

## NOTICE PURSUANT TO PRIVACY ACT OF 1974

The Privacy Act of 1974 directs that persons, such as those required by the Inspector General of the Department of Defense (DoD) to supply information in response to a subpoena, be informed of the following:

1. Authority for Solicitation of the Information:

The authority for requiring production of the information is set forth in the Inspector General Act of 1978, PL 95-452 and PL 97-252. Disclosure of information is mandatory.

2. Principal Uses of the Information:

The Inspector General's principal purpose in soliciting the information is to promote economy, efficiency, and effectiveness in the administration of the programs and operations of DoD and to prevent and detect fraud and abuse in such programs and operations.

3. Effect of Noncompliance:

Failure to comply with a subpoena may result in the Inspector General's requesting a court order for compliance. If such an order is obtained and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt of court.

4. Routine Uses of the Information:

Information you give may be used and disseminated in the routine operation of DoD, including criminal, civil, and administrative proceedings. Routine uses include, but are not limited to, the following categories:

a. In any case in which there is an indication of a violation or a potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

b. In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

c. A record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practices;

d. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

e. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

f. A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

g. A record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

h. A record may be disseminated 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 license, grant, or other benefit by the requesting agency to the extent that the information relates to the requesting agency's decision on the matter;

i. A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than information such as a modus operandi.

##### 5. Freedom of Information Act:

The Freedom of Information Act (FOIA), Title 5, U.S.C., Section 552, and DoD rules pursuant thereto, generally provide for access by members of the public to governmental records, unless the requested records fall within specified exemptions. If you believe that one or more of the documents required under this subpoena should be considered exempt in whole or in part from public release under the FOIA, Title 5, U.S.C., Section 552, you must mark each document which you believe exempt. In a letter accompanying the documents, you should cite all exemptions contained in the FOIA that you believe apply and the reasons for each. It is the policy of the Office of the Inspector General to seek to notify you in the event that it receives a request under the FOIA for records for which you have claimed exemption or in the event that legal proceedings are initiated against the Office of the Inspector General to obtain such records.