



ADMINISTRATION AND  
MANAGEMENT

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

NOV 14 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," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the fourth quarter of fiscal year 2011, July 1, 2011 through September 30, 2011.

The report provides data about DoD's privacy and civil liberties activities, including advice provided and complaints received by DoD.

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 review all new and reissued policy issuances, legislative proposals, and agency responses to Congressional inquiries. During the fourth quarter of FY 2011, DPCLO reviewed 67 issuances.

The Act requires that DoD "has adequate procedures to receive, investigate, respond to, and redress complaints" from individuals who allege that DoD violated their privacy or civil liberties. DPCLO received 52 privacy complaints and 30 civil liberties complaints; 56 complaints were resolved; and 26 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 9/11 Commission Act of 2007**  
**4th Quarter FY11 – July 1, 2011 to September 30, 2011**

**A. Types and Number of Reviews**

Privacy Act Statements (PAS)	1592
Privacy Act Systems of Records (SORNs) with applicable associated exemptions	119
Computer Matching Programs	2
Section (m) Contractor Reviews	110

**B. Type of Advice and Response Given**

Collection, Use, Disclosure, Protection of PII	11605
Privacy Impact Assessments (PIA)	1928
Privacy Act Program Requirements /Principles	4769
Website Safeguards	10432
Privacy Compliance/DITPR Reporting	2682
Privacy Presentations	2811
Training Requirements	3231
Privacy Act Violations	409
Privacy Reports	701
Privacy Act Systems of Records Notices (SORNs)	1348
Privacy Compliance in Agency Publication	602
SSN and PII Reduction Actions	1846
PII Breach Notification/Identity Theft	5408
Other	706

## C. Nature, Number, and Disposition of Complaints

### 1. Privacy

Nature of Complaint	Number	Disposition		
		Responsive Action taken <sup>1</sup>	No Action Required <sup>2</sup>	Pending <sup>3</sup>
Process and Procedure (Compliance Matters)	44	13	16	15
Redress	1	1	0	0
Operational (Collection, Use, Disclosure Issues)	6	6	0	0
Referred to Other Agency(s)	1	1	0	0
Other	0	0	0	0
<b>Total for 4th Qtr FY11</b>	<b>52</b>	<b>21</b>	<b>16</b>	<b>15</b>

Dispositions of complaints are reported in one of the following categories:

<sup>1</sup>*Responsive Action Taken*: The complaint was reviewed and a responsive action was taken.

<sup>2</sup>*No Action Required*: The complaint did not ask for or require a DoD action or response.

<sup>3</sup>*Pending*: The complaint is being reviewed to determine the appropriate response.

### 2. Civil Liberties

Nature of Complaint	Disposition		
	Received <sup>1</sup>	Pending <sup>2</sup>	Resolved <sup>3</sup>
First Amendment	13	6	7
Second Amendment	2	1	1
Fourth Amendment	13	3	10
Fifth Amendment	1	1	0
Sixth Amendment	1	0	1
<b>Total for 4th Qtr FY11</b>	<b>30</b>	<b>11</b>	<b>19</b>

Dispositions of complaints are reported in one of the following categories:

<sup>1</sup>*Received*: The Component has received the complaint and is evaluating for civil liberties issues.

<sup>2</sup>*Pending*: The complaint has not been fully adjudicated or resolved.

<sup>3</sup>*Resolved*: The complaint has been fully adjudicated or resolved.



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NOV 14 2011

The Honorable Lamar Smith  
Chairman  
Committee on the Judiciary  
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 John Conyers, Jr.  
Ranking Member



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OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
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NOV 14 2011

The Honorable Mike Rogers  
Chairman  
Permanent Select Committee on Intelligence  
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 C.A. Dutch Ruppertsberger  
Ranking Member



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

NOV 14 2011

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
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 Adam Smith  
Ranking Member



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

NOV 14 2011

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



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

NOV 14 2011

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

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 Susan M. Collins  
Ranking Member





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ADMINISTRATION AND  
MANAGEMENT

NOV 14 2011

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

Dear Madam Chairman:

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As stated

cc:  
The Honorable Saxby Chambliss  
Vice Chairman



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

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The Honorable Chuck Grassley  
Ranking Member