



Defense Health Agency

ADMINISTRATIVE INSTRUCTION

NUMBER 5200.04

April 27, 2022

Director, J-1

SUBJECT: Personnel Security Program

References: See Enclosure 1.

1. PURPOSE. This Defense Health Agency-Administrative Instruction (DHA-AI), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (y), assigns responsibilities and prescribes procedures for administering the Defense Health Agency (DHA) Personnel Security Program (PSP).
2. APPLICABILITY. This DHA-AI applies to DHA, DHA Components (activities under the authority, direction, and control of DHA), and all DHA personnel to include assigned, attached, or detailed active duty, reserves, or National Guard personnel, federal civilians, contractors when required by the terms of the applicable contract, volunteers, and other personnel assigned temporary or permanent duties at DHA.
3. POLICY IMPLEMENTATION. It is DHA's policy, pursuant to References (a) through (y), that all DHA sites execute the PSP requirements set forth in this DHA-AI. The objective of the PSP is to ensure persons deemed eligible for national security positions remain reliable and trustworthy. Information outlining the specific processes and procedures by which a particular site executes these requirements may be contained in site-specific Standard Operating Procedures or local policy letters. All such correspondence will be submitted to the Chief, Enterprise Assurance Division (Security Branch), for review and approval prior to implementation.
4. CANCELLED DOCUMENT. This DHA-AI cancels DHA-AI 098, "Personnel Security Program," May 24, 2018.
5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. PROPONENT AND WAIVERS. The proponent of this publication is the Director, Administration and Management (J-1). When Activities are unable to comply with this publication the activity may request a waiver that must include a justification, including an analysis of the risk associated with not granting the waiver. The activity director or senior leader will submit the waiver request through their supervisory chain to the Director, J-1 to determine if the waiver may be granted by the Director, DHA or their designee.

8. RELEASABILITY. **Not cleared for public release.** This DHA-AI is available to authorized users from the DHA SharePoint site at:
<https://info.health.mil/cos/admin/pubs/SitePages/Home.aspx>

9. EFFECTIVE DATE. This DHA-AI:

a. Is effective upon signature.

b. Will expire 10 years from the date of signature if it has not been reissued or cancelled before this date in accordance with Reference (c).

10. FORMS

a. The Secretary of Defense Form (SD) 37, Office of the Secretary of Defense Request for Nomination and Position Description of Military Personnel, can be obtained by emailing to the Washington Headquarters Services Human Resources Directorate. More information is available at: https://www.esd.whs.mil/Directives/forms/sd_forms/. The link for SD 37 will generate an email to the appropriate point of contact.

b. The following Standard Forms (SFs) are available at:
<https://www.gsa.gov/reference/forms>

(1) SF85P, Questionnaire for Public Trust Positions

(2) SF85, Questionnaire for Non-Sensitive Positions

(3) SF86, Questionnaire for National Security Positions.

c. Public Health Service (PHS) Form 1662, Request for Personnel Action–Commissioned Officer, is available at: <https://www.hhs.gov/sites/default/files/phs-1662.pdf>

d. DD Form 2292, Request for Appointment or Renewal of Appointment of Expert or Consultant, is available at:

<https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2292.pdf>

/S/
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Director

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD (HA))," September 30, 2013, as amended
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013, as amended
- (c) DHA-Procedural Instruction 5025.01, "Publication System," August 24, 2018, as amended
- (d) 10 U.S.C. §1073c
- (e) DoD Instruction 5200.02, "DoD Personnel Security Program (PSP)," March 21, 2014, as amended
- (f) Code of Federal Regulations, Title 5, Part 731
- (g) OSD Administrative Instruction 15, "OSD Records and Information Management Program" May 3, 2013, as amended
- (h) Executive Order 12968, "Access to Classified Information," August 2, 1995
- (i) DoD Manual 5105.21, "Sensitive Compartmented Information (SCI) Administrative Security Manual: Administration of Physical Security, Visitor Control, and Technical Security, Volume 2," October 19, 2012, as amended
- (j) Intelligence Community Directive Number 704, "Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and Other Controlled Access Program Information," October 1, 2008
- (k) DoD Directive 5220.6, "Defense Industrial Personnel Security Clearance Review Program," January 2, 1992, as amended
- (l) United States Code, Title 5, Section 552a
- (m) DoD Directive 5143.01, "Under Secretary of Defense for Intelligence (USD(I))," October 24, 2014, as amended
- (n) 2012 Revised Federal Investigative Standards Crosswalk Job Aid, October 2017
- (o) Code of Federal Regulations, Title 5, Section 1400.201(b)
- (p) Executive Order 10450, "Security requirements for Government employment," April 27, 1953
- (q) Department of State Publication, "Adjudicative Guidelines for Determining Eligibility," February 3, 2006
- (r) Department of State Publication, "The Suitability Handbook," September 2008
- (s) Code of Federal Regulations, Title 32, Part 117
- (t) National Background Investigation Bureau, "Childcare Agency Guide," November 13, 2017, as amended¹
- (u) DoD Instruction 1402.05, "Background Checks on Individuals in DoD Child Care Services Programs," September 11, 2015, as amended
- (v) United States Code, Title 42
- (w) DoD Instruction 5400.11, "DoD Privacy and Civil Liberties Program," January 29, 2019, as amended

¹ This reference can be accessed by authorized users of the NP2 Portal

- (x) DoD Instruction 5400.16, "DoD Privacy Impact Assessment (PIA) Guidance," July 14, 2015, as amended
- (y) DoD Manual 5400.07, "DoD Freedom of Information Act (FOIA) Program," January 25, 2017

ENCLOSURE 2
RESPONSIBILITIES

1. DIRECTOR, DHA. The Director, DHA, must:
 - a. Establish the PSP in accordance with Reference (e).
 - b. Ensure the Chief, Enterprise Assurance Division (EAD), has the necessary resources (e.g., for PSIs, adjudication, and recording of results) and Director-level support to ensure compliance with this DHA-AI.

2. CHIEF, EAD. The Chief, EAD, must:
 - a. Direct, administer, and maintain oversight of the PSP within the Agency
 - b. Ensure all personnel within the Agency are aware of the provisions of this DHA-AI.

3. CHIEF, SECURITY BRANCH. The Chief, Security Branch, must:
 - a. Implement Reference (e) and provide Personnel Security (PS) services to all components of DHA.
 - b. Provide oversight of internal controls to ensure adequate safeguarding, limiting the access to and use of PS reports and records.
 - c. Enforce requirements for prompt reporting of significant derogatory information, unfavorable administrative actions, and adverse actions to the appropriate personnel security, human resources, and counterintelligence official(s), as appropriate, within their respective Component.
 - d. Provide requested information and recommendations, as appropriate, on any aspect of this Instruction and the DoD PSP to the USD(I&S).
 - e. Enforce the requirement that DoD personnel security adjudication system(s) of record, within their respective Components, shall only be used as a personnel security system of record and shall not be used as a pre-hiring screening tool.

4. CHIEF, HUMAN CAPITAL DIVISION. The Chief, Human Capital Division, must:
 - a. Provide notification of incoming personnel to the Lead, PS, for all incoming personnel.

b. Review the position description (PD) of DHA positions and ensure the appropriate position sensitivity is assigned.

c. Implement the provisions of References (e), (f), and (t), regarding a federal employee's suitability for employment with or retention to all components of DHA.

d. Utilize the PSP to ensure an employee is suitable for government employment (Reference (f)).

5. PERSONNEL SECURITY (PS) LEAD. The PS Lead must:

a. Provide oversight for the PSP, pursuant to Reference (e).

b. Ensure all personnel within PS are aware of the provisions of this DHA-AI.

c. Perform the roles and duties as the system administrator for Electronic Questionnaires for Investigations Processing (e-QIP).

6. PS STAFF. The PS Staff, under the direction of the Lead, PS, must:

a. Initiate the appropriate background investigation required for the position sensitivity of the position description.

b. Serve as a liaison with other government agencies to obtain investigative information for interim clearance, reciprocal, and adjudicative purposes.

c. Authorized adjudicators may grant interim access for sensitive positions in the DHA to individuals for whom an appropriate investigation is underway, when exceptional circumstances arise where official functions must be performed prior to the completion of an investigation and adjudication process.

d. Initiate Periodic Reinvestigations (PRs).

e. Maintain PS records.

f. Maintain active and inactive DHA PS files in accordance with Reference (g).

g. Release security files and investigative reports for review by accredited investigators of other agencies.

h. Ensure reciprocal acceptance of existing security clearances, or determine when additional information is required, in accordance with References (e) and (h).

i. Refer a case for formal adjudication when significant or derogatory information emerges. The Director at the Military Medical Treatment Facility will grant authority to a designee within PS who maintains authorized adjudicating responsibilities in order to adjudicate at the local level. If adjudication cannot be made, the case will be referred to DoD Consolidated Adjudications Facility (CAF).

j. Maintain and update records pertaining to PS for all DHA personnel.

k. Personnel security will complete the Background Security Eligibility section of the DD Form 2875/SAARS. PS will review and verify system access requests in DD Form 2875/SAARS and other forms requiring access security eligibility verification that are submitted.

l. Perform functions relating to the DoD Security Professional Education Development Program to ensure the security workforce in their respective Component has the knowledge and skills required to perform security functional tasks.

7. CONTRACTING OFFICER'S REPRESENTATIVE (COR). The COR must:

a. Verify and approve the background investigation requests for contractor employees based on contractual needs.

b. Update the "agency use" block and comment section in e-QIP. CORs that do not have e-QIP access are to send the Contractor Facility Security Officer (FSO) and/or Security point of contact (POC) an approval letter through email.

8. FACILITY SECURITY OFFICER (FSO) AND/OR SECURITY POC. The FSO and/or Security POC must perform the following actions for all contractor employees under their purview:

a. Notify the COR of all initiated background investigation requests.

b. Serve as the POC for the applicant.

c. Provide a list of applicants to PS for verification.

d. Initiate the SF-85, Questionnaire for Non-Sensitive Positions or SF-85P, Questionnaire for Public Trust Positions or SF-86, Questionnaire for National Security Positions through e-QIP.

e. Reject the SF-85, SF-85P, and/or SF-86 for corrections, as required.

f. Submit the security package to PS electronically via Electronic Questionnaires for Investigations processing (e-QIP)

g. Act as the POC if the DoD Consolidated Adjudications Facility requires additional information.

h. For components who have CORs that do not have e-QIP access, the components FSO/Security POC will update the Agency Use Block once approval letters are received from the COR (see 7.b. of this enclosure).

ENCLOSURE 3

PROCEDURES

1. PS BACKGROUND INVESTIGATIONS BY STATUS

a. Federal Civilian Employees

(1) Supervisors will complete and submit a Position Description to individuals charged within the Agency that have Position Designation Authority and who will manage the process within the Position Designation Automated Tool (PDT).

(2) HCD will forward the Notification of Incoming Personnel to PS.

(3) PS will review the employee's current eligibility and determine what further actions are required.

(4) If required, PS will email the employee the e-QIP link with instructions to begin the investigation process.

(5) Once complete, the employee submits the e-QIP to PS to review for completeness and accuracy.

(6) PS releases the e-QIP to the DCSA for processing.

(7) PS will notify HCD of subject's investigation status.

(8) This process also applies to temporary employees such as interns, students, seasonal employees, Red Cross Volunteers, and other volunteers.

b. PHS Officers

(1) Supervisors will complete and submit SD 37, Office of the Secretary of Defense Request for Nomination and Position Description of Military Personnel, PHS Form 1662, Request for Personnel Action Commissioned Officers to reflect the correct position along with a justification to Public Health Service Division.

(2) PS will vet the form(s) through personnel security investigation systems for background investigations and eligibility.

c. Military Members Assigned to DHA

(1) PS will review military service members assigned to DHA.

(2) If an updated background investigation is required, the PS will email the military member the e-QIP link along with instructions to start the process of the background investigation. The military member will complete the e-QIP and return it to PS.

(3) Once reviewed for completeness and accuracy, PS will release the e-QIP to DCSA to begin the background investigation process.

d. Consultants

(1) PS receives the DD Form 2292, Request for Appointment or Renewal of Appointment of Expert or Consultant from the DHA Sponsoring Office.

(2) PS will process the DD Form 2292 through personnel security investigation systems and verify the employee's background investigation. If an investigation is found and eligible to be reciprocated, PS will reciprocate.

(3) If no investigation is found, PS will initiate a new background investigation.

(4) PS will notify HCD and the DHA Sponsoring Component of final adjudication results.

e. Contractor Employees

(1) The contractor employee receives a notification request from the Contractor FSO and/or Security POC to complete the e-QIP.

(2) The contractor employee will communicate with the Contractor FSO and/or Security POC to ensure the security package is complete.

(3) The Contractor FSO and/or Security POC will review the e-QIP, and release it to PS.

(4) A contractor employee submitting for an initial investigation must obtain and submit either electronic or hard copy fingerprints to the Contractor FSO and/or Security POC within 3–5 days from the date the investigation is initiated. Although agencies are strongly encouraged to submit fingerprints electronically; however, hard copy fingerprint cards are accepted by DCSA when electronic submissions are not feasible. DCSA scans the hard copy fingerprint cards to electronically transmit to Criminal Justice Information Services.

(5) PS will review the e-QIP for accuracy, and release to DCSA for processing.

(6) Interim access will be granted, unless issues are found during the fingerprint check, the SF-85P, or SF-86's review.

(7) Temporary (or Interim) Authorization of Common Access Card will be granted after favorable review of a completed SF 85, 85P, or 86, favorable review of Federal Bureau of

Investigation Criminal History Report (fingerprint results), and an appropriate background investigation opened by the ISP.

2. DETERMINING PS BACKGROUND INVESTIGATIONS

a. Background Investigations. Contracting Officers have a background investigation requirement based on their level of warrant. Background investigations are based on two factors: position sensitivity and information technology requirements. Having a background investigation that allows access to a computer does not automatically mean an individual will have access to classified information, or what is commonly called a clearance.

b. Position Sensitivity Requirements. Position sensitivity determines the type of background investigation required for each DHA position. It is based on the type of work performed and determined by the DCSA PDT. The supervisor, through HCD, should initiate changes in position sensitivity with updated position sensitivity requirements sent to PS for submission of the appropriate background investigation once the PD is completed. Tier 1 (T1) investigations will be initiated for DHA nominees, unless designated by the position sensitivity designation. DHA employees with T1 investigations will have access to DoD Information Systems, common access card enabled networks, or the Defense Enrollment Eligibility Reporting System, and unclassified physical and logical access.

(1) Non-Sensitive. Nominees for Non-Sensitive positions, which do not require a security clearance, are required to submit the completed SF 85 for Tier 1 investigations and the SF-85P for the initiation of a T2 or Tier 4 investigation. This includes contractor employees with access to unclassified information through their proprietary business system, covered by the DHA Data Sharing Agreement between the government and the company, data entry or singular capability, and access to military personally identifiable information (PII) limited to data entry or singular search capability.

(2) Non-Critical Sensitive. Nominees for Non-Critical Sensitive positions will be required to complete an SF 86 for a Tier 3 (T3) investigation. These investigations will be based on the position sensitivity designated by completion of the DCSA PDT on the DCSA website. Favorable adjudication will result in a minimum of an issuance of a Position of Trust (POT) and could result in eligibility for up to Secret access. The investigation is for determining suitability for Federal employment, to include DoD contractor employees.

(a) The T3 investigation is for personnel with access to DoD Information Systems that contain military active duty, guard, or reservist's PII or information pertaining to Service members that is otherwise protected from disclosures by Reference (x), where such access has the potential to cause serious damage to the national security.

(b) The T3 investigation is also for personnel with the ability to aggregate and extract military PII in mass from an automated records repository.

(3) Reciprocal T3 Investigations. If an incoming federal employee has an Access National Agency Check and Inquiries, it will be honored as a T3. If an individual previously had a T3 investigation and has moved from a military/contractor employee position to a federal employee position, a new or equivalent investigation for T3 is required. This is the minimum requirement for a POT or Secret access and is determined by the DCSA PDT.

(a) Civilian personnel in noncritical-sensitive positions require a favorably adjudicated T3 or its equivalent. A T3 or its equivalent may be used for appointment provided a T3 has been requested from an authorized ISP and there is no more than 24 months break in service.

(b) The T3, or its equivalent, is the minimum investigation required for entry into the Military Departments. The reinvestigation will be initiated within 30 days of the 10-year anniversary date from the previous investigation.

(4) Critical-Sensitive. Nominees for Critical-Sensitive positions will be required to complete and submit Form SF 86 for a Tier 5 investigation. These investigations will be based on the position sensitivity designated by completion of the DCSA PDT on the DCSA website. Favorable adjudication will result in eligibility for positions requiring Top Secret (TS). The investigation is for determining suitability for Federal employment, to include DoD contractor employees. For access to classified information, the requirements of Reference (h) must be met before appointment.

(5) Special-Sensitive. Nominees for Special-Sensitive positions will be required to complete and submit Form SF 86 for a TS investigation. The TS investigation will be based on the position sensitivity designated by completion of the DCSA PDT on the DCSA website. Favorable adjudication will result in eligibility to TS and/or TS/Sensitive Compartmented Information (SCI). The investigation is for determining suitability for Federal employment, to include DoD contractor employees. For access to classified information, the requirements of Reference (k) must be met before appointment.

3. CLEARANCE. A security clearance represents a determination that an individual meets the standards established in References (k) and (i), for access to classified information only when such access is required in connection with official duties. This connection to the official duties of the individual is called the need-to-know.

a. All individuals with need-to-know who are cleared for access to classified information or assigned to sensitive duties requiring access will be given an initial security briefing by the Agency's Security Manager in accordance with References (i) through (k).

b. Individuals granted a TS clearance, component sensitive compartmented information eligibility or Special Access Program eligibility, will contact the Information Security Officer or Special Security Officer for information on their briefing.

c. Contractor employees requiring access will complete the action through their Contractor FSO and/or Security POC unless they do not have a Contractor FSO or Security POC. In those cases, the contractor employee will contact the local security office for briefing instructions.

4. PRs. A PR is required according to the position sensitivity and expiration date of the current background investigation. PS will track the requirement for all PRs. To ensure the reinvestigation requirements are met, contractor employees will be contacted by their Contractor FSO to complete this requirement. Upon request, all DHA personnel are required to complete the forms necessary for the appropriate PR according to DoD procedures. A PR can be initiated 90 days prior to the expiration date of the current background investigation.

a. Individuals occupying a Non-Critical Sensitive position with a Secret security clearance must have a PR conducted on a 10-year recurring basis. POT eligibility may be required to complete a 10-year investigation as needed for the position.

b. Individuals occupying Non-Critical Sensitive positions involving law enforcement and public safety duties must have a PR conducted on a five-year recurring basis. The Special Access Program would require every five years.

c. Individuals occupying a Special-Sensitive position or Critical-Sensitive position with a TS security clearance must have a PR conducted based on the Continuous Evaluation Program schedule, as prescribed by Defense Security Service.

d. PS will send an email notification to the individual requiring a PR along with a copy of the PD.

5. RECIPROCITY. Whenever a prior investigation or PS determination from another agency of the Federal Government meets the investigative scope and standards of Reference (e), such investigation or clearance may be accepted for current access, if there has not been a break in service to government agencies greater than 24 months.

6. SAFEGUARDING PS INVESTIGATIVE RECORDS. It is DHA's policy that such investigative records will be handled and safeguarded with the highest degree of discretion. Access to such information will be afforded only for the purpose of determining access and to persons whose official duties require such information.

7. DUE PROCESS. Due process occurs when an individual's background investigation is returned for an issue(s) as outlined in References (q) or (r). The DoD CAF will identify any conditions that could raise a security concern and be potentially adverse, then provide those concerns to the DHA Headquarters (HQ) PS. The PS will then work with the individual throughout the due process. The individual will communicate directly with the DHA HQ PS Staff, not the DoD CAF. The process is as follows:

a. The individual will receive a Request for Information, Statement of Reasons, or Statement of intent letter from DHA HQ PS listing the disqualifying conditions(s) and conditions that could mitigate the security concern.

b. The individual has a stated number of days, per the letter, to answer each of the conditions that could raise a security concern or potentially be disqualifying.

c. If the individual fails to reply within the stated time frame, the case will be determined without the individual's input.

d. If the individual does reply, but the DoD CAF does not feel the individual answered with sufficient information; or the DoD CAF does not feel the individual did enough to mitigate the security concerns, the case may still be sent to the Defense Office of Hearings and Appeals (DOHA).

e. When the case reaches DOHA, the individual has the right to address the board via a letter or in person (via video teleconference). If the individual does not respond to the request by DOHA, a decision will be made without the individual's input.

(1) Negative outcomes may result in a Letter of Denial or Letter of Revocation.

(2) Decisions by DOHA are final. If a Letter of Denial or Letter of Revocation is issued, the individual will be denied access for a period of no less than one year. The individual's organization/contract company will remove the individual from any work on government contracts and/or terminate the employment. Civilians will be processed according to established Office of Personnel Management Policy. Denials are identified and worked through the DHA HQ PS.

8. POSITIONS WITH DIRECT CONTACT WITH CHILDREN. It is DHA's policy that any position involving regular direct contact with children under the age of 18 will be handled in accordance with the References (t) through (v).

a. Any DHA employee involved in direct, one-on-one, or private office contact with children must have child checks included in his or her background investigation. These individuals include: DHA employees (appropriated fund, non-appropriated fund, and overseas foreign nationals); healthcare providers; contractor employees (regular and recurring); military members of the active and reserve components; personnel who provide care in their homes (on or off a military installation) as part of a DHA-sponsored or sanctioned program (e.g., family child care, foster care, and respite care providers, as well as youth and adults living in these households); specified volunteers (as defined in Reference (u)); and any other persons reasonably expected to have regular contact with children in performance of their duties of services in a DHA-sponsored or sanctioned program or activity, including as part of the TRICARE Health Plan or at a DHA military medical treatment facility.

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b. DHA employees are not permitted to have unsupervised individual one-on-one contact with children until their background investigation, including child checks, is final and favorably adjudicated, in accordance with the National Background Investigations Bureau policies and procedures (Reference (t)).

c. DHA employees who have received a favorable interim suitability and fitness determination based on the Federal Bureau of Investigation criminal history background check and or Installation Record Checks are permitted to work under line-of-sight supervision pursuant to subsection (b)(3) of Section 13041 of Reference (v). Parents and guardians can serve in the line-of-sight supervision capacity when children are being provided health care.

GLOSSARY

ABBREVIATIONS AND ACRONYMS

CAF	Consolidated Adjudications Facility
COR	Contracting Officer's Representative
DCSA	Defense Counterintelligence and Security Agency
DD	Department of Defense Form
DHA	Defense Health Agency
DHA-AI	Defense Health Agency-Administrative Instruction
DOHA	Defense Office of Hearings and Appeals
EAD	Enterprise Assurance Division
e-QIP	Electronic Questionnaires for Investigations Processing
FSO	Facility Security Officer (Contractors only Title)
HCD	Human Capital Division
HQ	Headquarters
PD	Position Description
PDT	Position Designation Automated Tool
PHS	Public Health Service
PII	Personally identifiable information
POC	Point of Contact
POT	Position of Trust
PR	Periodic Reinvestigation
PS	Personnel Security
PSP	Personnel Security Program
SF	Standard Form
T1	Tier 1
T3	Tier 3
TS	Top Secret