

## § 806b.22

### § 806b.22 Responding to amendment requests.

(a) Anyone may request minor corrections orally. Requests for more serious modifications should be in writing.

(b) After verifying the identity of the requester, make the change, notify all known recipients of the record, and inform the individual.

(c) Acknowledge requests within 10 workdays of receipt. Give an expected completion date unless you complete the change within that time. Final decisions must take no longer than 30 workdays.

### § 806b.23 Approving or denying a record amendment.

The Air Force does not usually amend a record when the change is based on opinion, interpretation, or subjective official judgment. Determinations not to amend such records constitutes a denial, and requesters may appeal (see subpart F of this part).

(a) If the system manager decides not to amend the record, send a copy of the request, the record, and the recommended denial reasons to the denial authority through the legal office and the Privacy Act office. Legal offices will include a written legal opinion. The Privacy Act officer reviews the proposed denial and legal opinion and makes a recommendation to the denial authority.

(b) The denial authority sends the requester a letter with the decision. If the denial authority approves the request, amend the record and notify all previous recipients that it has been changed. If the authority denies the request, give the requester the statutory authority, reason, and pertinent appeal rights (see subpart F of this part).

### § 806b.24 Seeking review of unfavorable Agency determinations.

Requesters should pursue record corrections of subjective matters and opinions through proper channels to the Civilian Personnel Office using grievance procedures or the Air Force Board for Correction of Military Records. Record correction requests denied by the Air Force Board for Correction of Military Records are not subject to further consideration under this part. Military personnel, other than

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U.S. Air Force personnel, should pursue service-unique record corrections through their component chain of command.

### § 806b.25 Contents of Privacy Act case files.

Do not keep copies of disputed records in this file. File disputed records in their appropriate series. Use the file solely for statistics and to process requests. Do not use the case files to make any kind of determination about an individual. Document reasons for untimely responses. These files include:

(a) Requests from and replies to individuals on whether a system has records about them.

(b) Requests for access or amendment.

(c) Approvals, denials, appeals, and final review actions.

(d) Coordination actions and related papers.

## Subpart F—Appeals

### § 806b.26 Appeal procedures.

Individuals who receive a denial to their access or amendment request may request a denial review by writing to the Secretary of the Air Force, through the denial authority, within 60 calendar days after receiving a denial letter. The denial authority promptly sends a complete appeal package to Air Force Legal Services Agency, General Litigation Division (JACL). The package must include:

(1) The original appeal letter;

(2) The initial request;

(3) The initial denial;

(4) A copy of the record;

(5) Any internal records or coordination actions relating to the denial;

(6) The denial authority's comments on the appellant's arguments; and

(7) The legal reviews.

(a) If the denial authority reverses an earlier denial and grants access or amendment, notify the requester immediately.

(b) Air Force Legal Services Agency, General Litigation Division (JACL) reviews the denial and provides a final recommendation to Secretary of the Air Force, Fiscal and Administrative Law Division (GCA). Secretary of the

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Air Force, Fiscal and Administrative Law Division (GCA) tells the requester the final Air Force decision and explains judicial review rights.

(c) The requester may file a concise statement of disagreement with the system manager if Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) denies the request to amend the record. Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) explains the requester's rights when they issue the final appeal decision.

(d) The records should clearly show that a statement of disagreement is filed with the record or separately.

(e) The disputed part of the record must show that the requester filed a statement of disagreement.

(f) Give copies of the statement of disagreement to the record's previous recipients. Inform subsequent record users about the dispute and give them a copy of the statement with the record.

(g) The system manager may include a brief summary of the reasons for not amending the record. Limit the summary to the reasons Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) gave to the individual. The summary is part of the individual's record, but it is not subject to amendment procedures.

### Subpart G—Privacy Act Notifications

#### § 806b.27 When to include a Privacy Act warning statement in publications.

Include a Privacy Act Warning Statement in each Air Force publication that requires collecting or keeping information in a system of records. Also include the Warning Statement when publications direct collection of the Social Security Number, or any part of the Social Security Number, from the individual. The warning statement will cite legal authority and when part of a record system, the Privacy Act system of records number and title. You can use the following warning statement: "This instruction requires collecting and maintaining information protected by the Privacy Act of 1974 authorized by (U.S.C. citation and or Executive

Order number). System of records notice (number and title) applies."

#### § 806b.28 Warning banners.

Information systems that contain information on individuals that is retrieved by name or personal identifier are subject to the Privacy Act. The Privacy Act requires these systems to have a Privacy Act system notice published in the FEDERAL REGISTER that covers the information collection before collection begins. In addition, all information systems subject to the Privacy Act will have warning banners displayed on the first screen (at a minimum) to assist in safeguarding the information. Use the following language for the banner: "PRIVACY ACT INFORMATION—The information accessed through this system is FOR OFFICIAL USE ONLY and must be protected in accordance with the Privacy Act and Air Force Instruction 33-332."

#### § 806b.29 Sending personal information over electronic mail.

(a) Exercise caution before transmitting personal information over e-mail to ensure it is adequately safeguarded. Some information may be so sensitive and personal that e-mail may not be the proper way to transmit it. When sending personal information over e-mail within DoD, ensure: There is an official need; all addressee(s) (including "cc" addressees) are authorized to receive it under the Privacy Act; and it is protected from unauthorized disclosure, loss, or alteration. Protection methods may include encryption or password protecting the information in a separate Word document. When transmitting personal information over e-mail, add "FOUO" to the beginning of the subject line, followed by the subject, and apply the following statement at the beginning of the e-mail:

"This e-mail contains For Official Use Only (FOUO) information which must be protected under the Privacy Act and Air Force Instruction 33-332."

(b) Do not indiscriminately apply this statement to e-mails. Use it only in situations when you are actually transmitting personal information. DoD Regulation 5400.7/Air Force Supp,