

## § 310.61

## 32 CFR Ch. I (7–1–98 Edition)

(2) System notices are not subject to formal rulemaking and are published in the FEDERAL REGISTER as “Notices,” not rules.

(3) Privacy procedural and exemption rules are incorporated automatically into the Code of Federal Regulations (CFR). System notices are not published in the CFR.

(d) *Submission of rules for publication.*

(1) Submit to the Defense Privacy Office, ODASD(A), all proposed rules implementing this part in proper format (see Appendices E, F and G) for publication in the FEDERAL REGISTER.

(2) This part has been published as a final rule in the FEDERAL REGISTER (32 CFR part 310). Therefore, incorporate it into your Component rules by reference rather than by republication.

(3) DoD Component rules that simply implement this part need only be published as final rules in the FEDERAL REGISTER (see DoD 5025.1-M, “Directives System Procedures,” and DoD Directive 5400.9, “Publication of Proposed and Adopted Regulations Affecting the Public,” (32 CFR part 296).

(4) Amendments to Component rules are submitted like the basic rules.

(5) The Defense Privacy Office ODASD(A) submits the rules and amendments thereto to the FEDERAL REGISTER for publication.

(e) *Submission of exemption rules for publication.* (1) No system of records within the Department of Defense shall be considered exempt from any provision of this part until the exemption and the exemption rule for the system has been published as a final rule in the FEDERAL REGISTER (see paragraph (c) of this section).

(2) Submit exemption rules in proper format to the Defense Privacy Office ODASD(A). After review, the Defense Privacy Office will submit the rules to the FEDERAL REGISTER for publication.

(3) Exemption rules require publication both as proposed rules and final rules (see DoD Directive 5400.9, 32 CFR part 296).

(4) Section 310.61 of this subpart discusses the content of an exemption rule.

(5) Submit amendments to exemption rules in the same manner used for establishing these rules.

(f) *Submission of system notices for publication.* (1) While system notices are not subject to formal rulemaking procedures, advance public notice must be given before a Component may begin to collect personal information or use a new system of records. The notice procedures require that:

(i) The system notice describes the contents of the record system and the routine uses for which the information in the system may be released.

(ii) The public be given 30 days to comment on any proposed routine uses before implementation; and

(iii) The notice contain the data on which the system will become effective.

(2) Submit system notices to the Defense Privacy Office in the Federal Register format (see appendix E). The Defense Privacy Office transmits the notices to the FEDERAL REGISTER for publication.

(3) Section 310.62 of this subpart discusses the specific elements required in a system notice.

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

### § 310.61 Exemption rules.

(a) *General procedures.* Paragraph (b)(1) of § 310.50, subpart F, provides the general guidance for establishing exemptions for systems of records.

(b) *Contents of exemption rules.* (1) Each exemption rule submitted for publication must contain the following:

(i) The record system identification and title of the system for which the exemption is claimed (see § 310.62 of this subpart);

(ii) The specific subsection of the Privacy Act under which exemptions for the system are claimed (for example, 5 U.S.C. 552a(j)(2), 5 U.S.C. 552a(k)(3); or 5 U.S.C. 552a(k)(7));

(iii) The specific provisions and subsections of the Privacy Act from which the system is to be exempted (for example, 5 U.S.C. 552a(c)(3), or 5 U.S.C. 552a(d)(1)–(5)) (see appendix D); and

(iv) The specific reasons why an exemption is being claimed from each subsection of the Act identified.

(2) Do not claim an exemption for classified material for individual systems of records, since the blanket exemption applies (see paragraph (c) of § 310.50 of subpart F).

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

**§ 310.62 System notices.**

(a) *Contents of the system notices.* (1) The following data captions are included in each system notice:

- (i) System identification (see paragraph (b) of this section).
- (ii) System name (see paragraph (c) of this section).
- (iii) System location (see paragraph (d) of this section).
- (iv) Categories of individuals covered by the system (see paragraph (e) of this section).
- (v) Categories of records in the system (see paragraph (f) of this section).
- (vi) Authority for maintenance of the system (see paragraph (g) of this section).
- (vii) Purpose(s) (see paragraph (h) of this section).
- (viii) Routine uses of records maintained in the system, including categories of users, uses, and purposes of such uses (see paragraph (i) of this section).
- (ix) Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system (see paragraph (j) of this section).
- (x) Systems manager(s) and address (see paragraph (k) of this section).
- (xi) Notification procedure (see paragraph (l) of this section).
- (xii) Record access procedures (see paragraph (m) of this section).
- (xiii) Contesting records procedures (see paragraph (n) of this section.)
- (xiv) Record source categories (see paragraph (o) of this section).
- (xv) Systems exempted from certain provision of the Act (see paragraph (p) of this section).

(2) The captions listed in paragraph (a)(1) of this section have been mandated by the Office of Federal Register and must be used exactly as presented.

(3) A sample system notice is shown in appendix E.

(b) *System identification.* The system identifier must appear on all system

notices and is limited to 21 positions, including Component code, file number and symbols, punctuation, and spacing.

(c) *System name.* (1) The name of the system should reasonably identify the general purpose of the system and, if possible, the general categories of individuals involved.

(2) Use acronyms only parenthetically following the title or any portion thereof, such as, "Joint Uniform Military Pay System (JUMPS)." Do not use acronyms that are not commonly known unless they are preceded by an explanation.

(3) The system name may not exceed 55 character positions including punctuation and spacing.

(d) *System location.* (1) For systems maintained in a single location provide the exact office name, organizational identity, and address or routing symbol.

(2) For geographically or organizationally decentralized systems, specify each level of organization or element that maintains a segment of the system.

(3) For automated data systems with a central computer facility and input/output terminals at several geographically separated locations, list each location by category.

(4) When multiple locations are identified by type of organization, the system location may indicate that official mailing addresses are contained in an address directory published as an appendix to the Component system notices in the FEDERAL REGISTER. Information concerning format requirements for preparation of an address directory may be obtained from the project officer, Air Force 1st Information Systems Group (AF/IISG/GNR), Washington, DC 20330-6345.

(5) If no address directory is used or the addresses in the directory are incomplete, the address of each location where a segment of the record system is maintained must appear under the "System Location" caption.

(6) Classified addresses are not listed, but the fact that they are classified is indicated.

(7) Use the standard U.S. Postal Service two letter state abbreviation symbols and zip codes for all domestic addresses.