



Wayne Stenehjem  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL

STATE CAPITOL  
600 E BOULEVARD AVE DEPT 125  
BISMARCK, ND 58505-0040  
(701) 328-2210 FAX (701) 328-2226  
www.ag.nd.gov

April 1, 2010

Mr. Lonnie Wangen  
Commissioner  
ND Department of Veterans Affairs  
4201 38th St SW Ste 104  
Fargo, ND 58106-9003

Dear Lonnie:

You asked for advice regarding the disclosure of DD 214 discharge information to Job Service North Dakota to verify an individual's eligibility for certain veteran's benefits administered by Job Service. For the reasons explained below, in my view, the Department of Veterans Affairs as well as County Veterans Service Officers may disclose DD 214 information to Job Service.

Analysis

Separation documents that evidence service in the Armed Forces, such as the DD 214, are confidential.<sup>1</sup> Examination and use of separation records must be "limited to authorized employees" of the Department of Veterans Affairs and information in these records –

[may] be disclosed only to interested governmental agencies for the purpose of assisting veterans and their dependents to obtain the rights and benefits to which they may be entitled [as veterans].<sup>2</sup>

"Social security numbers in the possession of a public entity are confidential... [but] may be released... [t]o another public entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities."<sup>3</sup> A government entity that receives social security numbers must maintain their confidential status.<sup>4</sup>

<sup>1</sup> N.D.C.C. § 37-18-11(13).

<sup>2</sup> N.D.C.C. § 37-18-11(13).

<sup>3</sup> N.D.C.C. § 44-04-28(1) and (2)(c).

<sup>4</sup> N.D.C.C. § 44-04-28(2)(c).

Mr. Lonnie Wangen  
April 1, 2010  
Page 2


Under federal law, a number of individually identifiable items of information contained in an individual's DD 214 are public records available to anyone on request.<sup>5</sup> In other words, the general public may access certain military information without a veteran's authorization. For example, according to the National Personnel Records Center, a member of the general public may obtain personally identifiable information from a DD 214, including a veteran's name, service number, dates of service, branch of service, and place of entrance and separation.<sup>6</sup>

Because separation documents may be disclosed to interested government agencies for the purpose of assisting veterans, because even social security numbers may be disclosed to a public entity if the disclosure is necessary for the receiving entity to perform its duties, and because confidential information disclosed by a public entity to another entity generally retains its status as confidential information,<sup>7</sup> disclosure of DD 214 information to Job Service is permitted under North Dakota law. Further, as explained above, under federal law, information including a veteran's name and dates of service are public information and consequently may be disclosed to Job Service without a formal release from the veteran to whom the record pertains.

Based on the foregoing, in my view, the Department of Veterans Affairs as well as County Veterans Service Officers may disclose DD 214 information to Job Service without an authorization of the veteran to whom the record pertains.

Let me know if you have any further questions regarding this matter.

Sincerely,

  
Michael J. Mullen  
Assistant Attorney General

vkk

---

<sup>5</sup> See National Personnel Records Center, St. Louis, "Access to Military Records by the General Public, including genealogists who are not next of kin," found at – <http://www.archives.gov/st-louis/military-personnel/public/general-public.html> (last viewed April 1, 2010). The National Personnel Records Center, St. Louis [NPRC] is one of the federal National Archives and Records Administration's largest operations. NPRC is a central repository of personnel-related records, both military and civil service.

<sup>6</sup> Id.

<sup>7</sup> N.D.C.C. § 44-04-18.10(5) ("Confidential records that are authorized by law to be disclosed to another entity continue to be confidential in the possession of the receiving entity, except as otherwise provided by law").