

Change Document:

**Billing Code**

**DEPARTMENT OF DEFENSE**

Department of the Navy (DON)

**DOCKET ID:**

Privacy Act of 1974; System of Records

**AGENCY:** Department of the Navy DoD

**ACTION:** Notice to New a System of Records

**SUMMARY:** The Department of the Navy proposes to establish a system of records notice: Restricted Sexual Assault Serial Offender Database (CATCH), N05580-2, a new system of records in order to collect and compare law enforcement records of sexual assault; including restricted and unrestricted reports for the purpose of identifying serial sexual assault offenders. Sources of other sexual assault reports will include investigative reports prepared by the Naval Criminal Investigative Service (NCIS), DON, Department of Defense (DoD), or other Federal, state, local, tribal, or foreign law enforcement or investigative bodies. Records in the system will consist exclusively of information voluntarily forwarded to the Military Criminal Investigative Organizations by sexual assault victims who have opted to restrict their report of sexual assault as authorized by Section 543 of public law 113-291. The National Defense Authorization Act (NDAA) for fiscal year 2015, directs the Department of Defense to establish the Restricted Sexual Assault Serial Offender Database, which allows military criminal investigative organizations to retain and access certain information contained in a restricted report on a confidential basis that will not affecting the restricted nature of the report.

**DATES:** Comments will be accepted on or before [**INSERT DATE 30 DAYS AFTER DATE OF PUBLICATIONS IN THE FEDERAL REGISTRY**]. This proposed action will be effective on the date following the end of the comment period unless comments are received which will result in a contrary determination.[The deadline to submit comments on the proposal and the date on which any routine uses will be effective].

**ADDRESSES:** [Instructions for submitting comments on the proposal, including an email address or a website where comments can be submitted electronically].

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

- \* Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- \* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350-3100.
- \* Email: [CATCH@NCIS.NAVY.MIL](mailto:CATCH@NCIS.NAVY.MIL)

**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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Patterson, Head, FOIA/Privacy Act Program Office, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350-2000, or by phone at (202) 685-6546.

**SUPPLEMENTARY INFORMATION:**

Section 543 of public law 113-291, the National Defense Authorization Act (NDAA) for fiscal year 2015 requires this system of records to be restricted from public access or appeal.

DoD Instruction 6495.02, May 24, 2017, implements section 536 of Public Law 114-92, “National Defense Authorization Act for Fiscal Year 2016,” November 25, 2015 that preempts State laws that require disclosure of personally identifiable information (PII) of the adult sexual assault victim or alleged perpetrator to local or State law enforcement.

Dated:

Aaron Siegel  
Alternate OSD Federal Register Liaison Officer, Department of Defense

**SYSTEM NAME AND NUMBER:** Restricted Sexual Assault Serial Offender Database, CATCH, N05580-2

**SYSTEM CLASSIFICATION:** Unclassified

**SYSTEM LOCATION:** Director, Naval Criminal Investigative Service, 27130 Telegraph Road Quantico, VA. 22134-2253

**SYSTEM MANAGER(S):** Director, Naval Criminal Investigative Service, 27130 Telegraph Road Quantico, VA 22134-2253, CATCH@NCIS.NAVY.MIL

**AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:** Section 543 of public law 113-291, the National Defense Authorization Act (NDAA)

**PURPOSE(S) OF THE SYSTEM:** The system will collect and compare law enforcement records of sexual assault; including restricted and unrestricted reports for the purpose of identifying serial sexual assault offenders. Sources of other sexual assault reports will include investigative reports prepared by the Naval Criminal Investigative Service (NCIS), DON, Department of Defense (DoD), or other Federal, state, local, tribal, or foreign law enforcement or investigative bodies. Records in the system will consist exclusively of information voluntarily forwarded to the Military Criminal Investigative Organizations by sexual assault victims who have opted to restrict their report of sexual assault as authorized by Section 543 of public law 113-291.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:** Military; Active Duty, Reservist, Retirees, Civilian; Active and Retired, Contractors, members of the public who have been accused of sexual assault in a restricted sexual assault allegation.

**CATEGORIES OF RECORDS IN THE SYSTEM:** Full name, gender, physical description, health information, identifying marks, marital status, birth date, age, current home address, permanent home address, employer information, work phone number, home phone number, cell phone number, fax number, work email address, home email address, rank/rate, pay grade, civilian pay grade equivalent, branch of service, last known unit, criminal conviction or violations, cigarette smoking habits, drug/alcohol usage, vehicle information.

**RECORD SOURCE CATEGORIES:** Individual; Military Orders; Emergency Data Form; Defense Enrollment Eligibility Reporting System (DEERS); Defense Civilian Payroll System (DCPS); detaching endorsement from prior duty station; military pay records; privatized partner system; law enforcement reports.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:** Section 543 of public law 113-291, the National Defense Authorization Act (NDAA) for fiscal year 2015 requires this system of records to be restricted from public access or appeal.

DoD Instruction 6495.02, May 24, 2017, implements section 536 of Public Law 114-92, “National Defense Authorization Act for Fiscal Year 2016,” November 25, 2015 that preempts State laws that require disclosure of personally identifiable information (PII) of the adult sexual assault victim or alleged perpetrator to local or State law enforcement.

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been published in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:** Electronic database and storage media only. No paper copies will be maintained.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:** Reports are retrieved by a unique identifier that does not reveal the identity of the victim. The unique identifier is randomly generated by the database when the initial log-in name and password is created for the victim. Records are retrieved by this assigned unique identifier of the victim or the name and description of the alleged offender.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:** Restricted files are destroyed after 10 years. Destruction of records will be accomplished by deletion from the system. No other paper or digital records will be created or maintained.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:** Administrative Safeguards: Records are accessible only to authorized persons with a need-to-know basis who are properly screened, cleared, trained, and may only access the database on a Common Access Card (CAC) enabled computer. Technical Safeguards: Paper and microform records are not maintained in the system. Electronic and digital stored records are maintained in fail-safe system software with password protected access. A fail safe system is part of the DoD accreditation package. Data is backed up and stored at an alternate data center as well as on the premises. All data is password protected and encrypted at all times, while in transit and at rest. Physical Safeguards: Buildings employ alarms, security guards, and rooms with security controlled areas accessible only to authorized persons. Access to the system is authorized only in designated areas. Off-site access to the database is not authorized.

**RECORD ACCESS PROCEDURES:** The Department of Defense has exempted this system from the record access procedures of the Privacy Act because it is a law enforcement system containing confidential source information. The Department of Defense will not consider requests for access to the information in this database as it will identify victims of sexual assault who have filed confidential reports. No information contained in this database will be used to

deny any person any right, privilege, or benefit that would otherwise be entitled under Federal law or for which otherwise eligible, as a result of the maintenance of information in this database.

**CONTESTING RECORD PROCEDURES:** The Navy's rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

**NOTIFICATION PROCEDURES:** The Department of Defense has exempted this system from the notification procedures of the Privacy Act because it is a law enforcement system containing confidential source information. The Department of Defense will not consider requests for release of information as it will identify victims of sexual assault who have filed confidential reports. No information contained in this database will be used to deny any person any right, privilege, or benefit that would otherwise be entitled under Federal law or for which otherwise eligible, as a result of the maintenance of information in this database.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

The Department of Defense is exempting records maintained in Restricted Sexual Assault Serial Offender Database (CATCH), N05580-2, from subsections (b)(2)-(12), (c)(3), (d), (e)(4)(G), (e)(4)(H), (e)(4)(I), (f), and (i) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2).

Investigatory material is compiled solely for the purpose of identifying serial perpetrators of sexual assault and is exempt pursuant to 5 U.S.C. 552a(j)(2). Due to the confidential nature of the reporting, no information in this database will be released except to personnel on a need-to-know basis within the scope of their official duties.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

**HISTORY:** None.