VOLUME 7B, CHAPTER 18: “RELEASE OF INFORMATION”

SUMMARY OF MAJOR CHANGES

All changes are denoted by blue font.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by bold, italic, blue, and underlined font.

The previous version dated May 2019 is archived.

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<td>1803</td>
<td>Updated DoD Directive 5400.11 with DoD Instruction 5400.11.</td>
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<td>180405</td>
<td>Added the administration of the Freedom of Information Act and Privacy Act by the Defense Finance and Accounting Service.</td>
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CHAPTER 18

RELEASE OF INFORMATION

1801 GENERAL

180101. Purpose

This chapter provides regulatory policy on the Freedom of Information and Privacy Acts. Guidance references are from United States Code (U.S.C.), Public Law (PL), Department of Defense (DoD) and agency regulations.

*180102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Title 5. Due to the subject matter in the chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

1802 FREEDOM OF INFORMATION ACT

PL 89-554, enacted September 6, 1966, commonly known as the Freedom of Information Act (FOIA) and codified in Title 5, U.S.C., section 552, as amended, provides for openness in government and making information available to the public. DoD Directive (DoDD) 5400.07, DoD Freedom of Information Act Program, provides guidance on 5 U.S.C. § 552, as amended, and prescribes uniform policies and procedures for the DoD implementation of the FOIA.

*1803 PRIVACY ACT

PL 93-579, enacted December 31, 1974, commonly known as the Privacy Act of 1974 and codified in Title 5, U.S.C., section 552a, as amended, safeguards individual privacy by governing the collection, safeguarding, maintenance, public notice, use, access, amendment, and dissemination of personal information. DoD Instruction (DoDI) 5400.11, DoD Privacy and Civil Liberties Programs, provides guidance on 5 U.S.C. § 552a, as amended, and prescribes uniform procedures for implementation of the DoD Privacy Program.

1804 ADMINISTRATION

Administration of the FOIA and the Privacy Act must be in accordance with the respective Component regulations and instructions.

180401. Army

Army administration of the FOIA and the Privacy Act must be in accordance with Army Regulations (AR) AR 25-55, AR 25-22, and Title 32, Code of Federal Regulations (CFR), part 286.
180402. Air Force

Air Force administration of the FOIA and the Privacy Act must be in accordance with DoD 5400.7-R Air Force Manual 33-302 and Air Force Instruction 33-332.

180403. Navy

Navy administration of the FOIA and the Privacy Act must be in accordance with Secretary of the Navy Instructions (SECNAVINST) 5720.42G and SECNAVINST 5211.5F.

180404. Marine Corps

Marine Corps administration of the FOIA and the Privacy Act must be in accordance with SECNAVINST 5720.42G and SECNAVINST 5211.5F.

*180405. Defense Finance and Accounting Service

The Defense Finance and Accounting Service (DFAS) FOIA and Privacy Act Office manages FOIA and Privacy Act requests received by DFAS to ensure compliance with the FOIA and Privacy Act of 1974.
*REFERENCES

CHAPTER 18 – RELEASE OF INFORMATION

1802 – FREEDOM OF INFORMATION ACT

PL 89-554, September 6, 1966
PL 90-23, June 5, 1967
PL 93-502, November 21, 1974
PL 94-409, September 13, 1976
PL 95-454, October 13, 1978
PL 98-620, November 8, 1984
5 U.S.C. § 552, as enacted by PL 89-554,
    thereafter, amended by PL 90-23, PL 93-502,
    PL 94-409, PL 95-454, and PL 98-620
DoDD 5400.07, January 2, 2008

1803 – PRIVACY ACT

PL 93-579, December 31, 1974
5 U.S.C. § 552a, as amended

DoDI 5400.11, December 8, 2020

1804 – ADMINISTRATION

AR 25-55
AR 25-22

32 CFR, part 286
DoD 5400.07-R_Air Force Manual 33-302
Air Force Instruction 33-332

SECNAVINST 5720.42G
SECNAVINST 5211.5F