

Frequently Asked Questions – Privacy

The Army and Air Force Exchange Service (the Exchange) is obligated to follow procedures as outlined by government regulations in accordance with the Privacy Act of 1974, as amended. This can get confusing, especially now that individual states are developing their own state privacy rules and regulations. The Exchange respects state statutes, but as a Federal entity, are not governed by them. This list provides the most frequently asked questions. If you do not see your issue, please feel free to contact privacymanager@aafes.com.

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PRIVACY ACT

1. What is Privacy?

Privacy is summed up in one word, ***TRUST!***

The Privacy Act provides Fair Information Practice Principles (FIPPs) that guide any organization under the U.S. Executive Branch to collect, use, store or maintain, and disclose or release documents or data about an individual that is needed to fulfill the organization's responsibilities.

The Exchange is responsible for following these eight principles. These principles include:

1. Providing individuals a right to obtain copies of their own records.
2. Providing individuals a right to dispute the accuracy of records maintained.
3. Having the authority to collect, maintain, use, and release records.

4. Making sure that the records are accurate, complete, and timely to ensure fairness to the individual(s).
5. Only collecting the minimum amount of personal information that is needed or required to perform a benefit to the individual and using that data for the purpose of which it was collected.
6. Publish our systems of records for public comments.
7. Protecting that information from unauthorized access, loss, or destruction.
8. Being accountable for the information collected and stored.

2. How do I review the information you have about me?

Due to the unique structure of the Exchange being a retail source for our military community, we must collect certain personal data from our customers, our employees, as well as our partners.

The Privacy Act makes the Exchange responsible to notify you of the existence of our systems of record, otherwise known as SORN (system of record notice). This notice is included in the [Federal Register](#) and provide information when personal information is being collected. Each published SORN has specific contact information. However, you must know which SORN applies to your situation. It is always best to identify the subject of the records you may seek.

Once you identify the information being sought, i.e., personnel information held by human resources, you can always send a request by email to privacymanager@aafes.com. We will verify your identity and coordinate with you on what you are requesting. A typical response to your request depends on how complicated the request is, but usually you can expect a response within 20-business days from our receipt of your request.

3. I live in California. Do California privacy laws apply to my records held by the Exchange?

It depends. The Exchanges systems are covered under the Federal Privacy Act of 1974, as amended. This only applies to federal organizations in the Executive branch of the federal government. But documents you may present to one of our contractors may be protected by the California Privacy Rights Act (CPRA).

There are multiple laws regarding privacy. Each of which may list specifics, but each have comparable conditions.

The General Data Protection Regulation (GDPR) was adopted in Europe in 2016 as a replacement for the 1995 Data Protection Directive which was first enacted when the internet was new. The GDPR is the most recognized law across Europe for protecting individuals' privacy. In the United States, we have the CPRA and the Consumer Data Protection Act (CDPA) in Virginia, the Colorado Privacy Act (CPA), and the Utah Consumer Privacy Act (UCPA). Other state legislators are in the process of creating their own privacy act policies, including Texas. Additionally, there are other federal laws that deal with privacy and are used in specific industries, such as the Health Insurance Portability and Accountability Act (HIPAA) of 1996 regulating the privacy and security of health information, the Gramm-Leach-Bliley Act (GLBA) of 1999 governing how financial institutions

collect and use consumers' nonpublic privacy information, and the Children's Online Privacy Protection (COPPA) of 2000 protecting personal information collected from children online.

4. Is information collected on my children?

Yes, in certain situations.

The Exchange is committed to offering benefits and supporting our military families. Because military families have a lifestyle of mobility, the Exchange partners with DoDEA in offering guidance for homeschooling, manages the school meal programs in overseas locations, and offers scholarships and gift certificates for above-average academic achievements. Any data we collect has parental approval and is only maintained for the period of which the benefit is provided, in accordance with any rules that may affect minors.

5. I am a contract employee overseas. Since I am not a U.S. citizen how do you protect my data?

The Privacy Act of 1974 does not apply to anyone who is not a U.S. Citizen or a U.S. Lawfully Admitted Alien. Any personal data that is collected is only used and maintained for a specific purpose; the same protections provided under the Privacy Act apply.

6. Can my ex-spouse or third party access my information?

Generally no, absent our written permission. Be aware that the Privacy Act contains 12 conditions for disclosure of information without an individual's knowledge or permission. One of these is pursuant to a court order where the other party is likely to obtain the information disclosed.

7. Why should I provide you my personal information?

Remember, the Exchange is here to support our military community. Each time we solicit personal information, you are presented a Privacy Act Statement. This statement explains why we need this information and how it will be used. For example, when applying for a Military Star® credit card, a social security number is required to verify credit-worthiness. Or your address so we know where to ship your order. Each Privacy Act Statement lists what happens if you do not supply the information. Largely, it is your decision to provide your personal information or not. By not providing this information, you may be missing out on great benefits.

8. What happens if my Privacy rights are violated?

The Exchange takes privacy concerns very seriously. Violation of the Privacy Act must first be understood and then reported to the privacymanager@aafes.com who will review the matter with

the proper management officials. Violations refer to something that the Exchange did that affected you. For example, a breach of data perpetrated by an outside fraudulent party is not a violation of your privacy rights but may significantly harm you personally.

Violations may include, but is not limited to:

- a. Disclosure of records without the authority to do so.
- b. Maintaining a record without providing proper notice. A notice would be a Privacy Act Statement or public notice that the information is needed for a particular purpose.
- c. Obtaining records under false pretenses.
- d. Your records are disclosed without your approval to a third-party without being covered under the conditions of disclosure as outlined in the Privacy Act.
- e. Using customer information for an unintended purpose.
- f. Intentionally maintaining incorrect data and refusing to amend the record.

When in doubt, contact privacymanger@aafes.com or the individual office who accepted your personal information.

9. How do you protect my data?

The Exchange safeguards records according to applicable rules, policies, and procedures including DoD automated systems security and access policies. We use controls to minimize the risk of compromise of personally identifiable information (PII) that we house in paper and electronic formats. This ensures access to that information is limited to only employees with appropriate clearances and proper privacy training. Additionally, we regularly audit these security features to make sure that accountability and procedures continually support the safeguarding of PII, which also enables us to detect and avoid unauthorized access. We use multifactor logins to authenticate employees and have physical and technological access controls to data. Data is encrypted in storage and during any allowed transfer which masks sensitive information.

10. I have been attempting to apply for multiple federal jobs. I am being told that a 20-year-old shoplifting at the Exchange is keeping me from getting hired. I was not arrested, but I did pay a Civil Recovery fee. Since this is over 20 years ago, is there a way to get it removed?

A removal of a record in this case, would depend on your age at the time of incident and how long it has been since it occurred. For consideration, you will need to send a letter or email to the Exchange facility General Manager requesting review and removal. The Exchange makes no guarantee that a record that is accurate will be removed. To locate the correct General Manager, click on "Find A Store" at the top of shopmyexchange.com.

11. I have received a lot of notices from other organizations saying there was a breach of my personal information. What is a breach?

A breach refers to information that is lost, stolen or compromised. A breach occurs when there is an actual or possible loss of control, unauthorized disclosure, unauthorized possession, or unauthorized access of PII. It can also be defined as any similar term which refers to situations where persons other than those authorized have access or potential access to the PII, whether that is physical or electronic.

12. Is everyone covered under the Federal Privacy Act?

No. The Privacy Act only applies to individuals who are U.S. Citizens or U.S. Legally Authorized Residents.