

§ 311.1

32 CFR Ch. I (7–1–10 Edition)

§ 311.1 Purpose.

This part revises 32 CFR part 311 to update Office of the Secretary of Defense (OSD) and Joint Staff (JS) policy, assigns responsibilities, and prescribes procedures for the effective administration of the Privacy Program in OSD and the JS. This part supplements and implements part 32 CFR part 310, the DoD Privacy Program.

§ 311.2 Applicability.

This part:

(a) Applies to OSD, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, and all other activities serviced by Washington Headquarters Services (WHS) that receive privacy program support from OSD/JS Privacy Office, Executive Services Directorate (ESD), WHS (hereafter referred to collectively as the “WHS-Serviced Components”).

(b) Covers systems of records maintained by the WHS-Serviced Components and governs the maintenance, access, change, and release information contained in those systems of records, from which information about an individual is retrieved by a personal identifier.

§ 311.3 Definitions.

(a) *Access*. The review of a record or a copy of a record or parts thereof in a system of records by any individual.

(b) *Computer matching program*. A program that matches the personal records in computerized databases of two or more Federal agencies.

(c) *Disclosure*. The transfer of any personal information from a system of records by any means of communication (such as oral, written, electronic, mechanical, or actual review) to any person, private entity, or Government Agency, other than the subject of the record, the subject’s designated agent or the subject’s legal guardian.

(d) *Individual*. A living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. The parent of a minor or the legal guardian of any individual also may act on behalf of an individual. Members of the United States Armed Forces are “individuals.” Corporations, partnerships, sole proprietorships, professional groups, businesses, whether

incorporated or unincorporated, and other commercial entities are not “individuals” when acting in an entrepreneurial capacity with the Department of Defense but are “individuals” otherwise (*e.g.*, security clearances, entitlement to DoD privileges or benefits, *etc.*).

(e) *Individual access*. Access to information pertaining to the individual by the individual or his or her designated agent or legal guardian.

(f) *Maintain*. To maintain, collect, use, or disseminate records contained in a system of records.

(g) *Personal information*. Information about an individual that identifies, links, relates, or is unique to, or describes him or her, *e.g.*, a social security number; age; military rank; civilian grade; marital status; race; salary; home/office phone numbers; other demographic, biometric, personnel, medical, and financial information, *etc.* Such information also is known as *personally identifiable information* (*i.e.*, information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, date and place of birth, mother’s maiden name, biometric records, including any other personal information which is linked or linkable to a specified individual).

(h) *Record*. Any item, collection, or grouping of information, whatever the storage media (*e.g.*, paper, electronic, *etc.*), about an individual that is maintained by a WHS-Serviced Component, including, but not limited to, his or her education, financial transactions, medical history, criminal or employment history, and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(i) *System manager*. A WHS-Serviced Component official who has overall responsibility for a system of records. The system manager may serve at any level in OSD. Systems managers are indicated in the published systems of records notices. If more than one official is indicated as a system manager, initial responsibility resides with the manager at the appropriate level (*i.e.*, for local records, at the local activity).