

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 identity, 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.

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**§ 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 section 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

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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.

(iv) Requests for access to personal records may be denied only by an agency official authorized to act as an Initial Denial Authority or Final Denial Authority, after coordination with the Office of General Counsel.

(2) If access to a record is denied because such information has been compiled by NIMA in reasonable anticipation of a civil or criminal action or proceeding, the individual will be notified of such determination and his right to judicial appeal under 5 U.S.C. 552a(g).

(d) *Manner of providing access.* (1) If access is granted, the individual making the request shall notify the NIMA whether the records requested are to be copied and mailed to him.

(2) If the records are to be made available for personal inspection the individual shall arrange for a mutually agreeable time and place for inspection of the record. The NIMA reserves the right to require the presence of a NIMA officer or employee during personal inspection of any record pursuant to this

section and to request of the individual that he provide a signed acknowledgment of the fact that access to the record in question was granted him by the NIMA.

[40 FR 55543, Nov. 28, 1975. Redesignated and amended at 57 FR 6074, Feb. 20, 1992; 62 FR 65020, 65021, Dec. 10, 1997 ]

### **§ 320.5 Request for correction or amendment to record.**

(a) Any individual may request amendment of a record pertaining to him in accordance with the following procedure.

(b) After inspection of a record pertaining to him an individual may file a request in writing with the NIMA Office of General Counsel or NIMA office having responsibility for maintenance of the record in question for amendment of a record. Such requests shall specify the particular portions of the record to be amended, the desired amendments and the reasons, supported by documentary proof, if available, therefor.

[40 FR 55543, Nov. 28, 1975. Redesignated at 57 FR 6074, Feb. 20, 1992, as amended at 62 FR 65021, Dec. 10, 1997]

### **§ 320.6 Agency review of request for correction or amendment of record.**

(a) Not later than 10 working days after receipt of a request to amend a record, in whole or in part, the NIMA Office of General Counsel, or NIMA office having responsibility for maintenance of the record in question shall make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction or process the request for refusal.

(b) Refusals of requests for amendment of a record will be made only by an agency official authorized to act as an Initial Denial Authority or Final Denial Authority, after coordination with the Office of General Counsel. The refusal letter will inform the individual by certified mail, return receipt requested, of refusal to amend the record setting forth the reasons therefor and notifying the individual of his right to appeal the decision to the Director, NIMA, in accordance with § 320.7.