



**THE
PRIVACY AND CIVIL LIBERTIES
OVERSIGHT BOARD**

**STRATEGIC PLAN
2022 – 2026**

IN THIS TEMPLE
AS IN THE HEARTS OF TH
FOR WHOM HE SAVED TH
THE MEMORY OF ABRAHAM
IS ENSHRINED FORI

This page intentionally left blank.

Privacy and Civil Liberties Oversight Board

Strategic Plan 2022-2026

MAY 2022

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
800 N. CAPITOL STREET, NW
SUITE 565
WASHINGTON, DC 20002

This report is available at www.pclob.gov.
Send comments or questions to info@pclob.gov or to the mailing address above.

TABLE OF CONTENTS

MESSAGE FROM THE BOARD	5
EXECUTIVE SUMMARY	7
BOARD HISTORY AND AUTHORITIES.....	7
AGENCY ORGANIZATION.....	11
KEY CHALLENGES.....	11
KEY OPPORTUNITIES	11
VISION, MISSION, AND CORE VALUES.....	13
PCLOB STRATEGIC GOALS FOR FISCAL YEARS 2022-2026.....	14
CONCLUSION.....	28

MESSAGE FROM THE BOARD

We are pleased to present the Privacy and Civil Liberties Oversight Board's Strategic Plan for Fiscal Years 2022-2026. This plan will guide our work to help ensure that efforts by the federal government to protect the nation against terrorism appropriately protect privacy and civil liberties.

Our agency's mission is rooted in the belief that our nation does not face a binary choice between protecting the homeland and safeguarding liberties, but rather that the government can and must provide security while respecting privacy and civil liberties.

Since its inception nearly 10 years ago, the agency has developed into a valued expert body and has fulfilled its statutory mandates to: (1) analyze and review 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 (2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the nation against terrorism.

Additionally, the agency has focused on establishing itself and building an internal framework for effective agency operations. With a new quorum of Board Members in February 2022, the agency is prepared to refocus its mission over the next four years.

This Strategic Plan establishes the following goals for this new phase:

- Conduct effective oversight of executive branch authorities, policies, and activities related to efforts to protect the nation against terrorism to ensure appropriate protection of privacy and civil liberties.
- Provide effective and timely advice to ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the nation against terrorism.
- Strengthen the Board's capabilities and knowledge regarding advanced and emerging technologies, their potential impacts on, and potential to safeguard, privacy and civil liberties, and their potential uses to perform oversight.
- Further promote the public's interest in transparency regarding Board activities and executive branch counterterrorism efforts that impact privacy and civil liberties to the greatest extent possible, consistent with the protection of classified information and applicable law.
- Continue to enhance the Board's institutional strength and capacity.

The Board looks forward to working with other executive branch agencies, the Congress, outside experts, and the public as it pursues these goals in the years to come.

Sharon Bradford Franklin
Board Chair

Edward W. Felten
Board Member

Travis LeBlanc
Board Member

Beth A. Williams
Board Member

EXECUTIVE SUMMARY

The Privacy and Civil Liberties Oversight Board (“PCLOB” or “the Board”) is an independent agency within the executive branch. Its mission is to provide advice and conduct oversight to ensure that federal government efforts to protect the nation from terrorism appropriately protect privacy and civil liberties. Four core values guide the Board’s activities: integrity, transparency, rigor, and equity. The Board anchors its work in the vision of a nation that simultaneously counters terrorism and protects privacy and civil liberties.

With this plan, the Board establishes five strategic goals to guide its work:

- **Strategic Goal 1:** Conduct effective oversight of executive branch authorities, policies, and activities related to efforts to protect the nation against terrorism to ensure appropriate protection of privacy and civil liberties.
- **Strategic Goal 2:** Provide effective and timely advice to ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the nation against terrorism.
- **Strategic Goal 3:** Strengthen the Board’s capabilities and knowledge regarding advanced and emerging technologies, their potential impacts on, and potential to safeguard, privacy and civil liberties, and their potential uses to perform oversight.
- **Strategic Goal 4:** Further promote the public’s interest in transparency regarding Board activities and executive branch counterterrorism efforts that impact privacy and civil liberties to the greatest extent possible, consistent with the protection of classified information.
- **Strategic Goal 5:** Continue to enhance the Board’s institutional strength and capacity.

This Strategic Plan describes the objectives associated with each goal, as well as the strategies the Board will use to achieve each objective.

BOARD HISTORY AND AUTHORITIES

The Board was created based upon a recommendation of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”). Through the Intelligence Reform and Terrorism Prevention Act of 2004, Congress created a Privacy and Civil Liberties Oversight Board within the Executive Office of the President. In 2007, Congress established the Privacy and Civil Liberties Oversight Board in its current form as an independent executive branch agency through the Implementing Recommendations of the 9/11 Commission Act.

A bipartisan, five-Member board heads the PCLOB: one full-time Chair and four part-time Members, each appointed by the President, with the advice and consent of the Senate, to staggered six-year terms. The Board's statute requires that no more than three Members come from the same political party, and that the President should select nominees "on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience."¹ In August 2012, the Senate confirmed the Board's first four Members, providing a quorum to begin operations. In 2013, Congress confirmed the Board's first full-time Chair.

From 2013 to 2016, this full, five Senate-confirmed Member Board engaged in a variety of oversight and advice projects, held periodic hearings, and issued several major unclassified oversight reports. These reports included:

- Report on the Telephone Call Records Program Conducted Under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court,² and
- Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act.³

That original quorate Board's work established the agency's reputation for expert and thoughtful analysis, timely work, and insightful and actionable policy recommendations.

In January 2017, the Board entered its first sub-quorum period following the departure of the Board's Chair and three Board Members. In October 2018, the Board regained a quorum of Members. Throughout the last strategic planning cycle, the Board and its staff continued oversight and advice projects, established new projects, and completed the agency's first Federal Information Security Management Act ("FISMA") and financial audits. In addition, the agency enrolled its public-facing website in the DHS Vulnerability Disclosure Platform, established a Controlled Unclassified Information Program, and achieved full operational capability of its Counter-Insider Threat Program. The Board also issued new oversight reports, including two unclassified reports:

- Report on the USA Freedom Act Telephone Call Records program,⁴ and
- Report on Executive Order 12333.⁵

¹ 42 U.S.C. § 2000ee(h)(2).

² Available at https://documents.pclob.gov/prod/Documents/OversightReport/ec542143-1079-424a-84b3-acc354698560/215-Report_on_the_Telephone_Records_Program.pdf.

³ Available at <https://documents.pclob.gov/prod/Documents/OversightReport/823399ae-92ea-447a-ab60-0da28b555437/702-Report-2.pdf>.

⁴ Available at [https://documents.pclob.gov/prod/Documents/OversightReport/87c7e900-6162-4274-8f3a-d15e3ab9c2e4/PCLOB%20USA%20Freedom%20Act%20Report%20\(Unclassified\).pdf](https://documents.pclob.gov/prod/Documents/OversightReport/87c7e900-6162-4274-8f3a-d15e3ab9c2e4/PCLOB%20USA%20Freedom%20Act%20Report%20(Unclassified).pdf).

⁵ Available at <https://documents.pclob.gov/prod/Documents/OversightReport/b11b78e0-019f-44b9-ae4f-60e7eebe8173/12333%20Public%20Capstone.pdf>.

In summer 2021, the Board entered its second sub-quorum period, but in February 2022, Chair Sharon Bradford Franklin and Board Member Beth A. Williams were confirmed and sworn in, re-establishing the Board's quorum. The Board thanks Members Felten and LeBlanc along with the Board's staff for their efforts during the sub-quorum period.

The Board's enabling statute, 42 U.S.C. § 2000ee, authorizes it to “analyze and review 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 appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation from terrorism.”

The Board primarily implements this authority through conducting oversight of, and providing advice to, executive branch agencies that conduct counterterrorism activities.

For oversight, the Board's statute charges it with reviewing (1) regulations, policies, procedures, and practices within the Board's jurisdiction to ensure that privacy and civil liberties are adequately protected, and (2) other actions within the Board's jurisdiction to ensure that those actions appropriately protect privacy and civil liberties and are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.⁶

For advice, executive branch agencies may consult with the Board (ideally at an early stage in development) on legislation, policies, programs, guidelines, or regulations, to help include privacy and civil liberties protections by design.⁷

The Board's statute also prioritizes transparency as an inherent part of the Board's mission. The Board must inform the public about its work through public hearings and must make its reports available to the public to the greatest extent possible consistent with the protection of classified information and applicable law. The Board also must provide semi-annual reports to the Congress and appear and testify before Congress upon request.⁸

⁶ *Id.* § 2000ee(d)(2). The Board is also charged with continually reviewing information-sharing practices within its jurisdiction.

⁷ *Id.* § 2000ee(d)(1).

⁸ *Id.* § 2000ee(d)(4), (f).

The Board has also accrued additional designated roles under the following authorities:

- **Executive Order 13636, Improving Critical Infrastructure Cybersecurity**, issued in February 2013, calls upon certain agencies to develop and implement a cybersecurity framework to minimize the risks of cyberattacks on critical infrastructure.⁹ Section 5 of this Executive Order requires the Department of Homeland Security to consult with the Board in preparing a report recommending mitigation options for any privacy and civil liberties risks in cybersecurity measures implemented under the Order. That report must be reviewed annually and revised as necessary.
- **Presidential Policy Directive 28 (“PPD-28”)**, issued by President Barack Obama in 2014, states principles guiding why, whether, when, and how the United States conducts signals intelligence activities for authorized foreign intelligence and counterintelligence purposes.¹⁰ This Directive encourages the Board to provide the President with an assessment of the implementation of any matters contained in the directive that fall within the Board’s purview.¹¹
- **Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (“Section 803”)** requires certain executive branch departments, agencies, and elements to designate at least one senior official as a privacy and civil liberties officer (“P/CL officer”).¹² Each agency’s P/CL officer must issue semi-annual reports on that officer’s statutory activities.¹³ Each P/CL officer submits these Section 803 Reports to the head of the officer’s agency, designated congressional committees, and the Board.¹⁴ These reports must be unclassified and publicly available to the greatest extent possible.¹⁵

In June 2016, the Board published recommendations for filing Section 803 reports. Board staff have continued to work with P/CL offices as they implement the Board’s recommendations.

⁹ E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013).

¹⁰ PPD-28, Signals Intelligence Activities (Jan. 17, 2014).

¹¹ The PCLOB’s PPD-28 report is available at [https://documents.pclob.gov/prod/Documents/Projects/99da9b42-5e9f-40fd-8ace-94d1e6a7d06c/PPD-28%20Report%20\(for%20FOIA%20Release\).pdf](https://documents.pclob.gov/prod/Documents/Projects/99da9b42-5e9f-40fd-8ace-94d1e6a7d06c/PPD-28%20Report%20(for%20FOIA%20Release).pdf).

¹² 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, the National Security Agency, the Federal Bureau of Investigation, and the Departments of Defense, Health and Human Services, Homeland Security, Justice, and Treasury.

¹³ *Id.* § 2000ee-1(f). Before its amendment in 2014, the statute required quarterly reports.

¹⁴ *Id.* § 2000ee-1(f)(1)(A).

¹⁵ *Id.* § 2000ee-1(f)(1)(B), (g)(1).

In addition to receiving and reviewing the P/CL officers' semi-annual reports, the Board's statute directs it to make recommendations, when appropriate, to P/CL officers regarding their activities and to coordinate their activities on relevant interagency matters.¹⁶

Lastly, through the USA FREEDOM Act, Congress has also tasked the Board to assist in recommending candidates for amici curiae to the Foreign Intelligence Surveillance Court.¹⁷

AGENCY ORGANIZATION

PCLOB's headquarters is in Washington, D.C. At present, the Board has four Members. For more information about the Board Members, please visit PCLOB's website at www.pclob.gov/Board/Index.

KEY CHALLENGES

The Board is a small agency with limited resources, and there are numerous federal agencies that operate a wide variety of programs and activities to protect the country from terrorism. Accordingly, the Board must be strategic in setting its agenda and set reasonable expectations for what it may accomplish over the next four years. The Board must consider the resources required to complete existing projects as well as the potential value of new projects that respond to intervening developments and future realities.

Staff development and retention are critical to the Board's ability to achieve its mission, and as such, the Board remains focused on hiring qualified candidates to complete oversight and advice projects, while working to address key challenges, such as the statutory pay cap and turnover during sub-quorum periods. Further, throughout this strategic planning cycle, the Board will assess its established staffing level to determine whether it should be expanded to better support the agency in achieving its mission.

KEY OPPORTUNITIES

The Board sees many opportunities for diligent oversight, constructive engagement with other executive branch agencies through its advice function, and informative public outreach and transparency. The Board anticipates that such engagement may occur through both its oversight and advice functions.

¹⁶ *Id.* § 2000ee(d)(3). The Board may also designate new departments, agencies, or elements of the executive branch for coverage by the requirements of Section 803. *See id.* § 2000ee-1(a).

¹⁷ USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268, § 401(i)(1) (2015).

Additionally, the advent and development of new technologies present new areas for oversight activities of the Board. Adoption of new technologies by the government for counterterrorism purposes require careful attention for the protection of privacy and civil liberties. New and emerging technologies also have potential to enhance privacy and civil liberties safeguards. The Board anticipates that its independence, bipartisan composition, and ability to take a broad, long-term view, equip it well to inform public debate and support policymakers' consideration of the implications of and safeguards that should apply to these technologies. Such efforts may require the development of new oversight and analysis techniques, assessment tools, and programs. The Board may also be able to implement new tools and rely on new technologies to improve its own oversight reviews and assessment of counterterrorism activities.

Finally, transparency and public engagement are continuing priorities for the Board. The Board anticipates soliciting input from the public, Congress, outside experts, and other relevant stakeholders as it develops its new agenda and completes oversight and advice projects. Going forward, the Board hopes to find new and creative ways of soliciting public input and informing the public through its work.

VISION, MISSION, AND CORE VALUES

VISION

A nation that counters terrorism while safeguarding privacy and civil liberties.

MISSION

The Board provides advice and conducts oversight to ensure that efforts by the executive branch to protect the nation from terrorism are appropriately balanced with the need to protect privacy and civil liberties.

CORE VALUES

Four key values guide the Board's work:

Integrity – As an agency whose power lies in its persuasiveness, the Board strives to preserve its reputation for independence, integrity, and credibility. The Board approaches its activities with objectivity and good faith. The Board strives to treat executive branch agencies and other outside parties with evenhandedness and respect, and to evaluate a wide range of relevant data, viewpoints, and considerations.

Transparency – The Board aims to foster understanding of the impact of efforts to protect the nation from terrorism on privacy and civil liberties. In addition, the Board conducts its own activities responsibly and transparently to foster confidence in its management of authorities, resources, and information. The Board promotes transparency by holding public hearings and issuing public reports, to the greatest extent that is consistent with the protection of classified information and applicable law, and by soliciting input from the public and outside experts.

Rigor – The Board strives for the highest standard of quality in its analysis and recommendations. When examining government programs, the Board takes care to understand those efforts in all their complexity. In assessing whether such efforts are consistent with the law and appropriately protect privacy and civil liberties, the Board strives to be thorough and accurate, and to account for the impact of new and emerging technologies and institutional reforms. When recommending changes to those efforts, the Board seeks to fully consider the foreseeable impact of its recommendations.

Equity – The Board is also committed to helping to ensure that all persons are treated equally under the law, both as a component of protecting privacy and civil liberties, and in its own internal operations. Safeguarding privacy and individual liberties also involves treating people equitably, and with dignity and respect. In addition, the Board endeavors to develop and implement internal policies and practices for its workforce that promote diversity, equity, and inclusion.

PCLOB STRATEGIC GOALS FOR FISCAL YEARS 2022-2026

STRATEGIC GOAL 1: Conduct effective oversight of executive branch authorities, policies, and activities related to efforts to protect the nation against terrorism to ensure appropriate protection of privacy and civil liberties.

STRATEGIC GOAL 2: Provide effective and timely advice to ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the nation against terrorism.

STRATEGIC GOAL 3: Strengthen the Board’s capabilities and knowledge regarding advanced and emerging technologies, their potential impacts on, and potential to safeguard, privacy and civil liberties, and their potential uses to perform oversight.

STRATEGIC GOAL 4: Further promote transparency regarding Board activities and executive branch counterterrorism efforts that impact privacy and civil liberties, to the greatest extent possible consistent with the protection of classified information and applicable law.

STRATEGIC GOAL 5: Continue to enhance the Board’s institutional strength and capacity.

STRATEGIC GOAL 1: Conduct effective oversight of executive branch authorities, policies, and activities related to efforts to protect the nation against terrorism to ensure appropriate protection of privacy and civil liberties.

The Board’s statute calls for “continual review” of executive branch regulations, policies, procedures, information-sharing practices, and other actions related to efforts to protect the nation from terrorism. This oversight review should ensure both appropriate protections of privacy and civil liberties and that those actions comport with governing privacy and civil liberties laws, regulations, and policies.¹⁸ When appropriate, the Board will recommend steps to better safeguard privacy and civil liberties.

A principal challenge for the Board is to be strategic in selecting its oversight portfolio because the Board is a small agency and there are numerous counterterrorism activities across the federal government. At present, the Board continues to work on several oversight projects that were authorized by the previous quorate Boards. With a new quorum, however, comes new opportunities to complete existing projects and set a new agenda for the years to come.

As the Board develops its new agenda, it will continue to consider input from Congress, subject matter experts, other stakeholders, and the public alongside its Members. In selecting new oversight projects, the Board is mindful of the ever-evolving nature of the threat of terrorism, including the federal government’s increasing focus on domestic terrorism. The Board will consider criteria, such as the timeliness and relevance of an issue to policymakers; the potential scale of impact on individuals’ privacy and civil liberties; future trends and novel uses of technology for both counterterrorism efforts and as tools to enhance privacy; and the potential for enhanced public transparency. Additionally, the Board will seek to maintain a diverse portfolio of oversight projects covering varying types of counterterrorism activities, in addition to surveillance, and including activities conducted by various agencies, both within and outside of the Intelligence Community.

The efficacy of the Board’s oversight continues to rely on the Board’s reputation for expert, credible, implementable, fact-based, and constructive recommendations. Continuing to apply the Board’s core values is key to maintaining this reputation.

¹⁸ *Id.* § 2000ee(d)(2).

OBJECTIVE 1.1: Develop and pursue a diverse portfolio of oversight projects while maximizing impact of each individual project.

Strategies for Accomplishing Objective 1.1:

- Continued and enhanced engagement with Congress, stakeholders, and the public to inform the Board’s oversight agenda.
- Refine a set of criteria and goals for the Board's short- and medium-term oversight agenda to maximize the collective impact of projects, including:
 - Oversight reviews across a wide range of agencies, both inside and outside the Intelligence Community;
 - Oversight reviews examining large-scale programs as well as shorter-term, focused reviews of specific activities or authorities;
 - Oversight reviews that assess the use for counterterrorism purposes – and application to enhance privacy and civil liberties safeguards – of new and emerging technologies; and
 - A mix of both classified reviews and unclassified oversight reviews to serve the Board’s transparency mission.

OBJECTIVE 1.2: Conduct oversight with rigor and integrity, and issue recommendations designed to enhance privacy and civil liberties protections in federal counterterrorism regulations, policies, procedures, and activities.

Strategies for Accomplishing Objective 1.2:

- Maintain and strengthen lines of communication with the executive branch agencies PCLOB oversees, including ensuring timely and thorough responses by those agencies to PCLOB’s information requests.
- Perform oversight duties rigorously, thoroughly, meticulously, and respectfully.
- Assess the impact of counterterrorism programs and activities on individuals’ privacy and civil liberties, including the extent to which activities may infringe upon the exercise of First Amendment and other rights, or unduly burden particular racial groups, underserved communities, religious groups, politically disfavored groups, and other individuals.
- Improve PCLOB staff skills for conducting investigations, establish and implement best practices, and pursue methods to improve the efficiency and effectiveness of oversight projects.
- Issue recommendations that are constructive and meaningfully consider relevant contexts and operational needs.

OBJECTIVE 1.3: Promote and monitor implementation of Board recommendations.

Strategies for Accomplishing Objective 1.3:

- Assess the status of implementation of Board and staff-level recommendations.
- Publicly report, to the maximum extent consistent with the protection of classified information and applicable law, steps agencies have taken to implement Board and staff-level recommendations.

STRATEGIC GOAL 2: Provide effective and timely advice to ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the nation against terrorism.

The Board’s statute also charges it with advising the President and executive branch departments, agencies, and elements to ensure they appropriately consider privacy and civil liberties when designing, developing, and implementing laws, regulations, and policies related to efforts to protect the nation against terrorism.¹⁹

The Board works to provide expert, practicable, and timely advice to requesting agencies. Agencies are more willing to engage the Board for advice when they have trust in the Board’s expertise, protection of sensitive and classified information, and ability to weigh privacy and civil liberty equities alongside operational challenges, national security concerns, and institutional context. Meanwhile, the Board depends on early consultation— ideally at the design or early development stage of a new initiative—and collaborative engagement to provide timely, meaningful, and implementable advice.

As an example of the Board’s advice function, the Board has provided advice on IC elements’ significant revisions of Attorney General-approved Guidelines for handling U.S. person information under Executive Order 12333.²⁰ The Board hopes to further engage in these and other advice engagements and provide independent, expert, and actionable advice on how to safeguard privacy and civil liberties equities by design.

¹⁹ 42 U.S.C. § 2000ee(d)(1).

²⁰ See Executive Order 12333, § 2.3.

OBJECTIVE 2.1: Serve as a source of trusted, independent, and expert advice to the President and executive branch departments, agencies, and elements on how to include privacy and civil liberties safeguards in the design and planning stages of counterterrorism efforts.

Strategies for Accomplishing Objective 2.1:

- Continue to provide timely advice to the President and executive branch departments, agencies, and elements when requested and on the Board’s own initiative, when practicable.
- Promote and raise awareness of the Board’s advice function within and outside of the Intelligence Community.
- Maintain respectful and trustworthy relationships between other agencies and the Board’s Members and staff.
- Safeguard classified information and other information protected by applicable law and respect appropriate privileges and confidences.
- Serve as an expert source and thought leader for other agencies on emerging technologies – both their use for counterterrorism purposes and as mechanisms to safeguard privacy and civil liberties – and other new and novel approaches to countering terrorism.

OBJECTIVE 2.2: Promote the protection of privacy and civil liberties in the design of counterterrorism programs.

Strategies for Accomplishing Objective 2.2:

- Encourage executive branch agencies to engage with the Board early in the development or consideration of new legislation, regulations, policies, programs, guidelines, or proposals that implicate privacy and civil liberties equities.
- Engage with government and stakeholders to identify and assess opportunities for advice projects.
- Conduct rigorous analyses and assess how privacy and civil liberties safeguards can be effectively integrated into the counterterrorism activity, policy, or procedure at the outset.
- Provide timely, clear, feasible, and practicable advice.
- Monitor and regularly assess whether the Board’s advice has been implemented appropriately.

OBJECTIVE 2.3: Maintain and enhance meaningful engagement with governmental privacy and civil liberties officers.

Strategies for Accomplishing Objective 2.3:

- Regularly engage with governmental privacy and civil liberties officers to identify opportunities for advice or other opportunities to safeguard privacy and civil liberties.
- Continue to provide guidance to privacy and civil liberties officers as they draft semi-annual reports to make them as useful as possible to Congress, agency heads, and the Board.

STRATEGIC GOAL 3: Strengthen the Board’s capabilities and knowledge regarding advanced and emerging technologies, their potential impacts on, and potential to safeguard, privacy and civil liberties, and their potential uses to perform oversight.

The nation and the world are experiencing a dramatic expansion of the capabilities of existing technologies, as well as the emergence of novel technologies that offer the potential for even more drastic change. Artificial intelligence and machine learning have made significant strides in their ability to analyze enormous amounts of data; intelligent, networked devices collect even more data; quantum technologies have moved from theoretical to being built in laboratories; and many more. These technologies can offer key capabilities for the nation in its efforts to combat terrorism, potentially implicating individuals’ privacy and civil liberties, and, at the same time, offer innovative and novel opportunities for privacy and civil liberties safeguards.

Accordingly, over the next four years, the Board will work to identify and review federal government use of new technologies for counterterrorism purposes and assess the potential for recommendations that utilize technology-enabled privacy and civil liberties protections. The Board will also endeavor to recruit expert staff, including technologists, to fully understand new technologies and meaningfully assess their uses and impacts.

Just as these tools and approaches offer the potential for increased effectiveness and abilities for counterterrorism efforts, they also may be helpful in the Board’s own activities. As a result, the Board will assess whether and how technologies may support its own work, including oversight reviews. And, to the extent such avenues are viable, the agency may consider procurement and implementation opportunities.

OBJECTIVE 3.1: Rigorously analyze the use of new and emerging technologies in efforts to protect the nation against terrorism and the implications of such uses for privacy and civil liberties.

Strategies for Accomplishing Objective 3.1:

- Consult with experts within and outside the government to identify counterterrorism implementations of advanced and emerging technologies that raise significant concern for privacy and civil liberties. Identify appropriate oversight reviews to assess the government’s use of new and emerging technologies in counterterrorism activities, and conduct rigorous oversight, as outlined in Objective 1.2.
 - Assess the potential for technologies to differentially impact particular racial and other groups, and make recommendations, as appropriate, to address any such equity issues.
 - Provide thoughtful, technically informed guidance on these issues through the Board’s advice function.
-

OBJECTIVE 3.2: Assess the potential for new and emerging technologies to enhance privacy and civil liberties safeguards in the operation of counterterrorism programs and activities and recommend implementation of such technological approaches where appropriate.

Strategies for Accomplishing Objective 3.2:

- Consult with private sector entities, including private companies, non-government organizations, and think tanks, on what technologies might be available as privacy and civil liberties enhancement tools.
 - In developing recommendations as part of the Board’s oversight reviews and advice projects, consider and assess the potential for the use of privacy-enhancing technologies.
 - Where appropriate, recommend use of technological approaches to enhance privacy and civil liberties.
-

OBJECTIVE 3.3: Ensure that the Board receives the technical input needed to conduct effective oversight and provide informed advice on issues related to advanced and emerging technologies and assess whether and how advanced technological tools and approaches may contribute to the Board’s own work.

Strategies for Accomplishing Objective 3.3:

- Solicit input on new technologies and their implications for privacy and civil liberties from experts inside and outside of government, including through public events and other forms of public engagement.
- Seek to ensure that Board engagement with other executive branch agencies includes technical experts and operators, in addition to legal and privacy officials.
- Recruit and hire staff, including technologists, with technical expertise and knowledge.
- Consult with other agencies or offices, including oversight bodies in other countries, on their use of technologies such as artificial intelligence in oversight activities.
- Consult with private sector entities, including non-government organizations and think tanks, on what tools might be available to assist the PCLOB in conducting oversight.
- Research commercial and non-commercial technical solutions for AI-assisted audit and review.

STRATEGIC GOAL 4: Further promote transparency regarding Board activities and executive branch counterterrorism efforts that impact privacy and civil liberties to the greatest extent possible, consistent with the protection of classified information and applicable law.

The Board is committed to enhancing transparency about the federal government’s efforts to protect the nation from terrorism. The Board’s enabling statute directs the Board to “make its reports, including its reports to Congress, available to the public” and to “hold public hearings and otherwise inform the public of its activities.”²¹ The Board intends to continue to interact with experts within government, non-governmental organizations, academia, the private sector, and the public at large, including holding public events as appropriate. These interactions help inform the Board’s oversight agenda and identify potential privacy and civil liberties risks.

Additionally, the Board may request “public interest” declassification of information where appropriate and encourage the agencies it oversees, including elements of the Intelligence Community, to meaningfully enhance their own transparency efforts.

Also, the Board will continue its constructive interactions with Congress and provide the Board’s subject matter expertise to the Legislative Branch where appropriate. The Board is required by statute to submit semi-annual reports to designated committees of the Congress and to publicly release these reports to the extent consistent with the protection of classified information and applicable law. Board Members also have testified before Congress and stand ready to do so in the future.²² Board Members and staff will continue to communicate with Members of Congress and congressional staff about the Board’s work, activities, and agenda.

The Board will seek to engage with the public, and the privacy and civil liberties and national security policy communities in particular, to stay abreast of a wide range of viewpoints. Board Members and staff will continue the past practice of speaking at government and non-government hosted events, as well as writing and publishing shorter individual articles where appropriate. Additionally, the Board will continue to hold public forums, inviting panelists from within and outside of government, and hold meetings with and attend events held by outside organizations.

Finally, the Board will engage with international allies and stakeholders where appropriate. In the past, Board Members have participated in the Privacy Shield Review Process as well as internationally hosted events. This international presence will allow the Board to continue to leverage its subject matter expertise in dialogue with international stakeholders and encourage mutually informative discussions of challenges, best practices, and international views on counterterrorism activities.

²¹ *Id.* § 2000ee(f)(2).

²² *Id.* § 2000ee(d)(4).

OBJECTIVE 4.1: Make the Board’s work available to the public and other stakeholders to the maximum extent possible, consistent with the protection of classified information and other applicable law.

Strategies for Accomplishing Objective 4.1:

- Issue public reports, to the extent consistent with the protection of classified information and applicable law.
- Regularly inform the public about the Board’s work, consistent with the necessary protection of classified information and other applicable law.
- Publicly identify the Board’s oversight review projects, to the extent consistent with the protection of classified information and other applicable law.
- Encourage agencies to make public (or permit the Board to make public) advice engagements with the Board.
- Encourage and support other agencies’ efforts to increase transparency and inform the public about authorities and activities within the Board’s jurisdiction.
- Where appropriate, request “public interest” declassification of information pursuant to Executive Order 13526 on Classified National Security Information and raise with agencies instances where the Board considers information within its jurisdiction to be overly classified.
- Pursue transparency in a manner that safeguards classified information and respects appropriate privileges and confidences.

OBJECTIVE 4.2: Continue regular formal and informal interactions with Congress.

Strategies for Accomplishing Objective 4.2:

- Provide semi-annual reports to the designated congressional committees.
- Provide testimony to Congress on issues within the Board’s expertise.
- Provide advice and feedback on draft legislation as appropriate.
- Periodically meet with Members of Congress and congressional staff to discuss the Board’s work and agenda.

OBJECTIVE 4.3: Engage directly with the public about the Board’s work and issues within the Board’s jurisdiction.

Strategies for Accomplishing Objective 4.3:

- Identify appropriate speaking opportunities at public events for Board Members and staff hosted by other government and non-government entities.
- Regularly engage with representatives of non-governmental organizations, academics, the private sector, the public, and other stakeholders.

OBJECTIVE 4.4: Identify appropriate opportunities to engage with international counterparts and stakeholders.

Strategies for Accomplishing Objective 4.4:

- Engage as appropriate with international counterparts responsible for national security oversight in countries with comparable commitments to the rule of law.
- Identify appropriate opportunities to engage with international stakeholders and experts.

STRATEGIC GOAL 5: Continue to enhance the Board’s institutional strength and capacity.

The Board relies on strong administrative, managerial, and organization capabilities to operate efficiently as a small independent federal agency. The Board’s operational staff is smaller than most federal agencies, and as such utilizes shared-service providers for certain activities. These providers assist the Board’s full-time operational staff with critical functions, such as human resources, financial management, and cybersecurity. The Board will continue to review these shared-service agreements to make sure that they provide appropriate support for the Board’s operations and value for taxpayer dollars.

As the agency enters its second decade, the Board will assess whether and how it should seek to expand staffing to enable the Board to best serve its mission and operate efficiently as an agency. One of the Board's top priorities is to recruit and retain an expert staff, with the goal of developing staff with a broad range of subject matter expertise in intelligence, counterterrorism and national security, privacy and civil liberties, oversight and investigations, technology, and more. Over the next four years, the Board will enhance opportunities for staff professional development and retention.

Additionally, the Board will strive to build a model Equal Employment Opportunity program, and implement the agency's diversity, equity, inclusion, and accessibility goals. From recruiting a diverse staff, to expanding the Board's reach and opportunities to individuals from historically underserved communities and initiating data collection to devise and implement equitable and inclusive policies and procedures, the Board will serve as a model employer and oversight body.

The Board will also continue to prioritize fiscal management and security. Over the last strategic plan cycle, the Board strengthened its financial management by developing new procedures, enhancing internal controls, appointing a Chief Financial Officer and hiring a full-time accountant, and transitioning to new shared-service providers for financial services, human resources, and procurement services. This dedication to achieving excellence in financial management led to a remarkable achievement: an unmodified (clean) audit opinion over the 2019 financial statements from the Board's external auditors, and clean financial statement audit opinions for two more consecutive years - a rare accomplishment for any federal agency.

Additionally, the Board received recognition from the National Insider Threat Task Force for achieving full operating capability in the Board's Trusted Access Program, and the agency's Chief Security Officer was selected to serve a three-year term on the Joint Office of Director of National Intelligence/Office of Under Secretary of Defense for Intelligence. The PCLOB will continue to ensure a good working relationship on security-related matters and will work to solidify the agency's Operations Security and Enterprise Risk Management programs.

Finally, the Board will continue to mature and deploy the agency's Continuous Diagnostics and Mitigation ("CDM") platform to enhance network security and responsiveness. The CDM platform provides increased visibility of cybersecurity vulnerabilities and assists the Office of the Chief Information Officer ("OCIO") in prioritizing mitigation efforts. The OCIO will seek to leverage cloud and shared-service providers to support mission objectives and enhance network security operations.

OBJECTIVE 5.1: Optimize the Board’s use of shared-service providers.

Strategy for Accomplishing Objective 5.1: Continue to monitor and assess the performance of the Board’s shared-service arrangements to ensure that each delivers excellent performance, responsiveness, and value for taxpayer dollars, and adjust as needed.

OBJECTIVE 5.2: Recruit and retain a diverse workforce equipped with an array of skills relevant to the Board’s mission.

Strategies for Accomplishing Objective 5.2:

- Implement the agency’s Equity Action Plan and Diversity, Equity, Inclusion, and Accessibility (“DEIA”) Strategic Plan to establish relationships with, expand the Board’s reach to, and recruit individuals from historically underserved communities.
 - Identify any gaps in subject matter expertise among current staff and develop training and other development opportunities to enhance skills and expertise.
 - Recruit highly qualified permanent staff and work with detailees from other federal agencies as available.
 - Assess agency practices, policies, guidance, and workforce plans to promote a diverse and inclusive workplace that supports and develops each individual employee and enhances retention.
 - Maintain a professional and collegial workplace environment, including considering mentorship opportunities and workplace flexibilities.
-

OBJECTIVE 5.3: Continue to strengthen the Board’s financial management capabilities and ensure responsiblestewardship of taxpayer funds.

Strategies for Accomplishing Objective 5.3:

- Undergo regular financial audits, using findings and recommendations to further refine internal controls and accounting practices.
- Continue to conduct agency-wide planning that is linked and responsive to the budget process.

OBJECTIVE 5.4: Maintain a high standard of personnel and information security.

Strategies for Accomplishing Objective 5.4:

- Achieve the highest standards of security for the Board’s cleared personnel, including through implementation of Trusted Workforce 2.0 and solidifying the Operations Security Program, physical space, and classified systems.
- Leverage the Board’s FISMA audit and Network Penetration Tests to further refine cybersecurity practices, policies, and documentation, and conduct annual FISMA audits.
- Continue to maintain compliance with Cybersecurity and Infrastructure Security Agency (“CISA”) mandates.
- Regularly train staff on cybersecurity, counterintelligence, and physical security threats.
- Collaborate with federal partners on cybersecurity solutions, threat indicators, and best operations security practices.

OBJECTIVE 5.5: Continue to refine the Board’s internal policies and governance processes.

Strategy for Accomplishing Objective 5.5: Review Board policies and procedures and revise or develop new policies and procedures, as necessary.

CONCLUSION

This Strategic Plan establishes the roadmap for the continued success of the Privacy and Liberties Oversight Board in fulfilling its mission to provide expert advice and to conduct robust oversight of counterterrorism efforts under a re-constituted quorum.

Thanks to the efforts of past Members and staff, the Board is prepared to continue to fulfill its statutory mission during the period of this Strategic Plan. The newly quorate Board looks forward to drawing on its full complement of authorities to complete existing oversight and advice projects and identify new areas ripe for the Board's oversight and advice.

As the Board continues to mature, so too do its long-term goals and priorities. The next four years will see more substantive growth with the primary goal of maintaining and expanding on that record. The Board's record and reputation will guide the Board's work moving forward.

The Board looks forward to working with other executive branch agencies, Congress, the public, and other stakeholders to help protect privacy and civil liberties interests in counterterrorism efforts over the next four years.