



DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES
WASHINGTON, DC 20301-1155

Carroll - FYI you

OK to keep offi Personnel Files however they must be locked and have limited access. Please let me know who will have access.

16 APR 1991 Thanks Bob

Mom G.C.

(71703)

Personnel and Security)

MEMORANDUM FOR STAFF DIRECTOR, BASE CLOSURE AND RELOCATION COMMISSION

SUBJECT: Release of Records

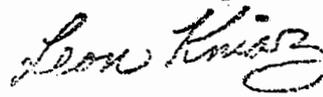
Earlier this month, we discussed a number of issues touching interests of the Base Closure and Relocation Commission. In that get-acquainted session with the Commission's General Counsel, the matter of release of certain categories of information was a topic of particular interest to me. As you know, PL101-510 prescribes that..."all the proceedings, information, and deliberations of the Commission shall be open, upon request, to..." specified Members of Congress. Similarly, I understand that this "spirit of release" will apply to interested members of the Public. Notwithstanding these strong and entirely proper biases the Commission must operate under, I want to take this opportunity to set down a few principles of nonconsensual release concerning personnel records. In some respects these principles contravene the general operating bias.

Although there may be a number of reasons for nonrelease of personnel records, the most frequent one is that disclosure would result in a clearly unwarranted invasion of personal privacy. Records of this sort (the Official Personnel Folder (OPF), medical files, employee performance files, and similar records) are maintained by the Directorate for Personnel and Security. The OPF is maintained custodially for the Office of Personnel Management. Release of information about an individual contained in a Privacy System of records that would constitute a clearly unwarranted invasion of privacy is prohibited, and could subject the releaser to civil and criminal penalties. Most informal office records of this sort maintained at Commission offices are also insulated from outside scrutiny by the same privacy considerations.

Attachment (A) provides a listing of privacy records maintained by the Directorate for Personnel and Security. Attachments (B) and (C) are the Directives controlling the DoD Freedom of Information Act and Privacy Act Programs. Although they do not apply directly to the Commission, much of the philosophies of release is appropriate to Commission operations.

*71703 - Lowman
607 [redacted] - 3426 - OPM
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695 3341
Bob Gillett
* Pat Kep CSC
5-3392
FOIA-
7-1180

In the event individuals or groups outside the Commission request information concerning your employees that may be protected information, please consult both your General Counsel and me. I appreciate your help.

A handwritten signature in cursive script, appearing to read "Leon Kniaz".

Leon Kniaz
Director

Attachments
As Stated

cc:
BCC General Counsel

MEMORANDUM

To: Commission Staff

From: Mary Ann Hook, General Counsel

Date: October 11, 1994

Re: Privacy Act

*Review w/this.
same
Need for
advice to
staff?
D.*

The Privacy Act of 1974 protects individuals against unwarranted invasions of privacy stemming from federal agencies' collection, maintenance, use and disclosure of information about them. The Act applies to the Commission. However, due to our payment and personnel arrangements with DoD, we fall under the DoD's regulations.

We are liable for the release of material protected under the Act. Substantial fines are assessed to those who violate the Act by revealing private information about, not only government employees, but any person who has contact with the Commission, i.e. a mayor who testifies before the Commission.

We do not have to publish our own regulations to implement the Privacy Act unless we create and maintain a system of records that are retrievable by name or another personnel information. Therefore, the following must be the practice of the Commission:

1- Our personnel records may be kept by name since DoD is maintaining the official and original documents. Any changes must be done on DoD's official forms -- and replicated on our documents in our "custodian" files.

2- The Commission's personnel files - both here and at DoD - should consist of more than one file for each person. Subjects should be grouped separately. For example, a person's SF 171 form should not be filed with his performance reviews. There should be separate files for different information. It should be organized into logical files so if a person wants to look for one point of fact, the entire file will not be revealed.

3- When anyone internally wants to use the file - the official ones are regarded as accurate. We technically are holding only copies.

a. On that note, access to the files should be limited to Administration personnel and the Staff Director and the General Counsel - for a limited and specific purpose.

4- Any requests for information that are of a personal nature, where someone's name is used as part of the request, may fall under the Privacy Act and should be directed to General Counsel's office.

5- For maintaining all other files, the Commission, including but not limited to the Executive Secretariat, should not keep files organized by peoples' names, social security numbers or other similar identifiers. For example, the testimony provided to the Commission is located by reading the transcripts or by looking through base specific material - not by looking at a list of names of those who testified. Rolodexes are exempt - as is the computer card file. The card files should be limited to names, addresses and telephone numbers. Records should be kept by date, base or subject matter. Any other system of records that has names as a way of indexing information is not acceptable. All staff should be made aware of these restrictions now and for the 1995 cycle.

If you have any questions, please feel free to ask.