

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:

LEGAL EFFICIENCY AUTOMATION PLATFORM'S (LEAP) SHAREPOINT SUPPORT

2. DOD COMPONENT NAME:

Defense Health Agency

3. PIA APPROVAL DATE:

04/30/24

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.

LEAP is hosted under OBIWAN, which has its own Privacy Impact Assessment, and is a document and task management system for legal operations. It is currently being used to house information and to process incoming subpoenas. We receive many subpoenas requesting medical records. The information often has members name, SSN, DOB, records, medical information, PHI.

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)

Requests for records and Subpoenas for beneficiary records are forwarded to OGC for review. OGC reviews this information and ensures it meets the requirements of the Privacy Act and the DoD Health Information Privacy Regulation (DoD 6025.18-R) prior to either denying the request or forwarding the Authorization to release records to the Federal Records Service Center.

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.

This is a Yes and No answer. Most of the requests we receive come from beneficiaries themselves and/or law firms that represent them. However, we also receive requests for records from opposing counsel in lawsuits seeking beneficiary records. Those requests may include beneficiary DOB and SSN.

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.

This is a yes and no answer as well. When it comes to the use of their PII/PHI in our LEAP system specifically I would say NO. If we receive it, we have it and it gets logged in. However, when it comes to request for records whether it be from a beneficiary and/or their attorney or opposing counsel in a lawsuit, that PII/PHI contained within the federal record center (not located within LEAP) can't be released unless the beneficiary themselves sign an authorization.

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

When we are presented with a request for records that is not accompanied with an authorization we request that they complete DD FORM 2870 "Authorization for Disclosure Medical or Dental Information" and return to our office for processing. This form does contain a Privacy Act Statement.

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)

Within the DoD Component

Specify.

We only share the PII/PHI with the DHA FOIA Office/ when giving them the approval to move forward with releasing the records being sought in a records request.

Other DoD Components (i.e. Army, Navy, Air Force)

Specify.

Other Federal Agencies (i.e. Veteran's Affairs, Energy, State)

Specify.

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)

Individuals

Databases

Existing DoD Information Systems

Commercial Systems

Other Federal Information Systems

Requests come from the TRICARE beneficiaries, their counsel, and/or opposing counsel in lawsuits. These requests for records/Subpoenas are logged in and out of LEAP for response to either be denied or approval sent to the FOIA office authorizing the to release records to the requesting party if the request meets the requirements of the Privacy Act and DOD 6025.18-R. We don't collect any PII/PHI, it is sent to us when a beneficiary is requesting their own records.

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

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)

Requests are received by secure email, fax, and mail. Requests must have a valid authorization (DD Form 2870), or a similar authorization that meets the requirements of the DoD Health Information Privacy Regulation 6025.18-Section C5.3.

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.

Scheduled

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

(3) Retention Instructions.

LEAP contains approximately 40 different disposition schedules. Please refer to the attached LEAP Disposition Schedules.pdf.

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.

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.

The information collected in this system is for the diagnosis and treatment of medical disorders and does not collect PHI/PII directly from individuals. It is not the initial point of collection for any PHI/PII and is not considered a public information collection IAW DoDM 8910.01, V2, Encl 3, paragraph 8b(5).