;">You may submit this request by uploading to Secure Release at https://securerelease.us, e-mail to: SMBPLMSG-1FOIA@usmc.mil, or mail to: Commanding General Attn: Adjutant (FOIA) Box 788101 MAGTFTC, MCAGCC Twentynine Palms, CA 92278</p> <p style="text-align: center;">"Controlled Unclassified Information - PRIVACY"</p> <p style="text-align: center;">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.</p> </div>			Printed name of requester	Signature of Requester
Printed name of requester	Signature of Requester			

CC 5720/1 (Rev 02-24)

PRIOR EDITIONS OBSOLETE

Adobe LiveCycle Designer ES2

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 5720.42G, Department of the Navy Freedom of Information Act Program, and 5211.5, Department of the Navy Privacy Act Program; this form is Controlled Unclassified Information 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 (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.

Use the guidance on Page Two to submit your requests via the FOIA Shared Mail Box (SMB).

Use this page to provide an unsworn declaration of identity in order to request information that is personal to you.

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

Controlled Unclassified Information - PRIVACY*
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.