

2010 Data Protection Seminar

TMA Privacy Office



RESOURCES

Developing a Legal Foundation

- The Privacy Act of 1974, as amended (5 U.S.C § 552a)
- Administrative Instruction 15, “Office of the Secretary of Defense Records Management Administrative Procedures and Records Disposition Schedules”, Volumes I & II, August 11, 1994
- Paperwork Reduction Act, Public Law 104-13, May 22, 1995
- Freedom of Information Act (FOIA), July 4, 1996
- Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191, August 21, 1996
- DoD Manual 8910.1-M, “DoD Procedures for Management of Information Requirements”, June 30, 1998
- DoD Regulation 5400.7-R, “DoD Freedom of Information Act Program”, September 1998
- DoD Directive 5015.2, “DoD Records Management Program”, March 6, 2000
- OMB Circular No. A-130, Revised, Transmittal No. 4, November 30, 2000
- DoD Directive 8500.1, “Information Assurance”, October 24, 2002
- E-Government Act, Public Law 107-347, of 2002
- Federal Information Security Management Act (FISMA) of 2002
- DoD Regulation 6025.18-R, “DoD Health Information Privacy Regulation”, January 24, 2003
- DoD Instruction 8500.2, “Information Assurance (IA) Implementation”, February 6, 2003
- DoD Directive 5400.7, “DoD Freedom of Information Act (FOIA) Program”, October 28, 2005
- DoD CIO Memorandum, “DoD Privacy Impact Assessment (PIA) Guidance”, October 28, 2005
- DoD Regulation 5400.11-R, “DoD Privacy Program”, May 14, 2007
- DoD Regulation 8580.02-R, “DoD Health Information Security Regulation”, July 12, 2007
- DoD Instruction 8510.01, “DoD Information Assurance Certification and Accreditation Process (DIACAP)”, November 28, 2007
- DoD Directive 8000.01, “Management of the Department of Defense Information Enterprise”, February 10, 2009
- DoD Instruction 5400.16, “DoD Privacy Impact Assessment (PIA) Guidance”, February 12, 2009
- Health Information Technology for Economic and Clinical Health (HITECH) Act, Title XIII of Division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 (ARRA), Pub. L. No. 111-5, February 17, 2009
- DoD FISMA Guidance, May 2009
- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail Privacymail@tma.osd.mil for subject matter questions

Understanding the Privacy Impact Assessment

- E-Government Act of 2002 § 208, December 17, 2002
- Office of Management and Budget Memorandum 03-22: “OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002”, September 26, 2003
- Office of Management and Budget Circular A-11: “Preparation, Submission, and Execution of the Budget”, August 7, 2009
- DoD Instruction 5400.16 “DoD Privacy Impact Assessment (PIA) Guidance”, February 12, 2009
- DoD PIA Template – DD Form 2930
- E-mail PIAmail@tma.osd.mil for subject matter questions

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Understanding the Privacy Impact Assessment (continued)

- For more information on PIAs go to: <http://www.tricare.mil/tma/privacy/pias.aspx>
- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>

Privacy Act Implications: Data Collections and Systems of Records

- The Privacy Act of 1974, as amended (5 U.S.C § 552a)
- OMB Memorandum 99-05, “Instructions on complying with President’s Memorandum of May 14, 1998, ‘Privacy and Personal Information in Federal Records’”, January 7, 1999, Attachment B
- OMB Circular A-130, “Management of Federal Information Resources”, November 28, 2000
- OSD Administrative Instruction No. 81, “OSD/Joint Staff (JS) Privacy Program”, November 20, 2009
- E-mail SORmail@tma.osd.mil for subject matter questions related to SORN
- E-mail PrivacyOfficerMail@tma.osd.mil for subject matter questions related to the Privacy Act
- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>

Applying the Freedom of Information Act

- DoD Regulation 5400.7-R, “DoD Freedom of Information Act Program”, September 4, 1998
- “Freedom of Information Act (5 U.S.C. § 552) with Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007”, December 12, 2007
- DoD Directive 5400.07, “DoD Freedom of Information Act Program”, January 2, 2008
- President Memorandum for the Heads of Executive Departments and Agencies – “The Freedom of Information Act”, January 21, 2009
- Executive Order 13489 – “Presidential Records”, January 21, 2009
- Attorney General Memorandum for the Heads of Executive Departments and Agencies – “The Freedom of Information Act”, March 19, 2009
- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail FOIARquests@tma.osd.mil for subject matter questions

Electronic Records Management 2.0: Applying the Next Generation of Innovative Technical Solutions

- OMB Circular A-130, “Management of Federal Information Resources”, November 28, 2000
- DoD Networks and Information Integration memorandum, “Electronic Mail Records and Electronic Mail Retention Policies for the Department of Defense”, May 22, 2005
- DoD 5015.2-STD, “Electronic Records Management Software Applications Design Criteria Standard”, April 25, 2007
- Washington Headquarters Services (WHS) Administrative Instruction 15 (AI-15) Volume I, “Records Management Program – Administrative Procedures”, April 18, 2008
- WHS AI-15 Volume II, “Records Management Program – Records Disposition Schedules”, April 18, 2008
- 36 CFR Subchapter B, Records Management, November 2, 2009
- Joint Interoperability Test Command: <http://jitic.fhu.disa.mil/recmgt/index.html>
- E-mail Elizabeth.Bomgardner@tma.osd.mil for subject matter questions

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HIPAA Privacy and Security Overview

- DoD 6025.18-R, “DoD Health Information Privacy Regulation”, January 24, 2003
- DoD 8580.02-R, “DoD Health Information Security Regulation”, July 12, 2007
- For ARRA/HITECH FAQs go to: <http://www.tricare.mil/tmaprivacy/breach.cfm>
- To subscribe to the TMA Privacy Office E-News go to: <http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail Privacymail@tma.osd.mil for subject matter questions

Data Sharing Agreements

- DoD 6025.18-R, “DoD Health Information Privacy Regulation”, January 24, 2003
- DoD 8580.02-R, “DoD Health Information Security Regulation”, July 12, 2007
- To subscribe to the TMA Privacy Office E-News, go to: <http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail dua.mail@tma.osd.mil for subject matter questions

Overview of the TRICARE Management Activity Privacy Board

- DoD 6025.18-R, “DoD Health Information Privacy Regulation”, January 2003
- DoD 8580.02-R, “DoD Health Information Security Regulation”, July 2007
- To subscribe to the TMA Privacy Office E-News, go to: <http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail Privacymail@tma.osd.mil for subject matter questions
- E-mail tmaprivacyboard@tma.osd.mil for questions concerning the TMA Privacy Board

Social Networking: Promise or Peril – Using the Internet and Social Networking in the DoD

- DoD 6025.18-R, “DoD Health Information Privacy Regulation”, January 24, 2003
- DoD Directive 5400.11, “DoD Privacy Program”, May 8, 2007
- DoD 8580.02-R, “DoD Health Information Security Regulation”, July 12, 2007
- DoD DTM 09-026 “Responsible and Effective Use of Internet-based Capabilities”, February 25, 2010
- To subscribe to the TMA Privacy Office E-News, go to: <http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail Privacymail@tma.osd.mil for subject matter questions

The New Frontier: ARRA/HITECH Privacy and Security Changes

- TMA Privacy Office Website: <http://www.tricare.mil/tma/privacy>
- For access to HHS rules and guidance, go to: <http://www.hhs.gov/ocr/privacy>
- E-mail Privacymail@tma.osd.mil for subject matter questions
- To subscribe to the TMA Privacy Office E-News, go to: <http://www.tricare.mil/tma/privacy/maillinglist.aspx>

Understanding the Nationwide Health Information Network and the Data Use and Reciprocal Support Agreement

- The HHS Health IT home page is located at: <http://healthit.hhs.gov/portal/server.pt>
- Documents and latest information on the NHIN can be found at: http://healthit.hhs.gov/portal/server.pt?open=512&objID=1142&parentname=CommunityPage&parentid=25&mode=2&in_hi_userid=11113&cached=true
- E-mail Privacymail@tma.osd.mil for subject matter questions

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Understanding the Nationwide Health Information Network and the Data Use and Reciprocal Support Agreement (continued)

- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>

“Meaningful Use” in Electronic Health Information Technology

- For a copy of the Notice of Proposed Rule Making see: <http://edocket.access.gpo.gov/2010/E9-31217.htm>
- For a copy of the Interim Final Rule, see: <http://edocket.access.gpo.gov/2010/E9-31216.htm>
- For information on meaningful use, see:
<http://healthit.hhs.gov/portal/server.pt?open=512&objID=1325&parentname=CommunityPage&parentid=1&mode=2>
- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail Privacymail@tma.osd.mil for subject matter questions

Breach Response

- DoD 6025.18-R, “DoD Health Information Privacy Regulation”, January 24, 2003
- DoD 5400.11-R, “Department of Defense Privacy Program”, May 14, 2007
- OSD Memorandum, “Safeguarding Against and Responding to the Breach of Personally Identifiable Information”, June 5, 2009
- TMA Incident Response Team and Breach Notification Administrative Instruction, November 5, 2009
- E-mail PrivacyOfficerMail@tma.osd.mil for subject matter questions
- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>