DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36MJ/18U104800
July 26, 2018

Sent via email to: (b) (6) [redacted].com

Mr. Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond,

This is in reference to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated December 26, 2017, which was received in our office on the same day and was assigned the case number DON-NAVY-2018-002630.

In the course of processing your FOIA request, DON FOIA/PA office (DNS-36), conducted a search of its own records, and contacted the Office of the Judge Advocate General, General Litigation (OJAG 14), the Bureau of Medicine and Surgery (BUMED), as well as the Chief information Officer/DON FOIA Public Liaison (DON CIO) to conduct a search for applicable records. Subsequently those offices electronically searched their local files for records relating to your FOIA request DON-NAVY-2017-007961: "records of my FY 2013 FOIA requests submitted to WRNMMC contained in any DON automated system used for tracking FOIA requests", and subsequent appeal 2018-008860.

OJAG has identified 1 document totaling 211 pages that are responsive to your request. BUMED and DON COI have identified 0 documents that are responsive to your request. DON FOIA/PA has identified 7 documents totaling 146 pages that are responsive to your request.

Please be advised, it has been determined that in order to remain as transparent as possible, these records will be released in their redacted form for public consumption via FOIAonline.

Upon review of these documents, it has been determined that they contain instances of personally identifiable information (PII), such as the names, email addresses, and physical addresses. 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. In order to protect your privacy, your private information is also withheld under (b)(6). In order to determine whether the information is at issue, this office applied the Reporters Committee Balancing Test.

1. Determine whether there is a personnel, medical, or "similar" file.
2. Determine whether there is a significant privacy interest in the requested information; (In the post-9/11 environment and associated heightened security posture, DoD employees (military, federal, contractor) generally have a greater than de minimis privacy interest in the nondisclosure of personal information simply due to the virtue of their association with DoD (and the release of DoD records which implicitly disclose this association).
3. Evaluate the requester's asserted FOIA public interest in disclosure;
4. If there is a significant privacy interest in non-disclosure and a FOIA public interest in disclosure, balance those competing interests to determine whether disclosure "would constitute a clearly unwarranted invasion of personal privacy." DOJ v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 763 (1989)

Additionally, these documents contain instances of predecisional, attorney-client privileged information, which is exempt from disclosure under 5 U.S.C. § 552(b)(5). The remainder of the documents are released to you.

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

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon Room 4E635
Washington DC 20350-1000

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.

Please be advised, however, that these documents may include redacted records previously released to you. As we are

In this instance, the fees associated with processing your 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; 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, 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.

Questions regarding the action this office has taken to process your request may be directed to our FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Sincerely,

R. Patterson

R. Patterson
HEAD, DON FOIA/PA Program Office