

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
THE U.S. OFFICE OF PERSONNEL MANAGEMENT,
THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, AND THE
DEPARTMENT OF DEFENSE NONAPPROPRIATED FUND EMPLOYMENT SYSTEM

I. GENERAL

This constitutes an agreement between the U.S. Office of Personnel Management (OPM), the National Archives and Records Administration (NARA), and the Department of Defense (DoD) Nonappropriated Fund (NAF) employment system concerning:

- A. The ownership, maintenance, and retention of personnel and medical records of individuals who have moved between civil service and NAF positions within the DoD under the provisions of the Portability of Benefits for Nonappropriated Fund Employees Act (Public Law (P.L.)101-508), Section 1043 of P.L.104-106, and Section 1131 of P.L.107-107.

The P.L.101-508 Portability Act provisions, the OPM regulations and DoD policies implementing the Act apply to employees who move between NAF and civil service employment systems within DoD without a break in service of more than 3 calendar days. The Portability Act and implementing regulations are effective retroactively to January 1, 1987. Employees who meet the P.L.101-508 eligibility criteria have service creditable in both the civil service system subject to the civil Service regulations administered by OPM (under title 5, United States Code (U.S.C.) authority) and in the NAF employment system subject to DoD Instruction (DoDI) 1400.25, "DoD Civilian Personnel Management," and DoD Component implementing regulations. These various authorities are denoted "systems" in this memorandum.

Section 1043 of P.L.104-106 expanded P.L.101-508 retirement election provisions to cover moves between DoD NAF positions and civil service positions outside of DoD, on or after August 10, 1996, with a break in service of not more than 1 year.

Section 1131 of P.L.107-107 further expanded retirement election provisions to permit employees moving between NAF and civil service positions on or after December 28, 2001 to retain coverage in the losing retirement system even if not vested in that system. Those changes are codified in 5 U.S.C. 8347(q) and 8461(n).

- B. The granting of access to, disclosure from, and amendment of records in Official Personnel Folders (OPFs), electronic Official Personnel Folders (eOPFs), NAF Official Personnel Folders (NAFOPFs), electronic NAF Official Personnel Folders (eNAFOPFs), Merged Records Personnel Folders (MRPFs), Employee Medical Folders (EMFs), and NAF Employee Medical Folders (NAFEMFs) of individuals who move

between DoD civil service and NAF positions under the benefit of portability provisions in P.L.101-508, P.L.104-106, and P.L.107-107 as described above in A.

- C. The exchange of personnel documents and data between several Privacy Act systems of records will occur when all disclosures made are in full accordance with the Privacy Act.
- D. Procedures to be followed by the National Personnel Records Center (NPRC) when responding to requests for access to, providing information from, or disposition of the MRPFs of separated employees when:
 - (1) the MRPF contains documents created during both civil service and NAF employment; and
 - (2) a request is received for transfer of an MRPF (SF 66-C) or EMF (SF 66-D) between systems.

The provisions of this MOU apply only to NPRC processing of MRPFs and EMFs. This MOU does not cancel previous agreements between DoD Components and NPRC concerning the servicing of NAFOPFs and NAFEMFs stored at NPRC.

- E. Consultation and cooperation will occur in the establishment and revision of personnel processing and recordkeeping procedures, which affect the MRPF or EMF.

II. DEFINITIONS

Access is providing an individual's records (or copies thereof) to that individual or to a representative designated in writing by that individual.

Amendment is a correction, addition, deletion, or destruction of any part of an individual's record.

Data Subject is the individual to whom the information pertains and by whose name or other individual identifier retrieves the information.

Disclosure is providing personal review of a record, or a copy thereof, to someone other than the data subject or other than the authorized representative or legal guardian of the data subject.

DoD Components are the Office of the Secretary of Defense, the Military Departments (Army, Navy, and Air Force), the Defense Agencies, and the Army and Air Force Exchange Service. The United States Marine Corps, the Navy Exchange Service Command, and the Commander, Navy Installations Command may be responsible for employee records as authorized by the Secretary of the Navy.

Employee Medical Folder (EMF (SF 66-D)) is a file containing occupationally-related civilian employee medical records created during the course of an individual's Federal civilian service under a personnel system subject to title 5, U.S.C. The EMF may also contain another agency's

occupational medical records created under a separate personnel system when the agency has entered into an MOU agreement with OPM and NARA.

Merged Records Personnel Folder (MRPF (SF 66-C)) is a file that is the subject of an agency/OPM/NARA recordkeeping MOU and that contains personnel records related to civilian employment under both the civil service system and one or more non-civil service Federal personnel systems, or to civilian employment under one or more non-civil Service Federal personnel systems only.

NAF Employee Medical Folder (NAFEMF) is a file containing occupationally related civilian employee medical records created during an individual's DoD NAF employment.

NAF Instrumentality (NAFI) is an integral DoD organizational entity through which

- (a) an essential Government function is performed, and
- (b) other DoD organizations are provided or assisted in providing morale, welfare, and recreational programs. The Heads of the DoD Components, individually or jointly, establish and maintain the NAFI.

NAF Official Personnel Folder (NAFOPF) is a file containing records and documents relating to DOD NAF employment.

NAF Records are personnel records created by DoD NAFIs that are subject to NAF policy.

Official Personnel Folder (OPF (SF 66)) is a file containing records and documents related to civilian employment under title 5, U.S.C.

OPM Records are personnel records created by Federal agencies that are subject to OPM regulations (Title 5, Code of Federal Regulations (CFR)).

Third Party Request is a request for information about an individual, by someone other than that individual from outside the agency creating or owning the individual's record and other than an individual specifically authorized by the data subject to receive the information.

Transcript of Service is an employee's work history that is prepared with and limited to data releasable under 5 CFR 293.311(a) and 5 U.S.C. 552a(b)(2), respectively, for title 5 and NAF employees. For the purpose of this MOU and filing in the MRPF, NAF chooses to prepare Transcripts of Service in accordance with OPM procedures and data release criteria given at 5 CFR 293.311(a).

III. CONTROL OF PERSONNEL AND MEDICAL RECORDS

A civil service employee's Official Personnel Folder (OPF)/electronic Official Personnel Folder eOPF (SF 66) is part of the OPM Government-wide Privacy Act system of records known as OPM/GOVT-1, General Personnel Records, and is under the jurisdiction and control of OPM. Documents retained in the OPF/eOPF (SF 66) are subject to the requirements of title 5, U.S.C., title 5, CFR, as well as appropriate agency or departmental regulations.

The Merged Records Personnel Folder (MRPF) (SF 66-C) consists of either the combined records of service under the civil service system and another personnel system, or records only of non-civil service systems. The civil service records in such a folder are included in the OPM/GOVT-1 Privacy Act system.

The Employee Medical Folder (EMF) (SF 66-D) is part of the OPM Government-wide Privacy Act system of records known as OPM/GOVT-10, Employee Medical Files, and is under the control and jurisdiction of OPM. Civil service documents retained in the EMF (SF 66-D) are subject to the same authorities described above for the OPF.

NAF personnel records in NAFOPFs and MRPFs are subject to the requirements of DoDI 1400.25, "DoD Civilian Personnel Management System," and Component regulations and are under the control and jurisdiction of the appropriate DoD Component.

NAF medical records in NAFEMFs or EMFs are subject to the Privacy Act of 1974 as administered by the appropriate DoD Component's system of medical records and are under the control and jurisdiction of the DoD Component.

IV. REPOSITORY OF RECORDS

NARA, National Personnel Records Center, (NPRC) located at 1411 Boulder Boulevard, Valmeyer, IL 62295 is the authorized repository for the personnel and medical records of most former Federal employees. NPRC will retain separated employee OPF's/eOPFs, MRPF's and EMF's under OPM's control.

The NPRC retains the NAFOPF's and NAFEMF's of separated DoD NAF employees. NAF records disposition is in accordance with the official records disposition schedule for DoD Nonappropriated Fund Employee Personnel Records as approved by NARA.

NPRC is responsible for the maintenance, retention, and disposition of these records in accordance with DoD NAF or OPM procedures (as supplemented by relevant MOUs).

NPRC will accept records only if they are filed in the appropriate folder, e.g., (SF 66-C, Merged Records Personnel Folder and SF 66-D, Employee Medical Folder) or received in an electronic format initiated from the Enterprise Human Resource integration system known as eOPF. The folder must contain the proper identification of the former employee; i.e., name (last, first, middle initial), date of birth (month, day, year), and social security number.

NPRC will accept agency-submitted loose miscellaneous documents for filing in an MRPF or EMF only if transmitted with a letter providing the name, date of birth, social security number, and date of separation of the former employee. NPRC will accept agency-submitted loose miscellaneous documents for filing in an MRPF or EMF in an electronic format via an electronic information system.

Send personnel or medical records to NPRC in a sealed envelope, a standard records carton, or similar container to the following address: National Personnel Records Center, (NPRC), 1411 Boulder Boulevard, Valmeyer, IL 62295.

If documents in MRPF's or EMF's are improperly filed, or if NPRC determines that an improper folder has been used to retain these records, NPRC will return such document or folder to the submitting agency for corrective action.

V. ESTABLISHMENT AND MAINTENANCE OF FOLDERS

Title 5, U.S.C. Section 2105(c) exempts DoD NAF from the provisions of Executive Order 12107, "Relating to the Civil Service Commission and Labor-Management in the Federal Service," which designate civil service employee records in the OPF in Federal agencies as property of OPM. DoD NAF is not bound by OPM rules and regulations governing the establishment, maintenance, and retention of OPF's/eOPFs and EMF's, and is therefore not required to use the same folders (SF 66 for the OPF and SF 66-D for the EMF) to house its records. DoD NAF intends to use OPM-designated folders (SF 66-C MRPF and SF 66-D EMF) to retain the records of employees who have moved from a DoD civil service position to a DoD NAF position and whose civil service employment is creditable under the provisions of P.L.101-508 the Portability Act. DoD also uses the MRPF to retain the records of employees who retained civil service retirement coverage following moves from civil service positions to DoD NAF positions under the retirement portability election provisions of P.L.104-106 and P.L.107-107. DoD NAF retains legal custody of NAF personnel and medical records for the life of the records, even after merged into an MRPF.

The DoD will use the MRPF and EMF to retain the records of employees who have moved from DoD NAF positions to DoD civil service positions and whose NAF service is covered under the provisions of P.L.101-508, the Portability of Benefits for Nonappropriated Fund Employees Act. DoD and agencies outside of DoD also use the MRPF and EMF to retain the records of employees who retained NAF retirement portability election provisions of P.L.104-106 and P.L.107-107.

Upon establishing an MRPF for an employee, the file will retain the employee's records in all subsequent NAF and civil service employment. Use OPM and DoD NAF regulations to determine an employee's creditable service in future civil service and NAF employment.

The employing NAFI or civil service agency will maintain an employee's MRPF and EMF in accordance with requirements of OPM Regulations, DoD NAF regulations, and this MOU.

VI. TRANSFER OF RECORDS

When an employee moves from a DoD NAF position to a DoD civil service position under the provisions of P.L.101-508, the Portability Act (after January 1, 1987 and without a break in service of more than 3 calendar days), the employing NAFI will transfer the employee's NAF personnel and medical records to the DoD civil service employing office upon request. The civil service employing office will combine the employee's NAF records and the employee's OPF/eOPF records in an MRPF (SF 66-C). The civil service office employing office will also combine the employee's medical records in an EMF (SF 66-D). This procedure applies to employees who made a retirement portability election permitted by P.L.104-106 and section 1131 of P.L.107-107.

When a DoD civil service employee moves to a DoD NAF position under the provisions of P.L.101-508, the Portability Act (after January 1, 1987, and without a break in service of more than three calendar days), the employing civil service office will forward the employee's OPF and EMF to the NAFI upon request. The NAFI will combine the employee's civil service personnel records with the employee's NAF personnel records and place them in an MRPF (SF 66-C). The NAFI will combine the employee's medical records in an EMF (SF 66-D). This procedure also applies to employees who made a retirement portability election under P.L.104-106 and section 1131 of P.L.107-107.

When an employee for whom a Federal Agency maintains an MRPF and EMF transfers to an Executive Branch Department or agency of the Federal government, to a DoD NAFI, or to another non-title 5 Federal agency, the employer will transfer the MRPF to the new employing agency upon request. Before forwarding the MRPF and EMF, the employer will remove from the MRPF any temporary records (except performance appraisals and plan(s)) properly filed in the MRPF and any temporary records properly filed in the EMF. The employer also will insure that all documents in the MRPF and EMF are complete and correct in accordance with requirements of OPM GOVT-1 General Personnel Records System Notice and NAF regulations.

When an agency receives an MRPF that contains NAF records, these records will remain in the MRPF (SF 66-C). When an individual separates from NAF or civil service employment, and is not transferring to another Federal agency, the employing agency will forward the MRPF and EMF to NPRC.

VII. ACCESS TO PERSONNEL RECORDS

A. Data Subject Access Requests

When an agency receives a request from a current employee, who was formerly employed by DoD NAF or another non-title 5, U.S.C. agency, to review or obtain a copy of their MRPF, the agency will make arrangements with the employee to establish when the MRPF can be reviewed or when copies of the MRPF can be made available.

When NPRC receives a former NAF employee's request for a copy of a specific document, information, or transcript from a NAF record retained in their MRPF, NPRC will provide the requester with the requested copy, information, or transcript of service.

When the NPRC receives a former NAF employee's request for a complete copy of their MRPF and the MRPF contains records created under both NAF and title 5 authorities, NPRC will forward the request and the MRPF to OPM, OPF/EMF Access Unit for appropriate action, and notify the requester of the referral. OPM will provide the requester with a copy of their title 5, U.S.C. records. OPM will then forward the request and the MRPF to the applicable DoD Component for appropriate action regarding its NAFI records, and notify the requester of the referral. Addresses for the DoD NAF Components are:

Headquarters, Army and Air Force Exchange Service (AAFES)
ATTN: HR-S HRSC
P.O. Box 660202
Dallas, TX 75266-0202
1-214-312-6190

Department of the Air Force,
Air Force Services Activity
Human Resources Program Management Branch
AFSVA/SVXHR
2216 Hughes Avenue, Suite 156
JBSA Lackland AFB, TX 78236-9854
(210) 395-7254

Commander Navy Installations Command (CNIC)
5720 Integrity Drive
Millington, TN 38055-6530
(901) 874-6709

Navy Exchange Service Command (NEXCOM)
3280 Virginia Beach Boulevard
Virginia Beach, VA 23452-5799
(757) 440-4718

HQMC, United States Marine Corps
MRG, NAF Business Services and Support Division
3044 Catlin Avenue
Quantico, VA 22134-5099
(703) 432-0419

HQ, Department of the Army
Office of the Asst. G-1 (CP)
Attn: DAPE-CPN,
NAF HR Policy & Programs Division
6010 6th Street Building 1465 Mail Stop 5595
Fort Belvoir, VA 22060
(703) 806-3097

When an MRPF contains NAFI records, title 5 records, and records created by another non-title 5, U.S.C. agency, OPM will provide the requester copies of any title 5 records and then forward the MRPF and request to the applicable DoD Component (address above) for appropriate action regarding NAFI records. OPM will notify the requester of

the referral. When the appropriate NAFI has responded to the request regarding its NAF records, the NAFI will forward the request and the MRPF to the next DoD Component or other non-title 5 agency after responding to the appropriate NAF portion of the records. The last non-title 5 agency responding to the request will return the MRPF to NPRC for retention.

B. Third-Party Access Requests

When an agency receives a third-party request for access to an employee's personnel records retained in an MRPF, and the requester does not have release of records authorization from the data subject, the agency will prepare a Transcript of Service containing data releasable under 5 CFR 293.311(a) for the title 5 records and under 5 U.S.C. 552a(b)(2) for the NAF records, and forward the transcript to the requester. For information from other than title 5 and NAF records, the agency will refer the requester to the record-controlling agency for a response and notify the requester of the referral.

When an agency receives a third-party request for access to an employee's personnel records that are retained in an MRPF, and the requester has obtained authorization from the data subject for release of records, the agency will treat the request as if it were made by the data subject (see section VII.A. above).

When a third party requests a Transcript of Service from NPRC for NAF records retained in an MRPF, without providing written authorization from the data subject, NPRC will provide the former employee's name; effective dates of actions; types of personnel actions (position title or occupation, pay plan, series, grade/step/salary); and last employing agency. If specifically requested by a prospective non-Federal employer, NPRC will provide the date, nature of action, tenure, civil service status, and the length of service in the agency and Federal government as shown on the relevant Notification of Personnel Action.

When a third party requests information or a copy of a specific document from the MRPF of a former NAF employee and the requester provides written authorization from the data subject, NPRC will provide the appropriate document or information. If NPRC cannot find the document or information, NPRC will refer the request to the appropriate DoD Component and notify the requester of the referral.

When a third party submits a request with proof of death to the NPRC for a copy of the complete MRPF or OPF of a deceased former NAF employee the NPRC will forward the request and record to the appropriate DoD Component responsible for responding to requests. The NPRC will notify the requester of the referral.

When a third party submits a request for a copy of a specific document, information, or Transcript of Service from the MRPF of a former NAF employee who is said to be deceased and the request or record contains proof of death, the NPRC will provide a copy of the specific document, information, or Transcript of Service to the requester.

When a third party submits a request without proof of death for information from the MRPF of a former NAF employee who is said to be deceased, NPRC will only provide the information releasable under 5CFR 293.311(a). The requestor will receive a notification from NPRC to submit proof of death (obituary, death certificate, etc.) for release of the information requested.

For all other requests from a third party for a copy or review of any part of an MRPF or EMF of a former NAF employee, NPRC will provide the request and the record to the appropriate DoD Component responsible for responding to requests, and notify the requester of the referral.

VIII. DATA SUBJECT REQUESTS FOR CORRECTION OR AMENDMENT OF RECORD

Process requests for correction or amendment of personnel records by a currently employed title 5, U.S.C. employee or by the current employing agency to meet the requirements of OPM's regulations (5 CFR 297). However, when the request involves correction or amendment of a NAF record, the agency will forward the request and the MRPF to the appropriate DoD Component at the address in section VII.A above for appropriate action. The agency will notify the employee of the referral. After processing the data subject's request, the DoD Component will return the MRPF to the current employing agency for retention.

When NPRC receives a request from a former NAF employee for amendment of his/her NAF record(s), and the records are in an MRPF, NPRC will forward the MRPF to the appropriate DoD Component at the address in section VII.A. for appropriate action. NPRC will notify the requester of the referral.

IX. AGENCY REQUESTS FOR TRANSFER OF PERSONNEL RECORDS

When a DoD civil service agency is hiring a current DoD NAF employee under the provisions of P.L.101-508, the Portability Act, the agency will forward a copy of the appointment SF 50, along with the agency's return address, to the appropriate employing DoD Component Civilian Personnel office (see section VII.A above) to request the employee's NAFOPF or MRPF. The DoD Component NAFI employing office will forward the NAFOPF or MRPF within 5 workdays from the receipt date of the request.

When a DoD NAFI is hiring a current DoD civil service employee under the provisions of P.L. 101-508, the Portability Act, the DoD NAFI will forward a copy of the appointment document along with the DoD NAFI's return address, to the appropriate DoD civil service Civilian Personnel Office to request the employee's OPF or MRPF. The DoD civil service employing office will forward the OPF or MRPF within 5 workdays from the receipt date of the request.

When NPRC receives a request from a Federal agency for the loan or transfer of a former NAF employee's MRPF, NPRC will forward the MRPF to the agency. NPRC will honor such requests only if the agency has submitted an SF 127, Request for Official Personnel Folder.

X. REQUESTS FROM INVESTIGATORS

When an agency receives a request from a Federal investigator with agency issued investigative credentials (e.g., FBI, CIA, DIA, NSA, DCSA, DEA, OPM, an IG office established under the Inspector General Act of 1978, a criminal investigative service established under a DoD Component, and the Postal Inspector) for on-site review of a former employee's records retained in an MRPF, and the MRPF contains NAF records, the agency will furnish the records to the investigator for review. The agency will account for disclosure of the NAF record to the investigators.

When NPRC receives a request from a Federal investigator with investigative credentials that are issued by an agency (e.g., FBI, CIA, DIA, NSA, DCSA, DEA, OPM, an IG office established under the Inspector General Act of 1978, a criminal investigative service established under a DoD Component, and the Postal Inspector) for on-site review of a former employee's records retained in an MRPF, and the MRPF contains title 5 and NAF records, the investigator will review the MRPF at NPRC. Title 5 records review can occur off-site only by contacting OPM's Director for Data Management and Policy. An investigator who wishes off-site review of that portion of an MRPF containing NAF records must have a letter from the appropriate DoD NAF Component's Civilian Personnel Director at the address in Section VII.A. above specifically authorizing review of that person's MRPF. Document any charge-outs from NPRC for off-site review in the MRPF with an SF 127.

A private investigator under contract with a Federal agency to review on-site an MRPF containing records of a former NAF employee must present documentation that indicates they are conducting an investigation in an official capacity. The private investigator also must have from both the appropriate DoD NAF Component's Civilian Personnel Director (address shown in Section VII.A.) and OPM's Director for Data Management and Policy, a letter authorizing NPRC to provide the data subject's MRPF for review. An agency or NPRC will not release the MRPF for review of title 5 or NAF records unless they receive these documents from the private investigator.

XI. CONGRESSIONAL REQUESTS

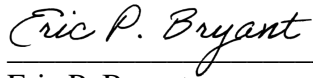
When an agency or NPRC receives a request from either a member of Congress or a Congressional Committee for disclosure of NAF records contained in an MRPF, the agency or NPRC will forward both the request and the MRPF to the appropriate DoD NAF Component at the address in section VII.A. for a response. The agency or NPRC will notify the requester of the referral.

XII. ACCOUNTING OF DISCLOSURES

The NPRC, the OPM staff, and the employing NAFI will account for the disclosure of each record released as prescribed by the Privacy Act (5 U.S.C. 552a(c)) and place the record of disclosure in the MRPF or EMF, respectively. The accounting will show the released information, the date of release and to whom, who released it, and who requested or authorized the release.

XV. PROCEDURES AND REGULATIONS TO IMPLEMENT THIS MEMORANDUM

It is agreed that the OPM, NARA, and DoD may issue regulations and procedures to implement this MOU. The coordinators agree that they will consult concerning the development and issuance of such regulations and procedures and that, when issuing such regulations or procedures, the other parties to this agreement will receive a copy.



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U.S. Office of Personnel Management

October 29, 2020

Date



Veronica E. Hinton
Principal Director for Civilian Personnel Policy
Office of the Under Secretary of Defense for
Personnel and Readiness
Department of Defense

October 20, 2020

Date



Stefanie Hutchins
Acting Director, Federal Records Centers Program
National Archives and Records Administration

10/29/20

Date