

Tab A

Department of Defense
Report on Privacy and Civil Liberties Activities
Section 803 of 9/11 Commission Act of 2007
4th Quarter FY11 – July 1, 2011 to September 30, 2011

A. Types and Number of Reviews

Privacy Act Statements (PAS)	1592
Privacy Act Systems of Records (SORNs) with applicable associated exemptions	119
Computer Matching Programs	2
Section (m) Contractor Reviews	110

B. Type of Advice and Response Given

Collection, Use, Disclosure, Protection of PII	11605
Privacy Impact Assessments (PIA)	1928
Privacy Act Program Requirements /Principles	4769
Website Safeguards	10432
Privacy Compliance/DITPR Reporting	2682
Privacy Presentations	2811
Training Requirements	3231
Privacy Act Violations	409
Privacy Reports	701
Privacy Act Systems of Records Notices (SORNs)	1348
Privacy Compliance in Agency Publication	602
SSN and PII Reduction Actions	1846
PII Breach Notification/Identity Theft	5408
Other	706

C. Nature, Number, and Disposition of Complaints

1. Privacy

Nature of Complaint	Number	Disposition		
		Responsive Action taken ¹	No Action Required ²	Pending ³
Process and Procedure (Compliance Matters)	44	13	16	15
Redress	1	1	0	0
Operational (Collection, Use, Disclosure Issues)	6	6	0	0
Referred to Other Agency(s)	1	1	0	0
Other	0	0	0	0
Total for 4th Qtr FY11	52	21	16	15

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

¹*Responsive Action Taken*: The complaint was reviewed and a responsive action was taken.

²*No Action Required*: The complaint did not ask for or require a DoD action or response.

³*Pending*: The complaint is being reviewed to determine the appropriate response.

2. Civil Liberties

Nature of Complaint	Disposition		
	Received ¹	Pending ²	Resolved ³
First Amendment	13	6	7
Second Amendment	2	1	1
Fourth Amendment	13	3	10
Fifth Amendment	1	1	0
Sixth Amendment	1	0	1
Total for 4th Qtr FY11	30	11	19

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

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

²*Pending*: The complaint has not been fully adjudicated or resolved.

³*Resolved*: The complaint has been fully adjudicated or resolved.

Tab B

**Details of Privacy Complaints and Dispositions
4th QTR FY11 – 1 July – 30 September 2011**

Total Number of Complaints Received: 52

Component: Department of the Army

Complaint #1

Description of Complaint: A provider discussed Protected Health Information (PHI) with the supervisor.

Findings: Under Investigation.

Disposition: Pending.

Complaint #2

Description of Complaint: A complaint was made that a member, who had been relieved of duties, was able to access PII inappropriately.

Findings: Unsubstantiated.

Disposition: Resolved.

Complaint #3

Description of Complaint: A complaint was made that a Provider gave PHI to a patient's Staff Sergeant.

Findings: Under Investigation.

Disposition: Pending.

Complaint #4

Description of Complaint: A complaint was made that Employee Assistance Program personnel discussed information without authorization.

Findings: Unsubstantiated.

Disposition: Referred case to III Corps Privacy Act Officer.

Complaint #5

Description of Complaint: A complaint was made that co-workers were browsing the patient's medical record.

Findings: Under Investigation.

Disposition: Pending.

Complaint #6

Description of Complaint: A complaint was made from the mother of a patient alleging that an employee improperly accessed patient exam room and violated their privacy.

Findings: Unsubstantiated.

Disposition: The statement from the provider in the exam room contradicted the statement from the complainant. Privacy had not been breached and the employee had been instructed to enter exam room per provider. Department Chief notified.

Complaint #7

Description of Complaint: An employee suspected another employee of accessing and releasing PHI without a need to know or valid authorization.

Findings: Substantiated. Audits of Composite Health Care System (CHCS) and Armed Forces Health Longitudinal Technology Application (AHLTA) showed evidence of access by the suspected employee during estimated time range.

Disposition: The Department Chief and Troop Command were notified. Chapter proceedings in accordance with the Uniform Code of Military Justice (UCMJ) are pending. Computer access removed.

Complaint #8

Description of Complaint: A patient alleged that a social worker released PHI to their supervisor and unit command without a need to know or valid authorization.

Findings: Unsubstantiated.

Disposition: Statement from social worker denied accusation and claimed that they never violated the client's confidentiality or privacy, nor has the patient's supervisor ever asked them for information about the client.

Complaint #9

Description of Complaint: Complaint from European Regional Medical Command Inspector General (ERMC IG) regarding Soldier's Chain of Command using PHI inappropriately.

Findings: Unsubstantiated.

Disposition: Soldier failed to respond to electronic mail or telephone messages. Reported finding to ERMC IG with a memorandum for record dated 09 August 2011.

Complaint #10

Description of Complaint: Downrange Soldier complains that Liaison Officer (LNO) accessed PHI.

Findings: Unsubstantiated.

Disposition: Soldier was not aware of the LNO role in their patient care. Soldier was educated on release of PHI to Unit Officials and given a hardcopy of the policy.

Complaint #11

Description of Complaint: Supervisor disclosing employee's PHI without authorization

Findings: Under Investigation.

Disposition: Pending. Employee re-hospitalized and was not available for immediate follow-up.

Complaint #12

Description of Complaint: Complaint from a beneficiary stating that spouse accessed their son's and daughter's AHLTA encounters without authorization.

Findings: Substantiated. An AHLTA audit was performed on AHLTA encounters. The Audit revealed that the Soldier did indeed access encounters of spouse, their son and daughter without appropriate authorization.

Disposition: Case awaiting disposition by the Commander.

Complaint #13

Description of Complaint: Complainant/Patient/Staff member states that a commander disclosed a Soldier's PHI and Personally Identifiable Information (PII), when they failed to inform the Soldier that they were on speaker phone during a discussion. Case was received on 7 July 2011.

Findings: Unsubstantiated.

Disposition: After review of the allegations, interviewing the parties involved, and review of sworn statements it was determined that all parties involved were all chain of command representatives with a need to know. The complainant was notified of the unsubstantiated findings in writing on 11 August 2011.

Complaint #14

Description of Complaint: Complaint from patient states that their spouse knows when their appointments are and what prescriptions are taken. An additional allegation states their spouse and possibly a staff member are accessing their PHI / PII. Case was received on 11 July 2011.

Findings: Unsubstantiated.

Disposition: The incident was investigated using audit trails and interviews of staff, since the complainant stated that they did not want the spouse to be interviewed. There were no findings to substantiate this complaint. The unsubstantiated findings were provided to the complainant on 4 August 2011.

Complaint #15

Description of Complaint: Active duty staff member alleges that their PHI/PII was accessed by their section sergeant who did not have a need to know. The case was received on 15 August 2011.

Findings: Unsubstantiated.

Disposition: An investigation was conducted into the allegations. Interviews with all parties involved determined that no one had reviewed, accessed or disclosed the PHI/PII or used it in a manner that would violate the complainant's privacy. The complainant was asked if there was any other evidence or witnesses to validate the concerns, no other names have been submitted. The complainant will be notified.

Complaint #16

Description of Complaint: Complaint from a staff member that their department chief viewed their AHLTA record without permission.

Findings: Substantiated. AHLTA audit showed their department chief viewed/entered staff member's record.

Disposition: Deputy Commander for Clinical Services (DCCS) approved the recommendation of the Health Insurance Portability and Accountability Act (HIPAA) privacy officer that the department chief receive formal counseling (to be entered into their permanent employee file). Staff member accepted the finding.

Complaint #17

Description of Complaint: Staff member at Ft McCoy clinic filed complaint via email that a nurse viewed their AHLTA record to find out their date of birth.

Findings: Unsubstantiated. AHLTA does not report via audit any person who only views demographic information. HIPAA privacy officer interviewed nurse and staff member. The staff member was advised regarding the lack of proof that the nurse viewed their record.

Disposition: After meeting with the Officer in Charge of the clinic it was recommended that additional training for all staff members dealing with PHI and PII be conducted. This training was completed the next work day by the HIPAA privacy officer. Staff member that filed the complaint accepted the final action.

Complaint #18

Description of Complaint: Spouse filed a complaint that their soon to be ex-spouse viewed AHLTA records to find out current medical concerns and medications.

Finding: Under investigation.

Disposition: Pending.

Complaint #19

Description of Complaint: Complaint from a Soldier that their mental health care provider released too much and inaccurate PHI to their platoon sergeant.

Findings: Substantiated. Civilian contract provider was not aware of proper disclosure methods for PHI disclosure within the military chain of command. Provider admitted giving too much information and was counseled and assigned HIPAA retraining.

Disposition: Civilian contract provider was counseled. HIPAA Privacy Officer notified Chief of Behavioral Health Clinic. Soldier received an apology.

Complaint #20

Description of Complaint: Complaint from a Soldier that their nurse case manager shared PHI with the soldier's nephew. The Soldier also complained that the nurse case manager had inappropriately released their PHI to a civilian police officer without a subpoena.

Findings: Substantiated. The nurse case manager admitted to disclosing some PHI to both civilian law enforcement and to the nephew.

Disposition: The nurse case manager was counseled and assigned retraining. The nurse case manager has since resigned from their position for unrelated reasons.

Complaint #21

Description of Complaint: Complaint from two Soldiers against the same Physician Assistant for speaking loudly about their medications in a triage area of the Troop Medical Clinic (TMC). One Soldier also complained that the Physician Assistant refused to provide them with a more private place to discuss their medical issues of a sensitive nature. The Soldier claimed that the Physician Assistant berated them in front of other Soldiers about their healthcare.

Findings: Substantiated. The Physician Assistant did not remember either incident but stated the way the triage area is set is not conducive to HIPAA compliance. The Physician Assistant did not remember denying a Soldier a more private place to talk.
Disposition: The Physician Assistant was assigned remedial training and was counseled on their failure to comply with HIPAA.

Complaint #22

Description of Complaint: A Soldier complained that rumors were being spread about a sensitive health issue. They suspected it was the spouse of one of the Soldiers in their platoon who was inappropriately accessing medical records and spreading rumors about their health issues.

Findings: Substantiated. When an AHLTA audit was run, it was discovered that one of the spouses who worked at Medical Department Activity (MEDDAC) repeatedly read Previous Encounters, Demographics, and Labs without being involved in the Soldier's health care. The employee claimed they only accessed the record for information regarding their own health because they knew their spouse and the Soldier had been involved in an intimate relationship.

Disposition: The employee has been recommended for termination.

Complaint #23

Description of Complaint: A complaint was made from a Soldier that they felt their medical record had been inappropriately accessed by the Deputy Chief of the clinic to find out their date of birth.

Findings: Substantiated. An AHLTA audit was conducted and found that the record had been accessed twice by the Deputy Chief although they were not involved in the Soldier's health care. When asked, the Deputy Chief stated they were only looking in the record to find out what the Soldier's profile was with respect to an upcoming Physical (PT) test. The Deputy Chief stated they know they should use eProfile on Army Knowledge Online but they do not know how to use it and it is more convenient using AHLTA.

Disposition: Pending.

Complaint #24

Description of Complaint: Complaint from an active duty patient that provider inappropriately released PHI – specifically Behavioral Health (BH) information - to the patient's commander.

Findings: Unsubstantiated. The provider was concerned about possible alcohol abuse and spoke to the Commander about command referred BH and Army Substance Abuse Program (ASAP) evaluations. The patient is a Chemical Tech Escort and is in a medical surveillance program which calls for close monitoring of fitness for duty. The provider's actions were well within regulations and were prudent considering the patient's duties. The provider's discussions with the Commander were necessary to ensure the safety of the patient and others. It was the finding of the HIPAA Committee that there was no infraction.

Disposition: Letter will be sent to the patient explaining there was no infraction since HIPAA allows for providers to speak with Commanders about issues regarding fitness for duty.

Complaint #25

Description of Complaint: Received a HIPAA complaint on 11 July 2011 from a complainant, who is not a Brooke Army Medical Center/Wilford Hall Medical Center (BAMC/WHMC) patient. The complainant stated a BAMC employee accessed a database to review PHI without authorization. The complainant states a BAMC employee and their spouse utilized demographics to contact family members.

Findings: Substantiated. The HIPAA Privacy Officer completed computer audit on 19 July 2011. A computer audit revealed employee accessed electronic PHI on the Medical Occupational Data System / Medical Protection System (MODS/MEDPROS). We received a sworn statement from the employee on 28 July 2011. In the sworn statement the employee stated they did access complainant's PHI on numerous occasions.

Disposition: Temporarily disabled the employee's system access until the investigation was completed. The severity of the violation was discussed with the employee and possible disciplinary actions. Employee submitted a letter of resignation on 29 July 2011.

Complaint #26

Description of Complaint: The complainant stated their ex-spouse accessed their electronic medical record thus breached their privacy.

Findings: Unsubstantiated.

Disposition: The HIPAA Privacy Officer investigated the complaint by completing a computer history/audit for CHCH and AHLTA. The person of interest does not work at BAMC; no one without a legitimate need to know accessed their PHI.

Complaint #27

Description of Complaint: Complainant states a BAMC employee was viewing and possibly printing their PHI to include laboratory results after being discharged from the Emergency Room.

Findings: Unsubstantiated.

Disposition: The HIPAA Privacy Officer investigated the complaint, after a thorough investigation; there is no evidence of unauthorized access by any individuals named on the complaint.

Complaint #28

Description of Complaint: The Complainant believes the head nurse from BAMC violated their privacy rights by accessing their electronic PHI without authorization.

Findings: Unsubstantiated.

Disposition: HIPAA Privacy Officer completed investigation on September 27, 2011. No evidence was found of unauthorized access by individual named on complaint.

Complaint #29

Description of Complaint: The complainant stated their ex-spouse, a BAMC provider, accessed their PHI without authorization on or around 2 May 2007. If they did not access the record, they had a co-worker / provider access the record for them.

Findings: Unsubstantiated.

Disposition: The Privacy/Security Officer completed a computer audit on CHCS and AHLTA. There is no evidence of unauthorized access.

Complaint #30

Description of Complaint: The complainant stated their spouse and possibly the spouse's friends accessed their PHI without authorization.

Findings: Unsubstantiated.

Disposition: The HIPAA Privacy Officer investigated the complaint by running an extensive audit of AHLTA, CHCS and Essentris, to include a computerized access and audit control log. After a thorough investigation, there is no evidence of unauthorized access by individual(s) named on the complaint.

Complaint #31

Description of Complaint: The complainant stated their ex-spouse's new spouse, a BAMC employee, copied and accessed their PHI for malicious reasons and shared the information with other people.

Findings: Under investigation.

Disposition: Pending.

Complaint #32

Description of Complaint: The complainant stated the BAMC Radiology Program Director submitted PHI on them that were not part of any investigation, to persons outside of the military, without a legitimate need to know.

Findings: Under investigation.

Disposition: Pending.

Complaint #33

Description of Complaint: A Soldier complained their medical information was not secured in an unoccupied office in the Warrior Transition Unit (WTU) clinic. They found some of their records lying next to the shredder.

Findings: Substantiated.

Disposition: Talked to the WTU Case Manager Supervisor and went over appropriate safeguards for protecting PHI. Asked Supervisor to remind staff that unoccupied offices need to be secured.

Complaint #34

Description of Complaint: A patient complained the provider discussed their PHI in front of other patients.

Findings: Substantiated.

Disposition: Talked to the provider and they stated that they place all incoming patients in the Cast Clinic room to discuss concerns. Explained to the provider that appropriate safeguards need to be in place when discussing care with a patient. PHI should not be discussed with others who do not have a need to know patients' PHI. The Clinic Chief ordered curtains and will also begin asking permission before discussing a patient's PHI.

Complaint #35

Description of Complaint: The surgical clinic head nurse discussed the patient's medication with the patient and spouse in the waiting room with other patients.

Findings: Under investigation.

Disposition: Pending.

Complaint #36

Description of Complaint: The complainant stated that an allegation arose against them and a 15-6 investigation was initiated by their organization. The Soldier that conducted the 15-6 investigation improperly released PHI about the complainant during the course of interviewing witnesses. The person receiving the PHI was the complainant's ex-spouse.

Findings: Under investigation.

Disposition: Pending.

Complaint #37

Description of Complaint: The complainant stated that PII was disclosed to their ex-spouse and the ex-spouse's attorney. As a result of that incident the complainant was served with court papers in reference to a child custody case.

Findings: Unsubstantiated.

Disposition: The complaint was reviewed and discussed with the organization's staff judge advocate. Based upon the statement of the complainant, it was determined that no violation of their Privacy occurred. The complainant's unit of assignment is not private, and since the commander was aware that the Soldier had been served with legal papers, that service would have been at the unit venue and not at the Soldier's private address..

Component: U.S. Transportation Command (TRANSCOM)

Complaint #38

Description of Complaint: TRANSCOM Directorate of Command, Control, Communications & Computers (TCJ6) was trying to enforce a directorate operating instruction as policy agency-wide, requesting mandatory completion of an unauthorized form, collecting social security numbers of agency personnel having access to communication security (COMSEC) devices.

Findings: Substantiated. Staff-wide tasking was reviewed by Privacy Act officer and legal advocacy. Form was "home-grown" by the J6 directorate which contained no staff coordination approval authority. Social security number collection was unjustified. No authority for data collection could be referenced by point of contact (POC).

Disposition: Directorate POC and Deputy TCJ6 Director were briefed on complaint, findings, and disposition. Agency oversight official was made aware of incident. Tasking was immediately rescinded. Agency policy directives on Privacy and Forms management were reiterated with POC.

Component: Department of the Navy

Complaint #39

Description of Complaint: Complainant says that protected health information (PHI) in their electronic medical record had been replaced with another patient's information.

Findings: Under investigation.

Disposition: Pending.

Complaint #40

Description of Complaint: Complainant says their PII and PHI is in an unrestricted access area of AHLTA.

Findings: AHLTA must be updated to allow access to sensitive information notes only after the user accepts the system challenge. Specifically, a system change request has been submitted to the AHLTA program office to fix this exploitable system vulnerability.

Disposition: Pending.

Complaint #41

Description of Complaint: Complainant alleges that a staff member accessed their PHI for malicious intent.

Findings: Unsubstantiated.

Disposition: Complainant was notified that their complaint could not be confirmed.

Complaint #42

Description of Complaint: Complainant said members in their Chain of Command, which were not involved in their medical care, reviewed electronic medical information without a legitimate need to know.

Findings: Unsubstantiated.

Disposition: Complainant was notified that their complaint could not be confirmed.

Complaint #43

Description of Complaint: Complainant believed that someone had electronically accessed their medical and eligibility information.

Findings: Unsubstantiated.

Disposition: There was no evidence that unauthorized access had occurred.

Complainant was notified that their complaint could not be confirmed.

Complaint #44

Description of Complaint: Complainant was concerned that someone was accessing their medical information and disclosing it to a third party.

Findings: Unauthorized disclosure was confirmed.

Disposition: Complaint was resolved and complainant was notified.

Complaint #45

Description of Complaint: Doctor was receiving PHI from Anthem concerning several patients he has never seen or treated.

Findings: Substantiated, investigation ongoing.

Disposition: Pending.

Complaint #46

Description of Complaint: Independent Duty Corpsman (IDC) onboard US ship shared PHI to members onboard who should not had access to the medical information.

Findings: Substantiated.

Disposition: IDC counseled on proper handling of PHI. Patient notified.

Complaint #47

Description of Complaint: Preventive Medicine Tech (PMT) left a voice mail containing test results.

Findings: Substantiated.

Disposition: PMT counseled and mandated to perform refresher training. Patient notified.

Complaint #48

Description of Complaint: Staff member presented to the HIPAA Privacy Officer an influenza vaccination exemption roster containing PHI.

Findings: The roster was retained by another staff member as verification and documentation of flu vaccine exemption which had several staff members' PHI.

Disposition: Redacted information on roster and informed staff member not to distribute. Staff member notified.

Complaint #49

Description of Complaint: Staff member presented a patient with a form to answer questions concerning their medical history. The form contained the Social Security Number, medical examination history and laboratory results belonging to another patient.

Findings: Substantiated.

Disposition: Staff member counseled. Department performed a HIPAA Stand Down, patient was notified.

Complaint #50

Description of Complaint: Staff member alleged private and confidential information was given out to all staff members at the morning meeting.

Findings: Unsubstantiated.

Disposition: Officer in Charge was notified of the complaint and will monitor morning meetings. Staff member notified.

Complaint #51

Description of Complaint: Service member alleges their privacy was breached and is concerned that their chain of command received their private health information before they did. Member concerned that they did not receive adequate time to notify their chain of command of their medical condition as per instruction.

Findings: According to applicable regulation, once a pregnancy is confirmed, the pregnant service woman is responsible for notifying her CO or OIC no later than two weeks after the service woman's pregnancy confirmation.

Disposition: Pending. Service member was not afforded the allotted two week opportunity to notify their chain of command, and their health information was prematurely disclosed. Furthermore, the clinic did not follow proper procedure as they sent the pregnancy notification letter directly to the chain of command; which should have been sent to the service member. Recommend that the clinic review local HIPAA privacy instruction, DoD Regulation 6025.18-R, and guidelines concerning pregnant servicewomen, to refresh and increase their knowledge on HIPAA and the hospital/clinic's responsibilities towards notifying service women and Chain of Command of their pregnancies. Also recommend that clinic completes a HIPAA refresher training course.

Complaint #52

Description of Complaint: Army employee with access to Defense Travel System (DTS) used that access to trace the summer cruise travel plans of their daughter, an NROTC midshipman and that daughter's travel companion. Used information gained from unauthorized review of travel records to seek changes to the pair's travel plans. The Army employee had no official need to know this information.

Findings: Command passed this information to the lawyer who deals with civilian personnel who in turn referred it to the employee's supervisor.

Disposition: Referred to Army.

**Details of Civil Liberties Complaints and Dispositions
4th QTR FY11 – 1 July – 30 September 2011**

Total Number of Complaints Received: 30

Component: Department of the Air Force

Complaint #1:

Description of Complaint: Alleged First Amendment violation. The complainant filed a complaint against his doctor in response to the doctor's recommendation that he avoid driving his car after a medical appointment. Following the doctor's recommendation, the complainant returned to the clinic (At Eglin AFB, a closed military installation) on 30 September and 3 October 2011 wearing a t-shirt that said

Ask me about the abuse I suffered at the hands of XXXX, MD, Staff Physician Emergency Services, 96th Medical Group Eglin AFB. This man took actions contrary to my civil rights. This man has forgotten the Hippocratic oath: Above all, I must not play at [sic] God. This man violated my patient rights. This man is a contract employee; He is not military, nor does he deserve the honor of serving with our dedicated military personnel

During a meeting with the 96 MDG/CC on 3 October 2011, the complainant was advised that the message displayed on the shirt constituted an impermissible protest activity which was having an adverse impact on the 96 MDG's ability to perform its mission, and an adverse impact on good order & discipline within the command. The complainant was told not to wear the shirt on the installation in the future. He was also advised that if he did not comply with the request to discontinue his impermissible protest activity, the matter would be referred to the 96 ABW/CC, as installation commander, for a determination on whether his conduct required more serious actions (i.e., debarment). On 30 September 2011, the contract physician who treated the complainant resigned and is no longer working within the 96 MDG.

Findings: The commander's action limiting what the complainant could wear into the base clinic, which is a closed military installation, was appropriate.

Disposition: Resolved.

Complaint #2:

Description of Complaint: Alleged First Amendment violation. The complainant alleged that he received a Letter of Reprimand, while deployed in Afghanistan, which made completely false charges without merit. He alleged that the command punished him for expressing his political and religious opinions in a DoD-authorized forum and selectively disciplined him for his political views. Citing Article 138, the complainant asked the 18 Air Force Commander for the following: 1) to remove his Letter of Reprimand/Unfavorable Information File (UIF); 2) to rescind his referral Officer Performance Report.

Findings: On 22 December 10, a General Officer issued a Letter of Reprimand to the complainant for submitting a letter to the editor of *Stars and Stripes*, wherein the complainant publicly made disparaging comments regarding the possible revocation of the "don't ask, don't tell" law, and signed the letter using his name, rank, and duty location. Specifically, the complainant inferred DoD was setting a double standard by stating that the DoD was proposing

to allow those who choose to live a homosexual lifestyle to live openly in the military while prohibiting Christians from openly sharing their religion. The complainant concluded the letter by stating "I will continue to witness to who I want, when I want and where I want. My commitment to my God superseded my commitment to the DoD and, if officials are upset about that, then I guess they can learn to deal with it." The General Officer filed the Letter of Reprimand in a UIF as required by Air Force Instruction 36-2907 *Unfavorable Information File (UIF) Program*, para 1.3.2. On 19 January 11, another General Officer elected to file the letter in the complainant's Officer Summary Record and on 19 April 11, 18 Air Force Command signed the complainant's Referral Officer Performance Report.

The complainant's letter gave the appearance he was going to blatantly disregard the rules of the Air Force and DoD, including General Order 1B's prohibition against proselytizing any religion, faith, or practice. As an officer with 20 years in the Air Force, the complainant should have considered the effect his words would have, if published. While the complainant apologized for the way his letter was perceived, he did not regret speaking out in the face of a "clear injustice." The complainant had noted in his earlier Letter of Reprimand response that *Stars and Stripes* would not accept anonymous letters to its editor; nevertheless, the complainant could have removed any reference to his deployed location and his affiliation with the Air Force, and could have refrained from using language that conveys the intent to violate a general order.

The Air Force Personnel Center Judge Advocate confirmed that 18 Air Force Commander, complainant's current 3-star commander, could review/act on the request for redress. 18 Air Force Commander denied the complainant's request for redress and advised the complainant of his right to complain to the GCMCA in accordance with Article 138. The Letter of Reprimand and resulting UIF, Officer Summary Record, and Officer Performance Report decisions were not arbitrary, capricious, an abuse of discretion, or clearly unfair.

Disposition: Resolved.

Complaint #3:

Description of Complaint: Alleged Fourth Amendment violation. Complainant alleged an illegal search occurred involving another individual. Complainant stated he saw a supervisor at the Lackland Air Force Base Live Oak dining hall search one employee's car and search the bags of two female employees as they departed work for that day.

Findings: The supervisor and employees were contract employees from the same company. It was determined the Air Force had no authority over the conduct of the supervisor in this case.

Disposition: Resolved.

Complaint #4:

Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his unit inspected his on base housing without authority.

Findings: It was determined that the unit commander had exceeded his authority by treating base housing as a dormitory.

Disposition: Resolved.

Complaint #5:

Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his bunk room was searched illegally.

Findings: Referred to command.

Disposition: Pending.

Complaint #6:

Description of Complaint: Alleged Sixth Amendment violation. The complainant, a civil Service employee, was apprehended on base by Security Forces on suspicion of Driving While Intoxicated. During processing the complainant stated that he wanted a lawyer. He alleged his 5th Amendment rights were violated because he was not provided a lawyer.

Findings: Complainant had signed an Implied Consent Warning that states that persons operating a motor vehicle on the installation have given their consent to a test of the blood, breath, or urine for purpose of determining the presence and specific concentration of intoxicating beverages or drugs. Further, the warning states that the complainant was not entitled to an attorney during the testing (for alcohol/drugs) phase.

Disposition: Resolved.

Complaint #7:

Description of Complaint: Alleged First Amendment violation. The complainant alleged that a group he belonged to was directed to bow their heads for a Catholic prayer for a recently deceased employee. The group was not provided an option to decline to participate.

Findings: Referred to command.

Disposition: Pending.

Complaint #8:

Description of Complaint: Alleged First Amendment violation. The complainant questioned the holding of a Bible study in the Commander's Conference Room, and the advertising of the Bible Study via government e-mail and overhead announcements.

Findings: Referred to command.

Disposition: Pending.

Complaint #9:

Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his on base house was illegally searched by the Sheriff's office, Security Forces (SF) Squadron, and Air Force Office of Special Investigation (OSI).

Findings: Search was authorized by Base Provost Marshal and the complainant's spouse also provided consent to search their home.

Disposition: Resolved.

Complaint #10:

Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that SF personnel conducted K-9 training in a Morale, Welfare and Recreation (MWR) RV lot outside an individual's vehicle without the owner's knowledge or permission.

Findings: The SF's personnel walk around the MWR lot with K-9 training dogs was permissible, as doing so was not determined to constitute a search in violation of the Fourth Amendment.

Disposition: Resolved.

Complaint #11:

Description of Complaint: Alleged Second Amendment violation. The complainant, a former SF member, alleged that his personal weapon was inappropriately taken from him.

Findings: Pending.

Disposition: Pending.

Complaint #12:

Description of Complaint: Alleged Fourth Amendment violation. The complainant, a junior enlisted Airman, was living in base housing on Ellsworth AFB when her unit performed two "inspections" of her on base residence. The inspections occurred on 7 July and 11 July 2011. On 14 July 2011, the Airman went to the Inspector General to ask whether her unit could continue to perform these "inspections." The 28 Base Wing Judge Advocate was informed of the complaint and spoke with the squadron commander on 15 July 2011. The unit, specifically First Sergeant and other NCOs and SNCOs, maintained that they were performing health and wellness inspections like they would if the Airman were living in the dorms and that this was a condition of her placement in base housing. However, there was no paperwork to support this argument (i.e., the Airman never signed anything indicating she understood she would continue to be subject to unannounced health and welfare inspections). The unit decided to discontinue the inspections and no further inspections occurred.

Findings: The complainant never filed a formal complaint with the IG. However, the IG did look into the issue and conferred with 28 Base Wing Judge Advocate. Ultimately, since the unit could not verify that the Airman understood that she would be subject to these "inspections," the IG recommended the unit stop performing them. The unit did not conduct further inspections.

Disposition: Resolved.

Complaint #13:

Description of Complaint: Alleged Fourth Amendment violation. On 1 July 11, The U.S. Air Force Academy received a complaint from a retired Service member, alleging that the complainant's video camera was temporarily taken from him at the entry gate. The incident occurred as a result of the complainant's attempt to video tape near the entry point of the installation.

Findings: A Command Directed Investigation was directed to investigate whether (a) it was proper to temporarily seize the complainant's video camera to ascertain that the installation's security was not compromised, and (b) whether security forces and civilian gate guards acted within the proper scope of their duties. After conducting the Command Directed Investigation and viewing the video surveillance of the incident, it was determined that all actions taken by

security forces and civilian gate guard personnel were within the proper scope of their duties. In addition, the complainant's rights were not violated.

Disposition: Resolved.

Complaint #14:

Description of Complaint: Alleged Fourth Amendment violation. The complainant, a civilian employee, alleged that he was improperly barred from Yokota AFB and that base officials acted improperly in response to child abuse allegations. The complainant alleged that base officials detained his daughters, impeded parental visitation, and transported his daughters to the Department of Family and Protective Services in the state of Texas without his consent.

Findings: Pending.

Disposition: Pending.

Complaint #15:

Description of Complaint: Alleged First Amendment violation. The complainant, a Senior Airman, filed a complaint against his supervisor because his supervisor ordered him to leave a meeting he was having with the base Chaplain.

Finding: The Investigating Official found that the Senior Airman's supervisor did order him to leave his meeting with the Chaplain, but determined it was done solely for scheduling purposes.

Disposition: Resolved.

Complaint #16:

Description of Complaint: Alleged First Amendment violation. On 19 September 2011, the complainant alleged that his chain of command told him he would "only be allowed to attend Jumah service if I attended the Marietta Masjid."

Findings: Pending.

Disposition: Pending.

Component: Department of the Army

Complaint #17:

Description of Complaint: Alleged First Amendment violation. The complainant filed a request for religious accommodation with his commander, in accordance with Army regulations. However, the soldier did not receive a response from the command within the regulatory 60 day time limit. The request was at Headquarters, U.S. Army levels and was still being reviewed.

Findings: The request is being monitored for completion.

Disposition: Pending.

Complaint #18:

Description of Complaint: Alleged Fourth Amendment violation. The complainant, a soldier stationed in Afghanistan, complained that his military supervisors were opening and reading his U.S. mail before he received it.

Findings: The complaint was referred outside of Army channels to U.S. Forces – Afghanistan (a command and control headquarters for U.S. forces operating in Afghanistan) for resolution.

Disposition: Resolved.

Complaint #19:

Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his military supervisor inappropriately viewed and gathered information from the complainant's personal computer, which was located in the complainant's personal barracks room. The evidence indicated that the military supervisor was in the soldier's barracks room during a search by law enforcement following a report that the soldier was using illegal drugs in his barracks room.

Findings: The evidence gathered during the investigation was insufficient to substantiate an allegation of an unreasonable search or seizure.

Disposition: Resolved.

Complaint #20:

Description of Complaint: Alleged Second Amendment violation. The complainant, a soldier, checked into a civilian mental health facility with suicidal ideations. Prior to the hospitalization, the complainant had a privately owned weapon in his car's glove compartment and other privately owned weapons at a friend's off-post residence. After learning of the hospitalization, the complainant's commander ordered the complainant's friend to bring all the privately owned weapons to the unit arms room until the complainant was medically cleared.

Findings: The complainant eventually agreed to grant his commander permission to retain the complainant's weapons in the arms room.

Disposition: Resolved.

Complaint #21:

Description of Complaint: Alleged First Amendment violation. The complainant alleged that a commander was engaging in "religious proselytization."

Findings: An investigation is on-going.

Disposition: Pending.

Complaint #22:

Description of Complaint: Alleged First Amendment violation. The complainant alleged that her commander improperly denied her request to attend an off-post religious counseling program (Marriage L.I.N.K.S.).

Findings: Upon further inquiry, it was found that the complainant was restricted to the installation as part of a properly administered non-judicial punishment.

Disposition: Resolved

Complaint #23:

Description of Complaint: Alleged Fourth Amendment violation. The complainant, a soldier, complained about the command's search of his friend's privately owned vehicle (located in the barracks parking lot) during a barracks health and welfare inspection. The privately owned vehicle contained illegal drugs that the complainant confessed belonged to him.

Findings: The complainant was advised to inform his trial defense attorney of the situation, should the unit decide to initiate adverse action against the complainant as a result of the seizure.

Disposition: Resolved.

Complaint #24:

Description of Complaint: Alleged Fourth Amendment violation. The complainant, a soldier, complained about his command's search of his barracks room and his privately owned vehicle (located in the barracks' parking lot), and about being frisked by the command leadership during a barracks health and welfare inspection.

Findings: Evidence gathered during a preliminary inquiry indicated that the unit commander had obtained a search authorization before the search, based on reports of recent illegal drug use in a certain barracks room. Unfortunately, the command leadership searched the wrong barracks room. It is unclear whether the search authorization covered the subsequent search of the vehicles in the parking lot. Investigation is on-going.

Disposition: Pending.

Complaint #25:

Description of Complaint: Alleged First Amendment violation. The complainant alleged that his command improperly denied his request to attend the unit's "Duty Day with GOD – Single Soldier Retreat."

Findings: Upon further inquiry, it was discovered that the unit had given first priority to those soldiers not pending adverse action.

Disposition: Resolved.

Complaint #26:

Description of Complaint: Alleged First Amendment violation. The complainant alleged that the Army's Global Assessment Tool (GAT) amounts to an unlawful establishment of religion in violation of the First Amendment of the U.S. Constitution. This is an Equal Opportunity complaint, but the underlying issues focused more on the Establishment Clause than on unfair treatment on the basis of religion. On 11 May 2011, the complainant filed a formal EO complaint with the 1st Sustainment Command (Theater)(1TSC). He alleged the following:

- a. As an atheist, he was discriminated against when his chain of command ordered him to take "a test that measured [his] spirituality/religiosity," and to provide a print out to prove he completed the training;
- b. the GAT discriminates against him and all individuals who are atheists or non-atheists, or otherwise do not subscribe to a religion endorsed by the GAT grading scale;
- c. the GAT is discriminatory because it treats differently those who are more religious as opposed to those who are less religious or not religious, and by doing so, the Army is discriminating against those who have beliefs different than those endorsed by the Army;
- d. the Comprehensive Resilience Modules discriminate based on religion because they treat people differently depending on the Army's perception of whether a person is sufficiently spiritual/religious; and,
- e. the spiritual fitness initiative is infused with preference for religious belief over non-belief, and exposes him and other non-believers to discrimination, and violates the constitution.

Findings: The IO found the complainant's allegations were unsubstantiated. The complainant appealed. The 1st TSC Commanding General considered his appeal and also found that the complaint was unsubstantiated. The allegations relating to the GAT were forwarded to the Office of the Deputy Chief of Staff, G-1, DAPE-HR-HRH for action.

Disposition: Pending.

Complaint update from 2011 3rd Qtr:

This complaint was received and reported as "pending" during the 3rd Qtr of 2011, and is not included as a new complaint received during the 4th Qtr of 2011.

Description of Complaint: Alleged First Amendment violation. The complainant wrote the Army Times about what she perceived to be improper actions by the chain of command. The complainant's commander then allegedly issued the complainant an ultimatum offering the complainant a favorable evaluation if she wrote a retraction letter to the Army Times.

Findings: The investigation is on-going.

Disposition: Pending.

Complaint update from 2011 3rd Qtr:

This complaint was received and reported as "pending" during the 3rd Qtr of 2011, and is not included as a new complaint received during the 4th Qtr of 2011.

Description of Complaint: Alleged Fourth and Fifth Amendment violations. Civilian complainant alleged that four special agents unlawfully detained him, transported him in handcuffs from off-post to on-post, and threatened him.

Findings: US Army Civilian Criminal Investigation Command (USACIDC) has received and evaluated the complaint. Complaint was investigated by the FBI, CID and local authorities. Investigation determined that the agents unlawfully detained the complainant, and willfully subjected the complainant to a deprivation of his rights while acting under color of law in their official capacity. An agent communicated a threat to the complainant and another conducted an unauthorized search of the complainant's cell phone. All four agents are pending court-martial.

Disposition: Resolved.

Complaint update from 2011 3rd Qtr:

This complaint was received and reported as "pending" during the 3rd Qtr of 2011, and is not included as a new complaint received during the 4th Qtr of 2011.

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

Findings: USACIDC has received and evaluated the complaint. The complaint was investigated by CID. The investigation determined that the named CID agent did sexually assault the complainant in the manner described. Court martial charges have been referred.

Disposition: Resolved.

Complaint update from 2011 3rd Qtr:

This complaint was received and reported as "pending" during the 3rd Qtr of 2011, and is not included as a new complaint received during the 4th Qtr of 2011.

Description of Complaint: Alleged Fourth and Ninth Amendment violation. The complainant, a police officer, alleged that his former supervisor took files containing the complainant's personal and supervisory information when the supervisor left his position. The supervisor's new position was unrelated to his previous supervisory position.

Findings: The Department of the Army has received and evaluated the complaint, and the complaint is being investigated.

Disposition: Pending.

Complaint update from 2011 3rd Qtr:

This complaint was received and reported as "pending" during the 3rd Qtr of 2011, and is not included as a new complaint received during the 4th Qtr of 2011.

Description of Complaint: Alleged Ninth Amendment violation. Complainant alleged that his personal information was shared inappropriately without his consent.

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

Disposition: Pending.

Component: Defense Finance and Accounting Service (DFAS)

Complaint #27:

Description of Complaint: Alleged Fifth Amendment violation. The complainant alleged that civil liberties (i.e. due process rights) were violated when, on or about October 17, 1996, the Defense Finance and Accounting Service (DFAS or the agency) violated Title 18 United States Code (U.S.C.), Section 1001, by lying about the complainant in a Notice of Proposed Suspension.

Findings: The Civil Liberties Program Office has received and evaluated the above stated complaint. Upon review of Agency records, the complaint was closed after the evidence showed that the complainant failed to exhaust his administrative hearing rights once he received his 30-day suspension. Therefore, DFAS did not violate the complainant's due process rights.

Disposition: Resolved.

Component: Defense Logistics Agency (DLA)

Complaint update from 2011 3rd Qtr:

This complaint was received and reported as "pending" during the 3rd Qtr of 2011, and is not included as a new complaint received during the 4th Qtr of 2011.

Description of Complaint: (DLAN-10-0264). Alleged First Amendment violation. Complainant alleged he was not selected due to his religion. Complainant alleged the selectee attended the same church as the selecting official and that the complainant was not selected because the complainant did not attend the same church.

Findings: The Defense Logistics Agency (DLA) investigated the EEO complaint. The selecting official stated he did not consider religion in his decision to select the selectee. Selectee was the most qualified candidate based on his technical ability and distribution experience. Pending final agency decision.

Disposition: Pending.

Complaint update from 2011 3rd Qtr:

This complaint was received and reported as "pending" during the 3rd Qtr of 2011, and is not included as a new complaint received during the 4th Qtr of 2011.

Description of Complaint: (# 11077). Alleged Fourth Amendment violation. Complainant alleged DLA police action, including handcuffing him and searching his delivery truck at the gate of a DLA installation, constitutes a possible violation of the Fourth Amendment.
Findings: The complaint was forwarded to DLA from the DoD Hotline and is being investigated by DLA Special Agents. Allegation was unsubstantiated by investigation.
Disposition: Resolved.

Component: National Reconnaissance Office (NRO)

Complaint #28:

Description of Complaint: Alleged Fourth Amendment violation. The complainant, a convict, filed suit in federal court alleging that the NRO, along with several other federal agencies, violated his civil liberties by installing transmitters inside his brain.
Findings: This matter is being investigated and resolved by the local Assistant United States Attorney, who is representing all the named federal agencies before the court.
Disposition: Resolved.

Component: National Security Agency (NSA)^{i ii}

Complaint #29:

Description of Complaint: Alleged First Amendment violation. The complainant (an NSA employee) alleged that he was denied the ability to speak and meet with a DoD policymaker.
Findings: NSA Office of the Inspector General (OIG) reviewed the complaint, met with the complainant and learned the following details: (1) The complainant set up a meeting with a Government official that was not approved by his supervisors, and in fact, was in direct opposition to his supervisor's direction that he not meet with the official as an Agency representative; (2) the complainant advised that it was an "unofficial" meeting, yet he passed his clearances, wanted to use duty-time for the meeting, and wanted to include the meeting and any results on his performance evaluation. OIG has closed the complaint—supervisor has the authority to direct the work-related activities of a subordinate during the workday
Disposition: Resolved.

Complaint #30:

Description of Complaint: Alleged First Amendment violation. The complainant (an NSA employee) alleged that checking the "no meal" box on timesheets for religious reasons is discriminatory against those who are not religious or whose religions do not include fasting. Therefore, the complainant alleged, the "no meal" for religious reasons policy is a targeted exception and not a reasonable accommodation. This complaint was filed after the publication of this policy by a leader of an ethnic employee resource group prior to a religious holiday.
Findings: NSA OIG learned that, in early 2011, both NSA's Human Resources (HR) policy organization and NSA's Office of General Counsel (OGC) had reviewed the policy of skipping 30-minute meal periods for religious beliefs and observances. OGC had advised that the law clearly requires the government to provide religious accommodation unless it is an undue hardship. OGC recommended that HR revise the Agency's policy on meal periods to reflect the

Agency's legal obligation to apply a more liberal standard when the request to skip a meal period is based on religious accommodation.

The complainant was advised that the meal period policy was revised to reflect the law—the government must provide religious accommodation unless it is an undue hardship.

Disposition: Resolved.

¹ 3rd QTR, FY11 Non-credible civil liberties violation complaints received by NSA:

NSA received 2,669 non-credible civil liberties violation complaints from individuals via the Internet. Complainants claimed they were being tortured, were being attacked by “directed energy weapons”, or were under surveillance by the NSA. The complaints were generated by just 15 individuals. One person submitted the same complaint 2,284 times and another person submitted the same complaint 360 times.

Additionally, NSA received 4 non-credible civil liberties violation complaints from 2 individuals via an external telephone hotline. Complainants claimed they were under NSA surveillance, or were being tormented by "electromagnetic monitoring" by NSA.

ⁱⁱ 4TH QTR, FY11 Non-credible civil liberties violation complaints received by NSA:

NSA received 82 non-credible civil liberties violation complaints from individuals via the Internet. Complainants alleged they were being tortured, were being attacked by “directed energy weapons” or were under surveillance by the NSA. The complaints were generated by just 16 individuals. One person submitted the same complaint 25 times and another person submitted the same complaint 17 times. The reduced complaint volume compared to the 3rd Quarter is the result of a technical change in the OIG's unclassified Internet hotline complaint form. The change eliminated the possibility that the same form could be submitted multiple times in rapid succession.

Additionally, NSA received 1 non-credible civil liberties violation complaint via an external telephone hotline. The complainant claimed to be under attack by radiation/directed energy waves from the NSA.

Tab C



ADMINISTRATION AND
MANAGEMENT

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

NOV 14 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

The report provides data about DoD's privacy and civil liberties activities, including advice provided and complaints received by DoD.

Consistent with the Act's requirement to review whether privacy and civil liberties are adequately considered, the Defense Privacy and Civil Liberties Office (DPCLO) continues to review all new and reissued policy issuances, legislative proposals, and agency responses to Congressional inquiries. During the fourth quarter of FY 2011, DPCLO reviewed 67 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. DPCLO received 52 privacy complaints and 30 civil liberties complaints; 56 complaints were resolved; and 26 are pending.

The point of contact for this report is Mr. Michael E. Reheuser, Director, DPCLO, 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

NOV 14 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

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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



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

ADMINISTRATION AND
MANAGEMENT

NOV 14 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

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

Enclosure:
As stated

cc:
The Honorable Adam Smith
Ranking Member



ADMINISTRATION AND
MANAGEMENT

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

NOV 14 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

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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

NOV 14 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

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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

NOV 14 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

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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

NOV 14 2011

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

Dear Madam Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

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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

NOV 14 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

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

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

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

Enclosure:
As stated

cc:
The Honorable Chuck Grassley
Ranking Member