





OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

ADMINISTRATION AND  
MANAGEMENT

The Honorable Joseph I. Lieberman  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

AUG 18 2009

Dear Mr. Chairman:

Please find enclosed the Department of Defense quarterly report pursuant to Section 803 of the "Implementing Recommendations of the 9/11 Commission Act of 2007," Public Law 110-53, August 3, 2007. The report compiled privacy activities of the Department and its Components for the period April 1 through June 30, 2009.

The point of contact for this report is Mr. Samuel P. Jenkins, Director, Defense Privacy Office, who can be reached at (703) 607-2943 or [Sam.Jenkins@osd.mil](mailto:Sam.Jenkins@osd.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Rhodes".

Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable Susan Collins  
Ranking Member



OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

ADMINISTRATION AND  
MANAGEMENT

The Honorable Edolphus Towns  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

AUG 18 2009

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cc:  
The Honorable Darrell E. Issa  
Ranking Member



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ADMINISTRATION AND  
MANAGEMENT

The Honorable Ike Skelton  
Chairman  
Committee on Armed Services  
U. S. House of Representatives  
Washington, DC 20515

AUG 18 2009

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The Honorable John McHugh  
Ranking Member



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ADMINISTRATION AND  
MANAGEMENT

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

AUG 18 2009

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cc:  
The Honorable Arlen Specter  
Ranking Member



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WASHINGTON, DC 20301-1950

ADMINISTRATION AND  
MANAGEMENT

The Honorable John Conyers  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

AUG 18 2009

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The Honorable Lamar Smith  
Ranking Member



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1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

ADMINISTRATION AND  
MANAGEMENT

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

AUG 18 2009

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The Honorable John McCain  
Ranking Member



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ADMINISTRATION AND  
MANAGEMENT

The Honorable Silvestre Reyes  
Chairman  
Permanent Select Committee on Intelligence  
U.S. House of Representatives  
Washington, DC 20515

AUG 18 2009

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The Honorable Peter Hoekstra  
Ranking Member





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WASHINGTON, DC 20301-1950

ADMINISTRATION AND  
MANAGEMENT

The Honorable Dianne Feinstein  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

AUG 18 2009

Dear Madam Chairman:

Please find enclosed the Department of Defense quarterly report pursuant to Section 803 of the "Implementing Recommendations of the 9/11 Commission Act of 2007," Public Law 110-53, August 3, 2007. The report compiled privacy activities of the Department and its Components for the period April 1 through June 30, 2009.

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cc:  
The Honorable Christopher S. Bond  
Ranking Member

**Department of Defense**  
**Report on Privacy Activities**  
**Section 803 of 9/11 Commission Act of 2007**  
**3rd Quarter FY09 – April 1 through June 30**

Introduction

The policy of the Department of the Defense is to protect the privacy of individuals by ensuring that when executing its programs and policies, the Department gives due consideration and regard for information privacy. In recognition of global expansion of information technology posing new threats to individual privacy, the Department continues efforts to strengthen its privacy oversight responsibilities. In addition, it continues to review a wide variety of activities and procedures within DoD to find opportunities to enhance protections of the privacy of individuals.

Department Actions

The Defense Privacy Office is responsible for all privacy functions delineated by authorities, including the Privacy Act of 1974, 5 USC 552a, as implemented by the Office of Management and Budget, OMB Circular A-130, Appendix 1; Federal Information Security Management Act of 2002 (FISMA); DoD regulatory authority DoD Directive 5400.11, Department of Defense Privacy Program and DoD 5400.11-R, DoD Privacy Program.

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, established additional privacy and civil liberties requirements for the Department of Defense.

Quarterly Report

The Department has developed a standard reporting framework and instructions to address Section 803 reporting requirements tailored to its mission and functions. The 3rd quarter report for FY09 consolidates all privacy activities of the DoD and component Privacy Offices as responsible for privacy functions, including data on the related reviews conducted reference to the advisory guidance delivered, and information about written complaints received and processed. The report is as follows:

**Department of Defense  
Report on Privacy Activities  
Section 803 of 9/11 Commission Act of 2007  
3rd Quarter FY09 - April 1 through June 30**

**A. Types of Privacy Reviews**

|                                                                         |     |
|-------------------------------------------------------------------------|-----|
| Privacy Act Statements (PAS)                                            | 775 |
| Privacy Act Systems of Records<br>with applicable associated exemptions | 113 |
| Computer Matching Program(s)                                            | 3   |

**B. Topics of Advice and Responses Given**

|                                                   |                                                                         |
|---------------------------------------------------|-------------------------------------------------------------------------|
| Privacy Impact Assessment (PIA)                   | Regulation; Interpretation; Guidance                                    |
| Privacy Act Program<br>Requirements /Principles   | Regulation; Directive; Guidance;<br>Interpretation; Procedure, Training |
| SSN and PII Reduction Actions                     | Regulation; Interpretation; Guidance;                                   |
| Privacy Compliance/FISMA<br>Reporting             | Regulation; Interpretation; Guidance;<br>Training;                      |
| Website Safeguards                                | Regulation; Interpretation; Guidance                                    |
| Privacy Compliance in Agency<br>Publication       | Guidance                                                                |
| Privacy Act Violations                            | Regulation; Interpretation; Guidance;<br>Training;                      |
| Privacy Act Systems of Records<br>Notices (SORNs) | Regulation; Directive; Guidance;<br>Interpretation; Procedure, Training |
| PII Breach Notification/Identity Theft            | Regulation; Interpretation; Guidance                                    |
| Privacy Presentations                             | Regulation; Directive; Guidance;<br>Interpretation; Procedure, Training |
| Training Requirements                             | Regulation; Directive; Guidance;<br>Interpretation; Procedure, Training |

### C. Privacy Complaints and Dispositions

| Type/Nature of Complaint or Alleged Violation<br>Training/briefing | Number of Complaints | Disposition of Complaint             |                                 |                      |
|--------------------------------------------------------------------|----------------------|--------------------------------------|---------------------------------|----------------------|
|                                                                    |                      | Responsive Action taken <sup>1</sup> | No Action Required <sup>2</sup> | Pending <sup>3</sup> |
| Process and Procedure<br><i>(Compliance Matters)</i>               | 9                    | 4                                    | 4                               | 3                    |
| Redress                                                            | 0                    | 0                                    | 0                               | 0                    |
| Operational<br><i>(Collection, Use, Disclosure Issues)</i>         | 5                    | 1                                    | 1                               | 1                    |
| Referred to Other Agency(s)                                        | 0                    | 0                                    | 0                               | 0                    |
| Other                                                              |                      |                                      |                                 |                      |
| Total for Qty 3 <sup>rd</sup> FY09                                 | 14                   | 5                                    | 5                               | 4                    |

\***Type:** Process; Redress; Operational; Referred; Others.

Dispositions of complaints are reported in one of the following categories:

<sup>1</sup>*Responsive Action Taken.* The complaint was reviewed and a responsive action was taken.

<sup>2</sup>*No Action Required.* The complaint did not ask for or require a DoD action or response.

<sup>3</sup>*Pending.* The complaint is being reviewed to determine the appropriate response.

**SECTION 803 OF 9/11 COMMISSION ACT OF 2007  
DETAILS OF PRIVACY COMPLAINTS AND DISPOSITIONS  
APRIL 1, 2009 TO JUNE 30, 2009**

**Defense Commissary Agency**

*Complaint #1*

**Description of Complaint:** A DeCA employee complained that he had received a letter from DeCA Security with Privacy Act markings, but that the letter had been opened and then taped shut before being given to him.

**Findings:** It was determined that the commissary secretary routinely opened all mail received at the commissary. She opened a letter addressed to this employee but realized immediately that she should not have, replaced the contents in the envelope and taped it shut.

**Disposition:** The secretary has been counseled to ensure that privacy markings on envelopes are observed and followed. *“Responsive Action Taken”*

*Complaint #2*

**Description of Complaint:** A store supervisor provided an employee’s National Guard unit drill schedule to a uniformed military officer who had been involved in an altercation with the employee. Only the employee’s name was written on the drill schedule.

**Findings:** It was determined that no violation of the Privacy Act had occurred since the document in question was retrieved from the employee’s desktop, not from a system of records. No PII other than name was involved.

**Disposition:** Employees were counseled on information protections and the file was closed. *“No Action Required”*

*Complaint #3*

**Description of Complaint:** An employee found her timesheet in the commissary restroom. The timesheet contained her social security number.

**Findings:** It was determined that the timesheet had not been released to anyone outside the commissary, and the employee had removed her own timesheet from the manager’s office after payroll corrections were made.

**Disposition:** Payroll files are kept locked in a manager’s office which requires a code to enter. *“No Action Required”*

*Complaint #4*

**Description of Complaint:** A DeCA local national employee in DeCA Europe complained that a spreadsheet entitled “DeCA EU Disabled Population . . .” was distributed to Zone Managers and Stores Directors by the Region Deputy Director. The spreadsheet identified employees who were regarded as having a disability by name, professional occupation and pay grade.

**Findings:** The spreadsheet was distributed to management personnel with the intent of heightening awareness of the employment of individuals with targeted disabilities. However, the disseminator of the spreadsheet failed to segregate personal information by

store or zone and instead provided all the information regarding employees in other stores and zones.

**Disposition:** Personnel have been advised to communicate PII to only those with an authorized need to know. *“Responsive Action Taken”*

#### *Complaints #5 & #6*

**Description of Complaint:** An agency attorney neglected to remove personal information on DeCA employees when releasing an IG report of investigation to opposing counsel.

**Findings:** The attorney was reminded of her obligation to ensure that Privacy Act information is redacted before release. She was also advised to notify the administrative judge and opposing counsel of the inadvertent disclosure, request that the judge impose a protective order on opposing counsel and client, and to substitute a redacted copy of the report.

**Disposition:** Notification of the release was provided to the affected individuals. *“Responsive Action Taken”*

#### *Complaint #7*

**Description of Complaint:** A store worker who was infected with the staphylococcus virus complained that his store director released information concerning his infection to the employee’s supervisor and military food safety and veterinary personnel.

**Findings:** It was determined that the release of the information was appropriate. The supervisor and other personnel notified are responsible for ensuring proper protections against spreading the infection are taken.

**Disposition:** The complainant was notified of the decision. *“No Action Required”*

### **Defense Contract Management Agency**

#### *Complaint #1*

**Description of Complaint:** A Defense Contract Management Agency (DCMA) employee filed an administrative grievance, stating that as he was searching for an electronic copy of a Labor-Management agreement on a shared drive, he instead found an electronic copy of a proposed notice of suspension that was previously issued to him in person by his supervisor. The file was located in a shared drive folder belonging to the supervisor and it was not password protected. The file was available to every employee who had access to the Chicago shared drive to include, at a minimum, all employees at DCMA’s Chicago, Rockford, and Milwaukee offices.

**Findings:** The document was immediately removed from the shared drive

**Disposition:** *“Responsive Action Taken”*

## Department of Air Force

### *Complaint #1*

**Description of Complaint:** An employee alleges two civilian supervisors discussed his appraisal and those of other employees in their shop in the open with other supervisors and employees.

**Findings:** The Privacy Act manager is in the process of conducting interviews.

**Disposition:** *"Pending"*

### *Complaint #2*

**Description of Complaint:** Complainant was provided a document which contained her personally identifiable information. She alleged her supervisor instructed his team lead to give out sheets for completion by his staff.

**Findings:** The sheets were to be used to update emergency recall data for upper management. The release was appropriate.

**Disposition:** *"No Action Required"*

### *Complaint #3*

**Description of Complaint:** An e-mail containing PII was sent out to individuals without a need-to-know.

**Findings:** Investigation ongoing.

**Disposition:** *"Pending"*

### *Complaint #4*

**Description of Complaint:** Written complaint alleging that Personnel Readiness Folder used for deployment had PII that should not be contained within the folder and should not be getting reviewed by the Tiger Team preparing for the Operational Readiness Inspection.

**Findings:** The Tiger Team was required to review the folders as part of their assigned duties to ensure mobility folders contained all the necessary information.

**Disposition:** *"No Action Required"*

## Department of Navy

### *Complaint #1*

**Description of Complaint:** This complaint originated from an individual who believed his personnel records were provided to his spouse without his consent.

**Findings:** The IG is investigating this complaint.

**Disposition:** *"Pending"*

### *Complaint #2*

**Description of Complaint:** This complaint originated from an employee who stated his name and other personal information was posted for other employees to view on a sign-in sheet.

**Findings:** The IG is investigating this complaint.

**Disposition:** *"Pending"*