

§ 317.73

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

(3) For geographically separated or organizationally decentralized activities with which individuals may correspond directly when exercising their rights, the position or title of each category of officials responsible for the system or portion thereof should be listed.

(4) Addresses that already are listed in the agency address directory; or simply refer to the directory should not be included.

(1) *Notification procedures.* (1) Notification procedures describe how an individual can determine if a record in the system pertains to him or her.

(2) If the record system has been exempted from the notification requirements of subsection (f)(1) or subsection (e)(4)(G) of the Privacy Act, it should be so stated.

(3) If the system has not been exempted, the notice must provide sufficient information to enable an individual to request notification of whether a record in the system pertains to him or her. Merely referring to the agency's procedural rules is not sufficient.

(4) This section should also include:

(i) The title (not the name) and address of the official (usually the system manager) to whom the request must be directed;

(ii) Any specific information the individual must provide in order for the agency to respond to the request (e.g., name, SSN, date of birth, etc.); and

(iii) Any description of proof of identity for verification purposes required for personal visits by the requester.

(m) *Record access procedures.* (1) This section describes how an individual can review the record and obtain a copy of it.

(2) If the system has been exempted from access and publishing access procedures under subsections (d)(1) and (e)(4)(H), respectively, of the Privacy Act, it should be so indicated.

(3) If the system has not been exempted, describe the procedures an individual must follow in order to review the record and obtain a copy of it, including any requirements for identity verification.

(4) If appropriate, the individual may be referred to the system manager or another agency official who shall pro-

vide a detailed description of the access procedures. Any addresses already listed in the address directory should not be repeated.

(n) *Contesting record procedures.* (1) This section describes how an individual may challenge the denial of access or the contents of a record that pertains to him or her.

(2) If the record system has been exempted from allowing amendments to records or publishing amendment procedures under subsections (d)(2) and (e)(4)(H), respectively, of the Privacy Act, it should be so stated.

(3) If the system has not been exempted, the procedures an individual must follow should be described in order to challenge the content of a record pertaining to him or her, or explain how he or she can obtain a copy of the procedures (e.g., by contacting the system manager or another agency official).

(o) *Record source categories.* (1) If the system has been exempted from publishing record source categories under subsection (e)(4)(I) of the Privacy Act, it should be so stated.

(2) If the system has not been exempted, this caption must describe where the agency obtained the information maintained in the system.

(3) Describing the record sources in general terms is sufficient; specific individuals, organizations, or institutions need not be identified.

(p) *Exemptions claimed for the system.*

(1) If no exemption has been established for the system, indicate "None."

(2) If an exemption has been established, state under which provision of the Privacy Act it is established (e.g., "Parts of this system of records may be exempt under 5 U.S.C. 552a(k)(2)").

§ 317.73 New and altered record systems.

(a) *Criteria for a new record system.* (1) A new system of records is one for which no existing system notice has been published in the FEDERAL REGISTER.

(2) If a notice for a system of records has been canceled or deleted and the agency desires to reinstate or reuse the system, a new system notice must be published in the FEDERAL REGISTER.

(b) *Criteria for an altered record system.* A system is considered altered when any one of the following actions occurs or is proposed:

(1) A significant increase or change in the number or types of individuals about whom records are maintained requires a change to the "categories of individuals covered by the system" caption in the system notice and might require changes to the "purpose(s)" caption.

(i) For example, a decision to expand a system of records that originally covered personnel assigned to only one location to cover personnel at several locations would constitute an altered system.

(ii) An increase in the number of individuals covered due to normal growth is not an alteration.

(iii) A decrease in the number of individuals covered is not an alteration, but it is an amendment.

(2) A change that expands the types or categories of information maintained requires a change in the "categories of records in the system" caption in the system notice.

(i) For example, a personnel file that has been expanded to include medical records would be an alteration.

(ii) Adding to a personnel file a new data element that is clearly within the scope of the categories of records described in the existing notice is not an alteration, but is an amendment.

(3) A change that alters the purpose for which the information is used requires changing the "purpose(s)" caption in the system notice. In order to be an alteration, the change must be one that is not reasonably inferred from any of the existing purposes.

(4) A change to equipment configuration (either hardware or software) that creates substantially greater use of records in the system requires changing the "storage" caption in the system notice. For example, placing interactive computer terminals at regional offices to use a system formerly used only at the Headquarters would be an alteration.

(5) A change in the manner in which records are organized or in the method by which records are retrieved requires changing the "Retrievability" caption in the system notice.

(i) Combining record systems due to a reorganization within the agency would be an alteration.

(ii) Retrieving by SSNs records that previously were retrieved only by names would be an alteration if the present notice failed to indicate retrieval by SSNs.

(c) *Reports of new and altered systems of records.* (1) Under subsection (o) of the Privacy Act, reports of new and altered systems of records must be submitted to Congress and the Office of Management and Budget.

(2) The agency shall submit reports of new or altered systems to the Defense Privacy Office, DA&M, before collecting information for new systems or altering an existing system.

(3) The Defense Privacy Office, DA&M, shall coordinate all reports of new or altered systems with the Office of the Assistant Secretary of Defense (Legislative Affairs) and the Office of the General Counsel, Department of Defense.

(4) The Defense Privacy Office, DA&M, shall prepare, for the approval and signature of the Director, Administration and Management, Office of the Secretary of Defense, transmittal letters to Congress and the Office of Management and Budget.

(d) *Time limits before implementing routine uses.* After publishing a system notice in the FEDERAL REGISTER, 30 days must elapse before routine uses may be employed.

§ 317.74 Amendment and deletion of system notices.

(a) *Criteria for an amended record system.* Minor changes to published system notices are considered amendments rather than alterations. Amendments must also be published in the FEDERAL REGISTER, but a new or altered system report does not have to be accomplished.

(b) *Amending a system notice.* In submitting an amendment to a system notice for publication in the FEDERAL REGISTER, the agency must include:

(1) The system identification and name.

(2) A description of the specific changes proposed; and