

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.

§317.3

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

(n) *Matching program.* (1) The term means any computerized comparison of:

(i) Two or more automated systems of records or a system of records with non-Federal records for the purpose of:

(A) Establishing or verifying the eligibility of, or continuing compliance with statutory and regulatory requirements by, applicants for, recipients or beneficiaries of, participants in, or providers of services with respect to, cash or in-kind assistance or payments under Federal benefit programs, or

(B) Recouping payments or delinquent debts under such Federal benefit programs, or

(ii) Two or more automated Federal personnel or payroll systems of records or a system of Federal personnel or payroll records with non-Federal records,

(iii) But does not include:

(A) Matches performed to produce aggregate statistical data without any personal identifiers.

(B) Matches performed to support any research for statistical project, the specific data of which may not be used to make decisions concerning the rights, benefits, or privileges of specific individuals.

(C) Matches performed by an agency which performs as its principal function any activity pertaining to the enforcement of criminal laws, subsequent to the initiation of a specific criminal or civil law enforcement investigation of a named person or persons for the purpose of gathering evidence against such person or persons.

(iv) Matches of tax information.

(A) Pursuant to section 6103(d) of the Internal Revenue Code of 1986.

(B) For purposes of tax administration as defined in section 6301(b)(4) of such Code.

(C) For the purpose of intercepting a tax refund due an individual under authority granted by section 464 or 1137 of the Social Security Act; or

(D) For the purpose of intercepting a tax refund due an individual under any other tax refund intercept program authorized by statute which has been determined by the Director of the Office of Management and Budget to contain verification, notice, and hearing requirements that are substantially simi-

lar to the procedures in section 1137 of the Social Security Act.

(E) *Matches.* (1) Using records predominantly relating to Federal personnel, that are performed for routine administrative purposes (subject to guidance provided by the Director of the Office of Management and Budget pursuant to subsection (v) of the Privacy Act).

(2) Conducted by an agency using only records from systems of records maintained by that agency; if the purpose of the match is not to take any adverse financial, personnel, disciplinary, or other adverse action against Federal personnel; or

(F) Matches performed for foreign counterintelligence purposes or to produce background checks for security clearances of Federal personnel or Federal contractor personnel.

(o) *Member of the public.* Any individual or party acting in a private capacity to include Federal employees or military personnel.

(p) *Non-Federal agency.* Any state or local government, or agency thereof, which receives records contained in a system of records from a source agency for use in a matching program.

(q) *Official use.* Within the context of this chapter, this term is used when officials and employees of the Agency have a demonstrated need for the use of any record or the information contained therein in the performance of their official duties, subject to DCAA Regulation 5410.10.

(r) *Personal information.* Information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official functions or public life.

(s) *Privacy Act.* The Privacy Act of 1974 (5 U.S.C. 552a), as amended.

(t) *Privacy Act request.* A request from an individual for notification as to the existence of, access to, or amendment of records pertaining to that individual. These records must be maintained in a system of records. The request must indicate that it is being made under the Privacy Act to be considered a Privacy Act request.

(u) *Recipient agency.* Any agency, or contractor thereof, receiving records

contained in a system of records from a source agency for use in a matching program.

(v) *Record.* Any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, the individual's education, financial transactions, medical history, and criminal or employment history, and that contains the individual's name, or identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(w) *Risk assessment.* An analysis considering information sensitivity, vulnerabilities, and the cost to a computer facility or word processing activity in safeguarding personal information processed or stored in the facility or activity. Applies to manual and automated systems.

(x) *Routine use.* The disclosure of a record outside the Agency for a use that is compatible with the purpose for which the information was collected and maintained by the Agency. The routine use must be included in the published system notice for the system of records involved.

(y) *Source agency.* Any agency which discloses records contained in a system of records to be used in a matching program, or any state or local government, or agency thereof, which discloses records to be used in a matching program.

(z) *Statistical record.* A record maintained only for statistical research or reporting purposes and not used in whole or in part in making determinations about specific individuals.

(aa) *System of records.* A group of records under the control of the Agency from which information is retrieved by the individual's name or by some identifying number, symbol, or other identifying particular assigned to the individual. System notices for all Privacy Act systems of records must be published in the FEDERAL REGISTER.

(bb) *Word processing equipment.* Any combination of electronic hardware and computer software integrated in a variety of forms (programmable software, hard wiring, or similar equip-

ment) that permits the processing of textual data.

(cc) *Word processing system.* A combination of equipment employing automated technology, systematic procedures, and trained personnel for the primary purpose of manipulating human thoughts and verbal or written communications into a form suitable to the originator.

§317.4 Policy.

It is DCAA policy that personnel will comply with the DCAA Privacy Program and the Privacy Act of 1974. Strict adherence is necessary to ensure uniformity in the implementation of the DCAA Privacy Program and create conditions that will foster public trust. It is also agency policy to safeguard personal information contained in any system of records maintained by DCAA organizational elements and to make that information available to the individual to whom it pertains to the maximum extent practicable. DCAA policy specifically requires that DCAA organizational elements:

(a) Collect, maintain, use, and disseminate personal information only when it is relevant and necessary to achieve a purpose required by statute or Executive Order.

(b) Collect personal information directly from the individuals to whom it pertains to the greatest extent practical.

(c) Inform individuals who are asked to supply personal information for inclusion in any system of records:

- (1) The authority for the solicitation.
- (2) Whether furnishing the information is mandatory or voluntary.
- (3) The intended uses of the information.

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

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

(d) Ensure that records used in making determinations about individuals and those containing personal information are accurate, relevant, timely, and complete for the purposes for which they are being maintained before making them available to any recipients