

DCAA Regulation
No. 5410.10

DCAA PRIVACY ACT PROGRAM
(RCS: DD-COMP(A)1379)

1. References:

- 1.1. Title 5, United States Code, Section 552a (<http://www.usdoj.gov/04foia/foiastat.htm>)
- 1.2. DoD 5400.11-R, DoD Privacy Act Program (<http://web7.whs.osd.mil>)
- 1.3. DCAAR 5410.8, DCAA Freedom of Information Act Program (<http://www.deskbook.osd.mil>)
- 1.4. DCAAP 5410.13, DCAA Compilation of Privacy Act System Notices (<http://www.defenselink.mil/privacy/notices/dcaa/>)

2. REISSUANCE AND PURPOSE. This regulation provides policies and procedures for the Defense Contract Audit Agency's implementation of the Privacy Act of 1974 and is intended to promote uniformity within the Agency.

3. CANCELLATION. The 24 June 1991 edition of this regulation is cancelled.

4. APPLICABILITY AND SCOPE.

4.1. This regulation applies to all DCAA organizational elements and takes precedence over all regional regulatory issuances that supplement the DCAA Privacy Program.

4.2. This regulation shall be made applicable by contract or other legally binding action to contractors whenever a DCAA contract provides for the operation of a system of records or portion of a system of records to accomplish an Agency function.

5. POLICY. It is DCAA policy that personnel will comply with the DCAA Privacy Program and the Privacy Act of 1974. Strict adherence is necessary to ensure uniformity in the implementation of the DCAA Privacy Program and create conditions that will foster public trust. It is also Agency policy to safeguard personal information contained in any system of records maintained by DCAA organizational elements and to make that information available to the individual to whom it pertains to the maximum extent practicable. DCAA policy specifically requires that DCAA organizational elements:

5.1. Collect, maintain, use, and disseminate personal information only when it is relevant and necessary to achieve a purpose required by statute or Executive Order.

5.2. Collect personal information directly from the individuals to whom it pertains to the greatest extent practical.

5.3. Inform individuals who are asked to supply personal information for inclusion in any system of records:

5.3.1. The authority for the solicitation.

5.3.2. Whether furnishing the information is mandatory or voluntary.

5.3.3. The intended uses of the information.

5.3.4. The routine disclosures of the information that may be made outside of DoD.

5.3.5. The effect on the individual of not providing all or any part of the requested information.

5.4. Ensure that records used in making determinations about individuals and those containing personal information are accurate, relevant, timely, and complete for the purposes for which they are being maintained before making them available to any recipients outside of DoD, other than a Federal agency, unless the disclosure is made under DCAAR 5410.10, DCAA Freedom of Information Act Program.

5.5. Keep no record that describes how individuals exercise their rights guaranteed by the First Amendment to the U.S. Constitution, unless expressly authorized by statute or by the individual to whom the records pertain or is pertinent to and within the scope of an authorized law enforcement activity.

5.6. Notify individuals whenever records pertaining to them are made available under compulsory legal processes, if such process is a matter of public record.

5.7. Establish safeguards to ensure the security of personal information and to protect this information from threats or hazards that might result in substantial harm, embarrassment, inconvenience, or unfairness to the individual.

5.8. Establish rules of conduct for DCAA personnel involved in the design, development, operation, or maintenance of any system of records and train them in these rules of conduct.

5.9. Assist individuals in determining what records pertaining to them are being collected, maintained, used, or disseminated.

5.10. Permit individual access to the information pertaining to them maintained in any system of records, and to correct or amend that information, unless an exemption for the system has been properly established for an important public purpose.

5.11. Provide, on request, an accounting of all disclosures of the information pertaining to them except when disclosures are made:

5.11.1. To DoD personnel in the course of their official duties.

5.11.2. Under DCAAR 5410.8.

5.11.3. To another agency or to an instrumentality of any governmental jurisdiction within or under control of the United States conducting law enforcement activities authorized by law.

5.12. Advise individuals on their rights to appeal any refusal to grant access to or amend any record pertaining to them, and file a statement of disagreement with the record in the event amendment is refused.

6. RESPONSIBILITIES.

6.1. Headquarters.

6.1.1. The Assistant Director, Resources has overall responsibility for the DCAA Privacy Act Program and will serve as the sole appellate authority for appeals to decisions of respective initial denial authorities. Under his direction, the Chief, Administrative Management Division shall:

6.1.1.1. Establish, issue, and update policies for the DCAA Privacy Act Program; monitor compliance with this regulation; and provide policy guidance for the DCAA Privacy Act Program.

6.1.1.2. Resolve conflicts that may arise regarding implementation of DCAA Privacy Act policy.

6.1.1.3. Designate an Agency Privacy Act Advisor, as a single point of contact, to coordinate on matters concerning Privacy Act policy.

6.1.1.4. Make the initial determination to deny an individual's written Privacy Act request for access to or amendment of documents filed in Privacy Act systems of records. This authority cannot be delegated.

6.1.2. The DCAA Privacy Act Advisor under the supervision of the Chief, Administrative Management Division shall:

6.1.2.1 Manage the DCAA Privacy Act Program in accordance with this regulation and applicable DCAA policies, as well as DoD and Federal regulations.

6.1.2.2. Provide guidelines for managing, administering, and implementing the DCAA Privacy Act Program.

6.1.2.3. Implement and administer the Privacy Act program at the Headquarters.

6.1.2.4. Ensure that the collection, maintenance, use, or dissemination of records of identifiable personal information is in a manner that assures that such action is for a necessary and lawful

purpose; that the information is timely and accurate for its intended use; and that adequate safeguards are provided to prevent misuse of such information.

6.1.2.5. Maintain and publish DCAA Pamphlet 5410.13, DCAA Compilation of Privacy Act System Notices.

6.1.2.6. Prepare promptly any required new, amended, or altered system notices for systems of records subject to the Privacy Act and submit them to the Defense Privacy Office for subsequent publication in the Federal Register.

6.1.2.7. Prepare the annual Privacy Act Report as required by DoD 5400.11-R, DoD Privacy Act Program.

6.1.2.8. Conduct training on the Privacy Act program for Agency personnel.

6.1.3. Heads of Principal Staff Elements are responsible for:

6.1.3.1. Reviewing all regulations or other policy and guidance issuances for which they are the proponent to ensure consistency with the provisions of this regulation.

6.1.3.2. Ensuring that the provisions of this regulation are followed in processing requests for records.

6.1.3.3. Forwarding to the DCAA Privacy Act Advisor, any Privacy Act requests received directly from a member of the public, so that the request may be administratively controlled and processed.

6.1.3.4. Ensuring the prompt review of all Privacy Act requests, and when required, coordinating those requests with other organizational elements.

6.1.3.5. Providing recommendations to the DCAA Privacy Act Advisor regarding the releasability of DCAA records to members of the public, along with the responsive documents.

6.1.3.6. Providing the appropriate documents, along with a written justification for any denial, in whole or in part, of a request for records to the DCAA Privacy Act Advisor. Those portions to be excised should be bracketed in red pencil, and the specific exemption or exemptions cited which provide the basis for denying the requested records.

6.1.4. The General Counsel is responsible for:

6.1.4.1. Ensuring uniformity is maintained in the legal position, and the interpretation of the Privacy Act, DoD 5400.11-R, and this regulation.

6.1.4.2. Consulting with DoD General Counsel on final denials that are inconsistent with decisions of other DoD components, involve issues not previously resolved, or raise new or significant legal issues of potential significance to other Government agencies.

6.1.4.3. Providing advice and assistance to the Assistant Director, Resources; Regional Directors; and the Regional Privacy Act Officer, through the DCAA Privacy Act Advisor, as required, in the discharge of their responsibilities.

6.1.4.4. Coordinating Privacy Act litigation with the Department of Justice.

6.1.4.5. Coordinating on Headquarters denials of initial requests.

6.2. Each Regional Director is responsible for the overall management of the Privacy Act program within their respective regions. Under his/her direction, the Regional Resources Manager is responsible for the management and staff supervision of the program and for designating a Regional Privacy Act Officer.

6.2.1. Regional Directors will, as designee of the Director, make the initial determination to deny an individual's written Privacy Act request for access to or amendment of documents filed in Privacy Act systems of records. This authority cannot be delegated.

6.2.2. Regional Privacy Act Officers will:

6.2.2.1. Implement and administer the Privacy Act program throughout the region.

6.2.2.2. Ensure that the collection, maintenance, use, or dissemination of records of identifiable personal information is in a DCAAR 5410.10 manner that assures that such action is for a necessary and lawful purpose; that the information is timely and accurate for its intended use; and that adequate safeguards are provided to prevent misuse of such information.

6.2.2.3. Prepare input for the annual Privacy Act Report when requested by the DCAA Information and Privacy Advisor.

6.2.2.4. Conduct training on the Privacy Act program for regional and FAO personnel.

6.2.2.5. Provide recommendations to the Regional Director through the Regional Resources Manager regarding the releasability of DCAA records to members of the public.

6.2.3. Managers, Field Audit Offices (FAOs) will:

6.2.3.1. Ensure that the provisions of this regulation are followed in processing requests for records.

6.2.3.2. Forward to the Regional Privacy Act Officer, any Privacy Act requests received directly from a member of the public, so that the request may be administratively controlled and processed.

6.2.3.3. Ensure the prompt review of all Privacy Act requests, and when required, coordinating those requests with other organizational elements.

6.2.3.4. Provide recommendations to the Regional Privacy Act Officer regarding the releasability of DCAA records to members of the public, along with the responsive documents.

6.2.3.5. Provide the appropriate documents, along with a written justification for any denial, in whole or in part, of a request for records to the Regional Privacy Act Officer. Those portions to be excised should be bracketed in red pencil, and the specific exemption or exemptions cited which provide the basis for denying the requested records.

6.3. DCAA Employees will:

6.3.1. Not disclose any personal information contained in any system of records, except as authorized by this regulation.

6.3.2. Not maintain any official files which are retrieved by name or other personal identifier without first ensuring that a notice for the system has been published in the Federal Register.

6.3.3. Report any disclosures of personal information from a system of records or the maintenance of any system of records that are not authorized by this regulation to the appropriate Privacy Act officials for their action.

7. PROCEDURES. Procedures for processing material in accordance with the Privacy Act of 1974 are outlined in DoD 5400.11-R, DoD Privacy Act Program.

8. REPORTS. The annual Privacy Act report has been assigned Report Control Symbol DA&M(A)1379. Reporting requirements are prescribed and detailed in DoD 5400.11-R.

9. EFFECTIVE DATE. This regulation is effective immediately.

/s/
William H. Reed
Director