(6) Distributing information. DON activities are encouraged to enhance access to information by distributing information on their own initiative through the use of electronic information systems, such as the Government Information Locator Service (GILS).

(g) Honor form or format requests. DON activities shall provide the record in any form or format requested by the requester, if the record is readily reproducible in that form or format. DON activities shall make reasonable efforts to maintain their records in forms or formats that are reproducible. In responding to requests for records, DON activities shall make reasonable efforts to search for records in electronic form or format, except when such efforts would significantly interfere with the operation of the DON activities’ automated information system. Such determinations shall be made on a case-by-case basis.

(h) Authenticate documents. Records provided under the instruction in this part shall be authenticated with an appropriate seal, whenever necessary, to fulfill an official Government or other legal function. This service, however, is in addition to that required under the FOIA and is not included in the FOIA fee schedule. DON activities may charge for the service at a rate of $5.20 for each authentication.

§ 701.6 Reading rooms.

The FOIA requires that (a)(2) records created on or after 1 November 1996, be made available electronically (starting 1 November 1997) as well as in hard copy, in the FOIA reading room for inspection and copying, unless such records are published and copies are offered for sale. DoD 5400.7–R, “DoD Freedom of Information Act Program,” requires that each DoD Component provide an appropriate facility or facilities where the public may inspect and copy or have copied the records held in their reading rooms. To comply, the Navy FOIA website includes links that assist members of the public in locating Navy libraries, online documents, and Navy electronic reading rooms maintained by SECNAV/CNO, CMC, OGC, JAG and Echelon 2 commands. Although each of these activities will maintain their own document collections on their own servers, the Navy FOIA website provides a common gateway for all Navy online resources. To this end, DON activities shall:

(a) Establish their reading rooms and link them to the Navy FOIA Reading Room Lobby which is found on the Navy FOIA website.

(b) Ensure that responsive documents held by their subordinate activities are also placed in the reading room.

NOTE TO PARAGRAPH (b): SECNAV/ASN and OPNAV offices shall ensure that responsive documents are provided to CNO (N09B30) for placement in the reading room.

(c) Ensure that documents placed in a reading room are properly excised to preclude the release of personal or contractor-submitted information prior to being made available to the public. In every case, justification for the deletion must be fully explained in writing, and the extent of such deletion shall be indicated on the record which is made publicly available, unless such indication would harm an interest protected by an exemption under which the deletion was made. If technically feasible, the extent of the deletion in electronic records or any other form of record shall be indicated at the place in the record where the deletion was made. However, a DON activity may publish in the FEDERAL REGISTER a description of the basis upon which it will delete identifying details of particular types of records to avoid clearly unwarranted invasions of privacy, or competitive harm to business submitters. In appropriate cases, the DON activity may refer to this description rather than write a separate justification for each deletion. DON activities may remove (a)(2)(D) records from their electronic reading room when the appropriate officials determine that access is no longer necessary.

(d) Should a requester submit a FOIA request for FOIA-processed (a)(2) records, and insist that the request be processed, DON activities shall process the FOIA request. However, DON activities have no obligation to process a FOIA request for 5 U.S.C. 552(a)(2)(A), (B), and (C) [5 U.S.C. 552] records because these records are required to be made public and not FOIA-processed under paragraph (a)(3) of the FOIA.
(e) DON activities may share reading
room facilities if the public is not un-
duly inconvenienced. When appro-
priate, the cost of copying may be im-
posed on the person requesting the ma-
terial in accordance with FOIA fee
guidelines (see subpart C of this part).

(f) DON activities shall maintain an
index of all available documents. A
general index of FOIA-processed (a)(2)
records shall be made available to the
public, both in hard copy and electroni-
cally by 31 December 1999. To comply
with this requirement, DON activities
shall establish a GILS record for each
document it places in a reading room.

(g) An index and copies of unclassi-
fied Navy instructions, forms, and ad-
dresses for DON activities (i.e., the
Standard Navy Distribution List
(SNDL) are located on the Navy Elec-
tronics Directives System (http://
neds.nebt.daps.mil/).

(h) DON material published in the
FEDERAL REGISTER, such as material
required to be published by Section
552(a)(1) of the FOIA, shall be made
available by JAG in their FOIA reading
room and electronically to the public.

(i) Although not required to be made
available in response to FOIA requests
or made available in FOIA Reading
Rooms, “(a)(1)” materials may, when feasible, be made available to the public in FOIA reading rooms for inspection and copying, and by electronic means. Examples of “(a)(1)” materials are: descriptions of an agency’s central and field organization, and to the extent they affect the public, rules of procedures, descriptions of forms available, instruction as to the scope and contents of papers, reports, or exami-
nations, and any amendment, revision, or report of the aforementioned.

§ 701.7 Relationship between the FOIA
and PA.

Not all requesters are knowledgeable
of the appropriate statutory authority
to cite when requesting records. In
some instances, they may cite neither
Act, but will imply one or both Acts.
For these reasons, the following guide-
lines are provided to ensure requesters
receive the greatest amount of access
rights under both Acts:

(a) If the record is required to be re-
leased under the FOIA, the PA does not
bar its disclosure. Unlike the FOIA, the
PA applies only to U.S. citizens and
aliens admitted for permanent resi-
dence. Subpart F of this part imple-
ments the DON’s Privacy Act Program.

(b) Requesters who seek records
about themselves contained in a PA
system of records and who cite or
imply only the PA, will have their re-
quests processed under the provisions
of both the PA and the FOIA. If the PA
system of records is exempt from the
provisions of 5 U.S.C. 552a(d)(1) and the
records, or any portion thereof are ex-
empt under the FOIA, the requester
shall be so advised with the appro-
priate PA and FOIA exemption. Ap-
peals shall be processed under both
Acts.

(c) Requesters who seek records
about themselves that are not con-
tained in a PA system of records and
who cite or imply the PA will have
their requests processed under the pro-
visions of the FOIA, since the PA does
not apply to these records. Appeals
shall be processed under the FOIA.

(d) Requesters who seek records
about themselves that are contained in
a PA system of records and who cite or
imply the FOIA or both Acts will have
their requests processed under the pro-
visions of both the PA and the FOIA. If
the PA system of records is exempt
from the provisions of 5 U.S.C.
552a(d)(1), and the records, or any por-
tion thereof are exempt under the
FOIA, the requester shall be so advised
with the appropriate PA and FOIA ex-
emption. Appeals shall be processed
under both Acts.

(e) Requesters who seek access to
agency records that are not part of a
PA system of records, and who cite or
imply the PA and FOIA, will have their
requests processed under FOIA, since