

§ 806b.22

§ 806b.22 Responding to amendment requests.

(a) Anyone may request minor corrections orally. Requests for more serious modifications should be in writing.

(b) After verifying the identity of the requester, make the change, notify all known recipients of the record, and inform the individual.

(c) Acknowledge requests within 10 workdays of receipt. Give an expected completion date unless you complete the change within that time. Final decisions must take no longer than 30 workdays.

§ 806b.23 Approving or denying a record amendment.

The Air Force does not usually amend a record when the change is based on opinion, interpretation, or subjective official judgment. Determinations not to amend such records constitutes a denial, and requesters may appeal (see subpart F of this part).

(a) If the system manager decides not to amend the record, send a copy of the request, the record, and the recommended denial reasons to the denial authority through the legal office and the Privacy Act office. Legal offices will include a written legal opinion. The Privacy Act officer reviews the proposed denial and legal opinion and makes a recommendation to the denial authority.

(b) The denial authority sends the requester a letter with the decision. If the denial authority approves the request, amend the record and notify all previous recipients that it has been changed. If the authority denies the request, give the requester the statutory authority, reason, and pertinent appeal rights (see subpart F of this part).

§ 806b.24 Seeking review of unfavorable Agency determinations.

Requesters should pursue record corrections of subjective matters and opinions through proper channels to the Civilian Personnel Office using grievance procedures or the Air Force Board for Correction of Military Records. Record correction requests denied by the Air Force Board for Correction of Military Records are not subject to further consideration under this part. Military personnel, other than

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U.S. Air Force personnel, should pursue service-unique record corrections through their component chain of command.

§ 806b.25 Contents of Privacy Act case files.

Do not keep copies of disputed records in this file. File disputed records in their appropriate series. Use the file solely for statistics and to process requests. Do not use the case files to make any kind of determination about an individual. Document reasons for untimely responses. These files include:

(a) Requests from and replies to individuals on whether a system has records about them.

(b) Requests for access or amendment.

(c) Approvals, denials, appeals, and final review actions.

(d) Coordination actions and related papers.

Subpart F—Appeals

§ 806b.26 Appeal procedures.

Individuals who receive a denial to their access or amendment request may request a denial review by writing to the Secretary of the Air Force, through the denial authority, within 60 calendar days after receiving a denial letter. The denial authority promptly sends a complete appeal package to Air Force Legal Services Agency, General Litigation Division (JACL). The package must include:

(1) The original appeal letter;

(2) The initial request;

(3) The initial denial;

(4) A copy of the record;

(5) Any internal records or coordination actions relating to the denial;

(6) The denial authority's comments on the appellant's arguments; and

(7) The legal reviews.

(a) If the denial authority reverses an earlier denial and grants access or amendment, notify the requester immediately.

(b) Air Force Legal Services Agency, General Litigation Division (JACL) reviews the denial and provides a final recommendation to Secretary of the Air Force, Fiscal and Administrative Law Division (GCA). Secretary of the