



DEPARTMENT OF DEFENSE

6000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-6000

CHIEF INFORMATION OFFICER

MEMORANDUM FOR: SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF
DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: DoD Standard Operating Procedures for Adjudicating Data Sharing or Restricted
Access Disputes

Reference: Deputy Secretary of Defense Memorandum, Creating Data Advantage, May 05,
2021

As outlined in the reference, maximizing data sharing and use rights are key to the Department's transition into a data-centric organization. Although data sharing is not a persistent problem across the Department, to ensure that it occurs to the maximum extent possible, the Deputy Secretary of Defense (DSD) directed that the DoD Chief Data Officer (CDO) facilitate the adjudication of data-sharing and/or access disputes.

This memorandum publishes the standard operating procedures for submitting such requests as they relate to disputes on the timing, scope, conditions, or other circumstances related to sharing existing DoD data among components. It is not a vehicle to adjudicate internal component disputes or those related to requirements or resourcing decisions on data production or system upgrades. All DoD components will follow this process.

Components will attempt to resolve any data sharing or access disputes at the lowest possible level. To facilitate this, each component will implement a process to address internal disputes pursuant to their data lifecycle management responsibilities where the final adjudication authority is the component CDO. All disputes internal to the component will be facilitated by their respective CDO. Nothing herein prohibits or restricts component CDOs' authority to interact directly with the DSD, in coordination with the DoD CDO.

When an acceptable resolution cannot be achieved between components, the CDO for the component requesting data access (i.e. the appealing component) will submit an action memorandum in the attached format to the DoD CDO for review and adjudication. For purposes of this memo, components include all Fourth Estate Agencies, Principal Staff Assistants (PSA), Military Departments, Combatant Commands, the National Guard, and the Joint Staff.

The action memorandum will include a detailed description of the data sharing / access dispute, the requested dataset contents and classification, rationale for the request, potential impacts of not gaining the requested access, an explanation of access controls that will be instituted to ensure appropriate data set protections, proposed measures to address the other component's reasons for denying / restricting access, any critical dates before which access must occur and the consequences if not met, and a primary technical point of contact. The action memorandum will be routed through the CDO for the component that denied the request (i.e. the responding component).

Absent an agreement being reached, within ten working days of receipt the responding component CDO will forward the action memorandum to the DoD CDO office along with a detailed rationale for continued denial or restriction of data access, a recommended way ahead, and a primary technical point of contact. This process may be expedited as required to meet operational or other high priority requirements.

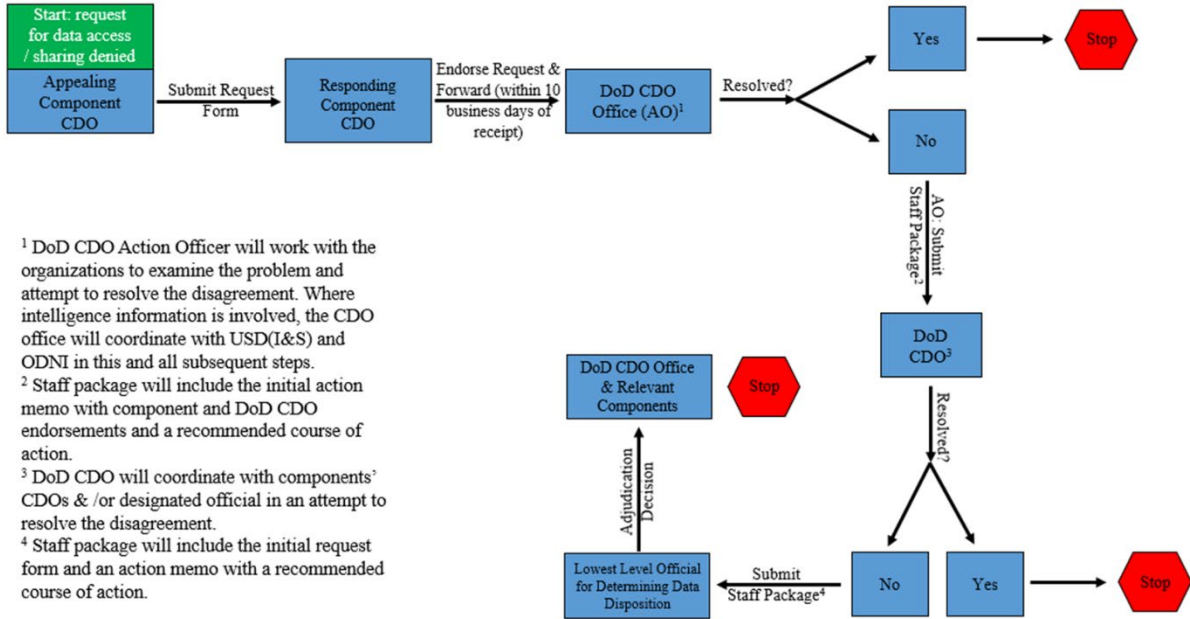
The assigned DoD CDO Action Officer (AO) will work with the organizations to examine the problem and attempt to resolve the dispute. If unsuccessful, the CDO AO will prepare and forward a staff package to the DoD CDO. The staff package will include the appealing component action memo, the responding component endorsement, and a recommended course of action. The DoD CDO will also attempt to resolve the dispute, but if unsuccessful, will forward the staff package, with a recommendation on final adjudication, to the lowest level official with authority to determine data set disposition, above the involved components. DoD CDO's facilitation of the data sharing dispute will also identify any policy constraints to data sharing and address them with the appropriate PSA and the DSD as necessary. Where intelligence information is involved, the DoD CDO office will coordinate this process with USD(I&S) and the Office of the Director of National Intelligence, as appropriate. The schematic (Attachment 1) provides an overview of the action memorandum (Attachment 2) adjudication process.

This standard operating procedure provides interim guidance. It will be reviewed and updated annually, as necessary. The point of contact for this document is Kenneth Brown, Kenneth.b.brown8.civ@mail.mil.

David Spirk
Chief Data Officer
Department of Defense

Attachments:
As stated

ATTACHMENT 1 PROCESS FLOW FOR DATA ACCESS DENIAL APPEALS



ATTACHEMENT 2
ACTION MEMORANDUM

Component Letterhead

ACTION MEMORANDUM

Date

FOR: Department of Defense Chief Data Officer

FROM: Appealing Component CDO name and title

THROUGH: Responding Component CDO name and title

SUBJECT: Request for Adjudication of Data Sharing or Access Dispute

REFERENCE: (a) Creating Data Advantage Memorandum, May 05, 2021
(b) DoD Chief Data Officer Memorandum, _____ (SOP)

- Pursuant to references (a) and (b), this memorandum requests the DoD Chief Data Officer review and facilitate the adjudication of the data-sharing / access dispute outlined below.
- TAB A provides a detailed description of the data sharing / access dispute, including the requested data set contents and classification, rationale for the request, potential impacts of not gaining data access, an explanation of access controls that will be instituted to ensure appropriate data set protections, proposed measures to address the other component's reasons for denying / restricting access, any critical dates before which access must occur and the consequences if not met, and a primary technical point of contact.
- This memorandum has been routed through responding component, which (within the allotted 10 working days) has provided at TAB B a detailed explanation of their decision and a primary technical point of contact.

RECOMMENDATION: Absent successful mediation, positively endorse this request and forward to the lowest level official with authority for determining data set disposition.

Approve: _____ Disapprove: _____ Other: _____

Attachments: TAB A – Appealing Organization Position / Background
TAB B – Responding Organization Position

Prepared by: Author's name, title, and telephone number