



## Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

### 1. General Information

a. Agency/Board Name Military Department, Wyoming			
b. Agency/Board Address 5800 Central Avenue		c. City Cheyenne	d. Zip Code 82009
e. Name of Agency Liaison Christopher Smith		f. Agency Liaison Telephone Number 307-772-6759	
g. Agency Liaison Email Address christopher.l.smith186.mil@mail.mil			h. Adoption Date January 26, 2018
i. Program Adjutant General - Information Practices			

### 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Enrolled Act Numbers and Years Enacted:

### 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
*(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)*

Chapter Number: <b>1</b>	Chapter Name: <b>Information Practices</b>	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **November 26, 2017**

- approved as to form by the **Registrar of Rules**; and
- provided to the **Legislative Service Office and Attorney General**:

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**5. Final Filing of Rules**

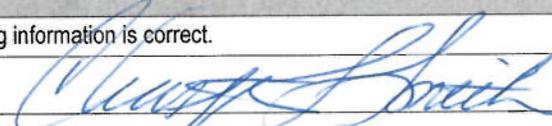
a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**: **January 26, 2018**

b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the **Legislative Service Office**: **January 26, 2018**

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Christopher Smith
Signatory Title	Staff Judge Advocate
Date of Signature	January 26, 2018

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**STATEMENT OF PRINCIPAL REASONS  
FOR FORMAL ADOPTION OF REGULAR RULES**

The Wyoming Military Department is proposing to repeal one chapter of its rules:

- Chapter 1 – Information Practices.

Currently, all of the Department's rules are all listed in separate programs. This chapter is being repealed to reorganize the Wyoming Military Department's rules into one program and to renumber the chapters for clarity.

In order to reorganize its rules, the Wyoming Military Department will also be creating four other rules packets. Three other rules packets will propose to repeal existing chapters, and one packet to amend six chapters of rules and create one chapter of new rules. The other packets will proceed through the rules promulgation process simultaneously with this packet, to ensure that the Wyoming Military Department is not without rules for a period of time. In addition to reorganization, the Wyoming Military Department is proposing to amend all chapters to clarify existing language and streamline its rules in accordance with the Governor's directive. The statement of reasons in that packet the packet amending one chapter and creating five others will detail the proposed amendments.

## **COMMENTS AND EDITS**

The Wyoming Military Department proposed to repeal to Chapter 1 – Information Practices. The public comment period was from November 20, 2017 through January 15, 2018. The Wyoming Military Department received no public comment on these proposed rules.

**Chapter 1**  
**Information Practices**  
**Repealed**

## Chapter 1

### Information Practices

#### Repealed

~~Section 1. Introduction.~~ These rules are intended to insure that all records of the Military Department of Wyoming that identify or describe any individual or things done by or to such individual are accurate, pertinent, complete, timely, relevant and reasonably secure from unauthorized access. It is the policy of the Military Department of Wyoming to provide the means for individuals to know all of the Department's personal information systems and the recipients and usage mage of such information as well as the procedures for individual review and updating of relevant personal information.

~~Section 2. Definitions.~~

~~(a) Access means the ability to obtain the information contained in a record of the Department.~~

~~(b) Department means the Military Department of Wyoming.~~

~~(c) Disclosure means providing an individual or agency (other than those authorized access for routine use) the information contained in a record.~~

~~(d) Individuals are all persons on whom the Department keeps records or maintains information.~~

~~(e) Records are any grouping of information about an individual that is maintained in the files of the Department that contains a name or identifying number or symbol assigned to the individual and other information such as education, financial transactions, medical, criminal or employment history.~~

~~(f) Statistical record is a record kept for statistical research or reporting purposes only and not used in a determination about an identifiable individual.~~

~~Section 3. Exceptions to Disclosure.~~ The Department shall not disclose any record by any means of communication to any person who is not an individual to whom the record pertains, except:

~~(a) Upon written request or with prior written consent of the individual to whom the record pertains, the Department may disclose any such record to any person or agency.~~

~~(b) — If the individual has not given the Department written consent, the Department may disclose any such record if the disclosure is:~~

~~(i) — To officers and employees of the department who have a need for the record in order to carry out legally delegated duties of administering or enforcing the laws of the State of Wyoming or its political subdivisions.~~

~~(ii) — For a routine use.~~

~~(iii) — To a recipient who has provided the Department with adequate advance written assurance that the record will be used solely as statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable.~~

~~(iv) — To the State Archives as a record which warrants continued preservation.~~

~~(v) — To another governmental agency for civil or criminal law enforcement activity, provided the requesting agency has made a prior written request to the Department specifying the particular record and the enforcement activity for which it is sought.~~

~~(vi) — To a person showing a compelling circumstance affecting the health or safety of an individual~~

~~(vii) — An order of a court of competent jurisdiction.~~

~~**Section 4. — Request for Access.** Individual may request disclosure to them of the information pertaining to them in the Department's records. Each request must contain the name and address of the individual and the name of the particular records on which the disclosure is to be made. A determination will be made whether the department's records contain information pertaining to the individual. The individual may be asked for additional information to assist the Department in making the determination; however, the determination shall not be contingent upon the furnishing of the additional information.~~

~~**Section 5. — Procedure for Access.** The Department will respond to requests for access within ten working days and if disclosure was requested, specify the time and place where disclosure is to be made, the requirements for identification of the requesting individual, and the name of the person in the Department to contact~~

~~(a) — The individual may be accompanied by another person of his or her choosing.~~

~~(b) — The time of disclosure will be during regular working hours.~~

~~(c) — Identification requirements shall be standard picture and signature identification card, such as a driver's license. Signatures must compare on the original request, the~~

identification card, and an attestation statement acquired from the individual prior to the disclosure. This statement shall be signed by the individual.

**Section 6. — Disclosure.** The Department will, after approving a request for disclosure, provide that individual at the set time and place, whatever information pertaining to the individual and records specified contain.

**Section 7. — Correction or Amendment.** The individual to whom the record pertains may request that the record be corrected or amended by giving the Department a written request. The request should contain the identifying information contained in the request for disclosure and indicate what information should be corrected or amended. Within ten working days, the department shall either make the requested correction or inform the individual of its refusal to do so, together with the reasons for the refusal. The Department's actions may be reviewed pursuant to the Wyoming Administrative Procedure Act, Sections 9-276-19 et seq., W.S. 1957.

**Section 8. — Fees.** Copies of the requested information will be provided for a fee of \$1.00 per page. No fee shall be charged for:

(a) — Requests from an employee or former employee of the Department for copies of personnel records of the employee.

(b) — Requests from governmental subdivisions.

**Section 9. — Maintenance of Records.** The Department shall:

(a) — Maintain in its records only information about an individual necessary to accomplish the Department's purposes required by statute.

(b) — Collect information to the greatest extent possible from the subject individual.

(c) — Inform each individual asked to supply information of the principal purpose of purposes for which the information is to be used, the routine uses that may be made of the information, and the effects, if any, on the individual for not providing the requested information.

**Section 10. — Mailing Lists.** An individual's name and address shall not be sold or rented unless such action is specifically authorized by law.