

COMPONENT PRIVACY AND CIVIL LIBERTIES REPORT (42 U.S.C. 2000ee-1)

REPORT CONTROL SYMBOL:
DD-DCMO(SA)2472
EXPIRATION DATE:
11/26/2019

PART I: COMPONENT AND REPORTING PERIOD

1. COMPONENT (Select)

U.S. Transportation Command (TRANSCOM)

2. REPORTING PERIOD (Select)

Fiscal Year 2019

Quarter 1st/2nd

Privacy Civil Liberties Combined Privacy and Civil Liberties

PART II: REVIEWS UNDERTAKEN

Civil Liberties Privacy

PRIVACY AND CIVIL LIBERTIES REVIEWS

TYPE OF REVIEW	NUMBER OF REVIEWS
System of Records Notice	
• New:	0
• Modified:	1
• Rescinded:	0
Exemption Rules	0
Privacy Breach Reviews	7
SSN Justification Memoranda (Component Forms Received and Approved)	0
Component Issuances, Federal Legislation, Testimony, and Reports	0

PART III: ADVICE PROVIDED

Civil Liberties Privacy

ADD/DELETE	1. NUMBER	2. TYPE (Select)	3. DESCRIPTION
	1	Procedure	Created new PIA processing procedures.
	1. NUMBER	2. TYPE (Select)	3. DESCRIPTION
	New PIA process		

4. RESPONSE TO ADVICE

PART IV: COMPLAINTS RECEIVED

Civil Liberties Privacy

ADD/DELETE	1. COMPLAINT NO.	2. NATURE OF COMPLAINT: AMENDMENT (Select)	3. DETAILS:	4. FINDINGS/REVIEWS:	5. DISPOSITION (Select one)
	0				

5. NUMBER OF PRIVACY AND CIVIL LIBERTIES COMPLAINTS

PART V: PROGRAMMATIC ACHIEVEMENT

(Summary of the impact of the activities of the Components Privacy/Civil Liberties Programs)

The Privacy Office is included in the Command's Action Officer training in order to provide in-depth guidance on PII, specifically safeguarding PII on Share Drives and Share Point and proper procedures on emailing documents with PII.

The Privacy Office is the lead on processing privacy impact assessment forms (DD Form 2930) for USTRANSCOM IT systems.

The Privacy Office provides oversight over PII email violations; the privacy officer requires all offenders to retake PII training and provides advice on potential corrective actions to supervisors on second time offenders.

DEFINITIONS

1. Review: An activity to ensure compliance with requirements established in 42 U.S.C. 2000ee-1 and DoDI 1000.29.
2. Advice provided: The written issuance of policies, procedures, or guidance pertaining to privacy or civil liberties issued by: (1) the Heads of the OSD and DoD components; or (2) Senior Component Official for Privacy; or (3) Component Chief Civil Liberties Officers. Please list the Advice they provided.
3. Response to advice: Specific action taken by a DoD Component implementing the advice provided by: (1) the Heads of the OSD and DoD Components; or (2) Senior Component Official for Privacy; or (3) Component Chief Civil Liberties Officers. Examples of response to advice may include: guidance, new procedure, or training. Please list the response to advice that was given.
4. Complaint: An assertion alleging a violation of privacy and/or civil liberties. Civil liberties complaints typically allege a violation of the Bill of Rights or other Amendments to the Constitution of the United States.
5. Pending: The complaint is being reviewed to determine the responsive action and/or resolution.
6. Responsive Action Taken: The complaint was reviewed and a responsive action was taken and/or the complaint was resolved.
7. Summary of the impact of the activities of the Component's Privacy or Civil Liberties Programs:
A brief overview of how all the advice provided, response to advice, reviews undertaken, and the reviews and inquires conducted have affected the Component.
8. FAR Clauses - These clauses must be included in contracts when a system is maintained in whole or part by a contractor.

52.224-1 Privacy Act Notification.

As prescribed in 24.104, insert the following clause in solicitations and contracts, when the design, development, or operation of a system of records on individuals is required to accomplish an agency function:

Privacy Act Notification (Apr 1984)

The Contractor will be required to design, develop, or operate a system of records on individuals, to accomplish an agency function subject to the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 552a) and applicable agency regulations. Violation of the Act may involve the imposition of criminal penalties.

(End of clause)

52.224-2 Privacy Act.

As prescribed in 24.104, insert the following clause in solicitations and contracts, when the design, development, or operation of a system of records on individuals is required to accomplish an agency function:

Privacy Act (Apr 1984)

(a) The Contractor agrees to —

(1) Comply with the Privacy Act of 1974 (the Act) and the agency rules and regulations issued under the Act in the design, development, or operation of any system of records on individuals to accomplish an agency function when the contract specifically identifies —

(i) The system of records; and

(ii) The design, development, or operation work that the contractor is to perform;

(2) Include the Privacy Act notification contained in this contract in every solicitation and resulting subcontract and in every subcontract awarded without a solicitation, when the work statement in the proposed subcontract requires the redesign, development, or operation of a system of records on individuals that is subject to the Act; and

(3) Include this clause, including this paragraph (3), in all subcontracts awarded under this contract which requires the design, development, or operation of such a system of records.

(b) In the event of violations of the Act, a civil action may be brought against the agency involved when the violation concerns the design, development, or operation of a system of records on individuals to accomplish an agency function, and criminal penalties may be imposed upon the officers or employees of the agency when the violation concerns the operation of a system of records on individuals to accomplish an agency function. For purposes of the Act, when the contract is for the operation of a system of records on individuals to accomplish an agency function, the Contractor is considered to be an employee of the agency.

(c)

(1) **“Operation of a system of records,”** as used in this clause, means performance of any of the activities associated with maintaining the system of records, including the collection, use, and dissemination of records.

(2) **“Record,”** as used in this clause, means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the person's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a fingerprint or voiceprint or a photograph.

(3) **“System of records on individuals,”** as used in this clause, means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(End of clause)