



INTELLIGENCE COMMUNITY STANDARD

107-02

Reporting Significant Compliance Issues Involving Personal Information under PPD-28 to the DNI

A. AUTHORITY: The National Security Act of 1947, as amended; Executive Order (EO) 12333, as amended; Presidential Policy Directive 28/PPD-28, Signals Intelligence Activities; Intelligence Community Directive (ICD) 107, Civil Liberties and Privacy; and other applicable provisions of law.

B. PURPOSE: Section 4(a)(iv) of PPD-28 provides that when a significant compliance issue occurs involving personal information of any person, regardless of nationality, collected as a result of signals intelligence activities, the issue shall, in addition to any existing reporting requirements, be reported promptly to the Director of National Intelligence (DNI), who shall determine what, if any, corrective actions are necessary. This document establishes the process for reporting such issues to the DNI.

C. APPLICABILITY: This document applies to the IC as defined by the National Security Act of 1947, as amended; and to such elements of any other department or agency as may be designated an element of the IC by the President, or jointly by the DNI and the head of the department or agency concerned.

D. IMPLEMENTATION:

1. IC Elements must report significant PPD-28 compliance issues involving personal information in one of the following ways:

a. In writing to the ODNI's Civil Liberties and Privacy Office and Office of the General Counsel. Reports under this subparagraph shall be submitted within the then-current timelines established by the Intelligence Oversight Board (IOB) for submitting IOB reports. As of the date of issuance of this Intelligence Community Standard, the IOB has directed that "significant or highly sensitive matters will be reported immediately," and that other matters will be reported on a calendar-year quarterly basis, no later than 60 days following the end of each quarter.

b. If the IC element determines that the significant compliance issue is reportable to the IOB, the IC element may satisfy its reporting obligation to the DNI by providing the ODNI with a copy of its report on the issue to the IOB. The IC element will inform the IOB that a copy of that portion of its report pertaining to the intelligence activity that it determines is a significant compliance issue involving personal information is being provided to the DNI in accordance with PPD-28, Section 4(a)(iv).

2. Reports shall include the following:

- a. A narrative describing the intelligence activity in question.
- b. An explanation of the significant compliance issue that precipitated the reporting.
- c. An explanation and analysis of how or why the incident occurred.
- d. An assessment of any mitigation efforts, including successes and failures of such efforts.
- e. The corrective action the IC element determined necessary, if any, to prevent recurrence of the incident.
- f. An assessment of the impact the reported compliance issue could have on the privacy interests of the individuals involved.
- g. How the IC element concerned is addressing any information improperly acquired, handled, used, destroyed, etc., as a consequence of the matter being reported.
- h. Any additional information that the reporting official considers relevant for purposes of fully and completely informing the DNI of the significant compliance issue.

3. DNI Review. The DNI will:

- a. Review the report of the significant compliance issue.
- b. Request any additional information needed to make an informed decision regarding the report.
- c. Determine what, if any, corrective action is appropriate.
- d. If the reported incident involves a non-United States person, the DNI, in consultation with the Secretary of State and the Head of the IC element, will determine whether steps should be taken to notify the relevant foreign government, consistent with the protection of sources and methods and of U.S. personnel.

E. ROLES AND RESPONSIBILITIES:

1. Heads of IC elements shall:
 - a. Ensure compliance with paragraph D, above.
 - b. Take corrective action, if any, as determined appropriate by the DNI.

2. The ODNI Intelligence Oversight Team will:

a. Monitor all intelligence oversight matters reported to the IOB to identify those matters that involve a significant PPD-28 compliance issue.

b. Review and prepare a recommendation for the DNI regarding all PPD-28 significant compliance issues, in coordination with the ODNI Civil Liberties Protection Officer and ODNI General Counsel.

c. Consult with the reporting agencies as appropriate in carrying out the above responsibilities, including IC element officials responsible for civil liberties and privacy protection for the IC element.

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



Civil Liberties Protection Officer

10 February 2016

Date