DEPARTMENT OF DEFENSE
Defense Commissary Agency
Fort Lee, VA 23801-1800

DIRECTIVE

Privacy Act Program

DeCAD 80-21
June 18, 2009

General Counsel
OPR: DeCA/GC

References: (a) DeCA Directive 30-13, "Defense Commissary Agency Privacy Act (PA) Program," February 15, 2000 (hereby canceled)
(b) Section 552a of title 5, United States Code, "The Privacy Act of 1974"
(c) DeCA Manual 80-21.1, "Privacy Act Program Manual," July 2, 2009
(d) DOD Directive 5400.11, "DOD Privacy Program," May 8, 2007
(e) DeCA Directive 70-2, "Internal Control Program," December 17, 2007
(f) DOD Directive 5105.55, "Defense Commissary Agency (DeCA)," March 12, 2008

1. REISSUANCE AND PURPOSE. This Directive:

a. Supersedes and renumbers Reference (a) to establish policy and assign responsibility for ensuring Defense Commissary Agency (DeCA) compliance according to section 552a of title 5, United States Code, (Reference (b)).

b. Establishes DeCA Manual 80-21.1 (Reference (c)).

c. Is established in compliance with References listed within this document.

2. APPLICABILITY. This Directive applies to DeCA activities. All references to Privacy contained throughout this Directive pertain to the Privacy Act of 1974, Reference (b). All DeCA contractors who must use, have access to, or disseminate individually identifiable information subject to the Privacy Act in order to perform their duties are to be considered DeCA personnel for the purposes of the provisions of the Privacy Act during the performance of the contract. All DeCA personnel are expected to comply with the procedures established herein.

3. POLICY. It is DeCA policy that:

a. The privacy of an individual is a personal and fundamental right that shall be respected and protected.

b. The collection, maintenance, use, disclosure, and disposition of personal information is in accordance with applicable law and regulations.

c. Individuals are permitted access to records pertaining to them which are contained in a system of records in accordance with applicable law and regulations. Individuals shall be permitted to request that records pertaining to them be corrected or amended if they believe that the records are not accurate, relevant, timely, or complete.

d. Records pertaining to an individual which are contained in a system of records may not be disclosed except with the consent of the individual or as otherwise authorized by applicable law and regulations.

e. All employees and contractors will receive mandatory Privacy awareness training initially upon being hired, as well as annual refresher training.

f. All actual or suspected inappropriate disclosures of Privacy protected information (to include a loss, theft, or compromise of information) must be reported per Agency breach reporting procedures.

4. RESPONSIBILITIES.

a. DeCA Director/Chief Executive Officer (CEO). The Director/CEO is responsible for overseeing the administration of the DeCA Privacy Program.

b. Chief Operating Officer (COO). The appellate authority for Freedom of Information Act (FOIA) and Privacy Act requests resides with the COO.

c. Senior Privacy Official (SPO). The General Counsel serves as the SPO. The SPO administers the operations of the DeCA Privacy Office and provides policy guidance.

d. Deputy General Counsel (DGC), Litigation/FOIA. The DGC for the Privacy Program shall:

(1) Provide supervisory guidance to the Privacy Officer.

(2) Provide advice and assistance on all legal matters arising out of, or incident to, the administration of the DeCA Privacy Program.

(3) Ensure all aspects of the Privacy Program are fully implemented.

e. Privacy Officer (PO). The PO shall:

(1) Manage the Privacy Act Program for DeCA.

(2) Provide guidance, assistance, and training to Agency personnel.

(3) Control and monitor Privacy Act requests received and coordinate with the office(s) of primary responsibility for response.

(4) Prepare and submit System of Records Notices (SORN) to the Defense Privacy Office for publication in the Federal Register.

(5) Coordinate with the Office of the Chief Information Officer on overarching policy implementation.

(6) Receive, evaluate, and, where appropriate, report suspected or substantiated breaches of Privacy protected information.

f. Region Director/Functional Process Owner/Special Staff Group (FPO/SSG). Each region director and FPO/SSG:

(1) Appoint a Privacy point of contact (POC) who will serve as the principal POC on Privacy matters and maintain suspense control of Privacy actions, providing responsive documents to the FOIA/PO.

(2) Take appropriate remedial action upon being advised of a substantiated Privacy Act violation or known or suspected breaches of Privacy protected information.

g. Supervisors. All supervisors will:

(1) Ensure all DeCA employees and contractors receive mandatory initial Privacy Act training and annual refresher training thereafter.

(2) Ensure actual or suspected breaches of Privacy protected information are immediately reported to the PO.

h. System Manager (SM). Any individual having authority for maintaining a group of records containing personal information is referred to as the SM. The SM is responsible for ensuring that a government-wide SORN covers the system of records and, if not, preparing and submitting a DeCA-specific SORN to the PO.

i. DeCA Employees and Contractors. All Agency employees/contractors must ensure strict adherence to the safeguarding of Privacy protected data at all times and report any known or suspected breaches.

5. MANAGEMENT CONTROL SYSTEM. This Directive does not contain internal management control provisions that are subject to evaluation, testing, and other requirements of DeCAD 70-2 (Reference (e)), and as specified by the Federal Managers' Financial Integrity Act.

6. RELEASABILITY – UNLIMITED. This Directive is approved for public release and is located on DeCA's Internet Web site at www.commissaries.com.

7. EFFECTIVE DATE. By order of the Director, DeCA, this Directive is effective immediately.

Vicki L. Archileti
Chief of Staff (Acting)

Enclosures
1. Definitions
2. Acronyms

GLOSSARY

DEFINITIONS

Federal Register. Established by Congress to inform the public of interim, proposed, and final regulations or rulemaking documents having substantial impact on the public. The secondary role of the Federal Register system is to publish notice documents of public interest.

personal information. Information about an individual that identifies, links, relates, or is unique to, or describes him or her (e.g., a Social Security number; age; military grade; civilian grade; marital status; race; salary; home/office phone numbers; other demographic, biometric, personnel, medical, and financial information). Such information is also known as personally identifiable information (i.e., information which can be used to distinguish or trace an individual's identity, such as their name, Social Security number, date and place of birth, mother's maiden name, biometric records, including any other personal information which is linked or linkable to a specified individual).

Privacy Act. The Privacy Act of 1974, as amended, Section 552a of title 5, United States Code (Part I, Chapter 5, Subchapter II).

record. Any item, collection, or grouping of information, whatever the storage media (paper, electronic, etc.), about an individual that is maintained by a DOD Component, including, but not limited to, an individual's education, financial transactions, medical history, criminal or employment history; and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

system of records. A group of records under the control of a DOD Component from which personal information about an individual is retrieved by the name of the individual, or by some other identifying number, symbol, or other identifying particular assigned, that is unique to the individual.

System of Records Notice (SORN). A notice, published in the Federal Register, that advises the public of the type of personal data an Agency plans to collect, how the data will be used and safeguarded, who will have access, and various other details**.**

GLOSSARY

ACRONYMS

CEO	Chief Executive Officer
COO	Chief Operating Officer
DeCA	Defense Commissary Agency
DGC	Deputy General Counsel
FOIA	Freedom of Information Act
FPO	functional process owner
PO	Privacy Officer
POC	point of contact
SM	system manager
SORN	System of Records Notice
SPO	Senior Privacy Official
SSG	special staff group