

AGENCY: Department of the Air Force

ACTION: Notice of a Modified System of Records.

SUMMARY: The Department of the Air Force proposes to alter a system of records notice, F011 AF A3 B DoD, entitled “Department of Defense (DoD) Foreign Clearance Program Records.”

The DoD Foreign Clearance Program Records Aircraft and Personnel Automated Clearance System (APACS) is a web-based application operated by the U.S. Air Force due to the Secretary of the Air Force being designated as the DoD Executive Agent for the program. It is designed to aid DoD mission planners, aircraft operators and DoD personnel in meeting host nation aircraft diplomatic and personnel travel clearance requirements outlined in the DoD Foreign Clearance Guide. APACS provides requesting, approving, and monitoring organizations (i.e., country clearance approvers at U.S. Embassies, Geographical Combatant Commands (GCC) theater clearance approvers, and Office of the Secretary of Defense (OSD) special area clearance approvers) access to a common, centralized, and secure database that contains all the information required to process/approve foreign travel clearances.

DATES: Comments will be accepted on or before [**INSERT 30-DAYS FROM DATE PUBLISHED IN THE FEDERAL REGISTER**]. This proposed action will be effective the date 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, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301-9010.

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: Mr. LaDonne White, Department of the Air Force, Air Force Privacy Office, Office of Warfighting Integration and Chief Information Officer, ATTN: SAF/CIO A6, 1800 Air Force Pentagon, Washington, DC 20330-1800, or by phone at (571) 256-2515.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's 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 the FOR_FURTHER INFORMATION CONTACT or from the Defense Privacy and Civil Liberties Division website at <http://dpcl.d.defense.gov/>

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on **(INSERT DATE)** to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996, (February 20, 1996, 61 FR 6427).

SYSTEM NAME AND NUMBER: Department of Defense (DoD) Foreign Clearance Program Records (January 03, 2012, 77 FR 94) DITPR#: 23295

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION: Defense Information Systems Agency (DISA) milCloud Plus environments at DISA Enterprise Computing Centers (DECC) at DISA DECC Montgomery, 416 E. Moore Dr., Building 857, Maxwell AFB, Gunter Annex, Alabama 36114 and DISA Computing Services, 8705 Industrial Blvd., Building 3900, Tinker AFB, Oklahoma 73145.

SYSTEM MANAGER(S): Chief, DoD Foreign Clearance Program; Policy Division; Deputy Chief of Staff, Strategic Deterrence and Nuclear Integration; 1488 Air Force Pentagon, Washington, DC, 20330-1488.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; 22 U.S.C. 4801, Findings and purpose; 22 U.S.C. 4802, Responsibility of Secretary of State; and 22 U.S.C. 4805, Cooperation of other Federal Agencies; Public Law 99-399, Omnibus Diplomatic Security and Antiterrorism Act of 1986; Department of Defense Directive 4500.54E, DoD Foreign Clearance Program; DoD Directive 5400.11, Privacy Program; NIST.SP.800-53r4, Security and Privacy Controls for Federal Information Systems and Organizations.

PURPOSE(S) OF THE SYSTEM: To aid DoD mission planners, aircraft operators and DoD personnel in meeting host nation aircraft diplomatic and personnel travel clearance requirements outlined in the DoD Foreign Clearance Guide. To provide travel clearance requesting, approving, and monitoring organizations (i.e., country clearance approvers at U.S. Embassies, Geographical Combatant Commands (GCC) theater clearance approvers, and Office of the Secretary of Defense (OSD) special area clearance approvers) access to a common, centralized, and secure database that contains all the information required to process/approve foreign travel clearances.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All military personnel, DoD civilians, and non-DoD personnel traveling under DoD sponsorship (contractors and dependents), and includes temporary travelers worldwide, as defined by the DoD Foreign Clearance Program.

CATEGORIES OF RECORDS IN THE SYSTEM: Name(s); Position/Title; Rank/Grade; Employment Information; Security Information; DoD ID Number; Citizenship; Work E-mail Address; Official Duty Address; Official Duty Telephone Phone; Personal E-mail Address; Home/Cell Phone; Passport Information; Place of Birth; Birth Date; Emergency Contact.

RECORD SOURCE CATEGORIES: Information comes from the requesting individual traveler and/or someone submitting the travel request on his/her behalf.

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, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- a. To a domestic or foreign entity that has entered into a public-private partnership with the Defense POW/MIA Accounting Agency (DPAA). This routine use complies with 10 U.S.C. 1501a, when DPAA determines that such disclosure is necessary to the performance of services DPAA has agreed shall be performed by the partner.
- b. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this system of records.
- c. To appropriate Federal, State, local, territorial, tribal, foreign, or international agencies for the purpose of counterintelligence activities. This routine use complies with U.S. law or Executive Order, or for the purpose of executing or enforcing laws designed to protect the national security or homeland security of the United States, including those relating to the sharing of records or information concerning terrorism, homeland security, or law enforcement.
- d. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.
- e. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.
- f. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.
- g. To the National Archives and Records Administration for the purpose of records management inspections conducted. This routine use complies with 44 U.S.C. §§ 2904 and 2906.
- h. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.
- i. To appropriate agencies, entities, and persons when (1) The Department of Defense (DoD) suspects or has confirmed that the security or confidentiality of the information in the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is

a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

j. To another Federal agency or Federal entity, when the Department of Defense (DoD) determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Records are stored electronically within the Defense Information Systems Agency (DISA) milCloud Plus environment.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Records are retrieved by using the individual traveler's travel dates, Name(s); Position/Title; Rank/Grade; Employment Information; Security Information; DoD ID Number; Citizenship; Work E-mail Address; Official Duty Address; Official Duty Telephone Phone; Personal E-mail Address; Home/Cell Phone; Passport Information; Place of Birth; Birth Date; Emergency Contact.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: Per National Archives and Records Administration (NARA) N1-AFU-89-25 and AFRIMS Table & Rule: T 31 - 08 R 22.00; Title: Foreign Travel; Disposition: Destroy after 5 years.

Electronic systems that replace temporary hard copy records: Destroy on expiration of the retention period previously approved for the corresponding hard copy records.

Electronic systems that supplement temporary hard copy records where the hard copy records are retained to meet recordkeeping requirements: Destroy when the agency determines that the electronic records are superseded, obsolete, or no longer needed for administrative, legal, audit, or other operational purposes.

Computer records are destroyed by erasing, deleting or overwriting. Paper records are destroyed by shredding.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: Records are maintained in a secure facility on the installation; physical entry is restricted by presentation of authenticated identification badges at entry control points, and cipher locks/key cards for access into buildings. Electronic information is protected by using user profiles, passwords, and encryption. User profiles are role-based and ensure that only data accessible to the individual's role will appear on the screen.

RECORD ACCESS PROCEDURES: Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, DoD Foreign Clearance Program, 1488 Air Force Pentagon, Washington DC 20330-1488.

For verification purposes, individual should provide their full name, SSN and any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

‘I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)’.

If executed within the United States, its territories, possessions, or commonwealths: ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.

CONTESTING RECORD PROCEDURES: The Air Force rules for accessing records, and for contesting contents and appealing initial agency determination are published in Air Force instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

NOTIFICATION PROCEDURES: Delete entry and replace with “Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, DoD Foreign Clearance Program, 1488 Air Force Pentagon, Washington, DC 20330-1488.”

For verification purposes, individual should provide their full name, SSN and any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

‘I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)’.

If executed within the United States, its territories, possessions, or commonwealths: ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY:

December 28, 2011, 72 FR 17136

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 2, 2007, 72 FR 17136

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.