



**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of the Chief Counsel

NAME  
ADR  
ADR

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated MO DY YR for records on (describe). Your request was received in our office on MO DY YR and assigned case #XXX.

A search by (name of office) revealed XX pages responsive to your request. This document is exempt from disclosure under the FOIA, 5 U.S.C. § 552 (b)(1).

The document, titled (give title, titles of documents are not supposed to be classified) is being denied in its entirety because the document is currently and properly classified in accordance with Executive Order 13526 Section 1.4. because it pertains to (list sections – for example: (a) military plans, weapons systems, or operations and (g) vulnerabilities of capabilities of systems, installations, infrastructures, projects, plans, or protection services related to national security).

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the (Air Force or Army) within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373

This concludes the processing of your request. If you have any questions regarding this request, please contact Ms. Jennifer Nikolaisen, NGB Chief FOIA Officer, at (571) 256-7838 or by e-mail, [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Christian Rofrano

Colonel, US Army  
Chief Counsel  
National Guard Bureau



**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON, VA 22204-1373

October 21, 2011

Office of the Chief Counsel

Requestor  
Company  
Address  
City, State ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated (Month Dy, Year) for (describe records), which was assigned case #FA-XX-XXXX.

After a review of the requested records, we have determined that the records are exempt from release under 5 U.S.C. § 552 (b)(3) and (b)(4). We are prohibited from releasing the technical and cost proposals under 41 U.S.C. § 253b (1)(m) and are therefore denying your request in full.

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the *Air Force/Army* within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

Office of Information and Privacy (NGB/JA-OIP)  
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In your request, you agreed to pay fees for processing your request. The total cost for processing your request is \$XXX. The breakdown of this fee is XX hours of search time at the (clerical or professional) rate of (\$20.00 or \$44.00) per hour, XX hours of review time at the professional rate of \$44.00 per hour, and XXX pages of reprographics at .15 per sheet.

Please remit a check or money order in the amount of (restate amount), made payable to the **U.S. Treasury**, and forward your payment to:

Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373

To ensure proper credit, please reference FOIA Case #XXXX. Please be advised that if we do not receive your payment within 30 days from the date shown above, we will begin charging an interest fee based on the current value of funds rate (CVFR) at <http://www.fms.treas.gov/cvfr/>.

Your account will be considered to be delinquent and you will be placed on the delinquent list until your payment is received in full. Also, remember that while your account is in delinquent status, any future request will not be processed.

If you have any questions regarding this request, please contact Ms. Jennifer Nikolaisen, NGB Chief FOIA Officer, at (571) 256-7838 or by e-mail, [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Christian Rofrano  
Colonel, US Army  
Chief Counsel  
National Guard Bureau



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111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of the Chief Counsel

Name  
Adr  
Adr

Dear Mr./Ms. Requester:

This letter is in response to your Freedom of Information Act request dated Mo DD Year for (describe records). Your request was received in our office on Mo DD Year and assigned case #XXXXX.

A thorough search by (unit/office conducting search) revealed XX pages of records responsive to your request. After a thorough review of these pages, I have determined that (either these records or portions of these records) are exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552 (b)(3), (b)(5), and (b)(6).

Exemption (b)(3) prohibits the disclosure of information specifically exempt by a statute when the statute clearly states that the information will not be disclosed. Selection board proceedings are specifically exempt from release under federal law code Section 14104(b) of Title 10 § 618f.

Exemption (b)(5) protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Under this exemption, we are withholding (describe what is being withheld).

Exemption (b)(6) protects personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Under this exemption, we are withholding (describe what is being withheld).

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the *Air Force/Army* within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

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If you have any questions regarding this request, please contact Ms. Jennifer Nikolaisen, NGB Chief FOIA Officer, at (571) 256-7838 or by e-mail, [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Christian Rofrano  
Colonel, US Army  
Chief Counsel  
National Guard Bureau

Enclosure



**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of the Chief Counsel

Requestor  
Company  
Address  
City, State ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated (Month Dy, Year) for (describe records), which was assigned case #FA-XX-XXXX.

This office has finalized your request and the records you have requested are being granted in part. After a thorough review of these documents, I have determined that portions of them are exempt from disclosure under the FOIA, 5 U.S.C. § 552 (b)(4) and (b)(6). We are releasing a total of XX pages, XX pages are being released in part and XX pages are being released in their entirety.

Exemption (b)(4) protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. Under this exemption, we are withholding (describe items).

Exemption (b)(6) protects personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Under this exemption, we are withholding (describe withholdings).

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the *Air Force/Army* within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

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National Guard Bureau

Enclosure





**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of the Chief Counsel

Requestor Name  
Requestor Address  
City, State ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated Month Day, Year for (describe records), which was assigned case #XX-XXX.

This office has finalized your request and the records you have requested are being granted in part (INCLUDE "at no cost to you" if fees are not applicable and remove paragraph below). Our search has revealed XX pages responsive to your request. After a thorough review of these documents, I have determined that portions of them are exempt from disclosure under the FOIA, 5 U.S.C. § 552 (b)(5), and (b)(6). We are releasing a total of XX pages, XX pages are being released in part and XX pages are being released in their entirety. In addition, we are withholding XX pages in full.

Exemption (b)(5) protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Under this exemption, we are withholding (list items/documents being withheld).

Exemption (b)(6) protects personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Under this exemption, we are withholding (list items/documents being withheld).

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the *Air Force/Army* within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

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ARLINGTON VA 22204-1373

October 21, 2011

Office of the Chief Counsel

Requestor Name  
Requestor Address  
City, State ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated Month Day, Year for (describe records), which was assigned case #XX-XXX.

This office has finalized your request and the records you have requested are being granted in part (INCLUDE "at no cost to you" if fees are not applicable and remove paragraph below). Our search has revealed XX pages responsive to your request. After a thorough review of these documents, I have determined that portions of them are exempt from disclosure under the FOIA, 5 U.S.C. § 552 (b)(6). We are releasing a total of XX pages, XX pages are being released in part and XX pages are being released in their entirety. In addition, we are withholding XX pages in full.

Exemption (b)(6) protects personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Under this exemption, we are withholding (list items/documents being withheld).

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the *Air Force/Army* within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

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National Guard Bureau

Enclosure



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111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Requestor Name  
Requestor Address  
City, State ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated Month Day, Year for (describe records), which was assigned case #XX-XXX.

This office has finalized your request and the records you have requested are being granted in part (INCLUDE "at no cost to you" if fees are not applicable and remove paragraph below). Our search has revealed XX pages responsive to your request. After a thorough review of these documents, I have determined that portions of them are exempt from disclosure under the FOIA, 5 U.S.C. § 552 (b)(6). We are releasing a total of XX pages, XX pages are being released in part and XX pages are being released in their entirety. In addition, we are withholding XX pages in full.

Exemption (b)(6) protects personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Under this exemption, we are withholding names of Department of Defense employees below the grade of General Officer and/or below the title of Commander or Director.

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the *Air Force/Army* within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

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If you have any questions regarding this request, please contact my office at (571) 256-7838 or by e-mail, [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau

Enclosure



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Requestor Name

Company Name

Address

City, State Spelled Out ZIP

Dear Mr./Ms. Requestor:

This letter is to acknowledge receipt of your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (summarize the subject of request). Your request was received by the (AGENCY) (if referred, indicate that it was referred to (AGENCY) by (AGENCY) on Month Day Year and assigned case #XX-XXXX.

Your request is in the complex queue for processing as it involves records that are (pick one: at a separate location, voluminous in nature, or will require outside consulting). This request is currently at position #XX in our queue for processing with a preliminary estimated completion date of XXXX; however, we will make every effort to provide the responsive records as soon as possible.

In your request, you asked for expedited processing. Because individuals receiving expedited processing may receive a response before other earlier requesters, there are administrative requirements you must meet before we can expedite a request. In order for us to expedite a request, the requester must provide a statement certifying the reasons supporting their request are true and correct to the best of their knowledge.

There are four categories of requests eligible for expedited processing. We can expedite your request if you demonstrate you need the information because (1) failure to obtain the records on an expedited basis could pose an imminent threat to life or physical safety of an individual; or (2) the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public about actual or alleged Federal Government activity; or (3) failure to obtain the records on an expedited basis could lead to an imminent loss of substantial due process rights, or (4) release would serve a humanitarian need by promoting the welfare and interests of mankind.

In the second category, "urgently needed" means the information itself has a particular value that it will lose if it is not disseminated quickly. Ordinarily, this means the information concerns a breaking news story of general public interest. Historic information, or information sought for litigation or commercial activities usually would not qualify for expedited processing in the second category. Also, the fact that a news organization has an internal broadcast or publication deadline, so long as the deadline was unrelated to the nature of the information itself (for

example, the information was not a breaking news story of general public interest) would not make the information “urgently needed.”

In this case, we have determined your FOIA request {will / will not} receive expedited processing. We came to this conclusion because you {did / did not} demonstrate you need the information because

*(use one of the following from the justification provided: )* failure to obtain the records on an expedited basis {could / could not} reasonably expect to pose an imminent threat to life or physical safety of an individual (OR) the information {is / is not} urgently needed in order to inform the public about actual or alleged Federal Government activity (OR) failure to obtain the records on an expedited basis (could or could not) reasonably expect to lead to an imminent loss of substantial due process rights (OR) release {would / would not} serve a humanitarian need by promoting the welfare and interests of mankind

(AND/OR) your request for expedited processing did not meet the statutory requirements of the FOIA; you did not provide enough information to make a determination of compelling need for the information you requested (AND/OR); you did not properly certify your request.

If you consider our denial of expedited processing to be an adverse action, you may appeal this determination to the Secretary of the Air Force (or Army) within 60 days from the date of this letter. Your appeal should include a copy of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

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If you have questions regarding your request, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau





## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Requestor Name  
Company Name  
Address  
City, State Spelled Out ZIP

Dear Mr./Ms. Requestor:

This letter is to acknowledge receipt of your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (summarize the subject of request). Your request was received by the (AGENCY) (if referred, indicate that it was referred to (AGENCY) by (AGENCY) on Month Day Year and assigned case #XX-XXXX.

Your request is in the complex queue for processing as it involves records that are (pick one: at a separate location, voluminous in nature, or will require outside consulting). This request is currently at position #XX in our queue for processing with a preliminary estimated completion date of XXXX; however, we will make every effort to provide the responsive records as soon as possible.

In your request, you asked that we waive applicable fees for processing. Fee waivers may be granted when the disclosure of the information is in the public interest because it is likely to contribute significantly to the public's understanding of the operations or activities of the Government, and when disclosure of the information is not primarily in the commercial interest of the requester.

Based on the information you provided in your request, we are unable to grant a fee waiver for the records you are seeking as (describe reason why).

If you consider our denial of a fee waiver to be an adverse action, you may appeal this determination to the Secretary of the Air Force (or Army) within 60 days from the date of this letter. Your appeal should include a copy of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

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If you have questions regarding your request, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

NAME  
ADR  
CITY/ST/ZIP

Dear Mr./Ms. Requestor:

This letter is to acknowledge receipt of your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (summarize the subject of request). Your request was received by the (AGENCY) (if referred, indicate that it was referred to (AGENCY) by (AGENCY) on Month Day Year and assigned case #XX-XXXX.

Your request is in the complex queue for processing as it involves records that are (pick one: at a separate location, voluminous in nature, or will require outside consulting). This request is currently at position #XX in our queue for processing with a preliminary estimated completion date of XXXX; however, we will make every effort to provide the responsive records as soon as possible. All communications concerning this request should be identified with the above reference number and addressed to the address shown above.

If you have questions regarding your request, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

21 October 2011

NGB/JA-OIP

### MEMORANDUM FOR AFLOA/JACL

1500 West Perimeter Road, Ste 1370  
Andrews AFB, MD 20762

SUBJECT: Referral of Freedom of Information Act (FOIA) Request – Requestor Name  
(Our Case #XXX)

1. The enclosed FOIA appeal (Tab 1) is being referred to your office for action and response to the requestor. The requestor is appealing (Describe Appeal) of their initial FOIA request (Tab 2) and the response provided on DD MO YEAR (Tabs 3 & 4).
2. The legal reviews at Tab 7 support the National Guard Bureau's position with regards to the records at Tab 6 being withheld as follows:
  - a) Indicate appeal being made and supporting legal opinion
  - b)
  - c)
3. The requestor has been notified of this referral (Tab 5).
4. If you have any questions regarding this referral please contact Jennifer Nikolaisen, NGB FOIA Officer, (571) 256-7838 or FOIA@ng.army.mil.

Christian Rofrano  
Lieutenant Colonel, US Army  
Chief Counsel  
National Guard Bureau

7 Tabs

1. Appeal Letter
2. Initial FOIA Request
3. Denial Letter
4. Copies of Records Released
5. Administrative Processing Documents
6. Denied Records
7. Legal Opinions



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

21 October 2011

NGB/JA-OIP

MEMORANDUM FOR ARMY OGC (FOIA APPEAL)  
104 Army Pentagon, Room 3C546  
Washington DC 20310-0104

SUBJECT: Referral of Freedom of Information Act (FOIA) Request – (name of requestor),  
(Our Case #FA-XX-XXXX)

1. The enclosed FOIA appeal (Tab 1) is being referred to your office for action and response to the requestor. The requestor is appealing (describe what is being appealed). The initial FOIA request is at Tab 2 and the final response and records provided to the requestor are at Tab 3.

2. The legal review at Tab 6 supports the Army National Guard's position with regards to the records being withheld as follows:

- a) Indicate appeal being made and supporting legal opinion
- b)
- c)

3. If you have any questions, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau

6 Tabs

1. Appeal Letter
2. Initial FOIA Request
3. Denial Letter and Records Released
4. Original Unredacted Records
5. Administrative Processing Documents
6. Legal Opinion



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Requestor Name  
Company Name  
Address  
City, State Spelled Out ZIP

Dear Mr./Ms. Requestor:

This letter is to acknowledge receipt of your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (summarize the subject of request). Your request was received by the (AGENCY) (if referred, indicate that it was referred to (AGENCY) by (AGENCY) on Month Day Year and assigned case #XX-XXXX.

Your request is in the complex queue for processing as it involves records that are (pick one: at a separate location, voluminous in nature, or will require outside consulting). This request is currently at position #XX in our queue for processing with a preliminary estimated completion date of XXXX; however, we will make every effort to provide the responsive records as soon as possible.

Your request does not sufficiently describe the desired records. Please tell us (include whatever information we need to perform search). This will allow us to direct to your request to the appropriate installation and office to conduct a reasonable, non-random based search for records. Without a more specific description of the records, we cannot identify what documents might be responsive to your request.

We have placed your request on hold pending this additional information from you. If we do not hear from you by (DATE), we will assume you are no longer interested in the records and will consider your request withdrawn; however, this does not preclude you from making a request in the future.

If you have questions regarding your request, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen

Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Name  
Company Name  
Address  
City, State ZIP

Dear Mr./Ms. Requestor:

This letter is to acknowledge receipt of your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (summarize the subject of request). Your request was received by the (AGENCY) (if referred, indicate that it was referred to (AGENCY) by (AGENCY) on Month Day Year and assigned case #XX-XXXX.

Your request is in the complex queue for processing as it involves records that are (pick one: at a separate location, voluminous in nature, or will require outside consulting). This request is currently at position #XX in our queue for processing with a preliminary estimated completion date of XXXX; however, we will make every effort to provide the responsive records as soon as possible.

The FOIA provides for the collection of fees based on the costs of processing a FOIA request and your fee category. Based on the information in your request, we have placed you in the commercial requestor category. As a result, you are required to pay all document search, review, and duplication costs over \$15.00.

In order for our office to proceed with processing your request, we must obtain a fee agreement from your office citing a willingness to pay fees. You may leave this agreement open ended, or state a cap on the amount of fees you are willing to pay for processing your request.

We have placed your request on hold pending a fee agreement. If we do not hear from you by (DATE) to establish a fee agreement, we will assume you are no longer interested in the records and will consider your request withdrawn; however, this does not preclude you from making a request in the future.

If you have questions regarding your request, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,



Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau



**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Name  
Address  
Address

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated Month Day, Year for (describe records). Your request was received in our office on Month Day, Year and assigned case #XX-XXX.

Your request is granted in full. Enclosed are XX pages responsive to your request.

In your request, you agreed to pay fees for processing your request. The total cost for processing your request is \$XXX. The breakdown of this fee is XX hours of search time at the (clerical or professional) rate of (\$20.00 or \$44.00) per hour, XX hours of review time at the professional rate of \$44.00 per hour, and XXX pages of reprographics at .15 per sheet.

Please remit a check or money order in the amount of (restate amount), made payable to the **U.S. Treasury**, and forward your payment to:

Chief, National Guard Bureau  
Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373

To ensure proper credit, please reference FOIA Case #XXXX. Please be advised that if we do not receive your payment within 30 days from the date shown above, we will begin charging an interest fee based on the current value of funds rate (CVFR) at <http://www.fms.treas.gov/cvfr/>. Your account will be considered to be delinquent and you will be placed on the delinquent list until your payment is received in full. Also, remember that while your account is in delinquent status, any future request will not be processed.

If you have any questions regarding this request, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Chief FOIA/Privacy Officer  
National Guard Bureau

Enclosure



**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of the Chief Counsel

Name  
Adr  
City State Zip

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (FOIA) request dated Month Dy Year, for records on (describe records sought) (case #XX-XXXX).

With respect to the named individual, lacking her consent, an official acknowledgement of an investigation or disciplinary action, or an overriding public interest, even to acknowledge the existence of such records pertaining to this individual could reasonably be expected to constitute an unwarranted invasion of her personal privacy. Accordingly, I have decided to refuse to confirm or deny the existence of responsive records on (disciplinary action, etc.... describe records sought) to the FOIA, 5 U.S.C. § 552 (b)(6).

If you are not satisfied with this action, you may appeal to the appellate authority, the Secretary of the *Air Force/Army* within 60 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373

In your request, you agreed to pay fees for processing your request. The total cost for processing your request is \$XXX. The breakdown of this fee is XX hours of search time at the (clerical or professional) rate of (\$20.00 or \$44.00) per hour, XX hours of review time at the professional rate of \$44.00 per hour, and XXX pages of reprographics at .15 per sheet.

Please remit a check or money order in the amount of (restate amount), made payable to the **U.S. Treasury**, and forward your payment to:

Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373

To ensure proper credit, please reference FOIA Case #XXXX. Please be advised that if we do not receive your payment within 30 days from the date shown above, we will begin charging an interest fee based on the current value of funds rate (CVFR) at <http://www.fms.treas.gov/cvfr/>. Your account will be considered to be delinquent and you will be placed on the delinquent list until your payment is received in full. Also, remember that while your account is in delinquent status, any future request will not be processed.

If you have any questions regarding this request, please contact Ms. Jennifer Nikolaisen, NGB Chief FOIA Officer, at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Christian Rofrano  
Colonel, US Army  
Chief Counsel  
National Guard Bureau



USE YOUR AGENCY LETTERHEAD

October 21, 2011

Use your Agency Office/Return Address

Requestor Name  
Company Name  
Address  
City, State Spelled Out ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (subject of request.)

In reviewing records responsive to your request, we located XX pages that are responsive to your request. We have referred those records to the Army National Guard FOIA office for a final release determination and direct response to you. Their contact information is as follows:

Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373  
Phone (571) 256-7838  
E-mail: FOIA@ng.army.mil

If you have any questions regarding this referral, please contact (FOIA Manager) at (phone).

Sincerely,

Signature Block of FOIA Mgr



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Name  
Company  
Address  
City State Zip

Dear Mr. or Ms. Requestor:

This letter is to acknowledge receipt of your Freedom of Information Act request dated Month Day Year for (describe records sought). Your request has been (referred to our office if applicable) and assigned case #XXXXXX.

The FOIA provides for the collection of fees based on the costs of processing a FOIA request and your fee category. Based on the information in your request, we have placed you in the commercial (OR other category if applicable!) requestor category and you will be responsible for all search, review, and duplication costs.

The total estimated cost for processing your request is \$XXX. The breakdown of this estimate is XX hours of search time at the (clerical or professional) rate of (\$20.00 or \$44.00) per hour, XX hours of review time at the professional rate of \$44.00 per hour, and XXX pages of reprographics at .15 per sheet.

In accordance with Department of Defense Instruction 5400.7-R, Freedom of Information Act Program, Paragraph C6.1.5.2.6., if a Component estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250.00, the Component shall require an advance payment of an amount up to the full estimated charges in the case of requestors with no history of payment. Because the costs of processing your request exceed \$250.00, we are requiring an advance payment of (State Amount requiring.. recommended 25%). As the total is just an estimate at this time, we will request the remaining payment once the review is complete and an actual cost is calculated.

Please remit a check or money order in the amount of \$(Restate Amount), made payable to the **U.S. Treasury**, and forward your payment to:

Chief, National Guard Bureau  
Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373

To ensure proper credit, please reference FOIA Case #XXXXX. If we do not receive payment or hear from you within 20 business days, we will assume you are no longer interested in the records and will consider your request withdrawn; however, this does not preclude you from making a request in the future.

If you have questions regarding your request, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau





## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

21 October 2011

NGB/JA-OIP

MEMORANDUM FOR (NAME OF AGENCY)

SUBJECT: Referral of Freedom of Information Act (FOIA) Request – (Name of Requestor & Case #)

1. The enclosed ## pages of records that derived from (name of agency) are being referred to your agency for review and direct response to the requestor.
2. The requester has been notified of this referral (Attached). If you have any questions, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau

Encl



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

21 October 2011

NGB/JA-OIP

### MEMORANDUM FOR NATIONAL PERSONNEL RECORDS CENTER

Military Personnel Records  
9700 Page Avenue  
St Louis MO 63132-5100

SUBJECT: Referral of (Freedom of Information Act (FOIA) or Privacy Act (PA)) Request –  
(Requestor Name) (Our Case #XX-XXX)

1. The enclosed (FOIA or PA) request is being referred to your agency for processing and direct response to the requestor. The NGB no longer holds these records as the member is retired.
2. The requester has been notified of this referral (Attached). If you have any questions, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau

Enclosure



**NATIONAL GUARD BUREAU**

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

NAME  
ADR  
ADR

Dear Mr./Ms. LAST NAME:

This letter is in response to your Freedom of Information Act appeal dated MO DY, YEAR appealing (describe what they are appealing). Your appeal was received in our office on MO DY, YEAR and assigned case #XXXX-XXXX-A.

This is to inform you that your appeal has been forwarded to the Air Force Legal Office Agency for adjudication and they will provide a response directly to you. Their contact information is as follows:

AFLOA/JACL  
1500 West Perimeter Road, Suite 1370  
Andrews AFB, MD 20762  
(240) 612-4700

This concludes our office's processing of your request. If you have any questions concerning this referral you may contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Requestor Name  
Company Name  
Address  
City, State Spelled Out ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (subject of request) (FOIA Case #XXXXX).

A search for responsive documents by knowledgeable staff in the \_\_\_\_\_ which began on Month Day Year, failed to locate any documents that would be responsive to your request. (Include the reason why records were not found, if known).

The FOIA applies only to existing Air Force/Army records; the Air Force/Army need not create a record in order to respond to a request. If you interpret this no records response as an adverse action, you may appeal to the Secretary of the Air Force/Army. Any appeal should include the reasons for reconsideration, a copy of this letter, and should be postmarked no later than 60 days from the date of this letter. Please address any appeal to:

Office of Information and Privacy (NGB/JA-OIP)  
111 South George Mason Drive, AH2  
Arlington, Virginia 22204-1373

This concludes the processing of your request. If you have any further questions regarding your request please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

Requestor Name  
Company Name  
Address  
City, State Spelled Out ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (or Privacy Act) request dated Month Day Year for records on (subject of request) (FOIA Case #XXXXXX).

In reviewing your request we have determined that the records you are seeking would most likely be located with the (name of agency). Consequently, we are referring your request to their office for processing and direct response to you. Their contact information is as follows:

AGENCY NAME  
Agency Address  
Agency Address  
Phone (XXX) XXX-XXXX, Fax (XXX) XXX-XXX

This concludes our office's processing of your request. If you have any questions concerning this referral you may contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE, AH2  
ARLINGTON VA 22204-1373

October 21, 2011

Office of Information and Privacy

NAME  
ADDRESS  
CITY STATE ZIP

Dear Mr./Ms. Requestor:

This letter is in response to your Freedom of Information Act (or Privacy Act) request dated Month Day Year for (type of records). Your request was received in our office on Month Day Year and assigned case #XX-XXXX.

Upon separation from the military service records are forwarded to the National Personnel Records Center. In order to access these records, you will need to make a written request to the National Personnel Records Center using the Standard Form 180 and send it to the address designated on the back of the form. More information on obtaining these records and the Standard Form 180 with instructions for making such requests can be found through their official website at:

<http://www.archives.gov/veterans/>

Because the Air National Guard does not maintain records on individuals no longer in the service, we are considering your request administratively closed. If you have questions regarding this matter, please contact my office at (571) 256-7838 or by e-mail [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).

Sincerely,

Jennifer Nikolaisen  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau

## **HOW TO OBTAIN COPIES OF MILITARY PERSONNEL RECORDS**

### **For former members:**

Go to <http://www.archives.gov/st-louis/military-personnel/> for information on making a request for records (medical and personnel). You will need to download the SF 180 which can be found at <http://www.archives.gov/st-louis/military-personnel/standard-form-180.html>.

Fill in the form and mail to the appropriate address as shown on the back depending on your status. Do not send the request to the National Guard Bureau as they do not, at any time, receive a copy of your records when you separate. The average response time, according to their website, is 4-5 weeks.

### **For family members/other individuals seeking access:**

Follow the same rules as above, but if family member is deceased, include a copy of his/her death certificate, obituary, or other proof of death. If living, include a signed release authorization from the individual granting you access. If neither can be provided, only minimal information can be released to you.

### **For current Air National Guard members:**

Go to <http://privacy.defense.gov/notices/usaf/>. Look at the Inventory of Air Force PA Systems of Records and determine which record type you are seeking. Follow the guidance provided in the systems notice that you are seeking records from under the paragraph titled "Notification."

### **For current Army National Guard members:**

Go to <http://privacy.defense.gov/notices/army/>. Look at the inventory of Army PA Systems of Records and determine which record type you are seeking. Follow the guidance provided in the systems notice that you are seeking records from under the paragraph titled "Notification."

This response also closes your initial appeal (#case #) made on (date) appealing the timeliness in processing your request. We are closing the appeal with this response which allows you to retain appeal rights for the exemptions on the records you are receiving.



If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense. To submit your appeal, you should write directly to:

Defense Freedom of Information Policy Office  
Attn: Mr. James Hogan  
1155 Defense Pentagon  
Washington, D.C. 20301-1155

Your appeal should include a copy of this letter, be postmarked within 60 calendar days of the date of this letter, should cite case number XXXXX, and should be clearly marked "Freedom of Information Act Appeal."