



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

NOV 19 2012

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "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 (FY) 2012, July 1, 2012 through September 30, 2012.

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 fourth quarter of FY 2012, DPCLO reviewed 58 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 25 privacy complaints and 33 civil liberties complaints; 34 complaints were resolved; and 24 are pending.

A similar letter is being sent to the Chairmen of the other appropriate congressional committees.

A handwritten signature in black ink, appearing to read "Michael L. Rhodes".

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”
4th Quarter FY12 – July 1, 2012 to September 30, 2012

A. Number and Types of Reviews¹ Undertaken

Computer Matching Programs	2
Privacy Act Statements	534
Privacy Act Systems of Records Notices (SORNs) with applicable exemptions	174
Section (m) Contract Reviews	43

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 1; 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 Advice¹ Provided and the Responses Given² to such Advice

Collection, Use, Disclosure, Protection of Personally Identifiable Information (PII)	10,826
PII Breach Notification/Identity Theft	12,201
Privacy Act Program Requirements	4,391
Privacy Act SORNs	1,405
Privacy Act Violations	759
Privacy Briefings/Presentations	1,618
Privacy Compliance in Agency Publications	491
Privacy Compliance/DoD IT Portfolio Repository Report or Service equivalent	1,212
Privacy Impact Assessments	2,380
Privacy Reports	584
Social Security Number and PII Reduction	3,181
Training Requirements	9,714
Website Safeguards	10,355

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.

C. Nature, Number, and Disposition of Complaints¹ Received

Nature of Privacy Complaint	Number Received	Disposition of Complaint	
		Responsive Action Taken ²	Pending ³
Process and Procedure (Compliance Matters)	11	3	8
Redress	0	0	0
Operational (Collection, Use, Disclosure Issues)	14	8	6
Privacy Complaints Subtotal	25	11	14
Nature of Civil Liberties Complaint	Number Received	Disposition of Complaint	
		Responsive Action Taken ²	Pending ³
First Amendment	16	11	5
Second Amendment	1	1	0
Fourth Amendment	6	5	1
Fifth Amendments	3	1	2
Fourth and Fifth Amendments	1	1	0
Fifth and Fourteenth Amendments	3	3	0
First, Fifth, and Sixth Amendments	1	0	1
First, Fifth, and Fourteenth Amendments	1	1	0
First, Fourth, Fifth, and Fourteenth Amendments	1	0	1
Civil Liberties Complaints Subtotal	33	23	10
TOTAL for 4th Qtr FY12	58	34	24

¹ A complaint is an assertion alleging a violation of privacy and/or civil liberties. Privacy complaints typically allege violations of: (1) process and procedural issues (consent, collection, and notice); (2) redress (non-Privacy Act inquiries seeking resolution of difficulties about privacy matters); or (3) operational issues (Privacy Act matters not including requests for access and/or amendment). Civil liberties complaints typically allege a violation of the Bill of Rights or other Amendments to the Constitution of the United States.

² Responsive action taken means the complaint was reviewed and a responsive action was taken and/or the complaint was resolved.

³ Pending means that the complaint is being reviewed to determine the responsive action and/or resolution.



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ADMINISTRATION AND
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NOV 19 2012

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

Dear Madam Chairman:

Pursuant to section 803, Public Law 110-53, the "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 (FY) 2012, July 1, 2012 through September 30, 2012.

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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



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OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

NOV 19 2012

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

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "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 (FY) 2012, July 1, 2012 through September 30, 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



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OFFICE OF THE SECRETARY OF DEFENSE

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NOV 19 2012

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

Dear Mr. Chairman:

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and DoD Civil Liberties Officer

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cc:
The Honorable Chuck Grassley
Ranking Member



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OFFICE OF THE SECRETARY OF DEFENSE

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NOV 19 2012

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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Senior Agency Official for Privacy
and DoD Civil Liberties Officer

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cc:
The Honorable Susan M. Collins
Ranking Member



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NOV 19 2012

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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cc:
The Honorable Adam Smith
Ranking Member



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NOV 19 2012

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



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1950 DEFENSE PENTAGON
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NOV 19 2012

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

Dear Mr. Chairman:

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The Honorable John Conyers, Jr.
Ranking Member