

Release of Personal Information

Personal Information - When Relevant to a Story: In some circumstances, normally because it is relevant to the story, it is permissible to release personal information. In such circumstances, PAOs should consult the staff judge advocate. In fact, it is a good idea to maintain a good relationship with your JAG. You may not always agree with them on what and when to release, but the relationship you maintain with JAG can keep you out of trouble.

- **Age/Date of Birth:** Normally not releasable, unless relevant to the story. An example of this is when a retired 70-year-old Reservist was called back to active duty during the Iraq War. He was a physician and his specialized skills were deemed needed. Age played a factor in reporters covering his story.
- **Gender:** Although we normally try to downplay the gender of service members, there are times when the information is relevant to the story. "The first female to ..." "The first male to ..." stories. Stories about men and women who break stereotypes are newsworthy. But gender usually comes out in stories by virtue of the use of personal pronouns anyway.
- **Race:** Race is not releasable unless it is relevant to providing essential facts to the story, i.e. "The first African American male to...", "The first Asian American female to...", "The first Arab American male to...", etc.
- **Marital Status:** The fact that a person is married or not is a matter of public record and is able to be disclosed under FOIA; however, the Privacy Act considers this information non-releasable unless the balancing test weighs in favor of public interest and relevance to the story. Of course, in many cases information may come out anyway, although it's best if the family is involved in the release decision. In all such cases, PAOs and their commanders must apply the balancing test to determine whether the release of information constitutes an unwarranted invasion of a service member's privacy.

Legal Matters:

Release of information concerning legal proceedings against a service member should always be coordinated with the command's staff judge advocate. In general, PAOs **should not provide any information on a criminal suspect until that person has been formally charged with violations of the Uniform Code of Military Justice.**

In some cases, a military judge may ask the public affairs officer to limit media coverage of a case, to avoid prejudicing potential court martial members. Such a request should not limit a PAO from releasing information according to established guidelines for release. Coordination is the key.

- **Suspects:** Once the suspect has been charged, the case becomes a matter of public record, and the normal guidelines for release and Privacy Act restrictions apply. Prior to the individual being formally charged, no information should be released, other than perhaps you have a suspect in custody.
- **Article 32:** Media coverage is allowed of both Article 32 hearings and court-martial proceedings, although a military judge may impose restrictions within the courtroom. A military judge may also allow cameras in the courtroom, but such cases are rare.
- **Nonjudicial Punishment (NJP):** (Article 15, UCMJ) proceedings are administrative hearings. Therefore, information about the specific punishment or disciplinary measures taken against a specifically named service member is not releasable. However, release of general information about an administrative case, provided the names of service members are not released. The release also gives the opportunity to highlight the fairness of our military justice system.
- **Administrative Punishments and Letters of Reprimand:** Same as NJP.

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Administrative Matters: Administrative hearings involve discharges, separations and selection Boards. When deciding to release information on the decisions of Personnel Boards, the information varies depending on the type of Board (See below):

- **Administrative Separations and Discharges are not releasable.** All information concerning administrative separation proceedings and type of discharge (honorable, general or undesirable) is protected by the Privacy Act.
- **Punitive cases are releasable.** Judgments resulting from courts-martial are a matter of public record. Therefore, information on charges, verdicts and sentences are releasable.
- Results of personnel board **actions that affect groups** such as promotion boards and school selection lists **are releasable** after final decision by approval authority.
- Results of **personnel boards that affect individual service members** such as administrative discharge boards and aviator flight boards **are not generally releasable.**

Information on Family Members: The Defense Department has no legal authority to release information on family members of service members, even though such information is a matter of military record. We do not release information on family members as a matter of long-standing tradition. However, with family members' consent, you may assist with releasing their information to the media.

In times of accidents/incidents, release of information on surviving family members is allowed, but such release should be coordinated with the family via the casualty assistance officer. If the family does not want you to release the information about family members, you should not release it.

DOD Policy on Nuclear Weapons: Beginning in the mid-1990s, the United States discontinued the routine deployment of nuclear weapons. As a result, **this is our current policy concerning the deployment of such weapons.**

In the event of accidents involving nuclear materials or weapons, the decision on what information to release will be a matter for detailed discussion and coordination. The issues of public safety and control or rumors or panic will certainly be key considerations. *Note: The Air Force has detailed guidance in its Public Affairs Instruction.*

As of November 21, 2003, DOD Instruction states the response to be given, even when such location is thought to be known or obvious, is:

"It is U.S. policy to neither confirm nor deny the presence or absence of nuclear weapons at any general or specific location."