





**Department of Defense**  
**Report on Privacy Activities**  
**Section 803 of 9/11 Commission Act of 2007**  
**4<sup>th</sup> Quarter FY09 – July 1, 2009 to September 30, 2009**

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, actions continue 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 4th quarter report for FY09 consolidates all privacy activities of the DoD and Component Privacy Offices 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  
4th Quarter FY09 – July 1, 2009 to September 30, 2009**

**A. Types of Privacy Reviews**

Privacy Act Statements (PAS)	236
Privacy Act Systems of Records (SORNs) with applicable associated exemptions	154
Computer Matching Program(s)	7

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

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

### C. Privacy Complaints and Dispositions

Type/Nature of Complaint or Alleged Violation	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 <i>(Compliance Matters)</i>	0	0	0	0
Redress	0	0	0	0
Operational <i>(Collection, Use, Disclosure Issues)</i>	6	1	2	3
Referred to Other Agency(s)	0	0	0	0
Other	0	0	0	0
<b>Total for Qty 4th FY09</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>3</b>

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  
JULY 1, 2009 TO SEPTEMBER 30, 2009

**Defense Contract Management Agency**

*Complaint #1*

**Description of Complaint:** A DCMA employee provided an inquiry via email pertaining to emergency recall procedures. In her complaint, she stated that her supervisor disclosed her unlisted home phone and cell phone numbers to a non-supervisory co-worker and that she believed this information was only to be handled by supervisory staff.

**Findings:** The supervisor has 24 individuals assigned to his team and he has delegated authority for other select individuals to assist in making emergency contacts.

**Disposition:** *Pending.*

**Defense Commissary Agency**

*Complaint #1*

**Description of Complaint:** An employee complained that letters and notes from the employee's doctor were improperly placed in the department "time book" where other employees could see them.

**Findings:** Investigation revealed that the manager did not leave the employee's doctor's letters or notes in the time book, but locked them in his desk drawer until attached to the completed time sheets and placed in a folder.

**Disposition:** *No Action Required.*

*Complaint #2*

**Description of Complaint:** An employee complained that employees of the cash cage were given access to her supervisory work folder.

**Findings:** Investigation revealed that the work folders are kept in the administration office and only the supervisor, store director, store administrator and secretary have a need for access to the work folders. Staff were informed and trained on appropriate access restrictions.

**Disposition:** *Responsive Action Taken.*

**Department of Army**

*Complaint #1*

**Description of Complaint:** A complaint has been brought to the attention of the Army Privacy Office regarding the Fort Campbell Visitor Center's sign-in procedures. It was noted that the Center collects Social Security Numbers to in-process visitors. The complainant informed us that during multiple visits, the Visitor Center personnel refused to comply when asked to provide a copy of the Privacy Act Statement authorizing the

collection of PII. The complainant also states that the Garrison Commander was asked to address the situation but there has been no reply.

**Findings:** Investigation in progress.

**Disposition:** *Pending.*

### Department of Air Force

#### *Complaint #1*

**Description of Complaint:** A Civil Service employee was denied a government vehicle driver's license for refusal to fill out an Optional Form (OF) 345, Physical Fitness Inquiry for Motor Vehicle Operators as required by AFI 24-301, Motor Vehicle Operations. The employee felt that the PII was not properly protected.

**Findings:** The information on the OF 345 is loaded into a database, and then the form is given back to the submitter. The POC for the office in question reported to the Privacy Act Office that all personnel who have access to the office are authorized and unless those individuals are in the office, it is locked.

**Disposition:** *No Action Required.*

#### *Complaint #2*

**Description of Complaint:** The complainant alleges government employees were discussing his and other supervisors' appraisals openly.

**Findings:** In the process of interviewing witnesses.

**Disposition:** *Pending*



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

ADMINISTRATION AND  
MANAGEMENT

DEC 17 2009

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

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 July 1 through September 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 Lamar Smith  
Ranking Member





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

ADMINISTRATION AND  
MANAGEMENT

DEC 17 2009

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

Dear Mr. Chairman:

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Sincerely,

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Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable John McCain  
Ranking Member



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

ADMINISTRATION AND  
MANAGEMENT

DEC 17 2009

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

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 July 1 through September 30, 2009.

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Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable Darrell E. Issa  
Ranking Member



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

ADMINISTRATION AND  
MANAGEMENT

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

DEC 17 2009

Dear Mr. Chairman:

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Michael L. Rhodes  
Acting Senior Agency Official for Privacy

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cc:  
The Honorable Peter Hoekstra  
Ranking Member



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

ADMINISTRATION AND  
MANAGEMENT

DEC 7 2009

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

Dear Mr. Chairman:

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Sincerely,

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

JAN 12 2010

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

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 July 1 through September 30, 2009.

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Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable Christopher S. Bond  
Vice Chairman



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

ADMINISTRATION AND  
MANAGEMENT

JAN 12 2010

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

Dear Mr. Chairman:

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cc:  
The Honorable Jeff Sessions  
Ranking Member



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

ADMINISTRATION AND  
MANAGEMENT

JAN 14 2010

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

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cc:  
The Honorable Howard P. McKeon  
Ranking Member