

Records and Information Management

Privacy Procedures for Official Records

FOR THE GOVERNOR:

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Applicability. California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and California Air National Guard technicians and to commanders, managers, and supervisors (military or civilian) with authority or responsibility over technician personnel management.

Proponent and Exception Authority. The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulation.

Supplementation. Supplementation of this regulation is prohibited.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

Distribution. Distribution of the regulation is Army - A and Air Force - F.

History. None

Summary. This regulation establishes policy and procedures for privacy protection of technician personnel folders and records for California National Guard technician program.

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1. Purpose.

This technician personnel regulation establishes the California National Guard guidelines regarding records and information management.

2. References.

- a. Title 5, United States Code
- b. Code of Federal Regulations, Part 297
- c. Army Regulation 340-21
- d. Air Force Regulation 12-30
- e. Privacy Act of 1974 (5 USC. 552a)

3. Privacy Act Disclosure Considerations.

The Privacy Act of 1974, as amended (5 USC 552a) applies to records under the control of an agency about an individual, such as an employment history, that contain the individual's name or some other item that identifies that person and from which information is retrieved by the name or other particular assigned to the individual (example: the Privacy Act applies to the Official Personnel Folder but does not apply to files on position classification standards development). Records in the employee's Official Personnel Folder are subject to the Privacy Act. The Privacy Act requires that records be complete, accurate, timely, and relevant. It also requires that the employee who is the subject of the records be allowed access to those records and may request amendment of those records (such as, changing incorrect date; removing records inappropriately filed in the folder; adding missing records that should be in the folder). Before releasing personal information to third parties, supervisors should consider the consequences, check accuracy, and ensure that no law or directive bans disclosure. When in doubt, supervisors should contact their local Privacy Act or Freedom of Information Officer.

a. Managers and supervisors can release personal information to third parties when the employee gives **written consent**. Written consent must be obtained before any of these items of information are released:

- (1) Marital status
- (2) Number and sex of dependents
- (3) Home of Record (city and state only)
- (4) Home address and phone
- (5) Age and date of birth
- (6) Social Security Number

b. In most cases, the following information is available to the public **without the prior written consent** of the technician (the data below may be withheld if the disclosure would reveal more about an individual on whom information is sought than the listed items, creating a clearly unwarranted invasion of personal privacy or if the data is otherwise protected from mandatory disclosure under an exception of the Freedom of Information action):

- (1) Name
- (2) Present and past position titles and occupational series
- (3) Present and past grades and annual salary rates
- (4) Position descriptions
- (5) Information releasable under the Freedom of Information Act (FOIA)
- (6) Information for use within DOD by officials or employees with a need to know
- (7) Office, unit address and duty phone number
- (8) Pay date

c. The Freedom of Information Act addresses the disclosure of records to the general public. Regulations to be followed: AR 340-21 for requests involving Army technician personnel records and AFR 12-30 for those involving Air technician personnel records. The Army Privacy Program, AR 340-21 is applicable to Air and Army National Guard technician matters. Denial authority rests with the Chief, National Guard Bureau.

4. Disclosing Other Information.

Disclosure of other information will be made only in accordance with the Privacy Act or Freedom of Information Act regulations.

5. Merit Placement Files.

Complete information contained in Merit Placement Files may be released to CNG officials carrying out official duties (such as Judge Advocate General and Inspector General). Other individuals may review Merit Placement Files after they have been "sanitized". All reviewers of Merit Placement Files are tasked to protect the privacy of applicants. Sanitization of Merit Placement Files includes as a minimum the removal of any personal or individual identifying information such as name, SSAN, DOB, education, job experience, salary amounts, past/present supervisors, home phone numbers, or home address. Sufficient covering of the contents with a dark marker must be made which preclude any bleed over and prevent the reading of the original information.