



# PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

## *Fact Sheet:*

## PCLOB Recommendations Implemented by the Government

*February, 2016*

Since the Privacy and Civil Liberties Oversight Board released two major reports on government intelligence surveillance programs, which included 22 recommendations, significant changes have been made to enhance the protection of our nation's privacy and civil liberties without jeopardizing our counterterrorism efforts.

### Recommendations Implemented by the Government



In 2014, the Privacy and Civil Liberties Oversight Board issued detailed reports on two government surveillance programs. The first report addressed the NSA's bulk collection of telephone calling records under Section 215 of the USA PATRIOT Act, as well as the operations of the Foreign Intelligence Surveillance Court and transparency regarding surveillance.

The second report addressed surveillance under Section 702 of the Foreign Intelligence Surveillance Act by the NSA, CIA, and FBI. This Section authorizes the collection of the contents of communications of non-U.S. persons reasonably believed to be located outside the United States. Between the two reports, the Board made 22 recommendations to the President, Congress, and the Foreign Intelligence Surveillance Court to enhance the protection of privacy and civil liberties.

## Section 215 Report Recommendations

### *Bulk Telephone Records Program*

1.	<b>End the NSA's Bulk Telephone Records Program</b>	<b>Implemented under USA FREEDOM Act</b>
2.	<b>Immediately Add Additional Privacy Safeguards to the Bulk Telephone Records Program</b>	<b>Implemented in part; and Superseded by USA FREEDOM Act</b>

### *Foreign Intelligence Surveillance Court*

3.	<b>Enable the FISC to Hear Independent Views on Novel and Significant Matters</b>	<b>Implemented under USA FREEDOM Act</b>
4.	<b>Expand Opportunities for Appellate Review of FISC Decisions</b>	<b>Implemented under USA FREEDOM Act</b>
5.	<b>Take Full Advantage of Existing Opportunities for Outside Legal and Technical Input in FISC Matters</b>	<b>Implemented</b>

### *Transparency*

6.	<b>Publicly Release New FISC and FISCRC Decisions that Involve Novel Legal, Technical, or Compliance Questions</b>	<b>Implemented</b>
7.	<b>Publicly Release Past FISC and FISCRC Decisions that Involve Novel, Legal, Technical, or Compliance Questions</b>	<b>Being Implemented</b>
8.	<b>Publicly Report on the Operation of the FISC Special Advocate Program</b>	<b>Implemented under USA FREEDOM Act</b>
9.	<b>Permit Companies to Disclose Information about their Receipt of FISA Production Orders, and Disclose More Detailed Statistics on Surveillance.</b>	<b>Implemented under USA FREEDOM Act</b>
10.	<b>Inform the PCLOB of FISA Activities and Provide Relevant Congressional Reports and FISC Decisions</b>	<b>Being Implemented</b>
11.	<b>Begin to Develop Principles for Transparency</b>	<b>Implemented</b>
12.	<b>Disclose the Scope of Surveillance Authorities Affecting Americans</b>	<b>Being Implemented</b>

## Section 702 Report Recommendations

### *Targeting*

1.	<b>Revise NSA Procedures to Better Document the Foreign Intelligence Reason for Targeting Decisions</b>	<b>Implemented in Part</b>
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### *U.S. Persons Queries*

2.	<b>Update the FBI's Minimization Procedures to Accurately Reflect the Bureau's Querying of Section 702 Data for Non-Foreign Intelligence Matters, and Place Additional Limits on the FBI's Use of Section 702 Data in Such Matters</b>	<b>Implemented</b>
3.	<b>Require NSA and CIA Personnel to Provide a Statement of Facts Explaining their Foreign Intelligence Purpose Before Querying Section 702 Data Using U.S. Person Identifiers, and Develop Written Guidance on Applying this Standard</b>	<b>Being Implemented</b>

### *Foreign Intelligence Surveillance Court*

4.	<b>Provide the FISC with Documentation of Section 702 Targeting Decisions and U.S. Persons Queries</b>	<b>Substantially Implemented</b>
5.	<b>Create and Submit to the FISC a Single Consolidated Document Describing All Significant Rules Governing Operation of the Section 702 Program</b>	<b>Implemented by the Executive Branch</b>

### *"Upstream" and "About" Collection*

6.	<b>Periodically Assess Upstream Collection Technology to Ensure that Only Authorized Communications are Acquired</b>	<b>Implemented</b>
7.	<b>Examine the Technical Feasibility of Limiting Particular Types of About Collection</b>	<b>Implemented</b>

### *Transparency*

8.	<b>Publicly Release the Current Minimization Procedures for the CIA, FBI, and NSA</b>	<b>Implemented</b>
9.	<b>Adopt Measures to Document and Publicly Release Information Showing How Frequently the NSA Acquires and Uses Communications of U.S. Persons and People Located in the United States</b>	<b>Being Implemented</b>

### *Efficacy*

10.	<b>Develop a Methodology to Assess the Value of Counterterrorism Programs</b>	<b>Being Implemented</b>
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