

**DHS Data Privacy and Integrity Advisory Committee  
Summary of Public Meeting  
December 3, 2009, Washington, DC**

Committee members in attendance:

Richard V. Purcell, Chairman	David Hoffman
Joseph Alhadeff	Lance Hoffman
Ana I. Anton	Joanne McNabb
Ramon Barquin	Charles Palmer
J. Howard Beales III	Neville Pattinson
James Harper	John Sabo
Kirk Herath	Lisa Sotto

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 8:30 a.m.

DHS Privacy Officer's Update:

Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security

Ms. Callahan provided an update on the activities of the DHS Privacy Office since the Committee last met in September, including accomplishments and updates on the work of the DHS Privacy Office's policy, international privacy policy, privacy technology and intelligence, compliance, and FOIA groups.

Policy Group:

- Released report summarizing the public workshop on *Government 2.0: Privacy and Best Practices* ([www.dhs.gov/privacy](http://www.dhs.gov/privacy)).
- Contributed to the work of the Federal CIO Council's Privacy Committee, where Ms. Callahan serves as Co-Chair, by reviewing Web 2.0 privacy issues, helping to define privacy principles for the Federal Enterprise Architecture, and exploring issues in information security and identity management.
- Continued work on a guide to how the DHS Privacy Office carries out its duties and responsibilities. Goal is to publish the guide in spring 2010.
- As a member of Federal CIO Council's Privacy Committee, sponsored the second annual Privacy Summit for federal privacy professionals. Ms. Callahan and several DHS Privacy Office staff members participated in conference panels.

International Privacy Policy Group:

- Announced the European Union High Level Contact Group Privacy Principles, along with the Departments of Justice and State, the European Union (EU) Presidency, and the Vice President of European Commission, on October 28, 2009. These principles are the culmination of three years of work to raise the standard for international information sharing in the law enforcement and security context.

- Attended the Third Annual Conference on Data Protection and Society in London, and presented on the U.S. model of privacy oversight; met with United Kingdom Ministry of Justice and Home Office officials on data protection, and attended a joint European Privacy Association/European Parliament meeting.
- Attended and presented at the biannual Organization for Economic Cooperation and Development (OECD) Working Party on Information Security & Privacy in Paris.
- Ms. Callahan traveled to Madrid, Spain with Secretary Napolitano, who was a keynote speaker at the International Conference of Data Protection and Privacy Commissioners, and accompanied the Secretary on her travels to London and Brussels for additional meetings with officials from several EU member countries concerning information sharing, privacy, and security.
- Hosted two Europol representatives and a representative of the French Data Protection Authority (CNIL) in the DHS Privacy Office's ongoing series of information exchanges with international counterparts.
- Met with the Dutch, Polish, and German Data Protection Authorities and discussed developments in US-EU information sharing.
- Continued work on the Federal CIO Council's International Privacy Subcommittee, co-chaired by Deputy Chief Privacy Officer John Kropf.

#### Legislative and Regulatory Analysis Group:

- Continued involvement in the Department's work with fusion centers to ensure privacy protections are in place.
- Actively serving on the DHS committee assembled to draft a Concept of Operations Plan (CONOPS) and implementation plan for the new DHS Joint Fusion Center-Program Management Office (JFC-PMO) and on JFC-PMO subcommittees on privacy, baseline capabilities, and training.
- Providing ongoing support for fusion centers through the Information Sharing Environment and by serving on the privacy and civil liberties interagency management group within the government-wide effort to establish a National Program Management Office for fusion centers.
- Conducting ongoing reviews of individual fusion center privacy policies to confirm that they are "at least as comprehensive" as the PM-ISE's privacy guidelines, and collaborating with the DHS Office for Civil Rights and Civil Liberties to provide required training for I&A analysts assigned to fusion centers and for state and local fusion center representatives.

#### Privacy Technology and Intelligence Group:

- Completed a classified PIA on the next iteration of DHS's cybersecurity work, and continued work on a comprehensive unclassified version of the PIA.

#### Compliance Group:

- Approved 135 Privacy Threshold Analyses (PTAs), 21 Privacy Impact Assessments (PIAs), and 7 System of Records Notices (SORNs) since September 2009.
- FISMA reporting: the Department improved its SORN score from 90% in FY 08 to 93% in FY 09, and improved its PIA score from 48% in FY 08 to 67% in FY 09. Goal is to score above 80% by the end of FY 2010.

- Working on the first DHS-wide PIA for use of social media, to apply to video and other image-based applications.
- Participating in the e-Authentication Working Group, an inter-agency initiative to draft a model PIA for federal agencies' use of federated identity solutions.
- Attended several IT Program reviews initiated by the DHS Chief Information Officer (CIO) to gain insight into major DHS IT investments.
- FY2010 plans include: working with the CIO, the Office of Intelligence and Analysis, the Screening Coordination Office, and components to develop a privacy sensitive framework for ensuring that DHS is able to efficiently and effectively search datasets when a domestic threat arises; updating guidance on PIAs; and formalizing the DHS Data Integrity Board's activities.

#### Freedom of Information Act Group:

- Issued a memorandum encouraging proactive disclosure of agency records and compliance with the FOIA's reading room requirements.
- Issued follow-up guidance on the proactive posting of senior agency officials' calendars; posted calendars of several senior officials (including Secretary Napolitano and Ms. Callahan), Privacy Office FOIA logs, and many management directives and procurement-related records.
- Currently preparing the Department's FY 2009 Annual FOIA Report to the Attorney General (due January 2010) and the Department's first Chief FOIA Officer's Report, in accordance with the United States Attorney General's FOIA Guidelines (due March 2010).

#### **Presentation on the DHS Privacy Office Complaint Tracking System**

Rose Bird, Director of Privacy Incidents and Inquiries, DHS Privacy Office.

Ms. Bird discussed her role in investigating, minimizing, and, where appropriate, providing redress for privacy incidents within the Department. Ms. Bird then provided a comprehensive overview of the new DHS Complaint Tracking System (CTS) that was implemented in September 2009. CTS is an electronic correspondence workflow management system built to assist the DHS Privacy Office in addressing privacy complaints, comments, and requests for redress more effectively and efficiently. Ms. Bird also discussed the DHS Traveler Redress Inquiry Program (DHS TRIP) and the Office of Inspector General's October 2009 final report on DHS TRIP effectiveness, and described the DHS Privacy Office's Role in supporting the program. She invited discussion from the Committee and responded to members' questions after concluding her presentation.

#### **DHS Screening Coordination Office Update**

Patricia Cogswell, Acting DHS Deputy Assistant Secretary, Screening Coordination Office

Ms. Cogswell provided a comprehensive overview of the establishment, role, and focus of the DHS Screening Coordination Office (SCO). She discussed the breadth and scope of screening activities within the Department, which performs over 3.8 million screenings per day. Ms. Cogswell explained the Department's core strategic objectives for screening programs. She also

provided an overview of the Department's Screening and Credentialing Framework and explained the types of screening and credentialing programs currently in use. She concluded with a brief discussion of secure documents, biometrics, and the DHS TRIP redress program. Ms. Cogswell responded to questions and comments from the Committee after concluding her presentation.

### **DHS Office for Civil Rights and Civil Liberties Update**

David D. Gersten, Acting Deputy Officer for Programs and Compliance, DHS Office for Civil Rights and Civil Liberties

Mr. Gersten presented an overview of the authorities and responsibilities of the DHS Office for Civil Rights and Civil Liberties (CRCL). He explained the Office's legal authorities to conduct Civil Liberties Impact Assessments (CLIAs) and described the key inquiries included in such assessments. Mr. Gersten provided an update on his Office's process for completing a CLIA for component border searches of electronic devices and explained how CRCL is engaging in outreach activities with the public and coordinating with components. He identified potential opportunities to improve related processes (e.g., training materials and notices to passengers) and explained that technological advances in electronic devices may raise new and unanticipated civil liberties concerns. Mr. Gersten responded to questions and comments from the Committee after concluding his presentation.

### **Public Comments and Questions to the Committee**

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).*