



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

ADMINISTRATION AND  
MANAGEMENT

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

SEP 04 2012

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "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 third quarter of fiscal year (FY) 2012, April 1, 2012 through June 30, 2012.

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 third quarter of FY 2012, DPCLO reviewed 41 issuances.

The Act requires that DoD have "adequate procedures to receive, investigate, respond to, and redress complaints" from individuals who allege that DoD violated their privacy or civil liberties. DPCLO received 23 privacy complaints and 18 civil liberties complaints; 22 complaints were resolved and 19 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 the “Implementing Recommendations of the 9/11 Commission Act of 2007”**  
**3rd Quarter FY12 – April 1, 2012 to June 30, 2012**

**A. Number and Types of Reviews<sup>1</sup> Undertaken**

Computer Matching Programs	5
Privacy Act Statements	150
Privacy Act Systems of Records Notices (SORNs) with applicable exemptions	25
Section (m) Contract Reviews	18

<sup>1</sup> A review is an activity to ensure compliance with requirements established in controlling authorities such as the Privacy Act of 1974, 5 U.S.C. § 552a; OMB Circular A-130, Appendix 1; and OMB Memo M-07-16. Examples of reviews may include a Privacy Impact Assessment, OMB Circular A-130 Privacy Act reviews (new and updated system of records reviews and reviews of proposed rules for Privacy Act exemptions), or OMB Circular A-130 Computer Matching reviews.

**B. Type of Advice<sup>1</sup> Provided and the Responses Given<sup>2</sup> to such Advice**

Collection, Use, Disclosure, Protection of Personally Identifiable Information (PII)	12,340
PII Breach Notification/Identity Theft	4,823
Privacy Act Program Requirements	4,664
Privacy Act SORNs	1,642
Privacy Act Violations	919
Privacy Briefings/Presentations	2,104
Privacy Compliance in Agency Publications	587
Privacy Compliance/DoD IT Portfolio Repository Report or Service equivalent	515
Privacy Impact Assessments	1,950
Privacy Reports	333
Social Security Number and PII Reduction	2,659
Training Requirements	4,975
Website Safeguards	10,797

<sup>1</sup> Advice is the formal issuance of policies, procedures, or guidance pertaining to privacy and civil liberties issued by: (1) the Heads of the OSD and DoD Components; (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers; or (3) Component privacy or civil liberties points of contact.

<sup>2</sup> A response given is specific action taken by a DoD Component in response to advice provided by: (1) the Heads of the OSD and DoD Components; (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers; or (3) Component privacy or civil liberties points of contact. Examples of a response given may include: a new or revised Component regulation, directive, procedure, or training.

**C. Nature, Number, and Disposition of Complaints<sup>1</sup> Received**

Nature of Privacy Complaint	Number Received	Disposition of Complaint	
		Responsive Action Taken <sup>2</sup>	Pending <sup>3</sup>
Process and Procedure <i>(Compliance Matters)</i>	4	4	0
Redress	0	0	0
Operational <i>(Collection, Use, Disclosure Issues)</i>	19	8	11
Nature of Civil Liberties Complaint	Number Received	Disposition of Complaint	
		Responsive Action Taken <sup>2</sup>	Pending <sup>3</sup>
First Amendment	7	4	3
Fourth Amendment	5	3	2
Fifth Amendment	2	2	0
First and Fifth Amendments	1	1	0
Fourth and Fifth Amendments	2	0	2
First, Fourth, Sixth and Fourteenth Amendments	1	0	1
<b>TOTAL for 3rd Qtr FY12</b>	41	22	19

<sup>1</sup> A complaint is an assertion alleging a violation of privacy and/or civil liberties. Privacy complaints typically allege violations of: (1) process and procedural issues (consent, collection, and notice); (2) redress (non-Privacy Act inquiries seeking resolution of difficulties about privacy matters); or (3) operational issues (Privacy Act matters not including requests for access and/or amendment). Civil liberties complaints typically allege a violation of the Bill of Rights or other Amendments to the Constitution of the United States.

<sup>2</sup> Responsive action taken means the complaint was reviewed and a responsive action was taken and/or the complaint was resolved.

<sup>3</sup> Pending means that the complaint is being reviewed to determine the responsive action and/or resolution.



ADMINISTRATION AND  
MANAGEMENT

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

SEP 04 2012

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, the "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 third quarter of fiscal year (FY) 2012, April 1, 2012 through June 30, 2012.

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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

SEP 04 2012

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

Dear Mr. Chairman:

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Senior Agency Official for Privacy  
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Enclosure:  
As stated

cc:  
The Honorable Elijah E. Cummings  
Ranking Member



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

ADMINISTRATION AND  
MANAGEMENT

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

SEP 04 2012

Dear Mr. Chairman:

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Senior Agency Official for Privacy  
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cc:  
The Honorable Chuck Grassley  
Ranking Member



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

ADMINISTRATION AND  
MANAGEMENT

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

SEP 04 2012

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Senior Agency Official for Privacy  
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The Honorable Susan M. Collins  
Ranking Member



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1950 DEFENSE PENTAGON  
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ADMINISTRATION AND  
MANAGEMENT

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

SEP 04 2012

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The Honorable Adam Smith  
Ranking Member





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ADMINISTRATION AND  
MANAGEMENT

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

SEP 04 2012

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The Honorable C.A. Dutch Ruppertsberger  
Ranking Member



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ADMINISTRATION AND  
MANAGEMENT

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

SEP 14 2012

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Ranking Member