



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SAFETY CENTER

HQ AFSEC/CV
9700 G. Avenue, S.E.
Kirtland AFB NM 87117-5670

Mr. Joseph Trevithick

RE: FOIA Request – Case #2020-02754-F

Dear Mr. Trevithick,

We received your Freedom of Information Act (FOIA) Request dated May 12, 2020 on the same date. The FOIA Request is relevant to the following:

FOIA Request: I am looking to obtain copies of any flight incident, hazard, or similar reports that the Air Force Safety Center received during the calendar years 2013 to 2019 that deal with encounters that any Air Force aircraft had anywhere in the world with any unidentified aerial objects. Relevant search teams could include, but would not be limited to "unidentified," "UFO," "UAP," "UAD," "balloon," "drone," "unmanned," and/or "quadcopter."

Enclosed you'll find the releasable responsive records for the requested incident above.

FOIA provides that specific types of documents or portions of them are exempt from disclosure. Accordingly, certain portions have been redacted. They are not releasable for the following reasons:

a. Individuals and their families have a privacy interest in personal information in government records. When that privacy interest outweighs the public interest in that particular information, it is not subject to disclosure, in accordance with the United States Code, Title 5, Section 552(b)(6), and Department of Defense Manual 5400.07_Air Force Manual 33-302, Paragraphs 5.2f. When individual privacy is involved, a FOIA analysis requires an agency to balance the public interest against the individual's privacy interests. *NARA v. Favis*, 541 U.S. 157 (2004). In this case, the individual privacy interests are not outweighed by the public interest, and therefore names (except for certain senior officials), personal identifiers and personal information are not subject to release under FOIA in accordance with exemption (b)(6).

b. Safety investigation boards' Findings, Evaluations, Analyses, Conclusions, and Recommendations are exempt from disclosure under the United States Code, Title 5, Section 552(b)(5), and Department of Defense Manual 5400.07_Air Force Manual 33-302, Paragraph 5.2e. Selected information in Air Force safety reports has long been protected from release to the public due to an evidentiary privilege based on federal case law. See DoDI 6055.07. *Accident Investigation, Reporting, and Record Keeping*, as well as *Machin v. Zuckert*, 316 F.2d 336 (D.C. Cir.), cert. denied 375 U.S. 896 (1963); *United States v. Weber Aircraft Corp.*, 465 U.S. 792

(1984); and *Badhwar v. U.S. Department of the Air Force*, 829 F.2d 182 (D.C. Cir., 1987). In these cases, the courts granted the safety privilege specifically to the Department of Defense in the interest of national defense/security. That protection also applies to information provided under a promise of confidentiality (safety investigators of certain types of mishaps are permitted to extend witnesses promises of confidentiality). All other privileged portions of the report have been withheld according to established laws. Unfortunately, some pages are virtually illegible due to the quality of the microfilm record and our capability to reproduce it.

Should you decide to appeal the elements that have been redacted, you must write to the Secretary of the Air Force within 90 calendar days from the date of this letter and reference FOIA 2020-02754-F. Include in the appeal your reasons for reconsideration and attach a copy of this letter. Address your letter as follows:

Secretary of the Air Force
THRU: AFSEC/JAR
9700 G. Avenue, S.E.
Kirtland AFB NM 87117-5670

You may also contact the Air Force FOIA Public Liaison Officer, Ms. Anh Trinh, at the AF FOIA Public Liaison Office (SAF/CN), 1800 Air Force Pentagon, Washington, DC 20330-1800, usaf.pentagon.saf-cn.mbx.af-foia@mail.mil or 703-614-8500. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

CULVER.WILLIA  Digitally signed by
CULVER.WILLIAM.C.1150803787
M.C.1150803787 Date: 2020.06.12 13:58:55 -06'00'

WILLIAM C. CULVER, Col, USAF
Vice Commander, Air Force Safety Center