



PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
WASHINGTON, D.C. 20002

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

ACTIVE OVERSIGHT PROJECTS AND OTHER ENGAGEMENTS

July 2019

INTRODUCTION

The Privacy and Civil Liberties Oversight Board is committed to “inform[ing] the public of its activities ... as appropriate and in a manner consistent with the protection of classified information and applicable law.”¹ To that end, the Board’s 2019-2022 Strategic Plan expressed the Board’s intention to “identify publicly the subjects of its oversight reviews, to the extent consistent with the protection of classified information.”²

This document describes the Board’s active oversight projects and other engagements. The Board plans to update this document biannually. The shorthand descriptions below are intended to provide public transparency, consistent with the protection of classified information and other applicable law. They do not authoritatively delimit the scope of any project.

Not every project will result in a formal report. The level of formality of any resulting reports will depend on the nature of the Board’s findings. Where oversight projects result in formal written reports, the Board will make them available to the public to the greatest extent consistent with the protection of classified information and other applicable law.

ACTIVE OVERSIGHT PROJECTS

- ***NSA’s Collection of Call Detail Records under the USA Freedom Act.*** The Board is conducting ongoing oversight of the NSA’s collection of call detail records under the USA Freedom Act of 2015, including the program’s operational use and challenges encountered in implementing the program.
- ***Examination of certain counterterrorism-related activities conducted pursuant to Executive Order 12333.*** In 2015, the Board announced that it would review counterterrorism-related activities conducted pursuant to Executive Order 12333, including three “deep dive” reviews of specific activities conducted by the CIA and NSA. Two of those remain active:

¹ 42 U.S.C. § 2000ee(f)(2).

² Privacy and Civil Liberties Oversight Board, *Strategic Plan for 2019-2022*, at 21-23, available at https://www.pclob.gov/library/StrategicPlan_2019-2022.pdf.

- ***NSA “Deep Dive” Review – XKEYSCORE.*** The Board is examining the National Security Agency’s use of XKEYSCORE as an analytic tool for counterterrorism purposes and its implications for privacy and civil liberties.
- ***CIA “Deep Dive” Review.*** The Board is reviewing a classified counterterrorism-related activity conducted by the Central Intelligence Agency and that activity’s implications for privacy and civil liberties.
- ***Facial Recognition and Other Biometric Technologies in Aviation Security.*** The Board is reviewing how biometric technologies are used to verify identity at each phase of an air journey, considering both operational benefits and privacy and civil liberties concerns.
- ***FBI Open-Source Collection.*** The Board is reviewing the FBI’s acquisition and use of data from open-source or commercially available sources as part of its efforts to protect the nation against terrorism, as well as the legal, policy, and technological safeguards in place to protect privacy and civil liberties.
- ***FBI Querying, Compliance, and Information Technology.*** The Board is reviewing the FBI’s querying of data obtained pursuant to Section 702 of the Foreign Intelligence Surveillance Act and related authorities. The review will also examine the procedures and technology used to record queries and ensure compliance with applicable rules.
- ***Terrorist Finance Tracking Program.*** The Board is reviewing the Treasury Department’s Terrorist Finance Tracking Program and its implications for privacy and civil liberties.
- ***Terrorist Watchlisting.*** The Board is reviewing the operation of the Terrorist Screening Database, which contains information on known and suspected terrorists.
- ***Passenger Name Records.*** The Board is conducting an oversight project related to the use of airline Passenger Name Records.
- ***Recommendations Assessment Report.*** The Board intends to issue a report providing an update on the status of recommendations made in the Board’s past reports on Section 702, Section 215, and Presidential Policy Directive 28.
- ***Ongoing Oversight: Section 702.*** The Board maintains ongoing oversight of the intelligence community’s implementation of Section 702, the subject of a Board report in 2014.
- ***Ongoing Oversight: Presidential Policy Directive 28.*** The Board maintains ongoing oversight of the intelligence community’s implementation of the recommendations in the Board’s report on Presidential Policy Directive 28.

ADVICE PROJECTS

The Board has several active advice engagements, some of which relate to revisions of Attorney-General-approved Guidelines governing the handling of U.S.-person information collected under Executive Order 12333. While the Board does not ordinarily disclose its advice projects, in this instance the Board has agreed with the recipients to disclose that the Board has provided advice, or is currently providing advice, on every significant revision or issuance by an Intelligence Community element of its Attorney-General-approved Guidelines since 2013.

PUBLIC EVENTS

Public Forum to inform the Board's agenda. On February 8, 2019, the Board held a public forum to inform the Board's oversight agenda. The Board received information from governmental and non-governmental experts on privacy, civil liberties, efforts to protect the nation from terrorism, and other issues relevant to the Board's work, and invited members of the public to pose questions or provide input to the Board.

Public Forum on the USA Freedom Act. On May 31, 2019, the Board held a public forum on the NSA's collection of call detail records under the USA Freedom Act. The Board heard from experts in counterterrorism, intelligence, privacy, and civil liberties, and invited members of the public to pose questions or provide input to the Board. The insights gained from this event will inform the Board's ongoing work on the USA Freedom Act.

The Board will continue to hold regular public events to involve the public in its activities.

OTHER ACTIVITIES

Coordinating Civil Liberties and Privacy Officers. The Board regularly convenes and "coordinates the activities of ... privacy officers and civil liberties officers on relevant interagency matters" and topics of mutual interest.³

Section 803 reports. The Board continues to receive and review reports from Civil Liberties and Privacy Officers under Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007.

Executive Order 13636 reports. The Board continues to receive and review reports under Executive Order 13636, *Improving Critical Infrastructure Cybersecurity*.

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³ 42 U.S.C. § 2000ee(d)(3)(c).