

M. *Contesting record procedures.* 1. If the record system has been exempted from subsection (e)(4)(H) of the Privacy Act, so indicate.

2. For all nonexempt systems of records, state briefly how an individual may contest the content of a record pertaining to him or her in the system. The detailed procedures for contesting record accuracy, refusal of access or amendment, or initial review and appeal need not be included if they are readily available elsewhere and can be referred to by the public. (For example, “The Defense Logistics Agency rules for contesting contents and for appealing initial determinations are contained in 32 CFR part.”) (DLAR 5400.21).

3. The individual may also be referred to the system manager to determine these procedures.

N. *Record source categories.* 1. If the record system has been exempted from subsection (e)(4)(I) of the Privacy Act, so indicate.

2. For all nonexempt systems of records, list the sources of the information in the system. Specific individuals or institutions need not be identified by name, particularly if these sources have been granted confidentiality.

O. *System exempted from certain provisions of the Privacy Act.* 1. If no exemption has been claimed for the system, indicate “None.”

2. If there is an exemption claimed, indicate specifically under which subsection of the Privacy Act is claimed. Cite the regulation and CFR section containing the exemption rule for the system. (For example, “Parts of this record system may be exempt under title 5, United States Code, sections 552a(k)2. and (5), as applicable. See exemption rules contained in 32 CFR part 323.”) (DLAR 5400.21).

[DLAR 5400.21, 51 FR 33595, Sept. 22, 1986. Redesignated and amended at 56 FR 57803, Nov. 14, 1991; 66 FR 41781, Aug. 9, 2001]

APPENDIX B TO PART 323—CRITERIA FOR NEW AND ALTERED RECORD SYSTEMS

A. *Criteria for a new record system.* A new system of records is one for which there has been no system notice published in the FEDERAL REGISTER. If a notice for a system, of records has been canceled or deleted, before reinstating or reusing the system, a new system notice must be published in the FEDERAL REGISTER.

B. *Criteria for an altered record system.* A system is considered altered whenever one of the following actions occurs or is proposed:

1. A significant increase or change in the number or type of individuals about whom records are maintained.

a. Only changes that alter significantly the character and purpose of the records system are considered alterations.

b. Increases in numbers of individuals due to normal growth are not considered alterations unless they truly alter the character and purpose of the system.

c. Increases that change significantly the scope of population covered (for example, expansion of a system of records covering a single PLFA’s enlisted personnel to include all of DLA enlisted personnel would be considered an alteration).

d. A reduction in the number of individual covered is not an alteration, but only an amendment.

e. All changes that add new categories of individuals to system coverage require a change to the “Categories of individuals covered by the system” caption of the notice and may require changes to the “Purpose(s)” caption.

2. An expansion in the types or categories of information maintained.

a. The addition of any new category of records not described under the “Categories of Records in System” caption is considered an alteration.

b. Adding a new data element which is clearly within the scope of the categories of records described in the existing notice is an amendment.

c. All changes under this criterion require a change to the “Categories of Records in System” caption of the notice.

3. An alteration in the manner in which the records are organized or the manner in which the records are indexed and retrieved.

a. The change must alter the nature of use or scope of the records involved (for example, combining records systems in a reorganization).

b. Any change under this criteria requires a change in the “Retrievability” caption of the system notice.

c. If the records are no longer retrieved by name or personal identifier, cancel the system notice.

4. A change in the purpose for which the information in the system is used.

a. The new purpose must not be compatible with the existing purposes for which the system is maintained or a use that would not reasonably be expected to be an alteration.

b. If the use is compatible and reasonably expected, there is no change in purpose and no alteration occurs.

c. Any change under this criterion requires a change in the “Purpose(s)” caption and may require a change in the “Authority for maintenance of the system” caption.

5. Changes that alter the computer environment (such as changes to equipment configuration, software, or procedures) so as to create the potential for greater or easier access.

a. Increasing the number of offices with direct access is an alteration.

b. Software releases, such as operating systems and system utilities that provide for easier access are considered alterations.

c. The addition of an on-line capability to a previously batch-oriented system is an alteration.

d. The addition of peripheral devices such as tape devices, disk devices, card readers, printers, and similar devices to an existing ADP system constitute an amendment if system security is preserved.

e. Changes to existing equipment configuration with on-line capability need not be considered alterations to the system if:

(1) The change does not alter the present security posture.

(2) The addition of terminals does not extend the capacity of the current operating system and existing security is preserved.

f. The connecting of two or more formerly independent automated systems or networks together creating a potential for greater access is an alteration.

g. Any change under this caption requires a change to the "Storage" caption element of the systems notice.

C. Reports of new and altered systems. Submit a report of a new or altered system to DLA Support Services (DSS-CA) before collecting information and for using a new system or altering an existing system.

D. *Time restrictions on the operation of a new or altered system.* 1. All time periods begin from the date OSD signs the transmittal letters on the reports to OMB and Congress. The specific time limits are:

a. Sixty days must elapse before collection forms or formal instructions pertaining to the system may be issued.

b. Sixty days must elapse before the system may become operational.

c. Sixty days must elapse before any public issuance of a Request for Proposal or Invitation to Bid for a new ADP or telecommunication system.

NOTE: Requests for delegation of procurement authority may be submitted to the General Services Administration during the 60 days' waiting period, but these will include language that the Privacy Act reporting criteria have been reviewed and that a system report is required for such procurement.

d. Normally 30 days must elapse before publication in the FEDERAL REGISTER of the notice of a new or altered system and the preamble to the FEDERAL REGISTER notice must reflect the date the transmittal letters to OMB and Congress were signed by OSD.

2. Do not operate a system of records until the waiting periods have expired.

E. *Outside review of new and altered systems reports.* If no objections are received within 30 days of a submission to the President of the Senate, Speaker of the House of Representatives, and the Director, OMB, of a

new or altered system report, it is presumed that the new or altered systems have been approved as submitted.

F. *Waiver of time restrictions.* 1. The OMB may authorize a Federal agency to begin operation of a system of records before the expiration of time limits described above. When seeking such a waiver, include in the letter of transmittal to DLA Support Services (CA) an explanation why a delay of 60 days in establishing the system of records would not be in the public interest. The transmittal must include:

a. How the public interest will be affected adversely if the established time limits are followed.

b. Why earlier notice was not provided.

2. Under no circumstances will the routine uses for a new or altered system be implemented before 30 days have elapsed after publication of the system notice containing the routine uses in the FEDERAL REGISTER. This period cannot be waived.

[DLAR 5400.21, 51 FR 33595, Sept. 22, 1986. Redesignated and amended at 56 FR 57803, Nov. 14, 1991; 66 FR 41782, Aug. 9, 2001]

APPENDIX C TO PART 323—INSTRUCTIONS FOR PREPARATION OF REPORTS TO NEW OR ALTERED SYSTEMS

The report on a new or altered system will consist of a transmittal letter, a narrative statement, and include supporting documentation.

A. *Transmittal Letter.* The transmittal letter shall include any request for waivers. The narrative statement will be attached.

B. *Narrative Statement.* The narrative statement is typed in double space on standard bond paper. The statement includes:

1. *System identification and name.* This caption sets forth the identification and name of the system.

2. *Responsible official.* The name, title, address, and telephone number of the official responsible for the report and to whom inquiries and comments about the report may be directed by Congress, the Office of Management and Budget, or Defense Privacy Office.

3. *Purpose of the system or nature of the change proposed.* Describe the purpose of the new system. For an altered system, describe the nature of the change being proposed.

4. *Authority for the system.* See enclosure 1 of this part.

5. *Number of individuals.* The approximate number of individuals about whom records are to be maintained.

6. *Information on First Amendment activities.* Describe any information to be kept on the exercise of the individual's First Amendment rights and the basis for maintaining it.