

UNCLASSIFIED



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

**Office of Civil Liberties, Privacy, and Transparency
Semiannual Report:
01 January 2022 to 30 June 2022**

January 2023

UNCLASSIFIED

Table of Contents

Introduction	3
About The Office of Civil Liberties, Privacy, and Transparency	3
Overview of Key Initiatives during the Reporting Period	5
Foreign Intelligence Surveillance Act	5
Executive Order 14086	6
Other International Activities	7
Executive Order 12333 Guidance and Oversight	7
Privacy and Civil Liberties Oversight Board.....	9
Report on Protecting Americans of Chinese Descent.....	9
Screening and Vetting.....	9
Intelligence Transparency	10
IC Civil Liberties and Privacy Council and the Intelligence Transparency Council.....	11
Other Activities of the Office of Civil Liberties, Privacy, and Transparency	12
Complaints	13
Metrics	14
Conclusion	15

INTRODUCTION

It is the mission of every intelligence agency throughout the world to provide a decision advantage to their leaders, but in the United States—not uniquely, but to a degree surpassed by no other nation—our intelligence agencies are equally tasked with ensuring this mission is accomplished in a manner that complies with the law and respects the foundational values of our society. Chief among these values is that our Intelligence Community (IC) activities, programs, and policies protect privacy and civil liberties and incorporate an appropriate level of transparency to engender and enhance public trust. Acting in accordance with these values is the responsibility of every intelligence officer. The Office of Civil Liberties, Privacy, and Transparency (CLPT) acts as a focal point by providing advice, conducting reviews, and handling complaints regarding privacy and civil liberties within the Office of the Director of National Intelligence (ODNI). CLPT also integrates the privacy, civil liberties, and transparency efforts of the broader IC.

As required by Section 803 of the *Implementing Recommendations of the 9/11 Commission Act of 2007* (Pub. L. No. 110-53), this report provides information about the notable activities, from 01 January 2022 to 30 June 2022, of ODNI CLPT, to include the number of privacy and civil liberties reviews conducted and the types of complaints received. In the interest of enhancing transparency, it also provides a narrative overview of significant activities for the same period.

ABOUT THE OFFICE OF CIVIL LIBERTIES, PRIVACY, AND TRANSPARENCY

CLPT is led by the Civil Liberties Protection Officer (CLPO), a position created by the Intelligence Reform and Terrorism Prevention Act of 2004. By leading the integration of civil liberties and privacy protections into the policies, procedures, programs, and activities of the IC, CLPT facilitates the conduct of intelligence activities in a manner that protects civil liberties and privacy, provides appropriate transparency, and promotes practices to earn and retain the trust of the American people. CLPT participation in developing and overseeing IC activities seeks to give the American people confidence that the IC is pursuing its vital national security mission in a manner consistent with our nation's values.

More specifically, CLPT examines the privacy and civil liberties ramifications of intelligence-related technologies, programs, and procedures. CLPT collaborates closely with ODNI's components to understand their initiatives and projects in detail, starting with the intelligence purpose for the specific activity, the authority pursuant to which data is obtained or the activity is undertaken, and the characteristics and use of the data. Based on each set of individual circumstances, CLPT reviews the appropriateness of protective measures, reviews compliance with legal and policy mandates, and works with components to modify or formulate additional protections as necessary.

CLPT also reviews proposed legislation, policy documents, instructions, standards, guidance, testimony, reports, releases, and other materials to ensure that privacy and civil

liberties issues are appropriately addressed and properly articulated. These reviews may pertain specifically to ODNI or to other IC elements to the extent that the issues fall within ODNI's IC-wide responsibilities.

Additionally, CLPT reviews and investigates (as appropriate) alleged privacy and civil liberties abuses. When CLPT receives a complaint, it must determine whether the complaint was properly directed to CLPT or whether it should have been referred to a different office or agency. For example, depending on the circumstances, certain complaints may be referred to the IC Inspector General, the Office of Equal Employment Opportunity, or another agency. If CLPT determines a complaint is not frivolous and merits a full review, it obtains and analyzes relevant information in light of the pertinent legal and policy standards. Based on its findings, CLPT determines the appropriate course of action to resolve the complaint and notifies the complainant of disposition.

The CLPO also serves as the ODNI's Chief Transparency Officer. CLPT is responsible for leading implementation of the *Principles of Intelligence Transparency for the Intelligence Community*.¹ The Intelligence Transparency Principles guide how the IC makes information available to the public in a manner that enhances the public's understanding of intelligence activities, while continuing to protect information when disclosure would harm national security.

CLPT carries out its duties in close consultation with other offices with relevant and complementary responsibilities, including offices of General Counsel, offices of Inspectors General, Intelligence Oversight offices, Civil Liberties and Privacy offices, and the Department of Justice (DOJ). CLPT champions the *Principles of Professional Ethics for the Intelligence Community: Mission, Truth, Lawfulness, Integrity, Stewardship, Excellence, and Diversity*.² These are fundamental, ethical principles that unite professionals across agencies and functions.

¹ The *Principles of Intelligence Transparency* are available at:
<https://www.intelligence.gov/index.php/mission/our-values/341-transparency>.

² The *Principles of Professional Ethics for the Intelligence Community* are available at:
<https://www.dni.gov/files/documents/CLPO/Principles%20of%20Professional%20Ethics%20for%20the%20IC.pdf>.

OVERVIEW OF KEY INITIATIVES DURING THE REPORTING PERIOD

The following synopses identify key CLPT initiatives in providing advice and conducting reviews regarding privacy and civil liberties protections. While these activities encompass topics of potential public interest and exemplify comparable efforts on classified projects, they do not reflect the full scope of CLPT's efforts to protect privacy and civil liberties in the conduct of intelligence activities. A description of CLPT's other critical but routine activities is detailed in a subsequent section of this report.

Foreign Intelligence Surveillance Act

During the reporting period, CLPT, in partnership with other ODNI offices, continued to conduct joint oversight with DOJ of the IC's use of Section 702 of the *Foreign Intelligence Surveillance Act of 1978* (FISA). CLPT participated in on-site reviews, reviewed compliance documentation and guidance, and worked with DOJ to identify, resolve, and report incidents of noncompliance to the Foreign Intelligence Surveillance Court (FISC) and Congress. In addition to reviewing individual incidents, CLPT also identified trends in compliance and provided privacy and civil liberties guidance on methods for reducing the number and impact of recurring compliance incidents. In particular, CLPT focused with DOJ and the FBI on the querying of United States person information in repositories containing unevaluated Section 702-acquired data. These ongoing oversight efforts resulted in substantial changes to FBI's systems, training, and procedures with regard to such queries.

CLPT's FISA oversight activities are extensively documented in joint assessments by DOJ and ODNI, one of which was completed in this reporting period. During this reporting period, CLPT released one such semiannual report to the public in redacted form,³ and released a second such report shortly after the reporting period concluded.⁴ CLPT will release additional reports to the public in the coming months. Further transparency efforts accomplished during this reporting period related to FISA and other surveillance authorities, including the completion of a multi-year project to release historically significant FISA opinions, are detailed in the "Intelligence Transparency" section below.

As discussed in further detail below, CLPT also facilitated the Privacy and Civil Liberties Oversight Board's continuing oversight of Section 702, including by coordinating the ongoing production of classified FISA documentation to the Board.

³ See the ODNI and Department of Justice's 22nd Joint Assessment of the Section 702 program, available at: <https://www.intel.gov/ic-on-the-record-database/results/1107-release-of-the-22nd-joint-assessment-of-section-702-compliance>.

⁴ See the ODNI and Department of Justice's 23rd Joint Assessment of the Section 702 program, available at: <https://www.intel.gov/ic-on-the-record-database/results/1107-release-of-the-22nd-joint-assessment-of-section-702-compliance>.

Executive Order 14086

On 07 October 2022, President Biden issued Executive Order 14086, *Enhancing Safeguards for United States Intelligence Activities*, which updated and substantially enhanced the protections for all individuals, regardless of nationality, whose information may be acquired as the result of U.S. signals intelligence activity.⁵ During this reporting period, CLPT provided extensive support in the development of this Executive Order. Executive Order 14086 bolstered rigorous privacy and civil liberties safeguards found in FISA, Executive Order 12333, and, previously, in Presidential Policy Directive 28. New safeguards included, but were not limited to, requirements that all U.S. signals intelligence activities be conducted only in pursuit of defined national security objectives, take into consideration the privacy and civil liberties of all persons regardless of nationality or country of residence, and be conducted only when necessary to advance a validated intelligence priority and only to the extent in and in a manner proportionate to that priority. Pursuant to Section 2(b)(iii) of Executive Order 14086, ODNI's CLPO must now assess whether anticipated signals intelligence collection activities conducted under the National Intelligence Priorities Framework advance the defined legitimate objectives, are neither designed nor anticipated to result in signals intelligence collection on contravention of defined prohibited objectives, and have been established after appropriate consideration of the privacy and civil liberties of all persons, regardless of their nationality or wherever they might reside. IC elements also must update their internal procedures to comply with the new Executive Order. In addition, Executive Order 14086 created an independent and binding mechanism enabling individuals in qualifying states and regional economic integration organizations, as designated pursuant to the Executive Order, to seek redress if they believe their data was collected through U.S. signals intelligence in a manner that violated applicable U.S. law. CLPT will play a critical role as the first layer of this multi-layer mechanism, as the Executive Order requires ODNI's CLPO to conduct an initial investigation of qualifying complaints received to determine whether the Executive Order's enhanced safeguards or other applicable U.S. law were violated and, if so, make a binding determination regarding the appropriate remediation for any such covered violations of law. As a second layer, the CLPO's determinations will be subject to review by a newly established Data Protection Review Court.

Complainants seeking to access the redress process described by Executive Order 14086 must send their complaint to the appropriate public authority of a qualifying state. Once qualifying states are designated and establish their own internal processes, more information regarding how to submit a complaint to such an appropriate public authority will be provided on CLPT's public website.⁶

⁵ Executive Order 14086 is available at:

<https://www.federalregister.gov/documents/2022/10/14/2022-22531/enhancing-safeguards-for-united-states-signals-intelligence-activities>.

⁶ More information available at:

<https://www.dni.gov/index.php/who-we-are/organizations/clpt/clpt-who-we-are>.

Other International Activities

CLPT routinely meets with international partners to describe civil liberties and privacy protections that have been embedded in the IC; to detail the activities of the IC to be more transparent regarding its mission, authorities, and oversight mechanisms; and to learn from our international partners regarding the comparable protections and programs that they have instituted in the service of our common values. During this reporting period, these efforts included providing subject matter expertise to the ongoing effort of the Organization of Economic Co-operation and Development (OECD) to develop common principles regarding government access to personal data held by the private sector.⁷ CLPT is one of a number of privacy, national security, and law enforcement agencies from many OECD countries engaged in this effort.

Separately, in this reporting period, CLPT participated in the European Commission's sixth review of the Terrorist Finance Tracking Program (TFTP).⁸ TFTP involves the provision of certain bank transactional information to the Department of the Treasury pursuant to the European Union (EU)/United States TFTP Agreement. The agreement establishes a rigorous framework for protecting privacy and conducting oversight, and requires regular EU/U.S. reviews. Both the United States and the EU can call on "security and data protection experts" to participate in the reviews, and the Department of the Treasury has traditionally invited CLPT experts along with officials from the State Department and DOJ to fulfill that role.

Executive Order 12333 Guidance and Oversight

Executive Order 12333 authorizes, guides, and limits the vast majority of activities the IC conducts. Section 2.3 of Executive Order 12333 provides that the collection, retention, or dissemination of any information concerning U.S. persons in the course of these activities must be governed by procedures approved by the relevant head of the IC element and the Attorney General after consultation with the Director of National Intelligence (DNI). These procedures incorporate the requirement in Section 2.4 of Executive Order 12333 that prescribes that elements of the IC shall use the least intrusive collection techniques feasible within the United States or when directed against U.S. persons abroad. Separate, but related, procedures required by Section 2.9 of Executive Order 12333 prescribe the limited circumstances in which IC personnel may participate in a U.S. organization without disclosing their IC affiliation. Collectively, these procedures are commonly referred to as an IC element's "Attorney General Guidelines."

In this reporting period, CLPT continued to work with DOJ, the relevant IC elements, and other ODNI components to update these Attorney General Guidelines. This effort, which has now extended over approximately a decade, has been designed to ensure that Attorney

⁷ The OECD announced this effort in a public statement, which is available at: <https://www.oecd.org/digital/trusted-government-access-personal-data-private-sector.htm>.

⁸ Find the sixth review available at: https://home-affairs.ec.europa.eu/6th-joint-review-eu-us-terrorist-finance-tracking-programme_en.

General Guidelines reflect best practices for protecting privacy and civil liberties in the collection and handling of digital information; adopt common definitions across the IC to improve intelligence integration and provide consistent protections; and are drafted to provide maximum transparency to the public regarding the law and policies that govern the IC's activities.⁹ During this reporting period, CLPT worked closely with the Department of the Treasury and the Drug Enforcement Administration to further develop their Attorney General procedures.

In addition to CLPT's efforts related to the drafting of these Attorney General Guidelines, CLPT continued to lead interagency efforts to develop the oversight and compliance programs that must be completed and approved before an IC element may obtain raw signals intelligence under Section 2.3 of Executive Order 12333. CLPT facilitated dialogue to ensure that proposed oversight and compliance programs included appropriate monitoring activities necessary to establish comparable protections to those governing the activities of the National Security Agency. CLPT approved the compliance and oversight program for the first such program in July 2021.

CLPT also worked within ODNI to advise and oversee the implementation of ODNI's own Attorney General Procedures. More specifically, in January 2021, ODNI released to the public new procedures governing the activities of ODNI itself.¹⁰ These are the first set of Attorney General Guidelines that apply uniformly to all ODNI activities; previously ODNI activities were governed either by the Central Intelligence Agency's Attorney General Guidelines or by specific Attorney General Guidelines for the National Counterterrorism Center (NCTC). The single, uniform set of ODNI Attorney General Guidelines was created to better reflect both ODNI's unique authorities to integrate intelligence from across the IC, as well as ODNI's authority, under Section 1.7(j) of Executive Order 12333 to conduct collection "overtly or through publicly available sources." To better facilitate public understanding, CLPT developed and proactively disclosed a narrative document describing the scope and nature of the ODNI Attorney General Guidelines.¹¹ In addition, and in order to apply further privacy and civil liberties protections (particularly in the area of domestic terrorism), CLPT worked closely with NCTC and other ODNI components to develop additional NCTC implementing procedures, which were released to the public in March 2021.¹²

⁹ CLPT has created a chart with links to the current Attorney General Guidelines for every element of the Intelligence Community, which are available at: https://www.intel.gov/assets/documents/guide/Chart_of_EO_12333_AG_approved_Guidelines_March_2021.pdf.

¹⁰ The ODNI's Attorney General Guidelines are available at: <https://www.intel.gov/ic-on-the-record-database/results/1012-odni-releases-odni-attorney-general-procedures-for-conducting-intelligence-activities>.

¹¹ This narrative document is available at: <https://www.intel.gov/ic-on-the-record-database/results/1012-odni-releases-odni-attorney-general-procedures-for-conducting-intelligence-activities>.

¹² The National Counterterrorism Center Implementation Procedures are available at: <https://www.intel.gov/ic-on-the-record-database/results/1051-national-counterterrorism-center-implementation-procedures-for-intelligence-activities-procedures-approved-by-the-attorney-general-pursuant-to-executive-order-12333>

During this reporting period, CLPT advised components on the application of the new ODNI Attorney General Guidelines with respect to new datasets ODNI collected or gained access to in furtherance of its intelligence mission. CLPT also worked closely with NCTC and other partners on ensuring that intelligence activities with respect to domestic terrorists complied with privacy and civil liberties controls.

Privacy and Civil Liberties Oversight Board

CLPT facilitated the important advice and review functions performed by the Privacy and Civil Liberties Oversight Board. With the Board regaining its quorum, CLPT's support activities substantially increased during this reporting period. These activities included, but were not limited to, working in conjunction with multiple IC elements to provide the Board detailed information and briefings on the implementation, value, and oversight of the FISA Section 702 program; briefing board members on NCTC's activities with respect to domestic terrorism (including with respect to NCTC's implementation of the ODNI Executive Order 12333 procedures that are discussed above); and working with IC elements to seek the advice of the Board regarding the updates to the Executive Order 12333 Attorney General Guidelines described above. CLPT continues to lead IC-wide efforts to ensure the Board is proactively provided information necessary to perform its duties.

Report on Protecting Americans of Chinese Descent

In May 2022, CLPT finalized and released to the public ODNI's report on *Best Practices to Protect Privacy, Civil Liberties, and Civil Rights of Americans of Chinese Descent in the Conduct of U.S. Intelligence Activities*.¹³ Conducted with the assistance of civil liberties and privacy officials from throughout the IC, the report examines the privacy, civil liberties, and related civil rights controls the IC uses when conducting intelligence and counterintelligence activities to counter the national security threats posed by the People's Republic of China.

The report states that the law is clear that no IC agency or component may conduct an intelligence activity or otherwise make an employment decision based upon the ethnic or racial background of any U.S. person. The report finds that IC policies and procedures reflect an appropriate focus on the protection of privacy, civil liberties, and civil rights. The report also makes several recommendations to further ensure the protection of the privacy, civil liberties, and civil rights of all Americans, including Americans of Chinese descent. CLPT began implementation, particularly through its leadership of the IC Civil Liberties and Privacy Council, during this reporting period.

Screening and Vetting

During the reporting period, CLPT in conjunction with ODNI's Office for Mission Performance, Analysis, and Collection, continued to engage in interagency efforts relating to

¹³ This report is available at:

<https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2022/item/2299-odni-report-on-best-practices-to-protect-privacy-civil-liberties-and-civil-rights-of-americans-of-chinese-descent-in-the-conduct-of-u-s-intelligence-activities>.

National Security Presidential Memorandum 9, *Optimizing the Use of Federal Government Information in Support of the National Vetting Enterprise*. The CLPO served as an advisory member to the National Vetting Governance Board and co-chaired that Board's Privacy, Civil Rights, and Civil Liberties Working Group. The Working Group gave advice regarding vetting new proposals and the privacy and civil liberties protections necessary for existing screening and vetting processes.

Intelligence Transparency

As is reflected in the sections above, to include the links to documents CLPT released to the public, intelligence transparency is integral to the execution of CLPT's duties pursuant to Section 803 of the *Implementing Recommendations of the 9/11 Commission Act of 2007*. In addition to advocating for and coordinating the public release of key documents, CLPT has developed or supported efforts across the IC to explain in a more clear, concise, and effective manner its mission, activities, authorities, and oversight mechanisms. The chief digital component of this effort may be found at the CLPT-managed www.intel.gov, a comprehensive resource for information concerning the Intelligence Community. Of particular note, during this reporting period the National Counterintelligence and Security Center (NCSC), in close cooperation with CLPT, publicly released the second installment of the digital Wall of Spies, an online, museum-quality exhibit that details the history and evolution of espionage activities conducted in the U.S.¹⁴ A third installment, detailing counterintelligence activities in and around World War I, was partially developed during this reporting period and released to the public in October 2022.

As a key oversight and transparency initiative, during this reporting period CLPT led the IC in the production of the *Annual Statistical Transparency Report Regarding the Use of National Security Surveillance Authorities for Calendar Year 2021*.¹⁵ This public report provides metrics regarding the use of FISA, national security letter authorities, and unmaskings of U.S. person information pursuant to Executive Order 12333. In addition, and consistent with the *Principles of Intelligence Transparency for the Intelligence Community*, the report describes to the public in detail the applicable law, the IC's use of these authorities, as well as the compliance and oversight framework that ensures intelligence activities are conducted in accordance with applicable rules. In the calendar year 2021 report, ODNI was able for the first time to publicly report the number of U.S. person queries FBI conducted of FISA Section 702 data.

Additionally and critically, during this reporting period CLPT worked across the IC to release appropriately redacted versions of all remaining historical opinions and orders of the FISC or the Foreign Intelligence Surveillance Court of Review (FISC-R) that have been previously determined to contain significant constructions of law. More specifically, over the last nine years, the IC and DOJ have worked together to release to the public significant opinions

¹⁴ The digital Wall of Spies is available at: <https://www.intel.gov/evolution-of-espionage>.

¹⁵ The calendar year 2021 report is available at: https://www.intel.gov/assets/documents/702%20Documents/statistical-transparency-report/2022_IC_Annual_Statistical_Transparency_Report_cy2021.pdf.

of the FISC and FISC-R. These efforts resulted in the public release of dozens of court opinions and orders and thousands of pages of released materials, all of which are available on Intel.gov. In 2015, Congress enacted the USA FREEDOM Act, which requires the DNI to continue to conduct a declassification review of new opinions or orders of the FISC and FISC-R that contain “a significant construction or interpretation of any provision of law,” and “make publicly available to the greatest extent practicable” such opinions or orders. See 50 U.S.C. § 1872(a). In addition to fully complying with this law, ODNI has responded to Freedom of Information Act requests and conducted additional proactive disclosures with respect to FISC and FISC-R opinions that predate the 2015 USA FREEDOM Act. These efforts focused on opinions and orders issued since 2003 that DOJ identified as containing a significant interpretation of law and had also already been provided in classified form to Congress, pursuant to 50 U.S.C. § 1871. As a result, by January 2018, ODNI had released to the public redacted versions of all but seven of these significant opinions or orders. During this reporting period, and following an interagency review, ODNI determined that redacted versions of all seven remaining opinions and orders could be released. This release occurred in August 2022.¹⁶

CLPT’s transparency efforts are not limited to the release of material, but also involve direct engagement with the public, academics, the private sector, and non-governmental organizations (NGOs). Examples of such engagement during this reporting period include, but are not limited to, participating in panel discussions regarding surveillance issues sponsored by NGOs; facilitating academic and NGO engagements between the IC, NGOs, and academics on topics ranging from transnational repression to privacy issues associated with emerging technology. In order to bring the best ideas from outside government into government decision-making, CLPT also engages in more informal consultations with outside experts on issues ranging from data privacy standards, the use of commercially available information, and identifying/mitigating disparate impacts to minority communities in the conduct of intelligence activities.

IC Civil Liberties and Privacy Council and the Intelligence Transparency Council

Consistent with the role of the ODNI in integrating intelligence activities across the IC, CLPT leads both the IC Civil Liberties and Privacy Council and Intelligence Transparency Council. During the reporting period, each of the activities described above was coordinated, and often only achieved as a result of the collaboration with civil liberties, privacy, and transparency officers from other IC elements who serve on these two councils. In particular, the development of the *AI Ethics Principles* and *AI Ethics Framework*¹⁷ is an exemplar of CLPT’s goal to fully utilize both councils as a policy generation engine to integrate civil liberties,

¹⁶ These final seven opinions and orders are available at: <https://www.intel.gov/ic-on-the-record-database/results/1210-odni-releases-all-remaining-fisa-decisions-determined-to-contain-significant-construction-of-law>.

¹⁷ The *Principles of Artificial Intelligence Ethics for the Intelligence Community* are available at: https://www.intelligence.gov/images/AI/Principles_of_AI_Ethics_for_the_Intelligence_Community.pdf. The *Artificial Intelligence Ethics Framework for the Intelligence Community* is available at: https://www.intelligence.gov/images/AI/AI_Ethics_Framework_for_the_Intelligence_Community_1.0.pdf.

privacy, and transparency in a strong and consistent manner. During this reporting period, CLPT continued to lead multiple policy, training, and other activities to execute the IC Enterprise 2019 – 2024 Strategy for Civil Liberties, Privacy, and Transparency; CLPT released the top-level of this strategic document to the public.¹⁸ Of particular note during this reporting period were the IC Civil Liberties and Privacy Council’s ongoing efforts to support the update of privacy requirements governing all national security systems. As a direct result of these efforts, in July 2022 the Committee on National Security Systems updated its instruction on *Categorization and Control Selection for National Security Systems* to incorporate a privacy control baseline to provide further guidance on identifying and protecting personally identifiable information.¹⁹ The IC Civil Liberties and Privacy Council continues to work closely with the Committee on National Security Systems and anticipates completing more detailed guidance in early 2023.

OTHER ACTIVITIES OF THE OFFICE OF CIVIL LIBERTIES, PRIVACY, AND TRANSPARENCY

In addition to these key initiatives, CLPT continued its regular but critical functions in providing privacy and civil liberties advice across a broad array of ODNI and IC functions. CLPT reviews every IC Directive and ODNI internal instruction to ensure they fully address privacy and civil liberties concerns. CLPT also routinely reviews draft legislation with national security implications to assess potential impact to privacy and civil liberties and to provide technical assistance both within the Executive Branch and, when requested, to Congress.

CLPT also provides extensive advice within ODNI regarding activities undertaken by the agency which may impact privacy and civil liberties. For example, CLPT has embedded personnel in both NCTC and NCSC in order to provide privacy and civil liberties guidance at early stages of proposed intelligence activities and to review draft intelligence products before they are disseminated. Similarly, CLPT provides direct support to the IC Chief Data Officer, the Intelligence Community’s Chief Information Officer, ODNI’s Intelligence Advanced Research Projects Activity (IARPA), the National Intelligence University, and other ODNI components who have critical roles in directing or implementing intelligence activities.

In addition to these advice functions, CLPT also conducts regular reviews to ensure that privacy and civil liberties controls are properly applied. For example, and in addition to the extensive reviews of the use of FISA described in the “Key Initiatives” section above, CLPT:

- Works with system owners and security personnel to conduct privacy assessments that evaluate the privacy controls on all new or substantially updated ODNI systems;
- Reviews reports of potential breaches involving personally identifiable information and directs any necessary remedial efforts.

¹⁸ The strategy is available at:
https://www.dni.gov/files/CLPT/documents/CLPT_Enterprise_Strategy_OCR.pdf.

¹⁹ The new revision of this instruction is available at:
<https://www.cnss.gov/CNSS/openDoc.cfm?Iqw+ID7rjyWXuL3pwIpOiQ==>.

- Evaluates proposed new projects funded by IARPA to ensure that appropriate privacy and civil liberties controls are applied in all funded research activities.
- In conjunction with ODNI's Office of General Counsel, assists in ensuring ODNI meets its oversight obligations to the Intelligence Oversight Board (IOB), which is a component of the President's Intelligence Advisory Board. These duties include reporting potential intelligence compliance issues to the IOB and evaluating the IOB incident submissions of all other IC elements to ensure that appropriate steps have been taken to rectify and mitigate compliance issues.

A quantitative measure of CLPT's review activity is provided in the final "Metrics" section of this report. During this reporting period, CLPT also substantially revised and updated processes related to the reporting of potential breaches of personally identifiable information.

To ensure privacy and civil liberties protections are fully integrated into the IC's processes, CLPT also conducts regular training activities for IC personnel and professional development activities for privacy and civil liberties officers. These activities included periodic in-person and online trainings to explain or clarify civil liberties and privacy protections, as well as trainings that share best practices in the promotion of transparency. CLPT also continued to organize and host the annual IC Civil Liberties, Privacy, and Transparency Summit. These summits highlight best practices in privacy, civil liberties, and transparency from across the IC, while also bringing external advocates and subject matter experts to broaden the perspectives of the IC's civil liberties, privacy, and transparency professionals. In addition to these activities within the IC, CLPT also contributes to U.S. government-wide efforts by participating in panels and other training opportunities sponsored by the Federal Privacy Council that are designed to increase the privacy acumen of professionals throughout the U.S. Government.

COMPLAINTS

Consistent with the statutory authority of the CLPO, CLPT ensures that there is an avenue to redress complaints, address concerns, or answer questions having to do with privacy and civil liberties, whether broadly focused (e.g., the privacy implications of intelligence activities) or related to narrow, individual concerns (e.g., how a particular personal record may have been used). CLPT is also the hub of ODNI's incident response team to be convened upon notice of any lapse (actual or suspected) in the application of technical protocols involving systems containing personally identifiable information.

During the covered reporting period, CLPT received two formal complaints, as detailed in the metrics section below. In addition to the formal complaints received, CLPT routinely addressed broader privacy and civil liberties concerns and questions raised with CLPT by IC personnel, other government personnel and members of the public. Much of this work is reflected in the summary of key initiatives discussed above.

While the details of formal complaints must remain anonymous to protect the confidentiality of the complainants, more generally, both of the complaints did not involve potentially credible allegations of actions by the ODNI or an element of the IC.

Anyone can report a potential civil liberties and privacy violation or file a complaint by providing a written, detailed description of the incident and surrounding circumstances, to include copies of any unclassified documentation pertaining to the matter, to the following address:

Office of the Director of National Intelligence
 ATTN: Office of Civil Liberties, Privacy, and Transparency
 Washington, DC 20511

In lieu of sending complaints to the above address, complainants seeking to access the redress process detailed in Executive Order 14086, as described above, must instead send their complaint to the appropriate public authority of a qualifying state. Once qualifying states are designated and establish their own internal processes, more information regarding how to submit a complaint to such an appropriate public authority will be provided on CLPT's public website.²⁰

No action constituting a reprisal, or threat of reprisal, will be made against a federal employee for making a complaint or for disclosing information to the CLPT that indicates a possible violation of civil liberties or privacy protections in the administration of ODNI programs and operations, unless the complaint is made or the information is disclosed with the knowledge that it was false or made with willful disregard for its truth or falsity.

METRICS

As required by Section 803, this report documents the number of reviews conducted and complaints received during this reporting period. In calculating these metrics, and consistent with the methodology used in prior Section 803 reports, CLPT used the following definitions:

- **Review:** An examination of activities or processes as required by controlling privacy and civil liberties authorities.
- **Information Sharing Complaint:** A written allegation made to CLPT of harm arising from ODNI sharing of terrorism data in the context of the Information Sharing Environment (ISE).
- **Privacy Act Complaint:** A written allegation made to CLPT regarding ODNI non-compliance with a requirement of the Privacy Act.
- **Privacy and Civil Liberties Complaint:** A written allegation charging violation of information privacy rights and/or civil liberties (e.g., relating to improper collection, use, retention, and dissemination of the information about U.S. persons, or violation of First Amendment rights of free speech and association, or Fifth Amendment guarantees of due process and equal protection).

²⁰ More information on how to submit a complaint is available at:
<https://www.dni.gov/index.php/who-we-are/organizations/clpt/clpt-who-we-are>.

Category	January 1, 2022 to June 30, 2022
Reviews	50
ISE Complaints	0
Privacy Act Complaints	0
Privacy and Civil Liberties Complaints	2

CONCLUSION

As required by Section 803 of the *Implementing Recommendations of the 9/11 Commission Act of 2007*, this report provides information about CLPT's activities from 01 January 2022 through 30 June 2022. These activities continue to assist ODNI and the IC in meeting its obligations to the American people by ensuring that intelligence activities are conducted in a manner that protects privacy and civil liberties.