



**U.S. PRIVACY AND
CIVIL LIBERTIES**
OVERSIGHT BOARD

February 10, 2022

The following staff-level recommendations are a result of the Privacy and Civil Liberties Oversight Board's oversight review of one CIA counterterrorism activity conducted pursuant to Executive Order 12333. While the substance of the report remains fully classified and cannot be released publicly, the staff recommendations, with appropriate redactions to protect classified information, can be released publicly and are provided below.



(U) Recommendations from PCLOB Staff

Recommendation 1: The CIA should draft implementing guidance for the CIA's Attorney General Guidelines that would specifically apply

The CIA has explained that it is still in the process of implementing its Attorney General Guidelines that came into effect in 2017, and the CIA has not yet developed any new implementing policies, procedures, or guidance regarding how the Guidelines apply to the data that is the subject of this deep dive. The CIA should expeditiously develop such implementing guidance. The guidance should specifically address how the CIA classifies this collection and the retention period (or factors relevant to determining the retention period) that applies to the data that is the subject of this deep dive.

Recommendation 2: CIA analysts should memorialize the Foreign Intelligence (FI) justification queries involving known or presumed U.S. person information, in an easily reviewable manner.

The CIA has explained that when CIA analysts seek to using information deemed by the system to relate to U.S. persons, a pop-up box will appear to remind the analysts that an FI purpose is required for such a query. However, analysts are not required to memorialize the justification for their queries. As a result, auditing or reviewing U.S. Person (USP) queries is likely to be challenging and time-consuming. Given the volume and type of information that is included, it is appropriate to require analysts to provide a written justification for USP queries.

Recommendation 3: The Privacy and Civil Liberties Officer should, in consultation with relevant mission personnel, design a framework sufficient to routinely identify, review, and address issues related to USP information

The CIA has delegated the authority to conduct USP information reviews, including the authority to review USP information to the Privacy and Civil Liberties Officer. Accordingly, the Privacy and Civil Liberties Officer should develop a framework to guide its review of such information.



