

such promises. Promises of confidentiality shall be made only when they are essential to obtain the information sought (see 5 CFR part 736).

(c) *Access to records for which specific exemptions are claimed.* Deny the individual access only to those portions of the records for which the claimed exemption applies.

### Subpart G—Publication Requirements

#### § 310.30 Federal Register publication.

(a) *What must be published in the FEDERAL REGISTER.* (1) Four types of documents relating to the Privacy Program must be published in the FEDERAL REGISTER:

- (i) DoD Component Privacy Procedural rules;
  - (ii) DoD Component exemption rules; and
  - (iii) System notices.
- (iv) Match notices (See subpart L to this part).

(2) See DoD 5025.1–M,<sup>9</sup> “Directive Systems Procedures” and Administrative Instruction (AI) No. 102,<sup>10</sup> “Office of the Secretary of Defense Federal Register System” for information pertaining to the preparation of documents for publication in the FEDERAL REGISTER.

(b) *The effect of publication in the FEDERAL REGISTER.* Publication of a document in the FEDERAL REGISTER constitutes official public notice of the existence and content of the document.

(c) *DoD Component rules.* (1) Component Privacy Program procedures and Component exemption rules are subject to the rulemaking procedures prescribed in AI 102.

(2) System notices are not subject to formal rulemaking and are published in the FEDERAL REGISTER as “Notices,” not rules.

(3) Privacy procedural and exemption rules are incorporated automatically into the CFR. System notices are not published in the CFR.

(d) *Submission of rules for publication.* (1) Submit to the DPO, ODA&M, all proposed rules implementing this part in proper format (see DoD 5025.1–M and

AI 102) for publication in the FEDERAL REGISTER.

(2) This part has been published as a final rule in the FEDERAL REGISTER. Therefore, incorporate it into your Component rules rather than by republication (see AI 102).

(3) DoD Component procedural rules that simply implement this Regulation need only be published as final rules in the FEDERAL REGISTER (see DoD 5025.1–M and AI 102). If the Component procedural rule supplements this part in any manner, they must be published as a proposed rule before being published as a final rule.

(4) Amendments to Component rules are submitted like the basic rules.

(5) The DPO submits the rules and amendments thereto to the FEDERAL REGISTER for publication.

(e) *Submission of exemption rules for publication.* (1) No system of records within the Department of Defense shall be considered exempt from any provision of this part until the exemption and the exemption rule for the system has been published as a final rule in the FEDERAL REGISTER.

(2) Submit exemption rules in proper format to the DPO. All exemption rules are coordinated with the DoD Office of General Counsel. After coordination, the DPO shall submit the rules to the FEDERAL REGISTER for publication.

(3) Exemption rules require publication both as proposed rules and final rules (see AI 102).

(4) § 310.31(b) discusses the content of an exemption rule.

(5) Submit amendments to exemption rules in the same manner used for establishing these rules.

(f) *Submission of system notices for publication.* (1) System notices are not subject to formal rulemaking procedures. However, the Privacy Act (5 U.S.C. 552a) requires a system notice be published in the FEDERAL REGISTER of the existence and character of a new or altered system of records. Until publication of the notice, DoD Components shall not begin to operate the system of records (i.e., collect and use the information). The notice procedures require:

- (i) The system notice describes what kinds of records are in the system, on whom they are maintained, what uses

<sup>9</sup>See footnote 1 to § 310.1.

<sup>10</sup>See footnote 1 to § 310.1.

are made of the records, and how an individual may access, or contest, the records contained in the system.

(ii) The public be given 30 days to comment on any proposed routine uses before any disclosures are made pursuant to the routine use; and

(iii) The notice contain the date on which the system shall become effective.

(2) Submit system notices to the DPO in the FEDERAL REGISTER format (see AI 102 and appendix E to this part). The DPO transmits the notices to the FEDERAL REGISTER for publication.

(3) § 310.32 discusses the specific elements required in a system notice.

#### § 310.31 Exemption rules.

(a) *General procedures.* Subpart F of this part provides the general guidance for establishing exemptions for systems of records.

(b) *Contents of exemption rules.* (1) Each exemption rule submitted for publication must contain the following:

(i) The record system identifier and title of the system for which the exemption is claimed. (See § 310.32(b) and (c));

(ii) The specific sections of the Privacy Act under which the exemption for the system is claimed (for example, 5 U.S.C. 552a(j)(2), 5 U.S.C. 552a(k)(3); or 5 U.S.C. 552a(k)(7);

(iii) The specific sections of the Privacy Act from which the system is to be exempted (for example, 5 U.S.C. 552a(c)(3), or 5 U.S.C. 552a(d)(1)–(5) (see appendix D)); and

(iv) The specific reasons why an exemption is being claimed from each section of the Act identified.

(2) Do not claim an exemption for classified material for individual systems of records. The blanket exemption applies. (See paragraph (c) of § 310.26.)

#### § 310.32 System notices.

(a) *Contents of the system notices.* (1) The following data captions are included in each system notice:

(i) Systems identifier. (see paragraph (b) of this section).

(ii) System name. (see paragraph (c) of this section).

(iii) System location. (see paragraph (d) of this section).

(iv) Categories of individuals covered by the system. (see paragraph (e) of this section).

(v) Categories of records in the system. (see paragraph (f) of this section).

(vi) Authority for maintenance of the system. (see paragraph (g) of this section).

(vii) Purpose(s). (see paragraph (h) of this section).

(viii) Routine uses of records maintained in the system, including categories of users and the purposes of such uses. (see paragraph (i) of this section).

(ix) Disclosure to Consumer Reporting Agencies. This element is optional but required when disclosing to consumer reporting agencies (See paragraph (l) of § 310.22.)

(x) Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system. (see paragraph (j) of this section).

(xi) Systems manager(s) and address. (see paragraph (k) of this section).

(xii) Notification procedure. (see paragraph (l) of this section).

(xiii) Record access procedures. (see paragraph (m) of this section).

(xiv) Contesting records procedures. (see paragraph (n) of this section).

(xv) Record source categories. (see paragraph (o) of this section).

(xvi) Exemptions claimed for the system. (see paragraph (p) of this section).

(2) The captions listed in paragraph (a)(1) of this Section have been mandated by the Office of Federal Register and must be used exactly as presented.

(3) A sample system notice is shown in appendix E of this part.

(b) *System identifier.* The system identifier must appear on all system notices and is limited to 21 positions, unless an exception is granted by the DPO, including Component code, file number and symbols, punctuation, and spacing.

(c) *System name.* (1) The name of the system reasonably identifies the general purpose of the system and, if possible, the general categories of individuals involved.

(2) Use acronyms only parenthetically following the title or any portion