



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS, MARYLAND 21402-1300

USNAINST 5211.3A
28/AO
AUG 27 2009

USNA INSTRUCTION 5211.3A

From: Superintendent

Subj: PROTECTING INDIVIDUALS PERSONAL RECORDS UNDER THE PRIVACY ACT (PA)

Ref: (a) SECNAVINST 5211.5E
(b) SECNAVINST 5720.42F
(c) 5 USC § 552a, Privacy Act

Encl: (1) U.S. Naval Academy (USNA) Forms Requiring a Privacy Act Statement (PAS)
(2) System of Records Used at the Naval Academy and System Custodians

1. Purpose. To carry out the provisions of the PA as implemented in reference (a).
2. Cancellation. USNA Instruction 5211.3
3. Background

a. Reference (a) implements the PA throughout the Department of the Navy (DON) and:

(1) Delineates revised policies, conditions, and procedures which govern collecting personal information. Safeguards, maintains, uses, accesses, amends, and disseminates personal information kept by the DON in a system of records from which information is retrieved by a personal identifier. A personal identifier can be a name of the individual or an identifying number, symbol, or other identifying particular assigned to the individual (i.e., social security number, alpha code, etc.).

(2) Prescribes:

(a) Procedures whereby individuals can be notified if any system of records contains a record pertaining to them.

(b) Requirements for verifying the identity of individuals who request their records before the records are made available to them.

(c) Procedures for granting access to individuals upon request for their records.

(d) Procedures for reviewing a request from an individual who wishes to amend their records, for making determinations on those requests, and for appealing adverse determinations.

(e) Procedures for notifying the public of the existence and character of each system of records.

(f) Procedures for disclosing personal information to third parties.

(g) Procedures for exempting system of records from certain requirements of the PA.

(h) Procedures for safeguarding an individual's personal information.

(i) Privacy Act rules of conduct for DON personnel who may be subjected to criminal penalties for noncompliance with the Privacy Act.

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b. Reference (b) implements the Freedom of Information Act (FOIA) through the DON and prescribes policies and procedures for response to requests for access to records other than those records pertaining to the requestor (considered a FOIA request).

4. Applicability

a. Reference (a) applies throughout the DON and USNA for maintaining a system of records to accomplish a DON mission. This instruction applies to all system of records maintained at the Naval Academy from which information is retrieved by the name of the individual or by some other identifying particular assigned to the individual. It also applies to all requests for notification concerning, access to, or amendment of records within such system.

b. FOIA requests will be processed per reference (b).

5. Policy, Responsibilities, and Authority

a. Policy. Subject to provisions of reference (a) and this instruction, USNA policy is to:

(1) Safeguard Personally Identifiable Information (PII) by establishing appropriate administrative, technical and physical safeguards to ensure that the records in every system of records are protected from unauthorized alteration or disclosure and that their confidentiality is protected. Protect the records against reasonable anticipated threats of hazards that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual about whom information is kept.

(2) Protect the privacy of individuals from unwarranted invasions by making sure all personnel comply fully with references (a) and (b) and this instruction.

(3) Collect, maintain, and use only that personal information needed to support a USNA function or program as authorized by law or Executive Order, and to disclose this information only as authorized by reference (a) and this instruction.

(4) Keep only personal information which is timely, accurate, complete, and relevant to the purpose for which it was collected.

(5) Permit individuals to access or obtain certain copies of any or all portions of their records, subject to exemption procedures authorized by reference (b).

(6) When discrepancies are proven to be erroneous, untimely, incomplete, or irrelevant, permit individuals the opportunity to request amendment of their records.

(7) Permit individuals an opportunity to request an administrative review of decisions which deny them access to, or which refuse to amend their records.

(8) Make sure adequate safeguards are enforced to prevent the misuse, unauthorized disclosure, alteration, or destruction of personal information in records.

(9) Maintain no records which describe how an individual exercises rights guaranteed by the First Amendment (freedom of religion, speech, and press; peaceful assemblage; and petition for redress of grievance).

(10) Maintain only system of records which have been published in the Federal Register.

b. Responsibilities

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(1) Privacy Act Coordinator (PAC). The Superintendent's Administrative Officer is designated as the PAC for the USNA. On the occasion of the PAC's relief, this designation is to be a part of any turnover. The PAC will:

- (a) Serve as the principal point of contact on all PA matters.
- (b) Provide training for activity/command personnel in the provisions of reference (a).
- (c) Issue implementing instructions.
- (d) Review internal directives, practices, and procedures, including those for forms and records, for conformity with reference (a) and this instruction. Enclosure (1) lists USNA forms which require a PAS.
- (e) Compile and submit input for the annual report and record systems notices.
- (f) Maintain liaison with records management officials for maintenance and disposal procedures for standards, forms, and reports.

(2) Denial Authorities. Per paragraph 7j of reference (a), the Superintendent is designated as a denial authority and is authorized to deny requests for notification, access, and amendment when the records relate to matters within his area of command, technical, or administrative responsibility, as appropriate. The PAC is authorized to act as a denial authority and to sign "By direction" correspondence relating to routine Privacy Act matters.

(3) Granting Authority. The Superintendent is the System Manager for all system of records maintained at the Naval Academy and, as such, is responsible for granting the notification, access, and amendment requests governed by reference (a). The PAC is authorized to act by direction of the Superintendent in this regard. A request governed by reference (a) and this instruction may be granted by the PAC.

(4) Systems Custodians. System of records and Systems Custodians maintained at USNA are listed in enclosure (2). Report additions or deletions to the PAC at nye@usna.edu. Systems custodians will:

- (a) Ensure all personnel having access, in any way, to the system of records or who are engaged in the development of procedures or handling records is informed of the requirements in reference (a) and this instruction and any unique safeguarding or maintenance procedures peculiar to that system.
- (b) Determine the content and set rules for operating the system of records, and establish rules applicable to requests for access or amendment of records within each system. Guidance is listed in reference (a). Allow individuals to have access to and/or copies of all or portions of their records to which they are entitled. Individuals can request access to a system of records pertaining to themselves that are maintained by the DON and the USNA. Individuals should submit requests using the guidelines provided at <http://www.privacy.navy.mil/request.asp>.
- (c) Ensure a system of records has been published in the Federal Register and any additions or significant changes are prepublished in the Federal Register per of reference (a). Maintaining an unpublished system of records constitutes a criminal violation under subsection i(2) of 5 U.S.C. § 552a and reference (a).
- (d) Keep accountability records of disclosures and ensure it is placed in every record for proper accountability.

(e) Evaluate information proposed for each system of records for relevance and necessity. Review annually each USNA PA system of records notice to determine if the records are up-to-date and/or used in matching programs and whether they are in compliance with the OMB Guidelines.

(f) Keep the PAC informed of non-routine PA requests.

(g) Review enclosure (2) and report any system of records being used or maintained at USNA which are not listed in enclosure (2). System of records, maintained under the DON's umbrella, can be viewed at <http://privacy.navy.mil/privacy/noticenumber/noticeindex.asp>.

(5) Each employee of the Naval Academy has certain responsibilities for safeguarding the rights of others. Employees will:

(a) Not disclose any information contained in a system of records by any means of communication to any person, or agency, except as authorized in reference (a).

(b) Not maintain unpublished official files which would fall under the provisions of reference (a).

(c) Safeguard the privacy of individuals and confidentiality of personal information contained in a system of records.

(d) Familiarize themselves with privacy laws, regulations and policies and understand the ramifications of incorporated access and disclosure.

(e) Routinely review the DOD website at <http://www.privacy.navy.mil> for updates and changes to PA protocols.

(f) Annually review training courses at <http://www.privacy.navy.mil/privacy/training>.

(6) Automatic Data Processing (ADP) Security. The Deputy for Information Technology is designated as the USNA ADP Systems Security Officer and is responsible for securing, monitoring, and controlling the access of computerized files containing personal information.

6. Action

a. General. Although work generated on a government computer is all considered FOR OFFICIAL USE ONLY (FOUO), it is not all privacy sensitive (PS). **DO NOT ROUTINELY USE** the FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE statement as part of your electronic signature unless the information contained in your email is **actually** privacy sensitive. If you are generating a FOUO – PS email your subject line should read: FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE followed by the subject.

(1) All letters, memoranda, faxes, notices, etc. containing PII, must have the following legend posted at the bottom of the document ½" from the bottom of page:

FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE

Any misuse or unauthorized disclosure of this information may result in both criminal and civil penalties.

(2) Do not post PPI information, on a public web site.

(3) Folders being routed through the chain of command which contain PII information will have a label in the upper right hand corner, under the subject label, typed or stamped in red:

FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE

Any misuse or unauthorized disclosure of this information may result in both criminal and civil penalties.

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(4) Per reference (c), any form created at USNA that collects PII information must have a PAS as stated in reference (a).

(5) All requests from individuals for notification concerning, access to, or amendment of records pertaining to themselves will be processed per reference (a) and this instruction. These requests will be processed even though the individuals specify the requests are made under the FOIA or other authority.

(6) All requests governed by reference (a) and this instruction, regardless of where or how received within the command, will be forwarded immediately to the PAC, at mail stop 1e, located in the Administrative Building, Room 110. Routing of correspondence in connection with the PA will be hand carried or forwarded in a double sealed envelope with the inner envelope stamped with the FOUO - PA statement. You can use a yard mail envelope for the outer envelope and a sealed envelope inside.

b. PAC. Upon receipt of a PA request, the PAC will:

(1) Prepare a Superintendent's Controlled Mail Record (USNA-MMA-5216/4 (I-04)) to route the request to the proper System Custodian.

(2) Enter all PA first-party access requests into a tracking system and assign a case number.

(3) Assist the System Custodian as necessary in responding to the request.

(4) Send letter acknowledging receipt of letter within 10 work days.

(5) Determine whether fees are to be charged as outlined in paragraph 26a of reference (a).

(6) Reply to PA requests within 20 work days.

(7) Conduct an annual review of all systems of records to ensure they are in compliance with current regulations.

(8) Ensure all USNA employees receive annual PA training.

c. System Custodian: Within seven working days of receiving a PA request for action from the PAC, the System Custodian will:

(1) Review the request and the records concerned; make an initial determination whether the request should be granted or denied in whole or in part, and prepare a proposed response.

(2) Forward the proposed response, with appropriate enclosures, to the PAC for approval and release. Send electronic copy of letter to admin-routing@lists.usna.edu.

(3) Judicial Sanctions. Subsection (i)(1) of reference (c) prescribes criminal penalties for violation of PA provisions. Any member or employee of the DON may be found guilty of a misdemeanor and fined not more than \$5,000 for willfully:

(a) Maintaining a system of records without first meeting the public notice requirements (see paragraph 7m(4) of reference (a)).

(b) Disclosing information protected under the PA to any unauthorized person/agency.

(c) Obtaining or disclosing information about an individual under false pretenses.

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7. Remember if you work with PII information, you are responsible to protect everyone's privacy. Protecting an individual's privacy is everyone's business.

/S/
J. L. FOWLER

Distribution:
All Non Mids (electronically)

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FORMS REQUIRING PRIVACY ACT STATEMENT

<u>Form Number</u>	<u>Title</u>
USNA AAD 1734/15 (2-09)	MDC Nutrition Peer Review
USNA BBA 1050/3 (3-08)	Separation Leave Request
USNA BBA 1301/8 (2-07)	Graduation Information/TAD Assignment Sheet
USNA BBA 1920/60 (3-08)	Midshipmen Summary Sheet for Resignation
USNA BBA 1920/61 (3-08)	Evaluation for Consideration for Other Future Officers Training
USNA BBA 5210/11 (8-07)	Midshipman Performance Jacket Record of Disclosure
USNA BBE 1920/62 (3-08)	Chaplain's Interview Sheet
USNA CCA 1531/06 (08-93)	Roll Book
USNA CCA 1531/29 (06-06)	Midshipmen Record Change Card
USNA CCG-1734/05 (1-03)	Midshipmen Counseling Center, USNA, Annapolis, MD Chronological Record of Care
USNA CCG 1734/20 (2-07)	MDC Counseling Termination Summary
USNA CCG 1734/23 (7-09)	MDC Audio-Visual Consent
USNA CCG 1734/24 (11-07)	Peer Review Worksheet
USNA CCG 1734/25 (7-09)	MDC Client Satisfaction Survey
USNA CCG 1734/26 (7-09)	MDC Plebe Summer Intake Questionnaire
USNA CCG 10110/42 (11-07)	Nutrition Intake
USNA CCL 4650/1 (10-06)	International Traveler Information
USNA CEA 5720/1 (6-96)	Registration Record-Parents' Weekend
USNA CEB 1531/1 (6-98)	Writing Center Data
USNA CEB-1531/07 (11-94)	English Instructor/Course Evaluation
USNA CEC-1531/01 (4-08)	History Instructor Evaluation
USNA CEE-1531/02 (01-92)	Language Placement Questionnaire
USNA CEE 1531/10 (4-97)	Midshipmen Opinion Language Studies
USNA CEF 1531/20 (11-99)	Economics Course/Instructor Evaluation
USNA CFB-1531/04 (11-93)	Personal Data for Chemistry Majors
USNA CHA-1520/03 (10-90)	Paper Topic Selection for NAVFAC Conference
USNA CHA 5050/4 (11-90)	Transportation Form
USNA CHB-1531/07 (08-89)	Request for Revocation of Language Validation
USNA CHB-1531/08 (08-89)	Interview Evaluation Points
USNA DMB 1070/07 (02-92)	Officer Data Input Record
USNA DMB 5211/79 (10-00)	Freedom of Information/Privacy Act Request & Response
USNA EB 12000/1 (2-06)	Civilian Emergency Contact
USNA ENA-4001/03 (08-88)	Certification for Memorial Gift Fund
USNA FPA 1710/28 (7-98)	Navy Track Questionnaire

Enclosure (1)

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<u>Form Number</u>	<u>Title</u>
USNA GRB-1110/11 (12-06)	Candidate Activities Record
USNA GRB-1110/12 (12-06)	Candidate Personal Data Record, Academic Interest, Current Studies & Personal Statement
USNA GRB-1110/14 (12-06)	School Official's Evaluation of Candidate
USNA GRB-1110/15 (12-06)	Request for Secondary School Transcript
USNA GRB-1110/19 (04-01)	Candidate Notice of Withdrawal
USNA GRB-1110/20 (04-01)	Candidate Change of Address Record
USNA GRB 1110/91 (12-06)	Candidate Fitness Assessment
USNA GRB 1110/92 (12-06)	USNA Request for Information
USNA GRB 1110/93 (12-06)	USNA Summer Seminar Application
USNA GRB 1531/34 (12-06)	USNA Preliminary Application
USNA GRB 5050/1 (4-05)	USNA Admissions Outreach Conference Registration
USNA GRD 1110/5 (6-04)	ROTC Nomination to USNA
USNA GRD-1110/15 (06-90)	Candidate Information Release
USNA GRD-1110/16 (08-95)	Certificate of Acceptance/Declination
USNA GRD-1110/21 (5-99)	Requesting a Presidential Nomination
USNA GRD-1531/08 (11-89)	Oath of Office for Foreign Students
USNA GRD 5500/1 (8-01)	Police Record Check
USNA GRE 1110/7 (2-09)	Fulfill Your Destiny
USNA GRE 1110/8 (09-99)	NA Information Program (Blue & Gold) Affiliate Application
USNA GRE 1110/56 (3-02)	Fleet Orders Acceptance for NAPS
USNA GRE-1800/02 (04-96)	Retirement Credits Report (Monthly)
USNA GRE 5512/4 (3-02)	Naval Academy Summer Seminar Vehicle Access
USNA MMA 1301/4 (2-07)	Ensign Detachment Request
USNA MMD 1730/8 (11-07)	Application for a Wedding Ceremony
USNA NB 4650/4 (2-09)	Commercial Travel Reservation for Group Travel
USNA NB 7200/13 (5-09)	Memo - Payment of Fees and Expenses for Guest Speakers, Lecturers and Panelists
USNA NNB 4001/23 (4-08)	Gift Offer/Acceptance for Gifts Valued at \$60,000 or Less
USNA NNB 4650/2 (2-07)	Travel Authorization Request
USNA NNB 4650/3 (2-07)	Creating Employees (Military & Civilian) In DTS
USNA NNB 4650/4 (2-07)	Government Travel Charge Card Program New Employees (Military & Civilian) Transferring to USNA
USNA NNB 7200/10 (2-09)	FYXX Convenience Check Order
USNA NNB 7420/16 (2-07)	Request for Change of Address
USNA PYA 5720/3 (6-03)	Midshipman Publicity Background Record
USNA RKA 1730/2 (6-00)	Wedding Music - Pink
USNA TWA 10170/1 (4-94)	Sailing Equipment Custody Record
USNA UUA 3172/2 (10-08)	YP Usage Request
USNA VVA-12600/11 (08-89)	Personnel Absence & Leave Record

Enclosure (1)

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SYSTEMS OF RECORDS USED AND MAINTAINED AT USNA

<u>ID #</u>	<u>System Name</u>	<u>System Custodian</u>
N01070-3	Navy Military Personnel Records System	Personnel Officer Midshipmen Personnel Officer
N01080-1	Enlisted Master File Automated Systems	Personnel Officer
N01080-2	Officer Master File Automated Systems	Personnel Officer
N01131-1	Officer Selection and Appointment System	Personnel Officer
N01531-1	USNA Applicants, Candidates, and Midshipmen Records	Dean of Admissions Director, Candidate Guidance Head, Nominations & Appointments Registrar Director, Professional Development Performance Officer Midshipmen Information Systems Officer Midshipmen Personnel Officer
N01770-3	Naval Academy Cemetery and Columbarium Records	Memorial Affairs Coordinator
N05300-3	Faculty Professional Files	Academic Dean
N05350-1	Navy Drug and Alcohol Program System	Commandant of Midshipmen Human Resources Department
N05354-1	Equal Opportunity Management Information System	Deputy, Equal Employment Opportunity Officer
N05520-5	Personnel Security Program Management Records System	Security Manager
NM01500-2	Department of the Navy (DON) Education and Training Records	Academic Dean
NM01650-1	Department of the Navy (DON) Military Awards System	Personnel Officer
NM05000-1	General Correspondence Files	Admin Officer Archives All Division Directors All Department Heads
NM05000-2	Organization Management and Locator System	Superintendent All Division Directors All Department Heads
NM05211-1	Privacy Act Request Files and Tracking System	Privacy Act Coordinator

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<u>ID #</u>	<u>System Name</u>	<u>System Custodian</u>
NM05380-1	Combined Federal Campaign/Navy and Marine Corps Relief Society	Chairperson, Combined Federal Campaign Chairperson, Navy and Marine Corps Relief Society
NM05720-1	FOIA Request/Appeal Files and Tracking System	FOIA Coordinator
NM07421-1	Time and Attendance Feeder Records	Comptroller Timekeepers
NM12610-2	Hours of Duty Records	Director, Human Resources Officer Personnel
NM12630-1	Voluntary Leave Transfer Program Records	Director, Human Resources
OPM/GOVT-1	General Personnel Records	Director, Human Resources
OPM/GOVT-2	Employee Performance File System Records	Director, Human Resources
OPM/GOVT-3	Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers	Director, Human Resources
OPM/GOVT-4	File on Position Classification Appeals, Job Grading Appeals, Retained Grade or Pay Appeals, and Fair Labor Standard Act (FLSA) Claims and Complaints	Director, Human Resources

Enclosure (2)