

PRIVACY ACT and AR 25-400-2, MARKS

1. Anytime you file documents and will retrieve them using a personal identifier (i.e., name, SSN, date of birth, or even a number you assign the individual), you must choose a MARKS file number that contains a Privacy Act System Notice Number. Filing above type information within a MARKS file number that does not contain a PA System Notice Number is illegal. **DOD personnel are prohibited from keeping or maintaining a secret set of files on individuals.**

2. If you keep folders on individuals that are not properly labeled (i.e., does not contain the PA System Notice Number), you are keeping a **secret set of files** on the individuals, which **is illegal**. [Contact your records coordinator or DOIM IASB, 442-5168, for proper labeling instructions.](#)

3. You may keep information/documents on individuals that are considered extensions of your memory. For example, you keep information on an individual through out the year so you can prepare their annual evaluation. These are personal notes and the individual does not have access and you do not have to maintain under MARKS. However, if you show these documents to someone else, they become official documents and you must maintain them under MARKS.

4. Once you have prepared the annual evaluation and it is approved, you must destroy your notes. If not, they become official records and you must maintain them IAW MARKS and the employee has a right to have a copy.