

Dated: September 17, 2003.

Wayne A. Abernathy,

Assistant Secretary of the Treasury.

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806b

[Air Force Instruction 33-332]

Privacy Act; Implementation

AGENCY: Department of the Air Force, DoD.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force proposes to revise the Privacy Act Program Instruction. The revision moves responsibility for the Air Force Privacy Program from AFCIC to AF-CIO; prescribes AFVA 33-276, Privacy Act Label as optional; adds the E-Gov Act of 2002 requirement for a Privacy Impact Assessment for all information systems that are new or have major changes; changes appeal processing from AFCIC to Air Force Legal Services Agency (AFLSA/JACL); adds Privacy Act warning language to use on information systems subject to the Privacy Act, includes guidance on sending personal information via e-mail; adds procedures on complaints; and provides guidance on recall rosters; social rosters; consent statements, systems of records operated by a contractor, and placing information on shared drives.

DATES: Submit comments on or before October 27, 2003.

ADDRESSES: Address all comments concerning this proposed rule to Mrs. Anne Rollins, Office of the Air Force Chief Information Officer, AF-CIO/P, 1155 Air Force Pentagon, Washington, DC 20330-1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins, 703-601-4043.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 806b

Privacy.

For the reasons set forth in the preamble, the Department of the Air Force is revising 32 CFR part 806b as follows:

PART 806b—PRIVACY ACT PROGRAM

Subpart A—Overview of the Privacy Act Program

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806b.1. Summary of Revisions.

806b.2. Basic Guidelines.
806b.3. Violation Penalties.
806b.4. Privacy Act Complaints.
806b.5. Personal Notes.
806b.6. Systems of Records Operated by a Contractor.
806b.7. Responsibilities.

Subpart B—Obtaining Law Enforcement Records and Confidentiality Promises

806b.8. Obtaining Law Enforcement Records.
806b.9. Confidentiality Promises.

Subpart C—Collecting Personal Information

806b.10. How to Collect Personal Information.
806b.11. When to Give Privacy Act Statements (PAS).
806b.12. Requesting the Social Security Number (SSN).

Subpart D—Giving Access to Privacy Act Records

806b.13. Making a Request for Access.
806b.14. Processing a Request for Access.
806b.15. Fees.
806b.16. Denying or Limiting Access.
806b.17. Special Provision for Certain Medical Records.
806b.18. Third Party Information in a Privacy Act System of Records.
806b.19. Information Compiled in Anticipation of Civil Action.
806b.20. Denial Authorities.

Subpart E—Amending the Record

806b.21. Amendment Reasons.
806b.22. Responding to Amendment Requests.
806b.23. Approving or Denying a Record Amendment.
806b.24. Seeking Review of Unfavorable Agency Determinations.
806b.25. Contents of PA Case Files.

Subpart F—Appeals

806b.26. Appeal Procedures.

Subpart G—Privacy Act Notifications

806b.27. When to Include a Privacy Act Warning Statement in Publications.
806b.28. Warning Banners.
806b.29. Sending Personal Information Over Electronic Mail.

Subpart H—Privacy Impact Assessments

806b.30. Evaluating Information Systems for Privacy Act Compliance.

Subpart I—Preparing and Publishing System Notices for the Federal Register

806b.31. Publishing System Notices.
806b.32. Submitting Notices for Publication in the Federal Register.
806b.33. Reviewing Notices.

Subpart J—Protecting and Disposing of Records

806b.34. Protecting Records.
806b.35. Balancing Protection.
806b.36. Disposing of Records.

Subpart K—Privacy Act Exemptions

806b.37. Exemption Types.
806b.38. Authorizing Exemptions.
806b.39. Requesting an Exemption.

806b.40. Approved Exemptions.

Subpart L—Disclosing Records to Third Parties

806b.41. Disclosure Considerations.
806b.42. Social Rosters.
806b.43. Placing Personal Information on Shared Drives.
806b.44. Personal Information that Requires Protection.
806b.45. Releasable Information.
806b.46. Disclosing Other Information.
806b.47. Rules for Releasing Privacy Act Information Without the Consent of the Subject.
806b.48. Disclosing the Medical Records of Minors.
806b.49. Disclosure Accountings.
806b.50. Computer Matching.
806b.51. Privacy and the Web.

Subpart M—Training

806b.52. Who Needs Training.
806b.53. Training Tools.
806b.54. Information Collections, Records, and Forms or Information Management Tools (IMT).
Appendix A to Part 806b—References
Appendix B to Part 806b—Abbreviations and Acronyms
Appendix C to Part 806b—Terms
Appendix D to Part 806b—Preparing a System Notice
Appendix E to Part 806b—General and Specific Exemptions
Appendix F to Part 806b—Privacy Impact Assessment

Authority: 5 U.S.C. 552a.

Subpart A—Overview of the Privacy Act Program

§ 806b.1 Summary of Revisions.

This part moves responsibility for the Air Force Privacy Program from AFCIC to AF-CIO; prescribes AFVA 33-276, Privacy Act Label as optional; adds the E-Gov Act of 2002 requirement for a Privacy Impact Assessment for all information systems that are new or have major changes; changes appeal processing from AFCIC to Air Force Legal Services Agency (AFLSA/JACL); adds Privacy Act warning language to use on information systems subject to the Privacy Act, includes guidance on sending personal information via e-mail; adds procedures on complaints; and provides guidance on recall rosters; social rosters; consent statements, systems of records operated by a contractor, and placing information on shared drives.

§ 806b.2 Basic Guidelines.

This part implements the Privacy Act of 1974 and applies to records on living U.S. citizens and permanent resident aliens that are retrieved by name or personal identifier. This part also provides guidance on collecting and disseminating personal information in general.