

command disciplinary action, and consult the servicing Staff Judge Advocate. In combatant commands, process component unique system complaints through the respective component chain of command.

(b) For Privacy Act complaints filed in a U.S. District Court against the Air Force, an Air Force activity, or any Air Force employee, Air Force Legal Services Agency, General Litigation Division (JACL) will provide Air Force Chief Information Officer/P a litigation summary to include: The case number, requester name, the nature of the case (denial of access, refusal to amend, incorrect records, or specify the particular violation of the Privacy Act), date complaint filed, court, defendants, and any appropriate remarks, as well as updates during the litigation process. When the court renders a formal opinion or judgment, Air Force Legal Services Agency, General Litigation Division (JACL) sends Air Force Chief Information Officer/P a copy of the judgment and opinion.

#### § 806b.5 Personal notes.

The Privacy Act does not apply to personal notes on individuals used as memory aids. Personal notes may become Privacy Act records if they are retrieved by name or other personal identifier and at least one of the following three conditions apply: Keeping or destroying the records is not at the sole discretion of the author; the notes are required by oral or written directive, regulation, or command policy; or they are shown to other agency personnel.

#### § 806b.6 Systems of records operated by a contractor.

Contractors who are required to operate or maintain a Privacy Act system of records by contract must follow this part for collecting, safeguarding, maintaining, using, accessing, amending and disseminating personal information. The record system affected is considered to be maintained by the Air Force and is subject to this part. Systems managers for offices who have contractors operating or maintaining such record systems must ensure the contract contains the proper Privacy Act clauses, and identify the record

system number, as required by the Defense Acquisition Regulation and this part.

(a) Contracts for systems of records operated or maintained by a contractor will be reviewed annually by the appropriate Major Command Privacy Officer to ensure compliance with this part.

(b) Disclosure of personal records to a contractor for use in the performance of an Air Force contract is considered a disclosure within the agency under exception (b)(1) of the Privacy Act (*see* § 806b.47(a)).

#### § 806b.7 Responsibilities.

(a) The Air Force Chief Information Officer is the senior Air Force Privacy Official with overall responsibility for the Air Force Privacy Act Program.

(b) The Office of the General Counsel to the Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) makes final decisions on appeals.

(c) The General Litigation Division, Air Force Legal Services Agency (JACL), receives Privacy Act appeals and provides recommendations to the appellate authority. Service unique appeals, from combatant commands, should go through the respective chain of command.

(d) The Plans and Policy Directorate, Office of the Chief Information Officer manages the program through the Air Force Privacy Act Officer who:

(1) Administers procedures outlined in this part.

(2) Reviews publications and forms for compliance with this part.

(3) Reviews and approves proposed new, altered, and amended systems of records; and submits system notices and required reports to the Defense Privacy Office.

(4) Serves as the Air Force member on the Defense Privacy Board and the Defense Data Integrity Board.

(5) Provides guidance and assistance to Major Commands, field operating agencies, direct reporting units and combatant commands for which AF is executive agent in their implementation and execution of the Air Force Privacy Program. Ensures availability of training and training tools for a variety of audiences.