

DEPARTMENT OF THE NAVY
OFFICE OF NAVAL INTELLIGENCE
4251 SUITLAND ROAD
WASHINGTON, DC 20395-5720

IN REPLY REFER TO

ONIINST 5211.1B

ONI-OCB

9 February

2006

ONI INSTRUCTION 5211.1B

Subj: PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS
REGARDING THEIR PERSONAL RECORDS

Ref: (a) SECNAVINST 5211.5E, Department of the Navy
(DON) Privacy Program
(b) SECNAVINST 5720.42F, DON Freedom of Information
Act Program
(c) Index of PA Systems of Records at
www.ogc.secnav.hq.navy.mil/privacy/index.html
(d) SECNAVINST 5210.8D, DON Records Management
Program

Encl: (1) Disclosure Accounting Form, Record of
Disclosure (OPNAV 5211/9)

1. Purpose. To implement within the Office of Naval Intelligence (ONI) references (a) and (b), which establish policy and procedures in the collection, safeguarding, maintenance, use, access, amendment, and dissemination of personal information collected and maintained within DON and ONI in Privacy Act (PA) systems of records. Further, this instruction establishes policy and procedure for notifying individuals when "protected personal information" is lost, stolen, or compromised. PA records are any records retrievable by an individual's personal identifier (i.e., name or social security number (SSN)). "Protected personal information" is information that if disclosed could cause an unwarranted invasion of personal privacy.

2. Cancellation. ONIINST 5211.1A.

3. Applicability. This instruction applies to all ONI personnel and contractors within ONI. ONI personnel are required to become familiar with this instruction and the rules of conduct established by references (a) and (b).

4. Background. DON policy, as established by reference (a), is to ensure all personnel at all echelons of command or authority comply with the PA of 1974 for preserving the privacy of individuals from unwarranted invasions. Reference (a) sets forth the following requirements:

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a. Collect, maintain, and use only that personal information needed to support a Navy function or program as authorized by law or Executive Order (EO), and disclose this information only as authorized by reference (a) and this instruction.

b. Keep only personal information that is timely, accurate, complete, and relevant to the purpose for which it was collected.

c. A PA request must be in writing and upon receiving a written PA request, permit the individual access to, and if requested, provide copies of all or portions of his/her records except for those portions subject to exemption procedures authorized by law and this instruction.

d. Upon written request, permit individuals to amend their records when discrepancies are proven to be erroneous, untimely, incomplete, or irrelevant.

e. Upon written request, permit individuals an administrative review of decisions that deny them access or refuse amendment to their records.

f. Ensure adequate safeguards are enforced to prevent misuse, unauthorized disclosure, alteration, or destruction of personal information in records.

g. Maintain no records describing how individuals exercise their rights guaranteed by the First Amendment (freedom of religion, political beliefs, speech, and press; peaceful assemblage; and petition for redress of grievances) other than those permitted by statute or reference (a).

h. Maintain only record systems that have been published in the Federal Register and identified by reference (c).

i. Only maintain such information about an individual as is reasonably necessary to accomplish a Navy function or program as authorized by law or EO. Records will be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in any determination concerning the person. Per reference (d), unless required by law to maintain personal information, records will be destroyed when no longer needed.

5. Policy. Individuals requesting access to, copies of, or amendment to their personal information records must do so in writing and address their requests to ONI (Attn: PA Program Manager (ONI-OCB), 4251 Suitland Road, Washington, DC 20395-5720).

6. Responsibilities. Responsibilities specific to ONI are as follows:

a. On behalf of the Secretary of the Navy, the Commander, ONI; Deputy Commander; Executive Director; and Staff Judge Advocate (SJAG) are delegated as Initial Denial Authorities (IDAs) for ONI. The SJAG (ONI-OCB) is designated as the official responsible for administering and supervising the execution of references (a) and (b), as well as the PA Manager.

b. The PA Manager will:

(1) Serve as the principal point of contact on all command PA matters.

(2) Assign PA requests to appropriate directorates and establish due dates for responding to requests.

(3) Assist ONI directorates in implementing and executing the purposes and requirements of references (a) and (b).

(4) Acknowledge all PA requests within 10 working days from date of receipt. Within 20 working days from the date of receipt, first party requesters will be granted access to records unless the records being sought are exempt from disclosure as set forth in the published System Notice.

(5) Draft and forward all PA request responses to ONI-OCB for signature.

(6) Issue guidance to ONI directorates and personnel as appropriate.

(7) Review internal directives, practices, and procedures for those having PA implications and ensure adherence to PA policy and procedures. Draft PA Statements when required.

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(8) Determine which records are "systems of records" within the scope of reference (a) and which are records within the scope of reference (b).

(9) Monitor record systems for accuracy and proper maintenance.

(10) Ensure ONI personnel are properly educated and trained in the provisions of reference (a).

(11) Initiate action to correct potential PA violations.

(12) Assist in requests to establish or alter a system of records. Ensure all records systems and any additions or significant changes to existing ONI systems are published in the Federal Register.

(13) Maintain liaison with Navy record management officials as appropriate.

(14) Assist ONI Record Custodians in ensuring proper PA procedures are maintained within their directorates.

c. ONI Directorate Heads will designate Record Custodians, who will be responsible for the records systems maintained within their directorates. Record Custodians will:

(1) Ensure all personnel whose duties involve responsibilities for the design, development, maintenance,

custody, or use of personal information collected in a system of records are familiar with the provisions of this instruction and reference (a).

(2) Coordinate with the ONI PA Manager to ensure the preparation of appropriate directives, forms, PA Statements, and procedures, needed in records systems operations is in accordance with reference (a).

(3) Assist Department Heads in ensuring the safeguarding of records in accordance with this instruction.

(4) Review, on a regular basis, all records systems under their purview to ensure each personal record is required. If not required, recommend to the PA Manager its use be terminated.

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(5) In accordance with paragraph 14f of reference (a), maintain an accurate accounting of all disclosures that include the name and address of the person or agency to whom disclosure is made (see enclosure (1)). Accountings are not required for routine use disclosures as defined in reference (a). Examples include disclosure to officials within the Department of Defense who have a need for the record in the performance of their duties, disclosures made under reference (b), and disclosures for statistical research for reporting purposes where individuals' names are not identifiable.

(6) Ensure all PA records are maintained and destroyed in accordance with reference (d).

7. Procedures. In addition to those procedures established by reference (a), the following procedures apply to ONI.

a. All time extensions for processing a PA request, as established by the PA Manager, must be justified via the Directorate Head and forwarded to the PA Manager.

b. Requests for records not contained in a system of records will be processed in accordance with reference (b).

c. Without the express written consent of the individual who's information is contained in the PA record, third party disclosures are prohibited unless otherwise authorized as set forth in reference (a).

d. All documents containing PA information (i.e., SSN, home addresses, and/or telephone numbers) will be marked with the caveats "FOR OFFICIAL USE ONLY - PRIVACY PROTECTED INFORMATION."

e. To prevent unauthorized disclosures, all file folders and storage cabinets containing PA records will be properly secured and marked with "PERSONAL DATA" stickers.

f. "Protected personal information" will not be left out in the open or circulated to individuals not having an official need-to-know.

g. In the event "protected personal information" is lost, stolen, or compromised, the following notification procedures will be followed:

(1) The Record Custodian will take immediate action to prohibit further damage/disclosure and will notify the PA Manager as soon as practical of the disclosure.

(2) The PA Manager will notify the chain of command and the Chief of Naval Operations (DNS-36), as required by reference (a), of the compromise of "protected personal information."

(3) The Record Custodian will prepare a notification letter to all affected individuals. If identifying individuals affected is not readily available, a generalized notice will be posted on the ONI intranet.

8. New or Altered System Procedures. ONI personnel desiring to establish a new system of records or make an alteration to an established system of records are required to prepare and submit a report as outlined by paragraphs 9a and 9b of reference (a). A request containing the report and notice shall be prepared for ONI-OCB's signature 90 days prior to planned implementation. The PA Manager will be responsible for making notice of the new system to the Federal Register as required.

9. Action. ONI personnel will carry out the responsibilities assigned by this instruction.

/s/

ALEXANDER BUTTERFIELD, JR.

Stocked:
ONI-OCX01

