



ADMINISTRATION AND
MANAGEMENT

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

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

FEB 22 2012

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 first quarter of fiscal year 2012, October 1, 2011 through December 31, 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 first quarter of FY 2012, DPCLO reviewed 80 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 40 privacy complaints and 40 civil liberties complaints; 62 complaints were resolved; and 18 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
1st Quarter FY12 – October 1, 2011 to December 31, 2011

A. Number and Types of Reviews Undertaken

Computer Matching Programs	4
Privacy Act Statements	789
Privacy Act Systems of Record Notices with applicable exemptions	20
Section (m) Contracts	86

B. Type of Advice Provided and the Responses Given to such Advice

Collection, Use, Disclosure, Protection of PII	32,363
PII Breach Notification/Identity Theft	5,237
Privacy Act Program Requirements and Principles	3,837
Privacy Act Systems of Records Notices	1,304
Privacy Act Violations	708
Privacy Briefings/Presentations	8,086
Privacy Compliance in Agency Publication	459
Privacy Compliance/DITPR	336
Privacy Impact Assessments	1603
Privacy Reports	275
SSN and PII Reduction	2,118
Training Requirements	2,030
Website Safeguards	983

C. Number and Nature of Complaints Received and Summary of the Dispositions of Such Complaints

Nature of Privacy Complaint	Number Received	Disposition of Complaint	
		Responsive Action Taken ¹	Pending ²
Process and Procedure (Compliance Matters)	30	21	9
Redress	5	4	1
Operational (Collection, Use, Disclosure Issues)	5	5	0
Subtotal for 1 st Qtr FY 12	40	30	10
Nature of Civil Liberties Complaint	Number Received ¹	Disposition of Complaint	
		Responsive Action Taken ¹	Pending ²
First Amendment	21	19	2
Second Amendment	2	1	1
Second and Fourth Amendments	5	5	0
Fourth Amendment	7	4	3
Fifth Amendment	4	3	1
Ninth Amendment	1	0	1
Subtotal for 1 st Qtr FY 12	40	32	8
TOTAL for 1st QTR FY12	80	62	18

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 and/or the complaint was resolved.

²*Pending*: The complaint is being reviewed to determine the responsive action and/or resolution.



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

FEB 22 2012

Dear Madam 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 first quarter of fiscal year 2012, October 1, 2011 through December 31, 2011.

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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 22 2012

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

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

FEB 22 2012

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

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As stated

cc:
The Honorable Chuck Grassley
Ranking Member



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OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
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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



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1950 DEFENSE PENTAGON
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The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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Michael L. Rhodes
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cc:
The Honorable Adam Smith
Ranking Member



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OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
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The Honorable Mike Rogers
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

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



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

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The Honorable John Conyers, Jr.
Ranking Member