**PRIVACY IMPACT ASSESSMENT (PIA)**

**PRESCRIBING AUTHORITY:** DoD Instruction 5400.16, "DoD Privacy Impact Assessment (PIA) Guidance". Complete this form for Department of Defense (DoD) information systems or electronic collections of information (referred to as an "electronic collection" for the purpose of this form) that collect, maintain, use, and/or disseminate personally identifiable information (PII) about members of the public, Federal employees, contractors, or foreign nationals employed at U.S. military facilities internationally. In the case where no PII is collected, the PIA will serve as a conclusive determination that privacy requirements do not apply to system.

1. **DOD INFORMATION SYSTEM/ELECTRONIC COLLECTION NAME:**
   Automated Performance Evaluation System (APES)

2. **DOD COMPONENT NAME:**
   Department of the Navy

3. **PIA APPROVAL DATE:**
   08/01/19

**SECTION 1: PII DESCRIPTION SUMMARY (FOR PUBLIC RELEASE)**

a. **The PII is:** (Check one. Note: foreign nationals are included in general public.)
   - [X] From Federal employees and/or Federal contractors
   - [ ] From members of the general public
   - [ ] From both members of the general public and Federal employees and/or Federal contractors
   - [ ] Not Collected (if checked proceed to Section 4)

b. **The PII is in a:** (Check one)
   - [X] Existing DoD Information System
   - [ ] Existing Electronic Collection
   - [ ] New DoD Information System
   - [ ] New Electronic Collection
   - [ ] Significantly Modified DoD Information System

b. **Describe the purpose of this DoD information system or electronic collection and describe the types of personal information about individuals collected in the system.**

   APES provides for periodic reporting, recording, and analysis of the performance and professional character of Marines in the grades of Sergeant through Major General. APES supports the centralized selection, promotion, and retention of the most qualified Marines of the Active and Reserve Components of the USMC. APES also aids in the assignment of personnel and supports other related personnel management decisions.

   PII collected: Name, SSN (full and truncated), Citizenship, Gender, Race/Ethnicity, Birth Date, Home, Telephone Number, Mailing/Home Address, Military Records, Education Information.

d. **Why is the PII collected and/or what is the intended use of the PII?** (e.g., verification, identification, authentication, data matching, mission-related use, administrative use)

   Verification and authentication: PII is required to verify and authenticate an assessment of performance of assigned duties and responsibilities against an understood set of requirements, individual capacity, and professional character. HQMC selection boards require a documented history of individual performance to identify selection, promotion, and retention of the most qualified Marines of the Active and Reserve components of the Marine Corps.

e. **Do individuals have the opportunity to object to the collection of their PII?**

   - [ ] Yes [X] No

   (1) If "Yes," describe the method by which individuals can object to the collection of PII.

   (2) If "No," state the reason why individuals cannot object to the collection of PII.

   The opportunity to object to PII is provided to the individual when they were civilian applicants for entrance into the Marine Corps. However, failure to provide PII at time of collection would have prevented the individual from being accepted into the Marine Corps. Information collected at entry is entered into APES at that time. Additional military record information is uploaded from ODI-RMS. Later, personnel assessment information is entered by the individual performing the assessment.

f. **Do individuals have the opportunity to consent to the specific uses of their PII?**

   - [ ] Yes [X] No

   (1) If "Yes," describe the method by which individuals can give or withhold their consent.
(2) If "No," state the reason why individuals cannot give or withhold their consent.

By providing information at entry, consent is assumed.

g. When an individual is asked to provide PII, a Privacy Act Statement (PAS) and/or a Privacy Advisory must be provided. (Check as appropriate and provide the actual wording.)

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<tr>
<td>Privacy Act Statement</td>
<td>Privacy Advisory</td>
<td>Not Applicable</td>
</tr>
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</table>

Privacy Act Statement:

This information is collected under the authority of 10 U.S.C. 5013; 10 U.S.C. 5041; 32 CFR 64.4; DoD Dir 1215.13, Reserve Component Member Participation Policy; DoD Instruction 3001.02, Personnel Accountability in Conjunction with Natural and Manmade Disasters; and CJCSM 3150.13B, Joint Reporting Structure Personnel Manual, as amended. This information is also being collected in conjunction with the provisions of the Government Paperwork Elimination Act. This information will only be used by the United States Marine Corps (USMC) Automated Performance Evaluation System (APES), authorized staff, and personnel to provide for periodic reporting, recording, and analysis of the performance and professional character of Marines in the grades of Sergeant through Major General. It is requested that you supply the requested information to maintain active or reserve duty status; eligibility for promotions; and/or eligibility for world-wide deployment. Furnishing the information on this form is voluntary, but failure to do so may result in discharge from the Marine Corps. The information provided by you in this form will be subject to the following routine uses:

1. This information may be disclosed to Federal, state, local, or foreign agencies responsible for investigating, prosecuting, enforcing, or implementing laws, contracts, rules, or regulations, if these records indicate a violation or a potential violation of a law or contract. These violations or potential violations can be civil, criminal, or regulatory in nature and can arise from general or particular program statutes or contracts, rules, regulations, or from the necessity of protecting an interest of the Department.

2. A record from this system of records may be disclosed to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

4. A record in this system of records may be disclosed to a member of Congress or to a congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

5. A record in this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation (as set forth in OMB Circular No. A-19) at any stage of the legislative coordination and clearance process as described in the Circular.

6. A record in this system of records may be disclosed to the Department of Justice to determine whether disclosure is required by the Freedom of Information Act (FOIA).

7. The information may be disclosed to the agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who have need to have access to the records in order to perform the activity. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 USC 552a(m).

8. The information may be disclosed to the Office of Personnel Management (OPM) for personnel research purposes as a data source for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related man-power studies.

h. With whom will the PII be shared through data exchange, both within your DoD Component and outside your Component? (Check all that apply)

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<td>Other DoD Components</td>
<td>Specify.</td>
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<td>Other Federal Agencies</td>
<td>Specify.</td>
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<td>State and Local Agencies</td>
<td>Specify.</td>
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</table>
Contractor (Name of contractor and describe the language in the contract that safeguards PII. Include whether FAR privacy clauses, i.e., 52.224-1, Privacy Act Notification, 52.224-2, Privacy Act, and FAR 39.105 are included in the contract.)

- Specify.

Other (e.g., commercial providers, colleges).

- Specify.

i. **Source of the PII collected is:** (Check all that apply and list all information systems if applicable)

- Individuals
- Existing DoD Information Systems
- Other Federal Information Systems
- Databases
- Commercial Systems

The source of PII collected is from the individual Marine creating their FITREP in APES, reporting seniors, commanding and reviewing officers.

j. **How will the information be collected?** (Check all that apply and list all Official Form Numbers if applicable)

- E-mail
- Face-to-Face Contact
- Fax
- Information Sharing - System to System
- Other (If Other, enter the information in the box below)
- Official Form (Enter Form Number(s) in the box below)
- Paper
- Telephone Interview
- Website/E-Form

k. **Does this DoD Information system or electronic collection require a Privacy Act System of Records Notice (SORN)?**

A Privacy Act SORN is required if the information system or electronic collection contains information about U.S. citizens or lawful permanent U.S. residents that is retrieved by name or other unique identifier. PIA and Privacy Act SORN information must be consistent.

- Yes
- No

If “Yes,” enter SORN System Identifier: **M01040-3**

SORN Identifier, not the Federal Register (FR) Citation. Consult the DoD Component Privacy Office for additional information or http://dpcld.defense.gov/Privacy/SORNs/ or

If a SORN has not yet been published in the Federal Register, enter date of submission for approval to Defense Privacy, Civil Liberties, and Transparency Division (DPCLTD). Consult the DoD Component Privacy Office for this date.

SAIC is the contractor.

Contractors sign a Non-Disclosure Agreement (NDA) to assure confidentiality between the contractor and government to protect any type of confidential and proprietary information.

Specific language in the contract is described as:

- Security measures shall be taken to satisfy the security requirements in accordance with the Marine Corps System Security Plan. APES data/information shall be protected from an Information Systems Security (INFOSEC) perspective. The contractor shall apply security considerations to software design and management.
- Only contractors who have a valid need to know and a favorably adjudicated background investigation are permitted to have access to APES. During the course of routine system maintenance contractors may be exposed to PII. Users are DoD employees or authorized contractors supporting the DoD.
- The FAR privacy clauses are not in the current contract. The contracting officer is currently working to add the clauses by the end of Summer of 2019.
If "No," explain why the SORN is not required in accordance with DoD Regulation 5400.11-R: Department of Defense Privacy Program.

I. What is the National Archives and Records Administration (NARA) approved, pending or general records schedule (GRS) disposition authority for the system or for the records maintained in the system?

(1) NARA Job Number or General Records Schedule Authority.  
   NT-NU-86-1

(2) If pending, provide the date the SF-115 was submitted to NARA.

(3) Retention Instructions.

The Marine Corps Manpower Management Information System Records (SORN System ID M01040-3) states as follows:

"Disposition pending (until the National Archives and Records Administration approves retention and disposal schedule, records will be treated as permanent)."

Reference SSIC 1040 - Retention/Career Planning Records

m. What is the authority to collect information?  A Federal law or Executive Order must authorize the collection and maintenance of a system of records.  For PII not collected or maintained in a system of records, the collection or maintenance of the PII must be necessary to discharge the requirements of a statute or Executive Order.

(1) If this system has a Privacy Act SORN, the authorities in this PIA and the existing Privacy Act SORN should be similar.

(2) If a SORN does not apply, cite the authority for this DoD information system or electronic collection to collect, use, maintain and/or disseminate PII.  (If multiple authorities are cited, provide all that apply).

   (a) Cite the specific provisions of the statute and/or EO that authorizes the operation of the system and the collection of PII.

   (b) If direct statutory authority or an Executive Order does not exist, indirect statutory authority may be cited if the authority requires the operation or administration of a program, the execution of which will require the collection and maintenance of a system of records.

   (c) If direct or indirect authority does not exist, DoD Components can use their general statutory grants of authority ("internal housekeeping") as the primary authority.  The requirement, directive, or instruction implementing the statute within the DoD Component must be identified.

SORN M01040-3, Marine Corps Manpower Management Information System Records  (April 29, 2010, 75 FR 22570), authorities:

(1) 10 U.S.C. 5013, Secretary of the Navy;
(2) 10 U.S.C. 5041, Headquarters, Marine Corps;
(3) 10 U.S.C. 1074f, Medical Tracking System for Members Deployed Overseas;
(4) 32 CFR 64.4, Management and Mobilization;
(5) DoDD 1215.13, Reserve Component Member Participation Policy;
(6) DoDI 3001.02, Personnel Accountability in Conjunction with Natural and Manmade Disasters;
(7) CJCSM 3150.13B, Joint Reporting Structure Personnel Manual;
(8) DoDI 6490.03, Deployment Health;
(9) MCMEDS: SECONAVINST 1770.3D, Management and Disposition of Incapacitation Benefits for Members of the Navy and Marine Corps Reserve Components (Renamed Line of Duty(LOD));
(10) MCO 7220.50, Marine Corps Policy for paying Reserve Marines;
(11) E.O. 9397 (SSN), as amended;

Additional authorities:
(12) 42 U.S.C. 10606 as implemented by DoD Instruction 1030.2, Victim and Witness Assistance Procedures;
(13) MCO P1070.12 Marine Corps Individual Records Administration Manual (IRAM);
(14) MCO P1300.8R Marine Corps Assignment Policy;
(15) MCO 1610.7 Fitness Report Audit Program;
(16) MCO P1610.7E, Performance Evaluation System.

n. Does this DoD information system or electronic collection have an active and approved Office of Management and Budget (OMB) Control Number?

Contact the Component Information Management Control Officer or DoD Clearance Officer for this information. This number indicates OMB approval to collect data from 10 or more members of the public in a 12-month period regardless of form or format.

☐ Yes  ✔️ No  ☐ Pending
(1) If "Yes," list all applicable OMB Control Numbers, collection titles, and expiration dates.
(2) If "No," explain why OMB approval is not required in accordance with DoD Manual 8910.01, Volume 2, "DoD Information Collections Manual: Procedures for DoD Public Information Collections."
(3) If "Pending," provide the date for the 60 and/or 30 day notice and the Federal Register citation.

APES does not collect personal information from members of the public.