

Department of Defense
Report on Privacy Activities
Section 803 of 9/11 Commission Act of 2007
2nd Quarter FY09 - January 1 through March 31

Introduction

The policy of the Department of the Defense is to protect the privacy of individuals by ensuring that when executing its programs and policies, the Department gives due consideration and regard for information privacy. In recognition of global expansion of information technology posing new threats to individual privacy, the Department continues efforts to strengthen its privacy oversight responsibilities. In addition, it continues to review a wide variety of activities and procedures within DoD to find opportunities to enhance protections of the privacy of individuals.

Department Actions

The Defense Privacy Office is responsible for all privacy functions delineated by authorities, including the Privacy Act of 1974, 5 USC 552a, as implemented by the Office of Management and Budget, OMB Circular A-130, Appendix 1; Federal Information Security Management Act of 2002 (FISMA); DoD regulatory authority DoD Directive 5400.11, Department of Defense Privacy Program and DoD 5400.11-R, DoD Privacy Program.

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, established additional privacy and civil liberties requirements for the Department of Defense.

Quarterly Report

The Department has developed a standard reporting framework and instructions to address Section 803 reporting requirements tailored to its mission and functions. The 2nd quarter report for FY09 consolidates all privacy activities of the DoD and component Privacy Offices as responsible for privacy functions, including data on the related reviews conducted reference to the advisory guidance delivered, and information about written complaints received and processed. The report is as follows:

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A. Types of Privacy Reviews

Privacy Act Statements (PAS)	344
Privacy Act Systems of Records with applicable associated exemptions	605
Computer Matching Program(s)	3

B. Types of Advice and Responses Given

Proper protection of PII	260	Regulation; Interpretation; Guidance; Procedures
PII Collection, Use and Disclosure	1430	Regulation; Interpretation; Guidance
Privacy Impact Assessment (PIA)	110	Regulation; Interpretation; Guidance
Privacy Act principles	960	Regulation; Directive; Guidance; Interpretation; Procedure, Training
SSN and PII Reduction Action	406	Regulation; Interpretation; Guidance;
Privacy/FISMA/PMA reporting.	1	Regulation; Interpretation; Guidance; Training;
Website safeguards	7	Regulation; Interpretation; Guidance
DoD Information Technology Portfolio Registry (DITPR) guidance	5	Regulation; Interpretation; Guidance; Training;
Regulation Revision/updated	1	Guidance
PII/PA information within the mail channels	1	Regulation; Interpretation; Guidance
Notification/Identity Theft	6	Regulation; Interpretation; Guidance
Privacy Records Management Procedures	2	Regulation; Interpretation; Guidance
Training/briefing	11868	Regulation; Directive; Guidance; Interpretation; Procedure, Training

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C. Privacy Complaints and Dispositions

Type/Nature of Complaint or Alleged Violation Training/briefing	Number of Complaints	Disposition of Complaint		
		Responsive Action taken ¹	No Action Required ²	Pending ³
Process and Procedure (<i>Compliance Matters</i>)	0	0	0	0
Redress	0	0	0	0
Operational (<i>Collection, Use, Disclosure Issues</i>)	6	6	0	0
Referred to Other Agency(s)	0	0	0	0
Other				
Total for Qty 2 nd FY09	6	6	0	0

***Type:** Process; Redress; Operational; Referred; Others.

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.

2ND QUARTER FY09 REPORT
SECTION 803 OF 9/11 COMMISSION ACT OF 2007
DETAILS OF PRIVACY COMPLAINTS AND DISPOSITIONS

Defense Threat Reduction Agency (DTRA)

Complaint #1

Description of Complaint: This complaint originated from an individual who had applied for a position with DTRA. The applicant (an employee of ARA) submitted a Questionnaire for National Security Positions (SF 86) with her resume. The DTRA Security Office had questions regarding portions of the SF 86 that had been left blank. The form was scanned into a .pdf file and sent via e-mail to the ARA Facilities Security Officer for resolution. The applicant contacted the DTRA IG office to file a complaint that her personal information had been transmitted in violation of the Privacy Act.

Findings and Responsive Action Taken: The document was sent from a secure e-mail by an authorized individual to another authorized individual with a need-to-know for official business, therefore the complaint was not considered a breach as defined by OMB and DoD policy. The DTRA Privacy Official, DTRA IG and Director, Defense Privacy Office are in agreement with this finding.

Defense Finance and Accounting Service (DFAS)

Complaint #1

Description of Complaint: A retired service member complained DFAS erroneously released payroll information on his Voluntary Separation Incentive (VSI) amount to his ex-spouse.

Findings and Responsive Action Taken: A valid subpoena had been received by DFAS allowing the release of the VSI information. No breach of the Privacy Act occurred. The clerk processing the VSI release was reminded to notify members when payroll information is released unless the subpoena prohibits such notification.

Complaint #2

Description Complaint: A service member complained that the Army Defense Military Pay Office (DMPO) had inappropriately released his payroll records to his ex-spouse.

Findings and Responsive Action Taken: The ex-spouse had provided DMPO with a power of attorney that allowed the release of the pay information, however it was later discovered that the power of attorney had been revoked. Procedures for accepting power of attorney documentation were revised. Additionally, DMPO contacted the Judge Advocate Office and requested that they be provided notice of any revoked power of attorney.

Complaint #3

Description of Complaint: A retiree complained that his Form 1099 - Miscellaneous Income was mailed to him in an unsealed envelope.

Findings and Responsive Action Taken: The contractor completing the mailings advised that an employee had become ill while running the 1099s. The unsealed envelope may have been processed during the transition of the ill and replacement employee. A letter of findings and apology was sent to the retiree. The contractor was advised that they must comply with proper mailing procedures.

Defense Intelligence Agency (DIA)

Complaint #1

Description of Complaint: Several employees reported the ability to access a shared drive containing documents pertinent to Time and Attendance (Form P30918).

Findings and Responsive Action Taken: The drive did not have restricted permissions thus allowing open access to unauthorized users. It is possible that there may have been inadvertent access by employees without a need to know. The Directorate has taken actions to remove old records and apply restricted permissions in order to avoid unauthorized access.

Complaint #2

Description of Complaint: Employees were asked by office administrative staff for their birthdays so celebrations may be organized. The complainant stated she did not want to participate. The office administrative staff informed her they would get the data from the HR system.

Findings and Responsive Action Taken: Office administrative staff were informed they were not permitted to extract birthdates for that purpose without the individual's consent.