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

Dear Mr. Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, ("the Act") and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s ("Department") Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties, and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to
receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department's Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

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

Enclosure:
As stated

c:
The Honorable John McCain
Ranking Member
The Honorable Dianne Feinstein  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

Dear Madam Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, (“the Act”) and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s (“Department”) Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties, and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to
receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department's Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

[Signature]

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

Enclosure:
As stated

cc:
The Honorable Christopher S. Bond
Vice Chairman
The Honorable Edolphus Towns  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, (“the Act”) and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s (“Department”) Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties, and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to
receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department's Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

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

Enclosure:
As stated

cc:
The Honorable Darrell E. Issa
Ranking Member
The Honorable John Conyers  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, (“the Act”) and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s (“Department”) Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties, and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to
receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department's Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

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

Enclosure:
As stated

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

Dear Mr. Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, (“the Act”) and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s (“Department”) Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties, and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to
Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department's Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

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

Enclosure:
As stated

cc:
The Honorable Susan M. Collins
Ranking Member
The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, (“the Act”) and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s (“Department”) Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties, and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to
receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department's Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

\[
\text{[Signature]}
\]
Michael L. Rhodes
Senior Agency Official for Privacy
and DoD Civil Liberties Officer

Enclosure:
As stated

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

Dear Mr. Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, (“the Act”) and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s (“Department”) Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties, and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to
receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department's Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

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

Enclosure:
As stated

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

Dear Mr. Chairman:

In accordance with Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Public Law 110-53, (“the Act”) and Section 1062 of the “National Security Intelligence Reform Act of 2004,” Public Law 108-458, as amended, this letter serves as the Department of Defense’s (“Department”) Privacy and Civil Liberties Report for the fourth quarter, fiscal year 2010, July 1, 2010 through September 30, 2010. While the Department previously provided quarterly reports about the progress of its Privacy Program under the Act, this is the first quarter for which the Department also is providing information about its Civil Liberties Program.

Prior to the passage of the Act, there were numerous senior policy officials throughout the Department who, in the exercise of their assigned duties and oversight of their functional programs, had responsibilities for the protection of civil liberties. To ensure proper placement of the civil liberties function, the Department conducted an assessment involving multiple stakeholders. As a result of that assessment, the Deputy Secretary of Defense appointed me as the Department’s Civil Liberties Officer. The Department also conjoined its civil liberties functions with those of the Defense Privacy Office to form the Defense Privacy and Civil Liberties Office (DPCLO). Mr. Michael E. Reheuser was appointed Director, DPCLO, and also will serve as the Department’s Deputy Civil Liberties Officer.

The mission of the DPCLO is to implement the Department’s Privacy and Civil Liberties Programs through advice, monitoring, official reporting, and training. In fulfilling this mission, the DPCLO has multiple functions to include developing policy, providing program oversight, and serving as the Department’s focal point for privacy and civil liberties matters.

The DPCLO is also responsible for providing advice to the Department’s leadership on retaining or enhancing authorities that balance the need for governmental power with the need to protect privacy and civil liberties and reviewing proposed legislation, Departmental regulations, policies, procedures, or guidelines to ensure that the Department is adequately considering privacy and civil liberties in its activities.

The DPCLO’s responsibilities also include providing day to day guidance, assistance, and training to the Department’s components for the implementation and execution of their
Privacy and Civil Liberties Programs and ensuring the Department has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

Consistent with prior reporting under the Act, the enclosed report sets out data about the Department’s Privacy Program for the fourth quarter, to include privacy reviews, advice provided and the disposition of privacy complaints. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in 2011.

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.

Sincerely,

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

Enclosure:
As stated

cc:
The Honorable Howard P. “Buck” McKeon
Ranking Member

2
### A. Types of Privacy Reviews

<table>
<thead>
<tr>
<th>Privacy Act Statements (PAS)</th>
<th>628</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privacy Act Systems of Records (SORNs) with applicable exemptions</td>
<td>281</td>
</tr>
<tr>
<td>Computer Matching Program(s)</td>
<td>2</td>
</tr>
</tbody>
</table>

### B. Topics of Advice and Responses Given

<table>
<thead>
<tr>
<th>Collection, Use, Disclosure, Protection of PII</th>
<th>6159</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privacy Impact Assessments (PIA)</td>
<td>1500</td>
</tr>
<tr>
<td>Privacy Act Program Requirements /Principles</td>
<td>2030</td>
</tr>
<tr>
<td>Website Safeguards</td>
<td>782</td>
</tr>
<tr>
<td>Privacy Compliance/DITPR Reporting</td>
<td>630</td>
</tr>
<tr>
<td>Privacy Presentations</td>
<td>1357</td>
</tr>
<tr>
<td>Training Requirements</td>
<td>2221</td>
</tr>
<tr>
<td>Privacy Act Violations</td>
<td>280</td>
</tr>
<tr>
<td>Privacy Reports</td>
<td>168</td>
</tr>
<tr>
<td>Privacy Act Systems of Records Notices (SORNs)</td>
<td>1702</td>
</tr>
<tr>
<td>Privacy Compliance in Agency Publication</td>
<td>509</td>
</tr>
<tr>
<td>SSN and PII Reduction Actions</td>
<td>1810</td>
</tr>
<tr>
<td>PII Breach Notification/Identity Theft</td>
<td>1406</td>
</tr>
<tr>
<td>Other</td>
<td>133</td>
</tr>
</tbody>
</table>
### c. Privacy Complaints and Dispositions

<table>
<thead>
<tr>
<th>Type/Nature of Complaint or Alleged Violation</th>
<th>Number of Complaints</th>
<th>Disposition of Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Responsive Action taken¹</td>
</tr>
<tr>
<td>Process and Procedure (Compliance Matters)</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Redress</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Operational (Collection, Use, Disclosure Issues)</td>
<td>5</td>
<td>4</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 4th Qtr</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>FY10</td>
<td></td>
<td></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.
Complaints: 10

Component: United States Transportation Command (USTRANSCOM)

Description of Complaint: Agency personnel from 3 different directorates complained that agency Directorate of Manpower and Personnel, Civilian Personnel Division (TCJ1-C) distributed a policy memo to all agency civilian personnel dated 1 Jul 10, with two attachments: (1) Compressed Flexible Work Schedule & Physical Fitness Activities and (2) Credit Hour Agreement. Attachments had the appearance of forms that collected personal identifying information (PII) including Social Security Number (SSN).

Findings: Investigation by agency privacy act officer, with assistance of legal advocacy, revealed the following:

(1) Forms were unauthorized and not controlled. Forms were simply made up by personnel using Microsoft Word product. There was no prescribed directive authorizing the forms or collection of PII and no documentation for SSN collection (Systems of Records Notice) and Office of Management & Budget (OMB) requirements.

(2) No coordination was accomplished with the agency privacy act officer or legal counsel. In a nutshell, no coordination had been accomplished with any element.

(3) No Privacy Act notice, authority for collection, etc., appeared on the documents.

(4) TCJ1-C Chief, when interviewed, stated forms and collection of SSN were an USAF requirement. That information required on the forms was required by the host base civilian personnel flight (Air Force-375th Air Mobility Wing/DPC) who input the data into a data system and then shredded forms. E-mail correspondence to Air Force Chief PAO with inquiry and resolution of required data remains unanswered by USAF.

Disposition: USTRANSCOM PA oversight official immediately briefed findings and directed memo w/attachments be withdrawn and rescinded until such time as all PA and OMB requirements are fulfilled by TCJ1 and/or USAF. TCJ1 sent out e-mail to all agency civilians withdrawing documentation. Note: this was a repeat violation requesting completion of forms with SSN and PII collections.

Component: National Guard Bureau

Description of Complaint: Complainant alleges performance appraisals and recommendations for employee awards/time off awards were left unattended by supervisor, records were accessed and removed from the workplace by another co-worker, and that copies of the documents were then offered to and viewed by co-workers. In addition, she alleges that documents containing PII were left unattended when custodial crews were unaccompanied in office spaces and that a locked file cabinet was found broken into, possibly allowing access to others PII (timecards). She also alleges that when she reported this break in of the file cabinet and concern on improper access of performance appraisals to her chain of command and asked how to report this as a PII
breach that she was told this was not the type of incident that should be reported unless a formal complaint was made by someone for having their information accessed.
Findings: Investigation complete finding that allegations are substantiated.
Disposition: Still ongoing. Final personnel action of proposed removal from employment is planned to be administered this month.

**Component: Department of the Army**

**Description of Complaint:** On 21 July 10, complainant notified the Army Privacy Office of a Privacy act complaint. Complainant stated, “My unit has released my home phone number and my private cell phone number in an alert roster to all branches of our company. I do not have a problem with my home phone number being used on the alert roster but have issues with the fact that my private cell phone number was also placed on this roster. My question to you is, “Is this in violation of the Privacy Act – once I had asked that my private cell phone number be removed (last year)? How did my private cell phone number get released?”

**Findings:** On 26 July 10, the USAG Wiesbaden Privacy Act Office received the complaint. HQs USAG and Director, Child Youth and School Services (CYSS) was notified in writing advising of the procedures to stop data loss and informed them of the privacy requirements. They were also advised to notify all supervisors of these requirements.
On 27 July 10, Complainant was interviewed, he had agreed to have his home phone number on the roster and wanted his cell phone removed. His cell phone was only for emergency data only. He provided a copy of the updated alert roster to me, which is only accessible by CAC card users. The roster listed both his home and private cell phone numbers. On 30 July 10, The Program Analyst sent out a policy letter stating CYSS Alert Roster procedures. She briefed all employees and staff on use of alert roster.

**Disposition:** On 5 Aug 10, after reviewing, it was determined this was not a compromise but rather employees had not been properly briefed on alert rosters procedures. Also they had not been advised not to mix roster information. Supervisors need to properly review updated rosters and they need to become familiar with the proper release and handling of private information. They were also provided a privacy act statement to add to the roster. Complainant will be informed in writing of these findings and recommendations. HQ’s USAG will also be provided a copy of the findings in writing.

**Description of Complaint:** The Fort Monmouth Communication Electronics Command (CECOM) out-processing procedures required the last 4 of the SSN on a form the individual that was out processing had to submit through email using a master out processing distribution list within the .mil domain. Various individuals on the distribution list did not have a need to know.

**Findings:** The complaint was submitted to the CECOM Life Cycle Management Command (LCMC) Alternate Privacy Official. Upon review of the current Fort Monmouth process and the process used at Headquarters Army Materiel Command, it was determined the last 4 of the SSN was not required for the out-processing.

**Disposition:** The CECOM Fort Monmouth G-1 resolved the issue by updating the out processing forms. The SSN is no longer required on the form.
Component: OSD/JS - National Defense University

Description of Complaint: Complainant is a federal employee from the Human Resources Department (HRD). She complained that another HRD employee, who was transitioning from HRD to the Security Department, had photocopied her SF50s and SF52s from her personnel folder in a filing cabinet to use as evidence in his personal EO complaint against the HRD Director.

Findings: The HRD employee admitted that he photocopied Complainant’s SF50s and SF52s from her personnel folder in a filing cabinet to use as evidence in his personal EO complaint against the HRD Director. He believed that, since he was still completing HRD duties, it was permissible to access and photocopy any personnel records – even for his own, personal use. He then explained that he had used a marker and blacked out all PII so no one else could view the PII. Breach was reported to USCERT, DoD/CIO, DoD Privacy Office, and OSD/JS Privacy Office.

Disposition: Pending administrative action.

Component: Defense Contract Management Agency (DCMA)

Description of Complaint: An anonymous complaint was filed with the DoD IG hotline asserting the DCMA office in Phoenix, Arizona created a risk management database that violated both the Privacy Act and the Computer Security Act.

Findings: The DCMA investigator found that the database is a product of the Carnegie Mellon Software Engineering Institute and according to the developer “is designed to help integrate traditionally separate organizational functions, set process improvement goals and priorities, provide guidance for quality processes, and provide a point of reference for appraising current processes.” The Department of Defense has procured the rights to use CMMI and has made it available throughout the military branches and joint commands. DCMA Phoenix obtained the software and minor adjustments were made to the program, none of which involved collecting any kind of personal identifying information. The system only contains employees name, work e-mail address and work telephone number; therefore, the database does not fall under the category of a “system of records.”

Federal Acquisition Regulations (FAR) and DCMA Instructions mandate that people working in quality assurance generate and maintain objective evidence of contractor performance. This system captures objective evidence so that it can be stored and recalled. Information in the database measures the contractor’s processes, performance and compliance with industry standards and agency goals. Access to the system is limited to those individuals with the official need to know.

Disposition: None. (Unsubstantiated complaint.)

Description of Complaint: No written complaint filed; however, because of repeated offenses, we are providing this report.

Findings: DCMA utilizes software to detect unencrypted emails containing PII and FOUO data. An employee in the Human Capital division has repeatedly failed to follow Agency policy in this regard. During FY10, the employee sent 5 unencrypted emails to “.mil” accounts; since they
were contained within the DoD firewalls no reporting was made to USCERT. However, two instances were reported to USCERT involving unencrypted PII transmissions to “comcast.net” and “cox.net” accounts. Additionally, the Security office informed the DCMA Privacy Officer this same individual was detected sending two emails containing FOOU in the clear/outside the DoD firewall. These were also reported to USCERT.

Disposition: The Senior Privacy Official is sending a memorandum to the Director of the Military Personnel Division asking that she look into the matter to (1) Identify any deficiencies in training or process which may have caused or contributed to these incidents; (2) Identify what corrective action is necessary to remedy those deficiencies and to prevent the occurrence of such incidents in the future; and (3) Identify what disciplinary action, if any, will be taken with respect to the individual responsible for these violations of Agency policy.

**Component: Department of the Air Force**

45th Space Wing (SW), Patrick AFB FL

Description of Complaint: A complaint was filed by a 45 SW Staff employee. A spreadsheet was sent through email over the NIPRNet that listed the last four of the employee’s SSN.

Findings: 45 SW/CCA inadvertently sent out an email with a spreadsheet containing all 45 SW Staff personnel’s (192 individuals) last 4 of their SSN over NIPRNet. This is not their normal practice. Within 48 hours, the admin troop who caused the breach contacted all personnel who received the email and instructed them to delete the email and spreadsheet immediately.

Disposition: 45 SW/CCA (violator) was briefed on the importance of safeguarding PII data and was instructed to re-accomplish their Privacy Act (Force Protection) training. Training has been completed.

30th Space Wing (SW), Vandenberg AFB CA

Description of Complaint: Civilian alleges a government employee at the Youth Center provided the civilians Privacy Act protected Personally Identifiable Information to a third party without her consent. The documents came out of a file that was filed under the name of the civilian’s minor child and the person who received the document was the civilian’s x-spouse. The file contains both the child’s information and the parents’ financial information. Both parents had equal access to this file and both sign statements that provided for the information to be stored in the folder.

Findings: 30 SW/IG referred complaint to the Privacy Act Office as a possible violation. Contacted individual and assisted with the notification to the US-CERT. Affected unit CC was informed and an investigation was initiated. Investigator conducted the investigation and completed the Identity Theft Risk Analysis (ITRA). A legal review was provided. Conclusion was no breach as the individuals involved were married and had access to the provided documents on their minor child.

Disposition: Upon completion of this action, the affected commander was provided all documentation in order to direct any further action necessary, including recommendations suggested in the summary of the investigation. These recommendations include additional unit training in the unit to cover their responsibilities to safeguard the Privacy Act protected Personally Identifiable Information (PII) they work with on a daily basis to perform official duties.
359th Medical Group (MDG) at Randolph AFB

Description of Complaint: Complaint from the 359th Medical Group that a doctor inappropriately accessed a system of record to gain access to his co-workers records. Upon access of the records, he inappropriately sent PII about another doctor to his co-workers and the Commander of both doctors involved in the case.

Findings: No findings have been determined as of today. The 902 MSG/JA is awaiting the 359th MDG to complete the HIPAA investigation prior to proceeding with the Randolph Privacy Act Mgr’s request for a Commander Directed Investigation (CDI).

Disposition: 902 MSG/JA and 359th members are working in concert with one another to resolve the PA complaint, CDI and HIPAA investigation; the best interests of all members are being carefully considered at this time.
<table>
<thead>
<tr>
<th>TO</th>
<th>ACTION</th>
<th>Signature</th>
<th>Date</th>
<th>TO</th>
<th>ACTION</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>OGC</td>
<td>Review</td>
<td>AM</td>
<td>26 Oct 10</td>
<td>DIR WHS</td>
<td>Review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dir, DP</td>
<td>Review</td>
<td></td>
<td>10/26/10</td>
<td>DEP DA&amp;M</td>
<td>Review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dir, DPCLO</td>
<td>Sign-out</td>
<td></td>
<td>10/27/10</td>
<td>DIR DA&amp;M</td>
<td>Sign</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DoD, LA</td>
<td>Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DPO Form 1, September 3, 2007