

record will be provided to the requester within 20 working days, unless final action regarding approval or denial will constitute acknowledgement.

\* \* \* \* \*

3. Section 312.12, paragraph (b) is revised and paragraph (i) is added to read as follows:

#### **§ 312.12 Exemptions.**

\* \* \* \* \*

(b) The Inspector General of the Department of Defense claims an exemption for the following record systems under the provisions of 5 U.S.C. 552a(j) and (k)(1)–(k)(7) from certain indicated subsections of the Privacy Act of 1974. The exemptions may be invoked and exercised on a case-by-case basis by the Deputy Inspector General for Investigations or the Director, Communications and Congressional Liaison Office, and the Chief, Freedom of Information/Privacy Act Office which serve as the Systems Program Managers. Exemptions will be exercised only when necessary for a specific, significant and legitimate reason connected with the purpose of the records system.

\* \* \* \* \*

(i) *System Identifier*: CIG–21.

(1) *System name*: Congressional Correspondence Tracking System.

(2) *Exemption*: During the processing of a Congressional inquiry, exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those “other” systems of records are entered into this system, the Inspector General, DoD, claims the same exemptions for the records from those “other” systems that are entered into this system, as claimed for the original primary system of which they are a part.

(3) *Authority*: 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), and (k)(7).

(4) *Reasons*: Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided the President and others are not compromised, to protect the identity of confidential sources incident to Federal

employment, military service, contract, and security clearance determinations, to preserve the confidentiality and integrity of Federal testing materials, and to safeguard evaluation materials used for military promotions when furnished by a confidential source. The exemption rule for the original records will identify the specific reasons why the records are exempt from specific provisions of 5 U.S.C. 552a.

Dated: November 20, 2003.

**Patricia L. Toppings,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

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**BILLING CODE 5001–06–P**

## **DEPARTMENT OF DEFENSE**

### **Department of the Air Force**

#### **32 CFR Part 806b**

**[Air Force Instruction 37–132]**

#### **Privacy Act; Implementation**

**AGENCY**: Department of the Air Force, DoD.

**ACTION**: Proposed rule.

**SUMMARY**: The Department of the Air Force is proposing to add an exemption rule for the system of records F071 JTF A, entitled “Computer Network Crime Case System”. The (j)(2) and (k)(2) exemptions increase the value of the system of records for law enforcement purposes.

**DATES**: Comments must be received on or before February 9, 2004, to be considered by this agency.

**ADDRESSES**: Send comments to the Air Force Privacy Act Officer, AF–CIO/P, 1155 Air Force Pentagon, Washington, DC 20330–1155.

**FOR FURTHER INFORMATION CONTACT**: Mrs. Anne Rollins at (703) 601–4043 or DSN 329–4043.

#### **SUPPLEMENTARY INFORMATION:**

#### **Executive Order 12866, “Regulatory Planning and Review”**

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the

budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order.

#### **Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. Chapter 6)**

It has been certified that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

#### **Public Law 96–511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)**

It has been certified that Privacy Act rules for the Department of Defense impose no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

#### **Section 202, Public Law 104–4, “Unfunded Mandates Reform Act”**

It has been certified that the Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

#### **Executive Order 13132, “Federalism”**

It has been certified that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

#### **List of Subjects in 32 CFR Part 806b**

Privacy.

Accordingly, 32 CFR part 806b is proposed to be amended to read as follows:

#### **PART 806b—AIR FORCE PRIVACY ACT PROGRAM**

1. The authority citation for 32 CFR part 806b continues to read as follows:

**Authority**: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).