

**Office of the Program Manager for the Information Sharing  
Environment  
Privacy Guidelines Committee**

**Governance**

The establishment of the Information Sharing Environment (ISE) was directed by Section 1016(b)(1) of the Intelligence Reform and Terrorism Prevention Act (IRTPA). The existing ISE governance structure is based on the principle that ISE issues should be resolved at the lowest organizational level wherever possible, but that, when necessary, an organized process is in place to elevate these issues for resolution, up to and including the Cabinet level and the President.

In consultation with the Information Sharing Council (ISC), the PM-ISE is responsible for planning for, overseeing the implementation of, and managing the ISE, including monitoring and assessing progress, and for assisting in “the development of policies, procedures, guidelines, rules, and standards as appropriate to foster the development and proper operation of the ISE.”<sup>1</sup> Created by IRTPA Section 1016(g) and Executive Order 13388, and chaired by the PM-ISE, the ISC advises the President and the PM-ISE on developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE. The ISC is composed of the designees of: the Secretaries of State, Treasury, Defense, Commerce, Energy, and Homeland Security; the Attorney General; the Directors of National Intelligence, the Central Intelligence Agency, the Office of Management and Budget (OMB), the Federal Bureau of Investigation, and the National Counterterrorism Center; and such other heads of Federal departments or agencies as the DNI may designate<sup>2</sup>.

The Federal departments and agencies are responsible for performing actual implementation. Specifically, Federal departments and agencies perform two distinct aspects of ISE implementation: (1) implementing departmental policies, business processes, and systems that are part of the ISE and (2) implementing ISE-wide activities. The PM-ISE regularly interacts with various ISE participants. Through this interaction, the PM-ISE attempts to secure agreement and establish common understanding among ISE participants referring any unresolved issues to the ISC for collaborative resolution. If necessary, matters may be further elevated to senior executive branch officials for consideration and resolution. In addition, the ISC works to ensure coordination among federal agencies and departments participating in the ISE and recommends ways the ISE can be extended to allow exchange of information between the Federal government and appropriate state, local, and tribal entities.

The existing ISE governance structure is depicted in the figure below.

---

<sup>1</sup> IRTPA, Section 1016(f)(2)(A)(ii).

<sup>2</sup> Page 38, Chapter 4, of the ISE Implementation Plan

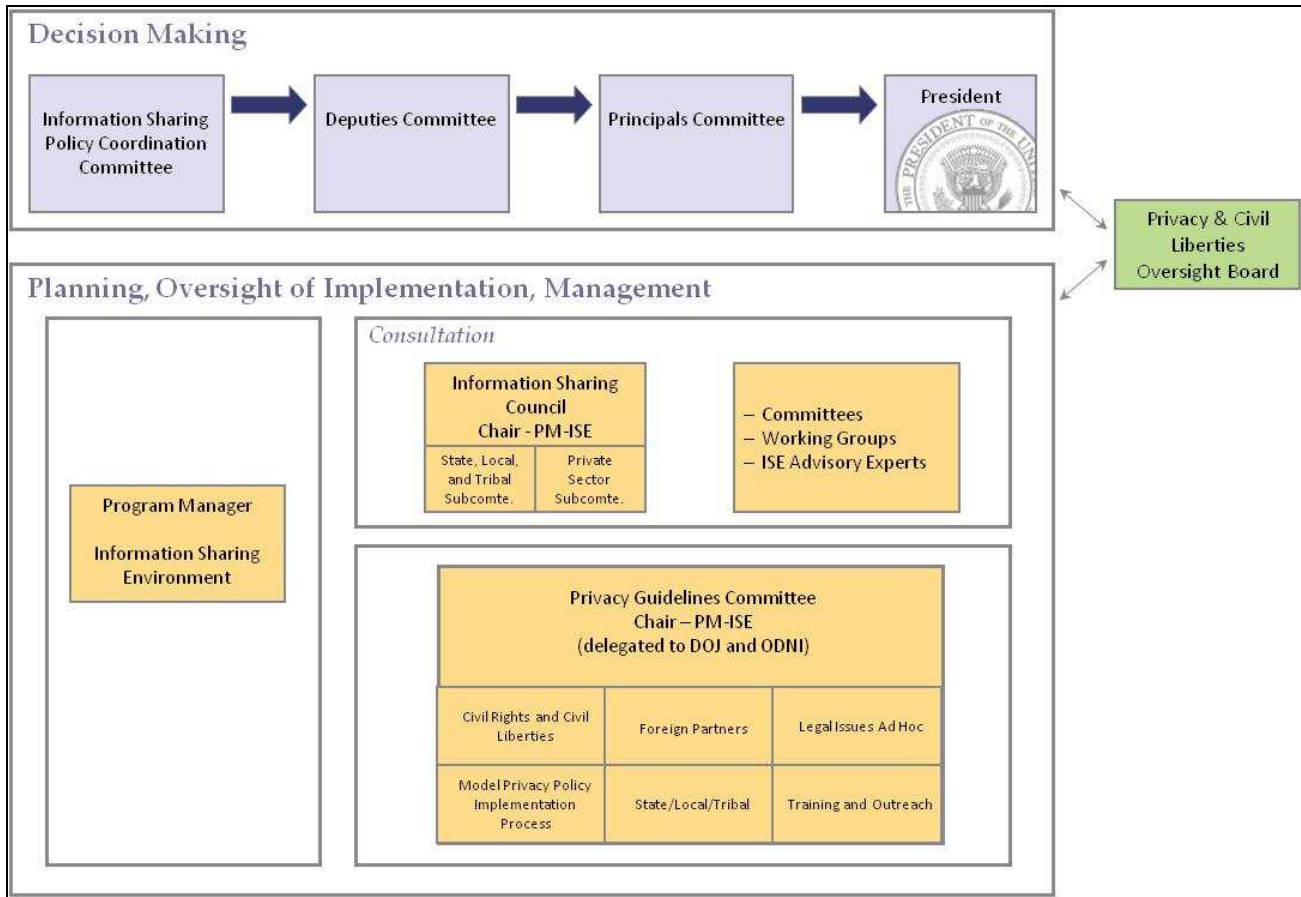


Figure 1.0 – ISE Implementation Governance Roles and Responsibilities

Established by IRTPA Section 1061(a)(2), the mission of the PCLOB is to ensure that an enhanced system of checks and balances is in place to protect individual privacy and civil liberties during the establishment and conduct of government efforts to protect the nation against terrorism<sup>3</sup>. It provides advice to the President and to Federal agency heads on the development and implementation of policies related to efforts to protect the nation from terrorism, including the ISE’s development, adoption, and implementation.

### ISE Privacy Guidelines

IRTPA Section 1016(d)(2) required the issuance of guidelines to protect privacy and civil liberties in the development and use of the ISE. The President, on December 16, 2005, issued a “Memorandum to the Heads of Federal Departments and Agencies on the Guidelines and Requirements in Support of the Information Sharing Environment” This Memorandum clearly established the protection of privacy and other legal rights of Americans in the development and operation of the ISE as a core tenet of the ISE. Guideline 5 of the Memorandum, Protect the Information Privacy Rights and Other Legal Rights of Americans, directed the Attorney General and the DNI to submit guidelines

<sup>3</sup> Page 39, Chapter 4, IRTPA, §1061(a)(2).

designed to be implemented by executive departments and agencies to ensure that the information privacy and other legal rights of Americans are protected in the development and use of the ISE, including in the acquisition, access, use, and storage of personally identifiable information.

In accordance with the Memorandum and in furtherance of Executive Order 13388, the President approved, and the PM-ISE released on December 4, 2006, the resulting *Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in the Development and Use of the Information Sharing Environment* (ISE Privacy Guidelines).

### **Privacy Guidelines Committee**

The PGC was established by the PM-ISE pursuant to the ISE Privacy Guidelines. The PGC consists of the ISE Privacy Officials of the members of the ISC. The PGC is co-chaired by the Civil Liberties Protection Officer, Office of the Director of National Intelligence, and the Chief Privacy and Civil Liberties Officer, U.S. Department of Justice.

The PGC provides ongoing guidance on the implementation of the ISE Privacy Guidelines, promotes consistent interpretations of applicable legal requirements, avoids duplication of effort, shares best practices, and provides a forum for resolving issues and disputes on an interagency basis.<sup>4</sup> The PGC meets monthly to address privacy and civil liberties issues concerning the implementation of the ISE Privacy Guidelines. To assist with this effort, the PGC has established working groups of members and subject matter experts to help develop consensus on issues and forward recommendations to the PGC. Initially the PGC established six working groups:

- State, Local, Tribal
- Training and Outreach
- Legal Issues/ Ad Hoc Policy Issues
- Model Privacy Policy Implementation Process
- Foreign Partners
- Civil Rights and Civil Liberties

The PGC consults with the ISC through the PM-ISE and, in addition, works in collaboration with the PCLOB to ensure consistency and standardization in ISE Privacy Guidelines implementation.

---

<sup>4</sup> Page 4, ISE Privacy Guidelines.