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Sent: Friday, November 13, 2015 11:47 AM

To: Hogan, James P CIV OSD ODCMO (US)

Subject: FOIA Requests

All DoD FOIA Officers and Attorneys,

An issue came to my attention this week, and I would like to explain the proper way to process FOIA requests concerning records contained within a PA system of records.

If you receive a FOIA request from a someone asking for records contained within another person's file (aka third party requester), which is in a system of records, you must process that request under the FOIA. It is irrelevant whether the requested information is within a PA system or not - the FOIA still applies. I understand that some DoD FOIA Officers are asking that the third party requester provide a "privacy release" from the subject of the file, and that without such a release, they are not processing the request. Please understand that there is no DoD policy that requires a "privacy release", and that the request must be processed under the FOIA.

Please allow me to give an example to explain this. The FOIA Office for my supporting HR receives a request from a third party asking for my personnel file. The proper procedure would be to produce all records currently in my file, then redact out the information that should be protected by Exemption 6. For example, it would be appropriate to release the part of my performance plan that details my critical elements and performance standards; however, the performance rating section would be redacted under Exemption 6.

If anyone has any questions about this, please let me know.

Jim Hogan
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