

## Enclosure 2

### Example Records in the Public Domain

Attachment A

DONFOIA-PA email of March 20, 2013;  
Subject; Privacy Quarterly Report  
(recently released via FOIA **unredacted** PA officials)

From: (b) (6) CTR OPNAV, DNS-36 On Behalf Of DONFOIA-PA

Sent: Wednesday, March 20, 2013 13:40

To: Clemons, Karen R CIV DON/AA; Garcia, Della ; German, David Paul CIV; Thames, David B LCDR, N097 DEA; Harrity, Nancy E CIV CHINFO, OI-8; Anbiya, Hakim CIV CNIC HQ, N00; Boyle, Timothy G LT COMUSNAVSO/C4F, JAG; Kugeares, Zoe S LCDR NOSC ORLA, RLSO: 'constance.hebert@cotf.navy.mil'; 'joseph.estrella@fe.navy.mil'; Claussen, Roger R CIV CORB, CORB: McGuire, Shallon D LN1 FLTCYBERCOM/C10F, N00; Hopgood, Vanessa ; Battlc, Candy N CIV FLDSUPPACT, FSA-01A; Major, Lou CIV NAVAUDSVC; Evans, Mary E, CIV NAVAIR 711000A; Gibbons, Patrick J CDR JAGC, USN: Ivan.Cole@eu.navy.mil; Holder, Stacey D CIV NAVFAC HQ, FM; Knollmueller, Mark J CDR NAVINSGEN, N57; Gaucher, Christopher J CDR NR VTU IDC REG SW, 6519R; Triplett, Garrett CIV CNRFC, NOOJ; West, Susan CIV CNRFC, N00J; Jones, Nancy B CIV NAVSAFECEN, 055R; Dolan, Ginger CIV NAVSEA, SEA 09P; Erdmann, Eric ; Crowther, Norma CIV; Walker, Carl L CIV NAVSUP HQ, OLC; Lee, David T., CDR, NAVWARCOL NWC; Carroll, Elizabeth A MUCM U.S. Navy Band; Fritz, Gregory LTJG U. S. Navy Band, Specialty Groups Dept. Head; Campbell, David CIV NCIS, 00L; Bates, Michael M CAPTAIN FORCE JUDGE ADVOCATE, PENSACOLA; Seith, Kimberly A CIV NETC, Legal; Galle, Colin P LT NHHC, Operations; Coover, Joshua T CIV OASN (FM&C), FMO; Terenyi, Lisa CIV OCHR, 08; Novak, Amy C CIV OCHR, 082;

Dupuy, Stephen J CIV OJAG, CODE 13; Watson, Jeana; Adams, Holly A CIV ONR, 01IG; Gordon, Lani CIV SPAWAR, 35000; 'Eusantos, Emma'; Alvers, Linda J CIV USFF, N01P; Forbes, Ryan ; Clarke, Robert S LT NRC, OOJ: 'dick.thompson@nrl.navy.mil'; donna.simpson@nexweb.org; 'sean.jones@eu.navy.mil'  
Cc: Nenonene, Aku D CIV NAVSEA, SEA 09P; Pugliese, Lawrence CIV SEA 09P; Geary, Patrick J CIV NAVSEA, SEA 09P; Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Daughety, Steve CONT SECNAV, DONCIO; Muck, Steve CIV SECNAV, DON CIO; (b) (6) CTR OPNAV, DNS-36G; (b) (6) CTR OPNAV, DNS-36  
Subject: Privacy Quarterly Report

All.

We have received the new templates for the 2nd Quarter FY13 Defense Privacy Program/Section 803 Quarterly Report (see attached) from the Defense Privacy and Civil Liberties Office (DPCLC). The templates will be sent out via Taskers. In order to avoid any delays in getting the forms and for those not in Taskers, we are sending an advance copy by email. In addition, instructions for filling out the forms have been included for your assistance.

Please note that DPCLC added a new column (Lines 12-19 Column I) on the SORN Review Report. This column is the same information that was requested on the SORN Review Report 93-2007 that was recently sent to the Privacy Community. Please use the results from your efforts of all SORNs reviewed so far as part of that initiative and any other SORNs reviewed for this quarter.

Please obtain and consolidate the input from your lower echelon commands, submit a consolidated report for your command to the DONFOIA-PA@NAVY.MIL email box and then chop in the Tasker system to indicate completion by COB April 8, 2013 so that we can compile the DON consolidated response and meet the DPCLC deadline. Include your command name at the top of the forms and on all correspondence.

Please provide the following:

1. The completed consolidated Section 803 Quarterly Report templates; and, 2. A complaint summary form for each complaint reported.

For your convenience the quarterly reporting package can now be downloaded from our DON intranet site as well. Contact (b) (6) or (b) (6) for registration information on the service center line at 202-685-0412 or email your request to DONFOIA-PA@NAVY.MIL email box.

The Privacy Team, (b) (6), (b) (6), and (b) (6) can be contacted on the service center line at 202-685-0412 or directly. If you have any questions or need assistance please feel free to call the service center line or email the DONFOIA-PA@NAVY.MIL email box.

Your support in this effort is greatly appreciated.

Respectfully,  
Robin Patterson  
Head, DON PA/FOIA Office  
DNS-36  
Service center 202 685-0412

Attachment B

Email: Strong, Richard R CTR OPNAV, DNS-36 On Behalf Of  
DONFOIA-PA Monday, December 09, 2013 9:05AM;  
Subj; Subject: Action Item Due December 20, 2013 - Quarterly FOIA  
Reporting (Sept 30-Dec 20)  
(recently released via FOIA, **unredacted**)

From: Strong, Richard R CTR OPNAV, DNS-36 On Behalf Of DONFOIA-PA

Sent: Monday, December 09, 2013 9:05 AM

To: DONFOIA-PA; Patterson, Robin L CIV OPNAV, DNS-36; Adams, Holly A CIV ONR, BD04C; Aguon, Lisa S. CIV COMPACFLT, N01J; Alvers, Linda J CIV USFF, N01P; Bates, Michael M CAPTAIN FORCE JUDGE ADVOCATE, PENSACOLA; Barnett, Lisa A CIV FRCSE, JAX 11.0; Best, Genevieve M CIV NAVSEA, SEA COS; Bizzell, Judy; Brown, Idrelia R CIV NAVSEA, SEA COS; Callaham, Alicie B CIV Code 14; Carilli, Joseph; Chase-Ramsey, Patricia E CIV NAVINSGEN, N00KS; Christensen, April A. CIV DGC, WASH NAVY YARD; Claussen, Roger R CIV CORB, CORB; Clemons, Karen R CIV DON/AA; Connor, Chris D LCDR OJAG, CODE 20; Crawford, Debra M CTR PSD Kitsap, N14; Crowther, Norma CIV; Cusack, Christina M CIV NCIS, Code 00L; Davis, Kimberly A CIV FRCSE, JAX 11.0; Dickinson, John M CIV CNIC HQ, N00; Dolan, Ginger CIV NAVSEA, SEA 09P; Donovan, Janet R RDML DJAG (RA&O); Dronberger, Hal H OJAG Code 15; Edwards, Rebecca L CIV NSWC, PCD; Ellis, Brian J LCDR Expeditionary Strike Group FIVE, Legal; Erdmann, Eric ; Ford, Felecia M CIV OJAG, CODE 11; Fox, Ruth CIV NAVCYBERFOR, N03; Garcia, Della ; Gauzer, Thomas J CIV OJAG, CODE 15; German, David Paul CIV; Gibbons, Patrick J CDR JAGC, USN; Gray, Alison L CIV OCHR, 00E; Haagensen, Katharine J LT RLSO HAWAII, PEARL HARBOR; Hamlin, Donna M CIV NAVSEA, SEA COS; Harrison, Dave M CAPT RLSO SW, SAN DIEGO; Harrity, Nancy E CIV CHINFO, OI-8; Harwell, Vinez N CIV NAVSAFECEN, 055D; Hayes, Michael W CIV OGC, NLO; Higgins, Holly; Holder, Stacey D CIV NAVFAC HQ, FM; Hughes, Sally CIV HQMC, ARS; James, Susan C CIV SPAWAR, 35000; Jones, Daniel A, NAVHISTHERITAGECOM; Jones, Nancy B CIV NAVSAFECEN, 055R; King, Joseph; Lattin, Grant E CIV OJAG, CODE 14; Lawson, Susan E CIV CNRMC, CNRMC; Layne, Mike LCDR CNIC HQ, N00; Leme, Luis P CIV ONR, ONRA; Leonard, Patricia A CAPT NAVSEA, SEA 10; LePage, Laura L CIV NAVFAC MIDLANT, Staff; Lippolis, Lawrence CIV NAVINSGEN, N00K; Major, Lou CIV NAVAUDSVC; Manley, Crystal D CTR OPNAV, DNS-36; Mastowski, Kristen ; Melo, Kelly L CIV NUWC NWPT; Obrien, Mark CIV NAVINSGEN, N00K1; Oppenheimer, Nanette L CIV NAVSEA, SEA 00L; Patterson, Robin L CIV OPNAV, DNS-36; Poge, Crystle C CIV

COMNAVSURFLANT, N01L4; Reyes, Susan CIV NAWCTSD, 11.0; Rodini, Andraleigh CIV OJAG, CODE 15; Rodnite, Peter CDR NAVAIR 7.1, OOJ; Russell, Randall CIV OJAG, CODE 15; Seith, Kimberly A CIV NETC, Legal; Shaw, Phyllis CIV OPNAV, DNS-36C; Smith, Kevin P LCDR OPNAV, DNS-2; Spencer, Vaughn LCDR; Taylor, Barbara J CIV NAVSEA, SEA COS; dick.thompson@nrl.navy.mil; Triplett, Garrett CIV CNRFC, NOOJ; Triplett, Paul G.; Trojahn, Scott, LCDR PSD Oceana, OIC; Vincent, Robert E CDR OJAG, CODE 20; jwatson@nmic.navy.mil; Webb, James E CIV NAVSAFECEN 055C; Weiss, Mitchel CIV FRCSE, JAX 11.0; Witt, Maria CTR OPNAV, DNS-36; Zeigler, Richard D. Assistant to the General Counsel; Zimmerman, Delicia G LCDR RLSO, NDW; Nakamura, Byron M LT CNIC HQ, N00; Leary, Thomas F CDR OJAG, CODE 10; Blazek, Jessica ; Davis, Michelle CIV NAVSUP; Briceno, Daniela

Subject: Action Item Due December 20, 2013 - Quarterly FOIA Reporting (Sept 30-Dec 20)

Subject: Action Item Due December 20, 2013 - Quarterly FOIA Reporting (Sept 30-Dec 20)

DON FOIA Community:

Please be advised that DOJ continues to require Quarterly FOIA reporting. Due to the Holiday Season the consolidated submission from each Echelon I/II is due to DNS-36 no later than COB Friday, December 20, 2013. The remaining two weeks of the report will be submitted with the 2nd Quarter Report.

1. The Echelon I/II's, will coordinate with their subcomponents (same premise as the FOIA Annual Reporting process), consolidated the component data and provide your consolidated component response in the attached format. You may use the attached format to collect your subcomponents data. If you would like the master loader format to assist you in consolidating your responses, please contact our office thru the DONFOIA-PA@navy.mil mailbox or the FOIA Service Center at 202-685-0412.

2. Include in your final response to the DONFOIA-PA mailbox, the hours and cost to generate your components consolidated report. Additionally, to account for the incomplete data submitted in the 3rd Quarter Report, include the week of December 23th in your 2nd Quarter Report.

For those DON community members fully vested in the DON (NAVSEA) FOIA tracker and management tool, please find the attached SOP on how you can generate this data within the tool. This SOP provides you with visual step by step instructions.

Additionally please mark your calendars for the following dates to help us expedite timely Navy reporting:

1st quarter reporting due Dec 20th (early submission) - for Oct 2013 - Dec 20th

2nd quarter reporting due April 4th - to include Dec 23rd - March 31st

3rd quarter reporting due July 3rd- for April 2013 - June 30th

4th quarter reporting due Oct 3rd- for July 2013 - Sept 30th

Respectfully,

Robin Patterson

Head, DON FOIA/PA Program Office (DNS-36)

CNO Office of The Director, Navy Staff

Organization and Management Division

FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL

Direct line 202 685-6545 Robin.Patterson@navy.mil

## **Attachment C**

Hammond email of December 8, 2017; (DON JAG #1) - DOD Policy,  
Position Exemption 6. + Exemption 5 + FOIA, PA Reporting

**From:** [Requester's .com email redacted.]  
**Sent:** Friday, December 8, 2017 6:36 PM  
**To:** cindy.l.allard.civ@mail.mil  
**Cc:** Kelly.e.fletcher@navy.mil; clinton.f.Faison.mil@mail.mil; terry.j.moulton.mil@mail.mil; guy.t.kiyokowa.civ@dha.mil; mark.a.kobelja@mail.mil; grant.lattin@navy.mil; raquel.c.bono.mil@mail.mil  
**Subject:** Re. (DON JAG #1) - DOD Policy/Position Exemption 6. + Exemption 5 + FOIA/PA Reporting

Dear Ms. Allard,

Thank you again, so very much, for the ongoing support from your office.

Please refer to the attached FOIA appeal related to the Department of Navy Judge Advocate General (DON JAG) FY 2013 FOIA Appeal Tracking Log, FY 2013 Annual Report and FY 2013 Quarterly FOIA Reports.

I am asking that this matter be adjudicated by a DOD entity, rather than the Assistant DON JAG, as there is a clear conflict of interest in a subordinate adjudicating the initial determination of his superior, Grant E. Lattin. I am also seeking the DOD position regarding Lattin's and the Assistant DON JAG's past and ongoing improper use of the FOIA (b)(5) exemption. I am further seeking that DON post all records related to my requests and appeals to the FOIAonline website and not bypass that automated system. Finally, I am seeking the DOD position regarding the accuracy of statements regarding related past related FOIA releases. Grant, please let me know if I have misspoken.

As part of your DOD review, please factually determine if any records responsive to this Request related to quarterly FOIA reports were destroyed after I sought all FY 2013 DON quarterly FOIA Reports submissions and whether or not any member of DON FOIA/PA issued guidance under the guise of records retention policy that would have caused the destruction of any such responsive records.

I believe that these are DOD matters now, which in any case will become so in twenty working days. I am bringing these matters to your office, so that DOD can resolve them internally to DOD. The impeccable integrity of your office warrants that I provide you that respect and courtesy. I have also seen significant results from your past efforts... thank you.

On a separate note, I suspect that Mr. Tillotson and Jim will be rooting for us over the Black Knights tomorrow, as Air Force would then keep the Commander in Chief Trophy. In that regard, I think there is one thing on which Grant and I agree. While we prefer a win by our alma mater, everyone on the field tomorrow is a winner.

Thank you again,

With my deep respect,

Robert Hammond

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In a message dated 12/1/2017 5:59:45 AM Eastern Standard Time, [\[Requester's .com email redacted.\]](#) writes:

Dear Ms. Allard,

According to DoD Manual 5400.07, January 25, 2017, DoD Freedom of Information Act Program, SECTION 6., FOIA REQUEST PROCESSING, 6.2.a. Receipt and Control:

(1) When a FOIA RSC receives a FOIA request, it must open a file in a formal control system. The formal control system:

(a) Must be designed for accountability and compliance with the FOIA.

(b) Should include the data elements necessary to compile the statistics required by the annual report.

(2) Each request must be assigned a unique tracking number, which will be included in all correspondence with the requester.

What is the official DOD position regarding any agency which claims otherwise; does not assign individualized tracking numbers and does not report all such FIOA Requests in its Annual FOIA Reports Submissions?

What actions will be taken with regard to any organization or persons who do not follow the DOD procedures?

With regard to persons in the reporting chain who knew of this and perpetuated/failed to correct such false reporting?

Legal staff also?

Will your office compel violators to promptly assign tracking numbers, to begin reporting open requests as of the dates received and to amend past reports to DOJ/Congress to make them accurate?

Please inform Ms. Chung, Mr. David Tillotson III and Mr. John H., Gibson II ( Deputy Chief Management Officer of my concern.

I will greatly appreciate a timely reply.

Thank you for your continued assistance.

With my respect,

Robert Hammond

In a message dated 11/29/2017 6:25:13 AM Eastern Standard Time, [\[Requester's .com email redacted.\]](#) writes:

Dear Ms. Allard, and Ms. Fletcher,

With my deep respect, please see the attachments which include:(1) my Appeal of FOIA Request – NAVAIR FOIA Reports Record Retention Records and; (2) my FOIA Request – FOIA Case Records of Request to NAVAIR FOIA Reports Record Retention Records.

I believe that Ms. Patterson or her designee within the DON FOIA/PA Office may have advised one or more reporting entities to delete records related to records retention of FOIA and PA Reports submissions after receiving my multiple FOIA Requests for same.

I cannot state this as a fact. I don't know; which is why I am appealing and seeking records via FOIA.

I need your help to get to the truth of the matter.

Please ask Ms. Patterson or her designee within DON FOIA/PA to provide you that information. Please ask all DON reporting entities to preserve any potentially responsive records related to Annual FOIA Reports and Quarterly FOIA Reports from 2012 forward. Please ask that DON reporting entities identify if any such records have been deleted since 28 August 2017.

In the event that any potentially responsive records have been deleted in anticipation of judicial review, this would be a very serious matter.

Ms. Patterson, perhaps you can clear this up. If I am mistaken, I apologize. However, my appeal and my FOIA Request remain live.

Ms. Allard, since this is a DOD matter, would you be so kind as to respond to me, since your office will ultimately need this information anyway?

With my deep respect,

Robert Hammond

In a message dated 11/27/2017 11:57:01 AM Eastern Standard Time, [\[Requester's .com email redacted.\]](#) writes:

Dear Ms. Robin Patterson (Head DON FOIA/PA Office),

Please compare page 7 of Attachment A with pages 48-67 (Walter Reed's FY 2012 Annual FOIA Report Submission to BUMED). Please also review publically available records, including BUMED and DON Annual FOIA Report Submissions.

Please also refer to my email 10/6/2017 3:38:34 PM, entitled "BUMED False Reporting?"

Who at BUMED stated that Walter Reed had not made any Annual FOIA Reports submissions to BUMED since 2009, and why? Della Garcia? CDR Heather Partridge? May I ask, if you knew that the statement was inaccurate when you made it and, if so, why did you make it? Who else knew?

As to your comment regarding raw statistical data, please compare your comment at page 6 of Attachment A with Attachment B, which is an email from Bizzell, Judy J CIV US WRNMMC to 'DONFOIA-PA'; Patterson, Robin L CIV OPNAV, DNS-36, cc: Garcia, Della W. GS BUMED, entitled "FY13 1st FOIA Quarterly Report."

Have you advised Vice Admiral Faison and Ms. Fletcher regarding your knowledge of Walter Reed's quarterly FOIA reports submissions *versus* the numbers in the annual reports while Walter Reed was a DON reporting entity?

Problem with the numbers not adding up?

Mr. Lattin, do you have any comments regarding the last two paragraphs at page 2?

If I have misstated anything in Attachment A or in any other correspondence, please kindly let me know soonest, so that I may correct.

Thank you.

Robert Hammond

-----Original Message-----

From: [Requester's .com email redacted.]

To: robin.patterson <[robin.patterson@navy.mil](mailto:robin.patterson@navy.mil)>

Cc: clinton.f.Faison.mil <[clinton.f.Faison.mil@mail.mil](mailto:clinton.f.Faison.mil@mail.mil)>; terry.j.moulton.mil <[terry.j.moulton.mil@mail.mil](mailto:terry.j.moulton.mil@mail.mil)>; raquel.c.bono.mil <[raquel.c.bono.mil@mail.mil](mailto:raquel.c.bono.mil@mail.mil)>; guy.t.kiyokowa.civ <[guy.t.kiyokowa.civ@dha.mil](mailto:guy.t.kiyokowa.civ@dha.mil)>; Kelly.e.fletcher <[Kelly.e.fletcher@navy.mil](mailto:Kelly.e.fletcher@navy.mil)>; mark.a.kobelja <[mark.a.kobelja@mail.mil](mailto:mark.a.kobelja@mail.mil)>; cindy.l.allard.civ <[cindy.l.allard.civ@mail.mil](mailto:cindy.l.allard.civ@mail.mil)>; kelly.e.fletcher <[kelly.e.fletcher@navy.mil](mailto:kelly.e.fletcher@navy.mil)>

Sent: Fri, Nov 24, 2017 6:28 am

Subject: Robin Patterson, DONFOIA-PA DOD DOodge? Policy/Position, + Exemption 6. + Exemption 5 + FOIA/PA Reporting

Dear Ms. Robin Patterson (DONFOIA-PA, OPNAV DNS-36),

Please see [https://www.huffingtonpost.com/2014/01/08/us-navy-email-foia\\_n\\_4564068.html](https://www.huffingtonpost.com/2014/01/08/us-navy-email-foia_n_4564068.html) .

Would you care to respond to the article, which states that you plot ways to dodge and strategies to thwart legitimate FOIA Requests?

Are those assertions accurate?

Why did Steve Muck apologize on behalf of Navy, instead of you?

Is this an ongoing practice?

Thank you.

Robert Hammond

In a message dated 11/22/2017 8:08:03 PM Eastern Standard Time, [\[Requester's .com email redacted.\]](#) writes:

Dear Ms. Allard and Ms. Fletcher,

In a matter which initially predates your current assignments, DOJ ordered DOD to submit quarterly FOIA Reports following a 2012 GAO audit of extensive deficiencies in DOD's FOIA practices, including (among others) deficiencies in assignment of tracking numbers, errant reporting to DOJ, over-use of Exemptions (b)(5) and (b)(6) and other matters. See GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act. See <http://www.gao.gov/assets/600/593169.pdf>.

In the "Department of Defense Chief Freedom of Information Act Officer Report for 2013" at page nine, DOD states:

**"The Navy underwent an in-house audit of the FOIA organization at naval activities, and a GAO audit of its overall program. These reviews enabled the Navy to establish a plan for improvement. In fiscal year 2011, the Navy reported a 70% increase in its backlog. In fiscal year 2012, the Navy successfully decreased its backlog by 28%".** The Report is available at

[http://www.dod.mil/pubs/foi/dfoipo/docs/2013 ACFO Report FINAL REPORT.pdf](http://www.dod.mil/pubs/foi/dfoipo/docs/2013_ACFO_Report_FINAL_REPORT.pdf)

DOD's statement to DOJ is false.

When I sought such records via FOIA, Robin Patterson (OPNAV-DNS-36), Head of Department of Navy (DON) FOIA/PA Program Office provided an initial determination letter, which stated that no such FOIA Improvement Plan was ever created, even though DOD had falsely reported to DOJ that it had done so.

With my deep respect, I believe that the same errant practices noted in the GAO Report are ongoing today. This poses several questions.

Why would Department of Navy make such a false statement in an official report to DOJ?

Why hasn't this been corrected?

Who is responsible for such false reporting?

To what degree is the alleged, improvement in backlogs, processing times and reduced use of exemptions (b)(5) and (b)(6) due to intentional omission of FOIA Requests and Appeals; to overriding automated systems, which generate quarterly and annual FOIA reports? Do the numbers add up?

I do not want to believe that such false reporting to DOJ is something that DON and DOD condone; tolerate. Will anyone be held accountable? What is the tipping point? When is enough, enough?

With my deep respect and sincere appreciation for your continued support.

Robert Hammond

In a message dated 11/9/2017 9:03:54 AM Eastern Standard Time, [\[Requester's .com email redacted.\]](#) writes:

Dear Ms. Allard,

With my deep respect, regarding the general FOIA/PA questions below, are you able to clarify the DCPL position regarding any entity or person who may have submitted or received quarterly FOIA reports, wherein the numbers do not add up to the end of FY Annual FOIA Reports?

I have the same question regarding incomplete PA reports.

Also, I am not aware of any applicable legal protections for agency counsel/legal staff who may have personally participated in these matters and /or participated in covering them up. Are there any?

Would you consider (through your office under your delegated authority (or Mr. Tillotson/Ms. Chung directly)), directing the following entities - Walter Reed, BUMED, DON JAG, DON CIO (with respect to the Walter Reed, BUMED, and DON JAG) and DHA/TMA - to recover from archives/backup servers (as necessary) and preserve all quarterly FOIA and PA Reports submissions records from 2012 forward, together with Annual FOIA Reports submissions records, for potential audit by your office/and or an external entity, as appropriate?

This is more efficient than having to reconstruct such records from source case files, which are required to be maintained.

I am suggesting this, because any destruction of such records in anticipation of audit/other may be problematic in a variety of venues.

Also, for efficiency, would you consider directing such entities to timely identify for your office, via their leadership, any known discrepancies in reporting

(which will require notes amending past reports) and any open, unreported FOIA or PA cases that will need to be added to the next reports submissions to the Attorney General and to Congress to make them current and fully accurate?

Thank you. Have a great Veterans Day holiday.

With my deep respect,

Robert Hammond.

-----Original Message-----

From: [Requester's .com email redacted.]

To: cindy.l.allard.civ <[cindy.l.allard.civ@mail.mil](mailto:cindy.l.allard.civ@mail.mil)>

Cc: clinton.f.Faison.mil <[clinton.f.Faison.mil@mail.mil](mailto:clinton.f.Faison.mil@mail.mil)>; terry.j.moulton.mil <[terry.j.moulton.mil@mail.mil](mailto:terry.j.moulton.mil@mail.mil)>;

raquel.c.bono.mil <[raquel.c.bono.mil@mail.mil](mailto:raquel.c.bono.mil@mail.mil)>; guy.t.kiyokowa.civ <[guy.t.kiyokowa.civ@dha.mil](mailto:guy.t.kiyokowa.civ@dha.mil)>;

Kelly.e.fletcher <[Kelly.e.fletcher@navy.mil](mailto:Kelly.e.fletcher@navy.mil)>; mark.a.kobelja <[mark.a.kobelja@mail.mil](mailto:mark.a.kobelja@mail.mil)>

Sent: Thu, Nov 2, 2017 8:09 pm

Subject: DOD Policy/Position, + Exemption 6. + Exemption 5 + FOIA/PA Reporting

Dear Ms. Allard,

Thank you and your staff for your ongoing support.

With my deep respect, what is the Defense Privacy and Civil Liberties Office (DPCLO) position regarding any agency that assigns duplicate individualized FOIA tracking numbers to completely disparate requests from different parties and then fails to report both requests in their Annual FOIA Reports through your office to the Attorney General and Congress?

Will there be any “top cover” at any level for persons who may have participated in such actions, for those who may have known, or for those who may have participated in covering up such actions?

Will there be any “buffers” at any level?

Chance to “come clean” for those on the bottom rung of the ladder, who may just be trying to do a good job, but may be impeded from doing so?

PA - same questions.

With my deep respect, I am adding key leadership of Walter Reed, DHA, BUMED and DON CIO, and seeking their support, as I believe that significant improvement in

the integrity of the FOIA/PA processes and the accuracy of FOIA/PA reporting under their respective commands/reporting chains is warranted.

With my deep respect,

Robert Hammond

-----Original Message-----

From: [Requester's .com email redacted.]

To: cindy.l.allard.civ <[cindy.l.allard.civ@mail.mil](mailto:cindy.l.allard.civ@mail.mil)>

Cc: clinton.f.Faison.mil <[clinton.f.Faison.mil@mail.mil](mailto:clinton.f.Faison.mil@mail.mil)>; terry.j.moulton.mil <[terry.j.moulton.mil@mail.mil](mailto:terry.j.moulton.mil@mail.mil)>; raquel.c.bono.mil <[raquel.c.bono.mil@mail.mil](mailto:raquel.c.bono.mil@mail.mil)>; guy.t.kiyokowa.civ <[guy.t.kiyokowa.civ@dha.mil](mailto:guy.t.kiyokowa.civ@dha.mil)>

Sent: Sun, Oct 8, 2017 6:59 am

Subject: Re: DOD Policy, Exemption 6. Also, Exemption 5 + FOIA/PA Reporting

Dear Ms. Allard,

With my deep respect, I am seeking a further policy determination from your office regarding DOD's interpretation of/policy for using the FOIA (b)(6) privacy exemption.

First question, once records have been released through FOIA without redaction, can that very same information later be redacted under the FOIA (b)(6) privacy exemption?

Second question, does it make a difference if that very same information was released through FOIA without redaction both before and after one's request?

Third question, does it make a difference if the redacted information is the email addresses of FOIA Officers, FOIA responders and FOIA Office personnel contained in those emails?

Forth question, does it make a difference if the redacted information is the email addresses of Privacy Officers, Privacy Act Report responders and Privacy Office personnel contained in previously released emails?

Fifth and sixth questions, again, what about multi-function printer, copier, scanner, fax machines? WRT Walter Reed?

In the absence of a policy determination, the DOD agency responses become the DOD position in any further proceedings and venues.

I am concerned that use of the FOIA (b)(6) privacy exemption in such cases may (perhaps) be being used to cover up errant/false reporting to your office for

consolidation in reports to the Attorney General of the United States and Congress. I don't know the motive. However, this would be a concern in a variety of venues.

Please also reinforce that all FOIA (b)(6), (b)(5) denials, etc., must be properly reported. That has been problematic. Also, please reinforce that "refusing to respond" to a FOIA request is not an appropriate option/response and that the applicable FOIA exemption, if any, must be cited. Also, what happens if a FOIA Officer may personally know that records exist within the agency/DOD and that FOIA Officer does not search for those records? What would be the consequences in various venues, particularly wrt my concern above? What if records are then deleted? What would DOD's position be? Others?

These are broad questions, applicable across the Department.

Please advise Ms. Chung and (through her) Mr. Tillotson of my concerns.

Still a DOJ/GAO concern. Congress also. Others.

With my deep respect and appreciation,

Robert Hammond

-----Original Message-----

From: [Requester's .com email redacted.]

To: cindy.l.allard.civ <[cindy.l.allard.civ@mail.mil](mailto:cindy.l.allard.civ@mail.mil)>

Cc: clinton.f.Faison.mil <[clinton.f.Faison.mil@mail.mil](mailto:clinton.f.Faison.mil@mail.mil)>; terry.j.moulton.mil <[terry.j.moulton.mil@mail.mil](mailto:terry.j.moulton.mil@mail.mil)>; raquel.c.bono.mil <[raquel.c.bono.mil@mail.mil](mailto:raquel.c.bono.mil@mail.mil)>; guy.t.kiyokowa.civ <[guy.t.kiyokowa.civ@dha.mil](mailto:guy.t.kiyokowa.civ@dha.mil)>

Sent: Wed, Oct 4, 2017 3:26 pm

Subject: DOD Policy, Exemption 6. Also, Exemption 5 + FOIA/PA Reporting

Dear Ms. Allard,

First, thank you for all that you and your staff are doing WRT the integrity of the FOIA/PA processes and the accuracy of reporting. I appreciate it.

With my deep respect, I am seeking a policy determination from your office regarding DOD's interpretation of/policy for using the FOIA (b)(6) privacy exemption.

May I ask:

- Do the names of Agency's have privacy rights?
- Ordinary building names?
- Military Treatment Facility names?
- FOIA Officer names?
- Multi- function printer, copier, scanner, fax machines? This last rather odd issue came up recently WRT Walter Reed.

As you know, in a GAO audit requested by the Attorney General, DOD was singled out (along with three other federal agencies) regarding concerns over misuse of this exemption, misuse the (b)(5) exemption and errant FOIA tracking and reporting to the Attorney General. For some time, DOJ required DOD to submit quarterly FOIA Reports and ODCMO required additional data.

As you know, I am concerned that many of these same errant practices that DOD promised to fix are still ongoing and that [promised] internal controls to prevent them may be being overridden.

Still a DOJ/GAO concern.

With my deep respect,

Robert Hammond

## **Attachment D**

September 6, 2017 3:29 email Thread Forwarding Hammond's Appeal of Hammond's Request Seeking, "All FY 2013 Quarterly FOIA Reports."

**Bob Hammond**

---

**From:** [Requester's .com email redacted.]  
**Sent:** Wednesday, September 6, 2017 3:29 PM  
**To:** robin.patterson@navy.mil; christopher.a.julka@navy.mil; grant.lattin@navy.mil  
**Cc:** jooy chung.civ@mail.mil; cindy.allard.civ@mail.mil  
**Subject:** Re: FOIA Request – All FY 2013 Quarterly FOIA Report Emails  
**Attachments:** Appeal DON 17-A FY 2013 Quarterly FOAI Report SOP and Emails with enclosure.pdf

Mr. Lattin, appeal is attached and has been sent via FAX to your office. The clock starts today.

Ms. Patterson, Mr. Julka, second chance to search for and release All responsive records without redaction. In good faith, it is clearly in DON interest to do so, so that your office can move on from this... Appeal text is below.

=====

Robert Hammond  
[Requester's Address redacted.]  
[Requester's .com email redacted.]

September 6, 2017

Office of the Judge Advocate General  
General Litigation Division (Code 14)  
1322 Patterson Ave., SE, Suite 3000  
Washington Navy Yard, DC 20374-5066  
Via; <https://foiaonline.regulations.gov>  
FAX: 202-685-5472  
EMAIL: grant.lattin@navy.mil

Subject: Appeal of FOIA Request – All FY 2013 Quarterly FOIA Report Emails

My Personal Reference Number: FOIA DON 17-A

DON Assigned Agency FOIA Case Number DON- NAVY-2015 - 006938

- References: (a) The Freedom of Information Act (FOIA)  
(b) The Privacy Act  
(c) CFR 164.526  
(d) DoD 5700.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program  
(e) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation  
(e) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011: "Your Right to Federal Records" (see <http://publications.usa.gov/USAPubs.php?PubID=6080>)  
(g) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program  
(h) Department of Justice Freedom of Information Act Guide, May 2004 at Exemption 6 <http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6>

Dear Sir:

This appeal is submitted under the references above for my FOIA request dated at Enclosure 1, The Agency's reply is at Enclosure 2.

This appeal will be timely for judicial review within twenty working days. There are also other avenues for redress, particularly in the event that responsive records were deleted subsequent to my request.

**Records Sought Under the FOIA.** I am respectfully seeking for Fiscal Year 2013

1. The SOP – FOIA Quarterly Reports and Consolidation Process
2. All four quarterly FOIA Reports submissions emails for Fiscal Year 2013 to the DON PA/FOIA Office from any submitter.
3. This request also seeks a copy of this request (which is an agency record) returned in your reply.

***Basis for Appeal.***

1. **I am appealing that** the Agency did not provide any reports records for Walter Reed National Military Medical Center, nor did the Agency conduct any searches for such records. Walter Reed's 1<sup>st</sup> quarterly report submission (obtained separately via FOIA) is at Enclosure 3. The Agency is withholding all four quarterly reports. Note that these reports were sent by Bizzell, Judy J CIV US WRNMMC to 'DONFOIA-PA'; Patterson, Robin L CIV OPNAV, DNS-36, cc: Garcia, Della W. GS BUMED. Also, note that there are no (b)6 redactions whatsoever.
2. **I am appealing that** the Agency has improperly denied portions of my request under 5 U.S.C. 552(b)(6).
  - a. Every email address that has been redacted is already in the public domain and has been released pursuant to FOIA. See Enclosure 4 (October 10, 2013 10:57 AM email from joshua.portner.ctr@navy.mil Subject: FOIA OFFICE STAND DOWN) as one example of the email addresses that are in the public domain. See Enclosure 5, which is the BUMED reply, "RE: Action Item due June 21, 2013 - Quarterly FOIA Reporting." All of the email addresses that have been redacted are already in the public domain via FOIA and cannot be redacted in this document or any other. This includes the email address for Garcia, Della W. GS BUMED as discussed above.
  - b. The agency is redacting the phone numbers of FOIA officers, which are also in the public domain, with many published on public websites.
  - c. The Agency is inconsistent in redacting the names of the email submitters. See Enclosure 6 where the name of the FOIA Officer is redacted, but the name of Thompson, Scott F CAPT OJAG, CODE 13 is not. As noted, the names of FOIA Officers are already in the public domain, via countless determination letters emails, posting on public websites, etc.
  - d. There is a clear public interest in the identities of the persons submitting FOIA report data. There is no expectation of privacy on the part of the FOIA Officers; their information is already in the public domain and intended to be so
3. **I am appealing that** the Agency did not release the 1<sup>st</sup> and 2<sup>nd</sup> quarterly reports submissions for any component. These records are known to be in the Agency's custody, based on records released by some components. My request seeks ALL records.
4. **I am appealing that** the Agency did not release the SOP – FOIA Quarterly Reports and Consolidation Process.
5. **I am appealing that** the Agency did not return a copy of my FOIA request in its initial determination letter.

**Appellate Authority Action Requested. I am asking that:**

- (1) each of the elements of the basis of my appeal be addressed separately;
- (2) each element of my appeal be sustained;
- (3) my FOIA request be remanded back to the Agency for direct reply to me; and,
- (4) I be granted new appellate rights following a subsequent reply by the Agency.

With my respect,



Robert Hammond

Enclosures:

1. Hammond FOIA Request DON 17-A
2. Agency Initial Determination Letter
3. Walter Reed FY13 1st FOIA Quarterly Report
4. October 10, 2013 10:57 AM email from joshua.portner.ctr@navy.mil Subject: FOIA OFFICE STAND DOWN; no email addresses or names redacted
5. BUMED reply email, "RE: Action Item due June 21, 2013 - Quarterly FOIA Reporting
6. OJAG - Email 3 (Highlighted)\_Redacted

**Copy to: Robin Patterson**

-----  
-----Original Message-----

From: [Requester's .com email redacted.]  
To: robin.patterson <robin.patterson@navy.mil>; christopher.a.julka <christopher.a.julka@navy.mil>  
Cc: [redacted] chung; [redacted] allard; [redacted]  
Sent: Wed, Aug 30, 2017 7:39 am  
Subject: Fwd: FOIA Request – All FY 2013 Quarterly FOIA Report Emails

Dear Ms. Patterson,

In good faith, the attached FOIA initial determination is a missed opportunity to do the right thing for DoD, Department of Navy, your office... past errors long ago notwithstanding. I would like to move on.

As of now, you still have that opportunity.

Most importantly, please look again more carefully and Promptly release ALL records responsive to my FOIA request related to DON FY 2013 Quarterly FOIA reports records. The records are known to be in DON possession.

As separate matters, the information that you redacted is already in the public domain via FOIA and DON did not return a copy of my request.

In good faith... and with my respect,

Robert Hammond

Copy to: No others.

---

From: [Requester's .com email redacted.]  
To: [robin.patterson@navy.mil](mailto:robin.patterson@navy.mil)  
Cc: [perseverance2013@aol.com](mailto:perseverance2013@aol.com)  
Sent: 8/27/2017 8:59:09 AM Eastern Standard Time  
Subject: Re: Fwd: FOIA Request – All FY 2013 Quarterly FOIA Report Emails

Dear Ms. Patterson,

I am following up on my request below.

The records that I am seeking were in the agency's possession at the time of my FOIA Request for them. My Request identifies the legal requirement to preserve such records and records of your searches for judicial review. This request is now timely for judicial review. As you know there are also other remedies for redress, if records are deleted.

Thank you so very much for your prompt consideration of my request.

With my respect,  
Robert Hammond

In a message dated 8/9/2017 9:35:29 PM Eastern Standard Time, [Requester's .com email redacted.] writes:

Dear Ms. Patterson,

I want to first thank your for your past assistance releasing the Navy FOIA Improvement Plan cited in the Department of Defense Chief Freedom of Information Act Officer Report for 2013. That was refreshingly open and transparent. I truly appreciate it. It appears that Navy has come along way since 2013, evidently due to your efforts, training, reorganizations, etc.

I will greatly appreciate your timely consideration of my request seeking "All FY 2013 Quarterly FOIA Report Email" and related records cited below.

Thank you in advance.

With my best wishes for your continued success and my respect,

Robert Hammond

---

From: [Requester's .com email redacted.]  
To: [donfoia-pa@navy.mil](mailto:donfoia-pa@navy.mil), [robin.patterson@navy.mil](mailto:robin.patterson@navy.mil)  
Cc: [Requester's .com email redacted.]  
Sent: 7/25/2017 9:59:18 PM Eastern Standard Time  
Subject: FOIA Request – All FY 2013 Quarterly FOIA Report Emails

Robert Hammond  
[Requester's Address redacted.]  
[Requester's .com email redacted.]

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July 25, 2017

Department of the Navy via FOIA Online, <https://foiaonline.regulations.gov/> and [donfoia-pa@navy.mil](mailto:donfoia-pa@navy.mil)

---

Subject: FOIA Request – All FY 2013 Quarterly FOIA Report Emails

Requester Personal Reference Number: FOIA DON 17-A

References: (a) The Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, as amended,  
(b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"  
(c) The Privacy Act ("PA") of 1974, 5 U.S.C. § 552a, *et seq.*, as amended  
(d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program  
(e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

- (f) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
- (g) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
- (i) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
- (j) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear FOIA Officer

I am submitting this request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq., as amended, If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law. References cited apply. Please see "preservation of records and searches performed" and "impact of improperly withholding records" below.*

**RECORDS SOUGHT VIA FOIA.**

I am respectfully seeking for Fiscal Year 2013

1. The SOP – FOIA Quarterly Reports and Consolidation Process
2. All four quarterly FOIA Reports submissions emails for Fiscal Year 2013 to the DON PA/FOIA Office from any submitter.
3. This request also seeks a copy of this request (which is an agency record) returned in your reply.

**BACKGROUND:**

Records are likely in the possession of:

Robin Patterson  
Head, DON PA/FOIA Office  
[Robin.Patterson@navy.mil](mailto:Robin.Patterson@navy.mil)  
FOIA/PA Service Center 202-685-0412  
or DONFOIA-[PA@NAVY.MIL](mailto:PA@NAVY.MIL) (FY 2013 email address)

Email subjects may include "FY13 1st FOIA Quarterly Report, etc."

Data in the quarterly reports may include:

1. A) FOIA requests received during quarter:
2. b) FOIA requests processed during quarter:
3. c) FOIA backlog at end of quarter:
4. d) Status of 10 oldest backlogged cases reported on FY12 report

In your reply please separately address by the reference number above how your reply addresses each element of the records sought, including "no records found" for any specific record sought.

**Requested Format.** I am requesting that documents provided as a single PDF file by return mail via traceable means (i.e. certified mail) that 1) a signed and dated cover letter citing my personally assigned requester control number addressing only this FOIA request; 2) all responsive documents; 3) a copy of this request in your reply. This Request letter is an agency record in its own right and providing a copy of this request is an integral part of my FOIA request, which helps to ensure that you fully address my request. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the DHA reply.

**Agreement to Pay Fees.** I agree to pay fees for searching or copying the records up to \$50. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting a PDF file, there should not be a per page copy fee. Moreover, there is public interest in the Performance standards of the Deputy General Counsel, Defense Health Agency.

**PUBLIC INTEREST.** The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest in the integrity of FOIA/ Privacy Act and certified mail processing procedures and the accuracy of FOIA reporting to the Attorney General of the United States and Privacy Act reporting to Congress.

### **DOD POLICY –PUBLIC TRUST.**

Reference (c) states, "DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust."

### **IMPACT OF IMPROPERLY WITHHOLDING RECORDS**

Pursuant to FOIA:

"Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends." 5 U.S.C. § 552(a)(4)(F)(i).

**PRESERVATION OF RECORDS AND SEARCHES PERFORMED.** Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

Records of responsive searches would include but not be limited to:

Searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof.

### **LEGAL FRAMEWORK OF FOIA**

-

1. The definition of "records" includes:

"[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made *or received* by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate

successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).

2. FOIA requires that “each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person” 5 U.S.C. 552(a)(3)(A).
3. FOIA requires that “each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request” 5 U.S.C. § 522(a)(7)(A).
4. FOIA requires that each agency shall “establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).
5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of “unusual circumstances” meriting additional time for responding to a FOIA request. 5 U.S.C. 552(a)(6)(A)(ii).
6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. 552(a)(6)(A)(I) - (ii). *See also* 5 U.S.C. § 552(a)(6)(C).
7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.
8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),
9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).
10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. 552(a)(4)(E).
11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. *See* DOJ, *Handbook for Agency Annual Freedom of Information Act Reports*, “Disposition of FOIA Requests,” (available at [http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department\\_of\\_justice\\_handbook\\_for\\_agency\\_annual\\_freedom\\_of\\_information\\_act\\_reports.pdf](http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf)) (“DOJ Handbook”).
12. Among other things, the DOJ Handbook states, “All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured.”
13. The DOJ Handbook also states:

“[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance.” DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect

my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you in advance.

With my respect,

Robert Hammond

Robert Hammond  
[Requester's Address redacted.]  
[Requester's .com email redacted.]

September 6, 2017

Office of the Judge Advocate General  
General Litigation Division (Code 14)  
1322 Patterson Ave., SE, Suite 3000  
Washington Navy Yard, DC 20374-5066  
Via; <https://foiaonline.regulations.gov>  
FAX: 202-685-5472  
EMAIL: [grant.lattin@navy.mil](mailto:grant.lattin@navy.mil)

Subject: Appeal of FOIA Request – All FY 2013 Quarterly FOIA Report  
Emails

My Personal Reference Number: FOIA DON 17-A

DON Assigned **Agency** FOIA Case Number DON- NAVY-2015 - 006938

References: (a) The Freedom of Information Act (FOIA)  
(b) The Privacy Act  
(c) CFR 164.526  
(d) DoD 5700.7-R, September 1998, DoD Freedom of Information Act (FOIA)  
Program  
(e) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation  
(e) Joint publication of U.S. Department of Justice, Executive Office of the  
President and U.S. General Services Administration of July 2011: “Your Right to  
Federal Records” (see <http://publications.usa.gov/USAPubs.php?PubID=6080>)  
(g) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program  
(h) Department of Justice Freedom of Information Act Guide, May 2004 at  
Exemption 6 <http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6>

Dear Sir:

This appeal is submitted under the references above for my FOIA request dated at Enclosure 1,  
The Agency's reply is at Enclosure 2.

This appeal will be timely for judicial review within twenty working days. There are also other  
avenues for redress, particularly in the event that responsive records were deleted subsequent to  
my request.

**Records Sought Under the FOIA.** I am respectfully seeking for Fiscal Year 2013

1. The SOP – FOIA Quarterly Reports and Consolidation Process
2. All four quarterly FOIA Reports submissions emails for Fiscal Year 2013 to the DON PA/FOIA Office from any submitter.
3. This request also seeks a copy of this request (which is an agency record) returned in your reply.

### **Basis for Appeal.**

1. **I am appealing that** the Agency did not provide any reports records for Walter Reed National Military Medical Center, nor did the Agency conduct any searches for such records. Walter Reed's 1<sup>st</sup> quarterly report submission (obtained separately via FOIA) is at Enclosure 3. The Agency is withholding all four quarterly reports. Note that these reports were sent by Bizzell, Judy J CIV US WRNMMC to 'DONFOIA-PA'; Patterson, Robin L CIV OPNAV, DNS-36, cc: Garcia, Della W. GS BUMED. Also, note that there are no (b)6 redactions whatsoever.
2. **I am appealing that** the Agency has improperly denied portions of my request under 5 U.S.C. 552(b)(6).
  - a. Every email address that has been redacted is already in the public domain and has been released pursuant to FOIA. See Enclosure 4 (October 10, 2013 10:57 AM email from [joshua.portner.ctr@navy.mil](mailto:joshua.portner.ctr@navy.mil) Subject: FOIA OFFICE STAND DOWN) as one example of the email addresses that are in the public domain. See Enclosure 5, which is the BUMED reply, "RE: Action Item due June 21, 2013 - Quarterly FOIA Reporting." All of the email addresses that have been redacted are already in the public domain via FOIA and cannot be redacted in this document or any other. This includes the email address for Garcia, Della W. GS BUMED as discussed above.
  - b. The agency is redacting the phone numbers of FOIA officers, which are also in the public domain, with many published on public websites.
  - c. The Agency is inconsistent in redacting the names of the email submitters. See Enclosure 6 where the name of the FOIA Officer is redacted, but the name of Thompson, Scott F CAPT OJAG, CODE 13 is not. As noted, the names of FOIA Officers are already in the public domain, via countless determination letters emails, posting on public websites, etc.
  - d. There is a clear public interest in the identities of the persons submitting FOIA report data. There is no expectation of privacy on the part of the FOIA Officers; their information is already in the public domain and intended to be so
3. **I am appealing that** the Agency did not release the 1<sup>st</sup> and 2<sup>nd</sup> quarterly reports submissions for any component. These records are known to be in the Agency's custody, based on records released by some components. My request seeks ALL records.
4. **I am appealing that** the Agency did not release the SOP – FOIA Quarterly Reports and Consolidation Process.
5. **I am appealing that** the Agency did not return a copy of my FOIA request in its initial determination letter.

### **Appellate Authority Action Requested. I am asking that:**

- (1) each of the elements of the basis of my appeal be addressed separately;

- (2) each element of my appeal be sustained;
- (3) my FOIA request be remanded back to the Agency for direct reply to me; and,
- (4) I be granted new appellate rights following a subsequent reply by the Agency.

With my respect,



Robert Hammond

**Enclosures:**

1. Hammond FOIA Request DON 17-A \_\_\_\_\_
2. Agency Initial Determination Letter
3. Walter Reed FY13 1st FOIA Quarterly Report
4. October 10, 2013 10:57 AM email from [joshua.portner.ctr@navy.mil](mailto:joshua.portner.ctr@navy.mil) Subject: FOIA OFFICE

STAND DOWN; no email addresses or names redacted

5. BUMED reply email, "RE: Action Item due June 21, 2013 - Quarterly FOIA Reporting
6. OJAG - Email 3 (Highlighted)\_Redacted

**Copy to: Robin Patterson**

ENCLOSURE 1

Hammond FOIA Request DON 17-A

FOIA APPEAL ENCLOSURE

Robert Hammond  
[Requester's Address redacted.]  
[Requester's .com email redacted.]

July 25, 2017

Department of the Navy via FOIA Online, <https://foiaonline.regulations.gov/> and [donfoia-pa@navy.mil](mailto:donfoia-pa@navy.mil)

Subject: FOIA Request – All FY 2013 Quarterly FOIA Report Emails

Requester Personal Reference Number: FOIA DON 17-A

References: (a) The Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended,  
(b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, “Your Right to Federal Records”  
(c) The Privacy Act (“PA”) of 1974, 5 U.S.C. § 552a, *et seq.*, as amended  
(d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program  
(e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program  
(f) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program  
(g) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation  
(i) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act  
(j) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear FOIA Officer

I am submitting this request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended. If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law. References cited apply. Please see “preservation of records and searches performed” and “impact of improperly withholding records” below.

**RECORDS SOUGHT VIA FOIA.**

I am respectfully seeking for Fiscal Year 2013

1. The SOP – FOIA Quarterly Reports and Consolidation Process
2. All four quarterly FOIA Reports submissions emails for Fiscal Year 2013 to the DON PA/FOIA Office from any submitter.

3. This request also seeks a copy of this request (which is an agency record) returned in your reply.

**BACKGROUND:**

Records are likely in the possession of:

Robin Patterson  
Head, DON PA/FOIA Office  
Robin.Patterson@navy.mil  
FOIA/PA Service Center 202-685-0412  
or DONFOIA-PA@NAVY.MIL (FY 2013 email address)

Email subjects may include "FY13 1st FOIA Quarterly Report, etc."

Data in the quarterly reports may include:

- A) FOIA requests received during quarter:
- b) FOIA requests processed during quarter:
- c) FOIA backlog at end of quarter:
- d) Status of 10 oldest backlogged cases reported on FY12 report

In your reply please separately address by the reference number above how your reply addresses each element of the records sought, including "no records found" for any specific record sought.

**REQUESTED FORMAT.** I am requesting that documents provided as a single PDF file by return mail via traceable means (i.e. certified mail) that 1) a signed and dated cover letter citing my personally assigned requester control number addressing only this FOIA request; 2) all responsive documents; 3) a copy of this request in your reply. This Request letter is an agency record in its own right and providing a copy of this request is an integral part of my FOIA request, which helps to ensure that you fully address my request. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the DHA reply.

**AGREEMENT TO PAY FEES.** I agree to pay fees for searching or copying the records up to \$50. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting a PDF file, there should not be a per page copy fee.

**PUBLIC INTEREST.** The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of

government operations or activities. There is no commercial interest. There is significant public interest in the integrity of FOIA/ Privacy Act and certified mail processing procedures and the accuracy of FOIA reporting to the Attorney General of the United States and Privacy Act reporting to Congress.

### **DOD POLICY –PUBLIC TRUST.**

Reference (c) states, “DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust.”

### **IMPACT OF IMPROPERLY WITHHOLDING RECORDS**

Pursuant to FOIA:

“Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.” 5 U.S.C. § 552(a)(4)(F)(i).

**PRESERVATION OF RECORDS AND SEARCHES PERFORMED.** Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

Records of responsive searches would include but not be limited to:

Searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof.

### **LEGAL FRAMEWORK OF FOIA**

1. The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that

agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).

2. FOIA requires that “each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person” 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that “each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request” 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall “establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of “unusual circumstances” meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(I) - (ii). *See also* 5 U.S.C. § 552(a)(6)(C).

7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).

10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. *See* DOJ, *Handbook for Agency Annual Freedom of Information Act Reports*, “Disposition of FOIA Requests,” (available at [http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department\\_of\\_justice\\_handbook\\_for\\_agency\\_annual\\_freedom\\_of\\_information\\_act\\_reports.pdf](http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf)) (“DOJ Handbook”).

12. Among other things, the DOJ Handbook states, “All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured.”

13. The DOJ Handbook also states:

“[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance.” DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you in advance.

With my respect,

[REDACTED]

Robert Hammond

ENCLOSURE 2

Agency Initial Determination Letter

FOIA APPEAL ENCLOSURE

---

From: DONFOIA-PA@navy.mil  
To: [Requester's .com email redacted.]  
Sent: 8/28/2017 11:33:28 AM Eastern Standard Time  
Subject: Final Disposition, Request DON-NAVY-2017-008847

DON-NAVY-2017-008847 has been processed with the following final disposition: **Partial grant/partial denial.**

Given the nature of this request, some records are only being released to you as the requester. If you have an account in FOIAonline, you may access those records by [logging into FOIAonline](#). Otherwise, those responsive records will be sent via the method agreed upon with the FOIA processor.

Due to the volume of records, they are not enclosed in **this email**. Released records are available for download at <https://foiaonline.regulations.gov:443/foia/action/public/view/request/814767e0>



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, DC 20380-2000

5720

Ser DNS-36JP/17U105120

August 25, 2017

Sent via email to: [REDACTED]

Mr. Robert Hammond  
[REDACTED]

Dear Mr. Hammond:

This is in reference to your Freedom of Information Act (FOIA) request dated July 25, 2017. Your request was received in our office on July 26, 2017 and assigned FOIA case number DON-NAVY-2017-008847.

We have identified 410 pages of documents that are responsive to your request. Upon review of these documents, we have determined that they contain instances of personally identifiable information (PII), such as the names, email addresses, and telephone numbers of individuals. These instances of PII are exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of their personal privacy. The remainder of the documents is released to you.

Please be advised that, due to the age of the records requested, it is possible that records responsive to your request have been routinely destroyed, in accordance with DON Records Management procedures. Enclosed are: (1) the standard operating procedures/training materials in use for the quarterly reports during the specified time frame; (2) submitted quarterly report forms and, where available, quarterly report emails for the specified time frame; and (3) a copy of your initial request.

Because your request is partially denied, you are advised of your right to appeal this determination by writing to:

Office of the Judge Advocate General  
1322 Patterson Ave SE Ste 3000  
Washington Navy Yard, DC 20374-5066

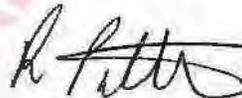
Your appeal must be postmarked within ninety calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

In this instance, the fees associated with processing this request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at: [Christopher.a.julka@navy.mil](mailto:Christopher.a.julka@navy.mil), via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, [ogis@nara.gov](mailto:ogis@nara.gov).

Questions regarding the action this office has taken to process your request may be directed to our FOIA Service Center at (202) 685-0412.

Sincerely,



R. Patterson  
Head, DON PA/FOIA Program Office

Enclosures: 1. Responsive Records (410 Pages)  
2. Initial Request

ENCLOSURE 3

Walter Reed FY13 1st FOIA Quarterly Report

FOIA APPEAL ENCLOSURE

## Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US)

---

**From:** Bizzell, Judy J CIV US WRNMMC  
**Sent:** Thursday, January 24, 2013 1:07 PM  
**To:** 'DONFOIA-PA'; Patterson, Robin L CIV OPNAV, DNS-36  
**Cc:** Garcia, Della W. GS BUMED; Bizzell, Judy J CIV US WRNMMC  
**Subject:** FY13 1st FOIA Quarterly Report

FY13 FOIA Quarterly REPORTING M

Quarter: 1st Quarter FY13

Department Name: Walter Reed National Military Medical Center

- a) FOIA requests received during quarter: 12
- b) FOIA requests processed during quarter: 7
- c) FOIA backlog at end of quarter: 4
- d) Status of 10 oldest backlogged cases reported on FY12 report -N/A

V/R

Judy J. Bizzell  
(301) 400-2315

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil] On Behalf Of DONFOIA-PA  
Sent: Thursday, January 24, 2013 12:29 PM  
To: Patterson, Robin L CIV OPNAV, DNS-36  
Subject: DRAFT-----REMINDER: Action Item due Jan 25th - SOP - FOIA Quarterly Reports and Consolidation process  
Importance: High

DON/Marine Corps FOIA Community,

This is a friendly reminder that the FOIA Quarterly Report is rapidly approaching along with the wintery weather conditions. The DON/MC consolidated submission is due to DNS-36 by COB tomorrow.

Echelon I/II's and Marine Corps, please coordinate with your subcomponents (same premise as the FOIA Annual Reporting process), consolidate the component data and provide your consolidated component response in the attached format. You may use the attached format to collect your subcomponents data. If you would like the master loader format to assist you in consolidating your responses, please contact our office thru the DONFOIA-PA mailbox or the service line at 202-685-0412, my FOIA team will expedite your request.

For those DON/MC community members fully vested in the DON/MC (NAVSEA) FOIA tracker and management tool, please find the attached SOP on how you can generate this data within the tool. This SOP provides you with visual step by step instructions.

Please include in your final response the hours and costs to generate your components consolidated report. The DON/MC consolidated submission is due to DNS-36 no later than COB January 25th. Please send your final response to the DONFOIA-PA mailbox.

Respectfully,

Robin Patterson  
Head, DON PA/FOIA Office  
Robin.Patterson@navy.mil  
FOIA/PA Service Center 202-685-0412  
or DONFOIA-PA@NAVY.MIL

FOIA APPEAL ENCLOSURE

ENCLOSURE 4

October 10, 2013 10:57 AM email from [joshua.portner.ctr@navy.mil](mailto:joshua.portner.ctr@navy.mil)  
Subject: FOIA OFFICE STAND DOWN; no email addresses or names  
redacted

FOIA APPEAL ENCLOSURE

From: Portner, Joshua M CTR OPNAV, DNS-36

[mailto:joshua.portner.ctr@navy.mil]

Sent: Thursday, October 10, 2013 10:57 AM

To: Adams, Holly A CIV ONR, BD04C; Aguon, Lisa S. CIV CPF N00J; Alvers, Linda J CIV USFF, N01P; Bates, Michael M CAPTAIN FORCE JUDGE ADVOCATE, PENSACOLA; Barnett, Lisa A CIV FRCSE, JAX 11.0; Best, Genevieve M CIV NAVSEA, SEA COS; Bizzell, Judy J CIV US WRNMMMC; Brown, Idrelia R CIV NAVSEA, SEA COS; Callahan, Alicia B CIV Code 14; Carilli, Joseph; Chase-Ramsey, Patricia E CIV NAVINGEN, N00KS; Christensen, April A. CIV DGC, WASH NAVY YARD; Claussen, Roger R CIV CORB, CORB; Clemons, Karen R CIV DON/AA; Coley, Anita M CIV Code 40; Connor, Chris D LCDR OJAG, CODE 20; Crawford, Debra M CTR PSD Kitsap, N14; Crowther, Norma CIV; Cusack, Christina M CIV NCIS, Code 00L; Davis, Kimberly A CIV FRCSE, JAX 11.0; Dickinson, John M CIV CNIC HQ, N00; Dolan, Ginger CIV NAVSEA, SEA 09P; Donovan, Janet R RDML DJAG (RA&O); Dronberger, Hal H OJAG Code 15; Edwards, Rebecca L CIV NSWC, PCD; Ellis, Brian J LCDR Expeditionary Strike Group FIVE, Legal; Erdmann, Eric ; Evans, Richard A LCDR COMUSNAVSO, N3; Fischer, Jeff A CAPT OJAG, CODE 51; Ford, Felecia M CIV OJAG, CODE 11; Fox, Ruth A, CIV NAVCYBERFOR; Garcia, Della W. GS BUMED; Gauzer, Thomas J CIV OJAG, CODE 15; German, David Paul CIV; Gibbons, Patrick J CDR JAGC, USN; Gray, Alison L CIV OCHR, 00E; Haagenzen, Katharine J LT RLSO HAWAII, PEARL HARBOR; Hamlin, Donna M CIV NAVSEA, SEA COS; Harrison, Dave M CAPT RLSO SW, SAN DIEGO; Harrity, Nancy E CIV CHINFO, OI-8; Harwell, Vinez N CIV NAVSAFECEN, 055D; Hayes, Michael W CIV OGC, NLO; Higgins, Holly; Holder, Stacey D CIV NAVFAC HQ, FM; Hughes, Sally CIV HQMC, ARS; James, Susan C CIV SPAWAR, 35000; Johnson, Lisa J. CIV FRCSE, JAX 11.0; Jones, Daniel A, NAVHISTHERITAGECOM; Jones, Nancy B CIV NAVSAFECEN, 055R; King, Joseph; Lattin, Grant E CIV OJAG, CODE 14; Lawson, Susan E CIV CNRMC, CNRMC; Layne, Mike LCDR CNIC HQ, N00; Leme, Luis P CIV ONR, ONRA; Leonard, Patricia A CIV Code 15; LePage, Laura L CIV NAVFAC MIDLANT, Staff; Lippolis, Lawrence CIV NAVINGEN, N00K; Major, Lou CIV NAVAUDSVC; Manley, Crystal D CTR OPNAV, DNS-36; Mastowski, Kristen ; Melo, Kelly L CIV NUWC NWPT; Obrien, Mark CIV NAVINGEN, N00K1; Oppenheimer, Nanette L CIV NAVSEA, SEA 00L; Patterson, Robin L CIV OPNAV, DNS-36; Poge, Crystle C CIV COMNAVSURFLANT,

N01L4; Reyes, Susan CIV NAWCTSD, 11.0; Rodini, Andrleigh CIV OJAG, CODE 15; Rodnite, Peter CDR NAVAIR 7.1, OOH; Russell, Randall CIV OJAG, CODE 15; Seith, Kimberly A CIV NETC, Legal; Shaw, Phyllis CIV OPNAV, DNS-36C; Smith, Kevin P LCDR OPNAV, DNS-2; Spencer, Vaughn LCDR; Taylor, Barbara J CIV NAVSEA, SEA COS; Thompson, Dick; Triplett, Garrett CIV CNRFC, NOOJ; Triplett, Paul G.; Trojahn, Scott, LCDR PSD Oceana, OIC; Vincent, Robert E CDR OJAG, CODE 20; Watson, Jeana; Webb, James E CIV NAVSAFECEN 055C; Weiss, Mitchel CIV FRCSE, JAX 11.0; Witt, Maria CTR OPNAV, DNS-36; Zeigler, Richard D. Assistant to the General Counsel; Zimmerman, Delicia G LCDR RLSO, NDW; NAWCADFOIA; Cozza, Carin M LT NCIS, Code 00L; Fuentes, Tonya R CIV AD, 11.0; Lupton, Matt CTR OPNAV, DNS-36; Forbes, Ryan ; Daniela.Briceno@eu.navy.mil; david.vogt@usmc.mil; White, LaDonne CIV HQMC, HQMC ARSF; Malone, Mary M GS11 HQMC, ARS; Newell, Rob D CIV CHINFO, OI-6; Roush, Matthew R LT OJAG, Code 14; john.bartlett@eu.navy.mil; Dorsett, Sarah R LT CSS-6, Legal; Pinto, Maria Ms. CIV NSMRL; Gonzalez, David M CDR ASN (M&RA), SAML; Nakamura, Byron M LT CNIC HQ, N00; Dunnington, Theresa CIV PHNSY, C107; Senay, Senay LT JAGC, USN; Sharp, Ellen ; Montague, Michael G LT OPNAV, N09  
Subject: FOIA OFFICE STAND DOWN

DON FOIA Community,

Per Director of Naval Staff, all DON FOIA offices are ordered to **STAND DOWN** on interaction with the public until further notice. This includes ALL external correspondence (e.g., Acknowledgment letters, submitter notices, final determinations, etc.), emails, telephone conversations, and similar or related activities.

Internal processing (e.g., Coordination with other offices, review of records, administrative duties, etc.) is to continue as normal.

For individuals with collateral duties outside FOIA, this guidance extends only to FOIA activities.

As a result, DNS-36 will not be answering the general FOIA Line at (202) 685-0412. If you have any questions, please email donfoia-pa@navy.mil or call Ms. Robin Patterson at (202) 685-6545, Ms. Phyllis Shaw at (202) 685-6530, Mr. Joshua Portner at (202) 685-6517, or Ms. Maria Witt at (202) 685-6524.

ENCLOSURE 5

BUMED reply email, "RE: Action Item due June 21, 2013 -  
Quarterly FOIA Reporting

FOIA APPEAL ENCLOSURE

[All redacted names/email addresses have already been released into the public domain countless times]

[Della W. GS BUMED]

**From:** (b) (6) .GS BUMED  
**To:** [DONFOIA-PA](#)  
**Subject:** RE: Action Item due June 21, 2013 - Quarterly FOIA Reporting  
**Date:** Friday, June 21, 2013 12:39:34  
**Attachments:** [BUMED FOIA 3rd Quarterly Report Consolidated Submission Form \(4-5-2013\).pdf](#)

---

Good afternoon. Attached is BUMED's response. v/r (b)(6)

Hours: approx: 4  
Cost: approx: \$160.00

(b) (6) [Della W. GS BUMED]

FOIA/PA Paralegal Specialist  
Bureau of Medicine and Surgery  
Medical-Legal Affairs Office  
7700 Arlington Blvd Ste 5124  
Falls Church, VA 22042-5124

COMM (b) (6)

[COMM (703) 681-8970

(b) (6) @med.navy.mil

della.garcia@med.navy.mil]

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----

From: (b) (6) CTR OPNAV, DNS-36 [[mailto:\(b\) \(6\)@navy.mil](mailto:(b) (6)@navy.mil)]  
On Behalf Of DONFOIA-PA  
Sent: Monday, June 10, 2013 10:52 AM  
To: (b) (6)

Subject: Action Item due June 21, 2013 - Quarterly FOIA Reporting  
Importance: High

DON FOIA Community,

Please be advised that DOJ is requiring Quarterly FOIA reporting. The DON consolidated submission is due to DNS-36 no later than COB Friday, June 21st.

1. The Echelon I/II's, will coordinate with their subcomponents (same premise as the FOIA Annual Reporting process), consolidate the component data and provide your consolidated component response in the attached format. You may use the attached format to collect your subcomponents data. If you would like the master loader format to assist you in consolidating your responses, please contact our office thru the DONFOIA-PA mailbox or the service line at 202-685-0412, and our team will expedite your request.

2. Include in your final response to the DONFOIA-PA mailbox, the hours and cost to generate your components consolidated report.

For those DON community members fully vested in the DON (NAVSEA) FOIA tracker and management tool, please find the attached SOP on how you can generate this data within the tool. This SOP provides you with visual step by step instructions.

Respectfully,  
Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36)  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line (b) (6) (b) (6) @navy.mil

ENCLOSURE 6

OJAG - Email 3 (Highlighted)\_Redacted

FOIA APPEAL ENCLOSURE

**From:** (b) (6) LCDR OJAG, CODE 13  
**To:** DONFOIA-PA  
**Cc:** (b) (6) LCDR OJAG, CODE 13; (b) (6) CIV OJAG, CODE 13; Thompson, Scott F CAPT OJAG, CODE 13  
**Subject:** OJAG & CNLSC 3Q Consolidated Reports  
**Date:** Monday, June 24, 2013 16:29:24  
**Attachments:** [Consolidated OJAG FOIA 3Q Report.pdf](#)  
[Consolidated CNLSC FOIA 3Q Report.pdf](#)

---

DONFOIA-PA:

Please find attached the Consolidated FOIA Reports for the Office of the Judge Advocate General (OJAG) and Commander, Naval Legal Service Command (CNLSC).

It took 3.6 hours (216 minutes) and cost \$126.48 to prepare the attached reports.

V/r

(b) (6)  
LCDR, JAGC, USN  
FOIA/Privacy Act Coordinator

Office of the Judge Advocate General  
Administrative Law (Code 13)  
1000 Navy Pentagon  
RM 4D641  
Washington, DC 20350-1000  
Ph: (b) (6) (DSN 224)  
Fax: 703-614-9400

FOR OFFICIAL USE ONLY, PRIVACY SENSITIVE. This electronic transmission, and any attachments, may contain confidential information intended only for the person(s) named above. It may be protected from disclosure by applicable law, including the Privacy Act, attorney-client privilege, and/or work product doctrine. Any misuse, distribution, copying, or unauthorized disclosure by another person is strictly prohibited and may result in both civil and criminal penalties. If you receive this transmission in error, please notify the sender at the telephone number or e-mail address above.

## **Attachment E**

Ms. Chung Letter of June 1, 2017



OVERSIGHT AND  
COMPLIANCE

**OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER**  
9010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-9010

**JUN 01 2017**

Robert Hammond

[REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "Joo Y. Chung".

Joo Y. Chung  
Director

Cc:  
Mr. Alexander J.E. English  
Green Spring Legal, LLC  
1509 Rainbow Drive, Suite 101  
Silver Spring, MD 20905

## **Attachment F**

Allard Letter of December 11, 2017



OVERSIGHT AND  
COMPLIANCE

**OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER**  
9010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-9010

December 11, 2017

Mr. Robert Hammond

[REDACTED]

Sincerely,

A handwritten signature in black ink that reads "Cindy L. Allard".

Cindy L. Allard  
Chief, Defense Privacy, Civil Liberties,  
and Transparency Division

cc:  
Mr. Alexander J.E. English

## **Attachment G**

Allard email of 8.18.2017

-----Original Message-----

From: Allard, Cindy L CIV OSD ODCMO (US) [mailto:cindy.l.allard.civ@mail.mil]  
Sent: Wednesday, October 18, 2017 10:46 AM  
To: [Requester's Address redacted.]  
Subject: RE: [Non-DoD Source] Re: DOD Policy, Exemption 6. Also, Exemption 5 + FOIA/PA Reporting (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Mr. Hammond,

Thank you for your email.

The issues you raised are related to a FOIA appeal you have with the Department of the Navy and it would be inappropriate for our office to answer your questions at this time.

Regards,

Cindy L. Allard  
Chief  
Defense Privacy and Civil Liberties and Transparency Division

-----Original Message-----

From: [Requester's Address redacted.]  
Sent: Sunday, October 8, 2017 6:59 AM  
To: Allard, Cindy L CIV OSD ODCMO (US) <cindy.l.allard.civ@mail.mil>  
Cc: Faison, C Forrest (Forrest) VADM USN BUMED FCH VA (US) <clinton.f.faison.mil@mail.mil>; Moulton, Terry J RADM USN BUMED FCH VA (US) <terry.j.moulton.mil@mail.mil>; Bono, Raquel C VADM USN DHA (US) <raquel.c.bono.mil@mail.mil>; guy.t.kiyokowa.civ@dha.mil  
Subject: [Non-DoD Source] Re: DOD Policy, Exemption 6. Also, Exemption 5 + FOIA/PA Reporting

Dear Ms. Allard,

With my deep respect, I am seeking a further policy determination from your office regarding DOD's interpretation of/policy for using the FOIA (b)(6) privacy exemption.

First question, once records have been released through FOIA without redaction, can that very same information later be redacted under the FOIA (b)(6) privacy exemption?

Second question, does it make a difference if that very same information was released through FOIA without redaction both before and after one's request?

Third question, does it make a difference if the redacted information is the email addresses of FOIA Officers, FOIA responders and FOIA Office personnel contained in those emails?

Forth question, does it make a difference if the redacted information is the email addresses of Privacy Officers, Privacy Act Report responders and Privacy Office personnel contained in previously released emails?

Fifth and sixth questions, again, what about multi-function printer, copier, scanner, fax machines? WRT Walter Reed?

In the absence of a policy determination, the DOD agency responses become the DOD position in any further proceedings and venues.

I am concerned that use of the FOIA (b)(6) privacy exemption in such cases may (perhaps) be being used to cover up errant/false reporting to your office for consolidation in reports to the Attorney General of the United States and Congress. I don't know the motive. However, this would be a concern in a variety of venues.

Please also reinforce that all FOIA (b)(6), (b)(5) denials, etc., must be properly reported. That has been problematic. Also, please reinforce that "refusing to respond" to a FOIA request is not an appropriate option/response and that the applicable FOIA exemption, if any, must be cited. Also, what happens if a FOIA Officer may personally know that records exist within the agency/DOD and that FOIA Officer does not search for those records? What would be the consequences in various venues, particularly wrt my concern above? What if records are then deleted? What would DOD's position be? Others?

These are broad questions, applicable across the Department.

Please advise Ms. Chung and (through her) Mr. Tillotson of my concerns.

Still a DOJ/GAO concern. Congress also. Others.

With my deep respect and appreciation,

Robert Hammond

-----Original Message-----

From: [Requester's Address redacted.]

To: cindy.l.allard.civ@mail.mil

Cc: clinton.f.Faison.mil <[clinton.f.Faison.mil@mail.mil](mailto:clinton.f.Faison.mil@mail.mil)>; terry.j.moulton.mil <[terry.j.moulton.mil@mail.mil](mailto:terry.j.moulton.mil@mail.mil)>; raquel.c.bono.mil <[raquel.c.bono.mil@mail.mil](mailto:raquel.c.bono.mil@mail.mil)>; guy.t.kiyokowa.civ <[guy.t.kiyokowa.civ@dha.mil](mailto:guy.t.kiyokowa.civ@dha.mil)>

Sent: Wed, Oct 4, 2017 3:26 pm

Subject: DOD Policy, Exemption 6. Also, Exemption 5 + FOIA/PA Reporting

Dear Ms. Allard,

First, thank you for all that you and your staff are doing WRT the integrity of the FOIA/PA processes and the accuracy of reporting. I appreciate it.

With my deep respect, I am seeking a policy determination from your office regarding DOD's interpretation of/policy for using the FOIA (b)(6) privacy exemption.

May I ask:

- Do the names of Agency's have privacy rights?
- Ordinary building names?
- Military Treatment Facility names?
- FOIA Officer names?
- Multi- function printer, copier, scanner, fax machines? This last rather odd issue came up recently WRT Walter Reed.

As you know, in a GAO audit requested by the Attorney General, DOD was singled out (along with three other federal agencies) regarding concerns over misuse of this exemption, misuse the (b)(5) exemption and errant FOIA tracking and reporting to the Attorney General. For some time, DOJ required DOD to submit quarterly FOIA Reports and ODCMO required additional data.

As you know, I am concerned that many of these same errant practices that DOD promised to fix are still ongoing and that [promised] internal controls to prevent them may be being overridden.

Still a DOJ/GAO concern.

With my deep respect,

Robert Hammond

CLASSIFICATION: UNCLASSIFIED

## **Attachment H**

Patterson Email Coaching Impeding Media FOIA Request.  
Releases Email and Direct Line

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

DON2014F-0387: this one is specific enough that we may be able to deny. However, I want to talk with the FBI, as they may have "all emails during that time, in their possession."

I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

## **Attachment I**

Walter Reed email FY13 1st FOIA Quarterly Report Releasing FOIA  
Officer Names and Email Addresses

## **Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US)**

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**From:** Bizzell, Judy J CIV US WRNMMC  
**Sent:** Thursday, January 24, 2013 1:07 PM  
**To:** 'DONFOIA-PA'; Patterson, Robin L CIV OPNAV, DNS-36  
**Cc:** Garcia, Della W. GS BUMED; Bizzell, Judy J CIV US WRNMMC  
**Subject:** FY13 1st FOIA Quarterly Report

FY13 FOIA Quarterly REPORTING M

Quarter: 1st Quarter FY13  
Department Name: Walter Reed National Military Medical Center  
a) FOIA requests received during quarter: 12  
b) FOIA requests processed during quarter: 7  
c) FOIA backlog at end of quarter: 4  
d) Status of 10 oldest backlogged cases reported on FY12 report -N/A

V/R

Judy J. Bizzell  
(301) 400-2315

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil] On Behalf Of DONFOIA-PA  
Sent: Thursday, January 24, 2013 12:29 PM  
To: Patterson, Robin L CIV OPNAV, DNS-36  
Subject: DRAFT-----REMINDER: Action Item due Jan 25th - SOP - FOIA Quarterly Reports and Consolidation process  
Importance: High

DON/Marine Corps FOIA Community,

This is a friendly reminder that the FOIA Quarterly Report is rapidly approaching along with the wintery weather conditions. The DON/MC consolidated submission is due to DNS-36 by COB tomorrow.

Echelon I/II's and Marine Corps, please coordinate with your subcomponents (same premise as the FOIA Annual Reporting process), consolidate the component data and provide your consolidated component response in the attached format. You may use the attached format to collect your subcomponents data. If you would like the master loader format to assist you in consolidating your responses, please contact our office thru the DONFOIA-PA mailbox or the service line at 202-685-0412, my FOIA team will expedite your request.

For those DON/MC community members fully vested in the DON/MC (NAVSEA) FOIA tracker and management tool, please find the attached SOP on how you can generate this data within the tool. This SOP provides you with visual step by step instructions.

Please include in your final response the hours and costs to generate your components consolidated report. The DON/MC consolidated submission is due to DNS-36 no later than COB January 25th. Please send your final response to the DONFOIA-PA mailbox.

Respectfully,

Robin Patterson  
Head, DON PA/FOIA Office  
Robin.Patterson@navy.mil  
FOIA/PA Service Center 202-685-0412  
or DONFOIA-PA@NAVY.MIL

## **Attachment J**

Oct 10, 2013 email FOIA OFFICE STAND DOWN Releasing  
FOIA Officer Names and Email Address

## Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US)

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**From:** Bizzell, Judy J CIV US WRNMMC  
**Sent:** Thursday, October 10, 2013 11:36 AM  
**To:** 'Nadine.Brown@dha.mil'  
**Cc:** Bizzell, Judy J CIV US WRNMMC  
**Subject:** FW: FOIA OFFICE STAND DOWN

Hi Nadine - In follow-up to our conversation, below, please see instruction from Department of Navy for FOIA Office stand-down.

Awaiting your office instructions...

Best Regards,  
Judy

-----Original Message-----

From: Portner, Joshua M CTR OPNAV, DNS-36  
[mailto:joshua.portner.ctr@navy.mil]  
Sent: Thursday, October 10, 2013 10:57 AM  
To: Adams, Holly A CIV ONR, BD04C; Aguon, Lisa S. CIV CPF N00J; Alvers, Linda J CIV USFF, N01P; Bates, Michael M CAPTAIN FORCE JUDGE ADVOCATE, PENSACOLA; Barnett, Lisa A CIV FRCSE, JAX 11.0; Best, Genevieve M CIV NAVSEA, SEA COS; Bizzell, Judy J CIV US WRNMMC; Brown, Idrelia R CIV NAVSEA, SEA COS; Callaham, Alicie B CIV Code 14; Carilli, Joseph; Chase-Ramsey, Patricia E CIV NAVINSGEN, N00KS; Christensen, April A. CIV DGC, WASH NAVY YARD; Claussen, Roger R CIV CORB, CORB; Clemons, Karen R CIV DON/AA; Coley, Anita M CIV Code 40; Connor, Chris D LCDR OJAG, CODE 20; Crawford, Debra M CTR PSD Kitsap, N14; Crowther, Norma CIV; Cusack, Christina M CIV NCIS, Code 00L; Davis, Kimberly A CIV FRCSE, JAX 11.0; Dickinson, John M CIV CNIC HQ, N00; Dolan, Ginger CIV NAVSEA, SEA 09P; Donovan, Janet R RDML DJAG (RA&O); Dronberger, Hal H OJAG Code 15; Edwards, Rebecca L CIV NSW, PCD; Ellis, Brian J LCDR Expeditionary Strike Group FIVE, Legal; Erdmann, Eric ; Evans, Richard A LCDR COMUSNAVSO, N3; Fischer, Jeff A CAPT OJAG, CODE 51; Ford, Felecia M CIV OJAG, CODE 11; Fox, Ruth A, CIV NAVCYBERFOR; Garcia, Della W. GS BUMED; Gauzer, Thomas J CIV OJAG, CODE 15; German, David Paul CIV; Gibbons, Patrick J CDR JAGC, USN; Gray, Alison L CIV OCHR, 00E; Haagensen, Katharine J LT RLSO HAWAII, PEARL HARBOR; Hamlin, Donna M CIV NAVSEA, SEA COS; Harrison, Dave M CAPT RLSO SW, SAN DIEGO; Harrity, Nancy E CIV CHINFO, OI-8; Harwell, Vinez N CIV NAVSAFECEN, 055D; Hayes, Michael W CIV OGC, NLO; Higgins, Holly; Holder, Stacey D CIV NAVFAC HQ, FM; Hughes, Sally CIV HQMC, ARS; James, Susan C CIV SPAWAR, 35000; Johnson, Lisa J. CIV FRCSE, JAX 11.0; Jones, Daniel A, NAVHISTHERITAGECOM; Jones, Nancy B CIV NAVSAFECEN, 055R; King, Joseph; Lattin, Grant E CIV OJAG, CODE 14; Lawson, Susan E CIV CNRMC, CNRMC; Layne, Mike LCDR CNIC HQ, N00; Leme, Luis P CIV ONR, ONRA; Leonard, Patricia A CIV Code 15; LePage, Laura L CIV NAVFAC MIDLANT, Staff; Lippolis, Lawrence CIV NAVINSGEN, N00K; Major, Lou CIV NAVAUDSVC; Manley, Crystal D CTR OPNAV, DNS-36; Mastowski, Kristen ; Melo, Kelly L CIV NUWC NWPT; O'Brien, Mark CIV NAVINSGEN, N00K1; Oppenheimer, Nanette L CIV NAVSEA, SEA 00L; Patterson, Robin L CIV OPNAV, DNS-36; Poge, Crystle C CIV COMNAVSURFLANT,

N01L4; Reyes, Susan CIV NAWCTSD, 11.0; Rodini, Andrleigh CIV OJAG, CODE 15; Rodnite, Peter CDR NAVAIR 7.1, OOJ; Russell, Randall CIV OJAG, CODE 15; Seith, Kimberly A CIV NETC, Legal; Shaw, Phyllis CIV OPNAV, DNS-36C; Smith, Kevin P LCDR OPNAV, DNS-2; Spencer, Vaughn LCDR; Taylor, Barbara J CIV NAVSEA, SEA COS; Thompson, Dick; Triplett, Garrett CIV CNRFC, NOOJ; Triplett, Paul G.; Trojahn, Scott, LCDR PSD Oceana, OIC; Vincent, Robert E CDR OJAG, CODE 20; Watson, Jeana; Webb, James E CIV NAVSAFECEN 055C; Weiss, Mitchel CIV FRCSE, JAX 11.0; Witt, Maria CTR OPNAV, DNS-36; Zeigler, Richard D. Assistant to the General Counsel; Zimmerman, Delicia G LCDR RLSO, NDW; NAWCADFOIA; Cozza, Carin M LT NCIS, Code 00L; Fuentes, Tonya R CIV AD, 11.0; Lupton, Matt CTR OPNAV, DNS-36; Forbes, Ryan ; Daniela.Briceno@eu.navy.mil; david.vogt@usmc.mil; White, LaDonne CIV HQMC, HQMC ARSF; Malone, Mary M GS11 HQMC, ARS; Newell, Rob D CIV CHINFO, OI-6; Roush, Matthew R LT OJAG, Code 14; john.bartlett@eu.navy.mil; Dorsett, Sarah R LT CSS-6, Legal; Pinto, Maria Ms. CIV NSMRL; Gonzalez, David M CDR ASN (M&RA), SAML; Nakamura, Byron M LT CNIC HQ, N00; Dunnington, Theresa CIV PHNSY, C107; Senay, Senay LT JAGC, USN; Sharp, Ellen ; Montague, Michael G LT OPNAV, N09  
Subject: FOIA OFFICE STAND DOWN

DON FOIA Community,

Per Director of Naval Staff, all DON FOIA offices are ordered to STAND DOWN on interaction with the public until further notice. This includes ALL external correspondence (e.g., Acknowledgment letters, submitter notices, final determinations, etc.), emails, telephone conversations, and similar or related activities.

Internal processing (e.g., Coordination with other offices, review of records, administrative duties, etc.) is to continue as normal.

For individuals with collateral duties outside FOIA, this guidance extends only to FOIA activities.

As a result, DNS-36 will not be answering the general FOIA Line at (202) 685-0412. If you have any questions, please email donfoia-pa@navy.mil or call Ms. Robin Patterson at (202) 685-6545, Ms. Phyllis Shaw at (202) 685-6530, Mr. Joshua Portner at (202) 685-6517, or Ms. Maria Witt at (202) 685-6524.

## **Attachment K**

BUMED ltr of April 15, 2014 Releasing  
Garcia Email and Phone Number



DEPARTMENT OF THE NAVY  
BUREAU OF MEDICINE AND SURGERY  
7700 ARLINGTON BOULEVARD  
FALLS CHURCH, VA 22042

IN REPLY REFER TO

5720  
Ser M00J-SJA/14UM00J0067  
April 15, 2014

Mr. Robert Hammond



Dear Mr. Hammond,

SUBJECT: REQUEST FOR INFORMATION

I am responding to your emails of April 1 and April 11, 2014 where you sought the Walter Reed National Military Medical Center (WRNMMC) FY 2013 Annual Freedom of Information Act Report and the Walter Reed National Military Medical Center (WRNMMC) FY 2013 Quarterly Privacy Act Report submissions, respectively.

Upon receipt of your request, it is determined that the cognizant office is not BUMED as Walter Reed National Military Medical Center does not forward their reports to BUMED. Therefore, I have forwarded your request to Walter Reed National Military Medical Center FOIA office at 8901 Wisconsin Ave, Bethesda, MD for action and direct response to you.

If you have questions, my point of contact is Ms. Della W. Garcia, who may be contacted at [della.garcia@med.navy.mil](mailto:della.garcia@med.navy.mil) or (703) 681-8970.

Sincerely,

A handwritten signature in cursive script that reads "Heather Partridge".

HEATHER PARTRIDGE  
Commander  
Judge Advocate General's Corps  
United States Navy  
Staff Judge Advocate  
By direction of the Chief,  
Bureau of Medicine and Surgery

Enclosure: BUMED referral ltr, Ser M00JE/14UM00J0069, dtd 15 Apr 14



DEPARTMENT OF THE NAVY  
BUREAU OF MEDICINE AND SURGERY  
7700 ARLINGTON BOULEVARD  
FALLS CHURCH, VA 22042

IN REPLY REFER TO

5720

Ser M00J-SJA/14UM00J0069

15 Apr 14

From: Chief, Bureau of Medicine and Surgery  
To: FOIA/PA Officer

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF ROBERT HAMMOND  
Ref: (a) SECNAVINST 5720.42F

Encl: (1) Requester's FOIA requests, 1 April and 11 April 14  
(2) BUMED's ltr Ser M00JE/14UM00J0067 of 15 April 14

1. The enclosed is forwarded for action as a matter under your cognizance. Enclosure (2) is provided for your information.
2. Please respond directly to the requester within 20 working days, as prescribed by reference (a).
3. If you have questions, my point of contact is Ms. Della W. Garcia, who may be contacted at [della.garcia@med.navy.mil](mailto:della.garcia@med.navy.mil) or (703) 681-8970.

Sincerely,

A handwritten signature in cursive script that reads "Heather Partridge".

HEATHER PARTRIDGE  
Commander  
Judge Advocate General's Corps  
United States Navy  
Staff Judge Advocate  
By direction of the Chief,  
Bureau of Medicine and Surgery

Enclosures: (1) Requester's FOIA requests, 1 April and 11 April 14  
(2) BUMED's ltr Ser M00JE/14UM00J0067 of 15 Apr 14

## **Attachment L**

Garcia email 9.16.2014 7.04.34 AM; Subject FOIA Request All Fiscal  
Year ~~2013~~ Annual FOIA Reports

From: Della.Garcia@med.navy.mil  
To: [Requester's .com email redacted.]  
Cc: Heather.Partridge@med.navy.mil  
Sent: 9/16/2014 7:04:34 AM Eastern Standard Time  
Subject: RE: FOIA Request – All Fiscal Year [Requester's Address redacted.]013  
Annual FOIA Reports

Good morning. My apologies for the delay in response to your email as I have been out of the office. BUMED processed your request in July and mailed the original to your home address. Attached is a copy of the response mailed. v/r Della

Della W. Garcia  
FOIA/PA Paralegal Specialist  
Bureau of Medicine and Surgery  
Medical-Legal Affairs Office  
7700 Arlington Blvd Ste 5124  
Falls Church, VA 22042-5124

COMM (703) 681-8970

[della.garcia@med.navy.mil](mailto:della.garcia@med.navy.mil)

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----

From: [Requester's .com email redacted.]  
Sent: Wednesday, September 10, 2014 10:06 PM  
To: Garcia, Della W. CIV BUMED; donfoia-pa@navy.mil; donfoiapublicliaison@navy.mil  
Cc: [Requester's .com email redacted.]  
Subject: Re: FOIA Request – All Fiscal Year 2013 Annual FOIA Reports

Dear Ms. Garcia,

I am again following up on my aged FOIA request below of June 21, 2014 regarding submissions to your office for the FY 2013 Annual FOIA Report Congress. With the end of reporting period for the FY 2014 Annual FOIA Report to Congress rapidly approaching, I am asking for your immediate reply.

I am and again asking that you provide me your agency case tracking number from your official accountable system of records along with the website where I may track the

status of my as required by laws, regulations and policies.

· Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011: "Your Right to Federal Records" (see <http://publications.usa.gov/USAPubs.php?PubID=6080> <<http://publications.usa.gov/USAPubs.php?PubID=6080>> ) states: states that for requests "that will require more than ten days for the agency to process, the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request." Some other applicable references are discussed later in this appeal addendum.

· DoD 5700.7-R C1.3.2. states: "Control System. A request for records that invokes the FOIA shall enter a formal control system designed to ensure accountability and compliance with the FOIA. Any request for DoD records that either explicitly or implicitly cites the FOIA shall be processed under the provisions of this Regulation"

Finally, I am asking for assistance from DON FOIA Public Liaison and DON FOIA Requester Service Center in obtaining the Bureau of Medicine and Surgery FOIA case tracking number for this request.

A copy of this correspondence will be forwarded to interested parties. Please retain this correspondence in your FOIA case file for my request.

With my respect,

Robert Hammond

In a message dated 9/4/2014 10:19:36 P.M. Eastern Daylight Time, [[Requester's Address redacted.](#)] writes:

Good evening, Ms. Garcia.

Would you please provide me the status of my FOIA request of June 21, 2014, along

with a tracking number and the URL of a website from which I may obtain future status.

Thank you.

With my respect,

Robert Hammond

In a message dated 8/8/2014 8:27:09 A.M. Eastern Daylight Time, [[Requester's .com email redacted.](#)] writes:

Good morning, Ms. Garcia,

Can you please provide me the status of my request, a tracking number and the URL of a website form which I may obtain future status.

Thank you.

With my respect,

Robert Hammond

In a message dated 6/26/2014 10:23:22 A.M. Eastern Daylight Time, [Della.Garcia@med.navy.mil](mailto:Della.Garcia@med.navy.mil) writes:

Good morning. I am the receipt of your request and will process it as quickly as possible. v/r Della

Della W. Garcia  
FOIA/PA Paralegal Specialist  
Bureau of Medicine and Surgery  
Medical-Legal Affairs Office  
7700 Arlington Blvd Ste 5124  
Falls Church, VA 22042-5124

COMM (703) 681-8970

[della.garcia@med.navy.mil](mailto:della.garcia@med.navy.mil)

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----

From: [Requester's .com email redacted.]

Sent: Saturday, June 21, 2014 6:13 AM

To: [Requester's .com email redacted.]; BUMED - FOIA; Garcia, Della W. CIV BUMED

Subject: FOIA Request – All Fiscal Year 2013 Annual FOIA Reports

Robert Hammond

REDACTED

June 21, 2014

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Della W. Garcia, FOIA/PA Paralegal Specialist Bureau of Medicine and Surgery

Medical-Legal Affairs Office

7700 Arlington Blvd Ste 5124

Falls Church, VA 22042-5124

Subject: FOIA Request – All Fiscal Year 2013 Annual FOIA Report

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records" at <http://publications.usa.gov/USAPubs.php?PubID=6080>  
<<http://publications.usa.gov/USAPubs.php?PubID=6080>>

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(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

Dear Ms. Garcia,

I am submitting this request under the Freedom of Information Act, U.S.C. subsection 522. I agree to pay fees for searching or copying the records up to \$200. If the fees exceed this amount please advise me of the cost. I am a private citizen seeking this information. I do not believe that there should be any charge for providing these records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Please include a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request.

The requested format is Adobe PDF.

Background: The Freedom of Information Act Requires an annual report. The overarching guidance for DoD is found in DoD 5400.7-R, September 1998, which states:

## C7.1. REPORTS CONTROL

### C7.1.1. General.

C7.1.1.1. The Annual Freedom of Information Act Report is mandated by the statute and reported on a fiscal year basis. Due to the magnitude of the requested statistics and the need to ensure accuracy of reporting, DoD Components shall track this data as requests are processed. This will also facilitate a quick and accurate compilation of statistics. DoD Components shall forward their report to the Directorate for Freedom of Information and Security Review no later than November 30 following the fiscal year's close.

(Intervening text omitted)

C7.1.2.5.4. Accuracy of Calculations. Components must ensure the accuracy of calculations. As backup, the raw data used to perform calculations should be recorded and preserved. This will enable recalculation of median [and mean values] as necessary. Components may require subordinate elements to forward raw data, as deemed necessary and appropriate.

I am requesting a copy of all FY 2013 Annual Freedom of Information Act Report submissions to you from your subordinate commands as they were received in your office from your subordinate commands. This includes the incoming correspondence, all enclosures and any raw data. Desired format is PDF. Formal reply by email is acceptable. The Department of Navy web site at [https://foia.navy.mil/foia/webdoc01.nsf/\(vwDocsByID\)/DL120718122927/\\$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf](https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf) <[https://foia.navy.mil/foia/webdoc01.nsf/\(vwDocsByID\)/DL120718122927/\\$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf](https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf)> lists the following commands reporting to you:

Subcomponent/Component or Agency Address Phone number Echelon II Commands are listed in BOLD Updated July 18, 2012

2)Bureau of Medicine and Surgery (BUMED) 7700 Arlington Blvd Ste 5214, Falls Church, VA 22042 703-681-8970

- National Naval Medical Center 8901 Wisconsin Ave., Bethesda, MD 20889-5000 301-295-2215
- Naval Medical Research Center 503 Robert Grant Ave., Silver Spring, MD 20910-7500 301-319-7581
- Naval Medical Logistics Command 1681 Nelson Street, FT Detrick, MD 21702 301-619-2928
- Navy & Marine Corps Public Health Center 620 John Paul Jones Circle, STE 1110, Portsmouth, VA 757-953-0929
- Navy Medicine Manpower, Personnel, Training & Education 8901 Wisconsin Ave., Bethesda, MD 20889-5611 301-295-1781
- Navy Medicine Information Systems Support Activity 2266 Reynolds Ave., FT Sam Houston, TX 78234 301-319-1032
- Navy Medicine East, Portsmouth 620 John Paul Jones Circle, Portsmouth, VA 23708 757-953-5452
- Naval Medical Center, Portsmouth (DON) 620 John Paul Jones Circle, Portsmouth, VA 23708 757-953-0095
- Naval Hospital Jacksonville, Florida (DON) 2080 Child Street, Jacksonville, FL 32214 904-542-7816
- Naval Hospital Camp Lejeune, North Carolina (DON) 100 Brewster Boulevard, Camp LeJeune, NC 28547 910-450-4980
- Naval Hospital Pensacola, FL 6000 West Hwy 98, Pensacola, FL 32512 850-505-6845
- Naval Health Clinic Corpus Christi, Texas (DON) 10651 East Street, Corpus Christi, TX 78419 361-961-3103
- Naval Health Clinic New England, Newport (DON) 43 Smith Road, Newport, RI 02841 401-841-7753
- Naval Hospital Beaufort, South Carolina (DON) 1 Pickney Boulevard, Beaufort, SC 29465 843-228-5309
- Naval Health Clinic Great Lakes, Illinois (DON) 3001a Sixth Street, Great Lakes, IL 60088 847-688-3288
- U.S. Naval Hospital Guantanamo Bay Cuba (DON) Box 5, FPO AE 09589 011-53-

997-2270

- Naval Health Clinic Cherry Point, North Carolina (DON) PSC Box 8023, Cherry Point, NC 28533 252-466-0537
- U.S. Naval Hospital Naples, Italy (DON) PSC 887 Box 351, FPO AE 09617 314-629-6350
- U.S. Naval Hospital Rota, Spain (DON) PSC 819 Box 18, FPO AE 09645 956-82-2581
- U.S. Naval Hospital Sigonella, Italy (DON) PSC 836, FPO AE 09636 314-624-4779
- Naval Health Clinic Charleston, South Carolina (DON) 3600 River Avenue, North Charleston, SC 29045 843-743-7277
- Naval Medical Center San Diego (DON) 34800 Bob Wilson Dr., San Diego, CA 92134-5000 619-532-5896
- Naval Hospital Oak Harbor (DON) 3475 N. Saratoga St., Oak Harbor, WA 98278 360-257-9520
- Naval Hospital Bremerton (DON) HP Boone Road, Bremerton, WA 98312 360-475-4644
- Naval Health Clinics Hawaii (DON) 1407 Makalapa Dr., Pearl Harbor, HI 96860 757-374-1721
- U.S. Naval Hospital Okinawa (DON) PSC 482 FPO AP 96362-1600 315-643-7410
- U.S. Naval Hospital Guam (DON) Agan Heights Guam 96919 671-344-9671

Reference (a) states that for requests “that will require more than ten days for the agency to process the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request.” DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: “Time Limits. “DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response.” Please provide me a tracking number for this request. Please provide a copy of this letter of request in your reply. This is an integral part of my request and this letter is an agency record in your possession.

Thank you in advance.

With my respect,

Robert Hammond

## **Attachment M**

Hammond ltr Reply to Patterson ltr of 7 Jan 15 Releasing  
Portner Name, Email, Phone