

§ 806b.46

32 CFR Ch. VII (7-1-14 Edition)

without the written consent of the subject. This list is not all-inclusive.

- (a) Name.
- (b) Rank.
- (c) Grade.
- (d) Air Force specialty code.
- (e) Pay (including base pay, special pay, all allowances except Basic Allowance for Quarters and Variable Housing Allowance).
- (f) Gross salary for civilians.
- (g) Past duty assignments, unless sensitive or classified.
- (h) Present and future approved and announced stateside assignments.
- (i) Position title.
- (j) Office, unit address, and duty phone number (Continental United States (CONUS) only).
- (k) Date of rank.
- (l) Entered on active duty date.
- (m) Pay date.
- (n) Source of commission.
- (o) Professional military education.
- (p) Promotion sequence number.
- (q) Military awards and decorations.
- (r) Duty status of active, retired, or reserve.
- (s) Active duty official attendance at technical, scientific, or professional meetings.
- (t) Biographies and photos of key personnel.
- (u) Date of retirement, separation.

§ 806b.46 Disclosing other information.

Use these guidelines to decide whether to release information:

- (a) Would the subject have a reasonable expectation of privacy in the information requested?
- (b) Would disclosing the information benefit the general public? The Air Force considers information as meeting the public interest standard if it reveals anything regarding the operations or activities of the agency, or performance of its statutory duties.
- (c) Balance the public interest against the individual's probable loss of privacy. Do *not* consider the requester's purpose, circumstances, or proposed use.

§ 806b.47 Rules for releasing Privacy Act information without consent of the subject.

The Privacy Act prohibits disclosing personal information to anyone other

than the subject of the record without his or her written consent. There are twelve exceptions to the "no disclosure without consent" rule. Those exceptions permit release of personal information without the individual's consent only in the following instances:

(a) *Exception 1.* DoD employees who have a need to know the information in the performance of their official duties.

(b) *Exception 2.* In response to a Freedom of Information Act request for information contained in a system of records about an individual and the Freedom of Information Act requires release of the information.

(c) *Exception 3.* To agencies outside DoD only for a Routine Use published in the FEDERAL REGISTER. The purpose of the disclosure must be compatible with the intended purpose of collecting and maintaining the record. When initially collecting the information from the subject, the Routine Uses block in the Privacy Act Statement must name the agencies and reason.

NOTE TO PARAGRAPH (C): In addition to the Routine Uses established by the Department of the Air Force within each system of records, the DoD has established "Blanket Routine Uses" that apply to all record systems maintained by the Department of the Air Force. These "Blanket Routine Uses" have been published only once at the beginning of the Department of the Air Force's FEDERAL REGISTER compilation of record systems notices in the interest of simplicity, economy and to avoid redundancy. Unless a system notice specifically excludes a system of records from a "Blanket Routine Use," all "Blanket Routine Uses" apply to that system (see appendix C to this part).

(d) *Exception 4.* The Bureau of the Census to plan or carry out a census or survey under Title 13, U.S.C. Section 8.

(e) *Exception 5.* A recipient for statistical research or reporting. The recipient must give advanced written assurance that the information is for statistical purposes only.

NOTE: No one may use any part of the record to decide on individuals' rights, benefits, or entitlements. You must release records in a format that makes it impossible to identify the real subjects.

(f) *Exception 6.* The National Archives and Records Administration to evaluate records for permanent retention. Records stored in Federal Records Centers remain under Air Force control.

(g) *Exception 7.* A Federal, State, or local agency (other than DoD) for civil or criminal law enforcement. The head of the agency or a designee must send a written request to the system manager specifying the record or part needed and the law enforcement purpose. In addition, the “blanket routine use” for law enforcement allows the system manager to disclose a record to a law enforcement agency if the agency suspects a criminal violation.

(h) *Exception 8.* An individual or agency that needs the information for compelling health or safety reasons. The affected individual need not be the record subject.

(i) *Exception 9.* Either House of Congress, a congressional committee, or a subcommittee, for matters within their jurisdictions. The request must come from the committee chairman or ranking minority member (see Air Force Instruction 90-401, Air Force Relations With Congress).⁹

(1) Requests from a Congressional member acting on behalf of the record subject are evaluated under the routine use of the applicable system notice. If the material for release is sensitive, get a release statement.

(2) Requests from a Congressional member not on behalf of a committee or the record subject are properly analyzed under the Freedom of Information Act, and not under the Privacy Act.

(j) *Exception 10.* The Comptroller General or an authorized representative of the General Accounting Office (GAO) to conduct official GAO business.

(k) *Exception 11.* A court of competent jurisdiction, with a court order signed by a judge.

(l) *Exception 12.* A consumer reporting agency in accordance with 31 U.S.C. 3711(e). Ensure category element is represented within the system of records notice.

§ 806b.48 Disclosing the medical records of minors.

Air Force personnel may disclose the medical records of minors to their parents or legal guardians in conjunction with applicable Federal laws and guide-

lines. The laws of each state define the age of majority.

(a) The Air Force must obey state laws protecting medical records of drug or alcohol abuse treatment, abortion, and birth control. If you manage medical records, learn the local laws and coordinate proposed local policies with the servicing Staff Judge Advocate.

(b) Outside the United States (overseas), the age of majority is 18. Unless parents or guardians have a court order granting access or the minor’s written consent, they will not have access to minor’s medical records overseas when the minor sought or consented to treatment between the ages of 15 and 17 in a program where regulation or statute provides confidentiality of records and he or she asked for confidentiality.

§ 806b.49 Disclosure accountings.

System managers must keep an accurate record of all disclosures made from any system of records except disclosures to DoD personnel for official use or disclosures under the Freedom of Information Act. System managers may use Air Force Form 771¹⁰, Accounting of Disclosures. Retain disclosure accountings for 5 years after the disclosure, or for the life of the record, whichever is longer.

(a) System managers may file the accounting record any way they want as long as they give it to the subject on request, send corrected or disputed information to previous record recipients, explain any disclosures, and provide an audit trail for reviews. Include in each accounting:

- (1) Release date.
- (2) Description of information.
- (3) Reason for release.
- (4) Name and address of recipient.

(5) Some exempt systems let you withhold the accounting record from the subject.

(b) You may withhold information about disclosure accountings for law enforcement purposes at the law enforcement agency’s request.

§ 806b.50 Computer matching.

Computer matching programs electronically compare records from two or

⁹ <http://www.e-publishing.af.mil/pubfiles/af/90/afi90-401/afi90-401.pdf>.

¹⁰ <http://www.e-publishing.af.mil/formfiles/af/af771/af771.xfd>.