



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D INFANTRY DIVISION (COMBINED)
UNIT #15041
APO AP 96258-5041

SEP 1 2015

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: 2d Infantry Division Command Policy Letter #10-5, Prohibition against Nonconsensual Recordings of Other Persons

1. Purpose. This policy prohibits nonconsensual making of audio and video recordings of other persons in furtherance of good order and discipline among 2ID units, organizations, and installations.
2. Applicability. This policy applies to Soldiers subject to the 2ID General Court-Martial Convening Authority at all times and places, and to 2ID civilian employees, invited contractors, technical representatives, and family members while present on 2ID installations. This policy is punitive and violations of its provisions may result in punitive actions against service members, and adverse administrative actions against service members, civilian employees, invited contractors, technical representatives, and dependents. Failure to comply with the prohibitions contained in this policy is a violation of Article 92, UCMJ.
3. Prohibitions. This policy prohibits the audio or video recording of another person without that person's consent by way of any electronic or other recording device, including, but not limited to, hand-held digital recording devices, smart phones, computers, tablets, tape recorders, and video cameras.
4. Exceptions. This policy does not prohibit the following:
 - a. Audio or video recording of another with that person's express consent, if such recording does not otherwise violate the law;
 - b. Audio or video recordings made by law enforcement agencies as part of maintaining installation security or conducting criminal investigations;
 - c. Audio or video recordings made as part of administrative investigations, including, but not limited to, Article 32 preliminary hearings, formal or informal AR 15-6 investigations, boards of inquiry, administrative separation boards, flying evaluation boards, safety investigations, investigations conducted by the Inspector General's office or Equal Opportunity Advisors, and commander's inquiries;
 - d. Audio or video recordings made by members of the press or the Public Affairs Office as part of their official duties; and

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e. Audio or video recordings that are incidental to other lawful activity, or do not otherwise violate a reasonable expectation of privacy.

5. Exception to Policy Authority. The approval authority for exceptions to this policy is any Commander who exercises authority over the individual requesting the exception.

6. Questions regarding this policy should be directed to the 2d Infantry Division Chief of Administrative Law at DSN 732-8216.



THEODORE D. MARTIN
Major General, US Army
Commanding

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