



OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
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WASHINGTON, DC 20301-9010

MAY 23 2016

The Honorable David Medine
Chairman
Privacy and Civil Liberties Oversight Board
Suite 500
2100 K Street NW
Washington, DC 20427

Dear Mr. Chairman:

Please find enclosed the Department of Defense (DoD) Privacy and Civil Liberties Officer Report, pursuant to section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), as amended, 42 U.S.C. § 2000ee-1. This report reflects activities covering the reporting period for the first half of fiscal year 2016, October 1 through March 31, 2016.

The DoD is committed to promoting and protecting privacy and civil liberties as it carries out its programs and missions. Consistent with 42 U.S.C. § 2000ee-1, the DoD Privacy and Civil Liberties Officer ensures that privacy and civil liberties are considered in the decision and policy-making activities of the Department and oversees the Department's compliance of applicable privacy and civil liberties laws, requirements, and policies through the Directorate for Oversight and Compliance.

In accordance with 42 U.S.C. § 2000ee-1, this report is also being sent to the Chairmen of the appropriate congressional committees as delineated in subsection (f)(1). Should you have questions about the report, you or your staff may contact Joo Y. Chung, Director, Directorate for Oversight and Compliance, Office of the Deputy Chief Management Officer, Office of the Secretary of Defense, at 703-692-2746, or at joo.y.chung2civ@mail.mil.

A handwritten signature in black ink, appearing to read "D. Tillotson III", is positioned above the typed name.

David Tillotson III
Privacy and Civil Liberties Officer

Enclosure:
As stated

cc:
U.S. Senate Committee on Armed Services
U.S. Senate Committee on Homeland Security and Governmental Affairs
U.S. Senate Committee on Judiciary

U.S. Senate Select Committee on Intelligence
U.S. House of Representatives Committee on Armed Services
U.S. House of Representatives Committee on the Judiciary
U.S. House of Representatives Committee on Oversight and Government Reform
U.S. House of Representatives Permanent Select Committee on Intelligence

Department of Defense
Privacy and Civil Liberties Officer Report



Semiannual Report for Fiscal Year 2016

October 1 – March 31, 2016

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I. INTRODUCTION

The Department of Defense (“DoD” or “Department”) submits this Privacy and Civil Liberties Officer Report covering the activities of the DoD Privacy and Civil Liberties Officer (PCLO) for the first semiannual reporting period of fiscal year 2016: October 1, 2015 through March 31, 2016.

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), 42 U.S.C. § 2000ee-1 (hereinafter referred to as “Section 803”) requires the DoD to designate a senior officer to serve as the Department’s principal advisor on privacy and civil liberties matters, and to report on a semiannual basis the activities of this officer.¹ The Deputy Chief Management Officer (DCMO)² of the Department serves as the PCLO and reports on these matters directly to the Deputy Secretary of Defense.

Section 803 Reports³ describe the performance of privacy and civil liberties actions of the PCLO, to include information on:

- The number and types of privacy and civil liberties reviews undertaken;
- The type of advice provided and response to such advice;
- The number and nature of the complaints received by the Department for alleged violations of privacy rights and civil liberties; and
- A summary of the current disposition of the reported complaints.

The DoD is committed to protecting and promoting privacy and civil liberties in its operations and programs consistent with the Department’s national defense mission. In keeping with the Department’s dedication to leadership and collaboration in this area, this report has been prepared to include the activities of the PCLO and the efforts of the many DoD Component privacy and civil liberties officials who perform the day-to-day work of safeguarding the privacy and civil liberties of individuals and the personal data entrusted to the Department.

¹ See 42 U.S.C. § 2000ee-1, “Implementing Recommendations of the 9/11 Commission Act of 2007” (Public Law No. 110-53).

² See <http://dcmo.defense.gov/Home.aspx> for further information regarding the Office of the Deputy Chief Management Officer.

³ On July 7, 2014, the statute was amended to require semiannual submissions of the periodic reports rather than the original quarterly submissions. See § 2000ee-1(f) (2014), (Public Law No. 113-126, title III, § 329(b) (4), 128 Stat. 1406 (2014)).

II. THE DOD PRIVACY AND CIVIL LIBERTIES PROGRAMS

To ensure compliance with the applicable federal statutes and Office of Management and Budget (OMB) guidelines for privacy and civil liberties, the Department established the DoD Privacy Program and the DoD Civil Liberties Program to reach all Components. On behalf of the PCLO, the Directorate for Oversight and Compliance (DO&C) oversees the Department's privacy and civil liberties programs. Through the DO&C, the PCLO promotes and supports the guidance set forth in both programs as the Department carries out activities that impact privacy and civil liberties issues.

A. The DoD Privacy Program

The DoD Privacy Program and the Defense Privacy Office were established in 1975 after the passage of Section 552a of Title 5, United States Code (U.S.C.) (also known as "The Privacy Act of 1974," as amended).⁴ While the augmentation of the DoD Privacy Program continues to evolve, the program mission remains consistent – to provide a comprehensive framework which regulates how and when the DoD collects, maintains, uses, and disseminates personally identifiable information (PII). The DoD Privacy Program focuses on balancing the information requirements of the Department and concerns of the individual,⁵ while accomplishing the missions of the Department. DoD Privacy Program policies include DoD Directive (DoDD) 5400.11, "DoD Privacy Program," October 29, 2014⁶, and DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007.⁷ These two documents set forth the Department's objectives with regard to Privacy Act compliance and, in the case of DoD 5400.11-R, the practical guidelines for implementing these objectives.

B. The DoD Civil Liberties Program

To advance Section 803's civil liberties requirements, DoD promulgated DoD Instruction (DoDI) 1000.29, "DoD Civil Liberties Program," December 14, 2014.⁸ DoDI 1000.29 establishes the Department's policy for implementing the DoD Civil Liberties Program by delegating authorities for the administration of the program, assigning responsibilities to DoD Components, and authorizing the Defense Civil Liberties Board.⁹ Due to the overlapping and related nature of the

⁴ The Privacy Act of 1974, 5 U.S.C. § 552a (2012) was enacted on September 27, 1975, and can generally be characterized as an omnibus "code of fair information practices" that attempts to regulate the collection, maintenance, use, and dissemination of personal information of individual by federal executive branch agencies.

⁵ "Individual," as defined by the Privacy Act means a citizen of the United States or an alien lawfully admitted for permanent residence.

⁶ Available at <http://www.dtic.mil/whs/directives/corres/pdf/540011p.pdf>

⁷ Available at <http://www.dtic.mil/whs/directives/corres/pdf/540011r.pdf>

⁸ Department of Defense Instruction 1000.29, "The DoD Civil Liberties Program," May 17, 2012, incorporating Change 1, November 26, 2014. Available at <http://dpcl.d.defense.gov/CivilLiberties/LawandPolicy.aspx>

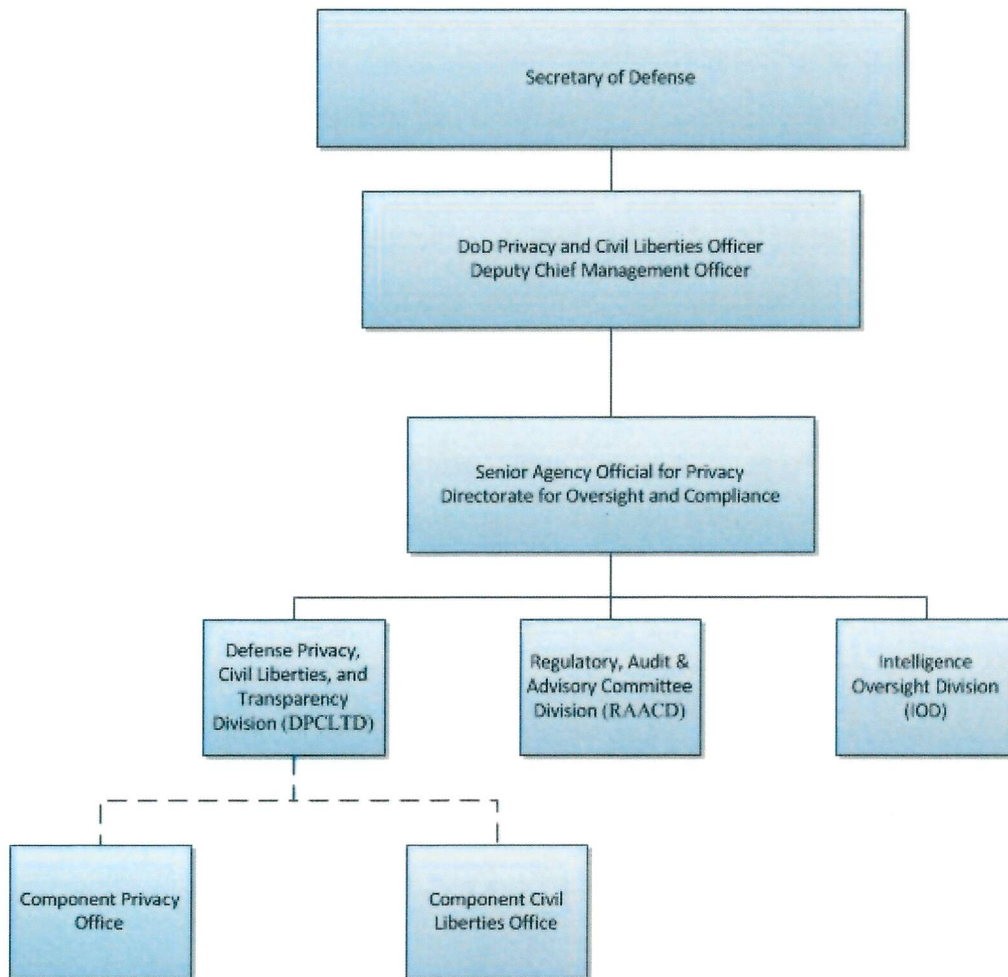
⁹ The Defense Civil Liberties Board serves as the primary DoD policy forum for matters involving the DoD Civil Liberties Program, meeting as necessary to address issues of common concern to ensure that consistent policy is adopted and followed by the DoD Components.

work of privacy and civil liberties, the respective boards will be consolidated to provide better coordination and to underscore common efforts.

C. Structure of the DoD Privacy and Civil Liberties Programs

Due to its vast size, the Department has a decentralized privacy and civil liberties program with each of its components implementing its own programs, under the policy direction of DO&C. This decentralized approach enables DoD-wide compliance with laws, policies, and guidance and helps ensure that privacy and civil liberties are adequately considered in all Department activities. The following describes the structure and responsibilities of the DoD Privacy Program and the DoD Civil Liberties Program.

Figure: DoD Privacy and Civil Liberties Program Structure



1. The Office of the Deputy Chief Management Officer (ODCMO)

The DCMO serves as the PCLO and reports directly to the Deputy Secretary of Defense, who is the Chief Management Officer. The DCMO serves as the senior advisor to the Secretary of Defense and the Deputy Secretary of Defense on business transformation, and leads the Department's efforts to streamline business processes to achieve greater efficiencies in management, headquarters, and overhead functions. As the PCLO, the DCMO ensures that DoD continues its long-standing tradition of providing leadership dedication and attention to privacy and civil liberties matters affecting the Department.

2. The Directorate for Oversight and Compliance (DO&C)

DO&C is a Directorate within the Office of the Deputy Chief Management Officer in the Office of the Secretary of Defense, and is comprised of three Divisions: the Intelligence Oversight Division, the Defense Privacy, Civil Liberties, and Transparency Division, and the Regulatory, Audit, and Advisory Committee Division. The Director of O&C reports directly to the DCMO and apprises the DCMO of privacy and civil liberties issues that may impact the Department or require action by the DCMO and/or senior Department leaders to further program requirements.

The Director of O&C has also been designated as the DoD Senior Agency Official for Privacy (SAOP).¹⁰ The SAOP is the senior official who has Department-wide responsibility for information privacy, including implementation of information privacy protections, compliance with Federal laws, regulations, and policies relating to information privacy, and development and evaluation of legislative, regulatory, and other policy proposals that implicate information privacy issues. The SAOP also oversees the DoD Privacy Program and provides recommendations directly to the PCLO.

3. The Defense Privacy, Civil Liberties, and Transparency Division (DPCLTD)

The DPCLTD, located within the DO&C, performs many privacy and civil liberties functions on behalf of the PCLO and the SAOP. Under the direction of the Director of DO&C, the DPCLTD assists the DCMO in implementing the DoD Privacy and Civil Liberties Programs by providing guidance to the Component officials, reviewing publications and legislative activities, enabling official reporting from all levels, and training in both privacy and civil liberties content and program administration.

The DPCLTD coordinates routinely on a wide range of activities with privacy and civil liberties officials at each DoD Component, the OMB, the Privacy and Civil Liberties Oversight Board (PCLOB), and other Federal departments and agencies, to ensure Department-wide compliance with federal privacy and civil liberties program requirements, and to develop and review sound and effective privacy and civil liberties practices.

¹⁰ See Deputy Chief Management Officer Memorandum, "Delegation of Responsibilities and Authorities for the Functions Associated with the Directorate of Oversight and Compliance," December 22, 2015.

4. The Intelligence Oversight Division (IOD)

The IOD is responsible to the Secretary of Defense for the independent oversight of all intelligence, counterintelligence, and intelligence-related activities in the Department. The IOD inspects all intelligence or intelligence-related activities conducted by any of the DoD Components to ensure that these activities comply with federal law, Executive orders, Presidential Directives, Intelligence Community Directives, and DoD issuances. Due to the importance of protecting privacy and civil liberties when conducting intelligence activities, the IOD is an integral part of the DoD Privacy and Civil Liberties Programs. The Chief of IOD also serves as the DoD Senior Intelligence Oversight Official (SIOO) and the Deputy Director, DO&C.

5. DoD Office of General Counsel (OGC)

The DoD OGC is responsible for providing advice to senior DoD officials, DO&C, and the DoD Components on numerous complex legal matters involving the Department, as appropriate, including legal advice in support of the DoD Privacy and Civil Liberties Programs. In addition to the many OGC attorneys who work on various privacy and civil liberties matters throughout the Department, the DoD OGC privacy legal advisor specifically works directly with the DCMO, the DO&C, and the DPCLTD to provide legal support for privacy and civil liberties reviews and to facilitate the development of privacy and civil liberties advice and compliance documents. The DoD OGC legal advisor also reviews allegations of privacy or civil liberties violations and provides support to the investigation of those allegations.

6. DoD Component Privacy and Civil Liberties Officials

DoD Components are responsible for administering privacy and civil liberties programs, to include establishment and implementation of Component-level privacy and civil liberties policies, procedures, and training. The DCMO employs the efforts of the Director of the DO&C and the DPCLTD, to coordinate regularly with privacy and civil liberties officials at each DoD Component, ensuring compliance with law and policy. Components also have privacy and civil liberties officials, OGC attorneys, and intelligence oversight officials to review privacy and civil liberties issues, as appropriate.

a. Senior Component Officials for Privacy (SCOPs) and Component Privacy Officers

To foster a strong and implementable privacy program, the DoD requires the appointment of SCOPs in support of this collective responsibility. Each SCOP works closely with the Component privacy officer to understand existing or potential compliance issues requiring executive level intervention, and to develop strategies to bring issues to the attention of the appropriate Component leadership. DoD Component privacy officers and support staff assist the SCOPs at the Service, Component, and Combatant Command levels. In addition, the SCOPs provide information and advice to the Director of DO&C to assist in the policy making process.

b. Component Chief Civil Liberties Officers (CCLOs) and Points of Contact (POCs)

DoD Components are responsible for designating a senior service member or civilian employee to serve as the CCLO, and another service member or civilian employee to serve as the Component's civil liberties POC. Generally, the CCLO has authority to act on behalf of the Component Head to direct the Component's compliance with Section 803 and the DoD Civil Liberties Program. The civil liberties POC is responsible for fulfilling the requirements of the DoD Civil Liberties Program within the Component, under the direction of the CCLO.

III. REVIEWS

The DoD appropriately considers privacy and civil liberties concerns when proposing, developing, and implementing laws, regulations, policies, procedures, and guidelines.¹¹ On behalf of the DCMO and the Director of the DO&C, the DPCLTD performs privacy and civil liberties reviews for all Department-level issuances, as well as proposed federal legislation, testimony, and reports. In addition, the DPCLTD reviews and comments on other federal agency documents when requested by the Department's senior leadership. The total number of documents reviewed by DPCLTD during this review period, for both privacy and civil liberties issues, is identified in Tables 1 and 2.

A. Privacy Reviews

Privacy reviews are conducted in accordance with information privacy requirements such as the Privacy Act of 1974, as amended, 5 U.S.C. § 552a (2012), and OMB guidance, including OMB Circular A-130.¹² The Department also ensures compliance and alignment with the Federal Information Security Modernization Act of 2014 and the E-Government Act of 2002, 44 U.S.C. §3501 (note) (2012). For the purposes of this report, privacy compliance reviews are defined as follows and are summarized in Table 1 (below):

1. System of Records Notice (SORN) Reviews – A SORN is a notice for the public that describes the existence and character of a system of records.¹³ DoD Components must submit their SORNs to DPCLTD for review and approval. The number listed in this report represents the SORNs that DPCLTD has reviewed, approved, and forwarded to OMB and Congress, and sent to the Office of the Federal Register for publication during this review period.
2. Exemption Rule Reviews – A Privacy Act exemption rule is promulgated when a system of records is exempted from certain general or specific provisions of the Privacy Act of 1974.¹⁴ For the purposes of this report, the number reported represents new exemption rules reviewed

¹¹ See 42 U.S.C. § 2000ee-1.

¹² See OMB Circular No. A-130, "Management of Federal Information Resources," Appendix 1, Federal Agency Responsibilities for Maintaining Records About Individuals, 61 Fed. Reg. 6428 (Feb. 20, 1996), as amended, 65 Fed. Reg. 77, 677 (Dec. 12, 2000), available at: http://www.whitehouse.gov/omb/circulars_a130.

¹³ See 5 U.S.C. § 552a (e) (4).

¹⁴ See 5 U.S.C. § 552a (j), (k).

by DPCLTD and the DoD OGC Legal Advisor and published as a final rule during the reporting period.

3. Computer Matching Agreement (CMA) Reviews – A CMA is a written agreement between a source agency and a recipient agency (federal or non-federal agency) when automated data is matched between the agencies to determine eligibility of individuals for a specific federal service or benefit.¹⁵ For the purposes of this report, the number reported represents CMAs reviewed during this period in which DoD is either the source agency or the recipient agency.
4. Privacy Breach Reviews – A breach is the intentional or inadvertent disclosure of PII to non-authorized persons in the control of the Department or its contractors who process, store, or possess PII. DoD Components report all privacy-related breaches to the DPCLTD, which compiles the breach reports to inform senior leadership of breach incidents, analyze trends, and enhance DoD breach prevention measures.¹⁶ The number reported is the total number of privacy breaches across all Components that were reported to DPCLTD during this reporting period.
5. Social Security Number (SSN) Justification Memoranda Reviews – An SSN Justification Memorandum is submitted by the Component, to DPCLTD for each system or form that collects SSNs.¹⁷ The number reported is the total number of memoranda approved and signed by DPCLTD during this reporting period.
6. Privacy Reviews of Proposed Legislation, Reports, Testimony, and DoD-wide Issuances – DPCLTD reviews DoD-wide issuances for privacy issues and provides comments as appropriate. In addition, DPCLTD reviews and coordinates comments on other federal agency documents upon request. Table 1 includes privacy reviews of DoD and other federal agency documents.¹⁸

¹⁵ See 5 U.S.C. § 552a (o).

¹⁶ Director of Administration & Management (DA&M) Memorandum, "Use of Best Judgement for Individual Personally Identifiable Information (PII) Breach Notification Determinations," August 2, 2012; OMB M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," May 22, 2007.

¹⁷ See DoDI 1000.30, "Reduction of Social Security Number (SSN) Use Within DoD," August 1, 2012. Please note. DPCLTD is only the approving office for SSN Justification Memoranda and is not the owner of the instruction itself.

¹⁸ See "Overview of Department of Defense Issuance", available at http://www.dtic.mil/whs/directives/corres/writing/DoD_Issuances.ppt

Table 1: Privacy Reviews

PRIVACY REVIEWS	
Type of Review	Number of Reviews
System of Records Notices (SORNs) <ul style="list-style-type: none"> ➤ Additions: 13 ➤ Alterations: 30 ➤ Amendments: 0 ➤ Deletions: 6 ➤ Re-instatements: 1 	50
Exemption Rules	2
Computer Matching Agreements	3
Privacy Breach Reviews	342
SSN Justification Memoranda	11
DoD Issuances: 102 <ul style="list-style-type: none"> ➤ DoD Directive: 38 ➤ DoD Instruction: 54 ➤ DoD Manual: 8 ➤ Directive Type Memo: 2 Federal Legislation, Testimony, and Reports: 55	157

B. Civil Liberties Reviews

Civil liberties are the fundamental rights and freedoms guaranteed by the Constitution of the United States. Civil liberties are listed in the first ten amendments to the Constitution, known as the Bill of Rights, and include the freedoms of speech and religion.

DPCLTD conducts civil liberties reviews of DoD-wide issuances as well as reports, testimony, and proposed federal legislation and Executive Branch documents. Table 2 (below) includes all civil liberties reviews conducted during the reporting period.¹⁹ Comments or concurrences based on any impact to civil liberties by the Department publication are provided to the respective points of contact for each issuance.

¹⁹ Privacy and civil liberties reviews are conducted simultaneously, so the numbers reported in Table 1 and Table 2 are the same.

Table 2: Civil Liberties Reviews

CIVIL LIBERTIES REVIEWS	
Type of Review	Number of Reviews
DoD Issuances: 102 ➤ DoD Directive: 38 ➤ DoD Instruction: 54 ➤ DoD Manual: 8 ➤ Directive Type Memo: 2 Federal Legislation, Testimony, and Reports: 55	157

IV. ADVICE AND RESPONSE TO ADVICE

The DCMO provides advice and response to advice on privacy and civil liberties issues for all DoD Components. This advice and response to advice serves as important guidance for DoD Component privacy and civil liberties program implementation.

A. Advice

For the purpose of this report, advice encompasses the written issuance of DoD policies, procedures, or guidance pertaining to privacy and civil liberties by the DCMO. The DCMO did not issue formal privacy or civil liberties advice, in the form of a written issuance, during this reporting period.

B. Programmatic Achievements

The DoD is committed to engaging stakeholders in the privacy and civil liberties community. It conducts outreach and training in response to Department privacy and civil liberties advice. The following activities highlight a few key DO&C and DPCLTD outreach and engagement efforts during this period.

- Office of Personnel Management (OPM) Breach- In response to the second OPM breach, which affected over 20 million federal agency personnel, DoD engaged its resources to assist in the notification and remediation process. The Department published a DoD SORN, which was coordinated with OMB, OPM, and other stakeholder agencies to arrive at a comprehensive and effective data protection and breach remediation document.
- Defense Privacy Board- Serves as the primary DoD policy forum for matters involving the DoD Privacy Program, meeting three times a year to address issues of common concern, to inform privacy officers of advances and changes in privacy practices, to communicate

procedural changes in support of privacy requirements, and to discuss policies which are adopted and followed by the DoD Components. During this semi-annual period, the Defense Privacy Board discussed the implementation of National Institute of Standards and Technology SP 800-53 Appendix J, Privacy Controls, recommendations from the Government Accountability Office on breach responses, and privacy concerns related to the use of SharePoint technology, along with revisions to OMB guidance and other events of topical concern,

- Defense Civil Liberties Board- Provides DoD with a forum to discuss current trends and issues related to the DoD Civil Liberties Program. This venue encourages Component POCs to share Department and Component-level civil liberties initiatives and best practices. During this semiannual period, the Defense Civil Liberties Board discussed recent trends in reported civil liberties complaints, the upcoming launch of a new online interactive civil liberties awareness training course, upcoming outreach events such as Privacy and Civil Liberties Day, and developments of civil liberties issues in the federal courts.
- Senior Component Officials for Privacy (SCOP) Meeting- The Department's new SAOP convened the SCOP Forum on February 9, 2016. The SCOPs meet periodically to address how the Department will face emerging privacy issues and to ensure compliance with privacy policy and reporting requirements.
- The Chief Information Officer (CIO) Council Privacy Committee Incident Response Working Group- In the fall of 2015, the CIO Council's Privacy Committee established several working groups to address key privacy issues. The Incident Response Working Group has worked to provide input and guidance to OMB as they redraft and update their guidance on incident response, notification, and reporting. DPCLTD is an active member of the Working Group, which is co-chaired by the Department of the Navy and the Department of Health and Human Services.
- DoD Incident Response Working Group- In 2015, DPCLTD established an internal working group to review current Department incident response practices, procedures, workflow and policies and to make recommendations to the SAOP on policy and implementation after reviewing the current incident response practices, procedures, workflow, and policy.
- The DoD Working Group on the Privacy Overlay and Cloud Computing- This working group was established to develop a standardized approach to mapping Privacy Overlay security controls in each of the three Cloud deployment models (IaaS, PaaS, SaaS). DPCLTD participated to ensure privacy considerations were built into the development process for each of these models.
- A-108/A-130 Policy for Implementation- DPCLTD has staffed the re-issuance of OMB Circular A-130 and the reissuance of OMB Circular A-108 documents and provided detailed comments to OMB to help shape the policies, to meet today's needs and challenges.
- Executive Order 13636, "Improving Critical Infrastructure Cybersecurity"- Requires each federal department and agency to develop and implement privacy and civil liberties safeguards in concert with their cybersecurity activities. Each agency's senior official for privacy and civil liberties is required to conduct annual assessments of those safeguards.

DoD submitted its privacy and civil liberties assessment of the Defense Industrial Base Cybersecurity/Information Assurance Program to the Department of Homeland Security for inclusion in the 2016 public report.

Privacy and Civil Liberties Training and Outreach

- Privacy Act Compliance and Management (PACMAN) Training- This periodic training was conducted for privacy officers and privacy analysts throughout the DoD and its various components. DPCLTD provided presentations and a tabletop exercise for three days on privacy compliance and program management with a combination of guest speakers and DPCLTD staff. DPCLTD provided component specific System of Records Notices (SORN) training as well as a simulated “real-world” breach exercise to help participants use the materials that were discussed during the 3-day training.
- Civil Liberties Awareness Training Course- DPCLTD launched the creation of new interactive online training to increase civil liberties awareness throughout the DoD.
- Office of the Secretary of Defense Action Officer Awareness Training- Every quarter DPCLTD conducts a briefing for new hires and action officers. This briefing broadly covers the DoD’s privacy and civil liberties programs and relevant regulations. The intention is to make new hires and action officers aware of the requirements resources available to them.
- DoD Joint Inspector General (IG) Course- Every quarter, DPCLTD conducts a briefing for new IG employees. The IG is one of the most important conduits for civil liberties complaints. Federal law requires that there should not be a duplication of effort between the IG and the civil liberties program. This briefing shows new IGs how civil liberties issues arise and where DPCLTD fits in the IG process.
- PCLOB Briefings- As part of DoD’s briefings to the PCLOB, the DO&C presented the Board with an overview of the DoD privacy and civil liberties programs, and organized a briefing of the Department’s counter- and anti-terrorism missions. This series of briefings, also referred to as 12333 briefings for the Executive Order which it serves, also provided a forum for the PCLOB members to ask questions to better understand the Department’s roles, missions, and initiatives.

V. COMPLAINTS

DoD has well-established procedures in place for processing privacy and civil liberties complaints. Generally, complaints are reviewed by the receiving Component privacy and civil liberties program office and appropriately reported to the command within the Component. Upon receipt of the complaint, the command may initiate an investigation and, as necessary, direct corrective action. Complaints submitted to DPCLTD are then forwarded to the appropriate DoD Component for further processing. The complaints identified in this report were received in accordance with these procedures. For the purposes of this report, a complaint is an assertion alleging a violation of an individual’s privacy rights or civil liberties. Privacy or civil liberties

complaints arising out of non-judicial punishments, military courts-martial, and administrative separations are not included in this report.

This report includes the number of complaints received by DoD during the reporting period for which (1) responsive action was taken, or (2) action is pending. “Responsive action taken” means the complaint was reviewed and resolved. It also includes any action taken to remediate the violation and prevent recurrence. “Pending” means the complaint is under review to determine what actions are required to resolve the complaint.

A. Privacy Complaints

A privacy complaint is an allegation concerning a violation of privacy protections in the administration of the programs and operations of the Department. Privacy complaints are separated into three categories:

1. Procedural Issues (such as appropriate consent, collection, and/or notice);
2. Redress Issues (non-Privacy Act inquiries seeking resolution of difficulties about privacy matters); and
3. Operational Issues (Privacy Act matters not including requests for access, disclosure, and/or amendment).

For samples of DoD Privacy Complaints, please refer to the Appendix of this report.

Table 3: Privacy Complaints

Nature of Privacy Complaints	Number Received	Disposition of Complaint	
		Responsive Action Taken	Pending
Procedural	12	8	4
Redress	0	0	0
Operational	0	0	0
<i>Sub Total for Privacy Complaints:</i>	12	8	4

B. Civil Liberties Complaints

A civil liberties complaint is an allegation concerning a violation of civil liberties in the administration of the programs and operations of the Department. For this report, civil liberties complaints involve the assertion of a violation of the rights and freedoms guaranteed by the first 10 amendments to the U.S. Constitution, the Bill of Rights. Types of civil liberties complaints include, but are not limited to:

1. First Amendment (freedom of speech, religion, assembly, and association);
2. Second Amendment (right to keep and bear arms);
3. Fourth Amendment (protection against unreasonable search and seizure);
4. Fifth Amendment (due process);
5. Sixth Amendment (speedy trial); and
6. Ninth Amendment (“unenumerated” rights).

For samples of DoD Civil Liberties Complaints, please refer to the Appendix of this report.

Table 4: Civil Liberties Complaints

Nature of Civil Liberties Complaints	Number Received	Disposition of Complaint	
		Responsive Action Taken	Pending
First Amendment	12	5	7
Second Amendment	3	3	0
Fourth Amendment	15	4	11
Fifth Amendment	7	3	4
First and Fourth Amendments	1	1	0
First, Fifth and Fourteenth Amendments	1	0	1
Fourth and Fifth Amendments	1	1	0
Fourth and Eight Amendments	1	1	0
Fifth and Sixth Amendments	1	0	1
<i>Sub Total for Civil Liberties Complaints:</i>	42	17	25

VI. CONCLUSION

In accordance with Section 803, this report summarizes the semiannual activities of the DoD Privacy and Civil Liberties Officer from October 1 through March 31, 2016. DoD will continue to work with Congress, OMB, the PCLOB, other federal agencies, and the public to ensure that it proactively protects privacy and civil liberties in the conduct of the Department's missions and operations.

APPENDIX: Samples of Privacy and Civil Liberties Complaints

Sample DoD Privacy Complaints

Sample Complaint # 1:

Description of Complaint: A complainant alleged that a co-worker released PII and other sensitive information about complainant to personnel who did not have a need-to-know.

Findings: Unsubstantiated. It was confirmed that the co-worker did have a need-to-know of the PII. There was no substantial evidence that the PII and other sensitive information was released or shared with other personnel in the office. The complainant was notified. Privacy Act training was conducted to ensure everyone within the directorate understood how to properly handle PII and sensitive information.

Disposition: Responsive Action Taken.

Sample Complaint #2:

Description of Complaint: A complainant alleged that an application form that was used for applying for access was not compliant with the Privacy Act.

Findings: After review of the form, it was found that a Privacy Act statement was required. The information on the form is "For Official Use Only/Freedom of Information Act" (FOUO/FOIA) exempt information and contained PII. The form should be encrypted when sent electronically and safeguarded when stored with limited access by those with a need-to-know, and then destroyed (shredded). In accordance with the reviewing officer's findings and recommendations, the form in question was revised to make it compliant with the Privacy Act.

Disposition: Responsive Action Taken.

Sample DoD Civil Liberties Complaints

Sample Complaint #1:

Description of complaint: Alleged Second Amendment violation. The complainant, a soldier, alleged that his unit commander unlawfully confiscated his personally owned weapons.

Findings: Inquiry indicated that the unit had improperly confiscated these weapons. The unit's confiscation rationale, that the complainant was suspended from duty and under investigation for an inappropriate relationship, was not justified under Section 1062 of the National Defense Authorization Act of FY 2011 and Army policy. The unit returned the personally owned weapons to the soldier.

Disposition: Responsive action taken.

Sample Complaint #2:

Description of Complaint: Alleged Fourth Amendment violation. The complainant, a civilian,

alleged that security forces violated the complainant's rights against unlawful search and seizure.

Findings: An internal investigation was conducted and appropriate training was provided.

Disposition: Responsive action taken.