

CONFIDENTIALITY UNDER THE PRIVACY ACT

Under the authority of the Privacy Act of 1974, the Marine Corps Community Services Division must establish administrative, technical, and physical safeguards to ensure the confidentiality of records, and to protect against any threats, which could result in substantial harm, embarrassment, or unfairness to the individual. This applies to paper and automated records.

- Each individual office must restrict access to those who require the records in the performance of their official duties (a need to know) or to the individual who is the subject of the records or an authorized representative.
- All personal information shall be treated as "For Official Use Only."
- All confidential/personal information must be stored in locked metal filing cabinets or behind locked rooms when secured for the day.
- The general rule for disclosure is that information cannot be disclosed without the consent of the individual concerned; however, there are some exceptions to the rule, i.e., requests in which the information is required to be released under the Freedom of Information Act (FOIA), requests from a law enforcement agency or court if the request is in writing and on official letterhead, etc.

Never use any information gained confidentially in the performance of governmental duties as a means of making private profit or gain.

Unauthorized disclosure of personal information from an employee's record could result in criminal penalties.

There are penalties for noncompliance with the provisions of the Privacy Act, such as maintaining secret data or files, willfully disclosing information to unauthorized personnel or disclosing information under false pretenses. The Marine Corps could be sued, and the individual involved could be charged with a misdemeanor and fined up to \$5,000.