



## Fact Sheet: Privacy and Civil Liberties Implementation Guide for the Information Sharing Environment

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### Background

- On September 10, 2007, Ambassador Thomas McNamara, Program Manager for the Information Sharing Environment (ISE) issued the *Privacy and Civil Liberties Implementation Guide for the ISE (Implementation Guide)* to Federal agencies..
- The Implementation Guide assists Federal agencies in their efforts to ensure the ISE is established and used in a manner that protects the information privacy and other legal rights of Americans.
- The Guide describes the processes for ISE participants to follow when integrating privacy and civil liberties safeguards into their information sharing efforts, including an assessment of whether current activities comply with the ISE Privacy Guidelines.
- The Implementation Guide was developed through a collaborative interagency process by the Privacy Guidelines Committee with the concurrence of the Information Sharing Council and is the latest demonstration of the Administration's serious and continued commitment to protect the freedom, information privacy, and other legal rights of Americans in the development and use of the ISE.
- The ISE Privacy Guidelines Committee is also assisting non-Federal ISE participants to develop and implement similar privacy protections.

### Key Elements of the ISE Privacy and Civil Liberties Implementation Guide

- The Implementation Guide is:
  - Descriptive – providing guidance on effective ISE privacy protections;
  - Realistic and Practical – encourages use of existing resources and efforts to implement privacy requirements, while avoiding duplication of effort;
  - Not Prescriptive – tailors implementation to each agency's unique environment;
  - Flexible – can be used in whole or in part; in sequence or in parallel; and
  - Iterative – will be reviewed and updated periodically with additional guidance, best practices, and lessons learned from implementation activities.
- The Implementation Guide has two stages for Federal Agencies to follow:
  - **Stage I** – Assess existing information privacy frameworks for sharing ISE information and develop or document an ISE privacy protection policy.
  - **Stage II** – Assess existing or planned systems, sharing arrangements, and protected information covered by the ISE and protect such systems and information by documenting training, reporting, and audits.
- The PM-ISE will monitor and assess the implementation through periodic reviews.



## **Background on the Information Sharing Environment**

- The *Intelligence Reform and Terrorism Prevention Act of 2004* calls for an ISE to facilitate sharing terrorism and homeland security information among Federal, State, local, and tribal entities and, as appropriate, foreign partners and the private sector.
- In December 2005, the President directed the information privacy and other legal rights of Americans be protected in the development and use of the ISE, and instructed the development of further guidelines to address the acquisition, access, use, and storage of personally identifiable information in the ISE.
- In November 2006, the President approved and the Program Manager issued the *Guidelines to Ensure that Information Privacy and Other Legal Rights of Americans Are Protected in the Development and Use of the ISE*.
- These Guidelines require each agency to develop a written ISE privacy protection policy that sets forth the mechanisms for implementing the Guidelines. The *Implementation Guide* is a tool to assist agency implementation of the Guidelines.
- The establishment of a Privacy Guidelines Committee was announced by the Program Manager in November 2006. The committee's membership includes the ISE Privacy Officials designated by each of the Federal agencies that are members of the Information Sharing Council. The committee seeks to ensure consistency and standardization in the implementation of the Privacy Guidelines, as well as serve as a forum to share best practices and resolve interagency issues.
- The Information Sharing Council (ISC) was established by the *Intelligence Reform and Terrorism Prevention Act of 2004* to advise the President and the Program Manager and to provide for coordination among the Federal agencies participating in the ISE.