

BILLING CODE:

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: DoD-YYYY-Department of Navy-XXXX]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A-130, notice is hereby given that the Department of the Navy proposes to alter a system of records, N01531-1, entitled “USNA Applicants, Candidates, and Midshipmen Records,” last published at 72 FR 8072, February 27, 2007.

The system of records exists to aid United States Naval Academy applicants progress from the application stage, through the admissions process, to disenrollment or graduation from the Naval Academy. Records contain applicant information used to evaluate and determine competitive standing and eligibility for appointments to the Naval Academy.

This alteration reflects considerable changes that in sum warrant an modification to the systems of records notice. Applicable records of the system have also been exempt from particular provisions of the Privacy Act under 5 U.S.C 552a(k)(5), (k)(6), or k(7). This alteration also reflects administrative changes to the system location, categories of individuals, authorities, purpose, storage, retrievability, safeguards, retention and disposal, system manager(s) and addresses, notification and records access procedures, and record source sections of the systems of records notice.

DATES: This altered system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The Routine Uses are effective at the close of the comment period.

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: DoD cannot receive written comments at this time due to the COVID-19 pandemic. Comments should be sent electronically to the docket listed above.

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. Greg Cason, Acting Director, PA/FOIA Office (DNS-36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350-2000, or by phone at (202) 685-6545.

SUPPLEMENTARY INFORMATION:

I. Background

The USNA Applicants, Candidates, and Midshipmen Records system of records is being altered by the DoN to establish an audit trail of files which contain information on individuals as they progress from the application stage, through the admissions process, to disenrollment or end of

Naval Service.

The notices for system of records subject to the Privacy Act of 1974, as amended, have been published in the Federal Register and are available from the address in FOR FURTHER INFORMATION CONTACT or at the Defense Privacy, Civil Liberties, and Transparency Division website at <https://dpcl.d.defense.gov/privacy>.

II. Privacy Act

Under the Privacy Act, a “system of records” is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and OMB Circular No. A-108, DPCLTD has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

Dated:

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

SYSTEM NAME AND NUMBER: United States Naval Academy (USNA) Applicants, Candidates, and Midshipmen Records, NM01531-1.

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION: United States Naval Academy (USNA), 121 Blake Road, Annapolis, MD 21402-1300, and the Naval Academy Preparatory School (NAPS), 440 Meyerkord Ave., Newport, RI 02841.

SYSTEM MANAGER(S): Superintendent, United States Naval Academy (USNA), 121 Blake Road, Annapolis, MD 21402-1300, privacy@usna.edu, 410-293-1550.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. § 503, Enlistments: recruiting campaigns; compilation of directory information; 10 U.S.C. § 2005, Advanced Education Assistance: Active Duty Agreement; Reimbursement Requirements; 10 U.S.C. § 5013, Secretary of the Navy; 10 U.S.C. 347, International engagement authorities for service academies; 10 U.S.C. § 8454, Midshipmen: number; 10 U.S.C. § 8456, Midshipmen: Nomination and Selection to fill Vacancies; 10 U.S.C. § 8458, Midshipmen: Qualifications for Admission; 10 U.S.C. § 8462, Midshipmen: Discharge for Unsatisfactory Conduct or Inaptitude; 10 U.S.C. § 8463, Midshipmen: Discharge for Deficiency; 10 U.S.C. § 8459, Midshipmen: Agreement for Length of Service; DoDI 1322.22, Service Academies; OPNAVINST 1531.5E, Nominations to the United States Naval Academy for Children of Members of the Armed Forces, Including Reserves, Active, Retired, Disabled or Deceased; OPNAVINST 1531.6D, Nomination and Admission of Citizens of Foreign Countries to the U.S. Naval Academy; and E.O. 9397 (SSN), as amended.”

PURPOSE(S) OF THE SYSTEM: To establish an audit trail of files which contain information on individuals as they progress from the application stage, through the admissions process, to disenrollment or end of Naval Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Applicants and candidates for admission to the Naval Academy, Naval Academy midshipmen, midshipman candidates, and graduates of the Naval Academy.

CATEGORIES OF RECORDS IN THE SYSTEM: Admissions records contain information including but not limited to questionnaires concerning educational background, physical data, extracurricular activities, and employment; candidate fitness assessments; personal statements; transcripts from previously attended academic institutions; admission tests results; recommendation letters; reports of officer interviews; records of prior military service; personal data to include: name, other names used, Social Security Number (SSN), Electronic Data Interchange-Personal Identifier (EDIPI), date of birth, place of birth, gender, race/ethnicity, citizenship, legal status, personal telephone number, home telephone number, personal email address, mailing/home/work address, security clearance, mother's maiden name, marital status, height and weight, emergency contact, branch of service, rank, and candidate number; graduation class; law enforcement records and school probation periods; education information to include high school/college name and address, classes or courses taken, cumulative grade point average, class rank, type of diploma, year of high school/college graduation or expected graduation date, and school disciplinary records; Agreement to Serve, midshipmen claim files, work history; and Privacy Act disclosure forms.

Nomination information. These records include but are not limited to the names of the nominator and persons whom each nominator/member of Congress nominated and is matched to candidate data within the Admissions Information System (AIS) database.

Midshipmen records consist of records of academic, military, and physical records, including but not limited to fitness assessments, performance grades, personal history, record of emergency data, review boards records, medical excuse data, conduct/aptitude/honor records and grades, counseling and guidance information, academic grades, class rankings, letters of recommendation, training records, awards, Oath of Office, qualifications, legal and separation status, security clearance information, honor records, peer reviews, Privacy Act disclosure records, counseling records, extracurricular activity records, sports records, personal records from the Admissions Information System, and records relating to activities offered through the Naval Academy or Naval Academy Athletic Association (NAAA).

Records on graduates consist of status, rank, pay grade, years of service, years at rank, rank at loss, past and present service communities, past and present service, and total years of active service.

RECORD SOURCE CATEGORIES: From the individual; members of Congress; faculty; staff; gratuitous servants; volunteers, contractors; educational institutions; College Entrance Examination Board and American College Testing outlets; medical providers; law enforcement agencies; Academic Board; current or former employers, mentors, teachers, supervisors or coaches; peers; government agencies and employees; medical providers; parents; legal guardians; and the Defense Manpower and Data Center (DMDC-01).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND THE 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, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. 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.

B. 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.

C. 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.

D. 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.

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

F. 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.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines 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.

H. To another Federal agency or Federal entity, when the 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.

I. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

J. To designated officers and employees of Federal, State, local, territorial or tribal, international, or foreign agencies maintaining civil, criminal, enforcement, or other pertinent information, such as current licenses, if necessary to obtain information relevant and necessary 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.

K. To designated officers and employees of Federal, State, local, territorial, tribal, international, or foreign agencies in connection with the hiring or retention of an employee, the conduct of a suitability or security investigation, 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 and the Department deems appropriate.

L. To foreign or international law enforcement, security, or investigatory authorities to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements, including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

M. To the Office of Personnel Management (OPM) for the purpose of addressing civilian 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.

N. To the Merit Systems Protection Board and the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems; review of Office of Personnel Management or component rules and regulations; investigation of alleged or possible prohibited personnel practices, including administrative proceedings involving any individual subject of a DoD investigation.

O. To appropriate Federal, State, local, territorial, tribal, foreign, or international agencies for the purpose of counterintelligence activities authorized by 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.

P. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

Q. To any person, organization or governmental entity (e.g., local governments, first responders, American Red Cross, etc.), in order to notify them of or respond to a serious and imminent terrorist or homeland security threat or natural or manmade disaster as is necessary and relevant for the purpose of guarding against or responding to such threat or disaster.

R. To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of an investigation or case arising from the matters of which they complained and/or of which they were a victim.

S. To the United States Naval Academy Alumni Association and Foundation for the limited purpose of supporting its activities related to the mission of the Naval Academy and the sponsoring of midshipmen candidates who were not admitted in previous years.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, microfiche, or digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Records may be retrieved by full name or respective ID number (candidate number, alpha number, or SSN).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: Student records-master files including information relating to applications, registrations, grades, class standings, oath of office, conduct, honor, aptitude, graduation, commissioning, separation, and related documents are permanent. They are cutoff upon class graduation. Electronic copies

are transferred to the Naval Academy Archives when no longer needed for Academy business. Administrative records relating to the day-to-day administration and operation of the Naval Academy with minimal or no documentary evidential value such as records maintained by the company officer and individual instructors and staff such as class lists, rosters, and schedules and the like and all records not deemed permanent student records are temporary. These records are cutoff at class year and destroyed when business use ceases.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: The DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to know and with appropriate clearances. Additionally, the DoD established security audit and accountability policies and procedures which support the safeguarding of PII and detection of potential PII incidents. The DoD routinely employs safeguards such as the following to information systems and paper recordkeeping systems: Multifactor log-in authentication including Common Access Card (CAC) authentication and password; Secret Internet Protocol Router (SIPR) token as required; physical and technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert

systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities.

RECORD ACCESS PROCEDURES: Individuals seeking access to their records should address written inquiries to the United States Naval Academy FOIA Requester Service Center, Office of Freedom of Information, foia@usna.edu, 121 Blake Road, Annapolis, MD 21402-1300. Signed written requests should contain the name and number of this system of records notice along with requester's full name, current mailing address, email address, and candidate number or alpha number if applicable. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate 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 DoD rules for accessing records, contesting contents, and appealing initial Component determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES: Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: DoD has exempted records maintained in this system from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4) of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(5), (k)(6), and (k)(7). An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), and (c), and published in 32 CFR part 310.

Exemption: (i) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(ii) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process.

(iii) Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

HISTORY: 72 FR 8702, February 27, 2007.