

(ii) The specific impact on the purpose or mission of not collecting each category of information contained in the system;

(iii) The possibility of meeting the information requirements through use of information not individually identifiable or through other techniques, such as sampling;

(iv) The length of time each item of personal information must be retained;

(v) The cost of maintaining the information; and

(vi) The necessity and relevancy of the information to the purpose for which it was collected.

(g) *Discontinued information requirements.* (1) Stop collecting immediately any category or item of personal information from which retention is no longer justified. Also excise this information from existing records, when feasible.

(2) Do not destroy any records that must be retained in accordance with disposal authorizations established under 44 U.S.C. 303a, "Examination by the Administrator of General Services of Lists and Schedules of Records Lacking Preservation Value, Disposal of Records."

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

#### § 310.11 Standards of accuracy.

(a) *Accuracy of information maintained.* Maintain all personal information that is used or may be used to make any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in making any such determination.

(b) *Accuracy determination before dissemination.* Before disseminating any personal information from a system of records to any person outside the Department of Defense, other than a federal agency, make reasonable efforts to ensure that the information to be disclosed is accurate, relevant, timely, and complete for the purpose it is being maintained (see also § 310.30(d), subpart D and § 310.40(d), subpart E).

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

#### § 310.12 Government contractors.

(a) *Applicability to government contractors.* (1) When a DoD Component contracts for the operation or maintenance of a system of records or a portion of a system of records by a contractor, the record system or the portion of the record system affected are considered to be maintained by the DoD Component and are subject to this part. The Component is responsible for applying the requirements of this part to the contractor. The contractor and its employees are to be considered employees of the DoD Component for purposes of the sanction provisions of the Privacy Act during the performance of the contract. Consistent with the Defense Acquisition Regulation (DAR), § 1.327, "Protection of Individual Privacy" contracts requiring the maintenance of a system of records or the portion of a system of records shall identify specifically the record system and the work to be performed and shall include in the solicitation and resulting contract such terms as are prescribed by the DAR.

(2) If the contractor must use or have access to individually identifiable information subject to this part to perform any part of a contract, and the information would have been collected and maintained by the DoD Component but for the award of the contract, these contractor activities are subject to this Regulation.

(3) The restriction in paragraphs (a) (1) and (2) of § 310.12 do not apply to records:

(i) Established and maintained to assist in making internal contractor management decisions, such as records maintained by the contractor for use in managing the contract;

(ii) Maintained as internal contractor employee records even when used in conjunction with providing goods and services to the Department of Defense; or

(iii) Maintained as training records by an educational organization contracted by a DoD Component to provide training when the records of the contract students are similar to and comingled with training records of other students (for example, admission forms, transcripts, academic counseling and similar records);

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(iv) Maintained by a consumer reporting agency to which records have been disclosed under contract in accordance with the Federal Claims Collection Act of 1966, 31 U.S.C. 952(d).

(4) DoD Components must publish instruction that:

(i) Furnish DoD Privacy Program guidance to their personnel who solicit, award, or administer government contracts;

(ii) Inform prospective contractors of their responsibilities regarding the DoD Privacy Program; and

(iii) Establish an internal system of contractor performance review to ensure compliance with the DoD Privacy Program.

(b) *Contracting procedures.* The Defense Systems Acquisition Regulatory Council (DSARC) is responsible for developing the specific policies and procedures to be followed when soliciting bids, awarding contracts or administering contracts that are subject to this part.

(c) *Contractor compliance.* Through the various contract surveillance programs, ensure contractors comply with the procedures established in accordance with paragraph (b) above of this subpart.

(d) *Disclosure of records to contractors.* Disclosure of personal records to a contractor for the use in the performance of any DoD contract by a DoD Component is considered a disclosure within the Department of Defense (see § 310.40(b), subpart E). The contractor is considered the agent of the contracting DoD Component and to be maintaining and receiving the records for that Component.

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

#### § 310.13 Safeguarding personal information.

(a) *General responsibilities.* Establish appropriate administrative, technical and physical safeguards to ensure that the records in every system of records are protected from unauthorized alteration or disclosure and that their confidentiality is protected. Protect the records against reasonably anticipated threats or hazards that could result in substantial harm, embarrassment, in-

convenience, or unfairness to any individual about whom information is kept.

(b) *Minimum standards.* (1) Tailor system safeguards to conform to the type of records in the system, the sensitivity of the personal information stored, the storage medium used and, to a degree, the number of records maintained.

(2) Treat all unclassified records that contain personal information that normally would be withheld from the public under Exemption Numbers 6 and 7, of § 286.31, subpart D of 32 CFR part 286 (DoD Freedom of Information Act Program) as if they were designated "For Official Use Only" and safeguard them in accordance with the standards established by subpart E of 32 CFR part 286 (DoD FOIA Program) even if they are not actually marked "For Official Use Only."

(3) Afford personal information that does not meet the criteria discussed in paragraph (c)(3) of this section that degree of security which provides protection commensurate with the nature and type of information involved.

(4) Special administrative, physical, and technical procedures are required to protect data that is stored or being processed temporarily in an automated data processing (ADP) system or in a word processing activity to protect it against threats unique to those environments (see Appendices A and B).

(5) Tailor safeguards specifically to the vulnerabilities of the system.

(c) *Records disposal.* (1) Dispose of records containing personal data so as to prevent inadvertent compromise. Disposal methods such as tearing, burning, melting, chemical decomposition, pulping, pulverizing, shredding, or mutilation are considered adequate if the personal data is rendered unrecognizable or beyond reconstruction.

(2) The transfer of large quantities of records containing personal data (for example, computer cards and printouts) in bulk to a disposal activity, such as the Defense Property Disposal Office, is not a release of personal information under this part. The sheer volume of such transfers make it difficult or impossible to identify readily specific individual records.