A

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 FY13 – April 1 – June 30, 2013

A. Number and Types of Reviews[1] Undertaken

Computer Matching Programs	0
Privacy Act Statements	500
Privacy Act Systems of Records Notices (SORNs) with applicable exemptions	256
Section (m) Contract Reviews	220

[1] 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 and OMB Circular A-130, Appendix 1.

B. Type of Advice Provided[1] and the Response to Advice[2]

Advice Provided	Response to Advice
4	0

[1] Advice provided is the written issuance of policies, procedures, or guidance pertaining to privacy and civil liberties issued by: (1) the Heads of the OSD and DoD Components; or (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers.

[2] Response to advice is specific action taken by a DoD Component implementing the advice provided by: (1) the Heads of the OSD and DoD Components; or (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers. Examples of a response to advice may include: guidance, new procedure, or training.

Preparation of this study/report cost the
Department of Defense a total of approximately $21,800
Generated on 20110209 RefID: 6-EEF6D3D

C. Nature, Number, and Disposition of Complaints[1] Received

Nature of Privacy Complaints	Number Received	Disposition of Complaint	
		Responsive Action Taken[2]	Pending[3]
Procedural	13	4	9
Redress	0	0	0
Operational	0	0	0
Sub Total for Privacy Complaints:	13	4	9
Nature of Civil Liberties Complaints			
First Amendment	14	9	5
Second Amendment	2	2	0
Fourth Amendment	22	19	3
Fifth Amendment	1	1	0
Second and Fourth Amendments	1	0	1
Fourth and Fifth Amendments	3	2	1
Sub Total for Civil Liberties Complaints:	43	33	10
TOTAL for 2nd Qtr FY13	**56**	**37**	**19**

[1] A complaint is an assertion alleging a violation of privacy and/or civil liberties. Privacy complaints typically allege violations of: (1) procedure (consent, collection, disclosure, 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, disclosure, 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.

[2] Responsive action taken means the complaint was reviewed and a responsive action was taken and/or the complaint was resolved.

[3] Pending means the complaint is being reviewed to determine the responsive action and/or resolution.

B

SECTION 803 OF 9/11 COMMISSION ACT OF 2007
DETAILS OF CIVIL LIBERTIES ADVICE PROVIDED
3RD QTR FY13 – APRIL 1 – JUNE 30, 2013

Total Number of Advice Provided: 4

1. Air Force Instruction 33-332, "The Air Force Privacy and Civil Liberties Program" (updated to include civil liberties).

2. TRICARE Management Activity Administrative Instruction 64, "HA/TMA Civil Liberties Program".

3. Defense Finance and Accounting Service Instruction 1440.4-I, "Civil Liberties Program".

4. Defense Advanced Research Projects Agency Instruction 78, "DARPA Privacy and Civil Liberties Program".

C

SECTION 803 OF 9/11 COMMISSION ACT OF 2007
DETAILS OF PRIVACY COMPLAINTS AND DISPOSITIONS
3RD QTR FY13 – APRIL 1 – JUNE 30, 2013

Total Number of Complaints: 13

Department of the Army

Complaint #1
Description of Complaint: A soldier who presented a suicide risk was assigned an escort. In the presence of the escort, a provider discussed the soldier's medical history.
Findings: Unsubstantiated. The provider discussed the soldier's protected health information (PHI) in the performance of the provider's assigned duties and the duties of the escort. Information disclosed to or in the presence of the escort was in accordance with DoD Regulation 6025.18-R, which allows the disclosure of a service member's PHI in furtherance of assigned duties. The soldier's privacy was not violated.
Disposition: Responsive Action Taken.

Complaint #2
Description of Complaint: A complaint was filed that several clinic personnel were inappropriately accessing the complainant's medical records.
Findings: Under Investigation.
Disposition: Pending.

Complaint #3
Description of Complaint: A complaint was filed that several clinic personnel were inappropriately accessing the complainant's medical records.
Findings: Under Investigation.
Disposition: Pending.

Complaint #4
Description of Complaint: A complaint was filed that several clinic personnel were inappropriately accessing the complainant's medical records.
Findings: Under Investigation.
Disposition: Pending.

Complaint #5
Description of Complaint: A complaint was filed alleging that an employee was inappropriately accessing the medical records of a patient and the medical records of the patient's family.
Findings: Under Investigation.
Disposition: Pending.

Complaint #6
Description of Complaint: A Privacy Act complaint was filed alleging that medical information was inappropriately disclosed to a soldier who posed as the commander.

Findings: Under investigation.
Disposition: Pending.

Complaint #7
Description of Complaint: Personnel in the public health department wrongfully disclosed the name of an infected patient while notifying other patients of potential exposure to the infection.
Findings: Under investigation.
Disposition: Pending.

Complaint #8
Description of Complaint: A provider wrongfully disclosed confidential information to a soldier's chain of command that did not pertain to the soldier's case.
Findings: Confirmed. It was explained to the provider that potential risks, both personal and professional, were jeopardized by the disclosure of the confidential information. After the risks were explained to the provider, the provider understood them.
Disposition: Responsive Action Taken.

Complaint #9
Description of Complaint: A nurse was accused of talking publicly about a patient's medical information.
Findings: Under investigation.
Disposition: Pending.

Complaint #10
Description of Complaint: A medical detachment soldier assigned as an escort to a patient spoke loudly in a public setting regarding the patient's case.
Findings: Confirmed. The soldier will receive formal written counseling, be required to complete remedial HIPAA training, and conduct a unit presentation on the importance of patient privacy.
Disposition: Responsive Action Taken.

Complaint #11
Description of Complaint: An unauthorized individual was allowed access to a patient in the treatment area of the emergency room by a staff member.
Findings: An ER staff member allowed unauthorized access to the patient in the treatment area. Supervisory staff were notified and re-training for the ER staff member was conducted in order to prevent this incident from recurring.
Disposition: Responsive Action Taken.

Department of the Navy

Complaint #12
Description of Complaint: It was alleged that during a staff meeting, a senior officer verbally disclosed information about an Inspector General investigation involving one of his staff members. The staff member complained to his chain of command that PII was released in front of the staff and filed a formal PII complaint with the command.

Findings: The command has convened a command investigation into the complaint. The investigating officer turned in the report of investigation on 20 June 2013.
Disposition: Pending.

Complaint #13
Description of Complaint: A complainant alleged that her medical/dental information was improperly sent to a third party without her consent. She neither signed a waiver nor gave permission to have any medical information sent to the third party. The complainant believes the facility breached her privacy rights under the Privacy Act and HIPAA.
Findings: It was determined that all documents were sent in accordance with standard policy. This complaint is now at the Command legal office for response to the individual complainant.
Disposition: Pending.

SECTION 803 OF 9/11 COMMISSION ACT OF 2007
DETAILS OF CIVIL LIBERTIES COMPLAINTS AND DISPOSITIONS
3RD QTR FY13 – APRIL 1 – JUNE 30, 2013

Total Number of Complaints: 43

Department of the Air Force

Complaint #1
Description of Complaint: Alleged First Amendment violation. The complainant alleged that his commander violated his First Amendment rights by threatening and intimidating the complainant in order to prevent him from filing further complaints regarding the auto hobby shop.
Findings: Inquiry opened.
Disposition: Pending.

Complaint #2
Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that security forces were called to his on-base housing on the reporting of false and unfounded allegations. During one of the calls, security forces detained the complainant's active duty family member.
Findings: Inquiry opened.
Disposition: Pending.

Complaint #3
Description of Complaint: Alleged First Amendment violation. The complainant alleged that he experienced reprisal for making or preparing to make a protected communication with the Inspector General (IG).
Findings: The IG received the complaint and it is being investigated.
Disposition: Pending.

Complaint #4
Description of Complaint: Alleged First Amendment violation. A military member alleged that his First Amendment right to freedom of religion was violated when he was counseled on the contents of his blog.
Findings: A non-governmental organization complained that the posts on the military member's blog had a negative connotation regarding homosexuals and that other comments on the blog were inappropriate and unprofessional. After reviewing the comments on the blog and the complaint, it was determined that portions of the posts were inappropriate and unprofessional and were a departure from the standard of conduct expected of the member. The posts also contravene respect for others, degrade the public's trust and confidence, and bring discredit on the Air Force. The comments were found to be demeaning to homosexuals. The military member's comments are contrary to the law and policy of DoD and could undermine unit cohesiveness and be detrimental to good order and discipline. The military member was provided guidance and counseling, but continued to ignore it. As a result, a Letter of Counseling (LOC) was issued to the military member for violation of Air Force Instruction (AFI) 1-1. The

military member was also removed from the commander's list. After receiving the LOC, the military member filed an Article 138 Complaint asking the commander to rescind the LOC and replace it with an affirmation of the military member's right to religious expression. The commander addressed the Article 138 complaint and forwarded the case for further review.
Disposition: Pending.

Complaint #5
Description of Complaint: Alleged First Amendment violation. The complainant alleged that he was punished by his leadership for making a protected communication to an investigative agency. Specifically, the complainant believed that his performance evaluation was marked down because he informed his leadership that a member in the unit had engaged in inappropriate relationships.
Findings: The IG conducted an extensive reprisal complaint analysis and did not recommend an investigation into the reprisal allegation. However, the Air Force IG directed the Air Combat Command IG to conduct an investigation. The investigating official found the allegation to be unsubstantiated. The complainant was under a gag order not to discuss the case, and the commander alleged that the complainant violated that order by conveying details to another party [i.e., not leadership or SFS]. The investigation is complete but not closed; it is currently with the Air Force IG.
Disposition: Pending.

Complaint #6
Description of Complaint: Alleged First Amendment violation. The complainant alleged that his First Amendment rights were violated because prayer was offered at a mandatory Memorial Day Retreat ceremony.
Findings: The complainant's First Amendment rights were not violated. Prayer was consistent with the Secretary of the Air Force's Revised Interim Guidelines Concerning Free Exercise of Religion that allows a non-denominational, inclusive prayer or moment of silence for military ceremonies when the primary purpose is not the advancement of religious beliefs. Attendance was mandatory, but participation in the prayer was not.
Disposition: Responsive Action Taken.

Complaint #7
Description of Complaint: Alleged Second Amendment violation. The complainant alleged that a requirement to store his personal weapon in the base armory restricted his right to bear arms.
Findings: The complainant's possession and access to both his military and personal weapons had been removed by the commander due to personal and public safety concerns. Later, the commander reinstated arming permissions but required the individual to store his personal weapon in the base armory.
Disposition: Responsive Action Taken.

Complaint #8
Description of Complaint: Alleged First Amendment violation. The complainant alleged that the commander wrongfully integrated religion into mandatory work functions by including prayer into meetings. The commander asked the chaplain to attend meetings to pray for mission success.

Findings: The meetings were mandatory and the Wing IG determined that prayer was not appropriate under the Establishment Clause of the Constitution. The complaint was referred to the group commander for action.
Disposition: Responsive Action Taken.

Complaint #9
Description of Complaint: Alleged Fourth Amendment violation. The complainant decided to sell his house in order to resolve financial issues. The complainant alleged that his leadership went to his off-base house and looked through the windows at the house, which allegedly violated the complainant's right to freedom from unreasonable searches and seizures.
Findings: The IG consulted a judge advocate who advised that the complainant's right to freedom from unreasonable searches and seizures was violated. The individuals who committed the violation were counseled.
Disposition: Responsive Action Taken.

Complaint #10
Description of Complaint: Alleged First Amendment violation. An anonymous complainant alleged that a poster hanging on the wall of the base dining facility violated the First Amendment's protection for religious freedom. The poster featured a Knight Templar with a red cross on his chest standing behind a police officer. Behind the two figures was a white flag with a red cross that faded into the stripes of the American flag. At the bottom of the poster were the words: "Integrity" and "Matthew 5:9" (this biblical passage is taken from the introduction to Jesus' Sermon on the Mount and reads: "Blessed are the peacemakers, for they will be called sons of God").
Findings: The IG determined that a religiously-themed poster in the Federal workplace that is not offensive does not constitute a violation of the First Amendment.
Disposition: Responsive Action Taken.

Complaint #11
Description of Complaint: Alleged First Amendment violation. The complainant alleged to the IG that she and other members of her unit were prohibited from obtaining time off unless they volunteered to support a Protestant chapel program. The complainant alleged that volunteering to support the program was a condition in order to receive time off. The complainant alleged that no other condition was in place for other religious beliefs.
Findings: The IG referred the matter to the commander who directed an investigation into the allegation as well as into other unrelated allegations within the unit. The investigation found the allegation to be unsubstantiated. The findings of the investigation were provided to the commander. The commander concurred with and approved the investigation's findings.
Disposition: Responsive Action Taken.

Complaint #12
Description of Complaint: Alleged Fifth Amendment violation. The complainant alleged that his rights were violated by the DoD-wide furloughs. Specifically, the complainant alleged that he is being deprived of property without due process of law. The complainant believes there is no meaningful opportunity to reply and that the deciding official lacks authority to exempt him

from the furlough because, in his opinion, the decision has already been made by higher authorities and there is no justification he can give to avoid the adverse action of the furlough.
Findings: No special investigation was conducted. The complainant's request that the furlough notice be rescinded was denied.
Disposition: Responsive Action Taken.

Complaint #13
Description of Complaint: Alleged First Amendment violation. The complainant, a former civilian employee, hired an attorney who filed a formal Equal Employment Opportunity Commission (EEOC) complaint on the complainant's behalf. The complainant alleged that religious discrimination occurred when the complainant received a proposed letter of reprimand and a final notice to reprimand her for failure to complete duties in a timely manner and for poor behavior at work.
Findings: The complaint was ultimately settled through mediation without findings, and the complainant agreed to dismiss the action with prejudice. The allegation was not officially substantiated, but the complainant was restored hours of sick and annual leave.
Disposition: Responsive Action Taken.

Complaint #14
Description of Complaint: Alleged Fourth and Fifth Amendment violations. The complainant alleged that his Fourth Amendment right to freedom from unreasonable searches and seizures and his Fifth Amendment right to freedom from self-incrimination were violated. The complaint originated from an incident in which security forces, responding to reported threats of violence towards neighbors, conducted a search of the residence and seized weapons pursuant to a search authorization.
Findings: The complaint was referred to the security force squadron commander for investigation and appropriate action. The commander initiated an investigation; six of the seven allegations were unsubstantiated. One allegation was substantiated in part. The investigation was completed and returned to the commander.
Disposition: Responsive Action Taken.

Complaint #15
Description of Complaint: Alleged First Amendment violation. The complainant alleged that she was discriminated against on the basis of religion when she was not granted an exemption from immunizations for a position within the command.
Findings: The Report of Investigation/Findings was delivered to her address of record. Therefore, the complainant had to submit her hearing request, but she did not send a notice for a hearing request. A letter was sent to the complainant informing her that since the Air Force Civilian Appellate Review Office (AFCARO) did not receive a notice of her election of either an EEOC hearing or a final agency decision (FAD) they will docket her complaint for a FAD. The investigation is complete, but a FAD from AFCARO is still pending.
Disposition: Pending.

Complaint #16
Description of Complaint: Alleged First Amendment violation. The complainant, a retired service member who is currently an employee of a government contractor, alleged that security

forces personnel required him to remove a bumper sticker that read "Fire Obama" from his personally owned vehicle. The complainant alleged that this requirement violated his right to freedom of speech under the First Amendment.
Findings: The complaint was investigated and substantiated by the IG. Eight security forces personnel were trained on appropriate procedures regarding bumper stickers that have potentially offensive messages, and the complainant received an apology.
Disposition: Responsive Action Taken.

Complaint #17
Description of Complaint: Alleged First Amendment violation. The complainant filed a complaint with his U.S. Senator in response to the removal of the Bible from the Prisoner of War/Missing in Action (POW/MIA) table at an installation dining facility.
Findings: Per guidance on page 16 of the Force Dining Facilities Design Guide, the Bible is a part of the POW/MIA table and flag display to honor "all soldiers missing or killed in action and to help serve as a reminder to remember those not here." The day after the installation commander learned of the complaint, the Bible was returned to the POW/MIA table and flag display.
Disposition: Responsive Action Taken.

Complaint updated from 4th Qtr FY 2012.
The complaint was received and reported as "pending" during the 4th Qtr of FY 2013 and is not included as a new complaint received during the 3rd Qtr of FY 2013.
Description of Complaint: Alleged Fifth Amendment violation. Parents asserted that their minor child was interviewed without parental consent.
Finding: The child was removed from school by a New Mexico State Police Investigator under New Mexico law. The Air Force Office of Special Investigations (AFOSI) interviewed the child later. No violations were found.
Disposition: Responsive Action Taken.

Complaint updated from 1st Qtr FY 2013.
The complaint was received and reported as "pending" during the 1st Qtr of FY 2013 and is not included as a new complaint received during the 3rd Qtr of FY 2013.
Description of Complaint: Alleged First Amendment violation. The complainant, an inmate in a military confinement facility, alleged that in November 2012 she was denied the right to practice her religion. Facility guards told the complainant that she must pray at a communal table in plain view of the guards rather than at her bedside.
Findings: An investigation was initiated and the allegation was found to be unsubstantiated.
Disposition: Responsive Action Taken.

Department of the Army

Complaint #18
Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his commander was preparing to conduct health and welfare inspections of off-post quarters.
Findings: The IG and the unit legal advisor told the commander that this inspection would violate the Fourth Amendment as well as the Manual for Courts Martial. The commander cancelled the inspection.
Disposition: Responsive Action Taken.

Complaint #19
Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his commander held a weekday 0600 formation during which the unit leadership conducted a health and welfare inspection of the barracks. The leadership then searched the cars in the barracks parking lot, going into glove compartments and bags inside the vehicles. The leadership then warned soldiers with off-post quarters that those quarters would be inspected in the next 24 hours.
Findings: A preliminary inquiry indicated that the unit had not obtained any warrants or magistrate authorizations for the off-post search, nor had the unit obtained legal and garrison commander permission as required by installation policy. The commander cancelled the off-post quarters inspection after the legal advisor informed him it would be unlawful.
Disposition: Responsive Action Taken.

Complaint #20
Description of Complaint: Alleged Fourth and Fifth Amendment violations. The complainant alleged that three non-commissioned officers (NCOs) in his chain of command wrongfully entered his on-post residence. After entering, the NCOs searched the complainant's cabinets and closets and found female visitors. One of the NCOs took the complainant's motorcycle keys. Then, the NCOs ordered the complainant and another visiting soldier at the time to the unit orderly room, where they had to spend the night. The next morning, their chain of command issued them counseling statements which the soldiers signed, admitting to violations of the UCMJ.
Findings: An investigation into the warrantless search and seizure was initiated. The unit was concerned about alleged adultery committed by the soldiers, excessive alcohol use, and an improperly registered motorcycle.
Disposition: Pending.

Complaint #21
Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his commander illegally searched his barracks.
Findings: The inquiry indicated that unit leadership had consulted with the legal advisor before the health and welfare inspection and that unit leadership had adhered to applicable legal requirements.
Disposition: Responsive Action Taken.

Complaint #22
Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his commander illegally searched his off-post quarters.
Findings: The inquiry indicated that the unit commander searched the complainant's off-post quarters as directed by a "White House Dot" message from Mrs. Obama's office. The First Lady had received correspondence from the complainant's mother. The First Lady's Office was not familiar with the Constitutional, Manual for Courts Martial, and installation mandates regarding searches/inspections of off-post quarters. An inquiry remains open.
Disposition: Pending.

Complaint #23
Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that his company commander entered his family quarters and searched his home and vehicle without consent and proper authorization.
Findings: The complaint is being investigated. The installation IG received advisement notification in May 2013.
Disposition: Pending.

Complaint #24
Description of Complaint: Alleged Second and Fourth Amendment violations. The complainant made a complaint to the IG alleging that the command violated his Fourth Amendment rights. While meeting with his behavioral health counselor, the complainant, a Sergeant Major (SGM), told his counselor that he would shoot his company commander. The counselor believed this to be a future threat and informed the company commander. The company commander asked the battalion commander what she should do and the battalion commander told her to "do what you have to do." The company commander asked the complainant for permission to take the weapons from his off-post house; the complainant did not consent. Despite the complainant's objection, the company commander had another SGM (who had a key to the house because he was pet-sitting while the complainant was in treatment) open the house and seize the weapons. The complainant was released from treatment the following day and asked for his weapons to be returned. The First Sergeant initially told the complainant "no." Later, the weapons were returned.
Findings: Under investigation. The investigation was sent to the staff judge advocate for review and the legal advisor returned the investigation requesting further evidence.
Disposition: Pending.

Complaint #25
Description of Complaint: Alleged Fourth and Fifth Amendment violations. The complainant alleged that his Fourth Amendment right to freedom from unreasonable seizures and his Fifth Amendment right to freedom from deprivation of liberty were violated when his commander confiscated his car keys and restricted him to post. The complainant (who has a history of domestic abuse and other violent behavior) got into an argument with his wife on the telephone. The complainant returned to his dwelling, kicked in the locked door, and struck his wife. The complainant fled when law enforcement was called. The chain of command was immediately notified and the complainant's unit commander restricted him to post and ordered the complainant to turn in his car keys.

Findings: Upon consultation with a legal advisor, it was determined that the restriction was lawful. Additionally, given the complainant's history of violence and demonstrated willingness to disobey orders, the temporary confiscation of his car keys was determined to be legal and reasonable as well. After a cooling off period, the commander returned the complainant's keys and has since lifted the restriction.
Disposition: Responsive Action Taken.

Complaint #26
Description of Complaint: Alleged First Amendment violation. The complainant alleged that her commander violated her right to free speech when her commander counseled the complainant regarding the content of a personal website.
Findings: The commander's counseling was not a negative performance counseling; the purpose was to inform the complainant of regulatory and ethical guidance. The counseling statement referenced the U.S. Army Social Media Handbook (2013), the Joint Ethics Regulation, and Army Regulation (AR) 360-1: Army Public Affairs. The counseling was initiated because the complainant identified herself as a service member and the website appeared to contain commercial endorsements.
Disposition: Responsive Action Taken.

Complaint #27
Description of Complaint: Alleged First Amendment violation. The complainant alleged that his superior officer discriminated against him on the basis of his religion. On June 10, 2013, the complainant requested a Non-Commissioned Officer Evaluation Report (NCOER) Commander's Inquiry, claiming that his superior officer gave him an NCOER that was an inaccurate assessment of his performance. The complainant believed, based on interactions with his superior officer, that the inaccuracy was based on the superior officer's animosity towards the complainant for being a Muslim. The complainant made a formal Equal Opportunity (EO) complaint where he cited instances when the superior officer used derogatory and hate-filled statements against Muslims while they were deployed. The complainant also alleged that his superior officer stated directly to him, "I am surprised you are still in the military, I don't know why they want to keep you."
Findings: The command investigated this NCOER Commander's Inquiry and determined that the claims were unfounded.
Disposition: Responsive Action Taken.

Complaint #28
Description of Complaint: Alleged Second Amendment violation. The complainant, a soldier living off-post, alleged that his commander wrongfully ordered him to store his privately owned weapon in the unit arms room during his treatment for mental illness.
Findings: The complainant withdrew his complaint after the IG explained that the commander possesses authority to confiscate the soldier's privately owned weapons.
Disposition: Responsive Action Taken.

DoD Inspector General

Complaint #29
Description of Complaint: Alleged Fourth Amendment violation. The complainant alleged that after reporting a possible computer virus as a part of the complainant's duties, a Criminal Investigation Command (CID) investigation was improperly carried out against her. The complainant alleged that CID personnel wrongfully seized a government computer from her home and then served a search warrant to seize personal computer equipment from her home while investigating the source of a computer virus.
Findings: Referred to Army CID for action.
Disposition: Responsive Action Taken.

National Security Agency (NSA)

Complaints #30-38
Description of Complaints: Alleged Fourth Amendment violations. In June 2013, the NSA Public Affairs Office (PAO) experienced a surge in civil liberties complaints following Edward Snowden's unauthorized disclosures of NSA information to the media. The NSA PAO received a total of 130 potential civil liberties complaints related to the unauthorized disclosures. The complaints were made to PAO's public email address, nsapao@nsa.gov, and included 9 potentially credible civil liberties complaints during the reporting period. PAO received 0 complaints prior to Snowden's unauthorized disclosures.
Findings: PAO is not a normal channel for handling civil liberties complaints; therefore PAO redirects potential complaints received through its public email address in one of two ways. First, if the message contains a request for information from NSA, PAO refers the requester to public online instructions for submitting a Freedom of Information Act (FOIA) request to NSA. Second, if the message contains a request to file a complaint, or if it contains a credible allegation of a serious crime, PAO refers the sender to public online instructions for contacting the NSA IG Office. PAO does not respond to messages that allege generalized wrongdoing by NSA. Of the 130 ostensible civil liberties complaints related to the unauthorized disclosures, PAO responded to 8 complaints seeking information from NSA by referring the requesters to the instructions for submitting a FOIA request. PAO also referred the sender of 1 complaint to the instructions for contacting the NSA IG. PAO did not respond to the remaining 121 complaints related to Snowden's unauthorized disclosures because they contained only broad recitations of wrongdoing flowing from the unauthorized disclosures.
Disposition: Responsive Action Taken.

Complaints #39-43
Description of Complaints: Alleged Fourth Amendment violations. The IG received 5 credible civil liberties complaints during the reporting period. Following the June 2013 unauthorized disclosures by Edward Snowden of classified information concerning NSA activities pursuant to the Foreign Intelligence Surveillance Act (FISA), the external IG hotline (an unclassified web site) received multiple complaints and messages expressing concern with the Agency's operations. The IG received five complaints deemed credible in that the complainants clearly and coherently communicated concerns that the Agency had violated the law in regards to their civil liberties and Fourth Amendment rights.

Findings: The IG replied to the complainants both acknowledging receipt of the complaints and referring the complainants to the June 6, 2013 Director of National Intelligence (DNI) statement on Activities Authorized Under Section 702 of FISA. The IG will take no further action in regards to these complaints.
Disposition: Responsive Action Taken.

For the 3rd quarter of FY13, NSA received 14 credible civil liberties complaints. NSA also received non-credible complaints. The following are a series of notes on the non-credible civil liberties violation complaints:

(U) NSA's Office of Administrative Grievances did not receive any civil liberties complaints.

(U) NSA's Freedom of Information Act & Privacy Office did not receive any civil liberties complaints.

(U) NSA's Office of the Inspector General received 28 non-credible civil liberties complaints from its external (Internet) "hotline." The 28 complaints were received from multiple individuals who claimed that they were being tortured, attacked by directed energy weapons, or made claims of surveillance that could not be substantiated.

(U) NSA's Office of Corporate Communications, Messaging and Public Affairs received many non-credible civil liberties complaints by phone, email and facsimile. Complaints alleged torture, attacks with energy weapons, tracking by satellites and a variety of incredible allegations. The overwhelming majority of these complaints were submitted by a small number of individuals.

(U) NSA's Security Operations Command Center (SOCC) received several hundred contacts via phone, e-mail, and/or mail. All of these contacts were made by individuals who have no official business with NSA (unsolicited contacts). Many of the contacts were non-credible civil liberties claims by individuals such as being tracked or recorded by satellites or devices installed in the body. However, a large portion of the unsolicited contacts total consisted of non-complaint comments and other statements (e.g. complaints unconnected with NSA, streams of expletives, prank calls, etc.) SOCC receives these contacts because it maintains one of NSA's few published phone numbers, and because it also receives any undirected unsolicited mail sent to NSA.

D

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

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 2013, April 1 through June 30, 2013.

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 FY13, DPCLO reviewed 96 issuances.

The Act requires that DoD have "adequate procedures to receive, investigate, respond to, and redress complaints" alleging that DoD violated a complainant's privacy or civil liberties. For the reporting quarter, 13 privacy complaints and 43 civil liberties complaints were received; responsive action was taken for 37 complaints; and 19 are pending.

A similar letter is being sent to the Chairmen of the other appropriate congressional committees and the Chairman of the Privacy and Civil Liberties Oversight Board.

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

Enclosure:
As stated

cc:
The Honorable James M. Inhofe
Ranking Member

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

ADMINISTRATION AND
MANAGEMENT

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

Dear Mr. Chairman:

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A similar letter is being sent to the Chairmen of the other appropriate congressional committees and the Chairman of the Privacy and Civil Liberties Oversight Board.

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

Enclosure:
As stated

cc:
The Honorable Adam Smith
Ranking Member

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

ADMINISTRATION AND
MANAGEMENT

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 2013, April 1 through June 30, 2013.

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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

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

ADMINISTRATION AND
MANAGEMENT

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

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 Ruppersberger
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

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

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

ADMINISTRATION AND
MANAGEMENT

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

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 John Conyers, Jr.
Ranking Member

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

ADMINISTRATION AND
MANAGEMENT

The Honorable Thomas R. Carper
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, 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 2013, April 1 through June 30, 2013.

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

Enclosure:
As stated

cc:
The Honorable Tom Coburn
Ranking Member

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

ADMINISTRATION AND
MANAGEMENT

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, 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 2013, April 1 through June 30, 2013.

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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

E

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

ADMINISTRATION AND
MANAGEMENT

The Honorable David Medine
Chairman
Privacy and Civil Liberties Oversight Board
2100 K Street NW
Suite 500
Washington, DC 20427

Delivered electronically to Diane Janosek and Sue Reingold

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 2013, April 1 through June 30, 2013.

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

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

ADMINISTRATION AND
MANAGEMENT

cc:

U.S. Senate Committee on Armed Services
U.S. Senate Committee on Homeland Security and Governmental Affairs
U.S. Senate Committee on Judiciary
U.S. Senate Select Committee on Intelligence
U.S. House of Representatives Committee on Armed Services
U.S. House of Representatives Committee on the Judiciary
U.S. House of Representatives Committee on Oversight and Government Reform
U.S. House of Representatives Permanent Select Committee on Intelligence