

(3) The consent described in paragraph (c)(1) of this section regarding patients who are minors must be given by the parent of legal guardian.

(d) *Information that may be released with individual consent.* (1) Any item of personal information may be released, if the patient has given his or her informed consent to its release.

(2) Releasing medical information about patients shall be done with discretion, so as not to embarrass the patient, his or her family, or the Department of Defense, needlessly.

(e) *Disclosures to other government agencies.* This subpart does not limit the disclosures of personal medical information to other government agencies for use in determining eligibility for special assistance or other benefits.

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§ 310.44 Disclosure accounting.

(a) *Disclosure accountings.* (1) Keep an accurate record of all disclosures made from any system of records except disclosures:

(i) To DoD personnel for use in the performance of their official duties; or
(ii) Under 32 CFR part 286, The DoD Freedom of Information Program.

(2) In all other cases a disclosure accounting is required even if the individual has consented to the disclosure of the information pertaining to him or her.

(3) Disclosure accountings:

(i) Permit individuals to determine to whom information has been disclosed;

(ii) Enable the activity to notify past recipients of disputed or corrected information (§ 310.32(i)(1), subpart D); and

(iii) Provide a method of determining compliance with paragraph (c) of § 310.40.

(b) *Contents of disclosure accountings.* As a minimum, disclosure accounting shall contain:

(1) The date of the disclosure.

(2) A description of the information released.

(3) The purpose of the disclosure.

(4) The name and address of the person or agency to whom the disclosure was made.

(c) *Methods of disclosure accounting.* Use any system of disclosure accounting that will provide readily the necessary disclosure information (see paragraph (a)(3) of this section).

(d) *Accounting for mass disclosures.* When numerous similar records are released (such as transmittal of payroll checks to a bank), identify the category of records disclosed and include the data required by paragraph (b) of this section in some form that can be used to construct an accounting disclosure record for individual records if required (see paragraph (a)(3) of this section).

(e) *Disposition of disclosure accounting records.* Retain disclosure accounting records for 5 years after the disclosure or the life of the record, whichever is longer.

(f) *Furnishing disclosure accountings to the individual.* (1) Make available to the individual to whom the record pertains all disclosure accountings except when:

(i) The disclosure has been made to a law enforcement activity under paragraph (i) of § 310.41 and the law enforcement activity has requested that disclosure not be made; or

(ii) The system of records has been exempted from the requirement to furnish the disclosure accounting under the provisions of § 310.50(b), subpart F.

(2) If disclosure accountings are not maintained with the record and the individual requests access to the accounting, prepare a listing of all disclosures (see paragraph (b) of this section) and provide this to the individual upon request.

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Subpart F—Exemptions

§ 310.50 Use and establishment of exemptions.

(a) *Types of exemptions.* (1) There are two types of exemptions permitted by the Privacy Act.

(i) General exemptions that authorize the exemption of a system of records from all but certain specifically identified provisions of the Act.

(ii) Specific exemptions that allow a system of records to be exempted only

§ 310.51

from certain designated provisions of the Act.

(2) Nothing in the Act permits exemption of any system of records from all provisions of the Act (see appendix D).

(b) *Establishing exemptions.* (1) Neither general nor specific exemptions are established automatically for any system of records. The head of the DoD Component maintaining the system of records must make a determination whether the system is one for which an exemption properly may be claimed and then propose and establish an exemption rule for the system. No system of records within the Department of Defense shall be considered exempted until the head of the Component has approved the exemption and an exemption rule has been published as a final rule in the FEDERAL REGISTER (see § 310.60(e), subpart G).

(2) Only the head of the DoD Component or an authorized designee may claim an exemption for a system of records.

(3) A system of records is considered exempt only from those provisions of the Privacy Act (5 U.S.C. 552a) which are identified specifically in the Component exemption rule for the system and which are authorized by the Privacy Act.

(4) To establish an exemption rule, see § 310.61 of subpart G.

(c) *Blanket exemption for classified material.* (1) Include in the Component rules a blanket exemption under 5 U.S.C. 552a(k)(1) of the Privacy Act from the access provisions (5 U.S.C. 552a(d)) and the notification of access procedures (5 U.S.C. 522a(e)(4)(H)) of the Act for all classified material in any system of records maintained.

(2) Do not claim specifically an exemption under section 552a(k)(1) of the Privacy Act for any system of records. The blanket exemption affords protection to all classified material in all systems of records maintained.

(d) *Provisions from which exemptions may be claimed.* (1) The head of a DoD Component may claim an exemption from any provision of the Act from which an exemption is allowed (see appendix D).

(2) Notify the Defense Privacy Office ODASD(A) before claiming an exemp-

32 CFR Ch. I (7-1-99 Edition)

tion for any system of records from the following:

(i) The exemption rule publication requirement (5 U.S.C. 552a(j)) of the Privacy Act.

(ii) The requirement to report new systems of records (5 U.S.C. 552a(o)); or

(iii) The annual report requirement (5 U.S.C. 552a(p)).

(e) *Use of exemptions.* (1) Use exemptions only for the specific purposes set forth in the exemption rules (see paragraph (b) of § 310.61, subpart G).

(2) Use exemptions only when they are in the best interest of the government and limit them to the specific portions of the records requiring protection.

(3) Do not use an exemption to deny an individual access to any record to which he or she would have access under the Freedom of Information Act (5 U.S.C. 552).

(f) *Exempt records in nonexempt systems.* (1) Exempt records temporarily in the hands of another Component are considered the property of the originating Component and access to these records is controlled by the system notices and rules of the originating Component.

(2) Records that are actually incorporated into a system of records may be exempted only to the extent the system of records into which they are incorporated has been granted an exemption, regardless of their original status or the system of records for which they were created.

(3) If a record is accidentally misfiled into a system of records, the system notice and rules for the system in which it should actually be filed will govern.

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§ 310.51 General exemptions.

(a) *Use of the general exemptions.* (1) No DoD Component is authorized to claim the exemption for records maintained by the Central Intelligence Agency established by 5 U.S.C. 552a(j)(1) of the Privacy Act.