



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
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OCT 31 2011

PROCLTR 2012-05

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Privacy Act Requirements

This exhortatory PROCLTR is a reminder that there are mandatory clauses and requirements which must be included in any contract where the contractor will collect, maintain, use, disseminate, or destroy Privacy Act information. Recent Privacy Act System of Records Notice reviews by the Defense Logistics Agency (DLA) Freedom of Information Act and Privacy Act Office have found there are DLA contracts that do not include these mandatory clauses. This is a serious issue, and DLA can be held responsible for its contractors' failure to comply with Privacy Act requirements.

Federal Acquisition Regulation (FAR) 24.104, Contract clauses, requires that FAR 52.224-1, Privacy Act Notification, and FAR 52.224-2, Privacy Act, be inserted into any solicitation or contract that involves the design, development, or operation of a system of records on individuals in order to accomplish an agency function.

FAR 39.105, Privacy, states that contracts for information technology shall address protection of privacy in accordance with the Privacy Act, Title 5 United States Code section 552a, and FAR Part 24. In addition, contracts for the design, development, or operation of a system of records using commercial information technology services or information technology support services must include the following:

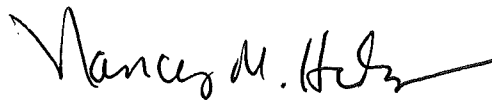
- (a) Agency rules of conduct that the contractor and the contractor's employees shall be required to follow (found at <http://www.dtic.mil/whs/directives/corres/pdf/540011p.pdf>);
- (b) a list of the anticipated threats and hazards that the contractor must guard against;
- (c) a description of the safeguards that the contractor must specifically provide; and
- (d) requirements for a program of Government inspection during performance of the contract that will ensure the continued efficacy and efficiency of safeguards and the discovery and countering of new threats and hazards.

In addition to these Privacy Act specific requirements, the information assurance and Federal Information Processing Standards requirements of Defense Federal Acquisition Regulation Supplement Subparts 239.71 and 239.72 must be applied in information technology procurements. The information assurance security controls required to protect the confidentiality and integrity of personally identifiable information or privacy data are found in Department of

Defense Instruction 8500.2, Information Assurance Implementation, Attachment 5 to Enclosure 4, Confidentiality Controls for Department of Defense Information Systems Processing Sensitive Information.

Heads of Contracting Activities and Chiefs of Contracting Offices for contracting offices for which the Director, DLA Acquisition, is the Head of Contracting Activity, are responsible for ensuring that these requirements are followed.

This PROCLTR is effective immediately. Please ensure widest dissemination to your acquisition workforce. The action officer for questions is Frances Meckel, J71, (703) 767-1395, or email: frances.meckel@dla.mil.

A handwritten signature in black ink, appearing to read "Nancy M. Heimbaugh", with a long horizontal flourish extending to the right.

NANCY M. HEIMBAUGH
Director, DLA Acquisition