

(f) *Retaining disclosure accountings.* The disclosure accounting shall be retained for five years after the disclosure was made or the life of the record, whichever is longer.

Subpart G—Publication Requirements

§ 317.70 Federal Register publication.

(a) *Documents that must be published in the FEDERAL REGISTER.* (1) Three types of documents relating to the Privacy Program must be published in the FEDERAL REGISTER:

(i) DCAA Privacy Program procedural rules (32 CFR part 317).

(ii) DCAA exemption rules (32 CFR part 317), and

(iii) Record system notices.

(2) DoD 5025.1-M, “DoD Directives System Procedures,” and DoD Directive 5400.9, “Publication of Proposed and Adopted Regulations Affecting the Public” (32 CFR part 336), contain information on preparing documents for publication in the FEDERAL REGISTER.

(b) *Effect of publication in the FEDERAL REGISTER.* Publishing a document in the FEDERAL REGISTER constitutes official public notice of the existence and content of the document.

(c) *Formal rulemaking and notices.* (1) DCAA Privacy Program procedural and exemption rules are subject to the rulemaking procedures prescribed by 32 CFR part 336. These are incorporated automatically into the Code of Federal Regulations.

(2) Record system notices are published in the FEDERAL REGISTER as “notices.” They are not subject to the rulemaking procedures or automatic incorporation into the Code of Federal Regulations.

(d) *Submitting Privacy Program procedural rules for publication.* (1) Procedural rules must be published in the FEDERAL REGISTER first as proposed rules to allow for public comment, then as final rules.

(2) The DCAA Privacy Advisor will submit to the Defense Privacy Office all proposed rules implementing this rule. The submission must conform to the FEDERAL REGISTER format.

(3) This part published as a final rule in the FEDERAL REGISTER shall be in-

corporated by regions as their own rules by reference rather than by republication. A region that simply implements this part as its own rule need not publish it as a final rule in the FEDERAL REGISTER.

(4) Amendments to agency rules are submitted in the same manner as the original rules.

(5) The Defense Privacy Office, DA&M, reviews and submits all DoD component rules, and amendments to rules to the FEDERAL REGISTER for publication.

(e) *Submitting exemption rules for publication.* (1) Exemption rules must be published in the FEDERAL REGISTER first as proposed rules to allow for public comment, then as final rules.

(2) No system of records shall be exempt from any provision of the Privacy Act until the exemption rule has been published in the FEDERAL REGISTER as a final rule.

(3) Proposed exemption rules should be submitted in proper format through the agency Privacy Advisor to the Defense Privacy Office, DA&M, for review and submittal to the FEDERAL REGISTER for publication.

(4) Amendments to exemption rules are submitted in the same manner as the original exemption rules.

(f) *Submitting record system notices for publication.* (1) Although system notices are not subject to formal rulemaking procedures, advance public notice must be given before the agency may begin to collect information for or maintain a new system of records. The notice procedures require that:

(i) The record system notice describe the contents of the record system and the purposes and routine uses for which the information will be used and disclosed.

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

(iii) The notice contain the date the system of records will become effective.

(2) System notices shall be submitted through the agency Privacy Advisor to the Defense Privacy Office, DA&M, for publication in the FEDERAL REGISTER.