

Government agency, other than the subject of the record, the subject's designated agent or the subject's legal guardian.

(e) *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.

(f) *Individual access*. Access to information pertaining to the individual by the individual or his or her designated agent or legal guardian.

(g) *Maintain*. Includes maintain, collect, use, or disseminate.

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

(i) *Official use*. Within the context of this part, this term is used when officials and employees of a DLA activity have a demonstrated need for the use of any record or the information contained therein in the performance of their official duties.

(j) *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.

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

(l) *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.

(m) *Record*. Any item, collection, or grouping of information about an individual that is maintained by DLA, 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 the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(n) *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.

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

(p) *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.

(q) *System of Records*. A group of records under the control of a DLA activity 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.

#### §323.4 Responsibilities.

(a) Headquarters Defense Logistics Agency.

(1) The Chief, Resources Management Division, Office of Administration (DLA-XA) will:

(i) Formulate policies, procedures, and standards necessary for uniform compliance with the Privacy Act by DLA activities.

(ii) Serve as the DLA Privacy Act Officer and DLA representative on the Defense Privacy Board.

(iii) Maintain a master registry of system notices published by DLA.

(iv) Develop or compile the rules, notices, and reports required under this part.

(2) The General Counsel, DLA (DLA-G) will:

(i) Serve as the appellate authority for denials of individual access and amendment of records.

(ii) Provide representation to the Defense Privacy Board Legal Committee.

(iii) Advise the Defense Privacy Office on the status of DLA privacy litigation.

(3) The Command Security Officer, Office of Command Security, DLA (DLA-T) will formulate and implement

protective standards for personal information maintained in automated data processing systems and facilities.

(b) The Heads of DLA Primary Level Field Activities (PLFAs) will:

(1) Ensure that the collection, maintenance, use, or dissemination of records of identifiable personal information is in a manner that assures that such action is for a necessary and lawful purpose; that the information is timely and accurate for its intended use; and that adequate safeguards are provided to prevent misuse of such information.

(2) Designate a Privacy Act Officer to serve as the principal point of contact on privacy matters.

(3) Ensure the internal operating procedures provide for effective compliance with the Privacy Act.

(4) Establish a training program for those personnel whose duties involve responsibilities for systems of records affected by the Privacy Act.

#### § 323.5 Procedures.

(a) *Individual access.* (1) The access provisions of this part are intended for use by individuals whose records are maintained in systems of records. Release of personal information to individuals under this part is not considered public release of information.

(2) Individuals will address requests for access to personal information about themselves in a system of records to the system manager or to the office designated in the system notice. Before being granted access to personal data, an individual may be required to provide reasonable verification of his or her identity. Identity verification procedures will be simple so as not to discourage individuals from seeking access to information about themselves; or be required of an individual seeking access to records which normally would be available under 32 CFR part 1285 (DLAR 5400.14).

(i) Normally, when individuals seek personal access to records pertaining to themselves, identification will be made from documents that normally are readily available, such as employee and military identification cards, driver's license, other licenses, permits, or passes used for routine identification purposes.

(ii) When access is requested by mail, identity verification may consist of the individual providing certain minimum identifying data, such as full name, date and place of birth, or such other personal information necessary to locate the record sought. If the information sought is sensitive, additional identifying data may be required. If notarization of requests is required, procedures will be established for an alternate method of verification for individuals who do not have access to notary services, such as military members overseas.

(3) If an individual wishes to be accompanied by a third party when seeking access to his or her records or to have the records released directly to a third party, the individual may be required to furnish a signed access authorization granting the third party access. An individual will not be refused access to his or her record solely for failure to divulge his or her social security number (SSN) unless it is the only method by which retrieval can be made. The individual is not required to explain or justify his or her need for access to any record under this part.

(4) Disclose medical records to the individual to whom they pertain, even if a minor, unless a judgment is made that access to such records could have an adverse effect on the mental or physical health of the individual. Normally, this determination will be made in consultation with a medical doctor. If it is determined that the release of the medical information may be harmful to the mental or physical health of the individual, send the record to a physician named by the individual and in the transmittal letter to the physician, explain why access by the individual without proper professional supervision could be harmful (unless it is obvious from the record). Do not require the physician to request the records for the individual. If the individual refuses or fails to designate a physician, the record will not be provided. Such refusal of access is not considered a denial for reporting purposes.

(5) Requests by individuals for access to investigatory records pertaining to themselves and compiled for law enforcement purposes are processed under this part or 32 CFR part 1285 depending