



DEPARTMENT OF THE NAVY

CHIEF OF NAVAL EDUCATION AND TRAINING  
250 DALLAS ST  
PENSACOLA FLORIDA 32508-5220

CH-1 OF 9 MAR 00

CNETINST 5211.1F  
Code OOH  
19 MAR 1999

CNET INSTRUCTION 5211.1F

Subj: PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR RECORDS AND AVAILABILITY TO THE PUBLIC OF DEPARTMENT OF THE NAVY RECORDS

Ref: (a) SECNAVINST 5211.5D  
(b) SECNAVINST 5720.42F

Encl: (1) CNET Privacy Act/Freedom of Information Act Desk Guide (CNET-GEN P5211/1 (Rev. 2-99))

(D)  
(A)

1. Purpose. To implement references (a) and (b) and make enclosure (1) available.

(R)

2. Cancellation. CNETINST 5211.1E

3. Background. The Privacy Act (PA) of 1974, promulgated within the Department of the Navy by reference (a), is designed primarily to protect the personal privacy of individuals about whom records are maintained by agencies of the Federal Government. The Freedom of Information Act (FOIA), promulgated by reference (b), is designed to make available to the public the maximum information concerning operations, activities, and administration of the Department of the Navy and other Federal agencies without invading the privacy of any individual. Although having different primary objectives the two acts, if carefully applied, are generally complementary in nature. (D)

4. Denial Authority. Within the NAVEDTRACOM, officers authorized in accordance with section 0120a, Manual of the Judge Advocate General, to convene general courts-martial are authorized by reference (a) to deny requests for notification, access, and amendment of records related to matters within their respective areas of responsibility. By reference (b), the same officers are authorized to deny FOIA requests for documents or records relating to matters within their respective areas of responsibility.

5. Required Reports

a. In accordance with references (a) and (b), the following reports shall be submitted to the initial denial authority (IDA) in the chain of command. Negative reports are required. Only operational aviation squadrons and units afloat are exempt from these reporting requirements if they have not received or responded to any requests during the reporting period.

(R)

A) (1) Annual Freedom of Information Act Report (DD-PA (A) 1365(5720)), by 15 October of each year to your activity's IDA, who is the GCM authority in your chain of command. CH-1

R) (2) Annual Privacy Act Report (DD-DA&M(AR)1379(5211)), by 1 February of each year to your activity's IDA, who is the GCM authority in your chain of command.

b. IDA's shall consolidate FOIA reports received from subordinate activities and submit them to Chief of Naval Education and Training (Code OOJ) by 25 October of each year. CNET, as the Echelon 2 IDA, will consolidate these reports and submit them to Chief of Naval Operations (CNO) (N09B30) by 10 November of each year. CH-1

R) c. IDAs shall consolidate PA reports received from subordinate activities and submit them to CNET (Code OOJ) by 15 February of each year. CNET, as the Echelon 2 IDA, will consolidate these reports and submit them to CNO (N09B30) by 1 March of each year.

R) 6. Desk Guide Availability. A copy of enclosure (1) may be obtained by downloading from CNET Homepage Forms P5211/1.

/S/F. M. DIRREN, JR.  
Vice CNET

Distribution (CNETINST 5218.2C):  
Lists I through V  
SNDL C15 (NJROTC Area Managers) (1)  
FT72 (DPTNAVSCI) (1)  
FT74 (NROTCU) (2)

Copy to:  
SNDL A3 (CNO (N09B30))

PRIVACY ACT/FREEDOM OF INFORMATION ACT DESK GUIDE

PRIVACY ACT (PA) - Personal privacy and right of individuals  
Regarding their personal records  
(SECNAVINST 5211.5D)

FREEDOM OF INFORMATION ACT (FOIA) - Availability to the public of  
Department of the Navy records  
(SECNAVINST 5720.42F)

1. General. All personnel should be familiar with the contents of SECNAVINSTs 5211.5D, 5720.42F, and related directives pertaining to the PA and FOIA; however, since most inquiries can be processed quickly, this desk guide is provided for clarification and ease of reference.

2. Definitions

a. System of Records. A group of records from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual. Each activity shall maintain a list of systems of records by name, identification, locality, and number of records within each system.

b. System Manager. The official who has overall responsibility for records within a particular system.

c. Routine Use. Disclosure of a record for a purpose which it was created.

d. Disclosure. The conveyance of any information from a record by any means of communication to another person or entity.

3. Disclosure Without Consent of Employee. Pursuant to the provisions of the PA and FOIA, the following information may normally be disclosed without the consent of the employee and need not be recorded:

a. To the Public Concerning Civilian Personnel. Inquiries other than those listed below should be referred to the Human Resources Office (HRO) for necessary action. Note that this information should be released by the cognizant office only if the data is correct. If there is any doubt as to the correctness of the information, refer the inquirer to HRO.

- |                   |                                  |                                                                                                                   |
|-------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (1) Name          | (4) Gross salary                 | (7) Office telephone number                                                                                       |
| (2) Grade         | (5) Present and past assignments | (8) Other information as set forth in Parts 293, 294, and 297 of OPM Regulations and the Federal Personnel Manual |
| (3) Date of grade | (6) Finalized future assignments |                                                                                                                   |

b. To the Public Concerning Military Personnel

- |                  |                                       |                                                                            |
|------------------|---------------------------------------|----------------------------------------------------------------------------|
| (1) Name         | (5) Present and past duty assignments | (9) Promotion sequence number                                              |
| (2) Rank/rate    | (6) Finalized future assignments      | (10) Awards and decorations                                                |
| (3) Date of rank | (7) Office or duty telephone numbers  | (11) Education (major area of study, school, year of education and degree) |
| (4) Gross salary | (8) Source of commission              |                                                                            |

DISCLOSURE OF HOME ADDRESSES AND TELEPHONE NUMBERS WITHOUT PERMISSION SHALL NORMALLY BE CONSIDERED A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

c. To Personnel Within the Department of Defense. Disclosure may be made to personnel of the Department or Defense, or element thereof (including private contractor personnel who are engaged to perform services needed in connection with the operation of a Department of Defense system of records), who have a need for the record in the performance of their duties, when this is compatible with the purpose for which the record is maintained. This would include, for example, disclosure to personnel managers, review boards, discipline officers, medical officers, investigating officers, and representatives of the Auditor General, Naval Criminal Investigative Service, Joint Chiefs of Staff, Armed Forces Entrance and Examining Station, Defense Investigative Services, and other military departments who require the information in order to discharge their official duties.

Enclosure (1)

d. Congressional Inquiries. Disclosure may be made to either House of Congress, or, to the extent of matters within its jurisdiction, to any committee or subcommittee thereof, or to any joint committee of Congress or subcommittee thereof. Disclosure may not be made to a member of Congress requesting in his/her individual capacity or on behalf of a constituent, except in accordance with rules set forth in paragraph 7b(9) of SECNAVINST 5211.5D and procedures set forth in paragraph 7b(9)(d).

e. In an Emergency. In a confirmed emergency situation, personal information on an individual may be released. The releaser should make reasonable efforts to confirm that the emergency actually exists and verify the identity of the party making the request prior to release.

4. Disclosure Accounting - PA/FOIA. Maintain a record of disclosure except for those instances contained in paragraph 3 above. This record of accounting shall be retained for at least 5 years after the last disclosure, or the life of the record, whichever is longer. This information is also needed for statistical purposes, e.g., the annual Privacy Act report. The purpose of the disclosure accounting requirements is contained in paragraph 7a of SECNAVINST 5211.5D and procedures are set forth in paragraph 7c(3).

5. FOIA Exemptions. There are nine exemptions under the FOIA, which may be invoked to preclude release of information which would jeopardize a governmental interest. They are:

- |                                            |                                                    |                                 |
|--------------------------------------------|----------------------------------------------------|---------------------------------|
| (1) classified information                 | (4) trade secrets/commercial information           | (7) investigative records       |
| (2) internal personnel rules and practices | (5) internal memorandum, opinions, recommendations | (8) financial institutions      |
| (3) information exempted by statute        | (6) personal privacy                               | (9) geological/geophysical data |

6. NAVEDTRACOM Denial Authorities. CNET, CNATRA, and NTC Great Lakes are authorized under the PA to deny requests for notification, access, and amendment of records related to matters within their respective areas of responsibility. In addition, officers authorized in Section 0120, Manual of the Judge Advocate General, to convene general courts-martial may deny requests. Under the provisions of SECNAVINST 5720.42F, the same officers are authorized to deny FOIA requests for documents or records relating to matters within their respective areas of responsibility.

7. Reports. In accordance with SECNAVINST's 5720.42F and 5211.5D, the following reports shall be submitted. Negative reports are required.

a. Annual Freedom of Information Act Report. (DD-PA(A)1365(5720) - due to denial authority 15 October. Denial authorities shall consolidate and submit to Echelon II command (CNET) 25 October.

b. Annual Privacy Act Report DD-A(A&AR)1379(5211)) - Due to denial authority, 1 February. Denial authorities shall consolidate and submit to Echelon II command (CNET) 15 February.

Only operational aviation squadrons and units afloat are exempt from these reporting requirements if they have not received or responded to any FOIA requests during the reporting period.

8. Requests for Assistance in Processing Requests. Requests for assistance may be referred to CNET (Code OJ), DSN 922-4847 or Commercial (850) 452-4847.

CNET P5211/1 (Rev. 2-99) (Back)

Enclosure (1)