DHS Data Privacy and Integrity Advisory Committee
Summary of Public Meeting
March 9, 2011
Washington, DC

Committee members in attendance:

Richard V. Purcell, Chairman	Lance Hoffman
Ana I. Anton	Joanne McNabb
Ramon Barquin	Neville Pattinson
J. Howard Beales III	Lawrence Ponemon
Daniel W. Caprio Jr.	John Sabo
James W. Harper	Lisa J. Sotto
David A. Hoffman	

Also in attendance:
Mary Ellen Callahan, Chief Privacy Officer and Sponsor
Martha K. Landesberg, Executive Director and Designated Federal Official

A list of other attendees is attached.

Chairman Richard Purcell called the meeting to order at 1:00 p.m.

DHS Privacy Officer's Update:
Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security

Ms. Callahan provided an update on DHS Privacy Office activities since the DPIAC's September meeting, including accomplishments of the Privacy Information Sharing and Intelligence, International Privacy Policy, Compliance, Policy, Privacy Technology, FOIA, and Incidents and Inquiries groups.

Privacy Office Growth:
- Added a Senior Advisor and Director of Privacy Policy, a Privacy Policy Analyst, an Associate Director of Privacy Incidents and Inquiries, a Senior Privacy Analyst for Intelligence, and a Privacy Analyst for Intelligence, as well as two FOIA Specialists and one Administrative Specialist, since the last Committee meeting.
- Since the beginning of Ms. Callahan's tenure, the Privacy Office has reduced expenditures on contractors from 26% of its FY 2009 budget to 4.5% currently. Some of those resource savings have been used to hire 17 new FTEs since 2009: 5 privacy, 9 FOIA, and 3 administrative staff.

Privacy Information Sharing and Intelligence Group:
- Recently formed the Privacy Information Sharing and Intelligence (PISI) Group to bring together staff who are working on information sharing, fusion centers, and reviews of Homeland Intelligence Reports (HIR) and products prepared by the DHS Office of Intelligence and Analysis (I&A).

- The Information Sharing and Access Interagency Policy Council (ISA IPC) has been reorganized, under the joint chairmanship of the National Security Staff and the PM-ISE.
- The Privacy and Civil Liberties Subcommittee under the ISA IPC, which DHS co-chairs, will continue to provide privacy and implementation guidance for sharing terrorism information in the federal community.
- The Privacy Office continues its reviews of state and local fusion center privacy policies. Use of DHS grant funding has been tied to the requirement that all fusion centers have a written privacy policy that is at least as comprehensive as the ISE Privacy Guidelines. To date, 65 out of 72 fusions centers have met this requirement and been approved by the Chief Privacy Officer.
- The Privacy Office and the DHS Office of Civil Rights and Civil Liberties (CRCL) continue to provide training to all I&A intelligence professionals prior to fusion center assignment.
- The PISI group reviewed and cleared 77 intelligence products and 183 HIRs since the Committee last met.

Guidance and Other Reporting:
- The Privacy Office published several reports and guidance documents since the Committee's last meeting, including:
  o The 2010 DHS Data Mining Report to Congress
  o The FY 2010 Annual FOIA Report to the Attorney General
  o A Privacy Policy Guidance Memorandum on *Privacy Act Amendment Requests*
  o The Privacy Office's first public investigative report, entitled *OIG Privacy Incident Report and Assessment*, which discusses the results of an investigation of a privacy incident involving the DHS Office of Inspector General and contractor KPMG and recommends steps for mitigation and prevention of similar privacy incidents.
- All of these documents are publically available on the Privacy Office web site at www.dhs.gov/privacy.

International Privacy Policy (IPP) Group:
- Engaged in the PNR negotiations with the EU Parliament led by the Deputy Secretary.
- Engaged in EU Justice and Home Affairs meetings and participated in the JHA Ministerial in Washington on December 9, 2010.
- Working with Canadian counterparts to expand cooperation on immigration, counterterrorism, and law enforcement.
- Participating in OECD Working Party for Information Security and Privacy (WPISP) meetings and activities to promote USG positions.
- Partially funded a study by The Privacy Projects on public sector application of the OECD Guidelines in the U.S., Spain, Japan, Australia and Canada.
- Conducted extensive outreach with international colleagues on the U.S. Privacy Framework and on privacy issues.

Compliance Group:
- Processed 22 Privacy Impact Assessments (PIA), 224 Privacy Threshold Analyses (PTA), six Computer Matching Agreements, and five System of Records Notices (SORN).
- Improved the Department's FISMA privacy score for PIAs by 6%, to 76% since the end of FY 2010, with a goal of 80% by the end of FY 2011.

- Approved privacy documentation for key programs including: Suspicious Activity Reporting (SAR), TSA Automated Imaging Technology Update, and E-Verify Self-Check.

Policy Group:
- Participates in DHS and inter-governmental groups working on identity management issues, including the DHS Identity, Credential and Access Management Executive Steering Committee.
- Co-chairs the CIO Council Privacy Committee's Identity Management and Best Practices Subcommittees.
- Works closely with the Privacy Technology group on privacy issues related to biometrics.
- Continued work on a new, interactive mandatory privacy training course for all DHS employees to replace the current course.
- Developing a new website on the OMB Max portal for federal employees to compile best practices in privacy training and awareness.
- Continuing to hold quarterly Privacy Information for Advocates meetings.

Privacy Technology Group:
- Began staffing the new DHS Office of Cybersecurity Coordination located onsite at the National Security Agency, along with DHS CRCL and the Office of General Counsel.
- Works closely with the National Protection and Programs Directorate (NPPD) to develop a strategy for conducting PIAs of DHS cybersecurity programs.
- Works closely with the Department's newly created Service Oriented Architecture (SOA) working group, utilizing guidance in the DPIAC's 2010 Recommendations on the PIA process for Enterprise Service Bus Development.

FOIA Group:
- Made substantial progress in reducing the Department's backlogs of FOIA requests and appeals and achieved a 40% reduction of the overall FOIA request backlog, surpassing the Department's Open Government Plan goal to reduce the backlog by 15%. The FOIA team accomplished this despite a nearly 30% spike in incoming requests (totaling 130,098).
- DHS processed a total of 138,651 FOIA requests in FY 2010.
- DHS significantly reduced the backlog of FOIA appeals – from 2,747 in FY 2009 to 704 at the end of FY 2010.

Incidents and Inquiries Group:
- Processed 115 reported privacy incidents. 82% were investigated, mitigated, and closed. The rest are still being processed.
- Collaborated with the DHS Enterprise Operations Center to improve the incident handling process.
- Investigated and reported on a privacy incident involving the DHS Office of Inspector General and contractor KPMG (*see* "Guidance and Other Reporting" section above).

Presentation on White House Cybersecurity Initiatives
Howard Schmidt, Cybersecurity Coordinator and Special Assistant to the President

Mr. Schmidt updated the DPIAC on several aspects of the President's Cyberspace Policy Review. He and his team are using a "privacy by design" approach to embed privacy and civil liberties protections into cybersecurity initiatives and programs across the government.

Mr. Schmidt highlighted several recent achievements of the Review:

- Developed a National Cyber Incident Response Plan, which was the subject of the recent CyberStorm III exercise. During this exercise, federal, state, and local government officials and key private sector, international, and academic partners tested the nation's ability to respond to a cyber incident in a manner that also protects privacy and civil liberties.
- Launched a national public awareness/education campaign called "Stop. Think. Connect." in October 2010 with DHS Deputy Secretary Jane Lute. The goal of this initiative is to increase public understanding of cyber threats and to promote simple steps that individual citizens can take to enhance their online safety and security.
- Launched the National Initiative for Cybersecurity Education in conjunction with the Department of Commerce's National Institute of Standards and Technology (NIST). The initiative promotes general awareness of security concerns to end users. It also encourages individuals to consider cybersecurity careers, both in the public and private sectors.

Mr. Schmidt also spoke about the National Strategy for Trusted Identities in Cyberspace (NSTIC), a key initiative of the Obama Administration led by NIST. Department of Commerce Secretary Gary Locke and Mr. Schmidt recently announced that the Department of Commerce will be hosting a National Program Office to coordinate implementation of NSTIC. Mr. Schmidt emphasized that the identity ecosystem, a key component of NSTIC, will be grounded in the Fair Information Practice Principles. The ecosystem involves a new approach to online identity management and authentication, but it is not a national ID card because it provides individuals with options to get multiple credentials from multiple private or public identity providers. There is an opportunity to design these new systems and technologies with privacy controls and options built in. While there will be no government mandate for participation, the Administration is looking to the private sector to lead the implementation and see NSTIC as a business opportunity for technology innovation.

After his presentation, Mr. Schmidt responded to questions from DPIAC members.

Presentation on U.S. Citizenship and Immigration Services Implementation of DHS Privacy Policy
Donald Hawkins, Privacy Officer, U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security

Mr. Hawkins provided an overview of USCIS's mission and responsibilities and discussed USCIS's implementation of DHS privacy policy to date. USCIS was formed in 2003 with the creation of DHS and is the world's largest immigration service. USCIS enhances security and improves efficiency of national immigration by focusing on adjudicating benefits applications.

USCIS collects and maintains records consistent with its mission. The majority of records are stored in one of two systems: Claims 3, which stores information on benefits processing of applicants other than petitions for naturalization, refugee status, and asylum; and Claims 4, which stores information on petitions for naturalization.

Mr. Hawkins joined the USCIS Privacy Office at its inception in November 2007. He has three staff members and was recently allocated two additional positions. When Mr. Hawkins joined USCIS, there were approximately 30 incomplete PIAs, no PTAs, and most SORNs were outdated. During Mr. Hawkins' tenure, he has made it a priority to bring USCIS into compliance with PIA, PTA, and SORN requirements, and significant progress has been made. Mr. Hawkins has also focused on providing privacy awareness training to all USCIS employees and developing standard policies and procedures to facilitate reporting and handling of privacy incidents and breaches. To date, Mr. Hawkins and his staff have provided privacy training to 17,000 employees in 28 locations across the U.S. and will continue to do so. Mr. Hawkins responded to questions and comments from the Committee after concluding his presentation.

Presentation on Privacy Protections for DHS use of Social Media
Eric Leckey, Associate Director, Privacy Compliance and Program Development,
Privacy Office, U.S. Department of Homeland Security

Mr. Leckey first addressed a question from the last committee meeting regarding Computer Matching Agreements and the Data Integrity Board and then began his presentation on social media. The DHS Privacy Office is actively engaged in ensuring that privacy protections are built into new and existing social media tools and initiatives at the Department and is involved in all social media-related discussions. The Privacy Office led the effort to establish a Department-wide Social Media Compliance Steering Committee to ensure that DHS's use of social media complies with all applicable laws and policies. To enhance compliance documentation, the DHS Privacy Office completed a Social Media PTA for use in external affairs and public outreach, and two PIAs: the Social Networking Interactions and Applications PIA (for bidirectional, "two-way" information flow) and the Unidirectional Social Media Applications PIA (for "one-way" information flow). Mr. Leckey explained that privacy risks are lower for "one-way" information flow, since DHS only pushes out information, whereas in "two-way" information flow the Department can also receive information. Mr. Leckey outlined the key privacy protections that are being built in to each type of social media use. DHS also uses social media for other operational, law enforcement, investigative, and intelligence activities. Completed PIAs for these programs are available on the DHS Privacy Office website. Mr. Leckey highlighted, as an example, the Office of Operations Coordination and Planning Publicly Available Social Media Monitoring and Situational Awareness PIA and SORN and the privacy protections that have been built into this initiative. Mr. Leckey responded to questions and comments from the Committee after concluding his presentation.

Public Comments

Chairman Purcell opened the floor for public comments at 4:00 p.m. Ms. Ginger McCall, representing the Electronic Privacy Information Center, asked about the Committee's views on the Department's use of advanced imaging technology and about the Department's process for reviewing FOIA requests. Discussion followed.

Chairman Purcell adjourned the meeting at 4:30.

Correction:

During the meeting Chief Privacy Officer Callahan stated that her tasking letters to the Committee, through which the Department requests the Committee's advice, are posted on the Committee's website. In fact, these letters have not been posted; however, the taskings are discussed in the Committee's reports and recommendations developed in response to the Department's requests. All of the Committee's reports and recommendations are made available to the public on the Committee's web page on the Privacy Office's website (www.dhs.gov/privacy).

The DHS Data Privacy and Integrity Advisory Committee provides advice at the request of the Secretary of DHS and the Chief Privacy Officer of DHS on programmatic, policy, operational, administrative, and technological issues within the DHS that relate to personally identifiable information (PII), as well as data integrity and other privacy-related matters. Materials presented to the Committee, including all Committee reports and recommendations, and meeting summaries and transcripts, are available to the public on the Committee's web page on the DHS Privacy Office website, www.dhs.gov/privacy.

Data Privacy and Integrity Advisory Committee
March 9, 2011 Meeting
Attendees

Name	Affiliation
Charles J. Adams	DHS Office of Policy
Emily Andrew	DHS NPPD
Bryce Baschule	Washington Internet Daily
Shannon Ballard	DHS Privacy Office
Traci Ballard	DHS Office of Policy
Steven Beale	
Demaris Belanger	DHS-FEMA
Maria Brandstrom	
Rose Bird	DHS Privacy Office
Kathleen Carroll	HID Global
Catherine Catanzaro	
Rebecca Claussen	DHS NPPD
John Currann	Telecommunications Report
Charles Cutshall	DHS Privacy Office
Debra Danisek	DHS Privacy Office
Sandra Debnam	DHS Privacy Office
Debra Deiner	DHS Privacy Office
Helen Foster	DHS Privacy Office
Tracey Gray	
Sabrina Hammouda	DHS IP/SSA-EMO
Paul Hasson	DHS US-VISIT
Sandra Hawkins	DHS Privacy Office
Nancy Hunn	
Janice Jackson	DHS USCIS
Anthony Johnson	Transportation Security Administration
Charlie M. Johnson	DHS Office of the General Counsel
Jennifer Kim	DHS Privacy Office
John Kropf	DHS Privacy Office
Ryan Law	DHS - ICE
Christopher Lee	DHS Science & Technology
Naomi Lefkovitz	The White House
Charles Leocha	Consumer Travel Alliance
Timothy Lisko	Transportation Security Administration
Elizabeth (Liz) Lyons	DHS Privacy Office
Scott Mathews	DHS Privacy Office
Ginger McCall	Electronic Privacy Information Center
Patrick McQuillin	DHS - HSAC

Raymond Mills	DHS USCIS Ombudsman
Elizabeth Moss	DHS Privacy Office
Lynette J. Mundey	
Gregory Nojeim	Center for Democracy & Technology
Kerry O'Connor	
Kate Oldham	
Koorosh Orandi	DHS IP/SSA-EMO
Michael Page	DHS OPS
Sandy Peavy	DHS Federal Law Enforcement Training Center
Peter Pietra	Transportation Security Administration
Jules Polonetsky	Future of Privacy Forum
Jamie Pressman	DHS Privacy Office
Paula Purcell	The Privacy Projects
Steven Richards	DHS Privacy Office
Rebecca Richards	DHS Privacy Office
Scott Rissmiller	DHS Privacy Office
Jennifer Sheldon	
Oldem Walker	
Antonio Workman	U.S. Government Printing Office
Eileen Yenakaliotis	U.S. Coast Guard