

§ 317.1

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Subpart E—Amendment of Records

- 317.40 Individual review and amendment.
- 317.41 Amending records.
- 317.42 Burden of proof.
- 317.43 Verifying identity.
- 317.44 Limits on amending judicial and quasi-judicial evidence and findings.
- 317.45 Standards for amendment request determinations.
- 317.46 Time limits.
- 317.47 Granting an amendment request in whole or in part.
- 317.48 Denying an amendment request in whole or in part.
- 317.49 Appeal procedures.
- 317.50 Requests for amending OPM records.
- 317.51 Individual's statement of disagreement.
- 317.52 Agency's statement of reasons.

Subpart F—Disclosure of Records

- 317.60 Conditions of disclosure.
- 317.61 Non-consensual disclosures.
- 317.62 Disclosures to commercial enterprises.
- 317.63 Disclosing health care records to the public.
- 317.64 Accounting for disclosures.

Subpart G—Publication Requirements

- 317.70 Federal Register publication.
- 317.71 Exemption rules.
- 317.72 System of records notices.
- 317.73 New and altered record systems.
- 317.74 Amendment and deletion of system notices.

Subpart H—Training Requirements

- 317.80 Statutory training requirements.
- 317.81 DCAA training programs.

Subpart I—Computer Matching Program Procedures

- 317.90 General.
- 317.91 Federal personnel or payroll record matches.
- 317.92 Federal benefit matches.
- 317.93 Matching program exclusions.
- 317.94 Conducting matching programs.
- 317.95 Providing due process to matching subjects.
- 317.96 Matching program agreement.
- 317.97 Cost-benefit analysis.
- 317.98 Appeals of denials of matching agreements.
- 317.99 Proposals for matching programs.

Subpart J—Enforcement Actions

- 317.110 Administrative remedies.
- 317.111 Civil court actions.
- 317.112 Criminal penalties.
- 317.113 Litigation status report.

- 317.114 Annual review of enforcement actions.

Subpart K—Reports

- 317.120 Report requirements.
- 317.121 Reports.

Subpart L—Agency Exemption Rules

- 317.130 Establishing and using exemptions.
 - 317.131 General exemptions.
 - 317.132 Specific exemptions.
 - 317.133 DCAA exempt record systems.
- APPENDIX A TO PART 317—DCAA BLANKET ROUTINE USES
- APPENDIX B TO PART 317—PROVISIONS OF THE PRIVACY ACT FROM WHICH A GENERAL OR SPECIFIC EXEMPTION MAY BE CLAIMED
- APPENDIX C TO PART 317—LITIGATION STATUS REPORT

AUTHORITY: Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

SOURCE: 57 FR 48992, Oct. 29, 1992, unless otherwise noted.

Subpart A—General Provisions

§ 317.1 Purpose.

(a) This part consolidates into a single document, the Defense Contract Audit Agency policies and procedures for implementing the Privacy Act of 1974 (5 U.S.C. 552a), as amended, by authorizing the development, publication and maintenance of the DCAA Privacy Act Program set forth by DCAA Regulation 5410.10¹, "Privacy Act Program", and DCAA Manual 5410.16², "DCAA Privacy Act Processing Guide."

(b) Its purpose is to delegate authorities and assign responsibilities for the administration of the DCAA Privacy Act Program and to prescribe uniform procedures for agency personnel consistent with DoD 5025.1-M³, "DoD Directives System Procedures."

§ 317.2 Applicability and scope.

(a) This part applies to all DCAA organizational elements and takes precedence over all regional regulatory

¹Copies may be obtained, at cost, from the Defense Contract Audit Agency, ATTN: CMO, Cameron Station, Alexandria, VA 22304-6178.

²See footnote 1 to § 317.1(a).

³Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

issuances that supplement the DCAA Privacy Program.

(b) This part shall be made applicable by contract or other legally binding action to contractors whenever a DCAA contract provides for the operation of a system of records or portion of a system of records to accomplish an agency function.

§ 317.3 Definitions.

(a) *Access.* The review of a record or a copy of a record or parts thereof in a system of records by any individual.

(b) *Agency.* For the purposes of disclosing records subject to the Privacy Act among DoD components, the Department of Defense is considered a single agency. For all other purposes to include applications for access and amendment, denial of access or amendment, appeals from denials, and record-keeping as regards release to non-DoD agencies; each DoD component, including DCAA, is considered an agency within the meaning of the Privacy Act.

(c) *Confidential source.* A person or organization who has furnished information to the Federal Government under an express promise that the person's or the organization's authority will be held in confidence or under an implied promise of such confidentiality if this implied promise was made before September 27, 1975.

(d) *Defense Data Integrity Board.* Consists of members of the Defense Privacy Board, as established pursuant to 32 CFR part 310, and in addition the Inspector General, DoD or the designee, when convening to oversee, coordinate and approve or disapprove all DoD component computer matching covered by the Privacy Act.

(e) *Disclosure.* The transfer of any personal information from a system of records by any means of communication (such as oral, written, electronic, mechanical, or actual review) to any person, private entity, or government agency, other than the subject of the record, the subject's designated agent or the subject's legal guardian.

(f) *Federal benefit program.* Any program administered or funded by the Federal Government, or by any agent or state on behalf of the Federal Government, providing cash or in-kind as-

sistance in the form of payments, grants, loans, or loan guarantees to individuals.

(g) *Federal benefit program match.* A computerized comparison of two or more automated systems of records or an automated system of records with automated non-Federal records for the purpose of establishing or verifying the eligibility of or continuing compliance with statutory and regulatory requirements by, applicants for, recipients and beneficiaries (both present and past) of, participants in, or providers of services with respect to, cash or in-kind assistance or payments under Federal benefit programs; or recouping payments or delinquent debts under such Federal benefit programs.

(h) *Federal personnel.* Officers and employees of the Government of the United States, members of the uniformed services (including members of the reserve components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).

(i) *Federal personnel match.* A computerized comparison of two or more automated Federal personnel or payroll systems of records or an automated Federal personnel or payroll system of records with automated non-Federal records.

(j) *Individual.* A living citizen of the United States or an alien lawfully admitted to the United States for permanent residence. The legal guardian of an individual has the same rights as the individual and may act on his or her behalf. No rights are vested in the representative of a dead person under this chapter and the term "individual" does not embrace an individual acting in an interpersonal capacity (for example, sole proprietorship or partnership).

(k) *Individual access.* Access to information pertaining to the individual by the individual or his or her designated agent or legal guardian.

(l) *Maintain.* Includes maintain, collect, use, or disseminate.

(m) *Matching agency.* The agency which actually performs the match.