



**UNITED STATES MARINE CORPS**  
MARINE CORPS AIR STATION  
BOX 99100  
YUMA, ARIZONA 85369-9100

StaO 5720.6F  
OJAD/CL1  
21 Jan 10

STATION ORDER 5720.6F

From: Commanding Officer  
To: Distribution List

Subj: FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES

Ref: (a) SECNAVINST 5720.42F

1. Situation. All Marines, Sailors and civilians are charged to support the spirit and intent of the principles of the Freedom of Information Act (FOIA). Disclosure, rather than denial of information is to be followed as a general rule. FOIA enables members of the public to obtain releasable records on the operation and activities of Department of Defense (DoD). The maximum amount of requested information is made available to the public unless it falls within the nine exempted categories as indicated in reference (a).

2. Cancellation. StaO 5720.6E.

3. Mission. Implement procedures pursuant to the reference that govern the timely response and handling of FOIA requests submitted to Marine Corps Air Station (MCAS) Yuma.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. To establish FOIA procedures and policies for MCAS Yuma.

(2) Concept of Operations

(a) The FOIA falls under the cognizance of the Joint Law Center. The Commanding Officer of Headquarters and Headquarters Squadron and Department Heads receiving oral or written requests from members of the public will refer/direct all inquiries to the Station FOIA Coordinator.

(b) Informal requests, requests from members of the public for information other than records, and inquiries not clearly contemplating the furnishing of records, are not subject to the technical requirements of the FOIA, but will be answered promptly in accordance with established procedures. A record must exist and be in the possession and control of the Marine Corps at the time of the

request to be considered subject to the FOIA. There is no obligation to create or compile a record to satisfy a FOIA request.

(c) The reference contains information and requirements for the administration of the FOIA as it applies to Navy and Marine Corps records. Answers to the questions concerning FOIA that are not clearly understood from the references or this Order should be directed to the Station FOIA Coordinator for resolution.

b. Tasks

(1) Initial Denial Authority (IDA)

(a) The Commanding Officer, MCAS Yuma is the IDA. The Commanding Officer, MCAS Yuma has delegated FOIA IDA to the Station SJA or the Deputy SJA to facilitate responses to FOIA requested information maintained in the files of MCAS Yuma subordinate reporting units.

(b) The IDA for 3<sup>rd</sup> Marine Aircraft Wing (3<sup>rd</sup> MAW) is the Commanding General, 3<sup>rd</sup> MAW. In accordance with reference (a), if 3<sup>rd</sup> MAW record is considered to fall within an exemption category, requiring action by the IDA this command will forward the requested records and all supporting documents to the Civil Law Attorney, Joint Law Center, Marine Corps Air Station Miramar, HQHQRON P.O. Box 452013, San Diego, CA 92145-2013.

(2) Station Staff Judge Advocate (SJA) or Deputy SJA. The Station SJA or the Deputy SJA are designated as release authorities and are authorized to sign routine correspondence pertaining to FOIA disclosures and referrals. The Station SJA or Deputy SJA must sign matters affecting policy or actions constituting a denial as the IDA by direction of the Commanding Officer. The Station SJA or Deputy SJA will provide legal guidance in all instances where questions arise pertaining to whether the request falls under the FOIA, the legality of providing the record(s), or where denial is anticipated.

(3) Station FOIA Coordinator.

(a) The Joint Law Center Legal Assistance Officer in Charge is designated as the Station FOIA Coordinator. The Station FOIA Coordinator is the principal point of contact on FOIA matters and has coordinating responsibilities for FOIA requests addressed to the Commanding Officer, MCAS Yuma. The Station FOIA Coordinator is authorized to sign routine correspondence pertaining to FOIA referrals under that title.

(b) The Station FOIA Coordinator will establish a multi-tracking processing system, in accordance with paragraph 11(f) of the reference, and will enter all FOIA requests into that system. Requests will be processed in the order received, and based on the amount of work and processing time involved. The Station FOIA

Coordinator will determine if the request falls under the FOIA and whether the requested record(s) fall under the cognizance of MCAS Yuma.

(c) The Station FOIA Coordinator will prepare a written reply to the requester within 20 working days after receipt of a FOIA request, stating whether the request has been granted, denied, or requesting further information. Replies will be in the form prescribed in paragraph 8.b and 11.g of the reference.

(d) If the requested record(s) does not fall under the cognizance of MCAS Yuma, the Station FOIA Coordinator will mail the request immediately to the cognizant organization and send a letter to the requester stating to whom the request has been forwarded. When a request is forwarded to another command for review or other action; the request, letter of transmittal, and envelope, or cover, shall be conspicuously stamped or labeled "FREEDOM OF INFORMATION ACT" and a record shall be kept of the request and the date and activity to which it was forwarded.

(e) Extensions of time are only authorized when the conditions set forth by paragraph 11.g of the reference are met. In such instances, Naval activities shall apprise requesters in writing of their inability to respond within 20 working days and advise them of their appellate rights.

(f) When denial, in whole or in part, of a request for a record or document is recommended, the Station FOIA Coordinator will forward the request, along with a copy of the record concerned, to the Station SJA or the Deputy SJA for their review and release determination.

(g) The Station FOIA Coordinator will provide training when needed for command personnel in the provisions of the FOIA.

(h) The Station FOIA Coordinator will review the annual report required by reference (a) before submission to HQMQ.

(4) Assistant Station FOIA Coordinator.

(a) The Joint Law Center Legal Assistance Chief is designated as the Assistant Station FOIA Coordinator. The Assistant Station FOIA Coordinator will maintain records of all requests, action taken and costs incurred.

(b) If the requested record(s) falls under the cognizance of MCAS Yuma, the Assistant Station FOIA Coordinator will complete the official log entry and number assignment. A chain of custody form will be attached to the request and will remain with the request. At a minimum, controls shall include date stamping of the request upon receipt, establishment of a suspense control record and follow-up procedures, and the conspicuous stamping or labeling of the

request as a "FREEDOM OF INFORMATION ACT" request, to flag it as requiring priority handling through its processing.

(c) A concise record shall be maintained of the dates, parties, and substance of all significant consultations with representatives of other activities or agencies, and all consultations with the requester.

(d) The Assistant Station FOIA Coordinator will prepare required reports pertaining to the FOIA, including the annual report required by reference (a).

c. Coordinating Instructions

(1) FOIA Request Criteria. To be considered a FOIA request, the request must meet the following minimum requirements:

(a) Be in writing (no verbal requests will be accepted) and indicate expressly, or by clear implications, that it is a request under the Freedom of Information Act or this order.

(b) Contain a reasonable description of the particular records requested; i.e., a sufficiently accurate and specific description to enable naval personnel to locate and identify the particular records desired with a reasonable amount of effort.

(c) Contain a clear statement that the requester will be willing and able to pay all fees, or to pay such fees up to a specified limit; or satisfactory evidence establishing that the requester is entitled to waiver of such fee per reference (a).

(d) Requests not meeting the minimum requirements of the FOIA will be processed in accordance with paragraph 11 of the reference.

(2) Procedures for Processing Requests

(a) Upon receipt of a FOIA request, the request will promptly be forwarded to the Station FOIA Coordinator for processing. The request will have the date it was received and in big letters, "FOIA" written on the envelope or document.

(b) The command possessing the requested record will expeditiously forward the record requested by the Station FOIA Coordinator in a concealed envelope marked "sensitive FOIA material." Address all questions to the FOIA Coordinator.

(3) Exemptions. When claiming an exemption(s), caution should be exercised to ensure that a governmental interest does exist that qualifies for withholding under one or more of the nine FOIA exemptions per the reference, and there would be no foreseeable harm to an interest provided by one or more of these exemptions.

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(4) Appeals. An appeal of a FOIA request denial shall be made in accordance with paragraph 15 of the reference.

5. Administration and Logistics. Directives issued by MCAS Yuma are published and distributed electronically at:  
<https://intranet.mciwest.usmc.mil/yuma/Station%20Orders/Forms/AllItems.aspx>

6. Command and Signal

a. Command. This Order may be applicable to all MCAS Yuma departments and tenant units.

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

  
M. A. WERTH