



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUL 14 2004



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Clarifying Guidance Concerning the DD Form 2873, Military Protective Order

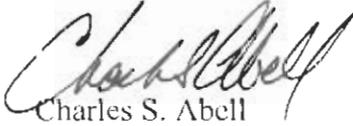
The DD Form 2873, Military Protective Order (MPO) will be revised due to concerns with its use and dissemination. Until the revised form is distributed, neither the Service member's nor the protected person's social security number, date of birth, telephone number, or current residence are to be entered on the form. Information regarding the unit and installation of the protected person may not be entered on the form when such information, if known to the Service member, could endanger the protected person.

Distribution of the form shall be limited to the Service member, the Service member's local personnel file, and if authorized or otherwise justified, to the protected person. No further distribution is authorized.

Because the MPO shall be filed in a Privacy Act system of records, disclosure of the MPO form to the protected person may only be made if authorized. It has been determined that the Army and the Navy currently have an established routine use (RU) for their respective records systems that will permit release, but that the Air Force and the Marine Corps do not. Until the Air Force and Marine Corps establish RUs, release potentially can be justified under the Freedom of Information Act exception to the Privacy Act. Or as an alternative justification, it can possibly be argued that the MPO constitutes a dual record, both about the Service member and about the protected person, whose purpose can only be realized if the protected person is made aware of the restrictions being imposed on the member. However, in the absence of an RU, it is strongly encouraged that disclosures to protected persons only be made in coordination with Service privacy officials and supporting counsel.



MPOs shall be destroyed six (6) months after the order expires. Once the form is revised, action must be taken to destroy any paper stockpiles of the current form as their use will no longer be authorized. The revised MPO should be available not later than July 30th in an electronic format on official Defense Web sites.



Charles S. Abell
Principal Deputy