

**Department of the Navy (DON)**  
**Table of Potential Consequences and Penalties**  
**For the Mishandling/Improper Safeguarding of**  
**Personally Identifiable Information (PII)**

<b>Civilian Employees</b>				
<b>CIVILIAN HUMAN RESOURCES MANUAL</b> <b>SUBCHAPTER 752, DISCIPLINARY ACTIONS</b> <b>Appendix B, SCHEDULE OF OFFENSES AND RECOMMENDED REMEDIES</b> <b>December 2003</b>				
<b>PAGE</b>	<b>MISUSE OR UNAUTHORIZED USE</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>
<b>34</b>	Unauthorized possession, use, loss, theft or damage to Government property or the property of others.	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
	<b>UNAUTHORIZED DISCLOSURE OR USE OF PROTECTED MATERIAL</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>
<b>35</b>	Unauthorized disclosure or use of information or other protected material [e.g., records covered by the Privacy Act or under 42 CFR § 2 (CEAP records)].	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

FOR INFORMATION ONLY. Penalties/punishments are always dependent upon the facts and the situation related to the mishandling, failure to protect, compromise or suspected compromise of an individual's personally identifiable information or PII.

## Military Members

**MANUAL FOR COURTS-MARTIAL**  
**PART IV**  
**PUNITIVE ARTICLES**  
**2008 EDITION**  
**SCHEDULE OF OFFENSES AND PUNISHMENTS**

ARTICLE	OFFENSES	PUNISHMENTS
92 (1)*	<b>FAILURE TO OBEY ORDER OR REGULATON</b>	Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years.
	Any person subject to the Uniform Code of Military Justice (UCMJ) who violates or fails to obey any lawful general order or regulation.	
92 (3)	<b>DERELICTION OF DUTIES</b>	(A) Through neglect or culpable inefficiency: Forfeiture of two-thirds pay per month for 3 months and confinement for 3 months. (B) Willful: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.
	Any person subject to the UCMJ who is derelict in the performance of his duties.	
108 (1)	<b>SELLING OR OTHERWISE DISPOSING OF MILITARY PROPERTY</b>	(A) Of a value of \$500.00 or less: Bad-conduct discharge, forfeiture of all pay and allowance, and confinement for 1 year. (B) Of a value of \$500.00 or any firearm or explosive: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years.
	Any person subject to the UCMJ who sells or otherwise disposes of any military property of the United States.	

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ARTICLE	OFFENSES	PUNISHMENTS
108 (2)	<p><b>WILLFULLY OR THROUGH NEGLIGENCE DAMAGES, DESTROYS, OR LOSES MILITARY PROPERTY</b></p> <p>Any person subject to the UCMJ who willfully or through neglect damages, destroys, or loses military property of the United States.</p>	<p>(A) Of a value or damage of \$500.00 or less: Confinement for 6 months, and forfeiture of two-thirds pay per month for 6 months.</p> <p>(B) Of a value or damage of more than \$500.00: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.</p>
108 (3)	<p><b>WILLFULLY OR THROUGH NEGLIGENCE SUFFERS TO BE LOST, DAMAGED, DESTROYED, SOLD, OR WRONGFULLY DISPOSED OF, ANY MILITARY PROPERTY</b></p> <p>Any person subject to the UCMJ who suffers military property of the United States to be lost, damaged, destroyed, sold, or wrongfully disposed of.</p>	<p>(A) Of a value or damage of \$500.00 or less: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.</p> <p>(B) Of a value or damage of more than \$500.00, or of any firearm or explosive: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years.</p>
133	<p><b>CONDUCT UNBECOMING AN OFFICER AND GENTLEMAN</b></p> <p>Any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.</p>	<p>Dismissal, forfeiture of all pay and allowances, and confinement for a period not in excess of that authorized for the most analogous offense for which a punishment is prescribed in the Manual for Court-Martial, or, if none is prescribed, for 1 year.</p>

ARTICLE	OFFENSES	PUNISHMENTS
134, Clause 3	<b>GENERAL ARTICLE - CRIMES AND OFFENSES NOT CAPITAL</b>	Guilty of a misdemeanor and fined not more than \$5,000.00.
	Violation of 5 U.S.C. § 552a, "Records Maintained on Individuals", subparagraph (i), "Criminal Penalties." Requires a knowing and/or willful violation of the Act.	
<p>*This offense would be limited to a violation of the Navy Regulations as there is currently no punitive Department of Defense or Navy instruction or directive for violations of the Privacy Act.</p>		

## Contractor Employees

### FEDERAL ACQUISITION REGULATION (FAR)

PART	ACTIONS COVERED	DISCIPLINARY ACTIONS
<b>49.401</b>	Actual or anticipated failure to perform contractual obligations related to the improper safeguarding and handling of PII per DON policy, guidance, and direction resulting in damage to the government.	(A) Complete or partial termination of a contract. (B) Liquidated damages to which the Government is entitled under the contract. (C) Other ascertainable damages, including administrative costs. (D) Removal of contracted employee responsible for damage.

**Violations of the Privacy Act of 1974  
(Applies to All DON Personnel)**

ACTIONS COVERED	CIVIL PENALTY	CRIMINAL PENALTY
Knowingly and willfully disclosing Privacy Act data to any person not entitled to access.		Misdemeanor criminal charge and a fine of up to \$5,000 per incident.
Maintaining a System of Records without meeting the public notice requirements.		Misdemeanor criminal charge and a fine of up to \$5,000.
Knowingly and willfully requesting or obtaining records under false pretenses.		Misdemeanor criminal charge and a fine of up to \$5,000.
Unlawful refusal to amend a record.	Payment of actual damages; Payment of reasonable attorney's fees; removal from employment.	
Unlawful refusal to grant access to records.	Payment of actual damages; Payment of reasonable attorney's fees; removal from employment.	

ACTIONS COVERED	CIVIL PENALTY	CRIMINAL PENALTY
Failure to maintain accurate, relevant, timely and complete data.	Payment of actual damages; Payment of reasonable attorney's fees; removal from employment.	
Failure to comply with any Privacy Act provision or agency rule that results in an adverse effect.	Payment of actual damages; Payment of reasonable attorney's fees; removal from employment.	