DEPARTMENT OF DEFENSE
REPORT ON PRIVACY AND CIVIL LIBERTIES ACTIVITIES

2ND QTR FY14 – JANUARY 1 – MARCH 31, 2014

A. Number and Types of Reviews\(^1\) Undertaken

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer Matching Programs</td>
<td>2</td>
</tr>
<tr>
<td>Privacy Act Statements</td>
<td>1,649</td>
</tr>
<tr>
<td>Privacy Act Systems of Records Notices (SORNs) with applicable exemptions</td>
<td>66</td>
</tr>
<tr>
<td>Section (m) Contract Reviews</td>
<td>951</td>
</tr>
</tbody>
</table>

\(^1\) 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\(^2\)

<table>
<thead>
<tr>
<th>Advice Provided</th>
<th>Response to Advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

\(^1\) 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.
C. Nature, Number, and Disposition of Complaints \(^1\) Received

<table>
<thead>
<tr>
<th>Nature of Privacy Complaints</th>
<th>Number Received</th>
<th>Disposition of Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Responsive Action Taken(^2)</td>
</tr>
<tr>
<td>Procedural</td>
<td>56</td>
<td>35</td>
</tr>
<tr>
<td>Redress</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Operational</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Sub Total for Privacy Complaints:</strong></td>
<td><strong>58</strong></td>
<td><strong>37</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of Civil Liberties Complaints</th>
<th>Number Received</th>
<th>Disposition of Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Amendment</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>Fourth Amendment</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>Fifth Amendment</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>First and Fourth Amendments</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>First and Fourteenth Amendments</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Second and Fourth Amendments</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Sub Total for Civil Liberties Complaints:</strong></td>
<td><strong>31</strong></td>
<td><strong>15</strong></td>
</tr>
</tbody>
</table>

**TOTAL for 2\(^{nd}\) Qtr FY14** | **89** | **52** | **37** |

\(^1\) 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.
The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to 42 U.S.C. 2000ee-1, 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 2014, January 1 through March 31, 2014.

Consistent with the statute’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 first quarter, the DPCLO reviewed 62 issuances.

The statute 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, 58 privacy complaints and 31 civil liberties complaints were received; responsive action was taken for 52 complaints; and 37 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
The Honorable Dianne Feinstein  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

Dear Madam Chairman:

Pursuant to 42 U.S.C. 2000ee-1, 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 2014, January 1 through March 31, 2014.

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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
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 42 U.S.C. 2000ee-1, 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 2014, January 1 through March 31, 2014.

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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
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
The Honorable Thomas R. Carper  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
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 Tom Coburn  
Ranking Member
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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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member
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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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.

Enclosure:
As stated

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

Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer
The Honorable Bob Goodlatte  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515  

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

Dear Mr. Chairman:

Pursuant to 42 U.S.C. 2000ee-1, 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 2014, January 1 through March 31, 2014.

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This report is being sent to the Chairmen of the appropriate committees of the United States Congress.

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

Enclosure:  
As stated
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