

(b) (6)

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**From:** (b) (6)  
**Sent:** Thursday, February 24, 2011 2:21 PM  
**To:** (b) (6)  
**Subject:** RE: Revised NCTC 12333 Draft Concerns (DELIBERATIVE)  
**Attachments:** NCTC AG MOU on 12333 - Talking Points (revised) - mdb bare bones MRM.docx; NCTC AG MOU on 12333 - Extended Talking Points.docx

Thank you! I think that you have the right idea and that we should proceed with two documents. I've made some changes to your edits in just a couple of places, which I have highlighted (I can't get trackchanges to work correctly for me today, for some reason). I also liked some of your phrasing quite a lot and went back and revised what my original (extended) comments based on your revisions. If you have no objections, here's what I'd like to go with.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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**From:** (b) (6)  
**Sent:** Thursday, February 24, 2011 11:50 AM  
**To:** (b) (6)  
**Subject:** RE: Revised NCTC 12333 Draft Concerns (DELIBERATIVE)

Okay. So....

I went at this with the idea that you wanted it narrowed down to much more focused TPs. Frankly, your analysis and presentation of the information didn't have anything truly extraneous. However, as you noted, it really was probably a bit too much for TPs. What I've tried to do is really cut this down into the core of what I saw in each of your points. I've undoubtedly cut a lot of potentially useful information, but I think there was a lot of information included that wasn't needed for a TP approach. Let me know what you think.

I've also saved it as a newly named doc. I think while this is a stripped down – “here's what you need to focus on as the problems” – approach, your document is a very good, longer, outline of the issues.

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**From:** (b) (6)  
**Sent:** Wednesday, February 23, 2011 2:05 PM  
**To:** (b) (6)  
**Subject:** Revised NCTC 12333 Draft Concerns (DELIBERATIVE)

I've taken another run at these. I wasn't able to make them any more pithy, unfortunately. I did break a few bullets down to isolate some issues further, and expand on a few addition concerns (largely regarding oversight/compliance). Would you please review?

Thanks,  
(b) (6)

(b) (6)

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b) (6)

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(b) (6)

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**From:** (b) (6)  
**Sent:** Thursday, February 24, 2011 3:41 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** Talking Points and Comments Regarding 12333 Template and Proposed NCTC Implementing Guidance (DELIBERATIVE)  
**Attachments:** Draft\_AG\_Guidelines\_Template 7 Feb 2011 (MRM edited2).docx; NCTC AG MOU on 12333 - Talking Points (brief).docx; NCTC AG MOU on 12333 - Extended Talking Points.docx

(b) (6)

Attached please find comments on the proposed 12333 template, and some talking points on the NCTC 12333 implementing guidance PDF that we received last week. The talking points come in "brief" and "extended" (mostly because I have difficulty shutting up). (b) (6) and I have coordinated on the content of the 12333 template comments and the NCTC 12333 implementing guidance talking points.

Have we heard back from either (b) (6) or Matt Kronisch regarding our requests for meetings on these proposals?

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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(b) (6)

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**From:** (b) (6)  
**Sent:** Thursday, March 01, 2012 5:01 PM  
**To:** (b) (6)  
**Subject:** FW: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Attachments:** ESTA Executive Summary (CRCL).docx

**Importance:** High

(b) (6)

Attached please find my recommended edits/additions for the ESTA AG Guidelines BM draft sent to us yesterday by I&A. I&A requests our response by COB tomorrow.

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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**From:** (b) (6)  
**Sent:** Wednesday, February 29, 2012 3:44 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b) (6)  
**Cc:** (b) (6) Foster, Helen; Mathews, Scott; (b) (6)  
(b) (6)  
**Subject:** FW: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Importance:** High

All-

As a follow on to (b) (6) e-mail below, please review and provide comments in reference to the attached ESTA recommendation **by C.O.B., Friday, March 2, 2012.** (b) (6) would like to finalize ESTA and SEVIS recommendations in preparation for pending CTAB Briefing in reference to the AG Guidelines.

Thank you.

V/r,

(b) (6)

Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security  
Office: (b) (6)

NSTS: (b) (6)

(b) (6)

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**From:** (b) (6)  
**Sent:** Wednesday, February 29, 2012 1:42 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b) (6)  
**Cc:** Foster, Helen; Mathews, Scott; (b) (6)  
**Subject:** FW: AG Guideline Briefing to CTAB  
**Importance:** High

Internal Records Working Group-

A status update on the AG Guidelines for the CTAB was requested by Caryn Wagner (see below). As discussed during our meeting last week, Priv/CRCL will take lead in crafting the SEVIS recommendation. **I&A will need that document as soon as possible.**

Also, collectively we need a coordinated message (when briefing can/should take place; not ready right now).

(b) (6)

(b) (6)  
Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, February 29, 2012 11:40 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: AG Guideline Briefing to CTAB

(b) (6) thanks for your note. Unfortunately, your email below is the first I've heard of the request for tomorrow, and I'm unable to help – I'm out of the office tomorrow on travel.

I'd recommend as a next step, that I coordinate the request for the update to the CTAB with the DHS-internal participants in the NCTC-DHS Records Working Group, to make sure all are aware of the request, and we have a coordinated message (across I&A, PRIV, CRCL, OGC, PLCY, and the Components).

Then we will close the loop with (b) (6) and work this for another, upcoming CTAB. How does that sound? Thanks, --  
(b) (6)

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**From:** (b) (6)  
**Sent:** Wednesday, February 29, 2012 11:35 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** AG Guideline Briefing to CTAB

Morning (b) (6)

I wanted to check-in with you on tomorrow's CTAB.

Ms. Wagner requested a briefing on the current status of the AG guideline issues a few weeks back, and we wanted to confirm that you will be able to provide.

Let me know if there is anything you might need in preparation. I will be forwarding you the agenda, and the calendar invite.

Thank you sir.

(b) (6)

Intelligence Director - Supporting The Counterterrorism Coordinator

(b) (6)





(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, March 16, 2011 12:36 PM  
**To:** Foster, Helen  
**Subject:** RE: AG Guidelines ODNI meeting

No, I don't think you exaggerated anything, and I entirely agree with your conclusion (b) (5)

(b) (5)

(b) (5)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**From:** Foster, Helen  
**Sent:** Wednesday, March 16, 2011 11:35 AM  
**To:** (b) (6)  
**Subject:** FW: AG Guidelines ODNI meeting

Do you think I missed/misstated anything? Exaggerated anything? Wanted to send these to you before I sent them to MEC, but I didn't have the chance. But let me know if you think I got anything wrong.

Helen Foster  
DHS Privacy Office

(b) (6)

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**From:** Foster, Helen  
**Sent:** Wednesday, March 16, 2011 11:22 AM  
**To:** Callahan, Mary Ellen  
**Cc:** Hunt, Ken; Mathews, Scott; Richards, Rebecca; (b) (6); Foster, Helen  
**Subject:** AG Guidelines ODNI meeting

Wanted to give you my download on the meeting with ODNI yesterday on the AG Guidelines.

(b) (5)

(b) (5)



Helen

Helen Foster  
DHS Privacy Office

(b) (6)

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**From:** Kronisch, Matthew  
**Sent:** Wednesday, March 16, 2011 7:32 AM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo

Cc: (b) (6) Foster, Helen; (b) (6)

Subject: RE: DHS comments

(b) (5)

More to follow.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**From:** Kronisch, Matthew

**Sent:** Friday, March 11, 2011 5:03 PM

**To:** (b) (6) Foster, Helen; (b) (6)

**Cc:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo

**Subject:** RE: DHS comments

We are on for 1100 Tuesday.

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

(b) (6)

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---

**From:** Schlanger, Margo

**Sent:** Friday, March 11, 2011 3:04 PM

**To:** Kronisch, Matthew; (b) (6)

**Cc:** Wagner, Caryn; Callahan, Mary Ellen

**Subject:** RE: DHS comments

Thanks, Matt. I can't make it so will send (b) (6) cc'd above.

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
<http://www.dhs.gov/crci>  
U.S. Department of Homeland Security

(b) (6)

(b) (6)



## Homeland Security

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**From:** Kronisch, Matthew  
**Sent:** Friday, March 11, 2011 2:44 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn  
**Subject:** FW: DHS comments

Colleagues,

The attached email from ODNI is an invitation to discuss our comments on NCTC's draft AG guidelines. I would like to be accompanied in these discussions by a representative of each of your offices. I intend to request the meeting for Tuesday morning. While I have little expectation of resolving our concerns, I am most interested in articulating them in the presence of both ODNI and DOJ representatives. Please identify your intended agents as soon as possible.

Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**From:** (b) (6)  
**Sent:** Friday, March 11, 2011 12:58 PM  
**To:** Kronisch, Matthew  
**Cc:** (b) (6)  
**Subject:** RE: DHS comments

Matt,

Thank you for the detailed and thoughtful comments you provided to (b) (6) earlier in the week. We certainly value the input. However, from our review, several of the comments tend to suggest a potential lack of understanding as to the overarching intent of the Guidelines. Furthermore, some of the edits you have proposed would eviscerate the authorities of the DNI and NCTC. We believe it would be best to discuss these matters in person. Hence, do you and your colleagues from affected DHS elements have some availability early next week to discuss the comments with pertinent players from ODNI/NCTC?

Assuming you and your colleagues are both amenable and available for such a meeting, we would like to get a sense of the prioritization of your concerns. More to the point, we would like to better understand the issues that DHS sees as impairing core DHS equities, as opposed to merely reflecting a drafting or editorial preference.

We look forward to hearing back from you.

Regards,

(b)  
(6)

(b) (6)

Senior Associate General Counsel

(b) (6)

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**From:** Kronisch, Matthew (DHS)  
**Sent:** Monday, March 07, 2011 08:21 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** NCTC REVISED AG GUIDELINES

(b)

Attached are the DHS comments to the draft NCTC AG Guidelines in which you expressed interest. While we have not had the opportunity to walk through these with NCTC or ODNI, due to the time delay in preparing them, and the importance of keeping the clearance on the document moving forward, I am sharing them with all, simultaneously. I understand from (b) (6) that your offices may already be working on a later draft than the one upon which these comments are based (attached). Nonetheless, I think the "justification" column will be very helpful in conveying the concerns of data provider agencies, even where draft text may have been already modified. If you have a later text which you wish us to review, we can do so, at this point, fairly quickly.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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(b) (6)

---

**From:** (b) (6)  
**Sent:** Monday, March 21, 2011 10:41 AM  
**To:** (b) (6)  
**Subject:** Notes on 3/15 meeting with ODNI Counsel and Updated TPs on Draft NCTC-AG MOU (DELIBERATIVE)  
**Attachments:** 03-15-11 Notes from Meeting with ODNI Counsel on NCTC 12333 Implementation.docx; NCTC AG MOU - Talking Points (brief) 03-21-11 update.docx

Attached please find notes from the 3/15 meeting with ODNI Counsel. I've marked them as deliberative. Please close-hold them.

I also updated the brief talking points that I drafted a few weeks ago for our planned meetings with (b) (6) (attached).

Having talked with (b) (6) about the agenda for today's NCTC Engagement Group internal meeting on the RAPS MOU (which conflicts with the CLPO meeting time), I think my time would be best used by coming with you to the meeting with (b) (6). I'd like to meet with you if at all possible before we go over, to talk with you about my notes from last week, and my conversation with (b) (6) Friday. Please let me know what's convenient for you (I have a telecon on the ADIS USPER issue from 12-1, but other than that I am free).

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, March 02, 2012 11:33 AM  
**To:** (b) (6); Richards, Rebecca; Hunt, Ken; (b) (6)  
**Cc:** (b) (6); Foster, Helen; Mathews, Scott; (b) (6)  
(u) (c)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Attachments:** ESTA Executive Summary (CRCL).docx

Attached please find CRCL's comments/edits. Please let me know if you have any questions/concerns. PRIV, please double-check that my comment #2 is correct.

Thanks,

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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**From:** (b) (6) )  
**Sent:** Wednesday, February 29, 2012 3:44 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b) (6)  
**Cc:** (b) (6); Foster, Helen; Mathews, Scott; (b) (6)  
(b) (6)  
**Subject:** FW: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Importance:** High

All-

As a follow on to (b) (6) mail below, please review and provide comments in reference to the attached ESTA recommendation **by C.O.B., Friday, March 2, 2012.** Michael would like to finalize ESTA and SEVIS recommendations in preparation for pending CTAB Briefing in reference to the AG Guidelines.

Thank you.

V/r,

(b) (6)

Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, February 29, 2012 1:42 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b) (6)  
**Cc:** Foster, Helen; Mathews, Scott; (b) (6)  
**Subject:** FW: AG Guideline Briefing to CTAB  
**Importance:** High

Internal Records Working Group-

A status update on the AG Guidelines for the CTAB was requested by Caryn Wagner (see below). As discussed during our meeting last week, Priv/CRCL will take lead in crafting the SEVIS recommendation. **I&A will need that document as soon as possible.**

Also, collectively we need a coordinated message (when briefing can/should take place; not ready right now).

(b) (6)

(b) (6)  
Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, February 29, 2012 11:40 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: AG Guideline Briefing to CTAB

(b) (6) thanks for your note. Unfortunately, your email below is the first I've heard of the request for tomorrow, and I'm unable to help – I'm out of the office tomorrow on travel.

I'd recommend as a next step, that I coordinate the request for the update to the CTAB with the DHS-internal participants in the NCTC-DHS Records Working Group, to make sure all are aware of the request, and we have a coordinated message (across I&A, PRIV, CRCL, OGC, PLCY, and the Components).

Then we will close the loop with (b) (6) and work this for another, upcoming CTAB. How does that sound? Thanks, --

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, February 29, 2012 11:35 AM  
**To:** (b) (6)  
**Subject:** AG Guideline Briefing to CTAB

(b) (6)

I wanted to check-in with you on tomorrow's CTAB.

Ms. Wagner requested a briefing on the current status of the AG guideline issues a few weeks back, and we wanted to confirm that you will be able to provide.

Let me know if there is anything you might need in preparation. I will be forwarding you the agenda, and the calendar invite.

Thank you sir.

(b)  
(6)

[Redacted]

Intelligence Director - Supporting The Counterterrorism Coordinator

(b) (6)





(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, March 04, 2011 1:01 PM  
**To:** (b) (6)  
**Subject:** FW: NCTC REVISED AG GUIDELINES  
**Attachments:** Comments AG Guidelines OGC Final Final (CRCL).docx

From my limited review this morning, it appears that nearly all CRCL concerns raised in our initial comments/talking points on the NCTC Guidelines, with two exceptions:

(b) (5)



(b) (5)

Recommend we send something similar to Margo and ask to speak with her before the comments are transferred to Matt.

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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**From:** (b) (6)

**Sent:** Friday, March 04, 2011 8:42 AM

**To:** Schlanger, Margo; (b) (6)

**Subject:** Re: NCTC REVISED AG GUIDELINES

(b) (6) and I will go over it and have a response for you this morning.

Most of our comments from before are summarized in the "talking point" document; we'll cross-walk it against what OGC is submitting and see how much we need to add to keep our equities preserved.

---

**From:** Schlanger, Margo

**Sent:** Friday, March 04, 2011 08:30 AM

**To:** (b) (6)

**Subject:** Fw: NCTC REVISED AG GUIDELINES

---

From my blackberry  
Margo Schlanger

---

**From:** Callahan, Mary Ellen

**Sent:** Friday, March 04, 2011 08:25 AM

**To:** Kronisch, Matthew; Wagner, Caryn; Schlanger, Margo

**Cc:** (b) (6) Anderson, Audrey; (b) (6)

(b) (6)

**Subject:** Re: NCTC REVISED AG GUIDELINES

Thanks for the heads up, Matt. Privacy agreed with the ogc recommendations, thanks to you and (b) (6) for spearheading. We will have a few more comments on privacy issues directly, to you by cob today.

Thanks,  
Mary Ellen

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security

(b) (6)

---

**From:** Kronisch, Matthew  
**Sent:** Friday, March 04, 2011 08:12 AM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6) Anderson, Audrey  
**Subject:** RE: NCTC REVISED AG GUIDELINES

Colleagues,

(b) (5)

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)  
(b) (6)

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---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, March 02, 2011 3:03 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6) Anderson, Audrey; Kronisch, Matthew  
**Subject:** NCTC REVISED AG GUIDELINES

Colleagues,

Attached hereto are NCTC's draft revised AG guidelines. (b) (5)

Thanks.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)

Department of Homeland Security

(b) (6)

A large rectangular area of the document is redacted with a solid black box. The redaction covers the majority of the page's content, leaving only the header and footer visible.

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(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, March 04, 2011 2:31 PM  
**To:** Schlanger, Margo (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: NCTC REVISED AG GUIDELINES  
**Attachments:** Comments AG Guidelines OGC Final Final (CRCL).docx

Margo,

(b) (6) and I have coordinated on the draft NCTC Guidelines and OGC's proposed changes. Many of the concerns that CRCL had with the draft NCTC Guidelines are addressed by OGC, and we strongly support their comments/changes, however, there are two areas where we believe additional changes are necessary:

(b) (5)



Given the limited time we've had to do the cross-comparison this morning, we may have some additional comments/concerns for OGC at a later time, but for now, we recommend supporting OGC's edits/comments, with these two additional edits.

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** Schlanger, Margo  
**Sent:** Friday, March 04, 2011 8:43 AM  
**To:** (b) (6)  
**Subject:** Re: NCTC REVISED AG GUIDELINES

Perfect

---

From my blackberry  
Margo Schlanger

---

**From:** (b) (6)  
**Sent:** Friday, March 04, 2011 08:41 AM  
**To:** Schlanger, Margo; (b) (6)  
**Subject:** Re: NCTC REVISED AG GUIDELINES

(b) (6) and I will go over it and have a response for you this morning.

Most of our comments from before are summarized in the "talking point" document; we'll cross-walk it against what OGC is submitting and see how much we need to add to keep our equities preserved.

---

**From:** Schlanger, Margo  
**Sent:** Friday, March 04, 2011 08:30 AM  
**To:** (b) (6)  
**Subject:** Fw: NCTC REVISED AG GUIDELINES

---

From my blackberry  
Margo Schlanger

---

**From:** Callahan, Mary Ellen  
**Sent:** Friday, March 04, 2011 08:25 AM  
**To:** Kronisch, Matthew; Wagner, Caryn; Schlanger, Margo  
**Cc:** (b) (6); Anderson, Audrey; (b) (6) PISI;  
(b) (6)

**Subject:** Re: NCTC REVISED AG GUIDELINES

Thanks for the heads up, Matt. Privacy agreed with the ogc recommendations, thanks to you and (b) for spearheading. We will have a few more comments on privacy issues directly, to you by cob today.

Thanks,  
Mary Ellen

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security

(b) (6)

---

**From:** Kronisch, Matthew  
**Sent:** Friday, March 04, 2011 08:12 AM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6); Anderson, Audrey  
**Subject:** RE: NCTC REVISED AG GUIDELINES

Colleagues,

I understand that NCTC is now on their third round of edits with DOJ. I am sorry that it took me so long to complete the materials that I sent you, but I need to ask you to let me know immediately if you have any objections to my submitting these comments to DoJ and NCTC. I am sure that few if any will be accepted without discussion, and that we can amend or add as needed, but I am concerned that we not miss the opportunity to raise our concerns.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, March 02, 2011 3:03 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6); Anderson, Audrey; Kronisch, Matthew  
**Subject:** NCTC REVISED AG GUIDELINES

Colleagues,

Attached hereto are NCTC's draft revised AG guidelines. (b) (5)

(b) (5)

Thanks.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, March 04, 2011 3:18 PM  
**To:** Kronisch, Matthew; Callahan, Mary Ellen  
**Cc:** Schlanger, Margo; Anderson, Audrey; (b) (6)  
**Subject:** RE: NCTC REVISED AG GUIDELINES  
**Attachments:** Comments AG Guidelines OGC Final Final (CRCL).docx

Matt,

Forwarding you comments on behalf of Margo, who is out of town today.

Thank you for soliciting our input. In general, CRCL strongly supports OGC's edits/comments, however, there are two areas where we believe additional changes are necessary:

(b) (5)



(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** Kronisch, Matthew  
**Sent:** Friday, March 04, 2011 8:13 AM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6) Anderson, Audrey  
**Subject:** RE: NCTC REVISED AG GUIDELINES

(b) (5)



Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)



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---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, March 02, 2011 3:03 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6); Anderson, Audrey; Kronisch, Matthew  
**Subject:** NCTC REVISED AG GUIDELINES

Colleagues,  
Attached hereto are NCTC's draft revised AG guidelines. (b) (5)



(6)

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Security

(b) (6)

A large rectangular area of the document is redacted with a solid grey fill, obscuring the text underneath.

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(b) (6)

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**From:** (b) (6)  
**Sent:** Sunday, April 01, 2012 10:49 AM  
**To:** (b) (6) Hunt, Ken; Foster, Helen; (b) (6)  
(b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: S1 Meeting Monday  
**Attachments:** S1 AG Guidelines Meeting 120402 v14 (CRCL2).docx; Tab 2 - DHS Datasets 120402 v14 (CRCL).docx

Attached please find additional comments/edits/recommendations from CRCL on the briefing memo and chart. Privacy, I've taken the liberty of including your office where I think we're in agreement (to save time, as we've not much of it); of course, please adjust where I am wrong/not entirely accurate.

Thanks for the opportunity to review.

(b) (6)

---

**From:** (b) (6)  
**Sent:** Sun 4/1/2012 9:23 AM  
**To:** (b) (6) Hunt, Ken; Foster, Helen; (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: S1 Meeting Monday

(b) (6)

Thanks for sharing these documents with CRCL for our comments. I'm reviewing them this morning, and have a few initial questions:

(b) (5)

CRCL have some more specific comments later.

(b) (6)

---

**From:** (b) (6)  
**Sent:** Fri 3/30/2012 9:08 PM  
**To:** (b) (6) Hunt, Ken; Foster, Helen; (b) (6)  
**Cc:** (b) (6)  
**Subject:** S1 Meeting Monday

(b) (6) Ken, Helen, (b) (6)

Late today we were asked to provide a brief summary of the status of DHS-NCTC information sharing agreements, for the S1 meeting with Mary Ellen, (b) etc. Attached is what we pulled together. Sorry, I would have forwarded this sooner, but I was caught up late this evening at DOE. Please do let us know if you have any questions or suggestions.

Further, Ken and Helen, if you have anything you can share from Mary Ellen's perspective, before Monday's meeting, that would be appreciated.

I hope you all have a wonderful weekend. Take care,  
(b) (6)









(b) (6)

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**From:** (b) (6)  
**Sent:** Monday, April 02, 2012 1:56 PM  
**To:** (b) (6)  
**Subject:** RE: Draft ESTA Position Paper  
**Attachments:** AG Guidelines ESTA S1 TP version3 (CRCL).docx

Sorry, forgot to check the save before I sent (again). Here are all of the edits.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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**From:** (b) (6)  
**Sent:** Monday, April 02, 2012 1:32 PM  
**To:** (b) (6)  
**Subject:** FW: Draft ESTA Position Paper  
**Importance:** High

Recommend the attached minor edits to the final draft of the ESTA paper. Also, would like to see attachments 6 as it is intended to be transmitted with the package.

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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**From:** (b) (6)  
**Sent:** Monday, April 02, 2012 10:51 AM  
**To:** (b) (6); Richards, Rebecca; Hunt, Ken; Foster, Helen; Mathews, Scott; (b) (6);  
(b) (6)  
**Subject:** Draft ESTA Position Paper  
**Importance:** High

All,

Please find the attached draft ESTA position paper that has been previously coordinated with the DHS Internal Records Working Group. We are sending this draft for review, final coordination, and awareness.

Thank you.

V/r,

(b) (6)

Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6)

**Sent:** Monday, April 02, 2012 10:18 AM

**To:** (b) (6) Richards, Rebecca; Hunt, Ken; Foster, Helen; Mathews, Scott; (b) (6)

(b) (6)

**Cc:** (b) (6)

**Subject:** Status/Next Steps for Six Datasets

All-

As you know, I&A is scheduling multiple meetings and crafting position papers for the six DHS datasets associated with the revised NCTC AG Guidelines. The attached paper gives everyone a snapshot of the status and next steps associated with each dataset. Please review and provide feedback if we have missed something.

Updates for today:

- ESTA Draft to be sent out for review today.
- APIS draft to be sent out for review by COB today.
- Cancellation of this week's Internals Records Working Group, will be replaced by an Internals Records Working Group early next week.

Thank you,

(b) (6)

(b) (6)

Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis  
Department of Homeland Security

(b) (6)





(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 12, 2011 10:07 AM  
**To:** Schlanger, Margo  
**Cc:** (b) (6)  
**Subject:** Privacy Memo on Draft AG Guidelines  
**Attachments:** AG Guidelines Memo V4 20110512\_OGC\_CRCL and PRIV edits (SM)(for MS).docx

Margo,

Attached please find Privacy's latest version of their memo on the draft AG Guidelines. (b) (5)

(if you agree to).

(b) (5)

Privacy have expressed that they would like to get this into clearance as soon as possible.

(b) (6)

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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(b) (6)

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**From:** (b) (6)  
**Sent:** Monday, May 16, 2011 3:56 PM  
**To:** (b) (6)  
**Subject:** FW: DHS/NCTC Records Working Group UPDATE  
**Attachments:** IS Agreements Matrix v05 12May11 (CRCL).xls; Information Sharing Status v09 110512 (CRCL).docx

I&A have asked for our comments on their NCTC engagement working group overview documents. Would you like to take a look at my comments before I send them back? All comments on the word document are in the document. I've drafted some additional comments on the excel file, below, because I am not good with trying to insert them in Excel files.

(b) (6)

Thanks for the opportunity to comment on the overview documents. Please see CRCL's comments, attached. For the Excel file, I have added our new text in red, with recommended deletions in ~~strikethrough~~. In addition, we have a few comments on the Excel file, below:

(b) (5)

Please contact me if you have any questions/concerns.

(b) (6)

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Thursday, May 12, 2011 12:52 PM  
**To:** (b) (6)

**Subject:** DHS/NCTC Records Working Group UPDATE

**Importance:** High

Good Afternoon DHS/NCTC Records Working Group Members!

As discussed, we will be moving to holding more meetings and expanding the focus in order to resolve the higher level, generic information sharing issues along side of specific agreement discussions as well.

After yesterday's meeting, I have consolidated comments provided by working group members into the attached documents. (These were introduced yesterday.)

Please take a moment to review and please provide any additional comments, etc for either document so that we can continue to track and adjudicate as we move forward.

As a reminder we will be meeting next Wednesday, details to are currently being worked out, in order to discuss the SEVIS MOU and updates to the working paper, etc.

Thank you for all of your efforts and please let me know if you have any questions.

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"























(b) (6)

---

**From:** (b) (6)  
**Sent:** Monday, May 16, 2011 6:05 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: DHS/NCTC Records Working Group UPDATE  
**Attachments:** Information Sharing Status v09 110512 (CRCL).docx; IS Agreements Matrix v05 12May11 (CRCL).xls

Thanks for the opportunity to comment on the overview documents. Please see CRCL's comments, attached. For the Excel file, I have added our new text in red, with recommended deletions in ~~strikethrough~~. In addition, we have a few comments on the Excel file, below:

(b) (5)

Please contact me if you have any questions/concerns.

(b) (6)

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)  
(b) (6)

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---

**From:** (b) (6)  
**Sent:** Thursday, May 12, 2011 12:52 PM  
**To:** (b) (6)  
**Subject:** DHS/NCTC Records Working Group UPDATE  
**Importance:** High

Good Afternoon DHS/NCTC Records Working Group Members!

As discussed, we will be moving to holding more meetings and expanding the focus in order to resolve the higher level, generic information sharing issues along side of specific agreement discussions as well.

After yesterday's meeting, I have consolidated comments provided by working group members into the attached documents. (These were introduced yesterday.)

Please take a moment to review and please provide any additional comments, etc for either document so that we can continue to track and adjudicate as we move forward.

As a reminder we will be meeting next Wednesday, details to are currently being worked out, in order to discuss the SEVIS MOU and updates to the working paper, etc.

Thank you for all of your efforts and please let me know if you have any questions.

Respectfully,

(b) (6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"























(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, May 20, 2011 5:55 PM  
**To:** (b) (6); Foster, Helen; Hunt, Ken; (b) (6) Richards, Rebecca  
**Cc:** (b) (6)  
**Subject:** RE: For Monday  
**Attachments:** DHS-NCTC Records Working Group Issues Summary 05202011 (CRCL).docx; Information Sharing Status v13 110520 (CRCL).docx

(b) (6)

Thanks for sharing these with us. I agree that joint read-aheads would be ideal. Given my understanding of the focus of this meeting, I have some suggested additions/revisions to both documents, attached. Please let me know what you think.

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**From:** (b) (6)  
**Sent:** Friday, May 20, 2011 2:54 PM  
**To:** Foster, Helen; (b) (6); Hunt, Ken; (b) (6) Richards, Rebecca  
**Cc:** (b) (6)  
**Subject:** RE: For Monday

Ken and (b) (6)

I understand you two will be the other +1's for Monday's meeting. Please find attached the two recommended "read-aheads" for that meeting. We'd appreciate any feedback. The one pager is a summarization of all the issues identified to date.

Many thanks for considering this. Take care,

(b) (6)

---

**From:** Foster, Helen  
**Sent:** Friday, May 20, 2011 2:39 PM  
**To:** (b) (6); Hunt, Ken; (b) (6); Richards, Rebecca  
**Cc:** (b) (6)  
**Subject:** RE: For Monday

Thanks (b) (6) —do you still expect to get a one pager out today?

Helen Foster  
DHS Privacy Office  
(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, May 20, 2011 2:04 PM  
**To:** Foster, Helen; (b) (6) Hunt, Ken; (b) (6) Richards, Rebecca  
**Cc:** (b) (6)  
**Subject:** RE: For Monday

Helen, et.al.,

As per our conversation, (b) (6) is forwarding to you now high-side (JWICS) an integrated PDF of all the use cases and examples we have received from NCTC for DHS data. Please do let us know if you have any questions. Many thanks,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 19, 2011 2:25 PM  
**To:** Foster, Helen; (b) (6)  
**Cc:** Hunt, Ken; (b) (6)  
**Subject:** RE: For Monday

So who of us is going as the +1's? I understand it to be Ken (PRIV), (b) (6) and who from CRCL? Note, I'll have a one page draft of the issues by (latest) tomorrow, Friday morning. I look forward to working closely with you on this.

---

**From:** Foster, Helen  
**Sent:** Thursday, May 19, 2011 2:04 PM  
**To:** (b) (6)  
**Subject:** RE: For Monday

I think it is a good idea, but would encourage to keep it very high level and brief.

Helen Foster  
DHS Privacy Office  
(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 19, 2011 1:59 PM  
**To:** Foster, Helen; (b) (6)  
**Subject:** For Monday

Helen and (b) (6)

Are you two the respective +1's for the Wagner/Callahan/Schlanger meeting Monday afternoon on DHS/NCTC information sharing agreements "progress"? I'll be coming to the meeting with Caryn. I'm working now to pull together

a one page draft of the issues (from the artifacts we have already been working). If it all possible, I think it would should pull together a single read-ahead for the three primaries, on status, issues, etc. What do you think?

Thanks,  
(b) (6)



















(b) (5)



I'm sorry I didn't get this meeting summary to you sooner, I'm afraid I've just been running out of time to do everything that I need to get done before I leave, and unfortunately, you haven't bought that camp bed for the SCIF we discussed, so that I can just move in here. 😊

I wanted to send to you last night my add'l comments on SEVIS and a wrap up of what happened in my meeting yesterday with NCTC on SEVIS. I'll send that to you in a separate email, but FYI, it is also significant as to this ongoing discussion of USPER retention.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)



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---

**From:** (b) (6)  
**Sent:** Wednesday, May 25, 2011 9:49 AM  
**To:** (b) (6)  
**Subject:** RE: RAPS MOU Review

Fine with the changes. Couple of things:

(b) (5)



---

**From:** (b) (6)  
**Sent:** Tuesday, May 24, 2011 11:17 PM  
**To:** (b) (6)  
**Subject:** RAPS MOU Review  
**Importance:** High

(b) (6)

I've reviewed the attached draft RAPS agreement, and provided some additional material based on discussions b/w DHS and NCTC during our meeting this afternoon (which was on SEVIS, but touched issues relevant to both the RAPS and APIS MOUs). Would you please review my comments?

(b) (5)



(b) (5)

I'm not sure where I&A got the language that I am replacing—I don't see it in my previous archived drafts. In any case, I'm recommending we return to language very similar to language that we had

(b) (5)

My sense from the meeting with (b) yesterday, and the email that we received this afternoon indicating that a meeting on info sharing with S1 is being scheduled for June 2 (Thursday after next), is that DHS is being pressed to finalize these MOUs ASAP, so I think that if we intend to brief/involve Margo (particularly regarding the use and retention sections), we should probably do so very soon.

I&A has requested CRCL's comments by COB May 26 (Thursday).

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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**From:** (b) (6)

**Sent:** Tuesday, May 24, 2011 8:23 AM

**To:** Foster, Helen; (b) (6)

Richards, Rebecca; (b) (6) ; Hunt, Ken; (b) (6)

**Cc:** (b) (6)

**Subject:** RAPS MOU Review

**Importance:** High

Good Morning Everyone,

I recently revisited RAPS to see what questions/issues we had outstanding and have taken the liberty of updating our latest draft with language negotiated under SEVIS that I believe directly relates to our conversations on RAPS. (additionally supported by NCTC comments on intended use, etc.)

To this end, I would like to have the group review the attached draft to approve the inserted language, provide edits (if needed), and provide any additional questions we may have of NCTC. The goal ultimately will be to have this potentially ready for discussion at our next DHS/NCTC Records Working Group Meeting to be scheduled the week of 30MAY11.

If possible, I would like to request Critical comments/edits only, if we have captured everything appropriately, I will remove the "DHS:" comments. If new language is acceptable please affirm. If additional adjudication is required internally, I will schedule a telecon to adjudicate final comments.

The target goal for this review is by COB Thursday 26MAY11.

If anyone has any questions please let me know!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"





















(b) (6)

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**From:** (b) (6)  
**Sent:** Tuesday, May 31, 2011 4:29 PM  
**To:** I&A Exec Sec  
**Cc:** CRCL Exec Sec; Schlanger, Margo; (b) (6)  
**Subject:** RE: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)  
**Attachments:** Attachment A Information Sharing Status Summary v03 110527 (CRCL).docx; Attachment B Issues with Way Ahead v02 110527 (CRCL).doc; S1 Draft Memo Information Sharing v13 110527 (CRCL).doc

On behalf of CRCL Exec Sec:

Attached please find CRCL's edits to the proposed briefing papers. We are open to negotiating the particular phrasing of this material, however, we cannot clear on any version of a briefing memo that does not:

(b) (5)



Please contact (b) (6), a member of my information sharing staff, to address specific comments and edits. CRCL will stand by to receive revised versions of the briefing documents, to clear or provide additional edits.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**From:** (b) (6) &A Exec Sec

**Sent:** Tuesday, May 31, 2011 10:24 AM

**To:** (b) (6)

**Subject:** RE: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

All,

Due to this meeting being rescheduled, you may now have until COB today to submit comments/clearance on the attached.

Thank you,

(b) (6)

Correspondence Analyst  
Executive Secretariat Office  
Office of Intelligence and Analysis  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6) I&A Exec Sec

**Sent:** Friday, May 27, 2011 5:12 PM

**To:** (b) (6)

**Subject:** RE: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

All,

As required coordinators, please review the attached briefing memorandum and attachments for S1's upcoming meeting regarding Database Information Sharing and provide comments/clearance by **12pm on Tuesday, May 31st**.

Thank you,

(b) (6)

Correspondence Analyst  
Executive Secretariat Office  
Office of Intelligence and Analysis  
Department of Homeland Security

(b) (6)

---

**From:** Ledbetter, Andrew

**Sent:** Thursday, May 26, 2011 11:48 AM

**To:** Ledbetter, Andrew; (b) (6)

**Cc:** BriefingStaffA

**Subject:** [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

I&A has taken over as lead on this tasker. NPPD is now a required coordinator.

(b) (6)

Secretary's Briefing Book

Office of the Secretary

Department of Homeland Security

(b) (6)

(b) (5)























(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, June 01, 2011 2:22 PM  
**To:** (b) (6)  
**Subject:** FW: RAPS MOU Review - DELIBERATIVE  
**Attachments:** Progress on NCTC Engagement Over Past Two Years 05-23-11.docx; Information Sharing Status v14 110523.docx; DHS-NCTC Records Working Group Issues Summary v03 110523.docx; DHS-NCTC RAPS MOU DRAFT DHS Adjudication 1JUN11 (CRCL).docx  
**Importance:** High

Looking to follow up w/you if possible regarding the RAPS MOU and the issue of briefing Margo, generally. I know you've had a ton on your plate, so to summarize:

- 1) Last week I sent you this email with RAPS comments and a suggestion about briefing (b) (6) on the retention period/broader use issue, with the goal of having some answers for NCTC in my next meeting with them, and having Margo prepared for the "information sharing" S1 meeting which had just shown up on her calendar

(b) (5)

I'd like to send in my additional comments on the newly circulated version of the RAPS MOU tonight, if possible, to make sure that my add'l (minor) discussion points are on the agenda and in what we finally send over to NCTC (which should happen Friday).

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 25, 2011 12:07 PM



(b) (5)

I'm sorry I didn't get this meeting summary to you sooner, I'm afraid I've just been running out of time to do everything that I need to get done before I leave, and unfortunately, you haven't bought that camp bed for the SCIF we discussed, so that I can just move in here. 😊

(b) (5)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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---

**From:** (b) (6)

**Sent:** Wednesday, May 25, 2011 9:49 AM

**To:** (b) (6)

**Subject:** RE: RAPS MOU Review

Fine with the changes. Couple of things:

(b) (5)



---

Fr (b) (6)

**Sent:** Tuesday, May 24, 2011 11:17 PM

**To:** (b) (6)

**Subject:** RAPS MOU Review

**Importance:** High

(b) (6)

I've reviewed the attached draft RAPS agreement, and provided some additional material based on discussions b/w DHS and NCTC during our meeting this afternoon (which was on SEVIS, but touched issues relevant to both the RAPS and APIS MOUs). Would you please review my comments?

(b) (5)



(b) (5)

I&A has requested CRCL's comments by COB May 26 (Thursday).

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**From:** (b) (6)

**Sent:** Tuesday, May 24, 2011 8:23 AM

**To:** Foster, Helen; (b) (6)  
Richards, Rebecca; (b) (6) ; Hunt, Ken; (b) (6)

**Cc:** (b) (6)

**Subject:** RAPS MOU Review

**Importance:** High

Good Morning Everyone,

I recently revisited RAPS to see what questions/issues we had outstanding and have taken the liberty of updating our latest draft with language negotiated under SEVIS that I believe directly relates to our conversations on RAPS. (additionally supported by NCTC comments on intended use, etc.)

To this end, I would like to have the group review the attached draft to approve the inserted language, provide edits (if needed), and provide any additional questions we may have of NCTC. The goal ultimately will be to have this potentially ready for discussion at our next DHS/NCTC Records Working Group Meeting to be scheduled the week of 30MAY11.

If possible, I would like to request Critical comments/edits only, if we have captured everything appropriately, I will remove the "DHS:" comments. If new language is acceptable please affirm. If additional adjudication is required internally, I will schedule a telecon to adjudicate final comments.

The target goal for this review is by COB Thursday 26MAY11.

If anyone has any questions please let me know!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)



"Facta, non verba"



































































-----Original Message-----

From: (b) (6)  
Sent: Friday, June 17, 2011 10:18 AM  
To: (b) (6)  
Cc: (b) (6)  
Subject: Fw:  
Importance: High

(b) (5)

----- Original Message -----

From: Schlanger, Margo  
Sent: Friday, June 17, 2011 10:12 AM  
To: (b) (6)  
Subject: FW:

Someone should have gotten me in the loop on this, even if I was busy. At least after the fact.

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties <http://www.dhs.gov/crc1> U.S. Department of  
Homeland Security

(b) (6)

(b) (6)

-----Original Message-----

From: Cohen, John  
Sent: Friday, June 17, 2011 10:12 AM  
To: Callahan, Mary Ellen; Schlanger, Margo  
Subject: Re:

(b) (5)

----- Original Message -----

From: Callahan, Mary Ellen

Sent: Friday, June 17, 2011 09:52 AM

To: Cohen, John; (b) (6) Foster, Helen; (b) (6)

(b) (6); Schlanger, Margo

Subject: Re:

Yes, they were complete non sequiturs, non-responsive, and did not demonstrate the underlying issues. Copying all. Talk to becky if you have questions. We were quite clear in why we non concurred, maybe you didn't get that info. Mec.

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security

Work: (b) (6)

Cell: (b) (6)

----- Original Message -----

From: Cohen, John

Sent: Friday, June 17, 2011 09:08 AM

To: Callahan, Mary Ellen

Subject:

U and (b) (6) non concurred on operational examples?

John Cohen

Principal Deputy Counterterrorism Coordinator and Senior Advisor to the Secretary United States Department of Homeland Security

(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, June 03, 2011 10:05 AM  
**To:** (b) (6)  
**Subject:** FW: S1 Briefing Package  
**Attachments:** Attachment A Information Sharing Status Summary v08 110603 (CRCL).docx; Attachment B Issues with Way Ahead v07 110603 (CRCL).doc; S1 Draft Memo Information Sharing v22 110603 (CRCL).doc

**Importance:** High

I've scaled back comments to try to meet the 2-page limit on the actual briefer, but it's hard (I'm over by two lines, when you take the TC off). It would help if they eliminated the large paragraph that I TOLD them last time is not the big hang up (and as CRCL, they should probably take my word for it that I know what CRCL's issues are, but whatever).

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**From:** (b) (6)  
**Sent:** Friday, June 03, 2011 8:20 AM  
**To:** (b) (6) Foster, Helen G; Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** RE: S1 Briefing Package

(b) (6) Helen, and Ken,

We have attempted to **\*greatly\*** simplify the attached, incorporating all the comments from the stakeholders (including yours, thank you!) – to include no recommended paths forward.

If you would quickly review and communicate back – to include (b) (6) – any show stoppers, we'd appreciate it (b) (6) reach out by telephone. Thanks,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, June 02, 2011 7:41 PM  
**To:** (b) (6) Foster, Helen G; (b) (6) Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** Re: S1 Briefing Package

(b) (6)

I am happy to work with you on this briefing early tomorrow.

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, June 02, 2011 06:45 PM  
**To:** Foster, Helen (b) (6); Hunt, Ken (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: S1 Briefing Package

Helen, Ken, and (b) (6)

[Note, I'm not meaning to leave (b) (6) or Becky off distribution – not sure who all should be included. Please expand distribution if I've missed someone. Thank you.]

I need your help. Tomorrow, Friday morning, we need to collectively come to agreement on an S1 (two-page) paper for the meeting occurring now on Monday. A boiled down – no advocacy, just a statement of the issues – paper is due up to John Cohen mid-morning. We need to come to agreement on just such a simplified paper early in the a.m.

We plan to have revised, and simplified draft ready for your review before 9am. Would you please make time to iterate closely with us on this?

Your help is most appreciated. Take care,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, May 31, 2011 4:20 AM  
**To:** Foster, Helen; (b) (6); Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** S1 Briefing Package

Helen, Ken, and (b) (6)

FYI, for the S1 meeting Thursday, the attached drafts (a primary memo, with two attachments) are coming through official ESEC channels, however, we wanted to provide them to you directly. The intent here was to summarize our issues paper (in only two pages, as per the S1 format) plus give the status of current agreements, and then specifically to separate out the issues for which we have a way ahead into an attachment. Thank you in advance for considering these with us. Take care,

(b) (6)















(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, June 03, 2011 10:41 AM  
**To:** (b) (6); Foster, Helen G; Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** RE: S1 Briefing Package  
**Attachments:** Attachment A Information Sharing Status Summary v08 110603 (CRCL).docx; Attachment B Issues with Way Ahead v07 110603 (CRCL).doc; S1 Draft Memo Information Sharing v22 110603 (CRCL).doc

Thank you for circling back with CRCL. I have tried my best to make sure that the BM stays at 2 pages, while still addressing all the key concerns.

Am available by phone to talk out last minute edits.

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Friday, June 03, 2011 8:20 AM  
**To:** (b) (6); Foster, Helen G; Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** RE: S1 Briefing Package

(b) (6) Helen, and Ken,

We have attempted to **\*greatly\*** simplify the attached, incorporating all the comments from the stakeholders (including yours, thank you!) – to include no recommended paths forward.

If you would quickly review and communicate back – to include (b) (6) – any show stoppers, we'd appreciate it (b) (6) will reach out by telephone. Thanks,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, June 02, 2011 7:41 PM  
**To:** (b) (6); Foster, Helen G; (b) (6); Hunt, Ken

Cc: (b) (6)

Subject: Re: S1 Briefing Package

(b) (6)

I am happy to work with you on this briefing early tomorrow.

(b) (6)

---

From: (b) (6)

Sent: Thursday, June 02, 2011 06:45 PM

To: Foster, Helen (b) (6); (b) (6) Hunt, Ken (b) (6)

Cc: (b) (6)

Subject: RE: S1 Briefing Package

Helen, Ken, and (b) (6)

[Note, I'm not meaning to leave (b) (6) or Becky off distribution – not sure who all should be included. Please expand distribution if I've missed someone. Thank you.]

I need your help. Tomorrow, Friday morning, we need to collectively come to agreement on an S1 (two-page) paper for the meeting occurring now on Monday. A boiled down – no advocacy, just a statement of the issues – paper is due up to John Cohen mid-morning. We need to come to agreement on just such a simplified paper early in the a.m.

We plan to have revised, and simplified draft ready for your review before 9am. Would you please make time to iterate closely with us on this?

Your help is most appreciated. Take care,

(b) (6)

---

From: (b) (6)

Sent: Tuesday, May 31, 2011 4:20 AM

To: Foster, Helen; (b) (6) Hunt, Ken

Cc: (b) (6)

Subject: S1 Briefing Package

Helen, Ken, and (b) (6)

FYI, for the S1 meeting Thursday, the attached drafts (a primary memo, with two attachments) are coming through official ESEC channels, however, we wanted to provide them to you directly. The intent here was to summarize our issues paper (in only two pages, as per the S1 format) plus give the status of current agreements, and then specifically to separate out the issues for which we have a way ahead into an attachment. Thank you in advance for considering these with us. Take care,

(b) (6)















(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, July 12, 2011 3:09 PM  
**To:** (b) (6)  
**Subject:** Additional Talking Points for (b) (6)  
**Attachments:** Talking Points Regarding DHS Response to NCTC Bulk Information Sharing Requests.docx

(b) (6)

Would you take a look at the attached and see if it meets what (b) (6) were looking for?

(b) (6)

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)  
(b) (6)

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(b) (6)

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**From:** (b) (6)  
**Sent:** Thursday, July 14, 2011 1:25 PM  
**To:** (b) (6); Hunt, Ken; Foster, Helen; Richards, Rebecca; (b) (6)  
(b) (6)  
(b) (6)  
(b) (6)  
**Subject:** RE: URGENT S1 Task for Read Aheads (Clearance)  
**Attachments:** S1 Briefing Memo Info Sharing (CRCL).doc; System Description of DHS Datasets Shared with NCTC (CRCL).doc; Table 1 Information Sharing Activities (CRCL).docx

Attached please find CRCL's comments. Just a few edits to the description of the tasks (to make clear that some of the agreements are not new), to the system descriptions (think there might have been a typo on the last three), and to the memo and table w/r/t the description of TECS (it is our understanding that techs is a system for accessing multiple datasets, rather than a dataset itself, and recommend some adjustments on that basis).

Thanks,

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**From:** (b) (6)  
**Sent:** Thursday, July 14, 2011 11:17 AM  
**To:** Hunt, Ken; Foster, Helen; Richards, Rebecca; (b) (6)  
**Subject:** URGENT S1 Task for Read Aheads (Clearance)  
**Importance:** High

Good Morning Everyone,

It is that time again, there is an update meeting being held on July 19, 2011 on our current status of information sharing with NCTC.

Attached please find drafts of requested read ahead material for your clearance. Due to the tight turn around, I have to ask for final clearance back from everyone by no later than 1400 (2:00pm TODAY) Please provide comments in track changes or statement of final clearance.

I thank you all in advance for your assistance!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"











(b) (6)

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**From:** (b) (6)  
**Sent:** Friday, July 29, 2011 7:56 PM  
**To:** (b) (6); Foster, Helen; Richards, Rebecca; Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** RE: S1 BM Info Sharing AG Guidelines  
**Attachments:** S1 Briefing Memo Info Sharing v02 110727 (CRCL2).docx; table v02 (CRCL).docx

Ok, here's my first go at the BM and chart. I still haven't located the PNR SORN, so any help you can provide identifying possible concerns (like insufficient routine uses) would be greatly appreciated.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**From:** (b) (6)  
**Sent:** Friday, July 29, 2011 4:44 PM  
**To:** Foster, Helen; Richards, Rebecca; Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** RE: S1 BM Info Sharing AG Guidelines

I&A has asked us to have our comments in by 10am on Monday morning, and we have a meeting with them at the NAC at that time. How about I finish up putting my thoughts as I have them now in the chart, and send you a version of the BM and chart with some starter language. Perhaps someone in PRIV could take a look over the weekend or very early on Monday? This is an S1 briefer, so I do need to clear through my folks here, and will need at least 9am-9:30 to get that done.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** Foster, Helen  
**Sent:** Friday, July 29, 2011 4:38 PM  
**To:** (b) (6); Richards, Rebecca; Hunt, Ken  
**Cc:** (b) (6)  
**Subject:** RE: S1 BM Info Sharing AG Guidelines

---

Thanks (b) (6) for doing all of this headwork. As you may have heard—we are scrambling in PRIV right now on some other things, and Ken is the sole PISI person in the office today. Can we plan to talk first thing on Monday morning?

---

**From:** (b) (6)  
**Sent:** Friday, July 29, 2011 2:11 PM  
**To:** Richards, Rebecca; Hunt, Ken; Foster, Helen  
**Cc:** (b) (6)  
**Subject:** RE: S1 BM Info Sharing AG Guidelines

I have some concerns about the proposed sharing, that I think you probably share. This is not necessarily final language, but my concerns would basically be expressed as:

(b) (5)



What do you think?

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(b) (6)

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**From:** Richards, Rebecca  
**Sent:** Friday, July 29, 2011 12:18 PM  
**To:** Hunt, Ken; Foster, Helen  
**Cc:** (b) (6)  
**Subject:** FW: S1 BM Info Sharing AG Guidelines  
**Importance:** High

Ken and Helen:

(b) (6) has some ideas and since I am in vacation mode I told her to hunt you guys down.

Becky

---

**From:** (b) (6)  
**Sent:** Friday, July 29, 2011 11:29 AM  
**To:** Foster, Helen; Hunt, Ken; Richards, Rebecca  
**Subject:** FW: S1 BM Info Sharing AG Guidelines  
**Importance:** High

Have you guys had a chance to look at these yet? I have an idea of how I would like to respond, but I think our concerns will probably be the same, and would like to coordinate with Privacy, if possible.

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Thursday, July 28, 2011 9:40 AM  
**To:** Hunt, Ken; (b) (6) Foster, Helen; Richards, Rebecca; (b) (6)

**Subject:** S1 BM Info Sharing AG Guidelines  
**Importance:** High

Good Morning Everyone,

As you may all be aware there is another S1 meeting coming up, next week some time I believe (possibly week after next), where updates will be provided on current status. There is also an additional request where we have been asked to address the potential for the draft Attorney General Guidelines which could (b) (5) In order to address the issue, the S1 has requested input on the topic. In order to capture the entire issue we have prepared the attached draft S1 BM and table.

Please review the BM and table and provide input as required in track changes. The table has a section for the components to add information on how our NCTC relationship works or what we have requested from NCTC in return

when they review your information. For oversight offices, there is a location to appropriately capture any concerns that should be addressed.

If we could get input back by noon tomorrow that would be great, I know this is tight, but we want to ensure we capture everything and staff appropriately. The entire package will go back out for final clearance once all the parts are assembled.

Thanks everyone for your hard work!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"













(b) (6)

---

**From:** (b) (6)  
**Sent:** Monday, August 01, 2011 4:31 PM  
**To:** (b) (6)  
**Subject:** S1 Briefing Materials DELIBERATIVE  
**Attachments:** S1 Briefing Memo Info Sharing v02 110727 (CRCL2)(PRIV)(CRCL3).docx; table v02 (CRCL wPRIV).docx; S1 Briefing Memo Info Sharing v02 110727 (CRCL FINAL).docx

Sorry it took me longer that I hoped to get these to you for re-clearance. I had a productive discussion with (b) (6) and Ken Hunt after my PNR meeting this afternoon. Got the preliminary ruling from OGC on my argument about the SORN issue, and basically, it looks like if we make this recommendation as I originally worded it, OGC will cut all the force and effect out of it by stating that as a legal matter it is not necessary. Apparently, OGC has already (at Audrey's level) taken the position (b) (5)

(b) (5)

The (CRCL2)(PRIV)(CRCL3) doc has all the track changes, so you can see what text of mine WKH edited out. The (CRCL FINAL) and (CRCL wPRIV) chart are what I propose sending to I&A tonight.

(b) (6)



















(b) (6)

---

**From:** (b) (6)  
**Sent:** Monday, August 01, 2011 8:14 PM  
**To:** (b) (6); Hunt, Ken; 'Foster, Helen'; Richards, Rebecca; (b) (6),  
(b) (6)  
(b) (6)  
(b) (6)  
**Subject:** RE: S1 BM Info Sharing AG Guidelines  
**Attachments:** S1 Briefing Memo Info Sharing v02 110727 (CRCL FINAL).docx; table v02 (CRCL FINAL).docx

Sorry I couldn't get this to you this morning, but attached please find comments/edits from CRCL for the briefing memo and chart. W/r/t the memo, we realize there's a hard and fast length limitation at work; made a few suggestions about where it would be best to truncate some things and get the biggest bang for our buck.

Thanks again for the extra time and the very helpful meeting this morning.

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, July 28, 2011 9:40 AM  
**To:** Hunt, Ken; (b) (6); Foster, Helen; Richards, Rebecca; (b) (6);  
(b) (6)  
(b) (6)  
**Subject:** S1 BM Info Sharing AG Guidelines  
**Importance:** High

Good Morning Everyone,

As you may all be aware there is another S1 meeting coming up, next week some time I believe (possibly week after next), where updates will be provided on current status. There is also an additional request where we have been asked to address the potential for the draft Attorney General Guidelines which could (b) (5) [redacted]. In order to address the issue, the S1 has requested input on the topic. In order to capture the entire issue we have prepared the attached draft S1 BM and table.

Please review the BM and table and provide input as required in track changes. The table has a section for the components to add information on how our NCTC relationship works or what we have requested from NCTC in return when they review your information. For oversight offices, there is a location to appropriately capture any concerns that should be addressed.

If we could get input back by noon tomorrow that would be great, I know this is tight, but we want to ensure we capture everything and staff appropriately. The entire package will go back out for final clearance once all the parts are assembled.

Thanks everyone for your hard work!

Respectfully,

(b) (6)

Information Sharing Access Coordinator

(b) (6)



"Facta, non verba"













(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, August 02, 2011 2:29 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** FW: S1 BM Info Sharing AG Guidelines - DELIBERATIVE  
**Attachments:** S1 Briefing Memo Info Sharing v02 110727 (CRCL FINAL).docx; table v02 (CRCL FINAL).docx; Routine Uses Supporting Current MOUs.docx

(b) (6)

Here's the comments to the S1 briefing memo and companion chart that I sent in yesterday. ISIS tried to coordinate with PRIV as much as we could on the content, as the retention period and SORN routine use issue are mainly their issues (though there are obviously significant potential civil liberties issues involved).

(b) (5)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)  
(b) (6)

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---

**From:** (b) (6)  
**Sent:** Monday, August 01, 2011 8:14 PM  
**To:** (b) (6); Hunt, Ken; 'Foster, Helen'; Richards, Rebecca; (b) (6)

**Subject:** RE: S1 BM Info Sharing AG Guidelines

Sorry I couldn't get this to you this morning, but attached please find comments/edits from CRCL for the briefing memo and chart. W/r/t the memo, we realize there's a hard and fast length limitation at work; made a few suggestions about where it would be best to truncate some things and get the biggest bang for our buck.

Thanks again for the extra time and the very helpful meeting this morning.

(b) (6)

---

**From:** (b) (6)

**Sent:** Thursday, July 28, 2011 9:40 AM

**To:** Hunt, Ken; (b) (6) Foster, Helen; Richards, Rebecca (b) (6);

(b) (6)

**Subject:** S1 BM Info Sharing AG Guidelines

**Importance:** High

Good Morning Everyone,

As you may all be aware there is another S1 meeting coming up, next week some time I believe (possibly week after next), where updates will be provided on current status. There is also an additional request where we have been asked to address the potential for the draft Attorney General Guidelines which could potentially (b) (5) in order to address the issue, the S1 has requested input on the topic. In order to capture the entire issue we have prepared the attached draft S1 BM and table.

Please review the BM and table and provide input as required in track changes. The table has a section for the components to add information on how our NCTC relationship works or what we have requested from NCTC in return when they review your information. For oversight offices, there is a location to appropriately capture any concerns that should be addressed.

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Thanks everyone for your hard work!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"



















(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, August 03, 2011 2:03 PM  
**To:** (b) (6); Hunt, Ken; Foster, Helen; Richards, Rebecca; (b) (6)  
**Subject:** RE: Please Review and Return ( S1 Briefing Memo and Status Update)  
**Attachments:** NCTC-DHS Information Sharing Agreements v45 (2)(PRIV)(CRCL).docx; S1 Briefing Memo Info Sharing v06 110802(PRIV)(CRCL).docx

Attached please find CRCL's comments on the revised memo and new chart. To try to make things easier, I've put our comments on top of the versions PRIV circulated this morning. Please contact me if you have any questions or concerns.

Thanks,  
(b) (6)

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)  
(b) (6)

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**From:** (b) (6)  
**Sent:** Tuesday, August 02, 2011 1:52 PM  
**To:** Hunt, Ken; Foster, Helen; Richards, Rebecca; (b) (6)  
**Subject:** Please Review and Return ( S1 Briefing Memo and Status Update)  
**Importance:** High

Thank you to everyone who has submitted input thus far.

We would like to send out the Briefing Memo and status update charts for final clearance.

Attached you will find the Briefing Memo and a single document with three (3) tables to review for content.

Please provide clearance/no comment or comments/edits in track changes no later than 2:00pm tomorrow. (August 3, 2011.)

If you have any questions please let me know.

Thanks everyone!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"



























(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, August 09, 2011 8:32 AM  
**To:** (b) (6)  
**Subject:** Re: Update: Read-Aheads: SSCI Briefing, Information Sharing / Data Retention

Yes, this makes sense. Thanks for the updates.

(b) (5)

---

**From:** (b) (6)  
**Sent:** Tuesday, August 09, 2011 07:51 AM  
**To:** (b) (6)  
**Subject:** RE: Update: Read-Aheads: SSCI Briefing, Information Sharing / Data Retention

(b) (6)

Great questions.

(b) (5)

Does this make sense?

(b) (6)

---

**From:** (b) (6)  
**Sent:** Monday, August 08, 2011 12:41 PM  
**To:** (b) (6)  
**Subject:** RE: Update: Read-Aheads: SSCI Briefing, Information Sharing / Data Retention

(b) (6)

I do have some questions, with regard to the briefing documents, as I believe they are intended to serve as talking points for the group.

1 (b) (5)

(b) (5)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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---

**From:** (b) (6)

**Sent:** Monday, August 08, 2011 12:04 PM

**To:** (b) (6)

**Subject:** RE: Update: Read-Aheads: SSCI Briefing, Information Sharing / Data Retention

(b) (6) thanks for your note. Given that our intent is to reprise the collaborative discussion we gave at the CHS meeting on 06/15, I think we are good. Do you agree? I think all should go well, and the emphasis on how we are collectively working as a DHS and NCTC team is the key. Please do let me know if you have any other concerns. I'm more than happy to give you a call so we can discuss by telephone. Thanks, - (b) (6)

---

**From:** (b) (6)

**Sent:** Monday, August 08, 2011 11:10 AM

**To:** (b) (6)

Hunt, Ken;

(b) (6)

**Cc:** (b) (6)

Foster, Helen; (b) (6)

Richards, Rebecca;

(b) (6)

**Subject:** RE: Update: Read-Aheads: SSCI Briefing, Information Sharing / Data Retention

Do we still plan to telecon before the briefing?

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)  
(b) (6)

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**From:** (b) (6)  
**Sent:** Tuesday, August 02, 2011 4:59 PM  
**To:** (b) (6); Hunt, Ken; (b) (6)  
(b) (6)  
**Cc:** (b) (6); Foster, Helen; (b) (6); Richards, Rebecca  
**Subject:** Update: Read-Aheads: SSCI Briefing, Information Sharing / Data Retention

Thanks to (b) (6) updates, please see the attached talking points. The second status file (with tables) remains the same.

---

**From:** (b) (6)  
**Sent:** Tuesday, August 02, 2011 4:44 PM  
**To:** (b) (6); Hunt, Ken; (b) (6)  
(b) (6)  
**Cc:** (b) (6); Foster, Helen; (b) (6); Richards, Rebecca  
**Subject:** Read-Aheads: SSCI Briefing, Information Sharing / Data Retention

Please find attached two DHS-internal (not for distribution to staffers) read-aheads related to tomorrow, Wednesday's visit with (b) (6). Recommendation is we reprise the successful DHS-internal DHS-NCTC Records Working Group visit we made with (b) (6) to CHS staff on June 15<sup>th</sup>. The read-aheads include both a paper with talking points, and an updated version of the DHS-NCTC information sharing agreements status tables. I'm including on distribution:

(b) (6)



(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, September 09, 2011 6:58 PM  
**To:** (b) (6)  
**Subject:** RE: (b) (5) on Monday  
**Attachments:** (b) (5)

Sorry I took so long to get this to you (my afternoon was busier than I anticipated). Attached please find a revised flow chart—10 easy steps! Do you think it's feasible that you could put this in a word document, or should I forward it to (b) (6) and try to speak with him Monday morning regarding getting this in a more professional format and on the agenda for the 2pm meeting?

(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, September 09, 2011 10:30 AM  
**To:** (b) (6)  
**Subject:** Re: (b) (5) on Monday

Okay. Call my BB.

---

**From:** (b) (6)  
**Sent:** Friday, September 09, 2011 10:26 AM  
**To:** (b) (6)  
**Subject:** RE: (b) (5) on Monday

Do you have time for a chat just now about the doodle I sent?

---

**From:** (b) (6)  
**Sent:** Friday, September 09, 2011 10:24 AM  
**To:** (b) (6)  
**Subject:** Re: (b) (5) on Monday

Sure.

---

**From:** (b) (6)  
**Sent:** Friday, September 09, 2011 10:23 AM  
**To:** (b) (6)  
**Subject:** (b) (5) on Monday

(b) (6)

I&A sent out a calendar invitation to a meeting on Monday on (b) (5). There's a call-in number, so I plan to call in and participate.

I called (b) (6) this morning to get a read on whether we had any news on possible movement on the AG guidelines (the calendar language was ambiguous), and he said that there was nothing imminent that I&A was aware of, but they want to meet again quickly because S1 has been asking about progress on this.

Should we try to push the flow chart idea to them today, to try to get it on the agenda for the meeting?

(b) (6)



**Pineiro, Fernando**

---

**From:** (b) (6)  
**Sent:** Thursday, October 13, 2011 4:40 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** CRCL and the Proposed AG Guidelines for NCTC  
**Attachments:** (b) (5) Talking Points Regarding the Appropriateness of DHS Exercising Discretion in Retention Periods.docx; Callahan Schlanger S1 Memo.pdf; Comments AG Guidelines OGC Final Final (CRCL).docx

(b) (6)

Just in case (b) (6) need some material in response to movement on the AG Guidelines themselves while I am gone:

Michael and I have been working for some months to brief Margo, (b) (6) on issues related to the draft AG Guidelines. Our biggest, but not sole concern, (b) (5)

I've attached the versions for (b) (5)

(b) (5)

Also attached find comments CRCL sent to OGC to be included in our interagency response to the draft AG guidelines when they were first circulated. They may be helpful if the guidelines come around again. Generally (b) (5)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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**Homeland  
Security**

May 12, 2011

**INFORMATION**

MEMORANDUM FOR: Secretary Janet Napolitano

FROM: Mary Ellen Callahan  
Chief Privacy Officer

A handwritten signature in blue ink, appearing to read "Mary Ellen Callahan".

Margo Schlanger  
Officer for Civil Rights and Civil Liberties

A handwritten signature in blue ink, appearing to read "Margo Schlanger".

SUBJECT: How Best to Express the Department's Privacy and Civil Liberties-  
Related Concerns over Draft Guidelines Proposed by the Office of  
The Director of National Intelligence and the National  
Counterterrorism Center

(b) (5)

A large, solid grey rectangular redaction box covering the majority of the lower half of the page.























































(b) (6)

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**From:** (b) (6)  
**Sent:** Wednesday, October 05, 2011 2:34 PM  
**To:** (b) (6)  
**Subject:** FW: NCTC-DHS Information Sharing Agreements Status Table  
**Attachments:** NCTC-DHS Information Sharing Agreements v61 111004.doc; NCTC-DHS Information Sharing Agreements v60 110901 (CRCL).doc

**Importance:** High

Attached please find the latest version of the status chart, which I've been asked to update for COB today. I sent edits to v.60 (see attached) on September 7, most of which were not adopted. I sent them again on September 21, with a request to (b) (6), if they decided not to add my material, to please reach out to me to discuss why they didn't think it was appropriate. I received v.61 yesterday, it not only does not have my material from September 21, it rolled back some previous edits that they had accepted into the version circulated 9/20.

I'd really like to see our edits made. How would you like to proceed? I think this was probably an oversight (again), so I'm inclined to send them again with a polite but firm note that this is the third time we'll be sending these edits, so if I&A doesn't want to make the change, we'd really like to sit down and discuss it with them, and then see what happens. If my stuff doesn't get in and we don't hear from them, then I think we have our answer.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Tuesday, October 04, 2011 10:07 AM  
**To:** Hunt, Ken; Foster, Helen; Richards, Rebecca; (b) (6)

**Subject:** NCTC-DHS Information Sharing Agreements Status Table  
**Importance:** High

Good Morning Everyone,

It has been awhile since we have updated our status tables and we would like to send out another update by Thursday of this week.

Please review the attached and provide updates as needed via track changes no later than COB tomorrow, Wednesday.

If you have any questions or would like to discuss any portion of the document, please let (b) (6) and I know and we can schedule a quick phone call/in-person meeting.

Thanks everyone!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"





































(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, October 05, 2011 4:26 PM  
**To:** (b) (6)  
**Subject:** RE: NCTC-DHS Information Sharing Agreements Status Table  
**Attachments:** NCTC-DHS Information Sharing Agreements v60 110901 (CRCL).doc

(b) (6)

Attached please find CRCL's edits. We sent these comments on 9/7 and 9/21 but, for whatever reason, they did not make it into the version 61. If this was an oversight, would you please update the tables accordingly? If this is not an oversight, could we arrange for CRCL and I&A to discuss the proposed edits?

Thanks,

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Tuesday, October 04, 2011 10:07 AM  
**To:** Hunt, Ken; Foster, Helen; Richards, Rebecca; (b) (6)

(b) (6)

**Subject:** NCTC-DHS Information Sharing Agreements Status Table  
**Importance:** High

Good Morning Everyone,

It has been awhile since we have updated our status tables and we would like to send out another update by Thursday of this week.

Please review the attached and provide updates as needed via track changes no later than COB tomorrow, Wednesday.

If you have any questions or would like to discuss any portion of the document, please let (b) (6) and I know and we can schedule a quick phone call/in-person meeting.

Thanks everyone!

Respectfully,

(b) (6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"



















**Pineiro, Fernando**

---

**From:** (b) (6)  
**Sent:** Monday, November 07, 2011 11:44 AM  
**To:** (b) (6)  
**Subject:** FW: Action Items and Final Draft of Working Group Process Document (DELIBERATIVE)  
**Attachments:** NCTC AG Guidelines FINAL DRAFT 111104 (CRCL).docx  
**Importance:** High

(b) (6)

Attached please find the document I mentioned in our phone call on Friday. After we spoke, I&A sent the document out in a formal tasking, and requested that we provide comments by COB today.

I've reviewed the attached. Most of my comments from the prior version and my verbal comments during the meeting were accepted. Unfortunately, my comment on #8 was not accepted. I have re-inserted this comment. (b) (5)

Also, though it does not necessarily impact our comments, I would like to discuss #3 with you at your earliest convenience (preferably before my NCTC Engagement meeting tomorrow afternoon).

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Friday, November 04, 2011 1:34 PM  
**To:** Hunt, Ken; Hart, (b) (6)  
(b) (6); Richards, Rebecca; Foster, Helen; (b) (6)

**Subject:** Action Items and Final Draft of Working Group Process Document  
**Importance:** High

Thank you to everyone for your hard work thus far! We had a great meeting today and have a few action items to resolve upon prior to our next meeting that will be scheduled for Tuesday of this coming week. Please review the action items below and provide input by COB Monday (7NOV11).

(b) (5)



Please let me know if you have any additional questions.

Thanks again and have a great weekend!

Respectfully,

(b) (6)



Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)



"Facta, non verba"









(b) (6)

---

**From:** (b) (6)  
**Sent:** Monday, November 07, 2011 3:27 PM  
**To:** (b) (6); Hunt, Ken; (b) (6)  
(b) (6); Richards, Rebecca; Foster, Helen; (b) (6)  
(b) (6)  
(b) (6)

**Subject:** RE: Action Items and Final Draft of Working Group Process Document  
**Attachments:** NCTC AG Guidelines FINAL DRAFT 111104 (CRCL).docx

Attached please find CRCL's edits.

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Friday, November 04, 2011 1:34 PM  
**To:** Hunt, Ken; (b) (6)  
(b) (6); Richards, Rebecca; Foster, Helen; (b) (6)

**Subject:** Action Items and Final Draft of Working Group Process Document  
**Importance:** High

Thank you to everyone for your hard work thus far! We had a great meeting today and have a few action items to resolve upon prior to our next meeting that will be scheduled for Tuesday of this coming week. Please review the action items below and provide input by COB Monday (7NOV11).

(b) (5)

(b) (5)



Please let me know if you have any additional questions.

Thanks again and have a great weekend!

Respectfully,

(b) (6)



Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)



"Facta, non verba"









(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, January 17, 2012 11:05 AM  
**To:** (b) (6)  
**Subject:** Proposed language for addition to AG Guidelines Track 3  
**Attachments:** 01-13-12 Proposed Addition to Track 3 Temp Retention Period.docx

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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(b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, November 08, 2011 12:44 PM  
**To:** (b) (6); Hunt, Ken; (b) (6),  
(b) (6) Richards, Rebecca; Foster, Helen; (b) (6)  
(b) (6)  
(b) (6)

**Subject:** RE: Action Items and Final Draft of Working Group Process Document  
**Attachments:** NCTC AG Guidelines FINAL DRAFT 111108 (CRCL).doc; Temporary Retention of USPER Paper Template v01 111108 (CRCL).docx

Please see the attached for CRCL's comments/edits.

Thanks,

(b) (6)

(b) (6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Tuesday, November 08, 2011 8:23 AM  
**To:** (b) (6) Hunt, Ken; Hart (b) (6)  
(b) (6); Richards, Rebecca; Foster, Helen; (b) (6)

**Subject:** RE: Action Items and Final Draft of Working Group Process Document  
**Importance:** High

Thank you everyone for your input.

Please see attached the recommended additions/changes for final approval.

As a result, we will be canceling today's meeting in favor of continuing to work a draft paper based on these process steps.

Attached for your review you will find the updated process chart and a template for the paper.

Please submit final clearance and/or comments no later than COB today.

We will reschedule today's meeting for early next week.

Thanks!

Respectfully,

(b) (6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

"Facta, non verba"

---

**From:** (b) (6)  
**Sent:** Monday, November 07, 2011 3:27 PM  
**To:** (b) (6) Hunt, Ken; (b) (6)  
(b) (6) Richards, Rebecca; Foster, Helen; (b) (6)  
(b) (6)

**Subject:** RE: Action Items and Final Draft of Working Group Process Document

Attached please find CRCL's edits.

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

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---

**From:** (b) (6)  
**Sent:** Friday, November 04, 2011 1:34 PM  
**To:** Hunt, Ken; Hart, (b) (6)  
(b) (6) Richards, Rebecca; Foster, Helen; (b) (6)  
(b) (6)

**Subject:** Action Items and Final Draft of Working Group Process Document

**Importance:** High

Thank you to everyone for your hard work thus far! We had a great meeting today and have a few action items to resolve upon prior to our next meeting that will be scheduled for Tuesday of this coming week. Please review the action items below and provide input by COB Monday (7NOV11).

(b) (5)



Please let me know if you have any additional questions.

Thanks again and have a great weekend!

Respectfully,

(b) (6)



Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)



"Facta, non verba"











(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, December 07, 2011 8:45 PM  
**To:** (b) (6)  
**Subject:** FW: AG Guidelines Process Chart  
**Attachments:** NCTC AG Guidelines FINAL DRAFT 7DEC11 (CRCL).docx; NCTC AG Guidelines FINAL DRAFT 111108 (CRCL)\_OGC edits.doc

**Importance:** High

(b) (6)

In anticipation of the finalization of revised AG Guidelines, I&A is re-circulating the process chart we've been developing over the past few months. In mid-November, CRCL submitted comments on the most recent draft, as did OGC, however, due to other priorities, we never wound up meeting to work out the conflicts between CRCL and OGC's comments.

I've reviewed the attached proposed final draft, as well as OGC's most recent comments (that were not included in the draft). Some of the new language inserted by OGC does not, to my mind, fully convey the interests at stake. I've attempted to redraft OGC's material in a way that meets OGC's stated concerns without negating our concerns. Would you review the attached? I've also included the prior draft, which included comments from OGC that expanded on their reasoning for their changes.

I&A asked for COB, but I think tomorrow will be OK.

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, December 07, 2011 9:39 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** AG Guidelines Process Chart  
**Importance:** High

Finally had a moment to consolidate final comments/edits on this and wanted to share the remaining changes that impact you both.

Please let me know if the attached is alright.

If I could get this back by COB that would be great.

Thanks!

Respectfully,

(b) (6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b) (6)

A large rectangular area of the document is redacted with a solid grey fill. The redaction covers the majority of the top half of the page.

"Facta, non verba"



















(b) (6)

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**From:** (b) (6)  
**Sent:** Friday, December 09, 2011 11:08 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: AG Guidelines Process Chart  
**Attachments:** NCTC AG Guidelines FINAL DRAFT 7DEC11 (CRCL).docx

(b) (6)

Sorry we're a little late getting this to you (illness is running rampant in our section). CRCL has a few concerns with the revised language proposed by OGC in the prior round. Attached please find our attempt at harmonizing CRCL and OGC's language to something both offices can get behind.

(b) (6)

(b) (6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)  
(b) (6)

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**From:** (b) (6)  
**Sent:** Wednesday, December 07, 2011 9:39 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** AG Guidelines Process Chart  
**Importance:** High

Finally had a moment to consolidate final comments/edits on this and wanted to share the remaining changes that impact you both.

Please let me know if the attached is alright.

If I could get this back by COB that would be great.

Thanks!

Respectfully,

(b) (6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b) (6)  
Mobile: (b) (6)

(b) (6)



"Facta, non verba"











(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, November 16, 2011 4:22 PM  
**To:** Schlanger, Margo  
**Cc:** (b) (6)  
**Subject:** RE: AG Guidelines  
**Attachments:** S2 Decision Memo NCTC AG Guidelines DRAFT 11-16-11 (DG).docx

Margo,

You may shoot me...

I have some edits. None are show-stoppers but I think they will add weight to our argument.

Thanks,

(b) (6)

(b) (6)  
DHS - CRCL  
Director of Programs  
(b) (6)

=====  
**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.  
=====

---

**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, November 16, 2011 1:29 PM  
**To:** Schlanger, Margo  
**Cc:** (b) (6); Hunt, Ken; Mathews, Scott; (b) (6); Callahan, Mary Ellen  
**Subject:** RE: AG Guidelines

Sorry for delay. We abridged the memo and moved the discussion of 12333 to the end. I don't know that we are ever going to get consensus on this from the other signatories, but we have the dep sec instructions. Shown in track changes.

**Mary Ellen Callahan**  
**Chief Privacy Officer**  
**U.S. Department of Homeland Security**  
**245 Murray Lane SW, Mail Stop 0655**  
**Washington, DC 20528-0655**  
**Telephone:** (b) (6)  
**Fax:** (703) 235-0442  
**E-mail:** (b) (6)  
**Website:** [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Schlanger, Margo  
**Sent:** Wednesday, November 09, 2011 9:01 PM  
**To:** Callahan, Mary Ellen  
**Cc:** (b) (6)  
**Subject:** AG Guidelines

Here's a first cut at a memo.

I'm not sure I'm totally prepared with the firestorm we're about to create; (b) (6) was pretty tough on this issue on Monday. But let's at least get something written and then discuss, don't you think?

Make what changes you like – no need to redline, unless you want to.

Margo

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(b) (6)

<http://www.dhs.gov/crcl>



**Homeland  
Security**



















**MEMORANDUM OF AGREEMENT  
BETWEEN THE ATTORNEY GENERAL AND THE DIRECTOR OF NATIONAL  
INTELLIGENCE ON GUIDELINES FOR ACCESS, RETENTION, USE, AND  
DISSEMINATION BY THE NATIONAL COUNTERTERRORISM CENTER OF  
TERRORISM INFORMATION CONTAINED WITHIN DATASETS IDENTIFIED AS  
INCLUDING NON-TERRORISM INFORMATION AND INFORMATION  
PERTAINING EXCLUSIVELY TO DOMESTIC TERRORISM**

**I. Background**

A. Pursuant to section 119(d) of the National Security Act of 1947, as amended, the National Counterterrorism Center (NCTC) shall “serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.” NCTC shall also “serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support.”

B. NCTC’s analytic and integration efforts concerning terrorism and counterterrorism, as well as its role as the central and shared knowledge bank for known and suspected terrorists, at times require it to access and review datasets that are identified as including non-terrorism information and information pertaining exclusively to domestic terrorism in order to identify and obtain “terrorism information,” as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004.<sup>1</sup> The President authorized such information sharing in Executive Order 13388, requiring that agencies place the “highest priority” on the “interchange of terrorism information” in order to “strengthen the effective conduct of United States counterterrorism activities and protect the territory, people, and interests of the United States of America.” That Executive Order further requires that the “head of each agency that possesses or acquires terrorism information...shall promptly give access to the terrorism information to the head of each other agency that has counterterrorism functions, and provide the terrorism information to each such agency,” consistent with law and statutory responsibilities. In the National Security Act of 1947, as amended, Congress, too, recognized that NCTC must have access to a broader range of information than it has primary authority to analyze and integrate if it is to achieve its missions. The Act thus provides that NCTC “may, consistent with applicable

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<sup>1</sup> “The term ‘terrorism information’—

(A) means all information whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

- (i) the existence, organization, capabilities, plans, intention, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;
- (ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;
- (iii) communications of or by such groups or individuals; or
- (iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and

(B) includes weapons of mass destruction information.” IRTPA, § 1016(a)(5).

law, the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.” National Security Act of 1947, as amended, section 119(e). Further, the Act envisions that NCTC, as part of the Office of the Director of National Intelligence (ODNI), *id.* at 119(a), would have the broadest possible access to national intelligence relevant to terrorism and counterterrorism. Section 102A(b) of the National Security Act of 1947, as amended, provides that “[u]nless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.”

C. This Memorandum of Agreement (MOA) establishes such guidelines between the Attorney General and the Director of National Intelligence as called for in section 102A of the National Security Act of 1947, as amended, to govern the access, retention, use, and dissemination by NCTC of terrorism information that is contained within datasets that are identified as including non-terrorism information and information pertaining exclusively to domestic terrorism. This MOA does not supersede the arrangements in place under the MOA for the Interagency Threat Assessment and Coordination Group (ITACG). See Homeland Security Act of 2002, as amended, section 210D, and the September 27, 2007 Memorandum of Agreement on the Establishment and Operation of the Interagency Threat Assessment and Coordination Group. The procedures for the ITACG MOA will be implemented consistent with this MOA. This MOA constitutes procedures pursuant to section 2.3 of Executive Order 12333 for NCTC’s access to and acquisition of datasets explicitly covered by this MOA and govern, with respect to such activity, in lieu of the Attorney General-approved procedures pursuant to section 2.3 generally governing NCTC’s or ODNI’s access and acquisition activities. NCTC’s retention, use, and dissemination of information contained in the datasets and all other NCTC activities remain subject to such generally applicable Attorney General-approved procedures, as well as additional applicable restrictions as set forth below. The terms and conditions of specific information acquisitions shall be determined by NCTC and the data provider and shall incorporate the guidelines agreed upon in this MOA.

## II. References

- A. National Security Act of 1947, as amended
- B. Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended
- C. Homeland Security Act of 2002, as amended
- D. Executive Order 12333 of December 4, 1981, as amended, “United States Intelligence Activities”
- E. Executive Order 13388 of October 25, 2005, “Further Strengthening the Sharing of Terrorism Information to Protect Americans”
- F. Homeland Security Presidential Directive (HSPD) 6 of September 16, 2003, “Integration and Use of Screening Information”
- G. Director of Central Intelligence Directive (DCID) 6/3 of June 5, 1999, “Protecting Secure Compartmented Information within Information Systems,” with appendices (or successor Intelligence Community Directives (ICD) and Policies)

- H. December 4, 2006 Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in the Development and Use of the Information Sharing Environment
- I. March 4, 2003 Memorandum of Understanding between the Intelligence Community, Federal Law Enforcement Agencies, and the Department of Homeland Security Concerning Information Sharing
- J. September 27, 2007 Memorandum of Agreement on the Establishment and Operation of the Interagency Threat Assessment and Coordination Group
- K. Central Intelligence Agency Headquarters Regulation 7-1 of December 23, 1987, "Law and Policy Governing the Conduct of Intelligence Activities"
- L. National Counterterrorism Center Information Sharing Policy of February 27, 2006, "Rules of the Road" (NCTC Policy Document 11.2)
- M. National Counterterrorism Center Role-Based Access Policy of November 9, 2006 (NCTC Policy Document 11.7)

### **III. Guidelines**

#### **A. Authority for and Scope of NCTC Data Access Acquisitions**

1. NCTC information access, retention, use, and dissemination will be for authorized NCTC purposes. Pursuant to Executive Order 13388 and consistent with the National Security Act of 1947, as amended, and the March 4, 2003 Memorandum of Understanding between the Intelligence Community, Federal Law Enforcement Agencies, and the Department of Homeland Security Concerning Information Sharing, NCTC shall be afforded prompt access to all Federal information and datasets that may constitute or contain terrorism information. NCTC may access datasets that may constitute or contain terrorism information, including those identified as containing non-terrorism information or information pertaining exclusively to domestic terrorism, to acquire, retain, and disseminate terrorism information pursuant to NCTC's statutory authorities consistent with these guidelines.

2. With respect to NCTC data access acquisitions covered by this MOA, NCTC will retain, use, and disseminate information on United States persons, as defined in Executive Order 12333, as amended, only if the information is reasonably believed to constitute terrorism information and only in accordance with the procedures set forth in sections III.B and III.C below, or for the purposes described in section III.A.3 below. Information is "reasonably believed to constitute terrorism information" if, based on knowledge and experience of counterterrorism analysts as well as the factual and practical considerations of everyday life on which reasonable and prudent persons act, there are facts giving rise to a reasonable, articulable suspicion that the information is terrorism information.

3. These guidelines permit NCTC to acquire United States person information for the purpose of determining whether the information constitutes terrorism information and thus may be retained, used, and disseminated. Any such United States person information acquired must be promptly reviewed for such purpose. Information on United States persons that NCTC has erroneously acquired, for which the designation as terrorism information is subsequently discounted, or as to which a reasonable belief that it constitutes terrorism information cannot be

promptly established will not be retained, used, or disseminated. Such information will be promptly removed from NCTC's systems, unless such removal is otherwise prohibited by applicable law, regulation, policy, or court order. Information in NCTC systems found to contain errors will be promptly corrected to ensure information integrity and accuracy, and the data provider shall be notified of the error.

4. NCTC will acquire, retain, use, and disseminate information pursuant to the relevant standards of Executive Order 12333, as amended, and as consistent with the National Security Act of 1947, as amended, and other applicable provisions of law, including applicable privacy laws and laws and regulations governing the acquisition of information. NCTC users of acquired information will be subject at all times to NCTC's Role-Based Access and Information Sharing Policies, referenced above in section II, as well as additional audit and oversight authorities, as applicable. In implementing these guidelines, NCTC shall consult with the ODNI's Office of General Counsel (OGC) and the ODNI Civil Liberties Protection Officer (CLPO), as appropriate.

5. The Director, NCTC shall be the responsible official for ensuring that NCTC complies with the guidelines of this MOA. The CLPO shall be the responsible official for ensuring that NCTC, as part of the ODNI, complies with the Privacy Guidelines for the Information Sharing Environment, referenced above in section II.

## **B. General Procedures for NCTC Data Access Acquisitions**

1. NCTC will work with the data provider to identify datasets that contain or may contain terrorism information, including those identified as containing non-terrorism information or information pertaining exclusively to domestic terrorism.

2. NCTC will coordinate its acquisitions of information with the data provider in advance to ensure that information is transmitted, stored, retained, accessed, used, and disseminated in a manner that protects privacy and civil liberties and information integrity and security and is in accordance with applicable laws and regulations. NCTC will work with the data provider to ensure acquired data is updated and verified throughout its retention and use by NCTC.

3. All NCTC personnel provided access to datasets under these guidelines will receive training in the use of the specific dataset, to ensure that NCTC personnel use the datasets only in accordance with authorized NCTC purposes. NCTC personnel will also receive ongoing training to ensure understanding of civil liberties and privacy expectations and requirements involved in the access to and use of datasets.

4. Use of acquired and retained information in disseminated NCTC products will be coordinated in advance with data providers to ensure that sensitive sources and methods, pending investigations, law enforcement equities, foreign government interests, privacy and civil liberties, and other considerations are appropriately protected. Information properly acquired and retained by NCTC may be used for all authorized NCTC purposes. This includes, but is not limited to: analytic and integration purposes, inclusion in finished analytic products and pieces,

enhancement of records contained within the Terrorist Identities Datamart Environment (TIDE), operational support, strategic operational planning, and appropriate dissemination to Intelligence Community, Federal, and other counterterrorism partners.

5. NCTC may make access to acquired information available to other parties only in accordance with the uses contemplated above and consistent with any other restrictions on the use of that information and after prior coordination with the data provider.

6. Information acquired pursuant to the tracks outlined below shall be deemed to remain under the control of the providing agency for purposes of the Freedom of Information Act, the Privacy Act, and any other legal proceeding, unless a different arrangement is agreed upon between NCTC and the providing agency.

### **C. Specific Procedures for NCTC Data Access Acquisitions**

NCTC may acquire information contained within datasets in one or more of the three ways outlined below. NCTC will coordinate with the data providers to determine which information acquisition track provides the most effective means of ensuring NCTC access to terrorism information contained in the relevant datasets, consistent with the protection of privacy and civil liberties of United States persons. NCTC will work with data providers to ensure its access meets any additional necessary legal restrictions affecting provision of the specific data.

#### **1. Track 1 Information Acquisition: Account-Based Access**

a) NCTC personnel may be provided access to the datasets of other entities that may contain terrorism information either directly or through role-based accounts.

b) NCTC will access information in such datasets identified as containing non-terrorism information or information pertaining exclusively to domestic terrorism only to determine if the dataset contains terrorism information. NCTC may acquire, retain, use, and disseminate terrorism information consistent with all authorized NCTC purposes, as described above in sections III.A and III.B. If acquired information does not constitute terrorism information, NCTC will not retain, use, or disseminate the accessed information.

c) Consistent with section 119A of the National Security Act of 1947, as amended, and HSPD 6, the initial query term for NCTC access shall be a known or suspected terrorist identifier or other piece of terrorism information (hereinafter, "terrorism datapoints"). In order to follow up on positive query results, subsequent terrorism datapoints may be used to explore such known or suspected terrorist's network of contacts and support. NCTC is not otherwise permitted under these guidelines to query, use, or exploit such datasets (e.g., analysts may not "browse" through records in the dataset that do not match a query with terrorism datapoints, or conduct "pattern-based" queries or analyses without terrorism datapoints).

d) NCTC shall work with the dataset provider to ensure that terrorism datapoints and matching records from the dataset are provided, received, stored, and used in a secure

manner that appropriately protects intelligence sources and methods and related sensitivities, consistent with the requirements of DCID 6/3 or successor ICD.

## 2. Track 2 Information Acquisition: Search and Retention

a) NCTC may provide the owner of a dataset that may contain terrorism information with query terms—either singly or in batches—consisting of terrorism datapoints so that a search of the dataset may be run. Information from the dataset that is responsive to queries using NCTC-provided terrorism datapoints will be provided to NCTC. NCTC may acquire, retain, use, and disseminate this information consistent with all authorized NCTC purposes, as described above in sections III.A and III.B. Information not responsive to queries using terrorism datapoints will not be retained or accessible by NCTC.

b) By limiting NCTC search terms to terrorism datapoints, NCTC will receive only limited, preliminary access to information that may be either non-terrorism information or information pertaining exclusively to domestic terrorism. If later NCTC review of the received information reveals that specific information does not constitute terrorism information, NCTC will not retain, use, or disseminate that information.

c) NCTC shall work with the dataset provider to ensure that terrorism datapoints and responsive records from the dataset are provided, received, stored, and used in a secure manner that appropriately protects intelligence sources and methods and related sensitivities, consistent with the requirements of DCID 6/3 or successor ICD.

## 3. Track 3 Information Acquisition: NCTC Dataset Replication

a) NCTC may replicate portions or the entirety of a dataset when NCTC has determined, through its dataset identification process, that a dataset is likely to contain significant terrorism information, and that NCTC's authorized purposes cannot effectively be served through Tracks 1 or Track 2.

b) Dataset replication will be designed to exclude or remove United States person information that is not reasonably believed to be terrorism information through filtration and verification mechanisms occurring as part of and following the replication process. Datasets received in accordance with Track 3 may not be accessed or used by NCTC prior to replication, except as directly necessary to accomplish such replication, subject to procedures agreed upon with the dataset provider. Measures will be put in place to ensure that the dataset is received and stored in a manner to prevent unauthorized access and use prior to the completion of replication.

c) NCTC will promptly review the replicated data to ensure that United States person information that is not reasonably believed to be terrorism information has been removed. NCTC will not retain, use, or disseminate any such information. NCTC will work with data providers to ensure that every replication is tailored to meet these conditions and any additional necessary legal restrictions affecting provision of the specific data.

d) Once such replication process has occurred, NCTC may acquire, retain, use, and disseminate replicated information consistent with all authorized NCTC purposes, as described above in sections III.A and III.B, subject to the procedures in paragraph III.C.3.(f). Any data subsequently determined to be United States person information that is not reasonably believed to be terrorism information will be removed upon discovery.

e) By limiting NCTC replication to datasets that NCTC has determined contain significant terrorism information, NCTC will receive only limited access to information that may be either non-terrorism information or information pertaining exclusively to domestic terrorism outside the scope of NCTC's authorities.

f) NCTC shall work with the dataset provider to ensure that information for dataset replications are provided, received, stored, and used in a secure manner that appropriately protects intelligence sources and methods and related sensitivities, consistent with the requirements of DCID 6/3 or successor ICD.

**IV. Period**

This MOA shall be effective upon signature and shall remain in effect until revoked.



Michael B. Mukasey  
Attorney General of the United States of America

11/4/08

Date



J. M. McConnell  
Director of National Intelligence

1 OCT 08

Date

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, March 08, 2012 2:24 PM  
**To:** (b) (6)  
**Subject:** FW: AG talkers back from CRCL  
**Attachments:** 120308 BM for DC\_redline.docx; 120306 BM for DC 20120307 (ILD)\_PRIV revisions\_clean copy.docx

Could you have someone review? thanks

---

**From:** Foster, Helen  
**Sent:** Thursday, March 08, 2012 1:41 PM  
**To:** Callahan, Mary Ellen; Kronisch, Matthew; Hunt, Ken; PRIV Exec Sec  
**Cc:** (b) (6); Wagner, Caryn; (b) (6)  
**Subject:** RE: AG talkers back from CRCL

All,  
We have incorporated ILD's suggested edits for the AG talkers. Attached are (1) a redline version of the document that shows only where we did not accept (or where we tweaked) ILD's suggested edits. I also added comments to respond to Matt's concerns and explain what we did in this version. (2) a clean version of the revised document.

Thanks for all of your help. Please don't hesitate to reach out with questions or concerns.

Helen

Helen Foster  
DHS Privacy Office  
(b) (6)

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, March 08, 2012 12:32 PM  
**To:** Kronisch, Matthew; Hunt, Ken  
**Cc:** (b) (6); Wagner, Caryn; (b) (6); Foster, Helen; (b) (6)  
**Subject:** RE: AG talkers back from CRCL

Really helpful, thanks so much, Matt, I really appreciate the time you took to make this edits. We are adjudicating them now.

**Mary Ellen Callahan**  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b) (6)  
Fax: (703) 235-0442  
E-mail: (b) (6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, March 08, 2012 11:10 AM

**To:** Hunt, Ken  
**Cc:** (b) (6) Callahan, Mary Ellen; Wagner, Caryn; (b) (6) Foster, Helen; (b) (6)  
**Subject:** FW: AG talkers back from CRCL

Colleagues,  
My comments and recommended edits are attached. Good luck.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)  
mobile (b) (6)  
nsts (b) (6)  
pager (b) (6)

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---

**From:** (b) (6)  
**Sent:** Wednesday, March 07, 2012 5:17 PM  
**To:** Kronisch, Matthew; (b) (6)  
**Subject:** Fw: AG talkers back from CRCL

Sir,

Given your past degree of involvement, would you prefer to handle this matter directly?

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 04:44 PM  
**To:** (b) (6)  
**Cc:** (b) (6) Callahan, Mary Ellen  
**Subject:** FW: AG talkers back from CRCL

Please see the attached talking points prepared for S2 in advance of a Deputies Committee meeting on the proposed AG Guidelines. These represent the consolidated effort of PRIV and CRCL.

We have heard preliminary notice that (b) (6) intended to have the meeting tomorrow. Candidly, this is not ideal for DHS for two reasons. First, it does not give us much time for internal coordination (so please review as quickly as possible). Second, and more importantly, S2 is unavailable tomorrow.

Best,

(b) (6)

(b) (6)  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b) (6)

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

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, March 08, 2012 4:16 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: AG talkers back from CRCL

This looks great. I clear

---

**From:** (b) (6)  
**Sent:** Thursday, March 08, 2012 3:32 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: AG talkers back from CRCL

(b) (6)

(b) (6) and I have both reviewed the document, and we think it's okay. There don't seem to be significant changes to which we could reasonably object, so our general recommendation is to give PRIV the green light (assuming they're expecting one) on this version. However, (b) (5)

Thanks,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, March 08, 2012 2:24 PM  
**To:** (b) (6)  
**Subject:** FW: AG talkers back from CRCL

Could you have someone review? thanks

---

**From:** Foster, Helen  
**Sent:** Thursday, March 08, 2012 1:41 PM  
**To:** Callahan, Mary Ellen; Kronisch, Matthew; Hunt, Ken; PRIV Exec Sec  
**Cc:** (b) (6); Wagner, Caryn; (b) (6)  
**Subject:** RE: AG talkers back from CRCL

All,

(b) (5)

Thanks for all of your help. Please don't hesitate to reach out with questions or concerns.

Helen

Helen Foster  
DHS Privacy Office

(b) (6)

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, March 08, 2012 12:32 PM  
**To:** Kronisch, Matthew; Hunt, Ken  
**Cc:** (b) (6)  
(b) (6)  
**Subject:** RE: AG talkers back from CRCL

Wagner, Caryn; (b) (6) Foster, Helen; (b) (6)

Really helpful, thanks so much, Matt, I really appreciate the time you took to make this edits. We are adjudicating them now.

**Mary Ellen Callahan**  
**Chief Privacy Officer**  
**U.S. Department of Homeland Security**  
**245 Murray Lane SW, Mail Stop 0655**  
**Washington, DC 20528-0655**  
**Telephone:** (b) (6)  
**Fax:** (703) 235-0442  
**E-mail:** (b) (6)  
**Website:** [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, March 08, 2012 11:10 AM  
**To:** Hunt, Ken  
**Cc:** (b) (6)  
Helen; (b) (6)  
**Subject:** FW: AG talkers back from CRCL

Callahan, Mary Ellen; Wagner, Caryn; (b) (6) Foster,

Colleagues,  
My comments and recommended edits are attached. Good luck.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

---

**From:** (b) (6)  
**Sent:** Wednesday, March 07, 2012 5:17 PM  
**To:** Kronisch, Matthew; (b) (6)  
**Subject:** Fw: AG talkers back from CRCL

Sir,

Given your past degree of involvement, would you prefer to handle this matter directly?

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 04:44 PM  
**To:** (b) (6)  
**Cc:** (b) (6) Callahan, Mary Ellen  
**Subject:** FW: AG talkers back from CRCL

Please see the attached talking points prepared for S2 in advance of a Deputies Committee meeting on the proposed AG Guidelines. These represent the consolidated effort of PRIV and CRCL.

(b) (5)

Best,  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b) (6)  
(b) (6)  
(b) (6)

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





















































(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, November 16, 2011 4:22 PM  
**To:** Schlanger, Margo  
**Cc:** (b) (6)  
**Subject:** RE: AG Guidelines  
**Attachments:** S2 Decision Memo NCTC AG Guidelines DRAFT 11-16-11 (DG).docx

Margo,

You may shoot me...

I have some edits. None are show-stoppers but I think they will add weight to our argument.

Thanks,

(b) (6)

(b) (6)  
DHS - CRCL  
Director of Programs

(b) (6)  
(b) (6)

=====  
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=====

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**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, November 16, 2011 1:29 PM  
**To:** Schlanger, Margo  
**Cc:** (b) (6); Hunt, Ken; Mathews, Scott; (b) (6); Callahan, Mary Ellen  
**Subject:** RE: AG Guidelines

Sorry for delay. We abridged the memo and moved the discussion of 12333 to the end. I don't know that we are ever going to get consensus on this from the other signatories, but we have the dep sec instructions. Shown in track changes.

**Mary Ellen Callahan**  
**Chief Privacy Officer**  
**U.S. Department of Homeland Security**  
**245 Murray Lane SW, Mail Stop 0655**  
**Washington, DC 20528-0655**  
**Telephone:** (b) (6)  
**Fax:** (703) 235-0442  
**E-mail:** (b) (6)  
**Website:** [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Schlanger, Margo  
**Sent:** Wednesday, November 09, 2011 9:01 PM  
**To:** Callahan, Mary Ellen  
**(b) (6)**  
**Subject:** AG Guidelines

Here's a first cut at a memo.

**(b) (5)**

Make what changes you like – no need to redline, unless you want to.

Margo

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

**(b) (6)**



**Homeland  
Security**

































































































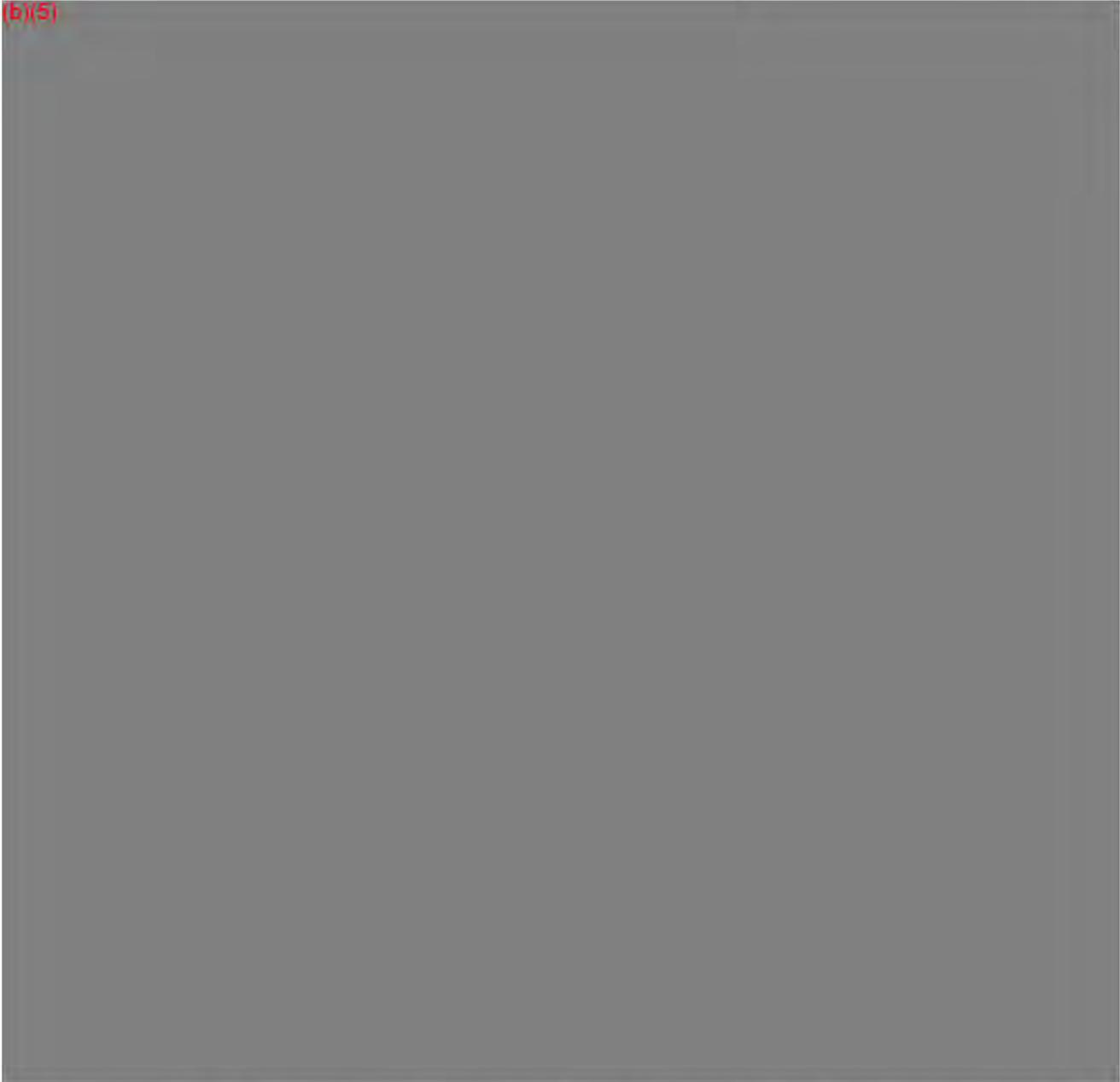


ESTA Arguments/Response to NCTC

(b)(5)

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(b)(5)

A very large rectangular area of the document is redacted with a solid grey fill. This redaction covers the majority of the page's content, leaving only the header and footer visible.

DHS remains willing to continue discussions with NCTC on extending NCTC retention periods for other DHS systems, and hopes that we can collectively reach a mutually acceptable outcome. We look forward to continuing these discussions in the near future.



































































(b)(6)

**From:** Callahan, Mary Ellen  
**Sent:** Friday, March 23, 2012 10:44 AM  
**To:** Privacy Points of Contact  
**Cc:** Privacy Office  
**Subject:** NCTC /AG Guidelines  
**Attachments:** nctc\_guidelines.pdf

Privacy Officers and Privacy Points of Contact:

Yesterday, the Attorney General of the United States signed Guidelines that permit NCTC to retain US Person information received from other Federal Agencies like DHS for up to five years, even where no terrorism nexus is yet established. Prior to these Guidelines being signed, DHS and NCTC had entered into a number of ISAAAs, under which DHS sent various data sets (including US Person information) to NCTC for their counterterrorism missions. Each of these agreements established a hard limit for NCTC's temporary retention of 180 days.

These ISAAAs are not impacted by the new Guidelines—NCTC and DHS would have to enter into new agreements if the temporary retention period is extended beyond the existing agreements' 180-day period. Under the Guidelines, Agency data stewards like DHS have a role in determining the terms and conditions for future ISAAAs entered following the new Guidelines. This means DHS will have to determine—either by blanket rule or on a system-by-system basis—what the appropriate temporary retention period should be. NCTC has the obligation to justify why data sets need to be retained for up to five years.

Not surprisingly, NCTC has already made formal requests to extend their temporary retention to the five year outside limit established under the new Guidelines, and the Department has tasked the intra-agency working group that has negotiated with NCTC for the existing agreements to evaluate these requests. As PPOCs, please feel free to share your thoughts on your component systems. Also, although NCTC now knows that they are to engage with the DHS working group, if you learn about new information sharing requests from NCTC, please let the privacy office know.

A copy of the Guidelines are attached and DOJ's and NCTC's joint press release is below.

If you have any questions about the new Guidelines or how they impact your component, please contact Ken Hunt, the Privacy Office Senior Advisor for Information Sharing at (b)(6).



## NEWS RELEASE

FOR IMMEDIATE RELEASE

March 22, 2012

## **Office of the Director of National Intelligence and Department of Justice Joint Statement:**

### **REVISED GUIDELINES ISSUED TO ALLOW THE NCTC TO ACCESS AND ANALYZE CERTAIN FEDERAL DATA MORE EFFECTIVELY TO COMBAT TERRORIST THREATS**

Director of National Intelligence James R. Clapper, Attorney General Eric Holder, and National Counterterrorism Center (NCTC) Director Matthew G. Olsen have signed updated guidelines designed to allow NCTC to obtain and more effectively analyze certain data in the government's possession to better address terrorism-related threats, while at the same time protecting privacy and civil liberties.

The "Guidelines for Access, Retention, Use, and Dissemination by the National Counterterrorism Center (NCTC) of Information in Datasets Containing Non-Terrorism Information" effective Mar. 22, 2012, update November 2008 guidelines that governed NCTC's access, retention, use, and dissemination of "terrorism information" contained within federal datasets that are identified as also including non-terrorism information and information pertaining exclusively to domestic terrorism.

The updated Guidelines provide a framework that allows NCTC to obtain certain data held by other U.S. Government agencies to better protect the nation and its allies from terrorist attacks. In coordination with other federal agencies providing data to the NCTC, NCTC will establish the timeline for the retention of individual datasets based upon the type of data, the sensitivity of the data, any legal requirements that apply to the particular data, and other relevant considerations.

Among other modifications, the revised Guidelines:

- Permit NCTC to retain certain datasets that are likely to contain significant terrorism information and are already in the lawful custody and control of other federal agencies for up to five years, unless a shorter period is required by law.
- Permit NCTC to query this data only to identify information that is reasonably believed to constitute terrorism information.
- Provide that all data obtained by NCTC from another federal agency pursuant to the Guidelines, will be subject to appropriate safeguards and oversight mechanisms, including monitoring, recording, and auditing of access to and queries of the data, to protect privacy and civil liberties.
- Require NCTC to undertake a number of additional compliance and reporting obligations to ensure robust oversight.

The updated Guidelines do not provide any new authorities for the U.S. Government to collect information, nor do they authorize acquisition of data from entities outside the federal government. All information that would be accessed by NCTC under the Guidelines is already in the lawful custody and control of other federal agencies. The Guidelines merely provide the NCTC with a more effective means of accessing and analyzing datasets in the government's possession that are likely to contain significant terrorism information. They permit NCTC to consolidate disparate federal datasets that contain information of value to NCTC's critical counterterrorism mission. Furthermore, the updated Guidelines do not supersede or replace any legal restrictions on information sharing (existing by statute, Executive Order, regulation, or international agreement). Thus, the updated Guidelines do not give NCTC authority to require another agency to share any dataset where such sharing would contravene U.S. law or an international agreement.

One of the issues identified by Congress and the Intelligence Community after the 2009 Fort Hood shootings and the Christmas Day 2009 bombing attempt was the government's limited ability to query multiple federal datasets and to correlate information from many sources that might relate to a potential attack. A review of government

actions taken before these attacks recommended that the Intelligence Community push for the completion of state-of-the-art search and correlation capabilities, including techniques that would provide a single point of entry to various government databases.

“Following the failed terrorist attack in December 2009, representatives of the counterterrorism community concluded it is vital for NCTC to be provided with a variety of datasets from various agencies that contain terrorism information,” said Clapper, “The ability to search against these datasets for up to five years on a continuing basis as these updated Guidelines permit will enable NCTC to accomplish its mission more practically and effectively than the 2008 Guidelines allowed.”

The updated Guidelines have undergone extensive review within the Office of the Director of National Intelligence and the Department of Justice and have been coordinated throughout the Intelligence Community. Under the National Security Act of 1947, NCTC is charged with serving as the primary organization in the U.S. Government for analyzing and integrating all intelligence possessed or acquired by the U.S. Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism. Consistent with this statutory mission, Executive Order 12333 provides that Intelligence Community elements may collect, retain, or disseminate information concerning United States Persons (USPs) only in accordance with procedures established by the head of the Intelligence Community element and approved by the Attorney General in consultation with the Director of National Intelligence.

The 2008 Guidelines required NCTC to “promptly review” USP information and then “promptly remove” it if it is not reasonably believed to constitute terrorism information. This approach was a reasonable first step in 2008, but based on subsequent experience and lessons learned, the requirement to “promptly remove” USP information hampers NCTC’s ability to identify terrorism information by connecting the dots across multiple datasets.

“There are a number of protections built into the 2012 revised Guidelines,” said Alexander Joel, ODNI Civil Liberties Protection Officer. “Before obtaining a dataset, the Director of NCTC, in coordination with the data provider, is required to make a finding that the dataset is likely to contain significant terrorism information.”

Once ingested, data is subject to a number of baseline safeguards carried over from the 2008 Guidelines, including restrictions that limit access to only those individuals with a mission need and who have received training on the Guidelines.

“The approval of these Guidelines will significantly improve NCTC’s ability to carry out its statutory mission” said Clapper, “Our citizens expect that we do everything in our power to keep them safe, while protecting privacy and other civil liberties. These Guidelines provide our counterterrorism analysts with the means to accomplish that task more effectively.”

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**GUIDELINES FOR ACCESS, RETENTION, USE, AND DISSEMINATION  
BY THE NATIONAL COUNTERTERRORISM CENTER AND OTHER AGENCIES  
OF INFORMATION IN DATASETS CONTAINING  
NON-TERRORISM INFORMATION**

**I. Background**

A. Pursuant to section 119(d) of the National Security Act of 1947, as amended, the National Counterterrorism Center (NCTC) shall “serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.” NCTC shall also “serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support”; ensure that agencies “have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis”; and “ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.” Furthermore, any agency “authorized to conduct counterterrorism activities may request information” from NCTC “to assist it in its responsibilities.” *Id.* § 119(e)(2). Finally, the Director of National Intelligence (DNI) also has significant responsibilities for information sharing. He has “principal authority to ensure maximum availability of and access to intelligence information” within the Intelligence Community (IC). *Id.* § 102A(g)(1). When he establishes standards for facilitating access to and dissemination of information and intelligence, the DNI should give “the highest priority to detecting, preventing, preempting and disrupting terrorist threats and activities.” Executive Order 12333 § 1.3(b)(6)(A).

B. NCTC’s analytic and integration efforts concerning terrorism and counterterrorism, as well as its role as the central and shared knowledge bank for known and suspected terrorists, at times require it to access and review datasets that are identified as including non-terrorism information in order to identify and obtain “terrorism information,” as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended.<sup>1</sup> “Non-

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<sup>1</sup> “The term ‘terrorism information’—

(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

(i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(iii) communications of or by such groups or individuals; or

(iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and

(B) includes weapons of mass destruction information.” 6 U.S.C. § 485(a)(5).

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terrorism information” for purposes of these Guidelines includes information pertaining exclusively to domestic terrorism, as well as information maintained by other executive departments and agencies that has not been identified as “terrorism information” as defined by IRTPA. Included within those datasets identified as including non-terrorism information may be information concerning “United States persons,” as defined in Executive Order 12333 of December 4, 1981, as amended. The President authorized the sharing of terrorism information in Executive Order 13388 of October 25, 2005, and required that agencies place the “highest priority” on the “interchange of terrorism information” in order to “strengthen the effective conduct of United States counterterrorism activities and protect the territory, people, and interests of the United States of America.” That order further requires that the “head of each agency that possesses or acquires terrorism information . . . shall promptly give access to the terrorism information to the head of each other agency that has counterterrorism functions, and provide the terrorism information to each such agency,” consistent with law and statutory responsibilities. In the National Security Act of 1947, as amended, Congress recognized that NCTC must have access to a broader range of information than it has primary authority to analyze and integrate if it is to achieve its missions. The Act thus provides that NCTC “may, consistent with applicable law, the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.” National Security Act of 1947, as amended, § 119(e). Further, the Act envisions that NCTC, as part of the Office of the Director of National Intelligence (ODNI), *id.* § 119(a), would have the broadest possible access to national intelligence relevant to terrorism and counterterrorism. Section 102A(b) of the National Security Act of 1947, as amended, provides that “[u]nless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.”

C. These Guidelines are established between the Attorney General and the Director of National Intelligence pursuant to section 102A(b) of the National Security Act of 1947, as amended, to govern the access, retention, use, and dissemination by NCTC of terrorism information that is contained within datasets maintained within other executive departments or agencies that are identified as including non-terrorism information. These Guidelines do not supersede the arrangements in place under the Memorandum of Agreement for the Interagency Threat Assessment and Coordination Group (ITACG). *See* Homeland Security Act of 2002, as amended, section 210D, and the September 27, 2007 Memorandum of Agreement on the Establishment and Operation of the Interagency Threat Assessment and Coordination Group (hereinafter the “ITACG MOA”). The procedures for the ITACG MOA will be implemented consistent with these Guidelines. These Guidelines also constitute procedures pursuant to section 2.3 of Executive Order 12333 for NCTC’s access to and acquisition of data concerning United States persons within the datasets explicitly covered by these Guidelines, and the retention and dissemination of such information from these datasets. The Attorney General-approved procedures pursuant to section 2.3 generally governing NCTC’s and ODNI’s access and acquisition activities (reference (o), below) are hereby superseded insofar as they apply to

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NCTC's retention, use, and dissemination of data and datasets governed by these Guidelines. NCTC's retention, use, and dissemination of information contained in the datasets governed by these Guidelines and all other NCTC activities remain subject to all other applicable laws and regulations. The terms and conditions of each specific information access or acquisition (hereinafter "Terms and Conditions") from another department or agency (hereinafter a "data provider") shall be developed in accordance with the provisions in section III.B.2 below, and shall be consistent with the Information Sharing Environment (ISE) guidelines issued pursuant to section 1016 of the IRTPA, to include the guidelines to protect privacy and civil liberties in the development and use of the information sharing environment.

## II. References

- a) National Security Act of 1947, as amended
- b) Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended
- c) Homeland Security Act of 2002, as amended
- d) Federal Agency Data Mining Reporting Act of 2007 (42 U.S.C. § 2000ee-3)
- e) 18 U.S.C. § 2332b(f) (Acts of terrorism transcending national boundaries—investigative authority)
- f) Executive Order 12333 of December 4, 1981, as amended, "United States Intelligence Activities"
- g) Executive Order 13388 of October 25, 2005, "Further Strengthening the Sharing of Terrorism Information to Protect Americans"
- h) Intelligence Community Directive (ICD) 501 of January 21, 2009, "Discovery and Dissemination or Retrieval of Information within the Intelligence Community"
- i) ICD 503 of September 15, 2008, "Intelligence Community Information Technology Systems Security Risk Management, Certification and Accreditation"
- j) Director of Central Intelligence Directive (DCID) 6/3 of June 5, 1999, "Protecting Sensitive Compartmented Information within Information Systems," appendix E (or successor ICD and Policies)
- k) DCID 6/6 of July 11, 2001, "Security Controls on the Dissemination of Intelligence Information," (or successor ICD and Policies)
- l) December 4, 2006 Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in the Development and Use of the Information Sharing Environment
- m) March 4, 2003 Memorandum of Understanding Between the Intelligence Community, Federal Law Enforcement Agencies, and the Department of Homeland Security Concerning Information Sharing
- n) September 27, 2007 Memorandum of Agreement on the Establishment and Operation of the Interagency Threat Assessment and Coordination Group
- o) The Attorney General-approved procedures promulgated through Central Intelligence Agency Headquarters Regulation 7-1 of December 23, 1987, "Law and Policy Governing the Conduct of Intelligence Activities," as adopted by ODNI/NCTC, including any successor procedures (hereinafter "NCTC's EO 12333, § 2.3 Procedures")
- p) National Counterterrorism Center Information Sharing Policy of February 27, 2006, "Rules of the Road" (NCTC Policy Document 11.2) (or successor Policy)

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- q) National Counterterrorism Center Role-Based Access Policy of July 13, 2009 (NCTC Policy Document 11.7) (or successor Policy)
- r) ODNI Instruction 80.05, Implementation of Privacy Guidelines for Sharing Protected Information, September 2, 2009 (hereinafter "ODNI ISE Privacy Instruction")
- s) ODNI Instruction 80.02, Managing Breaches of Personally Identifiable Information, February 20, 2008.

### III. Guidelines

#### A. Authority for and Scope of NCTC Data Access and Acquisitions

1. *Purpose and Authority.* NCTC's access to, and acquisition, retention, use, and dissemination of, information covered by these Guidelines will be for authorized NCTC purposes. Pursuant to Executive Order 13388 and consistent with the National Security Act of 1947, as amended, and the March 4, 2003 Memorandum of Understanding between the Intelligence Community, Federal Law Enforcement Agencies, and the Department of Homeland Security Concerning Information Sharing, NCTC shall be afforded prompt access to all federal information and datasets that may constitute or contain terrorism information. NCTC may access or acquire datasets that may constitute or contain terrorism information, including those identified as containing non-terrorism information, such as information pertaining exclusively to domestic terrorism and other information maintained by executive departments and agencies that has not been identified as terrorism information, in order to acquire, retain, and disseminate terrorism information pursuant to NCTC's statutory authorities consistent with these Guidelines.

2. *United States Person Information.* These Guidelines permit NCTC to access and acquire United States person information for the purpose of determining whether the information is reasonably believed to constitute terrorism information and thus may be permanently retained,<sup>2</sup> used, and disseminated. Any United States person information acquired must be reviewed for such purpose in accordance with the procedures below. Information is "reasonably believed to constitute terrorism information" if, based on the knowledge and experience of counterterrorism analysts as well as the factual and practical considerations of everyday life on which reasonable and prudent persons act, there are facts giving rise to a reasonable, articulable suspicion that the information is terrorism information.

3. *Erroneously Provided Information and Errors in Information.* Any United States person information that has been erroneously provided to NCTC will not be retained, used, or disseminated by NCTC. Such information will be promptly removed from NCTC's systems, unless such removal is otherwise prohibited by applicable law or court order or by regulation or policy approved by the Attorney General. Information in NCTC systems found to contain errors will be promptly corrected to ensure information integrity and accuracy, and the data provider shall be notified of the error when feasible.

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<sup>2</sup> For purposes of these Guidelines, "permanently retained" does not mean that the information is retained indefinitely, but rather that it is retained in accordance with NCTC's records retention policies.

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### 4. *Applicable Laws and Policies.*

a) NCTC will access, acquire, retain, use, and disseminate information, including United States person information, (i) pursuant to the relevant standards of Executive Order 12333, as amended; (ii) as consistent with the National Security Act of 1947, as amended; and (iii) as authorized by law or regulations, including applicable privacy laws. These Guidelines do not apply to information the retention, use, and dissemination of which is governed by court order or court-approved procedures.

b) NCTC shall not access, acquire, retain, use, or disseminate United States person information solely for the purpose of monitoring activities protected by the First Amendment or monitoring the lawful exercise of other rights secured by the Constitution or other laws of the United States. NCTC users of acquired information will be subject at all times to NCTC's Role-Based Access and Information Sharing Policies, to applicable ODNI Instructions, and to additional audit and oversight authorities and requirements, as applicable. In implementing these Guidelines, NCTC shall consult with the ODNI General Counsel and the ODNI Civil Liberties Protection Officer, as appropriate.

5. *Responsibility for Compliance.* The Director of NCTC, in consultation with the ODNI Office of General Counsel, shall be the responsible official for ensuring that NCTC complies with these Guidelines. The ODNI Civil Liberties Protection Officer shall oversee compliance with these Guidelines and compliance with other applicable laws, regulations, guidelines, and instructions as they relate to civil liberties and privacy.

### **B. General Procedures for NCTC Data Access and Acquisitions**

1. *Identification of Datasets.* NCTC will coordinate with the data provider to identify datasets that are reasonably believed to contain terrorism information, including those identified as containing non-terrorism information.

2. *Establishing Terms and Conditions for Information Access.*

a) For access to or acquisition of specific datasets, the DNI, or the DNI's designee, shall collaborate with the data provider to identify any legal constraints, operational considerations, privacy or civil rights or civil liberties concerns and protections, or other issues, and to develop appropriate Terms and Conditions that will govern NCTC's access to or acquisition of datasets under these Guidelines. If either party believes that the Terms and Conditions do not adequately address the matters identified during that collaboration, that party may raise those concerns in accordance with the procedures in section III.B.2(d), below. These Guidelines do not alter any other obligations of a data provider to provide information to the DNI or NCTC. All Terms and Conditions shall incorporate these Attorney General-approved Guidelines, and shall ensure that information is transmitted, stored, retained, accessed, used, and disseminated in a manner that (i) protects privacy and civil liberties and information integrity and security, and (ii) is in accordance with applicable laws, regulations, guidelines and instructions (including the ODNI ISE Privacy Instruction). NCTC and the data provider will establish procedures to ensure the

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data provider notifies NCTC of any information the data provider believes, or subsequently determines to be, materially inaccurate or unreliable. NCTC will ensure mechanisms are in place at NCTC to correct or document the inaccuracy or unreliability of such information, and supplement incomplete information to the extent additional information becomes available. NCTC will work with the data provider to ensure that data acquired by NCTC under these Guidelines is updated and verified throughout its retention and use by NCTC, in accordance with the data quality, data notice, redress, and other applicable provisions of the ODNI ISE Privacy Instruction.

b) NCTC shall consult with the data provider to identify and put in place additional measures as necessary to honor obligations under applicable international agreements governing the information.

c) Any safeguards, procedures, or oversight mechanisms that go beyond those specified in these Guidelines shall be documented in the Terms and Conditions, and may include protections for sensitive sources and methods, pending investigations, law enforcement equities, foreign government interests, privacy and civil liberties, and similar considerations that apply to the use of the information. Any additional protective measures – such as the degree of advance coordination, if any, for dissemination of information obtained from a data provider – shall also be specified in the Terms and Conditions.

d) If the head of the department or agency providing the information or the DNI objects to providing data to NCTC, objects to the “track” under which NCTC intends to acquire the data, or objects to the Terms and Conditions developed after consultation (e.g., he or she believes that the Terms and Conditions do not adequately ensure that information is transmitted, stored, retained, accessed, used, and disseminated in a manner that protects privacy and civil liberties and information integrity and security; do not adequately address operational equities; unnecessarily restrict sharing and use of the information; or are not in accordance with applicable laws, international agreements, and regulations), the head of the department or agency or the DNI may raise any concerns, in writing, with the other party. The head of the department or agency and the DNI shall attempt to resolve any such concern. Failing resolution, either party may refer a dispute concerning constitutional or other legal matters to the Attorney General and may seek the resolution of any other disputes through the National Security Council process. In connection with such disputes, the Attorney General or National Security Council may seek the advice of the Privacy and Civil Liberties Oversight Board.

3. *Training.* NCTC shall ensure that all NCTC employees, NCTC contractors, and detailees and assignees to NCTC from other agencies (hereinafter “NCTC personnel”) provided access to datasets under these Guidelines receive training in the use of each dataset to which they will have access to ensure that these personnel use the datasets only for authorized NCTC purposes and understand the baseline and enhanced safeguards, dissemination restrictions, and other privacy and civil liberties protections they must apply to each such dataset. These personnel will also receive ongoing training to ensure understanding of these Guidelines and civil liberties and privacy expectations and requirements involved in the access to and use of datasets governed by

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these Guidelines. The training required by this paragraph shall be in person whenever practicable and refreshed at least annually.

4. *Authorized Uses of Information.* Subject to any additional protections, requirements, or provisions in applicable Terms and Conditions, terrorism information, including terrorism information concerning United States persons, properly acquired and retained by NCTC may be used for all authorized NCTC purposes. These include, but are not limited to: analysis and integration purposes, inclusion in finished analytic products and pieces, enhancement of records contained within the Terrorist Identities Datamart Environment (TIDE), operational support, strategic operational planning, and appropriate dissemination to Intelligence Community elements, as well as federal and other counterterrorism partners. Specific provisions on use and dissemination are set forth in sections III.C and IV below, and any additional protections or provisions shall be specified in the Terms and Conditions.

5. *Information Access Requests.* For information acquired pursuant to the tracks outlined in section III.C below, it shall be the responsibility of the data provider to make determinations regarding the Freedom of Information Act and first-party access under the Privacy Act, and discovery or other requests for such information in any legal proceeding, unless a different arrangement is agreed upon between NCTC and the data provider and specified in the Terms and Conditions or is required by law. Information derived from an operational file exempted from search and review, publication, and disclosure under 5 U.S.C. § 552 in accordance with law shall remain under the control of the data provider and be handled as coordinated in advance with the data provider and specified in the Terms and Conditions for that information.

### **C. Specific Procedures for NCTC Data Access and Acquisitions**

*General.* NCTC may acquire information contained within datasets governed by these Guidelines in one or more of the three ways outlined below. NCTC, in coordination with the data providers, will determine which information acquisition track, or tracks, provides the most effective means of ensuring NCTC access to terrorism information contained in the relevant datasets, consistent with the protection of privacy and civil liberties of United States persons, and any applicable legal requirements affecting provision of the specific data.

#### **1. Track 1 Information Acquisition: Account-Based Access**

a) *Type of Access.* NCTC personnel may be provided account-based access to the datasets of data providers that contain or may contain terrorism information (hereinafter "Track 1" access).

b) *Standard.* NCTC will access information in such datasets identified as containing non-terrorism information only to determine if the dataset contains terrorism information. NCTC may acquire, retain, use, and disseminate terrorism information for all authorized NCTC purposes, as described in these Guidelines. If the information acquired by NCTC is subsequently determined not to constitute terrorism information, NCTC will promptly purge any information the retention, use, or dissemination of which is not authorized by sections IV and V below.

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c) *Terrorism Datapoints.* Consistent with section 119 of the National Security Act of 1947, as amended, and section 1016(a)(5) of the IRTPA, as amended, the initial query term for NCTC Track 1 access shall be a known or suspected terrorist identifier or other piece of terrorism information (hereinafter “terrorism datapoints”). In order to follow up on positive query results, subsequent terrorism datapoints may be used to explore a known or suspected terrorist’s network of contacts and support. NCTC’s activities in Track 1 shall be designed to identify information that is reasonably believed to constitute terrorism information. NCTC is not otherwise permitted under these Guidelines to query, use, or exploit such datasets. For example, analysts may not browse through records in the dataset that do not match a query with terrorism datapoints, or conduct pattern-based queries or analyses without terrorism datapoints.

d) *Protection of Sources and Methods.* NCTC shall work with the data provider to ensure that terrorism datapoints and matching records from the dataset are provided, received, stored, and used in a secure manner that appropriately protects intelligence sources and methods and related sensitivities, consistent with the requirements of Appendix E of DCID 6/3 and ICD 503, or successor ICD.

### 2. Track 2 Information Acquisition: Search and Retention

a) *Type of Access.* NCTC may provide the owner of a dataset that contains or that may contain terrorism information with query terms – either singly or in batches – consisting of terrorism datapoints so that a search of the dataset may be run (hereinafter “Track 2” access).

b) *Standard.* Information from the dataset that is responsive to queries using NCTC-provided terrorism datapoints will be given by the data provider to NCTC. NCTC may acquire, retain, use, and disseminate information acquired under Track 2 for all authorized NCTC purposes, as described in these Guidelines. NCTC’s activities in Track 2 shall be designed solely to identify information that is reasonably believed to be terrorism information. If the information given by a data provider to NCTC does not constitute terrorism information, NCTC will promptly purge any information whose retention, use, or dissemination is not authorized by sections IV and V below.

c) *Protection of Sources and Methods.* NCTC shall work with the data provider to ensure that terrorism datapoints and responsive records from the dataset are provided, received, stored, and used in a secure manner that appropriately protects intelligence sources and methods and related sensitivities, consistent with the requirements of DCID 6/3 and ICD 503, or successor ICD.

### 3. Track 3 Information Acquisition: NCTC Dataset Acquisition

a) *Type of Access.* NCTC may acquire and replicate portions or the entirety of a dataset when necessary to identify the information that constitutes terrorism information within the dataset (hereinafter “Track 3” access).

b) *Standard and Process.* Replication of data is appropriate when the Director of NCTC, or a designee who serves as Principal Deputy Director or as a Deputy Director (hereinafter “Designee”), determines in writing, after coordination with the data provider, that a dataset is

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likely to contain significant terrorism information and that NCTC's authorized purposes cannot effectively be served through Tracks 1 or 2. When making a determination, the Director or Designee also shall consider whether NCTC's authorized purposes can effectively be served by the replication of a portion of a dataset. Datasets received in accordance with Track 3 may not be accessed or used by NCTC prior to replication, except as directly necessary to make the determination above or to accomplish such replication, subject to procedures agreed upon with the data provider. Measures will be put in place to ensure that the dataset is received and stored in a manner to prevent unauthorized access and use prior to the completion of replication.

*c) Identification of United States Person Information and Temporary Retention Period.* For all datasets received pursuant to Track 3, NCTC will use reasonable measures to identify and mark or tag United States person information contained within those datasets. Any United States person information acquired pursuant to Track 3 may be retained and continually assessed for a period of up to five years by NCTC to determine whether the United States person information is reasonably believed to constitute terrorism information (hereinafter "temporary retention period"). The Terms and Conditions shall establish the temporary retention period for continual assessment of such information. The temporary retention period specified in the Terms and Conditions may be up to five years unless a shorter period is required by law, including any statute, executive order, or regulation. In no event may NCTC retain the information for longer than is permitted by law. The temporary retention period shall commence when the data is made generally available for access and use following both the determination period discussed in section III.C.3(b) immediately above, and any necessary testing and formatting. United States person information that is reasonably believed to constitute terrorism information may be permanently retained and used for all authorized NCTC purposes, as described in these Guidelines.

*d) Baseline Safeguards, Procedures, and Oversight Mechanisms.* During the temporary retention period, the following baseline safeguards, procedures, and oversight mechanisms shall apply to all datasets acquired pursuant to Track 3 that have been determined to contain United States person information:

- (1) These datasets will be maintained in a secure, restricted-access repository.
- (2) Access to these datasets will be limited to those NCTC personnel who are acting under, and agree to abide by, NCTC's information sharing and use rules, including these Guidelines; who have the requisite security clearance and a need-to-know in the course of their official duties; and who have received the training required by section III.B.3.
- (3) Access to these datasets will be monitored, recorded, and audited. This includes tracking of logons and logoffs, file and object manipulation and changes, and queries executed, in accordance with audit and monitoring standards applicable to the Intelligence Community. Audit records will be protected against unauthorized access, modifications, and deletion, and will be retained for a sufficient period to enable verification of compliance with rules applicable to the data for which audit records apply.

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(4) NCTC's queries or other activities to assess information contained in datasets acquired pursuant to Track 3 shall be designed solely to identify information that is reasonably believed to constitute terrorism information. NCTC shall query the data in a way designed to minimize the review of information concerning United States persons that does not constitute terrorism information. To identify information reasonably believed to constitute terrorism information contained in Track 3 data, NCTC may conduct (i) queries that do not consist of, or do not consist exclusively of, terrorism data points, and (ii) pattern-based queries and analyses. To the extent that these activities constitute "data mining" as that term is defined in the Federal Agency Data Mining Reporting Act of 2007, the DNI shall report these activities as required by that Act.

(5) NCTC will conduct compliance reviews as described below in section VI.

e) *Enhanced Safeguards, Procedures, and Oversight Mechanisms.* In addition to the requirements of paragraph (d), at the time when NCTC acquires a new dataset or a new portion of a dataset, the Director of NCTC or Designee shall determine, in writing, whether enhanced safeguards, procedures, and oversight mechanisms are needed. In making such a determination, the Director of NCTC or Designee shall (i) consult with the ODNI General Counsel and the ODNI Civil Liberties Protection Officer, and (ii) consider the sensitivity of the data; the purpose for which the data was originally collected by the data provider; the types of queries to be conducted; the means by which the information was acquired; any request or recommendation from the data provider for enhanced safeguards, procedures, or oversight mechanisms; the terms of any applicable international agreement regarding the data; the potential harm or embarrassment to a United States person that could result from improper use or disclosure of the information; practical and technical issues associated with implementing any enhanced safeguards, procedures, or oversight mechanisms; and all other relevant considerations. If the Director of NCTC or Designee determines that enhanced safeguards, procedures, and oversight mechanisms are appropriate, the determination shall include a description of the specific enhanced safeguards, procedures, or oversight mechanisms that will govern the continued retention and assessment of the dataset. These enhanced safeguards, procedures, or oversight mechanisms may include the following:

- (1) Additional procedures for review, approval, and/or auditing of any access or searches;
- (2) Additional procedures to restrict searches, access, or dissemination, such as procedures limiting the number of personnel with access or authority to search, establishing a requirement for higher-level authorization or review before or after access or search, or requiring a legal review before or after United States person identities are unmasked or disseminated;
- (3) Additional use of privacy enhancing technologies or techniques, such as techniques that allow United States person information or other sensitive information to be "discovered" without providing the content of the information, until the appropriate standard is met;

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- (4) Additional access controls, including data segregation, attribute-based access, or other physical or logical access controls;
- (5) Additional, particularized training requirements for NCTC personnel given access or authority to search the dataset; and
- (6) More frequent or thorough reviews of retention policies and practices to address the privacy and civil liberties concerns raised by continued retention of the dataset.

Any enhanced safeguards, procedures, and oversight mechanisms must be included in the Terms and Conditions, or specified in writing and appended to the Terms and Conditions, and shall be kept on file as required by NCTC's record retention schedule.

f) *Removal of Information.* NCTC shall remove from NCTC's systems all identified information concerning United States persons that NCTC does not reasonably believe constitutes terrorism information within five years from the date the data is generally available for assessment by NCTC (or within the time period identified in the Terms and Conditions if the Terms and Conditions specify a shorter temporary retention period), unless such removal is otherwise prohibited by applicable law or court order or by regulation or policy approved by the Attorney General, or unless the information is retained for administrative purposes as authorized in section V below.

g) *Protection of Sources and Methods.* NCTC shall work with the data provider to ensure that information for dataset replications is provided, received, stored, and used in a secure manner that appropriately protects intelligence sources and methods and related sensitivities, consistent with the requirements of DCID 6/3 and ICD 503, or successor ICD.

### IV. Dissemination

#### A. General Dissemination Requirements

1. *Definition.* For purposes of these Guidelines, dissemination means transmitting, communicating, sharing, passing, or providing access to information outside NCTC by any means, to include oral, electronic, or physical means.
2. *Terms and Conditions and Privacy Act.* All disseminations under these Guidelines must be: (i) compatible with any applicable Terms and Conditions or, if not compatible, the data provider must have otherwise consented to the dissemination; and (ii) permissible under the Privacy Act, 5 U.S.C. § 552a, if applicable.
3. *Dissemination to State, Local, or Tribal Authorities or Private-Sector Entities.* These Guidelines are not intended to alter or otherwise impact pre-existing information sharing relationships by federal agencies with state, local, or tribal authorities or private-sector entities, whether such relationships arise by law, Presidential Directive, MOU, or other formal agreement (including, but not limited to, those listed in section II above). To the extent that these

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Guidelines allow for dissemination to state, local, tribal, or private sector entities, such dissemination will continue to be made, consistent with section 119(f)(1)(E) of the National Security Act (50 U.S.C. § 404o(f)(1)(E)), in support of the Department of Justice (including the FBI) or the Department of Homeland Security responsibilities to disseminate terrorism information to these entities, and conducted under agreements with those Departments.

### **B. Dissemination of United States Person Information Acquired Under Tracks 1, 2, or 3**

NCTC may disseminate United States person information properly acquired under Tracks 1, 2, or 3 if the General Dissemination Requirements are met, and if:

- (1) *Dissemination of Terrorism Information.* The United States person information reasonably appears to constitute terrorism information, or reasonably appears to be necessary to understand or assess terrorism information, and NCTC is disseminating the information to a federal, state, local, tribal, or foreign or international entity, or to any other appropriate entity that is reasonably believed to have a need to receive such information for the performance of a lawful function;
- (2) *Dissemination for Limited Purposes.* The United States person information is disseminated to other elements of the Intelligence Community or to a federal, state, local, tribal, or foreign or international entity, or to any other appropriate entity, for the limited purpose of assisting NCTC in determining whether the United States person information constitutes terrorism information. Any such recipients may only use the information for this limited purpose, and may not use the information for any other purpose or disseminate the information further without the prior approval of NCTC. Recipients of information under this paragraph must promptly provide the requested assistance to NCTC and promptly thereafter return the information to NCTC or destroy it unless NCTC authorizes continued retention after the specific information is determined by NCTC to meet the dissemination criteria in section IV.C.1 of these Guidelines. Recipients of information under this paragraph may not retain the information for purposes of continual assessment of whether it constitutes terrorism information unless such retention would be permitted by the dissemination criteria in section IV.C.1. Any access to or dissemination under this paragraph of any bulk dataset or significant portion of a dataset believed to contain United States person information must be: (i) approved by the Director of NCTC; and (ii) expressly allowed by the Terms and Conditions or otherwise expressly approved by the data provider. In addition, the recipient of any bulk dataset or significant portion of a dataset under this provision must agree in writing that it: (i) will not disseminate the information further without prior approval by NCTC; (ii) will use the data solely for the limited purpose specified in this provision; (iii) will promptly return the data to NCTC or destroy it after providing the required assistance to NCTC, unless NCTC authorizes continued retention of specific information after it is determined by NCTC to meet the dissemination criteria in section IV.C.1 of these Guidelines; (iv) will comply with any safeguards and procedures deemed appropriate by the ODNI General Counsel and ODNI Civil Liberties Protection Officer; and (v) will

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report to NCTC any significant data breach or failure to comply with the terms of its agreement. In deciding whether to approve dissemination under this paragraph of any bulk dataset or significant portion of a dataset, the Director of NCTC shall consider whether the limited purpose of this paragraph can be satisfied by allowing access to the data while it remains under NCTC's control and whether the recipient of the data has the capabilities necessary to comply with the requirements specified above;

- (3) *Dissemination Based on Consent.* The United States person whom the information concerns consents to the dissemination; or
- (4) *Dissemination of Publicly Available Information.* The United States person information is publicly available.

### **C. Dissemination of United States Person Information Acquired Under Track 3**

1. *Standard (Non-bulk) Dissemination of Specific Information Acquired Under Track 3.* In addition to the provisions above for dissemination under all three tracks, NCTC may disseminate specific United States person information acquired under Track 3 that has been handled and subsequently identified in accordance with applicable Track 3 safeguards and procedures,<sup>3</sup> if the General Dissemination Requirements are met, and if the United States person information:

- a) Reasonably appears to be foreign intelligence or counterintelligence, or information concerning foreign aspects of international narcotics activities, or reasonably appears to be necessary to understand or assess foreign intelligence, counterintelligence, or foreign aspects of international narcotics activities, and NCTC is disseminating the information to another federal, state, local, tribal, or foreign or international entity that is reasonably believed to have a need to receive such information for the performance of a lawful function, provided they agree to such further restrictions on dissemination as may be necessary;
- b) Reasonably appears to be evidence of a crime, and NCTC is disseminating the information to another federal, state, local, tribal, or foreign agency that is reasonably believed to have jurisdiction or responsibility for the investigation or prosecution to which the information relates and a need to receive such information for the performance of a lawful governmental function;
- c) Is disseminated to a Congressional Committee to perform its lawful oversight functions, after approval by the ODNI Office of General Counsel;
- d) Is disseminated to a federal, state, local, tribal, or foreign or international entity, or to an individual or entity not part of a government, and is reasonably believed to be necessary to: (i) protect the safety or security of persons, property, or organizations; or

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<sup>3</sup> This paragraph does not authorize NCTC to search for the additional categories of information, but rather allows NCTC to disseminate specific United States person information discovered while performing counterterrorism analysis and searches in accordance with these Guidelines and the applicable Terms and Conditions.

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- (ii) protect against or prevent a crime or a threat to the national security, provided they agree to such further restrictions on dissemination as may be necessary;
- e) Is disseminated to another federal, state, local, tribal, or foreign or international entity for the purpose of determining the suitability or credibility of persons who are reasonably believed to be potential sources or contacts, provided they agree to such further restrictions on dissemination as may be necessary;
- f) Is disseminated to another federal, state, local, tribal, or foreign or international entity for the purpose of protecting foreign intelligence or counterintelligence sources and methods from unauthorized disclosure;
- g) Is disseminated to other recipients, if the subject of the information provides prior consent in writing;
- h) Is otherwise required to be disseminated by statutes; treaties; executive orders; Presidential directives; National Security Council directives; Homeland Security Council directives; or Attorney General-approved policies, memoranda of understanding, or agreements; or
- i) Is disseminated to appropriate elements of the Intelligence Community for the purposes of allowing the recipient element to determine whether the information is relevant to its responsibilities and can be retained by it.

The identity of a United States person may be disseminated outside the Intelligence Community only if it is necessary or if it is reasonably believed that it may become necessary to understand and assess such information.

**2. Bulk Dissemination of Information Acquired Under Track 3 to IC Elements.** If the General Dissemination Requirements in section IV.A above are met, NCTC also may disseminate United States person information acquired under Track 3 to other IC elements under the following conditions:

- a) *General Requirements.* Any dissemination under these Guidelines of any bulk dataset or significant portion of a dataset believed to contain United States person information, which has not been assessed as constituting terrorism information, must be approved by the Director of NCTC and must be expressly allowed by the applicable Terms and Conditions for that dataset or otherwise expressly approved by the data provider. IC elements that receive or access bulk datasets or significant portions of a dataset under these Guidelines are not authorized to make further bulk disseminations of that information.
- b) *Bulk Dissemination in Support of Counterterrorism Missions:* The Director of NCTC shall only approve such dissemination to IC elements in support of a legally authorized counterterrorism mission if the receiving element head agrees in writing to abide by the

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provisions of the Appendix to these Guidelines and any enhanced safeguards, procedures, and oversight mechanisms identified in the Terms and Conditions for the particular dataset or otherwise required by the Director of NCTC.<sup>4</sup> The agreement must specify, by name or position, the persons responsible for oversight and reporting, consistent with these Guidelines. The ODNI General Counsel and the ODNI Civil Liberties Protection Officer, in consultation with the Assistant Attorney General for National Security, shall verify that the receiving IC element has the capabilities and technology in place to accomplish the necessary oversight and compliance.

c) *Bulk Dissemination in Support of Other Intelligence Missions:* The Director of National Intelligence shall only approve such dissemination to IC elements in support of lawful intelligence missions other than counterterrorism missions if: such dissemination is expressly allowed by the applicable Terms and Conditions; the receiving element has Attorney General-approved procedures in place for the collection, retention, and dissemination of United States person information, as required by the opening paragraph of section 2.3 of Executive Order 12333; and the receiving element head agrees in writing to abide by safeguards, procedures, and oversight mechanisms substantially similar to the safeguards, procedures, and oversight mechanisms identified in the Appendix to these Guidelines, as well as any enhanced safeguards, procedures, and oversight mechanisms identified in the Terms and Conditions for the particular datasets or otherwise required by the Director of NCTC. In addition, the Director of National Intelligence may only approve bulk dissemination to IC elements in support of intelligence missions other than counterterrorism missions if the Director of National Intelligence, in consultation with the ODNI General Counsel, determines that the proposed dissemination is necessary to a lawful mission of the IC element and that the IC element's need for the information cannot be fulfilled through dissemination of specific information under the standard dissemination provisions of section IV.C.1; through dissemination of a smaller portion of the data proposed for dissemination; or by allowing access to the data while it remains within NCTC's control. The Director of National Intelligence will provide a copy of this determination to the Assistant Attorney General for National Security. The agreement must specify, by name or position, the persons responsible for oversight and reporting, consistent with these Guidelines. The ODNI General Counsel and the ODNI Civil Liberties Protection Officer shall verify that the receiving IC element has the capabilities and technology in place to accomplish the necessary oversight and compliance. Any such agreement must be approved by the Attorney General or his delegatee prior to allowing such dissemination, and the National Security Division of the Department of Justice may conduct an independent assessment of the element's oversight and compliance capabilities.

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<sup>4</sup> If an IC element with a counterterrorism mission requests changes to provisions in the Appendix to address agency-specific circumstances (e.g., technological capabilities), such changes may be adopted if expressly approved by the data provider and by the DNI and the Attorney General or their delegates, provided that any agency-specific Appendix shall retain safeguards, procedures, and oversight mechanisms substantially similar to those contained in the original Appendix.

#### **D. Foreign Disseminations**

For any dissemination of United States person information to a foreign or international entity, in addition to complying with the dissemination provisions of section IV, NCTC must find that: (i) the dissemination is consistent with the interests of the United States, including U.S. national security interests; (ii) the dissemination complies with DCID 6/6 or any successor ICD<sup>5</sup>; (iii) the foreign or international entity agrees not to disseminate the information further without approval by NCTC; and (iv) NCTC, in consultation with ODNI General Counsel, has considered the effect such dissemination may reasonably be expected to have on any identifiable United States person to determine whether any additional safeguards are needed.

#### **E. Other Disseminations**

If NCTC properly acquires any United States person information under Tracks 1 and 2 that would be authorized for dissemination pursuant to section IV.C.1 if it were acquired under Track 3, it shall consult with the data provider and advise the data provider of the existence of such information. The data provider may disseminate the information or authorize NCTC to do so.

#### **V. Retention of Information for Administrative Purposes**

To the extent consistent with law, United States person information acquired pursuant to these Guidelines may be retained if necessary to conduct the oversight, auditing, redress, or compliance activities required by these Guidelines, if required by law or court order to be retained, or if necessary to determine whether the requirements of these Guidelines or applicable laws are satisfied. Any information retained under this paragraph beyond the temporary retention period may not be used for purposes other than those specified in the preceding sentence and must be promptly removed from NCTC's systems once retention is no longer necessary or required for those purposes, except that NCTC may retain any oversight, audit, redress, or compliance records or reports in accordance with its records retention policies.

#### **VI. Compliance**

##### **A. Periodic Compliance Reviews**

Subject to oversight by the ODNI Civil Liberties Protection Officer, NCTC shall conduct periodic reviews to verify continued compliance with these Guidelines, including compliance with the Terms and Conditions, and with all baseline and enhanced safeguards, procedures, and oversight mechanisms. These reviews shall include spot checks, reviews of audit logs, and other appropriate measures.

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<sup>5</sup> ICD 403 is currently in draft. Once signed, any foreign dissemination would be required to comply with ICD 403 and any implementing ICPGs and IC Standards.

**B. Periodic Reviews of the Need for Continued Assessment**

NCTC, in coordination with the ODNI Civil Liberties Protection Officer, shall conduct periodic reviews of all datasets replicated under Track 3 to determine whether retention and continued assessment of the United States person information in those datasets remains appropriate. In conducting this review, consideration shall be given to the purpose for which the dataset was acquired, the success of that dataset in fulfilling legitimate counterterrorism purposes, whether those purposes can now be fulfilled through Track 1 or 2 access to the dataset, through the use of other datasets in NCTC's possession, or through other appropriate means, and privacy and civil liberties considerations applicable to the particular dataset. NCTC shall also conduct periodic reviews of the continued necessity and efficacy of bulk disseminations permitted under the Guidelines. NCTC shall report the results of these periodic reviews to the IC Inspector General.

**C. NCTC's Computer Systems**

In designing its computer systems, NCTC shall take reasonable steps to enhance its ability to monitor activity involving United States person information and other sensitive information, and to facilitate compliance with, and the auditing and reporting required by, these Guidelines.

**D. Reporting**

1. NCTC shall promptly report, in writing, to the Director of NCTC, the ODNI General Counsel, the ODNI Civil Liberties Protection Officer, the Department of Justice, and the IC Inspector General upon discovery of any significant failure to comply with: (i) these Guidelines; (ii) baseline or enhanced safeguards, procedures, or other oversight mechanisms; or (iii) any Terms and Conditions. For the purposes of these Guidelines, a "significant failure" is a failure that constitutes a violation of the Constitution or other law, including any executive order, and/or a failure that leads to unauthorized access, use, or dissemination of personally identifiable information about a United States person. NCTC shall report to any data provider whose information was affected by the noncompliance, in accordance with the Terms and Conditions for that data.

2. The Director of NCTC shall report annually in writing to the ODNI Civil Liberties Protection Officer on the measures that NCTC is taking to ensure that its access to, and retention, use, and dissemination of, United States person information is appropriate under these Guidelines and in compliance with the baseline and enhanced safeguards, procedures, and oversight mechanisms, and all applicable Terms and Conditions. The report shall include:

- (1) For datasets replicated under Track 3, the results of the review required in section VI.B above, regarding whether replication continues to be appropriate;
- (2) A general description of NCTC's compliance and audit processes;

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(3) A description of the audits, spot checks, and other reviews NCTC conducted during the previous year, and the results of those audits, spot checks, or other reviews, to include any shortcomings identified;

(4) A description of how NCTC ensures that it promptly purges United States person information that does not meet the standards for retention under these Guidelines;

(5) An assessment of United States person information disseminated by NCTC directly to foreign, international, state, local, tribal, or private sector entities or individuals; the restrictions, if any, that NCTC imposed on the entities' use or further dissemination of such information; and any known misuse of such information by a recipient, data breach, or significant failure by the recipient to comply with the terms of the certification required under section IV.B.2;

(6) A description of any approvals by the DNI or Director of NCTC, in accordance with sections IV.B.2 and IV.C.2 above, to provide access to or to disseminate bulk datasets or significant portions of a dataset;

(7) An assessment of whether there is a need for enhanced safeguards, procedures, or oversight regarding the handling of United States person information or other sensitive information, or whether any other reasonable measures that should be taken to improve the handling of information;

(8) A description of measures that NCTC has taken to comply with the requirements of section VI.C with respect to its data processing systems; and

(9) A description of any material changes or improvements NCTC implemented, or is considering implementing, to improve compliance with these Guidelines.

3. NCTC shall provide a copy of this report to the ODNI General Counsel and the IC Inspector General, and shall make the report available upon request to the Assistant Attorney General for National Security. NCTC shall also make available to the IC Inspector General any other reports or documentation necessary to ensure compliance with these Guidelines.

4. The reporting required by these Guidelines does not replace any other reporting required by statute, executive order, or regulation.

### **E. Privacy and Civil Liberties Oversight Board**

Pursuant to section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004, the Privacy and Civil Liberties Oversight Board shall have access to all relevant NCTC records, reports, audits, reviews, documents, papers, recommendations, and other material that it deems relevant to its oversight of NCTC activities.

**VII. Interpretation and Departures**

A. NCTC shall refer all questions relating to the interpretation of these Guidelines to the ODNI Office of General Counsel. The ODNI General Counsel shall consult with the Assistant Attorney General for National Security regarding any novel or significant interpretations.

B. The ODNI General Counsel and the Assistant Attorney General for National Security must approve any departures from these Guidelines. If there is not time for such approval and a departure from these Guidelines is necessary because of the immediacy or gravity of a threat to the safety of persons or property or to the national security, the Director of NCTC or the Director's senior representative present may approve a departure from these Guidelines. The ODNI General Counsel shall be notified as soon thereafter as possible. The ODNI General Counsel shall provide prompt written notice of any such departures to the Assistant Attorney General for National Security. Notwithstanding this paragraph, all activities in all circumstances must be carried out in a manner consistent with the Constitution and laws of the United States.

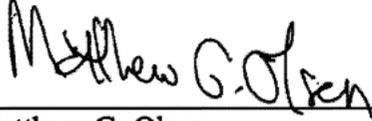
**VIII. Status as Internal Guidance**

These Guidelines are set forth solely for the purpose of internal NCTC and ODNI guidance. They are not intended to, and do not, create any rights, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, agents, or any other person, nor do they place any limitation on otherwise lawful investigative or litigation prerogatives of the United States.

**IX. Revocations, Transitions, and Effective Date.**

These Guidelines supersede and revoke the Memorandum of Agreement signed by the Director of National Intelligence and Attorney General on October 1, 2008 and November 4, 2008, respectively, along with any amendments to that Agreement. Terms and Conditions entered pursuant to that Memorandum of Agreement, or similar information sharing agreements to which NCTC is currently a party, remain in effect until revoked or until amended or replaced consistent with these Guidelines. As applied to NCTC, these Guidelines also supersede NCTC's EO 12333, § 2.3 Procedures with respect to the data and datasets covered by these Guidelines. These Guidelines shall be effective upon the approval of the Attorney General, the Director of National Intelligence, and the Director of NCTC.

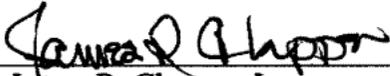
Signed



Matthew G. Olsen  
Director, National Counterterrorism Center

MAR 21 2012

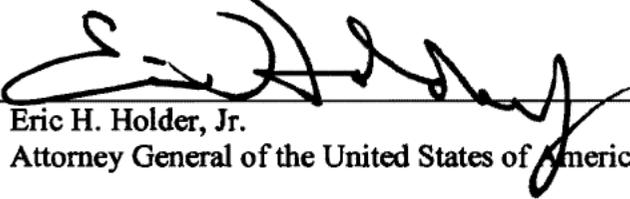
Date



James R. Clapper, Jr.  
Director of National Intelligence

21 MAR 2012

Date



Eric H. Holder, Jr.  
Attorney General of the United States of America

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## Appendix

### **Safeguards, Procedures, and Oversight Mechanisms for Bulk Dissemination of Information Acquired Under Track 3 to IC Elements**

#### **I. Purpose**

This Appendix contains the safeguards, procedures, and oversight mechanisms that an Intelligence Community (IC) element head, or designee, must agree to, in writing, before NCTC may disseminate any bulk dataset or significant portion of a dataset (hereinafter referred to in this Appendix as “a dataset” or “data”) that includes United States Person information in accordance with section IV.C.2(b) of the NCTC Guidelines. NCTC may only disseminate datasets under this Appendix in support of the receiving IC element’s legally authorized counterterrorism mission.

#### **II. Implementation**

Prior to NCTC’s dissemination of any bulk dataset to an IC element, the element head must agree in writing to abide by the provisions of this Appendix, and any enhanced safeguards, procedures, and oversight mechanisms identified in the Terms and Conditions for the particular dataset or otherwise required by the Director of NCTC (hereinafter “written agreement”). All requirements shall be described, referenced, or appended to the written agreement, which the Director of NCTC shall develop in consultation with the ODNI General Counsel and Civil Liberties Protection Officer. If an IC element is provided access to NCTC’s systems in support of its legally authorized counterterrorism mission and NCTC will undertake any of the requirements in this Appendix on behalf of the IC element, the IC element head and the Director of NCTC shall specify in the written agreement the persons, by name or position, responsible for all training, oversight, and related compliance measures and reporting.

#### **III. Definitions**

For the purposes of this Appendix, the following definitions apply:

- A. Dissemination:** Dissemination means transmitting, communicating, sharing, passing, or providing access to information outside NCTC and/or the IC element by any means, to include oral, electronic, or physical means.
- B. IC Element:** The term “IC element” refers to the specific IC element that is provided data in accordance with section IV.C.2(b) of the NCTC Guidelines in support of the IC element’s legally authorized counterterrorism mission.
- C. Terrorism Information:** The term “terrorism information”—
  - (1) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

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- (i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;
  - (ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;
  - (iii) communications of or by such groups or individuals; or
  - (iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and
- (2) includes weapons of mass destruction information. 6 U.S.C. § 485(a)(5).

**D. United States Person.** For an IC element receiving information under this Appendix, this term has the meaning given the term in that element's guidelines approved by the Attorney General under section 2.3 of Executive Order 12333. For an element without such Attorney General-approved guidelines, or whose guidelines do not contain such a definition, this term means a United States citizen, an alien known by the intelligence element concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. *See* Executive Order 12333 § 3.5(k).

#### IV. General Provisions

**A. Authorized Purpose.** The IC element may access and acquire United States person information in the dataset for the purpose of determining whether the information is reasonably believed to constitute terrorism information and thus may be permanently retained,<sup>1</sup> used, and disseminated. Any United States person information acquired must be reviewed for such purpose in accordance with the procedures in this Appendix, the applicable Terms and Conditions for that dataset, and any other measures specified in the written agreement. Information is "reasonably believed to constitute terrorism information" if, based on the knowledge and experience of counterterrorism analysts as well as the factual and practical considerations of everyday life on which reasonable and prudent persons act, there are facts giving rise to a reasonable, articulable suspicion that the information is terrorism information.

**B. Erroneously Provided Information and Errors in Information.** Any United States person information that has been erroneously disseminated to the IC element will not be retained, used, or further disseminated by the IC element. Such information will be promptly removed from the IC element's systems, unless such removal is otherwise prohibited by applicable law or court order or by regulation or policy approved by the

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<sup>1</sup> For purposes of this Appendix, "permanently retained" does not mean that the information is retained indefinitely, but rather that it is retained in accordance with the IC element's records retention policies.

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Attorney General. Information in the IC element's systems found to contain errors will be promptly corrected to ensure information integrity and accuracy, and NCTC shall be notified of the error promptly.

**C. Removal of Information.** The IC element shall remove from the IC element's systems all identified information concerning United States persons that the IC element does not reasonably believe constitutes terrorism information within five years from the date the data is generally available for assessment by NCTC (or within the time period identified in the written agreement if it specifies a shorter temporary retention period), unless such removal is otherwise prohibited by applicable law or court order or by regulation or policy approved by the Attorney General, or unless the information is retained for administrative purposes as authorized in section VII below.

**D. Training.** The IC element shall ensure that all employees and contractors of the IC element and detailees and assignees to the IC element from other agencies (hereinafter "IC element personnel") provided access to the data under this Appendix will receive training in the use of each dataset to which they will have access to ensure that they use the data only for the IC element's authorized counterterrorism purposes and in accordance with this Appendix and other applicable requirements. The training shall also ensure that they understand the baseline and enhanced safeguards, dissemination restrictions, and other privacy and civil liberties protections they must apply to each dataset. This training shall be in person, whenever practical, and refreshed at least annually. IC element personnel provided access to data under this Appendix will also receive ongoing training to ensure understanding of this Appendix and other applicable agreements and the civil liberties and privacy expectations and requirements involved in the access to and use of the data.

**E. Authorized Uses of Information and Time Periods.** For all datasets or data received pursuant to this Appendix, the IC element will use reasonable measures to identify and mark or tag United States person information contained within those datasets (to the extent not already done so by the data provider and NCTC). Any United States person information accessed or acquired in accordance with this Appendix may be continually assessed for up to five years by IC element personnel to determine whether the United States person information is reasonably believed to constitute terrorism information unless a shorter temporary retention period is specified in the written agreement with NCTC. The written agreement signed by the IC element head or designee shall specify the applicable temporary retention period for the dataset or data as required by the Terms and Conditions or otherwise required by the Director of NCTC. The temporary retention period shall commence when the data is made generally available for access and use by NCTC; the period is not restarted at the time of dissemination to or access by the IC element. United States person information that is reasonably believed to constitute terrorism information may be permanently retained and used for all authorized IC element purposes. These include, but are not limited to: analysis and integration purposes, inclusion in finished analytic products and pieces,

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enhancement of records contained within the Terrorist Identities Datamart Environment (TIDE), operational support and planning, and appropriate dissemination to Intelligence Community elements, as well as federal and other counterterrorism partners. Specific provisions on use and dissemination are set forth below. Any additional protections or provisions required by the Terms and Conditions for that dataset or otherwise required by the Director of NCTC must be included in the written agreement signed by the IC element head or designee.

**F. Applicable Laws and Policies.** The IC element shall access, acquire, retain, use, and disseminate information, including United States person information, (i) pursuant to the relevant standards of Executive Order 12333, as amended; (ii) as consistent with the National Security Act of 1947, as amended; and (iii) as authorized by law or regulations, including applicable privacy laws. This Appendix does not apply to information whose retention, use, and dissemination is governed by court order or court-approved procedures. If the IC element has Attorney General-approved procedures pursuant to section 2.3 of Executive Order 12333, those are hereby superseded as applied to the collection, retention, and dissemination of United States person information in data and datasets governed by this Appendix, except as otherwise specifically provided herein.

**G. Limitation.** The IC element shall not access, acquire, retain, use, or disseminate United States person information solely for the purpose of monitoring activities protected by the First Amendment or monitoring the lawful exercise of other rights secured by the Constitution or other laws of the United States. IC element personnel who access NCTC's databases will be subject at all times to NCTC's Role-Based Access and Information Sharing Policies, and to additional audit and oversight requirements, as applicable and as specified in the written agreement signed by the IC element head or designee. IC elements may be required to adopt or apply similar role-based access and information sharing policies prior to receiving and storing data from NCTC; any such requirements will be specified in the written agreement signed by the IC element head or designee.

**H. Information Access Requests.** For information governed by this Appendix, it shall be the responsibility of the data provider who provided the data to NCTC to make determinations regarding the Freedom of Information Act and first-party access under the Privacy Act, and discovery or other requests for such information in any legal proceeding, unless a different arrangement was agreed upon between NCTC and the data provider and specified in the Terms and Conditions or is required by law. Information derived from an operational file exempted from search and review, publication, and disclosure under 5 U.S.C. § 552 in accordance with law shall remain under the control of the data provider and be handled as coordinated in advance with the data provider and as specified in the Terms and Conditions for that information.

**I. Baseline Safeguards, Procedures, and Oversight Mechanisms.** During the temporary retention period, the IC element shall adhere to the following baseline

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safeguards, procedures, and oversight mechanisms for any dataset disseminated by NCTC under this Appendix:

1. The data will be maintained in a secure, restricted-access repository.
2. Access to the data will be limited to those IC element personnel, who: (i) access the data for the purpose authorized in section IV.A; (ii) are acting under, and agree to abide by, the IC element's information sharing and use rules, including this Appendix and the written agreement; (iii) have the requisite security clearance and a need-to-know in the course of their official duties; and (iv) have received the training required by section IV.D.
3. Access to the data will be monitored, recorded, and audited. This includes tracking of logons and logoffs, file and object manipulation and changes, and queries executed, in accordance with audit and monitoring standards applicable to the Intelligence Community. Audit records will be protected against unauthorized access, modifications, and deletion, and will be retained for a sufficient period to enable verification of compliance with the rules applicable to the data for which audit records apply.
4. The IC element's queries or other activities to assess information contained in the data disseminated pursuant to this Appendix shall be designed solely to identify information that is reasonably believed to constitute terrorism information.
5. The IC element shall query the data in a way designed to minimize the review of information concerning United States persons that does not constitute terrorism information. To identify information reasonably believed to constitute terrorism information contained in data disseminated pursuant to this Appendix, the IC element may conduct (i) queries that do not consist of, or do not consist exclusively of, terrorism data points, which are known or suspected terrorist identifiers or other pieces of terrorism information, and (ii) pattern-based queries and analyses. To the extent that these activities constitute "data mining" as that term is defined in the Federal Agency Data Mining Reporting Act of 2007, the IC element shall coordinate with NCTC to ensure proper reporting and to identify which element should report these activities as required by that Act.
6. The IC element will conduct compliance reviews as described below in section IX.

**J. Enhanced Safeguards, Procedures, and Oversight Mechanisms.** The IC element must also comply with any enhanced safeguards, procedures, and oversight mechanisms identified in the Terms and Conditions for the particular dataset or otherwise required by

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the Director of NCTC and specified in the written agreement signed by the IC element head or designee. See NCTC Guidelines, section III.C.3(e).

**V. Dissemination of United States Person Information**

**A. General Dissemination Requirements.**

1. *Terms and Conditions and Privacy Act.* All disseminations under this Appendix must be: (i) compatible with this Appendix; (ii) any applicable Terms and Conditions, and any other measures identified or specified in the written agreement or, if not compatible, the data provider must have otherwise consented to the dissemination; and (iii) permissible under the Privacy Act, 5 U.S.C. § 552a, if applicable.

2. *Dissemination to State, Local, or Tribal Authorities or Private-Sector Entities.* The NCTC Guidelines and this Appendix are not intended to alter or otherwise impact pre-existing information sharing relationships by federal agencies with state, local, or tribal authorities or private-sector entities, whether such relationships arise by law, Presidential Directive, MOU, or other formal agreement (including, but not limited to, those listed in section II of the NCTC Guidelines). To the extent that the NCTC Guidelines, this Appendix, and the written agreement allow for dissemination to state, local, tribal, or private sector entities, such dissemination will continue to be made, consistent with section 119(f)(1)(E) of the National Security Act (50 U.S.C. 404o(f)(1)(E)), in support of the Department of Justice (including the FBI) or the Department of Homeland Security responsibilities to disseminate terrorism information to these entities, and conducted under agreements with those Departments. This Appendix is not intended to, does not, and shall not be relied upon to create a grant of new or additional authority for information sharing with or dissemination of information to state, local, or tribal authorities or private-sector entities.

3. *Bulk Disseminations Prohibited.* In no case may the IC element make a further bulk dissemination of any dataset or any significant portion of a dataset. However, specific United States person information may be disseminated pursuant to the dissemination provisions in sections V.B or V.C below.

**B. Basic Dissemination Requirements.** The IC element may disseminate United States person information from datasets provided by NCTC if the General Dissemination Requirements are met, and if:

1. *Dissemination of Terrorism Information.* The United States person information reasonably appears to constitute terrorism information, or reasonably appears to be necessary to understand or assess terrorism information, and the IC element is disseminating the information to a federal, state, local, tribal, or foreign or international entity, or to any other appropriate entity or individual, that is

## UNCLASSIFIED

reasonably believed to have a need to receive such information for the performance of a lawful function;

2. *Dissemination for Limited Purposes.* The United States person information is disseminated to other elements of the Intelligence Community or to a federal, state, local, tribal, or foreign or international entity, or to any other appropriate entity, for the limited purpose of assisting the IC element in determining whether the United States person information constitutes terrorism information. Before disseminating information under this paragraph, the IC element should consider approaching NCTC for this type of assistance. Any such recipients may only use the information for the limited purpose identified in this paragraph, and may not use the information for any other purpose or disseminate the information further without the prior approval of NCTC. Recipients of information under this paragraph must promptly provide the requested assistance to the IC element and promptly thereafter return the information to the IC element or destroy it unless the IC element authorizes continued retention after the specific information continued retention after the specific information is determined by the IC element to meet the dissemination criteria in section V.C of this Appendix. Recipients of information under this paragraph may not retain the information for continual assessment of whether it constitutes terrorism information unless such retention is permitted by the dissemination criteria in section V.C of this Appendix. This paragraph does not authorize the IC element to disseminate any bulk dataset or significant portion of a dataset believed to contain United States person information;

3. *Dissemination Based on Consent.* The United States person whom the information concerns consents to the dissemination; or

4. *Dissemination of Publicly Available Information.* The United States person information is publicly available.

**C. Dissemination of Non-Terrorism Information.** In addition, the IC element may disseminate United States person information contained in datasets provided by NCTC if that United States person information has been handled and subsequently identified in accordance with applicable safeguards and procedures,<sup>2</sup> if the General Dissemination Requirements are met, and if the United States person information:

1. Reasonably appears to be foreign intelligence or counterintelligence, or information concerning foreign aspects of international narcotics activities, or

---

<sup>2</sup> Note that this dissemination category does not authorize the IC element to search for additional categories of information, but rather allows the IC element to disseminate certain United States person information uncovered while performing counterterrorism analysis and searches in accordance with this Appendix, the applicable Terms and Conditions, and the written agreement.

## UNCLASSIFIED

reasonably appears to be necessary to understand or assess foreign intelligence or counterintelligence or foreign aspects of international narcotics activities, and the IC element is disseminating the information to another federal, state, local, tribal, or foreign or international entity that is reasonably believed to have a need to receive such information for the performance of a lawful function, provided they agree to such further restrictions on dissemination as may be necessary;

2. Reasonably appears to be evidence of a crime, and the IC element is disseminating the information to another federal, state, local, tribal, or foreign agency that is reasonably believed to have jurisdiction or responsibility for the investigation or prosecution to which the information relates and a need to receive such information for the performance of a lawful governmental function;

3. Is disseminated to a Congressional Committee to perform its lawful oversight functions, after approval by the IC element's Office of General Counsel or senior legal advisor;

4. Is disseminated to a federal, state, local, tribal, or foreign or international entity, or to an individual or entity not part of a government, and is reasonably believed to be necessary to: (i) protect the safety or security of persons, property, or organizations; or (ii) protect against or prevent a crime or a threat to the national security, provided they agree to such further restrictions on dissemination as may be necessary;

5. Is disseminated to another federal, state, local, tribal, or foreign or international entity for the purpose of determining the suitability or credibility of persons who are reasonably believed to be potential sources or contacts, provided they agree to such further restrictions on dissemination as may be necessary;

6. Is disseminated to another federal, state, local, tribal, or foreign or international entity for the purpose of protecting foreign intelligence or counterintelligence sources and methods from unauthorized disclosure;

7. Is disseminated to other recipients, if the subject of the information provides prior consent in writing;

8. Is otherwise required to be disseminated by statutes; treaties; executive orders; Presidential directives; National Security Council directives; Homeland Security Council directives; or Attorney General-approved policies, memoranda of understanding, or agreements; or

9. Is disseminated to appropriate elements of the IC for the purposes of allowing the recipient element to determine whether the information is relevant to its responsibilities and can be retained by it.

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The identity of a United States person may be disseminated outside the Intelligence Community only if it is necessary or if it is reasonably believed it may become necessary to understand and assess such United States person information described above.

### **VI. Foreign Disseminations**

For any dissemination of United States person information to a foreign or international entity, in addition to complying with the dissemination provisions of section V, the IC element must find that:

- A. the dissemination is consistent with the interests of the United States, including U.S. national security interests;
- B. the dissemination complies with DCID 6/6 or any successor ICD<sup>3</sup>;
- C. the foreign or international entity has agreed not to disseminate the information further without approval by the IC element; and
- D. the IC element, in consultation with its General Counsel or senior legal advisor, has considered the effect such dissemination may reasonably be expected to have on any identifiable United States person to determine whether any additional safeguards are needed.

### **VII. Retention of Information for Administrative Purposes**

To the extent consistent with law, United States person information acquired pursuant to this Appendix may be retained if necessary to conduct the oversight, auditing, redress, or compliance activities required by these Guidelines, if required by law or court order to be retained, or if necessary to determine whether the requirements of these Guidelines or applicable laws are satisfied. Any information retained under this paragraph beyond the temporary retention period may not be used for purposes other than those specified in the preceding sentence and must be promptly removed from the IC element's systems once retention is no longer necessary or required for those purposes, except that the IC element may retain any oversight, audit, redress, or compliance records or reports in accordance with its records retention policies.

### **VIII. The IC Element's Computer Systems**

In designing its computer systems, the IC element shall take reasonable steps to enhance its ability to monitor activity involving United States person information and other sensitive information, and to facilitate compliance with, and the auditing and reporting required by, this Appendix.

---

<sup>3</sup> ICD 403 is currently in draft. Once signed, any foreign dissemination would be required to comply with ICD 403 and any implementing IC Policy Guidance and IC Standards.

**IX. Oversight and Compliance**

A. Subject to oversight by the IC element's Civil Liberties and/or Privacy Officer, if applicable, and the ODNI Civil Liberties Protection Officer, the IC element shall conduct periodic reviews to verify continued compliance with this Appendix, including compliance with any Terms and Conditions and any measures specified in the written agreement. These reviews shall include spot checks, reviews of audit logs, and other appropriate measures.

B. The IC element, in coordination with the IC element's Civil Liberties and/or Privacy Officer (or other appropriate official as identified in the written agreement), shall conduct periodic reviews of its continued need for access to each dataset disseminated pursuant to the NCTC Guidelines and this Appendix to determine whether such access remains necessary and appropriate. In conducting this review, consideration shall be given to the purpose for which the dataset was disseminated; the success of that dataset in fulfilling legitimate counterterrorism purposes; whether those purposes can now be fulfilled through the use of other data in the IC element's possession, or through other appropriate means; and privacy and civil liberties considerations applicable to the particular dataset.

C. The IC element shall promptly report, in writing, to the IC element head, the Director of NCTC, the ODNI General Counsel, the ODNI Civil Liberties Protection Officer, the Department of Justice, and the IC Inspector General upon discovery of any significant failure to comply with (i) this Appendix; (ii) baseline or enhanced safeguards, procedures, or other oversight mechanisms; or (iii) any Terms and Conditions or the written agreement. For the purposes of this Appendix, a "significant failure" is a failure that constitutes a violation of the Constitution, or other law, including any executive order, and/or a failure that leads to unauthorized access, use, or dissemination of personally identifiable information about a United States person. NCTC shall then report to any data provider whose information was affected by the noncompliance, in accordance with the Terms and Conditions for that data.

D. The IC element shall report annually in writing to the IC element head and to the ODNI Civil Liberties Protection Officer on the measures that the IC element is taking to ensure that its access to, and retention, use, and dissemination of, United States person information is appropriate under this Appendix, and in compliance with all Terms and Conditions and written agreement. The report shall include:

1. The results of the review required in section IX.B. above, regarding whether access to the bulk dataset continues to be appropriate;
2. A general description of the IC element's compliance and audit processes;

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3. A description of the audits, spot checks, and other reviews the IC element conducted during the previous year, and the results of those audits, spot checks or other reviews, to include any shortcomings identified;
4. A description of how the IC element ensures that it promptly purges United States person information that does not meet the standards for retention under this Appendix, related Terms and Conditions, and any other measures specified in the written agreement;
5. An assessment of the United States person information disseminated by the IC element directly to foreign, international, state, local, tribal, or private sector entities or individuals; the restrictions, if any, that the IC element imposed on the entities' use or further dissemination of such information; and any known misuse of such information by a recipient, data breach, or significant failure by the recipient to comply with the terms of the certification required under section VI.C of this Appendix;
6. An assessment of whether there is a need for enhanced safeguards, procedures, or oversight regarding the handling of United States person information or other sensitive information, or any other reasonable measures that should be taken to improve the handling of information;
7. Measures the IC element has taken to comply with the requirements of section VIII with respect to its computer systems; and
8. A description of any material changes or improvements the IC element implemented, or is considering implementing, to improve compliance with this Appendix.

E. The IC element shall provide a copy of this report to the IC element General Counsel, the IC element Civil Liberties and/or Privacy Officer, the Director of NCTC, the ODNI General Counsel, the IC element's Inspector General, and the IC Inspector General, and shall make the report available upon request to the Assistant Attorney General for National Security. The IC element shall also make available to the IC element's Inspector General and the IC Inspector General any other reports or documentation necessary to ensure compliance with this Appendix.

F. The reporting required by this Appendix does not replace any other reporting required by statute, executive order, or regulation.

### **X. Interpretation and Departures**

A. The IC element shall refer all questions relating to the interpretation of these Guidelines to the IC element's Office of General Counsel or other senior legal advisor. The IC element's General Counsel shall consult with the ODNI General Counsel regarding any novel or significant interpretations, and the ODNI General Counsel shall

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then consult with the Assistant Attorney General for National Security to the extent required by the NCTC Guidelines.

B. The ODNI General Counsel and the Assistant Attorney General for National Security must approve in advance any departures from this Appendix. If there is not time for such approval and a departure from this Appendix is necessary because of the immediacy or gravity of a threat to the safety of persons or property or to the national security, the IC element head, other senior IC element personnel identified in the written agreement with NCTC, the Director of NCTC, or the NCTC Director's senior representative present may approve a departure from these Guidelines. The ODNI General Counsel shall be notified as soon thereafter as possible. The ODNI General Counsel shall provide prompt written notice of any such departures to the Assistant Attorney General for National Security. Notwithstanding this paragraph, all activities in all circumstances must be carried out in a manner consistent with the Constitution and laws of the United States.

**XI. Status as Internal Guidance**

The provisions in this Appendix are set forth solely for the purpose of internal IC element and ODNI guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law or in equity, by any party in any matter, civil or criminal, nor do they place any limitation on otherwise lawful investigative and litigation prerogatives of the U.S. Government.























































































































**From:** [Hunt, Ken](#)  
**To:** [Fausett, Andrew](#)  
**Cc:** [\(b\)\(6\)](#); [Foster, Helen](#)  
**Subject:** FW: Draft Memo from CPO to S1 on AG Guidelines  
**Date:** Wednesday, May 04, 2011 10:44:13 AM  
**Attachments:** [image002.jpg](#)  
[image001.jpg](#)  
[image003.jpg](#)

---

Andy, [\(b\)\(5\)](#)  
  


**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

[\(b\)\(6\)](#)  


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

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, April 13, 2011 6:40 PM  
**To:** [\(b\)\(6\)](#)  
**Cc:** [\(b\)\(6\)](#); Hunt, Ken; Anderson, Audrey; D'Antonio, Christopher; Palmer, David; [\(b\)\(6\)](#)  
  
**Subject:** RE: Draft Memo from CPO to S1 on AG Guidelines

Colleagues,

[\(b\)\(5\)](#)  


Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

[\(b\)\(6\)](#)  
  


(b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

**From:** Mathews, Scott

**Sent:** Wednesday, April 13, 2011 4:35 PM

**To:** (b)(6) Kronisch, Matthew; (b)(6) Palmer, David

**Cc:** (b)(6) Hunt, Ken

**Subject:** Draft Memo from CPO to S1 on AG Guidelines

Colleagues,

I would like to get your thoughts on the attached memo, in particular with regard to timing. We intended to move this quickly, but do not want to do so before OGC's memo on the same issue is sent. How do you see this fitting in with the OGC memo? Our intention is to be completely supportive while ensuring the privacy-related issues don't fall by the wayside. It would be helpful if you could let us know your thoughts before April 20. I will be out of the office next week so please be sure to include Ken Hunt on your emails. Thanks,

(b)

(6)

(b)(6), CIPP, Senior Privacy Analyst  
Privacy Office, Department of Homeland Security

(b)(6)





























































































**From:** (b)(6)  
**To:** Hunt, Ken; (b)(6); Richards, Rebecca; Foster, Helen; (b)(6); (b)(6)  
**Subject:** RE: (UPDATED) DHS-NCTC Records Working Group Dataset Retention Meeting  
**Date:** Friday, October 07, 2011 2:34:43 PM

---

I did call in and was on the line today (b)(6) stepped on me when I attempted to identify myself – I'm just ribbing him a little.). (b)(5)

(b)(5)

(b)(5)

(b)(5)

I hope everyone has a wonderful 3 day weekend!

(b)  
(b)(6)  
Executive Director, LEISI PMO  
U.S. Immigration & Customs Enforcement  
Department of Homeland Security  
Homeland Security Investigations, (b)(6)  
(b)(6)

**WARNING:** This document is designated FOR OFFICIAL USE ONLY (FOUO). It may contain information that is LAW ENFORCEMENT SENSITIVE (LES) and exempt from public release under the Freedom of Information Act (5USC552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid need to know without prior approval from the ICE Homeland Security Investigations (HSI).

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distributing or disclosing any of the information contained in it. If you have received this transmission in error, please immediately contact the person named above by reply e-mail and delete the original and all copies of this transmission (including any attachments) without reading or saving it in any manner.

Thank you for your cooperation

-----Original Appointment-----

**From:** (b)(6)

**Sent:** Friday, October 07, 2011 7:34 AM

**To:** Hunt, Ken; (b)(6)

ichards, Rebecca; Foster, Helen; (b)(6)

**Subject:** (UPDATED) DHS-NCTC Records Working Group Dataset Retention Meeting

**When:** Friday, October 07, 2011 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).

**Where:** 19-04-400D DDI number: (b)(6) or (b)(6) Conference Pin: 678457

**Importance:** High

Good Morning:

<<Summary of Points v05 111007.docx>>

As a follow up to our last internal meeting, we would like to schedule another time period to get together to discuss dataset retention and the forth coming AG Guidelines. This was a request of the S1 and we need to begin discussing the details captured within the retention diagrams presented at our last meeting.

This time we will continue to focus more on the exact steps, considerations, etc.

Please review the attached read ahead and come prepared to discuss exact next steps, mitigations, etc in regards to potential extended temporary retention.

DDI number: (b)(6)

**Conference Pin: 678457**

The room is somewhat limited, so please limit attendance to required POCs. If there is anyone that was left off this invite, please feel free to forward to appropriate POCs as required. If you do not have a blue badge and/or access to building 19, please use the call-in number as I have not received any clearance information for today.

Thanks everyone!

-CGP

(b)(6)

<< File: Summary of Points v05 111007.docx >>

**From:** (b)(6)  
**To:** (b)(6); [Hunt, Ken](#); [Hart, Regina](#); (b)(6); [Fausett, Andrew](#); [Richards, Rebecca](#); [Foster, Helen](#); (b)(6)  
  
**Subject:** RE: Action Items and Final Draft of Working Group Process Document  
**Date:** Tuesday, November 08, 2011 12:43:36 PM  
**Attachments:** (b)(5)  


---

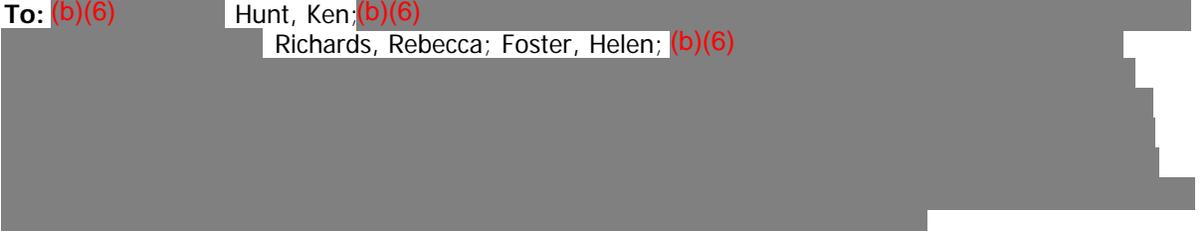
Please see the attached for CRCL's comments/edits.

Thanks,  
(b)(6)

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(b)(6)  


This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** (b)(6)  
**Sent:** Tuesday, November 08, 2011 8:23 AM  
**To:** (b)(6); [Hunt, Ken](#); (b)(6); [Richards, Rebecca](#); [Foster, Helen](#); (b)(6)  
  
**Subject:** RE: Action Items and Final Draft of Working Group Process Document  
**Importance:** High

Thank you everyone for your input.

Please see attached the recommended additions/changes for final approval.

As a result, we will be canceling today's meeting in favor of continuing to work a draft paper based on these process steps.

Attached for your review you will find the updated process chart and a template for the paper.

Please submit final clearance and/or comments no later than COB today.

We will reschedule today's meeting for early next week.

Thanks!

Respectfully,

(b)(6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b)(6)

"Facta, non verba"

---

**From:** (b)(6)

**Sent:** Monday, November 07, 2011 3:27 PM

**To:** (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Foster, Helen; (b)(6)

**Subject:** RE: Action Items and Final Draft of Working Group Process Document

Attached please find CRCL's edits.

(b)(6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

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---

**From:** Poirier, Christopher

**Sent:** Friday, November 04, 2011 1:34 PM

**To:** Hunt, Ken; Hart, (b)(6) Richards, Rebecca; Foster, Helen; (b)(6)

(b)(6)

**Subject:** Action Items and Final Draft of Working Group Process Document  
**Importance:** High

Thank you to everyone for your hard work thus far! We had a great meeting today and have a few action items to resolve upon prior to our next meeting that will be scheduled for Tuesday of this coming week. Please review the action items below and provide input by COB Monday (7NOV11).

(b)(5)

A large rectangular area of the document is completely redacted with a solid grey color, covering the majority of the page's content.

Please let me know if you have any additional questions.

Thanks again and have a great weekend!

Respectfully,

(b)(6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

(b)(6)

A rectangular area at the bottom of the page is redacted with a solid grey color, likely covering a signature or contact information.

"Facta, non verba"











DATA HANDLING AND PRIVACY

Wednesday, October 26, 2011 (1300-1400) – NAC, Deputy Secretary's Office

OBJECTIVES:

- (b)(5) [Redacted]

BACKGROUND:

[Redacted]

[Redacted]

- (b)(5) [Redacted]

(b)(5)  
(b)(5)  
nonresponsive



**PARTICIPANTS:**

*Non-DHS*

None

*DHS*

Deputy Secretary Lute

Brian de Vallance, *Senior Counselor to the Secretary*

Mark Dayton, *Counselor, MGMT*

Mary Ellen Callahan, *Chief Privacy Officer, PRIV*

Ivan Fong, *General Counsel, OGC*

John Cohen, *Deputy Counterterrorism Coordinator, Senior Advisor to the Secretary*

David Heyman, *Assistant Secretary, PLCY*

**PRESS PLAN:** None – closed meeting

**ATTACHMENTS:** None

**Staff Responsible for Briefing Memo:** Chief Privacy Officer.

Prepared by: Ken Hunt, PRIV, (b)(6)































































TALKING POINTS AND BACKGROUND

DHS OBJECTIVES:

- (b)(5) [Redacted]
- (b)(5) [Redacted]

TALKING POINTS:

- (b)(5) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

(b)(5) [Redacted]





















# Homeland Security

## FOR YOUR INFORMATION

MEMORANDUM FOR: Mary Ellen Callahan  
Chief Privacy Officer

FROM: (b)(6), Senior Privacy Analyst

FOR YOUR INFORMATION/REVIEW	
Key Information:	Memorandum to the Secretary regarding the Draft Revised NCTC Attorney General Guidelines
Due Date:	TBA
Submission Date:	3/23/2011
IQ WF:	N/A
Primary Privacy Office Reviewer:	(b)(6) (copied to Helen Foster, Ken Hunt and Rebecca Richards)
(b)(5)	
(b)(5)	
<b>Mary Ellen Comments:</b>	
Other	

March 22, 2011

MEMORANDUM FOR THE SECRETARY

FROM: Mary Ellen Callahan  
Chief Privacy Officer

SUBJECT: Draft Revised Guidelines for Access, Retention, Use, and  
Dissemination by the National Counterterrorism Center of  
Information in Datasets Containing Non-Terrorism Information

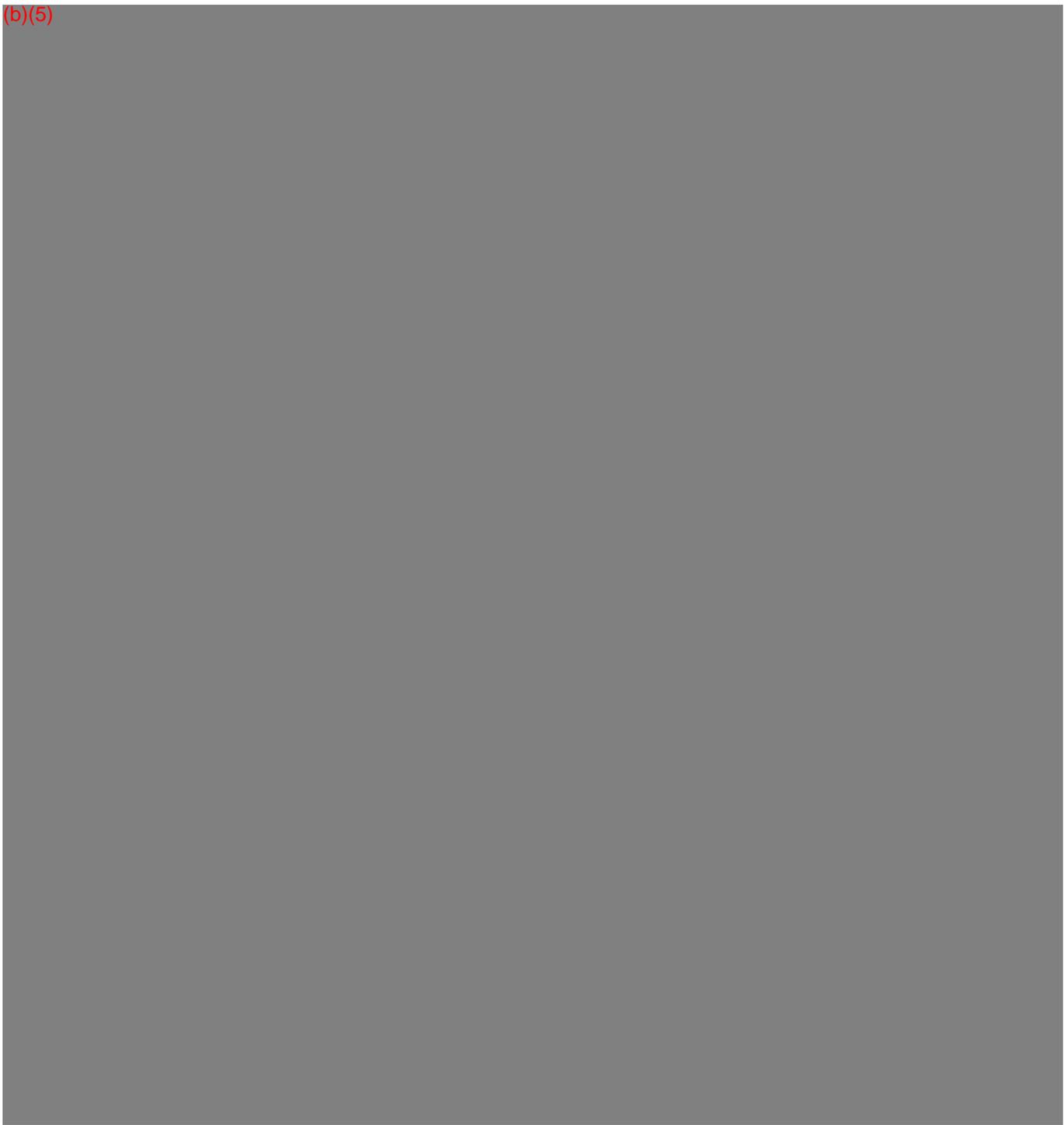
(b)(5)



(b)(5)



(b)(5)























































**From:** [Richards, Rebecca](#)  
**To:** (b)(6)  
**Subject:** FW: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Date:** Tuesday, April 03, 2012 12:38:44 PM  
**Attachments:** [ESTA Executive Summary \(wkh\)\\_ogc\\_edits.docx](#)

---

Becky Richards  
DHS Privacy Office

(b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, March 27, 2012 8:50 PM  
**To:** (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca  
**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher;  
(b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

All,

OGC's suggested edits and comments are tracked in the attached document. Please let me know if you have any questions or concerns.

Best Regards,

(b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, March 27, 2012 9:23 AM  
**To:** Hunt, Ken; (b)(6) Richards, Rebecca; (b)(6)  
**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher;  
(b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

CRCL concurs with the document with PRIV's edits. Thanks. - Mike

---

**From:** Hunt, Ken  
**Sent:** Monday, March 26, 2012 6:01 PM  
**To:** (b)(6) Richards, Rebecca; (b)(6)  
**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

PRIV comments attached.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office

m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

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

---

**From:** (b)(6)

**Sent:** Monday, March 26, 2012 11:43 AM

**To:** (b)(6) Richards, Rebecca; Hunt, Ken; (b)(6)

**Cc:** (b)(6) Foster, Helen; (b)(6) (b)(6)

(b)(6)

**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

All,

Please review the previously reviewed DHS ESTA recommendation and your by concurrence by C.O.B. today, March 26, 2012.

Thank you very much.

V/r,

(b)(6)

Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security

(b)(6)

---

**From:** (b)(6)

**Sent:** Friday, March 02, 2012 11:33 AM

**To:** (b)(6) Richards, Rebecca; Hunt, Ken; (b)(6)

**Cc:** (b)(6) Foster, Helen; (b)(6) (b)(6)

(b)(6)

**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

Attached please find CRCL's comments/edits. Please let me know if you have any questions/concerns. PRIV, please double-check that my comment #2 is correct.

Thanks,

(b)(6)

(b)(6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** (b)(6)  
**Sent:** Wednesday, February 29, 2012 3:44 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b)(6)  
**Cc:** (b)(6); Foster, Helen; (b)(6); (b)(6), (b)(6)  
**Subject:** FW: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Importance:** High

All-

As a follow on to Tammy's e-mail below, please review and provide comments in reference to the attached ESTA recommendation by C.O.B., Friday, March 2, 2012. (b)(6) would like to finalize ESTA and SEVIS recommendations in preparation for pending CTAB Briefing in reference to the AG Guidelines.

Thank you.

V/r,

(b)(6)  
Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security

(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, February 29, 2012 1:42 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b)(6)  
**Cc:** Foster, Helen; (b)(6); (b)(6); D'Antonio, Christopher; (b)(6)  
**Subject:** FW: AG Guideline Briefing to CTAB  
**Importance:** High

Internal Records Working Group-

A status update on the AG Guidelines for the CTAB was requested by Caryn Wagner (see below). As discussed during our meeting last week, Priv/CRCL will take lead in crafting the SEVIS recommendation. **I&A will need that document as soon as possible.**

Also, collectively we need a coordinated message (when briefing can/should take place; not ready right now).

(b)(6)

(b)(6)

Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis  
Department of Homeland Security

(b)(6)

---

**From:** (b)(6)

**Sent:** Wednesday, February 29, 2012 11:40 AM

**To:** (b)(6)

**Cc:** (b)(6)

**Subject:** RE: AG Guideline Briefing to CTAB

(b)(6) thanks for your note. Unfortunately, your email below is the first I've heard of the request for tomorrow, and I'm unable to help – I'm out of the office tomorrow on travel.

I'd recommend as a next step, that I coordinate the request for the update to the CTAB with the DHS-internal participants in the NCTC-DHS Records Working Group, to make sure all are aware of the request, and we have a coordinated message (across I&A, PRIV, CRCL, OGC, PLCY, and the Components).

Then we will close the loop with Caryn, and work this for another, upcoming CTAB. How does that sound? Thanks, --(b)(6)

---

**From:** (b)(6)

**Sent:** Wednesday, February 29, 2012 11:35 AM

**To:** (b)(6)

**Cc:** (b)(6)

**Subject:** AG Guideline Briefing to CTAB

Morning (b)(6)

I wanted to check-in with you on tomorrow's CTAB.

Ms. Wagner requested a briefing on the current status of the AG guideline issues a few weeks back, and we wanted to confirm that you will be able to provide.

Let me know if there is anything you might need in preparation. I will be forwarding you the agenda, and the calendar invite.

Thank you sir.

(b)(6)

A rectangular area of the document is completely redacted with a solid grey fill.

Intelligence Director - Supporting The Counterterrorism Coordinator

(b)(6)

A large rectangular area of the document is completely redacted with a solid grey fill.

**From:** [Richards, Rebecca](#)  
**To:** (b)(6)  
**Subject:** FW: AG Guidelines memo  
**Date:** Wednesday, April 04, 2012 8:26:12 AM  
**Attachments:** [AG Guidelines Memo for MEC 20110322 V5\\_PISI.docx](#)

---

Becky Richards  
DHS Privacy Office

(b)(6)

---

**From:** Foster, Helen  
**Sent:** Wednesday, March 23, 2011 2:06 PM  
**To:** Richards, Rebecca  
**Cc:** Hunt, Ken; (b)(6)  
**Subject:** RE: AG Guidelines memo

For Becky review. All PISI comments incorporated as far as possible.

Helen Foster  
DHS Privacy Office

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 23, 2011 1:51 PM  
**To:** Mathews, Scott; Foster, Helen  
**Subject:** RE: AG Guidelines memo

My few comments attached. Happy to discuss.  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

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

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**From:** (b)(6)  
**Sent:** Wednesday, March 23, 2011 11:50 AM  
**To:** Foster, Helen; Hunt, Ken  
**Subject:** AG Guidelines memo

Please review the attached. It answers the questions Helen asked and takes almost all the edits (a few minor additions of my own). I don't think we should get clearance from CRCL, which would probably be necessary if we include any civil liberties content, or refer to their office. I would FYI a copy to CRCL so they can use as they see fit. Same process as OGC.



Otherwise it would slow down completion.

(b)  
(6)

[Redacted]

Senior Privacy Analyst  
Privacy Office (PRIV)  
Tel: (b)(6)

(b)(6)

**From:** Hunt, Ken  
**Sent:** Friday, March 23, 2012 9:58 AM  
**To:** Callahan, Mary Ellen  
**Cc:** Foster, Helen; Richards, Rebecca  
**Subject:** FOR POCs  
**Attachments:** nctc\_guidelines.pdf

MEC, here's a draft of what you might send to PPOCs. Becky and Helen concur.

wkh

(b)(5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
Public Affairs Office

LEADING INTELLIGENCE INTEGRATION

# NEWS RELEASE

FOR IMMEDIATE RELEASE

March 22, 2012

## Office of the Director of National Intelligence and Department of Justice Joint Statement:

### **REVISED GUIDELINES ISSUED TO ALLOW THE NCTC TO ACCESS AND ANALYZE CERTAIN FEDERAL DATA MORE EFFECTIVELY TO COMBAT TERRORIST THREATS**

Director of National Intelligence James R. Clapper, Attorney General Eric Holder, and National Counterterrorism Center (NCTC) Director Matthew G. Olsen have signed updated guidelines designed to allow NCTC to obtain and more effectively analyze certain data in the government's possession to better address terrorism-related threats, while at the same time protecting privacy and civil liberties.

The "Guidelines for Access, Retention, Use, and Dissemination by the National Counterterrorism Center (NCTC) of Information in Datasets Containing Non-Terrorism Information" effective Mar. 22, 2012, update November 2008 guidelines that governed NCTC's access, retention, use, and dissemination of "terrorism information" contained within federal datasets that are identified as also including non-terrorism information and information pertaining exclusively to domestic terrorism.

The updated Guidelines provide a framework that allows NCTC to obtain certain data held by other U.S. Government agencies to better protect the nation and its allies from terrorist attacks. In coordination with other federal agencies providing data to the NCTC, NCTC will establish the timeline for the retention of individual datasets based upon the type of data, the sensitivity of the data, any legal requirements that apply to the particular data, and other relevant considerations.

Among other modifications, the revised Guidelines:

- Permit NCTC to retain certain datasets that are likely to contain significant terrorism information and are already in the lawful custody and control of other federal agencies for up to five years, unless a shorter period is required by law.
- Permit NCTC to query this data only to identify information that is reasonably believed to constitute terrorism information.
- Provide that all data obtained by NCTC from another federal agency pursuant to the Guidelines, will be subject to appropriate safeguards and oversight mechanisms, including monitoring, recording, and auditing of access to and queries of the data, to protect privacy and civil liberties.
- Require NCTC to undertake a number of additional compliance and reporting obligations to ensure robust oversight.

The updated Guidelines do not provide any new authorities for the U.S. Government to collect information, nor do they authorize acquisition of data from entities outside the federal government. All information that would be accessed by NCTC under the Guidelines is already in the lawful custody and control of other federal agencies. The Guidelines merely provide the NCTC with a more effective means of accessing and analyzing datasets in the government's possession that are likely to contain significant terrorism information. They permit NCTC to consolidate disparate federal datasets that contain information of value to NCTC's critical counterterrorism mission. Furthermore, the updated Guidelines do not supersede or replace any legal restrictions on information sharing (existing by statute, Executive Order, regulation, or international agreement). Thus, the updated Guidelines do not

give NCTC authority to require another agency to share any dataset where such sharing would contravene U.S. law or an international agreement.

One of the issues identified by Congress and the Intelligence Community after the 2009 Fort Hood shootings and the Christmas Day 2009 bombing attempt was the government's limited ability to query multiple federal datasets and to correlate information from many sources that might relate to a potential attack. A review of government actions taken before these attacks recommended that the Intelligence Community push for the completion of state-of-the-art search and correlation capabilities, including techniques that would provide a single point of entry to various government databases.

"Following the failed terrorist attack in December 2009, representatives of the counterterrorism community concluded it is vital for NCTC to be provided with a variety of datasets from various agencies that contain terrorism information," said Clapper, "The ability to search against these datasets for up to five years on a continuing basis as these updated Guidelines permit will enable NCTC to accomplish its mission more practically and effectively than the 2008 Guidelines allowed."

The updated Guidelines have undergone extensive review within the Office of the Director of National Intelligence and the Department of Justice and have been coordinated throughout the Intelligence Community. Under the National Security Act of 1947, NCTC is charged with serving as the primary organization in the U.S. Government for analyzing and integrating all intelligence possessed or acquired by the U.S. Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism. Consistent with this statutory mission, Executive Order 12333 provides that Intelligence Community elements may collect, retain, or disseminate information concerning United States Persons (USPs) only in accordance with procedures established by the head of the Intelligence Community element and approved by the Attorney General in consultation with the Director of National Intelligence.

The 2008 Guidelines required NCTC to "promptly review" USP information and then "promptly remove" it if it is not reasonably believed to constitute terrorism information. This approach was a reasonable first step in 2008, but based on subsequent experience and lessons learned, the requirement to "promptly remove" USP information hampers NCTC's ability to identify terrorism information by connecting the dots across multiple datasets.

"There are a number of protections built into the 2012 revised Guidelines," said Alexander Joel, ODNI Civil Liberties Protection Officer. "Before obtaining a dataset, the Director of NCTC, in coordination with the data provider, is required to make a finding that the dataset is likely to contain significant terrorism information."

Once ingested, data is subject to a number of baseline safeguards carried over from the 2008 Guidelines, including restrictions that limit access to only those individuals with a mission need and who have received training on the Guidelines.

"The approval of these Guidelines will significantly improve NCTC's ability to carry out its statutory mission" said Clapper, "Our citizens expect that we do everything in our power to keep them safe, while protecting privacy and other civil liberties. These Guidelines provide our counterterrorism analysts with the means to accomplish that task more effectively."

###

(b)(6)

**From:** Hunt, Ken  
**Sent:** Wednesday, May 04, 2011 10:43 AM  
**To:** Fausett, Andrew  
**Cc:** (b)(6) Foster, Helen  
**Subject:** FW: Dratt Memo from CPO to S1 on AG Guidelines

Andy, this is a follow-up from our exchange yesterday. I don't know if things have changed, but in mid-April, Matt K recommended making our memo joint from CINT and CPO. We agreed.

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, April 13, 2011 6:40 PM  
**To:** (b)(6)  
(b)(6) Hunt, Ken; (b)(6) D'Antonio, Christopher; Palmer, David; (b)(6)  
**Subject:** RE: Draft Memo from CPO to S1 on AG Guidelines

Colleagues,

(b)(5)

[Redacted]

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security  
(b)(6)  
mobile (b)(6)  
nsts (b)(6)  
pager (b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

---

**From:** (b)(6)  
**Sent:** Wednesday, April 13, 2011 4:35 PM  
**To:** Anderson, Audrey; Kronisch, Matthew; D'Antonio, Christopher; Palmer, David

Cc: (b)(6); Hunt, Ken  
Subject: Draft Memo from CPO to S1 on AG Guidelines

Colleagues,

(b)(5)

(b)(6)



(b)(6), CIPP, Senior Privacy Analyst  
Privacy Office, Department of Homeland Security

Tel: (b)(6) Email: (b)(6)  
Fax: (703) 235-0442 HSDN: (b)(6)  
Page: (b)(6) HTSN: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, September 19, 2011 5:09 PM  
**To:** Richards, Rebecca  
**Subject:** FW: ESTA SORN question

Let's discuss.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Hardin, Michael (b)(6)  
**Sent:** Monday, September 19, 2011 3:24 PM  
**To:** Hunt, Ken; Foster, Helen  
**Cc:** Richards, Rebecca  
**Subject:** ESTA SORN question

(b)(5)

[Redacted]

(b)(5)

[Redacted]

RETENTION AND DISPOSAL:

Information submitted to ESTA generally expires and is deemed ``inactive'' two years after the last submission or change in information by the applicant. In the event that a traveler's passport remains valid for less than two years from the date of the ESTA approval, the ESTA will expire concurrently with the passport. Information in ESTA will be retained for one year after the ESTA expires. After this period, the inactive account information will be purged from online access and archived for 12 years. Data linked, at any time during the 15 year retention period (3 years active, 12 years archived), to active law enforcement lookout records, CBP matches to enforcement activities, and/or investigations or cases, including applications for ESTA that are denied, will remain accessible for the life of the law enforcement activities to which they may become related. NARA guidelines for retention and archiving of data will apply to ESTA and CBP is in negotiation with NARA for approval of the ESTA data retention and archiving plan.

The ESTA will over time replace the paper I-94W form. In those instances where an ESTA is then used in lieu of a paper I-94W, the ESTA will be maintained in accordance with the retention schedule for I-94W, which is 75 years. I-94W and I-94 data are maintained for this period of time in order to ensure that the information related to a particular admission to the United States is available for providing any applicable benefits related to immigration or other enforcement purposes.

(b)(6)

Screening Coordination Office  
Department of Homeland Security

(b)(6)

(b)(6) (mobile)

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, March 23, 2012 9:54 AM  
**To:** Foster, Helen  
**Subject:** FW: FYI--just fielded a call from (b)(6) re: AG Guidelines

Correcting one error. And one tweek.

THOUGHTS?

(b)(5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Best,

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Foster, Helen  
**Sent:** Friday, March 23, 2012 9:17 AM  
**To:** Callahan, Mary Ellen

**Cc:** Hunt, Ken; Richards, Rebecca

**Subject:** FYI--just fielded a call from (b)(6) re: AG Guidelines

Should we do some kind of communication to PPOCs on it?

*Helen Goff Foster*

Senior Director, Privacy Policy and Advocacy

Privacy Office, Mailstop 0655

Department of Homeland Security

245 Murray Lane, SW

Arlington, VA 20598-0655

Email: (b)(6)

HSDN: (b)(6) (b)(6)

HTSN: (b)(6)

Direct: (b)(6)

Cell: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 1:29 PM  
**To:** Foster, Helen  
**Subject:** FW: Guidelines memo

Like I said... I THINK we're ok on the format.

wkh

-----Original Message-----

**From:** (b)(6)  
**Sent:** Thursday, March 08, 2012 1:10 PM  
**To:** Hunt, Ken  
**Subject:** Re: Guidelines memo

Ok, thank you.

I'll reach out to S2's office and try to get more information.

----- Original Message -----

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 01:05 PM  
**To:** (b)(6)  
**Subject:** RE: Guidelines memo

I'm sorry, I don't. I'm a SME on the substance of the issue, but I don't know the attendees. All I know is that it's a subset of the Deputies Committee.

I'm at my desk now if you want to talk. We've received helpful comments from ILD that were echoed by I&A and are adjudicating them now.

wkh

W Kenneth Hunt, JD, MBA, CIPP/G  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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-----Original Message-----

**From:** (b)(6)  
**Sent:** Thursday, March 08, 2012 12:56 PM  
**To:** Hunt, Ken  
**Subject:** Guidelines memo

Hi Ken:

JJ told me that you called. Would you happen to have a full list of participants for the AG guidelines meeting?

Thank you,

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, November 04, 2011 11:38 AM  
**To:** Callahan, Mary Ellen; Kropf, John; Foster, Helen  
**Subject:** Fw: ILD Conference in December

Let's discuss (b)(6), (b)(7)(C), (b)(7)(F) invitation below.

**Nonresponsive**

---

**From:** (b)(6), (b)(7)(C), (b)(7)(F)  
**Sent:** Friday, November 04, 2011 07:47 AM  
**To:** Hunt, Ken  
**Cc:** (b)(6) (b)(6) >  
**Subject:** ILD Conference in December

Ken,

As you may know, the Intelligence Law Division of DHS OGC holds a conference each year. This year the Intelligence and National Security Law Conference will be held on 15 December, and has the theme: "The Crisis in Information Sharing and Security." Tali and I are coordinating materials and panelists for one of three panels.

(b)(5)

Thank you in advance for considering this, take care,

(b)(6), (b)(7)(C), (b)(7)(F)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 5:49 PM  
**To:** PRIV Exec Sec  
**Cc:** Callahan, Mary Ellen  
**Subject:** FW: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am  
**Attachments:** 120306 BM for DC 20120307.docx

(b)(6), here is the draft.

MEC can overrule me, but perhaps we can hold until it's due tomorrow morning and then send. This will allow the potential for the joint PRIV/CRCL/I&A product S2 desires.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w (b)(6)

c: (b)(6)

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

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**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, March 07, 2012 5:41 PM  
**To:** PRIV Exec Sec; Gottfried, Jordan; Landesberg, Martha; Foster, Helen; Hunt, Ken  
**Cc:** Hawkins, Sandra L; OGC Exec Sec  
**Subject:** RE: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Memo is done, ken can you send it if you are still here? We have coordinated with I&A and ILD

---

**From:** PRIV Exec Sec  
**Sent:** Wednesday, March 07, 2012 5:35 PM  
**To:** Callahan, Mary Ellen; Gottfried, Jordan; Landesberg, Martha; Foster, Helen  
**Cc:** Hawkins, Sandra L; OGC Exec Sec  
**Subject:** OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Heads Up Team Privacy,

So far, no word from OGC on content. Briefing memo due tomorrow morning at 11am.

(b)(6)

*Executive Secretariat*  
*Privacy Office*  
U.S. Department of Homeland Security  
Mailstop #0655  
245 Murray Lane, SW  
Washington, DC 20528



---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 5:04 PM  
**To:** (b)(6) OGC Exec Sec; (b)(6) Hawkins, Sandra L; PRIV Exec Sec  
**Cc:** BriefingStaffA  
**Subject:** [Rescheduled] S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)

This meeting is now Friday at 1130. Please have all materials in by 1100 tomorrow. OGC: PRIV has been added as required coordination.

---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 3:57 PM  
**To:** (b)(6); OGC Exec Sec; (b)(6)  
**Cc:** BriefingStaffA  
**Subject:** S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)  
**Importance:** High

Per ESEC policy, briefing memos may not exceed two pages and must be submitted on time.

Materials not completed on time are subject to cancellation. Coordination should begin no less than 24 hours before the due date.

Lead component, please provide an SME-level contact for the materials in your final email submission to BriefingStaffA.

**DEPUTY SECRETARY BRIEFING BOOK TASKING**

<b>Event Date</b>	Thursday, 03.08.12 (1130-1230)
<b>Event Name</b>	AG Guidelines Meeting (Brennan)
<b>Lead Component</b>	OGC
<b>Required Coordination</b>	None
<b>Product</b>	Briefing memo
<b>Notes</b>	Attendees: Deputy Secretary Lute Others TBD  Location: TBD  <b>OGC Coordination: OGC coordination is essential. Please ensure that briefing materials have been fully coordinated with OGC. Lead components are now required to coordinate with their Component Counsel and identify in their OGC submission of briefing materials, who in their component counsel office reviewed and cleared.</b>  Meeting Classification: Please include bullet in background

	<p>section of briefing memorandum if the meeting or any of the briefing materials are classified. (i.e., "This meeting [or any of the briefing materials] are classified").</p> <p>Please note that all materials being shown to the Secretary must be passed through Exec Sec first. Please do not bring anything to the meeting ES has not seen (classified or unclassified) without prior approval. If a presentation is to be made, Lead Component is responsible for providing an appropriate number of handouts at the meeting. (15 if the meeting takes place in Rm. 5110D; 25 if in Rm. 5107.)</p>
<b>Due</b>	<b>TODAY at 1800</b>

DHS Briefing Book Standards and Procedures (including links to template and example) are located on the DHS intranet at: (b)(6), (b)(7)(E)

All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

(b)(6)  
Office of the Executive Secretary  
Desk (b)(6)

(b)(6)

**From:** (b)(6)  
**Sent:** Friday, July 29, 2011 11:29 AM  
**To:** Foster, Helen; Hunt, Ken; Richards, Rebecca  
**Subject:** FW: S1 BM Info Sharing AG Guidelines  
**Attachments:** S1 Briefing Memo Info Sharing v02 110727.doc; table v02.docx  
**Importance:** High

Have you guys had a chance to look at these yet? I have an idea of how I would like to respond, but I think our concerns will probably be the same, and would like to coordinate with Privacy, if possible.

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(b)(6) (c)

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---

**From:** (b)(6), (b)(7)(C), (b)(7)(F)  
**Sent:** Thursday, July 28, 2011 9:40 AM  
(b)(6)

**Subject:** S1 BM Info Sharing AG Guidelines  
**Importance:** High

Good Morning Everyone,

As you may all be aware there is another S1 meeting coming up, next week some time I believe (possibly week after next), where updates will be provided on current status. (b)(5)

In order to address the issue, the S1 has requested input on the topic. In order to capture the entire issue we have prepared the attached draft S1 BM and table.

Please review the BM and table and provide input as required in track changes. The table has a section for the components to add information on how our NCTC relationship works or what we have requested from NCTC in return when they review your information. For oversight offices, there is a location to appropriately capture any concerns that should be addressed.

If we could get input back by noon tomorrow that would be great, I know this is tight, but we want to ensure we capture everything and staff appropriately. The entire package will go back out for final clearance once all the parts are assembled.

Thanks everyone for your hard work!

Respectfully,

(b)(6), (b)(7)(C), (b)(7)(F)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b)(6) (STE)

Mobile: (b)(6)

(b)(6), (b)(7)(C), (b)(7)(F)

(b)(6), (b)(7)(C), (b)(7)(F)

(b)(6), (b)(7)(C), (b)(7)(F)

"Facta, non verba"

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, August 01, 2011 11:43 AM  
**To:** Foster, Helen  
**Subject:** FW: S1 memo

(b)(6) was concerned about our note to her on routine uses...

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6) (b)(6)  
**Sent:** Monday, August 01, 2011 11:38 AM  
**To:** Hunt, Ken  
**Subject:** RE: S1 memo

(b)(5)

I understand that the attached was just for our discussion. Look forward to getting PRIV's full edits on the BM and chart.

Thanks,  
(b)(6)

(b)(6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)

(b)(6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** Hunt, Ken (b)(6)  
**Sent:** Monday, August 01, 2011 10:25 AM  
**To:** Moore, Miriam  
**Subject:** RE: S1 memo

FOR YOU ONLY. We have one comment addressed to you.

Let's discuss.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6) (b)(6)  
**Sent:** Monday, August 01, 2011 10:19 AM  
**To:** Hunt, Ken  
**Subject:** RE: S1 memo

Awesome, thank you 😊

(b)(6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)

(b)(6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** Hunt, Ken (b)(6)  
**Sent:** Monday, August 01, 2011 10:17 AM  
**To:** (b)(6)  
**Subject:** S1 memo

We have a few comments on top of yours. We'll send shortly.

Thanks,  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, August 15, 2011 10:53 AM  
**To:** Callahan, Mary Ellen  
**Cc:** Kropf, John; Gottfried, Jordan; Foster, Helen  
**Subject:** FW: Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

I wanted to give you a quick read-out of the SSCI briefing on Information Sharing with NCTC.

The meeting was TSSCI, so I did not take copious notes.

(b)(5), (b)(7)(D)

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Jensen, Daniel B

**Sent:** Friday, August 12, 2011 10:06 AM

**To:** (b)(6); (b)(6); Fausett, Andrew; (b)(6) Hunt, Ken; (b)(6) D'Antonio, Christopher

**Cc:** (b)(6)

**Subject:** Re: Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

(b)(6)

(b) (5)

Hope this helps.

Dan

-----  
Dan Jensen

Associate Director, Intelligence

Office of Legislative Affairs

U.S. Department of Homeland Security

(b)(6)

Sent from Blackberry

---

**From:** (b)(6)

**Sent:** Friday, August 12, 2011 09:43 AM

**To:** (b)(6); Jensen, Daniel B; Fausett, Andrew; (b)(6); Hunt, Ken; (b)(6); D'Antonio, Christopher

**Cc:** (b)(6)

**Subject:** RE: Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

Folks,

(b) (5)

(b)(5)

Thanks,

(b)(6)

Senior DHS Representative  
National Counter Terrorism Center

(b)(6) (office)

(b)(6) (cell)

(b)(6) (pager)

---

**From:** (b)(6)

**Sent:** Tuesday, August 09, 2011 4:17 PM

**To:** Jensen, Daniel B; Fausett, Andrew; (b)(6) Hunt, Ken; (b)(6); D'Antonio, Christopher

**Cc:** (b)(6); PPPM-ExecSec; (b)(6); Foster, Helen; (b)(6); Richards, Rebecca;

(b)(6); (b)(6)

**Subject:** RE: Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

I spoke with (b)(6), (b)(7)(C) and confirmed. Dan, we think this is the right attendance. Let us know if you need something.  
Thanks.

D.Jensen [OLA]

C.D'Antonio [OGC]

(b)(6)

K.Hunt [PRIV]

(b)(6), (b)(7)(C), (b)(7)(F)

---

**From:** Jensen, Daniel B

**Sent:** Tuesday, August 09, 2011 2:44 PM

**To:** (b)(6) Fausett, Andrew; (b)(6) Hunt, Ken; (b)(6) D'Antonio, Christopher

**Cc:** (b)(6); PPPM-ExecSec; (b)(6); Foster, Helen; (b)(6); Richards, Rebecca;

(b)(6) (b)(6)

**Subject:** RE: Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

**Importance:** High

All,

The committee has asked, due to space considerations, that we limit participants for this briefing to essential personnel. Therefore, I ask that each group (I&A, OGC, CRCL, Privacy) be represented by ONE individual. If this creates a hardship,

please let me know ASAP so that we can determine how best to make this briefing successful with as little DHS attendees as possible.

We are still on for 2:00pm, tomorrow, 211 Hart Senate Office Building. For those who are not traveling together, I would suggest that we meet in the lobby of the Hart building at 1:45pm.

Also, if there are any other pieces of material that will be distributed during the briefing, I'd like to see copies in advance if possible.

Thanks again for all of your help! Please don't hesitate to call me if you have any questions.

Dan

**Daniel B. Jensen**

Associate Director, Intelligence  
Office of Legislative Affairs  
U.S. Department of Homeland Security  
Phone: (b)(6)  
Mobile (b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, August 08, 2011 12:10 PM  
**To:** Fausett, Andrew;(b)(6); Hunt, Ken; (b)(6) D'Antonio, Christopher; Jensen, Daniel B  
**Cc:** (b)(6); PPPM-ExecSec; (b)(6); Foster, Helen; (b)(6); Richards, Rebecca; (b)(6); (b)(6)  
**Subject:** Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

An update and reminder we will be going as a group for a meeting with SSCI staffers this Wednesday, 08/10 [2-3pm, Hart Senate Office Building 211].

Our OLA POC is Dan Jensen.

(b)(5)

As I understand it, here is who is attending:

- D.Jensen [OLA]
- C.D'Antonio, and/or A.Fausett [OGC]
- (b)(6)
- K.Hunt [PRIV] {previous trip it was H.Foster}
- (b)(6)
- (b)(6)

PRIV and OGC, would you please confirm who will be attending for you? Thanks.

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, May 13, 2011 2:32 PM  
**To:** (b)(6)  
**Subject:** FW: Workflow Reassignment Alert (Contact 905183)

(b)(6) please let Margo know that we received confirmation that our joint AG Guidelines memo was transmitted to S1. Thanks for your help.

wkh

W Kenneth Hunt, JD, MBA, CIPP/G  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

-----Original Message-----

**From:** Hawkins, Sandra L  
**Sent:** Friday, May 13, 2011 2:28 PM  
**To:** Hunt, Ken  
**Subject:** FW: Workflow Reassignment Alert (Contact 905183)

Per the e-mail below, (b)(5)



Thank you!

Sandy

-----Original Message-----

**From:** (b)(6)  
**Sent:** Friday, May 13, 2011 2:26 PM  
**To:** Hawkins, Sandra L  
**Cc:** ESLIAISON2  
**Subject:** RE: Workflow Reassignment Alert (Contact 905183)

This has been submitted for S1's info binder.

Michelle

(b)(6) phone  
(b)(6) mobile

-----Original Message-----

**From:** SANDRA I HAWKINS (b)(6)  
**Sent:** Friday, May 13, 2011 1:37 PM  
**To:** (b)(6)  
**Subject:** Workflow Reassignment Alert (Contact 905183) (Intranet Quorum IMA003007336)

User SANDRA I HAWKINS has reassigned the following Workflow for The Honorable Janet Napolitano, People ID #7296694, to you:  
Please distribute the attached information memorandum to the Secretary as soon as possible.  
Thank you.

(b)(6), (b)(7)(E)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, May 13, 2011 2:31 PM  
**To:** Callahan, Mary Ellen  
**Cc:** Kropf, John; (b)(6) Foster, Helen; Richards, Rebecca  
**Subject:** FW: Workflow Reassignment Alert (Contact 905183)

MEC, your memo is with S1. I will reach out to CRCL to let them know.

wkh

W Kenneth Hunt, JD, MBA, CIPP/G  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

-----Original Message-----

**From:** Hawkins, Sandra L  
**Sent:** Friday, May 13, 2011 2:28 PM  
**To:** Hunt, Ken  
**Subject:** FW: Workflow Reassignment Alert (Contact 905183)

Per the e-mail below, (b)(5)

[REDACTED]

Thank you!

Sandy

-----Original Message-----

**From:** (b)(6)  
**Sent:** Friday, May 13, 2011 2:26 PM  
**To:** Hawkins, Sandra L  
**Cc:** ESLIAISON2  
**Subject:** RE: Workflow Reassignment Alert (Contact 905183)

This has been submitted for S1's info binder.

Michelle

(b)(6) phone  
(b)(6) mobile

-----Original Message-----

**From:** SANDRA I HAWKINS (b)(6) ]  
**Sent:** Friday, May 13, 2011 1:37 PM  
**To:** (b)(6)  
**Subject:** Workflow Reassignment Alert (Contact 905183) (Intranet Quorum IMA003007336)

User SANDRA I HAWKINS has reassigned the following Workflow for The Honorable Janet Napolitano, People ID #7296694, to you:  
Please distribute the attached information memorandum to the Secretary as soon as possible.  
Thank you.

(b)(6), (b)(7)(E)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, December 02, 2011 4:18 PM  
**To:** Callahan, Mary Ellen  
**Subject:** ILD INvite  
**Attachments:** ILD Conference Invite v12 (2)(wkh).docx

MEC, I've added two questions to the end of the document. In a way, they restate things already there in a more direct manner.

I'm meeting with I&A Monday to discuss further, but I want to get these in this evening.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, September 20, 2011 2:32 PM  
**To:** Richards, Rebecca  
**Subject:** RE: ESTA SORN question

I like it.

wkh

---

**From:** Richards, Rebecca  
**Sent:** Tuesday, September 20, 2011 2:01 PM  
**To:** Hunt, Ken  
**Cc:** Foster, Helen  
**Subject:** RE: ESTA SORN question

Thoughts:  
Proposed response:

(b)(5)

Becky

---

**From:** Hunt, Ken  
**Sent:** Monday, September 19, 2011 5:09 PM  
**To:** Richards, Rebecca  
**Subject:** FW: ESTA SORN question

Let's discuss.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6) (b)(6)  
**Sent:** Monday, September 19, 2011 3:24 PM  
**To:** Hunt, Ken; Foster, Helen  
**Cc:** Richards, Rebecca  
**Subject:** ESTA SORN question

(b) (5)

RETENTION AND DISPOSAL:

Information submitted to ESTA generally expires and is deemed ``inactive'' two years after the last submission or change in information by the applicant. In the event that a traveler's passport remains valid for less than two years from the date of the ESTA approval, the ESTA will expire concurrently with the passport. Information in ESTA will be retained for one year after the ESTA expires. After this period, the inactive account information will be purged from online access and archived for 12 years. Data linked, at any time during the 15 year retention period (3 years active, 12 years archived), to active law enforcement lookout records, CBP matches to enforcement activities, and/or investigations or cases, including applications for ESTA that are denied, will remain accessible for the life of the law enforcement activities to which they may become related. NARA guidelines for retention and archiving of data will apply to ESTA and CBP is in negotiation with NARA for approval of the ESTA data retention and archiving plan.

The ESTA will over time replace the paper I-94W form. In those instances where an ESTA is then used in lieu of a paper I-94W, the ESTA will be maintained in accordance with the retention schedule for I-94W, which is 75 years. I-94W and I-94 data are maintained for this period of time in order to ensure that the information related to a particular admission to the United States is available for providing any applicable benefits related to immigration or other enforcement

purposes.

(b)(6)

Screening Coordination Office  
Department of Homeland Security

(b)(6)

(b)(6) (mobile)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 10:40 AM  
**To:** PRIV Exec Sec  
**Cc:** Foster, Helen  
**Subject:** Re: Exec Sec FOLLOW UP: S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

In the event 11am arrives and we haven't heard anything (more likely every minute), go ahead and submit the document through Exec Sec; note that CRCL has concurred and that we have already shared with ILD and I&A and are waiting for comments.

But at least the formal process is respected.

Thanks,  
Wkh

---

**From:** PRIV Exec Sec  
**Sent:** Thursday, March 08, 2012 09:40 AM  
**To:** Hunt, Ken  
**Cc:** Foster, Helen; PRIV Exec Sec  
**Subject:** Exec Sec FOLLOW UP: S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Good morning Ken,

Any word from OGC/I&A ?  
Do you have any email traffic regarding clearance/coordination that you can share with PRIV Exec Sec files ?

Thank you.

(b)(6)

(b)(6)

*Executive Secretariat*

*Privacy Office*

U.S. Department of Homeland Security

Mailstop #0655

245 Murray Lane, SW

Washington, DC 20528

Office: (b)(6)

(b)(6)

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---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 5:49 PM  
**To:** PRIV Exec Sec  
**Cc:** Callahan, Mary Ellen  
**Subject:** FW: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

(b)(6), here is the draft.

MEC can overrule me, but perhaps we can hold until it's due tomorrow morning and then send. This will allow the potential for the joint PRIV/CRCL/I&A product S2 desires.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, March 07, 2012 5:41 PM  
**To:** PRIV Exec Sec; Gottfried, Jordan; Landesberg, Martha; Foster, Helen; Hunt, Ken  
**Cc:** Hawkins, Sandra L; OGC Exec Sec  
**Subject:** RE: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Memo is done, ken can you send it if you are still here? We have coordinated with I&A and ILD

---

**From:** PRIV Exec Sec  
**Sent:** Wednesday, March 07, 2012 5:35 PM  
**To:** Callahan, Mary Ellen; Gottfried, Jordan; Landesberg, Martha; Foster, Helen  
**Cc:** Hawkins, Sandra L; OGC Exec Sec  
**Subject:** OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Heads Up Team Privacy,

So far, no word from OGC on content. Briefing memo due tomorrow morning at 11am.

(b)(6)  
*Executive Secretariat*  
*Privacy Office*  
U.S. Department of Homeland Security  
Mailstop #0655  
245 Murray Lane, SW  
Washington, DC 20528  
Office: (b)(6)  
(b)(6)  
Visit our [privacy website](#)



---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 5:04 PM  
**To:** (b)(6); OGC Exec Sec; (b)(6) Hawkins, Sandra L; PRIV Exec Sec  
**Cc:** BriefingStaffA  
**Subject:** [Rescheduled] S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)

This meeting is now Friday at 1130. Please have all materials in by 1100 tomorrow. OGC: PRIV has been added as required coordination.

---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 3:57 PM  
**To:** (b)(6); OGC Exec Sec; (b)(6)  
**Cc:** BriefingStaffA  
**Subject:** S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)  
**Importance:** High

Per ESEC policy, briefing memos may not exceed two pages and must be submitted on time.

Materials not completed on time are subject to cancellation. Coordination should begin no less than 24 hours before the due date.

Lead component, please provide an SME-level contact for the materials in your final email submission to BriefingStaffA.

**DEPUTY SECRETARY BRIEFING BOOK TASKING**

<b>Event Date</b>	Thursday, 03.08.12 (1130-1230)
<b>Event Name</b>	AG Guidelines Meeting (Brennan)
<b>Lead Component</b>	OGC
<b>Required Coordination</b>	None
<b>Product</b>	Briefing memo
<b>Notes</b>	Attendees: Deputy Secretary Lute Others TBD  Location: TBD  <b>OGC Coordination: OGC coordination is essential. Please ensure that briefing materials have been fully coordinated with OGC. Lead components are now required to coordinate with their Component Counsel and identify in their OGC submission of briefing materials, who in their component counsel office reviewed and cleared.</b>  Meeting Classification: Please include bullet in background section of briefing memorandum if the meeting or any of the briefing materials are classified. (i.e., "This meeting [or any of the briefing materials] are classified").

Please note that all materials being shown to the Secretary must be passed through Exec Sec first. Please do not bring anything to the meeting ES has not seen (classified or unclassified) without prior approval. If a presentation is to be made, Lead Component is responsible for providing an appropriate number of handouts at the meeting. (15 if the meeting takes place in Rm. 5110D; 25 if in Rm. 5107.)
---

<b>Due</b>
------------

<b>TODAY at 1800</b>
----------------------

*DHS Briefing Book Standards and Procedures* (including links to template and example) are located on the DHS intranet at: (b)(6), (b)(7)(E)

All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

(b)(6)

Office of the Executive Secretary

Desk (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 9:51 AM  
**To:** PRIV Exec Sec  
**Cc:** Foster, Helen  
**Subject:** Re: Exec Sec FOLLOW UP: S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Not yet other than promises of comments. I've asked them to cc Helen and Mary Ellen, so you may hear from them as well.

---

**From:** PRIV Exec Sec  
**Sent:** Thursday, March 08, 2012 09:40 AM  
**To:** Hunt, Ken  
**Cc:** Foster, Helen; PRIV Exec Sec  
**Subject:** Exec Sec FOLLOW UP: S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Good morning Ken,

Any word from OGC/I&A ?

Do you have any email traffic regarding clearance/coordination that you can share with PRIV Exec Sec files ?

Thank you.

(b)(6)

(b)(6)

*Executive Secretariat*

*Privacy Office*

U.S. Department of Homeland Security

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245 Murray Lane, SW

Washington, DC 20528

Office: (b)(6)

(b)(6)

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---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 5:49 PM  
**To:** PRIV Exec Sec  
**Cc:** Callahan, Mary Ellen  
**Subject:** FW: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

(b)(6), here is the draft.

MEC can overrule me, but perhaps we can hold until it's due tomorrow morning and then send. This will allow the potential for the joint PRIV/CRCL/I&A product S2 desires.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Callahan, Mary Ellen

**Sent:** Wednesday, March 07, 2012 5:41 PM

**To:** PRIV Exec Sec; Gottfried, Jordan; Landesberg, Martha; Foster, Helen; Hunt, Ken

**Cc:** Hawkins, Sandra L; OGC Exec Sec

**Subject:** RE: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Memo is done, ken can you send it if you are still here? We have coordinated with I&A and ILD

---

**From:** PRIV Exec Sec

**Sent:** Wednesday, March 07, 2012 5:35 PM

**To:** Callahan, Mary Ellen; Gottfried, Jordan; Landesberg, Martha; Foster, Helen

**Cc:** Hawkins, Sandra L; OGC Exec Sec

**Subject:** OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Heads Up Team Privacy,

So far, no word from OGC on content. Briefing memo due tomorrow morning at 11am.

(b)(6)

*Executive Secretariat*

*Privacy Office*

U.S. Department of Homeland Security

Mailstop #0655

245 Murray Lane, SW

Washington, DC 20528

Office: (b)(6)

(b)(6)

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(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, December 05, 2011 11:48 AM  
**To:** Kropf, John; (b)(6); Callahan, Mary Ellen; Richards, Rebecca; Foster, Helen  
**Subject:** RE: Final AG Guidelines memo?  
**Attachments:** S2 Options Memo NCTC AG Guidelines 12-4-11-CRCL SM wkh (2).docx

My comments on top of Scott's. I offered a little bit of new language, but made a number of comments you may wish to discuss. Let me know.

(b)(5)

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Kropf, John  
**Sent:** Monday, December 05, 2011 10:02 AM  
**To:** (b)(6); Callahan, Mary Ellen; Hunt, Ken; (b)(6); Foster, Helen  
**Subject:** RE: Final AG Guidelines memo?

(b)(5)

**From:** (b)(6)  
**Sent:** Monday, December 05, 2011 9:43 AM  
**To:** Callahan, Mary Ellen; Hunt, Ken; Kropf, John; (b)(6); Foster, Helen  
**Subject:** RE: Final AG Guidelines memo?  
**Importance:** High

Please see attached.

(b)(6)



(b)(6), CIPP, Senior Privacy Analyst for Intelligence  
Privacy Office, Department of Homeland Security  
Tel: (b)(6) Email (b)(6)  
BB: (b)(6) HSDN (b)(6)  
Page: (b)(6) HTSN (b)(6)

**From:** Callahan, Mary Ellen  
**Sent:** Monday, December 05, 2011 8:34 AM  
**To:** (b)(6); Hunt, Ken; Kropf, John; (b)(6); Foster, Helen  
**Subject:** Fw: Final AG Guidelines memo?

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security  
Work: (b)(6)  
Cell: (b)(6)

**From:** Schlanger, Margo  
**Sent:** Monday, December 05, 2011 08:25 AM  
**To:** Callahan, Mary Ellen  
**Subject:** RE: Final AG Guidelines memo?

(b)(5)

Margo

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
(b)(6)  
(b)(6)  
<http://www.dhs.gov/crcl>



---

**From:** Fong, Ivan

**Sent:** Sunday, December 04, 2011 6:04 PM

**To:** Schlanger, Margo; Callahan, Mary Ellen; Wagner, Caryn

**Cc:** Anderson, Audrey; 'Kronisch, Matthew'; Palmer, David; Edwards, Alexandra

**Subject:** Final AG Guidelines memo?

(b)(5)

If you can sign off on the memo, we will circulate a final version (removing the draft watermarks, etc.) Monday so we can get it into S2's binder Monday night. Thanks.

Ivan

Ivan K. Fong  
General Counsel  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, March 27, 2012 9:43 AM  
**To:** (b)(6) (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Follow-up to AG Guideline Discussion

I am scheduled to attend this GAO meeting as well.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Tuesday, March 27, 2012 9:42 AM  
**To:** (b)(6)  
**Cc:** (b)(6) Hunt, Ken  
**Subject:** RE: Follow-up to AG Guideline Discussion

(b)(6) and (b)(6) ,

I'm sorry, but CRCL simply can't participate at this time. I already have a previously-scheduled meeting with GAO on the NSI that conflicts with this proposed meeting time, and (b)(6) is out tomorrow. I could meet after 11:30.

(b)

-----Original Appointment-----

**From:** (b)(6) **On Behalf Of** (b)(6)  
**Sent:** Tuesday, March 27, 2012 9:30 AM  
**To:** Hunt, Ken; Fausett, Andrew; (b)(6) (b)(6) ; (b)(6) ; (b)(6)  
(b)(6)  
**Subject:** FW: Follow-up to AG Guideline Discussion  
**When:** Wednesday, March 28, 2012 9:00 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** Bridge Conference Room / RRB Room 7.4C (Dial In Information Provided Below)

Conference Phone Numbers: (b)(6) / (b)(6)  
Conferee code: (b)(6)

All:

(b)(5)

To kick off the effort, DHS (I&A, PRIV, CRCL, OGC) would like to hold a meeting here at the RRB on Wednesday morning to discuss potential modifications to the APIS MOU. The likely discussion points are attached; I have also indicated to DHS that funding for new technical development would also need to be an agenda item.

<< File: AG Guideline Discussion Topics.doc >>

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, June 03, 2011 5:28 PM  
**To:** Kropf, John; Richards, Rebecca; Foster, Helen  
**Cc:** Callahan, Mary Ellen  
**Subject:** RE: for S1 meeting Monday

I've placed these into MEC's green folder in place of the prior set. File with (b)(6)

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w (b)(6)

c: (b)(6)

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

---

**From:** Kropf, John  
**Sent:** Friday, June 03, 2011 5:22 PM  
**To:** Richards, Rebecca; Foster, Helen; Hunt, Ken  
**Cc:** Callahan, Mary Ellen  
**Subject:** RE: for S1 meeting Monday

Try this ...sorry for delay

---

**From:** Richards, Rebecca  
**Sent:** Friday, June 03, 2011 8:54 AM  
**To:** Kropf, John; Foster, Helen; Hunt, Ken  
**Cc:** Callahan, Mary Ellen  
**Subject:** RE: for S1 meeting Monday

Did you mean to attach an OIG data breach report?

---

**From:** Kropf, John  
**Sent:** Thursday, June 02, 2011 10:29 PM  
**To:** Foster, Helen; Richards, Rebecca; Hunt, Ken  
**Cc:** Callahan, Mary Ellen  
**Subject:** RE: for S1 meeting Monday

Helen,  
Well done. Suggesting a few changes intended to strengthen plus one historical example. Incorporate as you like.

---

**From:** Foster, Helen  
**Sent:** Thursday, June 02, 2011 5:21 PM  
**To:** Richards, Rebecca; Hunt, Ken; Kropf, John  
**Subject:** FW: for S1 meeting Monday

Hit send too fast. Sorry. Meant to cc all of you! John, also green foldering for you.

Helen Foster  
DHS Privacy Office

(b)(6)

---

**From:** Foster, Helen  
**Sent:** Thursday, June 02, 2011 5:20 PM  
**To:** Callahan, Mary Ellen  
**Cc:** (b)(6)  
**Subject:** for S1 meeting Monday

Attached are:

- 1) Talking point/briefing bullets as we discussed
- 2) Our previous AG Guidelines S1 memo (for reference)
- 3) The IC sharing statement of principles (which S2 asked for, has never seen, and are now buried in the ISGB process, also for reference, just in case)
- 4) Draft revised AG Guidelines (which are irrelevant at this point, but just in case)

Will green folder all of the above for you. Please let me, Ken or Becky know if there is anything else you want/need. I am out tomorrow but Ken is here, and I am back in on Monday.

Thanks  
Helen

Helen Goff Foster  
Privacy Office, Mailstop 0655  
Department of Homeland Security  
245 Murray Lane, SW  
Arlington, VA 20598-0655

(b)(6)

direct (b)(6)

cell: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, June 03, 2011 9:21 AM  
**To:** Richards, Rebecca  
**Subject:** RE: for S1 meeting Monday

Do you have a minute? I'd love for you to look over my shoulder at something.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Richards, Rebecca  
**Sent:** Friday, June 03, 2011 8:54 AM  
**To:** Kropf, John; Foster, Helen; Hunt, Ken  
**Cc:** Callahan, Mary Ellen  
**Subject:** RE: for S1 meeting Monday

Did you mean to attach an OIG data breach report?

---

**From:** Kropf, John  
**Sent:** Thursday, June 02, 2011 10:29 PM  
**To:** Foster, Helen; Richards, Rebecca; Hunt, Ken  
**Cc:** Callahan, Mary Ellen  
**Subject:** RE: for S1 meeting Monday

Helen,

Well done. Suggesting a few changes intended to strengthen plus one historical example. Incorporate as you like.

---

**From:** Foster, Helen  
**Sent:** Thursday, June 02, 2011 5:21 PM  
**To:** Richards, Rebecca; Hunt, Ken; Kropf, John  
**Subject:** FW: for S1 meeting Monday

Hit send too fast. Sorry. Meant to cc all of you! John, also green foldering for you.

Helen Foster  
DHS Privacy Office

(b)(6)

---

**From:** Foster, Helen  
**Sent:** Thursday, June 02, 2011 5:20 PM

**To:** Callahan, Mary Ellen  
**Cc:** (b)(6)  
**Subject:** for S1 meeting Monday

Attached are:

- 1) Talking point/briefing bullets as we discussed
- 2) Our previous AG Guidelines S1 memo (for reference)
- 3) The IC sharing statement of principles (which S2 asked for, has never seen, and are now buried in the ISGB process, also for reference, just in case)
- 4) Draft revised AG Guidelines (which are irrelevant at this point, but just in case)

Will green folder all of the above for you. Please let me, Ken or Becky know if there is anything else you want/need. I am out tomorrow but Ken is here, and I am back in on Monday.

Thanks  
Helen

Helen Goff Foster  
Privacy Office, Mailstop 0655  
Department of Homeland Security  
245 Murray Lane, SW  
Arlington, VA 20598-0655

(b)(6)  
direct: (b)(6)  
cell: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, May 12, 2011 5:55 PM  
**To:** Callahan, Mary Ellen  
**Subject:** RE: FYI on Memorandum to Secretary on AG/NCTC Guidelines

I read this to mean that we don't need to edit the memo you've signed. OGC is mentioned in the context of us agreeing with the scope of their memo. (b)(5)

Do you agree?

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w (b)(6)  
c (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, May 12, 2011 5:47 PM  
**To:** Kronisch, Matthew; (b)(6); Schlanger, Margo  
**Cc:** (b)(6); Hunt, Ken; Foster, Helen; (b)(6)  
**Subject:** Re: FYI on Memorandum to Secretary on AG/NCTC Guidelines

(b)(5)

Thanks. Mec.

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security  
Work: (b)(6)  
Cell: (b)(6)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, May 12, 2011 05:31 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b)(6)  
**Subject:** Re: FYI on Memorandum to Secretary on AG/NCTC Guidelines

I am fine with caryn's suggestion.

-----  
Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)

**From:** (b)(6)  
**Sent:** Thursday, May 12, 2011 05:23 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo; Kronisch, Matthew  
**Cc:** (b)(6)  
**Subject:** RE: FYI on Memorandum to Secretary on AG/NCTC Guidelines

(b) (5)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, May 12, 2011 10:06 AM  
**To:** Callahan, Mary Ellen; (b)(6); Schlanger, Margo  
**Subject:** RE: FYI on Memorandum to Secretary on AG/NCTC Guidelines

Mary Ellen,

(b)(5)

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b)(6)  
mobile (b)(6)  
nsts (b)(6)  
pager (b)(6)

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---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, May 12, 2011 9:16 AM  
**To:** Callahan, Mary Ellen; Wagner, Caryn; Schlanger, Margo  
**Cc:** Kronisch, Matthew  
**Subject:** FYI on Memorandum to Secretary on AG/NCTC Guidelines

Caryn:

Wanted to give you a heads up that I (and possibly Margo) will be sending the enclosed memo to S1 on Friday, May 13. I

(b)(5)

FYI, we first started sharing drafts of this memo with ILD and CRCL on April 13, and we have incorporated all of their comments.

Please let me know if you have any questions.

Best,

Mary Ellen

**Mary Ellen Callahan**  
**Chief Privacy Officer**  
**U.S. Department of Homeland Security**  
**245 Murray Lane SW, Mail Stop 0655**  
**Washington, DC 20528-0655**  
**Telephone: (b)(6)**  
**Fax: (b)(6)**  
**E-mail: (b)(6)**  
**Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)**

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, March 23, 2012 9:49 AM  
**To:** Callahan, Mary Ellen; Foster, Helen  
**Cc:** Richards, Rebecca  
**Subject:** RE: FYI--just fielded a call from Lyn R. re: AG Guidelines

FYI – AG Guidelines now item number 2 on Drudge, though I couldn't open the link on DHS computer.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w (b)(6)

c: (b)(6)

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

---

**From:** Callahan, Mary Ellen  
**Sent:** Friday, March 23, 2012 9:33 AM  
**To:** Foster, Helen  
**Cc:** Hunt, Ken; Richards, Rebecca  
**Subject:** RE: FYI--just fielded a call from (b)(6) re: AG Guidelines

Yes pls.

**Mary Ellen Callahan**  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Foster, Helen  
**Sent:** Friday, March 23, 2012 9:17 AM  
**To:** Callahan, Mary Ellen  
**Cc:** Hunt, Ken; Richards, Rebecca  
**Subject:** FYI--just fielded a call from (b)(6) re: AG Guidelines

Should we do some kind of communication to PPOCs on it?

*Helen Goff Foster*

Senior Director, Privacy Policy and Advocacy  
Privacy Office, Mailstop 0655  
Department of Homeland Security  
245 Murray Lane, SW

Arlington, VA 20598-0655

Email: (b)(6)

HSDN: (b)(6)

HTSN: (b)(6)

Direct (b)(6)

Cell: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, March 23, 2012 9:45 AM  
**To:** Foster, Helen  
**Cc:** Richards, Rebecca  
**Subject:** RE: FYI--just fielded a call from (b)(6) re: AG Guidelines

THOUGHTS?

PPOCs,

(b)(5)

(b)(5)

Best,

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Foster, Helen  
**Sent:** Friday, March 23, 2012 9:17 AM  
**To:** Callahan, Mary Ellen  
**Cc:** Hunt, Ken; Richards, Rebecca  
**Subject:** FYI--just fielded a call from (b)(6) re: AG Guidelines

Should we do some kind of communication to PPOCs on it?

*Helen Goff Foster*

Senior Director, Privacy Policy and Advocacy

Privacy Office, Mailstop 0655

Department of Homeland Security

245 Murray Lane, SW

Arlington, VA 20598-0655

Email: (b)(6)

HSDN: (b)(6)

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Direct: (b)(6)

Cell: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, March 23, 2012 9:34 AM  
**To:** Callahan, Mary Ellen; Foster, Helen  
**Cc:** Richards, Rebecca  
**Subject:** RE: FYI--just fielded a call from (b)(6) re: AG Guidelines

I'm drafting up something. I'll send it to MEC through Helen and Becky.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w (b)(6)  
c (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Callahan, Mary Ellen  
**Sent:** Friday, March 23, 2012 9:33 AM  
**To:** Foster, Helen  
**Cc:** Hunt, Ken; Richards, Rebecca  
**Subject:** RE: FYI--just fielded a call from (b)(6) re: AG Guidelines

Yes pls.

**Mary Ellen Callahan**  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Foster, Helen  
**Sent:** Friday, March 23, 2012 9:17 AM  
**To:** Callahan, Mary Ellen  
**Cc:** Hunt, Ken; Richards, Rebecca  
**Subject:** FYI--just fielded a call from (b)(6) re: AG Guidelines

Should we do some kind of communication to PPOCs on it?

*Helen Goff Foster*

Senior Director, Privacy Policy and Advocacy  
Privacy Office, Mailstop 0655  
Department of Homeland Security  
245 Murray Lane, SW

Arlington, VA 20598-0655

Email: (b)(6)

HSDN: (b)(6)

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Direct: (b)(6)

Cell: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, September 21, 2011 2:21 PM  
**To:** Callahan, Mary Ellen; O'Leary, David; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

Of course I am available for this briefing. I do not believe we'd need a scif—all unclass.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, September 21, 2011 2:17 PM  
**To:** O'Leary, David; (b)(6)  
**Cc:** Hunt, Ken; (b)(6)  
**Subject:** Re: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

I am fine with either me or ken; ken had done the other ones w i+a. I think much of what I wd discuss wd be unclass.

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security  
Work: (b)(6)  
Cell: (b)(6)

---

**From:** O'Leary, David  
**Sent:** Wednesday, September 21, 2011 09:59 AM  
**To:** (b)(6); Callahan, Mary Ellen  
**Cc:** Hunt, Ken  
**Subject:** Re: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

I talked to hsgac staff they would be fine with Ken and an I&A counterpart doing the briefing if available at 145 on this friday 9/23. They may not have a scif space available, can we give the brief in unclass setting?

David O'Leary  
Office of Legislative Affairs  
U.S. Department of Homeland Security  
(b)(6) (office)  
(b)(6) (mobile)

---

**From:** (b)(6)  
**Sent:** Wednesday, September 21, 2011 09:16 AM  
**To:** (b)(6)  
**Subject:** RE: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

Our typical briefer, (b)(6), is off-site on Friday. I can bring someone else, but they'd be noticeably junior to Mary Ellen—thoughts?

---

**From:** (b)(6)  
**Sent:** Monday, September 12, 2011 1:44 PM  
**To:** (b)(6)  
**Subject:** RE: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

I know you are crashing with the hearing tomorrow, but can you check on his availability (looking at afternoon of 9/22 or anytime on 9/23)

Thanks,

(b)(6)  
Office of Legislative Affairs  
U.S. Department of Homeland Security  
(b)(6) (Office)  
(b)(6) (Mobile)

---

**From:** (b)(6)  
**Sent:** Thursday, September 08, 2011 3:20 PM  
**To:** (b)(6)  
**Subject:** Re: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

We've done this briefing with I&A's (b)(6), PRIV, and CRCL.

I'll check (b)(6) availability

-----  
(b)(6)  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, September 08, 2011 03:16 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** Re: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

Sounds good they are looking at the week of the 19th. They want Mary Ellen Callahan, can you identify a POC for I&A and get availabilities that week.

(b)(6)  
Office of Legislative Affairs  
U.S. Department of Homeland Security  
(b)(6) (office)  
(b)(6) (mobile)

---

**From:** (b)(6)  
**Sent:** Thursday, September 08, 2011 03:12 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

David-

I think that we should be a part of this conversation, because I&A is working all the MOUs between the departments.

(b)(6) is copied and this is in his lane.

Regards,  
Connie

---

**From:** (b)(6)  
**Sent:** Thursday, September 08, 2011 1:47 PM  
**To:** (b)(6)  
**Subject:** HSGAC request for Chief Privacy officer briefing on Data Sharing with NCTC

(b)(6)

This request for briefing is finally back on now that everyone on HSGAC is back from recess. Last we talked, I believe you were ok with just the privacy office doing this briefing (because its not the intel committee), but please let me know asap if this has changed or I was mistaken on this.

Thanks,

(b)(6)  
Office of Legislative Affairs  
U.S. Department of Homeland Security  
(b)(6) (Office)  
(b)(6) (Mobile)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, September 23, 2011 1:38 PM  
**To:** Gottfried, Jordan  
**Subject:** Re: Ken's Weekly Report

I'm about to start.

---

**From:** Gottfried, Jordan  
**Sent:** Friday, September 23, 2011 01:28 PM  
**To:** Hunt, Ken  
**Subject:** RE: Ken's Weekly Report

How did it go?

---

**From:** Hunt, Ken  
**Sent:** Friday, September 23, 2011 12:40 PM  
**To:** (b)(6)  
**Cc:** Kropf, John; Gottfried, Jordan  
**Subject:** Ken's Weekly Report

Under Legislative

- Information Sharing between DHS and NCTC – On September 23, Director of Intelligence Fusion Programs Hunt participated in a briefing before staff of the Senate Homeland Security and Government Affairs Committee on DHS's information sharing efforts with the National Counterterrorism Center.

Next week

- Fusion Center Training – On September 26 & 27, Director of Intelligence Fusion Programs Hunt will provide privacy training to a group of privacy officers from a number of State and Major Urban Area Fusion Centers as part of the PRIV's and CRCL's Training-of-Trainer series.

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, August 01, 2011 5:12 PM  
**To:** Callahan, Mary Ellen  
**Subject:** RE: meeting is apparently wednesday

I'm EARLY!!! Draft talkers in green folder with Monica.

(b)(5)

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Callahan, Mary Ellen  
**Sent:** Monday, August 01, 2011 4:25 PM  
**To:** Hunt, Ken  
**Subject:** meeting is apparently wednesday

Sorry about that!

**Mary Ellen Callahan**  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, January 13, 2012 9:08 AM  
**To:** (b)(6); (b)(6); D'Antonio, Christopher; Fausett, Andrew; Richards, Rebecca; (b)(6)  
**Cc:** (b)(6); (b)(6)  
**Subject:** RE: Meeting Request for Input in re: Upcoming New AG Guidelines for SEVIS

I'm away all next week, but may be able to sneak into a meeting on Friday if necessary.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6)  
**Sent:** Thursday, January 12, 2012 4:31 PM  
**To:** (b)(6); D'Antonio, Christopher; Fausett, Andrew; Richards, Rebecca; Foster, Helen; Hunt, Ken; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Meeting Request for Input in re: Upcoming New AG Guidelines for SEVIS

(b)(6),

The best day for CRCL next week is Friday.

(b)(6)

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b)(6) (o)

(b)(6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** (b)(6)  
**Sent:** Thursday, January 12, 2012 12:20 PM  
**To:** D'Antonio, Christopher; Fausett, Andrew; Richards, Rebecca; Foster, Helen; Hunt, Ken; (b)(6)  
**Cc:** (b)(6)  
**Subject:** Meeting Request for Input in re: Upcoming New AG Guidelines for SEVIS

Good afternoon,

We in the DHS I&A Office of Information Sharing and Intelligence Enterprise Management are currently collecting input about the Student and Exchange Visitor Information System (SEVIS) to prepare for the new upcoming AG Guidelines.

I have already received input from NCTC and ICE; now I would like to sit down and discuss SEVIS USPER data set retention with your input. I can provide advance questions I would like to focus on for the meeting by early next week.

Do your teams have any availability toward the end of next week to sit down and discuss the USPER data given to NCTC?

Thanks for your time,

(b)(6)  
Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security  
Office: (b)(6)  
NSTS: (b)(6)  
(b)(6)  
(b)(6)  
(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, May 05, 2011 9:21 AM  
**To:** Callahan, Mary Ellen; Foster, Helen  
**Subject:** RE: (b)(6)

I agree this is consistent with what he told you and with what played out at NCTC on Tuesday.

My reservations are:

(b)(5)

CRCL's position is more strident than mine.

Thoughts?

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Foster, Helen

**Sent:** Wednesday, May 04, 2011 9:04 PM

**To:** Callahan, Mary Ellen; Hunt, Ken; (b)(6); (b)(6)

**Subject:** Re: (b)(6)

I think that IS consistent with what he told you. But I am a little concerned about the potential that we are getting played. ISGB was not as we expected, would rather fill you in in person.

Helen Goff Foster

DHS Privacy Office

(b)(6)

Sent via Blackberry. Please excuse typos and grammar and spelling irregularities. Typed with all thumbs.

**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, May 04, 2011 08:24 PM  
**To:** Foster, Helen; Hunt, Ken; Richards, Rebecca (b)(6); Callahan, Mary Ellen  
(b)(6)  
**Subject:** FW: (b)(6)

Am I right that this is inconsistent with what he said to me? anyway, what do you think of current configuration? How was ISGB today?

**Mary Ellen Callahan**  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Wagner, Caryn  
**Sent:** Wednesday, May 04, 2011 8:23 PM  
**To:** Callahan, Mary Ellen  
**Subject:** (b)(6)

Mary Ellen, I talked to (b)(6) (b)(5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Ms. Wagner,

Thank you for taking time to speak with me about the NCTC/DHS Records Working Group. Let me summarize the approach we are using to ensure a transparent, inclusive process.

(b)(5)  
[Redacted]

(b)(5)

Importantly, in leading the WG, I'm working hard to represent your "information sharing executive" role, and stay independent on all issues and recommendations (including being independent of your CINT responsibilities).

I'm available to discuss this approach in-person, to include with our partners. Thank you in advance for considering it. Take care,

(b)(6)

(b)(6)

Chief Scientist  
Office of Intelligence and Analysis  
Department of Homeland Security  
Washington, DC 20528  
Office: (b)(6)  
Mobile: (b)(6)  
Secure: (b)(6)  
Email: (b)(6)  
ICEmail: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, June 30, 2011 9:31 AM  
**To:** Richards, Rebecca; Foster, Helen  
**Subject:** RE: NCTC AG Guidelines?

I think this is it:

MOA between the AG and the DNI on Guidelines for Access, Retention, Use and Dissemination by the NCTC of Terrorism Information Contained within Datasets Identified as Including Non-terrorism Information and Information pertaining Exclusively to Domestic Terrorism, November 2008

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w (b)(6)

c: (b)(6)

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

---

**From:** Richards, Rebecca  
**Sent:** Thursday, June 30, 2011 9:16 AM  
**To:** Hunt, Ken; Foster, Helen  
**Subject:** NCTC AG Guidelines?

Do we have a date or some way to specifically cite to them?

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, February 09, 2012 10:55 AM  
**To:** (b)(6)  
**Cc:** Foster, Helen; Richards, Rebecca  
**Subject:** RE: NCTC and Internal DHS Meeting Schedule

(b)(6), I will be unavailable for both the Feb 15 and Feb 29 sessions. I will work to see if we can get someone to represent PRIV in my absence.

Thursdays are better for pre-meets as many (me at least) have AWS on Fridays.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Thursday, February 09, 2012 10:50 AM  
**To:** Richards, Rebecca; Hunt, Ken; (b)(6); Fausett, Andrew; D'Antonio, Christopher; Hardin, Michael  
**Cc:** (b)(6)  
**Subject:** NCTC and Internal DHS Meeting Schedule

All-

Our team is currently working to set up meetings with NCTC every two weeks (See below). The hope is by setting a reoccurring meeting schedule we will be better postured to review MOAs, work on-going issues, and address any high priority taskings that arise. As I am sure you are aware we have a number of on-going issues (NCTC and IC):

- AG Guidelines (SEVIS, ADIS, APIS, RAPS)
- BCIS MOA
- CBP Pilot (Physical vs Virtual discussions)
- OGA Follow-on MOAs (Department of Treasury the first MOA)

We have some hard dates established for the NCTC meetings, I will send out invites once I get the times and locations for each meeting (see schedule below):

**Schedule**

15 Feb (BCIS--invite already sent)  
29 Feb  
14 Mar (Quarterly--invite already sent)  
28 Mar  
11 Apr  
25 Apr

Additionally, I will setup internal DHS meetings 3 to 4 days prior to the NCTC meetings. In these meetings we will discuss both NCTC and IC MOAs or other priorities that may arise. If there are specific days that don't work or do work please let me know. I am tentatively proposing Thursday or Friday meetings. I will send out invites once I have determined the day based on your responses..

Thanks,

(b)(6)

(b)(6)

Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis  
Department of Homeland Security

(b)(6) NSTS

(b)(6) Unclass

(b)(6) BB

JWICS/C-LAN: (b)(6)

SIPRNET/HSDN: (b)(6)

Unclass: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, September 09, 2011 2:46 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: NCTC SORN

(b)(5)



Sorry for confusing you.

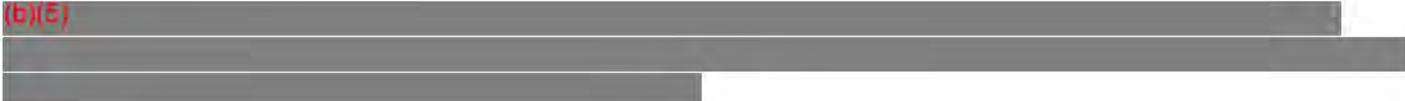
wkh

---

**From:** (b)(6)  
**Sent:** Friday, September 09, 2011 7:59 AM  
**To:** Hunt, Ken  
**Cc:** (b)(6)  
**Subject:** NCTC SORN

Ken,

(b)(5)



(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, October 25, 2011 11:21 AM  
**To:** (b)(6); PISI  
**Cc:** Callahan, Mary Ellen  
**Subject:** RE: OGC FINAL response: S2BB 4338: 10.26.11 - Data Handling and Privacy Meeting (Due 10.24.11, 1500)  
**Attachments:** S2 BM - Data Management and Privacy (PRIV ILD).docx

(b)(5)

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Tuesday, October 25, 2011 11:06 AM  
**To:** PISI; Hunt, Ken  
**Subject:** FW: OGC FINAL response: S2BB 4338: 10.26.11 - Data Handling and Privacy Meeting (Due 10.24.11, 1500)

We need this back by 1130. Is that doable?

---

**From:** (b)(6) **On Behalf Of** OGC Exec Sec  
**Sent:** Tuesday, October 25, 2011 10:46 AM  
**To:** PRIV Exec Sec; (b)(6)  
**Cc:** Acker, Jordan  
**Subject:** OGC FINAL response: S2BB 4338: 10.26.11 - Data Handling and Privacy Meeting (Due 10.24.11, 1500)

Hello, PRIV:

Profuse apologies for delay in OGC response; please note these attached edits/comments from Intelligence attorney, Andrew Fausett. No other comments from Legal Counsel attorney, David Palmer, OELD attorney, John Kluge, NPPD attorney, Zachary Ratzman and SAGC, Lynn Parker.

Thanks for your attention, (b)(6)

(b)(6)

Office of the General Counsel  
U.S. Department of Homeland Security  
telephone: (b)(6)  
facsimile: (b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this message in error, please reply immediately to the sender and delete this message. Thank you.

---

**From:** PRIV Exec Sec  
**Sent:** Monday, October 24, 2011 3:14 PM  
**To:** OGC Exec Sec  
**Subject:** RE: Question from OGC Exec Sec: QUICK TURN AROUND]: [RE: S2BB - 10.26.11 - Data Handling and Privacy Meeting (Due 10.24.11, 1500)

Please send out. Just in case there are comments.

Thank you,  
(b)(6)

**From:** (b)(6) **On Behalf Of** OGC Exec Sec  
**Sent:** Monday, October 24, 2011 3:03 PM  
**To:** PRIV Exec Sec  
**Subject:** Question from OGC Exec Sec: QUICK TURN AROUND]: [RE: S2BB - 10.26.11 - Data Handling and Privacy Meeting (Due 10.24.11, 1500)

Sorry about this OGC Exec Sec just came out of a meeting. Should we assume it's now too late to send out for review?  
Please advise. Thanks, (b)(6)

(b)(6)

Office of the General Counsel  
U.S. Department of Homeland Security  
telephone: (b)(6)  
facsimile: (b)(6)

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---

**From:** PRIV Exec Sec  
**Sent:** Monday, October 24, 2011 2:31 PM  
**To:** Cohen, John; OGC Exec Sec; (b)(6); Plcy Exec Sec  
**Cc:** PRIV Exec Sec  
**Subject:** [QUICK TURN AROUND]: [RE: S2BB - 10.26.11 - Data Handling and Privacy Meeting (Due 10.24.11, 1500)  
**Importance:** High

Please review/clear the attached materials for S2's meeting on Data Handling and Privacy **by 3pm today**. I apologize for the short notice.

Thank you,

(b)(6)

---

**From:** (b)(6)

**Sent:** Tuesday, October 18, 2011 11:07 AM

**To:** Cohen, John; (b)(6); (b)(6); Hawkins, Sandra L; PRIV Exec Sec; Privacy Office; (b)(6) OGC Exec Sec; (b)(6); (b)(6); (b)(6) Plcy Exec Sec

**Cc:** BriefingStaffA; (b)(6)

**Subject:** S2BB - 10.26.11 - Data Handling and Privacy Meeting (Due 10.24.11, 1500)

Per ESEC policy, briefing memos may not exceed two pages and must be submitted on time.

Materials not completed on time are subject to cancellation. Coordination should begin no less than 24 hours before the due date.

Lead component, please provide an SME-level contact for the materials in your final email submission to BriefingStaffA.

**DEPUTY SECRETARY BRIEFING BOOK TASKING**

(b)(5)



All final, cleared briefing materials should be transmitted to [BriefingStaffA](#) and [BriefingStaffB](#).

(b)(6)

Office of the Executive Secretary

Desk: (b)(6)

(b)(6)

**From:** Hunt, Ken  
**Sent:** Wednesday, August 03, 2011 8:56 AM  
**To:** Poirier, Christopher; Foster, Helen; Richards, Rebecca; (b)(6)  
Fausett, Andrew; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Please Review and Return ( S1 Briefing Memo and Status Update)  
**Attachments:** S1 Briefing Memo Info Sharing v06 110802(PRIV).docx; NCTC-DHS Information Sharing Agreements v45 (2)(PRIV).docx

(b)(6)

PRIV edits attached. We expect them to be included in the final package.

In the S1 Memo:

1. (b)(5)
  2. we're still under 2 pages
  3. (b)(5)
- This is a short bullet on the memo, and is fleshed out as a new item 5 on the chart.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Tuesday, August 02, 2011 1:52 PM  
**To:** Hunt, Ken; Foster, Helen; Richards, Rebecca; (b)(6)  
**Cc:** (b)(6)  
**Subject:** Please Review and Return ( S1 Briefing Memo and Status Update)  
**Importance:** High

Thank you to everyone who has submitted input thus far.

We would like to send out the Briefing Memo and status update charts for final clearance.

Attached you will find the Briefing Memo and a single document with three (3) tables to review for content.

Please provide clearance/no comment or comments/edits in track changes no later than 2:00pm tomorrow. (August 3, 2011.)

If you have any questions please let me know.

Thanks everyone!

Respectfully,

(b)(6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b)(6) (STE)

Mobile: (b)(6)

(b)(6)

(b)(6)

"Facta, non verba"

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 11:33 AM  
**To:** PRIV Exec Sec  
**Subject:** Re: PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

This is not information I have.

---

**From:** PRIV Exec Sec  
**Sent:** Thursday, March 08, 2012 11:30 AM  
**To:** Hunt, Ken  
**Cc:** Foster, Helen  
**Subject:** FW: PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

Hello Ken,

Can you assist me with attendee information? See below.

Thank you.

(b)(6)

*Executive Secretariat*

*Privacy Office*

U.S. Department of Homeland Security

Mailstop #0655

245 Murray Lane, SW

Washington, DC 20528

Office: (b)(6)

(b)(6)

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---

**From:** (b)(6)  
**Sent:** Thursday, March 08, 2012 11:29 AM  
**To:** PRIV Exec Sec  
**Subject:** RE: PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

PRIV,

Please provide a complete attendees list. The names of the agencies are not enough for a complete submission.

Thank you,

(b)(6)

---

**From:** PRIV Exec Sec  
**Sent:** Thursday, March 08, 2012 11:16 AM  
**To:** (b)(6)  
**Cc:** BriefingStaffA; (b)(6); OGC Exec Sec; (b)(6); PRIV Exec Sec  
**Subject:** PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

Good morning (b)(6)

Please see attached draft, which was coordinated with CRCL, I&A, and OGC ILD.  
If you have any additional questions, please contact PRIV Exec Sec or PRIV POC's Helen Foster and Ken Hunt.

Respectfully,

(b)(6)

*Executive Secretariat*

*Privacy Office*

U.S. Department of Homeland Security

Mailstop #0655

245 Murray Lane, SW

Washington, DC 20528

Office: (b)(6)

(b)(6)

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---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 5:04 PM  
**To:** (b)(6); (b)(6); OGC Exec Sec; (b)(6); Hawkins, Sandra L; PRIV Exec Sec  
**Cc:** BriefingStaffA  
**Subject:** [Rescheduled] S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)

This meeting is now Friday at 1130. Please have all materials in by 1100 tomorrow. OGC: PRIV has been added as required coordination.

---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 3:57 PM  
**To:** (b)(6); OGC Exec Sec; (b)(6)  
**Cc:** BriefingStaffA  
**Subject:** S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)  
**Importance:** High

Per ESEC policy, briefing memos may not exceed two pages and must be submitted on time.

Materials not completed on time are subject to cancellation. Coordination should begin no less than 24 hours before the due date.

Lead component, please provide an SME-level contact for the materials in your final email submission to BriefingStaffA.

**DEPUTY SECRETARY BRIEFING BOOK TASKING**

(b)(5)



*DHS Briefing Book Standards and Procedures* (including links to template and example) are located on the DHS intranet at: (b)(6), (b)(7(E))

All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

(b)(6)

Office of the Executive Secretary

Desk: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, August 03, 2011 9:36 AM  
**To:** Saadat, Lauren  
**Subject:** RE: Questions on NCTC

(b)(7)(E)

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Saadat, Lauren  
**Sent:** Tuesday, August 02, 2011 1:37 PM  
**To:** Foster, Helen; Hunt, Ken  
**Subject:** Questions on NCTC

Helen, Ken,

I am pulling together a response from MEC to some questions we got from an EU politician. Can you help find us an answer to the question below:

(b)(5)

Lauren Saadat  
Director, International Privacy Policy  
DHS Privacy Office  
(b)(6)

(b)(6)

**From:** Hunt, Ken  
**Sent:** Friday, February 24, 2012 9:24 AM  
**To:** (b)(6); Richards, Rebecca  
**Cc:** Foster, Helen  
**Subject:** RE: Records Working Group Action Items

Of course we'll circulate what we have to you once they're a little cleaner.

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
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---

**From:** (b)(6)  
**Sent:** Friday, February 24, 2012 9:22 AM  
**To:** Richards, Rebecca; Hunt, Ken  
**Cc:** Foster, Helen  
**Subject:** FW: Records Working Group Action Items

(b)(5)

Also, did I&A want those in a BM format? I thought that's what (b)(6) asked in the meeting, but reading (b)(6) notes now I am not sure.

Thanks,

(b)(6)

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(b)(6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** (b)(6)  
**Sent:** Friday, February 24, 2012 8:22 AM  
**To:** Hunt, Ken; Richards, Rebecca; (b)(6)

**Cc:** (b)(6) Foster, Helen; Mathews, Scott; D'Antonio, Christopher; (b)(6)

**Subject:** Records Working Group Action Items

All-

Below is the list of action items we captured from our meeting yesterday. Please let me know if there is anything we inadvertently left off our list.

Action Items

(b)(5)

Thank you,

(b)(6)

(b)(6)

Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis  
Department of Homeland Security

(b)(6) NSTS

(b)(6) Unclass

(b)(6) BB

JWICS/C-LAN: (b)(6)

SIPRNET/HSDN: (b)(6)

Unclass: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, March 05, 2012 3:57 PM  
**To:** (b)(6); Foster, Helen; Richards, Rebecca; (b)(6)  
**Cc:** (b)(6); (b)(6)  
**Subject:** RE: Request Status on Talking Points for DC drafted by Privacy, over to I&A for update. Responsible Party: Privacy and I&A

We have been working on this task. I will let you know as soon as we can send something over.

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Monday, March 05, 2012 3:54 PM  
**To:** Foster, Helen; Richards, Rebecca; Hunt, Ken; (b)(6)  
**Cc:** (b)(6)  
**Subject:** Request Status on Talking Points for DC drafted by Privacy, over to I&A for update. Responsible Party: Privacy and I&A  
**Importance:** High

Good afternoon,

(b)(6) would like to move forward with the following action item from our last DHS Internal Records Working Group meeting:

(b)(5)

Please advise on Privacy's status for this task.

Thank you.

V/r,

(b)(6)  
Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security  
Office: (b)(6)  
NSTS: (b)(6)  
(b)(6)  
(b)(6)  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, February 28, 2012 4:53 PM

**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** Tomorrow

**Action Items from Internal Records Working Group:**

- (b)(5)

(b)(6)

(b)(6)

Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis  
Department of Homeland Security

(b)(6) NSTS

(b)(6) Unclass

(b)(6) BB

JWICS/C-LAN: (b)(6)

SIPRNET/HSDN: (b)(6)

Unclass: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 6:16 PM  
**To:** PRIV Exec Sec  
**Cc:** Foster, Helen  
**Subject:** RE: Requesting Guidance - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

I think CRCL and I&A both have it and are working on it. I am indifferent.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w (b)(6)

c: (b)(6)

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

---

**From:** PRIV Exec Sec  
**Sent:** Wednesday, March 07, 2012 6:14 PM  
**To:** Hunt, Ken  
**Cc:** Foster, Helen  
**Subject:** Requesting Guidance - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Hello Ken,

Do you want PRIV Exec Sec to forward this draft to OGC/CRCL and I&A TONIGHT for review and clearance in order to meet our 11am deadline tomorrow ?

Thank you.

(b)(6)

*Executive Secretariat*  
*Privacy Office*  
U.S. Department of Homeland Security  
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245 Murray Lane, SW  
Washington, DC 20528  
Office (b)(6)  
(b)(6)  
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---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 5:49 PM  
**To:** PRIV Exec Sec  
**Cc:** Callahan, Mary Ellen  
**Subject:** FW: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

(b)(6), here is the draft.

MEC can overrule me, but perhaps we can hold until it's due tomorrow morning and then send. This will allow the potential for the joint PRIV/CRCL/I&A product S2 desires.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)  
w (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, March 07, 2012 5:41 PM  
**To:** PRIV Exec Sec; Gottfried, Jordan; Landesberg, Martha; Foster, Helen; Hunt, Ken  
**Cc:** Hawkins, Sandra L; OGC Exec Sec  
**Subject:** RE: OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Memo is done, ken can you send it if you are still here? We have coordinated with I&A and ILD

---

**From:** PRIV Exec Sec  
**Sent:** Wednesday, March 07, 2012 5:35 PM  
**To:** Callahan, Mary Ellen; Gottfried, Jordan; Landesberg, Martha; Foster, Helen  
**Cc:** Hawkins, Sandra L; OGC Exec Sec  
**Subject:** OGC Lead - PRIV required coordination - S2BB - 03.09.12 - AG Guidelines Briefing - Due Mar 8 by 11am

Heads Up Team Privacy,

So far, no word from OGC on content. Briefing memo due tomorrow morning at 11am.

(b)(6)  
*Executive Secretariat*  
*Privacy Office*  
U.S. Department of Homeland Security  
Mailstop #0655  
245 Murray Lane, SW  
Washington, DC 20528  
Office: (b)(6)  
(b)(6)  
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---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 5:04 PM  
**To:** (b)(6); (b)(6) OGC Exec Sec; (b)(6); Hawkins, Sandra L; PRIV Exec Sec  
**Cc:** BriefingStaffA  
**Subject:** [Rescheduled] S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)

This meeting is now Friday at 1130. Please have all materials in by 1100 tomorrow. OGC: PRIV has been added as required coordination.

---

**From:** (b)(6)  
**Sent:** Wednesday, March 07, 2012 3:57 PM  
**To:** (b)(6); OGC Exec Sec; (b)(6)  
**Cc:** BriefingStaffA  
**Subject:** S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)  
**Importance:** High

Per ESEC policy, briefing memos may not exceed two pages and must be submitted on time.

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#### **DEPUTY SECRETARY BRIEFING BOOK TASKING**

(b)(5)

A large, solid grey rectangular redaction box covers the entire body of the email, obscuring all text and graphics that would otherwise be present.

Please note that all materials being shown to the Secretary must be passed through Exec Sec first. Please do not bring anything to the meeting ES has not seen (classified or unclassified) without prior approval. If a presentation is to be made, Lead Component is responsible for providing an appropriate number of handouts at the meeting. (15 if the meeting takes place in Rm. 5110D; 25 if in Rm. 5107.)

**Due**

**TODAY at 1800**

*DHS Briefing Book Standards and Procedures* (including links to template and example) are located on the DHS intranet at: (b)(6), (b)(7)(E)

All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

(b)(6)

Office of the Executive Secretary

Desk: (b)(6)

(b)(6)

**From:** Hunt, Ken  
**Sent:** Thursday, January 26, 2012 10:10 AM  
**To:** Callahan, Mary Ellen; (b)(6); (b)(6)  
**Cc:** Foster, Helen  
**Subject:** RE: Rescheduling Treasury Meet

Nonresponsive

[Redacted]

[Redacted]

2. Later in the day, I have a meeting with the NCTC Engagement Group to discuss next steps in sharing/retention related to new AG Guidelines. This is the meeting that overlaps for 30 minutes with the production board.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

# Nonresponsive

# Nonresponsive

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, July 29, 2011 2:53 PM  
**To:** (b)(6)  
**Subject:** RE: S1 BM Info Sharing AG Guidelines

(b)(6) Sorry I didn't get back to you immediately. Nonresponsive

Hopefully I can look at this shortly.

wkh

---

**From:** (b)(6)  
**Sent:** Friday, July 29, 2011 2:11 PM  
**To:** Richards, Rebecca; Hunt, Ken; Foster, Helen  
**Cc:** (b)(6)  
**Subject:** RE: S1 BM Info Sharing AG Guidelines

(b)(5)

(b)(5)

(b)(5)

What do you think?

(b)(6)

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b)(6) (o)

(b)(6) (c)

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---

**From:** Richards, Rebecca

**Sent:** Friday, July 29, 2011 12:18 PM

**To:** Hunt, Ken; Foster, Helen

**Cc:** (b)(6)

**Subject:** FW: S1 BM Info Sharing AG Guidelines

**Importance:** High

Ken and Helen:

(b)(6) has some ideas and since I am in vacation mode I told her to hunt you guys down.

Becky

---

**From:** (b)(6) (b)(6)

**Sent:** Friday, July 29, 2011 11:29 AM

**To:** Foster, Helen; Hunt, Ken; Richards, Rebecca

**Subject:** FW: S1 BM Info Sharing AG Guidelines

**Importance:** High

Have you guys had a chance to look at these yet? I have an idea of how I would like to respond, but I think our concerns will probably be the same, and would like to coordinate with Privacy, if possible.

(b)(6)

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b)(6) (o)

(b)(6) (c)

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---

**From:** (b)(6)

**Sent:** Thursday, July 28, 2011 9:40 AM

**To:** Hunt, Ken; (b)(6) Foster, Helen; Richards, Rebecca; (b)(6) Fausett, Andrew; (b)(6)

Cc: (b)(6)

Subject: S1 BM Info Sharing AG Guidelines

Importance: High

Good Morning Everyone,

As you may all be aware there is another S1 meeting coming up, next week some time I believe (possibly week after next), where updates will be provided on current status. (b)(5)

Please review the BM and table and provide input as required in track changes. The table has a section for the components to add information on how our NCTC relationship works or what we have requested from NCTC in return when they review your information. For oversight offices, there is a location to appropriately capture any concerns that should be addressed.

If we could get input back by noon tomorrow that would be great, I know this is tight, but we want to ensure we capture everything and staff appropriately. The entire package will go back out for final clearance once all the parts are assembled.

Thanks everyone for your hard work!

Respectfully,

(b)(6)

Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b)(6) (STE)

Mobile: (b)(6)

(b)(6)

(b)(6)

(b)(6)

"Facta, non verba"

(b)(6)

**From:** Hunt, Ken  
**Sent:** Friday, June 03, 2011 12:40 PM  
**To:** (b)(6); (b)(6); Foster, Helen  
**Cc:** (b)(6); (b)(6); (b)(6)  
**Subject:** RE: S1 Briefing Package

(b)(5)

---

**From:** (b)(6)  
**Sent:** Friday, June 03, 2011 12:31 PM  
**To:** Hunt, Ken; (b)(6); Foster, Helen  
**Cc:** (b)(6); (b)(6); (b)(6)  
**Subject:** RE: S1 Briefing Package

Ken,

Thank you for the revisions. Attached, please find an updated version incorporating many of both CRCL's and PRIV's comments. Ken, please note, (b)(5)

Thank you for your help!

Best,

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, June 03, 2011 12:15 PM  
**To:** (b)(6); (b)(6); Foster, Helen  
**Cc:** (b)(6); (b)(6); (b)(6)  
**Subject:** RE: S1 Briefing Package

PRIV's comments on memo.

---

**From:** (b)(6)  
**Sent:** Friday, June 03, 2011 12:13 PM  
**To:** (b)(6); Hunt, Ken; Foster, Helen  
**Cc:** (b)(6); (b)(6); (b)(6)  
**Subject:** S1 Briefing Package

(b)(6) Ken and Helen,

I have reviewed (b)(6) edits and have accepted most of them (I had to work around some of the page-limit issues, as there is a strict two-page limit). I am available to discuss soonest—my phone number is (b)(6)

Thank you very much for your help; and apologies for the short turn-around.

Best,

(b)(6)

(b)(6)

U.S. Department of Homeland Security  
Office of Intelligence & Analysis

Phone: (b)(6)

Mobile: (b)(6)

Email: (b)(6)

SEmail: (b)(6)

IC (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, June 03, 2011 9:24 AM  
**To:** (b)(6)  
**Subject:** RE: S1 Briefing Package

(b)(6) you working on this?

I'm pitching up the following:

(b)(5)

Looking at the rest now as well...

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6) (b)(6)  
**Sent:** Thursday, June 02, 2011 7:41 PM  
**To:** (b)(6) Foster, Helen G; (b)(6) Hunt, Ken  
**Cc:** (b)(6) (b)(6)  
**Subject:** Re: S1 Briefing Package

(b)(6)

I am happy to work with you on this briefing early tomorrow.

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, June 02, 2011 06:45 PM  
**To:** Foster, Helen (b)(6); (b)(6) Hunt, Ken (b)(6)  
**Cc:** (b)(6) (b)(6) (b)(6)  
**Subject:** RE: S1 Briefing Package

Helen, Ken, and (b)(6)

[Note, I'm not meaning to leave Mike or Becky off distribution – not sure who all should be included. Please expand distribution if I've missed someone. Thank you.]

I need your help. Tomorrow, Friday morning, we need to collectively come to agreement on an S1 (two-page) paper for the meeting occurring now on Monday. A boiled down – no advocacy, just a statement of the issues – paper is due up to John Cohen mid-morning. We need to come to agreement on just such a simplified paper early in the a.m.

We plan to have revised, and simplified draft ready for your review before 9am. Would you please make time to iterate closely with us on this?

Your help is most appreciated. Take care,  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, May 31, 2011 4:20 AM  
**To:** Foster, Helen; (b)(6) Hunt, Ken  
**Cc:** (b)(6)  
**Subject:** S1 Briefing Package

Helen, Ken, and (b)(6),

FYI, for the S1 meeting Thursday, the attached drafts (a primary memo, with two attachments) are coming through official ESEC channels, however, we wanted to provide them to you directly. The intent here was to summarize our issues paper (in only two pages, as per the S1 format) plus give the status of current agreements, and then specifically to separate out the issues for which we have a way ahead into an attachment. Thank you in advance for considering these with us. Take care,

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, June 09, 2011 2:57 PM  
**To:** (b)(6); Richards, Rebecca  
**Subject:** Re: S1 USPERs retention period coordinated recommendations tasker

Please send a redlined version.

Add Becky Richards, please.

Wkh

---

**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 02:50 PM  
**To:** Hunt, Ken (b)(6); (b)(6) (b)(6)  
**Cc:** Poirier, Christopher (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

This version was as a result of additional conversations with Chris D'Antonio and Miriam so this is considered the latest.

Sorry for the confusion.

Respectfully,

(b)(6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b)(6) (STE)  
Mobile: (b)(6)  
(b)(6)  
(b)(6)  
(b)(6)

"Facta, non verba"

---

**From:** Hunt, Ken (b)(6)  
**Sent:** Thursday, June 09, 2011 2:29 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker  
**Importance:** High

(b)(6) ... can you please confirm how many versions of this document are in review. I was told that yesterday's version was the one we were supposed to clear on, which I did. This one is different (and, although it's not my point, some of the changes I sent earlier to Chris D on this version which he accepted are not here now).

wkh

On a related note, we really need to see redlines to speed our reviews.

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 1:55 PM  
**To:** D'Antonio, Christopher; (b)(6) Foster, Helen; (b)(6); (b)(6) Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6) (b)(6); (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Here are changes made, per discussions with Chris D. and Miriam. Please provide concurrence on task as soon as possible!! Thank you for all of your help!

Best,

(b)(6)

---

**From:** D'Antonio, Christopher (b)(6)  
**Sent:** Thursday, June 09, 2011 11:05 AM  
**To:** (b)(6) Foster, Helen; (b)(6) (b)(6) Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(6) – (b)(5)  
[Redacted]

/Chris

---

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---

**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 10:38 AM  
**To:** D'Antonio, Christopher; D'Antonio, Christopher; Foster, Helen; (b)(6); (b)(6) Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Wow, you were not kidding!

We're OK with almost all of the changes, but we have one issue that we think needs to be addressed (b)(5), (b)(7)(E)

[REDACTED]

Here's our recommended language for dealing with that point.

Thanks,  
(b)(6)

[REDACTED]  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(b)(6) (c)

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---

**From:** D'Antonio, Christopher (b)(6)  
**Sent:** Thursday, June 09, 2011 8:47 AM  
**To:** D'Antonio, Christopher; Foster, Helen; (b)(6) (b)(6) Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Just testing you...now with attached

/Chris

---

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---

**From:** D'Antonio, Christopher  
**Sent:** Thursday, June 09, 2011 8:45 AM  
**To:** Foster, Helen; (b)(6) (b)(6) 'Foster, Helen'; (b)(6) 'Hunt, Ken'; (b)(6) (b)(6) 'Richards, Rebecca'; 'Fausett, Andrew'

Cc: (b)(6)  
Subject: RE: S1 USPERs retention period coordinated recommendations tasker

Get your reading glasses on – attached is our rewrite

/Chris

Christopher P. D'Antonio  
Office of General Counsel (Intelligence)  
(b)(6)

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---

**From:** Foster, Helen  
**Sent:** Thursday, June 09, 2011 7:11 AM  
**To:** (b)(6) Foster, Helen; (b)(6); D'Antonio, Christopher; Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Priv also concurs

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 6:42 PM  
**To:** (b)(6) Foster, Helen; (b)(6) (b)(6) D'Antonio, Christopher; Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Attached, please find an updated copy of the pager, incorporating PRIV and CRCL's edits. Please provide final concurrence on this task.

Thank you for your help!

Best,

(b)(6)

---

**From:** (b)(6) (b)(6)  
**Sent:** Wednesday, June 08, 2011 6:21 PM  
**To:** Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(5)

(b)(5)

Thanks,

(b)(6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(b)(6) (c)

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---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 5:44 PM  
**To:** (b)(6) Foster, Helen; (b)(6); D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Looks good, but I didn't incorporate (b)(6) most recent change in the attached. The attached contains some edits to clarify. (b)(5). See attached. PRIV can clear with the attached edits.

Helen and Ken

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 5:40 PM  
**To:** Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

See updated version—I only made small grammatical changes, no substantive changes.

Best,

(b)(6)

---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 3:27 PM  
**To:** Foster, Helen; (b)(6); Foster, Helen; D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Sorry, correct attachment here.

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** Foster, Helen  
**Sent:** Wednesday, June 08, 2011 3:26 PM  
**To:** (b)(6) Foster, Helen; D'Antonio, Christopher; (b)(6); (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(5)

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** Johnson, Michael M (b)(6)  
**Sent:** Wednesday, June 08, 2011 3:20 PM  
**To:** Foster, Helen; D'Antonio, Christopher; (b)(6) (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Helen and Ken,

(b)(5)

I'm guessing the next step is to request a formal, legal position be worked between NCTC and DHS OGCs.

Let's discuss. Thanks,  
(b)(6)

---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 2:47 PM  
**To:** D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Here is me and Ken's attempt to simplify and clarify. (b)(5)  
(b)(6) Recommend you read in non-redline. Sorry.

Please reach out to me or Ken if you have questions. We are both here today.

Helen

Helen Foster

(b)(6)

---

**From:** D'Antonio, Christopher  
**Sent:** Wednesday, June 08, 2011 1:55 PM  
**To:** (b)(6) Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

This needs work and I have edits but am running in to a mtg now with the GC – will get them to you ASAP when I return

/Chris

---

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---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 1:27 PM  
**To:** Foster, Helen; (b)(6) Hunt, Ken; (b)(6); Richards, Rebecca; D'Antonio, Christopher; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** S1 USPERs retention period coordinated recommendations tasker

All,

Attached, please find a draft of the coordinated USPERs retention period presumptions/guidance based on our discussion this morning. Your edits/concurrence on this document submitted to us as soon as possible would be much appreciated.

Thanks for your help!

Best,

(b)(6)

(b)(6)  
U.S. Department of Homeland Security  
Office of Intelligence & Analysis  
Phone: (b)(6)  
Mobile: (b)(6)  
Email: (b)(6)  
SEmail: (b)(6)  
IC: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, June 09, 2011 2:29 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

**Importance:** High

(b)(6) ... can you please confirm how many versions of this document are in review. I was told that yesterday's version was the one we were supposed to clear on, which I did. This one is different (and, although it's not my point, some of the changes I sent earlier to Chris D on this version which he accepted are not here now).

wkh

On a related note, we really need to see redlines to speed our reviews.

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 1:55 PM  
**To:** D'Antonio, Christopher; (b)(6) Foster, Helen; (b)(6) (b)(6); Foster, Helen; (b)(6) (b)(6) Hunt, Ken; Blinde, Michael; Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Here are changes made, per discussions with Chris D. and (b)(6) Please provide concurrence on task as soon as possible!! Thank you for all of your help!

Best,

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 11:05 AM  
**To:** (b)(6); Foster, Helen; (b)(6) (b)(6) Foster, Helen; (b)(6); Hunt, Ken; Blinde, Michael; Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(6) (b)(5)

(b)(5)

/Chris

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**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 10:38 AM  
**To:** D'Antonio, Christopher; D'Antonio, Christopher; Foster, Helen; (b)(6) (b)(6) Foster, Helen; (b)(6); Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Wow, you were not kidding!

We're OK with almost all of the changes, but we have one issue that we think needs to be addressed. (b)(5), (b)(7)(E)

Here's our recommended language for dealing with that point.

Thanks,  
(b)(6)

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(b)(6) (o)  
(b)(6) (c)

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**From:** D'Antonio, Christopher (b)(6)  
**Sent:** Thursday, June 09, 2011 8:47 AM  
**To:** D'Antonio, Christopher; Foster, Helen; (b)(6); (b)(6) Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Just testing you...now with attached

/Chris

---

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**From:** D'Antonio, Christopher  
**Sent:** Thursday, June 09, 2011 8:45 AM  
**To:** Foster, Helen; (b)(6); (b)(6); 'Foster, Helen'; (b)(6); 'Hunt, Ken'; (b)(6); (b)(6); 'Richards, Rebecca'; 'Fausett, Andrew'  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Get your reading glasses on – attached is our rewrite

/Chris

Christopher P. D'Antonio  
Office of General Counsel (Intelligence)  
(b)(6)

---

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**From:** Foster, Helen  
**Sent:** Thursday, June 09, 2011 7:11 AM  
**To:** (b)(6); Foster, Helen; (b)(6); D'Antonio, Christopher; Hunt, Ken; (b)(6); (b)(6); Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Priv also concurs

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 6:42 PM  
**To:** (b)(6); Foster, Helen; (b)(6); D'Antonio, Christopher; Hunt, Ken; (b)(6); (b)(6); Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Attached, please find an updated copy of the pager, incorporating PRIV and CRCL's edits. Please provide final concurrence on this task.

Thank you for your help!

Best,

(b)(6)

---

**From:** (b)(6) (b)(6)  
**Sent:** Wednesday, June 08, 2011 6:21 PM  
**To:** Foster, Helen; (b)(6); D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6)  
(b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Similar to PRIV, CRCL can support the 180 day limitation provided there is no refresh of historical USPER data.

(b)(5)

Thanks,

(b)(6)

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(b)(6) (c)

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---

**From:** Foster, Helen [(b)(6)]  
**Sent:** Wednesday, June 08, 2011 5:44 PM  
**To:** (b)(6); Foster, Helen;(b)(6); D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6)  
(b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Looks good, but I didn't incorporate (b)(6) most recent change in the attached. The attached contains some edits to clarify. We are okay with 180 days, but only as a package deal—with no historical tranches. See attached. PRIV can clear with the attached edits.

Helen and Ken

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 5:40 PM  
**To:** Foster, Helen; (b)(6); D'Antonio, Christopher; (b)(6) (b)(6) Hunt, Ken; (b)(6)  
(b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

See updated version—I only made small grammatical changes, no substantive changes.

Best,

(b)(6)

---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 3:27 PM  
**To:** Foster, Helen; (b)(6); Foster, Helen; D'Antonio, Christopher; (b)(6); (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Sorry, correct attachment here.

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** Foster, Helen  
**Sent:** Wednesday, June 08, 2011 3:26 PM  
**To:** (b)(6); Foster, Helen; D'Antonio, Christopher; (b)(6); (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(5)

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 3:20 PM  
**To:** Foster, Helen; D'Antonio, Christopher; (b)(6) (b)(6); Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Helen and Ken,

(b)(5)

(b)(5)

Let's discuss. Thanks,  
(b)(6)

---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 2:47 PM

**To:** D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Here is me and Ken's attempt to simplify and clarify. (b)(5)

Recommend you read in non-redline. Sorry.

Please reach out to me or Ken if you have questions. We are both here today.

Helen

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** D'Antonio, Christopher  
**Sent:** Wednesday, June 08, 2011 1:55 PM  
**To:** (b)(6); Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** 'Johnson,(b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

This needs work and I have edits but am running in to a mtg now with the GC – will get them to you ASAP when I return

/Chris

---

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 1:27 PM  
**To:** Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; D'Antonio, Christopher; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** S1 USPERs retention period coordinated recommendations tasker

All,

Attached, please find a draft of the coordinated USPERs retention period presumptions/guidance based on our discussion this morning. Your edits/concurrence on this document submitted to us as soon as possible would be much appreciated.

Thanks for your help!

Best,

(b)(6)

(b)(6)  
U.S. Department of Homeland Security

Office of Intelligence & Analysis

Phone: (b)(6)

Mobile: (b)(6)

Email (b)(6)

SEmail (b)(6)

IC (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, June 09, 2011 11:46 AM  
**To:** (b)(6)  
**Subject:** Re: S1 USPERs retention period coordinated recommendations tasker

(b)(6) I've stepped out of the office for a lunch appointment.

I can be reached by cell if necessary. (b)(6) .

I agree that the bones of the agreed framework are there and that's the most critical point.

What can I do to get this resolved ASAP?

---

**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 11:40 AM  
**To:** D'Antonio, Christopher; (b)(6) ; Foster, Helen (b)(6)  
(b)(6) ; Foster, Helen  
(b)(6) ; (b)(6) Hunt, Ken (b)(6) ;  
Blinde, Michael (b)(6) ; Richards, Rebecca (b)(6) ; Fausett, Andrew  
(b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(5)



---

**From:** D'Antonio, Christopher [(b)(6)]  
**Sent:** Thursday, June 09, 2011 11:05 AM  
**To:** Moore, Miriam; Foster, Helen; (b)(6) Moore, Miriam; Foster, Helen; (b)(6) ; Hunt, Ken;  
Blinde, Michael; Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(6) (b)(5)



(b)(5)

/Chris

---

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**From:** (b)(6)  
**Sent:** Thursday, June 09, 2011 10:38 AM  
**To:** D'Antonio, Christopher; D'Antonio, Christopher; Foster, Helen; (b)(6); (b)(6) Foster, Helen; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Wow, you were not kidding!

We're OK with almost all of the changes, but we have one issue that we think needs to be addressed. (b)(5), (b)(7)(E)

Here's our recommended language for dealing with that point.

Thanks,

(b)(6)

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(b)(6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** D'Antonio, Christopher (b)(6)  
**Sent:** Thursday, June 09, 2011 8:47 AM  
**To:** D'Antonio, Christopher; Foster, Helen; (b)(6); (b)(6) Foster, Helen; (b)(6); Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Just testing you...now with attached

/Chris

---

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

---

**From:** D'Antonio, Christopher  
**Sent:** Thursday, June 09, 2011 8:45 AM  
**To:** Foster, Helen; (b)(6); (b)(6) 'Foster, Helen'; (b)(6) 'Hunt, Ken'; (b)(6) 'Richards, Rebecca'; 'Fausett, Andrew'  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Get your reading glasses on – attached is our rewrite

/Chris

Christopher P. D'Antonio  
Office of General Counsel (Intelligence)  
(b)(6)

---

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---

**From:** Foster, Helen  
**Sent:** Thursday, June 09, 2011 7:11 AM  
**To:** (b)(6); (b)(6) Foster, Helen; (b)(6); D'Antonio, Christopher; Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Priv also concurs

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 6:42 PM  
**To:** (b)(6) Foster, Helen; (b)(6); (b)(6); D'Antonio, Christopher; Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Attached, please find an updated copy of the pager, incorporating PRIV and CRCL's edits. Please provide final concurrence on this task.

Thank you for your help!

Best,

(b)(6)

---

**From:** Moore, Miriam (b)(6)  
**Sent:** Wednesday, June 08, 2011 6:21 PM  
**To:** Foster, Helen; (b)(6); D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6)

(b)(6) Richards, Rebecca; Fausett, Andrew  
Cc: (b)(6)  
Subject: RE: S1 USPERs retention period coordinated recommendations tasker

(b)(5)

We generally support PRIV's edits to the document, but have just a few recommended changes to the (b)(5) paragraph that we think will clarify and amplify the group's recommendation to S1.

Thanks,

(b)(6)

Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(b)(6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 5:44 PM  
**To:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Looks good, but I didn't incorporate (b)(6) most recent change in the attached. The attached contains some edits to clarify. (b)(5) See attached. PRIV can clear with the attached edits.

Helen and Ken

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, June 08, 2011 5:40 PM  
**To:** Foster, Helen; (b)(6); D'Antonio, Christopher; (b)(6) Moore, Miriam; Hunt, Ken; Blinde, Michael; Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

See updated version—I only made small grammatical changes, no substantive changes.

Best,

(b)(6)

---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 3:27 PM

**To:** Foster, Helen; (b)(6) Foster, Helen; D'Antonio, Christopher; (b)(6); (b)(6) Hunt, Ken; (b)(6); Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Sorry, correct attachment here.

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** Foster, Helen  
**Sent:** Wednesday, June 08, 2011 3:26 PM  
**To:** (b)(6) Foster, Helen; D'Antonio, Christopher; (b)(6); (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(5)

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** Johnson, Michael M (b)(6)  
**Sent:** Wednesday, June 08, 2011 3:20 PM  
**To:** Foster, Helen; D'Antonio, Christopher; (b)(6); (b)(6) Hunt, Ken; (b)(6); Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Helen and Ken,

(b)(5)

Let's discuss. Thanks,  
(b)(6)

---

**From:** Foster, Helen (b)(6)  
**Sent:** Wednesday, June 08, 2011 2:47 PM  
**To:** D'Antonio, Christopher; (b)(6) (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew

Cc: (b)(6)

Subject: RE: S1 USPERs retention period coordinated recommendations tasker

Here is me and Ken's attempt to simplify and clarify. We think this really boils down to just two issues: (b)(5)  
Recommend you read in non-redline. Sorry.

Please reach out to me or Ken if you have questions. We are both here today.

Helen

Helen Foster  
DHS Privacy Office

(b)(6)

---

From: D'Antonio, Christopher

Sent: Wednesday, June 08, 2011 1:55 PM

To: (b)(6) Foster, Helen; Moore, Miriam; Hunt, Ken; Blinde, Michael; Richards, Rebecca; Fausett, Andrew

Cc: (b)(6)

Subject: RE: S1 USPERs retention period coordinated recommendations tasker

This needs work and I have edits but am running in to a mtg now with the GC – will get them to you ASAP when I return

/Chris

---

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: (b)(6)

Sent: Wednesday, June 08, 2011 1:27 PM

To: Foster, Helen; Moore, Miriam; Hunt, Ken; Blinde, Michael; Richards, Rebecca; D'Antonio, Christopher; Fausett, Andrew

Cc: (b)(6)

Subject: S1 USPERs retention period coordinated recommendations tasker

All,

Attached, please find a draft of the coordinated USPERs retention period presumptions/guidance based on our discussion this morning. Your edits/concurrence on this document submitted to us as soon as possible would be much appreciated.

Thanks for your help!

Best,

(b)(6)

(b)(6)

U.S. Department of Homeland Security  
Office of Intelligence & Analysis

Phone: (b)(6)

Mobile: (b)(6)  
Email: (b)(6)  
SEmail: (b)(6)  
IC (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, June 09, 2011 10:47 AM  
**To:** D'Antonio, Christopher  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Chris, compare your two paragraphs...

(b)(5)

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** D'Antonio, Christopher  
**Sent:** Thursday, June 09, 2011 10:35 AM  
**To:** Hunt, Ken; (b)(6); (b)(6); 'Foster, Helen'; (b)(6); 'Hunt, Ken'; (b)(6); 'Richards, Rebecca'; 'Fausett, Andrew'  
**Cc:** (b)(6)  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

(b)(5)

/Chris

---

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(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, June 09, 2011 9:00 AM  
**To:** Callahan, Mary Ellen  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

MEC, I'm reading his comments now. They do not alter the framework at all, so this should not jeopardize swift clearance.

I'll send you my recommendations—(while I was typing) Becky's weighed in. So I'll send you my and Becky's consolidated comments shortly.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, June 09, 2011 8:56 AM  
**To:** Hunt, Ken  
**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Ok. Send me chris d when you get it, I would be interested... the interesting question is – is his problem with our proposal or what NCTC would say.... And if we are supposed to get sign off by tomorrow, "extensive changes" doesn't help that.

**Mary Ellen Callahan**  
**Chief Privacy Officer**  
**U.S. Department of Homeland Security**  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Hunt, Ken  
**Sent:** Thursday, June 09, 2011 8:48 AM  
**To:** Callahan, Mary Ellen  
**Subject:** FW: S1 USPERs retention period coordinated recommendations tasker

Two things:

1. This is the document we thought was final last night...
2. Chris D just sent out an email TEN SECONDS ago that said he had extensive changes in his attachment... but there was no attachment.

Standing by on that...

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w (b)(6)

c (b)(6)

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

---

**From:** (b)(6)

**Sent:** Wednesday, June 08, 2011 6:42 PM

**To:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher; Hunt, Ken; (b)(6)

Richards, Rebecca; Fausett, Andrew

**Cc:** (b)(6)

**Subject:** RE: S1 USPERs retention period coordinated recommendations tasker

Attached, please find an updated copy of the pager, incorporating PRIV and CRCL's edits. Please provide final concurrence on this task.

Thank you for your help!

Best,

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 11:44 AM  
**To:** PRIV Exec Sec; Foster, Helen  
**Subject:** Re: S2 BB Office Just Called : PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

I'm on my way back. Should be there by 12:30.

---

**From:** PRIV Exec Sec  
**Sent:** Thursday, March 08, 2012 11:40 AM  
**To:** Hunt, Ken; Foster, Helen  
**Subject:** S2 BB Office Just Called : PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

(b)(6) wants to speak directly with the author of the draft. He says it is difficult to read and is not in S2 BB format. He has questions. I could not find either of you while (b)(6) was on the line. Please call S2 BB staff at either (b)(6) or (b)(6)

Thank you for your assistance.

(b)(6)  
*Executive Secretariat*  
*Privacy Office*  
U.S. Department of Homeland Security  
Mailstop #0655  
245 Murray Lane, SW  
Washington, DC 20528  
Office: (b)(6)  
(b)(6)  
Visit our [privacy website](#)



---

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 11:33 AM  
**To:** PRIV Exec Sec  
**Subject:** Re: PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

This is not information I have.

---

**From:** PRIV Exec Sec  
**Sent:** Thursday, March 08, 2012 11:30 AM  
**To:** Hunt, Ken  
**Cc:** Foster, Helen  
**Subject:** FW: PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

Hello Ken,

Can you assist me with attendee information? See below.

Thank you.

(b)(6)

*Executive Secretariat*

*Privacy Office*

U.S. Department of Homeland Security

Mailstop #0655

245 Murray Lane, SW

Washington, DC 20528

Office: (b)(6)

(b)(6)

Visit our [privacy website](#)



---

**From:** (b)(6)  
**Sent:** Thursday, March 08, 2012 11:29 AM  
**To:** PRIV Exec Sec  
**Subject:** RE: PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

PRIV,

Please provide a complete attendees list. The names of the agencies are not enough for a complete submission.

Thank you,

(b)(6)

---

**From:** PRIV Exec Sec  
**Sent:** Thursday, March 08, 2012 11:16 AM  
**To:** (b)(6)  
**Cc:** BriefingStaffA; (b)(6); OGC Exec Sec; (b)(6) PRIV Exec Sec  
**Subject:** PRIV Draft Submission - S2BB - 03.08.12 - AG Guidelines Briefing

Good morning (b)(6)

Please see attached draft, which was coordinated with CRCL, I&A, and OGC ILD.  
If you have any additional questions, please contact PRIV Exec Sec or PRIV POC's Helen Foster and Ken Hunt.

Respectfully,

(b)(6)

*Executive Secretariat*

*Privacy Office*

U.S. Department of Homeland Security

Mailstop #0655

245 Murray Lane, SW

Washington, DC 20528

Office: (b)(6)

(b)(6)

Visit our [privacy website](#)



---

**From:** (b)(6)

**Sent:** Wednesday, March 07, 2012 5:04 PM

**To:** (b)(6); (b)(6); OGC Exec Sec; (b)(6); Hawkins, Sandra L; PRIV Exec Sec

**Cc:** BriefingStaffA

**Subject:** [Rescheduled] S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)

This meeting is now Friday at 1130. Please have all materials in by 1100 tomorrow. OGC: PRIV has been added as required coordination.

---

**From:** (b)(6)

**Sent:** Wednesday, March 07, 2012 3:57 PM

**To:** (b)(6); OGC Exec Sec; (b)(6)

**Cc:** BriefingStaffA

**Subject:** S2BB - 03.08.12 - AG Guidelines Briefing (Due TODAY at 1800)

**Importance:** High

Per ESEC policy, briefing memos may not exceed two pages and must be submitted on time.

Materials not completed on time are subject to cancellation. Coordination should begin no less than 24 hours before the due date.

Lead component, please provide an SME-level contact for the materials in your final email submission to BriefingStaffA.

**DEPUTY SECRETARY BRIEFING BOOK TASKING**

(b)(5)

(b)(5)



*DHS Briefing Book Standards and Procedures* (including links to template and example) are located on the DHS intranet at:  
(b)(6), (b)(7)(E)

All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

Jordan Acker  
Office of the Executive Secretary  
Desk: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, December 05, 2011 3:50 PM  
**To:** Callahan, Mary Ellen; Kropf, John; Mathews, Scott; Richards, Rebecca; Foster, Helen  
**Subject:** RE: S2 Options Memo NCTC AG Guidelines 12-5-11 PRIV-CRCL (2) (2).docx

My comments from before apply here as well.

There is a misplaced underscore in the second paragraph on page 5.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Callahan, Mary Ellen  
**Sent:** Monday, December 05, 2011 2:28 PM  
**To:** Kropf, John; Hunt, Ken; Mathews, Scott; Richards, Rebecca; Foster, Helen  
**Subject:** FW: S2 Options Memo NCTC AG Guidelines 12-5-11 PRIV-CRCL (2) (2).docx

Argh. Take a look .

**Mary Ellen Callahan**  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Anderson, Audrey  
**Sent:** Monday, December 05, 2011 2:26 PM  
**To:** Schlanger, Margo; Callahan, Mary Ellen; Wagner, Caryn  
**Cc:** Fong, Ivan; Kronisch, Matthew; (b)(6)  
**Subject:** S2 Options Memo NCTC AG Guidelines 12-5-11 PRIV-CRCL (2) (2).docx

Dear Margo, Mary Ellen, and Caryn,

(b)(5)

(b)(6) will help to get this circulated around so that we can get all your signatures on it and get it to S2 ideally tomorrow sometime. Please feel free to contact me with any questions.

Audrey

Audrey J. Anderson  
Deputy General Counsel  
Department of Homeland Security  
ph: (b)(6)  
cell: (b)(6)  
fax: (b)(6)

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# Nonresponsive

---

**From:** Foster, Helen  
**Sent:** Wednesday, February 22, 2012 1:31 PM  
**To:** Hunt, Ken  
**Subject:** RE: Deputies Q

looking

Helen Foster  
DHS Privacy Office  
(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, February 22, 2012 12:59 PM  
**To:** Foster, Helen  
**Subject:** Deputies Q

(b)(5)

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, August 02, 2011 4:24 PM  
**To:** (b)(6)  
**Subject:** RE: SSCI Staff Briefing Tomorrow 08/03

(b)(6) I recently responded to a subsequent email about this from (b)(6). I am the PRIV representative, and I am available to discuss this afternoon or tomorrow am.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)  
w (b)(6)  
c (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Tuesday, August 02, 2011 4:09 PM  
**To:** (b)(6) Hunt, Ken  
**Cc:** (b)(6)  
**Subject:** SSCI Staff Briefing Tomorrow 08/03

Ken and Miriam,

I just left you both vms, but I want to make sure that you receive this message.

SSCI staff have requested a brief on DHS-NCTC Information Sharing Issues tomorrow (08/03) (similar to our last brief in May, as a follow-on to Leiter's final parting "gifts"). Ms. Wagner was originally scheduled to attend the briefing, but has asked (b)(6) and (b)(6) to attend in her place. We would be happy if you could join us for this meeting, so we can have broad representation from the DHS stakeholders involved in the DHS-NCTC Records Working Group. I have attached the talking points and agreements table that we have developed as the basis for the briefing: (b)(5)

(b)(6)

The meeting is scheduled from 3-4pm at Hart 211 on the Hill. Please let me know if you are available to attend.

Thank you for your help!

Best,

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, August 02, 2011 4:19 PM  
**To:** (b)(6)  
**Cc:** Moore, Miriam  
**Subject:** RE: SSCI Staff Briefing Tomorrow 08/03

I am available.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Tuesday, August 02, 2011 4:11 PM  
**To:** (b)(6); Moore, Miriam; Hunt, Ken  
**Cc:** (b)(6)  
**Subject:** RE: SSCI Staff Briefing Tomorrow 08/03

Thanks (b)(6)

Ken and (b)(6), would you have time to connect by telephone today? Thanks, (b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, August 02, 2011 4:09 PM  
**To:** (b)(6) Hunt, Ken  
**Cc:** (b)(6)  
**Subject:** SSCI Staff Briefing Tomorrow 08/03

Ken and (b)(6)

I just left you both vms, but I want to make sure that you receive this message.

SSCI staff have requested a brief on DHS-NCTC Information Sharing Issues tomorrow (08/03) (similar to our last brief in May, as a follow-on to Leiter's final parting "gifts"). Ms. Wagner was originally scheduled to attend the briefing, but has asked (b)(6) to attend in her place. We would be happy if you could join us for this meeting, so we can have broad representation from the DHS stakeholders involved in the DHS-NCTC Records Working Group. I have attached the talking points and agreements table that we have developed as the basis for the briefing: (b)(5)

(b)(5)

The meeting is scheduled from 3-4pm at Hart 211 on the Hill. Please let me know if you are available to attend.

Thank you for your help!

Best,

(b)(6)

(b)(6)

**From:** Hunt, Ken  
**Sent:** Monday, August 08, 2011 5:39 PM  
**To:** (b)(6); Foster, Helen; Hunt, Ken  
**Subject:** RE: Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

Ken. I've already shared my clearance info with Devin.

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6)  
**Sent:** Monday, August 08, 2011 5:37 PM  
**To:** Foster, Helen; Hunt, Ken  
**Subject:** FW: Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

Helen or Ken, who will be attending for PRIV? Thanks, --(b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, August 08, 2011 12:10 PM  
**To:** Fausett, Andrew; (b)(6); (b)(6); Hunt, Ken; (b)(6) D'Antonio, Christopher; (b)(6)  
**Cc:** (b)(6); PPPM-ExecSec; (b)(6); Foster, Helen; (b)(6) Richards, Rebecca; (b)(6); (b)(6)  
**Subject:** Update, Read-Aheads: SSCI Briefing, Information Sharing / Data Retention 08/10 2pm

An update and reminder we will be going as a group for a meeting with SSCI staffers this Wednesday, 08/10 [2-3pm, Hart Senate Office Building 211].

Our OLA POC is (b)(6)

Again, the recommendation is we reprise the successful DHS-internal DHS-NCTC Records Working Group visit we made with Devin to CHS staff on June 15<sup>th</sup>. Our discussion should focus on the close DHS internal coordination, close coordination between DHS and NCTC, the successes to date, and some of the challenges we are actively working through now. The read-aheads attached (not for distribution to the staffers, but for coordination between us) include both a paper with talking points, and an updated version of the DHS-NCTC information sharing agreements status tables.

As I understand it, here is who is attending:

(b)(6)

C.D'Antonio, and/or A.Fausett [OGC]

(b)(6)

K.Hunt [PRIV] {previous trip it was H.Foster}

(b)(6) [I&A]

(b)(6) [DHS rep. to NCTC]

PRIV and OGC, would you please confirm who will be attending for you? Thanks.

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, March 23, 2012 8:45 AM  
**To:** O'Leary, David  
**Subject:** RE: Updated Guidelines for Access, Retention, Use, and Dissemination by NCTC of Information In Datasets Containing Non-Terrorism Information

(b)(5)

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6)  
**Sent:** Thursday, March 22, 2012 10:01 PM  
**To:** Hunt, Ken  
**Subject:** Fw: Updated Guidelines for Access, Retention, Use, and Dissemination by NCTC of Information In Datasets Containing Non-Terrorism Information

(b)(5)

Thanks,

(b)(6)

Office of Legislative Affairs  
U.S. Department of Homeland Security

(b)(6) (office)

(b)(6) (mobile)

---

**From:** (b)(6)  
**Sent:** Thursday, March 22, 2012 06:18 PM  
**To:** (b)(6)  
**Cc:** (b)(6) B  
**Subject:** Fw: Updated Guidelines for Access, Retention, Use, and Dissemination by NCTC of Information In Datasets Containing Non-Terrorism Information

Your team should be aware as well, since the priv and info sharing piece (and queries) go your way, too.

-----  
Devin Lynch

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 22, 2012 05:40 PM  
**To:** LaRossa, Connie; (b)(6) B; Lynch, Devin; Himmel, Chloe  
**Cc:** Peacock, Nelson; (b)(6) (b)(6)  
**Subject:** Fw: Updated Guidelines for Access, Retention, Use, and Dissemination by NCTC of Information In Datasets Containing Non-Terrorism Information

Team I&A

Just wanted to make you aware of the attached and below. A story leaked on this and DNI very quickly sent notifications to those listed as well as CHS and HSGAC.

(b)(5) - (b)(6), and  
(b)(6).

There was also a hastily called telecon, but no substantive discussion other than what I've relayed here.

(b)(6)  
Legislative Assistant  
Office of Legislative Affairs  
U.S. Department of Homeland Security  
(Office) (b)(6)  
(Fax) (b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 22, 2012 04:53 PM  
**To:** (b)(6)  
**Subject:** FW: Updated Guidelines for Access, Retention, Use, and Dissemination by NCTC of Information In Datasets Containing Non-Terrorism Information

---

**From:** Kathleen P Turner  
**Sent:** Thursday, March 22, 2012 4:51 PM  
**To:** (b)(6) (b)(6) (b)(6) (b)(6)  
(b)(6)  
**Cc:** Agrast, Mark D. (OLA); (b)(6)  
**Subject:** FW: Updated Guidelines for Access, Retention, Use, and Dissemination by NCTC of Information In Datasets Containing Non-Terrorism Information

They went to HPSCI, SSCI, HJC, SJC, leadership and now I'll send to Approps.

---

**From:** Kathleen P Turner  
**Sent:** Thursday, March 22, 2012 4:49 PM  
**To:** (b)(6)  
**Subject:** Updated Guidelines for Access, Retention, Use, and Dissemination by NCTC of Information In Datasets Containing Non-Terrorism Information

Attached please find a Congressional Notification describing the background and purpose of these newly-signed Guidelines. We have also attached the Guidelines to this Notification. If you have any questions about these

Guidelines, please contact (b)(6) in the Office of Legislative Affairs on (b)(6), and (b)(6).

Kathleen Turner  
Director of Legislative Affairs  
Office of the DNI  
W: (b)(6)  
Cell: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, May 13, 2011 2:36 PM  
**To:** Taylor, Sandra  
**Subject:** RE: Workflow Reassignment Alert (Contact 905183)

You da BOMB!

Thanks,  
wkh

W Kenneth Hunt, JD, MBA, CIPP/G  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

-----Original Message-----

**From:** Hawkins, Sandra L  
**Sent:** Friday, May 13, 2011 2:28 PM  
**To:** Hunt, Ken  
**Subject:** FW: Workflow Reassignment Alert (Contact 905183)

Per the e-mail below, (b)(5)

Thank you!

Sandy

-----Original Message-----

**From:** McIver, Michelle  
**Sent:** Friday, May 13, 2011 2:26 PM  
**To:** Hawkins, Sandra L  
**Cc:** ESLIAISON2  
**Subject:** RE: Workflow Reassignment Alert (Contact 905183)

This has been submitted for S1's info binder.

Michelle

(b)(6) phone  
(b)(6) mobile

-----Original Message-----

**From:** SANDRA I HAWKINS (b)(6)  
**Sent:** Friday, May 13, 2011 1:37 PM  
**To:** McIver, Michelle S  
**Subject:** Workflow Reassignment Alert (Contact 905183) (Intranet Quorum IMA003007336)

User SANDRA I HAWKINS has reassigned the following Workflow for The Honorable Janet Napolitano, People ID #7296694, to you:  
Please distribute the attached information memorandum to the Secretary as soon as possible.  
Thank you.

(b)(6), (b)(7)(E)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Monday, October 03, 2011 12:39 PM  
**To:** Richards, Rebecca  
**Subject:** Re: you doing the NCTC meeting?

Yep

---

**From:** Richards, Rebecca  
**Sent:** Monday, October 03, 2011 12:26 PM  
**To:** Hunt, Ken  
**Subject:** you doing the NCTC meeting?

Becky Richards  
Director of Privacy Compliance  
Department of Homeland Security

(b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, August 02, 2011 6:23 PM  
**To:** Callahan, Mary Ellen  
**Subject:** S1 briefing materials

I'm reviewing the recirculated S1 briefing materials. I added two more points reflecting our conversation this afternoon.

(b)(5)

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, October 13, 2011 9:58 AM  
**To:** Foster, Helen; (b)(6)  
**Subject:** s1 memo

Do either of you have the memo we sent to S1 on AG guidelines? (b)(6) asked to see it.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, February 22, 2012 3:50 PM  
**To:** Foster, Helen  
**Subject:** SCIF coverage

NON-RESPONSIVE

wkh

---

**From:** Foster, Helen  
**Sent:** Wednesday, February 22, 2012 1:31 PM  
**To:** Hunt, Ken  
**Subject:** RE: Deputies Q

looking

Helen Foster  
DHS Privacy Office

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, February 22, 2012 12:59 PM  
**To:** Foster, Helen  
**Subject:** Deputies Q

Do you have a copy of the draft AG guidelines? (b)(5)

(b)(5)

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, August 02, 2011 4:34 PM  
**To:** Callahan, Mary Ellen  
**Subject:** The Latest

Just spoke to (b)(6).

I will be the PRIV representative – no Caryn W.  
No NCTC.

Working off same set of talking points for meeting Helen attended for House Homeland.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, February 23, 2012 5:15 PM  
**To:** Callahan, Mary Ellen  
**Cc:** Richards, Rebecca; Foster, Helen  
**Subject:** Tidbit from Today's Records Managment WG

(b)(5)

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 28, 2012 1:28 PM  
**To:** CASTELLI, LAURENCE E  
**Subject:** URGENT

Larry, we risk getting WAY out in front of MEC on APIS until she speaks with S1 on Monday.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c (b)(6)

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

(b)(5)

---

**From:** Callahan, Mary Ellen  
**Sent:** Wednesday, February 22, 2012 5:10 PM  
**To:** Foster, Helen; Hunt, Ken; (b)(5)  
**Subject:** Fw: AG guidelines for NCTC

Good.

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security  
Work: (b)(6)  
Cell: (b)(6)

---

**From:** JHL  
**Sent:** Wednesday, February 22, 2012 04:58 PM  
**To:** Wagner, Caryn  
**Cc:** de Vallance, Brian; Fong, Ivan; Cohen, John; Beers, Rand; Callahan, Mary Ellen  
**Subject:** RE: AG guidelines for NCTC

All:

(b)(5)

---

**From:** Wagner, Caryn  
**Sent:** Wednesday, February 22, 2012 4:56 PM  
**To:** JHL  
**Cc:** de Vallance, Brian; Fong, Ivan; Cohen, John; Beers, Rand; Callahan, Mary Ellen  
**Subject:** FW: AG guidelines for NCTC

(b)(5)

(b)(5)

---

**From:** (b)(5)  
**Sent:** Wednesday, February 22, 2012 11:53 AM  
**To:** (b)(5); (b)(5)  
(JMD); Wagner, Caryn; (b)(5)  
**Cc:** (b)(5)  
**Subject:** AG guidelines for NCTC

All –

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Please let me know your thoughts.

Thanks.

Matt Olsen  
Director, NCTC

(b)(6) (office)

(b)(6) (secure)

(b)(6) (classified email)

(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, September 14, 2011 12:34 PM  
**To:** (b)(6); 'Richards, Rebecca'; (b)(6) D'Antonio, Christopher; Hunt, Ken; Foster, Helen; Fausett, Andrew (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Travel Data Working Group

(b)

(b)(5) . I'd  
be happy to discuss more in-person. Take care,

(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, September 14, 2011 12:11 PM  
**To:** Richards, Rebecca; (b)(6); (b)(6) D'Antonio, Christopher  
**Cc:** (b)(6)  
**Subject:** RE: Travel Data Working Group

Becky,

(b)(5)

Thanks,

(b)(6)

Senior DHS Representative  
National Counter Terrorism Center

(b)(6) (office)  
(b)(6) (cell)  
(b)(6) (pager)

---

**From:** (b)(6)  
**Sent:** Tuesday, September 13, 2011 7:23 PM

To: Wagner, Caryn; (b)(5)

Cc: (b)(6)

Subject: Quick Update - S1 Taskers

Caryn,

I just wanted to get you a quick update with the results from my meeting with (b)(6) and (b)(6) on the S1 Taskers.

(b)(5)

(b)(5)

That's about it for this update. I will attend the 0700 tomorrow morning and be available if you have any questions.

Thanks,

(b)(6)

Senior DHS Representative  
National Counter Terrorism Center

(b)(6) (office)

(b)(6) (cell)

(b)(6) (pager)

(b)(6)

---

**From:** McNamara, Phil  
**Sent:** Wednesday, January 25, 2012 4:47 PM  
**To:** de Vallance, Brian; Callahan, Mary Ellen; (b)(6) Schlanger, Margo; Wagner, Caryn; Heyman, David; 'Fong, Ivan'; (b)(6) (b)(6) Richards, Rebecca; Foster, Helen; (b)(6)  
**Subject:** RE: MORE: NCTC retention periods and AG guidelines  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The decision memo was signed by Margo, MEC, Caryn and Ivan. David H. was cc:ed on the memo. As we prepare materials for this meeting, we need a component to accept lead in drafting in the briefing memo. Ordinarily I wouldn't raise this to this level, but as ESEC staff has attempted to assign the "lead" various components have said "oh not us, should be them." So just need someone to ante up their component to write the materials and coordinate with the other components. Who wants the good fortune?

---

**From:** de Vallance, Brian  
**Sent:** Tuesday, January 24, 2012 2:15 PM  
**To:** Callahan, Mary Ellen; (b)(6) McNamara, Phil; Schlanger, Margo; Wagner, Caryn; Heyman, David; Fong, Ivan; (b)(6) Richards, Rebecca; Foster, Helen; (b)(6)  
**Subject:** MORE: NCTC retention periods and AG guidelines

Adding several.

(b)(5)

(b)(5) will schedule something for sometime after Feb 9. If this date is not timely, pls let me know.

I'm including this email chain for background.

Thanks for your help.

Brian

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, January 19, 2012 12:56 PM  
**To:** (b)(6) de Vallance, Brian; (b)(6); Richards, Rebecca; Foster, Helen; Callahan, Mary Ellen  
**Subject:** RE: NCTC retention periods and AG guidelines

Brian - (b)(5)

(b)(5)

Please let me know if there is anything I can do to support S2 in this endeavor.

Thank you,  
Mary Ellen

Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** de Vallance, Brian  
**Sent:** Tuesday, January 17, 2012 4:49 PM  
**To:** (b)(6)  
**Subject:** RE: NCTC retention periods and AG guidelines

Thx, (b)(6). The one dated Jan 13 CORRECTED the one dated Jan 5. (b)(5)  
Sorry for the inconvenience.

---

**From:** (b)(6)  
**Sent:** Tuesday, January 17, 2012 3:18 PM  
**To:** de Vallance, Brian  
**Subject:** NCTC retention periods and AG guidelines

Hi Brian, I wanted to check in with you on this – we’ve received two different signed versions of this decision memo(attached), (b)(5) I’m not sure if this was an error, or a change of heart. Could you let me know? Thanks so much, (b)(6)

(b)(6)  
Acting Officer  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
(b)(6)

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 22, 2012 9:02 PM  
**To:** Hunt, Ken; Foster, Helen; (b)(6)  
Fausett, Andrew; D'Antonio, Christopher;  
(b)(6)  
**Subject:** FW: ODNI and DOJ Joint Statement: REVISED GUIDELINES ISSUED TO ALLOW THE NCTC TO ACCESS AND ANALYZE CERTAIN FEDERAL DATA MORE EFFECTIVELY TO COMBAT TERRORIST THREATS  
**Attachments:** nctc\_guidelines.pdf

(b)(5)

(b)(5)

(b)(5)

For the DHS-internal team (to include our DHS component partners), I would like to arrange a telecon. for tomorrow, Friday morning, or Monday (latest), to discuss strategy and concerns moving forward. I'll ask (b) to coordinate a time and call in number. Thanks.

---

**From:** Office of the Director of National Intelligence (b)(6)  
**Sent:** Thursday, March 22, 2012 8:30 PM  
**To:** (b)(6)  
**Subject:** ODNI and DOJ Joint Statement: REVISED GUIDELINES ISSUED TO ALLOW THE NCTC TO ACCESS AND ANALYZE CERTAIN FEDERAL DATA MORE EFFECTIVELY TO COMBAT TERRORIST THREATS



## NEWS RELEASE

FOR IMMEDIATE  
RELEASE  
2012

March 22,

**Office of the Director of National Intelligence and Department of Justice Joint Statement:**  
**REVISED GUIDELINES ISSUED TO ALLOW THE NCTC TO ACCESS AND ANALYZE CERTAIN  
FEDERAL DATA MORE EFFECTIVELY TO COMBAT TERRORIST THREATS**

Director of National Intelligence James R. Clapper, Attorney General Eric Holder, and National Counterterrorism Center (NCTC) Director Matthew G. Olsen have signed updated guidelines designed to allow NCTC to obtain and more effectively analyze certain data in the government's possession to better address terrorism-related threats, while at the same time protecting privacy and civil liberties.

The “Guidelines for Access, Retention, Use, and Dissemination by the National Counterterrorism Center (NCTC) of Information in Datasets Containing Non-Terrorism Information” effective Mar. 22, 2012, update November 2008 guidelines that governed NCTC’s access, retention, use, and dissemination of “terrorism information” contained within federal datasets that are identified as also including non-terrorism information and information pertaining exclusively to domestic terrorism.

The updated Guidelines provide a framework that allows NCTC to obtain certain data held by other U.S. Government agencies to better protect the nation and its allies from terrorist attacks. In coordination with other federal agencies providing data to the NCTC, NCTC will establish the timeline for the retention of individual datasets based upon the type of data, the sensitivity of the data, any legal requirements that apply to the particular data, and other relevant considerations.

Among other modifications, the revised Guidelines:

- Permit NCTC to retain certain datasets that are likely to contain significant terrorism information and are already in the lawful custody and control of other federal agencies for up to five years, unless a shorter period is required by law.
- Permit NCTC to query this data only to identify information that is reasonably believed to constitute terrorism information.
- Provide that all data obtained by NCTC from another federal agency pursuant to the Guidelines, will be subject to appropriate safeguards and oversight mechanisms, including monitoring, recording, and auditing of access to and queries of the data, to protect privacy and civil liberties.
- Require NCTC to undertake a number of additional compliance and reporting obligations to ensure robust oversight.

The updated Guidelines do not provide any new authorities for the U.S. Government to collect information, nor do they authorize acquisition of data from entities outside the federal government. All information that would be accessed by NCTC under the Guidelines is already in the lawful custody and control of other federal agencies. The Guidelines merely provide the NCTC with a more effective means of accessing and analyzing datasets in the government’s possession that are likely to contain significant terrorism information. They permit NCTC to consolidate disparate federal datasets that contain information of value to NCTC’s critical counterterrorism mission. Furthermore, the updated Guidelines do not supersede or replace any legal restrictions on information sharing (existing by statute, Executive Order, regulation, or international agreement). Thus, the updated Guidelines do not give NCTC authority to require another agency to share any dataset where such sharing would contravene U.S. law or an international agreement.

One of the issues identified by Congress and the Intelligence Community after the 2009 Fort Hood shootings and the Christmas Day 2009 bombing attempt was the government’s limited ability to query multiple federal datasets and to correlate information from many sources that might relate to a potential attack. A review of government actions taken before these attacks recommended that the Intelligence Community push for the completion of state-of-the-art search and correlation capabilities, including techniques that would provide a single point of entry to various government databases.

“Following the failed terrorist attack in December 2009, representatives of the counterterrorism community concluded it is vital for NCTC to be provided with a variety of datasets from various agencies that contain terrorism information,” said Clapper, “The ability to search against these datasets for up to five years on a continuing basis as these updated Guidelines permit will enable NCTC to accomplish its mission more practically and effectively than the 2008 Guidelines allowed.”

The updated Guidelines have undergone extensive review within the Office of the Director of National Intelligence and the Department of Justice and have been coordinated throughout the Intelligence Community. Under the National Security Act of 1947, NCTC is charged with serving as the primary organization in the U.S. Government for analyzing and integrating all intelligence possessed or acquired by the U.S. Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism. Consistent with this statutory mission, Executive Order 12333 provides that Intelligence Community elements may collect, retain, or disseminate information concerning United States Persons (USPs) only in accordance with procedures established by the head of the Intelligence Community element and approved by the Attorney General in consultation with the Director of National Intelligence.

The 2008 Guidelines required NCTC to “promptly review” USP information and then “promptly remove” it if it is not reasonably believed to constitute terrorism information. This approach was a reasonable first step in 2008, but based on subsequent experience and lessons learned, the requirement to “promptly remove” USP information hampers NCTC’s ability to identify terrorism information by connecting the dots across multiple datasets.

“There are a number of protections built into the 2012 revised Guidelines,” said Alexander Joel, ODNI Civil Liberties Protection Officer. “Before obtaining a dataset, the Director of NCTC, in coordination with the data provider, is required to make a finding that the dataset is likely to contain significant terrorism information.”

Once ingested, data is subject to a number of baseline safeguards carried over from the 2008 Guidelines, including restrictions that limit access to only those individuals with a mission need and who have received training on the Guidelines.

“The approval of these Guidelines will significantly improve NCTC’s ability to carry out its statutory mission” said Clapper, “Our citizens expect that we do everything in our power to keep them safe, while protecting privacy and other civil liberties. These Guidelines provide our counterterrorism analysts with the means to accomplish that task more effectively.”

###

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This e-mail was sent to **(b)(6)**

GovDelivery, Inc. sending on behalf of Office of the Director of National Intelligence · Office of the Director of National Intelligence · Washington DC 20511 · 703-275-3700

(b)(6)

---

**From:** Fausett, Andrew  
**Sent:** Tuesday, March 27, 2012 8:50 PM  
**To:** (b)(6) Hunt, Ken; (b)(6) Richards, Rebecca  
**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Attachments:** ESTA Executive Summary (wkh)\_ogc edits.docx

All,

OGC's suggested edits and comments are tracked in the attached document. Please let me know if you have any questions or concerns.

Best Regards,

Andy

---

**From:** (b)(6)  
**Sent:** Tuesday, March 27, 2012 9:23 AM  
**To:** Hunt, Ken; (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

CRCL concurs with the document with PRIV's edits. Thanks. - Mike

---

**From:** Hunt, Ken  
**Sent:** Monday, March 26, 2012 6:01 PM  
**To:** (b)(6) Richards, Rebecca; Fausett, Andrew  
**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

PRIV comments attached.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

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

---

**From:** (b)(6)  
**Sent:** Monday, March 26, 2012 11:43 AM  
**To:** (b)(6) Richards, Rebecca; Hunt, Ken; Fausett, Andrew

**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher;  
(b)(6)

**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

All,

Please review the previously reviewed DHS ESTA recommendation and your by concurrence **by C.O.B. today, March 26, 2012.**

Thank you very much.

V/r,

(b)(6)  
Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security  
Office: (b)(6)  
NSTS: (b)(6)

(b)(6)

---

**From:** (b)(6)  
**Sent:** Friday, March 02, 2012 11:33 AM  
**To:** (b)(6) Richards, Rebecca; Hunt, Ken; Fausett, Andrew  
**Cc:** (b)(6) Foster, Helen; (b)(6) D'Antonio, Christopher;  
(b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB - ESTA Recommendation

Attached please find CRCL's comments/edits. Please let me know if you have any questions/concerns. PRIV, please double-check that my comment #2 is correct.

Thanks,  
(b)(6)

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(b)(6)

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---

**From:** (b)(6)  
**Sent:** Wednesday, February 29, 2012 3:44 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b)(6) Fausett, Andrew  
**Cc:** (b)(6) Foster, Helen; (b)(6); D'Antonio, Christopher;  
(b)(6)  
**Subject:** FW: AG Guideline Briefing to CTAB - ESTA Recommendation  
**Importance:** High

All-

As a follow on to (b)(6) e-mail below, please review and provide comments in reference to the attached ESTA recommendation by C.O.B., Friday, March 2, 2012. (b)(6) would like to finalize ESTA and SEVIS recommendations in preparation for pending CTAB Briefing in reference to the AG Guidelines.

Thank you.

V/r,

(b)(6)  
Policy Analyst | PKH Enterprises  
Information Sharing and Intelligence Enterprise Management  
Office of Intelligence and Analysis  
Department of Homeland Security  
Office: (b)(6)  
NSTS: (b)(6)  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, February 29, 2012 1:42 PM  
**To:** Richards, Rebecca; Hunt, Ken; (b)(6) Fausett, Andrew  
**Cc:** Foster, Helen; (b)(6) D'Antonio, Christopher; (b)(6)  
**Subject:** FW: AG Guideline Briefing to CTAB  
**Importance:** High

Internal Records Working Group-

(b)(5)

Also, collectively we need a coordinated message (when briefing can/should take place; not ready right now).

(b)(6)

(b)(6)  
Intelligence Operations Specialist  
Information Sharing and Collaboration Branch  
Office of Intelligence & Analysis  
Department of Homeland Security

(b)(6) NSTS  
(b)(6) Unclass  
(b)(6) BB  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, February 29, 2012 11:40 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: AG Guideline Briefing to CTAB

(b)(6) thanks for your note. Unfortunately, your email below is the first I've heard of the request for tomorrow, and I'm unable to help – I'm out of the office tomorrow on travel.

(b)(5)

Then we will close the loop with Caryn, and work this for another, upcoming CTAB. How does that sound? Thanks, --

(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, February 29, 2012 11:35 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** AG Guideline Briefing to CTAB

Morning (b)(6) –

I wanted to check-in with you on tomorrow's CTAB.

Ms. Wagner requested a briefing on the current status of the AG guideline issues a few weeks back, and we wanted to confirm that you will be able to provide.

Let me know if there is anything you might need in preparation. I will be forwarding you the agenda, and the calendar invite.

Thank you sir.

(b)(6)

Intelligence Director - Supporting The Counterterrorism Coordinator

(b)(6) (Desk & Secure Phone)

(b)(6) (Cell Phone)

(b)(6) (NSTS)

(b)(6) (Pager)

(b)(6)

(b)(6)

---

**From:** Callahan, Mary Ellen  
**Sent:** Monday, February 06, 2012 1:19 PM  
**To:** (b)(6) Richards, Rebecca; Hunt, Ken; Foster, Helen  
**Subject:** FW: NCTC Guidelines DC

Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

-----Original Message-----

**From:** Callahan, Mary Ellen  
**Sent:** Monday, February 06, 2012 1:19 PM  
**To:** Fong, Ivan; de Vallance, Brian; Wagner, Caryn; Kessler, Tamara; Heyman, David  
**Cc:** Kronisch, Matthew; Anderson, Audrey; Callahan, Mary Ellen  
**Subject:** RE: NCTC Guidelines DC

(b)(5)

(b)(5)

(b)(5)

Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

-----Original Message-----

**From:** Fong, Ivan  
**Sent:** Monday, February 06, 2012 1:09 PM

To: de Vallance, Brian; Callahan, Mary Ellen; Wagner, Caryn; Kessler, Tamara; Heyman, David

Cc: Kronisch, Matthew; Anderson, Audrey

Subject: NCTC Guidelines DC

(b)(5)



(b)(6)

---

**From:** JHL  
**Sent:** Friday, December 09, 2011 3:21 PM  
**To:** Wagner, Caryn  
**Cc:** de Vallance, Brian; Fong, Ivan; Callahan, Mary Ellen; Schlanger, Margo; Cohen, John  
**Subject:** Re: AG guidelines

(b)(5)

---

**From:** Wagner, Caryn  
**Sent:** Friday, December 09, 2011 02:38 PM  
**To:** JHL  
**Cc:** de Vallance, Brian; Fong, Ivan; Callahan, Mary Ellen; Schlanger, Margo; Cohen, John  
**Subject:** AG guidelines

(b)(5)

(b)(6)

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, January 19, 2012 12:56 PM  
**To:** (b)(6) de Vallance, Brian; (b)(6)  
Richards, Rebecca; Foster, Helen; Callahan, Mary Ellen  
**Subject:** RE: NCTC retention periods and AG guidelines  
**Attachments:** Re: AG guidelines

Brian – (b)(6) forwarded me your email below. (b)(5)

Please let me know if there is anything I can do to support S2 in this endeavor.

Thank you,  
Mary Ellen

Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** de Vallance, Brian  
**Sent:** Tuesday, January 17, 2012 4:49 PM  
**To:** (b)(6)  
**Subject:** RE: NCTC retention periods and AG guidelines

Thx, (b)(6) (b)(5)  
Sorry for the inconvenience.

---

**From:** (b)(6)  
**Sent:** Tuesday, January 17, 2012 3:18 PM  
**To:** de Vallance, Brian  
**Subject:** NCTC retention periods and AG guidelines

Hi Brian, I wanted to check in with you on this – we've received two different signed versions of this decision memo(attached), (b)(5)

Could you let me know? Thanks so much, (b)(6)

(b)(6)

Acting Officer  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
(b)(6)

(b)(6)

**From:** (b)(6)  
**Sent:** Tuesday, April 26, 2011 9:44 AM  
**To:** Foster, Helen  
**Subject:** RE: S1 Memo Re: NCTC Guidelines

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** ASAP

(b)(5)



(b)(6) CIPP, Senior Privacy Analyst  
Privacy Office, Department of Homeland Security  
Tel: (b)(6) Email: (b)(6)  
Fax: (b)(6) HSDN: (b)(6)  
Page: (b)(6) HTSN: (b)(6)

---

**From:** Foster, Helen  
**Sent:** Tuesday, April 26, 2011 8:17 AM  
**To:** (b)(6)  
**Subject:** RE: S1 Memo Re: NCTC Guidelines

With all of Andy's changes---do you have a feel for the next steps for this document now that OGC and PRIV have concurred?

Thanks  
Helen

---

**From:** Fausett, Andrew  
**Sent:** Wednesday, April 20, 2011 10:59 AM  
**To:** Foster, Helen; Hunt, Ken  
**Cc:** (b)(6)  
**Subject:** FW: S1 Memo Re: NCTC Guidelines

Hi Helen and Ken,

I just received an out-of-office message from (b)(6), which explains why I haven't been able to get a hold of him the last few days. In his absence, I'm sending this feedback to you. Please let me know if you have any questions or concerns.

Best Regards,

Andy

Andrew D. Fausett  
Attorney-Advisor (Intelligence)  
United States Department of Homeland Security  
Office of the General Counsel

(b)(6) (STE III)  
(b)(6) (cell)  
(b)(6) (NSTS)

---

**From:** Fausett, Andrew  
**Sent:** Wednesday, April 20, 2011 10:57 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** S1 Memo Re: NCTC Guidelines

Hi (b)(6)

Despite my best efforts, I haven't been able to touch base with you regarding the draft memo from Mary Ellen to the Secretary regarding the proposed NCTC guidelines governing data access and acquisition. Accordingly, I've attached my (limited) comments here for your review. While Matt Kronisch is away on leave, I will have the lead for this project in the Intelligence Law Division, so please let me know if you have any questions or concerns.

Best Regards,

Andy

Andrew D. Fausett  
Attorney-Advisor (Intelligence)  
United States Department of Homeland Security  
Office of the General Counsel

(b)(6) (STE III)  
(b)(6) (cell)  
(b)(6) (NSTS)

(b)(6)

**From:** (b)(6)  
**Sent:** Friday, October 07, 2011 2:31 PM  
**To:** (b)(6) Hunt, Ken; (b)(6);  
(b)(6) Richards,  
Rebecca; Foster, Helen; (b)(6)  
(b)(6)  
(b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: (UPDATED) DHS-NCTC Records Working Group Dataset Retention Meeting

I did call in and was on the line today (b)(6) stepped on me when I attempted to identify myself – I'm just ribbing him a little.). (b)(5) (b)(5)  
(b)(5)

(b)(5)

I hope everyone has a wonderful 3 day weekend!

(b)

(b)(6)  
Executive Director, LEISI PMO  
U.S. Immigration & Customs Enforcement  
Department of Homeland Security  
Homeland Security Investigations, 500 12th St SW, Rm 7151, Washington, DC 20536  
(b)(6) work (b)(6) Blackberry | (b)(6) fax  
UNCLASS (b)(6) | CLASS (b)(6)

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copies of this transmission (including any attachments) without reading or saving it in any manner.

Thank you for your cooperation

-----Original Appointment-----

**From:** (b)(6)

**Sent:** Friday, October 07, 2011 7:34 AM

**To:** Hunt, Ken; (b)(6)

(b)(6) Richards, Rebecca; Foster, Helen; (b)(6)

(b)(6)

(b)(6)

**Cc:** (b)(6)

**Subject:** (UPDATED) DHS-NCTC Records Working Group Dataset Retention Meeting

**When:** Friday, October 07, 2011 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).

**Where:** (b)(6) DDI number: (b)(6)

**Importance:** High

Good Morning:

<<Summary of Points v05 111007.docx>>

As a follow up to our last internal meeting, we would like to schedule another time period to get together to discuss dataset retention and the forth coming AG Guidelines. This was a request of the S1 and we need to begin discussing the details captured within the retention diagrams presented at our last meeting.

This time we will continue to focus more on the exact steps, considerations, etc.

Please review the attached read ahead and come prepared to discuss exact next steps, mitigations, etc in regards to potential extended temporary retention.

(b)(6)

(b)(6)

The room is somewhat limited, so please limit attendance to required POCs. If there is anyone that was left off this invite, please feel free to forward to appropriate POCs as required. If you do not have a blue badge and/or access to building 19, please use the call-in number as I have not received any clearance information for today.

Thanks everyone!

-CGP

(b)(6)

<< File: Summary of Points v05 111007.docx >>

(b)(6)

---

**From:** Fausett, Andrew  
**Sent:** Thursday, October 06, 2011 6:32 PM  
**To:** (b)(6) Hunt, Ken; Foster, Helen; Richards, Rebecca; (b)(6),  
(b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Home Work  
**Attachments:** Summary of Points v05 111004\_OGC edits.docx; memo\_nctc guidelines\_final.pdf

Hi (b)(6)

My suggested edits are tracked in the attached document along with the final draft of the memo I mentioned on Monday.

Best Regards,

Andy

Andrew D. Fausett  
Attorney-Advisor (Intelligence)  
United States Department of Homeland Security  
Office of the General Counsel  
(b)(6) (STE III)  
(b)(6) (cell)  
(b)(6) (NSTS)

---

**From:** (b)(6)  
**Sent:** Wednesday, October 05, 2011 2:12 PM  
**To:** Hunt, Ken; Foster, Helen; Richards, Rebecca; (b)(6); Fausett, Andrew; (b)(6)  
**Cc:** (b)(6)  
**Subject:** Home Work  
**Importance:** High

As some may recall we had a few remaining homework assignments from our last working group meeting.

Please see attached and provide input as requested, etc by COB tomorrow. (Thursday.)

Thanks!

Respectfully,

(b)(6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b)(6) (STE)  
Mobile: (b)(6)

(b)(6)



"Facta, non verba"

(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, October 05, 2011 2:15 PM  
**To:** (b)(6) Hunt, Ken; Foster, Helen; Richards, Rebecca; (b)(6)  
Fausett, Andrew; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Home Work  
**Attachments:** Summary of Points v04 111003 (CRCL).docx

Sorry, I didn't realize you were going to send out something. I've already made edits to the document as we discussed it at the meeting. V5 doesn't look very different from V4, however, so I think we may be OK.

(b)(5)

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

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---

**From:** (b)(6) er  
**Sent:** Wednesday, October 05, 2011 2:12 PM  
**To:** Hunt, Ken; Foster, Helen; Richards, Rebecca; (b)(6) Fausett, Andrew; (b)(6)  
**Cc:** (b)(6)  
**Subject:** Home Work  
**Importance:** High

As some may recall we had a few remaining homework assignments from our last working group meeting.

Please see attached and provide input as requested, etc by COB tomorrow. (Thursday.)

Thanks!

Respectfully,

(b)(6)  
Information Sharing Access Coordinator

(b)(6)



"Facta, non verba"

(b)(6)

**From:** (b)(6)  
**Sent:** Wednesday, September 21, 2011 2:50 PM  
**To:** (b)(6) Hunt, Ken; (b)(6);  
(b)(6) Richards, Rebecca; Foster, Helen; (b)(6)  
(b)(6)  
(b)  
**Subject:** ESTA

This is my homework assignment from the last meeting—(b)(5) I wasn't sure of the format, such just wrote it on a blank paper and figured someone could incorporate it into whatever correspondence is appropriate. Of course, feel free to edit/comment.



12/18

Argument.docx

(b)(6)

Screening Coordination Office  
Department of Homeland Security

(b)(6)

-----Original Appointment-----

**From:** (b)(6)  
**Sent:** Tuesday, September 20, 2011 8:51 AM  
**To:** Hunt, Ken; (b)(6)  
(b)(6) Richards, Rebecca; Foster, Helen; (b)(6)  
(b)(6)  
**Subject:** DHS-NCTC Records Working Group Dataset Retention Meeting  
**When:** Friday, September 23, 2011 9:00 AM-10:00 AM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** (b)(6)  
**Importance:** High

Good Morning:

As a follow up to our last internal meeting, we would like to schedule another time period to get together to discuss dataset retention and the forth coming AG Guidelines. This was a request of the S1 and we need to begin discussing the details captured within the retention diagrams presented at our last meeting.

This time we will continue to focus more on the exact steps, considerations, etc.

Please review the attached read ahead and come prepared to discuss exact next steps, mitigations, etc in regards to potential extended temporary retention. Also, please note a new edition to the table provided by CRCL for consideration in the form of a decision flow. (Thanks (b)(6))

Dial-in information will be provided.

The room is somewhat limited, so please limit attendance to required POCs. If there is anyone that was left off this invite, please feel free to forward to appropriate POCs as required. If you do not have a blue badge and/or access to building 19, please use the call-in number as I have not received any clearance information for today.

Thanks everyone!

(b)  
(6)(6)

(b)(6)

---

**From:** Kropf, John  
**Sent:** Monday, November 28, 2011 11:11 PM  
**To:** Callahan, Mary Ellen; Foster, Helen; Hunt, Ken, (b)(6)  
**Subject:** Re: AG Guidelines

**Categories:** AG Guidelines Filed

(b)(5)

-----  
Sent from my BlackBerry Wireless Handheld. Typed with all thumbs so please excuse typos.

----- Original Message -----

**From:** Callahan, Mary Ellen  
**Sent:** Monday, November 28, 2011 08:32 PM  
**To:** Foster, Helen; Hunt, Ken; (b)(6) >; Kropf, John  
**Subject:** Fw: AG Guidelines

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security  
Work: (b)(6)  
Cell: (b)(6)

----- Original Message -----

**From:** Wagner, Caryn  
**Sent:** Monday, November 28, 2011 08:12 PM  
**To:** Callahan, Mary Ellen  
**Subject:** Re: AG Guidelines

Roger

----- Original Message -----

**From:** Callahan, Mary Ellen  
**Sent:** Monday, November 28, 2011 08:12 PM  
**To:** Wagner, Caryn; Kronisch, Matthew; Anderson, Audrey; Fong, Ivan; Schlanger, Margo  
**Subject:** RE: AG Guidelines

(b)(5)

Should we try to have a call tomorrow? Mec

Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: ((b)(6))  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: www.dhs.gov/privacy

-----Original Message-----

From: Wagner, Caryn  
Sent: Monday, November 28, 2011 7:29 PM  
To: Kronisch, Matthew; Callahan, Mary Ellen; Anderson, Audrey; Fong, Ivan; Schlanger, Margo  
Subject: RE: AG Guidelines

(b)(5)



-----Original Message-----

From: Kronisch, Matthew  
Sent: Monday, November 28, 2011 6:54 PM  
To: Callahan, Mary Ellen; Anderson, Audrey; Fong, Ivan; Schlanger, Margo; Wagner, Caryn  
Subject: RE: AG Guidelines

Mary Ellen,

(b)(5)



Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence) Department of Homeland Security  
(b)(6)  
mobile (b)(6)  
(b)(6)  
pager (b)(6)

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-----Original Message-----

From: Callahan, Mary Ellen  
Sent: Monday, November 28, 2011 6:29 PM  
To: Kronisch, Matthew; Anderson, Audrey; Fong, Ivan; Schlanger, Margo; Wagner, Caryn  
Cc: Callahan, Mary Ellen  
Subject: RE: AG Guidelines

(b)(5)



Mec

Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

-----Original Message-----

From: Kronisch, Matthew  
Sent: Monday, November 28, 2011 6:24 PM  
To: Callahan, Mary Ellen; Anderson, Audrey; Fong, Ivan; Schlanger, Margo; Wagner, Caryn  
Subject: RE: AG Guidelines

Colleagues,

(b)(5)



Matthew L. Kronisch  
Associate General Counsel (Intelligence) Department of Homeland Security

(b)(6)

mobile (b)(6)

(b)(6)

pager (b)(6)

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-----Original Message-----

From: Kronisch, Matthew

Sent: Friday, November 25, 2011 1:12 PM

To: Callahan, Mary Ellen; Anderson, Audrey; Fong, Ivan; Schlanger, Margo; Wagner, Caryn

Subject: RE: AG Guidelines

Mary Ellen,

(b)(5)

Happy Thanksgiving!

Matt

Matthew L. Kronisch

Associate General Counsel (Intelligence) Department of Homeland Security

(b)(6)

mobile (b)(6)

(b)(6)

pager (b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

-----Original Message-----

From: Callahan, Mary Ellen

Sent: Wednesday, November 23, 2011 12:55 PM

To: Anderson, Audrey; Fong, Ivan; Schlanger, Margo; Wagner, Caryn; (b)(6)

Subject: AG Guidelines

(b)(5)

Thanks. Happy Thanksgiving. Mec.

Mary Ellen Callahan

Chief Privacy Officer  
Department of Homeland Security  
Work: (b)(6)  
Cell: (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Tuesday, October 18, 2011 8:51 AM  
**To:** Callahan, Mary Ellen  
**Cc:** (b)(6)  
**Subject:** AG Guidelines

**Categories:** AG Guidelines Filed

MEC, (b)(6) confirmed that he has not received the bootleg draft Matt spoke of. It might be worth reminding him that he was going to send them to you.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(5)

(b)(5)

(b)(5)

(b)(6)

**From:** Danisek, Debra  
**Sent:** Thursday, March 22, 2012 4:49 PM  
**To:** privdir  
**Subject:** AG Guidelines Release top billing on Washingtonpost.com

**Categories:** AG Guidelines Filed

(I promise I don't read this all day long).

[http://www.washingtonpost.com/world/national-security/new-counterterrorism-guidelines-would-permit-data-on-us-citizens-to-be-held-longer/2012/03/21/gIQAFLm7TS\\_story.html?hpid=z1](http://www.washingtonpost.com/world/national-security/new-counterterrorism-guidelines-would-permit-data-on-us-citizens-to-be-held-longer/2012/03/21/gIQAFLm7TS_story.html?hpid=z1)

## **New counterterrorism guidelines would permit data on U.S. citizens to be held longer**

By [Sari Horwitz](#) and [Ellen Nakashima](#), Thursday, March 22, 4:19 PM

The Justice Department is close to approving guidelines that would allow the intelligence community to lengthen the period of time it retains information about U.S. residents, even if they have no known connection to terrorism.

Senior U.S. officials familiar with the guidelines said the changes would allow the National Counterterrorism Center, the intelligence community's clearinghouse for counterterrorism data, to keep such information for up to five years.

Currently, the center must promptly destroy any information about U.S. citizens or residents unless a connection to terrorism is evident.

The new guidelines, which may be approved in coming days, have been in the works for more than a year, said officials, who spoke on condition of anonymity because of the sensitivity of the discussions.

The guidelines are likely to prompt concern from privacy advocates. Senior Justice Department officials said Attorney General Eric H. Holder Jr., who must approve the guidelines, will ensure that privacy protections are adequate.

A major point of negotiation has been how long the National Counterterrorism Center should be able to keep a vast assemblage of data on people who may be regarded as "U.S. persons" — U.S. citizens and legal permanent residents. The data, drawn from federal agencies, can range from visa and travel records to information from the FBI.

Current guidelines are "very limiting," one official said. "On Day 1, you may look at something and think that it has nothing to do with terrorism. Then six months later all of a sudden it becomes relevant."

A spokesman for the Justice Department declined to comment.

Since the Sept. 11, 2001, terrorist attacks on the U.S., the government has taken steps to break down barriers in information-sharing between law enforcement and the intelligence community, but policy hurdles remain.

The NCTC, created by the 2004 Intelligence Reform and Terrorism Prevention Act, collects information from numerous agencies and maintains access to about 30 different data sets across the government. But privacy safeguards differ from agency to agency, hindering effective analysis, senior intelligence officials said.

Officials said the new guidelines are aimed at making sure relevant terrorism information doesn't just vanish.

The shootings at Fort Hood in Texas and the attempted downing of a Detroit-bound airliner on Christmas Day 2009 gave new impetus to efforts to aggregate and analyze terrorism-related data more effectively. In the case of Fort Hood, Maj. Nidal Hasan had had contact with radical Yemeni cleric Anwar al-Awlaki but that information had not been shared across the government. The name of Umar Farouk Abdulmutallab, who tried to detonate a bomb on a transatlantic flight, had been placed in a master list housed at the NCTC but not on a terrorist watch list that would have prevented him from boarding the plane.

"We have been pushing for this because NCTC's success depends on having full access to all of the data that the U.S. has lawfully collected," said Mike Rogers (D-Mich.), chairman of the House Intelligence Committee. "I have not seen these DOJ guidelines yet, but I will review them carefully to ensure that no walls remain that block NCTC's access to this information. I don't want to leave any possibility of another catastrophic attack that was not prevented because an important piece of information was hidden in some filing cabinet."

But the new retention period concerns privacy advocates.

The purpose of the safeguards is to ensure that the "robust tools that we give the military and intelligence community to protect Americans from foreign threats aren't directed back against Americans," said ACLU national security policy counsel Michael German. "Watering down those rules raises significant concerns that U.S. persons are being targeted or swept up in these collection programs and can be harmed by continuing investigations for as long as these agencies hold the data."

----

**Debra L. Danisek, J.D., CIPP/G**

Associate Director for Privacy Compliance, Privacy Office

U.S. Department of Homeland Security

Phone: (b)(6)

BB (b)(6)

Fax: (703) 235-0442

(b)(6)

(b)(6)

<http://www.dhs.gov/privacy>

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 4:47 PM  
**To:** D'Antonio, Christopher  
**Subject:** FW: AG talkers back from CRCL  
**Attachments:** 120306 BM for DC 20120307.docx  
  
**Categories:** Higher Priority - AG, AG Guidelines Filed

Chris, sending to you given tight schedule and Andy's illness.

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 4:45 PM  
**To:** (b)(6) A; Fausett, Andrew  
**Cc:** (b)(6) Callahan, Mary Ellen  
**Subject:** FW: AG talkers back from CRCL

(b)(5)



Best,  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
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[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

(b)(6)

**From:** Fausett, Andrew  
**Sent:** Monday, November 14, 2011 2:57 PM  
**To:** (b)(6); (b)(6); Hunt, Ken; (b)(6);  
(b)(6); Richards, Rebecca; Foster, Helen; (b)(6);  
(b)(6);  
(b)(6);  
**Subject:** RE: Action Items and Final Draft of Working Group Process Document  
**Attachments:** NCTC AG Guidelines FINAL DRAFT 111108 (CRCL)\_OGC edits.doc; Temporary Retention of USPER Paper Template v01 111108 (CRCL)\_OGC edits.docx  
**Categories:** Higher Priority - AG, AG Guidelines Filed

Hi Chris,

OGC's suggested edits and comments are tracked in the attached document. Please let me know if you have any questions or concerns.

Best Regards,

Andy

Andrew D. Fausett  
Attorney-Advisor (Intelligence)  
United States Department of Homeland Security  
Office of the General Counsel  
(b)(6) (STE III)  
(b)(6) (cell)  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, November 08, 2011 8:23 AM  
**To:** (b)(6); Hunt, Ken; (b)(6);  
Richards, Rebecca; Foster, Helen; (b)(6);  
(b)(6);  
(b)(6); (b)(6); (b)(6);  
**Subject:** RE: Action Items and Final Draft of Working Group Process Document  
**Importance:** High

Thank you everyone for your input.

Please see attached the recommended additions/changes for final approval.

As a result, we will be canceling today's meeting in favor of continuing to work a draft paper based on these process steps.

Attached for your review you will find the updated process chart and a template for the paper.

Please submit final clearance and/or comments no later than COB today.

We will reschedule today's meeting for early next week.

Thanks!

Respectfully,

(b)(6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b)(6) (STE)  
Mobile: (b)(6)

(b)(6)

"Facta, non verba"

---

**From:** (b)(6)  
**Sent:** Monday, November 07, 2011 3:27 PM  
**To:** (b)(6); Hunt, Ken; (b)(6)  
(b)(6) Richards, Rebecca; Foster, Helen; (b)(6)

**Subject:** RE: Action Items and Final Draft of Working Group Process Document

Attached please find CRCL's edits.

(b)(6)  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (o)  
(c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

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**From:** (b)(6)  
**Sent:** Friday, November 04, 2011 1:34 PM

To: Hunt, Ken; Hart, (b)(6)

[Redacted]

(b)(6),

(b)(6) (b)(6); (b)(6)

**Subject:** Action Items and Final Draft of Working Group Process Document  
**Importance:** High

Thank you to everyone for your hard work thus far! We had a great meeting today and have a few action items to resolve upon prior to our next meeting that will be scheduled for Tuesday of this coming week. Please review the action items below and provide input by COB Monday (7NOV11).

(b)(5)

Please let me know if you have any additional questions.

Thanks again and have a great weekend!

Respectfully,

(b)(6)  
Information Sharing Access Coordinator  
Department of Homeland Security  
I&A/PPPM/ISIEM/IS&C

Office: (b)(6) (STE)  
Mobile: (b)(6)

(b)(6)

"Facta, non verba"

**(b)(7)(E)**



(b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, April 09, 2012 1:54 PM  
**To:** Hunt, Ken  
**Subject:** RE: ACTION REQUIRED : Input Framing Substantive Issues Due 4/6/12

**Categories:** AG Guidelines Filed

Don't worry! I covered for you by telling her that you were just as big a Mr. Magoo as I am! That gets em every time!

Timothy H. Skinner, J.D., CIPP/US/G  
Director of Privacy and Civil Liberties  
Office of Privacy, Transparency and Records Department of the Treasury  
Desk: (b)(6)  
Cell: (b)(6)

-----Original Message-----

**From:** Skinner, Timothy  
**Sent:** Monday, April 09, 2012 1:50 PM  
**To:** Hunt, Ken  
**Subject:** FW: ACTION REQUIRED : Input Framing Substantive Issues Due 4/6/12  
**Importance:** High

Pretend you just got hit on the nose with a rolled up newspaper.

Timothy H. Skinner, J.D., CIPP/US/G  
Director of Privacy and Civil Liberties  
Office of Privacy, Transparency and Records Department of the Treasury  
Desk: (b)(6)  
Cell: (b)(6)

-----Original Message-----

**From:** (b)(6) (b)(6)  
**Sent:** Monday, April 09, 2012 1:49 PM  
**To:** Skinner, Timothy  
**Subject:** FW: ACTION REQUIRED : Input Framing Substantive Issues Due 4/6/12  
**Importance:** High

Hi Tim,

Ken was included last week and the original email.

**From:** (b)(6)  
**Sent:** Friday, April 06, 2012 1:40 PM  
**To:** 'Tim Skinner'; (b)(6); IIR DC Office; 'Ken Hunt'; (b)(6); (b)(6)  
**Subject:** RE: ACTION REQUIRED : Input Framing Substantive Issues Due 4/6/12  
**Importance:** High

Good Afternoon,

A friendly reminder to provide any feedback you may have to these substantive issues.

Thank you!

From: (b)(6)

Sent: Friday, March 30, 2012 3:55 PM

To: Tim Skinner; (b)(6) IIR DC Office; Ken Hunt; (b)(6) ;

(b)(6)

Subject: ACTION REQUIRED : Input Framing Substantive Issues Due 4/6/12

Importance: High

This package is sent jointly on behalf of Tim Skinner, Chair of the Compliance Review Working Group (CRWG), and (b)(6) Chair of the Legal Issues Working Group (LIWG) (6)

Colleagues:

(b)(5)

**(b) (5)**

**(b) (5)**

(b)(6)

---

**From:** (b)(6)  
**Sent:** Friday, March 30, 2012 3:55 PM  
**To:** Tim Skinner; (b)(6) IIR DC Office; Ken Hunt; (b)(6)  
(b)(6) (b)(6)  
**Subject:** ACTION REQUIRED : Input Framing Substantive Issues Due 4/6/12  
**Attachments:** CRWG Issues for LIWG v3 0 033012.docx  
**Importance:** High  
**Categories:** Higher Priority - AG, AG Guidelines Filed

*This package is sent jointly on behalf of (b)(6)  
Working Group (CRWG), and (b)(6)  
(LIWG)*

Colleagues:

(b)(5)

(b) (5)

Thank you for your hard work and attention to this matter.

Regards,

(b)(6)

(b)(6)

**From:** Hunt, Ken  
**Sent:** Thursday, May 12, 2011 1:57 PM  
**To:** (b)(6)  
**Cc:** PRIV Exec Sec  
**Subject:** RE: AG Guidelines memo  
**Attachments:** AG Guidelines Memo V6 20110512\_OGC\_CRCL and PRIV edits (SM)+comments(wkh).docx

**Categories:** Higher Priority - AG, AG Guidelines Filed

(b)(6): One typo. I like the OGC imprimatur .

I'm sharing with PRIV Exec Sec to ensure format is correct. Priv Exec Sec, please look at the document to ensure spacing etc is correct, but do not take further action at this time.

Thanks,  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** (b)(6)  
**Sent:** Thursday, May 12, 2011 1:47 PM  
**To:** Callahan, Mary Ellen  
**Cc:** Kropf, John; Foster, Helen; Hunt, Ken  
**Subject:** AG Guidelines memo  
**Importance:** High

Please find attached a (proposed) final text for the AG Guidelines memo. I have highlighted the changes that have been requested. CRCL's edits improve the text without making any material changes. OGC's edits provide an update but don't alter the positions taken.

(b)



(b)(6), CIPP, Senior Privacy Analyst for Intelligence  
Privacy Office, U.S. Department of Homeland Security  
Tel: (b)(6) Fax: (703) 235-0442  
BB: (b)(6) E-mail: (b)(6)

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, May 12, 2011 3:18 PM  
**To:** Hunt, Ken  
**Subject:** AG Guidelines memo  
**Attachments:** AG Guidelines Memo V6 20110512\_OGC\_CRCL and PRIV edits (SM).docx  
**Categories:** Higher Priority - AG, AG Guidelines Filed

Here is the final product, unless MEC has any changes. The formatting should be spot-on. We need to send a copy to (b)(6) when it is all approved (noting any changes by MEC, if there are any).

Scott



(b)(6), CIPP, Senior Privacy Analyst for Intelligence  
Privacy Office, U.S. Department of Homeland Security  
Tel: (b)(6) Fax: (703) 235-0442  
BB: (b)(6) E-mail (b)(6)

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Friday, May 13, 2011 8:24 AM  
**To:** PRIV Exec Sec  
**Cc:** (b)(6); Callahan, Mary Ellen; Kropf, John; Taylor, Sandra  
**Subject:** AG Guidelines Memo  
**Attachments:** AG Guidelines Memo (PRIV-CRCL).pdf  
  
**Categories:** Higher Priority - AG, AG Guidelines Filed

PRIV Exec Sec,

Please place this memo signed by MEC and Margo Schlanger into formal Exec Sec clearance process for S1.

Thank,  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 12:48 PM  
**To:** (b)(6)  
**Subject:** RE: AG talkers back from CRCL

**Categories:** AG Guidelines Filed

Thanks, (b)(6). His comments were very helpful and we're adjudicating them now.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** (b)(6)  
**Sent:** Thursday, March 08, 2012 12:35 PM  
**To:** Hunt, Ken  
**Subject:** RE: AG talkers back from CRCL

Ken-

FYI, we will not be providing further comment over what Matt Kronisch sent.

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 08, 2012 8:36 AM  
**To:** Hunt, Ken  
**Cc:** (b)(6)  
**Subject:** RE: AG talkers back from CRCL

Ken-

FYI, Matt Kronisch will reply directly to you with ILD input. (b)(6) is out but I will consolidate our input and get back to you.

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 08, 2012 7:13 AM

**To:** Hunt, Ken  
**Subject:** RE: AG talkers back from CRCL

Ken-

I am working to get with Andy this morning to review.

(b)(6)

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 4:45 PM  
**To:** (b)(6) Fausett, Andrew  
**Cc:** (b)(6) Callahan, Mary Ellen  
**Subject:** FW: AG talkers back from CRCL

(b)(5)

(b)(5)

Best,  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528  
(b)(6)  
w: (b)(6)  
c: (b)(6)  
[www.dhs.gov/privacy](http://www.dhs.gov/privacy)

(b)(6)

**From:** Hunt, Ken  
**Sent:** Thursday, March 08, 2012 1:08 PM  
**To:** Foster, Helen; Callahan, Mary Ellen  
**Subject:** RE: AG talkers back from CRCL

**Categories:** AG Guidelines Filed

I THINK we are ok on the format. Will close the loop with Acker.

wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

---

**From:** Foster, Helen  
**Sent:** Thursday, March 08, 2012 1:06 PM  
**To:** Callahan, Mary Ellen  
**Cc:** Hunt, Ken  
**Subject:** RE: AG talkers back from CRCL  
**Importance:** High

(b)(5)

Helen Foster

DHS Privacy Office

(b)(6)

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, March 08, 2012 12:32 PM  
**To:** Kronisch, Matthew; Hunt, Ken  
**Cc:** Fausett, Andrew; (b)(6) Wagner, Caryn; Fong, Ivan; Foster, Helen; (b)(6)  
D'Antonio, Christopher; (b)(6)  
**Subject:** RE: AG talkers back from CRCL

Really helpful, thanks so much, Matt, I really appreciate the time you took to make this edits. We are adjudicating them now.

**Mary Ellen Callahan**  
Chief Privacy Officer

**U.S. Department of Homeland Security**  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655  
Telephone: (b)(6)  
Fax: (703) 235-0442  
E-mail: (b)(6)  
Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, March 08, 2012 11:10 AM  
**To:** Hunt, Ken  
**Cc:** Fausett, Andrew; (b)(6) Callahan, Mary Ellen; Wagner, Caryn; Fong, Ivan; Foster, Helen; (b)(6); D'Antonio, Christopher  
**Subject:** FW: AG talkers back from CRCL

Colleagues,  
My comments and recommended edits are attached. Good luck.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b)(6)  
mobile (b)(6)  
nsts (b)(6)  
pager (b)(6)

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---

**From:** Fausett, Andrew  
**Sent:** Wednesday, March 07, 2012 5:17 PM  
**To:** Kronisch, Matthew; D'Antonio, Christopher  
**Subject:** Fw: AG talkers back from CRCL

Sir,

Given your past degree of involvement, would you prefer to handle this matter directly?

---

**From:** Hunt, Ken  
**Sent:** Wednesday, March 07, 2012 04:44 PM  
**To:** (b)(6) Fausett, Andrew  
**Cc:** (b)(6) Callahan, Mary Ellen  
**Subject:** FW: AG talkers back from CRCL

(b)(5)

(b)(5)

Best,  
wkh

**W Kenneth Hunt, JD, MBA, CIPP/G**

Privacy Office

m/s 0550

U.S. Department of Homeland Security

Washington, DC 20528

(b)(6)

w: (b)(6)

c: (b)(6)

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

**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, March 02, 2011 3:03 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (5) Anderson, Audrey; Kronisch, Matthew  
**Subject:** NCTC REVISED AG GUIDELINES  
**Attachments:** Comments AG Guidelines.OGC Final Final.docx; draft NCTC AG Guidelines.pdf

Colleagues,

Attached hereto are NCTC's draft revised AG guidelines. (b)(5)

(b)(5) I am told that the document is currently under DOJ review with a planned clearance date of sometime later this month. While we have not been requested to provide

(b)(5)

(b)(5) To that end, also attached is Chris D's comments matrix. I request your review and feedback of our proposed comments in order that we provide a DHS reply that is representative of all of the primary stakeholders. I believe we have a meeting schedule for next Thursday. I would ask that we shoot for resolution of any outstanding issues by that day, but that you provide feedback well before then.

Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (5)

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DEPARTMENT OF HOMELAND SECURITY

**DHS Comments on the Proposed GUIDELINES FOR ACCESS, RETENTION, USE, AND DISSEMINATION BY [NCTC] OF INFORMATION IN DATASETS CONTAINING NON-TERRORISM INFORMATION**

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
1	II.C.	2	[REDACTED] (b) (5)	[REDACTED] (b) (5)
2	II.C.	2	[REDACTED] (b) (5)	[REDACTED] (b) (5)
3	III.A.1.	3-4	[REDACTED] (b) (5)	[REDACTED] (b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			(b) (5)	(b) (5)

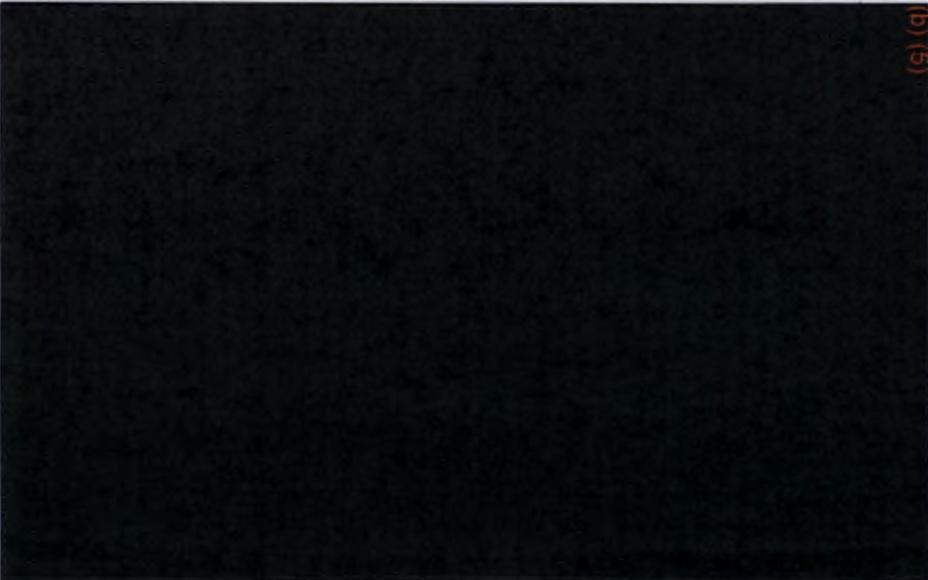
DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
4	III.A.II.	4	(b) (5)	(b) (5)
5	III.A.3	4	(b) (5)	(b) (5)

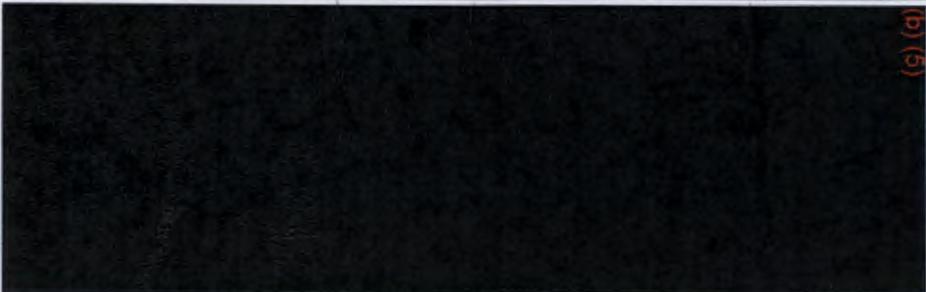
DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			shall be <b>immediately</b> notified of the error <del>when feasible</del> .	that information.
6	III.A.4.	4	[REDACTED] (b) (5)	[REDACTED] (b) (5)
7	III.A.5.	5	[REDACTED] (b) (5)	[REDACTED] (b) (5)
8	III.B.1.	5	[REDACTED] (b) (5)	[REDACTED] (b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
9	III.B.2.a	5	<i>2. Establishing Terms and Conditions For Information Access.</i>  (b) (5)	 (b) (5)
10	III.B.2.d	6	 (b) (5)	 (b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			Council may seek the advice of the Privacy and Civil Liberties Oversight Board.	
11	III.B.3.	6	 <span data-bbox="1339 472 1369 542" style="color: red;">(b) (5)</span>	 <span data-bbox="1885 472 1915 542" style="color: red;">(b) (5)</span>
12	III.B.5.	6	 <span data-bbox="1339 797 1369 867" style="color: red;">(b) (5)</span>	 <span data-bbox="1885 797 1915 867" style="color: red;">(b) (5)</span>

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
				(b) (3)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
13	III.C.	6	(b) (5)	(b) (5)
14	III.C.1.	7	(b) (5)	(b) (5)
15	III.C.2.	7-8	(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
16	III.C.3.a-d	8-9	(b) (5)	(b) (5)
			(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			(b) (5)	(b) (5)

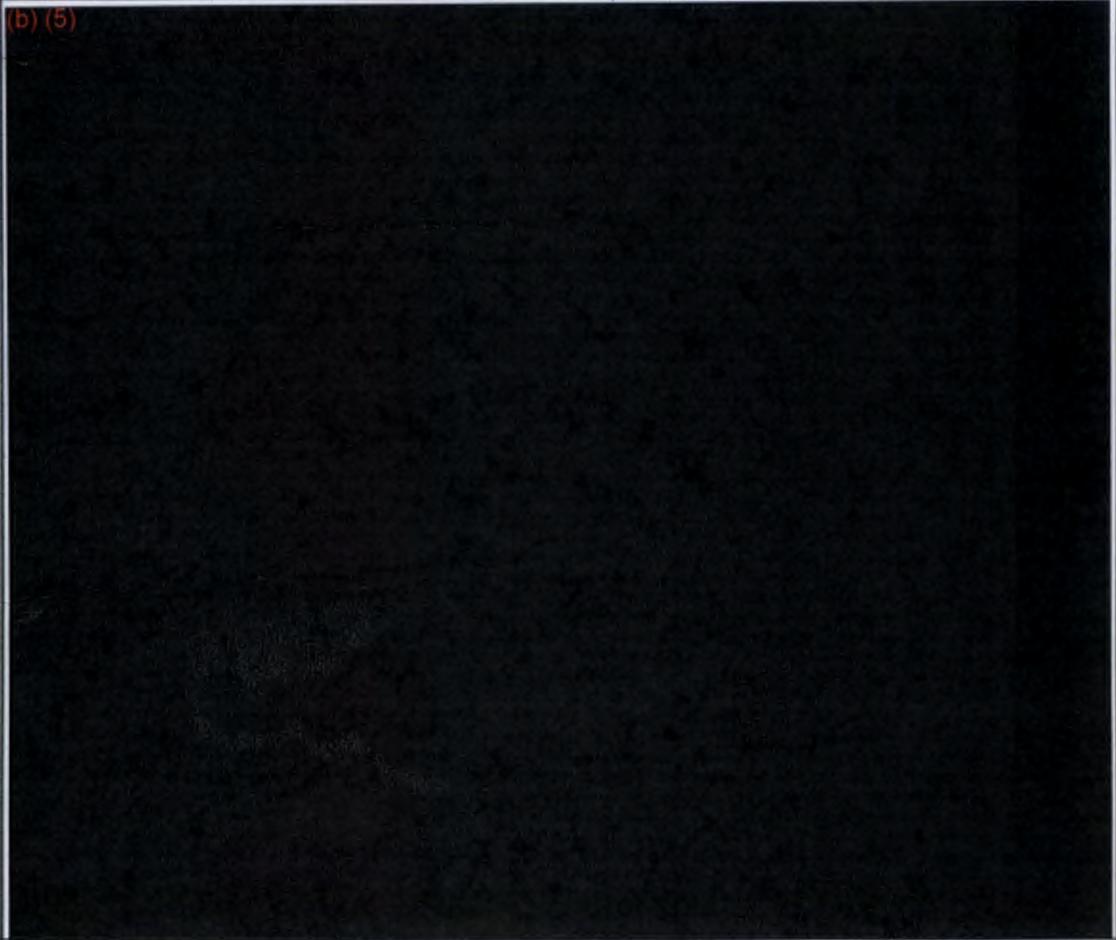
DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
	III.C.3.e	9-10	(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			(b) (5) 	

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
17	III.C.3.g	10	(b) (5)	(b) (5)
18	IV.A.	11	(b) (5)	(b) (5)

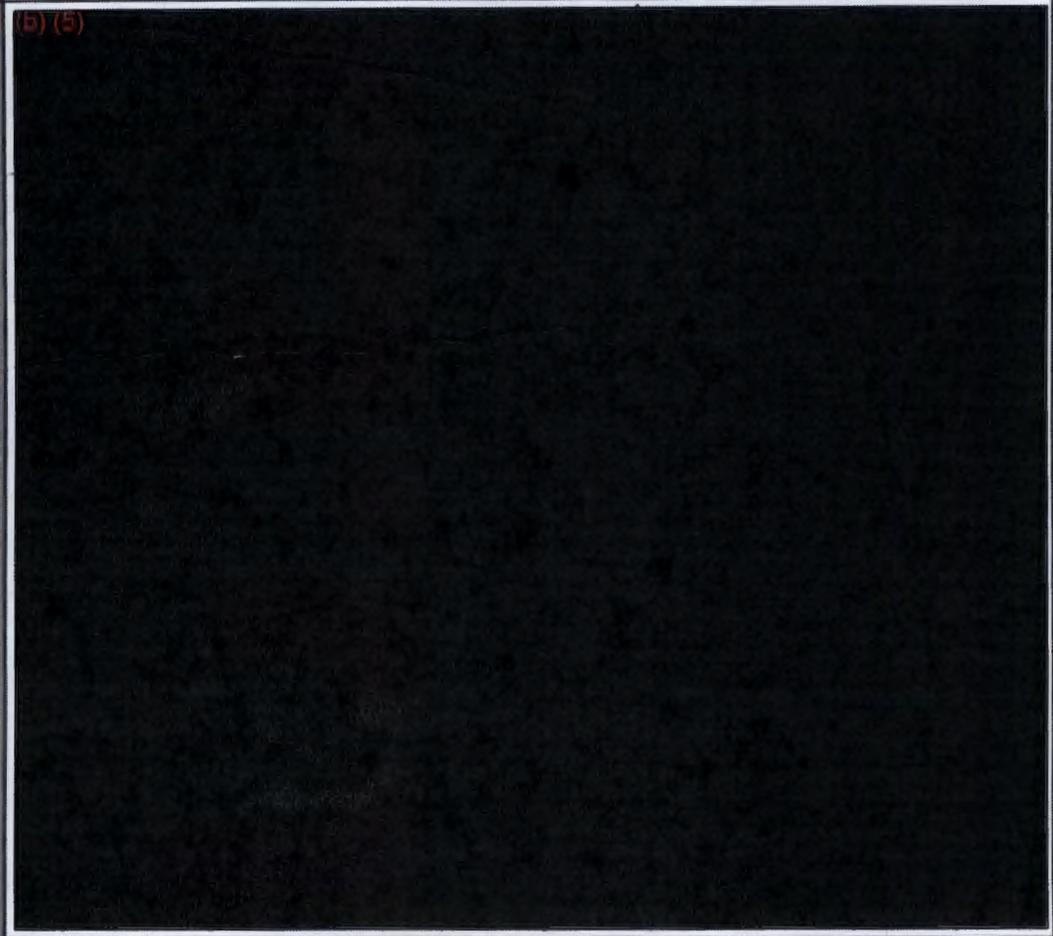
DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			(b) (5)	
19	IV.B.	11	(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			(b) (5)	(b) (5)
20	IV.C.	12	(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			(b) (5) 	

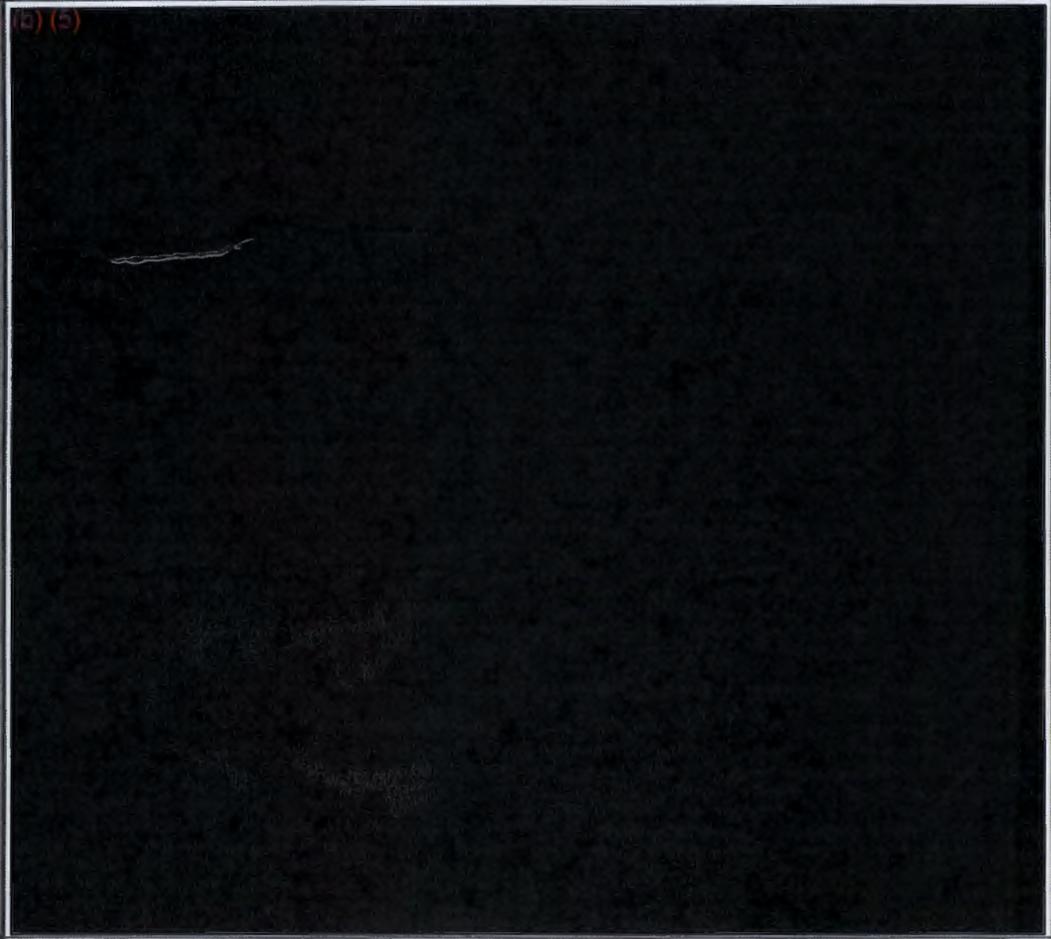
DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
21	IV.E.1	13	(b) (5)	(b) (5)
22	IV.E.2	13	(b) (5)	(b) (5)
23	V.	13	(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
24	VI.D.	14-15	(b) (5)	(b) (5)

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
			 <p>(b) (5)</p>	

DEPARTMENT OF HOMELAND SECURITY

#	Section	Page	Language at Issue With Proposed Changes (Red)	Justification
25	VII.	15	(b) (5)	(b) (5)

**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Friday, March 04, 2011 8:13 AM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6) Anderson, Audrey  
**Subject:** RE: NCTC REVISED AG GUIDELINES  
**Attachments:** Comments AG Guidelines.OGC Final Final.docx; draft NCTC AG Guidelines.pdf

Colleagues,

(b) (5)

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, March 02, 2011 3:03 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6) Anderson, Audrey; Kronisch, Matthew  
**Subject:** NCTC REVISED AG GUIDELINES

Colleagues,

Attached hereto are NCTC's draft revised AG guidelines. (b) (5)

(b) (5) I am told that the document is currently under DOJ review with a planned clearance date of sometime later this month. While we have not been requested to provide

(b) (5)

(b) (5) To that end, also attached is Chris D's comments matrix. I request your review and feedback of our proposed comments in order that we provide a DHS reply that is representative of all of the primary stakeholders. I believe we have a meeting schedule for next Thursday. I would ask that we shoot for resolution of any outstanding issues by that day, but that you provide feedback well before then.

Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

(b) (6)

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## Wagner, Caryn

---

**From:** Kronisch, Matthew  
**Sent:** Friday, March 11, 2011 2:44 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn  
**Subject:** FW: DHS comments

Colleagues,

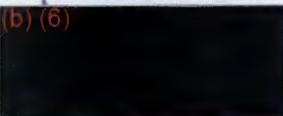
The attached email from ODNI is an invitation to discuss our comments on NCTC's draft AG guidelines. I would like to be accompanied in these discussions by a representative of each of your offices. I intend to request the meeting for Tuesday morning. While I have little expectation of resolving our concerns, I am most interested in articulating them in the presence of both ODNI and DoJ representatives. Please identify your intended agents as soon as possible.

Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)



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(b)(6)



(b) (6)

Senior Associate General Counsel  
Office of the Director of National Intelligence

(b) (6)

---

**From:** Kronisch, Matthew (DHS)  
**Sent:** Monday, March 07, 2011 08:21 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** NCTC REVISED AG GUIDELINES

(b) (6)

Attached are the DHS comments to the draft NCTC AG Guidelines in which you expressed interest. While we have not had the opportunity to walk through these with NCTC or ODNI, due to the time delay in preparing them, and the importance of keeping the clearance on the document moving forward, I am sharing them with all, simultaneously. I understand from (b) (6) that your offices may already be working on a later draft than the one upon which these comments are based (attached). Nonetheless, I think the "justification" column will be very helpful in conveying the concerns of data provider agencies, even where draft text may have been already modified. If you have a later text which you wish us to review, we can do so, at this point, fairly quickly.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, March 16, 2011 7:32 AM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlianger, Margo  
**Cc:** (b) (6)  
**Subject:** RE: DHS comments

Colleagues,

(b) (5)

More to follow.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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---

**From:** Kronisch, Matthew  
**Sent:** Friday, March 11, 2011 5:03 PM  
**To:** (b) (6) Foster, Helen; (b) (6)  
**Cc:** Wagner, Caryn; Callahan, Mary Ellen; Schlianger, Margo  
**Subject:** RE: DHS comments

We are on for 1100 Tuesday.

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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---

**From:** Schlianger, Margo  
**Sent:** Friday, March 11, 2011 3:04 PM  
**To:** Kronisch, Matthew; (b) (6)  
**Cc:** Wagner, Caryn; Callahan, Mary Ellen  
**Subject:** RE: DHS comments

Thanks, Matt. I can't make it so will send (b) (6) cc'd above.

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
<http://www.dhs.gov/crci>  
U.S. Department of Homeland Security

(b) (6)



Homeland  
Security

**From:** Kronisch, Matthew  
**Sent:** Friday, March 11, 2011 2:44 PM  
**To:** Callahan, Mary Ellen; (b) (6)  
**Cc:** Wagner, Caryn  
**Subject:** FW: DHS comments

Colleagues,

The attached email from ODNI is an invitation to discuss our comments on NCTC's draft AG guidelines. I would like to be accompanied in these discussions by a representative of each of your offices. I intend to request the meeting for Tuesday morning. While I have little expectation of resolving our concerns, I am most interested in articulating them in the presence of both ODNI and DoJ representatives. Please identify your intended agents as soon as possible.

Thanks.

Matt

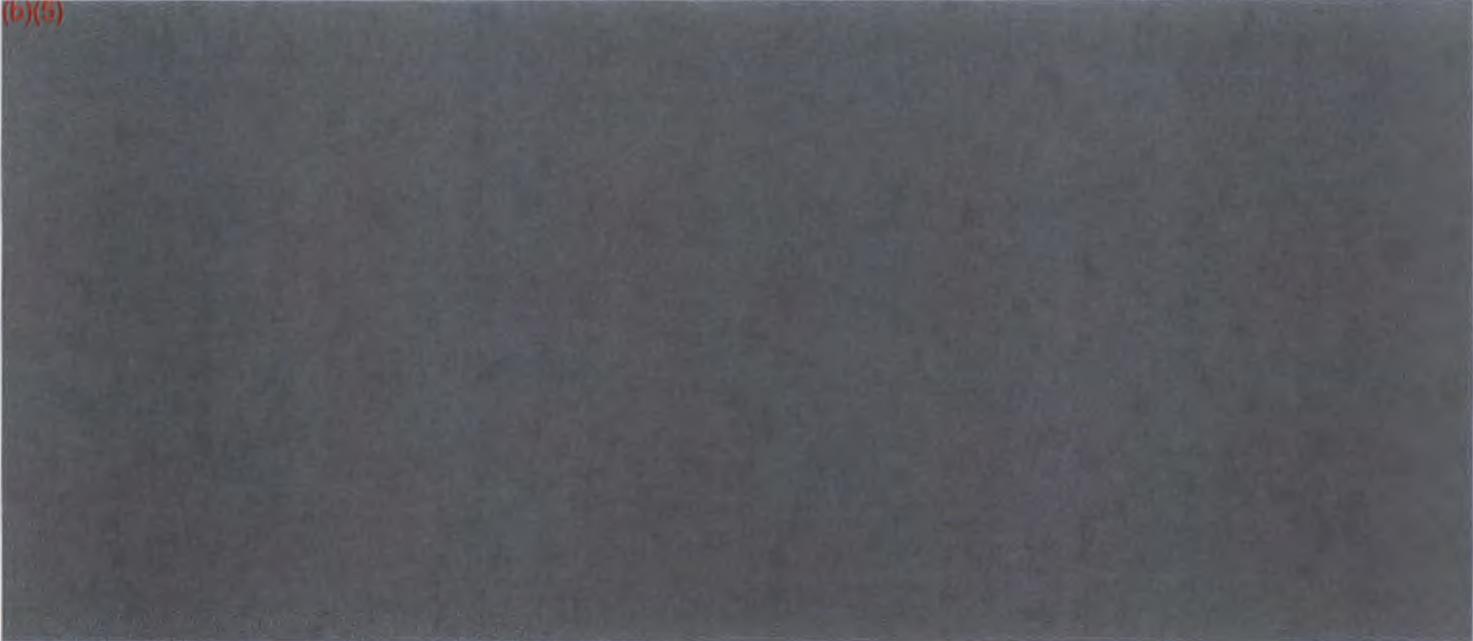
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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(b)(5)

(b)(5)



**From:** Kronisch, Matthew (DHS)  
**Sent:** Monday, March 07, 2011 08:21 AM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** NCTC REVISED AG GUIDELINES

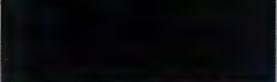
(b) (6)

Attached are the DHS comments to the draft NCTC AG Guidelines in which you expressed interest. While we have not had the opportunity to walk through these with NCTC or ODNI, due to the time delay in preparing them, and the importance of keeping the clearance on the document moving forward, I am sharing them with all, simultaneously. I understand from (b)(6) that your offices may already be working on a later draft than the one upon which these comments are based (attached). Nonetheless, I think the "justification" column will be very helpful in conveying the concerns of data provider agencies, even where draft text may have been already modified. If you have a later text which you wish us to review, we can do so, at this point, fairly quickly.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)



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**Wagner, Caryn**

---

**From:** (b) (b)  
**Sent:** Tuesday, May 10, 2011 1:00 PM  
**To:** Wagner, Caryn  
**Subject:** Re: Data Sharing Dilemma

Ms. Wagner,

Well stated. Let me recommend you only reply to Mary Ellen and Margo directly, and leave all others off distribution.

Let me suggest you add a sentence to be clear on our intention to continue moving forward. Something like:

(b)(5)



I hope this helps. Take care, (b) (c)

---

**From:** Wagner, Caryn  
**Sent:** Tuesday, May 10, 2011 12:53 PM  
**To:** (b) (b)  
**Subject:** Data Sharing Dilemma

**DRAFT:**

(b) (5)



---

**From:** Callahan, Mary Ellen  
**Sent:** Tuesday, May 10, 2011 8:33 AM  
**To:** Schlanger, Margo; Wagner, Caryn; (b) (b)  
**Cc:** (b) (b); Johnson, Bart R; Foster, Helen; Hunt, Ken; Richards, Rebecca  
**Subject:** RE: (b) (b)

(b) (5)



**Mary Ellen Callahan**

Chief Privacy Officer  
U.S. Department of Homeland Security  
245 Murray Lane SW, Mail Stop 0655  
Washington, DC 20528-0655

(b) (6)

Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Schlanger, Margo  
**Sent:** Tuesday, May 10, 2011 8:27 AM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; (b) (6)  
**Cc:** (b) (6); (b) (6); Johnson, Bart R  
**Subject:** Re: (b) (6)

(b) (5)

From my blackberry  
Margo Schlanger

---

**From:** Wagner, Caryn  
**Sent:** Tuesday, May 10, 2011 08:19 AM  
**To:** Schlanger, Margo; Callahan, Mary Ellen; (b) (6)  
**Cc:** (b) (6); (b) (6); Johnson, Bart R  
**Subject:** RE: (b) (6)

These will be open discussions, and (b) (6) goal is for no-one to feel their ideas are swatted down. NCTC is very aware of the fact that the Department is trying to work through these issues, and will appreciate that we are willing to have an open dialogue in order to move the ball forward.

---

**From:** Schlanger, Margo  
**Sent:** Monday, May 09, 2011 7:00 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; (b) (6)  
**Cc:** (b) (6); (b) (6); Johnson, Bart R  
**Subject:** RE: (b) (6)

Thanks for looping me in.

I have a couple of concerns, as I shared with (b) (6) late last week:

(b) (5)

Margo

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(b) (6)

<http://www.dhs.gov/crcl>



Homeland  
Security

---

**From:** Wagner, Caryn  
**Sent:** Monday, May 09, 2011 6:54 PM  
**To:** Callahan, Mary Ellen; (b) (6) Schlanger, Margo  
**Cc:** (b) (6) (b) (6) Johnson, Bart R  
**Subject:** RE: (b) (6)

(b) (5)

[Large redacted area]

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, May 05, 2011 2:18 PM  
**To:** Wagner, Caryn; (b) (6)  
**Subject:** Re: (b) (6)

Caryn,

I appreciate your response and (b) (6) elaboration on the process he envisions. (b) (6)

(b) (5)

(b) (5)

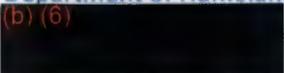


Thanks again for clarification, please let me know if you have questions.

Best,  
Mary Ellen

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security

(b) (6)



---

**From:** Wagner, Caryn  
**Sent:** Wednesday, May 04, 2011 08:23 PM  
**To:** Callahan, Mary Ellen  
**Subject:** (b) (6)

Mary Ellen, I talked to (b) (6) about what "recommendations" he was proposing to NCTC and he told me that he is asking everyone, both here and at NCTC, to anonymously submit recommendations to him. These can then be "anonymized," compiled and discussed by the assembled group from the perspective of their feasibility and how well they actually address the issues that have already been identified. I don't see that as being the same thing as actually proposing recommendations, since I agree we are not at that point yet, but rather I see it as a way to figure out what our recommendations ought to be. (He also sent me the e-mail pasted below, FYI). He says this is a technique he has used in

the past for similar, knotty problems and it has been helpful. I don't really have a problem with that, if it might help identify some common ground or creative approaches. Am I missing something, or is this not what you understood him to be doing?

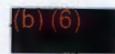
Ms. Wagner,

(b) (5)



I'm available to discuss this approach in-person, to include with our partners. Thank you in advance for considering it. Take care,

(b) (6)



(b) (6)



Chief Scientist  
Office of Intelligence and Analysis  
Department of Homeland Security  
Washington, DC 20528

(b) (6)



## **Wagner, Caryn**

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, May 12, 2011 9:16 AM  
**To:** Callahan, Mary Ellen; Wagner, Caryn; Schlanger, Margo  
**Cc:** Kronisch, Matthew  
**Subject:** FYI on Memorandum to Secretary on AG/NCTC Guidelines  
**Attachments:** AG Guidelines Memo 20110426\_OGC and PRIV FINAL.DOCX

Caryn:

Wanted to give you a heads up that I (and possibly Margo) will be sending the enclosed memo to S1 on Friday, May 13. I feel very strongly that these privacy issues need to be brought to the Secretary's attention, and even though we do not know if the AG Guidelines are currently moving, I wanted to make sure we socialized these issues with the Secretary and the Deputy Secretary in case the subject comes up. FYI, we first started sharing drafts of this memo with ILD and CRCL on April 13, and we have incorporated all of their comments.

Please let me know if you have any questions.

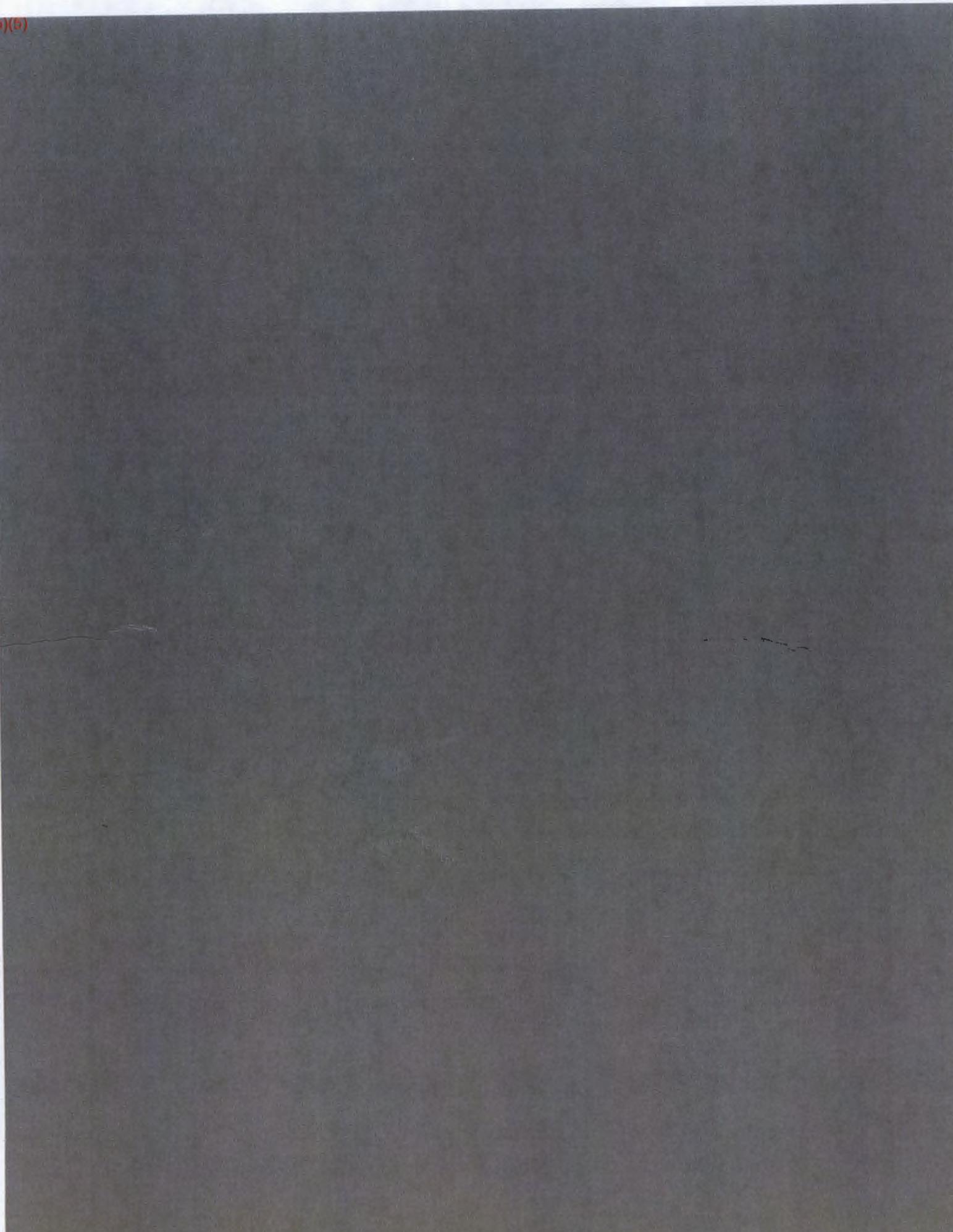
Best,  
Mary Ellen

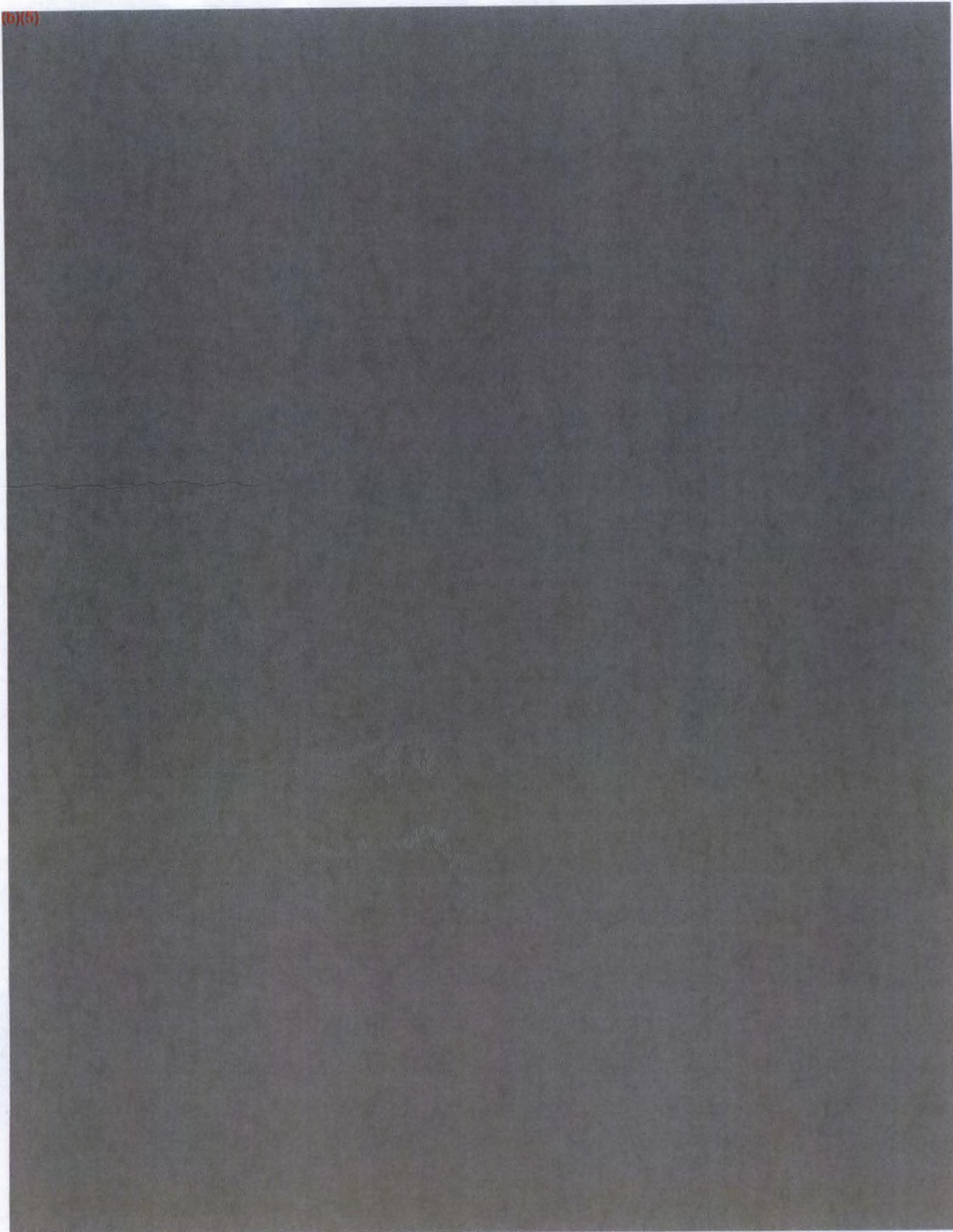
**Mary Ellen Callahan**  
**Chief Privacy Officer**  
**U.S. Department of Homeland Security**

(b) (6)  
Washington, DC 20528-0655

(b) (6)

website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)





## Wagner, Caryn

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, May 12, 2011 10:06 AM  
**To:** Callahan, Mary Ellen; Wagner, Caryn; Schlanger, Margo  
**Subject:** RE: FYI on Memorandum to Secretary on AG/NCTC Guidelines  
**Attachments:** AG Guidelines Memo 20110426\_OGC and PRIV FINALmlk.DOCX

Mary Ellen,

Thank you for coordinating the attached with me. I have no concerns with providing the memo to S1 and S2, and have offered a few edits in the attached to clarify the focus of the OGC memo as well as to provide a status update. I apologize for not adding these earlier when our staffs were collaborating on the draft.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (5)

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---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, May 12, 2011 9:16 AM  
**To:** Callahan, Mary Ellen; Wagner, Caryn; Schlanger, Margo  
**Cc:** Kronisch, Matthew  
**Subject:** FYI on Memorandum to Secretary on AG/NCTC Guidelines

Caryn:

Wanted to give you a heads up that I (and possibly Margo) will be sending the enclosed memo to S1 on Friday, May 13. I feel very strongly that these privacy issues need to be brought to the Secretary's attention, and even though we do not know if the AG Guidelines are currently moving, I wanted to make sure we socialized these issues with the Secretary and the Deputy Secretary in case the subject comes up. FYI, we first started sharing drafts of this memo with ILD and CRCL on April 13, and we have incorporated all of their comments.

Please let me know if you have any questions.

Best,  
Mary Ellen

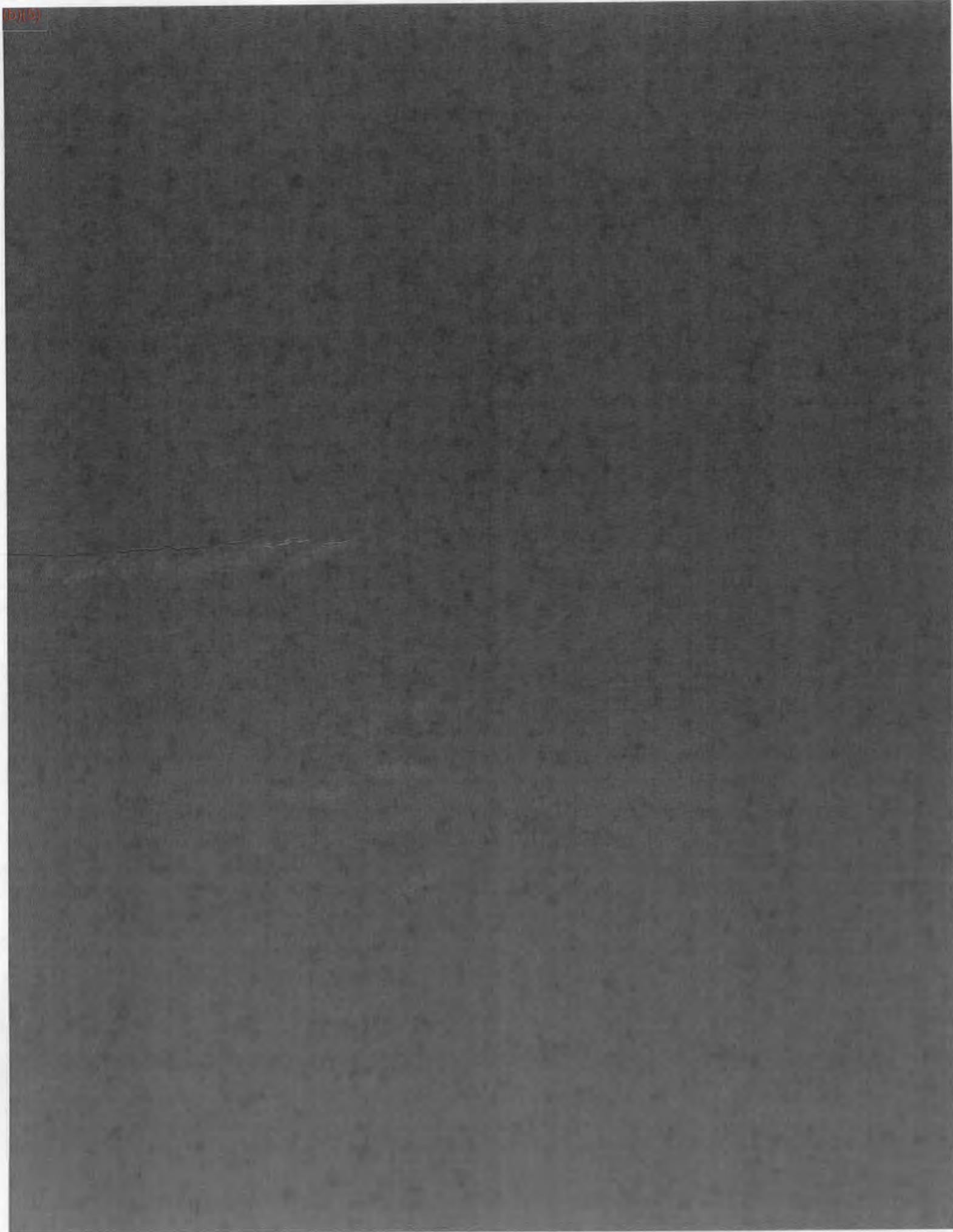
Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security

(b) (6)

Washington, DC 20528-0655

(b) (6)

Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)





**Wagner, Caryn**

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, May 12, 2011 5:47 PM  
**To:** Kronisch, Matthew; Wagner, Caryn; Schlanger, Margo  
**Cc:** Johnson, Bart R; Hunt, Ken; Foster, Helen; (b) (6)  
**Subject:** Re: FYI on Memorandum to Secretary on AG/NCTC Guidelines

Hi, all, thanks for the comments. I wasn't trying to imply that the entire department concurred with all these issues, I was identifying the privacy and civil liberties (since margo will sign) issues. We can take a look at making your point, but I am not sure it is germane in the memo.

Thanks. Mec.

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security  
(b) (6)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, May 12, 2011 05:31 PM  
**To:** Wagner, Caryn; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Johnson, Bart R  
**Subject:** Re: FYI on Memorandum to Secretary on AG/NCTC Guidelines

I am fine with caryn's suggestion.

-----  
Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
U.S Department of Homeland Security

---

**From:** Wagner, Caryn  
**Sent:** Thursday, May 12, 2011 05:23 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo; Kronisch, Matthew  
**Cc:** Johnson, Bart R  
**Subject:** RE: FYI on Memorandum to Secretary on AG/NCTC Guidelines

(b) (5)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, May 12, 2011 10:06 AM  
**To:** Callahan, Mary Ellen; Wagner, Caryn; Schlanger, Margo  
**Subject:** RE: FYI on Memorandum to Secretary on AG/NCTC Guidelines

Mary Ellen,

Thank you for coordinating the attached with me. I have no concerns with providing the memo to S1 and S2, and have offered a few edits in the attached to clarify the focus of the OGC memo as well as to provide a status update. I apologize for not adding these earlier when our staffs were collaborating on the draft.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, May 12, 2011 9:16 AM  
**To:** Callahan, Mary Ellen; Wagner, Caryn; Schlanger, Margo  
**Cc:** Kronisch, Matthew  
**Subject:** FYI on Memorandum to Secretary on AG/NCTC Guidelines

Caryn:

Wanted to give you a heads up that I (and possibly Margo) will be sending the enclosed memo to S1 on Friday, May 13. I feel very strongly that these privacy issues need to be brought to the Secretary's attention, and even though we do not know if the AG Guidelines are currently moving, I wanted to make sure we socialized these issues with the Secretary and the Deputy Secretary in case the subject comes up. FYI, we first started sharing drafts of this memo with ILD and CRCL on April 13, and we have incorporated all of their comments.

Please let me know if you have any questions.

Best,  
Mary Ellen

Mary Ellen Callahan  
Chief Privacy Officer  
U.S. Department of Homeland Security

(b) (6)

Washington, DC 20528-0655

(b) (6)

Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

**Wagner, Caryn**

---

**From:** (b)(5)  
**Sent:** Wednesday, May 18, 2011 9:09 PM  
**To:** Wagner, Caryn  
**Cc:** (b)(5)  
**Subject:** RE: Info Sharing

It would be my pleasure.

-----Original Message-----

**From:** Wagner, Caryn  
**Sent:** Wednesday, May 18, 2011 8:27 PM  
**To:** (b)(5)  
**Subject:** Re: Info Sharing

Let's talk tomorrow.

----- Original Message -----

**From:** (b)(5)  
**Sent:** Wednesday, May 18, 2011 08:23 PM  
**To:** (b)(5); Wagner, Caryn; (b)(5)  
**Cc:** (b)(5); Johnson, Bart R' <(b)(5)>; (b)(5)  
**Subject:** RE: Info Sharing

Ms. Wagner,

(b)(5)



Of course, we stand ready to support next steps as you see best.

(b)(5)

-----Original Message-----

From: (b) (5)  
Sent: Wednesday, May 18, 2011 5:27 PM  
To: Wagner, Caryn; (b) (6)  
Cc: (b) (6); (b) (6) 'Johnson, Bart R'  
Subject: RE: Info Sharing  
Importance: High

Yes, Ma'am will do so,  
Vr

-----Original Message-----

From: Wagner, Caryn  
Sent: Wednesday, May 18, 2011 5:15 PM  
To: (b) (5)  
Cc: (b) (5); (b) (6) Johnson, Bart R  
Subject: RE:

(b) (5)

Mary Ellen suggested a meeting of herself, Margo and me, all with a plus one. (b) (6) can you please schedule?

From: (b) (6)  
Sent: Wednesday, May 18, 2011 12:43 PM  
To: Wagner, Caryn; Johnson, Bart R  
Cc: (b) (6)  
Subject:  
Importance: High

Caryn,

Good afternoon and I hope all is well.

(b) (5)

Thanks,

(b) (6)

Senior DHS Representative

National Counter Terrorism Center

(b) (6)

**Wagner, Caryn**

---

**From:** Callahan, Mary Ellen  
**Sent:** Tuesday, May 31, 2011 8:37 AM  
**To:** Wagner, Caryn; Kronisch, Matthew; Callahan, Mary Ellen; Callahan, Mary Ellen; Schlanger, Margo; (b)(6) Hunt, Ken; (b)(6)  
**Subject:** FW: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)  
**Attachments:** S1 Draft Memo Information Sharing v13 110527.doc; Attachment A Information Sharing Status Summary v03 110527.docx; Attachment B Issues with Way Ahead v02 110527.doc

(b) (5)



Please let me know if you have any questions.

**Mary Ellen Callahan**  
**Chief Privacy Officer**  
**U.S. Department of Homeland Security**

(b) (6)  
Washington, DC 20528-0655

(b) (6)

Website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)

---

**From:** Foster, Helen (b)(6)  
**Sent:** Monday, May 30, 2011 8:43 PM  
**To:** Callahan, Mary Ellen; Hunt, Ken  
**Subject:** Fw: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

Fyi. Ken is reviewing for priv  
Helen Goff Foster  
DHS Privacy Office

(b) (6)

Sent via Blackberry. Please excuse typos and grammar and spelling irregularities. Typed with all thumbs.

---

**From:** (b) (6)  
**Sent:** Sunday, May 29, 2011 11:28 AM  
**To:** Foster, Helen; Hunt, Ken; Richards, Rebecca  
**Subject:** Fw: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

Fyi here is what we received from I and A, which has taken over lead on the paper from NPPD.

(b) (6)

---

**From:** I&A Exec Sec  
**Sent:** Friday, May 27, 2011 05:11 PM  
**To:** ICE Exec Sec; (b) (6) USVISIT Exec Sec; CBPTASKING; USCIS Exec Sec;  
MGMTExecSec; (b) (6)  
**Cc:** I&A Exec Sec; (b) (6)  
**Subject:** RE: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

All,

As required coordinators, please review the attached briefing memorandum and attachments for S1's upcoming meeting regarding Database Information Sharing and provide comments/clearance by 12pm on Tuesday, May 31st.

Thank you,

(b) (6)

Correspondence Analyst  
Executive Secretariat Office  
Office of Intelligence and Analysis  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 26, 2011 11:48 AM  
**To:** (b) (6)  
NPPDExecSec; NPPDtasking; (b) (6)  
(b) (6) I&A Exec Sec; MGMTExecSec; (b) (6)  
(b) (6) Plcy Exec Sec; CRCL Exec Sec; (b) (6)  
(b) (6) USCIS Exec Sec; ICE Exec Sec; 'CBP Tasking';  
(b) (6)  
**Cc:** BriefingStaffA  
**Subject:** [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

I&A has taken over as lead on this tasker. NPPD is now a required coordinator.

(b) (6)

Secretary's Briefing Book

Office of the Secretary  
Department of Homeland Security

(b) (6)

**From:** (b) (6)

**Sent:** Tuesday, May 24, 2011 3:06 PM

**To:** (b) (6) NPPDExecSec;

NPPDtasking; (b) (6)

I&A Exec Sec; MGMTExecSec; (b) (6) Plcy Exec Sec;

CRCL Exec Sec; (b) (6)

(b) (6) USCIS Exec Sec; ICE Exec Sec; CBP Tasking; (b) (6)

**Cc:** BriefingStaffA; (b) (6) Mary Ellen; (b) (6)

**Subject:** S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

**SECRETARY BRIEFING BOOK TASKING**

**Per ESEC policy, these materials may not exceed two pages and must be submitted on time.**

(b) (6), (b) (5)



(b)(5) [Redacted]

All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

(b) (6) [Redacted]  
Secretary's Briefing Book  
Office of the Secretary  
Department of Home and Security  
(b) (6) [Redacted]

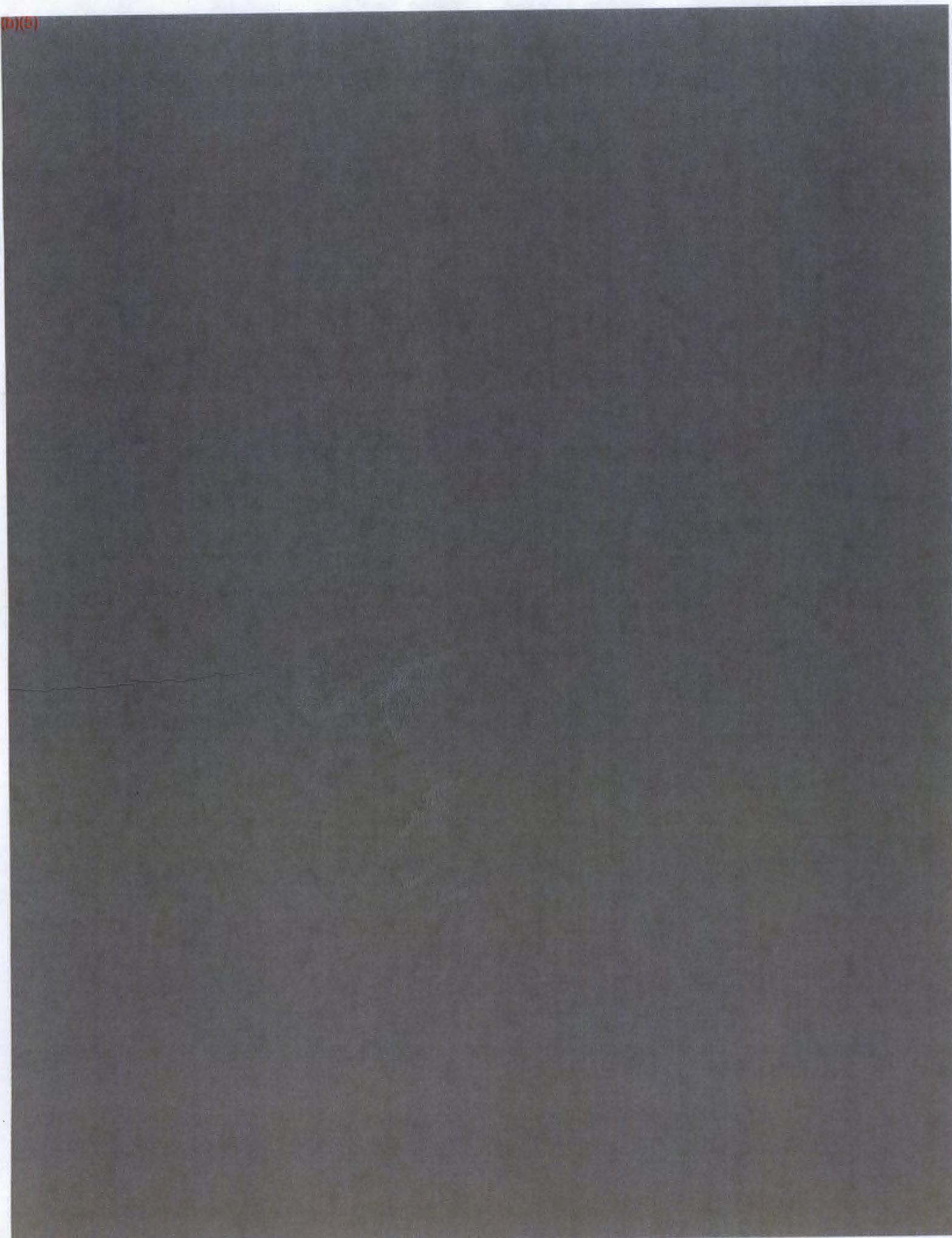




(b)(5)







## Wagner, Caryn

---

**From:** Callahan, Mary Ellen  
**Sent:** Thursday, June 02, 2011 9:15 AM  
**To:** Wagner, Caryn; (b) (6)  
**Subject:** Fw: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)  
**Attachments:** S1 Draft Memo Information Sharing v13 110527 (CRCL)(PRIV)2.docx

Priv comments.

Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, June 01, 2011 12:57 PM  
**To:** Callahan, Mary Ellen (b) (6)  
**Cc:** (b) (6)  
**Subject:** FW: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

MEC, PRIV appended our edits and comments to CRCL's draft, as discussed, and submitted through Exec Sec. With apologies, I neglected to cc you at the time.

Best,  
wkh

W Kenneth Hunt, JD, MBA, CIPP/G  
Privacy Office  
m/s 0550  
U.S. Department of Homeland Security  
Washington, DC 20528

(b) (6)

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

---

**From:** (b) (6)  
**Sent:** Tuesday, May 31, 2011 04:28 PM  
**To:** I&A Exec Sec  
**Cc:** CRCL Exec Sec; (b) (6)  
**Subject:** RE: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

On behalf of CRCL Exec Sec:

(b) (5)

(b) (5)

Please contact (b) (6) a member of my information sharing staff, to address specific comments and edits. CRCL will stand by to receive revised versions of the briefing documents, to clear or provide additional edits.

(b) (6) Esq.  
Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b) (6)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** (b) (6) On Behalf Of I&A Exec Sec  
**Sent:** Tuesday, May 31, 2011 10:24 AM  
**To:** ICE Exec Sec; (b) (6) USVISIT Exec Sec; CBPTASKING; USCIS Exec Sec;  
MGMTExecSec; (b) (6)  
**Cc:** (b) (6) I&A Exec Sec  
**Subject:** RE: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

All,

Due to this meeting being rescheduled, you may now have until COB today to submit comments/clearance on the attached.

Thank you,

(b) (6)

Correspondence Analyst

Executive Secretariat Office  
Office of Intelligence and Analysis  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6) On Behalf Of I&A Exec Sec  
**Sent:** Friday, May 27, 2011 5:12 PM  
**To:** ICE Exec Sec; (b) (6) USVISIT Exec Sec; CBPTASKING; USCIS Exec Sec;  
MGMTExecSec; (b) (6)  
**Cc:** I&A Exec Sec; (b) (6)  
**Subject:** RE: [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

All,

As required coordinators, please review the attached briefing memorandum and attachments for S1's upcoming meeting regarding Database Information Sharing and provide comments/clearance by 12pm on Tuesday, May 31st.

Thank you,

(b) (6)

Correspondence Analyst  
Executive Secretariat Office  
Office of Intelligence and Analysis  
Department of Homeland Security

(b) (6)

---

**From:** (b) (6)  
**Sent:** Thursday, May 26, 2011 11:48 AM  
**To:** (b) (6)  
NPPDExecSec; NPPDtasking; (b) (6)  
Andrews, Stephanie; I&A Exec Sec; MGMTExecSec; (b) (6)  
Mitchell; Plcy Exec Sec; CRCL Exec Sec; (b) (6)  
(b) (6) USCIS Exec Sec; ICE Exec Sec; 'CBP Tasking';  
(b) (6)  
**Cc:** BriefingStaffA  
**Subject:** [Revised] S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

I&A has taken over as lead on this tasker. NPPD is now a required coordinator.

(b) (6)

Secretary's Briefing Book  
Office of the Secretary  
Department of Homeland Security

(b) (6)

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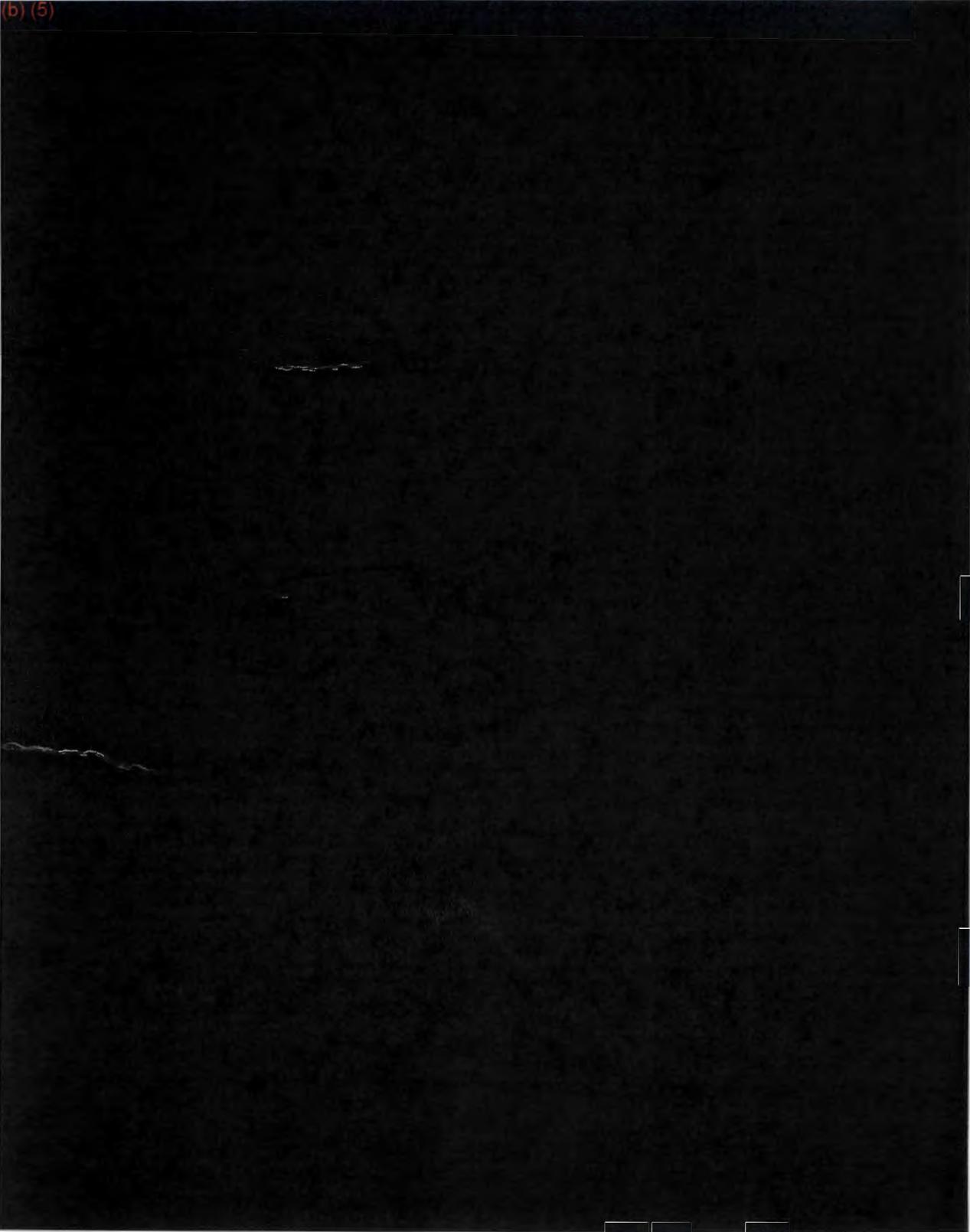
**From:** (b) (6)  
**Sent:** Tuesday, May 24, 2011 3:06 PM  
**To:** (b) (6) NPPDExecSec;  
NPPDtasking; (b) (6)  
I&A Exec Sec; MGMTExecSec; (b) (6) Plcy Exec Sec;  
CRCL Exec Sec; (b) (6)  
(b) (6) USCIS Exec Sec; ICE Exec Sec; CBP Tasking; (b) (6)

Cc: BriefingStaffA; (b) (6) Mary Ellen; (b) (6) [REDACTED]  
Subject: S1BB - 06.02.11- Meeting re: Database Information Sharing - (Due: 05.31.11, 1700)

**SECRETARY BRIEFING BOOK TASKING**

Per ESEC policy, these materials may not exceed two pages and must be submitted on time.

(b) (5)

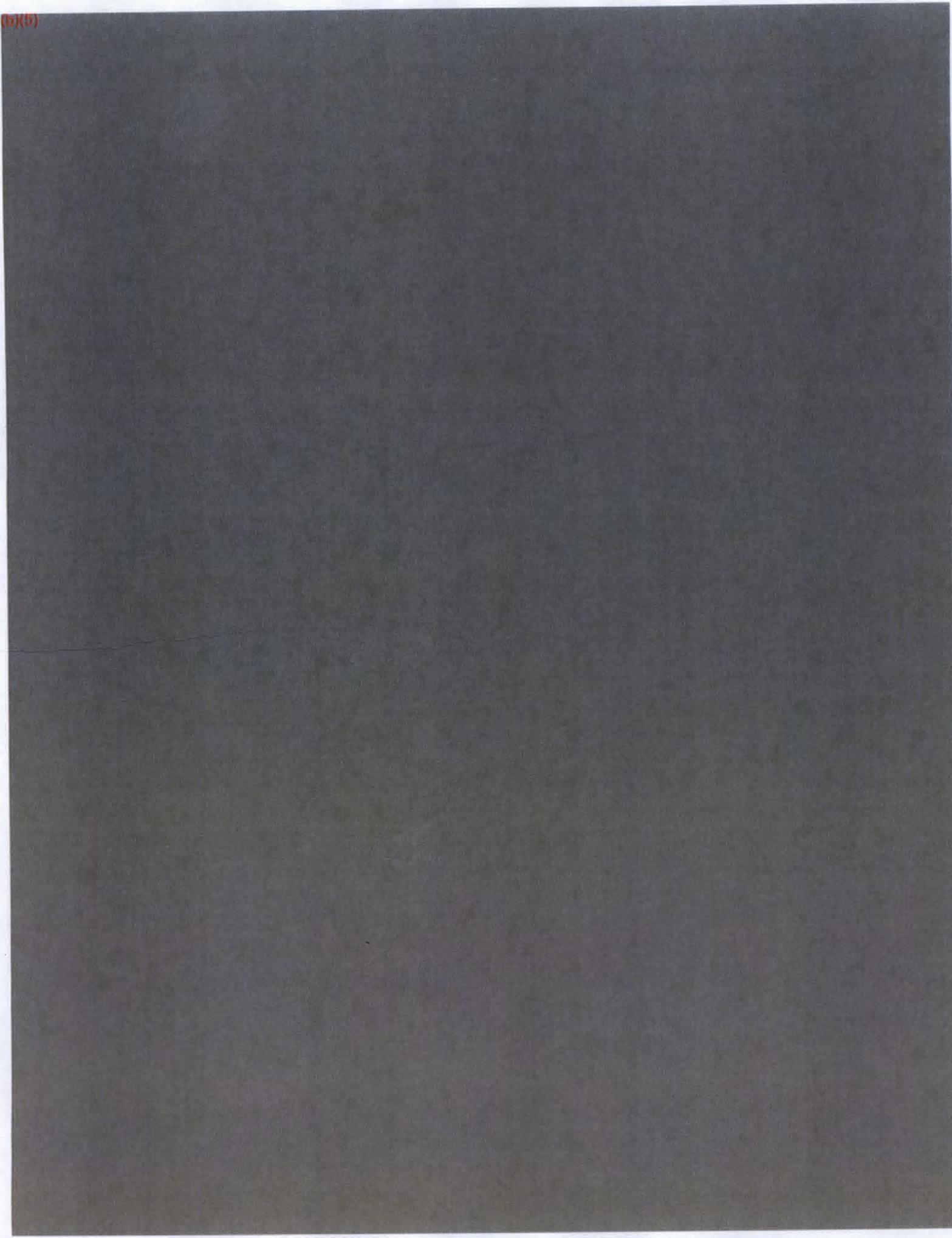


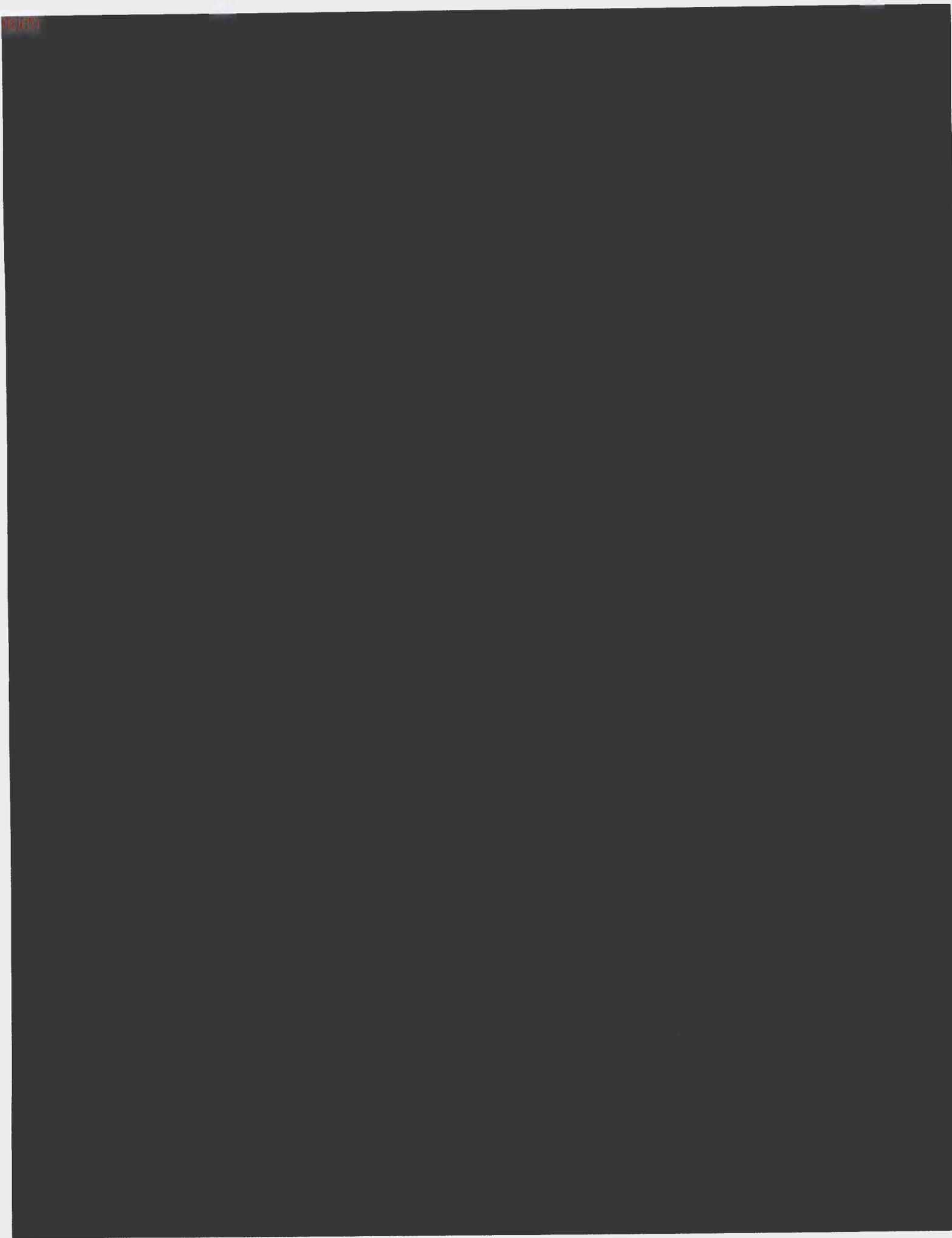
All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

(b) (6) [REDACTED]

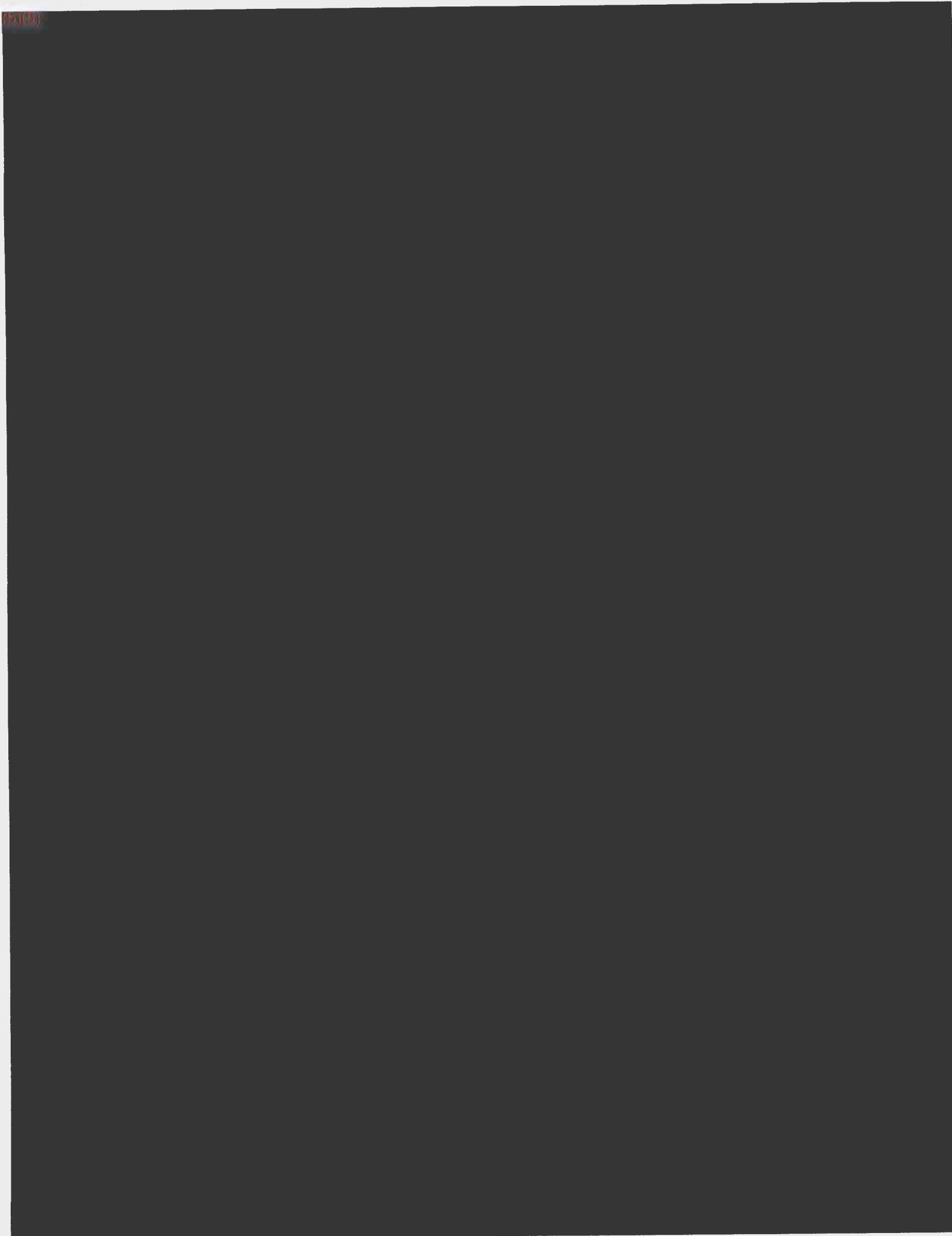
Secretary's Briefing Book  
Office of the Secretary  
Department of Homeland Security

(b) (6) [REDACTED]









**Wagner, Caryn**

---

**From:** (b) (6)  
**Sent:** Friday, June 03, 2011 3:16 PM  
**To:** Wagner, Caryn; Johnson, Bart R  
**Cc:** (b) (6)  
**Subject:** FW: S1 Letter

Ma'am,  
For your review, (b) (6) said he'll be around the remainder of the day in case you need to speak to him.

Vr.

-----Original Message-----

**From:** (b) (6)  
**Sent:** Friday, June 03, 2011 2:29 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** S1 Letter

(b) (6)

(b) (5)

(b) (6)

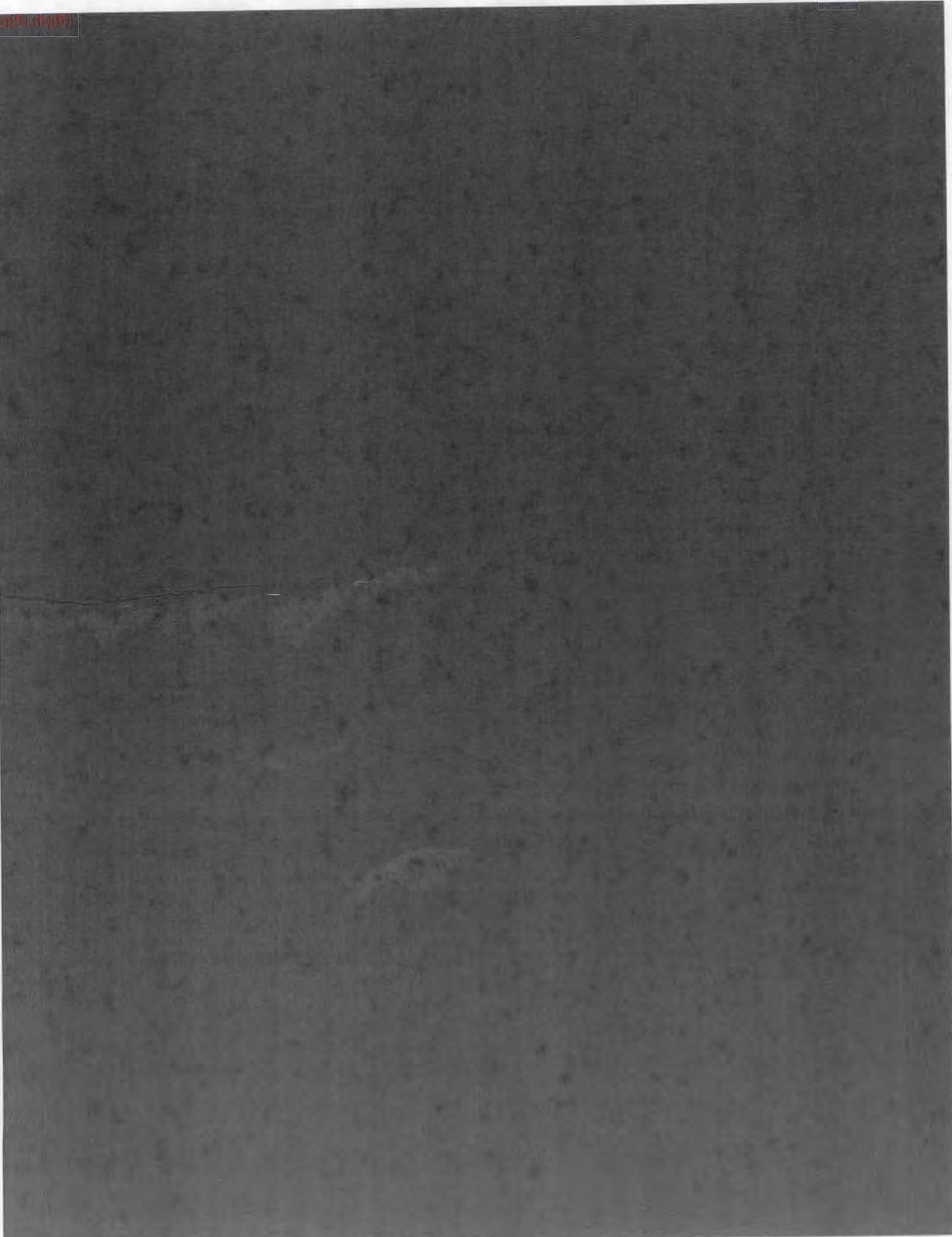
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-----  
**Information Sharing Meeting**

**June 6, 2011**

**DECISION POINTS OR ASKS:**

(b) (5)

**KEY BACKGROUND INFORMATION:**





**Wagner, Caryn**

---

**From:** (b) (6)  
**Sent:** Friday, June 10, 2011 12:13 PM  
**To:** Wagner, Caryn; (b) (6); Johnson, Bart R; Cohen, John  
**Cc:** (b) (6); (b) (6)  
**Subject:** NCTC-Staff & DHS Compromise Rejected by D-NCTC

(b) (5)



FYI, I'm coming into the NAC from a little people school event in Fairfax, and should be in the office by 2pm.

(b) (6)

**Wagner, Caryn**

---

**From:** (b) (6)  
**Sent:** Monday, June 13, 2011 5:01 PM  
**To:** Wagner, Caryn  
**Cc:** (b) (6)  
**Subject:** FW: S1 and (b) (6) to meet tomorrow  
**Attachments:** 03 Memo PRIV CRCL 110512.pdf; 01 ADIS VISA Overstay Info Sharing btw DHS and NCTC.pdf; 02 USPERs Coordination Position.pdf

FYI, summary reply to John Cohen. I'll be in early Tuesday morning to discuss in person.

---

**From:** (b) (6)  
**Sent:** Monday, June 13, 2011 4:33 PM  
**To:** (b) (6)  
**Subject:** RE: S1 and Lieter to meet tomorrow

(b) (6)

(b) (5)



Let me know if you have any questions. Take care,

(b) (6)

---

**From:** Cohen, John  
**Sent:** Monday, June 13, 2011 4:12 PM  
**To:** (b) (6)  
**Subject:** S1 and Lieter to meet tomorrow

Hi Men

What is the current status of:

(b)(5)

(b) (6)

(b)(5) have Caryn and MEC connected (b) (6)

Final memo to S1 (b) (6)

Thanks

John Cohen  
Principal Deputy Counterterrorism Coordinator and  
Senior Advisor to the Secretary  
United States Department of Homeland Security

(b) (6)



Homeland  
Security

May 12, 2011

INFORMATION

MEMORANDUM FOR: Secretary Janet Napolitano

FROM:

Mary Ellen Callahan  
Chief Privacy Officer

A handwritten signature in blue ink, appearing to read "Mary Ellen Callahan".

Margo Schlanger  
Officer for Civil Rights and Civil Liberties

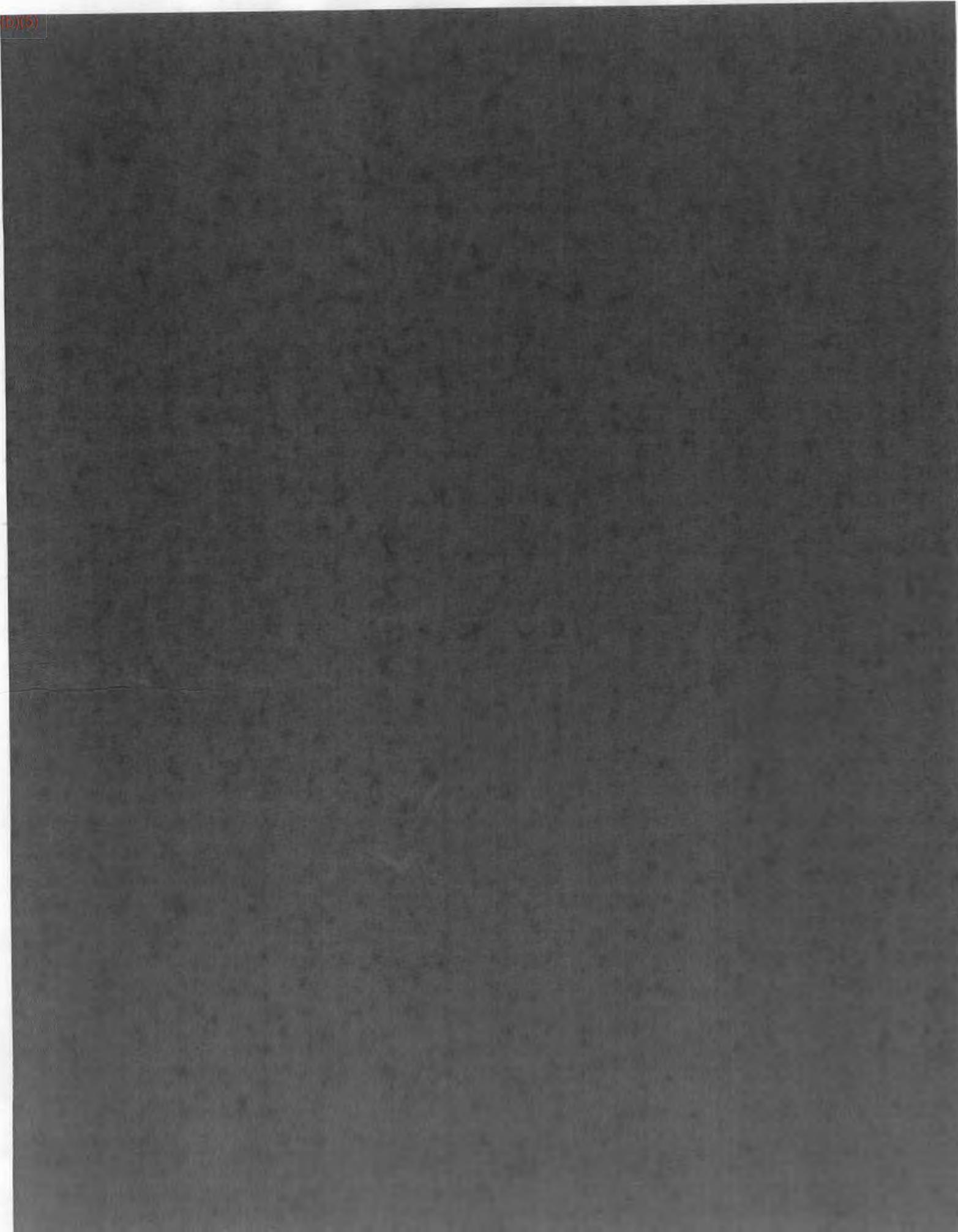
A handwritten signature in blue ink, appearing to read "Margo Schlanger".

(b) (5)



DELIBERATIVE



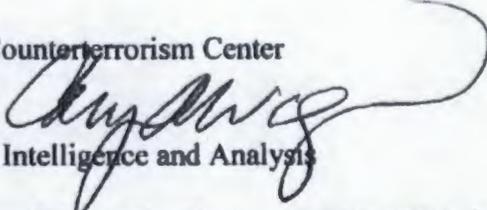




# Homeland Security

JUN 10 2011

MEMORANDUM FOR: Michael Leiter  
Director, National Counterterrorism Center

FROM: Caryn A. Wagner   
Under Secretary for Intelligence and Analysis

SUBJECT: Arrival and Departure Information System (ADIS) VISA Overstay  
Information Sharing Between DHS and the National  
Counterterrorism Center (NCTC)

Per your request, and at the direction of Secretary Napolitano, the Department of Homeland Security's (DHS) United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program will provide NCTC with bulk extracts of information from the Arrival and Departure

(b)(7)(e)  
[Redacted]

This information is provided to NCTC under the terms of the August 27, 2010, DHS-NCTC memorandum of understanding (MOU) regarding bulk access to ADIS information. Accordingly, DHS understands that NCTC will observe the same use, handling, and retention requirements; privacy and civil rights and civil liberties protections; and information security requirements outlined in that MOU. In addition to the terms already identified by the current MOU, (b)(7)(e)

(b)(7)(e) [Redacted]

(b)(7)(e) [Redacted] (b)(7)(E) [Redacted]

(b)(7)(E) [Redacted]

(b)(7)(E) [Redacted] as required by the MOU. DHS requests that NCTC also notify Mr. (b)(5) [Redacted] the Chief of the Counterterrorism and Criminal Exploitation Unit at Immigration and Customs Enforcement at (b)(5) [Redacted]

Pursuant to this letter, DHS is providing two bulk extracts:

(b)(5) (b)(7)(e)  
[Redacted]

(b)(5)

(b)(7)(E)

claims and applications for lawful permanent residence), as these individuals are not overstays. If

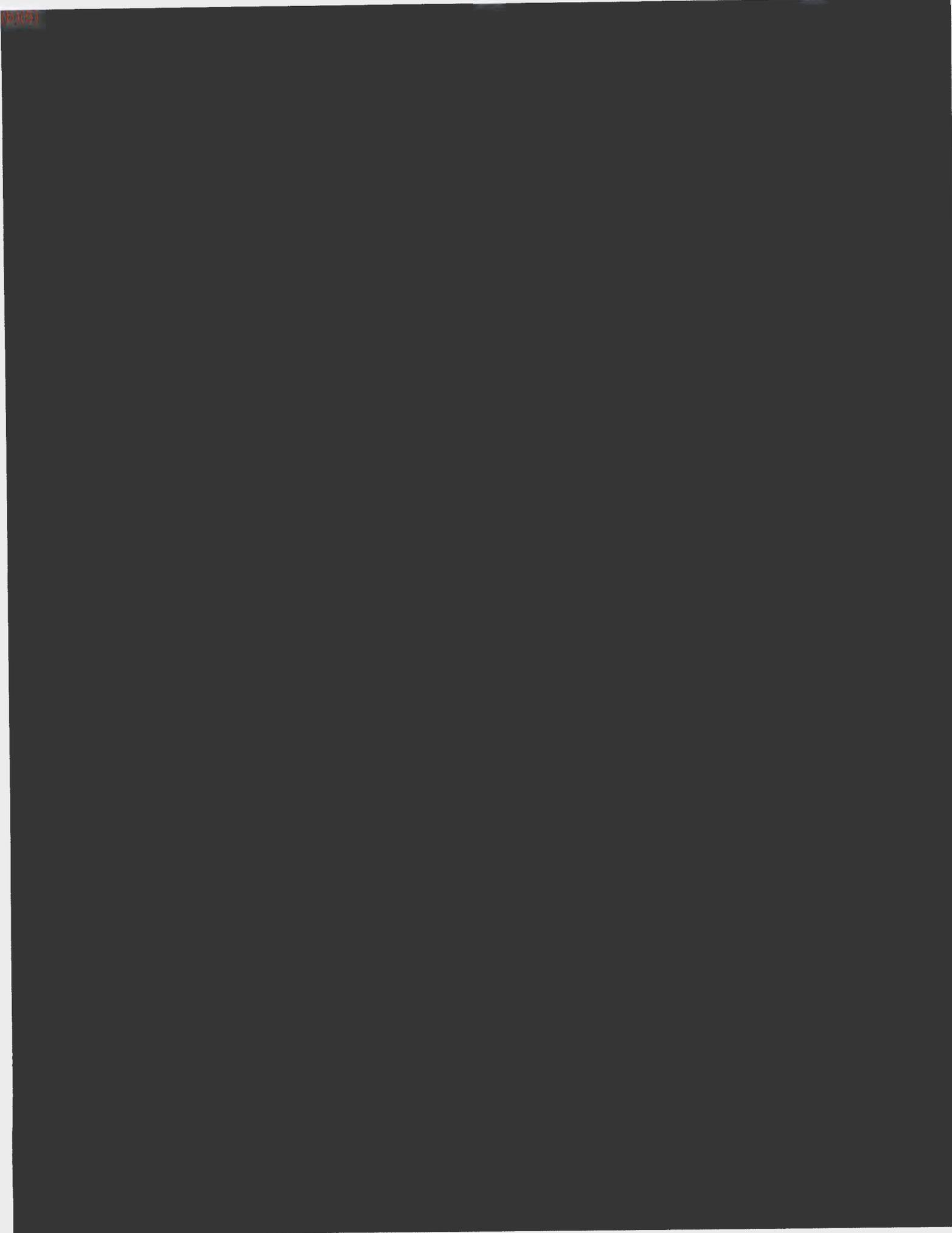
(b)(7)(E)

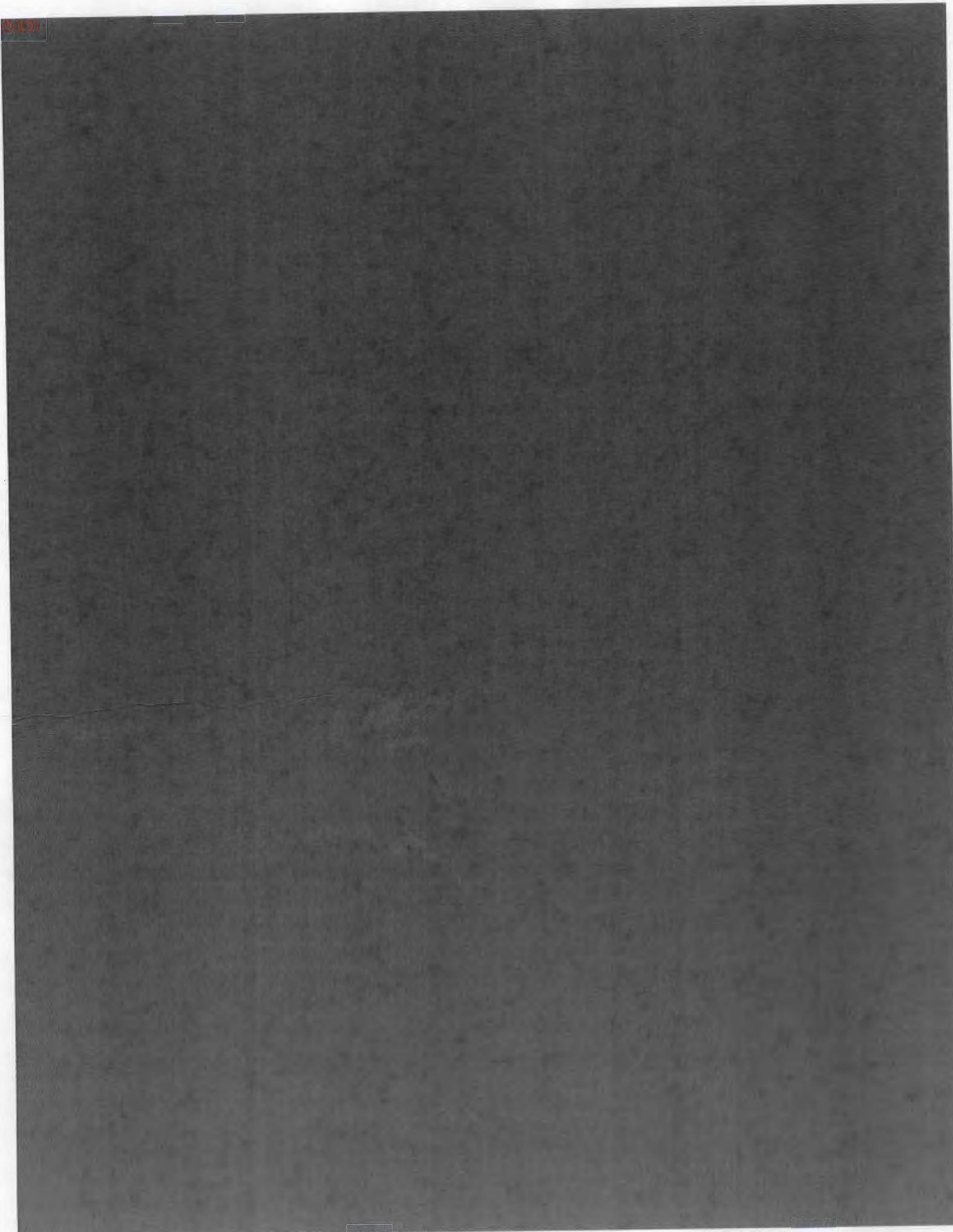
(b)(5)

Please contact me at (b)(6) if you have any questions about this data-sharing effort.

(b)(6)

cc: **Rand Beers, Under Secretary, National Protection and Programs Directorate**  
**Robert Mocny, Director, US-VISIT Program, National Protection and Programs Directorate**  
**Mary Ellen Callahan, Chief Privacy Officer**  
**Margo Schlanger, Officer for Civil Rights and Civil Liberties**  
**Kelli Ann Walther, Acting Deputy Assistant Secretary for Policy (Screening Coordination)**





**Wagner, Caryn**

---

**From:** (b) (6)  
**Sent:** Monday, June 13, 2011 7:42 PM  
**To:** Wagner, Caryn A; Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** (b) (6)  
**Subject:** FW: NCTC Draft Guidelines  
**Attachments:** MEMO re NCTC Guidelines - 13 Jun 2011.doc  
**Importance:** High

Colleagues,

Today we received the attached ODNI reply to our analysis of the draft NCTC AG guidelines.

(b) (5)

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

**From:** Fong, Ivan  
**Sent:** Monday, June 13, 2011 1:29 PM  
**To:** Kronisch, Matthew  
**Cc:** Maher, Joseph; Grossman, Seth  
**Subject:** FW: NCTC Draft Guidelines  
**Importance:** High

Just got this. Have not read it yet.

(b) (6)

(b)(5)

MEMORANDUM

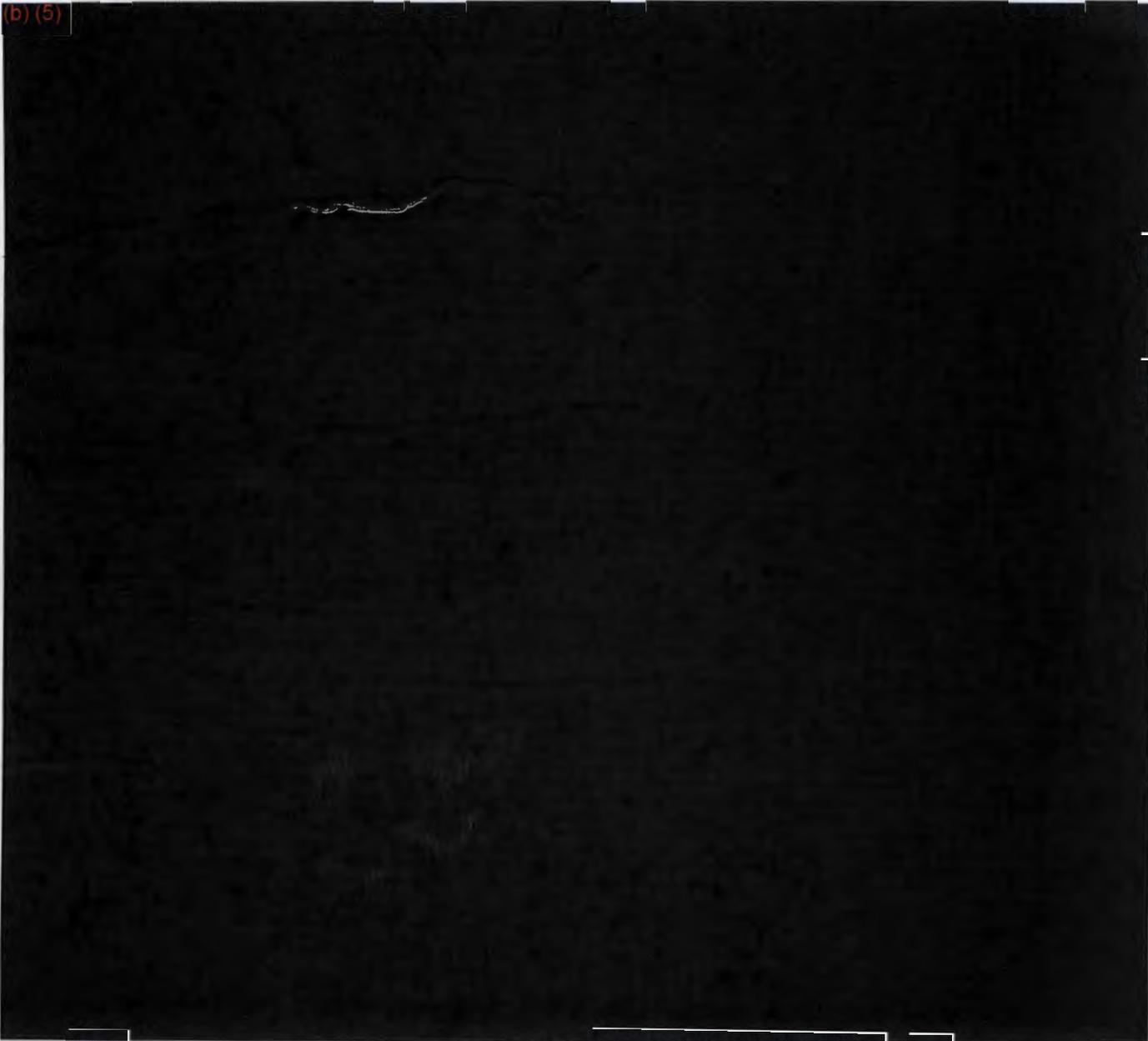
DATE: June 13, 2011

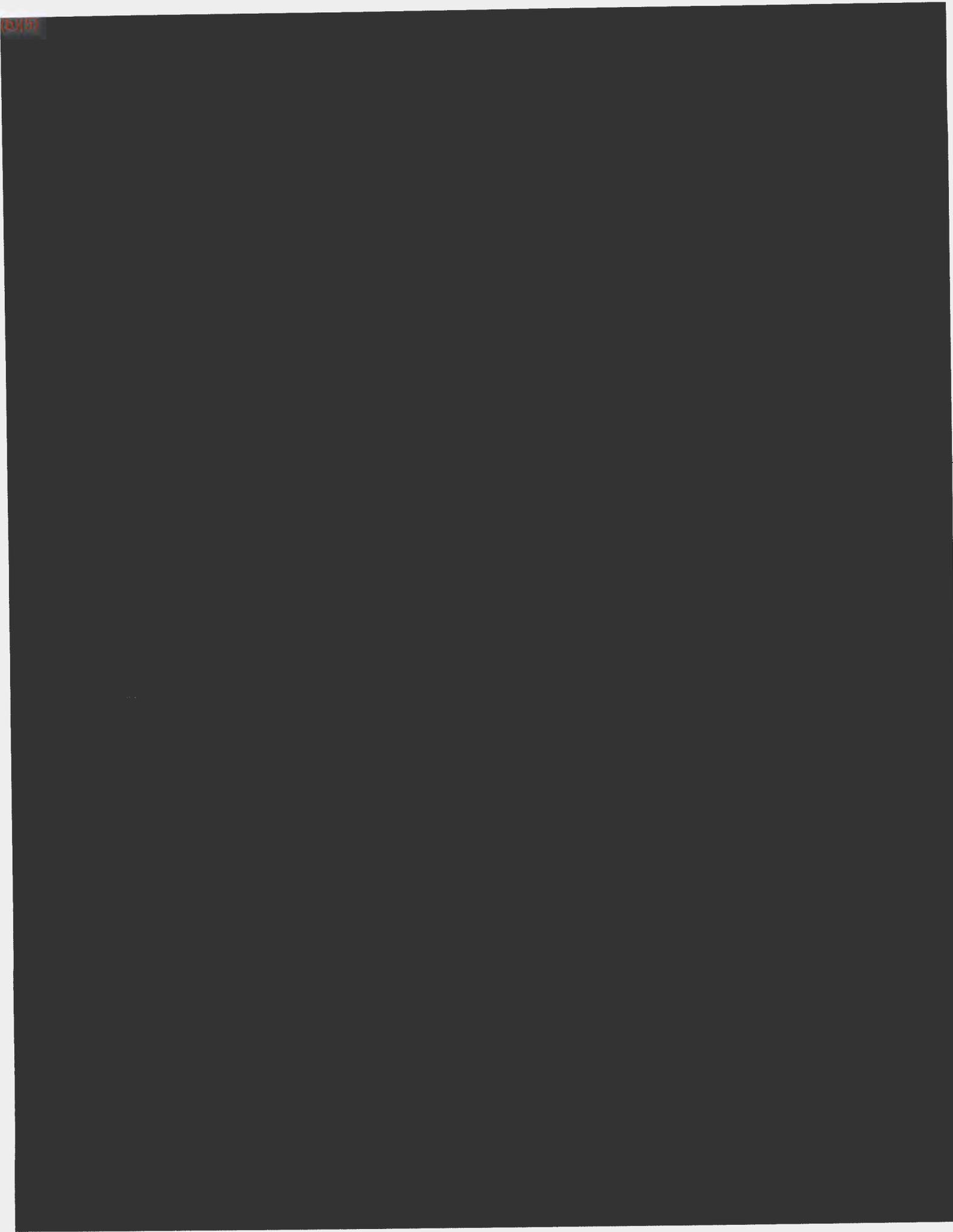
TO: Ivan Fong, General Counsel, Department of Homeland Security

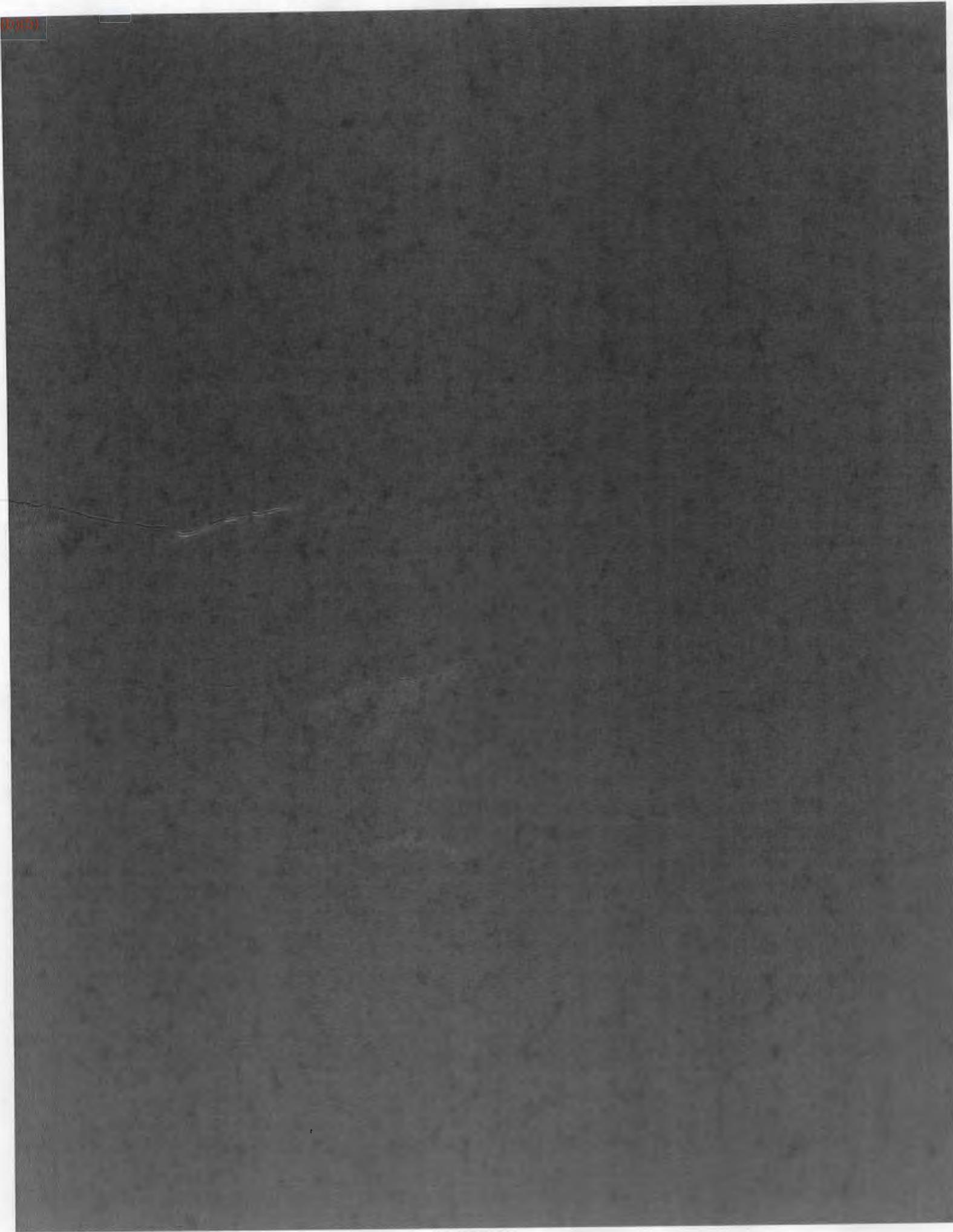
FROM: Robert S. Litt, General Counsel, Office of the Director of National Intelligence

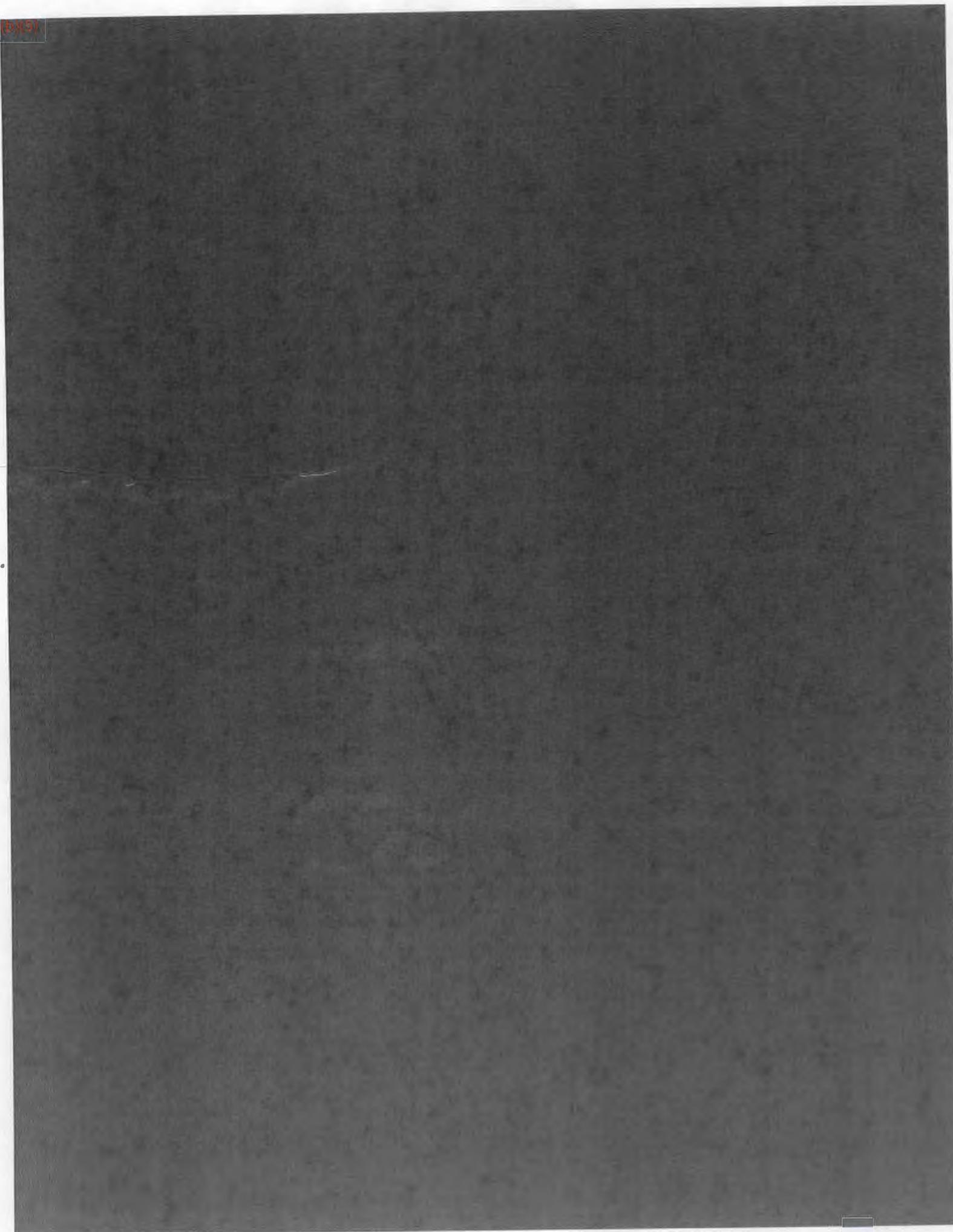
Re: Draft Revised NCTC Guidelines

(b) (5)











**Wagner, Caryn**

---

**From:** Kronisch, Matthew (b)(6)  
**Sent:** Wednesday, June 15, 2011 5:59 PM  
**To:** Wagner, Caryn A; Callahan, Mary Ellen; Schlanger, Maroo  
**Cc:** (b)(6)  
**Subject:** FW: Draft NCTC Guidelines Reply  
**Attachments:** memo\_nctc\_guidelines\_reply\_v1.0.docx

Colleagues,

(b)(5)

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.



**Homeland  
Security**

**INFORMATION**

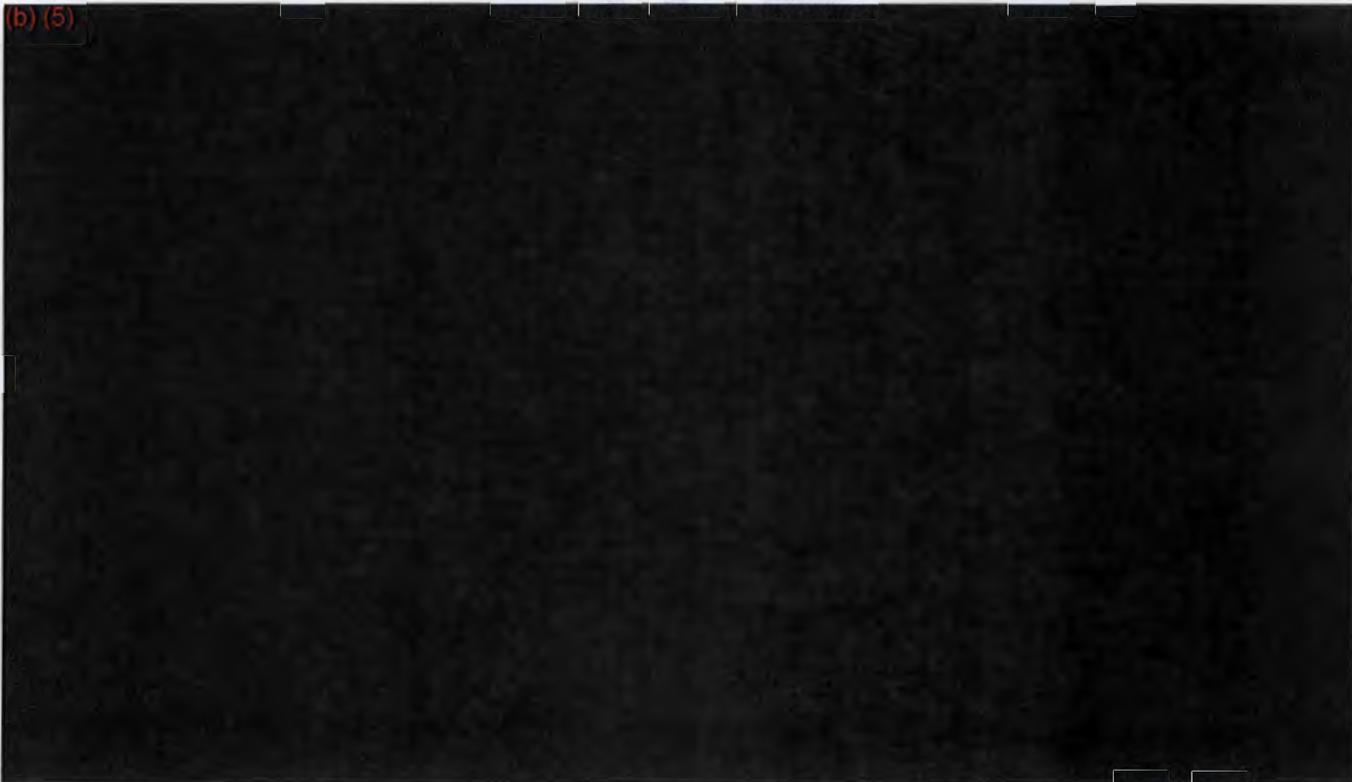
**MEMORANDUM FOR:** Ivan K. Fong  
General Counsel

**THROUGH:** Matthew L. Kronisch  
Associate General Counsel for Intelligence

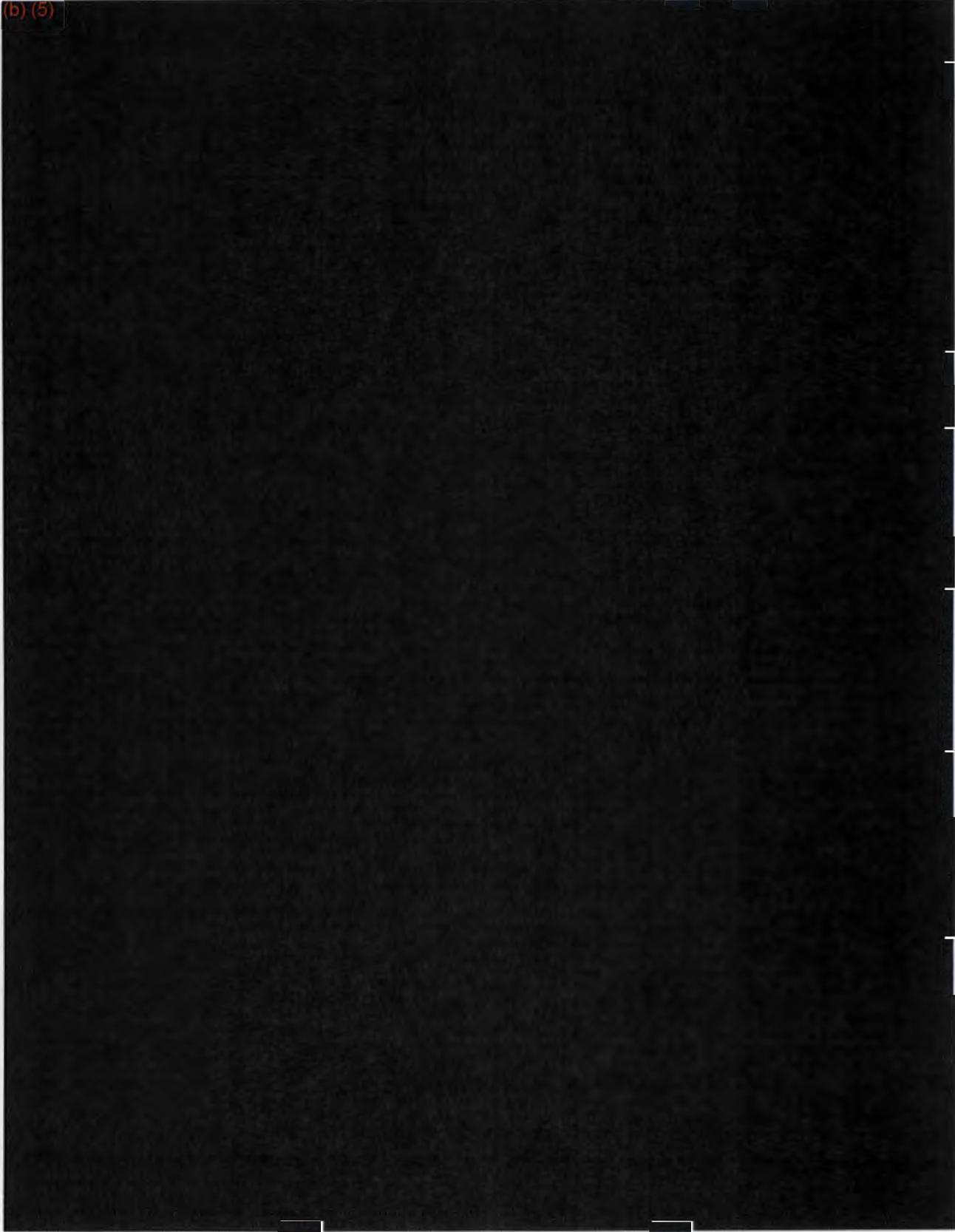
**FROM:** (b)(6) [REDACTED]  
Attorney-Advisor (Intelligence)

**SUBJECT:** Analysis of Response from the Office of the Director of National  
Intelligence to Intelligence Law Division Legal Memorandum  
Regarding Draft Revised National Counterterrorism Center  
Guidelines

(b) (5)

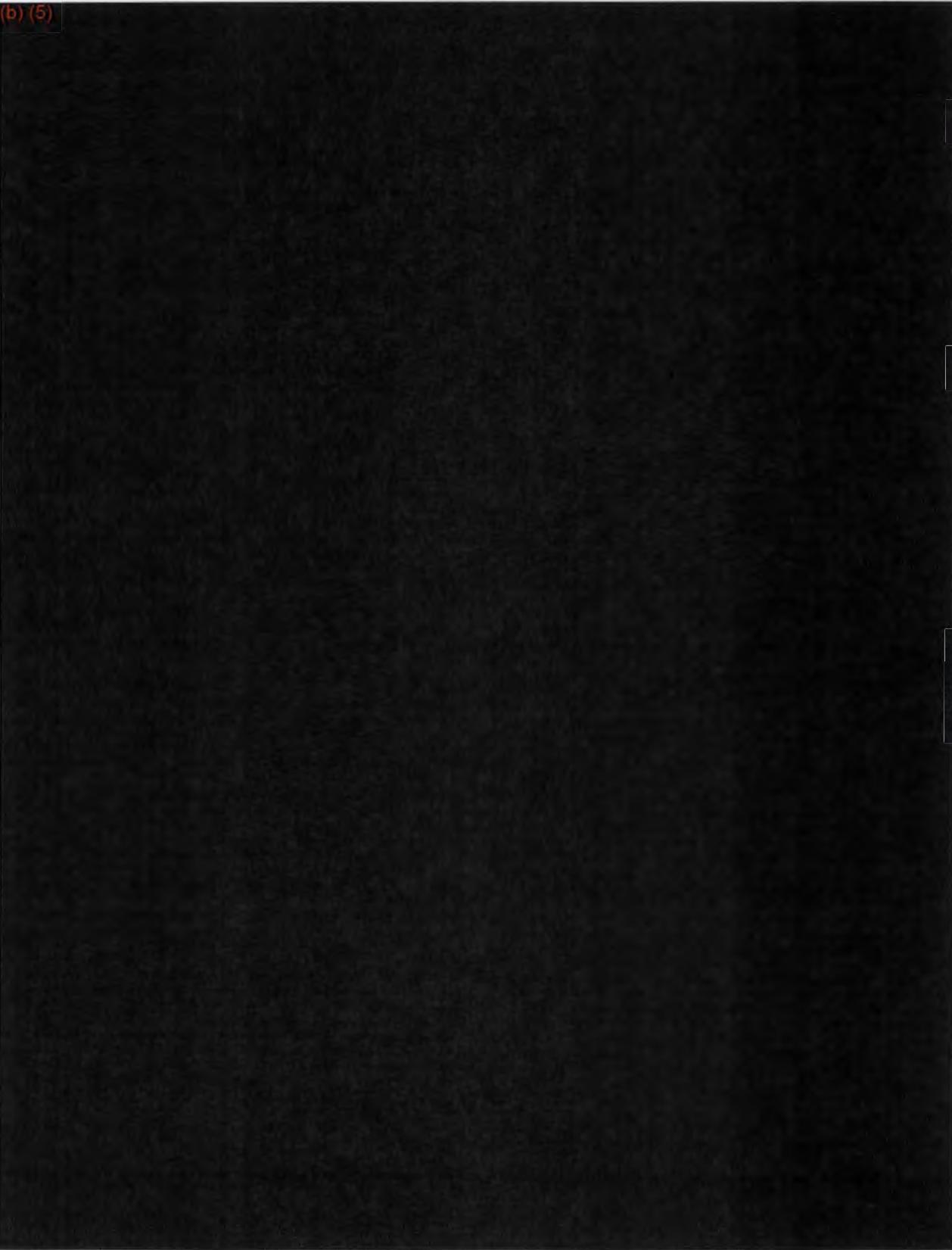


(b) (5)



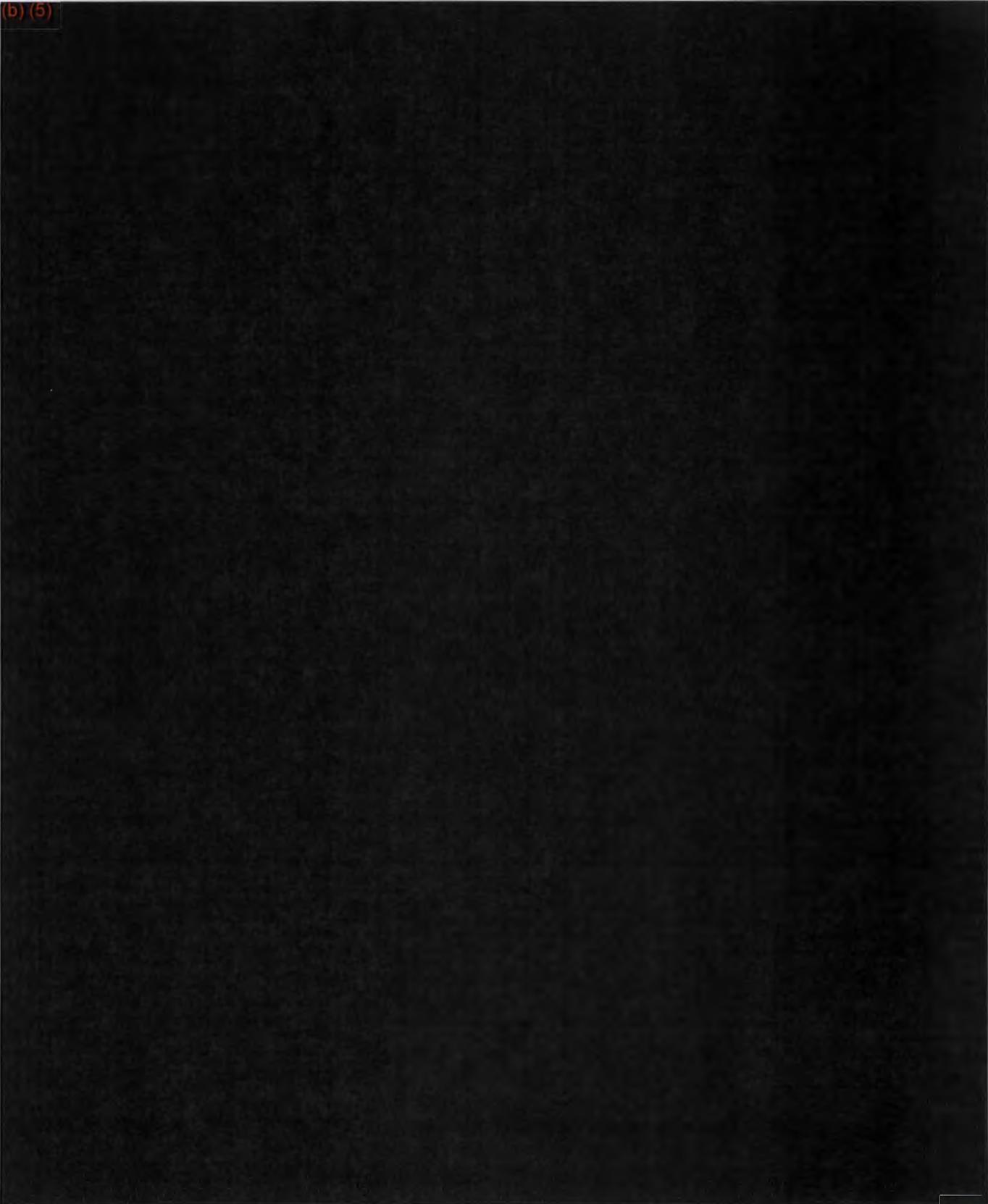
A Department of Homeland Security Attorney prepared this document for internal government use only. This document is pre-decisional in nature and qualifies as an inter-agency/intra-agency document containing deliberative process material. This document contains confidential attorney-client communications relating to a legal matter for which the client has sought professional advice. Under exemption 5 of section (b) of 5 U.S.C. § 552 (Freedom of Information Act), this material is exempt from release to the public.

(b) (5)



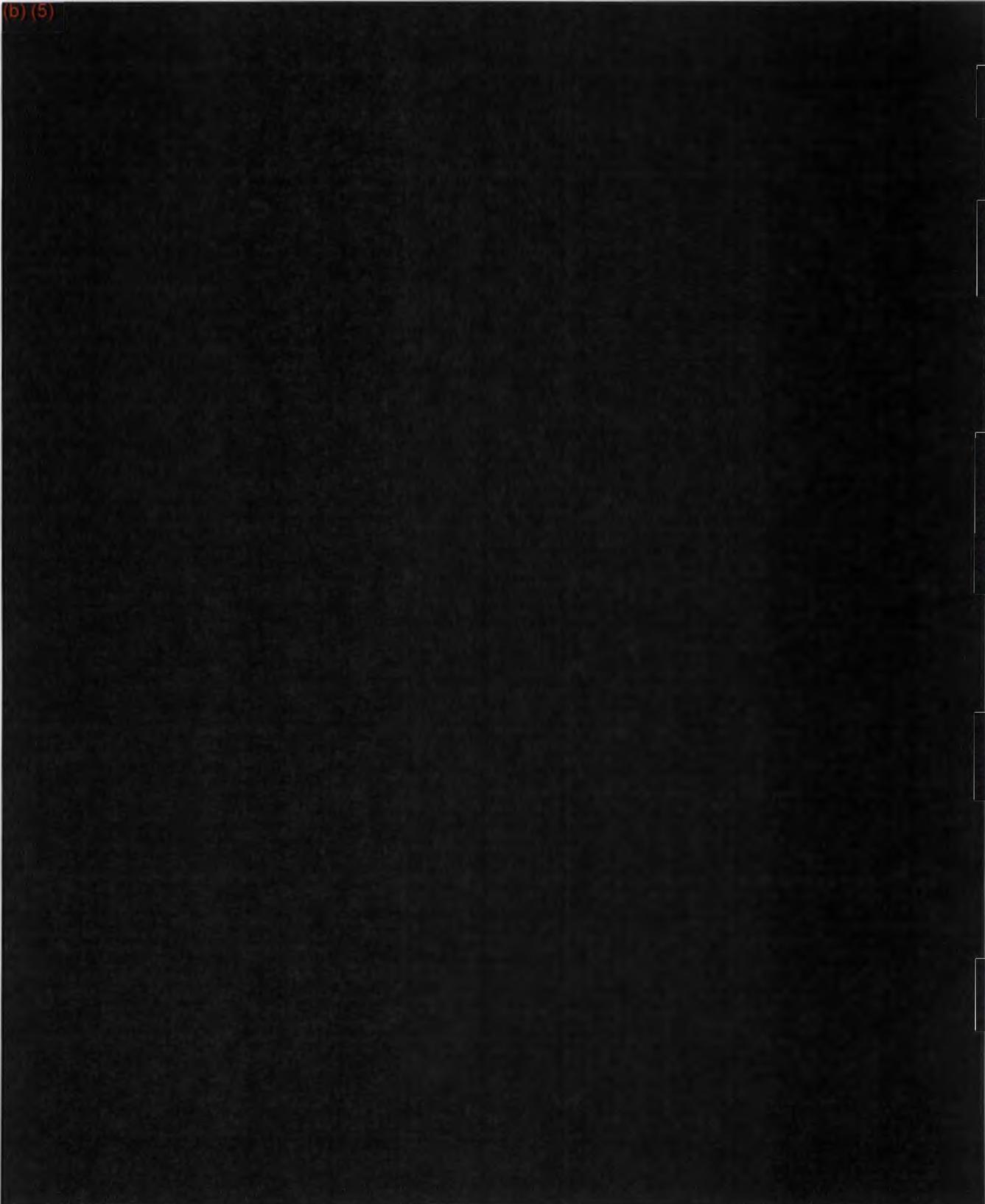
A Department of Homeland Security Attorney prepared this document for internal government use only. This document is pre-decisional in nature and qualifies as an inter-agency/intra-agency document containing deliberative process material. This document contains confidential attorney-client communications relating to a legal matter for which the client has sought professional advice. Under exemption 5 of section (b) of 5 U.S.C. § 552 (*Freedom of Information Act*), this material is exempt from release to the public.

(b) (5)



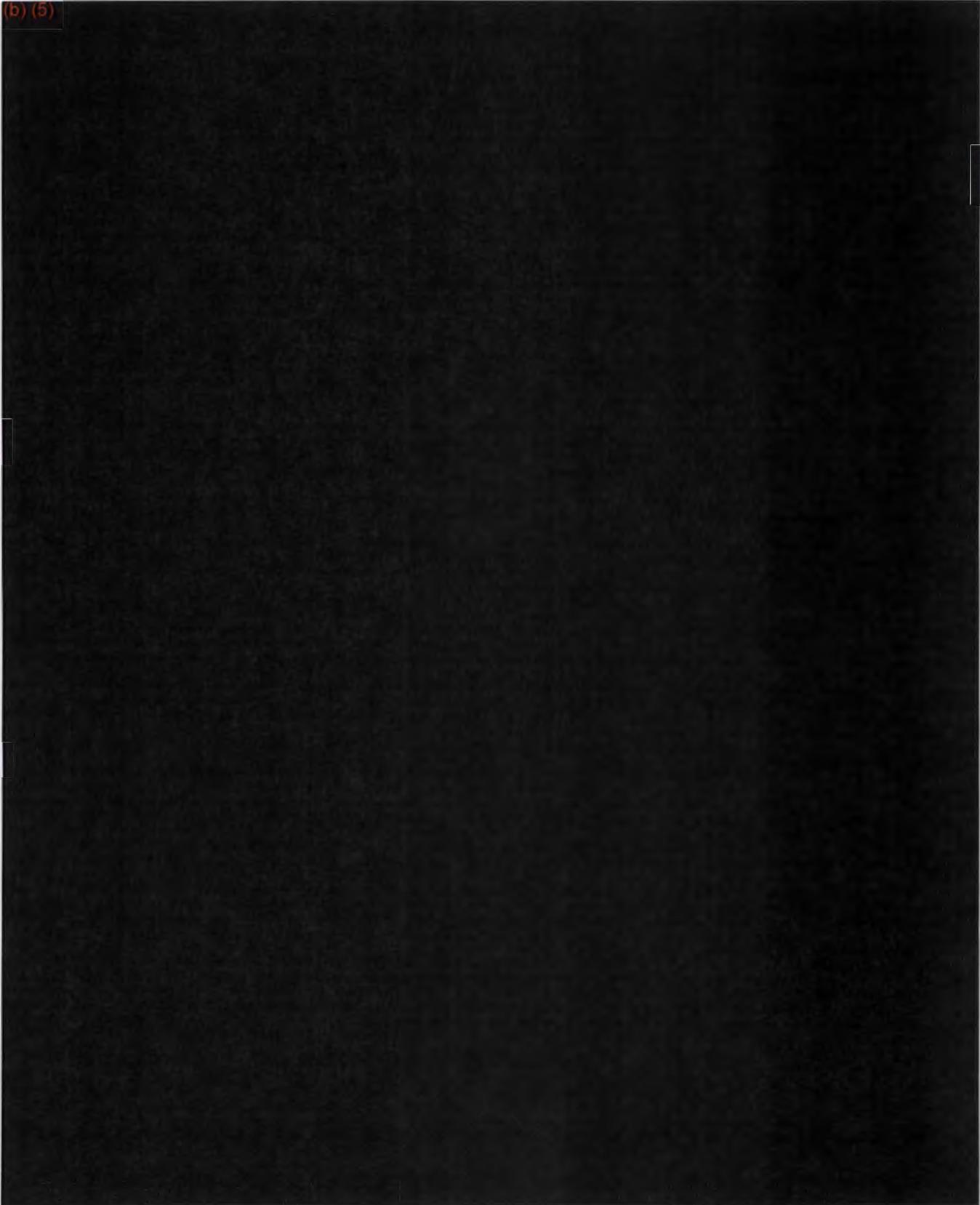
A Department of Homeland Security Attorney prepared this document for internal government use only. This document is pre-decisional in nature and qualifies as an inter-agency/intra-agency document containing deliberative process material. This document contains confidential attorney-client communications relating to a legal matter for which the client has sought professional advice. Under exemption 5 of section (b) of 5 U.S.C. § 552 (Freedom of Information Act), this material is exempt from release to the public.

(b) (5)



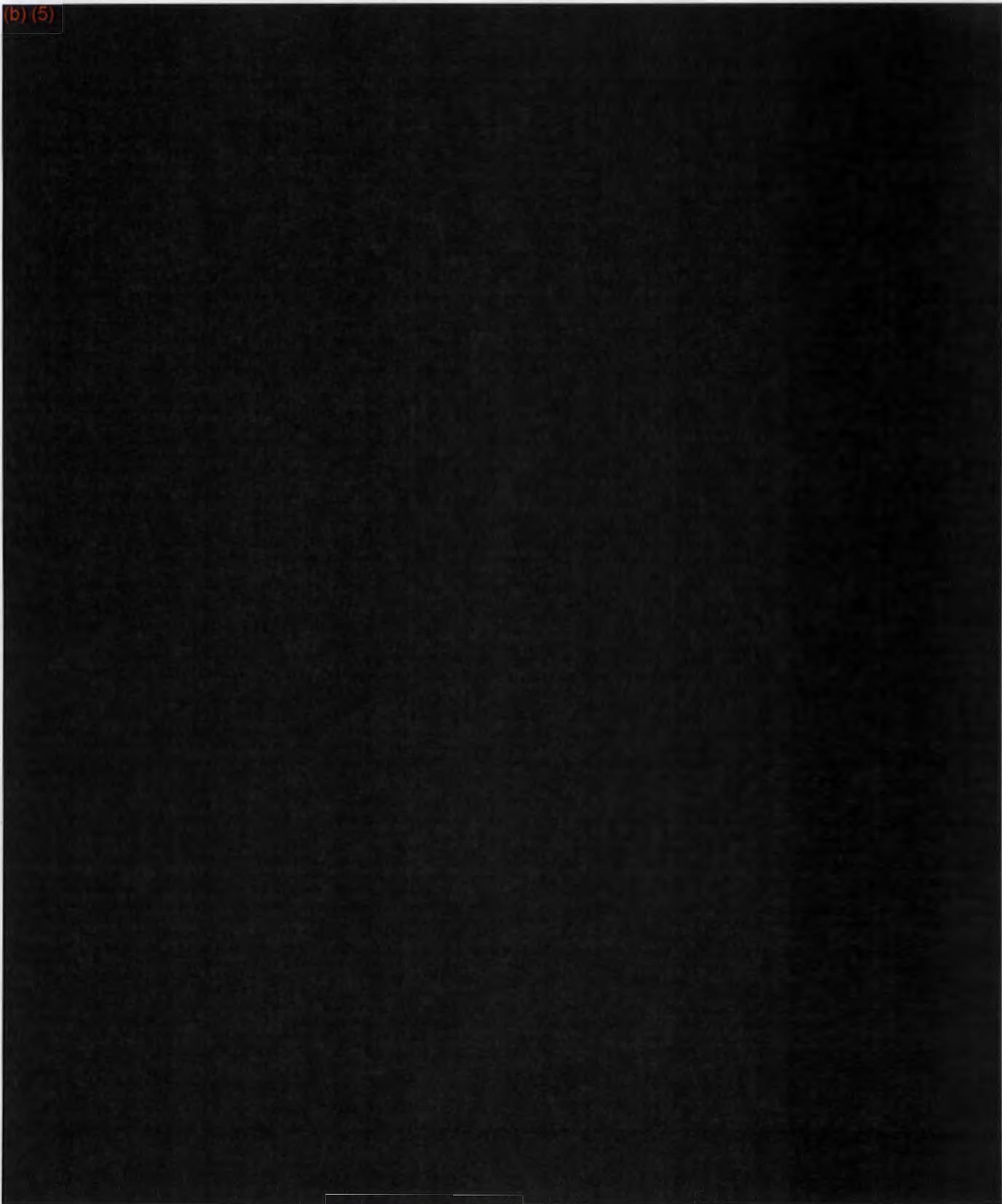
A Department of Homeland Security Attorney prepared this document for internal government use only. This document is pre-decisional in nature and qualifies as an inter-agency/intra-agency document containing deliberative process material. This document contains confidential attorney-client communications relating to a legal matter for which the client has sought professional advice. Under exemption 5 of section (b) of 5 U.S.C. § 552 (Freedom of Information Act), this material is exempt from release to the public.

(b) (5)



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(b) (5)



A Department of Homeland Security Attorney prepared this document for internal government use only. This document is pre-decisional in nature and qualifies as an inter-agency/intra-agency document containing deliberative process material. This document contains confidential attorney-client communications relating to a legal matter for which the client has sought professional advice. Under exemption 5 of section (b) of 5 U.S.C. § 552 (Freedom of Information Act), this material is exempt from release to the public.

**Wagner, Caryn**

---

**From:** (b) (6)  
**Sent:** Monday, June 20, 2011 8:27 PM  
**To:** Wagner, Caryn; Fong, Ivan  
**Cc:** Kronisch, Matthew  
**Subject:** Talking Points & Memo Regarding Draft NCTC Guidelines  
**Attachments:** memo\_nctc\_guidelines\_talking\_points\_v1.0.docx; memo\_nctc\_guidelines\_status\_update.docx

Dear Ms. Wagner and Mr. Fong,

On behalf of Matt Kronisch, please find attached talking points for tomorrow morning's meeting with the Deputy Secretary along with a slightly longer memo providing additional detail about the status of current discussions with the ODNI regarding the draft revised NCTC guidelines governing the acquisition of datasets containing non-terrorism information. Please feel free to contact me at your convenience should you have any questions or concerns regarding these documents.

With Warmest Regards,

(b) (6)

(b) (6)

Attorney-Advisor (Intelligence)  
United States Department of Homeland Security Office of the General Counsel

(b) (6)



**Homeland  
Security**

INFORMATION

**MEMORANDUM FOR:** Caryn Wagner  
Under Secretary for Intelligence and Analysis

Ivan K. Fong  
General Counsel

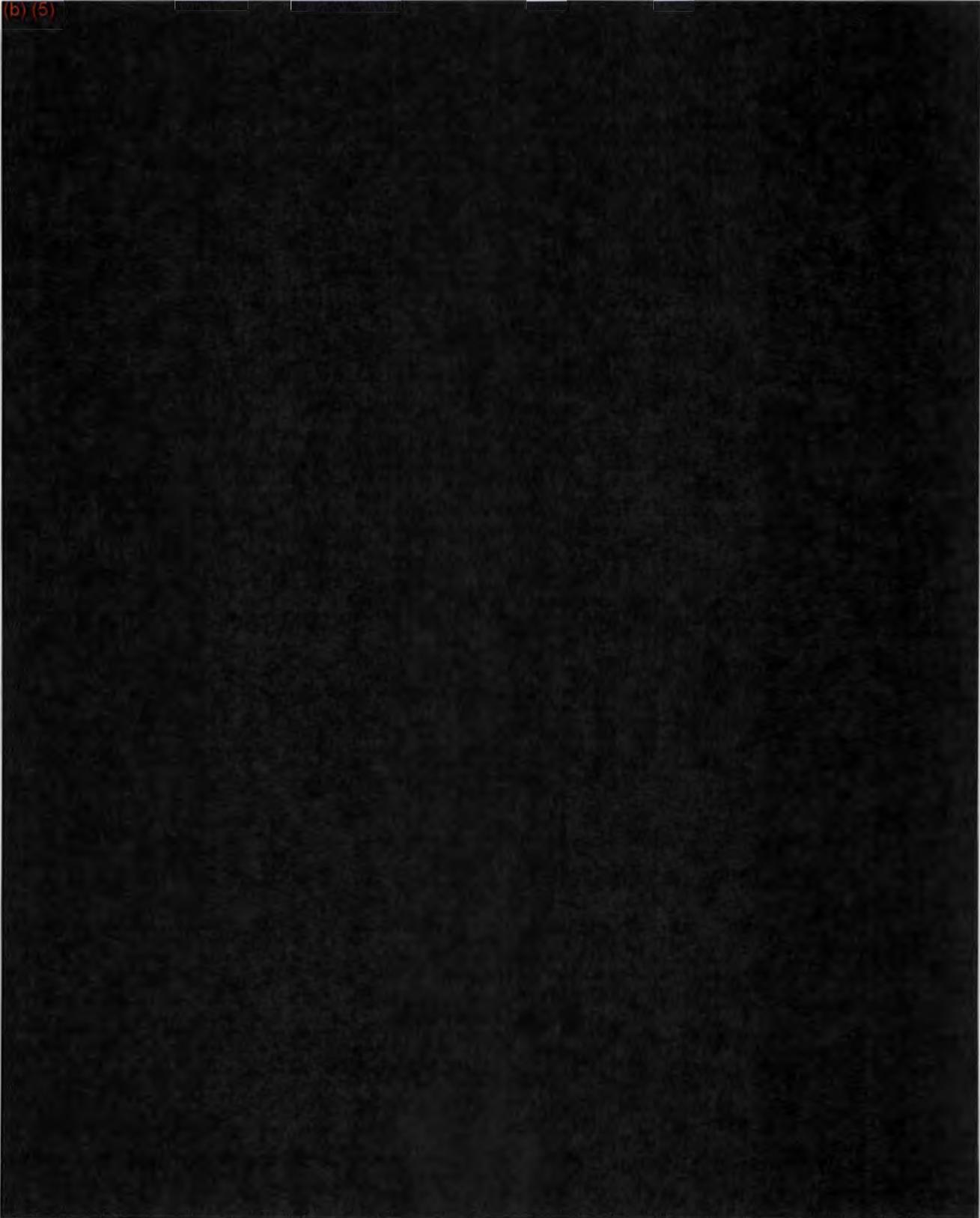
**FROM:** Matthew L. Kronisch  
Associate General Counsel for Intelligence

**SUBJECT:** Talking Points for Meeting with Deputy Secretary Regarding Draft  
NCTC Guidelines

(b) (5)

A large, solid black rectangular redaction box covers the majority of the page's content, starting below the subject line and extending nearly to the bottom of the page. The text "(b) (5)" is printed in the top-left corner of this redacted area.

(b) (5)



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**Homeland  
Security**

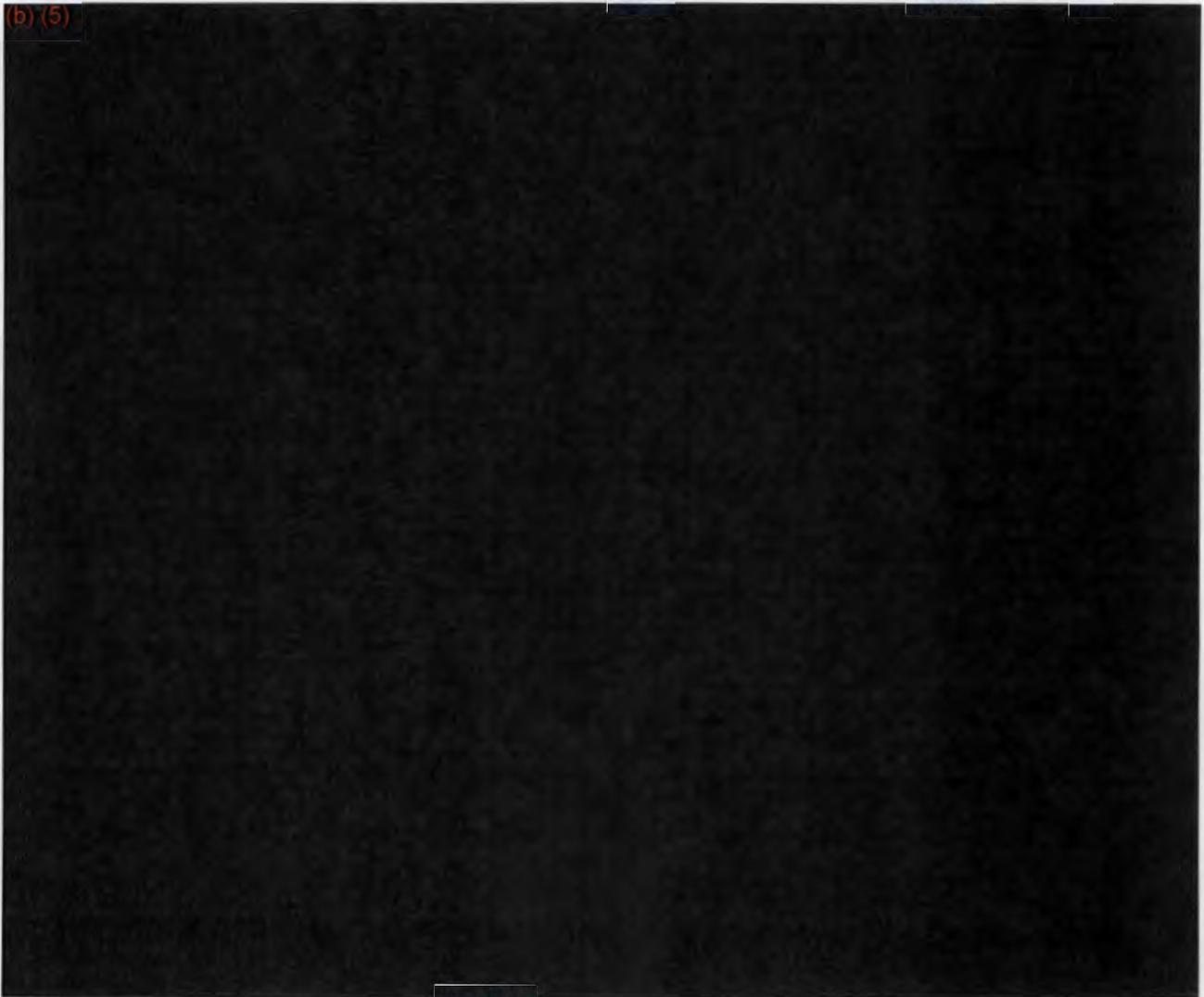
INFORMATION

**MEMORANDUM FOR:** Caryn Wagner  
Under Secretary for Intelligence and Analysis

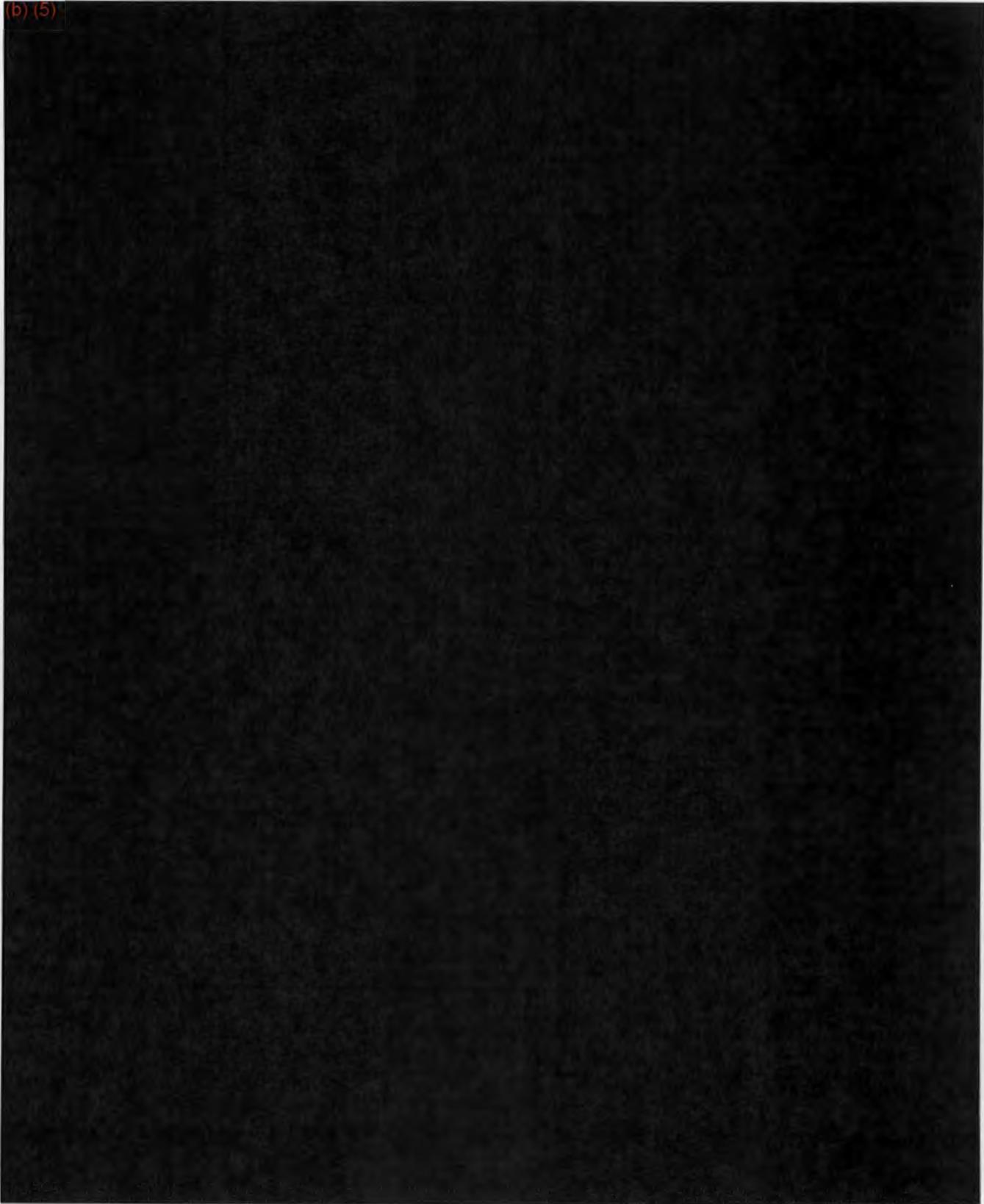
**FROM:** Matthew L. Kronisch  
Associate General Counsel for Intelligence

**SUBJECT:** Update Regarding Draft NCTC Guidelines

(b) (5)

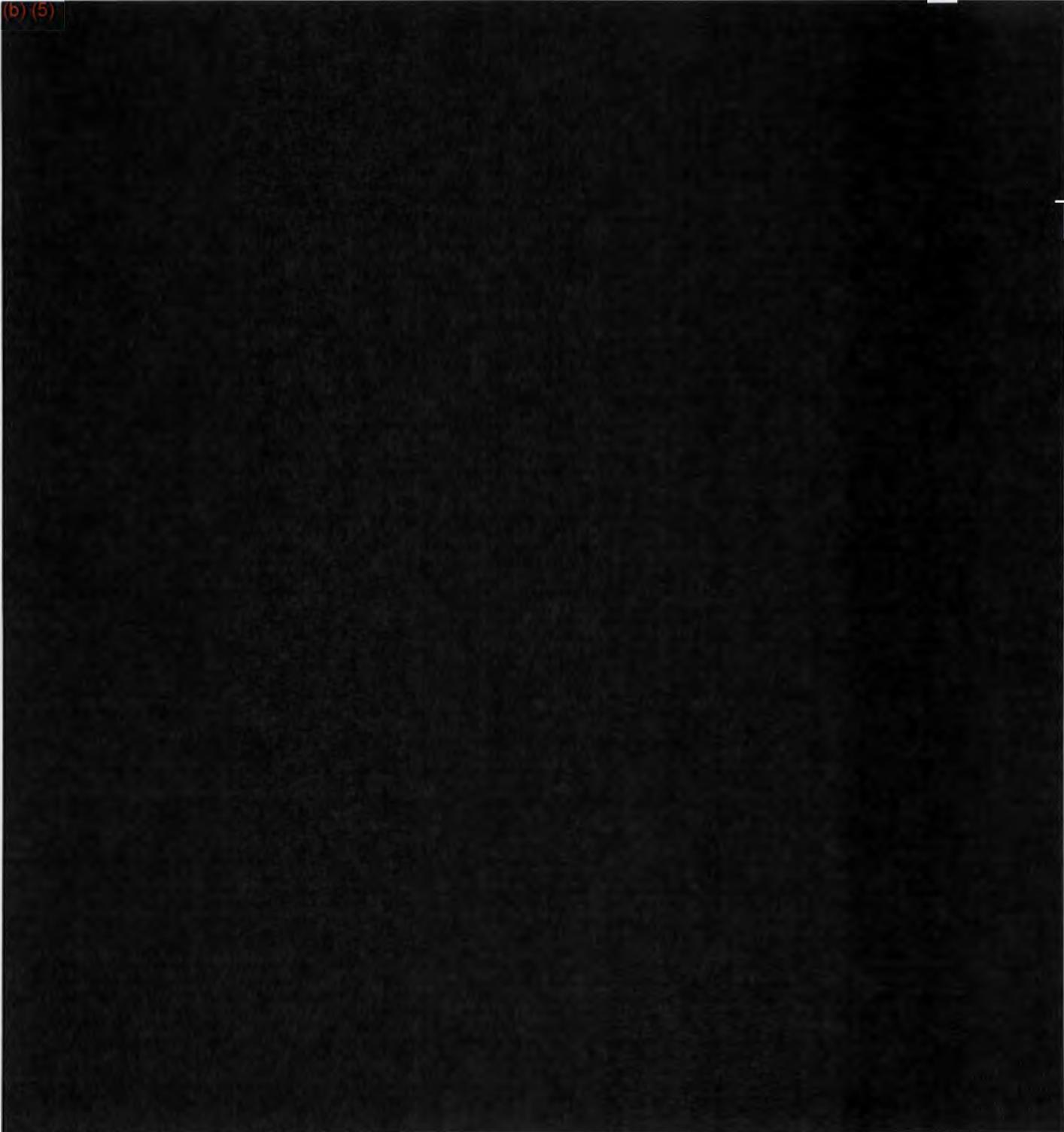


(b) (5)



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(b) (5)



cc: Ivan K. Fong, General Counsel

(b) (5)



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**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Tuesday, June 21, 2011 10:23 AM  
**To:** (b) (6)  
**Cc:** (b) (6); Ivan; Wagner, Caryn; (b) (6)  
**Subject:** FW: NCTC AG Guidelines LTR to (b) (6)  
**Attachments:** NCTC AG Guidelines LTR to (b) (6) (3).docx

(b) (6)

Please use the attached version rather than that transmitted at 9:27.  
Thanks.

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

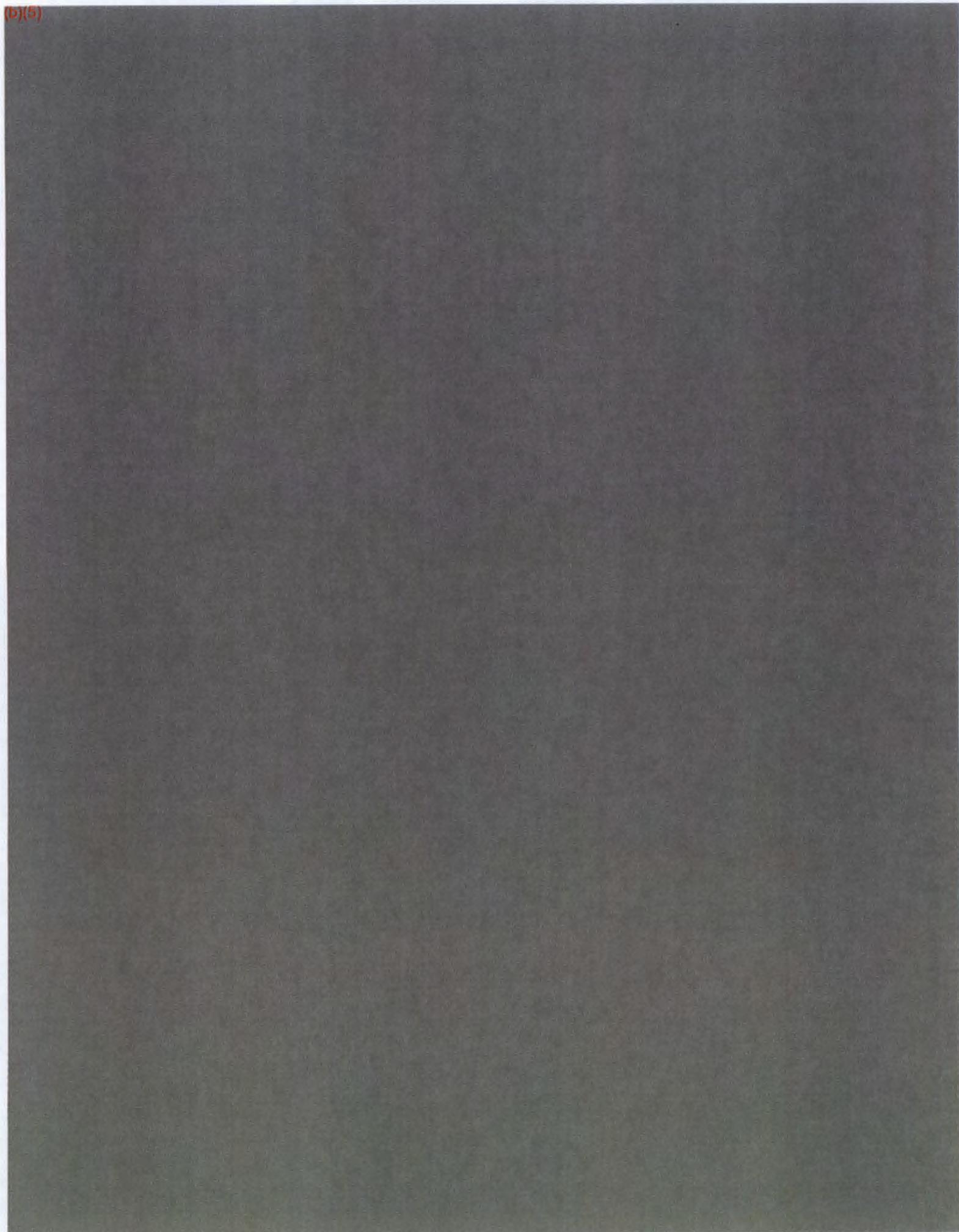
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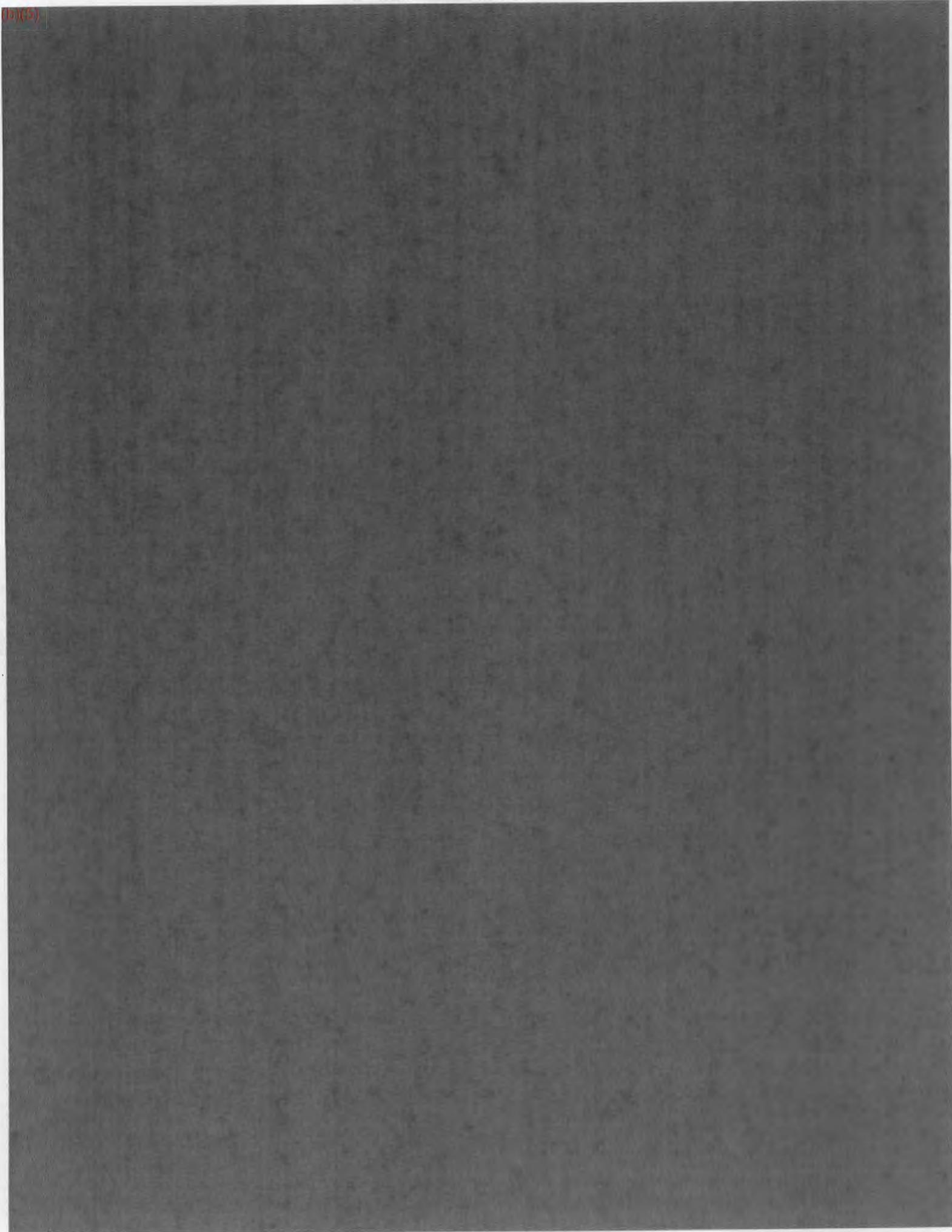
---

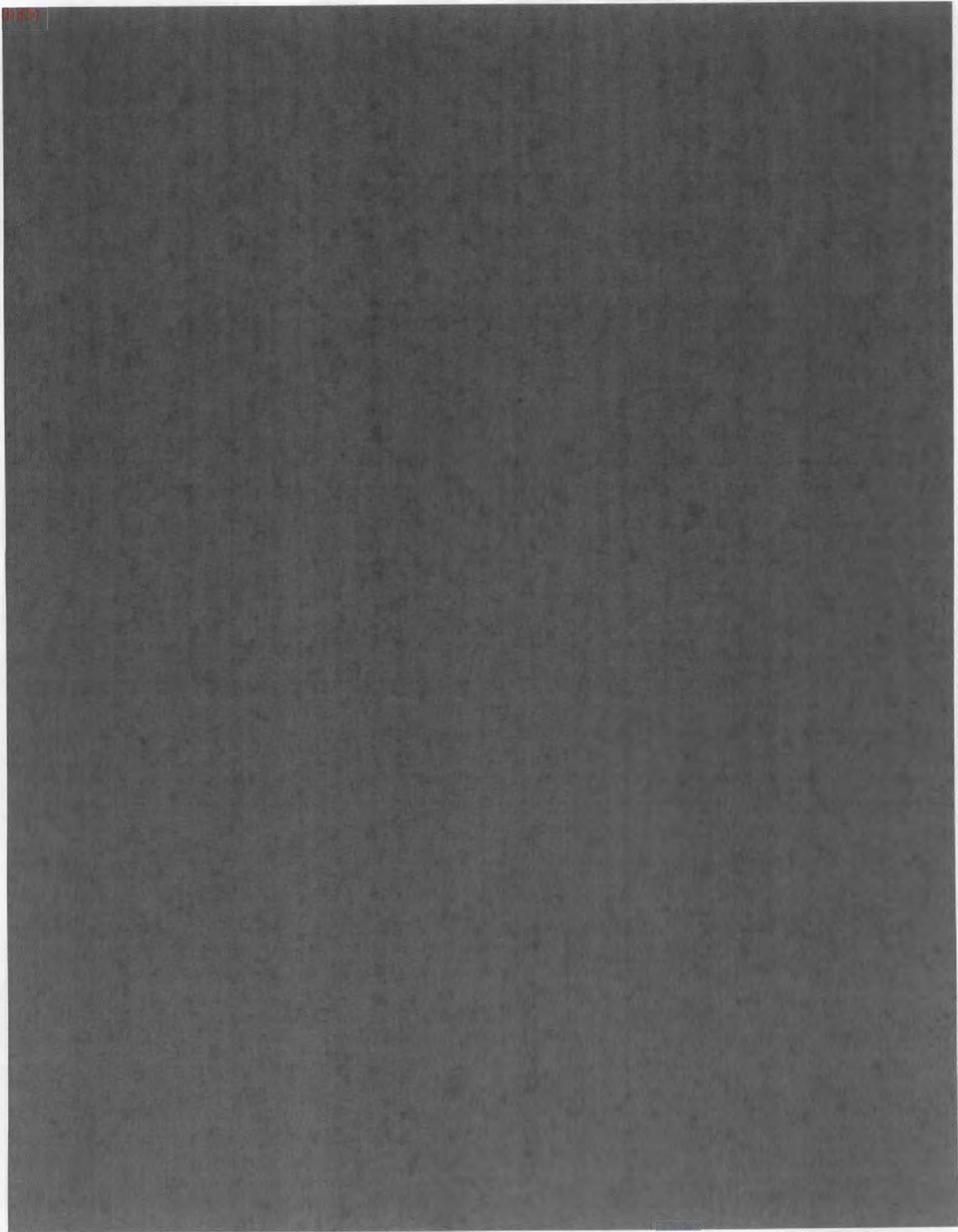
**From:** Kronisch, Matthew  
**Sent:** Tuesday, June 21, 2011 9:27 AM  
**To:** (b) (6)  
**Cc:** (b) (6); Fond, Ivan; Wagner, Caryn; (b) (6)  
**Subject:** NCTC AG Guidelines LTR to (b) (6)

(b) (6)

Attached is a draft letter from U/S Wagner to the DNI stating the DHS position regarding the NCTC AG Guidelines.  
Matt







**Wagner, Caryn**

---

**From:** Fong, Ivan  
**Sent:** Tuesday, June 21, 2011 12:57 PM  
**To:** Wagner, Caryn; Cohen, John D; (b) (6)  
**Cc:** Kronisch, Matthew  
**Subject:** FW: Proposed edits to NCTC Guidelines

(b) (5)



Ivan

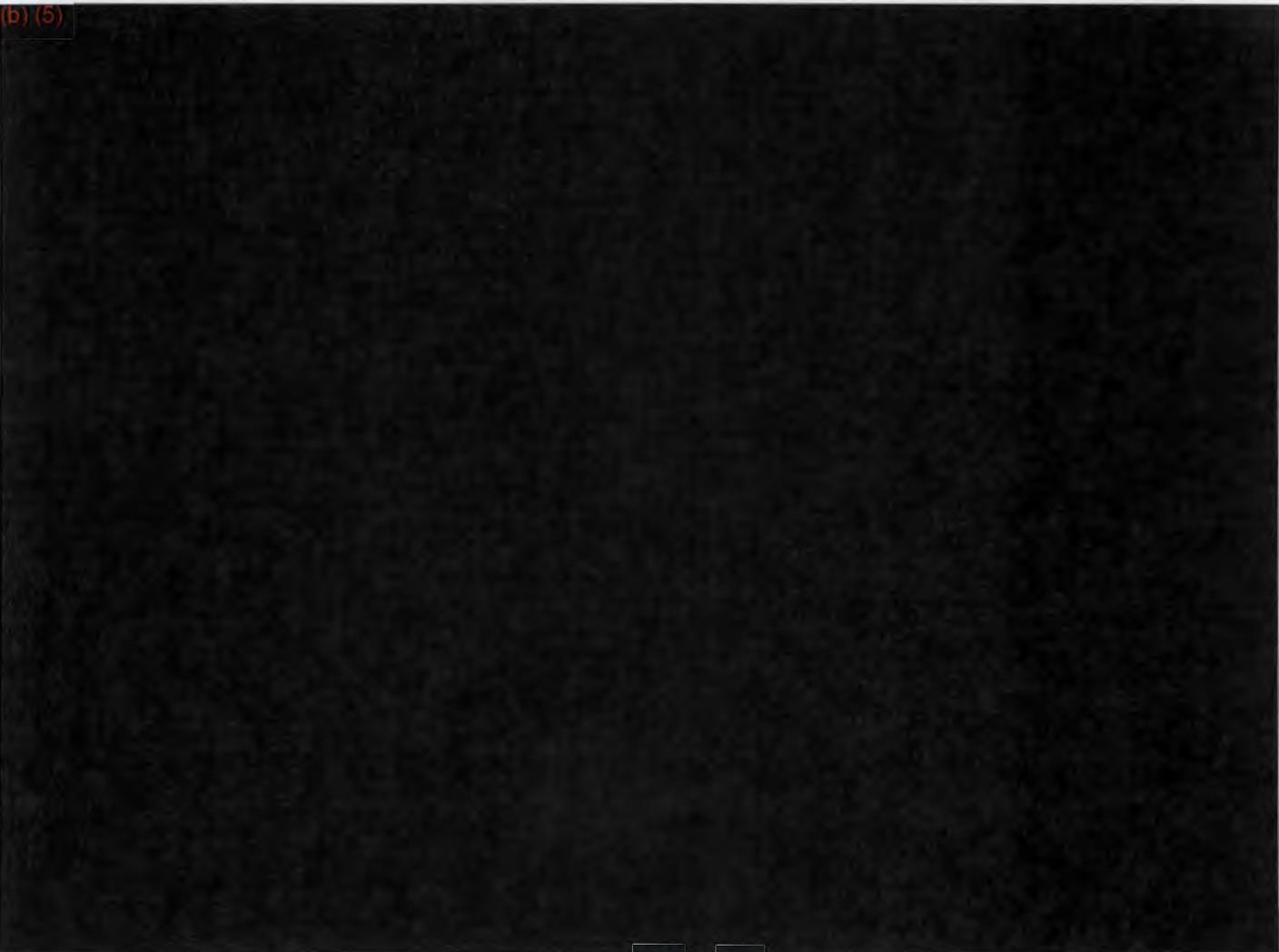
---

**From:** Fong, Ivan  
**Sent:** Tuesday, June 21, 2011 12:45 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** RE: Proposed edits to NCTC Guidelines

(b) (6)



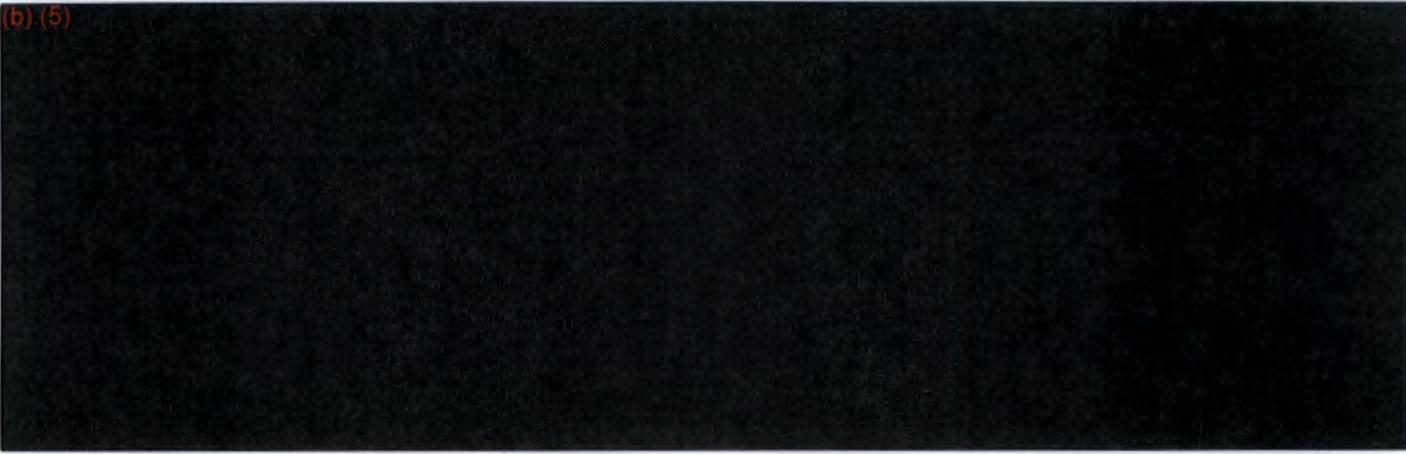
(b) (5)



Ivan

2. *Establishing Terms and Conditions for Information Access.*

(b) (5)



---

From: (b) (6)

(b) (6)

Sent: Friday, June 17, 2011 2:58 PM

To: Fong, Ivan; Kronisch, Matthew

Cc: (b) (6)

Subject: Proposed edits to NCTC Guidelines

Ivan and Matt,

(b) (5)



(b) (6)

2. *Establishing Terms and Conditions for Information Access.*

(b) (5)



(b) (6)

Deputy General Counsel, Management  
Office of the Director of National Intelligence

(b) (6)

**Wagner, Caryn**

---

**From:** (b)(6)  
**Sent:** Tuesday, June 21, 2011 5:06 PM  
**To:** Wagner, Caryn  
**Subject:** Info Sharing CONFCALL w/S2 - Meeting notes

Ma'am,

To provide assistance to you since you were en route, I had (b)(6) (w/ (b)(6)) take down the minutes for you, as below.  
Hope this is ok. Vr, (b)(6)

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, June 21, 2011 4:36 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** con call with S2 - meeting notes

Good afternoon:

In response your request, I was a silent participant in today's conference call on information sharing (focused on sharing with NCTC) hosted by the S2. My notes are below. In conclusion, participants agreed to reconvene on Thursday, with the goal of developing a set of recommendations/decision points to get to the Secretary on Friday. The conference call ended shortly after U/SIA Wagner left the call; no new topics or decisions were discussed. S2 ended the call to continue in a classified environment.

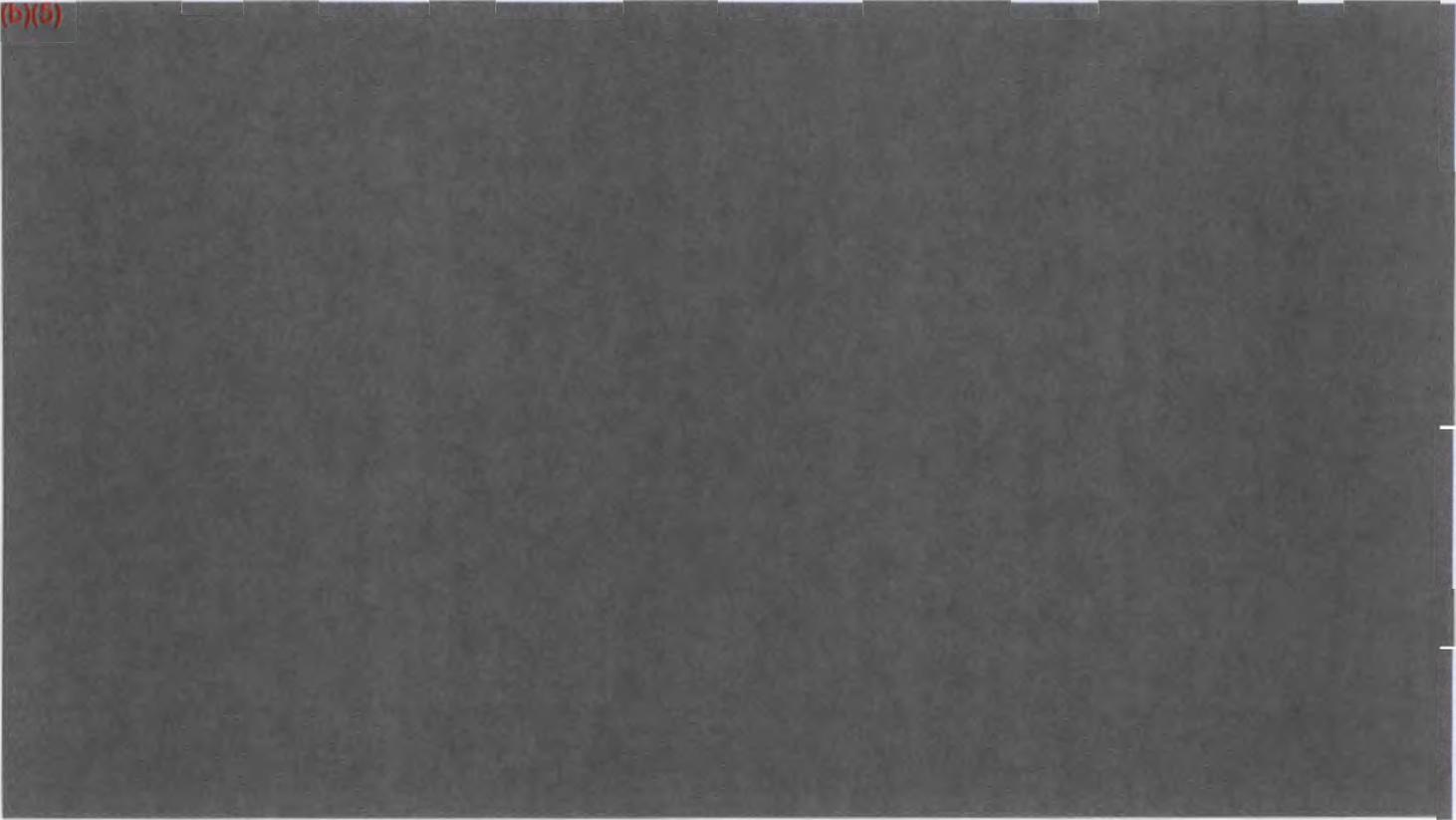
Participants: S2/(b)(6)/Caryn Wagner/Ivan Fong/John Cohen/Margo Schlanger/Mary Ellen Callahan

Meeting notes:

(b)(5)



(b)(5)



Please advise if I may provide any additional assistance, or if you have any questions or concerns.

(b) (6)

DHS, I&A

(b) (6)

**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 4:57 PM  
**To:** Wagner, Caryn  
**Cc:** (b) (6); Fong, Ivan; (b) (6); Cohen, John; Johnson, Bart  
**Subject:** Re: NCTC AG Guidelines LTR to (b) (6)  
**Attachments:** NCTC AG Guidelines LTR to (b) (6) w CAWmlk edits.docx.docx

Caryn,

(b) (5)

Matt

-----  
Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
U.S Department of Homeland Security

---

**From:** Wagner, Caryn  
**Sent:** Wednesday, June 22, 2011 04:27 PM  
**To:** Kronisch, Matthew  
**Cc:** (b) (6); Fong, Ivan; (b) (6); Cohen, John; Johnson, Bart R; (b) (6)  
(b) (6)  
**Subject:** RE: NCTC AG Guidelines LTR to Clapper

Matt, now that I know that I am supposed to provide this letter before or at the CTRC on Friday, which I had not quite grasped, I can't do that without sharing it with MEC and Margo and S2. I made some changes to your language on the retention period that I know MEC would not agree with. Other than those changes (in track changes in the attachment), is this the final version based on the back-and-forth between (b) (6) and (b) (6). If so, I will send it around and see what happens unless you have a better idea.

---

**From:** Kronisch, Matthew  
**Sent:** Tuesday, June 21, 2011 10:23 AM  
**To:** (b) (6)  
**Cc:** (b) (6); Fong, Ivan; Wagner, Caryn; (b) (6)  
**Subject:** FW: NCTC AG Guidelines LTR to Clapper

(b) (6)  
Please use the attached version rather than that transmitted at 9:27.  
Thanks.

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

**From:** (b) (6)

**Sent:** Tuesday, June 21, 2011 9:27 AM

**To:** (b) (6)

**Cc:** (b) (6) Fong, Ivan; Wagner, Caryn; (b) (6)

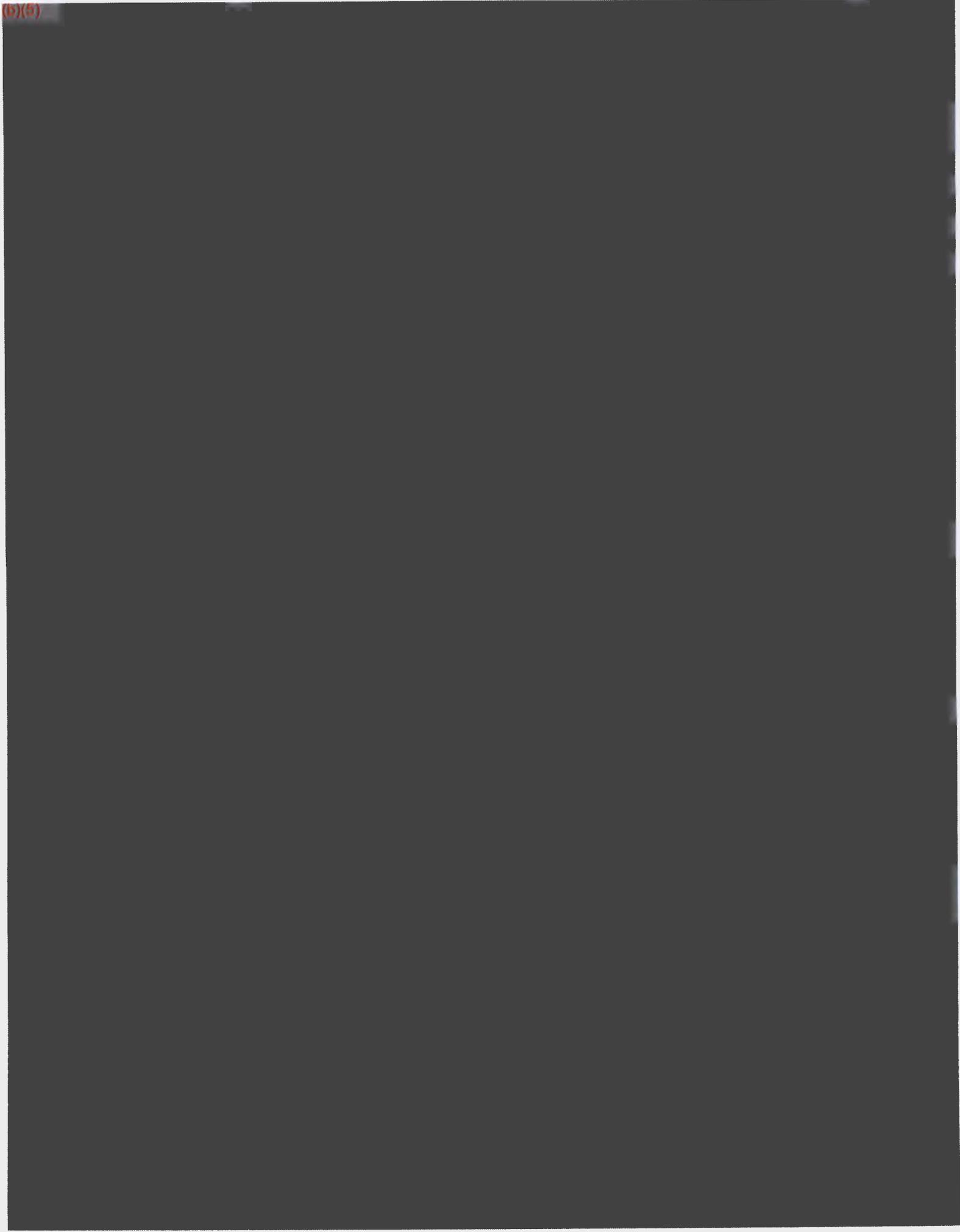
**Subject:** NCTC AG Guidelines LTR to Clapper

(b) (6)

Attached is a draft letter from U/S Wagner to the DNI stating the DHS position regarding the NCTC AG Guidelines.

Matt







**Wagner, Caryn**

---

**From:** Cohen, John  
**Sent:** Wednesday, June 22, 2011 7:03 PM  
**To:** Kronisch, Matthew; Wagner, Caryn  
**Cc:** (b) (6); Fong, Ivan; (b) (6); Johnson, Bart R;  
(b) (6)  
**Subject:** Re: NCTC AG Guidelines LTR to (b) (6)

(b) (5)

John Cohen  
Principal Deputy Counterterrorism Coordinator and  
Senior Advisor to the Secretary  
United States Department of Homeland Security

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 06:47 PM  
**To:** Kronisch, Matthew; Wagner, Caryn  
**Cc:** (b) (6); Fong, Ivan; (b) (6); Cohen, John; Johnson, Bart R;  
(b) (6)  
**Subject:** RE: NCTC AG Guidelines LTR to Clapper

(b) (5)

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 4:57 PM  
**To:** Wagner, Caryn  
**Cc:** (b) (6); Fong, Ivan; (b) (6); Cohen, John; Johnson, Bart R;  
(b) (6)  
**Subject:** Re: NCTC AG Guidelines LTR to (b) (6)

Caryn,  
(b) (5)

Matt

Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
U.S Department of Homeland Security

---

**From:** Wagner, Caryn  
**Sent:** Wednesday, June 22, 2011 04:27 PM  
**To:** Kronisch, Matthew  
**Cc:** (b) (6); Fong, Ivan; (b) (6); Cohen, John; Johnson, Bart R; (b) (6)  
(b) (6)  
**Subject:** RE: NCTC AG Guidelines LTR to Clapper

(b) (6) now that I know that I am supposed to provide this letter before or at the CTRC on Friday, (b) (5)  
(b) (5)  
(b) (5) if so, I will send it around and see what happens unless you have a better idea.

---

**From:** Kronisch, Matthew  
**Sent:** Tuesday, June 21, 2011 10:23 AM  
**To:** (b) (6)  
**Cc:** (b) (6); Fong, Ivan; Wagner, Caryn; (b) (6)  
**Subject:** FW: NCTC AG Guidelines LTR to Clapper

(b) (6)  
Please use the attached version rather than that transmitted at 9:27.  
Thanks.

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security  
(b) (6)

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**From:** Kronisch, Matthew  
**Sent:** Tuesday, June 21, 2011 9:27 AM  
**To:** (b) (6)  
**Cc:** (b) (6); Fong, Ivan; Wagner, Caryn; (b) (6)  
**Subject:** NCTC AG Guidelines LTR to Clapper

(b) (6)  
Attached is a draft letter from U/S Wagner to the DNI stating the DHS position regarding the NCTC AG Guidelines.  
Matt

**Wagner, Caryn**

---

**From:** JHL  
**Sent:** Thursday, June 23, 2011 9:30 AM  
**To:** Wagner, Caryn  
**Cc:** (b) (6)  
**Subject:** Re: USI/A LTR to (b) (5) on AG Guidelines

(b) (5)

---

**From:** Wagner, Caryn  
**Sent:** Thursday, June 23, 2011 09:22 AM  
**To:** JHL  
**Cc:** (b) (6); Cohen, John; Johnson, Bart R  
**Subject:** FW: USI/A (b) (5) on AG Guidelines

(b) (5)

(b) (5)

We can discuss more fully at the 3:00 meeting.

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, June 23, 2011 9:15 AM  
**To:** Fong, Ivan; (b) (6); Wagner, Caryn; (b) (6); (b) (6)  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines

Attached version addresses Ivan's suggestion by inserting (b) (5)

(b) (5)

Matt

---

**From:** Fong, Ivan  
**Sent:** Thursday, June 23, 2011 8:34 AM  
**To:** Kronisch, Matthew; (b) (6); Wagner, Caryn; (b) (6)  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines

(b) (5)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, June 23, 2011 7:40 AM  
**To:** (b) (6); Wagner, Caryn; (b) (6); Fong, Ivan  
**Subject:** Fw: USI/A LTR to (b) (6) on AG Guidelines

Attached version was cleared by mary ellen and margo.

-----  
Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
U.S Department of Homeland Security

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 10:40 PM

**To:** Schlanger, Margo; Callahan, Mary Ellen  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines

Margo,  
Thanks. Your edits are helpful. Here is my revision based upon your comments.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**From:** Schlanger, Margo  
**Sent:** Wednesday, June 22, 2011 9:26 PM  
**To:** Kronisch, Matthew; Callahan, Mary Ellen  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines

A few suggested edits are attached. (b) (5)

(b) (5)

The others are for your consideration – but I think they are correct. In particular, I don't think the third argument is clearly enough explained. And there seems to be a mixup of headers.

Thanks,  
Margo

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(b) (6)

<http://www.dhs.gov/crcl>



Homeland  
Security

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 7:14 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn; (b) (6) Fong, Ivan  
**Subject:** USI/A LTR to (b) (6) on AG Guidelines

Mary Ellen and Margo:

(b) (5)

(b) (5)

Please call me if you have any questions, but if not, your clearance would be appreciated.

Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 7:14 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn; [REDACTED] Fong, Ivan  
**Subject:** USIA LTR to [REDACTED] on AG Guidelines  
**Attachments:** NCTC AG Guidelines LTR to [REDACTED]

Mary Ellen and Margo:

[REDACTED]

Please call me if you have any questions, but if not, your clearance would be appreciated.

Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

[REDACTED]

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**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, June 23, 2011 7:40 AM  
**To:** (b) (6); Wagner, Caryn; (b) (6); Fong, Ivan  
**Subject:** Fw: USI/A LTR to (b) (6) on AG Guidelines  
**Attachments:** NCTC AG Guidelines LTR to (b) (6)

Attached version was cleared by mary ellen and margo.

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Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
U.S Department of Homeland Security

---

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**Sent:** Wednesday, June 22, 2011 10:40 PM  
**To:** Schlanger, Margo; Callahan, Mary Ellen  
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Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**From:** Schlanger, Margo  
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**To:** Kronisch, Matthew; Callahan, Mary Ellen  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines

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Thanks,  
Margo

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(b) (6)

(b) (7)

<http://www.dhs.gov/crcl>



# Homeland Security

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 7:14 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn; (b) (7) Fong, Ivan  
**Subject:** USI/A LTR to (b) (6) on AG Guidelines

Mary Ellen and Margo:

(b) (5)

Please call me if you have any questions, but if not, your clearance would be appreciated.

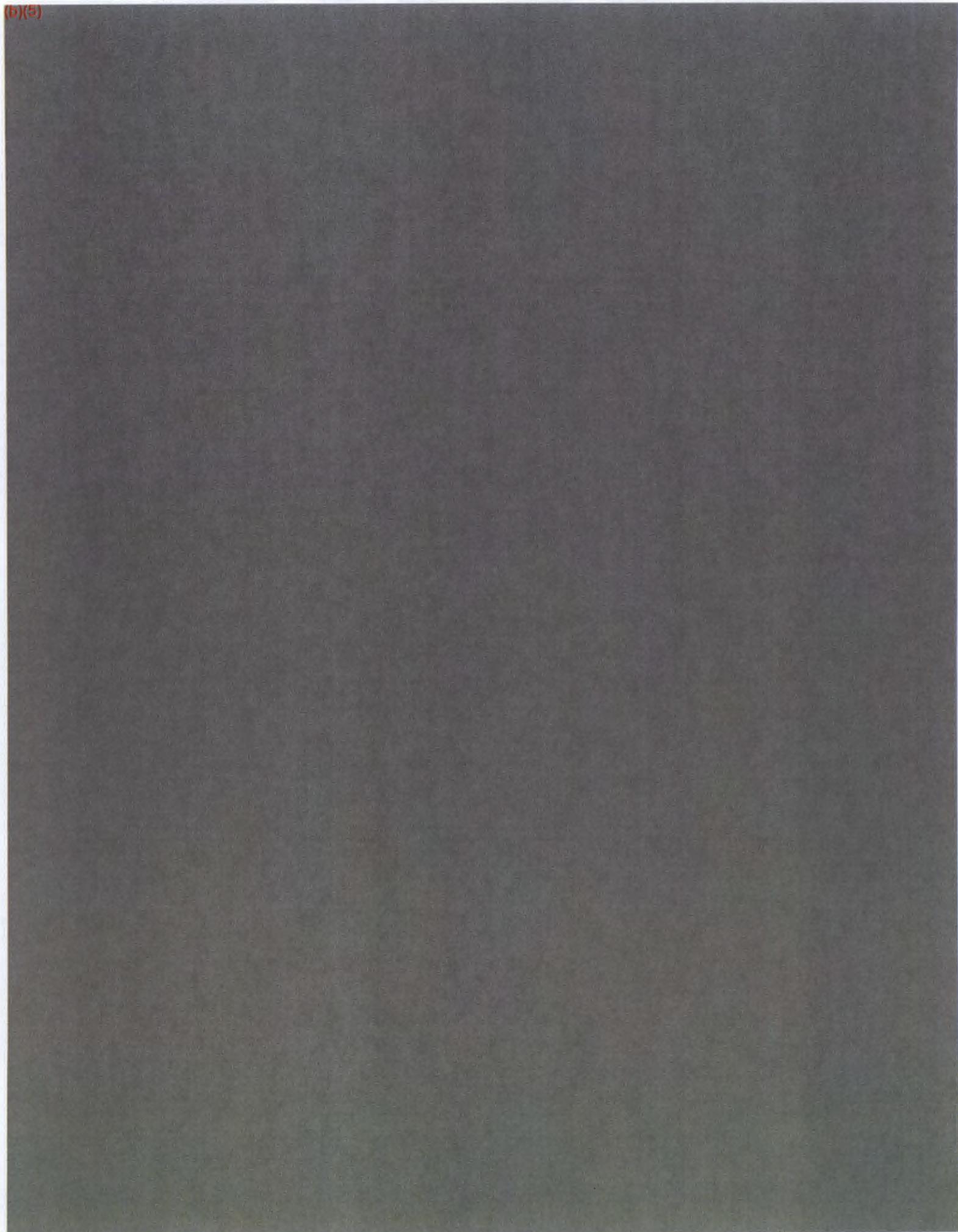
Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 7:14 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn (b)(6); Fong, Ivan  
**Subject:** USIA LTR to (b)(6) on AG Guidelines  
**Attachments:** NCTC AG Guidelines LTR to (b)(6)

Mary Ellen and Margo:

(b)(5)

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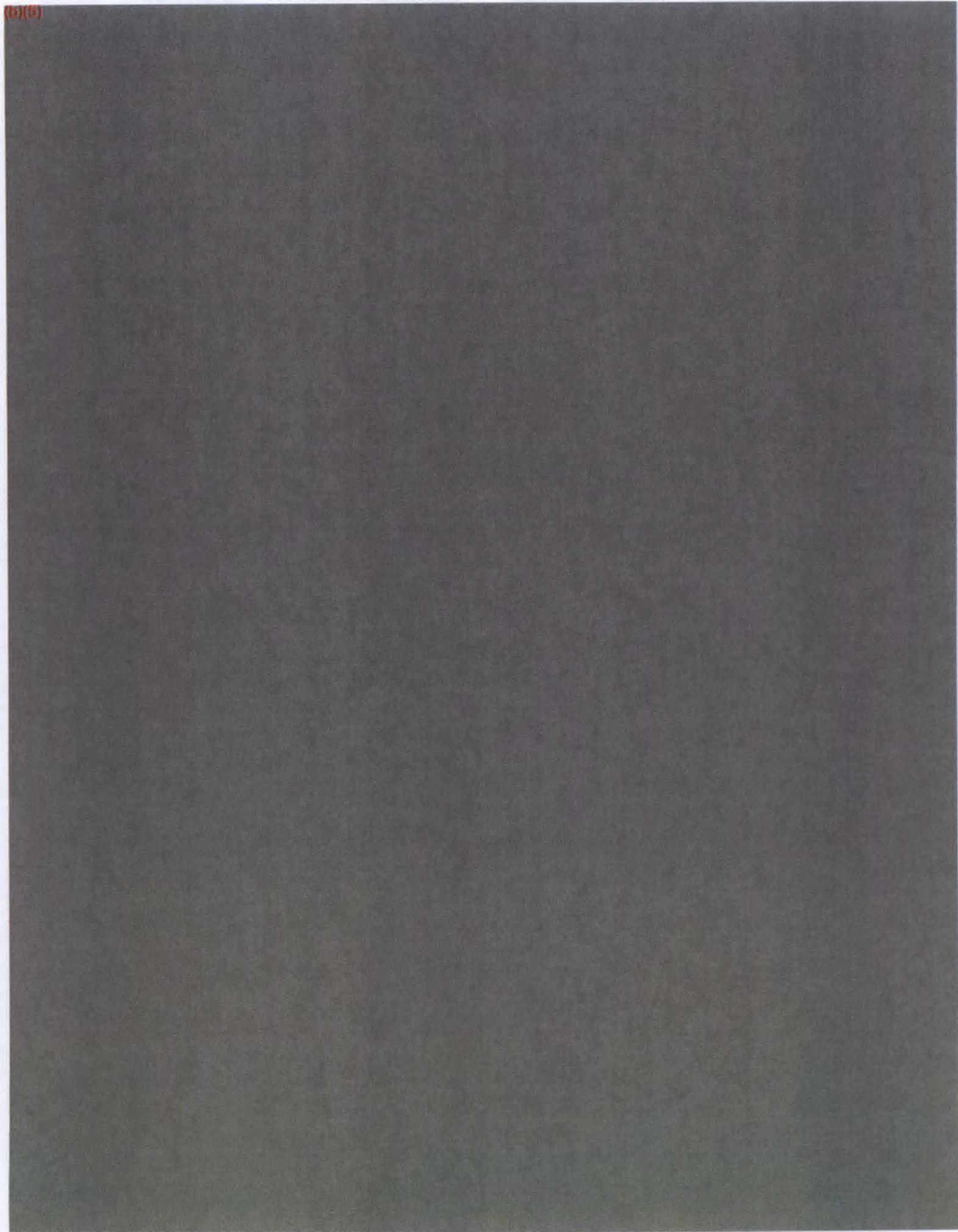
Thanks.

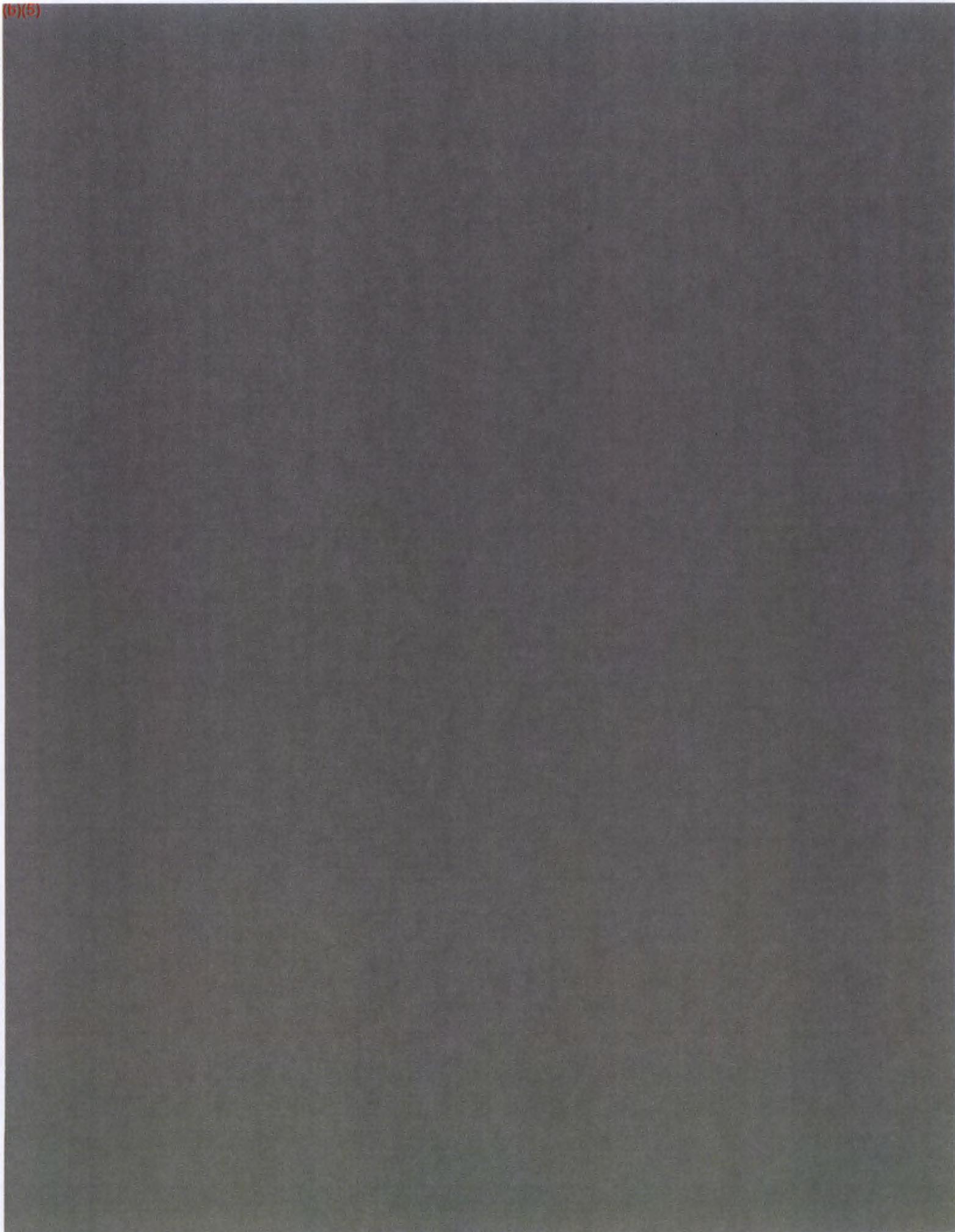
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b)(6)

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**Wagner, Caryn**

---

**From:** Fong, Ivan  
**Sent:** Thursday, June 23, 2011 8:34 AM  
**To:** Kronisch, Matthew; [REDACTED] Wagner, Caryn; [REDACTED]  
**Subject:** RE: USI/A LTR to [REDACTED] on AG Guidelines

[REDACTED]  
(b) (5)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, June 23, 2011 7:40 AM  
**To:** [REDACTED] Wagner, Caryn; [REDACTED] Fong, Ivan  
**Subject:** Fw: USI/A LTR to [REDACTED] on AG Guidelines

Attached version was cleared by mary ellen and margo.

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Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
U.S Department of Homeland Security

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**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 10:40 PM  
**To:** Schlanger, Margo; Callahan, Mary Ellen  
**Subject:** RE: USI/A LTR to [REDACTED] on AG Guidelines

Margo,  
Thanks. Your edits are helpful. Here is my revision based upon your comments.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

[REDACTED]  
(b) (6)

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---

**From:** Schlanger, Margo  
**Sent:** Wednesday, June 22, 2011 9:26 PM  
**To:** Kronisch, Matthew; Callahan, Mary Ellen  
**Subject:** RE: USI/A LTR to [REDACTED] on AG Guidelines

[REDACTED]  
(b) (5)

The others are for your consideration – but I think they are correct. In particular, I don't think the third argument is clearly enough explained. And there seems to be a mixup of headers.

Thanks,  
Margo

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(b) (6)

<http://www.dhs.gov/crci>



Homeland  
Security

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 7:14 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn; (b) (6) Fong, Ivan  
**Subject:** USI/A LTR to Clapper on AG Guidelines

Mary Ellen and Margo:

(b) (5)

Please call me if you have any questions, but if not, your clearance would be appreciated.

Thanks.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, June 23, 2011 9:15 AM  
**To:** Fong, Ivan; (b) (6) Wagner, Caryn; (b) (6)  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines  
**Attachments:** NCTC AG Guidelines LTR to (b) (6)

(b) (5)

Matt

---

**From:** Fong, Ivan  
**Sent:** Thursday, June 23, 2011 8:34 AM  
**To:** Kronisch, Matthew; (b) (6) Wagner, Caryn; (b) (6)  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines

(b) (5)

---

**From:** Kronisch, Matthew  
**Sent:** Thursday, June 23, 2011 7:40 AM  
**To:** (b) (6) Wagner, Caryn; (b) (6) Fong, Ivan  
**Subject:** Fw: USI/A LTR to (b) (6) on AG Guidelines

Attached version was cleared by mary ellen and margo.

-----  
Sent from my BlackBerry  
Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
U.S Department of Homeland Security

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 10:40 PM  
**To:** Schlanger, Margo; Callahan, Mary Ellen  
**Subject:** RE: USI/A LTR to (b) (6) on AG Guidelines

Margo,  
Thanks. Your edits are helpful. Here is my revision based upon your comments.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**From:** Schlanger, Margo  
**Sent:** Wednesday, June 22, 2011 9:26 PM  
**To:** Kronisch, Matthew; Callahan, Mary Ellen  
**Subject:** RE: USI/A LTR to (b) (5) on AG Guidelines

(b) (5)

The others are for your consideration – but I think they are correct. In particular, I don't think the third argument is clearly enough explained. And there seems to be a mixup of headers.

Thanks,  
Margo

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(b) (6)

<http://www.dhs.gov/crci>



**Homeland  
Security**

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**From:** Kronisch, Matthew  
**Sent:** Wednesday, June 22, 2011 7:14 PM  
**To:** Callahan, Mary Ellen; Schlanger, Margo  
**Cc:** Wagner, Caryn (b) (6); Fong, Ivan  
**Subject:** USI/A LTR to (b) (6) on AG Guidelines

Mary Ellen and Margo:

(b) (5)

Please call me if you have any questions, but if not, your clearance would be appreciated.

Thanks.  
Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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**Wagner, Caryn**

---

**From:** (b) (6)  
**Sent:** Friday, June 24, 2011 6:16 PM  
**To:** Fong, Ivan; Wagner, Caryn A  
**Cc:** (b) (6)  
**Subject:** RE: Proposed edits to NCTC Guidelines

(b)(5)



(b) (6)  
Deputy General Counsel, Management  
Office of the Director of National Intelligence  
(b) (6)

**Wagner, Caryn**

---

**From:** Fong, Ivan  
**Sent:** Monday, June 27, 2011 6:39 PM  
**To:** JHL  
**Cc:** (b) (6) Wagner, Caryn  
**Subject:** FW: Proposed edits to NCTC Guidelines

S2 - As we discussed, here is my e-mail to (b) (6) below, with an offer for you to call (b) (6) if they think it would be helpful.

---

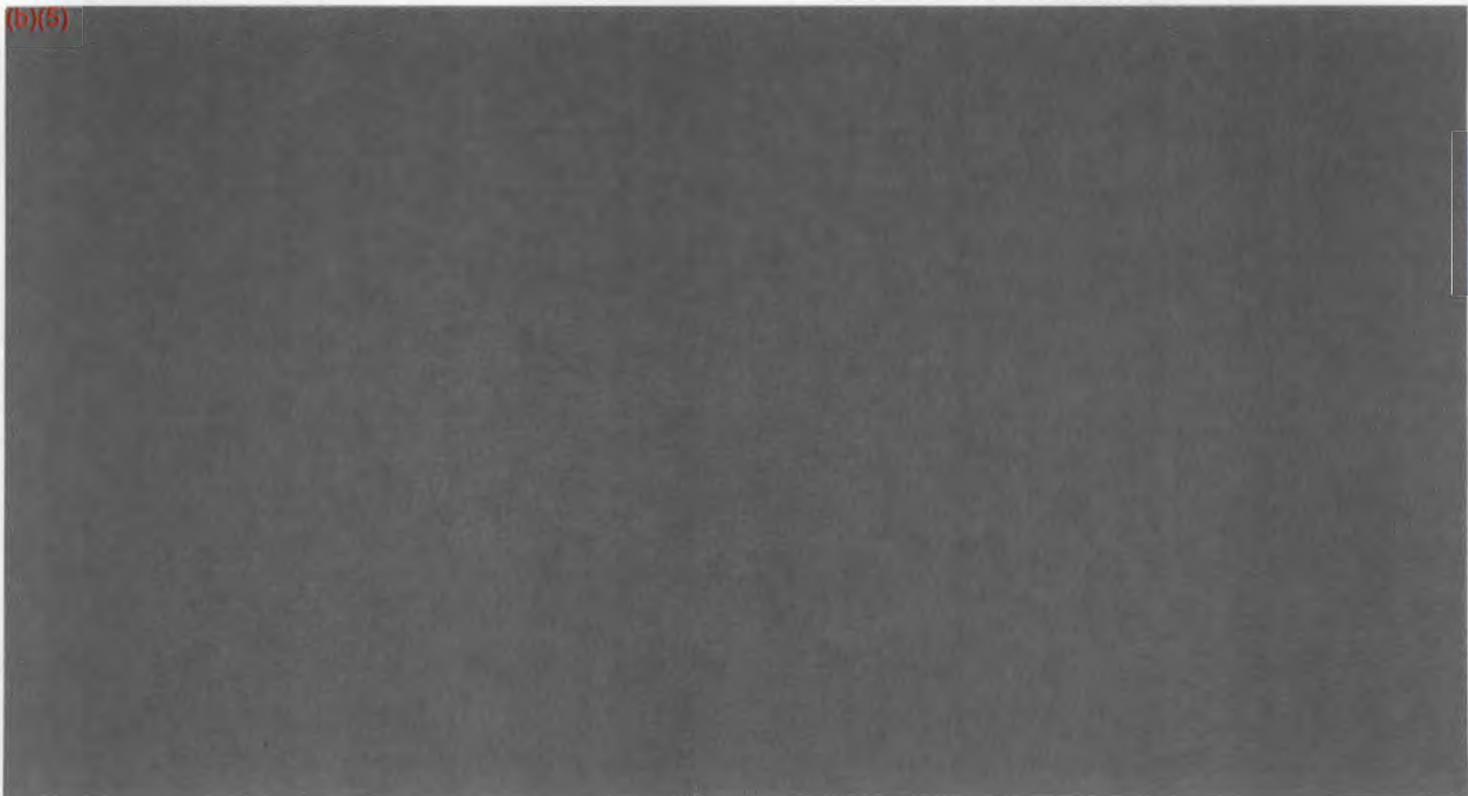
**From:** Fong, Ivan  
**Sent:** Monday, June 27, 2011 6:38 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
(b) (6) Wagner, Caryn A  
**Subject:** RE: Proposed edits to NCTC Guidelines

(b) (5)



Ivan

(b)(5)





**Wagner, Caryn**

---

**From:** Fong, Ivan  
**Sent:** Monday, June 27, 2011 6:50 PM  
**To:** Wagner, Caryn  
**Subject:** Draft NCTC Guidelines  
**Attachments:** memo\_nctc guidelines\_answers\_v1 2.docx

Caryn – This memo was done on very short notice (by Matt’s lawyers) in response to some of the questions S1 had about this issue.



**Homeland  
Security**

June 27, 2011

INFORMATION

MEMORANDUM FOR: Janet Napolitano  
Secretary of Homeland Security

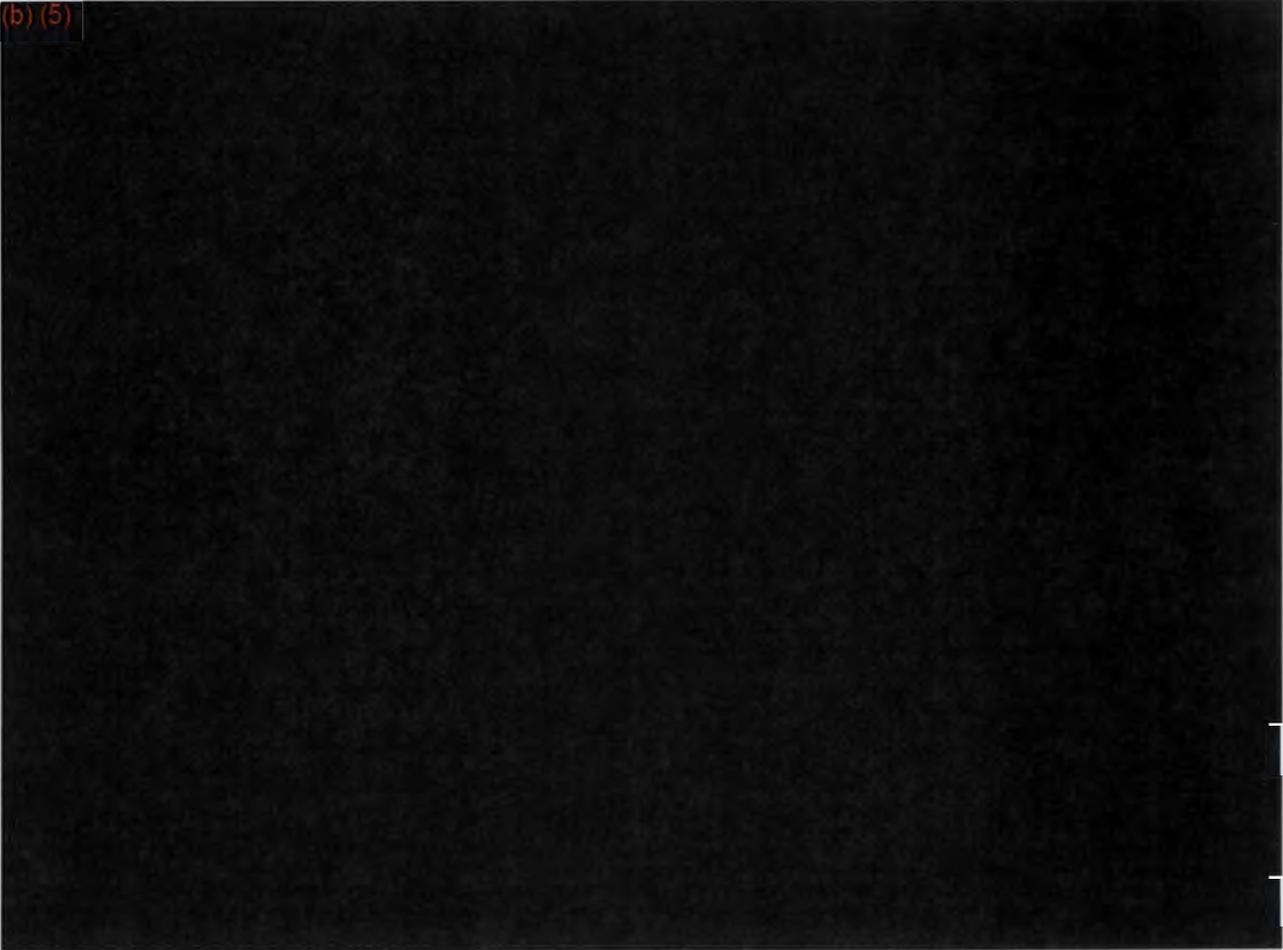
FROM: Ivan K. Fong  
General Counsel

SUBJECT: Questions Regarding Draft NCTC Guidelines

(b) (5)

A large, solid black rectangular redaction box covers the entire body of the memorandum, obscuring all text and graphics that would follow the subject line.

(b) (5)



A Department of Homeland Security Attorney prepared this document for internal government use only. This document is pre-decisional in nature and qualifies as an inter-agency/intra-agency document containing deliberative process material. This document contains confidential attorney-client communications relating to a legal matter for which the client has sought professional advice. Under exemption 5 of section (b) of 5 U.S.C. § 552 (Freedom of Information Act), this material is exempt from release to the public.

**Wagner, Caryn**

---

**From:** Beers, Rand  
**Sent:** Tuesday, July 05, 2011 6:14 PM  
**To:** Wagner, Caryn  
**Subject:** RE: Proposed edits to NCTC Guidelines

It was raised today without resolution in the meeting I was in.

---

**From:** Wagner, Caryn  
**Sent:** Tuesday, July 05, 2011 6:03 PM  
**To:** Beers, Rand; Cohen, John  
**Subject:** Fw: Proposed edits to NCTC Guidelines

Lots of pressure to resolve the AG guidelines authorities issue before (b)(6) leaves. Ivan and I spoke to S2 about this Friday and she was unwilling to raise with S1 while she was on travel. We need to ensure this is brought to her attention tomorrow if it wasn't today; I will be happy to fill in any needed background (b)(6) may call tomorrow or Thursday if they don't hear back from us on compromise language.

---

**From:** (b)(6)  
**Sent:** Tuesday, July 05, 2011 05:35 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
(b)(6)  
(b)(6) Wagner, Caryn A  
(b)(6)  
**Subject:** RE: Proposed edits to NCTC Guidelines

(b)(6)



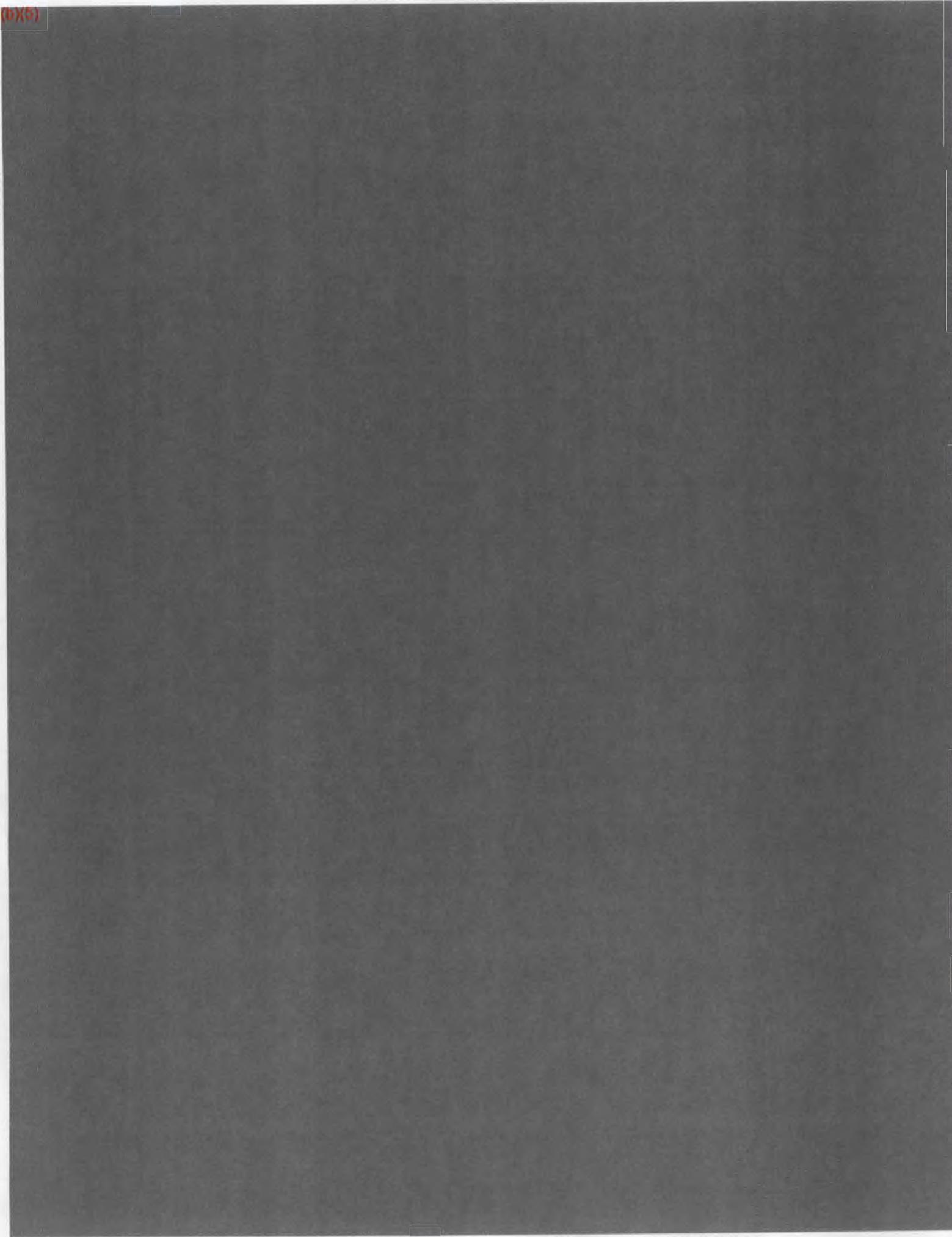
(b)(6)

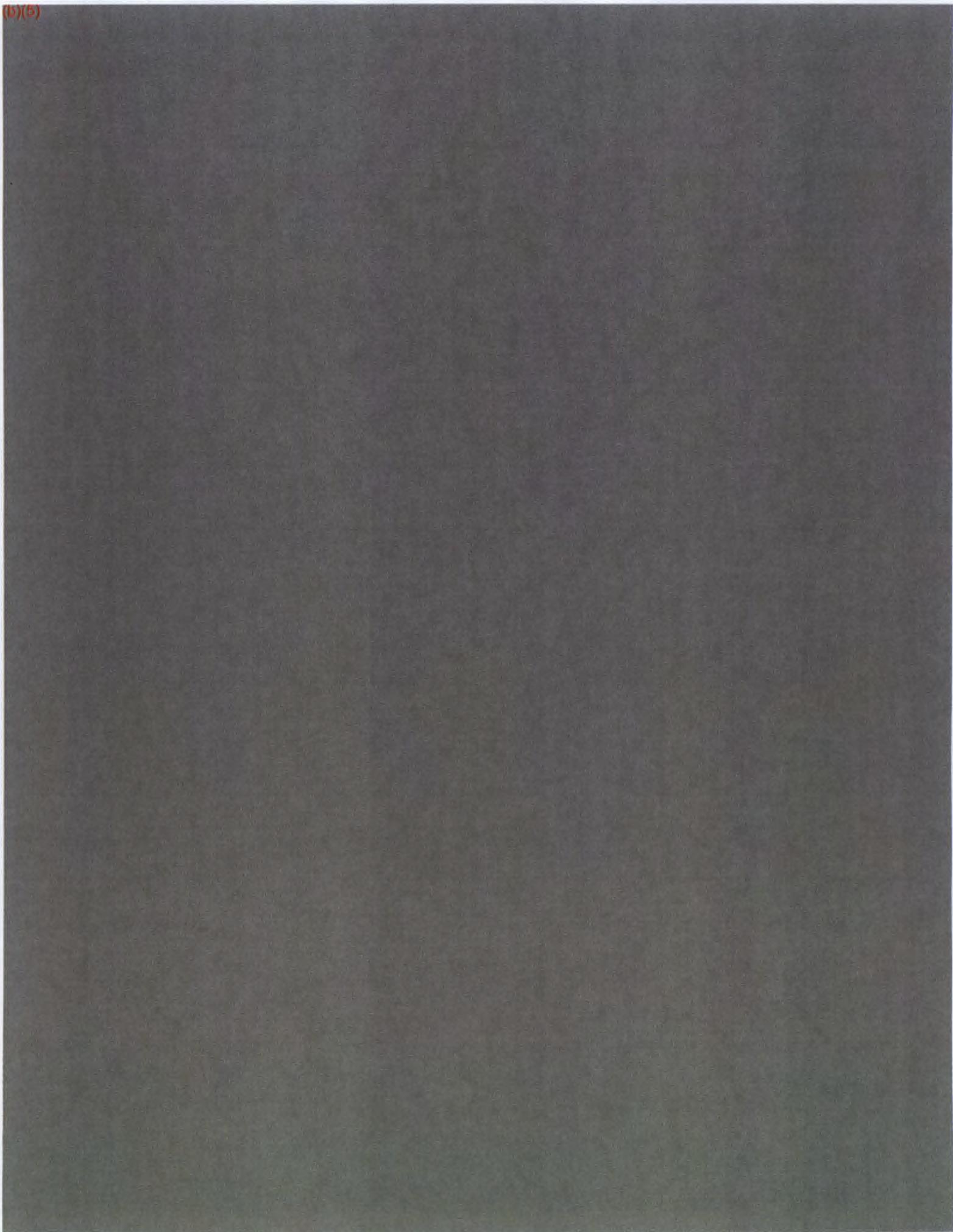
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**From:** Fong, Ivan (b)(6)  
**Sent:** Monday, June 27, 2011 6:38 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
(b)(6) Wagner, Caryn A  
**Subject:** RE: Proposed edits to NCTC Guidelines

(b)(5)







**Wagner, Caryn**

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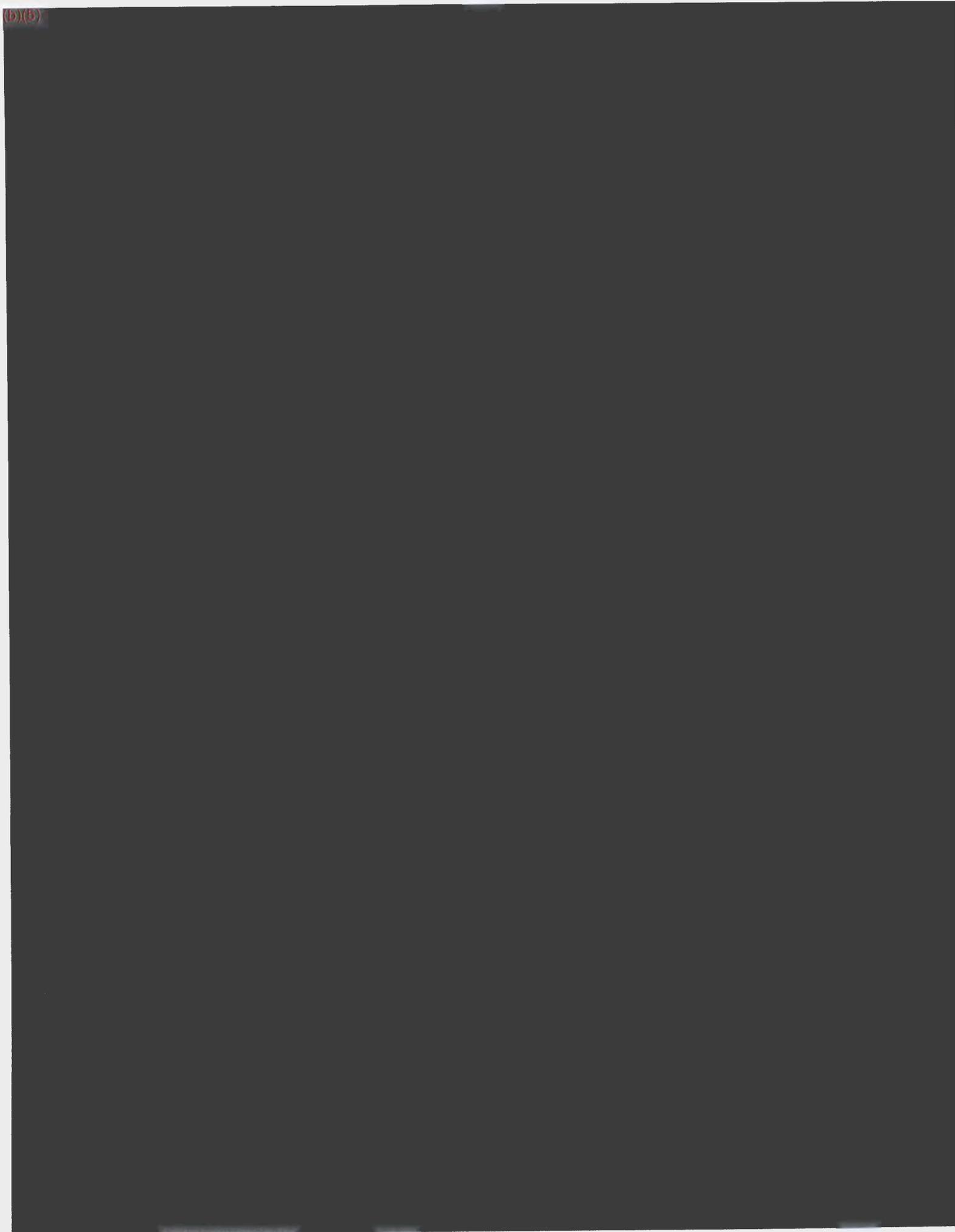
**From:** Fong, Ivan  
**Sent:** Tuesday, July 05, 2011 7:40 PM  
**To:** Wagner, Caryn; Kronisch, Matthew  
**Subject:** AG Guidelines - draft status summary - Deliberative/Pre-Decisional/Privileged  
**Attachments:** AG Guidelines status - 7-5-11.docx

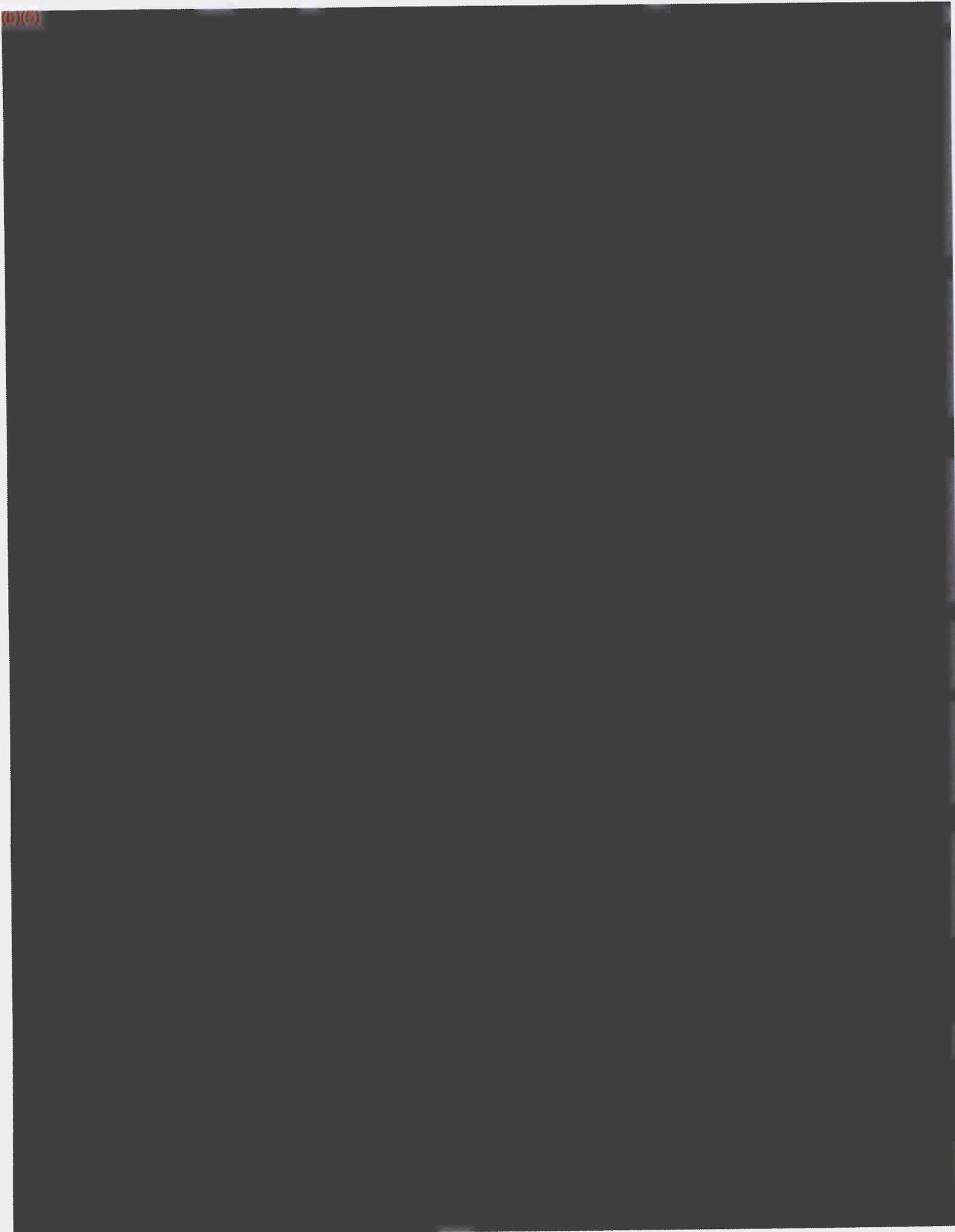
S1's staff asked for a brief summary of where we are in these discussions. See draft attached. Let me know if you have any issues/suggestions. Please keep this close-hold. Thanks.

Ivan

Ivan K. Fong  
General Counsel  
U.S. Department of Homeland Security  
Washington, DC 20528

(b) (6)





**Wagner, Caryn**

---

**From:** Kronisch, Matthew  
**Sent:** Wednesday, July 06, 2011 10:40 AM  
**To:** Fong, Ivan; Wagner, Caryn  
**Subject:** FW: AG Guidelines - draft status summary - Deliberative/Pre-Decisional/Privileged  
**Attachments:** AG Guidelines status - 7-5-11.docx

Ivan,

I have inserted two new bullets at the top of the paper to clarify why the new guidelines are needed.

Matt

Matthew L. Kronisch  
Associate General Counsel (Intelligence)  
Department of Homeland Security

(b) (6)

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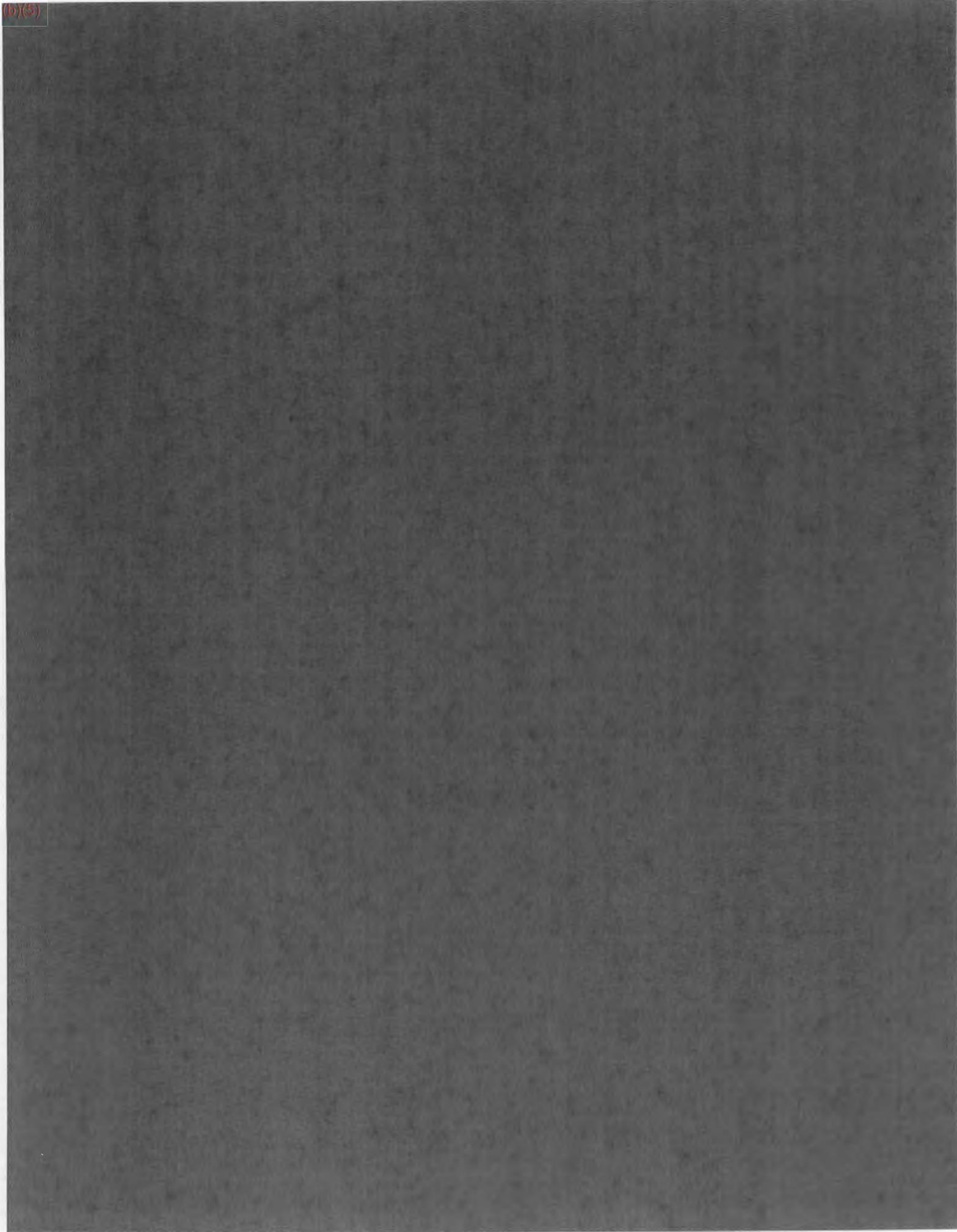
**From:** Fong, Ivan  
**Sent:** Tuesday, July 05, 2011 7:40 PM  
**To:** Wagner, Caryn; Kronisch, Matthew  
**Subject:** AG Guidelines - draft status summary - Deliberative/Pre-Decisional/Privileged

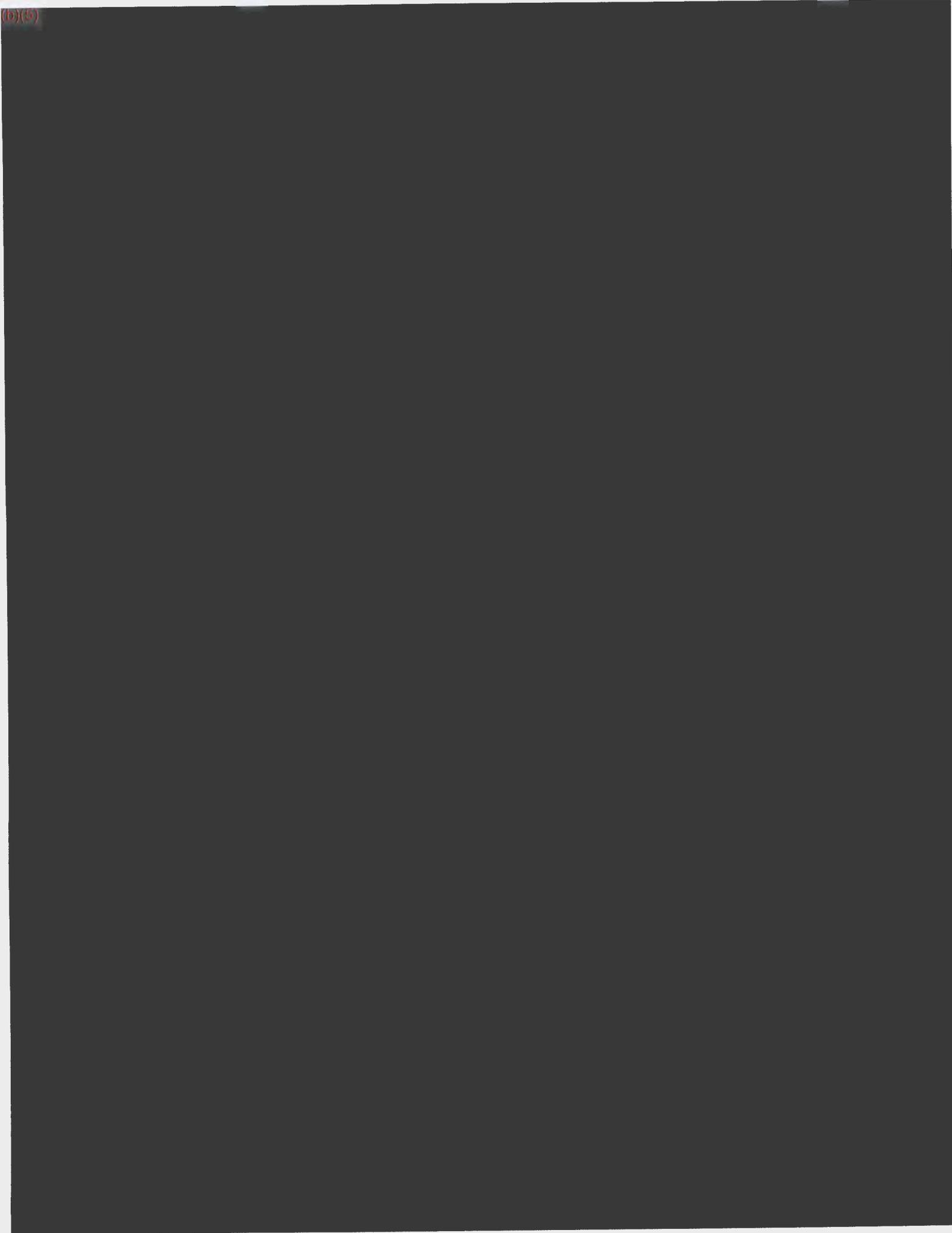
S1's staff asked for a brief summary of where we are in these discussions. See draft attached. Let me know if you have any issues/suggestions. (b) (6) Thanks.

Ivan

Ivan K. Fong  
General Counsel  
U.S. Department of Homeland Security  
Washington, DC 20528

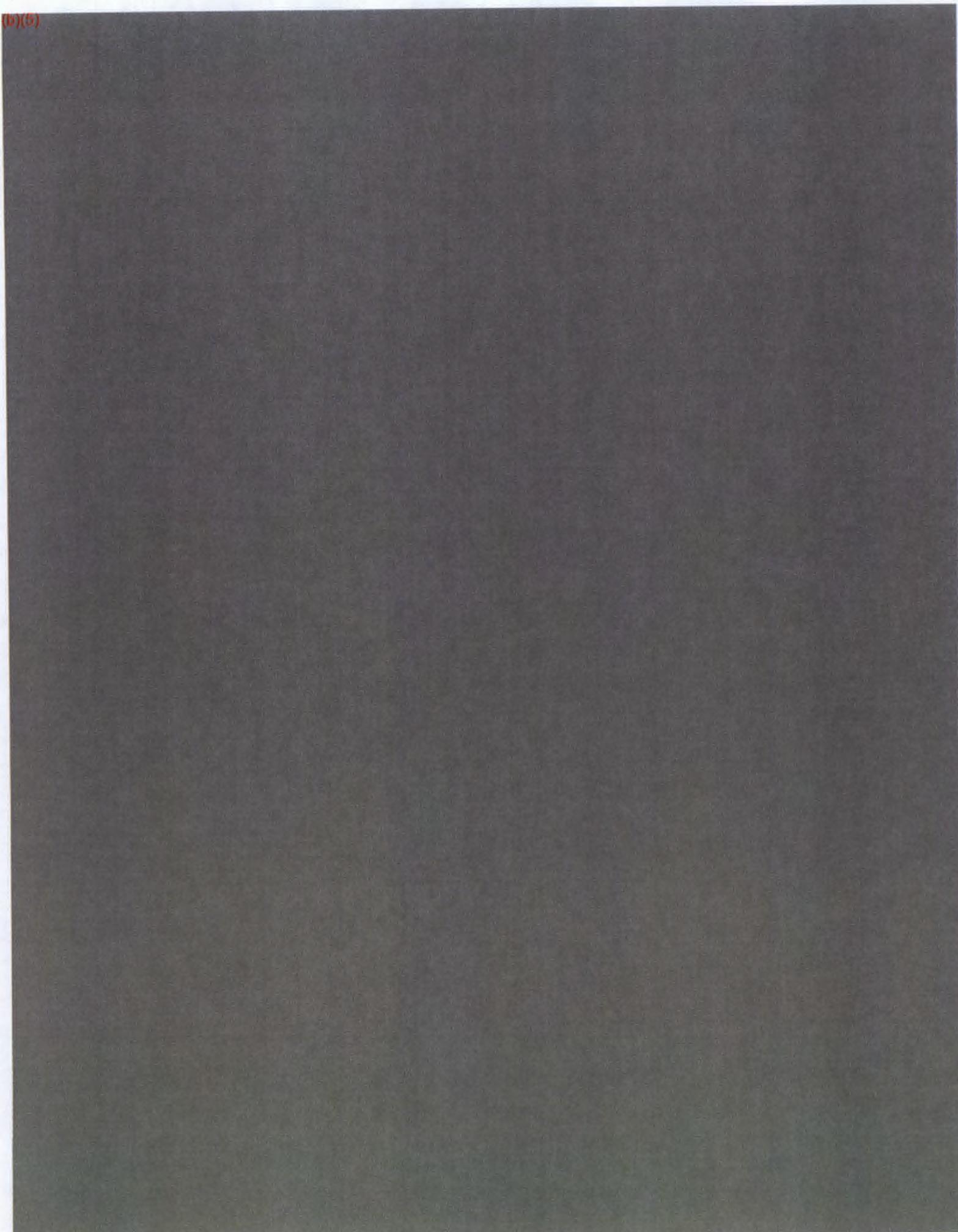
(b) (6)

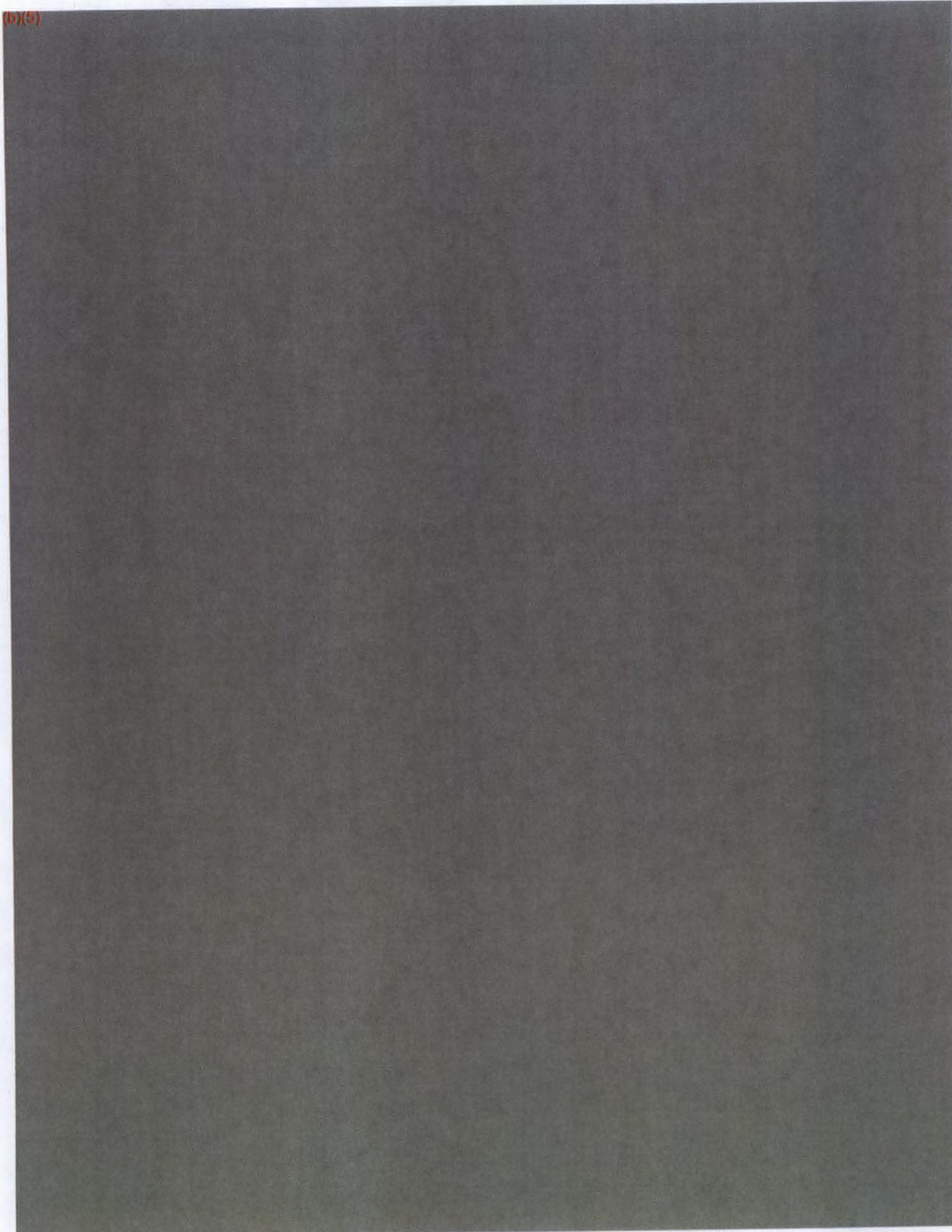


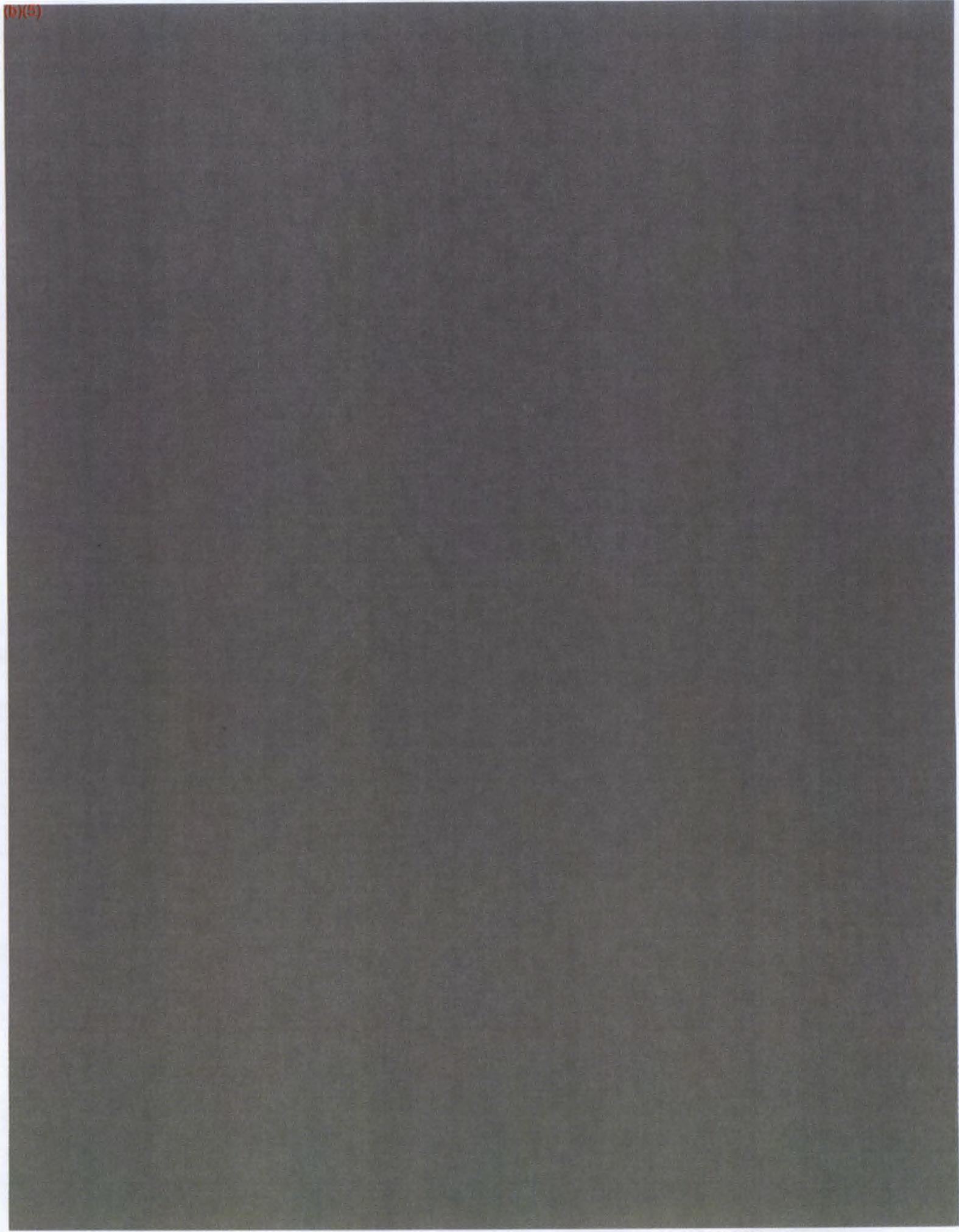


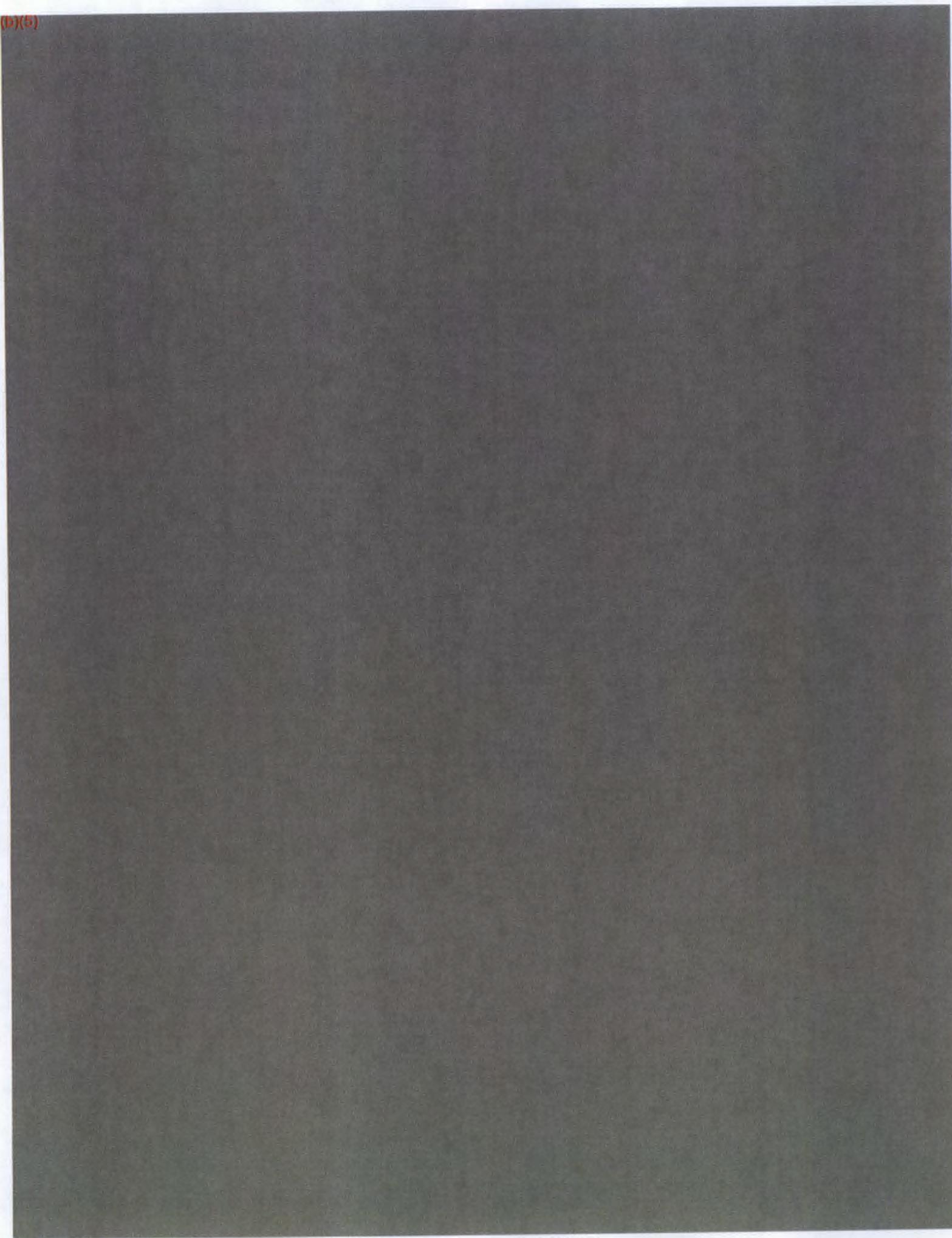
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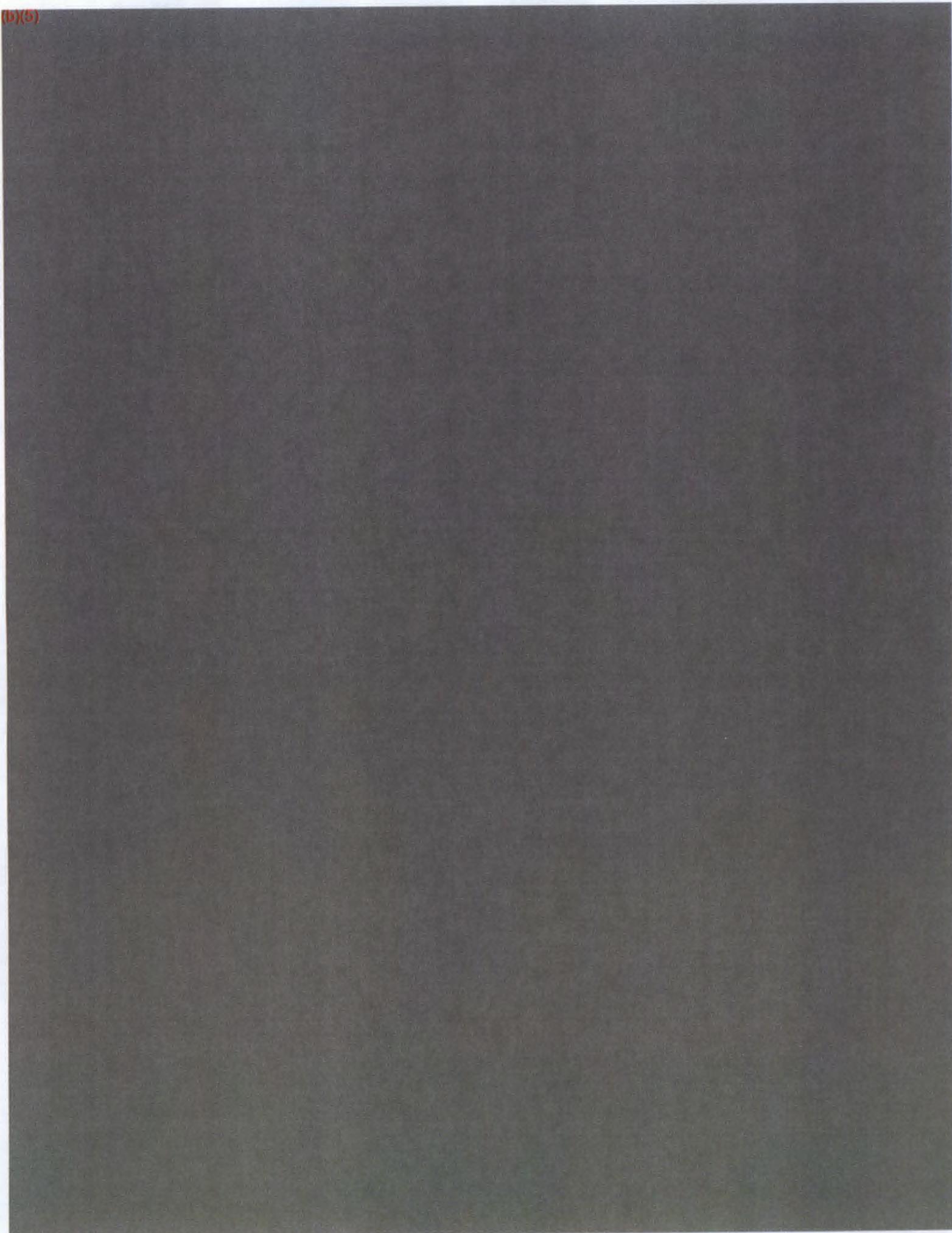
Points of Contact: Ivan K. Fong, OGC, (b) (6) Caryn Wagner, I&A.

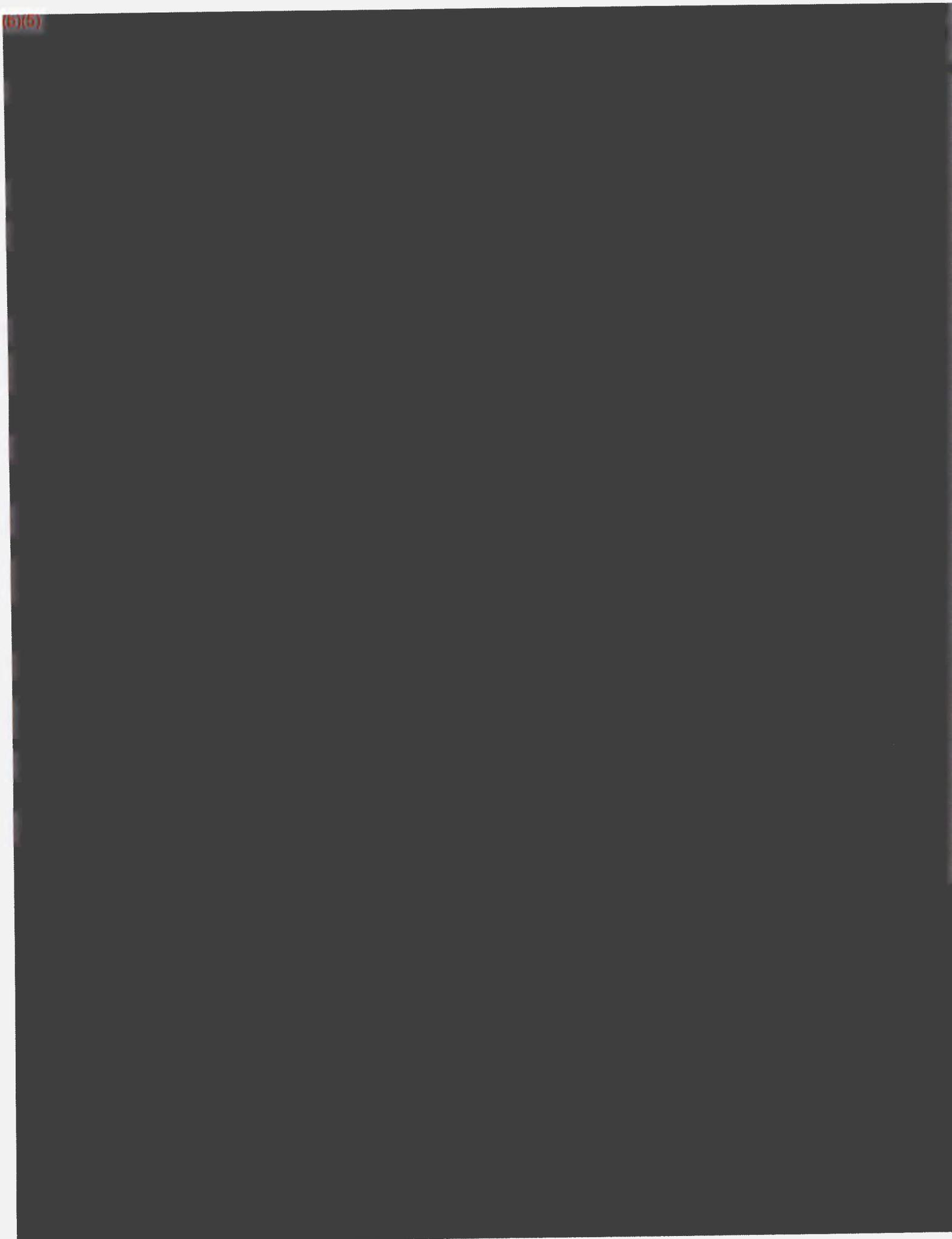


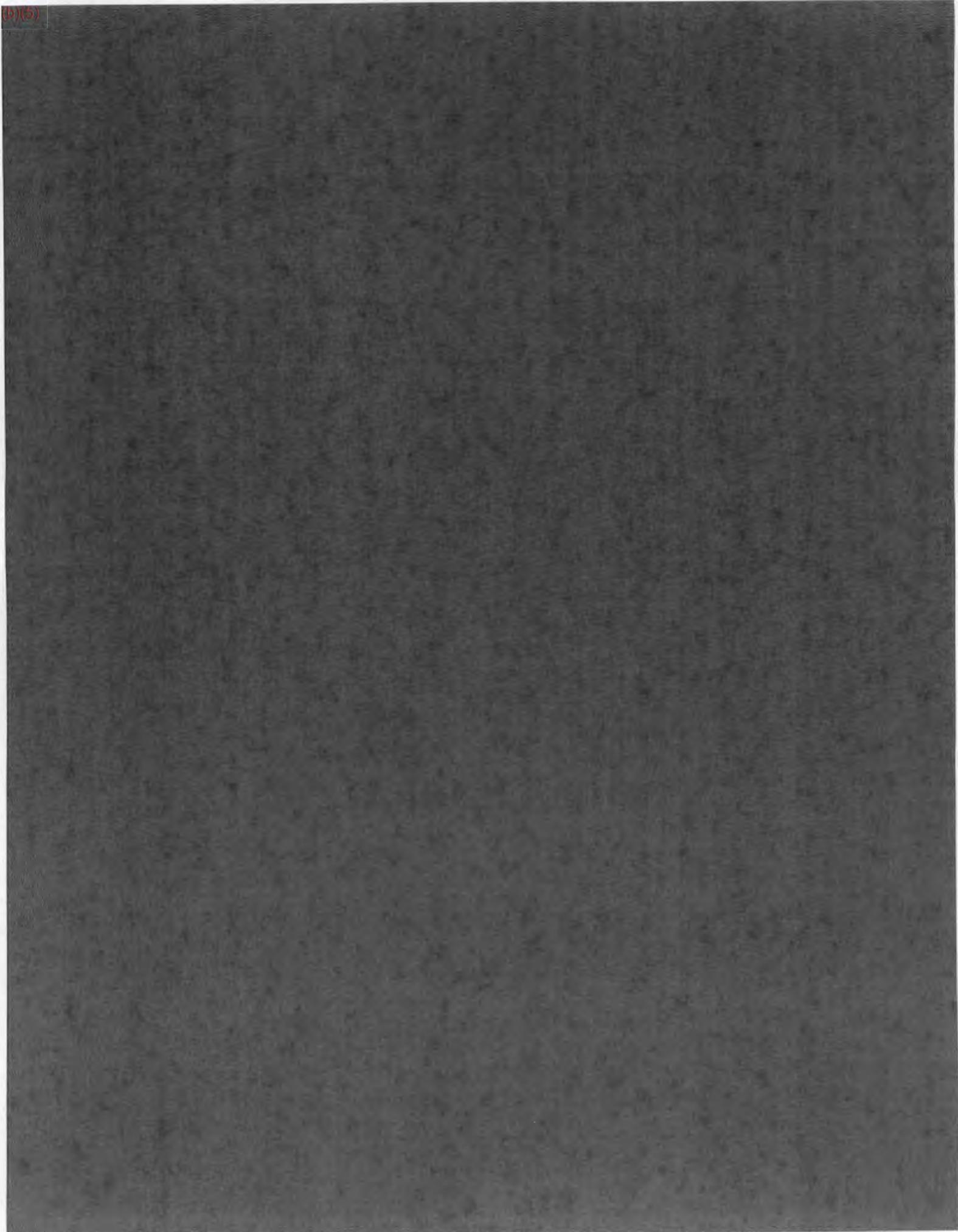


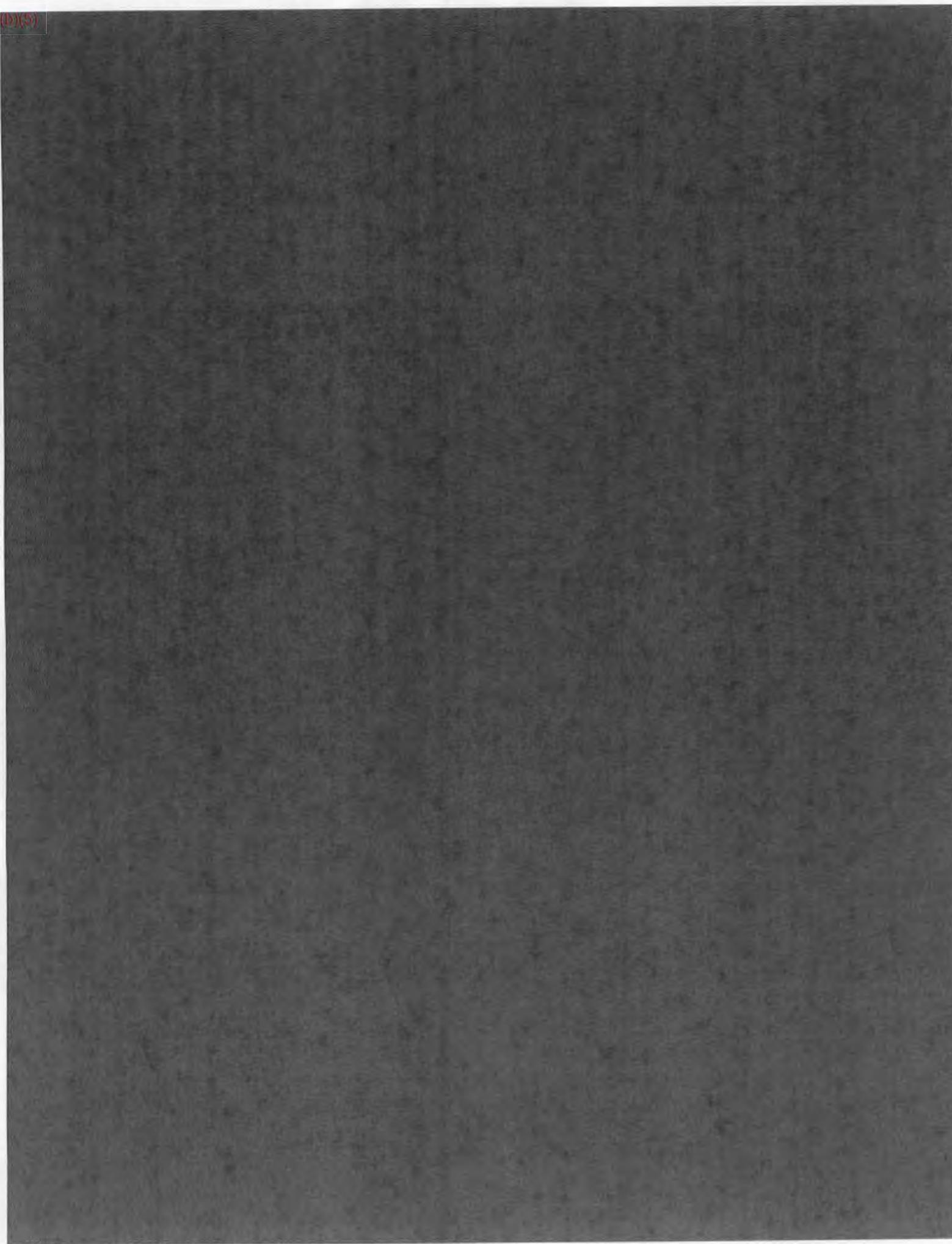


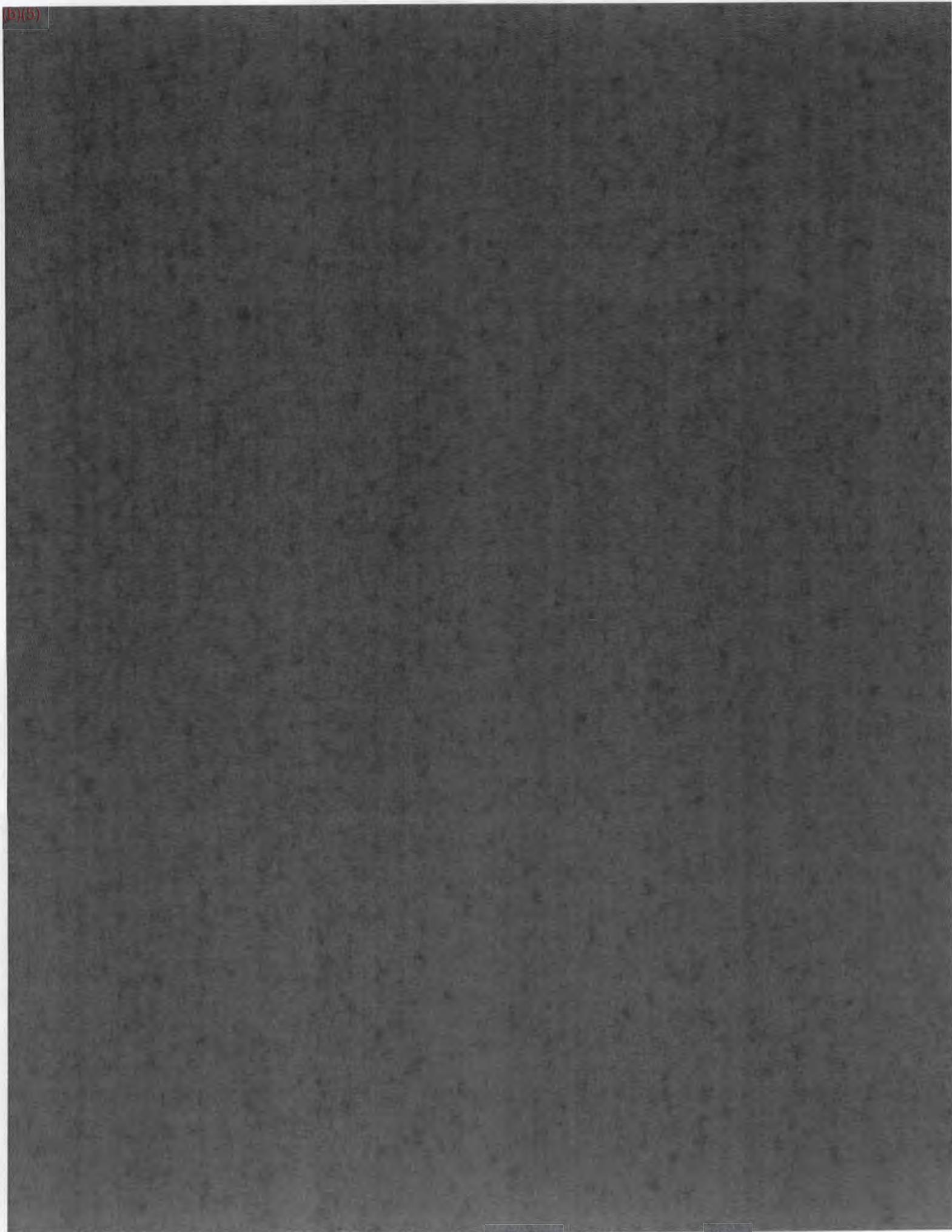


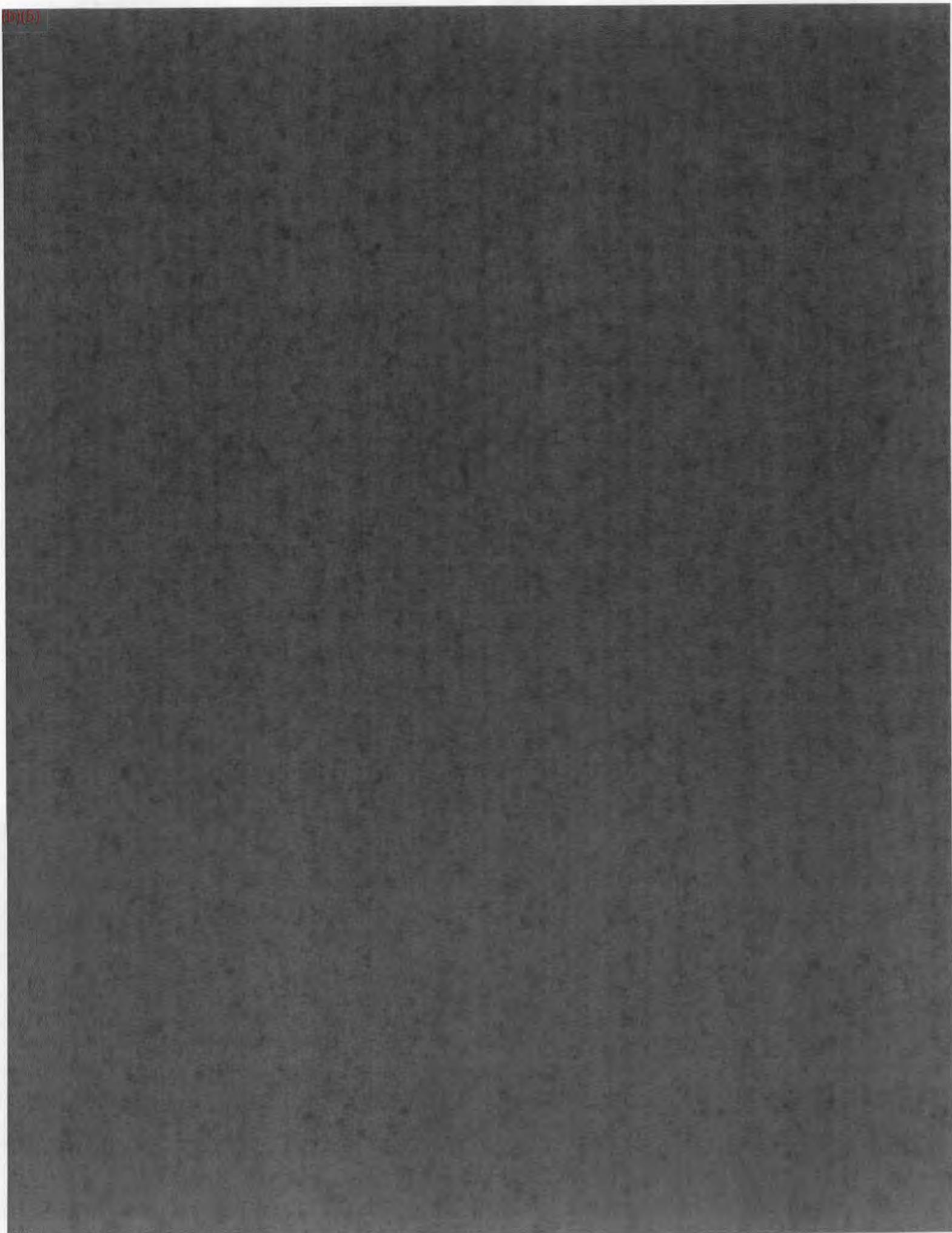


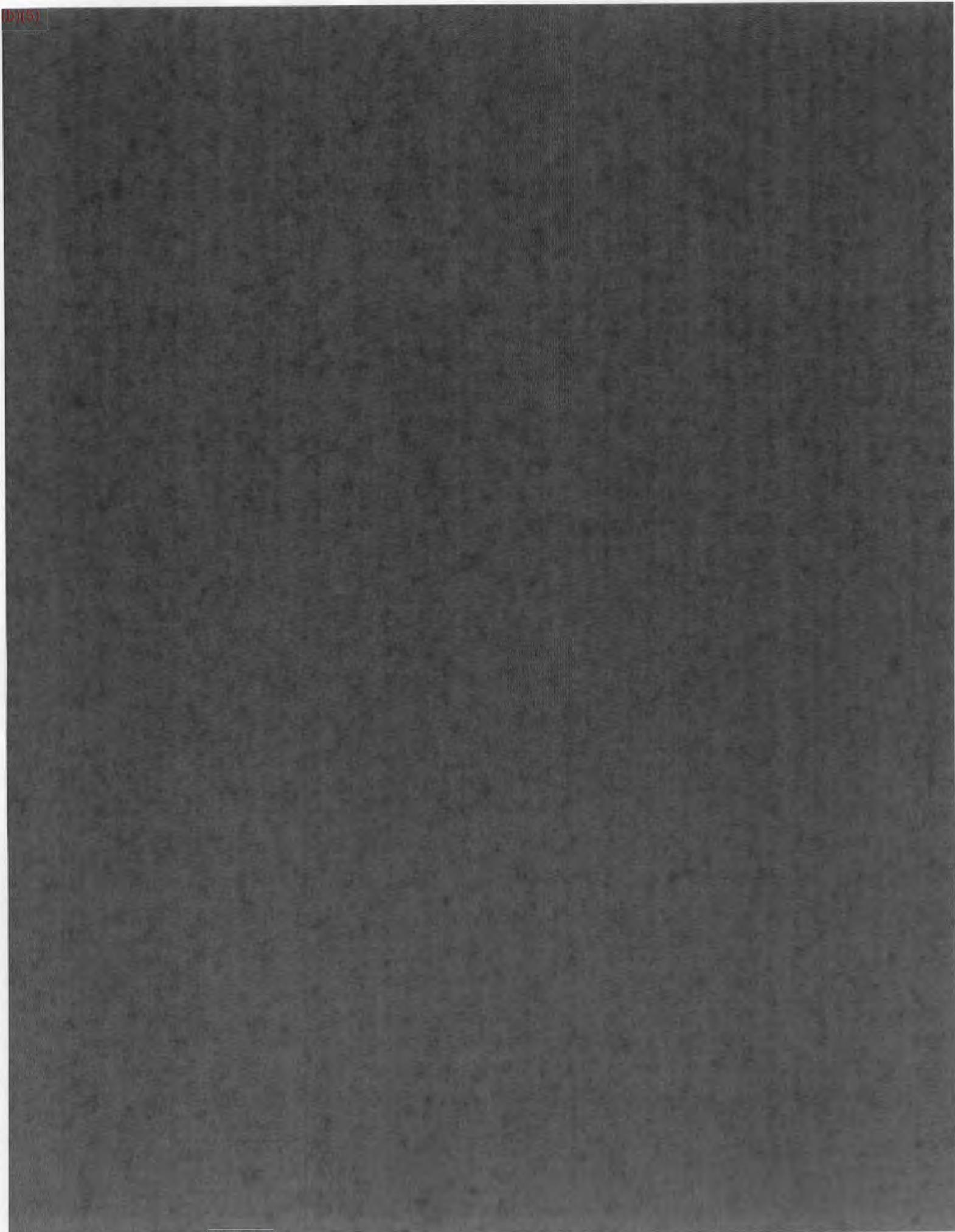


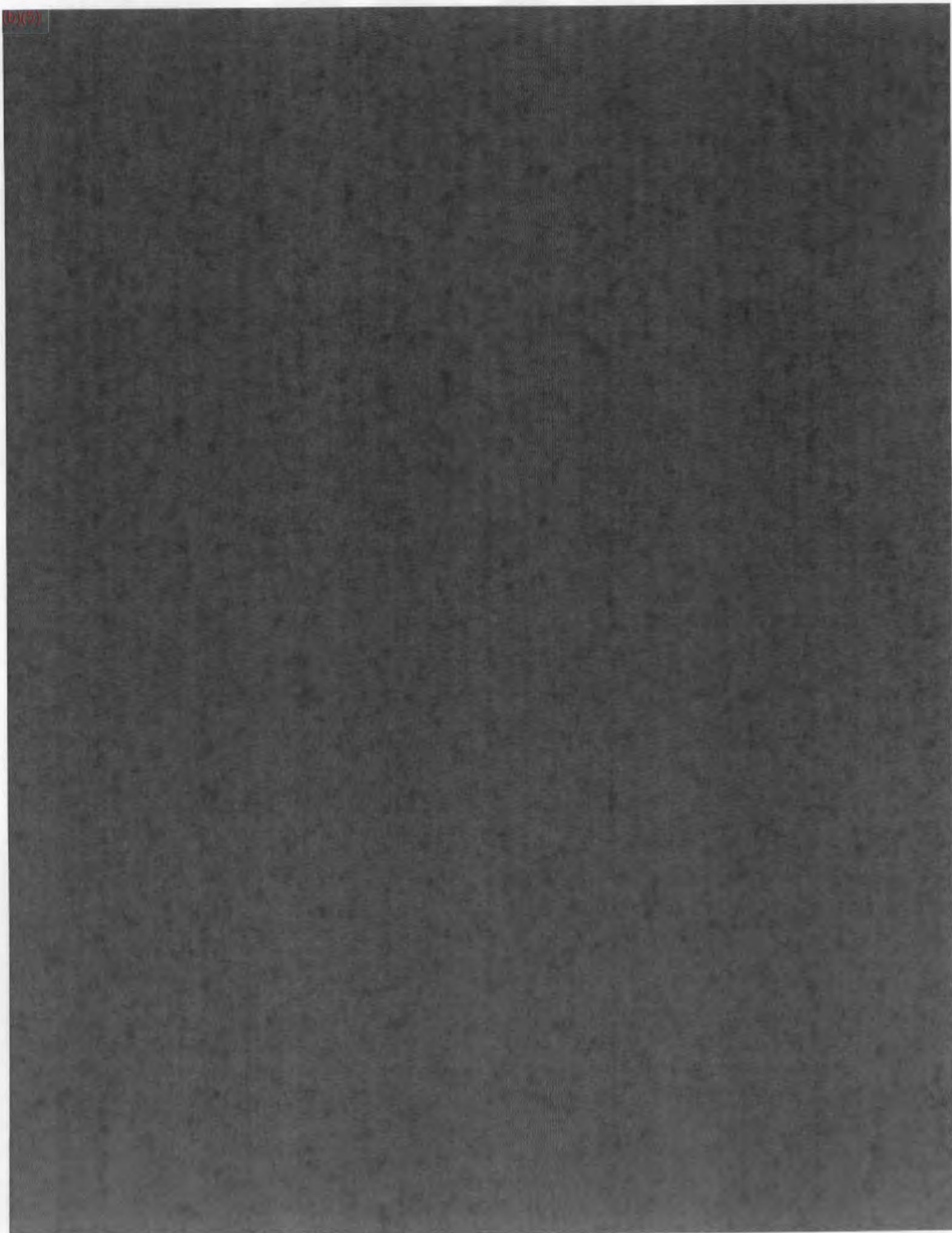


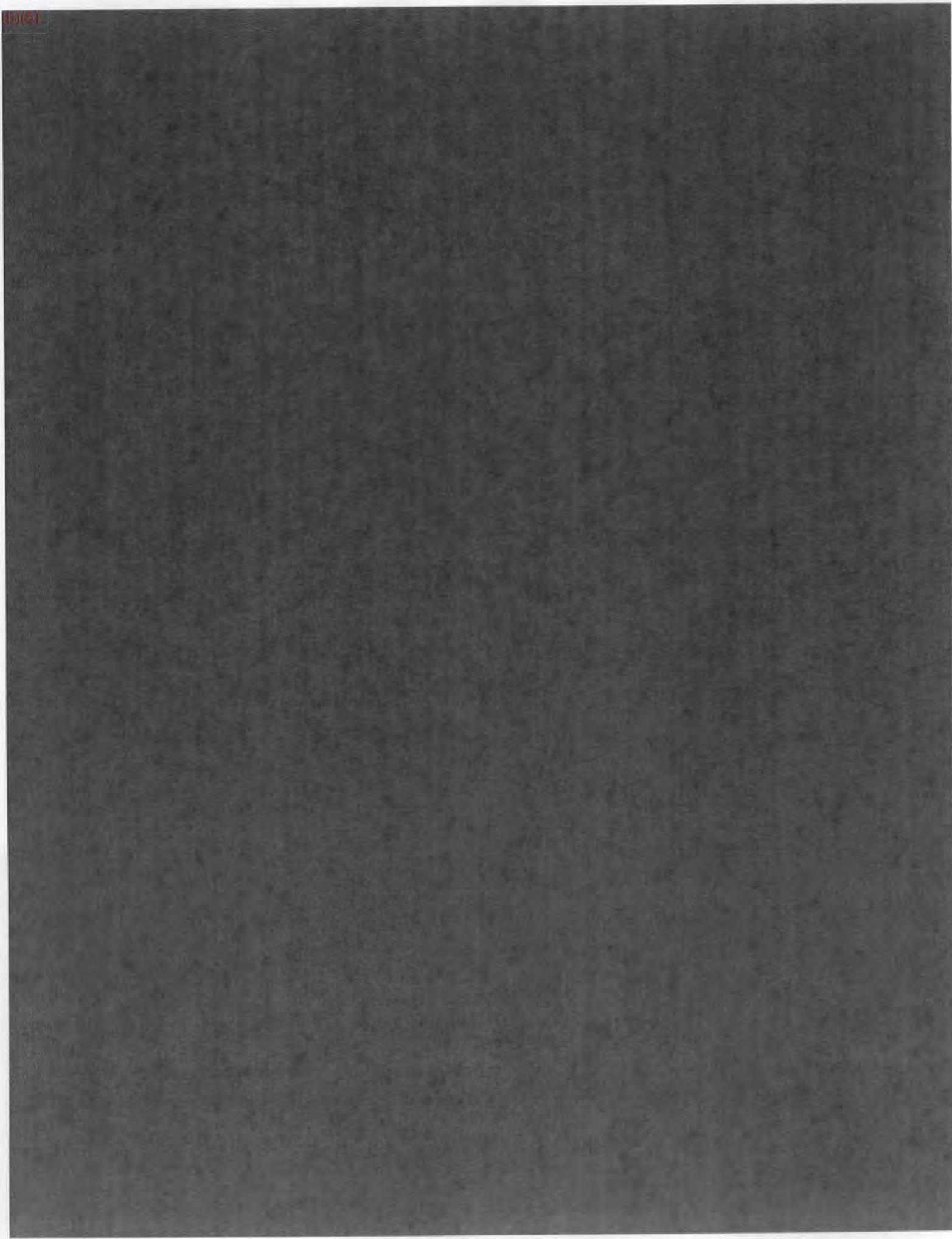


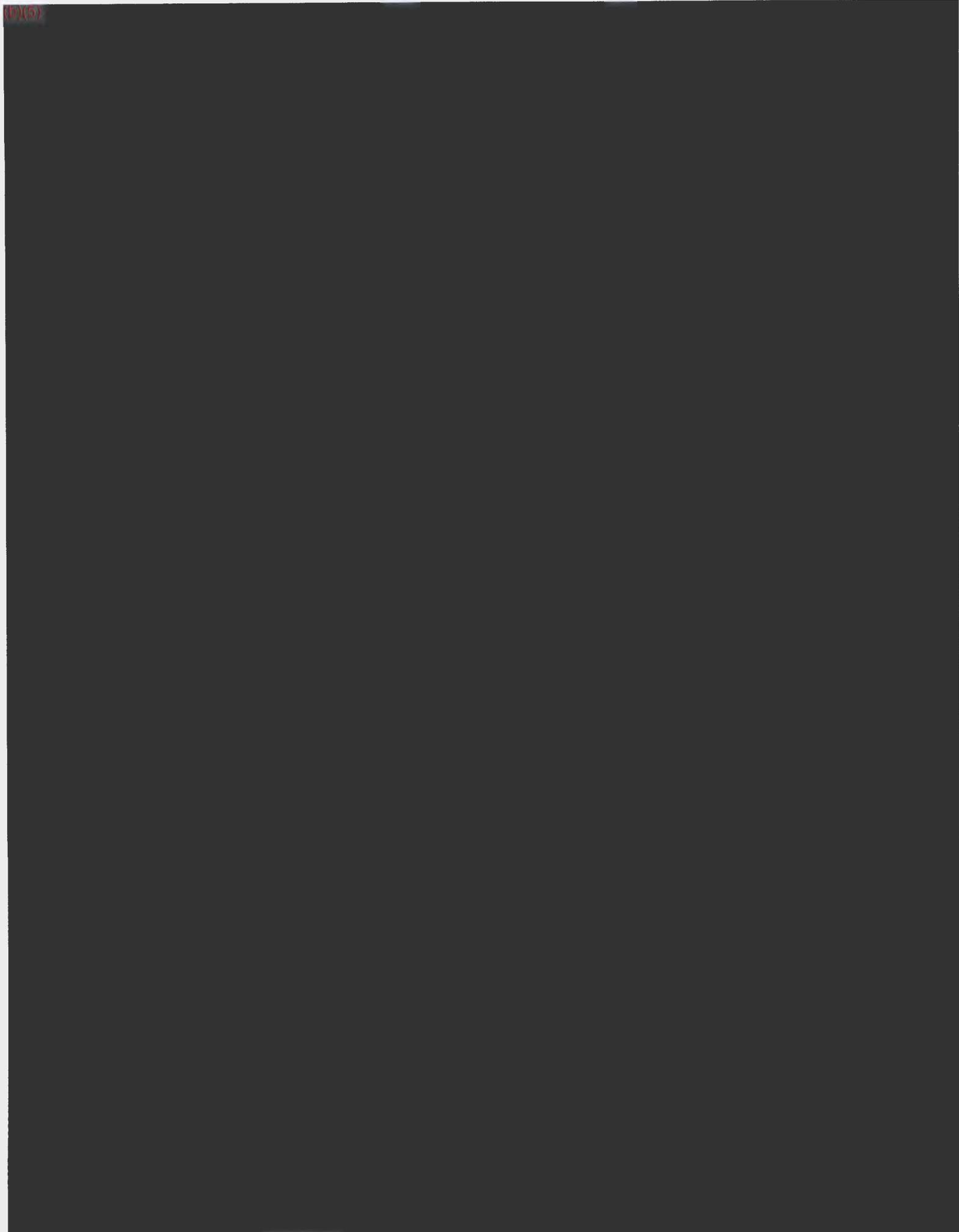


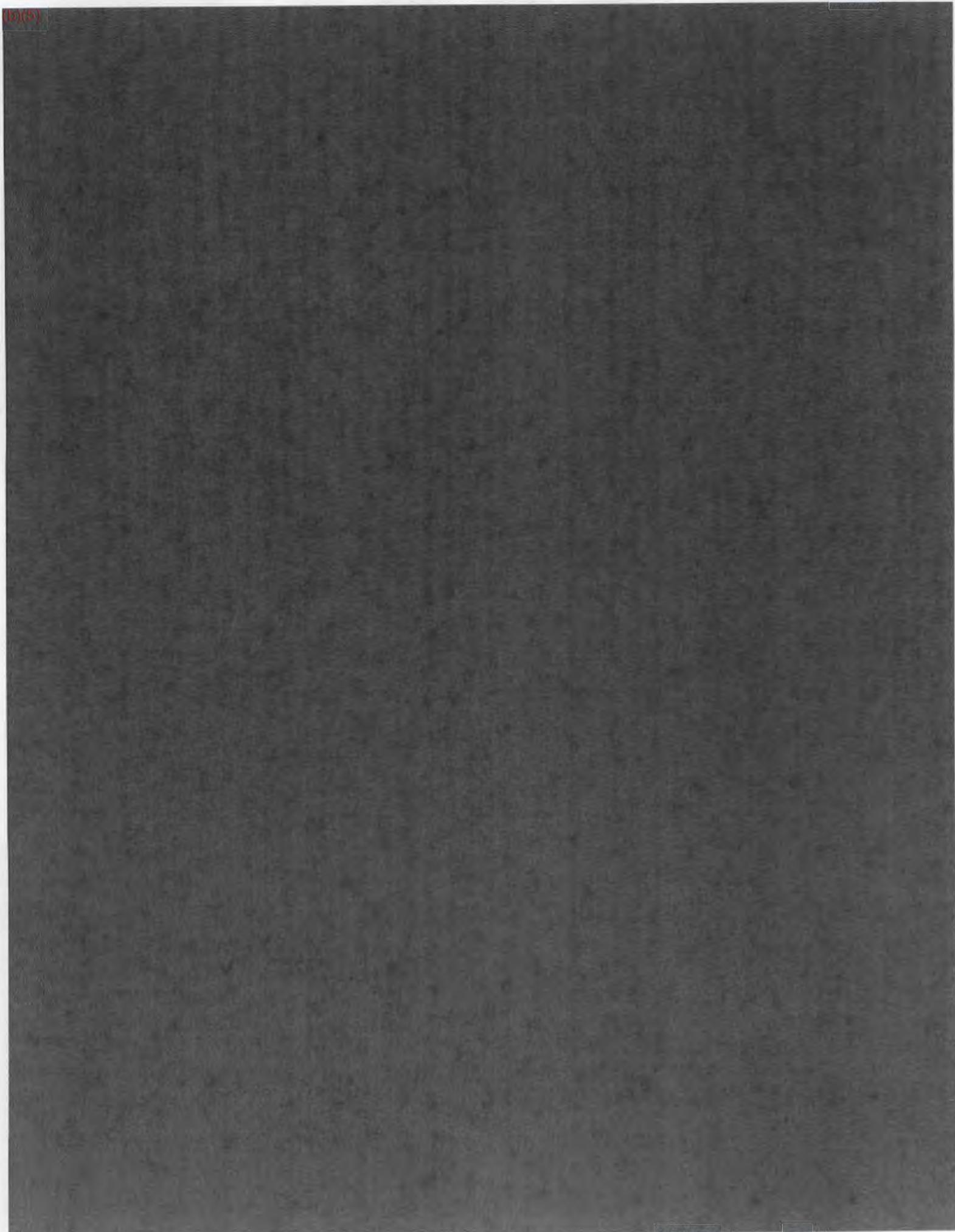


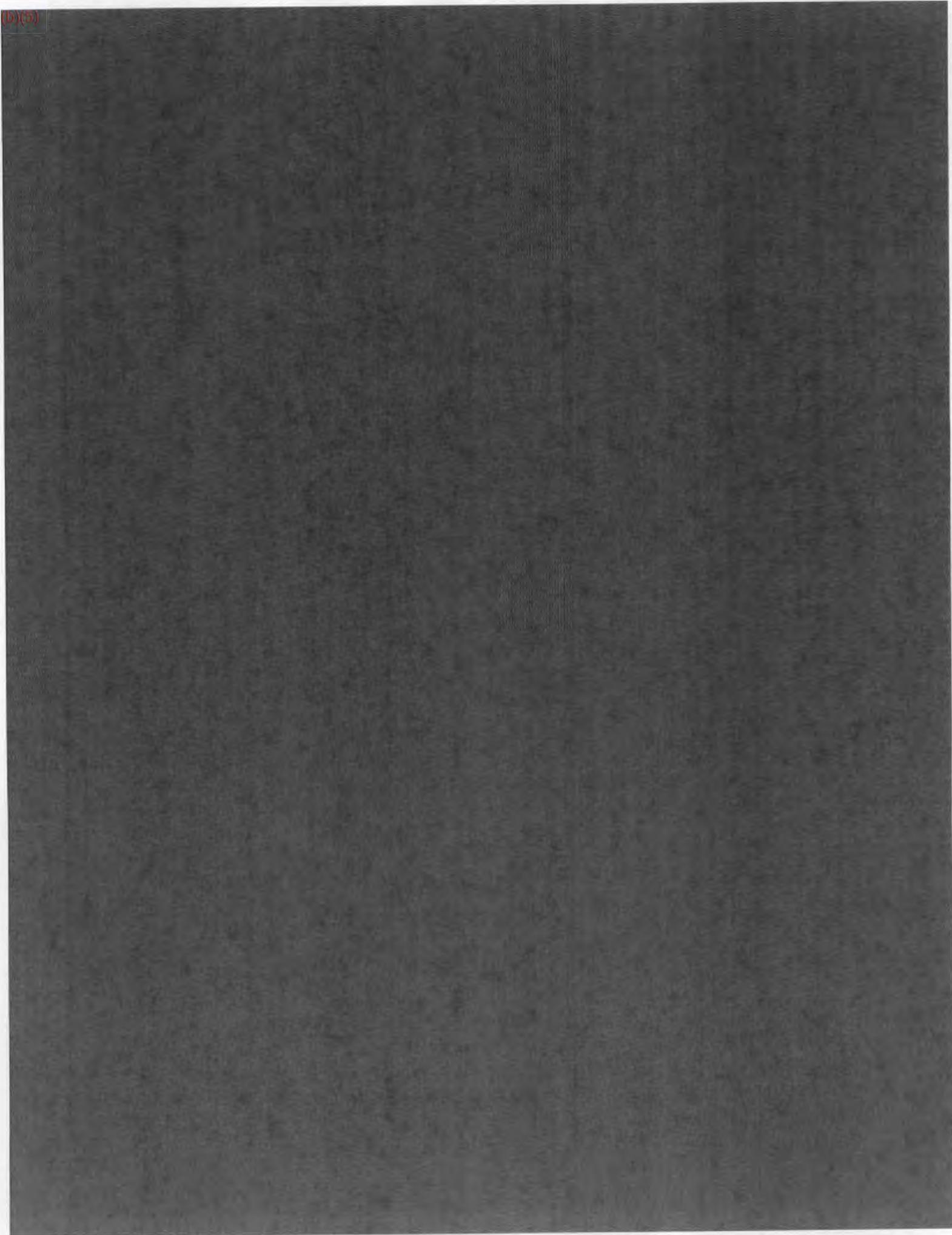


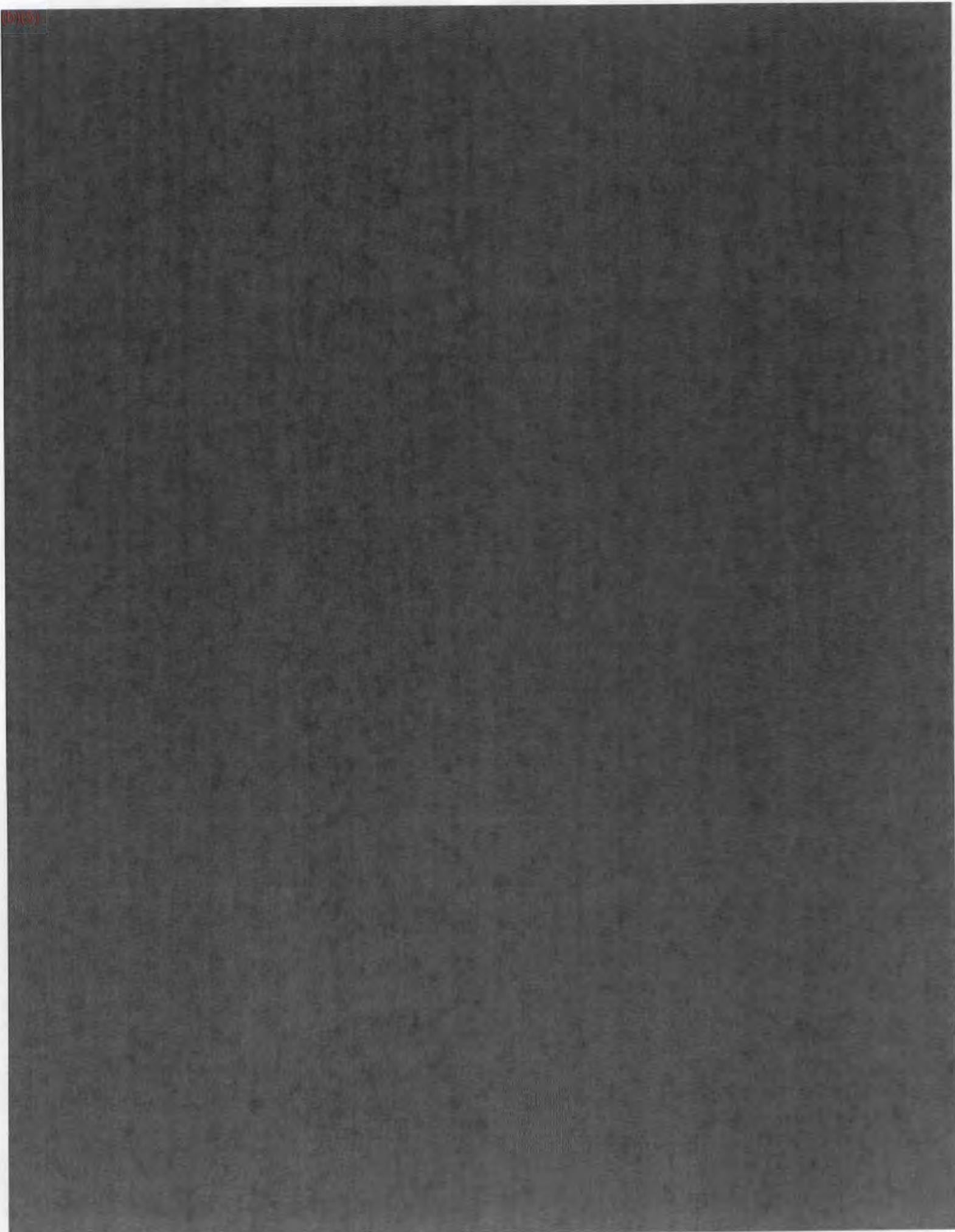


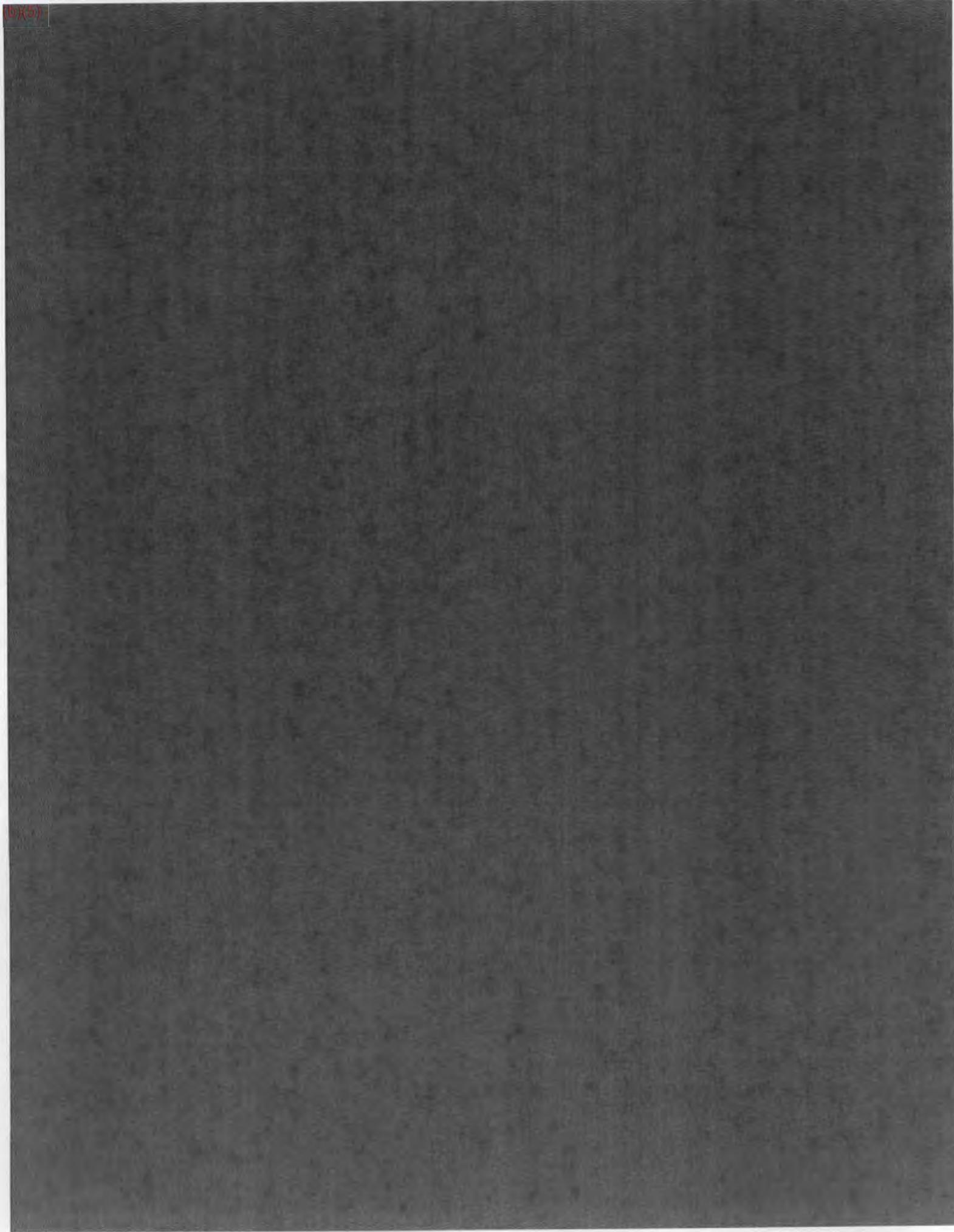


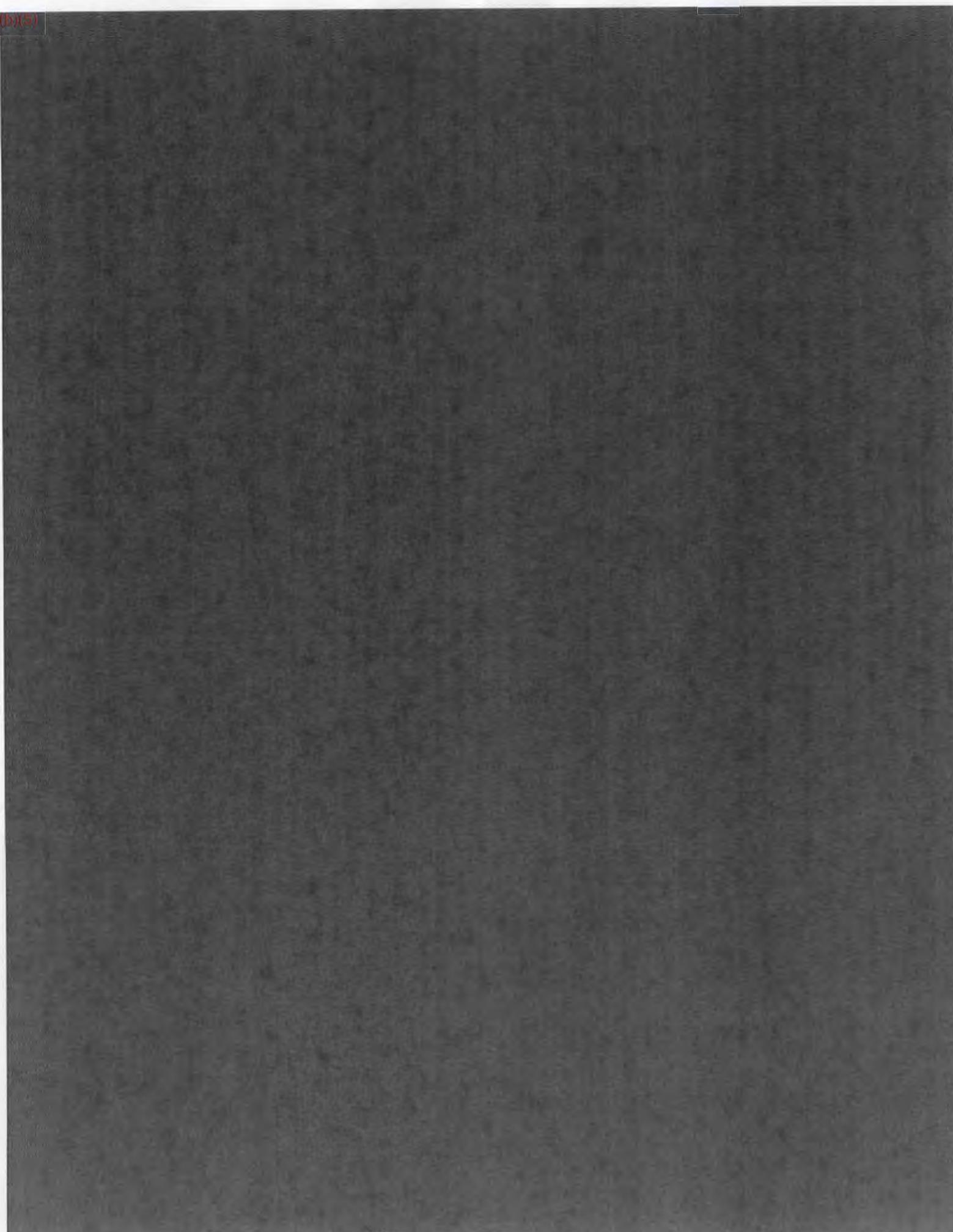




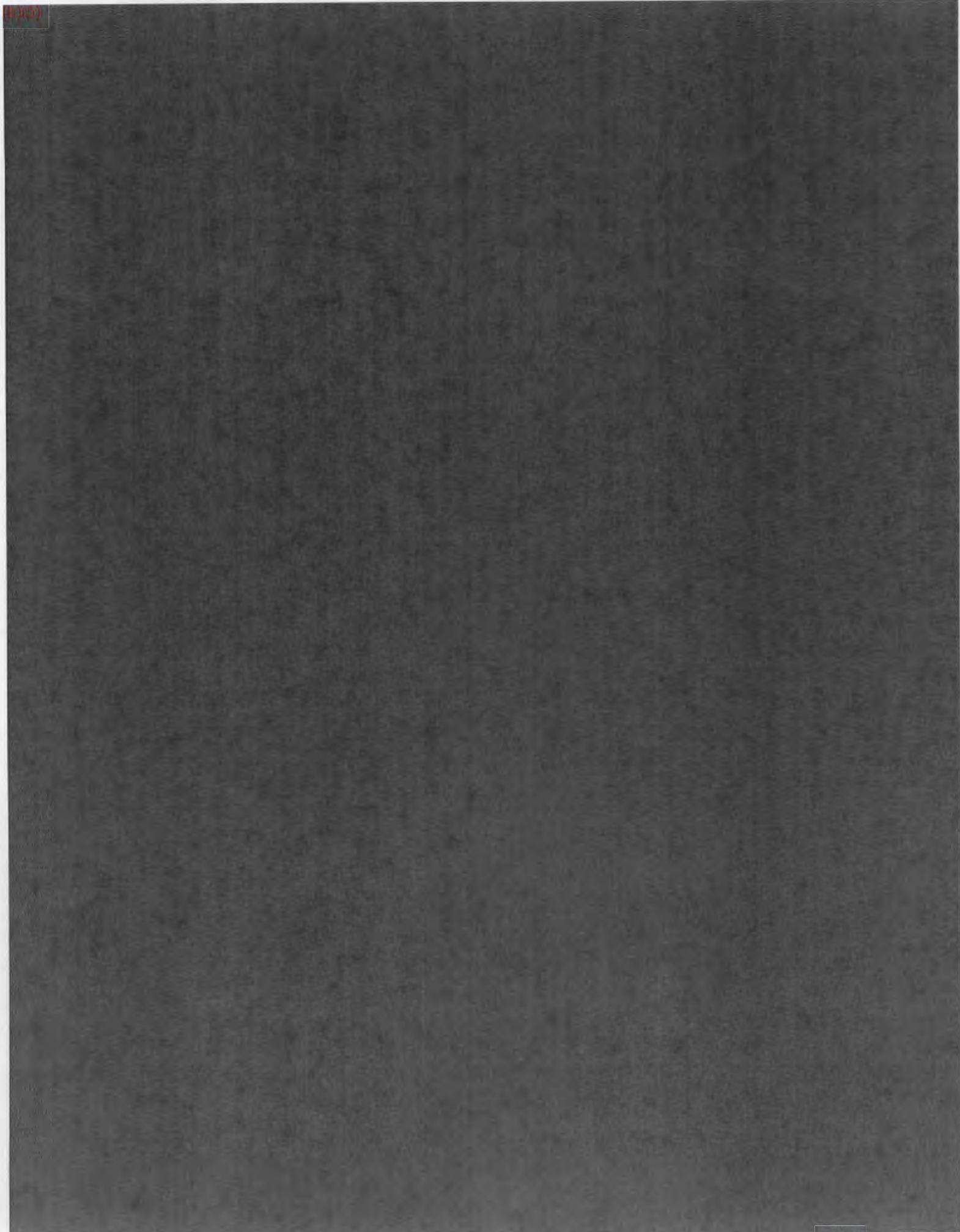


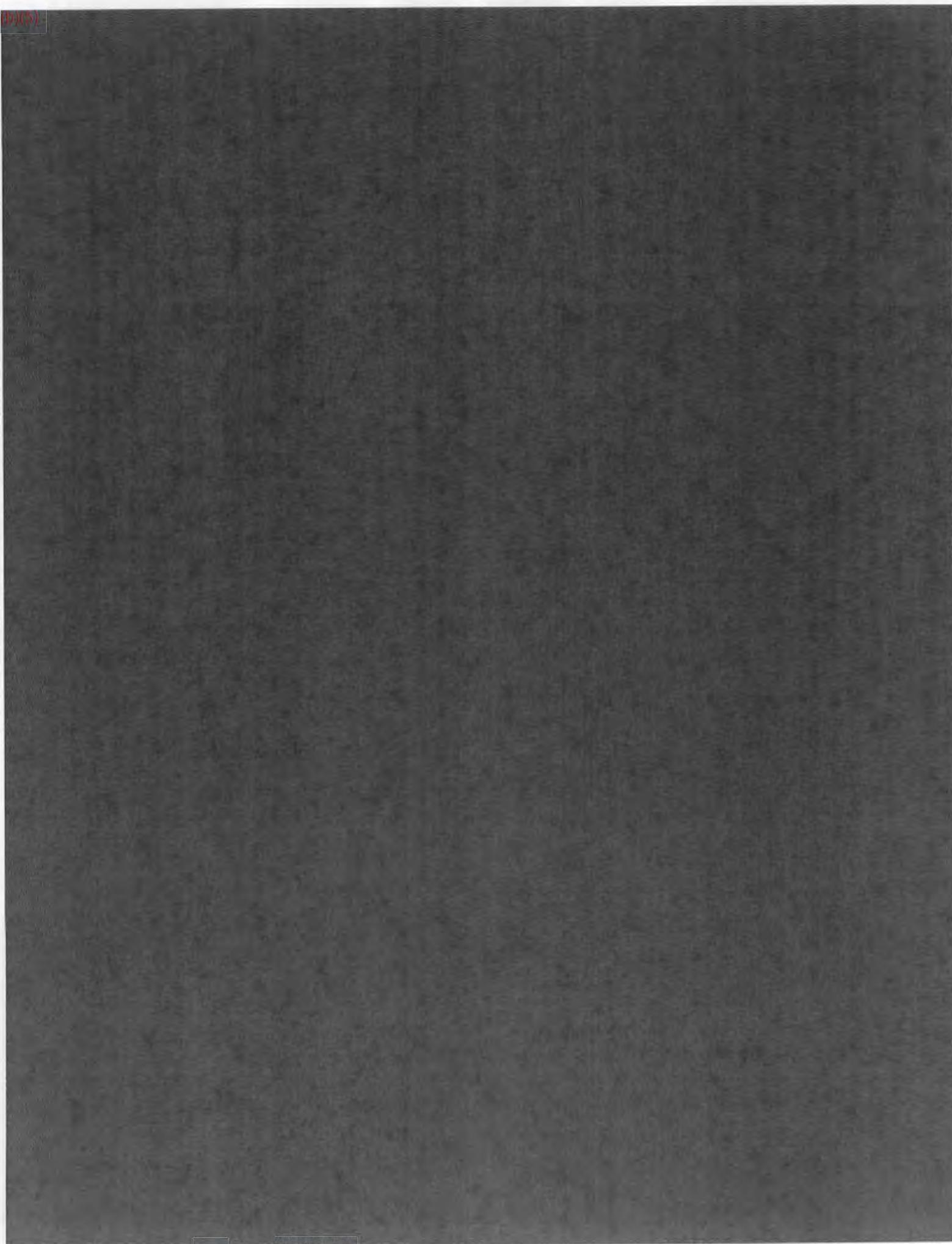


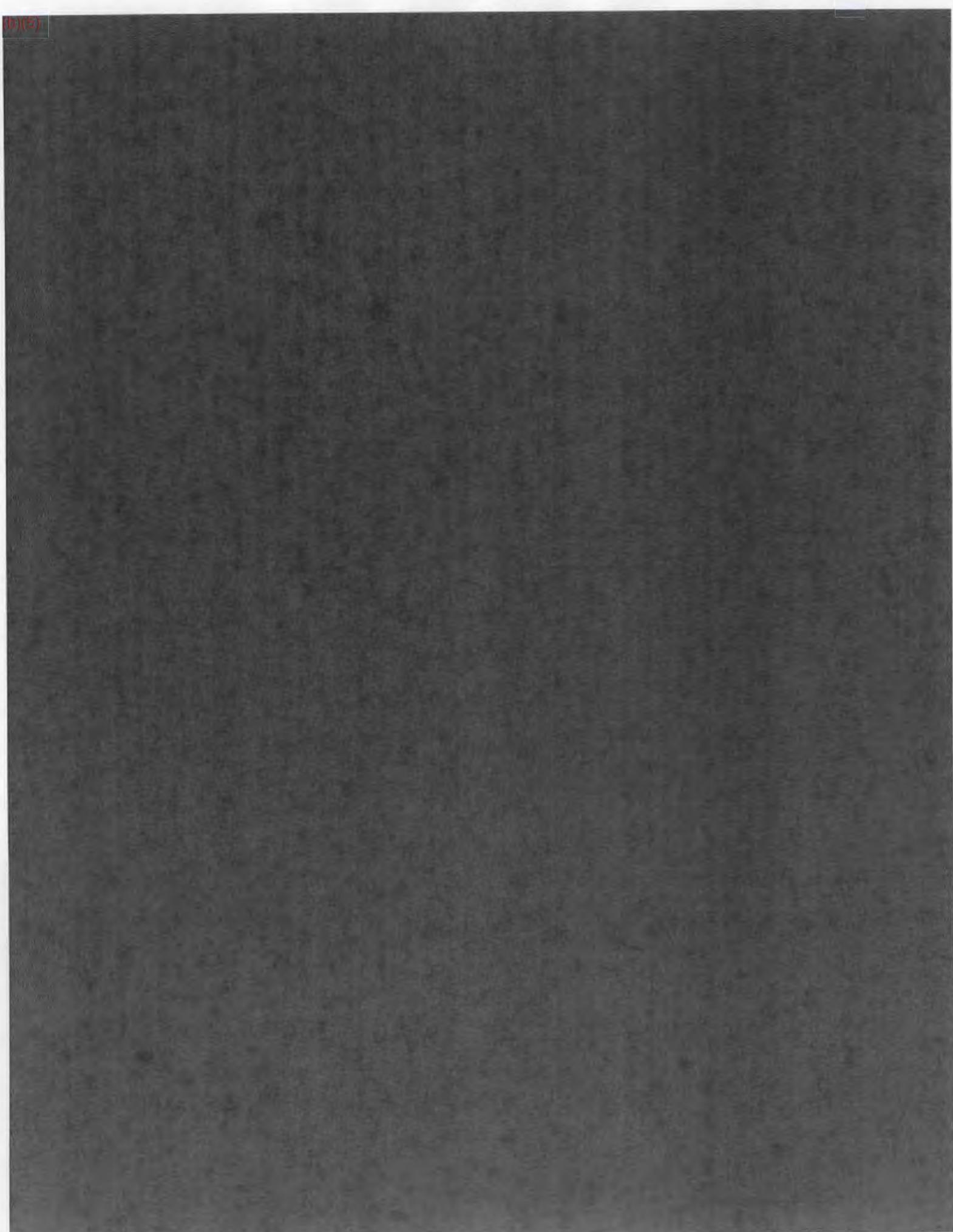


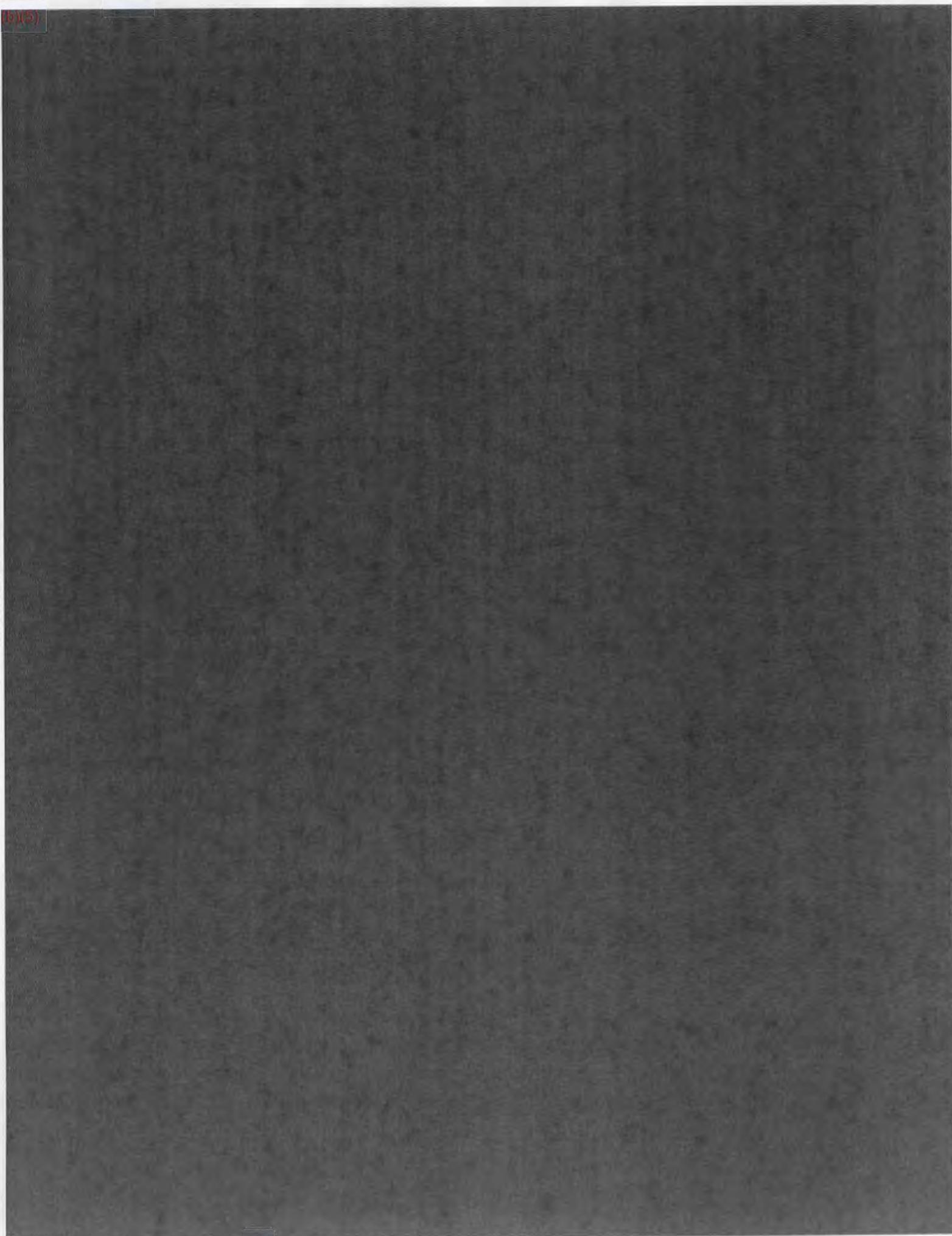


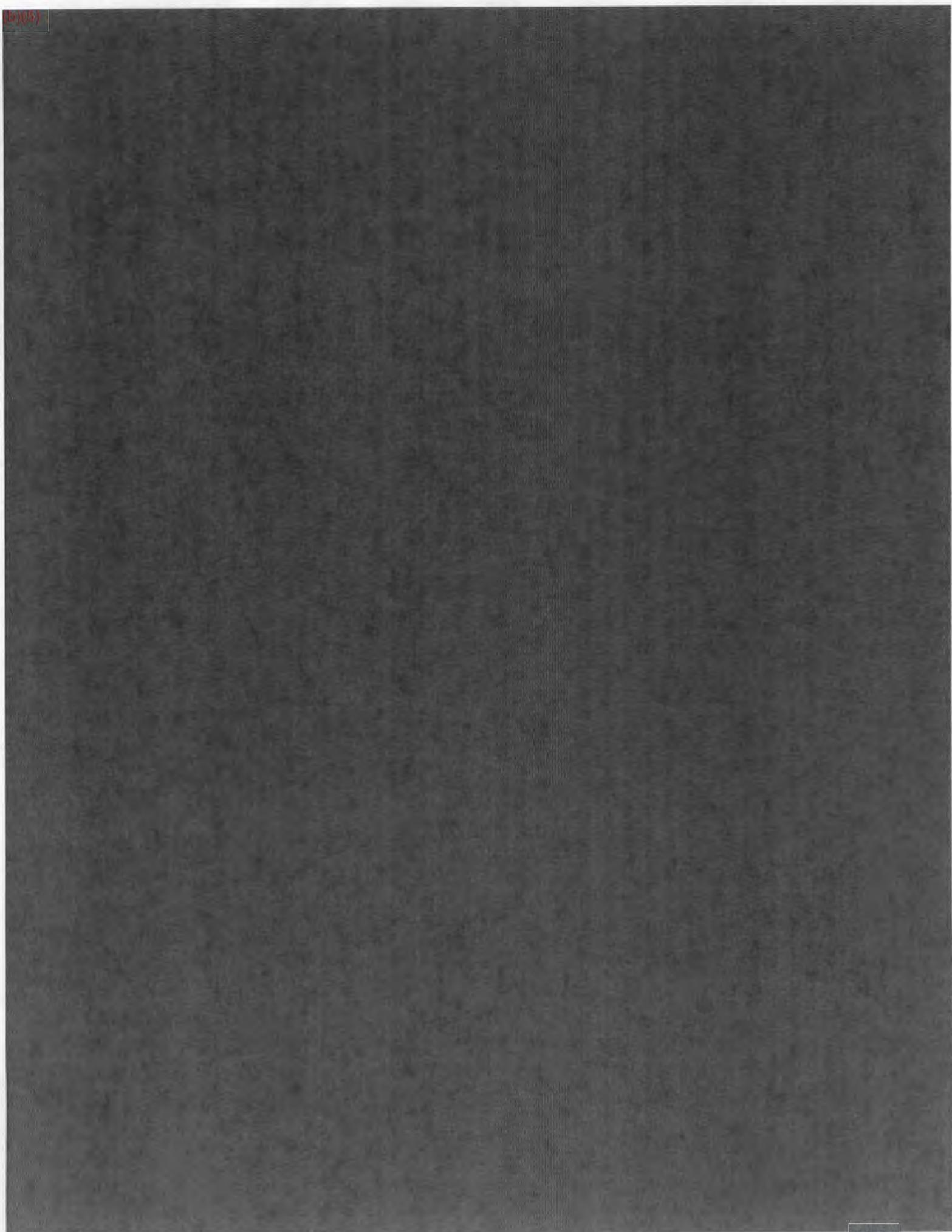


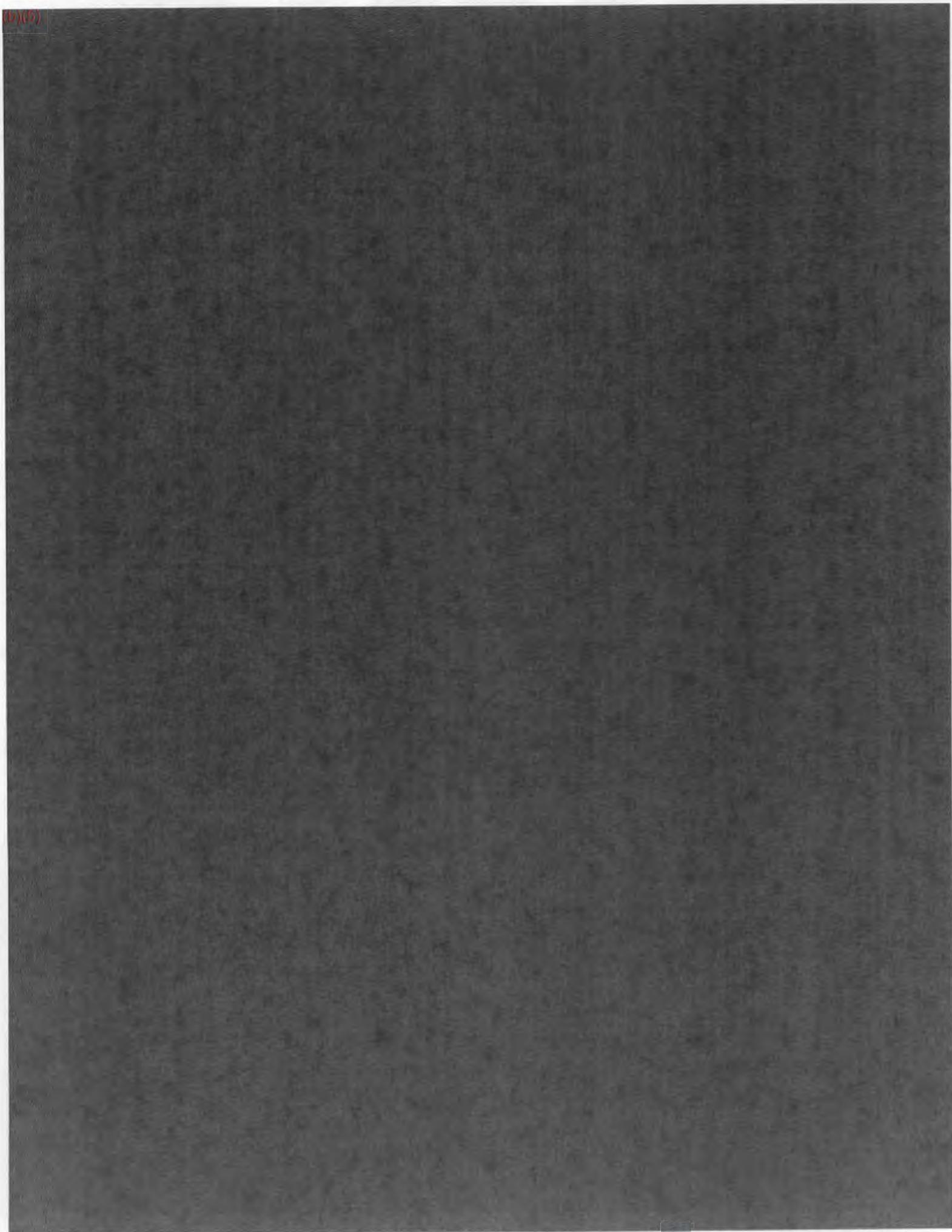


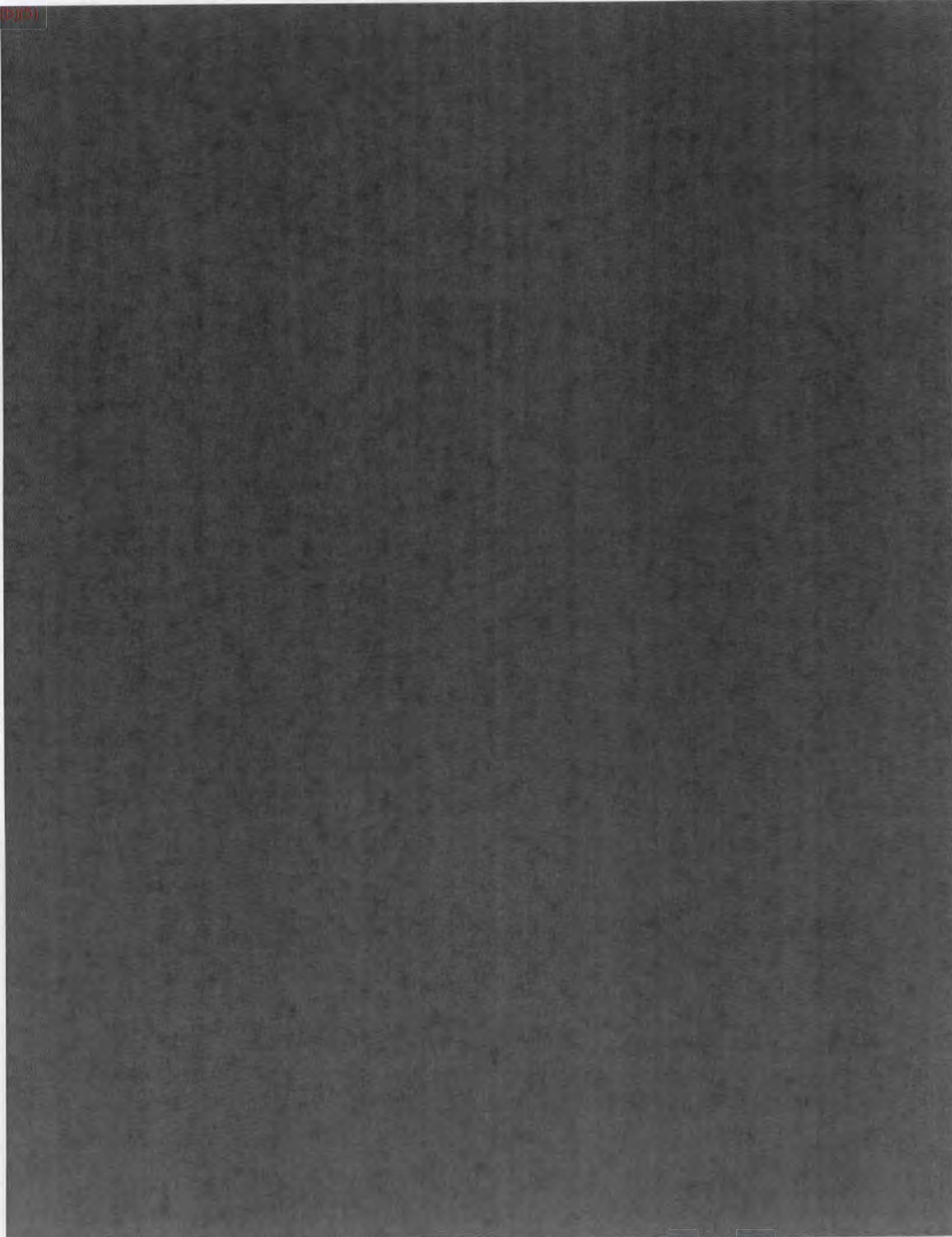


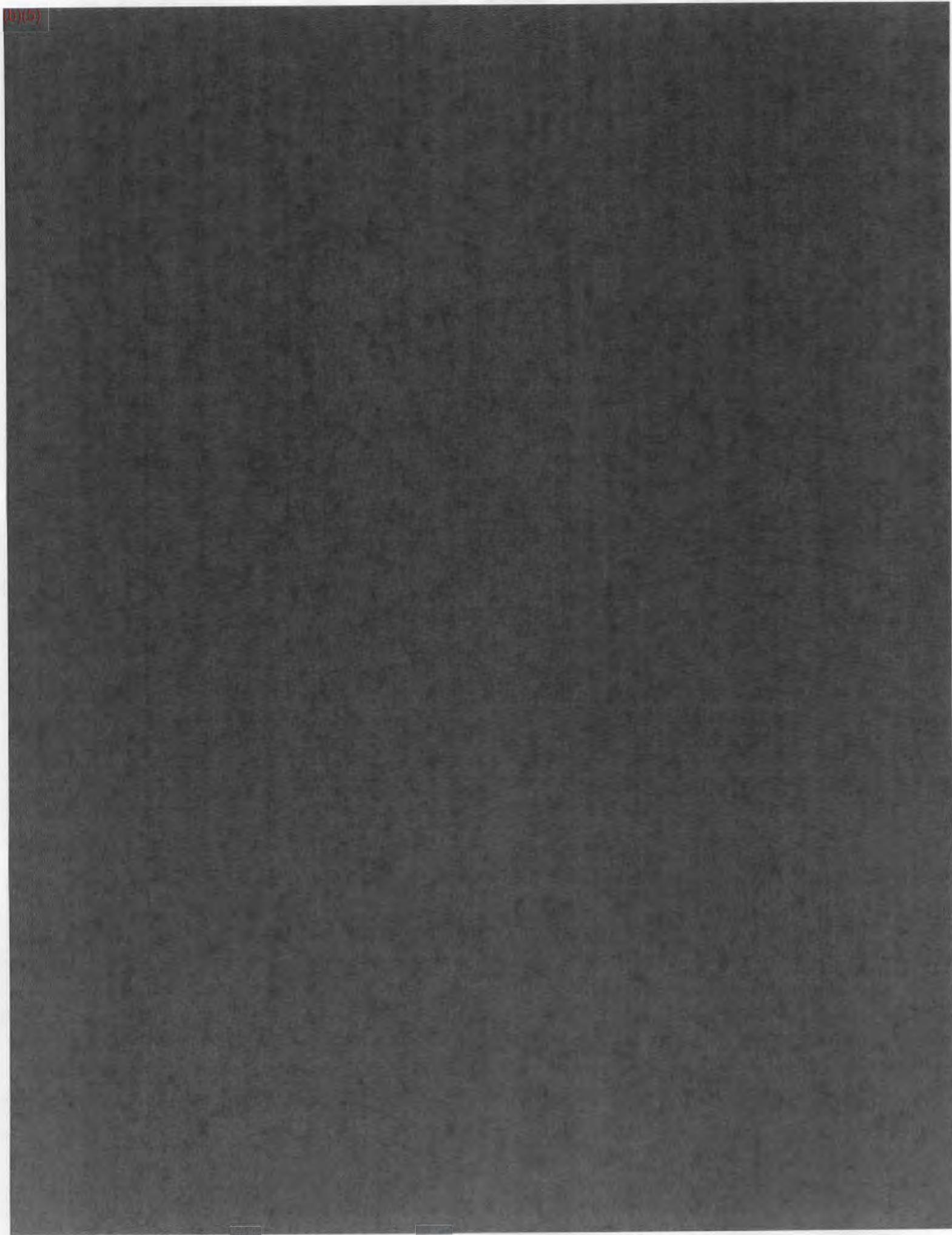


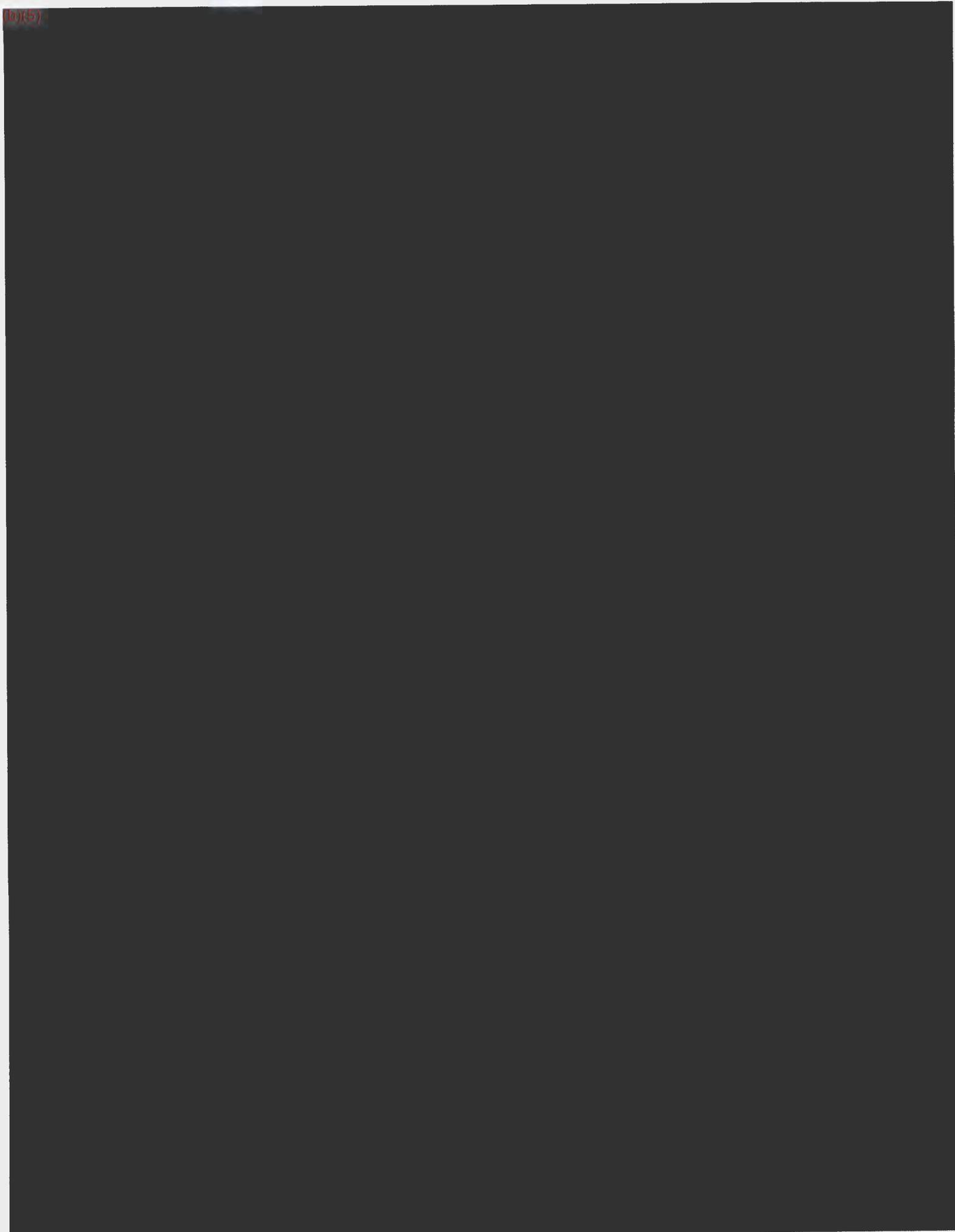


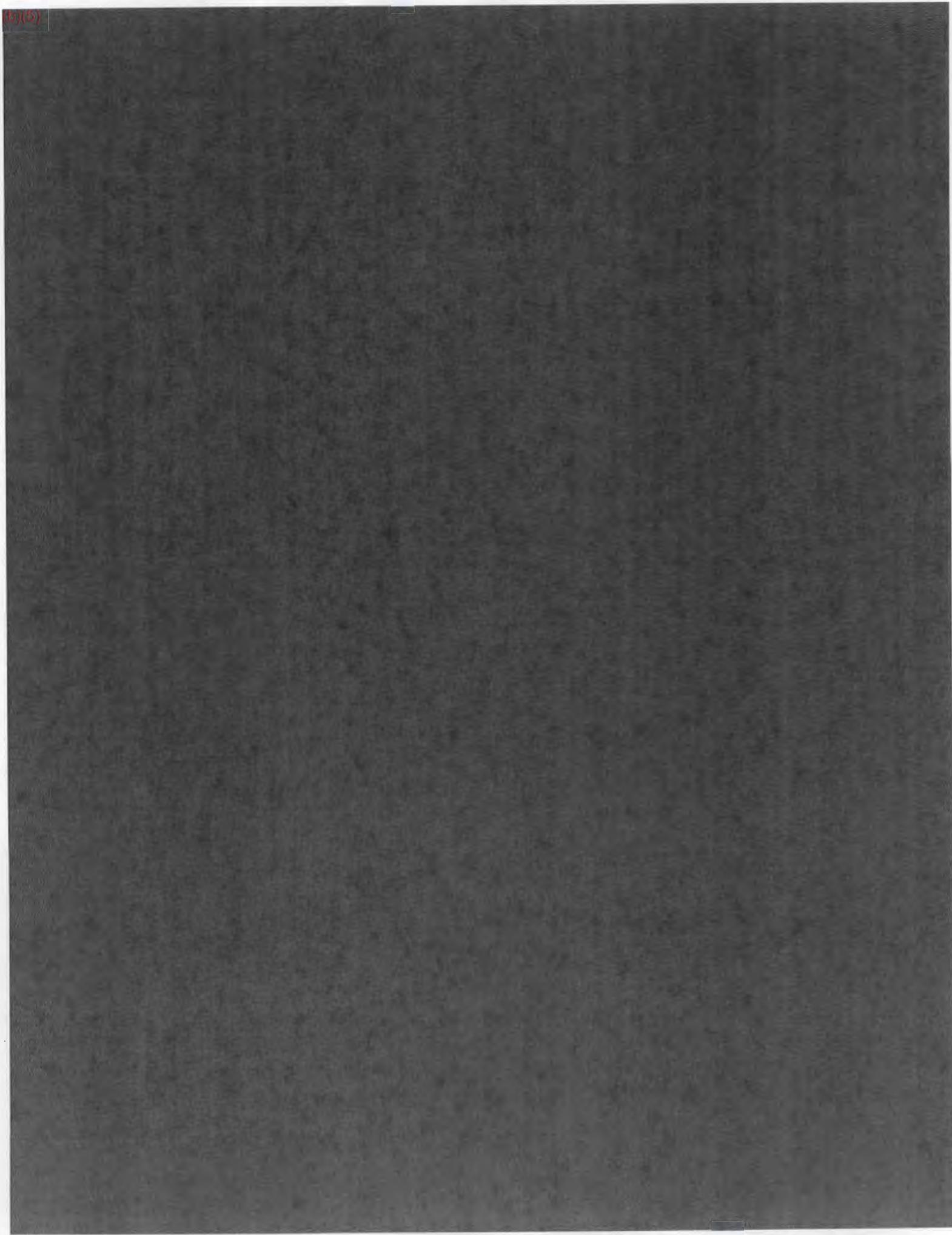


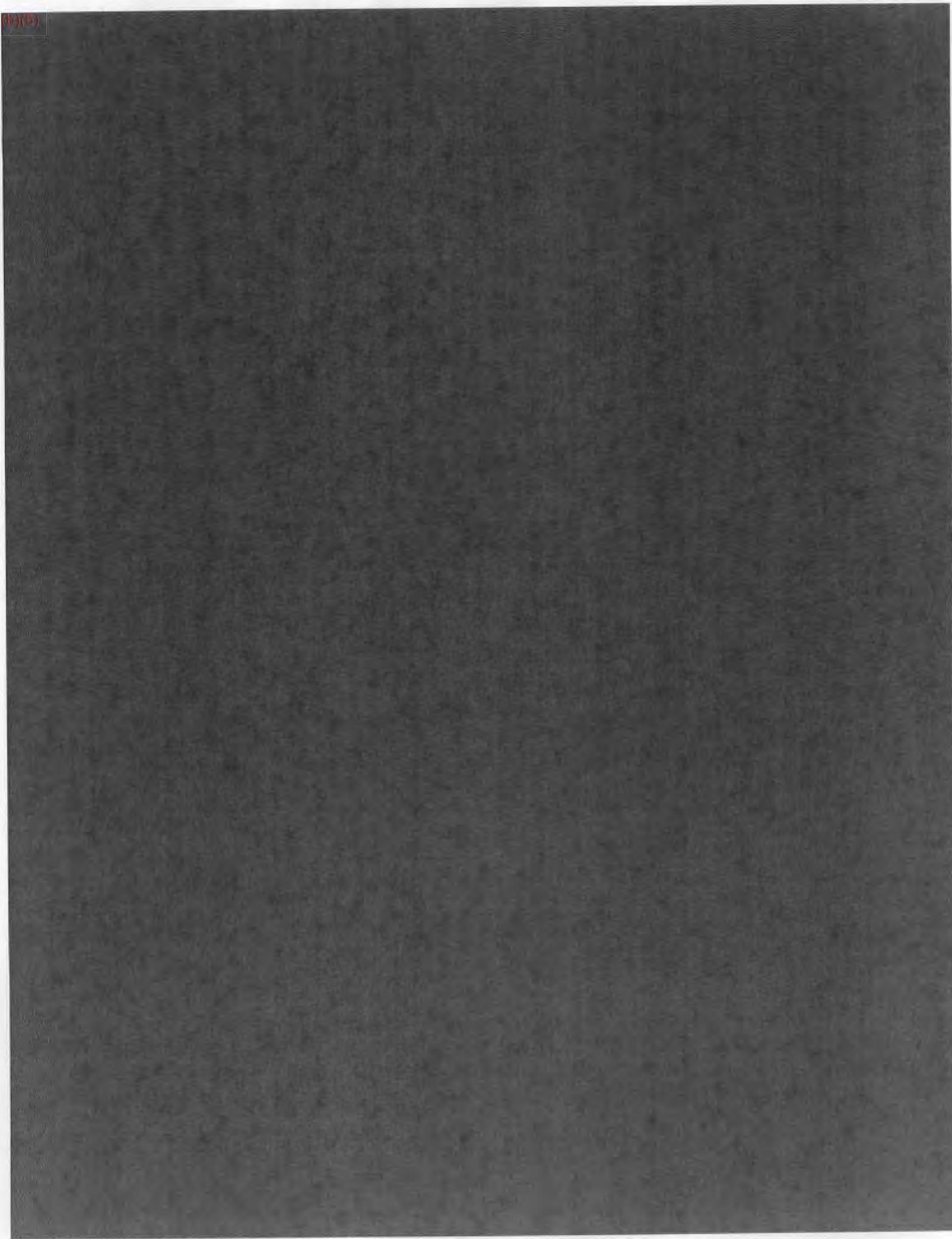


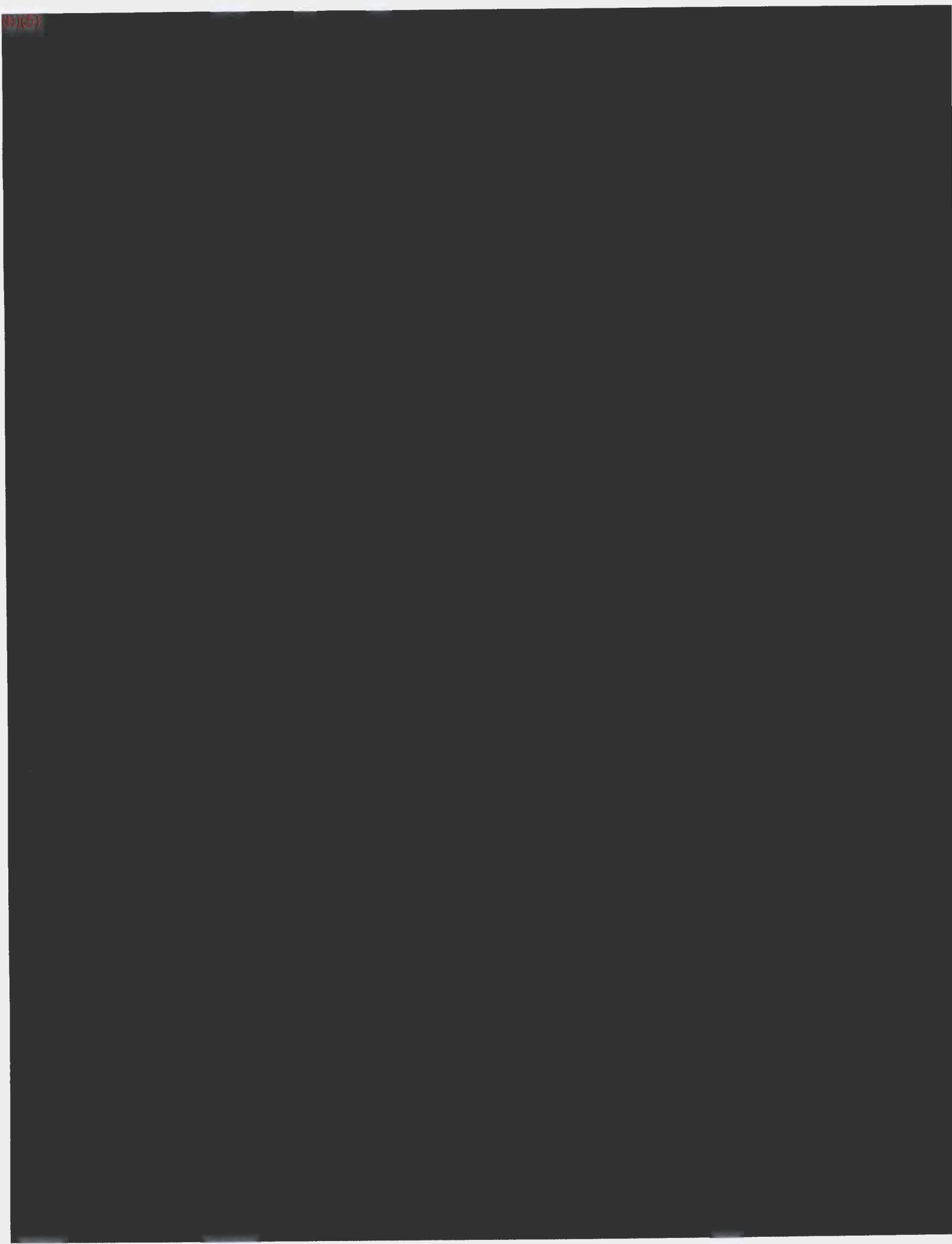


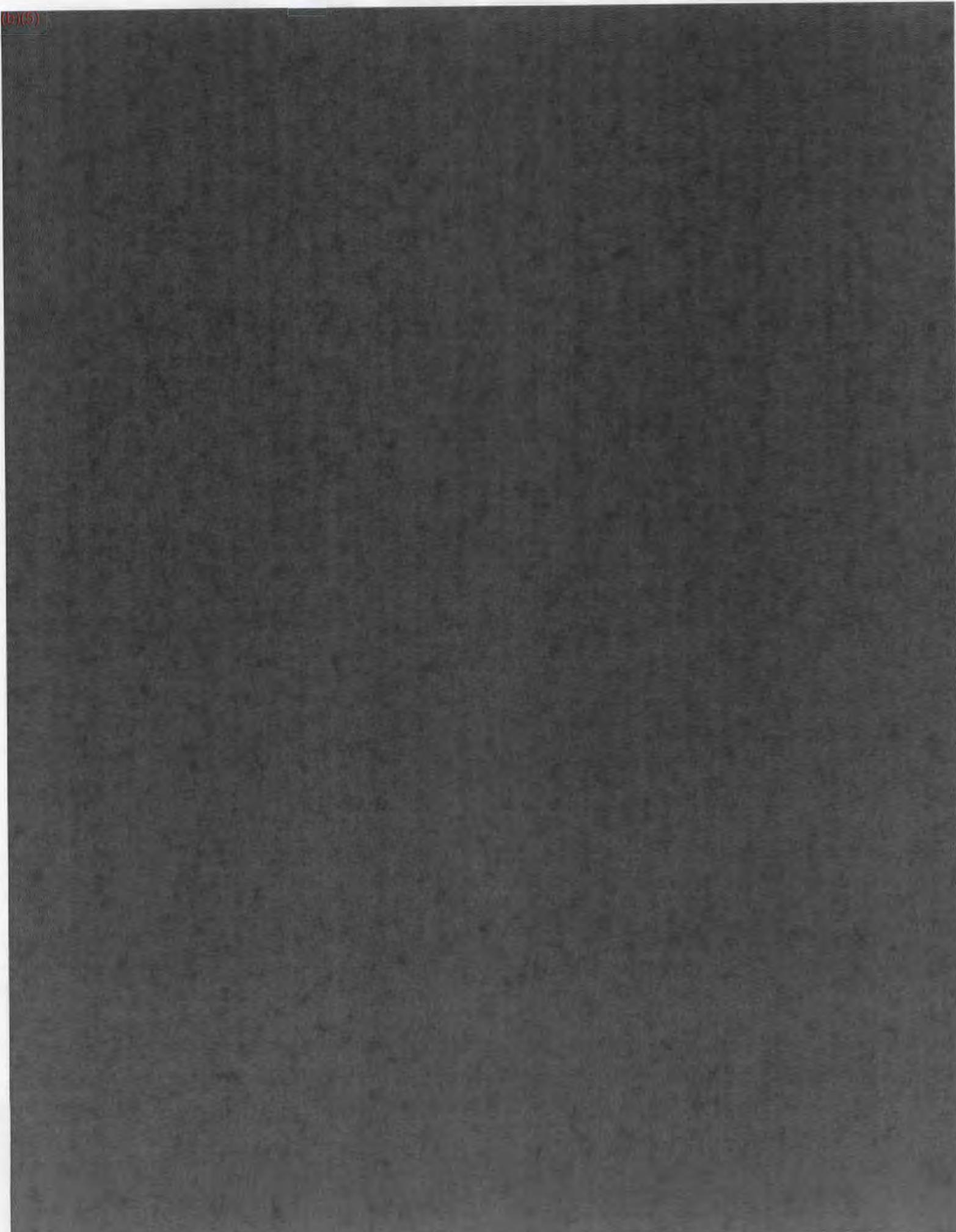


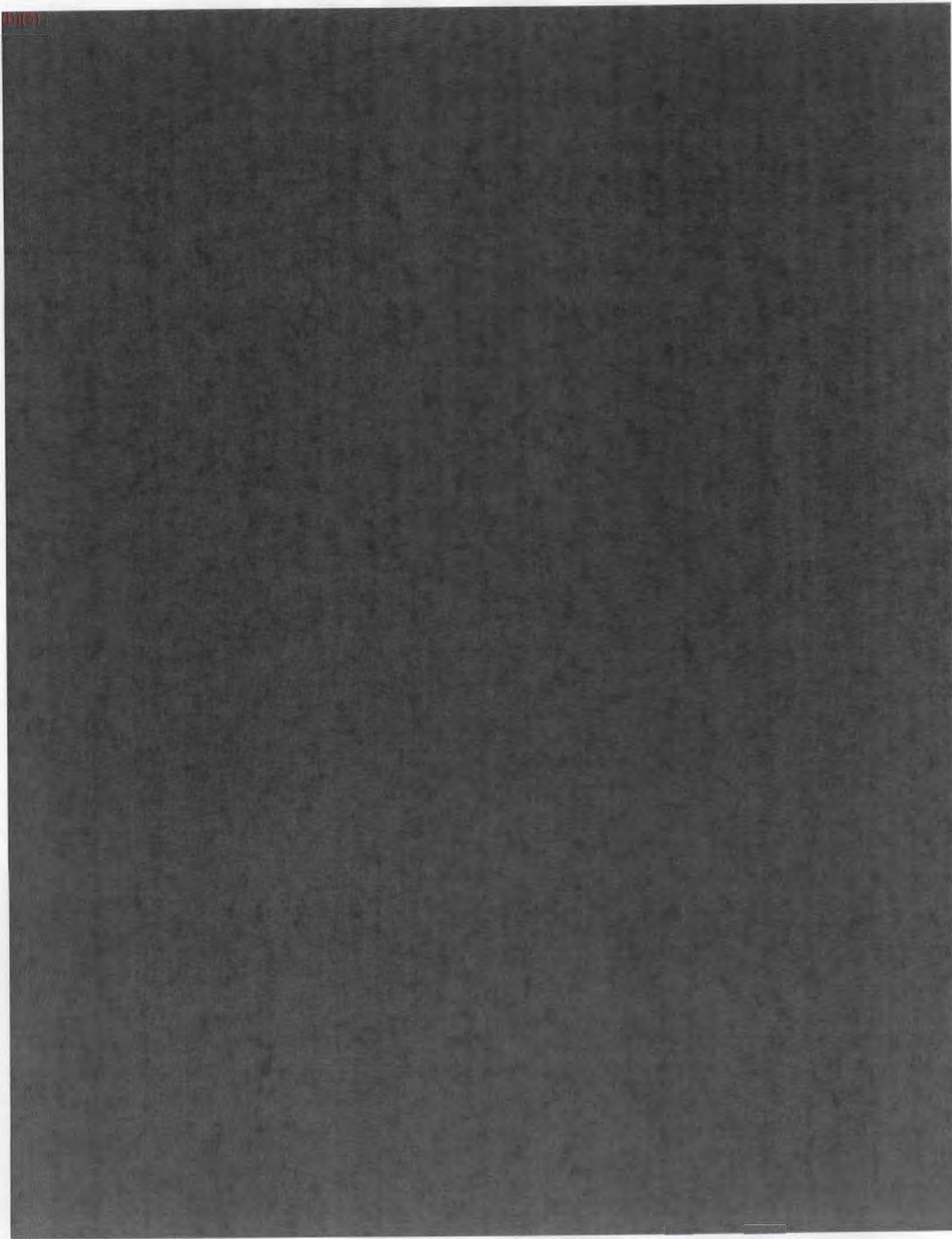


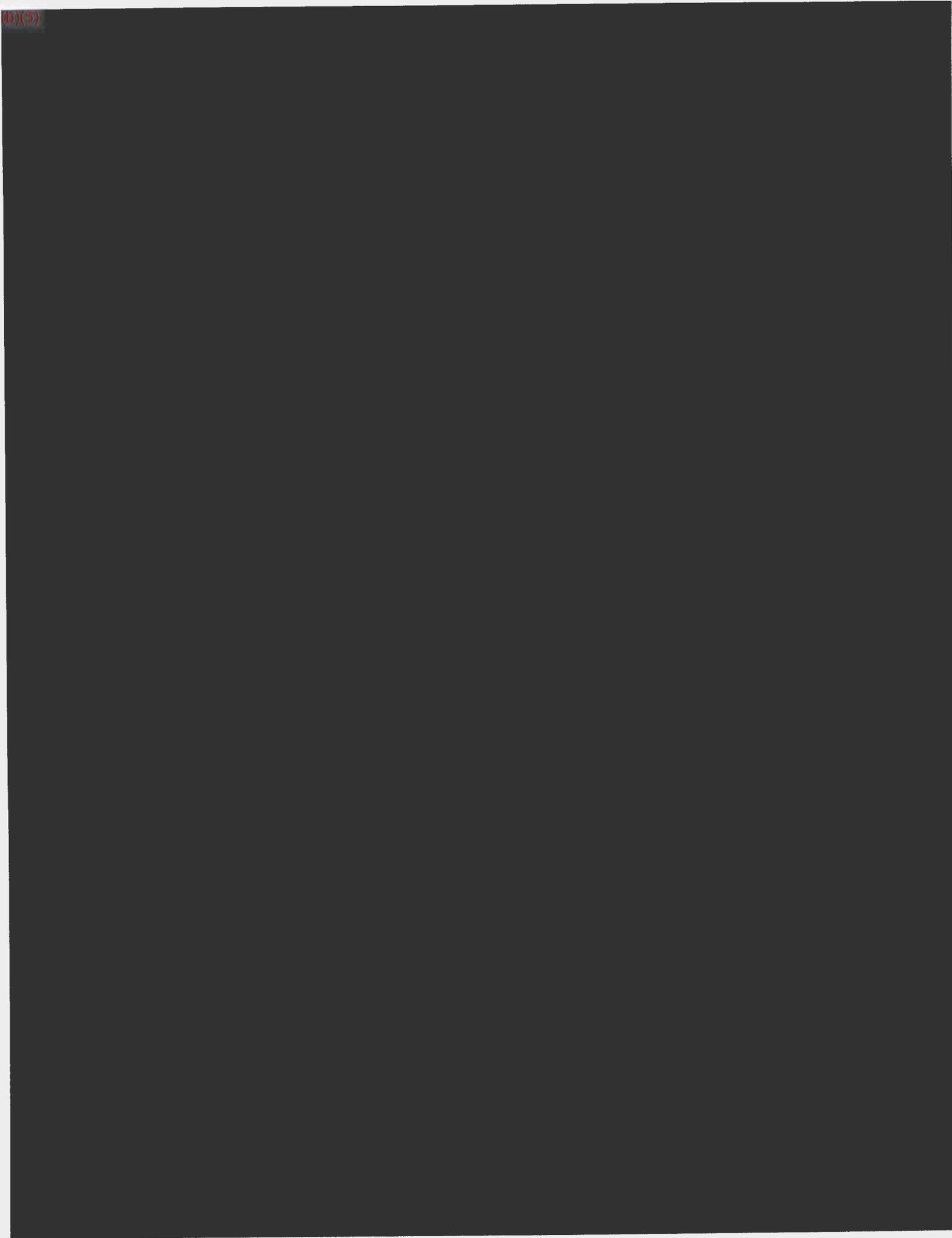


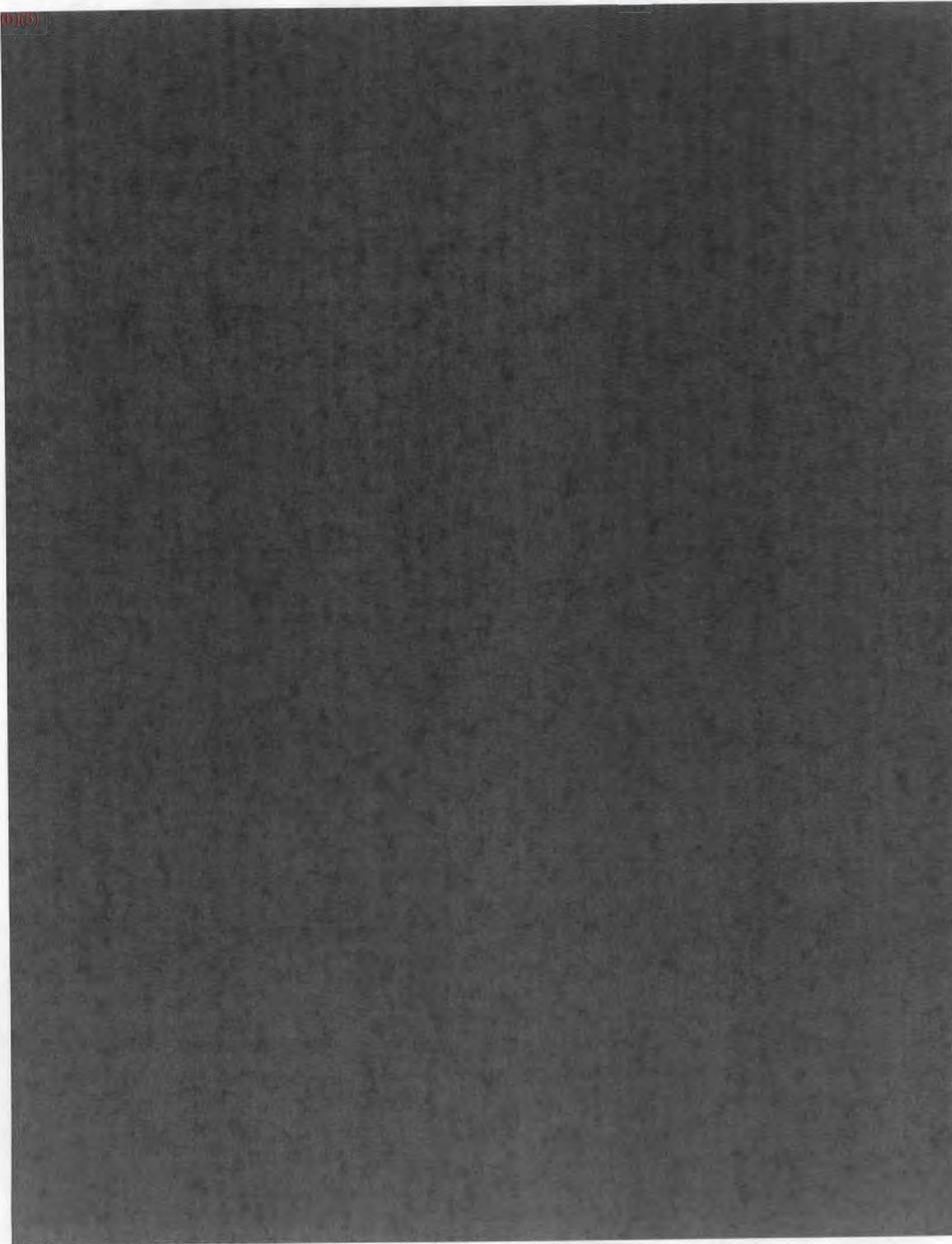


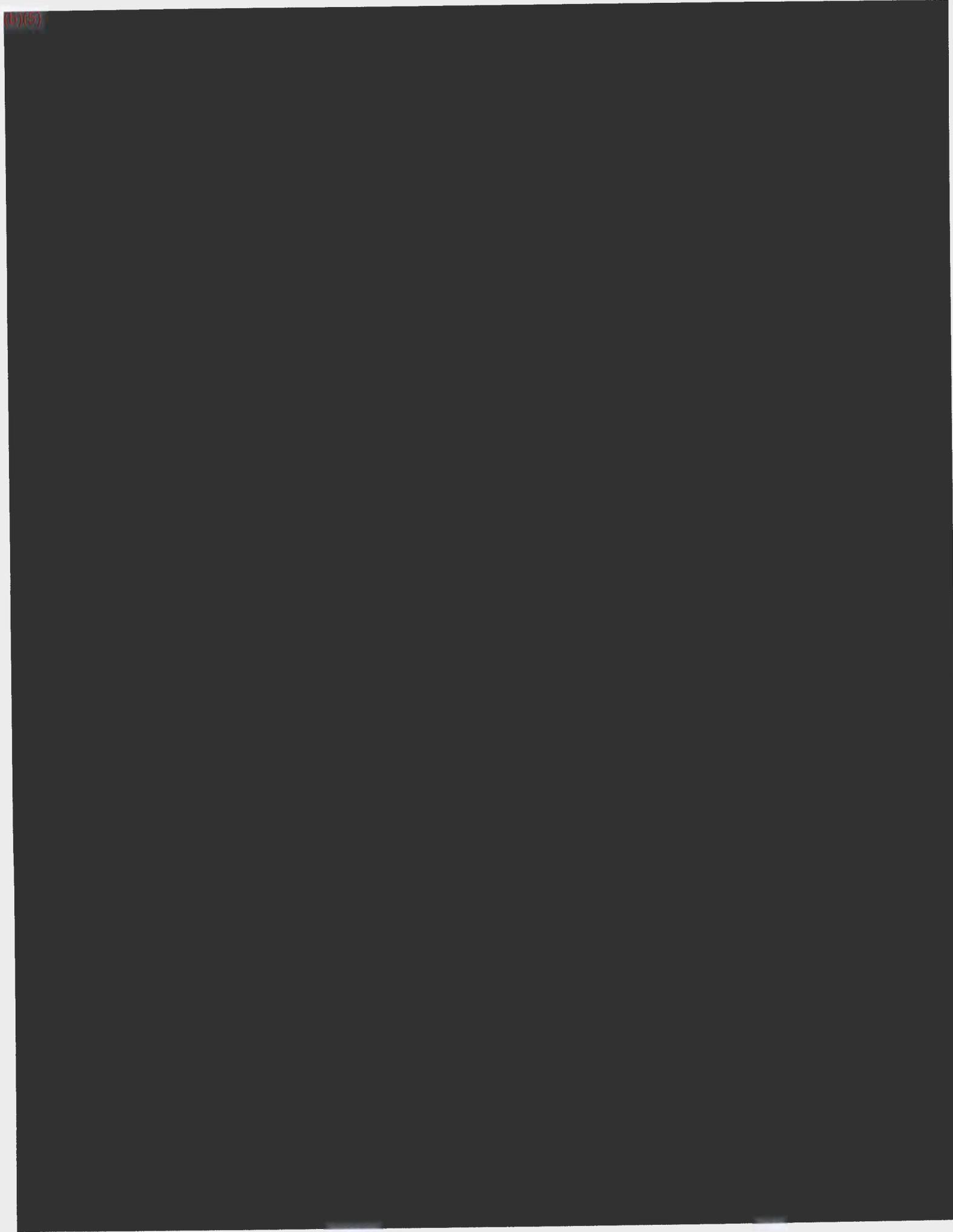


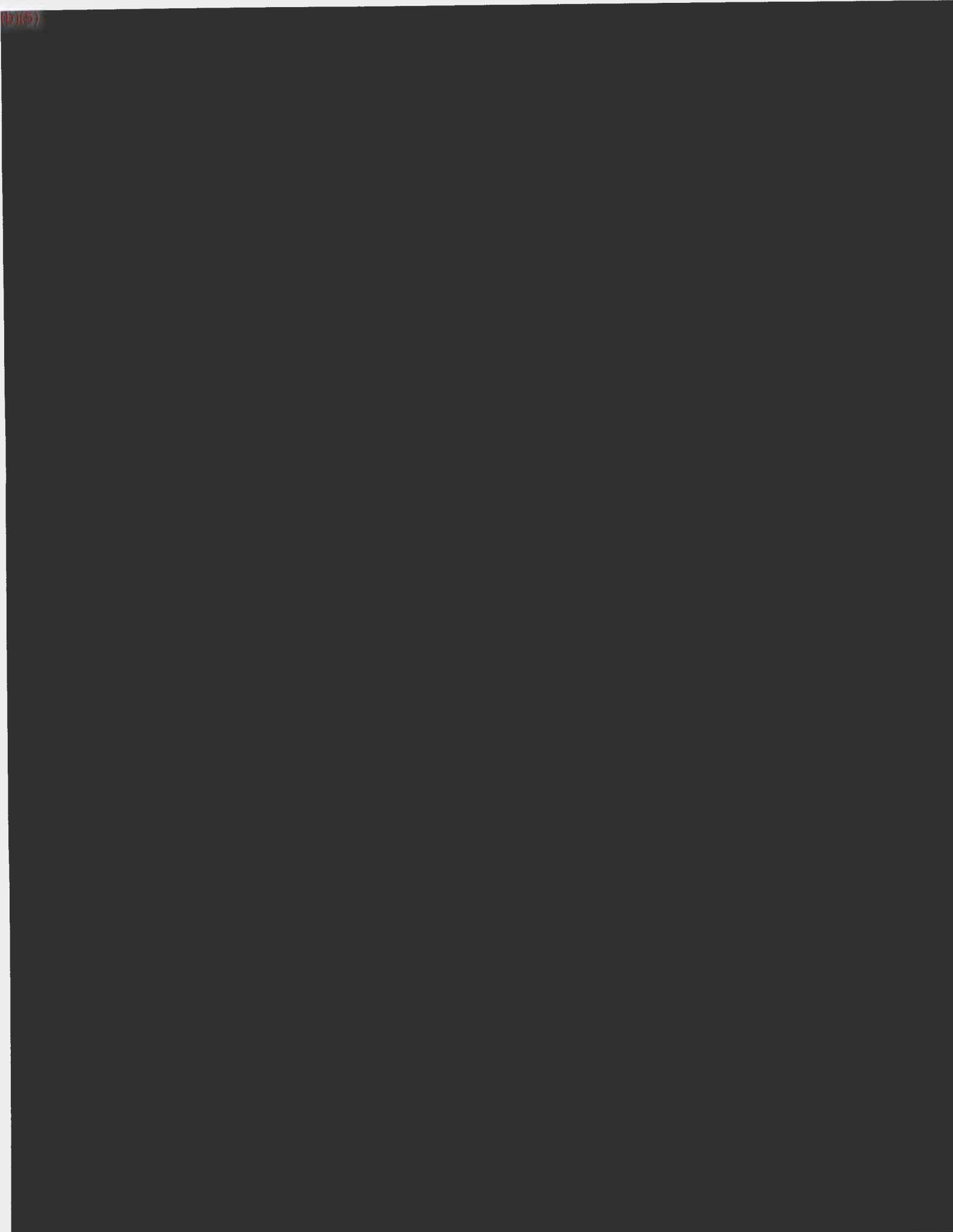


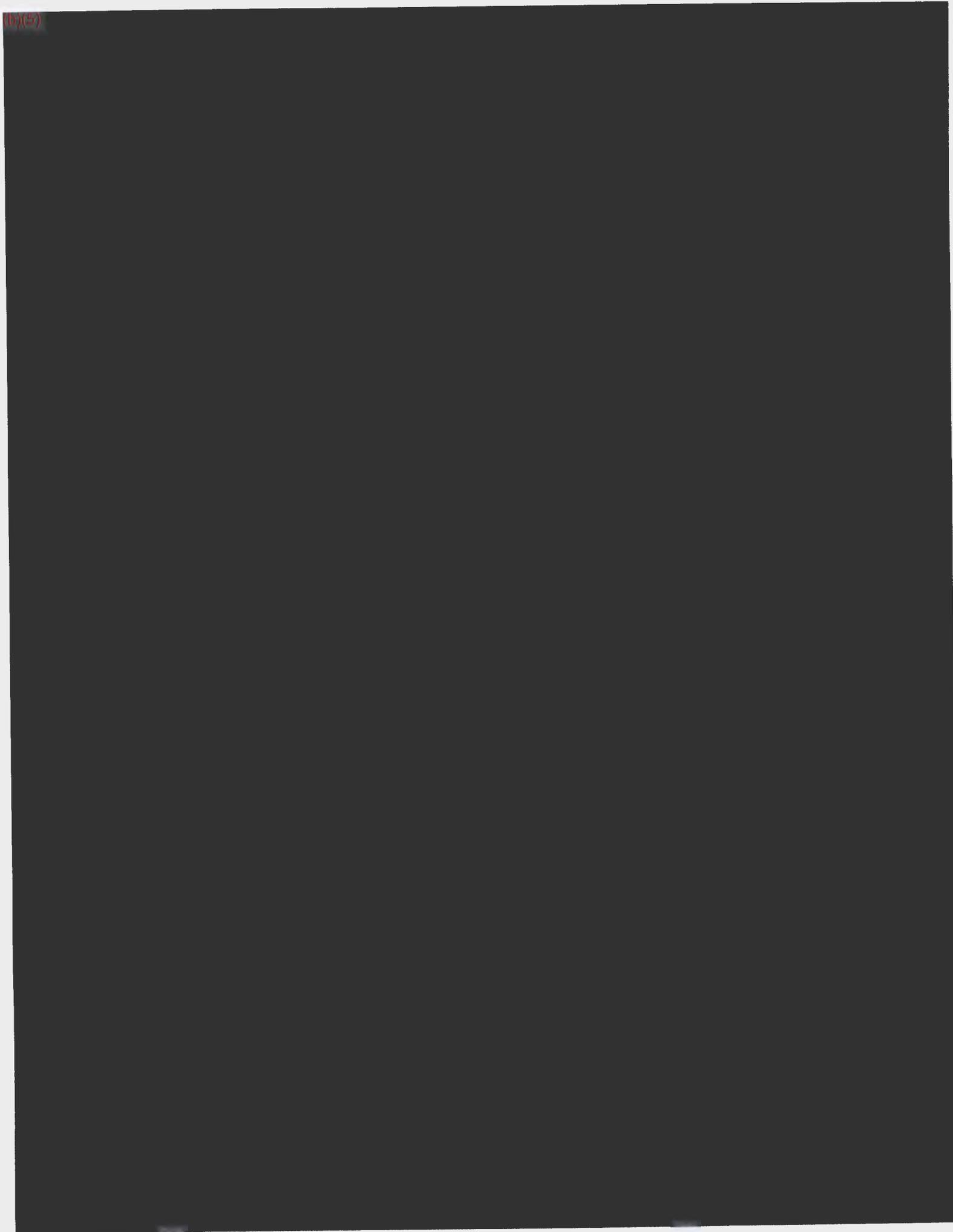






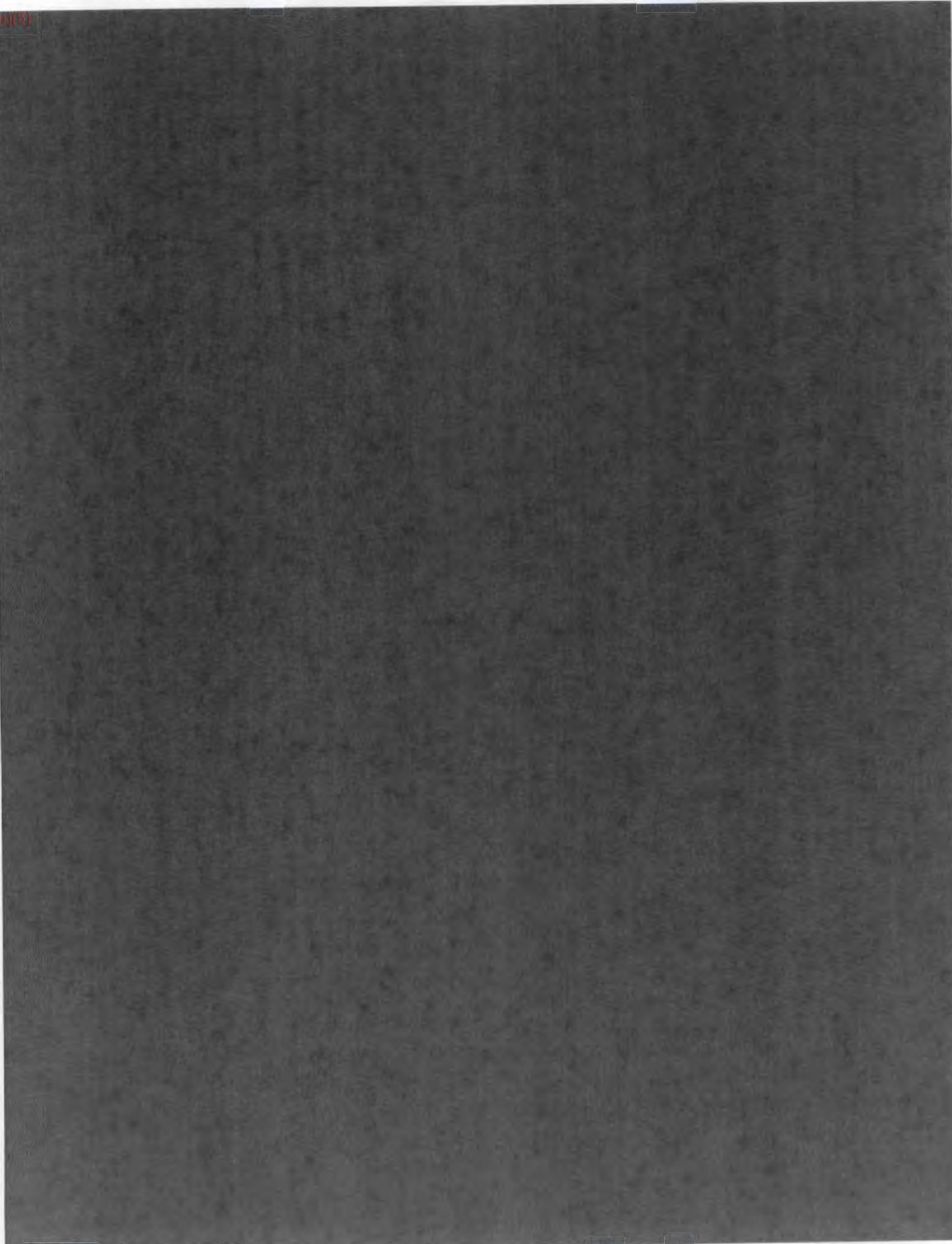






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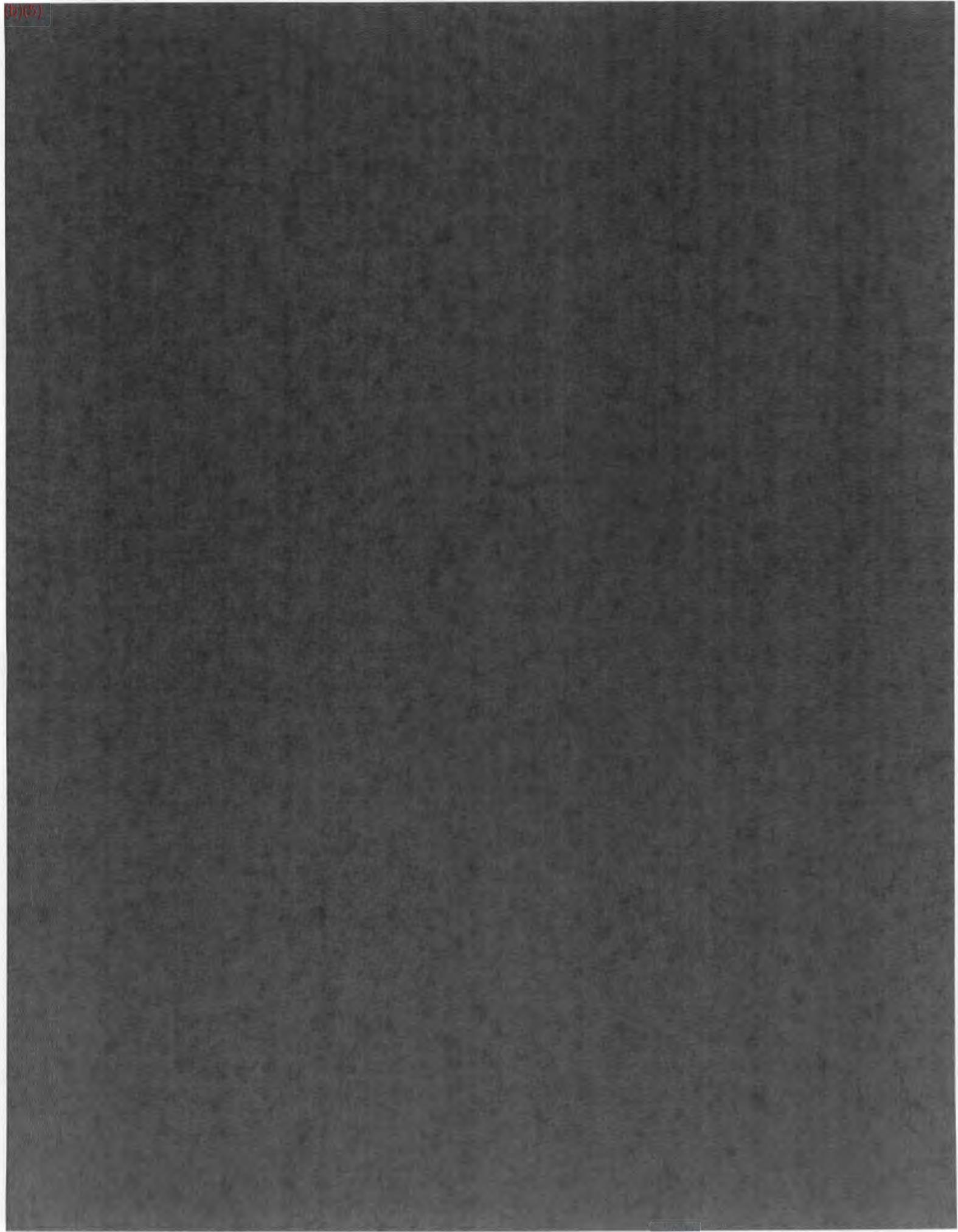
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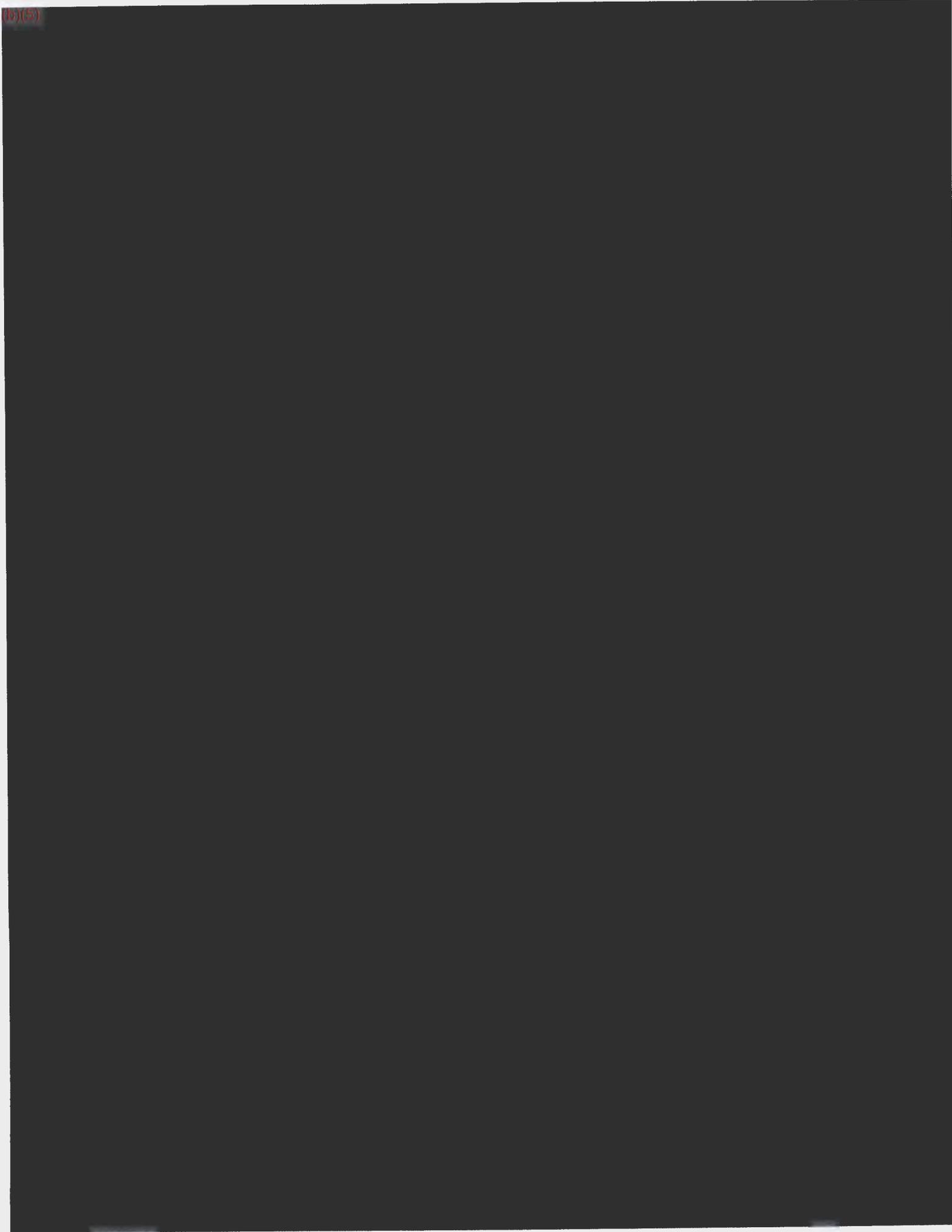


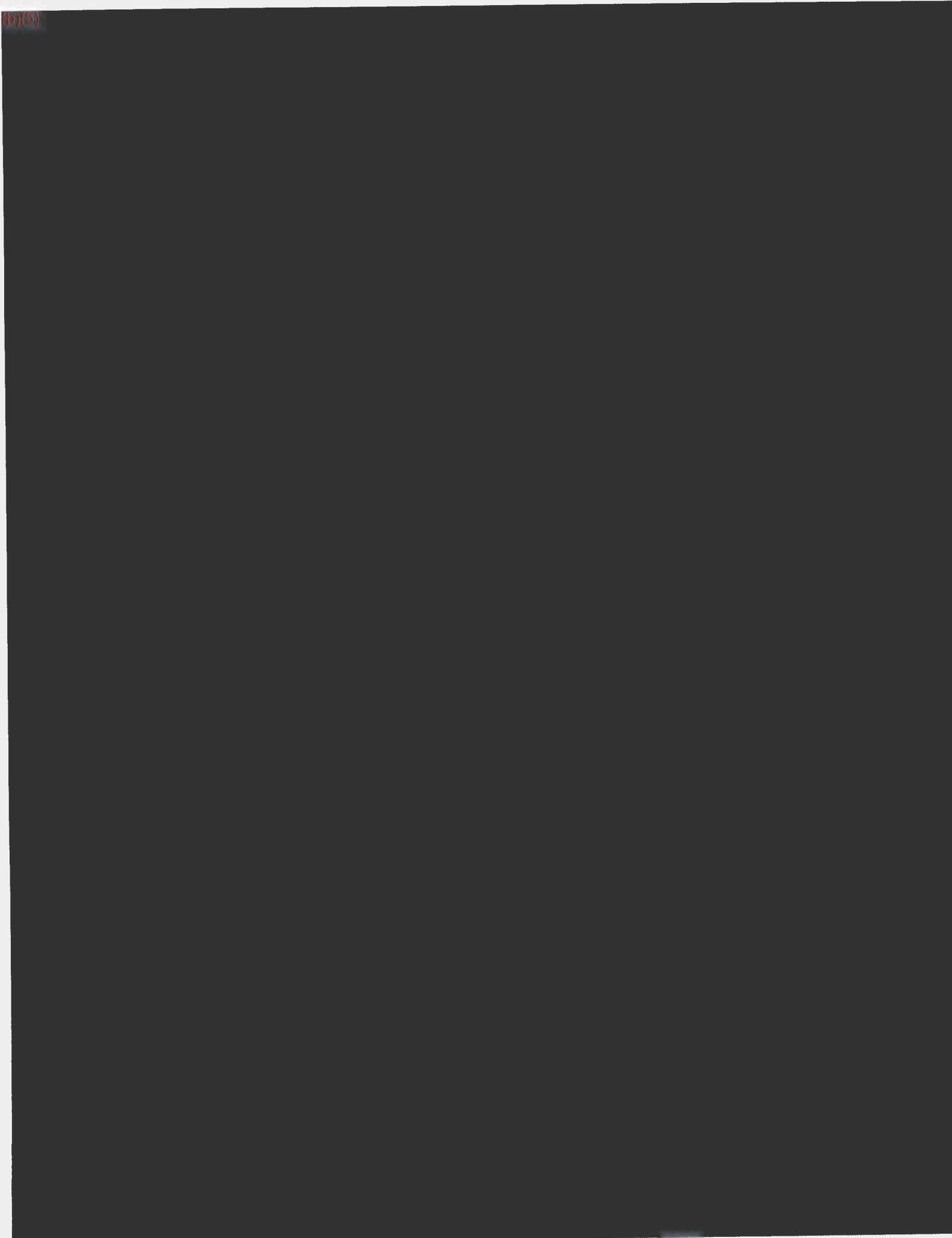
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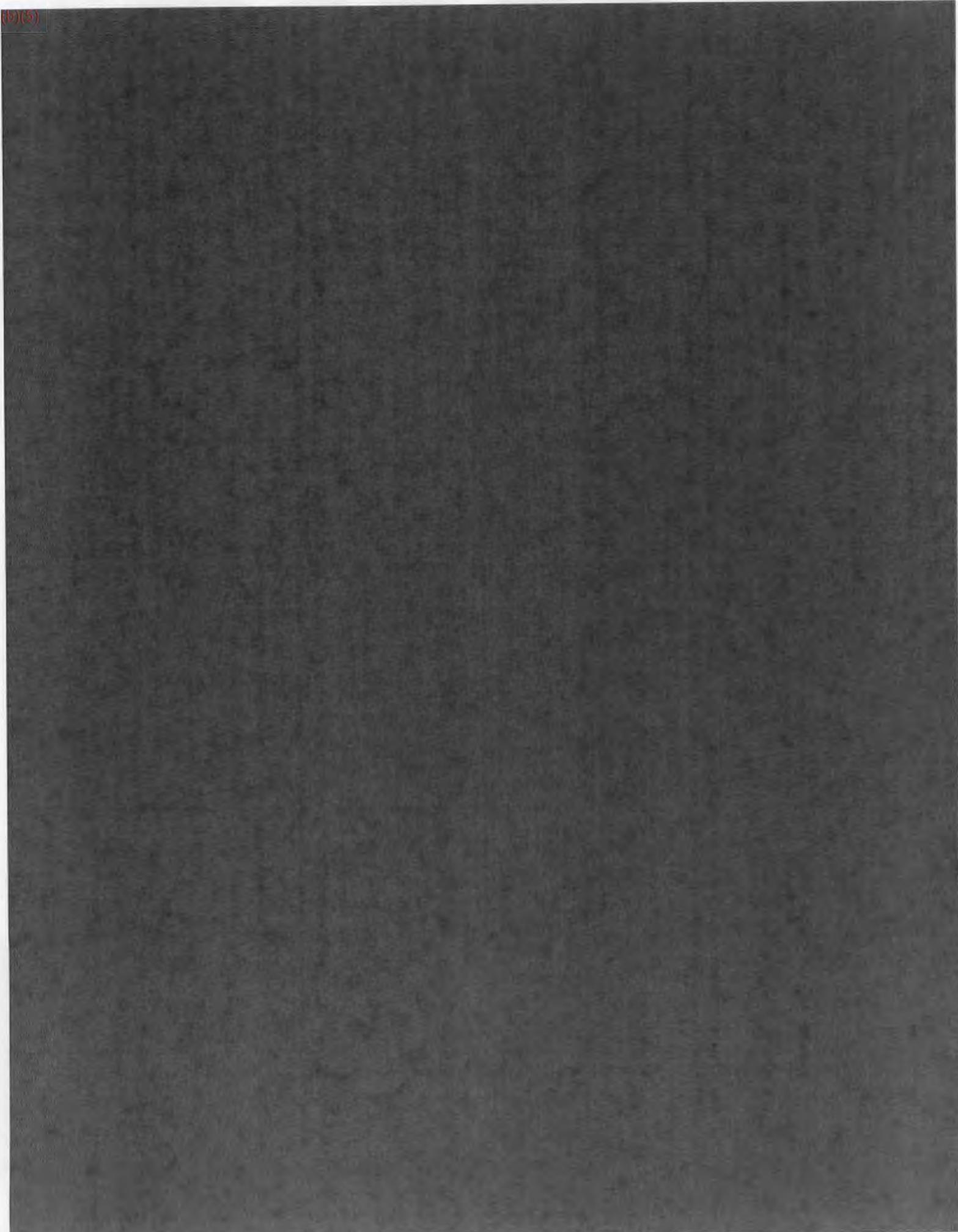
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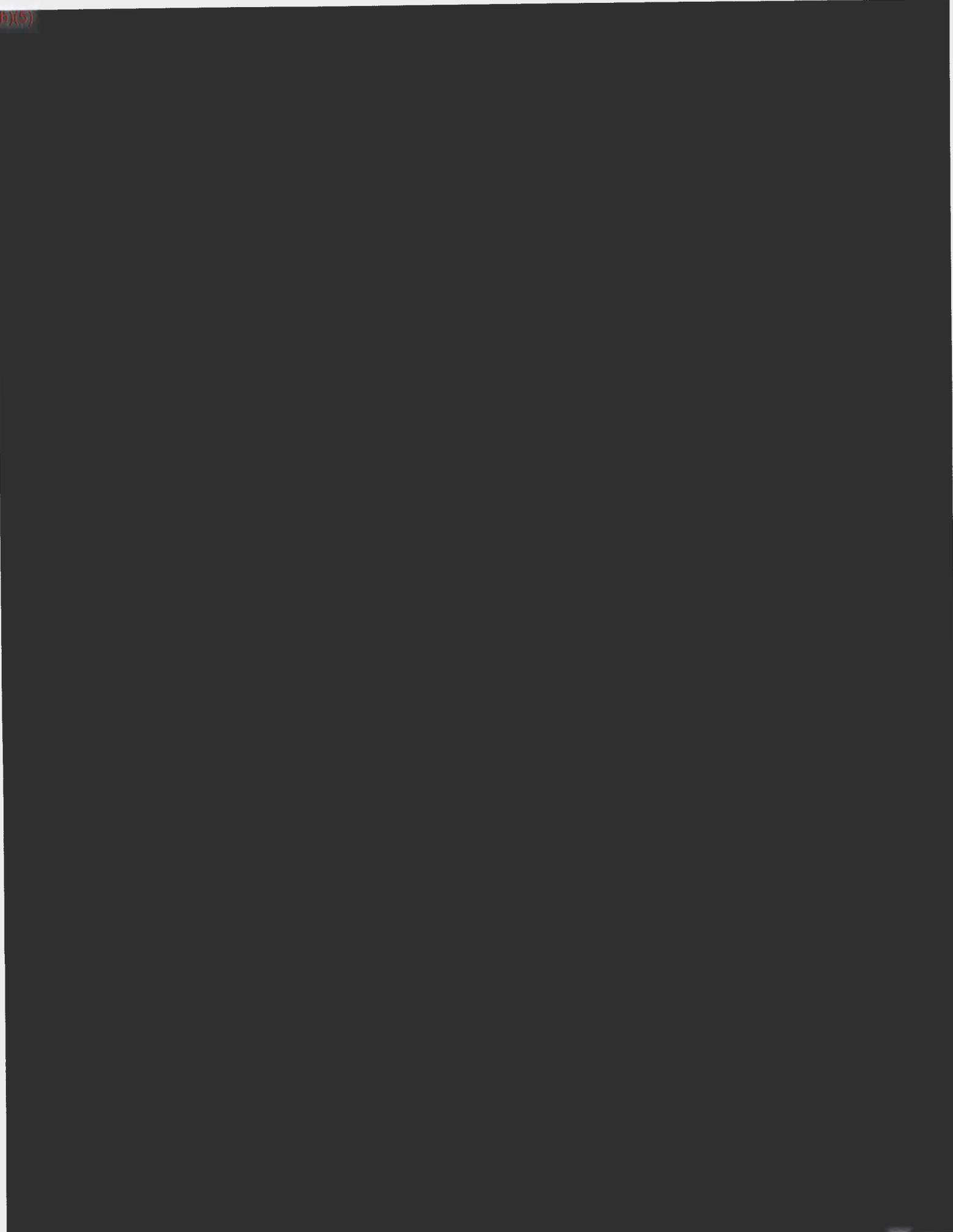


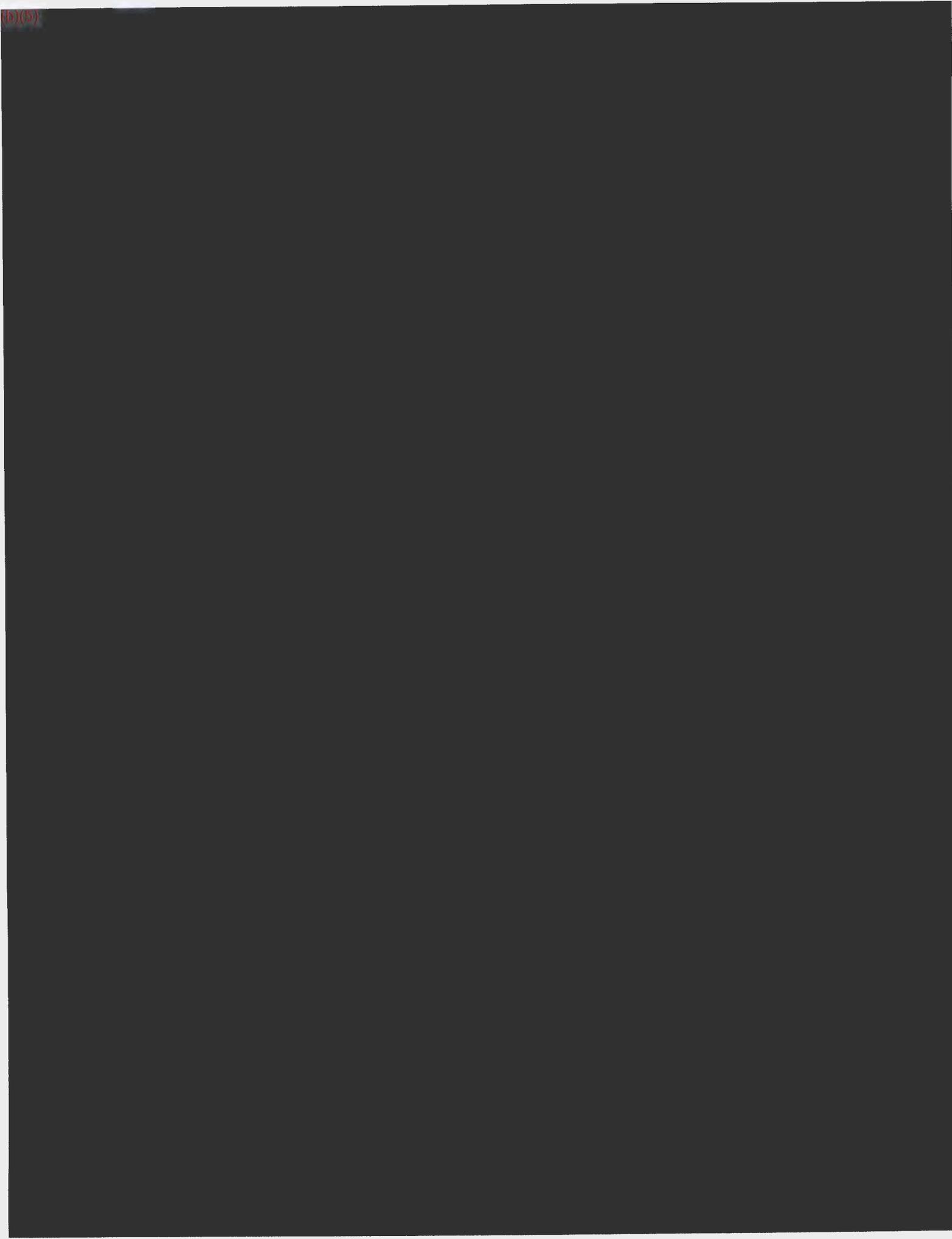


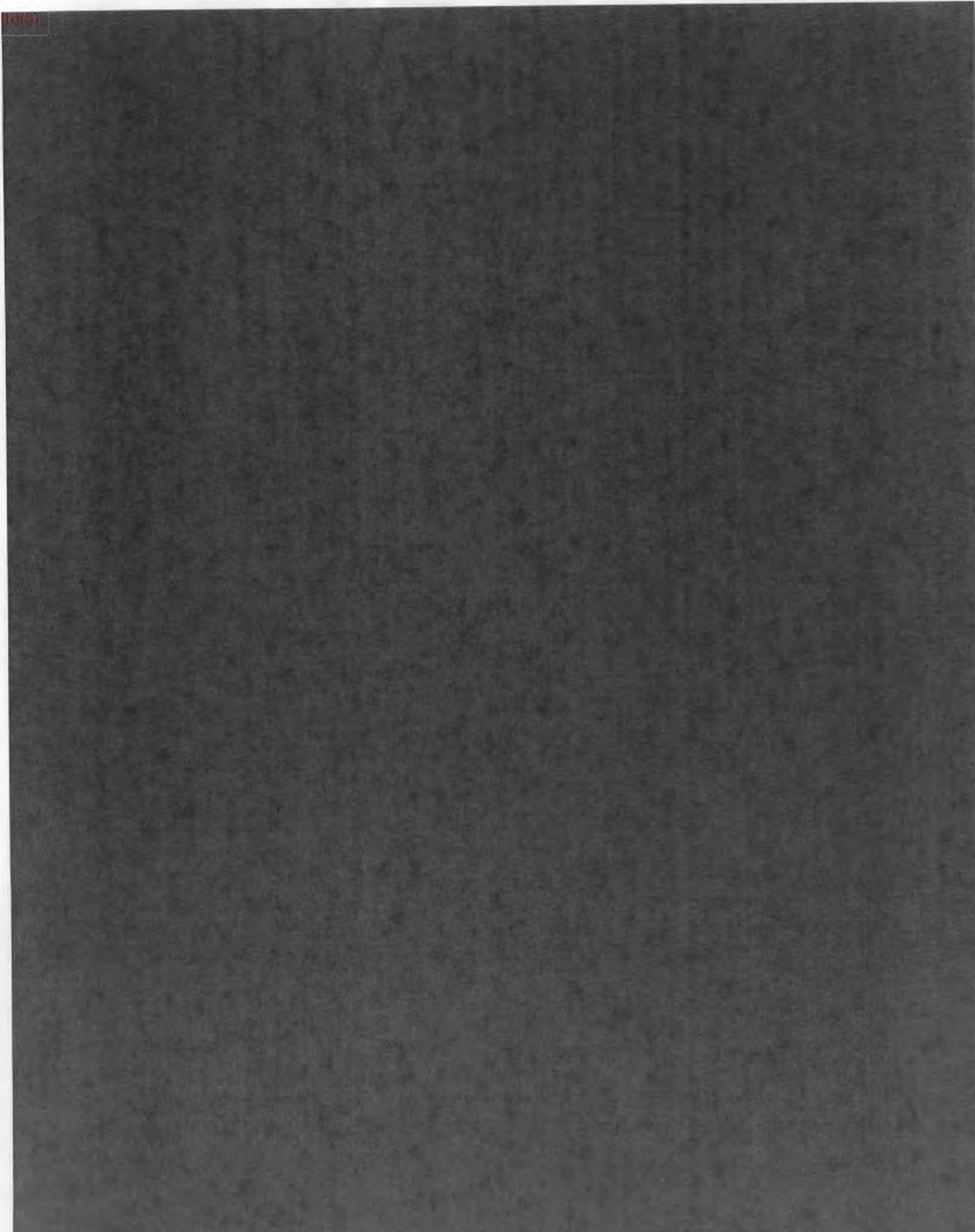


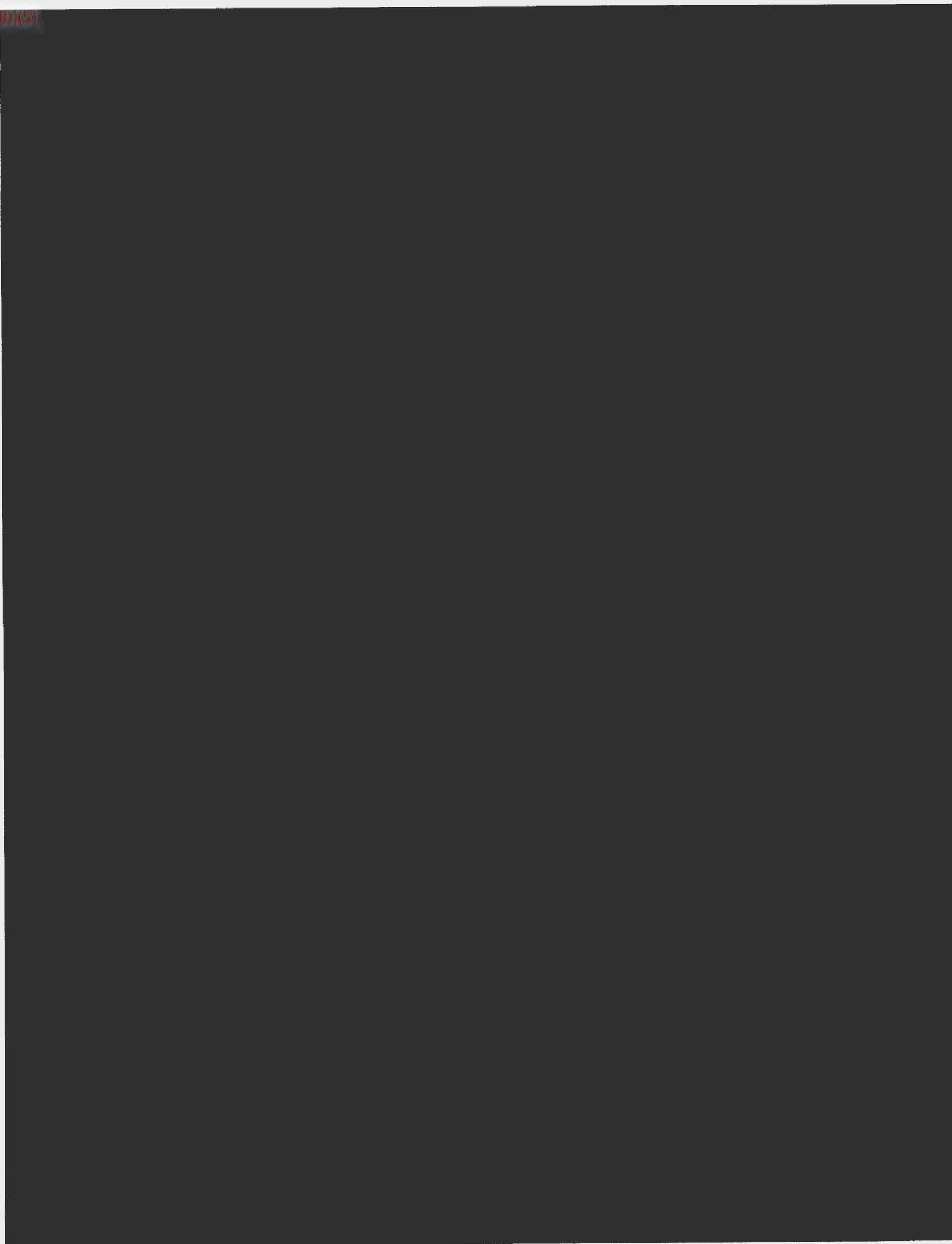


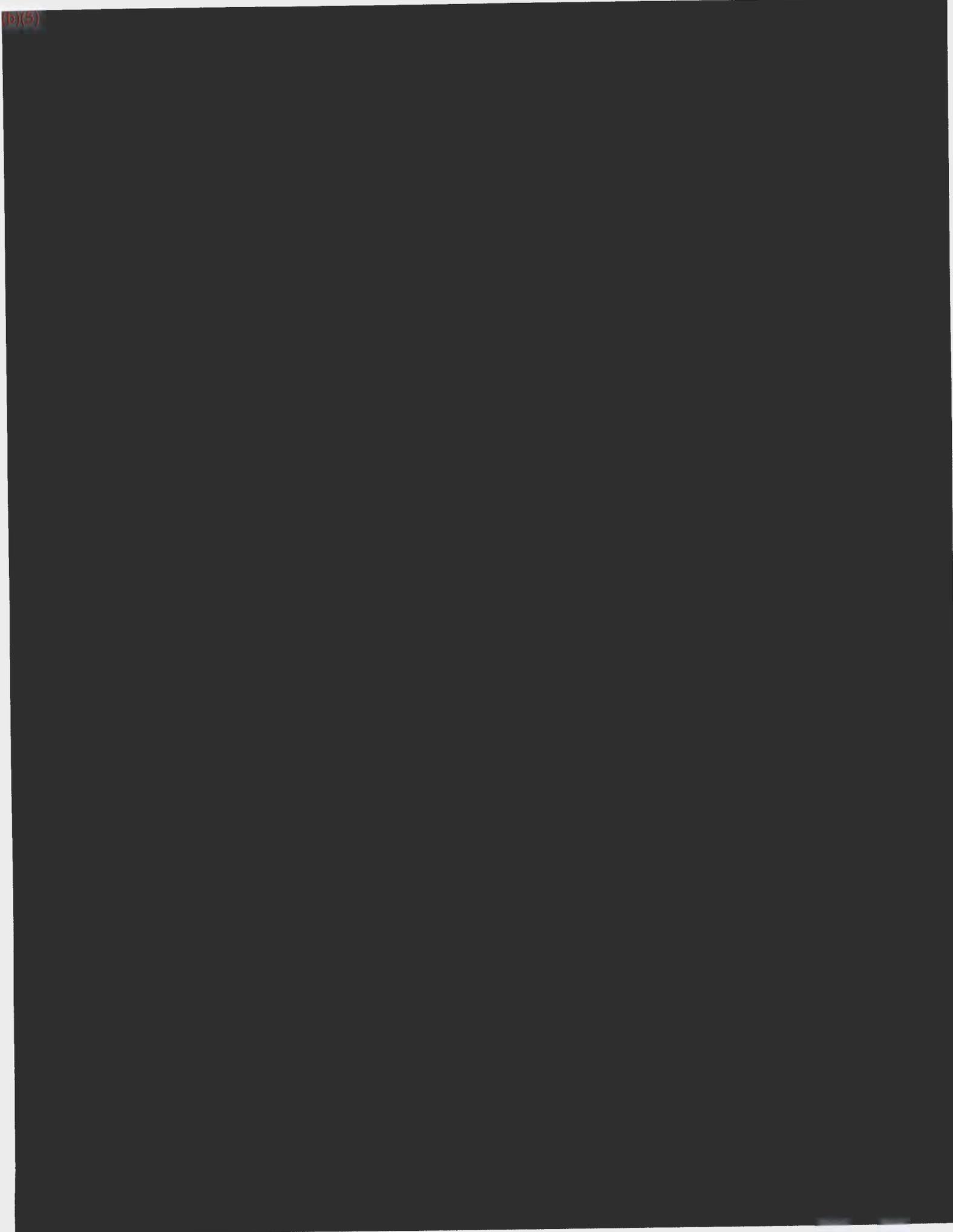


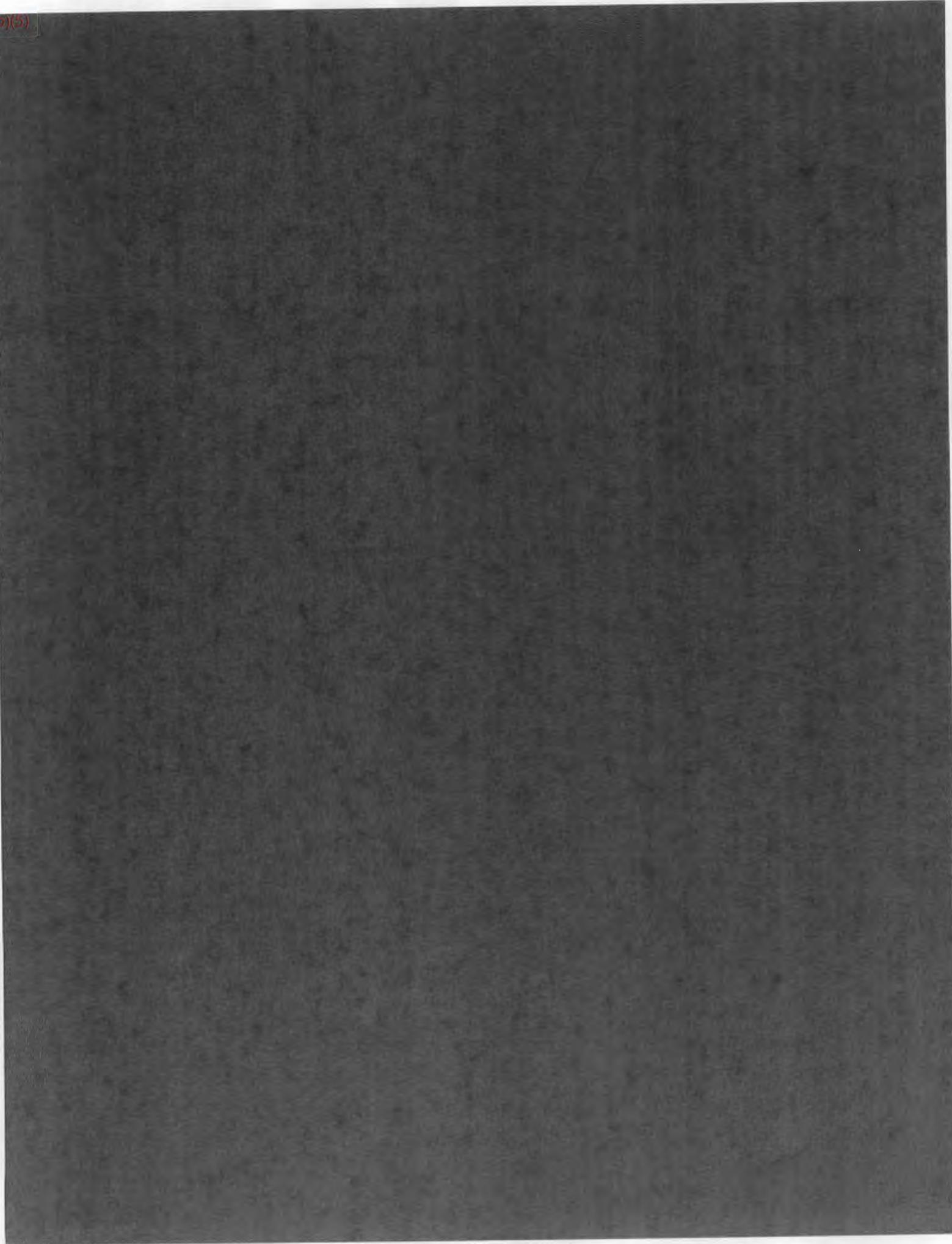


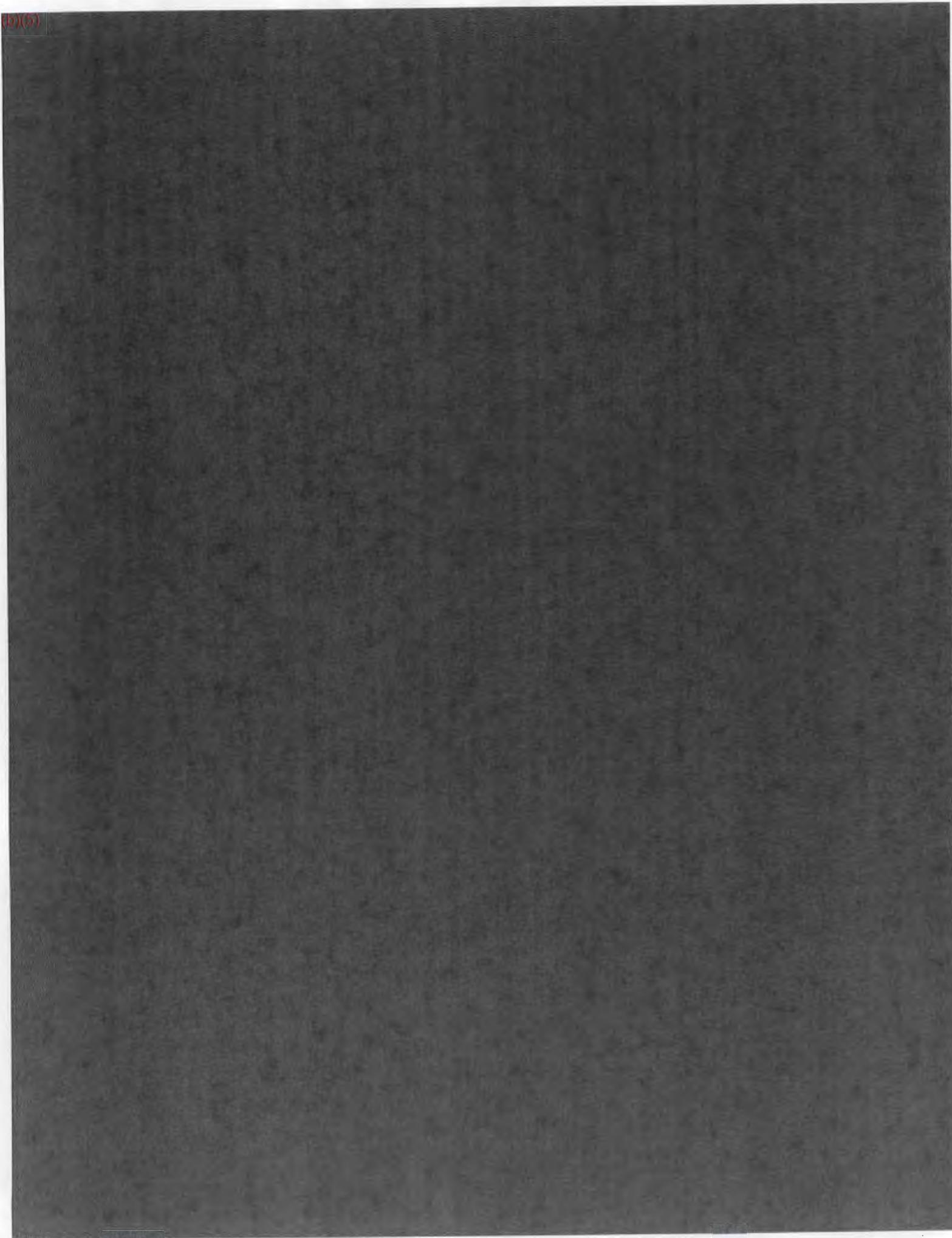


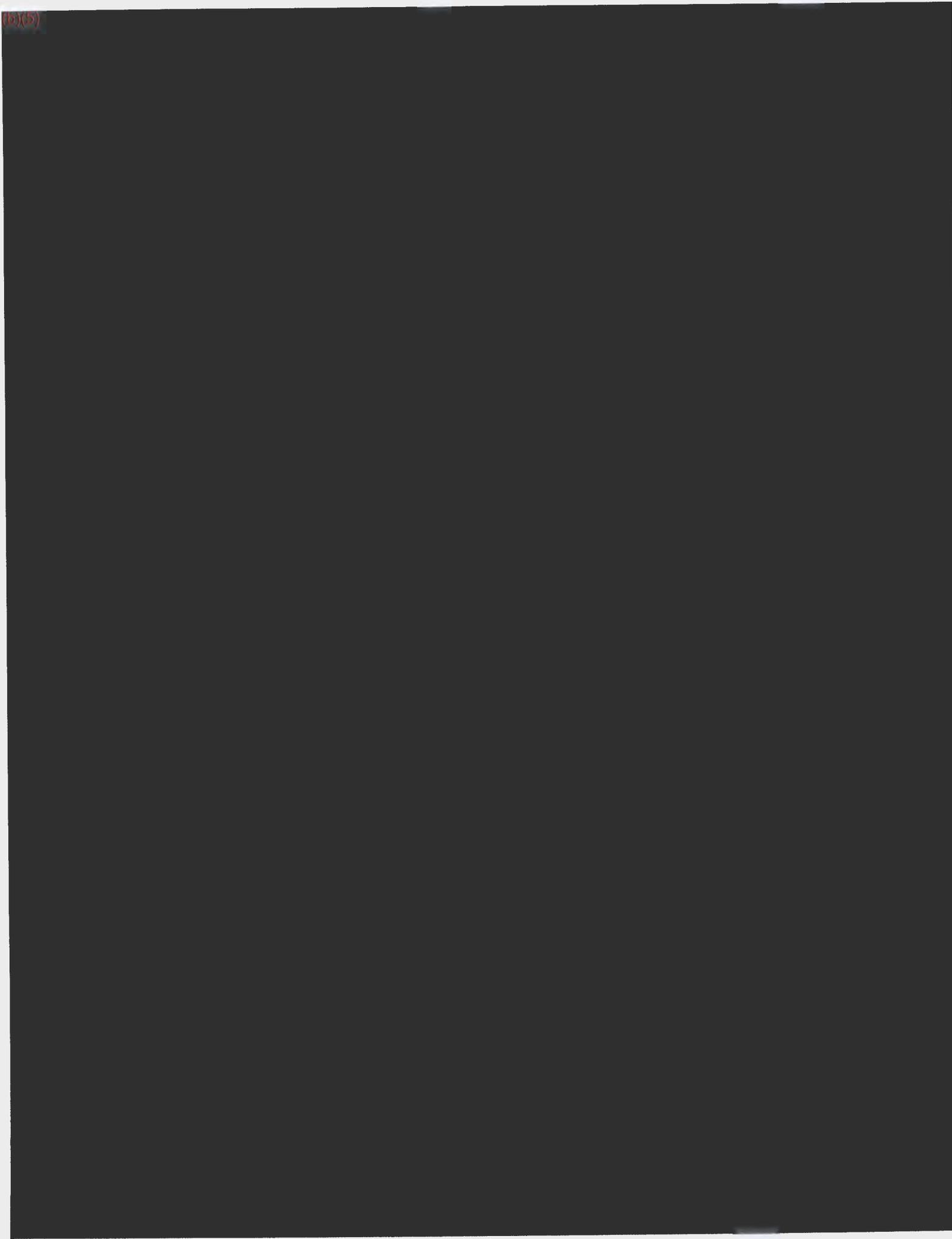


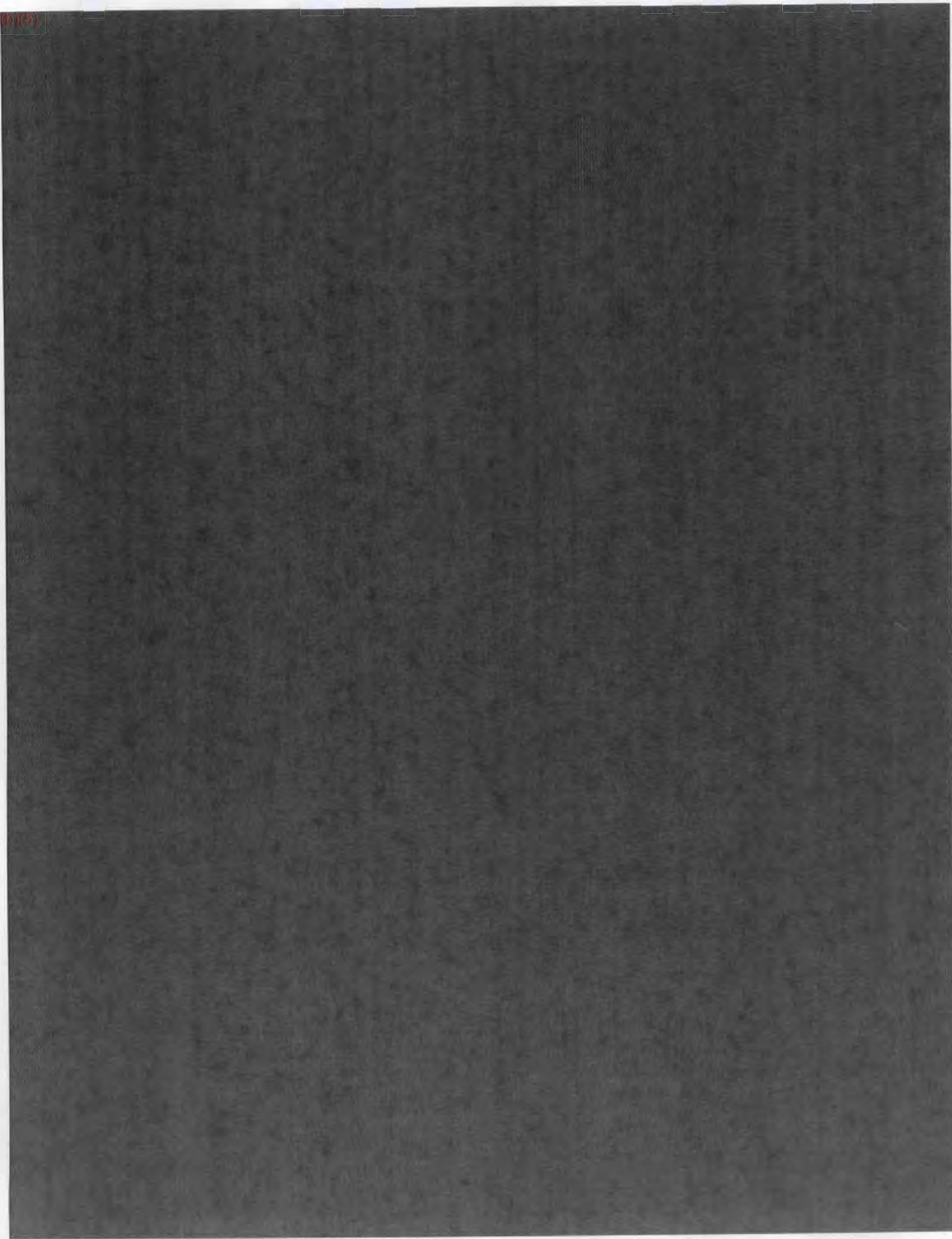


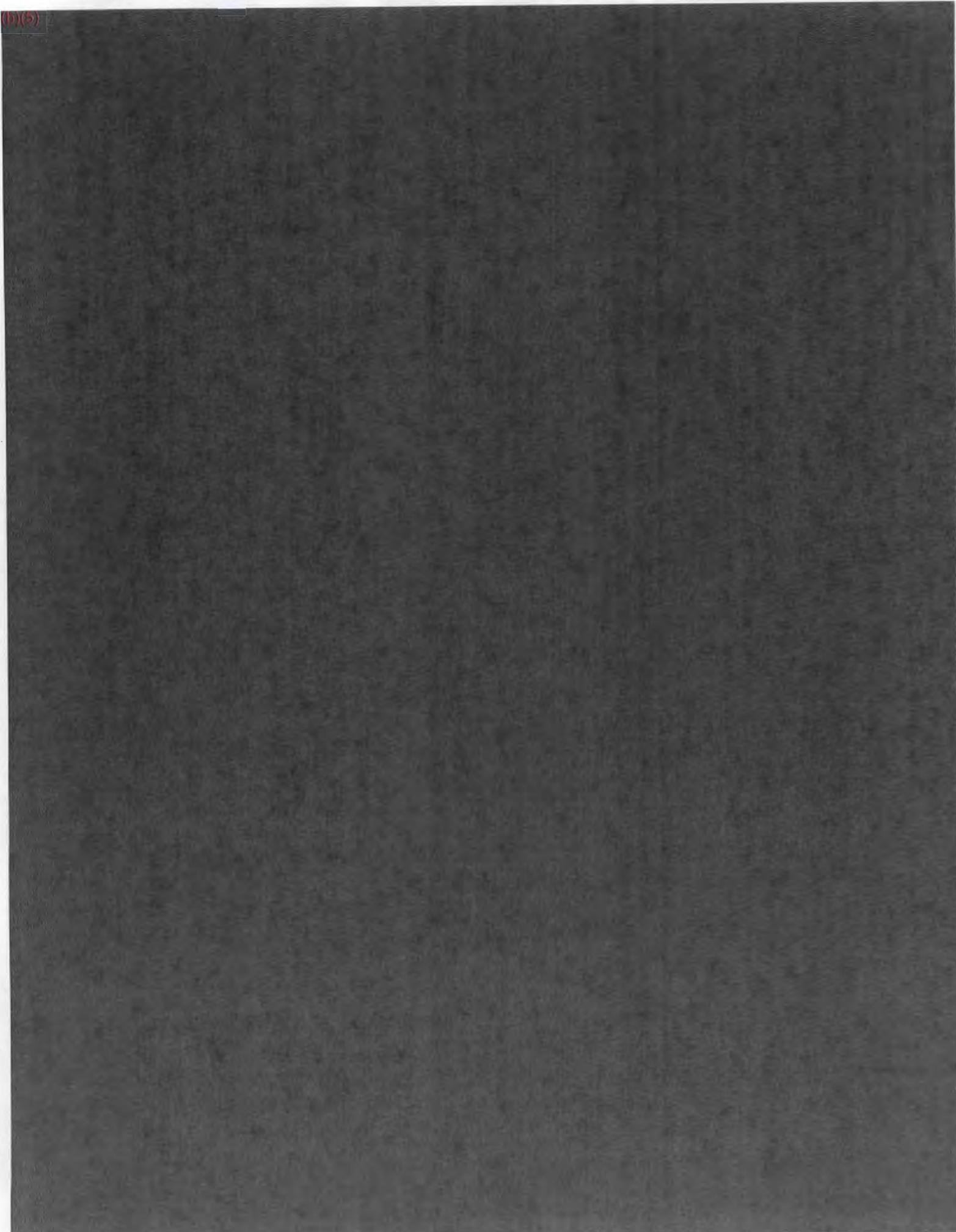


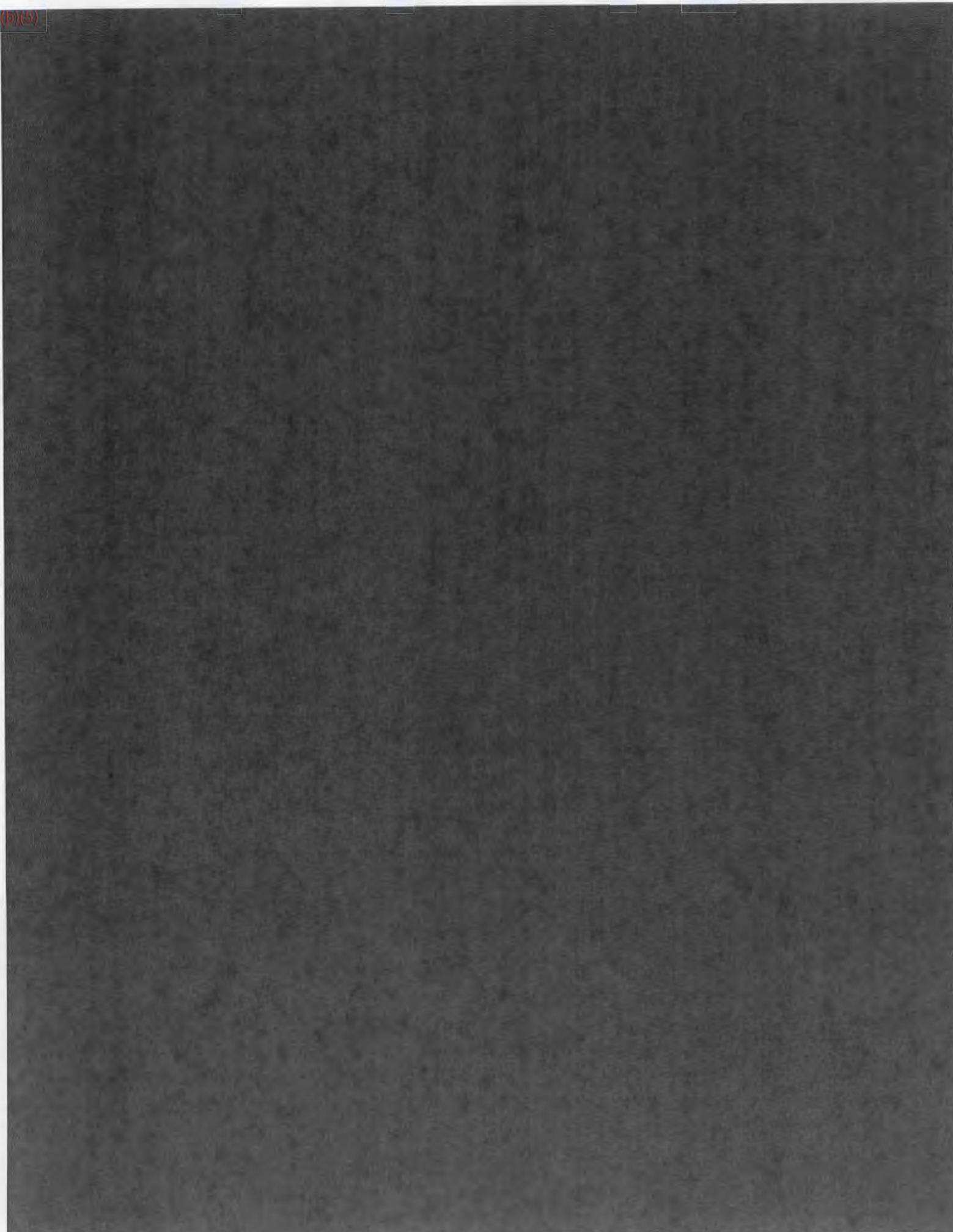


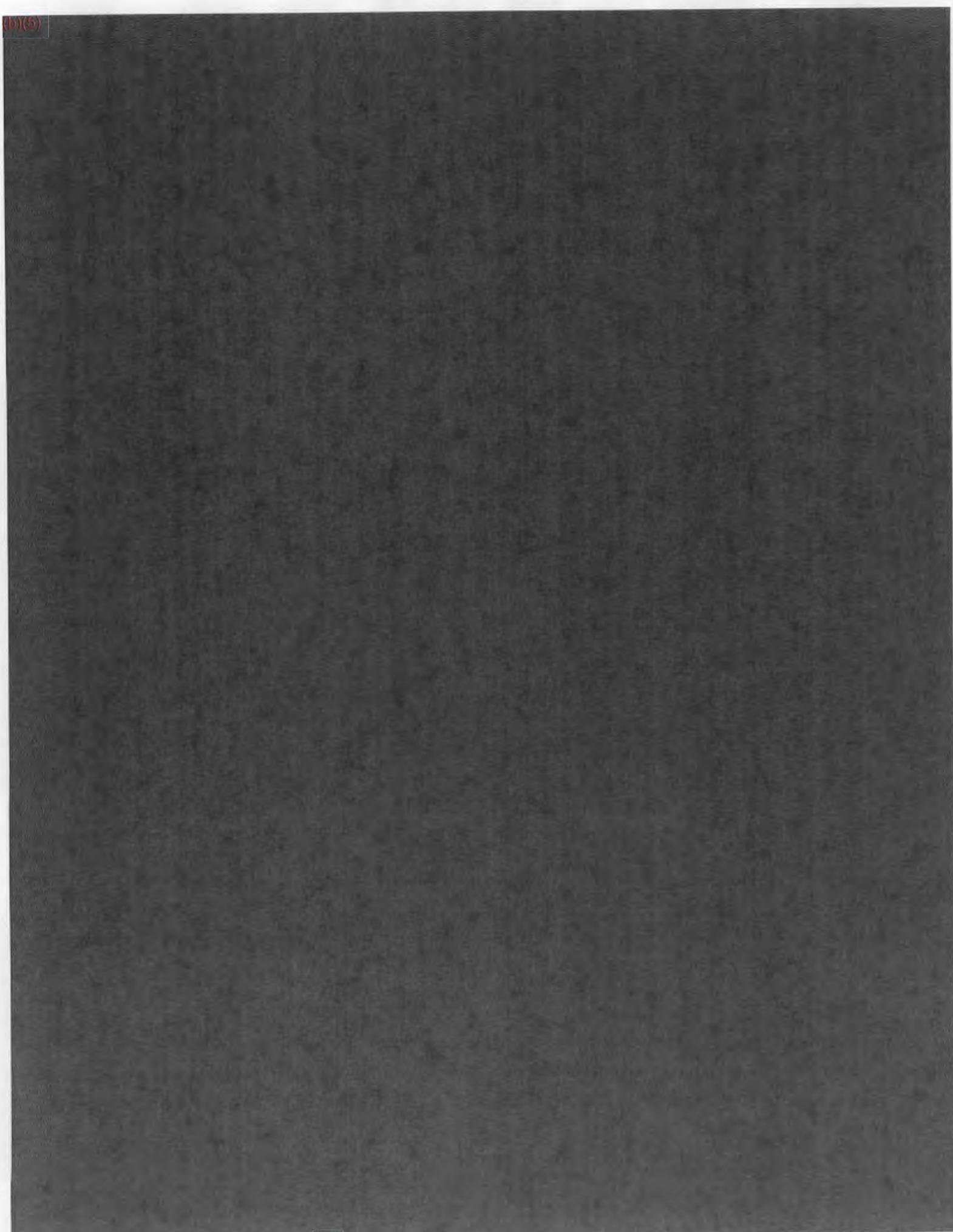


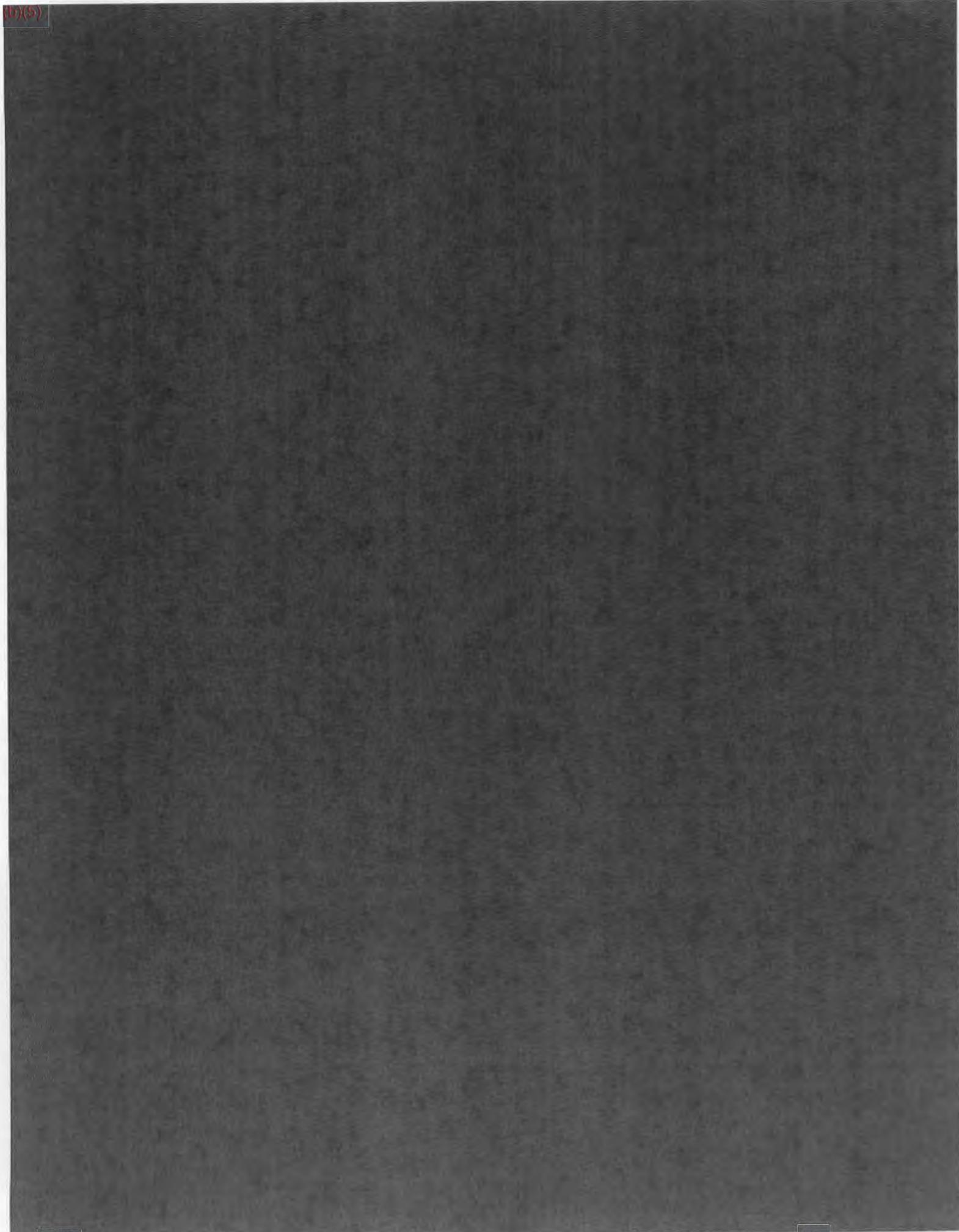


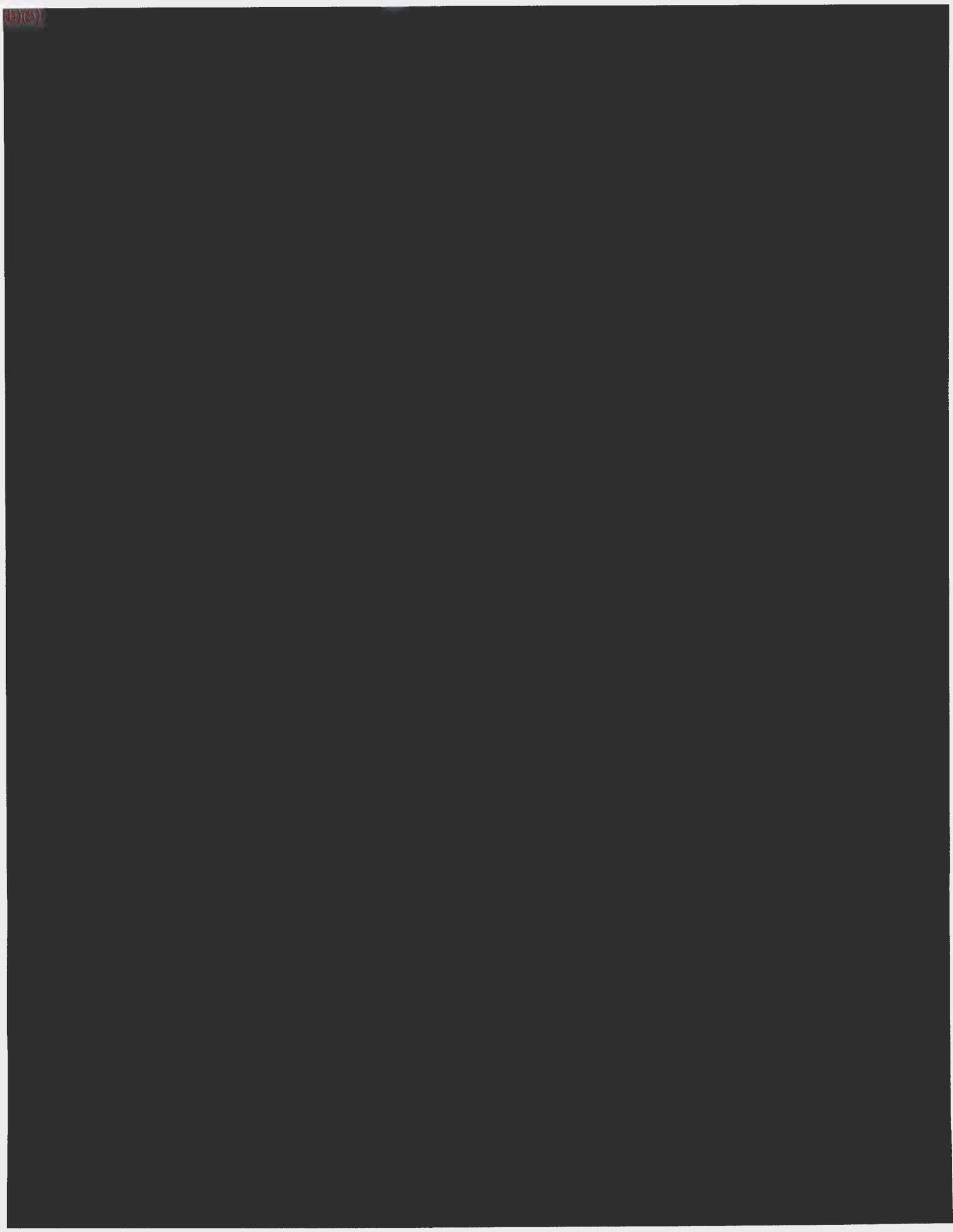


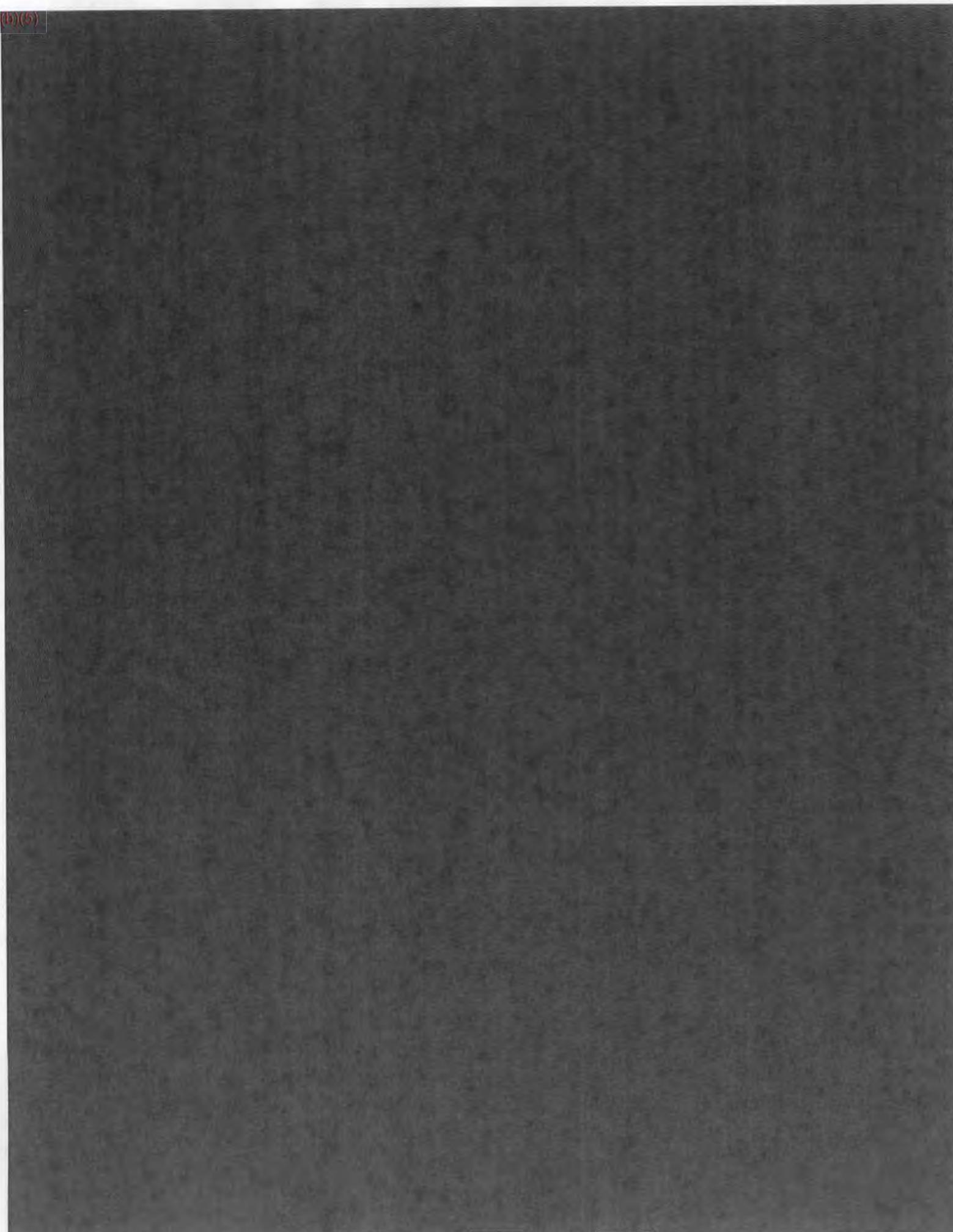


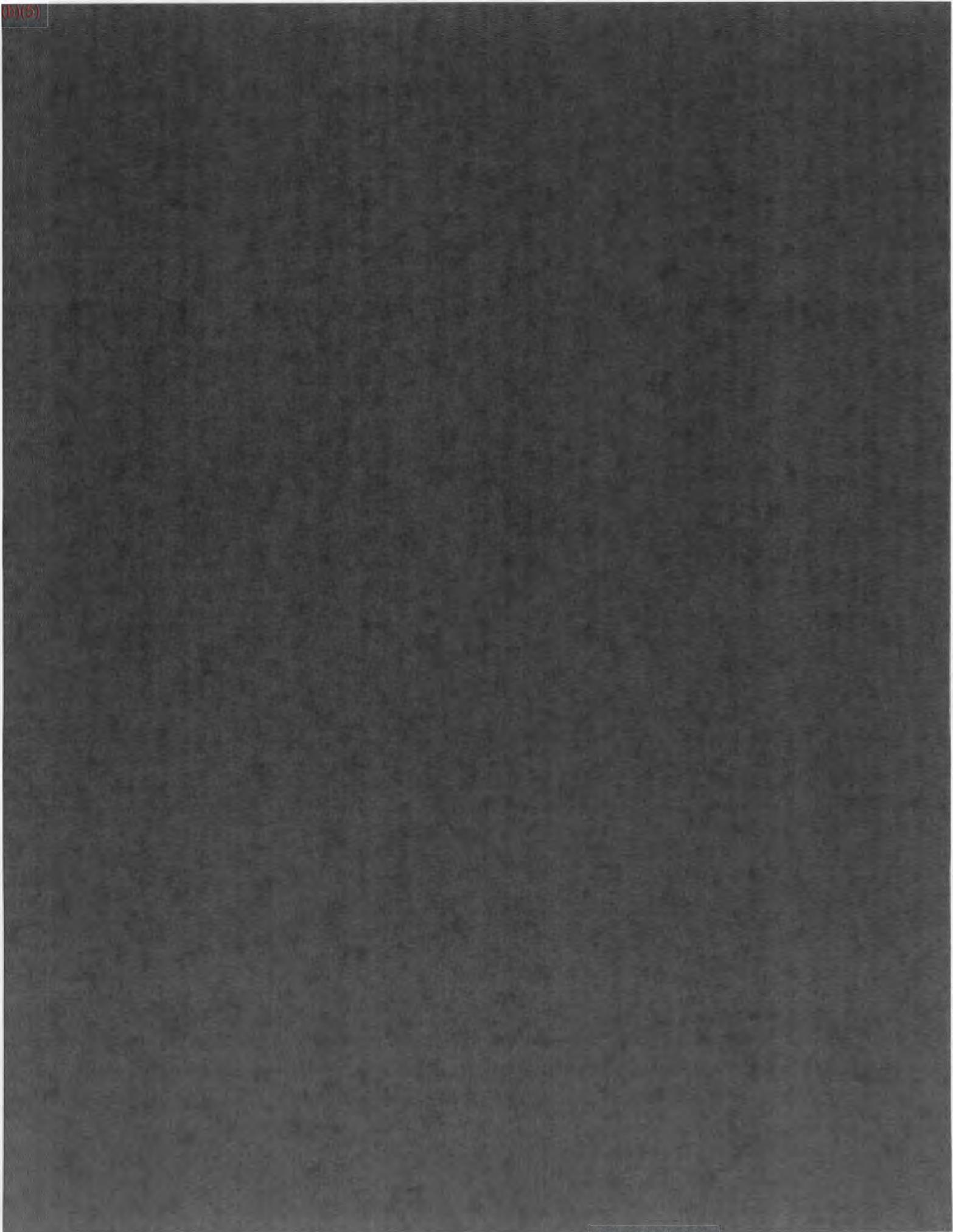


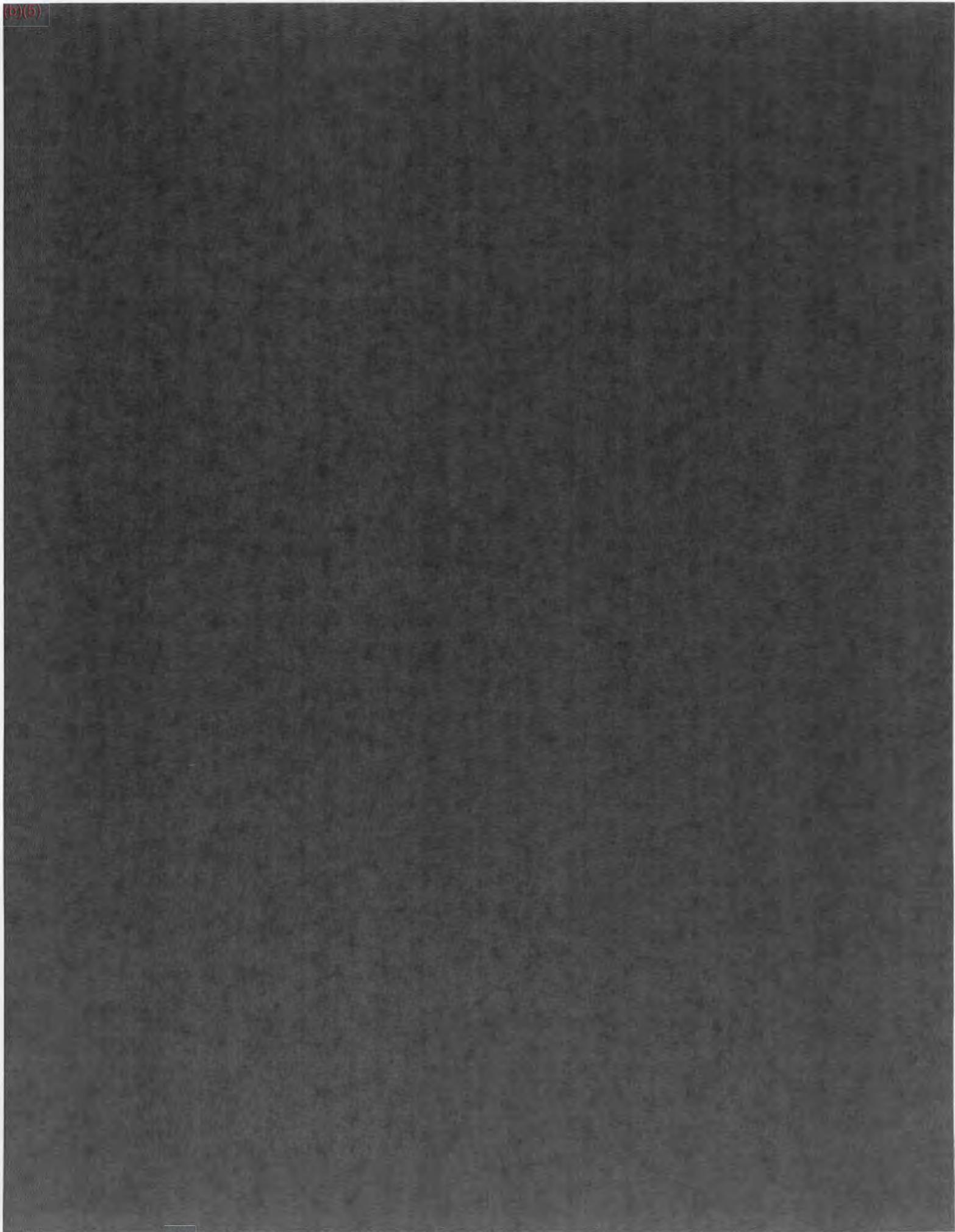


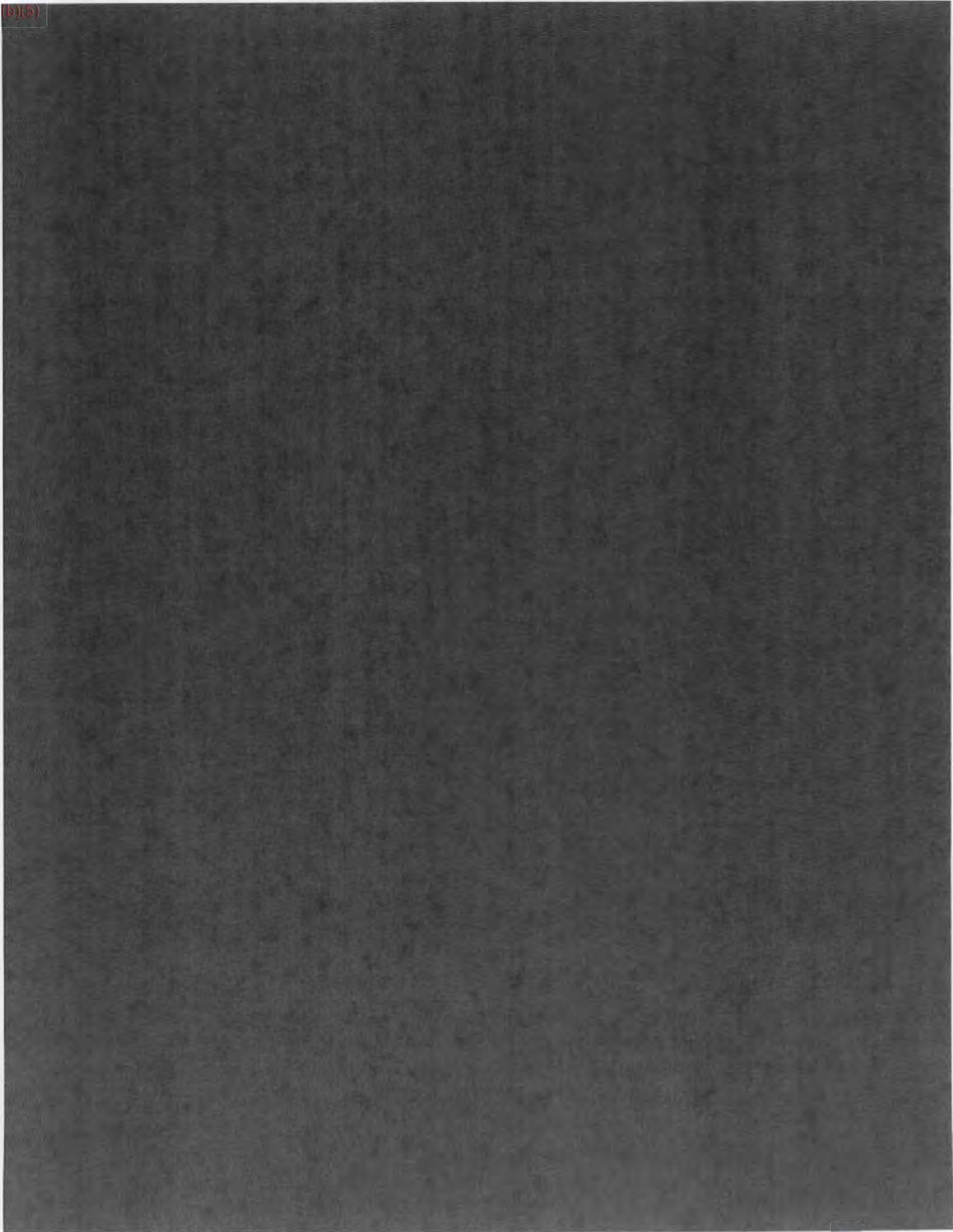


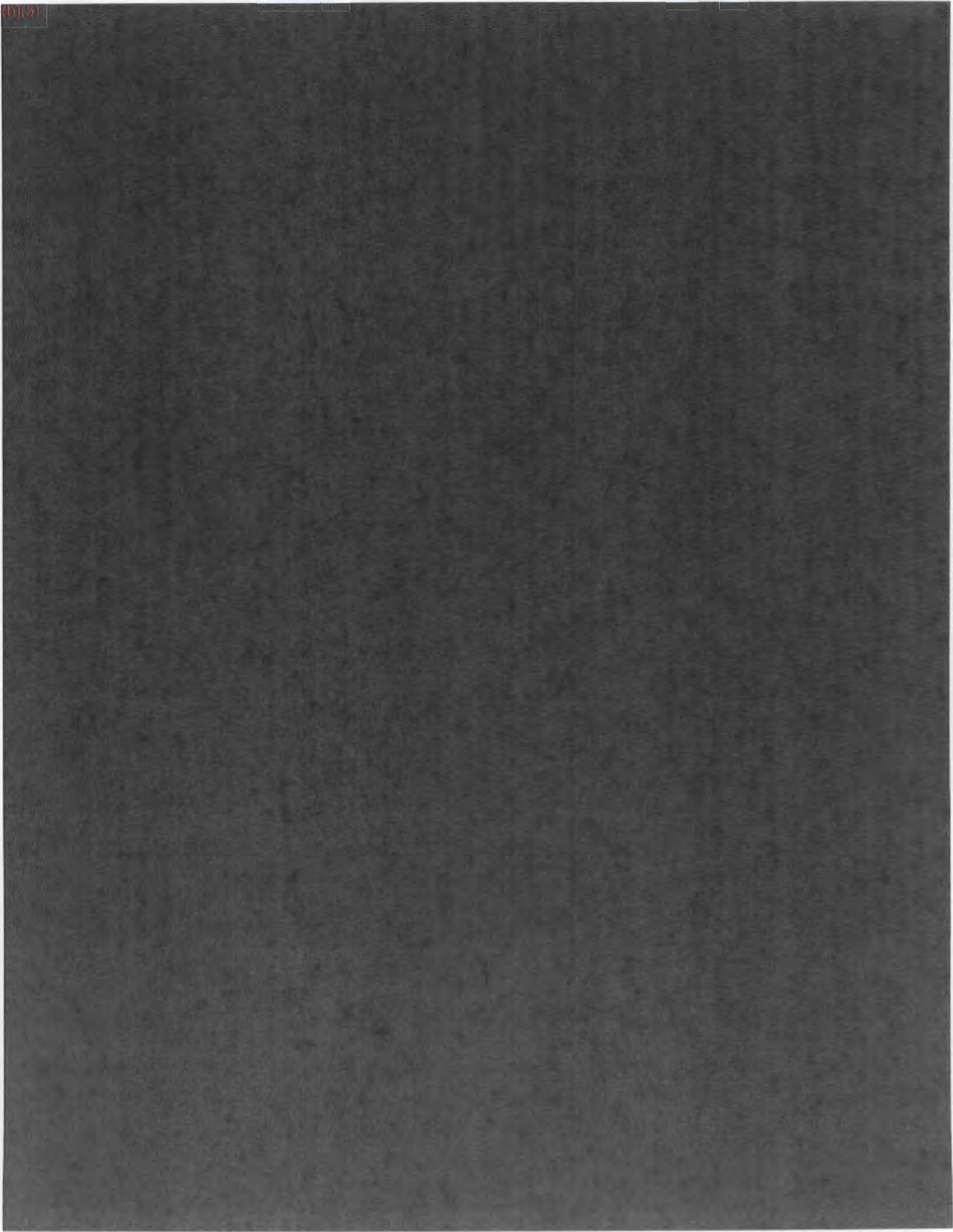


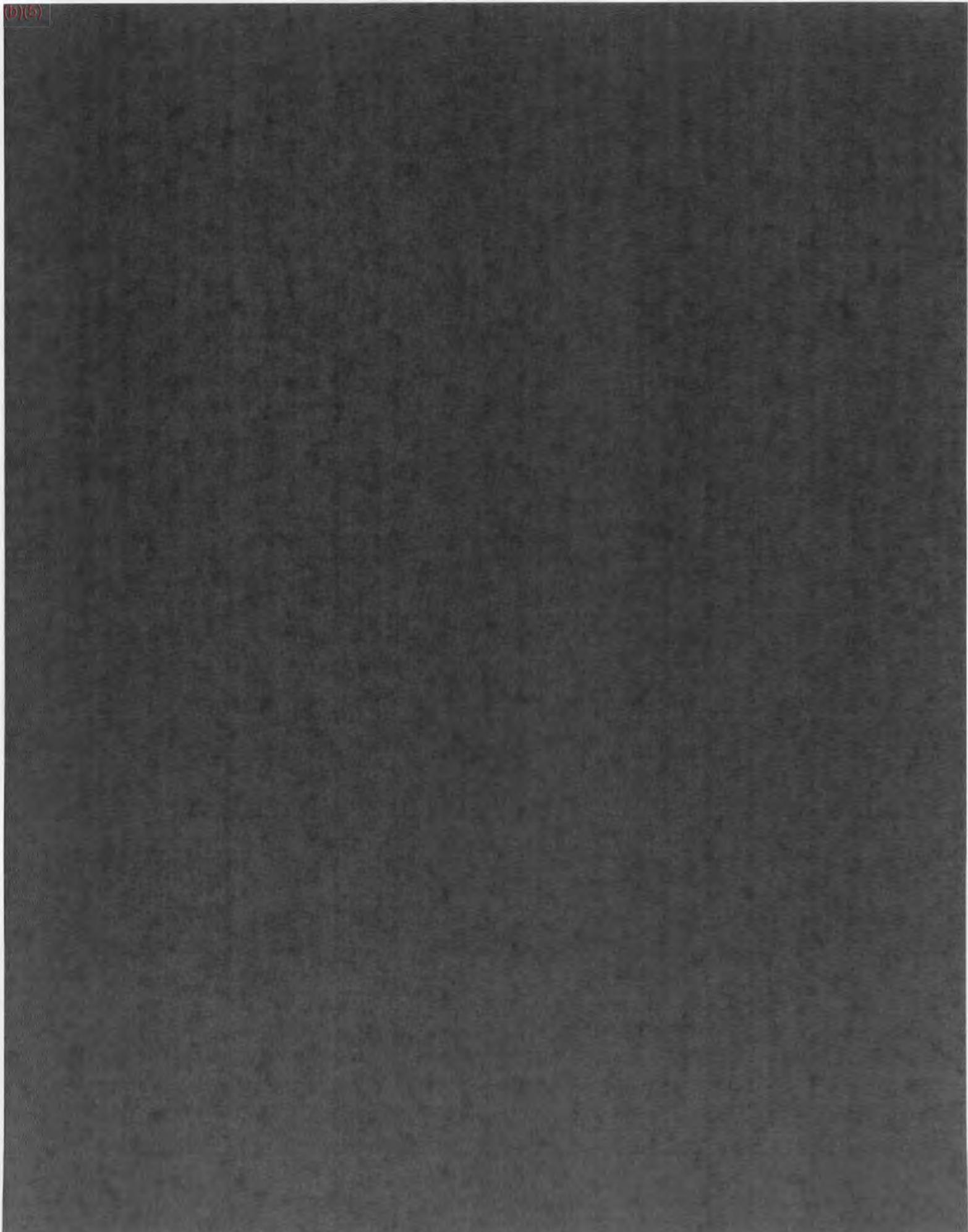


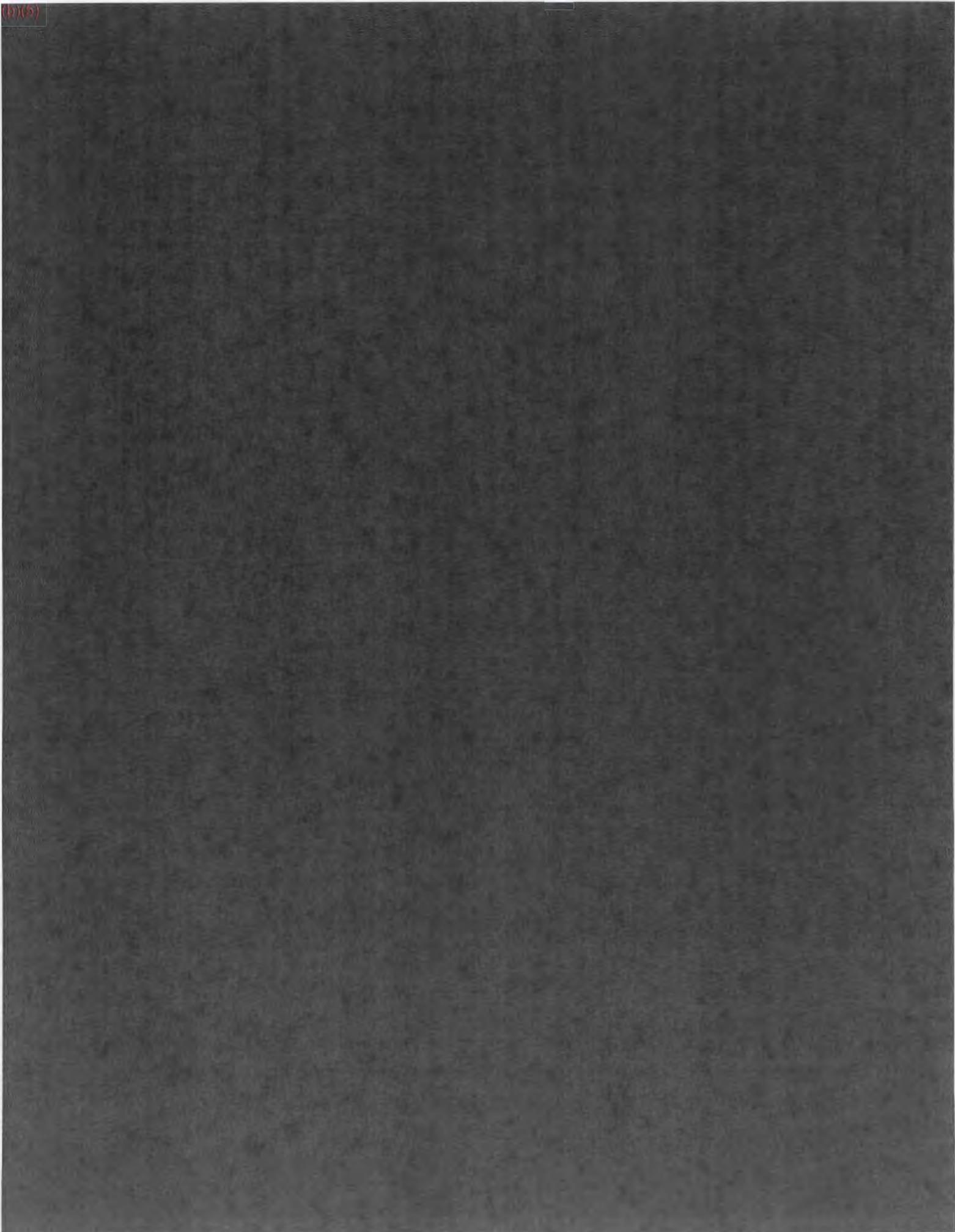


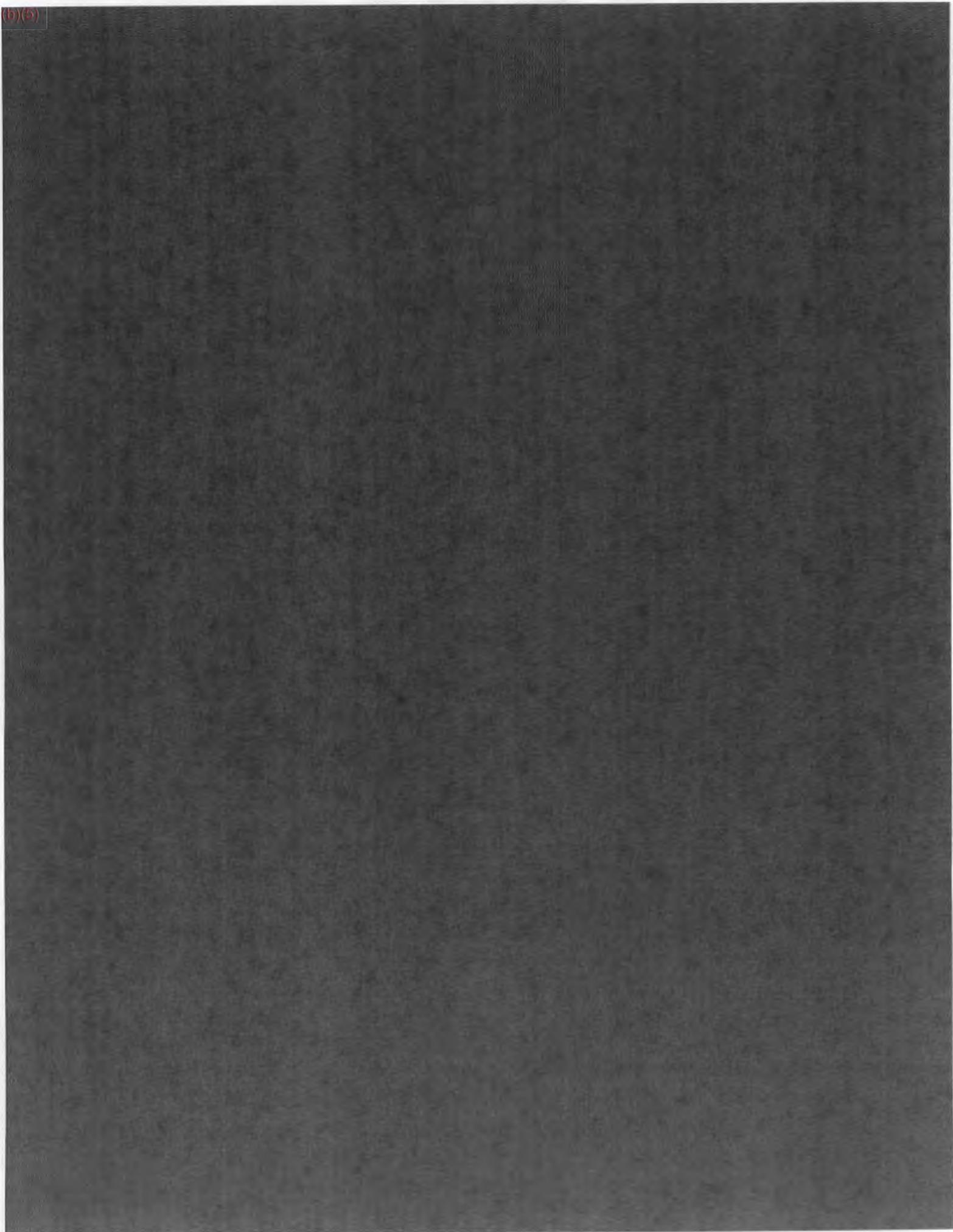


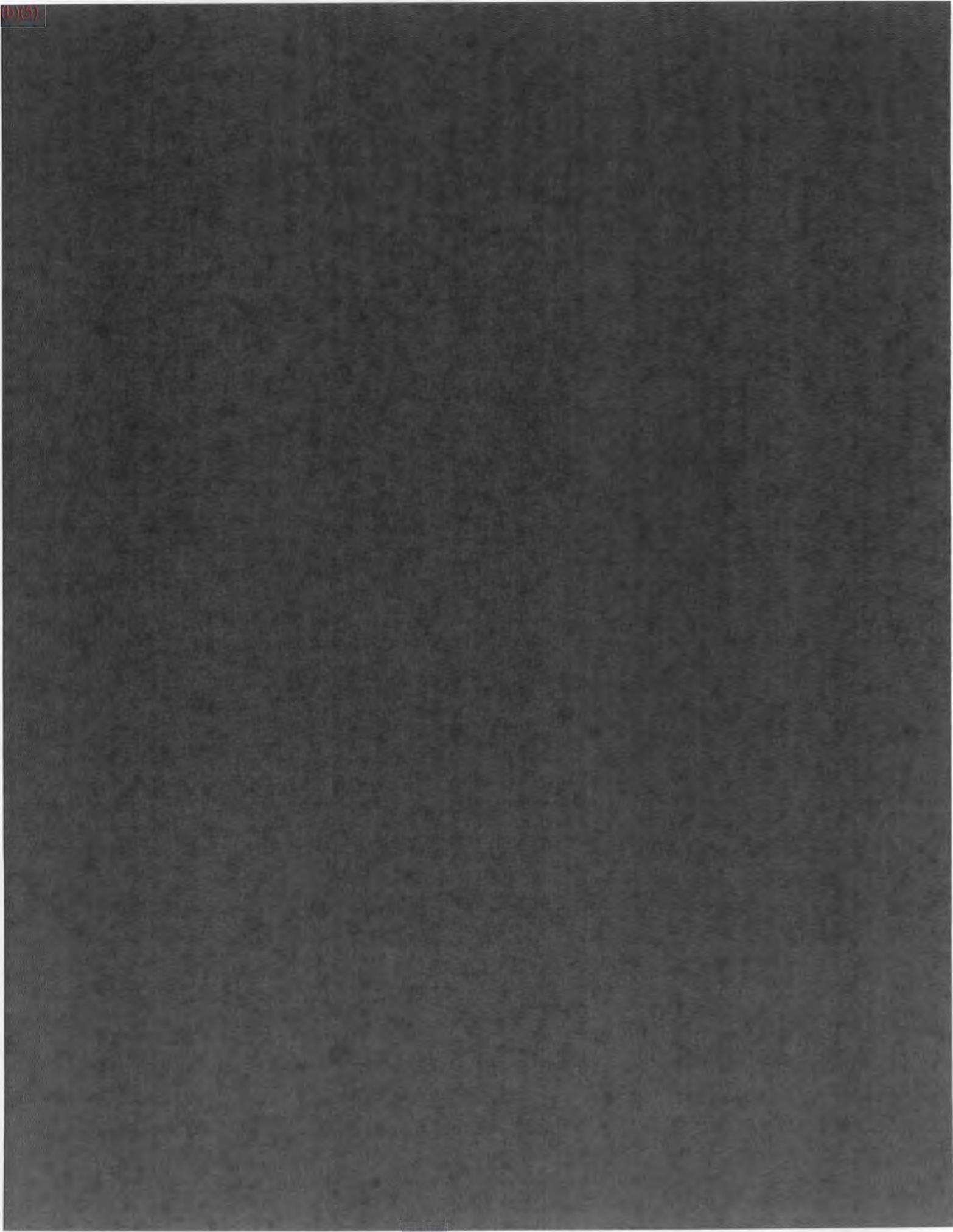


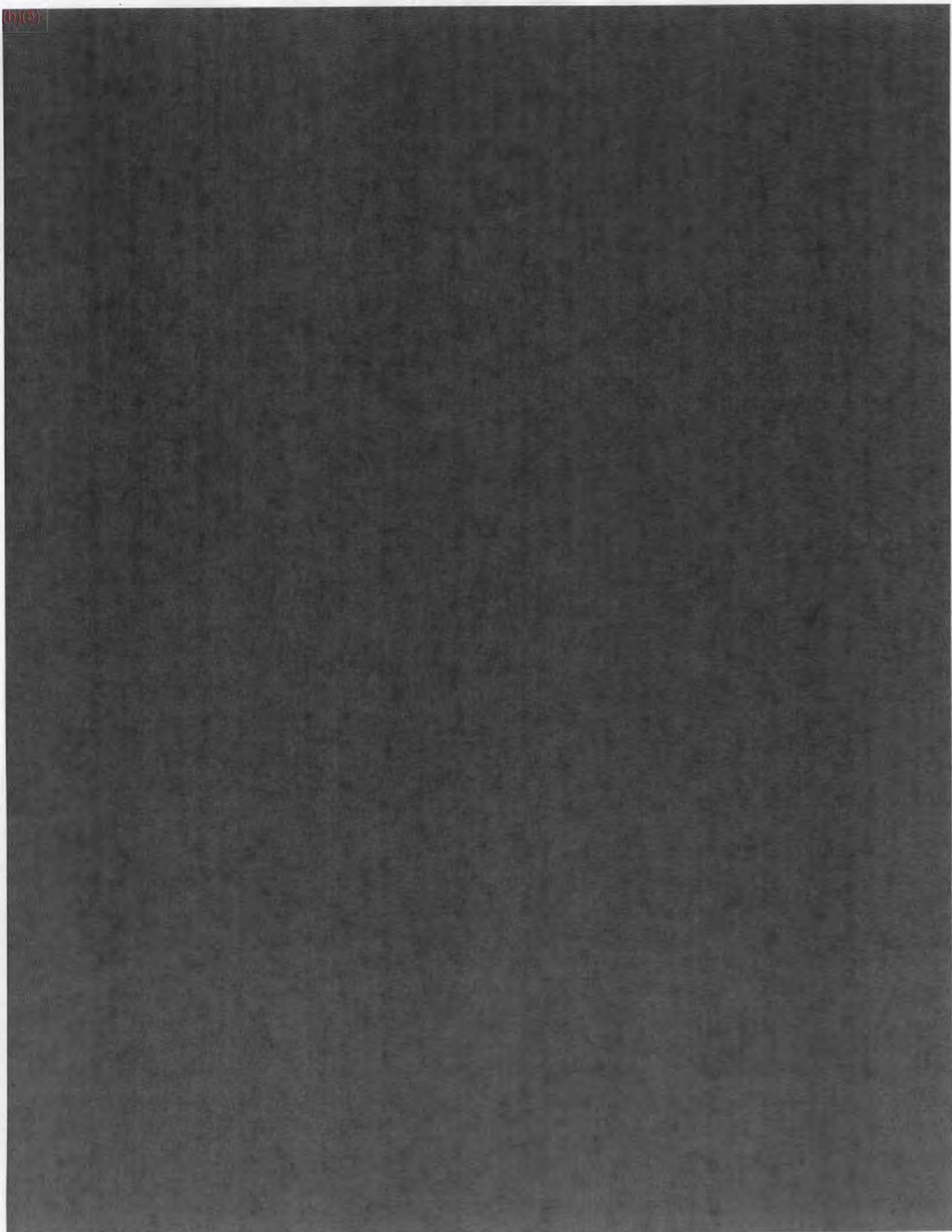


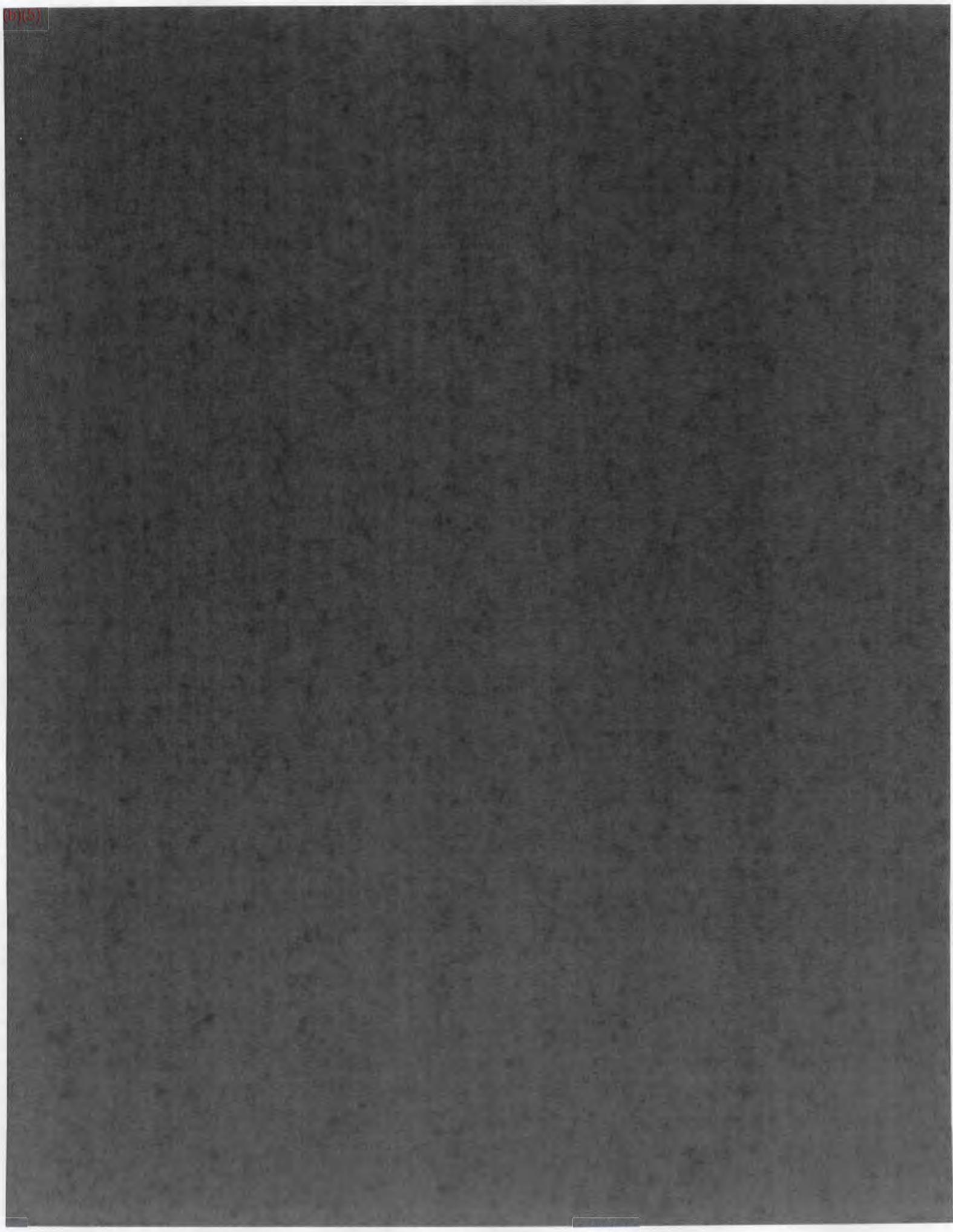


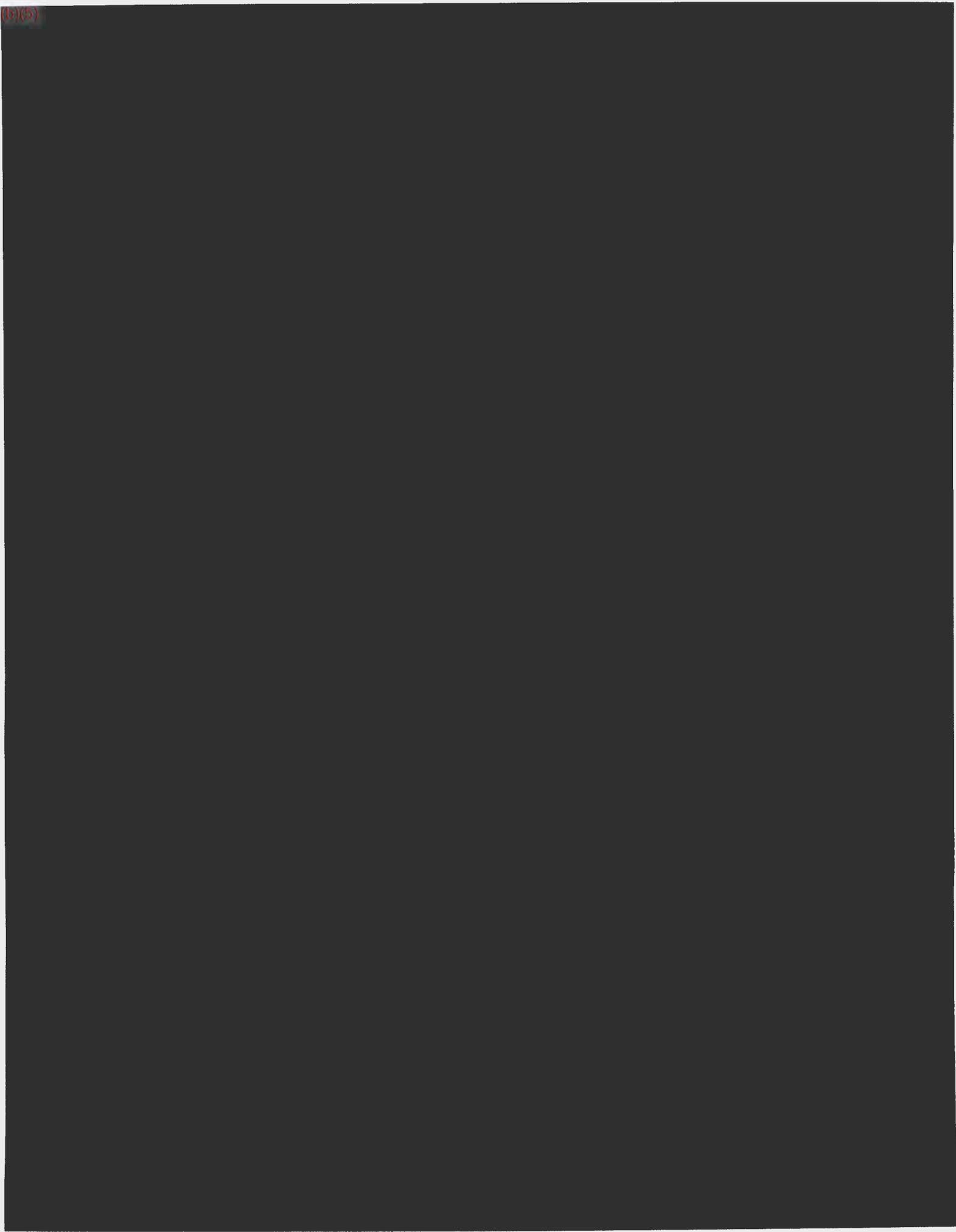


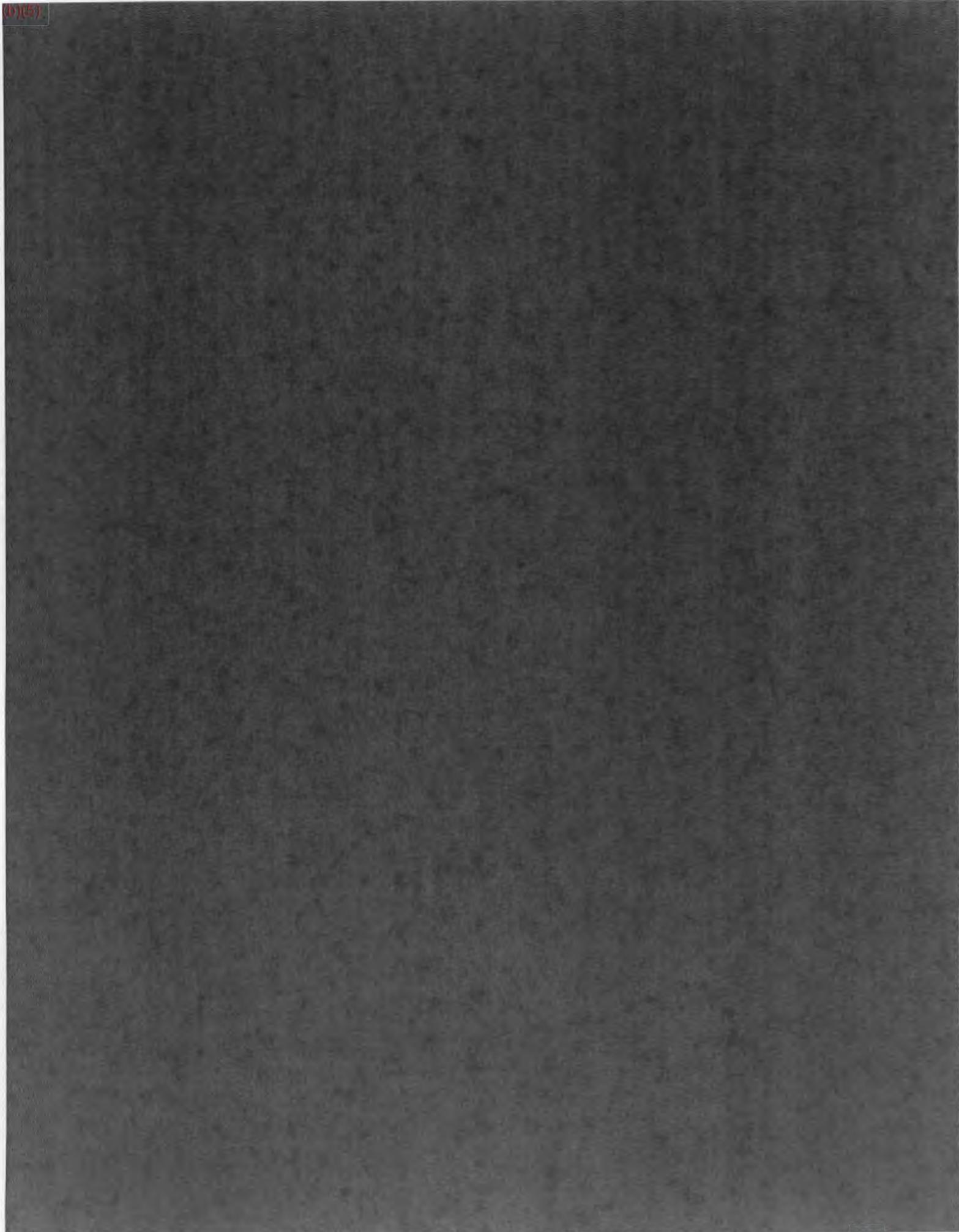


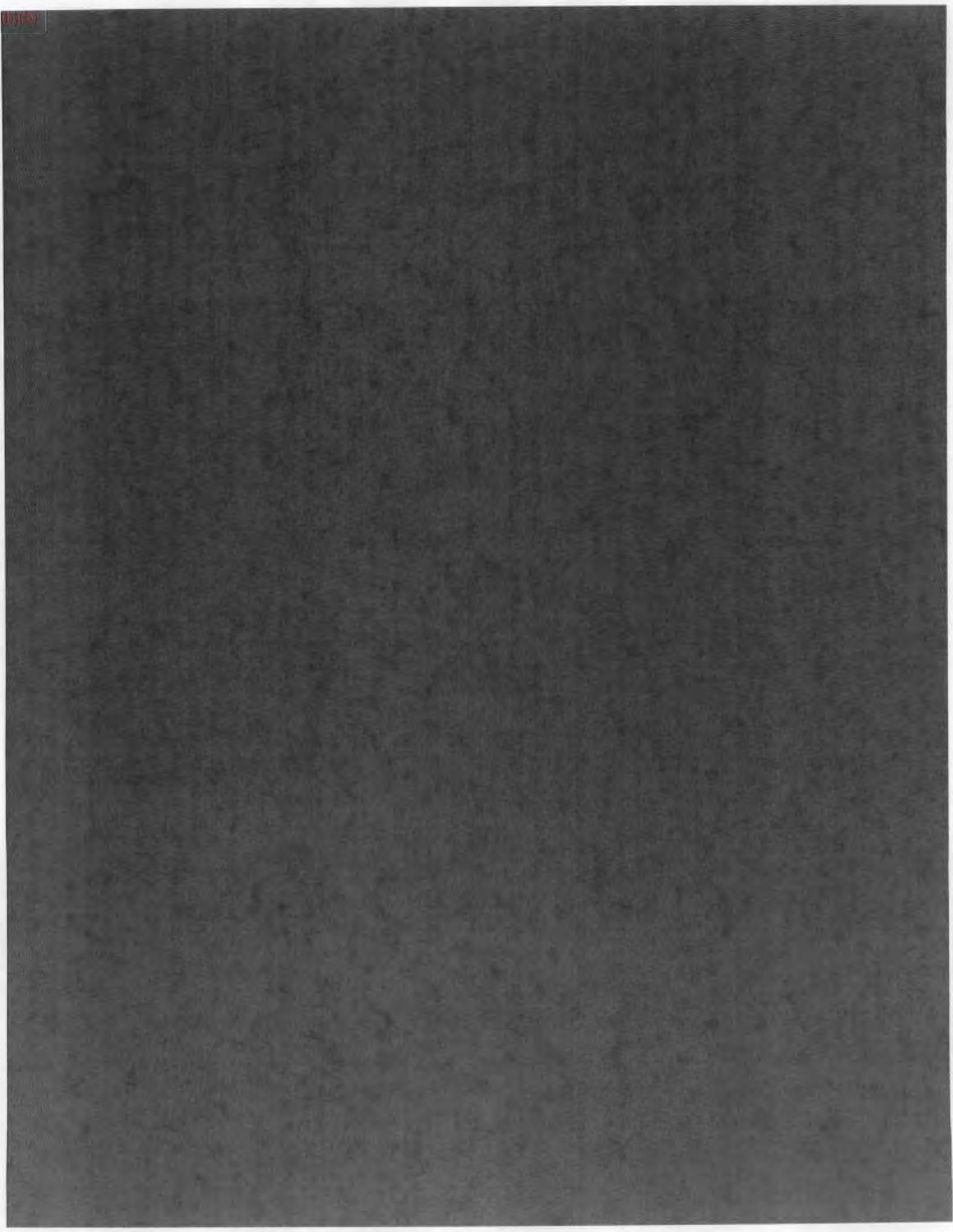


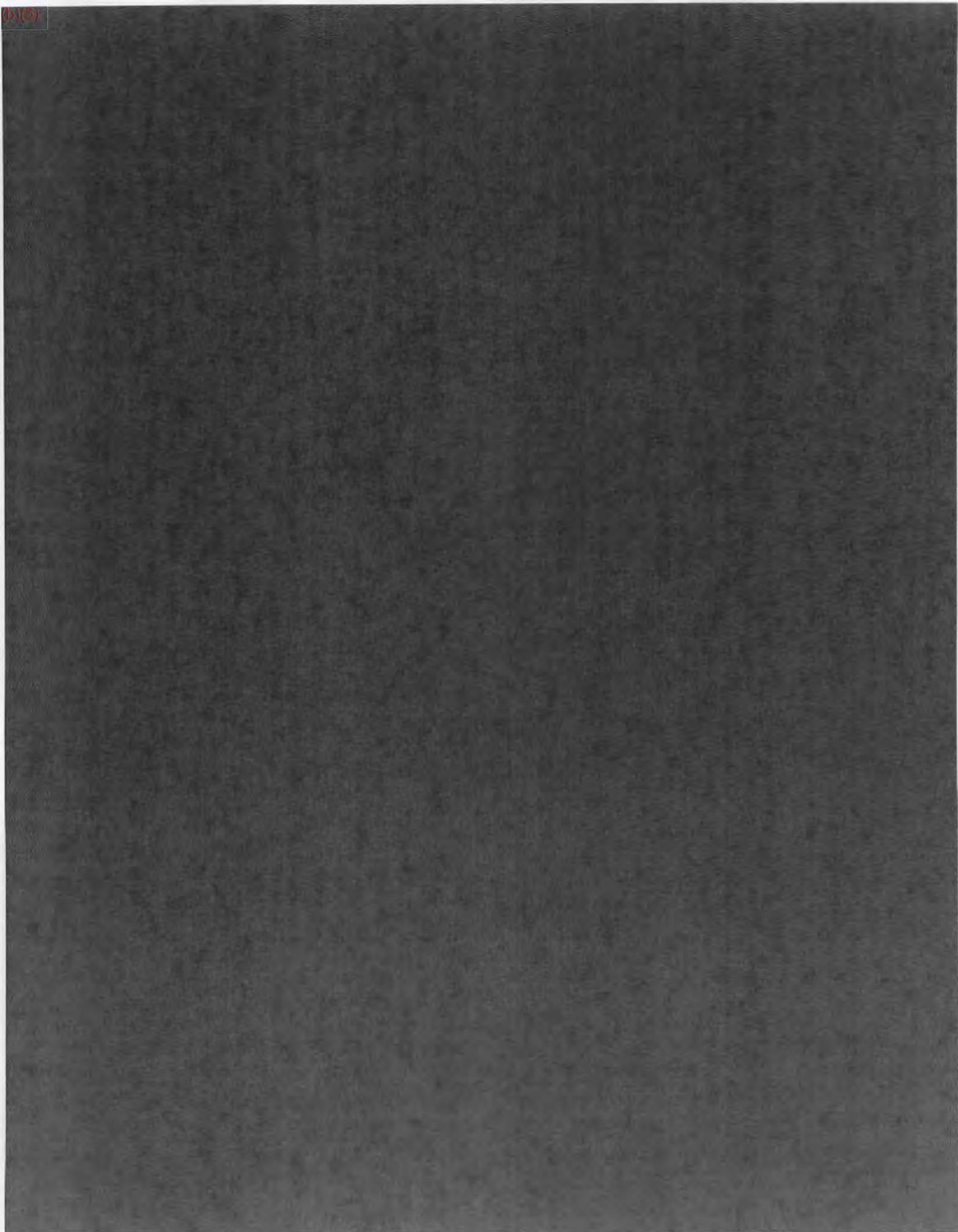


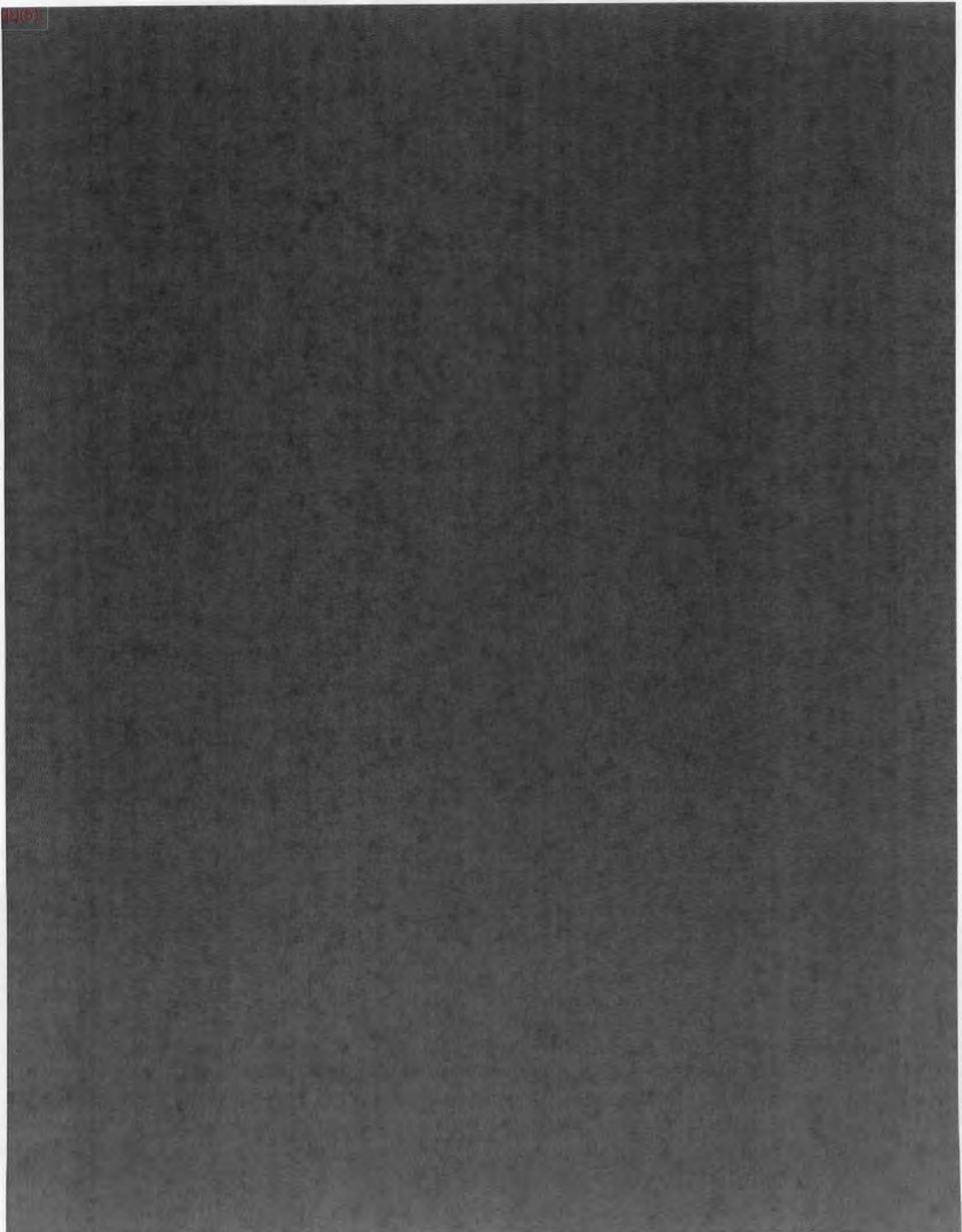


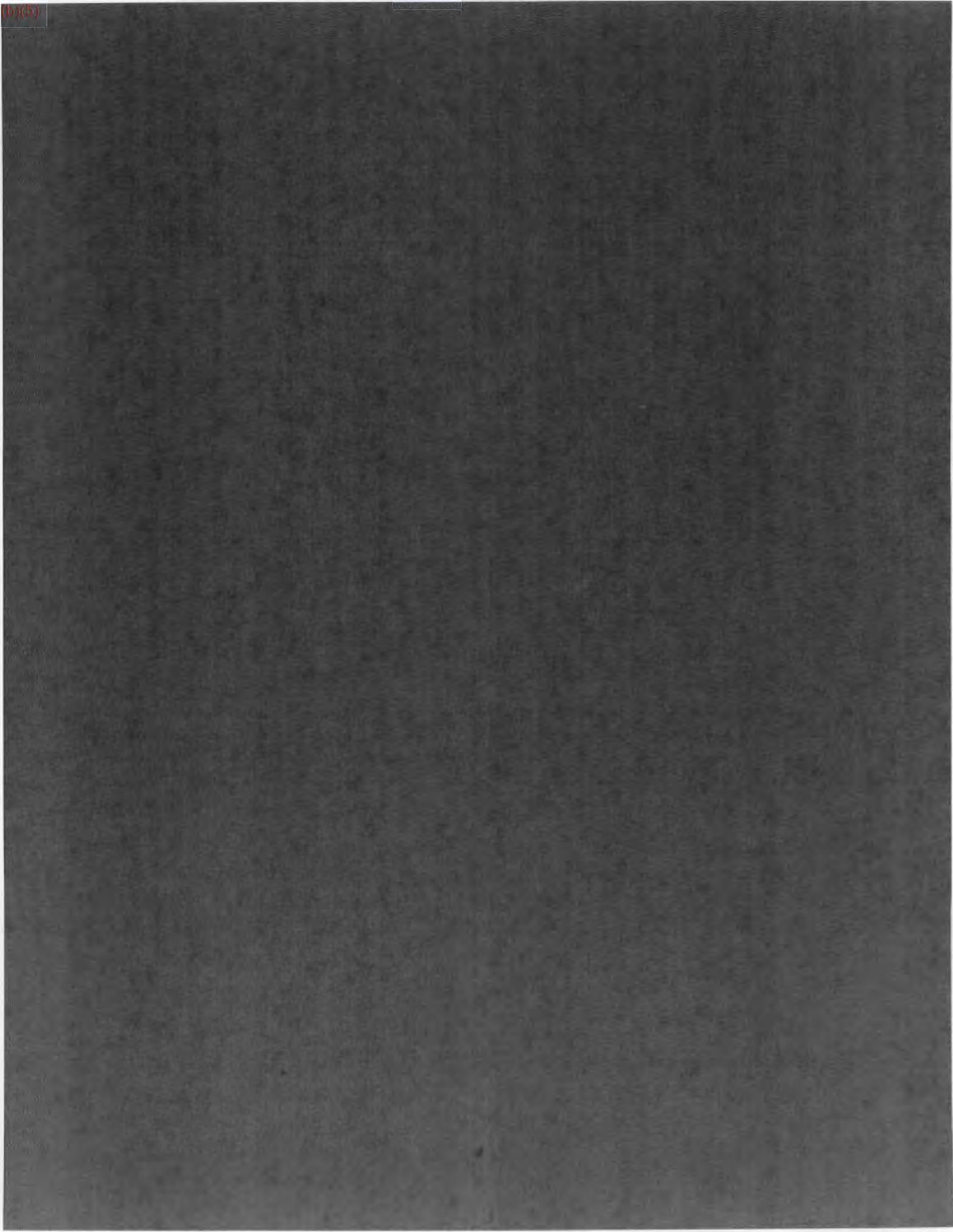


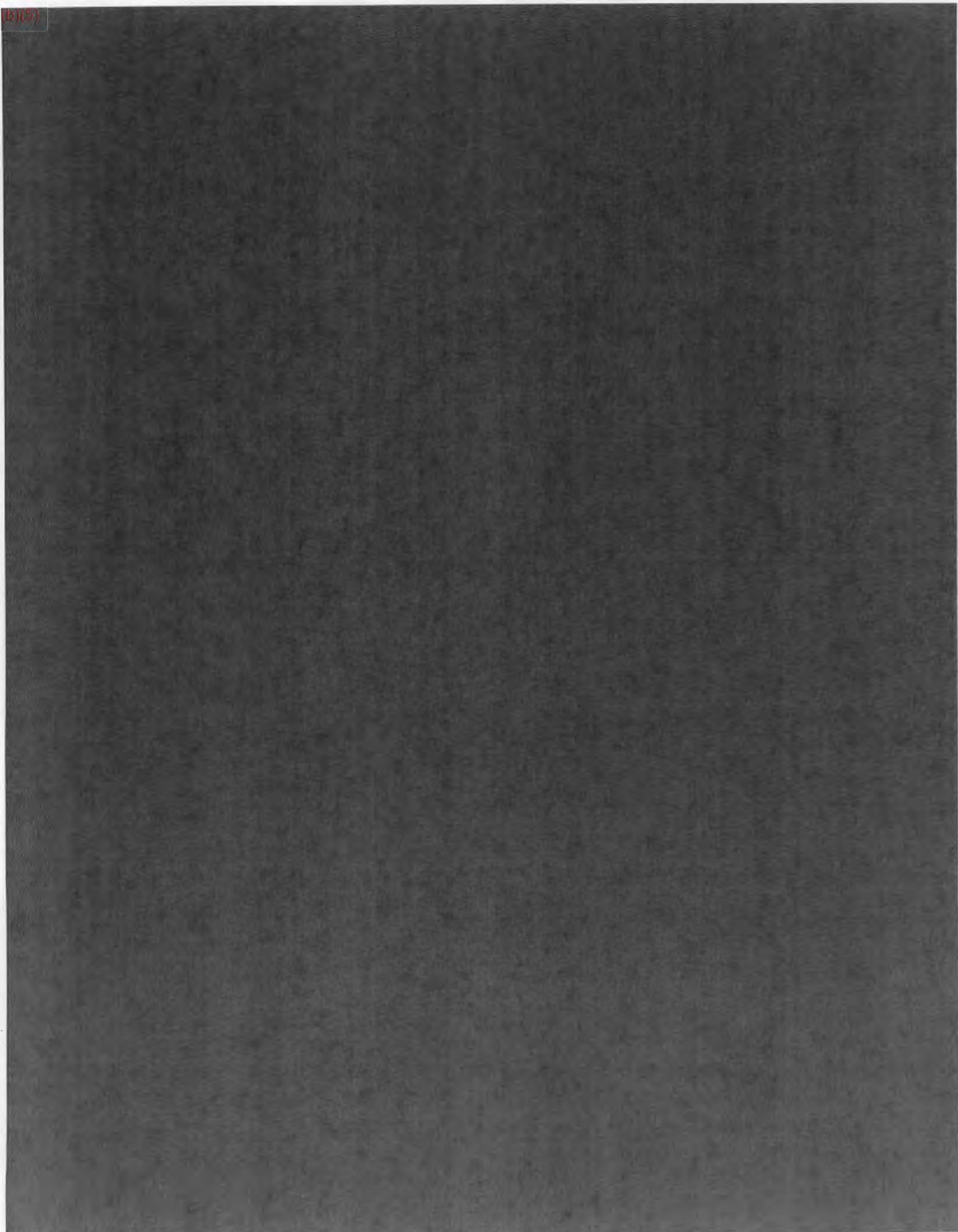


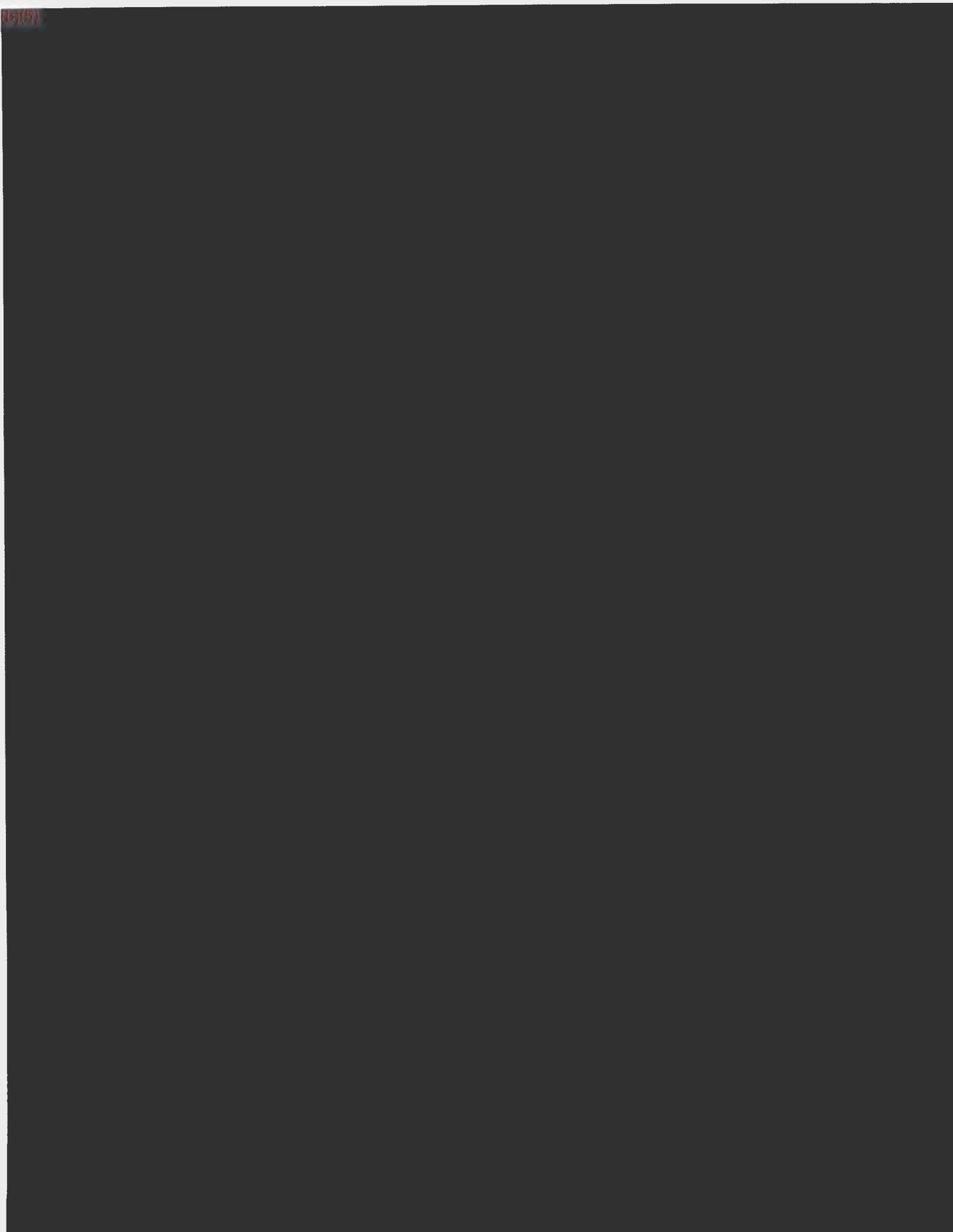


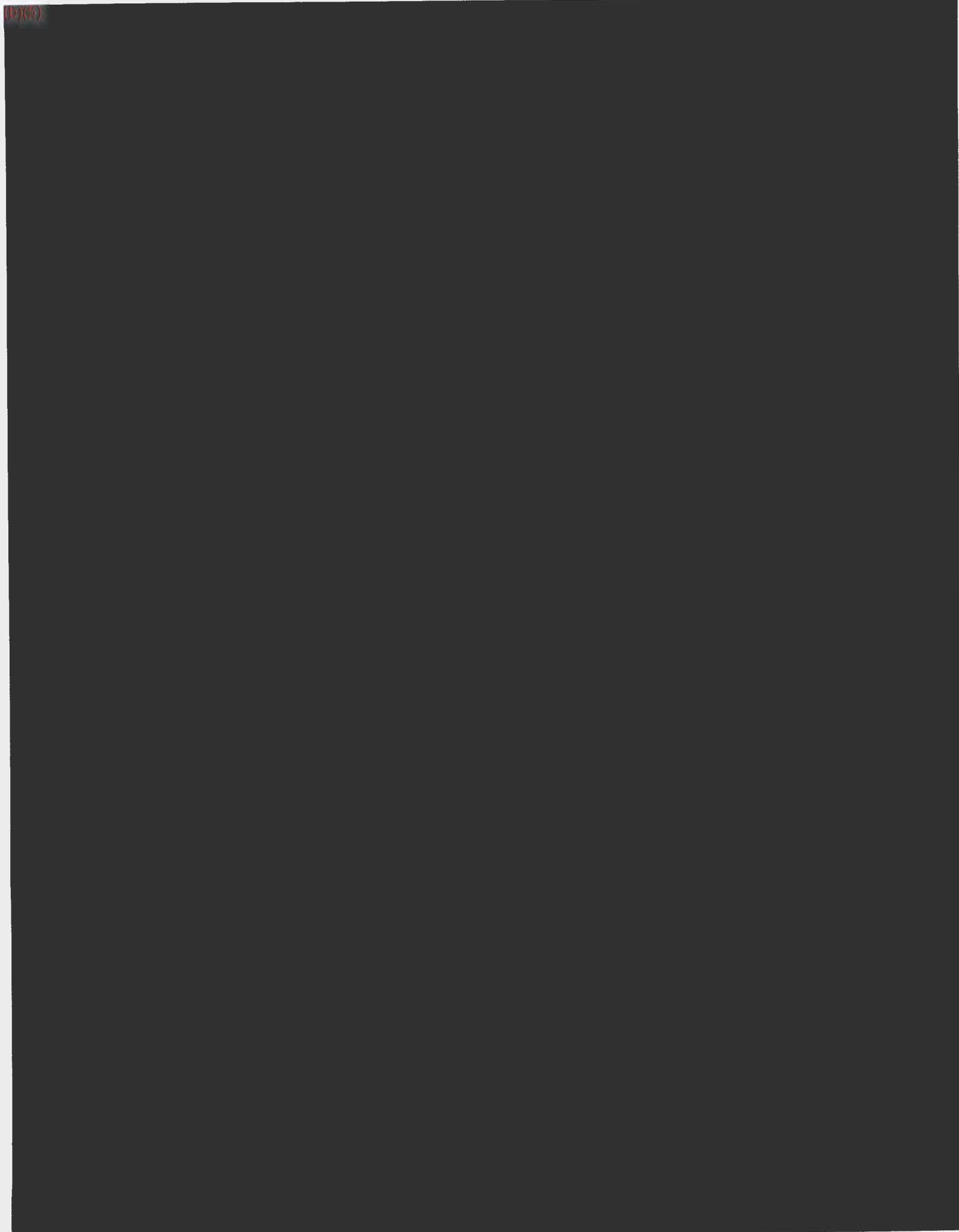


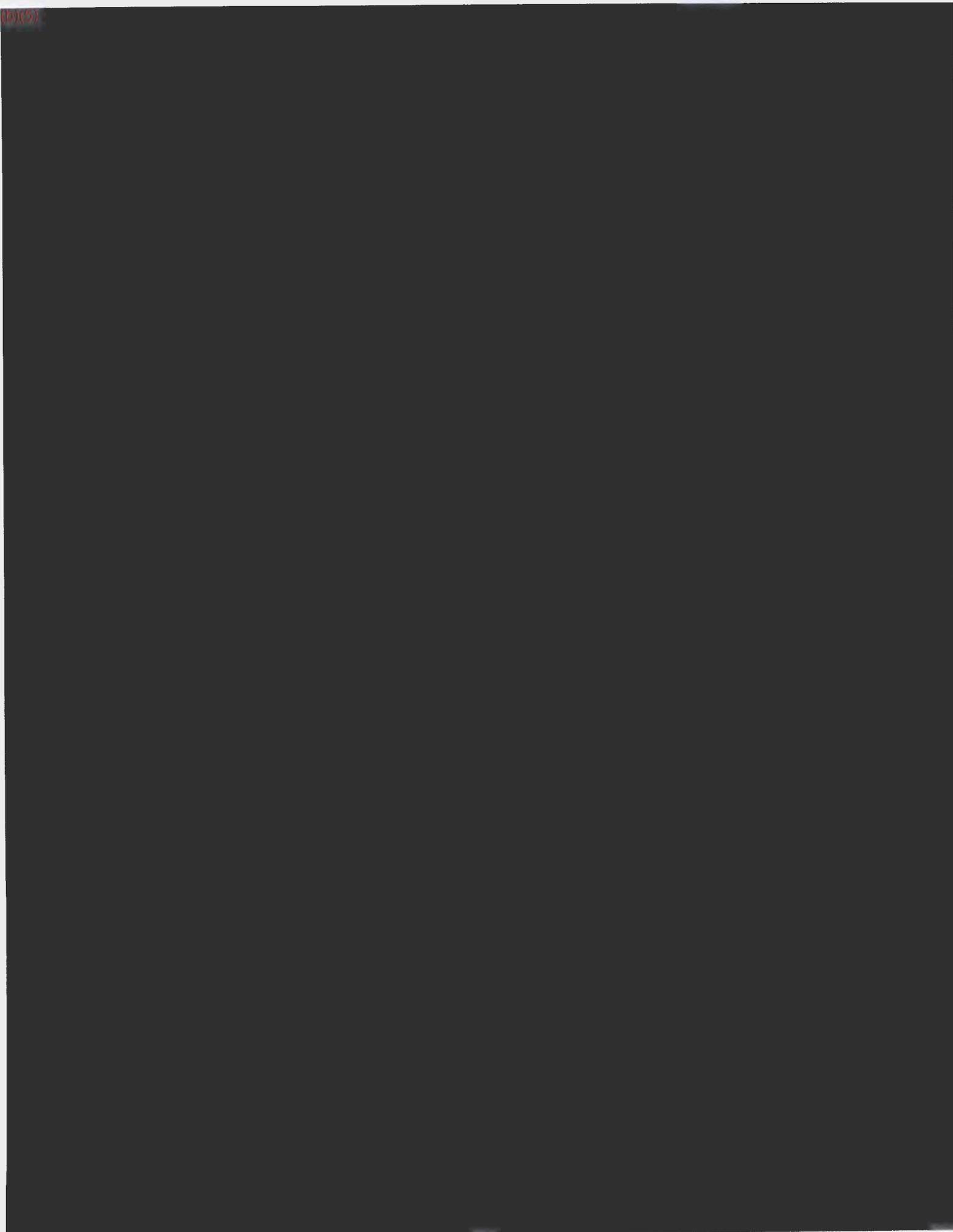


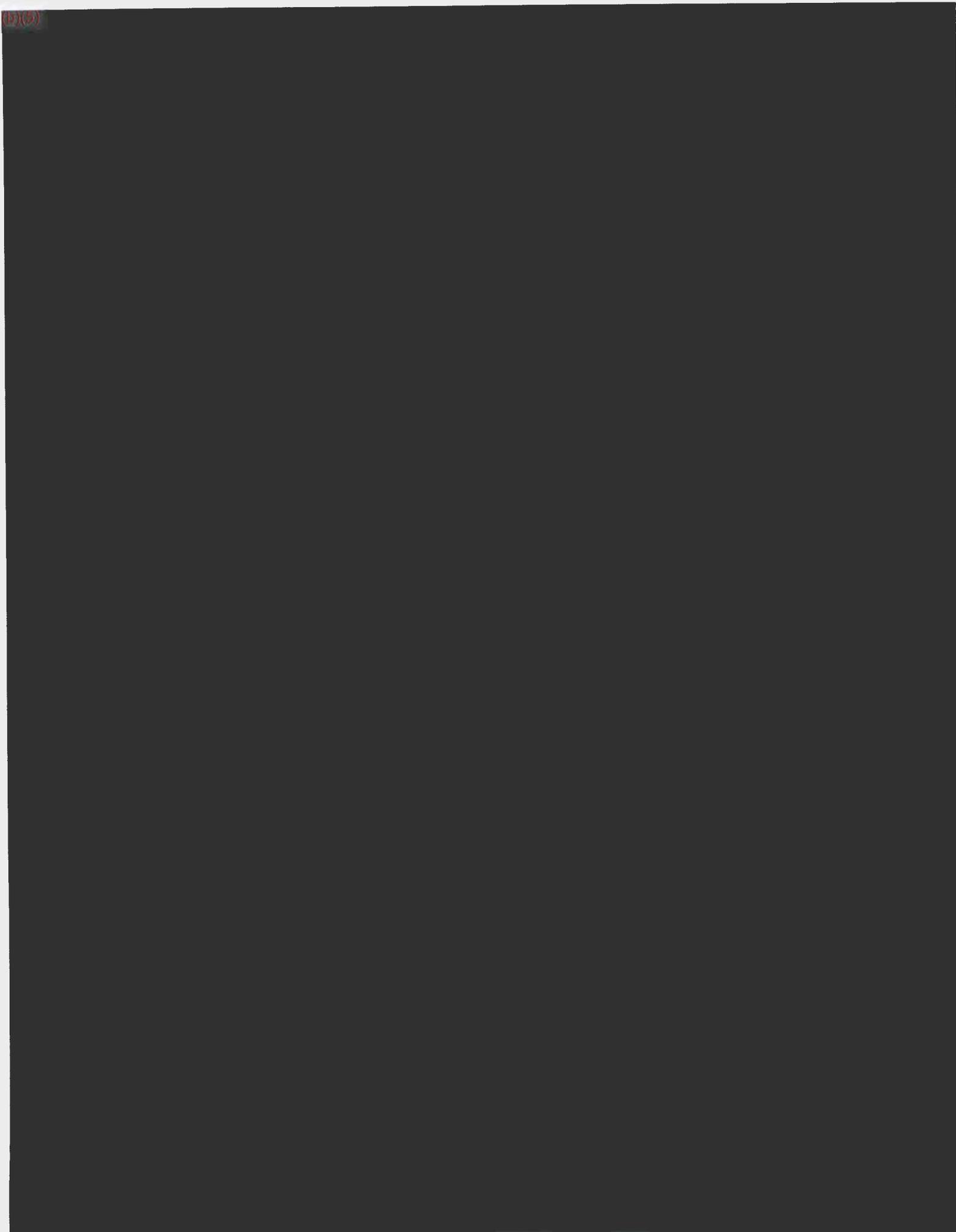


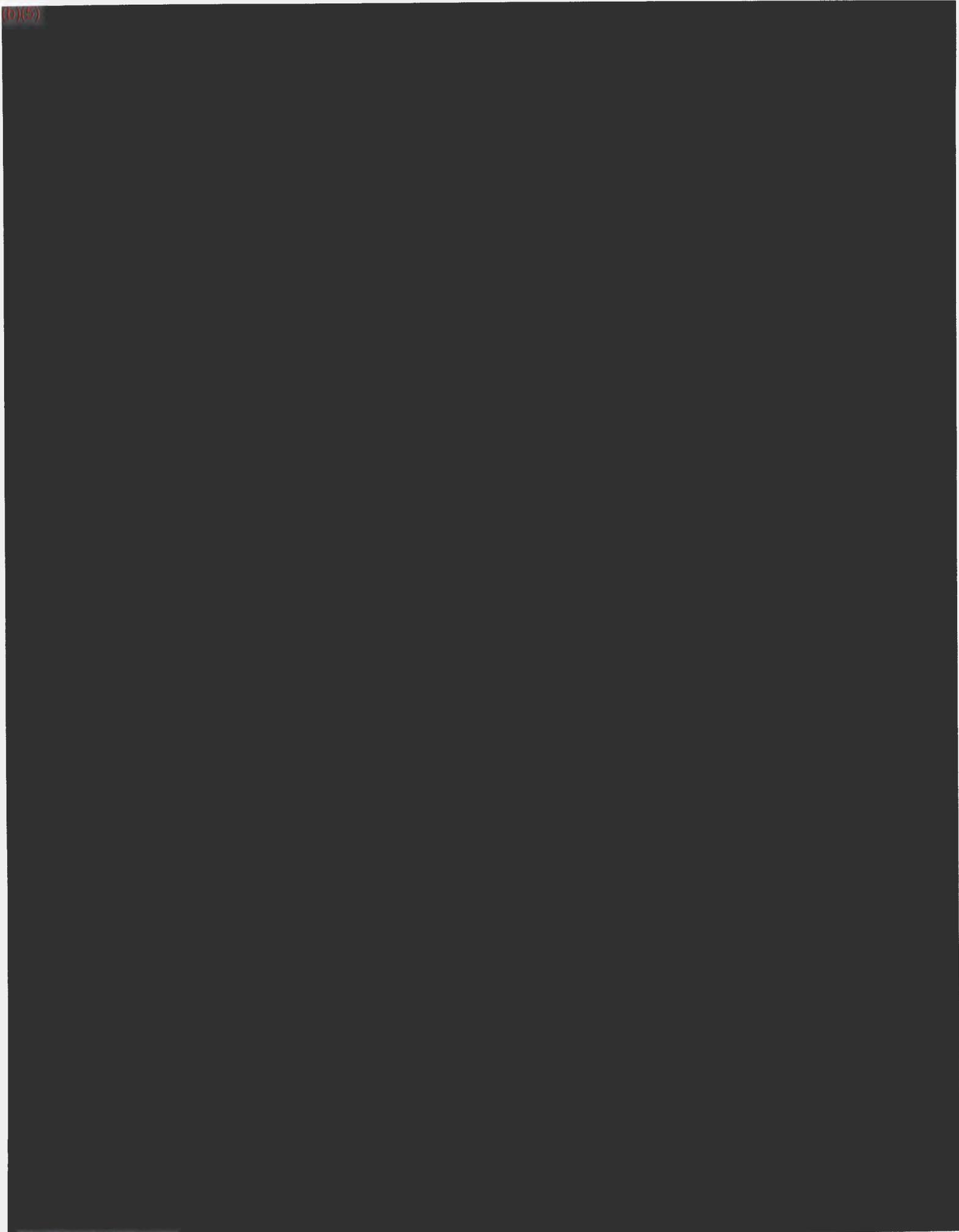


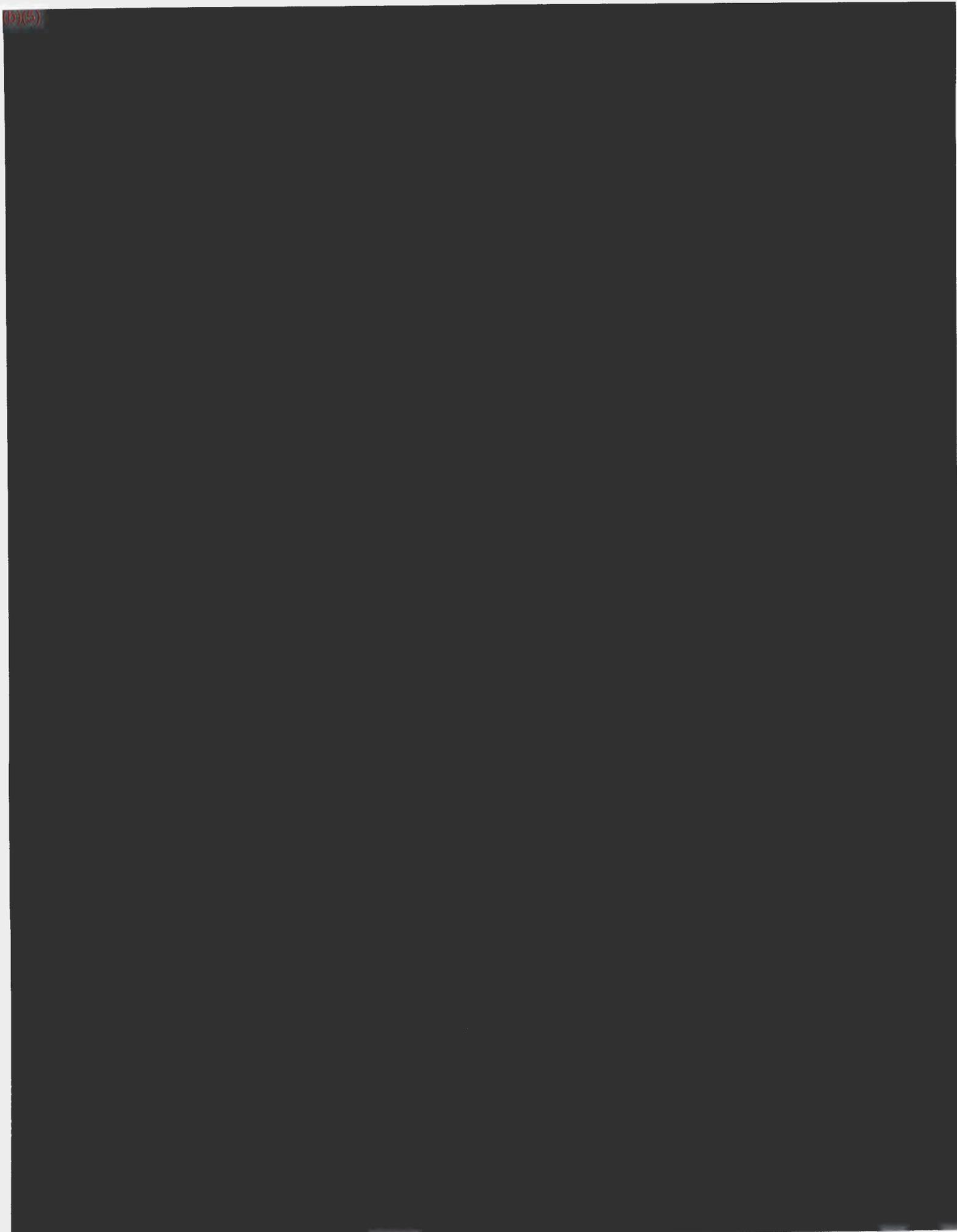


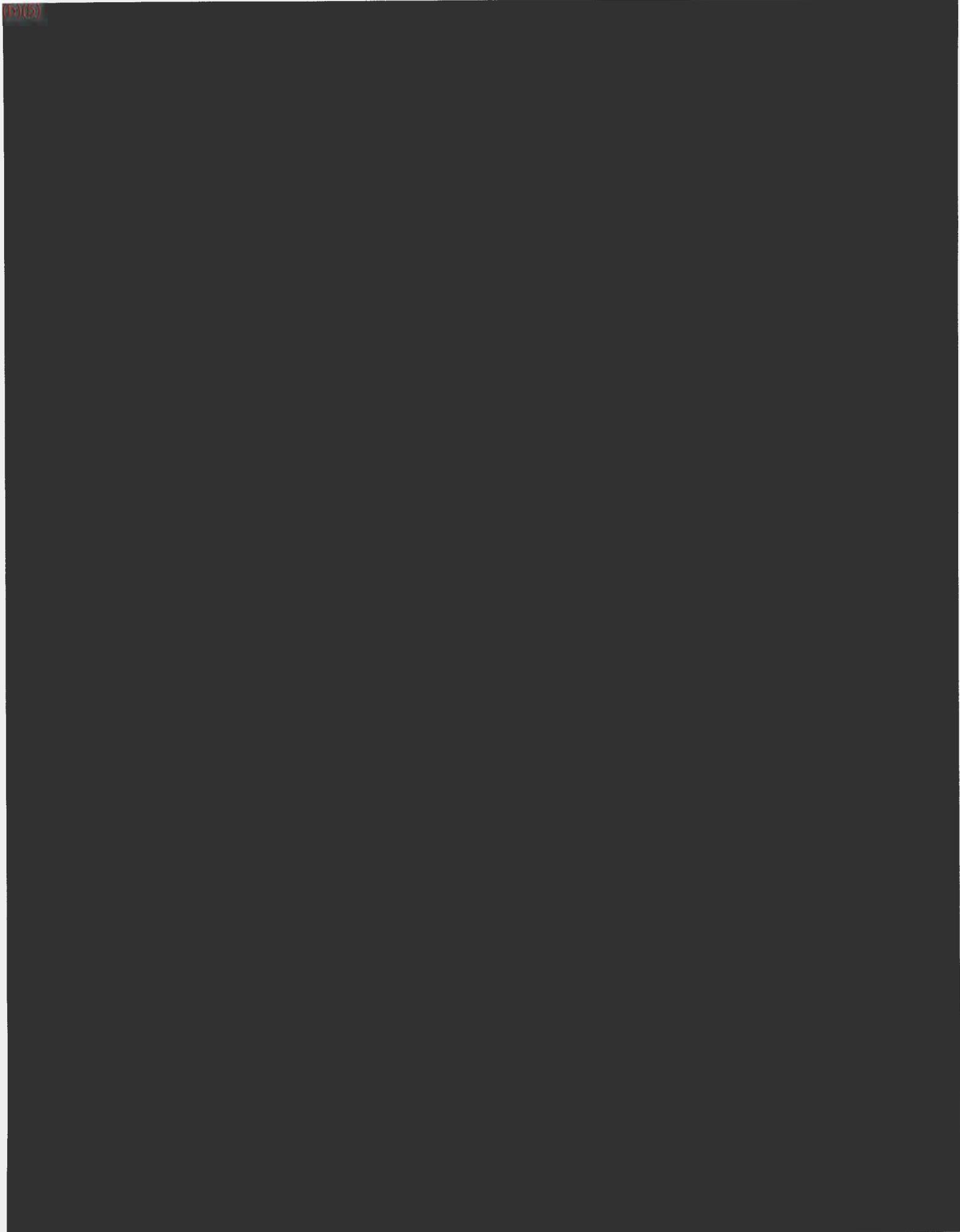


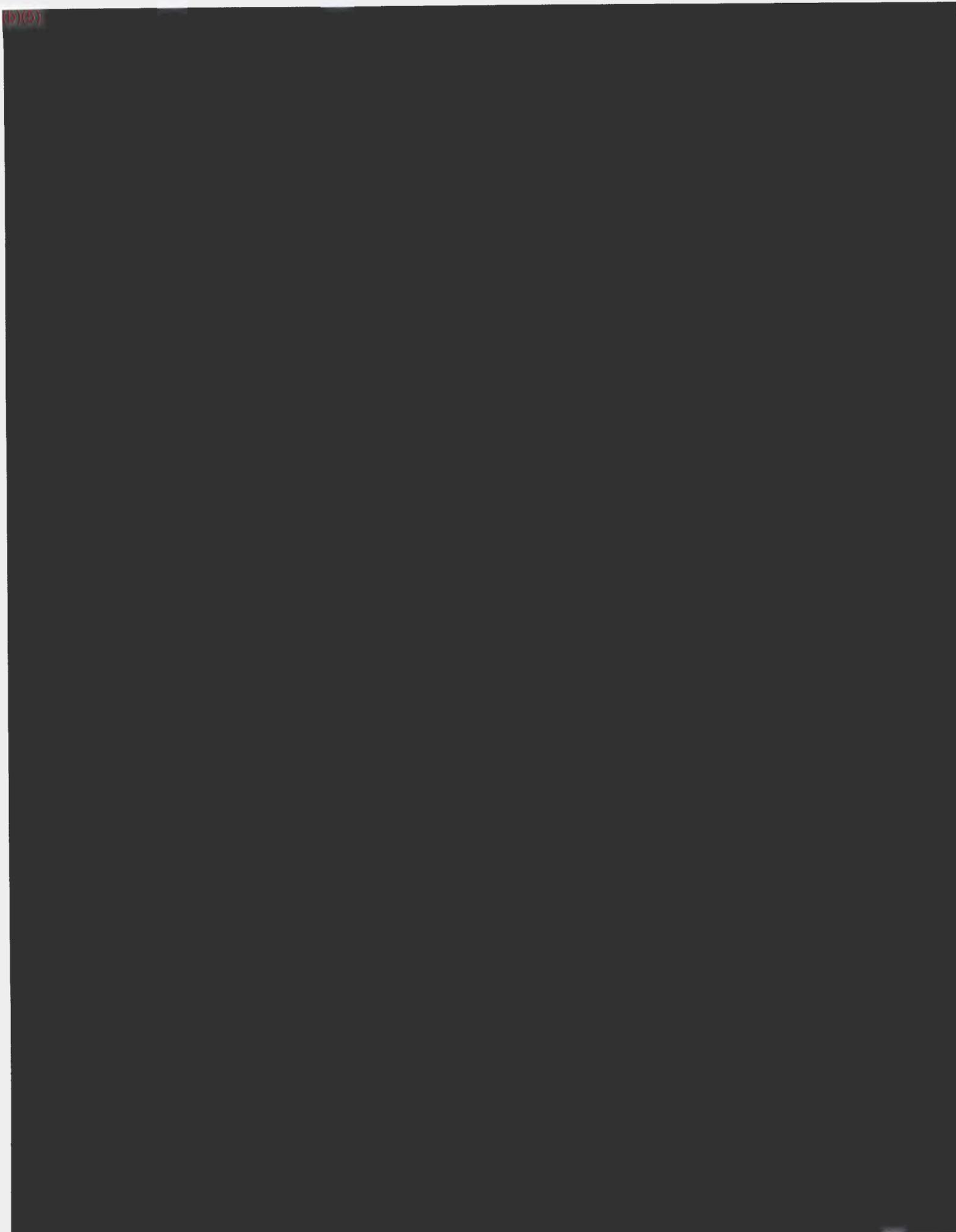


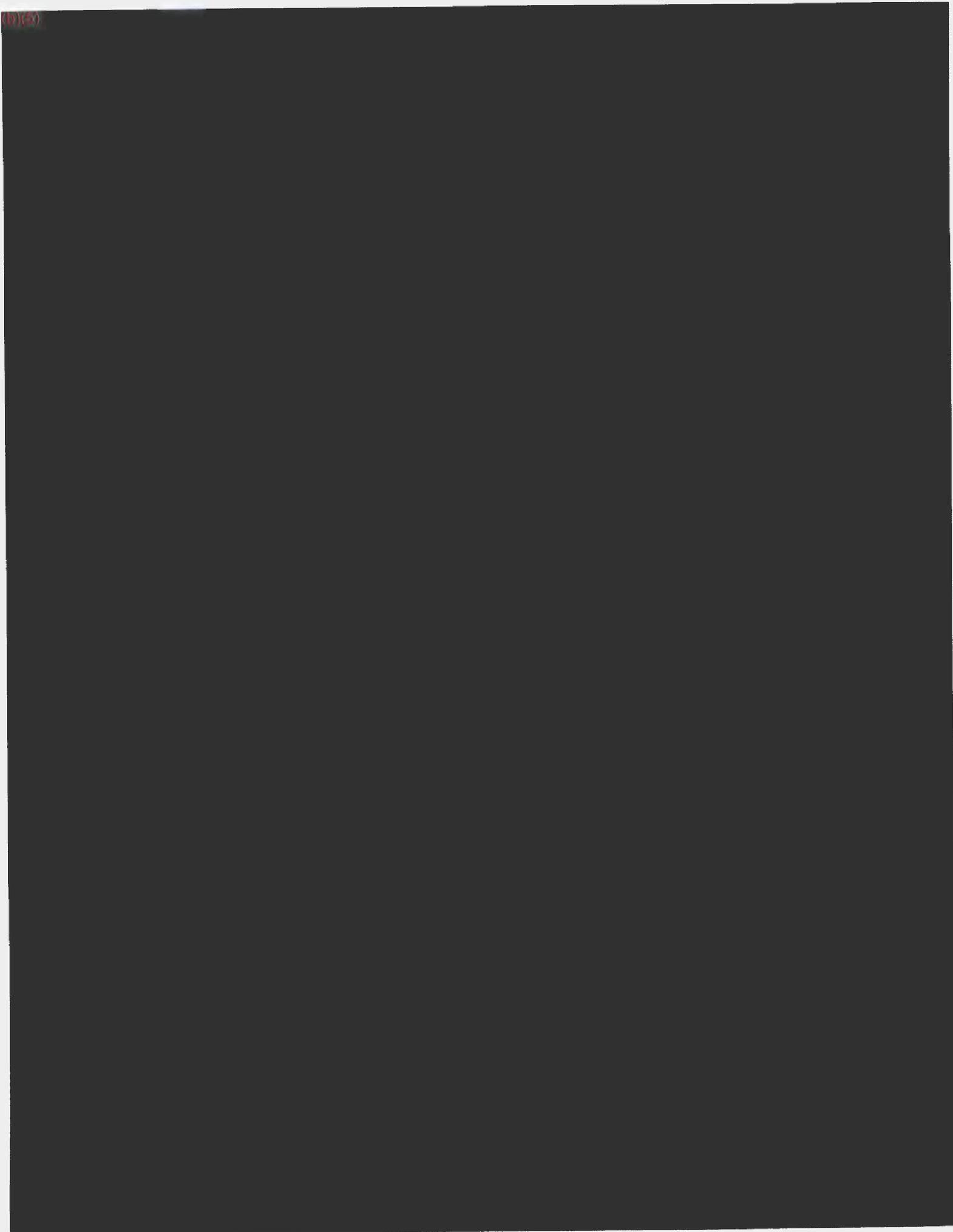


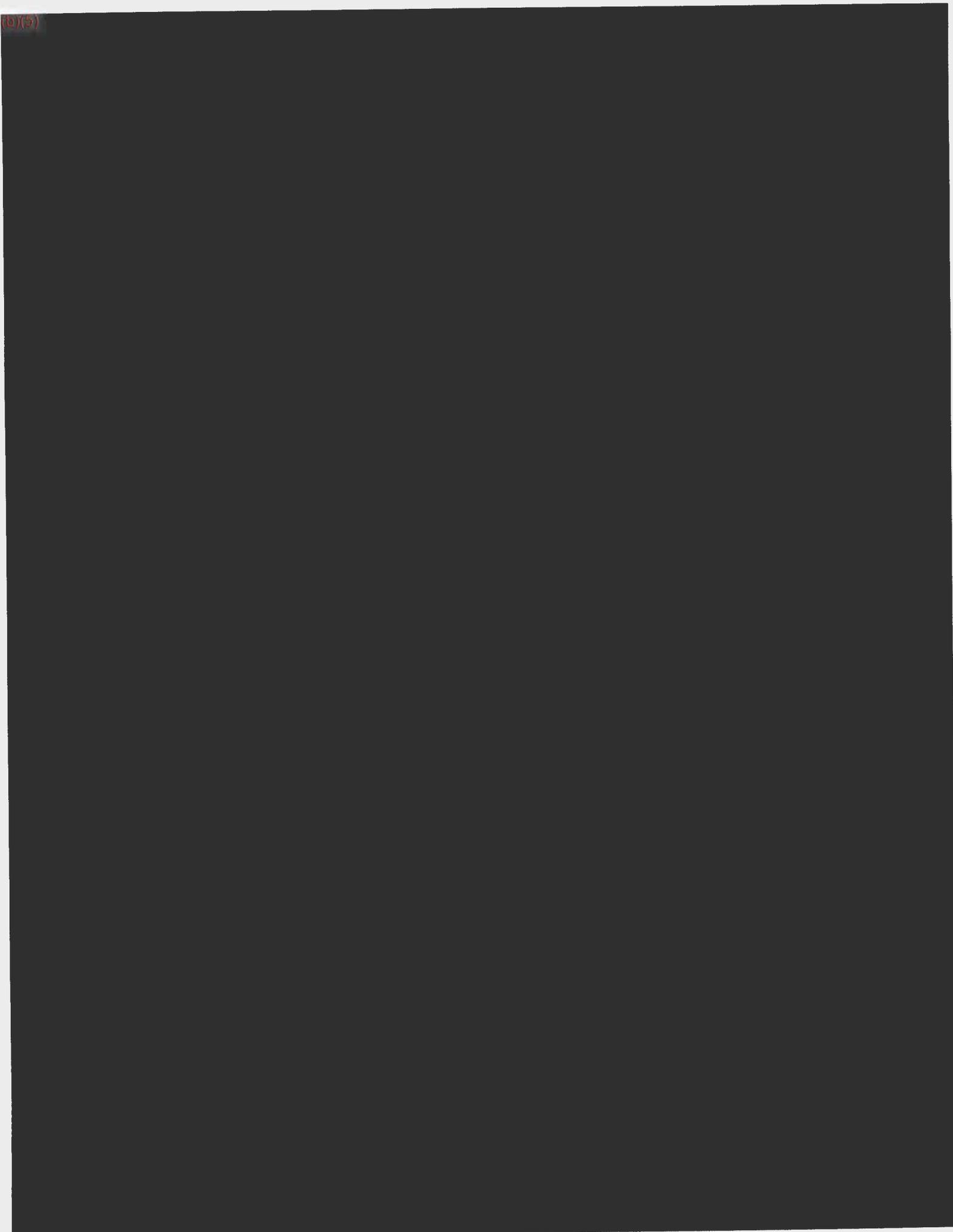


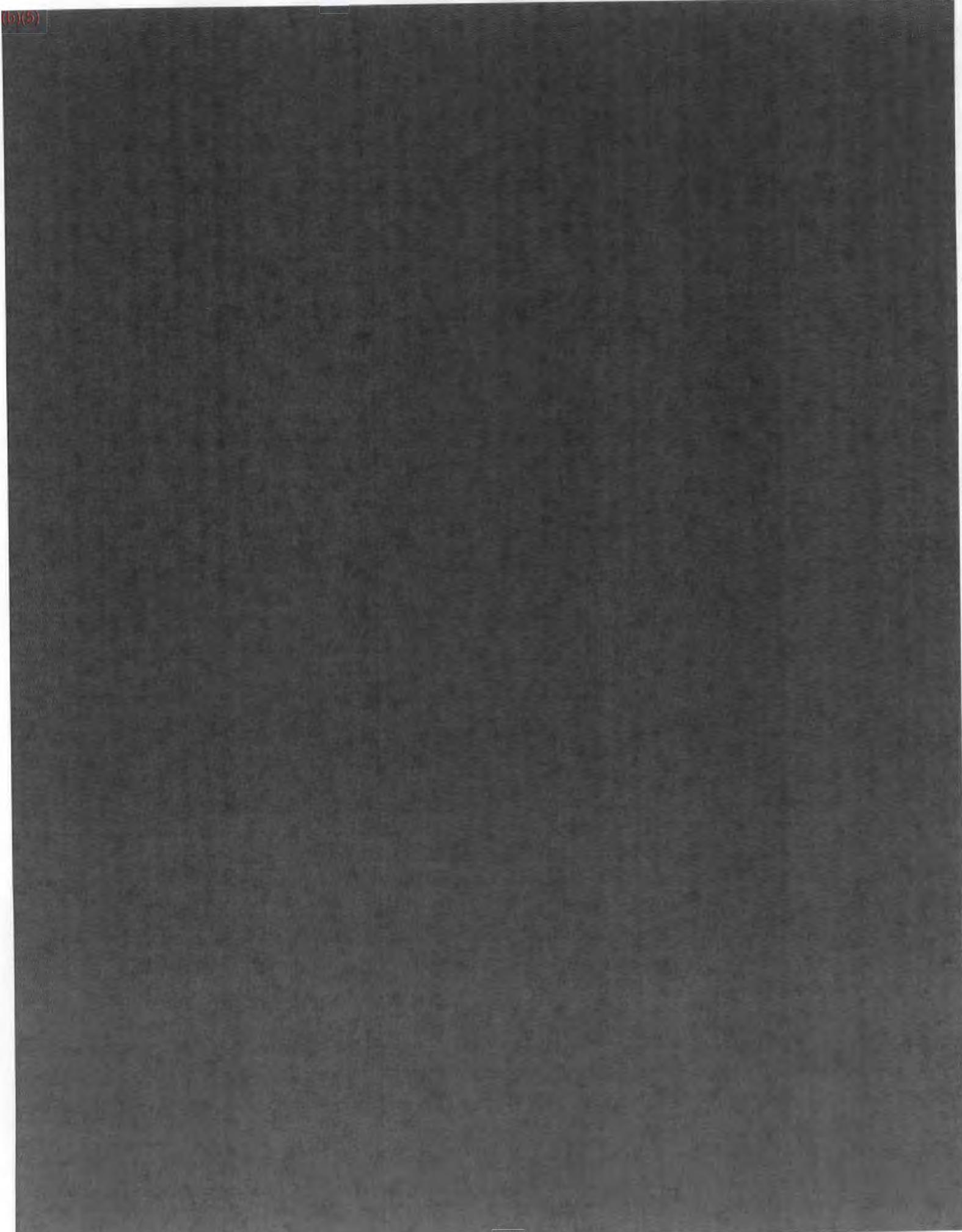


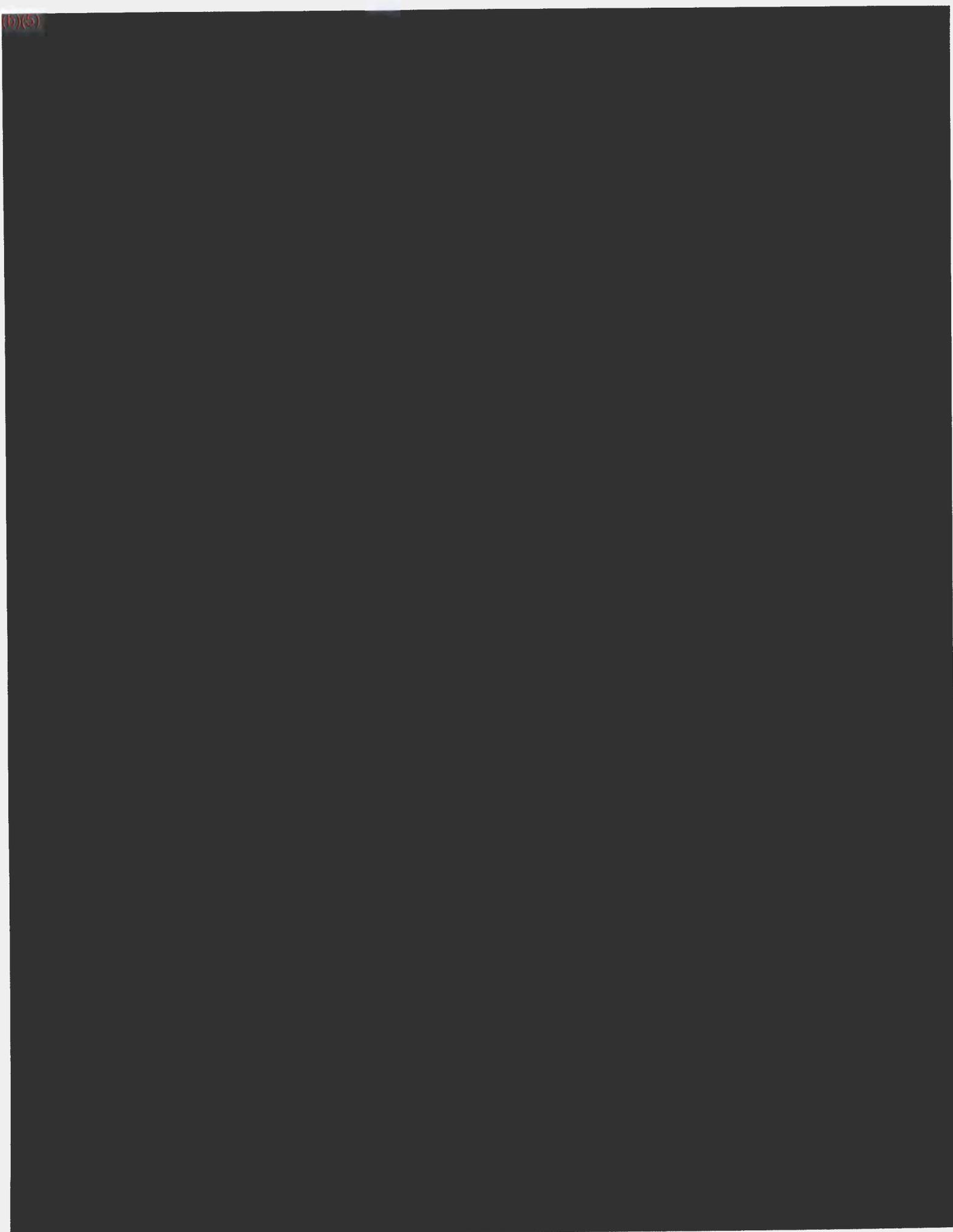


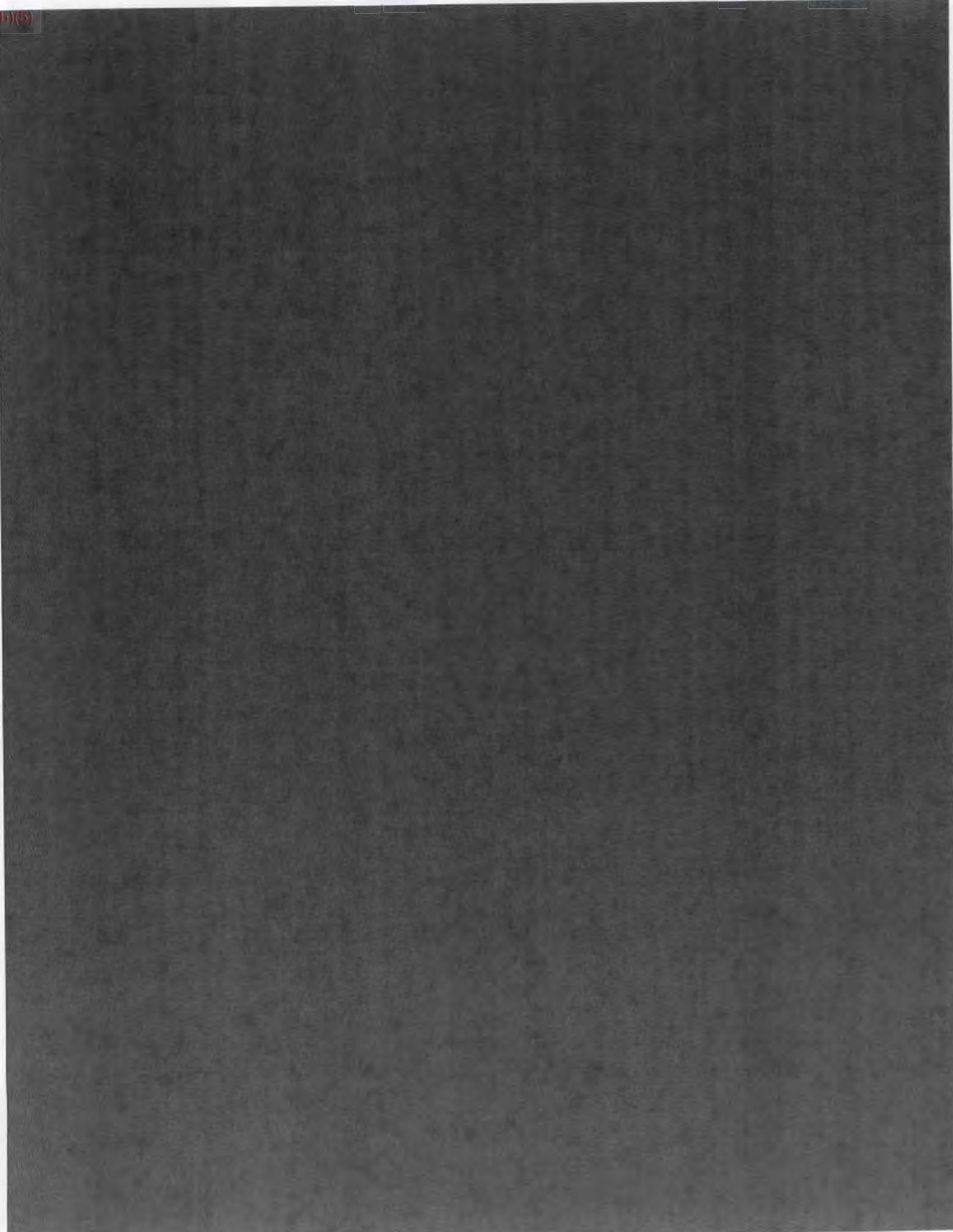


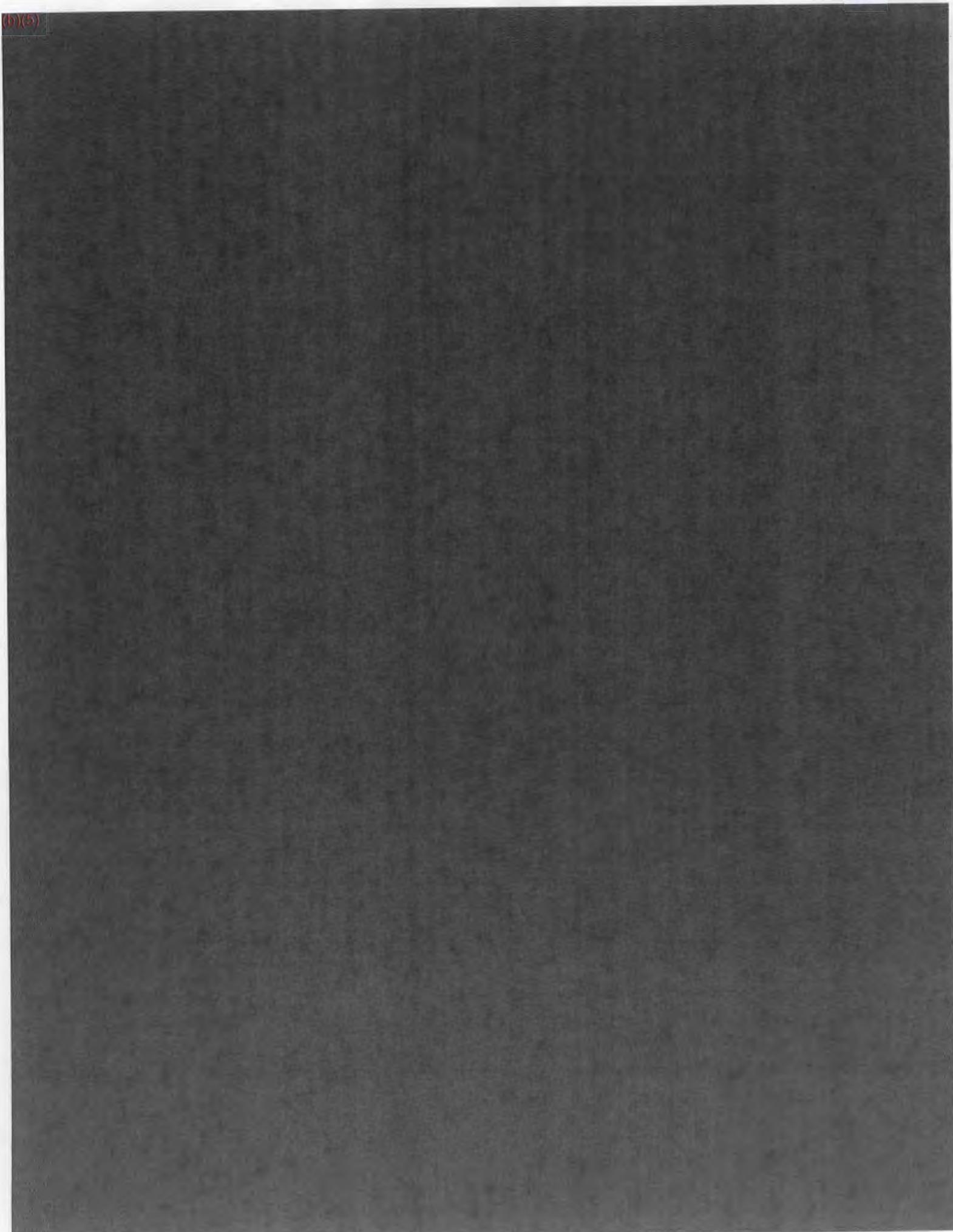


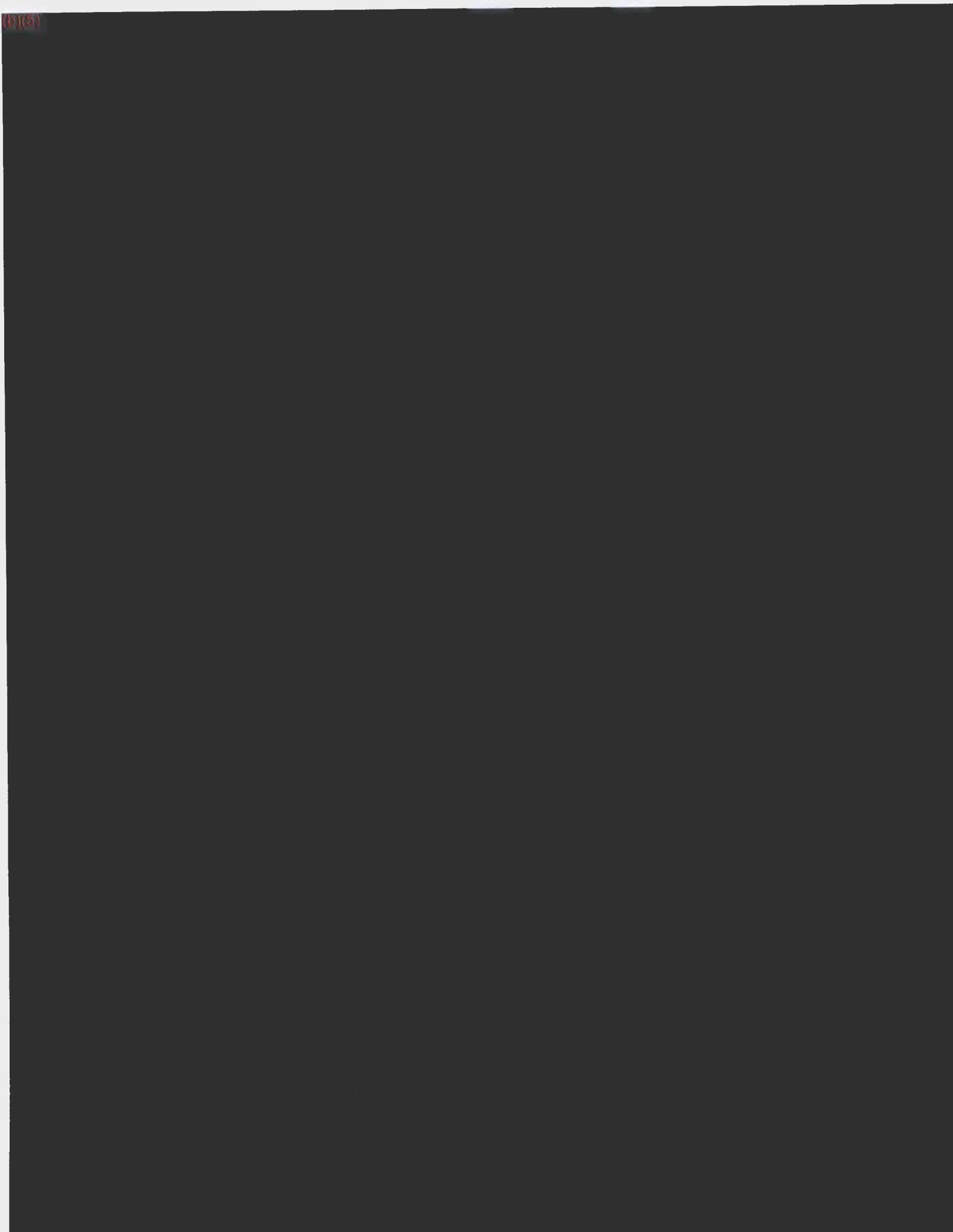


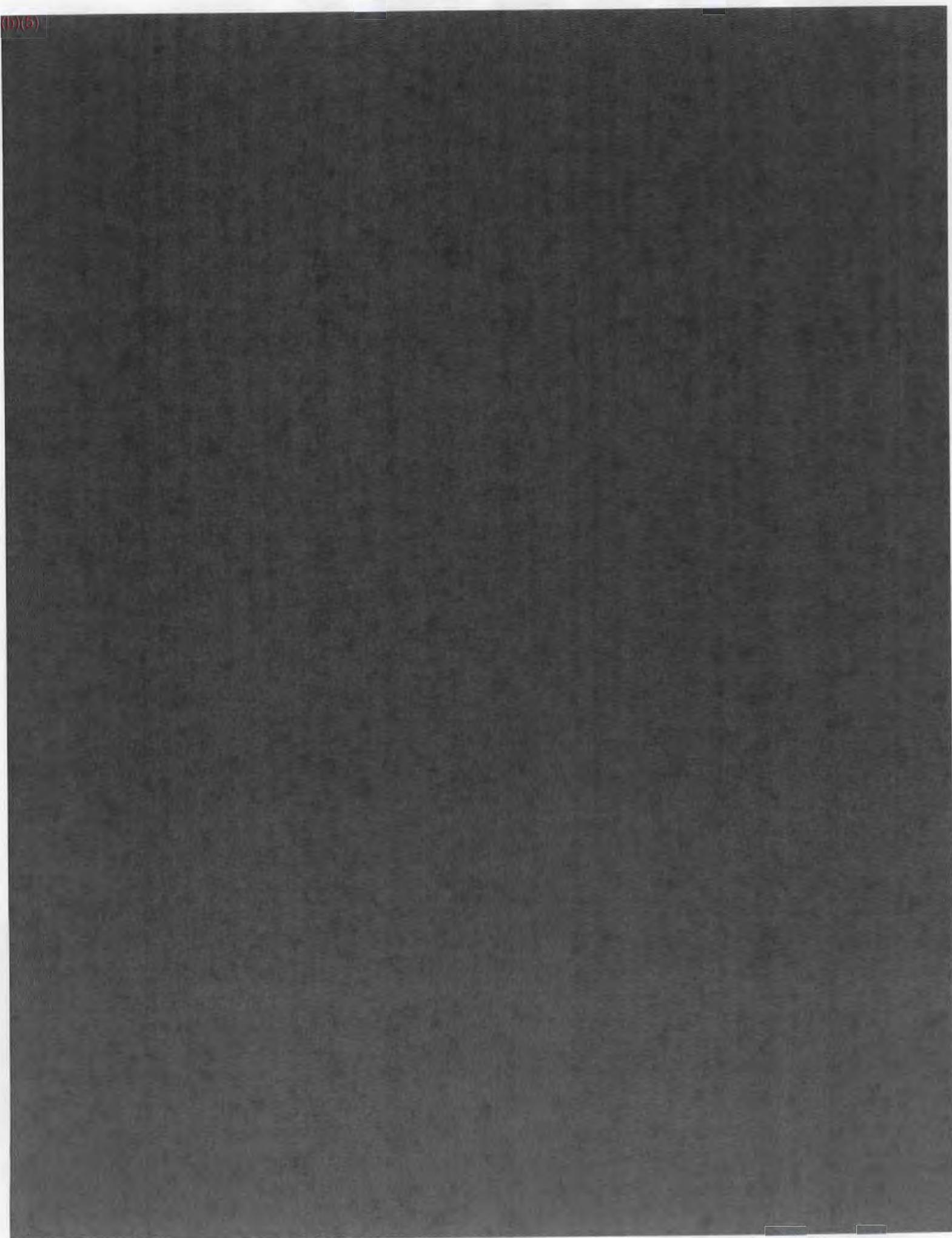


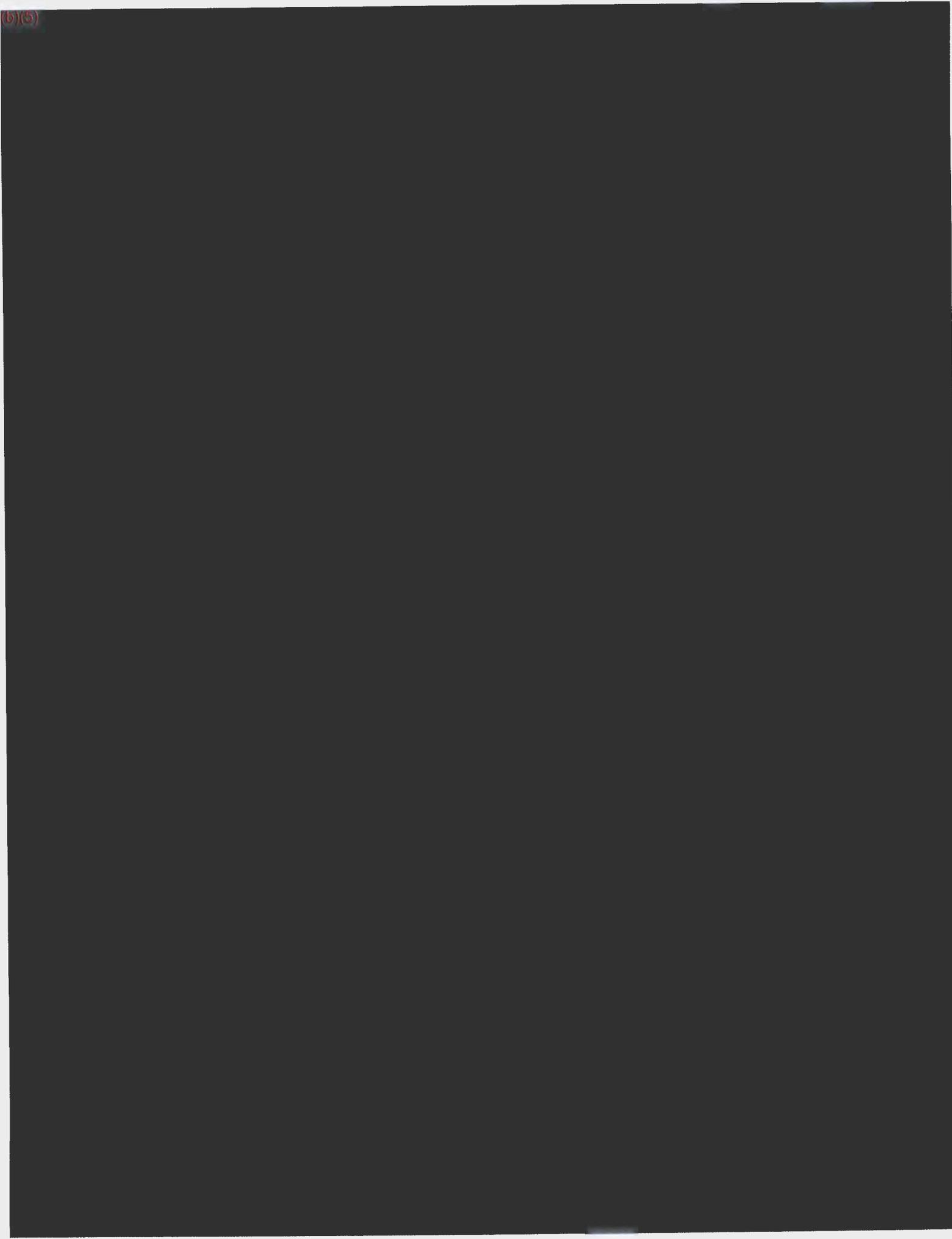


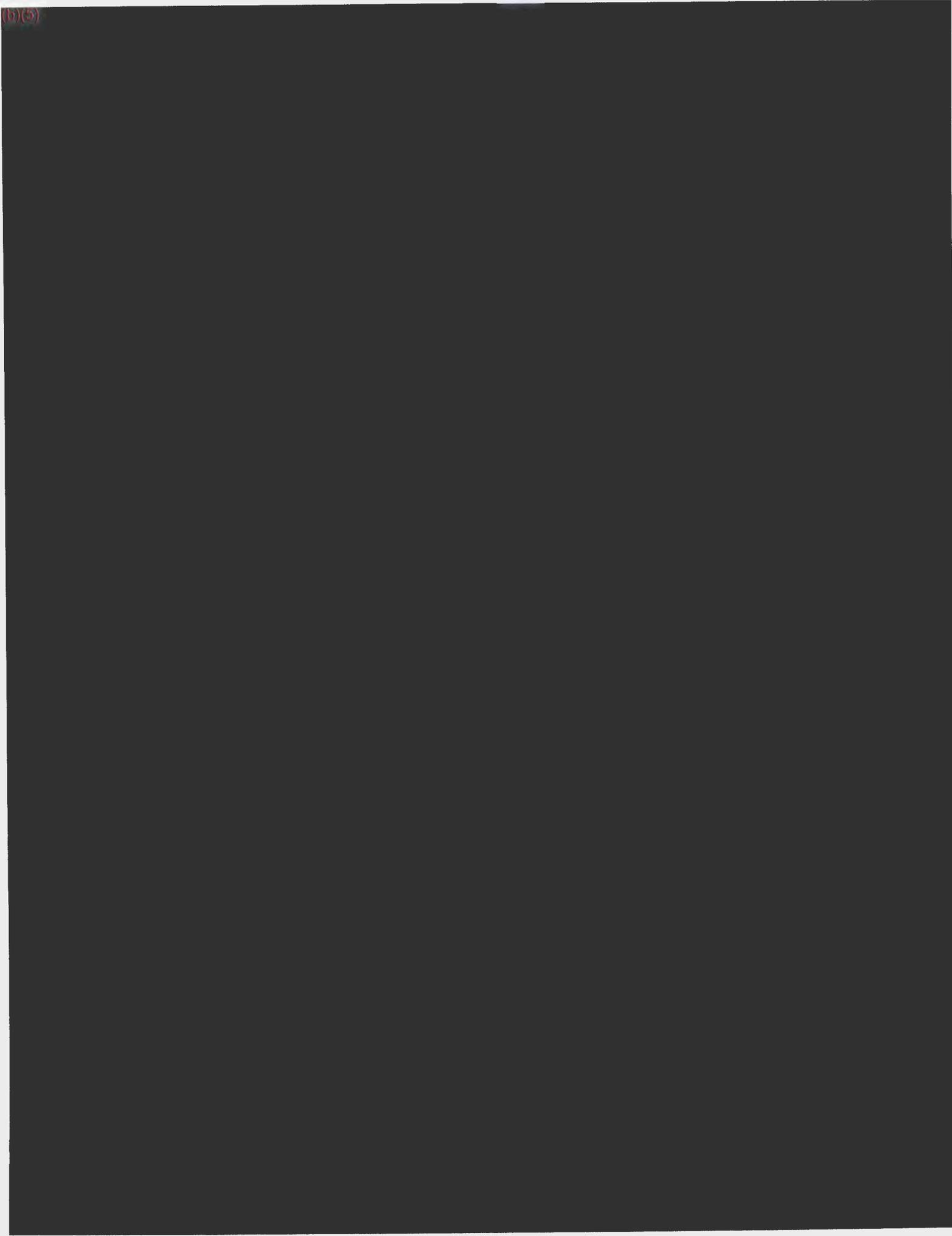




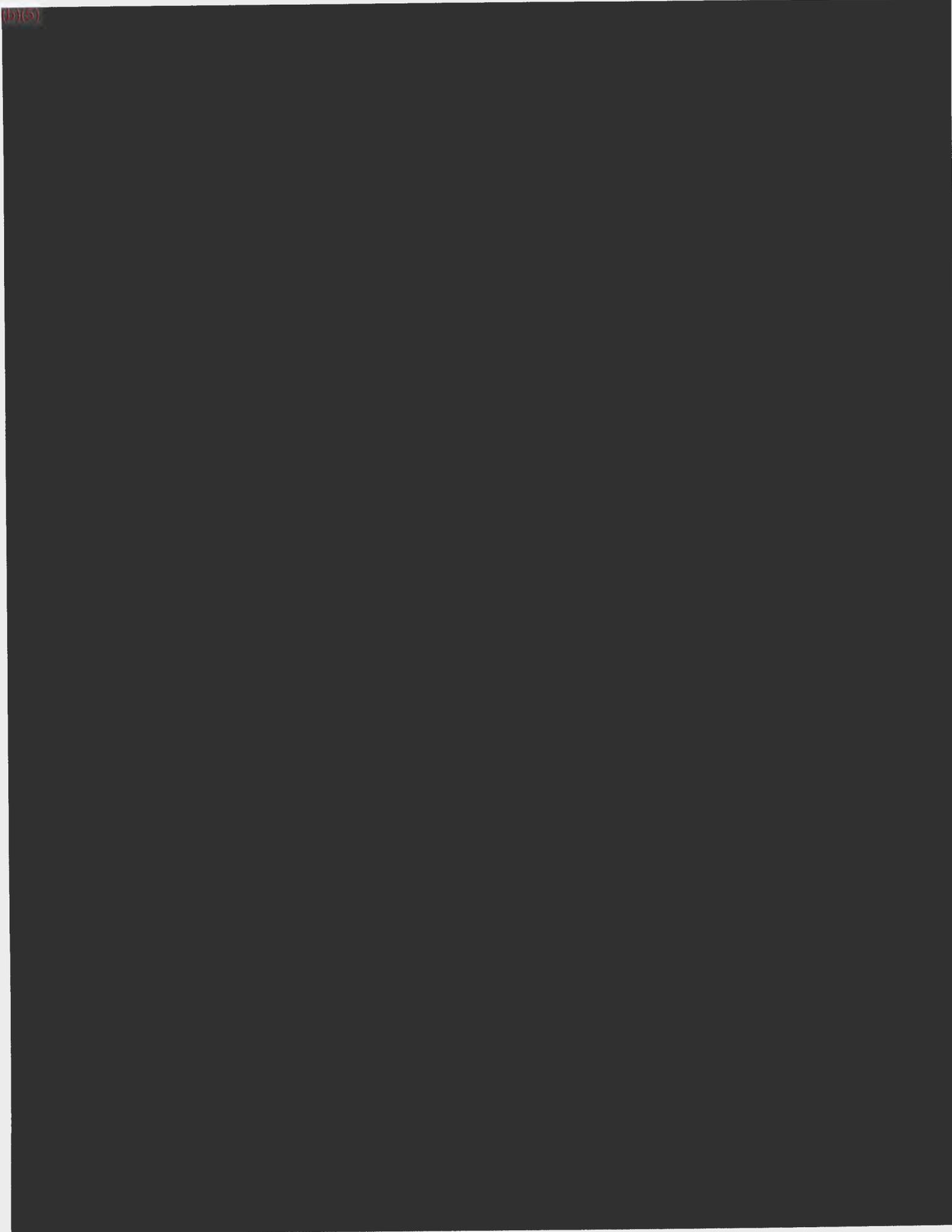


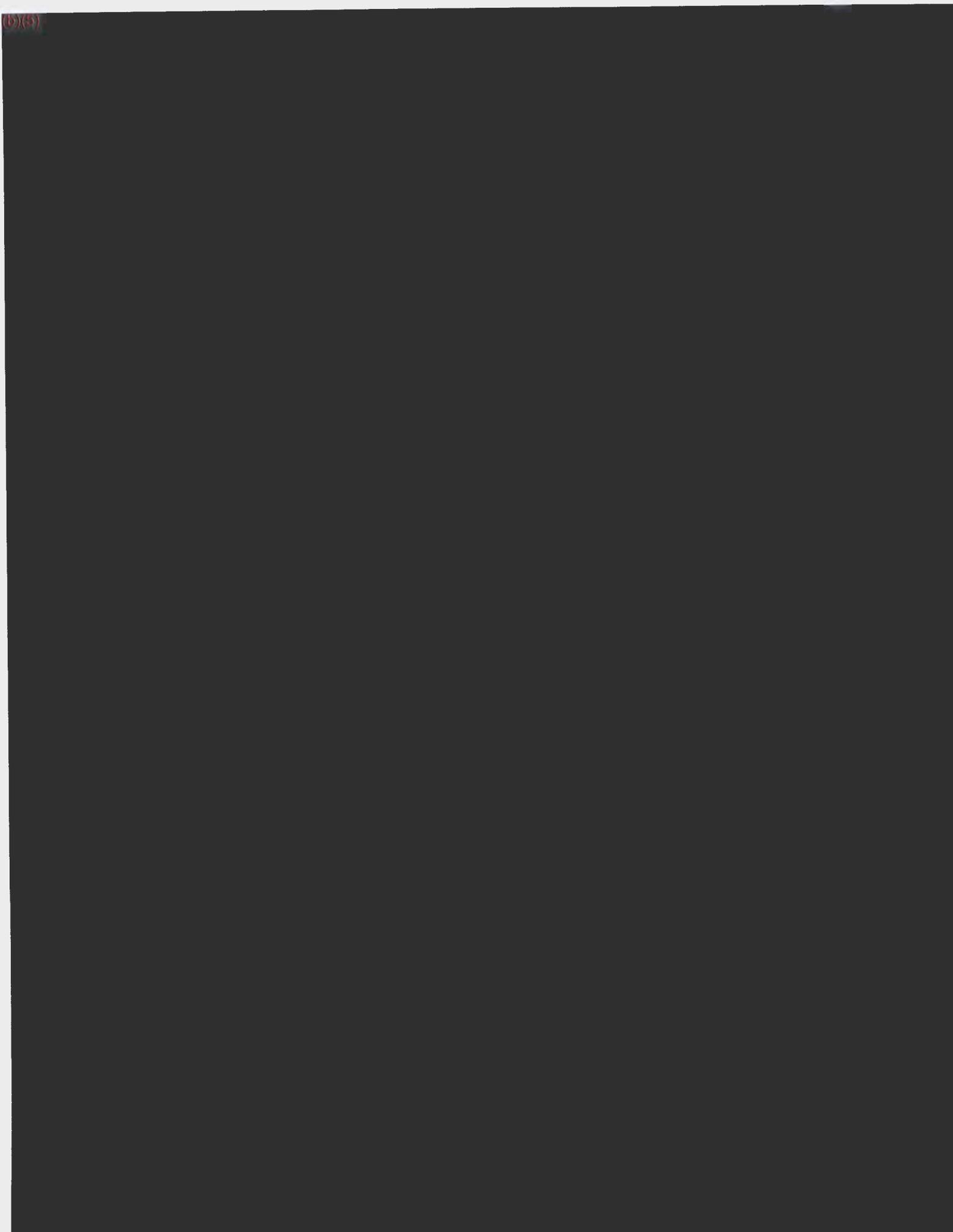


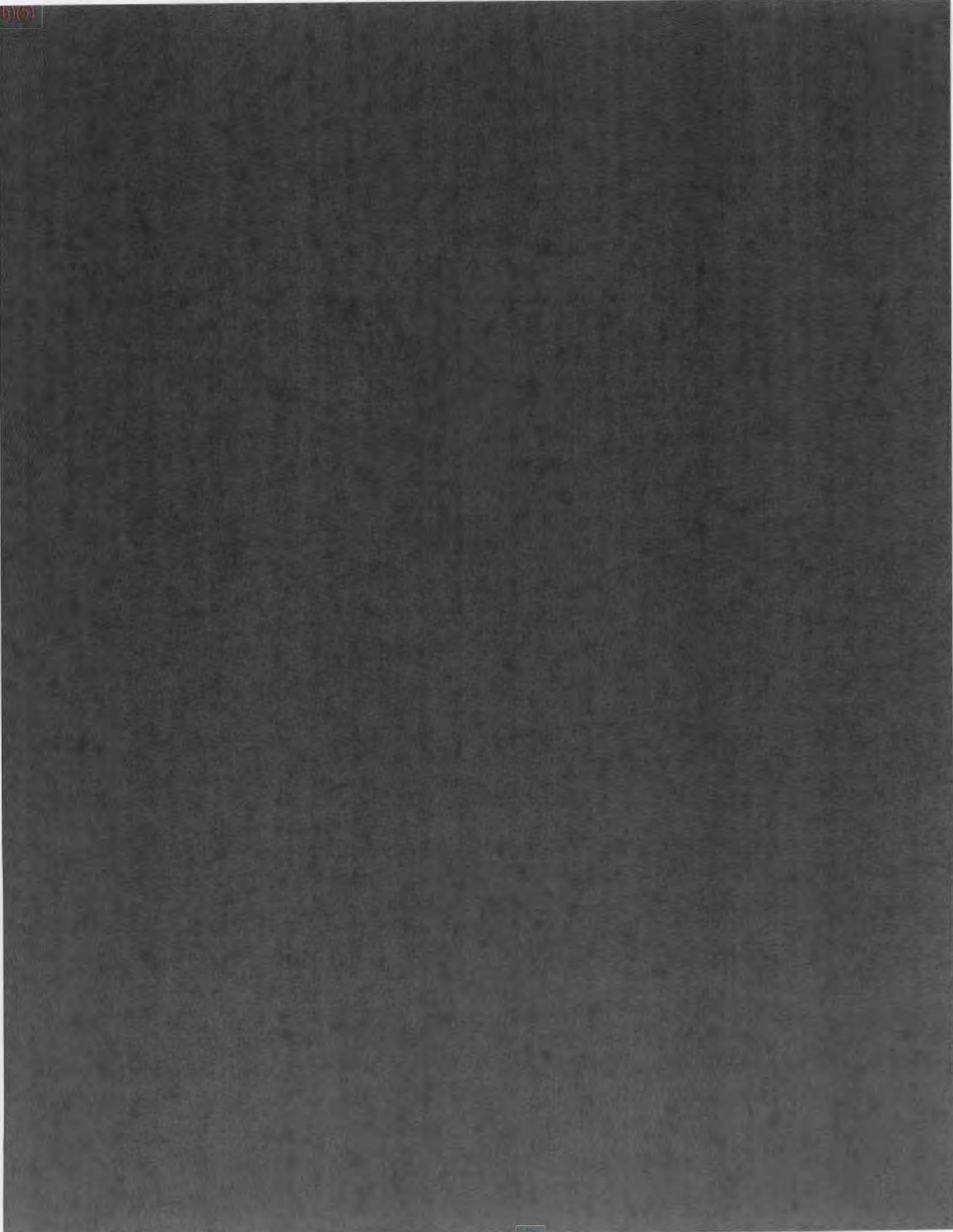






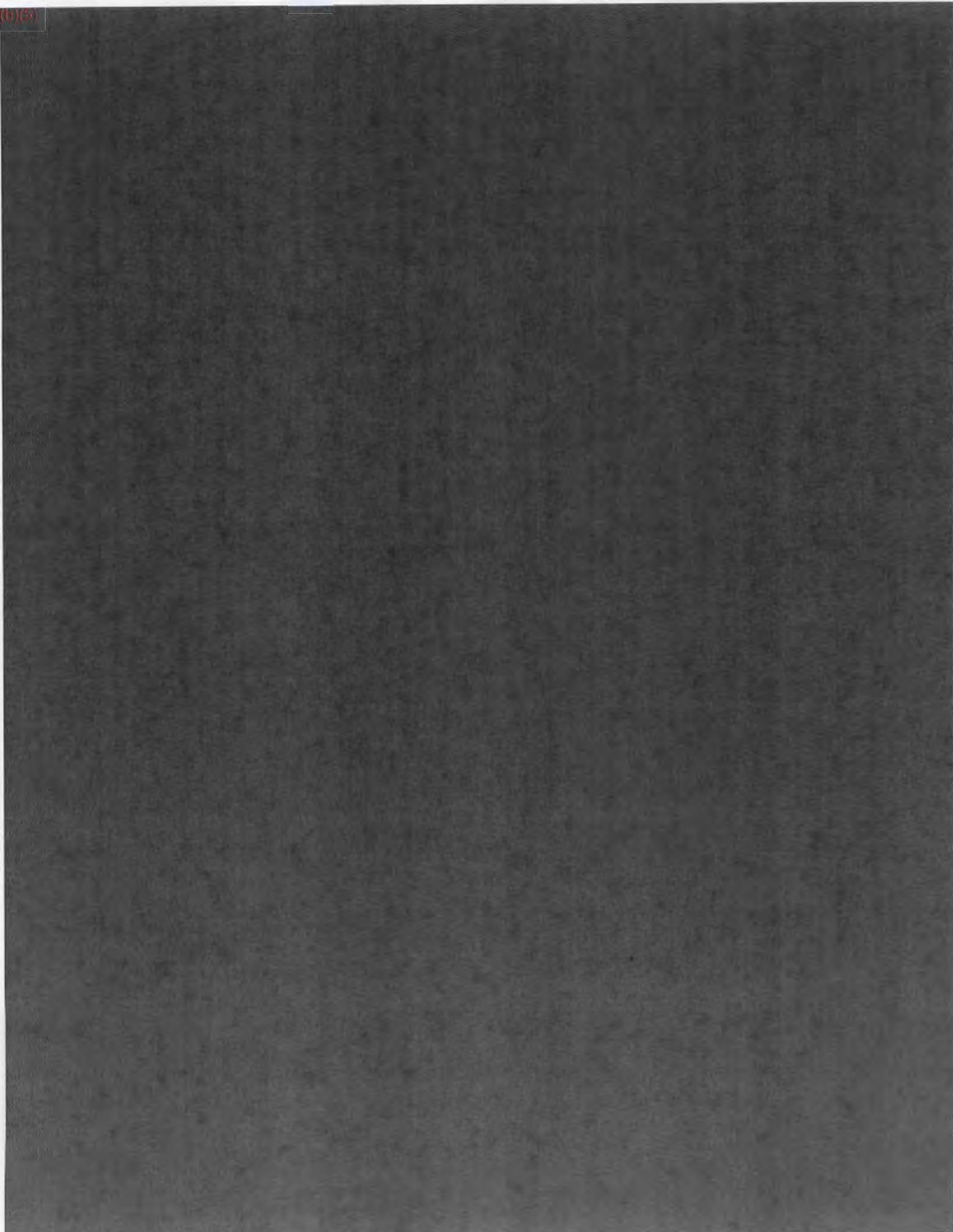


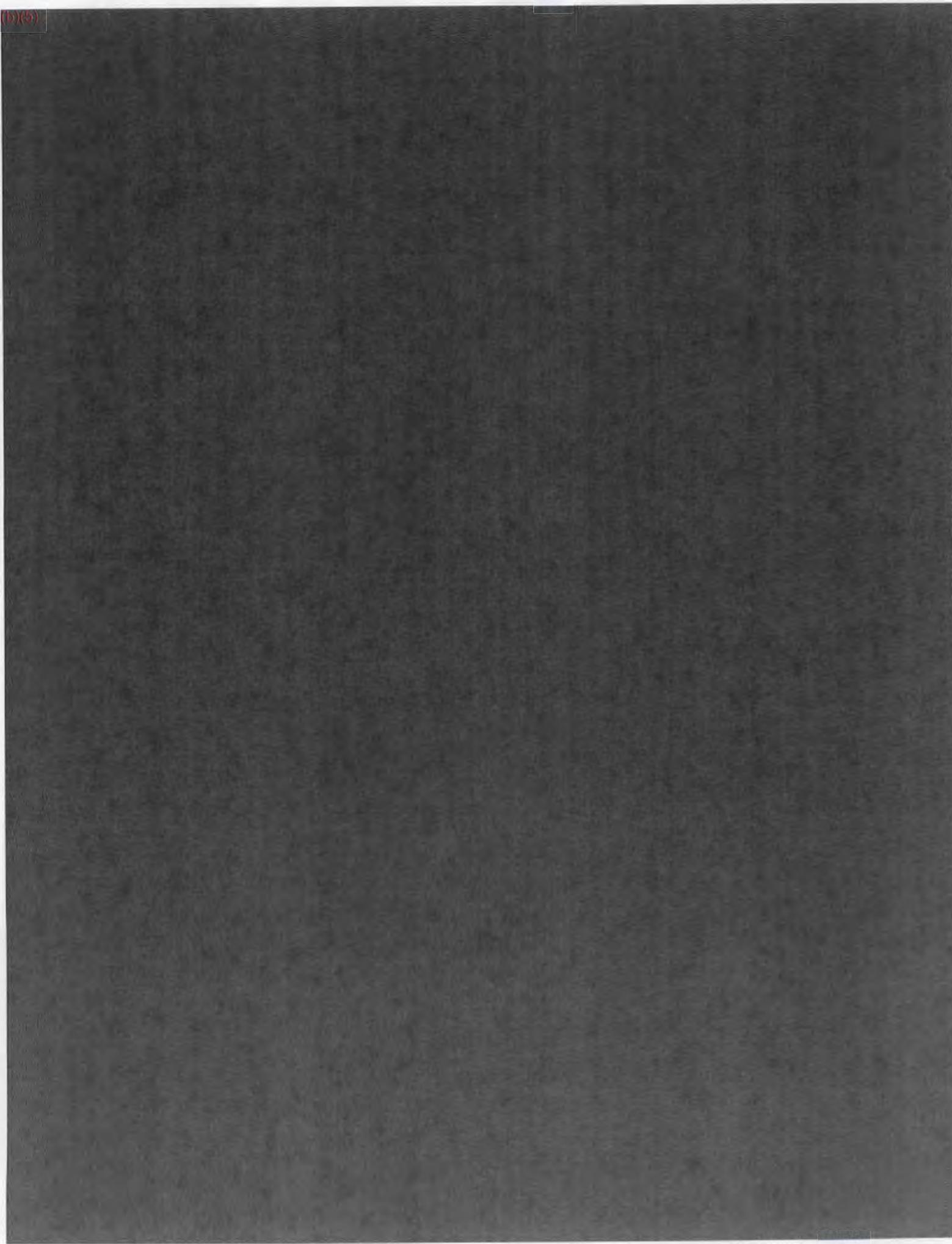


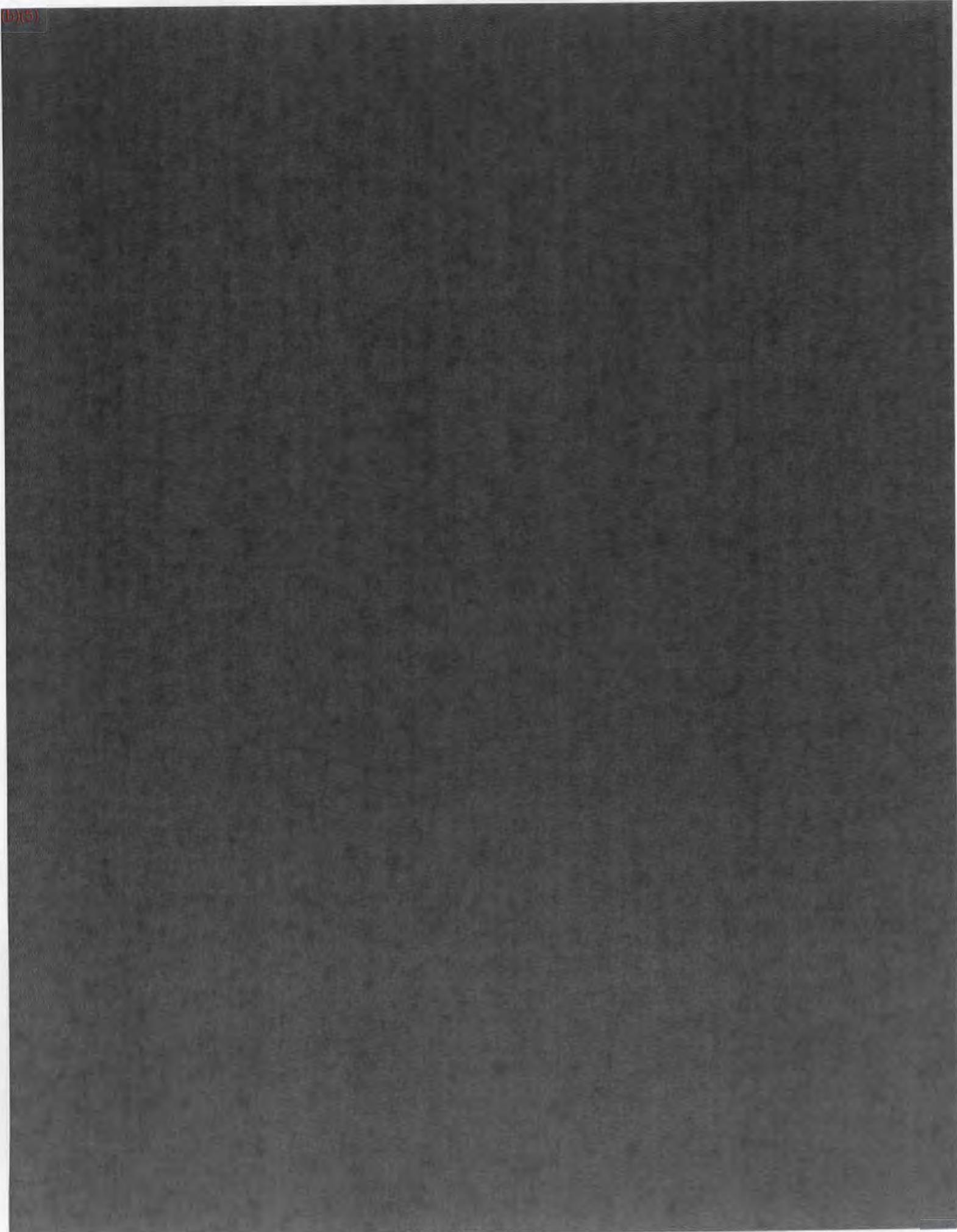


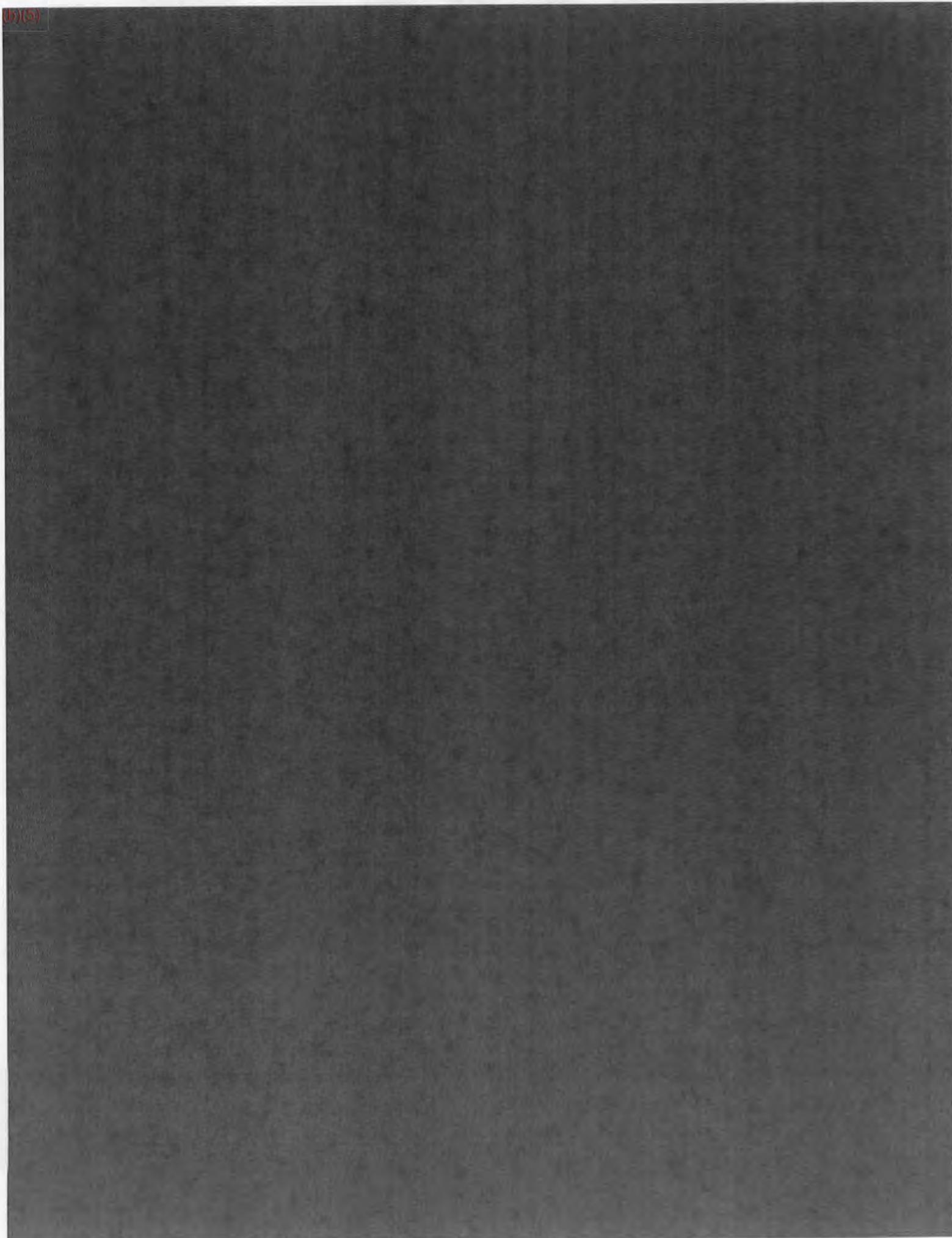


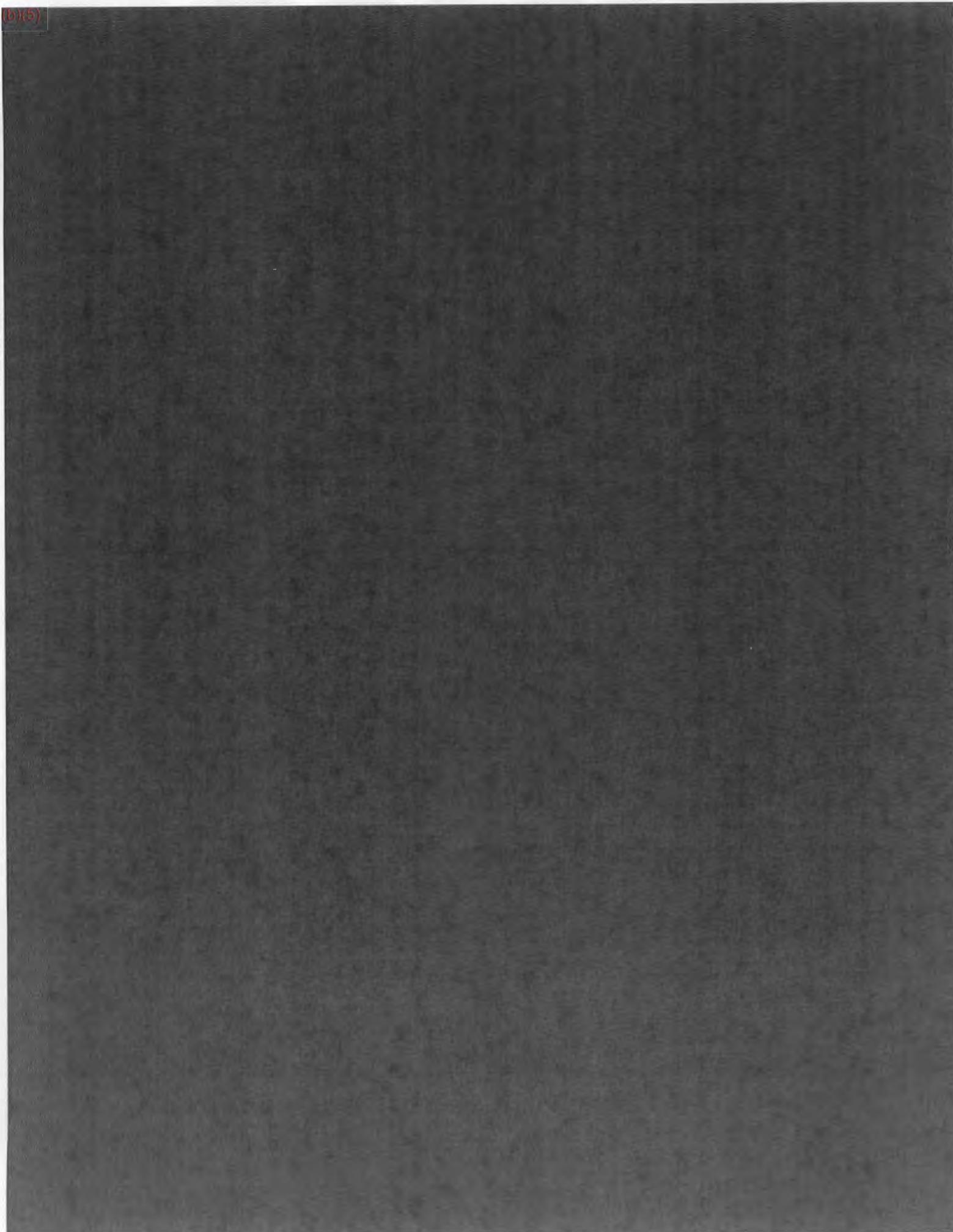


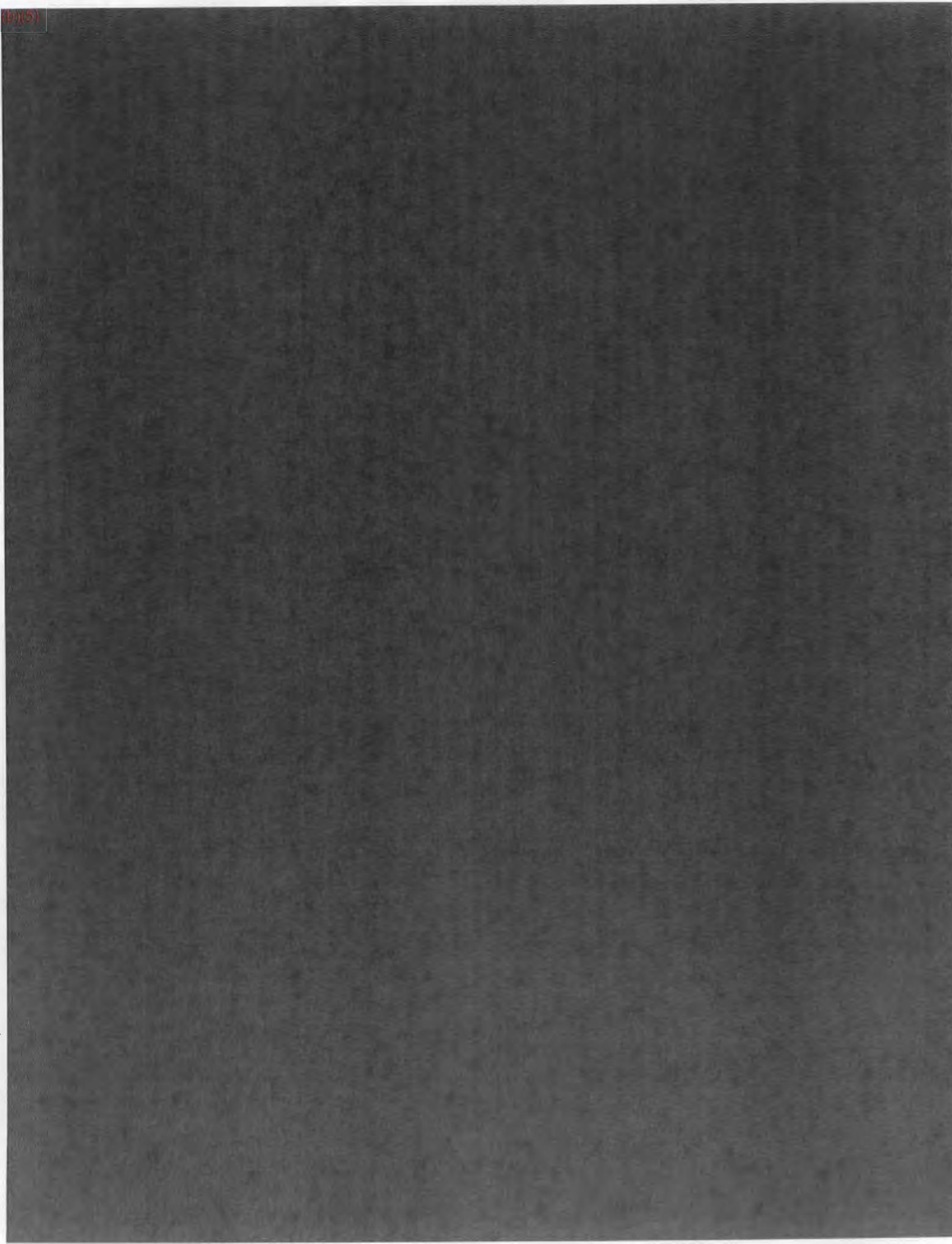


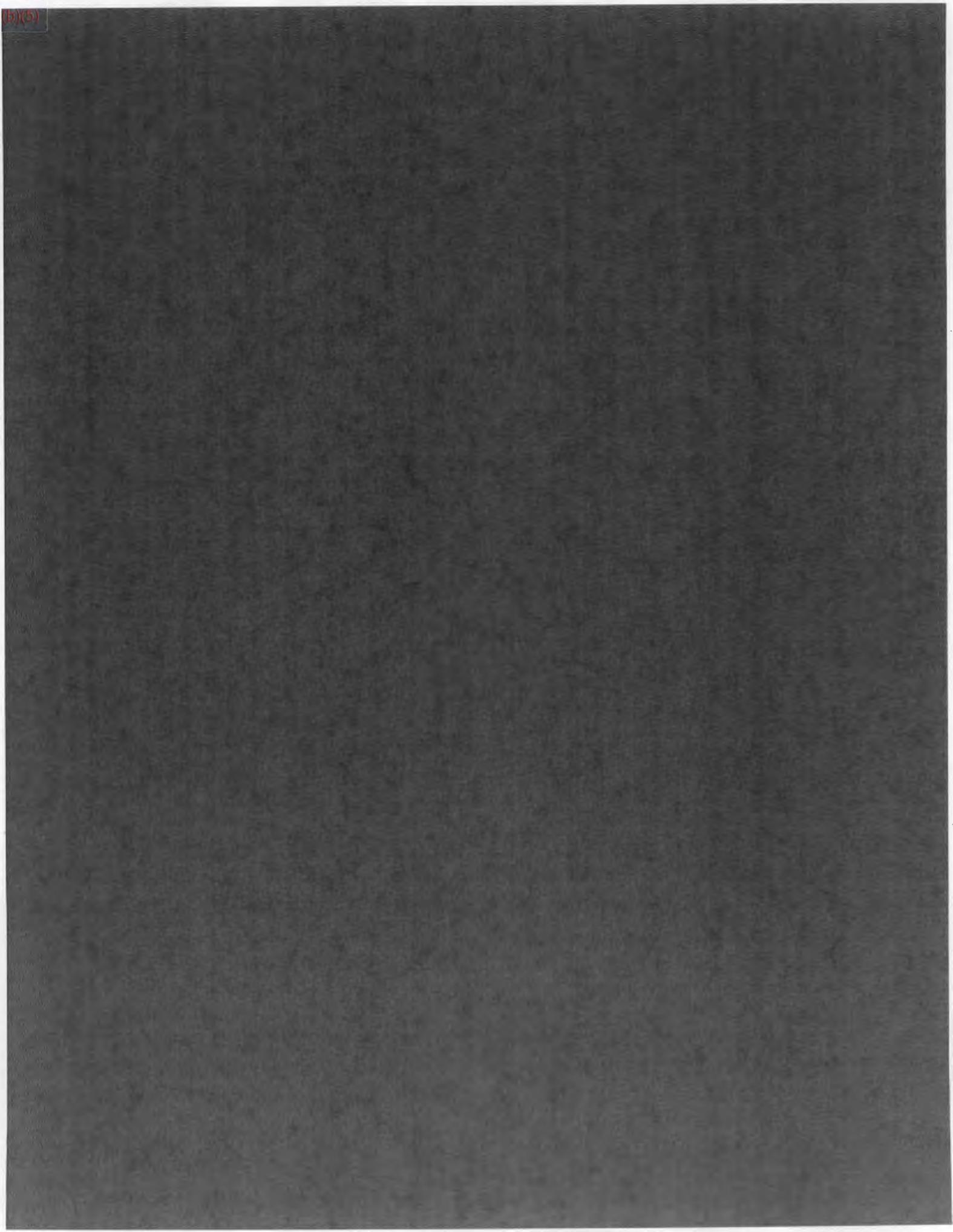




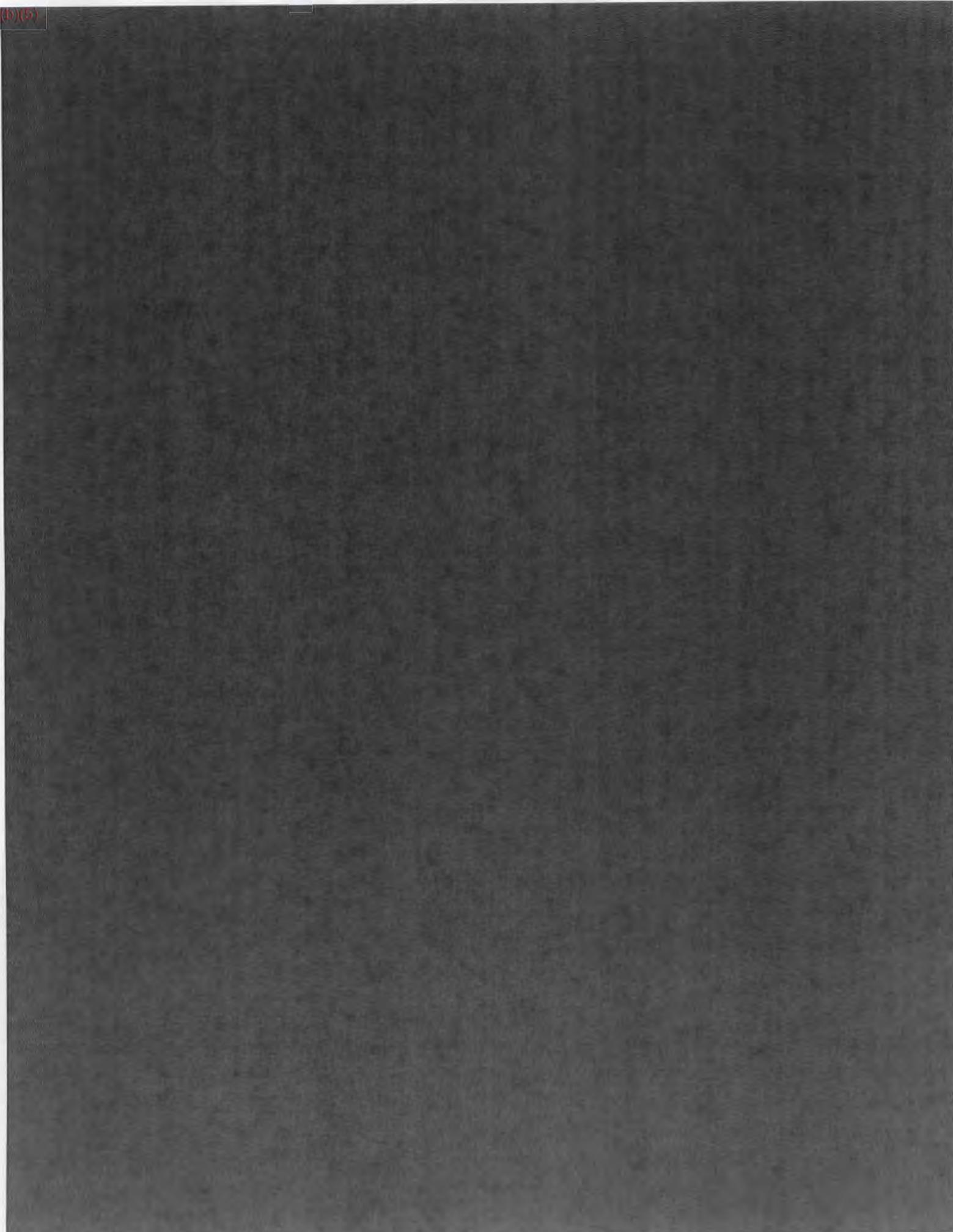


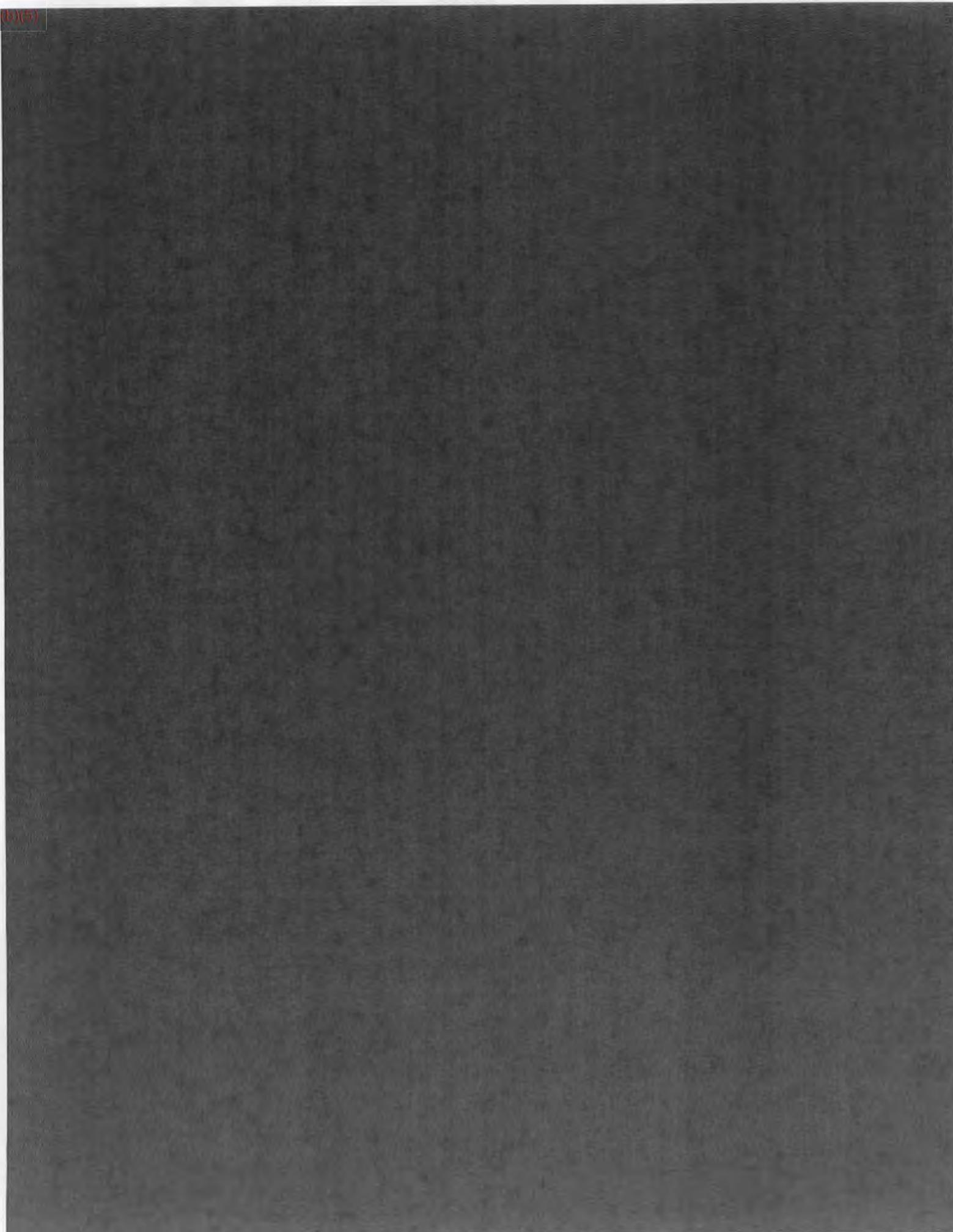


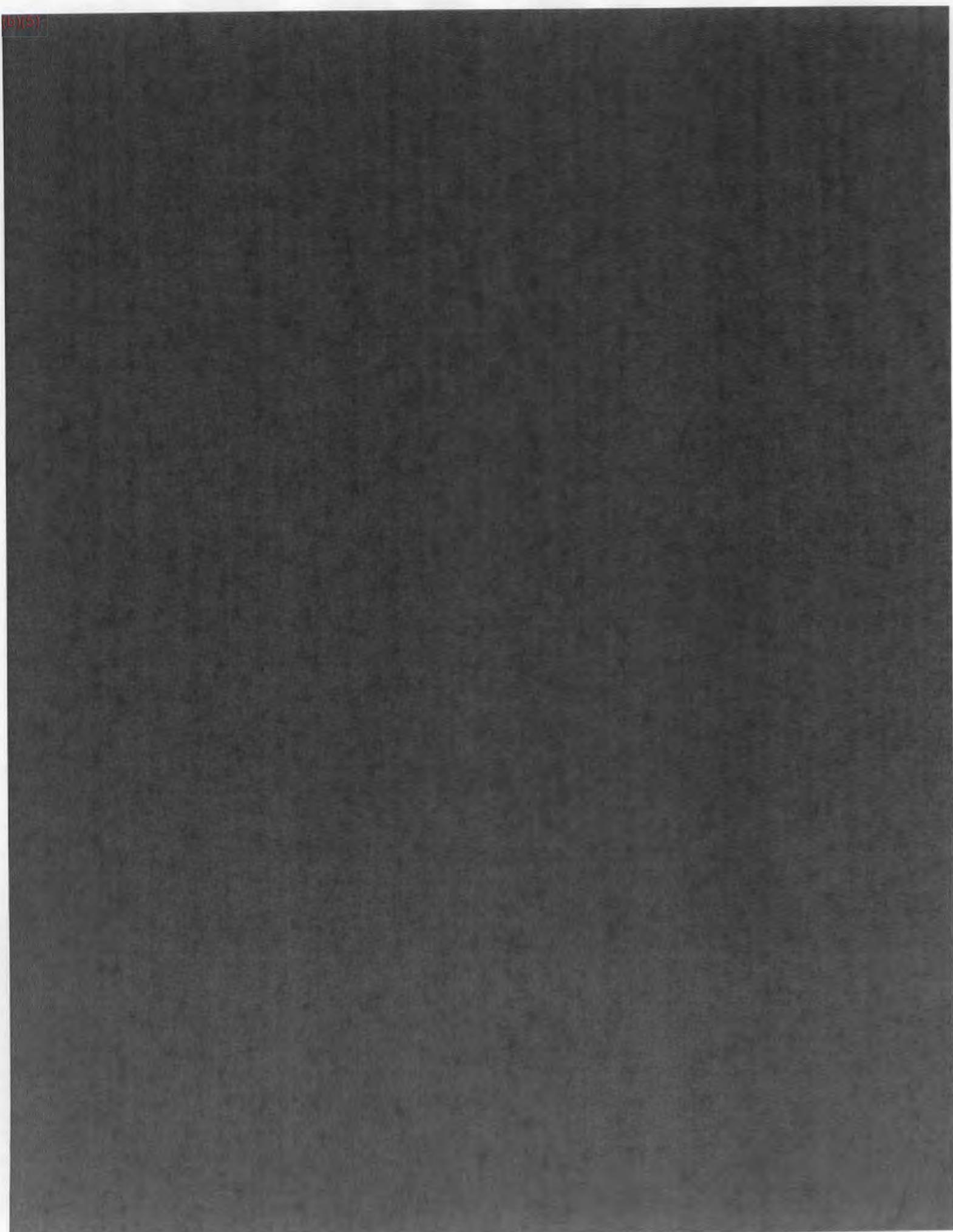


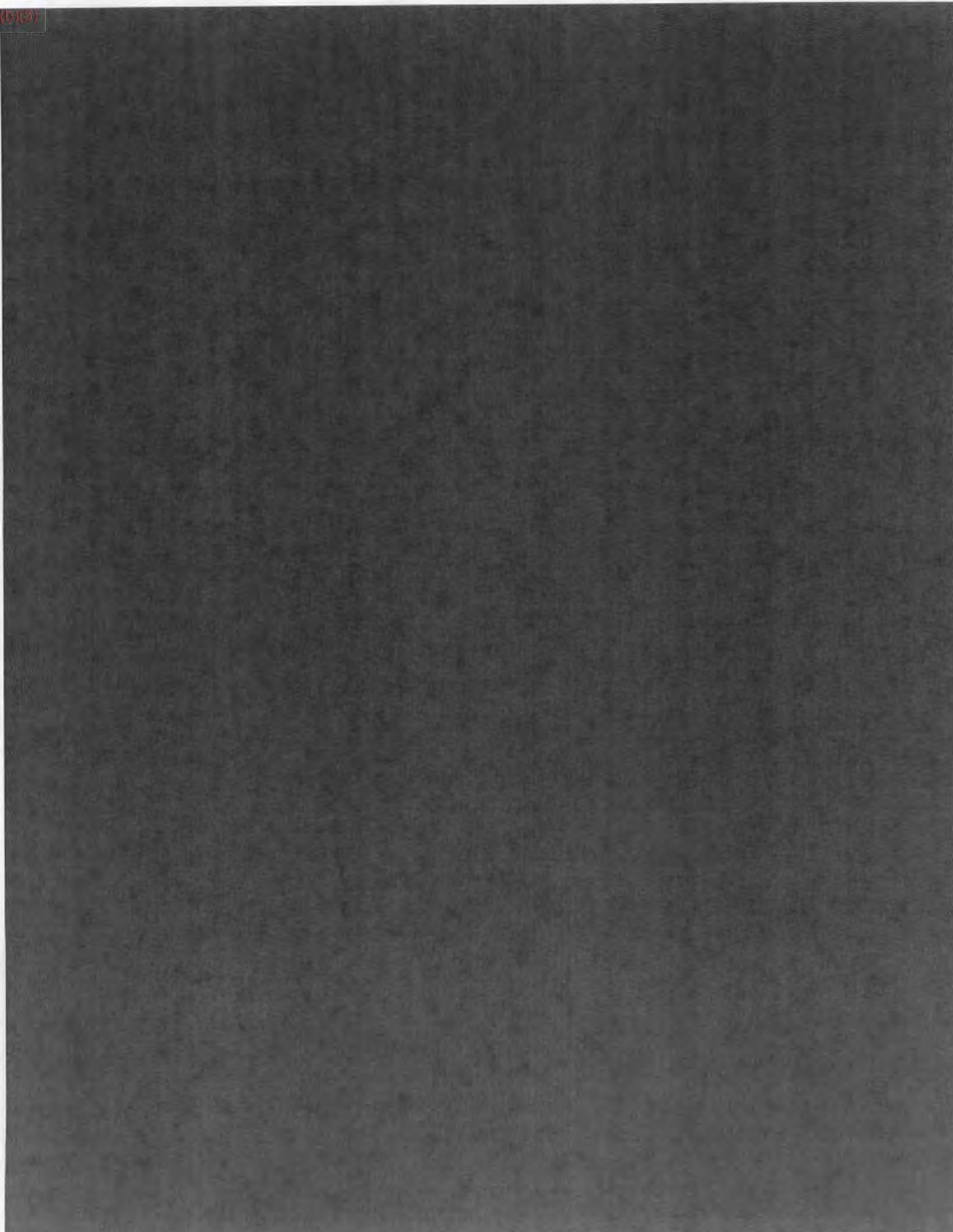


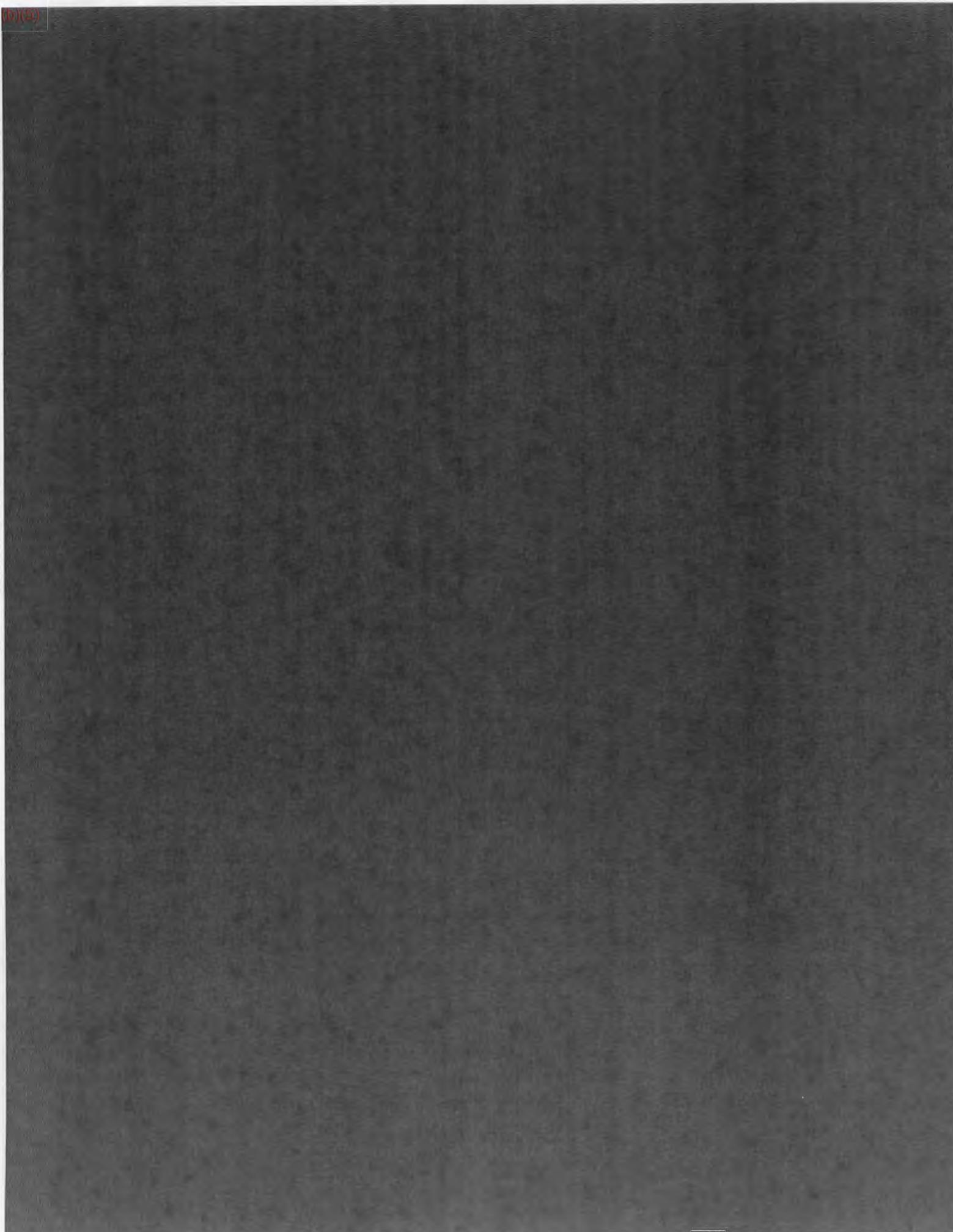


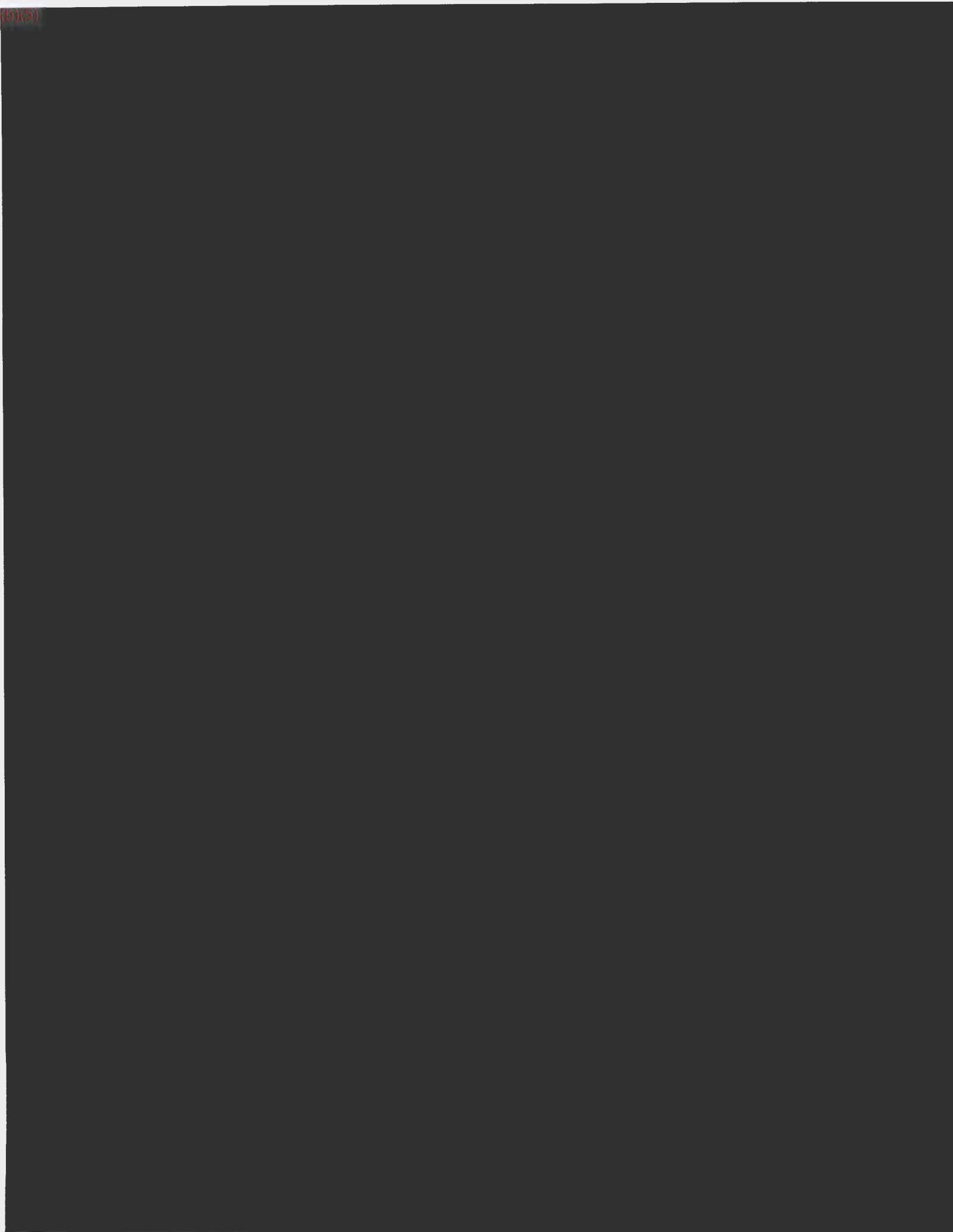




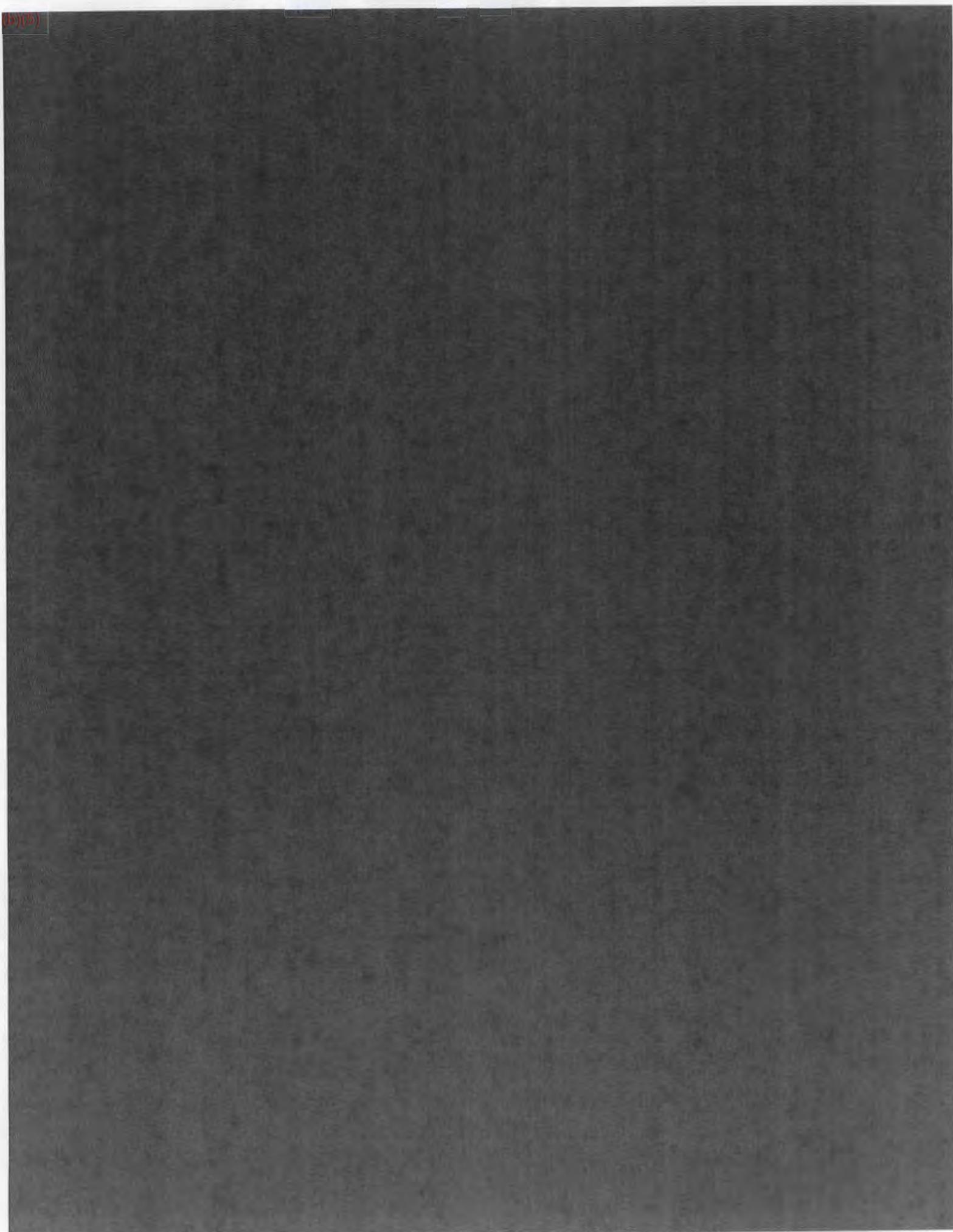


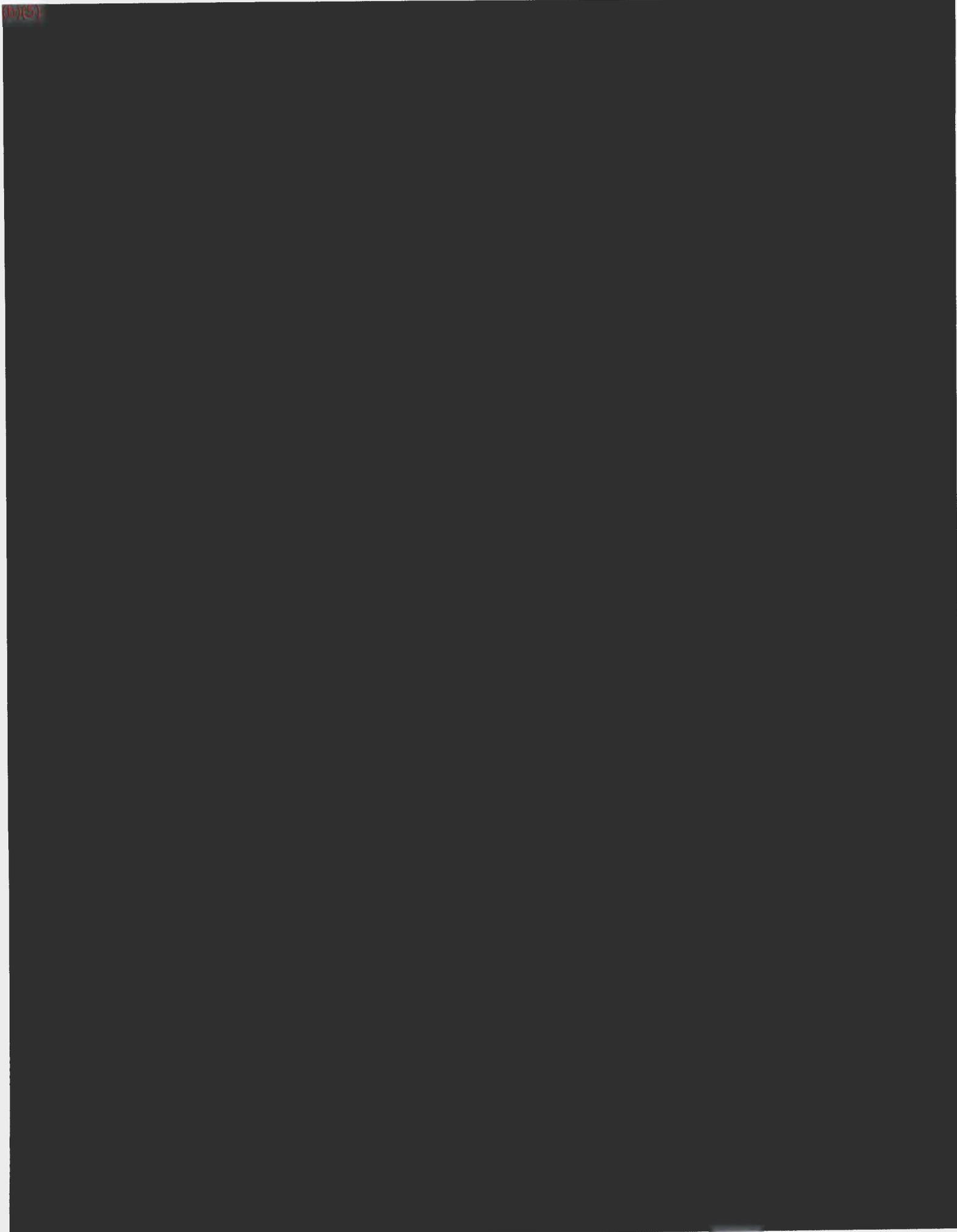


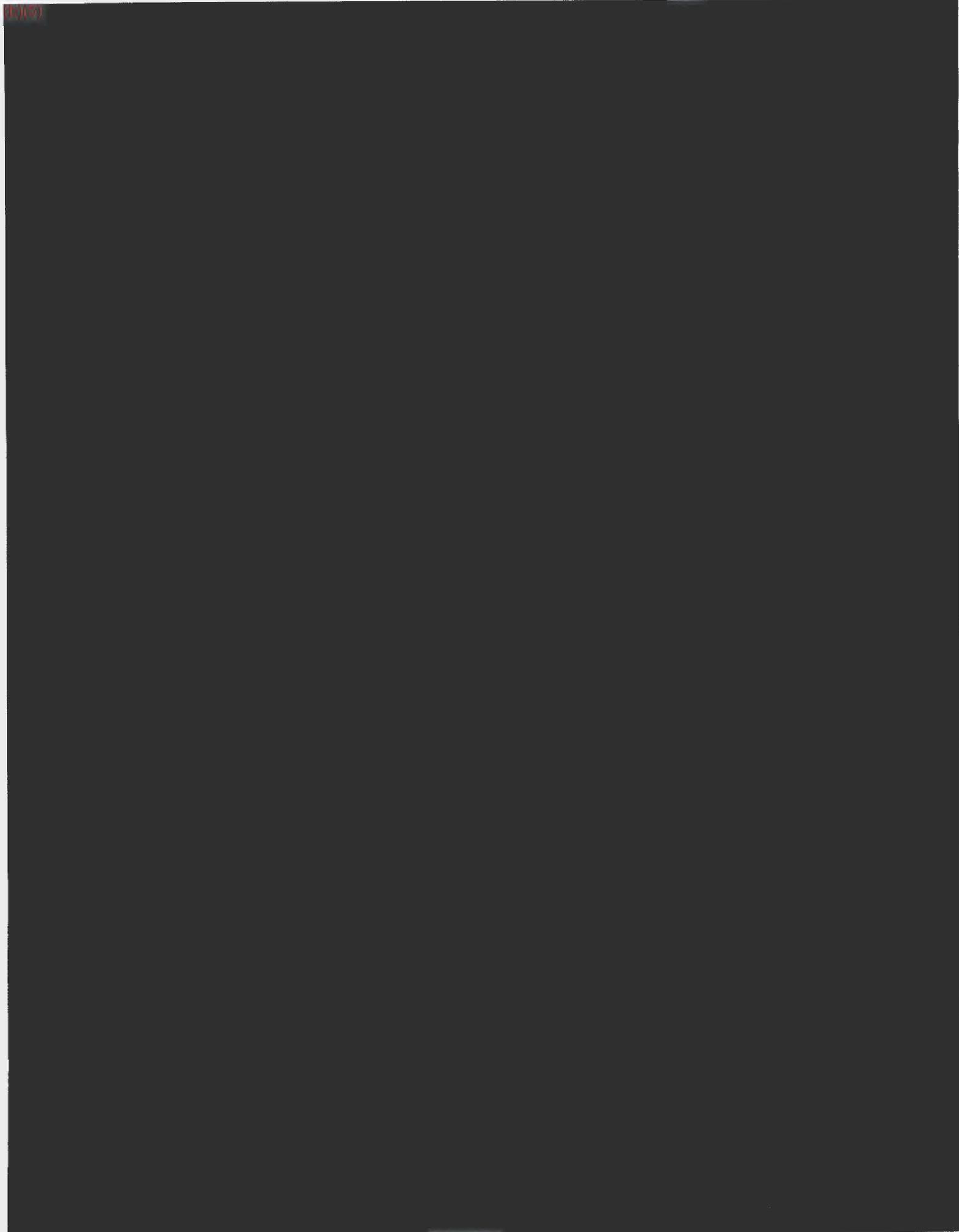


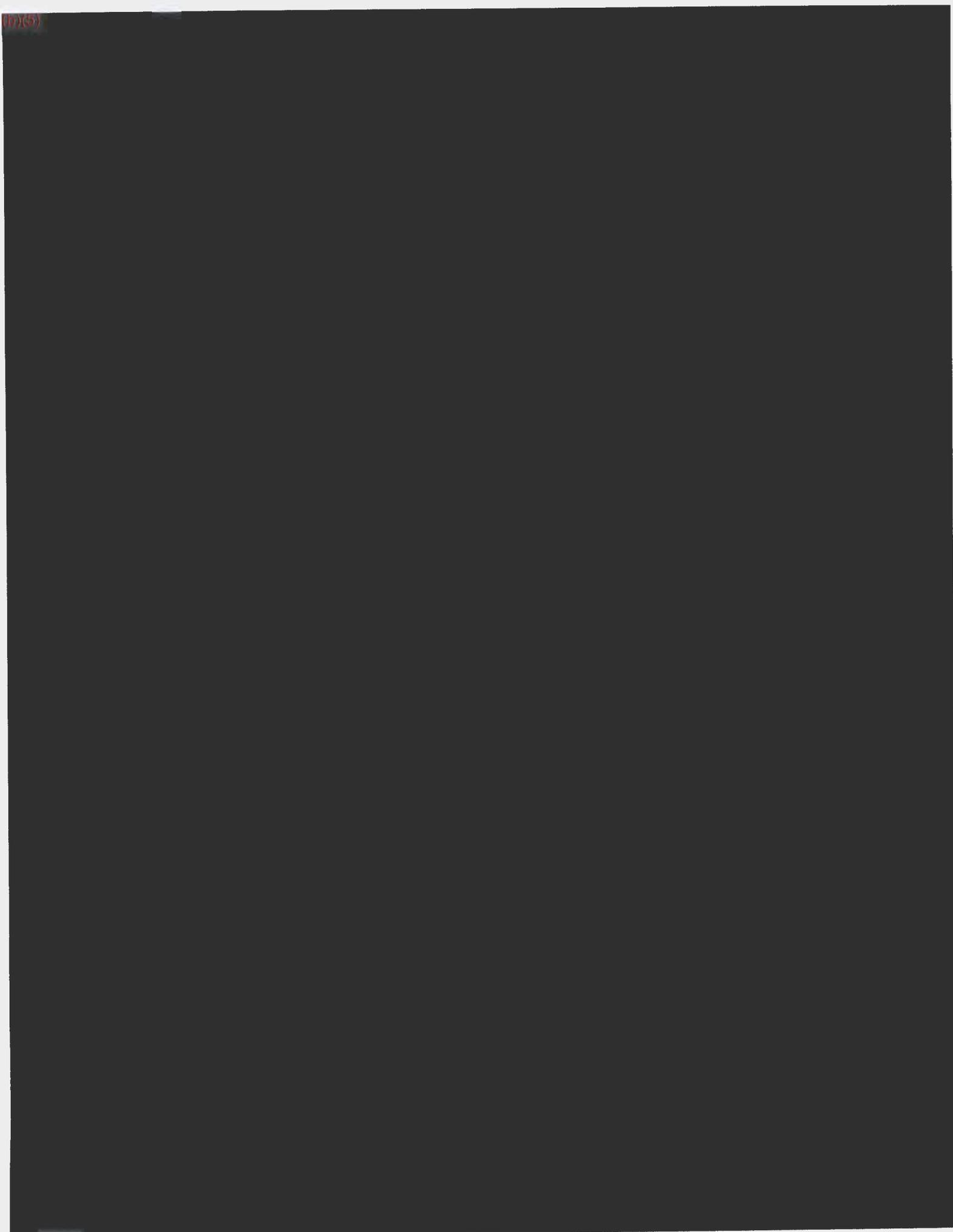


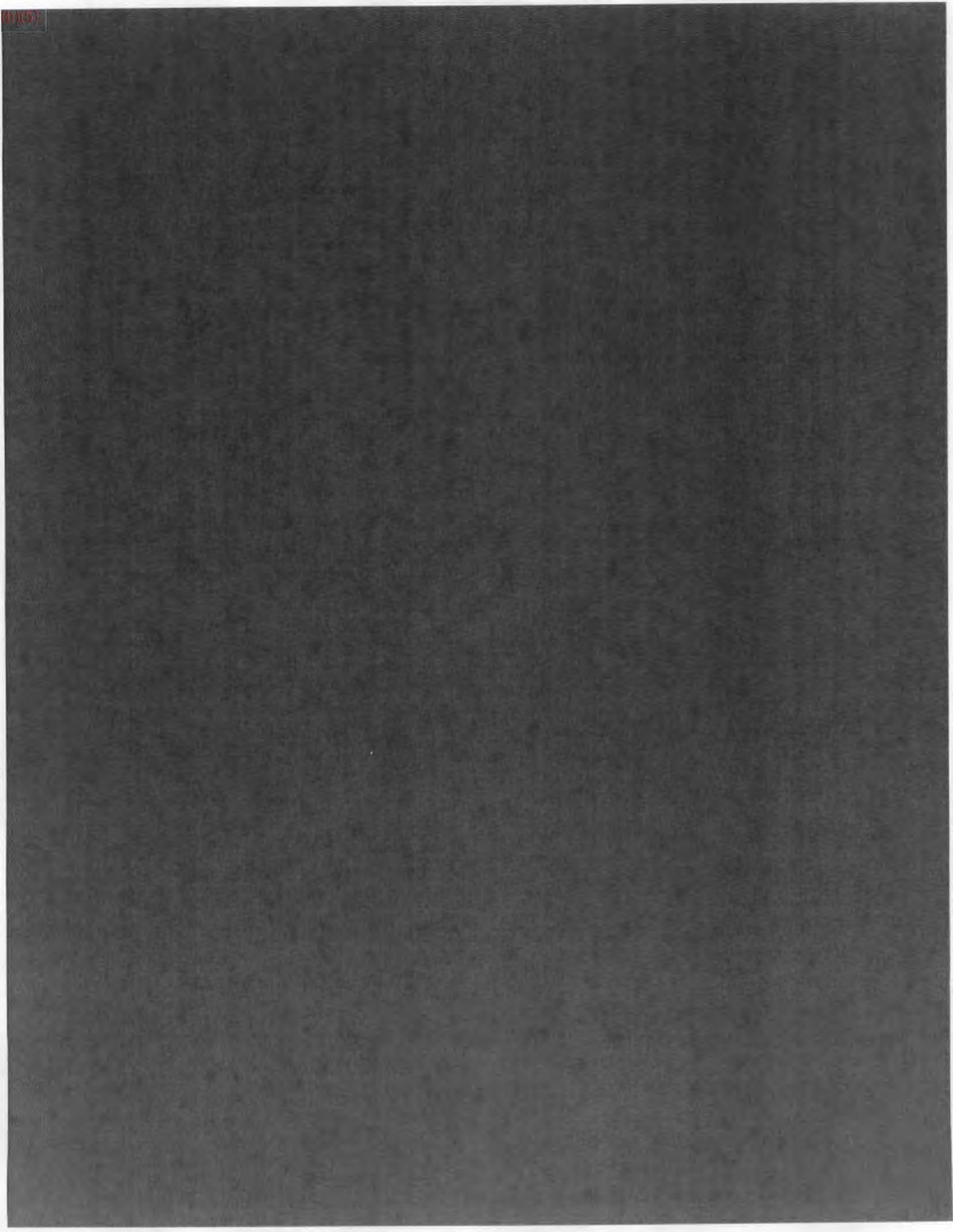


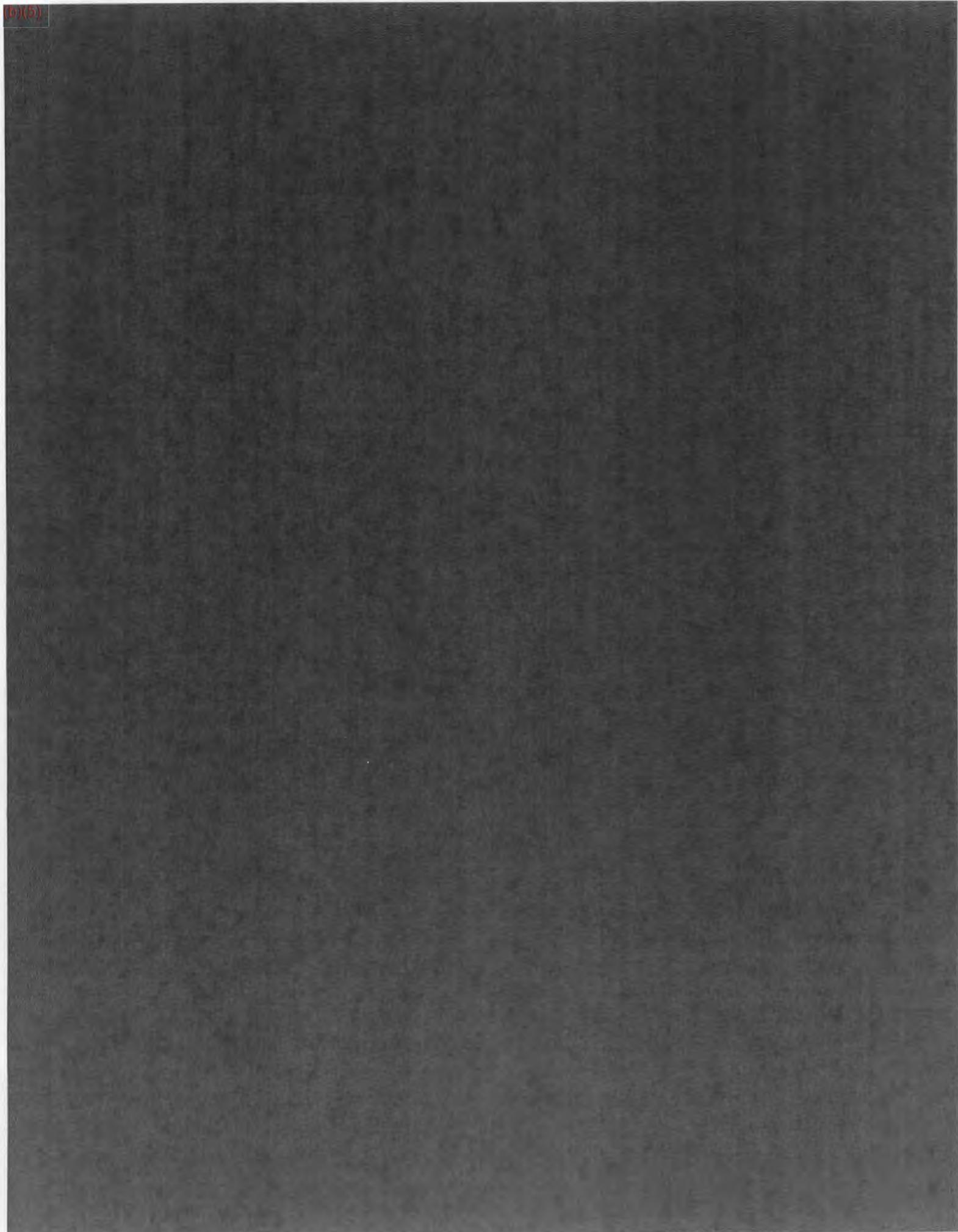












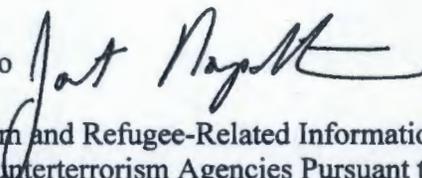


**Homeland  
Security**

August 25, 2011

INFORMATION

MEMORANDUM FOR: Distribution

FROM: Secretary Napolitano 

SUBJECT: Disclosure of Asylum and Refugee-Related Information to U.S. Intelligence and Counterterrorism Agencies Pursuant to 8 C.F.R. § 208.6(a) Addendum to 2007 Secretary Chertoff Memo

The need to enhance routine security, vetting, screening, and information-sharing procedures has required the sharing of asylum and refugee-related information beyond that contemplated in Secretary Chertoff's 2007 memorandum, "Disclosure of Asylum and Refugee-Related Information to U.S. Intelligence and Counterterrorism Agencies" (Chertoff Memorandum). Therefore, I am exercising my authority under 8 U.S.C. § 1103(a) and 8 C.F.R. § 208.6(a) to modify that memorandum through this addendum to facilitate appropriate disclosures of information contained within or relating to asylum or refugee applications, as follows:

1. Asylum and refugee-related information may be disclosed to any element of the Intelligence Community, or to any other federal, state, or local governmental agency having a counterterrorism function, provided that the disclosure is made in furtherance of the recipient agency's authorized intelligence or counterterrorism function and that the information provided will be used only for the authorized purpose for which it was provided. This policy replaces that stated in the Chertoff Memorandum at page 2, first full paragraph.
2. The Under Secretary for Intelligence and Analysis shall serve as the Department of Homeland Security (DHS) point of contact for requests for asylum and refugee-related information and for reports of unauthorized disclosure of such information. This designation replaces that stated in the Chertoff Memorandum at page 2, second paragraph and at page 3, second paragraph.
3. Requests for large or ongoing transfers of asylum and refugee-related information must be made in writing and received by DHS before such information may be transferred. This

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requirement is in addition to the procedures for requests of asylum and refugee-related information outlined in the Chertoff Memorandum at page 2, second full paragraph.

4. In the absence of a request, the Under Secretary for Intelligence and Analysis, the Director, U.S. Citizenship and Immigration Services (USCIS), or the Assistant Secretary, Immigration and Customs Enforcement (ICE), may disclose asylum and refugee-related information to any federal, state, or local governmental agency having a counterterrorism function (1) in accordance with the terms and conditions of any applicable standing information-sharing arrangements between DHS and the recipient of the information or (2) to the extent such information has been appropriately publicly disclosed in furtherance of a criminal or civil investigation or prosecution. Any such disclosure will be coordinated with USCIS, ICE, and any other appropriate DHS Component. This policy supersedes the proactive disclosure provision provided for in the Chertoff Memorandum at page 2, fourth full paragraph.
5. Information provided in response to a request or disclosed in the absence of a request may be retained by the recipient agency for a maximum of 180 days or until the recipient agency determines whether the information is relevant to its authorized intelligence or counterterrorism function(s), whichever occurs first. If the recipient agency determines that the information is relevant, it may continue to retain that information for a period exceeding 180 days consistent with applicable regulations, directives, guidelines, or agreements related to the continued retention of that information. The recipient agency shall document, in writing and as soon as reasonably practicable, but no later than 180 days after receipt, its determination and its intention to retain the information in excess of 180 days. This policy supersedes the 30 day retention period for information provided for in the Chertoff Memorandum at page 2, fourth full paragraph.
6. A recipient agency may further disseminate asylum and refugee-related information only as authorized by the Secretary, Deputy Secretary, or the Under Secretary for Intelligence and Analysis acting in coordination with the Director, USCIS, the Assistant Secretary, ICE, or any other DHS official to whom disclosure authority under section 208.6(a) has been delegated. However, information may be shared with the government of the country of origin for an asylum-seeker or refugee only if the individual is determined to be a known or suspected terrorist or with the explicit authorization of the Secretary (or the Deputy Secretary acting on the Secretary's behalf). This policy replaces that stated in the Chertoff Memorandum at page 3, first paragraph, first two sentences.
7. Each DHS office that discloses asylum and refugee-related information pursuant to this memorandum must alert the receiving agency that current regulations do not permit the further disclosure of asylum and refugee-related information to a person, group, or agency that is not specifically excepted under 8 C.F.R. § 208.6, including to any foreign entity or other international third party, including, but not limited to, INTERPOL or a foreign government, without the written consent of the applicant or the explicit authorization of the Secretary or other DHS official to whom disclosure authority under section 208.6(a) has been delegated, including for these purposes the Under Secretary for Intelligence and Analysis acting in coordination with either the Director, USCIS, the Assistant Secretary, ICE, or any

other relevant DHS official. This requirement replaces that stated in the Chertoff Memorandum at page 3, first paragraph, last sentence.

8. Reports of unauthorized disseminations of asylum and refugee-related information initially disclosed pursuant to this memorandum shall be made to the Under Secretary for Intelligence and Analysis, who must coordinate with USCIS, ICE, the Chief Privacy Officer, the Officer for Civil Rights and Civil Liberties, and any other appropriate DHS components as soon as reasonably practicable, but generally within 24 hours after the recipient agency becomes aware of the unauthorized disclosure. This requirement replaces that stated in the Chertoff Memorandum at page 3, second paragraph, fifth and sixth sentences.

Distribution

The Deputy Secretary

Under Secretary for Management

Under Secretary for National Protection and Programs

Under Secretary for Science and Technology

Commandant, United States Coast Guard

Commissioner, U.S. Customs and Border Protection

Assistant Secretary, U.S. Immigration and Customs Enforcement

Director, U.S. Citizenship and Immigration Service

Chief Privacy Officer

Officer for Civil Rights and Civil Liberties

General Counsel

From: [REDACTED]  
To: [REDACTED]  
Subject: RE: Travel Data Working Group  
Date: Wednesday, April 06, 2012 8:52:07 AM

Becky Richards  
DHS Privacy Office  
[REDACTED]

---

From: [REDACTED]  
Sent: Wednesday, September 14, 2011 2:50 PM  
To: [REDACTED]; Kopel, Richard; Richards, Rebecca; [REDACTED]; Hunt, Ken; Foster, Helen; [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Travel Data Working Group

Everybody needs to slow down. Caryn asked me to scope out a couple of issues with [REDACTED] and [REDACTED], and let get back to her. I still need to sit down with her to review where she wants us to go with this effort. When I have direction from her, I will get back to everyone and let you know the plan.

Thanks,

[REDACTED]  
Senior DHS Representative  
National Counter Terrorism Center  
[REDACTED]

---

Sent: Wednesday, September 14, 2011 2:40 PM  
To: [REDACTED]; Kopel, Richard; Richards, Rebecca; [REDACTED]; Hunt, Ken; Foster, Helen; [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Travel Data Working Group

(b)(5)



/Chris

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From: [REDACTED]  
Sent: Wednesday, September 14, 2011 12:34 PM  
To: [REDACTED]; Richards, Rebecca; [REDACTED]; D'Antonio, Christopher; Hunt, Ken; Foster, Helen; [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Travel Data Working Group

Rick,

I'd recommend that we leverage -- to the extent appropriate -- the Records Working Group we already have in-place. I'd be happy to discuss more in-person. Take care,

[REDACTED]

---

From: [REDACTED]  
Sent: Wednesday, September 14, 2011 12:11 PM  
To: Richards, Rebecca; Kopel, Richard; [REDACTED]; D'Antonio, Christopher  
Cc: [REDACTED]  
Subject: RE: Travel Data Working Group

Becky,

The meeting went well, but was very preliminary and I haven't had a chance to discuss it with the boss. She is jammed up most today, but I will hook up with her before the weekend to get her direction. I do not have her concurrence on this proposed plan and I need to speak with Caryn before we move out on anything.

It looks like there will be a big role for OGC/PRIV/CRCL with how DHS obtains, stores, uses, and shares travel information and analysis coming from data that is not a "regular" Departmental dataset. This may very well be a separate working group.

Here is a copy of what I sent to the Under Secretary for her consideration.

Thanks,

Senior DHS Representative  
National Counter Terrorism Center

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**From:** [REDACTED]  
**Sent:** Tuesday, September 13, 2011 7:23 PM  
**To:** Wagner, Caryn; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Quick Update - S1 Taskers

Caryn,

I just wanted to get you a quick update with the results from my meeting with [REDACTED] and [REDACTED] on the S1 Taskers

We had a good meeting and developed a four point approach to addressing her concerns. We will flush these out and assemble a working group to tackle the details next week. The areas we thought we should focus on are:



That's about it for this update. I will attend the 0700 tomorrow morning and be available if you have any questions.

Thanks,

Senior DHS Representative  
National Counter Terrorism Center

### **How is DHS protecting data of U.S. Travelers when sharing with the IC?**

- Information sharing programs between DHS and the IC are subject of written MOAs that articulate the terms and conditions governing the use of data by the IC partner, including a number of provisions specifically designed to protect privacy.
  - These include limitations on users and uses; audit rights; training; and, where appropriate, explicit acknowledgement that we are members of the Information Sharing Environment and subject to its requirements to protect privacy.
  - Retention of U.S. Person information is limited—in the case of NCTC to 180 days. If NCTC cannot establish link between a record belonging to a U.S. Person and terrorism within that time, it must promptly delete the record.
- The DHS Privacy Office is part of the team the Department assembles to review and negotiate information sharing agreements, and no agreement will be signed giving the IC access to DHS records without the Chief Privacy Officer's explicit concurrence.

## **How is DHS protecting data of U.S. Travelers when sharing with the IC?**

### Background

- All sharing is undertaken pursuant to a Privacy Act System of Record Notice (SORN) Routine Use that provides notice to the public that such sharing may occur. The Privacy Office conducts a review of all data requests to ensure compliance with the Privacy Act.
  
- Terms and Conditions, including those protecting privacy, are captured in Information Sharing Access Agreement (ISAAs) MOAs signed between DHS and our IC partners.
  - For example, DHS and NCTC just concluded five ISAA MOAs for:
    - Arrival and Departure Information System (ADIS)
    - Advanced Passenger Information System (APIS)
    - Student and Exchange Visitor Information System (SEVIS)
    - Refugees, Asylum, and Parole System (RAPS)
    - Electronic System for Travel Authorization (ESTA)
  - The Privacy Office reviews all ISAAs prior to signature.
  - The Privacy Office was part of the team assigned to negotiate on behalf of the Department with NCTC.
  - The agreements include privacy protections for all Personally Identifiable Information (PII) shared with NCTC by implementing the DHS Fair Information Practice Principles (FIPPs) and have additional protections for PII related to U.S. Persons.
    - The agreements establish the authorities for each party to participate in the sharing arrangement, including an examination of both the parties' applicable SORNs.
    - The agreements define both the authorized users at NCTC and the permissible uses for the data.
    - DHS shares only data elements necessary to accomplish the lawful purpose of the sharing. Thus, if a particular data field is not relevant to NCTC's use, DHS will strip it out of the data set before it is sent.
    - DHS reserves the right to audit how our data is being used and whether NCTC is compliant with the terms of the agreements, including those related to privacy. This is facilitated by the presence of DHS personnel at NCTC who have familiarity with the conditions of each agreement.
    - DHS receives an intelligence wrap-back of all DHS data which is associated with terrorism. This ensures our sharing furthers the DHS mission and helps DHS evaluate the efficacy of the sharing initiative into the future. This is especially useful because as an additional protection, the agreements have a limited duration of three years.

- A mechanism exists for DHS to correct records they've previously sent to NCTC, which will permit data quality issues negatively impacting individuals as appropriate.
  - The agreements explicitly reference both DHS's and NCTC's participation in the Information Sharing Environment and acknowledges that sharing is undertaken in accordance with each agency's ISE Privacy and Civil Liberties Protection Policy.
  - DHS requires individuals accessing DHS data to have suitable privacy training.
  - Additional protection for U.S. Persons (U.S. Citizens and lawful permanent residents) – NCTC has a limited time (180 days) to establish a nexus between a U.S. Person and terrorism, otherwise the data must be permanently deleted from NCTC systems.
- Additional transparency about the sharing program is provided in Privacy Impact Assessments (PIAs), and PIAs are updated to reflect new sharing initiatives. These amendments are available to the public on the DHS Privacy Office's public facing website: [www.dhs.gov/privacy](http://www.dhs.gov/privacy)
    - Recent PIA Updates were issued for APIS, SEVIS, ESTA and RAPS to reflect new sharing initiatives with NCTC.
  - DHS and NCTC have also worked out a process for facilitating expedited sharing during a period of exigent threat. It is worth noting that even though the process can be accomplished in a much shorter time frame, the exigent sharing arrangements still have a large measure of the privacy protections built into our formal ISAA MOAs, but are typically valid only for the duration of the threat.



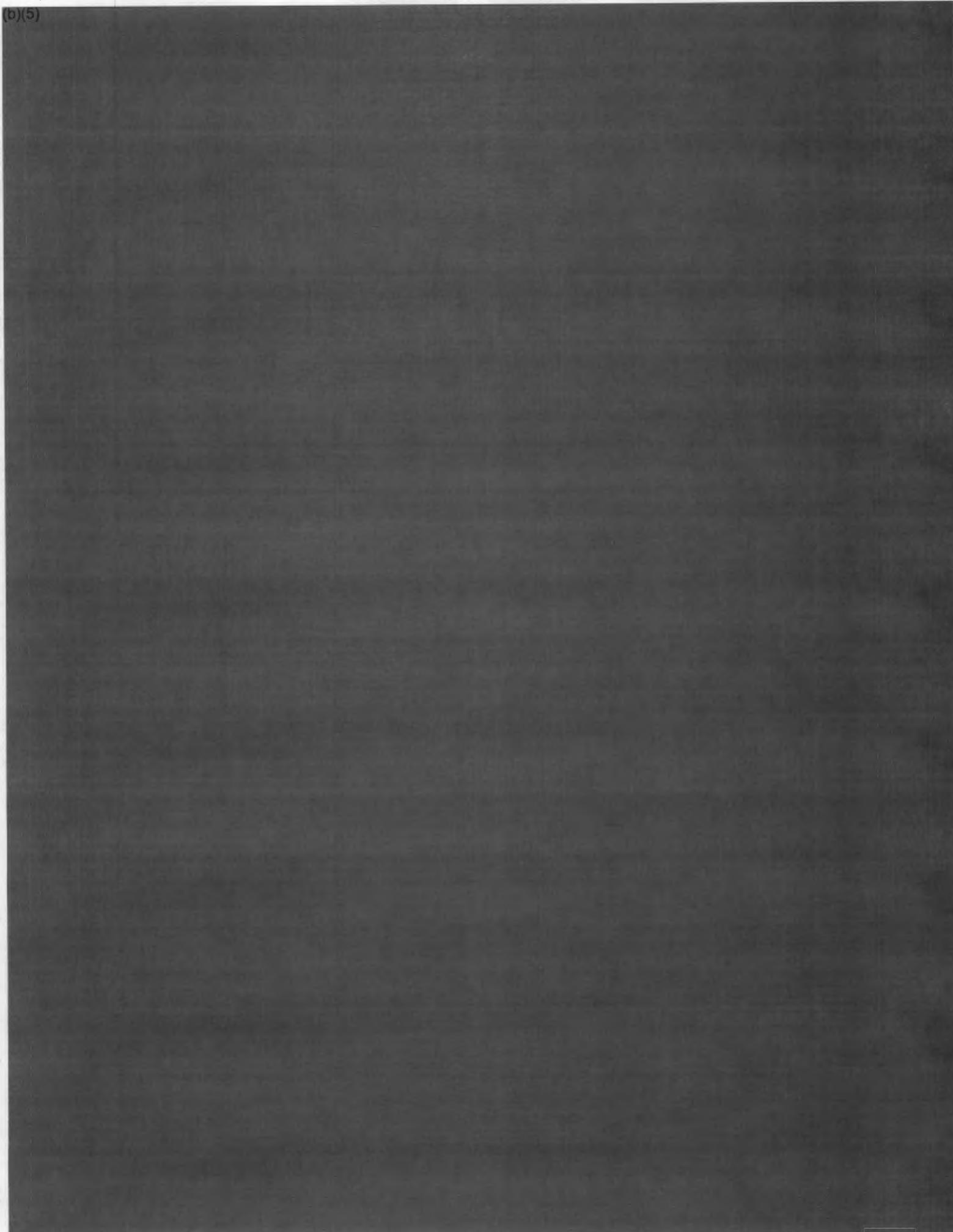


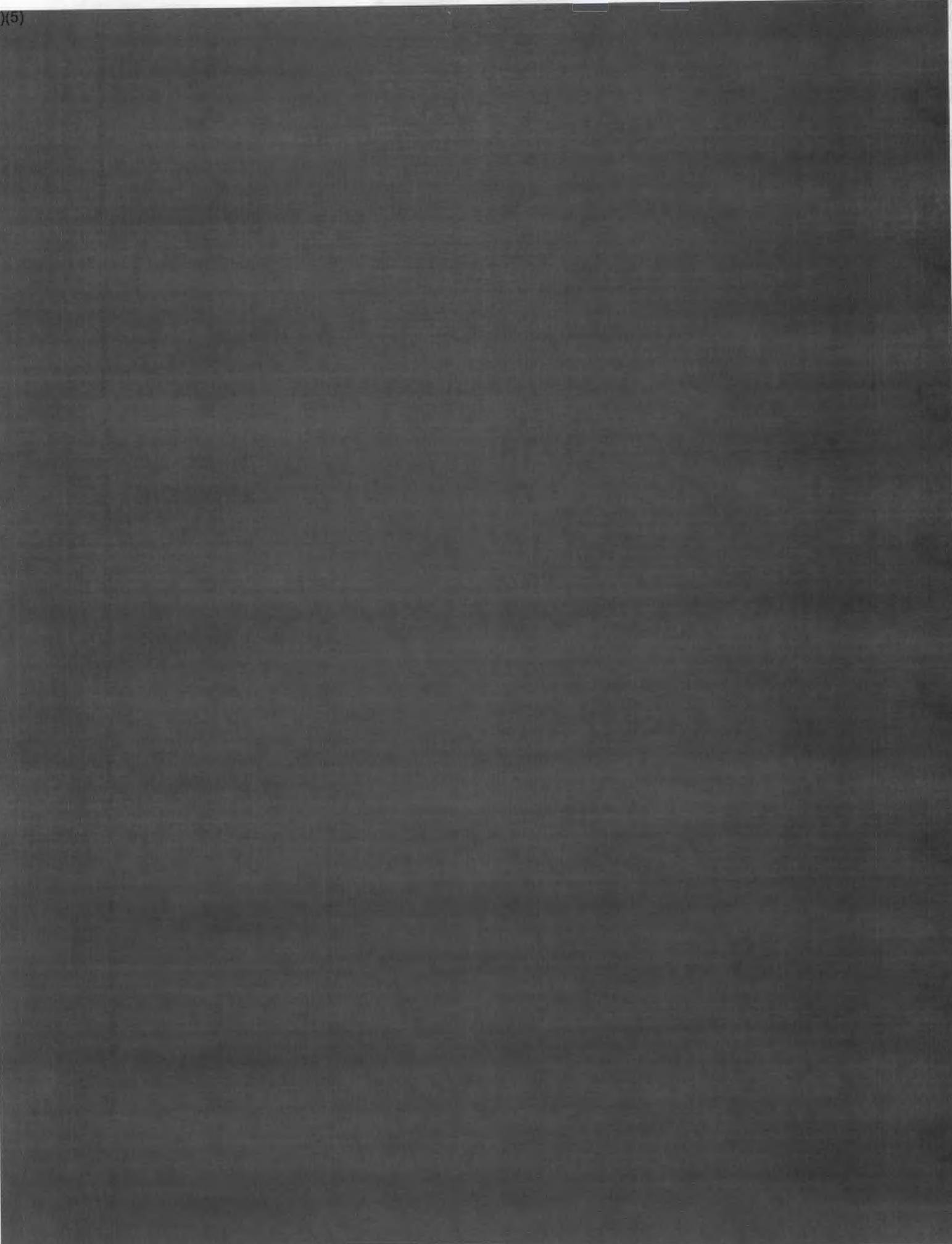


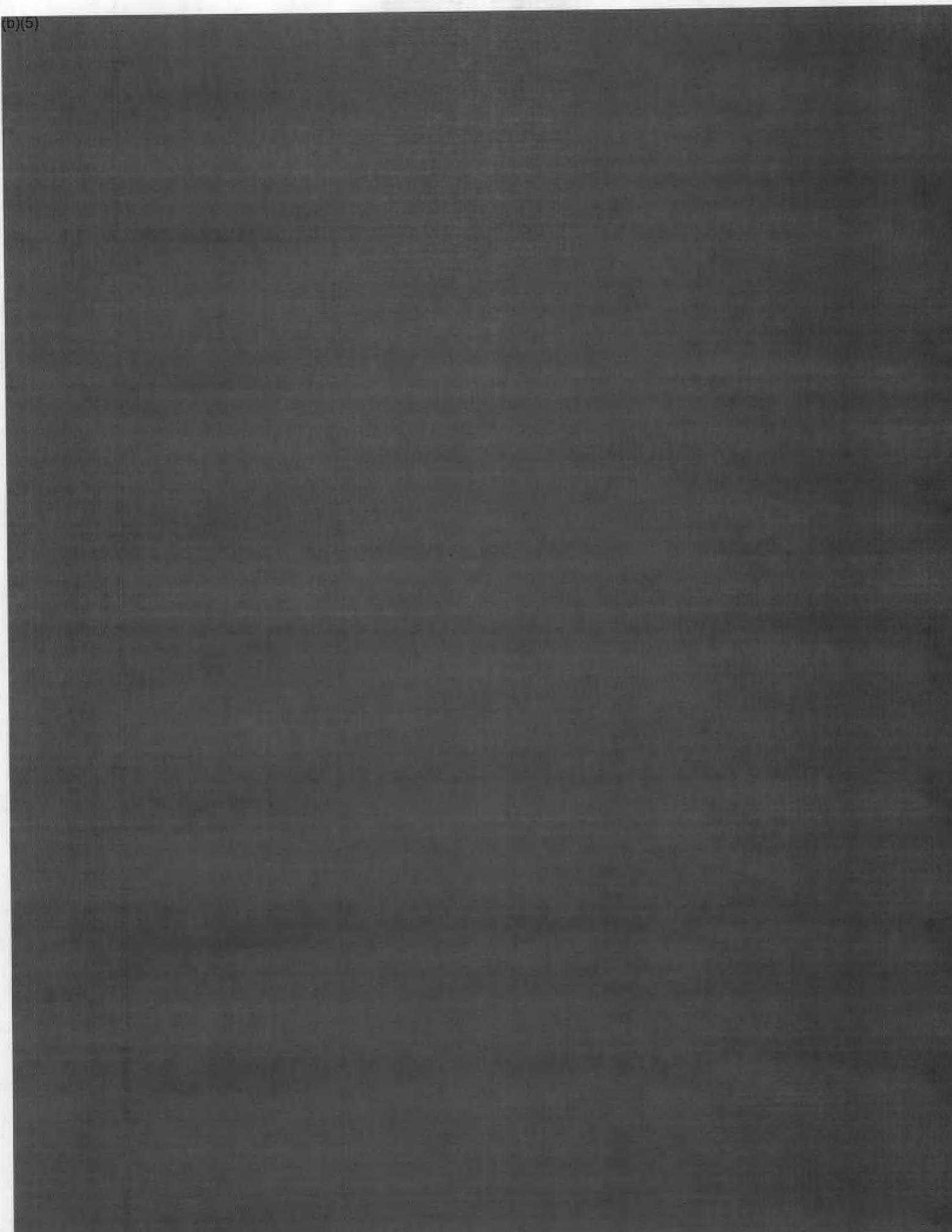
















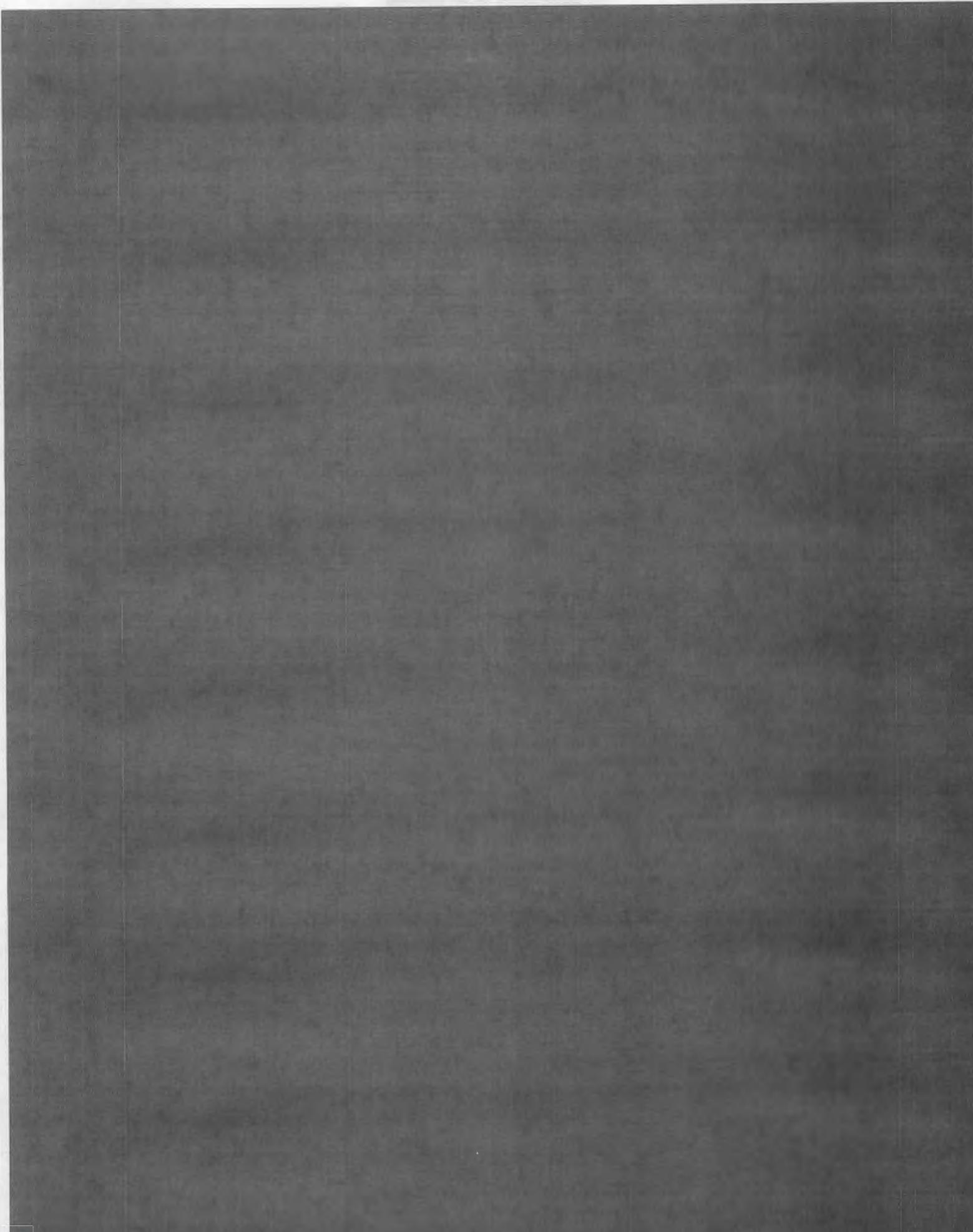


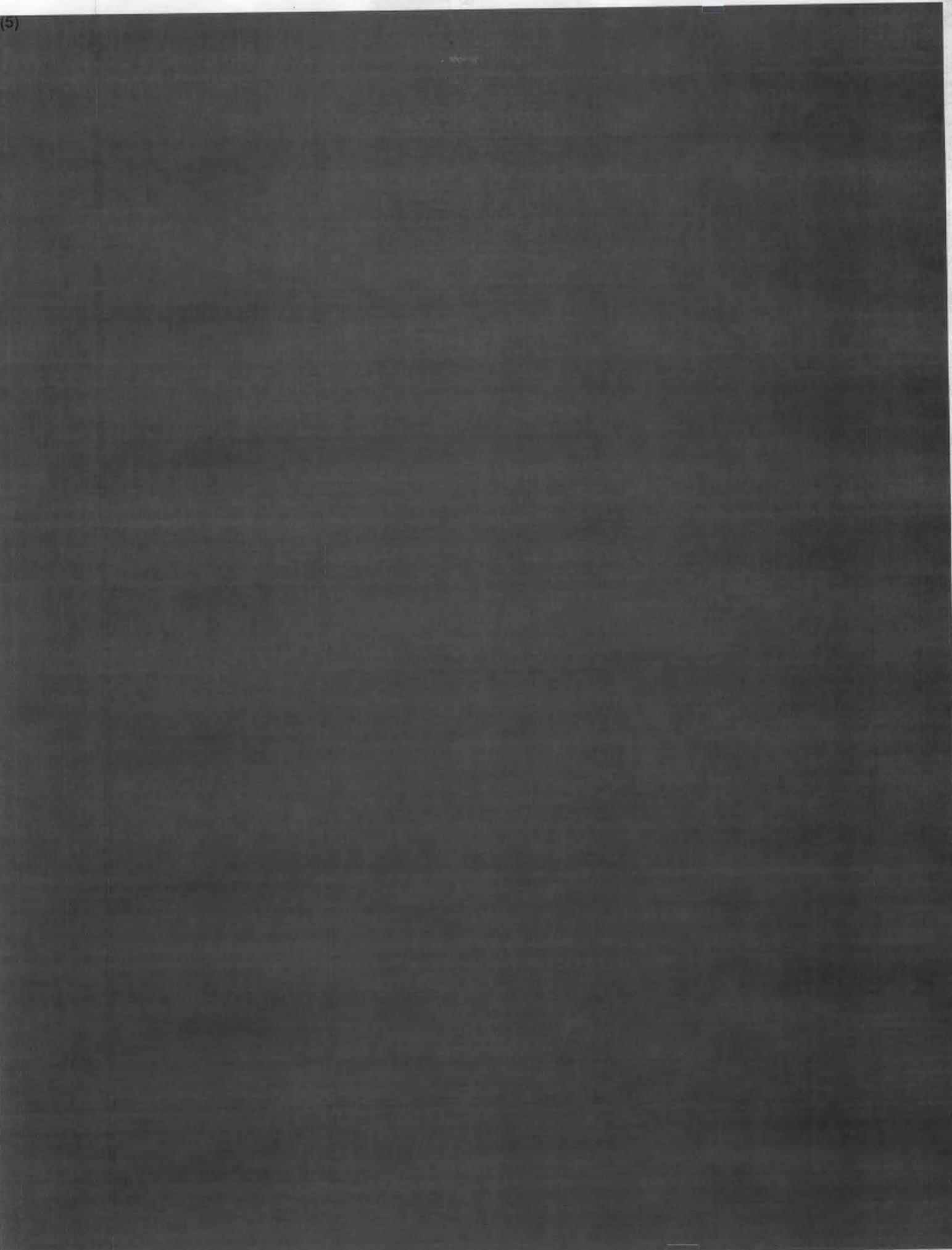


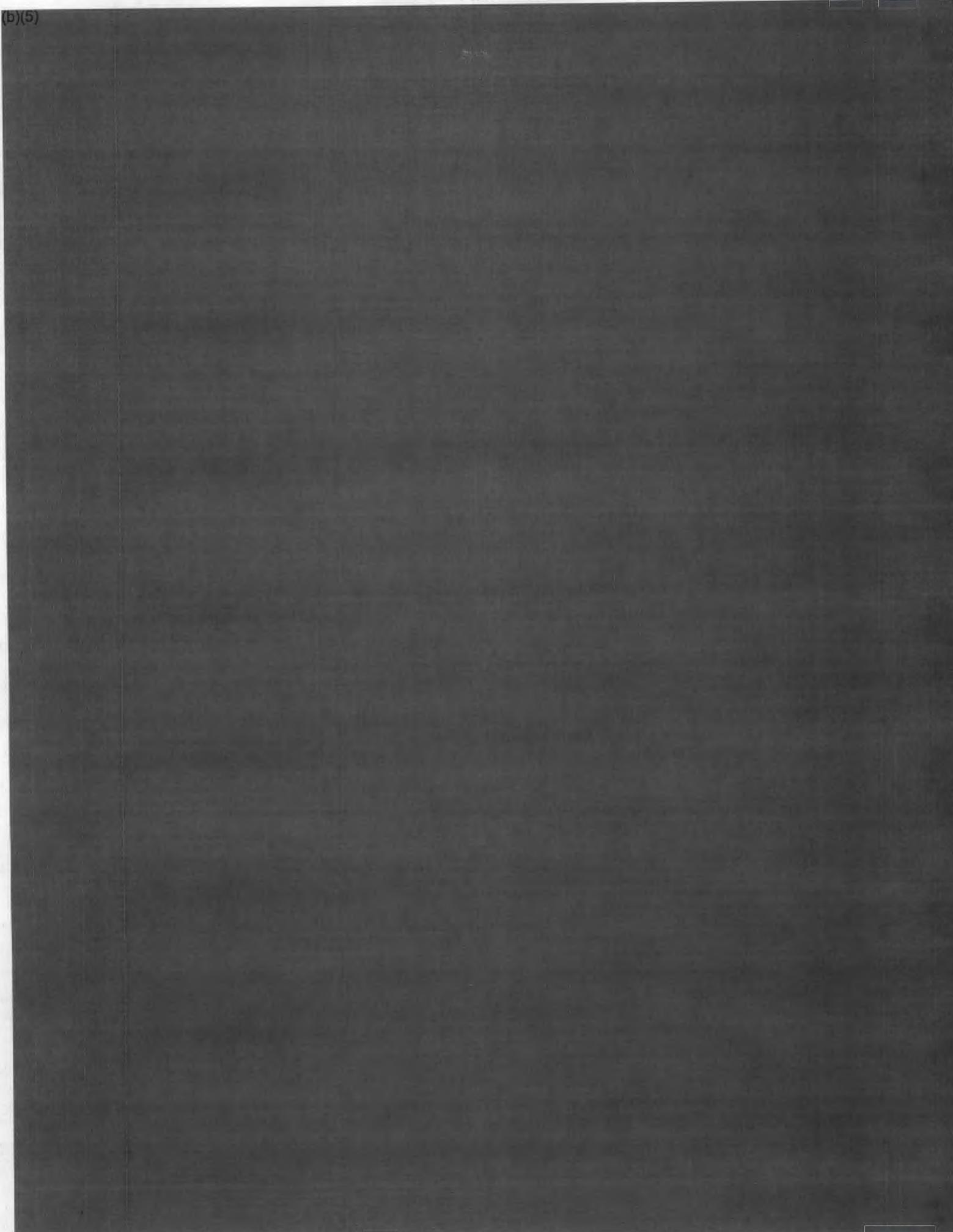


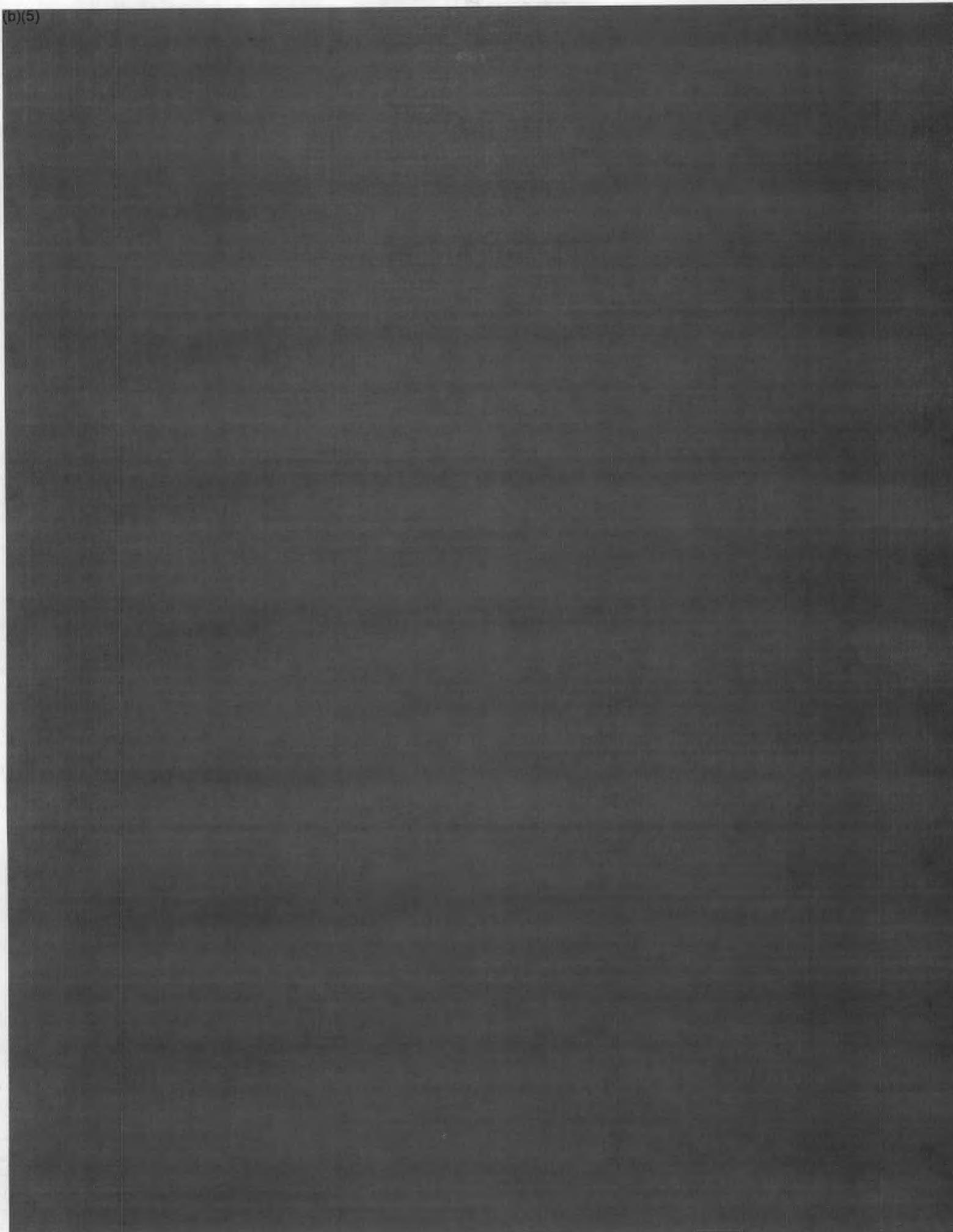














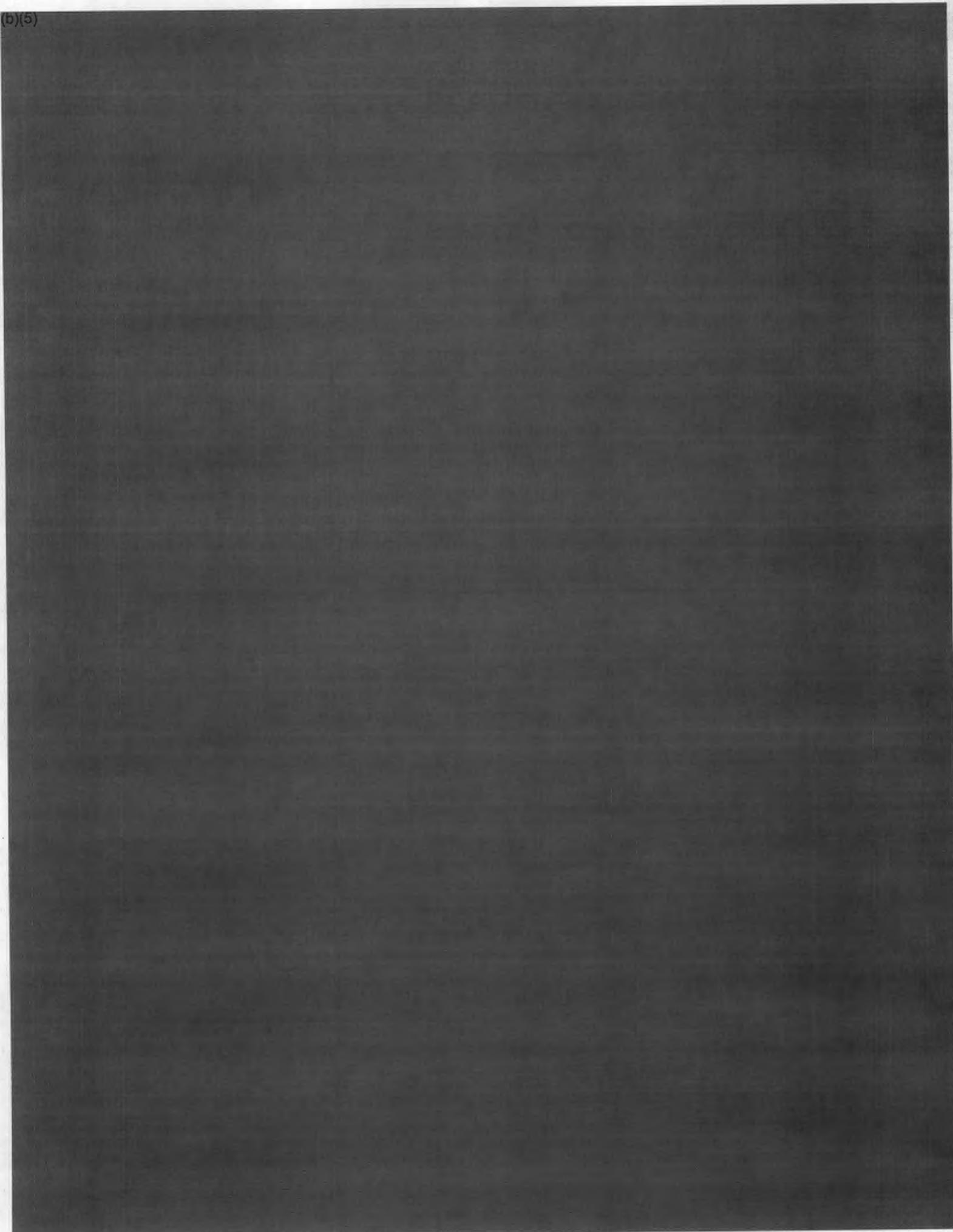


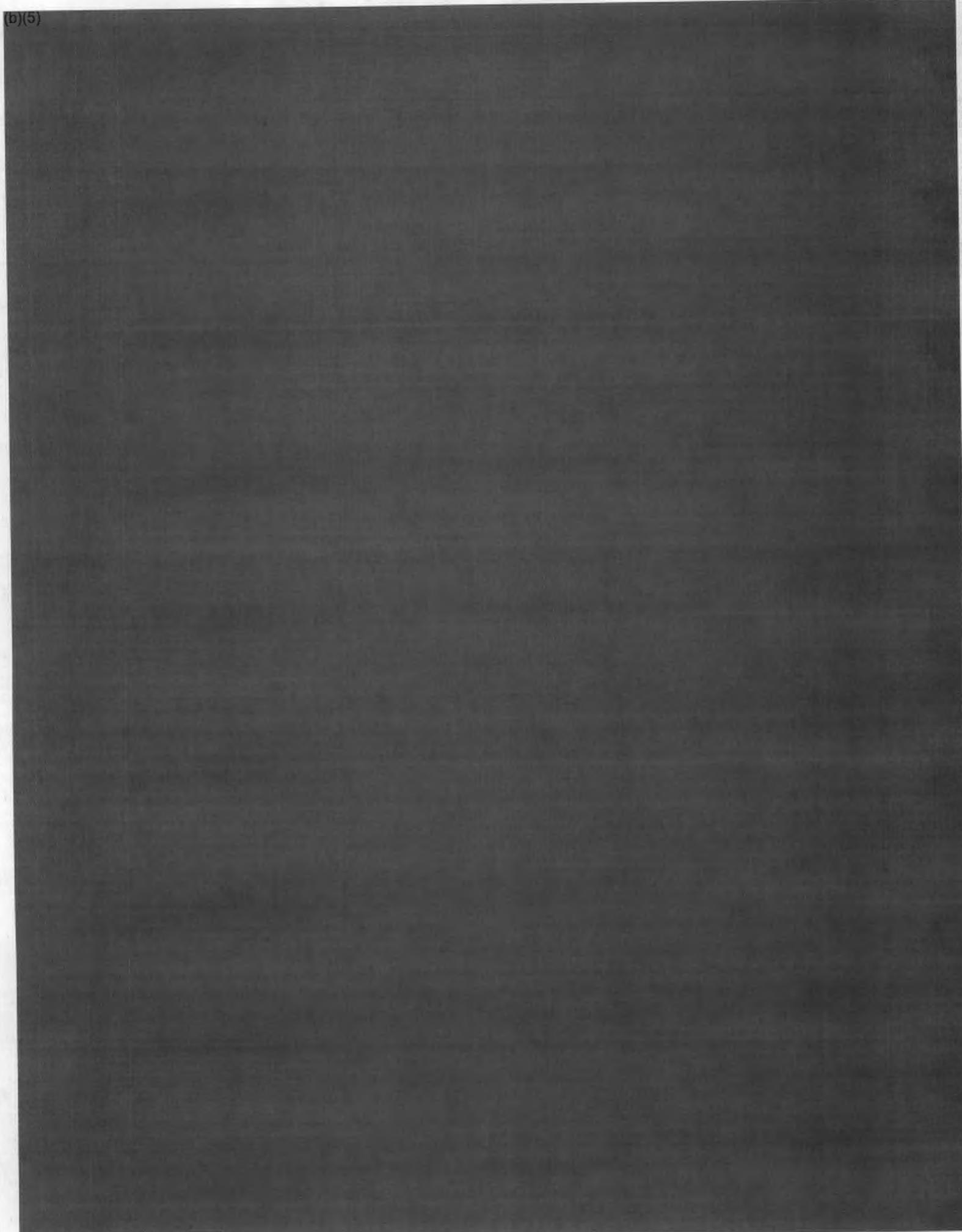


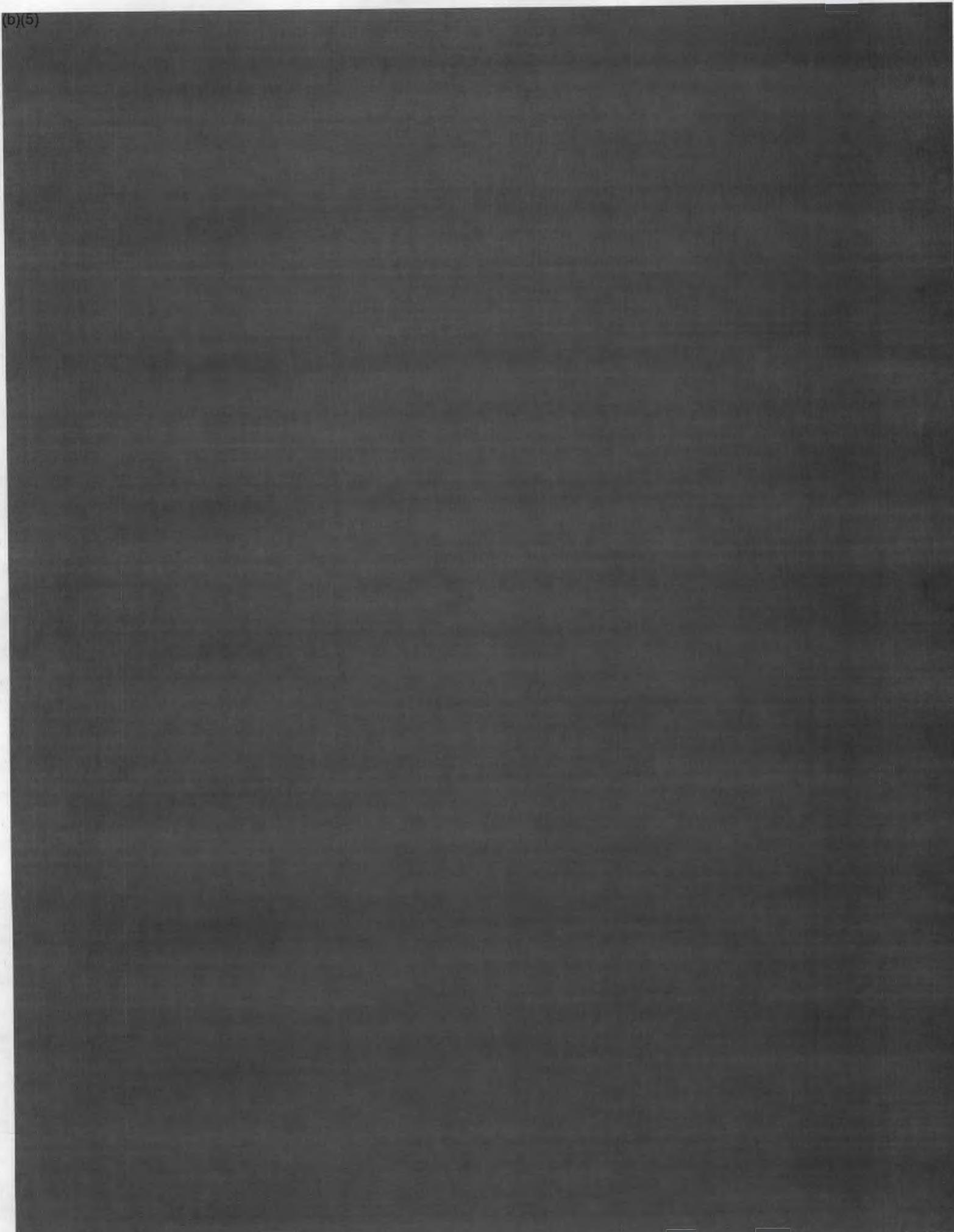














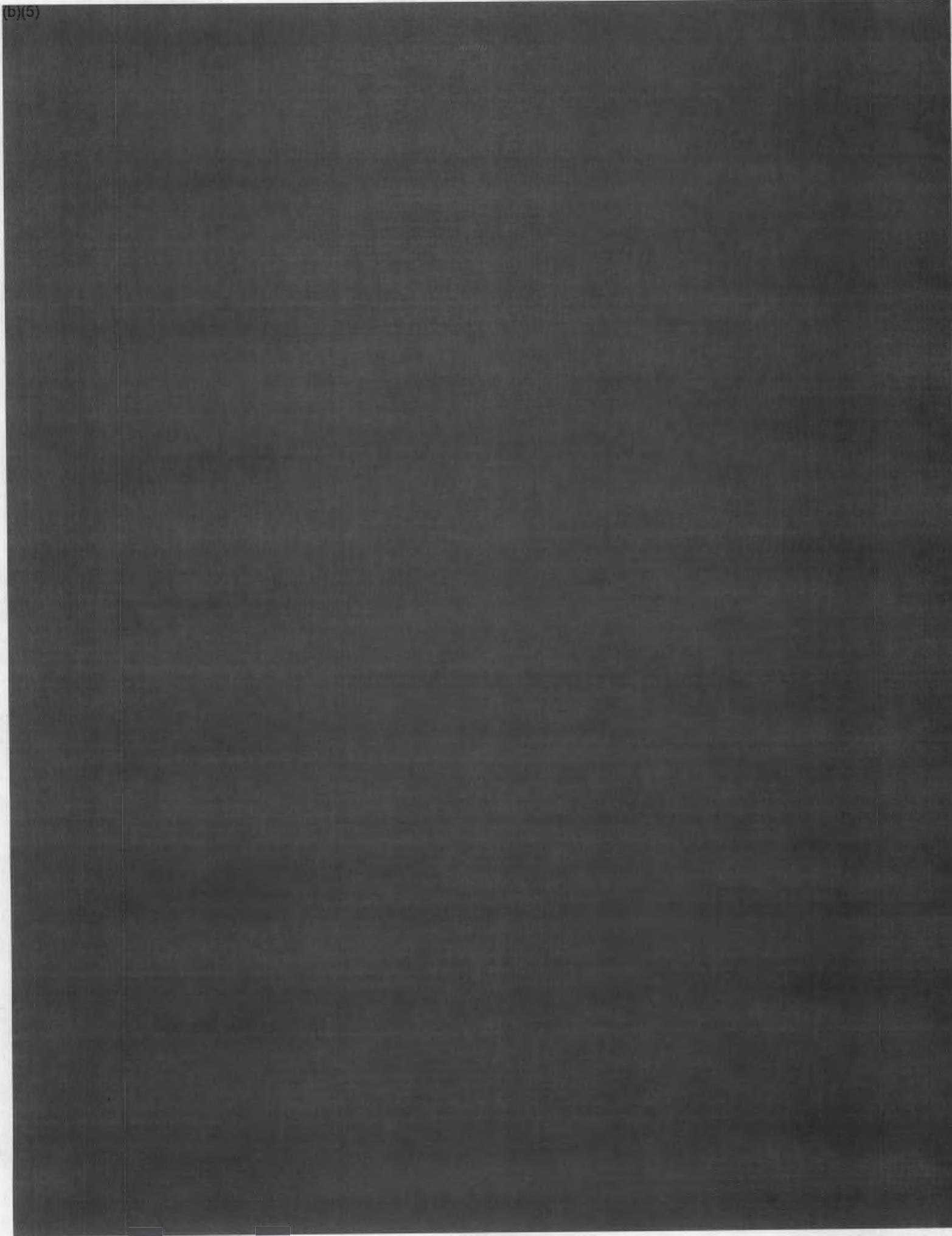


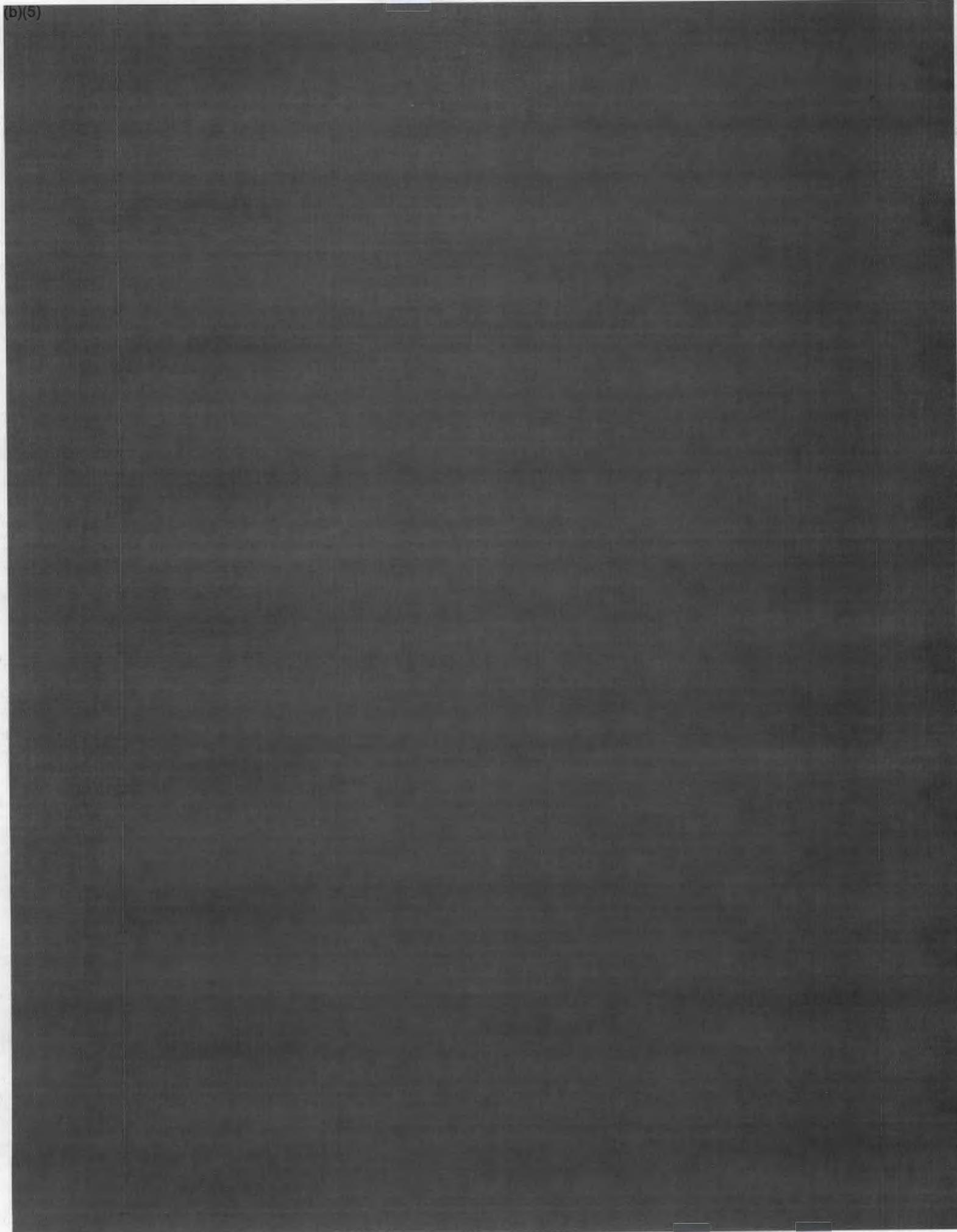


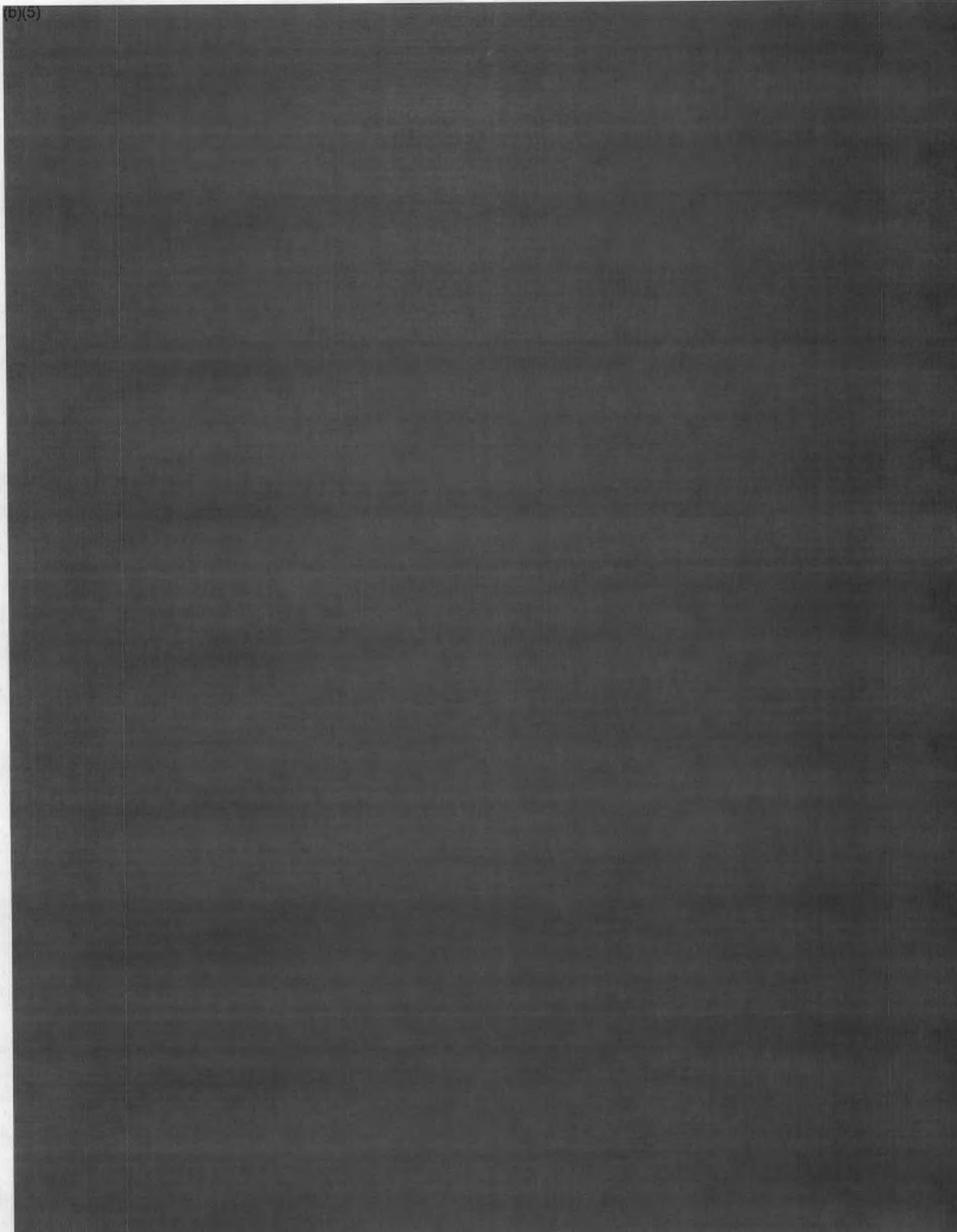


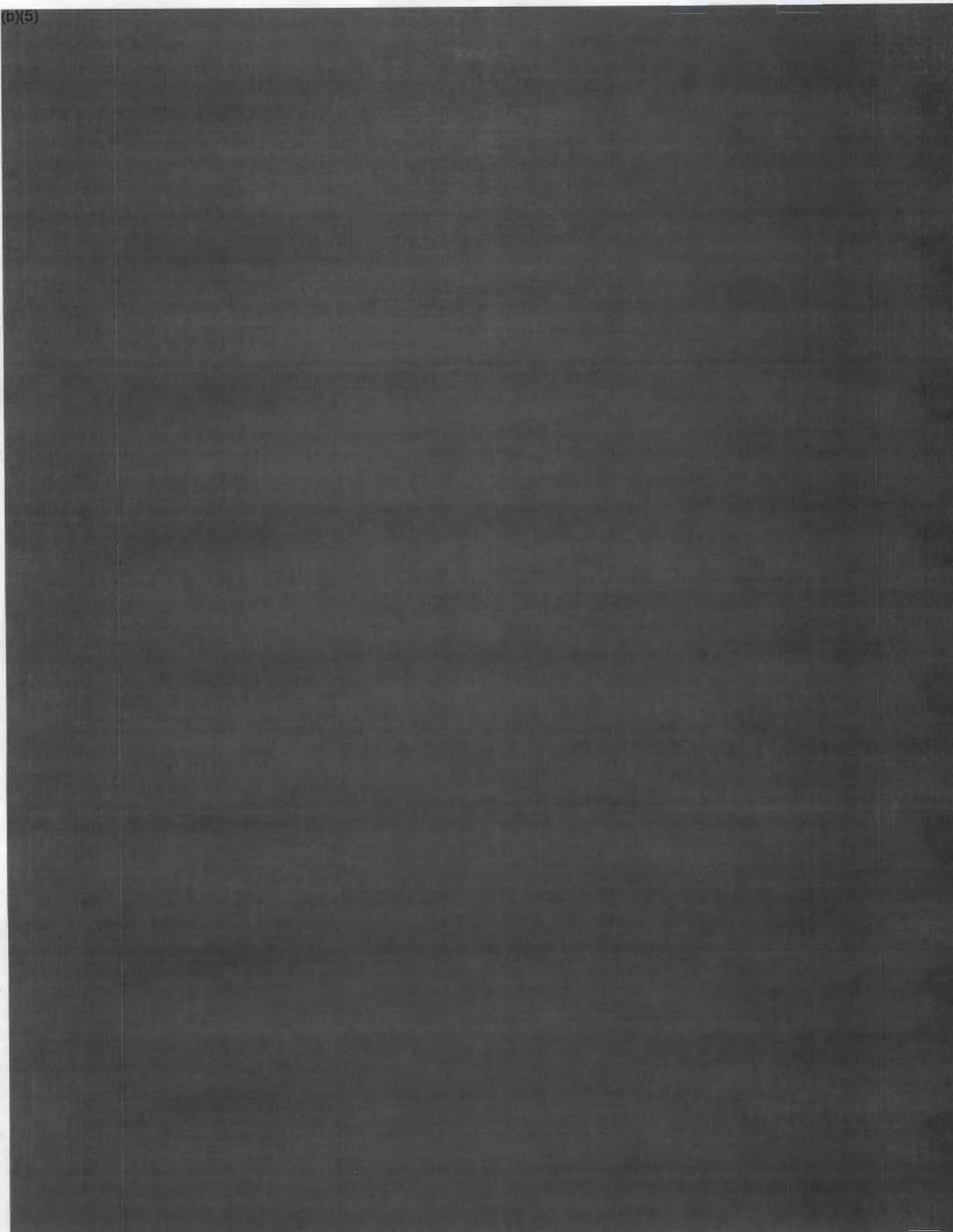


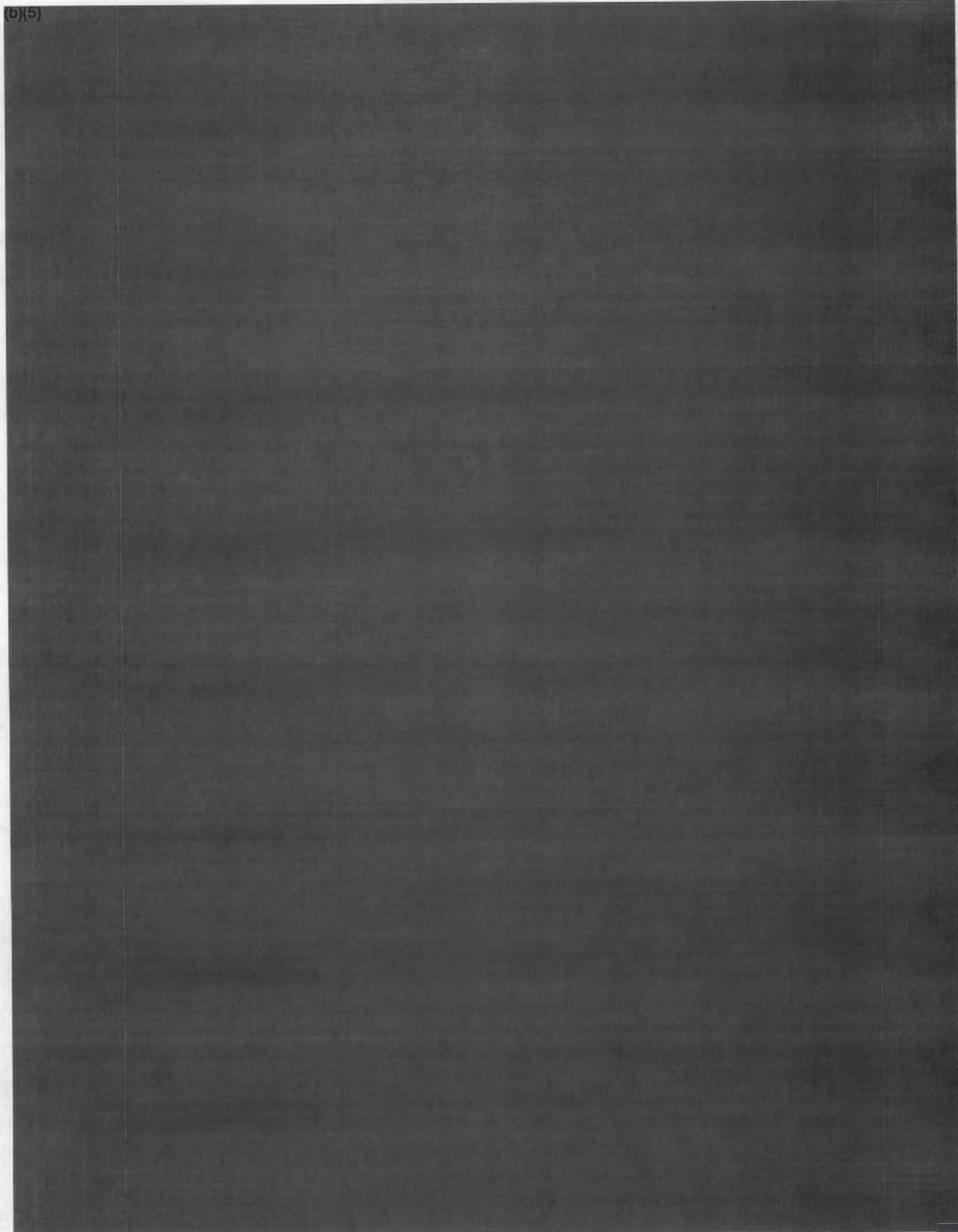


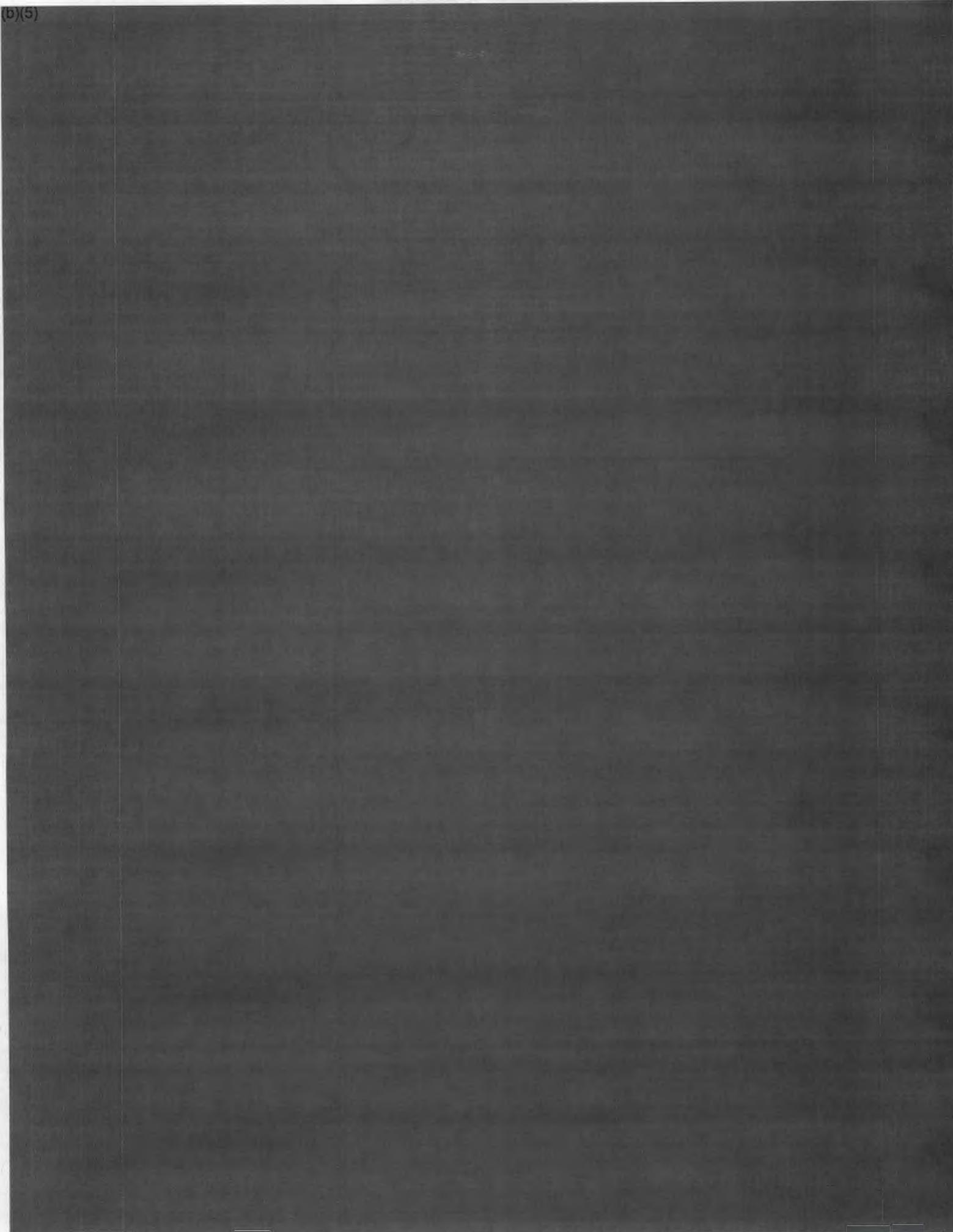










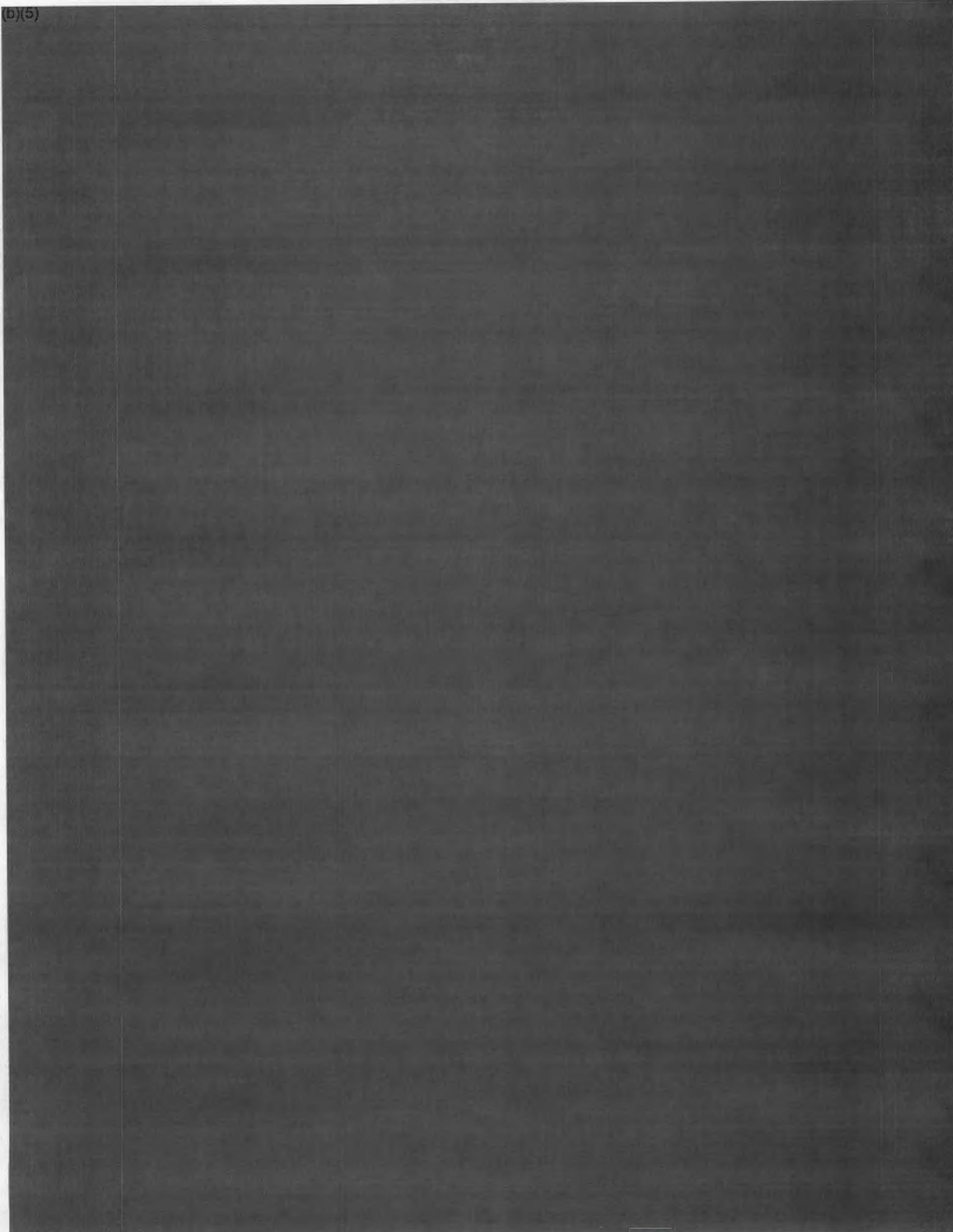




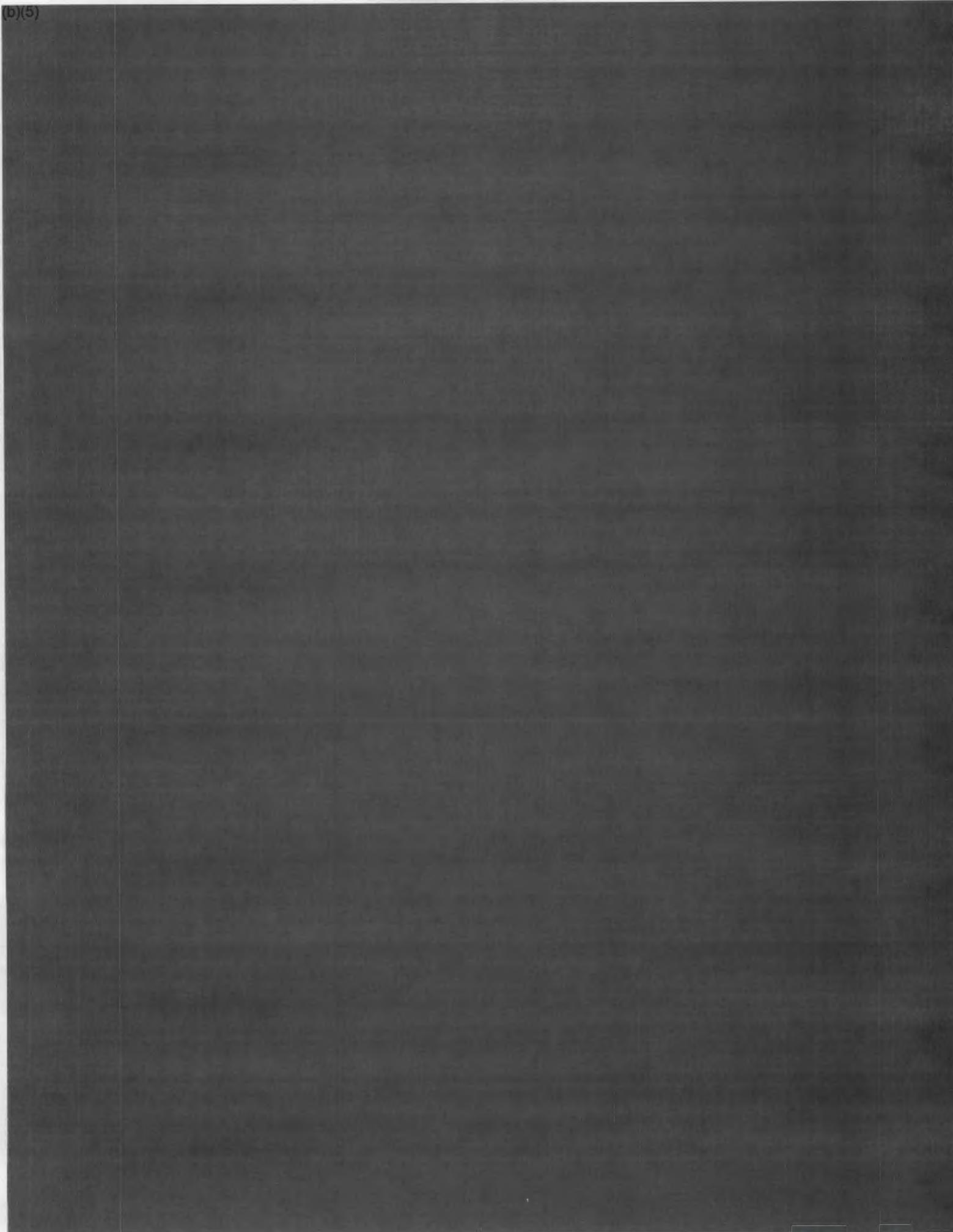


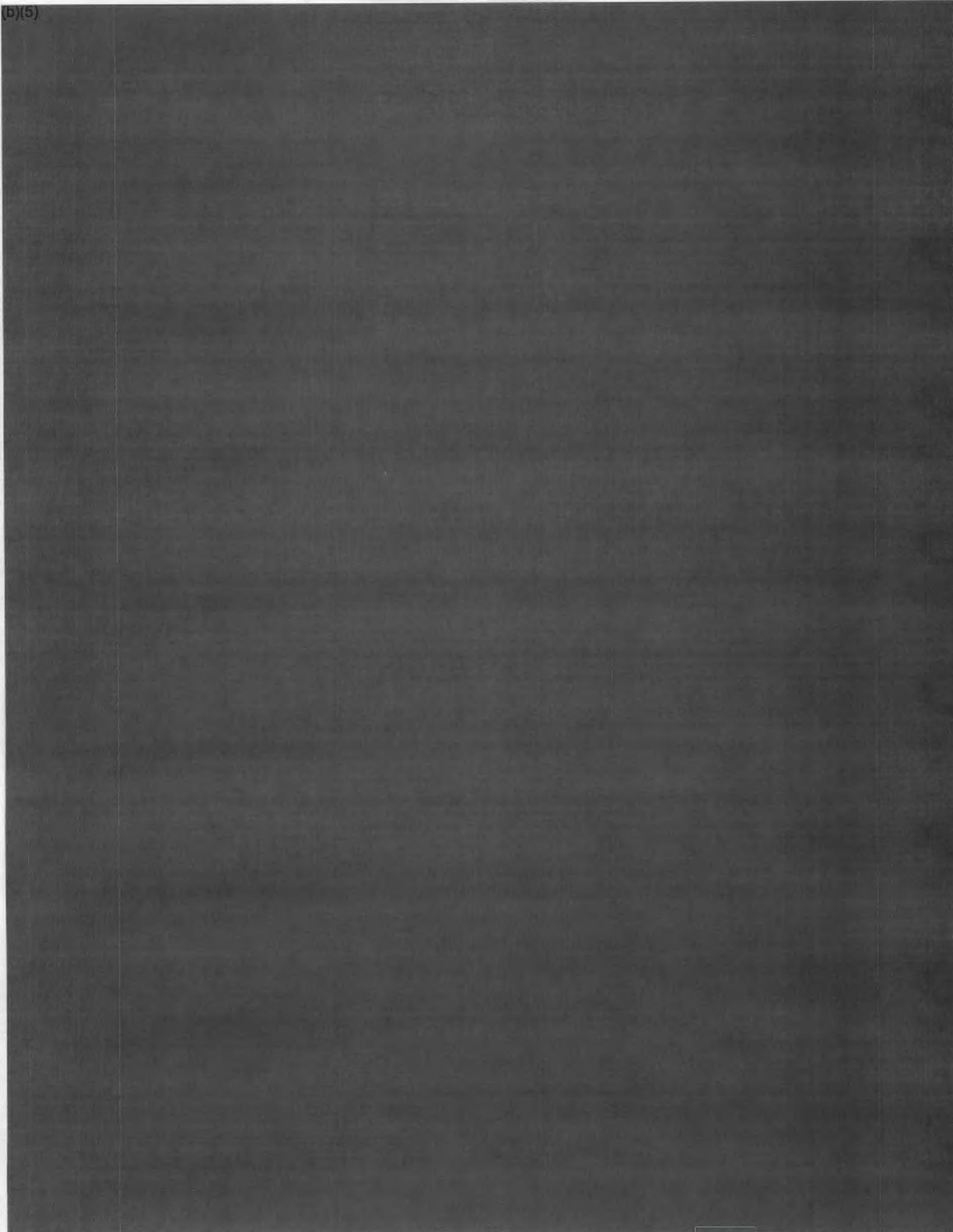




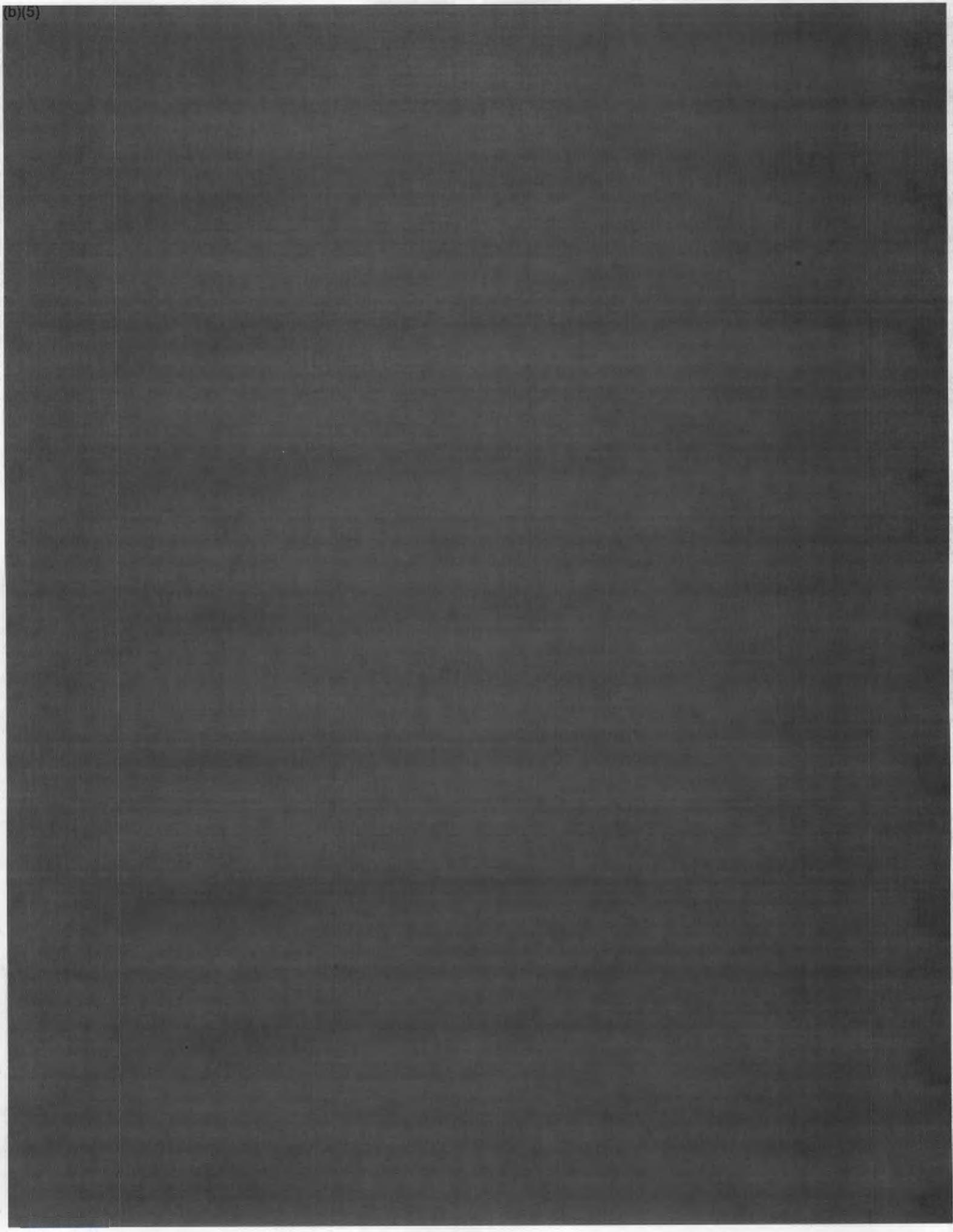


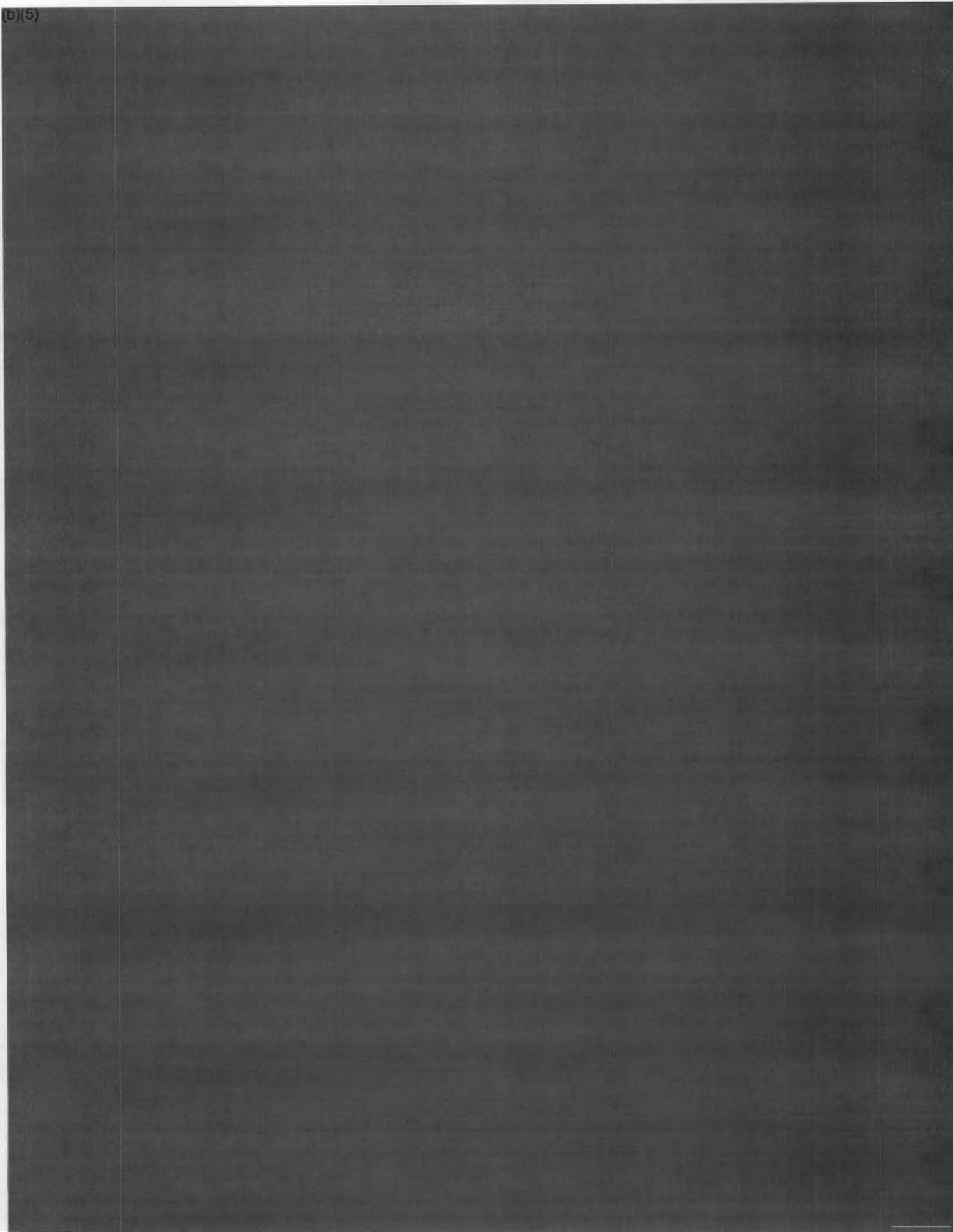
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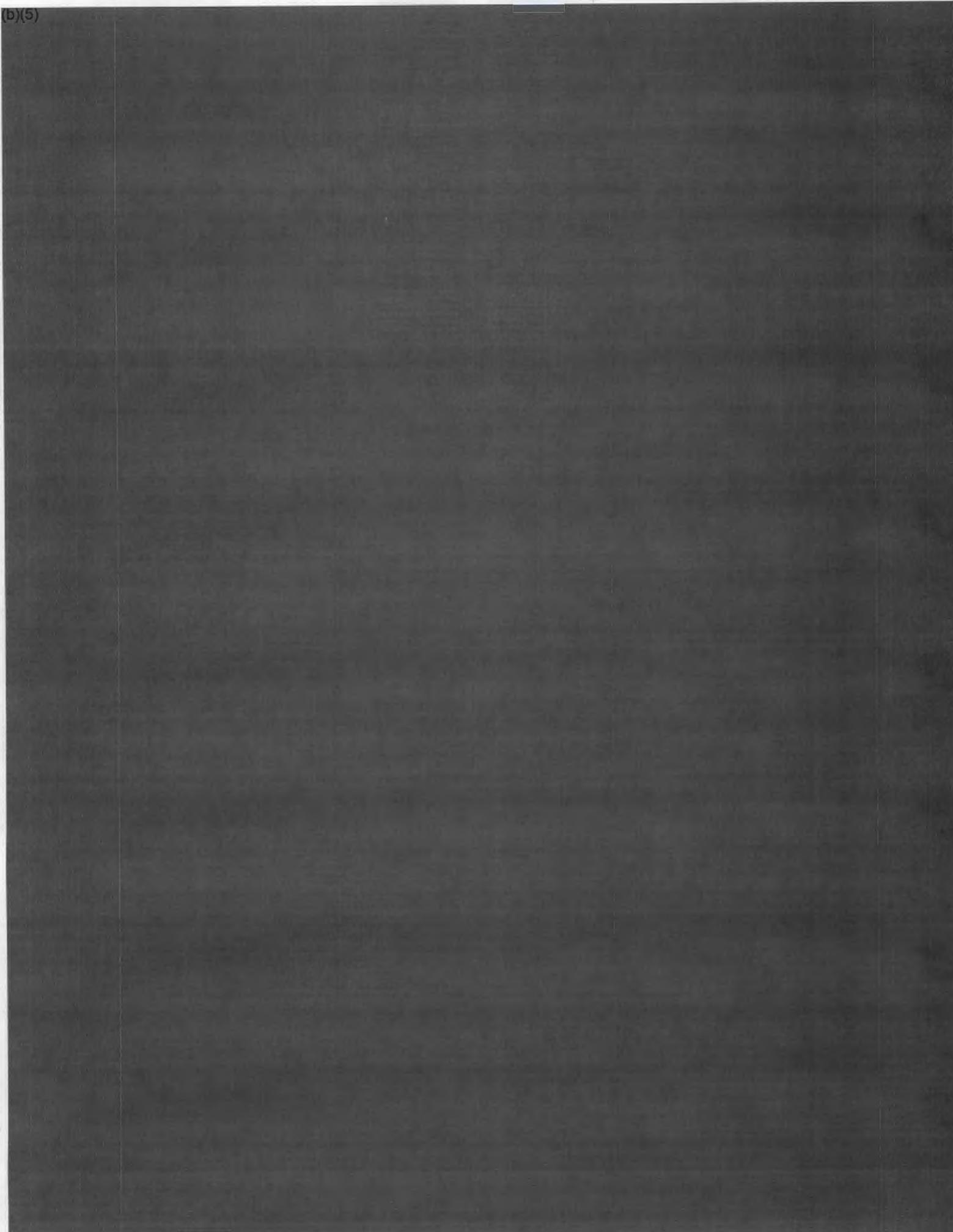


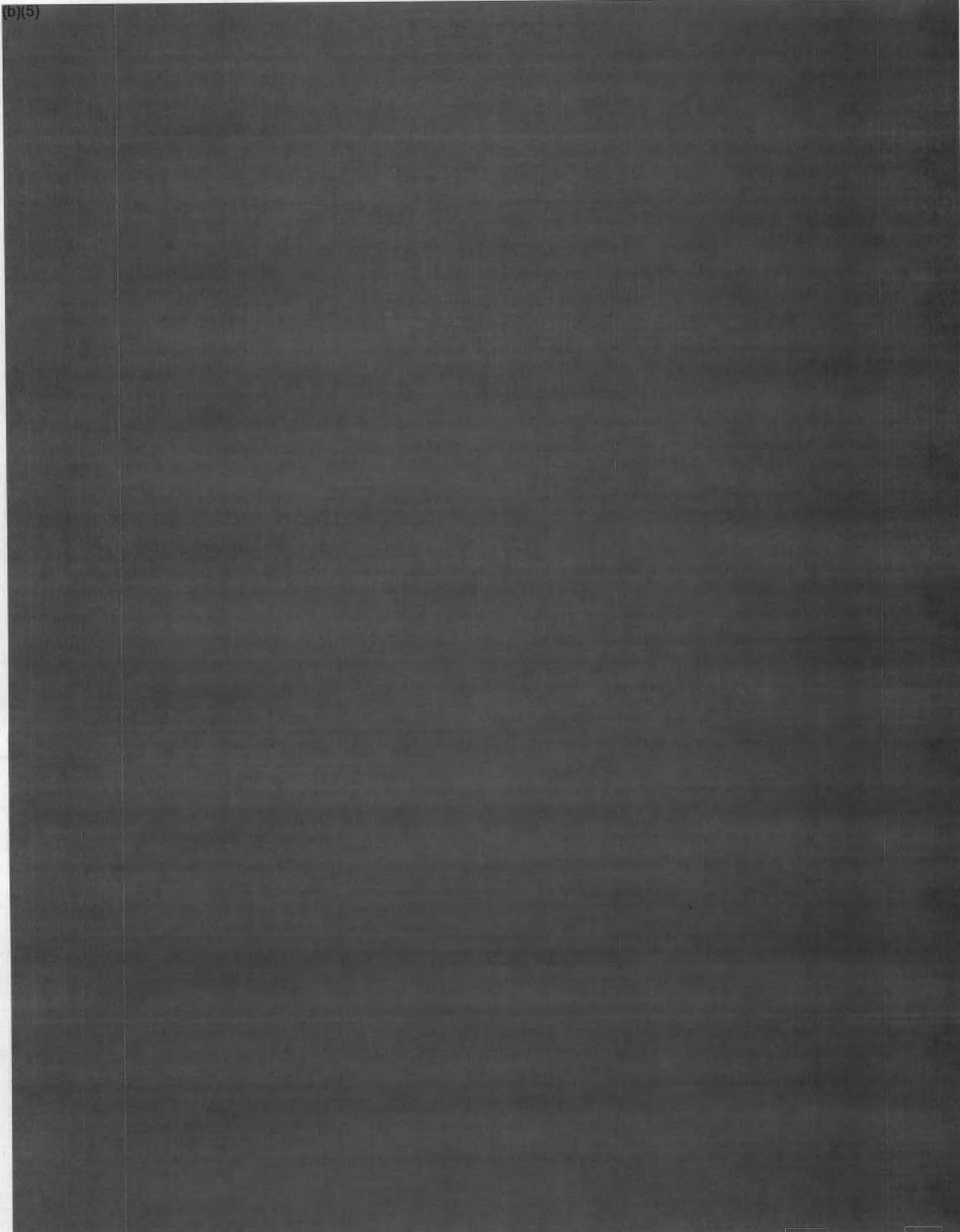


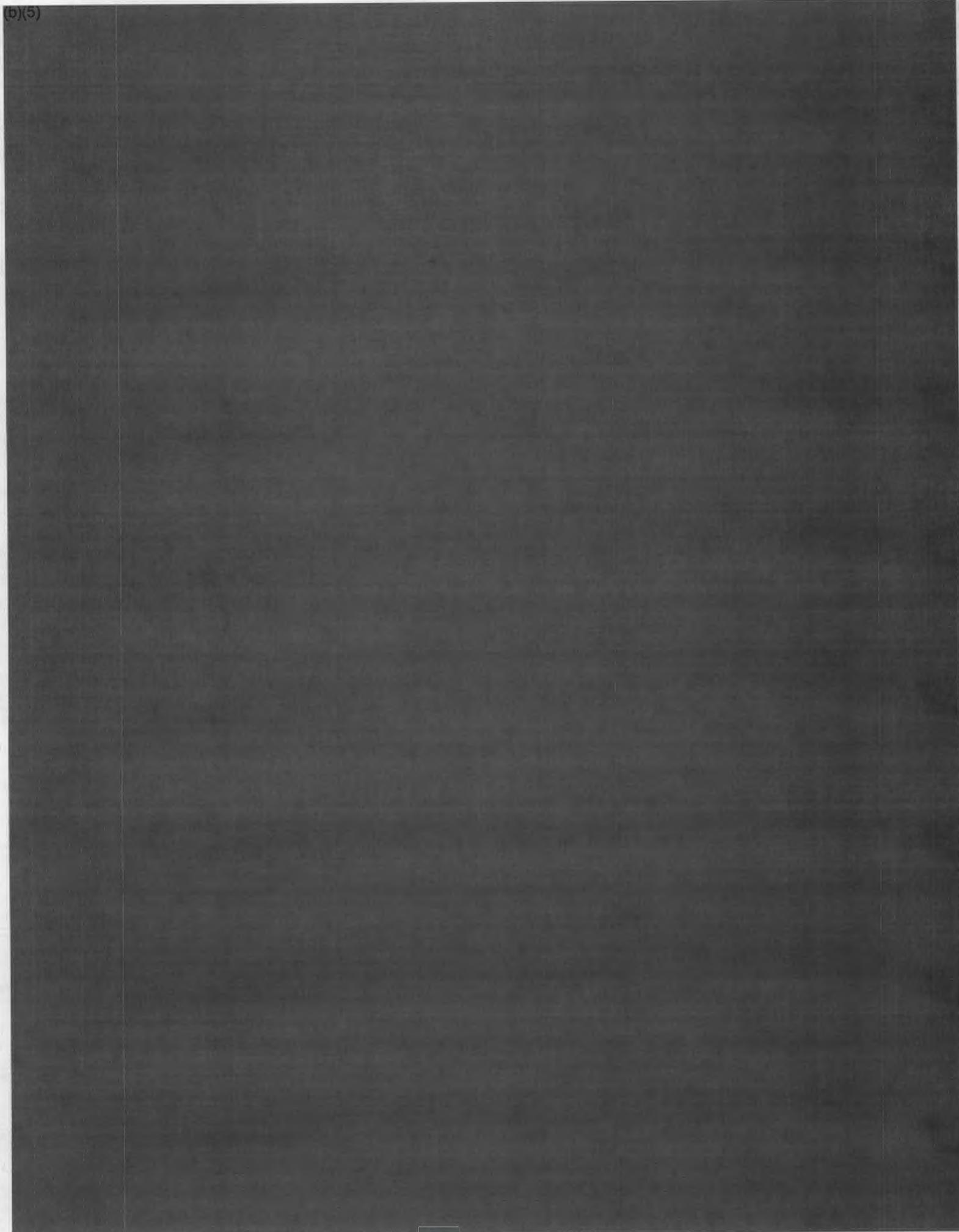
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System Description of DHS Datasets

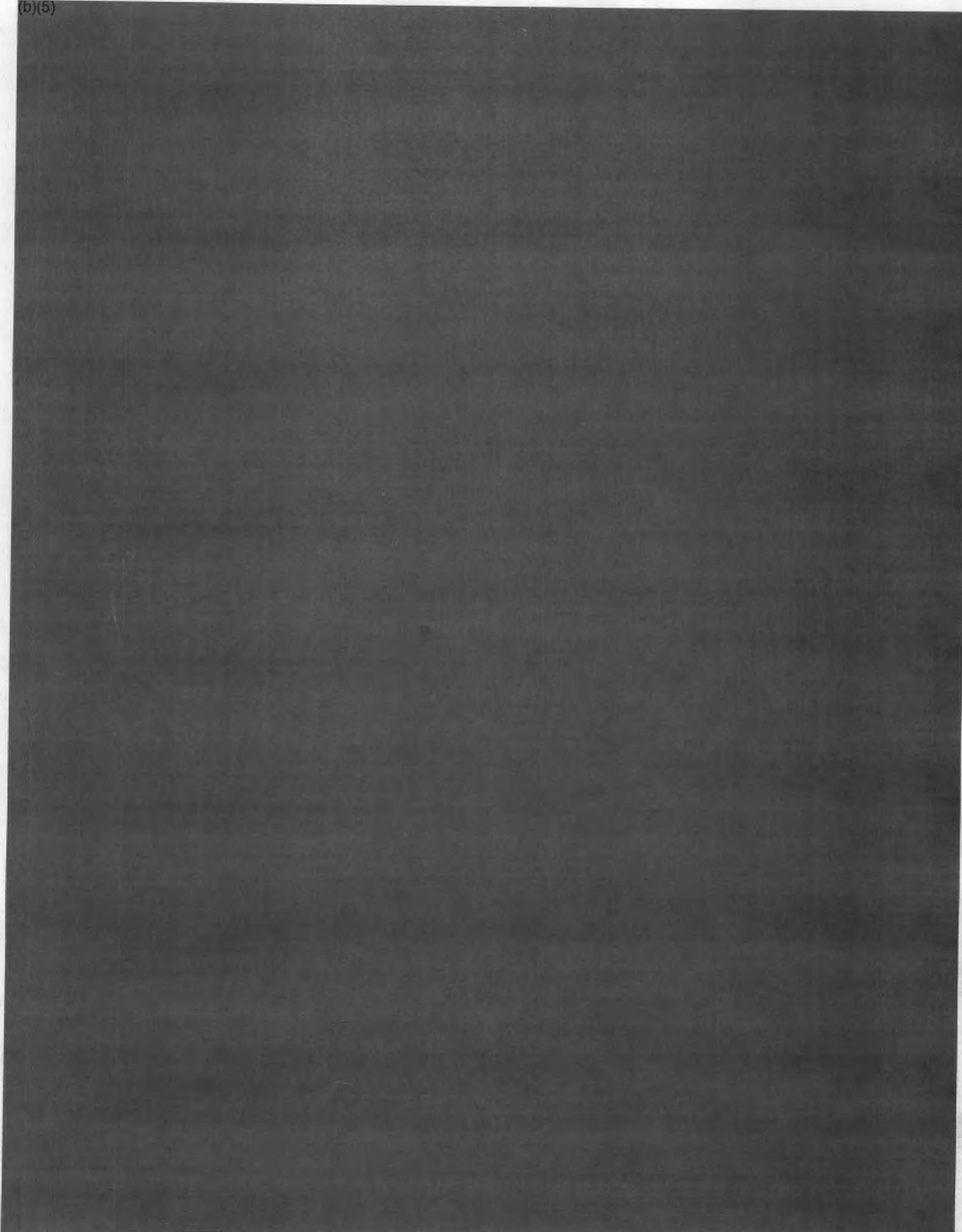
- **Arrival/Departure Information System (ADIS):** This system records the arrival and departure of non-U.S. citizens, including immigrants and visitors, to and from the U.S. Arrival and departure records are linked to generate automated leads on individuals who have possibly overstayed their period of lawful admission to the United States. These automated leads are then manually vetted and forwarded to ICE.
  - DHS-U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT) is the data steward for ADIS.
  - Currently sharing under 06/28/11 MOU.
- **Advance Passenger Information System (APIS):** The function of this system is to screen passengers and crew members arriving from foreign travel points and departing the U.S. to identify those persons who may pose a risk to border, aviation or public security; may be a known or suspected terrorist or affiliated with or suspected of being affiliated with terrorists; may be inadmissible; may be a person of interest to law enforcement or national security; or may otherwise be engaged in activity in violation of U.S. law, or the subject of wants and warrants.
  - DHS-Customs and Border Protection (CBP) is the data steward for APIS.
  - Currently sharing under 06/28/11 MOU.
- **Electronic System for Travel Authorization (ESTA):** This system serves as an electronic and online version of the I-94W application for entry to the U.S. for persons holding travel documents issued by countries designated for participation in the Visa Waiver Program.
  - CBP is the data steward for ESTA.
  - Currently sharing under 06/28/11 MOU.
- **Refugee, Asylum and Parole System (RAPS):** This system automates alien casework, tracks individuals seeking asylum and provides efficient and effective adjudication of asylum seekers.
  - DHS-U.S. Citizenship and Immigration Services (USCIS) is the data steward for RAPS.
  - Currently sharing under 06/28/11 MOU.
- **Student Exchange and Visitor Information System (SEVIS):** The function of this system is to screen all foreign students and exchange visitors coming to the U.S. for educational purposes.
  - DHS-Immigration and Customs Enforcement (ICE) is the data steward for SEVIS.
  - Currently sharing under 06/28/11 MOU.

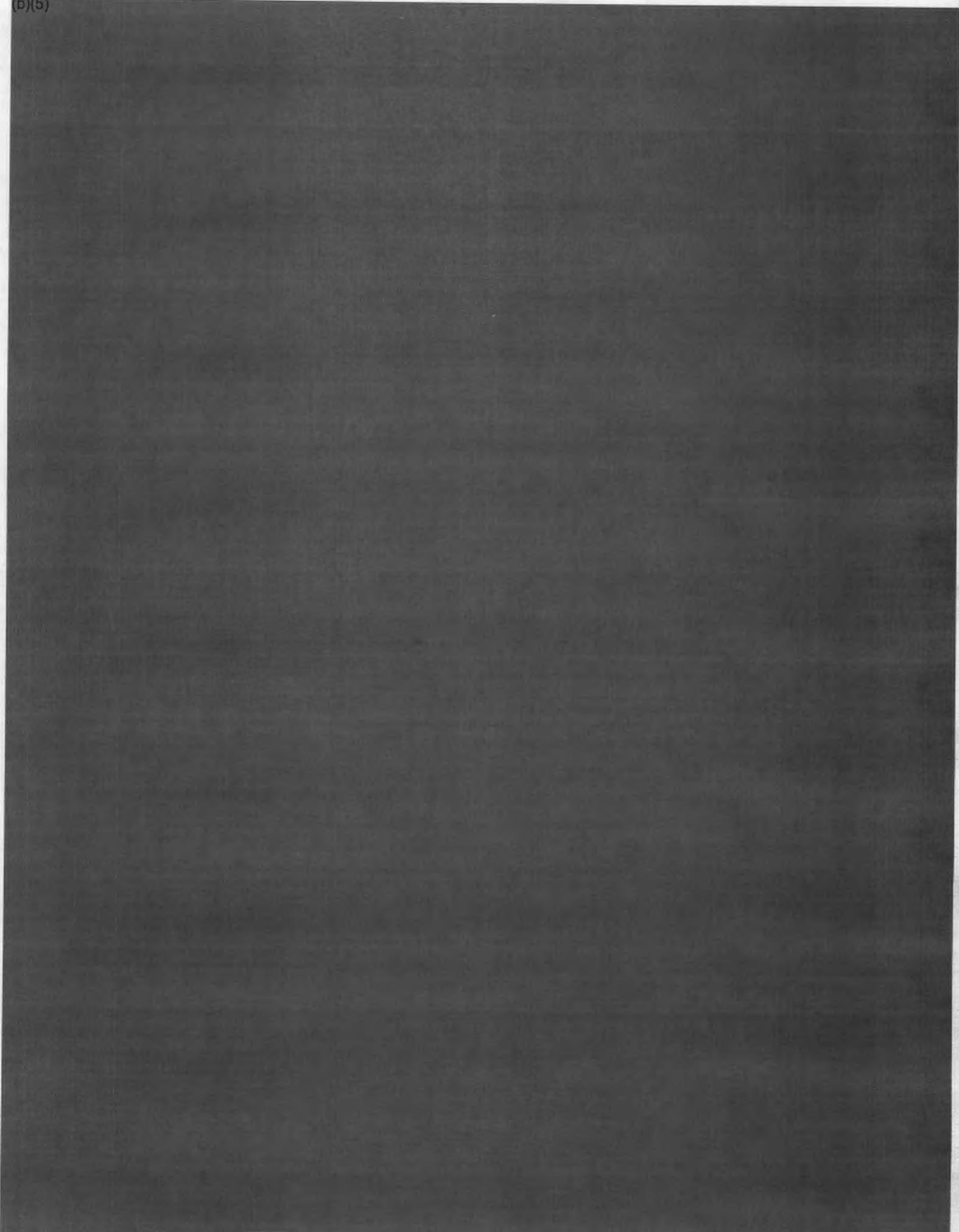
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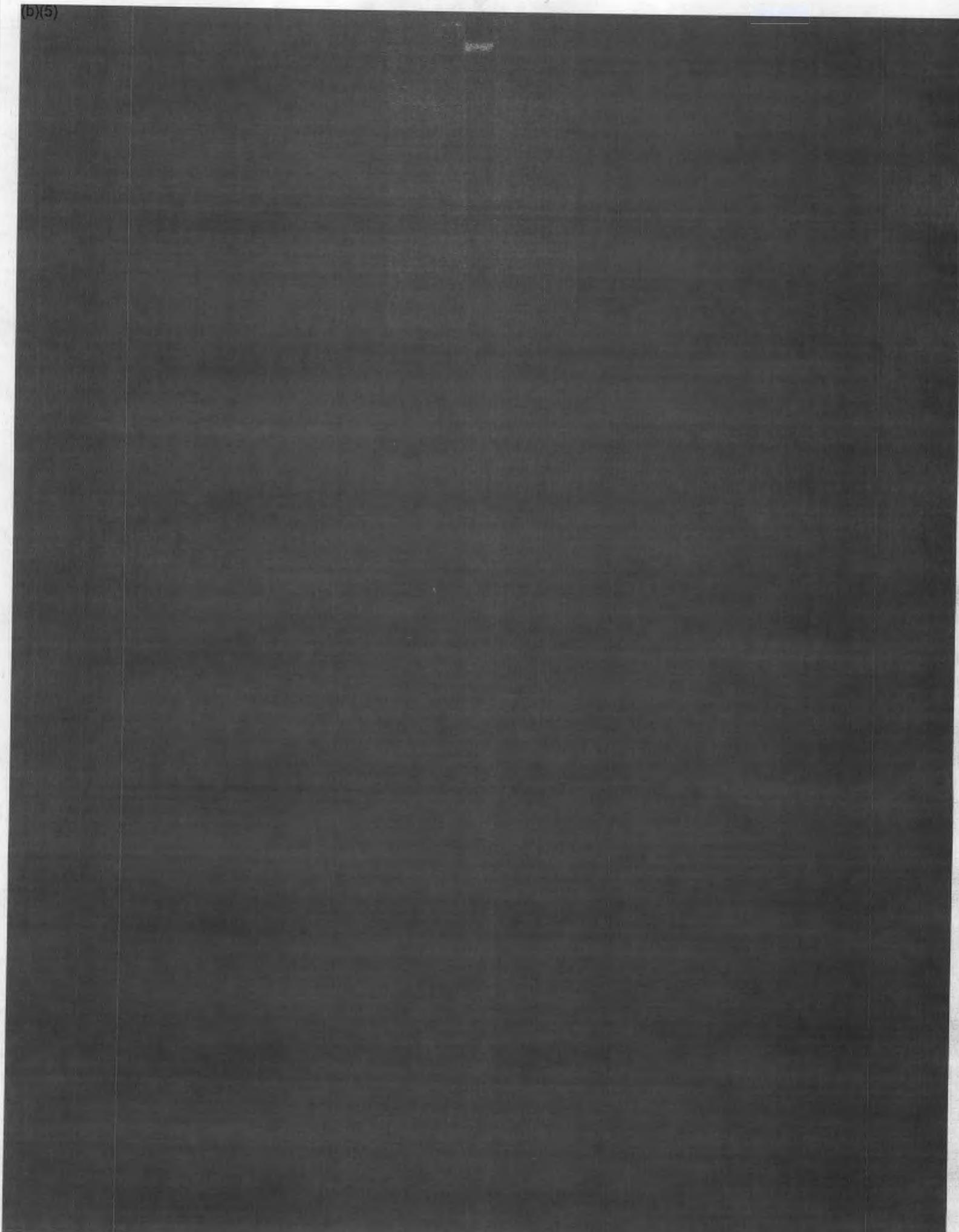
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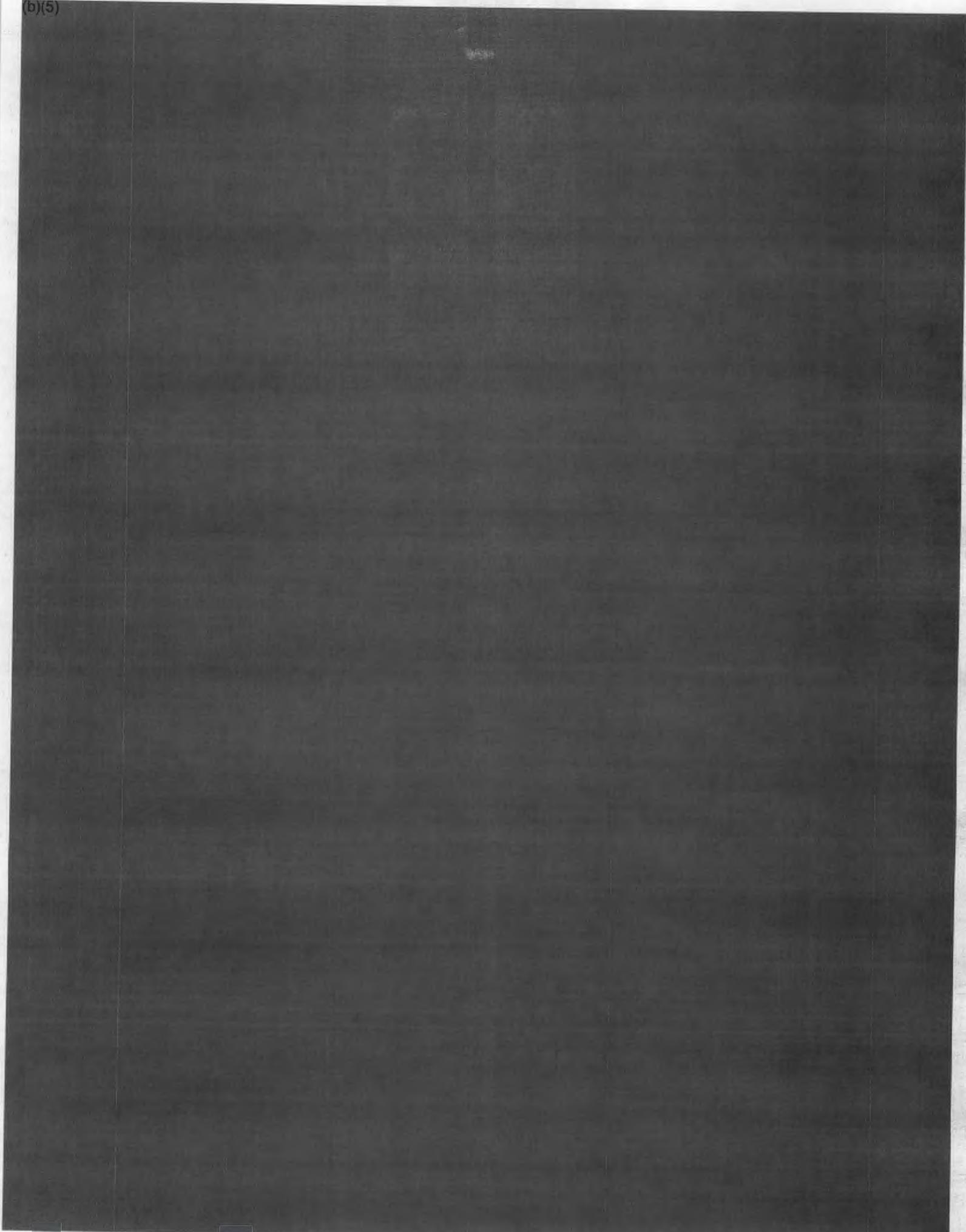


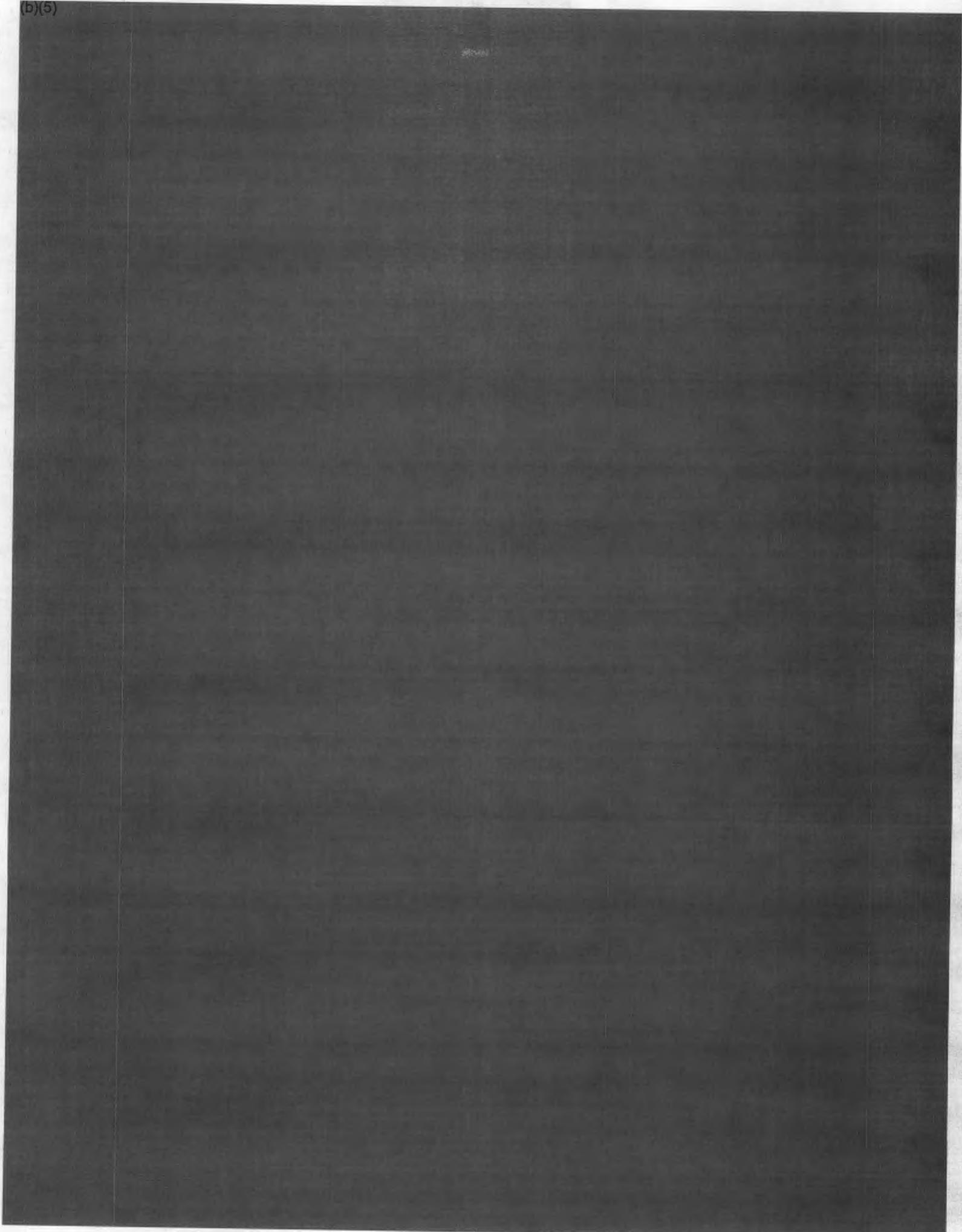
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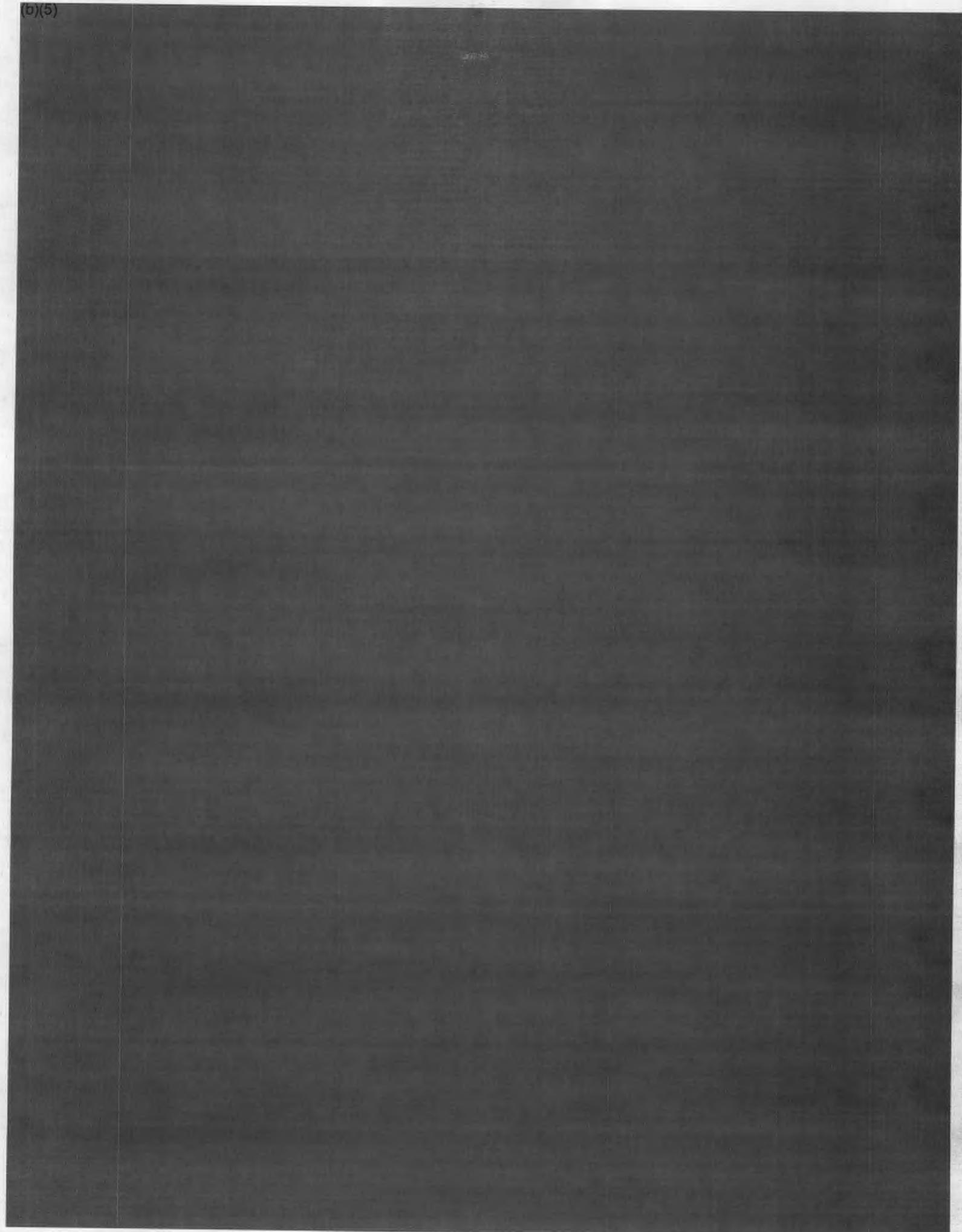




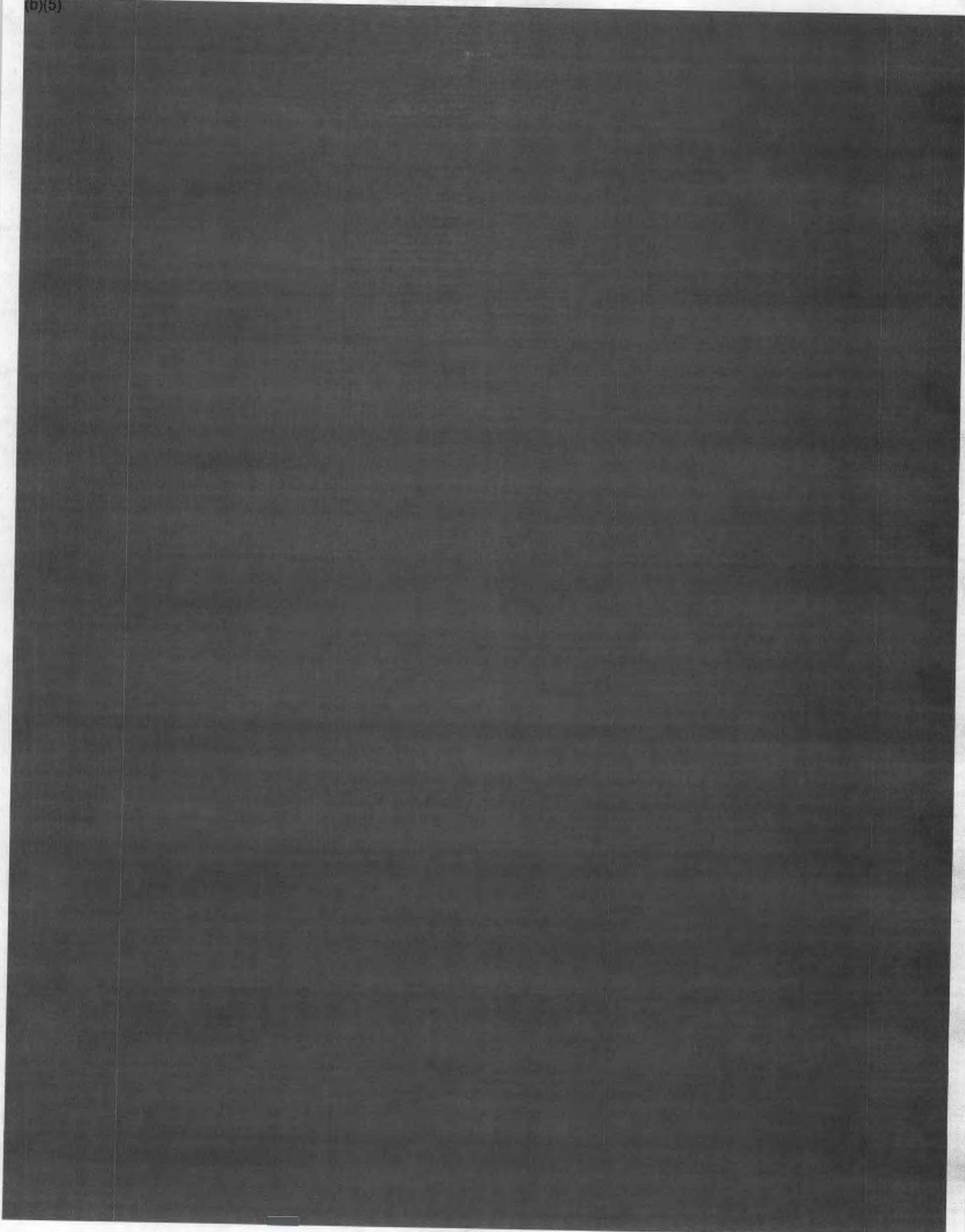


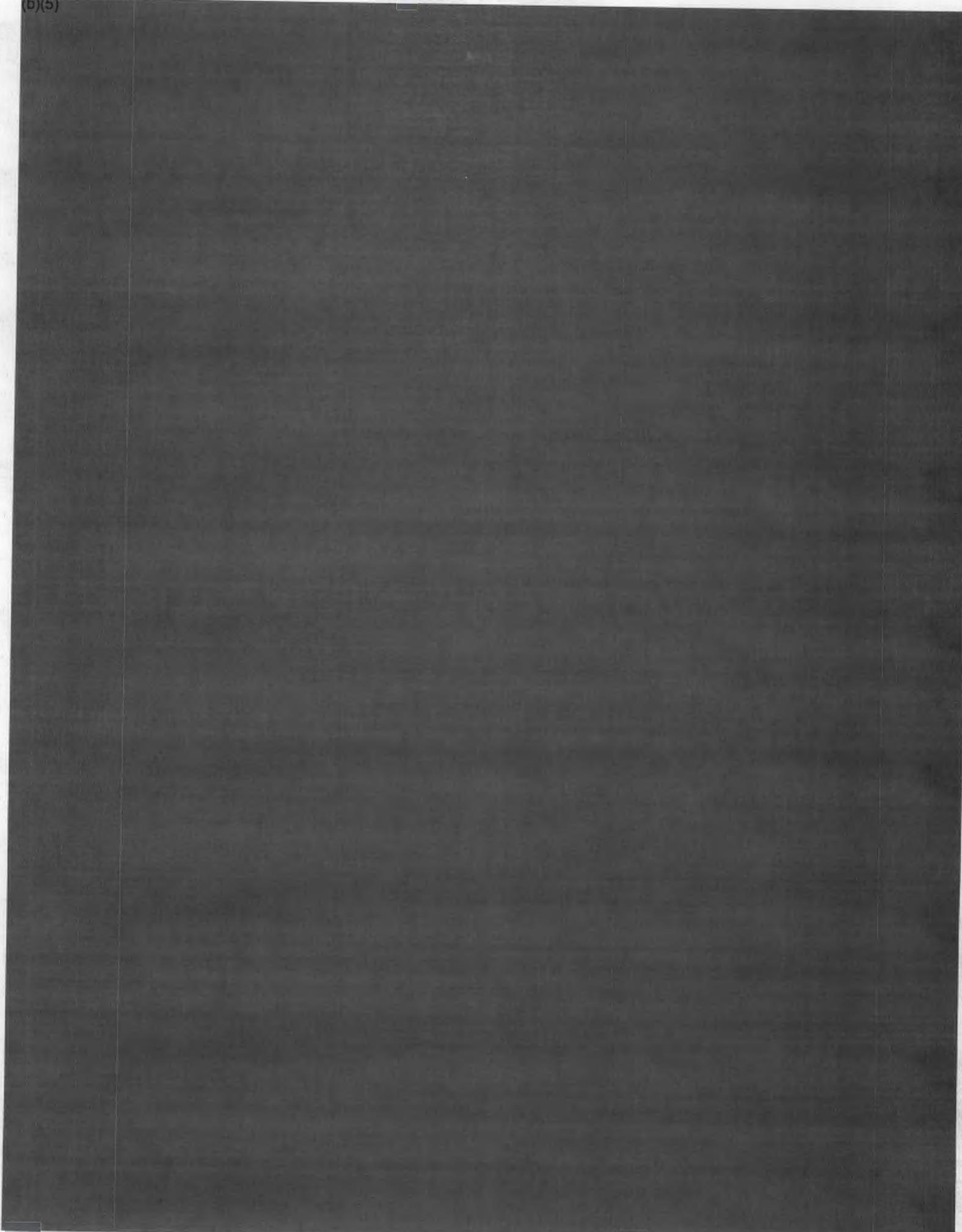


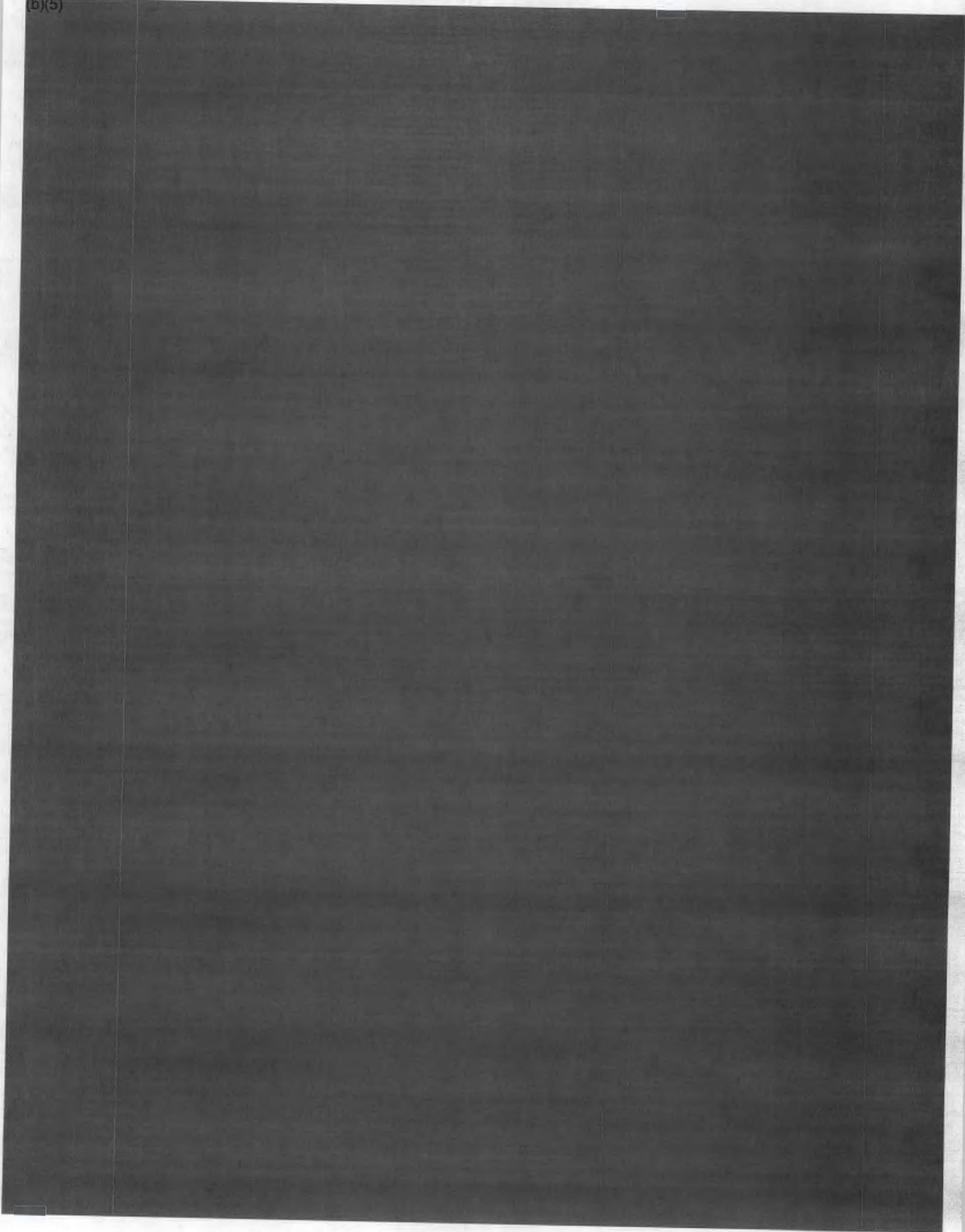
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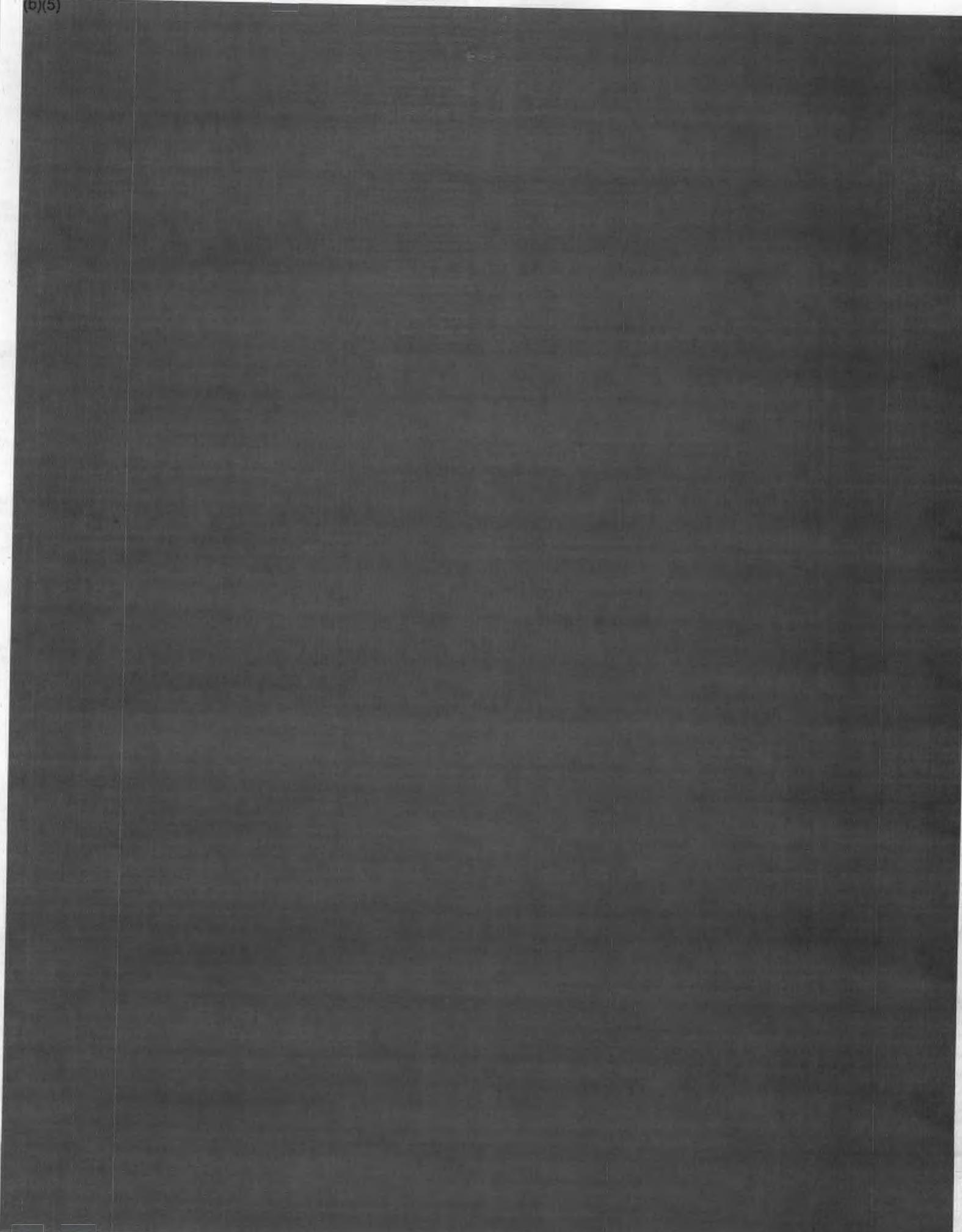


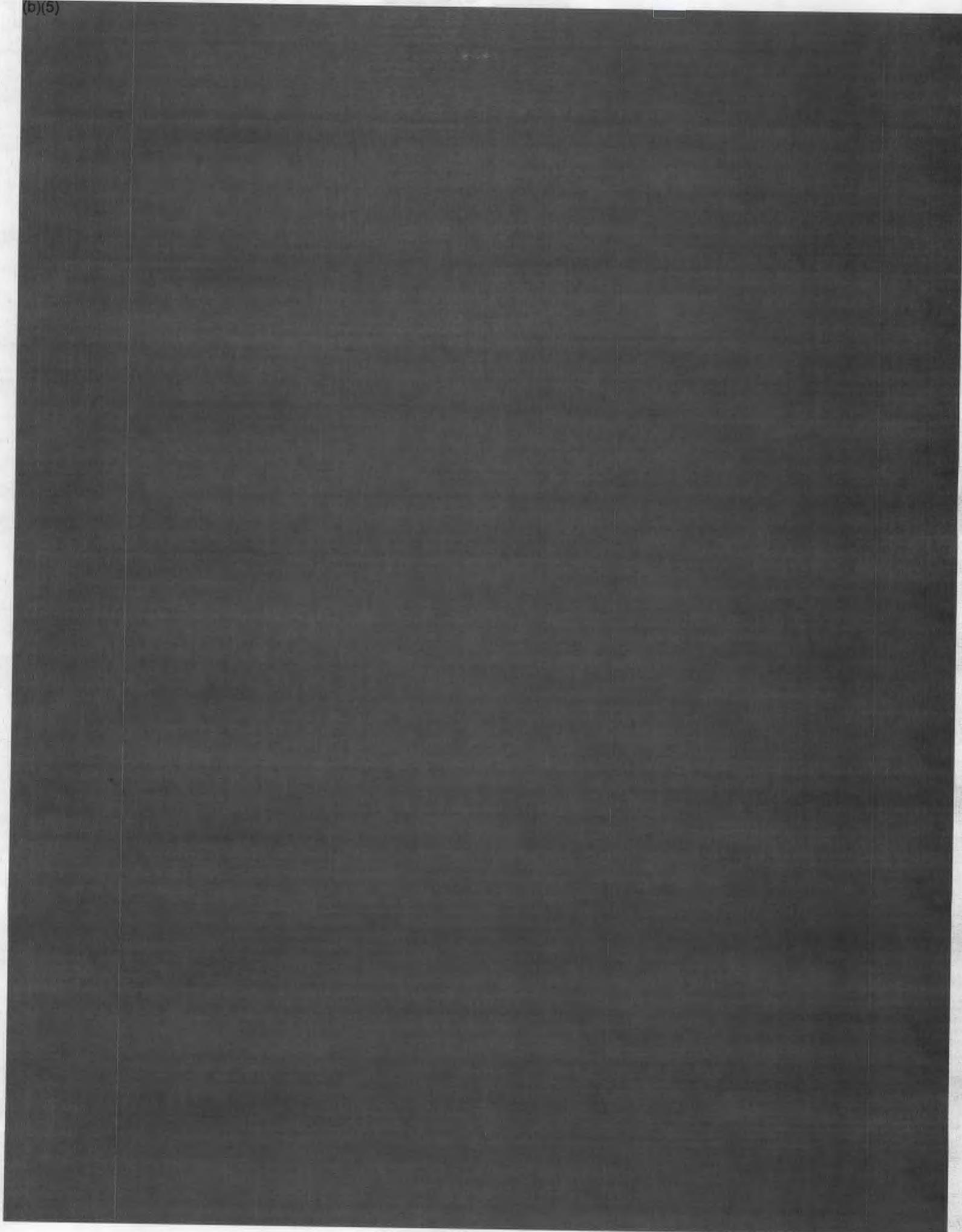


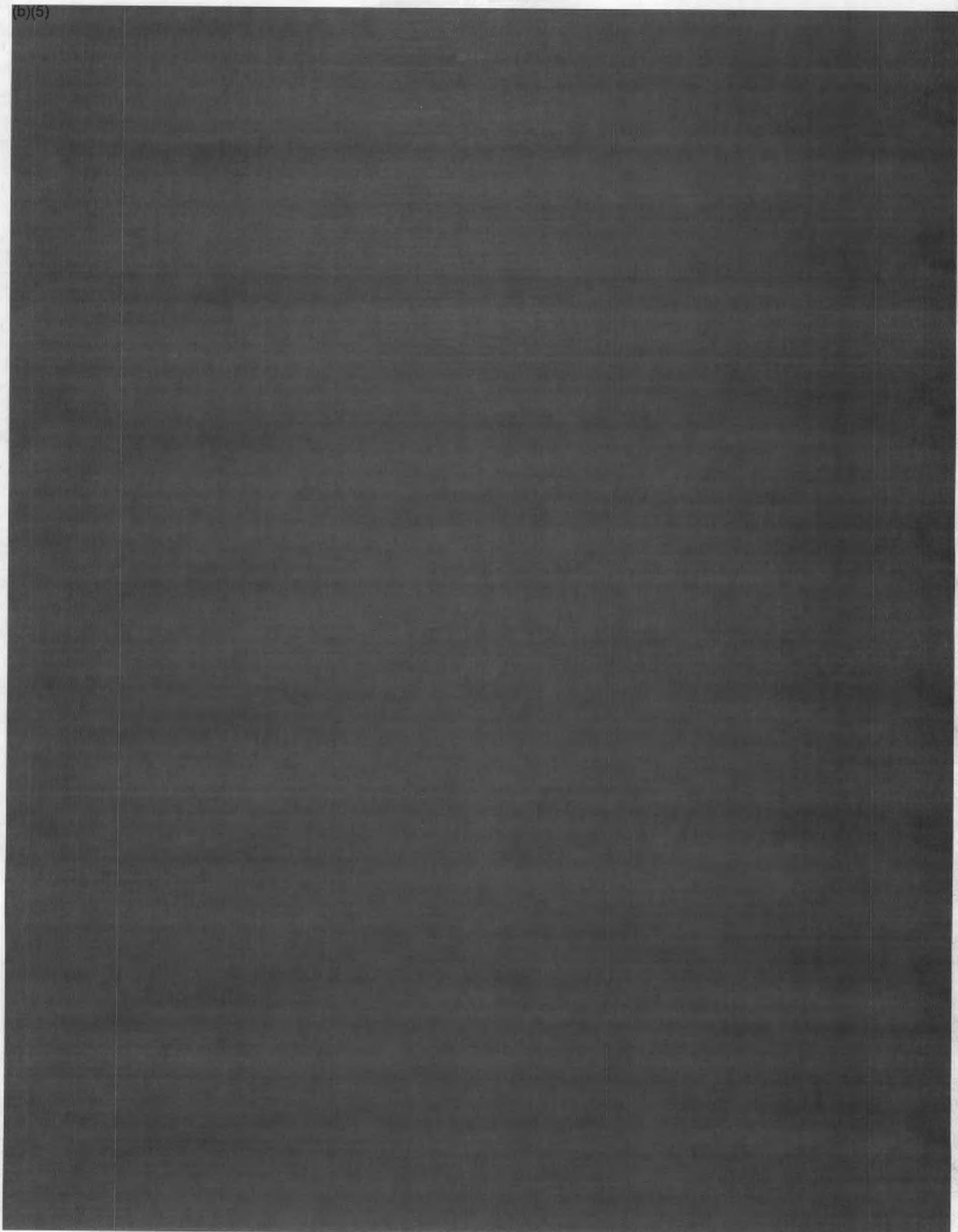


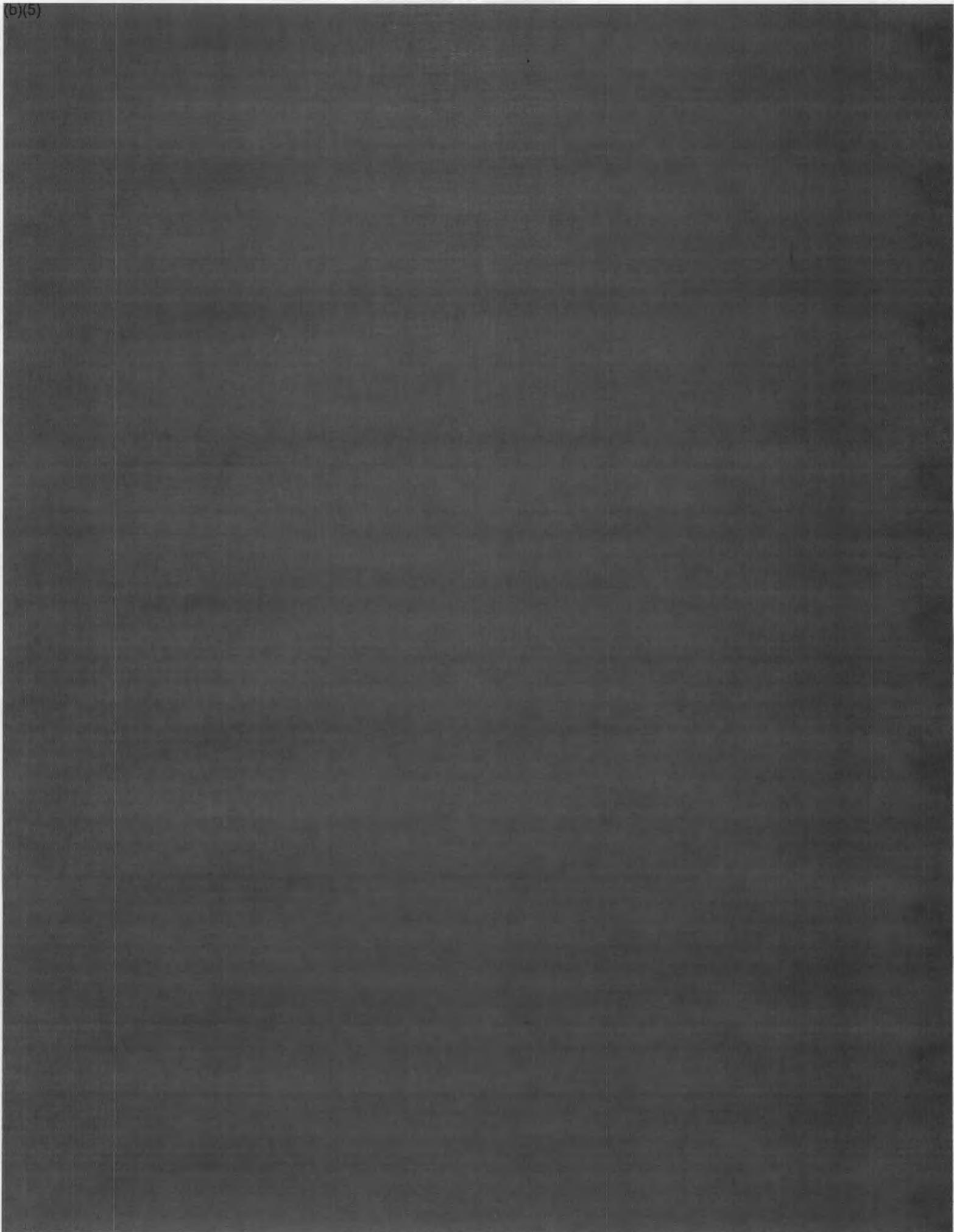


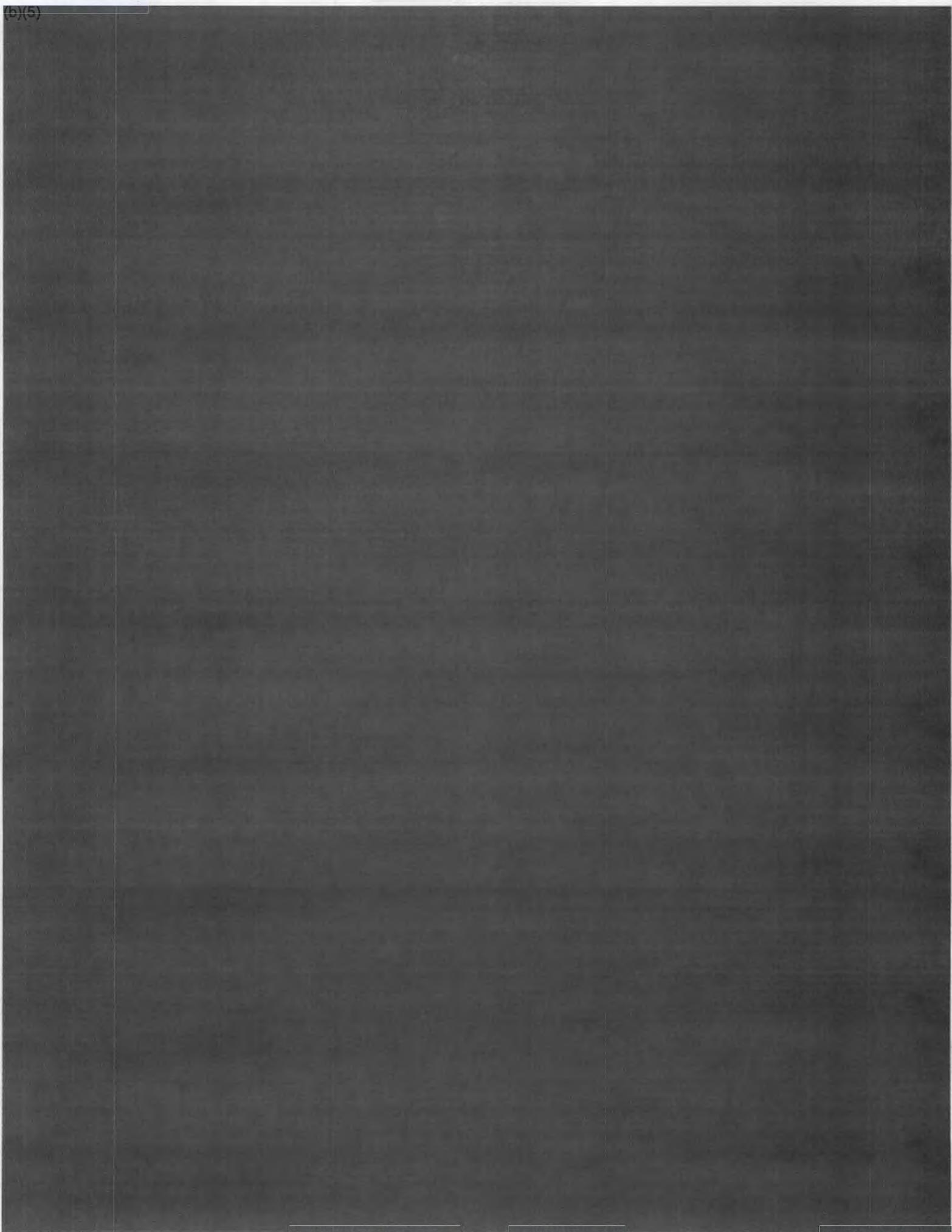


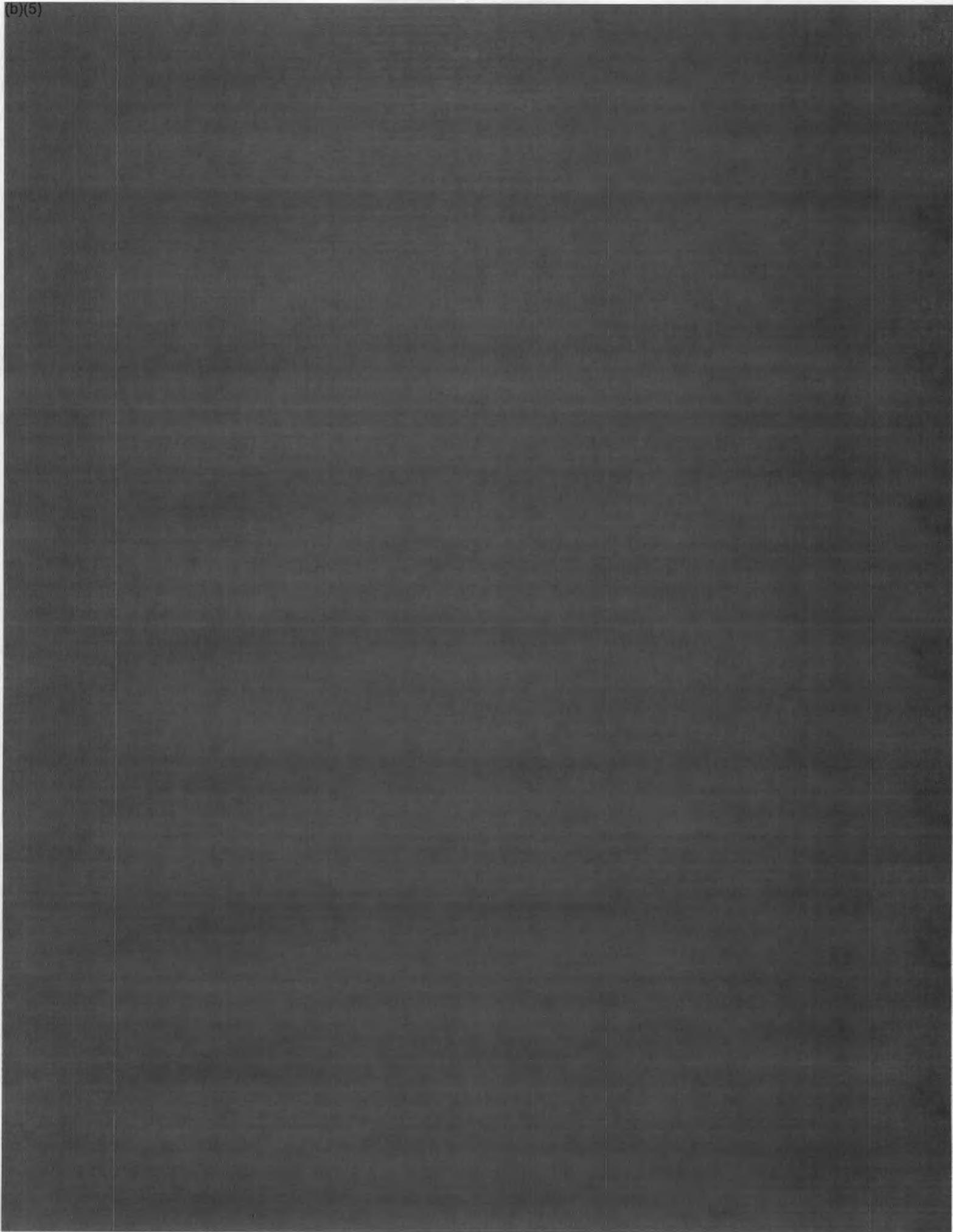


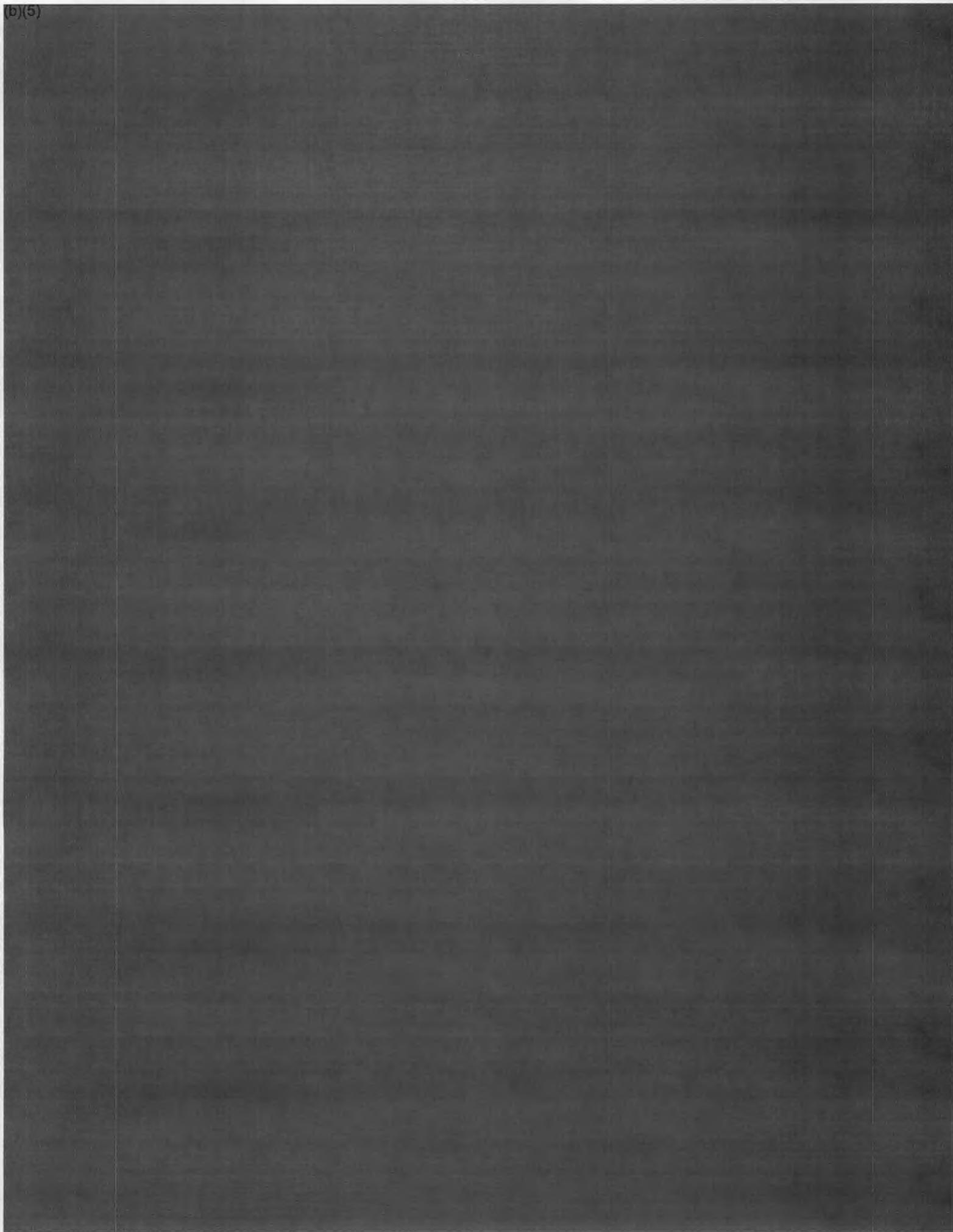


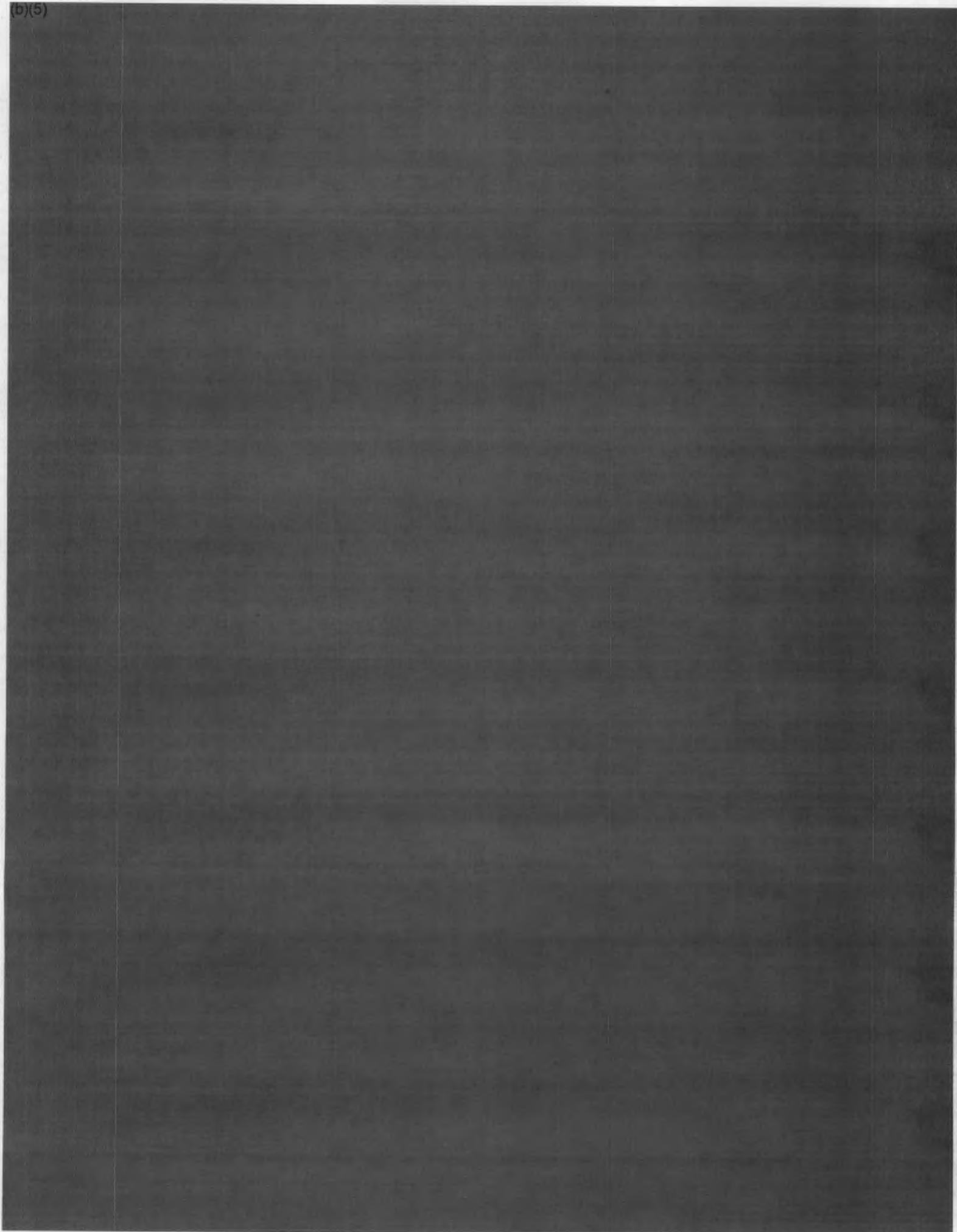


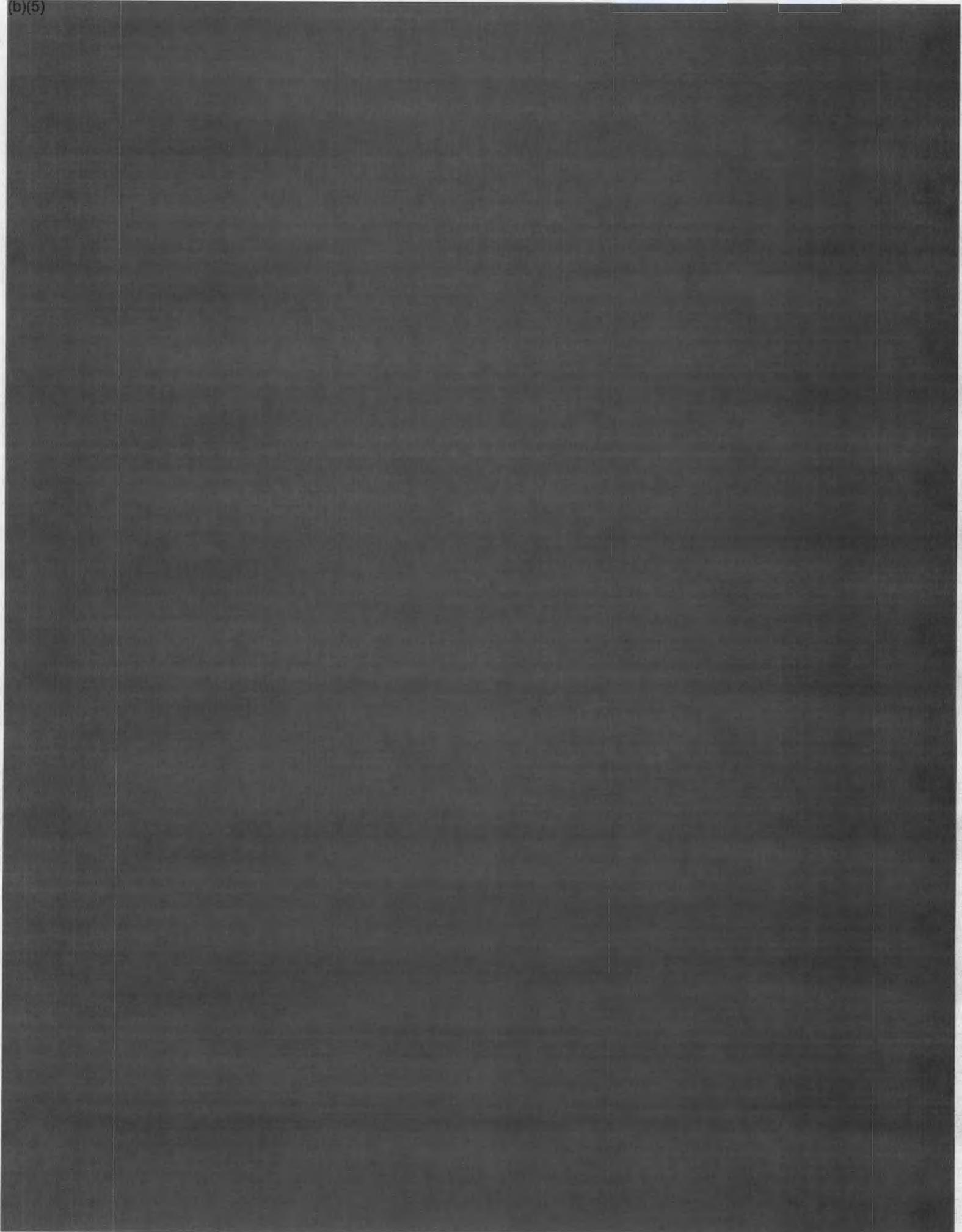


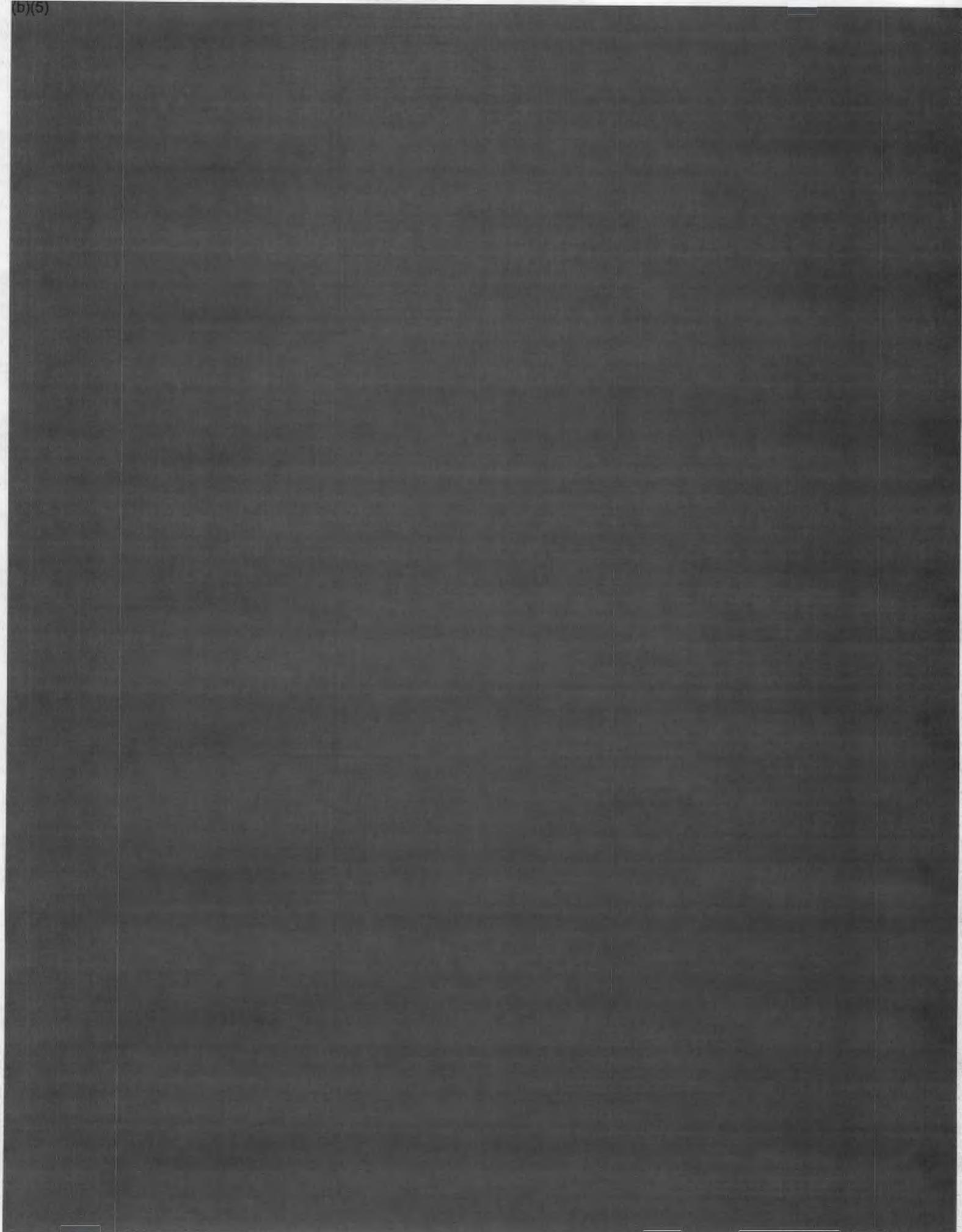


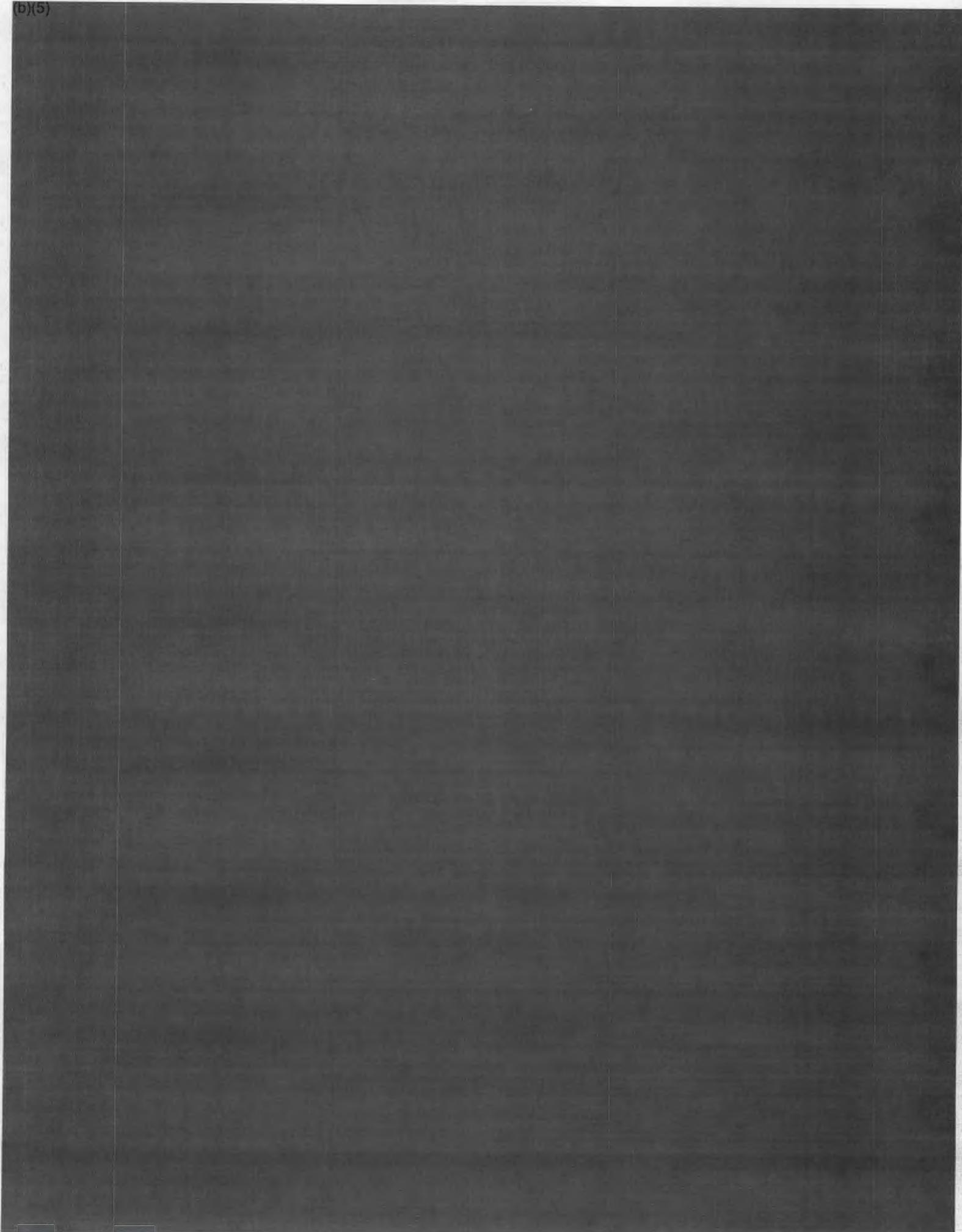












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