



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

FEB 15 2011

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

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53, "Implementing Recommendations of the 9/11 Commission Act of 2007," and Section 1062, Public Law 108-458, "National Security Intelligence Reform Act of 2004," as amended, this letter and its attachment serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the first quarter, fiscal year (FY) 2011, October 1, 2010 through December 31, 2010.

Consistent with prior reporting, TAB A provides data about the Department's Privacy Program for the first quarter. We anticipate providing reports on the Civil Liberties Program that follow a similar format beginning in the third quarter of FY 2011.

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DoD Components have identified points of contact to liaise with the DPCLCLO to implement the Civil Liberties Program throughout DoD. The DPCLCLO will provide training to these points of contact during the second quarter of FY 2011. Going forward, the DPCLCLO will work with the DoD components to ensure that each component has received the training necessary to effectively implement the Civil Liberties Program.

The point of contact for this report is Mr. Michael E. Reheuser, Director, DPCLCLO, 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 Activities
Section 803 of 9/11 Commission Act of 2007
1st Quarter FY11 – October 1, 2010 to December 31, 2010**

A. Types of Privacy Reviews

Privacy Act Statements (PAS)	461
Privacy Act Systems of Records (SORNs) with applicable associated exemptions	159
Computer Matching Program(s)	2
Section (m) Contractor Reviews	14

B. Topics of Advice and Responses Given

Collection, Use, Disclosure, Protection of PII	9139
Privacy Impact Assessments (PIA)	1452
Privacy Act Program Requirements /Principles	2637
Website Safeguards	10191
Privacy Compliance/DITPR Reporting	876
Privacy Presentations	3370
Training Requirements	1896
Privacy Act Violations	526
Privacy Reports	369
Privacy Act Systems of Records Notices (SORNs)	1011
Privacy Compliance in Agency Publication	565
SSN and PII Reduction Actions	2592
PII Breach Notification/Identity Theft	1351
Other	171

C. Privacy Complaints and Dispositions

Type/Nature of Complaint or Alleged Violation	Number of Complaints	Disposition of Complaint		
		Responsive Action taken ¹	No Action Required ²	Pending ³
Process and Procedure <i>(Compliance Matters)</i>	7	5	2	0
Redress	2	1	0	1
Operational <i>(Collection, Use, Disclosure Issues)</i>	12	5	0	7
Referred to Other Agency(s)	0	0	0	0
Other	0	0	0	0
Total for 1st Qtr FY11	21	11	2	8

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.



ADMINISTRATION AND
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OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

The Honorable Dianne Feinstein
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

FEB 15 2011

Dear Madam Chairman:

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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



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

FEB 15 2011

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



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

FEB 15 2011

The Honorable Lamar Smith
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to Section 803, Public Law 110-53, "Implementing Recommendations of the 9/11 Commission Act of 2007," and Section 1062, Public Law 108-458, "National Security Intelligence Reform Act of 2004," as amended, this letter and its attachment serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the first quarter, fiscal year (FY) 2011, October 1, 2010 through December 31, 2010.

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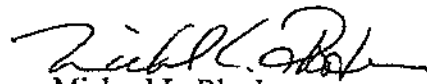
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Enclosure:
As stated

cc:
The Honorable John Conyers, Jr.
Ranking Member



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OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

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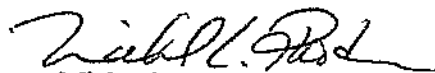
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Michael L. Rhodes
Senior Agency Official for Privacy
and DoD Civil Liberties Officer

Enclosure:
As stated

cc:
The Honorable Susan M. Collins
Ranking Member



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

FEB 15 2011

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Michael L. Rhodes
Senior Agency Official for Privacy
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Enclosure:
As stated

cc:
The Honorable Jeff Sessions
Ranking Member



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

The Honorable Mike Rogers
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

FEB 16 2011

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Michael L. Rhodes
Senior Agency Official for Privacy
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Enclosure:
As stated

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



ADMINISTRATION AND
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OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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The DPCLLO has multiple functions to include developing policy, providing program oversight and serving as DoD's focal point for privacy and civil liberties matters. As part of the policy development function, the DPCLLO has drafted a DoD Instruction to establish policy and assign responsibilities for the implementation of the Civil Liberties Program, in accordance with requirements of the Act. We expect the instruction to be published as official DoD policy in FY 2011.

Consistent with the Act's requirements to assist the Secretary and other DoD officials in "appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism," the DPCLLO is now a mandatory coordinator reviewing all new and reissued DoD policy issuances, draft legislative proposals, and agency responses to Congressional inquiries. During the first quarter of FY 2011, the DPCLLO conducted policy reviews of 81 issuances.



The Act requires that DoD has “adequate procedures to receive, investigate, respond to, and redress complaints” from individuals who allege that DoD has violated their privacy or civil liberties. To that end, the DPCLCLO has established a formatting guide for civil liberties complaint submission. The guide provides guidance to assist individuals submitting complaints, and will be made available on the DPCLCLO website (<http://dpclclo.defense.gov>).

During the first quarter, the DPCLCLO received one civil liberties complaint. The complaint, as described, did not implicate civil liberties. The complainant was referred to the installation Equal Employment Opportunity Office.

Recognizing the inevitable inclusion of personally identifiable information in submitted complaints, the DPCLCLO created a System of Records Notice (SORN) in compliance with the Privacy Act of 1974. The SORN, *The Civil Liberties Program Case Management System*, covers the system of records used by the Office of the Secretary of Defense and the Joint Staff to receive, log, and track the processing of allegations of civil liberties violations by the DoD, its civilian employees, members of the Military Services, DoD contractors, or others acting under the authority of the DoD, and documents the review, investigation and redress provided. Records may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and conducting research.

DoD Components have identified points of contact to liaise with the DPCLCLO to implement the Civil Liberties Program throughout DoD. The DPCLCLO will provide training to these points of contact during the second quarter of FY 2011. Going forward, the DPCLCLO will work with the DoD components to ensure that each component has received the training necessary to effectively implement the Civil Liberties Program.

The point of contact for this report is Mr. Michael E. Reheuser, Director, DPCLCLO, 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 Adam Smith
Ranking Member