



PRESS RELEASE

February 12, 2024

For Immediate Release

**PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD RELEASES  
UNCLASSIFIED 2020 XKEYSCORE DOCUMENTS**

**WASHINGTON, DC** – The Privacy and Civil Liberties Oversight Board (PCLOB) has received approval to release an unclassified version of its December 2020 classified report on the National Security Agency’s (NSA’s) use of XKEYSCORE, an intelligence analysis tool. The agency’s *Report on Certain NSA Uses of XKEYSCORE for Counterterrorism Purposes* includes separate statements from each Board Member at the time the report was drafted, and the report release also includes additional related documents from the Board’s investigation. At the time the PCLOB’s oversight review was completed, the Board Members were: current Board Members Edward W. Felten and Travis LeBlanc as well as former Board Members Adam Klein (Chair), Jane Nitze, and Aditya Bamzai.

The PCLOB requested declassification of the report in 2021. Given the highly classified nature of the intelligence activities examined in the oversight review, both the public version of the report and the additional documents contain extensive Intelligence Community (IC) redactions. The public release of the report follows completion of the IC’s review and redaction process.

The report includes seven recommendations made by the Board in 2020, including:

- NSA should conduct and periodically review and update a legal analysis of XKEYSCORE;
- The Classified Annex to Department of Defense Manual 5240.01 and NSA’s implementing guidance should be updated to reflect changes to the manual;
- NSA should notify the Board of changes to XKEYSCORE that could materially affect the privacy or civil liberties of U.S. persons;
- NSA should engage its Office of General Counsel and Civil Liberties Privacy and Transparency Office in certain key decisions;
- NSA should include XKEYSCORE-specific content in the training required before analysts can use XKEYSCORE;

- The Office of the Director of National Intelligence and NSA should share best practices and (where possible) technical solutions from NSA’s auditing architecture with other IC agencies that hold comparably sensitive large datasets; and
- NSA should periodically provide the Board with information about the number and nature of XKEYSCORE queries resulting in significant compliance findings, including pertaining to U.S. persons.

The report also lists three separate recommendations made by Board Members Ed Felten and Travis LeBlanc, including:

- NSA should study [redacted];
- XKEYSCORE analysts should be required to tag or take other reasonable measures to identify known or believed U.S. person data under certain circumstances; and
- NSA should affirmatively deprioritize U.S. person data processed by XKEYSCORE.

The *Report on Certain NSA Uses of XKEYSCORE for Counterterrorism Purposes* stems from the Board’s July 2014 decision to review, among other matters, counterterrorism-related intelligence activities conducted pursuant to Executive Order 12333, as amended (“E.O. 12333”).

The Board’s decision led to three “deep dive” reviews. The first review resulted in a [report](#) regarding CIA financial data activities in support of ISIL-related counterterrorism efforts, for which an unclassified version – containing redactions necessary to protect classified information – was released in early 2022. The second review resulted in a fully classified report for which staff-level [recommendations](#), containing appropriate redactions, were released in early 2022, and it covers a different CIA counterterrorism activity conducted pursuant to E.O. 12333. The third review resulted in the NSA XKEYSCORE report.

For further information, please contact Public and Legislative Affairs Officer Alan Silverleib at [info@pclub.gov](mailto:info@pclub.gov) or [pao@pclub.gov](mailto:pao@pclub.gov).

###

*The Privacy and Civil Liberties Oversight Board is an independent agency within the Executive Branch established by the Implementing Recommendations of the 9/11 Commission Act of 2007. The Board’s mission is to ensure that the federal government’s efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties. The Board’s current Members are Sharon Bradford Franklin, Chair, Edward W. Felten, Travis LeBlanc, and Beth A. Williams. Chair Franklin and Member Williams were not Members at the time and, as such, played no role*

*in the XKEYSCORE report's preparation. Member Williams also had no involvement in the declassification and FOIA process leading to the report's release.*