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returned to the originating law enforcement agency or the copies will be destroyed.

(3) A using organization may maintain information from military police records in their system of records, if approval is obtained from the originating law enforcement agency. This information may include reference to a military police record (for example, Law Enforcement Report number or date of offense), a summary of information contained in the record, or the entire military police record. When a user includes a military police record in its system of records, the originating law enforcement agency will delete portions from that record to protect special investigative techniques, maintain confidentiality, preclude compromise of an investigation, and protect other law enforcement interests.

[80 FR 28549, May 19, 2015, as amended at 81 FR 17386, Mar. 29, 2016]

§ 635.9 Release of information.

(a) Release of information from Army records to agencies outside DoD will be governed by 32 CFR part 518, 32 CFR part 505, AR 600–37, Unfavorable Information (Available at *http://www.apd.army.mil/pdffiles/r600_37.pdf*), and this part. Procedures for release of certain other records and information is contained in AR 20–1, Inspector General Activities and Procedures (available at *http://www.apd.army.mil/pdffiles/r20_1.pdf*), AR 27–20, Claims (available at *http://www.apd.army.mil/pdffiles/r27_20.pdf*), AR 27–40, Litigation (available at *http://www.apd.army.mil/pdffiles/r27_40.pdf*), AR 40–66, Medical Record Administration and Healthcare Documentation (available at *http://www.apd.army.mil/pdffiles/r40_66.pdf*), AR 195–2, Criminal Investigation Activities (available at *http://www.apd.army.mil/pdffiles/r195_2.pdf*), AR 360–1, The Army Public Affairs Program (available at *http://www.apd.army.mil/pdffiles/r360_1.pdf*), and AR 600–85, The Army Substance Abuse Program (available at *http://www.apd.army.mil/pdffiles/r600_85.pdf*). Installation drug and alcohol offices may be provided an extract of DA Form 3997 (Military Police Desk Blotter) for offenses involving the use of alcohol or drugs (for example, drunk driving, drunk and disorderly conduct, or positive urinalysis).

(b) Installation PM/DES are the release authorities for military police records under their control. They may release criminal record information to other activities as prescribed in 32 CFR part 518 and 32 CFR part 505, and this part.

(c) Authority to deny access to criminal records information rests with the initial denial authority (IDA) for the FOIA and the denial authority for Privacy Acts cases, as addressed in 32 CFR part 518 and 32 CFR part 505.

§ 635.10 Release of information under the Freedom of Information Act (FOIA).

(a) The release and denial authorities for all FOIA requests concerning military police records include PM/DES and the Commander, USACIDC. Authority to act on behalf of the Commander, USACIDC is delegated to the Director, USACRC.

(b) FOIA requests from members of the press will be coordinated with the installation public affairs officer prior to release of records under the control of the installation PM/DES. When the record is on file at the USACRC the request must be forwarded to the Director, USACRC.

(c) Requests will be processed as prescribed in 32 CFR part 518 and as follows:

(1) The installation FOIA Office will review requested reports to determine if any portion is exempt from release.

(2) Statutory and policy questions will be coordinated with the local staff judge advocate (SJA).

(3) Coordination will be completed with the local USACIDC activity to ensure that the release will not interfere with a criminal investigation in progress or affect final disposition of an investigation.

(4) If it is determined that a portion of the report, or the report in its entirety will not be released, the request to include a copy of the Military Police Report or other military police records will be forwarded to the Director, USACRC, ATTN: CICR–FP, 27130 Telegraph Road, Quantico, VA 22134. The requestor will be informed that their

request has been sent to the Director, USACRC, and provided the mailing address for the USACRC. When forwarding FOIA requests, the outside of the envelope will be clearly marked ''FOIA REQUEST.''

(5) A partial release of information by an installation FOIA Office is permissible when it is acceptable to the requester. (An example would be the redaction of a third party's social security number, home address, and telephone number, as permitted by law). If the requester agrees to the redaction of exempt information, such cases do not constitute a denial. If the requester insists on the entire report, a copy of the report and the request for release will be forwarded to the Director, USACRC. There is no requirement to coordinate such referrals at the installation level. The request will simply be forwarded to the Director, United States Army Crime Records Center (USACRC) for action.

(6) Requests for military police records that have been forwarded to USACRC and are no longer on file at the installation PMO/DES will be forwarded to the Director, USACRC for processing.

(7) Requests concerning USACIDC reports of investigation or USACIDC files will be referred to the Director, USACRC. In each instance, the requestor will be informed of the referral and provided the Director, USACRC address.

(8) Requests concerning records that are under the supervision of an Army activity, or other DoD agency, will be referred to the appropriate agency for response.

§ 635.11 Release of information under the Privacy Act of 1974.

(a) Military police records may be released according to provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as implemented by 32 CFR part 310, DoD Privacy Program, 32 CFR part 505, The Army Privacy Program, and this part.

(b) The release and denial authorities for all Privacy Act cases concerning military police records are provided in § 635.9.

(c) Privacy Act requests for access to a record, when the requester is the subject of that record, will be processed as prescribed in 32 CFR part 505.

§ 635.12 Amendment of records.

(a) *Policy*. An amendment of records is appropriate when such records are established as being inaccurate, irrelevant, untimely, or incomplete. Amendment procedures are not intended to permit challenging an event that actually occurred. Requests to amend reports will be granted only if the individual submits new, relevant and material facts that are determined to warrant their inclusion in or revision of the police report. The burden of proof is on the individual to substantiate the request. Requests to delete a person's name from the title block will be granted only if it is determined that there is not probable cause to believe that the individual committed the offense for which he or she is listed as a subject. It is emphasized that the decision to list a person's name in the title block of a police report is an investigative determination that is independent of whether or not subsequent judicial, non-judicial or administrative action is taken against the individual.

(b) In compliance with DoD policy, an individual will still remain entered in the Defense Clearance Investigations Index (DCII) to track all reports of investigation.

§ 635.13 Accounting for military police record disclosure.

(a) 32 CFR part 505 prescribes accounting policies and procedures concerning the disclosure of military police records.

(b) PM/DES will develop local procedures to ensure that disclosure of military police records as described in 32 CFR part 505 are available on request.

(c) In every instance where records are disclosed; individuals, agencies or components are reminded that use or further disclosure of any military police reports, Military Police Investigator (MPI) reports, or other information received must be in compliance with DoDI 5505.7 (available at *http://www.dtic.mil/whs/directives/corres/pdf/550507p.pdf*), paragraph 6.5.2. which states that ''judicial or adverse administrative actions shall not be taken against individuals or entities based