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Description of document: **Meeting minutes and agenda for meetings of the Defense Privacy Board, May-July 2009**

Requested date: 18-July-2009

Released date: 28-August-2009

Posted date: 14-June-2010

Date/date range of document: 20-May-2009 – 15-July-2009

Source of document: Department of Defense
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

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**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

28 AUG 2009


Ref: 09-F-1420

This is in response to your July 18, 2009 Freedom of Information Act (FOIA) for "a copy of the meeting minutes and agenda for meetings of the Defense Privacy Board." We received your request on July 21, 2009.

The Defense Privacy Office (DPO) conducted a search of their files and located six documents totaling nine pages on the enclosed compact disk that is provided as responsive to your request. Ms. Theodora Wills, Deputy Director, an Initial Denial Authority, has determined that certain information which has been excised from the enclosed document is exempt from release pursuant to 5 U.S.C. § 522(b)(2)(high), which pertains to information the release of which would significantly risk circumvention of Department of Defense rules and practices.

If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense, by writing directly to the Defense Freedom of Information Policy Office, Attn: Mr. James Hogan, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite to case number 09-F-1420, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

for 
Paul J. Jacobsmeyer
Chief

Enclosure:
As stated

Defense Privacy Board (DPB)
Meeting Minutes for May 20, 2009

I. Welcome and Attendance

Meeting was called to order by Ms. Theodora Wills, Deputy Director, Defense Privacy Office (DPO) and attendance was taken from onsite and call in participants.

II. Review of Last Meeting's Minutes

The minutes from March 18, 2009 and April 15, 2009 were approved.

III. Review of Current Action Items

Action items were reviewed. Updates were made to the action item list attached to these minutes.

IV. Quarterly Reports: System of Records Notice (SORN) Review, Training, and Section 803 of the 9/11 Commission Recommendation

The due date for quarterly reports covering the period January 2009 – March 2009 was April 15, 2009. A draft of the final report has been prepared for review and approval by the Senior Agency Official for Privacy.

Most quarterly report submissions to DPO were late and many Components were non-responsive. Ms. Wills reminded the DPB that the next reports are due on July 15, 2009. A timely response by Components is imperative to avoid a late submission to the Office of Management and Budget (OMB).

V. Importance of DITPR Feed System Updates

Ms. Wills congratulated the Components for achieving a 93% completion rate on system of records notices (SORNs). This exceeds the OMB requirement of 90% completion.

VI. Recap of New Action Items

There were no new action items.

VII. Questions/Answers

- Question 1: Can the breach report template be aligned more with the reporting requirements for the United States Computer Emergency Readiness Team (US-CERT)? Has the possibility of making the breach report template a standard form been considered?

Response 1: DPO will review the US-CERT template and consider opportunities for standardization, as well as look into the pros and cons of making the template a standard form.

- Question 2: Defense Threat Reduction Agency representative sought assistance in working through a Social Security Number (SSN) use justification issue related to iComplaints and eVerisity.

Response 2: Suggestions were made to use employee e-mail addresses rather than the SSNs. It was also suggested the Army Privacy Office be contacted for other potential solutions.

- Question 3: What kind of collaboration does DPO have with the Intelligence Community (IC) in respect to privacy?

Response 3: DPO has been involved with the Information Sharing Environment privacy guidance and has worked with IC POCs on other issues on an ad hoc basis.

VI. Announcements

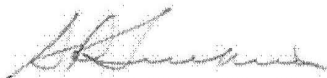
No new announcements.

VII. Next Meeting

The next meeting will be held June 17, 2009. DPO will confirm the time.

VIII. Meeting Adjourned

Submitted by

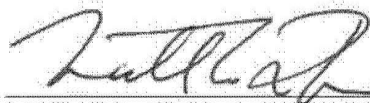


Samuel P. Jenkins, Director, Defense Privacy Office
Executive Secretary, Defense Privacy Board

6/11/2009
Date

Approved

Disapproved



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

6.2.09
Date



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

DEFENSE PRIVACY OFFICE

**DEFENSE PRIVACY BOARD
AGENDA**

Date:	May 20, 2009
Time:	1-2:30pm
Location:	1901 South Bell Street, Suite 920 Arlington, VA 22202
Dial in Number:	(703) 695-4042, passcode (b)(2)

- I. Welcome and Attendance**
- II. Review of Last Meeting's Minutes**
- III. Review of Current Action Items**
- IV. Quarterly Reporting/803 Reports**
- V. Importance of DITPR feed system updates.**
- VI. Recap of New Action Items**
- VII. Next Meeting Date**
- VIII. Adjournment**

Defense Privacy Board (DPB)
Meeting Minutes for June 17, 2009

I. Welcome and Attendance

The meeting was called to order by Mr. Samuel P. Jenkins, Director, Defense Privacy Office (DPO) and attendance was taken from onsite and call-in participants.

II. Review of Last Meeting's Minutes

The minutes from May 20, 2009 were approved.

III. Review of Current 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.

IV. Social Security Number Forms Review

Report requirements were established by Directive-Type Memorandum 07-015 on the reduction and use of Social Security Numbers in forms. A memorandum has been sent to the Components by the Director, DPO describing the requirement for a review of forms and providing a template for reporting. The deadline for this report will be established when the deadline for the Federal Information Security Management Act (FISMA) report is announced.

V. Information Sharing Environment (ISE) Privacy Guidelines

Comments on the ISE draft Privacy Guidelines were due to DPO June 12, 2009. Policy and implementation issues impact all DoD Components, therefore it is important that all documents be reviewed and feedback provided as requested. Negative replies are required.

VI. DPO Website

The new DPO website will be deployed in approximately two weeks. The URL for the website will remain the same. Systems of Records Notices (SORNs) finalized while the site was being revised will be posted as soon as possible.

VII. Mandatory Component General Counsel (GC) Review of SORN Exemptions

Components' GC must approve SORN exemption requests prior to submission to the DPO. Component GC approval must be in writing and include the rationale/justification for the exemption.

VIII. Phone Lines

DPO will be limited to 12 -15 telephone lines for use during the monthly DPB meetings. Meeting participants are asked to consolidate line usage as much as possible.

IX. Questions and Answers

- Question 1: Should the requirement to encrypt personally identifiable information be included in the DoD Regulation?

Response 1: DPO will consider appropriate placement within the Regulation. Defense Logistics Agency will forward a copy of their encryption policy to DPO for distribution to the DPB.

- Question 2: Will the policy comments for the ISE be forwarded to the GC for review?

Response 2: Not at this time, however the policy will be reviewed by GC prior to final distribution. The ISE Working Group has not determined how this policy will be issued for the Department.

- Question 3: Does the requirement for GC to review SORN exemptions apply to all new and existing SORNs?

Response 3: This process is required when a new SORN is submitted to DPO. The appropriateness of the exemption should also be reassessed during quarterly reviews to ensure the exemption is still needed and appropriate.

- Question 4: Will DoD be developing a policy to address the privacy implications related to social networking?

Response 4: Several DoD and government-wide groups are looking at these issues. There is currently no known timeline for policy issuance.

X. Announcements


DPO has developed a template that consolidates quarterly reporting. A draft will be forwarded to DPB for comment.

XI. Next Meeting

The next meeting will be held July 15, 2009 at 1:00 pm EST.

XII. Meeting Adjourned

Submitted by



Samuel P. Jenkins, Director, Defense Privacy Office
Executive Secretary, Defense Privacy Board

6/30/09
Date

Approved

Disapproved



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

7.2.09
Date



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

DEFENSE PRIVACY OFFICE

**DEFENSE PRIVACY BOARD
AGENDA**

Date:	June 17, 2009
Time:	1-2:30pm
Location:	1901 South Bell Street, Suite 920 Arlington, VA 22202
Dial in Number:	(703) 695-4042, passcode (b)(2)

- I. Welcome and Attendance**
- II. Review of Last Meeting's Minutes**
- III. Review of Current Action Items**
- IV. Forms Review of SSN's**
- V. Information Sharing Environment**
- VI. Website**
- VII. Exemptions**
- VIII. Phone Lines**
- IX. Recap of New Action Items**
- X. Next Meeting Date**
- XI. Adjournment**

Defense Privacy Board (DPB)
Meeting Minutes for July 15, 2009

I. Welcome and Attendance

The meeting was called to order by Mr. Samuel P. Jenkins, Director, Defense Privacy Office (DPO) and Executive Secretary, DPB. Attendance was taken from onsite and call-in participants.

II. Review of Last Meeting's Minutes

The minutes from June 15, 2009 are awaiting final signature, however the DPB reviewed the draft minutes and had no comment.

III. Revised Breach Report Template

The breach report template has been revised and distributed to the DPB. Suggestions for improvement will be accepted until July 31, 2009.

IV. Installation Physical Access Control Systems Information Request

The Director, DPO has issued a memorandum to DoD Component Privacy Officials requesting information on installation physical access control systems currently in use. Responses are due to DPO by July 31, 2009.

V. Federal Information Security Management Act (FISMA) and Department of Defense Information Technology Portfolio Repository (DITPR)

Points of contact from the Office of Management and Budget (OMB) have indicated the 2009 FISMA privacy report questions will be the same as last year's questions, therefore the Director, DPO has provided DoD Component Privacy Officials with advance guidance via memorandum. With the exception of question's 5a-5h, 6c, and 10a-10d, all responses are due to DPO on August 17, 2009. Answers to Question #1 will be extracted directly from DITPR by the DoD, CIO and Director DPO. DoD Component Privacy Officials must complete initial DITPR input August 10-12, 2009 and make final corrections August 24-26, 2009.

VI. August DPB Meeting

The August 19, 2009 meeting of the DPB will be held at the DPO in Arlington, VA from 8:30 am – 4:00 pm. Attendance is restricted to DoD Component Privacy principals and deputies. Persons in the Washington, D.C. metropolitan area are to attend in person. Others will be provided VTC dial-in information. Mr. Rhodes will provide opening remarks for the meeting. The agenda will focus on the scope of the Privacy Program, strategic direction of the DPO and current privacy hot topics.

VII. Quarterly Reports

Quarterly reports are due July 15, 2009. These recurring reports are due the 15th day of the month following the end of the quarter. The Director, DPO stressed the importance of submitting these reports on time to ensure the submission to OMB and Congress is not delayed.

VIII. Request for Comments

Comments and suggestions solicited by the DPO on various documents and issues impact the implementation of privacy policy, therefore it is very important for DoD Component Privacy Officials to conduct detailed reviews and provide prompt responses. This will become increasingly important as the DoD Privacy Program Regulation is revised.

IX. Review of Current 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.

X. Questions/Concerns

- Question 1: What is the difference between a privacy violation and privacy breach?

Response 1: A privacy breach is an inadvertent disclosure of information, such as a lost laptop. A privacy violation is intent to do harm and is determined on a case-by-case basis.

- Question 2: Are the reports mandated by DPO required to have a Report Control Symbol (RCS)?

Response 2: DPO has an RCS for its reports and will ensure the number is noted on all requests and report templates.

- Question 3: Doesn't each reporting form require a unique RCS?

Response 3: DPO will follow-up with an answer and provide feedback.

XI. Next Meeting

The next meeting will be held August 19, 2009 at 8:30am EST.

XII. Meeting Adjourned

Submitted by

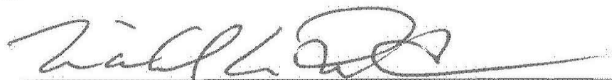


Samuel P. Jenkins, Director, Defense Privacy Office
Executive Secretary, Defense Privacy Board

7/24/09
Date

Approved

Disapproved



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

7-24-09
Date



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

DEFENSE PRIVACY OFFICE

**DEFENSE PRIVACY BOARD
AGENDA**

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Location:	1901 South Bell Street, Suite 920 Arlington, VA 22202
Dial in Number:	(703) 695-4042, pass code (b)(2)

- I. Welcome and Attendance**
- II. Review of Last Meeting's Minutes**
- III. Review of Current Action Items**
- IV. Breach Reporting**
- V. Installation Access**
- VI. FISMA**
- VII. August DPO meeting**
- VIII. Reports Due**
- IX. Request for Comments**
- X. Next Meeting Date**
- XI. Adjournment**