
INFORMATION SHARING ENVIRONMENT ADMINISTRATIVE MEMORANDUM (ISE-AM)

ISE-SUSPICIOUS ACTIVITY REPORTING (ISE-SAR)
FUNCTIONAL STANDARD AND EVALUATION ENVIRONMENT
INITIAL PRIVACY AND CIVIL LIBERTIES ANALYSIS

1. Authority. The National Security Act of 1947, as amended; The Intelligence Reform and Terrorist Prevention Act of 2004 (IRTPA), as amended; Memorandum from the Assistant to the President for Homeland Security and Counterterrorism dated November 22, 2006 (Information Sharing Environment Reports); Presidential Memorandum dated April 10, 2007 (Assignment of Functions Relating to the Information Sharing Environment); the Director of National Intelligence memorandum dated May 2, 2007 (Program Manager's Responsibilities); Executive Order 13388, and other applicable provisions of law.
2. Background. The Office of the Program Manager for the Information Sharing Environment (PM-ISE)—in consultation with the Civil Liberties and Privacy Office of the Office of the Director of National Intelligence (ODNI), the Office of Privacy and Civil Liberties of the Department of Justice (DOJ), and the Legal Issues Working Group of the ISE Privacy Guidelines Committee (PGC)—prepared an *Initial Privacy and Civil Liberties Analysis* of the Information Sharing Environment – Suspicious Activity Reporting (ISE-SAR) Functional Standard and included Information Exchange Package Documentation (IEPD) component (PM-ISE issuance ISE-FS-200).

This analysis consists of (i) an explanation of the ISE-SAR Functional Standard and associated IEPD components and plans to test the ISE-SAR Functional Standard at various ISE-SAR Evaluation Environment sites, (ii) questions and answers exploring the privacy and civil liberties ramifications of the ISE-SAR data exchange model and of implementing the ISE-SAR initiative, and (iii) conclusions and recommendations identifying key information privacy and civil liberties concerns that entities participating in the ISE-SAR Evaluation Environment initiative should address as they implement ISE-SAR sharing activities. This is an interim privacy and civil liberties analysis that will be updated as more information is obtained during the ISE-SAR Evaluation Environment initiative, including lessons learned from participants and feedback received from privacy and civil liberties advocates and other interested parties.

3. Purpose. This memorandum announces the publication of the ISE-SAR Functional Standard and Evaluation Environment *Initial Privacy and Civil Liberties Analysis* (September 2008-Version 1). This analysis has been prepared for the purpose of conducting an initial examination of the privacy and civil liberties ramifications of the ISE-SAR Functional Standard and IEPD component and of the vision for deploying these in operating environments (ISE-SAR Evaluation Environment initiative), making recommendations to address issues identified as a result of the analysis, and identifying policies and safeguards that should be implemented.

4. Guidance. The *Initial Privacy and Civil Liberties Analysis* is hereby established to assist the PM-ISE and departments and agencies with the implementation of the ISE-SAR Functional Standard to ensure that all activities are done so in a manner that fully protects the legal rights of all United States persons, including information privacy, civil rights, and civil liberties guaranteed by the Constitution and laws of the United States.

5. Responsibilities.

- a. The PM-ISE—in consultation with the ODNI’s Civil Liberties and Privacy Office, DOJ’s Office of Privacy and Civil Liberties, and the ISE PGC’s Legal Issues Working Group—will:
 - (1) Advise the ISE-SAR Evaluation Environment sites—as the ISE-SAR Functional Standard is implemented using the ISE Shared Space model at various proposed ISE-SAR Evaluation Environment sites—on recommendations identified in the *Initial ISE-SAR Privacy and Civil Liberties Analysis* regarding the impact of ISE-SAR information sharing on the information privacy, civil rights, and civil liberties of United States persons.
 - (2) Generate a *Final Privacy and Civil Liberties Analysis* after the ISE-SAR Evaluation Environment is complete by identifying how the various ISE-SAR Evaluation Environment sites, in implementing the ISE-SAR Functional Standard, addressed the “key issue” recommendations in the *Initial Privacy and Civil Liberties Analysis*.
 - (3) Ensure the compilation of practices and experience from the ISE-SAR Evaluation Environment informs the revisions to the ISE-SAR Functional Standard.
- b. Each ISC member and other affected department or agency shall, as appropriate:
 - (1) Ensure when implementing the ISE-SAR Functional Standard and supporting the ISE-SAR Evaluation Environment that all activities are done so in a manner that fully protects the legal rights of all United States persons, including information privacy, civil rights, and civil liberties guaranteed by the Constitution and laws of the United States.

6. Effective Date and Expiration. This ISE-AM is effective immediately and will remain in effect until superseded or cancelled.



Thomas E. McNamara
Program Manager for the Information
Sharing Environment
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