



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

MAY 25 2012

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 second quarter of fiscal year (FY) 2012, January 1, 2012 through March 31, 2012.

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 periodically review new and reissued policy issuances, legislative proposals, and agency responses to Congressional inquiries. During the second quarter of FY 2012, DPCLO reviewed 69 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 38 privacy complaints and 31 civil liberties complaints; 52 complaints were resolved and 17 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.

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 John McCain
Ranking Member

Department of Defense
Report on Privacy and Civil Liberties Activities
Section 803 of 9/11 Commission Act of 2007
2nd Quarter FY12 – January 1, 2012 to March 31, 2012

A. Number and Types of Reviews Undertaken

Computer Matching Programs	0
Privacy Act Statements	1,483
Privacy Act Systems of Records Notices (SORNs) with applicable exemptions	292
Section (m) Contract Reviews	14

B. Type of Advice Provided and the Responses Given to such Advice

Collection, Use, Disclosure, Protection of Personally Identifiable Information (PII)	14,702
PII Breach Notification/Identity Theft	6,590
Privacy Act Program Requirements	5,733
Privacy Act SORNs	1,544
Privacy Act Violations	658
Privacy Briefings/Presentations	3,373
Privacy Compliance in Agency Publications	628
Privacy Compliance/DoD IT Portfolio Repository (DITPR) Reporting or Service equivalent	281
Privacy Impact Assessments	1,687
Privacy Reports	221
Social Security Number and PII Reduction	2,426
Training Requirements	4,488
Website Safeguards	9,983

C. Number and Nature of Complaints Received and Summary of the Dispositions of Such Complaints

Nature of Privacy Complaint	Number Received	Disposition of Complaint	
		Responsive Action Taken ¹	Pending ²
Process and Procedure (Compliance Matters)	7	5	2
Redress	0	0	0
Operational (Collection, Use, Disclosure Issues)	31	26	5
Subtotal for 2nd Qtr FY12	38	31	7
Nature of Civil Liberties Complaint	Number Received	Disposition of Complaint	
		Responsive Action Taken ¹	Pending ²
First Amendment	12	7	5
Second Amendment	3	2	1
Fourth Amendment	10	8	2
Fifth Amendment	3	3	0
First, Fourth, and Sixth Amendments	1	1	0
Fourth and Fifth Amendments	2	0	2
Subtotal for 2nd Qtr FY12	31	21	10
TOTAL for 2nd Qtr FY12	69	52	17

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 and/or the complaint was resolved.

²*Pending*: The complaint is being reviewed to determine the responsive action and/or resolution.



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

MAY 25 2012

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 Adam Smith
Ranking Member



ADMINISTRATION AND
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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

MAY 25 2012

Dear Madam Chairman:

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Senior Agency Official for Privacy
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Enclosure:
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cc:
The Honorable Saxby Chambliss
Vice Chairman



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

MAY 25 2012

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

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



ADMINISTRATION AND
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OFFICE OF THE SECRETARY OF DEFENSE
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The Honorable Patrick J. Leahy
Chairman
Committee on Judiciary
United States Senate
Washington, DC 20510

MAY 25 2012

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cc:
The Honorable Chuck Grassley
Ranking Member



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

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The Honorable John Conyers, Jr.
Ranking Member



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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

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cc:
The Honorable Susan M. Collins
Ranking Member



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

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The Honorable Elijah E. Cummings
Ranking Member