



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON, TN 38055-0000

BUPERSINST 5720.7G
BUPERS-00J
13 Jul 2019

BUPERS INSTRUCTION 5720.7G

From: Chief of Naval Personnel

Subj: IMPLEMENTATION OF THE FREEDOM OF INFORMATION ACT IN
ACTIVITIES UNDER THE COMMAND OF THE CHIEF OF NAVAL PERSONNEL

Ref: (a) 5 U.S.C. § 552
(b) SECNAVINST 5720.42G

1. Purpose. To provide instructions to the Bureau of Naval Personnel (BUPERS) commands and activities governing the release of records to the public under reference (a), 5 U.S.C. § 552, as implemented by reference (b). Major revisions to this instruction include the requirement to use Freedom of Information (FOIA) On-line (FOIAonline) to process and track FOIA requests; BUPERS subordinate activities must now submit proposed denial requests to BUPERS Office of Legal Counsel FOIA Coordinator (BUPERS-00J); removal of Commander, Navy Recruiting Command as FOIA request denial authority under BUPERS; and removal of the annual FOIA report. This instruction is a complete revision and should be read in its entirety.
2. Cancellation. BUPERSINST 5720.7F.
3. Scope and Applicability. This instruction applies to all BUPERS commands and subordinate activities.
4. Background. Reference (b), paragraphs 5 and 7, tasks each activity with implementing the Freedom of Information Act (FOIA) and provides that each activity may grant requests for the release of records under its cognizance. The authority to deny requests is more limited.
5. FOIA Request. For a request to be processed under the FOIA, the following conditions, per reference (b), must be met:
 - a. Request must be in writing and must either explicitly or implicitly invoke the FOIA,
 - b. Request must be for a copy of existing records,
 - c. Records requested must be reasonably described, and
 - d. Request must state that the requester is willing to pay all fees, or fees up to a specified amount if the fees are expected to exceed the minimum fee waiver threshold, or the requester must provide satisfactory evidence of entitlement to a waiver or reduction of fees.

6. Action. All BUPERS commands and activities will issue a directive that identifies procedures for processing FOIA requests. The directive should provide for procedures to respond to the requester within 20 working days. Reference (b), paragraph 1, requires the use of FOIA online to process and track all FOIA requests. Provide a copy of the directive to BUPERS-00J (FOIA coordinator). All BUPERS commands must follow the denial procedures set forth in paragraph 7 below.

7. Denial Procedures. The authority to deny requests under FOIA is held only by those authorized below.

a. Reference (b), paragraph 6, delegates the authority to deny requests for records under the FOIA to the Chief of Naval Operations and respective vice commanders, deputies and those principal assistants specifically designated.

b. BUPERS officials specifically authorized to deny requests for records are:

(1) Chief of Naval Personnel (BUPERS-00)

(2) Deputy Chief of Naval Personnel (BUPERS-00B)

(3) BUPERS-00J

c. The following BUPERS echelon 3 commands are authorized to deny requests for records pertaining to their activity:

(1) Commander, Navy Personnel Command

(2) Commanding Officer, Navy Manpower Analysis Center

d. Each BUPERS command must establish procedures whereby a proposed denial is promptly forwarded to the correct denial authority. Prior to forwarding a proposed denial, subordinate commands should consult with their FOIA coordinator. After consultation with the FOIA coordinator, the subordinate command must expeditiously forward the original request letter, a copy of the requested records, and a memorandum stating the exemptions relied upon in recommending denial.

e. Naval consolidated brigs, personnel support detachments, customer service desks, and other pay and personnel support activities will submit proposed denials to Bureau of Naval Personnel, FOIA Coordinator (BUPERS-00J).

8. Records Management

a. Records created as a result of this instruction [notice, change transmittal], regardless of format or media, must be maintained and dispositioned for the standard subject identification codes (SSIC) 1000 through 13000 series per the records disposition schedules located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction [notice, change transmittal] or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

9. Review and Effective Date. Per OPNAVINST 5215.17A, BUPERS-05 will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

10. Forms and Information Management

a. The following Department of Defense forms may be downloaded from the Navy FOIA Web site at <http://www.foia.navy.mil> or <http://www.esd.whs.mil/DD/DoD-Issuances/>

(1) DD 2086 Freedom of Information (FOI) Processing Cost, Record of

(2) DD 2086-1 Freedom of Information Act (FOI) Processing Cost for Technical Data, Record of



J. W. HUGHES
Deputy Chief of Naval Personnel

Releasability and distribution:

This instruction is cleared for public release and is available electronically only, via BUPERS Web site, <http://www.public.navy.mil/bupers-npc/reference/Pages/default.aspx>