

Subpart A—General Provisions**§ 310.1 Reissuance and purpose.**

(a) This part is reissued to consolidate into a single document (32 CFR part 310) Department of Defense (DoD) policies and procedures for implementing the Privacy Act of 1974, as amended (5 U.S.C. 522a,) by authorizing the development, publication and maintenance of the DoD Privacy Program set forth by DoD Directive 5400.11, June 9, 1982, and 5400.11–R, August 31, 1983, both entitled: “Department of the Defense Privacy Program.”

(b) Its purpose is to delegate authorities and assign responsibilities for the administration of the DoD Privacy Program and to prescribe uniform procedures for DoD Components consistent with DoD 5025.1–M, “Directives Systems Procedures,” April 1981.

[51 FR 2364, Jan. 16, 1986. Redesignated at 56 FR 55631, Oct. 29, 1991, as amended at 56 FR 57800, Nov. 14, 1991]

§ 310.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as “DoD Components”). This part is mandatory for use by all DoD Components. Heads of DoD Components may issue supplementary instructions only when necessary to provide for unique requirements within their Components. Such instructions will not conflict with the provisions of this part.

(b) The DoD Privacy Program is applicable, but not limited, to the following DoD Components:

- (1) Office of the Secretary of Defense and its field activities;
- (2) Department of the Army;
- (3) Department of the Navy;
- (4) Department of the Air Force;
- (5) U.S. Marine Corps;
- (6) Organization of the Joint Chiefs of Staff;
- (7) Unified and Specified Commands;
- (8) Office of the Inspector General, DoD;
- (9) Defense Advanced Research Projects Agency;

(10) Defense Communications Agency;

- (11) Defense Contract Audit Agency;
- (12) Defense Intelligence Agency;
- (13) Defense Investigative Service;
- (14) Defense Logistics Agency;
- (15) Defense Mapping Agency;
- (16) Defense Nuclear Agency;
- (17) Defense Security Assistance Agency;

(18) National Security Agency/Central Security Service;

(19) Uniformed Services University of the Health Sciences.

(c) The provisions of this part shall be made applicable by contract or other legally binding action to U.S. Government contractors whenever a DoD contract is let for the operation of a system of records. For purposes of liability under the Privacy Act of 1974 (5 U.S.C. 552a) the employees of the contractor are considered employees of the contracting DoD Component. See also § 310.12.

(d) This part does not apply to:

(1) Requests for information from records maintained by the National Security Agency pursuant to Pub. L. 86–36, “National Security Information Exemption,” May 29, 1959, and Pub. L. 88–290, “Personnel Security Procedures in the National Security Agency,” March 26, 1964. All other systems of records maintained by the Agency are subject to the provisions of this part.

(2) Requests for information from systems of records controlled by the Office of Personnel Management (OPM), although maintained by a DoD Component. These are processed under the applicable parts of the OPM’s Federal Personnel Manual (5 CFR part 297).

(3) Requests for personal information from the General Accounting Office (GAO). These are processed in accordance with DoD Directive 7650.1, “General Accounting Office Access to Records,” August 26, 1982.

(4) Requests for personal information from Congress. These are processed in accordance with DoD Directive 5400.4, “Provisions of Information to Congress,” January 30, 1978, except for those specific provisions in subpart E—Disclosure of Personal Information to Other Agencies and Third Parties.

(5) Requests for information made under the Freedom of Information Act