



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

August 2022

This month, the Privacy and Civil Liberties Oversight Board hit a major milestone. August 2022 marks the PCLOB's tenth anniversary as an independent agency. I have long believed in the importance of the PCLOB's mission, and I am proud that the PCLOB has played a critical role in ensuring that privacy and civil liberties are appropriately safeguarded as the government confronts terrorist threats at home and abroad.

Establishing this agency was neither quick nor easy. In 2004, the National Commission on Terrorist Attacks Upon the United States, better known as the 9/11 Commission, noted that defending the country from terrorism had led to a "shift of power and authority to the government" which in turn required "an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life." The 9/11 Commission recommended that there should be a board within the executive branch to look across government at the actions our country is taking to protect ourselves and ensure that the government also protects privacy and civil liberties.

In response, Congress initially created an entity within the White House, but in 2007, Congress authorized the establishment of the Privacy and Civil Liberties Oversight Board as an independent agency. Yet, another five years would pass before the PCLOB actually came into existence under its first Senate confirmed Board Members in August 2012.

Ten years later, this vital agency has accomplished a great deal despite its small size and the fact that it was built from scratch without being able to rely on the infrastructure of any larger federal bureau or department. Shortly after the May 2013 confirmation of the PCLOB's first chairman came the initial disclosures by Edward Snowden about National Security Agency surveillance. The PCLOB responded with extensive examinations of the NSA's bulk collection of telephone calling records, as well as the surveillance program conducted under Section 702 of the Foreign Intelligence Surveillance Act.

Over the next several years, the PCLOB investigated a wide variety of counterterrorism programs and activities, including activities undertaken pursuant to Executive Order 12333, a foundational document for the United States' foreign intelligence efforts. The PCLOB has also launched examinations of a broad range of critical issues, such as the application of facial recognition technology in aviation security, the FBI's use of open-source data, and the government's use of its Terrorist Watchlist program.

Since I joined the PCLOB as Chair in February of this year, the PCLOB has returned its focus to Section 702 of FISA, which Congress will be reconsidering next year. We are also taking up a new examination of how government efforts to combat domestic terrorism may impact Americans' privacy and civil liberties, including through a public forum we hosted in May.

Throughout it all, PCLOB's extraordinary staff has worked under challenging conditions, including during two time periods in which the Board lacked a quorum. Their efforts to establish and sustain a new agency, and their tireless commitment to the agency's mission, represent public service at its best. On behalf of all of our Board Members – past and present – I want to take this occasion to express my deepest gratitude and say thank you to all of them.

As we look back with pride on the last ten years and look forward with optimism into the future, I am confident that our agency and its dedicated staff will continue to make a real difference by serving as a critical voice for privacy and civil liberties concerns.

A handwritten signature in blue ink that reads "Sharon Bradford Franklin". The signature is written in a cursive, flowing style.

Sharon Bradford Franklin
Chair