

## 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:**

FOIAXpress

**2. DOD COMPONENT NAME:**

Defense Health Agency

**3. PIA APPROVAL DATE:**

11/09/22

Program Executive Office (PEO) Medical Systems (J-6)

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

**a. The PII is:** (Check one. Note: Federal contractors, military family members, and foreign nationals are included in general public.)

From members of the general public

From Federal employees

from both members of the general public and Federal employees

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.**

FOIAXpress is a web-based, Commercial Off The Shelf (COTS) application managed by the Defense Health Agency's (DHA) Solution Delivery Division (SDD) Clinical Support Program Management Office (CSPMO) for processing Freedom of Information Act (FOIA) and Privacy Act (Privacy Act), Appeal, Litigation, and Consultation requests. FOIAXpress electronically creates requests, stores requester details, and allows analysts to upload redacted documents for delivery to requesters. It also tracks FOIA processing statistics/fees and generates reports on the number/types/disposition of requests, as required by the U.S. Department of Justice (DOJ). The application is comprehensive in that it handles a request from beginning to end. FOIA requesters provide personal descriptors and ID numbers, which are maintained in this system. It also stores, retrieves, redacts, and prints documents for delivery. Additionally, it keeps track of request processing statistics and fees as well as generates reports on the number, types, and nature of requests processed, as required by the DHA.

The categories of individuals whose information is contained within the system include dependents, retirees and/or their dependents, active duty military, contractors, foreign nationals, former spouses, reservists, national guard personnel, media personnel and members of the public.

The elements of PII collected by the system include employment information, personal contact information, and work contact information.

The system is managed by the Clinical Support Program Management Office (CSPMO) of the J6 Directorate.

**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)

PII is collected by FOIAXpress for mission-related use. The intended use of PII collected by FOIAXpress is to generate case numbers for FOIA and Privacy Act requests for fees and logging.

**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.

PII is submitted voluntarily, and individuals have the opportunity to object to the collection of their PII in writing. If an individual chooses to object to the collection of their PII, they may disregard the request form. However, an individual will be unable to submit a FOIA 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.

PII is submitted voluntarily, and individuals have the opportunity to consent to specific uses of their PII in writing. If an individual chooses to withhold consent to specific uses of their PII, they may disregard the request form. However, an individual will be unable to submit a FOIA request.

**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

**AUTHORITY:** 10 U.S.C. 113, Secretary of Defense; 5 U.S.C. 552, Freedom of Information Act, as amended; 5 U.S.C. 552a, Privacy Act of 1974, as amended; 32 CFR part 286, DoD Freedom of Information Act (FOIA) Program; 32 CFR part 310, Protection of Privacy and Access and Amendment of Individual Records Under the Privacy Act of 1974; DoD Directive, 5400.07, DoD Freedom of Information Act (FOIA) Program; DoD Instruction 5400.11, DoD Privacy and Civil Liberties Programs; DoD Manual 5400.07, DoD Freedom of Information Act (FOIA) Program; DoD 5400.11-R, DoD Privacy Program; and Executive Order 9397 (SSN), as amended.

**PURPOSE:** Defense Health Agency ("DHA") Freedom of Information Act Express ("FOIAXpress") is a web-based, Commercial Off The Shelf application owned and operated by DHA for processing Freedom of Information Act ("FOIA") and Privacy Act ("Privacy Act"), Appeal, Litigation, and Consultation requests. FOIAXpress electronically creates requests, stores requester details, and allows analysts to upload redacted documents for delivery to requesters. It also tracks FOIA processing statistics/fees and generates required reports.

**ROUTINE USES:** These records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. § 552a(b)(3) as follows: (1) to individuals performing a contract or service for the Federal government when necessary to accomplish an agency function related to this system of records; (2) to the National Archives and Records Administration and Office of Government Information Services related to administrative agency policies and FOIA compliance; and, among others, (3) to the Office of Management and Budget, the Dept. of Justice, and other Federal agency/entities for advice related to FOIA or Privacy Act requirements and particular requests.

**APPLICABLE SORN:** DoD-0008, Freedom of Information Act and Privacy Act Records (FOIA/PA Records). <https://www.federalregister.gov/documents/2021/12/22/2021-27710/privacy-act-of-1974-system-of-records>

**DISCLOSURE:** Voluntary. If you choose not to provide the requested information, there may be an administrative delay in the processing of your request, and the DoD may ultimately be unable to process it. However, no penalty will be imposed.

**h. With whom will the PII be shared through data/system exchange, both within your DoD Component and outside your Component?**

(Check all that apply)

- |   |          |   |
|---|----------|---|
| <input checked="" type="checkbox"/> Within the DoD Component  | Specify. | DHA FOIA Requester Service Centers; for logging and tracking cases  |
| <input checked="" type="checkbox"/> Other DoD Components (i.e. Army, Navy, Air Force)   | Specify. | PII will be shared with the Departments of the Army, Navy, and Air Force for the purpose of logging and tracking cases                  |
| <input checked="" type="checkbox"/> Other Federal Agencies (i.e. Veteran's Affairs, Energy, State)  | Specify. | PII will be shared with Department of Veteran's Affairs components for the purpose of logging and tracking cases; Department of Justice |
| State and Local Agencies  | Specify. |   |
| 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)

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

Existing DoD Information Systems: FOIAXpress; FOIA.gov

**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 | Official Form (Enter Form Number(s) in the box below) |
|--|---|

- In-Person Contact
- Paper
- Fax
- Telephone Interview
- Information Sharing - System to System
- Website/E-Form

Other (If Other, enter the information in the box below)

Information Sharing - System to System: FOIA.gov

Website/E-Form: <https://health.mil/Military-Health-Topics/Privacy-and-Civil-Liberties/FOIA/FOIA-Request-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 DoD-0008

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

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

(3) Retention Instructions.

Unscheduled - Permanent. Treat system and/or records maintained in the system as permanent until a NARA approved schedule and disposition authority has been applied.

**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.

10 U.S.C. 113, Secretary of Defense; 5 U.S.C. 552, Freedom of Information Act, as amended; 5 U.S.C. 552a, Privacy Act of 1974, as amended; 32 CFR part 286, DoD Freedom of Information Act (FOIA) Program; 32 CFR part 310, Protection of Privacy and Access and Amendment of Individual Records Under the Privacy Act of 1974; DoD Directive, 5400.07, DoD Freedom of Information Act (FOIA) Program; DoD Instruction 5400.11, DoD Privacy and Civil Liberties Programs; DoD Manual 5400.07, DoD Freedom of Information Act (FOIA) Program; DoD 5400.11-R, DoD Privacy Program; and Executive Order 9397 (SSN), as amended.

**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.

In accordance with DoDM 8910.01, Volume 2, FOIAXpress does not require OMB approval per Enclosure 3, Section 8, subsection a(1): "Public Information Collections Addressed to Nine or Fewer Persons."