Transcript of **Public Meeting**

Tuesday, November 7, 2023

Meeting of the Data Privacy and Integrity Advisory Committee

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U.S. DEPARTMENT OF HOMELAND SECURITY

MEETING OF THE DATA PRIVACY AND INTEGRITY ADVISORY COMMITTEE

PUBLIC MEETING

Virtual Meeting

9:00 a.m.

Monday, November 7, 2023

U.S. Department of Homeland Security

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P R O C E E D I N G S

Call to Order and Roll Call

Ms. Taylor: Hey, good morning, everyone. It is 8:59. We're going to get started promptly at 9 a.m., and it just turned 9 a.m. Good morning to you all.

Good morning and welcome, everyone. It is now 9, and the public meeting of the Data Privacy and Integrity Advisory Committee, often known as the DPIAC or Committee, is called to order. I am Sandra Taylor, Sandy to everyone who knows me, and I am your Designated Federal Official. I'm also joined by Sue-Ying Cosbert [ph] who is our Deputy DFO. So he will be assisting me with all things DPIAC.

We have committee members and members of the public joining us today. If you have any difficulties hearing or seeing at any time please let us know. And please remember to mute your mics and turn off your camera until it is time for the Q&A session and/or public comment.

The meeting agenda and materials for

today's session can be found on the DPIAC website, and I will post that in our link, and you can look under Meeting Information.

I will now take a quick roll of our committee members before I turn it over to Lisa Sotto, who is our chairperson.

So when I call your name, you can either respond, so we can make sure your mic is working, or you can just raise your hand.

Sharon Anolik.

[No response.]

Ms. Taylor: Courtney Barton.

Ms. Barton: Here.

Ms. Taylor: Dennis Dayman.

Mr. Dayman: Here.

Ms. Taylor: Michael Fitzpatrick.

Mr. Fitzpatrick: Here.

Ms. Taylor: Mark Francis.

Mr. Francis: Here.

Ms. Taylor: Joseph Hewitt.

Mr. Hewitt: Here.

Ms. Taylor: Sarah Knight.

Ms. Knight: Here.

Ms. Taylor: John Kropf.

[No response.]

Ms. Taylor: Roshal Marshall? Oh, John, you're here?

Mr. Palmer. No, Charles is here. Sorry.

Ms. Taylor: Roshal Marshall.

[No response.]

Ms. Taylor: Ade Odutola.

Mr. Odutola: Good morning, Sandy. I'm here.

Ms. Taylor: Good morning. Chris Pahl.

Mr. Pahl: I'm here.

Ms. Taylor: Charles Palmer.

Mr. Palmer: I'm here twice.

Ms. Taylor: Tom Plofchan.

[No response.]

Ms. Taylor: Sasha Romanosky.

Mr. Romanosky: Here.

Ms. Taylor: Cameron Russell.

[No response.]

Ms. Taylor: Thomas Siu.

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Mr. Siu: Here and present.
Ms. Taylor: Thank you. Lisa Sotto.
Ms. Sotto: Good morning.
Ms. Taylor: Good morning. Ray Thomas.
[No response.]
Ms. Taylor: And Chris, I skipped you.
Chris Teitzel.
Mr. Teitzel: I'm here.
Ms. Taylor: All right. Surbhi Tugnawat.
[No response.]
Ms. Taylor: Ron Whitworth.
Mr. Whitworth: Here. Good morning.
Ms. Taylor: Good morning. All right.
We have a quorum so our meeting can actually go forward. Thank you again for joining us today, and I will now turn it over to our committee chairperson, Lisa Sotto.

Chairperson Remarks

Ms. Sotto: Thank you very much, Sandy, and thank you all for joining us today. Good morning and welcome to this meeting of the Data Privacy and Integrity Advisory Committee.

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Before we begin I'd like to thank you all for joining us and for your interest in the work of the DHS Privacy Office as well as the Committee. I'd like to remind everyone to please mute your mics, turn off your camera, please, if you're not speaking. Members of the public who wish to address the Committee during the public comment portion of the session, we ask that you please let us know by raising your hand or putting your comment into the chat.

The purpose for today's meeting is to receive an update on the Privacy Office's activities since our last meeting, which was held this past January. In addition, Chief Privacy Officer Clutter will issue a new tasking to the Committee, and I will now turn it over to Chief Privacy Officer, Mason Clutter.

Update on Privacy Office Activities and Fiscal Year 2024 Priorities

Ms. Clutter: Thank you, Lisa. Good morning and welcome, everyone. Thank you to the Data Privacy and Integrity Advisory Committee, or

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as Sandy said, DPIAC. We will be referring to the Committee as DPIAC or Committee for the rest of the meeting. Thank you to the Committee members and members of the public for joining today.

We have been quite busy since our last meeting, and I look forward to sharing a few exciting updates before we turn to today's new business, including updates on our Privacy Enhancing Technologies Initiative, implementation of a modern compliance technology system, and the Privacy Office's fiscal year 2024 strategic priorities.

During the last DPIAC meeting then-Deputy Secretary Tien joined us to thank my predecessor, Lynn Parker Dupree, for her service. I had the pleasure of getting to know Lynn through our work together at the Privacy and Civil Liberties Oversight Board, and I was so pleased to join her as a senior advisor in May 2022. Upon Lynn's departure I served as the Acting Chief Privacy Officer and then was formally appointed to the position by Secretary Mayorkas on April 23rd of

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this year.

One of my priorities as the DHS Chief Privacy Officer is to follow the forward-leaning agenda Chief Privacy Officer Dupree laid out for the office, particularly with respect to establishing DHS as a leader in the identification, development, and adoption of privacy-enhancing technologies. And vetting these technologies into the Department's architecture is a force multiplier for our traditional privacy governance framework and will provide significant benefits for the public and the Department.

My engagement with privacy-enhancing technologies kicked off with an ideation workshop that we co-hosted with the Science and Technology Directorate Silicon Valley Innovation Project, or SVIP. That event established and strengthened our relationships between the DHS Privacy Office, SVIP, the tech community, academic, and privacy advocates, and helped identify critical needs and capabilities across the homeland security enterprise that can be addressed by using privacy-

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enhancing technologies in the near term.

The event also helped shape a public solicitation that SVIP released over the summer to create, develop, and implement a new set of privacy protective tools for digital credentials. In August, I represented the Privacy Office at an SVIP Industry Day in Birmingham, Alabama, to promote the S&T solicitation and discuss DHS's commitment to safeguard the privacy of the communities we serve. The privacy-protective tools expected to result from the solicitation will be instrumental in innovating privacy-respecting systems to support the travel and immigration experience.

The Privacy Office also made substantial progress in leveraging technology and business practices that have been successful in many other contexts to modernize its own privacy compliance processes.

The Privacy Office collaborated with the Office of the Chief Information Officer to expand its internal privacy compliance document tracking system, known as PRIV-CATS for use by component

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privacy offices. So the PRIV-CATS 2.0 will track the statuses of privacy compliance documents for all departmental systems and programs and ensure compliance with DHS privacy policy. As of May, all approved component privacy offices are using the system to better manage their compliance artifacts and help reduce administrative burden.

The Privacy Office support training to the new component PRIV-CATS users and is ensuring that the tool will be continually enhanced to streamline DHS's processes and improve privacy compliance.

One of my favorite features of the tools is the automatic notice it provides privacy officers of soon-to-expire privacy compliance documentation. This feature alone will help ensure greater privacy compliance across the homeland security enterprise, and we have received great feedback from our component privacy officers and our privacy points of contact that this has been a very effective and helpful aspect of the tool.

The Privacy Office also continues to

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support Secretary Mayorkas' priorities and commitment to ensure that the Department is enhancing transparency to build greater trust with the public and ensuring the protection of privacy, civil rights, civil liberties, and human rights of the communities we serve. The Secretary ensures the Privacy Office has a seat at the Department's decision-making table, and this approach has certainly trickled down throughout the Department, leading to deeper engagement between privacy experts and decision-makers across DHS.

For example, the Privacy Office reestablished a robust relationship with the Intelligence and Analysis Office, including privacy review of finished intelligence products before they are disseminated outside of the Department. Further, in collaboration with our colleagues in the Office for Civil Rights and Civil Liberties, we have relaunched a privacy civil rights and civil liberties training program for fusion centers.

Further, in coordination with our partners across the Department, the Privacy Office

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supported the development and issuance of a department-wide policy on facial recognition and facial capture technologies, and issued the first of their kind privacy terms and conditions in the Science and Technology Directorate's Targeted Violence and Terrorism Prevention Notice of Funding Opportunity. This NOFO, as we call it, supports grants in the TVTP space. They are research grants. So this was a huge accomplishment for our office in coordination with our partners at S&T.

The Privacy Office is also supporting the Department's responsible use of artificial intelligence to ensure critical and appropriate privacy safeguards guides the Department's use of this and other technologies.

I am also very excited about the Privacy Office's strategic priorities for the coming year. In August, the Privacy Office published its fiscal year 2023 to 2027 strategic plan. The plan includes extensive input from the Privacy Office team and serves as a blueprint for achieving the Privacy Office's mission of promoting and

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protecting our shared values of privacy and transparency while safeguarding the homeland. The strategic plan is available on the Privacy Office website, and I encourage everyone to read it, and please share your feedback for future strategic priorities and plans.

In line with the 2023 through 2027 plan, one of our priorities for 2024 is to deepen and expand our work to embed privacy in the Department's policies, programs, activities, and technical architecture. We will continue to work with the SVIP to support the development and creation of privacy-respecting tools and systems to facilitate our PETs initiative.

I will also continue to focus on recruiting, supporting, and retaining a skilled, adaptable, representative, and responsible workforce. The Privacy Office's successes are only possible because of its talented team members. Let me say that again. Our successes are only possible because of its talented team members, and we will continue to fill critical vacancies, encourage

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development, and support a culture of excellence, both in the Privacy Office and in component Privacy Offices.

Another goal for 2024 is to further enhance the Privacy Office's stakeholder engagement. Hearing from internal and external stakeholders with a diverse set of views and experiences enhances transparency and facilitates protection of privacy in the Department's operations. In addition to participation in public events, the Privacy Office will seek input on its privacy and transparency missions.

Finally, another key priority for me as Chief Privacy Officer is oversight, both engagement with oversight bodies that are conducting oversight of the Department, including GAO, OIG, and the PCLOB, and meaningful internal engagement. The Privacy Office plans to continue to build out its oversight function and renew its commitment to serving as an internal check on the Department's activities to ensure they are conducted with appropriate safeguards and transparency.

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Along these lines, I have been asking whether the Privacy Office is fit for purpose now and into the next 20 years. I see my role not just as ensuring privacy in the Department's operations during my term but also as leaving behind a Privacy Office that is more fit for purpose than ever and planting and watering the seeds of a privacy protective culture that will blossom well into the future.

The Committee and our public stakeholders provide critical insight and valuable input in support of the Privacy Office's important mission. Thank you so much for your continued service on DPIAC and your dedication to privacy and transparency.

I will be back in just a bit to talk about a new tasking for the Committee, as Lisa previewed, so for me I'll turn the floor back over to Lisa. Think you.

Questions from Committee Members

Ms. Sotto: Thank you so much, Mason. I am wondering if any member of the Committee has any

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comments or questions for Privacy Office Clutter on the update that we just heard.

I have one that I will lob over to you, Mason. I'm wondering if you could speak about any particular privacy-enhancing technologies that you're working on or have worked on.

Ms. Clutter: That's a great question, Lisa. Thank you. So in coordination with SVIP we are working on initially a Social Security number patch to ensure that the Department's use of SSNs is completed in a privacy-protected manner.

So because of the nature of our work we necessarily collect and manage Social Security numbers, both internally, from an HR perspective, and externally, through our mission. And so finding a way to integrate privacy-enhancing technologies into the operations, into a non-disruptive and easy-to-accommodate manner is a primary goal, and we are working to develop partnerships within the Department to initiate that rollout.

So using different privacy-enhancing

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technologies we're kind of in the testing phase to assess which may work best for us, but to enable the use of those numbers, as needed, but also protect them in the meantime. So that is a huge priority for us, both under our Social Security number initiative as well as an initial step to facilitate PETs throughout the Department.

Ms. Sotto: Thank you very much. I see Thomas has a hand raised. Thomas, over to you.

Mr. Siu: Thank you, Lisa. Good morning, Mason. The topic AI you had mentioned was in your presentation, and with the Executive order that came out, that much abuzz in the context of what many of the Committee members are doing with it. Could you outline additional context of what you think your point of using AI for privacy use would be? Are you thinking of particular challenges or not? Thank you.

Ms. Clutter: That's a great question, Thomas. Thank you so much. As you pointed out, the EO was released I think about a week ago, and DHS has a significant role pursuant to the EO as

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well as just as a general leader in the AI space.

And so I would think maybe mid-summer the Secretary established an AI Task Force to specifically look at the use of AI at the Department to enhance its operational mission. At the same time, he established a Responsible Use Working Group that is co-chaired by the Civil Rights and Civil Liberties Officer to ensure that any implementation of AI across the Department is done in a responsible way, taking into account the potential for discrimination, bias, the use of PII, et cetera.

So we are very involved at the Privacy Office in supporting that responsible group use pursuant to the AI Task Force that the Secretary created, and really thinking through how AI may be used at the Department and whether we need additional governance frameworks in place to appropriately safeguard the use of AI across the Department in a privacy-preserving way.

Ms. Sotto: Thank you very much, Mason. Any other members of the Committee?

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[No response.]

Ms. Sotto: Going once. All right. I see no other hands raised for members of the Committee so we can move on to the next portion of our meeting.

20 Years of DHS Privacy and Committee Tasking

Ms. Sotto: So I'd like to turn it over again to Chief Privacy Officer Clutter, and I will leave it to you, Mason, to take over from here.

Ms. Clutter: Thank you, Lisa. So this is what I'm most excited about today. We have been working internally to develop a tasking for the Committee in coordination with the Secretary, and I am very excited about this opportunity today.

Throughout 2023, DHS has been recognizing its 20th anniversary. DHS has been honoring the men and women who have answered the call to serve and joined together to build the Department. In fact, the Privacy Office has five or six what we call plankholders, those colleagues of ours who have been here from day one at the Department. So we are very grateful for their service and inspired

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by their service.

DHS is also used this occasion to reflect on the evolution of threats basing the nation and how its dedicated workforce, which happens to be the third largest in the Federal Government, has evolved to meet them. As an extension of this recognition and reflection, the Secretary and I are asking the DPIAC to assess the DHS Privacy Office at 20.

On Slide 7 of the presentation, you'll see that as I mentioned previously, the Privacy Office published its 2023 through 2027 strategic plan in August. The Privacy Office promotes and protects our shared values of privacy and transparency while safeguarding the homeland. The plan also establishes a strong vision for the office. The Privacy Office will serve as a critical partner to our internal and external stakeholders in securing the homeland and protecting our values.

So looking back to when the Privacy Office was first stood up, it had about six

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employees and zero dollars in direct funding. Its initial structure and staffing were focused on establishing and executing key DHS privacy and transparency responsibilities, and again, that was in the 2003 time frame.

In addition to carrying out the privacy responsibilities outlined in the enabling statute, the Secretary also delegated the Privacy Office the responsibility to implement the Freedom of Information Act, which is why my position is the Chief Privacy Office and the Chief Freedom of Information Act Officer.

At that time, there were just three component privacy officers across the homeland security enterprise, and in programs that don't really exist today, one in the U.S. Visit Program, one in the National Cybersecurity Division -- that was within the Information Analysis and Infrastructure Protection Directorate -- and finally the TSA, which, of course, still exists today and has a very robust privacy program.

So the Privacy Office today is divided

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into three divisions: the Privacy Division, the FOIA Division, and the Business Operations Division. The Privacy Division includes the policy and oversight team, or P&O, which manages privacy breaches and incidents, undertakes oversight activities, including the review of finished intelligence products for privacy issues before they are disseminated outside of the Department, and develops DHS privacy policy while providing subject matter expertise and support for privacy policy development across the Department.

And the compliance team, which enables the Department's ability to safeguard PII through privacy compliance documentation requirements. Through the compliance team, PRIV works with components and offices to ensure that privacy risks related to operations, programs, activities, and systems are identified and mitigated, and publishes documents that provide transparency into the Department's collection, use, and retention of personally identifiable information.

The FOIA Division includes the FOIA

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operations and management team, which processes FOIA requests and provides components with FOIA processing support, and the FOIA litigation and policy team, which responds to needs related to FOIA litigation, manages the administrative appeals process, and develops department wide FOIA policy.

And finally, the Business Operations Division ensure the efficiency of the Privacy Office operations as well as the development and execution of internal and external communication strategies. The Business Operations Division really is the backbone of the Privacy Office, and our successes substantively would not be possible without their critical support. So thank you to our business operations colleagues.

So today, to facilitate that structure, the Privacy Office have 58 positions. In addition, we have contractors who help support our mission.

The Privacy Office clearly grew slowly and steadily for the first few years after the Department's founding, and as you can see on the chart on Slide 10, growth leveled out and staffing

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level remained mostly unchanged for several years, before a substantial increase over this past year. Importantly, this chart only accounts for staff in the DHS headquarters Privacy Office, and as you know, each component now has a privacy officer, and offices throughout the Department have privacy points of contact. So staffing in the component Privacy Offices has also evolved over time.

The Privacy Office's fiscal year 2023 budget, as you'll see on Slide 11, was nearly $19 million. Our budget remains at mostly the same level, until a substantial investment in the Office's growth in 2023. So that is great news.

Understanding the potential impacts, so now on to the authorities question here, understanding the potential impact DHS activities could have on individual privacy, Congress wisely identified the critical importance of safeguarding privacy as an appropriate balance to the Department's broad mission and created the first statutorily required privacy officer. The legislation provided the DHS Chief Privacy Officer

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with broad responsibilities and oversight authorities, including the responsibility to conduct privacy impact assessments. Privacy impact assessments for the Department cover systems that collect PII and any activity that impacts the privacy of individual.

The law also charged the Chief Privacy Officer with the responsibility to ensure that technologies enhance and do not erode privacy. From my perspective and experience over the past few months, this is a statutorily intersection between privacy law and privacy policy, a directive not only to abide by the rules law but also to consider the other implications of the Department's activities. And some of us call this the "can we" question versus the "should we" question, the legal question versus the policy question.

The statute also requires that the Privacy Office provide transparency through regular reporting to Congress. So on Slide 13 you'll see that in the years since DHS's founding, Congress has amended the Chief Privacy Officer statute to

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provide additional extensive oversight authorities. Specifically, the law implementing the recommendations of the 9/11 Commission provided the Privacy Office with the authority to conduct investigations and issue subpoenas.

Additional reporting requirements were also added, including, for example, an annual report on the Department's data mining activities. Currently -- and this is not an exhaustive list -- the Privacy Office is responsible for enhancing transparency and accountability through the Freedom of Information Act; evaluating legislative, regulatory, department, and interagency proposals involving the collection, use, and disclosure of personal information and activities that generally impact privacy; serving as the liaison to the Privacy and Civil Liberties Oversight Board, the Federal Privacy Council, and the Data Privacy and Integrity Advisory Committee, where we are today, on privacy matters, issues and trends; and operating a Department-wide privacy incident response program and breach response team to

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properly report, investigate, mitigate, and remediate privacy incidents. We also investigate allegations of privacy violations.

The DHS Privacy Office accomplishes its broad mission through the framework of several Federal privacy and transparency laws, including the Privacy Act of 1974, as well as the Judicial Redress Act of 2005 -- and as we all know, the Privacy Act embodies a code of fair information practice principles that govern the collection, maintenance, use, and dissemination of PII.

The E-Government Act mandates our privacy impact assessments for all Federal agencies when there are new collections of, or new technology supplied, to PII. Interestingly, our authorizing statute also permits broad discretion by the Chief Privacy Officer to require a PIA, even if it is not required by the E-Government Act, and we do exercise that authority quite a bit here at DHS.

The Freedom of Information Act, as amended, which, as we all know, facilitates public access to government records not subject to a

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statutory exemption to ensure transparency and accountability. And the Implementing the Recommendations of the 9/11 Commission Act, which was passed in 2007, which as I mentioned previously, in part amended our originating statute to give new authorities to the Chief Privacy Officer.

But in addition to these statutory authorities, the Chief Privacy Officer also operates pursuant to delegations from the Secretary. Additionally, the Chief Privacy Officer issues Department-wide privacy policy. Our foundational privacy policy was issued in 2008. That is the DHS Fair Information Practice Principles, or as we all know, the FIPS, and it really is the essential privacy framework, and I know you're all familiar with this.

And in 2011, the Privacy Office codified its approach to compliance and governance in a policy governing the collection, use, maintenance, disclosure, dissemination, and destruction of PII.

And finally, in 2022, the Privacy Office

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reestablished what was traditionally known as the mixed systems policy, that in addition to establishing privacy policy for IT management it applies privacy safeguards to all individuals whose information are in what we call mixed systems of records, irrespective of the individual's immigration status.

So these really are kind of the three key pillars of our internal policy structure. And the fifth framework has remained unchanged since 2008.

On Slides 16 through 19, we have gone ahead and provided a list of each of the privacy policies that are in effect across the Department today. We wanted to provide the Committee and members of the public with a thorough summary of our privacy policies, all of which, by the way, are publicly available on the DHS privacy website.

And generally speaking, just a little bit of background of how we do policy at the Department. In addition to the governing policies that are issued by the Privacy Office, we've also issued a variety of privacy policy memoranda,

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directives, and instructions. At DHS, a privacy policy memorandum establishes clear guidance by the Chief Privacy Officer throughout the Department on the collection, use, maintenance, and dissemination of PII. A directive articulates DHS policies, missions, programs, or activities of a continuing nature, so that is the general policy statement. And an instruction, that corresponds to the directive, explains how to implement those policies or requirements established in a directive, Executive order, regulation, or Federal Register notice.

So that is a lot of internal DHS government speak, and we spared you that on these slides. These generally just represent the whole of our privacy policies, which will become relevant in just a minute.

With this background in mind, as I noted, the Secretary and I request the DPIAC to please conduct an assessment of the Privacy Office's authorities, resources, efficacy, and mission, and provide advice on strategies for meeting our

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mission over the next 20 years. We ask that you please 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. And I know everyone is taking great notes, but this will be posted on our website, on the DPIAC website, for everyone to review, so please do not worry if you miss some of this. It will all be made publicly available after the meeting.

So 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, oversight

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framework, authorities and delegations, and policies should be made based on the Department's evolving mission and reliance on technology and data;

Assess, based on what you learned from the above, whether the DHS FIPS privacy framework for privacy policy at the Department remains the appropriate framework by which DHS privacy assesses and mitigates privacy risks across the Homeland Security enterprise. In addition, please consider whether additional principles should be associated with review of certain programs, including new technologies and uses like artificial intelligence and machine learning, biometrics, commercial data, and publicly available information.

Assess opportunities, mechanisms, and frameworks for enhanced transparency, engagement with external stakeholders, experts, and advocates, and opportunities to solicit public input and feedback.

And we have two specific requests, please. In conducting this assessment, the

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Committee should consider opportunities to solicit public comment and public events, including input from privacy experts and advocates, and the Committee should consider private sector approaches and whether and how such approaches may be applicable to DHS and DHS Privacy.

So I know that was a lot. I thank you in advance for your thoughtful on this tasking. The expert insight and valuable input that DPIAC provides is critical to the Department's mission to safeguard privacy and enhance transparency while protecting the homeland. I also look forward to learning what our external stakeholders share to support this tasking and to ensure DHS Privacy is a critical partner to the Department and its stakeholders over the next 20 years. I look forward to hearing updates from the Committee on this tasking in future meetings.

So with that, back over to Lisa.

Ms. Sotto: Thank you so much, Mason. There is no better time for this tasking than now, looking back over the last 20 years, and then also

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looking forward, when technology is taking us into the future at lightning speed. So thank you very much. The Committee looks forward to conducting the assessment of the Privacy Office and providing recommendations on how DHS can continue to safeguard privacy, understanding the incredibly rapid advances in technology and also the significant changes in the way data is used by and relied upon by the Department.

Questions from Committee Members

Ms. Sotto: So let me turn it over, please, to the Committee. Do members of the Committee have questions for Mason on the tasking?

Mr. Hewitt: Yes, quick question. This is Joe Hewitt. Can you just provide a summary of sort of the scope and the lens that we're looking through? Is this through the lens just of the Privacy Office, DHS as a whole, or larger and broader?

Ms. Clutter: So the initial matter, privacy at DHS. So the DHS Privacy Office is the proverbial belly button, right, for privacy at the

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Department. We set the overarching, Department-wide privacy policy, and our component privacy officers implement that at the component level as well as establish component-level privacy safeguards that can further enhance privacy at their components.

So one question I have in mind for the Committee is in addition to looking at the Privacy Office and our headquarters approach, do you have recommendations for how best to facilitate privacy at the component level, and perhaps even into the field level. We have really expanded. We have over 260,000 employees here at the Department. So I really defer to the Committee on scoping this in a way that makes the best sense for enabling the Department's privacy priority to govern over the next 20 years.

Mr. Hewitt: Okay. Thank you.

Ms. Sotto: Tom Plofchan.

Mr. Plofchan: Good morning and thank you for the presentation. I'm sure the answer to this question might be further in the materials, but

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could you elaborate a little bit more on the desire or the thought process for this tasking to focus on emerging technology?

Ms. Clutter: Great question. Thank you. So as I indicated a few places in the tasking, you know, it's been 20 years. The Department was created right after 9/11, essentially by joining multiple agencies into one. So in addition to kind of facilitating a culture, a connected culture of both mission-driven priorities and privacy, civil rights, and civil liberties, I'm cognizant of the fact that the Department's reliance on technology and data could not have been anticipated 20 years ago.

And as we're looking at emerging technologies -- and they're not even really emerging at this point; they are here -- AI, biometrics, commercial data and publicly available information, ensuring that we have the appropriate frameworks in place to assess these technologies into the future is critical to evolving together with the Department's mission and its reliance on

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data.
Please, go ahead, Lisa. Oh, just a question? Okay. I thought you had a comment.
Mr. Plofchan: Do you mind if I follow up on that?
Ms. Clutter: Yeah, please.
Mr. Plofchan: So each of the individual technologies you mentioned, with the exception of artificial intelligence, is really a part of a larger construct, and the larger construct is digital identity and the concept of digital identity and how it's used by our government. Is there a request here to look at individual technology stacks or more at the, forgive me, philosophical or social and governance impact of the concept of digital identity in this ecosystem?
Ms. Clutter: Thank you, Tom. So I think from the perspective of this initial tasking I would actually take it up a level. We really are looking for an assessment of whether our existing frameworks are sufficient or if perhaps we may need additional frameworks or revised frameworks or

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revised approaches to forthcoming and new technologies.
So I would say that if -- and again, I definitely defer to the Committee to best assess how to implement this tasking. But my thinking here is that if the Committee, for instances, recommends that for evolving technologies we may need to take another look at our existing frameworks and make those more specific to some of these technologies, then perhaps that is a next step after this tasking. So to try to scope it into a reasonable space.
This is not to take all the ten steps that may follow and then develop a framework and implement that framework. But if a recommendation comes out, we can then consider how to move forward on implementing those recommendations, which would result in additional tasking to the committee.
Does that help?
Mr. Plofchan: It does. Thank you very much. That's very helpful.
Ms. Clutter: Yes.

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Ms. Sotto: And I will just add on to that. I think this tasking is actually, it's a very significant and large tasking, and I think probably there are loads of rabbit holes to go down, which Mason, will inform your next five taskings to the Committee. So thank you.
Let's see. Ade, you have your hand raised.
Mr. Odutola: Thanks, Lisa and Mason. A quick question, or two questions. You covered the first question, I think, when you answered Tom's question. But the second one has to do with time frame. What kind of time frame do you have for us to get this done, one, and then secondly, in terms of soliciting public input and feedback, is there any guidance on how far we should go in terms of -- what's the time frame, if you have thought about that.
Ms. Clutter: Great questions. So time frame, as Lisa just pointed out, this is a very big tasking. And we only have so many resources so I understand that the Committee may want to discuss

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how best to approach the tasking.
I do think there are several parts here. There are some parts that may proceed others, so a staggered approach could work. Really, I think whatever works best for the Committee's resources and time, we are happy to engage there.
I don't know, Lisa, if you've thought about this, but because it is so big, a phased approach, a staggered approach seems appropriate to me. So I could foresee several deliverables throughout the next year, or if the Committee decides to take this on holistically and issue a giant report, that would probably take some time.
So within the next year I would like to close this out, but however best the Committee approaches this from, from a time and resources perspective, is understandable and works for us. But Lisa, do you have thoughts there?
Ms. Sotto: Yeah. I think we're going to need to flesh this out. It is a big tasking. It's an important tasking because I do think it will inform what DPIAC does going forward in terms of

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assessing specific technologies, and also understanding whether the existing frameworks, like the FIPS framework, is appropriate going forward, and that would be a big change, obviously. So we have our work cut out for us.

I think the first meeting or two of the group that is going to be taking this on will be useful in shaping what the tasking looks like, and I like the idea of a phased approach, so I think we should definitely thing about that as a possible structure going forward.

I would also ask that if anybody specifically wants to work on this tasking please let us know. Email Sandy and me, and we are going to put together a group to take this on.

Chris, I see your hand raised.

Ms. Clutter: Real quick, I think I didn't answer your second question. On engagement with privacy experts and advocates in the public, I think there are many approaches the Committee could consider, whether they are public panel events -- you could host events and invite members of the

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public and privacy experts to come and speak -- you could solicit, I think, public comment in written form. The Privacy Office, for instance, could facilitate a series of meetings. Really however you want to approach this to obtain the relevant information and outside perspective that is helpful to the Committee, we are here to help facilitate and support.

I've seen this done in many ways. I kind of prefer an all-of-the-above approach. But again, it's really based on what best works for the Committee to hear from the experts and those with experience, both from the past and currently, on how best to inform our work over the next 20 years.

Mr. Odutola: Thank you, Mason.

Ms. Sotto: Great. I do think this tasking is going to require meeting with those who have made the Privacy Office what it is today, going back maybe to its inception, and then looking ahead. And the looking ahead part, I think, is going to be the most important piece of this and also the most challenging, because we can't really

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see over the horizon, but we are going to have to try.

Chris, you had a question?

Mr. Teitzel: Yeah, no. I just wanted to say thank you for this tasking. Looking through this and the conversations that we have had, I have been on the Committee a while, this is going to be super impactful and not only looking back but looking forward, including new technologies, emerging technologies. But specifically with the intent to solicit public events, public comments, I think that is something new, at least from my time on the board in the taskings that we do.

So I really appreciate the opportunity to do this, and I can probably speak on behalf of a lot of folks that I am pretty energized to do it. So thank you.

Ms. Clutter: Oh, thank you. That is so wonderful to hear. We are just so grateful for each Committee member's time and expertise, and we are very much looking forward to any recommendations and advice we receive through this

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tasking, so thank you for that.

Ms. Sotto: Chris, I think that was a raised hand of participation on the subcommittee.

Any other comments. Anything else from the Committee?

Ms. Taylor: Lisa, I just thought I saw Courtney Barton had a raised hand.

Ms. Barton: No. I was trying to give the thumbs up. I am failing miserably at that, I might add.

Ms. Sotto: Thank you for articulating the thumbs up. That's good. All right. Anything else from the Committee? We have a lot of questions, Mason, for you, but we will shape those over time.

Ms. Clutter: Absolutely. That is what we are here for. We are very much looking forward to engaging.

Ms. Sotto: Thank you. Thank you so much. Okay. Anything else from the Committee?

Public Comment Period

Ms. Sotto: If not, let's open it up now

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for public comment. I would ask that you please keep your remarks under three minutes, as described in the Federal Register notice. If you are joining by phone, you can unmute yourself by pressing *6. So I will open it up now for public comments.

Ms. Taylor: Lisa, I did see one comment in the chat, and this was for Mason -- a question, sorry -- said do some of the newer technologies being discussed include/rely on automation to streamline and reduce chances of human error, e.g., unintentional sensitive PII releases?

Ms. Clutter: So I see that is from James Goodwin. James, can you elaborate on that a little bit more, please?

[Pause.]

Ms. Clutter: I don't know if I was on mute. I was just asking James to elaborate a little bit more on his question. I think this is question related to tech, and whether some of the new privacy-enhancing technologies that we are looking into could perhaps help streamline and reduce chances of human error, including

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unintentional PII releases.

So I think this relates also to Lisa's question, when she asked what are we actually doing in this space right now, with respect to SSN. So if you think about the sensitivity of Social Security numbers and how widely they are used and how many breaches -- not at DHS but elsewhere -- occur, our PETs initiative on SSN actually address that very issue. So yes, PETs can help with everything from developing and training models to preventing unintentional disclosure. So from soup to nuts, they really can be helpful.

But one thing I will flag about PETs, and we are very aware, is that they are not the end-all solution to the privacy issues for the Department. They are one very important tool in the toolbox that we intend to use, but we also have to rely on our privacy governance frameworks, which is why we are issuing this tasking today to ensure that we have the appropriate frameworks in place, moving forward, as we are implementing and using enhanced technologies.

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Ms. Sotto: Thank you, Mason. Any other questions, just raise your hand.

[No response.]

Ms. Sotto: All right. Seeing none, I will give you one more chance. No questions? Okay.

All right. So this concludes our public comment portion. If you wish to submit any written comments you can certainly do so. Please email them to privacycommittee@hq.dhs.gov, and please do so by November 28th. Note also that the DPIAC operates under the provisions of the Federal Advisory Committee Act, as amended, and all written comments will be treated as public documents and will be made available for public inspection.

Closing Comments and Meeting Adjournment

Ms. Sotto: So I'm going to wrap things up. Many thanks to you, to Chief Privacy Officer Mason Clutter, to Committee members, and to members of the public for participating in today's meeting. This concludes our meeting this morning. We are grateful for your interest. We encourage you to

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follow the Committee's work by checking our web page. And the minutes of today's meeting will be posted there in the near future.

And with that this meeting is adjourned. Thank you.

Ms. Clutter: Thank you.

(Whereupon, at 9:52 a.m., the meeting was adjourned.)

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