

## Responses to USA Inquires Re: DHRA 06-DoD

01/21/10

Q: *Is the plan to eliminate the SADMS SORN and use the DoD SORN to cover the sexual assault data from all services? If so, my concern is that the current DoD SORN does not sufficiently cover the data that the Army proposes to collect. The following are just a few recommended changes to the DoD SORN that I suggest you submit to Mr. Jones. These changes are based on my assumption that your office has a mandate to collect the information that you've included in your draft amended SORN.*

A: The DHRA 06 DoD System of Records Notice (SORN) for the Defense Sexual Assault Incident Database (DSAID) will be considered an umbrella SORN; however, it does not attempt to cover all Categories of Records or Categories of Individuals listed in the Service systems from which DSAID pulls limited information. This SORN covers information which is collected by DSAID from the Services.

Q: *The Categories of Individuals Covered by the System section of the DoD SORN focuses on victims and alleged offenders who are uniformed members of the Armed Forces, DoD Civilians and/or DoD Contractor personnel and does not include records on civilian (non DoD) victims of sexual assault allegedly committed by uniformed members of the Armed Forces, DoD Civilians and/or DoD Contractor personnel. The Army SORN covers "any person who has been identified as the victim of a sexual assault allegedly committed by a uniformed...."*

A: The Categories of Individuals covered by DSAID are needed to fulfill the congressional mandate of Section 563 of Public Law Number 110-417 and to be in compliance with DoD Directive 7730.47, "Defense Incident-based Reporting System (DIRBS). At the time DHRA 06 DoD was written, the Categories of Individuals included: Military personnel, DoD civilians, and contractors who may be victims and/or alleged perpetrators in a sexual assault involving a member of the Armed Forces.

Since this SORN was published in the Federal Register on 15 December 2009, legislative and oversight bodies have widened the scope of DoD sexual assault prevention and response policy. These policy modifications will be reflected in an alteration to DHRA 06 DoD to include: Military personnel; DoD civilians; other government civilians; civilians who are U.S. citizens; DoD contractors; other contractor personnel; and foreign nationals who may be victims and/or alleged perpetrators in a sexual assault involving a member of the Armed Forces. *(Please note this language is still in draft.)*

While the scope of the original mandate is anticipated to be expanded in future to comply with congressional requirements, the SORN must reflect current needs.

Q: *The DoD SORN also does not cover sexual harassment complaints. Language regarding sexual harassment complaints will need to be added to Categories of Individuals Covered by the System, Categories of Records in the System, and the Purpose sections of the DoD SORN.*

A: DSAID will not include sexual harassment information. Department-related sexual harassment policies and programs are executed by the Diversity Management

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Equal Opportunity Program under the purview of the Civilian Equal Opportunity Office in the Office of the Deputy Under Secretary of Defense for Plans.

*Q: The Categories of Records in the System description in the DoD SORN will have to be expanded. As currently written, the notice implies that only basic biographical data is to be collected and maintained about the victim and alleged perpetrator. This does not sufficiently notify the public that records such as treatment dates and installation victim support; actions taken against offenders; and reports of sexual harassment will be collected and maintained.*

A: This SORN was not created to inform the public of each data element held within the system. Instead, it notifies the public of the government's intent to collect and maintain personally identifiable information. DSAID will not collect or maintain treatment dates in sexual assault cases or reports of sexual harassment. DSAID will collect and maintain information regarding installation victim support through service referrals and actions taken against offenders.

When an alteration to DHRA 06 DoD is made, it will also include the types and dates of service referrals as well as case dispositions to the Categories of Records. DSAID will not collect information until these additional collection requirements can be met.