



November 6, 2023

MEMORANDUM FOR: Lisa Sotto
Chair, Data Privacy and Integrity Advisory Committee

FROM: Mason C. Clutter *Mason C. Clutter*
Chief Privacy Officer

SUBJECT: Request for advice from the Data Privacy and Integrity Advisory Committee

Purpose: To request advice from the Data Privacy and Integrity Advisory Committee (DPIAC) on the Department of Homeland Security (DHS) Privacy Office, including its authorities, resources, efficacy, and mission for the future.

Background: In 2003, Congress established the DHS Privacy Office in Section 222 of the Homeland Security Act of 2002, as amended. It is the first statutorily required privacy office in the federal government. The Office's mission is to promote and protect our shared values of privacy and transparency, while safeguarding the homeland. All DHS systems, technology, forms, and programs that collect personally identifiable information or have a privacy impact are subject to the oversight of the Chief Privacy Officer and the requirements of federal data privacy and disclosure laws. The Chief Privacy Officer is also the Chief Freedom of Information Act (FOIA) Officer, and oversees FOIA policy, program oversight, training, and the efficacy of the DHS FOIA program.

On March 1, 2023, DHS celebrated its 20th Anniversary. As the Department reflects on the past 20 years and how best to accomplish its mission over the next 20 years, the DHS Privacy Office likewise will assess how it will best accomplish its mission to safeguard privacy and enhance transparency into the future. Despite rapid advances in technology and significant changes in the way data are used by and relied on by the Department – in ways not contemplated in 2003 – as well as society's morphing views of privacy over the past 20 years, there have been relatively few changes to federal privacy law. Therefore, it is time for the Privacy Office to reflect on lessons learned and plan for the future to ensure it continues to serve as a critical partner in support of the Department's mission while safeguarding our values.

Accordingly, the Chief Privacy Officer requests the DPIAC conduct an assessment of the Privacy Office's authorities, resources, efficacy, and mission and provide advice on strategies for meeting the mission over the next 20 years.

Tasking: Pursuant to 6 U.S.C. section 451 and in accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. ch. 10), the DHS Chief Privacy Officer issues to the DPIAC the following tasking:

Assess DHS Privacy at 20 years and issue recommendations, as appropriate, for DHS Privacy to continue to accomplish its mission into the future. In addition to issues or subjects identified as critical by the DPIAC, please specifically address the following:

- Assess where DHS Privacy has been, where it is now, and where it should be going, consistent with the future of privacy and the Department’s evolving mission and reliance on technology and data.
- Assess whether significant changes to DHS Privacy’s mission, role within the Department, resources, compliance structure (consistent with law and policy), oversight framework, authorities/delegations, policies, etc. should be made based on the Department’s evolving mission and reliance on technology and data.
- Assess, based on the above assessments, whether DHS Policy Directive 140-03 “Fair Information Practice Principles (FIPPs) Framework for Privacy Policy at the Department of Homeland Security” remains the appropriate framework by which DHS Privacy assesses and mitigates privacy risk across the homeland security enterprise. In addition, consider whether additional principles should be associated with review of certain programs involving new technologies and uses like artificial intelligence and machine learning, biometrics, commercial data, and publicly available information.
- Assess opportunities, mechanisms, and framework(s) for enhanced transparency; engagement with external stakeholders, experts, and advocates; and opportunities to solicit public input and feedback.
- In conducting this assessment, the Committee should consider opportunities to solicit public comment and public events, including input from privacy experts and advocates.
- In conducting this assessment, the Committee should consider private sector approaches and whether and how such approaches may be applicable to DHS and DHS Privacy.

cc: Secretary
Acting Deputy Secretary
DPIAC Members
Designated Federal Officer, Sandra Taylor
Deputy Chief Privacy Officer
Deputy Chief FOIA Officer