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

Dear Mr. Chairman:


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 FY 2012, DPCLO reviewed 41 issuances.

The Act requires that DoD have “adequate procedures to receive, investigate, respond to, and redress complaints” from individuals who allege that DoD violated their privacy or civil liberties. DPCLO received 23 privacy complaints and 18 civil liberties complaints; 22 complaints were resolved and 19 are pending.

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.

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

Enclosure:  
As stated

cc:  
The Honorable John McCain  
Ranking Member
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 FY12 – April 1, 2012 to June 30, 2012  

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer Matching Programs</td>
<td>5</td>
</tr>
<tr>
<td>Privacy Act Statements</td>
<td>150</td>
</tr>
<tr>
<td>Privacy Act Systems of Records Notices (SORNs) with applicable exemptions</td>
<td>25</td>
</tr>
<tr>
<td>Section (m) Contract Reviews</td>
<td>18</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; OMB Circular A-130, Appendix I; and OMB Memo M-07-16. Examples of reviews may include a Privacy Impact Assessment, OMB Circular A-130 Privacy Act reviews (new and updated system of records reviews and reviews of proposed rules for Privacy Act exemptions), or OMB Circular A-130 Computer Matching reviews.

B. Type of Advice\(^2\) Provided and the Responses Given\(^2\) to such Advice  

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection, Use, Disclosure, Protection of Personally Identifiable Information (PII)</td>
<td>12,340</td>
</tr>
<tr>
<td>PII Breach Notification/Identity Theft</td>
<td>4,823</td>
</tr>
<tr>
<td>Privacy Act Program Requirements</td>
<td>4,664</td>
</tr>
<tr>
<td>Privacy Act SORNs</td>
<td>1,642</td>
</tr>
<tr>
<td>Privacy Act Violations</td>
<td>919</td>
</tr>
<tr>
<td>Privacy Briefings/Presentations</td>
<td>2,104</td>
</tr>
<tr>
<td>Privacy Compliance in Agency Publications</td>
<td>587</td>
</tr>
<tr>
<td>Privacy Compliance/DoD IT Portfolio Repository Report or Service equivalent</td>
<td>515</td>
</tr>
<tr>
<td>Privacy Impact Assessments</td>
<td>1,950</td>
</tr>
<tr>
<td>Privacy Reports</td>
<td>333</td>
</tr>
<tr>
<td>Social Security Number and PII Reduction</td>
<td>2,659</td>
</tr>
<tr>
<td>Training Requirements</td>
<td>4,975</td>
</tr>
<tr>
<td>Website Safeguards</td>
<td>10,797</td>
</tr>
</tbody>
</table>

\(^2\) Preparation of this study/report cost the Department of Defense a total of approximately $21,800.
C. Nature, Number, and Disposition of Complaints\(^1\) Received

<table>
<thead>
<tr>
<th>Nature of Privacy Complaint</th>
<th>Number Received</th>
<th>Disposition of Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number Received</td>
<td>Responsive Action Taken(^2)</td>
</tr>
<tr>
<td>Process and Procedure (Compliance Matters)</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Redress</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Operational (Collection, Use, Disclosure Issues)</td>
<td>19</td>
<td>8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of Civil Liberties Complaint</th>
<th>Number Received</th>
<th>Disposition of Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number Received</td>
<td>Responsive Action Taken(^2)</td>
</tr>
<tr>
<td>First Amendment</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Fourth Amendment</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Fifth Amendment</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>First and Fifth Amendments</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Fourth and Fifth Amendments</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>First, Fourth, Sixth and Fourteenth Amendments</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL for 3rd Qtr FY12</strong></td>
<td><strong>41</strong></td>
<td><strong>22</strong></td>
</tr>
</tbody>
</table>

\(^1\) Advice is the formal issuance of policies, procedures, or guidance pertaining to privacy and civil liberties issued by: (1) the Heads of the OSD and DoD Components; (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers; or (3) Component privacy or civil liberties points of contact.

\(^2\) A response given is specific action taken by a DoD Component in response to advice provided by: (1) the Heads of the OSD and DoD Components; (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers; or (3) Component privacy or civil liberties points of contact. Examples of a response given may include: a new or revised Component regulation, directive, procedure, or training.

\(^3\) Responsive action taken means the complaint was reviewed and a responsive action was taken and/or the complaint was resolved.

\(^4\) Pending means that the complaint is being reviewed to determine the responsive action and/or resolution.
The Honorable Dianne Feinstein  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510  

Dear Madam Chairman:  


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 FY 2012, DPCLO reviewed 41 issuances.  

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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:


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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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Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

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

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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 Howard P. “Buck” McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

SEP 04 2012

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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

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Enclosure:  
As stated

cc:  
The Honorable C.A. Dutch Ruppersberger  
Ranking Member
The Honorable Lamar Smith  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

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As stated

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The Honorable John Conyers, Jr.  
Ranking Member