

Civil Liberties and Privacy



INTELLIGENCE COMMUNITY DIRECTIVE

107

A. AUTHORITY: The National Security Act of 1947, as amended; the Privacy Act of 1974, as amended; Executive Order (EO) 12333, as amended; and other applicable provisions of law.

B. PURPOSE: This Directive establishes Intelligence Community (IC) policy for the protection of civil liberties and privacy relating to activities conducted by IC elements.

C. APPLICABILITY

1. This Directive applies to the IC, as defined by the National Security Act of 1947, as amended, and to such other elements of any department or agency as may be designated as an element of the IC by the President, or jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned.

2. For IC elements within departments, this Directive shall be implemented in a manner consistent with applicable law and departmental policies governing civil liberties and privacy protections.

D. POLICY

1. The DNI is committed to protecting civil liberties and privacy, which are foundational principles of our Nation's democratic society, preserved in the Constitution of the United States (US), and guaranteed in Federal law.

2. Civil liberties and privacy protections shall be integral considerations in the planning of intelligence activities in accordance with EO 12333.

3. Intelligence activities shall be conducted in a manner that protects civil liberties and privacy.

4. The IC shall protect civil liberties and privacy in a manner that enables proper intelligence integration and information sharing and safeguarding.

E. RESPONSIBILITIES

1. With respect to activities conducted by IC elements, the DNI will:

a. Provide oversight and guidance to the IC on the protection of civil liberties and privacy.

b. Through the Civil Liberties Protection Officer (CLPO):

(1) Establish IC fora to support this Directive.

(2) Develop and administer IC Standards to ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures of IC elements.

(3) By working through the executive departments that contain elements of the Intelligence Community, ensure compliance with the Constitution and laws of the U.S relating to civil liberties and privacy.

(4) Ensure that IC enterprise technology initiatives incorporate appropriate civil liberties and privacy protections.

(5) Represent the IC in Executive Branch and Congressional fora for matters relating to the protection of civil liberties and privacy by the IC.

2. The Heads of IC elements shall:

a. Conduct activities in a manner that protects civil liberties and privacy.

b. Designate or identify at least one senior official responsible for matters involving the protection of civil liberties and privacy as they relate to activities conducted by the element. When appropriate, this requirement may be met by Department officials, such as those designated under Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (42 USC 2000ee-1), having the appropriate security clearances to access intelligence and intelligence-related information held by the IC element.

c. Provide information to those officials described in E.2.b above concerning the IC element's mission and tradecraft, and civil liberties and privacy requirements.

d. Support those officials' participation in IC fora relevant to implementing this Directive.


e. Engage with the CLPO, General Counsels (GCs), Inspectors General (IGs), and other departmental offices, as appropriate, on civil liberties and privacy matters relating to activities conducted by the element.

f. Ensure that the CLPO, GCs, IGs, appropriate departmental offices, and the officials described in E.2.b above have access to all information required to protect privacy and civil liberties and to implement this Directive.

g. Afford the opportunity for complaint, investigation, and redress of alleged violations of civil liberties and privacy regarding their elements' activities.

3. Employees, detailees, assignees, contractors, and other individuals acting on behalf and in support of an IC element or other National Intelligence Program activity shall responsibly protect civil liberties and privacy, consistent with this Directive and other applicable IC policy.

F. EFFECTIVE DATE: This Directive becomes effective on the date of signature.



Director of National Intelligence

31 Aug 2012

Date