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DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA-2016-HQ-0011]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Army proposes to alter a system of records, A0600-37b DAPE, entitled "Unfavorable Information Files," to record Board action and to provide pattern of subsequent unfavorable information. Information filed in the performance portion of the Official Military Personnel File is also used by Department of Army promotion/selection boards when the individual has been afforded due process.

DATES: Comments will be accepted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: <http://www.regulations.gov>

Follow the instructions for submitting comments.

* Mail: ODCMO, Directorate for Oversight and Compliance,
4800 Mark Center Drive, ATTN: Mailbox 24, Alexandria, VA
22350-1700.

Instructions: All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers,
Department of the Army, Privacy Office, U.S. Army Records
Management and Declassification Agency, 7701 Telegraph Road,
Casey Building, Suite 144, Alexandria, VA 22325-3905 or by
calling (703) 428-6185.

SUPPLEMENTARY INFORMATION: The Department of the Army's
notices for systems of records subject to the Privacy Act of
1974 (5 U.S.C. 552a), as amended, have been published in the
Federal Register and are available from the address in FOR
FURTHER INFORMATION CONTACT or from the Defense Privacy and
Civil Liberties Division website at
<http://dpclld.defense.gov/>.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on March 28, 2016, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 1, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0600-37b DAPE

System name:

Unfavorable Information Files (December 8, 2000, 65 FR 77002)

Changes:

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Categories of records in the system:

Delete entry and replace with "Summary of unfavorable information, copy of letter of notification to individual, individual's response or appeal, summary of consideration of response or appeal, disposition determination, and voting record of Board members. Personal data includes full name, Social Security Number (SSN), DoD ID number, grade/rank, mailing address, e-mail, unit and location at discharge or separation, work and home telephone numbers."

Authority for maintenance of the system:

Delete entry and replace with "10 U.S.C. 3013, Secretary of the Army; Department of Defense Directive 1030.01, Victim and Witness Assistance; DoDI 1030.2, Victim and Witness Assistance Procedures; and Army Regulation 600-37, Unfavorable Information; and E.O. 9397 (SSN), as amended."

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and replace with "In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained

therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To victims and witnesses of a crime for purposes of providing information, consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at:

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx>."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete entry and replace with "Paper records and electronic storage media."

Retrievability:

Delete entry and replace with "By individual's full name and SSN/DoD ID Number."

Safeguards:

Delete entry and replace with "Paper records in file cabinets are accessible only to authorized personnel who are properly instructed in the permissible use. The files are not accessible to the public or to persons within the command without an official need to know. File cabinets have locking capabilities and offices are locked during non-work hours. Army Activities and approved users ensure that electronic records collected and used are maintained in controlled areas accessible only to authorized personnel. Access to computerized data is restricted by use of Common Access Cards (CACs) and is accessible only by users with an authorized account. The system and electronic backups are maintained in controlled facilities that employ physical restrictions and safeguards such as security guards, identification badges, key cards, and locks."

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Notification procedure:

Delete entry and replace with "Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Personnel, Department of the Army, 4000 Army Pentagon, Washington, DC 20310-4000."

Inquirer should furnish full name, SSN/DoD ID Number, current address and telephone number, and sufficient details concerning time and place of event to ensure locating pertinent records, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'. "

Record access procedures:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system should address written request to the Deputy Chief of Staff for

Personnel, Headquarters, Department of the Army, ATTN: DAPE-MPD, 4000 Army Pentagon, Washington, DC 20310-4000.

Inquirer should furnish full name, SSN/DoD ID Number, current address and telephone number, and sufficient details concerning time and place of event to ensure locating pertinent records, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'. "

Contesting record procedures:

Delete entry and replace with "The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in 32 CFR part 505, Army Privacy Program; or may be obtained from the system manager."

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