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Shaping a Culture of Privacy in the Department of Defense

by Michael E. Reheuser

I read with interest your December 6th article entitled The Military's Cultural Disregard for Personal Information. The authors have done well to bring to light a continuing challenge not only for the Department of Defense, but for all government agencies. They rightly point out the overreliance on Social Security Numbers as a common identifier and the risks which its pervasiveness present to military personnel both at home and deployed across the globe.

For more than 30 years the Defense Privacy Office – now Defense Privacy and Civil Liberties Office (DPCLC) – has worked across the DoD Components to address a myriad of risks to personal information. Over that time the Department has instituted numerous policies to protect the privacy and secure the records of its personnel and their dependents, sometimes revolutionizing entire business practices in the process. Today the Department faces just such a watershed moment.

The government's reliance on SSNs to identify individuals and retrieve records has imperiled the very people it intends to serve. It is in recognition of this danger, and in response to instructions from Congress and the President, that the Department has already begun implementing an unprecedented, department-wide initiative to reduce - and where possible eliminate - the collection and use of the SSN. Starting this year, Military ID cards will no longer be printed with the sponsor's SSN (Removal of dependent SSNs from ID cards began in 2008). In its place will be printed a new DoD ID Number as well as a DoD Benefits Number for those entitled to benefits such as health care or exchange privileges.

As old ID cards are cycled out and personnel become more familiar with their DoD ID, these numbers will begin to supplant the SSN in the Department's systems, enabling the Department and its components to conduct their business without interruptions and without undue risks to the member's personal information. The Department is issuing strict guidelines for the use of these new identification numbers to ensure that they remain within DoD control and to prevent them from becoming as ubiquitous as the SSN has become.

Converting to a new identification system will be arduous, and in many instances entire information systems and business practices will have to be completely revamped. The old ways of doing business must be changed entirely. To ensure that these changes are implemented quickly and effectively, the Department is preparing a process whereby the DPCLC will be able to review each and every system which collects, maintains, disseminates, or uses SSNs. During this review system managers will be required to eliminate SSNs unless their continued use can be justified through narrowly defined exemptions.

While this initiative will go a long way towards protecting personal information held by the department, it is by no means the sum total of the department's efforts. Since its creation in

1975, the Defense Privacy Office (Now DPCLC) has worked to protect, monitor, and report on the department's collections of personal information. While it can be difficult to impart on everyone the necessary sense of urgency in protecting the privacy of our military and civilian personnel and their dependents, it is a battle which the Department takes seriously. Ultimately, a culture which is mindful and respectful of privacy can only be won through education, and I appreciate the authors who have helped call attention to this serious issue, as well as Small Wars Journal for providing a venue through which to advance this discussion.

Michael Reheuser is the Director of the Defense Privacy and Civil Liberties Office (DPCLC) and DoD's Deputy Civil Liberties Officer. Before joining the DPCLC, he served as an Associate Deputy General Counsel in the DoD Office of General Counsel where he was responsible for all FOIA litigation involving the Office of the Secretary of Defense, and provided legal advice to DoD components on FOIA and Privacy Act matters. Before coming to DoD, he was a partner in the Virginia law firm, Jordan Coyne and Savits, L.L.P. where he focused on complex litigation in state and federal court. Mr. Reheuser spent more than twenty-five years in the United States Marine Corps Reserve, retiring in 2009.

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