

**BY ORDER OF THE COMMANDER
AIR FORCE RESEARCH LABORATORY
(AFRL)**

**AIR FORCE RESEARCH LABORATORY
INSTRUCTION 33-302**

4 JUNE 2024



Communications and Information

**FREEDOM OF INFORMATION
ACT (FOIA) PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available at: www.e-Publishing.af.mil

RELEASABILITY: There are no releasability restrictions on this publication

OPR: AFRL/DSO

Certified by: AFRL/DS
(Colonel Katherine A. Todorov)

Supersedes: AFRLI33-301, 23 June 2020

Pages: 6

This instruction implements and expands on the guidance in Department of Defense Manual (DoDM) 5400.07_Air Force Manual (AFMAN) 33-302, *Freedom of Information Act Program* and Air Force Policy Directive (AFPD) 33-3, *Information Management*. This instruction provides additional guidance and clarification on the FOIA Program for AFRL. It applies to all AFRL personnel who process or track FOIA requests, and owners/holders of records, legal reviewers, etc. Ensure all records created as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the office of primary responsibility (OPR), using Department of Air Force (DAF) Form 847, *Recommendation for Change of Publication*; route DAF Form 847 through the appropriate functional chain of command. This publication may be supplemented at any level, but all direct supplements must be routed to the OPR of this publication for coordination prior to certification and approval. Submit requests for waivers through the chain of command to the publication OPR in accordance with (IAW) AFRL Delegation of Waiver Approval Authority of Tier Compliance Items Memorandum.

SUMMARY OF CHANGES

This publication has been revised and needs to be completely reviewed.

1. General. Pursuant to the FOIA, the public has the right to access agency records concerning United States (U.S.) Government activities unless the FOIA exempts the record, or parts of it from disclosure. FOIA requests can be made for any reason and requesters do not have to justify their request(s). Any person can file a FOIA request including foreign nationals, organizations, universities, corporations, and state and local governments. Requestors must provide an adequate description of the desired record(s).

1.1. An agency record can be requested by a member of the public in accordance with Title 32, Code of Federal Regulations (CFR) Part 286. This is not limited to just paper; it includes files kept electronically (i.e., on hard or shared drives, e-mails, information maintained in databases, working files, compact disks, all government issue electronic devices, etc.). Requests for agency records must be submitted in writing under the provisions of the FOIA. However, there are categories of unclassified information that should not be released to the public. They include documents that contain information about our critical technologies and information exempt from disclosure under one of the FOIA exemptions.

1.2. Individuals must not answer FOIA requests directly. Any FOIA request addressed to or received by any AFRL organizations or personnel must be forwarded first to the appointed Mission Organizations (Msn Org) or Geographically Separated Unit (GSU)/site FOIA Monitor and Host-Base FOIA Office to ensure proper processing.

2. Roles and Responsibilities.

2.1. AFRL Headquarters (HQ) FOIA Manager.

2.1.1. Appointed by AFRL Director of Staff (AFRL/DS). A copy of the appointment memo will be provided to the Host-Base FOIA Manager.

2.1.2. Provide guidance and training to all appointed FOIA Monitors.

2.1.3. Track, log, and process FOIA requests addressed to organizations at the AFRL HQ level.

2.1.4. Assist the Host-Base FOIA Manager (when necessary) in determining the correct OPR for FOIA requests that are not addressed to specific AFRL organizations.

2.1.5. Track all requests via AFRL Consolidated FOIA log located at: <https://usaf.dps.mil/teams/20547/IM/pages/CODE/FOIA.aspx>

2.1.6. Provide oversight of the AFRL FOIA Program and provide quality check of all WP-FOIA responses before submittal to Host-Base FOIA Manager.

2.2. Mission Organizations Directors/Commanders. All Msn Orgs and GSU/sites will designate a FOIA monitor to AFRL/DSO (AFRL HQ FOIA Manager).

2.3. Appointed Msn Org and GSU/Site FOIA Monitors.

2.3.1. Adhere to all FOIA, Host-Base FOIA Office, Department of Defense (DoD), Department of Air Force (DAF), Air Force Materiel Command (AFMC) and AFRL policies, procedures, and directives.

2.3.2. AFRL Msn Orgs on AFMC host installations will follow their host-base FOIA Office procedures, use the Host-Base Initial Denial Authority (IDA), and obtain legal coordination/written opinion from the appropriately designated legal office.

2.3.3. Serve as the single point of contact (POC) between the AFRL HQ FOIA Manager and Host-Base FOIA Manager and organization, for all incoming/outgoing FOIA requests and ensure requests are given high priority.

2.3.4. Track all requests via AFRL Consolidated FOIA log located at: <https://usaf.dps.mil/teams/20547/IM/pages/CODE/FOIA.aspx>

2.3.5. Ensure suspense dates are met. Submit extension requests, in writing, to the Host-Base FOIA Manager, when applicable. E-mails are acceptable.

2.3.6. Thoroughly review requests before tasking the organization Subject Matter Expert (SME). If the request is incomplete, not specific enough or very broad, submit clarification request in writing to the Host-Base FOIA Manager. GSUs/sites, without a Host-Base FOIA Office, will contact/reply to the requester in writing.

2.3.7. Provide guidance and assistance to SMEs. Ensure they understand the importance of meeting the suspense on time.

2.3.7.1. Ensure SMEs are aware of any internal processes and procedures.

2.3.7.2. Assist with the redaction process and legal coordination.

2.3.8. Thoroughly review packages before forwarding to the Host-Base FOIA Manager or to the requester, when there is no Host-Base FOIA Office.

2.3.9. The Host-Base FOIA Manager keeps the FOIA administrative files for each request in E-FOIA. Msn Org FOIA Monitors will keep record copies IAW Air Force Records Information Management (AFRIMS) Table and Rule (T33-51, R24.01, FOIA Case Files and Control Logs).

2.4. Mission Organizations Subject Matter Expert (SME).

2.4.1. Give all FOIA requests high priority to ensure compliance.

2.4.2. Read and review the FOIA request thoroughly to determine if it's been tasked correctly. If it is determined that the request should go to another organization, return the package with your written recommendations, to the appointed Msn Orgs or GSU/site FOIA Monitor. Do not forward the package to another organization.

2.4.3. Ensure suspenses are met. Contact your Msn Orgs or GSU/site FOIA Monitor immediately if an extension is needed. Extension requests must include current status and justification.

2.4.4. Conduct a thorough search for the requested records. (If the records are staged or retired, contact the Msn Orgs Assistant Records Manager (ARM) or assigned Unit Records Manager (URM) for retrieval). Make a recommendation on releasability with proposed redactions in IAW exemptions.

2.4.5. All requests that may involve information about our critical technologies, export control must be coordinated through the organization's Operations Security (OPSEC) POC.

2.4.6. AFRL HQ and AFRL Msn Orgs located at Wright-Patterson AFB, with the exception of 711th Human Performance Wing (HPW), must obtain legal coordination/written opinion on non-contract FOIA requests from the AFRL Legal Office (AFRL/JA). 711 HPW will obtain legal coordination from 711 HPW/JA. Contract FOIA requests will obtain legal review from AFMCLO/JA.

2.4.7. Contact the Msn Org or GSU/site FOIA Monitor for guidance any time there are questions or problems.

3. FOIA Types of Releases.

3.1. **No Records Response.** Conduct and document a thorough and reasonable search within your organization that includes both active and inactive records, electronic records, emails, databases, shared drives, etc. Include staging areas and Federal Records Centers if appropriate. A “no records response” must include how the search for the records was conducted (i.e., used databases, completed a physical search, etc.) and an explanation why no records are available (i.e., records destroyed, include table and rules, etc.). Legal coordination is required.

3.2. **Fully Releasable Records.** Released with no redactions. No legal coordination is required for fully releasable records.

3.3. **Clearly Releasable Records.** Released records with redactions but no exemptions stated. No legal coordination is required for clearly releasable records.

3.4. **Partially Denied Records.** If part of the documents requested is not releasable, redact and cite one or more of the nine FOIA exemptions located in DoDM 5400.07_AFMAN 33-302.

3.5. **Fully Denied Records.** If all of the documents requested is not releasable, redact and cite one or more of the nine FOIA exemptions located in DoDM 5400.07_AFMAN 33-302. **NOTE:** A denial letter citing specific exemptions for partial/full denials is required. It must include rationale for each exemption used and states the statute if using exemption (b)(3).

SCOTT A. CAIN, Major General, USAF
Commander

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

DoDM 5400.07_AFMAN 33-302, *Freedom of Information Program*, 26 April 2018

AFI 33-322, *Records Management and Information Governance Program*, 28 July 2021

AFPD 33-3, *Information Management*, 8 September 2011

CFR Title 23 Part 286, *National Defense_DoD FOIA Program*, 1 July 2022

Prescribed Forms

None

Adopted Forms

DAF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AF—Air Force

AFB—Air Force Base

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFMC—Air Force Material Command

AFPD—Air Force Policy Directive

AFRIMS—Air Force Records Information Management System

AFRL—Air Force Research Laboratory

ARM—Assistant Records Manager

CFR—Code of Federal Regulations

DAF—Department of the Air Force

DoD—Department of Defense

DoDM—Department of Defense Manual

FOIA—Freedom of Information Act

GSU—Geographically Separated Unit

HPW—Human Performance Wing

HQ—Headquarters

IAW—In Accordance With

IDA—Initial Denial Authorities

MSN ORG—Mission Organization

OPR—Office of Primary Responsibility

OPSEC—Operations Security

POC—Point of Contact

URM—Unit Records Manager