



DEFENSE CONTRACT AUDIT AGENCY
8725 JOHN J. KINGMAN ROAD, SUITE 2135
FORT BELVOIR, VA 22060-6219

September 27, 2016

DL
DCAA INSTRUCTION
NO. 5410.8

DCAA FREEDOM OF INFORMATION ACT PROGRAM

- References:
- (a) DCAAR 5410.8, DCAA Freedom of Information Act Program (hereby cancelled)
 - (b) Title 5, United States Code, Section 552a
 - (c) DoDD 5400.7, DoD Freedom of Information Act Program
 - (d) DoD 5400.7-R, DoD Freedom of Information Act Program
 - (e) DCAA Freedom of Information Act Processing Guide

1. PURPOSE.

a. To assign responsibilities and establish policies and procedures for a uniform DCAA Freedom of Information Act (FOIA) program pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552a, as implemented by DoD Directive 5400.7 and DoD Regulation 5400.7-R.

2. APPLICABILITY.

a. This instruction applies to DCAA Headquarters, Regional Offices, Corporate Audit Directorates (CADs), and Field Audit Offices (FAOs), and governs written responses by DCAA officials to requests from members of the public for permission to examine or to be provided with copies of DCAA records. Supplements and waivers to this policy and procedures contained in this Instruction are not authorized unless issued and approved by Office of Primary Responsibility (OPR).

b. The OPR for this instruction is the General Counsel.

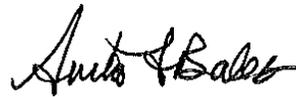
3. DEFINITIONS. See [Glossary](#).

4. POLICY. Agency policy and procedures are consistent with those cited in DoD 5400.7-R. In addition, DCAA will:
 - a. Promote public trust by making the maximum amount of releasable information available to the public, upon request, pertaining to the operation and activities of the Agency.
 - b. Allow a requester to obtain records from the Agency that are available through other public information services without invoking the FOIA.
 - c. Make available, under the procedures established by the DCAA FOIA Processing Guide, those records that are requested by a member of the general public who cites the FOIA.
 - d. Answer promptly all other requests for information and records under established procedures and practices.

5. RESPONSIBILITIES. See [Enclosure 1](#).

6. RELEASABILITY. Unlimited. This instruction is approved for public release.

7. EFFECTIVE DATE. This instruction is effective immediately.



Anita F. Bales
Director

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ENCLOSURE 1RESPONSIBILITIES1. The General Counsel, is responsible for:

a. The overall Agency-wide administration of the DCAA FOIA Program through the DCAA Chief FOIA Officer, to ensure compliance with the policies and procedures that govern the program.

b. Conferring with Headquarters Assistant Directors, Regional Directors, and Corporate Audit Directors on the desirability of reconsidering a final decision to deny a record, if that decision becomes a matter of special concern because it involves either an issue of public concern or an issue with DoD-wide consequences.

c. Accomplishing program oversight to provide coordinated guidance to components and to provide the means of assessing the overall conduct of the DCAA's FOIA Program.

d. Responding to corrective action recommended by the Office of Special Counsel for inappropriate withholding of records by Agency employees.

e. Ensuring uniformity is maintained in the legal position, and the interpretation of the FOIA, DoD 5400.7-R, and this instruction.

f. Acting as the designee for the Director, DCAA, serving as the sole appellate authority for appeals to decisions of the Initial Denial Authority (IDA).

g. Advising the Department of Defense, Deputy Chief Management Officer (DCMO), about cases of public interest, particularly those on appeal. When the issues raised are unusual or precedent setting, the issues may require special attention or guidance.

h. Advising the DCMO and the Communication Director, DCAA, regarding the denial of a request or an appeal when circumstances suggest a news media interest.

i. Consulting with DoD General Counsel on final denials that are inconsistent with decisions of other DoD components, involving issues not previously resolved, or raise new or significant legal issues of potential impact to other Government agencies.

j. Providing advice and assistance to the Headquarters Assistant Directors, Regional Directors, and Corporate Audit Directorates through the DCAA Chief FOIA Officer, as required in the discharge of their responsibilities.

k. Coordinating FOIA litigation with the Department of Justice.

l. Coordinating on Agency denials of initial requests and administrative appeals.

2. The Deputy General Counsel, Ethics, Employment, and Administrative Law Division, is the DCAA FOIA Public Liaison, who responds to allegations of unsatisfactory FOIA service.

3. The DCAA Chief FOIA Officer, is responsible for:

a. Initial determinations as to the releasability of DCAA records to the public, including Defense contractors, as the Agency's IDA. The DCAA Director delegates this authority, which may not be redelegated.

b. Establishing, issuing, and updating policies for the DCAA FOIA Program; monitoring compliance with this instruction; and providing policy guidance for the FOIA program.

c. Resolving conflicts that may arise regarding implementation of DCAA FOIA policy.

d. Managing the DCAA FOIA Program in accordance with this instruction, the DCAA FOIA Processing Guide, applicable DCAA policies, and DoD and Federal regulations.

e. Providing guidelines for managing, administering, and implementing the DCAA FOIA program. This includes issuing the DCAA FOIA instruction, developing and conducting training for individuals who implement the FOIA program, and publishing in the Federal Register any instructions necessary for the administration of the FOIA program.

f. Maintaining and publishing the DCAA FOIA Processing Guide.

g. Preparing the Annual FOIA report to Congress.

h. Establishing and maintaining a control system for assigning FOIA case numbers to FOIA requests received by the Agency.

i. Maintaining a record of FOIA requests received by the Agency. This record contains the requester's identification, the date of the request, type of information requested, and type of information furnished. This record will be maintained and disposed of in accordance with DCAA records maintenance and disposition regulations and schedules.

j. Making available for public inspection records in electronic format, the records specified in 5 U.S.C. § 552a(a)(2). These records and indices of these records are made available on the DCAA FOIA Reading Room webpage as required.

4. The Headquarters Assistant Directors, Regional Directors, and Corporate Audit Directors are responsible for:

a. Forwarding to the DCAA Chief FOIA Officer any FOIA requests received directly from a member of the public so that the request may be administratively controlled and processed.

b. Ensuring the prompt review of all FOIA search requests, as requested by the DCAA Chief FOIA Officer, and providing responsive records to the DCAA Chief FOIA Officer for processing.

c. Submitting a DCAA Form 5410-4, FOIA Case Summary, to the DCAA Chief FOIA Officer at the completion of each FOIA search request to facilitate the preparation of the annual FOIA report to Congress. All case summaries must be submitted no later than 10 October for cases completed during the previous fiscal year.

5. The Communication Director shall serve as the coordinator for the release of FOIA information to the news media.

6. Managers, Field Audit Offices (FAOs) are responsible for:

a. Ensuring that the DCAA Chief FOIA Officer promptly receives all incoming FOIA requests.

b. Ensuring the prompt review of all FOIA search requests, and providing responsive records to the DCAA Chief FOIA Officer for processing.

ENCLOSURE 2DCAA FOIA POINTS OF CONTACTTable 1. FOIA POC INFORMATION.

Office	Contact Information
DCAA CHIEF FOIA OFFICER	Defense Contract Audit Agency Attn: DL/FOIA 8725 John J. Kingman Road, Suite 2135 Fort Belvoir, VA 22060-6219 (571) 448-3153
FOIA PUBLIC LIAISON	Defense Contract Audit Agency Attn: Deputy General Counsel, Ethics, Employment, and Administrative Law Division, FOIA Public Liaison 8725 John J. Kingman Road, Suite 2135 Fort Belvoir, VA 22060-6219 (703) 767-3219

GLOSSARY

DEFINITIONS

The terms used in this instruction with the exception of the following are defined in the DCAA FOIA Processing Guide.

Initial Denial Authority (IDA). The DCAA Chief FOIA Officer, Office of General Counsel, has been delegated the authority by the Director, DCAA, to make initial determinations as to the releasability of DCAA records to the public, including Defense contractors. This authority may not be redelegated.

Appellate authority. The General Counsel, DCAA or designee.

Electronic Data. Electronic data are those records and information which are created, stored, and retrievable by electronic means. This does not include computer software, which is the tool used to create, store, or retrieve electronic data.

FOIA Request. A written request for DCAA records, made by any person, including a member of the public (U.S. or foreign citizen), an organization, or a business, but not including a Federal agency or a fugitive from the law that either explicitly or implicitly invokes the FOIA, DoD Regulation 5400.7-R, or this instruction.

Administrative Appeal. A request by a member of the general public, made under the FOIA, asking the appellate authority to reverse an IDA decision to 1) withhold all or part of a requested record or 2) to deny a request for waiver or reduction of fees.