



**Homeland  
Security**

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Dear Privacy and Civil Liberties Oversight Board Members:

Thank you for your August 4, 2022 letter to the Department of Homeland Security (DHS), in which you inquired about the Department's efforts to address disinformation that threatens homeland security missions. I am responding on behalf of the Department, and I apologize for the delayed response.

I understand that the Privacy and Civil Liberties Oversight Board (PCLOB) is pursuing an oversight project on countering domestic terrorism,<sup>1</sup> and that there was an introductory meeting with DHS offices and agencies and PCLOB staff to discuss a path forward for this review.

In recent years, many threats to the homeland have been exacerbated by disinformation. While there is no Department-wide definition for this term, the Cybersecurity and Infrastructure Security Agency (CISA) defines disinformation as information "deliberately created to mislead,

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<sup>1</sup> As provided in a February 9, 2023 email to the then-Acting Chief Privacy Officer, it is the Department's understanding that the August 4, 2022 request for information from Chair Bradford Franklin and Member Williams is now a full Board request pursuant to the Board's oversight project on domestic terrorism.

harm, or manipulate a person, social group, organization, or country.”<sup>2</sup> DHS offices and agencies work to mitigate the harms of disinformation and misinformation in their respective mission areas.

For example, CISA works with critical infrastructure owners and operators to ensure they are aware of the risks of influence operations leveraging social media and online platforms for disinformation. In February 2022, in light of increased risk after Russia’s invasion of Ukraine, CISA published a guide intended to assist with preparing for and mitigating foreign influence operations targeting critical infrastructure.<sup>3</sup> CISA found that recently observed foreign influence operations abroad demonstrate that foreign governments and related actors have the capability to quickly employ sophisticated influence techniques to target U.S. audiences with the goal to disrupt U.S. critical infrastructure and undermine U.S. interests and authorities. The guide outlines insights and proactive steps organizations can take to assess their risk from information manipulation, increase resilience, and mitigate the impact of potential foreign influence operations on U.S. critical infrastructure. Additional products on this topic are available on the CISA website.<sup>4</sup>

The Department’s Office of Intelligence and Analysis (I&A) shared information with state and local law enforcement and private sector critical infrastructure owners and operators on foreign efforts to amplify misinformation about 5G telecommunications spreading the COVID-19 virus. Through 2020 and into 2021, I&A noted in intelligence assessments that such misinformation was likely responsible for an increase in criminal vandalism and destruction of a range of 5G communications infrastructure in the United States. I&A’s efforts involve all-source intelligence, including open-source information.

With respect to your specific inquiry regarding the Department’s efforts to counter disinformation with a nexus to domestic terrorism, on May 18, 2022, Secretary Mayorkas tasked the nonpartisan Homeland Security Advisory Council (HSAC) to stand up a subcommittee to conduct a thorough review and assessment of those efforts. The Disinformation Best Practices and Safeguards Subcommittee (the “Subcommittee”), which was led by Former Secretary of Homeland Security Michael Chertoff and former Deputy Attorney General Jamie Gorelick, completed its work in late August 2022. On August 24, 2022, the HSAC deliberated and approved the HSAC Subcommittee’s Final Report in a public meeting. The Subcommittee concluded that disinformation threatens the homeland and that it is critical that the Department take steps to address this threat.<sup>1</sup> In accordance with the HSAC’s recommendation, Secretary Mayorkas terminated the Disinformation Governance Board and rescinded its charter effective, August 24, 2022.<sup>5</sup>

As noted by the HSAC in its final report on the issue, “The Department’s Office of General Counsel, the Department’s Privacy Office, and the Department’s Office for Civil Rights and Civil Liberties (CRCL) support the Department’s mission to secure the nation while

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<sup>2</sup> <https://www.cisa.gov/topics/election-security/foreign-influence-operations-and-disinformation>.

<sup>3</sup> <https://www.cisa.gov/resources-tools/resources/cisa-insights-preparing-and-mitigating-foreign-influence-operations>

<sup>4</sup> [cisa.gov/mdm](https://www.cisa.gov/mdm).

<sup>5</sup> [dhs.gov/news/2022/08/24/following-hsac-recommendation-dhs-terminates-disinformation-governance-board](https://dhs.gov/news/2022/08/24/following-hsac-recommendation-dhs-terminates-disinformation-governance-board)

preserving individual liberty, fairness, and equality under the law, to include setting policies for each Component, especially with respect to the requirements and constraints mandated by legal, privacy, and civil rights and civil liberties responsibilities. These policies are properly assembled by the relevant legal, privacy, and civil rights officers and conveyed to the relevant Components and among Department senior leadership.”<sup>6</sup>

The Department used the HSAC recommendations as a guide to address threat streams that undermine the security of our country, while promoting transparency in our work. DHS does not seek to compel, pressure, or influence social media companies to take actions with respect to specific posts or actors on social media, nor does it seek to obtain or exercise any new authorities concerning disinformation. DHS remains committed to conducting all its activities, including those pertaining to disinformation, in a manner that complies with the law and protects individuals’ privacy, civil rights, and civil liberties.

We are committed to continue working with you to answer any outstanding questions on DHS’s work.

Sincerely,



Kimberly O’Connor  
Executive Secretary

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<sup>6</sup> <https://www.dhs.gov/publication/homeland-security-advisory-council-disinformation-subcommittee-final-report>