

**Office of the Secretary**

**[Docket ID: DoD-2020-OS-XXXX]**

**Privacy Act of 1974; System of Records**

**AGENCY:** Office of the Secretary, Department of Defense (DoD).

**ACTION:** Notice of a modified System of Records.

**SUMMARY:** The Office of the Secretary of Defense (OSD) is modifying a System of Records titled, "Department of Defense (DoD) Foreign Clearance Program Records," F011 AF A10 B DoD. This system of records is being modified due to a change in the system's hosting environment from the Defense Technical Information Center to the Defense Information Systems Agency milCloud in order to comply with DoD Chief Information Officer latest guidance and cybersecurity requirements. The DoD Foreign Clearance Program Records Aircraft and Personnel Automated Clearance System (APACS) is a web-based application designed to aid DoD mission planners, aircraft operators and DoD personnel in meeting host nation aircraft, diplomatic, and personnel travel clearance requirements (as outlined in the DoD Foreign Clearance Guide).

**DATES:** This System of Records modification is effective upon publication; however, comments on the Routine Uses will be accepted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The Routine Uses are effective at the close of the comment period.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

\* Federal Rulemaking Portal: <https://www.regulations.gov>.

Follow the instructions for submitting comments.

\* Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bao Anh Trinh, Department of the Air Force, Air Force Privacy Office, Office of Warfighting Integration and Chief Information Officer, ATTN: SAF/CNZA, 1800 Air Force Pentagon, Washington, DC 20330-1800, or by phone at (703) 695-6622.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The DoD Foreign Clearance Program Records, F011 AF A10 DoD system of records is being modified as a DoD-wide Privacy Act system of records for use by all DoD offices and components. A DoD-wide system of records notice (SORN) supports multiple DoD paper or electronic recordkeeping systems operated by more than one DoD component that maintain the same kind of information about individuals for the same purpose. Establishment of DoD-wide SORNs help DoD standardize the rules governing the collection, maintenance, use, and sharing of personal information in key areas across the enterprise. DoD-wide SORNs also reduce duplicative and overlapping SORNs published by separate DoD components. The creation of

DoD-wide SORNs is expected to make locating relevant SORNs easier for DoD personnel and the public, and create efficiencies in the operation of the DoD privacy program.

The system of records notice, “DoD Foreign Clearance Program Records, F011 AF A10 DoD.”

is being modified due to a change in the system’s hosting environment from the Defense

Technical Information Center to the Defense Information Systems Agency milCloud in order to comply with DoD Chief Information Officer latest guidance and cybersecurity requirements.

This system is used to track, support, and facilitate global movement of U.S. Government aircraft and DoD personnel traveling to foreign locations. Aircrews must use the system to obtain aircraft foreign overflight/landing diplomatic clearances. In addition, DoD personnel or DoD-sponsored personnel must use the system to obtain Combatant Command (COCOM) and foreign nation travel clearances according to the travel requirements of each country and COCOM Area of Responsibility listed in the DoD Foreign Clearance Guide (DoD FCG). APACS provides requesting and approving organizations (i.e., clearance approval personnel at U.S. Embassies, COCOM theater locations and OSD special areas) access to a common database containing all necessary data to process/approve clearances.

The OSD notices for Systems of Records subject to the Privacy Act of 1974, as amended, have been published in the Federal Register and are available from the address in FOR FURTHER INFORMATION CONTACT or at the Defense Privacy, Civil Liberties, and Transparency Division website at <https://dpcl.d.defense.gov>.

## **II. Privacy Act**

Under the Privacy Act, a “system of records” is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an

individual is defined as a U.S. citizen or lawful permanent resident. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

In accordance with 5 U.S.C. 552a(r) and OMB Circular No. A-108, DoD has provided a report of this system of records to the Office of Management and Budget and to Congress.

Dated:

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

**SYSTEM NAME AND NUMBER:** Department of Defense (DoD) Foreign Clearance Program Records, F011 AF A10 B DoD.

**SECURITY CLASSIFICATION:** Unclassified and Classified.

**SYSTEM LOCATION:** Defense Information Systems Agency (DISA) milCloud Plus environments at DISA Enterprise Computing Centers (DECC), 416 E. Moore Dr., Building 857, Maxwell AFB, Gunter Annex, AL 36114 and DISA Computing Services, 8705 Industrial Blvd., Building 3900, Tinker AFB, OK 73145.

**SYSTEM MANAGER(S):** Chief, DoD Foreign Clearance Program; Policy Division; Deputy Chief of Staff, Strategic Deterrence and Nuclear Integration; 1488 Air Force Pentagon, Washington, D.C. 20330-1488; 703-614-0130, email DoD.FCP@us.af.mil.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:** 10 U.S.C. 7013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Navy; 10 U.S.C. 9013, Secretary of the Air Force; 22 U.S.C. 4801, Findings and purpose; 22 U.S.C. 4802, Responsibility of Secretary of State; and 22 U.S.C. 4805, Cooperation of other Federal Agencies; Public Law 99-399, Omnibus Diplomatic Security and Antiterrorism Act of 1986; Department of Defense Directive 4500.54E, DoD Foreign Clearance Program; NIST.SP.800-53r4, Security and Privacy Controls for Federal Information Systems and Organizations; Chapter 4 Office of the Secretary of Defense, DoD Directive 5101.1, DoD Executive Agent, DoD 4500.09-R, Defense Transportation Regulation, DoD Manual 1000.21 DoD Passport and Passport Agent Services

**PURPOSE(S) OF THE SYSTEM:** This system aids DoD mission planners, aircraft operators and DoD personnel in meeting host nation aircraft, diplomatic, and personnel travel clearance requirements outlined in the DoD Foreign Clearance Guide. The system provides travel clearance requesting, approving, and monitoring organizations (i.e., clearance adjudicators at

U.S. Embassies, Geographical Combatant Commands and in the theater of operations and Office of the Secretary of Defense special area clearance adjudicators) access to a common, centralized, secure database containing all necessary information for processing and or approving foreign travel clearances.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:** All military personnel, DoD civilians, and non-DoD personnel traveling under DoD sponsorship (contractors and dependents) including temporary travelers as defined by the DoD Foreign Clearance Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:** Name, Rank/Grade, DoD Identification Number (DoD ID), Date of Birth, Place of Birth, Passport Information, Security Clearance Information, Citizenship, Employment Information, Position/Title, Personal Email Address, Work Email Address, Official Duty Address, Official Duty Phone, Home/Cell Phone, and Emergency Contact (i.e., supervisor's name, phone and email).

**RECORD SOURCE CATEGORIES:** The individual.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING**

**CATEGORIES OF USERS AND PURPOSES OF SUCH USES:** In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

b. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

c. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

d. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. §§ 2904 and 2906.

e. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

f. To appropriate agencies, entities, and persons when (1) the DoD suspects or has confirmed that there has been a breach of the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

g. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the

risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

h. To contractors, grantees, experts, consultants, students, and others performing or working on a contract , service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this system of records.

i. To appropriate Federal, state, local, territorial, tribal, foreign, or international agencies for the purpose of counterintelligence activities. This routine use complies with U.S. law or Executive Order, or for the purpose of executing or enforcing laws designed to protect the national security or homeland security of the United States, including those relating to the sharing of records or information concerning terrorism, homeland security, or law enforcement.

j. To a domestic or foreign entity entering into a public-private partnership with the Defense POW/MIA Accounting Agency (DPAA). This routine use complies with 10 U.S.C. 1501a, when DPAA determines such disclosure is necessary to the performance of services DPAA agrees shall be performed by the partner.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:** Records are stored electronically.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:** Records are retrieved by name, DoD ID number and work e-mail address.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Destroy after 5 years. Electronic records are destroyed by deleting or overwriting.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:** Role-based access control restricts the system access to authorized users with a need-to-know. The system is

common access card-enabled and has a firewall with security rules implemented. Network encryption protects data transmitted over the network while disk encryption secures the disks storing data. Key management services safeguard encryption keys. The APACS application resides in DISA's Defense Enterprise Computing Center in a DISA milCloud environment within a secure building monitored by security guards and cypher locks. Records are encrypted during transmission to protect session information and while at rest.

**RECORD ACCESS PROCEDURES:** Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, DoD Foreign Clearance Program, 1488 Air Force Pentagon, Washington, D.C. 20330-1488 or email DoD.FCP@us.af.mil. For verification purposes, individuals should provide their full name, any details, which may assist in locating records, and their signature. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746 in the following format:

If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America the foregoing is true and correct.  
Executed on (date). (Signature)."

If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.  
Executed on (date). (Signature)."

**CONTESTING RECORD PROCEDURES:** The DoD rules for accessing records, contesting contents, and appealing initial agency determinations are contained in 32 CFR part 310 or may be obtained from the system manager.

**NOTIFICATION PROCEDURES:** Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, DoD Foreign Clearance Program, 1488 Air Force Pentagon, Washington, D.C. 20330-1488 or email DoD.FCP@us.af.mil. For verification purposes, individuals should provide their full name, any details that may assist in locating records, and their signature. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746 in the following format:

If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).”

If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:** None.

**HISTORY:** Department of Defense (DoD) Foreign Clearance Program Records, F011 AF A3 B DoD, January 03, 2012, 77 FR 94