

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:

Equal Employment Opportunity Compliant Database System (EEO CDS)

2. DOD COMPONENT NAME:

Defense Health Agency

3. PIA APPROVAL DATE:

06/24/24

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.)

- | | |
|---|--|
| <input type="checkbox"/> From members of the general public | <input type="checkbox"/> From Federal employees |
| <input checked="" type="checkbox"/> from both members of the general public and Federal employees | <input type="checkbox"/> Not Collected (if checked proceed to Section 4) |

b. The PII is in a: (Check one.)

- | | |
|--|---|
| <input checked="" type="checkbox"/> New DoD Information System | <input type="checkbox"/> New Electronic Collection |
| <input type="checkbox"/> Existing DoD Information System | <input type="checkbox"/> Existing Electronic Collection |
| <input type="checkbox"/> 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.

The Equal Employment Opportunity Compliant Database System (EEO CDS) is under the Defense Health Agency Health Affairs (DHA HA) Equal Opportunity and Diversity Management (EODM) Office, which is responsible for the overall management of the Equal Employment Opportunity Program. The Defense Health Agency (DHA) is committed to providing equal opportunity for all employees, former employees, and applicants for employment on the basis of merit and without regard of race, color, national origin, sex (to include sexual orientation or pregnancy discrimination), religion, age, retaliation, genetic information, or physical and/or mental disability. Within DHA, every effort will be made to ensure that all employment decisions and personnel actions, including recruitment, selection, training, promotion, transfer, and benefits are administered in conformance with federal statutes and regulations governing equal employment and personnel management.

EEO CDS manages the Equal Employment Opportunity (EEO) process, generates the Form 462 annual report, and provides role-based dashboards which enables agency staff to manage their workloads. Built-in business rules ensure compliance with The Equal Employment Opportunity Compliant Management Directive -110 (EEOC MD-110), EEOC reporting requirements, and 29 CFR 1614. Robust search capabilities facilitate quick access to and increased sharing of EEO data. Internal and external alerts are tied to different events in the EEO complaint process to support compliance, data integrity, and quality reporting. By tracking every variable in the case management life-cycle, EEO CDS ensures that each step in the EEO process is properly executed while delivering huge gains in productivity, including prompt generation of standard reports, immediate overview of important data, instantaneous reception of on-line complaints, and dramatic improvement of compliant intake efficiency.

EEO Case Management helps DHA meet the following goals:

1. Reduction in Case backlog and processing times.
2. Identification of areas that are doing well or need improvement.
3. Timely and accurate submission of the annual EEOC Form 462 Report and the quarterly No FEAR Report

The categories of individuals from which EEO CDS collects personally identifiable information (PII) include Federal civilians, military personnel, volunteers, and contractors.

PII elements collected by EEO CDS include name(s), employment information, work contact information, personal contact information, and personal demographic information (i.e., race, sexual orientation, religious affiliation, etc.).

EEO CDS is a Section 508 compliant Commercial Off-the-Shelf (COTS) product managed by the Clinical Support (CS) Program Management Office (PMO)/Solution Delivery Division (SDD)/Program Executive Office (PEO) Medical Systems (J-6)/DHA.

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)

EEO CDS collects PII for mission-related and administrative use. The intended use of collected PII is to ensure that all DHA employment decisions and personnel actions are administered in conformance with federal statutes and regulations governing equal employment and personnel management.

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.

Submission of an EEO complaint is voluntary; individuals can object to the collection of their PII by declining to fill out the requisite EEO complaint form(s). However, failure to provide the necessary information may lead to processing delays or rejection of the EEO complaint.

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.

Submission of an EEO complaint is voluntary; individuals have the opportunity to consent to the specific uses of their PII by declining to fill out the requisite EEO complaint form(s). However, failure to provide the necessary information may lead to processing delays or rejection of the EEO complaint.

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: 42 U.S.C. 2000e-16 (b) and (c); 29 U.S.C. 633a, Nondiscrimination on Account of Age in Federal Government Employment; and 29 U.S.C. 791, Employment of Individuals with Disabilities.

PURPOSE: Information collected is used for processing of complaints of discrimination because of race, color, national origin, religion, sex, age, physical and/or mental disability, genetic information, or reprisal by Defense Health Agency civilian employees, former employees, applicants for employment and some contract employees.

ROUTINE USES:

- a. To disclose pertinent information to a federal, state, or local agency or third party as may be appropriate or necessary to perform the Commission's functions under the Age Discrimination in Employment Act, Equal Pay Act, or section 304 of the Government Employee Rights Act of 1991.
- b. To disclose information contained in these records to state and local agencies administering state or local fair employment practices laws.
- c. To disclose non-confidential and non-privileged information from closed ADEA/EPA case files (a file is closed when the Commission has terminated its investigation and has decided not to sue) to the employer where a lawsuit has been filed against the employer involving that information, to other employees of the same employer who have been notified by the Commission of their right under 29 U.S.C. 216 to file a lawsuit on their own behalf, and their representatives.
- d. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of a party to the charge.
- e. To disclose pertinent information to the appropriate federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the EEOC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- f. To disclose information to another federal agency, to a court, or to a party in litigation before a court or in an administrative proceeding being conducted by a federal agency when the government is a party to the judicial or administrative proceeding.
- g. To disclose information to officials of state or local bar associations or disciplinary boards or committees when they are investigating complaints against attorneys in connection with their representation of a party before EEOC.
- h. To disclose to a Federal agency in the executive, legislative, or judicial branch of government, in response to its request for information in connection with the hiring of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision.
- i. To disclose information to other federal agencies in accordance with Memorandum of Understanding or similar agreements between EEOC and other agencies that provide for coordination, cooperation, and confidentiality of documents in EEOC's employment discrimination enforcement efforts.

DISCLOSURE: Voluntary, however, failure to complete all appropriate portions of the form may lead to delay in processing and/or rejection of complaint on the basis of inadequate data on which to continue processing.

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
- Other DoD Components (i.e. Army, Navy, Air Force)
- Other Federal Agencies (i.e. Veteran's Affairs, Energy, State)
- State and Local Agencies

Specify.

DHA EODM; DHA Office of General Counsel (OGC)
Equal Employment Opportunity Commission (EEOC)

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. Tier 3 Contractors -
Pivot Path Contract Language:
"The Contractor shall establish appropriate administrative, technical, and physical safeguards to protect any and all Government data, to ensure the confidentiality, integrity, and availability of Government data. As a minimum, this shall include provisions for Program/System Security, Risk Management Framework Support, Information Assurance Vulnerability management."

"In order to meet the requirements of the Privacy Act and the DoD Privacy Act Issuances, the Contractor shall identify to the DHA Contracting Officer (CO) systems of records that are or will be maintained or operated for DHA where records of PII collected from individuals are maintained and specifically retrieved using a personal identifier. Upon identification of such systems to the CO, and prior to the lawful operation of such systems, the Contractor shall coordinate with the DHA Privacy Office to complete systems of records notices (SORNs) for submission and publication in the Federal Register as coordinated by the Defense Privacy and Civil Liberties Office, and as required by the DoD Privacy Act Issuances."

Tier 2 Contractors -
Irving Burton Associates Contract Language:
Personally Identifiable Information (PII), Protected Health Information (PHI), and Federal Information Requirements (refer to Clause Section for DHA Procedures, Guidance and Information 224.90 if applicable).

"The Contractor shall establish appropriate administrative, technical, and physical safeguards to protect any and all Government data, to ensure the confidentiality, integrity, and availability of Government data." Also, the contractor's company must have a valid Data Sharing Agreement on file with the Defense Health Agency Privacy and Civil Liberties Office prior to their employees accessing the DMHRSi system.

"The contractor will comply with the requirements in Office of Management and Budget (OMB) Circular A-130, in the DoD Directive 5400.11, "DoD Privacy Program," October 29, 2014, and in the DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007."

Other (e.g., commercial providers, colleges).

Specify.

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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

Individuals: Complainants may initiate an EEO Compliant by filling out DHA Form 28, DHA Form 30, or the EEO Contact Request Form (<https://play.apps.appplatform.us/play/e/default-8903a443-af33-4ed4-acf5-ee613bcb2f59/a/27fdb7f5-0a2e-4d9d-bd8c-ca6ddd57ac7c?tenantId=8903a443-af33-4ed4-acf5-ee613bcb2f59&hint=3bb42320-47f6-4d21-b0e7-6146e6b3241d&sourcetime=1703094411410>)

Existing DoD Information Systems: Defense Medical Human Resources System-internet (DMHRSi).

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)

Official Form: DHA Form 28; DHA Form 30

Website/E-Form: EEO Contact Request Form (<https://play.apps.appplatform.us/play/e/default-8903a443-af33-4ed4-acf5-ee613bcb2f59/a/27fdb7f5-0a2e-4d9d-bd8c-ca6ddd57ac7c?tenantId=8903a443-af33-4ed4-acf5-ee613bcb2f59&hint=3bb42320-47f6-4d21-b0e7-6146e6b3241d&sourcetime=1703094411410>)

Information Sharing - System to System: DMHRSi

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.

As applicable:
FILE NUMBER: 202-25.3
DISPOSITION: Permanent. Cut off annually. Transfer to NARA 20 years after cutoff.
FILE NUMBER: 202-43.1
DISPOSITION: Temporary. Cut off after resolution of case. Destroy 7 years after cutoff.
FILE NUMBER: 202-43.3
DISPOSITION: Temporary. Cut off after resolution of case. Destroy 3 years after cutoff.
FILE NUMBER: 202-43.4
DISPOSITION: Temporary. Cut off annually. Destroy 7 years after cutoff.

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.

42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. 204(f) and 206(d); 29 U.S.C. 633(a); 29 U.S.C. 791; Reorg. Plan No. 1 of 1978, 43 FR 19607 (May 9, 1978); Exec. Order No. 12106, 44 FR 1053 (Jan. 3, 1979); Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 110; EEOC MD 715; EEOC Form 462 Report; the No FEAR Report.

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.

SDD submitted PIA for DHA IMCO review on 3/20/24.