

## § 320.1

- 320.7 Appeal of initial adverse agency determination on correction or amendment.
- 320.8 Disclosure of record to person other than the individual to whom it pertains.
- 320.9 Fees.
- 320.10 Penalties.
- 320.11 Specific exemptions.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1986 (5 U.S.C. 552a).

SOURCE: 40 FR 55543, Nov. 28, 1975, unless otherwise noted. Redesignated at 57 FR 6074, Feb. 20, 1992.

### § 320.1 Purpose and scope.

(a) This regulation is published pursuant to the Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896, 5 U.S.C. 552a (hereinafter the "Privacy Act"). This regulation:

(1) Establishes or advises of procedures whereby an individual can:

(i) Request notification of whether the National Imagery and Mapping Agency (NIMA) maintains or has disclosed a record pertaining to him in any nonexempt system of records,

(ii) Request a copy or other access to such a record or to an accounting of its disclosure,

(iii) Request that the record be amended and

(iv) Appeal any initial adverse determination of any such request;

(2) Specifies those systems of records which the Director, Headquarters NIMA has determined to be exempt from the procedures established by this regulation and from certain provisions of the Privacy Act. NIMA policy encompasses the safeguarding of individual privacy from any misuse of NIMA records and the provision of the fullest access practicable to individuals to NIMA records concerning them.

[40 FR 55543, Nov. 28, 1975. Redesignated at 57 FR 6074, Feb. 20, 1992, as amended at 62 FR 65020, Dec. 10, 1997]

### § 320.2 Definitions.

As used in this part:

*Individual* means a natural person who is a citizen of the United States or an alien lawfully admitted for permanent residence. A legal guardian or the parent of a minor have the same rights as the individual and may act on behalf of the individual.

*Maintain* means to collect, use or disseminate records on individuals.

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

*Record* means any item, collection or grouping of information about an individual that is maintained by the NIMA or a Component thereof, including, but not limited to, his education, financial transactions, medical history and criminal or employment history and that contains his name or the identifying number, symbol or other identifying particulars assigned to the individual such as a finger or voice print or a photograph.

*System of records* means a group of any records under the control of the NIMA or a Component thereof from which information is retrieved by the name of an individual or by some identifying number or symbol or other identifying particular assigned to the individual.

*Routine use* means (with respect to the disclosure of a record), the use of such record for a purpose which is compatible with the purpose for which it was collected. Routine use encompasses not only common or ordinary uses but also all the proper and necessary uses of the record even if such use occurs infrequently.

[40 FR 55543, Nov. 28, 1975. Redesignated at 57 FR 6074, Feb. 20, 1992, as amended at 62 FR 65020, Dec. 10, 1997]

### § 320.3 Procedures for requests for information pertaining to individual records in a record system.

(a) Upon request in person or by mail any individual, as defined in § 320.2, shall be informed whether or not any NIMA system of records contains a record pertaining to him.

(b) Any individual requesting such information in person may present himself at NIMA General Counsel Office (refer to the NIMA address list at paragraph (e) of this section) or at the NIMA officer thought to maintain the record in question and shall provide:

(1) Information sufficient to identify the record, e.g., the individual's own name, date of birth, place of birth, and, if possible, an indication of the type of record believed to contain information concerning the individual, and

(2) Acceptable identification to verify the individual's identity, e.g., driver's license, employee identification card or medicare card.

(c) Any individual requesting such information by mail shall address his request to the Director, Defense Mapping Agency, or to the Office of the General Counsel (refer to paragraph (e) of this section) or NIMA office thought to maintain the record in question and shall include in such request the following:

(1) Information sufficient to identify the record, e.g., the individual's own name, date of birth, place of birth, and, if possible, an indication of the type of record believed to contain information concerning the individual, and

(2) A notarized statement or unsworn declaration in accordance with 28 U.S.C. 1746 to verify his identify, if, in the opinion of the NIMA custodian of the record, the sensitivity of the material involved warrants.

(d) NIMA Procedures on Requests for Information. Upon receipt of a request for information made in accordance with these regulations, notice of the existence or nonexistence of any records described in such requests will be furnished to the requesting party within ten working days of receipt.

(e) NIMA General Counsel address list.

(1) NIMA Fairfax, Attn: GC, Mail Stop A-7 NIMA Fairfax, 8613 Lee Highway, Fairfax, VA 22031-2137.

(2) NIMA Bethesda, Attn: GCM, Mail Stop D-10, 4600 Sangamore Road, Bethesda, MD 20816-5003.

(3) NIMA St. Louis, Attn: GCM Mail Stop L-32, 3200 South Second Street, St. Louis, MO 63118-3399.

(4) NIMA Navy Yard, Attn: GCM Stop, N-24, Building 213, Washington, DC 20505-0001.

(5) NIMA Westfields, Attn: GCM, Room 13F20C, 14675 Lee Road, Chantilly, VA 20151-1715.

[40 FR 55543, Nov. 28, 1975. Redesignated and amended at 57 FR 6074, Feb. 20, 1992; 60 FR 7908, Feb. 10, 1995; 62 FR 65020, Dec. 10, 1997]

#### § 320.4 Disclosure of requested information to individuals.

(a) Upon request by an individual made in accordance with the procedures set forth in this section, such individual shall be granted access to any record pertaining to him which is contained in a nonexempt NIMA system of records. However, nothing in this sec-

tion shall allow an individual access to any information compiled by NIMA in reasonable anticipation of a civil or criminal action or proceeding.

(b) *Procedures for requests for access to records.* Any individual may request access to a NIMA record pertaining to him in person or by mail.

(1) Any individual making such request in person shall present himself at Office of General Counsel (refer to § 320.3(e) for address list) or at the NIMA office thought to maintain such record and shall provide identification to verify the individuals' identity, e.g., driver's license, employee identification card, or medicare card.

(2) Any individual making a request for access to records by mail shall address such request to the General Counsel (refer to § 320.3(e) for address list) or to the NIMA officer thought to maintain the record in question, and shall include therein a signed, notarized statement to verify his identity.

(3) Any individual requesting access to records under this section in person may be accompanied by a person of his own choosing while reviewing the record requested. If an individual elects to be so accompanied he shall give notice of such election in his request and shall provide a written statement authorizing disclosure of the record in the presence of the accompanying person. Failure to so notify NIMA in a request for access shall be deemed to be a decision by the individual not to be accompanied.

(c) *NIMA determination of requests for access.* (1) Upon receipt of a request made in accordance with this section, the NIMA Office of the General Counsel or NIMA office having responsibility for maintenance of the record in question shall release the record, or refer it to an Initial Denial Authority, who shall:

(i) Determine whether or not such request shall be granted.

(ii) Make such determination and provide notification within 30 working days after receipt of such request.

(iii) Notify the individual that fees for reproducing copies of records will be assessed and should be remitted before the copies may be delivered. Fee schedule and rules for assessing fees are contained in § 320.9.