

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:

Inquiry and Case Management System (ICMS)

2. DOD COMPONENT NAME:

Department of Defense Human Resources Activity

3. PIA APPROVAL DATE:

20221014

Defense Personnel and Family Support Office (DPFSO) / Employer Support of the Guard

SECTION 1: PII DESCRIPTION SUMMARY (FOR PUBLIC RELEASE)

a. The PII is: (Check one. Note: foreign nationals are included in general public.)

- ☐ From members of the general public ☐ From Federal employees and/or Federal contractors
- ☒ 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)

- ☐ New DoD Information System ☐ New Electronic Collection
- ☒ Existing DoD Information System ☐ Existing Electronic Collection
- ☐ Significantly Modified DoD Information System

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

To record information related to the mediation of disputes and answering of inquiries related to the Uniformed Services Employment and Reemployment Rights Act (USERRA); to track case assignments and mediation results of potential conflicts between employers and the National Guard, Reserves, or National Disaster Medical Service (NDMS) members they employ; and to report statistics related to the Ombudsman Program in aggregate and at the state committee-level. These records are also used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness and conducting research.

Individual's full name, home address, home or work phone number, home or work email address; current Uniformed Service and Service member pay grade; ESGR case number; type of Uniformed Services Employment and Reemployment Rights Act (USERRA) issue; employer name, employer type, employer's contact name, contact phone, email and address; name, email and state committee/ESGR affiliation of ESGR employee, contractor, or volunteer that handles an inquiry or mediation case; and case notes.

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)

Mission-related use

e. Do individuals have the opportunity to object to the collection of their PII? ☒ Yes ☐ 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.

Individuals may object to the collection of their PII by not providing their information to ESGR; however, failure to provide accurate contact information and other solicited information may delay or prevent ESGR from processing the request.

f. Do individuals have the opportunity to consent to the specific uses of their PII? ☐ Yes ☒ 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.

The information collected is to support communications with individuals. Once collected information will be used only for the purpose stated above.

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.)

- ☒ Privacy Act Statement ☐ Privacy Advisory ☐ Not Applicable

USERRA Inquiry E-form number DD 3021

Authority: 38 U.S.C. 43, Employment and Reemployment Rights of Members of the Uniformed Services; 5 U.S.C. 574, Confidentiality; 5 U.S.C. Part I, Chapter 5, Subchapter IV, Alternative Means of Dispute Resolution in the Administrative Process; 42 U.S.C. 300hh-11, National Disaster Medical System, ((d)(3) Employment and reemployment rights); 20 CFR 1002, Regulations Under the Uniformed Services Employment and Reemployment Rights Act of 1994; 5 CFR 353, Restoration to Duty from Uniformed Service or Compensable Injury; DoD Instruction 1205.22, Employer Support of the Guard and Reserve; and DoD Instruction 1205.12, Civilian Employment and Reemployment Rights of Applicants for, and Service Members and Former Service Members of the Uniformed Services.

Principle Purpose(s): To record information related to the mediation of disputes and answering of inquiries related to the USERRA; These records are also used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness and conducting research.

Routine Use(s): To Department of Labor for Congressionally-mandated USERRA reporting (38 U.S.C. Employment and Reemployment Rights of Members of the Uniformed Services § 4432, Reports) with consideration of 5 U.S.C. § 574, Confidentiality requirements. For a complete list of routine uses, see DHRA 16, Employer Support to the Guard and Reserve Ombudsman Inquiry and Case Management System (ICMS), at: <https://dpcl.d.defense.gov/Portals/49/Documents/Privacy/SORNs/OSDJS/DHRA-16.pdf>.

Disclosure: Voluntary; however, failure to provide accurate contact information and other solicited information may delay or prevent ESGR from processing the request.

USERRA Support Request E-form DD 3022

Authority: 38 U.S.C. 43, Employment and Reemployment Rights of Members of the Uniformed Services; 5 U.S.C. 574, Confidentiality; 5 U.S.C. Part I, Chapter 5, Subchapter IV, Alternative Means of Dispute Resolution in the Administrative Process; 42 U.S.C. 300hh-11, National Disaster Medical System, ((d)(3) Employment and reemployment rights); 20 CFR 1002, Regulations Under the Uniformed Services Employment and Reemployment Rights Act of 1994; 5 CFR 353, Restoration to Duty from Uniformed Service or Compensable Injury; DoD Instruction 1205.22, Employer Support of the Guard and Reserve; and DoD Instruction 1205.12, Civilian Employment and Reemployment Rights of Applicants for, and Service Members and Former Service Members of the Uniformed Services.

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Disclosure: Voluntary; however, failure to provide accurate contact information and other solicited information may delay or prevent ESGR from processing the request.

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

☐ Within the DoD Component

Specify.

☐ Other DoD Components

Specify.

☒ Other Federal Agencies

Specify.

US Department of Labor is provided the name of Service members who have filed a USERRA Support Request (also referred to as a USERRA case) and the Service member's civilian employer company name to support reporting requirements of 38 U.S.C. Employment and Reemployment Rights of Members of the Uniformed Services § 4432, Reports. The information is shared using Excel spreadsheet and separated to maintain requirements of 5 U.S.C. § 574 Confidentiality.

☐ State and Local Agencies

Specify.

<input type="checkbox"/> 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.	
<input type="checkbox"/> 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)

<input checked="" type="checkbox"/> Individuals	<input type="checkbox"/> Databases
<input checked="" type="checkbox"/> Existing DoD Information Systems	<input type="checkbox"/> Commercial Systems
<input type="checkbox"/> Other Federal Information Systems	

ESGR Member Management System (MMS) data pulled from MMS is limited to ESGR volunteer ombudsman information used for mediation case assignment. (Volunteer first name, last name, User ID, email address, phone number, and state)

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

<input checked="" type="checkbox"/> E-mail	<input checked="" type="checkbox"/> Official Form (Enter Form Number(s) in the box below)
<input checked="" type="checkbox"/> Face-to-Face Contact	<input type="checkbox"/> Paper
<input type="checkbox"/> Fax	<input checked="" type="checkbox"/> Telephone Interview
<input type="checkbox"/> Information Sharing - System to System	<input checked="" type="checkbox"/> Website/E-Form
<input type="checkbox"/> Other (If Other, enter the information in the box below)	

USERRA Inquiry website/E-form number DD FORM 3021
USERRA Support Request website/E-form number DD FORM 3022

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

SORN Identifier, not the Federal Register (FR) Citation. Consult the DoD Component Privacy Office for additional information or <http://dpcl.d.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

If "No," explain why the SORN is not required in accordance with DoD Regulation 5400.11-R: Department of Defense Privacy Program.

l. 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.

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

(3) Retention Instructions.

Temporary. Cut off all closed/resolved cases annual, Destroy 3 years after closure.

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.

38 U.S.C. 43, Employment and Reemployment Rights of Members of the Uniformed Services; 5 U.S.C. 574, Confidentiality; 5 U.S.C. Part I, Chapter 5, Subchapter IV, Alternative Means of Dispute Resolution in the Administrative Process; 42 U.S.C. 300hh-11, National Disaster Medical System, ((d)(3) Employment and reemployment rights); 20 CFR 1002, Regulations Under the Uniformed Services Employment and Reemployment Rights Act of 1994; 5 CFR 353, Restoration to Duty from Uniformed Service or Compensable Injury; DoD Instruction 1205.22, Employer Support of the Guard and Reserve; and DoD Instruction 1205.12, Civilian Employment and Reemployment Rights of Applicants for, and Service Members and Former Service Members of the Uniformed Services.

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.

Information collected from members of the public is directly tied to a benefit they receive once activated to Federal Service status.