

**Department of Defense
Civil Liberties Program
Component Civil Liberties Point of Contact Guide**



**Prepared by
The Defense Privacy and Civil Liberties Office**

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Forward – A Message from the DoD Deputy Civil Liberties Officer

On behalf of the entire DPCLLO team, I would like to thank you for your dedicated efforts to implement the DoD Civil Liberties Program at your component. As your component's Chief Civil Liberties Officer or Civil Liberties Point of Contact, your work helps ensure that the Department of Defense appropriately considers civil liberties in its actions.

This guide is provided as a reference to assist you as you establish and implement your component's civil liberties program. Within the guide, you will find background information about how and why the DoD Civil Liberties Program was established, key information about the program's mission and functions, and a description of your roles and responsibilities. We hope that this guide will be a beneficial tool and resource for you.

With your help, we can achieve Department-wide compliance with Public Law 110-53, "Implementing Recommendations of the 9/11 Commission Act" (Section 803) and DoD Instruction 1000.29, "DoD Civil Liberties Program," and we can fulfill DoD's responsibility to appropriately consider civil liberties as it carries out its missions. We encourage you to contact the DPCLLO at (703) 571-0070 or CL.correspondence@osd.mil with any questions. More information is also available on DPCLLO's SharePoint site <https://odamportal.osd.mil/sites/dpclo/default.aspx> and public-facing website <http://www.dpclo.defense.gov>.

Thank you.

Michael E. Reheuser
DoD Deputy Civil Liberties Officer
Director, Defense Privacy and Civil Liberties Office

I. History and Background

After the terrorist attacks of September 11, 2001, Congress and the President chartered the National Commission on Terrorist Attacks Upon the United States, also known as “The 9-11 Commission,” to provide a detailed report¹ of the events surrounding 9/11 and to issue recommendations designed to guard against future attacks.

A. The 9-11 Commission Recommendations

“We must find ways of reconciling security with liberty, since the success of one helps protect the other. The choice between security and liberty is a false choice, as nothing is more likely to endanger America’s liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.” – The 9-11 Commission Report

Three of the 9-11 Commission’s recommendations were specifically dedicated to protecting homeland security while safeguarding civil liberties:

- (1) As the President determines the guidelines for information sharing among government agencies and by those agencies with the private sector, he should safeguard the privacy of the individuals about whom the information is shared;
- (2) The burden of proof for retaining a particular governmental power should be on the executive [government agency], to explain (a) that the power actually materially enhances security and (b) that there is adequate supervision of the executive’s use of the powers to ensure protection of civil liberties. If the power is granted, there must be adequate guidelines and oversight to properly confine its use;
- (3) At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.²

Collectively, these recommendations encouraged increased information sharing across Federal agencies to protect national security and engender the public’s trust that its privacy and other civil liberties are protected.

¹ The full text of the 9/11 Commission Report is available at <http://dpclo.defense.gov/civil/docs/911Report.pdf>.

² The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States (2004). P. 394-395.

B. Section 803 of Public Law 110-53, “Implementing Recommendations of the 9/11 Commission Act of 2007” August 3, 2007.

Public Law 110-53, “Implementing Recommendations of the 9/11 Commission Act of 2007”³ incorporates many of the recommendations proposed in the 9/11 Commission report, including those for increased information sharing and safeguards for civil liberties. Section 803 of Public Law 110-53, places statutory requirements on DoD and seven other Federal agencies with anti-terrorism and law enforcement functions.⁴ Section 803(a) requires DoD to designate at least one senior official to advise its leadership on civil liberties matters and to fulfill specific statutory obligations related to civil liberties. These include assisting the Secretary of Defense in appropriately considering privacy and civil liberties concerns when proposing, developing, or implementing laws, regulations, policies, and procedures. Section 803(a) also requires DoD to periodically review its policies to ensure the Department adequately considers privacy and civil liberties in its actions. Additionally, Section 803(a) requires DoD to have adequate procedures in place to receive, investigate, respond to, and redress complaints from individuals who allege the Department violated their civil liberties.⁵

Section 803 also requires that DoD’s actions to protect civil liberties are open and transparent. Section 803(f), for example, requires DoD to report periodically on the activities of its civil liberties officer, and Section 803(g) makes these reports available to the public.⁶

³ The full text of Public Law 110-53 is available at http://dpclo.defense.gov/civil/docs/911Report.pdf53_121_Stat352.pdf

⁴ The seven other Federal agencies are: The Department of Justice, Department of Defense, Department of State, Department of the Treasury, Department of Health and Human Services, Department of Homeland Security, Director of National Intelligence, and Central Intelligence Agency.

⁵ Public Law 110-53, “Implementing Recommendations of the 9/11 Commission Report.” August 7, 2007. Section 803(a) - (a)(3).

⁶ Public Law 110-53, “Implementing Recommendations of the 9/11 Commission Report.” August 7, 2007. Section 803(f)(1) - (g)(1).

II. The DoD Civil Liberties Program

Organization

1. DoD Civil Liberties Officer (CLO)

Section 803 requires DoD to designate a senior officer to serve as the Department's principal advisor for civil liberties.⁷ Accordingly, in 2009 Mr. Michael L. Rhodes, Director, Administration and Management (DA&M) was designated as the DoD Civil Liberties Officer (CLO) by the Deputy Secretary of Defense for an interim period of approximately 18 months.⁸ Subsequently, the Deputy Secretary of Defense designated the DA&M as the permanent home for the DoD CLO function in 2012, conjoining it with the long-standing Department Privacy Office. Mr. Rhodes is the DoD CLO and the Senior Agency Official for Privacy. Mr. Michael E. Reheuser is the DoD Deputy CLO and the Director of the Defense Privacy and Civil Liberties Office (DPCLO).

2. The Defense Privacy and Civil Liberties Office

The Defense Privacy and Civil Liberties Office works to ensure Department-wide compliance with Section 803, as implemented by the DoD Civil Liberties Program.⁹ The mission of the DPCLO is to implement the Department of Defense's Privacy and Civil Liberties programs through advice, monitoring, official reporting and training.

3. The DoD Civil Liberties Program

DoD Instruction 1000.29, "DoD Civil Liberties Program,"¹⁰ (DoDI 1000.29) establishes the Department's policy for implementing the DoD Civil Liberties Program. Specifically, it delegates authorities for the administration of the program, assigns responsibilities to DoD Components, and authorizes the Defense Civil Liberties Board.

DoDI 1000.29 requires DoD to protect the privacy and civil liberties of DoD civilian employees, service members, and the public to the greatest extent possible, consistent with its operational requirements.¹¹ DoDI 1000.29 also directs the Department to appropriately consider privacy and

⁷ Public Law 110-53, "Implementing Recommendations of the 9/11 Commission Report." August 7, 2007. Section 803(a).

⁸ Deputy Secretary of Defense Memorandum, "Designation of the DoD Civil Liberties Officer (CLO)," July 2, 2009.

⁹ The DPCLO also implements the DoD Privacy Program, which oversees a comprehensive framework for the protection of personally identifiable information (PII) entrusted to the DoD.

¹⁰ Department of Defense Instruction 1000.29, "The DoD Civil Liberties Program," May 17, 2012. http://dpclo.defense.gov/civil/docs/DoDI_100029_CL_instruction.pdf

¹¹ The DoD Civil Liberties Program serves to protect individual privacy and civil liberties. While DoD's Privacy Act Program protects individual privacy when DoD maintains personal information in a system of records, the DoD Civil Liberties Program speaks to the right to privacy recognized under the Constitution of the United States. The

civil liberties in the review, development, and implementation of new or existing laws, regulations, policies, and initiatives.¹² For example, it states that except as authorized DoD shall not maintain information on how an individual exercises rights protected by the First Amendment to the U.S. Constitution. DoDI 1000.29 also requires DoD to have adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege that the DoD violated their privacy or civil liberties. DoDI 1000.29 also requires quarterly reports on the activities of the DoD Civil Liberties Program to be submitted to the appropriate committees of Congress and to the Privacy and Civil Liberties Oversight Board, once constituted.

Additionally, DoDI 1000.29 prohibits reprisals or the threat of reprisals against individuals who make complaints or disclose information that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government.

4. DoD Civil Liberties Principles

Four civil liberties principles help ensure the Department adequately considers privacy and civil liberties in its actions. The four principles are:

- 1) Civil Liberties are fundamental rights and freedoms protected by the Constitution of the United States.
- 2) The Department of Defense will protect the civil liberties of its personnel and the public to the greatest extent possible, consistent with its operational requirements.
- 3) The Department of Defense will appropriately consider civil liberties in the review, development, and implementation of new or existing laws, regulations, policies, and initiatives related to homeland defense, intelligence collection, and law enforcement activities.
- 4) No information shall be maintained on how an individual exercises rights protected by the First Amendment to the Constitution of the United States, including the freedoms of speech, assembly, press, and religion, except when:
 - a. Specifically authorized by statute;
 - b. Expressly authorized by the individual, group of individuals, or association on whom the record is maintained; or

Supreme Court has recognized that inherent in the U.S. Constitution is a right to privacy, which also can be described as the “right to be let alone.” This right to privacy is a civil liberty that protects the individual against governmental intrusion. One example of the right to privacy is the freedom to have privacy in one’s associations.

¹² In providing advice on proposals to retain or enhance a particular governmental power, Section 803 and DoDI 1000.29 require Heads of the OSD and DoD Components to consider whether the component has established that: 1) The need for the power is balanced with the need to protect privacy and civil liberties; 2) There is adequate supervision of the use by the Component of the power to ensure protection of privacy and civil liberties, and 3) There are guidelines and oversight to properly confine the use of the power.

- c. The record is pertinent to and within the scope of an authorized law enforcement, intelligence collection, or counterintelligence activity.

III. Component Civil Liberties POC Roles and Responsibilities

DoD Civil Liberties Model Program and Checklist

To facilitate the stand-up of component-level civil liberties programs, DPCLC created the "DoD Civil Liberties Model Program Checklist."¹³ This checklist provides POCs with a quick reference document that should help streamline the process of implementing a civil liberties model program in your component. As a POC, you are asked to submit an updated checklist each quarter along with your Section 803 Complaint reports, discussed below. After the close of the fiscal year, DPCLC will compile this data to measure each Component's success in implementing the DoD Civil Liberties Program. CCLOs and POCs whose components make the most progress will be recognized.

The checklist is organized into six sections, all of which flow from statutory requirements set forth in Section 803. The six sections are:

1. Component Chief Civil Liberties Officer (CCLO) & Primary Civil Liberties Point of Contact (POC)
2. Records Management
3. Training
4. Policy Advice & Periodic Review
5. Section 803 Complaint Reporting
6. Outreach & Communications

To ensure Department-wide implementation of the checklist, DPCLC encourages POCs to develop component-level policy that establishes a civil liberties program containing each element identified in the model program checklist. The DPCLC has already helped several POCs develop component civil liberties program policies and we are available to assist with your component's civil liberties policy, as well as help you overcome obstacles that might impede your component's efforts to achieve model program status.

1. Component Chief Civil Liberties Officer (CCLO) & Primary Civil Liberties Point of Contact (POC)

a. Appointment and Appointment Letter

On May 17, 2012, the DoD CLO signed DoDI 1000.29, requiring the Heads of the OSD and DoD components to designate a senior service member or civilian employee to serve as the Component Chief Civil Liberties Officer (CCLO), and to designate a service member or civilian employee to serve as the component's Primary Civil Liberties Point of Contact (POC).

¹³ The Civil Liberties Model Program Checklist and its accompanying instructions are available on DPCLC's SharePoint site at <https://odamportal.osd.mil/sites/dpclo/default.aspx>

- Generally, the CCLO has authority to act on behalf of the Component Head and to direct the component's compliance with Section 803 and the DoD Civil Liberties Program. While not a requirement, the CCLO is typically a senior executive or flag officer.
- Generally, the Primary Civil Liberties POC is a service member or civilian employee who is responsible for fulfilling the responsibilities of the DoD Civil Liberties Program within the component, as directed by the Component Chief Civil Liberties Officer. This individual will be the DPCLO's primary POC, and will interface with DPCLO to establish the component's training needs, and establish procedures to ensure the component's compliance with Section 803's requirements. The POC's responsibilities include, for example, submitting a quarterly civil liberties report.

Components have the option of appointing one individual to serve both roles and may assign the responsibilities to a designated position(s) at their component. Once the CCLO and POC have been identified, components are asked to forward an appointment letter to the DoD Deputy CLO. This letter should include the CCLO or POC's name, title, rank/grade (if applicable), and contact information.

The component should forward a new appointment letter to DPCLO each time a new CCLO or POC is appointed.

b. Access to SharePoint

To share information with POCs quickly and easily, DPCLO maintains a SharePoint site. DPCLO's SharePoint site hosts important resources for POCs, including DoD's civil liberties policy, training and outreach materials, and reporting templates. As a POC, you are asked to request access to the DPCLO SharePoint site as soon as possible, to ensure that you are able to access these resources.

To gain access, you will first need to register with DoD's Application Registration Management System (ARMS). To register, please follow the directions below:

- Start your browser and enter the web address: <https://arm.osd.mil> (NIPR)
- Choose your digital certificate and click "OK." Please select the digital certificate that corresponds with your email certificate.
 - NIPR – Credentials are contained in your CAC or token card and must be used in combination with the PIN pass code that was administered.
- You will be immediately prompted with a warning message after the CAC or token credentials are verified. Please click "OK" to proceed.
- Account Registration Management System welcome page will be displayed. Click the "CURRENT APPLICATIONS" link to display the Current Application page.

- Click the “+” icon next to the selection entitled “Applications in ARMS” to display the all the applications.
- Click the “Request Access” link to request access on the entry titled “ODAM – DPCLCLO.”

A confirmation message will be displayed immediately after you have requested access.

After you register with ARMS, you will receive an email within 72 hours that confirms your registration. When registering for the SharePoint Resource, please do not proceed to Step 2 before you have received the email confirming your registration. Access to the SharePoint Resource will not be functional until that time.

If you have any issues, questions or concerns please contact DPCLCLO. In the event that you encounter an error during the registration process, please try to collect a detailed description of the problem. This will help DPCLCLO provide you with efficient assistance when resolving the issue.

Defense Privacy and Civil Liberties Office SharePoint Site

To access the SharePoint site please start browser and enter the following web address:
<https://osdext.osd.mil/sites/ODAM/DPCLCLO/default.aspx>

c. Introductory POC Civil Liberties Briefing

When DPCLCLO launched the DoD Civil Liberties Program in January 2011, the Program’s original POCs were required to attend a comprehensive introductory briefing. The briefing provided an introduction to civil liberties, a brief background about the DoD Civil Liberties Program, the Program’s mission, requirements, and POC roles and responsibilities.

As a new POC, you are asked to contact DPCLCLO to ensure that you receive this briefing. DPCLCLO staff members are available to talk through the briefing and answer any questions you may have.

d. Defense Civil Liberties Board Meetings

POCs are expected to attend Defense Civil Liberties Board meetings. These meetings are typically held on a quarterly basis, or as otherwise needed, and provide a forum for sharing updates and best practices.

For your convenience, DPCLCLO typically holds two board meeting sessions on the same day: one in the morning and one in the afternoon. You may choose to attend either session. If you are unable to attend either session, you may ask an alternate POC from your Component to attend in your place. If an alternate POC will attend, please provide DPCLCLO with the alternate POC’s

name and contact information so that we may provide them with board meeting agendas or read-aheads, as appropriate.

2. Records Management

System of Records Notice (SORN)

Written civil liberties complaints received by DoD are agency records under the Privacy Act of 1974, and must be maintained in accordance with the Privacy Act and Component standards for the proper handling of records containing personally identifying information (PII). One requirement of the Privacy Act is that a System of Records Notice (SORN) covering such complaints be published in the Federal Register. Components may choose to create a new SORN or amend an existing one, but the handling of complaints must be covered by a SORN. SORN requirements and processes are highly specialized and technical; therefore, DPCLO encourages you to check with your component's privacy official to determine how to comply with this requirement.¹⁴

Components are also encouraged to develop written processes for maintaining complaints in accordance with their SORN and to ensure that disclosures of information related to these complaints comply with the Privacy Act.

3. Training

Civil liberties training is not mandatory, but DPCLO encourages your component to take advantage of training opportunities that will help facilitate Department-wide compliance with the DoD Civil Liberties Program – thereby making it easier for you to complete your roles and responsibilities as POC.

a. Civil Liberties Training for Senior Leaders

DPCLO has developed a civil liberties “desk-side briefing” specifically designed for senior leaders throughout the Department. This PowerPoint presentation provides a clear, succinct introduction to the DoD Civil Liberties Program’s authority, mission, and organization. It also provides an overview of the Program’s advice and monitoring, congressional reporting, training, and outreach activities.

¹⁴ For help determining whether your component will need a SORN, please reference DoD Directive 5400.11, “DoD Privacy Program,” May 8, 2007 and DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007.

b. Civil Liberties Training for Complaint Processors

DPCLO developed training specifically for DoD’s “complaint processors.” DPCLO defines “complaint processors” as those individuals who receive or evaluate complaints – of any kind – as part of their regular duties. Due to their job function, these individuals are in a position to receive or evaluate complaints that may include an allegation of a violation of civil liberties.

This training is designed to provide your component’s complaint processors with an introduction to civil liberties, DoD’s requirements, the DoD Civil Liberties Program, and your roles and responsibilities as a civil liberties POC. Further, the training is designed to teach complaint processors how to recognize a civil liberties issue in an incoming complaint, and to recognize the need to provide you with information regarding such complaints.

Complaint Processor Training is particularly important, and may become a useful resource for POCs, because well-trained complaint processors can help make your job as a POC easier. How? As a POC, you are responsible for compiling civil liberties complaint data for your entire component, and forwarding this data to DPCLO for inclusion in DoD’s Civil Liberties Report (see “Complaint Reporting” for more detailed information on complaint reporting). If complaint processors are adequately trained, they will be able to help facilitate this process and become valuable resources for you.

Identify Individuals for Training

You are encouraged to identify complaint processors at your component who may benefit from Complaint Processor Training. Complaint processors work in a number of capacities. In prior Complaint Processor Training courses, DPCLO has provided training to a number of individuals who work in component Equal Opportunity (EEO/EO) Offices, Equality and Diversity offices, Inspectors General (IG) Offices, Human Resources (HR), and legal offices such as General Counsel (GC) offices, and Judge Advocate General (JAG) offices.

Training Delivery: In-person

DPCLO has been providing in-person Complaint Processor Training to components since March 2011. Typically, two instructors co-teach the 90-minute course, which is presented with PowerPoint slides and additional supplemental materials. The training is designed to facilitate questions and discussion, and instructors encourage participation from course participants. As of this writing, DPCLO has trained more than 900 individuals at over 20 DoD components. DPCLO works with POCs to tailor the Complaint Processor Training to ensure the training accurately fits the component’s specific needs for addressing and handling civil liberties complaints. If you are interested in providing in-person Complaint Processor Training to your component, please contact DPCLO.

Training Delivery: Web-based

DPCLO is also developing web-based Complaint Processor Training to better disseminate civil liberties training to complaint processors Department-wide. This web-based training uses interactive learning tools to provide participants with an effective and interactive learning experience. The web-based training allows participants to move through the course at their own pace.

The program is also versatile enough to allow participants to go back and re-read a previous section of the course, at the participants' discretion and pace. In addition, the web-based training includes "knowledge checks" that allow participants to assess their learning and progress, as they move through the course.

This training will be available early during the 2013 fiscal year. If you are interested in providing web-based Complaint Processor Training at your component, please contact DPCLO.

c. Civil Liberties Training for the Workforce

In addition to training for senior leaders and complaint processors, DPCLO is also developing web-based Civil Liberties Awareness Training for the DoD workforce. This training uses the same user interface that the web-based Complaint Processor Training uses, so the learner benefits from the same interactive experience provided in the web-based Complaint Processor Training.

Awareness Training is also similar to the Complaint Processor Training because it provides an introduction to civil liberties, DoD's requirements, the DoD Civil Liberties Program, and the roles and responsibilities of civil liberties POCs. However, the Civil Liberties Awareness Training focuses more on raising awareness of civil liberties, and the DoD Civil Liberties Program.

This training is not mandatory; however, it may be helpful to educate your component about civil liberties. The first step is to identify whether or not your component's workforce would benefit from Civil Liberties Awareness Training. Consult with your component's CCLO on this step.

Training Delivery

Similar to the web-based Complaint Processor Training, this training will be available during the 2013 fiscal year. If you are interested in providing web-based Civil Liberties Awareness Training at your component, please contact DPCLO.

Learning Management System (LMS)

To the greatest extent possible, DPCLCLO will make training available on the Washington Headquarters Services LMS platform. To better facilitate dissemination of civil liberties training throughout the Department, we encourage you to ensure that civil liberties training is hosted on your component's LMS. If you have questions regarding how to host material on LMS, please contact your component's LMS administrator. Your component's LMS administrator should liaise with WHS's LMS administrator, to ensure that your component's LMS platform is able to host the civil liberties training.

4. Policy Advice & Periodic Review

a. Public Law 110-53 Requirements

Section 803(a)(1) and 803(a)(2), require DoD to:

- Assist the Secretary of Defense and other officials in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation...
- Periodically investigate and review DoD policies, procedures, guidelines, and related laws and their implementation to ensure that DoD is adequately considering privacy and civil liberties in its actions.

To fulfill these requirements, DPCLCLO is a "mandatory coordinator" on all DoD issuances. This means that DPCLCLO reviews all new DoD issuances and reissuances, as assigned, to ensure compliance with privacy and civil liberties requirements. It also means that DPCLCLO will rely upon each DoD component to review its component-level policies for civil liberties requirements.

As a POC, you are encouraged to develop component-level policy to establish your component's civil liberties program. This policy should include a process for reviewing policies, procedures, regulations, and guidelines at your component, to ensure that your component is adequately considering civil liberties in its actions.

a. Establishing a Written SOP

Your component's civil liberties program policy should include a standard operating procedure (SOP) in coordination with internal component offices, and DPCLCLO (as appropriate) to identify and review proposed and existing component actions, policies, procedures, and guidelines, to ensure privacy and civil liberties are being adequately considered in your component's actions.

b. Identifying Your Directives Focal Point

In addition to your component's civil liberties policy, it is also helpful to identify the Directives "Focal Point" for your component. This will help ensure that all issuances for coordination are routed to your component's CCLO and/or yourself (the POC), as part of your component's coordination process.

5. Section 803 Complaint Reporting

a. Public Law 110-53 Requirements

Section 803(a)(3) requires DoD to ensure that the Department has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege the Department has violated their privacy or civil liberties.

To fulfill these requirements, DPCLO has established an SOP to ensure we have adequate procedures in place to address any incoming complaints that may allege a violation of privacy or civil liberties.

b. Existing Procedures

As you assess how your component will report civil liberties complaints, DPCLO recommends that you first identify existing processes used by investigating offices within your component to process incoming complaints of any kind. It is highly likely that civil liberties complaints are already included among the complaints regularly received and processed by these investigating offices. For example, if an EEO office receives a complaint that alleges religious discrimination in the workplace, that office would typically address that complaint due to the allegation of discrimination. Since religious discrimination (unlike race-based or sex-based discrimination) involves the First Amendment, this complaint would also involve civil liberties. It is generally helpful to understand how your component's investigating offices process complaints, because you will likely need to work with those offices in order to fulfill DoD's civil liberties complaint reporting requirement.

c. Identifying Gaps

Identify any procedural gaps that might cause a civil liberties complaint to "slip through the cracks" of an existing investigatory processes. Report these gaps to the DPCLO.

d. Establishing Procedures to Help Investigating Offices Report Civil Liberties Complaints to the CCLO or POC

Your civil liberties program policy should establish a process by which investigating offices can report complaints containing allegations of civil liberties violations to the CCLO or POC. The policy should clarify that all civil liberties complaints are to be investigated by existing investigating offices, not by the POC or a separate civil liberties complaint processor. Since these investigating offices will likely follow the same procedure to process civil liberties complaints as they do for other reportable complaints, the only additional responsibility they must meet is to report complaints that allege civil liberties violations.

This point is clearly made in the Complaint Processor Training. You are encouraged to ensure that investigating offices (“complaint processors”) receive Complaint Processor Training.

As the POC, you are responsible for developing clear procedures and guidelines regarding how investigating offices will report civil liberties complaints to you. These procedures may be very simple. For example, you may decide that it is sufficient for investigating offices to send you an email containing the necessary information. Alternatively, you may establish more formal procedures, such as a data call or a requirement to fill out the Civil Liberties Component Reporting Template.¹⁵ Again, DPCLO recommends that you include these procedures in your component’s civil liberties program policy.

e. Establishing an SOP for Handling Civil Liberties Complaints

Your component’s civil liberties program policy should also include an SOP for how your component will address civil liberties complaints submitted to yourself or to the CCLO. This SOP should include procedures for the following:

- Complaint receipt and evaluation
- Complaint referral to an investigating office at your component, another DoD component, or another federal agency for investigation (if applicable)
- The submission of timely and accurate reports to DPCLO, detailing your component’s new or pending civil liberties complaints.

Your component’s SOP should also include:

- A timeline (you may use existing timelines, if appropriate) for processing civil liberties complaints.
- Correspondence letters for complaints submitted to CCLO or POC.
- An SOP for proper maintenance of civil liberties complaint data and related records, including a SORN, if necessary.

¹⁵ The Civil Liberties Component Reporting Template and its accompanying instructions are available on DPCLO’s SharePoint site at <https://odamportal.osd.mil/sites/dpclo/default.aspx>

f. Quarterly Reports

Section 803(f) requires DoD to submit periodic, but not less than quarterly, reports to Congress on the activities of the DoD Civil Liberties Officer.

(1) Content

Paragraph 1(h) of Enclosure 2 of DoD Instruction 1000.29 requires DoD to report to Congress on the following:

- Information on the number and types of reviews undertaken;
- The type of advice provided and the response given to such advice;
- The number, nature, and disposition of the complaints received by the Department for alleged violations; and
- A summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of the Civil Liberties Officer.

Please note that the Public Law requires that reports contain information on each topic listed above. The Civil Liberties Component Reporting Template and its accompanying instructions provide implementation procedures and definitions for reporting information contained in bullet points 2, 3, and 4. Implementation procedures for reporting the information contained in bullet point 1 are currently under review. As DoD develops these procedures, DPCLCLO will make them available to POCs through an updated reporting template.

(2) Establishing an SOP

To ensure DoD meets this requirement, POCs are asked to provide civil liberties reporting data to DPCLCLO on a quarterly basis. To facilitate this process, you are asked to establish a written SOP detailing how your component will provide the DPCLCLO with timely and accurate reports of your component's new or pending civil liberties complaints. Your component's civil liberties program policy should include procedures for collecting civil liberties reporting data from your component, compiling that data, and submitting it to DPCLCLO.

POCs are asked to report civil liberties data using the "Civil Liberties Quarterly Reporting Template," and accompanying "Details of Complaints," document. It may be useful to ask your component to use this template as well, when submitting civil liberties reporting data to you.

(3) Negative Reports

Negative reports are required. In order to ensure that DoD is providing complete and accurate reports to Congress, POCs are asked to submit a report even if the component does not have any civil liberties data to report. In such cases, it is not necessary to submit the civil liberties reporting template. If your component does not have any civil liberties data to report, simply notify DPCLCLO in writing.

(4) Deadlines

Quarterly reports are due to DPCLO by the 15th day of the month following the close of each quarter. If the 15th falls on a weekend or federal holiday, reports will be due on the following business day. Reports should be submitted to the CL.correspondence@osd.mil mailbox.

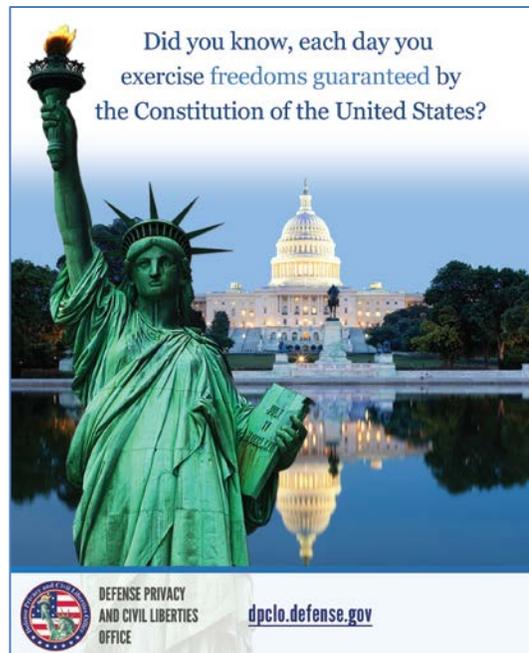
6. Outreach and Communications

In addition to training and quarterly reports, the DPCLO employs a wide-range of media platforms to increase awareness about DoD's efforts to protect civil liberties. A few examples include articles posted on www.defense.gov and broadcasts on The Pentagon Channel, The American Forces Network, DoDLive, and Federal News Radio. DPCLO also develops InfoNet advertisements and participates in local events and symposiums.

a. Developing an Active Civil Liberties Communications Plan

You are encouraged to establish a civil liberties communications plan for your component. DPCLO will assist you with this effort. We also invite you to visit DPCLO's SharePoint Site <https://odamportal.osd.mil/sites/dpclo/default.aspx> or public-facing website <http://dpclo.defense.gov/media> if you would like to utilize DPCLO's official pamphlets, notices, posters, and other media. These materials are designed so that you may easily tailor them to your component's needs prior to publication and display them throughout your component.

DPCLO will also collaborate with your office to set-up a civil liberties booth or provide you with civil liberties pamphlets and related material for distribution.



b. Important Dates

Generally, DPCLO aims to build outreach and communications initiatives around existing awareness events related to civil liberties. The 2013 calendar dates below represent some of the opportunities DPCLO, and components, have to recognize these events and increase awareness about civil liberties at DoD.

January 16 – National Religious Freedom Day

May 1 – Law Day
May 27, 2013 – Memorial Day
June 14 – Flag Day
July 4 – Signing of the Declaration of Independence
August 3 – Enactment of Public Law 110-53
September 2, 2013 – Labor Day
September 11 – Patriot Day (9/11 Observance)
September 17 – Constitution Day and Citizenship Day
September 20, 2013 - National POW/MIA Recognition Day
November 9 – World Freedom Day
November 11, 2013 – Veterans Day
December 15 – Bill of Rights Day
December 31 – Enactment of The Privacy Act of 1974

DPCLO Contact Information – Civil Liberties Program

**Defense Privacy and Civil Liberties Office
241 18th Street South, Suite 101
Arlington, VA 22202**

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Fax: (703) 571 – 0000

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