



# Defense Human Resources Activity

## Civil Liberties Policy

December 19, 2014

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SUBJECT: Civil Liberties Program Policy

Reference: DoD Instruction 1000.29

1. PURPOSE. In accordance with Department of Defense (DoD) Instruction 1000.29, this establishes policy and provides responsibilities, administrative policies and procedures for the implementation of the Defense Human Resources Activity (DHRA) Civil Liberties Program.
2. APPLICABILITY. This applies to all DHRA Headquarters and Component Personnel.
3. DEFINITION. Civil liberties. For the purpose of this program, fundamental rights and freedoms protected by the Constitution of the United States.
4. POLICY. It is DHRA policy to:
  - 4.1. Protect the privacy and civil liberties of civilian employees and military members to the greatest extent possible, consistent with its operational requirements.
  - 4.2. Ensure no information is 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, and religion, except when:
    - 4.2.1. Specifically authorized by statute;
    - 4.2.2. Expressly authorized by the individual, group of individuals, or association on whom the record is maintained; or
    - 4.2.3. The record is pertinent to and within the scope of an authorized law enforcement, intelligence collection, or counterintelligence activity.
5. RESPONSIBILITIES.
  - 5.1. DHRA Headquarters will:
    - 5.1.1. Have adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege their privacy or civil liberties were violated.

- 5.1.2. Place Civil Liberties Program information on the DHRA Homepage at [www.dhra.mil](http://www.dhra.mil)
  - 5.1.3. Establish procedures for the investigation of complaints from individuals who allege their privacy or civil liberties were violated.
  - 5.1.4. Coordinate privacy and civil liberties activities with the DHRA Headquarters and the DHRA Components to avoid duplication of effort.
  - 5.1.5. Submit reports as directed by the Defense Privacy and Civil Liberties Office:
    - 5.1.5.1. Quarterly
    - 5.1.5.2. Annually
  - 5.1.6. Provide training opportunities for all DHRA employees regarding the protection of privacy and civil liberties.
  - 5.1.7. Consider privacy and civil liberties when proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to the DHRA/Component mission(s).
  - 5.1.8. Periodically investigate and review DHRA/Component actions, procedures, guidelines, and related laws to their implementation to ensure that privacy and civil liberties are appropriately considered.
- 5.2. DHRA components will:
- 5.2.1. Appoint, in writing, a Component Civil Liberties point of contact (POC). A copy of the appointment letter will be submitted to the DHRA Primary Civil Liberties Point of Contact (PCLPOC) at DHRA Headquarters.
  - 5.2.2. Refer complaints received from Component personnel or from outside the Component that may be civil-liberties related to the Component Civil Liberties POC who will forward them within 3 business days to the DHRA PCLPOC. The PCLPOC with DHRA Chief Civil Liberties Officer (CCLO) concurrence will determine if the complaint is valid and will forward the complaint to the appropriate Component office for investigation.
  - 5.2.3. Provide completed reports of investigation within 21 business days be provided to the DHRA CCLO and DHRA PCLPOC.
  - 5.2.4. Maintain a log/database (e.g., Excel spreadsheet) of the number and types of civil liberties complaints received and investigated by the Component, to

include: date complaint was received and when the violation occurred or whether it is on-going. Personally Identifiable Information (PII) shall not be included on the log.

6. COMPLAINT PROCESSING. Written complaints will be addressed to the appropriate DHRA Component or DHRA Headquarters, ATTN: Civil Liberties Point of Contact.
  - 6.1. The complaint will be reviewed to determine validity.
  - 6.2. A valid complaint must contain:
    - 6.2.1. The civil liberties violation
    - 6.2.2. When the violation occurred or whether ongoing
    - 6.2.3. Specific location
    - 6.2.4. Name of individual(s) who violated member's civil liberties
    - 6.2.5. Explanation of how situation was resolved, if resolved
    - 6.2.6. Complainant's original signature
  - 6.3. Within three business days of receipt, the complaint will be acknowledged in writing to the requester by the PCLPOC.
  - 6.4. The DHRA PCLPOC and DHRA CCLO will assign the complaint to the appropriate organization for investigation.
  - 6.5. Within twenty working days a report of investigation (ROI) will be completed and submitted to the DHRA PCLPOC and DHRA CCLO.
  - 6.6. The DHRA CCLO will determine a resolution based on the ROI. If a resolution cannot be determined, the DHRA CCLO will notify the Component as warranted by the ROI.
7. RELEASABILITY. This is approved for unlimited release.
8. EFFECTIVE DATE. 19 December 2014.