

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:

Defense Criminal Investigative Service (DCIS) Body Worn Camera (BWC) Program

2. DOD COMPONENT NAME:

Department of Defense Inspector General

3. PIA APPROVAL DATE:

May 6, 2024

SECTION 1: PII DESCRIPTION SUMMARY (FOR PUBLIC RELEASE)

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

- | | |
|--|--|
| <input type="checkbox"/> From members of the general public | <input type="checkbox"/> From Federal employees and/or Federal contractors |
| <input checked="" type="checkbox"/> From both members of the general public and Federal employees and/or Federal contractors | <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.

DCIS is authorized to operate the Body Worn Camera (BWC) Pilot under H.R. 1163 (IH), Federal Police Camera and Accountability Act. DCIS will use BWCs to collect audio and video recordings of interactions between DCIS agents and the public under the conditions of, and in accordance with DCIS Instruction 37, Body Worn Cameras.

DCIS agents in the BWC Pilot offices will be required to activate the BWCs when engaging in certain DCIS enforcement activities, excluding covert or undercover activities. The information is stored in MPEG-4 format media file. The footage is uploaded in whole, daily to Evidence.com, where it is maintained under the custody of DCIS.

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)

BWCs are capable of capturing primary evidence in a manner that portrays a compelling and indisputable account of an incident. The information from the BWC is primarily used to support case investigations in accordance with DCIS's law enforcement mission. BWCs capture audio and video recordings of an agent's interactions with a subject and the surrounding environment.

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.

Audio and video recordings are collected in connection with law enforcement interactions and investigations. BWCs may capture images or recordings of individuals in the proximity of an incident that to which the information could be captured and incidentally collected into the system. Data is collected in accordance with applicable rules and regulations as required to carry out the mission of the DoD OIG pursuant to the Inspector General Act.

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.

Individuals do not have the opportunity to consent to the specific uses of their PII as collection of this information is for law enforcement purposes.

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.)

- | | | |
|--|---|--|
| <input type="checkbox"/> Privacy Act Statement | <input type="checkbox"/> Privacy Advisory | <input checked="" type="checkbox"/> Not Applicable |
|--|---|--|

Whenever practical or feasible, DCIS agents will verbally advise subjects of the activity being recorded as long as it does not interfere with the planned, overt enforcement activity, or otherwise risk the agent or the public's safety.

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.

Subject to BWC policy limitations and including a legitimate need-to-know.

Other DoD Components

Specify.

In accordance with policy and applicable routine uses.

Other Federal Agencies

Specify.

In accordance with policy and applicable routine uses.

State and Local Agencies

Specify.

In accordance with policy and applicable routine uses.

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.

Contractor Axon Enterprise, Inc. Privacy FAR clauses included in the contract are 52.224-1, 52.224-2, and 52.224-3.

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

Specify.

When data is shared with other agencies, access is given through a partner share function which is only available through an invitation sent from a DoD OIG user.

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)

Video and audio recording from a body worn mobile camera system.

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://dpcltd.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.

Recordings are retrieved by the camera ID number. This information is not retrieved by personal identifier; therefore, a SORN is not required. However, to the extent that BWC recorded data becomes associated with an individual's investigation or case file, then the data will be retained and governed by the DoD OIG system of record notice (SORN) CIG-04, Inspector General Criminal Investigation Records.

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?

Unscheduled

(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.

Records are retained based on the Federal Rules of Evidence, Rule 401, the Federal Rules of Civil Procedure, Rule 37(e), and the Federal Records Act. BWC recordings will be securely stored according to DCIS-mandated retention procedures outlined in the DCIS Special Agents Manual (SAM) Chapter 42, Investigative Records Management.

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.

10 U.S.C. 113, Secretary of Defense;
Inspector General Act of 1978, as amended, title 5, United States Code, chapter 4;
H.R. 1163, Federal Police Camera and Accountability Act;
E.O. 14074, Advancing Effective Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, May 3, 2022; and
DCIS Instruction 37, Body Worn Cameras.

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.

DoD Manual 8910.01 Vol 2 states: "(c) Records Management Requirements. The OSD or DoD Component Records Officer reviews the public information collection to ensure the appropriate National Archives and Records Administration approved records schedule and disposition have been identified for the records in accordance with Chapter 31 of Reference (e)." There is no NARA-approved schedule.