



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

CCO 5720.10J
RMB 3B

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COMBAT CENTER ORDER 5720.10J

From: Commanding General
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT

Ref: (a) SECNAVINST 5720.42G
(b) DON CIO Memo of 12 Dec 13
(c) 5 U.S.C. §552
(d) 10 U.S.C. §1102
(e) 44 U.S.C. §3506

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), codified in 5 USC §552, as amended, 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. Per reference (b), as of 1 February 2014, all requests will be processed through FOIAOnline. Reference (c) provides the Agency with the statutory limit of 20 working days to make a determination on the request.

2. Cancellation. CCO 5720.10H.

3. Mission. To implement and administer the MAGTFTC, 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 20 working day time limit stated in reference (c) and this Order.

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(2) Concept of Operations

(a) FOIA Officer and Coordinator. The Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) Resource Management Directorate (RMD) Manpower Adjutant is designated as the FOIA Officer and a member of the Adjutant's staff appointed 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, and the Commanding General (CG) is the IDA for all documents under the cognizance of the MAGTFTC, MCAGCC. As the principal assistant to the CG, the Chief of Staff (CoS), MAGTFTC, MCAGCC is also authorized to act as the IDA in the absence of the CG. For the purpose of streamlining FOIA processing or complying with FOIA time limits, in the absence of the CG or CoS, IDA authority is delegated to the MAGTFTC, MCAGCC Assistant Chief of Staff RMD, in accordance with paragraph 6 of reference (a) and limited to comply with reference (d).

(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 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 electronic 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 reference (a).

(2) Staff Judge Advocate or Office of the General 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.

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(3) Other Activities

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

(b) Promptly respond to requests tasked by the FOIA Officer/Coordinator by performing the following:

1. Producing and electronically transmitting via encrypted email the un-redacted version of responsive documents, or indicating why the documents cannot be identified or submitted to the FOIA Officer/Coordinator for review.

2. Responsive documents shall be submitted 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 and agreed upon with the FOIA Officer/Coordinator.

3. 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; any redactions of exempt material will be applied and approved by the IDA, per paragraph 4a(2)(b), before releasing them 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 enclosures (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) Per reference (a), FOIAonline at <https://foiaonline.gov> will be used for processing FOIA requests. A request submitted by means other than FOIAonline (e.g. by mail, email), shall be promptly entered into FOIAonline and an acknowledgement sent to the requester, unless the request was not submitted to a FOIA Requester Service Center, in which case rerouting the request shall be accomplished within 10 working days.

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

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(5) Forms. Enclosures (2) and (3) can be obtained from the Combat Center Adjutant website at <https://www.29palms.marines.mil/Staff-Offices/Adjutant-Office/Forms/>. DD Form 2086 can be obtained from the Department of Defense website at http://www.esd.whs.mil/Directives/forms/dd2000_2499/.

5. Administration and Logistics. 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/Adjutant-Office/Orders/>.

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, MAGTF/TC, MCGCC.

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


W. F. SCHOEN, JR.
Commander

DISTRIBUTION: A

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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)

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(a) 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 visit 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 # (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.)

REQUESTER CONTACT INFORMATION (type or print clearly):

5. Name 6. Address 7. City, State 9. Zip Code 10. Phone Number 11. E-mail (optional) 12. How do you wish to receive your response? PICK UP 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 MAGTF TC, MCA GCC 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.

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
MAGTFCTMCAGCC 29 P
★ 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 CAD, you may digitalize 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 browser.

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) 830-4100 for any questions.