



Privacy and Civil Liberties Oversight Board

SEMI-ANNUAL REPORT

Working to ensure that efforts by the Executive Branch to protect the nation from terrorism appropriately safeguard privacy and civil liberties.

February 2020

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PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Semi-Annual Report
February 2020

Report Distribution

In accordance with Section 801 of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Privacy and Civil Liberties Oversight Board (PCLOB or the Board) is providing this Semi-Annual Report, which covers the period from August 2019 - January 2020, to the President and the Members of Congress listed below.

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U.S. Senate Committee on Appropriations

The Honorable Patrick Leahy
Vice Chairman
U.S. Senate Committee on Appropriations

The Honorable Ron Johnson
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U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable Gary C. Peters
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The Honorable Kay Granger
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The Honorable Bennie G. Thompson
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The Honorable Mike Rogers
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The Honorable Adam Schiff
Chairman
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The Honorable Devin Nunes
Ranking Member
U.S. House of Representatives Permanent Select Committee on Intelligence

Table of Contents

Introduction	5
Board Background and Authorities	5
Executive Summary of Board Activities During the Reporting Period	7
Oversight and Advice Activities During the Reporting Period	8
USA FREEDOM Act	8
Biometrics in Aviation Security	8
Other Active Oversight Projects	9
Advice Function	9
Cybersecurity: Executive Order 13636	9
Coordination of Executive Branch Privacy and Civil Liberties Activities	10
Organizational and Managerial Activities of the Board	10
Workforce	10
Nominations	11
Information Technology Systems and Cybersecurity	11
Financial Controls and Contracting	12
Protecting Classified and Sensitive Information	12
Outreach to the Public, Congress, and Other Federal Agencies	13
Conclusion	14
Inventory of Active Projects and Initiatives	15

Introduction

The Privacy and Civil Liberties Oversight Board returned to a quorum upon the confirmation by the Senate and appointment by the President of three Members in October 2018. On June 27, 2019, the Senate confirmed two additional Board Members, Aditya Bamzai and Travis LeBlanc, while also confirming current Board Member Edward Felten to a full six-year term. These appointments returned the Board to a full complement for the first time since July 2016. Since regaining a quorum and subsequently returning to a full Board, the PCLOB has undertaken a vigorous agenda to fulfill its mission under its advice and oversight functions.

During the period covered by this report, the Board completed two advice projects, as well as a report on the National Security Agency (NSA)'s collection of call detail records (CDR) under the USA FREEDOM Act. The Board completed this comprehensive review to provide transparency and clarity for the public and for Congress as it considers reauthorization of the CRD program. Classified and unclassified versions of the report were issued by the Board. The public report included several important, never disclosed facts about the program.¹

In July 2019, the Board publicly released a detailed inventory of its active oversight projects and other initiatives. This inventory is the most comprehensive ever released by the Board.² An updated version of that document is attached to this report.

Among the oversight work announced is a project titled, "From Booking to Baggage Claim," an examination of the use of facial recognition and other biometric technologies in aviation security. During the past few months, the Board traveled to two U.S. airports to observe facial recognition pilot programs. The Board's work on this project also includes numerous stakeholder meetings and briefings.

The Board has also continued to strengthen its institutional capacity. In particular, the Board increased its staffing level by 60 percent since emerging from a 20-month sub-quorum period. Thanks to these efforts, the Board has now reached nearly 90 percent of its full staffing level. In addition, the Board strengthened its internal controls and worked diligently to optimize its cybersecurity. Recently, an independent audit under the Federal Information Security and Modernization Act (FISMA) found the Board to be 100% compliant in 2019.

These developments reflect the Board's ongoing commitment to providing timely, relevant, and actionable advice and oversight and to ensuring efficient, professional agency operations.

I. Board Background and Authorities

The Board is an independent agency within the Executive Branch, established in its current form by the Implementing Recommendations of the 9/11 Commission Act of 2007.³ The bipartisan, five-member Board is appointed by the President and confirmed by the Senate.

¹ The public report was issued on February 26 and can be found on the Board's website: www.pclob.gov

² Active Oversight and Other Engagements, <https://www.pclob.gov/library/Agenda%20July%202019.pdf>.

³ Pub. L. No. 110-53, § 801 (2007), codified at 42 U.S.C. § 2000ee.

The Board's mission is to ensure that the Executive Branch's efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties.

The Board's enabling statute authorizes it to review and analyze actions the Executive Branch takes to protect the nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties, and to ensure that liberty concerns are considered in the development and implementation of laws, regulations, and policies related to efforts to protect the nation from terrorism.

Under the statute, the Board has two primary functions: oversight and advice.

- 1) In its oversight role, the Board is charged with continually reviewing the regulations, policies, and procedures of the Executive Branch, as well as other actions to protect the nation from terrorism, to ensure that such actions (i) protect privacy and civil liberties; and (ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.⁴
- 2) Under the Board's advice function, Executive Branch agencies are able to consult with the Board at an early stage in the development of new policies, programs, guidelines, or regulations, to ensure that privacy and civil liberties protections are factored into their initial design.⁵

The Board also has designated roles under the following authorities:

- **Executive Order 13636.** The Executive Order on Improving Critical Infrastructure Cybersecurity, issued in February 2013, calls upon multiple agencies to develop and implement a Cybersecurity Framework to minimize the risk of a cyberattack on critical infrastructure.⁶ Section 5 of the Executive Order requires the Department of Homeland Security (DHS) to prepare a report, in consultation with the Board, recommending ways to mitigate the privacy and civil liberties risks created by cybersecurity measures adopted under the order. The report must be reviewed on an annual basis and revised as necessary.
- **Coordinating Privacy Officers.** Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 requires certain Executive Branch departments and agencies to designate at least one senior official as a privacy and civil liberties officer and issue reports about their activities.⁷ The Board's authorizing statute directs the Board to make recommendations to these Privacy Officers regarding their activities and to coordinate those activities on relevant interagency matters.⁸

⁴ 42 U.S.C. § 2000ee(d)(2).

⁵ *Id.* § 2000ee(d)(1).

⁶ E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).

⁷ Pub. L. No. 110-53 § 803 (2007), codified at 42 U.S.C. § 2000ee-1(a). The entities covered are the Office of the Director of National Intelligence, the Central Intelligence Agency, National Security Agency, Federal Bureau of Investigation, and the Departments of Defense, Health and Human Services, Homeland Security, Justice, and Treasury. *Id.* § 2000ee-1(f). Before its amendment in 2014, the statute required quarterly reports.

⁸ 42 U.S.C. § 2000ee(d)(3). In addition, the Board may designate new departments, agencies, or elements of the Executive Branch for coverage by the requirements of Section 803. *See id.* § 2000ee-1(a).

- **Presidential Policy Directive 28 (PPD-28).** PPD-28 articulates principles to guide how the United States conducts signals intelligence activities for authorized foreign intelligence and counterintelligence purposes.⁹

In the directive, the President encouraged the Board to provide him with an assessment of the implementation of any matters contained in the directive that fall within the Board's mandate. In response, the Board issued a report on PPD-28, which was released in unclassified form in October 2018. The Board continues to review the status of the recommendations made in that report.

II. Executive Summary of Board Activities During the Reporting Period

This section highlights the Board's oversight activities, provision of advice to other federal agencies, and organizational and managerial activities during the reporting period. These activities are described in greater detail in parts III and IV of this report.

Oversight. The Board continued to conduct vigorous oversight of efforts by the Executive Branch to protect the nation against terrorism. Most notably, the Board issued an oversight report on the collection of call detail records under the USA FREEDOM Act of 2015, in advance of that authority's impending sunset in March 2020. On November 6, 2019, Chairman Klein testified before the Senate Judiciary Committee regarding the call detail record program and the Board's oversight of the USA FREEDOM Act.

Earlier in the reporting period, the Board held a public forum to hear from outside experts and the public in its examination of the call detail records program under the USA FREEDOM Act.¹⁰

The Board also made substantial progress in conducting oversight of the use of facial recognition and other biometric technologies in aviation security. In particular, the Board conducted site visits to McCarran International Airport and Hartsfield-Jackson International Airport to examine the operation of Transportation Security Administration (TSA) and Customs and Border Protection (CBP) pilot programs, respectively, using facial recognition.

The Board continued to work on other oversight projects approved by the prior Board, such as NSA's use of XKEYSCORE as an analytic tool, as well as new projects detailed in the Board's current agenda, including a review of the use of passenger name records and the Federal Bureau of Investigation (FBI)'s querying and compliance practices conducted under Section 702 of the Foreign Intelligence Surveillance Act (FISA) and related authorities. The Board continued work on other classified activities conducted under Executive Order 12333.

Advice. During the reporting period, the Board issued formal, written advice to two Executive Branch agencies.

⁹ PPD-28, Signals Intelligence Activities (Jan. 17, 2014).

¹⁰ May 31, 2019 Public Forum on the USA FREEDOM Act, <https://www.pclob.gov/reports/report-public-forum/>.

With these memoranda, the Board completed its provision of advice on every significant draft, revision, or issuance by an Intelligence Community element of its Attorney General-approved Guidelines governing the handling of U.S. person information collected under Executive Order 12333 to date. The Board continues to work on an additional advice engagement.

Operations and Management. The Board continued to strengthen its operations and internal management capacity. The Board hired a full-time Operations Director to improve organizational capacity. It also launched a Trusted Access program to ensure the security of classified information and prevent insider threats.

Additionally, the Board further strengthened its technical controls to ensure compliance with DHS's Cross Agency Priority Goals for cybersecurity. These investments led to a 100% rating on the Board's 2019 FISMA audit. The Board is committed to achieving the highest standards for federal cybersecurity, financial management, and operational efficiency.

III. Oversight and Advice Activities of the Board During the Reporting Period

Oversight Function:

USA FREEDOM Act

Three national security provisions modified or extended by the USA FREEDOM Act are scheduled to sunset on March 15, 2020. One notable expiring provision concerns the collection of call detail records, a topic the Board examined in a 2014 report on the telephone records program as it existed at the time.

As part of its ongoing oversight of the telephone records program, the Board and its staff received briefings from elements of the Intelligence Community and Department of Justice, and hosted a public forum with a range of experts to better understand the government's use of that provision of the USA FREEDOM Act. On February 26, 2020, the Board issued a report summarizing the Board's review and findings. The public report included several important facts that were previously classified. Chairman Adam Klein testified before the Senate Judiciary Committee about the Board's investigation on November 6, 2019.

Facial Recognition and Other Biometric Technologies Used in Aviation Security

The Board is reviewing the use of facial recognition and other biometric technologies to verify identity at each phase of an air travel journey, considering both the operational benefits and privacy and civil liberties concerns. During the reporting period, the Board conducted two site visits to examine pilots by CBP and TSA, as well as a partnership between CBP and private entities. Board staff received briefings from entities within the DHS and reviewed documents related to these programs, and the Board has engaged with stakeholders both in and out of government on these issues.

Other Active Oversight Projects

The Board continues to work on several oversight projects previously approved by the Board. These projects examine programs within the Board's jurisdiction conducted by several federal agencies and relate to data aggregation and access, terrorist watchlists, and the government's use of open-source data. This work includes in-person meetings and briefings, and obtaining relevant documents for further review.

In July 2019, the Board released an agenda of its active oversight projects, representing the most comprehensive public description of the Board's work in its history. This document was updated in January 2020. Notably, the project agenda disclosed for the first time the subject of the Board's NSA "deep dive" review, a capability known as XKEYSCORE.

The Board continues to anticipate that work related to this deep dive will remain classified. The agenda also described several previously unannounced projects approved by the Board in early 2017.

Attaining the greatest possible transparency was one of the five "strategic goals" in the Board's 2019-2022 Strategic Plan. To achieve that goal, the Board committed in the Strategic Plan that it would "seek to identify publicly the subjects of its oversight reviews." Publicly describing all of the Board's active oversight projects reflects the Board's commitment to giving the public and other stakeholders the greatest possible insight into the Board's work, consistent with the need to protect classified information and with other applicable law.

Advice Function:

The Board continued to perform its advice function, which entails providing pre-decisional advice to agencies involved in efforts to protect the nation against terrorism. During the reporting period, the Board voted to finalize and issue advice to two Executive Branch agencies. With the completion of these engagements, the Board has provided advice on every significant draft, revision, or re-issuance by an Intelligence Community element of its Attorney General-approved guidelines governing the handling of U.S. person information collected under Executive Order 12333. In a prior reporting period, the Board also provided advice on the first-ever procedures governing the dissemination of raw signals intelligence by the NSA. Those procedures were issued by the Director of National Intelligence, in coordination with the Secretary of Defense, on January 3, 2017. The Board continues to work on one other, previously approved advice engagement.

The Board has received positive feedback about advice provided to Executive Branch agencies under its advice function.

Cybersecurity: Executive Order 13636

Executive Order 13636 requires DHS to consult with the Board in producing a public report, required by Section 5(c) of the order, that assesses the privacy and civil liberties implications of the functions and programs undertaken by agencies covered by the order.

The Board continued to engage with DHS during this reporting period. As required by Executive Order 13636, DHS periodically updates the Board on the progress of agencies' cybersecurity information-sharing activities. Board staff will continue to consult with DHS and provide necessary guidance for the final, consolidated Executive Order 13636 Privacy and Civil Liberties Assessment Reports.

Coordination of Executive Branch Privacy and Civil Liberties Activities

Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 requires agencies' Privacy Officers to issue Semi-Annual Reports about their activities to their respective agency heads, Congress, and the Board. The Board regularly receives and reviews Section 803 reports from federal departments and agencies.

The Board's authorizing statute instructs the Board to advise covered agencies on their efforts to protect privacy and civil liberties and to coordinate those activities on relevant interagency matters. Since regaining its quorum, the Board has met regularly with agency Privacy Officers. Among other advantages, these meetings promote information sharing and privacy best practices. Board Members also attend and address meetings and events hosted by agency Privacy Officers.

IV. Organizational and Managerial Activities During the Reporting Period

During the reporting period, the Board continued to strengthen its institutional capacity, bolstering its workforce, cybersecurity posture, and controls for the Board's financial management.

Workforce

The Board has continued to build a workforce equipped with the skills required to achieve its mission. Despite past personnel challenges associated with the 20-month sub-quorum period, the Board has made substantial progress in reaching its full operational level. The Board increased its staffing level from less than 50 percent in early FY 2019 to nearly 90 percent in FY 2020. The Board expects additional positions to be filled during the subsequent reporting period.

The Board accomplished the staffing increase through an active recruitment effort, which enabled the Board to make significant progress in filling key vacant positions with highly qualified personnel.

The Board will continue to ensure that its staff encompasses a broad range of professional backgrounds, including experience in intelligence, counterterrorism, privacy and civil liberties, oversight and investigations, and technology.

While the Board's primary focus is to strengthen its institutional capacity to work more efficiently and effectively, the Board also focused on employee engagement and retention.

Notably, in FY 2019 the Board introduced new, cost-efficient benefits, flexible work schedules that are customary at other agencies, and other initiatives to enhance employee morale, retention, and development. The Board also plans to enhance its human capital capabilities by migrating its shared-service provider from the General Services Administration to the Department of Interior. This will allow the Board's human resources to support the agency at a higher level while providing a better value to the taxpayer.

Nominations

On June 27, the Senate confirmed Aditya Bamzai and Travis LeBlanc to serve as Members of the Board, returning the Board to a full complement for the first time since July 2016. In addition, Board Member Edward Felten was confirmed to a full six-year term.

Board Member Bamzai was confirmed to fill the remainder of a term that ended on January 29, 2020. Under the Board's statute, if he is renominated by March 29, 2020, he may continue to serve for the remainder of the 116th Congress, during which time he could be confirmed by the Senate for a full six-year term.

The Board is grateful to the White House for these nominations and the Senate for its consideration of these nominees.

Information Technology Systems and Cybersecurity

The Board's information technology (IT) staff remains focused on strengthening the agency's cybersecurity posture while implementing interagency communication connections to leverage shared-service provider support. To that end, the Board's IT staff undertook the following activities to enhance the agency's cybersecurity posture:

- Developed artifacts and implemented security controls that resulted in a finding of 100% compliance during an independent FISMA audit for FY 2019.
- Implemented DHS Binding Operational Directive 19-02 *Vulnerability Remediation* to remediate critical vulnerabilities within 15 calendar days of initial detection and remediate high vulnerabilities with 30 calendar days of initial detection.
- Completed an independent penetration test which detected no critical or high vulnerabilities across the network infrastructure.
- Improved web content traffic filtering and monitoring capabilities by implementing scalable components.
- Enhanced the agency's boundary protection by implementing Managed Trusted Internet Protocol Service on Virtual Desktop Infrastructure and Continuity of Operations communication circuits.

The Board continues to leverage shared-service providers and contractor support to enhance its boundary protection. The Board's IT staff implemented, maintained, and documented technical controls to comply with federal standards and DHS's Cross Agency Priority Goals for cybersecurity. These goals include managing asset security, protecting networks and data, and limiting personnel access. In the coming months, the Board will continue to focus its efforts on the cybersecurity Cross Agency Priorities and conduct disaster recovery exercises.

Financial Controls and Contracting

The Board continues to focus on strengthening its internal controls and responding to its first financial audit. The audit covered FY 2018 and found no fraud, waste, or abuse. The audit also identified five areas that recommended remediation through corrective action plans, which are being implemented.

The Board will continue to focus on annual financial audits and use the results as guidance to further refine its internal controls and accounting practices. It will also implement periodic testing of financial transactions to validate compliance with the agency's established procedures. The Board's second full financial audit is currently underway and will be concluded by March 2020, providing the Board with additional insight in support of its goal of achieving the highest standards of federal financial management despite its small size.

The Board also plans to migrate its financial services provider from the Department of Agriculture to the Department of the Treasury to ensure that the Board obtains excellent service, responsiveness, and value for taxpayer dollars.

Protecting Classified and Sensitive Information

The Board is committed to ensuring the security of the information with which it is entrusted. In accordance with Executive Order 13587, which requires federal agencies that operate or access classified computer networks to establish an insider threat program, the Board drafted an Insider Threat Implementation Plan, Insider Threat Policy, and Insider Threat Awareness Training. In its initial assessment of the Board's Trusted Access Program, the National Insider Threat Task Force noted that the program met 17 of the 23 minimum requirements. The Board will continue to develop its Trusted Access Program to meet the remaining requirements of Executive Order 13587.

The Board's Chief Security Officer is working closely with the Defense Counterintelligence and Security Agency (DCSA), assisting in the development and implementation of the Continuous Vetting component of its Continuous Evaluation (CE) program. Transitioning shared services to DCSA will allow for a more streamlined process for personnel security clearances.

Additionally, the Board continues to develop relationships by participating in various working groups to ensure the Board maintains a robust security program and has awareness of security trends identified by larger agencies.

During the next reporting period, the Board will remain focused on protecting classified information through the review of derivatively classified documents with Original Classification Authorities (OCAs) within the Intelligence Community. Specifically, the Board intends to:

- Streamline the process of its personnel security clearance process through continued DCSA engagement;
- Maintain its robust self-inspection program through review of derivatively classified documents with OCAs;
- Implement its Controlled Unclassified Information program; and
- Transition its credentialing program in house.

Outreach to the Public, Congress, and Other Federal Agencies

The Board is committed to ensuring that its work is available and informative for the public, Congress, and other federal agencies. The Board’s statute requires it to “hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.”¹¹ Since regaining its quorum, the Board has held two public events and plans more in the coming year.

The Board strives to be a valuable resource to Congress through its work and written reports, briefings, and testimony on matters within the Board’s jurisdiction. Chairman Adam Klein testified before the Senate Judiciary Committee on November 6, 2019, during a hearing to discuss authorities scheduled to sunset under the USA FREEDOM Act and, in particular, the NSA’s collection of call detail records under that authority. The Board will continue to provide information to Congress to support its consideration of the sunseting USA FREEDOM Act provisions.

To foster a better understanding of its mission and work, Board Members and staff continued the past practice of speaking at events hosted by other government agencies, as well as by a variety of groups and organizations, including bar associations, business organizations, educational institutions, and non-governmental organizations. Board Members also continued their past practice of meeting with representatives of non-governmental organizations, the private sector, international counterparts, and other entities with interest in issues within the Board’s jurisdiction.

Board Members and staff have also prioritized efforts to meet periodically with Members of Congress and congressional staff to update them on the Board’s work and receive input on the Board’s activities and agenda. Board Members remain available to provide congressional testimony when requested.

¹¹ 42 U.S.C § 2000ee(f)(2).

Conclusion

The Board is moving vigorously to carry out its statutory mission, pursuing work on its oversight and advice projects that address important issues related to efforts to protect the nation against terrorism while safeguarding privacy and civil liberties.

The Board looks forward to engaging with Congress, the public, and other stakeholders as it continues to identify future oversight projects and transparency initiatives. The Board appreciates the continued collaborative efforts of Congress, the Executive Branch, nongovernmental organizations, private-sector entities, and members of the public who have engaged with the Board in support of its mission.

Privacy and Civil Liberties Oversight Board

Active Oversight Projects and Other Engagements

February 2020

INTRODUCTION

The Privacy and Civil Liberties Oversight Board is committed to “inform[ing] the public of its activities ... as appropriate and in a manner consistent with the protection of classified information and applicable law.”¹² To that end, the Board’s 2019-2022 Strategic Plan expressed the Board’s intention to “identify publicly the subjects of its oversight reviews, to the extent consistent with the protection of classified information.”¹³

This document describes the Board’s active oversight projects and other engagements. The Board plans to update this document biannually. The shorthand descriptions below are intended to provide public transparency, consistent with the protection of classified information and other applicable law. They do not authoritatively delimit the scope of any project.

Not every project will result in a formal report. The level of formality of any resulting reports will depend on the nature of the Board’s findings. Where oversight projects result in formal written reports, the Board will make them available to the public to the greatest extent consistent with the protection of classified information and other applicable law.

ACTIVE OVERSIGHT PROJECTS

- ***NSA’s Collection of Call Detail Records under the USA Freedom Act*** - The Board recently concluded its oversight of the NSA’s collection of call detail records under the USA Freedom Act of 2015, including the program’s operational use and challenges encountered in implementing the program. The Board issued a public report containing its findings on February 26, 2020.
- ***Examination of certain counterterrorism-related activities conducted pursuant to Executive Order 12333*** - In 2015, the Board announced that it would review counterterrorism-related activities conducted pursuant to Executive Order 12333, including three “deep dive” reviews of specific activities conducted by the CIA and NSA.

Two of those remain active:

- ***NSA “Deep Dive” Review – XKEYSCORE*** - The Board is examining the National Security Agency’s use of XKEYSCORE as an analytic tool for counterterrorism purposes and its implications for privacy and civil liberties.

¹² 42 U.S.C. § 2000ee(f)(2).

¹³ Privacy and Civil Liberties Oversight Board, *Strategic Plan for 2019-2022*, at 21-23, available at https://www.pclob.gov/library/StrategicPlan_2019-2022.pdf.

- **CIA “Deep Dive” Review** - The Board is reviewing a classified counterterrorism-related activity conducted by the Central Intelligence Agency and that activity’s implications for privacy and civil liberties.
- ***Facial Recognition and Other Biometric Technologies in Aviation Security*** - The Board is reviewing how biometric technologies are used to verify identity at each phase of an air journey, considering both operational benefits and privacy and civil liberties concerns. The Board has conducted two on-site visits to airports to examine their use of biometrics and facial recognition.
- ***FBI Open-Source Collection*** - The Board is reviewing the FBI’s acquisition and use of data from open-source or commercially available sources as part of its efforts to protect the nation against terrorism, as well as the legal, policy, and technological safeguards in place to protect privacy and civil liberties.
- ***FBI Querying, Compliance, and Information Technology***. The Board is reviewing the FBI’s querying of data obtained pursuant to Section 702 of the Foreign Intelligence Surveillance Act and related authorities. The review will also examine the procedures and technology used to record queries and ensure compliance with applicable rules.
- ***Terrorist Finance Tracking Program*** - The Board is reviewing the Treasury Department’s Terrorist Finance Tracking Program and its implications for privacy and civil liberties.
- ***Terrorist Watchlisting*** - The Board is reviewing the operation of the Terrorist Screening Database, which contains information on known and suspected terrorists.
- ***Passenger Name Records*** - The Board is conducting oversight related to the use of airline Passenger Name Records.
- ***Recommendations Assessment Report*** - The Board intends to issue a report providing an update on the status of recommendations made in the Board’s past reports on Section 702, Section 215, and Presidential Policy Directive 28.
- ***Ongoing Oversight: Section 702*** - The Board maintains ongoing oversight of the intelligence community’s implementation of Section 702, the subject of a Board report in 2014.
- ***Ongoing Oversight: Presidential Policy Directive 28*** - The Board maintains ongoing oversight of the intelligence community’s implementation of the recommendations in the Board’s report on Presidential Policy Directive 28.

ADVICE PROJECTS

The Board currently has one active advice project. In addition, the Board has recently completed three advice engagements that relate to revisions of Attorney-General-approved Guidelines governing the handling of U.S.-person information collected under Executive Order 12333. While the Board does not ordinarily disclose its advice projects, in this instance the Board has agreed with the recipients to disclose that the Board has provided advice, or is currently providing advice, on every significant revision or issuance by an Intelligence Community element of its Attorney-General-approved Guidelines since 2013.

PUBLIC EVENTS

The Board is currently planning new public events on topics related to its ongoing projects and areas of oversight. Examples of prior events are below.

Public Forum to inform the Board's agenda - On February 8, 2019, the Board held a public forum to inform the Board's oversight agenda. The Board received information from governmental and non-governmental experts on privacy, civil liberties, efforts to protect the nation from terrorism, and other issues relevant to the Board's work, and invited members of the public to pose questions or provide input to the Board.

Public Forum on the USA Freedom Act - On May 31, 2019, the Board held a public forum on the NSA's collection of call detail records under the USA Freedom Act. The Board heard from experts in counterterrorism, intelligence, privacy, and civil liberties, and invited members of the public to pose questions or provide input to the Board. The insights gained from this event will inform the Board's ongoing work on the USA Freedom Act.

OTHER ACTIVITIES

Coordinating Civil Liberties and Privacy Officers - The Board regularly convenes and "coordinates the activities of ... privacy officers and civil liberties officers on relevant interagency matters" and topics of mutual interest.

Section 803 reports - The Board continues to receive and review reports from Civil Liberties and Privacy Officers under Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007.

Executive Order 13636 reports - The Board continues to receive and review reports under Executive Order 13636, *Improving Critical Infrastructure Cybersecurity*.