Department of Defense
Report on Privacy Activities
Section 803 of 9/11 Commission Act of 2007
4th Quarter FY09 – July 1, 2009 to September 30, 2009

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, actions continue 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.


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 4th quarter report for FY09 consolidates all privacy activities of the DoD and Component Privacy Offices 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:
Department of Defense  
Report on Privacy Activities  
Section 803 of 9/11 Commission Act of 2007  
4th Quarter FY09 – July 1, 2009 to September 30, 2009

A. Types of Privacy Reviews

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<td>Regulation; Interpretation; Guidance;</td>
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<tr>
<td>Reporting</td>
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<tr>
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<td>Regulation</td>
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<td>Privacy Act Violations</td>
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<td></td>
<td>Interpretation; Procedure, Training</td>
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<td>Training Requirements</td>
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<tr>
<td></td>
<td>Interpretation; Procedure, Training</td>
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</table>


# C. Privacy Complaints and Dispositions

<table>
<thead>
<tr>
<th>Type/Nature of Complaint or Alleged Violation</th>
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<tbody>
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<td></td>
<td></td>
<td>Responsive Action taken¹</td>
</tr>
<tr>
<td>Process and Procedure (Compliance Matters)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Redress</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Operational (Collection, Use, Disclosure Issues)</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Referred to Other Agency(s)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total for Qty 4th FY09</td>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>

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.
Defence Contract Management Agency

Complaint #1
Description of Complaint: A DCMA employee provided an inquiry via email pertaining to emergency recall procedures. In her complaint, she stated that her supervisor disclosed her unlisted home phone and cell phone numbers to a non-supervisory co-worker and that she believed this information was only to be handled by supervisory staff.
Findings: The supervisor has 24 individuals assigned to his team and he has delegated authority for other select individuals to assist in making emergency contacts.
Disposition: Pending.

Defence Commissary Agency

Complaint #1
Description of Complaint: An employee complained that letters and notes from the employee’s doctor were improperly placed in the department “time book” where other employees could see them.
Findings: Investigation revealed that the manager did not leave the employee’s doctor’s letters or notes in the time book, but locked them in his desk drawer until attached to the completed time sheets and placed in a folder.
Disposition: No Action Required.

Complaint #2
Description of Complaint: An employee complained that employees of the cash cage were given access to her supervisory work folder.
Findings: Investigation revealed that the work folders are kept in the administration office and only the supervisor, store director, store administrator and secretary have a need for access to the work folders. Staff were informed and trained on appropriate access restrictions.
Disposition: Responsive Action Taken.

Department of Army

Complaint #1
Description of Complaint: A complaint has been brought to the attention of the Army Privacy Office regarding the Fort Campbell Visitor Center's sign-in procedures. It was noted that the Center collects Social Security Numbers to in-process visitors. The complainant informed us that during multiple visits, the Visitor Center personnel refused to comply when asked to provide a copy of the Privacy Act Statement authorizing the
collection of PII. The complainant also states that the Garrison Commander was asked to address the situation but there has been no reply.

**Findings:** Investigation in progress.

**Disposition:** Pending.

**Department of Air Force**

*Complaint #1*

**Description of Complaint:** A Civil Service employee was denied a government vehicle driver’s license for refusal to fill out an Optional Form (OF) 345, Physical Fitness Inquiry for Motor Vehicle Operators as required by AFI 24-301, Motor Vehicle Operations. The employee felt that the PII was not properly protected.

**Findings:** The information on the OF 345 in loaded into a database, and then the form is given back to the submitter. The POC for the office in question reported to the Privacy Act Office that all personnel who have access to the office are authorized and unless those individuals are in the office, it is locked.

**Disposition:** *No Action Required.*

*Complaint #2*

**Description of Complaint:** The complainant alleges government employees were discussing his and other supervisors’ appraisals openly.

**Findings:** In the process of interviewing witnesses.

**Disposition:** *Pending*
The Honorable John Conyers  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:


The point of contact for this report is Mr. Samuel P. Jenkins, Director, Defense Privacy Office, who can be reached at (703) 607-2943 or Sam.Jenkins@osd.mil.

Sincerely,

Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable Lamar Smith  
Ranking Member
The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510  

Dear Mr. Chairman:


The point of contact for this report is Mr. Samuel P. Jenkins, Director, Defense Privacy Office, who can be reached at (703) 607-2943 or Sam.Jenkins@osd.mil.

Sincerely,

Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable John McCain  
    Ranking Member
The Honorable Edolphus Towns  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:


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Sincerely,

Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable Darrell E. Issa  
Ranking Member
The Honorable Silvestre Reyes  
Chairman  
Permanent Select Committee on Intelligence  
U.S. House of Representatives  
Washington, DC  20515

Dear Mr. Chairman:


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Sincerely,

Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable Peter Hoekstra  
Ranking Member
The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:


The point of contact for this report is Mr. Samuel P. Jenkins, Director, Defense Privacy Office, who can be reached at (703) 607-2943 or Sam.Jenkins@osd.mil.

Sincerely,

[Signature]
Michael L. Rhodes
Acting Senior Agency Official for Privacy

Enclosure:
As stated

cc:
The Honorable Susan Collins
Ranking Member
The Honorable Dianne Feinstein  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

Dear Madam Chairman:


The point of contact for this report is Mr. Samuel P. Jenkins, Director, Defense Privacy Office, who can be reached at (703) 607-2943 or Sam.Jenkins@osd.mil.

Sincerely,

Michael L. Rhodes  
Acting Senior Agency Official for Privacy

Enclosure:  
As stated

cc:  
The Honorable Christopher S. Bond  
   Vice Chairman
The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510  

Dear Mr. Chairman:  


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Sincerely,  

Michael L. Rhodes  
Acting Senior Agency Official for Privacy  

Enclosure:  
As stated  

cc:  
The Honorable Jeff Sessions  
Ranking Member
The Honorable Ike Skelton
Chairman
Committee on Armed Services
U. S. House of Representatives
Washington, DC  20515

Dear Mr. Chairman:


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Sincerely,

Michael L. Rhodes
Acting Senior Agency Official for Privacy

Enclosure:
As stated

cc:
The Honorable Howard P. McKeon
   Ranking Member