



DEPARTMENT OF THE NAVY
NAVAL MEDICAL RESEARCH CENTER DETACHMENT

LIMA, PERU
UNIT NUMBER 3800
APO AA 34041 - 3800

IN REPLY REFER TO

NMRCINST 5211.1B
17 January 2003

NMRC INSTRUCTION 5211.1B

From: Officer-in-Charge
To: Distribution List No. 2

Subj: PRIVACY ACT OF 1974

Ref: (a) 5 USC 552a
(b) SECNAVINST 5215.5D
(c) BUPERSINST 5211.5
(d) 5 USC 552
(e) SECNAVINST 5720.42C

Encl: (1) Privacy Act Definitions
(2) Example of a Privacy Act Statement
(3) Format for Annual Report

1. Purpose. To provide information and implement the provisions of references (a) and (b) as applicable to the Naval Medical Research Center Detachment, Lima, Peru.

2. Cancellation. NAMRIDINST 5211.1A

3. Background. The purpose of reference (a) is to guarantee the right to privacy as a personal and fundamental right under the Constitution. The Privacy Act insures the right to individual privacy in the compilation of government records concerning individuals and prohibits the indiscriminate disclosure of this information. It grants individuals the right of access to this information about themselves and to correct any erroneous information that may be contained in an individual's private record. Reference (b) delineates the policy and procedures for implementing reference (a). Reference (c) provides further amplification on how personal records will be handled and how personal information will be utilized. It further defines when a "Privacy Act Statement" will be used.

4. Scope and Applicability.

a. Applicability. This instruction and references (a), (b), and (c) are applicable to all personnel at NMRC including, but not limited to, active duty military, civilian employees, and other personnel associated with NMRC.

b. Other Directives. This instruction will take precedence over other instruction dealing with personal privacy and the rights of individuals regarding their personal records. Disclosure of personal information as required by reference (d)

and implemented by reference (e) will be exempted.

5. Policy. According to the provisions of references (a) and (b), it is the policy of the Department of the Navy and this Command to:

a. Ensure that all personnel associated with this Command in an official capacity are aware of and comply fully with references (a) and (b) to protect the privacy of individuals from unwarranted intrusions.

b. To collect, maintain, and use only that personal information needed to support a Navy function or program as authorized by law or executive order, and disclose this information only as authorized by references (a) through (e).

c. Let individuals have access to, and obtain copies of all or any portions of their records, subject to exemption procedures as authorized by law and reference (b).

d. Follow other policy guidelines as set forth in para. 4.a. of reference (b).

6. Responsibilities.

a. In accordance with the provisions of reference (b), a commissioned officer will be designated in writing as the Privacy Act Coordinator for this Command. The responsibilities of the Privacy Act Coordinator shall be to:

(1) Serve as the principal point of contact on all Privacy Act matters.

(2) Provide training for all Command personnel on the Privacy Act.

(3) When applicable, review command instructions, practices, and procedures, including those for forms and records in conformity with reference (b).

(4) Maintain liaison with Records Management officials at the Naval Medical Research Center as appropriate (e.g., maintenance and disposal procedures and standards, forms, and reports).

b. The Administrative Officer and a designee are designated as System managers for the Privacy Act. The duties and responsibilities of the System Managers are set forth in para. 4.b.

7. Authority.

a. Denial Authority. Authority to deny requests rests with the Commander, Naval Medical Command (COMNAVMEDCOM) for this recommendations for denials of record requests before forwarding these denials to COMNAVMEDCOM.

b. Review Authority. The reviewing authority for denial of requests is set forth in para. 4.d. of reference (b).

8. Definitions. Terms and definitions that are applicable to interpretation and implementation of this instruction are in enclosure (1).

9. Notification, Access, and Amendment Procedures. These procedures for the notification, access and amendment of personal records are contained in para. 6. of reference (b). These procedures will be adhered to by all members of the Department of the Navy.

10. Disclosure. The procedures for the release of personal information and accounting of information disclosure is found in para. 7. of reference (b).

11. Collection of Personal Information. Procedures for collection of personal information is contained in para. 9. reference (b). Enclosure (2) is a "Privacy Act Statement" that shall be used in the collection of personal information.

12. Annual Report. The Privacy Act annual report as required by reference (b) shall be submitted to COMNAVMEDCOM (Code 312) not later than 1 FEB of each year, (Chapter 23, Manual of the Medical Department). Enclosure (3) is an example of the information to be submitted and the reporting format. The Privacy Act Coordinator shall prepare the annual report.

13. Action.

a. All personnel whose work involves personal records and records systems shall review their records, forms, and reports to ensure that they comply with the provisions of the Privacy Act. A report shall be made to the Privacy Act Coordinator by 31 DEC of each year showing compliance.



J. P. BURANS

PRIVACY ACT DEFINITIONS

1. For the purposes of the Privacy Act and this Instruction, the following definitions shall be applicable:

a. Access. Reviewing or obtaining copies by individuals of records that pertain to themselves, or by agents designated by the individuals in writing, or by an individual's legal guardians, that are a part of a system of records.

b. Agency. For purposes of disclosing records, the Department of Defense is an "agency". For all other purposes, including applications for access, appeals from denials, exempting systems of records, etc., the Department of the Navy and this Command shall be considered the "agency".

c. Confidential Source. Any individual or organization that has given information to the Federal Government under: (1) an express promise that the identity of the source would be withheld, or (2) an implied promise to withhold the identity of the source made before 27 September 1975.

d. Disclosure. The conveyance of information about an individual, by any means of communication to an organization or to an individual who is not the subject of the record. In the context of the Privacy Act and this instruction, this term only applies to personal information that is part of a system of records.

e. Individual. A living citizen of the United States, or an alien lawfully admitted for permanent residence; or a member of the United States naval service, including a minor.

f. Maintain. When used in the context of records on individuals, includes collect, file or store, preserve, retrieve, update or change, use, or disseminate.

g. Official Use. Within the context of this Instruction and reference (b), this term encompasses those instances in which officials and employees of the Department of the Navy have a demonstrated need for use of any record to complete a mission or function of the Department or this Command, or which is prescribed or authorized by a directive.

h. Personal Information. Information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official functions. It includes, for example, but is not limited to, information about the individual's financial (except in terms such as gross salary or grade/rank), family, social, and recreational affairs; his or her medical, employment, political, or criminal history; or information that identifies, describes, or gives a basis for inferring personal characteristics, such as voice or fingerprints.

i. Privacy Act Request. A request from an individual for information about himself/herself concerning existence of, access to, or amendment of records that are located in a system of records. (The request must cite or reasonably imply that it is pursuant to reference (a)).

2. Additional definitions are in reference (b) and are equally applicable to this Instruction.

ENCLOSURE(1)

PRIVACY ACT STATEMENT

(This is a multi-purpose form and only the checked items apply to the information from you)

This statement is provided in compliance with the Privacy Act of 1974 (Public Law 93-579; 5 USC 522a) which requires federal agencies to inform individuals from whom personal information is requested of the following:

I. AUTHORITY FOR REQUESTING THE INFORMATION

44 USC 3101 _____
 5 USC 301 _____

II. PRINCIPAL PURPOSES FOR WHICH THE INFORMATION WILL BE USED

Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

Determinations on disciplinary or punitive action.

Determinations on liability of personnel for losses of, or damage to, public funds or property.

Evaluations of petition, grievances, and complaints.

Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

Other determinations, as required, in the course of naval administration.

Public information releases.

Evaluations of procedures, operations, material, and designs by the Navy and contractors, with view to improving the efficiency and safety of the Department of the Navy.

III. ROUTINE USES OF THE INFORMATION PROVIDED.

In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Veterans Administration for use in determinations concerning entitlement to veterans and survivors benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from

ENCLOSURE(2)

liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Departments of Justice and of State, of local law enforcement and court authorities, for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives or persons involved in the incident for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and local laws enforcement authorities, court authorities, administrative authorities and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and action.

IV. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE THE REQUESTED INFORMATION.

____ Disclosure is voluntary. You are advised that the law presumes the personnel determinations in para. II, above, will be resolved in your favor. The final determination will, however, be based on all information contained in the investigative report and such information may overcome the presumption existing in your favor. Your failure to disclose the requested information may prevent the obtaining of information which would support determination favorable to you.

____ Disclosure is voluntary. You are advised that the law presumes the disciplinary determinations in para. II, above, will be resolved in your favor. The final determination will, however, be based on all information contained in the investigative report and such information may overcome the presumption existing in your favor. Your failure to disclose the requested information may prevent the obtaining of information which would support a determination favorable to you.

____ Disclosure is voluntary. If you do not provide the requested information, however, any determination of your obligation to repay the Government will be based on evidence available in the investigative report and such evidence may not support a determination favorable to you.

____ Disclosure is voluntary. Your refusal to disclose the requested information may result in a lack of information sufficient to substantiate any claim you have made or may make against the Government as a result of the incident under investigation.

____ Disclosure is voluntary. Your refusal to disclose the requested information could result in a requirement that you assign your medical care claims against third parties to the Government.

____ Disclosure is voluntary. Any determination made as a result of this investigation will be based on evidence contained in the investigative report. Consequently your failure to disclose the requested information will result in a decision being made without the benefit of information provided directly by you.

____ Disclosure is voluntary. Your refusal to disclose the requested information will result in no adverse consequences.

____ Disclosure of _____
_____ is mandatory under _____
and refusal to disclose that information may subject you to disciplinary or criminal action.

Signature

Date

GENERAL PURPOSE PRIVACY ACT STATEMENT (5 U.S.C. 552A)

OPNAV 5211/12 (11-79) S/N 0107-LF 052-1160

PART A—IDENTIFICATION OF REQUIREMENT

1. REQUIRING DOCUMENT (Describe—SECNAVINST, OPNAVNOTE, SECNAV ltr, etc.)

2. SPONSOR CODE

3. DESCRIPTIVE TITLE OF REQUIREMENT (Form title, report title, etc.)

PART B—INFORMATION TO BE FURNISHED TO INDIVIDUAL

1. AUTHORITY

2. PRINCIPAL PURPOSE(S)

3. ROUTINE USE(S)

4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION

PART C—IDENTIFICATION OF FORM/REPORT/OTHER REQUIREMENT

1. FORM NO./REPORT CONTROL SYMBOL/OTHER IDENTIFICATION

PRIVACY ACT STATEMENT

FORMAT FOR ANNUAL REPORT

I. Introduction

a. Form and accompanying instructions for completion of the annual report on privacy matters are attached to facilitate compilation of the statistical data. The instructions are based on the latest guidance from the Office of Management and Budget and supersede existing reporting requirements.

b. The report requests statistics for the reporting period: 1 January - 31 December of each year.

c. OPNAV Form 5211/10 transmitted by this instruction may be used to fulfill the Privacy Act Annual Report.

d. Point of contact is Mrs. G. R. Aitken, autovon: 224-2004/4218 or commercial: (202) 694-2004/2817.

ENCLOSURE(3)

