



DEPARTMENT OF THE NAVY  
NAVAL EDUCATION AND TRAINING PROFESSIONAL  
DEVELOPMENT AND TECHNOLOGY CENTER  
6490 SAUFLEY FIELD ROAD  
PENSACOLA, FLORIDA 32509-5237

IN REPLY REFER TO:  
NETPDTCINST 5211.2A  
OOC  
**12 FEB 2003**

NETPDTC INSTRUCTION 5211.2A

Subj: **PROCEDURES CONCERNING FREEDOM OF INFORMATION AND PRIVACY  
ACT MATTERS**

Ref: (a) SECNAVINST 5720.42F  
(b) SECNAVINST 5211.5D  
(c) OPNAVINST 5239.1B  
(d) CNETINST 5211.1F  
(e) OPNAVINST 5510.161

1. **Purpose.** To establish procedures for handling Freedom of Information and Privacy Act requests.
2. **Cancellation.** NETPDTCINST 5211.2
3. **Revision.** Since this is a major revision, marginal notations are not annotated. This instruction should be read in its entirety.
4. **Definitions**

a. **Freedom of Information Act (FOIA).** The FOIA, which can be found in Title 5 of the United States Code, Section 552, was enacted in 1966. The Act is designed to make available to the public the maximum information concerning operations, activities and administration of the Department of the Navy (DoN) and other Federal agencies, without invading the privacy of any individual.

b. **Privacy Act (PA).** The Privacy Act was promulgated within the DoN by reference (b), and is designed primarily to protect the personal privacy of individuals about whom records are maintained by agencies of the Federal Government. Individuals covered by this protection are living U.S. citizens or aliens lawfully admitted for permanent residence. Although having different primary objectives the two acts, if carefully applied, are generally complementary in nature.

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c. Exempt Records are those specifically identified as nonreleasable because of the sensitive nature of the material or in the interest of national defense or foreign policy. These records are listed as enclosures in references (a) and (b).

**5. Safeguards**

a. Under the Freedom of Information Act and the Privacy Act, proper administrative, technical and physical safeguards of records are required. Personal information and information qualifying for exemption under both Acts will be treated as "For Official Use Only - Privacy Sensitive." A document containing personal information will not be marked "For Official Use Only" unless it contains information that is intimate to an individual or that possibly could have adverse effects upon that individual or his or her family if disclosed. (FOIA Exemption 6)

Non-record copies of For Official Use Only (FOUO) material (including hard copy reports and computer printouts) may be destroyed by tearing each copy into pieces to preclude reconstructing, and disposed in regular trash containers. Record copies of FOUO documents will be disposed of in accordance with disposal standards established by the Records Disposal Manual.

Access to information, including computer data, must be strictly controlled. As a minimum, personal information and information qualifying for exemption will be maintained under lock and key. Files will be maintained in such a way as to prevent anyone from merely walking into a room and easily gaining access without assistance.

b. Detailed procedures for safeguarding personal information stored in computer-based systems are contained in reference (c). In general, personal information stored in such systems supported by NETPDTC will be "close-hold" and made available only to personnel who have a "need to know" in the performance of their official duties. The use of access codes is an example of control methodology used to restrict access to files containing personal information.

**6. Responsibilities**

a. The Command Evaluation Officer (OOC) is the NETPDTC FOIA/PA Coordinator. The coordinator will monitor the overall program and all actions on the Acts, serve as a point of contact

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for all related matters and compile annual reports for submission, in response to references (a), (b) and (d).

b. The Director, Navy Advancement Center (N3), will appoint a department coordinator and point of contact for all FOIA issues and matters involving release of publications and manuals under that department's cognizance.

c. Subordinate NETPDTC activities located outside the Pensacola naval complex will appoint an FOIA/PA Coordinator per references (a) and (b). Provide the name and phone number of each coordinator to NETPDTC OOC.

d. The NETPDTC Information System Security Officer, is responsible for developing and carrying out the procedures in reference (c) to safeguard personal information in automated data systems supported by NETPDTC.

e. Department/Special Assistants/Division Heads/Activity Directors will become familiar with the provisions of references (a) through (e). Each Department/Division/Activity head is responsible for ensuring the minimum safeguards under the FOIA and PA Acts are established and maintained, is aware of which documents under their control are releasable, and which must be referred to other authority for a release determination.

f. Each employee is responsible for protecting personal information in his or her custody from unauthorized disclosure.

## 7. Procedures

a. All requests for information under the FOIA or PA will receive priority handling and answered within 20 working days for FOIA requests and 10 working days for PA requests. Requests for unclassified technical data will be processed as outlined in references (a) and (e).

b. To ensure proper handling, each request received at NETPDTC Pensacola will be forwarded directly to OOC who will stamp the receipt date in the upper right corner and annotate in red the type of request (FOIA or PA). The correspondence will then be routed to the cognizant department for action.

c. The department with action will prepare an appropriate response to releasing signature as follows:

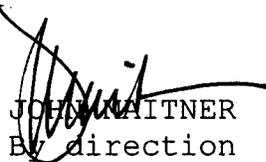
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(1) Correspondence replying to FOIA queries routed to N3 for action, will be released only by the Commanding Officer, Executive Officer or N3 Department Head "By direction."

(2) FOIA/PA correspondence other than the above will be routed to OOC for appropriate signature.

d. When a request for information is received that cannot be released by NETPDTC, the request will be referred, via the Commanding Officer, to the Commander, Naval Education and Training Command (NETC), who is the denial authority as identified in reference (d). Subordinate activities will forward a copy of all requests to NETPDTC OOC. The referral will include the basic request, all pertinent information and appropriate recommendation with rationale. The party requesting the information will be informed of any referral or possible delays in responding to the request.

e. Fee assessment policies for providing information under the FOIA and PA are contained in references (a) and (b).

  
JOHN WHITNER  
By direction

Distribution: (NETPDTCINST 5216.1G)  
Lists I, IA, and II

Web Access: MAIN INDEX  
<https://pennd09.cnet.navy.mil/netpdtc/directives.nsf>