

§ 806b.9 Confidentiality promises.

Promises of confidentiality must be prominently annotated in the record to protect from disclosure any “confidential” information under 5 United States Code 552a(k)(2), (k)(5), or (k)(7) of the Privacy Act.

Subpart C—Collecting Personal Information**§ 806b.10 How to collect personal information.**

Collect personal information directly from the subject of the record whenever possible. Only ask third parties when:

- (a) You must verify information.
- (b) You want opinions or evaluations.
- (c) You can’t contact the subject.
- (d) You are doing so at the request of the subject individual.

§ 806b.11 When to give Privacy Act Statements (PAS).

(a) Give a PAS orally or in writing to the subject of the record when you are collecting information from them that will go in a system of records. Note: Do this regardless of how you collect or record the answers. You may display a sign in areas where people routinely furnish this kind of information. Give a copy of the Privacy Act Statement if asked. Do not ask the person to sign the Privacy Act Statement.

(b) A Privacy Act Statement must include four items:

(1) *Authority*: The legal authority, that is, the U.S.C. or Executive Order authorizing the program the system supports.

(2) *Purpose*: The reason you are collecting the information and what you intend to do with it.

(3) *Routine Uses*: A list of where and why the information will be disclosed outside DoD.

(4) *Disclosure*: Voluntary or Mandatory. (Use Mandatory only when disclosure is required by law and the individual will be penalized for not providing information.) Include any consequences of nondisclosure in non-threatening language.

§ 806b.12 Requesting the Social Security Number.

When asking an individual for his or her Social Security Number, always give a Privacy Act Statement that tells the person: The legal authority for requesting it; the uses that will be made of the Social Security Number; and whether providing the Social Security Number is voluntary or mandatory. Do not deny anyone a legal right, benefit, or privilege for refusing to give their Social Security Number unless the law requires disclosure, or a law or regulation adopted before January 1, 1975 required the Social Security Number and the Air Force uses it to verify a person’s identity in a system of records established before that date.

(a) The Air Force requests an individual’s Social Security Number and provides the individual information required by law when anyone enters military service or becomes an Air Force civilian employee. The Air Force uses the Social Security Number as a service or employment number to reference the individual’s official records. When you ask someone for a Social Security Number as identification to retrieve an existing record, you do not have to restate this information.

(b) Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*², authorizes using the Social Security Number as a personal identifier. This order is not adequate authority to collect a Social Security Number to create a record. When law does not require disclosing the Social Security Number or when the system of records was created after January 1, 1975, you may ask for the Social Security Number, but the individual does not have to disclose it. If the individual refuses to respond, use alternative means of identifying records. (c) Social Security Numbers are personal and unique to each individual. Protect them as for official use only (FOUO).

Within DoD, do not disclose them to anyone without an official need to know. Outside DoD, they are not releasable without the person’s consent.

²http://resource.lawlinks.com/content/legal_research/Executive_Orders/1940-1960/executive_order_9397.htm.

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or unless authorized under one of the 12 exceptions to the Privacy Act (see § 806b.47).

Subpart D—Giving Access to Privacy Act Records

§ 806b.13 Making a Request for Access.

Persons or their designated representatives may ask for a copy of their records in a system of records. Requesters need not state why they want access to their records. Verify the identity of the requester to avoid unauthorized disclosures. How you verify identity will depend on the sensitivity of the requested records. Persons may use a notary or an unsworn declaration in the following format: “I declare under penalty of perjury (if outside the United States, add “under the laws of the United States of America”) that the foregoing is true and correct. Executed on (date). (Signature).”

§ 806b.14 Processing a Request for Access.

Consider a request from an individual for his or her own records in a system of records under both the Freedom of Information Act and the Privacy Act regardless of the Act cited. The requester does not need to cite either Act if the records they want are contained in a system of records. Process the request under whichever Act gives the most information. When necessary, tell the requester which Act you used and why.

(a) Requesters should describe the records they want. They do not have to name a system of records number, but they should at least name a type of record or functional area. For requests that ask for “all records about me,” ask for more information and tell the person how to review the Air Force systems of records published in the FEDERAL REGISTER or at <http://www.defenseink.mil/privacy/notices/usaf>.

(b) Requesters should not use government equipment, supplies, stationery, postage, telephones, or official mail channels for making Privacy Act requests. System managers will process such requests and tell requesters that using government resources to make Privacy Act requests is not authorized.

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(c) Tell the requester if a record exists and how to review the record. If possible, respond to requests within 10 workdays of receipt. If you cannot answer the request in 10 workdays, send a letter explaining why and give an approximate completion date no more than 20 workdays after the first office received the request.

(d) Show or give a copy of the record to the requester within 30 workdays of receiving the request unless the system is exempt and the Air Force lists the exemption in appendix D to this part; or it is published in this section; or published as a final rule in the FEDERAL REGISTER. Give information in a form the requester can understand. If the system is exempt under the Privacy Act, provide any parts releasable under the Freedom of Information Act, with appeal rights (See subpart F of this part), citing appropriate exemptions from the Privacy Act and the Freedom of Information Act, if applicable.

(e) If the requester wants another person present during the record review, the system manager may ask for written consent to authorize discussing the record with another person present.

§ 806b.15 Fees.

Give the first 100 pages free, and charge only reproduction costs for the remainder. Copies cost \$.15 per page; microfiche costs \$.25 per fiche. Charge fees for all pages for subsequent requests for the same records. Do not charge fees:

(a) When the requester can get the record without charge under another publication (for example, medical records).

(b) For search.

(c) For reproducing a document for the convenience of the Air Force.

(d) For reproducing a record so the requester can review it.

Fee waivers. Waive fees automatically if the direct cost of reproduction is less than \$15, unless the individual is seeking an obvious extension or duplication of a previous request for which he or she was granted a waiver. Decisions to waive or reduce fees that exceed \$15 are made on a case-by-case basis.