

**§ 806b.16 Denying or limiting access.**

System managers process access denials within 5 workdays after you receive a request for access. When you may not release a record, send a copy of the request, the record, and why you recommend denying access (include the applicable exemption) to the denial authority through the legal office and the Privacy Act office. Judge Advocate offices will include a written legal opinion. The Privacy Act officer reviews the file, and makes a recommendation to the denial authority. The denial authority sends the requester a letter with the decision. If the denial authority grants access, release the record. If the denial authority refuses access, tell the requester why and explain pertinent appeal rights (*see* subpart F of this part). Before you deny a request for access to a record, make sure that:

- (a) The system has an exemption rule published in the FEDERAL REGISTER as a final rule.
- (b) The exemption covers each document. (All parts of a system are not automatically exempt.)
- (c) Nonexempt parts are segregated.

**§ 806b.17 Special provision for certain medical records.**

If a physician believes that disclosing requested medical records could harm the person's mental or physical health, you should:

- (a) Ask the requester to get a letter from a physician to whom you can send the records. Include a letter explaining to the physician that giving the records directly to the individual could be harmful.
- (b) Offer the services of a military physician other than one who provided treatment if naming the physician poses a hardship on the individual.
- (c) The Privacy Act requires that we ultimately insure that the subject receives the records.

**§ 806b.18 Third party information in a Privacy Act System of Record.**

Ordinarily a person is entitled to their entire record under the Privacy Act. However, the law is not uniform regarding whether a subject is entitled to information that is not "about" him or her (for example, the home address of a third party contained in the sub-

ject's records). Consult your servicing Staff Judge Advocate before disclosing third party information. Generally, if the requester will be denied a right, privilege or benefit, the requester must be given access to relevant portions of the file.

**§ 806b.19 Information compiled in anticipation of civil action.**

Withhold records compiled in connection with a civil action or other proceeding including any action where the Air Force expects judicial or administrative adjudicatory proceedings. This exemption does not cover criminal actions. Do not release attorney work products prepared before, during, or after the action or proceeding.

**§ 806b.20 Denial authorities.**

These officials or a designee may deny access or amendment of records as authorized by the Privacy Act. Send a letter to Air Force Chief Information Officer/P with the position titles of designees. Authorities are:

- (a) Deputy Chief of Staffs and chiefs of comparable offices or higher level at Secretary of the Air Force or Headquarters United States Air Force or designees.
- (b) Major Command, Field Operating Agency, or direct reporting unit commanders or designees.
- (c) Director, Personnel Force Management, 1040 Air Force Pentagon, Washington, DC 20330-1040 (for civilian personnel records).
- (d) Commander, Air Force Office of Special Investigations, Washington, DC 20332-6001 (for Air Force Office of Special Investigations records).
- (e) Unified Commanders or designees.

**Subpart E—Amending the Record****§ 806b.21 Amendment reasons.**

Individuals may ask to have their records amended to make them accurate, timely, relevant, or complete. System managers will routinely correct a record if the requester can show that it is factually wrong (*e.g.*, date of birth is wrong).