



**Department of Defense**  
**Report on Privacy and Civil Liberties Activities**  
**Section 803 of 9/11 Commission Act of 2007**  
**3rd Quarter FY11 – April 1, 2011 to June 30, 2011**

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## C. Complaints and Dispositions

### 1. Privacy

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> )	2	2	0	0
Redress	2	1	1	0
Operational ( <i>Collection, Use, Disclosure Issues</i> )	10	5	0	5
Referred to Other Agency(s)	2	1	0	1
Other	0	0	0	0
Total for 3 <sup>rd</sup> Qtr FY11	16	9	1	6

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.

### 2. Civil Liberties

Type/Nature of Complaint or Alleged Violation	Disposition of Complaint		
	Received <sup>1</sup>	Pending <sup>2</sup>	Resolved <sup>3</sup>
First Amendment	10	4	6
Second Amendment	1	0	1
Fourth Amendment	2	2	0
Ninth Amendment	2	1	1
First and Fourth Amendments	1	0	1
Second and Fourth Amendments	2	1	1
Fourth and Fifth Amendments	2	1	1
Fourth and Ninth Amendments	1	0	1
Total for 3 <sup>rd</sup> Qtr FY11	21	9	12

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

<sup>1</sup>*Received*: The Component has received the complaint and is evaluating for civil liberties issues.

<sup>2</sup>*Pending*: The complaint has not been fully adjudicated or resolved.

<sup>3</sup>*Resolved*: The complaint has been fully adjudicated or resolved.

**Details of Privacy Complaints and Dispositions  
3rd Quarter FY11 – April 1, 2011 to June 30, 2011**

**Total Number of Complaints Received: 16**

**Agency Name: Department of the Air Force**

*Complaint #1*

**Description of Complaint:** On April 1, 2011, a U.S. Air Force (USAF) employee submitted a Privacy Act complaint alleging the Air Force disclosed information from a system of records to someone not entitled to the information. The alleged unauthorized disclosure related to his personal records, specifically a written “no contact” order issued by the Commander, General Officer, Air Force Flight Test Center, being released to “someone.” The subject claims that an article on the Military Religious Freedom Foundation (MRF) website that references the “no contact” order is proof his information was released beyond those with a need to know. On April 13, USAF accepted the case to conduct the inquiry due to the level of senior leadership involvement. On May 6, the complainant was notified of the referral.

**Findings:** Investigation is in progress.

**Disposition:** Pending.

**Agency Name: Department of the Army**

*Complaint #2*

**Description of Complaint:** A patient stated that an employee wrongfully accessed her medical record information.

**Findings:** An investigation was conducted and the allegations were substantiated.

**Disposition:** The incident was reported as a PII incident on May 31, 2011, and the patient was notified in writing on June 9, 2011. The privacy investigation findings and recommendations are being prepared for legal review and forwarding to the Human Resources Division for initiation of Adverse Actions/Sanctions against the employee.

*Complaint #3*

**Description of Complaint:** An active duty staff member alleged that his medical profile information was accessed by a Human Resources Division (HRD) staff member without his authorization and that the HRD staff member did not have a legitimate work-related reason to access his medical profile information.

**Findings:** The previous investigation into these allegations determined that the allegations were unsubstantiated. The HRD staff member was authorized to receive the profile information for mandatory reporting requirements as part of her official duties.

**Disposition:** This allegation was unsubstantiated and was recently received as a Health and Human Services (HHS) Office for Civil Rights (OCR) complaint as an appeal by the complainant. The response was forwarded to the OCR through the Chain of Command on June 29, 2011. The case was closed by Blanchfield Army Community Hospital.

*Complaint #4*

**Description of Complaint:** An employee alleged that the head nurse or a clinic nurse accessed electronic protected health information from a recent motor vehicle accident and shared information with other co-workers at the Institute for Surgical Research (ISR).

**Findings:** A computer audit was completed in Composite Health Care System (CHCS)/ Armed Forces Health Longitudinal Technology Application (AHLTA) and Essentris databases on June 16, 2011. After a thorough investigation, CHCS audit shows employee's supervisor and the clinic nurse accessed electronic protected health information on 4 different dates/times. The supervisor was the initial viewer for patients' lab results on each date. The supervisor stated she had verbal authorization to access patient information on two occasions in 2010 which the complainant confirmed. The nurse also spoke to the complainant's co-worker and discussed the motor vehicle accident without patient authorization.

**Disposition:** The complaint was substantiated. The employee accessed electronic protected health information without a legitimate, professional need-to-know as part of job duties, violating the HIPAA "minimum necessary" rule. The employee works for ISR which falls under Medical Research and Materiel Command (MRMC), not Brooke Army Medical Center (BAMC). Memorandum for Record (MFR) was sent by BAMC HIPAA Privacy Officer to ISR Commander with investigation results. ISR Commander will submit MFR to HIPAA Officer with sanction taken and plan of action to ensure this does not re-occur.

*Complaint #5*

**Description of Complaint:** A patient stated her neighbor, who is also a Brooke Army Medical Center employee, accessed her bone scan results, made a copy, and gave them to his wife who in turn gave them to the patient. No authorization was given prior to accessing electronic protected health information.

**Findings:** Investigation is in progress.

**Disposition:** Pending.

*Complaint #6*

**Description of Complaint:** Patient stated students on Fort Sam Houston were given patient's profile and appointment dates and times without authorization.

**Findings:** Investigation is in progress.

**Disposition:** Pending.

*Complaint #7*

**Description of Complaint:** A dependent of an active duty soldier alleged that her ex-husband's new wife was accessing her medical records.

**Findings:** After auditing the medical access logs it was discovered that a soldier from the Pentagon's medical facility and a social worker accessed the complainant's records without permission.

**Disposition:** The complaint was substantiated. It was referred out for action because the actual violation occurred elsewhere.

*Complaint #8*

**Description of Complaint:** An active duty soldier filed a complaint stating the results from his STD tests were released to his ex-wife.

**Findings:** After conducting an investigation it was found that his test results were released to his ex-wife without authorization.

**Disposition:** The complaint was substantiated. The employee who released the test results was given a letter of reprimand.

*Complaint #9*

**Description of Complaint:** The complaint originated from a DoD Civilian regarding the Transportation Motor Pool (TMP) collection of the entire Social Security Number (SSN). The subject was obtaining a government Driver's License from the TMP. Currently, the TMP requires the entire social security number on a form as standard procedure. The subject disagreed with providing the entire SSN and reported the incident to the Privacy Act officer.

**Findings:** The form required the entire SSN; however, guidance was put out to collect only the last four of an employee's SSN. The form that was used did not include a Privacy Act statement.

**Disposition:** Revision of the form included a Privacy Act statement and the collection of only the last four digits of the SSN to ensure compliance. Corrections were implemented and additional guidance was provided; therefore, the complaint was resolved to the satisfaction of the complainant.

**Agency Name: Department of the Navy**

*Complaint #10*

**Description of Complaint:** A complaint from a patient alleges that the sponsor's SSN was inappropriately used to access her medical record.

**Findings:** A Naval Hospital (NH) Beaufort employee used her husband's full SSN to access her step-daughter's medical record. The step-daughter was over the age of 18. The medical record with the sponsor's full SSN was printed out and sent to the step-daughter's mother.

**Disposition:** The NH Beaufort employee was reprimanded.

*Complaint #11*

**Description of Complaint:** A complaint from a patient alleges that another patient wrote down his full SSN when he was giving it to a clerk at the desk.

**Findings:** A patient was asked for his full SSN by a radiology clerk. Another patient standing near the desk typed the full SSN into her phone and then told the patient she had his SSN stored in her phone.

**Disposition:** NH Beaufort worked to find the identity of the patient who took the SSN. Her name has been given to base security. NH Beaufort staff has been told to use name and date of birth as patient identifiers instead of SSN. If a SSN is necessary, the staff is to either look at the ID card or ask the patient to write it down on paper and shred the paper when they are done.

*Complaint #12*

**Description of Complaint:** Complaint says that his PII and PHI is in an unrestricted access area of AHLTA. Additionally, complainant requested to have sensitive information removed from this unrestricted area of the AHLTA system by his providers.

**Findings:** The CHCS/AHLTA manager at the command has requested a system change request to prompt users before they are allowed access to certain narrative notes. The providers, which entered this information into the complainant's record, said that this information was entered into the system through appropriate protocols, is restricted, and should not be removed out of the patient's record.

**Disposition:** Complaint resolved. Monitoring status of system change request.

*Complaint #13*

**Description of Complaint:** Complainant suspects that members at the command have accessed his medical record for other than legitimate work activities.

**Findings:** Investigation is in progress.

**Disposition:** Pending.

*Complaint #14*

**Description of Complaint:** Complainant alleged that a member with access to DEERS used that information to review her record.

**Findings:** Investigation is in progress.

**Disposition:** Pending.

*Complaint #15*

**Description of Complaint:** Complainant stated he was communicating with his physician and made a sarcastic remark in which the physician place in his ALTHA record. Complainant requested the record be expunged.

**Findings:** Confirmed.

**Disposition:** Expunged. Complaint resolved.

*Complaint #16*

**Description of Complaint:** Complainant alleged someone accessed her AHLTA record without justification/authority.

**Findings:** Audit report confirmed that there was unauthorized access of complainant's medical information. Division Officer made aware of findings.

**Disposition:** Pending.

**Details of Civil Liberties Complaints and Dispositions**  
**3rd Quarter FY11 – April 1, 2011 to June 30, 2011**

**Total Number of Complaints Received: 21**

**Agency Name: Department of the Air Force**

*Complaint #1:*

**Description of Complaint:** Alleged First Amendment violation. The complainant is a retired Air Force Member. He stated that on May 1, 2011, he was at the Enlisted Club playing bingo when a security forces member approached him. The security forces member stated someone had complained about some “offensive” bumper stickers on the complainant’s vehicle, which included one that read “The Great Deceiver – Barack Hussein Obama – the Antichrist” and “R U Rapture Ready?” The security forces member instructed the complainant to remove or cover up the offensive sticker on his vehicle. The complainant chose to leave the base. The complainant argued that actions to cover up or remove the bumper stickers violate his freedom of speech.

**Findings:** Installation Commanders may restrict the on-base display of vehicle bumper stickers/signs that may reasonably impact morale, welfare and discipline on the installation. Installation Commanders have the authority to maintain good order and discipline on the installation and the display of bumper stickers that make disparaging remarks about the current Commander in Chief of the Armed Forces has the potential to negatively impact the good order, discipline, and morale on any military installation. Per Air Force Instruction (AFI) 31-218, *Air Force Motor Vehicle Traffic Supervision*, Installation Commanders also have the responsibility for establishing and supervising motor vehicle traffic to include granting, suspending, or revoking the privilege to operate a privately owned vehicle on the installation.

**Disposition:** Resolved.

*Complaint #2:*

**Description of Complaint:** Alleged Fourth and Fifth Amendment violations. The complainant alleged that his cell phone was illegally confiscated. Specifically, he complained that his First Sergeant escorted him to security forces for questioning about inappropriate pictures on his cell phone. After the complainant told security forces that his cell phone was at his work station, they demanded he surrender it to them, which he did. The complainant argued that he was never read his rights and that his phone was seized without a search warrant.

**Findings:** It was discovered that the search and seizure of the complainant’s cell phone was reasonable and based upon probable cause in accordance with Air Force Information Management Tool (AF IMT) 1176, 19880601, Vol. 2, *Authority to Search and Seize*. It was also determined that the complainant was informed of his rights and that he requested counsel at that time.

**Disposition:** Resolved.



*Complaint #3:*

**Description of Complaint:** Alleged Second and Fourth Amendment violations. The complainant alleged that his "leadership" confiscated his weapons because of his suicidal ideations.

**Findings:** It was discovered that the complainant was moved into the dormitory because of his suicidal ideations. The weapons were confiscated because they are not allowed in the dormitory and because of concerns that the complainant might use them to hurt himself or others.

**Disposition:** Resolved.

*Complaint #4:*

**Description of Complaint:** Alleged Second and Fourth Amendment violations. On May 31, 2011, the complainant requested assistance from the base Inspector General concerning the receipt of a US Magistrate Court Summons after she allegedly fired a non-gas powered gun in the housing area. The gun was confiscated by the security forces as a result of a complaint made by one of the complainant's neighbors. Complainant explained the gun fired harmless plastic pellets that do not cause harm to persons or objects. Security forces personnel informed her that possession of this type of gun violated base policies, however, they did not specify which policy was violated nor did they provide her with a copy of the policy. The complainant requested assistance from the base Inspector General's office regarding her options.

**Finding:** The complainant was provided information regarding the Inspector General Complaint Resolution Program. She was instructed on how to file a Freedom of Information (FOIA) and Privacy Act (PA) request. She was also provided a copy of form AF IMT 102, 19960501, Vol. 1, *Inspector General Personal and Fraud, Waste, and Abuse Complaint Registration*, and instructed to return it if she desired to file a complaint. The complainant had not filed AF IMT 102 at the time of this report.

**Disposition:** Resolved.

**Agency Name: Department of the Army**

*Complaint #5:*

**Description of Complaint:** Alleged First Amendment violation. The complainant, an enlisted service member, wrote the Army Times about what she perceived to be improper actions by her chain of command. In response, the complainant's commander allegedly issued her an ultimatum to write a retraction letter to the Army Times in return for a favorable evaluation.

**Findings:** Complaint is currently under investigation.

**Disposition:** Pending.

*Complaint #6:*

**Description of Complaint:** Alleged First and Fourth Amendment violations. The complainant's unit leadership conducted a no-notice search of service members' barracks rooms for missing equipment (i.e., protective ballistic plates). Leadership also searched all of the service members' rooms without a magistrate order or other warrant, and

without probable cause that any particular service member perpetrated the crime. One service member's property was damaged during the search.

**Findings:** Inquiry revealed that there was evidence of forced entry to one of two storage room units belonging to service members in the barracks building. The unit leadership was counseled on proper search procedures.

**Disposition:** Resolved.

*Complaint #7:*

**Description of Complaint:** Alleged First Amendment violation. The complainant, an enlisted service member, alleged his commander violated his freedom of religion by denying his leave request to attend out-of-state religious ceremonies.

**Findings:** The complainant was informed of the commander's rationale. The inquiry indicated that the commander denied the complainant's request to take leave to attend a Buddhist service in Florida primarily because regulations prohibit service members in Initial Entry Training status from taking leave except in limited circumstances. This policy, which applies to all initial entry training service members in the Army, facilitates maximum training exposure and teaches discipline. Additionally, it was discovered that the complainant lacked sufficient accrued leave to cover the request and was provided with information on four Buddhist temples in the vicinity, thus minimizing the need to attend out-of-state Buddhist services.

**Disposition:** Resolved.

*Complaint #8:*

**Description of Complaint:** Alleged First Amendment violation. The complainant, an enlisted service member, alleged that his commander excused him from morning formation so he could perform his prayers according to his Islamic religion, but that the new First Sergeant required him to return to formation. The unit also denied the complainant's request to have a fellow Muslim as a roommate, after he expressed concerns that sharing a refrigerator with a non-Muslim might interfere with his religious practices depending on what that non-Muslim service member stored in the refrigerator.

**Findings:** The First Sergeant explained to the complainant that the Army may accommodate religious practices so long as those practices do not interfere with mission accomplishment. The complainant did not object to the First Sergeant's explanation.

**Disposition:** Resolved.

*Complaint #9:*

**Description of Complaint:** Alleged First Amendment violation. The complainant alleged his chain of command did not allow him to take leave for religious observance.

**Findings:** The complainant's chain of command received and evaluated the complaint, and the complaint was investigated. The chain of command resolved the complaint in coordination with its Staff Judge Advocate.

**Disposition:** Resolved.

*Complaint #10:*

**Description of Complaint:** Alleged Fourth and Ninth Amendment violations. The complainant, a police officer, alleged that his former supervisor took files containing the

complainant's personal information. The supervisor's new position was unrelated to his previous supervisory position.

**Findings:** The complaint was received, evaluated, and is currently under investigation.

**Disposition:** Pending.

*Complaint #11:*

**Description of Complaint:** Alleged Second Amendment violation. The complainant, an enlisted service member assigned to a training battalion, filed a complaint claiming his unit's policy prohibited students from traveling to their home of record to retrieve personally owned weapons prior to moving to their permanent duty station.

**Findings:** The commander withdrew the policy letter, asked for a legal review, and made appropriate changes.

**Disposition:** Resolved.

*Complaint #12:*

**Description of Complaint:** Alleged Fourth and Fifth Amendment violations. A civilian complainant argued he was unlawfully detained, threatened, and transported in handcuffs from off-post to on-post by four Criminal Investigation Command (CID) special agents.

**Findings:** CID received and evaluated the complaint. The complaint was also investigated by the FBI and local authorities. The investigation determined that the CID agents unlawfully detained the complainant, and willfully subjected him to a deprivation of his rights while acting under color of law in their official capacity.

**Disposition:** Pending.

*Complaint #13:*

**Description of Complaint:** Alleged Fourth Amendment violation. A civilian complainant alleged she was sexually assaulted by a CID agent who used his law enforcement position and threat of criminal investigation to coerce sexual favors from her.

**Findings:** CID received and evaluated the complaint. Investigation determined that the named CID agent sexually assaulted the complainant in the manner described.

**Disposition:** Pending.

*Complaint #14:*

**Description of Complaint:** Alleged Ninth Amendment and Privacy Act violation. The complainant alleged a service member in her Battalion disclosed information contained in an Individual Risk Assessment Survey to the complainant's boyfriend. The information allegedly disclosed was of a very personal nature.

**Findings:** The Battalion received the complaint and initiated an Army Regulation 15-6 investigation. The AR 15-6 Investigating Officer determined that the complainant's rights under the Privacy Act were violated. The service member who disclosed the information received a letter of reprimand from the Battalion Commander.

**Disposition:** Resolved.

*Complaint #15:*

**Description of Complaint:** Alleged Ninth Amendment violation. The complainant alleged his personal information was shared inappropriately without his consent.

**Findings:** An investigation was conducted by Military Police Investigations division pursuant to a possible Privacy Act violation. The investigation determined that a civilian employee of the command inadvertently shared the complainant's personal information without his consent. Appropriate disposition is under consideration.

**Disposition:** Pending.

**Agency Name: Office of the Inspector General (DoD IG)**

*Complaint #16:*

**Description of Complaint:** Alleged First Amendment violation. The complainant filed a discrimination complaint with the Equal Employment Opportunity Directorate alleging that she worked in a hostile work environment where she was harassed because of her religious preference.

**Findings:** An informal investigation was conducted in which all management officials and witnesses identified in the complaint were interviewed. The complainant elected not to file a formal complaint of discrimination after the informal inquiry was completed.

**Disposition:** Resolved.

**Agency Name: Defense Information Systems Agency (DISA)**

*Complaint #17:*

**Description of Complaint:** Alleged First Amendment violation. The complainant alleged a DISA human resources manager told him that he did not have the right to contact DISA's Office of the Inspector General to address complaints related to the job hiring process.

**Findings:** The DISA Office of the Inspector General received and evaluated the complaint, and the complaint is currently under investigation.

**Disposition:** Pending.

**Agency Name: Defense Logistics Agency (DLA)**

*Complaint #18:*

**Description of Complaint:** Alleged First Amendment violation. The complainant alleged he was terminated by his supervisor because of his atheist views.

**Findings:** The supervisor stated that the complainant was not terminated based on religion but because of the complainant's conduct. The DLA EEO office offered counseling services to the complainant.

**Disposition:** Resolved.

*Complaint #19:*

**Description of Complaint:** Alleged First Amendment violation. The complainant alleged he was denied an employment opportunity because of his religion. The

complainant argued that the employee selected for the job position attended the same church as the selecting official.

**Findings:** The DLA investigated the complaint. The selecting official stated he did not consider religion in his decision and that the selectee was the most qualified candidate based on technical ability and distribution experience.

**Disposition:** Pending.

*Complaint #20:*

**Description of Complaint:** Alleged Fourth Amendment violation. The complainant alleged DLA police handcuffed him and searched his delivery truck at the gate of a DLA installation.

**Findings:** The complaint was forwarded to DLA from the DoD Hotline and is under investigation by DLA special agents.

**Disposition:** Pending.

**Agency Name: Pentagon Force Protection Agency (PFPA)**

*Complaint #21:*

**Description of Complaint:** Alleged First Amendment violations. On May 9, 2011, the Pentagon Police Directorate (PPD) received a formal complaint letter from representatives of the "National Campaign for Nonviolent Resistance." The group of approximately 26 individuals came into a confrontation with members of the PPD on April 8, 2011, and several members of the group were issued citations for failing to obey a lawful order. It was the group's stated intention to deliver a "message" to Secretary of Defense Robert Gates, opposing "the US Military's involvement in the wars that are responsible for the deaths and suffering of millions of innocent people around the world." The group chose to use the Metro Rail escalator to access the Pentagon Platform adjacent to the designated demonstration areas. Once the group exited the escalator they remained in place and began to read from prepared text in protest of what they view as illegal wars. After two verbal warnings, which were accompanied by instructions to move to the designated protest areas, the 26 demonstrators, who refused to move, were arrested. According to the complaint, the group gathered peacefully as their spokesman tried in vain to explain to the officer in charge why they were at the Pentagon that day. The complainants filed a formal complaint with the PPD regarding the alleged use of force and violence against the group by the Pentagon Police on April 8, 2011. They also alleged that the group's First Amendment rights were violated.

**Findings:** A review of the demonstrator statements notwithstanding, arresting officer statements, as well as the videos taken of the incident clearly showed that the PPD officers did not use excessive force at any time during the confrontation. The arrest and prisoner escorts were executed in a professional and courteous manner.

**Disposition:** Pending. The PFPA Office of Professional Responsibility has completed its investigation and is in the process of issuing a final report. Once the report is complete a response letter will be sent to the complainant.



ADMINISTRATION AND  
MANAGEMENT

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

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

AUG 26 2011

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act") and Section 1062, Public Law 108-458 "National Security Intelligence Reform Act of 2004," as amended, this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the third quarter of fiscal year (FY) 2011, April 1, 2011 through June 30, 2011.

The enclosure provides data about the Department's Privacy and Civil Liberties Programs for the third quarter of FY 2011. The report consolidates all privacy and civil liberties activities of the DoD and Component offices responsible for privacy and civil liberties functions, including data on the related reviews conducted and information about written complaints received and processed. Beginning this quarter, the report also includes quantitative data about the number and nature of civil liberties complaints received.

Consistent with the Act's requirements to assist the Secretary and other DoD officials in "appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism," the Defense Privacy and Civil Liberties Office (DPCLO), which has cognizance over the Department's Privacy and Civil Liberties Programs, continues to review all new and reissued DoD policy issuances, draft legislative proposals, and agency responses to Congressional inquiries. During the third quarter of FY 2011, the DPCLO conducted policy reviews of 81 issuances.

The Act requires that DoD "has adequate procedures to receive, investigate, respond to, and redress complaints" from individuals who allege that DoD violated their privacy or civil liberties. The DPCLO received 16 privacy complaints and 21 civil liberties complaints; 22 complaints were resolved and 15 are pending.



The point of contact for this report is Mr. Michael E. Reheuser, Director, DPCLLO, who can be reached at (703) 607-2943 or michael.reheuser@osd.mil.



Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable John McCain  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

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

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

AUG 26 2011

Dear Madam Chairman:

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Saxby Chambliss  
Vice Chairman



ADMINISTRATION AND  
MANAGEMENT

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

The Honorable Darrell E. Issa  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

AUG 26 2011

Dear Mr. Chairman:

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Elijah E. Cummings  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

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

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

AUG 26 2011

Dear Mr. Chairman:

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The enclosure provides data about the Department's Privacy and Civil Liberties Programs for the third quarter of FY 2011. The report consolidates all privacy and civil liberties activities of the DoD and Component offices responsible for privacy and civil liberties functions, including data on the related reviews conducted and information about written complaints received and processed. Beginning this quarter, the report also includes quantitative data about the number and nature of civil liberties complaints received.

Consistent with the Act's requirements to assist the Secretary and other DoD officials in "appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism," the Defense Privacy and Civil Liberties Office (DPCLO), which has cognizance over the Department's Privacy and Civil Liberties Programs, continues to review all new and reissued DoD policy issuances, draft legislative proposals, and agency responses to Congressional inquiries. During the third quarter of FY 2011, the DPCLO conducted policy reviews of 81 issuances.

The Act requires that DoD "has adequate procedures to receive, investigate, respond to, and redress complaints" from individuals who allege that DoD violated their privacy or civil liberties. The DPCLO received 16 privacy complaints and 21 civil liberties complaints; 22 complaints were resolved and 15 are pending.



The point of contact for this report is Mr. Michael E. Reheuser, Director, DPCLLO, who can be reached at (703) 607-2943 or michael.reheuser@osd.mil.



Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable John Conyers, Jr.  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

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

AUG 26 2011

Dear Mr. Chairman:

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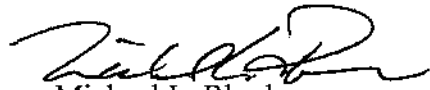
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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Susan M. Collins  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

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

AUG 26 2011

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

Dear Mr. Chairman:

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Chuck Grassley  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

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

AUG 26 2011

Dear Mr. Chairman:

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable C. A. Dutch Ruppertsberger  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

AUG 26 2011

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Michael L. Rhodes  
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and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member