
Department of Defense

Privacy Act of 1974; System of Records

AGENCY: Department of Defense, Department of the Navy

ACTION: Notice of a New System of Records.

SUMMARY: The Department of the Navy is proposing to establish a new system of records that will be used to verify eligibility of current DON law enforcement officers for assigned duties and to determine if reassignment, reclassification, detail or other administrative action is warranted based on an officer's ability to obtain or maintain credential qualification requirements; verify and validate eligibility of current, separating or separated and retired DON law enforcement officers to ship, transport, possess or receive Government-issued or private firearms or ammunition; and to verify and validate eligibility of current, separating or separated, and retired DON law enforcement officers to receive DON endorsed law enforcement credentials, to include Law Enforcement Officers Safety Act (LEOSA) credentials.

DATES: Comments will be accepted on or before [, 2017]. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

**Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Sally A. Hughes, Head, FOIA/PA Programs (ARSF), Headquarters, U.S. Marine Corps, 3000 Marine Corps Pentagon, Washington, DC 20350-3000, telephone (703) 614-3685.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps' notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address in FOR FURTHER INFORMATION CONTACT or from the Defense Privacy and Civil Liberties Division Web site at <http://defense.gov/privacy>.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on [], to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 7 of OMB Circular No. A-108, "Federal Agency Responsibilities for Review, Reporting, and Publication Under the Privacy Act," revised December 23, 2016 (December 23, 2016 81 FR 94424).

Dated: .
Aaron Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER: Law Enforcement Officer Eligibility and Credential Records, NM05580-2.

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION: Organization elements of the Department of the Navy. Official mailing addresses are published in the Standard Navy Distribution List available as an appendix to the Navy's compilation of system of records notices or may be obtained from the system manager.

SYSTEM MANAGER(S): Navy Policy Official Program Manager, Commander, Navy Installations Command, 716 Sicard Street, SE, Suite 1000, Washington Navy Yard, DC 20374-5140.

Marine Corps Policy Official, Head, Law Enforcement and Corrections Branch, Security Division, Plans, Policies and Operations (PP&O), Headquarters, U.S. Marine Corps, 3000 Pentagon Room 4A324, Washington, DC 20350-3000.

Record Holders Commanding officers of the U.S. Navy activity in question and/or Marine Corps Credential Approving Authorities at Marine Corps Headquarters, installations, and units. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://doni.daps.dla.mil/sndl.aspx>.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps function, composition; 18 U.S.C. 922, Unlawful Acts; 18 U.S.C. 926B and 926C, Carrying of concealed firearms by qualified retired law enforcement officers; DoD Instruction 5525.12 Implementation of the Law Enforcement Officers Safety Act of 2004 (LEOSA); and E.O.9397 (SSN), as amended.

PURPOSE(S) OF THE SYSTEM: To verify eligibility of current DON law enforcement officers for assigned duties and to determine if reassignment, reclassification, detail or other administrative action is warranted based on an officer's ability to obtain or maintain credential qualification requirements.

To verify and validate eligibility of current, separating or separated and retired DON law enforcement officers to ship, transport, possess or receive Government-issued or private firearms or ammunition.

To verify and validate eligibility of current, separating or separated, and retired DON law enforcement officers to receive DON endorsed law enforcement credentials, to include LEOSA credentials.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current, separating or separated, and retired Department of the Navy (DON) law enforcement officers including military police, master at arms, and civilian police officers.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, Social Security Number (SSN), DoD Identification Number, date and place of birth, gender, citizenship, badge number, physical description, passport type photograph, copy of military identification card, copy of state driver's license or state issued identification card, copy of Federal Bureau of Investigation (FBI) Identity History Summary, service status, dates of service, Military Occupational Specialty (MOS) code, title/series/grade, assignments, related education and training completed, statements of medical qualification, certifications granted and/or revoked, copies of credentials, clearances, notice of personnel actions, notice of convictions, type of separation, affiliated law enforcement experience including dates of employment, position/job title and reason for leaving, work and home phone numbers, email addresses, and mailing addresses, applications for DON issued certification of eligibility, applicant signed statements of eligibility and understanding of requirements, copies of DD 2760, DD-214, and SF-50.

RECORD SOURCE CATEGORIES: Individuals, Department of Defense, Department of Army, Department of the Air Force, Department of Navy, and U.S. Marine Corps security offices, system managers, computer facility managers, commercial businesses whose employees require access to the bases, visit requests, automated interfaces for user codes on file at Department of Defense sites.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of Justice so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers,

manufacturers or dealers) to determine whether individuals are qualified to receive or possess firearms and ammunition.

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibilities of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Disclosure When Requesting Information Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a DoD Component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

Disclosure of Requested Information Routine Use: A record from a system of records maintained by a DoD Component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to the Office of Personnel Management Routine Use:

A record from a system of records subject to the Privacy Act and maintained by a DoD Component may be disclosed to the Office of Personnel Management (OPM) concerning information on pay and leave, benefits, retirement deduction, and any other information necessary for the OPM to carry out its legally authorized government-wide personnel management functions and studies.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine

use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Contract Employee Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to a contractor responsible for performing services for the Component when there is a defined need to know as part of the services for which the contractor has been engaged. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable DoD officers and employees. **This wording will probably change. DoD is working with their legal office to determine what the final wording should be.**

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Paper records and/or electronic storage media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Name, last four of SSN or DoD ID number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: Current DON law enforcement officer general eligibility verification records: Destroy upon separation or transfer of employee or when 2 years old, whichever is earlier.

Application packages for active duty/currently employed Navy and Marine Corps law enforcement officer 926B LEOSA Credentials:

1. DD Form 2760, Qualification to Possess Firearms or Ammunition.
 - a. Enlisted military police (MP): Destroy 5 years after initial issuance of law enforcement credentials or upon submission of updated DD Form 2760 during law enforcement credential renewal.
 - b. Commissioned officers, warrant officers, and Navy and Marine Corps civilian police officers: Destroy 10 years after initial issuance of law enforcement credentials or upon submission of updated DD Form 2760 during law enforcement credential renewal.
2. LEOSA 926B Certificate of Eligibility.

Destroy 5 years after initial issuance of law enforcement credentials or upon submission of updated LEOSA 926B Certificate of Eligibility during law enforcement credential renewal.

Application packages for Retired/Separated Navy and Marine Corps law enforcement officer 926C LEOSA Credentials:

1. Completed Navy and Marine Corps LEOSA application form.
Destroy 2 years after issuance of law enforcement credentials.
2. Completed Privacy Act Statement.
Destroy 2 years after issuance of law enforcement credentials.
3. Copy of applicant's DD-214 (member copy 4) for Navy and Marine Corps or SF-50 proof of employment for civilian police officers.
Destroy 2 years after issuance of law enforcement credentials.
4. Passport type photograph as defined by the Department of State for all U.S. passports.
Destroy 2 years after issuance of law enforcement credentials.
5. Copy of retired military identification card, state driver's license or state issued identification card.
Destroy 2 years after issuance of law enforcement credentials.
6. Copy of a current, within previous 12 months, Federal Bureau of Investigation (FBI) Identity History Summary.
Destroy 2 years after issuance of law enforcement credentials.
7. DD Form 2760, Qualification to Possess Firearms or Ammunition pertaining to retired/separated Navy and Marine Corps law enforcement officers.
 - a. PERMANENT. Transfer to the National Archives 2 years after issuance of law enforcement credentials.
 - b. Destroy paper/electronic copies upon receipt of acceptance.
8. LEOSA 926C Certification of Eligibility
 - a. PERMANENT. Transfer to the National Archives 2 years after issuance of law enforcement credentials.
 - b. Destroy paper/electronic copies upon receipt of acceptance.

Collection forms, paper and/or plastic badges/passes are shredded or incinerated using DOD approved procedures. If any IT system or data storage media fails and must be replaced, the data storage component (e.g., disks/hard drives) is removed from the hardware and degaussed with DOD approved degaussing systems and are then mechanically shredded prior to disposal.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: Access is provided on a need-to-know basis only. Paper records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password and/or Primary Key Infrastructure (PKI)/Common Access Card (CAC). Computerized records maintained in a controlled area are accessible only to authorized personnel. Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to

designated individuals having a need to know in the performance of official duties and who are properly screened and cleared for need-to-know.

RECORD ACCESS PROCEDURES: Individuals seeking access to records about themselves contained in this system should address written inquiries to Commanding Officer of the activity in question. Official mailing addresses are published in the Standard Navy Distribution List available as an appendix to the Navy's compilation of system of records notices or may be obtained from the system manager.

For Marine Corps LEOSA 926C and 926B Credential application records, individuals should address written inquiries to the Commandant of the Marine Corps, Plans, Policies, and Operations, Security Division, Law Enforcement and Corrections Branch (PSL), 3000 Marine Corps Pentagon, Washington, DC 20380-1775.

For verification purposes, individual should provide full name, SSN and/or DoD ID Number, sufficient details to permit locating pertinent records and notarized signature. Failure to provide a notarized document may result in your request not being processed.

CONTESTING RECORD PROCEDURES: The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5E; 32 CFR part 701; or may be obtained from the system manager.

NOTIFICATION PROCEDURES: Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of the activity in question. Official mailing addresses are published in the Standard Navy Distribution List available as an appendix to the Navy's compilation of system of records notices or may be obtained from the system manager.

For Marine Corps LEOSA 926C and 926B Credential application records, individuals should address written inquiries to the Commandant of the Marine Corps, Plans, Policies, and Operations, Security Division, Law Enforcement and Corrections Branch (PSL), 3000 Marine Corps Pentagon, Washington, DC 20380-1775.

For verification purposes, individual should provide full name, SSN and/or DoD ID Number, sufficient details to permit locating pertinent records and notarized signature. Failure to provide a notarized document may result in your request not being processed.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: None.