APPENDIX N

GENERIC DOCUMENT TEMPLATE, DISTRIBUTION STATEMENTS AND DOCUMENT DATA SHEET and THE IMPORTANCE OF MARKING DOCUMENTS

This Appendix describes requirements for using a standardized document template, a document distribution statement and directions for completing a document data sheet.

NAVFAC requires document creators to use the Generic NAVFAC Document Template, apply the appropriate Distribution Statement and fill in the Document Data Sheet.

The Generic Document Template can be found in Appendix V.

Distribution statements must be applied to the document in order to properly classify it for release and to protect it from being released by other agencies or Commands.

The Document Data Sheet must be completed before the document is submitted to the Navy. Detailed instructions follow the Data Sheet.

If applicable, document creators must identify all text, figures, tables, maps, drawings, photographs and other visual representations within the document which may contain sensitive information. See Appendix D for detailed information about the Freedom of Information Act exemptions and Environmental work and critical installation infrastructure.

Distribution Statements for Use on Technical Documents

In accordance with DoD Directive 5230.2 and OPNAV Instruction 5513.1F, distribution statements shall be included on the footer of the document cover page. Below are the most commonly used distribution statements and notices that are authorized for use on DoD technical documents. The author is responsible for determining the proper distribution statement for the document.

Defense Technical Information Center (DTIC) Distribution Statements

http://www.dtic.mil/dtic/submit/distribution_statements.html

DISTRIBUTION A. Approved for public release: distribution unlimited

DISTRIBUTION B. Distribution authorized to U.S. Government Agencies (reason) (date of determination). Other request for this document shall be referred to (controlling DoD office)
DISTRIBUTION C. Distribution authorized to U.S. Government Agencies and their contractors. (reason) (date of determination). Other request for this document shall be referred to (controlling DoD office)

DISTRIBUTION D. Distribution authorized to Department of Defense and U.S. DoD contractors only (reason) (date of determination). Other request for this document shall be referred to (controlling DoD office)

DISTRIBUTION E. Distribution authorized to DoD components only (reason) (date of determination). Other request for this document shall be referred to (controlling DoD office)

DISTRIBUTION F. Do not use this statement unless directed to do so

1. DISTRIBUTION STATEMENT A. Approved for public release; distribution is unlimited
   a. This statement may be used only on unclassified technical documents that have been cleared for public release by competent authority in accordance with DoD Directive 5230.9.
   b. Technical documents with this statement may be made available or sold to the public and foreign nationals, companies and governments, including adversary governments and may be exported.
   c. This statement may not be used on technical documents that formerly were classified unless such documents are cleared for public release in accordance with DoD Directive 5230.9.
   d. This statement shall not be used on classified technical documents or document containing export-controlled technical data as provided in DoD Directive 5230.25.

2. DISTRIBUTION STATEMENT B. Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office)
   a. This statement may be used on unclassified and classified technical documents.
   b. Reasons for assigning distribution statement B include:
      Foreign Government Information - To protect and limit distribution in accordance with the desires of the foreign government that furnished the technical information. Information of this type normally is classified at the CONFIDENTIAL level or higher in accordance with DoD 5200.1-R.
3. DISTRIBUTION STATEMENT C. Distribution authorized to U.S. Government Agencies and their contractors (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office)

   a. Distribution statement C may be used on unclassified and classified technical documents

   b. Reasons for assigning distribution statement C include: Foreign Government Information - Same as distribution statement B

4. DISTRIBUTION STATEMENT D. Distribution authorized to the Department of Defense and U.S. DoD contractors only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office)

   a. Distribution statement D may be used on unclassified and classified technical documents.

   b. Reasons for assigning distribution statement D include: Foreign Government Information - Same as distribution statement B.

5. DISTRIBUTION STATEMENT E. Distribution authorized to DoD components only (reason) (insert date of determination). Other request for this document shall be referred to (insert name of controlling DoD office).

   a. Operations Security. To protect information and technical data that may be observed by adversary intelligence systems and to determine what indicators hostile intelligence systems may obtain that could be interpreted or assembled to derive critical information in time to be useful to adversaries.

   b. Specific Authority. To protect information not specifically included in the above reasons and discussions but which requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD-component regulatory documents. When filling in the reason cite “Specific Authority (identification of valid documented authority).”

6. DISTRIBUTION STATEMENT F. do not use unless directed to do so
THE IMPORTANCE OF MARKING DOCUMENTS

The importance of protecting sensitive, critical information from unauthorized release cannot be overstated. Protection of such information starts at the moment a document is created and requires that the document include appropriate markings in the paper and electronic footer. All documents should be appropriately marked at the time of their creation in a manner that protects them from inadvertent release. Distribution statements define the document’s audience.

Releases to federal or state entities, such as EPA or local police or fire departments, are not considered FOIA releases or releases to the public.

All federal agencies must comply with the federal FOIA.

State and local entities are not bound by the federal FOIA. They obey their own applicable laws which could be less protective than the federal FOIA and may even require release. Take steps to ensure that unintended releases to the public do not occur.

The nature of the forwarding of the document should be clearly spelled out in a transmittal or cover letter. The letter should state or address the following:

- The document is being forwarded to the entity for an official reason with the reason(s) spelled out, such as by reference to the applicable statute or regulation
- The document is being provided for official use only and remains the property of the Navy
- The forwarding of the document to the entity is not a release under FOIA
- The document contains sensitive information and should be appropriately safeguarded
- Direction that if the entity receives a request for the document, they should refer the request to the Air Force organization providing the document and notify the requester of the referral.

Navy sensitive environmental information from future release by state or local entities is by including protective language in memoranda of agreement (MOAs) or Cooperative Agreements with state and local entities that will be receiving environmental documents from the Navy.

The responsibility for properly marking the document rests, in consultation with the Navy/USMC, with the document creator.

At a minimum, the individual should accomplish each of the following initial steps when the document is created:

- **Determine the purpose of the document.** In defining the purpose of the document, numerous questions implicitly will be answered
Is the document intended for internal use only (e.g., provides legal advice or makes recommendations to a decision maker)?

Will it be released to the public?

Will it be submitted to a regulatory agency for review and comment?

Does the document contain any personal information?

- Identify proposed Freedom of Information Act Exemption which may apply to the information in the document.

  - The FOIA generally provides to the public an enforceable right of access to federal records held by agencies of the executive branch of the Federal Government, except when such records or portions thereof are protected from disclosure by one of nine exemptions.

- Properly mark the document in the footer (e.g., DRAFT, attorney work product or attorney-client privilege)

Marking documents inform readers about the status of the document, its purpose, content and restrictions on further dissemination. Marking documents:

  - draws attention to the possible FOIA exemptions if the information is the subject of a FOIA request
  - highlights the need to protect the information
  - Requires the record be sent to an attorney for a release determination in response to a FOIA request.

DOD CLASSIFICATION CATEGORIES FOR DOCUMENTS AND INFORMATION

(1) Classified (exempt from release)

Classified information refers to information the unauthorized disclosure of which could reasonably be expected to result in damage to national security. It is the most carefully protected type of information, and in general, classified information will be exempted from release under FOIA Exemption 1.

(2) Controlled Unclassified information (exempt from release)
Controlled unclassified information is protected from release. There are many examples of controlled unclassified information, FOUO is defined as “information that has not been given a security classification pursuant to the criteria of an Executive Order, but which may be withheld from the public because disclosure would cause a foreseeable harm to an interest protected by one or more FOIA exemptions 2 through 9.”

FOUO information can be disseminated “within DoD Components and between officials of DoD components and DoD contractors, consultants, and grantees to conduct official business for the DoD.”

For the release of information outside of DoD, the published policy is:

- to make records publicly available, unless the record qualifies for exemption under one or more of the nine exemptions

- DoD components shall make discretionary releases whenever possible; however, a discretionary release is normally not appropriate for records clearly exempt under exemptions 1, 3, 4, 6, 7(C) and 7(F) . . . .

- Exemptions 2, 5, and 7(A)(B)(D) and (E) . . . are discretionary in nature, and DoD Components are encouraged to exercise discretionary releases whenever possible.

- Exemptions 4, 6 and 7(C) cannot be claimed when the requester is the submitter of the information

(3) everything else (not exempt from release)

Where there is statutory protection, Exemption 3 applies

If release of the information would permit the circumvention of a statute, regulation, an agency rule, or other legal requirement, consider application of Exemption 2 (“high 2”)

If the information is particular to an individual, Exemption 6 is likely applicable, in addition to the Privacy Act.

**Marking for Draft Documents** (In addition to “FOR OFFICIAL USE ONLY” and “DRAFT” in header):

- This document is a draft and exempt from release under the Freedom of Information Act (FOIA), P.L. 93-502 (5 U.S.C. § 552), by Exemption 5, 5 U.S.C. § 552(b)(5). Do not release without prior specific approval of the originator or higher authority
  - For draft documents, Exemption 5 applies
Marking for “Pre-decisional” Documents

This document is pre-decisional and is, or portions are, exempt from release under the Freedom of Information Act (FOIA), P.L. 93-502 (5 U.S.C. § 552), by Exemption 5, 5 U.S.C. § 552(b)(5). Do not release without prior specific approval of the originator or higher authority.

Marking for Legal Documents

FOR OFFICIAL USE ONLY

This document contains confidential attorney work-product and/or information protected under the attorney-client privilege, both of which are protected from disclosure under the Freedom of Information Act, P.L. 93-502 (5 U.S.C. § 552). Do not release without prior specific approval of the originator or higher authority.

Marking for Legal E-Mails

FOR OFFICIAL USE ONLY

This electronic transmission may contain work-product or information protected under the attorney-client privilege, both of which are protected from disclosure under the Freedom of Information Act, 5 U.S.C. § 552. Do not release outside of Department of Defense channels without the consent of the originator’s office. If you received this message in error, please notify the sender by reply e-mail and delete all copies of this message.

Marking for Deliberate Process-Related Information Sent via E-Mail

FOR OFFICIAL USE ONLY

This electronic transmission contains internal matters that are deliberative in nature and/or are part of the agency decision-making process, both of which are protected from disclosure under the Freedom of Information Act, 5 U.S.C. § 552. Do not release outside of Department of Defense channels without advance approval from the sender. If you received this message in error, please notify the sender by reply e-mail and delete all copies of this message.

This document contains confidential attorney work-product and/or information protected under the attorney-client privilege, both of which are protected from disclosure under the Freedom of Information Act, P.L. 93-502 (5 U.S.C. § 552). Do not release without prior specific approval of the originator or higher authority.
SUGGESTED TRANSMITTAL LETTER LANGUAGE

This document is being provided to your organization for official use only and remains the property of the United States NAVY/USMC. Providing this document to you does not constitute a release under the Freedom of Information Act (5 U.S.C. § 552), and due to the sensitivity of the information, this document must be appropriately safeguarded. For example, you may not make the information publicly available, and you must limit disclosure to those who need the information to carry out their duties. Because this document is being provided for limited purposes, it must be returned to the appropriate Air Force organization or destroyed when it is no longer needed. Should you receive a request for this document or information contained in this document (whether under the Freedom of Information Act, a state version of that act, or any other type of request), you must: 1) refer the request to us at (___organization contact information), and 2) notify the requestor of the referral.

FOUO MARKINGS

“Portion marking” of unclassified documents containing FOUO information is required by DoD Regulation 5400.7-R.

Mark unclassified documents and material containing FOUO information as follows:

- Documents will be stamped/marked FOR OFFICIAL USE ONLY at the bottom of the front cover (if there is one), the title page (if there is one), the first page and the outside of the back cover (if there is one)
- Pages of the document that contain FOUO information shall be stamped/marked FOR OFFICIAL USE ONLY at the bottom
- Each paragraph containing FOUO information shall be stamped/marked with the abbreviation FOUO in parentheses at the beginning of the FOUO portion.
- Material other than paper documents (for example, slides, computer media, films, etc.) shall bear stamps or markings which alert the holder or viewer that the material contains FOUO information
- Stamp folders or other containers which hold FOUO documents FOR OFFICIAL USE ONLY
- FOUO documents and material transmitted outside the Department of Defense must bear an expanded marking on the face of the document so that non-DoD holders understand the status of the information. A statement similar to this one should be used:
  - This document contains information that is EXEMPT FROM MANDATORY DISCLOSURE under the Freedom of Information Act, 5 U.S.C. § 552.
  - Exemption(s)_______ apply/applies.
Releasing Paper Documents
If there is a request for the paper version of a document which contains sensitive information and it is approved for release, take the following steps to ensure that sensitive information is protected:

- Identify pages with sensitive information. See FOUO MARKINGS
- Replace pages with sensitive information with the appropriate slip sheet.
- The slip sheet should note that the document page, section, etc., has sensitive information, cite the appropriate FOIA Exemption(s) and provide directions for viewing
  - See Appendix X for examples of Fully and Partially Sensitive Slip sheets

Some Commands handle partially sensitive paper records by following additional marking procedures. Consult the Environmental Records Manager for further information.

- Historic Records, Pages or Information Previously Marked Sensitive

  - Some records or parts of records may have been marked sensitive prior to receipt by NAVFAC
  - Check with the Command, agency or contractor which issued the document to determine if the record or record pages or sections should retain the partially sensitive designation
  - If no longer sensitive, place a slip-sheet with the record indicating that the record or pages within the record are no longer sensitive.
  - If the record or record pages or sections remains sensitive, follow the guidance described above.
  - See Appendix X for examples of Fully and Partially Sensitive Slip sheets

  - Command policies vary. Please consult the Environmental Records Manager or designated representative for individual Command policy.