

§ 310.5

(iv) The routine disclosures of the information that may be made outside the Department of Defense; and

(v) The effect on the individual of not providing all or any part of the requested information.

(4) To ensure that all records used in making determinations about individuals are accurate, relevant, timely, and complete.

(5) To make reasonable efforts to ensure that records containing personal information are accurate, relevant, timely, and complete for the purposes for which the record is being maintained before making them available to any recipients outside the Department of Defense, other than a federal agency, unless the disclosure is made under 32 CFR part 286.

(6) To keep no record that describes how individuals exercise their rights guaranteed by the First Amendment of the U.S. Constitution, unless expressly authorized by statute or by the individual to whom the records pertain, or the record is pertinent to and within the scope of an authorized law enforcement activity.

(7) To make reasonable efforts, when appropriate, to notify individuals whenever records pertaining to them are made available under compulsory legal process, if such process is a matter of public record.

(8) To establish safeguards to ensure the security of personal information and to protect this information from threats or hazards that might result in substantial harm, embarrassment, inconvenience, or unfairness to the individual.

(9) To establish rules of conduct for DoD personnel involved in the design, development, operation, or maintenance of any system of records and to train them in these rules of conduct.

(d) *Required public notice and publication.* DoD Components are required to publish in the FEDERAL REGISTER:

(1) A notice of the existence and character of every system of records maintained.

(2) A notice of the establishment of any new or revised system of records.

(3) At least 30 days before adoption, advance notice for public comment of any new or intended changes to the routine uses of the information in ex-

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isting system of records including the categories of users and the purposes of such use.

(e) *Permit exempting eligible systems of records.* DoD Components may exempt from certain specific provisions of the Privacy Act (5 U.S.C. 552a) eligible systems of records, but only when there is an important public purpose to be served and specific statutory for the exemption exists.

(f) *May require annual and other reports.* DoD Components shall furnish the Privacy Office that information required to complete any reports required by the Office of Management and Budget or other authorities.

§310.5 Organization.

(a) *Defense Privacy Board.* Membership of the board shall consist of the Executive Secretary and representatives designated by the Secretaries of the Military Departments; the Assistant Secretary of Defense (Comptroller) (whose designee shall serve as chairman); the Assistant Secretary of Defense (Force Management and Personnel); the General Counsel, Department of Defense; and the Director, Defense Logistics Agency;

(b) *The Defense Privacy Office.* The office shall consist of a Director, who shall also function as the Executive Secretary of the Defense Privacy Board, and his staff.

(c) *The Defense Privacy Board Legal Committee.* The committee shall be composed of a legal counsel from each of the DoD Components represented on the DoD Privacy Board. The legal counsels shall be appointed by the Executive Secretary in coordination with the Secretaries of the Military Department or the head of the appropriate DoD Components. Other DoD legal counsels may be appointed by the Executive Secretary, after coordination with the appropriate representative of the DoD Component concerned, to serve on the committee.

§310.6 Responsibilities.

(a) *The Assistant Secretary of Defense (Comptroller) (ASD(C)),* or his designee, the *Deputy Assistant Secretary of Defense (Administration) (DASD(A)),* shall:

(1) Direct and administer the DoD Privacy Program.