**OFFICE OF THE SECRETARY OF DEFENSE**
**OFFICE OF THE DIRECTOR, ADMINISTRATION & MANAGEMENT**

## DEFENSE PRIVACY & CIVIL LIBERTIES OFFICE

## DEFENSE PRIVACY BOARD
## AGENDA

| | |
|---|---|
| Date: | July 21, 2010 |
| Time: | 1:00pm - 2:30pm |
| Location: | Defense Privacy Office, Training Room 1901 S. Bell Street, Suite 920 Arlington, VA 22202 |
| Dial in Number: | 877-695-5452, Select Passcode: 486426 |

**I.   Welcome and Attendance**

**II.   Opening comments from Mr. Michael Reheuser**

**III.   Review of Last Meeting's Minutes**

**IV.   New Business**

- **FY 10 FISMA Report Update**
- **Section M reviews**
- **SSN Use Reduction process**

**V.   Announcements and Reminders**

- **Director, DPCLO Speaking Engagements**
  - **USPACOM Conference**
    *January 10, 2011 – Camp H.M. Smith, Hawaii*

**VI.   Open Discussion**

**VII.   Review of Open Action Items**

**VIII. Next Meeting Date: August 18, 2010**

**IX.   Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for July 21, 2010*

### I. Welcome and Attendance

The meeting was called to order by (b)(6) Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and call-in participants.

### II. Opening Comments from Mr. Michael Reheuser

Mr. Reheuser, Director, DPCLO introduced himself and welcomed the DPB members to the meeting. He stated that (b)(6) will continue to run the DPB meeting.

### III. Review of Last Meeting's Minutes

Minutes from the last DPB meeting were accepted.

### IV. New Business

**FY 10 FISMA Report Update:** Components must make final corrections in DITPR by August 31, 2010 and submit their FISMA reports to DPCLO by September 15, 2010.

**Section M Reviews:** These reviews will begin October 2010.

**SSN Use Reduction Process:** There is still no set timetable for the SSN Reduction Instruction to be issued. DPCLO continues to monitor DMDC's progress toward issuing the Instruction. The DPCLO has drafted a guidance memo regarding processes to carry out the DTM requirements. The draft has been sent to Components for comment.

### V. Announcements and Reminders

- DPCLO Speaking Engagements
  - USPACOM Conference
    *January 10, 2010 – Camp H.M. Smith, Hawaii*

### VI. Open Discussion

Q1: How does the latest draft SSN Use Reduction Instruction treat the last 4 digits of the SSN, i.e., truncated SSN?

A1: The truncated SSN is spoken to in two different contexts.
- Initially, for the purposes of determining which systems are considered to 'use' the SSN: "Use of the SSN includes the SSN in any form, including, but not limited to, truncated, masked, partially masked, encrypted, or disguised SSNs." This means that even systems which truncate or mask SSNs will have to be reviewed, and a memorandum produced authorizing its continued use.
- Secondly, as a part of the justification memo listing the authority for continued collection of the SSN, the instruction asks that the following question be answered: "If justified, indicate if the SSN can be truncated or masked."

Other Comment(s):

(b)(6) DMDC would like to discuss the possibility of portal and web technology using Privacy Act Statements to list data sources. He will be added to the agenda for the next DPB.

## VII. Review of Open Action Items

Action items were reviewed and updated as noted in the attachment to these minutes. All action items requiring a response to DPO should be submitted to dpo.correspondence@osd.mil.

## VIII. Next Meeting Date

The next meeting will be Face-to-Face meeting that will be held on August 18, 2010.

## IX. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

8/13/2010

(Approved)        Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

8.20.10
Date

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | OSD/Privacy | X |
| | Missile Defense Agency | X |
| | Defense Privacy & Civil Liberties Office | X |
| | Defense Security Service/OGC | X |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Navy/Chief of Naval Ops | X |
| | Defense Privacy & Civil Liberties | X |
| | Defense Threat Reduction Agency/Privacy | X |
| | Defense Privacy & Civil Liberties Office | X |
| | Navy CIO | |
| | TRICARE Management Activity | |
| | NGA | X |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | Marine Corps/FOIA/PA | |
| | Defense Privacy & Civil Liberties Office | |
| | OSD/Chief Information Office | X |
| | Defense Privacy & Civil Liberties Office | X |
| | AMC-MITRE | X |
| | Army Privacy Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | |
| | Defense Privacy & Civil Liberties Office | X |
| | Defense Privacy & Civil Liberties Office | X |
| | Army Privacy Office | |
| | Army Privacy Office | X |
| | Air Force/Policy and Compliance/IA | |
| | NII | |
| | NGA | |
| | DON | X |
| | NGB | |
| | Defense Privacy & Civil Liberties Office | |
| | Defense Logistics Agency | X |
| | Defense Privacy & Civil Liberties Office | X |
| | DFAS | |
| | Defense Manpower Data Center | |
| | Defense Privacy & Civil Liberties Office | X |
| | Navy, CIO | X |
| | Air Force Privacy Office | X |
| | NGA | |
| | TRICARE Management Activity | |
| | TRICARE Management Activity | X |

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| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Commissary Agency | X |
| | DTIC | |
| | Defense Privacy & Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | Missile Defense Agency, CPO | |
| | Department of the Air Force | X |
| | Defense Manpower Data Center | |
| | Defense Privacy & Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | OSD/Privacy | X |
| | Defense Contract Management Agency | |
| | Defense Privacy & Civil Liberties Office | X |

# Defense Privacy Board Action Item List

**Open Action Items List** (*NOTE: All submissions to DPCLO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100721-01 | Policy | SSN Use Reduction - Downgrade of signature authority for use justification memo | DPCLO | 20100831 | OPEN | DPCLO will create memo requesting USDP&R change the DTM's requirement for a Flag Officer or SES equivalent signature on the use justification memo. |
| 20100721-02 | Policy | SSN Use Reduction - Legacy Systems | DPCLO | On-going | OPEN | DPCLO will look at large overarching DoD legacy systems and consider ways to simplify the use justification memoranda requirement for these systems. |
| 20100721-03 | Compliance | Use of Privacy Act Statement to inform users of web portal data sources. | DPCLO | 20100818 | OPEN | (b)(6) DMDC will present topic at next DPB meeting. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100110 | CLOSED | Component Privacy Officers asked to help ensure their organization has submitted a CLO POC |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPCLO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100721 | OPEN | Due the 15th workday following the close of the quarter. |

Defense Privacy Board Action Item List

Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | CLOSED | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

| | | all Defense Privacy Board Advisory Opinions. | | | | |
|---|---|---|---|---|---|---|
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# DEFENSE PRIVACY BOARD MEETING

## ** A G E N D A **

| | |
|---|---|
| **Date:** | **August 18, 2010** |
| **Time:** | **8:30 am - 12:00pm** |
| **Location:** | **Defense Privacy & Civil Liberties Office**<br>**1901 S. Bell Street, Suite 920**<br>**Arlington, VA  22202** |

| | | |
|---|---|---|
| 8:30– 8:40 | **Welcome** | (b)(6)<br>**Director for Privacy** |
| 8:40 – 9:00 | **Privacy Highlights** | |
| 9:00 – 9:30 | **New Technology:**<br>**The Stimulus for New Policy**<br>*presentation available at*<br>https://www.dmdc.osd.mil/privacytemplates.html | (b)(6) **DMDC** |
| 9:30 – 9:45 | **Quarterly Reports - Section M Reviews** | (b)(6)<br>**Director for Privacy**<br>(b)(6)<br>**Sr. Program Analyst** |
| 9:45 – 10:00 | **BREAK** | |
| 10:00 – 10:30 | **SSN Use Reduction Plan:  Component Privacy Officer Responsibilities under DTM 07-015** | (b)(6)<br>**DPCLO Support** |
| 10:30 – 10:45 | **Civil Liberties Update** | (b)(6) **DPCLO Support** |
| 10:45 – 11:15 | **Open Discussion/Announcements** | |
| 11:15 – 12:00 | **Wrap-up and Closing Remarks** | (b)(6)<br>**Director for Privacy** |

# Defense Privacy Board (DPB) Face-to-Face
## *Meeting Minutes for August 18, 2010*

## I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO) and Executive Secretary, DPB. Attendance was taken from onsite and call-in participants.

## II. Privacy Highlights

- GAO-10-872T, "Challenges in Federal Agencies' Use of Web Technologies", July 22, 2010 was reviewed with the group.
- Strategies to reduce and mitigate breaches were discussed.
- Other topics brought to the group's attention were the draft Privacy FAR clause, privacy considerations for telework agreements, plans to re-launch the Defense Privacy Program website, and the timeline for the annual Federal Information Security Management Act report.

## III. New Technology: The Stimulus for New Policy, (b)(6) DMDC

Technology architecture supports multiple configurations, such as one system with one database, one system with many databases (portal technology) and many systems with one database. The presentation described the challenge of determining how these various configurations impact the number and scope of System of Records Notices and Privacy Impact Assessments.

## IV. Quarterly Reports – Section (m) Reviews

Section (m) review data collection begins in January 2011 with the first report due to DPCLO no later than April 15, 2011. The Component quarterly reports have been amended to include the following OMB Circular A-130 requirement:

Section (m) Contracts. Review agency contracts every two years that provide for the maintenance of a system of records on behalf of the agency to accomplish an agency function, in order to ensure that the wording of each contract makes the provisions of the Act binding on the contractor and his or her employees.

## V. SSN Use Reduction Plan: Component Privacy Officer Responsibilities under DTM 07-015, (b)(6) , DPCLO

DTM 07-015 in being converted into an Instruction. Privacy review requirements outlined in the draft Instruction were discussed. To meet these requirements DPCLO requests Components add to their review of 12.5% of their DITPR systems each quarter, the review of SSN usage. This is intended as a review of only those systems which collect the SSN.

A system is "reviewed" when the Component forwards a signed memo which either:
- details the plan to eliminate the SSN in the system, or
- explains the justification for continued use of SSNs.

DPCLO will prepare and submit a report on SSN Reduction efforts as a part of the FISMA report.

**VI. Civil Liberties Program Update,** (b)(6) **DPCLO**

The Civil Liberties Program has defined DoD civil liberties principles and posted them to the website. In accordance Public Law 100-53 core functions of the program are to
- provide policy advice to assist the Secretary and other DoD officials
- facilitate the Department's periodic assessment of its regulations, policies, procedures, and guidelines
- ensure that DoD has adequate procedures to receive, investigate, respond to, and redress complaints
- raise the Department's awareness of privacy and civil liberties concerns
- maintain a transparent relationship with the public to communicate the role that privacy and civil liberties plays in DoD's missions.

**VII. Open Discussion/Announcements**

A summary of additional issues have been incorporated into the attached action items list.

**VIII. Wrap up and Closing Remarks**

(b)(6) thanked everyone for a very productive meeting. All action items requiring a response to DPO should be submitted to dpo.correspondence@osd.mil.

**IX. Next Meeting Date**

The next DPB Face-to-Face meeting will be tentatively scheduled for November 17, 2010.
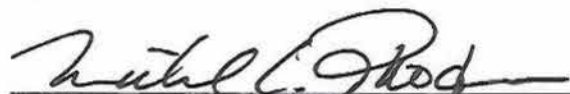
**X. Meeting Adjourned**

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO          Date  1/7/2011
Executive Secretary, Defense Privacy Board

Approved          Disapproved

Michael L. Rhodes, Director, Administration and Management          Date  1-12-11
Chairman, Defense Privacy Board

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| ATTENDANCE | | |
| --- | --- | --- |
| Name | Organization | Present |
| (b)(6) | Defense Contract Audit Agency | |
| | TMA Privacy Office | |
| | OSD/Privacy | X |
| | Missile Defense Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Security Service/OGC | |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | X |
| | Navy/Chief of Naval Ops | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Threat Reduction Agency/Privacy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Navy CIO | |
| | USMC | X |
| | Defense Threat Reduction Agency/Privacy | X |
| | TRICARE Management Activity | |
| | NGA | X |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | Marine Corps/FOIA/PA | X |
| | OSD/Chief Information Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | MITRE/AMC | X |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Army Privacy Office | |
| | NGA | |
| | Defense Finance and Acctg Svc/Corp Comm | X |
| | Air Force/Policy and Compliance/IA | |
| | Defense Privacy and Civil Liberties Office | X |
| | NII | |
| | NGA | X |
| | DON CIO | |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Privacy and Civil Liberties Office | X |
| | NGA | X |
| | TMA Privacy Office | X |
| | CNO, DNS-36 | X |

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| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Defense Manpower Data Center | X |
| | OGC | |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | |
| | NGA | |
| | TRICARE Management Activity | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE | X |
| | Defense Logistics Agency | X |
| | Missile Defense Agency, CPO | |
| | Air Force Privacy Office | X |
| | Department of the Air Force | |
| | Defense Manpower Data Center | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | OSD/Privacy | |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Defense Privacy and Civil Liberties Office | X |

# Defense Privacy Board Action Item List

## Open Action Items List (*NOTE: All submissions to DPO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | OPEN | Address SSN removal from records with NARA. |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | OPEN | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | OPEN | Discuss details with (b)(6) |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | OPEN | Contractor Management template. (b)(6) will work with (b)(6) to develop. |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | OPEN | Contractor Management template. (b)(6) will work with (b)(6) to develop. |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | OPEN | Develop templates and guidance |

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member |

| | | member names and SSNs. | | | | names and SSNs. |
|---|---|---|---|---|---|---|
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

| | | Notice Review Report | | | | |
|---|---|---|---|---|---|---|
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to | DPO | 20090520 | CLOSED | Concerns addressed. Guidance |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | delete an exemption from a SORN. | | | | template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- Social Security Number Use Reduction Updates

- FY10 Breaches

- Quarterly Reports

- Announcements

- Open Discussion

- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for December 8, 2010*

### I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) , Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO) and Executive Secretary, DPB. Attendance was taken from onsite and call-in participants. For the record, no meeting was held in September, October, and November 2010.

### II. Social Security Number Use Reduction Updates

(b)(6) from the Defense Human Resources Activity provided a briefing on DoD SSN use reduction activities. The briefing covered:

- A change to DTM 2007-015-USD(P&R), "DoD SSN Reduction Plan" was issued extending the expiration date to June 1, 2011.
- The Instruction is being prepped for modified formal SD 106 coordination. Expect it to be in coordination by the last week of December.
- The Defense Privacy Program's request to downgrade the signature requirement for SSN use justifications will be put back into coordination for consideration.
- USD(P&R) Memorandum "Updated Plan for the Removal of SSNs from DoD ID Cards," November 5, 2010 describes the replacement of the SSN with the DoD Identification Number (Electronic Data Interchange-Person Identifier (EDIPI)) and DoD Benefits Number on DoD ID cards. The EDIPI is a ten-digit unique number, whereas the Benefits Number will be an eleven-digit unique number. Implementation is scheduled for May 2011.

(b)(6) spoke of the release of SAOP Memorandum "SSNs Exposed on Public Facing and Open Government Websites," November 23, 2010. Its release was followed by clarification on the definition of 'public facing/open websites' which he provided via a November 30, 2010 e-mail to the Component Privacy Officers. Components were asked not to post any part of the SSN online where the record containing the SSN can be accessed by the public and/or persons without a need-to-know.

### III. FY10 Breaches

(b)(6) updated the board on fiscal year 2010 breach trends. The number of breaches increased each quarter:

- 1st Quarter: 147
- 2nd Quarter: 183 (20% increase from 1st Quarter)
- 3rd Quarter: 198 (7% increase from 2nd Quarter)
- 4th Quarter: 255 (22% increase from 3rd Quarter)

The loss of laptops continues to be a high risk area. (b)(6) also stressed the importance of safeguarding e-mails containing PII, citing the recent GSA breach as an example.

Component Privacy Officers recommended a third bar set be added to the graphs to indicate the number of individuals notified in addition to the current number of breaches and number of individuals affected. This would better show the portion of more significant breaches. Anytime there is a breach, public trust in the safeguarding of personal information is affected; therefore, it is necessary to ensure staff is trained and policies are appropriately implemented.

Timeliness is paramount in reporting breaches and in the implementation of any corrective action.

The question was asked if any Components had provided free credit monitoring in response to a breach in the last year. A few responded yes.

## IV. Quarterly Reports – Section (m) Reviews

(b)(6) reminded the DPB that the Section (m) review data collection begins in January 2011 with the first report due to DPCLO no later than April 15, 2011. The Component quarterly reports have been amended to include the following OMB Circular A-130 requirement:

> Section (m) Contracts. Review agency contracts every two years that provide for the maintenance of a system of records on behalf of the agency to accomplish an agency function, in order to ensure that the wording of each contract makes the provisions of the Act binding on the contractor and his or her employees.

As discussed at the last DPB face-to-face meeting Components should take the following actions to prepare for these reviews:
- Establish relationships and inform others required to support this effort, e.g., system owners, contracting office personnel, CIO, Component Senior Official for Privacy;
- Identify system of records notices that meet the requirements for this review;
- Compile inventory; and
- Schedule 12 ½ percent of total Component SORNs for review each quarter.

To illustrate the importance of these reviews (b)(6) pointed the group to GAO-10-693 "Contractor Integrity: Stronger Safeguards Needed for Contractor Access to Sensitive Information," September 10, 2010.

## V. Civil Liberties Update

(b)(6) provided an update on the Civil Liberties Program activities. He spoke of DA&M Memorandum "Protection of Civil Liberties in the Department of Defense (DoD)," November 1, 2010 for the appointment of Component Chief Civil Liberties Officers and Primary Civil Liberties Points of Contact. DPCLO will hold an introductory teleconference January 10, 2011 focusing on an overview of the roles and responsibilities of the Component Chief Civil Liberties Officers and the Primary Civil Liberties POCs. Additionally, there will be an in-person Civil Liberties Board meeting on January 25th. The January 25th meeting will also be a training focusing on the roles and responsibilities of the Chief Civil Liberties Officers and the Primary Civil Liberties POCs. Specific details will follow via the Component Civil Liberties POCs.

## VI. Open Discussion/Announcements
- Language to modify the DoDD 5400.11 to allow Defense Privacy to provide direct guidance to the COCOMs has been vetted.
- SORN Workshop held in November was quite successful. Another session is in the planning stages, and is currently scheduled as a one day, six hour training on January 27, 2011. We are incorporating the feedback from participants.
- (b)(6) was welcomed to the DPCLO support team.

## VII. Wrap up and Closing Remarks

[(b)(6)] thanked everyone for a very productive meeting. All action items requiring a response to DPCLO should be submitted to dpo.correspondence@osd.mil.

## VIII. Next Meeting Date

The next DPB meeting will be tentatively scheduled for January 19, 2011.

## IX. Meeting Adjourned

Submitted by

[(b)(6)]

[(b)(6)] Director for Privacy, DPCLO                                                    1/7/11
Executive Secretary, Defense Privacy Board                                         Date


(Approved)        Disapproved


_____                                                    1·12·11
Michael L. Rhodes, Director, Administration and Management        Date
Chairman, Defense Privacy Board

3

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | TMA Privacy Office | |
| | OSD/Privacy | |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Security Service/OGC | X |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Human Resources Activity | X |
| | Defense Threat Reduction Agency/Privacy | X |
| | Defense Privacy and Civil Liberties Office | |
| | Navy CIO | |
| | TRICARE Management Activity | |
| | NGA | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | X |
| | OSD/Chief Information Office | X |
| | MITRE/AMC | |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE/AMC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Army Privacy Office | |
| | NGA | |
| | Defense Finance and Acctg Svc/Corp Comm | |
| | Air Force/Policy and Compliance/IA | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | NII | |
| | NGA | |
| | DON CIO | X |
| | NGB | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | NGA | |
| | TMA Privacy Office | |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | CNO, DNS-36 | |
| | Defense Manpower Data Center | |
| | MITRE | X |
| | Defense Privacy and Civil Liberties Office | |
| | TRICARE Management Activity | |
| | Air Force Privacy Office | |
| | NGA | |
| | TRICARE Management Activity | |
| | Defense Commissary Agency | |
| | DTIC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | X |
| | Defense Logistics Agency | |
| | Missile Defense Agency, CPO | |
| | Air Force Privacy Office | |
| | Department of the Air Force | |
| | Defense Manpower Data Center | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | |
| | OSD/Privacy | |
| | MITRE/AMC | |
| | Defense Contract Management Agency | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |

**Defense Privacy Board Action Item List**

**Open Action Items List** (*NOTE: All submissions to DPO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | OPEN | Address SSN removal from records with NARA. |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | OPEN | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | OPEN | Discuss details with (b)(6) |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | OPEN | Contractor Management template. (b)(6) will work with (b)(6) to develop. |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | OPEN | Contractor Management template. (b)(6) will work with (b)(6) to develop. |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | OPEN | Develop templates and guidance |

**Closed Action Items List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | member names and SSNs. | | | | names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact<br>• "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Notice Review Report | | | | |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to | DPO | 20090520 | CLOSED | Concerns addressed. Guidance |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | delete an exemption from a SORN. | | | | template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Defense Privacy Board (DPB)
## *Meeting Minutes for January 19, 2011*

## I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO) and Executive Secretary, DPB. Attendance was taken from onsite and call-in participants.

## II. Social Security Number Use Reduction Updates and Activities

(b)(6) Defense Human Resources Activity, provided an update on DoD SSN use reduction activities.

- DODI 1000.hh "Reducing Use of SSNs within DoD" is in SD106 coordination. Board members were asked to provide critical comments to DPCLO via dpo.correspondence@osd.mil to facilitate coordination.
- The memorandum to downgrade the signature requirement for SSN use justifications has completed GC coordination. It is in USD(P&R) internal coordination and will be submitted for formal coordination. If DoDI 1000.hh is signed first, the memorandum will be pulled from coordination.

(b)(6) , DPCLO Support, provided an update on additional DoD SSN use reduction activities and issues.

- DPCLO and DMDC collaborated on a response to the House Armed Services Committee summarizing DoD SSN use reduction activities to date.
- Defense Media Activity (DMA) informed DPCLO of an issue with the current DoD Visual Information (VI) Record Identification Number (VIRIN). The VIRIN is composed of 10 alpha-numeric characters and identifies every photograph and video both within DoD's internal networks and those posted on DoD open facing websites. VIRIN is printed with the photograph or video title and contains the last four digits of the photographer's SSN and the first letter of his/her last name. DMA has a plan to replace the VIRIN with a randomly assigned number. It has software that can automatically recode photographs (not videos); however, the titles of the photos and videos can be changed. Additionally, DMA is offering to assist Component Media Activities to resolve this issue at the Component level.
- The Social Security Number (SSN) Protection Act of 2010 (P.L. 111-318) was signed on December 18, 2010. It prohibits the use of SSNs on checks issued by the federal government and it applies to checks issued three years after its enactment. This bill also prohibits inmate access to SSNs in the employment of, or contracts with, prisoners within one year after it has become law.

## III. Privacy Act Violations: The Day After

(b)(6) briefed Board members on appropriate actions following the identification of a Privacy Act violation. An individual may file a civil suit against a DoD Component, if the individual believes his or her rights under the Act have been violated. The Privacy Act allows for criminal penalties for willfully and knowingly violating Privacy Act requirements.

Potential Component responses include remedial training, completion of litigation status sheets for DPCLO reports, notification of the Contracting Officer if contractors are involved and notification of Personnel if civilians are involved. Consultation with General Counsel is strongly encouraged to determine which investigatory agency has jurisdiction in the case and whether transfer to a Federal District Court is warranted.

## IV. Breach Trends

Overall breach numbers appear to be going down; although, there was a spike in the number of individuals affected due to a breach in November that impacted 70,000 individuals. The breach was assessed as low risk and no notifications made. There were 192 breaches in the first quarter of FY11 and 129,702 individuals impacted. This is a 23% increase in breaches reported and 25% increase in individuals impacted when compared to the first quarter of FY10. The breach of paper records is currently the biggest threat this quarter.

## V. Component Senior Official for Privacy Forum

On February 16, 2011 there will be a Component Senior Official for Privacy (CSOP) forum in room 3D947 of the Pentagon from 0830-1200. It will be led by Mr. Michael Rhodes, Senior Agency Official for Privacy; Mr. Michael Reheuser, Director, DPCLO; and (b)(6) (b)(6) Director for Privacy, DPCLO. The meeting will focus on increasing the understanding of CSOP roles and responsibilities, creating action plans to decrease breaches, and recommending ways CSOPs can assist the Component Privacy Officers. Component Privacy Officers were asked to ensure their CSOP responds to the invitation.

## VI. SharePoint Update

(b)(6) DPCLO Support, provided an update on the status of the DPCLO SharePoint site. It has a projected launch of February 2011. The site will provide DPB agendas, meeting minutes, access to the DPCLO calendar of events, documents for comment, and access to the training calendar and registration. DPCLO staff, DPB members, and Component Privacy Officers will be provided access. Log in instructions are forthcoming.

## VII. Open Discussion/Announcements

- The Privacy Program Directive and Regulation re-write is in the final stages of DPCLO internal review. DA&M informal internal coordination is expected at the end of February and official SD 106 coordination to follow in the spring.
- Changes to the Privacy Program Directive to clarify COCOM support are currently in DA&M informal internal coordination.
- The DPCLO Privacy Program website re-launch is scheduled for February 2011.
- The next SORN Training Workshop is scheduled for February 3rd at DPCLO.
- The DPCLO Privacy Program will have two all-day sessions and a booth at the ID Protection and Management Conference in Orlando, FL, April 19-20.

## VIII. Wrap up and Closing Remarks

(b)(6) thanked everyone for a very productive meeting. All action items requiring a response to DPCLO should be submitted to dpo.correspondence@osd.mil.

## IX. Next Meeting Date

There will be no DPB meeting in February. The next DPB meeting is tentatively scheduled for March 16, 2011.

## X. Meeting Adjourned

Submitted by

(b)(6)

(b)(6)

_____     Feb 2, 2011
                  Director for Privacy, DPCLO      Date
Executive Secretary, Defense Privacy Board


Approved          Disapproved

_____     2-10-11
Michael L. Rhodes, Director, Administration and Management     Date
Chairman, Defense Privacy Board

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Manpower Data Center | |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Security Service/OGC | X |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Human Resources Activity | X |
| | Defense Threat Reduction Agency/Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | Navy CIO | |
| | TRICARE Management Activity | |
| | NGA | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | X |
| | OSD/Chief Information Office | X |
| | TMA | X |
| | MITRE/AMC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE/AMC | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | |
| | Army Privacy Office | X |
| | NGA | |
| | Defense Finance and Acctg Svc/Corp Comm | |
| | Air Force/Policy and Compliance/IA | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | |
| | NII | |
| | NGA | |
| | DON CIO | |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |

4

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Privacy and Civil Liberties Office | X |
| | DFAS | X |
| | NGA | X |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | |
| | MITRE | X |
| | Defense Privacy and Civil Liberties Office | |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | X |
| | NGA | |
| | TRICARE Management Activity | |
| | Defense Commissary Agency | X |
| | DTIC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | |
| | Office of General Counsel | X |
| | DCMA | X |
| | Defense Manpower Data Center | |
| | MDA | X |
| | Defense Privacy and Civil Liberties Office | |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | |

# Defense Privacy Board Action Item List

## Open Action Items List (*NOTE: All submissions to DPO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | OPEN | Address SSN removal from records with NARA. |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | OPEN | Discuss details with (b)(6) |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | OPEN | Contractor Management template. (b)(6) will work with (b)(6) to develop. |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | OPEN | Develop templates and guidance |

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | member names and SSNs. | | | | names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

## Defense Privacy Board Action Item List

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Notice Review Report | | | | |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to | DPO | 20090520 | CLOSED | Concerns addressed. Guidance |

| | | delete an exemption from a SORN. | | | | template forthcoming. |
|---|---|---|---|---|---|---|
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- DoD SSN Use Reduction Plan Update
- OMB Information Collection Approval Requirement
- Breach Reporting Template Modification
- Announcements
- Open Discussion
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for March 22, 2011*

## I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Deputy Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and call-in participants.

## II. Social Security Number Use Reduction Updates and Activities

(b)(6) Defense Human Resources Activity, provided an update on DoD SSN use reduction activities.

- The status of DODI 1000.hh "Reducing Use of SSNs within DoD" SD106 coordination was provided to the Defense Privacy Board (DPB).
- (b)(6) presented the component critical comments to the DPB in order to facilitate discussion and feedback prior to the coordination.
- (b)(6) recommended a "Tiger Team" be put in place to work through the implementation process. The DPB agreed to the establishment of the "Tiger Team."
- The DMDC SSN Removal Trifold Brochure and SSN Removal Flyer will be sent to the DPB members along with these minutes.

## III. OMB Information Collection Approval Requirement

- (b)(6) briefed Board members on the DPCLO recent findings of new and any existing SORNs that were not in compliance with the OMB information collection approval processes.
- The compliance question is asked on a narrative statement when a component submits a new or an altered SORN for review and to send to the Federal Register.
- In order to meet the compliance requirements, the DPCLO will implement several changes to the SORN process and quarterly reporting.
- Components will be required to check their inventory of SORNs. New SORNs will be held until the collection has been submitted to OMB and DPCLO receive confirmation for the component Privacy Officer and DoD Clearance Officer.
- For existing SORNs, the Component Privacy Officer will need to confirm with DPCLO that the paperwork to obtain an OMB Control Number has started before DPCLO forwards the SORN for publication.
- Quarterly Reporting collections will be marked as existing collections in use without an OMB Control Number.
- A review will need to be completed along with the quarterly reporting; DPCLO has added a column on the Quarterly Reporting spreadsheet for reporting.
- If these systems are not in compliance by January 2012, they will be shut down.

## IV. Breach Reporting Update

The DPCLO proposed a change to the Breach Reporting Template to include individuals affected by the breach notified and the date(s) of notification. The DPB asked the DPCLO to re-examine the Federal Information Processing Standards (FIPS) versus the DoD risk assessment model and to hold off on the change to the Breach Reporting Template until this re-examination is completed. The DPB also recommended that a "Tiger Team" be put in place to examine the Breach Data Fields for an automated breach tool.

## V. Open Discussion/Announcements

- The Privacy Program Directive and Regulation re-write is in the final stages of DPCLO internal review. Anticipate beginning DA&M informal internal coordination at the end of March and official SD 106 coordination to follow in the spring.
- The DPCLO ask that the Component Privacy Officials that have not registered in the Account Registration Management System (ARMS) for access to the DPCLO SharePoint site to please complete the process. The site will provide DPB agendas, meeting minutes, access to the DPCLO calendar of events, documents for comment, and access to the training calendar and registration.
- The DPCLO Privacy Program website re-launch is scheduled for February 2011.
- The next SORN Training Workshop is scheduled for re-launch in March 2011.
- The DPCLO Privacy Program will have two all-day sessions and a booth at the ID Protection and Management Conference in Orlando, FL, April 19-20.

## VI. Wrap up and Closing Remarks

(b)(6) thanked everyone for a very productive meeting. All action items requiring a response to DPCLO should be submitted to dpo.correspondence@osd.mil.

## VII. Next Meeting Date

The next DPB meeting will be April 20, 2011. The next Face-to-Face DPB meeting is tentatively scheduled for May 18, 2011.

## VIII. Meeting Adjourned

Submitted by

(b)(6)

_____          _____
Director for Privacy, DPCLO                                             Date
Executive Secretary, Defense Privacy Board


Approved                    Disapproved


_____          _____
Michael L. Rhodes, Director, Administration and Management          Date

Chairman, Defense Privacy Board

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Manpower Data Center | |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Security Service/OGC | X |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Human Resources Activity | X |
| | Defense Threat Reduction Agency/Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | Navy CIO | |
| | TRICARE Management Activity | |
| | NGA | |
| | Army/FOIA and Privacy Office | X |
| | Defense Manpower Data Center | |
| | OSD/Chief Information Office | X |
| | TMA | X |
| | MITRE/AMC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE/AMC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Army Privacy Office | X |
| | NGA | |
| | Air Force/Policy and Compliance/IA | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | NII | |
| | NGA | |
| | DON CIO | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | DFAS | X |
| | NGA | X |
| | TMA Privacy Office | |
| | CNO, DNS-36 | X |
| | Defense Manpower Data Center | |
| | MITRE | X |
| | Defense Privacy and Civil Liberties Office | |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | X |
| | NGA | |
| | TRICARE Management Activity | X |
| | Defense Commissary Agency | X |
| | DTIC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | |
| | Office of General Counsel | |
| | DCMA | X |
| | Defense Manpower Data Center | X |
| | MDA | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |

4

**Defense Privacy Board Action Item List**

**Open Action Items List** (*NOTE: All submissions to DPO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | OPEN | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | OPEN | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | OPEN | Contractor Management template. (b)(6) will work with (b)(6) to develop. |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | OPEN | Develop templates and guidance |

**Closed Action Items List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | | | | sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact<br>• "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

# Defense Privacy Board Action Item List

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Notice Review Report | | | | |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to | DPO | 20090520 | CLOSED | Concerns addressed. Guidance |

**Defense Privacy Board Action Item List**

| | | | | | | |
|---|---|---|---|---|---|---|
| | | delete an exemption from a SORN. | | | | template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- DoD SSN Use Reduction Initiative Update
- OMB Information Collection Requirements
- Breach Reporting, Statistics and Prevention
- Website and SharePoint Site Updates
- Announcements
- Open Discussion
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for May 18, 2011*

## I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and call-in participants.

## II. OMB Information Collection Requirements

(b)(6) Washington Headquarters Services/Executive Services Directorate/ Information Management Division, provided a brief on the OMB Information Collection Requirements and the Paperwork Reduction Act (PRA). Highlights from the brief, included:

- The purpose of the PRA is to minimize the paperwork burden on members of the public that are a result of information collected by the Federal government.
- The requirement to obtain OMB approval prior to implementing new information collection. OMB approval is for a maximum of three years.
- The requirement on the collection of standardized data from ten or more members of the public on an annual basis requires approval by OMB unless such information collection falls under an exception to the PRA.

A question was asked about how this might impact system of records notices (SORNs). DPB members were informed that new or altered systems with OMB collection requirements must be submitted to OMB and addressed in the narrative statement. Information Management Control Officers are responsible for publishing this information, not the Privacy Officers. A notice must be published in the Federal Register first before a system can operate.

## III. DoD SSN Use Reduction Initiative Update

(b)(6) briefed Board members about the shift of responsibility on this effort from the Defense Manpower Data Center to the Defense Human Resources Activity (DHRA). Currently, DPCLO is working to resolve language issues regarding the language associated with the DoD ID Number in the SSN Use Reduction Instruction. The DoD ID Number will be considered personally identifiable information (PII) in certain contexts. Amplifying information has been provided to DHRA.

## IV. Breach Reporting, Statistics, and Prevention

(b)(6) reinforced the requirement for reporting breaches to the US CERT within 1 hour of discovery, within 24 hours to the Component Head, and within 48 hours to DPCLO. Breach statistics indicated a 61% increase in reported breaches compared to this time last fiscal year.

- There were 331 breaches in the 1st and 2nd Quarters of FY10 compared to 540 breaches in the 1st and 2nd Quarters of FY11. Of those, 348 were from the 2nd Quarter alone.
- Serious areas of concern for breaches were the use of personal laptops, network intrusion by hackers, data posted to agency websites, and PII in e-mails.

Training on the importance of safeguarding PII should be a first-day-on-the-job training for new hires. It should include information on the Privacy Act and how information can and should be used.

DPCLO will be developing breach management and mitigation training materials for dissemination to the DPB members in the near future. Training will be a topic for discussion at the next DPB meeting.

V. **Physical Addresses on System of Records Notices**

Component Privacy POCs were asked to consider the risk(s) associated with listing the physical address of a system in a SORN. Some of the areas of risk members were asked to consider were the security of the installation housing the system, the potential impact if exposed, and the likelihood of adverse effect resulting from potential exposure. (b)(6) suggested an alternative to listing the physical address of a system. Requests could be provided to system owners who then would determine whether such information should be released.

VI. **Privacy Act Violations**

(b)(6) provided discussed Civil and Criminal Privacy Act violations. Future DPB meetings will focus on Component Privacy POC education regarding Privacy Act violations and proper handling of disciplinary actions.

VII. **Website and SharePoint Site Updates**

(b)(6) from DPCLO gave an overview of the new DoD Privacy Program website (http://dpclo.defense.gov). This presentation included a brief walk through of features of the new site and where to find basic references from the previous website. DPB members were asked to review the website and provide any feedback or concerns to DPCLO.

(b)(6) from DPCLO provided an update on the status of the SharePoint site. It is currently under review. The release date is to be determined.

VIII. **Open Discussion/Announcements**

- (b)(6) was welcomed into her new role as a government member of the DPCLO staff.
- Several American Society of Access Professionals (ASAP) Training Opportunities will be taking place to include:
  - ASAP 2011 Training Series June 21, 22 and 23, 2011 at the Walter E. Washington Convention Center (Registration closes June 16)
  - ASAP FOIA & Privacy Act Workshop September 19-21, 2011 in Chicago, Illinois
  - ASAP Annual Symposium & Training Conference December 1-2, 2011in Washington, D.C.
  - ASAP 5th Annual National Training Conference March 20-23, 2012 in New Orleans, Louisiana.

- The Section (m) contractor reporting requirement was discussed. It is the role of Privacy Officers to collaborate with system owners to determine if contractors are managing or operating a system. This triggers the Section (m) reporting requirement.

## IX. Wrap up and Closing Remarks

(b)(6) thanked everyone for a very productive meeting. All action items requiring a response to DPCLO should be submitted to dpo.correspondence@osd.mil.

## X. Next Meeting Date

The next DPB meeting will be held June 15, 2011 and will be conducted by teleconference.

## XI. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

6/16/2011
Date

Approved     Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

6·21·11
Date

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Manpower Data Center | X |
| | OSD/Privacy | |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Security Service/OGC | |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | Navy CIO | |
| | TRICARE Management Activity | |
| | NGA | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | OSD/ESD | X |
| | OSD/Chief Information Office | X |
| | TMA | |
| | MITRE/AMC | |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE/AMC | X |
| | SIGAR | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | |
| | Air Force | X |
| | Army Privacy Office | |
| | NGA | |
| | Air Force/Policy and Compliance/IA | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | NII | |
| | NGA | |
| | DON CIO | X |

| | ATTENDANCE | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | |
| | NGA | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | X |
| | Defense Manpower Data Center | |
| | MITRE | X |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | X |
| | NGA | |
| | TRICARE Management Activity | |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | National Security Agency | X |
| | Office of General Counsel | |
| | National Reconnaissance Office | X |
| | National Geospatial Intelligence Agency | X |
| | DCMA | |
| | Defense Manpower Data Center | X |
| | MDA | |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Contract Management Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Marine Corps | X |
| | Defense Privacy and Civil Liberties Office | X |

## Defense Privacy Board Action Item List

### Open Action Items List (*NOTE: All submissions to DPO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
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| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | OPEN | Develop templates and guidance |

### Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
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# Defense Privacy Board Action Item List

| | | | | | | sets of principles etc.) |
|---|---|---|---|---|---|---|
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| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
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# Defense Privacy Board Action Item List

| | | Notice Review Report | | | | |
|---|---|---|---|---|---|---|
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
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| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to | DPO | 20090520 | CLOSED | Concerns addressed. Guidance |

## Defense Privacy Board Action Item List

| | | delete an exemption from a SORN. | | | | template forthcoming. |
|---|---|---|---|---|---|---|
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

## DEFENSE PRIVACY BOARD

## AGENDA

| | |
|---|---|
| Date: | June 15, 2011 |
| Time: | 1:00pm - 2:30pm |
| Location: | DPCLO Training Room<br>1901 S. Bell Street, Suite 920<br>Arlington, VA 22202 |
| Dial in Numbers: | 703-692-3360 PIN 6364<br>703-695-9943 PIN 6364 |

I.   **Welcome and Attendance**

II.  **Training Updates**

III. **SSN Use Reduction Instruction Update**

IV.  **Status of Revised DoD 5400.11-R and DoDD 5400.11**

V.   **Breach Management and Prevention Training Survey**

VI.  **Announcements/Reminders**

VII. **Open Discussion**

VIII. **Wrap Up**

IX.  **Next Meeting Date: July 20, 2011**

X.   **Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for June 15, 2011*

## I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and call-in participants.

## II. Training Updates

(b)(6) briefed Board members about the following training updates:

- Two new training modules will be posted to the DPCLO website under 'Resources' to include:
    - The Privacy Act of 1974: An Introduction;
    - What Senior Leaders Should Know (PowerPoint and pamphlet);
- The Professionalization Program Component Focus Group is participating in monthly pilot sessions that started June 14; and
- WHS Learning Management System
    - The WHS LMS currently supports WHS and other OSD Components with the ability to assign, launch, and record online training, and run system reports that show completions for personnel listed in the LMS. DPB members interested in utilizing this tool should contact (b)(6) WHS LMS Program Manager, at (703) 604-5969.

## III. SSN Use Reduction Instruction Update

The Defense Human Resources Activity continues to conduct final adjudication of comments and is close to packaging the Instruction for final signature. DPCLO will continue to update DPB members on its progress.

## IV. Status of Revised DoD 5400.11-R and DoDD 5400.11

The revised DoD Privacy Program Directive and Regulation will be distributed by the end of July to Component Privacy Officers for informal comment.

## V. Breach Management and Prevention Training Survey

DPB members were provided with a survey to obtain Component feedback on breach management training priorities. DPB members were asked to return the completed survey by June 22, 2011 to dpo.correspondence@osd.mil.

## VI. Open Discussion/Announcements

- (b)(6) DPCLO Support was welcomed back after her extended absence.
- The DPCLO website is currently experiencing a latency issue on the OSD server causing the website to load slowly. A helpdesk ticket has been submitted. The problem only

seems to affect computers using Internet Explorer 7. A temporary workaround would be to use another web browser. DPCLO is working with the help desk to resolve the problem.

- Quarterly Reports including Section (m) contractor reviews are due July 15. (b)(6)
(b)(6) is the new POC for Quarterly Reports.
- The lack of a current OMB Information Collection Number or proof of submission of a request to OMB will result in a delay in processing any applicable SORN.
- OMB guidance for FISMA is expected soon. The final DoD due date to OMB is usually in November; therefore, DPCLO in turn usually requests Component data by mid-September. Formal guidance including firm due dates is forthcoming.
- The US-CERT requires the reporting of all incidents which would include the reporting of all PII breaches. DPCLO is developing a proposal that US-CERT adjust its definition of 'incident' to alleviate the reporting burden for breaches where no adverse consequences will occur. If DPB members would like to provide input on this topic or have another US-CERT related issue, they should send an email with "US-CERT Question" in the subject line to dpo.correspondence@osd.mil by June 21.
- The next SORN Workshop is tentatively scheduled for Thursday, August 18th from 08:00 to 4:00 at DPCLO. If DPB members are interested, they should send an e-mail to dpo.correspondence@osd.mil or contact (b)(6)
- A concern over the SF-182 and the PII it requests was mentioned. (b)(6) offered to pass along guidance to use when filling out these forms.

## VII. Wrap up and Closing Remarks

(b)(6) thanked everyone for a very productive meeting. All action items requiring a response to DPCLO should be submitted to dpo.correspondence@osd.mil.

## VIII. Next Meeting Date

The next DPB meeting will be held July 20, 2011 and will be conducted by teleconference.

## IX. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

7/7/11
Date

Approved     Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

7/12/11
Date

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Security Service/OGC | |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | Navy | |
| | Defense Privacy and Civil Liberties Office | |
| | Navy CIO | |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | X |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | OSD/ESD | X |
| | OSD/Chief Information Office | |
| | TMA | X |
| | MITRE/AMC | |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE/AMC | X |
| | SIGAR | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Privacy and Civil Liberties Office | |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Air Force | |
| | Army Privacy Office | |
| | NGA | |
| | Air Force/Policy and Compliance/IA | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | |
| | NII | |
| | NGA | |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | DON CIO | |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Logistics Agency | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | |
| | NGA | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | X |
| | MITRE | |
| | Defense Privacy and Civil Liberties Office | |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | |
| | NGA | |
| | TRICARE Management Activity | |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | National Security Agency | X |
| | Office of General Counsel | X |
| | National Reconnaissance Office | |
| | National Geospatial Intelligence Agency | |
| | WHS/ESD/IMD | X |
| | DCMA | |
| | Defense Manpower Data Center | X |
| | MDA | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | |
| | Defense Contract Management Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Marine Corps | |
| | Defense Privacy and Civil Liberties Office | |

# Defense Privacy Board Action Item List

## Open Action Items List (*NOTE: All submissions to DPO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20110615-01 | Other | US-CERT Reporting Concerns for inclusion in DPCLO Proposal | All Components | 06/21/2011 | OPEN | Send comments to dpo.correspondence@osd.mil. |
| 20110615-02 | Other | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | OPEN | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Other | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | OPEN | Quarterly Reports including Section (m) Contractor Reviews |

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |

| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
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| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | | | | |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

| | | Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | | | | |
|---|---|---|---|---|---|---|
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

## DEFENSE PRIVACY BOARD

## AGENDA

| | |
|---|---|
| Date: | July 20, 2011 |
| Time: | 1:00 pm - 2:30 pm |
| Location: | DPCLO Training Room<br>1901 S. Bell Street, Suite 920<br>Arlington, VA 22202 |
| Dial in Numbers: | 703-692-3360 PIN 6364<br>703-695-9943 PIN 6364 |

**I.  Welcome and Attendance**

**II.  Updates**
- **SSN Use Reduction Instruction**
- **Professionalization Inaugural Class**
- **DPCLO Website and Sharepoint Resources**
- **Component Senior Official for Privacy (CSOP)Forum**

**III.  Coordination of DoD 5400.11-R and DoDD 5400.11**

**IV.  FY11 Federal Information Security Management Act (FISMA) Report**

**V.  Announcements/Reminders**
- **Call for Component Privacy Program Success Stories**
- **Quarterly Reports (due July 15)**

**VI.  Open Discussion/Wrap Up**

**VII.  Adjournment**
**Next Meeting Date: August 17, 2011 (face-to-face)**

# Defense Privacy Board (DPB)
## *Meeting Minutes for July 20, 2011*

### I. Welcome and Opening Remarks

The meeting was called to order by [b)(6)] Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and call-in participants.

### II. SSN Use Reduction Instruction

[(b)(6)] and [(b)(6)] from the Defense Human Resources Activity (DHRA) provided an update on the status of the SSN Use Reduction Instruction. Critical comments have been resolved. Final OGC adjudication should be completed by July 22, 2011 and then the package will be coordinated for pre-signature review. The Instruction will be posted to the Federal Register for comment during the pre-signature review. WHS Directives projects another year before the Instruction will be signed and published. DHRA intends to work toward extending DTM 2007-015-USD(P&R) –"DoD Social Security Number (SSN) Reduction Plan" that expired June 1, 2011 so that the Department has a policy in place.

[(b)(6)] expressed concern that another year would pass without a signed Instruction. In order for the DTM to be effective significant updates are needed. He urged DHRA to investigate options to expedite the Instruction signature.

Clarification on the categorization of the DoD ID Number as personally identifiable information (PII) was requested.

- The DoD Identification Number will replace the SSN as the Geneva Conventions Serial Number for the United States as all DoD ID cards are updated through their natural lifecycle replacement. The DoD Identification Number is the common name for the Electronic Data Interchange – Personal Identifier (EDI-PI).
  - o The EDI-PI is a unique personal identifier created within the Defense Enrollment Eligibility Reporting System (DEERS) for each person who has a direct relationship with the Department.
  - o The EDI-PI has previously been used as a system identifier and is present in many DoD enterprise systems.

- To support widespread use of the DoD Identification Number, it will be printed on all DoD ID Cards. It is intended to support replacement of the SSN in most DoD processes and business needs. It shall not be used to replace the SSN in any case where the SSN is required by law.

- The DoD Identification Number shall only be used for DoD business purposes. This may include transactions that include entities outside the Department, so long as individuals are acting on behalf of or in support of the Department of Defense.

o For use in authentication transactions, an individual's name and/or DoD Identification Number shall be treated as a single factor. When using an individual's name and/or the DoD Identification Number for authentication, a second authentication factor must also be provided beyond the individual's name and/or DOD Identification Number.

  ➢ The DoD Identification Number shall not be, either by itself or in conjunction with name, be considered sufficient for any level of authentication.
  ➢ Presence or knowledge of an individual's DoD Identification Number alone shall be considered as no more significant than presence or knowledge of that individual's name. It does not constitute any level of authority to act on that individual's behalf.

o The DoD Identification Number may not be shared with other federal agencies unless a Memorandum of Understanding (MOU) is agreed upon by both the DoD and the recipient agency. MOU's for sharing the DoD ID Number will be managed and administered by USD(P&R) and must include, at minimum, the following stipulations:

  ➢ The recipient agency must agree not to share the DoD ID Number with any other agency or outside organization without the permission of the DoD.
  ➢ The recipient agency must agree that the DoD ID Number will not be used for single factor authentication, but will instead be used as only a single factor in a multi-factor authentication."

### III. Professionalization Inaugural Class

Registration for enrollment in the first privacy professionalization class will be announced later this month. The series of professionalization sessions will begin in September.

### IV. DPCLO Website and SharePoint Resources

The DPCLO website is currently experiencing a latency issue. A potential workaround is to type http://dpclo.defense.gov into the browser and click ENTER. If the page is loading slowly, click the mouse cursor into the browser URL box, highlighting the URL address, and then press ENTER. This should "trick" the computer into loading the page immediately.

The DPCLO SharePoint site was launched last week. Comments and suggestions for improvements should be sent to DPCLO.

### V. Component Senior Official for Privacy (CSOP) Forum

The next CSOP Forum is tentatively scheduled for October 2011. Less than half of the surveys of resources and staffing needs given to the CSOPs at the last CSOP meeting have been received by DPCLO. DPB members are asked to remind the CSOPs to complete these surveys.

### VI. Coordination of DoD 5400.11-R and DoDD 5400.11

The proposed DoD 5400.11-M (to replace DoD 5400.11-R) has completed informal coordination and comments are with DPCLO for review. The revised DoDD 5400.11 is pending a final review with DPCLO prior to entering DA&M informal internal coordination.

## VII. FY11 Federal Information Security Management Act (FISMA) Report

OMB guidance for the FY11 FISMA report is pending. DPCLO guidance will be forthcoming shortly after the release of the OMB guidance. (b)(6) recommended to the DPB members to review last year's reporting requirements as this year's requirements should be similar. Important dates for the FY11 FISMA report include:
- September 13, 2011 – DoD Component deadline for input to DITPR
- September 19, 2011 – DoD Component deadline to submit report to DPCLO
- November 15, 2011 – DoD deadline to OMB

These dates are firm as the completed report needs time for Office of the Inspector General review and for the signature package to be reviewed and signed.

## VIII. Open Discussion/Announcements

- DPCLO is soliciting privacy program success stories for use in future DPCLO publications. Examples of success stories include:
  o SSN use reduction efforts
  o Installation physical access control system privacy protections
  o Innovative approaches to training and awareness
  o PII breach reduction initiatives
  If available include statistical trending supporting the success story. The deadline for submissions is August 1, 2011.
- Interest was expressed in more information on Data Loss Prevention tools and best practices.
- It was recommended DPCLO confirm the proposed DoD 5400.11-M contains policy on e-mail encryption at DoD. DPCLO is verifying.
- DPCLO will offer the training series, Privacy Act Overview: Basic Concepts of the Act. The series is open to all DoD employees and contractors.
  o August 11 - History of the Privacy Act
  o August 19 - Agency Requirements & Individual Rights under the Privacy Act
  o August 25 - Disclosures of PII & Associated Exceptions under the Privacy Act
  o September 15 - Exemptions from the Privacy Act

## IX. Wrap up and Closing Remarks

(b)(6) thanked everyone for a very productive meeting.

## X. Next Meeting Date

The next DPB meeting will be held August 17, 2011 and will be a face-to-face meeting.

## XI. Meeting Adjourned
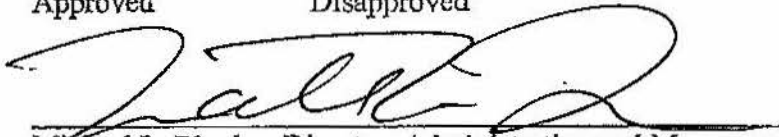
Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

8/1/11
Date

Approved          Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

8.2.11
Date

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | Navy | |
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| | DON CIO | |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | OSD/ESD | X |
| | OSD/Chief Information Office | X |
| | TMA | |
| | Defense Human Resources Activity | X |
| | MITRE/AMC | |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE/AMC | |
| | SIGAR | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Air Force | |
| | Army Privacy Office | |
| | NGA | |
| | Air Force/Policy and Compliance/IA | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | NII | |

5

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | NGA | |
| | DON CIO | X |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | |
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| | Defense Privacy and Civil Liberties Office | X |
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| | DISA/Records and PA | X |
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| | MITRE/AMC | |
| | Defense Contract Management Agency | X |

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| Name | Organization | Present |
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# Defense Privacy Board Action Item List

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| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | OPEN | |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | OPEN | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-01 | Other | US-CERT Reporting Concerns for inclusion in DPCLO Proposal | All Components | TBD | OPEN | Component comments received June 2011. DPCLO in discussions with DHS and OMB. |

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
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| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in | DPCLO/ | TBD | CLOSED | Outside scope of DPB |

| | | DITPR to CIO. | CIO | | | |
|---|---|---|---|---|---|---|
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
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| | | Function" | | | | |
|---|---|---|---|---|---|---|
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
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| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
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# AGENDA

- SSN Use Reduction Initiative Update
- Breach Reporting, Statistics and Prevention
- CSOP Forum Agenda
- DoD 5400.11-R Adjudication of Informal Comments
- Announcements
- Open Discussion
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for August 17, 2011*

## I. Welcome and Opening Remarks

The meeting was called to order by [(b)(6)] Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and call-in participants.

## II. SSN Use Reduction Initiative Update

DTM 2007-015-USD(P&R), "DoD SSN Reduction Plan" has been reissued with an expiration date of December 1, 2011. [(b)(6)] DPCLO Support briefed the DPB on Component Privacy Office responsibilities under DTM 2007-015-USD(P&R). Guidance, procedures, and templates were distributed and are available on the DPCLO SharePoint site.

The first due-out for Component Privacy Officers is to compile a list of the systems intended for review during FY12 Q1. This list is due to DPCLO by September 14, 2011.

Additional questions DPCLO will seek to clarify and provide feedback on to the DPB:
- Process for reviewing systems where system of records notices (SORNs) are not documented in the DoD Information Technology Repository (DITPR),
- Establishment of an overarching cross-functional stakeholder committee in OUSD(P&R)/DHRA, to resolve SSN use reductions issues outside the scope or authority of the DPCLO, and
- Expanded guidance on the release of the DoD ID Number under FOIA.

Mr. Reheuser, Director, DPCLO thanked the DPB members for their leadership and due diligence on the SSN use reduction activities.

## III. Breach Reporting, Statistics and Prevention

There was a 21% increase in the number of breaches reported FY11 Q1-Q3 compared to the same period in FY10. This increase may be attributed to either an increase in the number of breaches, or a greater awareness of the reporting requirement.

Misdirected and unencrypted e-mails containing PII and paper records continue to be problematic. [(b)(6)] DLA informed the DPB that a guide for downloading PKI certificates was available from DISA. This should allow encrypted communications to non-CAC holders. She will forward the link to DPCLO for distribution to the DPB.

The necessity of encrypting e-mails transmitted within the DoD network was questioned. DPCLO will coordinate this issue with the IT community.

## IV. Component Senior Official for Privacy (CSOP) Forum

The next CSOP Forum will be held October 20, 2011 at the Pentagon in room 3D947A. Attendance is restricted to CSOPs. Agenda items include SSN Use Reduction initiatives, Civil Liberties Program activities, the status of the DoDD 5400.11 and DoD 5400.11-R revisions, and general privacy hot topics. An invitation will be sent to CSOPs with cc: to Component Privacy Act Officers.

## V. DoD 5400.11-R Adjudication of Informal Comments

(b)(6) DPCLO Support thanked the DPB for the effort that went into preparing comments on the revised DoD 5400.11-R. A detailed adjudication of comments and revised DoD 5400.11-R will be distributed mid-September. At least ten (10) working days will be provided for this next review.

## VI. Open Discussion/Announcements

- New information continues to be posted to the DPCLO website and SharePoint site, including a new SORN search feature.
- (b)(6) will be speaking at the NORTHCOM Privacy Act/FOIA Conference in Colorado Springs on October 4-6, 2011.
- The DPCLO breach report template will be reformatted from Microsoft Word to Excel to allow the option of importing data directly from the form when the automated breach reporting tool is deployed.
- SORNs are to be reviewed every two years. Many Components have SORNs dated from the 1990s. DPB members are asked to build these SORNs into their reviews as appropriate.
- Those DPB members whose offices are being BRAC'd were reminded to provide DPCLO with updated contact information.
- DPCLO is still working on the proposal to US-CERT to narrow the breach reporting requirements. More information is forthcoming.
- DMDC has developed a process to assist Component Privacy Officers in obtaining contact information on individuals impacted by a breach. (b)(6) DMDC will forward the process and related link.

## VII. Wrap up and Closing Remarks

(b)(6) thanked everyone for a very productive meeting.

## VIII. Next Meeting Date

The next DPB meeting will be held September 21, 2011 and will be a teleconference.

## IX. Meeting Adjourned

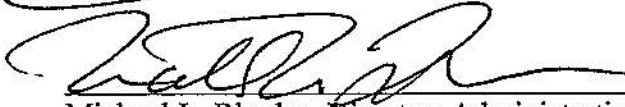Submitted by
(b)(6)

_____
(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

9/6/11
Date

(Approved)        Disapproved

_Michael L. Rhodes, Director, Administration and Management_
Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

9-9. 11
Date

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Security Service | |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | DON CIO | |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | OSD/ESD | |
| | OSD/Chief Information Office | X |
| | TMA | |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | NRO | X |
| | Defense Privacy and Civil Liberties Office | X |
| | MITRE/AMC | X |
| | SIGAR | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Air Force | X |
| | Army Privacy Office | |
| | NGA | |
| | Air Force/Policy and Compliance/IA | |
| | Department of the Navy | |
| | Defense Privacy and Civil Liberties Office | |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | X |
| | NII | |
| | NGA | |
| | DON CIO | |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | |
| | NGA | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | |
| | MITRE | |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | X |
| | NGA | |
| | TRICARE Management Activity | |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | National Security Agency | |
| | Office of General Counsel | X |
| | National Reconnaissance Office | |
| | National Geospatial Intelligence Agency | X |
| | WHS/ESD/IMD | |
| | DCMA | |
| | Defense Manpower Data Center | X |
| | MDA | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | MITRE/AMC | X |
| | Defense Contract Management Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Marine Corps | |
| | Defense Privacy and Civil Liberties Office | |

# Defense Privacy Board Action Item List

### Open Action Items List (*NOTE: All submissions to DPCLO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | OPEN | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | OPEN | |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | OPEN | Component comments received June 2011. DPCLO in discussions with DHS and OMB. |

### Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | resource levels and justify funding | | | | |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Category in DITPR. | | | | timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact<br>• "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |

**Defense Privacy Board Action Item List**

| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
|---|---|---|---|---|---|---|
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- Review of Open Action Items
- SSN Use Reduction Initiative Update
- DoD Identification Number
- Breach Reporting
- Training
- Announcements
- Open Discussion
- Review of New Action Items
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for November 30, 2011*

## I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and call-in participants.

## II. SSN Use Reduction Initiative Update

DHRA representatives, (b)(6) and (b)(6) provided an update on the status of the SSN use reduction Instruction, DTM extension and on the resolution of issues that are holding up the Instruction. They are reviewing comments received during pre-coordination of the Instruction. The DTM extension was in the front office awaiting signature. They believe this may take approximately two weeks for issuance.

(b)(6) reiterated to the Components that their SSN Use Justification memos must include the system's DITPR number in the document, preferably in the subject line. He also asked that the Components include the specific SSN use case(s) being claimed.

## III. DoD Identification (ID) Number

DPB members were informed that the DoD ID Number is considered PII as it is a unique personal identifier. As with any other PII used internally in the course of business activities, if the DoD ID Number is sent to someone engaged in an authorized DoD business process and with a need-to-know it is not considered a breach.

## IV. Breach Reporting, Statistics, Compliance and Reporting Tool, and Breach Mitigation and Awareness Tips

(b)(6) reminded the DPB members that all breaches are to be reported to the DPCLO. Paper records and e-mails continue to be the highest cause of breaches. Breaches related to information sharing, e.g., inappropriate postings to shared drives, have increased from 14% to 16% between the 1st and 4th Qtr of FY11.

It has also been reported that paper records containing PII have either been left behind during office moves or improperly disposed of during a move. It was stressed that as more offices move due to the BRAC process, everyone must be mindful of taking all important files with their office or properly disposing of the files, i.e., in burn bags if appropriate, and through proper records management disposal/retirement procedures. The DPCLO has created an InfoNet message related to the protection of PII during office moves that is being played in the National Capital Region. A poster is also available on the DPCLO Sharepoint site.

The risk assessment model found in Table 1 of DA&M memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information (PII)" describes factors

and risk determinations related to the notification of individuals affected by a breach. This table is under revision.

## V. Training

The first DPCLO Privacy Officer Professionalization (DPoP) program was held October 24-28, 2011 at the DPCLO. Ten participants representing nine Components took part in the training. All participants reported increased knowledge and understanding of Privacy Act implementation. Recommendations for adjustments in content and structure are being incorporated for the next cycle.

(b)(6)          DLA made a request to have DPCLO sponsor IAPP Certification provided as a group course for DoD Privacy Officers. He suggested the training could be provided via VTC.

(b)(6)           DCMA also made a request to have the DPCLO one day trainings held back-to-back for Component members who are not geographically located to the DPCLO location. (NOTE: Since this meeting the DPCLO began development of a new Three Day Privacy Training Series to be held February 6-9, 2012. The materials will include a didactic portion and practical application exercises. Class size will be limited to twelve students to better enhance the learning experience. Information on registration will be provided via Sharepoint.)

(b)(6)        announced that starting in January 2012 the DPB agenda and minutes will be posted on the DPCLO Sharepoint site for access and will not be sent out via email after that point in time.

The Privacy training calendar is located on the DPCLO Sharepoint Site. It currently shows classes through September 2012. Please contact (b)(6)          with specific questions about training opportunities.

## VI. DPCLO Sharepoint Site Update

The DPCLO Sharepoint site is designed to be an information hub for all things relating to privacy. Please check the site regularly for informational materials that are being added weekly. You can set up an alert so that every time something new is posted to the site you'll receive an email.

We have added training opportunities to the privacy training calendar. These postings include classes that we are offering as well as conferences and other events sponsored by societies and associations in the DC area, e.g.., IAPP, ASAP. Other recent Sharepoint additions include video clips and pamphlets from the InfoNet campaign.

SharePoint will be upgrading to version 2010 over the next three months. More information to follow.

If you have yet to register for Sharepoint, please contact (b)(6)

## VII. Open Discussion/Announcements

- DLA would like to provide assistance with improving the privacy portion of the DoD Information Assurance (IA) training. (b)(6) recommended (b)(6) be contacted in reference to this request.
- (b)(6) was asked to engage the leadership to determine if the DoD ID Number was releasable under the Freedom of Information Act (FOIA).

## VIII. Wrap up and Closing Remarks

(b)(6) thanked everyone for a very productive meeting.

## IX. Next Meeting Date

The next scheduled DPB meeting will be held January 18, 2012 and will be a teleconference.

## X. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

Dec 12, 2011
Date

Approved        Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

12.14.11
Date

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Security Service | |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | DON CIO | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | OSD/ESD | |
| | OSD/Chief Information Office | X |
| | TMA | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | NRO | X |
| | MITRE/AMC | X |
| | SIGAR | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | |
| | Air Force | X |
| | Army Privacy Office | X |
| | NGA | |
| | Air Force/Policy and Compliance/IA | |
| | Department of the Navy | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | NII | |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | NGA | |
| | DON CIO | |
| | NGA | X |
| | NGB | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | |
| | NGA | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | |
| | MITRE | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | X |
| | NGA | |
| | TRICARE Management Activity | |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | National Security Agency | |
| | Office of General Counsel | X |
| | National Reconnaissance Office | |
| | National Geospatial Intelligence Agency | X |
| | WHS/ESD/IMD | |
| | DCMA | |
| | Defense Manpower Data Center | |
| | MDA | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Privacy and Civil Liberties Office | |
| | Marine Corps | X |

# Defense Privacy Board Action Item List

**Open Action Items List** (*NOTE: All submissions to DPCLO should be sent to dpo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | OPEN | |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | OPEN | |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | OPEN | (b)(6) will work with (b)(6) (b)(6) DLA |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | OPEN | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | OPEN | |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | OPEN | Component comments received June 2011. DPCLO in discussions with DHS and OMB. |

**Closed Action Items List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including | All | 07/15/2011 | CLOSED | |

# Defense Privacy Board Action Item List

| | | Section (m) Contractor Reviews | Components | | | |
|---|---|---|---|---|---|---|
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | | | | |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo |

| | | Liberties Officer package | | | | designating Acting DA&M as DoD CLO. |
|---|---|---|---|---|---|---|
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
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| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |

**Defense Privacy Board Action Item List**

| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |
|---|---|---|---|---|---|---|

OFFICE OF THE SECRETARY OF DEFENSE
OFFICE OF THE DIRECTOR, ADMINISTRATION & MANAGEMENT

## DEFENSE PRIVACY & CIVIL LIBERTIES OFFICE

# DEFENSE PRIVACY BOARD
# AGENDA

| Date: | January 19, 2012 |
|---|---|
| Time: | 8:30am - 12:00pm |
| Location: | DPCLO Training Room |
| | 1901 S. Bell Street, Suite 920 |
| | Arlington, VA  22202 |
| Dial in Number: | RSVP to receive the dial in number |

I. Welcome

II. Review of Open Action Items

I. Paperwork Reduction Act Requirements

II. SSN Use Reduction Initiative Update

III. DoD Identification Number

IV. Privacy Compliance Metrics

- Breach Statistics

V. Policy and Guidance

VI. Training Recap

VII. Announcements/Reminders

VIII. Open Discussion

IX. Review of new action items

X. Next Meeting Date: February 15, 2012

XI. Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for January 19 and 20, 2012*

## I. Welcome and Opening Remarks

The meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite participants. (NOTE: Due to problems with the teleconference lines, the January 19, 2012 meeting was repeated on January 20, 2012 for persons who were unable to dial-in to the initial meeting.)

## II. Paperwork Reduction Act Requirements

[(b)(6)] DOD Regulatory Program/Information Management Division provided an update on the Paperwork Reduction Act (PRA) requirements. Her presentation covered the PRA public information requirements, authority, and background. She discussed the public collection requirements of the PRA and how it impacts the information collection budget.

She provided examples of "burden reduction" and defined "members of the public" as defined in the PRA program. [(b)(6)] hen discussed PRA process requirements, contents of the public information collection package and the process for requesting emergency public information collections approvals. She concluded with an explanation of the major functions of the DoD Information Management Program.

## III. SSN Use Reduction Initiative

DTM 07-015-USD (P&R) has been extended until August 1, 2012. [(b)(6)] reminded all Components to continue to submit SSN use justification memoranda in accordance with the use case justifications in the DTM.

The SSN Reduction Instruction is currently pending legal sufficiency review. [(b)(6)] estimated it will require 6-9 months for DHRA to get the Instruction signed.

## IV. DoD Identification Number

[(b)(6)] distributed a draft DoD Identification Number Information Paper for Component review. The paper's main points are 1) the DoD ID Number is PII and just like any other PII, the inherent risk of harm is contextual, 2) if the DoD ID Number being used within regular DoD business functions there is no breach when disclosed to persons with a need to know and therefore not reportable, and 3) FOIA requests involving the DoD ID Number should be processed just as any other FOIA requests and risk associated with release analyzed on a case by case basis. Component comments are requested by no later than COB Friday, February 3, 2012.

A DPB member asked if the DoD ID number could be hidden when signing documents or email electronically. (b)(6) stated that this would be looked into by the DPCLO and DMDC.

## V. Privacy Compliance Metrics

(b)(6) summarized the breach statistics for the first quarter of FY2012. The protection of paper records continues to be an area of concern especially in consideration of the ongoing office moves related to BRAC. Components were reminded to ensure records containing PII are transferred, retired or disposed of properly.

## VI. Policy and Guidance

The DoDD 5400.11 is currently in pre-SD106 legal review. The DPCLO anticipates the SD106 review to begin by late March. DoD 5400.11-R (manual) comments received during informal review have been adjudicated and are undergoing General Counsel review. SD106 review will also begin by late March for this issuance also.

## VII. Training

The first Privacy Act Compliance & Management (PACMan) 3-Day training series will be held February 7-9, 2012. Topics are Privacy Act essentials, SORN development, and breach management.

Registration is closed and classes are full. Individuals registered for the course must download training materials from the DPCLO Privacy SharePoint site. An email containing additional information is forthcoming.

DPCLO Professionalization for Privacy Officers will begin April 23-27, 2012. DPCLO will send further communications regarding registration in February 2012.

DPCLO will not hold training sessions May through August due to a pending office move (this time period may be adjusted if the moving schedule changes).

## VIII. Announcements and Reminders

- DPCLO will sponsor an exhibit booth at the 2012 Military Health System Conference (http://www.health.mil/2012mhsconference.aspx), January 30 – February 2. The conference will be held at the Gaylord National Hotel and Convention Center in National Harbor, MD
- Mr. Rhodes has signed the first DoD Annual Privacy Program Report. Upon security review it will be posted to the DPCLO website. A limited number of hard copies will also be made available.
- The ASAP 5th Annual National Training Conference (www.accesspro.org) will be held at the Hilton New Orleans Riverside Hotel in New Orleans, Louisiana March 20 – 23, 2012
- The IAPP – Global Privacy Summit 2012 (www.privacyassociation.org) will be held at the Marriott Wardman Park in Washington, DC March 7-9, 2012

## IX. Open Discussion

- (b)(6) opened the discussion by asking if any of the Component Privacy Officers had received feedback on the CSOP Forums from their CSOPs. Suggestions for topics of future Forums should be sent to DPCLO by February 15, 2012.

- (b)(6) distributed a draft Information Paper on the handling of cross-component breaches. The paper provides guidance in instances where the perpetrator of the breach and the site of the breach cross DoD Components. For example Component A employee breaches information while working at Component B.

  The main points are 1) the reporting, management and if necessary, individual notification of the breach are the responsibilities of the Component who owns the site, and 2) if sending individual notifications to persons outside your Component, a copy of the signed and dated notification letter with recipient PII blacked are to be provided to the Defense Privacy and Civil Liberties Office. These letters will be posted to the SharePoint site and serve as a resource to validate and authenticate letters.

  (b)(6) asked that the Components review the information paper and provide feedback by COB February 3, 2012.

## X. Wrap up
New action items were reviewed. (b)(6) thanked everyone for a very productive meeting.

## XI. Next Meeting Date
The next DPB meeting is scheduled for February 15, 2012 and will be a teleconference.

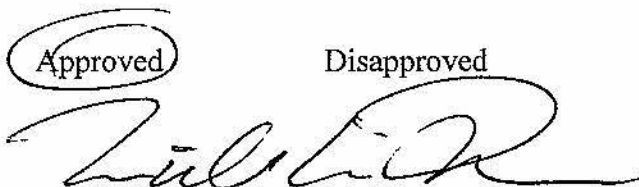## XII. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

Jan 31, 2012
Date

(Approved)          Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

2 Feb 12
Date

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | X |
| | National Reconnaissance Office | |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | X |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Defense Manpower Data Center | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | DON CIO | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | OSD/ESD | |
| | OSD/Chief Information Office | X |
| | TMA | X |
| | Defense Human Resources Activity | X |
| | MITRE/AMC | |
| | NRO | X |
| | MITRE/AMC | X |
| | SIGAR | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Air Force | X |
| | U.S. Northern Command | X |
| | Army Privacy Office | X |
| | NGA | |
| | Air Force/Policy and Compliance/IA | |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | NII | |
| | NGA | |
| | DON CIO | |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | X |
| | NGA | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | |
| | MITRE | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Central Command | X |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | X |
| | NGA | |
| | TRICARE Management Activity | |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | National Security Agency | |
| | Office of General Counsel | X |
| | National Reconnaissance Office | |
| | National Geospatial Intelligence Agency | X |
| | WHS/ESD/IMD | X |
| | DCMA | X |
| | Defense Manpower Data Center | X |
| | MDA | |
| | Defense Privacy and Civil Liberties Office | X |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Defense Privacy and Civil Liberties Office | |
| | DISA/Records and PA | X |
| | Marine Corps | |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Defense Privacy and Civil Liberties Office | |
| | Marine Corps | X |

# Defense Privacy Board Action Item List

**Open Action Items List** (*NOTE: All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | OPEN | |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by cob Jan 27th | All Components | 1/27/2012 | OPEN | |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | OPEN | To be published pending comments from DPB |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | OPEN | |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | OPEN | Component comments received June 2011. DPCLO in discussions with DHS and OMB. |

**Closed Action Items List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | for Components based on budget | | | | hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted.<br><br>If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy | DPCLO/ | TBD | CLOSED | Discuss details with (b)(6) |

| | | machine hard drives | DLA | | | |
|---|---|---|---|---|---|---|
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |

| | | have provided | | | | |
|---|---|---|---|---|---|---|
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
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| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- Welcome/Review of Open Action Items
- SSN Use Reduction Initiative Update
- Privacy Compliance Metrics
- DPCLO Policy and Guidance Update
- Training Recap
- Announcements/Reminders
- Open Discussion
- Review of New Action Items
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for March 13, 2012*

### I. Welcome and Opening Remarks

The meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and teleconference participants.

### II. SSN Use Reduction Initiative Update – [(b)(6)] DPCLO Support

SSN Use System Reviews. In accordance with DTM 2007-015-USD(P&R), "DoD Social Security Number (SSN) Reduction Plan" the DPCLO has been reviewing justifications for the use of SSNs in systems. DPCLO has received justification memoranda for 16.6% of all systems collecting the SSN. The goal is 12.5% per quarter, which means that by the end of this quarter, April 16, 2012, another 8.4% is due. Of the memoranda reviewed, roughly 8% are eliminating SSNs from the system. Approximately 35% of all the systems reviewed are approved as legacy systems. These systems will be monitored until the transition is complete.

Overall, results of the reviews have fostered positive results. Components were reminded that legacy system justifications are temporary approvals, and will have to be revisited in two years. It was also requested that Components ensure the DoD IT Portfolio Repository (DITPR) identification number is listed on the justification memorandum.

DoD Identification Number. DPCLO is working with DMDC to get specific guidance on the conversion process for SSNs to DoD Identification Number.

SSN Use Reduction Instruction. The Instruction is still mired in the review process. DPCLO will notify the DPB when the Instruction has been signed.

### III. Privacy Compliance Metrics – [(b)(6)]

A lot of attention has been placed on breaches related to mobile devices and email, however Components were cautioned not to lose sight of the risks associated with paper records. Paper records have consistently been a significant cause of breaches. During the first quarter of FY12 paper records accounted for 43% of our PII breaches. Particular attention should be paid to records being transferred, retired or disposed.

### IV. WHS Data Loss Prevention (DLP) Tool – [(b)(6)]

Personally identifiable information (PII) transmitted via email by tenants in the Pentagon is currently being electronically monitored by a DLP tool. When unencrypted email containing PII is detected an incident report is sent to the respective Component Privacy Officer. Emails are not blocked or quarantined. The DLP tool is being implemented by the CIO on the OSD network only. This impacts approximately 40,000 users across various Components.

The encryption of emails containing PII is mandated under several DoD policies

> DoD Instruction 8500.2, "Information Assurance (IA) Implementation", Encl 4, Attachment 5, Confidentiality Level Sensitive Control Number ECCT-1 states that unclassified, sensitive data transmitted through a commercial or wireless network must be encrypted using NIST-certified cryptography.

> DoD CIO Memorandum, "DoD Guidance on Protecting PII," August 18, 2006 directs DoD Components to ensure PII not explicitly cleared for public release is protected according to Confidentially Level Sensitive, as established in DoDI 8500.2.

> DoD CIO Memorandum, "Encryption of Sensitive Unclassified Data at Rest on Mobile Computing Devices and Removable Storage Media," July 3, 2007 requires encryption of various categories of sensitive data at rest under certain circumstances.

> DoD 5400.11-R, "DoD Privacy Program", Section AP1.5.2., Technical Safeguards, requires encryption of unclassified personal information in accordance with current Information Assurance (IA) policies and procedures, as issued.

Another phase of the test pilot is currently being considered that would extend the monitoring to other Components. More information will be communicated when available.

## V. DPCLO Policy and Guidance – (b)(6)

Stakeholders have had the opportunity to review and comment on the revised Privacy Program Directive and Manual during the informal review process. Adjudications have been communicated. When the issuances enter the formal SD-106 process Components are asked to restrict comments to 'critical' comments. WHS Directives defines "critical comments" as 1) Violations of the law or contradictions of Executive Branch policy or of policy established in DoD issuances. (The GC, DoD, or his or her representative shall identify legal objections as critical comments.) and 2) Unnecessary risks to safety, life, limb, or DoD materiel; waste or abuse of DoD appropriations; or imposition of an unreasonable burden on a Component's resources.

The DoDD 5400.11 is currently in pre-SD106 legal review. The DoD 5400.11-R is undergoing final DPCLO review in preparation for SD106. The goal is to submit the revised Directive and Manual to Directives for formal SD106 coordination by the end of March 2012.

## VI. Privacy Implementation Guide – (b)(6)

Privacy Implementation Guides are a series of 1-2 page papers providing clarification on how to implement topics addressed in the DoD 5400.11-R. These guides will be posted to the DPCLO Privacy SharePoint site after coordination through the DPB. The topics currently being produced are the DoD ID Number, email encryption, specialized training, breach reporting, and safeguarding best practices.

## VII. Training – [(b)(6)]

Privacy Act Compliance & Management (PACMan) scheduled for March 21-23, 2012 includes Privacy Act Essentials, SORN Training & Workshop, and a Breach Management Course & Exercise. This is a Navy only session. Registration is closed.

DPCLO Professionalization for Privacy Officers will be held April 23-27, 2012. Target audience is Privacy Act Officers and senior Privacy Office civilian staff. Registration is by invitation only.

DPCLO will not hold training May - August 2012 due to a pending office move.

## VIII. Announcements and Reminders

- The first DoD Privacy Program Annual Report has been signed. Copies were mailed to Component Privacy Officers.

- The Component Senior Official for Privacy (CSOP) Forum will be held on March 29, 2012 from 9:00 am – 11:00 am in Pentagon 3D947A.

- [(b)(6)] Director for Privacy, DPCLO will be presenting several sessions at the DoD PA/FOIA Training Workshop, April 10-12, 2012 in San Diego, CA.

## IX. Open Discussion

- [(b)(6)] Army Privacy Office asked if there was any DoD training or official information that addressed Controlled Unclassified Information (CUI).
  - For information regarding DoD policy on CUI as it currently stands, see the newly updated DoD 5200.01, Vol. 4, DoD Information Security Program: Controlled Unclassified Information (CUI), February 24, 2012
  - For information on the initiative to redefine CUI across Federal agencies, contact the DOD CUI Workgroup POCs
    [(b)(6)] OSD/OUSDI, [(b)(6)]
    [(b)(6)] OSD/OUSDI, [(b)(6)]
- A question was raised about the definition of a DoD-wide SORN
  - The revised Privacy Program Manual currently in coordination defines DOD-wide SORNs as including categories of individuals and categories of records that span the entire DoD enclave and fall under the control of the Executive Agent for the systems.

## X. Wrap up
New action items were reviewed. [(b)(6)] thanked everyone for a very productive meeting.

## XI. Next Meeting Date
The next DPB meeting is scheduled for April 18, 2012 and will be a teleconference.

## XII. Meeting Adjourned

Submitted b (b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

March 27, 2012
Date

(Approved)        Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

3.29.12
Date

4

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | |
| | National Reconnaissance Office | |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | X |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Army Privacy | |
| | Defense Manpower Data Center | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | X |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Navy | |
| | DON CIO | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | DLA | |
| | OSD/ESD | |
| | DARPA | |
| | OSD/Chief Information Office | X |
| | TRICARE Management Activity | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | DFAS | |
| | NRO | X |
| | MITRE/AMC | X |
| | SIGAR | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy | |
| | CENTCOM | |
| | Defense Logistics Agency | X |
| | Defense Manpower Data Center | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | |
| | WHS/EITSD | |
| Jackson, James | Defense Privacy and Civil Liberties Office | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Air Force | |
| | U.S. Northern Command | |
| | Army Privacy Office | X |
| | NGA | |
| | DODIG | |
| | TMA Privacy Office | |
| | Air Force/Policy and Compliance/IA | |
| | Army Privacy | |
| | DIA | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | BAH | |
| | DON CIO | X |
| | NGA | X |
| | NGB | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | DMDC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | |
| | NGA | |
| | NRO | |
| | TMA Privacy Office | X |
| | CNO, DNS-36 | X |
| | Defense Manpower Data Center | |
| | MITRE | |
| | WHMO | |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | USMC | |
| | U.S. Central Command | |
| | TRICARE Management Activity | X |
| | Air Force Privacy Office | |
| | NGA | |
| | Missile Defense Agency | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | X |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | NRO | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | National Security Agency | |
| | Office of General Counsel | X |
| | National Reconnaissance Office | X |
| | SIGAR | |
| | National Geospatial Intelligence Agency | |
| | TRICARE Management Activity | X |
| | DLA | |
| | WHS/ESD/IMD | |
| | DCMA | X |
| | NGA | |
| | Defense Manpower Data Center | |
| | MDA | |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| Pouserzaden, Bahi | Marine Corps | |

# Defense Privacy Board Action Item List

Open Action Items List (*NOTE: All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil*)

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | TBD | OPEN | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | OPEN | Discussions with DMDC ongoing. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | OPEN | DPCLO is working on a Memo to address this issue. |

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 |

| | | | | | | meeting. |
|---|---|---|---|---|---|---|
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |

# Defense Privacy Board Action Item List

| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
|---|---|---|---|---|---|---|
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |

| | | question, e.g. should Components query GC for the scope of privacy advice they have provided | | | | |
|---|---|---|---|---|---|---|
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |

| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
|---|---|---|---|---|---|---|
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice | All | 20090715 | CLOSED | Consolidated under Item Number |

Defense Privacy Board Action Item List

| | | Review Report. | Components | | | 20090218-01. |
|---|---|---|---|---|---|---|
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- Welcome/Review of Open Action Items
- SSN Use Reduction Initiative
- Civil Liberties Program
- Privacy Compliance Metrics
- DPCLO Policy and Guidance
- Training Recap
- Announcements/Reminders
- Open Discussion
- Review of New Action Items/Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for May 23, 2012*

### I. Welcome and Opening Remarks

The meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and teleconference participants. A review of the open action items was conducted.

### II. SSN Use Reduction Initiative Update – [(b)(6)], DPCLO Support

<u>SSN Use Reduction Instruction</u>. The SSN Use Reduction Instruction has completed legal sufficiency review. The response to previous public comments must be published in the Federal Register. After the required publication period, the Instruction will be packaged for USD(P&R) signature.

<u>DoD Identification Number</u>. Defense Human Resource Activity Identity Web Services can assist Components in converting social security numbers to DoD Identification Numbers. Guidance for utilizing the Identity Web Services will be distributed to Components. Specific questions should be directed to MLAdd-DMDCWADRWebServices@osd.pentagon.mil

### III. Civil Liberties Program – [(b)(6)] Director for Civil Liberties, DPCLO

The DoD Civil Liberties Officer, Mr. Michael Rhodes, DA&M signed the DoD Civil Liberties Program Instruction on May 17, 2012. The policy encourages Department-wide compliance with the statutory requirements of PL 110-53 "Implementing Recommendations of the 9/11 Commission Act of 2007" by requiring adequate consideration of civil liberties in DoD's actions.

The Civil Liberties Program staffs' primary objectives moving forward will be to increase awareness of the DoD Civil Liberties Program and to assist DoD in implementing the program at the Component level. This means providing Component civil liberties POCs and DoD workforce members with the tools and training necessary to comply with the DoD Civil Liberties Program and its governing statute.

### IV. Privacy Compliance Metrics – [(b)(6)] Director for Privacy, DPCLO

Breaches rose from 309 breaches in FY12 Q1 to 639 breaches in FY12 Q2 resulting in a 107% increase. The number of individuals impacted increased by 537% (from 139,500 to 888,783) during the same period.

The attention placed on reducing breaches related to mobile devices and emails has had positive effects; however, Components are encouraged not to lose sight of the risks associated with paper records. Sixty-nine percent of all breaches reported during FY12 Q1 and FY12 Q2 involved paper records.

**V. Systems of Records Notices –** [(b)(6)] **Director for Privacy, DPCLO**

Aged SORNs: Components are advised to focus reviews on SORNs last published in the Federal Register 1993 – 1997. DPCLO will monitor improvement at end of the calendar year. Refer to OMB Circular A-130, Appendix I for complete SORN review criteria.

DPCLO SORN/Records Management Submission Validation: The NARA General Records Schedule should be used to the greatest extent possible. Component Records Managers can assist Component Privacy Officers in determining whether an existing retention and disposal schedule is appropriate for the SORN under development or review.

For future SORN submissions to DPCLO:

- If a new SORN has a "Pending NARA Approval" status, provide a copy of the SF 115 (Request for Records Disposition Authority) that was submitted to NARA, or the Component records schedule to DPCLO with the SORN submission.

- If an altered and/or amended SORN Retention and Disposal remains "Pending NARA Approval," check with the Records Manager to verify that the SF 115 was submitted and/or approved by NARA, and submit a copy of the SF 115 to DPCLO with the SORN submission. If no SF 115 exists or cannot be located, a copy of the Component records schedule is acceptable.

Federal Register Citations on DPCLO Website: The DPCLO will be placing additional citations at the end of the SORNs posted on the website for historical purposes. The first citation will be when the notice was last published in its entirety in the Federal Register. Further citations will be those that had a subsequent revision, by order of publication in the Federal Register. The Federal Register citation beside the system name will remain unaffected. This procedure will begin effective immediately.

SORN Deletions: [(b)(6)] reminded the DPB that one SORN may impact several systems; therefore, he requested that DPCLO notify him of any SORN deletions.

**VI. Compliance and Reporting Tool (CART) –** [(b)(6)] **Director for Privacy, DPCLO**

The authority to operate (ATO) the CART has been awarded. Internal testing with the initial core group will begin the end of May and roll-out to the other Components in June 2012. In lieu of direct data entry into CART, Components may opt to upload the current Excel DPCLO breach report template into CART, or cut and paste from Component-specific breach report templates. Only Component Privacy Officers and their designees will be allowed to enter and submit reports directly into CART. Training will be provided by DPCLO.

## VII. OSD CIO Data Loss Prevention Tool – (b)(6) Director for Privacy

A new pilot of the OSD CIO Data Loss Prevention Tool began May 21, 2012. Under this pilot the tool will quarantine outbound unencrypted emails containing more than one social security number or more than one credit card number. Only WHS Human Resources Directorate staff will participate in the first phase of the pilot. A phased approach will be employed to expand filtering to other areas of Pentagon Force Protection Agency, WHS and OSD Components.

## VIII. DPCLO Policy and Guidance – (b)(6), Director for Privacy

WHS Directives is obtaining the DA&M signature to launch formal SD-106 coordination for the revised DoD Directive 5400.11. Edits from WHS Directives on the revised DoD 5400.11-M are currently under review by DPCLO.

## IX. Training – (b)(6)

DPCLO successfully completed its second Privacy Officer Professionalization series. There will be no additional training courses until the fall of 2012 due to the DPCLO move scheduled for late June/early July. Training schedules and registration information will be posted to the DPCLO Sharepoint site when available.

## X. Announcements and Reminders

- The DPCLO SharePoint Site has been revamped and the new link distributed. Frequently Asked Questions have been added to the left navigation bar.
- Mr. Michael Reheuser, Director, DPCLO will be presenting at the DoD FOIA/PA Training Workshop from June 5-7, 2012 in Padova, Italy.
- The DPCLO office move has been pushed out to late June/early July. More information to follow.
- Information on Rulemaking & Paperwork Reduction Act Courses & Seminars can be found at http://www.regulationwriters.com/courses.
- The FY12 FISMA Report data call is currently being prepared for distribution this summer. DPCLO will hold information sessions for Component Privacy Act Officers.

## XI. Open Discussion

- (b)(6) clarified that when records are received from other agencies and redaction is appropriate prior to incorporation into a DoD system of records, it is not necessary to send the record back to the originating agency for redaction.
- (b)(6) will follow-up on the following civil liberties program issues:
    - The civil liberties program Instruction defines privacy as "a right recognized by the Constitution," however privacy is not addressed by the Constitution in this manner. How will this be rectified? (DARPA question)
    - PL 110-53, which authorized the civil liberties program, confines its scope to terrorism related activities; however, the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the

complaint reporting requirement has this change been communicated to Congress? (NGB question)

**XII. Wrap up**
New action items were reviewed. [(b)(6)] thanked everyone for a very productive meeting.

**XIII. Next Meeting Date**
The next DPB meeting is scheduled for June 20, 2012 and will be a face-to-face meeting.
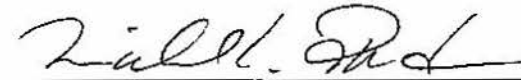
**XIV. Meeting Adjourned**

Submitted by [(b)(6)]

[(b)(6)] Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

6/5/12
Date

Approved        Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

6·12·12
Date

4

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | X |
| | National Reconnaissance Office | |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | X |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Army Privacy | |
| | Defense Manpower Data Center | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | X |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Navy | |
| | DON CIO | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | DLA | |
| | OSD/ESD | |
| | DARPA | |
| | OSD/Chief Information Office | X |
| | TRICARE Management Activity | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | DFAS | |
| | NRO | X |
| | MITRE/AMC | X |
| | DTRA | X |
| | SIGAR | |
| | National Security Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy | |
| | CENTCOM | |
| | Defense Logistics Agency | X |
| | Defense Manpower Data Center | |
| | National Security Agency | |
| | Defense Privacy and Civil Liberties Office | |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | WHS/EITSD | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Air Force | |
| | U.S. Northern Command | |
| | Army Privacy Office | X |
| | NGA | |
| | DODIG | |
| | TMA Privacy Office | |
| | Air Force/Policy and Compliance/IA | |
| | Army Privacy | |
| | DIA | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Contract Audit Agency | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | BAH | |
| | DON CIO | X |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | DMDC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | X |
| | NGA | |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | X |
| | TMA Privacy Office | X |
| | CNO, DNS-36 | X |
| | Defense Manpower Data Center | X |
| | MITRE | X |
| | WHMO | |
| | DeCA | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | USMC | |
| | U.S. Central Command | |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | TRICARE Management Activity | X |
| | Air Force Privacy Office | |
| | NGA | |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | |
| | DON, CIO, Privacy | X |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | NRO | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | National Security Agency | |
| | Office of General Counsel | X |
| | National Reconnaissance Office | X |
| | SIGAR | |
| | National Geospatial Intelligence Agency | |
| | TRICARE Management Activity | X |
| | DLA | |
| | WHS/ESD/IMD | |
| | DCMA | X |
| | NGA | |
| | Defense Manpower Data Center | |
| | MDA | |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | |
| | MITRE/AMC | X |
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## Defense Privacy Board Action Item List

**Open Action Items List (*NOTE:* *All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil*)**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | OPEN | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | OPEN | Question posed by DARPA |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | OPEN | Question posed by NGB |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | OPEN | Discussions with DMDC ongoing. Still researching. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | OPEN | DPCLO is working on a Memo to address this issue. |

**Defense Privacy Board Action Item List**

**Closed Action Items List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All | 1/17/2012 | CLOSED | |

**Defense Privacy Board Action Item List**

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | Components | | | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |

# Defense Privacy Board Action Item List

| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
|---|---|---|---|---|---|---|
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |

# Defense Privacy Board Action Item List

| | | | | | | |
|---|---|---|---|---|---|---|
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised | All | 20090403 | CLOSED | Duplicate and error. Refer to |

| | | breach reporting template to DPO. | Components | | | 20090218-02. |
|---|---|---|---|---|---|---|
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- ➢ Welcome/Review of Open Action Items
- ➢ Policy and Guidance
- ➢ Privacy Compliance Metrics
- ➢ DPCLO Training Schedule
- ➢ Announcements/Reminders
- ➢ Open Discussion
- ➢ Review of New Action Items
- ➢ Next Meeting Date
- ➢ Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for August 15, 2012*

## I. Welcome and Opening Remarks

The face-to-face meeting was called to order by (b)(6) Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and teleconference participants. A review of the open action items was conducted.

## II. Policy and Guidance

SSN Use Reduction Instruction. DoDI 1000.30, "Reduction of Social Security Number (SSN) Use Within DoD," August 1, 2012 has been signed and posted to the WHS Directives site at http://www.dtic.mil/whs/directives/corres /pdf/100030p.pdf. There are two key differences between the DTM and the Instruction: 1) Enclosure 2.4.a. of the Instruction provides rules for the use of the DoD Identification Number (previously the EDI-PI) and 2) SES/Flag Officer level signature is no longer specified for SSN use justification memoranda. Heads of Components may wish to consider change their current designee. (b)(6) WHS/ESD stated that changes to the Instruction may be forthcoming.

DoD Identification Number. DoDI 1000.30 contains rules for the use and sharing of the DoD ID Number. For assistance in converting SSNs to DoD ID Numbers contact DMDC at MLAdd-DMDCWADRWebServices@osd.pentagon.mil.

DPCLO SSN Use Justification Memoranda Reviews. In FY 12 Q1-Q3 DPCLO received SSN use justification memos for 36.03% of the systems in the DITPR collecting the SSN. This puts us just 1.5% short of the goal of receiving 12.5% of the memos each quarter.

Overall, DPCLO is seeing positive results from the initial reviews. Of the memos DPCLO has reviewed, roughly 7.6% are eliminating SSNs from the system. Approximately 52.5% of all the systems reviewed were approved as legacy systems. Legacy system justifications are temporary approvals and will be reevaluated in two years.

Some content matters for Components to remember when developing their use justification memos.
- Ensure you have ruled out all other use cases before designating legacy system as your use case.
- Include the DITPR ID number on the use justification memorandum. The DITPR ID number is used to track which systems have been reviewed.
- Explicitly state the use case being applied. Additionally, clearly explain why the system qualifies for that use case.

Other Policy, Guidance and Resources.
- Revised DoDD 5400.11 and DoD 5400.11-M are currently going through the informal SD-106 coordination process.

- DA&M Memorandum "Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations", August 2, 2012 only applies to the decision to notify individuals impacted by a breach NOT breach reporting.
- DHS Privacy Office Memorandum "Privacy Incident Reporting to the US-CERT", August 25, 2011 provides guidance allowing Components to use their best judgment with US-CERT breach notification determinations.

FY12 Federal Information Security Management Act (FISMA) Guidance. DPCLO provided FY 12 FISMA guidance to the DPB and COCOMs via an August 4, 2012 email. COCOMs can expect to receive the same tasking via Joint Staff as well. The report covers the period October 1, 2011 through September 30, 2012. Due dates are firm. Requests for extension cannot be granted due to other OSD level review and coordination due dates.

Key Dates:
- September 10, 2012: Components make final corrections and updates to DoD Information Technology Portfolio Repository (DITPR).
- September 17, 2012: Components submit completed reporting template (Attachment 2) with narratives and signed certification (Attachment 3) to DPCLO at dpo.correpondence@osd.mil.

Carefully read the FISMA guidance instructions and the comments embedded in the reporting template (Attachment 2 of the FISMA memo). Enter data only in the yellow shaded areas of the reporting template. Some questions may require narrative statements and are noted as such.

Direct questions to (b)(6) at (b)(6)

## III. Privacy Compliance Metrics

Breach Statistics: The overall number of breaches decreased 26% from 639 in the QTR 2 to 475 in QTR 3. Paper records and e-mail continue to be areas of high concern.

Privacy Compliance and Reporting Tool (CART): Current CART users are Army, AF, OSD/JS, and NGB. The roll-out to the remaining Components is scheduled to commence on October 1, 2012. Training will be provided. The PII Breach Reporting DD Form is currently under development. Questions can be directed to (b)(6) DPCLO, (b)(6)

OSD CIO Data Loss Prevention (DLP) Tool: The DLP is currently blocking outgoing unencrypted emails containing 2 or more social security numbers or Credit Card Numbers. Of the approximately 40 emails blocked each day, most are users sending their personal information to a personal account or users responding to messages which already contained PII. The tool was inappropriately blocking emails containing the NARA numbering system. NARA format mimics SSNs, i.e. ###-##-####. However, an exception has been created in the process to halt these blocks.

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## IV. DPCLO Sponsored Training

| October 1 | PIAs and Privacy for System Owners |
|-----------|-----------------------------------|
| October 15 - 18 | DPCLO Privacy Officer Professionalization Program (DPoP) (registration by invitation only) |
| October 25 - 26 | COCOM Privacy Officer Training Workshop (registration by invitation only) |
| November 7 - 9 | Privacy Act Compliance and Management (PACMan) |

The DPCLO has additional sessions under development. Training schedules and registration information will be posted to the DPCLO Sharepoint site when available.

## V. Announcements and Reminders

- 2012 Privacy Program Annual Report: DPCLO is in the early stages of drafting the 2012 Privacy Program Annual Report. Please submit any ideas or success stories to DPCLO.

- Stock Act: Congress has delayed implementation until early September. No additional information from DoD SOCO at this time.

- DPCLO Website: A few look and feel changes have been made to the DPCLO website splash page including the addition of a media page.

## VI. Open Discussion

- Which DoD standards address the requirement to encrypts emails containing PII? Are emails transmitted using the DoD network emails considered to be transmitted over commercial networks? (DFAS question).
  - DoD 5400.11-R, Section AP1.5.2., Technical Safeguards. Encrypt unclassified personal information with current Information Assurance (IA) policies and procedures, as issued.
  - DODI 8500.2, February 6, 2003, Enclosure 4, Attachment 5, Enclave and Computing Environment Confidentiality. ECCT-1 Encryption for Confidentiality (Data in Transit) Unclassified, sensitive data transmitted through a commercial or wireless network are encrypted using NIST-certified cryptography (See also DCSR-2).

  Through communications with DoD Information Assurance, DPCLO has confirmed that all emails sent over DoD networks are considered "transmissions through a commercial or wireless network".

- [(b)(6)] GC responded to civil liberties program questions posed during the May 23, 2012 DPB meeting.

  o **Question:** The civil liberties program Instruction defines privacy as "a right recognized by the Constitution", however privacy is not addressed by the Constitution in this manner. How will this be rectified? (DARPA question)
    **Response:** Under the Civil Liberties DoDI, privacy is defined as the right to privacy recognized under the Constitution of the United States. This definition is supported by case law.

  o **Question:** PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities, however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? (NGB question)
    **Response:** The statute establishes the minimum requirements placed upon the DoD Civil Liberties Officer. To meet these requirements, the DoD Civil Liberties Officer determined it was necessary to constitute the DoD Civil Liberties Program as provided for in the Civil Liberties DoDI.

## VII. Wrap up
New action items were reviewed. [(b)(6)] thanked everyone for a very productive meeting.

## VIII. Next Meeting Date
The next DPB meeting is scheduled for September 19, 2012 and will be a teleconference.

## IX. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

8/23/12
Date

(Approved)        Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

8.28.12
Date

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | X |
| | National Reconnaissance Office | |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Army Privacy | X |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | USMC | X |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | Air Force, OGC | X |
| | Navy | |
| | DON CIO | |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | |
| | TRICARE Management Activity | |
| | Army/FOIA and Privacy Office | |
| | Defense Manpower Data Center | |
| | DLA | |
| | OSD/ESD | |
| | DARPA | |
| | OSD/Chief Information Office | X |
| | TRICARE Management Activity | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | . |
| | DFAS | |
| | NRO | X |
| | MITRE/AMC | X |
| | DTRA | X |
| | SIGAR | |
| | National Security Agency | X |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy | |
| | CENTCOM | |
| | Defense Logistics Agency | |
| | Defense Manpower Data Center | |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Privacy and Civil Liberties Office | |
| | WHS/EITSD | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | |
| | U.S. Northern Command | |
| | Army Privacy Office | |
| | NGA | |
| | DODIG | |
| | TMA Privacy Office | |
| | Air Force/Policy and Compliance/IA | |
| | Army Privacy | |
| | DIA | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | DCAA | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | BAH | |
| | DON CIO | X |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | DMDC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | X |
| | NGA | |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | X |
| | MITRE | |
| | WHMO | |
| | DeCA | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Central Command | |
| | Air Force Privacy Office | X |

| ATTENDANCE | | |
| --- | --- | --- |
| **Name** | **Organization** | **Present** |
| (b)(6) | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | NRO | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | Office of General Counsel | X |
| | National Reconnaissance Office | X |
| | SIGAR | |
| | National Geospatial Intelligence Agency | |
| | TRICARE Management Activity | |
| | DLA | |
| | WHS/ESD/IMD | X |
| | DCMA | X |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Defense Privacy and Civil Liberties Office | |
| | Marine Corps | |

## Defense Privacy Board Action Item List

**Open Action Items List (*NOTE:* *All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil*)**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will refer question to (b)(6) (P&R) | Sep DPB | OPEN | |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | OPEN | |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | OPEN | (b)(6) will provide CIO FISMA memo to (b)(6) for inclusion with the DPB minutes |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

# Defense Privacy Board Action Item List

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2<sup>nd</sup> Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation |

| | | | | | | guides. |
|---|---|---|---|---|---|---|
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27<sup>th</sup> | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if |

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| | | | | | | other inappropriate activities come to light, then an unencrypted email is reportable. |
|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
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| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability | DPCLO | TBD | CLOSED | Research locations/availability of |

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| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
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| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

| | | "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | | | | |
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| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# AGENDA

- ➤ Welcome/Review of Open Action Items
- ➤ Policy and Guidance
- ➤ Privacy Compliance Metrics
- ➤ DPCLO Training Schedule
- ➤ Announcements/Reminders
- ➤ Open Discussion
- ➤ Review of New Action Items
- ➤ Next Meeting Date
- ➤ Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for December 6, 2012*

### I. Welcome and Opening Remarks

The face-to-face meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and teleconference participants. A review was conducted of the open action items.

### II. Policy and Guidance

Status of DoD 5400.11-R and DoDD 5400.11:
- DoD Directive 5400.11 is currently in the formal SD-106 coordination process. The process is scheduled to end on December 6, 2012.
- DoD Manual 5400.11 is currently in the DA&M informal coordination process. The anticipated release for formal SD-106 coordination is mid-December 2012.
- Components were reminded to consider the DA&M Memorandum "Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations," August 2, 2012 when deciding to notify individuals impacted by a breach. This memorandum provides guidance to Components on the use of the best judgment standard on the decision to notify individuals. It does NOT change the breach reporting requirement.

### III. Privacy Compliance Metrics

FY 12 Quarters 1-4 Breach Statistics: [(b)(6)] pointed out that, although paper records decreased this quarter and e-mails remained high, these breach areas continue to be of concern. The number of incidents for paper record decreased in the 4th Quarter to 446, compared to 475 incidents in the 3rd Quarter.

Quarterly Report Update: [(b)(6)] briefed everyone on the new quarterly reporting spreadsheet to be used by the components beginning 1st Quarter FY13. Questions can be directed to [(b)(6)] DPCLO [(b)(6)] A copy was distributed to all DPB with the meeting agenda.

SORN Review (1993-2007) Tasking: Discussions are ongoing with Components that have SORNs published in the Federal Register between 1993 and 2007. The DPCLO has no record that these SORNS have been reviewed in the review cycles that began in 2008. Components were asked to review the 18 categories of data to identify discrepancies, inaccurate information and missing information.

The SORN review should reflect review of 40% of the oldest SORNs by December 31, 2012 and the remaining to be reviewed by September 30, 2013. The reviews are to be added to your quarterly report (including SORN system ID number and name). Questions can be directed to (b)(6) DPCLO, (b)(6)

## IV. DPCLO Sponsored Training

| March 11 – 13, 2013 | Privacy Act Compliance and Management (PACMan) |
|---|---|
| April 22 – 25, 2013 | DPCLO Privacy Officer Professionalization Program (DPOP) |
| May 20, 2013 | PIAs and Privacy for System Owners Training & SORN Overview |

The DPCLO has additional sessions under development. Courses are in great demand with limited seating. Training schedules, course announcements and registration information will be posted to the DPCLO SharePoint site when available.

## V. Announcements and Reminders

- 2012 Privacy Program Annual Report: DPCLO is finalizing the 2012 Privacy Program Annual Report. Thank you for submitting your best practices, initiatives and success stories to DPCLO.

- CSOP Meeting: The CSOP meeting was held on Thursday, November 29th 2012. There are no action items to report. The materials will be uploaded to the DPCLO SharePoint Site.

- DPB Quarterly Newsletter: The DPB Quarterly Newsletter provides items of interests that impact the components. The first edition was sent out on October 11, 2012. The next edition will be sent out in January 2013.

## VI. Open Discussion

- (b)(6) White House Communications opened the discussion.
  - Comment: The National Archives & Records Administration (NARA) is in the process of rewriting and overhauling their retention disposition process. There is no Privacy representation within the tasked NARA group.
    Response: The DPCLO will provide a representative if possible. (b)(6) asked that the information be provided to him for action.

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## VII. Wrap up

New action items were reviewed. (b)(6) thanked everyone for a very productive meeting.

## VIII. Next Meeting Date

The next DPB meeting is scheduled for January 16, 2013 and will be a teleconference.

## IX. Meeting Adjourned

Submitted by (b)(6)

_____     12/14/2012
(b)(6)          Director for Privacy, DPCLO          Date
Executive Secretary, Defense Privacy Board


(Approved)          Disapproved

_____     12.18.12
Michael L. Rhodes, Director, Administration and Management          Date
Chairman, Defense Privacy Board

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| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | X |
| | Defense Human Resources Activity | X |
| | National Reconnaissance Office | |
| | Air Force Privacy Office | X |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | USMC | X |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force, OGC | X |
| | Navy | |
| | DON CIO | |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Defense Manpower Data Center | |
| | DLA | X |
| | OSD/ESD | |
| | DARPA | |
| | OSD/Chief Information Office | X |
| | TRICARE Management Activity | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | DFAS | |
| | NRO | X |
| | MITRE/AMC | X |
| | DTRA | X |
| | SIGAR | |
| | National Security Agency | X |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | X |
| | CENTCOM | |
| | Defense Logistics Agency | X |
| | Defense Manpower Data Center | |
| | Defense Privacy and Civil Liberties Office | |

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| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | WHS/EITSD | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | U.S. Northern Command | |
| | Army Privacy Office | X |
| | NGA | |
| | DODIG | |
| | TMA Privacy Office | |
| | Air Force/Policy and Compliance/IA | |
| | Army Privacy | |
| | DIA | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | DCAA | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | MITRE | X |
| | BAH | |
| | DON CIO | X |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | DMDC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | |
| | NGA | |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | X |
| | MITRE | |
| | WHMO | |
| | DeCA | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Central Command | |
| | Air Force Privacy Office | X |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | NRO | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | Office of General Counsel | X |
| | National Reconnaissance Office | X |
| | SIGAR | |
| | National Geospatial Intelligence Agency | |
| | TRICARE Management Activity | |
| | DLA | X |
| | WHS/ESD/IMD | X |
| | DCMA | X |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Marine Corps | |

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | OPEN | |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | OPEN | This request is in process via updates pending for the *DPCLO Privacy Officer Professionalization* (DPOP) course. Training for IT personnel is already being offered via the *Privacy Considerations for IT System Developers* class. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | OPEN | |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | OPEN | |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will refer question to (b)(6) (P&R) | Sep DPB | OPEN | DPCLO will issue an Instructional Memo explaining the forms process |

**Defense Privacy Board Action Item List**

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|---|---|---|---|---|---|---|
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes; Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

**Open Action Items List (*NOTE: All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil*)**

# Defense Privacy Board Action Item List

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation |

| | | | | | | guides. |
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| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if |

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| | | | | | | other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) o follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
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# Defense Privacy Board (DPB)
## *Meeting Minutes for January 16, 2013*

## I. Welcome and Opening Remarks

The meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and teleconference participants. A review was conducted of the open action items.

## II. Policy and Guidance

<u>Status of DoD 5400.11-R and DoDD 5400.11:</u>
- DoD Directive 5400.11 is currently in the pre-signature review process and being edited by WHS Directives. The proposed rule for the Code of Federal Regulations is being drafted. The next steps are the legal sufficiency and security review before being signed. The timeline for review is an estimated 90 to 120 days.
- The DA&M informal coordination for the DoD Manual 5400.11-M process was completed on December 28, 2012. WHS General Counsel, Information Management Division, Pentagon Force Protection Agency, and the Directorate for Organizational and Management Planning all concurred without comments.
- A second DA&M coordination is forthcoming and DPCLO requests components to perform reviews in an expedient manner.
- It's important that components remember when performing reviews, not to include administrative comments. When assigning a comment category, conform to the standards established by WHS Directives located on the SD Form 818, "Comment Matrix for DoD Issuances," August 2012.
  - "The justification for critical comments must identify violations of law or contractions of Executive Branch or DoD policy, unnecessary risks to safety, life, limb, or DoD material, waste of abuse of DoD appropriations, or imposition of an unreasonable burden on a Component's resources."
  - "Make a substantive comment if a part of the issuance seems unnecessary, incorrect, misleading, confusing, or inconsistent with other sections, or if you disagree with the proposed responsibilities, requirements, or procedures. One substantive comment is usually not sufficient justification for a nonconcur on an issuance. Multiple substantive comments may be grounds for a nonconcur."
- Comments that are incorrectly categorized will be forwarded to WHS Directives for review.

## III. Privacy Compliance Metrics

<u>1<sup>st</sup> Quarter FY13 Breach Statistics:</u> The first quarter breach statistics were discussed.

- The number of incidents for paper records decreased in 1st quarter FY13 to 181, compared to 260 incidents in the 4th quarter FY12.
- The number of incidents for laptops decreased in 1<sup>st</sup> quarter FY13 to 11, compared to 32 incidents in the 4th quarter of FY12.

- The number of incidents for emails decreased in 1st quarter FY13 to 78, compared to 95 incidents in the 4th Quarter of FY12.
- The number of incidents for other removable devices decreased in 1st quarter FY13 to 3, compared to 7 incidents in the 4th Quarter of FY12.

SORN Review (1993-2007) Task Update: Discussions and assistance continues with Components that have SORNs published in the Federal Register between 1993 and 2007. DPCLO has assistance available to help DoD Components in the review and updates for SORNs in this publication date range. Two components have completed one-on-one training with the DPCLO. The feedback received has been positive.

Quarterly reports were due on January 15, 2013 and the data will be reported at the next DPB. Questions can be directed to (b)(6) DPCLO, at (b)(6)

**Announcements and Reminders Upcoming privacy related courses of interest to Components:**

| DPCLO Sponsored Courses | |
|---|---|
| **March 11 – 13, 2013** | Privacy Act Compliance and Management (PACMan) |
| **April 22 – 25, 2013** | DPCLO Privacy Officer Professionalization Program (DPOP) |
| **May 20, 2013** | PIAs and Privacy for System Owners Training & SORN Overview |
| Other Privacy Training Outside of DPCLO | |
| **February 25 – March 1, 2013** | Security in Knowledge, RSA Conference 2013 in San Francisco, CA |
| **March 6-8, 2013** | IAPP Global Privacy Summit in Washington, DC |

- DPCLO sponsored courses are in great demand with limited seating. Training schedules, course announcements and registration information will be posted to the DPCLO SharePoint site when available. Additional sessions under development.

- American Society of Access Professionals (ASAP) has a list of events that they will be holding in 2013. The website is www.accesspro.org.

## IV. Open Discussion

DPCLO is seeing a number of breach reports indicating that notifications are being sent to those potentially affected when there are internal breaches that are determined to have a low level risk such as, encrypted emails or laptops. The impact on individuals affected in a breach must be assessed on a case-by-case basis.

Please refer to the DoD Memorandum, "Use of Best Judgment for Individually Identifiable Information (PII) Breach Notification Determinations" that is attached.

Paragraph C.1.5.1.5 of the DoD 5400.11-R contains minimum information to be included in a breach notification.

## V. Wrap up
There were no new action items to review. [(b)(6)] thanked everyone for a productive meeting.

## VI. Next Meeting Date
The next DPB meeting is scheduled for February 20, 2013 and will be a teleconference format.

## VII. Meeting Adjourned

Submitted by
[(b)(6)]

[(b)(6)] Director for Privacy, DPCLO                     1/30/13
Executive Secretary, Defense Privacy Board                Date

Approved          Disapproved

Michael L. Rhodes, Director, Administration and Management   2.4.13
Chairman, Defense Privacy Board                              Date

3

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | X |
| | Defense Human Resources Activity | X |
| | National Reconnaissance Office | |
| | Air Force Privacy Office | X |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Defense Human Resources Activity | |
| | Defense Threat Reduction Agency/Privacy | |
| | USMC | X |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force, OGC | X |
| | Navy | |
| | DON CIO | X |
| | JTFCapMed | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Defense Manpower Data Center | |
| | DLA | X |
| | OSD/ESD | |
| | DARPA | |
| | OSD/Chief Information Office | X |
| | TRICARE Management Activity | |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | DFAS | |
| | NRO | X |
| | MITRE/AMC | X |
| | DTRA | X |
| | SIGAR | |
| | National Security Agency | X |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | X |
| | CENTCOM | |
| | Defense Logistics Agency | X |
| | Defense Manpower Data Center | |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Privacy and Civil Liberties Office | |
| | WHS/EITSD | |
| | Defense Privacy and Civil Liberties Office | X |
| | DTRA | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | |
| | U.S. Northern Command | |
| | Army Privacy Office | X |
| | NGA | |
| | DODIG | X |
| | TMA Privacy Office | |
| | Air Force/Policy and Compliance/IA | |
| | Army Privacy | |
| | DIA | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | |
| | DCAA | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | MITRE | X |
| | BAH | |
| | DON CIO | X |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Logistics Agency | X |
| | DMDC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | |
| | NGA | |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | X |
| | MITRE | |
| | WHMO | |
| | DeCA | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | U.S. Northern Command | X |
| | U.S. Central Command | |
| | Department of the Navy | X |
| | Air Force Privacy Office | X |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | NRO | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | Office of General Counsel | X |
| | National Reconnaissance Office | X |
| | SIGAR | |
| | National Geospatial Intelligence Agency | |
| | TRICARE Management Activity | |
| | DLA | X |
| | WHS/ESD/IMD | X |
| | Department of the Navy | X |
| | DCMA | X |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | X |
| | Marine Corps | |

**Defense Privacy Board Action Item List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | IN PROCESS | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | PENDING | DPCLO is in the process of following up with the NARA POC. NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program. DPCLO will be follow-up with the NARA POC.<br><br>DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | IN PROCESS | This is still being worked by DPCLO. DPCLO will issue an Instructional Memo explaining the forms process. SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? |

**Defense Privacy Board Action Item List**

| | | | | | | |
|---|---|---|---|---|---|---|
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes;<br><br>Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

**Open Action Items List (*NOTE:* *All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil*)**

# Defense Privacy Board Action Item List

## Closed Action Items List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation |

| | | | | | | guides. |
|---|---|---|---|---|---|---|
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if |

| | | | | | | |
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| | | | | | | other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability | DPCLO | TBD | CLOSED | Research locations/availability of |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | of lists published from 1930s to 1990s which contain service member names and SSNs. | | | | lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | • Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records Notice Review Report | | | | submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | | | | |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

Tab A

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

ADMINISTRATION AND
MANAGEMENT

AUG 2 2012

MEMORANDUM FOR COMPONENT PRIVACY OFFICERS

SUBJECT: Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations

References: (a)  Director, Administration and Management Memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," June 5, 2009
(b)  Office of Management and Budget Memorandum, M-06-19, "Reporting Incidents Involving Personally Identifiable Information and Incorporating the Cost for Security in Agency Information Technology Investment," July 21, 2006
(c)  DoD 5400.11-R "Department of Defense Privacy Program," May 14, 2007
(d)  DoDD 5400.11 "DoD Privacy Program," May 8, 2007
(e)  National Institute of Standards and Technology (NIST) Special Publication 800-122, "Guide to Protecting the Confidentiality of Personally Identifiable Information," April 2010

The purpose of this memorandum is to help guide Components toward optimal decision-making regarding PII breach risk and notification determinations as described in references (a), (c), and (d). It also replaces Table 1 of reference (a).

The Department must continue its efforts to promote a culture to continuously 'think privacy' and act swiftly to develop and implement effective breach mitigation plans, when necessary. Our challenge is that no two breaches of PII involve the exact same circumstances, personnel, systems, or information. A case-by-case analysis combined with the use of best judgment is required for effective breach management.

The determination whether to notify individuals of a breach is based on an assessment of the likelihood that the individual will be harmed as a result of the breach and its impact. Harm includes embarrassment, inconvenience, financial loss, blackmail, identity theft, emotional distress and loss of self-esteem. Five factors should be weighed to assess the likely risk of harm:

- Nature of the data elements breached
- Number of individuals affected
- Likelihood the information is accessible and usable
- Likelihood the breach may lead to harm, and
- Ability of the Department to mitigate the risk of harm.

A final decision regarding whether to make notification cannot be made until after each factor has been assessed. The decision to notify should not be based on one factor alone. For example, a breach may involve social security numbers (SSNs) making that factor a high risk.

However, SSNs may be stored on an encrypted, Common Access Card-enabled laptop to mitigate potential compromise which could lead to harm. Therefore, although one factor in this example (data elements) rates as a high likelihood of harm, after all factors are evaluated and considered, the overall likelihood of harm resulting from the breach is low given the technical safeguards in place. Generally, absent other factors, Components should not notify personnel of breaches that have a low overall likelihood of harm.

Components should remain cognizant of the effect that unnecessary notification may have on the public. Notification when there is little or no risk of harm might create unnecessary concern and confusion. Additionally, overzealous notifications resulting from notification criteria which are too strict could render all such notifications less effective because consumers could become numb to them and fail to act when risks are truly significant.

Questions regarding this memorandum should be directed to (b)(6) Director for Privacy, Defense Privacy and Civil Liberties Office at (b)(6) or (b)(6)

Michael L. Rhodes
DoD Senior Official for Privacy

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# AGENDA

- ➤ Welcome/Review of Open Action Items
- ➤ Privacy Compliance Metrics
- ➤ DPCLO Training Schedule
- ➤ Announcements/Reminders
- ➤ Open Discussion
- ➤ Review of New Action Items
- ➤ Next Meeting Date
- ➤ Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for February 20, 2013*

## I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken from onsite and teleconference participants.

## II. Privacy Compliance Metrics

1st Quarter FY13 Breach Statistics: Reports of paper records and related breaches declined during the 1$^{st}$ Quarter of FY13. While we are seeing some declining trends, these areas continue to be of concern.

- The percentage for paper records in the 1$^{st}$ quarter is 57%, down from 58% in 4$^{th}$ quarter FY12;
- The percentage for laptops in the 1$^{st}$ quarter is 3%, down from 7% in 4$^{th}$ quarter FY12;
- The percentage for emails in the 1$^{st}$ quarter is 24%, up from 21% in 4$^{th}$ quarter FY12;
- The percentage for other devices, such as removable media for the 1$^{st}$ quarter is 1%, down from 2% in 4th quarter FY12; and
- The percentage for information sharing in the 1$^{st}$ quarter is 14%, up from 12% in 4th quarter FY12.

Reporting Breaches to DPCLO: DPCLO has noticed that breach reports are not always submitted within the 48 hour timeline or they are submitted with incomplete information. Breach reports have been received where there is a delay of 5-6 days or more before being submitted to our office. DPB members were reminded to follow the Breach Reporting timeline in accordance with DoDD 5400.11 and the DoD 5400.11-R.
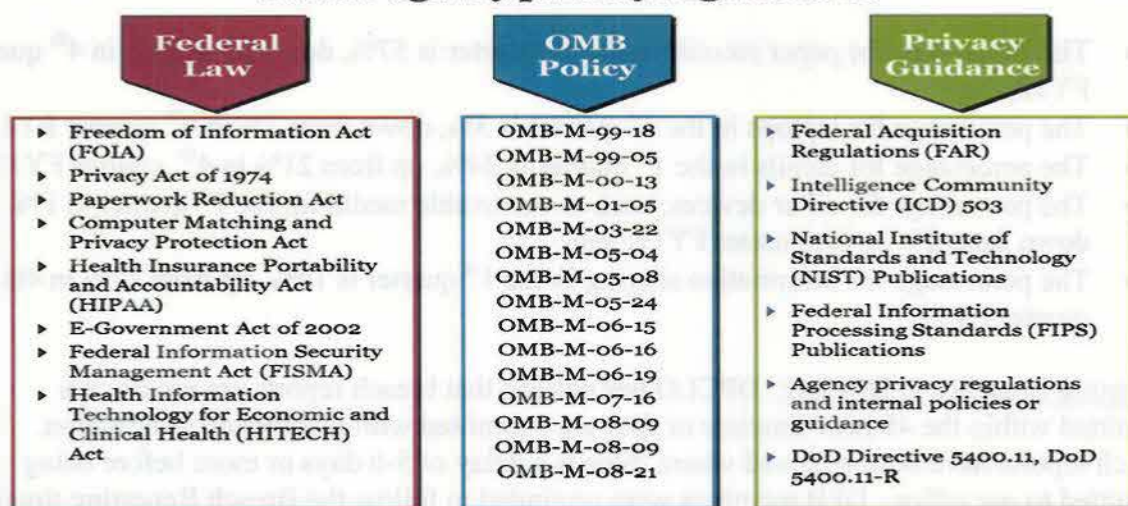
DD Form 2959 Breach of Personally Identifiable Information (PII) Report: Components should start using the new form now when reporting breaches. DPCLO is working on implementing the form upload functionality into the CART. All Component Privacy Officers will be trained on the use of CART for Breach Reporting when this functionality becomes available. The DD Form 2959, Breach of Personally Identifiable Information (PII) Report can be found on the DD Forms page at http://alt.dtic.mil/whs/directives/infomgt/forms/eforms/dd2959.pdf.

SORN Review (1993-2007) Task Update: DPCLO continue to assist Components that have SORNs published in the Federal Register between 1993 and 2007. A new column has been added to the quarterly reporting template under the SORNs Report Tab. This new column will help the DPCLO to identify the outcome of your review and track necessary actions. DPB members were reminded to only add reviews to the quarterly report once. It was pointed out that some components are adding the same review on multiple reports making it very difficult to get an accurate count of what's been completed.

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Building Privacy Relationships "You Are Not In This Alone": This topic addresses the action item from the December DPB meeting on "understanding relationships between privacy laws and regulations and how to implement them." Component Privacy Officers need to build relationships by communicating with other offices where their functions may overlap with the Privacy Program implementation. For example, if a Privacy Impact Assessment is required, you should contact the person in your organization responsible for completing the PIA.

Below is a list of some of the laws, policies, and guidance documents impacting privacy. The list below is not exhaustive. It provides a good baseline of where to start when preparing a cross-walk of the Privacy Program laws, policies or can be used for guidance when providing advanced training to individuals involved with the Privacy Program.

**All Federal Agencies (and organizations acting on their behalf) that maintain PII must comply with Federal privacy laws and policies, as well as agency privacy regulations.**

| Federal Law | OMB Policy | Privacy Guidance |
|---|---|---|
| ▸ Freedom of Information Act (FOIA) <br> ▸ Privacy Act of 1974 <br> ▸ Paperwork Reduction Act <br> ▸ Computer Matching and Privacy Protection Act <br> ▸ Health Insurance Portability and Accountability Act (HIPAA) <br> ▸ E-Government Act of 2002 <br> ▸ Federal Information Security Management Act (FISMA) <br> ▸ Health Information Technology for Economic and Clinical Health (HITECH) Act | OMB-M-99-18 <br> OMB-M-99-05 <br> OMB-M-00-13 <br> OMB-M-01-05 <br> OMB-M-03-22 <br> OMB-M-05-04 <br> OMB-M-05-08 <br> OMB-M-05-24 <br> OMB-M-06-15 <br> OMB-M-06-16 <br> OMB-M-06-19 <br> OMB-M-07-16 <br> OMB-M-08-09 <br> OMB-M-08-09 <br> OMB-M-08-21 | ▸ Federal Acquisition Regulations (FAR) <br> ▸ Intelligence Community Directive (ICD) 503 <br> ▸ National Institute of Standards and Technology (NIST) Publications <br> ▸ Federal Information Processing Standards (FIPS) Publications <br> ▸ Agency privacy regulations and internal policies or guidance <br> ▸ DoD Directive 5400.11, DoD 5400.11-R |

## III. DPCLO Training Schedule

| DPCLO Sponsored Courses | |
|---|---|
| **March 11 – 13, 2013** | Privacy Act Compliance and Management (PACMan) |
| **April 22 – 25, 2013** | DPCLO Privacy Officer Professionalization Program (DPOP) |
| **May 20, 2013** | Privacy by Design for Information Technology System Owners Training |
| Other Privacy Training Outside of DPCLO | |
| **March 6-8, 2013** | IAPP Global Privacy Summit in Washington, DC |
| **Date to be determined** | IAPP is working with DPCLO to sponsor CIPP-G training and certification |

Note: DPCLO sponsored courses are in great demand with limited seating. Training schedules, course announcements and registration information will be posted to the DPCLO SharePoint site when available. Additional sessions are under development.

## IV. Open Discussion

(b)(6) DMDC opened the discussion.
  o **Comment**: Does DPCLO have any information pertaining to the new enterprise email and Data Loss Prevention (DLP)?
    **Response**: (b)(6) will provide DLP best practices and implementation considerations at the next DPB in March 2013.

(b)(6) SOCOM commented during to the open discussion.
  o **Comment**: With Sequestration looming some Components will not be able to travel to training that is not locally provided due to funding constraints. Will DPCLO be providing any Video Teleconferencing (VTC) training?
    **Response**: (b)(6) stated the DPCLO will be converting training to a VTC format that will be provided to the Components. Additional information will be presented at the DPB meeting when it becomes available.

## V. Wrap up
A review was conducted of the open and new action items. (b)(6) thanked everyone for attending the meeting.

## VI. Next Meeting Date
The next DPB meeting is scheduled for March 20, 2013 and will be a face-to-face format.

## VII. Meeting Adjourned

Submitted by

(b)(6)

_____               3/5/2013
(b)(6)          Director for Privacy, DPCLO      Date
Executive Secretary, Defense Privacy Board


Approved        Disapproved

_____               3.18.2013
Michael L. Rhodes, Director, Administration and Management     Date
Chairman, Defense Privacy Board

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| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | X |
| | Defense Human Resources Activity | X |
| | Defense Privacy and Civil Liberties Office | |
| | National Reconnaissance Office | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy Office | X |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Defense Human Resources Activity | |
| | National Reconnaissance Office | X |
| | Defense Threat Reduction Agency/Privacy | |
| | USMC | X |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force, OGC | X |
| | Navy | |
| | DON CIO | X |
| | Defense Privacy and Civil Liberties | X |
| | JTFCapMed | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | Defense Manpower Data Center | |
| | National Reconnaissance Office | X |
| | DLA | X |
| | OSD/ESD | X |
| | DARPA | |
| | OSD/Chief Information Office | X |
| | TRICARE Management Activity | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | DFAS | |
| | NRO | X |
| | MITRE/AMC | X |
| | DTRA | X |
| | SIGAR | |
| | National Security Agency | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | NRO | |
| | Defense Privacy and Civil Liberties Office | X |
| | CENTCOM | |
| | Defense Manpower Data Center | |
| | U.S. Special Operations Command | X |
| | Defense Privacy and Civil Liberties Office | |
| | WHS/EITSD | |
| | Defense Privacy and Civil Liberties Office | X |
| | DTRA | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | Army Privacy Office | X |
| | NGA | |
| | DODIG | X |
| | TMA Privacy Office | |
| | Air Force/Policy and Compliance/IA | |
| | Army Privacy | |
| | DIA | |
| | Department of the Navy | X |
| | DCAA | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | MITRE | X |
| | BAH | |
| | DON CIO | X |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | DMDC | |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | X |
| | NGA | |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | |
| | Defense Manpower Data Center | X |
| | MITRE | |
| | WHMO | |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | DeCA | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | X |
| | U.S. Northern Command | X |
| | U.S. Central Command | |
| | Department of the Navy | X |
| | Air Force Privacy Office | X |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | National Reconnaissance Office | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | Office of General Counsel | X |
| | National Reconnaissance Office | |
| | SIGAR | |
| | National Geospatial Intelligence Agency | X |
| | TRICARE Management Activity | |
| | DLA | X |
| | WHS/ESD/IMD | X |
| | Department of the Navy | X |
| | DCMA | X |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | X |
| | MITRE/AMC | |
| | Defense Contract Management Agency | X |
| | Marine Corps | |

**Open Action Items List (NOTE:  All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil)**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | IN PROCESS | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO.  DPCLO is awaiting response from DoD Forms Manager. DoD Forms Manager. DPCLO will follow up with DLA regarding comments. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | OPEN | DPCLO will contact DISA. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy.  DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | IN PROCESS | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | IN PROCESS | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | IN PROCESS | NARA provided DPCLO with the General Review Schedule for review and comments.  Comments were provided to NARA March 6, 2013.  DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule.  We will keep board members updated. |

| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | IN PROCESS | This is still being worked by DPCLO. DPCLO prepare an memo explaining the forms process. SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? |

### Closed Action Items List:

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO | (b)(6) | 31 August | CLOSED | Memos circulated with the DPB |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | FISMA memo to DPB members <sup>(b)(6)</sup> for use in obtaining compliance with FISMA reporting | | 2012 | | minutes; Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2<sup>nd</sup> Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be | DPCLO / | TBD | CLOSED | DMDC is investigating the |

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|---|---|---|---|---|---|---|
| | | hidden when signing documents or email? | DMDC | | | technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |

| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses | DPCLO | TBD | CLOSED | Section M reviews have |

Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| | | cited in contracts | | | | commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact | All | 20100701 | CLOSED | Component Privacy Officers asked |

| | | DPO. | | | | |
|---|---|---|---|---|---|---|
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

- Welcome/Review of Open Action Items
- Privacy Compliance
- DPCLO Training Schedule/Other Trainings
- Announcements/Reminders
- Open Discussion
- Review of New Action Items
- Next Meeting Date
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for March 20, 2013*

## I. Welcome and Opening Remarks

The face-to-face meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken onsite and from teleconference participants. A review was conducted of the open action items.

## II. Privacy Compliance

➤ Data Loss Prevention (DLP) Implementation Considerations: [(b)(6)] provided DPB members with an overview of what they should consider before implementing a DLP tool within their agency. This included the following:
1. Involving senior leadership and other decision makers to help identify what they want the tool to accomplish.
2. Including your CIO and Information Assurance (IA) team to help determine if there enough data storage on your agency IT systems to house the program and capture the needed data.
3. Working with senior leadership and IA to identify your agency business needs and processes to deal with the results the tool produces to ensure success in selecting the right DLP tool for your Component.
4. Considering costs, determine if your current budget is sufficient to purchase the tool and/or additional licenses if required.

➤ DLP Best Practices: DPB members also received an overview of best practices that included considerations that should be addressed before a DLP tool is established on a Components computer system. These included:
1. Determining what PII triggers an email or document to be flagged or not. Keeping in mind that triggers should balance the severity, risk to an individual or the organization, probability of an actionable threat, and the organization's ability to assess and mitigate flagged transmissions.
2. Ensuring the implementation of the tool does not interrupt the normal flow of business practices.
3. Providing effective Component user education to enable users of the IT system the ability to properly protect PII in these transmissions and avoid flagged messages.
4. Does your Component want to filter or detect internal and external emails containing PII? Data-at-rest?
5. Can the tool be configured to limit the DLP tool limit what can be blocked or detect in outgoing and incoming emails.
6. Identifing where in the organization are these resources going to be needed and what are the associated responsibilities.

## III. DPCLO Training

> DPCLO Privacy by Design (PbD) Course: A brief overview of the DPCLO Privacy by Design course was presented to DPB members by (b)(6)     Board members were reminded that DPCLO is not a technical office. Students are introduced to the concept that Privacy and IA must coexist with a variety of other functional areas in order to provide appropriate privacy safeguards. The course presents baseline privacy information, a discussion of the Fair Information Practice Principles (FIPPS), and a discussion of controls from National Institute of Standards and Technology (NIST) guidance. These discussions demonstrate how privacy can be integrated into a DoD information system being built from the ground up and in a government or commercial off the shelf products. The pre-requisite courses on "Privacy Act Essentials", abbreviated SORN training, and introduction to Privacy Impact Assessments is included in the training.

> The objectives of the course is to:
> 1. Give attendees essential privacy pre-requisite information;
> 2. Provide a continuation of the baseline privacy related information and it's associations, and define and discuss commonly used privacy terms;
> 3. Remind students that Privacy controls cannot be implemented in a vacuum; all collateral players have to work together as a team; and
> 4. Review common privacy controls and convey an understanding of how they relate to the FIPPS, IA controls, and NIST guidance.

Note: The Privacy by Design concept and philosophy was developed by Dr. Ann Cavoukian, Information and Privacy Commissioner, Ontario Canada, and is used with her permission. For more information, see http://www.privacybydesign.ca/.

| DPCLO Sponsored Courses | |
| --- | --- |
| April 22 – 25, 2013 and October 21-24, 2013 | DPCLO Privacy Officer Professionalization Program (DPOP) |
| May 20, 2013 and November 4, 2013 | Privacy by Design for Information Technology System Owners Training & SORN Review |
| September 23, thru September 25, 2013 | Privacy Act Compliance and Management (PACMan) |
| Other Privacy Training Outside of DPCLO | |
| May 12-15, 2013 | ASAP 6TH Annual National Training Conference; Renaissance Arlington Capital View Hotel, Arlington, VA |

**Note:** DPCLO sponsored courses are in great demand with limited seating. Training schedules, course announcements and registration information will be posted to the DPCLO SharePoint site when available. Video Teleconferencing sessions are under development.

## IV. Announcements and Reminders

There will no longer be separate COCOM meetings. The DPB meeting time for both telephonic and face-to-face meetings will be adjusted to start at 1:00pm eastern time to accommodate COCOM attendance. The presentations and minutes will be provided for those who are unable to attend the DPB meetings and further discussions scheduled as needed.

## V. Open Discussion

[b)(6)] TMA opened the discussion.
- **Question:** How does DPCLO recommend supporting the DLP requirement with limited staffing?
  **Response:** [(b)(6)] recommended implementing a plan of action based on experiences and getting buy-in from Component leadership to support a DLP initiative. Resource discussions must be weighed in each Component.
- **Question:** [(b)(6)] OSD/JS was asked to explain the how are breaches identified through FIDELIS reported?
  **Response:** [(b)(6)] informed the members that the OSD Components, notifies Washington Headquarters Services/Enterprise Information Technology; Services Directorate (WHS/EITSD). WHS/EITSD confirms that the event involved DoD managed PII and notifies US-CERT within the one-hour requirement, completes the initial portion of the DD Form 2959 and submits that report to the OSD/JS Privacy Office. The OSD/JS Privacy Office contacts the Privacy POC at the affected OSD component (or other individual if identified in the OSD Component's breach response plan), sends the DD Form 2959 for additional information and submits the event to the DPCLO CART. As the breach needs updating, follow-up reports are made and submitted.

[(b)(6)], White House Communications Agency (WHCA) asked for guidance or best practices on eliminating the last four (4) digits of the social security number in WHCA.
- **Question:** Is there current guidance on establishing policy that prohibits the use of the last four of the social security number within DoD?
- **Comment:** [(b)(6)] OSD/JS recommended [(b)(6)] review DoD Instruction 1000.30, Reduction of Social Security Number (SSN) Use Within DoD. The DoDI 1000.30 specifically addresses eliminating or replacing social security numbers including the last four when appropriate and replacing it with the DoD identification number.

## VI. Wrap up
A review was conducted of the new action items. [(b)(6)] thanked everyone for attending the meeting.

## VII. Next Meeting Date
The next DPB meeting is scheduled for April 17, 2013 and will be a teleconference format.

## VIII. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

April 1, 2013
_____
Date

Approved          Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

9.8.2013
_____
Date

4

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | X |
| | Defense Human Resources Activity | X |
| | Defense Privacy and Civil Liberties Office | |
| | National Reconnaissance Office | |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force Privacy Office | X |
| | Defense Privacy and Civil Liberties Office | |
| | U.S. Transportation Command | |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Defense Human Resources Activity | |
| | National Reconnaissance Office | X |
| | USMC | X |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force, OGC | X |
| | Navy | |
| | DON CIO | X |
| | Defense Privacy and Civil Liberties | X |
| | JTFCapMed | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | |
| | National Reconnaissance Office | X |
| | DLA | X |
| | OSD/ESD | X |
| | DARPA | |
| | OSD/Chief Information Office | |
| | TRICARE Management Activity | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | DFAS | |
| | NRO | X |
| | MITRE/AMC | X |
| | DON CIO | X |
| | DTRA | X |
| | SIGAR | |
| | National Security Agency | X |
| | NRO | |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Privacy and Civil Liberties Office | X |
| | CENTCOM | |
| | U.S. Special Operations Command | X |
| | Defense Privacy and Civil Liberties Office | |
| | WHS/EITSD | |
| | Defense Privacy and Civil Liberties Office | X |
| | DTRA | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | U.S. Pacific Command | |
| | Army Privacy Office | X |
| | NGA | |
| | DODIG | X |
| | TMA Privacy Office | |
| | Air Force/Policy and Compliance/IA | |
| | Army Privacy | |
| | WHS/ESD/IMD | X |
| | DIA | |
| | Department of the Navy | X |
| | DCAA | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | Air Force Privacy Office | X |
| | MITRE | X |
| | BAH | |
| | DON CIO | |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | X |
| | NGA | |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | X |
| | Defense Manpower Data Center | X |
| | MITRE | |
| | DeCA | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | Army Privacy Office | X |
| | U.S. Northern Command | X |
| | U.S. Central Command | |
| | Department of the Navy | X |
| | Air Force Privacy Office | |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | Defense Privacy and Civil Liberties Office | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | National Reconnaissance Office | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | Office of General Counsel | X |
| | National Reconnaissance Office | X |
| | SIGAR | |
| | National Geospatial Intelligence Agency | X |
| | TRICARE Management Activity | X |
| | DLA | |
| | WHS/ESD/IMD | X |
| | Department of the Navy | X |
| | DCMA | X |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | |
| | MITRE/AMC | X |
| | Defense Contract Management Agency | |
| | Army Privacy Office | X |
| | DHRA | X |

**Defense Privacy Board Action Item List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident.  It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLO will provide information when it becomes available from DISA. |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | IN PROCESS | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | IN PROCESS | This is still being developed by DPCLO.

DPCLO prepare a memo explaining the forms process. SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to |

**Defense Privacy Board Action Item List**

| | | | | | | Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? |
|---|---|---|---|---|---|---|
| | | | | | | |

<span style="color:red">**Closed Action Items List:**</span>

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments | DPCLO | ASAP | CLOSED | Comments received from DLA |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | about DD Form 2959 which were not incorporated into the final form | | | | were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes;<br><br>Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2<sup>nd</sup> Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
|---|---|---|---|---|---|---|
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management | All Components | 1/27/2012 | CLOSED | |

# Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| | | and DoD ID Number Info Papers by COB Jan 27th | | | | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |

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# Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |

| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
|---|---|---|---|---|---|---|
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

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|---|---|---|---|---|---|---|
| | | Commission Recommendations Report <br> • System of Records Notice Review Report | | | | |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

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| | | Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | | | | |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

*(2)*

- Welcome/Review of Open Action Items
- Policy and Guidance
- SSN Use Reduction Initiative
- Privacy Compliance Metrics
- DPCLO Training Schedule/Other Trainings
- Announcements/Reminders
- Open Discussion
- Review of New Action Items
- Next Meeting Date
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for April 17, 2013*

## I. Welcome and Opening Remarks

The VTC and teleconference meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken onsite, from VTC, and from teleconference participants. A review was conducted of the open action items.

## II. Policy and Guidance

> ➢ DoD Directive 5400.11: The proposed rule has been forwarded to Mr. Rhodes for signature and will then be released to the Office of Management and Budget for approval. The timeline for codification of the rule is 45 to 90 days. After the rule is final the Directive can be signed by the Deputy Secretary of Defense. (Update as of May 1, 2013: Mr. Rhodes has signed the proposed rule documents.)

> ➢ DoD Manual 5400.11-M: The DoD 5400.11-M is currently out for formal coordination. The suspense date is May 21, 2013.
> - DPB members were reminded when making comments to review the definition of substantive and critical comments found on the DD Form SD818. Critical comments reflect a conflict with federal law, Executive Order, or department policies or may result in the loss of life or property. When DoD makes editorial changes to a definition that originates from statute, the edited definition maintains all necessary elements from the statute and does not constitute a critical comment.
> - Administrative comments include grammar, spelling, and syntax. Please feel free to contact DPCLO with that information, do not include it on the SD818. This is specifically noted on the SD818 and is a requirement of WHS Directives Division.

## III. Social Security Number (SSN) Use Reduction Initiative

As of FY13, 2nd quarter, DPCLO received SSN use justification memoranda for 44.05% of all of the systems collecting SSNs. As of March 31, 2013, DoD is 31% behind its goal of receiving 12.5% of the memoranda per quarter. DPCLO should have received 75% of the memoranda for of all the systems documents in the DoD Information Technology Portfolio Repository (DITPR). By the end of third quarter July 15, 2013, we should be at 87.5%.

Of the memoranda reviewed, roughly 7.6% state components are eliminating SSNs from their systems. A number of other systems have plans to eliminate the SSN in future years; however those numbers are not included. Approximately 51% of all the systems reviewed are approved as legacy systems.

DPB members were reminded that legacy system justifications are temporary approvals and will have to be revisited in two years. [(b)(6)] noted that if another justification is more appropriate; make sure it is listed instead of legacy system. A large number of legacy system

justifications are used as people try to determine how to transition from the SSN to another identifier.

## IV. Privacy Compliance Metrics

- ➢ FY13 1st and 2nd Quarter High Impact Breaches:
  - There were 103 breaches considered as high impact in the 1st quarter of FY13.
  - There were 132 breaches considered as high impact in the 2nd quarter of FY13.
  - Paper records and e-mails continue to account for the vast majority of breaches.

- ➢ FY13 1st and 2nd Quarter Number of Individual Impacted by Breaches:
  - In the 2nd quarter 2,399,843 individuals were affected by breaches compared to 290,332 individuals in the 1st quarter.

- ➢ FY12 1st and 2nd Quarter Number of Individuals Impacted by Breaches:
  - In the 2nd quarter 878,998 individuals were affected by breaches compared to 153,260 individuals in the 1st quarter.

- ➢ Percentage of Incidents by Type for FY13 1st and 2nd Quarter:
  - The percentage of paper records decreased in the 2nd quarter to 47% from 57% in the 1st quarter;
  - The percentage of incidents for e-mails increased in the 2nd quarter to 34% from 24% in the 1st quarter;
  - Incidents for info-sharing increased slightly in the 2nd quarter to 15% from 14% in the 1st quarter;
  - In the 2nd quarter incidents related to laptops decreased slightly to 2% from 3% in the 1st quarter; and
  - In the 2nd quarter incidents for other devices and removable media increased slightly to 2% from 1% in the 1st quarter.

(b)(6) reminded the DPB members of the importance of selecting the correct impact level for breaches. He also stressed the importance for component Privacy Officers to train their workforce on how to categorize and assess the harm to individuals. Members were reminded to refer to the DoD Memorandum for "Use of Best Judgment for PII Breach Notification Determinations," August 2, 2012.

## V. Best Practices for Handling Breaches

A brief overview of some of the best practices related to handling breaches submitted by components was presented.
1. Sending follow-up e-mails to encourage reporting breaches on time;
2. Maintaining a public website designated to breach responses;
3. Establishing a designated e-mail inbox to report and provide guidance on breaches; and
4. Include pop–up messages whenever your website is assessed to give "Tips of the Week".

## VI. Privacy Act Statement (PAS)

DPCLO developed a Privacy Act Statement Guide, which will be posted to the DPCLO website and SharePoint. This guide will help components reduce errors and receive quicker approval for their information collection packages that require OMB approval under the Paperwork Reduction Act.

## VII. DPCLO Training

| DPCLO Sponsored Courses | |
|---|---|
| **April 22 – 25, 2013 and October 21 – 24, 2013** | DPCLO Privacy Officer Professionalization Program (DPOP) |
| **May 20, 2013 and November 4, 2013** | Privacy by Design for Information Technology System Owners Training & SORN Review |
| **September 23 – 25, 2013** | Privacy Act Compliance and Management (PACMan) |
| Other Privacy Training Outside of DPCLO | |
| **May 12 – 15, 2013** | ASAP 6TH Annual National Training Conference, Renaissance Arlington Capital View Hotel, Arlington, VA |

**Note:** DPCLO sponsored courses are in great demand with limited seating. Training schedules, course announcements and registration information will be posted to the DPCLO SharePoint site when available. Video Teleconferencing Training for the PACMan course is under development.

## VIII. Announcements and Reminders

There were no announcements and reminders.

## IX. Open Discussion

(b)(6) NRO opened the discussion.
- **Question**: Are there any prerequisites for the Privacy by Design course?
  **Response:** (b)(6) stated there are no prerequisites for the training; however, the course is geared towards system owners and developers.

(b)(6) Department of the Navy asked the question.
- **Question:** Can DPCLO provide an additional Privacy Compliance Metrics chart that shows the number of individuals impacted by type of breach?
  **Response:** (b)(6) stated the DPCLO would add a chart and present it at the next meeting.

## X. Wrap up

A review was conducted of the new action items. [(b)(6)] thanked everyone for attending the meeting.

## XI. Next Meeting Date

The next DPB meeting is scheduled for May 15, 2013 and will be in teleconference and video conference format.

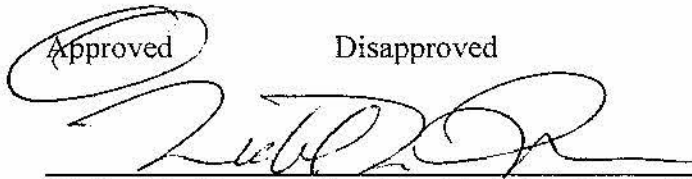## XII. Meeting Adjourned

Submitted by

[(b)(6)]

[(b)(6)] Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

May 6, 2013
Date

Approved          Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

5·10·13
Date

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | Defense Contract Audit Agency | |
| | Defense Advanced Research Projects Agency | X |
| | OSD/Privacy | X |
| | Missile Defense Agency | |
| | White House Communications Agency | |
| | Defense Human Resources Activity | X |
| | Defense Privacy and Civil Liberties Office | X |
| | National Reconnaissance Office | |
| | Air Force Privacy Office | X |
| | U.S. Transportation Command | |
| | Defense Security Service | X |
| | Defense Threat Reduction Agency | |
| | Defense Human Resources Activity | X |
| | National Reconnaissance Office | |
| | USMC | |
| | Department of the Navy | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Air Force, OGC | |
| | DON CIO | X |
| | Defense Privacy and Civil Liberties | X |
| | JTFCapMed | X |
| | NGA | |
| | Defense Privacy and Civil Liberties Office | X |
| | TRICARE Management Activity | X |
| | National Reconnaissance Office | X |
| | DLA | |
| | OSD/ESD | X |
| | DARPA | |
| | Office of the DoD CIO | |
| | TRICARE Management Activity | X |
| | Defense Human Resources Activity | |
| | MITRE/AMC | |
| | DFAS | |
| | BAH/NRO | |
| | MITRE/AMC | |
| | DON CIO | X |
| | DTRA | X |
| | SIGAR | |
| | Defense Privacy and Civil Liberties Office | X |
| | National Security Agency | X |
| | U.S. Pacific Command | X |
| | NRO | |
| | Defense Privacy and Civil Liberties Office | X |

| ATTENDANCE | | |
|---|---|---|
| **Name** | **Organization** | **Present** |
| (b)(6) | CENTCOM | |
| | U.S. Special Operations Command | X |
| | Defense Privacy and Civil Liberties Office | |
| | Defense Privacy and Civil Liberties Office | X |
| | DTRA | X |
| | Air Force Privacy | |
| | Defense Privacy and Civil Liberties Office | X |
| | Army Privacy Office | X |
| | U.S. Pacific Command | |
| | Army Privacy Office | X |
| | NGA | |
| | TMA Privacy Office | |
| | Army Privacy | |
| | WHS/ESD/IMD | X |
| | DIA | |
| | Department of the Navy | X |
| | DCAA | X |
| | OSD/Chief Information Office | |
| | NGA | |
| | NGA | |
| | NRO | |
| | MITRE | X |
| | BAH | |
| | DON CIO | |
| | NGA | X |
| | NGB | X |
| | Defense Privacy and Civil Liberties Office | X |
| | Defense Logistics Agency | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DFAS | X |
| | NGA | |
| | NRO | |
| | TMA Privacy Office | |
| | CNO, DNS-36 | X |
| | Defense Manpower Data Center | X |
| | MITRE | |
| | DeCA | X |
| | Defense Human Resources Activity | |
| | Defense Privacy and Civil Liberties Office | |
| | Army Privacy Office | X |
| | U.S. Northern Command | X |
| | U.S. Central Command | |
| | Department of the Navy | |

| ATTENDANCE | | |
|---|---|---|
| Name | Organization | Present |
| (b)(6) | Air Force Privacy Office | X |
| | Missile Defense Agency | X |
| | Defense Commissary Agency | X |
| | DTIC | X |
| | Defense Privacy and Civil Liberties Office | X |
| | DON, CIO, Privacy | |
| | MITRE | |
| | Defense Logistics Agency | X |
| | National Reconnaissance Office | |
| | Air Force Privacy Office | |
| | Missile Defense Agency, CPO | X |
| | Office of General Counsel | X |
| | Air Mobility Command under the USAF | X |
| | National Geospatial Intelligence Agency | X |
| | TRICARE Management Activity | X |
| | DLA | X |
| | WHS/ESD/IMD | X |
| | Department of the Navy | X |
| | DCMA | X |
| | CENTCOM | |
| | Defense Privacy and Civil Liberties Office | X |
| | DISA/Records and PA | X |
| | Marine Corps | |
| | MITRE/AMC | |
| | Defense Contract Management Agency | X |
| | Army Privacy Office | X |
| | DHRA | |

**Defense Privacy Board Action Item List**

<span style="color:red">Open Action Items List (NOTE: All submissions to DPCLO should be sent to dpclo.correspondence@osd.mil)</span>

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | IN PROCESS | DPCLO will include the requested pie chart at the next DPB. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | IN PROCESS | Awaiting response from DLA. |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | IN PROCESS | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

## Defense Privacy Board Action Item List

**Closed Action Items List:**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
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| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager. |

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|---|---|---|---|---|---|---|
| | | | | | | DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |

**Defense Privacy Board Action Item List**

| | | | | | | |
|---|---|---|---|---|---|---|
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes; Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

| | | | | | | |
|---|---|---|---|---|---|---|
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be | DPCLO / | TBD | CLOSED | DMDC is investigating the |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | hidden when signing documents or email? | DMDC | | | technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |

# Defense Privacy Board Action Item List

| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses | DPCLO | TBD | CLOSED | Section M reviews have |

| | | cited in contracts | | | | commenced |
|---|---|---|---|---|---|---|
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact | All | 20100701 | CLOSED | Component Privacy Officers asked |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | Components | | | to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |

| | | DPO. | | | | |
|---|---|---|---|---|---|---|
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

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- Welcome/Review of Open Action Items
- Privacy Compliance Metrics
- DPCLO Training Schedule/Other Trainings
- Announcements/Reminders
- Open Discussion
- Review of New Action Items
- Next Meeting Date
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for May 15, 2013*

## I. Welcome and Opening Remarks

The VTC and teleconference meeting was called to order by [(b)(6)] Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken onsite, from VTC, and from teleconference participants. A review was conducted of the open action items.

## II. Privacy Compliance Metrics

➤ <u>Number of Individuals Affected by Type of Breach:</u> [(b)(6)] provided information on the number of individuals affected by each breach type (laptops, removable media/other devices, emails, info-sharing, and paper records) for the 2<sup>nd</sup> quarter FY13.

➤ <u>Health Information Technology for Economic and Clinical Health (HITECH) Breaches:</u> [(b)(6)] TMA Privacy Office, presented an overview on how breaches are defined by the Department of Health and Human Services (HHS), how they are handled under the Health Insurance Portability and Accountability Act (HIPAA), and explained the new notification requirements under HITECH. HHS defines a breach as the unauthorized acquisition, access, use, or disclosure of Protected Health Information (PHI), which compromises the privacy or security of the PHI. [(b)(6)] pointed out this excludes certain unintentional uses or disclosures involving authorized personnel and situations where an unauthorized person would not have been able to retain the PHI. It also excludes breaches where a risk assessment can demonstrate there is a "low probability the PHI has been compromised."

HITECH established new individual notification and government reporting requirements when a breach of unsecured PHI occurs. All confirmed or suspected breaches involving military health service (MHS) beneficiary information, regardless of the data elements, must be reported to the TMA Privacy Office. DPB members were reminded that we can only correct what is reported, the details in the breach are extremely important, and promptly reporting them is a statutory requirement.

➤ <u>Section 803 and Privacy Program Quarterly Reports:</u> DPCLO will begin to follow-up on privacy complaints listed as "pending" on the Section 803 and Privacy Program Quarterly Reports. Follow-up will begin with those complaints listed in the 2<sup>nd</sup> quarter FY13 report. DPCLO will contact Components to find out if the complaints are still pending or if a responsive action has been taken to resolve them. If you have a responsive action please send them to DPCLO.correspondence@osd.mil.

➤ <u>Status of Reviews of 1993-2007 SORNs:</u> [(b)(6)] reminded the DPB members that reviews of these old SORNs must be completed by June 30, 2013.

For those SORNs requiring action (e.g., alterations, amendments, and deletions), Components need to report to DPCLO by September 30, 2013 the actions that will be taken. The newly added column in the quarterly report under the "SORNS REPORT" tab is available to aid in this process. Components need to make sure they use the current version of the report.

➢ Building Privacy Relationships: [(b)(6)] reminded DPB members that communication with other individuals is critical to successful implementation of the Privacy Act within their Component, activity, or Command. Keep in mind that DPCLO is not tasking Components with contacting other offices; it is only pointing out the importance of building relationships with other program offices to successfully integrate privacy within their programs.

For example, system owners should be contacted early in the process to help ensure that privacy is considered at the beginning of system development or purchase and throughout the entire life cycle of an information system. The DPCLO class Privacy by Design for Information Technology System Owners Training and SORN Review may be beneficial in this regard.

## VI. DPCLO Training Overview, Recap, and Schedule

| DPCLO Sponsored Courses | |
|---|---|
| **November 4, 2013** | Privacy by Design for Information Technology System Owners Training and SORN Review |
| **September 23-25, 2013** | Privacy Act Compliance and Management (PACMan) |
| **October 21-24, 2013** | DPCLO Privacy Officer Professionalization (DPOP) |
| Other Privacy Training Outside of DPCLO | |
| **June 19, 2013** | DHS Privacy Compliance Workshop<br>Location: DHS Training Center, Washington, DC<br>Registration and workshop details available at:<br>http://www.dhs.gov/privacy-workshops |

**Note:** DPCLO sponsored courses are in great demand with limited seating. Training schedules, course announcements and registration information will be posted to the DPCLO SharePoint site when available. Video Teleconferencing Training for the PACMan course is under development.

## III. Announcements/Reminders

There were no announcements or reminders.

## IV. Open Discussion

[(b)(6)] OSD/JS, opened the discussion by noting it may be difficult for certain Components to complete the review of old SORNs if the agencies reporting to them are uncooperative or not communicative about their SORNs that need to be reviewed.
**Response:** DPCLO will offer assistance with communicating with those agencies or Components to facilitate the process. [(b)(6)] was instructed to contact [(b)(6)] if assistance is needed to locate to a system or program manager's office or point of contact for the old SORNs.

[(b)(6)] DON CIO, asked if DPCLO could provide some guidance on whether or not IP addresses should be considered PII.
**Response:** DPCLO included this as a new action item and will provide an information paper.

## V. Wrap up

A review was conducted of the new action items. [(b)(6)] thanked everyone for attending the meeting.

## VI. Next Meeting Date – Note Change in Date

The next DPB meeting is scheduled for Tuesday, June 18, 2013 from 1:00pm to 4:00pm. It will be a face to face meeting and will be available to those who need to call in via video conference. Please note the meeting will be Tuesday June 18th not Wednesday, June 19th. This will allow DPB members to attend the DHS Privacy Compliance Workshop on June 19, 2013.

## VII. Meeting Adjourned

Submitted by

(b)(6)

(b)(6)

_____ Director for Privacy, DPCLO      5/23/13
Executive Secretary, Defense Privacy Board                 Date

⬭ Approved          Disapproved

_____      5·3/.1:
Michael L. Rhodes, Director, Administration and Management      Date
Chairman, Defense Privacy Board

4

# ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| Army Privacy Office | | | X | | | | | |
| Marine Corps Privacy Office | X | | | | | | | |
| Department of the Navy | | | X | | | | X | |
| | | | X | | X | | | |
| National Guard Bureau (NGB) | X | | | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | X | (b)(6) | | (b)(6) | | | | |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | | |
| Defense Contract Management Agency (DCMA) | X | | | | | | | |
| Defense Commissary Agency (DeCA) | X | | | X | | X | (b)(6) | |
| Defense Finance and Accounting Services (DFAS) | X | | | | | | | |
| Defense Human Resources Activity (DHRA) | | | | X | | | | |
| Defense Intelligence Agency (DIA) | | | | | | | | |
| Defense Information Systems Agency (DISA) | | | | | | | | |
| Defense Logistics Agency (DLA) | X | | | X | | | | |

| | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Defense Manpower Data Center (DMDC) | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| Defense Security Service (DSS) | | | | | | | | |
| Defense Technical Information Center (DTIC) | | | | | | | | |
| Defense Threat Reduction Agency (DTRA) | | | | | | | | |
| Joint Task Force National Capital Region (JTF CapMed) | | | | | | | | |
| Missile Defense Agency (MDA) | X | | X | | | | | |
| National Geospatial Intelligence Agency (NGA) | | | | | | | | |
| National Reconnaissance Office (NRO) | | | | | X | | | |
| National Security Agency (NSA) | | | | | | | | |
| Office of the Director of National Intelligence (ODNI) | | | | | | | | |
| Office of General Counsel (OGC) | X | | | | | | | |
| Office of the DoD CIO | X | | | | | | | |
| DoDIG (Office of Inspector General) | X | | | | | | | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | X | | | | | | | |
| TRICARE Management Activity (TMA) Privacy Office | X | | | | X | | X | s |
| Information Management Division (WHS/ESD) | X | | | | | | | |
| White House Military Office (WHMO) | | | | | | | | |
| White House Communications Agency (WHCA) | X | | | | | | | |

| COCOMS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| U.S. AFRICOM (USAFRICOM) | | (b)(6) | | (b)(6) | | (b)(6) | | |
| U.S. Central Command (USCENTCOM) | | | | | | | | |
| U.S. European Command (USEUCOM) | | | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| U.S. Northern Command (USNORTHCOM) | | (b)(6) | | (b)(6) | | (b)(6) | |
| U.S. Pacific Command (USPACOM) | X | | X | | | | |
| U.S. Special Operations Command (USSOCOM) | | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | | |

| **DPCLO** | | **POC** | | **Name** | | **Name** | **Name** |
|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | | (b)(6) | X | (b)(6) | X | (b)(6) | |
| | X | | X | | X | | |
| | X | | X | | X | | |
| | X | | | | X | | |
| | X | | | | | | |

| **COMPONENT SUPPORT** | | **POC** | | **Name** | | **Name** | **Name** |
|---|---|---|---|---|---|---|---|
| MITRE/AMC | X | (b)(6) | | (b)(6) | | (b)(6) | (b)(6) |

**Defense Privacy Board Action Item List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | IN PROCESS | DPCLO developing stats to present at the next DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | IN PROCESS | DPCLO will develop a guidance paper. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | IN PROCESS | Awaiting response from DLA. |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | IN PROCESS | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

# Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLO will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20130220-01 | Compliance | DLA sent forward comments | DPCLO | ASAP | CLOSED | Comments received from DLA |

|  |  | about DD Form 2959 which were not incorporated into the final form |  |  |  | were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
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| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
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| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |

| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
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| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes;<br><br>Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
|---|---|---|---|---|---|---|
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | reporting requirement has this change been communicated to Congress? | | | | |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We |

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|---|---|---|---|---|---|---|
| | | portion of the Information Assurance (IA) training | | | | can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |

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| | | resource levels and justify funding | | | | |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |

| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
|---|---|---|---|---|---|---|
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |

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| | | outside the Department. | | | | |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

(2)

- **Welcome/Review of Open Action Items**
- **Policy and Guidance**
- **Privacy Compliance Metrics**
- **DPCLO Training Schedule/Other Trainings**
- **Announcements/Reminders**
- **Open Discussion**
- **Review of New Action Items**
- **Next Meeting Date**
- **Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for July 17, 2013*

## I. Welcome and Opening Remarks

The VTC and teleconference meeting was called to order by [(b)(6)]  Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken onsite, from VTC, and from teleconference participants. A review was conducted of the open action items.

## II. Policy and Guidance

➢ Status of DoDD 5400.11 and DoD 5400.11-R: [(b)(6)] informed DPB members that the DoD Directive 5400.11 is currently in the Regulatory Policy Office for review, and the DoD Manual 5400.11-M is currently in legal adjudication review.

➢ Guidance on IP Addresses as PII: This addressed one of the action items from the May 2013 DPB meeting. [(b)(6)] cited *Klimas v. Comcast Cable Communications, Inc.* that explained "IP addresses are not, by themselves, PII." It may become PII if other identifying information is collected along with the IP address, such as usernames or account information. IP addresses collected in order to customize web experiences or track web activity must be in compliance with DoDI 8550.01, DoD Internet Services and Internet Based Capabilities. [(b)(6)] also pointed out that this is the standard for the United States, but it is not the view held in the European Union.

➢ Status of Reviews of 1993-2007 SORNs: [(b)(6)] reminded DPB members that reviews of old SORNs should have been completed by June 30, 2013. Components need to report the actions required on SORNs (e.g., alterations, amendments, and deletions) to DPCLO by September 30, 2013. By December 31, 2013 the SORNs that require action need to be submitted to DPCLO. Beginning January 2014 the Components should begin the review of the 2008-2011 SORNs. The newly added column in the quarterly report under the "SORNS REPORT" tab is available to aid in this process. Components need to make sure they use the current version of the report.

## III. Privacy Compliance Metrics

➢ FY13: Number of Individuals Impacted by Breaches:
  - In the 3rd qtr. of FY13, 118,024 individuals were affected by breaches compared to 2,399,843 individuals in the 2nd qtr., and 290,332 individuals in the 1st qtr.

➢ In the 3<sup>rd</sup> Qtr of FY13: there were a total number of 140 breaches considered as high impact. June had the highest number of high impact breaches (50).

➢ In the 2<sup>nd</sup> Qtr of FY13: there were 132 breaches considered as high impact. March had the highest number of high impact breaches (54).

➢ In the 1<sup>st</sup> Qtr of FY13: there were a total number of 103 breaches considered as high impact. October had the highest number of high impact breaches (47).

➢ Percentage of Incidents by Type for FY13, Qtrs 1, 2, and 3 Comparison:
  • The percentage of paper record incidents decreased in the 3<sup>rd</sup> qtr.: Q3: 31%; Q2: 47%; Q1: 56% ;
  • The percentage of incidents for e-mails decreased slightly: Q3: 33%; Q2: 35%; Q1: 24%;
  • There was a substantial increase in the percentage of incidents for info-dissemination: Q3: 31%; Q2: 15%; Q1: 14%;
  • The percentage of incidents involving laptops increased slightly: Q3: 3% ; Q2: 2% ; Q1: 3% ; and
  • There was a slight increase in the percentage of incidents involving other devices and removable media: Q3: 2%; Q2: 2%; Q1: 1%.

Note: Info-dissemination is considered web intrusion, posting PII/PHI to intranet/internet etc.

➢ Individuals Affected by High Impact Breaches: (b)(6) provided an overview of additional breach trends and charts that analyzed the number of high impact breaches and individuals affected for the month of June 2013. He also presented breach trends that compared the number of individuals affected by high impact breaches from October 2012 to June 2013; the monthly percentage of individuals affected by breaches and percentage of breaches per month; and the average number of individuals affected by high and low impact breaches during the same time period.

➢ Privacy Compliance and Reporting Tool (CART) Categories: (b)(6) presented a summary on how the different categories listed on the DD Form 2959, Breach of Personally Identifiable Information (PII) Report, are categorized and used to assess breaches. In the near future Components will be able to load the DD Form 2959 into the CART.

➢ 2013 FISMA Report: (b)(6) gave an overview and informed DPB members of the timeline and reporting requirements for the Senior Agency Official for Privacy Fiscal Year 2013 Annual FISMA Report. Official guidance was released immediately after the DPB meeting to Components and on July 5, 2013 to the Joint Staff and the Combatant Commands. Uploads to DITPR are due by September 9, 2013, and all final reports are due to DPCLO by September 16, 2013.

## IV. Training

Important Upcoming Dates:

| DPCLO Sponsored Courses | |
|---|---|
| **September 24-26, 2013** | Privacy Act Compliance and Management (PACMan) (this will also be offered for Video Teletraining via VTC) |
| **October 21-24, 2013** | DPCLO Privacy Officer Professionalization (DPOP) |
| **November 4, 2013** | Privacy by Design for Information Technology System Owners Training and SORN Review |
| Other Privacy Training Outside of DPCLO | |
| **September 29-October 2, 2013** | IAPP Privacy Academy Seattle, WA For additional information visit: https://www.privacyassociation.org/ |

## V. Announcements and Reminders

> New Meeting Schedule: Effective this month, DPCLO will hold DPB meetings every other month. Ad hoc meetings will be held if necessary. DPB meetings will occur on the odd-numbered months (January, March, May, July, September, and November) moving forward.

> DoD Enterprise E-Mail: Between July 31, 2013 and August 1, 2013 all DA&M e-mail addresses will change, including DPCLO email addresses. Components will be notified in advance of our new e-mail addresses as soon as we have them. This will impact our contact list where we provide information and updates to Components. Emails using the old DPCLO email addresses will be forwarded for six months.

## VI. Open Discussion

There was no discussion.

## VII. Wrap up

There were no new action items.

(b)(6) thanked everyone for attending the meeting.

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## VIII. Next Meeting Date – Note Change in Date

The next DPB meeting is scheduled for Wednesday, September 18, 2013 at 1300 EST. This is to accommodate the new schedule of holding meetings every other month.

## IX. Meeting Adjourned
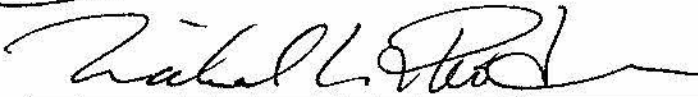
Submitted by

(b)(6)

(b)(6) Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

July 29, 2013
Date

Approved        Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

8.1.2013
Date

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# ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| Air Force Privacy Office | | | | | | | | |
| Army Privacy Office | | | X | | | | | |
| | | | | | | | | |
| Marine Corps Privacy Office | X | | | | | | | |
| Department of the Navy | | | | | X | | X | |
| | X | | X | | | | | |
| National Guard Bureau (NGB) | X | | | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| | | (b)(6) | | (b)(6) | | (b)(6) | | |
| OSD/JS Privacy Office | | | | | | | | |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | | |
| Defense Contract Management Agency (DCMA) | | | | | | | | |
| Defense Commissary Agency (DeCA) | | | | X | | | | |
| Defense Finance and Accounting Services (DFAS) | | | | | | | | |
| Defense Human Resources Activity (DHRA) | | | | X | | | | |
| Defense Intelligence Agency (DIA) | | | | | | | | |
| Defense Information Systems Agency (DISA) | X | | | | | | | |
| Defense Logistics Agency (DLA) | | | | X | | | | |

| Agency | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Defense Manpower Data Center (DMDC) | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| Defense Security Service (DSS) | X | | | | | | | |
| Defense Technical Information Center (DTIC) | | | | | | | | |
| Defense Threat Reduction Agency (DTRA) | X | | | | | | | |
| Joint Task Force National Capital Region (JTF CapMed) | X | | | | | | | |
| Missile Defense Agency (MDA) | X | | X | | | | | |
| National Geospatial Intelligence Agency (NGA) | X | | | | | | | |
| National Reconnaissance Office (NRO) | | | | | X | | | |
| | X | | | | | | | |
| National Security Agency (NSA) | X | | | | | | | |
| Office of the Director of National Intelligence (ODNI) | | | | | | | | |
| Office of General Counsel (OGC) | X | | | | | | | |
| Office of the DoD CIO | X | | | | | | | |
| DoDIG (Office of Inspector General) | X | | | | | | | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | | | | | | | | |
| TRICARE Management Activity (TMA) Privacy Office | | | | | X | | | |
| Information Management Division (WHS/ESD) | | | | | | | | |
| White House Military Office (WHMO) | | | | | | | | |
| White House Communications Agency (WHCA) | X | | | | | | | |

| COCOMS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| U.S. AFRICOM (USAFRICOM) | | (b)(6) | | (b)(6) | | (b)(6) | | |
| U.S. Central Command (USCENTCOM) | | | | | | | | |
| U.S. European Command (USEUCOM) | X | | | | | | | |

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| U.S. Northern Command (USNORTHCOM) | | (b)(6) | | (b)(6) | | (b)(6) | |
| U.S. Pacific Command (USPACOM) | X | | X | | | | |
| U.S. Special Operations Command (USSOCOM) | | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | | |

| **DPCLO** | | **POC** | | **Name** | | **Name** | | **Name** |
|---|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | X | (b)(6) | X | (b)(6) | X | (b)(6) | | |
| | X | | X | | X | | | |
| | X | | X | | X | | | |
| | X | | | | X | | | |
| | X | | X | | | | | |

| **COMPONENT SUPPORT** | | **POC** | | **Name** | | **Name** | | **Name** |
|---|---|---|---|---|---|---|---|---|
| MITRE/AMC | X | (b)(6) | | (b)(6) | X | (b)(6) | | (b)(6) |

**Defense Privacy Board Action Item List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | ON HOLD – PENDING RESOURCES | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

# Defense Privacy Board Action Item List

## Closed Action Items List:

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | CLOSED | DPCLO presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | CLOSED | DPCLO presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | CLOSED | DPCLO presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLO will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for |

| | | schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | | | | review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
|---|---|---|---|---|---|---|
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer |

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| | | with their Component IT personnel | | | | Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes; <br><br> Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

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| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |

**Defense Privacy Board Action Item List**

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|---|---|---|---|---|---|---|
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on |

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|---|---|---|---|---|---|---|
| | | | | | | this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |

**Defense Privacy Board Action Item List**

| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
|---|---|---|---|---|---|---|
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | question, e.g. should Components query GC for the scope of privacy advice they have provided | | | | |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact<br>• "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |

## Defense Privacy Board Action Item List

| | | | | | | |
|---|---|---|---|---|---|---|
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice | All | 20090715 | CLOSED | Consolidated under Item Number |

| | | Review Report. | Components | | | 20090218-01. |
|---|---|---|---|---|---|---|
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

- **Welcome/Review of Open Action Items**
- **Policy and Guidance**
- **Privacy Compliance Metrics**
- **DPCLO Training Schedule/Other Trainings**
- **Announcements/Reminders**
- **Open Discussion**
- **Review of New Action Items**
- **Next Meeting Date**
- **Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for September 18, 2013*

## I. Welcome and Opening Remarks

The VTC and teleconference meeting was called to order by (b)(6) s, Executive Secretary, DPB and Director for Privacy, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken onsite, from VTC, and from teleconference participants. A review was conducted of the open action items.

## II. Policy and Guidance

➤ Status of DoDD 5400.11 and DoD 5400.11-R: (b)(6) updated DPB members on the status of the DoD Directive 5400.11. It was published in the Federal Register August 22, 2013 as a proposed rule. The public comment period will end October 21, 2013. If there are no comments from the public DPCLO hopes to have it signed by the Deputy Secretary of Defense by February 2014. The DoD Manual 5400.11-M is being formatted as an amended rule. It is currently with WHS Directives for pre-signature edits and with the goal of having it published in March or April of 2014.

➤ Status of Reviews of 1993-2007 SORNs: DPB members were reminded that reviews of old SORNs should have been completed by June 30, 2013. Plans of actions on these SORNs requiring changes (e.g., alterations, amendments, and deletions) are to be sent to DPCLO by September 30, 2013. By October 30, Components should begin implementing their plan of action for the older SORNs. Beginning December 2013, Components need to update their quarterly report to indicate the progress on their plan of action they implemented. (b)(6) pointed out to DPB members that many SORNs may need OMB control numbers, and this process can take several months before they receive OMB approval.

➤ SORNs and the Paperwork Reduction Act: (b)(6) Chief Information Management Directorate, Washington Headquarters Services/Executive Services Directorate (IMD WHS/ESD) provided an update on the Paperwork Reduction Act (PRA) requirement that may apply to many of DoD's SORNs. ESD/IMD is working to ensure OMB requirements and control numbers for systems covered by the old SORNs are reviewed and submitted correctly. The PRA requirements have not been fully executed in the past. She emphasized to members that the Information Management Control Officer (IMCO) is a key player in this process. They must review the SORN first to verify if it meets the PRA requirement, work with the system owner, and the Component Privacy Officer to complete the OMB paperwork completely and accurately. After the PRA package is submitted to OMB, the SORN must be submitted to DPCLO. The Component IMCO or ESD/IMD will provide the Component Privacy Officer the date of submission of the SORN package to OMB. If you have additional questions contact (b)(6) DoD Regulatory Program, Chief, IMD WHS/ESD, by phone at (b)(6) or email at: (b)(6)

- Question: [(b)(6)] Air Force Privacy Office asked why IMCOs have to verify if a system collects PII?

- Response: [(b)(6)] pointed out to DPB members that OMB requires evidence from the system owner and IMCO. All compliance programs need to be on the same page because they all impact each other.

➤ Component Privacy Self Assessments: [(b)(6)] Deputy Director for Privacy at DPCLO, talked about the Component Self-Assessment Program. Each year, DPCLO conducts an assessment of its operational internal controls as required by the Manager's Internal Control Program (MICP). The goal is to ensure effective and efficient operations, and compliance with applicable laws and regulations.

In FY 2012, DPCLO determined that uncertainty exists regarding adequate resources being in place at the Component level to support a successful privacy compliance program and this weakness needed to be addressed. An initial plan was developed to survey the Components, but this was put on hold.

We are now ready to move forward again. Our FY13 plan consists of the following tasks:
- Create and distribute self-assessment tool for the Components (assess current program compliance and identify weaknesses and gaps in current program)
- Analyze results (current program compliance and weaknesses and gaps in current program)
- Identify areas where DPCLO can provide assistance; and
- Conduct assist visits (dependent on budget constraints and Component requests for assistance)

[(b)(6)] noted that all responses will be entirely anonymous. The Self Assessments will enable the DPCLO to satisfy its requirement to periodically review Privacy Act compliance across the Department.

- Question: [(b)(6)] Air Force Privacy Office asked if it would be possible to have their existing MICP answers (for those Components that already conducted MICP assessments) satisfy the DPCLO's requirement.

- Response: [(b)(6)] answered those Components will not have to duplicate the process and to let our office know if your Component already has these on file so we may access them. However, [(b)(6)] did point out that MICP responses from the Components would likely focus on their mission-critical areas, not privacy.

- Question: [(b)(6)] Navy CIO asked if the self assessment will be an ongoing process or if the questions will be a one-time-only event.

- **Response:** [(b)(6)] replied that Components would only answer the questions one time.

➢ **803 Quarterly Reports:** The requests for FY13 4th Quarter reports were sent to the Components on September 17, 2013. They are due to DPCLO NLT October 15, 2013. [(b)(6)] presented clarification to the "advice provided and response to advice," section of the 803 Quarterly Report. DPCLO is looking for Component-wide guidance that is official and issued by the heads of the Components or the Component Senior Official for Privacy. The "advice provided" column should include the title and issue date of the advice. A Component would only have a few "advice provided" each year. The "response to advice" column should briefly describe what happened that quarter as a result of the advice provided. In most circumstances, the "response to advice" section will have "NA" since most results don't occur within the same reporting quarter as the advice. Examples were presented to DPB members.

- **Question:** [(b)(6)] USSOUTHCOM asked if Components should report on the "response to advice" after they've received an update?

- **Response:** [(b)(6)] answered that since the 803 requirements do not specify this, that DPCLO does not require it.

➢ **SSN Use Reduction Initiative:** [(b)(6)] informed the DPB that DPCLO received justification memos for only 48.33% of all systems that collect the SSNs. By June, DPCLO should have received 87.5% of the memos for all systems. By the end of September 2013, DPCLO should have received reviews for all systems that utilize the SSN. Approximately, 49% of all the systems reviewed are approved as legacy systems. Of the memos reviewed, it's estimated that 8.6% have eliminated SSNs from the system. There are additional systems that have plans in place to eliminate the SSN in future years, but are not included in this number.

➢ **Breach Notification:** [(b)(6)] reminded the Components to follow the guidance in the DA&M Memorandum, "Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations," August 2, 2012 and DA&M Memorandum, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," June 05, 2009 to determine if notification should be provided to individuals who may have been impacted by a breach. Both are located on the DPCLO website.

In addition, it was reemphasized that Components should follow the these additional guidelines, (1) if information is lost or stolen and no longer under DoD control, notification is required; (2) notification should be made within ten business days; and (3) high impact breaches usually require notification.

- **Question:** [(b)(6)] Air Force Privacy Office, asked if emailing PII from a .mil to a gmail account is a reportable breach and if notification is required?

- Response: [b)(6)] nformed the DPB members that it would be a breach and would require notification to individuals who may be affected. Anytime an email is transmitted through commercial lines, anyone can potentially gain access. Gmail security cannot be verified and the email may permanently reside on a server outside DoD's control. He also reiterated that all e-mails containing PII must be encrypted.

## III. Privacy Compliance Metrics

- FY13: Number of individuals impacted by breaches:
  - Qtr4: 583,671 individuals; Qtr3: 118,024 individuals; Qtr2: 2,399,843 individuals; and Qtr1: 290,332 individuals.

- FY12: Number of individuals impacted by breaches:
  - Qtr4: 65,457 individuals; Qtr3: 345,145 individuals; Qtr2: 878,998 individuals; and Qtr1: 153,260 individuals.

- In the first two months of the 4th Qtr of FY13: there were a total number of 78 high impact breaches.

- Paper records, emails and info dissemination continue to account for 96% of all breaches. Info-dissemination is considered web intrusion, posting PII/PHI to intranet/internet etc.

- Individuals Affected by High Impact Breaches: [b)(6)] provided an overview of additional breach trends and charts that analyzed the number of high impact breaches and individuals affected for the month of August 2013.

## IV. Training

Important Upcoming Dates:

| DPCLO Sponsored Courses | |
|---|---|
| **September 24-26, 2013** | Privacy Act Compliance and Management (PACMan) (this will also be offered for Video Teletraining via VTC) |
| **October 21-24, 2013** | DPCLO Privacy Officer Professionalization (DPOP) |
| **Cancelled November 4, 2013** | Privacy by Design for Information Technology System Owners Training and SORN Review |
| Other Privacy Training Outside of DPCLO | |

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| September 29-October 2, 2013 | IAPP Privacy Academy<br>Seattle, WA<br>For additional information visit:<br>https://www.privacyassociation.org/ |
|---|---|
| November 6-7, 2013 | IAPP Practical Privacy Series<br>New York, NY |
| November 14, 2013 | IAPP Practical Privacy Series<br>Chicago, IL |
| December 3-4, 2013 | IAPP Practical Privacy Series<br>Washington, DC |
| December 5, 2013 | ASAP Privacy Training – Implementable Solutions<br>Washington, DC<br>For additional information visit:<br>http://www.accesspro.org/programs/privacy/2013/index.cfm |

- Question: (b)(6) (DCMA) asked if DPCLO has plans to offer web-based training and training in small modules based on topic versus the current, large, overall trainings.

- Response: (b)(6) answered that DPCLO is currently in the process of developing a general workforce web-based training class that will be available March 2014. Meanwhile, module training will be offered through video tele-training after January 2014. This training will be topic specific instead of the current lengthy and multi-topic training.

## V. Announcements and Reminders

> Lean Six Sigma SORN Improvement: DPCLO has been working with the DoD Lean Six Sigma team in an effort to improve the DPCLO SORN process. As part of this effort the Lean Six Sigma team will be sending out a survey to the DoD Components to get a better understanding of how we can improve this effort. The survey responses will be anonymous and provided to DPCLO as aggregate data. DPCLO will notify DoD Components when to expect to receive the survey.

> Privacy and Civil Liberties Weekly Bulletin Email: Many people are transitioning to DoD Enterprise Email and receiving new email addresses. Because of this DPCLO is going through its email list for the Privacy and Civil Liberties Bulletins. DPB members were asked to contact DPCLO if their contact information changed or if they would like to be added to the bulletin's distribution list. Please send an email to the DPCLO Correspondence inbox at: osd.ncr.odam.mbx.dpclo-correspondence@mail.mil

> DoD/CFTC Privacy Symposium: Approximately 125 attendees from several DoD Components and a broad range of other Federal government agencies attended the symposium. The morning keynote speaker was Dr. Ann Cavoukian, Information and Privacy Commissioner for Ontario, Canada. The afternoon keynote speaker was Mr. David Medine, Chairman of the Privacy and Civil Liberties Oversight Board. Other topics discussed included cyber security, government accountability with privacy, and privacy enhancing technologies. Conference materials will be available on the DPCLO SharePoint site soon.

(b)(6) asked DPB members to contact DPCLO if they had any suggestions on where to hold the symposium next year. The location should be accessible to Metro and ideally be readily available to all in Washington, DC area.

> DPCLO Launches Facebook Page: DPCLO launched its Facebook page (www.facebook.com/dpclo) on Monday, September 16, 2013. If you "like" the page, then DPCLO updates will show up in your newsfeed.

## VI. Open Discussion

- Question: (b)(6) Army Privacy Office asked if all Components should continue with their SSN Justifications as usual or if there have been any changes to the process.

- Response: (b)(6) answered that no changes have been made yet. Continue with the justifications as normal. All Components will be notified when this process changes.

## VII. Wrap up

There were two new action items added:
- Review the DA&M Memorandum from August 2012, "Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations" to look at clarifying which breaches require notification.
- Define "high impact" breaches and the difference between actual vs. potential breach.

(b)(6) thanked everyone for attending the meeting.

## VIII. Next Meeting Date – Note Change in Date

The next DPB meeting is scheduled for Wednesday, November 20, 2013 at 1300 EST.
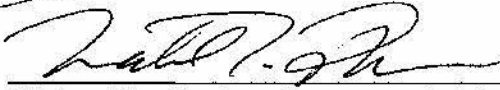
## IX. Meeting Adjourned

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Submitted by

Director for Privacy, DPCLO
Executive Secretary, Defense Privacy Board

10/18/2013
Date

Approved      Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

10.25.13
Date

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# ATTENDANCE

| SERVICES | | POC | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | X | (b)(6) | (b)(6) | X | (b)(6) | X | (b)(6) |
| | X | | | | | | |
| Army Privacy Office | X | | X | X | | | |
| | | | | | | | |
| Marine Corps Privacy Office | X | | | | | | |
| Department of the Navy | X | | X | | | X | |
| | | | X | | | | |
| National Guard Bureau (NGB) | | | | | | | |

| COMPONENTS | | POC | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | X | (b)(6) | (b)(6) | | (b)(6) | | |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | |
| Defense Contract Management Agency (DCMA) | X | | | | | | |
| Defense Commissary Agency (DeCA) | | | X | | | | |
| Defense Finance and Accounting Services (DFAS) | X | | | | | | |
| Defense Human Resources Activity (DHRA) | X | | | | | | |
| Defense Intelligence Agency (DIA) | X | | | | | | |
| Defense Information Systems Agency (DISA) | X | | | | | | |

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| | POC | | Name | | Name | | Name | |
|---|---|---|---|---|---|---|---|---|
| | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) | |
| *Defense Logistics Agency (DLA)* | | | | | | | | |
| *Defense Manpower Data Center (DMDC)* | X | | | | | | | |
| *Defense Security Service (DSS)* | X | | | | | | | |
| *Defense Technical Information Center (DTIC)* | X | | | | | | | |
| *Defense Threat Reduction Agency (DTRA)* | | | | | | | | |
| *Joint Task Force National Capital Region (JTF CapMed)* | X | | | | | | | |
| *Missile Defense Agency (MDA)* | X | | X | | | | | |
| *National Geospatial Intelligence Agency (NGA)* | | | | | | | | |
| *National Reconnaissance Office (NRO)* | | | | | X | | | rn |
| | X | | | | | | | |
| *National Security Agency (NSA)* | X | | | | | | | |
| *Office of the Director of National Intelligence (ODNI)* | | | | | | | | |
| *Office of General Counsel (OGC)* | X | | | | | | | |
| *Office of the DoD CIO* | X | | | | | | | |
| *DoDIG (Office of Inspector General)* | X | | | | | | | |
| *Special Inspector General for Afghan Reconstruction (SIGAR)* | | | | | | | | |
| *TRICARE Management Activity (TMA) Privacy Office* | X | | | | X | | | sons |
| *Information Management Division (WHS/ESD)* | X | | | | | | | |
| *White House Military Office (WHMO)* | | | | | | | | |
| *White House Communications Agency (WHCA)* | X | | | | | | | |

| **COCOMS** | **POC** | | **Name** | | **Name** | | **Name** | |
|---|---|---|---|---|---|---|---|---|
| | (b)(6) | | (b)(6) | | (b)(6) | | | |
| *U.S. AFRICOM (USAFRICOM)* | | | | | | | | |
| *U.S. Central Command (USCENTCOM)* | | | | | | | | |

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| | | | | | | | |
|---|---|---|---|---|---|---|---|
| U.S. European Command (USEUCOM) | | (b)(6) | | (b)(6) | | (b)(6) | |
| U.S. Northern Command (USNORTHCOM) | X | | | | | | |
| U.S. Pacific Command (USPACOM) | X | | X | | | | |
| U.S. Special Operations Command (USSOCOM) | | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | X | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | | |

| DPCLO | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | X | (b)(6) | X | (b)(6) | X | (b)(6) | | |
| | X | | X | | X | | | |
| | X | | X | | X | | | |
| | X | | | | X | | | |
| | X | | | | | | | |

| COMPONENT SUPPORT | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| MITRE/AMC | X | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |

## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLO | ASAP | OPEN | |
| 20130918-02 | Policy | Define "high impact" breaches and define the difference between actual vs. potential breach. | DPCLO | ASAP | OPEN | |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | ON HOLD – PENDING RESOURCES | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

# Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | CLOSED | DPCLO presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | CLOSED | DPCLO presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | CLOSED | DPCLO presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLO will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for |

| | | schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | | | | review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
|---|---|---|---|---|---|---|
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer |

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| | | with their Component IT personnel | | | | Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes; Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

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| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |

| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
|---|---|---|---|---|---|---|
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) ffered comments on |

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| | | | | | | this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |

# Defense Privacy Board Action Item List

| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
|---|---|---|---|---|---|---|
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |

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| | | question, e.g. should Components query GC for the scope of privacy advice they have provided | | | | |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |

# Defense Privacy Board Action Item List

| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
|---|---|---|---|---|---|---|
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice | All | 20090715 | CLOSED | Consolidated under Item Number |

| | | Review Report. | Components | | | 20090218-01. |
|---|---|---|---|---|---|---|
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

- **Welcome/Review of Open Action Items**
- **New DPCLO Website Coming Soon**
- **Policy and Guidance**
- **Privacy Compliance Metrics**
- **DPCLO Training Schedule/Other Trainings**
- **Announcements/Reminders**
- **Open Discussion**
- **Review of New Action Items**
- **Next Meeting Date**
- **Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for November 20, 2013*

## I. Welcome and Opening Remarks

The DPB meeting was called to order by (b)(6) Executive Secretary, and Acting Director, Defense Privacy and Civil Liberties Office (DPCLO). Attendance was taken onsite, from VTC, and from teleconference participants. A review was conducted of the open action items.

## II. New Items

➢ New DPCLO Website: The Defense Media Activity Public Web (DMA) was implemented to consolidate all of DoD's publicly accessible military/government websites. To accomplish its goal, DMA with requirements gathered from DoD and the military services, coordinated the development of the American Forces Public Information Management System (AFPIMS). DPCLO's web site will transition to AFPIMS, a web-based content management system (CMS), with no visible functionality changes to the Components.

## III. Policy and Guidance

➢ Update: DoDD 5400.11 and DoD 5400.11-R: (b)(6) updated DPB members on the status of the DoD Directive 5400.11. The directive will be certified by Director, Administration & Management in preparation of the final rule and sent to the Regulatory Policy Office to be released to the Office of Management and Budget (OMB). After certification by OMB as a final rule, the Directive will be forwarded to the Deputy Secretary of Defense for signature and publication. The DoD 5400.11-M is currently in legal sufficiency review.

➢ Reporting Privacy Act Complaints in the Section 803 Quarterly and FISMA Report: (b)(6) pointed out the questions and criteria for responding to the complaints (question #7) in the annual Senior Agency Official for Privacy (SAOP) Federal Information Security Management Act (FISMA) report and the complaint questions in the Section 803 Quarterly Privacy report are the same. DPB members were reminded that privacy complaints are written allegations, by an individual, of harm or violation of privacy compliance requirements.

➢ Privacy Complaints and Breaches: DPB members were informed that breaches of PII are being submitted as complaints in the Section 803 Quarterly Privacy Reports. Members were reminded that complaints are reported by individuals. When complaints are reported by DoD Components, these instances are considered breaches and should be submitted as such.

  • Question: (b)(6) Defense Logistics Agency Privacy Office, asked if another organization reported to DLA that a website they manage is not

complying with the information collection safeguard requirements would this be classified as a breach or a complaint.

- Response: It would be classified as a breach, since a report was not made by an individual.

- Question: (b)(6) Air Force Privacy Office asked (b)(6) to clarify what qualifies as a "potential" breach versus an "actual" breach.

- Response: (b)(6) informed DPB members that a potential breach is when something happens that <u>could</u> compromise PII. This is a grey area when insufficient information is known to confirm a breach has occurred. DPCLO requires submission of these reports of actual or potential breaches in order to comply with policies currently established.

➢ <u>Formatting Complaints for the Section 803 Quarterly Reports</u>: DPB members were reminded to review and edit their complaints, check spelling, spell out acronyms, and ensure the subject stays consistent throughout before submitting reports to DPCLO. (b)(6) re-emphasized the importance of stating "Responsive Action Taken" or "Pending" in the in the Privacy Complaints and Disposition section of the report.

➢ <u>Definition of High Impact Breaches</u>: This addressd one of the action items from the September 2013, DPB meeting. (b)(6) gave an overview on the definition of a high impact breach and defined the difference between an actual and potential breach to DPB members. He also stressed the importance of reporting all breaches.

## IV. Privacy Compliance Metrics
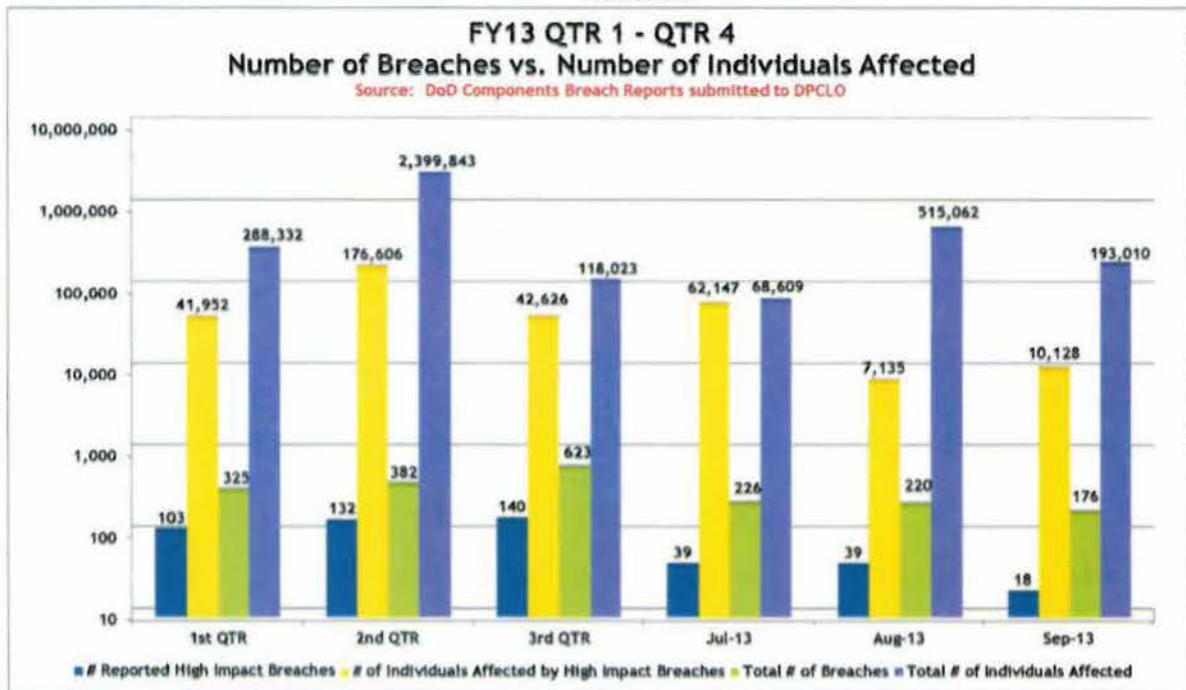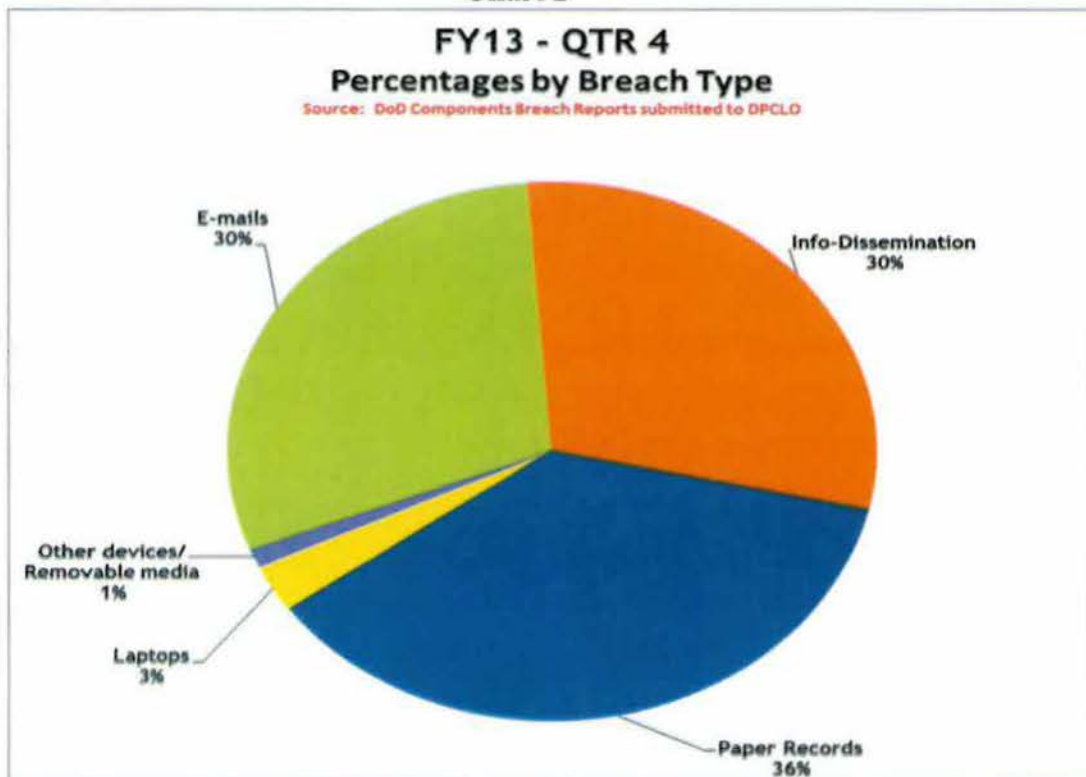
➢ See page 3 for the Charts presented to the DPB.

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# Chart 1

## FY13 QTR 1 - QTR 4
## Number of Breaches vs. Number of Individuals Affected
Source: DoD Components Breach Reports submitted to DPCLO



Legend: # Reported High Impact Breaches | # of Individuals Affected by High Impact Breaches | Total # of Breaches | Total # of Individuals Affected

| | 1st QTR | 2nd QTR | 3rd QTR | Jul-13 | Aug-13 | Sep-13 |
|---|---|---|---|---|---|---|
| # Reported High Impact Breaches | 103 | 132 | 140 | 39 | 39 | 18 |
| # of Individuals Affected by High Impact Breaches | 41,952 | 176,606 | 42,626 | 62,147 | 7,135 | 10,128 |
| Total # of Breaches | 325 | 382 | 623 | 226 | 220 | 176 |
| Total # of Individuals Affected | 288,332 | 2,399,843 | 118,023 | 68,609 | 515,062 | 193,010 |

# Chart 2

## FY13 - QTR 4
## Percentages by Breach Type
Source: DoD Components Breach Reports submitted to DPCLO



- E-mails 30%
- Info-Dissemination 30%
- Other devices/Removable media 1%
- Laptops 3%
- Paper Records 36%

## V. Training

Important Upcoming Dates:

| DPCLO Sponsored Courses<br>Will be offered both on-site and by<br>Video Teletraining (VTT) unless noted otherwise | |
|---|---|
| **February 6, 13, 20, 27 2014**<br><br>**(Every Thursday in February)** | Privacy Act Compliance and Management (PACMan)<br>Presented in 4 individual sessions:<br>Feb 6th: Guest Speakers and Privacy by Design<br>Feb 13th: Privacy Act Essentials<br>Feb 20th: System of Records Notice<br>Feb 27th: Breach Management |
| **March 6, 13, 20, 27 2014**<br><br>**(Every Thursday in March)** | Privacy Act Essentials<br>Presented in 4 individual sessions:<br>Mar 6th: Privacy Act Essentials Session 1<br>Mar 13th: Privacy Act Essentials Session 2<br>Mar 20th: Privacy Act Essentials Session 3<br>Mar 27th: Privacy Act Essentials Session 4 |
| **April 21-24, 2014** | DPCLO Privacy Officer Professionalization (DPOP)<br>*On-site classroom only |
| **May 8, 15, 22, 29 2014**<br><br>**(Every Thursday in May)** | Privacy Act Compliance and Management (PACMan)<br>Presented in 4 individual sessions:<br>May 8th: (Guest Speakers) Privacy by Design<br>May 15th: Privacy Act Essentials<br>May 22nd: System of Records Notice<br>May 29th: Breach Management |
| Other Privacy Training Outside of DPCLO | |
| **December 3-4, 2013** | IAPP Practical Privacy Series<br>Washington, DC |
| **December 5, 2013** | ASAP Privacy Training – Implementable Solutions<br>Washington, DC<br>For additional information visit:<br>http://www.accesspro.org/programs/privacy/2013/index.cfm |

➤ Question: (b)(6) Defense Contract Management Agency Privacy Office asked if any of the training DPCLO offers will be available as web-based training.

➤ Response: (b)(6) informed DPB members web based training is not available at this time. DPCLO currently has VTT and on-site training available and is working on developing a web-based training program.

## VI. Announcements and Reminders

➤ DPCLO Leadership Update: (b)(6) announced Mr. Michael Reheuser accepted a new position with the Army. His last day with DPCLO was Friday, November 15. (b)(6) (b)(6) is currently the Acting Director for DPCLO.

## VII. Open Discussion

• Question: (b)(6) White House Communications Agency (WHCA), asked about privatized housing for military members and if the companies currently in charge of housing for military members are held to the same standard as the rest of DoD in regards to protecting PII. (b)(6) said his office has received complaints and asked how to handle them.

• Response: (b)(6) stated he would contact AT&L to discuss whether companies are held to the same standard as DoD. He asked that WHCA contact DPCLO with these details when they occur.

## VIII. Wrap up

(b)(6) thanked everyone for participating in the meeting.

## IX. Next Meeting Date

The next DPB meeting is scheduled for Wednesday, January 15, 2014 at 1300 EST.

## X. Meeting Adjourned

Submitted by

(b)(6)

(b)(6)    Acting Director, DPCLO
Executive Secretary, Defense Privacy Board

12/19/2013
Date

Approved    Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

1·8·14
Date

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## ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | X | (b)(6) | X | (b)(6) | | (b)(6) | | (b)(6) |
| | | | | | | | | |
| Army Privacy Office | | | X | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Marine Corps Privacy Office | X | | | | | | | |
| Department of the Navy | X | | X | | | | X | |
| | | | X | | | | | |
| National Guard Bureau (NGB) | X | | | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | X | (b)(6) | X | (b)(6) | | (b)(6) | | |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | | |
| Defense Contract Management Agency (DCMA) | X | | | | | | | |
| Defense Commissary Agency (DeCA) | | | X | | | | | |
| Defense Finance and Accounting Services (DFAS) | X | | | | | | | |
| Defense Human Resources Activity (DHRA) | | | | | | | | |
| Defense Intelligence Agency (DIA) | | | | | | | | |
| Defense Information Systems Agency (DISA) | X | | | | | | | |

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| | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
|---|---|---|---|---|---|---|---|---|
| Defense Logistics Agency (DLA) | X | | | | | | | |
| Defense Manpower Data Center (DMDC) | | | | | | | | |
| Defense Security Service (DSS) | X | | | | | | | |
| Defense Technical Information Center (DTIC) | X | | | | | | | |
| Defense Threat Reduction Agency (DTRA) | X | | | | | | | |
| National Capital Region medical Command | | | | | | | | |
| Missile Defense Agency (MDA) | X | | X | | | | | |
| National Geospatial Intelligence Agency (NGA) | | | | | | | | |
| National Reconnaissance Office (NRO) | | | | | | X | | |
| | X | | | | | | | |
| National Security Agency (NSA) | | | | | | | | |
| Office of the Director of National Intelligence (ODNI) | | | | | | | | |
| Office of General Counsel (OGC) | X | | | | | | | |
| Office of the DoD CIO | | | | | | | | |
| DoDIG (Office of Inspector General) | X | | | | | | | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | | | | | | | | |
| Defense Health Agency (DHA) Privacy Office | X | | | | | X | | |
| Information Management Division (WHS/ESD) | | | | | | | | |
| White House Military Office (WHMO) | | | | | | | | |
| White House Communications Agency (WHCA) | X | | | | | | | |

| COCOMS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| | | (b)(6) | | (b)(6) | | (b)(6) | | |
| U.S. AFRICOM (USAFRICOM) | | | | | | | | |
| U.S. Central Command (USCENTCOM) | | | | | | | | |

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|---|---|---|---|---|---|---|---|
| U.S. European Command (USEUCOM) | | (b)(6) | | (b)(6) | | (b)(6) | |
| U.S. Northern Command (USNORTHCOM) | | | | | | | |
| U.S. Pacific Command (USPACOM) | X | | | X | | | |
| U.S. Special Operations Command (USSOCOM) | | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | X | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | | |

| **DPCLO** | | **POC** | | **Name** | | **Name** | | **Name** |
|---|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | X | (b)(6) | X | (b)(6) | X | (b)(6) | | Name |
| | X | | X | | X | | | |
| | | | X | | X | | | |
| | X | | | | X | | | |
| | X | | | | | | | |

| **COMPONENT SUPPORT** | | **POC** | | **Name** | | **Name** | | **Name** |
|---|---|---|---|---|---|---|---|---|
| MITRE/AMC | X | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |

## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLO | ASAP | OPEN | DPCLO is working on updating the August 2012, Memorandum. |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | ON HOLD – PENDING RESOURCES | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

# Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130918-02 | Policy | Define "high impact" breaches and define the difference between actual vs. potential breach. | DPCLO | ASAP | CLOSED | DPCLO addressed at November 2013 DPB meeting. |
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | CLOSED | DPCLO presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | CLOSED | DPCLO presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | CLOSED | DPCLO presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. |

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|---|---|---|---|---|---|---|
| | | | | | | DPCLO will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |

# Defense Privacy Board Action Item List

| | | | | | | |
|---|---|---|---|---|---|---|
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes; Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

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| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2<sup>nd</sup> Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may |

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|---|---|---|---|---|---|---|
| | | Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | | | | be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is | DPCLO | TBD | CLOSED | DMDC and P&R are working on |

| | | | | | | |
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| | | releasable under FOIA | | | | legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |

# Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |

**Defense Privacy Board Action Item List**

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|---|---|---|---|---|---|---|
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 Commission Recommendations Report <br> • System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |

# Defense Privacy Board Action Item List

| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
|---|---|---|---|---|---|---|
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 | All | 20090715 | CLOSED | Consolidated under Item Number |

| | | Commission Recommendations Report. | Components | | | 20090218-01. |
|---|---|---|---|---|---|---|
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

(2)

- **Welcome/Review of Action Items**
- **Policy and Guidance**
- **Privacy Compliance Metrics**
- **DPCLO Training Schedule, Overview, and Recap**
- **Announcements/Reminders**
- **Open Discussion**
- **Review of New Action Items**
- **Next Meeting Date**
- **Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for March 19, 2014*

### I. Welcome and Opening Remarks

The DPB meeting was called to order. Attendance was taken onsite from VTC, and from teleconference participants. A review was conducted of the open action items.

### II. Policy and Guidance

> SORNs with Pending NARA Retentions: OMB is enforcing recordkeeping requirements associated with Paperwork Reduction Act submissions. The Department must account for recordkeeping requirements and records generated from information collected from the public. Failure to appropriately address records management requirements can hold up OMB approval of the SORN and/or the Paperwork Reduction Act submission. Moving forward, DPCLO requests that all submitted SORNs containing a "pending" disposition include a copy of the submitted SF 115, if possible, or a note from your records manager stating the action is being worked with NARA.

> Paperwork Reduction Act Presentation: (b)(6) Information Management Directorate, gave an overview on the Paperwork Reduction Act and the Information Management Control process. All DPB members should have received a copy of this PowerPoint presentation via email.

> Update: DoDD 5400.11 and DoD 5400.11-R: (b)(6) provided an update on the status of the DoD Directive 5400.11 and the DoD 5400.11-R. DoD Directive 5400.11 is pending Federal Register final rule publication with the Federal Register Liaison Office, and DoD 5400.11-R is converting to a DoD Manual. Publication of the Manual as a proposed rule (amendment) is pending completion of legal sufficiency review.

> GAO Report: (b)(6) gave an overview of the recent findings in the GAO Report (GAO-14-34) "Information Security – Agency Responses to Breaches of Personally Identifiable Information Need to Be More Consistent."

The GAO Report found the following:
- Inconsistent implementation of agency policies and processes for responding to data breaches involving PII.
- Negligible value of PII-related breach reports to Department of Homeland Security's (DHS) US-CERT.

Recommendations included:
- Document procedures for offering assistance to affected individuals in the DoD's data breach response policy.
- Document procedures for evaluating data breach responses and identifying lessons learned.

- Document the reason behind risk determinations for breaches involving PII.
- To improve DoD's response to data breaches involving PII, evaluate the Department's response to data breaches involving PII to identify lessons learned that could be incorporated into DoD's security and privacy policies and practices.

To view GAO's full report, GAO-14-34, please visit their website at: http://www.gao.gov/products/GAO-14-34

- **803 Report Update**: (b)(6) informed DPB members that beginning 3rd quarter of FY14, the Military Departments should exclude complaints involving the disclosure of protected health information (PHI) in their Section 803 Quarterly Reports to DPCLO. Examples include a complaint made about PHI being overheard in a treatment room or at a patient service center, inappropriate access to medical records, and unauthorized uses or disclosures of PHI. These complaints are to be reported to the HIPAA Privacy Office in the military treatment facility where the alleged incident occurred, not in the Section 803 Quarterly reports to the DPCLO. This change in reporting will ensure that such complaints are handled under HIPAA, thereby eliminating duplication of reporting and bringing about a more precise accounting of complaints made under the Privacy Act for the Section 803 Quarterly Reporting. DPCLO appreciates the assistance provided by the Defense Health Agency (DHA) Privacy and Civil Liberties Office in making this change. (b)(6) reiterated that this change is effective for the third quarter reporting, which covers reports compiled and submitted in July.

## III. Privacy Compliance Metrics

- (b)(6) gave an update and overview of the breach trends for FY14, Q2 to date. All charts are included in the PowerPoint presentation sent to DPB members via email.

## IV. Training

- **InfoNet Ads**: (b)(6) spoke about the privacy ads currently airing on InfoNet monitors throughout DoD. All InfoNet posters and videos are available on the DPCLO SharePoint site.

- **Facebook and Twitter**: (b)(6) reminded DPB members to "like" DPCLO on Facebook at: https://www.facebook.com/dpclo and "follow" DPCLO on Twitter at: @DPCLO_official.

- **Recall and Social Rosters**: DPB members were reminded by (b)(6) that information papers on Recall and Social Rosters are available on the DPCLO SharePoint site at: https://odamportal.osd.mil/sites/dpclo/awareness/Guidance%20and%20Information%20Papers/Forms/AllItems.aspx. Recall Rosters are also known as organizational and

office rosters. These guidance papers provide information on what to include in them and how to protect PII for both types of rosters.

- New DPCLO Website: (b)(6) updated DPB members on the new DPCLO website that launched February 21, 2014. The content on the web site has not changed, however, there are two differences to note:

  - The main search bar on the top right corner of the screen is currently not working. If you need to search for a SORN, go to the SORN page. The search feature on the bottom right of the SORN page of the website is working. DPCLO is currently working to fix the main search engine on the DPCLO website.

  - Links on your website to the DPCLO website may no longer work. We ask that all DPB members check any links you have on your website to confirm they are still working. If you have any questions regarding the website, contact DPCLO.

Important Upcoming Dates:

| DPCLO Sponsored Courses<br>Will be offered both on-site and by<br>Video Teletraining (VTT) unless noted otherwise | |
|---|---|
| **April 21-24, 2014** | DPCLO Privacy Officer Professionalization (DPOP)<br>*On-site classroom only |
| **May 8, 15, 22, 29<br>2014**<br><br>**(Every Thursday in May)** | Privacy Act Compliance and Management (PACMan)<br>Presented in 4 individual sessions:<br>May 8th: (Guest Speakers) Records Management, PRA &<br>PIA<br>May 15th: Privacy Act Essentials<br>May 22nd: System of Records Notice & Privacy by<br>Design<br>May 29th: Breach Management |

## V.  Announcements and Reminders

- Privacy and Civil Liberties Day: (b)(6) announced that Privacy and Civil Liberties Day will be held at the Pentagon and Mark Center on April 9, 2014 from 9:00am to 1:00pm EST. Contact DPCLO with any questions and feel free to stop by.

## VI.  Open Discussion

- New Action Item: (b)(6) will clarify whether the Records Control Symbol should be placed on the bottom of the SORN documents.

## VII.  Wrap up

(b)(6) thanked everyone for participating in the meeting.

## VIII. Next Meeting Date

The next DPB meeting is scheduled for Wednesday, May 21, 2014 at 1:00pm EST.
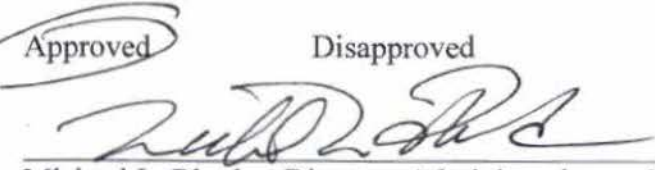
## IX. Meeting Adjourned

Submitted by

(b)(6)

(b)(6)

Acting Director, DPCLO
Executive Secretary, Defense Privacy Board

Apr 3, 2014
Date

Approved          Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

APR 0 8 2013

Date

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## ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | | (b)(6) | X | (b)(6) | | (b)(6) | | (b)(6) |
| Army Privacy Office | | | X | | | | | |
| Marine Corps Privacy Office | X | | X | | X | | | |
| Department of the Navy | X | | X | | | | X | |
| | | | X | | | | | |
| National Guard Bureau (NGB) | X | | X | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | X | (b)(6) | X | (b)(6) | | (b)(6) | | |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | | |
| Defense Contract Management Agency (DCMA) | | | | | X | | | |
| Defense Commissary Agency (DeCA) | | | | | X | | | |
| Defense Finance and Accounting Services (DFAS) | X | | | | | | | |
| Defense Human Resources Activity (DHRA) | | | X | | | | | |
| Defense Intelligence Agency (DIA) | | | | | | | | |
| Defense Information Systems Agency (DISA) | X | | | | | | | |

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| | POC | Name | Name | Name |
|---|---|---|---|---|
| Defense Logistics Agency (DLA) | X | | | |
| Defense Manpower Data Center (DMDC) | X | | | |
| Defense Security Service (DSS) | X | | | |
| Defense Technical Information Center (DTIC) | X | | | |
| Defense Threat Reduction Agency (DTRA) | X | | | |
| Missile Defense Agency (MDA) | | X | | |
| National Geospatial Intelligence Agency (NGA) | | | | |
| National Reconnaissance Office (NRO) | | | X | |
| National Security Agency (NSA) | X | | | |
| Office of the Director of National Intelligence (ODNI) | | | | |
| Office of General Counsel (OGC) | X | | | |
| Office of the DoD CIO | | | | |
| DoDIG (Office of Inspector General) | X | | | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | | | | |
| Defense Health Agency (DHA) Privacy Office | X | | X | |
| | | X | | |
| Information Management Division (WHS/ESD) | | | X | |
| White House Military Office (WHMO) | | | | |
| White House Communications Agency (WHCA) | X | | | |

(b)(6) *(redacted columns)*

| COCOMS | POC | Name | Name | Name |
|---|---|---|---|---|
| U.S. AFRICOM (USAFRICOM) | (b)(6) | (b)(6) | (b)(6) | |
| U.S. Central Command (USCENTCOM) | | | | |
| U.S. European Command (USEUCOM) | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| U.S. Northern Command (USNORTHCOM) | X | (b)(6) | | (b)(6) | | (b)(6) |
| U.S. Pacific Command (USPACOM) | X | | X | | | |
| U.S. Special Operations Command (USSOCOM) | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | |

| DPCLO | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | X | (b)(6) | X | (b)(6) | X | (b)(6) | | |
| | X | | X | | X | | | |
| | X | | | | X | | | |
| | X | | | | X | | | |
| | X | | | | | | | |

| COMPONENT SUPPORT | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| MITRE/AMC | | (b)(6) | | (b)(6) | X | (b)(6) | | (b)(6) |

## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20140319-01 | Policy | Clarify whether the Records Control Symbol should be placed on the bottom of the SORN documents. | DPCLO | May 2014 DPB | OPEN | |
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLO | ASAP | OPEN | DPCLO is updating the August 2012 Memorandum and including language to address policies related to the GAO Report recommendations. |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | ON HOLD – PENDING RESOURCES | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

# Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| 20130918-02 | Policy | Define "high impact" breaches and define the difference between actual vs. potential breach. | DPCLO | ASAP | CLOSED | DPCLO addressed at November 2013 DPB meeting. |
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | CLOSED | DPCLO presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | CLOSED | DPCLO presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | CLOSED | DPCLO presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. |

| | | | | | | DPCLO will provide information when it becomes available from DISA. |
|---|---|---|---|---|---|---|
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
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|---|---|---|---|---|---|---|
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes; <br><br> Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

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|---|---|---|---|---|---|---|
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may |

**Defense Privacy Board Action Item List**

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|---|---|---|---|---|---|---|
| | | Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | | | | be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) esponded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is | DPCLO | TBD | CLOSED | DMDC and P&R are working on |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | releasable under FOIA | | | | legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |

## Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |

**Defense Privacy Board Action Item List**

| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
|---|---|---|---|---|---|---|
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact<br>• "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |

# Agenda

(2)

- **Welcome/Review of Action Items**
- **Policy and Guidance**
- **Privacy Compliance Metrics**
- **CSOP After Actions**
- **DPCLO Training Schedule, Overview, and Recap**
- **Announcements/Reminders**
- **Open Discussion**
- **Review of New Action Items**
- **Next Meeting Date**
- **Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for May 21, 2014*

## I. Welcome and Opening Remarks

The DPB meeting was called to order. Attendance was taken onsite, from VTC, and from teleconference participants. A review was conducted of the open and closed action items.

## II. Policy and Guidance

➤ Update: DoDD 5400.11 and DoD 5400.11-R: (b)(6) provided an update on the status of the DoD Directive 5400.11 and the DoD 5400.11-R. DoD Directive 5400.11 was released to OMB on May 14, 2014. When OMB approves, the Final Rule will be published in the *Federal Register*. At the same time, the issuance will be sent forward to the Office of the Deputy Secretary for signature. DoD 5400.11-R (which is being converted into a manual) was sent to the Federal Register Liaison Office on April 24, 2014, for review. From there it will go to Mr. Rhodes who will release it to OMB. After OMB certifies the package, it will be published in the *Federal Register* as a Proposed Rule with a 60-day public comment period.

➤ SORN POCs: DPCLO now has three teams to process SORNs. We are hoping that this will enable us to work more closely with the DoD Components and help with the collaboration that must take place among all the associated programs. Each team has a government lead and a contractor for support and began working April 1, 2014. SORN packages submitted to DPCLO before April 1 should continue to be processed with the original assigned person until they are completed. All Components have been notified of the new process. (b)(6) will remain the primary point of contact for any DPCLO/Information Management Directorate (IMD) spreadsheet updates, etc. In addition to the SORN support, these teams will begin to answer all privacy issues from their assigned Components.

## III. Privacy Compliance Metrics

➤ (b)(6) gave an update and overview of the breach trends for FY14, Q2 to date. All charts are included in the PowerPoint presentation sent to DPB members via email.

➤ (b)(6) gave an update on the Compliance and Reporting Tool (CART). DPB members were informed that the latest update has been completed and will be rolled out to Components soon. DPCLO will contact each of the Component Privacy Officers to set up a training date via Defense Connect Online/DCO. All Components should now be using DD Form 2959, Breach of Personally Identifiable Information Report. The DD Form 2959 can be found on the DoD Forms website (http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2959.pdf). This is an electronic form with drop down menus. (b)(6) thanked Army, Air Force,

OSD/Joint Staff, and the Defense Health Agency for participating in the CART pilot over the last six plus months.

**Component Senior Official for Privacy (CSOP) Forum After Actions**

➢ (b)(6) spoke about two slides (b)(6) presented at the April 10, 2014 CSOP meeting. The first slide presented an overview of the Information Collection Timeline. This timeline highlights the fact that Paperwork Reduction Act (PRA) requirements must be met before a new or altered SORN can be published. The shortest amount of time it takes to meet the PRA requirements for a new collection is 120 days. However, the average amount of time it takes to receive OMB approval can be more than doubles the 120 days. Privacy Officers need to keep this in mind when working on a new or altered SORN, OMB will not approve a SORN until the PRA requirements associated with that SORN are met. Because of this, the Information Management Directorate will not submit the SORN to OMB until the PRA requirements are met. There are other information collection requirements as well – Privacy Impact Assessments (PIAs) and records retention schedules. These two processes will not stop the publication of a SORN.

➢ (b)(6) then spoke on the second slide, which stresses that collaboration among various offices is a must. This slide was used to remind the CSOPs that Privacy Act compliance does not operate in a vacuum. Privacy Officers need to collaborate and build relationships with these offices to get SORNs published in a more timely manner. She reemphasized the following to DPB members:

> ➢ Work with the system owners helps to ensure that privacy is considered early in the development of a new or changed system. This may require a new or altered SORN. The system owner needs to work with their Component Information Management Control Officer (IMCO) for Paperwork Reduction Act requirements. The system owner also needs to work with their Component Forms Manager about the information collection method.
> ➢ Work with the Component CIO and the system owner during the development of a Privacy Impact Assessment. The PIA includes information that should be included the SORN, and vice versa.
> ➢ Contact the Records Management Officer to get information about the correct retention and disposal schedule for the SORN. This information is also included in the PIA.
> ➢ Contact the General Counsel's office to address any legal issues that may arise, especially with high-visibility systems.

## IV. Training

Important Upcoming Dates:

| DPCLO Sponsored Courses<br>Will be offered both on-site and by<br>Video Teletraining (VTT) unless noted otherwise | |
| --- | --- |
| **May 22 and 29, 2014** | Privacy Act Compliance and Management (PACMan)<br>Presented in individual sessions:<br><br>May 22$^{nd}$:  System of Records Notice<br>May 29$^{th}$:  Breach Management |
| **September 2014<br>(dates TBD)** | Privacy Act Essentials |
| **October 6-8, 2014** | Privacy Act Compliance and Management (PACMan)<br>3-day session, in-person only |

## V.  Announcements and Reminders

- (b)(6) announced DPCLO will be hosting a Constitution Day event in the Pentagon on September 17, 2014.  More information will be available at the next DPB meeting.

## VI.  Privacy and Civil Liberties Day 2014

- (b)(6) updated DPB members on Privacy and Civil Liberties Day, held at the Pentagon and the Mark Center on April 9, 2014.  This was DPCLO's first joint effort between the privacy and civil liberties teams of the office.  There were representatives from a number of Component Privacy Offices, including Army, Air Force, OSD/Joint Staff, and the Defense Health Agency.  All materials that were used and distributed at the event are available on the DPCLO SharePoint site at https://odamportal.osd.mil/sites/dpclo/awareness/default.aspx.  If you do not have SharePoint access, please email (b)(6)

## VII.  Open Discussion

- Question: (b)(6) (NRO) asked if Component Privacy Officers would have an opportunity to see the revised DA&M August 2012, "Use of Best Judgment for Individual PII Breach Notification Determinations" Memorandum discussed in the open action items.

- Response: (b)(6) answered that the initial draft of the memorandum was recently completed, and is now going through internal review within DPCLO.  It will

be coordinated with DPB members for review and comment before it is submitted for signature.

- ▪ (b)(6) Ongstad mentioned that if anyone sees incorrect information on the DPCLO website, to please notify the office. Some items did not migrate properly when DPCLO transitioned to its new website.

## VIII. Wrap up

(b)(6) thanked everyone for participating in the meeting.

## IX. Next Meeting Date

The next DPB meeting is scheduled for Wednesday, July 16, 2014, at 1:00pm EDT.

## X. Meeting Adjourned
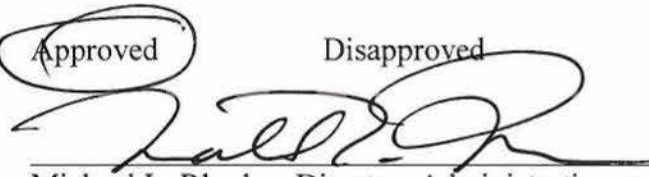
Submitted by (b)(6)

6/13/2014
Date

(b)(6) Acting Director, DPCLO
Executive Secretary, Defense Privacy Board

(Approved)    Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

6/17/14
Date

4

# ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | | (b)(6) | X | (b)(6) | | (b)(6) | | (b)(6) |
| Army Privacy Office | | | X | | X | | | | |
| Marine Corps Privacy Office | X | | | | | | | |
| Department of the Navy | | | X | | | | | |
| National Guard Bureau (NGB) | X | | | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | X | (b)(6) | X | (b)(6) | | (b)(6) | | |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | | |
| Defense Contract Management Agency (DCMA) | | | | | X | | | |
| Defense Commissary Agency (DeCA) | | | | X | | | | |
| Defense Finance and Accounting Services (DFAS) | | | | | | | | |
| Defense Human Resources Activity (DHRA) | | | | | | | | |
| Defense Intelligence Agency (DIA) | | | | | | | | |
| Defense Information Systems Agency (DISA) | X | | | | | | | |

| Agency | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Defense Logistics Agency (DLA) | | (b)(6) | | (b)(6) | | (b)(6) | X | (b)(6) |
| Defense Manpower Data Center (DMDC) | | | | | | | | |
| Defense Security Service (DSS) | X | | | | | | | |
| Defense Technical Information Center (DTIC) | | | | | | | | |
| Defense Threat Reduction Agency (DTRA) | X | | | | | | | |
| Missile Defense Agency (MDA) | | | X | | | | | |
| National Geospatial Intelligence Agency (NGA) | | | | | | | | |
| National Reconnaissance Office (NRO) | X | | | | X | | | |
| National Security Agency (NSA) | X | | | | | | | |
| Office of the Director of National Intelligence (ODNI) | | | | | | | | |
| Office of General Counsel (OGC) | X | | | | | | | |
| Office of the DoD CIO | | | | | | | | |
| DoDIG (Office of Inspector General) | | | | | | | | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | | | | | | | | |
| Defense Health Agency (DHA) Privacy Office | X | | X | | X | | | |
| Information Management Division (WHS/ESD) | X | | | | | | | |
| White House Military Office (WHMO) | | | | | | | | |
| White House Communications Agency (WHCA) | X | | | | | | | |

| COCOMS | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|
| U.S. AFRICOM (USAFRICOM) | (b)(6) | | (b)(6) | | (b)(6) | | |
| U.S. Central Command (USCENTCOM) | | | | | | | |
| U.S. European Command (USEUCOM) | | | | | | | |

| | | POC (b)(6) | | Name (b)(6) | Name (b)(6) | |
|---|---|---|---|---|---|---|
| U.S. Northern Command (USNORTHCOM) | X | | | | | |
| U.S. Pacific Command (USPACOM) | X | | X | | | |
| U.S. Special Operations Command (USSOCOM) | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | |
| | | | | | | |

| **DPCLO** | | **POC** | | **Name** | **Name** | | **Name** |
|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | | (b)(6) | | (b)(6) | (b)(6) | | |
| | X | | X | | X | | |
| | X | | X | | X | | |
| | X | | X | | X | | |
| | X | | X | | | | |

| **COMPONENT SUPPORT** | | **POC** | | **Name** | **Name** | | **Name** |
|---|---|---|---|---|---|---|---|
| MITRE/AMC | X | (b)(6) | | (b)(6) | (b)(6) | | (b)(6) |
| | | | | | X | | |

## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLO | ASAP | OPEN | DPCLO is updating the August 2012 Memorandum and including language to address policies related to the GAO Report recommendations. |
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | ON HOLD – PENDING RESOURCES | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

# Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20140319-01 | Policy | Clarify whether the Records Control Symbol should be placed on the bottom of the SORN documents. | DPCLO | May 2014 DPB | CLOSED | OSD Records Management does not recommend using this number in SORNs or the Narrative Statement as this number changes. If needed, it would be better to use the assigned NARA approval number. |
| 20130918-02 | Policy | Define "high impact" breaches and define the difference between actual vs. potential breach. | DPCLO | ASAP | CLOSED | DPCLO addressed at November 2013 DPB meeting. |
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | CLOSED | DPCLO presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | CLOSED | DPCLO presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | CLOSED | DPCLO presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |

| | | been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | | | | |
|---|---|---|---|---|---|---|
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLO will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.  DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments | DPCLO | ASAP | CLOSED | Comments received from DLA |

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|---|---|---|---|---|---|---|
| | | about DD Form 2959 which were not incorporated into the final form | | | | were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
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| 20120119-02 | Policy | Provide comments on Cross Component Breach Management | All Components | 1/27/2012 | CLOSED | |

| | | and DoD ID Number Info Papers by COB Jan 27th | | | | |
|---|---|---|---|---|---|---|
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |

## Defense Privacy Board Action Item List

| | | | | | | |
|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |

# Defense Privacy Board Action Item List

| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
|---|---|---|---|---|---|---|
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br>• "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br>• Biennial Privacy Training Report <br>• Section 803 of the 9/11 | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

| | | Commission Recommendations Report<br>• System of Records Notice Review Report | | | | |
|---|---|---|---|---|---|---|
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

| | | Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | | | | |
|---|---|---|---|---|---|---|
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Agenda

- **Welcome/Review of Action Items**
- **Policy and Guidance**
- **Privacy Compliance Metrics**
- **DPCLO Training Schedule, Overview, and Recap**
- **Announcements/Reminders**
- **Open Discussion**
- **Review of New Action Items**
- **Next Meeting Date**
- **Adjournment**

# Defense Privacy Board (DPB)
## *Meeting Minutes for July 16, 2014*

## I. Welcome and Opening Remarks

The DPB meeting was called to order. Attendance was taken onsite and from teleconference participants. The open action item was reviewed.

## II. Policy and Guidance

➤ Annual FISMA Report: (b)(6) presented an overview of the reporting process for the 2014 Senior Agency Official for Privacy (SAOP) portion of the annual Federal Information Security Management Act (FISMA) report. Guidance for the 2014 SAOP portion was released via e-mail to the Components on July 8, 2014. Responses are due September 8, 2014 to the Defense Privacy and Civil Liberties Office (DPCLO). The information for Question 1 must be updated into the Department of Defense Information Technology Portfolio Repository (DITPR) no later than September 5, 2014. DPCLO has no authority to extend the reporting deadline as it is controlled by the Department of Defense Chief Information Officer (DoD CIO). Combatant Command (CCMD) guidance was also forwarded to the Joint Staff on July 8, 2014 for further release to the CCMDs. CCMDs need to meet Joint Staff report submission requirements when sending their FISMA responses. Reporting Components must send both the Excel spreadsheet, and the signed certification to osd.ncr.odam.mbx.dpclo-correspondence@mail.mil. Further instructions on the FISMA SAOP reporting guidelines are included in the PowerPoint presentation sent to DPB members via e-mail.

➤ Update: DoDD 5400.11 and DoD 5400.11-R: (b)(6) provided an update on the status of DoD Directive 5400.11 and DoD 5400.11-R.
- DPCLO's responses to public comments on DoD Directive 5400.11 were accepted. Minor edits were made to the preamble. The final rule package was returned to the Office of Management and Budget (OMB) for approval to publish in the *Federal Register* (FR).
- The Department of Health and Human Services (HHS) had some comments on the proposed rule for DoD 5400.11-R. On July 15, DPCLO submitted to the Information Management Division (IMD) its response to HHS' comments. These comments will be sent to OMB. After OMB certifies the package, it will be published in the FR as a Proposed Rule with a 60 day public comment period.

## III. Privacy Compliance Metrics

➤ (b)(6) gave an update and overview of the breach trends for the third quarter of FY14. All charts were included in the PowerPoint presentation sent to DPB members via email.

## IV. Training

> Important upcoming dates:

| DPCLO CY2014 Training Schedule | |
|---|---|
| **September, 2014** | Privacy Act Essentials<br>VTC Sessions:<br><br>September 4th: Session 1 – History of the Privacy Act<br><br>September 11th: Session 2 – Agency Requirements and Individual Rights under the Act<br><br>September 18th: Session 3 – Disclosure of PII and Associated Exceptions<br><br>September 25th: Session 4 – Privacy Act Exemptions |
| **October 6-8, 2014** | Privacy Act Compliance and Management (PACMan)<br>Three-day session, in-person only |

> (b)(6) gave an update on the Compliance and Reporting Tool (CART). Updates and testing for Phase II of CART are complete. The official DoD Breach Reporting Form, DD Form 2959, is fully up-loadable into CART and is now the only form that can be uploaded directly into CART. However, breach reports can still be manually entered into CART. (b)(6) thanked Army, Air Force, the Office of the Secretary of Defense (OSD)/Joint Staff, and the Defense Health Agency (DHA) for their continued support of CART and for providing invaluable feedback for Phase II. DPCLO will begin the roll out of CART training to the remaining Component Privacy Officers over the next several months.

## V. Announcements and Reminders

(b)(6) announced that on September 17, 2014, DPCLO will be hosting two Constitution Day events. Planning for the Pentagon activities is complete. There will be a color guard, the singing of the national anthem, and some guest speakers. Planning for the Mark Center activities is underway. There will be a table set up with materials, and there will be a brown bag lunch with a guest speaker.

> (b)(6) informed DPB members that on July 16, DPCLO met with (b)(6) (b)(6) to learn more about the Committee on National Security Systems (CNSS) privacy overlay. CNSS has drafted a privacy overlay to help implement privacy and security requirements that protect Personally Identifiable Information (PII). The overlay looks at each of the security controls and privacy controls listed in the National Institute of Standards and Technology (NIST) Special Publication 800-53 and attempts to create a common vocabulary for security and privacy professionals to discuss

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relevant security controls and how they relate to privacy requirements. The overlay will be presented to the security personnel of the CNSS members the end of July for informal review and comment. Review and comment also needs to come from the privacy personnel. DPCLO will be scheduling a meeting later in July for a group of DPB members to learn more about the overlay and to ask them to work together with their security personnel to review and to comment on this document. The document will go into formal CNSS coordination in early fall, with the goal of being implemented by the end of the year. (b)(6) thanked (b)(6) for taking the lead in this area and getting the Privacy POCs involved in the CNSS process.

> (b)(6) mentioned that the TRICARE Management Activity (TMA)/DHA has been working on this initiative for several years. She would like (b)(6) to attend the meeting. (b)(6) thanked (b)(6) for her office's participation in the development of the overlay and stated that (b)(6) will be invited to the meeting. (b)(6) also thanked (b)(6) for offering to host a meeting of DPB members to learn more about the privacy overlay.

## VI. Open Discussion

> Request: (b)(6) from WHMO mentioned that his agency does not have a Non-Disclosure Agreement (NDA) covering PII in its user agreement. He requested an NDA from another agency while a new user agreement for his agency is being finalized.

   Response: (b)(6) replied that DPCLO could forward an e-mail request from (b)(6) (b)(6) asking for NDAs from other DPB members.

## VII. Wrap up

(b)(6) thanked everyone for participating in the meeting.

## VIII. Next Meeting Date

The next DPB meeting is scheduled for Wednesday, September 17, 2014, at 1:00pm EDT. DPCLO will inform DPB members if there are any changes to this date.

## IX. Meeting Adjourned

Submitted by

(b)(6)

(b)(6)      Acting Director, DPCLO

Executive Secretary, Defense Privacy Board

7/30/2014
Date

Approved      Disapproved

Michael L. Rhodes, Director, Administration and Management
Chairman, Defense Privacy Board

8.7.14
Date

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# ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | X | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| Army Privacy Office | | | X | | | | | |
| Marine Corps Privacy Office | | | | | | | | |
| Department of the Navy / USMC | X | | | | X | | X | |
| National Guard Bureau (NGB) | X | | | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | | (b)(6) | | (b)(6) | | (b)(6) | | . |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | | |
| Defense Contract Management Agency (DCMA) | | | | | | | | |
| Defense Commissary Agency (DeCA) | | | X | | | | | |
| Defense Finance and Accounting Services (DFAS) | X | | | | | | | |
| Defense Human Resources Activity (DHRA) | | | | | X | | | |
| Defense Intelligence Agency (DIA) | | | | | | | | |

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| | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Defense Information Systems Agency (DISA) | X | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| Defense Logistics Agency (DLA) | X | | | | | | | |
| Defense Manpower Data Center (DMDC) | | | | | | | | |
| Defense Security Service (DSS) | X | | | | | | | |
| Defense Technical Information Center (DTIC) | | | | | | | | |
| Defense Threat Reduction Agency (DTRA) | | | | | | | | |
| Missile Defense Agency (MDA) | | | X | | | | | |
| National Geospatial Intelligence Agency (NGA) | | | | | | | | |
| National Reconnaissance Office (NRO) | | | | | X | | | |
| National Security Agency (NSA) | X | | | | | | | |
| Office of the Director of National Intelligence (ODNI) | | | | | | | | |
| Office of General Counsel (OGC) | | | | | | | | |
| Office of the DoD CIO | | | | | | | | |
| DoDIG (Office of Inspector General) | X | | | | | | | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | | | | | | | | |
| Defense Health Agency (DHA) Privacy Office | X | | | | X | | | |
| Information Management Division (WHS/ESD) | X | | | | | | | |
| White House Military Office (WHMO) | | | | | | | | |
| White House Communications Agency (WHCA) | X | | | | | | | |

| COCOMS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| U.S. AFRICOM (USAFRICOM) | | (b)(6) | | (b)(6) | | (b)(6) | | |
| U.S. Central Command (USCENTCOM) | | | | | | | | |
| U.S. European Command (USEUCOM) | | | | | | | | |

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|---|---|---|---|---|---|---|---|
| U.S. Northern Command (USNORTHCOM) | X | (b)(6) | | (b)(6) | | (b)(6) | |
| U.S. Pacific Command (USPACOM) | | | | | | | |
| U.S. Special Operations Command (USSOCOM) | X | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | X | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | | |

| DPCLO | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | | (b)(6) | | (b)(6) | X | (b)(6) | | |
| | X | | X | | X | | | |
| | X | | X | | X | | | |
| | X | | X | | X | | | |
| | X | | X | | | | | |

| COMPONENT SUPPORT | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| MITRE/AMC | | (b)(6) | | (b)(6) | (b)(6) | | (b)(6) | |
| | | | | | X | | | |

**Defense Privacy Board Action Item List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLO | ASAP | OPEN | DPCLO has updated the August 2012 Memorandum and including language to address the GAO Report recommendations. The initial draft is with leadership for review. |

**Defense Privacy Board Action Item List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | ON HOLD – PENDING RESOURCES | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20140319-01 | Policy | Clarify whether the Records Control Symbol should be placed on the bottom of the SORN documents. | DPCLO | May 2014 DPB | CLOSED | OSD Records Management does not recommend using this number in SORNs or the Narrative Statement as this number changes. If needed, it would be better to use the assigned NARA approval number. |
| 20130918-02 | Policy | Define "high impact" breaches and define the difference between actual vs. potential breach. | DPCLO | ASAP | CLOSED | DPCLO addressed at November 2013 DPB meeting. |
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | CLOSED | DPCLO presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | CLOSED | DPCLO presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | CLOSED | DPCLO presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | | | | |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLO will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager. DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments | DPCLO | ASAP | CLOSED | Comments received from DLA |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | about DD Form 2959 which were not incorporated into the final form | | | | were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes;<br><br>Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

## Defense Privacy Board Action Item List

| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
|---|---|---|---|---|---|---|
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management | All Components | 1/27/2012 | CLOSED | |

| | | and DoD ID Number Info Papers by COB Jan 27th | | | | |
|---|---|---|---|---|---|---|
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
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| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |

**Defense Privacy Board Action Item List**

| | | | | | | |
|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) ____ to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |

| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
|---|---|---|---|---|---|---|
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO: <br> • Biennial Privacy Training Report <br> • Section 803 of the 9/11 | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

**Defense Privacy Board Action Item List**

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Commission Recommendations Report<br>• System of Records Notice Review Report | | | | |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | | | | |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Board Meeting Agenda

- Policy and Guidance
- Compliance
- Training
- Announcements/Reminders
- Open Discussion
- Review of New Action Items
- Adjournment

# Defense Privacy Board (DPB) and Defense Civil Liberties Board (DCLB)
## Meeting Minutes for October 1, 2014

### I. Welcome and Opening Remarks

The meeting was called to order by (b)(6) Acting Chief, Defense Privacy and Civil Liberties Division (DPCLD). (b)(6) introduced Mr. Michael Rhodes, Director of Administration who remarked on his time serving as the Senior Agency Official for Privacy (SAOP) and Civil Liberties Officer for the Department of Defense in his former position as Director of Administration and Management (DA&M).

Mr. Rhodes emphasized the importance of the Department's Privacy and Civil Liberties Programs and introduced Mr. David Tillotson, Assistant Deputy Chief Management Officer (DCMO). Mr. Tillotson will take over as the SAOP and Civil Liberties Officer until the DCMO position is officially filled.

Mr. Tillotson spoke about the reorganization of the ODCMO and the placement of the DPCLD within the newly-established Directorate for Oversight & Compliance (DO&C). Mr. Tillotson stressed the importance of the Department's Privacy and Civil Liberties Programs and emphasized his commitment to both programs.

### II. Policy and Guidance

DoD Controlled Unclassified Information (CUI): (b)(6) Deputy Director for Privacy, spoke about the Memorandum on Unauthorized Disclosures of Classified Information or Controlled Unclassified Information on DoD Information Systems, dated August 14, 2014. The memorandum is a reminder to Components that they are to develop, implement and enforce procedures to prevent the unauthorized disclosure of classified information and CUI on DoD information systems. All users of DoD information systems must understand and comply with all existing policy guidance.

DoD Privacy Directive & Manual Update: (b)(6) provided an update on the status of DoD Directive 5400.11 and DoD 5400.11-R.
- OMB has approved DoD Directive 5400.11 for publication in the Federal Register as a Final Rule.
- The final package was routed to Mr. Rhodes, Director of Administration and up to Mr. Tillotson for signature. Once this is complete, the package will be ready for the Deputy Secretary of Defense signature.
- The DoD Manual 5400.11 remains with OMB for review.

DoD Civil Liberties Instruction Update and New DD Form: (b)(6) spoke about DPCLD progress towards revising the DoD Civil Liberties Program Instruction, 1000.29. At this time, the instruction is in the Security Review. After this phase is completed, the instruction will be ready for signature. There are four categories of changes that are being made to this instruction:

- The first category covers reorganization-related changes. DPCLD updated 1000.29 to reflect the reorganization of DPCLO underneath the DCMO. As such, the revised Instruction will show that the responsibilities of the DoD Civil Liberties Officer now fall under the DCMO instead of the DA&M.
- Second, DPCLD changed the frequency for submitting the 803 reports from quarterly to semiannually, to reflect the amendment in Section 329(b)(4) of P.L. 113-126, the Intelligence Authorization Act for Fiscal Year 2014.
- Third, DPCLD included a more in-depth description of the content of the 803 report. This added language is taken directly from section 803, as amended.
- Finally, the revised DoDI 1000.29 will prescribe an official DD Form for civil liberties 803 reporting. This form will be titled "DD Form 2984: "Component Civil Liberties Report (42 U.S.C. 2000ee-1)." This form will replace the current civil liberties reporting template once the change to DoDI 1000.29 is signed and published. The form is in a PDF format that includes dropdown menus and fill-in-the-blank fields that should make what is being asked for clearer, and should make your responses easier to provide. The form will be available on the DoD Forms website. DPCLD hope to use this form for our next report for the report due on October 15, 2014.

➢ Update on Section 803 Report Requirements: As a result of the 2013 Open Government National Action Plan, a Section 803 Quarterly Reporting working group was formed across federal agencies to make privacy information more accessible by (1) improving the accessibility of Privacy Compliance Reports (downloadable and searchable); and (2) updating and improving reporting on Federal Agency Data Policies and Practices (agencies collaborate to review content, consider best practices and make information meaningful on how personal information is managed).

The working group met in the later part of 2013 and early 2014 and determined the frequency for submitting reports for the Section 803 Quarterly Reports should be reduced from quarterly to semi-annually. Legislation was passed July 2, 2014 to implement this change via Section 329 (b)(4) of P.L. 113-126, Intelligence Authorization Act for Fiscal Year 2014. The submissions of the semi-annual Section 803 reports are effective immediately. However, DoD Components should submit their reports as scheduled on Oct 15, 2014.

SORN Review Update: (b)(6) reminded the Defense Privacy Board and Defense Civil Liberties Board members about DPCLD's original goal of having old SORNs (dated 1993-2007) reviewed and completed by June 30, 2013. However, with the ever increasing amount of systems that have Paperwork Reduction Act requirements, this goal was not obtainable. DPCLD will follow-up periodically with each Component to see how their efforts are progressing.

A new SORN database has been developed that will automatically add the two year review date after a SORN has published in the Federal Register. This will help the

DPCLD track Component compliance with the Privacy Act requirement to review SORNs every two years.

➤ Records Management: (b)(6) provided an update on pending National Achieves and Records Administration (NARA) approval retentions schedules. In January, the DPCLD, in conjunction with DoD Records Management, compiled and sent out a list of the Component SORNs with "Pending NARA approval" retention schedules. There were approximately 85 at that time. The email informed recipients of the DPCLD's efforts to ensure all SORNs are current and reflect the Department's authorized collections. Component POCs were asked to continue to work with their Component Records Manager, as they may have documentation showing that (a) a SF-115 was submitted to NARA or (b) an applicable General Records Schedule (GRS) has been assigned.

(b)(6) reminded the Components not to overlook Block 8 of the SORN Tab on the 803 Quarterly Report. When SORNs are submitted with a "Pending disposition" DPCLD asks the Components to include a copy of the submitted SF 115, if possible, or a note from the records manager that the action is being worked with NARA. Please work with (b)(6) when she sends out the periodic spreadsheet for updates to retentions.

## III. Compliance

➤ Breach Trends: (b)(6) provided an update on Breach Trends from June to August 2014, and percentage of breaches by incident type between all of FY13, FY14Q1, FY14Q2, and FY14Q3 to date. All charts were included in the PowerPoint presentation sent to Defense Privacy Board and Civil Liberties Board members via email.

➤ Civil Liberties Complaint Trends: (b)(6) provided an update on the trends in Civil Liberties complaints in quarters 1, 2, and 3 of FY14. All charts were included in the PowerPoint presentation sent to Defense Privacy Board and Civil Liberties Board members via email.

➤ 2014 Civil Liberties Model Program: (b)(6) provided an update on the 2014 Civil Liberties Model Program. Last year, DPCLD created the first DoD Civil Liberties Model Program Checklist. This checklist provided goals and objectives as benchmarks to help Component Civil Liberties Programs achieve compliance with the DoD Civil Liberties Program. Each checklist task is assigned a point value, and once a Component reaches a predetermined point total, that Component's program is considered a Model Program.

Since DPCLD received positive feedback from their Civil Liberties points of contacts (POCs) regarding the 2013 Model Program Checklist, it created another checklist for 2014. The 2014 checklist builds on the tasks from 2013. There is some carry over, but there are also new items intended to help Components grow and enhance their

programs. This year's checklist is divided into different sections based on the goals of the DoD Civil Liberties Program as derived from DPCLD's mission: advice, monitoring, official reporting, training, outreach, and program participation. While last year's checklist was based around the 2013 fiscal year, the 2014 checklist is based on the calendar year. That means that Components have through December 2014 to complete their checklists. So far this year DPCLD has hosted two "Model Program Workshops" to help POCs work on their checklist tasks.

Last year, DoD recognized 26 Component Model Programs during a ceremony held at the Pentagon in October. Mr. Rhodes presented the Chief Civil Liberties Officers (CCLO) and POCs from each Component that achieved Model Program status with a certificate and letter of recognition. The 2014 Model Program Recognition Ceremony will be held in January 2015, providing Components with three months to work on their checklists.

A similar Model Program is being developed for the Component privacy programs.

## IV. Training

| Upcoming Privacy Training Schedule | |
|---|---|
| October 6-8, 2014 | Privacy Act Compliance and Management (PACMan) Three-day session, in-person only |
| January 2015 | Privacy Act Compliance and Management (PACMan) Webinar (DCO) and In-Person<br><br>January 8, 2015: Guest Speakers<br>January 15, 2015: SORNs<br>January 22, 2015: Breaches |
| February 24-26, 2015 | Privacy Act Compliance and Management (PACMan) Three-day session, in-person only |
| April 2015 | Privacy Act Compliance and Management (PACMan) Webinar (DCO) and In-Person<br><br>April 16, 2015: Guest Speakers<br>April 23, 2015: SORNs<br>April 30, 2015: Breaches |
| May 12-14, 2015 | Privacy Act Compliance and Management (PACMan) Three-day session, in-person only |
| September 22-24, 2015 | Privacy Act Compliance and Management (PACMan) Three-day session, in-person only |

| October 2015 | Privacy Act Compliance and Management (PACMan) Webinar (DCO) and In-Person<br><br>October 8, 2015: Guest Speakers<br>October 15, 2015: SORNs<br>October 22, 2015: Breaches |
|---|---|

To sign up for any of these trainings, please email: osd.ncr.odam.mbx.dpclo-training@mail.mil.

| **Other Upcoming Privacy Training** | |
|---|---|
| **November 5-6, 2014** | IAPP Practical Privacy Series<br>https://privacyassociation.org/conferences/ |
| **December 2-3, 2014** | IAPP Practical Privacy Series<br>https://privacyassociation.org/conferences/ |

➢ Available Civil Liberties Training: (b)(6) provided an overview of the three types of Civil Liberties training that the DPCLD offers. Each training is targeted towards a different audience within the DoD.

The first type of available Civil Liberties Training is the Executive Briefing. This training is designed for senior level staff, including SES, flag officers, and general officers. It provides a very brief, high level overview of the DoD Civil Liberties Program and associated requirements. It is a short slide deck intended to be presented as a desk-side briefing by the CCLO or POC.

The second type of available training is the Complaint Processor Training. This training is meant for DoD employees who are complaint processors and receive and process complaints as part of their normal duties. For example, complaint processors could be Inspector Generals or those working in Equal Employment Offices. The training gives a brief background on civil liberties and the DoD's civil liberties reporting requirement. It also explains how complaint processors can help fulfill the reporting requirement by keeping an eye out for complaints that include a civil liberties issue, and reporting them to their Component Civil Liberties POC. This training is available in two formats: in-person where DPCLD staff will provide training at the Component site with Component complaint processors upon request and web-based. The web-based training is currently available on the WHS LMS iCompass for those with access, and some Components have also made the training available on their own LMS or internal websites.

The third type of training is the Civil Liberties Awareness Training for the general workforce. This training is designed for anyone working at DoD and includes service members, civilian employees, and contractors. This training was created to raise awareness about the DoD Civil Liberties Program throughout the Department, and to

provide the DoD community with some basic civil liberties knowledge. The workforce training is also available on the WHS LMS, and some Components have made it available on their own LMS and internal websites. DoD personnel should contact their Component's civil liberties POC or DPCLD for more information about civil liberties awareness training. Taking this training is a great way to remind yourself of the rights and freedoms that DoD service members and civilian employees vowed to support and defend when taking the oath of office/enlistment.

## V. Announcements and Reminders

➢ Constitution Day and Citizenship Day: [(b)(6)] spoke about the recent Constitution Day and Citizenship Day (CDCD) hosted at the Pentagon and the Mark Center. On September 17th, the DPCLD partnered with the Defense Civilian Personnel Advisory Service (DCPAS) to host CDCD events for DoD at the Pentagon and the Mark Center. At the Pentagon event, the commemoration of Constitution Day and Citizenship day was held in Airman's Hall, and the event opened with a presentation of colors, followed by remarks from [(b)(6)] DPCLD Director for Civil Liberties, and [(b)(6)] DISA Senior Attorney Advisor and Civil Liberties POC;. [(b)(6)] DISA Attorney advisor, gave a presentation on the history of the Constitution, and [(b)(6)] Senior Air Staff Counsel, discussed a contemporary constitutional issue on the use of social media.

At the Mark Center, DCPAS provided educational materials about the Constitution and the DoD Civil Liberties Program at their booth outside of the café.

➢ [(b)(6)] reminded attendees that the next Section 803 Report is due to the DPCLD by October 15, 2014. [(b)(6)] noted that DPCLD is finalizing a web-based privacy training for the general workforce, and that it should be coming out in late November. There is one open action item from the last Defense Privacy Board meeting, reviewing and updating the 2012 DA&M Best Judgment Memorandum. The updated memorandum on breach requirements is with legal review.

## VI. Open Discussion

➢ Request: USSOCOM's FOIA office requested that an action item be added for the DPCLD to provide guidance pertaining to the EU "right to be forgotten" court decision.

Response: [(b)(6)] replied that the DPCLD would add it to the list of open action items and provide guidance to the entire DPB.

## VII. Wrap up

[(b)(6)] thanked everyone for participating in the meeting.

## VIII. Next Meeting Date

The next DPB meeting and DCLB meeting are scheduled for Wednesday, January 21, 2015. The times and location are TBD.

## IX. Meeting Adjourned

Submitted by

(b)(6)

(b)(6) Acting Chief, DPCLD
Executive Secretary, Defense Privacy Board

11/4/2014
Date

(b)(6)

(b)(6) Director for Civil Liberties, DPCLD

11/4/14
Date

Approved    Disapproved

David Tillotson III, Acting Deputy Chief Management Officer
Chairman, Defense Privacy Board

11-20-14
Date

SIGN HERE

# ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | X | (b)(6) | X | (b)(6) | X | (b)(6) | | (b)(6) |
| Army Privacy Office | X | | X | | | | X | |
| | | | X | | | | | |
| Marine Corps Privacy Office | | | | | | | | |
| Department of the Navy / USMC | X | | X | X | | X | | |
| | | | X | | | | X | |
| National Guard Bureau (NGB) | X | | | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | X | (b)(6) | X | (b)(6) | X | (b)(6) | X | (b)(6) |
| Defense Advanced Research Projects Agency (DARPA) | | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | X | | | | | |
| Defense Contract Management Agency (DCMA) | X | | | | | | | |
| Defense Commissary Agency (DeCA) | | | X | | | | | |
| Defense Finance and Accounting Services (DFAS) | X | | X | | X | | X | |
| Defense Human Resources Activity (DHRA) | | | X | | X | | X | |
| Defense Intelligence Agency (DIA) | | Theresa Lowery | | | | | | |

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| Agency | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
|---|---|---|---|---|---|---|---|---|
| Defense Information Systems Agency (DISA) | | | X | | | | | |
| Defense Logistics Agency (DLA) | X | | X | | | | X | |
| Defense Manpower Data Center (DMDC) | | | | | | | | |
| Defense Security Service (DSS) | | | X | | | | | |
| Defense Technical Information Center (DTIC) | | | | | | | | |
| Defense Threat Reduction Agency (DTRA) | | | X | | X | | | |
| Missile Defense Agency (MDA) | X | | | | | | | |
| National Geospatial Intelligence Agency (NGA) | | | | | | | | |
| National Reconnaissance Office (NRO) | | | | | X | | | |
| | X | | X | | | | | |
| National Security Agency (NSA) | X | | X | | | | | |
| Office of the Director of National Intelligence (ODNI) | | | | | | | | |
| Office of General Counsel (OGC) | X | | | | | | | |
| Office of the DoD CIO | X | | | | | | | |
| DoDIG (Office of Inspector General) | X | | X | | X | | | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | | | | | | | | |
| Defense Health Agency (DHA) Privacy Office | X | | | | X | | | |
| | | | X | | X | | | |
| WHS/ESD | X | | | | | | | |
| WHMO | | | | | | | | |
| WHCA | X | | | | | | | |
| DTSA | X | | | | | | | |
| ODCMO | X | | X | | | | | |
| OSD(C) | X | | | | | | | |
| OASD-LA | X | | | | | | | |
| OASD-RA | X | | | | | | | |
| OSD-OEA | X | | X | | X | | X | |
| DoD-SIOO | X | | X | | | | | |

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| COCOMS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| U.S. AFRICOM (USAFRICOM) | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| U.S. Central Command (USCENTCOM) | | | | | | | X | |
| U.S. European Command (USEUCOM) | | | | | | | | |
| U.S. Northern Command (USNORTHCOM) | X | | | | | | | |
| U.S. Pacific Command (USPACOM) | | | | | | | | |
| U.S. Special Operations Command (USSOCOM) | X | | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | X | | X | | X | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | | | |

| DPCLO | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| DPCLO Attendance: | X | (b)(6) | X | (b)(6) | X | (b)(6) | X | (b)(6) |
| | X | | | | X | | X | |
| | X | | | | X | | X | |
| | X | | X | | X | | X | |

| COMPONENT SUPPORT | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| MITRE/AMC | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| | | | | | X | | | |

## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20141001-01 | Policy | Provide feedback and guidance pertaining to the EU "right to be forgotten" court decision | DPCLD | ASAP | OPEN | |
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLD | ASAP | OPEN | The DCPLD is continuing to work on the revision and to address and incorporate the recommendations of the GAO Report "Agency Reponses to Breaches of PII" (GAO-14-34) |

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## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLO | ASAP | ON HOLD – PENDING RESOURCES | DPCLO is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLO will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

# Defense Privacy Board Action Item List

Closed Action Items List:

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20140319-01 | Policy | Clarify whether the Records Control Symbol should be placed on the bottom of the SORN documents. | DPCLO | May 2014 DPB | CLOSED | OSD Records Management does not recommend using this number in SORNs or the Narrative Statement as this number changes. If needed, it would be better to use the assigned NARA approval number. |
| 20130918-02 | Policy | Define "high impact" breaches and define the difference between actual vs. potential breach. | DPCLO | ASAP | CLOSED | DPCLO addressed at November 2013 DPB meeting. |
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLO | June DPB | CLOSED | DPCLO presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLO | ASAP | CLOSED | DPCLO presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLO | ASAP | CLOSED | DPCLO presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLO | May DPB | CLOSED | DPCLO included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLO | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's | DPCLO | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | | | | |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLO | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLO will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLO representation at those meetings might be beneficial to the Privacy Program | DPCLO | ASAP | CLOSED | NARA provided DPCLO with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLO contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLO | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.  DPCLO will follow up with DLA regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLO will present slides and other information regarding DLP applications. | DPCLO | 3/20/2013 | CLOSED | DPCLO is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments | DPCLO | ASAP | CLOSED | Comments received from DLA |

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| | | about DD Form 2959 which were not incorporated into the final form | | | | were forwarded to DoD Forms Manager by DPCLO. DPCLO is awaiting response from DoD Forms Manager.<br><br>DPCLO will follow up with DLA regarding comments. |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLO | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLO Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLO | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLO will circulate the CIO FISMA memo to DPB members for use in obtaining compliance with FISMA reporting | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes;<br><br>Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLO proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

**Defense Privacy Board Action Item List**

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|---|---|---|---|---|---|---|
| 20120523-01 | Compliance | DPCLO will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLO / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |
| 20120313-01 | Policy | DPCLO request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6) by the next DPB. |
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLO | TBD | CLOSED | DPCLO is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management | All Components | 1/27/2012 | CLOSED | |

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|---|---|---|---|---|---|---|
| | | and DoD ID Number Info Papers by COB Jan 27th | | | | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLO | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLO | TBD | CLOSED | DPCLO has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLO/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD network need to be encrypted | DPCLO | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |

# Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLO | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLO/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLO | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLO/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLO | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLO | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLO | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLO | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in DITPR to CIO. | DPCLO/ CIO | TBD | CLOSED | Outside scope of DPB |
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLO/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLO | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |

# Defense Privacy Board Action Item List

| 20100519-08 | Policy | Take a look at Memberships | DPCLO | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
|---|---|---|---|---|---|---|
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLO | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLO | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact<br>• "Organizational Placement and Structure of the DoD Civil Liberties Officer Function" | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 | All Components | 20100515 | CLOSED | Due the 15th workday following the close of the quarter. Last submission was 20100115. |

| | | Commission Recommendations Report • System of Records Notice Review Report | | | | |
|---|---|---|---|---|---|---|
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for DPO to provide Authority for training reports. | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |

|  |  | Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. |  |  |  |  |
|---|---|---|---|---|---|---|
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Board Meeting Agenda

$(2)$

➤ Welcome/Review of Action Items

➤ Policy and Guidance

➤ Privacy Compliance Metrics

➤ Training

➤ Announcements/Reminders

➤ Open Discussion

➤ Review of New Action Items

➤ Adjournment

*Defense Privacy and Civil Liberties Division*

# Defense Privacy Board (DPB)
## *Meeting Minutes for January 21, 2015*

### I. Welcome and Opening Remarks

The DPB meeting was called to order. The open action item was reviewed by (b)(6)
(b)(6)

### II. Policy and Guidance

> <u>DoD Directive Update:</u> (b)(6) Greene informed the DPB members that the revised DoDD 5400.11 was signed on October 29, 2014 and is available on the DoD Issuances website. The final rule was published in the Federal Register on January 27, 2015 at 80 FR 4201.

> <u>DoD Directive 5200.27 Update:</u> (b)(6) stated the DoDD 5200.27, *Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense,* is now converted into an instruction. It is now in internal coordination in the Office of the Deputy Chief Management Officer (ODCMO). After ODCMO completes its review, it will go through formal coordination for Component review and comment.

> <u>DoD 5400.11-M:</u> (b)(6) informed DPB members that the DoD 5400.11-M has been withdrawn from OMB review. Instead of issuing a separate breach notification memorandum, the Defense Privacy and Civil Liberties Division (DPCLD) has decided to incorporate the changes into the manual. After the revised language is finalized, the changes only will go back through formal coordination with the Components. DPCLD is also addressing some informal comments the Department of Health and Human Services made to the proposed rule.

> <u>Blanket Routine Use:</u> (b)(6) announced DPCLD is in discussions with OMB about DoD being transparent to the public when using the DoD Blanket Routine Uses (BRU) statement. The BRU notation in the SORN packages has been modified and now includes a link to the list of BRUs. The use of the word "may" will continue. DPCLD sent this language out to all of the SORN points of contact.

> <u>Data Call on Applying the Privacy Act to Non-U.S. Citizens:</u> (b)(6) updated DPB members on the data call DPCLD received November 2014, from OMB, Office of Information and Regulatory Affairs (OIRA) concerning the President's initiative to extend Privacy Act protections to non-U.S. persons.

> OIRA tasked DoD with answering a set of questions in order to help determine how comprehensive this new policy should (or could) be. Mr. Tillotson, as the DoD SAOP, sent OMB / OIRA the DoD response letter on November 21, 2014. There

has been no word yet on what new policies OMB will adopt based on this data call, but DPCLD will continue to follow this issue and will provide the board members with more information as it becomes available.

(b)(6) pointed out that it is important to note, with the reissuance of DoD Directive 5400.11 in late October, DoD Components must: (1) treat all records in a mixed system of records as if all records in such a system are subject to The Privacy Act; and (2) accept access and amendment requests from non-U.S. citizens and aliens not lawfully admitted for permanent residence. DoDD 5400.11 does not create or extend any right pursuant to The Privacy Act to them.

➢ Applying Privacy Act Judicial Redress Rights to Citizens of "Certified" States: DPB members were informed that the DPCLD was asked to comment on a legislative proposal that would extend limited rights of judicial redress to non-U.S. persons of certain European Union (E.U.) certified countries. The draft legislative proposal was prepared by the Department of Justice, in collaboration with a number of other Federal agencies. The proposal was received in response to statements made in June by the Attorney General that the U.S. would work on enacting legislation that would provide E.U. citizens with the right to seek redress in U.S. courts. No further action is anticipated on the proposal.

➢ SSN Justification Memoranda: (b)(6) pointed out that DPCLD prepared a memorandum on January 15, 2015 for the Components about the signatory authority for SSN Justification memoranda. This was sent out to the DPB members on January 21, 2015.

➢ Additional Guidance on DEPSECDEF CUI Memo: DPB members were reminded by (b)(6) about the DoD Memorandum issued on August 14, 2014, by the Deputy Secretary of Defense, *Unauthorized Disclosures of Classified Information or Controlled Unclassified Information (CUI) on DoD Information Systems"* discussed at the last meeting.

DPCLD is finalizing additional amplifying guidance on safeguard requirements and incident response measures for classified information and CUI containing PII. This additional guidance will address four areas outlined in the August 14, 2014 memo as follows:

(1) Compliance with applicable policy and guidance to protect classified information and CUI containing PII; (2) Information safeguard requirements; (3) Classified Information and CUI "Spillages" and its relation to information "Breaches;" and (4) Privacy training.

This guidance will not introduce new requirements, but will only reinforce the existing relationship between DoD information security requirements and our privacy requirements. It will also encourage Component Privacy Officers to collaborate with their information security personnel to ensure their Component's

information privacy and security measures are in accordance with applicable DoD policies on protecting classified information and CUI.

➤ <u>Application of Privacy Act to Contractors:</u> (b)(6) stated DPCLD is preparing a memo to be signed by Mr. Tillotson to remind all DoD Components of their responsibility to apply the requirements of the Privacy Act to government contractors and their employees working on contracts for the design, development, or operation of DoD systems of records.

Part 24 of the Federal Acquisition Regulation (FAR) prescribes policies and procedures to ensure that the Privacy Act requirements are applied to government contracts.

DoD 5400.11-R places the responsibility on each DoD Component to ensure the implementation of each of the applicable contract requirements. Over the long term, DPCLD will be working with the Defense Acquisition Regulations Council to update requirements on DoD contractor's designing, implementing, or operating DoD systems of records.

## III. Privacy Compliance Metrics

➤ (b)(6) gave an update and overview of the breach trends for the first quarter of FY15. All charts were included in the PowerPoint presentation sent to DPB members via email.

## IV. Training

➤ Important upcoming dates:

| DPCLD CY2015 Training Schedule | |
|---|---|
| **January - March, 2015** | DPCLD will not conduct training from January through March 2015 |
| **April – May , 2015** | DPCLD has scheduled two PACMan courses: April 16, 23, 30th May 12-14 (in-person only) The May class includes the breach exercise Register for both at: osd.ncr.odam.mbx.DPCLD-training@mail.mil |

➤ (b)(6) announced DPCLD's completion of its general workforce training course, "Safeguarding Personally Identifiable Information." The training is available on compact disks and is a scenario-based course that provides a hands-on learning experience about responding to breaches of PII. Contact (b)(6) if you need a

CD or assistance loading this training on to your Component's learning management system.

➢ (b)(6) gave an update on the Compliance and Reporting Tool (CART). DPCLD training started in October and November 2014. Everyone was thanked for their effort in getting on board with using the CART. Because the CART format follows the DD FORM 2959, "Breach of Personally Identifiable Information (PII) Report" it has worked very efficiently with rarely a troubleshooting follow up effort. If you have a training or trouble shooting question, please contact DPCLD and we will look into a resolution for you.

## V. Announcements and Reminders

(b)(6) announced the following staff changes in DPCLD.

Government:
- (b)(6) have moved on to OSD/JS privacy office.
- (b)(6) will be filling one of these vacant positions.
- An announcement has been posted on USAJOBS for the second government position.

Contractor:
- (b)(6) has joined us as an administrative assistant.
- (b)(6) is taking over (b)(6) position as senior administrative assistant.
- (b)(6) and (b)(6) are now helping with the review of SORNs.
- (b)(6) is also taking on civil liberties work due to the departure of our two contractors civil liberties support staff.) DPCLD is currently working to fill three contractor support positions (one privacy, one civil liberties, and one for both programs).

## VI. Open Discussion

(b)(6) ed an open discussion with the DPB board members.

## VII. Wrap up

(b)(6) thanked everyone for participating in the meeting.

## VIII. Next Meeting Date

The next DPB meeting is scheduled for Wednesday, April 15, 2015, at 1:00pm EDT. DPCLD will inform DPB members of location and if there are any changes to this date.

## IX. Meeting Adjourned

Submitted by

_____    _____
(b)(6)                Acting Chief, DPCLD                                              Date
Executive Secretary, Defense Privacy Board


Approved                      Disapproved


_____    _____
David Tillotson III, Assistant Deputy Chief Management Officer      Date
Chairman, Defense Privacy Board

# ATTENDANCE

| SERVICES | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| Air Force Privacy Office | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| Army Privacy Office | | | X | | | | | |
| Marine Corps Privacy Office | | | | | | | | |
| Department of the Navy / USMC | X | | X | | | | | X |
| | | | X | | X | | | |
| National Guard Bureau (NGB) | X | | | | | | | |

| COMPONENTS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| OSD/JS Privacy Office | X | (b)(6) | X | (b)(6) | X | (b)(6) | X | (b)(6) |
| CIG | X | | | | | | | |
| Defense Advanced Research Projects Agency (DARPA) | X | | | | | | | |
| Defense Contract Audit Agency (DCAA) | X | | | | | | | |
| Defense Contract Management Agency (DCMA) | | | | | | | X | |
| Defense Commissary Agency (DeCA) | | | X | | | | | |
| Defense Finance and Accounting Services (DFAS) | X | | | | | | | |
| Defense Human Resources Activity (DHRA) | | | | | X | | X | |
| Defense Intelligence Agency (DIA) | | | | | | | | |

| | (b)(6) | (b)(6) | (b)(6) | (b)(6) |
|---|---|---|---|---|
| Defense Information Systems Agency (DISA) | X | | | |
| Defense Logistics Agency (DLA) | X | | | |
| Defense Manpower Data Center (DMDC) | | | | |
| Defense Security Service (DSS) | X | | | |
| Defense Technical Information Center (DTIC) | | | | |
| Defense Threat Reduction Agency (DTRA) | | X | | |
| Missile Defense Agency (MDA) | | X | | |
| National Geospatial Intelligence Agency (NGA) | | | | |
| National Reconnaissance Office (NRO) | | | X | |
| | | X | | |
| National Security Agency (NSA) | X | | | |
| Office of the Director of National Intelligence (ODNI) | | | | |
| Office of General Counsel (OGC) | | | | |
| Office of the DoD CIO | X | X | | |
| DoDIG (Office of Inspector General) | X | X | X | |
| Special Inspector General for Afghan Reconstruction (SIGAR) | | | | |
| Defense Health Agency (DHA) Privacy Office | X | | X | |
| | | X | X | |
| Information Management Division (WHS/ESD) | X | | | |
| White House Military Office (WHMO) | | | | |
| White House Communications Agency (WHCA) | X | | | |
| Director for Manpower, Legislation and System | X | | | |

| COCOMS | | POC | | Name | | Name | | Name |
|---|---|---|---|---|---|---|---|---|
| U.S. AFRICOM (USAFRICOM) | | (b)(6) | | (b)(6) | | (b)(6) | | |
| U.S. Central Command (USCENTCOM) | | | | | | | | |
| U.S. European Command (USEUCOM) | | | | | | | | |
| U.S. Northern Command (USNORTHCOM) | X | | | | | | | |
| U.S. Pacific Command (USPACOM) | | | | | | | | |
| U.S. Special Operations Command (USSOCOM) | X | | | | | | | |
| U.S. Southern Command (USSOUTHCOM) | X | | | | | | | |
| U.S. Strategic Command (USSTRATCOM) | | | | | | | | |
| U.S. Transportation Command (USTRANSCOM) | | | | | | | | |
| | | | | | | | | |
| **DPCLD** | | **POC** | | **Name** | | **Name** | | **Name** |
| DPCLD Attendance: | | (b)(6) | X | (b)(6) | X | (b)(6) | | |
| | X | | X | | X | | | |
| | X | | X | | X | | | |
| | X | | X | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| **COMPONENT SUPPORT** | | **POC** | | **Name** | | **Name** | | **Name** |
| MITRE/AMC | | (b)(6) | | (b)(6) | | (b)(6) | | (b)(6) |
| | | | | | X | | | |

## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLD | ASAP | OPEN | DPCLD has decided to add updated breach notification information, and address and incorporate the recommendations of the GAO Report "Agency Responses to Breaches of PII" (GAO-14-34), to the 5200.11-R revision |

**Defense Privacy Board Action Item List**

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20121206-01 | Policy | Improve MOU/MOA language to provide better privacy considerations | DPCLD | ASAP | ON HOLD – PENDING RESOURCES | DPCLD is developing language and guidance for MOU/MOA privacy considerations. |
| 20120815-01 | Policy | SSN Justification Instruction no longer refers to Component Forms Management Officers; it simply refers to Components. Was this change intentional and will it create a conflict between Component and DoD Forms Managers? | DPCLD will draft a memo to address this omission | Sep DPB | ON HOLD – PENDING RESOURCES | On hold pending resources. |

**Defense Privacy Board Action Item List**

<span style="color:red">Closed Action Items List:</span>

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20141001-01 | Policy | Provide feedback and guidance on the EU "right to be forgotten" court decision | DPCLD | ASAP | CLOSED | They wanted to know whether DPCLD would consider submitting an amicus brief if this case ever made it to the Supreme Court. DPCLD legal counsel reviewed and responded. The response we received is that DPCLD does not submit amicus briefs. |
| 20140319-01 | Policy | Clarify whether the Records Control Symbol should be placed on the bottom of the SORN documents. | DPCLD | May 2014 DPB | CLOSED | OSD Records Management does not recommend using this number in SORNs or the Narrative Statement as this number changes. If needed, it would be better to use the assigned NARA approval number. |
| 20130918-02 | Policy | Define "high impact" breaches and define the difference between actual vs. potential breach. | DPCLD | ASAP | CLOSED | DPCLD addressed at November 2013 DPB meeting. |
| 20130515-01 | Metrics | Provide stats on the number of individuals affected by high impact breaches and the type of breach. | DPCLD | June DPB | CLOSED | DPCLD presented stats at July DPB meeting. |
| 20130515-02 | Compliance | Request guidance on whether IP addresses are considered PII | DPCLD | ASAP | CLOSED | DPCLD presented guidance at July DPB meeting. |
| 20130417-02 | Compliance | Request guidance documents on how to categorize a breach. | DPCLD | ASAP | CLOSED | DPCLD presented at July DPB meeting. |
| 20130417-01 | Metrics | Add a pie chart for breaches to show the type of breach by number of individuals impacted by that category of breach. | DPCLD | May DPB | CLOSED | DPCLD included the requested chart (bar graph, not pie chart) at the May 15, 2013 DPB meeting. |

## Defense Privacy Board Action Item List

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|---|---|---|---|---|---|---|
| 20130320-02 | Other | Move face to face Defense Privacy Board Meeting to accommodate more members. | DPCLD | ASAP | CLOSED | All DPB meetings will start at 1:00pm eastern time. |
| 20130320-01 | Compliance | White House Military Office (WHMO) asked for assistance in the following. Then WHMO contacted another Component regarding a breach incident. It's been a number of weeks since the other Component contacted WHMO to follow-up on the breach. | DPCLD | ASAP | CLOSED | Subsequent contact was made with the Component involved. Follow-up communication has taken place. |
| 20130220-02 | Other | When will DISA implement their software for DLP? | DPCLD | ASAP | CLOSED | DISA has not made a decision at this time to implement the DLP tool DoD wide. DPCLD will provide information when it becomes available from DISA. |
| 20121206-04 | Compliance | NARA is in the process of overhauling the disposition schedule; DPCLD representation at those meetings might be beneficial to the Privacy Program | DPCLD | ASAP | CLOSED | NARA provided DPCLD with the General Review Schedule for review and comments. Comments were provided to NARA March 6, 2013. DPCLD contacted NARA and will be part of working group involved in the overhaul of the disposition schedule. We will keep board members updated. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLD | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLD. DPCLD is awaiting response from DoD Forms Manager.<br><br>DPCLD will follow up with DLA |

# Defense Privacy Board Action Item List

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| | | | | | | regarding comments. |
| 20130220-03 | Other | A number of attendees asked questions about adopting a DLP product and strategy. DPCLD will present slides and other information regarding DLP applications. | DPCLD | 3/20/2013 | CLOSED | DPCLD is scheduled to present slides at the March face to face Defense Privacy Board meeting. |
| 20130220-01 | Compliance | DLA sent forward comments about DD Form 2959 which were not incorporated into the final form | DPCLD | ASAP | CLOSED | Comments received from DLA were forwarded to DoD Forms Manager by DPCLD. DPCLD is awaiting response from DoD Forms Manager.<br><br>DPCLD will follow up with DLA regarding comments. |
| 20121206-02 | Training | Offer train-the-trainer opportunities through which Component Privacy Officers can learn how to crosswalk privacy with their Component IT personnel | DPCLD | April 2013 | CLOSED | This request being updated for the Privacy Act Compliance and Management (PACMan) and DPCLD Privacy Officer Professionalization (DPOP) course. |
| 201201206-03 | Compliance | Develop guidance that assists DoD personnel in understanding the relationship between existing privacy laws and regulations as well as how to implement the privacy requirements of each | DPCLD | March DPB | CLOSED | Guidance is already provided in the PACMan and DPOP training. |
| 20120815-02 | Other | Can CART be modified to auto generate a tracking number instead of the US CERT number? | (b)(6) | Sep DPB | CLOSED | This request is currently not an option due to technological and fiscal constraints. |
| 20120815-03 | Compliance | DPCLD will circulate the CIO FISMA memo to DPB members | (b)(6) | 31 August 2012 | CLOSED | Memos circulated with the DPB minutes; |

| | | for use in obtaining compliance with FISMA reporting | | | | Memos will be circulated with the DPB minutes from the Dec 12 meeting as well. |
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| 20110615-01 | Other | US-CERT reporting concerns for inclusion in DPCLD proposal | All Components | TBD | CLOSED | DHS Privacy Office memo distributed as FYI in lieu of DoD memo |

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| 20120523-01 | Compliance | DPCLD will provide DPB with breach statistics of number of individuals affected by paper records for 2nd Quarter FY12 | All Components | 5/24/2012 | CLOSED | |
| 20120523-02 | Policy | The Civil Liberties Program Instruction defines privacy as "a right recognized by the Constitution", however the Constitution does not reference privacy in this manner. How will this be rectified? | (b)(6) | TBD | CLOSED | Question posed by DARPA. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120523-03 | Policy | PL 110-53 which authorized the civil liberties program confines its scope to terrorism related activities however the civil liberties program goes beyond that realm. Under what authority was this scope expanded and in consideration of the complaint reporting requirement has this change been communicated to Congress? | (b)(6) | TBD | CLOSED | Question posed by NGB. (b)(6) (b)(6) responded during Aug 15 meeting. Additional questions may be addressed to (b)(6) Director for Civil Liberties. |
| 20120119-01 | Policy | Can the DoD ID number be hidden when signing documents or email? | DPCLD / DMDC | TBD | CLOSED | DMDC is investigating the technical aspects of this inquiry. |

**Defense Privacy Board Action Item List**

| 20120313-01 | Policy | DPCLD request implementation guide topics from Components | All Components | ONGOING | CLOSED | Please send suggestions for guide topics to (b)(6)       by the next DPB. |
|---|---|---|---|---|---|---|
| 20120119-03 | Policy | Publish Info Papers to web and SharePoint | DPCLD | TBD | CLOSED | DPCLD is retooling the info papers to deliver them as implementation guides. |
| 20120119-02 | Policy | Provide comments on Cross Component Breach Management and DoD ID Number Info Papers by COB Jan 27th | All Components | 1/27/2012 | CLOSED | |
| 20120119-04 | Other | Provide any CSOP feedback or recommendations to topics of discussion for the CSOP Forum tentatively planned for March | All Components | 2/15/2012 | CLOSED | |
| 20111130-01 | Policy | Determine if DoD ID Number is releasable under FOIA | DPCLD | TBD | CLOSED | DMDC and P&R are working on legal opinions to support a "2" exemption under FOIA for the release of the DoD ID number. (b)(6) offered comments on this issue during the Jan 19, 2012 meeting. |
| 20111130-02 | Training | Determine if group IAPP Certification training is possible for Components based on budget | DPCLD | TBD | CLOSED | DPCLD has no funding to support such training. Components can hold this training if they can fund it themselves. |
| 20111130-03 | Training | Determine if DLA will be able to assist with enhancing the privacy portion of the Information Assurance (IA) training | DPCLD/ CIO/DLA | TBD | CLOSED | The FY12 course was developed and posted in October 2011. We can revisit for FY13. |
| 20111130-04 | Compliance | Provide SSN use justifications | All Components | 1/17/2012 | CLOSED | |
| 20110817-02 | Policy | Determine if e-mails containing PII sent on a secure DoD | DPCLD | TBD | CLOSED | For .MIL to .MIL only, where the need to know condition is met, |

**Defense Privacy Board Action Item List**

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| | | network need to be encrypted | | | | emails containing PII do not need to be encrypted. If the need to know condition is NOT met, the email goes to an address other than a .MIL, or if other inappropriate activities come to light, then an unencrypted email is reportable. |
| 20110817-01 | Compliance | Provide list of systems to be reviewed during FY12 Q1 for SSN use reduction | All Components | 9/14/2011 | CLOSED | |
| 20110720-01 | Policy | Verify e-mail encryption policy in proposed DoD 5400.11-M | DPCLD | 08/17/2011 | CLOSED | Updates incorporated into revised manual. |
| 20110720-02 | Policy | Expedite SSN Use Reduction Instruction signature. | DPCLD/ DHRA | ASAP | CLOSED | (b)(6) to follow-up with DHRA regarding strategies. |
| 20110615-02 | Training | Breach Management and Prevention Training Survey | All Components | 06/22/2011 | CLOSED | Send completed survey to dpo.correspondence@osd.mil. |
| 20110615-03 | Compliance | Quarterly Reports including Section (m) Contractor Reviews | All Components | 07/15/2011 | CLOSED | |
| 20100818-04 | Other | Address SSN removal from records with NARA. | DPCLD | TBD | CLOSED | Address SSN removal from records with NARA. |
| 20100519-02 | Other | Disposition of PII stored in copy machine hard drives | DPCLD/ DLA | TBD | CLOSED | Discuss details with (b)(6) |
| 20100519-04 | Policy | Guidance and contract language outlining contractor liability | DPCLD | TBD | CLOSED | To be addressed after submission of first Section (m) reviews |
| 20100519-05 | Policy | Guidance/templates Components could use to determine optimal resource levels and justify funding | DPCLD | TBD | CLOSED | Data being collected via CSOP Survey. |
| 20100818-01 | Other | Flash Memory | DPCLD | TBD | CLOSED | Research Flash Memory |
| 20100818-02 | Other | Ensure Privacy FAR clauses cited in contracts | DPCLD | TBD | CLOSED | Section M reviews have commenced |
| 20100818-03 | Other | Reassignment of SSN review in | DPCLD/ | TBD | CLOSED | Outside scope of DPB |

| | | DITPR to CIO. | CIO | | | |
|---|---|---|---|---|---|---|
| 20100818-05 | Other | Contact CIO Council to host a guest speaker on SSN Reduction Lessons Learned. | DPCLD/ CIO Council | TBD | CLOSED | DHRA is appropriate lead. |
| 20100818-06 | Other | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. | DPCLD | TBD | CLOSED | Research locations/availability of lists published from 1930s to 1990s which contain service member names and SSNs. |
| 20100519-08 | Policy | Take a look at Memberships | DPCLD | TBD | CLOSED | Establish in Directive for Privacy and Civil Liberties. (Issues two sets of principles etc.) |
| 20100519-07 | Other | Joint Base Physical Access Issue (Base Commanders not Addressing PA, sponsoring visitors) | Navy/AF | TBD | CLOSED | Keep on parking lot |
| 20100519-06 | Reporting | Clarification on what coordination is required for completing the 'Scope of Advice' FISMA Report question, e.g. should Components query GC for the scope of privacy advice they have provided | DPCLD | TBD | CLOSED | No coordination outside of Component Privacy Office required. |
| 20100519-03 | Policy | Boilerplate contract language/FAR clause requiring Privacy Act training | DPCLD | TBD | CLOSED | OMB currently drafting FAR clause |
| 20100519-01 | Reporting | SORN Pre-Deployment Category in DITPR | Air Force | TBD | CLOSED | Discuss with CIO. 3-6 month timeline. |
| 20100120-01 | Civil Liberties | Submit Points of Contact <br> • "Organizational Placement and Structure | All Components | 20100701 | CLOSED | Component Privacy Officers asked to help Component leadership identify points of contacts ASAP |

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| | | of the DoD Civil Liberties Officer Function" | | | | |
| 20100120-02 | Reporting | Submit Quarterly Reports to DPO:<br>• Biennial Privacy Training Report<br>• Section 803 of the 9/11 Commission Recommendations Report<br>• System of Records Notice Review Report | All Components | 20100515 | CLOSED | Due the 15$^{th}$ workday following the close of the quarter. Last submission was 20100115. |
| 20090218-02 | Reporting | Submit comments on the revised Breach Report template to DPO. | All Components | 20090731 | CLOSED | Comments due July 31, 2009. |
| 20090715-01 | Reporting | Installation Physical Access Control Systems Information. | All Components | 20090731 | CLOSED | Responses due July 31, 2009. |
| 20090715-02 | Reporting | FISMA Privacy Report. | All Components | 20090817 | CLOSED | Responses due August 17, 2009. |
| 20090218-04 | Civil Liberties | Develop and track Civil Liberties Officer package | DPO | Ongoing | CLOSED | DSD signed May 9, 2009 memo designating Acting DA&M as DoD CLO. |
| 20090415-02 | Policy | Develop guidance on the considerations when emailing of PII within a Component agency, across the Department and outside the Department. | DPO | 20091201 | OPEN | Guidance will be posted to DPO website as a FAQ. |
| 20090415-01 | Other | Confirm DPO mailbox accepts encrypted and FOUO messages | DPO | 20090501 | CLOSED | DPO mailbox can accept encrypted and FOUO messages. |
| 20090218-05 | Reporting | Provide comments on revised breach reporting template to DPO. | All Components | 20090403 | CLOSED | Duplicate and error. Refer to 20090218-02. |
| 20090318-01 | Reporting | A request from Component for | DPO | 20090401 | CLOSED | Authority is in the 5400.11-R and |

| | | DPO to provide Authority for training reports. | | | | the OMB Circular A-130. DPO memorandum sent April 3, 2009. |
|---|---|---|---|---|---|---|
| 20090218-03 | Policy | Provide comments to DPO on DoD 5400.11, DoD 5400.11-R, DoD memorandum "Safeguarding Against and Responding to the Breach of Personally Identifiable Information", 25 Sep 2008, and all Defense Privacy Board Advisory Opinions. | All Components | 20090430 | CLOSED | Extension granted by Director, DPO. |
| 20090415-03 | Policy | Provide guidance on how to delete an exemption from a SORN. | DPO | 20090520 | CLOSED | Concerns addressed. Guidance template forthcoming. |
| 20090318-02 | Reporting | Section 803 of the 9/11 Commission Recommendations Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090318-03 | Reporting | Systems of Records Notice Review Report. | All Components | 20090715 | CLOSED | Consolidated under Item Number 20090218-01. |
| 20090617-01 | Reporting | Submit comments on consolidated Quarterly Report template to DPO. | All Components | 20090626 | CLOSED | Comments due June 26, 2009. |

# Board Meeting Agenda

- Welcome/Introductions
- Review of Open Actions
- Policy and Guidance
- Privacy Compliance Metrics
- Training
- Announcements/Reminders
- Open Discussion
- Review of New Action Items
- Adjournment

# Defense Privacy Board (DPB)
## *Meeting Minutes for August 5, 2015*

## I. Welcome and Opening Remarks

The DPB meeting was called to order. (b)(6) the new Chief, DPCLD introduced Ms. Joo Chung, the new Director of Oversight and Compliance. The open action item was reviewed by (b)(6)

## II. Policy and Guidance

> Advances in Privacy Award Program: (b)(6) informed the DPB members that DPCLD has created a recognition program for DoD Component privacy programs similar in form to the DoD Civil Liberties Model Program. Responses will enable DPCLD to recognize some of the Components at a recognition ceremony next year. The checklist will be sent out in mid-August and will be due Friday, October 2, 2015. The due date may change based on when the checklist is distributed. DoD Components will have roughly a month and a half to complete and submit the checklist. Shortly after distribution, DPCLD plans to hold two workshops to review the checklist and answer questions. Components will be able to attend in person at DPCLD or via teleconference.

> 2015 Annual SAOP FISMA Reporting: The 2015 process and reporting requirements are unchanged from last year. DPCLD released Senior Agency Official for Privacy (SAOP) FISMA guidance via email on July 10, 2015. This guidance included:
> - Instructions (attachment 1).
> - Excel reporting spreadsheet (attachment 2), has notes embedded, which often mirror the instruction sheet in attachment #1. Be sure the DoD Component name is on all pages. Include narratives, if necessary.
> - Certification (attachment #3), which should be signed by leadership at least one level higher than the Privacy Officer.

> Combatant Command (COCOM) guidance was forwarded to the Joint Staff on July 10th for further release to the COCOMSs. An info copy was also sent to Privacy Officers on July 10, 2015. COCOMs need to meet Joint Staff report submission requirements when sending their FISMA report to the DPLCD mail box noted in the guidance. DO NOT use SIPRNET for these reports.

Report Due Dates:
- o Uploads due in DITPR by September 4, 2015.
- o Component SAOP FISMA Report input due to DPCLD by September 10, 2015.
- o No extensions can be granted. Include both the report and certification (attachments #2 and #3).
- o Email to DPCLD mailbox at osd.ncr.odam.mbx.dpclo-correspondence@mail.mil.
- o Do not send to DPCLD FISMA POCs.
- o The DoD Chief Information Office (CIO) controls this process. DPCLD has no authority to extend the reporting deadline. The DoD CIO is on a tight timeline for DoD level signatures to meet the all federal agency level reporting deadline. Please do not request an extension as none can be granted, so plan accordingly.

➢ Two New SAOP FISMA Questions: There are two new questions for 2015:

- o 11: Information System Security
  - ▪ 11a. Number of authorizations to operate (ATOs) or reauthorizations issued during the reporting period.
  - ▪ 11b. Number of ATOs or reauthorizations approved by the SAOP during the reporting period (OMB M-14-04, P.24, Q#63) provided that SAOP approval is required as a precondition for the issuance of an ATO.
- o 12: Breach Response and Notification
  - ▪ 12a. Number of confirmed cyber breaches reported by the Component to the U.S. Computer Emergency Readiness Team (US-CERT) during the reporting period.
  - ▪ 12b. Number of confirmed non-cyber related (e.g., paper) breaches experienced by the Component during the reporting period (OMB M-15-01, p.12 states that non-cyber related incidents should be reported to your agency's privacy office and not to US-CERT).
  - ▪ 12c. Number of persons potentially affected by all confirmed breaches, both cyber and non-cyber, during the reporting period (approximate figures if precise figures are not available).
  - ▪ 12d. Number of potentially affected persons who were provided notification about a breach of information experienced by the Component that occurred during the reporting period.

Pull data from CART for these numbers. The DPCLD Memorandum of February 20, 2015, "New FY 2015 Annual Federal Information Security Management Act (FISMA) Breach Response and Notification Reporting Requirements," addresses these FISMA changes.
Instructions for FY15 FISMA reporting can be found in OMB memorandum M-15-01, available at:

http://www.whitehouse.gov/sites/default/files/omb/memoranda/2015/m-15-01.pdf .

- ➤ DoD Directive & Manual Update: (b)(6) informed the DPB members that the revised DoDD 5400.11 was signed October 29, 2014. Some administrative changes resulting from the reorganization of DPCLD into the Office of the Deputy Chief Management Office still need to be made. The DoDM 5400.11 (revision of DoD 5400.11-R) was pulled from the signature process to address:
  - o Request from OMB concerning discontinuation of Blanket Routine Uses.
  - o Inclusion of updated breach response and notification procedures.

  DPCLD recently received OMB's comments on the BRU section and is now preparing the DoDM to begin the coordination process anew.

- ➤ SORNs and Paperwork Reduction Act Requirements: (b)(6) informed the DPB members that the Component Privacy Officers have been informed in the past about the process for SORNs requiring OMB approval based on the Paperwork Reduction Act. At one time DPCLD accepted SORNs that had a PRA requirement once the 60 day collection notices were submitted to the Federal Register (FR), with the understanding that the Component Information Management Control Officer (IMCO) would complete the PRA process and the 30 day collection notices would be published within a timely manner. This has not happened to date.

- ➤ SORN Issues:
  - o Some Component IMCOs are not following up on the PRA requirements.
  - o DPCLD has received SORNs that have only a 60 day collection notice published and the IMCO has not followed up to complete the process.
  - o All of the required OMB information is not listed on the Narrative Statement, applicable forms are not listed, etc., for the collection of data within that system.

  In response:
  - o DPCLD has begun to send SORNs back to the Component Privacy Officers to follow-up with their IMCO to complete the PRA process.
  - o DPCLD is no longer accepting SORNs that require the PRA/OMB approval until the 60 day and 30 day collection notices have been published.
  - o This is an OMB requirement that DoD must comply with.
  - o If PRA/OMB approval is not required for New or Altered SORNs, the Component IMCO must confirm on the Narrative Statement and include an explanation as to why not. This documentation is sent with the SORN to the Regulatory and Audit Matters Office.
  - o While, there is no Narrative Statement required for Amendments and Deletion requests, the Component IMCO should first confirm there are no PRA requirements in an e-mail with an explanation with these types of submissions. This documentation is sent with the SORN to the Regulatory

and Audit Matters Office. If there are PRA requirements, they must be addressed first.

  o We ask that you reach out to the appropriate program offices who will assist you in this process.

➢ Lessons Learned from the OPM Breach: (b)(6) informed DPB members that the Update #2 email from Mr. Tillotson to DoD Personnel on OPM Breach Notification Procedures that was released on 18 June was a catalyst to a surge of calls and emails. DPCLD took the following actions:

  o Used Excel to track call and emails answered
  o Provided trends for leadership
  o Captured increased workload and mission impact
  o Documented DPCLD's action in regards to the breach
  o Calls were a more efficient way to respond to questions
  o Developed responses using OPM FAQs as the foundation
  o Updated script for responses almost daily
  o Consulted with GC on messaging

➢ DPCLD Response to OPM Breach. Ms. Chung told the DPB members that DPCLD did an outstanding job answering calls and emails about the first OPM breach. Several DPB members stated that they appreciated the information we provided to them about the breaches. Ms. Chung then mentioned that DoD will be assisting OPM with notifying USG about the second OPM breach. The request for quotations for the breach notification contract support was to be issued by August 7$^{th}$, the contract should be finalized by mid-August, and notifications will hopefully begin September 1, 2015. It is expected to take three months to notify everyone.

➢ New Routine Uses Needed. Ms. Chung stated we should add two additional routine uses to our list of routine uses – a routine use for contractors having access to government information and a routine use for data breach mediation.

## III. Privacy Compliance Metrics

➢ (b)(6) gave an update on the Breach Reporting before and after the reorganization of DPCLO into DPCLD and an overview of the breach trends for the third quarter of FY15. All charts were included in the PowerPoint presentation sent to DPB members via email.

➢ (b)(6) told the DPB members that there is growing senior leadership interest in DoD breaches and breach reporting. Senior leadership is asking hard questions on why breaches are not reported in timely manner. The DoD Component Privacy Officers need to remind their proponents and field sites, etc. to report breaches within 24 hours of their being discovered (not when the investigation is completed) to the Component Senior Privacy Official and within 48 hours to DPCLD. CART must be updated as more information on a breach becomes available, including the results of the investigation and the number of individuals notified.

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## IV. Training

➢ Important upcoming dates:

| DPCLD CY2015 Training Schedule | |
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| **September 10, 2015**<br>**and**<br>**September 24, 2015** | Privacy Act Compliance and Management Training (PACMan) (Condensed)<br>September 10th 9am – 12pm<br>Topics: PRA; Records Management, and PIA<br><br>September 24th 9am – 4pm<br>Topics: SORNs and Breach Management<br><br>In person at DPCLD and by telephone conference.<br>Registration closed July 31, 2015 |
| **October 27-29 , 2015** | PACMan three day course at DPCLD on-site<br>October 27-29, 2015<br><br>Registration closed August 7, 2015 |

➢ (b)(6) announced DPCLD's training schedule. For additional information, send request to: osd.ncr.odam.mbx.dpclo-correspondence@mail.mil and include your name, phone number, work email address, and the name of the DoD Component you work for.

## V. Announcements and Reminders

(b)(6) announced that Privacy and Civil Liberties Day held on June 10, 2015 at the Pentagon was a huge success. Eight DoD Components (Army; Air Force; Navy; OSD/JS; DHA; DoDIG; DIA; and DCMA) and PFPA joined DPCLD to answer questions and share how their office continues to raise awareness about privacy and civil liberties.

Among the 250 attendees, we had appearances by the recently confirmed DCMO, Mr. Peter Levine, and Director of Oversight and Compliance, Ms. Joo Chung.

## VI. Open Discussion

(b)(6) ed an open discussion with the DPB board members. (b)(6) , White House Communications Agency asked the following question:

o Is SharePoint 2013 or other versions authorized to 'stage'/ 'store' or 'rest' PII data on the sites whether properly protected/controlled and/or locked down or not? DPCLD

has added this question as a NEW ACTION ITEM and is working with the CIO's office to get a response.

## VII. Wrap up

(b)(6) thanked everyone for participating in the meeting.

## VIII. Next Meeting Date

The next DPB meeting is tentatively scheduled for November 2015. DPCLD will inform DPB members of exact date, time, and location and if there are any changes to this meeting.

## IX. Meeting Adjourned

(b)(6)

(b)(6) Chief, DPCLD                          Date
Executive Secretary, Defense Privacy Board

| ATTENDANCE | |
|---|---|
| **Name** | **Organization** |
| (b)(6) | Air Force Privacy Office |
| | Air Force Privacy Office |
| | Air Force Privacy Office |
| | Army Privacy Office |
| | Department of the Navy |
| | Department of the Navy |
| | Department of the Navy |
| | National Guard Bureau |
| | OSD/JS Privacy Office |
| | OSD/JS Privacy Office |
| | OSD/JS Privacy Office |
| | Defense Advanced Research Projects Agency |
| | Defense Contract Audit Agency |
| | Defense Contract Management Agency |
| | Defense Commissary Agency |
| | Defense Finance and Accounting Services |
| | Defense Human Resources Activity |
| | Defense Human Resources Activity |
| | Defense Information System Agency |
| | Defense Security Service |
| | Defense Security Service |
| | Defense Threat Reduction Agency |
| | Missile Defense Agency |
| | National Reconnaissance Office |

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| ATTENDANCE | |
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| **Name** | **Organization** |
| (b)(6) | National Reconnaissance Office |
| | National Reconnaissance Office |
| | National Security Agency |
| | Office of the DoD CIO |
| | Office of the Inspector General |
| | Office of the Inspector General |
| | Office of the Inspector General |
| | Defense Health Agency Privacy Office |
| | Defense Health Agency Privacy Office |
| | Defense Health Agency Privacy Office |
| | Defense Health Agency Privacy Office |
| | White House Communications Agency |
| | U.S. Northern Command |
| | U.S. Southern Command |
| | MITRE/AMC |
| | Oversight and Compliance Directorate |
| | Defense Privacy and Civil Liberties Division |
| | Defense Privacy and Civil Liberties Division |
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## Defense Privacy Board Action Item List

| Item Number | Topic | Action Item Description | Assigned To | Due Date | Status | Comments |
|---|---|---|---|---|---|---|
| 20150805-01 | Policy | Is SharePoint 2013 or other versions authorized to 'stage' / 'store' or 'rest' PII data on the sites whether properly protected/controlled and/or locked down or not? | DPCLD/ CIO | ASAP | OPEN | DPCLD will coordinate with the CIO to determine an appropriate response. |
| 20130918-01 | Policy | Review the DA&M Memorandum from August 2012 ("Use of Best Judgment for Individual Personally Identifiable Information (PII) Breach Notification Determinations") to clarify what qualifies as an email breach. | DPCLD | "When 5400.11M is finalized" | OPEN | DPCLD has decided to add updated breach notification information, and address and incorporate the recommendations of the GAO Report "Agency Responses to Breaches of PII" (GAO-14-34), to the 5200.11-R revision |