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for ATSDR records.

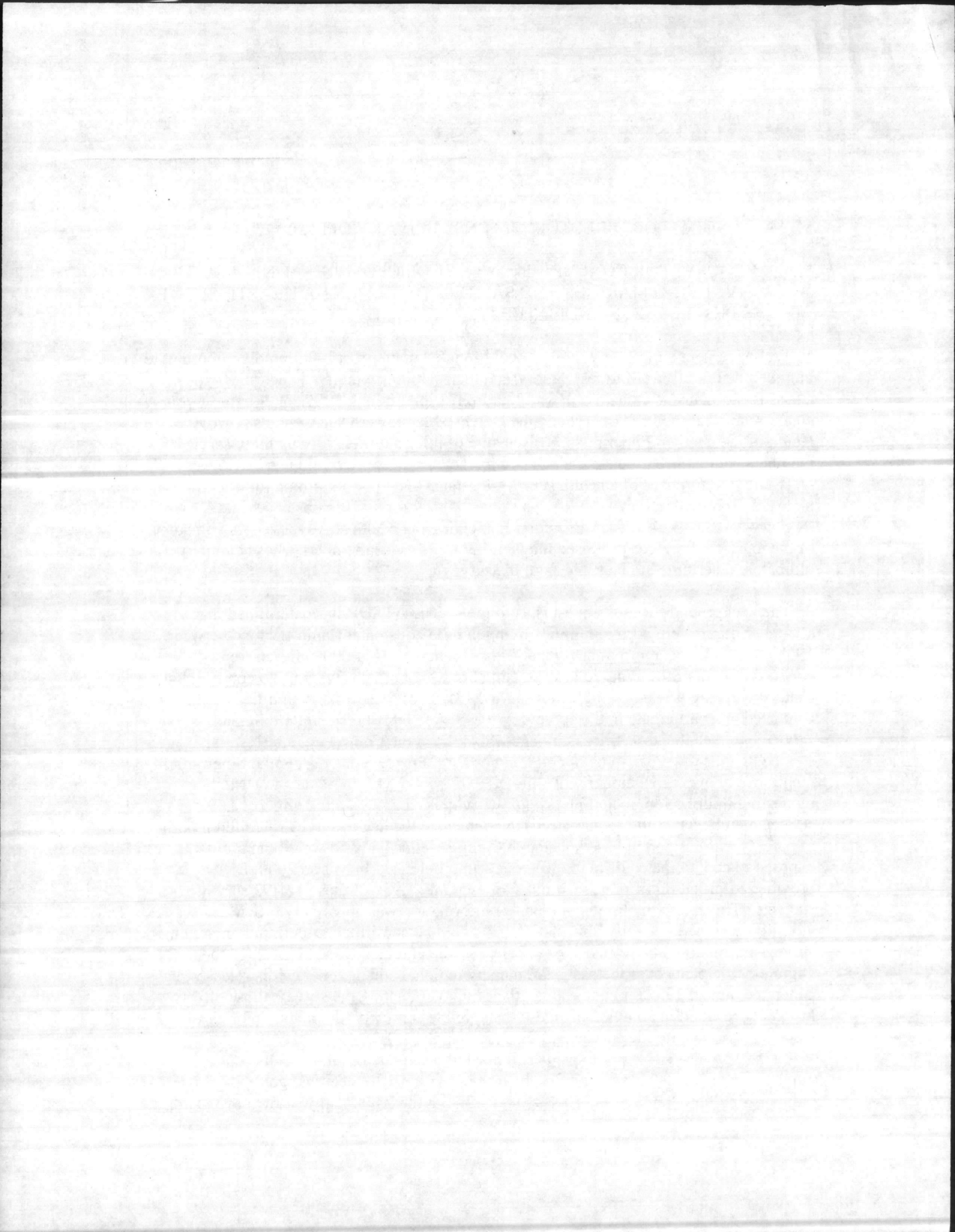
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MEMORANDUM FOR DIRECTOR, DEFENSE PRIVACY OFFICE

Subj: REQUEST FOR CONCURRENCE THAT DISCLOSURE OF INFORMATION INVOLVING MARINES AND SAILORS TO SUPPORT A HEALTH SURVEY IS PERMISSABLE UNDER THE PRIVACY ACT

1. We need your support involving a health-related matter that is extremely important to our extended family -- Marines, Sailors, and their families who lived aboard Marine Corps Base Camp Lejeune, North Carolina from 1968 through 1985. We request your concurrence that the Privacy Act and the Defense Manpower Data Center's (DMDC's) Routine Use number 20 permits the disclosure of information involving these service members and their families to the Agency for Toxic Substances and Disease Registry (ATSDR) for purposes of a health survey. ~~I request that your determination conclude that such information may be disclosed to the Agency for Toxic Substances and Disease Registry (ATSDR), the Federal Agency conducting the health survey, even though some of the individual records disclosed may not involve service members whose children are ultimately determined to be subjects of the survey.~~

2. The background for this request is as follows. The ATSDR has determined that 12,493 children were born to families living in base housing at Camp Lejeune between 1968 and 1985, and approximately 4,007-4,000 children were conceived by families living in base housing but were born elsewhere. ~~To conduct a statistically significant valid health survey, 13,200 of these 16,500 families need to be contacted and participate in the survey.~~ In 1995, ATSDR obtained approximately 4,740 service member social security numbers (SSNs) from the Camp Lejeune Hospital. These service members were parents of children born at Camp Lejeune during the timeframe mentioned above. In October 1998, the ATSDR sent a written request to DMDC requesting information, including last known address and SSNs, relating to 12,493 service members that the agency needs to contact for the health survey of children born of parents who resided in base housing at Camp Lejeune and who were potentially exposed to contaminated drinking water at Camp Lejeune. In March 2000, DMDC provided information from its records involving only 1,950 of these 12,493 survey subjects. This relatively limited amount of information was apparently provided because your office opined that only information that could be confirmed as definitely matching a survey subject could be released to ATSDR. While alternative approaches to reach eligible participants over the past year, namely regional and national media releases, has generated almost 19,000 phone calls to the center conducting the survey, those efforts have only resulted in about 3,000 additional eligible survey participants. In order to reach 80% of the eligible survey participants, approximately 3,500 minimum of about 4,000 individual eligible participants still need to be contacted, and social security numbers from DMDC's records offer the best opportunity to meet that goal. ~~The numbers don't add up here: 1950+3000 = 4950, not the 9,300 that we now have. Didn't~~



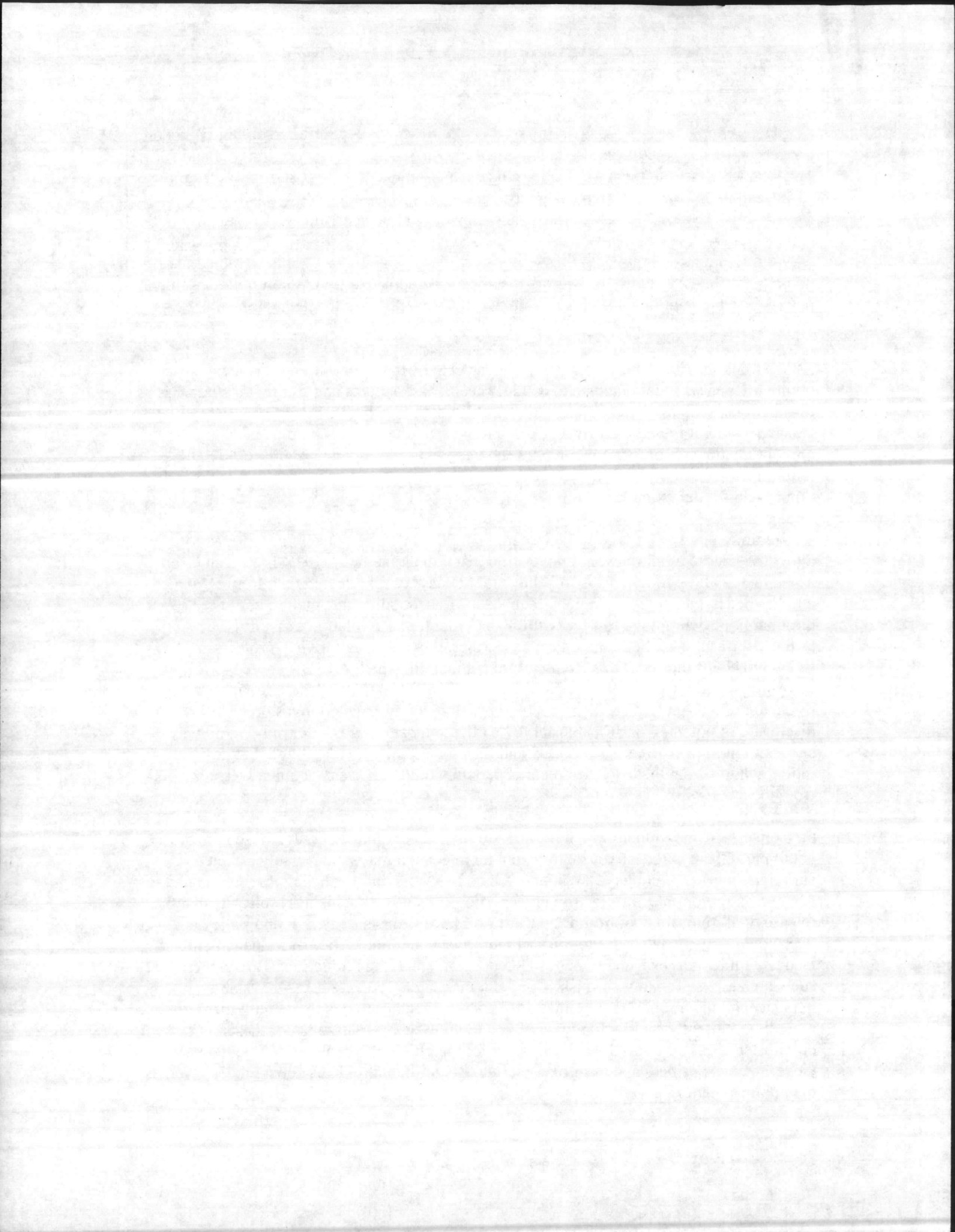
ATSDR's contractor contact the difference on their own?] [ATSDR had obtained SSNs for approximately 6,690 cases. That includes 4,740 SSNs from the original file and 1,950 new SSNs from the DMDC file (plus the approximately 3,000 interviews from the phone calls). However, we have not successfully completed interviews on all of the folks for which we have SSNs. This is why our completes, at present, only add up to approximately 9,300 surveys instead of 9,690 (6690+3000=9690). Some of the reasons why we do not have completed files on those with SSNs is because some have bad phone numbers, some do not have answering machines and do not respond to our letters, some have refused to complete the survey, and the rest are still being located. Hope this helps!]

3. We think that it is sound policy to provide ATSDR the information they need to carry out their Congressional mandate to conduct health assessments and follow-on studies at installations, such as Camp Lejeune, that are listed on the National Priorities List (NPL). Congress did not intend the Privacy Act to impose undue burdens on the necessary or appropriate transfer of information between Federal agencies, and providing ATSDR with information they need to contact all eligible survey participants possible is the right thing to do for our extended family.

4. We think that DMDC's Routine Use number 20 may be reasonably interpreted to allow the release of all relevant information that will assist the ATSDR's research effort. Thus, there is little to no reason to believe that release of all relevant data from DMDC to another Federal agency, under the circumstances surrounding this matter, could reasonably be determined to be a "willful" or "intentional" violation of the Privacy Act, as those terms are applied under the act. Further, the individual privacy protection safeguards built into DMDC's Routine Use number 20, which ATSDR agreed to follow in writing on 28 October 1998, leave little to no likelihood that any individual's privacy rights under the Act will suffer any actual, prohibited unwarranted invasion. The disclosure of potential or probable survey participant data to ATSDR would in no way serve any private or irregular purpose, and there is virtually no likelihood that any individual to whom the disclosed records pertain would suffer any actual adverse impact from the disclosure.

5. Conversely, individuals who have already participated in the survey, those who have yet to participate in the survey, and the public in general may be adversely affected if a sufficient number of subjects are not contacted to successfully conclude the survey and to support, if appropriate, a follow-on epidemiological study. In closing, I reiterate that the release of all relevant data from DMDC to ATSDR for this survey is sound policy and does not violate the letter or the spirit of the Privacy Act, the Office of Management and Budget Guidelines, or Department of Defense implementing regulations. I recognize that such a release is probably permissive and not mandatory, despite ATSDR's statutory mandate and the implicit requirement for Federal Agencies to cooperate with them regarding NPL sites, but I strongly urge you to view such a release under these circumstances as appropriate and necessary for the efficient conduct of the Federal Government's business and as in the best interests of the individuals concerned, as well as the public generally.





6. ~~We~~ ~~would~~ ~~will~~ be pleased to meet with you to discuss this important issue further. ~~The~~ ~~My~~ ~~points~~ ~~of~~ ~~contact~~ ~~for~~ ~~this~~ ~~issue~~ ~~are~~ ~~is~~ ~~Major~~ ~~Les~~ ~~Reed~~, ~~Associate~~ ~~Counsel~~, ~~Office~~ ~~of~~ ~~Counsel~~ ~~for~~ ~~the~~ ~~Commandant~~ ~~-at~~ ~~(703)~~ ~~614-2150~~ ~~and~~ ~~Mr.~~ ~~Craig~~ ~~Sakai~~, ~~Head~~, ~~Environmental~~ ~~Management~~ ~~Section~~, ~~at~~ ~~(703)~~ ~~695-8517~~. ~~I~~ ~~can~~ ~~be~~ ~~reached~~ ~~at~~ ~~(xxx)~~ ~~xxx-~~ ~~xxxx~~.

