

§ 310.44

Components or the Component Inspector General.

§ 310.44 Inspection reporting.

(a) Document the findings of the inspectors in official reports that are furnished the responsible Component officials. These reports, when appropriate, shall reflect overall assets of the Component Privacy Program inspected, or portion thereof, identify deficiencies, irregularities, and significant problems. Also document remedial actions taken to correct problems identified.

(b) Retain inspections reports and later follow-up reports in accordance with established records disposition standards. These reports shall be made available to the Privacy Program officials concerned upon request.

Subpart K—Privacy Act Violations

§ 310.45 Administrative remedies.

Any individual who believes he or she has a legitimate complaint or grievance against the Department of Defense or any DoD employee concerning any right granted by this part shall be permitted to seek relief through appropriate administrative channels.

§ 310.46 Civil actions.

An individual may file a civil suit against a DoD Component if the individual believes his or her rights under the Act have been violated. (See 5 U.S.C. 552a(g).)

§ 310.47 Civil remedies.

In addition to specific remedial actions, the Privacy Act provides for the payment of damages, court costs, and attorney fees in some cases.

§ 310.48 Criminal penalties.

(a) The Act also provides for criminal penalties. (See 5 U.S.C. 552a(i).) Any official or employee may be found guilty of a misdemeanor and fined not more than \$5,000 if he or she willfully:

(1) Discloses information from a system of records, knowing dissemination is prohibited to anyone not entitled to receive the information (see subpart E of this part); or

(2) Maintains a system of records without publishing the required public

32 CFR Ch. I (7–1–10 Edition)

notice in the FEDERAL REGISTER. (See subpart G of this part.)

(b) Any person who knowingly and willfully requests or obtains access to any record concerning another individual under false pretenses may be found guilty of misdemeanor and fined up to \$5,000.

§ 310.49 Litigation status sheet.

Whenever a complaint citing the Privacy Act is filed in a U.S. District Court against the Department of Defense, a DoD Component, or any DoD employee, the responsible system manager shall notify the DPO. The litigation status sheet at appendix H to this part provides a standard format for this notification. The initial litigation status sheet forwarded shall, as a minimum, provide the information required by items 1 through 6 of the status sheet. A revised litigation status sheet shall be provided at each stage of the litigation. When a court renders a formal opinion or judgment, copies of the judgment and opinion shall be provided to the DPO with the litigation status sheet reporting that judgment or opinion.

§ 310.50 Lost, stolen, or compromised information.

(a) When a loss, theft, or compromise of information occurs (see § 310.14), the breach shall be reported to:

(1) The United States Computer Emergency Readiness Team (US CERT) within one hour of discovering that a breach of personally identifiable information has occurred. Components shall establish procedures to ensure that US CERT reporting is accomplished in accordance with the guidance set forth at <http://www.us-cert.gov>.

(i) The underlying incident that led to the loss or suspected loss of PII (e.g., computer incident, theft, loss of material, etc.) shall continue to be reported in accordance with established procedures (e.g., to designated Computer Network Defense (CND) Service Providers (reference (z)), law enforcement authorities, the chain of command, etc.).

(ii) [Reserved]

(2) The Senior Component Official for Privacy within 24 hours of discovering that a breach of personally identifiable