

**DHS Data Privacy and Integrity Advisory Committee**  
**Summary of Public Meeting by Teleconference**  
**May 19, 2011**

Committee members in attendance:

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

Also in attendance:

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

Chairman Richard Purcell called the meeting to order at 11:00 a.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 March meeting, including accomplishments of the Privacy Information Sharing and Intelligence, International Privacy Policy, Compliance, Policy, Privacy Technology, FOIA, and Incidents and Inquiries groups.

Since the last Committee meeting the Privacy Office has continued to grow, adding two new leadership positions; a Deputy Chief FOIA Officer and a Chief of Staff.

The Privacy Information Sharing and Intelligence (PISI) Group provided expertise and served on the core writing team for the National Strategy for Trusted Identities in Cyberspace (NSTIC), which was signed on April 15, 2011. The group continues to support NSTIC program implementation.

As of March 1, all 71 designated state and local fusion centers have a written privacy policy that has been approved by the Chief Privacy Officer as being at least as comprehensive as the ISE Privacy Guidelines, thus satisfying the requirement for continued DHS grant funding. Most of these privacy policies are posted on the National Fusion Center Association's website at [www.nfcusa.org](http://www.nfcusa.org), and those remaining are being added on an ongoing basis.

The Privacy Office and the DHS Office of Civil Rights and Civil Liberties (CRCL) continue to provide training to all DHS Office of Intelligence and Analysis (I&A) analysts prior to their deployment to fusion centers. This summer the DHS Privacy Office and CRCL are planning to hold another train-the-trainer session for fusion center privacy officers. The PISI Group

continued to review intelligence products and Homeland Intelligence Reports (HIR) prepared by I&A and cleared 55 intelligence products and 69 HIRs since the Committee last met.

The International Privacy Policy (IPP) Group remains engaged in the Passenger Name Records (PNR) negotiations with the EU Parliament led by the DHS Deputy Secretary. IPP is also engaged in negotiations for a U.S.-EU “umbrella” agreement to provide a framework for mutual recognition of our privacy systems to facilitate the exchange of law enforcement information.

Together with the Federal Law Enforcement Training Center and the DHS Office of International Affairs, IPP is working to develop privacy training modules for DHS personnel stationed overseas. IPP is also working with the Department of State to include a data privacy policy course for other U.S. Government overseas personnel through the Foreign Service Institute. IPP is involved in the DHS initiative to increase cooperation on migration and border security in the Five Country Conference. Finally, IPP is working with the Department of Justice on a privacy policy memorandum to establish privacy protections for Preventing & Combating Serious Crime Agreements with Visa Waiver Program members.

The Privacy Office has continued to engage in international and domestic outreach activities. The Chief Privacy Officer represented DHS as the keynote speaker at a European Institute roundtable discussion on homeland security with members of the European Parliament’s Civil Liberties, Justice, and Home Affairs (LIBE) Committee. Ms. Callahan also gave the keynote address at the “Biometrics and Security in Global Perspective” conference, sponsored by the Center for Policy on Emerging Technologies.

The Privacy Office’s Compliance Group processed nine Privacy Impact Assessments (PIA) and eight System of Records Notices (SORN) since the Committee last met. The DHS FISMA privacy score remains at 74% for PIAs and 92% for SORNs. The Compliance Group approved privacy documentation for key programs including: DHS SharePoint and Collaboration Sites; DHS Integrated Security Management System; DHS Foreign National Visitor Management System; and DHS National Protection and Program Directorate’s Critical Infrastructure Warning Information Network.

The Policy Group is involved in multiple activities to help ensure that privacy protections are built into the *Federal Identity, Credential and Access Roadmap and Implementation Guide (FICAM Roadmap)*. The Policy Group has also begun work on the 2011 Privacy Office Annual Report to Congress. The Report showcases the Privacy Office’s work and that of the DHS Component privacy offices to demonstrate the multifaceted effort to continue building a strong privacy program at DHS.

The Privacy Technology Group is involved with the Federal CIO Council’s Federal Risk and Authorization Management Program (FedRAMP) to ensure that privacy is considered in the planning and implementation of cloud computing in the federal government. The Technology Group is also preparing a PIA for EINSTEIN 3, the intrusion prevention system DHS is deploying pursuant to Initiative Three of the Comprehensive National Cybersecurity Initiative. Together with DHS CRCL and the DHS Office of General Counsel, the Privacy Technology Group continues to staff the new DHS Office of Cybersecurity Coordination located onsite at the National Security Agency.

DHS has received 89,788 FY 2011 Freedom of Information Act (FOIA) requests to date, which is an increase of 22 percent over this time last year. The DHS Privacy Office released the FY 2011 DHS Chief FOIA Officer Report on March 29, 2011.<sup>1</sup> The Privacy Office's FOIA Group continues to proactively disclose information consistent with the President's Open Government directive and related transparency initiatives. During this reporting period, the FOIA Group published 69 documents totaling more than 9,123 pages and continues to post FOIA logs for each DHS component, thereby providing insight into the types of information sought through the FOIA request process and thus the types of information in which the public has the greatest interest.

The Incidents and Inquiries Group hosted the second Privacy Incident Handling Quarterly Meeting for Component Privacy Officers, Privacy Points of Contact, and DHS Enterprise Operations Center staff.

Following her report, Ms. Callahan responded to questions and comments from the Committee.

### **Presentation on DHS Science and Technology (S&T) Directorate's Implementation of DHS Privacy Policy**

Christopher Lee, Directorate Privacy Officer, Science and Technology Directorate, U.S. Department of Homeland Security

Mr. Lee provided an overview of S&T's mission, responsibilities, authority, and a summary of his office's efforts to integrate privacy into Directorate operations. As a result of S&T's reorganization in 2010, the S&T Privacy Office reports directly to the Office of the S&T Under Secretary.

S&T's authority includes advising the DHS Secretary regarding research and development issues; developing a national plan to identify and develop countermeasures to chemical, biological, and other emerging terrorist threats; and conducting basic and applied research, development, demonstration, testing, and evaluation activities. S&T supports internal DHS and component programs, as well as external organizations such as state and local first responders and law enforcement agencies.

Mr. Lee joined S&T in November 2010 as the Directorate's first Privacy Officer. The S&T Privacy Office's responsibilities include privacy compliance, training, consulting, responding to and mitigating privacy incidents, and collaborating with the DHS Privacy Office to develop privacy principles that guide the research and development process.

Upon joining S&T, Mr. Lee met with the majority of the Directorate's senior staff and division heads to explain his privacy philosophy and specific Privacy by Design objectives. As a result, S&T program managers view the S&T Privacy Office as a partner in the project lifecycle and seek input from the Privacy Office early in the project concept and initiation phases.

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<sup>1</sup> The DHS Chief Privacy Officer also serves as the Department's Chief FOIA Officer.

Mr. Lee also reviewed existing S&T privacy policies, processes, and procedures and identified gaps and opportunities to streamline work. For example, the S&T Privacy Office developed an “umbrella” PIA for volunteers participating in S&T-sponsored research projects, whereas previously a separate PIA was issued for each study involving volunteers.

As S&T is a research organization, its privacy risks differ from those of the DHS operational components it serves. S&T focuses on laboratory and field test privacy risks, while operational components focus on privacy risks, policies, and procedures related to products and technologies as they are transitioned from S&T and operationalized. The S&T Privacy Office works with the operational component privacy offices to identify and recommend mitigation strategies for potential operational privacy risks. The operational components determine final privacy policies and procedures for transitioned and operationalized technologies, in conjunction with the DHS Privacy Office and with guidance from the S&T Privacy Office.

Mr. Lee provided several examples to illustrate the collaboration between the S&T Privacy Office and the privacy offices of DHS operational components.

Mr. Lee responded to questions and comments from the Committee after concluding his presentation.

### **Public Comments**

Chairman Purcell opened the floor for public comments at 12:00 p.m. As there were no public comments, Chairman Purcell adjourned the meeting.

*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](http://www.dhs.gov/privacy).*