

# 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:**

JAG Enterprise Services (JES)

**2. DOD COMPONENT NAME:**

Department of the Navy

**3. PIA APPROVAL DATE:**

Office of the Judge Advocate General

**SECTION 1: PII DESCRIPTION SUMMARY (FOR PUBLIC RELEASE)**

**a. The PII is:** (Check one. Note: foreign nationals are included in general public.)

- From members of the general public  From Federal employees and/or Federal contractors
- From both members of the general public and Federal employees and/or Federal contractors  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.**

To manage and contribute to the recruitment of qualified men and women for the Navy JAGC; to manage the JAGC officer accession; to determine qualifications of an individual to receive a JAGC designation; to make policies about recruiting efforts and training; to manage the officers of the Navy JAGC, as the Judge Advocate General is statutorily required to make recommendation on the assignment of all active duty JAGC officers; to determine qualifications of an officer to receive a JAGC designation and to be certified as a trial or defense counsel; to evaluate applicant performance in the JAGC internship/externship program; to evaluate and improve the JAGC application and selection process;

Personal information collected includes: Last name, first name, middle initial, maiden name (if applicable), Social Security Number (last 4 digits), gender, race/ethnicity, date of birth, personal cell telephone number, home telephone number, personal e-mail address, mailing/home address, current address, education information (schools, date of attendance, degrees, grade point average, class rank, LSAT score and percentile), publication information, extracurricular activities, employment experience/history, foreign language proficiency, prior military service (branch, dates of service, highest grade attained, adverse administrative action, non-judicial punishment history, DD Form 214, reason for discharge, security clearances granted and dates), current military service (FITREPs or EVALs), criminal history, self-disclosed drug use, self-disclosed drug/alcohol treatment, social/academic or other misconduct, bar association memberships, proof of bar license to practice law, motivational statement, photo, interview information (interviewer name and date), letters of recommendation.

**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)

**JAGC Application:**

PII is collected for verification, identification, and authentication of applicants and their qualifications or mission-related and administrative uses. We currently collect the last four of SSNs on the online application but not on the OPNAV 1070/3. We are working with the appropriate offices to eliminate the SSN question altogether as it is not utilized in our application selection process.

**Legal Assistance:**

Users'/Customers' information is inputted by legal staff on an as-needed basis.

**Claims:**

Data/information is collected insofar as required to legally process claims.

**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.

By providing information, individual consent is given. Failure to provide the requested information may result in a failure to process the application.

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.

Once PII is provided by the individual, consent is assumed

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

The current PAS is below. We are working with the appropriate offices to change the wording to meet the new CUI requirements and update to the correct OMB Control Number.

Authority: 10 U.S.C. 806 and E.O. 9397 (SSN), as amended; N01070-1, <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570306/n01070-1>.

Purpose: To manage and contribute to the recruitment of qualified men and women for the Navy JAG Corps; To manage the officers of the Navy JAG Corps, as the Judge Advocate General is statutorily required to make recommendation on the assignment of all active duty JAG Corps officers; to determine qualifications of an officer to receive a JAG Corps designation and to be certified as a trial or defense counsel.

Routine Uses: OJAG Staff will access the information to process the application and complete the enrollment process for the JAG Corps Program.

Disclosure: Voluntary, failure to provide the requested information may result in a failure to process the application.

For Official Use Only (FOUO) - Privacy Sensitive

Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

h. With whom will the PII be shared through data exchange, both within your DoD Component and outside your Component? (Check all that apply)

Within the DoD Component

Specify. Navy OJAG Personnel; Naval legal Service command (NLSC) personnel; and Navy recruit and detailing personnel

Other DoD Components

Specify.

Other Federal Agencies

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

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)

Face-to-Face Contact

Paper

Fax

Telephone Interview

Information Sharing - System to System

Website/E-Form

Other (If Other, enter the information in the box below)

OPNAV 1070/3

**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.

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

(3) Retention Instructions.

**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.

**JAGC APPLICATION:**

10 U.S.C. 531, Original appointments of commissioned officers.  
10 U.S.C.532, Qualifications for original appointment as a commissioned officer: Provides specific qualifications for new naval officers.  
10 U.S.C 541, Graduates of the United States Military, Naval, and Air Force Academies: Provides specific guidelines which apply to length of service requirements for Service Academy graduates.  
10 U.S.C 5148, Judge Advocate General's Corps: Office of the Judge Advocate General; Judge Advocate General; appointment, term, emoluments, duties: Outlines the duties of the JAG, which include the authority to recruit and appoint new Judge Advocates.  
10 U.S.C 5149, Office of the Judge Advocate General: Deputy Judge Advocate General; Assistant Judge Advocates General, 5150, Staff Corps of the Navy: Outlines the responsibilities of the JAG and allow for the collection of information related to officer candidates.  
10 U.S.C. 5031, Office of the Chief of Naval Operations: function; composition: Outlines the authority for the CNO to collect information related to officer candidates and his ability to delegate that authority to the JAG.  
10 U.S.C. 5032, Office of the Chief of Naval Operations: general duties: Further outlines the authority of the CNO to collect and hold officer candidate information.

5 U.S.C. 301, Departmental regulations: Further lays out specific requirements for the appointment of officers related to health and background requirement.

**CLAIMS:**

5 U.S.C. 301, Departmental Regulations;  
5 U.S.C. 552, the Freedom of Information Act, as amended;  
10 U.S.C. 1095, Collection From Third Party Payers Act;  
10 U.S.C. 1552;  
10 U.S.C. 2733, Military Claims Act;  
10 U.S.C. 2734, Foreign Claims Act;  
10 U.S.C. 2737, 'Nonscope' Claims Act;  
10 U.S.C. 5013, Secretary of the Navy;  
10 U.S.C. 5041, Headquarters, Marine Corps; Secretary of the Navy Instruction 5720.42F, Department of the Navy Freedom of Information Act Program; and  
28 U.S.C. 1346(b), 2671-2680, Federal Tort Claims Act;  
31 U.S.C. 3701, 3721, Military and Civilian Employees Claims Act;  
31 U.S.C. 3711, 3716-3719, Federal Claims Collection Act;  
31 U.S.C. 3729;  
39 U.S.C. 406 and 2601;  
42 U.S.C. 2651-2653, Medical Care Recovery Act;  
44 U.S.C. 3101;  
32 CFR 750.21-750.40;  
32 CFR 750.41-750.60;  
32 CFR 750.60-750.69;  
32 CFR 751.0-751.3;  
32 CFR 757.1-757.21; and  
E.O. 9397 (SSN), as amended.

**LEGAL ASSISTANCE:**

5 U.S.C. 301, Departmental Regulations;  
10 U.S.C. 865;  
10 U.S.C. 866, 867;  
10 U.S.C. 1044;  
42 U.S.C. 10601 et seq., Victim's Rights and Restitution Act of 1990 as implemented by DoD Instruction 1030.2, Victim and Witness Assistance Procedures;  
42 U.S.C. 10606-10607;  
32 CFR part 727, Legal Assistance;  
E.O. 9397 (SSN);  
Manual of the Judge Advocate General; and  
Rule for Court-Martial 502(d)(5), Manual for Court-Martial.

**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.

OMB Control Number: 0703-0059; OMB Control Number: 0703-0074