

- (3) Agency Privacy Act Officials.
 - (i) Senior Agency Official.
 - (ii) Privacy Act Officer.
- (4) If your agency was involved in any litigation involving the Privacy Act.
 - (i) Provide a citation to the case and a brief description of the background, issues and results.
 - (ii) If the cases required your agency to change its practices, describe how.
 - (5) Systems of Records Inventory:
 - (i) Total number of systems of records as of December 31, 19XX.
 - (ii) Number of exempt systems.
 - (iii) Number of automated systems (either in whole or part).
 - (iv) Number of systems deleted.
 - (v) Number of systems added.
 - (vi) Number of routine uses added.
 - (vii) Number of routine uses deleted.
 - (viii) Number of existing systems to which an exemption(s) was added, and
 - (ix) Number of new systems to which an exemption(s) was added.
 - (6) If your agency received any public comments on any of its systems of other Privacy Act implementing activities, briefly describe:
 - (7) Access requests (first party requests which cited the Privacy Act):
 - (i) Number of requests.
 - (ii) Number granted in whole or in part.
 - (iii) Number denied in whole.
 - (iv) Number for which no record was found.
 - (8) Amendment requests (first party requests which cited the Privacy Act):
 - (i) Number of requests.
 - (ii) Number granted in whole or part.
 - (iii) Number denied in whole.
 - (9) Appeals of denial:
 - (i) Number of access denials appealed.
 - (ii) Number in which denial was upheld.
 - (iii) Number of amendment denials appealed.
 - (iv) Number in which denial was upheld.
 - (10) Suggestions:

Subpart L—Agency Exemption Rules

§ 317.130 Establishing and using 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 specifically identified provisions of the Privacy Act, and

(ii) Specific exemptions that allow a system of records to be exempted from only a few designated provisions of the Privacy Act.

(2) Neither the Privacy Act nor this part permits exemption of a system of records from all provisions of the Privacy Act.

(b) *Establishing exemptions.* (1) Neither general nor specific exemptions are established automatically for a system of records. Only the Director of DCAA or his/her designee shall make a determination that the system is one for which an exemption may be established and then propose and establish an exemption rule for the system. No system of records within the agency shall be considered exempted until the Assistant Director, Resources, DCAA has approved the exemption and an exemption rule has been published as a final rule in the FEDERAL REGISTER for this part.

(2) Only the Assistant Director, Resources, or his or her designee, may establish an exemption for a system of records.

(3) No exemption may be established for a system of records until the system itself has been established by publishing a notice in the FEDERAL REGISTER describing the system.

(4) A system of records is exempt from only those provisions of the Privacy Act that are identified specifically in the agency exemption rule for the system.

(c) *Provisions to which exemptions may be applied.* After, or along with, establishing the system of records, the Assistant Director, Resources, may establish an exemption rule that shall exempt the system of records from any

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provision of the Privacy Act for which an exemption is allowed.

(d) *Using exemptions.* (1) Exemptions should be used only for the specific purposes stated in the exemption rules and only when in the best interest of the Government. Exemptions should be applied to only the specific portions of the records that require protection.

(2) An exemption should not be used to deny an individual access to information that he or she can obtain under the FOIA.

(e) *Exempt records maintained in non-exempt systems.* (1) An exemption rule applies to the system of records for which it was established. If a record from an exempted system is incorporated intentionally into a system that has not been exempted, the published notice and rules for the non-exempted system will apply to the record and it will not be exempt from any provisions of the Privacy Act.

(2) A record from one DoD component's exempted system that is temporarily in the possession of another DoD component remains subject to the published system notice and rules of the originating DoD component. However, if the non-originating DoD component incorporates the record into its own system of records, the published notice and rules for the system into which it is incorporated shall apply. If that system of records has not been exempted, the record shall not be exempt from any provisions of the Privacy Act.

(3) Care should be exercised that exempt records are not accidentally misfiled into a system of records that are not exempted

§317.131 General exemptions.

(a) *Using general exemptions.* (1) DCAA is not authorized to establish the exemption for records maintained by the Central Intelligence agency under subsection (j)(1) of the Privacy Act.

(2) The general exemption provided by subsection (j)(2) of the Privacy Act may be established to protect criminal law enforcement records maintained by the agency.

(3) To be eligible for the (j)(2) exemption, the system of records must be maintained by an element that per-

forms, as one of its principal functions, the enforcement of criminal laws.

(4) Criminal law enforcement includes police efforts to detect, prevent, control, or reduce crime, or to apprehend criminals, and the activities of prosecution, court, correctional, probation, pardon, or parole authorities.

(5) Information that may be protected under the (j)(2) exemption includes:

(i) Information compiled for the purpose of identifying criminal offenders and alleged criminal offenders consisting of only identifying data and notations of arrests; the nature and disposition of criminal charges; and sentencing, confinement, release, parole, and probation status.

(ii) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; and

(iii) Reports identifiable to an individual, compiled at any stage of the enforcement process, from arrest, apprehension, indictment, or prefferal of charges through final release from the supervision that resulted from the commission of a crime.

(6) The (j)(2) exemption does not apply to:

(i) Investigative records maintained by an element having no criminal law enforcement activity as one of its principal functions, or

(ii) Investigative records compiled by any element concerning individuals' suitability, eligibility, or qualification for duty, employment, or access to classified information, regardless of the principal functions of the DoD component that compiled them.

(7) The (j)(2) exemption established for a system of records maintained by a criminal law enforcement element cannot protect law enforcement records incorporated into a non-exempted system of records or any system of records maintained by an element not principally tasked with enforcing criminal laws. Agency system managers are prohibited to incorporate criminal law enforcement records into systems other than those maintained by criminal law enforcement elements.