

## § 806b.38

other local government. A system manager proposing a match that could result in an adverse action against a federal employee must meet these requirements of the Privacy Act:

(a) Prepare a written agreement between participants.

(1) Secure approval of the Defense Data Integrity Board.

(2) Publish a matching notice in the FEDERAL REGISTER before matching begins.

(3) Ensure full investigation and due process.

(4) Act on the information, as necessary.

(b) The Privacy Act applies to matching programs that use records from:

(1) Federal personnel or payroll systems.

(2) Federal benefit programs where matching:

(i) Determines federal benefit eligibility,

(ii) Checks on compliance with benefit program requirements,

(iii) Recovers improper payments or delinquent debts from current or former beneficiaries.

(c) Matches used for statistics, pilot programs, law enforcement, tax administration, routine administration, background checks and foreign counterintelligence, and internal matching that won't cause any adverse action are exempt from Privacy Act matching requirements.

(d) Any activity that expects to participate in a matching program must contact SAF/AAIA immediately. System managers must prepare a notice for publication in the FEDERAL REGISTER with a Routine Use that allows disclosing the information for use in a matching program. Send the proposed system notice to SAF/AAIA. Allow 180 days for processing requests for a new matching program.

(e) Record subjects must receive prior notice of a match. The best way to do this is to include notice in the Privacy Act Statement on forms used in applying for benefits. Coordinate computer matching statements on forms with SAF/AAIA through the MAJCOM Privacy Act Officer.

## 32 CFR Ch. VII (7-1-98 Edition)

### Subpart J—Training

#### § 806b.38 Who needs training.

The Privacy Act requires training for all persons involved in the design, development, operation and maintenance of any system of records. Some persons may need more specialized training. They include information managers, supervisors, and individuals working with medical, financial, security, and personnel records.

#### § 806b.39 Training tools.

Helpful aids include:

(a) AFH 37-146<sup>5</sup>, 'Privacy Act Training', a self-paced course.

(b) 'The Privacy Act of 1974,' a 32-minute film developed by the Defense Privacy Office. Consult your local audiovisual library.

(c) 'A Manager's Overview, What You Need to Know About the Privacy Act'. Contact SAF/AAIA for copies.

NOTE: Formal school training groups that develop or modify blocks of instruction must send the material to SAF/AAIA for coordination.

### Subpart K—Privacy Act Reporting

#### § 806b.40 Privacy Act Report (RCS: DD-DA&M(A)1379).

By March 1, of each year, MAJCOM and FOA Privacy Act officers must send SAF/AAIA a report covering the previous calendar year. The report includes:

(a) Total number of requests granted in whole.

(b) Total number of requests granted in part.

(c) Total number of requests denied and the Privacy Act exemptions used.

(d) Total number of requests for which no record was found.

(e) Total number of amendment requests granted in whole.

(f) Total number of amendment requests granted in part.

(g) Total number of amendment requests wholly denied.

(h) Specific recommendations for changes to the Act or the Privacy Act Program.

<sup>5</sup>See footnote 1 to section 806b.11, of this part.

## APPENDIX A TO PART 806b—GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS

*Section A—References*

- a. Privacy Act of 1974, as amended, Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).
- b. 10 U.S.C 8013, 'Secretary of the Air Force: Powers and Duties.'
- c. Executive Order 9397, 'Numbering System for Federal Accounts Relating to Individual Persons.'
- d. 32 CFR part 806b, 'Air Force Privacy Act Program.'
- e. DoD Directive 5400.11<sup>1</sup>, 'Department of Defense Privacy Program.'
- f. DoD 5400.11-R<sup>2</sup>, 'Department of Defense Privacy Program.'
- g. AFI 33-202<sup>3</sup>, 'The Air Force Computer Security Program' (formerly AFR 205-16).
- h. AFPD 37-1<sup>4</sup>, 'Air Force Information Management.'
- i. AFI 37-131<sup>5</sup>, 'Air Force Freedom of Information Act Program' (formerly AFR 4-33).
- j. AFI 37-129<sup>6</sup>, 'Base and Unit Personnel Locators and Postal Directories' (formerly AFR 11-24).
- k. AFMAN 37-139<sup>7</sup>, 'Disposition of Records' (formerly AFR 4-20, volume 2).
- l. AFDIR 37-144<sup>8</sup>, 'Air Force Privacy Act Systems of Records Notices.'
- m. AFH 37-146<sup>9</sup>, 'Privacy Act Training.'

*Section B—Definitions Abbreviations and Acronyms*

- a. AETC - Air Education and Training Command
- b. AFA - Air Force Academy
- c. AFBCMR - Air Force Board for Correction of Military Records
- d. AFISA - Air Force Intelligence Services Agency
- e. AFMC - Air Force Materiel Command
- f. AFOSI - Air Force Office of Special Investigations
- g. AFSC - Air Force Specialty Code

<sup>1</sup>Copies may be obtained at cost from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

<sup>2</sup>See footnote 1 to section B, appendix A to part 806b.

<sup>3</sup>See footnote 1 to section B, appendix A to part 806b.

<sup>4</sup>See footnote 1 to section B, appendix A to part 806b.

<sup>5</sup>See footnote 1 to section B, appendix A to part 806b.

<sup>6</sup>See footnote 1 to section B, appendix A to part 806b.

<sup>7</sup>See footnote 1 to section B, appendix A to part 806b.

<sup>8</sup>See footnote 1 to section B, appendix A to part 806b.

<sup>9</sup>See footnote 1 to section B, appendix A to part 806b.

- h. AFSCO - Air Force Security Clearance Office
- i. AFSPA - Air Force Security Police Agency
- j. ASCII - American Standard Code for Information Interchange
- k. BAQ - Basic Allowance for Quarters
- l. CFR - Code of Federal Regulations
- m. DCS - Deputy Chief of Staff
- n. DoD - Department of Defense
- o. DR&MO - Defense Reutilization and Marketing Office
- p. EAD - Entered on Active Duty
- q. FOA - Field Operating Agency
- r. FOIA - Freedom of Information Act
- s. FOUO - For Official Use Only
- t. IG - Inspector General
- u. IMC - Interim Message Change
- v. LE - Logistics and Engineering
- w. MAJCOM - Major Command
- x. MIRS - Management Information and Research System
- y. MP - Military Personnel
- z. MPC - Military Personnel Center
- aa. NARA - National Archives and Records Administration
- bb. OMB - Office of Management and Budget
- cc. OPR - Office of Primary Responsibility
- dd. PA - Privacy Act
- ee. PAM - Privacy Act Monitor
- ff. PAS - Privacy Act Statement
- gg. RCS - Reports Control Symbol
- hh. SAF - Secretary of the Air Force
- ii. SAF/AA - The Administrative Assistant to the Secretary of the Air Force
- jj. SAF/AAIA - Policy Division, Directorate of Information Management
- kk. SAF/GCA - Assistant General Counsel for Civilian Personnel and Fiscal Law
- ll. SG - Surgeon General
- mm. SJA - Staff Judge Advocate
- nn. SP - Security Police
- oo. SSN - Social Security Number
- pp. US - United States
- qq. USAF - United States Air Force
- rr. U.S.C. - United States Code
- ss. VHA - Variable Housing Allowance

*Section C—Terms*

- a. *Access.* Allowing individuals to review or receive copies of their records.
- b. *Amendment.* The process of adding, deleting, or changing information in a system of records to make the data accurate, relevant, timely, or complete.
- c. *Computer matching.* A computerized comparison of two or more automated systems of records or a system of records with non-Federal records to establish or verify eligibility for payments under Federal benefit programs or to recover delinquent debts for these programs.
- d. *Confidential source.* A person or organization giving information under an express or implied promise of confidentiality made before September 27, 1975.

e. *Confidentiality.* An expressed and recorded promise to withhold the identity of a source or the information provided by a source. The Air Force promises confidentiality only when the information goes into a system with an approved exemption for protecting the identity of confidential sources.

f. *Defense Data Integrity Board.* Representatives from the Services and the Department of Defense who oversee, coordinate, and approve all DoD computer matching programs covered by the Act.

g. *Denial authority.* The individuals with authority to deny requests for access or amendment of records under the Privacy Act.

h. *Disclosure.* Giving information from a system, by any means, to anyone other than the record subject.

i. *Federal benefit program.* A federally funded or administered program for individuals that provides cash or in-kind assistance (payments, grants, loans, or loan guarantees).

j. *Individual.* A living United States citizen or a permanent resident alien.

k. *Matching agency.* The agency that performs a computer match.

l. *Minor.* Anyone under the age of majority according to local state law. If there is no applicable state law, a minor is anyone under age 18. Military members and married persons are not minors, no matter what their chronological age.

m. *Personal identifier.* A name, number, or symbol which is unique to an individual, usually the person's name or SSN.

n. *Personal information.* Information about an individual other than items of public record.

o. *Privacy Act request.* An oral or written request by an individual about his or her records in a system of records.

p. *Recipient agency.* An agency or contractor that receives the records and actually performs the computer match.

q. *Record.* Any information about an individual.

r. *Routine use.* A disclosure of records to individuals or agencies outside the Department of Defense for a use that is compatible with the purpose for which the Air Force created the records.

s. *Source agency.* A federal, state, or local government agency that discloses records for the purpose of a computer match.

t. *System manager.* The official who is responsible for managing a system of records, including policies and procedures to operate and safeguard it. Local system managers operate record systems or are responsible for part of a decentralized system.

u. *System of records.* A group of records containing personal information retrieved by the subject's name, personal identifier, or individual identifier through a cross-reference system.

v. *System notice.* The official public notice published in the FEDERAL REGISTER of the existence and content of the system of records.

#### APPENDIX B TO PART 806b—PREPARING A SYSTEM NOTICE

The following elements comprise a system of records notice for publication in the FEDERAL REGISTER:

a. *System identifier.* SAF/AAIA assigns the notice number, for example, F011 AFMC A, where 'F' indicates 'Air Force,' the next number represents the series from AFMAN 37–139 regarding records disposition, and the final letter group shows the system manager's command or DCS. The last character 'A' indicates that this is the first notice for this series and system manager.

b. *System name.* Use a short, specific, plain-language title that identifies the system's general purpose (limited to 55 characters).

c. *System location.* Specify the address of the primary system and any decentralized elements, including automated data systems with a central computer facility and input or output terminals at separate locations. Use street address, 2-letter state abbreviations and 9-digit ZIP Codes. Spell out office names. Do not use office symbols.

d. *Categories of individuals covered by the system.* Use nontechnical, specific categories of individuals about whom the Air Force keeps records. Do not use categories like 'all Air Force personnel' unless they are actually true.

e. *Categories of records in the system.* Describe in clear, nontechnical terms, all categories of records in the system. List only documents actually kept in the system. Do not show source documents that are used to collect data and then destroyed. Do not list form numbers.

f. *Authority for maintenance of the system.* Cite the specific law or Executive Order that authorizes the program the records support. Cite the DoD directive or instruction or the Air Force or other instruction that authorizes the system of records. Always include titles with the citations.

NOTE: Executive Order 9397 authorizes using the Social Security Number (SSN). Include this authority whenever the SSN is used to retrieve records.

g. *Purpose(s).* Describe briefly and specifically what the Air Force does with the information collected.

h. *Routine uses of records maintained in the system including categories of users and the purpose of such uses.* The Blanket Routine Uses published in the Air Force Directory of System Notices apply to all system notices unless you indicate otherwise. Also list each specific agency or activity outside DoD to whom the records may be released and the purpose for such release.

i. *Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.*

j. *Storage.* State the medium in which the Air Force keeps the records, for example, in file folders, card files, microfiche, computer, and so on. Storage does not refer to the storage container.

k. *Retrievability.* State how the Air Force retrieves the records, for example, by name, SSN, or personal characteristics (such as fingerprints or voiceprints).

l. *Safeguards.* List the kinds of officials who have immediate access to the system. List those responsible for safeguarding the records. Identify the system safeguards, for example, storage in safes, vaults, locked cabinets or rooms, use of guards, visitor controls, personnel screening, computer systems software, and so on. Describe safeguards fully without compromising system security.

m. *Retention and disposal.* State how long AFMAN 37-139 requires the activity to maintain the record. Indicate when or if the records may be transferred to a Federal Records Center and how long the record stays there. Specify when the Records Center sends the record to the National Archives or destroys it. Indicate how the records may be destroyed.

n. *System manager(s) and address.* List the title and duty address of the system manager. For decentralized systems, show the locations and the position or duty title of each category of officials responsible for any segment of the system.

o. *Notification procedure.* List the title and duty address of the official authorized to tell requesters if their records are in the system. Specify the information a requester must submit, for example, full name, military status, SSN, date of birth, or proof of identity, and so on.

p. *Record access procedures.* Explain how individuals may arrange to access their records. Include the titles or categories of officials who may assist, for example, the system manager.

q. *Contesting records procedures.* SAF/AAIA provides this standard caption.

r. *Record source categories.* Show categories of individuals or other information sources for the system. Do not list confidential sources protected by subsections (k)(2), (k)(5), or (k)(7) of the Act.

s. *Exemptions claimed for the system.* When a system has no approved exemption, write 'none' under this heading. Specifically list any approved exemption including the subsection in the Act.

#### APPENDIX C TO PART 806b—GENERAL AND SPECIFIC EXEMPTIONS

(a) *General exemption.* The following systems of records are exempt under 5 U.S.C. 552a(j)(2):

(1) *System identifier and name:* F124 AF A, Counter Intelligence Operations and Collection Records.

(2) *System identifier and name:* F124 AF C, Criminal Records.

(3) *System identifier and name:* F125 AF SP E, Security Police Automated System (SPAS).

(4) *System identifier and name:* F124 AF D, Investigative Support Records.

(5) *System identifier and name:* F125 AF A, Correction and Rehabilitation Records.

*Exemption*—Portions of this system that fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a, Sections (c)(3) and (c)(4); (d)(1) through (d)(5); (e)(2) and (e)(3); (e)(4)(G) and (e)(4)(H), (e)(5); (f)(1) through (f)(5); (g)(1) through (g)(5); and (h) of the Act.

*Authority*—5 U.S.C. 552a(j)(2).

*Reason*—The general exemption will protect ongoing investigations and protect from access criminal investigation information contained in this record system so as not to jeopardize any subsequent judicial or administrative process taken as a result of information contained in the files.

(b) *Specific exemptions.* The following systems of records are subject to the specific exemptions shown:

(1) *Classified records.*

(i) All records in any systems of records that are properly classified according to Executive Orders 11652, 12065 or 12958, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), regardless of whether the entire system is otherwise exempt or not.

(ii) *Authority.* 5 U.S.C. 552a(k)(1).

(2) *System identifier and name:* F053 AFA C, Admissions and Registrar Records.

(i) *Exemption.* Parts of this system of records (Liaison Officer Evaluation and Selection Panel Candidate Evaluation) are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To ensure the frankness of information used to determine whether cadets are qualified for graduation and commissioning as officers in the Air Force.

(3) *System identifier and name:* F035 MPC R, Air Force Personnel Test 851, Test Answer Cards.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(6).

(iii) *Reasons.* To protect the objectivity of the promotion testing system by keeping the test questions and answers in confidence.

(4) *System identifier and name:* F035 AFA A, Cadet Personnel Management System.

(i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only insofar as disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate an Air Force Academy cadet for commissioning in the Air Force.

(5) *System identifier and name:* F045 AETC C, Cadet Records.

(i) *Exemption.* Portions of this system (Detachment Professional Officer Course (POC) Selection Rating Sheets; Air Force Reserve Officer Training Corps (AFROTC) Form 0-24-Disenrollment Review; Memoranda for Record and Staff Papers with Staff Advice, Opinions, or Suggestions) are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G) and (H), and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of a confidential source who furnishes information necessary to make determinations about the qualifications, eligibility, and suitability of cadets for graduation and commissioning in the Air Force.

(6) *System identifier and name:* F168 AF SG B, Family Advocacy Program Record.

(i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(c)(3) and (d), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(2) and (k)(5).

(iii) *Reasons.* To encourage those who know of exceptional medical or educational conditions or family maltreatments to come forward by protecting their identities, and the integrity of ongoing and civil law investigations of criminal and civil law violations. Giving subjects access to their files could result in them concealing, altering, or fabricating evidence could hamper the identification of offenders and alleged offenders; and could jeopardize the safety and well-being of the family.

(7) *System identifier and name:* F035 AF MP A, Effectiveness/Performance Reporting System.

(i) *Exemptions*—Brigadier General Selectee Effectiveness Reports and Colonel and Lieutenant Colonel Promotion Recommendations with close out dates on or before January 31, 1991, may be exempt from subsections of 5 U.S.C. 552a(c)(3); (d); (e)(4)(H); and (f).

(ii) *Authority*—5 U.S.C. 552a(k)(7).

(iii) *Reasons*—Subsection (c)(3) because making the disclosure accounting available to the individual may compromise express promises of confidentiality by revealing details about the report and identify other record sources, which may result in circumvention of the access exemption.

Subsection (d) because individual disclosure compromises express promises of confidentiality conferred to protect the integrity of the promotion rating system.

Subsection (e)(4)(H) because of and to the extent that portions of this record system

are exempt from the individual access provisions of subsection (d).

Subsection (f) because of and to the extent that portions of this record system are exempt from the individual access provisions of subsection (d).

(8) [Reserved]

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(2).

(iii) *Reasons.* To enforce civil laws, court orders, and the activities of the Departments of Housing and Urban Development and Justice.

(9) *System identifier and name:* F035 AP A, Files on General Officers and Colonels Assigned to General Officer Positions.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To protect the integrity of information used in the Reserve Initial Brigadier General Screening Board, the release of which would compromise the selection process.

(10) *System identification and name:* F035 AF MP P, General Officer Personnel Data System.

(i) *Exemption*—Air Force General Officer Promotion and Effectiveness Reports with close out dates on or before January 31, 1991, may be exempt from subsections of 5 U.S.C. 552a(c)(3); (d); (e)(4)(H); and (f).

(ii) *Authority*—5 U.S.C. 552a(k)(7).

(iii) *Reason*—Subsection (c)(3) because making the disclosure accounting available to the individual may compromise express promises of confidentiality by revealing details about the report and identify other record sources, which may result in circumvention of the access exemption.

Subsection (d) because individual disclosure compromises express promises of confidentiality conferred to protect the integrity of the promotion rating system.

Subsection (e)(4)(H) because of and to the extent that portions of this record system are exempt from the individual access provisions of subsection (d).

Subsection (f) because of and to the extent that portions of this record system are exempt from the individual access provisions of subsection (d).

(11) *System identifier and name:* F035 MPC L, Historical Airman Promotion Master Test File.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(6).

(iii) *Reasons.* To protect the integrity, objectivity, and equity of the promotion testing system by keeping test questions and answers in confidence.

(12) *System identifier and name:* F120 AF IG B, Inspector General Records.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f). However, if a person is denied any right, privilege, or benefit, he or she would otherwise be entitled to as a result of keeping this material, it must be released, unless doing so would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(2).

(iii) *Reasons.* Granting individuals access to information collected while an Inspector General inquiry is in progress could interfere with the just, thorough, and timely resolution of the complaint or inquiry and could possibly enable individuals to conceal wrong doing or mislead the inquiring officer. Disclosure might also subject sources, witnesses, and their families to harassment or intimidation.

(13) *System identifier and name:* F124 AFOSI B, Investigative Applicant Processing Records.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect those who gave information in confidence during Air Force Office of Special Investigations (AFOSI) applicant inquiries. Fear of harassment could cause sources not to make frank and open responses about applicant qualifications. This could compromise the integrity of the AFOSI personnel program that relies on selecting only qualified people.

(14) *System identifier and name:* F035 AFB B, Master Cadet Personnel Record (Active/Historical).

(i) *Exemptions.* Parts of these systems are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate a cadet for commissioning in the Air Force.

(15) *System identifier and name:* F205 AFISA A, Sensitive Compartmented Information Personnel Records.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(a)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(2) and (k)(5).

(iii) *Reasons.* To protect the identity of sources to whom proper promises of confidentiality have been made during investigations. Without these promises, sources

will often be unwilling to provide information essential in adjudicating access in a fair and impartial manner.

(16) *F124 AFA, Security and Related Investigative Records.*

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of harassment could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to resolve charges of questionable conduct.

(17) *System identifier and name:* F205 AFSCO A, Special Security Case Files.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d), (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of harassment could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to resolve charges of questionable conduct.

(18) *System identifier and name:* F205 AF SP A, Special Security Files.

(i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of harassment could cause them to refuse to give this information in the frank and open way needed to pinpoint areas in an investigation that should be expanded to resolve charges of questionable conduct.

(19) *System identifier and name:* F035 AF MP R, Applications for Appointment and Extended Active Duty Files.

(i) *Exemption.* Parts of this system of records are exempt from 5 U.S.C. 552a(d), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of confidential sources who furnish information necessary to make determinations about the qualifications, eligibility, and suitability of

health care professionals who apply for Reserve of the Air Force appointment or interservice transfer to the Air Force.

(20) *System identifier and name:* F111 AF JA B, Courts-Martial and Article 15 Records.

(i) *Exemption.* Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from the following subsection of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (e)(5), (e)(8), (f), and (g).

(ii) *Exemption.* Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from the following subsection of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(iii) *Authority:* 5 U.S.C. 552a(j)(2) and (k)(2).

(iv) *Reason:* (1) From subsection (c)(3) because the release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal investigations information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(5) From subsection (e)(2) because in a criminal investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(7) From subsections (e)(4)(G) and (H) because this system of records is exempt from individual access pursuant to subsections (j) and (k) of the Privacy Act of 1974.

(8) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(10) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(11) From subsection (f) because this system of records has been exempted from the access provisions of subsection (d).

(12) From subsection (g) because this system of records is compiled for law enforcement purposes and has been exempted from the access provisions of subsections (d) and (f).

(13) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Air Force will grant access to nonexempt material in the records being maintained. Disclosure will be governed by the Department of the Air Force's Privacy Regulation, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited

access is to allow disclosures except those indicated above. The decisions to release information from these systems will be made on a case-by-case basis.

[59 FR 53099, Oct. 21, 1994, as amended at 60 FR 36224, July 14, 1995; 61 FR 2917, Jan. 30, 1996; 61 FR 17070, Apr. 9, 1997]

## PART 807—SALE TO THE PUBLIC

Sec.

807.1 General requirements.

807.2 Charges for publications and forms.

807.3 Requests for classified material, For Official Use only material, accountable forms, storage safeguard forms, Limited (L) distribution items, and items with restrictive distribution caveats.

807.4 Availability and nonavailability of stock.

807.5 Processing requests.

807.6 Depositing payments.

AUTHORITY: 10 U.S.C. 8013.

SOURCE: 55 FR 36631, Sept. 6, 1990, unless otherwise noted.

### § 807.1 General requirements.

(a) Unaltered Air Force publications and forms will be made available to the public with or without charge, subject to the requirements of this part. Base Chiefs of Information Management will set up procedures to meet these needs and will make available Master Publications Libraries for public use according to AFR 4-61. They will also advise requesters that these libraries are available, since in many cases this will satisfy their needs and reduce workloads in processing sales requests. If the item is on sale by the Superintendent of Documents, GPO, refer the request to that outlet. Refer general public requests for Air Force administrative publications and forms to the National Technical Information Service (NTIS), Defense Publication Section, US Department of Commerce, 4285 Port Royal Road, Springfield, VA 22161-0001.

(b) The Air Force does not consider these unaltered publications and forms as records, within the meaning of the Freedom of Information Act (FOIA), as outlined in 5 U.S.C. 552 and implemented by part 806 of this chapter. Refer requests that invoke the FOIA to the chief, base information management, for processing.

(c) Units will process requests under the Foreign Military Sales Program

(FMS) as specified in AFR 4-71, chapter 11.

(d) Units will send requests from foreign governments, their representatives, or international organizations to the MAJCOM foreign disclosure policy office and to HQ USAF/CVAII, Washington DC 20330-5000. Also send information copies of such requests to the base public affairs office. Commands will supplement this requirement to include policies pertaining to those items for which they have authority to release.

(e) Units will return a request for non-Air Force items to the requester for submission to appropriate agency.

### § 807.2 Charges for publications and forms.

(a) The Air Force applies charges to all requests unless specifically excluded.

(b) The Air Force applies charges according to part 813, Schedule of Fees for Copying, Certifying, and Searching Records and Other Documentary Material. Additional guidance is in part 812, User Charges, including specific exclusion from charges as listed in § 812.5. As indicated, the list of exclusions is not all inclusive and recommendations for additional exclusions are sent to the office of primary responsibility for part 812 of this chapter.

(c) When a contractor requires publications and forms to perform a contract, the Air Force furnishes them without charge, if the government contracting officer approves these requirements.

### § 807.3 Requests for classified material, For Official Use Only material, accountable forms, storage safeguard forms, Limited (L) distribution items, and items with restrictive distribution caveats.

(a) *Classified material.* The unit receiving the requests should tell the requester that the Air Force cannot authorize the material for release because it is currently and properly classified in the interest of national security as authority by Executive Order, and must be protected from unauthorized disclosure.

(b) *For Official Use Only (FOUO) material.* The office of primary responsibility for the material will review these