

## SOCIAL ROSTERS

Volunteers to UPFRP, an APF program, can have access (without consent of the individual) to Privacy Act (PA) protected information for official purposes related to their duties. However, a non-volunteer (e.g., spouse) or even a UPFRP volunteer may not receive PA protected information (collected in support of UPFRP) to use for their personal reasons (i.e. contact other spouses for a movie or walk in the park).

The grey area is the scope of the UPFRP. For instance, if the CO determines that a movie or walk in the park is a great idea for purposes of the UPFRP, then that could be an official event allowing for access to the PA information. But is that a social roster worthy event or is it a readiness event? Is a in-CO home dinner event a social event or readiness event? CO determines.

As a result, while commands may have an interest in creating a social roster and as noted below creating/maintaining a social roster is covered by Privacy Act, information collected for the UPFRP can only be used for official UPFRP purposes. And information collected for UPFRP purposes must be maintained IAW with PA and disclosed only as authorized under the PA or the PA system of records notice. Disclosure to others without consent of individual would amount to a PA violation. If active duty member provides own information and information of spouse and children, then even though the Marines Corps has not solicited directly from the spouse/children, we do keep a record requiring appropriate protections from disclosure IAW PA. We still cannot send that roster to unauthorized individuals.

If, for instance, the command maintains a social roster (not UPFRP document) - how the CO gathers that information and releases that information is up to the CO. Any advice on the legality of such gathering or disclosure should come from the command's designated SJA. Also, in support of the social rosters are not a UPFRP document/responsibility, I will note that the distinction between social and readiness-related is made apparent in the UPFRP MCO. Enclosure (1), paragraph 3a(4), of the MCO UPFRP provides:

"(4) Although social directories are authorized to be maintained by a unit representative, the FROs shall not be responsible for obtaining information for or managing the unit's social directory as this may blur the duties between official communication and social communication."

Command maintenance of both a recall and social roster (for both official and unofficial functions) is authorized under the Privacy Act system of records notice NM05000-2, <http://privacy.defense.gov/notices/usn/NM05000-2b.shtml> <<http://privacy.defense.gov/notices/usn/NM05000-2b.shtml>> . As you know, providing limited information necessary for recall is mandatory for military personnel and serves a valid military purpose. But requiring civilians to provide that same information is required only for those deemed "emergency personnel" - since there is a penalty if they do not respond timely to an emergency. The DON Privacy Act Head has advised that combining recall and social rosters into one document is inappropriate since they serve different purposes.

--MR Counsel