



Texas State Guard

INSTRUCTION

TXSGI 1115.01
29 October 2019

NGTX-XHZ

SUBJECT: Unfavorable Information File (UIF)

References.

Privacy Act of 1974

JFTX Regulation 1-01, Safeguarding Personally Identifiable Information, 1 October 2007

1. PURPOSE. This instruction establishes how to manage documents for the UIF program. This Instruction details the collection and maintenance of information protected by the Privacy Act of 1974. Vigilance must be taken to protect Personally Identifiable Information (PII) when submitting or sending documents to TXSG agencies. Use of the TXSG e mail system is the only authorized system for transmitting UI.

2. APPLICABILITY AND SCOPE. This policy applies to all TXSG personnel.

3. DEFINITIONS. NA

4. POLICY.

a. UIF Establishment and Maintenance.

(1) Unfavorable Information (UI) is an official record of unfavorable information about an individual. It documents adverse administrative, non-judicial, or judicial actions concerning a member's performance, responsibility and behavior. UI includes, but is not necessarily limited to, Records of Individual Counseling (RIC), Letters of Admonition (LOA), Letters of Reprimand (LOR), non-judicial and judicial actions taken in accordance with the Texas Code of Military Justice such as Section 15 proceedings and records of Courts-Martials which are action available to commanders to maintain good order and discipline. For purposes of the Instruction, only LOR and non-judicial and judicial actions taken in accordance with the Texas Code of Military Justice will be maintained in a UIF, as that term is defined in subsection (2) hereof. RIC and LOA are not to be maintained in a UIF and are not subject to this Instruction. Prior to the imposition of a LOR or any non-judicial or judicial actions taken in accordance with the Texas Code of Military Justice, the commander taking such action will consult with such commander's Judge Advocate.

(2) The Personnel Officer, T-1, shall establish and maintain a separate file for each individual member of the TXSG who has UI submitted in accordance with this

Instruction (UIF). The UIF shall consist of all documents relating to UI which is forwarded to the T-1. This will include, without limitation, any documentation supporting the UI and any rebuttal documentation provided by the member who is the subject of the UI.

(3) The TXSG T-1, will act as the TXSG UIF Monitor, responsible for collecting and maintaining the UIF folders as well as monitoring the UIF program. A secure electronic filing system will be established for the collection, maintenance and accessing of UIFs. Access to the secure electronic filing system is restricted to those personnel with a "need to know", listed in paragraph 5 a through g, below.

(4) The TXSG UIF Monitor will audit all UIFs in February and August each year, to assure that proper documentation is being maintained in each UIF and any documentation that should have been removed, in accordance with this Instruction, has been removed.

(5) Access to UIF shall be limited to the following:

- a. TXSG Commanding General
- b. TXSG Personnel Officer, T-1
- c. TXSG Staff Judge Advocate
- d. TXSG Personnel Action Board members
- e. Brigade Commanders to the extent the need for access relates to either
 - (i) a servicemember who is a member of the Brigade,
 - (ii) a servicemember seeking transfer to such Brigade,
 - (iii) is a former servicemember who is applying to join the TXSG and is being assigned to the Brigade;
- f. Designees of each of the individuals named in (a) through (e) above who require access to such information in the performance of their duties.
- g. The servicemember who is the subject of the UIF. Any access granted to permitted designates in accordance with this section shall be granted by written order which shall be maintained by the person granting such access and included in the UIF.

b. Commander's Responsibility Regarding UI

(1) When UI is generated within a unit of the TXSG, it shall be the responsibility of each commander of such unit to review such UI and forward it to the Personnel Officer, T-1, accordance with procedures and in the format established by the T-1 within fifteen (15) calendars days of when the action generating the UI is completed.

(2) With regard to a LOR, the commander may set a future date and conditions for the withdrawal of the LOR from the UIF which may not exceed times set forth in paragraph c. (1) and (2) below. Such date and conditions will accompany the LOR when it is submitted to the T-1 for inclusion in the UIF. It is the responsibility of the T-1 to maintain a record of such dates and conditions.

c. Removal of UI from a UIF

(1) All UI will remain in the UIF unless and until it is removed in accordance with this Instruction.

(2) The T-1 will also remove information from the UIF when such dates and conditions are met or the dates and conditions for removal set forth in paragraphs (3) and (4) below occur.

(3) With regard to a LOR, the commander who administered such action may specify on the document itself how long such document is to remain in the individual's UIF. In the event no such date is designated, a LOR shall remain in the individual's UIF for a period of twenty-four (24) month from the date such LOR is given to the individual. Notwithstanding the foregoing, if additional UI is received by the T-1 to be included in such individual's UIF during the period specified by the commander or, if not specified, within the twenty-four (24) month period, a new specified period or a new twenty-four (24) month period, whichever is applicable, shall start for all LOR contained in the individual's UIF which can be further extended by the receipt of any other UI during successive time periods.

(4) With regard to proceedings brought under the Texas Code of Military Justice, both non-judicial and judicial, such UI shall remain a permanent part of the individual's UIF and shall not be removed.

5. RESPONSIBILITIES. All TXSG commanders and leaders will enforce the provisions in this instruction.

6. INFORMATION REQUIREMENTS. NA

7. RELEASABILITY. Unlimited.

8. EFFECTIVE DATE. This directive will expire two years from the effective date of publication unless sooner rescinded or superseded.

9. POINT OF CONTACT. T-1, TXSG at 512-782-6223.



ROBERT J. BODISCH, SR
Major General, TXSG
Commanding

DISTRIBUTION: A