

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE



Semiannual Report  
Office of Civil Liberties, Privacy and Transparency  
Period Covered: July 2015 to December 2016

LEADING INTELLIGENCE INTEGRATION

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

## **INTRODUCTION**

As required by Section 803 of the *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53), as amended, this report provides information about the notable activities, of the ODNI's Office of Civil Liberties, Privacy and Transparency (CLPT). This "catch-up" report covers the period from July 1, 2015 through December 31, 2016, a timeframe consistent with three semiannual submissions. The metrics chart provides information about the types of privacy and civil liberties reviews conducted; the types of advice, guidance or response furnished; and the types of complaints received and processed. The narrative section provides an overview of representative activities for the same period.

## **ABOUT CLPT**

CLPT is headed by the ODNI's Civil Liberties Protection Officer, a position established by the *Intelligence Reform and Terrorism Prevention Act of 2004*. The Act provides that the Civil Liberties Protection Officer reports directly to the Director of National Intelligence (DNI), and sets forth his duties, which include ensuring that privacy and civil liberties protections are appropriately addressed in the policies and procedures of intelligence agencies; overseeing compliance by the ODNI with privacy and civil liberties protections in programs and operations administered by the ODNI; reviewing complaints concerning possible abuses of civil liberties and privacy in ODNI programs and operations; and ensuring that the use of technology sustains, and does not erode, privacy.

The Civil Liberties Protection Officer also serves as the ODNI's Chief Transparency Officer. In that capacity, he is responsible for leading implementation of the Principles of Intelligence Transparency for the Intelligence Community (IC). The principles guide how the IC should make information publicly available while protecting classified information, when disclosure would harm national security.

By leading the integration of civil liberties and privacy protections into the policies, procedures, programs and activities of the IC, CLPT facilitates the conduct of intelligence activities in a manner that protects civil liberties and privacy, provides appropriate transparency, and earns and retains the trust of the American people. CLPT participation in developing and overseeing IC activities seeks to give the American people confidence that the IC is pursuing its vital security mission in a manner that exemplifies American values.

In general, CLPT examines the privacy and civil liberties ramifications of intelligence-related technologies, programs and procedures. CLPT staff collaborate closely with client offices to understand their initiatives or projects in detail, starting with the intelligence purpose for the specific activity, the authority pursuant to which data is obtained, and the characteristics and use of the data. Based on each set of individual circumstances, CLPT reviews the appropriateness of protective measures and compliance with legal and policy mandates and works to modify or formulate protections as necessary.

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

CLPT likewise reviews proposed legislation, policy documents, instructions, standards, guidance, testimony, reports, releases, and other materials to ensure that any privacy and civil liberties issues are appropriately addressed and properly articulated. These reviews can pertain specifically to ODNI or to other IC elements to the extent that the issues fall within CLPT's IC-wide responsibilities.

CLPT carries out its duties in close consultation with other offices with relevant and complementary responsibilities, including offices of general counsel, offices of inspectors general, intelligence oversight offices, civil liberties and privacy offices, and the Department of Justice (DOJ). CLPT champions the *Principles of Professional Ethics for the IC: Mission, Truth, Lawfulness, Integrity, Stewardship, Excellence, and Diversity*. These are fundamental, ethical principles that unite professionals across agencies and functions, and distinguish "intelligence" from other professions.

CLPT also reviews and investigates (as appropriate) alleged privacy and civil liberties abuses. When CLPT first receives a complaint, it must determine whether the complaint is properly directed to CLPT or whether it should be referred to a different office or agency. For example, depending on the circumstances, certain complaints may be referred to the Intelligence Community Inspector General, the Office of Equal Employment Opportunity and Diversity, or to another agency. If CLPT determines that a complaint is not frivolous and merits a full review, it researches the pertinent legal and policy standards, and then obtains and analyzes relevant information. Based on its findings, CLPT determines the appropriate course of action to resolve the complaint and notifies the complainant.

## **HIGHLIGHTS OF THE COVERED REPORTING PERIODS**

### TRANSPARENCY AND OPEN GOVERNMENT

In addition to fulfilling our statutory responsibilities to provide guidance, training, oversight and redress with respect to intelligence-related activities involving information about individuals, this period is notable for a high level of CLPT engagement around the innovative *Intelligence Community Transparency Initiative*. Members of CLPT actively socialized this initiative via meetings and written communications with Congressional overseers, foreign partners, academia, advocates, business consortia, civil society and IC elements and workforce at large. The purpose of this outreach was to enhance understanding of the dual IC imperatives to conduct intelligence activities and intelligence oversight while also providing the transparency needed to allay historic mistrust of the intelligence community. The IC transparency initiative leverages and complements the activities of the executive-branch-wide *National Action Plan for Open Government* and its stated principles of openness, accountability and responsiveness. Generally speaking, transparency in the intelligence context involves providing the public an unclassified understanding of IC authorities, practices and programs while protecting intelligence sources and methods or other information, the disclosure of which would likely compromise the national security. In October 2015, then-DNI Clapper signed and issued the *Implementation Plan for Principles of Intelligence Transparency*. Director Clapper emphasized the importance of

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

transparency in virtually all of his subsequent engagements with academia, business executives, advocacy groups and foreign partners.

Following issuance of the *Principles*, CLPT developed, socialized among the IC elements, and coordinated establishment of the ODNI Charter for the Intelligence Transparency Council (ITC). The Intelligence Transparency Council (ITC), chaired by the ODNI CLPT office, is an interagency group composed of representatives from each IC element. The ITC met quarterly and discussed proactive strategies to increase intelligence transparency, developing the Transparency Implementation Plan to guide the integration of transparency practices in their agencies. CLPT also undertook steps to ensure that transparency activities would be funded, developing language for the Consolidated Intelligence Guidance and other budget processes. Over the course of this consolidated reporting period, “transparency” evolved into a foundational tenet of the IC. Members of ODNI CLPT spoke widely about the initiative, presenting to IC Executives and Deputies Committees, advocacy and civil society groups, private sector professional groups, and foreign counterparts.

Roll-out of the transparency initiative accelerated the development, and amplified the visibility of, CLPT’s “IC on the Record” (ICOTR) website, <https://icontherecord.tumblr.com>, which former President Obama directed be established in response to public mistrust of the IC resulting from the 2014 NSA disclosures. The website was to serve as a venue to provide direct access to factual information related to the lawful foreign surveillance activities of the U.S. Intelligence Community. In this reporting period, CLPT coordinated the posting of additional documents reflecting intelligence oversight and compliance practices, legal and policy protections for privacy and civil liberties, implementation of FISA authorities and opinions of the Foreign Intelligence Surveillance Court (FISC). To facilitate access to materials on the site, CLPT established a Transparency Tracker, a spreadsheet containing links to all releases on IC on the Record and to certain relevant documents on other government websites.

CLPT also participated in agency deliberations on requests to declassify records for public release and to coordinate and conduct review and redaction as necessary. For example: in July 2016, CLPT led an interagency review effort that resulted in the public release of three Section 702 joint assessments of compliance. In September 2015 and August 2016, CLPT facilitated the redaction and release of Section 702 minimization procedures for years 2014 and 2015. Also, in August 2016, CLPT promoted the release of an unclassified document summarizing the oversight regime used in implementing Section 702.

In this vein, CLPT conceived the idea of enlisting the IC Historians Panel to identify and prioritize historical topics of current public interest to help guide transparency-related efforts. In December 2016, DNI Clapper signed a memorandum directing the Historians Panel to assist CLPT with this initiative.

ODNI transparency activities dovetailed with, and complemented, ODNI commitments under the National Action Plan for Open Government, a White House directive to agencies to take specific steps to achieve key milestones in transparency, participation, and collaboration. To meet this obligation, CLPT met with open government advocacy groups to explore and define the body of

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

open government principles. As a step in furtherance of this commitment, CLPT engaged with OMB to develop a substantial body of issue-specific web content for posting to OMB's Federal Privacy Council webpage (*e.g.*, applicable laws, policies and regulations pertaining to selected national security topics).

Consistent with the commitment to keep stakeholders informed of developments in the IC, CLPT coordinated meetings with advocacy groups to explain and field questions about the Cyber Threat Intelligence Integration Center (CTIIC), newly established within ODNI. CTIIC facilitates information sharing about foreign cyber threats for defensive planning purposes and does not itself perform technical operations in the cyber arena. CLPT announced that it had assigned a privacy and civil liberties officer to CTIIC, whose job it is to advise CTIIC personnel regarding the entity's receipt, maintenance, and dissemination of data potentially containing personally identifiable information. Within the first months of standing up CTIIC, the embedded CLPT officer developed the CTIIC Dissemination Guidance and a CTIIC Data Lifecycle Graphic, both made publicly available via the ODNI website.

CLPT also acted transparently after the loss of official personnel data held by OPM. In concert with ODNI's Chief Management Office, CLPT participated in town hall meetings and developed a series of FAQs and other informational materials explaining to the workforce the nature of the incident, identifying the categories of individuals actually and potentially affected, and describing the remedial measures offered. CLPT worked with other functional offices to provide appropriate public transparency regarding these matters. In addition, during this period, ODNI CLPT and other relevant components coordinated to undertake an assessment of the scope of records lost and to understand the implications of the intrusion for individuals and for national security.

Finally, in furtherance of its strategic goal to raise ODNI workforce awareness regarding privacy and civil liberties issues, the Civil Liberties Protection Officer (CLPO) continued holding "Plain Talk on Privacy and Civil Liberties" sessions with the work force. Initially conducted as part of ODNI's commemoration of Constitution Day, the Plain Talk session provided a forum for interested personnel to ask questions about, or highlight concerns regarding, the legality of high-profile intelligence activities. It also afforded the CLPO an opportunity to dispel myths about IC authorities and programs and to impart reliable information about "how things work." CLPT held subsequent Plain Talk sessions in the course of this consolidated reporting period, tackling questions about, *e.g.*, FISA Section 702, FISA Section 215 business records, SIGINT collection and sharing, IC use of publicly available information, continuous evaluation, and insider threat monitoring,

STRUCTURAL REFORMS FOR SECURING CLASSIFIED NETWORKS AND SAFEGUARDING CLASSIFIED INFORMATION.

Pursuant to Executive Order 13587, the ODNI, like other IC elements and various non-Title 50 agencies, initiated programs to ensure the continuing eligibility of clearance holders to hold their clearances (Continuous Evaluation) and to ensure that clearance holders, and incumbents of sensitive positions, do not abuse their authorized physical and logical accesses to the detriment

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

of national security (Insider Threat). CLPT assisted the Personnel Security and Counterintelligence elements of the ODNI to develop underlying principles and guidance for these programs, establishing the privacy and civil liberties parameters for the activities. CLPT reviewed concepts of operation (conops) for the technological aspects of these programs to assess and, where necessary, re-envision processes so as to mitigate potential adverse impacts of the initiatives on subject individuals. In anticipation of pilot programs and test phases, CLPT ensured the existence of appropriate Privacy Act documentation. In addition members of CLPT participated as speakers at executive-branch-wide workshops and forums sponsored by the National Insider Threat Task Force (NITTF), a body co-chaired by the ODNI/National Counterintelligence Security Center (NCSC) and the Federal Bureau of Investigation (FBI). These forums assisted Executive Branch agencies to understand the requirements of the EO and associated directives and to ameliorate potentially adverse privacy and civil liberties impacts of insider threat monitoring. CLPT “training” engagements in this arena facilitated assisted agencies to develop their continuous evaluation and insider threat programs. On behalf of the DNI, who serves as the designated Security Executive Agency (SecEA) for these activities’ standards and processes, CLPT participated materially in developing a series of issuances (SEADs, or SecEA Directives) articulating government-wide policy for the conduct of these activities. Because of their government-wide impact, these products were vetted through the interagency and OMB.

EXECUTIVE ORDER (EO) 12333 AND ATTORNEY GENERAL GUIDELINES

This period saw great activity around IC elements’ Attorney General guidelines (AGGs), the agency-specific procedures that implement the requirements of EO12333, *United States Intelligence Activities*, governing how agencies collect, retain, and disseminate information concerning U.S. persons.<sup>1</sup> CLPT continued to work with the DOJ, IC elements, and other ODNI components to assist IC elements to develop new, or refine existing, AGGs, which, when finalized, required approval by the Attorney General, in consultation with the DNI. CLPT played a major role in assessing the legal and policy sufficiency of proposed guidelines and in advancing a degree of commonality among the elements’ guidelines with respect to certain definitions and concepts. Harmonizing the elements’ procedures to the extent possible is expected to facilitate critical information sharing, while facilitating compliance with privacy requirements. Several elements completed and finalized guidelines during this period. Pursuant to its mandate to oversee IC elements’ handling of terrorism information, the Privacy and Civil Liberties Oversight Board (PCLOB, or Board) sought regular briefings and status updates about the content and progress of AGG development. CLPT brokered regular engagements with the Board members and with Board staff throughout this period.

In addition, under Section 2.3 of EO 12333, CLPT coordinated with ODNI OGC and counterparts at DoD and NSA to develop procedures, modeled on NSA’s, for IC elements to

---

<sup>1</sup> Defined in EO 12333 Part 3, a U.S. person is a person or organization who meets any of the following criteria: (i) a U.S. citizen; (ii) , an alien known by the intelligence agency element concerned to be a permanent resident alien (i.e., lawful permanent resident green card holder); (iii) an unincorporated association substantially composed of U.S. citizens or permanent resident aliens, or (iv) a corporation incorporated in the U.S., except for a corporation directed and controlled by a foreign government or governments.

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

follow in handling unevaluated and unminimized (i.e., “raw”) signals intelligence (SIGINT). These procedures, *Raw SIGINT Availability Procedures*, articulate the steps that IC elements must follow in requesting, protecting, processing, retaining, disseminating, and using raw signals intelligence. Work continued on these procedures through the reporting period and they became final and public in January of 2017.

FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA) SECTION 702

CLPT continued its routine engagement with NSA, CIA, FBI, and NCTC on FISA Section 702 compliance oversight, including (i) assessing and reviewing notices of compliance incidents to provide to the FISC, (ii) participating in on-site reviews of those elements’ targeting and minimization procedures, (iii) developing renewal certifications for submission to the FISC, and (iv) drafting the semiannual Attorney General and DNI Joint Assessment of Compliance with Section 702 procedures and guidelines to submit to Congress and the FISC and, in redacted form, for release to the public. Debate about the privacy and civil liberties implications of Section 702 activities generated many inquiries from Congressional intelligence oversight committees, to which CLPT drafted and coordinated the IC’s responses, and from civil society advocates, with whom CLPT met to discuss their concerns. In addition, the PCLOB issued, in February 2016, its second status update on how the government was implementing the Board’s recommendations that were issued in its 2014 Section 702 report.

In the area of “FISA-related transparency,” CLPT facilitated public release of FISC opinions as mandated by the USA FREEDOM ACT and drafted the unclassified DNI annual reports, *Statistical Transparency Report Regarding use of National Security Authorities*, for public release. Additionally, CLPT drafted the Section 702 Joint Assessment of Compliance in a manner to facilitate public understanding for when those assessments were released in redacted form.

CLPT developed materials for posting to the ICOTR website explaining the protections and stringent procedures required of relevant IC organizations engaged in activities authorized by FISA Section 702. Finally, in response to Congressional inquiries, CLPT worked closely with NSA to determine whether a process exists by which the number of US Persons’ communications incidentally collected under Section 702 authority could be reliably estimated.

INTERNATIONAL ACTIVITIES

The CLPO travelled to privacy forums abroad and met several times with counterpart intelligence oversight officers to enhance mutual understanding of how the U.S. and foreign partners regulate and oversee surveillance activities while protecting privacy and enhancing transparency. Over this reporting period, ODNI CLPT and OGC have sought opportunities to engage with foreign partner delegations during their visits to the U.S. as well. Both at home and abroad, the CLPO served on panels convened to discuss and exchange ideas regarding the intersection of privacy, technology, national security, and transparency, and, when necessary, to provide information and correct misunderstandings about U.S. activities.

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

Also in the international arena, the CLPT continued to participate with the State, Justice and Commerce Departments and relevant IC elements to refine and advance the newly established Privacy Shield framework, the US-EU arrangement that replaced the International Safe Harbor Privacy Principles, for protecting exchanges of personal data for commercial purposes. Among other things, the Privacy Shield Framework provides citizens of the EU countries an avenue, through the State Department's Privacy Shield Ombudsperson, to submit individual requests and complaints. During this reporting period, CLPT collaborated with other stakeholders to develop detailed procedures for handling requests submitted to the State Department Ombuds under the Privacy Shield framework.

RESEARCH, SCIENCE AND TECHNOLOGY

During this period, CLPT supported the Intelligence Advanced Research Program Activity (IARPA) within ODNI, regularly vetting intelligence-related research and development initiatives to ensure they reflect consideration of privacy and civil liberties protections. CLPT developed, and continues to refine, a survey tool that serves as the basis for discussion with the proposer/performer of an initiative regarding the implications for U.S. persons of the intended project or deliverable. In evaluating impact on individuals' rights and privacy interests, CLPT considers not only the project or research at hand but also the potential for follow-on advancements or applications that could adversely affect an individual. Similarly, CLPT reviewed proposals and white papers submitted in response to calls for innovation in agency processes or mission activities, again, to ensure consistency with privacy principles. Finally, CLPT representatives participated in IC-internal and external forums and workshops, assisting to explore privacy research agendas in academia and in the private and federal sectors. Collaborating with the ODNI Science and Technology office, CLPT assisted the National Academies of Sciences to program a workshop on privacy, national security and technology issues. This event was widely attended and culminated in a 2016 public report entitled *Privacy Research and Best Practices: Summary of a Workshop for the Intelligence Community*.

As required by Section 804 of the 9/11 Commission Act, CLPT prepared and submitted the annual Data Mining Report to Congress. Historically, neither ODNI nor its components or Centers has engaged in data mining as that term is statutorily defined. However, it has been CLPT's practice to report on activities that do not rise to the level of data mining but that meet individual criteria of the legal definition.

IT AND DATA

*Information systems and data governance*

In this period, CLPT fully integrated itself into internal working groups, committees, forums, technical exchanges and the like that relate to ongoing restructuring of the IC technology and data environment intended to eliminate redundancy and effect efficiencies. Such restructuring involves the establishment and implementation of common services, applications, and data stocks. Restructuring affects relationships between the IC elements and necessitates a common understanding of data governance policies and principles. To ensure against the erosion of

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

privacy protections, CLPT collaborated with data architects, system administrators, applications engineers, *etc.*, developing information-sharing models, policy strawmen, and strategic plans for governing data in shared repositories and reengineered business processes. The anticipated technology and data environment is complex and will remain a work in progress for some time.

While addressing matters related to the re-envisioned IT enterprise, CLPT continued to provide advice and guidance to client components and programs undertaking to develop new, or substantially alter existing, data collections and business processes (*e.g.*, continuous evaluation, supply chain and insider threat activities). Using the previously referenced survey tool to elicit facts about the data collected/used and the processes employed, CLPT ensured the application of appropriate safeguards in collecting and administering data in new ways, recommending protective measures as needed.

Using this tool, CLPT also assisted the newly established ODNI Chief Information Officer (CIO) to develop an inventory of the agency's information systems, data holdings, and products, at the level of detail necessary to ensure compliance with requirements for establishing, protecting, managing and overseeing information assets.

*Information sharing*

CLPT continued to perform its advisory and compliance role with respect to the activities of NCTC, the operational component within the ODNI primarily responsible for counterterrorism intelligence analysis and counterterrorism strategic operational planning. CLPT provided guidance regarding conditions for NCTC's receipt, use, retention, and dissemination of data from and to other entities, and collaborated with NCTC legal and program offices to develop policies for access, use, and tracking of certain categories of data containing personally identifiable information. In addition, CLPT continued to review products, speeches, newsletters, and other NCTC communications with state, local and territorial entities engaged in countering violent extremism to ensure that these products comported with analytic standards, showed no bias, and were protective of privacy and civil liberties.

TRAINING

In this period, ODN leadership determined that privacy awareness training would be a mandatory annual requirement for the workforce, cadre, contractors and detailees alike. The course, entitled *Understanding the Privacy Act and Personally Identifying Information*, is web-hosted and includes a final knowledge check, successful completion of which (80%) is automatically credited to the user's training record. The DNI further directed that system access be made contingent on one's successfully completing this requirement. Technical development of this "lock-out" functionality commenced during this period. Additionally, to relieve the burden on detailees of taking multiple privacy awareness courses after changing assignments, several IC elements agreed to recognize one another's privacy courses in satisfying internal training requirements.

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

Also in this period, CLPT finalized its web-based module on *IC Protections for United States Person Information*. The module provides an introduction to privacy and civil liberties protections under EO 12333, FISA, the Privacy Act, the Freedom of Information Act (FOIA), the Information Sharing Environment (ISE) information-sharing guidelines, and OMB policy directives for protecting personally identifiable information (PII). The training is intended to help intelligence professionals better understand the privacy and civil liberties protections that apply to the collection, retention, and dissemination of information in the conduct of intelligence activities. While the offering is available to all, it is not mandatory that all staff take the course.

Consistent with the *National Insider Threat Policy* and *Minimum Standards for Executive Branch Insider Threat Programs*, CLPT provided substantial support to the NCSC Insider Threat program in developing workforce training on the insider threat generally and the specific risk posed to classified information by malicious insiders. The training provides guidance in recognizing insider threat behaviors and emphasizes the duty to report appropriately suspected insider threat activity. CLPT also assisted materially in developing specialized training for authorized insider threat program personnel, highlighting the potential harm to individuals and the agency should the program be implemented poorly. The training for program personnel stresses the importance of the following: recognizing and avoiding unconscious bias in assessing reports or evaluating behaviors; recognizing legitimate whistleblowing activity; referring suspected threat actors to the appropriate internal or external authority for follow-up investigation; and, maintaining absolute confidentiality of the matters to which program personnel are privy, to preclude reputational, economic or physical harm to subject individuals.

Additionally, CLPT collaborated with ODNI OGC, ODNI PAO, the U.S. Office of Special Counsel and civil society advocates for whistleblower protections to develop a script that IC elements or components could use to develop whistleblower training modules. The *IC Whistleblower Training Curriculum* was made publicly available online.

CLPT collaborated with several representatives of the ISE (Information Sharing Environment) Privacy and Civil Liberties Subcommittee and staff of the Program Manager for the ISE to develop the privacy-related modules of a web-based “Core Awareness” course for first responders and law enforcement personnel at fusion centers and field offices. The course uses video and a variety of other communication techniques and is available online.

CLPT also maintained a high level of activity with respect to in-person training. In addition to briefing during the bi-weekly orientation for officers entering on duty, members of CLPT delivered ad hoc presentations requested by components, committees, outside forums, and senior leadership, including Executive and Deputies Committees of the IC. Topics covered the gamut of CLPT activities and responsibilities. Several members of CLPT served as lecturers for a privacy “boot camp” that the Federal Privacy Council organized for personnel new to the privacy field. In this period, CLPT several times taught a class on “privacy in the IC” to new IC officers enrolled in the *Understanding the Intelligence Community* course (a semi-annual community-wide offering). CLPT and OGC each provided a representative to lead a higher level seminar class (also semi-annually) for masters students enrolled at the National Intelligence University (NIU).

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

As a complement to its training, outreach and leadership of the IC privacy community, CLPT established a “Civil Liberties, Privacy and Transparency National Intelligence Professional Awards Program” to annually recognize the services and contributions that most significantly enhanced civil liberties, privacy and transparency in the IC. The new award program will spotlight privacy, civil liberties and transparency principles as foundational to the intelligence mission and reward excellence in advancing and implementing those principles.

LEGISLATIVE, POLICY AND PRODUCT REVIEW

CLPT regularly reviewed draft legislation, executive orders, executive branch policies, and testimony, statements, and responses to Congress to ensure that privacy and civil liberties principles were appropriately considered with respect to the matters proposed and clearly and fully articulated..

Internally, CLPT reviewed numerous IC policy directives and ODNI-specific administrative instructions and guidance that the agency regularly revises and updates. These reviews were conducted to ensure that new rules or policies did not create unintended consequences for individuals’ privacy and civil liberties.

TRANSITION

As part of the change of Administration, CLPT developed briefings for transition personnel and incoming leadership describing CLPT’s content areas and activities. CLPT’s transition briefings ran the gamut from overviews of CLPT’s advice and oversight activities to explanations of specific statutory provisions and operational matters. These briefings highlighted the critical nature of privacy, civil liberties and transparency principles to the success of the intelligence mission.

COMPLAINTS

During this combined reporting period, CLPT reviewed, assessed and commenced inquiry into two matters brought to its attention. Separately, CLPT responded to two internal technical incidents involving PII, both quickly remedied.

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

**Metrics.** The following tables set forth metrics regarding CLPT activities in each of the areas enumerated in Section 803 of the 9/11 Commission Act. The report categories are defined as follows:

*Reviews:* Examinations of activities or processes as required by controlling privacy and civil liberties authorities.

*Type of Advice:* Refers to the identification of specific requirements or other safeguards identified in specific circumstances to protect privacy and civil liberties, including the formal issuance of responsive policies, procedures, guidance, interpretations and instructions.

*Response to Advice:* Relates to specific action taken as a result of the CLPT advice provided, including policies, procedures, training, etc.

*Complaints/Allegations:* A written charge regarding agency non-compliance with the requirement of the Privacy Act, harm from ODNI sharing of terrorism data, or some other violation of information privacy rights and/or civil liberties.

*Disposition of Complaints:* Refers to CLPT administration of the complaint (versus specific resolution of the complaint); i.e., responsive action, determination of “no merit,” or referral of the complaint to a more appropriate venue.

*Incident:* An occurrence that (1) actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system; or (2) constitutes a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies.

Details about the definitions of these categories are listed in the *Letter and Number Key* at the end of the Report. The number totals can vary from category to category because some of the items can fall in more than one category. For example, a review of documentation for the IC CIO Cloud Services Strategy involved CLPT reviewing the documentation for several different civil liberties and privacy topics. In those cases, the review is counted once for each topic that advice was provided for.

Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016

**METRICS**

<b>Reviews</b>		
<b><u>Type</u></b>	<b><u>Quantity</u></b>	<b><u>Description</u></b>
A-1	68	Intelligence Activities
A-2	23	Internal Operations
A-3	35	Use of Technology
A-4	2	Procedures for Redress
A-5	4	Implement Transparency
B-1	21	First Amendment
B-2	15	Fourth Amendment
B-3	50	Privacy Act/OMB Circular 108
B-4	2	Data Mining Act
B-5	23	EO 123333
B-6	0	ISE Privacy Guidelines
B-7	0	Third Party Website
B-8	0	Website Tracking Policy
B-9	19	SSN Reduction
B-10	30	Other OMB Policy
B-11	6	Principles of Transparency
B-12	58	Directed by DNI or Req. by Law
<b>Total</b>	<b>356</b>	

<b>Type of Advice Given After Reviews</b>		
<b><u>Type</u></b>	<b><u>Quantity</u></b>	<b><u>Description</u></b>
A	38	Written Formal Guidance
B	128	Informal Guidance
C	49	Multi-Stakeholder Consultations
<b>Total</b>	<b>215</b>	

Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016

<b>Response to Advice Given After Reviews</b>		
<b><u>Type</u></b>	<b><u>Quantity</u></b>	<b><u>Description</u></b>
1	121	Client directed action in accordance with guidance rec'd
2	11	Client instituted required training
3	79	Other action taken
<b>Total</b>	<b>211</b>	

<b>Promote Understanding</b>		
<b><u>Type</u></b>	<b><u>Quantity</u></b>	<b><u>Description</u></b>
E-1	6	Internal Training
E-1-a	4	Entrance on Duty
E-1-b	0	Plain Talk/Brown Bags
E-1-c	1	Town Halls
E-1-d	7	Specific Content Briefings
E-2	12	External IC
E-3	46	Outside (Non-IC)
<b>Total</b>	<b>76</b>	

<b>Incidents</b>		
<b><u>Type</u></b>	<b><u>Quantity</u></b>	<b><u>Description</u></b>
D-1	2	PII
<b>Total</b>	<b>2</b>	

<b>Complaints</b>		
<b><u>Type</u></b>	<b><u>Quantity</u></b>	<b><u>Description</u></b>
C-1	2	PII Incident
C-2	1	Privacy Act Challenge
C-3	0	ISE (inc. Terrorist Watch List)
C-4	0	1 <sup>st</sup> or 5 <sup>th</sup> Amendment
C-5	0	Retaliation/Reprisal
C-6	0	via DOJ Judicial Redress
C-7	0	via State Dept. Privacy Shield
C-8	0	Misdirected/Non CLPT
<b>Total</b>	<b>3</b>	

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

<b>Disposition of Complaint</b>		
<b>Type</b>	<b>Quantity</b>	<b>Description</b>
a.	2	Took Appropriate Action
b.	0	Informed That No Action Necessary
c.	0	Referred to Other Office
<b>Total</b>	<b>2</b>	

<b>Letter &amp; Number Key for Civil Liberties, Privacy and Transparency Semi-Annual Section 803 Report</b>	
<b>Definition: “Reviews”</b> are examinations of activities or processes as required by controlling privacy and civil liberties authorities (e.g. Privacy Impact Assessments, FISA Reviews, Compliance with IT Resource Management Policy, Congressionally Directed Action (CDA), or DNI-directed Reviews). CLPT may also conduct such reviews on a discretionary basis.	
<b>Type of Review</b>	
<b>A.</b>	Review to assist ODNI in appropriately considering privacy and civil liberties concerns and incorporating applicable privacy and civil liberties safeguards (under the Constitution, federal law/regulation/policy, Executive Orders and implementing guidelines) in the: <ol style="list-style-type: none"> <li>1. Development of laws and polices relating to intelligence activities</li> <li>2. Development of laws and policies relating to workforce administration and agency internal operations</li> <li>3. Use of technology in conducting intelligence activities or agency internal operations</li> <li>4. Development of procedures for redress (to include breach of PII)</li> <li>5. Development of procedures to implement transparency principles</li> </ol>
<b>B.</b>	Review to ensure the programs and operations of the ODNI or the IC at large are implemented in compliance with appropriate legal and policy safeguards for privacy and civil liberties: <ol style="list-style-type: none"> <li>1. First Amendment</li> <li>2. Fourth Amendment</li> <li>3. Privacy Act/OMB Circular 108</li> <li>4. Data Mining Act</li> <li>5. EO 12333 and implementing guidelines</li> <li>6. ISE Privacy Guidelines</li> <li>7. Third party website/applications policy (OMB M-10-23)</li> <li>8. Website tracking policy (OMB M-10-22)</li> <li>9. SSN reduction (OMB-M-07-16)</li> <li>10. Other OMB policy</li> <li>11. Principles of Transparency for the IC</li> <li>12. Directed by DNI or required by law</li> </ol>

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

<b>Definition: “Complaints” –</b>	
<ul style="list-style-type: none"> <li>• “<i>Privacy Act Complaint</i>” is a written allegation regarding agency non-compliance with the requirement of the Privacy Act.</li> <li>• <i>ISE Complaint</i>: “ISE Complaint” is a written allegation of harm arising from ODNI sharing of terrorism data in the context of the Information Sharing Environment.</li> <li>• <i>Privacy and Civil Liberties Complaint</i>: “Privacy and Civil Liberties Complaint” is a written allegation charging violation of information privacy rights and/or civil liberties, e.g., relating to improper collection, use, retention, and dissemination of the information about U.S. persons, violation of First Amendment rights of free speech and association, or Fifth Amendment guarantees of due process and equal protection.</li> <li>• “<i>Disposition of complaints</i>” refers to CLPT administration of the complaint (vice specific resolution of the complaint), i.e., responsive action, determination of “no merit,” or referral of the complaint to a more appropriate venue.</li> </ul>	
<b>Type of Complaint/Allegation</b>	
<b>C.</b>	<ol style="list-style-type: none"> <li>1. Complaint of PII incident</li> <li>2. Complaint of Privacy Act violation</li> <li>3. Complaint of ODNI sharing under the ISE (including terrorist watch list)</li> <li>4. Complaint alleging improper collection use, retention, and dissemination of US person information or alleging violation of First Amendment’s guarantees of freedom of speech and association, or Fifth Amendment guarantees of due process and equal protection</li> <li>5. Complaint of retaliation/reprisal for raising a CL/P concern</li> <li>6. Complaint via DOJ under Judicial Redress Act</li> <li>7. Complaint via State Department under Privacy Shield</li> <li>8. Misdirected complaint/non CL/P manner</li> </ol>
Disposition of Complaint: (identify in “Comments” section)	<ol style="list-style-type: none"> <li>a. Took appropriate responsive action</li> <li>b. Informed complainant that complaint does not merit responsive action</li> <li>c. Referred complainant to other appropriate office</li> </ol>
<b>D.</b>	<p>Incidents</p> <ol style="list-style-type: none"> <li>1. PII</li> </ol>
<b>Promote Understanding</b>	
<b>E.</b>	<p>Promote understanding of the IC’s civil liberties and privacy protections. Inform and Promote Awareness (identify venue in “Description” section)</p> <ol style="list-style-type: none"> <li>1. Internal/Training             <ol style="list-style-type: none"> <li>a. EOD</li> <li>b. Plain Talk/brown bags</li> <li>c. Town Halls</li> <li>d. Specific content briefings</li> </ol> </li> <li>2. External (in the IC)</li> <li>3. Outside (non-IC)</li> </ol>

**Semiannual Report of the ODNI Civil Liberties Protection Officer, Pursuant to Section 803 of the 9/11  
Commission Act of 2007  
July 1, 2015 – December 31, 2016**

<b>Type of Advice</b>	
<b>A.</b>	Written interpretations, Opinions, Memoranda, Guidance, Instructions
<b>B.</b>	Informal guidance/recommendations/clarification (email, phone, meeting/consultation)
<b>C.</b>	Multi-stakeholder Consultations
<b>Response to Advice</b>	
<b>1.</b>	Client directed action in accordance with written guidance, procedure, or agreement by CLPT or external stakeholder guidance rendered
<b>2.</b>	Client instituted/required training in CLPT areas of expertise
<b>3.</b>	Other