



## DoD INSTRUCTION 7050.03

### DoD OFFICE OF INSPECTOR GENERAL ACCESS TO RECORDS AND INFORMATION

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**Originating Component:** Office of Inspector General of the Department of Defense

**Effective:** November 13, 2024

**Releasability:** Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

**Reissues and Cancels:** DoD Instruction 7050.03, "Office of the Inspector General of the Department of Defense Access to Records and Information," March 22, 2013, as amended

**Approved by:** Robert P. Storch, Inspector General of the Department of Defense

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**Purpose:** In accordance with the authority in DoD Directive (DoDD) 5106.01 and pursuant to Chapter 4 of Title 5, United States Code, also known and referred to in this issuance as the "Inspector General Act of 1978, as amended (IG Act)," this issuance establishes policy and assigns responsibilities for providing Office of Inspector General of the Department of Defense (OIG DoD) personnel timely access to DoD records and information required while performing official OIG DoD duties.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

This issuance applies to:

- a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, OIG DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).
- b. Appropriated and nonappropriated fund activities.

### 1.2. POLICY.

a. In accordance with Sections 406 and 408 of the IG Act and DoDD 5106.01, and to conduct their statutory duties, the:

(1) OIG DoD personnel must have timely access to all records and information (electronic or other) relating to DoD programs and operations with respect to which the OIG DoD has responsibilities under the IG Act, regardless of classification, medium (e.g., paper, electronic), or format (e.g., printed, digitized images, data) when the information, including privileged information, is available to any DoD Component. Privileged information that is not available to the DoD, including the DoD Components, is excluded. Examples of privileged information that are excluded as not available to the DoD and DoD Components include privileged communications between individuals and their attorney (for example, privately retained counsel or assigned military defense counsel) or clergy, and deliberations of courts and juries as specified in Military Rules of Evidence 509 of the Manual for Courts-Martial, United States.

(2) OIG DoD personnel must be able to obtain copies of all records and information as required for official OIG DoD use once their appropriate security clearances and access are validated.

b. No official, employee, contractor, or Service member of any DoD Component may deny OIG DoD personnel access to records and information except as specified in Section 406(a)(1)(B) and (C) and Section 408 of the IG Act.

c. Only the Secretary of Defense can deny access to certain types of records or information based on criteria specified in Section 408(b) of the IG Act.

d. The release of privileged information to OIG DoD personnel, pursuant to their request for access under the IG Act and this issuance, does not waive any privileges that may attach to the information. Personnel who have questions about their obligation to provide information to OIG DoD personnel may contact their Component’s legal advisors or the Office of General Counsel of the Department of Defense.

## SECTION 2: RESPONSIBILITIES

### 2.1. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE (IG DOD).

The IG DoD:

- a. Ensures OIG DoD personnel possess proper security clearance and access when requesting classified records or information in accordance with Executive Order 13526.
- b. Establishes procedures to confirm to the DoD Components that the OIG DoD personnel who request access to classified records or information possess the required security clearances and access.
- c. Ensures that OIG DoD personnel protect from unauthorized disclosure all records or information obtained pursuant to the IG Act and this issuance, including records and information protected by privileges or controls against disclosure provided by law, rule, regulation, or policy.
- d. Ensures that OIG DoD personnel submit a completed program access request using the Department of Defense Form 2835, "Program Access Request," located at [https://www.esd.whs.mil/Directives/forms/dd2500\\_2999/](https://www.esd.whs.mil/Directives/forms/dd2500_2999/), to the DoD Special Access Program Central Office when they request access to DoD Special Access Program records or information.
- e. Establishes procedures to:
  - (1) Provide proper safeguarding and control of records and information obtained by OIG DoD personnel in compliance with applicable issuances, including:
    - (a) DoD 5400.11-R.
    - (b) DoDD 6495.01.
    - (c) DoD Instructions 5015.02, 5200.48, 5400.11, and 6055.07.
    - (d) DoD Manual 5200.01.
    - (e) Executive Order 13526.
  - (2) Ensure the correct implementation of the applicable issuances to:
    - (a) Prevent unauthorized access to classified information.
    - (b) Appropriately apply access and distribution controls and other protective measures on all information that requires them.
  - (3) Ensure that OIG DoD personnel coordinate with DoD Component personnel responsible for providing privileged information or records to:

(a) Identify and mark appropriately all privileged information provided to the OIG DoD.

(b) Safeguard and protect from unauthorized or inadvertent disclosure all privileged information.

f. Ensures OIG DoD personnel coordinate access and management of DoD Component records in accordance with the National Archives and Records Administration-approved records disposition schedules that are available from the DoD Component records management officers and in accordance with DoD Instruction 5015.02 and Chapters 29, 31, and 33 of Title 44, United States Code. This coordination must also include, but not be limited to, suspension actions such as record holds, freezes, moratoriums, or preservation orders related to the records approved for disposition to facilitate continued access to records.

g. Ensures DoD Component objections to the release of records or information that require Secretary of Defense action are submitted in writing to the Secretary of Defense no later than 15 workdays from the date the OIG DoD receives an objection.

h. Ensures all original records and information obtained by OIG DoD personnel are properly disposed of or returned, in accordance with records management, classification, and privacy requirements, to the DoD Component from which they were received once they are no longer needed.

## **2.2. DOD COMPONENT HEADS.**

The DoD Component heads establish internal procedures to ensure that:

a. Except in cases covered by Paragraph 2.2.c. of this issuance, requests for access to records or information under OIG DoD audit, evaluation, investigation, follow-up, or other activities in carrying out the provisions of the IG Act are granted in a timely manner when submitted by OIG DoD personnel who are eligible to receive such records or information in accordance with applicable security policy. Granting OIG DoD access includes providing originals or copies of the requested records.

b. Privileged information available to the DoD Component is clearly marked as containing privileged information before the information is released to OIG DoD personnel to prevent unauthorized or inadvertent disclosure.

c. In accordance with Sections 406(a)(1)(B) and (C) and 408(b) of the IG Act, objections that require Secretary of Defense action regarding the release of records or information described in Paragraph 2.2.a. of this issuance are submitted in writing to the IG DoD by the DoD Component head no later than 15 workdays after a OIG DoD records or information request is received.

## GLOSSARY

### G.1. ACRONYMS.

ACRONYM	MEANING
DoDD	DoD directive
IG Act	Inspector General Act of 1978, as amended
IG DoD	Inspector General of the Department of Defense
OIG DoD	Office of Inspector General of the Department of Defense

### G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
<b>nonappropriated fund</b>	Funds generated by DoD personnel and their dependents that are used to augment funds appropriated by Congress to provide comprehensive, morale-building welfare, religious, educational, and recreational programs.
<b>privileged information</b>	<p>Includes any information, in written, oral, electronic, or other tangible or intangible forms, that is protected against disclosure as provided by law, rule, regulation, or policy, such as:</p> <p>Attorney working papers, memorandums, or similar materials prepared for the purpose of providing legal guidance or advice or in anticipation of litigation that are otherwise protected from disclosure by the attorney-client privilege or work product doctrine.</p> <p>Information falling within the safety privilege as defined by DoDI 6055.07.</p> <p>Information potentially subject to executive privilege (e.g., deliberative/predecisional information, presidential communications, state secrets or national security/foreign affairs information, law enforcement sensitive information).</p> <p>Examples of privileged information not available to the DoD or a DoD Component (and thus exempt from disclosure to the OIG DoD) include privileged communications between an individual and their</p>

**TERM**

**DEFINITION**

attorney or clergy, and deliberations of courts and juries as specified in Military Rules of Evidence 509 of the Manual for Courts-Martial, United States.

## **REFERENCES**

- DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- DoD Directive 5106.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, as amended
- DoD Directive 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012, as amended
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5200.48, “Controlled Unclassified Information (CUI),” March 6, 2020
- DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019, as amended
- DoD Instruction 6055.07, “Mishap Notification, Investigation, Reporting, and Record Keeping,” June 6, 2011, as amended
- DoD Manual 5200.01, “DoD Information Security Program,” dates vary by volume
- Executive Order 13526, “Classified National Security Information,” December 29, 2009
- Manual for Courts-Martial, United States, current edition
- United States Code, Title 5, Chapter 4, as amended (also known as the “Inspector General Act of 1978 (IG Act)”)
- United States Code, Title 44